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Thursday
September 16, 1999

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

RIN 0563–AB74

General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) is amending the General Administrative Regulations to implement the statutory mandates of section 533 of the Agricultural Research, Extension, and Education Reform Act of 1998 (1998 Research Act). The intended effect of this final rule is to provide procedures for responding to requests for final agency interpretations regarding any provision of the Federal Crop Insurance Act (Act) or any regulation promulgated thereunder.

EFFECTIVE DATE: This rule is effective September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Marian Jenkins, Assistant Deputy Administrator for Regional Service Offices, Federal Crop Insurance Corporation, United States Department of Agriculture, Stop Code 0805, 1400 Independence Avenue, SW, Washington, DC 20250–0805., telephone (202) 720–5290.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, it has not been reviewed by the Office of Management and Budget (OMB).

Paperwork Reduction Act of 1995

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and record keeping requirements included in this final rule have been submitted for approval to OMB. OMB has assigned control number 0563–0055 to the information collection and record keeping requirements.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

This regulation will not have a significant economic impact on a substantial number of small entities. The regulation does not require any more action on the part of the small entities than is required on the part of large entities. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605), and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 and 7 CFR 400.169 must be exhausted before any action for judicial review of any determination made by FCIC may be brought.

Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

This rule finalizes the procedures required by the 1998 Research Act, enacted June 23, 1998. On Monday, December 21, 1998, FCIC published an interim rule in the **Federal Register** at 63 FR 70312–70313 to establish procedures under which FCIC will provide a final agency determination in response to an inquiry regarding the interpretation of any provision of the Act or any regulation promulgated thereunder.

Following publication of the interim rule, the public was afforded 60 days to submit written comments. A total of four comments were received from one reinsured company. The comments received and FCIC's responses are as follows:

Comment: The reinsured company stated that the sentence in the Background section that read "Since these procedures are required by statute, it is impractical and contrary to the public interest to publish this rule for notice and comment prior to making the rule effective" is incorrect. The comment further states that section 533 of the 1998 Research Act does not require FCIC to establish procedures under which FCIC will provide a final agency determination.

Response: The 1998 Research Act specifically requires FCIC to establish procedures under which FCIC shall provide a final agency determination

not later than 180 days after enactment of the subsection.

Comment: The reinsured company stated that FCIC may not make its rule retroactive. Retroactive rule making requires specific statutory authority. By its retroactive rule making, the FCIC clouds every determination it made for the past four years.

Response: The fact that reinsured companies can seek interpretation of provisions that previously existed does not mean that the rule is retroactive. This rule is intended to provide the mechanism for FCIC to consider requests for interpretation and this mechanism was not given a retroactive effect. Since Congress has mandated FCIC to provide such interpretation, there can be no avoidance of the consequences of their issuance on previous decisions, regardless of when such decisions were made. To limit requests to the interpretation of only new statutory or regulatory provisions would essentially render Section 533 of the 1998 Research Act ineffective.

Comment: The reinsured company states that § 400.768(g) is confusing. The suggestion was made that the subsection should be divided into two subsections, with the first, subsection (g), applicable to reinsured companies and should state "All final agency determinations that are not appealable to the National Appeals Division (NAD) are considered matters of general applicability." The second sentence of the current subsection (g) should be designated subsection (h) and identified as applicable to participants other than "a private insurance company with a reinsurance agreement with FCIC or their agents, loss adjusters, employees or contractors."

Response: There is nothing in this subsection that affects the jurisdiction of NAD and NAD has no authority to hear disputes between reinsured companies and FCIC. Therefore, by its very terms, the provision is limited to persons other than reinsured companies. Therefore, no change has been made.

Comment: The reinsured company states the word "person" in § 400.768(g) is not defined and it should be limited to policyholders and applicants for crop insurance.

Response: It is unnecessary since the NAD regulations are only applicable to participants as defined in 7 CFR part 11. Therefore, no change has been made. Section 400.765(b) has been revised by FCIC to clarify the applicable regulations for which a final agency determination will be provided.

List of Subjects in 7 CFR Part 400

Administrative practice and procedure.

Final Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation is adopting the interim rule amending 7 CFR part 400 which was published at 63 FR 70312 in the **Federal Register** of December 21, 1998 as final with the following changes:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart X—Interpretations of Statutory and Regulatory Provisions

1. The authority citation for 7 CFR part 400 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(p).

2. Revise § 400.765(b) to read as follows:

§ 400.765 Basis and applicability.

* * * * *

(b) Requesters may seek interpretations of those provisions of the Act and the regulations promulgated thereunder that are in effect for the crop year in which the request under this subpart is being made and the three previous crop years.

* * * * *

§ 400.767 [Amended]

3. Amend § 400.767(a)(1), to remove the word "faximile" and to add the word "facsimile'.

Signed in Washington, DC, on September 7, 1999.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 99–23796 Filed 9–15–99; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1730

RIN 2550–AA07

Debt Collection

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Final regulation.

SUMMARY: The Office of Federal Housing Enterprise Oversight is adopting the interim regulation that was published at 64 FR 34968 on June 30, 1999, as final without change. The final regulation sets forth procedures for use by OFHEO in collecting debts owed to the Federal Government. The Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, requires agencies to issue a regulation on their debt collection procedures. The final regulation includes procedures for collection of debts through salary offset, administrative offset, and tax refund offset.

DATES: This final regulation is effective October 18, 1999.

FOR FURTHER INFORMATION CONTACT: Isabella W. Sammons, Associate General Counsel, Office of General Counsel; or Gail Palestine, Financial Management Officer, Office of Finance and Administration, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552, telephone (202) 414–3800 (not a toll-free number). The toll-free telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Office of Federal Housing Enterprise Oversight (OFHEO) published an interim regulation at 64 FR 34968 on June 30, 1999, that implemented the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996. OFHEO requested comments on the interim regulation, but did not receive any. Accordingly, the interim regulation, which amended Chapter XVII of title 12 of the Code of Federal Regulations by adding part 1730, is adopted as a final regulation without change.

Dated: September 9, 1999.

Mark A. Kinsey,

Acting Director, Office of Federal Housing Enterprise Oversight.

[FR Doc. 99–24116 Filed 9–15–99; 8:45 am]

BILLING CODE 4220–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–33]

Amendment to Class E Airspace; North Platte, NE

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at North Platte, NE.

DATES: The direct final rule published at 64 FR 38824 is effective on 0901 UTC, November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601, East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on July 20, 1999 (64 FR 38824). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on November 4, 1999. No adverse comments were received, and thus this document confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on September 7, 1999.

Richard L. Day,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–24097 Filed 9–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–35]

Amendment to Class E Airspace; Lawrence, KS

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Lawrence, KS.

DATES: The direct final rule published at 64 FR 39008 is effective on 0901 UTC, November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on July 21, 1999 (64 FR 39008). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent of submit such an adverse comment, were received within the comment period, the regulation would become effective on November 4, 1999. No adverse comments were received, and thus this document confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on September 3, 1999.

Richard L. Day,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–24098 Filed 9–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 742

[Docket No. 990902243–9243–01]

RIN 0694–AB92

Exports and Reexports for Syrian Civilian Passenger Aircraft Safety of Flight

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The Bureau of Export Administration is amending the Export Administration Regulations (EAR) by revising the license review policy for the export and reexport of certain aircraft parts and components to ensure safety of flight for civil passenger aircraft. License applications for the export and reexport of aircraft parts and components for Syrian civil passenger aircraft will be reviewed on a case-by-case basis with a presumption of approval.

DATES: *Effective Date:* This rule is effective September 16, 1999.

Comment Dates: Comments on this rule must be received on or before November 1, 1999.

ADDRESSES: Written comments on this rule should be sent to Kirsten Mortimer, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, PO Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: James A. Lewis, Director, Office of Strategic and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482–4196.

SUPPLEMENTARY INFORMATION: All aircraft, helicopters, engines and related spare parts and components require a license for export or reexport to Syria. A license review policy of general denial applies to such exports. However, as part of the U.S. Government's commitment to safety of civil aviation, BXA, in consultation with other agencies, has licensed the export and reexport of certain aircraft parts and components to Syria for the safe operation of Syrian-owned civil passenger aircraft. BXA is revising § 742.9(b)(1)(iv) of the EAR to reflect the policy of approval for aircraft parts necessary to ensure the airworthiness of commercial passenger aircraft and the safety of civil aviation. BXA will review license applications for Syrian civil passenger aircraft in commercial service on a case-by-case basis, with a presumption of approval. BXA maintains the general policy of denial for the export or reexport of aircraft parts and components to Syria destined to non-civil end-uses and/or end-users.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect, the Export Administration Regulations and, to the extent permitted by law, the provisions of the EAA in Executive Order 12924 of August 19, 1994, as extended by the President's notices of August 15, 1995 (60 FR 42767), August 14, 1996 (61 FR 42527), August 13, 1997 (62 FR 43629), August 13, 1998 (63 FR 44121), and August 10, 1999 (64 FR 44101, August 13, 1999).

Rulemaking Requirements

1. This interim rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB Control Number. This rule involves a collection of information approved by the Office of Management and Budget under control number 0694–0088, "Multi-Purpose

Application," which carries a burden hour estimate of 40 minutes per electronic submission and 45 minutes for a manual submission. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and to the Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, PO Box 273, Washington, DC 20044.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States. *See* 5 U.S.C. 553(a)(1). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this interim rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

However, because of the importance of the issues raised by these regulations, this rule is being issued in interim form and BXA will consider comments in the development of the final regulations.

Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

The period for submission of comments will close November 1, 1999. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them in the development of final regulations. All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form.

Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be available for public inspection. The public record concerning these regulations will be maintained in the Bureau of Export Administration Freedom of Information Records Inspection Facility, Room 6883, Department of Commerce, 14th Street and Pennsylvania Avenue, NW, Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from the Bureau of Export Administration Freedom of Information Officer, at the above address or by calling (202) 482–0500.

List of Subjects in 15 CFR Part 742

Exports, Foreign trade.

Accordingly, part 742 of the Export Administration Regulations (15 CFR parts 730–799) is amended as follows:

PART 742—[AMENDED]

1. The authority citation for part 742 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of November 12, 1998, 63 FR 63589, 3 CFR, 1998 Comp., p. 305; Notice of August 10, 1999, 64 FR 44101 (August 13, 1999).

2. Section 742.9(b)(1)(iv) is revised to read as follows:

§ 742.9 Anti-Terrorism: Syria.

* * * * *

(b) * * *

(1) * * *

(iv) All aircraft (powered and unpowered), helicopters, engines, and related spare parts and components, except that parts and components intended to ensure the safety of civil aviation and the safe operation of commercial passenger aircraft will be reviewed on a case-by-case basis, with a presumption of approval. These are items controlled to any destination for national security and missile technology reasons and items controlled to Syria for anti-terrorism purposes. Such items contain an NS Column 1, NS Column 2, MT Column 1, or AT Column 1 in the Country Chart column of the "License Requirements" section of an ECCN on the CCL. Note that, consistent with the general rule that applies to computing U.S. parts and components content incorporated into foreign made products, all aircraft-related items that require a license to Syria will be included as controlled U.S. content, except for ECCNs 6A998, 7A994, and 9A991.d, for purposes of such licensing requirements.

* * * * *

R. Roger Majak,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 99–24203 Filed 9–15–99; 8:45 am]

BILLING CODE 3510–33–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Futures and Options Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Supplemental order.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") is issuing a Supplemental Order authorizing members of the Singapore International Monetary Exchange ("SIMEX" or "Exchange") who receive confirmation of relief under Commission Rule 30.10 ("Exchange Member" or "Member") to solicit and accept orders from U.S. customers for otherwise permitted transactions [1] on

[1] Relief under this Supplemental Order extends only to those products falling within the jurisdiction of the Commodity Exchange Act ("CEA" or "Act") and remains subject to existing product restrictions under the CEA and Commission regulations and procedures thereunder related to stock indices and foreign government debt (*see* CEA section 2(a)(1)(B)(v) and Securities and Exchange Commission rule 3as12–8, 17 CFR 240.3a12–8).

Eurex Deutschland ("Eurex").[2] This Supplemental Order is issued pursuant to Commission Rule 30.10, which permits the Commission to grant an exemption from certain provisions of the Commission's regulations, and the Commission's Order dated December 30, 1988,[3] granting relief under Rule 30.10 to designated members of SIMEX.

EFFECTIVE DATE: September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Laurie Plessala Duperier, Special Counsel, or Andrew Chapin, Staff Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Telephone: (202) 418–5430.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Supplemental Order.

Supplemental Order Permitting Members of the Singapore International Monetary Exchange Designated for Relief Under Commission Rule 30.10 To Solicit and To Accept Orders From U.S. Customers for Otherwise Permitted Transactions on Eurex

On December 30, 1988, the Commission issued an Order granting relief under Rule 30.10 to designated members of SIMEX ("Original Order"). The Original Order limited the scope of permissible brokerage activities undertaken by designated SIMEX Members on behalf of U.S. customers to transactions "on or subject to the rules of SIMEX."[4] By letter dated February 4, 1998, SIMEX petitioned the Commission to revise the Original Order to permit designated members of SIMEX to solicit and accept orders from U.S. foreign futures and options customers for "otherwise permitted transactions" on all non-U.S. exchanges[5] where Exchange Members "are authorized" by Singapore law to conduct futures and options business for customers, subject to SIMEX's and SIMEX Members' continued compliance with the terms of the Original Order and with certain specified conditions.[6] Subsequently, SIMEX amended its request to limit the expanded relief to the solicitation and acceptance of orders from U.S. customers for "otherwise permitted transactions" on Eurex, a German and Swiss futures and options exchange.[7]

In response to a prior Commission inquiry, the Monetary Authority of Singapore ("MAS") represented that "the provision of information by (any) MAS official to the [Commission] or any other regulatory body for purposes of making due diligence checks, investigation or market surveillance would not be prohibited by law."[8] By letter dated March 19, 1998, the Commission's Division of Trading and Markets ("Division") requested that MAS confirm that the information sharing arrangement between the Commission and MAS extended to those transactions that would be the subject of the requested supplemental relief issued to SIMEX.[9] On July 25, 1998, MAS represented that it "would not be precluded by law from authorizing SIMEX to furnish any such information, for the purpose of making due diligence checks, investigation or market surveillance."[10] The Division sought additional clarification of the Commission's ability under Singapore law to use, without restriction, information obtained from MAS in enforcement proceedings brought by the Commission.[11] MAS confirmed that information provided by MAS for the purpose of making due diligence checks, investigations or market surveillance may be used without restriction in any public court proceeding, including any enforcement proceeding brought by the Commission.[12] The Division also requested additional clarification as to whether MAS or SIMEX would be required to obtain the consent of any account holders or other persons prior to authorizing SIMEX to release information to the Commission.[13] On April 23, 1999, MAS confirmed that the consent of an account holder or other persons prior to the release of information by MAS or SIMEX to the Commission was not required.[14]

In issuing orders under Rule 30.10, the Commission evaluates whether the particular foreign regulatory program provides a basis for permitting substituted compliance for purposes of exemptive relief pursuant to Rule 30.10. This requirement is designed to ensure that U.S. customers receive comparable protection for trades entered into on or subject to the rules of a foreign exchange regardless of whether the intermediating party is registered with the Commission or has received confirmation of Rule 30.10 relief. In this regard, U.S. FCMs must comply with, for example, regulations dealing with trade practice and auditing standards, minimum financial requirements and the segregation of customer funds while trading on behalf of U.S. customers on foreign exchanges. Similarly, regulatees or members of a Rule 30.10 order recipient trading on behalf of U.S. customers must comply with analogous requirements that have been deemed generally comparable by the Commission in the Rule 30.10 order. The relief under a typical Rule 30.10 Order only extends to transactions entered into on an exchange within the jurisdiction of the Rule 30.10 recipient.

On occasion, the Commission has issued Rule 30.10 orders and/or supplemental orders that permitted members of an exchange with confirmation of Rule 30.10 relief to trade on behalf of U.S. customers on

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[2] Prior to June 18, 1998, Eurex Deutschland was known as the Deutsche Terminborse ("DTB"). This order will refer to Eurex Deutschland.

[3] 54 FR 806 (January 10, 1989).

[4] *Id.* at 808 (condition 2(c)).

[5] The term "non-U.S. exchange" refers to a foreign board of trade which is defined in Commission Rule 1.3(ss), 17 CFR 1.3(ss) as: Any board of trade, exchange or market located outside the United States, its territories or possessions, whether incorporated or unincorporated, where foreign futures or foreign options transactions are entered into. Thus, contracts that are traded on a market that has been designated as a contract market pursuant to section 5 of the Commodity Exchange Act ("CEA" or "Act") are not within the scope of this Order.

[6] Letter dated February 4, 1998, from Philip McBride Johnson, counsel for SIMEX, to I. Michael Greenberger, Director, CFTC Division of Trading and Markets ("February 4, 1998 Request").

[7] Letter dated April 20, 1998, from Philip McBride Johnson, counsel for SIMEX, to I. Michael Greenberger, Director, CFTC Division of Trading and Markets.

In this context, the Commission notes that the German Bundesaufsichtsamt fur den Wertpapierhandel, the German government authority responsible for, among other things, cooperation with foreign authorities in matters relating to the supervision of securities and futures exchanges, is a signatory, along with the Commission, of the 1996 Declaration of Cooperation and Supervision of International Futures Markets and Clearing Organizations and the 1998 amendment to the Declaration. The Bundesaufsichtsamt fur den Wertpapierhandel has also signed an October 17, 1997 Memorandum of Understanding with the Commission concerning consultation and cooperation in the administration and enforcement of futures laws.

[8] Letter dated January 22, 1994, from Koh Beng Seng, MAS Deputy Managing Director, to Andrea Corcoran, Director, Division of Trading and Markets.

[9] Letter dated March 19, 1998, from Andrew S. Baer, Staff Attorney, CFTC Division of Trading and Markets, Philip C. McBride Johnson, counsel for SIMEX.

[10] Letter dated Julu 25, 1998, from Tharmon Shanmugaratnam, MAS Deputy Managing Director, to Andrea Corcoran, Director, CFTC Office of International Affairs.

[11] Letter dated December 1, 1998, from Laurie Plessala Duperier, Special Counsel, CFTC Division of Trading and Markets, to Tharman Shanmugaratnam, MAS Deputy Managing Director.

[12] Letter dated March 5, 1999, from Thanmugaratnam, MAS Deputy Managing Director, to Laurie Plessala Duperier, Special Counsel, CFTC Division of Trading and Markets.

[13] Letter dated March 22, 1999, from Laurie Plessala Duperier, Special Counsel, CFTC Division of Trading and Markets, to Tharman Shanmugaratnam, MAS Deputy Managing Director.

[14] Letter dated April 23, 1999, from Tharman Shanmugaratnam, MAS Deputy Managing Director, to Laurie Plessala Duperier, Special Counsel, CFTC Division of Trading and Markets.

other authorized or designated exchanges outside the jurisdiction of the Rule 30.10 recipient.[15] To ensure that U.S. customers receive adequate protection for transactions intermediated by non-U.S. persons on or subject to the rules of a foreign exchange located outside the jurisdiction of a Rule 30.10 recipient, the Commission requires the jurisdiction to which the Rule 30.10 order is directed to demonstrate that such transactions will be regulated as if they were executed on an exchange located within the recipient's jurisdiction.

Upon due consideration, and for the reasons stated in the Original Order and above, the Commission has determined to issue this Supplemental Order permitting SIMEX Members to which Rule 30.10 relief has been confirmed by the Commission or by the National Futures Association to solicit and to accept orders from U.S. customers for otherwise permitted transactions in futures and option (including options on futures) on or subject to the rules of Eurex.[16]

The expanded Rule 30.10 relief provided under this Supplemental Order, however, is contingent upon SIMEX's and SIMEX Members' compliance with certain conditions outlined below. In its April 20, 1998 Request, SIMEX represented on its own behalf and on behalf of SIMEX Members to undertake the following conditions:

(1) SIMEX will carry out its compliance, surveillance and rule enforcement activities with respect to solicitations and acceptance of orders by designated Exchange Members of U.S. customers for futures and options business on Eurex to the same extent that it conducts such activities in regard to SIMEX business;

(2) SIMEX will cooperate with the Commission with respect to any inquiries concerning any activity which is the subject of this Supplemental Order, including sharing the information specified in appendix A to the part 30 rules, 17 CFR part 30, on an "as needed basis," on the same basis as set forth in the Original Order;

(3) Each SIMEX Member firm seeking to engage in activities which are the subject of this Supplemental Order must agree to provide to the Commission the books and records related to such activities required to be maintained under the applicable SIMEX rules and laws in effect in Singapore on the same basis as set forth in the Original Order.[17]

Furthermore, the Commission seeks to ensure that the funds of U.S. customers will be subject to consistent protection irrespective of whether the SIMEX Member effects trades directly on SIMEX, on Eurex or through the intermediation of a foreign exchange member. Accordingly, the expanded relief permitting SIMEX Member firms to engage in foreign futures and options transactions for U.S. customers on Eurex under this Supplemental Order will be contingent upon compliance by the SIMEX Member firm with the following additional conditions:

(4) The SIMEX Member firm will continue to comply with the terms of the Original Order with respect to transactions effected for U.S. customers on the SIMEX; [18]

(5) With respect to transactions effected on Eurex on behalf of U.S. customers, whether by the SIMEX Member directly as a clearing member of Eurex or through the intermediation of one or more intermediaries, the SIMEX Member complies with paragraphs 1, 2 or 3 below:

1. a. Must maintain in a separate account or accounts money, securities and property in an amount at least sufficient to cover or satisfy all of its current obligations to U.S. customers denominated as the foreign futures or foreign options secured amount;

b. May not commingle such money, securities and property with the money, securities or property of the Member, with any proprietary account of such Member and may not use such money, securities and property to secure or guarantee the obligations of, or extend credit to, the member or any proprietary account of the Member;

c. May deposit together with the secured amount required to be on deposit in the separate account or accounts referred to in paragraph (5)1.a. above, money, securities or property held for or on behalf of non-U.S. customers of the Member for the purpose of entering into foreign futures and options transactions. In such a case, the amount that must be deposited in such separate account or accounts must be no less than the greater of (1) the foreign futures and foreign options secured amount required by paragraph (5)1.a. above, plus the amount that would be required to be on deposit if all such customers (including non-U.S. customers) were subject to such requirement, or (2) the foreign futures and foreign options secured amount required by paragraph (5)1.a. above, plus the amount required to be held in a separate account or accounts for or on behalf of such non-U.S. customers pursuant to any applicable law, rule, regulation or order, or any rule of any self-regulatory organization;

d. The separate account or accounts referred to in paragraph (5)1.a. above must be maintained under an account name that clearly identifies them as such, with any of the following depositories:

(1) Another person registered with the Commission as a futures commission merchant ("FCM") or a firm exempted from FCM registration pursuant to CFTC Rule 30.10;

(2) The clearing organization of any foreign board of trade;

(3) Any member and/or clearing member of such foreign board of trade; or

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[15] In 1989, the Commission issued a series of Rule 30.10 orders authorizing firms designated by the U.K. Securities and Investments Board ("SIB") and certain U.K. "Self-Regulating Organisations" ("SROs") to conduct brokerage activities for U.S. customers on any non-U.S. exchange under designated U.K. law. *See* 54 FR 21599, 21600 (May 19, 1989) (SIB), 54 FR 21604, 21605 (May 19, 1989) (Association of Futures Brokers and Dealers ("AFBD")), 54 FR 21609, 21610 (May 19, 1989) (The Securities Association ("TSA")), and 54 FR 21614, 21615 (May 19, 1989) (Investment Management Regulatory Organisation ("IMRO")). The AFBD and TSA subsequently merged to form the Securities and Futures Association, which became the successor organization for Rule 30.10 purposes. *See* 56 FR 14017 (April 5, 1991). The SIB recently became the Financial Services Authority ("FSA").

In 1996, the Commission issued an order under Rule 30.10 to the New Zealand Futures and Options Exchange ("NZFOE") permitting NZFOE Dealers to solicit and accept orders from U.S. customers for otherwise permitted transactions on the NZFOE and on any non-U.S. exchange where such Dealers are permitted under New Zealand law to conduct futures business for customers. The Commission also has issued similar orders granting supplemental relief to the Sydney Futures Exchange ("SFE"), 58 FR 19209 (April 13, 1993), and the Montreal Exchange, 62 FR 8875 (February 27, 1997).

[16] The Commission notes that the Division of Trading and Markets originally issued a no-action letter permitting Eurex electronic terminals providing access to Eurex to be placed in the United States without Eurex having to acquire contract market designation pursuant to Section 5 of the CEA and allowing Eurex members to execute transactions involving Eurex futures and options products from U.S.-based Eurex terminals. *See* CFTC Staff Letter No. 96–28, (1996–1998 Transfer Binder) Comm. Fut. L. Rep. (CCH) ¶ 26,669 (February 29, 1996), *as modified by*, CFTC Staff Letter No. 98–42 (1996–1998 Transfer Binder) Comm. Fut. L. Rep. (CCH) ¶ 27,365 (Eurex members who were not already operating U.S.-based Eurex terminals were prevented from placing Eurex terminals in the United States absent written authorization). On August 10, 1999, the Division of Trading and Markets issued another no-action letter expanding the relief set forth in CFTC Staff Letter 96–28 to permit current and future Eurex members to install additional U.S.-based Eurex terminals and authorizing Eurex members to accept orders through U.S. automated order routing systems ("AORSs") from U.S. customers for transmission to Eurex. *See* Letter from I. Michael Greenberger, Director, Division of Trading and Markets, to Edward J. Rosen, Esq., counsel for Eurex, dated August 10, 1999. Although the relief provided for within this Supplemental Order will permit SIMEX Members to intermediate trades for U.S. customers on Eurex, nothing herein permits SIMEX electronic terminals providing access to SIMEX and Eurex to be placed in the United States, or otherwise authorizes SIMEX Members to accept orders through U.S. AORSs from U.S. customers for transmission to either SIMEX or Eurex, without SIMEX having to acquire contract market designation pursuant to section 5 of the CEA or receive comparable no-action relief.

[17] SIMEX Member firms which currently operate under the Original Order will be deemed to have consented to condition (3) by effecting transactions pursuant to this Supplemental Order. SIMEX Members which apply for confirmation of Rule 30.10 relief subsequent to the issuance of this Supplementary Order must submit representations to the Commission consistent with condition (3) of this Order.

[18] *See* CFTC Advisory 87–4, Foreign Futures and Options: Compliance and Operational Questions and Answers, November 18, 1987, *reprinted in* Comm. Fut. L. Rep. (CCH) ¶ 23,975.

(4) A bank or trust company which any of the depositories identified in (1)–(3) above may use consistent with the applicable laws and rules of the jurisdiction in which the depository is located; and

e. The separate account or accounts referred to in paragraph (5)1.a. above may be deemed a good secured amount depository only if the Member obtains and retains in its files for the period required by applicable law and SIMEX rules a written acknowledgment from such separate account depository that it:

(1) Was informed that such money, securities or property are held for or on behalf of customers of the Member; and

(2) Will ensure that such money, securities or property will be held and treated at all times effectively in accordance with the provisions of this paragraph; and, provided further, that the Member assures itself that such separate account depository will not pass on such money, securities or property to any other depository unless the Member has assured itself that all such other separate account depositories will treat such funds in a manner consistent with the procedures described in paragraph (5)1 herein;[19] or,

2. Must set aside funds constituting the entire secured amount requirement in a separate account as set forth in Commission Rule 30.7, 17 CFR 30.7, and treat those funds in a manner described by that rule; or

3. Complies with the terms and procedures of paragraph 1 or 2, except that the amount required to be segregated under SIMEX rules and Singapore law may be substituted for the secured amount requirement as set forth in such paragraphs.

Any Singapore laws or regulations or SIMEX rules that would permit a SIMEX Member to obtain from its customers a waiver, acknowledgment, or similar document in which such customer effectively waives the right to segregation would be inconsistent with compliance with paragraphs 1, 2 or 3.

The expanded Rule 30.10 relief provided by this Supplemental Order is contingent upon SIMEX's and SIMEX Members' continued compliance with the Original Order and enumerated conditions therein. The expanded Rule 30.10 relief provided under this Supplemental Order is also contingent upon MAS's compliance with the terms and conditions of the information sharing arrangement with the Commission described herein.

This Supplemental Order is issued based on the information provided to the Commission as set forth herein, including the letter dated February 4, 1998 from SIMEX and the letter dated April 23, 1999 from MAS. Any changes or material omissions may require the Commission to reconsider the authorization granted in this Supplemental Order.

Further, if experience demonstrates that the continued effectiveness of this Order in general, or with respect to a particular Member, would be contrary to public policy or the public interest, or that the systems in place for the exchange of information or other circumstances do not warrant continuation of the exemptive relief granted herein, the Commission may condition, modify, suspend, terminate, withhold as to a specific Member, or otherwise restrict the exemptive relief granted in this Order, as appropriate, on its own motion. If necessary, provisions will be made for servicing existing client positions.

Should SIMEX seek to extend its Rule 30.10 relief to allow its members to solicit and accept orders form U.S. customers for otherwise permitted transactions on any non-U.S. exchange authorized by Singapore law, it must: (1) Prohibit its members from intermediating otherwise permitted transactions for U.S. customers on unapproved foreign exchanges as set forth under local law, and must specify which exchanges are authorized by local law;[20] (2) represent that member firms with U.S. customers will comply with all the terms and conditions of the original Rule 30.10 Order with respect to transactions entered into on or subject to the rules of a foreign exchange located outside its jurisdiction; and (3) confirm that it has the authority and the ability to enforce its laws, rules and/or regulations with respect to those transactions to the same extent that it conducts such activities on an exchange located within its jurisdiction. Other Rule 30.10 order recipients requesting expanded relief must make the above representations and showings.

List of Subjects in 17 CFR Part 30

Commodity futures, Commodity options, Foreign futures and options.

Accordingly, 17 CFR part 30 is amended as set forth below:

PART 30—FOREIGN FUTURES AND FOREIGN OPTIONS TRANSACTIONS

1. The authority citation for part 30 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 4, 6, 6c and 12a, unless otherwise noted.

2. Appendix C to Part 30 is amended by adding the following citation to the existing entry for the Singapore International Monetary Exchange to read as follows:

Appendix C to Part 30—Foreign Petitioners Granted Relief From the Application of Certain of the Part 30 Rules Pursuant to § 30.10

* * * * *

FR date and citation: _____, 1999. _____ FR _____.

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[19] This proviso is intended to ensure that the originating Member makes reasonable inquiries and understands prior to the initiation of a trade the conditions under which its customers' funds will be held at all subsequent depositories, so that it may determine whether it may count a particular intermediary or clearing house as a good separate account depository for purposes of this Order or must alternatively set aside funds in the manner set forth in paragraph (5)2. The Member initially would discuss with its immediate intermediary broker whether funds will be transferred to any subsequent depositories and determine the conditions under which such funds would be treated. Compliance with this condition would be satisfied by the Member obtaining relevant information or assurances from appropriate sources such as, for example, the immediate intermediary broker, exchanges or clearinghouses, exchange regulators, banks, attorneys or regulatory references.

This requirement is intended to ensure that funds provided by U.S. customers for foreign futures and options transactions, whether held at U.S. FCM under Commission rule 30.7(c) or a firm exempted from registration as an FCM under CFTC Rule 30.10, will receive equivalent protections at all intermediaries and exchange clearing organizations. Thus, for example, an exchange that does not segregate customer from firm obligations and firms which trade on such exchanges and which do not arrange to comply otherwise with any of the procedures described in paragraph (5) above would not be deemed an acceptable separate account. Specifically, such exchange or firms could not provide a valid and binding acknowledgement to a Rule 30.10 exempted firm.

This provision is not intended to create a duty on a Rule 30.10 firm that it audit any intermediaries for continued compliance with the undertakings it has obtained based on discussions with those relevant intermediaries. It is intended to make clear that firms must engage in a due diligence inquiry before customer funds are sent to another intermediary and take appropriate action (i.e., set aside funds) in the event it becomes aware of facts leading it to conclude that customer funds are not being handled consistent with the requirements of Commission rules or relevant Rule 30.10 order by any subsequent intermediary or clearing house.

[20] For example, in the United Kingdom, IMRO and SFA have received Supplemental Rule 30.10 Orders from the Commission that authorize their member firms to handle transactions on behalf of U.S. customers on non-U.K. exchanges determined by the FSA to meet adequate standards of investor protection. *See* 62 FR 10447 (March 7, 1997)(SFA); 62 FR 10449 (March 7, 1997)(IMRO). Pursuant to the United Kingdom Financial Services Act, these exchanges are classified as Designated Investment Exchanges ("DIEs") *See, e.g.*, 62 FR 10447, n.3. To determine whether a non-U.K. exchange qualifies as a DIE, the SIB evaluates the foreign exchange's regulatory program according to standards set forth in its own rules and regulations. *See, e.g., id.* (citing the SFA Financial Services (Glossary and Interpretation) Rules and Regulations 1990). The Commission has also authorized designated members of the SFE to solicit and accept orders from U.S. customers for otherwise permitted transactions on any non-U.S. exchange "recognized" by Australian law. *See* 58 FR 19209 (April 13, 1993). Section 9(b) of the Australian Corporations Law requires the Australian Attorney-General to confirm a foreign exchange as "recognized" before an Australian futures broker may enter into futures or options transactions on that exchange on behalf of another person. *Id.* at 19210. If the Rule 30.10 jurisdiction does not have a specific statute regarding authorized or recognized exchanges, then the jurisdiction must specify that in its application.

Issued in Washington, DC on September 9, 1999.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–24017 Filed 9–15–99; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 24

[T.D. ATF–403]

RIN 1512–AB78

Implementation of Public Law 105–34, Section 1417, Related to the Use of Additional Ameliorating Material in Certain Wines

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Temporary rule (Treasury decision).

SUMMARY: This temporary rule implements one of the provisions of the Taxpayer Relief Act of 1997. In accordance with the new law, the wine regulations are amended to extend the amelioration and sweetening limitations so that wines made exclusively from any fruit (excluding grapes) or berry with a fixed acid content of 20 or more parts per thousand are entitled to a volume of up to 60 percent ameliorating material. In the Proposed Rules section of this **Federal Register**, ATF is also issuing a notice of proposed rulemaking inviting comments on this temporary rule for a 90-day period following the publication of this temporary rule.

DATES: The temporary regulations are retroactive to April 1, 1998.

ADDRESSES: Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221.

FOR FURTHER INFORMATION CONTACT: Thomas B. Busey, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202) 927–8204.

SUPPLEMENTARY INFORMATION:

Background

This temporary rule implements one of the provisions of the Taxpayer Relief Act of 1997, Public Law 105–34 ("the Act"). Section 1417 of the Act amended Section 5384(b)(2)(D) of the Internal Revenue Code of 1986 by striking "loganberries, currants, or gooseberries," and inserting "any fruit or berry with a natural fixed acid of 20 parts per thousand or more (before any correction to such fruit or berry)."

Current Regulation for Amelioration of Fruit and Berries

Before enactment of the Act, the amelioration and sweetening limitations of 26 U.S.C. 5384(b)(2)(D) could only be used for wines produced exclusively from loganberries, currants, or gooseberries. For wine produced exclusively from loganberries, currants, or gooseberries, the volume of ameliorating material added to juice or wine may not have exceeded 60 percent of the total volume of ameliorated juice or wine (calculated exclusive of pulp). If the starting fixed acid level was or exceeded 12.5 grams per liter, a maximum of 1,500 gallons of ameliorating material may have been added to each 1,000 gallons of wine or juice.

Section 1417 of Public Law 105–34 now extends the amelioration and sweetening limitations so that wines made from any fruit or berry with a natural fixed acid of 20 parts per thousand or more (before any correction of such fruit or berry) is entitled to a volume of up to 60 percent ameliorating material. These provisions do not apply to grape wine, only to fruit or berry wine.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this temporary rule, the provisions of the Regulatory Flexibility Act (5 USC 601) do not apply. Pursuant to 26 U.S.C. 7805(f), this temporary regulation will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Executive Order 12866

It has been determined that this temporary rule is not a significant regulatory action as defined by Executive Order 12866.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and its implementing regulations, 5 CFR part 1320, do not apply to this temporary rule because no new collection of information is contained in this regulation.

Administrative Procedure Act

It has been determined that 5 USC 553 (b)(A) applies to this temporary rule. Moreover, because this document merely implements a section of the law which was effective April 1, 1998, and because immediate guidance is necessary to implement the provisions of the law, it is found to be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

Drafting Information

The principal author of this document is Thomas B. Busey, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 24

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavoring, Surety bonds, Taxpaid wine bottling house, Transportation, Vinegar, Warehouses, Wine.

Authority and Issuance:

Accordingly, Chapter I of title 27, Code of Federal Regulations is amended as follows:

PART 4—LABELING AND ADVERTISING OF WINE

Par. 1. The authority citation for 27 CFR part 4 continues to read as follows:

Authority: 27 U.S.C. 205, unless otherwise noted.

Par. 2. Section 4.21 is amended by revising the proviso in paragraph (e)(1)(i) to read as follows:

§ 4.21 The standards of identity.

* * * * *

(e) * * *

(1)(i) * * * *Provided*, That a domestic product may be ameliorated or sweetened in accordance with the provisions of 26 U.S.C. 5384 and any product other than domestic may be ameliorated before, during, or after fermentation by adding, separately or in combination, dry sugar, or such an amount of dry sugar and water solution as will increase the volume of resulting product, in the case of wines produced from any fruit or berry other than grapes, having a normal acidity of 20 parts or more per thousand, not more than 60 percent, but in no event shall

any product so ameliorated have an alcoholic content, derived by fermentation, of more than 13 percent by volume, or a natural acid content, if water has been added, of less than 5 parts per thousand, or a total solids content of more than 22 grams per 100 cubic centimeters.

* * * * *

Par. 3. Section 4.22 is amended by revising the proviso in paragraph (b)(5) to read as follows:

§ 4.22 Blends, cellar treatment, alteration of class or type.

* * * * *

(b) * * *

(5) * * * *Provided,* That the class or type thereof shall not be deemed to be altered:

(i) Where such wine (other than grape wine) is derived from fruit, or other agricultural products, having a high normal acidity, if the total solids content is not more than 22 grams per 100 cubic centimeters, and the content of natural acid is not less than 7.5 parts per thousand and

(ii) Where such wine is derived exclusively from fruit, or other agricultural products, the normal acidity of which is 20 parts or more per thousand, if the volume of the resulting product has been increased not more than 60 percent by the addition of sugar and water solution, for the sole purpose of correcting natural deficiencies due to such acidity, and (except in the case of such wine when produced from fruit or berries other than grapes) there is stated as part of the class and type designation the phrase "Made with over 35 percent sugar solution".

* * * * *

PART 24—WINE

Par. 1. The authority citation for 27 CFR part 24 continues to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5001, 5008, 5041, 5042, 5044, 5061, 5062, 5081, 5111–5113, 5121, 5122, 5142, 5143, 5173, 5206, 5214, 5215, 5351, 5353, 5354, 5356, 5357, 5361, 5362, 5364–5373, 5381–5388, 5391, 5392, 5511, 5551, 5552, 5661, 5662, 5684, 6065, 6091, 6109, 6301, 6302, 6311, 6651, 6676, 7011, 7302, 7342, 7502, 7503, 7606, 7805, 7851; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 2. Section 24.178 is amended by revising paragraph (b) (3) and (b) (4) to read as follows:

§ 24.178 Amelioration.

* * * * *

(b) * * *

(3) For all wine, except for wine described in (b) (4), the volume of ameliorating material added to juice or wine may not exceed 35 percent of the total volume of ameliorated juice or wine (calculated exclusive of pulp). Where the starting fixed acid level is or exceeds 7.69 grams per liter, a maximum of 538.4 gallons of ameliorating material may be added to each 1,000 gallons of wine or juice.

(4) For wine produced from any fruit (excluding grapes) or berry with a natural fixed acid of 20 parts per thousand or more (before any correction of such fruit or berry), the volume of ameliorating material added to juice or wine may not exceed 60 percent of the total volume of ameliorated juice (calculated exclusive of pulp). If the starting fixed acid level is or exceeds 12.5 grams per liter, a maximum of 1,500 gallons of ameliorating material may be added to each 1,000 gallons of wine or juice. (26 U.S.C. 5383, 5384).

* * * * *

Signed: July 22, 1999.

John W. Magaw,

Director.

Approved: August 13, 1999.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 99–24158 Filed 9–15–99; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–99–056]

RIN 2115–AE47

Drawbridge Operating Regulation; Upper Mississippi River, Iowa and Illinois

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Commander, Eighth Coast Guard District is temporarily changing the regulation governing the Rock Island Railroad and Highway Drawbridge, Mile 482.9, Upper Mississippi River. The drawbridge need not open for vessel traffic and may remain in the closed-to-navigation position from 4:00 p.m. to 6:30 p.m. and 9:00 p.m. to 10:30 p.m. on September 19, 1999. This temporary rule is issued to allow the public to cross the bridge to attend the scheduled Dog Days of Summer Army Concert, a community event.

DATES: This temporary rule is effective from 4:00 p.m. to 10:30 p.m. on September 19, 1999.

ADDRESSES: The public docket and all documents referred to in this notice will be available for inspection and copying at room 2.107f in the Robert A. Young Federal Building at Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103–2832, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator; Eight Coast Guard District, Bridge Branch, 1222 Spruce Street, St., Louis, Missouri 63103–2832, telephone 314–539–3900 extension 378.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 1999, the Department of Army Rock Island Arsenal requested a temporary change to the operation of the Rock Island Railroad and Highway Drawbridge across the Upper Mississippi River, Mile 482.9 at Davenport, Iowa. The Rock Island Arsenal requested the drawbridge be permitted to remain closed to navigation from 4:00 p.m. to 6:30 p.m. and 9:00 p.m. to 10:30 p.m. on September 19, 1999. During this time the public will be crossing the bridge to attend the scheduled Dog Days of Summer Army Concert.

This rule is being promulgated without a Notice of Proposed Rulemaking and should be made effective in less than 30 days due to the short time frame provided between the submission of the request by the Rock Island Arsenal and the date of the scheduled event. For this reason, the Coast Guard determined good cause exists, according to 5 U.S.C. 553, to eliminate public comment period. The rule should be made effective in less than 30 days after publication.

Discussion of Temporary Rule

The Rock Island Drawbridge navigation span provides vertical clearance of 23.8 feet above normal pool in the closed-to-navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. Presently, the draw is required to open on signal for passage of river traffic. This temporary drawbridge operation amendment has been coordinated with the commercial waterway operators. No objections to the proposed rule were raised.

Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under

section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not a significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This is because river traffic is not likely to be delayed more than four hours.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. Sec. 601 *et seq.*), the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and government jurisdictions with populations of less than 50,000.

Because it expects the impact of this action to be minimal, the Coast Guard certifies under 5 U.S.C. Sec. 605(b), that this action will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This temporary rule does not provide for a collection-of-information requirement under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this temporary rule under the principles and criteria contained in Executive Order 12612, and has determined that this temporary rule does not raise sufficient implications of federalism to warrant the preparation of a Federalism Assessment. The authority to regulate the permits of bridges over the navigable waters of the U.S. belong to the Coast Guard by Federal statutes.

Environmental

The Coast Guard considered the environmental impact of this temporary rule and concluded that under Figure 1–1, paragraph 32(3) of Commandant Instruction M16475.1C, this temporary rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 177 continues to read as follows:

Authority: 33 U.S.C. Sec. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.225 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From 4:00 p.m. to 10:30 p.m., September 19, 1999, a new § 117.T408 is temporarily added to read as follows:

§ 117.T408 Upper Mississippi River

The draw of the Rock Island Railroad & Highway Drawbridge, Upper Mississippi River, mile 482.9, at Davenport, Iowa need not open from 4:00 p.m. to 6:30 p.m. and 9:00 p.m. to 10:30 p.m. on September 19, 1999. During this time it may remain closed to navigation.

Dated: September 9, 1999.

Paul J. Plute,

Rear Admiral, U.S. Coast Guard, Commander Eighth Coast Guard District.

[FR Doc. 99–24193 Filed 9–15–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–6437–2]

Final Determination To Extend Deadline for Promulgation of Action on Section 126 Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final determination.

SUMMARY: The EPA is extending by six months the deadline for taking final action on the petition that the District of Columbia has submitted to require EPA to make findings that sources upwind of the District of Columbia contribute significantly to its ozone nonattainment problems. Under the Clean Air Act (CAA or Act), EPA is authorized to grant this time extension if EPA determines that the extension is necessary, among other things, to meet the purposes of the Act's rulemaking requirements. By this document, EPA is making that determination.

EFFECTIVE DATE: This action is effective as of September 7, 1999.

FOR FURTHER INFORMATION CONTACT: Howard J. Hoffman, Office of General Counsel, Mail Code 2344, 401 M Street SW, Washington, DC 20460, (202) 564–5582, hoffman.howard@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Today's action is procedural, and is set in the context of a series of actions EPA is taking to address the problem of the transport of tropospheric ozone and its precursors—especially oxides of nitrogen (NOx)—across the eastern region of the United States.

By a notice dated May 25, 1999, 64 FR 28250, EPA promulgated a final rulemaking concerning petitions submitted by eight northeastern States under section 126(b) of the CAA, which authorizes States or political subdivisions to petition EPA for a finding that major stationary sources in upwind States emit in violation of the prohibition of section 110(a)(2)(D), by contributing significantly to nonattainment problems in downwind States. The eight States submitting the petitions were Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont.

On July 9, 1999, EPA received a petition under section 126 from the District of Columbia. This petition seeks findings, similar to those for which EPA granted affirmative technical determinations, for specified sources in specified upwind States.

Under section 126(b), for each petition, EPA must make the requested finding, or deny the petition, within 60 days of receipt of the petition. This period would expire for the District of Columbia on September 7, 1999.

Under section 126(c), with respect to any existing sources for which EPA makes the requested finding, those sources must cease operations within three months of the finding, except that those sources may continue to operate if they comply with emissions limitations and compliance schedules that EPA may provide to bring about compliance with the applicable requirements.

Section 126(b) provides that EPA must allow a public hearing for submitted petitions. In addition, EPA's action under section 126 is subject to the procedural requirements of CAA section 307(d). See section 307(d)(1)(N). One of these requirements is notice-and-comment rulemaking, under section 307(d)(3).

In addition, section 307(d)(10) provides for a time extension, under certain circumstances, for rulemaking

subject to section 307(d). Specifically, section 307(d)(10) provides:

> Each statutory deadline for promulgation of rules to which this subsection applies which requires promulgation less than six months after date of proposal may be extended to not more than six months after date of proposal by the Administrator upon a determination that such extension is necessary to afford the public, and the agency, adequate opportunity to carry out the purposes of this subsection.

Section 307(d)(10) applies, by its terms, to section 126 rulemakings because the 60-day time limit under section 126(b) necessarily limits the period after proposal to less than six months. In previous rulemaking concerning the earlier section 126 petitions, EPA granted itself several time extensions for acting on those petitions. See, *e.g.*, 62 FR 54769 (Oct. 22, 1997).

On June 22, 1999 (64 FR 33200), EPA made a final determination to extend the deadline for taking final action on petitions that were received from three additional States (Delaware, Maryland and New Jersey). These three petitions were received in the Spring of 1999, and EPA's action extended the time frame for acting on these petions for six months.

In accordance with section 307(d)(10), EPA is today determining that the 60-day period afforded by section 126(b) is not adequate to allow the public and the agency adequate opportunity to carry out the purposes of the section 307(d) procedures for developing an adequate proposal on whether the sources identified in the section 126 petition contribute significantly to nonattainment problems downwind, and, further, to allow public input into the promulgation of any controls to mitigate or eliminate those contributions. The determination of whether upwind emissions contribute significantly to downwind nonattainment areas is highly complex, although much technical work has already been accomplished in the course of other rulemakings.

The EPA is in the process of determining what would be an appropriate schedule for action on the District of Columbia section 126 petition, in light of the complexity of the required determinations and the other issues. The schedule must afford EPA adequate time to prepare a notice that clearly elucidates the issues so as to facilitate public comment, as well as afford the public adequate time to comment.

Accordingly, extending the date for action on the District of Columbia section 126 petition for six months is necessary to determine the appropriate overall schedule for action, as well as to continue to develop the technical analysis needed to develop a proposal.

II. Final Determination

A. Rule

Today, EPA is determining, under CAA section 307(d)(10), that a six-month period is necessary to assure the development of an appropriate schedule for rulemaking on the District of Columbia section 126 petition, which schedule would allow EPA adequate time to prepare a notice for proposal that will best facilitate public comment, as well as allow the public sufficient time to comment. Accordingly, EPA is granting a six-month extension to the time for rulemaking on this section 126 petition. Under this extension, the date for action on the section 126 petition from the District of Columbia is March 7, 2000.

B. Notice-and-Comment Under the Administrative Procedures Act (APA)

This document is a final agency action, but may not be subject to the notice-and-comment requirements of the APA, 5 U.S.C. 553(b). The EPA believes that because of the limited time provided to make a determination that the deadline for action on the section 126 petition should be extended, Congress may not have intended such a determination to be subject to notice-and-comment rulemaking. However, to the extent that this determination is subject to notice-and-comment rulemaking, EPA invokes the good cause exception pursuant to the APA, 5 U.S.C. 553(b)(3)(B). Providing notice and comment would be impracticable because of the limited time provided for making this determination, and would be contrary to the public interest because it would divert agency resources from the critical substantive review of the section 126 petition.

C. Effective Date Under the APA

Today's action will be effective on September 7, 1999. Under the APA, 5 U.S.C. 553(d)(3), agency rulemaking may take effect before 30 days after the date of publication in the **Federal Register** if the agency has good cause to mandate an earlier effective date. Today's action—a deadline extension—must take effect immediately because its purpose is to move back by six months the upcoming deadline for the District of Columbia section 126 petition. Moreover, EPA intends to use immediately the six-month extension period to continue to develop an appropriate schedule for ultimate action on this section 126 petition, and to continue to develop the technical analysis needed to develop the notice of proposed rulemaking. These reasons support an effective date prior to 30 days after the date of publication.

D. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

E. Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate. In addition, before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, EPA must have developed a small government agency plan. EPA has determined that these requirements do not apply to today's action because this rulemaking (i) is not a Federal mandate—rather, it simply extends the date for EPA action on a rulemaking; and (ii) contains no regulatory requirements that might significantly or uniquely affect small governments.

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 600 *et seq.*, EPA must propose a regulatory flexibility analysis assessing the impact on small entities of any rule subject to the notice-and-comment rulemaking requirements. Because this action is exempt from such requirements, as described above, it is not subject to RFA.

G. Submission to Congress and the General Accounting Office

Under 5 U.S.C. of the APA, 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), EPA submitted, by the date of publication of this rule, a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office. This rule is not a "major rule" as defined by 5 U.S.C. 804(2), as amended.

H. Paperwork Reduction Act

This rule does not contain any information collection requirements which require OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

I. Judicial Review

Under CAA section 307(b)(1), a petition to review today's action may be filed in the Court of Appeals for the District of Columbia within 60 days of September 16, 1999.

Dated: September 7, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–24044 Filed 9–15–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1790; MM Docket No. 99–189; RM–9592]

Radio Broadcasting Services; Golden Meadow, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 289C2 to Golden Meadow, Louisiana, as that community's first local FM transmission service in response to a petition for rule making filed by Mountain West Broadcasting. *See* 64 FR 30292, June 7, 1999. Coordinates used for Channel 289C2 at Golden Meadow are 29–14–00 NL and 90–15–00 WL. With this action, the proceeding is terminated.

DATES: Effective October 18, 1999. A filing window for Channel 289C2 at Golden Meadow, Louisiana, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–189, adopted August 25, 1999, and released September 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by adding Golden Meadow, Channel 289C2.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch,

Policy and Rules Division,

Mass Media Bureau.

[FR Doc. 99–24152 Filed 9–15–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1790; MM Docket No. 99–185; RM–9588]

Radio Broadcasting Services; Maricopa, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 235A to Maricopa, California, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. *See* 64 FR 30295, June 7, 1999. Coordinates used for Channel 235A at Maricopa are 35–05–01 NL and 119–26–00 WL. With this action, the proceeding is terminated.

DATES: Effective October 18, 1999. A filing window for Channel 235A at Maricopa, California, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–185, adopted August 25, 1999, and released September 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

Part 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Maricopa, Channel 235A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch,

Policy and Rules Division,

Mass Media Bureau.

[FR Doc. 99–24153 Filed 9–15–99; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1790; MM Docket No. 99–184; RM–9587]

Radio Broadcasting Services; Lost Hills, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 289A to Lost Hills, California, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. *See* 64 FR 30295, June 7, 1999. Coordinates used for Channel 289A at Lost Hills are 35–38–19 NL and 119–48–26 WL. With this action, the proceeding is terminated.

DATES: Effective October 18, 1999. A filing window for Channel 289A at Lost Hills, California, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 99–184, adopted August 25, 1999, and released September 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Lost Hills, Channel 289A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24154 Filed 9–15–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1790; MM Docket No. 99–182; RM–9585]

Radio Broadcasting Services; Hamilton City, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 269A to Hamilton City, California, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. *See* 64 FR 30296, June 7, 1999. Coordinates used for Channel 269A at Hamilton City are 39–49–52 NL and 122–02–31 WL. With this action, the proceeding is terminated.

DATES: Effective October 18, 1999. A filing window for Channel 269A at Hamilton City, California, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–182, adopted August 25, 1999, and released September 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Hamilton City, Channel 269A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24155 Filed 9–15–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[FCC 99–138—PR Docket No. 92–235]

Private Land Mobile Radio Services. Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Radio Services.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the land mobile radio service rules to more readily facilitate trunked operations on shared spectrum. The action was taken in response to petitions for reconsideration of the rule concerning centralized trunking below 512 MHz adopted in the final rule in this proceeding.[1] This will allow private land mobile radio licensees to construct more efficient radio systems.

DATES: Effective November 15, 1999 except for §§ 90.187(b)(2)(b) and 90.187(e) which contain information collection requirements that have not been approved by OMB. The Commission will publish a document in the **Federal Register** announcing the effective date. Written comment by the public on the information collection are due November 15, 1999. Written comment must be submitted to the Office of Management and Budget on the information collection on or before November 15, 1999.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, S.W., Room 4–C207, Washington, DC 20554. A copy of any comments on the information collection contained herein should be submitted to Judy Boley, Federal Communications Commission, 445 Twelfth Street, S.W. Room 1–C804, Washington, DC 20554 or via the Internet to jboley@fcc.gov; and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 Seventeenth Street, N. W., Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Michael J. Wilhelm, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554 or by telephone at (202) 418–0680 or by e-mail to mwilhelm@fcc.gov. For further information concerning the information collection contained in the *Third Memorandum Opinion and Order*, contact Judy Boley at 202–418–0215 or via the Internet to jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Memorandum Opinion and Order* in PR Docket No. 92–235, FCC 99–138, adopted June 10, 1999, and released July 1, 1999. The *Third Memorandum Opinion and Order* permits the use of a system of protected contours as an alternative to the mileage separation standards used to determine the licensees from which consent must be sought when an applicant seeks authorization for centralized trunking below 512 MHz. It also provides for a 60 day "hold" period during which

[1] Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Radio Services, *Second Report and Order*, 62 FR 18834 April 17, 1997, 12 FCC Rcd 14307 (1997) (Second R&O).

conflicting applications may not be filed while an applicant is seeking consents from other licensees for centralized trunking. It maintains the requirement that consent to centralized trunking must be obtained from all affected licensees [*i.e.* 100%], not some lesser percentage as suggested by some petitioners. The Commission declines to eliminate the requirement that consent be obtained from licensees of channels adjacent to the channel or channels proposed by an applicant proposing centralized trunking. The following additional actions are taken: A ten channel limit is placed on the number of channels that may be requested in an initial application for centralized trunking with exceptions made for applicants proposing frequencies in the Public Safety Pool, provided a showing of need is made. Applicants proposing centralized trunking are required to certify that they have obtained the consent of affected licensees and must maintain a copy of consent agreements for inspection by the Commission on request. Centralized trunking is not permitted below 150 MHz. The Commission rejects a proposal to make special interference showing provisions for applicants who propose to use equipment alleged to be superior in spectrum efficiency. A proposal to limit trunked operation to incumbent licensees is also rejected. The rulemaking portion of the *First Report and Order and Further Notice of Proposed Rule Making*[2] in this proceeding is terminated to the extent rendered moot by the *Third Memorandum Opinion and Order*, and, as to other matters therein relevant to the *Notice of Proposed Rule Making* in WT Docket No. 99–87,[3] will be incorporated into the record in that proceeding. Finally, the Commission declines to address that portion of a petition for reconsideration requesting changes in the Commission's Safe Harbor rules because said rules are outside the scope of the *Second R&O*. The complete text of the *Third Memorandum Opinion & Order* may be purchased from the Commission's copy contractor, International Transcription Services, 1231 20th Street, N.W., Washington, D.C. 20036, telephone (202) 857–3800, facsimile (202) 857–3805. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418–0260, TTY (202) 418–2555, or at mcontee@fcc.gov. The full text of the *Third Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth St., S.W., Room CY–A257. The full text of the *Third Memorandum Opinion and Order* can also be downloaded at: [3]

http://www.fcc.gov/Bureaus/Wireless/Orders/1999/fcc99138.txt or

http://www.fcc.gov/Bureaus/Wireless/Orders/1999/fcc99138.wp.

[2] Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Services, PR Docket No. 92–235, 60 FR 37152 July 19, 1995, *First Report and Order and Further Notice of Proposed Rule Making*, 10 FCC Rcd. 10076 (1996).

[3] Implementation of Sections 309(j) and 337 of the Communications Act of 1934, as amended, Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, Establishment of a Public Service Radio Pool in the Private Mobile Frequencies Below 800 MHz, WT Docket No. 99–87, RM–9332, *Notice of Proposed Rulemaking*, 64 FR 23571 May 3, 1999, FCC 99–52 (rel. March 25, 1999).

Paperwork Reduction Act Analysis

This *Third Memorandum Opinion and Order* contains either a new or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collections contained in this *Third Memorandum Opinion and Order* as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104–13. Public and agency comments are due 60 days from date of publication of this *Third Memorandum Opinion and Order* in the **Federal Register**. Comments should address: (a) Whether the new or modified collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–XXXX.

Title: Application for Construction Permit for Commercial Broadcast Station.

Form No.: FCC 600.

Type of Review: Revision of a currently approved collection.

Respondents: Government and businesses.

Number of Respondents: 1000.

Estimated time per response: 5 hours (This time varies depending on the complexity of the users' projected needs.).

Total annual burden: 5,000.

Total annual cost: none.

Needs and Uses: FCC Form 600 is used to apply for authority to construct private land mobile radio stations or to make changes in the existing facilities of such stations. This *Third Memorandum Opinion and Order* requires applicants for trunked facilities to accompany Form 600 with a certification that consent to trunked operation has been obtained from affected licensees. Further, applicants for Public Safety Pool channels are required to accompany Form 600 with a supplementary showing when such applicants request more than 10 trunked channels. The supplementary showing must demonstrate why more than 10 trunked channels are required by, *e.g.*, furnishing a loading study.

List of Subjects in 47 CFR Part 90

Radio, Communications equipment.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 90 as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 251–2, 303, 309 and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 251–2, 303, 309 and 332, unless otherwise noted.

2. § 90.187 is amended by revising paragraph b(2), b(2)(ii) and (b)(2)(iii) and adding paragraphs (b)(2)(iv), (b)(2)(v), (d), (e) and (f) to read as follows:

§ 90.187 Trunking in the bands between 150 and 512 MHz.

* * * * *

(b) * * *

(2) Trunking will be permitted on frequencies where an applicant or licensee does not have an exclusive service area provided that all frequency coordination requirements are complied with and written consent is obtained from affected licensees using either the procedure set forth in (b)(2)(i), and b(2)(ii) of this section (mileage separation) or the procedure set forth in (b)(2)(iii)(A), (b)(2)(iii)(B) and (b)(2)(iii)(C) of this section (protected contours).

(i) * * *

(ii) Stations with service areas (37 dBu contour for stations in the 150–174

MHz band and 39 dBu contour for stations in the 421–512 MHz bands; see § 90.205) that overlap a circle with radius 113 km (70 mi.) from the proposed base station.

(iii) In lieu of the mileage separation procedure set forth in (b)(2)(i) and (b)(2)(ii) of this section, applicants for trunked facilities may obtain consent only from stations that would be subjected to objectionable interference from the trunked facilities. Objectionable interference will be considered to exist when the interference contour (19 dBu for VHF stations, 21 dBu for UHF stations) of a proposed trunked station would intersect the service contour (37 dBu for VHF stations, 39 dBu for UHF stations) of an existing station. The existing stations that must be considered in a contour overlap analysis are a function of the channel bandwidth of the proposed trunked station, as follows:

(A) For trunked stations proposing 25 kHz channel bandwidth: Existing co-channel stations and existing stations that have an operating frequency 15 kHz or less from the proposed trunked station.

(B) For trunked stations proposing 12.5 kHz channel bandwidth: Existing co-channel stations and existing stations that have an operating frequency 7.5 kHz or less from the proposed trunked station.

(C) For trunked stations proposing 6.25 kHz channel bandwidth: Existing co-channel stations and existing stations that have an operating frequency 3.75 kHz or less from the proposed trunked station.

(iv) The calculation of service and interference contours referenced in paragraph (iii) of this section shall be done using generally accepted engineering practices and standards which, for purposes of this rule section, shall presumptively be the practices and standards agreed to by a consensus of all certified frequency coordinators.

(v) The written consent from the licensees specified in paragraphs (b)(2)(i) and (b)(2)(ii) or (b)(2)(iii)(A), (b)(2)(iii)(B) and (b)(2)(iii)C of this section shall specifically state all terms agreed to by the parties and shall be signed by the parties. The written consent shall be maintained by the operator of the trunked station and be made available to the Commission upon request. The submission of a coordinated trunked application to the Commission shall include a certification from the applicant that written consent has been obtained from all licensees specified in paragraphs (b)(2)(i) and (b)(2)(ii) or (b)(2)(iii)(A), (b)(2)(iii)(B) and (b)(2)(iii)(C) of this section that the written consent documents encompass the complete understandings and agreements of the parties as to such consent; and that the terms and conditions thereof are consistent with the Commission's rules. Should a potential applicant disagree with a certified frequency coordinator's determination that objectionable interference exists with respect to a given channel or channels, that potential applicant may request the Commission to overturn the certified frequency coordinator's determination. In that event, the burden of proving by clear and convincing evidence that the certified frequency coordinator's determination is incorrect shall rest with the potential applicant. If a licensee has consented to the use of trunking, but later decides against the use of trunking, that licensee may request that the licensee(s) of the trunked system(s) cease the use of trunking. Should the trunked station(s) decline the licensee's request, the licensee may request a replacement channel from the Commission. A new applicant whose interference contour overlaps the service contour of a trunked licensee will be assigned the same channel as the trunked licensee only if the trunked licensee consents in writing and a copy of the written consent is submitted to the certified frequency coordinator responsible for coordination of the application.

* * * * *

(d) Potential applicants proposing trunked operation may file written notice with any certified frequency coordinator for the pool (Public Safety or Industrial/Business) in which the applicant proposes to operate. The notice shall specify the channels on which the potential trunked applicant proposes to operate and the proposed effective radiated power, antenna pattern, height above ground, height above average terrain and proposed channel bandwidth. On receipt of such a notice, the certified frequency coordinator shall notify all other certified frequency coordinators in the relevant pool within one business day. For a period of sixty days thereafter, no application will be accepted for coordination which specifies parameters that would result in objectionable interference to the channels specified in the notice. Potential applicants shall not file another notice for the same channels within 10 km (6.2 miles) of the same location unless six months shall have elapsed since the filing of the last such notice. Certified frequency coordinators shall return without action, any coordination request which violates the terms of paragraph (d) of this section.

(e) No more than 10 channels for trunked operation in the Industrial/Business Pool may be applied for in a single application. Subsequent applications, limited to an additional 10 channels or fewer, must be accompanied by a certification, submitted to the certified frequency coordinator coordinating the application, that all of the applicant's existing channels authorized for trunked operation have been constructed and placed in operation. Certified frequency coordinators are authorized to require documentation in support of the applicant's certification that existing channels have been constructed and placed in operation. Applicants in the Public Safety Pool may request more than 10 channels at a single location provided that any application for more than 10 Public Safety Pool channels must be accompanied by a showing of sufficient need. The requirement for such a showing may be satisfied by submission of loading studies demonstrating that requested channels in excess of 10 will be loaded with 50 mobiles per channel within a five year period commencing with grant of the application.

(f) If a licensee authorized for trunked operation discontinues trunked operation for a period of 30 consecutive days, the licensee, within 7 days of the expiration of said 30 day period, shall file a conforming application for modification of license with the Commission. Upon grant of that application, new applicants may file for the same channel or channels notwithstanding the interference contour of the new applicant's proposed channel or channels overlaps the service contour of the station that was previously engaged in trunked operation.

[FR Doc. 99–24157 Filed 9–15–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[RSPA–99–6195 (Docket No. HM–206D)]

RIN 2137–AD37

Hazardous Materials: Limited Extension of Requirements for Labeling Materials Poisonous by Inhalation (PIH)

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Interim final rule.

SUMMARY: RSPA is providing a limited exception, until October 1, 2001, from requirements to place the new POISON INHALATION HAZARD or POISON GAS labels on packages that are intended for transportation in international commerce. The exception applies only to Division 2.3 materials and Division 6.1 liquids in Hazard Zone A or B that are loaded into a freight container or closed transport vehicle that is placarded and marked with the identification number, as currently required for those materials. This interim final rule is intended to prevent delays and frustrated shipments for these hazardous materials when transported by vessel under the provisions of the International Maritime Dangerous Goods Code (IMDG Code), or by motor vehicle or rail car to or from Canada.

DATES: *Effective dates:* This final rule is effective on October 1, 1999.

Comment date: Comments must be received November 15, 1999.

ADDRESSES: *Written comments:* Address written comments to the Dockets Management System, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590–0001. Comments should identify the docket number RSPA–99–6195 (HM–206D) and should be submitted in two copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard.

Dockets Management System is located on the Plaza Level of the Nassif Building at the Department of Transportation at the above address. Public dockets may be reviewed between the hours of 10 a.m. and 5 p.m., Monday through Friday, excluding Federal holidays. In addition, the public can review comments by accessing the Docket Management System through the DOT home page at *http://dms.dot.gov.* Comments may also be submitted to the docket electronically by logging onto the Dockets Management System website at http://dms.dot.gov. Click on "Help & Information" to obtain instructions for filing the document electronically. In every case, the comment should refer to the Docket number "RSPA–99–6195". Comments may also be submitted by fax by calling (202) 366–3012.

FOR FURTHER INFORMATION CONTACT: Helen L. Engrum, Office of Hazardous Materials Standards, (202) 366–8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

In the final rules adopted under Docket No. HM–206, RSPA specified requirements for display of: (1) Identification number marking on a transport vehicle or freight container that is loaded at one loading facility with more than 1,000 kg (2,205 pounds) of materials poisonous by inhalation (PIH), on and after October 1, 1998; (2) new labels to be affixed to non-bulk packagings containing PIH materials, on and after October 1, 1999; and (3) new placards to be displayed on transport vehicles and freight containers containing PIH materials, on and after October 1, 2001. RSPA also provided that, if the words "INHALATION HAZARD" appear on the new PIH label or placard, those words need not also be marked on the package (See 49 CFR172.313). (Final rules, 62 FR 1217 (January 8, 1997), 62 FR 39398 (July 22, 1997), 63 FR 16070 (April 1, 1998).) These requirements were adopted in response to a mandate in section 25 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (Pub. L. 101–615) that methods of improving placarding be considered including, inter alia, identification of appropriate emergency response procedures through symbols on placards and methods to make placards more visible.

In adopting the PIH marking, label, and placard requirements, RSPA discussed the extremely hazardous nature of these materials and its belief that "the existing POISON and POISON GAS label and placard are not adequate in communicating the inhalation hazard of these materials." 63 FR at 1218. RSPA also referred to its efforts since 1985 "toward enhancing safety in the transportation of PIH materials by establishing a complete system of transportation controls for these materials, including an improved communication of their presence." 62 FR at 39400. As noted in the final rule, a majority of the persons submitting comments on this issue "supported adoption of the distinctive PIH labels and placards," although a number of commenters urged RSPA to delay implementation until the United Nations Committee of Experts on the Transport of Dangerous Goods (UN Committee) had also adopted the new PIH label and placard. This matter is pending before the UN Committee.

II. Petition for Rulemaking

On June 17, 1999, the Hazardous Materials Advisory Council (HMAC) filed a petition for rulemaking (P–1385) to delay implementation of the new PIH labels adopted under Docket HM–206 until the UN Committee recommends adoption of these requirements. HMAC suggested an implementation date of no sooner than October 1, 2001 to coincide with the effective date for PIH placards and to allow the UN Committee more time to discuss this issue. HMAC stated:

> By introducing PIH labels that have not been accepted by the UN Committee, the unintended consequence may well be to cause confusion with international shipments of these materials, thereby undermining their safe transport. Packages of PIH material being imported into the US and labeled in accordance with the IMDG Code by sea mode will not be in compliance with the new US labeling requirement. Shippers will be forced to re-label these packages at port areas where provision to accomplish this is scarce and the possibility for errors and mishandling increase.

HMAC also stated there are major questions regarding the acceptability of the new labels in other countries. HMAC said that re-labeling may be required to make the packages comply with other regional or national regulations, and that such a situation will not enhance safety, which is the intent of introducing the new label. According to HMAC, a Canadian member indicated that lack of international coordination may cause serious problems with compliance and that members outside of the U.S. have questioned the U.S. commitment to worldwide harmonization of dangerous goods transport regulation. HMAC also raised the issue of inconsistency with the intent of Title IV of the Trade Agreements Act of 1979.

III. RSPA Response to Petition for Rulemaking

The HMR provide for a nationwide system of communication of the presence of hazardous materials which includes shipping papers, marking, labeling, placarding, and emergency response information. These requirements are designed to provide

fire and emergency response personnel, the public, and transport workers with information in the event of transportation incidents involving hazardous materials. In responding to incidents involving hazardous materials, emergency response personnel must first identify the specific chemical hazards facing them before approaching the incident site and attempting remedial action. An inappropriate response to an incident involving inadequately identified hazardous materials can significantly endanger individuals, the surrounding community, and the environment.

The unique design of the PIH labels and placards substantially improves the identification of PIH materials during transportation. It is important that there be distinctive warnings that will lead to appropriate response actions for these high risk materials. The risk posed by PIH materials such as acrolein (inhibited), allyl alcohol, methyl isocyanate, or acetone cyanohydrin (stabilized), is substantially greater than the risk posed by other poisonous materials such as benzonitrile, chloroform, ethyl bromide, or tetrachloroethane. Yet prior to implementation of the Docket HM–206 requirements, all of these materials were identified by display of the same labels and placards.

RSPA understands that PIH labels and placards are not yet formally recognized outside the jurisdiction of the U.S., and that the UN Committee has yet to act upon the merits of our proposal on this subject. We also recognize that we should strive for harmonious hazard communication requirements, when appropriate. However, differences have been recognized as necessary and appropriate in a number of instances. For example, there are domestic exceptions from placarding for Class 9 materials, and for less than 1,001 pounds of certain materials. In addition, the HMR provide a domestic exception which permits use of DANGEROUS placards in place of placards for certain classes of hazardous materials loaded in transport vehicles or freight containers. As these exceptions are recognized and accepted as being appropriate, RSPA is certain that the improved communication of hazard for high risk PIH materials also is necessary and appropriate.

Much of the information and issues raised in HMAC's petition have already been considered and addressed during the rulemaking proceeding in Docket HM–206. RSPA believes HMAC has not presented justification for either its request to postpone implementation of the requirement for PIH labels until the UN Committee has had the opportunity to judge the merits of the proposal, or for its recommendations that implementation of the requirements be deferred until October 1, 2001 for both domestic and international transportation. Further, RSPA does not agree that the requirements are inconsistent with the language and intent of Title IV of the Trade Agreements Act of 1979. However, RSPA agrees with HMAC that there is the possibility for errors and mishandling at port areas for shipments made in accordance with the IMDG Code, and there may be instances where the new labels are not recognized in other countries, such as shipments to or from Canada. RSPA believes there is a potential for delayed or frustrated shipments for these PIH materials when transported by vessel under the provisions of the IMDG Code as authorized by 49 CFR 171.12, or to or from Canada under the provisions of 49 CFR 171.12a. Also, the potential for exposure would be increased for transportation workers if they must further handle and re-label these extremely toxic and highly volatile materials. For these reasons, RSPA is granting the HMAC petition in part, and denies other parts of the petition.

In order to facilitate international transportation in commerce of PIH materials, RSPA is providing a limited exception, until October 1, 2001, from the requirement to display PIH labels on packages. The exception applies only to PIH materials in non-bulk packages in a closed transport vehicle or freight container that displays placards and identification numbers for the PIH materials in other than domestic transportation. Since the closed vehicles containing PIH materials in non-bulk packages in containerized loads moving in international commerce will, while in the United States, be identified as containing such materials by the display of identification numbers, RSPA does not believe that safety within the United States will be significantly reduced by adoption of this rule. Therefore, in this interim final rule, the provisions in §§ 171.12 and 171.12a are revised to provide a limited exception, until October 1, 2001, from the requirement to display the PIH labels on packages, provided the PIH materials are in non-bulk packages in closed transport vehicles or freight containers placarded and marked with an identification number.

Because use of the new PIH labels would otherwise be required on October 1, 1999, it is impossible for RSPA to publish an NPRM and receive comments before issuing this interim final rule or to provide at least 30 days before the effective date of this interim final rule. Delay in issuing the interim final rule would create an undue hardship on the international regulated community and have the potential to disrupt and frustrate the shipment of these high hazard materials by vessel, or by motor vehicle or rail car to or from Canada.

Although an opportunity for public comment on this particular approach has not been provided prior to issuing this interim final rule, RSPA encourages interested persons to participate in this rulemaking by submitting comments containing information or views concerning this interim final rule. Commenters opposing adoption of this rule should provide a reason for their opposition. RSPA will consider all public comments.

IV. Editorial Correction

An editorial correction is being made to remove paragraph (e) in 49 CFR 171.14, which contains a provision postponing the compliance date for use of the new PIH labels an additional year, from October 1, 1998 to October 1, 1999. Except as provided for in this rule for shipments by vessel in accordance with 49 CFR 171.12, or to or from Canada in accordance with 49 CFR 171.12a, on and after October 1, 1999, packages containing PIH materials must be labeled as required by the HMR. Therefore, paragraph (e) is obsolete and it is removed.

V. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This interim final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. A regulatory evaluation prepared for the January 8, 1997 final rule is available in the Docket (HM–206). Implementation of this labeling exception for PIH materials provided by this rulemaking should not result in any additional costs. Any savings associated with avoiding delay or frustration of shipments is considered so minimal as to not warrant revision of the regulatory evaluation.

B. Executive Order 12612

The final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism"). Federal hazardous materials transportation law, 49 U.S.C. 5101–5127 contains express preemption provisions at 49 U.S.C. 5125 and

expressly preempts State, local, and Indian tribe requirements applicable to the transportation of hazardous materials that cover certain subjects and are not substantively the same as Federal requirements. These subjects are:

(A) The designation, description, and classification of hazardous material.

(B) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials.

(C) The preparation, execution, and use of shipping documents related to hazardous material and requirements respecting the number, content, and placement of those documents.

(D) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material.

(E) The design, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing of a package or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This final rule preempts State, local, or Indian tribe requirements concerning these subjects unless the non-Federal requirements are "substantively the same" (see 49 CFR 107.202(d)) as the Federal requirements. RSPA lacks discretion in this area, and preparation of a federalism assessment is not warranted.

Federal law 49 U.S.C. 5125(b)(2) provides that if DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. RSPA has determined that the effective date of Federal preemption for these requirements will be December 15, 1999.

C. Executive Order 13084

RSPA believes this change will not significantly or uniquely affect the communities of Indian tribal governments under the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Therefore, the funding and consultation requirements of this Executive Order would not apply.

D. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), RSPA must consider whether this interim final rule would have a significant economic impact on a substantial number of small entities. This rule provides limited relief to certain shippers and carriers of materials poisonous by inhalation and will have no significant economic impacts. I certify that this final rule will not have a significant economic impact on a substantial number of small entities.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. This rule does not contain any new information collection requirements.

F. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading of this document to cross-reference this action with the Unified Agenda.

G. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

H. Impact on Business Processes and Computer Systems

Many computers that use two digits to keep track of dates will, on January 1, 2000, recognize "double zero" not as 2000 but as 1900. This glitch, Year 2000 problem, could cause computers to stop running or to start generating erroneous data. The year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 Conversion, Federal agencies are reaching out to increase awareness of the problem and to offer support. RSPA does not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 problem.

This final rule does not contain business process changes and does not require modifications to computer systems for computer generated labels. The rule does not affect organizations' ability to respond to the Year 2000 problem and provides some relief to the international regulated community, until October 1, 2001, when mandatory compliance with the new PIH labeling is required.

List of Subjects in 49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 171 is amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR part 1.

2. Section 171.12 is amended by adding paragraph (b)(8)(iv), and by revising paragraphs (b)(8)(ii) and (iii) to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(b) * * *

(8) * * *

(ii) The material must be packaged in accordance with the requirements of this subchapter;

(iii) Except as provided in paragraph (b)(8)(iv) of this section, the package must be marked in accordance with § 172.313 of this subchapter and labeled and placarded with "POISON INHALATION HAZARD" or "POISON GAS", as appropriate, in accordance with subparts E and F, respectively, of part 172 of this subchapter;

(iv) Until October 1, 2001, the package may be labeled in accordance with the IMDG Code if transported in a closed transport vehicle or freight container marked with identification numbers for the materials in any quantity in the manner specified in paragraphs (c) and (c)(3) of § 172.313 of this subchapter and placarded as required by subpart F of part 172 of this subchapter.

* * * * *

3. Section 171.12a is amended by adding paragraph (b)(5)(iv), and by revising paragraphs (b)(5)(ii) and (iii) to read as follows:

§ 171.12a Canadian shipments and packagings.

* * * * *

(b) * * *

(5) * * *

(ii) The material must be packaged in accordance with the requirements of this subchapter;

(iii) Except as provided in paragraph (b)(5)(iv) of this section and for a

package containing anhydrous ammonia, the package must be marked in accordance with § 172.313 of this subchapter and labeled and placarded with "POISON INHALATION HAZARD" or "POISON GAS", as appropriate, in accordance with subparts E and F, respectively, of part 172 of this subchapter. For shipments of anhydrous ammonia, the shipping paper must contain an indication that the markings, labels and placards have been applied in conformance with the TDG Regulations and this paragraph (b)(5);

(iv) Until October 1, 2001, the package may be labeled in accordance with the TDG Regulations if transported in a closed transport vehicle or freight container marked with identification numbers for the materials in any quantity in the manner specified in paragraphs (c) and (c)(3) of § 172.313 of this subchapter and placarded as required by subpart F of part 172 of this subchapter.

* * * * *

§ 171.14 [Amended]

4. In § 171.14, paragraph (e) is removed.

Issued in Washington, DC, on September 13, 1999, under the authority delegated in 49 CFR part 1.

Stephen D. Van Beek,

Deputy Administrator.

[FR Doc. 99–24176 Filed 9–15–99; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 98123133–9127–03; I.D. 091399B]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shoreside Whiting Sector

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces the end of the 1999 primary season for the shoreside fishery for Pacific whiting (whiting), and resumption of a 10,000-lb (4,536-kg) trip limit, at 12:00 noon local time (l.t.) September 13, 1999, because the allocation for the shoreside sector will be reached by that time. This action is intended to keep the harvest of whiting within the 1999 allocation levels.

DATES: Effective from 12:00 noon l.t. September 13, 1999, until the effective date of the 2000 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**, unless modified, superseded, or rescinded. Comments will be accepted through October 1, 1999.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; or Rodney McInnis, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Katherine King at 206–526–6145 or Becky Renko at 206-526-6110.

SUPPLEMENTARY INFORMATION: This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. On January 8, 1999 (64 FR 1316), the 1999 fishing seasons for Pacific whiting were published in the **Federal Register**. A new whiting stock assessment was completed in early 1999, and an allowable biological catch (ABC) and optimum yield (OY) of 232,000 metric tons (mt) were recommended for all U.S. harvests. On May 24, 1999, (64 FR 27928), NMFS announced the 1999 whiting ABC and OY of 232,000 mt, the tribal whiting allocation of 32,500 mt, and the commercial OY of 199,500 mt.

Regulations at 50 CFR 660.323(a)(4) divide the commercial allocation into separate allocations for the catcher/processor, mothership, and shoreside sectors of the whiting fishery. When each sector's allocation is reached, the primary season for that sector is ended. The catcher/processor sector is composed of vessels that harvest and process whiting. The mothership sector is composed of motherships and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting. The shoreside sector is composed of vessels that harvest whiting for delivery to shoreside processors. The allocations, which are based on the 1999 commercial harvest guideline for whiting of 199,500 mt, are 67,800 mt (34 percent) for the catcher/processor sector, 47,900 mt (24 percent) for the mothership sector, and 83,800 mt (42 percent) for the shoreside sector.

Regulations at 50 CFR 660.323(a)(3)(i) describe the primary season for the shoreside sector as the period(s) when the large-scale target fishery is conducted (when trip limits under § 660.323(b) are not in effect). The 10,000 lb (4,536-kg) trip limit, which also had been in effect before the primary season, is intended to accommodate small bait and fresh-fish markets, as well as bycatch in other fisheries.

The best available information on September 10, 1999, indicated that the 83,800 mt shoreside allocation would be reached by 12:00 noon l.t. September 13, 1999.

NMFS Action

For the reasons stated above, and in accordance with the regulations at 50 CFR 660.323(a)(4)(iii)(C), NMFS herein announces:

Effective 12:00 noon l.t. September 13, 1999—No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a catcher vessel participating in the shoreside sector.

Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours. This action is taken under the authority of 50 CFR 660.323(a)(4)(iii)(C) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 13, 1999.

Rebecca Lent,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24182 Filed 9–13–99; 2:44 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063–9063–01; I.D. 091399A]

Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Greenland turbot in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1999 total allowable catch (TAC) of Greenland turbot in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 15, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and CFR part 679.

The Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 12103, March 11, 1999) established the 1999 initial TAC of Greenland turbot in the Bering Sea subarea as 5,126 metric tons (mt). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the TAC for Greenland turbot in the Bering Sea subarea will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,926 mt, and is setting aside the remaining 1,200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Greenland turbot in the Bering Sea subarea.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1999 TAC of Greenland turbot for the Bering Sea subarea of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 13, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24183 Filed 9–13–99; 2:44 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 179
Thursday, September 16, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 24

[Notice No. 868]

RIN 1512–AB78

Implementation of Public Law 105–34, Section 1417, Related to the Use of Additional Ameliorating Material in Certain Wines (98R–89P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking cross-referenced to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations to implement section 1417 of the Taxpayer Relief Act of 1997. The new law made changes in the use of additional ameliorating material in certain wines. The wine regulations are amended to extend the amelioration and sweetening limitations so that wines made exclusively from any fruit (excluding grapes) or berry with a fixed acid content of 20 or more parts per thousand is entitled to a volume of up to 60 percent ameliorating material.

DATES: Written comments must be received on or before December 15, 1999.

ADDRESSES: Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221, Attention: Notice Number 868.

FOR FURTHER INFORMATION CONTACT: Thomas B. Busey, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226; (202) 927–8204.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

Regulatory Flexibility Act

Because this proposed rule does not impose a collection of information requirement on small entities, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601) do not apply. Moreover, the revenue effects of this rulemaking on small businesses flow directly from the underlying statute. Likewise, any secondary or incidental effects, or other compliance burdens flow directly from the statute. Pursuant to 26 U.S.C. 7805(f), this proposed regulation will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking because no new requirement to collect information is proposed.

Public Participation

ATF requests comments on the temporary regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practicable to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

Comments may be submitted by facsimile transmission (FAX) to (202) 927–8602, provided the comments: (1) are legible, (2) are 8 ½″ x 11″ in size, (3) contain a written signature, and (4) are three pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

The temporary regulations in this issue of the **Federal Register** amend the regulations in 27 CFR parts 4 and 24. For the text of the temporary regulations see T.D. ATF–403, published in the Rules and Regulations section of this issue of the **Federal Register**.

Drafting Information

The principal author of this document is Thomas B. Busey, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

Signed: July 22, 1999.

John W. Magaw,

Director.

Approved: August 13, 1999.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 99–24159 Filed 9–15–99; 8:45 am]

BILLING CODE 4810–31–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 22, 24, 26, 27, 73, 74, 80, 87, 90, 95, 97, and 101

[WT Docket No. 99–87, RM–9332, RM–9405; DA 99–1861]

Revised Competitive Bidding Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; extension of reply comment period.

SUMMARY: This document extends the time to file reply comments on the *Notice of Proposed Rule Making* released on March 25, 1999. Reply comments were due on or before September 16, 1999. On September 10, 1999, the Commission released an order (DA 99–1861) that grants the Land Mobile Communications Council's "Request for Extension of Time to File Reply Comments." The new deadline will be September 30, 1999.

DATES: Reply comments must be filed on or before September 30, 1999.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Room TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Gary D. Michaels, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418–0660, or Scot Stone, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418–0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* in WT Docket No. 99–87, DA 99–1861, adopted and released on September 10, 1999. The full text of the *Order* is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC 20554, and may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 445 Twelfth Street, SW., Room CY–B400, Washington, DC 20554, (202) 314–3070. The Order is also available on the Internet at the Commission's web site: http://www.fcc.gov/wtb/documents.html.

1. On March 25, 1999, the Commission released a *Notice of Proposed Rule Making* (*"NPRM"*), WT Docket No. 99–87, RM–9332, RM–9405, FCC 99–52, 63 FR 23571, May 3, 1999. The *NPRM* initially stated that comments and reply comments would be due on or before July 2, 1999 and August 2, 1999, respectively. On May 19, 1999 the Commission released an Order, WT Docket No. 99–87, RM–9332, RM–9405, FCC 99–950, 64 FR 30288, June 7, 1999, extending the deadline for comments to August 2, 1999 and reply comments to September 16, 1999.

2. On September 8, 1999, the Land Mobile Communications Council ("LMCC") filed a "Request for Extension of Time to File Reply Comments" to extend the deadline for filing reply comments to September 30, 1999. LMCC contends that an extension is warranted due to the voluminous initial responses to the *NPRM*, the multiple questions raised therein as well as coinciding comment deadlines in other Commission proceedings that significantly impact the private wireless industry.

3. Although the Commission does not routinely grant extensions of time in rule making proceedings, we agree that an extension will afford parties the necessary time to coordinate and file reply comments that will facilitate the compilation of a more complete record in this proceeding, without causing undue delay of the Commission's consideration of the issues. Accordingly, *it is ordered* that the "Request for Extension of Time to File Reply Comments" filed by the Land Mobile Communications Council is granted. Interested parties may file reply comments on or before September 30, 1999.

4. This action is taken pursuant to the authority provided in 47 CFR 1.46 and under delegated authority pursuant to 47 CFR 0.131, 0.331.

Federal Communications Commission.

Mark R. Bollinger,

Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.

[FR Doc. 99–24232 Filed 9–15–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1803, MM Docket No. 99–276, RM–9702]

Radio Broadcasting Services; Scappoose and Tillamook, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Thunderegg Wireless, L.L.C., licensee of Station KJUN, requesting the reallotment of Channel 281C3 from Tillamook to Scappoose, OR, as the community's first local aural service, and the modification of Station KJUN's license to specify Scappoose as its community of license. Channel 281C3 can be allotted to Scappoose in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.5 kilometers (4.1 miles) northwest, at coordinates 45–46–58 NL; 122–57–13 WL, to accommodate petitioner's desired transmitter site. Canadian concurrence in the allotment is required since Scappoose is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before October 25, 1999, and reply comments on or before November 9, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John E. Fiorini III, H. Anthony Lehv, Gardner, Carton & Douglas, 1301 K Street, NW., Suite 900, East Tower, Washington, DC 20005 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–276, adopted August 25, 1999, and released September 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing *permissible ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24156 Filed 9–15–99; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 990907245–9245–01; I.D. 082499B]

RIN 0648–AM86

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Atlantic Herring Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking; notice of a control date for the Atlantic herring fishery.

SUMMARY: NMFS announces that it is considering, and is seeking public comment on, proposed rulemaking under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to control future access to the Atlantic herring (*Clupea harengus*) fishery. This notification is intended, in part, to promote awareness of potential eligibility criteria for future access to the herring fishery so as to discourage speculative entry into the herring fishery while the New England Fishery Management Council (Council) and NMFS consider whether and how access and effort in all or part of the herring fishery should be controlled. The date of publication of this notification, September 16, 1999 shall be known as the "control date", and may be used for establishing eligibility criteria for future access to the herring fishery subject to Federal authority.

DATES: Comments must be received by October 18, 1999.

ADDRESSES: Comments should be directed to Patricia Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–2298.

FOR FURTHER INFORMATION CONTACT: David Gouveia, Fishery Management Specialist, 978–281–9280.

SUPPLEMENTARY INFORMATION: Atlantic herring is a migratory pelagic species that supports important commercial fisheries along the Atlantic coast of the United States and Canada. In addition, Atlantic herring is a key forage species for seabirds, marine mammals, and other species of fish. The Fishery Management Plan for Atlantic Herring (FMP) is under Secretarial review for approval/disapproval by October 27, 1999. The FMP was developed by the Council to manage the fishery and prevent overfishing. The FMP proposes measures to manage Atlantic herring as an open access fishery that primarily controls fishing mortality through total allowable catch (TAC) levels allocated among four different management areas. These proposed management areas are identified as Area 1A (inshore Gulf of Maine), Area 1B (offshore Gulf of Maine), Area 2 (south coastal area), and Area 3 (Georges Bank).

Based on the most recent assessment, the overall stock biomass is estimated to be at record high levels (27th Northeast Regional Stock Assessment Workshop). However, while overall fishing mortality is very low, the resource is fully exploited in the Gulf of Maine. Despite current overall stock size, there appears to be sufficient harvesting capacity to warrant not only concern about excess harvesting capacity entering this fishery in all proposed management areas, but concern over the impact of increased fishing effort in proposed Management Area 1A, where most herring catches have been taken for the last 20 years. The FMP proposes a TAC of 45,000 metric tons (mt) for Management Area 1A for fishing year 1999 and the Council has proposed no change in this level for fishing year 2000. Landings in 1996 and 1997 from this area exceeded 70,000 mt. Catches in 1998 did not exceed the proposed TAC, but clearly the capacity to exceed the TAC exists. Subsequently, a limitation on entry into the herring fishery in the inshore Gulf of Maine (proposed Management Area 1A) may be implemented prior to a controlled access system being implemented for other herring management areas.

The Council is considering development of a controlled access system in the Atlantic herring fishery to address the principle of matching capacity to sustainable harvest level. The Council recognizes there may be room for an increase in fishing effort in some of the proposed management areas but is concerned over the impact of increasing fishing effort in the inshore Gulf of Maine proposed Management Area 1A. Therefore, the Council may consider a system that will control increases in fishing effort in proposed Management Area 1A while potentially allowing some additional fishing effort in proposed Management Areas 1B, 2 and 3, or in other management areas that may be developed. The limitation on entry into the fishery in proposed Management Area 1A, or any other proposed management area that may be developed, may be based on levels of participation or other criteria such as domestic harvest capacity. These limitations on entry may also be implemented prior to implementation of a controlled access system for the entire herring fishery. If a controlled access system is implemented, fishery participants may need to preserve records that substantiate and verify their participation in the Atlantic herring fishery in Federal waters. This announcement, therefore, gives the public notification that interested participants should locate and preserve records that substantiate and verify their participation in the Atlantic herring fishery in Federal waters.

The control date is intended to discourage speculative entry into the Atlantic herring fishery, particularly in the inshore Gulf of Maine, while controlled access schemes are developed by the Council. Any scheme for controlling access may treat participants differently based on conditions in, and criteria to be established for, different herring management areas. Existing domestic harvesting capacity within fisheries of the Northeast Region of the NMFS prior to the control date may also be treated differently from new capacity. The control date will help to distinguish established participants from speculative entrants to the fishery. Although participants are notified that entering the fishery after the control date will not assure them of future access to the Atlantic herring resource on the grounds of previous participation, additional and/or other qualifying criteria may also be applied. The Council and NMFS may choose different and variably weighted methods to qualify participants, based on the type and length of participation in the fishery.

This notification establishes September 16, 1999 as the control date for potential use in determining historical or traditional participation in the Atlantic herring fishery. Consideration of a control date does not commit the Council or NMFS to any particular management scheme or criteria for entry into the Atlantic herring fishery. This notification does not prevent any other control date for eligibility in the fishery, or any other method of controlling access and/or fishing effort, from being proposed and implemented. The Council and NMFS may choose a different control date or may choose a management scheme that does not make use of such a date. Participants who enter the herring fishery on or after the control date may be treated differently than those with a history in the herring fishery prior to the control date. Fishermen are not guaranteed future participation in the fishery, regardless of their entry date or intensity of participation in the fishery before or after the control date. The Council and NMFS may choose to give variably weighted consideration to fishermen active in the fishery before and after the control date. The Council and NMFS may also choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded. Any action by the Council and NMFS will be taken pursuant to the requirements for FMP

development established under the Magnuson-Stevens Act.

This control date notification has been determined to be not significant under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 10, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24198 Filed 9–15–99; 8:45 am]

BILLING CODE 3510–22–F

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Notices

Federal Register
Vol. 64, No. 179
Thursday, September 16, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on the following information collections for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by November 15, 1999.

FOR FURTHER INFORMATION CONTACT: F. Lamont Heppe, Jr., Program Development & Regulatory Analysis, Rural Utilities Service, USDA, 1400 Independence Ave., SW., STOP 1522, Room 4034 South Building, Washington, D.C. 20250–1522. Telephone: (202) 720–0736. FAX: (202) 720–4120.

SUPPLEMENTARY INFORMATION:

The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collections that RUS plans to submit to OMB for reinstatement.

Comments are invited on (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms of information technology. Comments may be sent to F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Stop 1522, Room 4034 South Building, Washington, D.C. 20250–1522.

- *Title:* Prospective Large Power Service.

OMB Control Number: 0572–0001.

Type of Request: Reinstatement without change of a previously approved information collection.

Abstract: The Rural Utilities Service (RUS) makes mortgage loans and loan guarantees to electric systems to provide and improve electric service in rural areas pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*) (RE Act). RUS electric borrowers often enter into special contracts with commercial and industrial consumers for the retail sale of electricity. These contracts typically require extensions to the borrower's electric system which may be financed with RUS loan funds, debt financing from another source, the borrower's own funds, sometimes called general funds, and/or funds provided by the consumer.

RUS review of these contracts is intended to protect the interests of the government as a secured lender and to foster the purposes of the RE Act. RUS Form 170, Prospective Large Power Service, provides RUS with information needed for this review. RUS published a final rule December 29, 1995, at 60 FR 67395, that significantly reduces the number of retail contracts that require RUS approval.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 4 hours per response.

Respondents: Small cooperatives or similar organizations.

Estimated Number of Respondents: 5.

Estimated Number of Responses per Respondent: 1.

Estimate Total Annual Burden on Respondents: 5.

- *Title:* Lien Accommodations and Subordinations.

OMB Control Number: 0572–0100.

Type of Request: Reinstatement without change of a previously approved information collection.

Abstract: The Rural Electrification Act of 1936, as amended (7 U.S.C., *et seq.*,) (RE Act) authorized and empowers the Administrator of the Rural Utilities Service to make loans in the several States and Territories of the United States for rural electrification and the furnishing of electric energy to persons in rural areas who are not receiving central station service. The RE Act also authorizes and empowers the Administrator of RUS to provide financial assistance to borrowers for purposes provided in the RE Act by accommodating or subordinating loans made by the National Rural Utilities Cooperative Finance Corporation, the Federal Financing Bank, and other lending agencies.

Title 7 Part 1717, subparts R and S, sets forth policy and procedure to facilitate and support borrowers' efforts to obtain private sector financing of their capital needs, to allow borrowers greater flexibility in the management of their business affairs without compromising RUS loan security, and to reduce the cost to borrowers, in terms of time, expense and paperwork, of obtaining lien accommodations and subordinations.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.60 hours per response.

Respondents: Small cooperatives or similar organizations.

Estimated Number of Respondents: 20.

Estimated Number of Responses per Respondent: 2.90.

Estimated Total Annual Burden on Respondents: 93 hours.

- *Title:* Request for Approval to Sell Capital Assets.

OMB Control Number: 0572–0020.

Type of Request: Reinstatement without change of a previously approved information collection.

Abstract: A borrower's assets provide the security for a Government loan. The selling of assets reduces the security and increases the risk to the Government. RUS Form 369 allows the borrower to seek agency permission to sell some of its assets. The form collects detailed information regarding the proposed sale of a portion of the borrower's systems.

RUS electric utility borrowers complete this form to request RUS approval in order to sell capital assets when the fair market value exceeds 10 percent of the borrower's net utility plant.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 hours per response.

Respondents: Small cooperatives or similar organizations.

Estimated Number of Respondents: 5.

Estimated Number of Responses per Respondent: 1.

Estimate Total Annual Burden on Respondents: 15.

Copies of these information collections, and related forms and instructions, can be obtained from Bob Turner, Program Development and Regulatory Analysis, at (202) 720–0696.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: September 10, 1999.

Wally Beyer,

Administrator, Rural Utilities Service.

[FR Doc. 99–24186 Filed 9–15–99; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Municipal Interest Rates for the Fourth Quarter of 1999

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of municipal interest rates on advances from insured electric loans for the fourth quarter of 1999.

SUMMARY: The Rural Utilities Service hereby announces the interest rates for advances on municipal rate loans with interest rate terms beginning during the fourth calendar quarter of 1999.

DATES: These interest rates are effective for interest rate terms that commence during the period beginning October 1, 1999, and ending December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Carolyn Dotson, Loan Funds Control Assistant, U.S. Department of Agriculture, Rural Utilities Service, Room 0227–S, Stop 1524, 1400 Independence Avenue, SW, Washington, DC 20250–1500. Telephone: 202–720–1928. FAX: 202–690–2268. E-mail: CDotson@rus.usda.gov.

SUPPLEMENTARY INFORMATION: The Rural Utilities Service (RUS) hereby announces the interest rates on advances made during the fourth calendar quarter of 1999 for municipal rate electric loans. RUS regulations at § 1714.4 state that each advance of funds on a municipal rate loan shall bear interest at a single rate for each interest rate term. Pursuant to § 1714.5, the interest rates on these advances are based on indexes published in the "Bond Buyer" for the four weeks prior to the fourth Friday of the last month before the beginning of the quarter. The rate for interest rate terms of 20 years or longer is the average of the 20 year rates published in the Bond Buyer in the four weeks specified in § 1714.5(d). The rate for terms of less than 20 years is the average of the rates published in the Bond Buyer for the same four weeks in the table of "Municipal Market Data—General Obligation Yields" or the successor to this table. No interest rate may exceed the interest rate for Water and Waste Disposal loans.

The table of Municipal Market Data includes only rates for securities maturing in 1999 and at 5 year intervals thereafter. The rates published by RUS reflect the average rates for the years shown in the Municipal Market Data table. Rates for interest rate terms ending in intervening years are a linear interpolation based the average of the rates published in the Bond Buyer. All rates are adjusted to the nearest one eighth of one percent (0.125 percent) as required under § 1714.5(a). The market interest rate on Water and Waste Disposal loans for this quarter is 5.500 percent.

In accordance with § 1714.5, the interest rates are established as shown in the following table for all interest rate terms that begin at any time during the fourth calendar quarter of 1999.

Interest rate term ends in (year)	RUS rate (0.000 percent)
2020 or later	5.500
2019	5.500
2018	5.500
2017	5.500
2016	5.500
2015	5.500
2014	5.375
2013	5.375
2012	5.250
2011	5.250
2010	5.125
2009	5.000
2008	4.875
2007	4.875
2006	4.750
2005	4.625
2004	4.500
2003	4.250
2002	4.125
2001	3.875
2000	3.625

Dated: September 31, 1999.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 99–24187 Filed 9–15–99; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of Professional Associations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), we are giving notice of a meeting of the Census Advisory Committee of Professional Associations.

The Committee is composed of 36 members appointed by the Presidents of the American Economic Association, the American Statistical Association, the Population Association of America, and the Chairperson of the Board of the American Marketing Association. The Committee advises the Director, Bureau of the Census, on the full range of Census Bureau programs and activities in relation to their areas of expertise.

DATES: The meeting will convene on October 21–22, 1999. On October 21, the meeting will begin at 9 a.m. and adjourn at 4:15 p.m. On October 22, the meeting will begin at 9 a.m. and adjourn at 12:30 p.m.

ADDRESSES: The meeting will take place at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA, 22202.

FOR FURTHER INFORMATION CONTACT: Census Bureau Committee Liaison Officer, Ms. Maxine Anderson-Brown, Room 1647, Federal Building 3, Washington, DC 20233. Her phone number is 301–457–2308, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The agenda for the meeting on October 21, which will begin at 9 a.m. and adjourn at 4:15 p.m., is the following:

- Introductory Remarks by the Director, Bureau of the Census.
- Census Bureau Responses to Committee Recommendations.
- Census 2000 Developments and Evaluation Plans.
- Redesigning the Service Sector Statistics Program.
- Research Priorities Regarding Estimation in the American Community Survey.
- Medical Expenditures Panel Survey.

- Marketing the American Community Survey.
- Status of Standard Statistical Establishment List versus Business Establishment List (Comparison).
- Census 2000 Advertising Developments and Evaluation Plans.
- E–Business: Definitions, Concepts, Measurement Issues, and Collection Plans.
- Census 2000 Master Address File Development and Evaluation Plans.
- Racial Data in the Public Law 94–171 Program Files.

The agenda for the meeting on October 22, which will begin at 9 a.m. and adjourn at 12:30 p.m., is the following:

- Chief Economist Update.
- How Can We Best Get Across Our Recruiting Message?
- Expansion of Administrative Records Uses at the Census Bureau: A Long Range Research Plan.
- Develop Recommendations and Special Interest Activities.
- Closing Session.

The meeting is open to the public, and a brief period is set aside, during the closing session, for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer. Individuals wishing additional information or minutes regarding this meeting may contact the Liaison Officer as well. Her address and phone number are identified above.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Census Bureau Committee Liaison Officer.

Dated: September 9, 1999.

Kenneth Prewitt,

Director, Bureau of the Census.

[FR Doc. 99–24101 Filed 9–15–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–506]

Final Results of Expedited Sunset Review: Porcelain-on-Steel Cooking Ware From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of final results of expedited sunset review: porcelain-on-steel cooking ware from the People's Republic of China.

SUMMARY: On February 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping order on porcelain-on-steel ("POS") cooking ware from the People's Republic of China ("China") pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate and adequate substantive response filed on behalf of a domestic interested party, and inadequate response (in this case, no response) from respondent interested parties, the Department is conducting an expedited review. As a result of this review, the Department finds that revocation of the antidumping order would be likely to lead to continuation or recurrence of dumping at the level indicated in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. and Constitution Ave., NW, Washington, DC 20230; telephone (202) 482–5050 or (202) 482–1560, respectively.

EFFECTIVE DATE: September 16, 1999.

Statute and Regulations

This review is conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*"). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin.*")

Scope

Imports covered by this order are shipments of POS cooking ware from China, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. The merchandise is currently classifiable under the Harmonized Tariff Schedule (HTS) item 7323.94.00. The HTS subheading is provided for convenience and U.S. Customs purposes. The written description remains dispositive.

In response to a request from CGS International, on January 30, 1991, the Department, clarified that high quality, hand finished cookware, including the small basin, medium basin, large basin, small colander, large colander, 8″ bowl, 6″ bowl, mugs, ash tray, napkin rings, utensil holder and utensils, ladle, cream & sugar, and mixing bowls are properly considered kitchen ware and are therefore, outside the scope of the order. Further, the Department clarified that CGS International's casserole, 12-cup coffee pot, 6-cup coffee pot, roasting pan, oval roaster, and butter warmer are within the scope of the order (*see Notice of Scope Rulings*, 56 FR 19833 (April 30, 1991)).

In response to a request from Texsport, on August 8, 1990, the Department determined that camping sets, with the exception of the cups and plates included in those sets, are within the scope of the order (*see Notice of Scope Rulings*, 55 FR 43020 (October 25, 1990)).

History of the Order

On October 10, 1986, the Department issued a final determination of sales at less-than-fair value on imports of POS cooking ware from China.[1] The antidumping duty order on POS cooking ware from China was issued by the Department on December 2, 1986.[2] In the Department's investigation of the subject merchandise a dumping margin of 66.65 percent was assigned to China National Light Industrial Products Imports and Export Corporation. In addition an "all others" rate of 66.65 percent was assigned. The Department has conducted several administrative reviews since the issuance of this order.[3]

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[1] *See Porcelain-on-Steel Cooking Ware from the People's Republic of China; Final Determination of Sales at Less-Than-Fair Value*, 51 FR 36419 (October 10, 1986).

[2] *See Porcelain-on-Steel Cooking Ware from the People's Republic of China; Antidumping Duty Order*; 51 FR 43414 (December 2, 1986).

[3] *See Porcelain-on-Steel Cooking Ware from the People's Republic of China; Final Results of Antidumping Duty Administrative Review*, 55 FR 46850 (November 7, 1990); *Porcelain-on-Steel Cooking Ware from the People's Republic of China; Final Results of Antidumping Duty Administrative Review*, 55 FR 11632 (March 29, 1990); *Porcelain-on-Steel Cooking Ware from the People's Republic of China; Final Results of Antidumping Duty Administrative Review*, 56 FR 55891 (October 30, 1991); *Porcelain-on-Steel Cooking Ware from the People's Republic of China; Final Results of Antidumping Duty Administrative Review*, 57 FR 30717 (July 10, 1992); *Porcelain-on-Steel Cooking Ware from the People's Republic of China; Final Results of Antidumping Duty Administrative Review*, 62 FR 32757 (June 17, 1997); *Porcelain-on-Steel Cooking Ware from the People's Republic of China; Final Results of Antidumping Duty Administrative Review*, 62 FR 54825 (October 22,

Continued

The antidumping duty order remains in effect for all producers and exporters of the subject merchandise.

Background

On February 1, 1999, the Department initiated a sunset review of the antidumping duty order on POS cooking ware from China pursuant to section 751(c) of the Act. On February 16, 1999 we received a Notice of Intent to Participate on behalf of a domestic interested party, Columbian Home Products, LLC ("CHP"), within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. On March 3, 1999, the Department received a complete substantive response from CHP within the deadline specified in section 351.218(d)(3)(i) of the *Sunset Regulations*. CHP claimed interested party status under section 771(9)(C) of the Act, as a U.S. producer of POS cooking ware. CHP asserts that it is the sole domestic producer of POS cooking ware.

We did not receive any response from respondent interested parties to this proceeding. As a result, and in accordance with our regulations (19 CFR 351.218(e)(1)(ii)(C)(*2*)) we are conducting an expedited review.

On June 7, 1999. the Department determined that the sunset review of the antidumping duty order on POS cooking ware from China is extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.* an order in effect on January 1, 1995). (*See* section 751)(c)(6)(C) of the Act). In accordance with section 751(c)(5)(B) of the Act, the Department extended the time limit for completion of final results of this review until no later than August 30, 1999.[4]

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether revocation of the antidumping order would be likely to lead to continuation or recurrence of dumping. Section 752(c)(1) of the Act provides that, in making this determination, the Department shall consider the weighted-average dumping margins determined in the investigation and subsequent reviews and the volume of imports of the subject merchandise for the period before and the period after the issuance of the antidumping order. Pursuant to section 752(c)(3) of the Act, the Department shall provide to the International Trade Commission ("the Commission") the magnitude of the margin of dumping likely to prevail if the order is revoked.

The Department's determinations concerning continuation or recurrence of dumping and magnitude of the margin are discussed below. In addition, CHP's comments with respect to the continuation or recurrence of dumping and the magnitude of the margin are addressed within the respective sections below.

Continuation or Recurrence of Dumping

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act ("URAA"), specifically the Statement of Administrative Action ("the SAA"), H.R. Doc. No. 103–316, vol. 1 (1994), the House Report, H.R. Rep. No. 103–826, pt.1 (1994), and the Senate Report, S. Rep. No. 103–412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the basis for likelihood determinations. The Department clarified that determinations of likelihood will be made on an order-wide basis (*see* section II.A.2 of the *Sunset Policy Bulletin*). Additionally, the Department normally will determine that revocation of an antidumping order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly (*see* section II.A.3 of the *Sunset Policy Bulletin*).

In addition to considering the guidance on likelihood cited above, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of an order is likely to lead to continuation or recurrence of dumping where a respondent interested party waives its participation in the sunset review. In the instant review, the Department did not receive a response from any respondent interested party. Pursuant to section 351.218(d)(2)(iii) of the *Sunset Regulations*, this constitutes a waiver of participation.

In its substantive response, CHP argues that dumping would be likely to continue or recur if the antidumping duty order on POS cooking ware from China were revoked. CHP argues that the relationship between dumping margins and import volumes strongly suggests that dumping will continue at significant margins if the order were revoked.

CHP asserts that in the seven administrative reviews completed by the Department, dumping margins have consistently been above *de minimis*. Further, CHP argues that with few exceptions, the margins determined for Chinese exporters in the administrative reviews have remained at 66.65 percent—the rate determined in the original investigation.

With respect to imports of the subject merchandise from China, CHP asserts that imports decreased immediately after the issuance of the order, from 1.8 million units in 1985 to 0.4 million units in 1987. CHP states that imports have been increasing in recent years but argues that only in 1993 and 1996 did imports exceed the 1985 pre-order level of imports. Finally, CHP argues that imports decreased significantly in 1997 and 1998.

In conclusion, CHP argues that a decrease in import volume after the issuance of the order, coupled with the continuation of dumping margins above *de minimis* levels, is probative that producers and exporters of POS cooking ware from China will continue to dump if the order were revoked. Therefore, CHP argues that the Department should determine that there is a likelihood of the continuation of dumping of POS cooking ware from China if the order were to be revoked.

As discussed in section II.A.3 of the *Sunset Policy Bulletin*, the SAA at 890, and the House Report at 63–64, existence of dumping margins after the order is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an order in place, the Department may reasonably infer that dumping would continue if the discipline of the order were revoked. A dumping margin above de minimis continues to exist for shipments of the subject merchandise from China National Light Industrial Products Imports and Export Corporation. Therefore, given that dumping above *de minimis* has continued over the life of the order, that respondent interested parties waived their right to participate in the instant review, and absent argument and evidence to the contrary, the Department determines that dumping would likely continue if the

1997); and *Porcelain-on-Steel Cooking Ware from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 63 FR 27262 (May 18, 1998).

[4] *See Notice of Extension of Time Limit for Final Results of Five-Year ("Sunset") Reviews*, 64 FR 30305 (June 7, 1999).

order were revoked for POS cooking ware from China.

Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department stated that, consistent with the SAA and House Report, the Department will provide to the Commission the company-specific margin from the investigation because that is the only calculated rate that reflects the behavior of exporters without the discipline of an order. Further, for companies not specifically investigated, or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the all others rate from the investigation. (*See* section II.B.1 of the *Sunset Policy Bulletin*.) Exceptions to this policy include the use of a more recently calculated margin, where appropriate, and consideration of duty absorption determinations. (*See* sections II.B.2 and 3 of the *Sunset Policy Bulletin*.) We note that, to date, we have not issued any duty absorption finding in this case.

In its substantive response, CHP urges the Department to follow the guidance of the SAA and its stated policy and provide the Commission margins from the original investigation of 66.65 percent for China National Light Industrial Products Import and Export Corporation and the PRC-wide rate of 66.65 percent.

We agree with CHP's assertion that we should report to the Commission the rate from the original investigation. As noted in the Department's *Sunset Policy Bulletin*, margins from the original investigation are the only calculated rates that reflect the behavior of exporters without the discipline of the order in place. The Department, in this case, finds this rate is the most probative of the behavior of this company if the finding were revoked absent information and argument to the contrary. Therefore, we will report to the Commission the margins contained in the *Final Results of Review* of this notice.

Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping order would be likely to lead to continuation or recurrence of dumping at the levels indicated below.

Manufacturer/exporter	Margin (percent)
China National Light Industrial Products/Import and Export Corporation	66.65
Country-wide rate	66.65

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 27, 1999.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24195 Filed 9–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–833]

Stainless Steel Bar From Japan: Final Results of Changed-Circumstances Review, and Revocation of Order In Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of changed-circumstances review and revocation of order in part.

SUMMARY: On August 6, 1999, the Department of Commerce published a notice of initiation and preliminary results of a changed-circumstances review and intent to revoke order in part of the antidumping duty order on stainless steel bar from Japan.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. We are now revoking this order in part based on the fact that domestic parties support the request of Tohoku Steel Co., Ltd. for a changed-circumstances review and revocation in part of the order with regard to K–M35FL steel bar.

EFFECTIVE DATE: September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Minoo Hatten or Robin Gray, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–1690 or (202) 482–4023, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 17, 1999, Tohoku Steel Co., Ltd. (Tohoku) requested that the Department of Commerce (the Department) conduct a changed-circumstances review to determine whether to revoke the antidumping duty order in part with regard to K–M35FL steel bar, which is currently covered by the scope of the order. Tohoku stated that the leaded steel product in question is not produced in commercial quantities in the United States. With its June 17, 1999, submission, Tohoku included a letter from the petitioners (Al Tech Specialty Steel Corp., Dunkirk, NY, Carpenter Technology Corp., Reading, PA, Republic Engineered Steels, Inc., Massillon, OH, Slater Steels Corp., Fort Wayne, IN, Talley Metals Technology, Inc., Hartsville, SC, and the United Steel Workers of America, AFL–CIO/CLC) agreeing to Tohoku's request to have K–M35FL steel bar excluded from the scope of the antidumping duty order on stainless steel bar from Japan.

We preliminarily determined that the statement of support from the domestic interested party constituted changed circumstances sufficient to warrant revocation in part of this order. Consequently, on August 6, 1999, we published a notice of initiation and preliminary results of a changed-circumstances review and intent to revoke order in part (64 FR 42920).

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1998).

Scope of Review

The products covered by this changed-circumstances review are imports of K–M35FL steel bar manufactured by Tohoku and exported from Japan.

The scope of the order covers stainless steel bar (SSB). For purposes of this order, the term SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals,

rectangles (including squares), triangles, hexagons, octagons or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut-length flat-rolled products (*i.e.*, cut-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to this order is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Final Results of Changed Circumstances Review and Revocation of Order in Part

Pursuant to section 751(d)(1) of the Act, the Department may partially revoke an antidumping duty order based on a review under section 751(b) of the Act (*i.e.*, a changed-circumstances review). Section 751(b)(1) of the Act requires a changed-circumstances review to be conducted upon receipt of a request containing information concerning changed circumstances sufficient to warrant a review.

The Department's regulations at 19 CFR 351.216 provide that the Department will conduct a changed-circumstances review based upon "changed circumstances sufficient to warrant a review". Section 782(h) of the Act and 19 CFR 351.222(g)(1)(i) provide further that the Department may revoke an order, or revoke an order in part, if it determines that the order (or part of the order) under review is no longer of interest to domestic interested parties.

Based on the fact that no other domestic interested parties have objected to the position taken by the petitioners that they have no further interest in the application of the order to imports of K–M35FL steel bar from Japan, we have determined that there are changed circumstances sufficient to warrant revocation of the order in part. Therefore, the Department is revoking in part the antidumping duty order on stainless steel bar from Japan, in accordance with sections 751(b) and 782(h) of the Act and 19 CFR 351.222(g)(1)(i). This partial revocation will apply to all entries of K–M35FL from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this changed circumstances review.

The Department will instruct the Customs Service to cease suspension of liquidation and collection of cash deposits on entries of K–M35FL from Japan entered, or withdrawn from the warehouse, for consumption on or after the publication date of the final results of this changed circumstances review. Additionally, the Department will instruct the Customs Service to proceed with liquidation, without regard to antidumping duties, and to refund with interest any estimated duties collected with respect to unliquidated entries of K–M35FL from Japan or withdrawn from warehouse for consumption on or after the publication date of the final results of this changed-circumstances review, in accordance with section 778 of the Act.

We are issuing and publishing this determination and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.222.

Dated: September 10, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24194 Filed 9–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090799F]

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Committee Chairpersons will hold a public meeting.

DATES: The meeting will be held on Thursday, September 30, 1999, from 8:30 a.m. until 5:00 p.m.

ADDRESSES: This meeting will be held at the Sheraton International Hotel at BWI Airport, 7032 Elm Road, Baltimore, MD; telephone: 410–859–3300.

Council address: Mid-Atlantic Fishery Management Council, Room 2115, 300 S. New Street, Dover, DE 19904.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to develop the annual work plan for year 2000 and to address the enhanced and expanded use of Industry Advisory Panels.

Although other issues not contained in this agenda may come before the Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, such issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council Office (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: September 10, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24197 Filed 9–15–99; 8:45 am]

BILLING CODE 3510–22–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Availability of Funds for Technical and Administrative Support for the President's Service Scholarship Program

AGENCY: Corporation for National and Community Service.

ACTION: Notice of availability of funds.

SUMMARY: The Corporation for National Service (hereinafter the "Corporation") announces the availability of up to $400,000 annually over a three year period to provide technical and administrative support for the President's Student Service Scholarship Program. The program provides recognition and a scholarship to high school juniors and seniors engaged in outstanding community service. Students selected for recognition receive a locally funded scholarship, matched

or supplemented with federal funds provided by the Corporation. All U.S. high schools are eligible to nominate Scholarship recipients.

The Scholarship Program is entering its fourth year and, to date, over 8,000 scholarships have been awarded. In addition to the scholarship winners nominated by high schools, a new agreement has been entered into with a major national non-profit membership organization to provide a substantial number of scholarships to eligible and deserving youth nominated through that organization. The Corporation's goal in the President's Student Service Scholarships is to highlight the outstanding community service performed by high school students across the country, to recognize the particularly noteworthy service accomplishments of outstanding young individuals, and to assist those individuals in pursuing higher education.

As part of this effort, the Corporation is interested in selecting an organization to provide administrative and technical support related to the continuation of this program. The successful applicant will implement current program design, conduct outreach and promote the program, solicit input from interested nonprofit organizations with relevant expertise, work with local schools and other organizations to carry out the program, and provide the administrative and technical support necessary to accomplish the objectives described above. Applicants may use subgrants or other means to fulfill these obligations, provided plans for interactions with subgrantees/subcontractors are described in the application.

DATES: The deadline for submission of applications is October 25, 1999. Applications must be received by the Corporation no later than 3:00 p.m. Eastern Standard Time on that date.

ADDRESSES: Applications must be addressed to: Corporation for National Service, 1201 New York Avenue NW, Eighth Floor, Washington, D.C. 20525. Attention: Katharine Delo. Applications may not be submitted by facsimile.

FOR FURTHER INFORMATION CONTACT: For further information, contact Bruce Cline at (202) 606–5000, ext. 440. This notice may be requested in an alternative format for the visually impaired by calling (202) 606–5000, ext. 260. The Corporation's T.D.D. number is (202) 565–2799.

SUPPLEMENTARY INFORMATION:

Background

The Corporation is a federal government corporation that encourages Americans of all ages and backgrounds to engage in community-based service. This service addresses the nation's educational, public safety, environmental and other human needs to achieve direct and demonstrable results. In doing so, the Corporation fosters civic responsibility, strengthens the ties that bind us together as a people, and provides educational opportunity for those who make a substantial commitment to service.

Pursuant to the National and Community Service Act of 1990, as amended, 42 U.S.C. sec. 12501, *et seq.* (the Act), the Corporation may "support innovative and model programs." Under this authority, the Corporation conducts a President's Student Service Scholarship Program recognizing high school juniors and seniors for outstanding service in their communities and providing modest scholarship support in recognition of such service.

Through this notice, the Corporation invites proposals from interested applicants to continue the implementation of the program. An outline of the program and the expectations of performance are provided below.

Purpose and Design of the President's Student Service Scholarship Program

The purpose of this program is to highlight the outstanding community service performed by high school students across the country, to recognize the particularly noteworthy service accomplishments of outstanding young individuals, and to assist those individuals in pursuing higher education.

The President's Student Service Scholarship program is implemented by local schools, communities, and community-based organizations across the country according to the following guidelines and procedures:

(1) Each high school or national youth-serving organization should designate one junior and one senior whose volunteer activities demonstrate sustained effort over a period of no less than one year, an effort of at least 100 hours in one year, and significant impact in meeting the needs of the local community.

(2) The awarding of the scholarship should be made by a local organization in recognition of the individuals' community service in accordance with procedures that are equitable and provide the opportunity for consideration of all eligible candidates.

(3) This program may be connected with service-learning programs of the school district.

(4) The selection process should be strictly non-partisan and non-political.

(5) The scholarship recipient should be acknowledged by the community and school in an appropriate fashion, such as at a high school graduation awards ceremony.

(6) The local portion of the scholarship should be provided by private funding sources, and shall be a minimum of $500.

While payment of the scholarship may be made separately by the Corporation and the private organization(s), the President's Student Service Scholarship exists for the sole purpose of contributing to paying the cost of a student's higher education. The matching amount provided by the Corporation will be paid directly to an institution of higher education, in the name of the student.

Eligible Applicants

To be eligible, applicants must be a non-profit organization or educational institution. Pursuant to the Lobbying Disclosure Act of 1995, an organization described in section 501(c)(4) of the Internal Revenue Code of 1986, 26 U.S.C. 501(c)(4), which engages in lobbying activities, is not eligible.

Required Activities of the Successful Applicant

The organization selected will:

(1) Follow and fulfill the program design approved by the Corporation;

(2) Publicize the program through media and events to local school districts, state agencies, and other affected parties through their own efforts or through partnerships with appropriate agencies with the goal of increasing the utilization of available funds;

(3) Submit a thorough annual report;

(4) Provide monthly updates on activities including status of awards and number of awards made, outreach, etc.;

(5) In high-activity periods, provide weekly updates;

(6) Create and maintain a database of all applicants that is sortable, searchable and accessible (must be accessible by the Corporation);

(7) Develop and maintain a separate website specifically for the President's Student Service Scholarships, the website should contain detailed information necessary to answer most questions about the program—the website should also serve as a marketing and outreach tool and should be developed accordingly;

(8) Set up and staff a toll free number for inquiries related to the program;

(9) Work closely with Corporation liaison;

(10) Work closely with all streams of national service;

(11) Provide administrative and technical support to the Corporation at all phases of the program;

(12) Send representatives to Corporation-sponsored training events;

(13) Respond to inquiries from all parties in timely fashion.

Corporation Involvement

Substantial involvement is expected between the Corporation and the successful applicant when carrying out the program. Corporation staff may make substantial changes to the requirements or operation of the program, as needed. The cooperative agreement party is expected to work with other Corporation departments, contractors, and others to market the program and ensure that the program maintains alignment with Corporation goals. The Corporation provides sufficient staff to support this effort and to oversee the provision of Corporation funds. The applicant must keep relevant Corporation staff informed of its activities; work with Corporation staff during development, delivery and assessment of services provided; and attend meetings/conferences at the Corporation's request.

Project Duration

The Corporation anticipates entering into a cooperative agreement covering a project period of approximately three years, with annual renewal based on performance, need, and the availability of funds at the discretion of the Corporation.

Overview of Application Requirements

The application should include a narrative section describing the organization's background and capacity to provide the technical and administrative support for this program, a narrative project plan, an implementation timeline, a staffing plan, and a certification that it will comply with all conditions attendant on the receipt of federal funding. The application may be no longer than 20 single-sided pages double-spaced in 12 point font.

Initially all applications will be reviewed to confirm that the applicant is an eligible recipient and to ensure that the application contains the information required. The Corporation will assess applications based on the criteria listed below (in descending order of importance):

(1) Quality
(2) Organizational Capacity
(3) Proposed Costs

The Corporation reserves the right to request additional written information from applicants subsequent to the submission of initial applications.

Dated: September 10, 1999.

Thomas L. Bryant,

Associate General Counsel.

[FR Doc. 99–24160 Filed 9–15–99; 8:45 am]

BILLING CODE 6050–28–U

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Environmental Impact Statement for Improved Ordnance Storage for Marine Corps Air Station Yuma, Arizona

AGENCY: Department of the Navy, DOD.

ACTION: Notice of correction.

SUMMARY: Due to an incorrect zip code, an extension of the comment period has been given for the Environmental Impact Statement for Improved Ordnance Storage for Marine Corps Air Station Yuma, Arizona.

DATES: Comment period extended to September 30, 1999.

ADDRESSES: Building #888, Box 99140, Marine Corps Air Station Yuma, Arizona.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Samrah, Planning Supervisor, Bldg #888, Box 99140, Marine Corps Air Station Yuma, Arizona 85369–9140.

Dated: September 13, 1999.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 99–24180 Filed 9–15–99; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Final Supplement Analysis: Pit Manufacturing Facilities at Los Alamos National Laboratory, Stockpile Stewardship and Management Programmatic Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the availability of the "Final Supplement Analysis: Pit Manufacturing Facilities at Los Alamos National Laboratory, Stockpile Stewardship and Management Programmatic Environmental Impact Statement (SSM PEIS)," DOE/EIS–0236/SA–6. The Final Supplement Analysis includes a determination that no further National Environmental Policy Act (NEPA) analysis is needed.

ADDRESSES: To obtain a copy of the Final Supplement Analysis, contact: Corey Cruz, Division Director, U.S. DOE, Albuquerque Operations Office, Nuclear Programs Division (NPD), PO Box 5400, Albuquerque, NM 87185–5400.

The Final Supplement Analysis will be available under the NEPA Analyses Module of the DOE NEPA Web Site at http://tis.eh.doe.gov/nepa/.

FOR FURTHER INFORMATION CONTACT: For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, EH–42, Director, Office of NEPA Policy and Assistance, Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585.

Ms. Borgstrom may be contacted by calling (202) 586–4600 or by leaving a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION: The Final Supplement Analysis was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. 4321 *et seq.*], the Council on Environmental Quality NEPA regulations [40 CFR Parts 1500–1508], and the DOE NEPA regulations [10 CFR Part 1021]. DOE prepared the Supplement Analysis in compliance with the Memorandum Opinion and Order issued by the United States District Court for the District of Columbia in *Natural Resources Defense Council* v. *Richardson*, (CA 97–0936(SS)). The Supplement Analysis examines issues related to the plausibility of seismic activity, fire, and sabotage at facilities at Los Alamos National Laboratory.

The Final Supplement Analysis is available for public review and copying at the following three locations:

University of New Mexico, Zimmerman Library, Government Information Department, Reading Room, Albuquerque, NM, (505) 277–8960.

Los Alamos National Laboratory Community Relations Office, 1619 Central Avenue, Los Alamos, New Mexico, (505) 615–0816.

U.S. Department of Energy, Freedom of Information Reading Room, Room 1E–190, 1000 Independence Ave, SW, Washington, DC, (202) 586–3142.

The Department prepared a Draft Supplement Analysis and issued it for public review and comment on July 1, 1999 (64 FR 35635). The comment period closed on August 2, 1999. The Department considered and responded to the comments received, revised the Draft Supplement Analysis, and is

issuing a Final Supplement Analysis. The Department considered the information and analyses in the Final Supplement Analysis and made a determination that the SSM PEIS need not be supplemented nor a new SSM PEIS be prepared.

Signed in Washington, DC, this 3rd day of September 1999, for the United States Department of Energy.

Thomas F. Gioconda,

Brigadier General, USAF, Acting Assistant Secretary for Defense Programs.

[FR Doc. 99–24163 Filed 9–15–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Floodplain and Wetlands Involvement for the Oak Ridge National Laboratory Fire Protection Systems Upgrade, Oak Ridge, Tennessee

AGENCY: Office of Science, DOE.

ACTION: Notice of Floodplain and Wetlands Involvement.

SUMMARY: The U.S. Department of Energy (DOE) is proposing to upgrade the fire suppression and life safety systems in selected facilities at the Oak Ridge National Laboratory (ORNL). Fire suppression and life safety systems in these facilities are over 30 years old, obsolete, and do not provide adequate fire protection for personnel, equipment, and research activities. The installation of belowground waterlines would include disturbances of two small wetland areas and the 100-year floodplain of White Oak Creek (WOC). In accordance with 10 CFR Part 1022, DOE will prepare a floodplain and wetlands assessment which will assess impacts to these resources and consider practicable alternatives to locating the action in the floodplain and wetlands. This proposed action will be performed in a manner so as to avoid or minimize potential harm to or within the affected floodplain and wetlands.

DATES: Comments are due to the address below no later than October 1, 1999.

ADDRESSES: Comments should be addressed to Mr. Stanley Frey, Capital Asset Program Manager, U.S. Department of Energy, Post Office Box 2008, Oak Ridge, Tennessee 37831–6269. Comments may be faxed to (423) 574–9275.

FOR FURTHER INFORMATION ON THIS PROPOSED ACTION, CONTACT: Stanley D. Frey, U.S. Department of Energy, Post Office Box 2008, Oak Ridge, TN 37831–6269, (423) 576–0136.

FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN/WETLAND ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: The DOE is conducting response actions at its ORNL Oak Ridge Site under the direction of the DOE Office of Science. ORNL is located on the DOE Oak Ridge Reservation in Roane and Anderson Counties, Tennessee. As part of a comprehensive upgrade of the existing fire alarm and suppression systems, DOE is proposing to replace deteriorated and obsolete systems, and to extend coverage of automatic fire alarm and sprinkler systems to areas not previously served. The upgrades would reduce maintenance costs and the new systems would bring affected facilities into compliance with current fire safety codes and standards.

The proposed action would involve removing old fire alarm and suppression systems and installing new ones, including: (1) Replacing antiquated fire alarm systems in seven major research buildings (Buildings 4500N, 4500S, 4501, etc.); (2) installing a sprinkler system in offices and corridors of Wings 1–4 of Building 4500N; (3) replacing and adding redundancy in the fire alarm and circuit monitoring systems where needed; and (4) replacing an existing 16-inch-diameter water pipeline in the 6000 area with approximately 7,200 ft of new (16-in-diameter) water piping. Installation of new water mains would include pressure reducing valves, isolation valves, fittings, hydrants, valve pits, and other associated equipment and materials.

Installation of the belowground waterlines would include disturbances of two small wetland areas and the floodplains of WOC in the 6000 area of ORNL. WOC and its tributaries would be disturbed at four locations by the following activities: (1) Constructing a coffer dam or similar structure; (2) routing the stream water around the site by constructing a bypass using a culvert or similar device; (3) removing stream bed rock in preparation for the under-creek, reinforced-concrete pipe trench; (4) pouring the concrete; (5) embedding the pipeline in the concrete structure; (6) covering the structure to the level of the original stream bed; and (7) routing the stream water back into the stream bed. Construction activities would also involve removing asphalt paving for the installation of the 16-in-diameter pipe (ductile iron, mechanical joint), digging a trench approximately 4 ft deep in the access roadway and parking lot areas, and filling and repaving these areas after installation of the pipeline.

Water quality within WOC and its tributaries would be protected during excavation to the extent practicable by several measures. Administrative controls would be used to stop work during major storm events. When excavations would remain exposed overnight, erosion controls would be installed to prevent the transport of silt downstream by stormwater flows. Additionally, silt dams will be constructed within the drainage in areas where the existing right-of-way route deviates significantly from the defined channel. Restoration of excavated areas within the drainage would include grading to avoid steep or vertical slopes, and to minimize ponding and backfilling. Areas of exposed soil outside the stream channels would be mulched and reseeded with an annual grass to minimize erosion and allow the natural seedbank to reestablish vegetative cover.

Wetland 1 is a 5-to-8 ft wide and approximately 50 ft long emergent wetland, while Wetland 2 is an approximately 30-ft diameter irregular shaped scrub-shrub wetland. An approximately 5-ft-wide by 4-ft-deep trench would be excavated through the southern portion of the two wetlands for the installation of belowground piping. Equipment and personnel in the wetland area will be limited in accordance with an approved Best Management Practices (BMP) plan, and excavated hydric soils would be placed next to the site and reused as fill material. In addition, silt fences would be installed to minimize runoff into the wetlands in accordance with the BMP. No seeding or the planting of vegetation will take place, and the wetlands will be allowed to return to their natural states after completion of excavation activities.

In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR Part 1022), DOE will prepare a floodplain and wetlands assessment for this proposed DOE action. After DOE issues the assessment, a floodplain Statement of Findings will be published in the **Federal Register**.

Issued in Oak Ridge, Tennessee on August 30, 1999.

James L. Elmore,

Alternate NEPA Compliance Officer.

[FR Doc. 99–24161 Filed 9–15–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science; Office of Science Financial Assistance Program Notice 99–26; Plasma Physics Junior Faculty Development Program

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Fusion Energy Sciences (OFES) of the Office of Science (SC), U.S. Department of Energy hereby announces its interest in receiving grant applications for support under its Plasma Physics Junior Faculty Development Program. Applications should be from tenure-track faculty investigators who are currently involved in experimental or theoretical plasma physics research and should be submitted through a U.S. academic institution. The purpose of this program is to support the development of the individual research programs of exceptionally talented scientists and engineers early in their careers.

DATES: To permit timely consideration for awards in FY 2000, formal applications in response to this notice should be received on or before January 20, 2000.

ADDRESSES: Completed formal applications referencing Program Notice 99–26 should be forwarded to: U.S. Department of Energy, Office of Science, Grants and Contracts Division, SC–64, 19901 Germantown Road, Germantown, Maryland 20874–1290, ATTN: Program Notice 99–26. The above address must also be used when submitting applications by U.S. Postal Service Express, any other commercial mail delivery service or when hand carried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald McKnight, U.S. Department of Energy, Office of Fusion Energy Sciences, Science Division, SC–55 (GTN), 19901 Germantown Road, Germantown, Maryland 20874–1290. Telephone: (301) 903–4597. E-mail: ronald.mcknight@science.doe.gov

SUPPLEMENTARY INFORMATION: The Plasma Physics Junior Faculty Development Program was started in FY 1997. A principal goal of this program is to identify exceptionally talented plasma faculty members early in their careers and assist and facilitate the development of their research programs. Eligibility for awards under this notice is, therefore, restricted to tenure-track regular academic faculty investigators who are conducting experimental or theoretical plasma physics research. Applications from Junior Faculty involved in any areas of plasma physics research, not only magnetic fusion, are welcomed and encouraged. Emphasis is to be placed on basic plasma science research. For applications to be considered for funding, certification of the status of the applicant as a tenure-track regular academic faculty member by the head of the applicant's academic department or other university/college certifying official will be required before the grant is awarded. Awards made under this program will help to maintain the vitality of university plasma physics research and assure continued excellence in the teaching of plasma physics and related disciplines.

It is anticipated that annual funding levels up to $150,000 per award may be made available for grants under this notice during FY 2000, contingent upon the availability of appropriated funds. Funding for equipment above this level will be considered on a case-by-case basis. DOE may make up to three awards during FY 2000, depending on the number of meritorious applications and the availability of appropriated funds. Multiple year funding of grant awards is expected, with funding provided on an annual basis subject to availability of funds. The usual duration of these grants is three years and they will not normally be renewed after the project period is completed. It is anticipated that at the end of the grant period, grantees will submit new grant applications to continue their research to the Department of Energy or other Federal funding agencies. For the Office of Science, these applications should follow the usual application process. Applications will be subjected to scientific merit review and will be evaluated against the following criteria, which are listed in descending order of importance as set forth in 10 CFR Part 605:

1. Scientific and/or technical merit of the project;
2. Appropriateness of the proposed method or approach;
3. Competency of applicant's personnel and adequacy of proposed resources; and
4. Reasonableness and appropriateness of the proposed budget.

An additional review criteria will address educational aspects of the proposed work including the involvement of graduate and undergraduate students. These aspects should be discussed in the application.

General information about development and submission of applications, eligibility, limitations, evaluations and selection processes, and other policies and procedures are contained in the Application Guide for the Office of Science Financial Assistance Program and 10 CFR Part 605 which is available on the World Wide Web at:

http://www.er.doe.gov/production/grants/grants.html

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR Part 605.

Issued in Washington, DC on August 31, 1999.

John Rodney Clark,

Associate Director of Science for Resource Management.

[FR Doc. 99–24162 Filed 9–15–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–611–000]

Colorado Interstate Gas Company; Notice of Request Under Blanket Authorization

September 10, 1999.

Take notice that on September 1, 1999, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP99–611–000 a request pursuant to Sections 157.205 and 157.208 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.208) and CIG's blanket certificate issued in Docket No. CP83–21–000 pursuant to Section 7 of the Natural Gas Act, for authorization to increase the Maximum Allowable Operating Pressure (MAOP) at the Weld County KN and Carpenter-Burns Meter Stations, in Colorado and all as more fully set forth in the request that is on file with the Commission and open to public inspection. The application may be viewed on the web at *www.ferc.fed.us.* Call (202) 208–2222 for assistance.

CIG states that the Carpenter-Burns and Weld County KN Meter Stations are both on CIG's 15A Lateral that extends east from the Cheyenne Compressor Station approximately 39 miles. CIG further states the MAOP of the lateral is 847 psig, the MAOP of the Carpenter-Burns Meter Station downstream of regulators is 400 psig and the MAOP of the Weld County KN Meter Station downstream of regulators is 718 psig. Since the delivery obligation at the Carpenter-Burns Meter Station is 400 psig, CIG proposes to increase the MAOP of the meter station to 520 psig so CIG can meet this delivery obligation without violation of the MAOP

limitation. To accomplish this, CIG proposes to change the regulators and gas test the facilities downstream of these regulators. The Carpenter-Burns Meter Station delivers gas to Cheyenne Light Fuel and Power Co.

CIG states that the Weld County KN Meter Station is at the end of the 15A Lateral and delivers gas to KN Interstate Gas Transmission Company (KN). CIG further states that there are regulators between the lateral and the meter station that protects the meter station from the higher MAOP. However, when KN shuts off deliveries from this meter, a situation occurs where it is possible to exceed the MAOP of the metering facilities. To fix this situation, CIG is proposing to replace valving, meter tubes, and some piping, all within the Weld County KN Meter Station Yard to increase the MAOP of the metering facility to 891 psig. This will eliminate operational problems associated with the MAOP limitation at this metering station.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If not protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24112 Filed 9–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1927–008]

PacifiCorp; Notice of Site Visit

September 10, 1999.

Staff from the Commission's Office of Hydropower Licensing, and Oak Ridge National Laboratory (ORNL) will visit the North Umpqua Hydroelectric Project on October 13 and 14, 1999. ORNL has been contracted by the Commission to prepare and Environmental Impact Statement (EIS) on the North Umpqua relicense application that was filed on January 30, 1995.

The purpose of this visit is to familiarize ORNL staff with the project setting, it's operation, environmental issues, and to meet the U.S. Forest Service staff who will be cooperating in the preparation of the EIS. Those participating in the site visit will meet at the Umpqua National Forest Supervisor's Office located at 2900 Stewart Parkway, Roseburg, Oregon at 8:00 am on October 13, 1999. Prior to leaving for the project, there will be a brief description of the project and the day's itinerary. Participants should bring a bag lunch. The itinerary for the second day, October 14, will be set on the 13th depending on the progress made. Any person wishing to attend should contact Vince Yearick at (202) 219–3073, fax at (202) 219–2152, or e-mail at *vince.yearick@ferc.fed.us*. Please notify Mr. Yearick by October 8, 1999, if you plan to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24110 Filed 9–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10822–000 and 10823–000; Connecticut]

Summit Hydropower Company; Notice of Availability of Final Environmental Assessment

September 10, 1999.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for original minor licenses for the Upper Collinsville Hydroelectric Project and the Lower Collinsville Hydroelectric Project, located on the Farmington River in New Hartford County, Connecticut, and has prepared a Final Environmental Assessment (FEA) for the project.

Copies of the FEA are available in the Public Reference Branch, Room 2–A, of the Commission's offices at 888 First Street, NE, Washington, DC 20426. For further information, contact James T. Griffin at (202) 219–2799. The FEA may also be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24109 Filed 9–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11243–016; Alaska]

Whitewater Engineering Corporation; Notice of Availability of Draft Environmental Assessment

September 10, 1999.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (order 486, 52 FR 47897), the Commission's Office of Hydropower Licensing has reviewed the application for license amendment for the Power Creek Project, No. 11243–016. The Power Creek Project is located on Power Creek in Cordova, Alaska. The licensee is proposing to reroute the transmission line from the licensed subterranean route to an underwater route beneath Eyak Lake. The Draft Environmental Assessment (DEA) finds that approving the amendment application would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Commission's Reference and Information Center, Room 2A, 888 First Street, NE, Washington, DC 20426. For further information, please contact Ms. Hillary Berlin, at (202) 219–0038. The DEA may also be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

Please submit any comments within 45 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon studies, reports, or other working papers of substance should be supported by appropriate documentation.

Comments should be addressed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix Project No. 11243–016 to all comments.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24111 Filed 9–15–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6439–6]

Agency Information Collection Activities: Proposed Collection; Comment Request; Trade Secret Claims for Emergency Planning and Community Right-to-Know (EPCRA Section 322)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Trade Secret Claims for Emergency Planning and Community Right-to-Know (EPCRA Section 322) EPA ICR Number 1428.05. This ICR renews a previously approved ICR No. 1428.04 (expires March 31, 2000, OMB Control Number 2050–0078). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before November 16, 1999.

FOR FURTHER INFORMATION CONTACT: Interested persons may obtain a copy of the ICR without charge by contacting Sicy Jacob, Chemical Emergency Peparedness and Prevention Office, SW, Washington DC 20460, 202–260–7249, fax no. 202–260–0927, or e-mail: *Jacob.Sicy@epamail.epa.gov*.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those who wish to file a claim of trade secrecy of reporting requirements under Section 322 of EPCRA. Entities may include chemical manufacturers, non-chemical manufacturers, petroleum refineries, etc.

Title: Trade Secret Claims for Emergency Planning and Community Right-to-Know (EPCRA Section 322), EPA ICR Number 1428.05.

Abstract: This information collection request pertains to trade secrecy claims submitted under Section 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). EPCRA contains provisions requiring facilities to report to State and local authorities, and EPA, the presence and release of extremely hazardous substances (described in Sections 302 and 304), inventory of hazardous chemicals (described in Sections 311 and 312) and manufacture, process and use of toxic chemicals (described in Section 313). Section 322 of EPCRA allows a facility to withhold the specific chemical identity from these EPCRA reports if the facility asserts a claim of trade secrecy for that chemical identity. The provision establishs the requirements and procedures that facilities must follow to request trade secrecy treatment of chemical identities, as well as the procedures for submitting public petitions to the Agency for review of the "sufficiency" of trade secrecy claims.

Trade secrecy protection is provided for specific chemical identities contained in reports submitted under each of the following EPCRA sections: (1) 303(d)(2)—Facility notification of changes that have or are about to occur, (2) 303(d)(3)—Local Emergency Planning Committee (LEPC) requests for facility information develop or implement emergency plans, (3) 311—Material Safety Data Sheets (MSDSs) submitted by facilities, or lists of those chemicals submitted in place of the MSDSs, (4) 312—Tier II emergency and hazardous chemical inventory forms, and (5) 313—Toxic chemical release inventory forms.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless is displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9.9 hours per claim. The total annual burden for the respondents is 3,121 hours at a cost of $190,280. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: September 10, 1999.

Jim Makris,

Director, Chemical Emergency Preparedness and Prevention Office.

[FR Doc. 99–24165 Filed 9–15–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–890; FRL–6098–3]

Notice of Filing a Pesticide Petition to Establish a Tolerance for Certain Pesticide Chemicals in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by docket control number PF–890, must be received on or before October 1, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–890 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Jim Tompkins, Registration Support Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305–5697; and e-mail address: tompkins.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**--Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PF–890. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–890 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by E-mail to: *"opp-docket@epa.gov,"* or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 5.1/6.1 or ASCII file format. All comments in electronic form must be identified by docket control number PF–890. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the "FOR FURTHER INFORMATION CONTACT" section.

E. What Should I Consider as I Prepare My Comments for EPA.

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides

and pests, Reporting and recordkeeping requirements.

Dated: September 7, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the views of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Zeneca Ag. Products

PP5F4554

EPA has received a pesticide petition [PP 5F4554] from Zeneca Ag. Products, 1800 Concord Pike, P. O. Box 15458, Wilmington, DE 19850-5458 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of sulfosate (the trimethylsulfonium (TMS) salt of glyphosate, also known as glyphosate-trimesium in or on the raw agricultural commodity (RAC) wheat grain at 10 parts per million (ppm) (of which no more than 2.5 ppm is TMS); wheat hay at 1 ppm (of which no more than 0.5 ppm is TMS); wheat straw at 90 ppm (of which no more than 40 ppm is TMS); wheat bran at 30 ppm (of which no more than 6 ppm is TMS); and wheat shorts at 20 ppm (of which no more than 5 ppm is TMS); and to increase the tolerance in poultry meat by-products to 0.5 ppm and in milk to 2 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The metabolism of sulfosate has been studied in corn, grapes, and soybeans. EPA has concluded that the nature of the residue is adequately understood and that the only residues of concern are the parent ions N-(phosphonomethyl)-glycine anion (PMG) and trimethylsulfonium cation.

2. *Analytical method.* Gas chromatography/mass selective (GC/MS) detector methods have been developed for PMG analysis in crops, animal tissues, milk, and eggs. GC detection methods have been developed for TMS in crops, animal tissues, milk, and eggs.

3. *Magnitude of residues in crops—Wheat.* Residue data are available for sulfosate in a total of 20 trials conducted in 8 EPA regions. The proposed tolerance of 1 ppm (of which no more than 0.5 ppm is TMS) for wheat hay; the proposed tolerance of 10 ppm (of which no more than 2.5 ppm is TMS) for wheat grain; and the proposed tolerance of 90 ppm (of which no more than 40 ppm is TMS) for wheat straw will accommodate any residue resulting from the proposed use pattern.

Wheat seed for processing were obtained and samples were processed. Analysis of the treated samples showed that residue of PMG and TMS concentrated in wheat bran, wheat shorts, and aspirated grain fractions. The proposed tolerance for wheat bran of 30 ppm (of which no more than 6 ppm is TMS) and the proposed tolerance for wheat shorts of 20 ppm (of which no more than 5 ppm is TMS) is adequate to accommodate any residues arising from this use pattern in wheat. No tolerances are required for wheat middlings or patent flour. Aspirated grain fractions (AGF) were also collected. Analysis of the treated samples showed that residue of both TMS and PMG concentrated in AGF, but the combined levels are less than the existing tolerance in 40 CFR 180.489 for AGF. No change in the existing tolerance is required.

4. *Magnitude of residue in animals—*i. *Ruminants.* The maximum dietary burden in dairy cows results from a diet comprised of 20% AGF, 60% wheat forage, 15% sweet corn stover, and 5% cotton gin byproducts for a total dietary burden of 427 ppm. The maximum dietary burden in beef cows results from a diet comprised of 20% AGF, 25% sweet corn stover, 25% sorghum grain, 25% wheat forage, and 5% cotton gin byproducts for a total dietary burden of 438 ppm. Comparison to a ruminant feeding study at a dosing level of 1,000 ppm indicates that the appropriate tolerance levels resulting from proposed additional uses are covered by existing tolerances in 40 CFR 180.489, except milk. The appropriate tolerance for milk is 2 ppm.

ii. *Poultry.* The maximum dietary burden in poultry results from a diet comprised of 80% sorghum grain and 20% soybean hulls for a total dietary burden of 43 ppm. Comparison to a poultry feeding study at a dosing level of 50 ppm indicates that the appropriate tolerance levels are covered by existing tolerances in 40 CFR 180.489, except poultry meat by-products. The appropriate tolerance for poultry meat by-product is 0.5 ppm.

B. Toxicological Profile

1. *Acute toxicity.* Several acute toxicology studies have been conducted placing technical grade sulfosate in Toxicity Category III and IV.

2. *Genotoxicty.* The toxicological endpoints for sulfosate are discussed in Unit 3.B. of the **Federal Register** notice of April 8, 1999 (64 FR 17171) (FRL 6071-2).

3. *Reproductive and developmental toxicity.* The toxicological endpoints for sulfosate are discussed in Unit 3.B. of the **Federal Register** notice of April 8, 1999 (FR 17171).

4. *Subchronic toxicity.* The toxicological endpoints for sulfosate are discussed in Unit 3.B. of the **Federal Register** notice of April 8, 1999 (64 FR 17171).

5. *Chronic toxicity.* The toxicological endpoints for sulfosate are discussed in Unit 3.B. of the **Federal Register** notice of April 8, 1999 (FR 17171).

6. *Animal metabolism.* The metabolism of sulfosate has been studied in animals. The residues of concern for sulfosate in meat, milk, and eggs are the parent ions PMG and TMS only.

7. *Metabolite toxicology.* There are no metabolites of toxicological concern. Only the parent ions, PMG and TMS are of toxicological concern.

8. *Endocrine disruption.* Current data suggest that sulfosate is not an endocrine disruptor.

C. Aggregate Exposure

1. *Dietary exposure—*i. *Food.* For the purposes of assessing the potential dietary exposure, Zeneca has utilized the tolerance level for all existing and pending tolerances; and the proposed maximum permissible levels of 10 ppm for wheat grain (of which no more than 2.5 ppm is TMS); 1 ppm for wheat hay (of which no more than 0.5 ppm is TMS); 90 ppm for wheat straw (of which no more than 40 ppm is TMS); 30 ppm for wheat bran (of which no more than 6 ppm is TMS); and 20 ppm for wheat shorts (of which no more than 5 ppm is TMS) and 100% crop treated acreage for all commodities, Assuming that 100% of foods, meat, eggs, and milk products

will contain sulfosate residues and those residues will be at the level of the tolerance results is an overestimate of human exposure. This is a very conservative approach to exposure assessment.

a. *Chronic exposure.* For all existing and pending tolerances; and the proposed maximum permissible levels proposed in this notice of filing, the potential exposure for the U.S. population is 0.04 milligrams/kilograms bodyweight/day (mg/kg bwt/day) (17.6% of reference dose (RfD). Potential exposure for children's population subgroups range from 0.02 mg/kg bwt/day (7.8% of RfD for nursing infants (< 1 year old) to 0.12 mg/kg/ bwt/day (47.8%) for children 1-6 years old. The chronic dietary risk due to food does not exceed the level of concern (100%).

b. *Acute exposure.* The exposure to the most sensitive population subgroup, non-nursing infants, is 23.5% of the acute RfD at the 95th percentile. The acute dietary risk due to food does not exceed the level of concern (100%).

ii. *Drinking water.* Results from computer modeling indicate that sulfosate in ground water will not contribute significant residues in drinking water as a result of sulfosate use at the recommended maximum annual application rate (8.00 lbs a.i./acre). The computer model uses conservative numbers, therefore it is unlikely that ground water concentrations would exceed the estimated concentration of 0.014 parts per billion (ppb), and sulfosate should not pose a threat to ground water.

The surface water estimates are based on an exposure modeling procedure called GENEEC (Generic Expected Environmental Concentration). The assumptions of two applications of 4.00 lbs a.i./acre resulted in calculated estimated maximum concentrations of 58 ppb (acute, based on the highest 56–day value) and 10 ppb (chronic, average). GENEEC modeling procedures assumed that sulfosate was applied to a 10-hectare field that drained into a 1-hectare pond, 2-meters deep with no outlet.

As a conservative assumption, because sulfosate residues in groundwater are expected to be insignificant compared to surface water, it has been assumed that 100% of drinking water consumed was derived from surface water in all drinking water exposure and risk calculations. To calculate the maximum acceptable acute and chronic exposures to sulfosate in drinking water, the dietary food exposure (acute or chronic) was subtracted from the appropriate (acute or chronic) RfD. Drinking Water Levels of Concern (DWLOCs) were then calculated using the maximum acceptable acute or chronic exposure, default body weights (70 kg - adult, 10 kg - child), and drinking water consumption figures (2 liters - adult, 1 liter - child).

The maximum concentration of sulfosate in surface water is 58 ppb. The acute DWLOCs for sulfosate in surface water were all greater than 5,400 ppb. The estimated average concentration of sulfosate in surface water is 10 ppb which is much less than the calculated levels of concern (> 1,300 ppb) in drinking water as a contribution to chronic aggregate exposure. Therefore, for current and proposed uses of sulfosate, Zeneca concludes with reasonable certainty that residues of sulfosate in drinking water would not result in unacceptable levels of aggregate human health risk.

2. *Non-dietary exposure.* Sulfosate is currently not registered for use on any residential non-food sites. Therefore, residential exposure to sulfosate residues will be through dietary exposure only.

D. Cumulative Effects

There is no information to indicate that toxic effects produced by sulfosate are cumulative with those of any other chemical compound.

E. Safety Determination

1. *U.S. population—*i. *Acute risk.* Since there are no residential uses for sulfosate, the acute aggregate exposure only includes food and water. Using the conservative assumptions of 100% of all crops treated and assuming all residues are at the tolerance level for all established and proposed tolerances, the aggregate exposure to sulfosate will utilize 12.3% of the acute RfD at the 95th percentile for the U.S. population. The estimated peak concentrations of sulfosate in surface and ground water are less than DWLOCs for sulfosate in drinking water as a contribution to acute aggregate exposure. Residues of sulfosate in drinking water do not contribute significantly to the aggregate acute human health risk considering the present uses and uses proposed in this action.

ii. *Chronic risk.* Using the conservative exposure assumptions described above, the aggregate exposure to sulfosate from food will utilize 17.6% of the chronic RfD for the U.S. population. The estimated average concentrations of sulfosate in surface and ground water are less than DWLOCs for sulfosate in drinking water as a contribution to chronic aggregate exposure. Residues of sulfosate in drinking water do not contribute significantly to the aggregate chronic human health risk considering the present uses and uses proposed in this action.

2. *Infants and children.* The data base on sulfosate relative to prenatal and postnatal toxicity is complete. Because the developmental and reproductive effects occurred in the presence of parental (systemic) toxicity, these data do not suggest an increased prenatal or postnatal sensitivity of children and infants to sulfosate exposure. Therefore, Zeneca concludes, upon the basis of reliable data, that a 100-fold uncertainty factor is adequate to protect the safety of infants and children and an additional safety factor is unwarranted.

i. *Acute risk.* Using the conservative exposure assumptions described above, the aggregate exposure to sulfosate from food will utilize 23.5% of the acute RfD at the 95th percentile for the most highly exposed group, children (1–6 years). The estimated peak concentrations of sulfosate in surface and ground water are less than DWLOCs for sulfosate in drinking water as a contribution to acute aggregate exposure. Residues of sulfosate in drinking water do not contribute significantly to the aggregate acute human health risk considering the present uses and uses proposed in this action.

ii. *Chronic risk.* Using the conservative exposure assumptions described above, we conclude that the percent of the RfD that will be utilized by aggregate exposure to residues of sulfosate is 47.8% for children (1-6 years), the most highly exposed group. The estimated average concentrations of sulfosate in surface and ground water are less than DWLOCs for sulfosate in drinking water as a contribution to chronic aggregate exposure. Residues of sulfosate in drinking water do not contribute significantly to the aggregate chronic human health risk considering the present uses and uses proposed in this action.

F. International Tolerances

There are no Codex Maximum Residue Levels established for sulfosate.

[FR Doc. 99–24168 Filed 9–15–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00276; FRL–6095–5]

North American Regional Action Plan on Mercury; Notice of Availability for Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Today's notice makes available for public comment the draft of the second phase of the North American Regional Action Plan (NARAP) on Mercury. This regional action plan stems from activities taken under the North American Agreement on Environmental Cooperation (NAAEC) between the governments of Canada, Mexico, and the United States. The NARAP represents a mutually agreed upon framework for future actions to be taken by each country either independently or collaboratively under the direction of the Commission for Environmental Cooperation (CEC).

The Mercury NARAP is being made available for public/stakeholder review to allow interested parties the opportunity to provide guidance on the nature and direction that these three North American governments should proceed in order to reduce mercury use and releases to the environment.

DATES: Comments, identified by the docket control number OPPTS–00276, must be received by EPA on or before October 18, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00276 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: For general information contact: Christine Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone numbers: 202–554–1404 and TDD: 202–554–0551; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Greg Susanke, Office of Pollution Prevention and Toxics, National Program Chemicals Division (7404), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: 202–260–3547; fax number: 202–260–0001; e-mail address: susanke.greg@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Notice Apply to Me?

You may be potentially affected by this notice if you use mercury in, or release mercury from processing, operations, or products. Potentially affected entities may include, but are not limited to: the automotive vehicle and equipment manufacturing sector, the mercury cell chlor-alkali sector, the dry cell battery manufacturing sector, the electrical switches and relays sector, the lamp manufacturing sector, health and dental care sectors, the users of mercury for cultural and artisanal uses, and the analytical, testing, measurement, and calibration sector. If you have any questions regarding the applicability of this notice to a particular entity, consult the technical person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information or Copies of This Document and Other Related Documents?

1. *Electronically.* Electronic copies of this document are available from the EPA Home Page at the **Federal Register** - Environmental Documents entry for this document under "Laws and Regulations" (http://www.epa.gov/fedrgstr/). You can follow the menu to find this **Federal Register** notice using the publication date or the **Federal Register** citation for this notice. You can also obtain copies of this document and certain other available documents from the CEC Internet Home Page at http://www.cec.org/. On the Home Page select "CEC Resources and Publications" and then look up the entry for this document under the "Regional Action Plans" section.

2. *In person.* The Agency has established an official record for this notice under docket control number OPPTS–00276. The official record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to this notice, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, Rm. NE B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is 202–260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00276 in the subject line on the first page of your response.

1. *By mail.* Submit your written comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver your written comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is 202–260–7093.

3. *Electronically.* You may submit your comments electronically by e-mail to: oppt.ncic@epa.gov. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments will also be accepted on standard computer disks in Wordperfect 5.1/6.1 or ASCII file format. All comments in electronic form must be identified by the docket control number OPPTS–00276. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this notice as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version

of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person identified in the "FOR FURTHER INFORMATION CONTACT" section.

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views on the various options we propose, new approaches we haven't considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider during the development of the final action. You may find the following suggestions helpful for preparing your comments:

- Explain your views as clearly as possible.
- Describe any assumptions that you used.
- Provide copies of any technical information and/or data you used that support your views.
- If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
- Provide specific examples to illustrate your concerns.
- Offer alternative ways to improve the document.
- Make sure to submit your comments by the deadline in this notice.
- To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this notice in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What Action is the Agency Taking?

EPA is representing the United States as the lead Agency in drafting not only the NARAP on Mercury but also other NARAPs on selected persistent, bioaccumulative, and toxic substances of concern. The action plans are to incorporate, as appropriate, pollution prevention principles and precautionary approaches in making recommendations to reduce risks associated with these substances.

These action plans reflect a shared commitment by the parties to work cooperatively by building upon international environmental agreements and existing policies and laws; by bringing a regional perspective to international initiatives that are in place or being negotiated with respect to persistent toxic substances; by promoting cooperation with Latin American and Caribbean nations and with countries that have territories in the high Arctic; and by encouraging mutually consistent trade and environment policies that are conducive to the conservation, protection, and enhancement of the environment in their territories. At the same time, each action plan is unique and recognizes the differentiated responsibilities of each of the countries while taking into account each country's respective natural endowments, climate and geographical conditions, and economic, technological, and infrastructure capabilities.

The action plans reflect a long-term commitment to regional action. The sharing and transfer of information and best practices are seen as important means of enhancing national capacity for the sound management of chemicals. Other important elements and outcomes of these cooperative initiatives include collaboration and cooperation in the measurement, monitoring, modeling, research and assessment of selected persistent and toxic substances in environmental media. Such cooperation will improve the quality, availability, and relevance of the "environmental information" needed to make informed and responsible decisions throughout the implementation of the action plans.

The action plans are also intended to help facilitate the meaningful participation of the public, including nongovernmental organizations; business and industry; native North Americans; provincial, state and municipal governments; academia; and technical and policy experts. Regular public reporting of the progress that has occurred with respect to each action plan will be important to its eventual success.

B. What is the Agency's Authority for Taking This Action?

The NARAP on Mercury is one of a number of such regional undertakings that stem from the NAAEC between the governments of Canada, Mexico, and the United States. As a parallel side agreement to the North American Free Trade Agreement, the NAAEC came into force on January 1, 1994 as an overarching framework for environmental cooperation. The NAAEC established the CEC to "facilitate cooperation on the conservation, protection and enhancement of the environment in their territories." The Council (of Ministers) of the Commission agreed to Resolution 95–05 on the Sound Management of Chemicals on October 13, 1995, at its second regular meeting held in Oaxaca, Mexico. The resolution established "a working group composed of two senior officials selected by each party whose duties pertain to the regulation or management of toxic substances and who shall work with the CEC to implement the decisions and commitments set out in this resolution." The resolution specifically calls for the development of four regional action plans for selected persistent and toxic substances as a first priority in the parties' common desire to address national and regional concerns associated with the sound management of chemicals. Mercury, as well as dichloro diphenyl trichloroethane (DDT), chlordane, and polychlorinated biphenyls (PCBs), is one of the four priority substances identified by the parties for action plan development.

List of Subjects

Environmental protection.

Dated: September 8, 1999.

Stephen L. Johnson,

Acting Deputy Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–24167 Filed 9–15–99; 8:45 am]
BILLING CODE 6560–50–F

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Tuesday, September 28, 1999, at 2:00 P.M. (Eastern Time).

PLACE: Training Center in the EEOC Office Building, 1801 L Street, N.W., Washington, D.C. 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes, and
2. EEOC—A Year in Review and a Dialogue for the Future.

Note: Any matters not discussed or concluded may be carried over to a later meeting. (In addition to published notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission meetings). Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TDD) at any time for information on these meetings.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

Dated: September 14, 1999.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 99–24307 Filed 9–14–99; 3:52 pm]
BILLING CODE 6750–06–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 64-162) published on page 45969 of the issue for August 23, 1999.

Under the Federal Reserve Bank of Boston heading, the entry for The Royal Bank of Scotland Group plc, Edinburgh, Scotland, is revised to read as follows:

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. The Royal Bank of Scotland Group plc, and The Royal Bank of Scotland plc, and RBSG International Holdings Ltd., all of Edinburgh, Scotland, and Citizens Financial Group, Inc., Providence, Rhode Island; to acquire 100 percent of the voting shares of UST Corp., and thereby acquire USTrust and United States Trust Company, all of Boston, Massachusetts.

In connection with this application, Applicants have also applied to acquire Cambridge Trade Finance Corporation, Boston, Massachusetts, and thereby engage in short-term financing of international transactions involving import and export of goods, pursuant to section 225.28(b)(1) of Regulation Y.

Comments on this application must be received by September 24, 1999.

Board of Governors of the Federal Reserve System, September 10, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24120 Filed 9–15–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 12, 1999.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Omega Financial Corporation, State College, Pennsylvania; to acquire 24.9 percent of the voting shares of Clearfield Bank & Trust Company, Clearfield, Pennsylvania.

2. Backlund Investment Company, Peoria, Illinois; to retain an additional 5.36 percent of the voting shares of Hopedale Investment Company, Peoria, Illinois, and thereby indirectly acquire Community Bank of Hopedale, Hopedale, Illinois.

3. Backlund Scott Company, Peoria, Illinois; to retain an additional 5.36 percent of the voting shares of Hopedale Investment Company, and thereby indirectly acquire Community Bank of Hopedale, Hopedale, Illinois.

4. Backlund-White, Inc., Peoria, Illinois; to retain an additional 10.36 percent of the voting shares of Backlund Scott Company, Peoria, Illinois, and thereby indirectly retain Wyoming Bank and Trust Company, Wyoming, Illinois; to retain 5.63 percent of the voting shares of Backlund Investment Company, Peoria, Illinois, and thereby indirectly retain State Street Bank and Trust Company, Quincy, Illinois; and to retain 5.36 percent of the voting shares of Hopedale Investment Company, Peoria, Illinois, and thereby indirectly retain Community Bank of Hopedale, Hopedale, Illinois.

5. Bartonville Investment Company, Peoria, Illinois; to retain an additional 5.36 percent of the voting shares of Hopedale Investment Company, Peoria, Illinois, and thereby indirectly acquire Community Bank of Hopedale, Hopedale, Illinois.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Gold Banc Corporation, Inc. and Gold Banc Acquisition Corporation VIII, Inc., both in Leawood, Kansas; to acquire up to 100 percent of the voting shares of Union Bancshares, Ltd., Denver, Colorado, and thereby indirectly acquire Union Bank & Trust, Denver, Colorado. In connection with this application, Gold Banc Acquisition Corporation VIII, Inc. has applied to become a bank holding company.

Board of Governors of the Federal Reserve System, September 10, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24119 Filed 9–15–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the world.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 30, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Canadian Imperial Bank of Commerce, Toronto, Canada; to make an investment in Identrus, LLC, New York, New York (formerly known as Global Trust Organization LLC), and engage *de novo* directly and through Identrus LLC, in digital certification and data

processing and data transmission activities, as described below. Notificant also proposes to engage in activities that it maintains are incidental to permissible digital certification and data processing and data transmission activities.

Other investors in Company would include national banks and state member banks. Company would serve as the rulemaking authority for a network of participating financial institutions (Network), which would include Notificant, future equity investors in Company, and other financial institutions that elect to participate in the Network (collectively, Participants). The Network is designed to allow Participants to certify electronically the identity of parties conducting business or communicating electronically through the internet or otherwise. Participants in the Network would, among other things, issue to customers "digital certificates" that authenticate messages electronically sent by the customer, and confirm the validity of digital certificates issued by Participants. Participants also may issue warranties to customers who request verification of digital certificates issued by Participants, and post collateral to secure claims under any warranty issued by the Participant.

Company would develop, maintain, and enforce the rules governing the operation of, and participation in, the Network, and provide other services designed to facilitate the certification activities of Participants and operation of the Network. These activities would include issuing digital certificates to Participants and maintaining a current database of digital certificates that have been issued. Company and Participants would engage in a wide range of data processing and data transmission activities in connection with their proposed activities. A more complete description of the proposed activities of Company, Notificant, and other Participants is contained in the notices.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity that the Board has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. The Board previously has determined that certain data processing and data transmission services are closely related to banking for purposes of section 4(c)(8) of the BHC Act, pursuant to section 225.25(b)(14) of Regulation Y. Notificant contends that all of the proposed activities are so closely related to banking as to be a proper incident thereto, or are activities that are incidental to permissible activities, pursuant to section 225.25(a)(2) of Regulation Y.

In determining whether the proposal satisfies the proper incident to banking standard of section 4(c)(8) of the BHC Act, the Board must consider whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." 12 U.S.C. 1843(c)(8). Notificant contends that consummation of the proposal will facilitate the development of electronic commerce and will have a beneficial effect on competition for identity certification and related services.

In publishing the proposal for comment, the Board does not take a position on the issues raised by the proposal. Notice of the proposal is published solely to seek the views of interested persons on the issues presented by the proposal and does not represent a determination by the Board that the proposal meets, or is likely to meet, the standards of the BHC Act. The notice is available for immediate inspection at the Federal Reserve Bank indicated above and at the offices of the Board of Governors. Any request for a hearing on the notices must be accompanied by a statement of reasons explaining why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Board of Governors of the Federal Reserve System, September 10, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24118 Filed 9–15–99; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–99–36]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Follow-Up Study of Children With Developmental Disabilities (0920–0436)—RENEWAL—National Center for Environmental Health (NCEH). In the mid-1980s, a number of 10-year-old children were identified as having one or more of five developmental disabilities: mental retardation, cerebral palsy, epilepsy, hearing impairment, or vision impairment. These children were identified (mainly from special education records in the public schools) in the metro-Atlanta area as part of a study to develop surveillance methods for these conditions in school-age children. A follow-up study was initiated to trace, locate and interview these children, who are now in their early twenties, to assess their status with regard to educational attainment, employment, living arrangements, services received, functional limitations,

adaptive behavior, social participation, health, and quality of life.

This study proposes to continue with the one-time, in-person interview and includes a contemporaneous comparison group of persons who, at age 10 years, were in regular education classes in the same schools as were the persons with developmental disabilities. The data generated from this study will continue to be used to estimate the burden of secondary health conditions, limited social participation, and economic disadvantage among young adults with long-standing, developmental impairments. The total cost to recipients is $0.00.

This request is for a one-year renewal of the currently-approved study.

Data Collection:

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden of response (in hrs.)	Total burden (in hrs.)
Contacting	1,056	1	10/60	176
Interview	898	1	60/60	898
Call Backs	90	1	10/60	15
Total				1,089

Dated: September 10, 1999.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–24143 Filed 9–15–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1039–CN2]

RIN 0938–AI87

Medicare Program; Hospice Wage Index; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice; correction notice.

SUMMARY: This document corrects a typographical error that appeared in the notice published in the **Federal Register** on October 5, 1998, entitled "Medicare Program; Hospice Wage Index."

EFFECTIVE DATE: This correction is effective October 1, 1998.

FOR FURTHER INFORMATION CONTACT: Carol Blackford, (410) 786–5909.

SUPPLEMENTARY INFORMATION: On October 5, 1998, we published a notice in the **Federal Register** (63 FR 53446) announcing the annual update to the hospice wage index. The wage index is used to reflect local differences in wage levels. That update was effective October 1, 1998 and is the second year of a 3-year transition period. The provisions in this correction notice are effective as if they had been included in the document published in the **Federal Register** on October 5, 1998.

On November 1, 1998, we published a notice (63 FR 63326) correcting the October 5, 1998 notice. In that correction notice, we inadvertently failed to make one typographical correction. Therefore, in FR Doc. 98–26501 of October 5, 1998, we are now making the following correction:

- On page 53448, in Table A, under the MSA code number 1303 for Burlington, VT, the wage index "1.1037" is corrected to read "1.0137".

Authority: Section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)(1)).

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 8, 1999.

Brian P. Burns,

Deputy Assistant, Secretary for Information, Resources Management.

[FR Doc. 99–24096 Filed 9–15–99; 8:45 am]

BILLING CODE 4120–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting John Peter Kim, J.D., M.B.A., Technology Licensing Specialist, at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext. 264; fax: 301/402–0220; e-mail: jk141n@nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Oligonucleotides Which Specifically Bind Retroviral Nucleocapsid Proteins

Alan Rein, Jose Casas-Finet, Robert Fisher, Matthew Fivash, Louis E. Henderson (NCI)

Serial No. 09/180,903 filed 12 Jul 1999; PCT/US97/08936 filed 19 May 1997; Serial No. 60/017,128 filed 20 May 1996

The human immunodeficiency virus (HIV) is the causative agent of acquired immunodeficiency syndrome (AIDS). A retroviral protein species, the gag polyprotein, is involved in the assembly of retrovirus particles and capable of specific interactions with nucleic acids. After the virion is released from the cell, the polyprotein is cleaved by the virus-encoded protease. One of the cleaved products, the nucleocapsid (NC) protein, then binds to genomic RNA, forming the ribonucleoprotein core of the mature particle. The interaction between gag and genomic RNA is known to involve the NC domain of the polyprotein. In addition, the NC protein plays crucial roles in both the reverse transcription and integration steps in the viral life cycle.

The present invention relates to retroviral nucleocapsid proteins, such as NC and the gag precursor, and their ability of bind to specific nucleic acid sequences with high affinity. The high affinity of this interaction has potential applications in the design of new antiviral approaches and in sensitive detection of HIV particles. Accordingly, the invention provides for oligonucleotides which bind to

nucleocapsides proteins with high affinity, molecular decoys for retroviral nucelocapsid proteins which inhibit viral replication, targeted molecules comprising high affinity oligonucleotides, assays for selecting test compounds, and related kits.

Human Monoclonal Antibodies to HIV–1 Envelope Glycoprotein gp120

Brynmor A. Watkins and Marvin S. Reitz, Jr. (NCI) Serial No. 60/141,701 filed 30 Jun 1999

The human immunodeficiency virus (HIV) is the causative agent of acquired immunodeficiency syndrome (AIDS). Drug-resistance is a critical factor contributing to the gradual loss of clinical benefit to treatments for HIV infection. Accordingly, combination therapies have further evolved to address the mutating resistance of HIV. However, there has been great concern regarding the apparent growing resistance of HIV strains to current therapies.

The present invention relates to human monoclonal antibodies to type 1 human immunodeficiency virus (HIV–1) envelope glycoprotein gp120, to phage display libraries, and to diagnostic methods and pharmaceutical compositions which employ these antibodies therapeutically and prophylactically.

Antiviral Genetic Target Within HIV gag-pol Transframe Region

Shizuko Sei and Hiroaki Mitsuya (NCI) Serial No. 60/141,072 filed 25 Jun 1999

The human immunodeficiency virus type 1 (HIV–1) is a retrovirus that infects CD4+ T-lymphocytes, causing immunosuppression and the acquired immunodeficiency syndrome (AIDS). The subject invention provides the methods for the potent inhibition of HIV–1 replication, thus effective measure to treat HIV–1 infection, utilizing oligonucleotides and oligonucleotide analogues, including peptide nucleic acids, that can target either DNA or RNA sequences within the HIV gag-pol transframe region. Blocking the expression of the sequences mentioned in the subject invention leads to a decreased and discoordinated synthesis of viral protease, resulting in a significant reduction in the virion production from HIV–1-infected cells.

Identification and Use of High Efficacy Vaccine Antigens Which Modulate Antigen Presenting Cells

Polly Matzinger and John P. Ridge (NIAID)
Serial No. 09/313,487 filed 17 May 1999

Through modulation of the activation state of an antigen presenting cell (APC), the activation of a T cell is concordantly governed, *e.g.*, the activation of a killer T cell. The subject invention accordingly provides uses and applications in the field of immunology for novel pharmaceuticals, therapeutic and prophylactic agents, and vaccine components for the treatment and prevention of cancer, systemic infection, and autoimmune responses.

Thiazepine Inhibitors of HIV–1 Integrase

Yves Pommier, Nouri Neamati, Antonio Garafalo, Vito Nacci (NCI)
Serial No. 60/133,726 filed 12 May 1999

The human immunodeficiency virus (HIV) is the causative agent of acquired immunodeficiency syndrome (AIDS). Drug-resistance is a critical factor contributing to the gradual loss of clinical benefit to treatments for HIV infection. Accordingly, combination therapies have further evolved to address the mutating resistance of HIV. However, there has been great concern regarding the apparent growing resistance of HIV strains to current therapies.

It has been found that a certain class of compounds including thiazepines and analogs and derivatives thereof are effective and selective anti-integrase inhibitors. These compounds have been found to inhibit both viral replication and the activity of purified HIV–1 integrase. The subject invention provides for such compounds and for methods of inhibiting HIV integrase.

Acetylated and Related Analogues of Chicoric Acid as HIV Integrase Inhibitors

Terrence R. Burke, Jr., Zhaiwei Lin, He Zhao, Nouri Neamati, Yves Pommier (NCI)
Serial No. 60/121,127 filed 22 Feb 1999

The human immunodeficiency virus (HIV) is the causative agent of acquired immunodeficiency syndrome (AIDS). Drug-resistance is a critical factor contributing to the gradual loss of clinical benefit to treatments for HIV infection. Accordingly, combination therapies have further evolved to address the mutating resistance of HIV. However, there has been great concern regarding the apparent growing resistance of HIV strains to current therapies.

Chicoric acid has been found to have potential in HIV therapies. The subject invention provides for new chicoric acid analogues and derivatives that inhibit HIV–1 integrase, as well as improved synthetic methods for enantiomers of chicoric acid itself as well as its analogues and derivatives. Also provided are methods for inhibiting the replication of HIV–1 either alone or in combination therapies.

Identification of Globotriaosylceramide as a Promoter of HIV–1 Entry Into Cells

Robert Blumenthal, Anu Puri, Peter Jug (NCI)
Serial No. 60/108,903 filed 17 Nov 1998

The human immunodeficiency virus (HIV) is the causative agent of acquired immunodeficiency syndrome (AIDS). It has been noted that human immunodeficiency virus type 1 (HIV–1) enters permissive cells by binding to the cellular receptor, CD4, and chemokine receptors specific for the envelope glycoprotein (gp120–g41) of a given HIV–1 isolate, followed by gp120–gp41 mediated fusion of the viral and target cell membranes.

The subject invention relates to the discovery of glycosphingolipid cofactors which are essential for entry of a broad range of HIV–1 isolates into cells expressing CD4 and appropriate chemokine receptors. The invention provides for diagnostics, prophylactics, therapeutics, and methods of use for the treatment and prevention of HIV–1 infection and/or AIDS.

Inhibition of Retroviral LTR Promoters by Calcium Response Modifiers

Elise C. Kohn, Kevin Gardner, Lance A. Liotta (NCI)
Serial No. 09/103,519 filed 23 Jun 1998; Serial No. 08/353,765 filed 12 Dec 1994

The human immunodeficiency virus (HIV) LTR is synergistically activated by the phorbol ester 12-myristic 13-acetate (PMA) and T cell specific mitogenic lectin phytohemagglutinin A (PHA). This reflects the activation of the HIV LTR by endogenous T cell mechanisms in vitro. A class of non-voltage-gated calcium influx inhibitor compounds is disclosed which is newly discovered to inhibit the activation of retroviral LTR promoters, including HIV–LTR, by PHA and PMA. This class of compounds can be used to delay or suppress the transition of HIV infection from a latent to a virulent condition, thereby preventing or ameliorating retroviral diseases such as Acquired Immune Deficiency Syndrome (AIDS). The compounds are also useful in cancer treatment, allowing for coordinated therapeutic approaches to retroviral diseases and related cancers such Kaposi's Sarcoma. The compounds can also be used to standardize in vitro assays of commercial importance for clinical and experimental application.

Inhibition of HIV Replication Using Soluble Tat Peptide Analogs

Fatah Kashanchi (NCI), M.R. Sadaie (FDA), John M. Brady (NCI)
Serial No. 09/269,991 filed 02 Oct 1997; PCT/US97/17704 filed 02 Oct 1997; Serial No. 60/027,658 filed 04 Oct 1996

The subject invention embodies the identification of a domain within the transactivator Tat protein of HIV–1, a protein which is necessary for replication of the virus. A number of peptide derivatives of this domain have been constructed. It has been demonstrated that some of these derivatives inhibit Tat transactivation of the human immunodeficiency virus (HIV) LTR (long terminal repeat) promoter. Most importantly, the peptide derivatives also inhibit virus replication and thus provide the basis for potential therapeutic antiviral agents for the treatment of HIV infections.

Dated: September 8, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 99–24122 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Novel HIV Related Peptides

Giuseppe Scala, Xueni Chen, Oren J. Cohen, Anthony S. Fauci (NIAID)
Serial No. 60/132,760 filed 6 May 1999 (with priority to 11 Jan. 1999)
Licensing Contact: Robert Benson; 301/496–7056 ext. 267; e-mail: rb20manih.gov

This invention concerns novel peptides that selectively react with sera from people who are HIV infected. The peptides were selected by screening random peptide libraries displayed phages with sera from long-term non-progressor (LTNP) subjects followed by counterscreening with non-infected sera. The peptides are potentially useful as vaccines against HIV, and to raise antisera for passive immunization against HIV. In fact, the peptides behaved as antigenic mimics of linear or conformational HIV–1 epitopes generated in vivo in subjects infected with different HIV–1 strains and quasispecies. Moreover, the selected epitopes fulfilled the requirements for an effective immunogen; in fact, the inventors have shown that antisera from immunized mice decrease HIV replication in an in vitro assay. Claimed are the methodology, which allows the identification of pools of HIV-specific peptides by taking advantage of the HIV-specific antibody repertoire induced by the natural infection; peptides, alone or as part of larger vaccine constructs; and antibodies raised against the peptides.

Method of Detecting and Treating Inflammatory Disease

Esther M. Sternberg, Ruth M. Barrientos, Samuel Listwak, Mehrnaz J. Tehrani (NIMH)
Serial No. 60/132,921 filed 6 Apr 1999
Licensing Contact: Kai Chen; 301/496–7735 ext. 247; e-mail: kc169a@nih.gov

A new diagnostic tool for screening for resistance, or susceptibility to certain forms of inflammatory disease (including Alzheimer's, Systemic Lupus Erythematosis, Sarcoidosis, Scleroderma, and Arthritis) was identified using a mutation of the Angiotensin Converting Enzyme (ACE) gene. The mutation in the ACE cDNA was associated with a high level of ACE activity and resistance to exudative inflammation. Related mutations could confer or predict susceptibility to these diseases. Drugs designed to interact with the enzyme, or at the active site near the mutation could be used to treat such illnesses. This could have important implications in the study of human populations with related inflammatory diseases and may be linked to a variety of autoimmune and inflammatory diseases. It is available for immediate licensing, and research collaborations via Cooperative Research and Development Agreements (CRADAs) will be considered.

Nucleic Acid and Amino Acid Sequences of Hemoglobin-Response Genes in Candida albicans and the Use of Reagents Derived From these Sequences in the Diagnosis of Disseminated Candida albicans Infections

David D. Roberts, Sizhuang Yan (NCI)
Serial No. 09/258,634 filed 26 Feb 1999
Licensing Contact: George Keller; 301/496–7735 ext. 246; e-mail: gk40j@nih.gov

Candida albicans is a commensal yeast flora commonly found in the gastrointestinal tract in about 60% of healthy individuals. However, it is also the most common pathogen causing fungal infections in immunocompromised individuals, including AIDS and cancer patients, and organ transplant recipients. Infections caused by Candida albicans range from superficial to deep-seated, and systemic candidiasis is a common complication in immunosuppressed hosts. Invasive infections leading to candidemia in this patient population have high morbidity and mortality. The Centers for Disease Control and Prevention found that candidemia increased tenfold within the past ten years and constitutes the third most common cause of positive blood cultures. Currently, there is no quick diagnostic method to identify candidemia, except the traditional fungal culture. It has been demonstrated that, in the presence of hemoglobin, several new genes are expressed, and hemoglobin induces and facilitates the invasion and colonization of the opportunistic pathogen to hose tissues. The DNA sequences of these new genes could be useful targets to develop molecular diagnostic kits for rapid diagnosis of disseminated candidiasis. Such kits can also be widely used as research tools to define the molecular mechanism of candidemia.

Dated: September 8, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 99–24123 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting John Fahner-Vihtelic, Technology Licensing Specialist/Patent Advisor, at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7735 ext. 270; fax: 301/402–0220; e-mail: jf36z@nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Molecular Rotation Engine

Thomas D. Schneider (NCI)

DHHS Reference No. E–018–99/0 filed 03 Aug 1999

The present application describes a molecular-based macroscopic rotating engine. The engine is constructed of two cylinders, one inner and one outer whose inner surfaces are coated with oriented mobility or contractile proteins. In the presence to ATP the cylinders rotate relative to each other. Speed of relative rotation is controlled by the concentration of ATP or by nesting a series of cylinders inside each other. Power is controlled by adjusting the length of the cylinders. One advantage of this technology over other macroscopic motors is that it can be used to supply power to prosthetic implants and medical devices without the drawbacks associated with conventional power sources. Other advantages are that the motor operates at room temperature, fuels can be prepared by growing sugar so the motor does not contribute to carbon dioxide pollution and the waste products are biologically safe.

Layered Electrophoresis Scan: A Method for High Throughput Molecular Fingerprinting of Tissue and Cell Samples

Michael Emmert-Buck (NCI)

DHHS Reference No. E–079–99/0 filed 26 Jul 1999

Layered expression scanning is a technique which combines tissue and/or cell samples with a high-throughput array approach to provide a simple and rapid method for comprehensive molecular analysis. The method works by placing a biological sample (tissue section, or dissected cell populations, or lysates from cells) adjacent to a set of capture layers, each containing an individual hybridization molecule (antibody or DNA sequence). The specimen(s) is transferred through the membranes and, importantly, the overall two-dimensional architecture and histological relationships within the sample(s) are maintained. As the proteins and nucleic acids are transferred each target molecule specifically hybridizes to the membrane containing its antibody or complementary DNA sequence. After hybridization each of the membranes are analyzed, providing a measurement of the level of expression of each targeted molecule in all of the cell types present in the sample.

A Single Tube Homogeneous Assay for Lipoprotein Subfraction Analysis

Alan T. Remaley, Maureen Sampson, Gyorgy Csako (CC)

Serial No. 60/136,709 filed 28 May 1999

The present invention describes a single tube assay for determining high density lipoprotein HDL-cholesterol (HDL–C) and low density lipoprotein (LDL—C) and total cholesterol (total–C), from a single serum sample. This technology is useful in determining a patient's risk factor for heart disease. Previously, multiple costly tests were performed in order to determine low density lipoprotein LDL–C and HDL–C by measuring total–C, total triglyceride, and HDL–C. That method of testing had limitations and was complex. In this methodology, the use of the homogeneous assay for HDL–C, does not require the physical separation of HDL. The new assay developed is efficient, less costly, and compares favorably to current assays for HDL–C, total cholesterol, and triglyceride. This technology may also be used to simplify the procedure for the point of care testing of hyperlipidemia.

Methods and Devices for Isolation and Analysis of Cellular Protein Content

Lance A. Liotta, Emmanuel P. Petricoin, Nicole Simone, Michael E. Buck (NCI)

Serial No. 60/120,288 filed 16 Feb 1999

The present provisional application presents a comprehensive method to determine protein characteristics of a sample tissue cell in order to quantitatively discern and compare the protein content of healthy cells versus diseased cells. Furthermore, the tissue source of a tumor metastasis is available from the acquisition of this information. The realms for molecular biology study are moving from genomics to proteomics, the study of variations in the protein levels of cells, caused by the state of the cell itself, whether healthy or unhealthy. The invention at hand provides a method for using new and innovative methods for superior cell analysis. Previous methods, such as UV-laser ablation of unwanted tissue regions and oil well isolation of tissue cells, were complex, labor intensive, and did not utilize the important protein stabilizers. Direct comparisons between healthy cells and tumor cells were not made due to limitations of the methods. The new method consists of first using the new method of Laser Capture Microdissection (LCM) to obtain pure cell populations. Next, the sample is placed in a device so that the proteins are solubilized. Now the immunological and biochemical methods and subsequent analyses are performed. These techniques include (but are not limited to) immunoassays, 1D and 2D gel electrophoresis characterization, Western blotting, Matrix Assisted Laser Desorption Ionization/Time of Flight (MALDI/TOF) and Surface Enhanced Laser Desorption Ionization Spectroscopy (SELDI). The methods listed above allow for the direct comparison of both qualitative and quantitative tissue content of healthy and diseased cells, from the same sample. The sequential method of using LCM, protein isolation, analysis and comparison is superior since by simply using immunohistochemistry, the location of the tumor is found, but none of the protein characteristics, such as amino acid sequence and binding ability are discerned as they are in the present application. In addition, by using protein fingerprinting, the source of the tumor metastasis is found effectively. The methodology at hand has been tested extensively with the different methods listed above. This technology can be used in hospitals and research pathology labs for quantitative measure of protein characteristics of cells.

Dated: September 7, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 99–24124 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting Richard U. Rodriguez, M.B.A., Technology Licensing Specialist, at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext. 287; fax: 301/402–0220; e-mail: rr154z@nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Methods for Treating Tumors Using Anti-Angiogenic Compounds

Steven K. Libutti, Andrew L. Feldman (NCI), Serial No. 60/133,243 filed 07 May 1999.

Angiogenesis is the process of tumor vascularization which involves both positive and negative regulators. It is recognized as a critical process in tumor progression and is essential for the growth and persistence of solid tumors and their metastases. This vacularization is induced by a variety of pro-angiogenic factors, which are balanced against naturally occurring negative regulators of angiogenesis, such as endostatin.

Endostatin is a protein derived from the cleavage of the precursor collagen XVIII. It is an endogenous inhibitor of angiogenesis and tumor growth that can inhibit angiogenesis and can induce dormancy or regression of large tumors in mice. Furthermore, endostatin does not induce acquired drug resistance, a problem associated with chemotherapy and other cytochemical therapies. However, difficulties in producing sufficient recombinant endostatin for widespread clinical use has presented significant obstacles in developing an endostatin therapy model.

The present invention describes a method of delivering endostatin as well as other inhibitors of angiogenesis by administering an adenovirus vector carrying a modified endostatin gene. This method allows the host to produce high levels of secreted endostatin systemically and in the local tumor environment.

This invention obviates the need to systemically administer recombinant protein and may allow for more efficient treatment strategies.

Methods for Identifying Modulators of GADD45 Polypeptide Activity

Xin Wei Wang, Curtis C. Harris, Albert J. Fornace Jr., Jill D. Coursen, Qimin Zhan (NCI), Serial No. 60/126,069 filed 25 Mar 1999.

A common method of treatment for cancer is to give radiation or chemicals to damage cancer cell's DNA so badly that the cell dies. However, these treatments are equally toxic to healthy cells. One approach to protecting normal cells from exposure to anti-cancer treatments would be to simultaneously treat the cells with a second agent which interacts preferentially with the cancer cells making them more susceptible to toxic radiation or chemical effective. This could be achieved by "sensitizing" the cancer to toxic treatments so the growing tumor cells die with a smaller amount of toxic radiation or chemical.

This invention describes a method of "sensitizing" the DNA of a cancer cell making it more susceptible to conventional therapies including radiation. Utilizing this technology, patients could be exposed to radiation doses that would inactivate the cancer cell but spare the healthy cells. Normally, a cell with unrepaired DNA damage will die by apoptosis as it progresses part G2/M into mitosis. If the cell can "stall" its cell cycle long enough to repair this DNA damage, the self-destructive reaction may be avoided. However, if this stalling mechanism can be disturbed, less DNA repair time is available and thus relatively lesser amounts of anti-cancer agent are needed to kill the cell.

One possible mediator of this stalling mechanism is GADD45, a ubiquitously expressed polypeptide induced by irradiation or DNA damaging agents. Inhibiting GADD45 prevents the cell from sufficiently repairing DNA damage to prevent its self-destructive passage to apoptosis. Thus, when a GADD45 inhibitor is co-administered with a DNA damaging drug, the cell is more sensitive to the irradiation or damaging drug.

The present invention describes ingenious methods that have been embodied in a variety of ways so that, for the first time, GADD45 can be envisioned as a platform from which a variety of therapeutic interventions might be envisioned. These include but are not limited to, novel methods to assay for modulators of GADD45 as means to sensitize a proliferating cell to a DNA damaging agent by administration of novel inhibitors of GADD45 polypeptide activity.

Method for Detecting Radiation Exposure

Albert J Fornace, Jr. (NCI), Sally A. Amundson (NCI), Jeffrey Trent (NHGRI), Serial No. 60/121,756 filed 26 Feb 1999.

Ionizing radiation has many medical, industrial and military uses. Ionizing radiation is often used in the therapy of diseases such as cancer, however, exposure to biologically significant levels of such radiation can also cause genotoxic stress. In addition, many individuals are potentially exposed to radiation through occupational or accidental exposure. Such radiation can elicit a variety of cellular responses, ranging from cell-cycle arrest to mutation, malignant transformation, or cell death. The present invention describes a method for detecting exposure of organisms to biologically significant or hazardous amounts of ionizing radiation.

This invention describes the identification of a large set of genes that are induced by ionizing radiation. Different patterns of gene induction are produced depending upon dose of radiation and time after treatment. Many of these genes are induced by physiological doses of radiation routinely used for cancer therapy. These genes sets may be useful as markers of exposure to hazardous radiation, or as markers to predict the likely response of a particular tumor to radiation therapy, and subsequently to track and access the response of patients to radiotherapy. In addition, these gene sets may also be useful in toxicological and epidemiological research and studies.

Dated: September 7, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institute of Health.

[FR Doc. 99–24125 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Cancer Institute Director's Consumer Liaison Group.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Director's Consumer Liaison Group.

Date: October 18–19, 1999.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: NCI Director's Report; Discussion of NCI web site from the consumer perspective; New clinical trial system; Accessibility and appropriateness of NCI services and resources.

Place: Natcher Conference Center, Conference Room D, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Eleanor Nealon, Director, Office of Liaison Activities, Building 31—Room 10A16, 9000 Rockville Pike, Rockville, MD 20892, 301/594–3194.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 10, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24126 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Cancellation of Meeting

Notice is hereby given of the cancellation of the President's Cancer Panel, September 22, 1999, 9:00 AM to September 22, 1999, 4:00 PM, National Institutes of Health, Building 31, C Wing, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892 which was published in the **Federal Register** on August 24, 1999, 64 FR 46207. The meeting is cancelled due to scheduling conflicts.

Dated: September 10, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24127 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, September 13, 1999, 1:00 p.m. to September 13, 1999, 2:00 p.m., 6130 Executive Boulevard, EPN/F, Rockville, MD 20852 which was published in the **Federal Register** on August 24, 1999, 64FR46208.

The meeting has been rescheduled for October 4, 1999 at 1:00 p.m. The meeting is closed to the public.

Dated: September 10, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24128 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6). Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Review of Applications for Research Training, September 30–October 1, 1999.

Date: September 30–October 1, 1999.

Time: September 30, 1999, 8:00 p.m. to 9:00 p.m.

Agenda: To review and evalute grant applications.

Place: 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Time: October 1, 1999, 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Eric H. Brown, PhD, Scientific Review Administrator, NIH, NHLBI, DEA, Rockledge Building II, 6701 Rockledge Drive, Suite 7204, Bethesda, MD C 7956, (301) 435–0299.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 9, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24134 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Clinical Trials Review Committee.

Date: October 24–25, 1999.

Time: 6:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Joyce A. Hunter, PhD., NHLBI/DEA/Review Branch, Rockledge Building II, Room 7192, MSC 7924, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–0287.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 9, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24136 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: October 28–29, 1999.

Open: October 28, 1999, 8:30 a.m., to 2:00 p.m..

Agenda: For discussion of program policies and issues.

Place: National Institutes of health, Building 31, C Wing, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: October 28, 1999, 2:00 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of health, Building 31, C Wing, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Robert Carlsen, Acting Director, Division of Extramural Affairs, Nat. Heart, Lung, and Blood Institute, NIH, Two Rockledge Center, Room 7100, 6701 Rockledge Drive, Bethesda, MD 20892, 301/435–0260.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 9, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24137 Filed 9–15–99 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Mental Health Council, September 16, 1999, 10:30 a.m. to September 17, 1999, 2:45 p.m., Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD, 20892 which was published in the **Federal Register** on August 24, 1999, 64 FR 46208.

The Closed session on September 16, is to review and evaluate grant applications. It is not to revise applications as a typo stated. The Open session on September 17, will begin at 8:30 a.m. instead of 8:00 a.m. and continue to adjournment. The meeting is partially Closed to the public.

Dated: September 8, 1999.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee.

[FR Doc. 99–24131 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIA.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the National Institute on Aging, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIA, Laboratory of Cardiovascular Science.

Date: October 19–21, 1999.

Closed: October 19, 1999, 7 p.m. to adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Best Western Hotel & Conference Center, Fells Point Room, Baltimore, MD 21224.

Closed: October 20, 1999, 8 a.m. to 8:30 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Gerontology Research Center, 4940 Eastern Avenue, Baltimore, MD 21224.

Open: October 20, 1999, 8:30 a.m. to 11:55 a.m.

Agenda: Review of the Laboratory of Cardiovascular Science.

Place: Gerontology Research Center, 4940 Eastern Avenue, Baltimore, MD 21224.

Closed: October 20, 1999, 11:55 a.m. to 1 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Gerontology Research Center, 4940 Eastern Avenue, Baltimore, MD 21224.

Open: October 20, 1999, 1 p.m. to 5:10 p.m.

Agenda: The continuation of the Review of the Laboratory of Cardiovascular Science.

Place: Gerontology Research Center, 4940 Eastern Avenue, Baltimore, MD 21224.

Closed: October 20, 1999, 5:10 p.m. to 5:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Gerontology Research Center, 4940 Eastern Avenue, Baltimore, MD 21224.

Closed: October 21, 1999, 8 a.m. to 8:30 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Gerontology Research Center, 4940 Eastern Avenue, Baltimore, MD 21224.

Open: October 21, 1999, 8:30 a.m. to 12:20 p.m.

Agenda: The continuation of presentations and discussions of the Review of the Laboratory of Cardiovascular Science.

Place: Gerontology Research Center, 4940 Eastern Avenue, Baltimore, MD 21224.

Closed: October 21, 1999, 12:20 p.m. to 1:10 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Gerontology Research Center, 4940 Eastern Avenue, Baltimore, MD 21224.

Open: October 21, 1999, 1:10 p.m. to 2:55 p.m.

Agenda: The continuation of presentations and discussions of the Review of the Laboratory of Cardiovascular Science.

Place: Gerontology Research Center, 4940 Eastern Avenue, Baltimore, MD 21224.

Closed: October 21, 1999, 2:55 p.m. to 4 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Gerontology Research Center, 4940 Eastern Avenue, Baltimore, MD 21224.

Contact Person: Dan L. Longo, MD, Scientific Director, National Institute of Aging, Gerontology Research Center, National Institutes of Health, 5600 Nathan Shock Drive, Baltimore, MD 21224–6825, 410–558–8110, dl14q@nia.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 9, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24132 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: NIDR Special Grants Review Committee Special Grant Review.

Date: October 21–22, 1999.

Time: 8:30 AM to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD.

Contact Person: William J. Gartland, PHD, Scientific Review Administrator, National Institute of Dental & Craniofacial RES., National Institutes of Health, PHS, DHHS, 45 Center Drive, Natcher Building, RM. 4AN44F, Bethesda, MD 20892.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: September 9, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24133 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Superfund Basic Research Program.

Date: October 18–20, 1999.

Time: 8:30 AM to %:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Imperial Hotel and Convention Center, 4700 Emperor Boulevard, Durham, NC 27703.

Contact Person: Michael A. Oxman, PhD, Scientific Review Administrator, NIEHS, Building 31, Room B1C02, 31 Center Drive, MSC 2256, 9000 Rockville Pike, Bethesda, MD 20892–2256, 301–496–9613.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Superfund Basic Research Program.

Date: October 25–27, 1999.

Time: 8:30 AM to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Imperial Hotel and Convention Center, 4700 Emperor Boulevard, Durham, NC 27703.

Contact Person: Michael A. Oxman, PhD, Scientific Review Administrator, NIEHS, Building 31, Room B1C02, 31 Center Drive, MSC 2256, 9000 Rockville Pike, Bethesda, MD 20892–2256, 301–496–9613.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: September 9, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24135 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIDA.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552(b)(6) Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute on Drug Abuse, including consideration of personnel qualifications and performance, and the competence of individual investigators.

the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDA.

Date: October 5–6, 1999.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Division of Intramural Research, NIDA, Johns Hopkins Bayview Campus, Bldg. C, 2nd Floor Auditorium, 5500 Nathan Shock Drive, Baltimore, MD 21224.

Contact Person: Stephen J. Heishman, PhD, Research Psychologist, Clinical Pharmacology Branch, Addiction Research Center, National Institute on Drug Abuse, National Institutes of Health, DHHS, 5500 Nathan Shock Drive, Baltimore, MD 21224, (410) 550–1547.

Dated: September 9, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24139 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, R13 Review Meeting.

Date: September 15, 1999.

Time: 11:45 AM to 1:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIEHS-East Campus, 79 TW Alexander Drive, Building 4401, Room 3446, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: J. Patrick Mastin, PhD, Scientific Review Administrator, NIEHS, P.O. Box 12233 MD EC–24, Research Triangle Park, NC 27709, (919) 541–1446.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: September 9, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24140 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The portions of the meeting devoted to the review and evaluation of journals for potential indexing by the National Library of Medicine will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended. Premature disclosure of the titles of the journals as potential titles to be indexed by the National Library of Medicine, the discussions, and the presence of individuals associated with these publications could significantly frustrate the review and evaluation of individual journals.

Name of Committee: Literature Selection Technical Review Committee.

Date: October 7–8, 1999.

Open: October 7, 1999, 9:00 a.m. to 10:30 a.m.

Agenda: Administrative reports and program developments.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Closed: October 7, 1999, 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bldg 38, Rm 2E–09, Bethesda, MD 20894.

Closed: October 8, 1999, 8:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Contact Person: Sheldon Kotzin, BA, Chief, Bibliographic Services Division, Division of Library Operations, National Library of Medicine, 8600 Rockville Pike, Bldg 38A/Room 4N419, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: September 9, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–24138 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: September 16, 1999.

Time: 10:45 a.m. to 11:45 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael Micklin, PhD, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, MSC 7848, Bethesda, MD 20892, 301–435–0682.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: September 16, 1999.

Time: 2:00 p.m. to 2:45 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael Micklin, PhD, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, MSC 7848, Bethesda, MD 20892, 301–435–0682.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: September 16, 1999.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael Micklin, PhD, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, MSC 7848, Bethesda, MD 20892, 301–435–0682.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 10, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24129 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclosed confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: September 9, 1999.

Time: 3:00 to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Nancy Pearson, PhD, Chief, Genetic Sciences Initial Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2112, MSC 7890, Bethesda, MD 20892, (301) 435–1047, pearsonn@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–396, 93.837,93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 8, 1999.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy

[FR Doc 99–24130 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; Meeting of the Advisory Committee on Alternative Toxicological Methods

Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Toxicology Program (NTP) Advisory Committee on Alternative Toxicological Methods, U.S. Public Health Service. The meeting will be held from 8:45 a.m. to 4:00 p.m. on October 14, 1999 in the Conference Center, Building 101, South Campus, NIEHS, 111 Alexander Drive, Research Triangle Park, North Carolina, 27709. The meeting will be entirely open to the public from 8:45 a.m. to adjournment with attendance limited only by space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations should notify the contact person listed below in advance of the meeting.

Background

Under authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services has established an Advisory Committee on Alternative Toxicological Methods. The Committee functions to provide advice on the activities and priorities of the National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (Center) and the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), and to provide advice on ways to foster partnership activities and productive interactions among all stakeholders. The Advisory Committee is composed of knowledgeable representatives drawn from academia, industry, public interest organizations, other state and Federal agencies, and the international community.

The National Toxicology Program established the Center and ICCVAM to fulfill specific mandates provided to the National Institute of Environmental Health Sciences by Public Law 103–43, Section 1301. The NIEHS was directed to: (1) Develop and validate toxicological testing methods, including alternative methods than can reduce or eliminate the use of animals in acute or chronic toxicity testing, (2) establish criteria for the validation and regulatory acceptance of alternative testing methods, and (3) recommend a process through which scientifically validated alternative methods can be accepted for regulatory use. Criteria and processes for validation and regulatory acceptance were developed in conjunction with 14 other Federal agencies and programs with broad input from the public. These are described in the document "Validation and Regulatory Acceptance of Toxicological Test Methods: A Report of the Ad Hoc Interagency Coordinating Committee on the Validation of Alternative Methods" NIH publication 97–3981, March 1997, which is available on the internet at http://ntp-server.niehs.nih.gov /htdocs/ICCVAM/ICCVAM/htm, or by request to the Center at the address provided below.

A standing Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) was subsequently established as a collaborative effort by NIEHS and 13 other Federal regulatory and research agencies and programs. The ICCVAM facilitates cross-agency communication and coordination on issues relating to validation, acceptance, and national/international harmonization of toxicological test methods. The

ICCVAM works with the Center to carry out the scientific review of proposed methods of multi-agency interest, and provides recommendations regarding their usefulness to appropriate agencies. The ICCVAM also provides a mechanism for interagency communication with stakeholders throughout the process of test method development and validation. The following Federal regulatory and research agencies and organizations are participating in this effort:

Consumer Product Safety Commission
Department of Defense
Department of Energy
Department of Health and Human Services
  Agency for Toxic Substances and Disease Registry
  Food and Drug Administration
  National Institute for Occupational Safety and Health/CDC
  National Institutes of Health
  National Cancer Institute
  National Institute of Environmental Health Sciences
  National Library of Medicine
Department of the Interior
Department of Labor
  Occupational Safety and Health Administration
Department of Transportation
  Research and Special Programs Administration
Environmental Protection Agency

The Center was established to provide operational support for the ICCVAM and to assist Federal Agencies by coordinating and facilitating: (1) The interagency review and adoption of toxicological test methods of multi-agency interest and (2) the participation and communication with other stakeholders throughout the process of test method development and validation. The Center organizes, in collaboration with ICCVAM, independent scientific peer reviews and workshops for test methods of interest to Federal agencies. Peer review panels are convened to develop scientific consensus on the usefulness of test methods to generate information for specific human health and/or ecological risk assessment purposes. Expert workshops are convened to evaluate the adequacy of current test methods for assessing specific toxicities, to identify areas in need of improved or new methods, to evaluate proposed validation studies, and to evaluate the validation status of methods. The Center provides an opportunity for partnerships with other agencies and organizations to facilitate the development, validation, and review of alternative testing methods. The Center and ICCVAM seek to promote the scientific validation and regulatory acceptance of toxicological test methods that will enhance agencies' ability to assess risks and make decisions, and that will refine, reduce, and replace animal use whenever possible. The Center Office is located at NIEHS and can be contacted by telephone 919–541–3398, fax 919–541–0947, or email, iccvam@niehs.nih.gov.

Tentative Agenda—National Toxicology Program Advisory Committee on Alternative Toxicological Methods; October 14, 1999

Building 101, Conference Center, South Campus, National Institute of Environmental Health Science (NIEHS), Research Triangle Park, North Carolina

8:45–8:55 a.m.
  Call to Order, Introductions—Dr. K. Stitzel, Chair,The Procter & Gamble
8:55–9:10 a.m.
  Welcome and NTP Update—Dr. G. Lucier, NIEHS
9:10–9:50 a.m.
  Updates—Dr. W. Stokes, NIEHS
  • NTP Center and ICCVAM
  • The Corrositex(®) Peer Review Panel Report (25 minutes)
  Discussion (15 minutes)
9:50–12:15 p.m.
  Regulatory Agency Processes for Consideration of ICCVAM
  Test Method Recommendations; Acceptance Consideration of the LLNA
  • EPA, EPA
  • FDA, FDA
  • CPSC, CPSC
  • OSHA, OSHA

Potential Partnership Opportunities for Center/ICCVAM

1:15–2:15 p.m.
  Endocrine Disruptor Testing and Screening Methods:
  • Update on EPA Standardization and Validation Task Force Activities—Dr. T. Maciorowski, EPA
  • Update on OECD Endocrine Screening and Testing Validation Efforts (30 minutes)—Dr. G. Lucier
  • Discussion (30 minutes)
2:30–3:00 p.m.
  Overview of the Multilaboratory Evaluation of in vitro Cytotoxicity (MEIC) Test Program (20 Minutes)—Dr. John Harbell, Institute for In Vitro Sciences
  • Discussion (10 minutes)
3:00–3:30 p.m.
  Potential Use of In Vitro Cytotoxicity Tests to Predict Acute Oral Lethality of Science,s Chemicals (20 minutes)—Dr. Rodger Curren, Institute for In Vitro
  • Discussion (10 minutes)
3:30–4:00 p.m.
  General Discussion (30 minutes)—Dr. K. Stitzel
4:00–4:15 p.m.
  Public Comment
4:15
  Adjourn

The Executive Secretary's Office, Environmental Toxicology Program, P.O. Box 12233, NIEHS, Research Triangle Park, North Carolina 27709, telephone (919) 541–3971, FAX (919) 541–0295, will have available an agenda with times and a roster of Committee members prior to the meeting and summary minutes subsequent to the meeting.

Dated: September 3, 1999.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 99–24121 Filed 9–15–99; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Drug Abuse Warning Network—(OMB number 0930–0078, extension)—The Drug Abuse Warning Network (DAWN) collects data on drug-related medical emergencies and deaths as reported from about 660 hospitals and medical examiners nationwide. Used by Federal, State, and local agencies, this on-going data system supports efforts to identify drug abuse trends, assess health hazards associated with substance abuse, and schedule substances under the Controlled Substances Act. The annual burden estimate is 15,284 hours as shown below:

	Number of respondents	Number of responses/ respondent	Hours per response	Gross burden hours	IR[1] reporting hours	Total adjusted burden (hrs)
Hospitals						
ED Forms	520	334	0.15	26,052	12,876	13,176
ED Logs	520	48	0.02	499	247	252
Hospital Total				26,551	13,123	13,428
Medical examiners						
ME Forms	140	107	0.25	3,745	1,953	1,792
ME Logs	140	48	0.02	134	70	64
ME Total				3,879	2,023	1,856
DAWN Total				30,430	15,146	15,284

[1] There is no burden associated with reporting by Independent Reporters (IRs), so these hours are not included in Total Adjusted Burden.

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Allison Eydt, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: September 9, 1999.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 99–24144 Filed 9–15–99; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 USC 1531 *et seq.*).

Permit No. TE–014444

Applicant: California Army National Guard, and National Guard Bureau, Camp Roberts, California.

The applicant requests a permit to take (capture, mark, and release) the San Joaquin kit fox (*Vulpis macrotis mutica*) in conjunction with population monitoring at Camp Roberts, California, for the purpose of enhancing its survival. These activities were previously conducted under subpermit MONGWT.

Permit No. TE–014496

Applicant: Dr. Michael Hanson, California Polytechnic State University, San Luis Obispo, California.

The applicant requests a permit to take (capture, mark, and release) the San Joaquin kit fox (*Vulpis macrotis mutica*) in conjunction with population monitoring at Camp Roberts, California, for the purpose of enhancing its survival. These activities were previously conducted under subpermit HANSMT.

Permit No. TE–014806

Applicant: Erin Robbins, Mooney and Associates, San Diego, California.

The applicant requests a permit to take (pursue by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) throughout the species range in southern California, for the purpose of enhancing its survival.

Permit No. TE–828382

Applicant: Dr. Sharon K. Collinge, University of Colorado, Boulder, Colorado.

The applicant requests to amend her permit to remove and reduce to possession the Contra Costa Goldfields (*Lasthehia conjugens*) plant in its entirety throughout the species range in California for the purpose of enhancing its survival.

Permit No. TE–014999

Applicant: Death Valley National Park, Death Valley, California.

The applicant requests a permit to take (harass, capture, and release; sacrifice) the Devil's Hole pupfish (*Cyprinodon diabolis*) in conjunction with scientific research throughout the species range for the purpose of enhancing its survival.

Permit No. TE–014497

Applicant: Haleakala National Park, Makawao, Hawaii.

The applicant requests a permit to: take (locate and monitor nests; conduct surveys; band; salvage live eggs, goslings, and adults; and release) the nene goose (*Branta sandvicensis*) in conjuction with population monitoring and captive propagation; take (capture, band, and release) the Hawaiian dark-rumped petrel (*Pterodroma phaeopygia sandwichensis*) in conjunction with ecological and demographic research; and remove and reduce to possession the seeds, inflorescence, and leaves of *Argyroxiphium sandwicense* ssp. *macrocephalum, Bidens micrantha* ssp. *kalealaha, Clermonontia oblongifolia* ssp. *mauiensis, Clermontiia lindseyana, Clermontia peleana* ssp. *singuliflora, Ctenitis squamigera, Cyanea grimesiana* ssp. *grimesiana, Diplazium molokaiense. Geranium arboreum, Geranium multiflorum, Ischaemum byrone, Melicpoe balloui, Melicope ovalis, Phlegmariurus mannii, Plantago princeps* var. *laxiflora, Platanthera holochila, Schiedea halakalensis, Schiedea hookeri, Solanum incompletum,* and *Huperzia mannii* in conjunction with viability and propagation research, and herbarium and taxonomic identification, at Haleakala National Park, Hawaii for the purpose of enhancing their survival. Activities with all species except *Clermontiia lindseyana, Clermontia peleana* ssp. *singuliflora, Ctenitis squamigera, Cyanea grimesiana* ssp. *grimesiana, Diplazium molokaiense, Ischaemum byrone, Melicpoe balloui, Melicope ovalis, Phlegmariurus mannii, Plantago princeps* var. *laxiflora, Platanthera holochila, Schiedea hookeri,* and *Solanum incompletum* were previously covered under subpermit NPSHAL–8.

Permit No. TE–797665

Applicant: Regional Environmental Consultants, San Diego, California.

The applicant requests a permit amendment to remove and reduce to possession (collect seed and plant material, and salvage) *Hemizonia conjugens, Acanthomintha ilicifolia, Allium munzii, Arctostaphylos glandulosa* ssp. *crassifolia,* and *Monardella linoides* var. *viminea* in conjunction with habitat enhancement throughout their range on Federal lands in California for the purpose of enhancing their survival.

Permit No. TE–751345

Applicant: Ronald Baxter, Lake Mathews'Estelle Mountain Reserve, Perris, California.

The applicant requests an amendment to his permit to take (mark with Passive Integrated Transponder tags) the Stephens' kangaroo rat (*Dipodomys stephensi*) in conjunction with population monitoring on the Lake Mathews-Estelle Mountain Reserve, Riverside County, California for the purpose of enhancing its survival.

Permit No. TE–828708

Applicant: Maria-Paloma Nieto, Nipomo, California.

The applicant requests a permit amendment to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys throughout its range for the purpose of enhancing its survival.

Permit No. TE–016381

Applicant: U.S. Geological Survey, Biological Resources Division, Wildlife Research Field Station, Dixon, California.

The applicant requests to renew and amend their permit to: take (capture) the northern salt marsh harvest mouse (*Reithrodontomys raviventris halocoetes*) in conjunction with surveys throughout its range in California; take (capture and collect voucher specimens) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with surveys and ecological research throughout its range in California; take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with surveys in Napa, Sonoma, and Solano Counties, California; and take (capture, handle, and harvest eggs and embryos) the desert pupfish (*Cyprinodon macularius*) in conjunction with scientific research in San Diego and Imperial Counties, California for the purpose of enhancing their survival. Activities for the tidewater goby, desert pupfish, and northern salt marsh harvest mouse were previously authorized under subpermit BRDDIX.

Permit No. 702631

Applicant: Assistant Regional Director-Ecological Services, Region 1, U.S. Fish and Wildlife Service, Portland, Oregon.

The applicant requests a permit amendment to allow take of the following species: the Jaguar (*Pantera onca*), Alameda striped racer snake (*Masticophis lateralis euryxanthus*), Behren's silverspot butterfly (*Speyeria zerene behrensii*), Callippe silverspot butterfly (*Speyeria callippe callippe*), Eskimo curlew (*Numenius borealis*), Mariana mallard duck (*Anas platyrynchos oustaleti*), Coastal cutthroat trout (*Oncorhynchus clarki clarki*), and the Umpqua River cutthroat trout (*Oncorhynchus clarki*).

Authorization to remove and reduce to possession specimens of the following plant species is also requested: *Allium munzii, Alopercus aequalis var. sonomensis, Alsinidendron trinerve, Amaranthus brownii, Arabis hoffmannii, Arctostaphylos confertiflora, Astragalus clarianus, Astragalus jaegerianus, Astragalus lentiginosus* var. *coachellae, Astragalus tener* var. *titi, Astragalus tricarinatus, Atriplex coronata* var. *notatior, Berberis nevinii, Berberis pinnata* ssp. *insularis, Caesalpinia* (=*Menzoneuron*) *kavaiense, Carex albida, Castilleja mollis, Cercocarpus traskiae, Chamaesyce hooveri, Chamaesyce* (=*Euphorbia*) *skottsbergii* var. *kalaeloana, Astragalus brauntonii* and *Pentachaeta lyonii.* Take and collection activities will be conducted throughout the range of the species in conjunction with recovery efforts in order to enhance their propagation and survival.

Permit No. TE–734837

Applicant: The Klamath Tribe, Chiloquin, Oregon.

The applicant requests a permit to take (capture and sacrifice) the shortnose sucker (*Chasmistes brevirostris*) and Lost River sucker (*Deltistes luxatus*) in conjunction with population and ecological studies throughout the species range for the purpose of enhancing their survival. The activities were previously authorized under subpermit KLATRB–9.

Permit No. TE–016712

Applicant: Ventana Wilderness Sanctuary, Monterey, California.

The applicant requests a permit to take (capture, handle, and release) the California condor (*Gymnogyps californianus*) in conjunction with reintroduction actions throughout the species range for the purpose of enhancing its survival. The activities were previously authorized under subpermit VENTWS–10.

Permit No. TE–788074

Applicant: Ellen Bauder, San Diego, California

The applicant requests a permit amendment to remove and reduce to possession (collect seed and plant material) *Acanthomintha ilicifolia, Astragalus magdalenae* var. *piersonii,* and *Hemizonia conjugens* in conjunction with scientific research throughout their range on Federal lands in California for the purpose of enhancing their survival.

DATES: Written comments on these permit applications must be received on or by October 18, 1999.

ADDRESSES: Written data or comments should be submitted to the Chief Endangered Species, Ecological Services, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181; Fax: (503) 231–6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231–2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: September 9, 1999.

Thomas Dwyer,

Regional Director, Region 1, Portland, Oregon.

[FR Doc. 99–24145 Filed 9–15–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Technical/Agency Draft Recovery Plan for Endangered Fat Threeridge (*Amblema neislerii*), Shinyrayed Pocketbook (*Lampsilis subangulata*), Gulf Moccasinshell (*Medionidus penicillatus*), Ochlockonee Moccasinshell (*Medionidus simpsonianus*), Oval Pigtoe (*Pleurobema pyriforme*) and Threatened Chipola Slabshell (*Elliptio chipolaensis*), and Purple Bankclimber (*Elliptoideus sloatianus*) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: We, the Fish and Wildlife Service, announce the availability for public review of the technical/agency draft recovery plan for endangered fat threeridge (*Amblema neislerii*), shinyrayed pocketbook (*Lampsilis subangulata*), Gulf moccasinshell (*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), oval pigtoe (*Pleurobema pyriforme*) and threatened Chipola slabshell (*Elliptio chipolaensis*), and purple bankclimber (*Elliptoideus sloatianus*). These mussels are endemic to eastern Gulf Slope streams draining the Apalachicola Region of southeast Alabama, southwest Georgia, and north Florida. Their center of distribution is the Apalachicola-Chattahoochee-Flint (ACF) River basin of southeast Alabama, southwest Georgia, and northwest Florida. They are currently known from restricted portions of from one to four independent river systems. These species inhabit stable sandy and gravelly substrates in medium-sized streams to large rivers, often in areas swept free of silt by the current. The abundance and distributions of the seven mussel species decreased historically from habitat loss associated with reservoir construction, channel construction and maintenance, and erosion. These habitat changes have resulted in significant extirpations (localized loss of populations), restricted and fragmented distributions, and poor recruitment of young. We solicit review and comment from the public on this draft plan.

DATES: We must receive comments on the draft recovery plan on or before November 15, 1999 to receive consideration by us.

ADDRESSES: You may obtain a copy of the draft recovery plan by contacting the U.S. Fish and Wildlife Service, Panama City Field Office, 1612 June Avenue, Panama City, Florida 32405 (telephone 850/769–0552). Send written comments and materials regarding the plan to the Project Leader at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Gail A. Carmody at the above address and telephone number (extension 225).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals or plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program. To help guide the recovery effort, we are working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for recognizing the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

Despite intensive research and management efforts, the survival of these mussels is still perilous. Based upon available information concerning their range, biology, and threats to their continued survival, it is not yet possible to determine if or when full recovery of these species is possible. This draft recovery plan outlines a mechanism that provides for the protection, maintenance, and enhancement of the only known wild populations and the establishment of new wild populations in the future. We officially determined endangered status for five freshwater mussels, and threatened status for two freshwater mussels from eastern Gulf Slope drainage of Alabama, Florida, and Georgia in Final rule of **Federal Register** 63(50):12664–12687. The eastern Gulf Slope streams draining the Apalachicola Region are defined as streams from the Escambia to the Suwannee River systems. Occurring in southeast Alabama, southwest Georgia, and north Florida, they collectively form one of the largest drainage areas in the eastern Gulf Coastal Plain. Historically, these rivers were known for their rich freshwater mussel populations. However, listed mussel species have undergone significant reduction in total range and abundance. We will use comments and information provided during this review in preparing the final recovery plan.

Public Comments Solicited

We solicit written comments on the recovery plan described. We will consider all comments received by the date specified above prior to approval of the plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 10, 1999.

Gail A. Carmody,

Project Leader.

[FR Doc. 99–24146 Filed 9–15–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–260–1060–00–24 1A]

Call for Nominations for the Wild Horse and Burro Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Wild Horse and Burro Advisory Board call for nominations.

SUMMARY: The purpose of this notice is to solicit public nominations for the Wild Horse and Burro Advisory Board. The Board provides advice concerning management, protection, and control of wild free-roaming horses and burros on the public lands administered by the Department of the Interior, through the Bureau of Land Management, and the Department of Agriculture, through the Forest Service.

DATES: Nominations should be submitted tc the address listed below under **ADDRESSES** no later than November 1, 1999.

ADDRESSES: Wild Horse and Burro Group, WO 260, Bureau of Land Management, Department of the Interior, 1849 "C" St., Mail Stop: 306 LS, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Lee Delaney, (202) 452–7744.

SUPPLEMENTARY INFORMATION: Any individual or organization may nominate one or more persons to serve on the Wild Horse and Burro Advisory Board. Individuals may also nominate themselves for Board membership. All nomination letters should include the name, address, profession, relevant biographic data, and reference sources for each nominee, and should be sent to the address listed under **ADDRESSES**, above. You may make nominations for the following categories of interest:

Wild horse and burro advocacy group

Wild horse and burro research (especially genetics and population biology)

Veterinary medicine (equine science)

Natural resources management (especially rangeland science)

Humane organization

Wildlife management

Livestock management

Public-at-large

The specific category that the nominee will represent should be identified in the letter of nomination. Board membership must be balanced in terms of categories of interest represented. Each member must be a person who, as a result of training and experience, has knowledge or special expertise which qualifies him or her to provide advice from among the categories of interest listed above. Members will be appointed to staggered terms of 1–3 years.

Pursuant to Section 7 of the Wild Free-Roaming Horses and Burros Act, members of the Board cannot be employees of Federal or State Government.

Members will serve without salary, but will be reimbursed for travel and per diem expenses at current rates for Government employees.

The Board will meet no less than two times annually. The Director, Bureau of Land Management may call additional meetings in connection with special needs for advice.

Dated: September 1, 1999.

Robert E. Doyle,

Acting Director, Bureau of Land Management.

[FR Doc. 99–23675 Filed 9–15–99; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–030–5101–00–A166; AZA–30690 & AZA–30831]

Notice of Availability of Record of Decision for the Griffith Energy Project

AGENCY: Bureau of Land Management.

ACTION: Notice of availability.

SUMMARY: Pursuant to Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), as amended and the National Environmental Policy Act of 1969, the Bureau of Land Management, Kingman Field Office, Arizona, has issued a Record of Decision for a natural gas pipeline and electric transmission line associated with the Griffith Energy Project (reference Record of Decision issued by Western Area Power Administration and published in **Federal Register** on May 14, 1999). The Record of Decision documents the approval to construct 3.65 miles of natural gas pipeline, 2 miles of 230 kV Transmission Line, and 16 miles of upgrading of the existing Davis-Prescott 230 kV Transmission Line. These decisions were based on information from the Griffith Energy Project Final Environmental Impact Statement which was filed by EPA in the **Federal Register** on April 2, 1999.

ADDRESSES: Copies of the Record of Decision are available from: Bureau of Land Management, Kingman Field Office, 2475 Beverly Ave., Kingman, Arizona, 86401–3629.

DATES: There is a 30 day appeal period starting on the date of publishing this notice of availability. For information on how to file an appeal please contact BLM's Kingman Field Office at (520) 692–4400.

FOR FURTHER INFORMATION CALL: Bill Wadsworth, phone: (520) 692–4400.

SUPPLEMENTARY INFORMATION: The Griffith Energy Project included public, state and private lands approximately 10 miles west of Kingman AZ, within Mohave County in northwestern Arizona. Western Area Power Administration was the lead agency for the project and has issued a Record of Decision concerning the interconnection to Western's transmission system.

Dated: September 3, 1999.

John R. Christensen,

Field Manager.

[FR Doc. 99–24164 Filed 9–15–99; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–330–3130–00; CACA–39081]

Opening of Public Lands; California

AGENCY: Bureau of Land Management.

ACTION: Opening Order, Humboldt, California.

SUMMARY: This notice opens lands to disposal by Recreation and Public Purposes Grant.

EFFECTIVE DATE: Immediately upon publication.

FOR FURTHER INFORMATION CONTACT: Charlotte Hawks, Arcata Field Office, BLM, 1695 Heindon Road, Arcata CA 95521–4573, (707) 825–2319.

SUPPLEMENTARY INFORMATION: On November 21, 1995, the land described below was proposed for land exchange CACA 39081 and segregated from all other applications. This parcel was dropped from the exchange. The segregation affecting these lands is hereby terminated. The lands are opened only to disposal by Recreation and Public Purpose Act Grant (Act of June 14, 1926, 43 U.S.C. 869):

Humboldt Meridian, California
T.5S., R.3E., Sec: 11, SW¼SW¼,
Containing 40.00 acres.

Lynda J. Roush,

Arcata Field Manager.

[FR Doc. 99–24147 Filed 9–15–99; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–00, ES–50496, Group 180, Minnesota]

Notice of Filing of Plat of Survey; Minnesota

The plat of the survey of two islands in Tom's Lake, Township 131 North, Range 39 West, 5th Principal Meridian, Minnesota, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on October 19, 1999.

The survey was requested by Steven H. Zimmerman, Managing Partner, Tom's Lake Farm, Elk River, Minnesota.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief-Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., October 19, 1999.

Copies of the plat will be made available upon request and prepayment of the appropriate fee.

Dated: September 1, 1999.
Joseph W. Beaudin,
Chief Cadastral Surveyor.
[FR Doc. 99–24104 Filed 9–15–99; 8:45 am]
BILLING CODE 4310–GJ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–00, ES–50497, Group 181, Minnesota]

Notice of Filing of Plat of Survey; Minnesota

The plat of the survey of an island in Mud Lake, Township 31 North, Range 20 West, 4th Principal Meridian, Minnesota, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on October 19, 1999.

The survey was requested by Mr. Timothy J. Dwyer, Attorney and Counselor at Law, on behalf of Kelley Land and Cattle Company.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., October 19, 1999.

Copies of the plat will be made available upon request and prepayment of the appropriate fee.

Dated: September 1, 1999.
Joseph W. Beaudin,
Chief Cadastral Surveyor.
[FR Doc. 99–24105 Filed 9–15–99; 8:45 am]
BILLING CODE 4310–GJ–M

DEPARTMENT OF JUSTICE

National Institute of Corrections

Advisory Board Meeting

TIME AND DATE: 9:00 a.m. to 5:00 p.m. on Monday, November 1, 1999 and 9:00 a.m. to 12 noon on Tuesday, November 2, 1999.

PLACE: Wyndham—Washington, D.C. Hotel, 1400 M Street, NW, Washington, DC 20005.

STATUS: Open.

MATTERS TO BE CONSIDERED: Updates on Strategic Planning and Interstate Compact Activities; Discussions of Mentally Ill in Jails and Prisons and Policy Regarding Private Organizations and NIC Services; and Program Division Reports.

CONTACT PERSON FOR MORE INFORMATION: Larry Solomon, Deputy Director, (202) 307–3106, ext. 155.

Morris L. Thigpen,
Director.
[FR Doc. 99–24106 Filed 9–15–99; 8:45 am]
BILLING CODE 4410–36–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 9, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ({202} 219–5096 ext. 143) or by E-Mail to Mills-Ira@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316), on or by October 18, 1999.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Bureau of Labor Statistics.
Title: Mass Layoff Statistics (MLS) Program.
OMB Number: 1220–0090.
Frequency: On occasion; Quarterly.
Affected Public: Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or tribal government.
Number of Respondents: 15,652.
Estimated Time Per Respondent: 60 minutes for SESAs and 30 minutes for employers.
Total Burden Hours: 73,570.
Total Annualized capital/startup costs: $0.
Total annual costs (operating/maintaining systems or purchasing services): $0.
Description: Clause (iii) of section 309(2)(15)(a)(1)(A) of the Workforce Investment Act states that the Secretary of Labor shall oversee the development, maintenance, and continuous improvement of the incidence of, industrial and geographical location of, and number of workers displaced by permanent layoffs and plant closings. The Mass Layoff Statistics (MLS) program use a standardized, automated approach to identify, describe, and track the impact of major job cutbacks. The program utilizes, to the greatest degree possible, existing Unemployment Insurance (UI) records and computerized data files, supplemented by direct employer contact.

Ira L. Mills,
Department Clearance Officer.
[FR Doc. 99–24173 Filed 9–15–99; 8:45 am]
BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting Notice

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of a meeting of the Steerring Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: September 29, 1999, U.S. Department of Labor, 10:00–12:00 noon, Room S–1011, 200 Constitution Ave., NW, Washington, DC 20210.

Purpose: The meeting will include a review and discussion of current issues which influence U.S. trade policy. Potential U.S. negotiating objectives and bargaining positions in current and anticipated trade negotiations will be discussed. Pursuant to 19 U.S.C. 2155(f) it has been determined that the meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions. Accordingly, the meeting will be closed to the public.

For further information, contact: Jorge Perez-Lopez, Director, Office of International Economic Affairs, Phone: (202) 219–7597.

Signed at Washington, DC this 10th day of September, 1999.

Andrew James Samet,

Deputy Under Secretary International Affairs.

[FR Doc. 99–24174 Filed 9–15–99; 8:45 am]

BILLING CODE 4510–28–M

DEPARTMENT OF LABOR

Pension and Water Benefits Administration

Medical Child Support Working Group

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (FACA), notice is given of the fifth meeting of the Medical Child Support Working Group (MCSWG). The Medical Child Support Working Group was jointly established by the Secretaries of the Department of Labor (DOL) and the Department of Health and Human Services (DHHS) under section 401(a) of the Child Support Performance and Incentive Act of 1998. The purpose of the MCSWG is to identify the impediments to the effective enforcement of medical support by State child support enforcement agencies, and to submit to the Secretaries of DOL and DHHS a report containing recommendations for appropriate measures to address those impediments.

DATES: The meeting of the MCSWG will be held on Monday, October 4, 1999, and Tuesday, October 5, 1999, from 8:30 a.m. to approximately 6 p.m., and on Wednesday, October 6, 1999 from 8:30 a.m. to approximately noon.

ADDRESSES: The meeting will be held in the Conference Center of the Quality Inn Iwo Jima, 1501 Arlington Boulevard (U.S. Route 50) at Fairfax Drive, Arlington, Virginia 22209, telephone number (703) 524–5000. All interested parties are invited to attend this public meeting. Seating may be limited and will be available on a first-come, first-serve basis. Persons needing special assistance, such as sign language interpretation or other special accommodation, should contact the Executive Director of the Medical Child Support Working Group, Office of Child Support Enforcement at the address listed below.

FOR FURTHER INFORMATION CONTACT: Ms. Samara Weinstein, Executive Director, Medical Child Support Working Group, Office of Child Support Enforcement, Fourth Floor East, 370 L'Enfant Promenade, SW, Washington, DC 20447 (telephone (202) 401–6953; fax (202) 401–5559; e-mail: sweinstein@acf.dhhs.gov). These are not toll-free numbers. The date, location and time for subsequent MCSWG meetings will be announced in advance in the **Federal Register.**

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2)) (FACA), notice is given of a meeting of the Medical Child Support Working Group (MCSWG). The Medical Child Support Working Group was jointly established by the Secretaries of the Department of Labor (DOL) and the Department of Health and Human Services (DHHS) under section 401(a) of the Child Support Performance and Incentive Act of 1998 (P.L. 105–200).

The purpose of the MCSWG is to identify the impediments to the effective enforcement of medical support by State child support enforcement agencies, and to submit to the Secretaries of DOL and DHHS a report containing recommendations for appropriate measures to address those impediments. This report will include: (1) Recommendations based on assessments of the form and content of the National Medical Support Notice, as issued under interim regulations; (2) appropriate measures that establish the priority of withholding of child support obligations, medical support obligations, arrerages in such obligations, and in the case of a medical support obligation, the employee's portion of any health care coverage premium, by such State agencies in light of the restrictions on garnishment provided under title III of the Consumer Credit Protection Act (15 U.S.C. 1671–1677); (3) appropriate procedures for coordinating the provision, enforcement, and transition of health care coverage under the State programs for child support, Medicaid and the Child Health Insurance Program; (4) appropriate measures to improve the availability of alternate types of medical support that are aside from health care coverage offered through the noncustodial parent's health plan, and unrelated to the noncustodial parent's employer, including measures that establish a noncustodial parent's responsibility to share the cost of premiums, co-payments, deductibles, or payments for services not covered under a child's existing health coverage; (5) recommendations on whether reasonable cost should remain a consideration under section 452(f) of the Social Security Act; and (6) appropriate measures for eliminating any other impediments to the effective enforcement of medical support orders that the MCSWG deems necessary.

The membership of the MCSWG was jointly appointed by the Secretaries of DOL and DHHS, and includes representatives of: (1) DOL; (2) DHHS; (3) State Child Support Enforcement Directors; (4) State Medicaid Directors; (5) employers, including owners of small businesses and their trade and industry representatives and certified human resource and payroll professionals; (6) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1); (7) children potentially eligible for medical support, such as child advocacy organizations; (8) State medical child support organizations; and (9) organizers representing State child support programs.

Agenda

The agenda for this meeting includes a discussion of the issues to be included in the MCSWG's report to the Secretaries containing recommendations for appropriate measures to address the impediments to the effective enforcement of medical child support as listed above. At the May, 1, 1999, meeting the MCSWG formed four (4) subcommittees to discuss barriers, issues, options, and recommendations in the interim between full MCSWG meetings. At this October, 1999, meeting the four subcommittees will present their initial issues and recommendations to the full MCSWG for further discussion and consideration.

Public Participation

Members of the public wishing to present oral statements to the MSCWG should forward their requests to Samara Weinstein, MCSWG Executive Director, as soon as possible and at least four days before the meeting. Such request should be made by telephone, fax machine, or mail, as shown above. Time permitting, the Chairs of the MCSWG will attempt to accommodate all such requests by reserving time for presentations. The order of persons making such presentations will be assigned in the order in which the requests are received. Members of the public are encouraged to limit oral statements to five minutes, but extended written statements may be submitted for the record. Members of the public also may submit written statements for distribution to the MCSWG membership and inclusion in the public record without presenting oral statements. Such written statements should be sent

to the MCSWG Executive Director, as shown above, by mail or fax at least five business days before the meeting.

Minutes of all public meetings and other documents made available to the MCSWG will be available for public inspection and copying at both the DOL and DHHS. At DOL, these documents will be available at the Public Documents Room, Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5638, 200 Constitution Avenue, NW, Washington, DC from 8:30 a.m. to 5:30 p.m. Questions regarding the availability of documents from DOL should be directed to Ms. Ellen Goodwin, Plan Benefits Security Division, Office of the Solicitor, Department of Labor (telephone (202) 219–4600, ext. 119). This is not a toll-free number. Any written comments on the minutes should be directed to Ms. Samara Weinstein, Executive Director of the Working Group, as shown above.

Signed at Washington, DC, this 10th day of September, 1999.

Richard McGahey,

Assistant Secretary for Pension and Welfare Benefits.

[FR Doc. 99–24172 Filed 9–15–99; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (99–115)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Wessex, Inc., of Blacksburg, VA, has applied for an exclusive patent license to practice the invention described and claimed in U.S. Patent No. 5,269,288, entitled "Protective Coating for Ceramic Materials," which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to NASA Ames Research Center.

DATES: Responses to this notice must be received by November 15, 1999.

FOR FURTHER INFORMATION CONTACT: Robert M. Padilla, Patent Counsel, NASA Ames Research Center, Mail Stop 202A–3, Moffett Field, CA 94035–1000, telephone (650) 604–5104.

Dated: September 8, 1999.

Edward A. Frankle,

General Counsel.

[FR Doc. 99–24196 Filed 9–15–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL SKILL STANDARDS BOARD

Notice of Open Meeting

AGENCY: National Skill Standards Board.

ACTION: Notice of open meeting.

SUMMARY: The National Skill Standards Board was established by an Act of Congress, the National Skill Standards Act, Title V, Pub. L. 103–227. The 27-member National Skill Standards Board will serve as a catalyst and be responsible for the development and implementation of a national system of voluntary skill standards and certification through voluntary partnerships which have the full and balanced participation of business, industry, labor, education and other key groups.

TIME & PLACE: The meeting will be held from 8:30 a.m. to approximately 12:00 p.m. on Friday, October 1, 1999, at the Hilton (Washington Dulles Airport), 13869 Park Center Road, Herndon, VA 20171.

AGENDA: The agenda for the Board Meeting will include: an update from the Board's committees; presentations from representatives of the Sales & Service Voluntary Partnership (SSVP) and Manufacturing Skill Standards Council (MSSC); progress reports on Convening Group activities.

PUBLIC PARTICIPATION: The meeting, from 8:30 a.m. to 12:00 p.m., is open to the public. Seating is limited and will be available on a first-come, first-served basis. Seats will be reserved for the media. Individuals with disabilities should contact Leslie Donaldson at (202) 254–8628, if special accommodations are needed.

FOR FURTHER INFORMATION CONTACT: Tracy Marshall, Director of Operations at (202) 254–8628.

Signed at Washington, DC, this 10th day of September, 1999.

Edie West,

Executive Director, National Skill Standards Board.

[FR Doc. 99–24175 Filed 9–15–99; 8:45 am]

BILLING CODE 4510–23–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

2. Current OMB approval number: 3150–0021.

3. How often the collection is required: On occasion. Upon submittal of an application for a construction permit, operating license, operating license renewal, early site review, design certification review, decommissioning or termination review, manufacturing license, materials license, or upon submittal of a petition for rulemaking.

4. Who is required or asked to report: Licensees and applicants requesting approvals for actions proposed in accordance with the provisions of 10 CFR Parts 30, 32, 33, 34, 35, 36, 39, 40, 50, 52, 54, 60, 61, 70 and 72.

5. The number of annual respondents: 29.

6. The number of hours needed annually to complete the requirement or request: 60,288.

7. Abstract: 10 CFR Part 51 of the NRC's regulations specifies information and data to be provided by applicants and licensees so that the NRC can make determinations necessary to adhere to the policies, regulations, and public laws of the United States, which are to be interpreted and administered in accordance with the policies set forth in the National Environmental Policy Act of 1969, as amended.

Submit, by November 15, 1999, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 9th day of September 1999.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–24171 Filed 9–15–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–364]

Notice of Issuance of an Environmental Assessment and Finding of No Significant Impact for the BWX Technologies (BWXT), Parks Township, Pennsylvania

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuing an exemption to BWX Technologies (BWXT or the licensee) from the requirement at 10 CFR Part 20, Appendix G III (E)(1) and (2) to investigate and report to the Commission when receipt of a shipment, or part of a shipment, of radioactive waste is not acknowledged by the intended recipient within 20 days of the shipment of the waste.

Environmental Assessment

Identification of the Proposed Action

By letter dated May 11, 1999, BWXT requested an exemption from the requirement at 10 CFR Part 20.Appendix G III (E)(1) and (2) to investigate and report to the Commission when receipt of a shipment, or part of a shipment, of radioactive waste is not acknowledged by the intended recipient within 20 days of the shipment of the waste. Instead, BWXT would only investigate and file a report to the NRC when receipt of the shipment is not received within 35 days of the date of shipment.

Need for the Proposed Action

The BWXT operation involves the decommissioning of its facility in Parks Township, Pennsylvania. As part of this operation, BWXT ships radioactive waste to a radioactive waste disposal facility in Hanford, Washington. As described in the licensee's request, the radioactive waste being shipped to the Hanford, WA facility will typically take longer than the 20 days contemplated in the NRC's regulations at 10 CFR Part 20 Appendix G III (E)(1) and (2). As such, the licensee could be required to investigate and file a report of the investigation with the NRC for each routine shipment of waste. The licensee also stated in its request that a tracking system for rail shipments allows the licensee, and its transportation subcontractor, to monitor the progress of the shipment.

Environmental Impact of the Proposed Action

The NRC staff has examined the licensee's proposed exemption request and concluded that the proposed exemption request is procedural and administrative in nature. Therefore, exempting BWXT from the requirements at 10 CFR Part 20 Appendix G III (E)(1) and (2) and instead requiring BWXT to investigate and report to NRC when receipt of a shipment is not received within 35 days of a shipment will not endanger life or property, or the common defense and security, and will not cause any environmental impact.

Alternatives to the Proposed Action

Since there are no environmental impacts associated with this proposed action, no alternatives other than the proposed action were evaluated.

Agencies and Persons Consulted

Staff of the Pennsylvania Department of Environmental Protection were consulted for this proposed action.

Finding of No Significant Impact

As discussed above, the proposed action is procedural and administrative in nature and there is no environmental impact associated with this action. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

This application for the proposed action was docketed under 10 CFR Part 70, Docket No. 70–364. For further details with respect to this action, see the licensee's May 11,1999, request, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland, this 7th day of September 1999.

For the Nuclear Regulatory Commission.

Larry W. Camper,

Chief, Decommissioning Branch, Division of Waste Management, Office of Material Safety and Safeguards.

[FR Doc. 99–24170 Filed 9–15–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1994; Computer Matching Programs Office of Personnel Management/Department of Labor Office of Workers' Compensation Programs

AGENCY: Office of Personnel Management (OPM).

ACTION: Publication of notice of computer matching to comply with Public Law 100–503, the Computer Matching and Privacy Act of 1988.

SUMMARY: OPM is publishing notice of its computer matching program with the Department of Labor, Office of Workers' Compensation Programs (OWCP) to meet the reporting and publication requirements of Public Law 100–503. The purpose of this match is to identify and/or prevent erroneous payments under the Civil Service Retirement Act (CSRA) or the Federal Employees' Retirement System Act (FERSA) and the Federal Employees' Compensation Act (FECA). The match will identify individuals receiving prohibited benefits simultaneously under CSRA or FERSA and the FECA. All three laws prohibit the receipt of certain simultaneous payments covering the same period of time.

The match will involve the OPM system of records published as OPM CENTRAL–1, Civil Service Retirement and Insurance Records at 60 FR 63075, December 8, 1995, as amended August 27, 1998 (63 FR 45881) and the Department of Labor system of records published as DOL/GOVT–1, entitled "Office of Workers' Compensation Programs, Federal Employees' Compensation Act File" at 58 FR 49548, on September 23, 1993, with

amendments published at 59 FR 47361 on September 15, 1994.

DATES: The matching program will begin in September 1999, or 40 days after agreements by the parties participating in the match have been submitted to Congress and the Office of Management and Budget, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months thereafter. The data exchange will begin at a date mutually agreed upon between OPM and OWCP after September 1, 1999, unless comments to the match are received that result in cancellation of the program. Subsequent matches will take place semi-annually on a recurring basis until one of the parties advises the other in writing of its intention to reevaluate, modify and/or terminate the agreement.

ADDRESSES: Send comments to Kathleen M. McGettigan, Assistant Director for Systems, Finance and Administration, Office of Personnel Management Room 4312, 1900 E. Street NW. Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Marc Flaster, (202) 606–2115.

SUPPLEMENTARY INFORMATION: The computer matching program between OPM and OWCP will involve comparison of beneficiaries under the FECA and the CSRA or the FERSA. The match will identify beneficiaries receiving payment of compensation for wage loss or death under the FECA and those receiving retirement or death benefits under the CSRA or FERS covering the same period of time.

The concurrent receipt of benefits under the FECA based on wage loss and under the CSRA or FERSA for retirement, or under the FECA, CSRA, or FERSA based on the death of a Federal employee is prohibited. OPM has the responsibility to monitor retirement annuity and survivor benefits paid under the retirement laws to ensure that it beneficiaries are not receiving benefits under the FECA which are prohibited during receipt of benefits under the CSRA or FERSA. Similarly, it is OWCP's responsibility to ensure that Federal employees or dependents of deceased Federal employees receiving benefits under the FECA are not also receiving benefits under CSRA or FERSA which are prohibited.

By comparing the information received through this computer matching program on a regular basis, the agencies will be able to make a timely and more accurate adjustment in their benefit payments. The match will prevent overpayments, fraud and abuse, thus assuring that benefit payments are proper under the appropriate Acts.

Additional information regarding the matching program, including the authority for the program, a description of the matches, the personnel records to be matched, security safeguards, and plans for the disposal of records following completion of the match are provided in the text below.

Office of Personnel Management.

Janice R. Lachance,

Director.

Matching of Records Between Office of Workers' Compensation Programs and the Office of Personnel Management

A. Authority. The Civil Service Retirement Act (CSRA), 5 U.S.C. 8331, *et seq.;* the Federal Employees' Retirement System Act (FERSA), 5 U.S.C. 8401, *et seq.;* and the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101, *et seq.*

B. Description of Computer Matching Program. OPM pays annuities or survivor benefits to individuals who also may receive benefits under the FECA. OPM's responsibility as the Administrator of CSRA and the FERSA is to assure that such benefit payments are proper and to prevent fraud and abuse. The computer matching program is an efficient method of determining whether these individuals are receiving benefits simultaneously from both OPM and OWCP which is prohibited by law.

OWCP will provide OPM with extracts of its payment files containing data (names, social security numbers, payee relationship codes, addresses, zip codes, and payment data) needed to identify the individual and determine if he or she is receiving benefits from both organizations at the same time. OPM will match OWCP's extract of its payment files against its payment records for the same dates to determine if benefits were being paid for the same day by both agencies. OPM will provide OWCP with a list of valid matches. Both organizations will detect, identify, and follow-up on payment of prohibited dual benefits. An individual identified as receiving prohibited dual benefits will be offered an opportunity to contest the findings and proposed actions and the opportunity to elect the benefits he or she wishes to receive. This due process will be provided to the individual before any payment adjustments are made.

C. Personnel Records to be Matched. The respective OPM and OWCP system of records cited above, which contain payment date on beneficiaries, will be matched.

D. Privacy Safeguards and Security. The personal privacy of the individuals whose names are included in the tapes is protected by strict adherence to the provisions of the Privacy Act of 1974 and OMB's Guidance Interpreting the Provisions of Pub. L. 100–503, the Computer Matching and Privacy Act of 1988 (54 FR 25818). Security safeguards include limiting access only to the files agreed to and only to agency personnel having a "need to know". All automated records will be password protected and the data listing will be locked in file areas after normal duty hours. Records matched or created by the match will be stored in an area that is physically safe from access by unauthorized persons during normal work hours and after work, or when not in use.

E. Disposal of Records. The files will remain the property of the respective source agencies and all records including those not containing matches will be returned to the source agency for destruction. "Hits", those records relating to matched individuals, will be disposed of in accordance with the Privacy Act and the Federal Record Schedules after serving their purpose. The data obtained from confirmed hits will be entered in the claims file, subject to release only in accordance with the provisions of the Privacy Act.

[FR Doc. 99–24113 Filed 9–15–99; 8:45 am]

BILLING CODE 6325–01–M

RAILROAD RETIREMENT BOARD

Proposed Data Collection Available for Public Comment and Recommendations

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Request to Non-Railroad

Employer for Information About Annuitant's Work and Earnings; OMB 3220–0107. Under Section 2 of the Railroad Retirement Act (RRA), a railroad employee's retirement annuity or an annuity paid to the spouse of a railroad employee is subject to work deduction in the Tier II component of the annuity and any employee supplemental annuity for any month in which the annuitant works for a Last Pre-Retirement Non-Railroad Employer (LPE). LPE is defined as the last person, company, or institution, other than a railroad employer, that employed an employee or spouse annuitant. In addition, the employee, spouse or divorced spouse Tier I annuity benefit is subject to work deductions under Section 2(F)(1) of the RRA for earnings from any non-railroad employer that are over the annual exempt amount.

The regulations pertaining to non-payment of annuities by reason of work are contained in 20 CFR 230.1 and 230.2.

The RRB utilizes Form RL–231–F, Request to Non-Railroad Employer for Information About Annuitant's Work and Earnings, to obtain the information needed for determining if any work deduction should be applied because an annuitant worked in non-railroad employment after the annuity beginning date. One response is requested of each respondent. Completion is voluntary.

No changes are proposed to Form RL–231–F.

Estimate of Annual Respondent Burden: The estimated annual respondent burden is as follows:

Form Nos.	Annual responses	Time (min)	Burden (hrs)
RL–231–F	300	30	150
Total	300		150

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 99–24107 Filed 9–15–99; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C., Section 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning October 1, 1999, shall be at the rate of 27 cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning October 1, 1999, 37.1 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 62.9 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Dated: September 7, 1999.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 99–24108 Filed 9–15–99; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24006; File No. 812–10792]

The Travelers Insurance Company, et al.; Notice of Application

September 10, 1999.

AGENCY: Securites and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order under Section 6(c) of the Investment Company Act of 1940 ("Act") granting relief from Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c-1 thereunder.

SUMMARY OF APPLICATION: Applicants request an order to permit the offer and sale of variable annuity contracts ("Contracts") that offer an optional principal protection feature. Applicants also request an order on behalf of any other person who may become the principal underwriter for the Contracts (Future Underwriters").

APPLICANTS: The Travelers Insurance Company ("The Travelers"), The Travelers Life and Annuity Company ("Travelers Life," together with The Travelers, "Insurers"), The Travelers Fund BD III for Variable Annuities ("Fund BD III"), The Travelers Fund BD IV for Variable Annuities ("Fund BD IV." together with Fund BD III, the "Separate Accounts"), and Tower Square Securities, Inc. ("Tower Square").

FILING DATE: The application was filed on September 18, 1997, and was amended and restated on June 24, 1998.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 1, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretray, SEC, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants, Kathleen A. McGah, Esq., The Travelers Insurance Company, One Tower Square, Hartford, CT 06183.

FOR FURTHER INFORMATION CONTACT: Lorna MacLeod, Attorney, or Mark Amorosi, Special Counsel, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth

Street, NW, Washington, DC 20549 (tel (202) 942–8090).

Applicants' Representations

1. The Travelers, a Connecticut stock insurance company, is licensed to conduct life insurance business in all of the states of the United States, the District of Columbia, Puerto Rico, Guam, the British and US Virgin Islands, and the Bahamas. The Travelers is an indirect wholly owned subsidiary of the Travelers Group Inc.

2. Travelers Life, a Connecticut stock insurance company, is licensed to conduct life insurance business in a majority of states of the United States. Travelers Life is a wholly owned subsidiary of The Travelers.

3. Fund BD III and Fund BD IV were established under the laws of Connecticut as separate investment accounts by The Travelers and Travelers Life, respectively. Assets allocated to each Separate Account support benefits payable under group and individual annuity contracts offered by the Insurers. Each Separate Account is registered with the Commission as a unit investment trust, and meets the definition of "separate account" in Section 2(a)(37) of the Act.

4. Tower Square, an indirect wholly owned subsidiary of The Travelers, is the principal underwriter for the Contracts. Tower Square is registered as a broker-dealer under the Securities Exchange Act of 1934 ("1934 Act") and is a member of the National Association of Securities Dealers, Inc. ("NASD"). Each Future Underwriter will be registered as a broker-dealer under the 1934 Act, and will be a member of the NASD.

5. The Contracts are single premium variable annuity contracts that may be purchased in connection with certain retirement plans on a tax-qualified or a non tax-qualified basis. The net premium may be allocated to one or more of each Separate Account's sub-accounts, or to the general account of The Travelers or Travelers Life, as relevant, where such premium is credited with a fixed rate of interest.

6. The Contracts offer an optional principal protection features ("Principal Protection Feature" or "Feature"). If purchased, The Travelers or Travelers Life, as relevant, will guarantee that upon the Feature's expiration date ("Principal Protection Expiration Date"), the Contract Value [1] will at least equal a specified percentage of the premium adjusted for withdrawal reductions (*i.e.*, the amount of any partial withdrawal plus any charges deducted as a result of any such withdrawal) even if the value of the Contract otherwise determined on that date is less than the guaranteed amount.

7. More specifically, on the Principal Protection Expiration Date (the last day of the eighth Contract year), The Travelers or Travelers Life, as relevant, will contribute to the Contract Value any amount needed to bring the Contract Value up to 115%, 100% or 90%, depending on the selection, of the premium, as adjusted for any withdrawal reductions.

8. In addition, on the Principal Protection Expiration Date, the Insurer will transfer the greater of the guaranteed amount or Contract Value from the Protected Funding Option to the sub-account investing in the Money Market Portfolio unless the Contract owner informs The Travelers or Travelers Life, as relevant, in writing prior to the Principal Protection Expiration Date of a different investment choice within the Contract. On and after the Principal Protection Expiration Date, The Contract owner may remain in the Contract, purchase a new Contract with the Principal Protection Feature, annuitize the Contract, exchange the Contractor for another annuity contract, surrender the Contract, or make a partial withdrawal of the Contract Value.

9. To qualify for the Principal Protection Feature, at the time of purchase the Contract owner must allocate the entire premium to the Protected Funding Option. In addition, until the Principal Protection Expiration Date, the Contract owner must refrain from: (1) transferring any amounts from the Protected Funding Option; and (2) annuitizing the Contract. The Insurers will treat any transfer or annuitization from the Principal Protection Feature as a surrender of the Contract. The Contract owner, however, may surrender or make partial withdrawals from the Contract at any time, subject to the withdrawal charges discussed below. The amounts withdrawn, including any withdrawal charges assessed on the withdrawn amounts, will no longer be protected by the Principal Protection Feature, and will reduce the amount of the principal guarantee proportionately.

10. There are two charges associated with the Principal Protection Feature. First, there is a Principal Protection Fee, of up to 2.00% annually of Contract Value, depending on the level of guarantee chosen. The Principal Protection Fee is deducted daily from Contract Value. Second, there is a Principal Protection Cancellation Charge. This charge is assessed should the Contract owner surrender or partially withdraw from the Contract before the Principal Protection Expiration Date. The Principal Protection Cancellation Charge equals up to 4% of the premium and declines to 0% at the end of eight Contract years.

11. The Principal Protection Fee and the Principal Protection Cancellation Charge compensate each Insurer for the liabilities associated with providing the Feature. These include the cost associated with the financial hedging instruments or reinsurance purchased by each Insurer to hedge against such Insurer's potential losses resulting from the Feature. The Principal Protection Fee is designed so that if a Contract owner persists until the Principal Protection Expiration Date, each Insurer will recover most, if not all, of the cost of either purchasing the hedging instruments or the reinsurance associated with providing the guarantee. The Principal Protection Cancellation Charge is designed so that each Insurer may recover its costs if a Contract owner surrenders or withdrawas from the Feature prior to the Principal Protection Expiration Date. Insurers intend to set the rates for the Principal Protection Fee monthly. The rate in effect at the time of Contract purchase will lock in for the life of the Feature. The Principal Protection Fee is expected to fall within the range set forth below based on current market conditions, but will not exceed 2.00 percent:

Level of guarantee percent of purchase payment	Charge range as a percent of contract value
115	1.25–2.00
110	.75–1.50
90	.50–1.25

Similar to the Principal Protection Fee, the Insurers may modify the amount of the Principal Protection Cancellation Charge periodically but the amount of the charge in effect at the time of Contract purchase will lock in for the life of the Principal Protection Feature. The maximum levels of Principal Protection Cancellation Charge are:

Contract year	Principal protection cancellation charge (as a percentage of premium not previously surrendered)
1	4
2	4

[1] Contract Value equals the amount of premium reduced by all charges and partial withdrawals made, and increased or decreased by the amount of investment performance credited to the Contract.

Contract year	Principal protection cancellation charge (as a percentage of premium not previously surrendered)
3	4
4	3
5	3
6	3
7	1
8	1

12. In addition to the Principal Protection Cancellation Charge, a contingent deferred sales charge ("CDSC") may be imposed on certain withdrawals from all Contracts (whether or not they include the Principal Protection Feature). The CDSC decreases from 6% to 0% over nine years. However, 10% of the premium may be withdrawn each year after the first Contract year without the imposition of the CDSC, and the Principal Protection Cancellation Charge (when an owner has the Feature).

Applicants' Legal Analysis

1. Section 6(c) authorizes the Commission, by order upon application, to conditionally or unconditionally grant an exemption from any provision, rule, or regulation of the Act to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Because the provisions described below may be inconsistent with certain aspects of the Principal Protection Feature's charge structure, Applicants seek exemptions from Sections 2(a)(32), 22(c), 27(i)(2)(A) of the Act and Rule 22c–1 thereunder, to the extent necessary, pursuant to Section 6(c) to assess the Principal Protection Cancellation Charge against Contract owners enrolled in the Principal Protection Feature who surrender or partially withdraw from the Contracts prior to the Principal Protection Expiration Date.

2. Section 2(a)(32) of the Act defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

3. As discussed above, the Principal Protection Cancellation Charge compensates each Insurer for the risks such Insurer assumes should a Contract owner enrolled in the Principal Protection Feature surrender or partially withdraw from a Contract prior to the Principal Protection Expiration Date. This charge is not assessed at redemption for administrative expenses. The Principal Protection Cancellation Charge represents a charge for an optional insurance benefit for which each Insurer is entitled to receive compensation. In this manner, Applicants state that the charge is similar to other charges made by insurers, and approved by the Commission, at redemption for optional insurance benefits. Accordingly, Applicants assert that the deduction of a Principal Protection Cancellation Charge is a legitimate charge for an optional insurance benefit under the Contracts, and therefore does not reduce the amount of Fund BD III's or Fund BD IV's current net assets that a Contract owner otherwise would be entitled to receive.

4. Moreover, Applicants submit that although Section 2(a)(32) does not specifically contemplate the imposition of a charge at the time of redemption, such charge is not necessarily inconsistent with the definition of "redeemable security." Applicants argue that a cancellation charge is little different, for this purpose, from the "redemption" charge authorized in Section 10(d)(4) of the Act. Congress, according to Applicants, intended that such a redemption charge, which is expressly described as a "discount from net asset value," be deemed consistent with the concept of "proportionate share" under Section 2(a)(32).

5. Consistent with Section 2(a)(32), therefore, Applicants submit that the Contracts will be "redeemable securities." The Contracts provide for surrender and partial withdrawal of Contract Value. The prospectuses for the Contracts disclose the contingent nature of the Principal Protection Cancellation Charge. Accordingly, Applicants assert that there will be no restriction on or impediment to, surrender or partial withdrawal that should cause the Contracts to be considered other than redeemable securities within the meaning of the Act and rules thereunder. Upon surrender or partial withdrawal of a Contract enrolled in the Principal Protection Feature, a Contract owner will receive his "proportionate share" of the relevant Separate Account: *i.e.*, the amount of the premium reduced by the amount of all charges and increased or decreased by the amount of investment performance credited to the Contract.

6. Rule 22c–1, promulgated under Section 22(c) of the Act, imposes requirements with respect to both the amount payable on redemption and the time as of which such amount is calculated. Specifically, Rule 22c–1, in pertinent part, prohibits a registered investment company issuing a redeemable security and its principal underwriter from selling, redeeming, or repurchasing any such security, except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption, or of an order to purchase or sell such security.

7. Regarding the amount payable, Applicants submit that the assessment of the Principal Protection Cancellation Charge, an insurance charge, upon surrender or partial withdrawal of a Contract enrolled in the Principal Protection Feature, does not alter a Contract owner's current net asset value. Furthermore, regarding the timing requirement of Rule 22c–1, Applicants, consistent with their current procedures, state that they will determine the cash surrender value under a Contract in accordance with Rule 22c–1 on a basis next computed after receipt of a Contract owner's request for surrender or partial withdrawal. Accordingly, Applicants submit that they will comply with both the amount payable and timing requirements of Rule 22c–1.

8. In addition, the deduction of the Principal Protection Cancellation Charge is consistent with the policy behind Rule 22c–1. Applicants state that the Commission's purpose in adopting Rule 22c–1 was to minimize (i) dilution of interests of the other security holders and (ii) speculative trading practices that are unfair to such holders. Applicants assert that the Principal Protection Cancellation Charge would in no way have the dilutive effect which Rule 22c–1 is designed to prohibit, because a surrendering Contract owner would "receive" no more than an amount equal to the Contract Value determined pursuant to the formula set out in his Contract and after receipt of his request. Furthermore, Applicants claim, variable annuities, by nature, do not lend themselves to the kind of speculative short-term trading that Rule 22c–1 was aimed against, and, even if they could be so used, the Principal Protection Cancellation Charge would discourage, rather than encourage, any such trading.

9. Applicants also assert that the deduction of the Principal Protection Cancellation Charge upon surrender or partial withdrawal from Contracts enrolled in the Principal Protection Feature will be advantageous to Contract owners for a number of reasons. First, a deferred charge structure has long been accepted as an

appropriate feature of variable annuities. The existence of products with deferred charges provides investors a valuable choice, and according to Applicants, the Commission and its staff have supported efforts to expand investor choice without sacrificing investor protection. In this context a deferred charge structure also reinforces the intention that the product be held as a long-term investment. Second, the amount of the Contract owners' premiums that will be allocated to the relevant Separate Account, and be available to earn a return for the Contract owners, will be greater than it would be if the charges were deducted from the premiums. Applicants submit that the Commission recognized this in authorizing deferred sales charges for variable annuity contracts pursuant to Rule 6c–8 under the Act.

10. Finally, Applicants assert that their charge structure provides equitable treatment to all Contract owners enrolled in the Principal Protection Feature. Applicants state that they established the charge structure of the Principal Protection Feature so that each Insurer may recover its costs over the life of the guarantee. If Contract owners who selected the Principal Protection Feature could surrender or partially withdraw from the Contracts prior to the Principal Protection Expiration Date without the imposition of the Principal Protection Cancellation Charge, each Insurer may not be able fully to recover its costs. If each Insurer did not assess the Principal Protection Cancellation Charge and instead increased the Principal Protection Fee or added a front-end charge, the Insurer could be charging persisting Contract owners enrolled in the Feature more than may otherwise be necessary to recover the costs attributable to such Contract owners. Accordingly Applicants submit that the Contracts will satisfy the requirements of Rule 22c–1.

11. Section 27(i)(2)(A) of the Act, in pertinent part, makes it unlawful for any registered separate accounting funding variable insurance contracts, or for the sponsoring insurance company of such account, to sell any such contract unless such contract is a redeemable security. Applicants submit that the assessment of a Principal Protection Cancellation Charge should not be construed as a restriction on redemption. Applicants maintain that the Contracts enrolled in the Principal Protection Feature are redeemable securities and that the imposition of the Principal Protection Cancellation Charge upon surrender or partial withdrawal represents nothing more than the deduction of an insurance charge. Moreover, as Applicants previously stated, the charge is only assessed if the Contract owner has elected the Principal Protection Feature. Accordingly, Applicants submit that the Contracts will satisfy the requirements of Section 27(i)(2)(A).

12. Applicants seek the relief requested herein not only with respect to themselves and the Contracts described above, but also with respect to Future Underwriters. Applicants represent that the terms of the relief requested with respect to any Future Underwriter are consistent with standards set forth in Section 6(c) of the Act.

13. Applicants state that, without the requested class relief, exemptive relief for any Future Underwriter would have to be requested and obtained separately. Applicants assert that these additional requests for exemptive relief would present no issues under the Act not already addressed herein. Applicants state that if the Applicants were to repeatedly seek exemptive relief with respect to the same issues addressed herein, investors would not receive additional protection or benefit, and investors and the Applicants could be disadvantaged by increased costs from preparing such additional requests for relief. Applicants argue that the requested class relief is appropriate in the public interest because the relief will promote competitiveness in the variable annuity market by eliminating the need for Applicants to file redundant exemptive applications, thereby reducing administrative expenses and maximizing efficient use of resources. Elimination of the delay and the expense of repeatedly seeking exemptive relief would, Applicants argue, enhance each Applicant's ability effectively to take advantage of business opportunities as such opportunities arise. Applicants submit, for all the reasons stated herein, that their request for class exemptions is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that an order of the Commission including such class relief, should therefore, be granted.

Conclusion

For the reasons stated above, Applicants believe that the requested exemptions, in accordance with the standards of Section 6(c), are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24185 Filed 9–15–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24005; 812–11720]

Vision Group of Funds, Inc. and Manufacturers and Traders Trust Company; Notice of Application

September 9, 1999.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application under section 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit a series of a registered open-end management investment company to acquire all of the assets, subject to the liabilities, of two other series of the investment company. Because of certain affiliations, applicants may not rely on rule 17a–8 under the Act.

APPLICANTS: Vision Group of Funds, Inc. ("Vision Funds") and Manufacturers and Traders Trust Company ("M&T Bank").

FILING DATES: The application was filed on July 29, 1999 and amended on September 8, 1999.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing request should be received by the Commission by 5:30 p.m. on October 4, 1999, and should be accompanied by proof of service on applicants, in the form if an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609; Applicants: c/o Matthew G. Maloney, Esq, Dickstein Shapiro Morin & Oshinsky LLP, 2101 L Street, N.W., Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 942–0574 or George J. Zornada, Branch Chief, at (202) 942–0564, (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (telephone (202) 942–8090).

Applicant's Representations

1. Vision Funds, a Maryland corporation, is registered under the Act as an open-end management investment company and is currently comprised of ten series, including Vision Growth & Income Fund ("Growth & Income Fund"), Vision Capital Appreciation Fund ("Capital Appreciation Fund" and together with the Growth & Income Fund, the "Acquired Funds") and Vision Mid Cap Stock Fund (the "Acquiring Fund" and together with the Acquired Funds, the "Funds"). The Acquiring Fund is a newly-organized series of Vision Funds.

2. M&T Bank is the investment adviser to the Acquire Funds. M&T Bank is exempt from registration under the Investment Advisers Act of 1940 (the "Advisers Act") pursuant to section 202(a)(11)(A) of the Advisers Act. M&T Bank will also act as the investment adviser of the Acquiring Fund. Currently, M&T Bank holds of record 35.13% and 43.81% of the outstanding voting securities of the Growth & Income Fund and the Capital Appreciation Fund, respectively, and thereby holds or shares voting and/or investment discretion with respect to more than 25%of the outstanding voting securities of each of the Acquired Funds.

3. On June 21, 1999, the board of directors of Vision Funds (the "Board"), none of whom are "interested persons" as defined in section 2(a)(19) of the Act ("Disinterested Directors"), approved and entered into an agreement and plan of reorganization between the Acquired Funds and the Acquiring Fund (the "Reorganization Agreement" and the transaction, the "Reorganization"). The Reorganization is expected to occur on or after October 15, 1999. Under the Reorganization Agreement, the Acquiring Fund would acquire all of the assets, subject to the liabilities, of the Acquired Funds in exchange for class A shares of the Acquiring Fund having an aggregate net asset value equal to the aggregate net asset value of the corresponding Acquired Fund's shares determined on the closing date of the Reorganization. The value of the assets of the Funds will be determined in the manner set forth in the Funds' then current prospectuses and statements of additional information. The Acquiring Fund shares received by the Acquired Funds will be distributed pro rata by each Acquired Fund to its shareholders and each Acquired Fund will liquidate and dissolve.

4. Applicants state that the investment objectives and policies of the Funds are substantially similar. Each Acquired Fund offers a single class of shares, class A. The Acquiring Fund will offer identical class A shares.[1] No sales load will be imposed in connection with the Reorganization. The Funds will pay the Reorganization expenses.

5. The Board, which is composed entirely of Disinterested Directors, found that the Reorganization is in the best interests of each Acquired Fund, and that the interest of existing shareholders of each Acquired Fund will not be diluted as a result of the Reorganization. During its deliberations, the Board reviewed, among other things: (a) the terms and conditions of the Reorganization Agreement; (b) the investment advisory and other fees projected to be paid by the Acquiring Fund, and the projected expense ratio of the Acquiring Fund as compared to those of each Acquired Fund; (c) the investment objectives, strategies, techniques, investment risks and limitations of the Acquiring Fund and their compatibility with those of each Acquired Fund; (d) that the Funds would pay the expenses of the Reorganization; (e) the potential economics of scale to be gained from combining the assets of the Acquired Funds into the Acquiring Fund; and (f) the anticipated tax-free nature of the Reorganization.

6. The Reorganization is subject to a number of conditions precedent, including: (a) the shareholders of each Acquired Fund will have approved the Reorganization Agreement; (b) applicants will have received exemptive relief from the Commission; (c) a registration statement on Form N–14 relating to the Acquiring Fund and filed with the Commission will have become effective; (d) the receipt of an opinion of counsel with respect to the tax-free nature of the Reorganization; and (e) that each Acquired Fund will have declared and paid a dividend or dividends on its shares which, together with all previous dividends, will have the effect of distributing to its shareholders all of the Acquired Fund's investment company taxable income, if any, its tax-exempt interest income, if any, and all of its net capital gain realized. The Reorganization Agreement may be terminated by the Board and the Reorganization abandoned any time prior to the closing date of the Reorganization. Applicants agree not to make any material changes to the Reorganization Agreement without prior approval of the Commission.

7. The definitive prospectus/proxy statement will be filed with the Commission on or about September 16, 1999 and will be mailed to shareholders of the Acquired Funds at least 20 days before the date of the shareholders meetings scheduled for October 14, 1999.

Applicants' Legal Analysis

1. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from selling any security to, or purchasing any security from, the company. Section 2(a)(3) of the Act defines an "affiliated person" of another person to include (a) any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person; (b) any person 5% or more of whose securities are directly or indirectly owned, controlled, or held with power to vote by the other person; (c) any person directly or indirectly controlling, controlled by, or under common control with the other person, and (d) if the other person is an investment company, any investment adviser of that company. Applicants state that the Funds may be deemed affiliated persons and thus the Reorganization may be prohibited by section 17(a).

2. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions set forth in the rule are satisfied.

3. Applicants state that they may not rely on rule 17a–8 because the Funds may be deemed to be affiliated for reasons other than those set forth in the rule. By virtue of the direct or indirect ownership by M&T Bank of more than 5% of the outstanding voting securities

[1] Class A shares of the Funds have a maximum front-end sales load of 5.50% and are subject to a distribution fee under rule 12b–1 under the Act of .25% and shareholder services fees of .25%.

of each of the Acquired Funds, each Acquired Fund may be deemed an affiliated person of an affiliated person of the other Acquired Fund, and the Acquiring Fund. Because of this ownership, each Acquired Fund may be deemed an affiliated person of an affiliated person of the Acquiring Fund for reasons other than having a common investment adviser.

4. Section 17(b) of the Act provides that the Commission may exempt a transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

5. Applicants request an order under section 17(b) of the Act exempting them from section 17(a) of the Act to the extent necessary to permit applicants to consummate the Reorganization. Applicants submit that the Reorganization satisfies the standards of section 17(b) of the Act. Applicants state that the Board has found that participation in the Reorganization is in the best interests of each Fund, and that the interests of the existing shareholders will not be diluted as a result of the Reorganization. In addition, applicants state that the exchange of Acquired Funds' shares for Acquiring Fund shares will take place on the basis of net asset value.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24114 Filed 9–15–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41821; File No. SR–CBOE–99–17]

Self-Regulatory Organizations; Order Granting Approval of Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 3 to Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Operation of the Retail Automatic Execution System

September 1, 1999.

I. Introduction

On April 16, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change amending the CBOE's rules governing the operation of its Retail Automatic Execution System ("RAES"). The proposal increases the maximum order sizes of certain RAES-eligible options and authorizes the appropriate Floor Procedure Committees ("FPCs") of the Exchange to change current procedures governing assignment and price improvement of RAES orders. On May 21, 1999, the CBOE filed with the Commission Amendment No. 1 to the proposal.[3] Notice of the proposal was published in the **Federal Register** on June 17, 1999.[4] The Commission received no comments on the proposal. On August 23, 1999, the CBOE filed Amendment No. 2 to the proposal,[5] on August 31, 1999, the CBOE filed Amendment No. 3 to the proposal.[6]

II. Description of the Proposal

a. Summary

This filing does four things. First, it increases from 20 to 50 contracts the maximum size of orders for equity options and certain classes of index options eligible to be executed through RAES.[7] Second, it authorizes the appropriate FPCs to implement a new RAES order assignment procedure called "Variable RAES" (described below) for some or all classes of CBOE options. Third, it allows the appropriate FPCs to authorize automatic RAES "step-ups" for price differentials greater than the one "tick" differential currently specified in the rules.[8] Fourth, it makes editorial revisions to clarify or update current RAES rules.

b. Previous Partial Approval

The Commission previously granted accelerated approval to a portion of this rule filing. Specifically, on August 23, 1999, the Commission approved Amendment No. 2, which permitted the CBOE to immediately implement Variable RAES in five stocks that are dually listed on both the Philadelphia stock Exchange ("Phlx") and the CBOE.[9] Amendment No. 2 was filed in tandem with a related rule proposal, SR–CBOE–99–47, which increased the maximum RAES order size from 20 to 50 contracts in options on those five stocks only.[10] SR–CBOE–99–47 became effective on August 23, 1999. The Commission granted immediate approval of Amendment No. 2 to enable Variable RAES to be used on August 23, when the new order size maximum on the five dually traded options went into effect.

c. Order Size Increase

Formerly, the maximum size of RAES-eligible orders was 20 contracts for all classes of equity options (other than the five dually traded classes noted above), all classes of sector index options and all other classes of index options (except options on the S&P 500 Index, the Nasdaq 100 Index, the Dow Jones Industrial Average, and interest rate options).[11] This proposed rule change

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the CBOE clarified issues relating to implementation of the new RAES order assignment procedures. *See* letter from Timothy Thompson, Director, Regulatory Affairs, CBEO, to Gordon Fuller, Special Counsel, Division of Market Regulation, SEC, dated May 20, 1999.

[4] *See* Securities Exchange Act Release No. 41501 (June 9, 1999), 64 FR 32568.

[5] Amendment No. 2 is described below. *See* letter from Christopher R. Hill, Attorney, CBOE, to Michael Walinskas, Associate Director, Division of Market Regulation, SEC, dated August 23, 1999.

[6] Amendment No. 3 is described below. *See* letter from Timothy Thompson, Director, Regulatory Affairs, CBOE, to Gordon Fuller, Special Counsel, Division of Market Regulation, SEC, dated August 31, 1999.

[7] The proposal also effects a minor increase (from 99 contracts to 100 contracts) in the maximum size of RAES orders for options on two indices—the S&P 500 Index and the Nasdaq 100 Index—to bring those size maximums into conformity with size maximums for other index options and interest rate options. *See infra* note 11.

[8] "Step-ups" refers to the ability to improve the price at which an order is executed on RAES to match a better price in another market.

[9] Those stocks are Dell Computer Corporation ("DLQ"), International Business Machines ("IBM"), Johnson & Johnson ("JNJ"), Coca-Cola ("KO"), and Ford Motor Company ("F"). Securities Exchange Act Release No. 41782 (August 23, 1999), 64 FR 47881 (September 1, 1999).

[10] Securities Exchange Act Release No. 41823 (September 1, 1999).

[11] The RAES eligibility maximum was formerly 99 contracts for options on the S&P 500 Index and the Nasdaq 100 Index, and 100 contracts for options on the DJIA and interest rate options. To simplify

Continued

increases the maximum order size for these options classes to 50 contracts. Increasing the RAES eligibility maximum to 50 contracts for these classes of options does not, however, automatically permit orders up to this size to be entered into RAES. Instead, the actual maximum RAES eligibility size will be established by the appropriate FPC of the CBOE, which may maintain the maximum for particular classes at levels below the 50-contract maximum.

Under existing Interpretation and Policy .01 under Rule 6.8, the appropriate FPC may increase the size of RAES-eligible orders for multiply-traded equity options to match the size of orders in options of the same class that are eligible for entry into the automated execution system of any other options exchange, subject to filing notice of the increase under Section 19(b)(3)(A) of the Act.[12] The CBOE nonetheless believes the FPC should be able to permit up to 50 contracts to be eligible for RAES in response to the perceived needs of the market without regard to automatic execution limits on other exchanges. The CBOE also seeks greater flexibility in competing for order flow with other exchanges that have 50-contract maximum eligibility levels for their own automatic execution systems, since the CBOE will not be limited to responding to increases in automatic execution eligibility levels initiated by the other exchanges. CBOE represents that its systems capacity is sufficient to accommodate the increased number of automatic executions anticipated to result from implementation of the proposal.

d. Variable RAES

The proposed rule change authorizes the appropriate FPCs to implement Variable RAES for some or all classes of CBOE options. Under former procedures, RAES orders were randomly assigned to market makers, and each market maker had to buy or sell the entire order assigned to him or her. By contrast, Variable RAES will enable each market marker to designate a maximum number of contracts he or she is willing to buy or sell when a RAES order is assigned to that market maker. No market maker, however, will be able to designate a maximum that is less than a stated minimum number of contracts per assignment established by the appropriate FPC. In determining appropriate minimum execution levels, the FPC must take into account whether market makers have sufficient capital to fill an order that size.

If the number of contracts in a RAES order is less than or equal to the market maker's specified limit, the market maker will be obligated to buy or sell all of the contracts in the order, and the next RAES order will be assigned to the next market maker on the RAES assignment rotation. If the number of contracts in an order exceeds the specified limit, the market maker will be obligated to buy or sell the number of contracts equal to the specified limit. The remainder of the order will be assigned to the next market maker on the RAES assignment rotation, who will likewise be obligated to buy or sell the number of remaining unassigned contracts in the order up to that market maker's limit. The assignment rotation will continue in this manner until all of the contracts in the order have been assigned to one or more market makers, even if this requires more than one assignment to the same market maker as the assignment rotation continues.

Variable RAES will apply to all classes of options eligible for entry into RAES. CBOE represents that Variable RAES will be implemented following the effectiveness of this proposed rule change, and will be described in a circular to be distributed to the membership prior to that time. If the appropriate FPC decides to implement a different RAES order assignment procedure, CBOE will file a proposed rule change with the Commission pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder.

e. Increase in Automation Step-Up Increment

Finally, the proposed rule change authorizes the appropriate FPC to establish a "step-up amount" for purposes of the automatic step-up procedure of Interpretation and Policy .02 under Rule 6.8 that is greater than the minimum quote interval ("tick") for that class of option under rule 6.42. The automatic step-up procedure formerly stated that in designated classes of multiple-traded options, if the Exchange's best bid or offer is inferior to the bid or offer in another market by no more than one tick, an order in RAES will be automatically excluded at the better bid or offer. The proposal enables the appropriate FPC to establish price differentials greater than one tick at which orders will be automatically executed in RAES in order to match better bids or offers in other markets.

f. Amendment No. 3

Amendment No. 3 changes the language of the RAES rules to more clearly define the limits of the FPC's discretion to implement Variable RAES and increase automatic step-up increments. Amendment No. 3 also clarifies language in the RAES rules. Specifically, Amendment No. 3:

(1) Requires the appropriate FPCs to provide at least three days' advance notice to Exchange members of the FPC's intention to discuss an issue relating to the RAES allocation method, and to provide members with the opportunity to give written comments, or appear at the meeting, or both. To prevent delay the FPCs may initially implement Variable RAES without notice and comment; however, that initial implementation will be subject to review at the next FPC meeting, pursuant to notice and comment procedures;

(2) Describes the criteria the FPCs will consider in setting a minimum contract limit under Variable RAES. The Amendment explains that the appropriate FPC will select a minimum that is not so high as to discourage market makers from participating on RAES. On the other hand, the appropriate FPC will choose a level high enough that the market-makers retain the incentive to pay attention to and update their quotes;

(3) Clarifies language that orders routed over RAES "may be subject to such contingencies as the appropriate [FPC] shall approve." The Amendment revises this language to make clear that the FPC may approve certain "contingency orders" for routing to RAES. The FPC may consider whether the order can be easily accommodated by RAES without substantial system changes, whether the nature of the contingency makes it reasonable to include the order in RAES, and whether there is customer interest in including the order in RAES;

(4) Clarifies the term "group" in revised Interpretation .04 to Rule 6.8 which states that "that first order in any group of rerouted orders" will be entitled to be filled at the offer (bid) which existed at the time of the order's entry into the RAES system. The Amendment states that "group" refers to orders kicked out as the result of an instance where the prevailing market bid or offer is equal to the best bid or offer on the Exchange's book. When the market bid or offer changes or the booked order is traded such that the market no longer equals the book, then the instance by which an order will be kicked out in a particular group will have ended; and

(5) Describes the factors that would be considered by the appropriate FPC in determining whether to increase the "step-up" amount beyond the minimum increment for the particular class of options. RAES will execute orders in designated classes at the National Best Bid or Offer ("NBBO") if the NBBO is better than the CBOE's best bid or offer by no more than the "step-up amount." In determining the "step-up amount," the

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the administration of RAES and eliminate confusion, this proposal makes the RAES eligibility maximums 100 contracts for these four classes of options. *See* Rule 6.8(e). One hundred contracts is also the RAES eligibility maximum for options on the Dow Jones High Yield Select 10 Index. *See* Securities Exchange Act Release No. 41509 (June 10, 1999), 64 FR 32906 (June 18, 1999) (approving increase in RAES order size limit from 20 contracts to 100 contracts).

[12] 15 U.S.C. 78s(b)(3)(A).

appropriate FPC will consider the impact of such decision in attracting order flow to the Exchange, the desire or need to reduce the amount of orders rejected for manual handling to provide for a more orderly market, and any other relevant factors.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[13] The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 of the Act.[14] Section 6(b)(5) [15] of the Act that the rules of an exchange must be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating securities transactions. These rules also must help to remove impediments to and perfect the mechanism of a free and open market.

Moreover, the Commission finds good cause for approving Amendment No. 3 prior to the 30th day after the date the Amendment is published for comment in the **Federal Register** pursuant to Section 19(b)(2) of the Act.[16] Amendment No. 3 addresses the discretion of the FPCs to implement Variable RAES and expand the automatic step-up increment, but does not otherwise affect the operation of RAES. In view of the immediate need of RAES market makers to limit their risk to compensate for increased exposure to the larger RAES order sizes, the Commission finds that acceleration of Amendment No. 3 is appropriate.

The Commission does not object at this time to extending the benefits available through RAES to larger-size customer orders up to 50 contracts. The Commission believes that increasing to 50 the number of option contracts executable through RAES will enable the Exchange to more effectively and efficiently manage increased order flow in actively traded option classes consistent with its obligations under the Act. In addition, this increase should bring the speed and efficiency of automated execution to a greater number of retail orders. The Commission also believes that the CBOE should have flexibility to compete for order flow with other exchanges without being limited to responding to increases in automatic execution eligibility levels initiated by those other exchanges. The Commission notes that it has approved similar proposals by other exchanges increasing to fifty the maximum size of orders that may be executed automatically.[17]

The Commission believes, based on representations by the Exchange, that the increase will not expose RAES to risk of failure or operational breakdown. Our approval of this increase is expressly conditioned on CBOE's representation that its systems capacity is sufficient to accommodate the increased number of automatic executions anticipated to result from implementation of this proposal.

Although the Commission has a degree of comfort with respect to the proposed increase, the Commission notes that any proposed increases above fifty contracts may raise additional issues, including such matters as market maker financial exposure, price improvement, and quote dissemination. Because of these concerns, the Commission welcomes the opportunity to review the Exchange's experience with any increase in maximum order size to fifty contracts. If, in the future, exchanges seek to increase order size levels above fifty contracts, this examination will help the Commission assess whether such increases are appropriate and, if so, whether the Commission should seek additional assurances regarding such increases.

In addition, the Commission is persuaded that permitting the CBOE to implement Variable RAES is appropriate. Variable RAES allows RAES market makers to choose the level of risk they are comfortable with (subject to minimum size requirements set by the (FPCs). Allowing market makers to limit their risk in this way is particularly important because the CBOE may increase the maximum size of orders eligible for RAES from 20 to 50 contracts in many options classes, thus increasing the potential exposure of RAES market makers to risk in those options. In approving Variable RAES, however, the Commission emphasizes that its approval is expressly conditioned on the CBOE's representation that the FPCs will take market maker capitalization into account in setting the RAES order size minimums, thus further reducing the risk market makers and exposed to. Accordingly, the Commission finds that increasing the maximum size of RAES orders, in conjunction with implementation of Variable RAES, will serve to remove impediments to a free and open market while fostering investor protection, consistent with section 6(b)(5) of the Act.

Finally, the Commission finds that allowing the FPCs to expand the step-up limit beyond one tick for multiply traded options removes impediments to a free and open market and protects investors consistent with Section 6(b)(5) of the Act, by increasing the likelihood that RAES investors will gain to superior bids and offers available in another market.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 3, including whether it is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the Amendment that are filed with the Commission, and all written communications relating to the Amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–99–17 and should be submitted by October 7, 1999.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[18] that the proposed rule change (SR–CBOE–99–17) be, and hereby is, approved; and that Amendment No. 3 is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24115 Filed 9–15–99; 8:45 am]

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[13] The Commission has considered to proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78s(b)(2).

[17] *See* Securities Exchange Act Release No. 36601 (December 18, 1995), 60 FR 66817 (December 26, 1995); *see also* Securities Exchange Act Release No. 41823 (September 1, 1999) (SR–PCS–99–04).

[18] 15 U.S.C. 78s(b)(2).

[19] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request, Comment Request and Emergency Consideration Request

In compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of the notices. You can obtain a copy of the collection instruments and/or the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

I. The information collection listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collection would be most useful if received by the Agency within 60 days from the date of this notice.

Medical Use Report, 20 CFR 416.268–0960–0267. The information required by this regulation is used by the Social Security Administration to determine if an individual is entitled to special Supplemental Security Income (SSI) payments. The respondents are SSI recipients whose payments were stopped based on earnings.

Number of Respondents: 60,000.

Frequency of Response: 1.

Average Burden Per Response: 3 minutes.

Estimated Average Burden: 3,000 hours.

II. The information collection listed below has been submitted to OMB for clearance. Written comments and recommendations on this information collection would be most useful if received within 30 days from the date of this publication.

Social Security Card Fee Survey—0960–NEW. The Social Security Administration (SSA) processes over 11 million applications per year for replacement Social Security Number (SSN) cards. SSA is proposing to conduct a survey of a random sample of applicants who request a replacement SSN card to obtain information on reasons for replacing the SSN card and willingness to pay a fee for a replacement card. SSA is evaluating whether to charge a fee for replacement cards (other than for a name change) and will use the information from the survey to develop policy on when it would be appropriate to charge a fee for a replacement SSN card.

Number of Respondents: 3,600.

Frequency of Response: Once.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 300 hours.

III. SSA is requesting emergency consideration from OMB by September 30, 1999 of the information collections listed below. Written comments and recommendations on these information collections would be most useful if received prior to the date shown above.

1. Claimant's Recent Medical Treatment—0960–0282. Form SSA–4290 is used by SSA to collect information from State or alternate providers of vocational rehabilitation services regarding participation in a rehabilitation program by an individual whose medical condition has improved and whose participation has ceased. This information is necessary to determine whether the individual's improved medical condition meets the statutory requirements for continued eligibility for benefit payments. The respondents are State Vocational Rehabilitation agencies or alternate providers of vocational rehabilitation services.

Number of Respondents: 8,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 2,000 hours.

2. Permanent Residence Under Color of Law (PRUCOL)-0960–0451. Public Law 105–306, Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998, provided that nonqualified aliens who were receiving SSI on August 22, 1996 would remain eligible for SSI as long as all other requirements for eligibility were met (*e.g.*, income and resources, etc.). Section 416.1618 of the Code of Federal Regulations requires nonqualified aliens to give SSA certain evidence which proves that they are lawfully admitted to the United States, in order to qualify for SSI benefits. PRUCOL aliens must present evidence of their status at the time of application for SSI benefits and periodically thereafter. The respondents are nonqualified aliens who apply for or receive SSI benefits.

Number of Respondents: 9,000.

Frequency of Response: Annually.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 750 hours.

SSA is also providing notice that it will submit this information collection (OMB No. 0960–0451) for approval under the normal OMB clearance process within 60 days from the date of this notice. Therefore, comments received within 60 days will be considered in SSA's request for extension of the OMB approval.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

(OMB Address)

Office of Management and Budget, OIRA, Attn: Lori Schack, Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, DC 20503.

Dated: September 9, 1999.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 99–24102 Filed 9–15–99; 8:45 am]

BILLING CODE 4190–29–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 1999–5717]

Information Collection by Agency Under Review by the Office of Management and Budget (OMB)

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded the Information Collection Reports (ICRs) abstracted below to OMB for review and comment. Our ICRs describe the information that we seek to collect from the public. Review and comment by OMB ensure that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before October 18, 1999.

ADDRESSES: Please send comments to both (1) the Docket Management System (DMS), U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street S.W., Washington, DC 20590–0001, and (2) the Office of Information and Regulatory Affairs (OIRA) Office of Management and Budget (OMB), 725 17th Street N.W., Washington, DC 20503, to the attention of the Desk Officer for the USCG.

Copies of the complete ICRs are available for inspection and copying in public docket USCG–1999–5717 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–SII–2), U.S. Coast Guard, room 6106, 2100 Second Street S.W., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For questions on this document, call Barbara Davis, Office of Information Management U.S. Coast Guard at 202–267–2326. For questions on this docket, call Dorothy Walker, Chief of Dockets, Department of Transportation at 202–366–9329.

SUPPLEMENTARY INFORMATION:

Regulatory History

This request constitutes the 30-day notice required by OMB. The Coast Guard has already published [64 FR 32089 (June 15, 1999)] the 60-day notice required by OMB. That request elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collections of information to determine whether the collections are necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the Department's estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Numbers of all ICRs addressed. Comments to DMS must contain the docket number of this request, USCG 1999–5717. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Requests

Title: (A) Report of MARPOL 73/78 Oil, Noxious Liquid Substance (NLS) and Garbage Discharge, (B) Application for Equivalent, Exemptions and Alternatives, (C) Voluntary Reports of Pollution Sightings.

OMB Control Number: 2115–0556.

Type of Request: Extension of currently approved collection.

Affected Public: Vessel owners and operators for (A) and (B) and the public for (C).

Form(s): N/A.

Abstract: Coast Guard needs the information in this report to ensure compliance with pollution prevention standards and to respond and investigate pollution incidents.

Annual Estimated Burden Hours: The estimated burden is 15 hours annually.

Title: Private Aids to Navigation Application and Application for Class 1 Private Aids to Navigation on Artificial Islands and Fixed Structures (CG–4143).

OMB Control Number: 2115–0038.

Type of Request: Extension of currently approved collection.

Affected Public: Owners of Private Aids to Navigation.

Form(s): CG–2254 & CG–4143.

Abstract: The collection of information requires respondents to provide the Coast Guard vital information about private aids to navigation on two applications (CG–2554 and CG–4143).

Annual Estimated Burden Hours: The estimated burden is 3,073 hours annually.

Title: Bridge Permit Application Guide.

OMB Control Number: 2115–0050.

Type of Request: Extension of currently approved collection.

Affected Public: Public and private owners of bridges over navigable waters of the United States.

Form(s): N/A.

Abstract: The collection of information is a bridge permit request submitted as an application for Coast Guard's approval of proposed bridge projects. Applicants will submit to the Coast Guard a letter of application with letter size drawings (plans) and maps showing the proposed bridge project and its location.

Annual Estimated Burden Hours: The estimated burden is 2,800 hours annually.

Title: Electrical Equipment and Fire Protection Materials/Systems—46 CFR Subchapter Q.

OMB Control Number: 2115–0121.

Type of Request: Extension of currently approved collection.

Affected Public: Electrical equipment and fire protection material/system manufacturers.

Form(s): N/A.

Abstract: Summary: Coast Guard needs the information in this report to ensure compliance with U.S. regulations for the design and construction of certain electrical equipment and fire protection materials/systems.

Annual Estimated Burden Hours: The estimated burden is 268 hours annually.

Title: Defect/Noncompliance Report and Campaign Update Report.

OMB Control Number: 2115–0035.

Type of Request: Extension of currently approved collection.

Affected Public: Manufacturers of recreational boats, inboard engines, outboard motors, and sterndrive units.

Form(s): CG–4917 and CG–49218.

Abstract: Coast Guard needs this information to ensure compliance with requirements for defect notification applicable to manufacturers of recreational boats, inboard engines, outboard motors, and sterndrive units.

Annual Estimated Burden Hours: The estimated burden is 312 hours annually.

Title: Application for Vessel Inspection and Waiver.

OMB Control Number: 2115–0007.

Type of Request: Extension of currently approved collection.

Affected Public: Owner, operator, agent, or master of vessel.

Form(s): CG–2633 and CG–3752.

Abstract: The collection of information requires owners, operators, agents, or masters of vessels to apply in writing to Coast Guard before conducting the inspection for certification, or when, in the interest of national defense, one of these desires a waiver from the requirements of navigation and vessel inspection.

Annual Estimated Burden Hours: The estimated burden is 1,504 hours annually.

Title: Course Approvals for Merchant Marine Training Schools.

OMB Control Number: 2115–0111.

Affected Public: Merchant marine training schools.

Form(s): N/A.

Abstract: Coast Guard needs this information to ensure that merchant marine training schools meet minimal statutory requirements. The information is used to approve the curriculum, facility and faculty for these schools.

Annual Estimated Burden Hours: The estimated burden is 19,026 hours annually.

Title: Ships' Stores Certification for Hazardous Materials Aboard Ships.

OMB Control Number: 2115–0139.

Type of Request: Extension of currently approved collection.

Affected Public: Suppliers and manufacturers of hazardous products used on ships.

Form(s): N/A.

Abstract: Coast Guard needs this information to ensure that personnel aboard ships are made aware of the proper usage and stowage instructions for certain hazardous materials.

Title: Licensing and Manning Requirements for Towing Vessels.

OMB Control Number: 2115–0623.
Type of Request: Extension of currently approved collection.
Affected Public: Mariners licensed to operate towing vessels, prospective towing-vessel officers, and companies employing these mariners.
Form(s): N/A.
Abstract: The Coast Guard has requirements for licensing individuals that operates towing vessels. The requirements ensure that towing vessels operating in the navigable waters of the U.S. are under the control of licensed officers who meet certain qualification and training standards.
Annual Estimated Burden Hours: The estimated burden is 1,590 hours annually.

Dated: September 9, 1999.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Director of Information and Technology.

[FR Doc. 99–24099 Filed 9–15–99; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. the ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 14, 1999, [FR 64, page 38071].

DATES: Comments must be submitted on or before October 18, 1999. A comment to OMB is most effective if OMB received it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: FAA Flight Standards Service Year 2000 Readiness.
Type of Request: Extension of a currently approved collection.
OMB Control Number: 2120–0640.
Forms(s) N/A
Affected Public: Estimated 8031 air carriers/operators, repair stations, and training facilities.
Abstract: The information collected from this questionnaire will be used by the FAA to assess the year 2000 readiness of air carriers/operators, and repair stations and training facilities. (This is a request for a short term extension to go out only to the non-respondents of the first mailing.)
Estimated Annual Burden Hours: 6,023 burden hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention: FAA Desk Officer.

Comments Are Invited On

Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automatted collection techniques or other forms of information technology.

Issued in Washington, DC, on September 10, 1999.

Steve Hopkins,

Manager, Standards and Information Division, APF–100.

[FR Doc. 99–24190 Filed 9–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Air Carrier and General Aviation Maintenance Issues

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of meeting.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public of a meeting of the FAA Aviation Rulemaking Advisory Committee to discuss Air Carrier and General Aviation Maintenance Issues.

DATES: The meeting will be held on October 5, 1999, from 9:00 a.m. to 1:00 p.m. Arrange for presentations by September 28, 1999.

ADDRESSES: The meeting will be held at the Helicopter Association International, 1635 Prince Street, Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: Carolina E. Forrester, Federal Aviation Administrator, Office of Rulemaking (ARM–206), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9690; fax (202) 267–5075.

SUPPLEMENTARY INFORMATION: Pursuant to § 10(a)(2) of the Federal Avisory Committee Act (Pub. L. 92–463; 5 U.S.C. App II), notice is hereby given of a meeting of the Aviation Rulemaking Avisory Committee to be held on October 5, 1999, from 9:00 a.m. to 1:00 p.m. at the Helicopter Association International, 1635 Prince Street, Alexandria, VA 22314. The agenda will include:

1. Opening remarks;
2. Committee Administration;
3. Status report from the General Aviation Maintenance Working Group;
4. Status report from the Clarification of Major/Minor Repairs or Alternations Working Group;
5. A discussion of future meeting dates, locations, activities, and plans.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by September 28, 1999, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director or by bringing the copies to the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

If you are in need of assistance or require a reasonable accommodation for this event, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on September 10, 1999.

Carol E. Giles,

Acting Assistant Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 99–24191 Filed 9–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Cincinnati/Northern Kentucky International Airport, Covington, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Cincinnati/Northern Kentucky International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before October 18, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 3385 Airways Boulevard, Suite 302, Memphis Tennessee 38116–3841.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Robert F. Holscher, Director of Aviation of the Kenton County Airport board at the following address: Kenton County Airport Board, Second Floor, Terminal 1, Cincinnati/Northern Kentucky International Airport, 2939 Terminal Drive, Herbron, Kentucky 41048.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Kenton County Airport Board under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Jerry O. Bowers, Program Manager, Memphis Airports District Office, 3385 Airways Boulevard, Suite 302, Memphis, Tennessee 38116–3841; (901) 544–3495. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Cincinnati/Northern Kentucky International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On September 8, 1999, the FAA determined that the application to impose and use the revenue from a PFC submitted by Kenton County Airport Board was substantially complete within the requirements of section 158.25 of part 158. the FA will approve or disapprove the application, in whole or in part, no later than December 27, 1999.

The following is a brief overview of the application.

PFC Application No.: 99–05–C–00–CVG.

Level of the proposed FPC: $3.00.

Proposed charge effective date: March 1, 2000.

Proposed charge expiration date: August 1, 2000.

Total estimated PFC revenue: $15,050,000.

Brief description of proposed project(s) to impose and use a PFC: Replacement of Security Identification Display Area (SIDA) Perimeter Fence; Reconstruct Taxiway K–2, Taxiway M–2, and Runway 27 Threshold and Construct Taxiway K–3; Crossfield Taxiway N–Phase 2 Construction; FAR part 107 Security System Replacement; Terminal Area Master Plan; Replacement of Two (2) ARFF Vehicles; Deicing System Enhancements, Increase Storage Capacity; Snow Removal Equipment for Runway 36R Large Hold Pad and Deicing Recovery Systems; Replacement of Snowbroom (Sweeper); Terminal 1 & 2 Apron Rehabilitation.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs:

1. FAR Part 121 supplemental operators at the Airport without an operating agreement with the Board and enplane less than 1500 passengers per year.

2. FAR Part 135 on-demand air taxis, both fixed wing and rotary.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Kenton County Airport Board.

Issued in Memphis, Tennessee on September 8, 1999.

LaVerne F. Reid,

Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 99–24192 Filed 9–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20954]

Global Passenger Services, L.L.C., et al.—Control—Gongaware Tours, Inc., et al.

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving Finance Application.

SUMMARY: Global Passenger Services, L.L.C. (Global or applicant), a noncarrier, filed an application under 49 U.S.C. 14303 to: (i) acquire control of nine motor passenger carriers through indirect stock ownership and (ii) merge or consolidate some or all of them with existing affiliates in the future. Persons wishing to oppose the application must follow the rules under 49 CFR part 1182, subpart B. The Board has tentatively approved the transactions. If no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments are due by November 1, 1999. Applicant may reply by November 16, 1999. If no comments are received by November 1, 1999, this approval is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC–F–20954 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, send one copy of any comments to applicant's representative: Mark J. Andrews, Barnes and Thornburg, 1401 I Street, N.W., Suite 500, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565–1600 [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Global, a Delaware limited liability company, states that it currently controls 17 motor passenger carriers [1] and holds a majority stock control of Student Transportation of America, Inc. (STA) and Travelways, Inc. (Travelways). STA and Travelways are Delaware corporations that control subsidiaries holding interstate authority as motor passenger carriers. Through this application, Global seeks authority to acquire control of nine additional interstate passenger carriers: three would become wholly owned subsidiaries of STA, and six would

[1] *See Global Passenger Services, L.L.C.—Control—Bortner Bus Company, et al.*, STB Docket No. MC–F–20954 (STB served July 17, 1998) (*Bortner*).

become wholly owned subsidiaries of Travelways.[2]

The carriers to be controlled by STA are:

Gongaware Tours, Inc. (Gongaware), a Pennsylvania corporation, which holds federally-issued operating authority in MC–166233 to provide charter and special operations between points in the United States except Hawaii, and Pennsylvania intrastate authority (PUC No. A–79466), and which conducts limited charter and tour services incidental to a school transportation operation based in central Pennsylvania;

Hamilton Motor Coaches (Hamilton), a New Jersey corporation, which holds federally-issued operating authority in MC–8130 to provide charter and special operations between points in the United States, except Hawaii, and which primarily provides vacation charters and organized tours to and from New Jersey; and

North Bend Bus Lines, Inc. (North Bend), an Oregon corporation, which holds federally-issued operating authority in MC–215564 to provide charter and special operations between points in the United States, except Hawaii, and intrastate authority in Oregon (PUC No. 4124), and which operates school transportation services within Oregon.

The carriers to be acquired by Travelways are:

Perkiomen Valley Bus Company (Perkiomen), a Pennsylvania corporation, which holds federally-issued operating authority in MC–83791 to provide charter and special operations and contract-carrier services between points in the United States, except Hawaii, and regular-route service between Pennsburg, PA, and New York, NY, and Philadelphia, PA; which holds intrastate authority in Pennsylvania (PUC No. A–16420, Folder No. 9); and which primarily operates vacation charters and organized tours within eastern Pennsylvania;

Shoup Buses, Inc. d/b/a Cardinal Charters & Tours (Shoup), an Indiana corporation, which holds federally-issued operating authority in MC–70384 to provide charter and special operations and contract carrier service between points in the United States, except Hawaii, and intrastate authority in Indiana (PSCI Certificate No. 5224–A,2), Michigan (MDOT Certificate No. IA–3) and Ohio (PUCO Permit No. 66209), and which operates group charters and organized tours in Illinois, Indiana, Michigan, Ohio, and Wisconsin;

Travelways of Nevada, Inc. (Travelways-NV),[3] a Nevada corporation, which holds federally-issued operating authority in MC–162053 to provide charter and special operations authority between points in the United States, except Hawaii, and Nevada intrastate authority under TSA Certificate No. 2021, and which conducts casino tours and other charter operations within Nevada;

Travelways of New York, Inc. (Travelways-NY),[4] a New York corporation, which holds federally-issued operating authority in MC–181064 to provide charter and special operations between New York City on one hand and, on the other, points in the United States, except Alaska and Hawaii; which holds New York intrastate authority in NYDOT Case No. 30468; and which operates convention shuttles and organized tours within New York City and its immediate vicinity;

Tri-State Coach Lines, Inc. (Tri-State), an Illinois corporation, which holds federally-issued operating authority in MC–129038 to provide regular-route and special-operations authority between O'Hare and Midway airports at Chicago, IL, and surrounding points in Illinois and Indiana, and regular route service between points in southern Indiana and Kentucky, and which operates scheduled and on-call airport shuttle services in Illinois and Indiana; and

United Limo, Inc. d/b/a Indiana Motor Bus Company (United), an Indiana corporation, which holds federally-issued operating authority in MC–150365 to provide charter and special operations between points in the United States, except Hawaii, and regular route service between points in Illinois, Indiana, Michigan and Wisconsin; which holds Indiana intrastate authority under PSCI Certificate No. 14299–A,2; and which principally provides group charters and scheduled and on-call airport shuttle services in Illinois, Indiana, Michigan, and Wisconsin.

Applicant states that shares of Gongaware, Hamilton, Perkiomen, Shoup, Tri-State and United have been placed in independent voting trusts under the guidelines of 49 CFR part 1013. Assertedly, the respective trustees will convey the shares of the respective carriers to STA or Travelways on the effective date of the Board's approval in this proceeding. Applicant further states that when it acquired the stock of North Bend, Travelways-NV, and Travelways-NY, it relied on written representations by the sellers that these carriers held no federal operating authority as motor passenger carriers. Global indicates that, when it learned that these carriers had federally-issued authority, it filed this control application to rectify the situation.[5]

Global further states that it is engaging in a series of intra-company, corporate family transactions that will consolidate and simplify its corporate structure, without significantly affecting its current operations or employment levels. According to applicant, the transactions involve transfers of operating authority and name changes, consolidations, internal stock transfers, and future surrender of unneeded federal authorities. The application contains a detailed description of these intra-company transactions.

Applicant claims that the intra-company transactions are not subject to Board jurisdiction. Global asserts that it has received approval from the Federal Highway Administration (FHWA) for the transfers of federal regulated authority from 10 carriers to non-regulated entities and for changes of names of several carrier subsidiaries. Applicant asserts further that Board approval is not necessary for the mergers of its non-regulated subsidiaries with other subsidiaries whose status as holders of federally-issued operating authority will not change. The transfer of stock from one affiliate to California Travelways, Inc. (CA Travelways) is assertedly of no jurisdictional significance, Global says, citing *Transcontinental Bus System, Inc. —Control—American*, 87 M.C.C. 796, 798–99 (1961). Finally, applicant intends to surrender unneeded authority for affiliates who are engaged in non-regulated operations after the Board authorizes this transaction.

Our jurisdiction, however, does extend to those aspects of the intra-company transactions that are covered under section 14303. As a result of intra-company transactions, STA will be the transferee of authority currently held by George Ku, Inc. in MC–31422 and will control: Goffstown Truck Center, Inc. (MC–191957) (Goffstown); Rick Bus Company (MC–140403); Santa Barbara Transportation Corp. (MC–198757); STA of Connecticut, Inc. (MC–336635); STA of Pennsylvania, Inc.

[2] Global also seeks authority for the possible future merger of some or all of the carriers with its existing affiliates.

[3] Travelways-NV was formerly known as Adventure Charters & Tours, Inc.

[4] Travelways-NY was formerly known as Personal Transit, Inc.

[5] Global indicates that North Bend, Travelways-NV, and Travelways-NY were identified as non-regulated carriers on the corporate family diagram in its application in *Bortner*.

(MC–251473); Student Transportation of America, L.L.C. (MC–304399); and Student Transportation of Canada, Ltd. (MC–111191). In addition, STA will control Gongaware, Hamilton, and North Bend.

Travelways will control: Boardwalk Financial Services, Inc. (MC–231149); CA Travelways (MC–182176); Golden Touch Transportation, Inc. (MC–235493); Pennsylvania Travelways, Inc. (MC–167547) (PA Travelways); PROTRAV Services, Inc. (MC–227448); Travelways of Florida Charter Busing, Inc. (MC–172787); Travelways of Missouri, Inc. (MC–217893); Travelways of Pittsburgh, Inc. (MC–52479); and Travelways of Tennessee, Inc. (MC–263038). In addition, Travelways will control: Travelways-NV, Travelways-NY, Shoup, Perkiomen, Tri-State, and United.

Applicant states that the intra-company transactions will reduce the number of subsidiaries in its corporate family by 40%, enabling it to reduce administrative operating expenses. Global states further that the transactions will enable it to use "Travelways" and "STA" as brand names for its leisure transportation and school transportation businesses.

Global asserts that the proposed transactions are consistent with the statutory public-interest criteria relating to service adequacy, financial reasonableness and employee interests. Applicant claims that its control of the carriers will produce substantial benefits, including interest cost savings from restructuring of debt and reduced operating costs from its enhanced volume purchasing power. Applicant also claims that the carriers it acquires will benefit from the lower insurance premiums it has negotiated and from volume discounts for equipment and fuel. Applicant also avers that the proposed transactions will improve the efficiency of all acquired carriers, by providing centralized services to support decentralized operational and marketing managers.[6] In addition, Global states that the proposed transactions will facilitate vehicle sharing arrangements between acquired entities, so as to ensure maximum utilization and efficient operation of equipment. According to applicant, the involved transactions offer ongoing benefits for employees of acquired carriers not only because of the efficiencies described above, but also because Global's policy is to honor all collective bargaining agreements of acquired carriers.

Applicant further states that the proposed transactions will not reduce competition in the regulated bus industry or competitive options available to the traveling public. Applicant asserts that each of its current passenger carrier affiliates and each carrier to be acquired faces substantial competition from other bus companies and transportation modes. Applicant notes that its current operations focus on two passenger service sectors: school transportation and leisure transportation. School transportation is largely exempt from regulation by the FHWA and the Board under 49 U.S.C. 10526(a)(1), while leisure transportation is regulated as charter and special operations.

Applicant states that its acquisition will not significantly affect its school transportation services. The only carrier being acquired providing school transportation service is North Bend, and it operates strictly within Oregon. North Bend's operations do not overlap geographically with those of any of Global's other affiliates.

Global states further that the control transactions will expand the geographical area covered by leisure transportation operations, but will not increase its share of any local market.[7] In addition, applicant states that its proposed control of Tri-State and United will allow it to make its first significant entry into a third service sector: intercity airport shuttle operations.

Applicant estimates that its leisure transportation operations account for approximately 0.6% of a nationwide market that generates annual sales of approximately $25 billion. Moreover, applicant maintains that its proposed additional control of the carriers whose stock has been placed in voting trusts will increase that market share by less than two-tenths of a percentage point.

Applicant estimates that the nationwide market for intercity airport shuttle services amounts to approximately $5 billion per year, and that its proposed acquisition of Tri-State and United will increase its nationwide share of this market from essentially zero to slightly more than 0.1%. Tri-State and United, which were commonly owned, serve airports in Chicago, Indianapolis, and Milwaukee, and have a market share ranging between 10 and 50%. Applicant notes that intercity airport shuttles are subject to intense intermodal competition from car rental agencies and private automobiles.

Global certifies that: (1) None of the carriers to be acquired or any of its current affiliates has received a safety fitness rating of less than satisfactory, with one exception that it is attempting to rectify;[8] (2) all carriers maintain sufficient liability insurance; (3) none of the involved carriers has been or is either domiciled in Mexico or owned or controlled by persons of that country; and (4) approval of the proposed transactions will not significantly affect either the quality of the human environment or the conservation of energy resources. Applicant also asks the Board to approve applicant's proposed control of intrastate operations in Indiana, Michigan, Ohio, Oregon, Nevada, New York, and Pennsylvania, pursuant to the preemptive provisions of 49 U.S.C. 14303(f). Additional information may be obtained from applicant's representative.

Under 49 U.S.C. 14303(b), the Board must approve and authorize transactions it finds consistent with the public interest, taking into account at least: (1) the effect of the transactions on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Although this application is difficult to follow, it is essentially complete, and our rules require that we tentatively approve complete applications in the **Federal Register** notice providing for public comment. Therefore, we tentatively find that the proposed transactions, including control of intrastate operations pursuant to 49 U.S.C. 14303(f), and corporate restructuring are consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application.[9] If no timely comments are

[6] Centralized support services will be provided in such areas as legal affairs, accounting, purchasing, safety management, equipment maintenance, driver training, human resources and environmental compliance.

[7] Applicant notes that there is geographic overlap between the leisure travel services provided by Hamilton and Perkiomen with those of PA Travelways. Applicant states that PA Travelways concentrates on charter transportation for large corporate clients, while Hamilton and Perkiomen package and operate vacation tours for the general public.

[8] According to applicant, Goffstown, received a Conditional safety rating in 1987, long before that carrier was acquired. Applicant indicates that, while the seller had represented that the problems identified by the FHWA had been corrected, the seller had not requested that the rating be changed (apparently because the seller was unfamiliar with such procedures). Applicant states that it has requested the FHWA to schedule a reinspection.

[9] Under revised 49 CFR 1182.6(c), a procedural schedule will not be issued if we are able to dispose

Continued

filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Global's above-described control of the indicated carriers and corporate restructuring are approved and authorized, subject to the timely filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on November 1, 1999, unless timely opposing comments are filed.

4. A copy of this notice will be served on (1) the U.S. Department of Transportation, Office of Motor Carriers—HIA 30, 400 Virginia Avenue, S.W., Suite 600, Washington, DC 20024; (2) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, S.W., Washington, DC 20590; and (3) the U.S. Department of Justice, Antitrust Division, 10th Street and Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: September 10, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24177 Filed 9–15–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33799]

Riverport Railroad, L.L.C.—Lease and Operation Exemption—Jo-Davies/Carrol County Local Re-Development Authority

Riverport Railroad, L.L.C., a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from the Jo-Davies/Carrol County Local Re-Development Authority and operate approximately 50 miles of rail lines. The lines are located in the former Savanna Army Ammo Depot near Savanna, IL, adjacent to the main line of The Burlington Northern and Santa Fe Railway Company (BNSF), at BNSF milepost 156.9, and consist of two former classification tracks, a loop track, and several stub tracks.

The transaction is scheduled to be consummated on or after September 10, 1999.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33799, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, Esq., Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: September 9, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24079 Filed 9–15–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33792]

Nobles Rock Railroad, Inc.—Modified Rail Certificate

On August 20, 1999, Nobles Rock Railroad, Inc. (NRR) filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150, Subpart C, *Modified Certificate of Public Convenience and Necessity*, to operate a rail line extending from milepost 378.5 west of Mitchell, SD, to milepost 517.5 at Murdo, SD, a total distance of approximately 139 miles.

The involved line represents a portion of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company's (Milwaukee Road) line between Mitchell and Rapid City, SD. The State of South Dakota acquired the line following an order of abandonment by the United States District Court for the Northern District of Illinois (Eastern Division) in *In the Matter of Chicago, Milwaukee, St. Paul and Pacific Railroad Company*, No. 77–B–8999, Order Nos. 342 (item R) and 342A (paragraph 1) (dated June 9, 1980). The State, in turn, leased a segment (from Mitchell to Kadoka, SD) to the MRC Regional Railroad Authority (MRCA).[1] MRCA then subleased this segment to the Dakota Southern Railway Company (DSRC). DSRC has, subject to approval by the State and MRCA, agreed to sublease the west of Mitchell-Murdo segment to NRR.[2]

The line will connect at milepost 378.5 west of Mitchell with a line of railroad operated by DSRC. NRR will also interline with The Burlington Northern and Santa Fe Railway Company (BNSF) at Mitchell and will interchange traffic with DSRC at Titterton Siding, SD, and with BNSF at Mitchell.[3] The sublease between NRR and DSRC does not include the line segments from Murdo to Kadoka or from west of Mitchell to Mitchell; these two segments will continue to be governed by the existing lease between DSRC and MRCA.

The rail segment qualifies for a modified certificate of public convenience and necessity. *See Common Carrier Status of States, State Agencies and Instrumentalities and Political Subdivisions*, Finance Docket No. 28990F (ICC served July 16, 1981).

NRR indicates that no subsidy is involved and that there are no preconditions for shippers to meet in order to receive rail service.

This notice will be served on the Association of American Railroads (Car Service Division) as agent for all railroads subscribing to the car-service and car-hire agreement: Association of American Railroads, 50 F Street, NW, Washington, DC 20001; and on the American Short Line and Regional Railroad Association: American Short Line and Regional Railroad Association, 1120 G Street, NW, Suite 520, Washington, DC 20005.

Decided: September 8, 1999.

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of opposition to the application on the basis of comments and the reply.

[1] MRCA is a quasi-public entity entrusted by the State to oversee freight operations on the line.

[2] NRR was scheduled to commence operations over the line on August 23, 1999, or thereafter. An executed copy of the sublease agreement between NRR and DSRC was filed with the Board on September 8, 1999. The sublease agreement provides that NRR may operate over the line through July 31, 2000. The sublease also provides that NRR's operations will automatically be renewed for successive one-year terms commencing August 1, 2000, absent written notice of cancellation of the agreement by either NRR or DSRC.

[3] To reach a connection with BNSF at Mitchell, NRR will obtain from DSRC the right to operate over an approximately 4.6-mile line from milepost 378.5 west of Mitchell, to milepost 373.9 at Mitchell, solely for the purposes of interchanging traffic and railroad equipment with BNSF.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–23907 Filed 9–15–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–6 (Sub–No. 385X)]

The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Greene County, MO

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 5.82-mile line of its railroad between milepost 189.22 near Springfield and milepost 183.40 near Willard, in Greene County, MO. The line traverses United States Postal Service Zip Codes 65781 and 65803.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment— Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 16, 1999, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 27, 1999. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 6, 1999, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Sarah Whitley Bailiff, Senior General Attorney, The Burlington Northern and Santa Fe Railway Company, 3107 Lou Menk Drive, Fort Worth, TX 76131–2830.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

BNSF has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by September 21, 1999. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by September 16, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: September 9, 1999.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24080 Filed 9–15–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Financial Management Service; Proposed Collection of Information: Minority Bank Deposit Certification Form for Admission

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Financial Management Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection. By this notice, the Financial Management Service solicits comments concerning the form "Minority Bank Deposit Certification Form for Admission.".

DATES: Written comments should be received on or before November 15, 1999.

ADDRESSES: Direct all written comments to Financial Management Service, Programs Branch, Room 144, 3700 East-West Highway, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to the Cash Management Policy and Planning Division, 401–14th Street, S.W., Washington, D.C. 20227, (202) 874–6657.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Financial Management Service solicits comments on the collection of information described below.

Title: Minority Bank Deposit Certification Form for Admission.

OMB Number: 1510–0048.

Form Number: FMS–3144.

Abstract: This form is used by financial institutions to apply for participation in Minority Bank Deposit Program. Institutions approved for acceptance in the program are entitled to special assistance and guidance from Federal agencies, State and local governments, and private sector organizations.

Current Actions: Extension of currently approved collection.

Type of Review: Regular.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 170.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 85.

Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: September 8, 1999.

Bettsy Lane,

Assistant Commissioner.

[FR Doc. 99–24100 Filed 9–15–99; 8:45 am]

BILLING CODE 4810–35–M

UNITED STATES INFORMATION AGENCY

Civic Education Curriculum Development and Teacher Training Program for Secondary Schools in Georgia; Notice: Request for Proposals

SUMMARY: The Advising, Teaching and Specialized Programs Division, of the Bureau of Educational and Cultural Affairs in the United States Information Agency announces an open competition for a Civic Education Curriculum Development and Teacher Training Program for Secondary Schools in the Republic of Georgia. For applicants' information, on October 1, 1999 the Bureau will become part of the U.S. Department of State without affecting the content of this announcement or the nature of the program described. At that time, the Advising, Teaching and Specialized Programs Division will be renamed the Office of Global Educational Programs. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501c may submit proposals to cooperate with the Bureau in the administration of a three-year project to support the development and implementation of new curriculum units for fifth through ninth grade civic education courses in the Republic of Georgia. The grant awards up to $500,000 to facilitate the project. The grantee will work with Gaia, a Georgian non-profit organization involved in in-service teacher training programs in human rights and civic education in Georgia. The Georgian and U.S. partner organizations will coordinate with the Ministry of Education and his appointees in Georgia and the public diplomacy section at the U.S. Embassy in Tbilisi. The program will comprise four phases of activity: (1) Selection of a small curriculum development team of Georgian educators and preliminary consultations in Tbilisi; (2) a three-month U.S.-based curriculum development workshop in which the team will produce draft curriculum units; (3) follow-up consultations in Georgia to assist in the review and field-testing of the draft curricular materials and in the training of a larger group of Georgian practitioners; (4) cooperation with Gaia in the further review and dissemination of the draft materials as needed, and to provide broader training of Georgian teachers and administrators for utilization of the revised curriculum units in Georgian classrooms.

The Bureau solicits detailed proposals from U.S. educational institutions and public and private non-profit organizations to develop and administer this project. Grantee organizations will consult regularly with the Bureau and with the public diplomacy section at the U.S. Embassy in Tbilisi with regard to participant selection, program implementation, direction, and assessment. Proposals should demonstrate an understanding of the issues confronting education in Georgia as well as expertise in civic education and curriculum development.

The funding authority for the program cited above is provided through the Freedom Support Act. Programs and projects must conform with Bureau requirements and guidelines outlined in the Solicitation Package. The Bureau of Educational and Cultural Affairs' programs and projects are subject to availability of funds.

Program Information

Overview: The goals of the project are to assist Gaia in Tbilisi, Georgia, to develop up-to-date curriculum units to be taught at the fifth through ninth grade levels, and to assist in training teachers for the implementation of these units. The rationale for this project is that improving citizenship education at the secondary school level will better prepare Georgian students to participate actively in building a pluralistic, democratic society and will promote democratic relations among members of the school community, including students, teachers, school administrators, and parents. Applicants may suggest topics to be developed by the curriculum team in their proposals; however, final determination of appropriate topics will be made by the curriculum development team and Gaia in cooperation with the grantee organization during the first phase of the project

Guidelines

Program Planning and Implementation

Grants should begin on or around February 1, 2000, with Phase I of the project, in which a curriculum development team of six practitioners (e.g., classroom teachers, curriculum specialists, and the project director of Gaia, who will serve as the Georgian project director for this grant) will be chosen by a selection committee in Georgia comprised of Gaia staff, local civic education specialists, members of the U.S. grantee organization and the public diplomacy section of the U.S. Embassy in Tbilisi. A Ministry of Education official may be invited to serve as a liaison between the project directorate and the Georgian government. In Phase I, the team will undertake preliminary work in Tbilisi over a period of 3–6 months. Members of the curriculum development team, in consultation with a specialist from the grantee organization and the Georgian Project Director, will familiarize themselves with civics curricula and teaching materials used in the U.S., and will select the topics to be explored in the draft curriculum units.

In Phase II, members of the curriculum development team will spend approximately three months in a highly structured U.S.-based workshop to be sponsored and organized by the U.S. grantee organization, and will attend focused curriculum seminars, observe relevant aspects of the U.S. educational system, and draft teacher and student materials for the curriculum units in consultation with U.S. specialists. The grantee organization will be responsible for introducing the Georgian team to leading U.S. civic educators with expertise that is pertinent to the topics to be explored,

and to a broad range of relevant resources. The workshop schedule should incorporate significant time for both individual and group work on drafting materials as well as intensive training on specific approaches to the teaching of civic education topics. In addition, the workshop should include field experiences which are relevant to the materials being produced (such as visits to schools, matching the Georgian educators with U.S. mentor teachers, and attendance at professional association meetings).

In Phase III, the curriculum development team will work in Georgia with Georgian teacher trainers, Gaia staff members, U.S. specialists from the grantee organization, and other Georgian organizations to provide introductory training for a larger group of practitioners in methods for testing and utilizing the draft curriculum units in the civics classrooms. The grantee organization will cooperate with the curriculum development team and Georgian educators to design and implement a pilot-test program for select secondary schools in Georgia. Revision of the draft curricular materials based on the results of field test will be completed by the grantee organization and the Georgian curriculum development team.

Phase IV activities will consist of further review of the curricular materials by the U.S. and Georgian teams, the printing and publication of the materials, and the development of a self-sustaining teacher-training program in the use of the civic education materials.

Visa/Insurance/Tax Requirements

U.S. lecturers and consultants participating in the project must be U.S. citizens. Programs must comply with J–1 visa regulations. Please refer to Program Specific Guidelines (POGI) in the Solicitation Package for further information. Administration of the program must be in compliance with reporting and withholding regulations for federal, state, and local taxes as applicable. Recipient organizations should demonstrate tax regulation adherence in the proposal narrative and budget.

Budget Guidelines

Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Applicants must submit a comprehensive budget for the entire program. Awards may not exceed $500,000. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. The summary and detailed program and administrative budgets should be accompanied by a narrative which provides a brief rationale for each line item. The total administrative costs funded by the Bureau must be limited and reasonable.

Allowable costs for the program include the following:

(1) Administrative Costs, including salaries and benefits, of grantee organization.

(2) Program Costs, including general program costs and program costs for each Georgian participant in the U.S.-based curriculum development seminar. Also included are program costs associated with the field-testing of materials in Georgia and with the initial training of Georgian teachers. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number

All correspondence with the Bureau concerning this RFP should reference the above title and number E/ASU–99–21.

For Further Information, Contact

The Specialized Programs Branch, E/ASU (as of October 1, 1999, the Humphrey Fellowships and Institutional Linkages Branch, ECA/ASU), Room 349, U.S. Department of State, 301 4th Street, SW, Washington, DC 20547, tel. 202–619–6492 and fax 202–401–1433, or emathews@usia.gov to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Officer Erin Mathews on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at http://e.usia.gov/education/rfps. Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Wednesday, December 15, 1999. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and 10 copies of the application should be sent to: U.S. Department of State, Bureau of Educational and Cultural Affairs, Ref.: *E/ASU–00–09*, Office of Grants Management, ECA/EX/PM, Room 336, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5" diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the public diplomacy section at the US Embassy for its review, with the goal of reducing the time it takes to get Embassy comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy, 'the Bureau' shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Proposals should reflect advancement of this goal in their

program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with the Bureau. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

The Bureau therefore requires all organizations use Y2K complaint systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the U.S. Department of State's Office of the Senior Coordinator for the Newly Independent States and the public diplomacy section overseas, where appropriate. Eligible proposals will be forwarded to panels of Bureau officers for advisory review. Proposals may also be reviewed by the Department of State, Office of the Legal Adviser or by other Bureau elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs.

Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea: Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission, and responsiveness to the objectives and guidelines stated in this solicitation. Proposals should demonstrate substantive expertise in civic education.

2. Program planning: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. Ability to achieve program objectives: Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. Multiplier effect/impact: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

6. Institutional Capacity and Record: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the grants staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

7. Follow-on Activities: Proposals should provide a plan for continued follow-on activity (without Bureau support) ensuring that Bureau supported programs are not isolated events.

8. Project Evaluation: Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit intermediate program and financial reports after each project component is concluded or quarterly, whichever is less frequent.

9. Cost-effectiveness/Cost-sharing: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through the Freedom of Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1993 (Freedom Support Act). The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Department of State procedures.

Dated: September 9, 1999.

William P. Kiehl,

Acting Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 99–24076 Filed 9–15–99; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

NIS College and University Partnerships Program; Request for Proposals

SUMMARY: The Advising, Teaching, and Specialized Programs Division of the Bureau of Educational and Cultural Affairs announces an open competition for an assistance award program. For applicants' information, on October 1, 1999 the Bureau will become part of the U.S. Department of State without affecting the content of this announcement or the nature of the program described. At the time, the Advising, Teaching, and Specialized Programs Division will be renamed the Office of Global Educational Programs. Accredited, post-secondary educational institutions meeting the provisions described in IRS regulation 26 CFR 1.501(c) may apply to pursue institutional or departmental objectives in international partnerships with counterpart institutions from the New Independent States for the purpose of supporting, through teaching, scholarship, and professional outreach from the partner institutions, the transition of the New Independent States to democratic systems based on market economies, and of strengthening mutual understanding and cooperation between the United States and the New Independent States. Eligible fields are education or educational administration; the social, political or economic sciences; law; business; public administration; or communications. Within these fields, themes of special interest may be described in additional detail in the section on "Country Eligibility."

In general, underlying the specific objectives of projects funded by this program should be the goal of fostering freedom and democracy through a deepened mutual understanding of fundamental issues and practical applications in the encouragement of civil society, economic growth and prosperity, or the free flow of information. Creative, innovative strategies to address these underlying concerns in the pursuit of clearly defined institutional goals are encouraged. The extension of understanding about these issues through outreach from academic institutions to larger communities of citizens and practitioners is also encouraged.

The Bureau supports institutional linkages in higher education with partners from the New Independent States of the former Soviet Union through the NIS College and University Partnerships Program, for which this Request for Proposals invites applications for funding in FY2000. The Bureau also anticipates issuing a separate and additional Request for Proposals this Fall for a partnership program for community colleges interested in cooperating with institutions in Russia or Ukraine. Eligible community colleges may apply for grants under either or both of the above competitions, but the Bureau will not give multiple awards for duplicate partnerships under these competitions. The Bureau also supports institutional linkages in higher education with partners worldwide through the College and University Affiliations Program; the College and University Affiliations Program was described in a previous announcement and has a deadline of November 15, 1999. Applicants interested in the Bureau's College and University Affiliations Program should contact the Bureau's Specialized Programs Branch at (202) 619–5289. In addition, the United States Agency for International Development (USAID) supports the Sustaining Partnerships into the Next Century (SPAN) program, which supports organizational and institutional partnerships, including university partnerships in fields other than those covered by the NISCUPP program, in the Russian Federation. Applicants interested in USAID's SPAN program should contact IREX at (202) 628–8188.

In the NIS College and University Partnerships Program, partner institutions may pursue specific institutional goals with support from the Bureau of Educational and Cultural Affairs through exchanges of teachers, administrators or, in limited circumstances, students for any appropriate combination of teaching, consultation, research, and outreach, for periods ranging from one week (for planning visits) to an academic year. The Bureau's support may be used to defray the costs of the exchange visits as well as the costs up to a maximum of 20 percent of the total grant of their administration at any partner institution, including administrative salaries but excluding indirect costs. Although grants will be issued to eligible U.S. colleges and universities, adequate provision for the administrative costs of the project at all partner institutions is encouraged. Administrative salary support may be included for project directors and administrative assistants within the 20 percent maximum that may be allocated to administrative costs, but the Bureau will not fund salaries, stipends, or honoraria for U.S. program participants, except in the case of advanced graduate students working in the NIS for periods of over 2 months who would otherwise be eligible for U.S. teaching assignments. (See the section of this document on "U.S. Partner and Participant Eligibility" and the section of the POGI on "Allowable costs".) The costs of exchange visits of foreign students and U.S. graduate student teaching or research assistants who are working under the supervision of a faculty participant or project director toward the achievement of project objectives are eligible for support. Other students may participate in the project, but not with the Bureau's support for the costs of their visits. With the Bureau's support, institutions may reinforce the activities of exchange participants through the establishment and maintenance of Internet and/or electronic mail communication facilities as well as through interactive technology or non-technology-based distance-learning programs. Applicants may propose other project activities not specifically anticipated in this solicitation if the activities reinforce exchange activities and their impact.

Proposals must be submitted by the U.S. institutional partner and must include a letter of commitment from the foreign partner(s). While the benefits of the project to each of the participating institutions may differ significantly in nature and scope, proposals should outline well-reasoned strategies leading to specific, demonstrable changes (for example, new courses, new research or teaching capacities or methodologies, new programs or revised curricula) that are anticipated for each participating department or for the institution as a whole as a result of the project. The strategy for achieving project goals may include exchange visits in either or both directions, but no single formula is anticipated for the duration, sequence, or number of these visits. However, visits of one semester or more for participants from each of the institutional partners are encouraged. Although strong budgetary and programmatic emphasis may be given to visits in one direction over another, the benefits of these visits to the sending as well as the receiving sides should be clearly explained in terms of their contributions to the departmental or institutional objectives which the project is designed to achieve.

In addition to demonstrating the capacity of each participating institution to contribute to its partner(s), proposals should also explain how this cooperation will enable each of the

institutions to address its own needs. Accordingly, applicants are encouraged to describe the needs as well as the capabilities of each participating department. Effective proposals will explain the anticipated cooperation in ways that demonstrate that the institutions proposed for participation in the partnership clearly understand one another and are committed to support one another in project implementation. If the proposed partnership would occur within the context of a previous or on-going project, the proposal should explain how the request for Bureau funding would build upon the pre-existing relationship or complement concurrent projects and cooperation.

The commitment of all partner institutions to the proposed project should be reflected in the cost-sharing which they offer in the context of their respective institutional capacities.

To provide adequate time to meet institutional goals, the program awards grants for periods of approximately three years. The maximum award in the FY2000 competition will be $300,000. Request for amounts smaller than the maximum are eligible. Grants awarded to organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000. Grants are subject to the availability of funds for Fiscal year 2000.

Overall grant-making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program cited above is provided through the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Freedom Support Act).

Projects must conform with the Bureau's requirements and guidelines outlined in the solicitation package for this RFP, which can be obtained by following the instructions given in the section below entitled "For Further Information." The "Project Objectives, Goals, and Implementation" (hereafter, POGI) and the "Proposal Submission Instructions" (hereafter, PSI), which contain additional guidelines, are included in the Solicitation Package. Proposals that do not follow RFP requirements and the guidelines appearing in the POGI and PSI may be excluded from consideration due to technical ineligibility.

Announcement Title and Number

All communications with the Bureau concerning this RFP should refer to the NIS College and University Partnerships Program and reference number E/ASU–00–03.

Deadline for Proposals

All copies must be received at the Bureau of Educational and Cultural affairs by 5 p.m. Washington, DC time on Wednesday, January 19, 2000. Faxed documents will not be accepted at any time, nor will documents postmarked on Wednesday, January 19, 2000 but received on a later date. It is the responsibility of each applicant to ensure compliance with the deadline.

Approximate program dates: Grants should begin on or about August 15, 2000.

Duration: Approximately August 15, 2000—August 14, 2003.

For Further Information, Contact

The Specialized Programs Branch, E/ASU [as of October 1, 1999, the Institutional Linkages Branch, ECA/ASU], room 349, 301 4th Street, SW., Washington, DC 20547, phone (202) 619–5289; fax: (202) 401–1433; e-mail affiliat@usia.gov to request a Solicitation Package containing more detailed award criteria; all application forms; and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Please specify Bureau Program Officer Jonathan Cebra (telephone: 202–619–4126, e-mail: jcebra@usia.gov) on all inquiries and correspondences regarding partnerships with institutions in Armenia, Azerbaijan, Belarus, Georgia, Moldova, or Ukraine.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at http://e.usia.gov/education/rfps. Please read all information before downloading.

Interested applicants should read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Bureau staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

Submissions

Applicants must follow all instructions given in the Solicitation Package. The original and 10 copies of the application should be sent to: U.S. Department of State, Bureau of Educational and Cultural Affairs, Ref.: E/ASU–00–03, Office of Grants Management, ECA/EX/PM, Room 336, 301 4th Street, SW, Washington, DC 20547.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5"diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the public diplomacy sections at US Embassies for their review, with the goal of reducing the time it takes to get Embassy comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in programs administration and in program content. Please refer to the review criteria under the 'Support for diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy", the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Proposals should account for advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit

organizations from processing information in accordance with Federal management and program specific requirements including data exchange with the Bureau. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

The Bureau therefore requires all organizations use Y2K compliant systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

SUPPLEMENTARY INFORMATION:

Guidelines

The NIS College and University Partnership Program is limited to the following academic fields:

(1) Law;
(2) Business/accounting/trade;
(3) Education/continuing education/educational administration;
(4) Public administration/public policy analysis;
(5) Journalism/communications; and
(6) Social, political, or economic sciences.

Proposals must focus on curriculum, faculty, and staff development at the NIS partner institution(s) in one or more of these eligible disciplines. Administrative reform at the foreign partner should also be a project component. Projects should involve the development of new academic programs or the building and/or restructuring of an existing program or programs, and should promote higher education's role in the transition to market economies and open democratic systems. Feasibility studies to plan partnerships will not be considered.

Whenever feasible, participants should make their training and personnel resources, as well as results of their collaborative research, available to government, NGOs, and business.

Participating institutions should exchange faculty and/or staff members for teaching/lecturing and consulting. At least once during the grant period, one U.S. participant should be in residence at the foreign partner institution for one semester to serve in a coordinating role. (Exception: proposals for partnerships with institutions in Tajikistan should not include travel by U.S. participants to Tajikistan.)

U.S. institutions are responsible for the submission of proposals and should collaborate with their foreign partners in planning and preparing proposals. U.S. and foreign partner institutions are encouraged to consult about the proposed project with program office staff in Washington, DC.

U.S. Partner and Participant Eligibility

In the United States, participation in the program is open to accredited two- and four-year colleges and universities, including graduate or professional schools. Applications from consortia of U.S. colleges and universities are eligible. Secondary U.S. partners may include relevant non-governmental organizations, non-profit service or professional organizations. If a lead U.S. institution in a consortium is responsible for submitting an application on behalf of a consortium, the application must document the lead school's stated authority to represent the consortium. With the exception of outside evaluators on contract with the U.S. institution, participants representing the U.S. institution(s) who are traveling under Bureau grant funds must be faculty, staff, or advanced graduate students from the participating institution(s) and must be U.S. citizens.

Foreign Partner and Participant Eligibility

In other countries, participation is open to recognized, degree-granting institutions of post-secondary education. Secondary foreign partners may include relevant governmental and non-governmental organizations, non-profit service or professional organizations. Participants representing the foreign institutions must be faculty, staff or advanced students of the primary or secondary partner institution, and be citizens, nationals, or permanent residents of the country of the foreign partner, and be qualified to hold a valid passport and U.S. J–1 visa.

Foreign partners from the following countries are eligible:

Armenia;
Azerbaijan;
Belarus—foreign partners must be independent institutions; state universities are not eligible;
Georgia;
Kazakstan;
Kyrgyzstan;
Moldova;
Russia—preference will be given to proposals which designate partner institutions outside of Moscow and St. Petersburg; proposals for partnerships with institutions located in Moscow or St. Petersburg should clearly indicate how those partnerships will have impact on other regions. The Bureau anticipates issuing a separate request for proposals in the Fall for a partnership in the field of public administration with Moscow State University. Proposals which designate a partner institution in the Sakhalin Region are encouraged.
Tajikistan—in consideration of the State Department Warning advising U.S. citizens to defer travel to Tajikistan, proposals should not include travel by U.S. participants to Tajikistan;
Turkmenistan;
Ukraine—proposals for partnership with institutions located in the Kharkiv region are encouraged;
Uzbekistan.

Partnerships including a secondary foreign partner from a non-NIS country are eligible; however, with the exception noted below, the Bureau will not cover overseas non-NIS partner institution costs.

Central European Partners

The Bureau encourages proposals which build upon established collaboration between U.S. institutions and partners in Central and Eastern Europe in order to support faculty and curriculum development in the NIS and to promote regional cooperation. Within the context of this partnership agreement and under the guidance of the U.S. partner institution, funds may be budgeted for the exchange of faculty between NIS institutions and institutions of higher learning in Central and Eastern Europe (applicants planning to submit proposals for trilateral partnerships with a partner from Central and Eastern Europe are encouraged to contact the program office).

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be forwarded to independent reviewers and to Bureau and U.S. Embassy officers for advisory review.

The independent reviewers, who will be professional, scholarly, or educational experts with appropriate regional and thematic knowledge, will provide recommendations and assessments for consideration by the Bureau. The Bureau will consider for funding only those proposals which are

recommended for further consideration by the independent reviewers.

Proposals will also be reviewed by Bureau officers as well as by the U.S. Department of State's Office of the Senior Coordinator for the Newly Independent States and the public diplomacy sections of U.S. Embassies. Proposals may also be reviewed by the Department of State, Office of the Legal Advisor or by other Bureau elements. Funding decisions will be made at the discretion of the Assistant Secretary of State for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) will reside with a contracts officer with competency of Bureau programs.

Review Criteria

Independent reviewers and State Department officers in Washington, DC., and overseas will use the criteria below to reach funding recommendations and decisions. Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank-ordered or weighted.

1. Quality and Clarity of Program Objectives: Proposed programs should outline clearly formulated objectives for each participating institution that will also contribute to the transition of the New Independent States to market economies and decomcracies and to a deepened mutual understanding of fundamental issues and practical applications in the themes eligible for consideration in this competition.

2. Program planning: Proposals should include appropriate and feasible project plans and a detailed schedule which should include a well-reasoned combination of useful and appropriate teaching, faculty development, curriculum development, and outreach. The various activities should be clearly related to project objectives, but need not be equally emphasized within the proposal. Proposals should clearly demonstrate how the partnership will meet the program's objectives and plan.

3. Impact of Program Objectives: Proposal objectives should have sustainable consequences for the participating institutions and the societies and communities which these institutions serve.

4. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity by outlining relevant aspects of the institutional profile of each participating institution together with the relevancy of issues of diversity to program objectives and implementation.

5. Institutional Capacity and Commitment: Proposals should demonstrate commitment of institutional resources adequate and appropriate to achieve program goals. Proposals should demonstrate significant understanding at each institution of its own needs and capacities and of the needs and capacities of its proposed partner(s), together with a strong commitment, during and after the period of grant activity, to cooperate with one anther in the mutual pursuit of institutional objectives. Relevant factors include: the financial and political stability of partner institutions and the availably of a critical mass of faculty willing and able to participate. Proposals which include multiple quarter- or semester-length stays will be more competitive. Proposals should provide evidence of relevant and successful prior interactions between institutions and an indication of collaborative program planning. The Bureau will consider the past performance of prior grant recipients and all reviews will consider the demonstrated potential of new applicants. Reviewers will also consider the quality of exchange participants' academic credentials, skills, and experience relative to the goals and activities of the project plan (e.g. language skills).

6. Project Evaluation: Proposals should include a plan and methodology for evaluating the project's degree of success in meeting program objectives. The plan should include an updated assessment of the current status of each department at the time of program inception; on-going formative evaluation to allow for prompt corrective action; and summative evaluation of the degree of achievement of project objectives together with recommendations for further activities and projects to build upon project achievements.

7. Cost-effectiveness: Administrative costs should be reasonable and appropriate with cost-sharing provided by all participating institutions within the context of their respective capacities and as a reflection of their commitment to cooperation with one anther in pursuing project objectives.

Ineligibility

A proposal will be deemed technically ineligible if:

(1) It does not adhere to the guidelines established herein and in the Solicitation Package;

(2) It is not received by the deadline;

(3) It is not submitted by the U.S. partner;

(4) One of the partner institutions is ineligible;

(5) The academic discipline(s) is/are not listed as eligible in the RFP, herein;

(6) The amount requested of the Bureau exceeds $300,000 for the three-year project.

Please refer to program-specific guidelines (POGI) in the Solicitation Package for further details.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: September 8, 1999.

William P. Kiehl,

Acting Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 99–24077 Filed 9–15–99; 8:45 am]

BILLING CODE 8230–01–M

Corrections

Federal Register

Vol. 64, No. 179

Thursday, September 16, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 98–073–1]

User Fees; Agricultural Quarantine and Inspection Services

Correction

In proposed rule document 99–20113 beginning on page 43103 in the issue of Monday, August 9, 1999, make the following correction(s):

1. On page 43109, in the third table labeled, "AQI USER FEE CALCULATIONS, FY 2002", on the line "Commercial aircraft", under the column "Raw fee", "6.504" should read "65.04".

2. On the same page, in the same table, on the same line, under the column "Rounded fee", "6.525" should read "65.25".

[FR Doc. C9–20113 Filed 9–15–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–99–25]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

Correction

In notice document 99–21040 beginning on page 44253 in the issue of Friday, August 13, 1999, make the following correction:

On page 44254, in the second column, in the fifth line, "29468" should read, "29648".

[FR Doc. C9–21040 Filed 9–15–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–37]

Realignment of Federal Airway; Rochester, MN

Correction

In rule document 99–23155 appearing on page 48527 in the issue of Tuesday, September 7, 1999, the docket line should appear as set forth above.

[FR Doc. C9–23155 Filed 9–15–99; 8:45 am]

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federal register

Thursday
September 16, 1999

Part II

National Aeronautics and Space Administration

14 CFR Parts 1260 and 1274
NASA Grants and Cooperative Agreements; Proposed Rule

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Parts 1260 and 1274

NASA Grants and Cooperative Agreements

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: This proposed rule revises NASA's grant and cooperative agreement regulations in order to clarify and amplify administrative requirements. Revisions have been made to reduce administrative requirements on grant and cooperative agreement recipients and ensure that uniform policies are followed by NASA centers.

DATES: Comments should be submitted on or before November 15, 1999.

ADDRESSES: Interested parties should submit written comments to Jeff Lupis, NASA Headquarters, Office of Procurement, Analysis Division (Code HC), Washington, DC 20546. Comments may also be submitted by e-mail to jlupis@hq.nasa.gov.

FOR FURTHER INFORMATION CONTACT: Jeff Lupis, NASA Headquarters, Code HC, Washington, DC 20546, telephone: (202) 358–0462; e-mail: jlupis@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

A comprehensive revision is being made to NASA grant and cooperative agreement policy codified at 14 CFR 1260, Grants and Cooperative Agreements, and 14 CFR 1274, Grants and Cooperative Agreements with Commercial Firms. The revision has been initiated by NASA as part of re-engineering the process for awarding and administering grants and cooperative agreements. Changes are chiefly aimed at reducing paperwork requirements or clarifying pre-established policies. Three new policies being adopted by NASA relating to titling of equipment, awarding grants to commercial organizations, and vendor registration in the DoD Central Contractor Registration (CCR) System are policies already in use by other agencies. A synopsis of some of the more significant changes being adopted under this revision are: incorporation of a standard grant and cooperative agreement cover page; a new grant numbering system; expanded guidance on appropriate use of grant awards; clarification on participation by foreign organizations; reduction in the lead time goal for awarding grants; streamlined grant award documentation; clarification of grant administration responsibilities; a new policy allowing the award of grants to commercial firms; a new policy that (except for exceptional circumstances) vests title to acquired equipment with the grant recipient as "exempt" property, and a new policy requiring CCR registration prior to award of a grant or cooperative agreement.

B. Regulatory Flexibility Act

An initial Regulatory Flexibility Analysis has not been prepared because the proposed changes are not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The revisions made under this proposed rule are largely limited to administrative changes to the grant and cooperative agreement award and administration process, other changes (*e.g.* vesting of title to property to grant recipients) will not have a significant economic impact. Also, an estimated two thirds of NASA vendors are already registered in the CCR System.

C. Paperwork Reduction Act

This proposed rule includes a new requirement for collection of information from grant and cooperative agreement recipients for CCR registration. This collection of information requires NASA to obtain approval from the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* The required approval will be requested.

List of Subjects in 14 CFR Parts 1260 and 1274

Grant Programs—Science and Technology.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 14 CFR Chapter V is proposed to be amended as follows:

1. Part 1260 is revised to read as follows:

PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

Subpart A—General

Sec.

1260.1 Authority.
1260.2 Purpose.
1260.3 Definitions.
1260.4 Applicability.
1260.5 Amendment.
1260.6 Publication.
1260.7 Deviations.

Pre-Award Requirements

1260.10 Proposals.
1260.11 Evaluation and selection.
1260.12 Choice of award instrument.
1260.13 Award procedures.
1260.14 Limitations.
1260.15 Format and numbering.
1260.16 Distribution.

Provisions

1260.20 Provisions.
1260.21 Compliance with OMB Circular A–110.
1260.22 Technical publications and reports.
1260.23 Extensions.
1260.24 Termination and enforcement.
1260.25 Change in principal investigator or scope.
1260.26 Financial management.
1260.27 Equipment and other property.
1260.28 Patent rights.
1260.29 Invention reporting and rights.
1260.30 Rights in data.
1260.31 National security.
1260.32 Nondiscrimination.
1260.33 Subcontracts.
1260.34 Clean air and water.
1260.35 Investigative requirements.
1260.36 Travel and transportation.
1260.37 Safety.
1260.38 Drug-Free Workplace.

Special Conditions

1260.50 Special conditions.
1260.51 Cooperative agreement special condition.
1260.52 Multiple year grant or cooperative agreement.
1260.53 Incremental funding.
1260.54 Cost sharing.
1260.55 Reports substitution.
1260.56 Withholding.
1260.57 New technology
1260.58 Designation of new technology representative and patent representative.
1260.59 Choice of law.
1260.60 Public information.
1260.61 Allocation of risk/liability.
1260.62 Payment—to foreign organizations.
1260.63 Customs clearance and visas.
1260.64 Taxes.
1260.65 Exchange of technical data and goods.
1260.66 Listing of reportable equipment and other property.
1260.67 Equipment and other property under grants with commercial firms.
1260.68 Invoices and payments under grants with commercial firms.
1260.69 Electronic funds transfer payment methods.

Post-Award Requirements

1260.70 Delegation of administration.
1260.71 Supplements and renewals.
1260.72 Adherence to original budget estimates.
1260.73 Transfers, novations, and change of name agreements.
1260.74 Property use, disposition, and vesting of title.
1260.75 Summary of report requirements.
1260.76 Termination and enforcement.
1260.77 Closeout procedures.

Appendix to Subpart A to Part 1260—Listing of Exhibits

Subpart B—Uniform Administrative Requirements for Grants and Cooperative Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

General

1260.101 Purpose.
1260.102 Definitions.
1260.103 Effect on other issuances.
1260.104 Deviations.
1260.105 Subawards.

Pre-Award Requirements

1260.110 Purpose.
1260.111 Pre-award policies.
1260.112 Forms for applying for Federal assistance.
1260.113 Debarment and suspension.
1260.114 Special award conditions.
1260.115 Metric system of measurement.
1260.116 Resource Conservation and Recovery Act (RCRA).
1260.117 Certifications and representations.

Post-Award Requirements

Financial and Program Management

1260.120 Purpose of financial and program management.
1260.121 Standards for financial management systems.
1260.122 Payment.
1260.123 Cost sharing or matching.
1260.124 Program income.
1260.125 Revision of budget and program plans.
1260.126 Non-Federal audits.
1260.127 Allowable costs.
1260.128 Period of availability of funds.

Property Standards

1260.130 Purpose of property standards.
1260.131 Insurance coverage.
1260.132 Real property.
1260.133 Federally-owned and exempt property.
1260.134 Equipment.
1260.135 Supplies and other expendable property.
1260.136 Intangible property.
1260.137 Property trust relationship.

Procurement Standards

1260.140 Purpose of procurement standards.
1260.141 Recipient responsibilities.
1260.142 Codes of conduct.
1260.143 Competition.
1260.144 Procurement procedures.
1260.145 Cost and price analysis.
1260.146 Procurement records.
1260.147 Contract administration.
1260.148 Contract provisions.

Reports and Records

1260.150 Purpose of reports and records.
1260.151 Monitoring and reporting program performance.
1260.152 Financial reporting.
1260.153 Retention and access requirements for records.

Termination and Enforcement

1260.160 Purpose of termination and enforcement.
1260.161 Termination.
1260.162 Enforcement.

After-the-Award Requirements

1260.170 Purpose.
1260.171 Closeout procedures.
1260.172 Subsequent adjustments and continuing responsibilities.
1260.173 Collections of amounts due.

Appendix A to Subpart B of Part 1260—Contract Provisions

Authority: 42 U.S.C. 2473(c)(1), Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301 *et seq.*), and OMB Circular A–110.

Subpart A—General

§ 1260.1 Authority.

(a) The National Aeronautics and Space Administration (NASA) awards grants and cooperative agreements under the authority of 42 U.S.C. 2473(c)(5), the National Aeronautics and Space Act. This part 1260 is issued under the authority of 42 U.S.C. 2473(c)(1), Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301 *et seq.*), and OMB Circular A–110.

(b) The Office of Management and Budget (OMB) approved information collection under the Paperwork Reduction Act and assigned OMB control numbers 2700–0047, Property Management and Control; 2700–0048, Patents; and 2700–0049, Financial Management and Control.

§ 1260.2 Purpose.

(a) This subpart A of the NASA Grant and Cooperative Agreement Handbook (also subpart A of 14 CFR part 1260), provides supplemental NASA policies that clarify and amplify government-wide regulations for awarding and administering grants and cooperative agreements with educational and non-profit organizations. The government-wide regulations that this subpart supplements are set forth in OMB Circular A–110 "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." (NASA has adopted OMB Circular A–110 as subpart B of this part 1260.)

(b) As required by the Office of Management and Budget (OMB), NASA has also adopted the standards set forth in OMB Circular No. A–133, Audits of States, Local Governments, and Non-Profit Organizations.

§ 1260.3 Definitions.

(a) The following definitions are a supplement to the subpart B definitions set forth at § 1260.102. Additional definitions applicable to specific categories of grants and cooperative agreements are set forth at 14 CFR 1273.3 and 14 CFR 1274.102.

(b) Throughout subpart A to this part 1260, the term "grant" includes "cooperative agreement" unless otherwise indicated.

Administrative grant officer means a Federal employee delegated responsibility for grant administration; *e.g.*, a NASA grant officer who has retained grant administration responsibilities, or an Office of Naval Research (ONR) grant officer delegated grant administration by a NASA grant officer.

Amendment means any document used to effect modifications to grants and cooperative agreements. Amendments may be issued unilaterally at the discretion of the grant officer.

Commercial firm means any corporation, trust or other organization which is organized primarily for profit.

Effective date means the date work can begin, which could be earlier or later than the date of signature on a basic award or modification. Expenditures made prior to award of a grant are incurred at the recipient's risk.

Expiration date means the date of completion specified in the grant, after which expenditures may not be charged against the grant except to satisfy obligations to pay allowable costs committed on or before that date.

Historically Black Colleges and Universities means institutions determined by the Secretary of Education to meet the requirements of 34 CFR 608.2 and listed therein.

Minority educational institution means an institution determined by the Secretary of Education to meet the requirements of 34 CFR 637.4.

Non-profit organization means an organization that qualifies for the exemption from taxation under section 501 of the Internal Revenue Code of 1954, as amended, 26 U.S.C. 501.

Progress report means a concise statement of work accomplished during the report period (see §§ 1260.22 and 1260.75(b)(3)).

Recipient acquired equipment means equipment purchased or fabricated with grant funds by a recipient for the performance of work under its grant.

Small business concern means a concern, including its affiliates, which is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualifies as a small business under the criteria and size standards in 13 CFR part 121.

Small disadvantaged business concern means a small business concern owned and controlled by individuals

who are both socially and economically disadvantaged and meets the criteria set forth at 13 CFR part 24.

Summary of research means a document summarizing the results of the entire project, which includes bibliographies, abstracts, and lists of other media in which the research was discussed.

Women-owned small business concern means a small business concern that is at least 51 percent owned by women who are U.S. citizens and who also control and operate the business (15 U.S.C. 637(d)).

§ 1260.4 Applicability.

(a) Subparts A and B of this part 1260 establish policies and procedures for grants and cooperative agreements awarded by NASA to institutions of higher education, hospitals, and other non-profit organizations.

(b) Subject to the special considerations in this paragraph, subparts A and B of this part 1260 are also applicable to NASA grants and cooperative agreements awarded to commercial firms which do not involve cost sharing. For grants and cooperative agreements with commercial organizations which involve resource contributions by the Recipient, see 14 CFR part 1274.

(1) The allowability of costs incurred by commercial firms is determined in accordance with the provisions of the Federal Acquisition Regulation (FAR) at 48 CFR part 31.

(2) NASA does not allow for payment of profit or fee to commercial firms under grant awards.

(3) When applying the policies set forth under § 1260.74, the grant officer shall vest title to any equipment purchased under the grant with the Government. The special condition at § 1260.67, Equipment and Other Property Under Grants With Commercial Firms, shall be incorporated into all grants with commercial firms in place of the provision at § 1260.27, Equipment and Other Property.

(4) Due to differing NASA patent policies applicable to large businesses, special conditions at § 1260.57, New Technology, and § 1260.58, Designation of New Technology Representative and Patent Representative, shall be incorporated into all grants with commercial firms other than those with small businesses, in place of the provision at § 1260.29, Patent Rights.

(5) Payments under grants with commercial firms will be made based on incurred costs. NASA Form 272 is not required. Commercial firms will be required to submit invoices on a no more than quarterly basis. The special condition at § 1260.68, Invoices and Payments Under Grants With Commercial Firms, shall be incorporated into all grants with commercial firms in place of the provision at § 1260.26, Financial Management.

(6) Payments will be made to commercial firms via electronic funds transfer. The special condition at § 1260.69, Electronic Funds Transfer Payment Method, shall be incorporated into all grants with commercial firms.

(7) Delegation of grant administration functions consistent with the policies set forth at § 1260.70 (*i.e.*, property administration and closeout are to be delegated) will be made to the cognizant field office of the Defense Contract Management Command instead of to the Office of Naval Research. Delegations will be made using NASA Form 1674, Letter of Delegation, for the Administration of Grants and Cooperative Agreements (Exhibit F to subpart A of this part 1260, available at the address given in Exhibit F). Cognizant offices for performing administration under individual grants are set forth in the "DoD Directory of Contract Administration Services Components," which is available on the internet at: http://www.dcmc.hq.dla.mil/casbook/casbook.htm.

§ 1260.5 Amendment.

This part 1260 will be amended by publication of changes in the **Federal Register**. Changes will be issued as Grant Notices and incorporated into the official version of the handbook located at the internet web site.

§ 1260.6 Publication.

The official site for accessing the NASA Grant and Cooperative Agreement Handbook, including current Grant Notices, is on the internet at: http://ec.msfc.nasa.gov/hq/grcover.htm

§ 1260.7 Deviations.

(a) A deviation is required for any of the following:

(1) When a prescribed provision (but not a special condition) set forth verbatim in this part 1260 is modified or omitted.

(2) When a provision is set forth in this part 1260, but not for use verbatim, and the Center substitutes a provision which is inconsistent with the intent, principle, and substance of the provision.

(3) When a form prescribed by this part 1260 is altered or another form is used in its place.

(4) When limitations, imposed by this handbook upon the use of a grant provision, form, procedure, or any other grant action, are changed.

(5) When a form is created for recipient use that constitutes a "Collection of Information" within the meaning of the Paperwork Reduction Act (44 U.S.C. 35) and its implementation in 5 CFR part 1320.

(b) Requests for authority to deviate from this part 1260 shall be submitted to the Office of Procurement, NASA Headquarters, Procurement Operations Division (HS). Requests, signed by the procurement officer, shall contain:

(1) A full description of the deviation, the circumstances in which it will be used, and identification of the requirement from which a deviation is sought;

(2) The rationale for the request, pertinent background information, and the intended effect of the deviation;

(3) The name of the recipient, identification of the grant affected, and the dollar value;

(4) A statement as to whether the deviation has been re quested previously, and, if so, details of that request; and

(5) A copy of legal counsel's concurrence or comments.

(c) Where it is necessary to obtain a deviation on OMB Circular A–110 (subpart B of this part 1260), Code HS will process all necessary documents in accordance with 1260.104.

Pre-Award Requirements

§ 1260.10 Proposals.

(a) Consistent with 31 U.S.C. 6301(3), NASA's policy is to use competitive procedures to award grants whenever possible. A grant can result from:

(1) A proposal submitted in response to a Broad Agency Announcement (BAA) such as a NASA Research Announcement (NRA) or an Announcement of Opportunity (AO), a Cooperative Agreement Notice (CAN), an Agencywide program announcement such as the Graduate Student Research Program, or other forms of announcements approved by the Associate Administrator for Procurement (HS). NRA's are described in the NASA FAR Supplement (NFS) 48 CFR 1835.016. AO's are described in 48 CFR part 1872.

(2) An Unsolicited Proposal for new and innovative ideas. Guidance on the submission of unsolicited proposals is contained in the Federal Acquisition Regulation (FAR) 48 CFR subpart 15.6 and (NFS) 48 CFR subpart 1815.6. The synopsis requirement in FAR part 5, however, does not apply to the grant process. Contact with NASA technical personnel prior to proposal submission

is encouraged to determine if preparation of a proposal is warranted. These discussions should be limited to understanding NASA research needs and do not jeopardize the unsolicited status of any subsequently submitted proposal.

(b) The proposal shall contain a detailed narrative description of the work to be undertaken, including the objectives of the project and the applicant's plan for carrying it out.

(1) All proposals shall include budget data as prescribed in the Budget Summary (Exhibit A to subpart A of this part 1260, available at the address given in Exhibit A). Narrative detail must support the proposed budget as required in Exhibit A.

(i) The recipient institution is responsible for ensuring that costs charged are allowable, allocable, and reasonable under the applicable cost principles governed by OMB Circular No. A–21 or A–122. For other details see 1260.127.

(ii) Subject to applicable cost principles, facilities and administrative cost rates are negotiated between recipients and the cognizant agencies assigned under OMB Circular No. A–21. NASA is required to apply the applicable negotiated rate for all grants awarded to the recipient.

(iii) NASA may accept cost sharing when voluntarily offered. For further guidance see 1260.123. For grants and cooperative agreements with commercial organizations that involve costs sharing, see 14 CFR part 1274. The amount of cost sharing will not be a factor in determining whether to select a proposal for award. However, recipients may be requested to secure nonfederal matching funds equal to the program portion of training and education grants. In accordance with NASA policy to foster continuity of research, multiple year grant proposals are encouraged, where appropriate, for a period generally up to three years. Proposals for multiple year grants shall describe the entire research project and include a complete budget for year one and separate estimates for each subsequent year.

(2) A Taxpayer Identification Number (TIN) must be included with the address listed on the proposal. If an award is made, advance payments cannot be made without a TIN (31 U.S.C. 7702(c)(1)).

(3) Prior to implementation of the Integrated Financial Management (IFM) System at each center, all grant and cooperative agreement recipients are required to register in the Department of Defense (DoD) Central Contractor Registeration (CCR) database. Registration is required in order to obtain a Commercial and Government Entity (CAGE) code, which will be used as a grant and cooperative agreement identification number for the new system. The grant officer shall verify that the prospective awardee is registered in the CCR database using the DUNS number or, if applicable, the DUNS+4 number, via the Internet at *http://ccr.edi.disa.mil/ccr/cgi-bin/status.pl* or by calling toll free: 800–841–4431, commercial: 696–961–5757.

(c)(1) Grant officers are required to ensure that all necessary certifications, disclosures, and assurances have been obtained prior to awarding a grant or cooperative agreement.

(2) Each new proposal shall include a certification for debarment and suspension under the requirements of 14 CFR 1265.510 and 1260.117.

(3) Each new proposal for an award exceeding $100,000 shall include a certification, and a disclosure form (SF LLL) if required, on Lobbying under the requirements of 14 CFR 1271.110 and 1260.117.

(4) Unless a copy is on file at the NASA center, recipients must furnish an assurance on NASA Form (NF) 1206 on compliance with Civil Rights statutes specified in 14 CFR parts 1250 through 1253.

§ 1260.11 Evaluation and selection.

(a) Technical evaluation of proposals will be conducted by the cognizant NASA technical office and may be based on peer reviews.

(b) Under NRA's, AO's, other BAA's, and CAN's, the selecting official will furnish documentation requested by the grant officer, (including a copy of the NRA, selection statement, and peer review evaluation if requested), to confirm that the award is being made as a result of a selection under a NRA, AO, other BAA, or CAN. The technical office will forward to the grant office a completed award package, including a funded procurement request, technical evaluation of the proposed budget, and other support documentation, at least 29 days prior to the requested award date, or before the expiration of the funded period in the case of the renewal of an existing effort.

(c) If a proposal is not selected, the proposer will be notified by the selecting official in accordance with the procedures set forth in the NRA, AO, CAN, or BAA.

(d) Unsolicited proposals will be evaluated in accordance with the following procedure:

(1) Evaluations of unsolicited proposals to be awarded as grants or cooperative agreements will be conducted using the same criteria used for reviewing unsolicited proposals to be awarded as contracts, as set forth at FAR subpart 15.6 and (NFS) 48 CFR subpart 1815.6. Normally, unsolicited proposals are accepted to perform discrete projects with defined anticipated outcomes and completion dates. An unsolicited proposal that results in a grant or cooperative agreement with no defined end date, and which requires subsequent submission of follow-on unsolicited proposals to ensure continuation of the effort, should be closely reviewed to ensure that it meets the FAR definition for a valid unsolicited proposal.

(2) An unsolicited proposal recommended for acceptance shall be supported by a Justification for Acceptance of an Unsolicited Proposal (JAUP) prepared by the cognizant technical office. The JAUP shall be submitted for the approval of the grant officer after review and concurrence at a level above the technical officer. However, this review and concurrence is not required for technical officers at a division chief or higher level. The grant officer's signature on the award document will indicate approval of the JAUP.

(3) NASA will notify in writing organizations that submit unsolicited proposals that will not be funded. Method of notification is at the discretion of the grant officer. Proposals will be returned only when requested. Agency procedures for handling unsolicited proposals are specified at (NFS) 48 CFR 1815.606.

(e) For awards made non-competitively, written justifications for equipment or travel will be submitted by the technical office for grant officer approval when more than half of the proposed budget is for equipment or travel and associated indirect cost. The justification shall describe the extent to which the equipment or travel is necessary. The grant officer's signature on the award will indicate approval of the justification.

(f) The evaluation of the proposal budget will conform to the following procedure:

(1) The technical officer will review the proposer's estimated cost for conformance to program requirements and fund availability. The results of this review shall be recorded in Column B of the proposed Budget Summary Form (Exhibit A to subpart A of this part 1260, available at the address given in Exhibit A). New budgets are not required when the program office recommended funding is within twenty percent (20 percent) of the proposed amount, provided specific proposed

objectives have not been added or deleted. However, when funding decreases in equipment and/or subcontracts are involved, the cognizant program office is required to identify the cost element(s) affected by the change in funding level.

(2) The grant officer will review the budget, and any changes made by the technical officer, to identify any item which may be unallowable under the cost principles, or which appears unreasonable or unnecessary. The grant officer will complete Column C of the Budget Summary after discussing significant changes with the recipient and/or technical office. Requests for details from the recipient should be limited.

(3) The grant officer will address requests for direct charge of equipment in the negotiation summary, and state whether the purchase is approved as a direct cost.

(g) 42 U.S.C. 2459d prohibits NASA from funding any grant for longer than one year if the effect is to provide a guaranteed customer base for new commercial space hardware or services. The only exception would be if an Appropriations Act specifies the new commercial space hardware or services to be used.

(h) NASA reserves the right to either fully fund or incrementally fund grants based on fiscal law and program considerations. Grants with anticipated annual funding exceeding $50,000 may be funded for less than the amount stated in the proposal.

(1) The grant officer will determine the number of incremental funding actions that will be allowed.

(2) The special condition at § 1260.53, Incremental Funding, will be included in the grant.

(i) Proposals for efforts that involve printing, binding, and duplicating in excess of 25,000 pages are subject to the Government Printing and Binding Regulations, No. 26, February 1990, S. Pub. 101–9, U.S. Government Printing Office, Washington, DC 20402, published by the Congressional Joint Committee on Printing. The technical office will refer such proposals to the Installation Central Printing Management Officer (ICPMO). The grant officer will be advised in writing of the results of the ICPMO review.

(j) The provision at § 1260.30, Rights in Data, is adequate only for grants for basic or applied research where the principal purpose (or only expected NASA involvement) is the publication or dissemination of the results, such as in journals or NASA publications (see § 1260.22). Rights in data for other types of grants and cooperative agreements should be developed with Center Patent Counsel on a case-by-case basis.

(k) By acceptance of a grant (containing the provision at § 1260.34) the recipient agrees that it is in compliance with the Clean Air and Federal Water Pollution Control Acts. The Administrator may approve exemptions from this prohibition under certain circumstances under Executive Order 11738. Requests for exemptions or renewals thereof shall be made to the Office of Procurement, NASA Headquarters, Program Operations Division (Code HS), Washington, DC 20546.

(l) Requests for acquisition of property may be made by a recipient either as part of the original budget proposal or subsequent to award. Comprehensive guidance on evaluating requests for acquisition of property, vesting of title, and administration issues, is set forth at § 1260.74.

§ 1260.12 Choice of award instrument.

(a) This section and § 1260.111 provide guidance on the appropriate choice of award instruments consistent with 31 U.S.C. 6301 to 6308. Throughout § 1260.12, the term "grant" does not include "cooperative agreements."

(b)(1) A procurement contract is a mutually binding legal relationship obligating the seller to furnish supplies or services (including construction), and the buyer pays for them.

(2) The principal purpose of a procurement contract is to acquire, for NASA's direct use or benefit, a well-defined, specific effort clearly required for the accomplishment of a scheduled NASA mission or project.

(3) If it is determined that a procurement contract is the appropriate type of funding instrument to meet NASA's purposes, the procurement shall be conducted under the FAR and the NFS (48 CFR chapter 18).

(4) If an action is to be awarded for a dollar amount below the simplified acquisition threshold, the action may be completed by a contracting officer as a purchase order. The purchase order must be properly modified to include necessary language pertaining to data rights, key personnel requirements, and any other necessary requirements as determined by the contracting officer.

(c) A grant shall be used as the legal instrument to reflect a relationship between NASA and a recipient whenever the principal purpose is the transfer of anything of value to the recipient to accomplish a public purpose of support or stimulation authorized by Federal statute. Grants are distinguished from cooperative agreements in that substantial involvement is not expected between NASA and the recipient when carrying out the activity. Grants are distinguished from contracts in that grants provide financial assistance to the recipient to conduct a fairly autonomous program; contracts entail acquisition. Various types of NASA grants contain different provisions and conditions as described in §§ 1260.20 and 1260.50. The major types of grants and cooperative agreements are defined as follows. Grants and cooperative agreements to carry out other authorized purposes should be used to the extent appropriate, and must be in compliance with OMB Circular A–110.

(1) Research grant. A research grant shall be used to accomplish a NASA objective through stimulating or supporting the acquisition of knowledge or understanding of the subject or phenomena under study, or attempting to determine and exploit the potential of scientific discoveries or improvements in technology, materials, processes, methods, devices, or techniques and advance the state of the art. The recipient will bear prime responsibility for the conduct of research, and exercises judgment and original thought toward attaining the scientific goals within broad parameters of the research areas proposed and the resources provided;

(2) Education grant. An education grant is an agreement that provides funds to an educational institution or other nonprofit organizations within one or more of the following areas:

(i) Capturing student interest and/or improving student performance in science, mathematics, technology, or related fields;

(ii) Enhancing the skill, knowledge, or ability of teachers or faculty members in science, mathematics, or technology;

(iii) Supporting national educational reform movements;

(iv) Conducting pilot programs or research to increase participation and/or to enhance performance in science, mathematics, or technology education at all levels; and

(v) Developing instructional materials (*e.g.*, teacher guides, printed publications, computer software, and videotapes) or networked information services for education;

(3) Training grant. A training grant is an agreement that provides funds primarily for scholarships, fellowships, or stipends to students, teachers, and/or faculty.

(i) NASA training grants are awarded to colleges, universities, or other non-profit organizations; not to individual students, teachers, or faculty members.

It is the responsibility of the institution receiving the grant to approve the faculty, teachers, and/or students who will participate in the specific program, in cooperation with NASA. If a student, teacher, or faculty member ceases to participate in the program for any reason, the institution, with prior NASA approval, may appoint another student, teacher, or faculty member to complete the remaining portion of the grant period. Replacement students, teachers, and/or faculty electing to apply for the following program year are not automatically entitled to an award and are subject to the evaluation/selection procedures administered to new applicants. Any participant receiving support under a NASA training grant may not concurrently hold another Federal fellowship or traineeship.

(ii) No applicant shall be denied consideration or appointment on the grounds of race, creed, color, national origin, age, sex, or disability.

(iii) Students and faculty receiving direct support under a NASA training grant must be U.S. citizens, except for those supported by the NASA Earth System Science Fellowship Program, the Graduate Student Fellowship in Global Change Research Program, and the GLOBE Program.

(iv) Duration of the award is program specific. Refer to program policies and procedures for details. Renewal is contingent upon a successful performance evaluation as prescribed by the program, concurrence by the NASA technical officer, and the availability of funds.

(v) No substantial involvement is expected between NASA and the recipient. A student or faculty member receiving support under a NASA training grant does not incur any formal obligation to the Government.

(vi) The use of training grant funds to acquire equipment, or to acquire or construct facilities will not be permitted. Government furnished equipment will not be provided.

(vii) An Administrative Report must be submitted under the guidelines described by the specific program policies and procedures.

(4) Facilities grant. A facilities grant is used to provide for the acquisition, construction, use, maintenance, and disposition of facilities. Facilities, as used in this section, means property used for production, maintenance, research, development, or testing. Prior approval by the Associate Administrator of Procurement is required before proceeding with a facilities grant. To obtain prior approval, a package will be forwarded to the Director, Program Operations Division (HS), during the planning phase of the grant, that includes pertinent background information, details on Congressional Authorization, dollar value, and name of the recipient. Other information, such as a copy of the proposed facility grant award document, is not required. It is unlikely an award will be approved unless specifically authorized by Congress. A review by legal counsel to assure legal sufficiency is also required.

(d) Cooperative agreement. A cooperative agreement shall be used as the legal instrument reflecting a relationship between NASA and a recipient whenever the principal purpose is the transfer of anything of value to the recipient to accomplish a public purpose of support or stimulation authorized by Federal statute, and substantial involvement is anticipated between NASA and the recipient during performance of the contemplated activity (31 U.S.C. 6305). Characteristics inherent in a cooperative agreement include those that apply to a grant, plus the following:

(1) Substantial NASA involvement in and contribution to the technical aspects of the effort are necessary for its accomplishment. This could involve an active NASA role in collaborative relations, access to a NASA site or equipment, or sharing NASA facilities and personnel. For example, a university investigator could work for a substantial amount of time at a NASA Center, a NASA investigator could work at a university, or when the collaboration is such that a jointly authored report or education curriculum product is appropriate;

(2) The project, conducted as proposed, would not be possible without extensive NASA-recipient technical collaboration;

(3) The nature of the collaboration shall be clearly defined and specified in the special condition at § 1260.51.

(e)(1) Grants and cooperative agreements with foreign organizations. Grants and cooperative agreements with foreign organizations provide for research to be performed in whole, or in part, by a foreign organization, with funding being provided by NASA to the foreign organization as reimbursement for the work performed.

(2) It is NASA policy that, in general, research with foreign organizations will not be conducted through grants or cooperative agreements, but instead will be accomplished on a no-exchange-of-funds basis. In these cases, NASA enters into agreements undertaking projects of international scientific collaboration. In rare instances, NASA may enter into an international agreement under which funds will be transferred to a foreign recipient.

(3) Grants and cooperative agreements to foreign organization are made on an exceptional basis only. Awards require the prior approval of the Headquarters Office of External Relations (Code I) and the Headquarters Office of the General Counsel (Code G). Requests to award foreign grants or cooperative agreements are to be coordinated through the Office of Procurement, Program Operations Division (Code HS). Requests for approval shall contain:

(i) The identity of the foreign entity, the country or countries involved, and the purpose of the grant or cooperative agreement.

(ii) The Space Act Agreement(s) or underlying international agreement involved, if any.

(iii) A description of the effort to be undertaken by the entity described in paragraph (e)(3)(i) of this section, including their dollar value.

(iv) The reason why the grant or cooperative agreement requires a placement with a foreign organization.

(v) The reason why the work can not be accomplished on a no exchange of funds basis.

(4) Grants and cooperative agreements to foreign organizations require a review by the Office of General Counsel.

(5) The requirements of this section do not apply to the purchase of supplies or services (excluding research) from non-U.S. sources by U.S. grant or cooperative agreement recipients, when necessary to support research efforts.

(f)(1) The decision whether to use a contract, grant or cooperative agreement as an award instrument must be based on the principal purpose of the relationship. When NASA, within its authority, enters into a transaction where the principal purpose is to accomplish a public purpose of support or stimulation authorized by Federal statute, a grant or a cooperative agreement is the appropriate instrument. Conversely, if the principal purpose of a transaction is to accomplish a NASA requirement, *i.e.*, to produce something for NASA's own use, a procurement contract is the appropriate instrument. Two essential questions must be asked to ensure that a grant or cooperative agreement is the appropriate instrument. The first question is: Will NASA be directly harmed in furthering a specific NASA mission requirement if the effort is not accomplished? The answer to this question must be "no." The second question is: Is the work being performed by the recipient primarily for its own purposes, which NASA is merely supporting with financial or other

assistance? The answer to this question must be "yes." If these criteria are met, then the effort is not a NASA requirement, and can then be considered as to whether it supports or stimulates a public purpose.

(2) In applying the principal purpose test, it must be determined whether the Government is the direct beneficiary or user of the activity. If NASA provides the specifications for the project; or is having the project completed based on its own identified needs; or will directly use the report or result of the project for a scheduled NASA mission, then, in most cases, the principal purpose is to acquire property or services for the direct benefit or use of NASA, and thus, a contractual relationship exists. However, there may be cases where NASA expects to derive some incidental use or benefit from funded activities. In fact, any extramural expenditure that furthers the Agency's goals or mission can be said to be of benefit or use to the Government. But not every expenditure produces for the Government a benefit or use that is direct; *i.e.*, immediate, uninterrupted, or specific. Where an expenditure will produce a benefit or use that is only indirect in nature, a grant or cooperative agreement may be used.

(3) The status of the entity involved is not a primary factor in determining the appropriate award instrument. For example, an entity that operates on a non-profit basis may receive funding through a contract, and is not limited to receiving grants or cooperative agreements. Similarly, a profit-making firm may receive funding through grants, cooperative agreements, or contracts.

(4) NASA offices may be mandated through their missions to support specific scientific, educational, or training programs. The office may be accountable to NASA management, the Administration, or Congress for oversight and proper implementation of the program, may require direct oversight, may be directly accountable for the results of the program and that the work be successfully completed. Whenever the office requesting the grant or cooperative agreement would be directly harmed in performing its mission if an award was not made, a grant or cooperative agreement is not appropriate. Specific examples of situations requiring special scrutiny include—

(i) Education grants that for the administration of a program for which the education office is directly responsible;

(ii) Research or education grants to establish and support university laboratories on a non-competitive basis, with the resulting work of direct benefit to NASA; or

(iii) Training grants that hire university students, on a non-competitive basis, to perform work at a NASA Center in direct support of NASA personnel, and perform work which is required in support of a NASA mission.

(5) A grant may be used to provide funding to an association to hold a conference (among its members and NASA officials) where the benefits flow primarily to the association and its members, not to NASA. The principal purpose will be to advance research or other purposes of the association. Thus, NASA may not direct an association in arranging the conference or in providing other services for NASA's benefit. The conference should be run by the association, not by NASA. Conferences sponsored or initiated by NASA primarily to meet a specific NASA need or obtain information for the direct benefit of NASA must be supported by means of a contract.

§ 1260.13 Award procedures.

(a) Award instruments are classified as follows:

(1) Annual grants are grants awarded for a short term (*e.g.*, on an annual basis).

(2) Multiple year grants support research projects that may span several years.

NASA policy is to make maximum use of multiple year grants. A Multiple Year Grant is generally selected for a period of three years in keeping with NASA's policy calling for research to be peer reviewed at least every three years. Grants with periods of performance in excess of three years may be appropriate when the NASA technical office determines at the inception of the grant that a period of performance in excess of three years is necessary to complete a discrete research effort.

(i) If the decision to provide multiple year funding to a research proposal is made, the special condition at § 1260.52, Multiple Year Grant or Cooperative Agreement, will be included in the award.

(ii) Periods approved under the Multiple Year Grant or Cooperative Agreement special condition at § 1260.52, and funded at the levels specified in the special condition, are not considered to be new awards. Therefore, new proposals, new proposal-related certifications (such as Disclosure of Lobbying Activities, and Debarment and Suspension), new technical evaluations, and new budget proposals are not required, as long as this information for the multiple year period was reviewed and approved as part of the original proposal.

(iii) If NASA program constraints or developments within the research project dictate a reduction in the funding level specified under a Multiple Year Grant period, research may continue at the reduced level under the terms of the provisions; however, the recipient may rebudget under the grant provisions to keep the project within the funding actually provided.

(3) An augmentation to a grant may be issued as a supplement at any time when work is introduced which is outside the scope of the approved proposal or when there is a need for substantial unanticipated funding. Augmentations require the submission of revised budget proposals and technical evaluations covering the additional work. Since augmentations will be performed within the existing period of performance, certifications will not normally be required.

(4) A grant extension may be placed to extend the grant beyond the expiration date, in accordance with the provision at § 1260.23, Extensions, if additional time beyond the established period of performance is required to assure adequate completion of the original scope of work within the available funding.

(5) Grant renewals provide for continuation of research beyond the original scope, period of performance and funding levels; therefore, new proposals, certifications and technical evaluations are required prior to the execution of a grant renewal. Grant renewals will be awarded as new grants. Continued performance within a period specified under the Multiple Year Grant provision does not constitute a renewal. For research originally awarded through a competitive NRA, CAN, or other competitive announcement that has completed its period of performance, peer review of a proposal to continue the research should be accomplished prior to selecting the research grant for renewal. If the effort was originally awarded through an unsolicited proposal, a new justification to accept the unsolicited proposal would be required (however, also see § 1260.12(g)(5)). Multiple year grant special conditions may be incorporated into renewals.

(b) While NASA normally provides full funding support for research grants, alternate methods of grant funding are as follows:

(1) Since NASA grant recipients usually gain no measurable commercial or economic benefit from grants, other than conducting research, cost sharing for research grants is not generally

required. NASA may, however, accept cost sharing when voluntarily offered. Additionally, in instances when the grant officer determines that the recipient will benefit from the research results through sales to non-Federal entities, cost sharing based upon this mutuality of interest will apply. See § 1260.123. When cost sharing is used, the grant officer shall insert a Special Condition substantially as shown in § 1260.54, Cost Sharing. (See 14 CFR part 1274 for grants and cooperative agreements with commercial organizations involving cost sharing.)

(2) NASA may provide partial support for a research project or conference where additional funding is being provided by other Federal agencies. If the grant also involves cost sharing by the recipient, the grant officer will ensure that the recipient's share does not include any Federal funds.

§ 1260.14 Limitations.

(a) NASA does not award grants merely to provide donative assistance no matter how worthy the purpose, but to the extent that appropriations are available to carry out authorized Agency programs. Research in any academic discipline related to NASA interests normally will qualify. However, advice of legal counsel should be sought in unusual situations, or when unusual project activities or organizational attributes are evident.

(b) It is NASA's policy that non-monetary (zero dollar) grants or cooperative agreements shall not be used, except for no-cost extensions.

(c) Loans of Government personal property not associated with a contract, grant, or cooperative agreement under 31 U.S.C. 6301 to 6308, and made under the Space Act of 1958, should be consummated as loan agreements. Also, excess Government research property may be donated to educational institutions and nonprofit organizations pursuant to 15 U.S.C. 3710(I). See § 51260.133(a)(2).

(d) Neither grants nor cooperative agreements shall be used as legal instruments for consulting service arrangements.

§ 1260.15 Format and numbering.

(a) A grant shall be brief, containing only those provisions and special conditions necessary to protect the interests of the Government.

(b) Cover page formats shown in Exhibit B to subpart A of part 1260 shall be used for all NASA grant and cooperative agreement award documents. Provisions for grants with U.S. organizations shall be incorporated by reference, and preprinted checklists may be used (Exhibit C to subpart A of this part 1260). Both special conditions and provisions for grants with foreign organizations will be printed in full text. An acceptance block may be added when the grant officer finds it necessary to require bilateral execution of the grant. Program budgets are not generally attached to the award document. When it is necessary to attach the budget due to revisions to the original proposed budget or other reasons, this information should be suitably marked as confidential, and is not be disclosed outside of the Government without the consent of the grantee.

(c) The Identification Numbering System to be used prior to Integrated Financial Management Project (IFMP) implementation will be applied as follows:

(1) For research, education, and facilities grants, numbering shall conform to (NFS) 48 CFR 1804.7102(a) by including the Center Identification Number, except that a NAG prefix will be used in lieu of the NAS prefix (*e.g.*, NAG5 would be the Goddard prefix designation). They will be sequentially numbered.

(2) Cooperative agreements will use the prefix NCC plus the Center Identification Number. They will be sequentially numbered.

(3) Training grants will use the prefix NGT plus the Center Identification Number. They will be sequentially numbered.

(4) The Catalog of Federal Domestic Assistance (CFDA) Numbers does not apply to NASA grants.

(d) The Identification Numbering System will be revised after IFMP implementation. There will be a phase-in term for Center implementation of the IFMP. For centers using IFMP Performance Purchasing; the following numbering system shall be used:

(1) *Document Type for grants.* For research, education, facilities, and training grants, the document type prefix GR shall be used.

(2) *Document Type for cooperative agreements.* Cooperative agreements will use the prefix CO.

(3) *Agency Identifier.* The Agency identifier NAS shall follow the document number.

(4) Center Smart Codes. The Center identifier shall follow the document type:

Installation	Smart code
Ames Research Center	A
Dryden Flight Research Center	D
Glenn Research Center	C
Goddard Space Flight Center	G
Headquarters	H
Johnson Space Center	J
Kennedy Space Center	K
Langley Research Center	L
Marshall Space Flight Center	M
NASA Management Office-JPL	P
Stennis Space Center	S

(5) Fiscal Year. The fiscal year shall be represented as two digits.

(6) Procurement Code. "G" will be used as the procurement code to identify grants. Cooperative Agreements will be identified using "A" as the procurement code.

(7) Serial Numbers. Installations shall number grants and cooperative agreements serially by fiscal year. The serial number shall be six digits commencing with "000001" and continuing in succession.

(8) As an example of the above set forth methodology, the first two grants awarded by Marshall Space Flight Center in fiscal year 1999 would be GRNASM99G000001 and GRNASM99G000002.

(9) The Catalog of Federal Domestic Assistance (CFDA) Numbers does not apply to NASA grants.

§ 1260.16 Distribution.

(a) Copies of grants and supplements will be provided to—

(1) Payment offices (original copy);

(2) Technical officers;

(3) Administrative grant officers when delegated;

(4) The NASA Center for AeroSpace Information (CASI), Attn: Document Processing Section, 7121 Standard Drive, Hanover, MD 21076; and

(5) Other appropriate offices as determined by the grant officer.

(b) In addition to receipt of grants and supplements, the administrative grant officer will receive a copy of the approved budget.

(c) The file will record the addresses for distribution.

Provisions

§ 1260.20 Provisions.

(a) Research grants, education grants, and cooperative agreements with U.S. educational institutions and nonprofit organizations shall incorporate by reference the provisions set forth in §§ 1260.21 through 1260.38. Training grants shall incorporate by reference the provisions set forth in §§ 1260.21 through 1260.38, except that the grant officer will substitute § 1260.22, Technical Publications and Reports, with reporting requirements as specified by the program office.

(b) Facilities grants provisions will be selected on a case-by-case basis (please refer to § 1260.50).

(c) Research grants awarded to foreign organizations, when approved by Headquarters, will include the following provisions at a minimum: §§ 1260.21, 1260.22, 1260.23, 1260.24, 1260.25, 1260.26, 1260.27, 1260.29, 1260.33, 1260.35, 1260.36 and 1260.37. Additional special conditions will be selected on a case by case basis (please refer to 1260.50). All provisions will be provided in full text. Referenced handbooks, statutes, or other regulations, which the recipient may not have access to, must be made available when requested by the foreign organization.

(d) The provisions set forth at § 1260.21 through 1260.38 do not apply to awards made under the Federal Demonstration Partnership (FDP). FDP awards are subject to the FDP Phase III General Terms and Conditions and the NASA Agency Specific Requirements Modifications to the General Terms and Conditions (Exhibit D to subpart A of this part 1260). Since these documents are provided directly to the FDP institutions, they are not to be attached to FDP grants. However, the grant officer will include a statement similar to the following on FDP grants: "The Federal Demonstration Partnership General Terms and Conditions and NASA Agency-specific Requirements apply to this award."

(e) Grants or cooperative agreements awarded by NASA to the Commercial Space Centers under the Space Development and Commercial Research (SDCR) Program require special conditions in addition to those set forth at §§ 1260.21 through 1260.38. SDCR Special Conditions are required to be included in full text for all SDCR Grants and Cooperative Agreements (Exhibit E to subpart A of this part 1260). Changes or additions to these Special Conditions must be approved by the Office of Space Utilization and Product Development (Code UM) prior to the award of the grant. Requests for changes or additions are to be coordinated through the Office of Procurement, Program Operations Division (Code HS).

(f) Grants and cooperative agreements awarded by NASA to commercial organizations where cost sharing is not required shall incorporate the provisions set forth at §§ 1260.21 through 1260.38, modified as set forth under § 1260.4(b).

(g) Grants and cooperative agreements not specifically classified elsewhere in this section, but that are awarded for other authorized purposes, shall include provisions selected on a case-by-case basis.

(h) Whenever the word "grant" appears in §§ 1260.21 through 1260.38, it shall be deemed to include, as appropriate, the term "cooperative agreement."

§ 1260.21 Compliance with OMB Circular A–110.

Compliance With OMB Circular A–110 (Date)

This grant or cooperative agreement is subject to the requirements set forth in OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations. Recipients are required to comply with the requirements of A–110, as adopted by NASA as subpart B of part 1260 of title 14 of the Code of Federal Regulations. Specific provisions set forth in this award document are provided to supplement and clarify, not replace, the Circular, except in circumstances where a waiver from Circular requirements has been obtained by NASA.

[End of provision]

§ 1260.22 Technical publications and reports.

(This provision describes standard reporting requirements that should be applied in most circumstances. The requirements set forth under this provision may be modified by the grant officer based on specific report needs for the grant or cooperative agreement, provided that reporting requirements do not conflict with § 1260.151. Any special reporting requirements will be set forth as a special condition in the award document.)

Technical Publications and Reports (Date)

(a) NASA encourages the widest practicable dissemination of research results at any time during the course of the investigation. All information disseminated as a result of the grant shall contain a statement which acknowledges NASA's support and identifies the grant by number (*e.g.*, "The material is based upon work supported by NASA under award No(s) GRNASM99G000001, etc.").

(b) Reports shall be in the English language, informal in nature, and ordinarily not exceed three pages (not counting bibliographies, abstracts, and lists of other media). The recipient shall submit the following reports:

(1) A Progress Report for all but the final year of the grant. Each report is due 60 days before the anniversary date of the grant and shall briefly describe what was accomplished during the reporting period as outlined in § 1260.151(d). A special condition specifying more frequent reporting may be required.

(2) A Summary of Research (or Educational Activity Report in the case of Education Grants) is due within 90 days after the expiration date of the grant, regardless of whether or not support is continued under another grant. This report shall be a comprehensive summary of significant accomplishments during the duration of the grant.

(c) Progress Reports, Summaries of Research, and Educational Activity Reports shall include the following on the first page:

(1) Title of the grant.

(2) Type of report.

(3) Name of the principal investigator.

(4) Period covered by the report.

(5) Name and address of the recipient's institution.

(6) Grant number.

(d) Progress Reports, Summaries of Research, and Educational Activity Reports shall be distributed as follows:

(1) The original report, in both hard copy and electronic format, to the Technical Officer.

(2) One copy to the NASA Grant Officer, with a notice to the Administrative Grant Officer, (when administration of the grant has been delegated to ONR), that a report was sent.

(e) For Summaries of Research and published reports, one microreproducible copy shall also be sent to the NASA Center for AeroSpace Information (CASI), Attn: Document Processing Section, 7121 Standard Drive, Hanover, MD 21076.

[End of provision]

§ 1260.23 Extensions.

Extensions (Date)

(a) It is NASA policy to provide maximum possible continuity in funding grant-supported research and educational activities, therefore, grants may be extended for additional periods of time when necessary to complete work that was part of the original award. NASA generally only approves such extensions within funds already made available. Any extension that would require additional funding must be supported by a proposal submitted at least three months in advance of the expiration date of the grant.

(b) In accordance with § 1260.125(e)(2), Recipients may extend the expiration date of a grant if additional time beyond the established expiration date is required to assure adequate completion of the original scope of work within the funds already made available. For this purpose, the recipient may make a one-time no-cost extension, not to exceed 12 months, prior to the established expiration date. Written notification of such an extension request, with the supporting reasons, must be received by the NASA Grant Officer at least ten days prior to the expiration of the award. A copy of the extension request must also be forwarded to cognizant Office of Naval Research office. NASA reserves the right to disapprove the extension if the requirements set forth at § 1260.125(e)(2) are not met.

(c) Requests for approval for all other no-cost extensions must be submitted in writing to the NASA Grant Officer. Copies are to be forwarded to the cognizant Office of Naval Research office.

[End of provision]

§ 1260.24 Termination and enforcement.

Termination and Enforcement (Date)

As a clarification to the termination and enforcement conditions of this award specified in §§ 1260.160 through 1260.162, although NASA's policy is to consult with the recipient, NASA reserves the right to suspend or terminate the award without prior notice when it believes such action is necessary to protect the interest of the Government.

[End of provision]

§ 1260.25 Change in principal investigator or scope.

Change in Principal Investigator or Scope (Date)

The following guidance is provided as an amplification to prior approval requirements set forth at § 1260.125(c):

(a) The Recipient shall obtain the approval of the NASA Grant Officer for a change of the principal investigator, or for a significant absence of the Principal Investigator from the project, defined as a three month absence from the program or a 25 percent reduction in time devoted to the project. Significantly reduced availability of the services of the principal investigator(s) named in the grant instrument could be grounds for termination, unless alternative arrangements are made and approved in writing by the Grant Officer.

(b) Prior written approval is required from NASA if there is to be a significant change in the objective or scope.

[End of provision]

§ 1260.26 Financial management.

Financial Management (Date)

(a) Advance payments by electronic funds transfer will be made by the Financial Management Office of the NASA Center which issued the grant in accordance with procedures provided to the recipient. The recipient shall submit Federal Cash Transaction Reports (SF 272) to the aforementioned office and to the Administrative Grant Officer (if NASA has delegated administration) within 15 working days following the end of each Federal fiscal quarter, containing current estimates of the cash requirements for each of the four months following the quarter being reported. The final SF 272 is due within 90 days after the expiration date of the grant. The final SF 272 shall be submitted to the Financial Management Office, with copies sent to the NASA Grant Officer. and to the Administrative Grant Officer when the Office of Naval Research (ONR) has been delegated grant closeout responsibilities.

(b) Unless otherwise directed by the Grant Officer, any unexpended balance of funds which remains at the end of any funding period, except the final funding period of the grant, shall be carried over to the next funding period, and may be used to defray costs of any funding period of the grant. This includes allowing the carry over of funds to the second and subsequent years of a multiple year grant. This provision also applies to subcontractors performing substantive work under the grant. For grant renewals, the estimated amount of unexpended funds shall be identified in the grant budget section of the recipient's renewal proposal. NASA reserves the right to remove unexpended balances from grants when insufficient efforts have been made by the grantee to liquidate funding balances in a timely fashion.

[End of provision]

§ 1260.27 Equipment and other property.

Equipment and Other Property (Date)

(a) On an exceptional basis, NASA permits acquisition of special purpose and general purpose equipment specifically required for use exclusively for research activities.

(1) Acquisition of special purpose or general purpose equipment costing in excess of $5,000 (unless a lower threshold has been established by the recipient) and not included in the approved proposal budget, requires the prior approval of the NASA Grant Officer. Requests to the NASA Grant Officer for the acquisition of equipment shall be supported by written documentation setting forth the description, purpose, and acquisition value of the equipment, and including a written certification that the equipment will be used exclusively for research, activities. (A change in the model number of a prior approved piece of equipment does not require re-submission for that item.)

(2) NASA may elect to take title to items of special purpose or general purpose equipment after it is no longer necessary for performance of the grant. The recipient will be advised of the Government's intention to take title in writing if the item is approved for recipient purchase. Generally, the notification is made through inclusion of the special condition at 1260.66, Listing of Reportable Equipment and Other Property. If the Government does not exercise its right to take title to property acquired by the recipient with grant funds at the time the acquisition is approved, the property will be considered exempt according to 1260.133(b). When property is classified as exempt, the recipient shall hold title without further obligation to the Federal Government, including reporting of the equipment.

(3) Special purpose or general purpose equipment acquired by the recipient with grant funds, valued under $5,000 (unless a lower threshold is established by the recipient) are classified as "supplies," do not require the prior approval of the NASA Grant Officer, shall vest in the recipient, and will be considered "exempt" in accordance with 1260.133(b).

(4) Grant funds may be expended for the acquisition of land or interests therein or for the acquisition and construction of facilities *only* under a facilities grant, as defined in 1260.12(g).

(b) The recipient shall submit an annual Inventory Report, to be received no later than October 31 of each year, which lists all reportable (non-exempt equipment and/or Federally owned property) in its custody as of September 30. Negative responses for annual Inventory Reports (when there is no reportable equipment) are not required. A Final Inventory Report of Federally Owned Property, including equipment where title was taken by the Government, will be submitted by the recipient no later than 60 days after the expiration date of the grant. Negative responses for Final Inventory Reports are required.

(1) All reports will include the information listed in paragraph (f)(1) of 1260.134, Equipment. No specific report form or format is required, provided that all necessary information set forth at 1260.134(f)(1) is provided.

(2) The original of each report shall be submitted to the Center Deputy Chief Financial Officer, Finance (DCFO(F)). Copies shall be furnished to the Center Industrial Property Officer and to ONR.

[End of provision]

§ 1260.28 Patent rights.

Patent Rights (Date)

As stated at 1260.136, this award is subject to the provisions of 37 CFR 401.3(a) which requires use of the standard clause set out at 37 CFR 401.14 "Patent Rights (Small Business Firms and Nonprofit Organizations)" and the following:

(a) Where the term "contract" or "contractor" is used in the "Patent Rights" clause, the term shall be replaced by the term "grant" or "recipient," respectively.

(b) In each instance where the term "Federal Agency," "agency," or "funding Federal agency" is used in the "Patent Rights" clause, the term shall be replaced by the term "NASA."

(c) The NASA regulation applicable to paragraph (e) of the "Patent Rights" clause is at 37 CFR part 404, Licensing of Government-owned Inventions.

(d) The following item is added to the end of paragraph (f) of the "Patent Rights" clause: "(5) The recipient shall include a list of any Subject Inventions required to be disclosed during the preceding year in the performance report, technical report, or renewal proposal. A complete list (or a negative statement) for the entire award period shall be included in the summary of research."

(e) The term "subcontract" in paragraph (g) of the "Patent Rights" clause shall include purchase orders.

(f) The NASA implementing regulation for paragraph (g)(2) of the "Patent Rights" clause is at 48 CFR 1827.304–4(a)(i)(B).

(g) The following requirement constitutes paragraph (l) of the "Patent Rights" clause:

"(l) Communications. A copy of all submissions or requests required by this clause, plus a copy of any reports, manuscripts, publications or similar material bearing on patent matters, shall be sent to the Center Patent Counsel and the NASA Grant Officer in addition to any other submission requirements in the grant provisions. If any reports contain information describing a "subject invention" for which the recipient has elected or may elect to retain title, NASA will use reasonable efforts to delay public release by NASA or publication by NASA in a NASA technical series until an application filing date has been established, provided that the recipient identify the information and the "subject invention" to which it relates at the time of submittal. If required by the NASA Grant Officer, the recipient shall

provide the filing date, serial number and title, a copy of the patent application, and a patent number and issue date for any "subject invention" in any country in which the recipient has applied for patents."

(h) NASA Inventions. NASA will use reasonable efforts to report inventions made by NASA employees as a consequence of, or which bear a direct relation to, the performance of specified NASA activities under this agreement and, upon timely request, will use reasonable efforts to grant the recipient an exclusive, or partially exclusive, revocable, royalty-bearing license, subject to the retention of a royalty-free right of the Government to practice or have practiced the invention by or on behalf of the Government.

(i) In the event NASA contractors are tasked to perform work in support of specified activities under a cooperative agreement and inventions are made by contractor employees, the recipient will normally retain title to its employee inventions in accordance with 35 U.S.C. 202, 14 CFR part 1245, and Executive Order 12591. In the event the recipient decides not to pursue rights to title in any such invention and NASA obtains title to such inventions, NASA will use reasonable efforts to report such inventions and, upon timely request, will use reasonable efforts to grant the recipient an exclusive, or partially exclusive, revocable, royalty-bearing license, subject to the retention of a royalty-free right of the Government to practice or have practiced the invention by or on behalf of the Government.

[End of provision]

§ 1260.29 Invention reporting and rights.

(The grant officer may revise the language under paragraph (d) of this provision to modify each party's rights based on the particular circumstances of the program and/or the recipient's need to protect specific proprietary information. Any modification to the standard language set forth under the provision requires the concurrence of the Center's Patent Counsel and the provision be printed in full text.)

Invention Reporting and Rights (Date)

(a) As used in this provision:

(1) The term "invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code, or any novel variety of plant which is or may be protected under the Plant Variety Protection Act (7 U.S.C. 2321 *et seq.*).

(2) The term "made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(b) The recipient shall report promptly to the grant officer each invention made in the performance of work under this grant. The report of such invention shall—

(1) Identify the inventor(s) by full name; and

(2) Include such full and complete technical information concerning the invention as is necessary to enable an understanding of the nature and operation thereof.

(c) Reporting shall be made on NASA Form 1679 Disclosure of Invention and New Technology (Including Software).

(d) The recipient hereby grants to the Government of the United States of America, as represented by the Administrator of the National Aeronautics and Space Administration, the full rights, title, and interest in and to each such invention throughout the world.

§ 1260.30 Rights in data.

(The grant officer may revise the language under this provision to modify each party's rights based on the particular circumstances of the program and/or the recipients need to protect specific proprietary information. Any modification to the standard language set forth under the provision requires the concurrence of the Center's Patent Counsel and that the provision be printed in full text.)

Rights in Data (Date)

(a) Fully Funded Efforts.

(1) "Data" means recorded information, regardless of form, the media on which it may be recorded, or the method of recording. The term includes, but is not limited to, data of a scientific or technical nature, computer software and documentation thereof, and data comprising commercial and financial information.

(2) The recipient grants to the Federal Government, a royalty-free, nonexclusive and irrevocable license to use, reproduce, distribute (including distribution by transmission) to the public, perform publicly, prepare derivative works, and display publicly, data in whole or in part and in any manner for Federal purposes and to have or permit others to do so for Federal purposes only.

(3) In order that the Federal Government may exercise its license rights in data, the Federal Government, upon request to the recipient, shall have the right to review and/or obtain delivery of data resulting from the performance of work under this grant, and authorize others to receive data to use for Federal purposes.

(b) Cost Sharing and/or Matching Efforts. When the recipient cost shares with the Government on the effort, the following is added:

"(5) In the event data first produced by recipient in carrying out recipient's responsibilities under an agreement is furnished to NASA, and recipient considers such data to embody trade secrets or to comprise commercial or financial information which is privileged or confidential, and such data is so identified with a suitable notice or legend, the data will be maintained in confidence and disclosed and used by the Government and its contractors (under suitable protective conditions) only for experimental, evaluation, research and development purposes, by or on behalf of the Government for an agreed to period of time, and thereafter for Federal purposes as defined in § 1260.30(a)(2)."

(c) *Add the following paragraph in Cooperative Agreements.*

"(#) As to data first produced by NASA in carrying out NASA's responsibilities under a cooperative agreement and which data would embody trade secrets or would comprise commercial or financial information that is privileged or confidential if it has been obtained from the recipient, such data will be marked with an appropriate legend and maintained in confidence for 5 years (unless a shorter period has been agreed to between the Government and recipient) after development of the information, with the express understanding that during the aforesaid period such data may be disclosed and used (under suitable protective conditions) by or on behalf of the Government for Government purposes only, and thereafter for any purpose whatsoever without restriction on disclosure and use. Recipient agrees not to disclose such data to any third party without NASA's written approval until the aforementioned restricted period expires."

[End of provision]

§ 1260.31 National security.

National Security (Date)

Normally, NASA grants do not involve classified information. However, if it is known in advance that a grant involves classified information or if the work on the grant is likely to develop classified information, individuals performing on the grant who will have access to the information must obtain the appropriate security clearance in advance of performing on the grant, in accordance with NASA Policy Guidance (NPG) 1620.1 Security Procedures and Guidelines. When access to classified information is not originally anticipated in the performance of a grant, but such information is subsequently sought or potentially developed by the grant recipient, the NASA Grant Officer who issued the grant shall be notified immediately, and prior to work under the grant proceeding, to implement the appropriate clearance requirements.

[End of provision]

§ 1260.32 Nondiscrimination.

Nondiscrimination (Date)

(a) To the extent provided by law and any applicable agency regulations, this award and any program assisted thereby are subject to the provisions of Title VI of the Civil Rights Act of 1964 (Public Law 88–352), Title IX of the Education amendments of 1972 (Public Law 92–318, 20 U.S.C. 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Age Discrimination Act of 1975 (Public Law 94–135), the implementing regulations issued pursuant thereto by NASA, and the assurance of compliance which the recipient has filed with NASA.

(b) The recipient shall obtain from each organization that applies or serves as a subrecipient, contractor or subcontractor under this award (for other than the provision of commercially available supplies, materials, equipment, or general support services) an assurance of compliance as required by NASA regulations.

(c) Work on NASA grants is subject to the provisions of Title VI of the Civil Rights Act

of 1964 (Public Law 88–352; 42 U.S.C. 2000d–l), Title IX of the Education Amendments of 1972 (20 U.S.C. 1680 *et seq.*), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), and the NASA implementing regulations (14 CFR parts 1250, 1251, 1252, and 1253).

[End of provision]

§ 1260.33 Subcontracts.

Subcontracts (Date)

(a) Recipients shall notify NASA when a subcontract award will be made that falls within the thresholds established at § 1260.144(e). When pre-award review of a subcontract is requested by the NASA Grant Officer in accordance with § 1260.144(e), the following specific documents will be made available to the NASA Grant Officer. (The Grant Officer can request additional documents):

(1) A copy of the proposed subcontract.

(2) The basis for subcontractor selection.

(3) Justification for lack of competition when competitive bids or offers are not obtained.

(4) The subcontract budget and basis for subcontract cost or price.

(b) The recipient (with the exception of foreign organizations) shall utilize small business concerns, small disadvantaged business concerns, Historically Black Colleges and Universities, minority educational institutions, and women-owned small business concerns as subcontractors to the maximum extent practicable.

[End of provision]

§ 1260.34 Clean air and water.

Clean Air and Water (Date)

(Applicable only if the award exceeds $100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857c–8(c)(1) or the Federal Water Pollution Control Act (33 U.S.C. 1319(c)), and is listed by EPA, or if the award is not otherwise exempt). The recipient agrees to the following:

(a) Comply with applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*) and of the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

(b) Ensure that no portion of the work under this award will be performed in a facility listed on the Environmental Protection Agency (EPA) List of Violating Facilities on the date that this award was effective unless and until the EPA eliminates the name of such facility or facilities from such listings.

(c) Use its best efforts to comply with clean air standards and clean water standards at the facility in which the award is being performed.

(d) Insert the substance of the provisions of this clause into any nonexempt subaward or contract under the award.

(e) Report violations to NASA or to EPA.

[End of provision]

§ 1260.35 Investigative requirements.

Investigative Requirements (Date)

(a) As requested by NASA, the recipient of each grant, and any other individuals to perform on the grant, agree to provide sufficient personal/biographical information necessary to conduct an investigation of the individual's background. The purpose of the investigation is to allow access to a NASA Center, or to NASA information, for performance of this grant. The recipient acknowledges that NASA reserves the right to perform security checks, and to deny or restrict access to a NASA Center, facility, computer system, or technical information as appropriate.

(b) All visit requests must be submitted in a timely manner in accordance with instructions provided by the Center(s) to be visited.

[End of provision]

§ 1260.36 Travel and transportation.

Travel and Transportation (Date)

(a) The Fly American Act, 49 U.S.C. 1517, requires the recipient to use U.S. flag air carriers for international air transportation of personnel and property to the extent that service by those carriers is available.

(b) Department of Transportation regulations, 49 CFR part 173, govern recipient shipment of hazardous materials and other items.

[End of provision]

§ 1260.37 Safety.

Safety (Date)

(a) The recipient shall act responsibly in matters of safety and shall take all reasonable safety measures in performing under this grant or cooperative agreement. The recipient shall comply with all applicable federal, state, and local laws relating to safety. The recipient shall maintain a record of, and will notify the NASA Grant Officer of any accident involving death, disabling injury or substantial loss of property. The recipient will advise NASA of hazards that come to its attention as a result of the work performed through routine status reports furnished in compliance with this grant or cooperative agreement.

(b) Where the work under this grant or cooperative agreement involves flight hardware, the hazardous aspects, if any, of such hardware will be identified, in writing, by the recipient. Compliance with this provision by subcontractors shall be the responsibility of the recipient.

[End of provision]

§ 1260.38 Drug-free workplace.

Drug-Free Workplace (Date)

(a) Definitions. As used in this provision—

Controlled substance means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in regulation at 21 CFR 1308.11 through 1308.15.

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

Drug-free workplace means the site(s) for the performance of work done by the Recipient in connection with a specific grant or cooperative agreement at which employees of the Recipient are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

Employee means an employee of a Recipient directly engaged in the performance of work under a Government grant or cooperative agreement. "Directly engaged" is defined to include all direct cost employees and any other Recipient employee who has other than a minimal impact or involvement in performance of the grant or cooperative agreement.

Individual means a proposer/recipient that has no more than one employee including the proposer/recipient.

(b) The Recipient, if other than an individual, shall—within 30 days after award (unless a longer period is agreed to in writing), or as soon as possible for grants and cooperative agreements of less than 30 days performance duration—

(1) Publish a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Recipient's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(2) Establish an ongoing drug-free awareness program to inform such employees about—

(i) The dangers of drug abuse in the workplace;

(ii) The Recipient's policy of maintaining a drug-free workplace;

(iii) Any available drug counseling, rehabilitation, and employee assistance programs; and

(iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(3) Provide all employees engaged in performance of the grant or cooperative agreement with a copy of the statement required by paragraph (b)(1) of this provision;

(4) Notify such employees in writing in the statement required by paragraph (b)(1) of this provision that, as a condition of continued employment on the grant or cooperative agreement, the employee will—

(i) Abide by the terms of the statement; and

(ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 days after such conviction;

(5) Notify the Grant Officer in writing within 10 days after receiving notice under paragraph (b)(4)(ii) of this provision, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;

(6) Within 30 days after receiving notice under paragraph (b)(4)(ii) of this provision of

a conviction, take one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:

(i) Taking appropriate personnel action against such employee, up to and including termination; or

(ii) Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

(7) Make a good faith effort to maintain a drug-free workplace through implementation of paragraphs (b)(1) though (b)(6) of this provision.

(c) The Recipient, if an individual, agrees by acceptance of the grant or cooperative agreement, not to engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance during performance.

(d) In addition to other remedies available to the Government, the Recipient's failure to comply with the requirements of paragraph (b) or (c) of this provision may render the Recipient subject to suspension of payments, termination of the grant or cooperative agreement, and suspension or debarment.

[End of provision]

Special Conditions

§ 1260.50 Special conditions.

(a) In addition to the provisions set forth in §§ 1260.21 through 1260.38, NASA grants and cooperative agreements are subject to special conditions, which either are not applicable to all awards or are temporary in nature. Examples are found in §§ 1260.51 through 1260.69, but NASA may impose other conditions as discussed in § 1260.114 or as the requirements dictate. Deviations are not required for changes made to special conditions.

(b) Special conditions will be printed in full text.

(c) In facilities grants, special conditions will be selected on a case-by-case basis. As appropriate, the requirements of the following sections will apply: § 1260.123(c), Cost Sharing or Matching; § 1260.125(h), Revision of Budget and Program Plans; and § 1260.132, Real Property.

(d) Research grants with foreign organizations will include special conditions at §§ 1260.59 through 1260.61, modified as necessary, when not covered under a Memorandum of Agreement (MOA). In addition, other special conditions (e.g., §§ 1260.62 through 1260.65) will be written with the aid of legal counsel, and added when necessary.

§ 1260.51 Cooperative agreement special condition.

Cooperative Agreement Special Condition (Date)

(a) This award is a cooperative agreement as it is anticipated there will be substantial NASA involvement during performance of the effort. NASA and the recipient mutually agree to the following statement of anticipated cooperative interactions which may occur during the performance of this effort:

(*Reference the approved proposal that contains a detailed description of the work and insert a concise statement of the exact nature of the cooperative interactions that deals with existing facts and not contingencies.*)

(b) The terms "grant" and "recipient" mean "cooperative agreement" and "recipient of cooperative agreement," respectively, wherever the terms appear in provisions and special conditions included in this agreement.

(c) NASA's ability to participate and perform its collaborative effort under this cooperative agreement is subject to the availability of appropriated funds and nothing in this cooperative agreement commits the United States Congress to appropriate funds therefor.

§ 1260.52 Multiple year grant or cooperative agreement.

Multiple Year Grant or Cooperative Agreement (Date)

This is a multiple year grant or cooperative agreement. Contingent on the availability of funds, scientific progress of the project, and continued relevance to NASA programs, NASA anticipates continuing support at approximately the following levels:

Second year $_____, Anticipated funding date _____.

Third year $_____, Anticipated funding date _____. (Periods may be added or omitted, as applicable)

§ 1260.53 Incremental funding.

Incremental Funding (Date)

(a) Only $_____ of the amount indicated on the face of this award is available for payment and allotted to this award. NASA contemplates making additional allotments of funds during performance of this effort. It is anticipated that these funds will be obligated as appropriated funds become available without any action required by the recipient. The recipient will be given written notification by the NASA Grant Officer.

(b) The recipient agrees to perform work up to the point at which the total amount paid or payable by the Government approximates but does not exceed the total amount actually allotted to this grant or cooperative agreement. NASA is not obligated to reimburse the recipient for the expenditure of amounts in excess of the total funds allotted by NASA to this grant or cooperative agreement. The recipient is not authorized to continue performance beyond the amount allotted to this award.

§ 1260.54 Cost sharing.

Cost Sharing (Date)

(a) NASA and the recipient will share in providing the resources necessary to perform the agreement. NASA funding and non-cash contributions (personnel, equipment, facilities, etc.) and the dollar value of the recipient's cash and/or non-cash contribution will be on a ____ percent NASA; ____ percent recipient basis.

(b) The funding and non-cash contributions by both parties is represented by the following dollar amounts:

Government Share _____

Recipient Share _____

Total Amount _____

(c) Criteria and procedures for the allowability and allocability of cash and non-cash contributions shall be governed by § 1260.123, Cost Sharing or Matching. The applicable Federal cost principles are cited in § 1260.127.

(d) The recipient's share shall not be charged to the Government under this agreement or under any other contract, grant, or cooperative agreement.

§ 1260.55 Reports substitution.

Reports Substitution (Date)

Technical Reports may be substituted for the required Performance Reports. The title page of such reports shall clearly indicate that the substitution has been made and will show the period covered by the originally required Performance Report.

§ 1260.56 Withholding.

Withholding (Date)

If a recipient fails to comply with the terms and conditions of this grant or cooperative agreement, including reporting requirements, NASA may withhold advance payments under this award, and may also withhold future awards to the recipient, pending correction of the deficiency by the recipient. If advance payments are withheld, the Grant Officer will notify the NASA Financial Management Office when payments may resume.

§ 1260.57 New technology.

New Technology (Date)

(a) Definitions.

Administrator, as used in this special condition, means the Administrator of the National Aeronautics and Space Administration (NASA) or duly authorized representative.

Grant, as used in this special condition, means any actual or proposed grant, cooperative agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder.

Made, as used in this special condition, means conception or first actual reduction to practice; provided, that in the case of a variety of plant, the date of determination (as defined in section 41(d) of the Plant Variety Protection Act, 7 U.S.C. 2401(d)) must also occur during the period of grant performance.

Nonprofit organization, as used in this special condition, means a domestic university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)), or any domestic nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

Practical application, as used in this special condition, means to manufacture, in the case of a composition or product; to practice, in the case of a process or method; or to operate, in case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

Reportable item, as used in this special condition, means any invention, discovery, improvement, or innovation of the grantee, whether or not patentable or otherwise protectable under Title 35 of the United States Code, made in the performance of any work under any NASA grant or in the performance of any work that is reimbursable under any provision in any NASA grant providing for reimbursement of costs incurred before the effective date of the grant. Reportable items include, but are not limited to, new processes, machines, manufactures, and compositions of matter, and improvements to, or new applications of, existing processes, machines, manufactures, and compositions of matter. Reportable items also include new computer programs, and improvements to, or new applications of, existing computer programs, whether or not copyrightable or otherwise protectable under Title 17 of the United States Code.

Small business firm, as used in this special condition, means a domestic small business concern as defined at 15 U.S.C. 632 and implementing regulations (see 13 CFR 121.401 through 121.413) of the Administrator of the Small Business Administration.

Subject invention, as used in this special condition, means any reportable item which is or may be patentable or otherwise protectible under Title 35 of the United States Code, or any novel variety of plant that is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 *et seq.*).

(b) Allocation of principal rights.

(1) Presumption of title.

(i) Any reportable item that the Administrator considers to be a subject invention shall be presumed to have been made in the manner specified in paragraph (1) or (2) of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)) (hereinafter called "the Act"), and that presumption shall be conclusive unless at the time of reporting the reportable item the Recipient submits to the Grant Officer a written statement, containing supporting details, demonstrating that the reportable item was not made in the manner specified in paragraph (1) or (2) of section 305(a) of the Act.

(ii) Regardless of whether title to a given subject invention would otherwise be subject to an advance waiver or is the subject of a petition for waiver, the Recipient may nevertheless file the statement described in paragraph (b)(1)(i) of this special condition. The Administrator will review the information furnished by the Recipient in any such statement and any other available information relating to the circumstances surrounding the making of the subject invention and will notify the Recipient whether the Administrator has determined that the subject invention was made in the manner specified in paragraph (1) or (2) of section 305(a) of the Act.

(2) Property rights in subject inventions. Each subject invention for which the presumption of paragraph (b)(1)(i) of this special condition is conclusive or for which there has been a determination that it was made in the manner specified in paragraph (1) or (2) of section 305(a) of the Act shall be the exclusive property of the United States as represented by NASA unless the Administrator waives all or any part of the rights of the United States, as provided in paragraph (b)(3) of this special condition.

(3) Waiver of rights.

(i) Section 305(f) of the Act provides for the promulgation of regulations by which the Administrator may waive the rights of the United States with respect to any invention or class of inventions made or that may be made under conditions specified in paragraph (1) or (2) of section 305(a) of the Act. The promulgated NASA Patent Waiver Regulations, 14 CFR part 1245, subpart 1, have adopted the Presidential Memorandum on Government Patent Policy of February 18, 1983, as a guide in acting on petitions (requests) for such waiver of rights.

(ii) As provided in 14 CFR part 1245, subpart 1, Recipients may petition, either prior to execution of the grant or within 30 days after execution of the grant, for advance waiver of rights to any or all of the inventions that may be made under a grant. If such a petition is not submitted, or if after submission it is denied, the Recipient (or an employee inventor of the Recipient) may petition for waiver of rights to an identified subject invention within eight months of first disclosure of the invention in accordance with paragraph (e)(2) of this special condition, or within such longer period as may be authorized in accordance with 14 CFR 1245.105.

(c) Minimum rights reserved by the Government.

(1) With respect to each subject invention for which a waiver of rights is applicable in accordance with 14 CFR part 1245, subpart 1, the Government reserves—

(i) An irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government in accordance with any treaty or agreement with the United States; and

(ii) Such other rights as stated in 14 CFR 1245.107.

(2) Nothing contained in this paragraph (c) shall be considered to grant to the Government any rights with respect to any invention other than a subject invention.

(d) Minimum rights to the Recipient.

(1) The Recipient is hereby granted a revocable, nonexclusive, royalty-free license in each patent application filed in any country on a subject invention and any resulting patent in which the Government acquires title, unless the Recipient fails to disclose the subject invention within the times specified in paragraph (e)(2) of this special condition. The Recipient's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the Recipient is a party and includes the right to grant sublicenses of the same scope to the extent the Recipient was legally obligated to do so at the time the grant was awarded. The license is transferable only with the approval of the Administrator except when transferred to the successor of that part of the Recipient's business to which the invention pertains.

(2) The Recipient's domestic license may be revoked or modified by the Administrator to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with 37 CFR part 404, Licensing of Government Owned Inventions. This license will not be revoked in that field of use or the geographical areas in which the Recipient has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the Administrator to the extent the Recipient, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, the Recipient will be provided a written notice of the Administrator's intention to revoke or modify the license, and the Recipient will be allowed 30 days (or such other time as may be authorized by the Administrator for good cause shown by the Recipient) after the notice to show cause why the license should not be revoked or modified. The Recipient has the right to appeal to the Administrator any decision concerning the revocation or modification of its license.

(e) Invention identification, disclosures, and reports.

(1) The Recipient shall establish and maintain active and effective procedures to assure that reportable items are promptly identified and disclosed to Recipient personnel responsible for the administration of this New Technology special condition within six months of conception and/or first actual reduction to practice, whichever occurs first in the performance of work under this grant. These procedures shall include the maintenance of laboratory notebooks or equivalent records and other records as are reasonably necessary to document the conception and/or the first actual reduction to practice of the reportable items, and records that show that the procedures for identifying and disclosing reportable items are followed. Upon request, the Recipient shall furnish the Grant Officer a description of such procedures for evaluation and for determination as to their effectiveness.

(2) The Recipient will disclose each reportable item to the Grant Officer within

two months after the inventor discloses it in writing to Recipient personnel responsible for the administration of this New Technology special condition or, if earlier, within six months after the Recipient becomes aware that a reportable item has been made, but in any event for subject inventions before any on sale, public use, or publication of such invention known to the Recipient. The disclosure to the agency shall be in the form of a written report and shall identify the grant under which the reportable item was made and the inventor(s) or innovator(s). It shall be sufficiently complete in technical detail to convey a clear understanding, to the extent known at the time of the disclosure, of the nature, purpose, operation, and physical, chemical, biological, or electrical characteristics of the reportable item. The disclosure shall also identify any publication, on sale, or public use of any subject invention and whether a manuscript describing such invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to the agency, the Recipient will promptly notify the agency of the acceptance of any manuscript describing a subject invention for publication or of any on sale or public use planned by the Recipient for such invention.

(3) The Recipient shall furnish the Grant Officer the following:

(i) Interim reports every 12 months (or such longer period as may be specified by the Grant Officer) from the date of the grant, listing reportable items during that period, and certifying that all reportable items have been disclosed (or that there are no such inventions) and that the procedures required by paragraph (e)(1) of this special condition have been followed.

(ii) A final report, within 3 months after completion of the grant work, listing all reportable items or certifying that there were no such reportable items, and listing all subcontracts at any tier containing a patent rights clause or certifying that there were no such subcontracts.

(4) The Recipient agrees, upon written request of the Grant Officer, to furnish additional technical and other information available to the Recipient as is necessary for the preparation of a patent application on a subject invention and for the prosecution of the patent application, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions.

(5) The Recipient agrees, subject to FAR 27.302(j), that the Government may duplicate and disclose subject invention disclosures and all other reports and papers furnished or required to be furnished pursuant to this special condition.

(f) Examination of records relating to inventions.

(1) The Grant Officer or any authorized representative shall, until 3 years after final payment under this grant, have the right to examine any books (including laboratory notebooks), records, and documents of the Recipient relating to the conception or first actual reduction to practice of inventions in the same field of technology as the work under this grant to determine whether—

(i) Any such inventions are subject inventions;

(ii) The Recipient has established and maintained the procedures required by paragraph (e)(1) of this special condition; and

(iii) The Recipient and its inventors have complied with the procedures.

(2) If the Grant Officer learns of an unreported Recipient grantee invention that the Grant Officer believes may be a subject invention, the Recipient may be required to disclose the invention to the agency for a determination of ownership rights.

(3) Any examination of records under this paragraph will be subject to appropriate conditions to protect the confidentiality of the information involved.

(g) Withholding of payment (this paragraph does not apply to subcontracts).

(1) Any time before final payment under this grant, the Grant Officer may, in the Government's interest, withhold payment until a reserve not exceeding $50,000 or 5 percent of the amount of this grant, whichever is less, shall have been set aside if, in the Grant Officer's opinion, the Recipient fails to—

(i) Establish, maintain, and follow effective procedures for identifying and disclosing reportable items pursuant to paragraph (e)(1) of this special condition;

(ii) Disclose any reportable items pursuant to paragraph (e)(2) of this special condition;

(iii) Deliver acceptable interim reports pursuant to paragraph (e)(3)(i) of this special condition; or

(iv) Provide the information regarding subcontracts pursuant to paragraph (h)(4) of this special condition.

(2) Such reserve or balance shall be withheld until the Grant Officer has determined that the Recipient has rectified whatever deficiencies exist and has delivered all reports, disclosures, and other information required by the grant.

(3) Final payment under the grant shall not be made before the Recipient delivers to the Grant Officer all disclosures of reportable items required by paragraph (e)(2) of this special condition, and an acceptable final report pursuant to paragraph (e)(3)(ii) of this special condition.

(4) The Grant Officer may decrease or increase the sums withheld up to the maximum authorized in paragraph (g)(1) of this special condition. No amount shall be withheld under this paragraph while the amount specified by this paragraph is being withheld under other provisions of the grant. The withholding of any amount or the subsequent payment thereof shall not be construed as a waiver of any Government rights.

(h) Subcontracts.

(1) Unless otherwise authorized or directed by the Grant Officer, the Recipient shall—

(i) Include the clause at NASA FAR Supplement (NFS) 1852.227–70, New Technology, (suitably modified to identify the parties) in any subcontract hereunder (regardless of tier) with other than a small business firm or nonprofit organization for the performance of experimental, developmental, or research work; and

(ii) Include the clause at FAR 52.227–11 (suitably modified to identify the parties) in any subcontract hereunder (regardless of tier) with a small business firm or nonprofit organization for the performance of experimental, developmental, or research work.

(2) In the event of a refusal by a prospective subcontractor to accept such a clause the Recipient—

(i) Shall promptly submit a written notice to the Grant Officer setting forth the subcontractor's reasons for such refusal and other pertinent information that may expedite disposition of the matter; and

(ii) Shall not proceed with such subcontract without the written authorization of the Grant Officer.

(3) In the case of subcontracts at any tier, the agency, subcontractor, and Recipient agree that the mutual obligations of the parties created by this special condition constitute a contract between the subcontractor and NASA with respect to those matters covered by this grant.

(4) The Recipient shall promptly notify the Grant Officer in writing upon the award of any subcontract at any tier containing a patent rights clause by identifying the subcontractor, the applicable patent rights clause, the work to be performed under the subcontract, and the dates of award and estimated completion. Upon request of the Grant Officer, the Recipient shall furnish a copy of such subcontract, and, no more frequently than annually, a listing of the subcontracts that have been awarded.

(5) The subcontractor will retain all rights provided for the Recipient in paragraph (h)(1)(i) or (ii) of this special condition, whichever is included in the subcontract, and the Recipient will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(i) Preference for United States industry. Unless provided otherwise, no Recipient that receives title to any subject invention and no assignee of any such Recipient shall grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement may be waived by the Administrator upon a showing by the Recipient or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

§ 1260.58 Designation of new technology representative and patent representative.

Designation of New Technology Representative and Patent Representative (Date)

(a) For purposes of administration of the special condition of this grant entitled "New Technology," the following named representatives are hereby designated by the Grant Officer to administer such special condition:

Title	Office code	Address (including zip code)
New Technology Representative Patent Representative		

(b) Reports of reportable items, and disclosure of subject inventions, interim reports, final reports, utilization reports, and other reports required by the special condition, as well as any correspondence with respect to such matters, should be directed to the New Technology Representative unless transmitted in response to correspondence or request from the Patent Representative. Inquires or requests regarding disposition of rights, election of rights, or related matters should be directed to the Patent Representative. This special condition shall be included in any subcontract hereunder requiring a "New Technology" provision or "Patent Rights—Retention by the Contractor (Short Form)" clause, unless otherwise authorized or directed by the Grant Officer. The respective responsibilities and authorities of the above-named representatives are set forth in 1827.305–370 of the NASA FAR Supplement.

§ 1260.59 Choice of law.

Choice of Law (Date)

The rights and obligations of the parties to the grant (or cooperative agreement) shall be ascertainable by recourse to the laws of the United States of America. However, it is understood that the laws of the recipient's country will generally apply to recipient activities within that country.

§ 1260.60 Public information.

Public Information (Date)

Information regarding this grant (including a copy of this award document) may be released by the recipient without restriction. However, technical information relating to work performed under this grant where there was a NASA contribution should be released by the recipient only after consultation with the NASA Technical Officer.

§ 1260.61 Allocation of risk/liability.

Allocation of Risk/Liability (Date)

(a) With respect to activities undertaken under this agreement, the recipient agrees not to make any claim against NASA or the U.S. Government with respect to the injury or death of its employees or its contractors and subcontractor employees, or to the loss of its property or that of its contractors and subcontractors, whether such injury, death, damage or loss arises through negligence or otherwise, except in the case of willful misconduct.

(b) In addition, the recipient agrees to indemnify and hold the U.S. Government and its contractors and subcontractors harmless from any third party claim, judgment, or cost arising from the injury to or death of any person, or for damage to or loss of any property, arising as a result of its possession or use of any U.S. Government property.

§ 1260.62 Payment—to foreign organizations.

Payment—To Foreign Organizations

(For grants or cooperative agreements with foreign organizations, this clause will be developed on a case-by-case basis.)

§ 1260.63 Customs clearance and visas.

Customs Clearance and Visas

(For grants or cooperative agreements with foreign organizations, this clause will be developed on a case-by-case basis.)

§ 1260.64 Taxes.

Taxes

(For grants or cooperative agreements with foreign organizations, this clause will be developed on a case-by-case basis.)

§ 1260.65 Exchange of technical data and goods.

Exchange of Technical Data and Goods

(For grants or cooperative agreements with foreign organizations, this clause will be developed on a case-by-case basis.)

§ 1260.66 Listing of reportable equipment and other property.

Listing of Reportable Equipment and Other Property (Date)

(a) Title to federally-owned property provided to the recipient remains vested in the Federal Government, and shall be managed in accordance with 1260.133. The following items of federally-owned property are being provided to the recipient for use in performance of the work under this grant or cooperative agreement:

{List property or state "not applicable."}

(b) The following specific items of equipment acquired by the recipient have been identified by NASA for transfer of title to the Government when no longer required for performance under this grant or cooperative agreement. This equipment will be managed in accordance with § 1260.134, and shall be transferred to NASA or NASA's designee in accordance with the procedures set forth at § 1260.134(g):

{List property or state "not applicable."}

§ 1260.67 Equipment and other property under grants with commercial firms.

Equipment and Other Property Under Grants With Commercial Firms (Date)

(a) This grant permits acquisition of special purpose equipment required for the conduct of research. Acquisition of special purpose equipment costing in excess of $5,000 and not included in the approved proposal budget requires the prior approval of the Grant Officer unless the item is merely a different model of an item shown in the approved proposal budget.

(b) Recipients may not purchase, as a direct cost to the grant, items of general purpose equipment, examples of which include but are not limited to office equipment and furnishings, air conditioning equipment, reproduction and printing equipment, motor vehicles, and automatic data processing equipment. If the Recipient requests an exception, the Recipient shall submit a written request for Grant Officer approval, prior to purchase by the Recipient, stating why the Recipient cannot charge the general purpose equipment to indirect costs.

(c) Under no circumstances shall grant funds be used to acquire land or any interest therein, to acquire or construct facilities (as defined in 48 CFR (FAR) 45.301), or to procure passenger carrying vehicles.

(d) The Government shall have title to equipment and other personal property acquired with Government funds. Such property shall be disposed of pursuant to 48 CFR (FAR) 45.603.

(e) Title to Government furnished equipment (including equipment, title to which has been transferred to the Government prior to completion of the work) will remain with the Government.

(f) The Recipient shall establish and maintain property management standards for Government property and otherwise manage such property as set forth in 48 CFR (FAR) 45.5 and 48 CFR (NFS) 1845.5.

(g) Recipients shall submit annually a NASA Form 1018, NASA Property in the Custody of Contractors, in accordance with the instructions on the form, the provisions of 48 CFR (NFS) 1845.71 and any supplemental instructions that may be issued by NASA for the current reporting period. The original NF 1018 shall be submitted to the center Deputy Chief Financial Officer, Finance, with three copies sent concurrently to the center Industrial Property Officer. The annual reporting period shall be from October 1 of each year through September 30 of the following year. The report shall be submitted in time to be received by October 31. Negative reports (i.e. no reportable property) are required. The information contained in the reports is entered into the NASA accounting system to reflect current asset values for agency financial statement purposes. Therefore, it is essential that required reports be received no later than October 31. A final report is required within 30 days after expiration of the agreement.

(h) The requirements set forth in this special condition supercedes grant provision § 1260.27, Equipment and Other Property.

§ 1260.68 Invoices and payments under grants with commercial firms.

Invoices and Payments Under Grants With Commercial Firms (Date)

(a) Invoices for payment of actual incurred costs shall be submitted by the recipient no more frequently than on a quarterly basis.

(b) Invoices shall be submitted by the recipient to the following offices:

(1) The original invoice shall be sent directly to the payment office designated on the grant cover page.

(2) Copies of the invoice shall be sent to the NASA Technical Officer and NASA Grant Officer.

(c) All invoices shall reference the grant number.

(d) The final invoice shall be marked "Final" and shall be submitted within 90 days of the expiration of the grant.

(e) The requirements set forth in this special condition supercedes grant provision § 1260.26, Financial Management.

§ 1260.69 Electronic funds transfer payment methods.

Electronic Funds Transfer Payment Methods (Date)

Payments under this grant will be made by the Government by electronic funds transfer through the Treasury Fedline Payment System (FEDLINE) or the Automated Clearing House (ACH), at the option of the Government. After award, but no later than 14 days before an invoice is submitted, the Recipient shall designate a financial institution for receipt of electronic funds transfer payments, and shall submit this designation to the Grant Officer or other Government official, as directed.

(a) For payment through FEDLINE, the Recipient shall provide the following information:

(1) Name, address, and telegraphic abbreviation of the financial institution receiving payment.

(2) The American Bankers Association 9-digit identifying number for wire transfers of the financing institution receiving payment if the institution has access to the Federal Reserve Communication System.

(3) Payee's account number at the financial institution where funds are to be transferred.

(4) If the financial institution does not have access to the Federal Reserve Communications System, name, address, and telegraphic abbreviation of the correspondent financial institution through which the financial institution receiving payment obtains wire transfer activity. Provide the telegraphic abbreviation and American Bankers Association identifying number for the correspondent institution.

(b) For payment through ACH, the Recipient shall provide the following information:

(1) Routing transit number of the financial institution receiving payment (same as American Bankers Association identifying number used for FEDLINE).

(2) Number of account to which funds are to be deposited.

(3) Type of depositor account ("C" for checking, "S" for savings).

(4) If the Recipient is a new enrollee to the ACH system, a "Payment Information Form," SF 3881, must be completed before payment can be processed.

(c) In the event the Recipient, during the performance of this grant, elects to designate a different financial institution for the receipt of any payment made using electronic funds transfer procedures, notification of such change and the required information specified above must be received by the appropriate Government official 30 days prior to the date such change is to become effective.

(d) The documents furnishing the information required in this clause must be dated and contain the signature, title, and telephone number of the Recipient official authorized to provide it, as well as the Recipient's name and contract number.

(e) Failure to properly designate a financial institution or to provide appropriate payee bank account information may delay payments of amounts otherwise properly due.

(f) The requirements set forth in this special condition supercedes grant provision 1260.26, Financial Management.

Post-Award Requirements

§ 1260.70 Delegation of administration.

(a) Property administration and closeout of NASA grants and cooperative agreements will be delegated to the Office of Naval Research (ONR). Exceptions to this policy are:

(1) Training grants will not be delegated.

(2) Grants of short duration (9 months or less) or low dollar value ($50k or less) will normally not be delegated.

(3) Grant officers may waive specific administration requirements in exceptional circumstances for individual grants. Exceptions to delegation must be justified and approved in writing by the grant officer, and made part of the file.

(4) Waiver of delegation of property administration or closeout to be instituted by a center as a standard practice constitutes a deviation to this handbook, and requires approval in accordance with 1260.7.

(b) Delegations will be made by use of NF 1674 (Exhibit F to subpart A of this part 1260). The NF 1674, the award document, and the approved budget will be sent to ONR in a single package (electronically, when possible).

(c) Upon acceptance of a delegation, ONR agrees to the following:

(1) On a monthly basis, ONR will provide each center a Report of Accepted Delegations listing each grant or cooperative agreement accepted for administration, with pertinent information including the ONR point of contacts name, phone number, and e-mail address.

(2) On a monthly basis, ONR will electronically send to each Center Commercial Technology Office a listing of New Technology Reports it has received.

(3) On a quarterly basis, ONR will provide the cognizant grant officers a "List of Delinquent Recipients" that failed to provide timely interim or final reports.

(4) Property administration should always be delegated, even if it is not anticipated that property will be provided by the government or acquired by the recipient. ONR shall follow DoD property administration policies and procedures, plus the following NASA requirements:

(i) The recipient shall maintain property records and manage nonexpendable personal property in accordance with 14 CFR 1260.134. During Property Control System Analyses (PCSA), ONR will check the recipient's understanding and test compliance of property management requirements, including the accuracy of recipient property reports. ONR will provide one copy of each PCSA Report to the appropriate NASA center industrial property officer.

(ii) ONR will investigate and notify NASA as appropriate for any unauthorized property acquisitions by the recipient. See the provision at 1260.27.

(iii) ONR will notify the cognizant grant officer and industrial policy officer when property is lost, damaged or destroyed.

(iv) Under no circumstances will Government property be disposed without instructions from NASA.

(v) Prior to disposition, except when returned to NASA or reutilized on other NASA programs, ONR will ensure all NASA identifications are removed or obliterated from property, and hard drives of computers are cleared of sensitive or NASA owned/licensed software/data.

§ 1260.71 Supplements and renewals.

(a) A NASA grant officer can unilaterally make minor or administrative changes to a grant; e.g., Reports Substitution (§ 1260.55) and Withholding (§ 1260.56).

(b) To ensure timely completion and closeout of grants, renewal proposals to continue the same effort at the same institution that are accepted for award by NASA will be awarded as new grants versus continuation of the existing grant.

(1) When work under a grant is to be continued through an extension, or through a renewal of the work under a new grant, the continuation effort should be instituted concurrent with the original expiration date. When possible, the period of performance should be continuous with the prior grant period of performance. The extension or a renewal of a grant (see § 1260.13(a)) beyond the original expiration date is a unilateral decision by NASA based upon availability of funds, continued research relevance, and progress made by the recipient.

(2) To insure uninterrupted programs, the technical office should forward to the grant office a completed award package, including a funded procurement request, technical evaluation of the proposed budget, and other support documentation, at least 29 days before the expiration of the funded period. .

(c) Requests by the recipient to have a grant modified must be in writing to the grant officer. Prior approvals and changes are detailed in § 1260.125.

(d) A no-cost extension can be issued by the recipient as detailed in paragraph (b) of the provision at § 1260.23, Extensions, and § 1260.125(e). NASA reserves the right to disapprove the extension request if the requirements set forth at § 1260.125(e)(2) are not met, including if the extension request is not received ten days prior to the grant expiration date.

(e) When two or more actions are completed on a single supplement, the supplement will reflect the effective date of the earliest action.

§ 1260.72 Adherence to original budget estimates.

(a) Although NASA assumes no responsibility for budget overruns, the recipient may spend grant funds without strict adherence to individual allocations within the proposed budgets, except that recipients must comply with prior approval requirements for property and subcontracts as provided in § 1260.27 and § 1260.33.

(b) The revision of budgets and program plans are covered in § 1260.125.

§ 1260.73 Transfers, novations, and change of name agreements.

(a) When the principal investigator changes organizational affiliation and desires support for the research at a new location, (*i.e.*, for the grant to be transferred), the grant officer should first consult with the institution that originally received the grant to ascertain whether an acceptable replacement principal investigator can be substituted to complete the research effort. The final decision on whether an acceptable replacement is available, or that the research effort should follow the original principal investigator to the new location, is at the discretion of the NASA technical Officer. If the decision is made to transfer the grant, the grant at the original institution must be terminated, and a new proposal must be submitted to NASA via the appropriate officials of the new institution. Although such a proposal will be reviewed in the normal manner, every effort will be made to expedite a decision. Regardless of the action taken on the new proposal, final reports on the original grant, describing the scientific progress and expenditure to date, will be required.

(b) Novation and change of name agreements are administrative actions requiring the involvement of the grant officer. Novations are legal instruments under which obligations of an organization, (including the performance of grants), are assumed by a new organization arising out of a transfer of assets, usually as a result of a merger or acquisition by the new organization. Change of name agreements are legal instruments executed by an organization and NASA that recognizes the legal change of name of the organization without disturbing the original rights or obligations of the parties. Procedures for completing novation and change of name agreements are set forth at FAR subpart 42.12. All novation agreements and change of name agreements of the recipient, prior to execution, shall be reviewed by legal counsel for legal sufficiency. It is recommended that the cognizant ONR office be contacted to determine responsibilities to complete novation or change of name agreements.

§ 1260.74 Property use, disposition, and vesting of title.

(a) Approval for acquisition of property shall conform to the following procedures:

(1) Grant recipients should supply their own equipment and property to satisfy research requirements. Providing existing government equipment or property, or allowing acquisition of property by a grant recipient, should only be allowed in exceptional circumstances.

(2) In accordance with OMB Circulars A–21 and A–122, prior approval of property acquisitions is required for special purpose equipment with a unit cost over $5,000, general purpose equipment with a unit cost over $5,000, (unless a lower threshold has been established by the recipient), or coherent systems (as defined in 1260.74(e)) with a value of over $5,000. The NASA grant officer will retain authority for approving the expenditure of grant funds for the acquisition of such equipment. Requests by grant recipients for the acquisition of equipment shall be supported by written documentation setting forth the description, purpose, and acquisition value of the equipment, and include a written certification that the equipment will be used exclusively for research. (A change in the model number of a prior approved piece of equipment does not require re-submission for that item.) NASA grant officers shall not approve the expenditure of grant funds for the acquisition of equipment unless the recipient's justification for the equipment demonstrates that the equipment will be used exclusively for research activities.

(b) Vesting of title to property acquired by the recipient shall conform to the following procedures:

(1) When a request for the acquisition of property has been approved, the NASA grant officer, in consultation with the technical officer, will determine whether NASA has an interest to retain title to the acquired property for use in future agency programs beyond the current grant effort. If NASA elects to take title to the equipment when no longer required for performance of the grant, NASA will notify the recipient in writing as part of the approval for acquiring the item. Generally, the notification is made through inclusion of the special condition at 1260.66, Listing of Reportable Equipment and Other Property. If the item was requested as part of the original budget, the award must specify NASA's intention to take title.

(2) Unless there is clear rationale to retain title, as a general policy NASA encourages titling property to recipients as "exempt" when acquired by institutions of higher education, hospitals, and other non-profit organizations whose primary purpose is the conduct of scientific research. Unless NASA retains its rights to take title at the time of approval, equipment purchased with grant funds will be vested in the recipient as "exempt" equipment as set forth at 1260.133(b). The recipient shall have no further obligation or accountability to the Federal Government for the use or disposition of "exempt" property, including reporting requirements.

(3) If NASA elects to take title to recipient acquired property, the property will be subject to 1260.132(b)(3).

(4) Government titled property will be subject to the provisions for other Federally owned property as stated in 1260.133.

(c) Equipment with a unit price of $5,000 or less (unless a lower threshold has been established by the recipient) is properly classified as "supplies," is not subject to transfer to the Agency, and will be titled to the recipient in accordance with 1260.135.

(d) Title to Federally-owned property remains with the Government, and is subject to the following additional requirements:

(1) In accordance with Public Law 94–519, NASA will not acquire property from other agencies for use on NASA grants.

(2) Government property provided to a grant recipient for use under a grant will be identified through inclusion of the special condition at § 1260.66,

Listing of Reportable Equipment and Other Property.

(3) When Federally-owned property is reported excess by a recipient, the administrative grant officer will report the equipment to the center industrial property officer, who will consult with the technical officer concerning property disposition.

(4) NASA policy encourages the donation of existing, excess NASA property to nonprofit organizations whose primary purpose is the conduct of scientific research.

(e) When two or more components are fabricated into a single coherent system in such a way that the components lose their separate identities, and their separation would render the system useless for its original purpose, the components will be considered as integral parts of a single system. If such a system includes recipient-owned components, the property will be considered to be exempt. The requirement for agreement regarding NASA's retention of its option to take title shall further apply where it is expected that one or more recipient-acquired components costing $5,000 or less will be fabricated into a single coherent system costing in excess of $5,000. However, an item that is used ancillary to a system, without loss of its separate identity and usefulness, will be considered as a separate item and not as an integral component of the system.

(f) Property administration and plant clearance for all grants and cooperative agreements will be delegated to the appropriate ONR office.

(g) NASA grant officers will provide copies of property related grant documentation to the center industrial property officer and to the Office of Naval Research (at time of award or modification) when the NASA program office elects to retain title to an existing item of Government property, to furnish the property to the recipient in lieu of donation, or to take title to property acquired by the recipient. When NASA acquires title to items of recipient acquired equipment or when NASA transfers an item of Government property to a recipient as Federally owned property, the NASA grant officer shall notify the cognizant NASA center financial management officer, the industrial property officer and Office of Naval Research to ensure proper entries in financial and property accounting records.

§ 1260.75 Summary of report requirements.

(a) Report responsibilities of the grant officer are set forth as follows:

(1) The grant officer is responsible for submitting the Individual Procurement Action Report (NF 507) for all grant and cooperative agreement actions.

(2) The Committee on Academic Science and Engineering (CASE) Report (NF 1356), for grants and cooperative agreements awarded to educational institutions, is submitted by the program office with the basic award procurement request and completed by the grant officer. The grant officer should initiate an amendment to the NF 1356 whenever the principal investigator or the technical officer changes.

(b) Intermediate report responsibilities of the recipient are as follows:

(1) The Federal Cash Transactions Report (SF 272) shall be submitted by the recipient, in accordance with § 1260.26(a), as a condition of receiving advance payments. Instructions and answers to payment questions will be provided by the Financial Management Office of the Center that issued the grant. (see § 1260.152.)

(2) The annual Inventory Report of Federally Owned Property in Custody of the Recipient will be submitted by the recipient as required by § 1260.27(e). The listing shall include information specified in § 1260.134(f) together with beginning and ending dollar value totals for the reporting period. Negative reports (*i.e.*, where no property has been acquired or provided, or where all acquired property has been titled to the recipient as exempt) are not required. Please note that any property acquired by the recipient and not titled to the recipient as exempt, must be reported, even when titled to the recipient as non-exempt property in accordance with the procedures set forth at § 1260.134.

(3) A Progress Report shall be submitted in accordance with §§ 1260.22 and 1260.151. Recipients are not required to submit more than the original and two copies. At the request of the technical officer, technical reports can be submitted as new findings are made rather than on a predetermined time schedule, by use of the special condition at § 1260.55, entitled "Reports Substitution."

(4) An Educational Activity Report is required annually for education grants in accordance with § 1260.22. The report is due 60 days prior to the anniversary date of the grant or cooperative agreement.

(5) A Report of Joint NASA/Recipient Inventions is required for all grants and cooperative agreements, as applicable, in accordance with § 1260.28.

(6) A Disclosure of Subject Invention is required for all grants and cooperative agreements, as applicable, in accordance with § 1260.28. The reporting of the invention shall be made within two months after the inventor discloses it to the recipient, and will be reported on NASA Form 1679 Disclosure of Invention and New Technology (Including Software) in accordance with the procedures set forth under § 1260.28.

(7) An Election of Title to a Subject Invention is required for all grants and cooperative agreements, as applicable, in accordance with § 1260.28. The notice is due within 1 year after disclosure of the subject invention if a statutory bar exists, otherwise within 2 years.

(8) A Listing of Subject Inventions is required for all grants and cooperative agreement, in accordance with § 1260.28. The listing is due annually.

(9) A Notification of Decision to Forego Patent Protection is required for all grants and cooperative agreements, as applicable, in accordance with § 1260.28. The notification is due 30 days before the expiration of the response period.

(10) A Utilization of Subject Invention Report is required for all grants and cooperative agreements, as applicable, in accordance with § 1260.28. The report is due annually.

(11) A Notice of Proposed Transfer of Technology is required for all grants and cooperative agreements, as applicable, in accordance with § 1260.30. The notice is required prior to transferring technology to a foreign firm or institution.

(12) An Annual NASA Form 1018, NASA Property in the Custody of Contractors, is required for all grants and cooperative agreements with commercial organizations. The reports are due October 31st of each year. Negative reports (*i.e.*, no reportable property) are required.

(c) Final report responsibilities of the recipient are as follows:

(1) A Subject Inventions Final Report is required for all grants and cooperative agreements, as applicable, in accordance with § 1260.28. The report is due within 90 days after the expiration of the grant or cooperative agreement.

(2) A properly certified Final Federal Cash Transactions Report, SF 272, is required from the recipient for each grant, in accordance with §§ 1260.26(a) and 1260.152. The report is due within 90 days after the expiration of the grant or cooperative agreement.

(3) A Summary of Research is required for all research grants in accordance with § 1260.22. Citation of publications resulting from research, or abstracts thereof, may serve as all or part

of the Summary of Research. The Summary of Research shall also include a complete list of all subject inventions (or negative statement) required to be disclosed that resulted from the work (see the provision at § 1260.28).

(4) A Final Inventory Report of Federally Owned Property, including equipment where title was taken by the Government, is required for all grants and cooperative agreements, where property or equipment has been provided by the government or acquired by the recipient, § 1260.27. The report is due within 60 days after the expiration of the grant or cooperative agreement. Negative reports (*i.e.*, where no property has been acquired or provided) are required.

(5) A Final Educational Activity Report is required for all education grants or cooperative agreements. The report is due within 90 days after the expiration of the grant or cooperative agreement.

(6) A Faculty Advisor Survey is required for all training grants. The report is due from the student's faculty advisor within 60 days after the expiration of the training grant.

(7) A Summary of Research is required for all training grants. The report is due from the student within 90 days after the expiration of the training grant.

(8) An Administrative Report is required for all training grants. The report is due within 90 days after the expiration of the training grant.

(9) A Student Evaluation Form is required for all training grants. The form is due from the student within 90 days after the expiration of the training grant.

(10) A Final NASA Form 1018, NASA Property in the Custody of Contractors, is required for all grants and cooperative agreements with commercial organizations. The report is due within 30 days after the expiration of the grant or cooperative agreement.

(d) To clarify report requirements to grant and cooperative agreement recipients, the grant officer will include the "Required Publications and Reports" form (Exhibit G to subpart A of this part 1260) as part of the award document.

§ 1260.76 Termination and enforcement.

(a) Suspension or termination of a grant prior to the planned expiration date must be reserved for exceptional situations that cannot be handled any other way (see § 1260.160).

(b) The Director, Program Operations Division (Code HS), shall provide to the General Services Administration information concerning all NASA debarments, suspensions, determinations of ineligibility, and voluntary exclusions of persons in accordance with 14 CFR 1265.505.

(c) Remedies for Noncompliance are delineated in § 1260.162.

(d) Failure of the recipient to provide a required report can result in the Agency and the public being denied information about grant activities, NASA officials having less information for making decisions, grant closeout being delayed, and confidence being undermined as to whether the recipient will meet the requirements under other grants. Because NASA grants provide for advance payments, a recipient could be fully paid before final reports are due. At this point, it is too late to withhold payment on the existing grant.

(e) Consistent with §§ 1260.122(h) and 1260.162(a), NASA may suspend advanced payments from recipients that fail to comply with reporting requirements. To remedy failure to furnish timely reports, special condition at § 1260.56, Withholding, should be used when awarding a new grant or modifying an existing grant with non-responsive organizations.

(1) Special condition at § 1260.56 allows the grant officer to instruct the Financial Management Office to suspend advanced payments under an institutions letter of credit pending receipt of the satisfactorily completed reports required in § 1260.75.

(2) The grant officer may waive the withholding requirement when the recipient has taken corrective action that makes withholding unnecessary. To release for payment the amount withheld, grant officers shall send a memorandum to their Financial Management Office.

(3) The NASA Financial Management Office may require the grant officer to suspend or terminate a recipients advance payments when the recipient is not in compliance with requirements for receipt of advanced payments set forth in the NASA Financial Management Manual. For example, Advance payments may be suspended when two (2) successive quarterly reports are late or when more than two (2) reports are late in a fiscal year.

§ 1260.77 Closeout procedures.

Closeout is the process by which NASA determines that all applicable administrative actions and all required work under the instrument have been completed by both the recipient and NASA and no further activity is expected (see § 1260.171).

(a) Closeout will begin within 90 days after the expiration date of the grant.

(b) Those who are designated to receive NASA reports (except for CASI, which only acknowledges receipt) must provide certification to the NASA grant officer, and to ONR when delegated, that the reports have been received and satisfactorily completed. Electronic certifications are acceptable. See §§ 1260.75 and 1260.171(a). The property certification should indicate that disposal of any remaining Government property has been made as directed and that NASA has been compensated for any residual inventory.

(c) When ONR has been delegated closeout and has completed its actions, the NASA grant officer is to receive from ONR all of the following:

(1) Certification that all required reports have been received and approved. However, when a NASA technical officer does not respond to a third request from ONR to provide a certification for a Summary of Research, ONR may provide a "qualified acceptance statement" in lieu of the required certification, after providing written notification to the NASA grant officer.

(2) A DD Form 1593 Contract Administration Completion Record (or equivalent electronic notification), without supporting or backup documents, indicating property administration is complete.

(3) An original, signed DD Form 1594 Contract Completion Statement.

(d) A grant is administratively complete and ready for closeout when:

(1) Property disposition has been completed.

(2) Certifications for all reports have been received.

(3) A DD Form 1594 has been received, when delegated.

(4) Payments have been made for allowable reimbursable costs, and refunds have been received for any balance of unobligated cash advanced that is not authorized to be retained for use on other grants (see §§ 1260.171 through 1260.173).

(e) Grants will not be closed out if litigation or an appeal is pending, or when termination action has not been completed.

(f) Records will be retained in accordance with § 1260.153 and NPG 1441.1, Record Retention Schedules.

Appendix to Subpart A to Part 1260—Listing of Exhibits

Exhibit A—Budget Summary
Exhibit B—Standard Grant and Cooperative Agreement Cover Page
Exhibit C—Provisions
Exhibit D—Federal Demonstration Partnership Terms and Conditions
Exhibit E—Special Conditions for Cooperative Agreements between NASA and the Commercial Space Centers

Exhibit F—NASA 1674 Letter of Delegation for the Administration of Grants and Cooperative Agreements
Exhibit G—Required Publications and Reports

Note: Exhibits are available at NASA Headquarters, Code HC, Washington, D.C. 20546.

Subpart B—Uniform Administrative Requirements for Grants and Cooperative Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

General

§ 1260.101 Purpose.

This subpart implements OMB Circular No. A–110 and establishes uniform administrative requirements for NASA grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations. NASA shall not impose additional or inconsistent requirements, except as provided in §§ 1260.104 and 1260.114 or unless specifically required by Federal statute or executive order. Non-profit organizations that implement Federal programs for the States are also subject to State requirements.

§ 1260.102 Definitions.

Accrued expenditures means the charges incurred by the recipient during a given period requiring the provision of funds for:

(1) Goods and other tangible property received;

(2) Services performed by employees, contractors, subcontractors, and other payees; and

(3) Other amounts becoming owed under programs for which no current services or performance is required.

Accrued income means the sum of:

(1) Earnings during a given period from services performed by the recipient, and goods and other tangible property delivered to purchasers; and

(2) Amounts becoming owed to the recipient for which no current services or performance is required by the recipient.

Acquisition cost of equipment means the net invoice price of the equipment, including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges, such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the recipient's regular accounting practices. *Advance* means a payment made by Treasury check or other appropriate payment mechanism to a recipient upon its request either before outlays are made by the recipient or through the use of predetermined payment schedules.

Award means a grant or cooperative agreement that provides support or stimulation to accomplish a public purpose. Awards include research grants, training grants, facilities grants, educational grants, and cooperative agreements in the form of money or property in lieu of money, by NASA to an eligible recipient. The term does not include: technical assistance, which provides services instead of money; other assistance in the form of loans, loan guarantees, interest subsidies, or insurance; direct payments of any kind to individuals; and, contracts which are required to be entered into and administered under procure ment laws and regulations.

Cash contributions means the recipient's cash outlay, including the outlay of money contributed to the recipient by third parties.

Closeout means the process by which NASA determines that all applicable administrative actions and all required work of the award have been completed by the recipient and NASA.

Contract means a procurement contract under an award, and a procurement subcontract under a recipient's contract.

Cost sharing or matching means that portion of project or program costs not borne by NASA.

Date of completion means the date on which all work under an award is completed or the date on the award document, or any supplement or amendment thereto, on which NASA sponsorship ends.

Disallowed costs means those charges to an award that NASA determines to be unallowable, in accordance with the applicable Federal cost principles or other terms and conditions contained in the award.

Equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. However, consistent with recipient policy, lower limits may be established.

Excess property means property under the control of any Federal awarding agency that, as determined by the head thereof, is no longer required for its needs or the discharge of its responsibilities.

Exempt property means tangible personal property acquired in whole or in part with Federal funds, where a Federal awarding agency has statutory authority to vest title in the recipient without further obligation to the Federal Government. An example of exempt property authority is contained in the Federal Grant and Cooperative Agreement Act (31 U.S.C. 6306) for property acquired under an award to conduct basic or applied research by a non-profit institution of higher education or non-profit organi zation whose principal purpose is conducting scientific research.

Federal funds authorized means the total amount of Federal funds obligated by the Federal Government for use by the recipient. This amount may include any authorized carryover of unobligated funds from prior funding periods when permitted by agency regulations or agency implementing instructions.

Federal share of real property, equipment, or supplies means that percentage of the property's acquisition costs and any improvement expenditures paid with Federal funds.

Funding period means the period of time when NASA funding is available for obligation by the recipient.

Intangible property and debt instruments means, but is not limited to, trademarks, copyrights, patents and patent applications and such property as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership, whether considered tangible or intangible.

NASA means the National Aeronautics and Space Administration (NASA), including its authorized representatives.

Obligations mean the amounts of orders placed, contracts and grants awarded, services received and similar transactions during a given period that require payment by the recipient during the same or a future period.

Outlays or expenditures means charges made to the project or program. They may be reported on a cash or accrual basis. For reports prepared on a cash basis, outlays are the sum of cash disbursements for direct charges for goods and services, the amount of indirect expense charged, the value of third party in-kind contributions applied and the amount of cash advances and payments made to subcontractors. For reports prepared on an accrual basis, outlays are the sum of cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subcontractors and other

payees and other amounts becoming owed under programs for which no current services or performance are required.

Personal property means property of any kind except real property. It may be tangible, having physical existence, or intangible, having no physical existence, such as copyrights, patents, or securities.

Prior approval means written approval by an authorized official evidencing prior consent.

Program income means gross income earned by the recipient that is directly generated by a supported activity or earned as a result of the award (see exclusions in 1260.124(c) and (f)). Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federally-funded projects, the sale of commodities or items fabricated under an award, license fees and royalties on patents and copyrights, and interest on loans made with award funds. Interest earned on advances of NASA funds is not program income. Except as otherwise provided in the regulations in this subpart or the terms and conditions of the award, program income does not include the receipt of principal on loans, rebates, credits, discounts, etc., or interest earned on any of them.

Project costs means all allowable costs, as set forth in the applicable Federal cost principles, incurred by a recipient and the value of the contributions made by third parties in accomplishing the objectives of the award during the project period.

Project period means the period established in the award document during which NASA sponsorship begins and ends.

Property means, unless otherwise stated, real property, equipment, intellectual property and debt instruments.

Real property means land, including land improvements, structures and appurtenances thereto, but excludes movable machinery and equipment.

Recipient means an organization receiving an award directly from NASA to carry out a project or program. The term includes public and private institutions of higher education, public and private hospitals, and other quasi-public and private non-profit organizations such as, but not limited to, community action agencies, research institutes, educational associations, and health centers. The term may include commercial organizations, foreign or international organizations (such as agencies of the United Nations) which are recipients, subcontractors, or contractors or subcontractors of recipients. The term does not include government-owned contractor-operated facilities or research centers providing continued support for mission-oriented, large-scale programs that are government-owned or controlled, or are designated as federally-funded research and development centers.

Research and development means all research activities, both basic and applied, and all development activities that are supported at universities, colleges, and other nonprofit institutions. "Research" is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. "Development" is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes. The term "research" also included activities involving the training of individuals in research techniques where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function.

Small awards means a grant or cooperative agreement not exceeding the small purchase threshold.

Subaward means an award of financial assistance in the form of money, or property in lieu of money, made under an award by a recipient to an eligible subrecipient or by a subrecipient to a lower tier subrecipient. The term includes financial assistance when provided by any legal agreement, even if the agreement is called a contract, but does not include procurement of goods and services nor does it include any form of assistance which is excluded from the definition of "award" of this section.

Subrecipient means the legal entity to which a subaward is made and which is accountable to the recipient for the use of the funds provided. The term may include foreign or international organizations (such as agencies of the United Nations).

Supplies means all personal property excluding equipment, intellectual property, and debt instruments as defined in this section, and inventions of a contractor conceived or first actually reduced to practice in the performance of work under a funding agreement ("subject inventions"), as defined in 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements."

Suspension means an action by NASA that temporarily withdraws NASA sponsorship under an award, pending corrective action by the recipient or pending a decision to terminate the award by NASA. Suspension of an award is a separate action from suspension under Federal agency regulations implementing Executive Orders 12549 and 12689, "Debarment and Suspension."

Termination means the cancellation of Federal sponsorship, in whole or in part, under an agreement at any time prior to the date of completion.

Third party in-kind contributions means the value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

Unliquidated obligations, for financial reports prepared on a cash basis, means the amount of obligations incurred by the recipient that have not been paid. For reports prepared on an accrued expenditure basis, they represent the amount of obligations incurred by the recipient for which an outlay has not been recorded.

Unobligated balance means the portion of the funds authorized by NASA that has not been obligated by the recipient and is determined by deducting the cumulative obligations from the cumulative funds authorized.

Unrecovered indirect cost means the difference between the amount awarded and the amount which could have been awarded under the recipient's approved negotiated indirect cost rate.

Working capital advance means a procedure whereby funds are advanced to the recipient to cover its estimated disbursement needs for a given initial period.

§ 1260.103 Effect on other issuances.

For awards subject to this subpart, the requirements of this subpart apply, except to the extent that any administrative requirements of codified program regulations, program manuals, handbooks and other nonregulatory materials are required by statute, or are authorized in accordance with the deviations provision in § 1260.104.

§ 1260.104 Deviations.

The Office of Management and Budget (OMB) may grant exceptions for classes of grants or recipients subject to the requirements of this subpart when exceptions are not prohibited by statute. However, in the interest of maximum

uniformity, exceptions from the requirements of this subpart shall be permitted only in unusual circumstances. NASA may apply more restrictive requirements to a class of recipients when approved by OMB. NASA may apply less restrictive requirements when awarding small awards, except for those requirements which are statutory. Exceptions on a case-by-case basis may also be made by NASA. See § 1260.6(c).

§ 1260.105 Subawards.

Unless sections of this subpart specifically exclude subrecipients from coverage, the provisions of this subpart shall be applied to subrecipients performing work under awards if such subrecipients are institutions of higher education, hospitals or other non-profit organizations. State and local government subrecipients are subject to the provisions of 14 CFR part 1273, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."

Pre-Award Requirements

§ 1260.110 Purpose.

Sections 1260.111 through 1260.117 prescribe forms and instructions and other pre-award matters to be used in applying for NASA awards.

§ 1260.111 Pre-award policies.

(a) *Use of grants and cooperative agreements, and contracts.* In each instance, NASA shall decide on the appropriate award instrument (*i.e.* grant, cooperative agreement, or contract). The Federal Grant and Cooperative Agreement Act (31 U.S.C. 6301–08) governs the use of grants, cooperative agreements and contracts. A grant or cooperative agreement shall be used only when the principal purpose of a transaction is to accomplish a public purpose of support or stimulation authorized by Federal statute. The statutory criterion for choosing between grants and cooperative agreements is that for the latter, "substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement." Contracts shall be used when the principal purpose is acquisition of property or services for the direct benefit or use of the Federal Government.

(b) *Public notice and priority setting.* NASA notifies the public of its intended funding priorities for discretionary grant programs through Broad Agency Announcements, Cooperative Agreement Notices, Agency-Wide program announcements, and other approved forms of announcements.

§ 1260.112 Forms for applying for Federal assistance.

(a) NASA shall comply with the applicable report clearance requirements of 5 CFR part 1320, "Controlling Paperwork Burdens on the Public," with regard to all forms used by the NASA in place of or as a supplement to the Standard Form 424 (SF 424) series.

(b) Applicants shall use those forms and instructions prescribed by NASA in § 1260.10.

§ 1260.113 Debarment and suspension.

NASA and recipients shall comply with the nonprocurement debarment and suspension rule, 14 CFR part 1265, "Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)," implementing Executive Orders 12549 and 12689, "Debarment and Suspension." This rule restricts contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

§ 1260.114 Special award conditions.

If an applicant or recipient has a history of poor performance, is not financially stable, has a management system that does not meet the standards prescribed in this subpart, has not conformed to the terms and conditions of a previous award, or is not otherwise responsible, NASA may impose additional requirements as needed. Such applicant or recipient will be notified in writing as to the nature of the additional requirements, the reason why the additional requirements are being imposed, the nature of the corrective action needed, the time allowed for completing the corrective actions, and the method for requesting reconsideration of the additional requirements imposed. Any special conditions shall be promptly removed once the conditions that prompted them have been corrected.

§ 1260.115 Metric system of measurement.

The Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act (15 U.S.C. 205) declares that the metric system is the preferred measurement system for U.S. trade and commerce. The Act requires each Federal agency to establish a date or dates in consultation with the Secretary of Commerce, when the metric system of measurement will be used in the agency's procurements, grants, and other business-related activities. Metric implementation may take longer where the use of the system is initially impractical or likely to cause significant inefficiencies in the accomplishment of federally-funded activities. NASA follows the provisions of Executive Order 12770, "Metric Usage in Federal Government Programs." NASA's policy with respect to the metric measurement system is stated in NASA Policy Directive (NPD) 8010.2, Use of the Metric System of Measurement in NASA Programs.

§ 1260.116 Resource Conservation and Recovery Act (RCRA).

Under the RCRA (Public Law 94–580 codified at 42 U.S.C. 6962), any State agency or agency of a political subdivision of a State which is using appropriated Federal funds must comply with Section 6002 of the RCRA (42 U.S.C. 6962). Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by the Environmental Protection Agency (EPA) (40 CFR parts 247 through 254). Accordingly, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal awards or other Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to the EPA guidelines.

§ 1260.117 Certifications and representations.

Unless prohibited by statute or codified regulation, NASA will allow recipients to submit certain certifications and representations required by statute, executive order, or regulation on an annual basis, if the recipients have ongoing and continuing relationships with the agency. Annual certifications and representations shall be signed by responsible officials with the authority to ensure recipients' compliance with the pertinent requirements.

Post-Award Requirements

Financial and Program Management

§ 1260.120 Purpose of financial and program management.

Sections 1260.121 through 1260.128 prescribe standards for financial management systems, methods for making payments and rules for: satisfying cost sharing and matching requirements, accounting for program income, budget revision approvals, making audits, determining allowability

of cost, and establishing fund availability.

§ 1260.121 Standards for financial management systems.

(a) Recipients shall relate financial data to performance data and develop unit cost information whenever practical. For awards that support research, it should be noted that it is generally not appropriate to develop unit cost information.

(b) Recipients' financial management systems shall provide for the following.

(1) Accurate, current and complete disclosure of the financial results of each federally-sponsored project or program in accordance with the reporting requirements set forth in § 1260.152. If NASA requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient shall not be required to establish an accrual accounting system. These recipients may develop such accrual data for its reports on the basis of an analysis of the documentation on hand.

(2) Records that identify adequately the source and application of funds for federally-sponsored activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.

(3) Effective control over and accountability for all funds, property and other assets. Recipients shall adequately safeguard all such assets and assure they are used solely for authorized purposes.

(4) Comparison of outlays with budget amounts for each award. Whenever appropriate, financial information should be related to performance and unit cost data.

(5) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the issuance or redemption of checks, warrants or payments by other means for program purposes by the recipient. To the extent that the provisions of the Cash Management Improvement Act (CMIA) (Public Law 101–453) govern, payment methods of State agencies, instrumentalities, and fiscal agents shall be consistent with CMIA Treasury-State Agreements or the CMIA default procedures codified at 31 CFR part 205, "Withdrawal of Cash from the Treasury for Advances under Federal Grant and Other Programs."

(6) Written procedures for determining the reasonableness, allocability and allowability of costs in accordance with the provisions of the applicable Federal cost principles and the terms and conditions of the award.

(7) Accounting records including cost accounting records that are supported by source documentation.

(c) Where the Federal Government guarantees or insures the repayment of money borrowed by the recipient, NASA, at its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the recipient are not deemed adequate to protect the interest of the Federal Government.

(d) NASA may require adequate fidelity bond coverage where the recipient lacks sufficient coverage to protect the Federal Government's interest.

(e) Where bonds are required in the situations described in this section, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties, as prescribed in 31 CFR part 223, "Surety Companies Doing Business with the United States."

§ 1260.122 Payment.

(a) Payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury and the issuance or redemption of checks, warrants, or payment by other means by the recipients. Payment methods of State agencies or instrumentalities shall be consistent with Treasury-State CMIA agreements or default procedures codified at 31 CFR part 205.

(b)(1) Recipients are to be paid in advance, provided they maintain or demonstrate the willingness to maintain:

(i) Written procedures that minimize the time elapsing between the transfer of funds and disbursement by the recipient; and

(ii) Financial management systems that meet the standards for fund control and accountability as established in § 1260.121.

(2) Cash advances to a recipient organization shall be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the recipient organization in carrying out the purpose of the approved program or project. The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for direct program or project costs and the proportionate share of any allowable indirect costs.

(c) Whenever possible, advances shall be consolidated to cover anticipated cash needs for all awards made by NASA to the recipient.

(1) Advance payments will be made by electronic funds transfer.

(2) Advance payment mechanisms are subject to 31 CFR part 205.

(d) [Reserved. Not used by NASA.]

(e) Reimbursement is the preferred method when the requirements in paragraph (b) of this section cannot be met. NASA may also use this method on any construction agreement, or if the major portion of the construction project is accomplished through private market financing or Federal loans, and the Federal assistance constitutes a minor portion of the project. When the reimbursement method is used, NASA shall make payment within 30 days after receipt of the billing, unless the billing is improper.

(f) If a recipient cannot meet the criteria for advance payments and NASA has determined that reimbursement is not feasible because the recipient lacks sufficient working capital, NASA may provide cash on a working capital advance basis. Under this procedure, NASA shall advance cash to the recipient to cover its estimated disbursement needs for an initial period generally geared to the awardee's disbursing cycle. Thereafter, NASA shall reimburse the recipient for its actual cash disbursements. The working capital advance method of payment shall not be used for recipients unwilling or unable to provide timely advances to their subcontractor to meet the subcontractor's actual cash disbursements.

(g) To the extent available, recipients shall disburse funds available from repayments to an interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.

(h) Unless otherwise required by statute, NASA will not withhold payments for proper charges made by recipients at any time during the project period unless the conditions in paragraphs (h)(1) or (2) of this section apply.

(1) A recipient has failed to comply with the project objectives, the terms and conditions of the award, or NASA reporting requirements.

(2) The recipient is delinquent in a debt to the United States as defined in OMB Circular A–129, "Managing Federal Credit Programs." Under such conditions, NASA may, upon reasonable notice, inform the recipient that payments shall not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.

(i) Standards governing the use of banks and other institutions as depositories of funds advanced under awards are as follows.

(1) Except for situations described in paragraph (i)(2) of this section, NASA shall not require separate depository accounts for funds provided to a recipient or establish any eligibility requirements for depositories for funds provided to a recipient. However, recipients must be able to account for the receipt, obligation and expenditure of funds.

(2) Advances of Federal funds shall be deposited and maintained in insured accounts whenever possible.

(j) Consistent with the national goal of expanding the opportunities for women-owned and minority-owned business enterprises, recipients shall be encouraged to use women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members).

(k) Recipients shall maintain advances of Federal funds in interest bearing accounts, unless the conditions in paragraphs (k)(1), (2), or (3) of this section apply.

(1) The recipient receives less than $120,000 in Federal awards per year.

(2) The best reasonably available interest bearing account would not be expected to earn interest in excess of $250 per year on Federal cash balances.

(3) The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

(l) Interest earned on Federal advances deposited in interest-bearing accounts in excess of $250 per year shall be remitted annually to Department of Health and Human Services (DHHS), Payment Management System, Rockville, MD 20852. Interest amounts up to $250 per year may be retained by the recipient for administrative expense. In accordance with 31 CFR part 206, interest should be remitted electronically through the Automated Clearing House (ACT) to DHHS. Recipients without this capability may make the remittance by check. In either case, the remittance should be payable to DHHS and should indicate the recipient's Entity Identification Number (EIN) and reason, *i.e.*, "Interest earned."

(m) Except as noted elsewhere in this subpart, only the following forms shall be authorized for the recipients in requesting advances and reimbursements. Federal agencies shall not require more than an original and two copies of these forms.

(1) SF–270, Request for Advance or Reimbursement. [Reserved. Not used by NASA.]

(2) SF–271, Outlay Report and Request for Reimbursement for Construction Programs. The SF–271 may be used for requesting reimbursement for NASA construction programs.

§ 1260.123 Cost sharing or matching.

(a) All contributions, including cash and third party in-kind, shall be accepted as part of the recipient's cost sharing or matching when such contributions meet all of the following criteria.

(1) Are verifiable from the recipient's records.

(2) Are not included as contributions for any other federally-assisted project or program.

(3) Are necessary and reasonable for proper and efficient accomplishment of project or program objectives.

(4) Are allowable under the applicable cost principles.

(5) Are not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching.

(6) Are provided for in the approved budget when required by NASA.

(7) Conform to other provisions of this subpart, as applicable.

(b) Unrecovered indirect costs may be included as part of cost sharing or matching only with the prior approval of NASA.

(c) Values for recipient contributions of services and property shall be established in accordance with the applicable cost principles. If NASA authorizes recipients to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for cost sharing or matching shall be the lesser of paragraph (c)(1) or (2) of this section.

(1) The certified value of the remaining life of the property recorded in the recipient's accounting records at the time of donation.

(2) The current fair market value. However, when there is sufficient justification, NASA may approve the use of the current fair market value of the donated property, even if it exceeds the certified value at the time of donation to the project.

(d) Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program. Rates for volunteer services shall be consistent with those paid for similar work in the recipient's organization. In those instances in which the required skills are not found in the recipient organization, rates shall be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, allowable, and allocable may be included in the valuation.

(e) When an employer other than the recipient furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (plus an amount of fringe benefits that are reasonable, allowable, and allocable, but exclusive of overhead costs), provided these services are in the same skill for which the employee is normally paid.

(f) Donated supplies may include such items as expendable equipment, office supplies, laboratory supplies or workshop and classroom supplies. Value assessed to donated supplies included in the cost sharing or matching share shall be reasonable and shall not exceed the fair market value of the property at the time of the donation.

(g) The method used for determining cost sharing or matching for donated equipment, buildings and land for which title passes to the recipient may differ according to the purpose of the award, if the conditions in paragraph (g)(1) or (2) of this section apply.

(1) If the purpose of the award is to assist the recipient in the acquisition of equipment, buildings or land, the total value of the donated property may be claimed as cost sharing or matching.

(2) If the purpose of the award is to support activities that require the use of equipment, buildings or land, normally only depreciation or use charges for equipment and buildings may be made. However, the full value of equipment or other capital assets and fair rental charges for land may be allowed, provided that NASA has approved the charges.

(h) The value of donated property shall be determined in accordance with the usual accounting policies of the recipient, with the following qualifications:

(1) The value of donated land and buildings shall not exceed its fair market value at the time of donation to the recipient as established by an independent appraiser (*e.g.*, certified real property appraiser or General Services Administration representative) and certified by a responsible official of the recipient.

(2) The value of donated equipment shall not exceed the fair market value of equipment of the same age and condition at the time of donation.

(3) The value of donated space shall not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.

(4) The value of loaned equipment shall not exceed its fair rental value.

(5) The following requirements pertain to the recipient's supporting records for in-kind contributions from third parties.

(i) Volunteer services shall be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.

(ii) The basis for determining the valuation for personal service, material, equipment, buildings and land shall be documented.

§ 1260.124 Program income.

(a) The standards set forth in this section shall be used to account for program income related to projects financed in whole or in part with Federal funds.

(b) Program income earned during the project period shall be retained by the recipient and added to funds committed to the project by NASA and the recipient, and used to further eligible project or program objectives, unless NASA indicates in the terms and conditions of the award another alternative to account for program income or the recipient is subject to special award conditions, as indicated in 1260.114.

(c) Unless program regulations or the terms and conditions of the award provide otherwise, recipients shall have no obligation to the Federal Government regarding program income earned after the end of the project period.

(d) Unless program regulations or the terms and conditions of the award provide otherwise, costs incident to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the award.

(e) Proceeds from the sale of property shall be handled in accordance with the requirements of the Property Standards (See 1260.130 through 1260.137).

(f) Unless program regulations or the terms and condition of the award provide otherwise, recipients shall have no obligation to the Federal Government with respect to program income earned from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions produced under an award. However, Patent and Trademark Amendments (35 U.S.C. 18) apply to inventions made under an experimental, developmental, or research award.

§ 1260.125 Revision of budget and program plans.

(a) The budget plan is the financial expression of the project or program as approved during the award process. It may include either the Federal and non-Federal share, or only the Federal share, depending upon requirements in the regulations in this subpart. It shall be related to performance for program evaluation purposes whenever appropriate.

(b) Recipients are required to report deviations from budget and program plans, and request prior approvals for budget and program plan revisions, in accordance with this section.

(c) For nonconstruction awards, recipients shall request prior approvals from NASA for the following program or budget related reasons, except the item in paragraph (c)(5) of this section, which is waived by NASA.

(1) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).

(2) Change in a key person specified in the application or award document.

(3) The absence for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator.

(4) The need for additional Federal funding.

(5) The transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa.

Notice: NASA waives prior approval of such revisions.

(6) The inclusion of costs that require prior approval in accordance with OMB Circular A–21, "Cost Principles for Institutions of Higher Education;" OMB Circular A–122, "Cost Principles for Non-Profit Organizations;" 45 CFR part 74 appendix E, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals;" or 48 CFR part 31, "Contract Cost Principles and Procedures," as applicable.

(7) The transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense.

(8) Unless described in the application and funded in the approved awards, the subaward, transfer or contracting out of any work under an award. This provision does not apply to the purchase of supplies, material, equipment or general support services.

(d) No other prior approval requirements for specific items will be imposed unless a deviation has been approved by OMB.

(e) NASA has determined to waive the following cost-related and administrative prior written approvals otherwise required by OMB Circulars A–21, A–110 and A–122 to allow recipients to do the following:.

(1) Incur pre-award costs 90 calendar days prior to award or more than 90 calendar days with the prior approval of NASA. All pre-award costs are incurred at the recipient's risk (*i.e.*, NASA is under no obligation to reimburse such costs if for any reason the recipient does not receive an award or if the award is less than anticipated and inadequate to cover such costs).

(2) Initiate a one-time extension of the expiration date of the award of up to 12 months unless one or more of the following conditions apply. For one-time extensions, the recipient must notify NASA in writing with the supporting reasons and revised expiration date at least 10 days before the expiration date specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances.

(i) The terms and conditions of award prohibit the extension.

(ii) The extension requires additional Federal funds.

(iii) The extension involves any change in the approved objectives or scope of the project.

(3) Unless directed otherwise by the grant officer, carry forward unobligated balances to subsequent funding periods.

(f) Program regulations may restrict the transfer of funds among direct cost categories or programs, functions and activities for awards in which NASA's share of the project exceeds $100,000 and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by NASA. However, no program regulation shall permit a transfer that would cause any Federal appropriation or part thereof to be used for purposes other than those consistent with the original intent of the appropriation.

(g) All other changes to nonconstruction budgets, except for the changes described in paragraph (j) of this section, do not require prior approval.

(h) For construction awards, recipients shall request prior written approval promptly from NASA for budget revisions whenever the

conditions in paragraphs (h)(1), (2) or (3) of this section apply.

(1) The revision results from changes in the scope or the objective of the project or program.

(2) The need arises for additional Federal funds to complete the project.

(3) A revision is desired which involves specific costs for which prior written approval requirements may be imposed consistent with applicable OMB cost principles listed in § 1260.127.

(i) No other prior approval requirements for specific items will be imposed unless a deviation has been approved by OMB.

(j) When NASA makes an award that provides support for both construction and nonconstruction work, NASA requires the recipient to request prior approval from NASA before making any fund or budget transfers between the two types of work supported.

(k) For both construction and nonconstruction awards, NASA requires recipients to notify NASA in writing promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient for the project period by more than $5,000 or five percent of the Federal award, whichever is greater. This notification shall not be required if an application for additional funding is submitted for a continuation award.

(l) When requesting approval for budget revisions, recipients shall use the budget forms that were used in the application unless NASA indicates a letter of request suffices.

(m) Within 30 calendar days from the date of receipt of the request for budget revisions, NASA shall review the request and notify the recipient whether the budget revisions have been approved. If the revision is still under consideration at the end of 30 calendar days, NASA shall inform the recipient in writing of the date when the recipient may expect the decision.

§ 1260.126 Non-Federal audits.

(a) Recipients and subrecipients that are institutions of higher education or other non-profit organizations (including hospitals) shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1966 (31 U.S.C. 7501–7507) and revised OMB Circular A–133, "Audits of States, Local Governments, and Other Non-Profit Institutions."

(b) State and local governments shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1966 (31 U.S.C. 7501–7507) and revised OMB Circular A–133, "Audits of States, Local Governments, and Non-Profit Organizations."

(c) For-profit hospitals not covered by the audit provisions of revised OMB Circular A–133 shall be subject to the audit requirements of NASA.

(d) Commercial organizations shall be subject to the audit requirements of NASA or the prime recipient as incorporated into the award document.

§ 1260.127 Allowable costs.

For each kind of recipient, there is a set of Federal principles for determining allowable costs. Allowability of costs shall be determined in accordance with the cost principles applicable to the entity incurring the costs. Thus, allowability of costs incurred by State, local or federally-recognized Indian tribal governments is determined in accordance with the provisions of OMB Circular A–87, "Cost Principles for State and Local Governments." The allowability of costs incurred by non-profit organizations is determined in accordance with the provisions of OMB Circular A–122, "Cost Principles for Non-Profit Organizations." The allowability of costs incurred by institutions of higher education is determined in accordance with the provisions of OMB Circular A–21, "Cost Principles for Educational Institutions." The allowability of costs incurred by hospitals is determined in accordance with the provisions of appendix E of 45 CFR part 74, "Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals." The allowability of costs incurred by commercial organizations and those non-profit organizations listed in Attachment C to Circular A–122 is determined in accordance with the provisions of the Federal Acquisition Regulation (FAR) at 48 CFR part 31.

§ 1260.128 Period of availability of funds.

Where a funding period is specified, a recipient may charge to the grant only allowable costs resulting from obligations incurred during the funding period and any pre-award costs authorized by NASA.

Property Standards

§ 1260.130 Purpose of property standards.

Sections 1260.131 through 1260.137 set forth uniform standards governing management and disposition of property furnished by the Federal Government whose cost was charged to a project supported by a Federal award. Recipients shall observe these standards under awards and NASA will not impose additional requirements, unless specifically required by Federal statute. The recipient may use its own property management standards and procedures provided it observes the provisions of §§ 1260.131 through 1260.137.

§ 1260.131 Insurance coverage.

Recipients shall, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with Federal funds as provided for property owned by the recipient. Federally-owned property need not be insured unless required by the terms and conditions of the award.

§ 1260.132 Real property.

Unless otherwise provided by statute, the requirements concerning the use and disposition of real property acquired in whole or in part under awards are as follows:

(a) Title to real property shall vest in the recipient subject to the condition that the recipient shall use the real property for the authorized purpose of the project as long as it is needed and shall not encumber the property without approval of NASA.

(b) The recipient shall obtain written approval by NASA for the use of real property in other federally-sponsored projects when the recipient determines that the property is no longer needed for the purpose of the original project. Use in other projects shall be limited to those under federally-sponsored projects (*i.e.*, awards) or programs that have purposes consistent with those authorized for support by NASA.

(c) When the real property is no longer needed as provided in paragraphs (a) and (b) of this section, the recipient shall request disposition instructions from NASA or its successor Federal awarding agency. NASA shall observe one or more of the following disposition instructions.

(1) The recipient may be permitted to retain title without further obligation to the Federal Government after it compensates the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project.

(2) The recipient may be directed to sell the property under guidelines provided by NASA and pay the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). When the recipient is authorized or required to sell the property, proper sales procedures shall be established that provide for

competition to the extent practicable and result in the highest possible return.

(3) The recipient may be directed to transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the recipient shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

§ 1260.133 Federally-owned and exempt property.

(a) *Federally-owned property.*

(1) Title to federally-owned property remains vested in the Federal Government. Recipients shall submit annually an inventory listing of federally-owned property in their custody to NASA. Upon completion of the award or when the property is no longer needed, the recipient shall report the property to NASA for further Federal agency utilization.

(2) If NASA has no further need for the property, it shall be declared excess and reported to the General Services Administration, unless NASA has statutory authority to dispose of the property by alternative methods (*e.g.*, the authority provided by the Federal Technology Transfer Act (15 U.S.C. 3710 (I)) to donate research equipment to educational and non-profit organizations in accordance with Executive Order 12821, "Improving Mathematics and Science Education in Support of the National Education Goals.") Appropriate instructions shall be issued to the recipient by NASA.

(b) *Exempt property.* Under the authority of the Childs Act, 31 U.S.C. 6301 to 6308, NASA has determined, as a general rule, to vest title to property acquired with Federal funds in the recipient without further obligation to NASA, including reporting requirements. However, NASA reserves the right, on a case-by-case basis, to transfer title to equipment to NASA or to a third party named by NASA when the third party is eligible under existing statutes. Such equipment will be initially titled to the recipient upon acquisition in accordance with § 1260.134, with instructions for title to be transferred to NASA when no longer needed in performance of the grant or cooperative agreement, in accordance with § 1260.134(g)(4).

§ 1260.134 Equipment.

(a) Title to equipment acquired by a recipient with Federal funds shall vest in the recipient, subject to conditions of this section.

(b) The recipient shall not use equipment acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute, for as long as the Federal Government retains an interest in the equipment.

(c) The recipient shall use the equipment in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds and shall not encumber the property without approval of NASA. When no longer needed for the original project or program, the recipient shall use the equipment in connection with its other federally-sponsored activities, in the following order of priority:

(1) Activities sponsored by NASA, then

(2) Activities sponsored by other Federal agencies.

(d) During the time that equipment is used on the project or program for which it was acquired, the recipient shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the equipment was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by NASA; second preference shall be given to projects or programs sponsored by other Federal agencies. If the equipment is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by NASA. User charges shall be treated as program income.

(e) When acquiring replacement equipment, the recipient may use the equipment to be replaced as trade-in or sell the equipment and use the proceeds to offset the costs of the replacement equipment subject to the approval of NASA.

(f) The recipient's property management standards for equipment acquired with Federal funds and federally-owned equipment shall include all of the following:

(1) Equipment records shall be maintained accurately and shall include the following information.

(i) A description of the equipment.

(ii) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(iii) Source of the equipment, including the award number.

(iv) Whether title vests in the recipient or the Federal Government.

(v) Acquisition date (or date received, if the equipment was furnished by the Federal Government) and cost.

(vi) Information from which one can calculate the percentage of Federal participation in the cost of the equipment (not applicable to equipment furnished by the Federal Government).

(vii) Location and condition of the equipment and the date the information was reported.

(viii) Unit acquisition cost.

(ix) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates NASA for its share.

(2) Equipment owned by the Federal Government shall be identified to indicate Federal ownership.

(3) A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the equipment.

(4) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented; if the equipment was owned by the Federal Government, the recipient shall promptly notify NASA.

(5) Adequate maintenance procedures shall be implemented to keep the equipment in good condition.

(6) Where the recipient is authorized or required to sell the equipment, proper sales procedures shall be established which provide for competition to the extent practicable and result in the highest possible return.

(g) When the recipient no longer needs the equipment, the equipment may be used for other activities in accordance with the following standards. For equipment with a current per unit fair market value of $5,000 or more, the recipient may retain the equipment for other uses provided that compensation is made to the original Federal awarding agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the equipment. If the recipient has no need for the equipment, the recipient shall request disposition instructions from NASA. NASA shall determine whether the equipment can be used to meet NASA's requirements. If no requirement exists within NASA, the

availability of the equipment shall be reported to the General Services Administration by NASA to determine whether a requirement for the equipment exists in other Federal agencies. NASA shall issue instructions to the recipient no later than 120 calendar days after the recipient's request and the following procedures shall govern.

(1) If so instructed or if disposition instructions are not issued within 120 calendar days after the recipient's request, the recipient shall sell the equipment and reimburse NASA an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the recipient shall be permitted to deduct and retain from the Federal share $500 or ten percent of the proceeds, whichever is less, for the recipient's selling and handling expenses.

(2) If the recipient is instructed to ship the equipment elsewhere, the recipient shall be reimbursed by the Federal Government by an amount which is computed by applying the percentage of the recipient's participation in the cost of the original project or program to the current fair market value of the equipment, plus any reasonable shipping or interim storage costs incurred.

(3) If the recipient is instructed to otherwise dispose of the equipment, the recipient shall be reimbursed by NASA for such costs incurred in its disposition.

(4) NASA may reserve the right to transfer the title to the Federal Government or to a third party named by NASA when such third party is otherwise eligible under existing statutes. Such transfer shall be subject to the following standards.

(i) The equipment shall be appropriately identified in the award or otherwise made known to the recipient in writing.

(ii) NASA shall issue disposition instructions within 120 calendar days after receipt of a final inventory. The final inventory shall list all equipment acquired with grant funds and federally-owned equipment. If NASA fails to issue disposition instructions within the 120 calendar day period, the recipient shall apply the standards of this section, as appropriate. When NASA exercises its right to take title, the equipment shall be subject to the provisions for federally-owned equipment.

§ 1260.135 Supplies and other expendable property.

(a) Title to supplies and other expendable property shall vest in the recipient upon acquisition. If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federally-sponsored project or program, the recipient shall retain the supplies for use on non-Federal sponsored activities or sell them, but shall, in either case, compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as for equipment.

(b) The recipient shall not use supplies acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute as long as the Federal Government retains an interest in the supplies.

§ 1260.136 Intangible property.

(a) The recipient may assert copyright in any work that is copyrightable and was created, or for which copyright ownership was purchased, under an award. NASA is granted a royalty-free, nonexclusive and irrevocable right to reproduce, publish, prepare derivative works or otherwise use the work for Federal purposes, and to authorize others to do so.

(b) Recipients are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements."

(c) NASA has the right to:

(1) Obtain, reproduce, publish, create derivative works or otherwise use the data first produced under an award.

(2) Authorize others to receive, reproduce, publish, create derivative works or otherwise use such data for Federal purposes.

(d) Title to intellectual property and debt instruments acquired under an award or subcontract vests upon acquisition in the recipient. The recipient shall use that property for the originally-authorized purpose, and the recipient shall not encumber the property without approval of NASA. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with the provisions of § 1260.134(g).

(e) Due to the substantial involvement on the part of NASA under a cooperative agreement, intellectual property may be produced by Federal employees and NASA contractors tasked to perform NASA assigned activities. Title to intellectual property created under the cooperative agreement by NASA or its contractors will initially vest with the creating party. Certain rights may be exchanged with the recipient.

§ 1260.137 Property trust relationship.

Real property, equipment, intangible property and debt instruments that are acquired or improved with Federal funds shall be held in trust by the recipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. NASA may require recipients to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with Federal funds and that use and disposition conditions apply to the property.

Procurement Standards

§ 1260.140 Purpose of procurement standards.

Sections 1260.141 through 1260.148 set forth standards for use by recipients in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement standards or requirements shall be imposed by NASA upon recipients, unless specifically required by Federal statute or executive order or approved in accordance with the deviation procedures of § 1260.6.

§ 1260.141 Recipient responsibilities.

The standards contained in this section do not relieve the recipient of the contractual responsibilities arising under its contract(s). The recipient is the responsible authority, without recourse to NASA, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of an award or other agreement. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of statute are to be referred to such Federal, State or local authority as may have proper jurisdiction.

§ 1260.142 Codes of conduct.

The recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements. However, recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.

§ 1260.143 Competition.

All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The recipient shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the recipient, price, quality and other factors considered. Solicitations shall clearly set forth all requirements that the bidder or offeror shall fulfill in order for the bid or offer to be evaluated by the recipient. Any and all bids or offers may be rejected when it is in the recipient's interest to do so.

§ 1260.144 Procurement procedures.

(a) All recipients shall establish written procurement procedures. These procedures shall provide for, at a minimum, that the conditions in paragraphs (a)(1), (2) and (3) of this section apply.

(1) Recipients avoid purchasing unnecessary items.

(2) Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement for the Federal Government.

(3) Solicitations for goods and services provide for all of the following:

(i) A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition.

(ii) Requirements which the bidder/offeror must fulfill and all other factors to be used in evaluating bids or proposals.

(iii) A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.

(iv) The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitation.

(v) The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.

(vi) Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.

(b) Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. Recipients of NASA awards shall take all of the following steps to further this goal.

(1) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.

(2) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.

(3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.

(4) Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.

(5) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

(c) The type of procuring instruments used (*e.g.*, fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be determined by the recipient but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved.

The "cost-plus-a-percentage-of-cost" or "percentage of construction cost" methods of contracting shall not be used.

(d) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources. In certain circumstances, contracts with certain parties are restricted by 14 CFR part 1265, the implementation of Executive Orders 12549 and 12689, "Debarment and Suspension."

(e) Recipients shall, on request, make available for NASA, pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc., when any of the following conditions apply.

(1) A recipient's procurement procedures or operation fails to comply with the procurement standards in NASA's implementation of this subpart.

(2) The procurement is expected to exceed the small purchase threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation.

(3) The procurement, which is expected to exceed the small purchase threshold, specifies a "brand name" product.

(4) The proposed award over the small purchase threshold is to be awarded to other than the apparent low bidder under a sealed bid procurement.

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the amount of the small purchase threshold.

§ 1260.145 Cost and price analysis.

Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action. Price analysis

may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

§ 1260.146 Procurement records.

Procurement records and files for purchases in excess of the small purchase threshold shall include the following at a minimum:

(a) Basis for contractor selection,

(b) Justification for lack of competition when competitive bids or offers are not obtained, and

(c) Basis for award cost or price.

§ 1260.147 Contract administration.

A system for contract administration shall be maintained to ensure contractor conformance with the terms, conditions and specifications of the contract and to ensure adequate and timely follow up of all purchases. Recipients shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions and specifications of the contract.

§ 1260.148 Contract provisions.

The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. The following provisions shall also be applied to subcontracts.

(a) Contracts in excess of the small purchase threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.

(b) All contracts in excess of the small purchase threshold shall contain suitable provisions for termination by the recipient, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(c) Except as otherwise required by statute, an award that requires the contracting (or subcontracting) for construction or facility improvements shall provide for the recipient to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds $100,000. For those contracts or subcontracts exceeding $100,000, NASA may accept the bonding policy and requirements of the recipient, provided the NASA has made a determination that the Federal Government's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows.

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

(4) Where bonds are required in the situations described in this section, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR part 223, "Surety Companies Doing Business with the United States."

(d) All negotiated contracts (except those for less than the small purchase threshold) awarded by recipients shall include a provision to the effect that the recipient, NASA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

(e) All contracts, including small purchases, awarded by recipients and their contractors shall contain the procurement provisions of appendix A to this subpart, as applicable.

Reports and Records

§ 1260.150 Purpose of reports and records.

Sections 1260.151 through 1260.153 set forth the procedures for monitoring and reporting on the recipient's financial and program performance and the necessary standard reporting forms. They also set forth record retention requirements.

§ 1260.151 Monitoring and reporting program performance.

(a) Recipients are responsible for managing and monitoring each project, program, subcontract, function or activity supported by the award. Recipients shall monitor subcontracts to ensure subcontractors have met the audit requirements as delineated in § 1260.126.

(b) The terms and conditions of the award shall prescribe the frequency with which the performance reports shall be submitted. Except as provided in § 1260.151(f), performance reports shall not be required more frequently than quarterly or, less frequently than annually. Annual reports shall be due 90 calendar days after the grant year; quarterly or semi-annual reports shall be due 30 days after the reporting period. NASA may require annual reports before the anniversary dates of multiple year awards in lieu of these requirements. The final performance reports are due 90 calendar days after the expiration or termination of the award.

(c) If inappropriate, a final technical or performance report shall not be required after completion of the project.

(d) When required, performance reports shall generally contain, for each award, brief information on each of the following.

(1) A comparison of actual accomplishments with the goals and objectives established for the period, the findings of the investigator, or both. Whenever appropriate and the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(2) Reasons why established goals were not met, if appropriate.

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(e) Recipients shall not be required to submit more than the original and two copies of performance reports.

(f) Recipients shall immediately notify NASA of developments that have a significant impact on the award-supported activities. Also, notification shall be given in the case of problems, delays, or adverse conditions which materially impair the ability to meet the objectives of the award. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

(g) NASA may make site visits, as needed.

(h) NASA shall comply with clearance requirements of 5 CFR part 1320 when requesting performance data from recipients.

§ 1260.152 Financial reporting.

(a) When funds are advanced to recipients, each recipient is required to submit the SF 272, Report of Federal Cash Transactions, and, when necessary, its continuation sheet, SF 272a. NASA uses this report to monitor cash advanced to the recipient and obtain disbursement information for each agreement with the recipient.

(b) NASA requires forecasts of the recipient's cash requirements for each of the four months following the quarter being reported, in the "Remarks" section of the report.

(c) Recipients are required to submit the original of the report to the Financial Management Office of the NASA Center which issued the agreement 15 working days following the end of each Federal fiscal quarter. Copies will be furnished to the appropriate grant officer.

§ 1260.153 Retention and access requirements for records.

(a) This section sets forth requirements for record retention and access to records for awards to recipients. NASA shall not impose any other record retention or access requirements upon recipients.

(b) Financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of three years from the date of submission of the final expenditure report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as authorized by NASA. The only exceptions are the following.

(1) If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

(2) Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.

(3) When records are transferred to or maintained by NASA, the 3-year retention requirement is not applicable to the recipient.

(4) Indirect cost rate proposals, cost allocations plans, etc. as specified in § 1260.153(g).

(c) Copies of original records may be substituted for the original records if authorized by NASA.

(d) NASA shall request transfer of certain records to its custody from recipients when it determines that the records possess long term retention value. However, in order to avoid duplicate record keeping, NASA may make arrangements for recipients to retain any records that are continuously needed for joint use.

(e) NASA, the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records of recipients that are pertinent to the awards, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to a recipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this paragraph are not limited to the required retention period, but shall last as long as records are retained.

(f) Unless required by statute, NASA shall place no restrictions on recipients that limit public access to the records of recipients that are pertinent to an award, except when NASA can demonstrate that such records shall be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to NASA.

(g) Indirect cost rate proposals, cost allocations plans, etc. Paragraphs (g)(1) and (g)(2) of this section apply to the following types of documents, and their supporting records: Indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(1) *If submitted for negotiation.* If the recipient submits to NASA or the subrecipient submits to the recipient the proposal, plan, or other computation to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts on the date of such submission.

(2) *If not submitted for negotiation.* If the recipient is not required to submit to NASA or the subrecipient is not required to submit to the recipient the proposal, plan, or other computation for negotiation purposes, then the 3-year retention period for the proposal, plan, or other computation and its supporting records starts at the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

Termination and Enforcement

§ 1260.160 Purpose of termination and enforcement.

Sections 1260.61 and 1260.62 set forth uniform suspension, termination and enforcement procedures.

§ 1260.161 Termination.

(a) Awards may be terminated in whole or in part only if the conditions in paragraph (a)(1), (2) or (3) of this section apply.

(1) By NASA, if a recipient materially fails to comply with the terms and conditions of an award.

(2) By NASA with the consent of the recipient, in which case the two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

(3) By the recipient upon sending to NASA written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if NASA determines in the case of partial termination that the reduced or modified portion of the grant will not accomplish the purposes for which the grant was made, it may terminate the grant in its entirety under either paragraphs (a)(1) or (2) of this section.

(b) If costs are allowed under an award, the responsibilities of the recipient referred to in § 1260.171(a), including those for property management as applicable, shall be considered in the termination of the award, and provision shall be made for continuing responsibilities of the recipient after termination, as appropriate.

§ 1260.162 Enforcement.

(a) *Remedies for noncompliance.* If a recipient materially fails to comply with the terms and conditions of an award, whether stated in a Federal statute, regulation, assurance, application, or notice of award, NASA may, in addition to imposing any of the special conditions outlined in § 1260.114, take one or more of the following actions, as appropriate in the circumstances.

(1) Temporarily withhold cash payments pending correction of the deficiency by the recipient or more severe enforcement action by NASA.

(2) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.

(3) Wholly or partly suspend or terminate the current award.

(4) Withhold further awards.

(5) Take other remedies that may be legally available.

(b) *Hearings and appeals.* In taking an enforcement action, NASA shall provide the recipient an opportunity for hearing, appeal, or other administrative proceeding to which the recipient is entitled under any statute or regulation applicable to the action involved.

(c) *Effects of suspension and termination.* Costs of a recipient resulting from obligations incurred by the recipient during a suspension or after termination of an award are not allowable unless NASA expressly authorizes them in the notice of suspension or termination or subsequently. Other recipient costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if the conditions in paragraph (c)(1) and (2) of this section apply.

(1) The costs result from obligations which were properly incurred by the recipient before the effective date of suspension or termination, are not in anticipation of it, and in the case of a termination, are noncancellable.

(2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

(d) *Relationship to debarment and suspension.* The enforcement remedies identified in this section, including suspension and termination, do not preclude a recipient from being subject to debarment and suspension under Executive Orders 12549 and 12689 and 14 CFR part 1265 (see § 1260.113).

After-the-Award Requirements

§ 1260.170 Purpose.

Sections 1260.171 through 1260.173 contain closeout procedures and other procedures for subsequent disallowances and adjustments.

§ 1260.171 Closeout procedures.

(a) Recipients shall submit, within 90 calendar days after the date of completion of the award, all financial, performance, and other reports as required by the terms and conditions of the award. NASA may approve extensions when requested by the recipient.

(b) Unless NASA authorizes an extension, a recipient shall liquidate all obligations incurred under the award not later than 90 calendar days after the funding period or the date of completion as specified in the terms and conditions of the award or in agency implementing instructions.

(c) NASA shall make prompt payments to a recipient for allowable reimbursable costs under the award being closed out.

(d) The recipient shall promptly refund any balances of unobligated cash that NASA has advanced or paid and that is not authorized to be retained by the recipient for use in other projects. OMB Circular A–129 governs unreturned amounts that become delinquent debts.

(e) When authorized by the terms and conditions of the award, NASA shall make a settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received.

(f) The recipient shall account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with §§ 1260.131 through 1260.137.

(g) In the event a final audit has not been performed prior to the closeout of an award, NASA shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

§ 1260.172 Subsequent adjustments and continuing responsibilities.

(a) The closeout of an award does not affect any of the following.

(1) The right of NASA to disallow costs and recover funds on the basis of a later audit or other review.

(2) The obligation of the recipient to return any funds due as a result of later refunds, corrections, or other transactions.

(3) Audit requirements in § 1260.126.

(4) Property management requirements in §§ 1260.131 through 1260.137.

(5) Records retention as required in § 1260.153.

(b) After closeout of an award, a relationship created under an award may be modified or ended in whole or in part with the consent of the NASA and the recipient, provided the responsibilities of the recipient referred to in § 1260.173(a), including those for property management as applicable, are considered and provisions made for continuing responsibilities of the recipient, as appropriate.

§ 1260.173 Collection of amounts due.

(a) Any funds paid to a recipient in excess of the amount to which the recipient is finally determined to be entitled under the terms and conditions of the award constitute a debt to the Federal Government. If not paid within a reasonable period after the demand for payment, NASA may reduce the debt by the provisions of paragraph (a)(1), (2) or (3) of this section

(1) Making an administrative offset against other requests for reimbursements.

(2) Withholding advance payments otherwise due to the recipient.

(3) Taking other action permitted by statute.

(b) Except as otherwise provided by law, NASA shall charge interest on an overdue debt in accordance with 4 CFR chapter II, "Federal Claims Collection Standards."

Appendix A to Subpart B of Part 1260—Contract Provisions

All contracts awarded by a recipient, including small purchases, shall contain the following provisions as applicable:

1. *Equal Employment Opportunity.* All contracts shall contain a provision requiring compliance with Executive Order 11246, "Equal Employment Opportunity," as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR Part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

2. *Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c).* All contracts in excess of $2,000 for construction or repair awarded by recipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to NASA.

3. *Davis-Bacon Act, as amended (40 U.S.C. 276a to a–7).* When required by Federal program legislation, all construction contracts awarded by the recipients of more than $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall

report all suspected or reported violations to the NASA.

4. *Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333).* Where applicable, all contracts awarded by recipients in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Subsection 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

5. *Rights to Inventions Made Under a Contract or Agreement.* Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

6. *Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended.* Contracts of amounts in excess of $100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 *et seq.*) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 *et seq.*). Violations shall be reported to NASA and the Regional Office of the Environmental Protection Agency (EPA).

7. *Byrd Anti-Lobbying Amendment (31 U.S.C. 1352).* Contractors who apply or bid for an award of $100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

8. *Debarment and Suspension (Executive Orders 12549 and 12689).* No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with Executive Orders 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than Executive Order 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

2. Part 1274 is revised to read as follows:

PART 1274—COOPERATIVE AGREEMENTS WITH COMMERCIAL FIRMS

Subpart A—General

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1274.928 Foreign national employee investigative requirements.
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Appendix to Part 1274—Listing of Exhibits

Exhibit A to Part 1274—Contract Provisions
Exhibit B to Part 1274—Reports

Authority: 31 U.S.C. 6301 to 6208; 42 U.S.C. 2451 *et seq.*

Subpart A—General

§ 1274.101 Purpose.

(a) This part establishes uniform administrative requirements for NASA cooperative agreements awarded to commercial firms. Cooperative agreements are ordinarily entered into with commercial firms to—

(1) Support research and development;

(2) Provide technology transfer from the Government to the recipient; or

(3) Develop a capability among U.S. firms to potentially enhance U.S. competitiveness.

(b) An award may not be made to a foreign government. Award to foreign firms is not precluded. The approval of the Associate Administrator for

Procurement is required to exclude foreign firms from submitting proposals.

§ 1274.102 Definitions.

Administrator. The Administrator or Deputy Administrator of NASA.

Associate Administrator for Procurement. The head of the Office of Procurement, NASA Headquarters (Code H).

Cash contributions. The recipient's cash outlay, including the outlay of money contributed to the recipient by third parties.

Closeout. The process by which NASA determines that all applicable administrative actions and all required work of the award have been completed by the recipient and NASA.

Commercial item. The definition in FAR 2.101 is applicable.

Cooperative agreement. As defined by 31 U.S.C. 6305, cooperative agreements are financial assistance instruments used to stimulate or support activities for authorized purposes and in which the Government participates substantially in the performance of the effort. This part covers only cooperative agreements with commercial firms. Cooperative agreements with universities and non-profit organizations are covered by 14 CFR part 1260.

Cost sharing or matching. That portion of project or program costs not borne by the Federal Government except that the recipient's contribution may be reimbursable under other Government awards as allowable IR&D costs pursuant to 48 CFR (NFS) 1831.205–18.

Date of completion. The date on which all work under an award is completed or the date on the award document, or any supplement or amendment thereto, on which NASA sponsorship ends.

Days. Calendar days, unless otherwise indicated.

Government furnished equipment. Equipment in the possession of, or acquired directly by, the Government and subsequently delivered, or otherwise made available, to a Recipient and equipment procured by the Recipient with Government funds under a cooperative agreement.

Grant Officer. A Government employee who has been delegated the authority to negotiate, award, or administer grants or cooperative agreements. A Contracting Officer may serve as a Grant Officer if authorized by installation procurement regulations.

Incremental funding. A method of funding a cooperative agreement where the funds initially allotted to the cooperative agreement are less than the award amount. Additional funding is added as described in 1274.918.

Recipient. An organization receiving financial assistance under a cooperative agreement to carry out a project or program. A recipient may be an individual firm, a consortium, a partnership, etc.

Resource contribution. The total value of resources provided by either party to the cooperative agreement including both cash and non-cash contributions.

Support contractor. A NASA contractor performing part or all of the NASA responsibilities under a cooperative agreement.

Suspension. An action by NASA or the recipient that temporarily discontinues efforts under an award, pending corrective action or pending a decision to terminate the award. Suspension of an award is a separate action from suspension under Federal agency regulations implementing Executive Orders 12549 and 12689, "Debarment and Suspension."

Technical officer. The official of the cognizant NASA office who is responsible for monitoring the technical aspects of the work under a cooperative agreement. A Contracting Officer's Technical Representative may serve as a Technical Officer.

Termination. The cancellation of a cooperative agreement in whole or in part, by either party at any time prior to the date of completion.

§ 1274.103 Effect on other issuances.

For awards subject to this subpart, the requirements of this subpart apply, except to the extent that any administrative requirements of codified program regulations, program manuals, Handbooks and other nonregulatory materials are required by statute, or are authorized in accordance with the deviations provision in § 1274.104.

§ 1274.104 Deviations.

(a) The Associate Administrator for Procurement may grant exceptions for classes of or individual cooperative agreements from the requirements of this part when exceptions are not prohibited by statute.

(b) *Applicability.* A deviation is required for any of the following:

(1) When a prescribed provision set forth in this part for use verbatim is modified or omitted.

(2) When a provision is set forth in this part, but not prescribed for use verbatim, and the installation substitutes a provision which is inconsistent with the intent, principle, and substance of the prescribed provision.

(3) When a NASA form or other form is prescribed by this part, and that form is altered or another form is used in its place.

(4) When limitations, imposed by this part upon the use of a provision, form, procedure, or any other action, are not adhered to.

(c) Request for deviations. Requests for authority to deviate from this part will be forwarded to Headquarters, Program Operations Division (Code HS). Such requests, signed by the Procurement Officer, shall contain as a minimum:

(1) A full description of the deviation and identification of the regulatory requirement from which a deviation is sought.

(2) Detailed rationale for the request, including any pertinent background information.

(3) The name of the recipient and identification of the cooperative agreement affected, including the dollar value.

(4) A statement as to whether the deviation has been requested previously, and, if so, circumstances of the previous request(s).

(5) A copy of legal counsel's concurrence or comments.

§ 1274.105 Approval of Cooperative Agreement Notices (CANs) and cooperative agreements.

(a) As soon as possible after the initial decision is made by a Headquarters program office or Center procurement personnel to use the CAN process, the cognizant program office or procurement office shall notify the Associate Administrator for Procurement (Code HS) of the intent to use a CAN in all cases where the total Government funds to be awarded in response to CAN proposals is expected to equal or exceed $10 million. All such notifications, as described in this section, shall be concurred in by the Procurement Officer. This requirement also applies in those cases where an unsolicited proposal is received and a decision is made to award a cooperative agreement in which the recipient (or one or more members of a "team" of recipients) is a commercial firm and the total Government funds are expected to equal or exceed $10 million.

(b) The required notification is to be accomplished by sending an electronic mail (e-mail) message to the following address at NASA Headquarters: can@hq.nasa.gov. The notification must include the following information, as a minimum:

(1) Identification of the cognizant center and program office,

(2) Description of the proposed program for which proposals are to be solicited,

(3) Rationale for decision to use a CAN rather than other types of solicitations,

(4) The amount of Government funding to be available for awards,

(5) Estimate of the number of cooperative agreements to be awarded as a result of the CAN,

(6) The percentage of cost-sharing to be required,

(7) Tentative schedule for release of CAN and award of cooperative agreements,

(8) If the term of the cooperative agreement is anticipated to exceed 3 years and/or if the Government cash contribution is expected to exceed $20M, address anticipated changes, if any, to the provisions (see 1274.202(f)), and

(9) If the cooperative agreement is for programs/projects that provide aerospace products or capabilities, (*i.e.*, provide space and aeronautics, flight and ground systems, technologies and operations), a statement that the requirements of NASA Policy Directive (NPD) 7120.4 and NASA Policy Guidance (NPG) 7120.5 have been met. This affirmative statement will include a specific reference to the signed Program Commitment Agreement.

(c) Code HS will respond by e-mail message to the sender, with a copy of the message to the Procurement Officer and the Office of Small and Disadvantaged Business Utilization, within 5 working days of receipt of this initial notification. The response will address the following:

(1) Whether Code HS agrees or disagrees with the appropriateness for using a CAN for the effort described,

(2) Whether Code HS will require review and approval of the CAN before its issuance,

(3) Whether Code HS will require review and approval of the selected offeror's cost sharing arrangement (*e.g.*, cost sharing percentage; type of contribution (cash, labor, etc.)), and

(4) Whether Code HS will require review and approval of the resulting cooperative agreement(s).

(d) If a response from Code HS is not received within 5 working days of notification, the program office or center may proceed with release of the CAN and award of the cooperative agreements as described.

Subpart B—Pre-Award Requirements

§ 1274.201 Purpose.

Sections 1274.202 through 1274.207 prescribe forms and instructions and address other pre-award matters.

§ 1274.202 Solicitations and proposals.

(a) Consistent with 31 U.S.C. 6301(3), NASA uses competitive procedures to award cooperative agreements whenever possible. An award will normally be made as a result of a Cooperative Agreement Notice (CAN) which envisions a cooperative agreement as the award instrument. A Commerce Business Daily synopsis or a synopsis on the NASA Acquisition Internet Service will be used to publicize the CAN.

(b) Unsolicited proposals. (1) An award may be made as a result of an unsolicited proposal. The unsolicited proposal must evidence a unique and innovative idea or approach which is not the subject of a current or anticipated solicitation. When a cooperative agreement is awarded as a result of an unsolicited proposal, a Commerce Business Daily synopsis and a synopsis on the NASA Acquisition Internet Service will be used to provide an opportunity for other firms/consortia to express an interest in the agreement unless the exception in 48 CFR (FAR) 5.202(a)(8) applies. Respondents should be given a minimum of thirty days to respond. If interest is expressed, a decision must be made to proceed with the award or to issue a solicitation for competitive proposals.

(2) Prior to an award made as the result of an unsolicited proposal, the award must be approved by the Procurement Officer if NASA's total resource contribution is below $5 million. Center Director approval is required if NASA's total resource contribution is $5 million or more. For Headquarters cooperative agreements, approval by the Associate Administrator for Procurement is required if NASA's total resource contribution is $5 million or more.

(c) Cost and payment matters. (1) The expenditure of Government funds by the Recipient and the allowability of costs recognized as a resource contribution by the Recipient shall be governed by the FAR cost principles, 48 CFR part 31. If the Recipient is a consortium which includes non-commercial entities as members, cost allowability for those members will be determined as follows:

(i) Allowability of costs incurred by State, local or federally-recognized Indian tribal governments is determined in accordance with the provisions of OMB Circular A–87, "Cost Principles for State and Local Governments."

(ii) The allowability of costs incurred by non-profit organizations is determined in accordance with the provisions of OMB Circular A–122, "Cost Principles for Non-Profit Organizations."

(iii) The allowability of costs incurred by institutions of higher education is determined in accordance with the provisions of OMB Circular A–21, "Cost Principles for Educational Institutions."

(iv) The allowability of costs incurred by hospitals is determined in accordance with the provisions of Appendix E of 45 CFR Part 74, "Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals." Recipient's method for accounting for the expenditure of funds must be consistent with Generally Accepted Accounting Principles.

(2) Cost sharing. A substantial resource contribution on the part of the Recipient is required. The Recipient is expected to contribute at least 50 percent of the total resources required to accomplish the cooperative agreement. Recipient contributions may be either cash or non-cash or both. In those cases in which a contribution of less than 50 percent is anticipated from the Recipient, approval of the Associate Administrator for Procurement (Code HS) is required prior to award. The request for approval should address the evaluation factor in the solicitation and how the proposal accomplishes those objectives to such a degree that a share ratio of less than 50 percent is warranted.

(3) Fixed funding. Cooperative agreements are funded by NASA in a fixed amount. Payments in fixed amounts will be made by NASA in accordance with "Milestone Billings" which are discussed in paragraph (c)(4) of this section. If the Recipient completes the final milestone, final payment is made, and NASA will have completed its financial responsibilities under the agreement. However, if the cooperative agreement is terminated prior to achievement of all milestones, NASA's funding will be limited to milestone payments already made plus NASA's share of costs required by the Recipient to meet commitments which had in the judgment of NASA become firm prior to the effective date of termination and are otherwise appropriate. In no event shall these additional costs or payment exceed the amount of the next payable milestone billing amount.

(4) Milestone billings is the method of payment to the Recipient under cooperative agreements. Performance based milestones are used as the basis of establishing a set of verifiable milestones for payment purposes. Each milestone payment shall be established so that the Government payment is at the same share ratio as the cooperative

agreement share ratio. If the Recipient is a consortium, the Articles of Collaboration is required to contain an extensive list of performance based milestones that the consortium has agreed to. Generally, payments should not be made more than once monthly; ideally, payments will be made about every 60 to 90 days but in all cases should be made on the basis of verifiable, significant events as opposed to the passage of time. The last payment milestone should be large enough to ensure that the Recipient completes its responsibilities under the cooperative agreement (or funds should be reserved for payment until after completion of the cooperative agreement). The Government technical officer must verify completion of each milestone to the Grant Officer as part of the payment process.

(5) Incremental funding. Cooperative agreements may be incrementally funded subject to the following:

(i) The total value of the NASA cash contribution is $50,000 or more.

(ii) The period of performance overlaps the succeeding fiscal year.

(iii) The funds are not available to fully fund the cooperative agreement at the time of award.

(6) Cost sharing. Cost sharing requirements on cooperative agreements with commercial firms are based on Section 23 of OMB Circular A–110. Only cash or certain non-cash resources are acceptable sources for the Recipient contribution to a cooperative agreement. Acceptable non-cash resources include such items as purchased equipment, equipment, labor, office space, etc. The actual or imputed value of intellectual property such as patent rights, data rights, trade secrets, etc., are not acceptable as sources for the Recipient contribution. The Government's cost share should fully reflect the total cost of the cash and non-cash contributions. With respect to the non-cash contribution, a fully burdened cost estimate of personnel, facilities, and other expenses should be utilized. It is recognized that this will be an estimate in some cases, but the cost principles in Section 9091–5 of the NASA Financial Management Manual should be adhered to.

(7) Recipients shall not be paid a profit under cooperative agreements. Profit may be paid by the Recipient to subcontractors, if the subcontractor is not part of the offering team and the subcontract is an arms-length relationship.

(8) The Recipient's resource share of the cooperative agreement may be allocated as part of its IR&D program.

(9) The CAN must provide a description of the non-cash Government contribution (personnel, equipment, facilities, etc.) as part of the Government's contribution to the cooperative agreement in addition to funding. The offeror may propose that additional non-cash Government resources be provided under two conditions. First, the offeror is responsible for verifying the availability of the resources and their suitability for their intended purpose and, second, those resources are part of the Government contribution (which must be matched by the Recipient) and paid for directly by the awarding organization.

(d) Consortia as recipients. (1) The use of consortia as Recipients for cooperative agreements is encouraged. Consortia will tend to bring to a cooperative agreement a broader range of capabilities and resources. A consortium is a group of organizations that enter into an agreement to collaborate for the purposes of the cooperative agreement with NASA. The agreement to collaborate can take the form of a legal entity such as a partnership or joint venture but it is not necessary that such an entity be created. A consortium may be made up of firms which normally compete for commercial or Government business or may be made up of firms which perform complementary functions in a given industry. The inclusion of non-profit or educational institutions, small businesses, or small disadvantaged businesses in the consortium could be particularly valuable in ensuring that the results of the consortium's activities are disseminated.

(2) Key to the success of the cooperative agreement with a consortium is the consortium's Articles of Collaboration, which is a definitive description of the roles and responsibilities of the consortium's members. It should also address to the extent appropriate: commitments of financial, personnel, facilities and other resources, a detailed milestone chart of consortium activities, accounting requirements, subcontracting procedures, disputes, term of the agreement, insurance and liability issues, internal and external reporting requirements, management structure of the consortium, obligations of organizations withdrawing from the consortia, allocation of data and patent rights among the consortia members, agreements, if any, to share existing technology and data, the firm which is responsible for the completion of the consortium's responsibilities under the cooperative agreement and has the authority to commit the consortium and receive payments from NASA, employee policy issues, etc.

(3) An outline of the Articles of Collaboration should be required as part of the proposal and evaluated during the source selection process.

(e) Metric system of measurement. The Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act (15 U.S.C. 205) declares that the metric system is the preferred measurement system for U.S. trade and commerce. NASA's policy with respect to the metric measurement system is stated in NPD 8010.2, Use of the Metric System of Measurement in NASA Programs.

(f) The provisions set forth in § 1274.901 are generally considered appropriate for agreements not exceeding 3 years and/or a Government cash contribution not exceeding $20M. For cooperative agreements expected to be longer than 3 years and/or involve a Government cash contribution exceeding $20M, consideration should be given to provisions which place additional restrictions on the recipient in terms of validating performance and accounting for funds expended.

§ 1274.203 Intellectual property.

(a) A cooperative agreement covers the disposition of rights to intellectual property between NASA and the Recipient. If the Recipient is a consortium or partnership, rights flowing between multiple organizations in a consortium must be negotiated separately and formally documented, preferably in the Articles of Collaboration.

(b) Patent rights clauses are required by statute and regulation. The clauses exist for Recipients of the Agreement whether they are:

(1) Other than small business or nonprofit organizations (generally referred to as large businesses) or

(2) Small businesses or nonprofit organizations.

(c) There are five situations in which inventions may arise under a cooperative agreement: Recipient inventions, subcontractor inventions, NASA inventions, NASA support contractor inventions, and joint inventions with Recipient.

(d)(1) Recipient inventions.

(i) A Recipient, if a large business, is subject to Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) relating to property rights in inventions. The term "invention" includes any invention, discovery, improvement, or innovation. Title to an invention made under a cooperative agreement by a large business Recipient

initially vests with NASA. The Recipient may request a waiver under the NASA Patent Waiver Regulations to obtain title to inventions made under the Agreement. Such a request may be made in advance of the Agreement (or 30 days thereafter) for all inventions made under the Agreement. Alternatively, requests may be made on a case by case basis any time an individual invention is made. Such waivers are liberally and expeditiously granted after review by NASA's Invention and Contribution Board and approval by NASA's General Counsel. When a waiver is granted, any inventions made in the performance of work under the Agreement are subject to certain reporting, election and filing requirements, a royalty-free license to the Government, march-in rights, and certain other reservations.

(ii) A Recipient, if a small business or nonprofit organization, may elect to retain title to its inventions. The term "nonprofit organization" is defined in 35 U.S.C. 201(i) and includes universities and other institutions of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C.). The Government obtains an irrevocable, nonexclusive, royalty-free license.

(2) Subcontractor inventions.

(i) Large business. If a Recipient enters a subcontract (or similar arrangement) with a large business organization for experimental, developmental, research, design or engineering work in support of the Agreement to be done in the United States, its possessions, or Puerto Rico, section 305 of the Space Act applies. The clause applicable to large business organizations is to be used (suitably modified to identify the parties) in any subcontract. The subcontractor may request a waiver under the NASA Patent Waiver Regulations to obtain rights to inventions made under the subcontract just as a large business Recipient can (see paragraph (d)(1)(i) of this section). It is strongly recommended that a prospective large business subcontractor contact the NASA installation Patent Counsel or Intellectual Property Counsel to assure that the right procedures are followed. Just like the Recipient, any inventions made in the performance of work under the Agreement are subject to certain reporting, election and filing requirements, a royalty-free license to the Government, march-in rights, and certain other reservations.

(ii) Non-profit organization or small business. In the event the Recipient enters into a subcontract (or similar arrangement) with a domestic nonprofit organization or a small business firm for experimental, developmental, or research work to be performed under the Agreement, the requirements of 35 U.S.C. 200 *et seq.* regarding "Patent Rights in Inventions Made With Federal Assistance," apply. The subcontractor has the first option to elect title to any inventions made in the performance of work under the Agreement, subject to specific reporting, election and filing requirements, a royalty-free license to the Government, march-in rights, and certain other reservations that are specifically set forth.

(iii) Work outside the United States. If the Recipient subcontracts for work to be done outside the United States, its possessions or Puerto Rico, the NASA installation Patent Counsel or Intellectual Property Counsel should be contacted for the proper patent rights clause to use and the procedures to follow.

(iv) Notwithstanding paragraphs (d)(2)(i), (ii) and (iii), and in recognition of the Recipient's substantial contribution, the Recipient is authorized, subject to rights of NASA set forth elsewhere in the Agreement, to:

(A) Acquire by negotiation and mutual agreement rights to a subcontractor's subject inventions as the Recipient may deem necessary, or

(B) If unable to reach agreement pursuant to paragraph (d)(2)(iv)(A) of this section, request that NASA invoke exceptional circumstances as necessary pursuant to 37 CFR 401.3(a)(2) if the prospective subcontractor is a small business firm or nonprofit organization, or for all other organizations, request that such rights for the Recipient be included as an additional reservation in a waiver granted pursuant to 14 CFR 1245.1. The exercise of this exception does not change the flow down of the applicable patent rights clause to subcontractors. Applicable laws and regulations require that title to inventions made under a subcontract must initially reside in either the subcontractor or NASA. not the Recipient. This exception does not change that. The exception does authorize the Recipient to negotiate and reach mutual agreement with the subcontractor for the grant-back of rights. Such grant-back could be an option for an exclusive license or an assignment, depending on the circumstances.

(3) NASA inventions. NASA will use reasonable efforts to report inventions made by its employees as a consequence of, or which bear a direct relation to, the performance of specified NASA activities under an Agreement. Upon timely request, NASA will use its best efforts to grant Recipient first option to acquire either an exclusive or partially-exclusive, revocable, royalty-bearing license, on terms to be negotiated, for any patent applications and patents covering such inventions. This exclusive or partially-exclusive license to the Recipient will be subject to the retention of rights by or on behalf of the Government for Government purposes.

(4) NASA support contractor inventions. It is preferred that NASA support contractors be excluded from performing any of NASA's responsibilities under the Agreement since the rights obtained by a NASA support contractor could work against the rights needed by the Recipient. In the event NASA support contractors are tasked to work under the Agreement and inventions are made by support contractor employees, the support contractor will normally retain title to its employee inventions in accordance with 35 U.S.C. 202, 14 CFR part 1245, and Executive Order 12591. In the event the recipient decides not to pursue right to title in any such invention and NASA obtains title to such inventions, upon timely request, NASA will use its best efforts to grant Recipient first option to acquire either an exclusive or partially exclusive, revocable, royalty-bearing license, upon terms to be negotiated, for any patent applications and patents covering such inventions. This exclusive or partially-exclusive license to the Recipient will be subject to the retention of rights by or on behalf of the Government for Government purposes.

(5) Joint inventions. (i) NASA and the Recipient agree to use reasonable efforts to identify and report to each other any inventions made jointly between NASA employees (or employees of NASA support contractors) and employees of Recipient. For large businesses, the Associate General Counsel (Intellectual Property) may agree that the United States will refrain, for a specified period, from exercising its undivided interest in a manner inconsistent with Recipient's commercial interest. For small business firms and nonprofit organizations, the Associate General Counsel (Intellectual Property) may agree to assign or transfer whatever rights NASA may acquire in a subject invention from its employee to the Recipient as authorized by 35 U.S.C. 202(e). The grant officer negotiating the Agreement with small business firms and nonprofit organizations can agree, up front, that NASA will assign whatever rights it may acquire in a subject invention from its employee to the small business firm or nonprofit organization. Requests under this

paragraph shall be made through the Center Patent Counsel.

(ii) NASA support contractors may be joint inventors. If a NASA support contractor employee is a joint inventor with a NASA employee, the same provisions apply as those for NASA Support Contractor Inventions. The NASA support contractor will retain or obtain nonexclusive licenses to those inventions in which NASA obtains title. If a NASA support contractor employee is a joint inventor with a Recipient employee, the NASA support contractor and Recipient will become joint owners of those inventions in which they have elected to retain title or requested and have been granted waiver of title. Where the NASA support contractor has not elected to retain title or has not been granted waiver of title, NASA will jointly own the invention with the Recipient.

(e) Licenses to Recipient(s). (1) Any exclusive or partially exclusive commercial licenses are to be royalty-bearing consistent with Government-wide policy in licensing its inventions. It also provides an opportunity for royalty-sharing with the employee-inventor, consistent with Government-wide policy under the Federal Technology Transfer Act.

(2) Upon application in compliance with 37 CFR Part 404—Licensing of Government Owned Inventions, all Recipients shall be granted a revocable, nonexclusive, royalty-free license in each patent application filed in any country on a subject invention and any resulting patent in which the Government obtains title. Because cooperative agreements are cost sharing cooperative arrangements with a purpose of benefiting the public by improving the competitiveness of the Recipient and the Government receives an irrevocable, nonexclusive, royalty-free license in each Recipient subject invention, it is only equitable that the Recipient receive, at a minimum, a revocable, nonexclusive, royalty-free license in NASA inventions and NASA contractor inventions where NASA has acquired title.

(3) Notice requirements. Once a Recipient has exercised its option to apply for an exclusive or partially exclusive license, a notice, identifying the invention and the Recipient, is published in the **Federal Register**, providing the public opportunity for filing written objections for 60 days.

(f) Preference for United States manufacture. Despite any other provision, the Recipient agrees that any products embodying subject inventions or produced through the use of subject inventions shall be manufactured substantially in the United States. The intent of this provision is to support manufacturing jobs in the United States regardless of the status of the Recipient as a domestic or foreign controlled company. However, in individual cases, the requirement to manufacture substantially in the United States, may be waived by the Associate Administrator for Procurement (Code HS) upon a showing by the Recipient that under the circumstances domestic manufacture is not commercially feasible.

(g) Space Act Agreements. Invention and patent rights in cooperative agreements must comply with statutory and regulatory provisions. Where circumstances permit, a Space Act Agreement is available as an alternative instrument which can be more flexible in the area of invention and patent rights.

(h) Data rights. Data rights provisions can and should be tailored to best achieve the needs and objectives of the respective parties concerned.

(1) The data rights clause at § 1274.905 assumes a substantially equal cost sharing relationship where collaborative research, experimental, developmental, engineering, demonstration, or design activities are to be carried out, such that it is likely that "proprietary" information will be developed and/or exchanged under the agreement. If cost sharing is unequal or no extensive research, experimental, developmental, engineering, demonstration, or design activities are likely, a different set of clauses may be appropriate.

(2) The primary question that must be answered when developing data clauses is what does each party need or intend to do with the data developed under the agreement. Accordingly, the data rights clauses may be tailored to fit the circumstances. Where conflicting goals of the parties result in incompatible data provisions, grant officers for the Government must recognize that private companies entering into cooperative agreements bring resources to that relationship and must be allowed to reap an appropriate benefit for the expenditure of those resources. However, since serving a public purpose is a major objective of a cooperative agreement, care must be exercised to ensure the Recipient is not established as a long term sole source supplier of an item or service and is not in a position to take unfair advantage of the results of the cooperative agreement. Therefore, a reasonable time period (depending on the technology, two to five years after production of the data) may be established after which the data first produced by the Recipient in the performance of the agreement will be made public.

(3) Data can be generated from different sources and can have various restrictions placed on its dissemination. Recipient data furnished to NASA can exist prior to, or be produced outside of, the agreement or be produced under the agreement. NASA can also produce data in carrying out its responsibilities under the agreement. Each of these areas need to be covered.

(4) For data, including software, first produced by the Recipient under the agreement, the Recipient may assert copyright. Data exchanged with a notice showing that the data is protected by copyright must include appropriate licenses in order for NASA to use the data as needed.

(5) Recognizing that the dissemination of the results of NASA's activities is a primary objective of a cooperative agreement, the parties should specifically delineate what results will be published and under what conditions. This should be set forth in the clause of the cooperative agreement entitled "Publication and Reports." Any such agreement on the publication of results should be stated to take precedence over any other clause in the cooperative agreement.

(6) In accordance with section 303(b) of the Space Act, any data first produced by NASA under the agreement which embodies trade secrets or financial information that would be privileged or confidential if it had been obtained from a private participant, will be marked with an appropriate legend and maintained in confidence for an agreed to period of up to five years (the maximum allowed by law). This does not apply to data other than that for which there has been agreement regarding publication or distribution. The period of time during which data first produced by NASA is maintained in confidence should be consistent with the period of time determined in accordance with paragraph (h)(2) of this section, before which data first produced by the Recipient will be made public. Also, NASA itself may use the marked data (under suitable protective conditions) for agreed-to purposes.

§ 1274.204 Evaluation and selection.

(a) A single technical evaluation factor is typically used for CANs. That evaluation factor should be one of the following: providing research and development or technology transfer, enhancing U.S. competitiveness, or developing a capability among U.S. firms. Award to foreign firms is not precluded if the evaluation factor is

satisfied. Subfactors could include such things as fostering U.S. leadership, potential to advance technologies anticipated to enhance U.S. competitiveness, timeliness of proposed accomplishments, private sector commitment to commercialization, identification of specific potential commercial markets, appropriateness of business risk, potential for broad impact on the U.S. technology and knowledge base, level of commitment (contribution of private resources to the project), appropriateness of team member participation and relationships, (this subfactor should include consideration of the participation of an appropriate mix of small business, small disadvantaged business, and women-owned small business concerns, as well as non-profits and educational institutions, including historically black colleges and universities and minority institutions) appropriateness of management planning, relevant experience, qualifications and depth of management and technical staff, quality and appropriateness of resources committed to the project, performance bench marks, technical approach, business approach/resource sharing, past performance, the articles of collaboration, etc.

(b) *Technical evaluation.* (1) Competitive technical proposal information shall be protected in accordance with 48 CFR (FAR) 15.207, Handling Proposals and Information. Unsolicited proposals shall be protected in accordance with 48 CFR (FAR) 15.608, Prohibitions, and 48 CFR (FAR) 15.609, Limited Use of Data.

(i) Selecting Officials and Grant/Contracting Officers are responsible for protecting sensitive information on the award of a Grant or Cooperative Agreement and for determining who is authorized to receive such information. Sensitive information includes: information contained in proposals; information prepared for NASA's evaluation of proposals; the rankings of proposals for an award; reports and evaluations of source selection panels, boards, or advisory councils; and other information deemed sensitive by the Selecting Official or by the Grant/Contracting Officer.

(ii) No sensitive information shall be disclosed unless the Selecting Official or the Grant/Contracting Officer has approved disclosure based upon an unequivocal "need-to-know" and the individual receiving the information has signed a Non-Disclosure Certificate (Exhibit E to subpart A of 14 CFR part 1260). All attendees at formal source selection presentations and briefings shall be required to sign an Attendance Roster. The attendance rosters and certificates shall be maintained in official files for a minimum of six months after award.

(iii) The improper disclosure of sensitive information could result in criminal prosecution or an adverse action.

(2) The technical officer will evaluate proposals in accordance with the criteria in the CAN. Proposals selected for award will be supported by documentation as described in paragraph (c)(1) of this section. When evaluation results in a proposal not being selected, the proposer will be notified in accordance with the CAN.

(3) The technical evaluation of proposals may include peer reviews. Since the business sense of a cooperative agreement proposal is critical to its success, NASA should reserve the right to utilize appropriate outside evaluators to assist in the evaluation of such proposal elements as the business base projections, the market for proposed products, and/or the impact of anticipated product price reductions. The use of outside evaluators shall be approved in accordance with 48 CFR (NFS) 1815.207–70(b). A cover sheet with the following legend shall be affixed to data provided to outside evaluators:

Government Notice for Handling Proposals

This proposal shall be used and disclosed for evaluation purposes only, and a copy of this Government notice shall be applied to any reproduction or abstract thereof. Any authorized restrictive notices which the submitter places on this proposal shall also be strictly complied with.

(4) *Unsolicited proposals.* Evaluation of unsolicited proposals must consider whether: the subject of the proposal is available to NASA from another source without restriction; the proposal closely resembles a pending competitive acquisition; and the research proposed demonstrates an innovative and unique method, approach, or concept. Organizations submitting unaccepted proposals will be notified in writing.

(c) *Documentation requirements.* For proposals selected for award, the technical officer will prepare and furnish to the grant officer the following documentation:

(1) For a competitively selected proposal, a signed selection statement and technical evaluation based on the evaluation criteria stated in the solicitation.

(2) For an unsolicited proposal, a justification for acceptance of an unsolicited proposal (JAUP) prepared by the cognizant technical office. The JAUP shall be submitted for the approval of the grant officer after review and concurrence at a level above the technical officer. The evaluator shall consider the following factors, in addition to any others appropriate for the particular proposal:

(i) Unique and innovative methods, approaches or concepts demonstrated by the proposal.

(ii) Overall scientific or technical merits of the proposal.

(iii) The offeror's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives.

(iv) The qualifications, capabilities, and experience of the proposed key personnel who are critical in achieving the proposal objectives.

(v) Current, open solicitations under which the unsolicited proposal could be evaluated.

(d) *Cost evaluation.* (1) The grant officer and technical team will determine whether the overall proposed cost of the project is reasonable and that the Recipient's contribution is valid, verifiable, and available. Commitments should be obtained and verified to the extent practical from the offeror or members of the consortia that the proposed contributions can and will be made as specified in the proposal or statement of work.

(i) If the Recipient's verified share on a cooperative agreement equals or exceeds 50 percent of the total cost of the agreement and the total value of the agreement is less than $5 million, the cost evaluation of the offeror's proposal should focus on the overall reasonableness and timing of the proposer's contribution. Cost or pricing data should not be required and information other than cost or pricing data (defined in 48 CFR (FAR) 15.403–3) should not normally be required.

(ii) If the Recipient's share is projected to be less than 50 percent or the total value of the agreement is more than $5 million, a more in-depth analysis of the proposed costs should be undertaken. Only information other than cost or pricing data should be required. An analysis consistent with 48 CFR (FAR) 15.404–1 through 15.404–2 should be performed.

(2) As part of the evaluation of the cost proposal, the source of the recipient's contribution should be determined. Each of the cost elements contributed by the recipient and their amounts should be identified. If the contribution will consist at least in part of IR&D, the extent to which the IR&D may be recoverable from Government awards should be established. This will involve using the estimated Government

participation rate of the recipient's General and Administrative indirect cost base for the period of the cooperative agreement. An analysis consistent with 48 CFR (FAR) 15.404–1 and 15.404–2 should be performed.

(e) If the cooperative agreement is to be awarded to a consortium, a completed, formally executed Articles of Collaboration is required prior to award.

(f) *Printing, binding, and duplicating.* Proposals for effort which involve printing, binding, and duplicating in excess of 25,000 pages are subject to the regulations of the Congressional Joint Committee on Printing. The technical office will refer such proposals to the Installation Central Printing Management Officer (ICPMO) to ensure compliance with NPD 1490.1. The grant officer will be advised in writing of the results of the ICPMO review.

§ 1274.205 Award procedures.

(a) *General.* Multiple year cooperative agreements are encouraged, but normally they should not extend beyond two years.

(b) *Award above proposed amount.* Awards of cooperative agreements in response to competitive solicitations will not result in providing more NASA funds or resources than was anticipated in the Recipient's proposal. If additional funds or resources are deemed necessary, they will be provided by the Recipient and the Government cost share percentage will be adjusted downward.

(c) *Changes to cooperative agreements.* Cost growth or in-scope changes shall not increase the amount of NASA's contribution. Additional costs which arise during the performance of the cooperative agreement are the responsibility of the Recipient. Funding for work required beyond the scope of the cooperative agreement must be sought through the submission of a proposal which will be treated as an unsolicited proposal.

(d) *Bilateral award.* All cooperative agreements awarded under this part will be awarded on a bilateral basis.

(e) *Certifications and representations.* (1) Unless prohibited by statute or codified regulation, Recipients will be encouraged to submit certifications and representations required by statute, executive order, or regulation on an annual basis, if the Recipients have ongoing and continuing relationships with the agency. Annual certifications and representations shall be signed by responsible officials with the authority to ensure Recipients' compliance with the pertinent requirements.

(2) Civil rights requirements—nondiscrimination in certain Federally-funded programs. Recipients must furnish assurances of compliance with civil rights statutes specified in 14 CFR parts 1250 through 1252. Such assurances are not required for each cooperative agreement, if they have previously been furnished and remain current and accurate. Certifications to NASA are normally made on NASA Form 1206, which may be obtained from the grant officer. Upon acceptance, the grant officer will forward assurances to the NASA Office of Equal Opportunity Programs for recording and retention purposes.

(3) NASA cooperative agreements are subject to the provisions of 14 CFR part 1265, Government-wide Debarment and Suspension (Nonprocurement) and Government-wide requirements for Drug-Free Workplace (Grants), unless excepted by §§ 1265.110 and 1265.610.

(4) Lobbying Certification. A Lobbying Certification in accordance with 14 CFR part 1271 will be obtained prior to award.

(f) Indemnification under Public Law 85–804 is not authorized for cooperative agreements.

(g) The standard operating procedures for the Office of Public Affairs will be followed when notifying Congress and releasing information to the news media about awards. Grant/Contracting Officers must approve any exceptions to this policy.

§ 1274.206 Document format and numbering.

(a) Formats. Grant officers are authorized to use the format set forth in Exhibit B to subpart A of 14 CFR part 1260, with minimum modification, as the standard cooperative agreement cover page for the award of all cooperative agreements.

(b) Cooperative agreement numbering prior to Integrated Financial Management Project (IFMP) implementation shall conform to 48 CFR (NFS) 1804.7102–3, except that a NCC prefix will be used in lieu of the NAS prefix.

(c) There will be a phase-in term for Center implementation of the IFMP. For Centers using IFMP Performance Purchasing, the following cooperative agreement numbering system shall be used:

(1) Document Type for cooperative agreements. Cooperative agreements will use the prefix CO.

(2) Agency Identifier. The Agency identifier NAS shall follow the document number.

(3) Center Smart Codes. The Center identifier shall follow the document type:

Installation	Smart code
Ames Research Center	A
Dryden Flight Research Center	D
Glen Research Center	C
Goddard Space Flight Center	G
Headquarters	H
Johnson Space Center	J
Kennedy Space Center	K
Langley Research Center	L
Marshall Space Flight Center	M
NASA Management Office-JPL	P
Stennis Space Center	S

(4) Fiscal Year. The fiscal year shall be represented as two digits.

(5) Procurement Code. Cooperative Agreements will be identified using "A" as the procurement code.

(6) Serial Numbers. Installations shall number cooperative agreements with commercial firms serially by fiscal year, within the same number series used for grants and cooperative agreements with non-profit organizations. The serial number shall be six digits commencing with "000001" and continuing in succession.

§ 1274.207 Distribution of cooperative agreements.

Copies of cooperative agreements and modifications will be provided to: payment office, technical officer, administrative grant officer when delegation has been made, NASA Center for Aerospace Information (CASI), Attn: Document Processing Section, 7121 Standard Drive, Hanover, MD 21076, and any other appropriate recipient. Copies of the statement of work, contained in the Recipient's proposal and accepted by NASA, will be provided to the administrative grant officer and CASI. The cooperative agreement file will contain a record of the addresses for distributing agreements and supplements.

Subpart C—Administration

§ 1274.301 Delegation of administration.

Normally, cooperative agreements will be administered by the awarding activity. NASA Form 1678, NASA Technical Officer Delegation for Cooperative Agreements with Commercial Firms, will be used to delegate responsibilities to the NASA Technical Officer.

§ 1274.302 Transfers, novations, and change of name agreements.

(a) *Transfer of cooperative agreements.* Novation is the only means by which a cooperative agreement may

be transferred from one Recipient to another.

(b) *Novation and change of name.* All novation agreements and change of name agreements of the Recipient, prior to execution, shall be reviewed by NASA legal counsel for legal sufficiency prior to approval.

Subpart D—Government Property

§ 1274.401 Government property.

The accomplishment of a cooperative agreement may require the purchase of equipment for a wide range of purposes. If this equipment is purchased with Government funds, *i.e.*, as part of the Government contribution to the cooperative agreement, it becomes Government property and must be disposed of in accordance with 48 CFR (FAR) part 45 at the conclusion of the cooperative agreement. In some cases, this may meet the needs of the parties. If, however, the Recipient may need the equipment to continue commercial efforts following the cooperative agreement, it should be purchased by the Recipient and included as a non-cash contribution of the Recipient. In this way, it is not procured, not even in part, with Government funds and the Government acquires no ownership interest. Procurement by the Recipient may be before or during the performance of the cooperative agreement.

Subpart E—Procurement Standards

§ 1274.501 Subcontracts.

Recipients (individual firms or consortia) are not authorized to issue grants or cooperative agreements to subrecipients. All contracts, including small purchases, awarded by Recipients and their contractors shall contain the procurement provisions of appendix A to this part, as applicable and may be subject to approval requirements cited in § 1274.925.

Subpart F—Reports and Records

§ 1274.601 Retention and access requirements for records.

(a) This subpart sets forth requirements for record retention and access to records for awards to Recipients.

(b) Financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of three years from the date of submission of the final invoice. The only exceptions are the following:

(1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

(2) Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.

(3) When records are transferred to or maintained by NASA, the 3-year retention requirement is not applicable to the Recipient.

(4) Indirect cost rate proposals, cost allocations plans, etc. as specified in paragraph (g) of this section.

(c) Copies of original records may be substituted for the original records if authorized by NASA.

(d) NASA shall request transfer of certain records to its custody from Recipients when it determines that the records possess long term retention value. However, in order to avoid duplicate record keeping, NASA may make arrangements for Recipients to retain any records that are continuously needed for joint use.

(e) NASA, the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records of Recipients that are pertinent to the awards, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to a Recipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this paragraph are not limited to the required retention period, but shall last as long as records are retained.

(f) Unless required by statute, NASA shall not place restrictions on Recipients that limit public access to the records of Recipients that are pertinent to an award, except when NASA can demonstrate that such records shall be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to NASA.

(g) Indirect cost rate proposals, cost allocations plans, etc. This paragraph applies to the following types of documents, and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(1) If submitted for negotiation. If the Recipient submits to NASA or the subrecipient submits to the Recipient the proposal, plan, or other computation to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts on the date of such submission.

(2) If not submitted for negotiation. If the Recipient is not required to submit to NASA or the subrecipient is not required to submit to the Recipient the proposal, plan, or other computation for negotiation purposes, then the 3-year retention period for the proposal, plan, or other computation and its supporting records starts at the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

Subpart G—Suspension and Termination

§ 1274.701 Suspension or termination.

A cooperative agreement provides both NASA and the Recipient the ability to terminate the agreement if it is in their best interests to do so. For example, NASA may terminate the agreement if the Recipient is not making anticipated technical progress, if the Recipient materially fails to comply with the terms of the agreement, if the Recipient materially changes the objective of the agreement, or if appropriated funds are not available to support the program. Similarly, the Recipient may terminate the agreement if, for example, technical progress is not being made, if the firms are shifting their technical emphasis, or if other technological advances have made the effort obsolete. NASA or the Recipient may also suspend the cooperative agreement for a short period of time if an assessment needs to be made as to whether the agreement should be terminated.

Subpart H—After-the-Award Requirements

§ 1274.801 Purpose.

Sections 1274.802 and 1274.803 contain closeout procedures and other procedures for subsequent disallowances and adjustments.

§ 1274.802 Closeout procedures.

(a) Recipients shall submit, within 90 calendar days after the date of completion of the cooperative agreement, all financial, performance, and other reports as required by the terms and conditions of the award. Extensions may be approved when requested by the Recipient.

(b) The Recipient shall account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with subpart D of this part.

§ 1274.803 Subsequent adjustments and continuing responsibilities.

The closeout of an award does not affect any of the following:

(a) Audit requirements in § 1274.932.

(b) Property management requirements in subpart D of this part.

(c) Records retention as required in § 1274.601.

Subpart I—Provisions and Special Conditions

§ 1274.901 Provisions and special conditions.

The provisions set forth in this subpart are to be incorporated in and made a part of all cooperative agreements. The provisions at §§ 1274.902 through 1274.909 and the provision at 1274.933 are to be incorporated in full text substantially as stated in this subpart. The provisions at §§ 1274.910 through 1274.932 and § 1274.934 will be incorporated by reference in an enclosure to each cooperative agreement. For inclusion of provisions in subcontracts, see subpart E, Procurement Standards, of this part.

§ 1274.902 Purpose.

Purpose (Date)

The purpose of this cooperative agreement is to conduct a shared resource project that will lead to _____. This cooperative agreement will advance the technology developments and research which have been performed on _____. The specific objective is to _____. This work will culminate in _____.

[End of provision]

§ 1274.903 Responsibilities.

Responsibilities (Date)

(a) This cooperative agreement will include substantial

NASA participation during performance of the effort. NASA and the Recipient agree to the following Responsibilities, a statement of cooperative interactions to occur during the performance of this effort. NASA and the Recipient shall exert all reasonable efforts to fulfill the responsibilities stated below.

(b) NASA Responsibilities. The following NASA responsibilities are hereby set forth with anticipated start and ending dates, as appropriate:

Responsibility *Start* *End*

(c) Recipient Responsibilities. The Recipient shall be responsible for particular aspects of project performance as set forth in the technical proposal dated _____, attached hereto (or Statement of Work dated _____, attached hereto.). The following responsibilities are hereby set forth with anticipated start and ending dates, as appropriate:

Responsibility *Start* *End*

(d) Since NASA contractors may obtain certain intellectual property rights arising from work for NASA in support of this agreement, NASA will inform Recipient whenever NASA intends to use NASA contractors to perform technical engineering services in support of this agreement.

[End of provision]

§ 1274.904 Resource sharing requirements.

Resource Sharing Requirements (Date)

(a) NASA and the Recipient will share in providing the resources necessary to perform the agreement. NASA funding and non-cash contributions (personnel, equipment, facilities, etc.) and the dollar value of the Recipient's cash and/or non-cash contribution will be on a ____ (NASA) ____ (Recipient) basis. Criteria and procedures for the allowability and allocability of cash and non-cash contributions shall be governed by Section 23, "Cost Sharing or Matching," of OMB Circular A–110. The "applicable federal cost principles" cited in OMB Circular A–110 shall be determined in accordance with 1274.919.

(d) The Recipient's share shall not be charged to the Government under this agreement or under any other contract, grant, or cooperative agreement, except to the extent that the Recipient's contribution may be allowable IR&D costs pursuant to 48 CFR (NFS) 1831.205–18.

[End of provision]

§ 1274.905 Rights in Data.

(As noted in § 1274.203(h)(1), the following provision assumes a substantially equal cost sharing relationship where collaborative research, experimental, developmental, engineering, demonstration, or design activities are to be carried out, such that it is likely that "proprietary" information will be developed and/or exchanged under the agreement. If cost sharing is unequal or no extensive research, experimental, developmental, engineering, demonstration, or design activities are likely, a different set of provisions may be appropriate.

The grant officer is expected to complete and/or select the appropriate bracketed language under the provision for those paragraphs dealing with data first produced under the cooperative agreement. In addition, the grant officer may, in consultation with the Center's Patent or Intellectual Property Counsel, tailor the provision to fit the particular circumstances of the program and/or the recipient's need to protect specific proprietary information.)

Rights in Data (Date)

(a) Definitions.

"Data," means recorded information, regardless of form, the media on which it may be recorded, or the method of recording. The term includes, but is not limited to, data of a scientific or technical nature, computer software and documentation thereof, and data comprising commercial and financial information.

(b) Data Categories.

(1) *General:* Data exchanged between NASA and Recipient under this cooperative agreement will be exchanged without restriction as to its disclosure, use or duplication except as otherwise provided below in this provision.

(2) *Background Data:* In the event it is necessary for Recipient to furnish NASA with Data which existed prior to, or produced outside of, this cooperative agreement, and such Data embodies trade secrets or comprises commercial or financial information which is privileged or confidential, and such Data is so identified with a suitable notice or legend, the Data will be maintained in confidence and disclosed and used by NASA and its contractors (under suitable protective conditions) only for the purpose of carrying out NASA's responsibilities under this cooperative agreement. Upon completion of activities under this agreement, such Data will be disposed of as requested by Recipient.

(3) *Data first produced by Recipient:* In the event Data first produced by Recipient in carrying out Recipient's responsibilities under this cooperative agreement is furnished to NASA, and Recipient considers such Data to embody trade secrets or to comprise commercial or financial information which is privileged or confidential, and such Data is so identified with a suitable notice or legend, the Data will be maintained in confidence for a period of [insert "two" to "five"] years after development of the data and be disclosed and used by ["NASA" or "the Government," as appropriate] and its contractors (under suitable protective conditions) only for [insert appropriate purpose; for example: experimental; evaluation; research; development, etc.] by or on behalf of ["NASA" or "the Government" as appropriate] during that period. In order that ["NASA" or the "Government", as appropriate] and its contractors may exercise the right to use such Data for the purposes designated above, NASA, upon request to the Recipient, shall have the right to review and request delivery of Data first produced by Recipient. Delivery shall be made within a time period specified by NASA.

(4) *Data first produced by NASA:* As to Data first produced by NASA in carrying out NASA's responsibilities under this cooperative agreement and which Data would embody trade secrets or would comprise commercial or financial information that is privileged or confidential if it had been obtained from the Recipient, will be marked with an appropriate legend and maintained in confidence for an agreed to period of up to ( ) years [INSERT A PERIOD UP TO 5 YEARS] after development of the information, with the express understanding that during the aforesaid period such Data may be disclosed and used (under suitable protective conditions) by or on behalf of the Government for Government purposes only, and thereafter for any purpose whatsoever without restriction on disclosure and use. Recipient agrees not to disclose such Data to any third party without NASA's written approval until the aforementioned restricted period expires.

(5) *Copyright.*

(i) In the event Data is exchanged with a notice indicating the Data is protected under copyright as a published copyrighted work, or are deposited for registration as a published work in the U.S. Copyright Office, the following paid-up licenses shall apply:

(A) If it is indicated on the Data that the Data existed prior to, or was produced outside of, this agreement, the receiving party and others acting on its behalf, may reproduce, distribute, and prepare derivative works for the purpose of carrying out the receiving party's responsibilities under this cooperative agreement; and

(B) If the furnished Data does not contain the indication of paragraph (b)(5)(i)(A) of this section, it will be assumed that the Data was first produced under this agreement, and the receiving party and others acting on its behalf, shall be granted a paid up, nonexclusive, irrevocable, world-wide license for all such Data to reproduce, distribute copies to the public, prepare derivative works, distribute copies to the public, and perform publicly and display publicly, by or on behalf of the receiving party. For Data that is computer software, the right to distribute shall be limited to potential users in the United States.

(ii) When claim is made to copyright, the Recipient shall affix the applicable copyright notice of 17 U.S.C. 401 or 402 and acknowledgment of Government sponsorship to the data when and if the data are delivered to the Government.

(6) *Oral and visual information.* If information which the Recipient considers to embody trade secrets or to comprise commercial or financial information which is privileged or confidential is disclosed orally or visually to NASA, such information must be reduced to tangible, recorded form (*i.e.*, converted into Data as defined herein), identified and marked with a suitable notice or legend, and furnished to NASA within 10 days after such oral or visual disclosure, or NASA shall have no duty to limit or restrict, and shall not incur any liability for, any disclosure and use of such information.

(7) *Disclaimer of Liability.* Notwithstanding the above, NASA shall not be restricted in, nor incur any liability for, the disclosure and use of:

(i) Data not identified with a suitable notice or legend as set in paragraph (b)(2) of this section; nor

(ii) Information contained in any Data for which disclosure and use is restricted under paragraphs (b)(2) or (3) of this section, if such information is or becomes generally known without breach of the above, is known to or is generated by NASA independently of carrying out responsibilities under this agreement, is rightfully received from a third party without restriction, or is included in data which Participant has, or is required to furnish to the U.S. Government without restriction on disclosure and use.

(c) *Marking of Data.* Any Data delivered under this cooperative agreement, by NASA or the Recipient, shall be marked with a suitable notice or legend indicating the data was generated under this cooperative agreement.

(d) *Lower Tier Agreements.* The Recipient shall include this provision, suitably modified to identify the parties, in all subcontracts or lower tier agreements, regardless of tier, for experimental, developmental, or research work.

[End of provision]

§ 1274.906 Designation of new technology representative and patent representative.

Designation of New Technology Representative and Patent Representative (Date)

(a) For purposes of administration of the clause of this cooperative agreement entitled "PATENT RIGHTS—RETENTION BY THE CONTRACTOR (LARGE BUSINESS)" or "PATENT RIGHTS—RETENTION BY THE CONTRACTOR (SMALL BUSINESS)" the following named representatives are hereby designated by the Grant Officer to administer such clause:

Title	Office code	Address
New Technology Representative		
Patent Representative		

(b) Reports of reportable items, and disclosure of subject inventions, interim reports, final reports, utilization reports, and other reports required by the clause, as well as any correspondence with respect to such matters, should be directed to the New Technology Representative unless transmitted in response to correspondence or request from the Patent Representative. Inquiries or requests regarding disposition of rights, election of rights, or related matters should be directed to the Patent Representative. This clause shall be included in any subcontract hereunder requiring "PATENT RIGHTS—RETENTION BY THE CONTRACTOR (LARGE BUSINESS)" clause or "PATENT RIGHTS—RETENTION BY THE CONTRACTOR (SMALL BUSINESS)" clause, unless otherwise authorized or directed by the Grant Officer. The respective responsibilities and authorities of the above-named representatives are set forth in 48 CFR (NFS) 1827.305–70.

[End of provision]

§ 1274.907 Disputes.

Disputes (Date)

(a) In the event that a disagreement arises, representatives of the parties shall enter into discussions in good faith and in a timely and cooperative manner to seek resolution. If these discussions do not result in a satisfactory solution, the aggrieved party may seek a decision from the Dispute Resolution Official under paragraph (b) of this provision. This request must be presented no more than (3) three months after the events giving rise to the disagreement have occurred.

(b) The aggrieved party may submit a written request for a decision to the _____ [Suggest this be the Center Ombudsman], who is designated as the Dispute Resolution Official. The written request shall include a statement of the relevant facts, a discussion of the unresolved issues, and a specification of the clarification, relief, or remedy sought.

A copy of this written request and all accompanying materials must be provided to the other party at the same time. The other party shall submit a written position on the matters in dispute within thirty (30) calendar days after receiving this notification that a decision has been requested. The Dispute Resolution Official shall conduct a review of the matters in dispute and render a decision in writing within thirty (30) calendar days of receipt of such written position.

[End of provision]

§ 1274.908 Milestone payments.

Milestone Payments (Date)

(a) By submission of the first invoice, the Recipient is certifying that it has an established accounting system which complies with generally accepted accounting principles, with the requirements of this agreement, and that appropriate arrangements have been made for receiving, distributing, and accounting for Federal funds received under this agreement.

(b) Payments will be made upon the following milestones: [The schedule for payments may be based upon the Recipient's completion of specific tasks, submission of specified reports, or whatever is appropriate.]

Date Payment Milestone Amount

(c) Upon submission by the Recipient of invoices in accordance with the provisions of the agreement and upon certification by NASA of completion of the payable milestone, the grant officer shall authorize payment.

(d) A payment milestone may be successfully completed in advance of the date appearing in paragraph (b) of this section. However, payment shall not be made prior to that date without the written consent of the Grant Officer.

(e) The Recipient is not entitled to partial payment for partial completion of a payment milestone.

(f) Unless approved by the grant officer, all preceding payment milestones must be completed before payment can be made for the next payment milestone.

(g) Invoices hereunder shall be submitted in the original and five copies to the Grant Officer for certification.

[End of provision]

§ 1274.909 Term of this agreement.

Term of this Agreement (Date)

The agreement commences on the effective date indicated on the attached cover sheet and continues until the expiration date indicated on the attached cover sheet unless terminated by either party. If all resources are expended prior to the expiration date of the agreement, the parties have no obligation to continue performance and may elect to cease at that point. The parties may extend the expiration date if additional time is required to complete the milestones at no increase in Government resources. Provisions of this Agreement, which, by their express terms or by necessary implication, apply for periods of time other than that specified as the agreement term, shall be given effect, notwithstanding expiration of the term of the agreement.

[End of provision]

§ 1274.910 Authority.

Authority (Date)

This is a cooperative agreement as defined in 31 U.S.C. 6305 (the Chiles Act) and is entered into pursuant to the authority of 42 U.S.C. 2451, *et seq.* (the Space Act).

[End of provision]

§ 1274.911 Patent rights.

Patent Rights (Date)

(a) Definitions.

(1) "Administrator" means the Administrator or Deputy Administrator of NASA.

(2) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(3) "Made" when used in relation to any invention means the conception or first actual reduction to practice such invention.

(4) "Nonprofit organization" means a domestic university or other institution of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)), or any domestic nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

(5) "Practical application" means to manufacture, in the case of a composition or product; to practice, in the case of a process or method; or to operate, in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(6) "Recipient" means:

(i) the signatory Recipient party or parties or;

(ii) the Consortium, where a Consortium has been formed for carrying out Recipient responsibilities under this agreement.

(7) "Small Business Firm" means a domestic small business concern as defined at 15 U.S.C. 632 and implementing regulations (see 13 CFR 121.401 through 121.413) of the Administrator of the Small Business Administration.

(8) "Subject Invention" means any invention of a Recipient and/or Government employee conceived or first actually reduced to practice in the performance of work under this Agreement.

(b) Allocation of Principal Rights.

(1) Recipient Inventions. For other than Small Business Firm or Nonprofit organization Recipients, the "PATENT RIGHTS—RETENTION BY RECIPIENT (LARGE BUSINESS)" provision applies. For Small Business Firm and Nonprofit organization Recipients, the "PATENT RIGHTS—RETENTION BY RECIPIENT (SMALL BUSINESS)" provision applies.

(2) NASA Inventions. NASA will use reasonable efforts to report inventions made by NASA employees as a consequence of, or which bear a direct relation to, the performance of specified NASA activities under this cooperative agreement and, upon timely request, NASA will use its best efforts to grant the Recipient or designated Consortium Member (if applicable) the first option to acquire either an exclusive or partially exclusive, revocable, royalty-bearing license, on terms to be subsequently negotiated, for any patent applications and patents covering such inventions, and subject to the license reserved in paragraph (b)(5)(i) of this section. Upon application in compliance with 37 CFR part 404—Licensing of Government Owned Inventions, the Recipient or each Consortium Member (if applicable), shall be granted a revocable, nonexclusive, royalty-free license in each patent application filed in any country on a subject invention and any resulting patent in which the Government acquires title. Each nonexclusive license may extend to subsidiaries and affiliates, if any, within the corporate structure of the licensee and includes the right to grant sublicenses of the same scope to the extent the licensee was legally obligated to do so at the time the cooperative agreement was signed.

(3) NASA Contractor Inventions. In the event NASA contractors are tasked to perform work in support of specified NASA activities under this cooperative agreement and inventions are made by contractor employees, the recipient will normally retain title to its employee inventions in accordance with 35 U.S.C. 202, 14 CFR part 1245, and Executive Order 12591. In the event the recipient decides not to pursue right to title in any such invention and NASA obtains title to such inventions, NASA will use reasonable efforts to report such inventions and, upon timely request, NASA will use its best efforts to grant the Recipient or designated Consortium Member (if applicable) the first option to acquire either an exclusive or partially exclusive, revocable, royalty-bearing license, upon terms to be subsequently negotiated, for any patent applications and patents covering such inventions, and subject to the license reserved in paragraph (b)(5)(ii) of this section. Upon application in compliance with 37 CFR part 404—Licensing of Government Owned Inventions, the Recipient or each Consortium Member (if applicable), shall be granted a revocable, nonexclusive, royalty-free license in each patent application filed in any country on a subject invention and any resulting patent in which the Government acquires title. Each nonexclusive license may extend to subsidiaries and affiliates, if any, within the corporate structure of the licensee and includes the right to grant sublicenses of the same scope to the extent the licensee was legally obligated to do so at the time the cooperative agreement was signed.

(4) Joint NASA and Recipient Inventions. NASA and Recipient agree to use reasonable efforts to identify and report to each other any inventions made jointly between NASA employees (or employees of NASA contractors) and employees of Recipient.

(i) For other than small business firms and nonprofit organizations the Administrator may agree that the United States will refrain from exercising its undivided interest in a manner inconsistent with Recipient's commercial interest and to cooperate with Recipient in obtaining patent protection on its undivided interest on any waived inventions subject, however, to the condition that Recipient makes its best efforts to bring the invention to the point of practical application at the earliest practicable time. In the event that the Administrator determines that such efforts are not undertaken, the Administrator may void NASA's agreement to refrain from exercising its undivided interest and grant licenses for the practice of the invention so as to further its development. In the event that the Administrator decides to void NASA's agreement to refrain from exercising its undivided interest and grant licenses for this reason, notice shall be given to the Inventions and Contributions Board as to why such action should not be taken. Either alternative will be subject to the applicable license or licenses reserved in paragraph (b)(5) of this section.

(ii) For small business firms and nonprofit organization, NASA may assign or transfer whatever rights it may acquire in a subject invention from its employee to the Recipient as authorized by 35 U.S.C. 202(e).

(5) Minimum rights reserved by the Government. Any license or assignment granted Recipient pursuant to paragraphs (b)(2), (3), or (4) of this section will be subject to the reservation of the following licenses:

(i) As to inventions made solely or jointly by NASA employees, the irrevocable, royalty-free right of the Government of the United States to practice and have practiced the invention by or on behalf of the United States; and

(ii) As to inventions made solely by, or jointly with, employees of NASA contractors, the rights in the Government of the United States as set forth in paragraph (b)(5)(i) of this section, as well as the revocable, nonexclusive, royalty-free license in the contractor as set forth in 14 CFR 1245.108.

(6) Preference for United States manufacture. The Recipient agrees that any products embodying subject inventions or produced through the use of subject inventions shall be manufactured substantially in the United States. However, in individual cases, the requirement to manufacture substantially in the United States may be waived by the Associate Administrator for Procurement (Code HS) with the concurrence of the Associate General Counsel for Intellectual Property upon a showing by the Recipient that under the circumstances domestic manufacture is not commercially feasible.

(7) Work performed by the Recipient under this cooperative agreement is considered undertaken to carry out a public purpose of support and/or stimulation rather than for acquiring property or services for the direct benefit or use of the Government. Accordingly, such work by the Recipient is not considered "by or for the United States" and the Government assumes no liability for infringement by the Recipient under 28 U.S.C. 1498.

[End of provision]

§ 1274.912 Patent rights—retention by the Recipient (large business).

Patent Rights—Retention by the Recipient (Large Business) (Date)

(a) *Definitions.*

(1) *Administrator,* as used in this clause, means the Administrator of the National Aeronautics and Space Administration (NASA) or duly authorized representative.

(2) *Invention,* as used in this clause, means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(3) *Made,* as used in relation to any invention, means the conception or first actual reduction to practice such invention.

(4) *Nonprofit organization,* as used in this clause, means a domestic university or other institution of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)), or any domestic nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

(5) *Practical application,* as used in this clause, means to manufacture, in the case of a composition or product; to practice, in the case of a process or method; or to operate, in case of a machine or system; and, in each, case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(6) *Reportable item,* as used in this clause, means any invention, discovery, improvement, or innovation of the Recipient, whether or not the same is or may be patentable or otherwise protectable under Title 35 of the United States Code, conceived or first actually reduced to practice in the performance of any work under this contract or in the performance of any work that is reimbursable under any clause in this contract providing for reimbursement of costs incurred prior to the effective date of this contract.

(7) *Small business firm,* as used in this clause, means a domestic small business concern as defined at 15 U.S.C. 632 and implementing regulations (see 13 CFR 121.401 through 121. 413) of the Administrator of the Small Business Administration.

(8) *Subject invention,* as used in this clause, means any reportable item which is or may be patentable or otherwise protectable under Title 35 of the United States Code, or any novel variety of plant that is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321, *et seq*).

(b) Allocation of principal rights.

(1) Presumption of title.

(i) Any reportable item that the Administrator considers to be a subject invention shall be presumed to have been made in the manner specified in paragraph (1) or (2) of Section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)) (hereinafter called "the Act"), and the above presumption shall be conclusive unless at the time of reporting the reportable item the Recipient submits to the Grant Officer a written statement, containing supporting details, demonstrating that the reportable item was not made in the manner specified in paragraph (1) or (2) of Section 305(a) of the Act.

(ii) Regardless of whether title to a given subject invention would otherwise be subject to an advance waiver or is the subject of a petition for waiver, the Recipient may nevertheless file the statement described in paragraph (b)(1)(i) of this section. The Administrator will review the information furnished by the Recipient in any such statement and any other available information relating to the circumstances surrounding the making of the subject invention and will notify the Recipient whether the Administrator has determined that the subject invention was made in the manner specified in paragraph (1) or (2) of Section 305(a) of the Act.

(2) Property rights in subject inventions. Each subject invention for which the presumption of paragraph (b)(1)(i) of this section is conclusive or for which there has been a determination that it was made in the manner specified in paragraph (1) or (2) of Section 305(a) of the Act shall be the exclusive property of the United States as represented by NASA unless the Administrator waives all or any part of the rights of the United States, as provided in paragraph (b)(3) of this section.

(3) Waiver of rights.

(i) Section 305(f) of the Act provides for the promulgation of regulations by which the Administrator may waive the rights of the United States with respect to any invention or class of inventions made or that may be made under conditions specified in paragraph (1) or (2) of Section 305(a) of the Act. The promulgated NASA Patent Waiver Regulations, 14 CFR part 1245, subpart 1, have adopted the Presidential memorandum on Government Patent Policy of February 18, 1983, as a guide in acting on petitions (requests) for such waiver of rights.

(ii) As provided in 14 CFR part 1245, Subpart 1, Recipients may petition, either prior to execution of the Agreement or within 30 days after execution of the Agreement, for advance waiver of rights to any or all of the inventions that may be made under an Agreement. If such a petition is not submitted, or if after submission it is denied, the Recipient (or an employee inventor of the Recipient may petition for waiver of rights to an identified subject invention within eight months of first disclosure of invention in accordance with paragraph (e)(2) of this section or within such longer period as may be authorized in accordance with 14 CFR 1245.105. Further procedures are provided in the REQUESTS FOR WAIVER OF RIGHTS—LARGE BUSINESS provision.

(c) Minimum rights reserved by the Government.

(1) With respect to each Recipient subject invention for which a waiver of rights is applicable in accordance with 14 CFR part 1245, subpart 1, the Government reserves—

(i) An irrevocable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government in accordance with any treaty or agreement with the United States; and

(ii) Such other rights as stated in 14 CFR 1245.107.

(2) Nothing contained in this paragraph shall be considered to grant to the Government any rights with respect to any invention other than a subject invention.

(d) *Minimum rights to the Recipient.*

(1) The Recipient is hereby granted a revocable, nonexclusive, royalty-free license in each patent application filed in any country on a Recipient subject invention and any resulting patent in which the Government acquires title, unless the Recipient fails to disclose the subject invention within the times specified in paragraph (e)(2) of this section. The Recipient's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the Recipient is a party and includes the right to grant sublicenses of the same scope to the extent the Recipient was legally obligated to do so at the time the contract was awarded. The license is transferable only with the approval of the Administrator except when transferred to the successor of that part of the Recipient's business to which the invention pertains.

(2) The Recipient's domestic license may be revoked or modified by the Administrator to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with 14 CFR part 1245, subpart 2, Licensing of NASA Inventions. This license will not be revoked in that field of use or the geographical areas in which the Recipient has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the Administrator to the extent the Recipient, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, the Recipient will be provided a written notice of the Administrator's intention to revoke or modify the license, and the Recipient will be allowed 30 days (or such other time as may be authorized by the Administrator for good cause shown by the Recipient) after the notice to show cause why the license should not be revoked or modified. The Recipient has the right to appeal, in accordance with 14 CFR 1245.211, any decision concerning the revocation or modification of its license.

(e) Invention identification, disclosures, and reports.

(1) The Recipient shall establish and maintain active and effective procedures to assure that reportable items are promptly identified and disclosed to Recipient personnel responsible for the administration of this clause within six months of conception and/or first actual reduction to practice, whichever occurs first in the performance of work under this contract. These procedures shall include the maintenance of laboratory notebooks or equivalent records and other records as are

reasonably necessary to document the conception and/or the first actual reduction to practice of the reportable items, and records that show that the procedures for identifying and disclosing reportable items are followed. Upon request, the Recipient shall furnish the Grant Officer a description of such procedures for evaluation and for determination as to their effectiveness.

(2) The Recipient will disclose each reportable item to the Grant Officer within two months after the inventor discloses it in writing to Recipient personnel responsible for the administration of this clause or, if earlier, within six months after the Recipient becomes aware that a reportable item has been made, but in any event for subject inventions before any on sale, public use, or publication of such invention known to the Recipient. The disclosure to the agency shall be in the form of a written report and shall identify the Agreement under which the reportable item was made and the inventor(s) or innovator(s). It shall be sufficiently complete in technical detail to convey a clear understanding, to the extent known at the time of the disclosure, of the nature, purpose, operation, and physical, chemical, biological, or electrical characteristics of the reportable item. The disclosure shall also identify any publication, on sale, or public use of any subject invention and whether a manuscript describing such invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to the agency, the Recipient will promptly notify the agency of the acceptance of any manuscript describing a subject invention for publication or of any on sale or public use planned by the Recipient for such invention.

(3) The Recipient shall furnish the Grant Officer the following:

(i) Interim reports every 12 months (or such longer period as may be specified by the Grant Officer) from the date of the Agreement, listing reportable items during that period, and certifying that all reportable items have been disclosed (or that there are no such inventions) and that the procedures required by paragraph (e)(1) of this section have been followed.

(ii) A final report, within three months after completion of the work, listing all reportable items or certifying that there were no such reportable items, and listing all subcontracts at any tier containing a patent rights clause or certifying that there were no such subcontracts.

(4) The Recipient agrees, upon written request of the Grant Officer, to furnish additional technical and other information available to the Recipient as is necessary for the preparation of a patent application on a subject invention and for the prosecution of the patent application, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions.

(5) The Recipient agrees, subject to 48 CFR (FAR) 27.302(j), that the Government may duplicate and disclose subject invention disclosures and all other reports and papers furnished or required to be furnished pursuant to this clause.

(f) Examination of records relating to inventions.

(1) The Grant Officer or any authorized representative shall, pursuant to the Retention and Examination of Records provision of this cooperative agreement, have the right to examine any books (including laboratory notebooks), records, and documents of the Recipient relating to the conception or first actual reduction to practice of inventions in the same field of technology as the work under this contract to determine whether—

(i) Any such inventions are subject inventions;

(ii) The Recipient has established and maintained the procedures required by paragraph (e)(1) of this section; and

(iii) The Recipient and its inventors have complied with the procedures.

(2) If the Grant Officer learns of an unreported Recipient invention that the Grant Officer believes may be a subject inventions, the Recipient may be required to disclose the invention to the agency for a determination of ownership rights.

(3) Any examination of records under this paragraph will be subject to appropriate conditions to protect the confidentiality of the information involved.

(g) Subcontracts.

(1) Unless otherwise authorized or directed by the Grant Officer, the Recipient shall—

(i) Include this Clause Patent Rights—Retention by the Recipient—(Large Business) (suitably modified to identify the parties) in any subcontract hereunder (regardless of tier) with other than a small business firm or nonprofit organization for the performance of experimental, developmental, or research work; and

(ii) Include the clause Patent Right—Retention by the Recipient—(Small Business) (suitably modified to identify the parties) in any subcontract hereunder (regardless of tier) with a small business firm or nonprofit organization for the performance of experimental, developmental, or research work.

(2) In the event of a refusal by a prospective subcontractor to accept such a clause the Recipient—

(i) Shall promptly submit a written notice to the Grant Officer setting forth the subcontractor's reasons for such refusal and other pertinent information that may expedite disposition of the matter; and

(ii) Shall not proceed with such subcontract without the written authorization of the Grant Officer.

(3) The Recipient shall promptly notify the Grant Officer in writing upon the award of any subcontract at any tier containing a patent rights clause by identifying the subcontractor, the applicable patent rights clause, the work to be performed under the subcontract, and the dates of award and estimated completion. Upon request of the Grant Officer, the Recipient shall furnish a copy of such subcontract, and, no more frequently than annually, a listing of the subcontracts that have been awarded.

(4) The subcontractor will retain all rights provided for the Recipient in the clause of paragraph (g)(1)(i) or (1)(ii) of this section, whichever is included in the subcontract, and the Recipient will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(5) Notwithstanding paragraph (g)(4) of this section, and in recognition of the contractor's substantial contribution of funds, facilities and/or equipment to the work performed under this cooperative agreement, the Recipient is authorized, subject to the rights of NASA set forth elsewhere in this clause, to:

(i) Acquire by negotiation and mutual agreement rights to a subcontractor's subject inventions as the Recipient may deem necessary to obtaining and maintaining of such private support; and

(ii) Request, in the event of inability to reach agreement pursuant to paragraph (g)(5)(i) of this section, that NASA invoke exceptional circumstances as necessary pursuant to 37 CFR 401.3(a)(2) if the prospective subcontractor is a small business firm or organization, or for all other organizations, request that such rights for the Recipient be included as an additional reservation in a waiver granted pursuant to 14 CFR part 1245, subpart 1. Any such requests to NASA should be prepared in consideration of the following guidance and submitted to the contract officer.

(A) *Exceptional circumstances:* A request that NASA make an "exceptional circumstances" determination pursuant to 37 CFR 401.3(a)(2) must state the scope of rights sought by the Recipient pursuant to such determination; identify the proposed subcontractor and the work to be performed under the subcontract; and state the need for the determination.

(B) *Waiver petition:* The subcontractor should be advised that unless it requests a waiver of title pursuant to the NASA Patent Waiver Regulations (14 CFR part 1245, subpart 1), NASA will acquire title to the subject invention (42 U.S.C. 2457, as amended, Sec. 305). If a waiver is not requested or granted, the Recipient may request a license from NASA (see licensing of NASA inventions, 14 CFR part 1245, subpart 2). A subcontractor requesting a waiver must follow the procedures set forth in the attached clause REQUESTS FOR WAIVER OF RIGHTS—LARGE BUSINESS.

(h) Preference for United States manufacture. The Recipient agrees that any products embodying subject inventions or produced through the use of subject inventions shall be manufactured substantially in the United States. However, in individual cases, the requirement to manufacture substantially in the United States may be waived by the Associate Administrator for Procurement (Code HS) with the concurrence of the Associate General Counsel for Intellectual Property upon a showing by the Recipient that under the circumstances domestic manufacture is not commercially feasible.

(i) March-in rights. The Recipient agrees that, with respect to any subject invention in which it has acquired title, NASA has the right in accordance with the procedures in 37 CFR 401.6 and any supplemental regulations of the agency to require the Recipient, an assignee or exclusive licensee of a subject

invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Subcontractor, assignee, or exclusive licensee refuses such a request NASA has the right to grant such a license itself if the Federal agency determines that—

(1) Such action is necessary because the Recipient or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use;

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Recipient, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the Recipient, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph (i) of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

[End of provision]

§ 1274.913 Patent rights—retention by the Recipient (small business).

Patent Rights—Retention by the Recipient (Small Business) (Date)

(a) Definitions.

(1) "Invention," as used in this clause, means any invention or discovery which is or may be patentable or otherwise protectable under title 35 of the U.S.C.

(2) "Made," as used in this clause, when used in relation to any invention means the conception or first actual reduction to practice such invention.

(3) "Nonprofit organization," as used in this clause, means a university or other institution of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

(4) "Practical application," as used in this clause, means to manufacture, in the case of a composition of product; to practice, in the case of a process or method, or to operate, in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(5) "Small business firm," as used in this clause, means a small business concern as defined at Section 2 of Public Law 85–536 (15 U.S.C. 632) and implementing regulations (see 13 CFR 121.401 through 121.413 of the Administrator of the Small Business Administration.

(6) "Subject invention," as used in this clause, means any invention of the Subcontractor conceived or first actually reduced to practice in the performance of work under this Agreement.

(b) Allocation of principal rights. The Recipient may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any subject invention in which the Recipient retains title, the Federal Government shall have a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.

(c) Invention disclosure, election of title, and filing of patent application by Recipient.

(1) The Recipient will disclose each subject invention to NASA within two months after the inventor discloses it in writing to Recipient personnel responsible for patent matters. The disclosure to the agency shall be in the form of a written report and shall identify the contract under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to the agency, the Recipient will promptly notify the agency of the acceptance of any manuscript describing the invention for publication or of any sale or public use planned by the Recipient.

(2) The Recipient will elect in writing whether or not to retain title to any such invention by notifying NASA within two years of disclosure to the Federal agency. However, in any case where publication, on sale or public use has initiated the one-year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by the agency to a date that is no more than 60 days prior to the end of the statutory period.

(3) The Recipient will file its initial patent application on a subject invention to which it elects to retain title within one year after election of title or, if earlier, prior to the end of any statutory period wherein valid patent protection can be obtained in the United States after a publication, on sale, or public use. The Recipient will file patent applications in additional countries or international patent offices within either 10 months of the corresponding initial patent application of six months from the date permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure election, and filing under paragraphs (c)(1), (2), and (3) of this section may, at the discretion of the agency, be granted.

(d) Conditions when the Government may obtain title. The Recipient will convey to NASA, upon written request, title to any subject invention—

(1) If the Recipient fails to disclose or elect title to the subject invention within the times specified in paragraph (c) of this section, or elects not to retain title; provided, that the agency may only request title within 60 days after learning of the failure of the Recipient to disclose or elect within the specified times.

(2) In those countries in which the Recipient fails to file patent applications within the times specified in paragraph (c) of this section; provided, however, that if the Recipient has filed a patent application in a country after the times specified in paragraph (c) of this section, but prior to its receipt of the written request of the Federal agency, the Recipient shall continue to retain title in that country.

(3) In any country in which the Recipient decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in reexamination or opposition proceeding on, a patent on a subject invention.

(e) Minimum rights to Recipient and protection of the Recipient right to file.

(1) The Recipient will retain a nonexclusive, royalty-free license throughout the world in each subject invention to which the Government obtains title, except if the Recipient fails to disclose the invention within the times specified in paragraph (c) of this section. The Recipient's license extends to its domestic subsidiary and affiliates, if any, within the corporate structure of which the Recipient is a party and includes the right to grant sublicenses of the same scope to the extent the Recipient was legally obligated to do so at the time the agreement was awarded. The license is transferable only with the approval of NASA, except when transferred to the successor of that part of the Recipient's business to which the invention pertains.

(2) The Contractor's domestic license may be revoked or modified by NASA to the extent necessary to achieve expeditious practical application of subject invention pursuant to an application for an exclusive license submitted in accordance with applicable provisions at 37 CFR part 404 and agency licensing regulations (if any). This license will not be revoked in that field of use or the geographical areas in which the Subcontractor has achieved practical application and continues to make the benefits of the invention reasonable accessible to the public. The license in any foreign country may be revoked or modified at the discretion of NASA to the extent the Subcontractor, its licensees, or the domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, NASA will furnish the Recipient a written notice of its intention to revoke or modify the license, and the Recipient will be allowed 30 days (or such other time as may be authorized by NASA for good cause shown by the Recipient) after the notice to show cause why the license should not be revoked or modified. The Recipient has the right to appeal, in accordance with applicable regulations in 37 CFR part 404.

concerning the licensing of Government-owned inventions, any decision concerning the revocation or modification of the license.

(f) Recipient action to protect the Government's interest.

(1) The Recipient agrees to execute or to have executed and promptly deliver to NASA all instruments necessary to:

(i) establish or confirm the rights the Government has throughout the world in those subject inventions to which the Subcontractor elects to retain title, and,

(ii) convey title to the Federal agency when requested under paragraph (d) of this section and to enable the Government to obtain patent protection throughout the world in that subject invention.

(2) The Recipient agrees to require, by written agreement, its employees, other than clerical and nontechnical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Recipient each subject invention made under contract in order that the Recipient can comply with the disclosure provisions of paragraph (c) of this section, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions. This disclosure format should require, as a minimum, the information required by paragraph (c)(1) of this section. The Recipient shall instruct such employees, through employee agreements or other suitable educational programs, on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The Recipient will notify NASA of any decisions not to continue the prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than 30 days before the expiration of the response period required by the relevant patent office.

(4) The Recipient agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a subject invention the following statement, "This invention was made with Government support under (identify the agreement) awarded by NASA. The Government has certain rights in the invention."

(5) The Recipient shall provide the Grant Officer the following:

(i) A listing every 12 months (or such longer period as the Grant Officer may specify) from the date of the Agreement, of all subject inventions required to be disclosed during the period.

(ii) A final report prior to closeout of the Agreement listing all subject inventions or certifying that there were none.

(iii) Upon request, the filing date, serial number, and title, a copy of the patent application, and patent number and issue date for any subject invention in any country in which the Recipient has applied for patents.

(iv) An irrevocable power to inspect and make copies of the patent application file, by the Government, when a Federal Government employee is a co-inventor.

(g) Subcontracts.

(1) Unless otherwise authorized or directed by the Grant Officer, the Recipient shall—

(i) Include this clause (Patent Rights—Retention by the Recipient (Small Business)), suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental, or research work to be performed by a small business firm or domestic nonprofit organization; and

(ii) Include in all other subcontracts, regardless of tier, for experimental, developmental, or research work the patent rights clause (Patent Rights—Retention by the Recipient (Large Business).

(2) In the event of a refusal by a prospective subcontractor to accept such a clause the Recipient—

(i) Shall promptly submit a written notice to the Grant Officer setting forth the subcontractor's reasons for such refusal and other pertinent information that may expedite disposition of the matter; and

(ii) Shall not proceed with such subcontract without the written authorization of the Grant Officer.

(3) The Recipient shall promptly notify the Grant Officer in writing upon the award of any subcontract at any tier containing a patent rights clause by identifying the subcontractor, the applicable patent rights clause, the work to be performed under the subcontract, and the dates of award and estimated completion. Upon request of the Grant Officer, the Recipient shall furnish a copy of such subcontract, and, no more frequently than annually, a listing of the subcontracts that have been awarded.

(4) The subcontractor will retain all rights provided for the Recipient in the clause under paragraph (g)(1)(i) or (ii) of this section, whichever is included in the subcontract, and the Recipient will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(5) Notwithstanding paragraph (g)(4) of this section, and in recognition of the contractor's substantial contribution of funds, facilities and/or equipment to the work performed under this cooperative agreement, the Recipient is authorized, subject to the rights of NASA set forth elsewhere in this clause, to—

(i) Acquire by negotiation and mutual agreement rights to a subcontractor's subject inventions as the Recipient may deem necessary to obtaining and maintaining of such private support; and

(ii) Request, in the event of inability to reach agreement pursuant to paragraph (g)(5)(i) of this section that NASA invoke exceptional circumstances as necessary pursuant to 37 CFR 401.3(a)(2) if the prospective subcontractor is a small business firm or organization, or for all other organizations, request that such rights for the Recipient be included as an additional reservation in a waiver granted pursuant to 14 CFR part 1245, subpart 1. Any such requests to NASA should be prepared in consideration of the following guidance and submitted to the contract officer.

(A) *Exceptional circumstances:* A request that NASA make an "exceptional circumstances" determination pursuant to 37 CFR 401.3(a)(2) must state the scope of rights sought by the Recipient pursuant to such determination; identify the proposed subcontractor and the work to be performed under the subcontract; and state the need for the determination.

(B) *Waiver petition:* The subcontractor should be advised that unless it requests a waiver of title pursuant to the NASA Patent Waiver Regulations (14 CFR part 1245, subpart 1), NASA will acquire title to the subject invention (42 U.S.C. 2457, as amended, Sec. 305). If a waiver is not requested or granted, the Recipient may request a license from NASA (see licensing of NASA inventions, 14 CFR part 1245, subpart 2). A subcontractor requesting a waiver must follow the procedures set forth in the REQUESTS FOR WAIVER OF RIGHTS—LARGE BUSINESS provision.

(h) Reporting on utilization of subject inventions. The Recipient agrees to submit, on request, periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the Recipient or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Recipient, and such other data and information as the agency may reasonably specify. The Recipient also agrees to provide additional reports as may be requested by the agency in connection with any march-in proceeding under-taken by the agency in accordance with paragraph (i) of this section. As required by 35 U.S.C. 202(c)(5), the agency agrees it will not disclose such information to persons outside the Government without permission of the Recipient.

(i) Preference for United States manufacture. The Recipient agrees that any products embodying subject inventions or produced through the use of subject inventions shall be manufactured substantially in the United States. However, in individual cases, the requirement to manufacture substantially in the United States may be waived by the Associate Administrator for Procurement (Code HS) with the concurrence of the Associate General Counsel for Intellectual Property upon a showing by the Recipient that under the circumstances domestic manufacture is not commercially feasible.

(j) March-in rights. The Recipient agrees that, with respect to any subject invention in which it has acquired title, NASA has the right in accordance with the procedures in 37 CFR 401.6 and any supplemental regulations of the agency to require the Recipient, an assignee or exclusive licensee of a subject invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Subcontractor, assignee, or exclusive licensee refuses such a request NASA has the right to grant such a license itself if the Federal agency determines that—

(1) Such action is necessary because the Recipient or assignee has not taken, or is not expected to take within a reasonable time,

effective steps to achieve practical application of the subject invention in such field of use;

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Recipient, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the Recipient, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph (i) of this section has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

(k) Special provisions for Agreements with nonprofit organizations. If the Recipient is a nonprofit organization, it agrees that—

(1) Rights to a subject invention in the United States may not be assigned without the approval of NASA, except where such assignment is made to an organization which has one of its primary functions the management of inventions; *provided*, that such assignee will be subject to the same provisions as the Recipient;

(2) The Recipient will share royalties collected on a subject invention with the inventor, including Federal employee co-inventors (when NASA deems it appropriate) when the subject invention is assigned in accordance with 35 U.S.C. 202(e) and 37 CFR 401.10;

(3) The balance of any royalties or income earned by the Recipient with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions will be utilized for the support of scientific research or education; and

(4) It will make efforts that are reasonable under the circumstances to attract licensees of subject inventions that are small business firms, and that it will give a preference to a small business firm when licensing a subject invention if the Recipient determines that the small business firm has a plan or proposal for marketing the invention which, if executed, is equally as likely to bring the invention to practical application as any plans or proposals from applicants that are not small business firms; *provided* that the Recipient is also satisfied that the small business firm has the capability and resources to carry out its plan or proposal. The decision whether to give a preference in any specific case will be at the discretion of the Recipient. However, the Recipient agrees that the Secretary of Commerce may review the Contractor's licensing program and decisions regarding small business applicants, and the Recipient will negotiate changes to its licensing policies, procedures, or practices with the Secretary of Commerce when the Secretary's review discloses that the Recipient could take reasonable steps to more effectively implement the requirements of this paragraph.

(l) A copy of all submissions or requests required by this clause, plus a copy of any reports, manuscripts, publications, or similar material bearing on patent matters, shall be sent to the installation Patent Counsel in addition to any other submission requirements in the cooperative agreement. If any reports contain information describing a "subject invention" for which the Recipient has elected or may elect title, NASA will use reasonable efforts to delay public release by NASA or publication by NASA in a NASA technical series, in order for a patent application to be filed, provided that the Recipient identify the information and the "subject invention" to which it relates at the time of submittal. If required by the Grant Officer, the Recipient shall provide the filing date, serial number and title, a copy of the patent application, and a patent number and issue date for any "subject invention" in any country in which the Recipient has applied for patents.

[End of provision]

§ 1274.914 Requests for waiver of rights—large business.

Requests for Waiver of Rights—Large Business (Date)

(a) In accordance with the NASA Patent Waiver Regulations, 14 CFR part 1245, subpart 1, waiver of rights to any or all inventions made or that may be made under a NASA agreement, contract or subcontract with other than a small business firm or a domestic nonprofit organization may be requested at different time periods. Advance waiver of rights to any or all inventions that may be made under a contract or subcontract may be requested prior to the execution of the agreement, contract or subcontract, or within 30 days after execution by the selected Recipient. In addition, waiver of rights to an identified invention made and reported under an agreement, contract or subcontract may be requested, even though a request for an advance waiver was not made or, if made, was not granted.

(b) Each request for waiver of rights shall be by petition to the Administrator and shall include an identification of the petitioner; place of business and address; if petitioner is represented by counsel, the name, address, and telephone number of the counsel; the signature of the petitioner or authorized representative; and the date of signature. No specific forms need be used, but the request should contain a positive statement that waiver of rights is being requested under the NASA Patent Waiver Regulations; a clear indication of whether the request is for an advance waiver or for a waiver of rights for an individual identified invention; whether foreign rights are also requested and, if so, the countries, and a citation of the specific section or sections of the regulations under which such rights are requested; and the name, address, and telephone number of the party with whom to communicate when the request is acted upon. Requests for advance waiver of rights should, preferably, be included with the proposal, but in any event in advance of negotiations.

(c) Petitions for advance waiver, prior to agreement execution, must be submitted to the Grant Officer. All other petitions will be submitted to the Patent Representative designated in the contract.

(d) Petitions submitted with proposals selected for negotiation of an agreement will be forwarded by the Grant Officer to the installation Patent Counsel for processing and then to the Inventions and Contributions Board. The Board will consider these petitions and where the Board makes the findings to support the waiver, the Board will recommend to the Administrator that waiver be granted, and will notify the petitioner and the Grant Officer of the Administrator's determination. The Grant Officer will be informed by the Board whenever there is insufficient time or information or other reasons to permit a decision to be made without unduly delaying the execution of the agreement. In the latter event, the petitioner will be so notified by the Grant Officer. All other petitions will be processed by installation Patent Counsel and forwarded to the Board. The Board shall notify the petitioner of its action and if waiver is granted, the conditions, reservations, and obligations thereof will be included in the Instrument of Waiver. Whenever the Board notifies a petitioner of a recommendation adverse to, or different from, the waiver requested, the petitioner may request reconsideration under procedures set forth in the Regulations.

[End of provision]

§ 1274.915 Restrictions on sale or transfer of technology to foreign firms or institutions.

Restrictions on Sale or Transfer of Technology to Foreign Firms or Institutions (Date)

(a) The parties agree that access to technology developments under this Agreement by foreign firms or institutions must be carefully controlled. For purposes of this clause, a transfer includes a sale of the company, or sales or licensing of the technology. Transfers do not include—

(1) Sales of products or components;

(2) Licenses of software or documentation related to sales of products or components; or

(3) Transfers to foreign subsidiaries of the Recipient for purposes related to this Agreement.

(b) The Recipient shall provide timely notice to the Grant Officer in writing of any proposed transfer of technology developed under this Agreement. If NASA determines that the transfer may have adverse consequences to the national security interests of the United States, or to the establishment of a robust United States industry, NASA and the Recipient shall jointly endeavor to find alternatives to the proposed transfer which obviate or mitigate potential adverse consequences of the transfer.

[End of provision]

§ 1274.916 Liability and risk of loss.

Liability and Risk of Loss (Date)

(a) With regard to activities undertaken pursuant to this agreement, neither party shall make any claim against the other, employees of the other, the other's related entities (*e.g.*, contractors, subcontractors, etc.), or employees of the other's related entities for any injury to or death of its own

employees or employees of its related entities, or for damage to or loss of its own property or that of its related entities, whether such injury, death, damage or loss arises through negligence or otherwise, except in the case of willful misconduct.

(b) To the extent that a risk of damage or loss is not dealt with expressly in this agreement, each party's liability to the other party arising out of this Agreement, whether or not arising as a result of an alleged breach of this Agreement, shall be limited to direct damages only, and shall not include any loss of revenue or profits or other indirect or consequential damages.

[End of provision]

§ 1274.917 Additional funds.

Additional Funds (Date)

Pursuant to this agreement, NASA is providing a fixed amount of funding for activities to be undertaken under the terms of this cooperative agreement. NASA is under no obligation to provide additional funds. Under no circumstances shall the Recipient undertake any action which could be construed to imply an increased commitment on the part of NASA under this cooperative agreement.

[End of provision]

§ 1274.918 Incremental funding.

Incremental Funding (Date)

(a) Of the award amount indicated on the cover page of this agreement, only the obligated amount indicated on the cover page of this agreement is available for payment. NASA anticipates making additional allotments of funds as required.

(b) These funds will be obligated as appropriated funds become available without any action required of the Recipient. NASA is not obligated to make payments in excess of the total funds obligated.

[End of provision]

§ 1274.919 Cost principles and accounting standards.

Cost Principles and Accounting Standards (Date)

The expenditure of Government funds by the Recipient and the allowability of costs recognized as a resource contribution by the Recipient (See clause entitled "Resource Sharing Requirements") shall be governed by the FAR cost principles, 48 CFR part 31. (If the Recipient is a consortium which includes non-commercial firm members, cost allowability for those members will be determined as follows: Allowability of costs incurred by State, local or federally-recognized Indian tribal governments is determined in accordance with the provisions of OMB Circular A–87, "Cost Principles for State and Local Governments." The allowability of costs incurred by non-profit organizations is determined in accordance with the provisions of OMB Circular A–122, "Cost Principles for Non-Profit Organizations." The allowability of costs incurred by institutions of higher education is determined in accordance with the provisions of OMB Circular A–21, "Cost Principles for Educational Institutions." The allowability of costs incurred by hospitals is determined in accordance with the provisions of appendix E of 45 CFR part 74, "Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals.") Recipient's method for accounting for the expenditure of funds must be consistent with Generally Accepted Accounting Principles.

[End of provision]

§ 1274.920 Responsibilities of the NASA Technical Officer.

Responsibilities of the NASA Technical Officer (Date)

(a) The NASA Grant Administrator and Technical Officer for this cooperative agreement are identified on the cooperative agreement cover sheet.

(b) The Grant Specialist shall serve as NASA's authorized representative for the administrative elements of all work to be performed under the agreement.

(c) The Technical Officer shall have the authority to issue written Technical Advice which suggests redirecting the project work (*e.g.*, by changing the emphasis among different tasks), or pursuing specific lines of inquiry likely to assist in accomplishing the effort. The Technical Officer shall have the authority to approve or disapprove those technical reports, plans, and other technical information the Recipient is required to submit to NASA for approval. The Technical Officer is not authorized to issue and the Recipient shall not follow any Technical Advice which constitutes work which is not contemplated under this agreement; which in any manner causes an increase or decrease in the resource sharing or in the time required for performance of the project; which has the effect of changing any of the terms or conditions of the cooperative agreement; or which interferes with the Recipient's right to perform the project in accordance with the terms and conditions of this cooperative agreement.

[End of provision]

§ 1274.921 Publications and reports: Non-proprietary research results.

Publications and Reports: Non-Proprietary Research Results (Date)

(a) NASA encourages the widest practicable dissemination of research results at all times during the course of the investigation consistent with the other terms of this agreement.

(b) All information disseminated as a result of the cooperative agreement shall contain a statement which acknowledges NASA's support and identifies the cooperative agreement by number.

(c) Prior approval by the NASA Technical Officer is required only where the Recipient requests that the results of the research be published in a NASA scientific or technical publication. Two copies of each draft publication shall accompany the approval request.

(d) Reports shall contain full bibliographic references, abstracts of publications and lists of all other media in which the research was discussed. The Recipient shall submit the following technical reports:

(1) A progress report for every year of the cooperative agreement (except the final year). Each report is due 60 days before the anniversary date of the cooperative agreement and shall describe research accomplished during the report period.

(2) A summary of research is due by 90 days after the expiration date of the cooperative agreement, regardless of whether or not support is continued under another cooperative agreement. This report is intended to summarize the entire research accomplished during the duration of the cooperative agreement.

(e) Progress reports and summaries of research shall display the following on the first page:

(1) Title of the cooperative agreement.

(2) Type of report.

(3) Period covered by the report.

(4) Name and address of the Recipient's organization.

(5) Cooperative agreement number.

(f) An original and two copies, one of which shall be of suitable quality to permit micro-reproduction, shall be sent as follows:

(1) Original—Grant Officer.

(2) Copy—Technical Officer.

(3) Micro-reproducible copy—NASA Center for Aerospace Information (CASI), Parkway Center, Attn: Document Processing Section, 7121 Standard Drive, Hanover, MD 21076.

(g) The requirements set forth under this provision may be modified by the Grant Officer based on specific report needs for the particular grant or cooperative agreement.

[End of provision]

§ 1274.922 Suspension or termination.

Suspension or Termination (Date)

(a) This cooperative agreement may be suspended or terminated in whole or in part by the Recipient or by NASA after consultation with the other party. NASA may terminate the agreement, for example, if the Recipient is not making anticipated technical progress, if the Recipient materially fails to comply with the terms of the agreement, if the Recipient materially changes the objective of the agreement, or if appropriated funds are not available to support the program.

(b) Upon fifteen (15) days written notice to the other party, either party may temporarily suspend the cooperative agreement, pending corrective action or a decision to terminate the cooperative agreement. The notice should express the reasons why the agreement is being suspended.

(c) In the event of termination by either party, the Recipient shall not be entitled to additional funds or payments except as may be required by the Recipient to meet NASA's share of commitments which had in the judgment of NASA become firm prior to the effective date of termination and are otherwise appropriate. In no event, shall these additional funds or payments exceed the amount of the next payable milestone billing amount.

[End of provision]

§ 1274.923 Equipment and other property.

Equipment and Other Property (Date)

(a) NASA cooperative agreements permit acquisition of special purpose equipment required for the conduct of research. Acquisition of special purpose equipment costing in excess of $5,000 and not included in the approved proposal budget requires the prior approval of the Grant Officer unless the item is merely a different model of an item shown in the approved proposal budget.

(b) Recipients may not purchase, as a direct cost to the cooperative agreement, items of general purpose equipment, examples of which include but are not limited to office equipment and furnishings, air conditioning equipment, reproduction and printing equipment, motor vehicles, and automatic data processing equipment. If the Recipient requests an exception, the Recipient shall submit a written request for Grant Officer approval, prior to purchase by the Recipient, stating why the Recipient cannot charge the general purpose equipment to indirect costs.

(c) Under no circumstances shall cooperative agreement funds be used to acquire land or any interest therein, to acquire or construct facilities (as defined in 48 CFR (FAR) 45.301), or to procure passenger carrying vehicles.

(d) The government shall have title to equipment and other personal property acquired with government funds. Such property shall be disposed of pursuant to 48 CFR (FAR) 45.603. The Recipient shall have title to equipment and other personal property acquired with Recipient funds. Such property shall remain with the Recipient at the conclusion of the cooperative agreement.

(e) Title to Government furnished equipment (including equipment, title to which has been transferred to the Government prior to completion of the work) will remain with the Government.

(f) The Recipient shall establish and maintain property management standards for Government property and otherwise manage such property as set forth in 48 CFR (FAR) 45.5 and 48 CFR (NFS) 1845.5.

(g) Recipients shall submit annually a NASA Form 1018, NASA Property in the Custody of Contractors, in accordance with the instructions on the form, the provisions of 18 CFR (NFS) 1845.71 and any supplemental instructions that may be issued by NASA for the current reporting period. The original NF 1018 shall be submitted to the center Deputy Chief Financial Officer, Finance, with three copies sent concurrently to the center Industrial Property Officer. The annual reporting period shall be from October 1 of each year through September 30 of the following year. The report shall be submitted in time to be received by October 31. Negative reports (*i.e.* no reportable property) are required. The information contained in the reports in entered into the NASA accounting system to reflect current asset values for agency financial statement purposes. Therefore, it is essential that required reports be received no later than October 31. A final report is required within 30 days after expiration of the agreement.

[End of provision]

§ 1274.924 Civil rights.

Civil Rights (Date)

Work on NASA cooperative agreements is subject to the provisions of Title VI of the Civil Rights Act of 1964 (Public Law 88–352; 42 U.S.C. 2000d–l), Title IX of the Education Amendments of 1972 (20 U.S.C. 1680 *et seq.*), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), and the NASA implementing regulations (14 CFR parts 1250, 1251, 1252 and 1253).

[End of provision]

§ 1274.925 Subcontracts.

Subcontracts (Date)

(a) Recipients are not authorized to issue grants or cooperative agreements.

(b) NASA Grant Officer consent is required for subcontracts over $100,000, if not accepted by NASA in the original proposal. The Recipient shall provide the following information to the Grant Officer:

(1) A copy of the proposed subcontract.

(2) Basis for subcontractor selection.

(3) Justification for lack of competition when competitive bids or offers are not obtained.

(4) Basis for award cost or award price.

(c) The Recipient shall utilize small business concerns, small disadvantaged business concerns, Historically Black Colleges and Universities, minority educational institutions, and women-owned small business concerns as subcontractors to the maximum extent practicable.

[End of provision]

§ 1274.926 Clean Air-Water Pollution Control Acts.

Clean Air-Water Pollution Control Acts (Date)

If this cooperative agreement or supplement thereto is in excess of $100,000, the Recipient agrees to notify the Grant Officer promptly of the receipt, whether prior or subsequent to the Recipient's acceptance of this cooperative agreement, of any communication from the Director, Office of Federal Activities, Environmental Protection Agency (EPA), indicating that a facility to be utilized under or in the performance of this cooperative agreement or any subcontract thereunder is under consideration to be listed on the EPA "List of Violating Facilities" published pursuant to 40 CFR part 15. By acceptance of a cooperative agreement in excess of $100,000, the Recipient—

(a) Stipulates that any facility to be utilized thereunder is not listed on the EPA "List of Violating Facilities" as of the date of acceptance;

(b) Agrees to comply with all requirements of Section 114 of the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.* as amended by Public Law 91–604) and Section 308 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.* as amended by Public Law 92–500) relating to inspection, monitoring, entry, reports and information, and all other requirements specified in the aforementioned sections, as well as all regulations and guidelines issued thereunder after award of and applicable to the cooperative agreement; and

(c) agrees to include the criteria and requirements of this clause in every subcontract hereunder in excess of $100,000, and to take such action as the Grant Officer may direct to enforce such criteria and requirements.

[End of provision]

§ 1274.927 Debarment and suspension and Drug-Free Workplace.

Debarment and Suspension and Drug-Free Workplace (Date)

NASA cooperative agreements are subject to the provisions of 14 CFR part 1265, Government-wide Debarment and Suspension (Nonprocurement) and Government-wide requirements for Drug-Free Workplace, unless excepted by 14 CFR 1265.110 or 1265.610.

[End of provision]

§ 1274.928 Foreign national employee investigative requirements.

Foreign National Employee Investigative Requirements (Date)

(a) The Recipient shall submit a properly executed Name Check Request (NASA Form 531) and a completed applicant fingerprint card (Federal Bureau of Investigation Card FD–258) for each foreign national employee requiring access to a NASA Installation. These documents shall be submitted to the Installation's Security Office at least 75 days prior to the estimated duty date. The NASA Installation Security Office will request a National Agency Check (NAC) for foreign national employees requiring access to NASA facilities. The NASA Form 531 and fingerprint card may be obtained from the NASA Installation Security Office.

(b) The Installation Security Office will request from NASA Headquarters, Office of External Relations (Code I), approval for each foreign national's access to the Installation prior to providing access to the Installation. If the access approval is obtained from NASA Headquarters prior to completion of the NAC and performance of the cooperative agreement requires a foreign national to be given access immediately, the Technical Officer may submit an escort request to the Installation's Chief of Security.

[End of provision]

§ 1274.929 Restrictions on lobbying.

Restrictions on Lobbying (Date)

This award is subject to the provisions of 14 CFR part 1271 "New Restrictions on Lobbying."

[End of provision]

§ 1274.930 Travel and transportation.

Travel and Transportation (Date)

(a) For travel funded by the government under this agreement, Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) (Fly America Act) requires the Recipient to use U.S.-flag air carriers for international air transportation of personnel

and property to the extent that service by those carriers is available.

(b) Department of Transportation regulations, 49 CFR part 173, govern Recipient shipment of hazardous materials and other items.

[End of provision]

§ 1274.931 Electronic funds transfer payment methods.

Electronic Funds Transfer Payment Methods (Date)

Payments under this cooperative agreement will be made by the Government by electronic funds transfer through the Treasury Fedline Payment System (FEDLINE) or the Automated Clearing House (ACH), at the option of the Government. After award, but no later than 14 days before an invoice is submitted, the Recipient shall designate a financial institution for receipt of electronic funds transfer payments, and shall submit this designation to the Grant Officer or other Government official, as directed.

(a) For payment through FEDLINE, the Recipient shall provide the following information:

(1) Name, address, and telegraphic abbreviation of the financial institution receiving payment.

(2) The American Bankers Association 9-digit identifying number for wire transfers of the financing institution receiving payment if the institution has access to the Federal Reserve Communication System.

(3) Payee's account number at the financial institution where funds are to be transferred.

(4) If the financial institution does not have access to the Federal Reserve Communications System, name, address, and telegraphic abbreviation of the correspondent financial institution through which the financial institution receiving payment obtains wire transfer activity. Provide the telegraphic abbreviation and American Bankers Association identifying number for the correspondent institution.

(b) For payment through ACH, the Recipient shall provide the following information:

(1) Routing transit number of the financial institution receiving payment (same as American Bankers Association identifying number used for FEDLINE).

(2) Number of account to which funds are to be deposited.

(3) Type of depositor account ("C" for checking, "S" for savings).

(4) If the Recipient is a new enrollee to the ACH system, a "Payment Information Form," SF 3881, must be completed before payment can be processed.

(c) In the event the Recipient, during the performance of this cooperative agreement, elects to designate a different financial institution for the receipt of any payment made using electronic funds transfer procedures, notification of such change and the required information specified above must be received by the appropriate Government official 30 days prior to the date such change is to become effective.

(d) The documents furnishing the information required in this clause must be dated and contain the signature, title, and telephone number of the Recipient official authorized to provide it, as well as the Recipient's name and contract number.

(e) Failure to properly designate a financial institution or to provide appropriate payee bank account information may delay payments of amounts otherwise properly due.

[End of provision]

§ 1274.932 Retention and examination of records.

Retention and Examination of Records (Date)

Financial records, supporting documents, statistical records, and all other records (or microfilm copies) pertinent to this cooperative agreement shall be retained for a period of 3 years, except that records for non-expendable property acquired with cooperative agreement funds shall be retained for 3 years after its final disposition and, if any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved. The retention period starts from the date of the submission of the final invoice. The Administrator of NASA and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the Recipient and of subcontractors to make audits, examinations, excerpts, and transcripts. All provisions of this clause shall apply to any subcontractor performing substantive work under this cooperative agreement.

[End of provision]

§ 1274.933 Summary of recipient reporting responsibilities.

Summary of Recipient Reporting Responsibilities (Date)

This cooperative agreement requires the recipient to submit a number of reports. These reporting requirements are summarized below. In the event of a conflict between this provision and other provisions of the cooperative agreement requiring reporting, the other provisions take precedence.

[The Grant Officer may add/delete reporting requirements as appropriate.]

Report	Frequency	Reference
Report of Joint NASA/Recipient Inventions	As required	§ 1274.911 Patent Rights (Paragraph (b)(4))
Interim Report of Reportable Items	Every 12 months	Patent Rights—Retention by the Recipient (Large Business) (Paragraph (e)(3)(i))
Final Report of Reportable Items	3 months after completion	§ 1274.912 Patent Rights—Retention by the Recipient (Large Business) (Paragraph (e)(3)(ii)).
Disclosure of Subject Inventions	Within 2 months after inventor discloses it to Recipient.	Patent Rights Retention by the (Large Recipient Business) (Paragraph (e)(2)) or § 1274.913 Patent Rights—Retention by the Recipient (Small Business) (Paragraph (c)(1)).
Election of Title to a Subject Invention	1 year after disclosure of the the subject invention if a statutory bar exists, otherwise within 2 years.	Patent Rights—Retention by Recipient (Small Business) (Paragraph (c)(2)).
Listing of Subject Inventions	Every 12 months from the date of the agreement.	Patent Rights—Retention by the Recipient (Small Business) (Paragraph (f)(5)(i)).
Subject Inventions Final Report	Prior to close-out of the agreement	§ 1274.913 Retention by the Recipient (Small Business) (Paragraph (f)(5)(ii).
Notification of Decision to Forego Patent Protection.	30 days before expiration of response period	Patent Rights—Retention by the Recipient (Small Business) (Paragraph (f)(3)).
Notification of a Subcontract Award	Promptly upon award of a subcontract	Patent Rights—Retention by the Recipient (Large Business) (Paragraph (g)(3)) or § 1274.913 Patent Rights—Retention by the Recipient (Small Business) (Paragraph (g)(3).
Utilization of Subject Invention	Annually	Patent Rights—Retention by the Recipient (Small Business) (Paragraph (h)).

Report	Frequency	Reference
Notice of Proposed Transfer of Technology	Prior to transferring technology to foreign firm or institution.	§ 1274.915 Restrictions on Sale or Transfer of Technology to Foreign Firms or Institutions (Paragraph (b)).
Progress Report	60 days prior to the anniversary date of the agreement (except final year).	Publications and Reports: Non-Proprietary Research Results (Paragraph (d)(1)).
Summary of Research	90 days after completion of agreement	Publications and Reports: Non-Proprietary Research Results (Paragraph (d)(2)).
NASA Form 1018 Property in Custody of Contractors.	Annually by October 31	Equipment and Other Property (Paragraph (g)).
NASA Form 1018 Property in the Custody of Contractors..	60 days after expiration date of agreement	Equipment and Other Property (Paragraph (g)).

[End of provision]

§ 1274.934 Safety.

Safety (Date)

(a) The recipient shall act responsibly in matters of safety and shall take all reasonable safety measures in performing under this grant or cooperative agreement. The recipient shall comply with all applicable federal, state, and local laws relating to safety. The recipient shall maintain a record of, and will notify the NASA Grant Officer of any accident involving death, disabling injury or substantial loss of property. The recipient will advise NASA of hazards that come to its attention as a result of the work performed through routine status reports furnished in compliance with this grant or cooperative agreement.

(b) Where the work under this grant or cooperative agreement involves flight hardware, the hazardous aspects, if any, of such hardware will be identified, in writing, by the recipient. Compliance with this provision by subcontractors shall be the responsibility of the recipient.

[End of provision]

Appendix to Part 1274—Listing of Exhibits

Exhibit A to Part 1274—Contract Provisions

All contracts awarded by a Recipient, including small purchases, shall contain the following provisions if applicable:

1. *Equal Employment Opportunity.* All contracts shall contain a provision requiring compliance with Executive Order 11246, "Equal Employment Opportunity," as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR Chapter 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

2. *Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c).* All contracts in excess of $50,000 for construction or repair awarded by Recipients and subRecipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each Recipient or subRecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The Recipient shall report all suspected or reported violations to NASA.

3. *Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333).* Where applicable, all contracts awarded by Recipients in excess of $2,000 for construction contracts and in excess of $50,000 for other contracts, other than contracts for commercial items, that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Subsection 102 of the Act, each Recipient shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

4. *Rights to Inventions Made Under a Contract or Agreement.* Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the Recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

5. *Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended.* Contracts, other than contracts for commercial items, of amounts in excess of $100,000 shall contain a provision that requires the Recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 *et seq.*) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 *et seq.*). Violations shall be reported to NASA and the Regional Office of the Environmental Protection Agency (EPA).

6. *Byrd Anti-Lobbying Amendment (31 U.S.C. 1352).* Contractors who apply or bid for an award of $100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the Recipient.

7. Debarment and Suspension (Executive Orders 12549 and 12689). No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with Executive Orders 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than Executive Order 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

Exhibit B to Part 1274—Reports

1. Individual Procurement Action Report (NASA Form 507)

The grant officer is responsible for submitting NASA Form 507 for all cooperative agreement actions.

2. Property Reporting

As provided in paragraph (g) of 1274.923, an annual NASA Form (NF) 1018, NASA Property in the Custody of Contractors, will be submitted by October 31 of each year. Negative annual reports are required. A final report is required within 30 days after expiration of the agreement.

3. Disclosure of Lobbying Activities (SFLLL)

(a) Grant officers shall provide one copy of each SF LLL furnished under 14 CFR

1271.110 to the Procurement Officer for transmittal to the Director, Analysis Division (Code HC).

(b) Suspected violations of the statutory prohibitions implemented by 14 CFR part 1271 shall be reported to the Director, Contract Management Division (Code HK).

[FR Doc. 99–23031 Filed 9–15–99; 8:45 am]

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Thursday
September 16, 1999

Part III

Department of Education

34 CFR Parts 74, 75, 76, 77, and 80
Administration of Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations et al; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 74, 75, 76, 77, and 80

Administration of Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; Direct Grant Programs; State-Administered Programs; Definitions That Apply to Department Regulations; Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

AGENCY: Office of the Chief Financial Officer, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary announces the applicability of revised Office of Management and Budget (OMB) Circular A–21, "Cost Principles for Educational Institutions," and Circular A–122, "Cost Principles for Non-Profit Organizations." The Secretary also announces that the interim final regulations the Department issued for 34 CFR 74.26 and 80.26 on August 29, 1997 (62 FR 45937) are adopted without changes. Finally, the Secretary amends the definition of the Education Department General Administrative Regulations (EDGAR) in 34 CFR 77.1 to include the existing 34 CFR Parts 97, 98, and 99 within the scope of EDGAR and make technical changes and update citations in EDGAR.

DATES: These regulations are effective September 16, 1999.

Applicability Date: The revised circulars and other changes made by this document apply to new and continuation grants and subgrants awarded on or after September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Ronelle Holloman, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3652, ROB–3, Washington, D.C. 20202–4248. Telephone: (202) 205–3501. Fax: (202) 205–0667. E-mail Address: grantspolicy@ed.gov. If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

I. Introduction

In fiscal year 1998 OMB made final revisions to Circular A–21, "Cost Principles for Educational Institutions," and Circular A–122, "Cost Principles for Non-Profit Organizations." You may request a recompilation of OMB Circulars A–21 and A–122 with all their amendments by calling OMB Publication's Office at (202) 395–7332 or you can obtain the circulars in electronic form on the OMB Home Page at http://www.whitehouse.gov/WH/EOP/omb.

II. Revisions to 34 CFR Parts 74 and 80

A. Revision That Affects Educational Institutions

On June 1, 1998, (63 FR 29786) OMB published in the **Federal Register** interim final revisions to OMB Circular A–21 to allow trustees' travel expenses. On October 27, 1998, (63 FR 57332) OMB adopted the interim final revisions without change. The Secretary adopts the changes made by OMB on those dates in the Department's regulations at 34 CFR Parts 74 and 80. The changes adopted in these final regulations bind all recipients of Department grants and cooperative agreements to the requirements of Circular A–21 as amended through October 27, 1998. These cost principles apply to educational institutions, except to the extent program regulations or the EDGAR require a different outcome.

B. Revision That Affects Non-Profit Organizations

On June 1, 1998, (63 FR 29794) OMB published in the **Federal Register** a full revision of OMB Circular A–122. OMB amended OMB Circular A–122 by: revising the definition for equipment; requiring the breakout of indirect costs into two categories (facilities and administration) for certain non-profit organizations; modifying the multiple allocation basis; and clarifying the treatment of certain cost items. The Secretary adopts the changes made by OMB on June 1, 1998 in the Department's regulations at 34 CFR Parts 74 and 80. The changes adopted in these final regulations bind all recipients of Department grants and cooperative agreements to the requirements of Circular A–122 as amended through June 1, 1998. These cost principles apply to non-profit organizations, except to the extent program regulations or the EDGAR require a different outcome.

C. Other Revisions to OMB Circulars and the Common Rule

On August 10, 1998, (63 FR 42645) OMB announced the final revision of OMB Circular A–110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." The August 10, 1998, OMB notice adopted for OMB Circular A–110 the final amendments that had been published as interim final revisions on August 29, 1997 (62 FR 45934). The August 29, 1997 interim final rulemaking document published by the Secretary and other participants in the Common Rule (62 FR 45937, 45943) amended both 34 CFR 74.26 and 80.26 to give effect to OMB's rescission of Circular A–128, "Audits of State and Local Governments," and OMB's consolidation into A–133 of the requirements for State and local governments that had formerly been in Circular A–128. The Secretary adopts these changes to 34 CFR parts 74 and 80 as final regulations of the Department.

III. Other Technical Changes

The Secretary makes technical changes to various sections in 34 CFR Parts 75, 76, 77 and 80 to remove obsolete references and make other, nonsubstantive clarifying changes. Included in these changes is an amendment to 34 CFR Part 77 amending the definition of EDGAR to include 34 CFR Part 97, Protection of Human Subjects; 34 CFR Part 98, Student Rights in Research, Experimental Programs and Testing; and 34 CFR Part 99, Family Educational Rights and Privacy. The effect of this amendment is to include these three parts in future publications of EDGAR.

The Department's discretionary and formula grant program regulations currently refer to EDGAR under sections that carry headings such as "What regulations apply to this program?" These program regulations are not amended by this document to include references to 34 CFR parts 97–99 of EDGAR as amended by this final rulemaking document. The Secretary will amend these program regulations in the future to add the appropriate references. However, parts 97 through 99 apply to the grant programs of the Department as a matter of law as specified in parts 97–99. Thus, the amendment in these final regulations to the definition of "EDGAR" does not affect the applicability of parts 97–99 to those programs.

Waiver of Proposed Rulemaking and Delayed Effective Date

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations in accordance with the Administrative Procedure Act (5 U.S.C. 553) and to delay the effective date of final regulations under that Act. However, since OMB has previously provided the public an opportunity for comment on

the revision of Circulars A–21 and A–122, and the technical amendments made in this document are not substantive, the Secretary finds that soliciting further public comment with respect to adopting the amendments made by this document is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B). Since changes to the relevant circulars has already been made final by OMB and the other changes made by this document are only technical in nature, the Secretary also waives the delayed effective date for these amendments under 5 U.S.C. 553(d).

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations would not have a significant economic impact on a substantial number of small entities. These regulations would not have a significant economical impact on any entities affected because they do not make any substantive changes.

Paperwork Reduction Act of 1995

These regulations do not contain any information collection requirements.

Assessment of Educational Impact

Based on our own review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites: http://ocfo.ed.gov/fedreg.htm.http://www.ed.gov/news.html

To use the PDF, you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, D.C. area, at (202) 512–1530.

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(Catalog of Federal Domestic Assistance Number does not apply)

List of Subjects

34 CFR Part 74

Accounting, Colleges and universities, Grant programs, Hospitals, Non-profit organizations, Reporting and recordkeeping requirements.

34 CFR Part 75

Accounting, Administrative practice and procedure, Copyright, Education, Grant programs-education, Inventions and patents, Private schools, Reporting and recordkeeping requirements.

34 CFR Part 76

Accounting, Administrative practice and procedure, American Samoa, Education, Grant programs-education, Guam, Northern Mariana Islands, Pacific Islands Trust Territory, Private Schools, Reporting and recordkeeping requirements, Virgin Islands.

34 CFR Part 77

Education, Grant programs-education.

34 CFR Part 80

Accounting, Grant programs, Indians, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements.

Dated: August 18, 1999.

Richard W. Riley,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary adopts as final without change the interim rule amending 34 CFR 74.26 and 80.26 published on August 29, 1997, and amends parts 75, 76, 77, and 80 of title 34 of the Code of Federal Regulations as follows:

PART 75—DIRECT GRANT PROGRAMS

1. The authority citation for part 75 continues to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474, unless otherwise noted.

§ 75.118 [Amended]

2. Section 75.118 paragraph (a) is amended by removing "74.82" and adding, in its place, "74.51" and amending the cross-reference that follows the section by removing "74.82 Performance Reports under non-construction grants" and adding in its place "74.51 Monitoring and reporting program performance"

§ 75.215 [Amended]

3. The cross-reference following § 75.215 is amended by removing "(e)" and adding, in its place, "(c)".

4. Section 75.220 is amended by revising paragraph (b)(2) to read as follows:

§ 75.220 Procedures the Department uses under § 75.219(a).

* * * * *

(b) * * *

(2) An employee from the Office of the Chief Financial Officer (OCFO) with responsibility for grant policy; and

* * * * *

5. Section 75.511 is amended by revising the cross-reference that follows the section to read as follows:

§ 75.511 Waiver of requirement for a full-time project director.

* * * * *

CROSS REFERENCE: See 34 CFR 74.25, Revision of budget and program plans; and 34 CFR 80.30, Changes.

§ 75.517 [Amended]

6. Section 75.517 is amended by removing "34 CFR 74.103(c)(2)" and adding, in its place, "34 CFR 74.25(c)(2)".

§ 75.524 [Amended]

7. Section 75.524(b) is amended by removing "34 CFR 74.3" and adding, in its place, "34 CFR 80.3" and removing the note that follows paragraph (b).

8. Section 75.530 is revised to read as follows:

§ 75.530 General cost principles.

The general principles to be used in determining costs applicable to grants and cost-type contracts under grants are specified at 34 CFR 74.27 (for administration of grants to institutions of higher education, and other non-profit organizations) and 34 CFR 80.22 (for uniform administrative requirements for grants and cooperative agreements to State and local governments).

(Authority: 20 U.S.C. 1221e–3 and 3474)

CROSS REFERENCE: See 34 CFR part 74, Subpart D—After-the-Award Requirements and 34 CFR part 80, Subpart C—Post-Award Requirements.

(Authority: 20 U.S.C. 1221e–3 and 3474)

9. The cross-reference preceding § 75.618 and following the center heading "EQUIPMENT AND SUPPLIES" is revised to read as follows:

CROSS REFERENCE: See 34 CFR 74.32 Real property; 34 CFR 74.35 Supplies and other expendable property; 34 CFR 74.36 Intangible property; 34 CFR 74.2 Definitions; 34 CFR 80.31 Real property; 34 CFR 80.32 Equipment; 34 CFR 80.33 Supplies; and 34 CFR 80.34 Copyrights.

10. Section 75.621 is amended by revising the cross-reference following the section to read as follows:

§ 75.621 Copyright policy for grantees.

* * * * *

CROSS REFERENCE: See 34 CFR 74.22 Payment; 34 CFR 74.24 Program income; and

34 CFR 74.36 Intangible property; 34 CFR 80.25 Program income; and 34 CFR 80.34 Copyrights.

11. The cross-reference preceding § 75.626 and following the center heading "INVENTIONS AND PATENTS" is revised to read as follows:

CROSS REFERENCE: See 34 CFR 74.25, Program income and 34 CFR 80.25, Program income.

12. The cross-reference preceding § 75.650 and following the center heading "OTHER REQUIREMENTS FOR CERTAIN PROJECTS" is revised to read as follows:

CROSS REFERENCE: See 34 CFR 74.21, Standards for financial management systems; 34 CFR 74.48, Contract provisions; 34 CFR 80.20, Standards for financial management and 34 CFR 80.36, Procurement.

13. Section 75.702 is amended by revising the cross-reference following the section to read as follows:

§ 75.702 Fiscal control and fund accounting procedures.

* * * * *

CROSS REFERENCE: See 34 CFR part 74, Subpart C—Post-Award Requirements and Subpart D—After-the-Award Requirements and 34 CFR part 80, Subpart C—Post-Award Requirements and Subpart D—After-the-Grant Requirements.

14. Section 75.708 is amended by revising paragraph (b) to read as follows:

§ 75.708 Prohibition of subgrants.

* * * * *

(b) A grantee may contract for supplies, equipment, construction, and other services, in accordance with 34 CFR part 74, Subpart C—Post-Award Requirements (Procurement Standards §§ 74.40–74.48) and 34 CFR part 80, Subpart C—Post-Award Requirements (§ 80.36 Procurement).

15. The cross-reference following the center heading "REPORTS" and preceding § 75.720 is revised to read as follows:

CROSS REFERENCE: See 34 CFR 74.51, Monitoring and reporting program performance; 34 CFR 74.52, Financial reporting; 34 CFR 80.40, Monitoring and reporting program performance; and 34 CFR 80.41 Financial reporting.

16. Section 75.720 is amended by revising paragraphs (a)(1) and (c) to read as follows:

§ 75.720 Financial and performance reports.

(a) * * *

(1) 34 CFR 74.51 (Monitoring and reporting program performance) and 34 CFR 74.52 (Financial reporting); and

* * * * *

(c) The Secretary may require a grantee to report more frequently than annually under 34 CFR 74.14 (Special award conditions), 34 CFR 74.21 (Standards for financial management systems), 34 CFR 80.12 (Special grant or subgrant conditions for "high-risk" grantees) or 34 CFR 80.20 (Standards for financial management systems).

17. The cross-reference preceding § 75.730 and following the center heading "RECORDS" is revised to read as follows:

CROSS REFERENCE: See 34 CFR 74.53, Retention and access requirements for records and 34 CFR 80.42, Retention and access requirements for records.

18. Section 75.732 is amended, by revising the cross-reference following the section to read as follows:

§ 75.732 Records related to performance.

* * * * *

CROSS REFERENCE: See 34 CFR 74.25, Revision of budget and program plans.

PART 76—STATE-ADMINISTERED PROGRAMS

19. The authority citation for part 76 continues to read as follows:

Authority: 20 U.S.C. 1221e–3, 3474, and 6511(a), unless otherwise noted.

20. Section 76.132 is amended, by revising paragraph (a)(5) to read as follows:

§ 76.132 What assurances must be in a consolidated grant application?

(a) * * *

(5) Submit an annual report to the Secretary containing information covering the program or programs for which the grant is used and administered, including the financial and program performance information required under 34 CFR 74.51–74.52 and 34 CFR 80.40–80.41.

* * * * *

21. Section 76.530 is revised to read as follows:

§ 76.530 General cost principles.

Both 34 CFR 74.27 and 34 CFR 80.22 reference the general cost principles that apply to grants, subgrants and cost type contracts under grants and subgrants.

(**Authority:** 20 U.S.C. 1221e–3, 3474 and 6511(a))

22. The cross-reference preceding § 76.681 and following the center heading "OTHER REQUIREMENTS FOR CERTAIN PROGRAMS" is removed.

PART 77—DEFINITIONS THAT APPLY TO DEPARTMENT REGULATIONS

23. The authority citation for part 77 continues to read as follows:

Authority: 20 U.S.C. 1221e–3(a)(1), 2831(a), 2974(b), and 3474, unless otherwise noted.

24. The definition of "EDGAR" in § 77.1 is revised to read as follows:

§ 77.1 Definitions that apply to all Department programs.

* * * * *

EDGAR means the Education Department General Administrative Regulations (34 CFR parts 74, 75, 76, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.)

* * * * *

PART 80—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

25. The authority citation for part 80 continues to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474; OMB Circular A–102, unless otherwise noted.

§ 80.42 [Amended]

26. Section 80.42(b)(4) is amended, by removing "five" and adding, in its place, "three".

[FR Doc. 99–22350 Filed 9–15–99; 8:45 am]
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Thursday
September 16, 1999

Part IV

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 223

Endangered and Threatened Species; Threatened Status for Two Chinook Salmon Evolutionarily Significant Units (ESUs) in California; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223

[Docket No. 990303060–9231–03; I.D. 022398C]

RIN 0648–AM54

Endangered and Threatened Species; Threatened Status for Two Chinook Salmon Evolutionarily Significant Units (ESUs) in California

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; notice of determination.

SUMMARY: Previously, NMFS completed a comprehensive status review of west coast chinook salmon (*Oncorhynchus tshawytscha*) populations in Washington, Oregon, Idaho, and California and identified 15 ESUs within this range. After soliciting additional data to resolve scientific disagreements, NMFS now issues a final rule to list two ESUs as threatened under the Endangered Species Act (ESA). The Central Valley spring-run ESU was originally proposed as endangered, but new information indicates that the ESU should instead be considered a threatened species. The California Coastal ESU was originally proposed as threatened, as part of a larger Southern Oregon and California Coastal ESU, but new information supports a threatened listing for a revised ESU consisting of California coastal chinook salmon populations from Redwood Creek (Humboldt County) south through the Russian River. Other coastal populations to the north of this ESU (and originally proposed as threatened) are now considered part of a separate Southern Oregon and Northern California Coastal ESU that does not warrant listing at this time.

NMFS is also making final listing determinations for two other chinook salmon ESUs originally proposed as threatened. It has considered new information about the Central Valley fall and late fall-run ESU and has determined that listing is not warranted at this time, but it will consider it a candidate species. In the case of the proposed ESU expansion for threatened Snake River fall-run chinook salmon, NMFS has determined that the ESU does not include Deschutes River populations and that listing this latter population is not warranted at this time.

In the two ESUs identified as threatened, only naturally spawned populations of chinook salmon are listed. At this time, no hatchery populations are deemed essential for recovery in either of the two listed ESUs, so no hatchery populations are part of this final listing determination.

NMFS intends to issue protective regulations under section 4(d) of the ESA for these threatened ESUs. Even though NMFS is not now issuing protective regulations for the threatened ESUs, Federal agencies are required under section 7 to consult with NMFS if any activity they authorize, fund, or carry out may affect listed chinook salmon in these ESUs.

DATES: Effective November 15, 1999.

ADDRESSES: Branch Chief, NMFS, Northwest Region, Protected Resources Division, 525 NE. Oregon St., Suite 500, Portland, OR 97232–2737; Assistant Regional Administrator, Protected Resources Division, NMFS, Southwest Region, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; Salmon Coordinator, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Reference materials regarding this listing determination can also be obtained from the internet at www.nwr.noaa.gov.

FOR FURTHER INFORMATION CONTACT: Garth Griffin at (503) 231–2005, Craig Wingert at (562) 980–4021, or Chris Mobley at (301) 713–1401.

SUPPLEMENTARY INFORMATION:

Species Background

Chinook salmon are anadromous and semelparous, i.e., as adults they migrate from the marine environment into the freshwater rivers and streams of their birth (anadromous) where they spawn and die (semelparous). They are the largest of the Pacific salmon species and are distributed in freshwater and marine areas from California to Asia. The four ESUs considered in this determination spawn and rear in coastal and interior rivers in California and Oregon and forage in vast nearshore and marine zones of the North Pacific Ocean. More detailed biological information for west coast chinook salmon can be found in species' status assessments by NMFS (Matthews and Waples, 1991; Waples *et al.*, 1991; NMFS, 1995; Waknitz *et al.*, 1995; Myers *et al.*, 1998; NMFS, 1998a; NMFS, 1999a), Oregon Department of Fish and Wildlife (ODFW, 1991; Nickelson *et al.*, 1992; Kostow *et al.*, 1995), California Department of Fish and Game (CDFG)(Clark, 1929; CDFG, 1965; Hallock and Fry, 1967; Reynolds *et al.*, 1993; Yoshiyama *et al.*, 1996), and for species life history summaries (Miller and Brannon, 1982; Healey, 1991), and in previous **Federal Register** documents (56 FR 29542, June 27, 1991; 63 FR 11482, March 9, 1998).

Previous Federal ESA Actions Related to West Coast Chinook Salmon

Descriptions of previous Federal ESA actions pertaining to west coast chinook salmon are summarized in the proposed rule (63 FR 11482, March 9, 1998), and recent final rule (63 FR 14308, March 24, 1999) for several chinook salmon ESUs. NMFS initially announced its intention to conduct a coastwide review of chinook salmon status in response to a petition to list several Puget Sound chinook salmon stocks on September 12, 1994 (59 FR 46808). Having received on February 1, 1995, a more comprehensive petition from the Oregon Natural Resources Council and from Dr. Richard Nawa, NMFS reconfirmed its intention to conduct a coastwide review (60 FR 30263, June 8, 1995). During that review, NMFS requested public comment and assessed the best available scientific and commercial data, including technical information from Pacific Salmon Biological Technical Committees (PSBTCs) and from other interested parties. The PSBTCs consisted primarily of scientists (from Federal, state, and local resource agencies, Indian tribes, industries, universities, professional societies, and public interest groups) possessing technical expertise relevant to chinook salmon and their habitats. The NMFS Biological Review Team (BRT), composed of staff from NMFS' Northwest, Southwest, and Auke Bay Fisheries Science Centers, Northwest and Southwest Regions, as well as staff from the National Biological Survey, reviewed and evaluated scientific information provided by the PSBTCs and other sources. Early drafts of the BRT review were distributed to state and tribal fisheries managers and peer reviewers who are experts in the field to ensure that NMFS' evaluation was as accurate and complete as possible. The BRT then incorporated all comments into the coastwide chinook salmon status review.

Based on the results of the completed status report on west coast chinook salmon (Myers *et al.*, 1998), NMFS identified 15 ESUs of chinook salmon from Washington, Oregon, Idaho, and California, including 11 new ESUs, and 1 redefined ESU (63 FR 11482, March 9, 1998). After assessing information concerning chinook salmon abundance, distribution, population trends, and risks and after considering efforts being made to protect chinook salmon, NMFS

determined that several chinook salmon ESUs did not warrant listing under the ESA. The chinook salmon ESUs not requiring ESA protection included the Upper Klamath and Trinity River ESU, Oregon Coast ESU, Washington Coast ESU, Middle Columbia River spring-run ESU, and Upper Columbia River summer- and fall-run ESU.

Also based on this evaluation, and after considering efforts being made to protect chinook salmon, NMFS proposed that seven chinook salmon ESUs warranted listing as either endangered or threatened species under the ESA. The chinook salmon ESUs proposed as endangered species included California Central Valley spring-run and Washington's Upper Columbia River spring-run chinook salmon. The chinook salmon ESUs proposed as threatened species included California Central Valley fall and late fall-run, Southern Oregon and California Coastal, Puget Sound, Lower Columbia River, and Upper Willamette River spring-run chinook salmon. Additionally, NMFS found that fall-run chinook salmon from the Deschutes River in Oregon shared a strong genetic and life history affinity to currently listed Snake River fall-run chinook. Based on this affinity, NMFS proposed to revise the existing listed Snake River fall-run ESU to include fall-run chinook salmon in the Deschutes River. The resulting revised ESU would be listed as threatened.

Following these proposed listings, NMFS conducted 21 public hearings within the range of the proposed chinook salmon ESUs in California, Oregon, Washington, and Idaho. NMFS accepted and reviewed public comments solicited during a 112-day public comment period. Also during the comment period, NMFS solicited peer and co-manager review of NMFS' proposal and received comments and new scientific information concerning the status of the chinook salmon ESUs proposed for listing. NMFS also received information regarding the relationship of existing hatchery stocks to native populations in each ESU. This new information was evaluated by NMFS' BRT and published in an updated status review for these chinook salmon entitled "Status Review Update for West Coast Chinook Salmon (*Oncorhynchus tshawytscha*) from Puget Sound, Lower Columbia River, Upper Willamette River, and Upper Columbia River Spring-run ESUs." (NMFS, 1998a).

Based on these public hearings, comments, and additional technical meetings with Indian tribes and the states, NMFS found that listing was warranted for four ESUs (Upper Columbia River spring-run, Puget Sound, Lower Columbia River, and Upper Willamette River spring-run ESUs) (63 FR 14308, March 24, 1999). However, substantial scientific disagreements precluded the agency from making final determinations for California's Central Valley spring-run and Central Valley fall and late fall-run, Southern Oregon and California Coastal, and Snake River fall-run ESUs. Therefore, in accordance with section 4(b)(6)(B)(i) of the ESA, NMFS extended the period for making final determinations for these ESUs by 6 additional months (63 FR 14329, March 24, 1999).

During the 6 month period, NMFS received new scientific information concerning the boundaries, population structure, and status of the deferred ESUs and met with the affected states, Indian Tribes, and Federal co-managers. This new information was considered by NMFS' BRT, and NMFS has now completed an updated status review that analyzes this new information as well as the ESU status of existing hatchery stocks (NMFS, 1999a). Based on this updated status review and other information, NMFS now issues its final determinations for these four proposed ESUs. Copies of NMFS' updated status review reports and related documents are available upon request (see **ADDRESSES**).

Summary of Comments and Information Received in Response to the Proposed Rule

NMFS held 21 public hearings in California, Oregon, Idaho, and Washington to solicit comments on this and other salmonid listing proposals (63 FR 16955, April 7, 1998; 63 FR 30455, June 4, 1998). During the 112-day public comment period, NMFS received nearly 300 written comments regarding the west coast chinook salmon proposed rule. A number of comments addressed issues pertaining to the proposed critical habitat designation for west coast chinook salmon. NMFS will address these comments in a forthcoming **Federal Register** document announcing the agency's conclusions about critical habitat for all listed chinook salmon ESUs.

NMFS also sought new data and analyses from tribal, state, and Federal co-managers and met with them to formally discuss technical issues associated with the deferred chinook salmon ESUs. This new information and analysis were considered by NMFS' BRT in its re-evaluation of ESU boundaries and species' status; this information is discussed in an updated status review report for these chinook salmon ESUs (NMFS, 1999a).

In addition to soliciting and reviewing public comments, NMFS sought peer review of its listing proposals. On July 1, 1994, NMFS, jointly with the U.S. Fish and Wildlife Service (FWS), published a series of policies regarding listings under the ESA, including a policy for peer review of scientific data (59 FR 34270). In accordance with this policy, NMFS solicited 13 individuals to take part in a peer review of its west coast chinook salmon proposed rule. All individuals solicited are recognized experts in the field of chinook salmon biology and represent a broad range of interests, including Federal, state, and tribal resource managers and academia. Four individuals took part in the peer review of this action; new information and comments provided by the public and comments from peer reviewers were considered by NMFS' BRT and are summarized in the updated status review documents (NMFS, 1998a; NMFS, 1999a). Copies of these documents are available upon request (see **ADDRESSES**).

A summary of comments received in response to the proposed rule follows.

Issue 1: Sufficiency and Accuracy of Scientific Information and Analysis

Comment 1: Some commenters questioned the sufficiency and accuracy of data NMFS employed in the listing proposal. In contrast, peer reviewers commented that the agency's status review was both credible and comprehensive, even though they may not have concurred with all of NMFS' conclusions.

Response: Section 4(b)(1)(A) of the ESA requires that NMFS make its listing determinations solely on the basis of the best available scientific and commercial data, after reviewing the status of the species and taking into account any efforts being made to protect such species. NMFS believes that information contained in the agency's status review (Myers *et al.*, 1998), together with more recent information obtained in response to the proposed rule (NMFS, 1998a; NMFS, 1999a), represents the best scientific and commercial information presently available for the chinook salmon ESUs addressed in this final rule. NMFS has made every effort to conduct an exhaustive review of all available information and has solicited information and opinion from all interested parties, including peer reviewers as described previously. If new data become available to change these conclusions, NMFS will act accordingly.

Comment 2: Several of the comments received suggested that the ESA does not provide for the creation of ESUs and that ESUs do not correspond to species, subspecies, or distinct population segments (DPSs) that are specifically identified in the ESA. Further, NMFS' use of genetic information (allozyme- or DNA-derived) to determine ESU boundaries was criticized by several commenters. It was argued that allozyme-based electrophoretic data cannot be used to imply either evolutionary significance or local adaptation. Other commenters indicated that NMFS used genetic distances inconsistently in determining the creation of ESUs. Several commenters argued that there was insufficient scientific information presented to justify the establishment of the chinook salmon ESUs discussed. Information was lacking concerning a number of "key" criteria for defining ESUs, such as phenotypic differences, evolutionary significance, or ecological significance of various chinook populations. Commenters contended that NMFS did not find any life history, habitat, or phenotypic characteristics that were unique to any of the ESUs discussed. Disagreement within the BRT regarding ESU delineations was also given as a reason for challenging the proposed listing decision.

Response: General issues relating to ESUs, DPSs, and the ESA have been discussed extensively in past **Federal Register** documents as described in this paragraph. Regarding application of its ESU policy, NMFS relies on its policy describing how it will apply the ESA definition of "species" to anadromous salmonid species published in 1991 (56 FR 58612, November 20, 1991). More recently, NMFS and FWS published a joint policy, that is consistent with NMFS' policy, regarding the definition of "distinct population segments" (DPSs)(61 FR 4722, February 7, 1996). The earlier policy is more detailed and applies specifically to Pacific salmonids and, therefore, was used for this determination. This policy indicates that one or more naturally reproducing salmonid populations will be considered to be distinct and, hence, a species under the ESA, if they represent an ESU of the biological species. To be considered an ESU, a population must satisfy two criteria: (1) It must be reproductively isolated from other population units of the same species, and (2) it must represent an important component in the evolutionary legacy of the biological species. The first criterion, reproductive isolation, needs not be absolute but must have been strong enough to permit evolutionarily important differences to occur in different population units. The second criterion is met if the population contributes substantially to the ecological or genetic diversity of the species as a whole. Guidance on applying this policy is contained in a NOAA Technical Memorandum entitled "Definition of 'Species' Under the Endangered Species Act: Application to Pacific Salmon" (Waples, 1991) and in a more recent scientific paper by Waples (1995).

The National Research Council (NRC) has recently addressed the issue of defining species under the ESA (NRC, 1995). Its report found that protecting DPSs is soundly based on scientific evidence, and recommends applying an "Evolutionary Unit" (EU) approach in describing these segments. The NRC report describes the high degree of similarity between the EU and ESU approaches (differences being largely a matter of application between salmon and other vertebrates), and concludes that either approach would lead to similar DPS descriptions most of the time.

ESUs were identified using the best available scientific and commercial information. As discussed in the status review, genetic data were used primarily to evaluate the criterion regarding reproductive isolation, not evolutionary significance. In some cases, there was a considerable degree of confidence in the ESU determinations; in other cases, more uncertainty was associated with this process. Similarly, the risk analysis necessarily involved a mixture of quantitative and qualitative information and scientific judgement. NMFS' process for conducting its risk assessment has evolved over time as the amount and complexity of information has changed, and NMFS continues to seek and incorporate comments and suggestions to improve this process. NMFS believes that there is evidence to support the identification of DPSs for chinook salmon. The chinook salmon status reviews describe a variety of characteristics that support the ESU delineations for this species, including ecological and life history parameters. NMFS also assessed available genetic data for the proposed ESUs and concludes that sufficient genetic differences existed between these and adjacent ESUs to support separate delineations. As described later in this notice, new information has resulted in significant changes in the configurations of some proposed ESUs.

Issue 2: Status Assessments for Chinook Salmon ESUs

Comment 3: Some comments suggested that risk assessments were made in an arbitrary manner and that NMFS did not rely on the best available science. Several commenters questioned NMFS' methodology for determining whether a given chinook salmon ESU warranted listing. In some cases, such commenters also expressed opinions regarding whether listing was warranted for a particular chinook salmon ESU.

Response: Throughout the status review of west coast chinook salmon, NMFS has solicited and evaluated the best available scientific and commercial data for the species. The agency believes that this review, coupled with considerable input from the public, comanagers, peer reviewers, and other species experts, clearly demonstrates that the listing determinations are not arbitrary but instead are based on an open and rigorous scientific assessment. Section 3 of the ESA defines the term "endangered species" as "any species which is in danger of extinction throughout all or a significant portion of its range." The term "threatened species" is defined as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." NMFS has identified a number of factors that should be considered in evaluating the level of risk faced by an ESU, including: (1) absolute numbers of fish and their spatial and temporal distribution; (2) current abundance in relation to historical abundance and current carrying capacity of the habitat; (3) trends in abundance; (4) natural and human-influenced factors that cause variability in survival and abundance; (5) possible threats to genetic integrity (e.g., from strays or outplants from hatchery programs); and (6) recent events (e.g., a drought or changes in harvest management) that have predictable short-term consequences for abundance of the ESU. A more detailed discussion of the status of individual ESUs is provided later in this document under Issues 5 through 8.

Issue 3: Factors Contributing to the Decline of West Coast Chinook Salmon

Comment 4: Some comments identified factors for decline that were either not identified in the status review or which they believed were not given sufficient weight in the risk analysis. Other commenters contended that recent declines in chinook salmon abundance were related to natural factors such as predation and changes in

ocean productivity. Furthermore, these commenters contend that NMFS did not show how the present declines were significantly different from natural variability in abundance, nor that abundances were below the current carrying capacity of the marine environment and freshwater habitat.

Response: The status review did not attempt to exhaustively identify factors for decline, except insofar as they contributed directly to the risk analysis. Nevertheless, NMFS agrees that a multitude of factors, past and present, have contributed to the decline of west coast chinook salmon. Many of the identified factors were specifically cited as risk agents in NMFS's status review (Myers *et al.*, 1998) and listing proposal (63 FR 11482, March 9, 1998). NMFS recognizes that natural environmental fluctuations have likely played a role in the species' recent declines. However, NMFS believes other human-induced impacts (e.g., harvest in certain fisheries, artificial propagation, and widespread habitat modification) have played an equally significant role in the decline of chinook salmon.

NMFS' status review briefly addressed the impact of adverse marine conditions and climate change, but concluded that there is considerable uncertainty regarding the role of these factors in chinook salmon abundance. At this time, we do not know whether these climate conditions represent a long-term shift in conditions that will continue into the future or short-term environmental fluctuations that can be expected to reverse soon. A recent review by Hare *et al.* (1999) suggests that these conditions could be part of an alternating 20– to 30-year long regime pattern. These authors concluded that, while at-risk salmon stocks may benefit from a reversal in the current climate/ocean regime, fisheries management should continue to focus on reducing impacts from harvest and artificial propagation and improving freshwater and estuarine habitats.

NMFS believes there is ample evidence to suggest that the elimination and degradation of freshwater habitats have contributed to the decline of these chinook salmon ESUs. The past destruction, modification, and curtailment of freshwater habitat was reviewed in a recent NMFS coastwide assessment for steelhead (NMFS, 1996), and, more recently, for chinook salmon (NMFS, 1998b). Many of the identified risks and conclusions apply specifically to these chinook salmon. Examples of habitat alterations affecting chinook salmon include: water withdrawal, conveyance, storage, and flood control (resulting in insufficient flows, stranding, juvenile entrainment, and increased stream temperatures); and logging and agriculture (resulting in loss of large woody debris, sedimentation, loss of riparian vegetation, and habitat simplification)(NMFS, 1996; Spence *et al.*, 1996; Myers *et al.*, 1998; NMFS, 1998b). These human-induced impacts in freshwater ecosystems have likely reduced the species' resiliency to natural factors for decline such as drought and poor ocean conditions. A critical next step in restoring listed chinook salmon will be identifying and ameliorating specific factors for decline at both the ESU and population level.

With respect to predation issues raised by some commenters, NMFS has recently published reports describing the impacts of California sea lions and Pacific harbor seals upon salmonids and on the coastal ecosystems of Washington, Oregon, and California (NMFS, 1997 and 1999b). These reports conclude that in certain cases where pinniped populations co-occur with depressed salmonid populations, salmon populations may experience severe impacts due to predation. An example of such a situation is at the Ballard Locks, Washington, where sea lions are known to consume significant numbers of adult winter steelhead. These reports further conclude that data regarding pinniped predation are quite limited and that substantial additional research is needed to fully address this issue. Existing information on the seriously depressed status of many salmonid stocks is sufficient to warrant actions to remove pinnipeds in areas of co-occurrence where pinnipeds prey on depressed salmonid populations (NMFS, 1997 and 1999b).

Issue 4: Consideration of Existing Conservation Measures

Comment 5: Several comments expressed concerns about NMFS' reliance and characterization of the efficacy of the Northwest Forest Plan (NFP), citing significant differences in management practices between various Federal land management agencies. Numerous commenters noted that an array of state and Federal conservation measures were underway for this and other species (particularly in California) and asked that NMFS give them more consideration in its listing determination.

Response: In the listing proposal, NMFS noted that the NFP requires specific management actions on Federal lands, including actions in key watersheds in southern Oregon and northern California that comply with special standards and guidelines designed to preserve their refugia functions for at-risk salmonids (i.e., watershed analysis must be completed prior to timber harvests and other management actions, road miles should be reduced, no new roads can be built in roadless areas, and restoration activities are prioritized). In addition, the most significant element of the NFP for anadromous fish is its Aquatic Conservation Strategy (ACS), a regional-scale aquatic ecosystem conservation strategy that includes: (1) Special land allocations (such as key watersheds, riparian reserves, and late-successional reserves) to provide aquatic habitat refugia; (2) special requirements for project planning and design in the form of standards and guidelines; and (3) new watershed analysis, watershed restoration, and monitoring processes. These ACS components collectively ensure that Federal land management actions achieve a set of nine ACS objectives that strive to maintain and restore ecosystem health at watershed and landscape scales to protect habitat for fish and other riparian-dependent species and resources and to restore currently degraded habitats. NMFS will continue to support the NFP strategy and address Federal land management issues via ESA section 7 consultations in concert with this strategy.

Additional consideration was given to various conservation efforts in California and elsewhere within the range of proposed chinook ESUs that have been implemented or are expected to be initiated. See "Efforts Being Made to Protect West Coast Chinook Salmon" later in this document.

Comment 6: Several comments expressed concern over the need to list these chinook salmon ESUs and the effects of these listings on Indian resources, programs, land management, and associated Trust responsibilities. Particular concern was expressed about the effects of listing Deschutes River chinook salmon on tribal fishing for this and other species.

Response: NMFS acknowledges that ESA listings may impact Indian resources, programs, land management and associated Trust responsibilities. NMFS will continue to work closely with affected Indian tribes through government to government consultation as harvest and other management issues arise and will continue to support the development of sound, strong tribal and state conservation efforts to restore listed chinook salmon and other west coast salmon populations.

Issue 5: ESU Delineation and Status of Central Valley Spring-run Chinook Salmon

Comment 7: Some commenters questioned this ESU's configuration and felt that NMFS was inconsistent in separating spring and fall runs in the Central Valley. A peer reviewer stated that the genetic information presented was not sufficient to justify the creation of a separate spring-run chinook salmon ESU. The majority of commenters agreed that this ESU is currently at risk, but there were disparate views as to whether the risks warranted an endangered listing under the ESA. For example, one commenter believed that Central Valley spring-run populations have remained stable (although at low levels of abundance) and that current fluctuations are consistent with natural terrestrial and ocean productivity cycles. This commenter suggested that information on cohort replacement rates, the level of interaction between fall and spring runs, and the impact of various factors relating to the survival of emigrating juveniles and returning adults need to be further investigated before a listing determination can be made. Another commenter felt that listing was warranted, but that a threatened status was more appropriate, given the relatively stable population sizes for most spring-run fish over the last 20 years and the increasing abundance found in Butte Creek.

Recent large returns to Butte Creek prompted a number of comments specific to spring-run chinook salmon in this Sacramento River tributary. One commenter suggested that the recent increases were due to high flows through the Sutter Bypass during the recent wet years. Spring-run adults returning to the upper Sacramento River would be attracted to the Bypass and routed up into Butte Creek. Therefore, the commenters contend that spring-run fish currently spawning in Butte Creek represent an amalgamation of fish from the upper Sacramento River and its tributaries. Another commenter believed that NMFS incorrectly suggested that the Butte Creek populations were the product of hatchery releases. Similarly, two commenters presented genetic information that indicates that the spring-run chinook salmon population in Butte Creek is not the result of strays from the Feather River Hatchery as was speculated by NMFS. They also noted that the 1998 abundance estimate for the Butte Creek spring run is approximately 19,000 spawners and that, if these fish are included in the total abundance estimate for the Central Valley spring-run chinook salmon ESU, there is a several fold increase in abundance.

Several commenters cited specific factors for decline that impact the fall run: predation by non-native species, dam and reservoir operations, catastrophic stranding, incorporation of naturally produced salmon into hatchery broodstocks, and competition and predation by hatchery chinook salmon and steelhead on naturally produced chinook salmon. Some contended that a variety of existing conservation efforts aimed at addressing factors for decline (e.g., the Bay-Delta Accord, CALFED, and harvest and hatchery reforms) were sufficient to prevent this ESU from becoming extinct. In addition, some commenters believed that significant benefits would accrue to spring-run chinook salmon as a result of the State of California's ESA listing for the species, as well as actions by NMFS and the Pacific Fishery Management Council (PFMC) to protect winter-run chinook salmon. Others disagreed with these contentions and asserted that efforts had clearly failed to adequately protect chinook salmon in the Central Valley.

Since the initial status review, NMFS has received new data and information which have helped resolve the scientific uncertainties associated with the proposed listing for this ESU (NMFS, 1999a), and are summarized as follows.

Response - ESU Delineation: NMFS recently analyzed new genetic data collected for California chinook salmon. In 1998 and 1999, NMFS, CDFG, FWS, and the U.S. Forest Service (USFS) collected samples of spawned adult chinook salmon from 13 rivers and hatcheries in the Central Valley and Klamath River Basin. The new samples were analyzed along with allozyme data for California and southern Oregon chinook salmon that were previously used in the NMFS coastwide status review (Myers *et al.*, 1998). The population structure revealed by the new analysis of allozyme data was consistent with the delineations of major genetic groups described in previous genetic studies of California and southern Oregon chinook salmon (Utter *et al.*, 1989; Bartley *et al.*, 1992; Myers *et al.*, 1998). The most genetically divergent group of samples was from the Central Valley. Within the Central Valley, the most genetically divergent sample was from the Coleman National Fish Hatchery (CNFH) winter-run population. Spring-run chinook salmon sampled from Deer and Butte Creeks were distinct from the winter-run fish sample and also from samples of fall- and late fall-run chinook salmon from the Central Valley. The Deer Creek and Butte Creek samples were genetically distinct from each other. The sample of spring-run chinook salmon from the Feather River Hatchery was genetically intermediate between spring- and fall-run samples and most similar to the sample of Feather River Hatchery fall-run chinook salmon. Samples of fall-run and late fall-run populations formed a diverse subcluster that included samples from both Sacramento and San Joaquin populations.

Banks *et al.* (1999) studied 5 to 11 microsatellite loci in 41 samples to assess genetic diversity among winter-, spring-, fall-, and late fall-run chinook salmon in California's Central Valley. Five homogeneous subpopulations were found: (1) wild and hatchery broodstock winter run, (2) wild spring run from Deer and Mill Creeks, (3) wild spring run from Butte Creek, (4) wild and hatchery fall run, and (5) wild and hatchery late-fall run. Winter-run samples were the most genetically divergent. Butte Creek spring-run chinook salmon were the next most divergent, followed by spring-run samples from Deer and Mill Creeks. Fall and late-fall runs were separated by a very small genetic distance. It is noteworthy that the sample of Butte Creek spring-run fish did not show evidence of introgression from Feather River hatchery fall-run stock. However, fewer alleles and lower heterozygosities in both winter-run and Butte Creek spring-run samples indicate that these populations may have experienced past reductions in population size.

Banks *et al.* (1999) used five microsatellite loci to investigate genetic relationships among 11 fall- and spring-run chinook salmon populations in the Klamath River and to compare these populations to chinook salmon from the Central Valley. Despite extensive sampling and analysis, no homogeneous population pools were found. Overall, Klamath River Basin populations were differentiated from Central Valley populations, and winter-run chinook salmon were genetically distinct and did not cluster with other populations.

Nielsen *et al.* (1994) and Nielsen (1995) examined mitochondrial DNA (mtDNA) variation in 14 samples of chinook salmon from Central Valley rivers and hatcheries and one sample from Guadalupe River, a southern tributary of San Francisco Bay. Nielsen *et al.* (1999) concluded that their data support their earlier conclusions (Nielsen *et al.*, 1994) that fall, late fall, spring, and winter runs of Central Valley chinook salmon show consistently significant differences for the mtDNA locus, indicating infrequent

straying and limited gene flow among the temporal spawning runs.

Kim *et al.* (1999) examined genetic variation in winter-, spring-, fall-, and late fall-run adult chinook salmon taken from the upper Sacramento River between 1991 and 1995. An analysis of population structure indicated that winter-run chinook salmon were the most genetically distinct, while fall- and late fall-run samples were closely related to each other. Spring-run samples were genetically intermediate between the winter and fall and late-fall runs. A sample of Butte Creek spring-run chinook salmon was genetically similar to Sacramento River mainstem spring-run samples.

Ecological and life history information for this ESU was also re-evaluated, particularly historical and current information concerning Butte Creek populations. Yoshiyama *et al.* (1996) reported that spring, fall, and probably late-fall runs of chinook salmon historically utilized Butte Creek. Gold mining, logging activities, and irrigation withdrawals have all had a considerable impact on habitat quality (Clark, 1929; Hanson *et al.*, 1940). In 1917, two diversion dams were constructed by Pacific Gas and Electric. The Centerville Diversion Dam eliminated access to the upper watershed (Mills and Ward, 1996). Clark (1929) reported that the fall-run fish had declined dramatically and that summer flows in the lower river had been reduced by irrigation withdrawals. There was no mention of the status of a spring run. A survey by Hanson *et al.* (1940) reported that much of the upper watershed had been logged, and that mining operations continued to impact the river flow, and that "none of the flow of Butte Creek except perhaps a little seepage reaches the Sacramento River during this summer.

Yoshiyama *et al.* (1996) reported that Butte Creek spring-run chinook salmon enter the creek in February through April (compared with May or June for Feather River spring-run chinook salmon). USFS monitoring (which began in 1930) indicated that flows in Butte Creek peak during the February to June period (peaks vary from 1,000 to over 10,000 cubic feet per second (cfs), with a maximum of 25,000 cfs in 1997), but are below 100 cfs during much of the remainder of the year (U.S. Geological Survey, 1999). Although Butte Creek originates in the Sierra Nevada Mountains (2000 m), spring-run adults spawn at a relatively low altitude (300 m), in part because of the absence of passage at the Centerville Dam. Yoshiyama *et al.* (1996) were uncertain if spring-run chinook salmon historically migrated above a 7.6 m waterfall located near the Centerville Dam. Spring-run chinook salmon spawn in September. Juveniles emigrate primarily as fry (December to March) and may rear in the Sacramento River Delta for extended periods (Baracco, 1996). Fall-run chinook salmon are reported to spawn further downstream, below the Parrot-Phelam Dam (Yoshiyama *et al.*, 1996).

Based on a re-assessment of information relevant to the configuration of this ESU, NMFS reiterates its previous decisions that the spring-run populations in the Central Valley constitute a distinct ESU and that the extirpated spring-run populations in the southern portion of this ESU may have constituted their own ESU (based on ecological and biogeographical data). NMFS considered several issues related to the configuration of the Central Valley spring-run chinook salmon ESU. The genetic data indicate that spring-run fish spawning in Butte Creek are not the progeny of Feather River Hatchery spring-run releases, but represent a naturally spawning population distinct from both Feather River fish and spring-run chinook salmon in Deer and Mill Creeks. Further sampling and analysis of mainstem Sacramento River spring-run fish (the only remaining known population that is not presently genetically described) are potentially important to understanding the relationship among Central Valley spring-run chinook salmon populations. Furthermore, NMFS is concerned that hatchery operations at the Feather River Hatchery may have resulted in the hybridization of spring- and fall-run fish. However, NMFS concludes that the Feather River spring run may retain "spring-run" life history characteristics and concludes it is still part of this ESU.

Response - ESU Status: NMFS also examined updated risk information for this ESU. Abundance of spring-run chinook salmon has increased in several streams since 1996, the most recent year considered in the previous risk evaluation by NMFS. The Feather River population abundance has been fairly constant at 3,000 to 7,000 fish per year spawning naturally. The 5-year geometric mean abundance of spring-run chinook salmon in the Feather River increased from 4,260 fish through 1996 to 5,013 through 1998. CDFG and other fisheries biologists familiar with Central Valley runs believe that the so-called spring-run fish in the Feather River are not likely to be representative of the historically wild spring-run fish because of the introgression between wild spring-run populations and hatchery spring- and fall-run chinook salmon (CDFG, 1998a). Three streams, Deer, Mill, and Butte Creeks, which contain naturally spawning populations of spring-run chinook salmon in this ESU, have also shown increases in mean abundance. The 5-year geometric mean abundance in Deer Creek increased from 564 through 1997 to 805 through 1998, and, in Mill Creek, the mean abundance increased from 252 through 1996 to 346 through 1998.

The most impressive change in status since the previous NMFS risk evaluation for this ESU was the continuing strong return of spring chinook to Butte Creek. In 1998, 20,259 spring-run chinook salmon returned to the creek, 2.7 times greater than the 1995 parental cohort of 7,500 fish resulting in a 5-year geometric mean abundance of 2,302 fish. The dissimilarity in genetic composition (Banks *et al.*, 1999; Kim *et al.*, 1999) and lack of concordance of trends in abundance (CDFG, 1998b) of Butte Creek and Feather River spring chinook suggest that the recent large escapements of spring chinook to Butte Creek are not the result of fish straying from the Feather River.

The spawning population of spring-run chinook salmon in the mainstem Sacramento River above Red Bluff Diversion Dam has continued to decline in abundance since the previous risk evaluation. The 5-year geometric mean abundance through 1998 is estimated to be around 300 fish, down from a mean of 435 through 1996. CDFG discussed sporadic reports of spring-run chinook salmon in Antelope, Cottonwood, and Big Chico Creeks, but the infrequent occurrence of these fish indicates that they do not represent self-sustaining populations (CDFG, 1998a).

After reviewing additional scientific information regarding the status of this ESU, NMFS concludes that the Central Valley spring-run chinook salmon ESU is not currently at risk of extinction but is likely to become endangered in the foreseeable future. NMFS is encouraged by the increase in abundance in Deer and Butte Creeks. Next to Butte Creek, the largest population of spring-run chinook salmon in the ESU is in the Feather River, and NMFS has concerns regarding the extensive introgression with fall-run fish in the hatchery population. The prospects for using the Feather River stock for conservation purposes in this ESU are unclear. The complete extirpation of the spring run from the San Joaquin River and the loss of historical spawning habitat above the dams in the Sacramento River Basin have resulted in a greatly reduced distribution of spring-run fish in the Central Valley. The primary reasons for

the change in the risk evaluation from "presently in danger of extinction" previously proposed by NMFS were the increase in abundance of Butte Creek fish in recent years and the genetic evidence that the spring chinook salmon in Butte Creek are not of hatchery origin.

NMFS also notes a number of recent events that may have improved conditions for the Central Valley spring-run chinook salmon ESU, including reduced ocean and in-river harvest levels, the Federal listing of winter-run chinook salmon and Central Valley steelhead, the state listing of spring-run chinook salmon, and the habitat improvements occurring under the CALFED program. NMFS has considered the impacts of various conservation efforts affecting this ESU under the section "Efforts Being Made to Protect West Coast Chinook Salmon" of this document.

Issue 6: ESU Delineation and Status of Central Valley Fall and Late Fall-run Chinook Salmon

Comment 8: The vast majority of public comments on these four chinook salmon listing proposals involved NMFS' assessment of the Central Valley fall and late fall-run ESU. While some commenters agreed with NMFS' listing proposal, most did not agree that this ESU warranted listing as a threatened species. Others believed that NMFS' risk assessment may have been significantly influenced by six recent drought years. One commenter asserted that Central Valley chinook salmon populations have historically undergone extreme fluctuations in abundance due to environmental fluctuations and that NMFS did not adequately take these fluctuations (and the ability of the natural populations to recover) into account when assessing the risk of extinction. Several commenters also highlighted the high overall escapement level for this ESU and felt that there was not sufficient evidence to justify a listing. One commenter asserted that the small river systems that flow into San Francisco Bay did not historically support chinook salmon. Another did not agree that the San Joaquin River Basin constituted a significant portion of the ESU and felt that the depressed nature of San Joaquin fall-run stocks was not an adequate basis for a listing. Others believed that the ESU should be split into two ESUs. Several commenters cited specific factors for decline that impact the fall run: predation by non-native species, dam and reservoir operations, catastrophic stranding, incorporation of naturally produced salmon into hatchery broodstocks, and competition and predation by hatchery chinook salmon and steelhead on naturally produced chinook salmon.

Issues related to hatchery-produced chinook salmon in this ESU were particularly common. Many commenters felt that NMFS did not conclusively show that hatchery-produced fish were a risk to naturally-produced fish. Some felt that NMFS needed to provide a method for distinguishing hatchery and natural production, and justify the exclusion of hatchery fish from the risk determination (given that the majority of the broodstock originated from within the ESU). One commenter argued that, in many instances, hatchery and naturally spawning fish have co-mingled for generations, hence the fish are genetically indistinguishable and effectively represent one population. In many cases the persistence of naturally spawning fish has been dependent on the continued operation of the hatchery program. Under these conditions, the commenter contended, hatchery abundances should be included in the assessment of the risk of extinction for an ESU. Another suggested that, if hatchery impacts were great, NMFS should conclude that the Central Valley fall and late fall-run chinook salmon ESU was similar to the Lower Columbia River coho salmon ESU and exclude the Central Valley chinook salmon ESU from consideration for listing. One commenter argued that NMFS needed to identify which hatchery populations are in the ESU and which are not before making any conclusions on the status of this ESU. Another included data that indicated a rising proportion of coded-wire tag (CWT) fish being recovered in tributaries to the San Joaquin River; these CWT estimates did not take into account the contribution of unmarked hatchery-reared fish. In determining the risks facing this ESU, one commenter suggested that NMFS use the San Joaquin Basin populations as a benchmark. Still another called for more genetic sampling to determine whether the San Joaquin River Basin should be established as a separate ESU.

Finally, numerous commenters highlighted the importance of taking into account habitat restoration programs that are underway throughout the Central Valley and asserted that recent run sizes for the San Joaquin Basin have been increasing partly because of improvements in habitat conditions (e.g., gravel, temperature, and flows). Some believed that demonstrable habitat improvements had and would result from the CALFED program and that these results were predictable given the definitive nature of the program and the guaranteed nature of the funding. However, other commenters were skeptical that these efforts would be sufficient to reduce the risks facing this ESU. Key elements of the programs cited by commenters involved modified flow regimes, improved passage facilities, improved hatchery and harvest practices, and improved monitoring. In addition, some commenters believed that significant benefits would accrue to fall- and late fall-run chinook salmon as a result of the State of California's ESA listing for the spring run, as well as of actions by NMFS and the PFMC to protect winter-run chinook salmon.

Since the initial status review, NMFS has received new data and information which have helped resolve the scientific uncertainties associated with the proposed listing for this ESU (NMFS, 1999a), and are summarized as follows.

Response - ESU Delineation: NMFS recently analyzed new genetic data collected for California chinook salmon. In 1998 and 1999, NMFS, CDFG, FWS, and USFS collected samples of spawned adult chinook salmon from 13 rivers and hatcheries in the Central Valley and Klamath River Basin. The new samples were analyzed along with allozyme data for California and southern Oregon chinook salmon that were previously used in the NMFS coastwide status review (Myers *et al.*, 1998). The population structure revealed by the new analysis of allozyme data was consistent with the delineations of major genetic groups described in previous genetic studies of California and southern Oregon chinook salmon (Utter *et al.*, 1989; Bartley *et al.*, 1992; Myers *et al.*, 1998). The most genetically divergent group of samples was from the Central Valley. Within the Central Valley, the most genetically divergent sample was from the CNFH winter-run population. Spring-run chinook salmon sampled from Deer and Butte Creeks were distinct from the winter-run fish sample and also from samples of fall- and late fall-run chinook salmon from the Central Valley. The Deer Creek and Butte Creek samples were genetically distinct from each other. The sample of spring-run chinook salmon from the Feather River Hatchery was genetically intermediate between spring- and fall-run samples and most similar to the sample of Feather River Hatchery fall-run chinook salmon. Samples of fall- and late fall-run populations formed a diverse subcluster that included samples from both Sacramento and San Joaquin populations.

Microsatellite DNA variation has also been used in recent studies to examine

genetic relationships among populations of chinook salmon in California. Nielsen *et al.* (1994) found significant heterogeneity among fall-run hatchery stocks and also among naturally spawning fall-run populations but there was no significant geographic structure at the basin level for wild fall-run chinook salmon. However, comparisons of wild fall-run carcasses and hatchery stocks suggest that naturally spawning fall-run fish in several basins retain some degree of genetic distinctiveness not found in hatcheries. Allele-frequencies for carcass collections made on the American, Tuolumne, Merced, and Feather Rivers were significantly different from samples of hatchery populations found within the same drainage. The Merced and Mokelumne Rivers were found to be most similar to hatchery populations on their respective rivers. The heterogeneity comparisons for some wild fall-run carcass collections may have been biased by small sample sizes. Fall-run hatchery populations were differentiated from populations of other run times but samples of wild fall-run populations were not compared to populations of winter, spring, or late-fall runs. Naturally spawning late fall-run fish were differentiated in allozyme analysis from all other populations including CNFH late fall-run salmon. The naturally spawning late fall-run population was most genetically similar to either winter-run fish or the CNFH late fall-run population, depending on the genetic distance measure used. Nei's measure of genetic distance indicated that late fall-run populations were most similar to hatchery fall-run populations.

Banks *et al.* (1999) used five microsatellite loci to investigate genetic relationships among 11 fall- and spring-run chinook salmon populations in the Klamath River and to compare these populations to chinook salmon from the Central Valley. Despite extensive sampling and analysis, no homogeneous population pools were found. Klamath River Basin populations were differentiated from Central Valley populations, and winter-run chinook salmon were genetically distinct and did not cluster with other populations.

Nielsen *et al.* (1994) and Nielsen (1995) examined mtDNA variation in 14 samples of chinook salmon from Central Valley rivers and hatcheries and 1 sample from the Guadalupe River, a southern tributary of San Francisco Bay. Nielsen *et al.* (1999) concluded that their data support their earlier conclusions (Nielsen *et al.*, 1994) that fall, late-fall, spring, and winter runs of Central Valley chinook salmon show consistently significant differences for the mtDNA locus, indicating infrequent straying and limited gene flow among the temporal spawning runs. Nielsen *et al.* (1999) concluded that additional sampling is needed to test for significant genetic differences among natural spawning and hatchery populations of fall-run chinook salmon. A sample of chinook salmon from Guadalupe River showed significant haplotype frequency differences from samples of the four spawning runs in the Central Valley, primarily due to a haplotype (CH9) found in 2 fish in the Guadalupe River. This haplotype has not been observed in fish from the Central Valley but has been found in samples of Russian River chinook salmon. The remaining 27 samples from the Guadalupe River could not be differentiated from the chinook salmon in the Merced and Feather River hatcheries through the use of mtDNA.

Kim *et al.* (1999) examined genetic variation in winter-, spring-, fall-, and late fall-run adult chinook salmon taken from the upper Sacramento River between 1991 and 1995. An analysis of population structure indicated that winter-run chinook salmon were the most genetically distinct, while fall- and late fall-run samples were closely related to each other. Spring-run samples were genetically intermediate between the winter and fall/late- fall runs. A sample of Butte Creek spring-run chinook salmon was genetically similar to Sacramento River mainstem spring-run samples.

NMFS also re-examined ecological and life history information for this ESU. The San Joaquin River Basin includes the Mokelumne, Consumnes, Calaveras, Stanislaus, Tuolumne, and Merced Rivers. Historically, salmon also utilized the Kings River during years of high precipitation (Yoshiyama *et al.*, 1996). Ecologically, the Consumnes and Calaveras are distinct from the other San Joaquin River Basin tributaries in that their flows are influenced by rainfall rather than snow melt. Historically, fall-run chinook salmon were present in all of the basins, and there is some evidence that a late-fall run may have existed in the Mokelumne River (Yoshiyama *et al.*, 1993). Furthermore, Reynolds *et al.* (1993) described a "winter-run" population that spawned in the Calaveras River from 1972 to 1984; however, this population appears to have been extirpated, and its relationship with other temporal runs in the Central Valley was never established. Impassible dams and water withdrawals have severely reduced the quantity and quality of salmon habitat. Presently, only 45 percent of the total historical chinook salmon habitat is accessible (not including habitat in the Kings River Basin). Much of the habitat lost would have been utilized by spring-run chinook salmon; however, water conditions in the remaining habitat have degraded. Ecologically, rivers in the San Joaquin (including the Mokelumne River) and American River Basins experience peak flows in May, fed primarily by snow melt from the Sierra Nevada Range. Geologically, the Sierra Nevada Range is very different from the volcanic structure of the Cascades that constitute the headwaters for most rivers in the northern portion of the Central Valley.

There is little historical information concerning the life history characteristics of fall-run chinook salmon in the San Joaquin River Basin. Fall-run chinook salmon in the San Joaquin River Basin enter fresh water in late September or October (depending on water conditions) and spawn in November and December, with some spawning continuing into January. The mean date of entry (for the years 1974 to 1995) into the trap at the Merced River Fish Facility is October 21. In 1939, Hatton (1940) reported that the date of river entry for the fall run varied from early and mid-October for the Tuolumne and Merced Rivers, early November for the Mokelumne River, and early December for the Consumnes River. The majority of juveniles emigrate during their first winter (January to March). The run and spawn timing currently exhibited by fall-run fish in the San Joaquin River Basin may not reflect historical timing due, in part, to changes in river flow and temperature conditions over the last century. However, it is clear that the environmental conditions in the San Joaquin River represent the extreme of chinook salmon temperature tolerance. In the 1870s, salmon were observed migrating through the San Joaquin River in July and August (which were probably the historical spring-run chinook salmon) when water temperatures were in excess of 26 degrees Centigrade (U.S. Fish Commission, 1876). Despite an apparent tolerance to high water temperature conditions, San Joaquin River Basin chinook salmon populations continued to deteriorate until only the late portion of the fall run was able to ascend the tributaries (Clark, 1929).

The age at maturation for fall-run chinook salmon varies considerably from year to year due to differential survival of emigrating juveniles and returning adults related to water conditions. Most notably, a number of female San Joaquin River fall-run

chinook salmon mature after only 2 years (Myers *et al.*, 1998).

Based on a re-assessment of information relevant to the configuration of this ESU, NMFS maintains that the original description proposed for the Central Valley fall and late fall-run chinook salmon ESU is valid. NMFS believes that the new genetic information on spring-run and winter-run populations in the Central Valley further reinforces the previous decision to establish ESUs for the winter and spring runs distinct from the fall- and late-fall run (Myers *et al.*, 1998). NMFS also maintains the agency's previous conclusion that Central Valley fall and late- fall runs are in the same ESU.

NMFS considered the possible existence of a distinct fall/late fall-run ESU in the southern portion of the existing ESU (i.e., San Joaquin River and tributaries). The agency believes that ecological differences in the northern and southern Central Valley were large enough to have historically supported two ESUs of fall- and late fall-run chinook salmon, with fish from the American, Mokelumne, Stanislaus, Tuolumne, Merced, and San Joaquin River Basins in the southern ESU and fish from areas north of the American River in a northern ESU. Allozyme analysis indicated that samples of hatchery and naturally spawning fall-run chinook salmon from the American River and San Joaquin River Basin formed a cluster within the general grouping of Central Valley chinook salmon populations.

The status of chinook salmon spawning in tributaries to San Francisco Bay was also considered. The presence of chinook salmon adults and juveniles (including observed spawning activities) has been recorded in a number of rivers and creeks draining into San Francisco Bay (Leidy, 1984; Myers *et al.*, 1998; San Francisco Estuary Project, 1998; Jones, 1999, unpubl. data). However, NMFS was unable to establish if any of these populations were self-sustaining. Although the historical relationship between chinook salmon spawning in San Francisco Bay tributaries and the coastal and Central Valley ESUs is not known, present day adults may have originated from the numerous off-site releases of Central Valley hatchery fall-run chinook salmon into the delta or San Francisco Bay. Additional information on genetic and life history traits for San Francisco Bay chinook salmon and their relationships with Central Valley and coastal chinook salmon populations is necessary to resolve this issue.

Response - ESU Status: NMFS also examined updated risk information for this ESU. Trends in abundance of fall- and late fall-run chinook salmon in this ESU continue to be mixed, but natural spawning abundance is quite high (5-year geometric mean was 190,000 natural spawners for the Sacramento River Basin). The number of mainstem fall-run spawners continues to decline in the upper Sacramento River, as indicated by counts at Red Bluff Diversion Dam (5-year geometric mean abundance through 1996 was 78,996 fish, and mean abundance through 1998 was 26,092 fish). The dam counts represent the total number of fall-run chinook salmon returning to that portion of the river, including hatchery fish. Available evidence suggests that at least 20 to 40 percent of these natural spawners are of hatchery origin (Heberer, 1999). The other Sacramento River Basin streams showing continued declines in abundance of fall-run chinook salmon are Deer and Mill Creeks (short-term trend in abundance through 1998 was –10 percent per year for Mill Creek, long-term trend in abundance through 1998 was –2.8 percent per year for Deer Creek). All other streams for which there are abundance data show increases in abundance over the past 10 years. As discussed in the BRT report (Myers *et al.*, 1998), many of the streams with high abundance of fall-run chinook salmon in this ESU are influenced by hatchery programs (especially the Feather and American Rivers and Battle Creek), so the contribution of those populations to the overall persistence of the wild component of the ESU is not clear.

The late-fall component of the Sacramento River run continues to have low, but perhaps stable abundances. Recent estimates up to 1992, when Red Bluff Diversion Dam counts were still accurate, ranged from 6,700 to 9,700. Estimates from 1993 to 1997 were essentially incomplete due to the inability to monitor fish at the Red Bluff Diversion Dam. Beginning in 1998, carcass surveys again allowed a reasonable estimate to be made, and the 1998 abundance estimate (9,717 fish) seems comparable to the early 1990s. Nevertheless, there is considerable uncertainty in estimating the recent trend in abundance due to changes in estimation methods.

Populations of fall-run chinook salmon in the San Joaquin River Basin have exhibited synchronous population booms and busts and currently appear to be on an upward trend in abundance. Aside from a negative short-term trend in abundance in the Stanislaus River (–6.2 percent per year through 1998), the other tributaries to the San Joaquin River are exhibiting increases in abundance over the most recent 10 years. Lindley (NMFS, unpubl. data) developed a series of models relating recruitment of fall chinook in the Tuolomne and Stanislaus Rivers to various factors to see if there was a simple explanation for the high variability in recruitment. Explanatory variables examined included spring river flow, ocean harvest, hatchery releases, sea surface temperature, and spawning stock. The model providing the best fit to empirical data was a logistic growth (stock-recruit) model with the carrying capacity parameter a linear function of river flow during the downstream juvenile migration period (Lindley, NMFS, unpubl. data). The apparent dependency of stock-recruitment relationships on flow does not rule out the potential influences of other factors (e.g., hatchery production) on variability in recruitment (Lindley, NMFS, unpubl. data).

The influence of hatchery fish on natural production in the San Joaquin River Basin is not clear. As in the rest of the Central Valley, the nature of CWT applications and insufficient sampling of natural spawners make quantitative estimation of hatchery influence difficult.

After reviewing additional scientific and commercial information regarding the status of this ESU, NMFS concludes that the Central Valley fall and late fall-run chinook salmon ESU is not presently in danger of extinction, nor is it likely to become so in the foreseeable future. The change in the risk evaluation was due primarily to the increases in abundance in Central Valley streams. The number of natural spawners is quite high (190,000 fish) and numerous streams have seen increases during the past 10 years, with some exceptions. The recent upward trends in fall-run chinook salmon populations in the San Joaquin tributaries are also encouraging, but NMFS is concerned about the high variation in abundance and its strong correspondence with human and naturally impacted flow regimes. The late fall-run chinook salmon escapement appears to be higher than it has been in recent years, but NMFS is concerned about the uncertainty in the escapement estimates.

The major sources of continued threats to the chinook salmon in this ESU are habitat degradation (primarily water withdrawals and stream shifts), water quality, loss of riparian and estuarine habitat, and the influence of hatchery fish. NMFS believes that several recent actions are likely to

mitigate the threats facing chinook salmon in the Central Valley fall and late fall-run chinook salmon ESU, including harvest reductions, the listing of winter-run chinook salmon and steelhead under the Federal ESA, the listing of spring-run chinook salmon under the California ESA (CESA), improvements in water flow and habitat conditions resulting from development and implementation of restoration projects as part of the CALFED and Central Valley Project Improvement Act (CVPIA) programs, implementation of the Vernalis Adaptive Management Plan (VAMP) in the San Joaquin River Basin, and the recently initiated comprehensive review of hatchery programs in the Central Valley by CDFG and FWS. NMFS has considered the impacts of various conservation efforts affecting this ESU under the section "Efforts Being Made to Protect West Coast Chinook Salmon" of this document.

Issue 7: ESU Delineation and Status of Southern Oregon and California Coastal Chinook Salmon

Comment 9: Many commenters, disputing the proposed boundaries for this ESU, questioned NMFS' rationale for a separate Upper Klamath and Trinity River chinook salmon ESU within the range of the larger Southern Oregon and California Coastal ESU. For example, one commenter disputed the southern border of the ESU and asserted that there is no definitive proof that chinook salmon populations existed in any of the San Francisco Bay tributaries. Furthermore, they stated that native chinook salmon were now extinct in the Russian River and that the ESU's boundary should extend no farther south than to the limit of extant chinook salmon populations. Another commenter believed that the chinook salmon population in the Russian River was never historically abundant. Several commenters suggested that this ESU be divided into two ESUs, but the suggested configurations varied. Some believed that the existing ESU should be split south of the Klamath River while others believed that the split should be north of the Klamath River. Still another believed that the ESU should be split north of the Eel River. Finally, some commenters believed that NMFS should adopt ESU configurations more similar to those for coho salmon or steelhead, both of which have multiple ESUs within the range of the Southern Oregon and California Coastal chinook salmon ESU. Most commenters suggesting alternative ESU configurations believed that chinook salmon in the "transboundary" region of Oregon and California would not require protection under the ESA.

Some commenters and peer-reviewers felt that, in a number of cases where spring- and fall-run chinook salmon were included in the same ESU, separate ESUs should have been established. These recommendations were substantiated with information on ecological differences in spring- and fall-run spawning and juvenile rearing habitat. Furthermore, it was argued that separation in spawning time and location provided a significant amount of reproductive isolation, even in those systems where dams had restricted access to historical spring-run spawning habitat. Several of the commenters highlighted these ecological and life history differences in those ESUs where genetic data were limited or lacking. Furthermore, the commenters stated that the lumping of different runs was inconsistent, given the creation of distinct fall- and spring-run ESUs in the Central Valley of California.

Several commenters highlighted the benefits from various restoration programs underway in the range of the proposed ESU (e.g., the NFP and Oregon Coastal Salmon Restoration Initiative), while others expressed little confidence in the adequacy of existing conservation efforts. One commenter described risks to chinook salmon in the Eel River Basin by the introduction of the Sacramento pikeminnow (*Ptychocheilus grandis*) in the late 1970s, noting increases in the number of pikeminnow in the Eel River Basin which corresponded with declines in chinook salmon during the 1980s and 1990s. Another commenter suggested that NMFS had underestimated the impact of predators (such as cormorants) on chinook salmon populations in the range of the proposed ESU.

Since the initial status review, NMFS has received new data and information which have helped resolve the scientific uncertainties associated with the proposed listing for this ESU (NMFS, 1999a), and are summarized as follows.

Response - ESU Delineation: NMFS recently analyzed new genetic data for California chinook salmon. In 1998 and 1999, NMFS, CDFG, FWS, and USFS collected samples of spawned adult chinook salmon from 13 rivers and hatcheries in the Central Valley and Klamath River Basin. The new samples were analyzed along with allozyme data for California and southern Oregon chinook salmon that were previously used in the NMFS coastwide status review (Myers *et al.*, 1998). The population structure revealed by the new analysis of allozyme data was consistent with the delineations of major genetic groups described in previous genetic studies of California and southern Oregon chinook salmon (Utter *et al.*, 1989; Bartley *et al.*, 1992; Myers *et al.*, 1998). The most genetically divergent group of samples was from the Central Valley. The remaining samples formed two large genetic groups composed of samples from the Klamath River Basin and those from coastal rivers. The single sample from the lower Klamath River, Blue Creek, was included in the cluster of coastal samples. The samples from coastal rivers were further differentiated into two subclusters of samples from rivers south of the Klamath River and from those to the north (including Blue Creek).

Several subclusters appeared within the samples of chinook salmon from the Klamath River Basin. The sample from Blue Creek in the lower Klamath River was the most genetically distinct of all the samples from the Klamath River Basin. Samples from the Trinity and Salmon Rivers (both fall- and spring-run populations) clustered separately from samples from rivers farther upstream.

Nielsen *et al.* (1994) reported that mtDNA haplotypes from some of the fall-run chinook salmon smolts captured in 1993 and 1994 from the Russian River did not match haplotypes from the Russian River hatchery (Warm Springs Hatchery) population; in fact, there was a rare haplotype that was found only in chinook salmon from the Russian and Guadalupe (San Francisco Bay) Rivers. In 1999, several naturally produced chinook salmon juveniles were collected in the Russian River Basin by the Sonoma County Water Agency, and a subset of these were genetically analyzed by the Bodega Bay Marine Laboratory (Banks, 1999, unpubl. data).

Banks *et al.* (1999) used five microsatellite loci to investigate genetic relationships among 11 fall- and spring-run chinook salmon populations in the Klamath River and to compare these populations to chinook salmon from the Central Valley. Results revealed two large clusters with Klamath River Basin populations differentiated from Central Valley populations. Within the Klamath River Basin, Blue Creek from the lower Klamath River was the most genetically divergent population and was found to be more similar to southern Oregon and California coastal chinook populations than to upper Klamath/Trinity River populations. The most upstream populations from the Klamath River (Scott River, Shasta River, and Iron Gate Hatchery) were differentiated from subclusters of fall- and spring-run populations in the Trinity and Salmon Rivers.

Little new information on life history traits is available for this ESU. Comparisons of the timing of adult chinook salmon passage over dams on the Mad River (Sweasey Dam) and South Fork Eel River (Benbow Dam) in 1948 to 1949 (Murphy and Shapovalov, 1950) does not reveal a shift in run timing when compared with recent information presented in Myers *et al.* (1998), indicating that introductions of out-of-basin stocks have had little observable impact. A review of ocean distribution information collected from 1986 to 1989 (Gall *et al.*, 1989) suggests that there may be geographic and timing differences in the ocean distribution of chinook salmon from the Smith River and southern Oregon relative to Eel River and other coastal stocks.

There was little information available on the southern limit of self-sustaining chinook populations in this ESU. Cobb (1930) discussed the existence of fall-run populations in the Noyo and Mattole Rivers; furthermore, the Noyo River fall-run population was large enough to sustain a small fishery early in this century. Clark (1940) estimated that the salmon catch in the Eel River during 1916 was nearly 450,000 kg, and 32,000 kg in the Mad River during 1918. Snyder (1908) described the presence of chinook salmon in the Russian River; however, Shapavalov (1944) made no mention of the presence of chinook salmon in the Russian River. In October of 1972, a number of salmon (no identification of the species was possible) were observed spawning in the Russian River below Dry Creek (Holman, 1972).

Within San Francisco Bay there are a number of streams where chinook salmon have been observed (Jones, 1999). Spawning chinook salmon or redds have been observed in the Guadalupe River, Napa River, Petaluma River, Walnut Creek, and Green Valley Creek (Jones, 1999). There is very little information on the origin or sustainability of chinook salmon "populations" in these systems. South of San Francisco Bay, chinook salmon have historically been documented in the San Lorenzo and Pajaro Rivers (Snyder, 1913) and in the Ventura River (Jordan and Gilbert, 1881). However, it is unclear if coastal populations south of the Russian River were historically persistent or if they were merely colonized by more northerly populations on an intermittent basis during favorable climatic periods (Myers *et al.*, 1998). Recently, adult chinook salmon have also been observed in Scott Creek, but in low numbers and only on an intermittent basis (Streig, Monterey Bay Salmon & Trout Project, pers. comm.). Currently, there are no known persistent populations of chinook salmon on the coast south of San Francisco Bay.

Based on a re-assessment of information relevant to the configuration of this ESU, NMFS concludes that the proposed Southern Oregon and California Coastal chinook salmon ESU should be split into two ESUs: a Southern Oregon and Northern California Coastal chinook salmon ESU, extending from Euchre Creek through the Lower Klamath River (inclusive), and a California Coastal chinook salmon ESU, extending from Redwood Creek south through the Russian River (inclusive). This new ESU boundary is similar to that designated between Klamath Mountains Province and Northern California steelhead ESUs. At this time, NMFS concludes that the Russian River Basin presently contains the most southern persistent population of chinook salmon on the California coast.

NMFS reconsidered the reconfiguration of this proposed ESU based on a number of issues. The acquisition of new genetic samples from the Central Valley, California coastal streams, and Upper Klamath and Trinity Rivers made possible a new analysis indicating distinct clusters of coastal populations north and south of the Klamath River. The genetic distances between these clusters correspond roughly to the differences observed between Central Valley spring- and fall and late fall-run chinook salmon ESUs, and the Washington and Oregon coast chinook salmon ESUs.

Ecological differences between the northern and southern portions of the Southern Oregon and California Coastal chinook salmon ESU were also discussed. Rivers to the north (especially the Rogue River) tended to be larger than those to the south. River flows in the northern portion tend to peak in January, while those to the south peak in February (Myers *et al.*, 1998). Annual precipitation is considerably higher in the northern portion than in the south. These geographic and ecological differences may be responsible for the presence of a limited proportion of yearling outmigrants (less than 10 percent) in the northern portion of the ESU compared with the apparent absence of yearling outmigrants in the southern portion. Furthermore, soils in the southern portion are highly erodible, causing high silt loads that result in berms which close off the mouths of many of the rivers during summer low flows. River conditions in most of these coastal basins, especially in the south, have very limited temporal windows for adult access and juvenile emigration. Given these conditions, it is unlikely that substantial differences in the life history traits normally measured (e.g., run timing, spawn timing, juvenile emigration) could evolve among most rivers in the northern and southern portions of the proposed ESU. However, NMFS did consider the presence of spring-run chinook salmon in the northern portion of the ESU, Rogue and Smith Rivers, as a further indicator of geographic and life history differences (although there may have historically been a spring run in the Eel River). Finally, there was some ocean harvest information that indicated differences in the migration pattern of populations from the northern (Rogue and Smith Rivers) and southern (Eel River) portions of the proposed ESU (Gall *et al.*, 1989).

Response - ESU Status: New abundance information was provided by several commenters and co-managers for a number of streams in the Southern Oregon and Northern California Coastal chinook salmon ESU (Howard and Albro, 1997; Howard, 1998 and 1999; USFS, 1997 and 1999; Waldvogel, 1997 and 1999; Yurok Tribal Fisheries Program, 1997 and 1999; ODFW, 1999). Recent total estimated escapement of fall- and spring-run chinook salmon in Oregon streams is close to 100,000 fish. The largest run of fall chinook salmon in the ESU occurs in the Rogue River, and ODFW recently has revised its estimates of abundance to average over 51,000 fish in the run during the most recent 5 years. In addition, ODFW estimated that the escapement of fall chinook to the Chetco River in 1995 and 1996 was 8,500 and 3,500 fish, respectively. In spite of the high estimated abundances in the Chetco River, between 31 and 58 percent of those naturally spawning fish were estimated to be of hatchery origin.

Although trends in abundance are mixed over the long term, most short-term trends in abundance of fall chinook salmon are positive in the smaller coastal streams in the ESU. Spawning ground surveys from a number of smaller coastal and tributary streams from Euchre Creek to the Smith River show declines in abundance from the late 1970s through the early 1990s, but recently, the peak counts predominantly show increases. In addition to adult counts, downstream migrant trapping generally shows increases in production in fall chinook juveniles over the last 4 years in the Pistol and Winchuck Rivers and in Lobster Creek, a tributary to the lower Rogue River. Short- and long-term

trends in abundance for the Rogue River fall chinook are declining, but as mentioned above, the overall run size is still large.

Northern coastal California streams support small, sporadically monitored populations of fall-run chinook salmon. Trends in fall chinook salmon abundance in those California streams that are monitored are mixed; in general, the trends tend to be more negative in streams that are farther south along the coast (i.e., populations in the Eel, Mattole, and Russian Rivers). Estimates of absolute population abundance are not available for most populations in the California portion of the region encompassing this ESU.

The release of hatchery fall chinook salmon into some southern Oregon coastal streams recently has been reduced or discontinued. Releases of fall chinook salmon into the lower Rogue River were reduced to 75,000 smolts and 75,000 unfed fry, and the Chetco River program recently was reduced to 150,000 smolts. ODFW also has provided NMFS with new estimates of the percentage of hatchery fall chinook salmon spawning naturally in the Chetco River. In 1995 and 1996, the percentage of naturally spawning hatchery fish was 31 and 58 percent, respectively. During those same years, the estimated numbers of naturally spawning adults returning to the Chetco River were 8,530 and 3,561 fall chinook salmon, respectively.

Most spring-run chinook salmon in this ESU continue to be distributed in a few populations that are declining in abundance. The run size of spring-run chinook salmon in the Rogue River above Gold Ray Dam has averaged 7,709 over the last 5 years, and the estimated percentage of hatchery fish in the run has ranged from 25 to 30 percent over that time period. The Smith River contains the only known populations of spring-run chinook salmon on the California coast, and those runs continue to decline in the Middle Fork, but are increasing in the South Fork. ODFW believes that spring-run chinook populations in the Smith River probably have always been small, based on in-river fishery landings, historical cannery records, and the judgement of local biologists.

In the California Coastal chinook salmon ESU, fall chinook salmon occur in relatively low numbers in northern streams and, only sporadically, in streams in the southern portion of the ESU's range. Estimates of absolute population abundance are not available for most populations in this ESU. The 5-year geometric mean abundance of fall chinook passing Cape Horn Dam on the upper Eel River is 36 fish, but those counts are considered to be a small and variable fraction of the run in the Eel River.

Trends in fall chinook salmon abundance in those California streams that are monitored are mixed; in general, the trends tend to be more negative in streams that are farther south along the coast (i.e., populations in the Eel, Mattole, and Russian Rivers). Trends in abundance in several tributaries in the Redwood Creek drainage have been monitored since 1995; these numbers will be useful in assessing the status of chinook salmon in those streams in the future. Trends in abundance in the Mad River Basin have been declining over the long term, but they are showing signs of increase in recent years. Peak index counts and carcass surveys have been conducted since the mid-1960s in Sprowl and Tomki Creeks, both tributaries to the Eel River. The long-term trend in abundance in Sprowl Creek is –4.4 percent per year, but recent years show increases. In contrast, both the long- and short-term trends in abundance in Tomki Creek are severely declining. Shorter-term monitoring has occurred in other Eel River tributaries since the late 1980s; abundance in Hollow Tree and Redwood Creeks has been declining precipitously. Recent monitoring of index areas in the Mattole and Russian River Basins indicates declining trends in abundance, with the exception of the increasing abundance at the Coyote Valley Fish Facility on the Russian River from 1992 to 1998. Hatchery chinook salmon occur in the Russian and North Fork Mad Rivers, but the contribution of hatchery fish to natural spawning escapements is not known.

After reviewing additional scientific and commercial information regarding the status of these revised ESUs, NMFS concludes that the revised California Coastal chinook salmon ESU is likely to become endangered in the foreseeable future. Most of NMFS' concerns regarding the status of this ESU are related to abundance and trends/productivity risks. NMFS believes that widespread declines in abundance of chinook salmon relative to historical levels and the present distribution of small populations with sometimes sporadic occurrences contribute to the risks faced by this ESU. Overall, NMFS is concerned about the paucity of information on the presence or abundance of chinook salmon in the geographic area encompassing this ESU. The abundance data series are short-term for most of the streams in this ESU, and there are no current data for the long time series at Benbow Dam for the population that may have been historically the largest (South Fork Eel River).

NMFS believes that habitat degradation and water withdrawals in the river drainages in coastal California have contributed to the continued reduction in abundance and distribution of chinook salmon in this ESU. Smaller coastal drainages, such as the Noyo, Navarro, Garcia, and Gualala Rivers, likely supported chinook salmon runs historically, but they contain few or no fish today. The Russian River probably contains some natural production, but the origin of those fish is not clear because of a number of non-native introductions of hatchery fish over the last century. NMFS is concerned about the possible extinction of the spring run in the upper Eel River, which represents an important loss of life history diversity in this ESU.

NMFS believes that the following factors are likely to have improved the conditions for chinook salmon in the California Coastal chinook salmon ESU: Reductions in the Klamath Management Zone (KMZ) and Central Valley harvest index, the listing of coho salmon and steelhead under the Federal ESA, changes in harvest regulations by the States of Oregon and California to protect coho salmon and steelhead, improvements in stream water quality due to enhanced enforcement of Clean Water Act standards, and changes in timber and land-use practices resulting from completed Habitat Conservation Plans (HCPs).

In contrast, NMFS concludes that chinook salmon in the revised Southern Oregon and Northern California Coastal chinook salmon ESU are not presently in danger of extinction, nor are they likely to become so in the foreseeable future. NMFS is encouraged by the overall numbers of chinook salmon in this ESU and by the recent increases in abundance in many of the smaller coastal streams. In addition to the large runs returning to the Rogue River, chinook salmon appear to be well distributed in a number of coastal streams throughout the geographic region encompassing this ESU. Although many of the new data sets received by NMFS are of short duration, NMFS is encouraged by recent efforts by the co-managers to improve monitoring of chinook salmon in this region. Risks associated with the presence of hatchery fish in this ESU are relatively low; nevertheless, NMFS is concerned about the high percentages of naturally spawning hatchery fish in the Chetco River and in the spring-run chinook salmon population in the Rogue River. In addition, the restricted distribution of

spring-run chinook salmon to the Rogue and Smith River Basins and their significant decline in the Rogue River could represent an important threat to the total diversity of fish in this ESU.

NMFS believes several factors are likely to have improved the conditions for chinook salmon in the Southern Oregon and Northern California Coastal chinook salmon ESU, including reductions in the KMZ troll fishery, the ESA listing of coho salmon, changes in harvest regulations by the States of Oregon and California to protect naturally produced coho salmon and steelhead, and changes in timber and land-use practices on Federal public lands resulting from the NFP. NMFS has considered the impacts of various conservation efforts affecting this ESU under the section "Efforts Being Made to Protect West Coast Chinook Salmon" of this document.

Issue 8: ESU Delineation and Status of Snake River Fall Chinook Salmon

Comment 10: Several commenters, including state and tribal co-managers, disagreed with the inclusion of the Deschutes River fall-run chinook salmon in this ESU. They argued that the Deschutes River and Snake River Basins are ecologically distinct. Furthermore, the geographic distance between these basins would preclude any significant genetic exchange, especially if one considers the historical spawning distribution of Snake River chinook salmon. There were a number of scenarios given to explain the genetic similarity between the Deschutes River and Snake River fall-run populations. One scenario suggested that, with the loss of the majority of their historical spawning habitat, the existing Snake River fall-run chinook salmon ESU no longer represented the historical population. An alternative view was that the genetic differences among all ocean-type chinook salmon above the Dalles Dam were relatively small and that the clustering of populations was subject to possible bias depending on the procedures used. It was also stressed that the existing allozyme information was acquired after the Columbia River Basin had undergone considerable alterations (mainstem dam construction) and many of the native populations had been extirpated. It was also suggested that the marine CWT recovery information for the Deschutes River fall run was potentially biased due to the limited number of tags recovered and the limited number of broodyears that were tagged. Two commenters asserted that an ocean-type summer run existed (and may still exist) in the Deschutes River, and this would evolutionarily link the Deschutes River ocean-type fish more closely with ocean-type fish in the Upper Columbia River summer- and fall-run chinook salmon ESU. Some reviewers suggested that all ocean-type chinook salmon above the historical location of Celilo Falls should be considered one ESU. The most commonly suggested alternative ESU configuration included the Deschutes River and the now extinct populations that were in the John Day, Umatilla, and Walla Walla Rivers as a separate ESU.

Several other commenters challenged the NMFS exclusion of hatchery fish abundances from the risk assessment. They argued that, in many instances, hatchery and naturally spawning fish have co-mingled for generations. These fish are genetically indistinguishable and effectively represent one population. In many cases, the persistence of naturally spawning fish has been dependent on the continued operation of the hatchery program. Under these conditions, they contend, hatchery abundances should be included in the risk assessment for an ESU.

Since the initial status review, NMFS has received new data and information which have helped resolve the scientific uncertainties associated with the proposed listing for this ESU (NMFS, 1999a), and are summarized as follows.

Response - ESU Delineation: The Confederated tribes of the Warm Springs Reservation (CTWSRO) provided NMFS with a preliminary report of genetic studies of fall-run chinook salmon in the Deschutes River (CTWSRO, 1999). Both allozyme and mtDNA loci were used to determine if the Deschutes fall chinook population is more genetically and demographically related to the Snake River fall chinook populations than to any other population in the Columbia Basin. The authors concluded from the mtDNA and allozyme data that there is little or no geographic organization of the fall-run genetic data and no compelling evidence to support adding the Deschutes River to the Snake River fall-run chinook salmon ESU.

The similarity in life history traits between the Deschutes and Snake River fall-run populations was an important factor in the proposed ESU designation incorporating these two geographically separated basins into one ESU. Since the time of the proposed rule, NMFS has reviewed additional information on ecological and life history traits for this ESU and a CTWSRO analysis of information previously reviewed by the BRT (CTWSRO, 1999). Similarities in ocean distribution, as reflected by CWT recoveries, were observed for wild Deschutes River fall-run and Snake River fall-run chinook salmon. Analysis by CTWSRO (1999) indicates that there was a strong correlation (0.95) in the ocean distributions of Deschutes River and Snake River fish; however, there were equally strong similarities between Deschutes River fish and fall-run fish from a number of lower Columbia River basins. The correlation between the distribution of ocean recoveries for the Deschutes River fall-run and that for upriver "bright" fall-run chinook salmon (i.e. Hanford Reach, Priest Rapids) was much weaker (0.61). Because only 35,000 Deschutes River fall-run fish were tagged during each of 3 broodyears (1977 to 1979), and of these only 79 tags were recovered in the ocean fishery, CTWSRO (Patt, 1999) cautioned the use of this information to establish the ESU configuration.

Age structure information was also used in the initial NMFS decision to group fall-run chinook salmon in the same ESU. In the Coastwide Status Review (Myers *et al.*, 1998) similarities were observed between the Deschutes River and Snake River fall-run populations, relative to Hanford Reach and other upper Columbia River fall-run populations. Age structure for the Deschutes River, Snake River (using Lyons Ferry return data), and Hanford Reach fall-run fish was determined using scale data from several broodyears in the late 1970s and 1980s. CTWSRO (Patt, 1999) also presented run reconstructions provided by Howard Schaller (ODFW). For the Deschutes and Hanford Reach data series, this information, based on scales recovered from returning adults, age-length indices, and CWT recoveries, represented a more complete description of the populations concerned than was presented in Myers *et al.* (1998). However, the Snake River age structure data were not based on the direct measurement of Snake River fish, but rather derived from an index of upriver bright stocks. It was advised that considerable caution be used in employing the Snake River age structure data in any comparisons (Schaller, ODFW, pers. comm.).

Spawn timing differences presented by CTWSRO (1999) indicated that Deschutes River fish spawn primarily in October (in contrast to the November peak spawning cited in Myers *et al.*, 1998), rather than in early and mid-November for fall-run chinook salmon in the Snake River and Hanford Reach of the Columbia River (Myers *et al.*, 1998). This earlier timing may be related to water conditions in the Deschutes River or may be an indicator of the integration of a historical summer run into the fall run. A review of historical

information indicated that fall-run chinook in the Snake River near Salmon Falls (Rkm 922) arrived on the spawning grounds in late August and September and that ripe fish were caught in the fishery in early October (Evermann, 1896). Spawning was nearly complete by the end of October. Differences in the spawning time of present day and historical Snake River fall-run chinook salmon populations may be a response to different temperature and flow regimes in the lower river (the current accessible habitat) or may indicate the extirpation of the earlier, upriver, spawning populations from the ESU.

Fecundity estimates provided an additional life history trait for comparison. Myers *et al.* (1998) cited average fecundity values for Deschutes River fall-run chinook salmon of 4,439 eggs per female, and for Lyons Ferry Hatchery fish (Snake River) 3,102 eggs per female (adjusted to 4,011 eggs per female at a standard length of 740 mm). Fecundity estimates (Howell *et al.*, 1985) for wild Snake River fall-run chinook salmon (trapped at Oxbow Dam) of 4,276 (1961 to 1969) and 4,185 eggs per female (1977 to 1983) were similar to Deschutes River fish, but do not include spawner sizes and are difficult to compare.

Meristic data were also reviewed to assess the similarities of the fall-run stocks under consideration. Of the traits analyzed by Schreck *et al.* (1986), only lateral line scale counts were potentially useful in discriminating among the Deschutes, Snake, and mainstem Columbia River (Hanford Reach) populations. Deschutes River fall-run chinook salmon exhibited a lower mean lateral scale count (136.6) compared with the fall-run fish from Hanford Reach (140.6) and the Snake River (Lyons Ferry Hatchery) (143.3). The Deschutes River lateral line scale counts most closely resembled those from several fall-run populations in the Lower Columbia River (below the location of Celilo Falls); however, these differences may not be statistically significant.

Little documentation is available on the existence of a summer run in the Deschutes River Basin. This issue is relevant to the discussion on ESU configuration due to the ocean-type life history expressed by summer-run fish in the Upper Columbia River and the stream-type life history expressed by summer-run fish in the Snake River Basin. If, as has been asserted by Patt (1999), the summer run in the Deschutes River Basin exhibited an ocean-type life history, it would provide an evolutionary link with the upper Columbia River ocean-type stocks. Information presented by CTWSRO (1999) indicates that there was a significant temporal separation in the arrival of spring-run and summer/fall-run adults at the Pelton Dam Trap (River kilometer (Rkm) 161). Jonasson and Lindsay (1988), Beaty (1996), and Lichatowich (1998) have suggested that summer-run fish existed in the Deschutes River. Whether these summer-run fish historically spawned above the present site of Pelton Dam or above Sherars Falls, which reportedly was impassable during low summer flows early in this century, is not known although both scenarios would have provided for the geographic separation of summer and fall runs. In the 1960s, three returning adults that were tagged while passing Bonneville Dam during July were later recovered in the Metolius River, tributary to the Deschutes River at Rkm 178 (Galbreath, 1966). However, Nehlsen (1995) cited several personal communications which indicate that fall spawning fish were not observed in the Deschutes River Basin above the site of Pelton Dam. Analysis of downstream juvenile migrants (1959 to 1962) through the Pelton project did not detect any subyearling migrants (which would be consistent with the presence of ocean-type fish). Analysis of mtDNA variability from fish sampled at Sherars Falls and the Pelton Dam Trap suggests that genetic differences exist among adults collected at the two sampling locations (CTWSRO, 1999). It has been suggested that the genetic differences are indicative of a vestigial run of summer-run fish that have retained the propensity to migrate farther upstream than do fall-run fish. However, Jonasson and Lindsey (1988) state that there is no correlation between the date of ascending Sherars Falls and the date or location of subsequent spawning. Furthermore, analysis of scales from adults sampled at Sherars Falls in 1978 indicated that stream-type fish constituted 31.2, 25, 4.4, and 2.2 percent of the run passing the Falls in July, August, September, and October, respectively (Aho *et al.*, 1979). During 1979, the percentage of stream-type fish sampled at Pelton Trap during this same period dropped to 14 and 5.5 percent for July and August, respectively. The possibility exists that many of the fish sampled in the mtDNA study (especially at the Pelton Trap) were stream-type fish; further analysis of allozyme variation may resolve this issue.

Ecological differences among the Deschutes River Basin, the upper Columbia River Basin, and the Snake River Basin (especially historical fall-run spawning areas in the upper mainstem Snake River) were reviewed previously (Waples *et al.*, 1991; Myers *et al.*, 1998). Although the mainstem Columbia River and the lower reaches of its tributaries (including the Snake River) are all in the Columbia River Basin Ecoregion (Omernick and Gallant, 1986), the upper Snake River (above the Hells Canyon Dam complex) flows through three different ecoregions. Irving and Bjornn (1981) indicated that prior to 1958 the major spawning area for Snake River fall-run chinook salmon was in a 30–mile section between Swan Falls Dam and Marsing, Idaho, and historically, fall-run chinook salmon spawning extended as far upstream as Shoshone Falls (Howell *et al.*, 1985). Historically, most of the fall-run chinook spawning would have taken place in the Snake River Basin/High Desert Ecoregion.

Fall-run chinook salmon populations in the John Day, Umatilla, and Walla Walla Rivers were thought to have been extirpated (Kostow, 1995). However, there have been recent reports of chinook salmon spawning in the lower mainstem John Day River, but there is no information to establish the source of these fish or whether they were reproductively successful.

Based on its re-assessment of information relevant to the configuration of this ESU, NMFS believes that the proposed ESU configuration, combining ocean-type fish in the Snake and Deschutes River Basins into one ESU, was not supported by the information available. The agency concludes that the Deschutes River summer- and fall-run fish should be considered in a separate ESU, rather than be grouped with either the Snake River fall-run or Upper Columbia River summer- and fall-run chinook salmon ESUs. There is considerable uncertainty on the historical configuration of this new ESU, specifically whether it included fall-run populations in the John Day, Umatilla, and Walla Walla Rivers.

In reaching this conclusion, NMFS considered several scenarios for the configuration of the Snake River fall-run chinook salmon ESU and the potential reconfiguration of the Upper Columbia River summer- and fall-run chinook salmon ESU. NMFS identified four potential configurations: (1) The grouping of all ocean-type chinook salmon above the historical site of Celilo Falls into one ESU, (2) the configuration in the proposed rule, with Deschutes River summer- and fall-run chinook salmon being grouped with the existing Snake River fall-run chinook salmon ESU and a separate Upper Columbia River summer- and fall-run chinook

salmon ESU, (3) the grouping of Deschutes River summer- and fall-run chinook salmon with other ocean-type mainstem and tributary spawners in the Upper Columbia River summer- and fall-run chinook salmon ESU and a separate Snake River fall-run chinook salmon ESU, and (4) the creation of a new Deschutes River chinook salmon ESU, which may or may not have included the extirpated populations that existed in the John Day, Umatilla, and Walla Walla Rivers, along with the existing Snake River fall-run and Upper Columbia River summer- and fall-run chinook salmon ESUs.

There is considerable uncertainty regarding the importance of ecological and geographic factors in providing the basis for reproductive isolation and local adaptation. For example, because the mainstem Columbia River (above Celilo Falls) and the lower reaches of its tributaries are all in the Columbia River Basin Ecoregion, there is an ecological link for the majority of the existing spawning populations of ocean-type fish. Historically, mainstem and tributary spawners may have formed a continuum of populations throughout the upper Columbia River and, to a lesser extent, the Snake River. Furthermore, genetic and life history differences are modest (or the interpretations of the existing data are ambiguous) among ocean-type chinook salmon populations above Celilo Falls, suggesting that perhaps all of the populations are part of a single ESU. Another viewpoint is that the three lines of evidence (genetics, ecology, life history) used in the 1991 status review (Waples *et al.*, 1991) to determine that Snake and Upper Columbia fall chinook salmon are in separate ESUs are still valid. In addition, the historical spawning distribution of most of the Snake River fall-run populations was well separated from Columbia River fall-run chinook salmon (Irving and Bjornn, 1981). NMFS considered all of these factors and believes that none of the new information gives sufficient cause to group all upriver bright fall-run chinook salmon into one ESU.

NMFS reviewed the evidence for including Deschutes River fall-run chinook salmon in the Snake River fall-run chinook salmon ESU. Data provided by co-managers on genetics and ocean recoveries of CWTs were important elements of this review. NMFS is uncertain of the assertion made by CTWSRO (1999) that genetic samples from the Grande Ronde and Clearwater Rivers were representative of Snake River populations. Spawning surveys indicated that prior to 1990, redd counts in the Grande Ronde River were at or near zero, with counts in the Clearwater River numbering in the low tens of redds (Irving and Bjornn, 1981; Howell *et al.*, 1985; Garcia *et al.*, 1999). Recent increases in redd counts in the Snake River Basin, above Lower Granite Dam, have coincided with a large influx of non-Snake River fish (Production Advisory Committee, 1998). NMFS believes that the weight of the genetic evidence, from a number of different sources, indicates a closer relationship of Deschutes River fish with Snake River fish than with Columbia River fish. Data from CWT studies also show Deschutes River fall-run chinook salmon have an ocean distribution and age at capture more similar to Snake River (both Lyons Ferry Hatchery fish and wild Snake River fish) than to Columbia River upriver bright fall-run populations. Additionally, if (as has been suggested by ODFW) the Deschutes River fall-run population was part of a larger historical ESU that included the John Day, Umatilla, and Walla Walla Rivers, these intermediate populations could have provided a link between the Deschutes and Snake River Basins. However, the ecological distinctiveness of the historical Snake River, Umatilla and Walla Walla Rivers, and Deschutes River spawning habitats argues against their being included in the same ESU; for example, the Deschutes River is a spring-fed stream with relatively stable water temperature, which is very different from the mainstem Snake River.

NMFS' re-consideration on the grouping of Deschutes River and Upper Columbia River summer- and fall-run populations focused on the historical distribution of mainstem spawners in the Columbia River, which extended more or less continuously from Celilo Falls to Kettle Falls, thus providing a link between different tributary populations, including the Deschutes River. In contrast, the center of fall-run spawning activity in the Snake River Basin was far removed from the confluence of the Snake and Columbia Rivers. Environmental features of the Deschutes and upper Columbia Rivers are more similar over this entire area than either is to the upper Snake River Basin. Tributary spawners in the Yakima, Wenatchee, and Okanogan Rivers are already included in the Upper Columbia River summer- and fall-run chinook salmon ESU, so it is possible to include Deschutes River ocean-type chinook salmon with the other upper river tributaries as well. NMFS also considered the possible ocean-type life history of the Deschutes River summer run. If that is the case, then the relationship between summer- and fall-run fish in the Deschutes River would resemble the Upper Columbia River, where summer- and fall-run fish are in the same ESU, rather than that in the Snake River, where the summer- and fall-run fish are from different evolutionary lineages.

After weighing the best available information, NMFS reaffirms the conclusion of previous status reviews that found that Snake River and Upper Columbia River ocean-type fish are in separate ESUs. There is remaining uncertainty about the ESU affinities of the Deschutes River population. The scenario with the Deschutes River population in a separate ESU from the Snake River fall-run and Upper Columbia River summer- and fall-run chinook salmon ESUs is probably the most compelling, but arguments can also be made for including the Deschutes River in the Upper Columbia or Snake River chinook salmon ESUs. One of the factors that influenced NMFS to identify three separate ESUs was the lack of conclusive evidence for including the Deschutes River in either of the existing ESUs.

Under the assumption that the Deschutes River population is in a separate ESU from Upper Columbia or Snake River fish, NMFS was unable to resolve the historical extent of that ESU. The major uncertainty centers on the ESU status of historical populations from the John Day, Umatilla, and Walla Walla Rivers, which have been extirpated. The lack of biological information for these historical populations makes a determination of their ESU status difficult. The Deschutes River is distinctive enough ecologically to have supported its own ESU; however, it is reasonable to believe that the historical ESU also included ocean-type populations in tributaries at least as far upstream as the confluence with the Snake River. NMFS believes it is highly likely that all mainstem Columbia River spawners above Celilo Falls historically were part of what is now termed the Upper Columbia River summer- and fall-run chinook salmon ESU. The agency also believes that all ocean-type chinook salmon in the Deschutes River (in particular, any vestigial summer-run fish that may exist) are part of the same ESU as the Deschutes River fall-run population.

Response - ESU Status: As discussed previously, NMFS concludes that the Snake River fall-run chinook salmon ESU should remain unchanged, but is unable to conclude with certainty the ESU affinity of the Deschutes River population. Updated information on the abundance of fall-run chinook salmon

in the Deschutes River indicates that the run continues to increase in number—the most recently estimated 5-year geometric mean abundance is over 16,000 fish, and the short-term trend in abundance has been increasing by 18 percent per year (Pacific States Marine Fisheries Commission, 1999). However, there is considerable uncertainty associated with the run-size estimates of chinook salmon in the Deschutes River (Beaty, 1996). The population estimate is based on aerial redd surveys above and below Sherars Falls and on a mark-recapture survey for fish passing above Sherars Falls. The expansion estimate is based on an estimate of the number of adults per redd for the entire river, calculated using the mark-recapture data for fish above the falls. Since the late 1970s, the distribution of spawners has shifted from the bulk of the spawning occurring from above to below Sherars Falls. The total number of redds below the falls has not significantly declined since 1972, but the redd counts above the falls have declined dramatically over that time period (Beaty, 1996). The shift in relative abundance of spawning adults above and below Sherars Falls has resulted in an expansion estimate based on mark-recapture studies on an increasingly small proportion of the total population in the river. The errors in run-size estimation for the Deschutes River have become so high that the overall estimate of run size is not reliable. Because of the problems associated with the run-size estimates, NMFS considered the trends in redd counts to be a relatively more reliable indicator of the status of the Deschutes River chinook salmon population. Nevertheless, there is reportedly high inter-annual variation in the quality of redd counts due to visibility problems during aerial surveys (Beaty, 1996), so even the redd count data are not completely reliable.

Counts of chinook salmon at Pelton trap on the Deschutes River have declined since the late 1950s. The 5-year geometric mean abundance of fish at the trap is 81, and the short term trend in abundance is declining by over 6 percent per year. These fish may be representative of a remnant summer run of chinook salmon (CTWSRO, 1999). The percentage of hatchery chinook salmon in the Deschutes River continues to be very low, as reported in more detail in the historical information obtained at the time of the original NMFS status review (Myers *et al.*, 1998).

The estimated abundance of fall-run chinook salmon in the Snake River has been increasing over the most recent 10 years (5-year geometric mean abundance was 565 naturally produced fish, increasing by 13.7 percent per year.) Redd counts from streams in the Snake River Basin starting in the mid 1980s to 1990s show mostly increasing trends in abundance, although the estimated population sizes continue to be very small.

NMFS believes that the new information does not substantially change the risk assessments for the Snake River and Upper Columbia River chinook salmon ESUs, and the status of these ESUs was not reconsidered. Evaluation of the status of the ESU that includes the Deschutes River is difficult because the historical and current extent of the ESU is not well characterized. For this reason, NMFS did not attempt a formal extinction risk analysis for this ESU. However, the agency did review abundance, trend, and other information for the Deschutes River population and concludes that ocean-type chinook salmon in the Deschutes River do not appear to be in danger of extinction, nor are they likely to become so in the foreseeable future.

NMFS remains concerned about the uncertainty in the abundance estimates for fall- and summer-run chinook salmon in the Deschutes River. Uncertainty about the true population status centers primarily around different indicators of status emerging from the analysis of redd counts (declining sharply in the upper basin; stable in the lower basin) and run size estimates based on expansion of mark-recapture studies (which indicate a relatively large and increasing population). The only conclusion NMFS can make from the data is that the numbers of chinook salmon above Sherars Falls have been severely declining since the mid-1970s, while the population below the falls appears to be stable. The shift in the proportion of the total Deschutes River fall-run chinook salmon run spawning above and below Sherars Falls has resulted in unreliable expansion estimates for escapement both above and below the falls. In addition, the change in the estimated ratio of the number of adults per redd over time represents a significant problem for interpreting the expansion procedure used to generate the abundance estimates. NMFS is hopeful that recent efforts by the CTWSRO and ODFW to conduct more extensive mark-recapture studies in the lower river will improve escapement estimates.

NMFS also was concerned about the severe decline and possible extinction of the summer-run chinook salmon in the Deschutes River. The significant reduction in this life history form would represent an important loss to the historical diversity in this ESU. The uncertainty associated with the geographic boundaries containing the historical ESU added to the overall uncertainty in the risk evaluation. The historical run sizes of fall-run chinook salmon in the Umatilla, John Day, and Walla Walla Rivers are not well known, and the numbers of fall-run chinook salmon present today are very low and do not represent naturally self-sustaining runs. If fall-run chinook salmon that historically occurred in those streams are considered to be part of the Deschutes River chinook salmon ESU, a higher extinction risk may be appropriate for the current ESU because extinction of the ESU would have occurred over a significant portion of its range.

Summary of Factors Affecting Chinook Salmon

Section 4(a)(1) of the ESA and NMFS' listing regulations (50 CFR part 424) set forth procedures for listing species. The Secretary of Commerce (Secretary) must determine, through the regulatory process, if a species is endangered or threatened based upon any one or a combination of the following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or human-made factors affecting its continued existence.

The factors threatening naturally spawned chinook salmon throughout its range are numerous and varied. The present depressed condition is the result of several long-standing, human-induced factors (e.g., habitat degradation, water diversions, harvest, and artificial propagation) that serve to exacerbate the adverse effects of natural environmental variability from such factors as drought, floods, and poor ocean conditions.

As noted earlier, NMFS received numerous comments regarding the relative importance of various factors contributing to the decline of chinook salmon. A summary of various risk factors and their roles in the decline of west coast chinook salmon was presented in NMFS' March 9, 1998, proposed rule (63 FR 11482), as well as in several "Factors for Decline" reports published in conjunction with proposed rules for steelhead and for chinook salmon (NMFS, 1996 and 1998b).

Efforts Being Made to Protect West Coast Chinook Salmon

Under section 4(b)(1)(A) of the ESA, the Secretary is required to make listing determinations solely on the basis of the best scientific and commercial data available and after taking into account efforts being made to protect a species. During the status review for west coast chinook salmon and for other salmonids, NMFS reviewed protective efforts ranging in scope from regional strategies to local watershed initiatives; some of the major efforts are summarized in the March 9, 1998, proposed rule (63 FR 11482). Since then, NMFS has received some new information regarding these and other efforts being made to protect chinook salmon. Notable efforts within the range of the chinook ESUs to be listed continue to be the NFP, PACFISH, Oregon Plan for Salmon and Watersheds (OPSW), CVPIA, CALFED Bay-Delta Program implementation and development, development and implementation of VAMP, Klamath and Trinity Basin restoration programs and flow re-evaluations, CDFG's Salmonid Restoration Program for coastal watersheds, NMFS and state funded multi-county conservation planning efforts in California, and the ongoing ESA section 7 and habitat conservation planning efforts within the range of currently listed species.

In California's Central Valley and coastal watersheds within the range of the chinook ESUs to be listed, several important conservation efforts have recently been implemented or initiated. In the Central Valley, the CALFED Bay-Delta Program and Ecosystem Restoration Plan are continuing to be implemented while a long-term implementation plan continues to be developed. The CALFED program and its implementation through 1997 is described in detail in previous **Federal Register** notices (63 FR 11482, March 9, 1998; 63 FR 13347, March 19, 1998). In 1998, CALFED funded 71 restoration projects totaling $27.5 million throughout the Central Valley dealing with fish passage assessment, fish passage and/or screening projects, floodplain management/habitat restoration, watershed planning, and other activities. In 1999, CALFED funded 13 projects totaling $52.5 million in the Central Valley. Nearly $40 million of these funds were directed at major salmon and steelhead habitat restoration activities on Battle Creek in the upper Sacramento River and fish passage improvements at the Anderson-Cottonwood Irrigation District in the upper Sacramento River. Substantial new funding is anticipated in 2000.

Several important projects have been initiated or implemented in the Central Valley since 1998 as a result of CALFED and/or CVPIA funding. In the Sacramento River Basin, significant efforts are underway to restore habitat in the Battle Creek drainage in the upper Sacramento River. NMFS, FWS, and CDFG have reached agreement with the Pacific Gas and Electric Company to restore access to nearly 42 miles of high quality spawning and rearing habitat. Water acquisitions are ongoing, and most restoration actions should be completed by 2002. This effort in Battle Creek will primarily benefit spring-run chinook salmon. Significant habitat restoration efforts are also underway in Butte, Deer, Mill and Clear Creeks which are tributaries to the upper Sacramento River to remove barriers, improve stream flows, and improve riparian habitat conditions which are expected to benefit both spring and fall chinook salmon. Major new fish screen projects have also recently been initiated or completed. Construction on the Glenn-Colusa Irrigation District fish screen was implemented and is scheduled for completion in late 1999. This is the single largest diversion on the upper Sacramento River (3,000 cfs) and will include a $1.0 million evaluation and monitoring program. New screens have been installed on four additional major diversions in the Sacramento River which total a combined diversion of nearly 2,000 cfs. In the San Joaquin River Basin, important habitat restoration projects have been implemented in the Tuolumne and Stanislaus Rivers to improve instream and riparian habitat and flow conditions. These efforts will benefit San Joaquin fall-run chinook salmon. Additional habitat restoration efforts were funded in the Delta region which should benefit all anadromous salmonids in the Central Valley.

In the San Joaquin Basin, collaboration between water interests and state and Federal resource agencies has also led to the development of a scientifically based adaptive fisheries management effort known as VAMP. The VAMP is intended to (1) improve protection of fall-run chinook salmon smolt passage from the San Joquin River Basin, (2) gather scientific information on the effects of various flows and Delta facilities operations on the survival of salmon smolts through the Delta, and (3) provide environmental benefits in the San Joaquin River tributaries, the lower San Joaquin River, and the Delta. The 12-year plan will be implemented in 1999 through a combination of increasing experimental flow releases from tributary streams in the San Joaquin Basin and through such operational changes as the reduction of exports at the Delta export pumping plants during the peak smolt outmigration period (approximately April 15 to May 15). Additional attraction flows are targeted for adult fall-run chinook upstream passage in October. In coordination with VAMP, the California Department of Water Resources (CDWR) will install and operate a barrier at the head of Old River to improve the survival of juvenile fall chinook emigrating from the lower San Joaquin River. By selecting a combination of flows and export rates, VAMP represents a long-term commitment to evaluate the effects of San Joaquin River flows and Delta export rates on San Joaquin Basin fall-run chinook salmon and to provide improved interim protections.

In June 1998, the State of California listed Sacramento River (Central Valley) spring-run chinook salmon as a threatened species under the CESA based on a status review conducted by CDFG. Since the state listing of Central Valley spring-run chinook, CDFG and NMFS have engaged in a joint ESA/CESA consultation/conference with the CDWR and the U.S. Bureau of Reclamation (BOR) to assess the effects the State Water Project's and the Central Valley Project's operations are having on Sacramento River spring-run chinook salmon. This consultation/conference focuses on a 1-year operation period through the spring of 2000, at which time it is anticipated that a plan for implementation of Stage 1 for the CALFED Bay-Delta Program and a Federal Record of Decision (ROD) will be completed. Pursuant to CDFG's 1994 Fish Screening Policy, all diversions that are located within the essential habitat of a CESA-listed species require screening. Accordingly, many unscreened diversions in the principal spring-run chinook salmon tributaries, particularly Butte Creek, have been identified and assigned a high priority for implementing corrective actions and receiving restoration funding.

NMFS identified state and Federal hatchery practices within the Central Valley as a serious risk factor to fall- and spring-run chinook populations at the time of the listing proposal. In an effort to address these concerns, both the State of California and FWS have recently initiated several actions to address hatchery practice concerns. First, CDFG has obtained funding from CALFED to develop a statistically designed marking/tagging and recovery program for Central Valley hatchery-produced

chinook salmon to address questions about the relative contribution of hatchery and natural production in naturally-spawning adult populations, fisheries, and at Central Valley salmon hatcheries, and to develop a methodology for evaluating the desirability of selective fisheries. Second, CDFG, in conjunction with NMFS, has initiated a comprehensive review of anadromous salmonid hatchery practices in California. As part of this effort, CDFG has completed an internal review of its hatchery operating criteria at Iron Gate, Trinity River, Feather River, Nimbus, Mokelumne, and Merced hatcheries and, in some instances, modified operations. A major objective of this joint evaluation is to review these hatchery operating criteria and identify further modifications that are appropriate for natural stock integrity, while maintaining the mitigation and/or supplementation objectives of individual facilities. Finally, FWS, in conjunction with NMFS, has undertaken a reassessment of the mitigation goals and operational criteria for the CNFH, which is the only Federal hatchery in California. This assessment was initiated in early 1999 and may be integrated with the CDFG/NMFS review of state hatchery practices. In conjunction with its ongoing re-evaluation of CNFH hatchery programs, FWS has substantially reduced its future target for the production and release of fall-run chinook salmon fry in order to reduce the potential impacts on naturally spawning fall-run populations.

In the 1998 fiscal year, CDFG's Salmonid Restoration Program established a Watershed Initiative element aimed at supporting local, community-based watershed planning and landowner-based timber harvest planning for coastal regions of California. That same fiscal year, CDFG funded $2.65 million in projects for the restoration of coastal salmon and anadromous trout habitat through its Salmon and Steelhead Trout Restoration Account. CDFG entered into 102 contracts, through the Fishery Restoration Grants Program, with public agencies, nonprofit groups, recognized Native American Tribes, and individuals to restore habitats lost or degraded as a result of past land use practices. During the 1999 and 2000 fiscal years, CDFG's Fishery Restoration Grants Program has increased funding for this program for coastal restoration project grants to approximately $7 million annually. In addition to funding these restoration programs, CDFG has substantially increased its program staff (36.2 additional personnel-years) to improve anadromous salmonid management efforts in coastal watersheds.

Pursuant to a March 1998 Memorandum of Agreement between NMFS and the State of California, NMFS and the State committed to an expedited review of California's forest practice rules, their implementation, and enforcement. This effort has been ongoing over the past year and has resulted in proposals to improve forestry practices in California. These proposals are currently undergoing further review prior to being submitted to the Board of Forestry for action. The current schedule calls for implementing measures adopted by the Board in January 2000. NMFS believes this effort is critically important for improving habitat conditions in coastal watersheds for anadromous salmonids, including chinook salmon.

An additional Federal effort affecting the Snake River fall-run chinook salmon ESU, the Interior Columbia Basin Ecosystem Management Project (ICBEMP), was not addressed in the proposed rule. ICBEMP addresses Federal lands in this region that are managed under USFS and Bureau of Land Management (BLM) Land and Resource Management Plans or Land Use Plans amended by PACFISH. PACFISH provides objectives, standards, and guidelines that are applied to all Federal land management activities, such as timber harvest, road construction, mining, grazing, and recreation. USFS and BLM implemented PACFISH in 1995 intending to provide interim protection to anadromous fish habitat while a longer term, basin scale aquatic conservation strategy was developed by ICBEMP. It is intended that ICBEMP will have a Final Environmental Impact Statement and ROD by early 2000.

For other ESUs already listed in the Interior Columbia Basin (e.g., Snake River chinook salmon, Snake River steelhead, Upper Columbia River steelhead, and Upper Columbia River spring-run chinook salmon), NMFS' ESA section 7 consultations have required several components that are in addition to the PACFISH strategy (NMFS, 1995; NMFS, 1998c). NMFS, USFS, and BLM intend these additional components to bridge the gap between interim PACFISH direction and the long-term strategy envisioned for ICBEMP. NMFS anticipates that these components will also be carried forward in the ICBEMP direction. These components include, but are not limited to, implementation monitoring and accountability, a system of watersheds that are prioritized for protection and restoration, improved and monitored grazing systems, road system evaluation and planning requirements, mapping and analysis of unroaded areas, multi-year restoration strategies, and batching and analyzing projects at the watershed scale.

In the range of these chinook salmon ESUs, several notable efforts have recently been initiated. Harvest, hatchery, and habitat protections under state control are evolving under OPSW. The OPSW is a long-term effort to protect all at-risk wild salmonids through cooperation between state, local, and Federal agencies, tribal governments, industry, private organizations, and individuals. Parts of the OPSW are already providing benefits including an aggressive program by the Oregon Department of Transportation to inventory, repair, and replace road culverts that block fish from reaching important spawning and rearing areas. The OPSW also encourages efforts to improve conditions for salmon through non-regulatory means, including significant efforts by local watershed councils. An Independent Multi disciplinary Science Team provides scientific oversight to OPSW components and outcomes. A recent Executive Order from Governor Kitzhaber reinforced his expectation that all state agencies will make environmental health improvement and salmon recovery part of their mission.

NMFS and FWS are also engaged in an ongoing effort to assist in the development of multiple species HCPs for state and privately owned lands in Oregon, Washington, and California. While section 7 of the ESA addresses species protection associated with Federal actions and lands, Habitat Conservation Planning under section 10 of the ESA addresses species protection on private (non-Federal) lands. HCPs are particularly important since more than 85 percent of the habitat in the range of the Central Valley spring-run and California Coastal ESUs is in non-Federal ownership. The intent of the HCP process is to ensure that any incidental taking of listed species will not appreciably reduce the likelihood of survival of the species, will reduce conflicts between listed species and economic development activities, and will provide a framework that would encourage "creative partnerships" between the public and private sectors and state, municipal, and Federal agencies in the interests of endangered and threatened species and habitat conservation. Implementation of the recently approved Pacific Lumber HCP, which covers 210,000 acres in

California's coastal watersheds, has begun in earnest with review of timber harvest plans and formalization of watershed analysis and monitoring programs. The foundation of this HCP rests on watershed analysis which is used to tailor site-specific prescriptions for salmon conservation on a watershed-specific basis. The initial watershed analysis is proceeding and is expected to establish a framework for similar analyses in the Pacific Lumber HCP and other HCP efforts which are under development in California.

NMFS will continue to evaluate state, tribal, and non-Federal efforts to develop and implement measures to protect and begin the recovery of chinook salmon populations within these ESUs. Because a substantial portion of land in these ESUs is in state or private ownership, conservation measures on these lands will be key to protecting and recovering chinook salmon populations in these ESUs. NMFS recognizes that strong conservation benefits will accrue from specific components of many non-Federal conservation efforts.

While NMFS acknowledges that many of the ongoing protective efforts are likely to promote the conservation of chinook salmon and other salmonids, some are very recent and few address salmon conservation at a scale that is adequate to protect and conserve entire ESUs. NMFS concludes that existing protective efforts are inadequate to preclude a listing for the Central Valley spring-run and California Coastal chinook salmon ESUs. However, NMFS will continue to encourage these and future protective efforts and will work with Federal, state, and tribal fisheries managers to evaluate, promote, and improve efforts to conserve chinook salmon populations.

Determinations

Section 3 of the ESA defines the term "endangered species" as any species that is in danger of extinction throughout all or a significant portion of its range. The term "threatened species" is defined as any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

After reviewing the best available information, including public and peer review comments, biological data on the species' status, and an assessment of protective efforts directed at the four chinook ESUs proposed for listing, NMFS has concluded that only two ESUs—the Central Valley spring-run ESU and California Coastal ESU—warrant protection under the ESA. NMFS has determined that both ESUs are at risk of becoming endangered in the foreseeable future throughout all or a significant portion of their range. While NMFS has determined that the Central Valley fall and late fall-run ESU does not warrant listing at this time, the agency remains concerned about the status of this ESU and will consider it a candidate species. The agency will reevaluate the status of the Central Valley fall and late fall-run ESU as new information becomes available to determine whether listing may be warranted.

In the listed ESUs, only "naturally spawned" populations of chinook salmon are listed. NMFS' intent in listing only these populations is to protect chinook salmon stocks that are indigenous to (i.e., part of) the ESUs. In this listing determination, NMFS has identified various non-indigenous populations that co-occur with fish in the California Coastal ESU. NMFS recognizes the difficulty of differentiating between indigenous and non-indigenous fish, especially when the latter are not readily distinguishable with a mark (e.g., fin clip). Also, matings in the wild of either type would generally result in progeny that would be treated as listed fish (i.e., they would have been naturally spawned in the geographic range of the listed ESUs and have no distinguishing mark). Therefore, to reduce confusion regarding which chinook salmon are considered listed within the ESUs, NMFS will treat all naturally spawned fish as listed for purposes of the ESA. Efforts to determine the conservation status of an ESU would focus on the contribution of indigenous fish to the listed ESU. It should be noted that NMFS will take actions necessary to minimize or prevent non-indigenous chinook salmon from spawning in the wild unless the fish are specifically part of a recovery effort.

NMFS has evaluated the relationship between hatchery and natural populations of chinook salmon in the listed ESUs (NMFS, 1999a). In the Central Valley spring-run ESU, spring-run chinook salmon (and their progeny) from the Feather River Hatchery stock are considered part of the ESU. However, they are not considered to be essential for its recovery and are not listed at this time. In the California Coastal ESU, chinook salmon (and their progeny) from the following hatchery stocks are considered part of the ESU: Redwood Creek, Hollow Tree Creek, Freshwater Creek, Mad River Hatchery, Van Arsdale Station, Yager Creek, and Mattole River fall-run stock. However, they too, are not considered to be essential for the ESU's recovery and are not listed at this time. In addition, NMFS concludes that fall-run chinook salmon from the following stocks are not part of the California Coastal ESU (thus, not listed): Warm Springs Hatchery stock and fall-run fish of Feather River or Nimbus Hatchery origin that are released in this ESU.

The determination that a hatchery stock is not "essential" for recovery does not preclude it from playing a role in recovery. Any hatchery population that is part of the ESU is available for use in recovery if conditions warrant. In this context, an "essential" hatchery population is one that is vital to incorporate into recovery efforts (for example, if the associated natural populations were extinct or at high risk of extinction). Under such circumstances, NMFS would consider taking the administrative action of listing existing hatchery fish.

NMFS' "Interim Policy on Artificial Propagation of Pacific Salmon Under the Endangered Species Act" (58 FR 17573, April 5, 1993) provides guidance on the treatment of hatchery stocks in the event of a listing. Under this policy, "progeny of fish from the listed species that are propagated artificially are considered part of the listed species and are protected under the ESA." In the case of hatchery chinook populations considered to be part of the Central Valley spring-run ESU or California Coastal ESU, NMFS' protective regulations may not apply the take prohibitions to naturally spawned listed fish used as broodstock as part of an overall conservation program. According to the interim policy, the progeny of these hatchery-wild or wild-wild crosses would also be listed. Given the requirement for an acceptable conservation plan as a prerequisite for collecting broodstock, NMFS determines that it is not necessary to consider the progeny of intentional hatchery-wild or wild-wild crosses as listed (except in cases where NMFS has listed the hatchery population as well).

In addition, NMFS believes it may be desirable to incorporate naturally spawned fish into these unlisted hatchery populations to ensure that their genetic and life history characteristics do not diverge significantly from the natural populations. NMFS, therefore, concludes that it is not inconsistent with NMFS' interim policy, nor with the policy and purposes of the ESA, to consider these progeny as part of the ESU but not listed.

NMFS is not now issuing protective regulations under section 4(d) of the ESA for these ESUs. NMFS will propose such protective measures it considers

necessary for the conservation of chinook salmon ESUs listed as threatened in a forthcoming **Federal Register** document. Even though NMFS is not now issuing protective regulations for these ESUs, Federal agencies possess a duty under section 7 of the ESA to consult with NMFS if any activity they authorize, fund, or carry out may affect listed chinook salmon ESUs. The effective date for this requirement is November 15, 1999.

Prohibitions and Protective Measures

Section 9 of the ESA prohibits certain activities that directly or indirectly affect endangered species. These prohibitions apply to all individuals, organizations, and agencies subject to U.S. jurisdiction. Section 4(d) of the ESA directs the Secretary to implement regulations "to provide for the conservation of [threatened] species," that may include extending any or all of the prohibitions of section 9 to threatened species. Section 9(a)(1)(g) also prohibits violations of protective regulations for threatened species implemented under section 4(d). NMFS intends to issue protective regulations pursuant to section 4(d) for the Central Valley spring-run and California Coastal ESUs, as well as for other threatened chinook salmon ESUs.

In the case of threatened species, NMFS also has flexibility under section 4(d) of the ESA to tailor the protective regulations based on the adequacy of available conservation measures. Even though existing conservation efforts and plans are not sufficient to preclude the need for listings at this time, they are, nevertheless, valuable for improving watershed health and restoring salmon populations. In those cases where well-developed and reliable conservation measures or plans exist, NMFS may choose to incorporate them into the recovery planning process starting with protective regulations. NMFS has already adopted ESA section 4(d) protective regulations that "except" a limited range of activities from section 9 take prohibitions. For example, the interim rule for Southern Oregon/ Northern California Coast coho salmon (62 FR 38479, July 18, 1997) does not apply the take prohibitions to habitat restoration activities conducted in accordance with approved plans and fisheries conducted in accordance with an approved state management plan. In the future, such rules may contain limits on take prohibitions applicable to such activities as forestry, agriculture, and road construction when such activities are conducted in accordance with approved conservation plans.

These are all examples where NMFS may apply the modified ESA section 9 prohibitions in light of the protections provided in a conservation plan that is adequately protective. There may be other circumstances as well in which NMFS would use the flexibility of section 4(d) of the ESA. For example, if a healthy population exists within an overall ESU that is listed, it may not be necessary to apply the full range of prohibitions available in section 9. NMFS intends to use the flexibility of the ESA to respond appropriately to the biological condition of each ESU and to the strength of the efforts to protect them.

Section 7(a)(4) of the ESA requires that Federal agencies consult with NMFS on any actions likely to jeopardize the continued existence of a species proposed for listing and on actions likely to result in the destruction or adverse modification of proposed critical habitat. For listed species, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or conduct are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with NMFS.

Examples of Federal actions likely to affect chinook salmon in the listed ESUs include authorized land management activities of the USFS, BLM, and National Park Service, as well as operation of hydroelectric and storage projects of the BOR and U.S. Army Corps of Engineers (COE). Such activities include timber sales and harvest, hydroelectric power generation, and flood control. Federal actions, including the COE section 404 permitting activities under the Clean Water Act, COE permitting activities under the River and Harbors Act, National Pollution Discharge Elimination System permits issued by the Environmental Protection Agency, highway projects authorized by the Federal Highway Administration, Federal Energy Regulatory Commission (FERC) licenses for non-Federal development and operation of hydropower, and Federal salmon hatcheries, may also require consultation. These actions will likely be subject to ESA section 7 consultation requirements that may result in conditions designed to achieve the intended purpose of the project while avoiding or reducing impacts to chinook salmon and their habitat within the range of the listed ESU.

There are likely to be Federal actions ongoing in the range of the listed ESUs at the time the listing becomes effective. Therefore, NMFS will review all ongoing actions that may affect the listed species with Federal agencies and will complete formal or informal consultations, when necessary, for such actions pursuant to ESA section 7(a)(2).

Sections 10(a)(1)(A) and 10(a)(1)(B) of the ESA provide NMFS with authority to grant exceptions to the ESA's "taking" prohibitions. Section 10(a)(1)(A) scientific research and enhancement permits may be issued to entities (Federal and non-Federal) conducting research that involves a directed take of listed species.

NMFS has issued section 10(a)(1)(A) research or enhancement permits for other listed species (e.g., Snake River chinook salmon and Sacramento River winter-run chinook salmon) for a number of activities, including trapping and tagging to determine population distribution and abundance, and for collection of adult fish for artificial propagation programs. NMFS is aware of sampling efforts for chinook salmon within the listed chinook salmon ESUs, including efforts by Federal and state fisheries agencies and by private landowners. These and other research efforts could provide critical information regarding chinook salmon distribution and population abundance.

ESA section 10(a)(1)(B) incidental take permits may be issued to non-Federal entities performing activities that may incidentally take listed species. The types of activities potentially requiring a section 10(a)(1)(B) incidental take permit include the release of artificially propagated fish by state or privately operated and funded hatcheries, state or university research on other species not receiving Federal authorization or funding, the implementation of state fishing regulations, and timber harvest activities on non-Federal lands.

Take Guidance

On July 1, 1994, (59 FR 34272) NMFS and FWS published a policy committing the Services to identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the ESA. The intent of this policy is to increase public awareness of the effect of a listing on proposed and ongoing activities within the species' range. NMFS believes that, based on the best available information, the following actions will not result in a violation of section 9: (1) Possession of chinook salmon from the listed ESUs acquired lawfully by permit issued by

NMFS pursuant to section 10 of the ESA, or by the terms of an incidental take statement pursuant to section 7 of the ESA; and (2) federally funded or approved projects that involve such activities as silviculture, grazing, mining, road construction, dam construction and operation, discharge of fill material, stream channelization or diversion for which a section 7 consultation has been completed, and when such an activity is conducted in accordance with any terms and conditions provided by NMFS in an incidental take statement accompanied by a biological opinion pursuant to section 7 of the ESA. As described previously in this notice, NMFS may adopt ESA section 4(d) protective regulations that "except" other activities from section 9 take prohibitions for threatened species.

Activities that NMFS believes could potentially harm, injure, or kill chinook salmon in the listed ESUs and result in a violation of section 9 of the ESA include, but are not limited, to the following: (1) Land-use activities in riparian areas and areas susceptible to mass wasting and surface erosion, which may disturb soil and increase sediment delivered to streams, such as logging, grazing, farming, and road construction; (2) destruction or alteration of chinook salmon habitat in these listed ESUs, such as removal of large woody debris and "sinker logs" or riparian shade canopy, dredging, discharge of fill material, draining, ditching, diverting, blocking, or altering stream channels or surface or ground water flow; (3) construction or operation of dams or water diversion structures with inadequate fish screens or fish passage facilities in a listed species' habitat; (4) construction or maintenance of inadequate bridges, roads, or trails on stream banks or unstable hill slopes adjacent to or above a listed species' habitat; (5) discharges or dumping of toxic chemicals or other pollutants (e.g., sewage, oil, gasoline) into waters or riparian areas supporting listed chinook salmon; (6) violation of discharge permits; (7) pesticide and herbicide applications; (8) interstate and foreign commerce of chinook salmon from the listed ESUs without an ESA permit, unless the fish were harvested pursuant to legal exception; (9) collecting or handling of chinook salmon from listed ESUs (permits to conduct these activities are available for purposes of scientific research or to enhance the propagation or survival of the species); and (10) release of non-indigenous or artificially propagated species into a listed species' habitat or where they may access the habitat of listed species. This list is not exhaustive. It is intended to provide some examples of the types of activities that might or might not be considered by NMFS as constituting a take of listed chinook salmon under the ESA and its regulations. Questions regarding whether specific activities will constitute a violation of this rule and general inquiries regarding prohibitions and permits should be directed to NMFS (see **ADDRESSES**).

Effective Date of Final Listing

Given the cultural, scientific, and recreational importance of chinook salmon and the broad geographic range of these chinook salmon ESUs, NMFS recognizes that numerous parties may be affected by the listings. Therefore, to permit an orderly implementation of the consultation requirements and take prohibitions associated with this action, the final listings will take effect on November 15, 1999.

Conservation Measures

Conservation benefits are provided to species listed as endangered or threatened under the ESA through increased recognition, recovery actions, Federal agency consultation requirements, and prohibitions on taking. Increased recognition through listing promotes public awareness and conservation actions by Federal, state, and local agencies, private organizations, and individuals.

Several conservation efforts are underway that may reverse the decline of west coast chinook salmon and other salmonids. NMFS is encouraged by these significant efforts, which could provide all stakeholders with a less regulatory approach to achieving the purposes of the ESA—protecting and restoring native fish populations and the ecosystems upon which they depend. NMFS will continue to encourage and support these initiatives as important components of recovery planning for chinook salmon and other salmonids.

To succeed, protective regulations and recovery programs for chinook salmon will need to focus on conserving aquatic ecosystem health. NMFS intends that Federal lands and Federal activities play a primary role in preserving listed populations and the ecosystems upon which they depend. However, throughout the range of the listed ESUs, chinook salmon habitat occurs and can be affected by activities on state, tribal, or private land.

Conservation measures that could be implemented to help conserve the species are listed here (the list is generalized and does not constitute NMFS' interpretation of a recovery plan under section 4(f) of the ESA). Progress on some of these is being made to different degrees in specific areas.

1. Measures could be taken to promote practices that are more protective of (or restore) chinook salmon habitat across a variety of land and water management activities. Activities affecting this habitat include timber harvest; agriculture; livestock grazing and operations; pesticide and herbicide applications; construction and urban development; road building and maintenance; sand and gravel mining; stream channelization; dredging and dredged spoil disposal; dock and marina construction; diking and bank stabilization; dam construction/operation; irrigation withdrawal, returns, storage, and management; mineral mining; wastewater/pollutant discharge; wetland and floodplain alteration; habitat restoration projects; and woody debris/structure removal from rivers and estuaries. Each of these activities could be modified to ensure that watersheds and specific river reaches are adequately protected in the short- and long-terms.

2. Fish passage could be restored at barriers to migration through the installation or modification of fish ladders, upgrade of culverts, or removal of barriers.

3. Harvest regulations could be modified to protect listed chinook salmon populations affected by both directed harvest and incidental take in other fisheries.

4. Artificial propagation programs could be modified to minimize negative impacts (e.g., genetic introgression, competition, disease, etc.) upon native populations of chinook salmon.

5. Predator control/relocation programs could be implemented in areas where predators pose a significant threat to chinook salmon.

6. Measures could be taken to improve monitoring of chinook salmon populations and their habitat.

7. Federal agencies such as the USFS, BLM, NPS, FERC, COE, U.S. Department of Transportation, and BOR could review their management programs and use their discretionary authorities to formulate conservation plans pursuant to section 7(a)(1) of the ESA.

NMFS encourages non-Federal landowners to assess the impacts of their actions on threatened or endangered salmonids. In particular, NMFS encourages state and local governments to use their existing authorities and programs and encourages the formation of watershed partnerships to promote conservation in accordance with ecosystem principles. These partnerships will be successful

only if state, tribal, and local governments, landowner representatives, and Federal and non-Federal biologists all participate and share the goal of restoring salmon to the watersheds.

Critical Habitat

Section 4(a)(3)(A) of the ESA requires that, to the extent prudent and determinable, critical habitat be designated concurrently with the listing of a species. Section 4(b)(6)(C)(ii) provides that, where critical habitat is not determinable at the time of final listing, NMFS may extend the period for designating critical habitat by no more than one additional year.

In the proposed rule (63 FR 11482, March 9, 1998), NMFS described the areas that may constitute critical habitat for these chinook salmon ESUs. Since then, NMFS has received numerous comments from the public concerning the process and definition of critical habitat for these and other listed salmonids. The agency needs additional time to complete the needed biological assessments and evaluate special management considerations affecting critical habitat. Therefore, critical habitat is not yet determinable for these ESUs, and NMFS extends the deadline for designating critical habitat for no more than 1 year until the required assessments can be made.

Classification

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus*, 675 F.2d 825 (6th Cir., 1981), NMFS has categorically excluded all ESA listing actions from the environmental assessment requirements of the National Environmental Policy Act (NEPA) under NOAA Administrative Order 216–6.

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of a species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act (RFA) are not applicable to the listing process. In addition, this final rule is exempt from review under E.O. 12866.

This rule has been determined to be major under the Congressional Review Act (5 U.S.C. 801 *et seq.*)

At this time NMFS is not promulgating protective regulations pursuant to ESA section 4(d). In the future, prior to finalizing its 4(d) regulations for the threatened chinook salmon ESUs, NMFS will comply with all relevant NEPA and RFA requirements.

References

A complete list of all references cited herein is available upon request (see **ADDRESSES**) and can also be obtained from the internet at www.nwr.noaa.gov.

Change in Enumeration of Threatened and Endangered Species

In the proposed rule issued on March 9, 1998 (63 FR 11482), the Central Valley spring-run chinook salmon was added as an endangered species to paragraph (a) in § 222.23, while several threatened chinook salmon ESUs (including populations in the California Coastal chinook salmon ESU) were enumerated under § 227.4. Since that time NMFS has issued a final rule consolidating and reorganizing existing regulations regarding implementation of the ESA (64 FR 14052, March 23, 1999). In this reorganization, § 222.23 has been redesignated as § 224.101, and § 227.4 has been redesignated as § 223.102. Given these reorganized regulations, as well as the Central Valley spring-run ESU's revised status as threatened, both the Central Valley spring-run and the California Coastal chinook salmon ESUs are now designated in this final rule as paragraphs (a)(20) and (a)(21) and added under § 223.102, respectively.

List of Subjects in 50 CFR Part 223

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: September 9, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 223 is amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 is revised to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*; 16 U.S.C. 742a *et seq.*; 31 U.S.C. 9701.

2. In § 223.102, paragraphs (a)(20) and (a)(21) are added to read as follows:

§ 223.102 Enumeration of threatened marine and anadromous species.

* * * * *

(a) * * *

(20) Central Valley spring-run chinook salmon (*Oncorhynchus tshawytscha*). Includes all naturally spawned populations of spring-run chinook salmon in the Sacramento River Basin, and its tributaries, California.

(21) California coastal chinook salmon (*Oncorhynchus tshawytscha*). Includes all naturally spawned populations of chinook salmon from Redwood Creek (Humboldt County, California) through the Russian River (Sonoma County, California).

* * * * *

[FR Doc. 99–24051 Filed 9–15–99; 8:45 am]

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H.R. 211/P.L. 106–48
To designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza". (Aug. 17, 1999; 113 Stat. 230)

H.R. 1219/P.L. 106–49
Construction Industry Payment Protection Act of 1999 (Aug. 17, 1999; 113 Stat. 231)

H.R. 1568/P.L. 106–50
Veterans Entrepreneurship and Small Business Development Act of 1999 (Aug. 17, 1999; 113 Stat. 233)

H.R. 1664/P.L. 106–51
Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999 (Aug. 17, 1999; 113 Stat. 252)

H.R. 2465/P.L. 106–52
Military Construction Appropriations Act, 2000 (Aug. 17, 1999; 113 Stat. 259)

S. 507/P.L. 106–53
Water Resources Development Act of 1999. (Aug. 17, 1999; 113 Stat. 269)

S. 606/P.L. 106–54
For the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes. (Aug. 17, 1999; 113 Stat. 398)

S. 1546/P.L. 106–55
To amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes. (Aug. 17, 1999; 113 Stat. 401)

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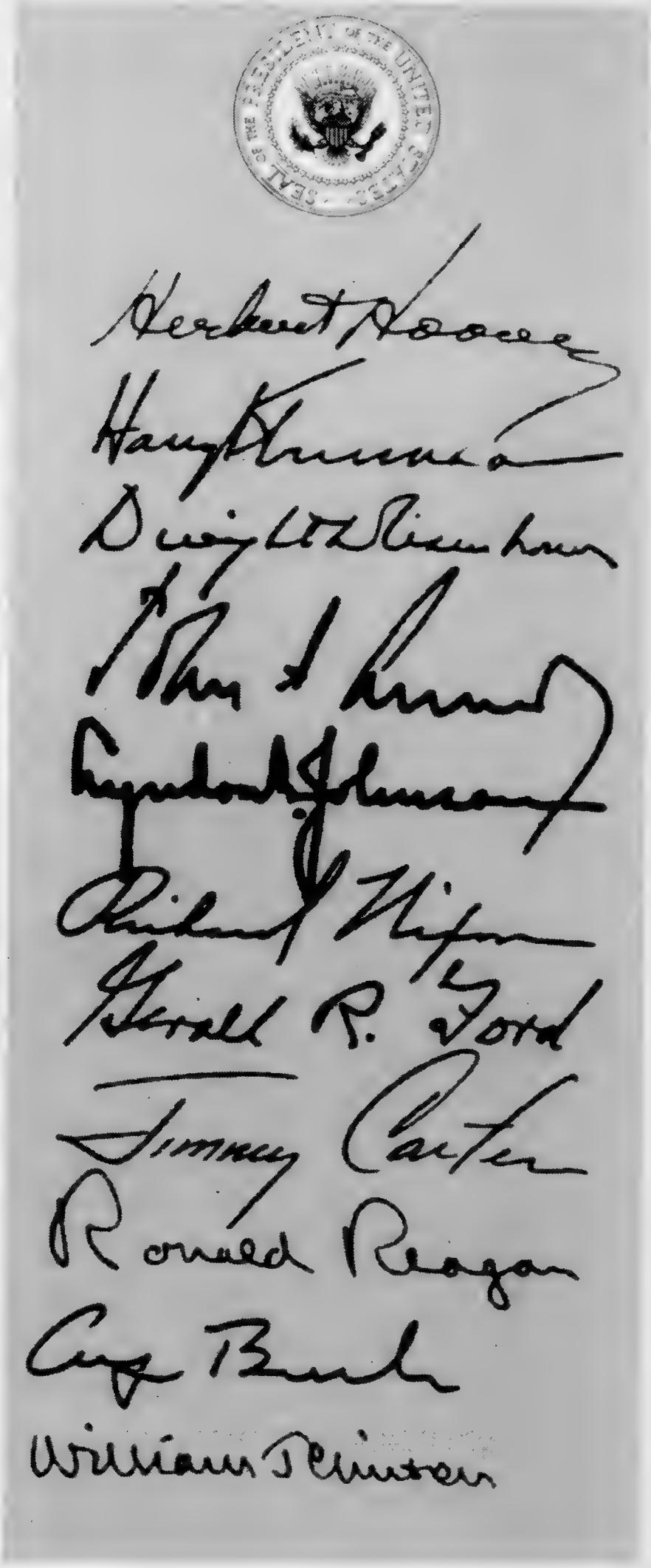

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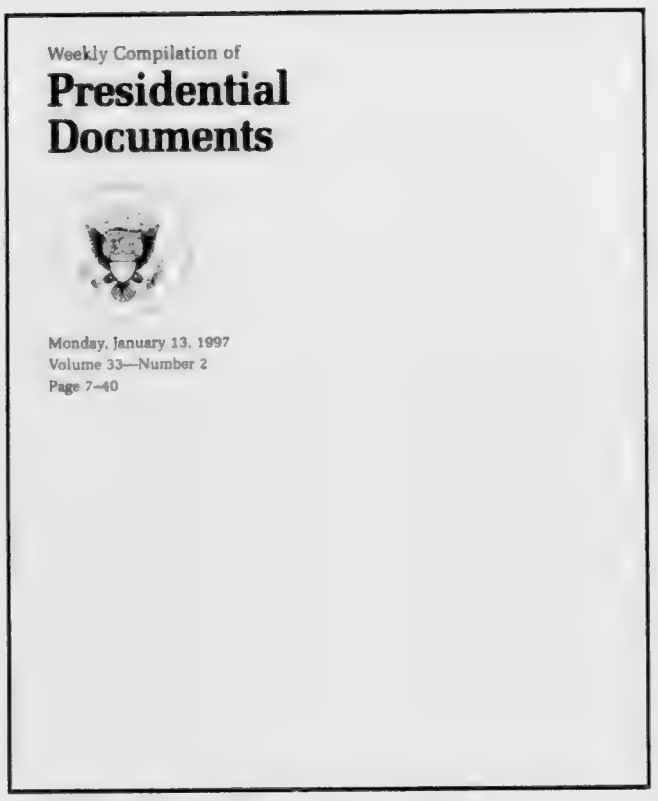

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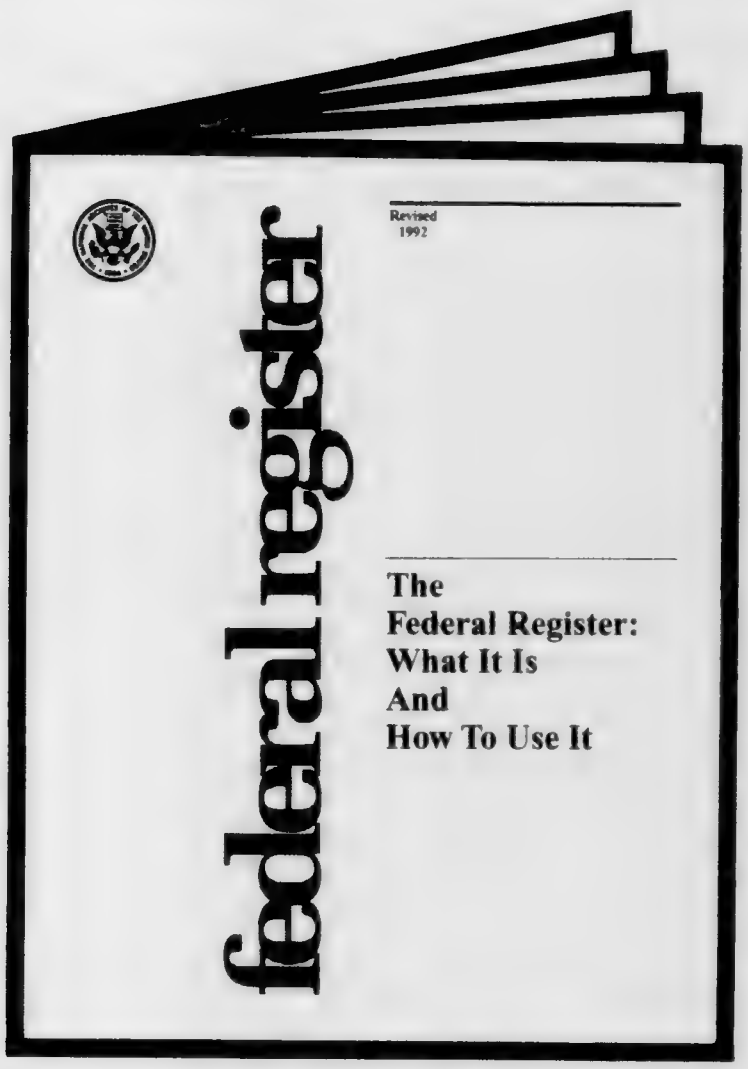

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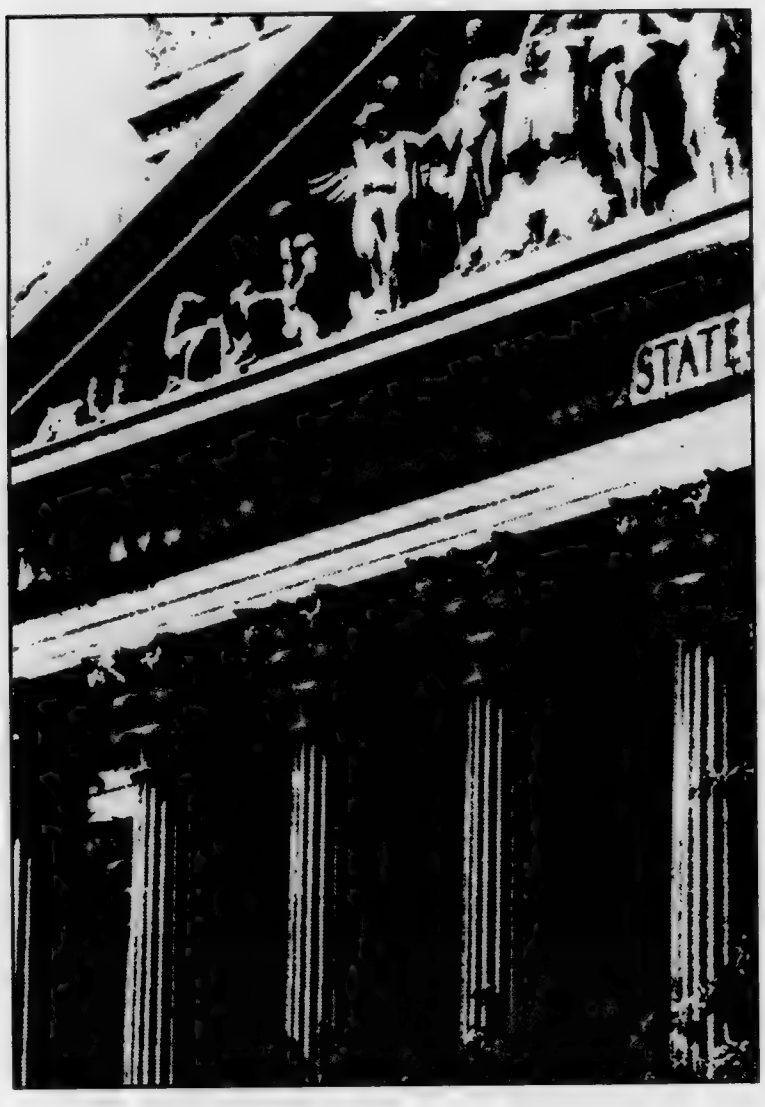

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Presidential Documents

Title 3—

The President

Proclamation 7220 of September 14, 1999

National Hispanic Heritage Month, 1999

By the President of the United States of America

A Proclamation

During National Hispanic Heritage Month, we reflect on the history of a people who were part of this land long before the birth of the United States. Hispanics were among the earliest European settlers in the New World, and Hispanics as a people—like their many cultures—share a rich history and great diversity. Hispanic Americans have roots in Europe, Africa, and South and Central America and close cultural ties to Mexico, the Caribbean, Central America, South America, and Spain. This diversity has brought variety and richness to the mosaic that is America and has strengthened our national character with invaluable perspective, experiences, and values.

Through the years, Hispanic Americans have played an integral role in our Nation's success in science, the arts, business, government, and every other field of endeavor, and their talent, creativity, and achievements continue to energize our national life. For example, Hispanic Americans serve as NASA astronauts, including Dr. Ellen Ochoa, the first Hispanic woman in space. Mario Molina of the Massachusetts Institute of Technology shared a Nobel Prize in chemistry for research that raised awareness of the threat that chlorofluorocarbons pose to the earth's protective ozone layer. Cuban-American writer Oscar Hijuelos earned a Pulitzer Prize for fiction.

The achievements of today's Hispanic Americans build upon a long tradition of contributions by Hispanics in many varied fields. Before Dr. Ochoa and other Hispanic Americans began to explore the frontiers of space, Hernando de Soto and Francisco Vásquez de Coronado ventured into the vast uncharted land of the New World. A thousand years before Mario Molina calculated the effects of human actions on the atmosphere, Mayan priests accurately predicted solar and lunar eclipses. And before Oscar Hijuelos described a Cuban family's emigration to 1940s America, Miguel de Cervantes Saavedra gave us the classic adventures of Don Quixote and Sancho Panza.

Today, people of Hispanic heritage are an increasingly important and growing segment of our Nation's population. Studies show that, in just a few years, Hispanics will form the largest minority group in the United States. In little more than a decade, Hispanic Americans will wield buying power of nearly $1 trillion per year. And by the middle of the next century, if population trends continue, almost one-fourth of our population will be Spanish-speaking. The success of these citizens is vital to our continued national prosperity, and we must ensure that they are empowered with the tools and opportunities they need to thrive in the next century.

That is why my Administration has worked to widen the circle of economic opportunity, enforce our civil rights laws, invest in health and education, and promote racial reconciliation. We have launched a major initiative to mobilize the resources and expertise of the Federal Government, the private sector, and local communities to end racial and ethnic disparities in health conditions and health care. We established the first-ever Office of Minority Health Research and Alternative Medicine at the National Institutes of Health. We also have sought to expand our Hispanic Education Action Plan with an additional $480 million for improving educational programs and institutions serving high concentrations of Hispanic students. We cannot seize

the enormous opportunities of the 21st century if a large percentage of our children lack the skills and knowledge they need to reach their full potential.

In honor of the many contributions that Hispanic Americans have made and continue to make to our Nation and our culture, the Congress, by Public Law 100–402, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as "National Hispanic Heritage Month."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim September 15 through October 15, 1999, as National Hispanic Heritage Month. I call upon government officials, educators, and the people of the United States to honor this observance with appropriate ceremonies, activities, and programs, and I encourage all Americans to rededicate themselves to the pursuit of equality.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.

William J. Clinton

[FR Doc. 99–24434
Filed 9–16–99; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 64, No. 180
Friday, September 17, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV99–905–3 IFR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule limits the volume of small red seedless grapefruit entering the fresh market under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida. The marketing order is administered locally by the Citrus Administrative Committee (committee). This rule limits the volume of size 48 and/or size 56 red seedless grapefruit handlers can ship during the first 11 weeks of the 1999–2000 season. The weekly percentage for the first two weeks (September 20 through October 3) is 45 percent; for the third week (October 4 through October 10) is 40 percent; for the fourth through seventh weeks (October 11 through November 7) is 37 percent; and for the last four weeks (November 8 through December 5) is 32 percent. This limitation is designed to provide a sufficient supply of small sized red seedless grapefruit to meet market demand, without saturating all markets with these small sizes. This rule should help stabilize the grapefruit market and improve grower returns.

DATES: Effective September 20, 1999. Comments received by September 27, 1999 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698 or E-mail: moab.docketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: William G. Pimental, Southeast Marketing Field Office, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883–2276; telephone: (941) 299–4770, Fax: (941) 299–5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 690–3919, Fax: (202) 720–5698. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698 or E-mail: Jay.Guerber@usda.gov. You may view the marketing agreement and order small business compliance guide at the following web site: http://www.ams.usda.gov/fv/moab.html.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 84 and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule limits the volume of size 48 and/or size 56 red seedless grapefruit handlers can ship during the first 11 weeks of the 1999–2000 season which begins in September. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

The order provides for the establishment of grade and size requirements for Florida citrus, with the concurrence of the Secretary. These grade and size requirements are designed to provide fresh markets with citrus fruit of acceptable quality and size. This helps create buyer confidence and contributes to stable marketing conditions. This is in the interest of growers, handlers, and consumers, and is designed to increase returns to Florida citrus growers. The current minimum grade standard for red seedless grapefruit is U.S. No. 1, and the minimum size requirement is size 56 (at least 3 5/16 inches in diameter).

Section 905.52 of the order provides authority to limit shipments of any grade or size, or both, of any variety of Florida citrus. Such limitations may restrict the shipment of a portion of a specified grade or size of a variety. Under such a limitation, the quantity of such grade or size that may be shipped by a handler during a particular week is established as a percentage of the total shipments of such variety by such handler in a prior period, established by the committee and approved by the Secretary, in which the handler shipped such variety.

Section 905.153 of the regulations provides procedures for limiting the volume of small red seedless grapefruit entering the fresh market. The procedures specify that the committee

may recommend that only a certain percentage of sizes 48 and/or 56 red seedless grapefruit be made available for shipment into fresh market channels for any week or weeks during the regulatory period. The regulation period is 11 weeks long and begins the third Monday in September. Under such a limitation, the quantity of sizes 48 and/or 56 red seedless grapefruit that may be shipped by a handler during a regulated week is calculated using the recommended percentage. By taking the recommended weekly percentage times the average weekly volume of red grapefruit handled by such handler in the previous five seasons, handlers can calculate the volume of sizes 48 and/or 56 they may ship in a regulated week.

This rule limits the volume of small red seedless grapefruit that can enter the fresh market for each week of the 11 week period beginning the week of September 20, 1999. This rule establishes the weekly percentage for the first two weeks (September 20 through October 3) at 45 percent; for the third week (October 4 through October 10) at 40 percent; for the fourth through seventh weeks (October 11 through November 7) at 37 percent; and for the last four weeks (November 8 through December 5) at 32 percent. This is a change in the percentages originally recommended by the committee. On April 6, 1999, the committee unanimously voted to establish a weekly percentage of 25 percent for each of the 11 weeks. The committee's initial recommendation was issued as a proposed rule published on August 26, 1999 (64 FR 46603). No comments were received during the comment period which expired on September 10, 1999. The committee subsequently met on August 31, 1999, and unanimously recommended adjusting the proposed percentages.

This action is similar to actions taken in the previous two seasons (1997–98 and 1998–99). Prior to those two years, there were no weekly percentages established. During the three seasons prior to implementation of weekly percentage regulations (1994–95, 1995–96, and 1996–97), returns for red seedless grapefruit had been declining, often not returning the cost of production. On-tree prices for red seedless grapefruit had fallen steadily from $9.60 per carton (4/5 bushel) during the 1989–90 season, to $3.45 per carton during the 1994–95 season, to a low of $1.41 per carton during the 1996–97 season.

The committee determined that one problem contributing to the market's condition was the excessive number of small sized grapefruit shipped early in the marketing season. In the 1994–95, 1995–96, and 1996–97 seasons, sizes 48 and 56 accounted for 34 percent of total shipments during the 11 week regulatory period, with the average weekly percentage exceeding 40 percent of shipments. This contrasts with sizes 48 and 56 representing only 26 percent of total shipments for the remainder of the season. While there is a market for early grapefruit, the shipment of large quantities of small red seedless grapefruit in a short period oversupplies the fresh market for these sizes and negatively impacts the market for all sizes.

For the majority of the season, larger sizes return higher prices than smaller sizes. However, there is a push early in the season to get fruit into the market to take advantage of the high prices available at the beginning of the season. The early season crop tends to have a greater percentage of small sizes. This creates a glut of smaller, lower priced fruit on the market, driving down the price for all sizes. Early in the season, larger sized fruit commands a premium price. In some cases, the f.o.b. price is $4 to $6 a carton more than for the smaller sizes. In early October, the f.o.b. price for a size 27 averages around $10.00 per carton. This compares to an average f.o.b. price of $5.50 per carton for size 56. By the end of the 11 week period covered in this rule, the f.o.b. price for large sizes drops to within $2 of the f.o.b. price for small sizes.

In the three seasons prior to 1997–98, prices of red seedless grapefruit fell from a weighted average f.o.b. price of $7.80 per carton to an average f.o.b. price of $5.50 per carton during the period covered by this rule. Even though later in the season the crop sized to naturally limit the amount of smaller sizes available for shipment, the price structure in the market had already been negatively affected. During those three seasons, the market did not recover, and the f.o.b. price for all sizes fell to around $5.00 to $6.00 per carton for most of the rest of the season.

The committee believes that the over shipment of smaller sized red seedless grapefruit early in the season contributes to below production cost returns for growers and lower on-tree values. An economic study done by the University of Florida—Institute of Food and Agricultural Sciences (UF–IFAS) in May 1997, found that on-tree prices had fallen from a high near $7.00 per carton in 1991–92 to around $1.50 per carton for the 1996–97 season. The study projected that if the industry elected to make no changes, the on-tree price would remain around $1.50 per carton. The study also indicated that increasing minimum size restrictions could help raise returns.

To address this issue, the committee voted to utilize the provisions of § 905.153, and establish a weekly percentage of size regulation during the first 11 weeks of the 1997–98 and 1998–99 seasons. The initial recommendations from the committee were to set the weekly percentage at 25 percent for each of the 11 weeks. As more information on the crop became available, and as the season progressed, the committee met and adjusted its recommendations for the weekly percentages. The committee considered information from past seasons, crop estimates, fruit size, and other information to make its recommendations. The committee has since used this regulation to the betterment of the industry. Prices have increased, and movement has been more stable. Actual weekly percentages established during the 11 week period during the 1997–98 season were 50 percent for the first 3 weeks, and 35 percent for the other 8 weeks. Actual weekly percentages established during the 11 week period during the 1998–99 season were 37 percent for the first 3 weeks, and 32 percent for the other 8 weeks.

In making its recommendation for the upcoming season, the committee reviewed its experiences in past seasons. The committee believes establishing weekly percentages during the last two seasons was successful. The committee examined shipment data covering the 11 week regulatory period for the last two regulated seasons and the three prior seasons. The information contained the amounts and percentages of sizes 48 and 56 shipped during each week and weekly f.o.b. price figures. During the 11 week period, the regulations were successful at helping maintain prices at a higher level than previously, and sizes 48 and 56 by count and as a percentage of total shipments were reduced. During the first 11 weeks of the 1996–97 season, shipments of sizes 48 and 56 were 3,076,474 cartons, or 40 percent of total shipments. In the first 11 weeks of the last two seasons, under regulation, shipments of sizes 48 and 56 averaged 2,517,080 cartons and accounted for 33 percent of total shipments.

In comparison with f.o.b. prices from the 1996–97 season, for weeks when pricing information was available (weeks 6 through 11), last season's numbers were higher in five of the six weeks. The average f.o.b. prices for these weeks were $6.28 for the 1996–97 season, $6.55 for the 1997–98 season, and $7.63 for the 1998–99 season. Total

fresh shipments for the 1998–99 season are estimated at 27.5 million cartons of red grapefruit.

The committee was concerned that the glut of smaller, lower priced fruit on the early market was driving down the price for all sizes. There was a steep decline in prices for larger sizes in previous seasons. During the six weeks from mid-October through November, prices for sizes 23, 27, 32, and 36 fell by 28, 27, 21, and 20 percent, respectively, during the 1996–97 season, the last season prior to establishing percentage size regulations. Prices for the same sizes fell only 13, 11, 14, and 11 percent, respectively, during the same period last season with regulation. In fact, prices for all sizes were firmer during this period last season when compared to the 1996–97 season, with the weighted average price dropping only 11 percent during this period as compared to 22 percent during the 1996–97 season.

An economic study done by Florida Citrus Mutual (Lakeland, Florida) in April 1998, found that the weekly percentage regulation had been effective. The study stated that part of the strength in early season pricing appeared to be due to the use of the weekly percentage rule to limit the volume of sizes 48 and 56. It said that prices were generally higher across the size spectrum with sizes 48 and 56 having the largest gains, and larger sized grapefruit registering modest improvements. The rule shifted the size distribution toward the higher priced, larger sized grapefruit which helped raise weekly average f.o.b. prices. It further stated that sizes 48 and 56 grapefruit accounted for around 27 percent of domestic shipments during the same 11 weeks during the 1996–97 season. Comparatively, sizes 48 and 56 accounted for only 17 percent of domestic shipments during the same period in 1997–98, as small sizes were used to supply export customers with preferences for small sized grapefruit.

The committee initially recommended that the weekly percentage of size regulation be set at 25 percent for each week during the regulatory period. Members believed that the problems associated with an uncontrolled volume of small sizes entering the market early in the season would recur without such action. The committee thought that to provide the most flexibility, the weekly percentage should be set at 25 percent for each of the 11 weeks in the regulated period. The committee believes it is best to set regulation at the most restrictive level, and then relax the percentage as warranted by conditions later in the season. The committee's intent was to meet again early in the season to consider adjustments in the weekly percentage rates, as was done in the previous two seasons.

In its discussion, the committee recognized the need for and the benefits of the weekly percentage regulation. The committee recommended establishing the base percentage at 25 percent for each of the regulation weeks. This is as restrictive as § 905.153 will allow.

In making its initial recommendation, the committee considered that by establishing regulation at 25 percent, they could meet again in August and subsequent months and use the best information available to help the industry and the committee make the most informed decisions as to whether the established percentages are appropriate.

Based on this information and the experiences from past seasons, the committee agreed to establish the initial weekly percentages at the most restrictive level. They could then meet in late August, or in September and October, as needed, when additional information is available, and determine whether the set percentage levels are appropriate. They said this is essentially what was done in the prior two years, and it had been very successful. For example, the committee met in May 1998, and recommended a weekly percentage of 25 percent for each of the first 11 weeks of the 1998–99 season. In September, the committee met again, and recommended that the weekly percentage be relaxed. They met again in October, and did not recommend any further relaxation. Any changes to the weekly percentages established by this rule would require additional rulemaking and the approval of the Secretary.

The committee noted that more information helpful in determining the appropriate weekly percentages would be available after August. At the time of the April meeting, grapefruit had not yet begun to size, giving little indication as to the distribution of sizes. Only the most preliminary of crop estimates was available, with the official estimate not to be issued until October.

The committee met again on August 31, 1999, and revisited the weekly percentage issue and reviewed information it had acquired since its April 6, 1999, meeting. At the meeting, the committee unanimously recommended that the weekly percentages be changed from 25 percent for each of the 11 regulated weeks to 45 percent for the first two weeks (September 20 through October 3); 40 percent for the third week (October 4 through October 10); 37 percent for the fourth through seventh weeks (October 11 through November 7); and 32 percent for the last four weeks (November 8 through December 5).

In its discussion of these changes, the committee reviewed the initial percentages recommended and the current state of the crop. The committee also reexamined shipping information from past seasons, looking particularly at volume across the 11 weeks. Based on this review, the committee agreed that maintaining the weekly percentage at 25 percent would be too restrictive.

During deliberations in past seasons as to weekly percentages, the committee considered how past shipments had affected the market. Based on available statistical information, the committee members believed that once shipments of sizes 48 and 56 reach levels above 250,000 cartons a week, prices declined on those and most other sizes of red seedless grapefruit. The committee believed that if shipments of small sizes could be maintained at around 250,000 cartons a week, prices should stabilize and demand for larger, more profitable sizes should increase.

As is the case for this season, they wanted to recommend a weekly percentage that would provide a sufficient volume of small sizes without adversely impacting the markets for larger sizes. They also originally recommended that the percentage for each of the 11 weeks be established at the 25 percent level. This percentage, when combined with the average weekly shipments for the total industry, provided a total industry allotment that would approach the 250,000 carton mark during regulated weeks without exceeding it.

While the committee did eventually vote last season to increase the weekly percentages, shipments of sizes 48 and 56 during the 11 weeks regulated during the 1998–99 season were lower by count and by percentage than in the unregulated seasons of 1994–95 through 1996–97. This may have contributed to the success of the regulation.

In setting the weekly percentage for each week at 25 percent this season, the total available allotment would approximate 234,000 cartons (25 percent of the total industry base of 937,257 cartons). The committee thus believed the percentages should be increased, as was done last year. While satisfied with the level of regulation last season (37 percent for the first 7 weeks and 32 percent for the last 4 weeks), the committee believes that the unique circumstances this season warrant more liberal percentages during the first 3 weeks of the 1999–2000 season.

While the official crop estimate will not be available until October, there are indications that the grapefruit crop will be lower than last year. The committee projects fresh shipments of red seedless grapefruit to be equal to or below levels in previous seasons. The quality of this year's crop is anticipated to be normal or above normal. However, the shape of the fruit is expected to be below normal. All growing districts appear to be affected by poorly shaped fruit, which could reduce the packout percentages for the 1999–2000 crop. The smaller sizes will most likely be the better shaped fruit during the first part of the season, which supports allowing ample shipments of the smaller sizes.

The individual fruit size for the upcoming crop is projected to be a little smaller than normal, but not as small as last season. However, if the rain currently being received in the production area does not continue for the next 10 to 20 days, the crop will cease sizing. This would put pressure on the industry to ship more of the smaller sizes.

Additionally, the lack of rain during much of the growing has delayed maturity of the crop and early shipments are anticipated to be below levels in previous seasons. Unusual weather patterns in the past eight months has resulted in multiple blooms in most groves in Florida. The problem with multiple blooms is that it is difficult for fruit harvesters to determine which of the fruit is mature. This could cause a higher percentage of smaller sizes to be harvested early in the season, because the small fruit tends to mature earlier. Therefore, the committee recommended a higher percentage in the first three weeks of the season than in later weeks.

The situation is also complicated by the ongoing economic problems affecting the European and Asian markets. In past seasons, the European market has shown a strong demand for the smaller sized red seedless grapefruit. The reduction in shipments to these areas experienced during the recent years is expected to continue during the upcoming season. This reduction in demand could result in a greater amount of small sizes for remaining markets to absorb. These factors increase the need for restrictions to prevent the volume of small sizes from overwhelming all markets.

Therefore, this rule establishes the weekly percentage at 45 percent for the first two weeks of the regulatory period (September 20 through October 3); 40 percent for the third week (October 4 through October 10); 37 percent for the fourth through seventh weeks (October 11 through November 7); and 32 percent for the last four weeks (November 8 through December 5).

The committee again included in its deliberations that if crop and market conditions should change, the committee could recommend that the percentages be increased or eliminated to provide for the shipment of more small sizes in any or all of the 11 weeks.

Under § 905.153, the quantity of sizes 48 and/or 56 red seedless grapefruit that may be shipped by a handler during a regulated week will be calculated using the recommended percentage of 45, 40, 37 or 32 percent, depending on the regulated week. By taking the weekly percentage times the average weekly volume of red grapefruit handled by such handler in the previous five seasons, handlers can calculate the volume of sizes 48 and/or 56 they may ship in a regulated week.

An average week has been calculated by the committee for each handler using the following formula. The total red seedless grapefruit shipments by a handler during the 33 week period beginning the third Monday in September and ending the first Sunday in May during the previous five seasons are added and divided by five to establish an average season. This average season is then divided by the 33 weeks to derive the average week. This average week is the base for each handler for each of the 11 weeks of the regulatory period. The weekly percentage, in this case 45, 40, 31 or 32 percent, is multiplied by a handler's average week. The product is that handler's allotment of sizes 48 and/or 56 red seedless grapefruit for the given week.

Under this rule, the calculated allotment is the amount of small sized red seedless grapefruit a handler may ship. If the minimum size established under § 905.52 remains at size 56, handlers can fill their allotment with size 56, size 48, or a combination of the two sizes such that the total of these shipments are within the established limits. If the minimum size under the order is 48, handlers can fill their allotment with size 48 fruit such that the total of these shipments is within the established limits. The committee staff will perform the specified calculations and provide them to each handler.

To illustrate, suppose Handler A shipped a total of 50,000 cartons, 64,600 cartons, 45,000 cartons, 79,500 cartons, and 24,900 cartons of red seedless grapefruit in the last five seasons, respectively. Adding these season totals and dividing by five yields an average season of 52,800 cartons. The average season is then divided by 33 weeks to yield an average week, in this case, 1,600 cartons. This is Handler A's base. For the first week of the regulatory period, the weekly percentage of 45 percent is then applied to this amount. This provides this handler with a weekly allotment of 720 cartons (1,600 X .45) of size 48 and/or 56. Similar calculations, using the appropriate weekly percentage, will be performed for the remaining 10 weeks of regulation.

The average week for handlers with less than five previous seasons of shipments is calculated by the committee by averaging the total shipments for the seasons they did ship red seedless grapefruit during the immediately preceding five years and dividing that average by 33. New handlers with no record of shipments have no prior period on which to base their average week. Such new handlers can ship small sizes equal to a 45, 40, 37, or 32 percent of their total volume of shipments during their first shipping week (depending on when they begin shipping). Once a new handler has established shipments, their average week will be calculated as an average of the weeks they have shipped during the current season.

This rule establishes a weekly percentage of 45 percent for the first two weeks (September 20 through October 3); 40 percent for the third week (October 4 through October 10); 37 percent for the fourth through seventh weeks (October 11 through November 7); and 32 percent for the last four weeks (November 8 through December 5). The regulatory period begins the third Monday in September. Each regulation week begins Monday at 12:00 a.m. and ends at 11:59 p.m. the following Sunday, since most handlers keep records based on Monday being the beginning of the work week. If necessary, the committee could meet and recommend a different percentage for any given week or weeks of the regulatory period. Any such recommendation would require approval of the Secretary.

The rules and regulations contain a variety of provisions designed to provide handlers with some marketing flexibility. When a regulation is established by the Secretary for a given week, the committee calculates the quantity of small red seedless grapefruit which may be handled by each handler. Section 905.153(d) provides allowances for overshipments, loans, and transfers of allotment. These allowances should allow handlers the opportunity to supply their markets while limiting the impact of small sizes on a weekly basis.

During any week for which the Secretary has fixed the percentage of sizes 48 and/or 56 red seedless grapefruit, any handler can handle an amount of sizes 48 and/or 56 red seedless grapefruit not to exceed 110 percent of their allotment for that week. The quantity of overshipments (the amount shipped in excess of a handler's weekly allotment) is deducted from the handler's allotment for the following week. Overshipments are not allowed during week 11 because there will be no allotments the following week from which to deduct the overshipments.

If handlers fail to use their entire allotments in a given week, the amounts undershipped are not carried forward to the following week. However, a handler to whom an allotment has been issued can lend or transfer all or part of such allotment (excluding the overshipment allowance) to another handler. In the event of a loan, each party must, prior to the completion of the loan agreement, notify the committee of the proposed loan and date of repayment. If a transfer of allotment is desired, each party will promptly notify the committee so that proper adjustments of the records can be made. In each case, the committee confirms in writing all such transactions prior to the following week. The committee can also act on behalf of handlers wanting to arrange allotment loans or participate in the transfer of allotment. Repayment of an allotment loan is at the discretion of the handlers party to the loan.

The committee computes each handler's allotment by multiplying the handler's average week by the percentage established by regulation for that week. The committee will notify each handler prior to that particular week of the quantity of sizes 48 and 56 red seedless grapefruit such handler can handle during a particular week, making the necessary adjustments for overshipments and loan repayments.

The committee chose to use the past five seasons to provide the most accurate picture of an average season. When recommending procedures for establishing weekly percentage of size regulation for red seedless grapefruit, the committee discussed several methods of measuring a handler's volume to determine this base. It was decided that shipments for the five previous years and for the 33 weeks beginning the third Monday in September to the first Sunday the following May should be used for calculation purposes.

This bases allotment on a 33 week period of shipments, not just a handler's early shipments. This was done specifically to accommodate small shippers or light volume shippers, who may not have shipped many grapefruit in the early season. The use of an average week based on 33 weeks also helps adjust for variations in growing conditions that may affect when fruit matures in different seasons and growing areas. After considering different ways to calculate the average week, the committee settled on this definition of prior period as the method that provides each handler with an equitable base from which to establish shipments.

The procedures under which this rule is established provide flexibility through several different options. Handlers can transfer, borrow or loan allotment based on their needs in a given week. Handlers also have the option of over shipping their allotment by 10 percent in a week, as long as the overshipment is deducted from the following week's shipments. Statistics show that in none of the regulated weeks in past seasons was the total available allotment used. Approximately 190 loans and transfers were utilized last season. To facilitate this process, the committee staff provides a list of handler names and telephone numbers to help handlers find possible sources of allotment if needed for loan or trade. Also, this regulation only restricts shipments of small sized red grapefruit. There are no volume restrictions on larger sizes.

After considering the available information, the committee determined that this rule is needed to regulate shipments of small red seedless grapefruit during the 1999–2000 season.

This rule does not affect the provision that handlers may ship up to 15 standard packed cartons (12 bushels) of fruit per day exempt from regulatory requirements. Fruit shipped in gift packages that are individually addressed and not for resale, and fruit shipped for animal feed are also exempt from handling requirements under specific conditions. Also, fruit shipped to commercial processors for conversion into canned or frozen products or into a beverage base are not subject to the handling requirements under the order.

Section 8e of the Act requires that whenever grade, size, quality, or maturity requirements are in effect for certain commodities under a domestic marketing order, including grapefruit, imports of that commodity must meet the same or comparable requirements. This rule does not change the minimum grade and size requirements under the order, only the percentages of sizes 48 and/or 56 red grapefruit that may be handled. Therefore, no change is necessary in the grapefruit import regulations as a result of this action.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 80 grapefruit handlers subject to regulation under the order and approximately 11,000 growers of citrus in the regulated area. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (SBA) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000 (13 CFR 121.601).

Based on industry and committee data, the average annual f.o.b. price for fresh Florida red grapefruit during the 1998–99 season was around $7.20 per 4/5 bushel carton, and total fresh shipments for the 1998–99 season are estimated at 14.6 million cartons of red grapefruit. Approximately 20 percent of all handlers handled 60 percent of Florida grapefruit shipments. In addition, many of these handlers ship other citrus fruit and products which are not included in committee data but would contribute further to handler receipts. Using the average f.o.b. price, about 80 percent of grapefruit handlers could be considered small businesses under SBA's definition, and about 20 percent of the handlers could be considered large businesses. The majority of Florida grapefruit handlers and growers may be classified as small entities.

Under the authority of § 905.52 of the order, this rule limits the volume of small red seedless grapefruit that can enter the fresh market during the first 11 weeks of the 1999–2000 season, beginning the third Monday in September. This rule utilizes the provisions of § 905.153. This rule establishes a weekly percentage of 45 percent for the first two weeks of the regulatory period (September 20 through October 3); 40 percent for the third week (October 4 through October 10); 37 percent for the fourth through

seventh weeks (October 11 through November 7); and 32 percent for the last four weeks (November 8 through December 5). This is a change from the committee's original recommendation of a 25 percent weekly percentage for each of the 11 weeks. Under this limitation, the quantity of sizes 48 and/or 56 red seedless grapefruit that may be shipped by a handler during a particular week is calculated using the established percentage.

By taking the established percentage times the average weekly volume of red grapefruit handled by such handler in the previous five seasons, the committee calculates a handler's weekly allotment of small sizes. This rule sets the weekly percentage at 45, 40, 37 or 32 percent for each of the 11 weeks in the regulatory period. This rule should provide a supply of small sized red seedless grapefruit sufficient to meet market demand, without saturating all markets with these small sizes. This rule is needed to help stabilize the market and improve grower returns during the early part of the season.

The weekly percentage of 25 percent, when combined with the average weekly shipments for the total industry, would have provided a total industry allotment of nearly 235,000 cartons of sizes 48 and/or 56 red seedless grapefruit per regulated week. If a 25 percent restriction on small sizes had been applied during the 11 week period in the three seasons prior to the 1997–98 season, an average of 4.2 percent of overall shipments during that period would have been affected. This rule will affect even fewer shipments by establishing less restrictive weekly percentages. In addition, a large percentage of this volume most likely could have been replaced by larger sizes. Under this rule, a sufficient volume of small sized red grapefruit will be allowed into all channels of trade, and allowances will be in place to help handlers address any market shortfall. Therefore, the overall impact on total seasonal shipments and on industry costs should be minimal.

The early season crop tends to have a greater percentage of small sizes. This creates a glut of smaller, lower priced fruit, driving down the price for all sizes. Early in the season, larger sized fruit commands a premium price. In some cases, the f.o.b. price is $4 to $6 a carton more than for the smaller sizes. In early October, the f.o.b. price for a size 27 averages around $10.00 per carton. This compares to an average f.o.b. price of $5.50 per carton for size 56. By the end of the 11 week period covered in this rule, the f.o.b. price for large sizes typically drops to within $2 of the f.o.b. price for small sizes.

The overshipment of smaller sized red seedless grapefruit early in the season has contributed to below production cost returns for growers and lower on tree values. An economic study done by the University of Florida—Institute of Food and Agricultural Sciences (UF–IFAS) in May 1997, found that on tree prices had fallen from a high near $7.00 per carton in 1991–92 to around $1.50 per carton for the 1996–97 season. The study projected that if the industry elected to make no changes, the on tree price would remain around $1.50 per carton. The study also indicated that increasing minimum size restrictions could help raise returns.

This regulation will have a positive impact on affected entities. The purpose of this rule is to help stabilize the market and improve grower returns by limiting the volume of small sizes marketed early in the season. There are no volume restrictions on larger sizes. Therefore, larger sizes could be substituted for smaller sizes with a minimal effect on overall shipments. While this rule may necessitate spot picking, which could entail slightly higher harvesting costs, many in the industry are already using the practice. In addition, because this regulation is only in effect for part of the season, the overall effect on costs is minimal. This rule is not expected to appreciably increase costs to producers.

This rule will help limit the effects of an over supply of small sizes early in the season. Similar rules were enacted successfully the last two seasons. During the 11 week period, the regulations were successful in helping maintain prices at a higher level than in prior seasons, and sizes 48 and 56 by count and as a percentage of total shipments were reduced. Therefore, this action should have a positive impact on grower returns.

For the weeks when pricing information was available, last season's prices were higher in five of the six weeks when compared with f.o.b. prices from the 1996–97 season. The average f.o.b. for these weeks was $6.28 for the 1996–97 season, $6.55 for the 1997–98 season and $7.63 for the 1998–99 season.

The rules were also successful in reducing the steep drop in prices for larger sizes that had occurred in previous seasons. During the six weeks from mid-October through November, prices for sizes 23, 27, 32, and 36 fell by 25, 25, 20, and 14 percent, respectively, during the 1997–98 season. Prices for the same sizes fell only 13, 11, 14, and 11 percent, respectively, during the same period last season with regulation. Prices for all sizes were firmer during this period last season when compared to the 1996–97 season, with the weighted average price dropping only 11 percent during this period last season as compared to 22 percent during the 1996–97 season.

An economic study done by Florida Citrus Mutual (Lakeland, Florida) in April 1998, found that the weekly percentage regulation had been effective. The study indicated that part of the strength in early season pricing appeared to be due to the use of the weekly percentage rule to limit the volume of sizes 48 and 56. Prices were generally higher across the size spectrum, with sizes 48 and 56 having the largest gains and larger sized grapefruit registering modest improvements.

The report also stated that sizes 48 and 56 grapefruit accounted for around 27 percent of domestic shipments during the 11 weeks during the 1996–97 season, compared to only 17 percent during the 1997–98 season, as small sizes were used to supply export customers with preferences for small sized grapefruit.

Over 50 percent of red seedless grapefruit are shipped to the fresh market. Because of reduced demand and an oversupply, the processing outlet is not currently profitable. Consequently, it is essential that the market for fresh red grapefruit be fostered and maintained. Any costs associated with this action would only be for the 11 week regulatory period. However, benefits from this action could stretch throughout the entire 33 week season.

This rule is intended to stabilize the market during the early season and increase grower returns. Information available from the last two seasons suggests the regulation could do both. A stabilized price that returns a fair market value would be beneficial to both small and large growers and handlers. The opportunities and benefits of this rule are expected to be available to all red seedless grapefruit handlers and growers regardless of their size of operation. Accordingly, this action would provide the most beneficial results for the industry given any other alternatives.

Handlers utilizing the flexibility of the loan and transfer aspects of this action will be required to submit a form to the committee. The rule will increase the reporting burden on approximately 80 handlers of red seedless grapefruit who will be taking about 0.03 hour to complete each report regarding allotment loans or transfers. The information collection requirements

contained in this section have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and assigned OMB number 0581–0094. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule. However, red seedless grapefruit must meet the requirements as specified in the U.S. Standards for Grades of Florida Grapefruit (7 CFR 51.760 through 51.784) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627).

The committee's meetings were widely publicized throughout the citrus industry and all interested persons were invited to attend the meetings and participate in committee deliberations on all issues. Like all committee meetings, the April 6, 1999, and August 31, 1999, meetings were public meetings and all entities, both large and small, were able to express views on this issue. Interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A proposed rule concerning this action was published in the **Federal Register** on Thursday, August 26, 1999 (64 FR 46603). Copies of the rule were mailed or sent via facsimile to all committee members and to grapefruit growers and handlers. The rule was also made available through the Internet by the Office of the Federal Register, the Department and the committee.

A 15-day comment period was provided to allow interested persons to respond to the proposal. The comment period ended September 10, 1999. No comments were received.

As previously stated, subsequent to the issuance of the proposed rule, the committee met and recommended modifying its original recommendation. The committee recommended that the weekly percentages be changed from 25 percent for each of the 11 regulated weeks to 45 percent for the first two weeks (September 20 through October 3); 40 percent for the third week (October 4 through October 10); 37 percent for the fourth through seventh weeks (October 11 through November 7); and 32 percent for the last four weeks (November 8 through December 5). Because of this recommendation, the Department has determined that interested parties should be provided the opportunity to comment on the changes to the original recommendations. However, the Department has further determined that extending the comment period with no percentages in effect limiting the shipment of small red seedless grapefruit when the period of regulation begins would be detrimental to the industry. Therefore, the Department is instituting the regulations on small red seedless grapefruit through this interim final rule that allows 10 additional days to comment.

After consideration of all relevant matter presented, including the information and recommendations submitted by the committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

A 10-day comment period is provided to allow interested persons to respond to this interim final rule. Ten days is deemed appropriate because the regulation period begins on September 20, 1999, and continues for 11 weeks. Adequate time will be necessary so that any changes made to the regulations based on comments filed could be made effective during the 11-week period. All written comments timely received will be considered before a final determination is made on this matter.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because this rule needs to be in place when the regulatory period begins on September 20, 1999, and handlers begin shipping grapefruit. The committee has kept the industry well informed on this issue. It has also been widely discussed at various industry and association meetings. Interested persons have had time to determine and express their positions. In addition, these size small red grapefruit are already being harvested and handlers need to know the amount they will be allowed to ship in order to determine harvesting quantities that will allow these increased amounts to be shipped. This rule is necessary to help stabilize the market and improve grower returns. Further, handlers are aware of this rule, which was recommended at public meetings. Also, a 15-day comment period was provided for in the proposed rule and a 10-day comment period is provided in this rule.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 905.350 is revised to read as follows:

§ 905.350 Red seedless grapefruit regulation.

This section establishes the weekly percentages to be used to calculate each handler's weekly allotment of small sizes. If the minimum size in effect under § 905.306 for red seedless grapefruit is size 56, handlers can fill their allotment with size 56, size 48, or a combination of the two sizes such that the total of these shipments are within the established weekly limits. If the minimum size in effect under § 905.306 for red seedless grapefruit is 48, handlers can fill their allotment with size 48 red seedless grapefruit such that the total of these shipments is within the established weekly limits. The weekly percentages for sizes 48 and/or 56 red seedless grapefruit grown in Florida, which may be handled during the specified weeks are as follows:

Week	Weekly percentage
(a) 9/20/99 through 9/26/99	45
(b) 9/27/99 through 10/3/99	45
(c) 10/4/99 through 10/10/99	40
(d) 10/11/99 through 10/17/99	37
(e) 10/18/99 through 10/24/99	37
(f) 10/25/99 through 10/31/99	37
(g) 11/1/99 through 11/7/99	37
(h) 11/8/99 through 11/14/99	32
(i) 11/15/99 through 11/21/99	32
(j) 11/22/99 through 11/28/99	32
(k) 11/29/99 through 12/5/99	32

Dated: September 13, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–24238 Filed 9–16–99; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. FV99–993–3 FR]

Dried Prunes Produced in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This fule decreases the assessment rate from $3.28 to $2.00 per ton of salable dried prunes established for the Prune Marketing Committee (Committee) under Marketing Order No. 993 for the 1999–2000 and subsequent crop years. The Committee is responsible for local administration of the marketing order which regulates the handling of dried prunes grown in California. Authorization to assess dried prune handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The assessment rate decrease is possible because the 1999–2000 assessable tonnage is expected to total 173,700 salable tons (74 percent higher than last crop year). The $2.00 assessment rate will allow the Committee to meet its 1999–2000 expenses. The crop year began August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATES: September 20, 1999.

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Marketing Assistant, or Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone (559) 487–5901; Fax (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698. Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 993, both as amended (7 CFR part 993), regulating the handling of dried prunes grown in California, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California dried prune handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable dried prunes beginning on August 1, 1999, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 1999–2000 and subsequent crop years from $3.28 per ton to $2.00 per ton of salable dried prunes.

The California dried prune marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of California dried prunes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1998–99 and subsequent crop years, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from crop year to crop year unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on June 29, 1999, and unanimously recommended increasing its 1999–2000 budget from $327,180 to $347,400 and decreasing the current assessment rate from $3.28 to $2.00 per ton of salable dried prunes. Even with the increased budget, the $1.28 per ton decrease in the assessment rate to $2.00 per ton would allow the Committee to meet its 1999–2000 expenses. The California Agricultural Statistical Service estimates a 180,000 ton crop during the 1999–2000 crop year, of which 6,300 tons are not expected to be salable because of size or quality, leaving a balance of 173,700 salable tons. This is a 74 percent increase in salable tonnage from last year and allowed the Committee to recommend lowering its assessment rate.

The following table compares major budget expenditures recommended by the Committee on June 29, 1999, and major budget expenditures in the revised 1998–99 budget recommended on December 1, 1998.

Budget expense categories	($1,000)	
	1998–99	1999–2000
Salaries, Wages & Benefits	189.7	201.265
Research & Development	0	30
Office Rent	23	24
Travel	18.5	21
Reserve (Contingencies)	50.93	16.735
Equipment Rental	9	9.5
Data Processing	3.85	5
Stationary & Printing	5	5.5
Office Supplies	5	5
Postage & Messenger	5	7

The assessment rate recommended by the Committee was derived by dividing

anticipated expenses by the estimated salable tons of California dried prunes. Production of dried prunes for the year is estimated at 173,700 salable tons which should provide $347,400 in assessment income. Income derived from handler assessments will be adequate to cover budgeted expenses. Interest income also will be available if assessment income is reduced for some reason. The Committee is authorized to use excess assessment funds from the 1998–99 crop year (currently estimated at $51,857) for up to 5 months beyond the end of the crop year to meet 1999–2000 crop year expenses. At the end of the 5 months, the Committee refunds or credits excess funds to handlers (Sec. 993.81(c)).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each crop year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1999–2000 budget and those for subsequent crop years will be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,250 producers of dried prunes in the production area and approximately 20 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Currently the prune industry profile shows that 8 of the 20 handlers (40 percent) shipped over $5,000,000 of dried prunes and could be considered large handlers by the Small Business Administration. Twelve of the 20 handlers (60 percent) shipped under $5,000,000 of dried prunes and could be considered small handlers. An estimated 90 producers, or about 7 percent of the 1,250 total producers, could be considered large growers with annual income over $500,000. The majority of handlers and producers of California dried prunes may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 1999–2000 and subsequent crop years from $3.28 per ton to $2.00 per ton of salable dried prunes. The Committee unanimously recommended 1999–2000 expenditures of $347,400 and an assessment rate of $2.00 per ton of salable dried prunes. The assessment rate of $2.00 is $1.28 lower than the current 1998–99 rate (64 FR 3621, January 25, 1999). The quantity of assessable dried prunes for the 1999–2000 crop year is now estimated at 173,700 salable tons. Thus, the $2.00 rate should provide $347,400 in assessment income and be adequate to meet this year's expenses. Interest income also will be available to cover budgeted expenses if the 1999-2000 expected assessment income falls short.

The following table compares major budget expenditures recommended by the Committee on June 29, 1999, with major budget expenditures in the revised budget recommended on December 1, 1998.

Budget expense categories	($1,000)	
	1998–99	1999–2000
Salaries, Wages & Benefits	189.7	201.265
Research & Development	0	30
Office Rent	23	24
Travel	18.5	21
Reserve (Contingencies)	50.93	16.735
Equipment Rental	9	9.5
Data Processing	3.85	5
Stationary & Printing	5	5.5
Office Supplies	5	5
Postage & Messenger	5	7

The Committee reviewed and unanimously recommended 1999–2000 expenditures of $347,400. The assessment rate of $2.00 per ton of salable dried prunes was determined by dividing the total recommended budget by the estimated salable dried prunes. The Committee is authorized to use excess assessment funds from the 1998–99 crop year (currently estimated at $51,857) for up to 5 months beyond the end of the crop year to fund 1999–2000 crop year expenses. At the end of the 5 months, the Committee refunds or credits excess funds to handlers (§ 993.81(c)). Anticipated assessment income and interest income during 1999–2000 will be adequate to cover authorized expenses.

Recent price information indicates that the grower price for the 1999–2000 season should average above $850 per salable ton of dried prunes. Based on estimated shipments of 173,700 salable tons, assessment revenue during the 1999–2000 crop year is expected to be less than 1 percent of the total expected grower revenue.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the California dried prune industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 29, 1999, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements on either small or large California dried prune handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to

reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on July 29, 1999 (64 FR 41045). Copies of the proposed rule were also mailed or sent via facsimile to all prune handlers. Finally, the proposal was made available through the Internet by the Office of the Federal Register. A 30-day comment period ending August 30, 1999, was provided for interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and speciality crop marketing agreements and orders may be viewed at the following web site: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The Committee needs to collect assessments from handlers based on the lower rate as soon as possible to pay its expenses which are incurred on a continuous basis; (2) the 1999–2000 crop year began on August 1, 1999, and the marketing order requires that the rate of assessment for each crop year apply to all assessable dried prunes handled during such year; (3) handlers are aware of this rule which was recommended unanimously at a public meeting; and (4) a 30-day comment period was provided for in the proposed rule, and no comments were received.

List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and Recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1. The authority citation for 7 CFR part 993 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 993.347 is revised to read as follows:

§ 993.347 Assessment rate.

On and after August 1, 1999, an assessment rate of $2.00 per ton is established for California dried prunes.

Dated: September 13, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–24239 Filed 9–16–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1735

RIN 0572–AB49

General Policies, Types of Loans, Loan Requirements—Telecommunications Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Rural Utilities Service (RUS) is amending its regulations to clarify that loan applicants organized as limited liability companies may be eligible to receive financial assistance. This direct final rule is part of an ongoing RUS project to modernize agency policies in order to provide borrowers with the flexibility they need to continue providing reliable telephone service at reasonable costs in rural areas, while maintaining the integrity of Government loans. This action also conforms more closely to private lending practice.

DATES: This rule will become effective on November 16, 1999, unless we receive written adverse comments or notice of intent to submit adverse comments on or before October 18, 1999. If we receive such comment or notice, we will publish a document in the **Federal Register** prior to the effective date withdrawing the direct final rule.

ADDRESSES: Submit written comments or notice of intent to submit adverse comments to Roberta D. Purcell, Assistant Administrator, Telecommunications Program, Rural Utilities Service, 1400 Independence Avenue, SW., Room 4056, STOP 1590, Washington, DC 20250–1590. RUS requires a signed original and three copies of all comments (7 CFR part 1700). Comments received will be available for public inspection at room 4056, South Building, U.S. Department of Agriculture, Washington, DC, between 8:00 a.m. and 4:00 p.m. (7 CFR part 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Jonathan P. Claffey, Deputy Assistant Administrator, Telecommunications Program, Rural Utilities Service, 1400 Independence Avenue, SW., Room 4056, STOP 1590, Washington, DC 20250–1590. Telephone: (202) 720–9556.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant and, therefore, has not been reviewed by the Office of Management and Budget under Executive Order 12866.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of that Executive Order. In accordance with the Executive Order and the rule: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)) administrative appeal procedures, if any, are required must be exhausted prior to initiating litigation against the Department or its agencies.

Regulatory Flexibility Act Certification

RUS has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The RUS telecommunications loan program provides borrowers with loans at interest rates and terms that are more favorable than those generally available from the private sector. Borrowers, as a result of obtaining federal financing, receive economic benefits that exceed any direct cost associated with complying with RUS regulations and requirements.

Information Collection and Recordkeeping Requirements

This rule contains no new reporting or recordkeeping burdens under OMB control number 0572–0079 that would require approval under the Paperwork

Reduction Act of 1995 (44 U.S.C. Chapter 35).

Send questions or comments regarding this burden or any other aspect of these collections of information, including suggestions for reducing the burden to F. Lamont Heppe, Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Avenue, SW., Room 4034, STOP 1522, Washington, DC 20250–1522.

National Environmental Policy Act Certification

The Administrator of RUS has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this rule is listed in the Catalog of Federal Domestic Assistance programs under numbers 10.851, Rural Telephone Loans and Loan Guarantees, and 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, 20402–9325.

Executive Order 12372

This program is excluded from the scope of Executive Order 12372, Intergovernmental Consultation which may require consultation with state and local offices. A final rule related notice entitled "Department Programs and Activities Excluded from Executive Order 12372," (50 FR 47034) determined that RUS and Rural Telephone Bank loans and loan guarantees were not covered by Executive Order 12372.

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Background

The telecommunications industry is becoming increasingly competitive. The Telecommunications Act of 1996 (Public Law 104–104) and regulatory actions by the Federal Communications Commission are drastically altering the regulatory and business environment of all telecommunications systems, including RUS borrowers. At the same time, changes in overall business trends and technology continue to place pressure on RUS financed systems to operate more efficiently.

At the present, RUS regulations stipulate that an entity must be incorporated to be eligible for RUS financing (7 CFR 1735.14, Borrower eligibility). However, the limited liability company (LLC) structure is an increasingly used form of business organization. RUS has determined that its regulations should provide that LLCs be eligible for RUS loans if the state laws under which the LLC is organized and existing enable the LLC to effectively accomplish the purposes of the Rural Electrification Act of 1936 (7 U.S.C. 901 *et seq.*).

RUS policies are utilized by the Governor of the Rural Telephone Bank in carrying out the Rural Telephone Bank's loan program.

List of Subjects in 7 CFR Part 1735

Accounting, Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

For the reasons set forth in the preamble, 7 CFR Chapter XVII is amended as follows:

PART 1735—GENERAL POLICIES, TYPES OF LOANS, LOAN REQUIREMENTS—TELECOMMUNICATIONS PROGRAM

1. The authority citation for part 1735 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, and 6941 *et seq.*

2. In § 1735.14, paragraph (c) is revised to read as follows:

§ 1735.14 Borrower eligibility.

* * * * *

(c) RUS gives preference to those borrowers (including initial loan applicants) already providing telephone service in rural areas, and to cooperative, nonprofit, limited dividend, or mutual associations. To be eligible for a loan, a borrower:

(1) Must provide or propose to provide the basic local exchange telephone service needs of rural areas;

(2) Must have sufficient authority to carryout the purposes of the RE Act; and

(3) Must be incorporated or a limited liability company.

Dated: September 10, 1999.

Inga Smulkstys,

Acting Under Secretary, Rural Development.

[FR Doc. 99–24188 Filed 9–16–99; 8:45 am]

BILLING CODE 3410–15–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 331

RIN 3064 –AC23

Asset and Liability Backup Program

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Confirmation of interim final rule with changes.

SUMMARY: This rule confirms as final the FDIC's interim rule requiring asset and liability backup programs (ALBPs) for limited deposit account and loan account information in a limited number of institutions to facilitate timely and accurate restoration of key financial records in the event that an FDIC-insured depository institution (insured depository institution) experiences a Year 2000 (Y2K) computer problem and is placed in receivership. Specifically, the rule requires those insured depository institutions receivingY2K ratings of less than "Satisfactory" on or after July 31, 1999 (affected institutions) to follow specific programs to backup certain information concerning deposit and loan accounts. This information will be retained by each bank or savings and loan (thrift) to which the rule applies and used by the FDIC only if such an institution must be closed. This regulation will sunset on June 30, 2000 and will no longer be applicable after that date. An affected institution will be exempted from this ALBP rule if its primary federal regulator provides a written determination to the Executive Secretary, FDIC that the ALBP is not needed.

EFFECTIVE DATES: This rule is effective September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Division of Resolutions and Receiverships: James E. Crum, Manager, Information Systems Section (202) 898–6698. Legal Division: Nancy Schucker Recchia, Counsel (202) 898–8885; Federal Deposit Insurance Corporation, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Background

Under the auspices of the Federal Financial Institutions Examination Council (FFIEC), the FDIC, the Board of

Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS) have provided extensive Y2K-readiness guidance to the banking industry. Virtually all of the nation's banks and thrifts are prepared for the millennium. As a result of these efforts, the FFIEC agencies expect few, if any, insured depository institutions to close because of the Y2K date change. Despite best efforts to prepare for Y2K, however, there remains the possibility that some institutions may not be Y2K ready and may have to be closed. The FDIC must plan for every conceivable event. The FDIC has adopted this rule to ensure that, if an affected institution experiences a Y2K problem and is closed, the FDIC will be able to make federally insured deposits available to depositors expeditiously. The rule also will facilitate the quick acquisition or transfer of servicing of assets and help maintain public confidence in, and minimize any related disruption to, the United States of America's financial system.

The rule requires affected institutions to create standardized backup programs for their deposit and loan accounts, in addition to their own backup systems. In the unlikely event that an affected institution experiences a Y2K problem and is closed, these standardized backup programs will provide the FDIC access to essential basic account information and eliminate the need to map and convert information before account reconciliation and deposit insurance determination can begin. A Y2K problem could make an institution's systems unusable for potential purchasers, making an alternative conversion process essential for an expeditious transfer of assets and liabilities. The rule will reduce the time needed to convert a closed affected institution's information. The rule is critical to the FDIC's ability to determine quickly and accurately deposit and loan account information to permit timely and accurate access of insured depositors to their accounts and effective management of receivership assets.

II. The Interim Final Rule

The FDIC published 12 CFR part 331 in the **Federal Register** as an interim final rule and request for comment on June 9, 1999, 64 FR 30869. The comment period closed and the interim final rule became effective on July 9, 1999.

III. Summary of Comments Received

In response to the request for comment published with the interim final rule, the FDIC received three comment letters. Two were from community bank trade associations and one was from a bank. The FDIC carefully considered each of the comment letters in light of theY2K concerns addressed by the rule, and, for the reasons discussed below, determined to finalize the interim final rule as it became effective on July 9, 1999, with the minor formatting and deadline changes discussed below.

Both of the trade association commenters generally supported the FDIC's need to have available appropriate data to facilitate quick and efficient resolution of insured depository institutions in the event that that there should be a Y2K related failure. One of the trade association commenters stated its belief that the rule (1) is an appropriate step for the FDIC, (2) offers an extra incentive to any banks that have made less than satisfactory progress towards being prepared for Y2K to take the necessary steps to become "satisfactory," (3) is a good step to help ensure that account records can be transferred readily to another depository institution or to a receiver should the need arise, and (4) should provide additional comfort to the banking public that its deposits will be accessible after December 31, 1999. The other trade association commenter questioned whether the implementation details properly balanced the costs and benefits of the program and provided specific suggestions, discussed below, regarding how the affected institutions are selected, the deadlines for implementing the various provisions in the rule and the costs of the program. The bank commenter was opposed to the rule, believing it would take valuable resources away from affected institutions' Y2K remediation efforts, and opined that the FDIC and other agencies should provide reasonable assistance to aid those institutions in their Y2K compliance efforts.

The FDIC has considered all comments received. As a result of such consideration and in an effort to further refine the specifications of the ALBP, the final rule makes certain minor formatting changes to the Extract File Formats and extends certain deadlines as discussed below. The final rule does not require affected institutions to provide any more information than the interim final rule required.

IV. The Final Rule

A. The Final Rule Reflects ALBP Deposit and Loan Extract File Format Changes Developed From Industry Input

The FDIC sought technical advice from a variety of sources in developing the interim final rule. Industry programming experts have reviewed the rule and identified certain areas of either the Technical Instructions or the Deposit and Loan Extract File Formats requiring clarification to ensure consistency between the Technical Instructions and the Extract File Formats, and accurate compliance with the programming specifications. The formatting changes that address these concerns are set forth below.

1. Deposit Extract File Format

- Information Field 1: Account Status—Clarified the Definition to limit the acceptable codes to: O = Open, C = Closed, D = Dormant, I = Inactive.
- Information Field 3: Account Number—Expanded the Info Length to 20 characters.
- Information Field 8: Customer Street Address Line 1—Clarified the Definition to restrict this field to the first line of three allocated for customer street addresses.
- Information Field 9: Customer Street Address Line 2—Added a new field for the second line of three allocated for customer street addresses.
- Information Field 10: Customer Street Address Line 2—Added a new field for the third line of three allocated for customer street addresses.
- Information Field 11: Customer City—Provided technical instructions for dealing with addresses located in foreign countries.
- Information Field 30: Overdraft Account Number—Expanded the Info Length to 20 characters to match other deposit account number field lengths.
- Information Fields 26–28: Clarified the Info Length for dates to allow 10 characters to accommodate the slashes specified in the Technical Instructions.
- Information Fields 31–33: Clarified the decimal precision level (DEC) as 2 places.
- All Interest Rate Fields: Clarified Technical Instruction No. 5 to reflect the format for all interest rate fields to be displayed as xx.xxxxx.

2. Loan Extract File Format

- Information Field 3: Borrower Street Address Line 1—Clarified the Definition to restrict this field to the first line of three allocated for customer street addresses.
- Information Field 4: Borrower Street Address Line 2—Added a new field for the second line of three allocated for customer street addresses.

• Information Field 5: Borrower Address Line 2—Added a new field for the third line of three allocated for customer street addresses.

• Information Field 6: Borrower City—Provided technical instructions for dealing with addresses located in foreign countries.

• All Date Fields: Clarified the Info Length to allow 10 characters to accommodate the slashes specified in the Technical Instructions. Information Fields affected include: 28, 29, 30, 34, 36, 44, 51, 64 and 66.

• All Interest Rate Fields: Clarified Technical Instruction No. 5 to reflect the format for all interest rate fields to be displayed as xx.xxxxx. Corrected the precision level (Dec) for all such fields to reflect 5 characters. Information Fields affected include Nos. 25, 32, 33 and 48.

The final rule extends the date by which affected institutions are to complete their programming and testing of their ALBP Deposit and Loan Extract Files to October 31, 1999 and the date by which to submit their test files to the FDIC to November 15, 1999.

B. The Final Rule Implements the ALBP Requirements in the Least Burdensome Manner Possible

The Rule Applies to Only Those Insured Depository Institutions That Present the Greatest Y2K Risk

Both of the trade association commenters commented on and made suggestions regarding the implementation details of the rule. One of the trade association commenters suggested that the only institutions that should be subject to the rule are CAMELS 4, 5 and low-3 rated institutions and those that the primary federal regulators deem to pose serious data-processing-related risks. This commenter stated that well-capitalized, well-performing institutions with less than Satisfactory Y2K ratings that are not related to data processing and retention deficiencies or inadequate contingency plans are not likely to close.

Section 331.1 of the rule sets forth those insured depository institutions to which the rule applies (affected institutions). Affected institutions are all insured depository institutions as that term is defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) that have received a rating of less than Satisfactory in Y2K readiness by their primary federal regulator as of July 31, 1999. The rule also applies prospectively to any insured depository institution that received a Satisfactory rating as of July 31, 1999, and subsequently receives a rating of less than Satisfactory. The rule continues to apply to both categories of institutions until the termination date specified in § 331.3(d). Before January 1, 2000, if an affected institution's primary federal regulator changes the institution's Y2K readiness rating to Satisfactory, it will not be required to comply with the rule as of the date of the change. This permits institutions that demonstrate improvement in Y2K readiness after July 31, 1999, to avoid the requirements of the rule. After January 1, 2000, an affected institution will not be required to comply with the rule as of the date on which its primary federal regulator verifies that the institution's systems are Y2K ready. The rule sunsets on June 30, 2000.

Section 331.2 of the rule provides that an affected institution, without application, will be exempted by the FDIC from the rule upon a written determination by its primary federal regulator that the ALBP is not needed for that institution. For example, the primary federal regulator may find that an institution has ensured its systems' readiness during the testing phase and developed adequate business resumption contingency plans, but for less critical reasons was assessed a less than Satisfactory rating. A primary federal regulator's written determination should be submitted to the Executive Secretary of the FDIC. In the case of an FDIC-regulated institution, the determination would be made by the FDIC's Director of the Division of Supervision, or designee, and submitted to the Executive Secretary of the FDIC.

As insurer of the nation's bank and thrift deposits, the FDIC must act in a prudent and cost effective manner. It has considered numerous variables in order to identify which institutions present the greatest Y2K risk for purposes of the ALBP rule. The FFIEC agencies expect few, if any, insured depository institutions to close because of the Y2K date change. Despite best efforts to prepare for Y2K, some institutions may not be Y2K ready and may have to be closed. The inclusion of all less than Satisfactory institutions, regardless of their CAMELS ratings, reflects the FDIC's planning for every conceivable event in order to ensure that, if an affected institution experiences a Y2K problem and is closed, the FDIC will be able to make federally insured deposits available to depositors expeditiously. The FDIC believes that the exemption available under § 331.2 will enable those affected institutions that do not present significant Y2K risk to be exempted from the requirements of the rule.

The Rule Provides for Maximum Compliance Time

The two trade association commenters commented on the compliance time table contained in the rule. One stated that July 31, 1999 is an appropriate date for determining which insured depository institutions will be subject to the rule. However, this commenter suggested that the FDIC allow some flexibility with respect to the October 31, 1999 date by which the interim final rule required affected institutions to demonstrate compliance with the rule to the FDIC. This commenter suggested that additional time be allowed where an affected institution could demonstrate reasonable cause for not meeting the October 31st deadline. This commenter also suggested that the FDIC consider shortening the June 30, 2000 sunset date for the rule.

The interim final rule established September 30, 1999 as the date by which affected institutions should complete programming and testing of ALBP Deposit and Loan Extract Files. It also established October 31, 1999 as the date by which an affected institution must submit test files containing sample data to the FDIC. These dates were chosen after consultation with institutions and service bureaus experienced in programming files similar to those required under the Rule. The FDIC requires sufficient time to process the test files and, should problems be discovered, work with the affected institution to resolve them and re-validate new test files.

The final rule establishes October 31, 1999 as the date by which affected institutions should complete programming and testing and November 15, 1999 as the date by which affected institutions should submit test files to the FDIC. These extensions of time give consideration to the clarifications to the ALBP Extract File Formats included in the final rule and the smaller number of affected institutions subject to the final rule.

The formatting changes identified in the final rule will ensure the accurate and consistent interpretation of the data contained in the ALBP Deposit and Loan Extract Files. Should an affected institution have completed its programming and testing of ALBP Extract File Formats prior to the publication of the final rule in the **Federal Register**, or should it be unable to meet the November 15, 1999 date, the FDIC will work with the affected institution and its primary federal regulator to determine the most appropriate course of action.

The FDIC considered a variety of possible sunset dates for the rule. June 30, 2000 was deemed the most appropriate date as it allowed adequate time for any major system disruption to be identified and resolved. Prior to June 30, 2000, should an affected institution establish to the satisfaction of its primary federal regulator that its systems and data are fully functional and reliable, the affected institution will no longer be subject to the rule.

The other trade association commenter suggested a timetable that would focus initially on affected institutions with CAMELS ratings of low-rated 3, 4 or 5. These institutions would make their test file data available to the FDIC by September 30, 1999. This commenter suggested that by September 7, 1999, the other federal banking agencies send to the FDIC a list of the other institutions they regulate which have "serious" Y2K compliance deficiencies as of August 31, 1999, with extract data files made available to the FDIC by October 20, 1999.

Rather than providing additional time for certain institutions to comply with the rule, as the commenter suggested, this proposal actually would accelerate the timetable for all affected institutions. However, the FDIC considered the intent of this proposal to reflect the need for more flexibility in meeting the milestones required in the Interim Rule. Therefore, the FDIC has modified § 331.4 of the rule to require each affected institution to complete its programming and testing by October 31, 1999, and to deliver a sample output file meeting the ALBP criteria to the FDIC no later than November 15, 1999. The timetable in the final rule will provide sufficient time for the FDIC to evaluate the ALBP preparations of affected institutions.

FDIC Will Limit Its Use of ALBP Information

One of the trade association commenters commended the FDIC for addressing the potential privacy concerns that this type of rule might present by assuring bank customers that the ALBP files are required solely as a precaution and that the FDIC will not see the information unless the need arises. The rule requires no new reports or transmissions of useable information to the FDIC or any other government agency. No confidential records will be released. The FDIC will use ALBPs only if an affected institution is closed and experiences a Y2K problem and to give depositors timely and accurate access to their insured deposits, help maintain loan customer relationships and facilitate the quick resolution of the institution. Once an institution's computer systems are operating successfully in the year 2000 to the satisfaction of the institution's primary federal regulator, the rule will no longer be applicable to that institution. The rule has limited applicability because it sunsets on June 30, 2000.

C. The Benefits of the ALBP Rule Outweigh the Costs

Each of the commenters discussed the cost to the industry to comply with the rule. Each noted that compliance with the rule will divert data system programming efforts at a time when such resources might be better devoted to making satisfactory progress towards Y2K. One of the trade association commenters stated that the benefits of the rule outweigh the burdens imposed; the other questioned whether the costs and benefits of the ALBP had been properly balanced. One of the trade association commenters asked the banking regulatory agencies, when evaluating whether or not an institution should be exempt from the back-up program requirements, to carefully consider whether compliance with the rule would divert an institution's resources from preparing for Y2K and defeat the institution's Y2K efforts. This commenter also asked the banking regulatory agencies to make every effort to work with and monitor affected institutions, providing them expert guidance to help prepare for Y2K, noting that such assistance efforts would be more important to banks and their depositors than the compliance burden of a new back-up program. The other trade association and the bank commenter opined that the affected institutions would be better served by investing their time and resources in continuing their remediation efforts and developing appropriate data processing contingency plans.

The FDIC believes that for affected institutions, the minimal costs for programming and processing associated with creating and maintaining the ALBPs, including the minor changes identified in the final rule, represent a prudent investment in Y2K contingency planning.

Benefits of the Final Rule

The preamble to the interim final ALBP rule discussed in detail the many benefits of the rule. This rule will ensure that the FDIC will be able to continue to help maintain public confidence in the banking industry, if an affected institution should experience a Y2K problem and be closed, by honoring the FDIC's deposit insurance commitments in a timely and accurate manner. If an affected institution is closed and its business systems are unable to accurately receive, process and produce deposit balances and transactions because of a Y2K problem, the FDIC will rely upon the liability backup program to efficiently determine insured deposit account balances and quickly and accurately transfer or pay out such amounts for the benefit of depositors. Similarly the asset backup programs will provide the FDIC with the loan information necessary to expeditiously value and sell an institution and its assets in the event that the institution's systems are unable to receive, process and produce loan balances and transactions, thus expediting the return of assets to the marketplace and minimizing customer disruptions.

Potential acquirers of deposits and loans from Y2K related failed institutions will be able to anticipate the type and format of insured deposit data to be provided by the FDIC in electronic media. Acquirers will be able to pre-program their business systems to receive such data. Such pre-programming will reduce the time necessary to capture and load this data into their business systems upon such an acquisition.

Maximization of the value of the closed institution and its assets and liabilities and minimization of resolution costs result in a greater return to the closed institution's creditors and the FDIC insurance funds. Backup programs are an essential part of Y2K contingency planning worldwide. The Basle Committee on Banking Supervision has stated that banking supervisors should require their banks to "maintain specified back-up records in electronically retrievable media for certain periods or key dates." (Year 2000 Supervisory Contingency Planning Process, January 1999, at 4, 5).

Costs of the Final Rule

When the cost burden of the interim final rule was estimated, 205 institutions were identified as affected institutions; as of August 24, 1999 there are 38. As institutions continue to complete their Year 2000 preparations and the number of institutions subject to the final rule declines, the FDIC has updated the information used in estimating the costs of compliance with the final rule. As of August 24, 1999 four affected institutions use in-house programming. The remaining 34 affected institutions use service providers or software vendors. 19 of these affected institutions are the sole customer of a service provider or software vendor required to comply

with the final rule. The FDIC assumed that service providers and software vendors would allocate their costs across multiple affected institutions using a given product line. With many sole customer situations, prior assumptions about cost allocations by such providers and vendors must be revised.

Overall, the estimated total cost burden to affected institutions has decreased from $3,057,000 to $1,388,500.

- The FDIC estimates the average cost to produce the ALBPs to be $17,500 for institutions under $1 billion in asset size and $190,000 for institutions greater than $1 billion in asset size when using in-house programming and processing.
- Service providers do the programming for most small institutions. For institutions using service providers or licensed software where the vendor provides the programming service, the FDIC estimates the cost of the ALBPs to be range from $13,188 to $52,750 per service provider or software vendor customer.

While the estimated cost burden for the remaining affected institutions is higher than anticipated in the interim final rule, the FDIC believes that the burden of these costs continues to be significantly outweighed by the benefits to be obtained.

Before issuing the interim final ALBP rule, the FDIC surveyed thirteen financial institutions and five major service providers of software and/or processing support to insured depository institutions (Office of Management and Budget Paperwork control number 3064–0130). The survey addressed: 1) current business practices, including number and types of clients, software development practices and backup procedures; 2) programming costs, including estimates of the hours and labor costs to program their EDP systems to produce the ALBP files; and 3) production costs, including estimates of the additional Central Processing Unit time to run the file extract routines, storage media and impacts on overall production schedules. The FDIC also discussed the ALBP rule with representatives of two financial industry trade associations, national clearinghouse authorities, a major financial information publisher and representatives of other federal financial institution regulatory agencies.

The Final Rule Places the Burden of Compliance on Those Institutions Presenting the Greatest Y2K Risk

One of the trade association commenters recognized the flexibility provided by the rule to each affected institution to extract and retain the required information in the manner that is most cost effective for that institution. However, this commenter believed that the FDIC would be the main beneficiary of the rule, and as such should bear some of the soft dollar costs of the programming effort, possibly by working directly with major data processing service providers.

The FDIC believes that those institutions that demonstrate the greatest Y2K risk should pay for their own programming costs. If the FDIC were to pay all or part of the programming costs, such costs would ultimately be borne by all insured depository institutions as the costs would have to be paid out of the deposit insurance funds.

V. The Effective Date

The FDIC adopted this regulation as an interim final rule effective July 9, 1999, without the usual notice and comment period as provided in the Administrative Procedure Act (APA), 5 U.S.C. 551, *et seq.*, or the delayed effective date as provided in section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRI), 12 U.S.C. 4802(b). The APA provides that the requirement for such notice and comment periods does not apply "when the agency for good cause finds * * * that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest". 5 U.S.C. 553(b)(3)(B). Section 302 of CDRI provides that certain new regulations should "take effect on the first day of a calendar quarter which begins on or after the date on which the regulations are published in final form, unless—(A) the agency determines, for good cause published with the regulation, that the regulation should become effective before such time". 12 U.S.C. 4802(b)(1)(A).

The FDIC found for good cause that promulgation of this regulation on an expedited basis was required. This rule is necessary to protect the public's interest in the continued stability of the financial system and to ensure timely and accurate access to deposits in insured depository institutions in the event that such institutions experiencing a Y2K problem are closed. All efforts to create ALBPs must be completed and operational by December 24, 1999, to ensure that public confidence in the financial system continues. The changes required by this rule would be impracticable to implement in less than six months. These backup programs must be in place pre-millennium to ensure that all systems will function as of January 1, 2000. Programming the backup program files must have begun by early August 1999, to allow establishment of the system requirements, analysis and design, and internal testing of the file production programs. The FDIC then must have sufficient time to test the sample formats for compliance with the rule and to work with the institutions to correct any deficiencies. Delay in the effective date of this rule would have been detrimental to the efforts of the regulatory agencies and the banking industry to prepare for potential Y2K problems.

VI. Regulatory Flexibility Analysis

Section 604(a) of the Regulatory Flexibility Act, 5 U.S.C. 604(a), requires an agency to prepare a final regulatory flexibility analysis, except to the extent provided in 5 U.S.C. 605(b), whenever the agency promulgates a final rule under 5 U.S.C. 553 for which it is required to publish a general notice of proposed rulemaking. For good cause discussed above, the FDIC published this rule as an interim final rule and is now finalizing the rule, for which publication of a general notice of proposed rulemaking was not necessary. No final regulatory flexibility analysis is required.

VII. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (PRA) 44 U.S.C. 3501, et seq., the FDIC may not conduct or sponsor, and a respondent is not required to respond to, an information collection that does not display a currently valid Office of Management and Budget (OMB) control number. No comments were received explicitly in response to the PRA request for comments contained in the interim final rule. However, the comments received in response to the interim final rule generally may also be viewed as relating to PRA issues such as enhancing the quality of the information to be collected and minimizing the burden of the information collection. These issues are discussed above in the preamble. The collection of information contained in this final rule was submitted to OMB for review and approval in accordance with the PRA and has been approved under OMB control number 3064–0132, which expires on August 31, 2002. The FDIC continues to welcome comments about any of it collections of

information. Please send comments to: Steven F. Hanft, Assistant Executive Secretary (Regulatory Analysis), FDIC, 550 17th Street, N.W., Washington, DC 20429.

Title of the collection: "Asset and Liability Backup Program."

Summary of the collection: This collection calls for affected FDIC-insured depository institutions to develop and retain extracts of deposit and loan account information maintained by such institutions, stored in electronic form, beginning December 24, 1999, and continuing until the earlier of approval by the institution's primary federal regulator or June 30, 2000 (12 CFR 331.3); to program and test the required ALBP extract files by October 31, 1999, and to submit a test file of sample information for each ALBP format to the FDIC for validation purposes (12 CFR 331.4); and to submit supporting documentation to the FDIC (12 CFR 331.5).

Need and use of the information: The FDIC needs the information to facilitate timely and accurate restoration of key financial records. The FDIC will use the information only in the event of the closure of an affected institution experiencing a Y2K problem.

Respondents: This rule applies those FDIC-insured depository institutions receiving Y2K ratings from their primary federal regulators of less than "Satisfactory" on or after July 31, 1999.

Adjusted Estimated annual burden resulting from this rulemaking:

Frequency of response: Daily, beginning December 24, 1999 and continuing until released from the rule's requirements or June 30, 2000, whichever occurs first.

Number of respondents: 38.

Average number of hours per respondent: 258.

Total annual burden hours: 10,500.

It is noted that the total annual burden includes service bureau and other contractor time, and that the actual burden experienced by individual institutions may range from 88 hours per institution to 350 hours per institution.

The final rule makes no changes in the collection of information established in the interim final rule and approved by OMB. However, the FDIC has adjusted the burden estimates associated with the information collection to reflect current expectations. Specifically, fewer institutions are expected to have to comply with the rule (from 205 at the time of the interim final rule to 38 at present) and the average number of hours that it will take those institutions to comply with the information collection has increased from 131.4 hours to 258 hours per institution. The increase in the average hours to comply is due to the fact that the remaining institutions use in-house programming or are the only customers of their service or software providers required to comply with the rule. As a result, the time required to comply with the information collection cannot be allocated among multiple customers of a service or software provider, an assumption made at the time of the interim final rule. The FDIC has requested OMB to approve an adjustment of the estimated burden.

VIII. Small Business Regulatory Enforcement Fairness Act

The Office of Management and Budget has determined that this final rule is not a "major rule" within the meaning of the relevant sections of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 801, *et seq.* As required by SBREFA, the FDIC has filed the appropriate reports with Congress and the Comptroller General, General Accounting Office so that the final rule can be reviewed.

IX. Assessment of Impact of Federal Regulation on Families

The FDIC has determined that this regulation will not affect family well-being within the meaning of section 654 of the Treasury Department Appropriations Act, 1999, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L.105–277, 112 Stat. 2681).

List of Subjects in 12 CFR Part 331

Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

By order of the Board of Directors.

Dated at Washington D.C., this 9th day of September, 1999.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Executive Secretary.

Accordingly, the interim rule adding 12 CFR part 331 which was published at 64 FR 30869 on June 9, 1999, is adopted as a final rule with the following changes:

PART 331—ASSET AND LIABILITY BACKUP PROGRAM

1. The authority citation for part 331 continues to read as follows:

Authority: 12 U.S.C. 1818(a) and (b), 1819(a)(Seventh and Tenth), 1821.

§ 331.4 [Amended]

2. Amend § 331.4 by removing "September 30, 1999" and adding in its place "October 31, 1999", and by removing the phrase "no later than October 31, 1999" and adding in its place the phrase "no later than November 15, 1999".

3. Revise appendix A to part 331 to read as follows:

Appendix A to Part 331—Asset and Liability Backup Program Technical Instructions and Deposit Extract File Format

Technical Instructions

FDIC Standard Deposit Extract File Format

The FDIC Standard Deposit Extract file Format

The attached "Deposit Extract File Format" is a list of fields developed as a tool for requesting information from an institution for the purposes of insurance estimation and other related functions. Please match your institution's deposit information field names to those on the "Deposit Extract File Format." For your convenience, descriptions of each field are provided.

Standard Deposit Extract File Preferences

1. Information must be provided in an ASCII-flat, tab delimited file.
   (a) The preferred media is diskette, CD, ZIP Disk or fixed length 9-track tape.
   (b) All deposit records should be included in one file. Separate files are acceptable in those cases where the information will not fit on the selected media type.
   (c) Diskette and CD files zipped with PKZIP or WINZIP are also acceptable. If information cannot be provided on preferred media, or you cannot provide the information in ASCII format, please contact Mr. James Murphy, at the FDIC's Dallas Field Operations Branch, Telephone No. (972) 761–2226, for possible alternatives.
2. Please provide ALL requested information if available.
3. Provide a record layout in a printout accompanying the file. The field order and field names are indicated. The field names are under the column heading 'FDIC NAME.' Your record layout must include field order, field name, type (e.g., Character, Numeric), field length and decimal places (precision).
4. Do not duplicate records within the download.
5. Decimal points are to be included in the information provided, not implied (i.e., $10,300.75 will be provided as 10300.75; an interest rate of 8.45% will be provided as 08.45000). Please do NOT include packed or zoned decimals.
6. Date formats are to be MM/DD/YYYY (e.g., March 14, 2001 will be provided as 03/14/2001).
7. All numeric fields are be right justified. All character fields are to be left justified.

8. When the customer's mailing address is located in a foreign country, include the name of the country in the "Customer City" field, separated from the city by a comma and a space (e.g., Paris, France).

9. All numeric value are deemed positive unless signed as negative (−).

DEPOSIT EXTRACT FILE FORMAT

Information field	Definition	FDIC name	Info type	Info length	Dec
1 Account Status	Code defining account status (O = Open, C = Closed, D = Dormant, I = Inactive).	STATUS	C	4	
2 Branch Number	Branch Number	BRANCH	C	4	
3 Account Number.	Unique account number. Include all fields required to avoid duplicate account numbers.	ACCTNO	C	20	
4 Tax ID Number	Taxpayer identification number of the primary account holder (ex: 428–78–1992 or 58–2345679 Include Hyphens).	TAXID	C	11	
5 Customer Short Name.	Alpha sort key used to create an alpha list of accounts	SHORTNAME.	C	20	
6 Customer Name.	Full name line 1 as it appears on deposit account	NAME1	C	40	
7 Joint Customer Name.	Full name line 2 as it appears on deposit account	NAME2	C	40	
8 Customer Street Address Line 1.	The first line of the customer's street address as it appears on the statement.	ADDR1	C	40	
9 Customer Street Address Line 2.	The second line of the customer's street address as it appears on the statement.	ADDR2	C	40	
10 Customer Street Address Line 3.	The third line of the customer's street address as it appears on the statement.	ADDR3	C	40	
11 Customer City	Address city as it appears on statement. If this city is located in a foreign country, include the name of the country in this field, separated from the city by a comma and a space.	CITY	C	25	
12 Customer State.	State postal abbreviation as it appears on statement	STATE	C	2	
13 Customer Zip	Address zip code as it appears on statement—no hyphens	ZIP	N	9	
14 Financial Institution's Account Type.	The Financial Institution's account types. Use any pertinent codes relevant to identifying the type of account.	FITYPE	C	4	
15 Account Type Description.	Description of the Financial Institution's account types. May also be used to describe class codes.	FIDESC	C	20	
16 FDIC Account Type.	FDIC Claim Types (e.g., DDA, SAV, CD, NOW, MMA, IRA, KEO (KEOGH), TRU (TRUST)).	FDICTYPE	C	4	
17 GL Code	Financial Institution's GL code that the account is aggregated to for GL accounting.	GLCODE	C	6	
18 GL Code Description.	Description of Financial Institution's GL code that the account is aggregated to for GL accounting.	GLDESC	C	20	
19 Class Code	All codes identifying deposit account products on bank's system (may be the same as FITYPE).	CLASS	C	4	
20 Municipality	Indicates account of state, county or municipal entity	MUNICIPAL	C	4	
21 Current Account Balance.	Current principal account balance	CURRBAL	N	15	2
22 Accrued Interest.	Accrued interest earned but not paid on the account. Enter zero if not interest bearing.	ACCRINT	N	15	2
23 Per Diem	Daily accrual amount or per diem. Enter zero if blank or null	PERDIEM	N	9	5
24 Interest Paid Year-to-Date.	Interest paid year-to-date. Enter zero if not interest bearing	INTPYTD	N	15	2
25 Interest Rate	Current interest rate applicable to account on cutoff date. Rate is based on the current balance, not base rate. If minimum balance requirements are not met, rate is zero.	RATE	N	8	5
26 Original Date	Date account opened	ORIGDATE	D	10	
27 Maturity Date	Maturity date for all CDs and IRA accounts	MATDATE	D	10	
28 Interest Paid Through Date.	Date interest is paid through	PDTHRUDT	D	10	
29 Collateral Account Number.	Loan account number for which this deposit account is serving as collateral.	LOANACCT	C	16	
30 Overdraft Account Number.	Overdraft Protection account number this account is tied to	OPDACCT	C	20	
31 Available Overdraft Protection Amount.	Current available Overdraft Protection Balance	AVAILOD	N	15	2
32 Average Daily Balance.	Average daily balance, maintained for the current statement period (monthly, quarterly).	DAILYBAL	N	15	2

DEPOSIT EXTRACT FILE FORMAT—Continued

Information field	Definition	FDIC name	Info type	Info length	Dec
33 Available Balance.	Current available balance	AVAILBAL	N	15	2
34 Hold Code	Hold code(s)/flag(s) indicating account secures a loan(s)	HOLDCODE	C	4	
35 Hold Description.	Description of hold code(s)/flag(s) indicating account secures a loan(s) etc.	HOLDDESC	C	20	
36 Hold Amount	Amount of hold(s)	HOLDAMT	N	15	2

3. Revise appendix B to part 331 to read as follows:

Appendix B to Part 331—Asset and Liability Backup Program Technical Instructions and Loan Extract File Format

Technical Instructions

FDIC Standard Loan Extract File Format

The FDIC Standard Loan Extract File Format

The attached "Loan Extract File Format" is a list of fields developed as a tool for requesting information from an institution for the purposes of categorizing, analyzing and transmitting the loan portfolio and other related functions. Please match your institution's loan information field names to those on the "Loan Extract File Format." For your convenience, descriptions of each field are provided.

Standard Loan Extract File Preferences

1. Information must be provided in an ASCII-flat, tab delimited file.
   (a) The preferred media is diskette, CD, ZIP Disk or fixed length 9-track tape.
   (b) All loan records should be included in one file. Separate files are acceptable in those cases where the information will not fit on the selected media type.
   (c) Diskette and CD files zipped with PKZIP or WINZIP are also acceptable.
   If information cannot be provided on preferred media, or you cannot provide the information in ASCII format, please contact Mr. James Murphy, at the FDIC's Dallas Field Operations Branch, Telephone No. (972) 761–2226, for possible alternatives.
2. Please provide ALL requested information if available.
3. Provide a record layout in a printout accompanying the file. The field order and field names are indicated. The field names are under the column heading 'FDIC NAME'. Your record layout must include field order, field name, type (e.g. Character, Numeric), field length and decimal places (precision).
4. Do not duplicate records within the download.
5. Decimal points are to be included in the information provided, not implied (i.e., $10,300.75 will be provided as 10300.75; an interest rate of 8.45% will be provided as 08.45000). Please do NOT include packed or zoned decimals.
6. Date formats are to be MM/DD/YYYY and include the slashes (e.g., March 14, 2001 will be provided as 03/14/2001).
7. All information for each loan must be contained within one record.
   a. Participation sold information is *not* to be provided as a separate record (provide as separate field).
   b. Partial charge-off information is *not* to be provided as a separate record (provide as separate field).
   c. Completely charged-off loans and paid-off loans are *not* to be included in the download.
   d. Loans with partial charge-off are to be provided with balances net of partial charge-off.
8. All numeric fields are to be right justified. All character fields are to be left justified.
9. When the customer's mailing address is located in a foreign country, include the name of the country in the "Borrower City" field, separated from the city by a comma and a space (e.g., Paris, France).
10. All numeric value are deemed positive unless signed as negative (−).

LOAN EXTRACT FILE FORMAT

Information field	Definition	FDIC name	Info type	Info length	Dec
1 Borrower Name	The full legal name (Last Name, First Name, MI) of the borrower (preferred). The information may also be provided in multiple fields (Last Name in field called NAME1, First Name in a field called NAME2, MI in a field called NAME3).	NAME	C	50	
2 Borrower Short Name.	Abbreviated name assigned to each borrower	SHORTNAME	C	50	
3 Borrower Street Address Line 1.	The first line of the Borrower's street address where the borrower's home or head office is located.	ADDR1	C	50	
4 Borrower Street Address Line 2.	The second line of the Borrower's street address where the borrower's home or head office is located.	ADDR2	C	50	
6 Borrower Street Address Line 3.	The third line of the Borrower's street address where the borrower's home or head office is located.	ADDR3	C	50	
6 Borrower City	The city where the borrower's home or head office is located. If this city is located in a foreign country, include the name of the country in this field, separated from the city by a comma and a space.	CITY	C	40	
7 Borrower State	The state where the borrower's home or head office is located	STATE	C	2	
8 Borrower Zip	The zip code where the borrower's home or head office is located.	ZIP	C	10	
9 CIF Number	Central Information File identifier. The number that links all loan, deposit, and other accounts to the borrower. (This number may be the same as the Borrower ID Number).	CIF	C	15	
10 Insider	Indicates if the borrower is either an insider of the bank or a related interest of an insider of the bank. If possible, indicate the type of insider (e.g., director, executive officer, principal shareholder, non-executive officer, or employee).	INSIDER	C, Y/N	1	
11 Tax ID Number	Taxpayer identification number of the primary account holder (e.g., 428–78–1992 or 58–2345679 Include Hyphens).	TAXID	C	11	

LOAN EXTRACT FILE FORMAT—Continued

Information field	Definition	FDIC name	Info type	Info length	Dec
12 Accrued Interest	Total amount of interest accrued and unpaid on a note/credit facility.	ACCRINT	N	14	2
13 Amortizing or Non Amortizing Status.	Indicates if the note/credit facility is amortizing or non-amortizing.	AMORTCD	C, Y/N	1	
14 Branch ID	Identifies the branch location where the note/credit facility was originated or is managed. Please indicate in your supporting documentation if this identification number is part of the note/credit facility number.	BRANCH	N	3	
15 Charged-Off Amount.	The amount associated with the note/credit facility that has been charged off. If the note/credit facility balances reported elsewhere are not net of charged-off amounts, please indicate this in your supporting documentation.	CHGOFFAMT	N	14	2
16 Co-Maker or Joint Maker.	The name of the co-maker(s) or joint maker(s) whose signature(s) appears on the promissory note or loan agreement.	COMAKER	C	50	
17 Current Balance	The portion of the note/credit facility that appears as an asset on the bank's General Ledger. This balance is net of all participations sold, charge-off; and specific reserves.	CURRBAL	N	14	2
18 Number of Days Past Due.	If interest or principal is delinquent, indicate the number of days delinquent. If both are delinquent, indicate the larger of the two numbers.	DAYSLATE	N	4	
19 Dealer Code	The code identifying loans accepted from auto, mobile home, or other sales agents.	DEALERCD	C	5	
20 Dealer Name	Dealer Name	DEALNAME	C	50	
21 Dealer Reserve Balance.	The amount of the dealer reserve held in conjunction with the applicable account.	DEALERRES	N	14	2
22 Escrow Balance	The amount currently held in escrow for payment to third parties, such as insurance and real estate taxes.	ESCRBAL	N	14	2
23 Guarantor or Endorser Name.	Name of the individual or entity that guarantees, in part or in full, the borrower's note.	GTYNAME	C	50	
24 Index	The specific underlying market index used to calculate the interest rate of an adjustable rate note/credit facility (i.e. LIBOR, Wall Street Prime, Cost of Funds Index, One-Year Treasury Bill).	INDEX	C	10	
25 Interest Rate	The interest rate currently applicable to the note/credit facility. If the interest rate is variable, indicate the current rate (e.g., 7.25%, not Prime + 1).	RATE	N	8	5
26 Interest Paid to Date.	Amount of interest collected since origination or other institution-defined time period.	INTPAID	N	14	2
27 Interest Rate Reset Interval.	The time between periodic reset dates for variable or adjustable rate loans.	RTCHGFRQ	N	3	
28 Interest Rate Reset Date.	The next periodic reset date for variable or adjustable rate loans.	RESETDTE	D	10	
29 Last Payment Date.	Date the last payment was made	LASTPMT	D	10	
30 Last Renewal	Date on which the legally binding note/credit facility was extended or renewed, even if principal reductions have been made.	LASTRENEW	D	10	
31 Late Charges	Late charges that are currently due	LTCHGBAL	N	14	2
32 Lifetime Interest Rate Cap.	The upper limit on the interest rate that can be charged over the life of the loan.	RTCEIL	N	8	5
33 Lifetime Interest Rate Floor.	The lower limit on the interest rate that can be charged over the life of the loan.	RATEFL	N	8	5
34 Maturity Date	The date on which the legally binding note/credit facility matures.	MATDATE	D	10	
35 Mortgage Loan Type.	For real estate loans, indicates if the note/credit facility is secured by a first lien on single-family residential real estate.	MTGTYPE	C	15	
36 Next Payment Date.	Date the next scheduled payment is due	NXTDUEDT	D	10	
37 Non-accrual	Indicates if the note/credit facility is on non-accrual status	NONACCRCD	C Y/N	1	
38 Note Number or Credit Facility Number.	The number used by the bank to uniquely identify a note/credit facility.	ACCTNO	C	15	
39 Note Type or Credit Facility Type.	A code representing the type of loan. May correspond to the FFIEC Report of Condition.	LOANTYPE	C	5	
40 Note Type or Credit Facility Type Description.	A description of the code representing the type of loan	TYPEDESC	C	15	
41 Number of Payments.	The number of payments specified in the loan agreement or note.	PAYNUM	N	3	
42 Number of Extensions.	The number of times the loan has been extended beyond original maturity date.	EXTENDS	N	2	

LOAN EXTRACT FILE FORMAT—Continued

Information field	Definition	FDIC name	Info type	Info length	Dec
43 Original Balance	The amount of the note or credit facility that has been executed. If a note/credit facility has been renewed one or more times and the original amount is not available, provide the amount most recently executed.	ORIGAMT	N	14	2
44 Original Date	The date your institution extended credit to the borrower. Date should be consistent with the information provided for original balance.	ORIGDATE	D	10	
45 Payment Amount.	Amount of regularly scheduled payments	PAYAMT	N	14	2
46 P&I Payment	Amount of regularly scheduled P&I payments	PIAMT	N	14	2
47 Payment Frequency.	The frequency payments are due to the bank (i.e. monthly, quarterly, annually).	PAYFREQ	C	15	
48 Periodic Interest Rate Cap.	For variable or adjustable rate loans, the maximum percentage points that the rate may change each reset interval.	PRTCAP	N	8	5
49 Basis Code	Day basis on which interest calculations are made (e.g., 3/360, Actual/360, etc.).	BASIS	C	12	
50 Revolving Line of Credit.	Indicates if the loan is a revolving line of credit	REVCODE	C	5	
51 Security Perfection Date.	The date that the last security interest, lien, or UCC–1 was perfected.	PERFDATE	D	10	
52 Times Past Due 30–59 Days.	Number of times the note/credit facility has been past due 30–59 days during the last 12 months of the loan.	LATE30	N	4	
53 Times Past Due 60–89 Days.	Number of times the note/credit facility has been past due 60–89 days during the last 12 months of the loan.	LATE60	N	4	
54 Times Past Due 90+ Days.	Number of times the note/credit facility has been past due 90 or more days during the last 12 months of the loan.	LATE90	N	4	
55 Total Commitment.	The sum of the outstanding balance and the undisbursed amount legally available to be drawn upon.	CREDLMT	N	14	2
56 Troubled Debt Restructured Code.	Code indicating if the note/credit facility is considered to be a troubled debt restructure.	RTDCODE	C Y/N	1	
57 Unfunded or Undisbursed Balance.	The amount legally available under a note/credit facility that has not been disbursed.	UNFUNDED	N	14	2
58 Variable Rate Code.	Code indicating adjustable, floating, or variable interest rate	RATECODE	C	5	
59 Variable Rate Description.	Description of code indicating adjustable, floating or variable interest rate.	RATEDESC	C	15	
60 Collateral Code	The code associated with a unique collateral type (i.e. commercial real estate, 1–4 family real estate, UCC filings, marketable securities).	COLLCODE	C	5	
61 Collateral Description.	The narrative description of collateral or a description Referencing a collateral code. The collateral code for each description must be included in a separate table.	COLLDESC	C	50	
62 Collateral State	State in which the collateral is located	COLSTATE	C	2	
63 Collateral Value	The total value assigned to the collateral. If the bank has adjusted this value, please indicate this in your supporting documentation.	APPRLAMT	N	14	2
64 Collateral Valuation or Appraisal Date.	Date collateral was last appraised or valued	APPRDATE	D	10	
65 Insurance Code/ Flag.	A code indicating the status of insurance covering collateral for a note/credit facility.	INSCODE	C	5	
66 Insurance Expiration Date.	The date that the related insurance policy covering bank collateral expires.	INSEXP	D	10	
67 Lien Status	The priority lien held by this bank (i.e. 1st lien, 2nd lien)	LIENCODE	C	10	
68 Participating Institution Code.	Code indicating the institution participating in the credit. If the credit is sold to multiple institutions, please indicate this in your supporting documentation.	INVESTOR	C	5	
69 Participating Institution Description.	Description of the code indicating the institution participating in the credit. If the credit is sold to multiple institutions, please indicate this in your supporting documentation.	INVDESC	C	50	
70 Participation Amount.	The current outstanding dollar amount of the loan sold to or purchased from another institution.	PARTSOLD	N	14	2
71 Participation Code.	A code indicating that the loan/credit facility involves a participation purchased or sold. Please identify the purchased and sold codes.	PARTTYPE	C	5	
72 Participation Code Description.	Description of the code indicating that the loan/credit facility involves a participation purchased or sold.	PARTDESC	C	15	
73 Participation Sold Original Amount.	The original amount of the loan participation sold or purchased	PARTORG	N	14	2

LOAN EXTRACT FILE FORMAT—Continued

Information field	Definition	FDIC name	Info type	Info length	Dec
74 Rebate Flag	Flag indicating there is any kind of rebate associated with the account. (i.e. insurance, interest etc.).	REBATE	C Y/N :.....	1	

[FR Doc. 99–24225 Filed 9–16–99; 8:45 am]
BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–119–AD; Amendment 39–11319; AD 99–19–32]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Pilatus Aircraft Ltd. (Pilatus) Models PC–12 and PC–12/45 airplanes. This AD requires inspecting all flap actuator internal gear systems to assure that correct end-play and backlash measurements exist, and accomplishing any corrective adjustments as necessary. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by this AD are intended to prevent premature wear of the internal gear system caused by excessive backlash in the flight control flap actuators, which could eventually result in loss of actuator output with possible reduced or loss of airplane control.

DATES: Effective November 8, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 8, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from Pilatus Aircraft Ltd., Customer I iaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 610 33 51. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–119–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Pilatus Models PC–12 and PC–12/45 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 23, 1999 (64 FR 33445). The NPRM proposed to require inspecting all flap actuator internal gear systems to assure that correct end-play and backlash measurements exist, and accomplishing any corrective adjustments as necessary.

The affected airplanes could incorporate one of the following flight control flap actuators:

—Pilatus part number (P/N) 978.71.20.302—Actuator, Linear (951D100–5);
—Pilatus P/N 978.71.20.303—Actuator, Linear (951D100–7); and
—Pilatus P/N 978.71.20.304—Actuator, Linear (951D100–9).

Accomplishment of the proposed inspection as specified in the NPRM would be required in accordance with Pilatus Service Bulletin No. 27–005, dated November 18, 1998. Accomplishment of the proposed adjustments, if necessary, would be required in accordance with the maintenance manual.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 69 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 6 workhours per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. The manufacturer will provide parts free-of-charge to the owners/operators of the affected aircraft. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $24,840, or $360 per airplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation

Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

99–19–32 Pilatus Aircraft Ltd.: Amendment 39–11319; Docket No. 98–CE–119–AD.

Applicability: Models PC–12 and PC–12/45 airplanes, manufacturer serial numbers (MSN) 101 through MSN 236; certificated in any category, that have one of the following flight control flap actuators installed:

—Pilatus part number (P/N) 978.71.20.302—Actuator, Linear (951D100–5);
—Pilatus P/N 978.71.20.303—Actuator, Linear (951D100–7); and
—Pilatus P/N 978.71.20.304—Actuator, Linear (951D100–9).

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent premature wear of the internal gear system caused by excessive backlash in the flight control flap actuators, which could eventually result in loss of actuator output with possible reduced or loss of airplane control, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, inspect all flap actuator internal gear systems to assure that correct end-play and backlash measurements exist, in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin No. 27–005, dated November 18, 1998. Prior to further flight, perform any corrective adjustments, as necessary, in accordance with the maintenance manual.

(b) As of the effective date of this AD, no person may install, on any affected airplane, a flap actuator that has not been inspected and adjusted (as necessary) as required by paragraph (a) this AD.

Note 2: The FAA recommends that the most up-to-date Pilatus reports and revisions pertaining to this subject be incorporated into the Pilatus PC–12 Maintenance Manual. The most up-to-date documents at the date of issuance of this AD are Temporary Revision No. 27–04, dated November 18, 1998; and Temporary Revision No. 04–04, dated June 16, 1999.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to Pilatus Service Bulletin No. 27–005, dated November 18, 1998, should be directed to Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 610 33 51. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) The inspections required by this AD shall be done in accordance with Pilatus Service Bulletin No. 27-005, dated November 18, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Swiss AD HB 98–460, dated November 23, 1998.

(g) This amendment becomes effective on November 8, 1999.

Issued in Kansas City, Missouri, on September 9, 1999.

Michael K. Dahl,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24088 Filed 9–16–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–16–AD; Amendment 39–11320; AD 99–19–33]

RIN 2120–AA64

Airworthiness Directives; LET Aeronautical Works Model L–13 "Blanik" Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all LET Aeronautical Works (LET) Model L–13 "Blanik" sailplanes. This AD requires painting (using a contrasting color, i.e., red paint) the left hand elevator drive mechanism in order to not have the elevator drive bellcrank inadvertently installed backwards. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the Czech Republic. The actions specified by this AD are intended to prevent the elevator drive bellcrank from being installed backwards, which could result in an incorrect rigging of the elevator flight control with potential reduced or loss of control of the sailplane.

DATES: Effective November 8, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 8, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from LET Aeronautical Works, Kunovice 686 04, Czech Republic; telephone: +420 632 55 44 96; facsimile: +420 632 611 26. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–16–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all LET Model L–13 "Blanik" sailplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 14, 1999 (64 FR 31760). The NPRM proposed to require painting (using a contrasting color, i.e., red paint) the left hand elevator drive mechanism in order to not have the elevator drive bellcrank inadvertently installed backwards. Accomplishment of the proposed action as specified in the NPRM would be required in accordance with LET Mandatory Bulletin No. L13/082a, dated December 10, 1998.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the Czech Republic.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Compliance Time of This AD

Although flight control problems caused by improper installation of the elevator drive bellcrank are only unsafe while the affected sailplanes are in flight, the condition could occur after any time the elevator drive bellcrank is reinstalled on the sailplane. The chance of this situation occurring is the same for a sailplane with 10 hours time-in-service (TIS) as it is for a sailplane with 500 hours TIS. For this reason, the FAA is utilizing a compliance based on calendar time instead of hours TIS in this AD in order to assure that the unsafe condition is addressed on all sailplanes in a reasonable time period.

Cost Impact

The FAA estimates that 140 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per sailplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $5 per sailplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $9,100, or $65 per sailplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

99–19–33 LET Aeronautical Works: Amendment 39–11320; Docket No. 99–CE–16–AD.

Applicability: Model L–13 "Blanik" sailplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent the elevator drive bellcrank from being installed backwards, which could result in an incorrect rigging of the elevator flight control with potential reduced or loss of control of the sailplane, accomplish the following:

(a) Within the next 3 calendar months after the effective date of this AD, paint (using a contrasting color, i.e., red paint) the elevator drive mechanism to prevent the elevator drive bellcrank from being inadvertently installed backwards. Accomplish this action in accordance with the Work Procedure section, including Figure 1, of LET Mandatory Bulletin No. L13/082a, dated December 10, 1998.

(b) As of the effective date of this AD, no person may install, on any affected sailplane, an elevator drive bellcrank where the following has not been accomplished:

(1) The elevator bellcrank inspected to assure that it is not installed backwards; and

(2) The elevator drive bellcrank painted as required by paragraph (a) of this AD.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to LET Mandatory Bulletin No. L13/082a, dated December 10, 1998, should be directed to LET Aeronautical Works, Kunovice 686 04, Czech Republic; telephone: +420 632 55 44 96; facsimile: +420 632 611 26. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) The modification required by this AD shall be done in accordance with LET Mandatory Bulletin No. L13/082a, dated December 10, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from LET Aeronautical Works, Kunovice 686 04, Czech Republic. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Czech Republic AD Number: CAA–AD–4–099/98, dated December 30, 1998.

(g) This amendment becomes effective on November 8, 1999.

Issued in Kansas City, Missouri, on September 9, 1999.

Michael K. Dahl,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24089 Filed 9–16–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–44–AD; Amendment 39–11317; AD 99–19–30]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corp. Model S76A, B, and C Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Sikorsky Aircraft Corporation (Sikorsky) Model S–76A, B, and C helicopters. This action requires conducting a visual inspection to detect disbonding of the attachment angle between the tail gearbox forward fairing (fairing) and the pylon and replacing or repairing the attachment angles as necessary. This amendment is prompted by incidents, two in flight and eight on the ground, of fairing bonding failures. The actions specified in this AD are intended to prevent separation of the fairing, damage to the tail rotor blades, and subsequent loss of control of the helicopter.

DATES: Effective October 4, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 4, 1999.

Comments for inclusion in the Rules Docket must be received on or before November 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–44–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900 Main Street, P. O. Box 9729, Stratford, Connecticut 06497–9129, phone (203) 386–7860, fax (203) 386–4703. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7161, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: This amendment adopts a new airworthiness directive (AD) applicable to Sikorsky Model S–76A, B, and C helicopters. This action requires, within 50 hours time-in-service (TIS), conducting a visual inspection for disbonding on any attachment angle between the fairing and the pylon. Thereafter, a visual inspection is required at intervals not to exceed 1500 hours TIS. If a bonding failure of one square inch or larger is found on the attachment angle, this AD requires repairing or replacing the attachment angle. This amendment is prompted by incidents, two in flight and eight on the ground, of fairing bonding failures. The actions specified in this AD are intended to prevent a separation of the fairing, damage to the tail rotor blades, and subsequent loss of control of the helicopter.

The FAA has reviewed Sikorsky Alert Service Bulletin 76–55–16, dated May 12, 1999 (ASB), which describes procedures for inspecting for disbonding on the attachment angle between the fairing and the pylon and either repairing or replacing, as necessary, the attachment angle. The ASB also describes a recurring 1500-hour TIS inspection.

Since an unsafe condition has been identified that is likely to exist or develop on other Sikorsky Model S–76A, B, and C helicopters of the same type design, this AD is being issued to prevent separation of the fairing, damage to the tail rotor blades, and subsequent loss of control of the helicopter. This AD requires visually inspecting the attachment angle on each fairing for disbonding and repairing or replacing the attachment angle as appropriate. The actions are required to be accomplished in accordance with the ASB described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, visually inspecting the attachment angle on each fairing for disbonding and repairing or replacing the attachment angle, as appropriate, within 50 hours TIS, is required and this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 150 helicopters will be affected by this AD, that it will take approximately 4 work hours to accomplish the inspection and 8 work hours to replace the attachment angle. The average labor rate is $60 per work hour. Required parts will cost approximately $880 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $240,000.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments

submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket No. 99-SW-44-AD. The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 99-19-30 **Sikorsky Aircraft** Corporation: Amendment 39-11317. Docket No. 99-SW-44-AD.

Applicability: Model S-76A, B, and C helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of the tail gearbox forward fairing (fairing), damage to the tail rotor blades, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 50 hours time-in-service (TIS), conduct a visual inspection of the attachment angle on each fairing, in accordance with the Accomplishment Instructions, paragraph A, of Sikorsky Aircraft Corp. Alert Service Bulletin 76-55-16, dated May 12, 1999 (ASB).

(b) Thereafter, at intervals not to exceed 1500 hours TIS, conduct a visual inspection of the attachment angle on each fairing in accordance with the Accomplishment Instructions, paragraph A, of the ASB.

(c) If the visual inspection in paragraphs (a) or (b) reveals a disbond area that equals or exceeds 1.0 square inch, prior to further flight, repair or replace the attachment angle with an airworthy attachment angle in accordance with the Accomplishment Instructions, paragraph B, of the ASB.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Boston Aircraft Certification Office.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(f) The inspection, repair, or replacement shall be done in accordance with the Accomplishment Instructions in Sikorsky Aircraft Corp. Alert Service Bulletin 76-55-16, dated May 12, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900 Main Street, P. O. Box 9729, Stratford, Connecticut 06497-9129, phone (203) 386-7860, fax (203) 386-4703. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on October 4, 1999.

Issued in Fort Worth, Texas, on September 7, 1999.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99-23959 Filed 9-16-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 29334; Amendment No. 71-31]

Airspace Designations; Incorporation By Reference

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends FAA regulations relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9G, Airspace Designations and Reporting Points. This action also explains the procedures the FAA will use to amend the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and reporting points incorporated by reference.

DATES: These regulations are effective September 16, 1999, through September 15, 2000. The incorporation by reference of FAA Order 7400.9G is approved by the Director of the Federal Register as of September 16, 1999, through September 15, 2000.

FOR FURTHER INFORMATION CONTACT: Brenda Brown, Janet Glivings, or Christine Graves, Airspace and Rules Division (ATA-400), Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

History

FAA Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, listed Class A, Class B, Class C, Class D, and Class E airspace areas and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the **Federal Register** to incorporate the material by reference in the Federal Aviation Regulations § 71.1 (14 CFR 71.1). The Director of the Federal Register approved the incorporation by reference of FAA Order 7400.9F in § 71.1, effective September 16, 1998, through September 15, 1999. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order 7400.9F in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings were published in full text as final rules in the **Federal Register**. This rule reflects the periodic integration of these final rule amendments into a revised edition of Airspace Designations and Reporting Points, Order 7400.9G. The Director of the Federal Register has approved the incorporation by reference of FAA Order 7400.9G in § 71.1, as of September 16, 1999, through September 15, 2000. This rule also explains the procedures the FAA will use to amend the airspace designations incorporated by reference in part 71. Sections 71.5, 71.31, 71.33, 71.41, 71.51, 71.61, 71.71, 71.79, and 71.901 are also updated to reflect the incorporation by reference of FAA Order 7400.9G.

The Rule

This action amends part 71 of the Federal Aviation Regulations (14 CFR part 71) to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9G, effective September 16, 1999, through September 15, 2000. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order 7400.9G in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of the Order, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in § 71.1.

The FAA has determined that this action: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. This action neither places any new restrictions or requirements on the public, nor changes the dimensions or operating requirements of the airspace listings incorporated by reference in part 71. Consequently, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Because this action will continue to update the changes to the airspace designations, which are depicted on aeronautical charts, and to avoid any unnecessary pilot confusion, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

2. Section 71.1 is added to read as follows:

§ 71.1 Applicability.

The complete listing for all Class A, Class B, Class C, Class D, and Class E airspace areas and for all reporting points can be found in FAA Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.9G is effective September 16, 1999, through September 15, 2000. During the incorporation by reference period, proposed changes to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.9G may be obtained from the Airspace and Rules Division, ATA–400, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–8783. Copies of FAA Order 7400.9G may be inspected in Docket No. 29334 at the Federal Aviation Administration, Office of the Chief Counsel, AGC–200, Room 915G, 800 Independence Avenue, SW., Washington, D.C., weekdays between 8:30 a.m. and 5:00 p.m., or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This section is effective September 16, 1999, through September 15, 2000.

§ 71.5 [Amended]

3. Section 71.5 is amended by removing the words "FAA Order 7400.9F" and adding, in their place, the words "FAA Order 7400.9G".

§ 71.31 [Amended]

4. Section 71.31 is amended by removing the words "FAA Order 7400.9F" and adding, in their place, the words "FAA Order 7400.9G".

§ 71.33 [Amended]

5. Paragraph (c) of § 71.33 is amended by removing the words "FAA Order 7400.9F" and adding, in their place, the words "FAA Order 7400.9G".

§ 71.41 [Amended]

6. Section 71.41 is amended by removing the words "FAA Order 7400.9F" each place they appear and adding, in their place, the words "FAA Order 7400.9G".

§ 71.51 [Amended]

7. Section 71.51 is amended by removing the words "FAA Order 7400.9F" each place they appear and adding, in their place, the words "FAA Order 7400.9G".

§ 71.61 [Amended]

8. Section 71.61 is amended by removing the words "FAA Order 7400.9F" each place they appear and adding, in their place, the words "FAA Order 7400.9G".

§ 71.71 [Amended]

9. Paragraphs (b), (c), (d), (e), and (f) of § 71.71 are amended by removing the words "FAA Order 7400.9F" and

adding, in their place, the words "FAA Order 7400.9G".

§ 71.79 [Amended]

10. Section 71.79 is amended by removing the words "FAA Order 7400.9F" and adding, in their place, the words "FAA Order 7400.9G".

§ 71.901 [Amended]

11. Paragraph (a) of § 71.901 is amended by removing the words "FAA Order 7400.9F" and adding, in their place, the words "FAA Order 7400.9G".

Issued in Washington, DC, September 3, 1999.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 99–23931 Filed 9–16–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–31]

Modification of Class E Airspace, Sheridan, IN

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule; suspension of effectiveness.

SUMMARY: This action suspends the effectiveness of a final rule that was published in the **Federal Register** on Wednesday, August 25, 1999 (64 FR 46267), Airspace Docket No. 99–AGL–31. The final rule modified Class E Airspace at Sheridan, IN.

EFFECTIVE DATE: Effective September 17, 1999 the final rule amendments published August 25, 1999 (64 FR 46267) are suspended until 0901 UTC, November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Annette Davis, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone (847) 294–7477.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 99–22067, Airspace Docket No. 99–AGL–31, published on August 25, 1999 (64 FR 46267), modified Class E Airspace at Sheridan, IN. An incorrect effective date was published for this airspace action. This action corrects that error.

Issued in Des Plaines, IL on August 30, 1999.

Christopher R. Blum.

Manager, Air Traffic Division.

[FR Doc. 99–23941 Filed 9–16–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 98P–0968]

Food Labeling: Declaration of Ingredients

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its ingredient labeling regulations to permit the use of "and/or" labeling for the various fish species used in the production of certain processed seafood products, i.e., surimi and surimi-containing foods. This action responds to a petition submitted by the National Fisheries Institute (NFI) requesting more flexible ingredient labeling for the fish ingredients used in the production of surimi products. This rule will permit manufacturers of surimi and surimi-containing products to maintain a single label inventory identifying all of the fish species that are used in the manufacture of these products.

DATES: This rule is effective on September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Linda J. McCollum, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5099.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of April 9, 1999 (64 FR 17295), FDA published a proposal to amend the ingredient labeling regulations (hereinafter referred to as the April 9 proposal) to permit the use of "and/or" labeling for the various fish species used in the production of certain processed seafood products such as surimi and surimi-containing foods. The April 9 proposal responded to a citizen's petition submitted by NFI, which requested that FDA allow more flexible ingredient labeling for the fish ingredients used as a component in surimi production. NFI asserted that the use of "and/or" labeling would have two advantages: (1) Reduce the economic burden on manufacturers of having to maintain extensive label inventories to account for all possible fish species or predominance combinations used and (2) enable manufacturers to effectively manage harvestable resources by allowing them to take advantage of the varying species and quantities of fish available at different times of the year. The petitioner also asserted that because the fish ingredients are thoroughly decharacterized during processing, the specific fish species used does not influence the nutritional content or product character, nor does it influence consumer-purchasing decisions.

In regard to the fish ingredients used to produce surimi, the NFI petition described them as refined myofibrillar protein products. The processing of the fish ingredients is such that the fish, regardless of species, are headed, gutted, filleted, skinned, deboned, and minced. The minced flesh is then washed and screened to decharacterize the tissue by removing blood, fat, pigments, and enzymes characteristic of the fish species, resulting in a slurry not recognizable as fish flesh. The fish ingredient used as a component of surimi is a washed, dehydrated slurry devoid of color, odor, texture, and taste. Surimi, an intermediate processed seafood product, is made by mixing cryoprotectants into the myofibrillar protein base then extruding it. It can be used fresh or stored frozen until processed further into seafood analog food products (Ref. 1).

Based on FDA's review of the information provided in the petition, and other information available to the agency describing the production of surimi, we tentatively found in the April 9 proposal that the use of "and/or" ingredient labeling for the declaration of the fish species in certain processed seafood products is consistent with other exceptions to the ingredient labeling requirements providing for "and/or" labeling. The agency also tentatively found that such labeling would not compromise the type or amount of information received by the consumer regarding surimi and surimi-containing foods. Consequently, in the April 9 proposal, FDA proposed to amend its ingredient labeling regulations to permit the use of "and/or" labeling for the fish ingredient present in surimi and surimi-containing foods. Specifically, the agency proposed that when processed seafood products contain fish protein ingredients consisting primarily of the myofibrillar protein fractions from one or more fish species and the manufacturer is unable

to adhere to a constant pattern of fish species in the fish protein ingredient, because of seasonal or other limitations of species availability, the common or usual name of each individual fish species need not be listed in descending order of predominance. Fish species not present in the fish protein ingredient may be listed if they are sometimes used in the product. Such ingredients must be identified by words indicating that they may not be present, such as "or," "and/or," or "contains one or more of the following:" e.g., "fish protein (contains one or more of the following: Pollock, cod, and/or pacific whiting)." Interested persons were given until June 23, 1999, to comment on the April 9 proposal.

II. Comments and Agency Response

In response to the April 9 proposal, FDA received 16 letters, each containing 1 or more comments. The comments were from government, industry, industry trade associations, academia, and consumer organizations. All of the comments agreed with the agency's decision to amend the ingredient labeling regulations in 21 CFR 101.4(b) (§ 101.4(b)) to permit the use of "and/or" labeling for the various fish species used in the production of surimi and surimi-containing foods.

1. Several comments requested that FDA immediately issue a letter advising manufacturers that the agency would use its enforcement discretion and permit "and/or" labeling consistent with the proposed rule until a final rule is published. The comments asserted that such action would provide relief from onerous labeling requirements. The agency did not act on the request for enforcement discretion because of the short timeframe in which it intended to publish the final rule. The agency considered it a more efficient use of its resources to concentrate on completing the final rule in accordance with Congress' intent that the agency publish the final rule within 1 year of receiving the petition. FDA, in publishing this final rule within that timeframe, has met congressional intent. Further, this final rule is effective on the date of publication in the **Federal Register**; therefore, the comment is moot.

2. A few comments suggested revising the ingredient statement so that all possible species of fish that can be used for the fish ingredient of surimi and surimi-containing foods would be included in the ingredient statement. They proposed that this be done by either leaving a blank for other species names or adding "may" to the "contains... and/or" statement.

The agency does not agree with this suggestion. The agency believes there is an intrinsic difference between the phrase "may contain," with the inherent suggestion that the food may or may not contain the named species, and the phrase "contains * * * and/or." FDA believes that the statement that a food may contain a particular fish species would be useless to consumers because the statement would not advise them whether the product would ever contain the fish species named. On the other hand, "and/or" labeling informs the consumer that one or more of the fish species declared is sometimes present in the product. Therefore, the agency is not granting the request to allow the use of the term "may contain" in the declaration of fish species in fish protein. The language of the final rule provides for the inclusion of any species of fish that is sometimes used in the surimi or surimi-containing product and is consistent with all other regulations in § 101.4(b) where the use of "and/or" labeling is allowed.

3. Some comments disagreed with the use of the term "fish protein" as an appropriate common or usual name in the ingredient list. Several comments questioned whether FDA used the term "fish protein" as an example and did not intend to preclude the use of other terms. They requested that FDA clarify that the term "fish protein" was just an example of an acceptable term for the fish ingredient. The comments asserted that other terms such as "fish" or "fish blend" rather than "fish protein" would be better for both industry and consumers as the descriptive name, noting that other countries use these names for labeling this ingredient.

Another comment stated that "fish protein" would be an inappropriate and confusing term for consumers. The comment contended that consumers would equate "fish protein" with denatured fish protein concentrate that is used in fish fertilizer or in animal feed.

The term "fish protein," as used in the context of this regulation, is a collective (generic) name to describe the fish ingredient. FDA believes that the use of "fish" or "fish blend" is not an appropriately descriptive collective name, as it does not sufficiently describe the basic nature of the food ingredient. According to the petition, the ingredient used in surimi is processed fish muscle tissue that has been totally decharacterized by being defatted, decolorized, deflavorized, deodorized, and mechanically detexturized. Consequently, the basic nature of the food is no longer "fish" as is commonly understood by consumers. The term "fish" or "fish blend" implies the use of the natural fish flesh in the product; whereas, the organoleptic properties and nutritional values of the fish in surimi products are significantly modified. Further, the agency accepted industry's position that "and/or" labeling was appropriate for the fish protein ingredient because the species from which the fish protein is derived are no longer distinguishable (64 FR 17295 at 17297).

In response to the comment regarding consumer perception, FDA is not persuaded that consumers will confuse "fish protein" with ingredients used in fertilizer or animal feed. The comment did not provide data or other evidence supporting the contention that consumer confusion would occur. Further, even though other human food ingredients, such as liver or chicken, are declared on pet food labels FDA is unaware of complaints or inquiries based on confusion of the suitability of the ingredients.

Therefore, having considered the suggestions in these comments, the agency concludes that the most appropriate collective term is "fish protein." In the absence of an appropriate alternative collective term the agency disagrees with the comments that requested the agency to clarify that "fish protein" was intended to be only an example of an acceptable ingredient name. At this time, "fish protein" is the collective name that should be used to designate the fish ingredient in surimi. The agency has modified the language in the final rule to clarify this point. We recognize, however, that there might be other terms that could appropriately describe the fish ingredient. Thus, we are willing to consider the appropriateness of other terms on a case-by-case basis as submitted in a citizen's petition.

4. One comment that supported use of the term "fish" as an appropriate descriptive name also suggested that the ingredient statement of surimi include percentage designations as follows: "Fish (may contain one or more of the following: Pollock * * *) 50%, water 30% and other ingredients 20%."

FDA believes that an ingredient statement is sufficiently informative when it lists the ingredients in order of predominance by weight. However, voluntary percentage declaration of ingredients is provided for in § 101.4(e). Furthermore, based on the arguments presented in the petition, the agency questions the practicability of percent ingredient labeling for these products because of its potential to negate the usefulness of the "and/or" labeling format by requiring a different label for

each different recipe of the surimi product. Therefore, the agency concludes that it is neither necessary nor appropriate to amend the regulations as suggested by the comment.

5. One comment requested that FDA broaden the scope of the proposal to allow for the use of "and/or" ingredient labeling for other fish ingredient products that may not meet the technical description of surimi. This comment requested that minced fish ingredients used in products such as fish sticks and portions that conform to 21 CFR 102.45 (§ 102.45) and fish ingredients for stews, soups, and chowders also be included in this rule. The comment contended that these products rely on substantially the same fish species used in surimi and, therefore, are subject to the same seasonality, quota limitations, and labeling costs as surimi. Further, the comment argued that processing of these types of ingredients decharacterizes the fish species "to an extent" and the final product may be made from a blend of several fish species.

FDA is not persuaded by the comment that it should broaden the scope of this regulation to provide for "and/or" labeling to other forms of fish ingredients such as minced fish. Surimi is a unique product unrecognizable as fish due to its extensive processing. Because the washed, blended minced fish and similar types of ingredients used in making fish sticks and the other products mentioned in the comment still retain taste and texture characteristic of the fish species used, we believe it is inappropriate to include them under this regulation. Fish sticks and portions made from minced fish are appropriately labeled under § 102.45.

III. Analysis of Economic Impacts

A. Benefit–Cost Analysis

FDA has examined the impacts of this rule under Executive Order 12866. Executive Order 12866 directs Federal agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages, distributive impacts, and equity). According to Executive Order 12866, a regulatory action is "significant" if it meets any one of a number of specified conditions, including having an annual effect on the economy of $100 million; adversely affecting in a material way a sector of the economy, competition, or jobs; or if it raises novel legal or policy issues. FDA finds that this rule is not a significant regulatory action as defined by Executive Order 12866. In addition, it has been determined that this rule is not a major rule for the purpose of congressional review. For the purpose of congressional review, a major rule is one which is likely to cause an annual effect on the economy of $100 million; a major increase in costs or prices; significant effects on competition, employment, productivity, or innovation; or significant effects on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

FDA agrees with the petitioner that the current combination of seasonal species harvests, harvesting limits, labeling regulations, and limited product storage times places an unwarranted and costly logistical burden on surimi manufacturers. This combination of circumstances forces surimi manufacturers to maintain and coordinate several inventories of species-specific surimi and contingent labels that declare the specific fish species used to make the surimi. The convergence of these conditions also hampers the seafood industry's efforts to use conventional and innovative surimi processing technologies to optimize fishery yield.

This rule will mitigate the logistical burden faced by surimi manufacturers. Because surimi manufacturers will be able to maintain a single label inventory and use innovative technologies, they will be able to operate more efficiently. Because of lower production costs, consumers may see slightly lower prices for surimi. Because of the greater flexibility for species usage, the goals of fisheries management will be easier to achieve.

This rule will not result in any increase in societal costs. Because the rule is permissive, there are no costs imposed on producers. Because the new labels adequately inform consumers there will be no costs to them in terms of lost information or increased search costs. FDA received no comments to the April 9 proposal concerning its analysis of economic impacts.

B. Small Entity Analysis

FDA has examined the impacts of this rule under the Regulatory Flexibility Act (RFA). The RFA (5 U.S.C. 601–612) requires Federal agencies to consider alternatives that would minimize the economic impact of their regulations on small businesses and other small entities. In compliance with the RFA, FDA finds that this rule will not have a significant impact on a substantial number of small entities.

No costs will be generated by this final rule because it will not require any labels to be changed, or any product to be reformulated. Therefore, small businesses will only relabel or reformulate products if the benefits of "and/or" labeling outweigh the costs. Accordingly, under the RFA (5 U.S.C. 601–612), the agency certifies that this rule will not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act of 1995

FDA has examined the impacts of this rule under the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). This rule does not trigger the requirement for a written statement under section 202(a) of the UMRA because it does not impose a mandate that results in an expenditure of $100 million (adjusted annually for inflation) or more by State, local, and tribal governments in the aggregate, or by the private sector, in any one year.

IV. Environmental Impact

The agency has previously considered the environmental effects of this rule as announced in the proposed rule (68 FR 17295 at 17298). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that neither an environmental assessment nor an environmental impact statement is required.

V. Paperwork Reduction Act of 1995

This rule contains ingredient declaration provisions that fall within the scope of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In the April 9 proposal the agency tentatively concluded that the proposed provisions for the declaration of fish ingredients using "and/or" labeling would not impose any new information collection requirements. We did not receive any comments on this issue. Therefore, the agency concludes that the provisions set forth below for the declaration of fish ingredients using "and/or" labeling do not impose any new information collection requirements because they create an exception from existing ingredient declaration requirements to make compliance easier. The ingredient declaration burden under § 101.4(b) has been approved by the Office of Management and Budget (OMB control number 0910–0381).

VI. References

The following reference has been placed on display at the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

1. Lee, C. M., "Surimi Process Technology," *Food Technology*, pp. 69 to 80, 1984.

List of Subjects in 21 CFR Part 101

Food labeling, Nutrition, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 101 is amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: 15 U.S.C. 1453, 1454, 1455; 21 U.S.C. 321, 331, 342, 343, 348, 371.

2. Section 101.4 is amended by adding paragraph (b)(23) to read as follows:

§ 101.4 Food; designation of ingredients.

* * * * *

(b) * * *

(23) When processed seafood products contain fish protein ingredients consisting primarily of the myofibrillar protein fraction from one or more fish species and the manufacturer is unable to adhere to a constant pattern of fish species in the fish protein ingredient, because of seasonal or other limitations of species availability, the common or usual name of each individual fish species need not be listed in descending order of predominance. Fish species not present in the fish protein ingredient may be listed if they are sometimes used in the product. Such ingredients must be identified by words indicating that they may not be present, such as "or", "and/or", or "contains one or more of the following:" Fish protein ingredients may be declared in the ingredient statement by stating the specific common or usual name of each fish species that may be present in parentheses following the collective name "fish protein", e.g., "fish protein (contains one or more of the following: Pollock, cod, and/or pacific whiting)".

* * * * *

Dated: September 13, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–24235 Filed 9–16–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–99–079]

RIN 2115–AE46

Special Local Regulations for Marine Events; Neuse River Bridge Dedication Fireworks Display, Neuse River, New Bern, North Carolina

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary special local regulations are being adopted for the Neuse River Bridge Dedication Fireworks Display, to be held September 17, 1999, over the waters of the Neuse River, New Bern, North Carolina. These regulations are needed to protect spectator craft and other vessels transiting the event area from the dangers associated with the event. This action is intended to enhance the safety of life and property during the event.

DATES: This temporary final rule is effective from 7:45 p.m. to 9:15 p.m. EDT (Eastern Daylight Time) on September 17, 1999 and September 18, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6204.

FOR FURTHER INFORMATION CONTACT: S.L. Phillips, Marine Events Coordinator, Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, telephone number (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Regulatory History

A notice of proposed rulemaking (NPRM) was not published for this regulation. In keeping with 5 U.S.C. 553(B), the Coast Guard finds that good cause exists for not publishing a NPRM. In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this regulation effective less than 30 days after publication in the **Federal Register**. The Coast Guard received confirmation of this request for special local regulations on August 5, 1999. There were not sufficient time to publish a proposed rule in advance of the event. Publishing a NPRM and delaying the effective date of the regulation would be contrary to the public interest, because immediate action is needed to protect vessel traffic from the potential hazards associated with this event.

Background and Purpose

The City of New Bern will sponsor the Neuse River Bridge Dedication fireworks display, to be held over the waters of the Neuse River, New Bern, North Carolina. The event will consist of pyrotechnic displays fired from a barge positioned in the Neuse River. A large fleet of spectator vessels is anticipated. Due to the need for vessel control during the fireworks displays, vessel traffic will be temporarily restricted to provide for the safety of spectators and transiting vessels.

Discussion of Regulations

The Coast Guard is establishing temporary special local regulations on specified waters of the Neuse River. The temporary special local regulations will be in effect from 7:45 p.m. to 9:15 p.m. EDT on September 17, 1999 and will restrict general navigation in the regulated areas during the event. If the event is postponed due to weather conditions, the temporary special local regulations will be effective from 7:45 p.m. to 9:15 p.m. EDT on September 18, 1999. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. These regulations are needed to control vessel traffic during the fireworks display to enhance the safety of spectators and transiting vessels.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this temporary final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that the regulated area will only be in effect for a short period of time and extensive advisories will be made to the affected maritime community so that they may adjust their schedules accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this temporary final rule will have a significant economic impact on a substantial number of small entities. *Small Entities* include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Because this temporary final rule will only be in effect for a short period of time and extensive advisories will be made to the affected maritime community so that they may adjust their schedules accordingly, the Coast Guard expects the impact of this temporary final rule to be minimal.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This temporary final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this temporary final rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this temporary final rule and concluded that, under figure 2–1, paragraph (34)(h) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a marine event are excluded under that authority.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Regulation

In consideration of foregoing, part 100 of Title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read ad follows:

Authority: 33 U.S.C 1233 through 1236; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section, § 100.35–T05–079 is added to read as follows:

§ 100.35–T05–079 Neuse River Bridge Dedication Fireworks Display, Neuse River, New Bern, North Carolina.

(a) *Regulated Area.* The waters of the Neuse River enclosed within the arc of a circle with a radius of 150 yards and with its center located at latitude 35°06′00″ North, longitude 077°02′00″ West. All coordinates reference Datum NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Fort Macon.

(c) *Special Local Regulations.* (1) All persons and vessels not authorized as official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state, county or local law enforcement vessels assigned and/or approved by Commander, Coast Guard Group Fort Macon.

(2) Except for person or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(3) The operator of any vessel in this area shall:

(i) Stop the vessel immediately when directed to do so by the official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by the official patrol, including any commissioned, warranted, or petty officer on board a vessel displaying a Coast Guard ensign.

(d) *Effective dates:* This section is effective from 7:45 p.m. to 9:15 p.m. EDT (Eastern Daylight Time) on September 17, 1999. If the event is postponed due to weather conditions, the regulated area is effective from 7:45 p.m. to 9:45 to 9:15 p.m. EDT (Eastern Daylight Time) on September 18, 1999.

Dated: September 2, 1999.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard, Commander Fifth Coast Guard District.

[FR Doc. 99–24255 Filed 9–16–99; 8:45 am]

BILLING CODE 4910–15–M

POSTAL SERVICE

39 CFR Part 111

Bulk Parcel Return Service

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule sets forth the Domestic Mail Manual (DMM) standards adopted by the Postal Service to implement the Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on the Minor Classification Change for Bulk Parcel Return Service, Docket No. MC99–4. The change allows properly endorsed Standard Mail (A) machinable parcels that have been opened and resealed by the recipient to be returned to the original mailer and allows mailers the option of providing the parcel recipients with the label for returns.

EFFECTIVE DATE: October 3, 1999.

FOR FURTHER INFORMATION CONTACT: Paul Lettmann, (202) 268–6261, or Scott L. Reiter, (202) 268–2999.

SUPPLEMENTARY INFORMATION: The changes in Domestic Mail Manual standards allow properly endorsed Standard Mail (A) machinable parcels that have been opened and resealed by the recipient to be returned to the original mailer without payment of return postage as part of the bulk parcel return service in certain circumstances. They also allow mailers to elect to furnish a label that can be used by recipients when returning a parcel.

These changes will provide better service to mailers and their customers and will also improve postal efficiency. Parcels that have been opened, resealed, and replaced in the mail normally require payment of additional postage. However, there are two situations in which the Postal Service believes the requirement should be superseded by the more efficient and cost-effective practice of treating the parcel as part of the BPRS mailstream.

The first situation occurs when the parcel has already been returned to the mailstream and it is impractical or inefficient to return it to the recipient for payment of postage. This could occur either because discovery that the parcel had been opened is made only after the parcel has reached a point in the mailstream that is at or near the office serving the original mailer or because such discovery is simply not made. This situation might also occur because of the inefficiencies and costs that would be encountered by having a carrier return the parcel to the recipient.

The second situation in which a recipient does not have to pay for return postage occurs when a mailer distributes a return label prepared to Postal Service specifications that the parcel recipient later uses to indicate that the parcel is being returned as BPRS at the expense of the original mailer. The use of a label is optional

and is a new feature of BPRS that mailers requested.

Background

The Postal Service currently offers bulk parcel return service (BPRS) to mailers who have a large volume of returned Standard Mail (A) machinable parcels. One of the new features will allow BPRS mailers to have properly endorsed parcels that are opened, resealed, and redeposited in the mail by addressees to be returned to designated postal facilities. BPRS currently offers a mailer the option of picking up all returned parcels from a designated postal facility at a predetermined frequency specified by the Postal Service or having them delivered by the Postal Service in a manner and frequency specified by the Postal Service. For this service a mailer pays an annual permit fee and a per piece fee for each returned parcel.

Some BPRS mailers requested that the Postal Service allow addressees who opened their parcels to have some method of returning these parcels and to allow the original mailer to pay the return postage. The Postal Service previously offered BPRS for machinable parcels only when they were undeliverable-as-addressed (UAA). If a recipient received a BPRS-endorsed parcel, opened it, and then decided to return it, the recipient was to bring it to a post office and pay single-piece postage for the return. Domestic Mail Manual standards previously required that Standard (A) parcels that had been delivered and subsequently opened, resealed, and reentered into the mail by the recipient be returned to the recipient for payment of postage. This practice resulted in inconvenience for some postal customers as well as mailers, and inefficiency for the Postal Service.

Label Option

BPRS mailers now have the option to provide customers with a return label prepared at the mailer's expense and in accordance with Postal Service specifications. These specifications include a barcode for the address of the postal facility to which the parcel is to be returned. The label authorizes recipients to return opened, machinable parcels at the expense of the mailer. It will be required that instructions be provided to recipients with the label. Once returned to the mailstream, opened and resealed parcels bearing a label will be handled in the same manner as other BPRS parcels. There will be no additional fee since there are no additional costs to the Postal Service associated with the use of a label. Mailers may choose to distribute their return labels by enclosing them with parcels or by other means, including First-Class Mail or making them available for customer downloading from an Internet site.

It is anticipated that the revisions will help resolve several problems that have been experienced by customers, mailers, and the Postal Service. They will help to eliminate situations where original mailers experience delays or other difficulties in having their merchandise returned by their customers. Mailers may be denied customer payments and information of value to their business when returned parcels are not received in a timely manner. By using a return label, mailers will be able to inform any customer who is not satisfied with the merchandise they receive that it can be sent back at no cost to them. The label feature thus gives mailers somewhat more influence over how their mailings are treated by recipients and helps to reduce or eliminate a source of customer dissatisfaction.

Another benefit is that mailers will have an effective way to retrieve merchandise that their customers reseal and redeposit after opening. A key factor in the Postal Service decision to make the use of return labels optional was the feeling on the part of some mailers that the use of a label tends to encourage customers to return merchandise. Instead of using a label, these mailers can choose to identify BPRS parcels and make the Postal Service aware that they will pay the postage for returns by properly using one of the prescribed BPRS endorsements.

The new service features also benefit the Postal Service by minimizing both decision and transaction costs associated with former procedures for dealing with opened and resealed Standard Mail (A) machinable parcels found in the mailstream. Postal employees who discover such parcels without postage will no longer be required to make a decision about how to handle them. As long as the parcels bear a proper BPRS endorsement, they can be handled like BPRS-endorsed parcels that are undeliverable-as-addressed. This will help reduce costs that are incurred by the Postal Service if such parcels are sent to a mail recovery center.

Mail processing costs can also be minimized because barcodes are required on all return labels. The barcodes will allow the Postal Service to process the parcels on bulk mail center parcel sorting machines.

There is yet another advantage when a label is used. Parcels that display a return label will be easier to identify and process as part of the BPRS mailstream. Printing on the labels will make them easier to read than if the parcels have a hand-written or stamped endorsement of "Return to Sender." An easy-to-read label makes it less likely that a parcel will become "loop" mail in processing and delivery channels because of an unclear or incomplete return address.

In these ways the label option may help to reduce postal costs for handling returned parcels. There is no additional fee for use of the label since the Postal Service fully recovers the costs of processing opened, resealed parcels that are redeposited into the mailstream, including postage due accounting through the BPRS fee. Current BPRS permit holders who want to use the label option need only to submit their proposed labels to the post office for approval. There is no need for them to apply for a new permit.

Because of the purpose and limited scope of these changes to BPRS, the Postal Service finds no need to solicit comment on them or to delay their implementation.

List of Subjects in 39 CFR Part 111

Postal Service.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. §§ 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Amend the Domestic Mail Manual as follows:

S SPECIAL SERVICES

* * * * *

S900 Special Postal Services

* * * * *

S920 Convenience

* * * * *

S924 Bulk Parcel Return Service

1.0 BASIC INFORMATION

[*Amend 1.1 to allow the remailing of opened parcels to read as follows:*]

1.1 Description

Bulk parcel return service (BPRS) allows mailers of large quantities of Standard Mail (A) machinable parcels that are either undeliverable-as-addressed or opened and remailed by

addressees to be returned to designated postal facilities. The mailer has the option of picking up all returned parcels from a designated postal facility at a predetermined frequency specified by the Postal Service or having them delivered by the Postal Service in a manner and frequency specified by the Postal Service. For this service a mailer pays an annual permit fee and a per piece fee for each parcel returned.

[*Revise 1.2 to read as follows:*]

1.2 Availability

A mailer may be authorized to use BPRS when the following conditions apply:

a. All returned parcels are initially prepared as Regular or Nonprofit Standard Mail (A) and are machinable parcels as defined in C050.

b. At least 10,000 Standard Mail (A) machinable parcels will be returned to a designated postal facility during a 12-month period.

c. Parcels are returned to the mailer either because they are undeliverable-as-addressed or because they have been opened, resealed, and redeposited in the mail by the recipient and it is impractical or inefficient for the Postal Service to return them.

d. Parcels bear one of the following BPRS endorsements

(F010):

"Return Service Requested—BPRS"

"Address Service Requested—BPRS"

e. Parcels have a return address that is in the delivery area of the post office that issued the BPRS permit.

f. The postal facility designated for returned parcels is located in the United States, its territories or possessions, or is a U.S. military post office overseas (APO or FPO).

g. The mailer has a valid postage due advance deposit account and pays the annual BPRS permit fee.

h. BPRS parcels may be combined with the shipper paid forwarding service (F030).

i. Standard Mail (A) parcels that qualify for a single-piece Standard Mail (B) rate under the applicable standards and that contain the name of the Standard Mail (B) rate in the mailer's ancillary service endorsement are not eligible for BPRS.

[*Revise 1.3 to read as follows:*]

1.3 Optional Label

An authorized BPRS permit holder has the option to use a label to identify BPRS parcels for return to a designated postal facility. The label is prepared at the mailer's expense and must meet all format requirements described in 4.0 and 5.0 and specifications in C820 for a postal routing barcode symbology used to produce a correct, readable barcode for the return address. Each label must be accompanied by complete instructions for its use.

[*Remove current 1.4*]

2.0 PERMITS

[*Revise section 2.1 to read as follows:*]

2.1 Application Procedures

To obtain a BPRS permit, a mailer must send a written request to the postmaster at each post office where parcels are to be returned. The request must include the following:

a. Payment for the annual BPRS permit fee.

b. Information pertinent to each requested delivery point that documents either the receipt of at least 10,000 machinable parcels originally mailed at Standard Mail (A) rates during the past 12 months, or that there are reasonable grounds to expect at least 10,000 machinable parcels originally mailed at Standard Mail (A) rates will be returned during the next 12-month period.

c. A description of the returned parcels (e.g., piece size and packaging).

d. A statement of the desired frequency and location of the parcel pickup or delivery point.

e. Sample documentation that will be used to substantiate the number of parcels returned daily to each location.

f. If labels will be furnished for returning opened parcels, sample labels prepared in accordance with 4.0 and 5.0 along with instructions for their use.

g. A written statement agreeing to pay the per piece fee for each returned parcel from a centralized advance deposit account.

[*Redesignate 2.2 as 2.4 and add new 2.2 as follows:*]

2.2 Authorization

Upon approval of a mailer's request, the post office issues an authorization letter and provides a postage due service agreement with a BPRS permit number. The permit number is used for account administration only and is not for use on mail.

[*Revise 2.3 to read as follows:*]

2.3 Postage Due Service Agreement

A BPRS mailer will be required to sign a postage due service agreement with each post office that issues a permit for the return of BPRS parcels.

[*Amend redesignated 2.4 to clarify permit renewal as follows:*]

2.4 Permit Renewal

A post office provides BPRS permit holders with annual renewal notices advising that their permits are due to expire. A notice must be returned to the issuing post office with the fee payment or authorization for the postmaster to deduct the fee from the advance deposit account by the permit expiration date. Written authorization is not necessary for renewal of a permit if there is no change to the authorization on file at the post office where the parcels are returned. If a permit holder does not renew a BPRS permit after having been given notice, the USPS will endorse the mail "Bulk Parcel Return Service Canceled" and will charge postage due at the single-piece First-Class Mail or Priority Mail rate as appropriate for the weight of the piece. If the single-piece First-Class Mail or Priority Mail rate is not paid, the mail is forwarded to the nearest mail recovery center for final disposition.

[*Redesignate current 2.4 as 2.5 and revise to read as follows:*]

2.5 Permit Cancellation

A BPRS permit may be canceled by the USPS for any of the following reasons:

a. Failure to meet the minimum volume requirement of 10,000 parcels returned during a 12-month period to each postal facility;

b. Failure of the mailer to pay the required postage and fees for returned parcels;

c. Insufficient funds in an advance deposit account to cover postage and fees that are due for returned parcels;

d. Failure to fulfill the terms and conditions of the BPRS permit authorization; or

e. Failure to conform return labels to the specifications in sections 4.0 and 5.0.

[*Redesignate current 2.5 as 2.6 and revise to read as follows:*]

2.6 Reapplying After Cancellation

A mailer must do the following to receive a new BPRS permit at the same post office where a permit was canceled earlier:

a. Submit a letter to that office requesting a permit and new agreement.

b. Pay a new permit fee.

c. Provide evidence showing that the reasons for cancellation of the previous permit no longer exist.

d. Maintain adequate funds in an advance deposit account to cover the number of returns expected over at least a 2-week period.

3.0 POSTAGE AND FEES

3.1 Permit Fee

[Amend 3.1 for clarification to read as follows:]

The permit fee is charged once for each 12-month period and the fee for a permit renewal is due on the anniversary date of the original permit issuance. The fee may be paid in advance only for the next year and only during the last 30 days of the current service period under the existing permit. The fee charged is that which is in effect on the date of payment.

3.2 Payment

[Revise 3.2 to read as follows:]

The requirements for payment of the BPRS annual permit fee and per piece fees are as follows:

a. The permit holder must pay BPRS per piece fees through an advance deposit account.

b. Parcels will be turned over to the mailer only when sufficient funds are in the account to pay all applicable fees.

c. The permit holder may establish a unique advance deposit account or use an existing one to pay postage and fees under BPRS.

[Add new 4.0 to specify label requirements to read as follows:]

4.0 LABEL REQUIREMENTS

4.1 Production Methods

Any photographic, mechanical, or electronic process, or any combination of such processes other than typewriting or handwriting may be used to prepare the BPRS label. The background may be any light color that allows the address, postmark, and other endorsements to be easily read. Brilliant colors may not be used for the background. If a label is prepared with adhesive on its reverse side, the adhesive must be capable of securely bonding the label to the parcel.

4.2 Label Instructions

Written instructions must be provided with the label that, at a minimum, advise the user to do the following:

a. Obliterate all other delivery addresses and barcodes on the outside of the parcel.

b. Print a complete return address in the location provided in the upper left corner of the label.

c. Place the label with the delivery address and barcode on the side of the mailpiece with the largest surface area. If tape or similar material is used, it must not cover any part of the label where the mailer's return address and postal routing barcode are located. The barcode should be at least 1 inch from the edge of the parcel. If the shape of the parcel requires specific orientation for stability, the label must be placed on the top surface.

d. Take the parcel to a post office, drop it in a collection box, or give it to a postal carrier.

4.3 Distribution

BPRS return labels may be distributed to customers as an enclosure with merchandise, as a separate item, as a facsimile transmission (fax), or as an electronic transmission for customer downloading and printing. Regardless of distribution method, all standards in 4.2 and 5.0 must be met. An electronic file must include instructions that explain how to affix the label securely to the parcel as required in 4.2.

[Add new 5.0 to read as follows:]

5.0 FORMAT

5.1 General

The BPRS label contents and format must meet all applicable standards before the label may be distributed for use. Format requirements are shown in Exhibit 5.0.

5.2 Postage Guarantee

The endorsement "NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES" must be printed in the upper right corner of the face of the piece. The endorsement must not extend more than 1¾ inches (1.75 inches) from the right edge of the label.

5.3 Horizontal Bars

To facilitate recognition of BPRS parcels, a series of horizontal bars parallel to the label length must be printed directly below the endorsement "NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES."

a. The bars must be uniform in length, at least 1 inch long and 1/16 inch (0.0625 inch) to 3/16 inch (0.1875 inch) thick, and evenly spaced.

b. There must be at least a ½ inch (0.500 inch) clearance between the right edge of the ZIP Code in the delivery address and the left edge of the horizontal bars.

c. The bottom bar in the series must be above (not on or below) the top of the delivery address line (the next-to-last line in the address, just above the line with the city, state, and ZIP Code).

d. Do not use a facing identification mark (FIM) on this label.

5.4 Class Endorsement

The "STANDARD MAIL A" class endorsement must be at least ¼-inch (.25 inch) high and shown in capital letters to the left of the postage guarantee endorsement.

5.5 BULK PARCEL RETURN SERVICE Legend

The "BULK PARCEL RETURN SERVICE" legend must be placed above the return delivery address on all BPRS parcels. The legend means that the BPRS permit holder guarantees payment of postage and fees on all returned Standard Mail (A) parcels. The following information must be enclosed in a rectangle:

a. Line 1: Show the words "BULK PARCEL RETURN SERVICE" in capital letters at least 3/16 inch (0.1875 inch) high, enclosed in a rectangle.

b. Line 2: The name of the BPRS permit holder must also be printed in capital letters in the rectangle directly below the words "BULK PARCEL RETURN SERVICE."

c. The permit holder's city, state, and ZIP Code must appear in capital letters and must be located on the same line as the company name.

d. The post office box number and/or street address must appear in capital letters on the line beneath this information.

5.6 Delivery Address

A complete delivery address (city, state, ZIP Code) specified by the post office that issued the BPRS permit and to which parcels are returned must be printed in capital letters at least 3/16 inch (0.1875) high below the "BULK PARCEL RETURN SERVICE" rectangle and at least 1 inch from the left edge of the label. There must be at least a ½-inch (0.50 inch) clearance between the ZIP Code and the horizontal bars.

5.7 Customer's Return Address

The complete return address (street, city, state, ZIP Code) of the customer mailing the article back to the permit holder must be shown in the upper left corner of the label. Space must be provided for the customer's return address if it is not preprinted by the permit holder.

5.8 Optional Information

At the option of the permit holder, a single line above the top line of the customer return address may be used for customer account or other information.

5.9 Postal Routing Barcode

Every BPRS label must include a properly prepared barcode that represents the correct ZIP Code information for the delivery address of the returned parcel plus the appropriate verifier character suffix or application identifier prefix characters appropriate for the barcode symbology as described in C850 for machinable parcels. In addition to the barcode requirements in C850, the following requirements must be met in preparing BPRS labels:

a. Barcode Location: The barcode must be placed on the label immediately adjacent to the address and the label must be located on the parcel so the

barcode is at least 1 inch from the parcel edge.

b. Barcode Clear Zone: No printing may appear in the area 1/8 inch (0.125 inch) above and below the barcode regardless of location on the label. A minimum clear zone equal to 10 times the average measured narrow element (bars or space) width must be maintained to the left and right of the barcode.

c. Human-Readable Barcode Information. The human-readable equivalent of the ZIP Code or ZIP+4 code encoded in the barcode as referenced in C850 may be omitted.

Exhibit 5.0 Bulk Parcel Return Service Label (not to scale)

BILLING CODE 7710-12-P

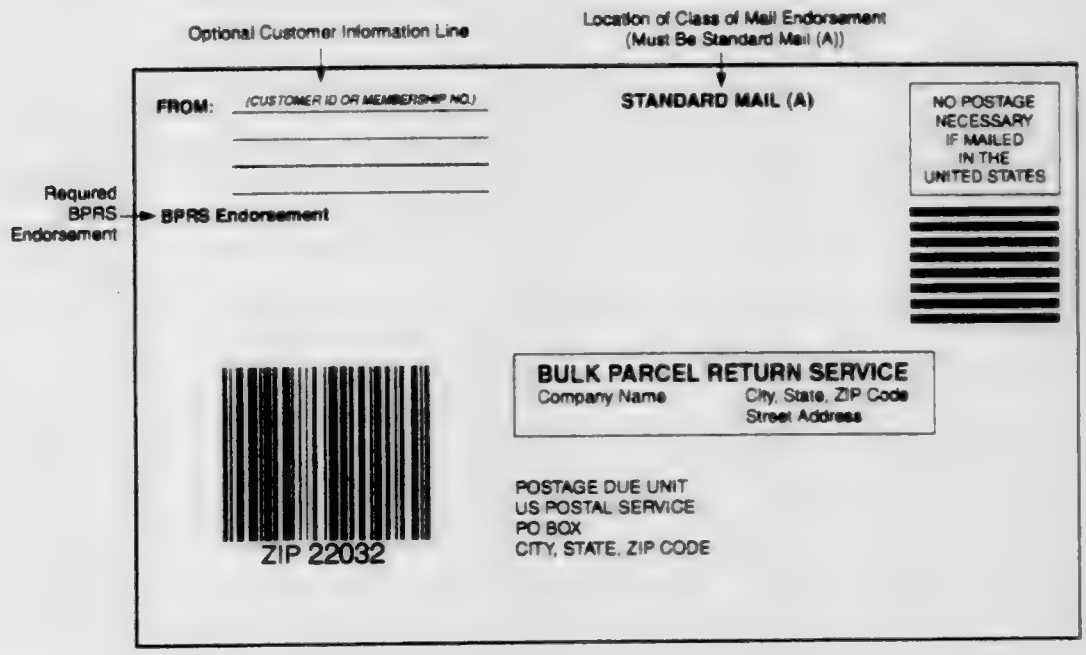

Stanley F. Mires,
Chief Counsel, Legislative.
[FR Doc. 99-24263 Filed 9-16-99; 8:45 am]
BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[DE037-1015a; FRL-6439-2]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves the municipal solid waste (MSW) landfill 111(d) plan submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) on April 23, 1998. The plan was submitted to fulfill requirements of the Clean Air Act (CAA). The Delaware plan establishes emission limits for existing MSW landfills, and provides for the implementation and enforcement of those limits.

DATES: This final rule is effective November 16, 1999 unless by October 18, 1999 adverse or critical comments are received. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Walter Wilkie, Acting Chief, Technical Assessment Branch, Mailcode 3AP22, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations: Air Protection Division, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania; and the Department of Natural Resources and Environmental Control's offices at 715 Grantham Lane, New Castle; and 89 Kings Highway, Dover, Delaware.

FOR FURTHER INFORMATION CONTACT: James B. Topsale at (215) 814-2190, or by e-mail at topsale.jim@epamail.gov.

SUPPLEMENTARY INFORMATION: This document is divided into Sections I-V and answers the questions posed below.

I. General Provisions
What is EPA approving?
What is a State 111(d) plan?
What pollutant(s) will this action control?
What are the expected environmental and public health benefits from controlling landfill gas (LFG) emissions?
II. Federal Requirements the Delaware Department of Natural Resources and Environmental (DNREC) 111(d) Plan Must Meet for Approval
What general requirements must the DNREC meet to receive approval of the Delaware MSW landfill 111(d) plan?
What does the Delaware State plan contain?
Does the Delaware plan meet all EPA requirements for approval?
III. Requirements for Affected MSW Landfill Owners/Operators
How do I determine if my MSW landfill is subject to the Delaware 111(d) plan?
What general requirements must I meet as an affected landfill owner/operator who is subject to the EPA approved plan?
If my landfill is subject to the plan's requirement for installation of a LFG collection and control system, what

emissions limits must I meet, and in what time frame?

Are there any operational requirements for my installed LFG collection and control system?

What are the testing, monitoring, recordkeeping, and reporting requirements for my landfill?

If I modify or expand the capacity of my landfill, what additional requirements must I meet?

IV. Final EPA Action

V. Administrative Requirements

I. General Provisions

Question (Q): What action is EPA approving?

Answer(A): We are approving the Delaware landfill 111(d) plan, as submitted on April 23, 1998 by the Delaware Department of Natural Resources and Environmental Control (DNREC), for the control of non-methane organic compound (NMOC) emissions from municipal solid waste (MSW) landfills. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments.

Q. What is a State 111(d) plan?

A. Section 111(d) of the CAA requires that "designated" pollutants, controlled under Section 111(b) standards of performance for new stationary sources, must also be controlled at existing sources (i.e., designated facilities) in the same source category. Furthermore, Section 111(d) requires EPA to establish procedures for state submittal and EPA approval of state plans that implement emissions guidelines (EG) for the control of designated pollutants and facilities. State 111(d) plans, approved by EPA, implement and provide for federal enforceability of the EG requirements.

Q. What pollutant(s) will this action control?

A. The EG promulgated by EPA on March 12, 1996 are applicable to existing municipal solid waste (MSW) landfills (i.e., the designated facilities) that emit landfill gas (LFG). LFG consists primarily of carbon dioxide, methane, and nonmethane organic compounds (NMOC). MSW landfills are the largest manmade source of methane emissions in the United States. The designated pollutant, NMOC, is a mixture of more than 100 different compounds, including volatile organic compounds (VOC), and hazardous pollutants (HAPs), such as vinyl chloride, toluene, and benzene. A collateral benefit in the control of NMOC is the control of methane.

Q. What are the expected environmental and public health benefits from controlling LFG emissions?

A. Studies indicate that MSW landfill gas (LFG) emissions can at certain levels have adverse effects on both public health and welfare. EPA presented its concerns with the health and welfare effects of landfill gases in the preamble to the proposed MSW landfill regulations (56 FR 24468). As noted above, MSW landfills emit NMOC that contains HAPs, and VOC, which include odorous compounds. Exposure to HAPs can lead to cancer, respiratory irritation, and damage to the nervous system. VOC emissions contribute to ozone formation which can result in adverse affects on human health and vegetation. Methane contributes to global climate change and can also result in fires or explosions, if the gas accumulates in structures, on or off the landfill site. The Delaware 111(d) plan will serve to significantly reduce these potential problems associated with LFG emissions.

II. Federal Requirements the Delaware Department of Natural Resources and Environmental Control (DNREC) 111(d) Plan Must Meet for Approval

Q. What general requirements must the DNREC meet to receive approval of the Delaware MSW landfill 111(d) plan (i.e., the plan)?

A. Detailed procedures for submitting and approving State plans were promulgated by EPA in 40 CFR Part 60, Subpart B. The MSW landfill EG, Subpart Cc, and the related new source performance standards (NSPS), Subpart WWW, were promulgated on March 12, 1996, and amended on June 16, 1998 and February 24, 1999. More specifically, the Delaware plan must meet the requirements of 40 CFR Part 60, Subpart Cc, Sections 60.30c through 60.36c, and the related Subpart WWW; and 40 CFR part 60, Subpart B, Sections 60.23 through 26.

State MSW landfill 111(d) plans submittals were due at EPA on December 12, 1996, as required under the provisions of Section 111(d) of the CAA and 40 CFR part 60, Subpart B, and the March 16, 1997 promulgated MSW landfill EG, Subpart Cc. As a result of litigation over the landfill rule, on November 13, 1997, EPA issued a notice of proposed settlement in *National Solid Wastes Management Association* v. *Browner, et al.*, No. 96–1152 (D.C. Cir), in accordance with Section 113(g) of the Act. *See* 62 FR 60898. Pursuant to the proposed settlement agreement, EPA published in the **Federal Register** a direct final rulemaking on June 16, 1998, in which EPA amended 40 CFR part 60, Subparts Cc and WWW, to add clarifying language, make editorial amendments, and to correct typographical errors. The proposed settlement did not vacate or void the March 12, 1996 MSW landfill EG or NSPS. Furthermore, as stated in the June 16, 1998, preamble, the amendments to 40 CFR part 60, Subparts Cc and WWW, do not significantly modify the requirements of those Subparts. *See* 63 FR 32743–32753, 32783–32784. In part, these amendments clarified the EG regulatory text with respect to landfill mass and volume applicability and Title V permit requirements. On February 24, 1999 (64 FR 9258), EPA again amended the MSW landfill rule to further clarify the regulatory text and correct errors with respect to the due date for the submittal of the initial landfill design capacity and emissions rate reports, and the definition of landfill "modification".

Q. What does the Delaware State Plan contain?

A. Consistent with the requirements of Subpart B and Cc, as amended, the Delaware Plan contains the following:

1. A demonstration of the State's legal authority to implement the Section 111(d) State Plan;

2. Regulation No.20, Section 28 as the enforceable mechanism;

3. A source inventory of known designated facilities, including NMOC emissions rate estimates;

4. Emission collection and control requirements that are no less stringent than those in Subpart Cc;

5. A description of the Delaware process for the review and approval of site-specific gas collection and control design plans;

6. A source compliance schedule that requires final compliance no later than September 30, 1998;

7. Source testing, monitoring, recordkeeping, and reporting requirements;

8. Records of the public hearings on the State Plan; and

9. Provisions for State submittal to EPA of annual progress reports on plan enforcement.

On April 11, 1998, the DNREC MSW landfill regulation (Regulation 20, Section 28) became effective. The regulation applies to existing MSW landfills and incorporates by reference (IBR) related and applicable new source performance standards, Subpart WWW, requirements.

Q. Does the Delaware plan meet all EPA requirements for approval?

A. Yes. The DNREC has submitted a 111(d) plan that conforms to all Subpart B and Cc requirements cited above.

Each of the above listed plan elements is approvable. Details regarding the approvability of plan elements are included in the technical support document (TSD) associated with this action. Copies of the TSD are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** portion of this document.

With respect to the plan's conformance with the June 16, 1998, and February 24, 1999 amended EG, the DNREC has submitted letters to EPA clarifying DNREC's authority under State law, requesting approval of the currently submitted plan, and committing to a revision of the Delaware landfill regulation in order to clarify its requirements in the context of the EG amendments. As discussed above, the June 16, 1998 amended EG added clarifying language, made editorial amendments, and corrected typographical errors. These amendments relate to four substantive changes: (1) Landfill mass "and" volume applicability threshold language, (2) timely Title V permit applications, (3) the definition of landfill "modification", and (4) the due date for submittal of initial design capacity and NMOC emissions rate reports.

Regarding the first amendment, a change of "or" to "and" in the EG mass and volume applicability language in affect relaxes the EG applicability requirements and standards. Under the amended EG, if the landfill design capacity is equal to or greater than 2.5 million megagrams "and" 2.5 million cubic meters, the landfill owner/operator must submit a timely initial NMOC emissions rate report in order to determine the need for installation of a collection and control system. Under Delaware's MSW landfill regulation, the initial NMOC emissions rate report is submitted if the landfill design capacity is equal to or greater than 2.5 million megagrams "or" 2.5 million cubic meters. However, the State of Delaware has the authority to impose more stringent emission standards, compliance schedules, and other requirements than may be required under federal law. It is important to note that Subpart B, § 60.24(g)(2), states that nothing in this subpart shall be construed to preclude any State from adopting or enforcing emission standards that are more stringent than the EG specified in Subpart C (e.g., MSW landfills under Subpart Cc), or requiring final compliance at earlier times than those specified in Subpart C, or in applicable guideline documents. Furthermore, § 60.32c states, "The designated facility to which the guidelines apply is each existing MSW landfill for which construction, reconstruction or modification was commenced before May 30, 1991." No reference is made regarding the design capacity of the landfill. Based upon the provisions of § 60.24(g)(2), § 60.32c, and Delaware State law, the DNREC's use of "or" in its applicability language is not cause for EPA disapproval of the its 111(d) plan.

The second substantive EPA EG amendment relates to the need for timely Title V permit application. The DNREC has submitted a letter to EPA confirming that its 111(d) Title V permitting requirements are consistent with those of the June 1998 EG amendments and its December 4, 1995 EPA approved Title V program (60 FR 62032).

The third substantive EPA EG amendment relates to the definition of landfill "modification". This definition has significance only when the landfill new source performance standards (NSPS), Subpart WWW, applicability requirements are triggered. Therefore, the State need not incorporate this definition into its MSW regulation 111(d) plan definitions. NSPS requirements are self-implementing.

The fourth substantive EPA EG amendment relates to the due date for submittal of the initial design capacity and nonmethane organic compounds (NMOC) emissions rate reports. The provisions of 40 CFR 60.24(g)(2) allow states to stipulate compliance schedules requiring final compliance at earlier times than those specified in the EG. Again, as noted above, the State of Delaware has the authority to impose more stringent emission standards, compliance schedules, and other requirements than may be required under federal law. Accordingly, the DNREC has the authority to impose earlier reporting and compliance schedule requirements than those stipulated in the EG. This includes the submittal of initial design capacity and NMOC emissions rate reports.

In summary, the Delaware plan meets all EPA requirements for approval.

III. Requirements Affected MSW Landfill Owners/Operators Must Meet

Q. How do I determine if my MSW landfill is subject to the Delaware 111(d) plan?

A. If your MSW landfill was constructed, reconstructed or modified before May 30, 1991, and received MSW on or after November 8, 1987, then it is subject to the 111(d) plan.

Q. What general requirements must I meet as an affected landfill owner/operator who is subject to the EPA approved plan?

A. The plan requires the submittal of an initial design capacity report. If the design capacity of the landfill is equal to or greater than 2.5 million megagrams or 2.5 million cubic meters of MSW, the plan then also requires the submittal of an initial NMOC emissions rate report. The NMOC emissions rate must be calculated according to methods specified in the regulation. If your calculated landfill NMOC emissions rate is 50 megagrams or more per year, you are required to install a MSW landfill gas collection and control system that meets the design and operational requirements specified in Regulation 20, Section 28, which IBR all related and applicable NSPS requirements.

Q. If my landfill is subject to the plan's requirement for installation of a LFG collection and control system, what emissions limits must I meet, and in what time frame?

A. You must install a landfill gas collection and control system to reduce the collected NMOC emissions by 98 weight-percent, or reduce the emissions from the control device to a concentration of 20 parts per million by volume, or less, for an enclosed combustor. The installation of the required collection and control system is required on or before September 30, 1998. Details regarding compliance schedules are stipulated in Regulation 20, Section 28(f).

Q. Are there any operation requirements for my installed LFG collection and control system?

A. Yes, there are operational requirements. These requirements are summarized below:

1. Operate the collection system wellheads at negative pressure;
2. Operate the interior collection wellheads with a landfill gas temperature less than 550° C and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent;
3. Operate the collection system so that the methane gas concentration is less than 500 parts per million above background at the surface of the landfill;
4. Operate the collection system so that the colleted gases are vented to the control system; and
5. Operate the collection and control system at all times.

Details regarding operational requirements are stipulated at Regulation 20, Section 28, which IBR all the related and applicable NSPS requirements.

Q. What are the testing, monitoring, recordkeeping, and reporting requirements for my landfill?

A. A summary of these requirements is given below:

1. Performance testing, to determine compliance with 98 weight-percent efficiency or the 20 ppmv outlet concentration level, must be completed within 180 days after construction completion on the collection and control system. Performance and source test methods must be consistent with EPA test methods, as referenced in the DNREC landfill regulation.

2. Monitoring of control devise temperature on a continuous basis is required for enclosed combustion control devices, and flares. Measurement of the gas flow rate from the collection system to an enclosed combustion device, or flare, is required at least once every 15 minutes, unless the bypass line valves are secured in a closed position. Monthly monitoring requirements are specified in the regulation for the gas collection system. Gas wellhead monitored parameters include gauge pressure, nitrogen or oxygen concentration, and temperature. Quarterly monitoring is required of methane surface concentrations.

3. Reporting requirements are stipulated for landfill design capacity and NMOC emission rates; submittal of a collection and control system design plan; system start-up; performance testing; system operations; closure notification; and equipment removal.

4. On-site recordkeeping is required with respect to maximum design capacity, current amount of solid waste in-place, year-by-year waste acceptance rate; life of the control equipment, as measured during the initial performance test or compliance determination; and control device specifications until removal.

Details regarding testing, monitoring, recordkeeping, and reporting requirements are stipulated in Regulation 20, Section 28, which IBR all the related and applicable NSPS requirements.

Q. If I modify or expand the capacity of my landfill, what additional requirements must I meet?

A. Any MSW landfill that commences construction, modification, or reconstruction on or after May 30, 1991 is subject to the EPA NSPS for landfills, 40 CFR Part 60, Subpart WWW.

IV. Final EPA Action

Based upon the rationale discussed above and in further detail in the TSD associated with this action, EPA is approving the Delaware MSW landfill 111(d) plan for the control of landfill gas emissions from affected facilities. As provided by 40 CFR 60.28(c), any revisions to the Delaware Section 111(d) plan or associated regulations will not be considered part of the applicable plan until submitted by the DNREC in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR Part 60, Subpart B.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the 111(d) plan should relevant adverse or critical comments be filed. This rule will be effective November 16, 1999 without further notice unless the Agency receives relevant adverse comments by October 18, 1999. If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Only parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 16, 1999 and no further action will be taken on the proposed rule.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866, entitled "Regulatory Planning and Review." Because today's rule does not create a mandate on state, local or tribal governments, it does not impose any enforceable duties on these entities. Accordingly, the requirements of Section 1(a) of Executive Order 12875 do not apply to this rule. This final rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children. Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Section 3(b) of Executive Order 13084 do not apply to this rule. Under the Regulatory Flexibility Act (RFA), because the Federal 111(d) approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

B. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under Section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 16, 1999. Filing a petition for reconsideration by the Administrator of this final rule pertaining to the Delaware MSW landfill 111(d) plan does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Non-methane organic compounds, Methane, Municipal solid waste landfills, Reporting and recordkeeping requirements.

Dated: September 2, 1999.

W. Michael McCabe,

Regional Administrator, EPA Region III.

40 CFR Part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart I—Delaware

2. A new undesignated center heading and §§ 62.1950, 62.1951, and 62.1952 are added to subpart I to read as follows:

Landfill Gas Emissions From Existing Municipal Solid Waste Landfills (Section 111(d)) Plan)

§ 62.1950 Identification of plan.

Section 111(d) plan for municipal solid waste landfills and the associated Delaware Department of Natural Resources, Division of Air and Waste Management, Regulation No. 20, Section 28, as submitted on April 23, 1998.

§ 62.1951 Identification of sources.

The plan applies to all Delaware existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 and that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, Subpart Cc.

§ 62.11952 Effective date.

The effective date of the plan for municipal solid waste landfills is November 16, 1999.

[FR Doc. 99–24041 Filed 9–16–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6438–7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct Final Action to Delete the Dutchtown Oil Treatment Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA) announces its direct final action to delete the Dutchtown Oil Treatment Superfund Site (Site), located in Ascension Parish, Louisiana, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, 42 U.S.C. 9605, as amended. This direct final action to delete is being taken by the EPA, with the concurrence of the State of Louisiana, because the EPA has determined that responsible parties have implemented all appropriate response actions required, and such actions remain protective of public health and the environment.

DATES: This direct final action will be effective November 16, 1999, unless the EPA receives significant adverse or critical comments by October 18, 1999. If adverse comments are received, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Ms. Janetta Coats, Community Relations Coordinator (6SF–PO), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–6617.

Information Repositories: Comprehensive information on the Site is available for viewing and copying at the Site information repositories at the following locations: U.S. EPA Region 6 Library (12th Floor), 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6424/665–6427; Louisiana Department of Environmental Quality, 7290 Bluebonnet Road, Baton Rouge, Louisiana 70809, (225) 765–0487; Ascension Parish Library, 708 S. Irma Blvd., Gonzales, LA 70737, (504) 647–3955.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen L. Tzhone, Remedial Project Manager (6SF–LP), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–8409.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Action

I. Introduction

The EPA Region 6 announces the deletion of the Site from the NPL and requests comments on the deletion. The EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be subject to response actions financed by the Hazardous Substance Superfund (Fund). As stated in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for further Fund-financed remedial actions should future conditions at the site warrant such action.

The EPA will accept comments concerning this direct final action to delete for 30 days after publication of this document in the **Federal Register**. If no significant adverse or critical comments are received, the Site will be deleted from the NPL effective November 16, 1999. However, if significant adverse or critical comments are received within the 30 day comment period, the EPA will publish a notice of withdrawal of this direct final action to delete within 60 days of publication of the original document and prepare a response to the comments and continue with the rulemaking process on the basis of the proposal to delete and the comments already received.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures the EPA is using for this action. Section IV discusses the Site and how the Site meets one of the criteria. Section V states the EPA's action to delete Site from the NPL.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

- Responsible parties or other persons have implemented all appropriate response actions required;
- All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, the EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL,

the site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to the deletion of the Site:

- The EPA consulted with the State of Louisiana on this deletion from the NPL prior to developing this direct final action to delete.
- The EPA provided the State of Louisiana at least 30 working days for review of this direct final action to delete prior to its publication in the **Federal Register**, and the State of Louisiana concurred with this direct final action to delete.
- Concurrently with publication of this direct final action to delete, a notice of availability of this direct action to delete is being published in a major local newspaper of general circulation at or near the Site and is being distributed to appropriate Federal, State, and local officials and other interested parties; said notice announces the 30 day public comment period concerning the intended deletion.
- The EPA has placed copies of information supporting the deletion in the information repositories, which information is available for public inspection and copying.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist the EPA management.

The EPA Region 6 will accept and evaluate public comments on the EPA's direct final action to delete before the EPA makes a final decision. If necessary, the EPA will prepare a responsiveness summary to address any significant public comments received. If no significant adverse or critical comments are received during the comment period, the Site will be deleted from the NPL effective November 16, 1999.

IV. Basis for Site Deletion

The following information provides the EPA's rationale for deleting this Site from the NPL:

A. Background

The Site is an abandoned waste oil reclamation plant located at the intersection of Interstate 10 and Highway 74 in Ascension Parish, Louisiana. Previously located on this 5-acre Site were a holding pond, waste pit, seven above ground vertical storage tanks, two small horizontal tanks, and a railroad tank car used as a horizontal tank. Monitoring wells are currently scattered throughout the perimeter of the Site.

B. Expedited Response Action Activities

The EPA issued an action memorandum for an expedited response action (ERA) on March 25, 1988. A consent decree between EPA and responsible parties to design and implement the ERA was entered on May 23, 1990.

Mobilization for the ERA began in November 1990, and field activities were conducted from January 1991 through August 1991. The ERA field activities consisted of:

- Removal of the contents of the holding pond, waste oil pit, and the above ground storage tanks,
- Treatment and disposal of water from the pits, decontamination activities, and tank cleaning, and
- Excavation and treatment of the soils under the waste pits and holding ponds by soil washing to concentrations less than 4 parts per million of benzene.

During the ERA field activities, the following waste quantities were removed and treated:

- 449,810 gallons of waste oil from the holding pond, waste oil pit, and tanks were recovered, blended, and shipped for incineration;
- 3,451,999 gallons of stormwater from the waste oil pit and the holding pond were treated in the water treatment unit: 2,400,695 gallons of water were discharged and 1,051,304 gallons of water were routed to the soil washing unit; and
- 4,400 cubic yards of soil were treated by soil washing to concentrations of less than 4.0 ppm, stabilized with fly ash, and placed as backfill into the pond and pit.

Following completion of the ERA field activities, a French collection drain was installed in the waste oil pit which recovered 75,792 gallons of ground water through August 24, 1992. Compacted caps of imported clay were installed over the backfilled holding pond, the French collection drain, and the areas previously occupied by the storage tanks.

C. Remedial Investigation And Feasibility Study Activities

On August 7, 1989, the EPA entered into an administrative order on consent by which a number of responsible parties agreed to perform the remedial investigation (RI) and feasibility study (FS) for the Site. The RI/FS was started concurrently with the ERA and continued after its completion. Soil and ground water investigations during the RI identified risk due to residual contamination within the unusable shallow water bearing zone (Class III classification). Remediation alternatives to address the remaining contamination at the Site were evaluated in the FS, including using natural attenuation, ground water monitoring, and institutional controls to address the residual contamination. The FS was completed in May 1993.

D. Record Of Decision

A Record Of Decision (ROD) for the Site was issued by the EPA on June 20, 1994. Within the ROD, no remedial action (RA) numerical goals were specified because there were no pathways which existed between the residual contaminants within the unusable shallow water bearing zone and any potential receptor population. Also, exposure to surface and subsurface soils at the Site would not result in any excess risk to human health and the environment under current and no action conditions. Therefore, the remedy provided for continued ground water monitoring at the Site to observe that residual contaminants naturally attenuate on their own. RA numerical goals were not needed since the Site posed no excess risk to human health or the environment.

The components of the ROD's selected remedy include:

- Continued ground water monitoring,
- Institutional controls (deed notices and land use restrictions),
- Installation of additional monitoring wells,
- Maintenance of existing caps and fence,
- Close out of the residential well on property of adjacent residence and drilling of a replacement well, and
- Contingency measures to be implemented if ground water monitoring indicates an increase in contaminant concentrations (either vertically or horizontally).

A unilateral administrative order (UAO) was issued by the EPA on December 30, 1996, and subsequently amended on January 15, 1997. The UAO for the Site required the responsible parties to implement the remedy as selected in the ROD.

E. Remedial Action Activities

RA activities associated with the selected remedy were implemented during August 1997 by the responsible parties with oversight by the EPA and the Louisiana Department of Environmental Quality (LDEQ).

The Site RA activities included:

- Installing Monitor Well MW–21,
- Sampling all Site wells,

- Plugging and abandoning the adjacent residential well,
- Installing restriction signs,
- Inspecting caps and monitor wells, and
- Mowing vegetation.

The RA analytical data indicated a significant decrease in residual contaminant concentrations within the unusable water bearing zone. There were no off-site ground water impacts.

F. Pre-Final Inspection Activities

A pre-final inspection was conducted by EPA and LDEQ on October 29, 1997. After the inspection, the following activities were completed:

- Additional warning signs were placed at the entrance gate;
- Perimeter fence at the northeast and northwest corners and along the eastern side of the Site was repaired;
- Perimeter fence was cleared of major vegetation; and
- Several monitoring wells were upgraded with installation of locks, protective posts, shroud, and concrete pad.

Following the completion of these activities, an RA Report was completed on December 12, 1997.

G. Preliminary Close Out Report

A preliminary close out report (PCOR) was completed on January 12, 1998. The PCOR states that all RA field activities have been completed and only LTRA ground water monitoring activities associated with natural attenuation are continuing.

H. Long-Term Remedial Action Activities (LTRA)

LTRA ground water monitoring activities continued following the completion of RA field activities. The ground water monitoring data contained within the RA Report, dated December 12, 1997, and the 1st Year Natural Attenuation Report, dated September 1998, revealed that residual contaminants have decreased in concentrations within the unusable shallow water bearing zone since the ERA.

I. Final Close Out Report

The final close out report, completed in August 1999, detailed that all Site response actions, including the LTRA, were accomplished in accordance with CERCLA and consistently with the NCP. Since the Site did not have any RA numerical goals, and data from the RA and LTRA showed that natural attenuation had been taking place, EPA concluded that LTRA activities have been completed and that ground water monitoring and inspection activities will continue through the operation and maintenance stage.

Based on the completion of the activities listed above, the EPA concludes that responsible parties have implemented all appropriate response actions required and that the Site should be deleted from the NPL.

J. Characterization of Risk

The EPA actions taken to prevent overflow of a contaminated lagoon, cleanup of a diesel fuel spill, and capping a contaminated area at the Site have limited the spread of contaminated wastes, greatly lessened the potential for exposure to contaminants at the Site, and reduced environmental risk for approximately 4,000 people living within 3 miles of the Site. Continued ground water monitoring at the Site will provide data on the residual contaminants' natural attenuation process within the unusable shallow water bearing zone.

K. Community Involvement

Public participation activities required by CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617, have been satisfied. Documents which the EPA relied on for Site deletion from the NPL are available to the public in the information repositories.

V. Action

The EPA, with concurrence of the State of Louisiana, has determined that the Site poses no significant threat to human health or the environment, and all appropriate responses under CERCLA at the Site have been completed and that no further response actions, other than O&M and five year reviews, are necessary. Therefore, the EPA is deleting this Site from the NPL.

Because the EPA considers this action to be noncontroversial and routine, the EPA is taking this action without prior proposal. This direct final action will be effective November 16, 1999, unless the EPA receives significant adverse or critical comments by October 18, 1999. If significant adverse or critical comments are received, the EPA will publish a timely withdrawal of this action in the **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 31, 1999.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing Dutchtown Treatment Plant, Ascension Parish, Louisiana.

[FR Doc. 99–24039 Filed 9–16–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6439–7]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA" or "the Act"), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List ("NPL") constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency ("EPA" or "the Agency") in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds one new site to the General Superfund Section of the NPL. The site is the Pools Prairie site in Neosho, Missouri.

EFFECTIVE DATE: The effective date for this amendment to the NCP shall be October 18, 1999.

ADDRESSES: For addresses for the Headquarters and Regional docket, as

well as further details on what these dockets contain, see Section II, "Availability of Information to the Public" in the **SUPPLEMENTARY INFORMATION** portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Yolanda Singer, phone (703) 603–8835, State, Tribal and Site Identification Center, Office of Emergency and Remedial Response (mail code 5204G), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

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I. Background

A. What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 ("CERCLA" or "the Act"), in response to the dangers of uncontrolled releases of hazardous substances. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act ("SARA"), Public Law 99–499, 100 Stat. 1613 *et seq.*

B. What Is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, pollutants, or contaminants under CERCLA. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes "criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action for the purpose of taking removal action." ("Removal" actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases 42 U.S.C. 9601(23).)

C. What Is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended by SARA. Section 105(a)(8)(B) defines the NPL as a list of "releases" and the highest priority "facilities" and requires that the NPL be revised at least annually. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances. The NPL is only of limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Neither does placing a site on the NPL mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by EPA (the "General Superfund Section"), and one of sites that are owned or operated by other Federal agencies (the "Federal Facilities Section"). With respect to sites in the Federal Facilities Section, these sites are generally being addressed by other Federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing an HRS score and determining whether the facility is placed on the NPL. EPA generally is not the lead agency at Federal Facilities Section sites, and its role at such sites is accordingly less extensive than at other sites.

D. How Are Sites Listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP): (1) A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System ("HRS"), which EPA promulgated as appendix A of the NCP (40 CFR part 300). The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c),

added by SARA. The revised HRS evaluates four pathways: ground water, surface water, soil exposure, and air. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL; (2) Each State may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score. This mechanism, provided by the NCP at 40 CFR 300.425(c)(2) requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State (see 42 U.S.C. 9605(a)(8)(B)); (3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed regardless of their HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on July 22, 1999 (64 FR 39878).

E. What Happens to Sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the "Superfund") only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). ("Remedial actions" are those "consistent with permanent remedy, taken instead of or in addition to removal actions * * *." 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL "does not imply that monies will be expended." EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

F. How Are Site Boundaries Defined?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so.

Although a CERCLA "facility" is broadly defined to include any area where a hazardous substance release has "come to be located" (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. As a legal matter, the site is not coextensive with that area, and the boundaries of the installation or plant are not the "boundaries" of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location to which that contamination has come to be located, or from which that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the "Jones Co. plant site") in terms of the property owned by a particular party, the site properly understood is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the "site"). The "site" is thus neither equal to nor confined by the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. The precise nature and extent of the site are typically not known at the time of listing. Also, the site name is merely used to help identify the geographic location of the contamination. For example, the name "Jones Co. plant site," does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the "nature and extent of the threat presented by a release" will be determined by a remedial investigation/feasibility study (RI/FS) as more information is developed on site contamination (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, this inquiry focuses on an evaluation of the threat posed; the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination "has come to be located" before all necessary studies and remedial work are completed at a site. Indeed, the known boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, supporting information can be submitted to the Agency at any time after a party receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

G. How Are Sites Removed From the NPL?

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

As of September 1, 1999, the Agency has deleted 187 sites from the NPL.

H. Can Portions of Sites be Deleted From the NPL as They Are Cleaned Up?

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and available for productive use. As of September 1, 1999, EPA has deleted portions of 16 sites.

I. What Is the Construction Completion List (CCL)?

EPA also has developed an NPL construction completion list ("CCL") to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when: (1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; (2) EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or (3) the site qualifies for deletion from the NPL.

Of the 187 sites that have been deleted from the NPL, 178 sites were deleted because they have been cleaned up (the other 9 sites were deleted based on deferral to other authorities and are not considered cleaned up). As of September 1, 1999, there are a total of 613 sites on the CCL. This total includes the 178 deleted sites. For the most up-to-date information on the CCL, see EPA's Internet site at http://www.epa.gov/superfund/.

II. Availability of Information to the Public

A. Can I Review the Documents Relevant to This Final Rule?

Yes, documents relating to the evaluation and scoring of the site in this final rule are contained in dockets located both at EPA Headquarters and in the EPA Region 7 office.

B. What Documents Are Available for Review at the Headquarters Docket?

The Headquarters docket for this rule contains HRS score sheets, the Documentation Record describing the information used to compute the score, pertinent information regarding statutory requirements or EPA listing policies that affect the site, and a list of documents referenced in the Documentation Record. The Headquarters docket also contains comments received, and the Agency's responses to those comments. The Agency's responses are contained in the "Support Document for the Revised National Priorities List Final Rule—Pools Prairie, September 1999."

C. What Documents Are Available for Review at the Regional Docket?

The Region 7 docket contains all the information in the Headquarters docket, plus the actual reference documents containing the data principally relied upon by EPA in calculating or evaluating the HRS score for the site. These reference documents are available only in the Region 7 docket.

D. How Do I Access the Documents?

You may view the documents, by appointment only, after the publication of this document. The hours of operation for the Headquarters docket are from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Please contact the Region 7 docket for its hours.

Following is the contact information for the EPA Headquarters: Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA, 703/603–8917.

The contact information for the Region 7 dockets is as follows: Carole Long, Region 7 (IA, KS, MO, NE), U.S. EPA, 901 North 5th Street, Kansas City, KS 66101; 913/551–7224.

E. How Can I Obtain a Current List of NPL Sites?

You may obtain a current list of NPL sites via the Internet at http://www.epa.gov/superfund/ (look under site information category) or by contacting the Superfund Docket (see contact information above).

III. Contents of This Final Rule

A. Addition to the NPL

This final rule adds one site to the NPL (to the General Superfund Section of the NPL). The site is the Pools Prairie site located in Neosho, Missouri.

B. Status of NPL

With the one new site added in today's rule, the NPL now contains 1,225 sites (1,067 in the General Superfund section and 158 in the Federal Facilities section).

There are now 58 sites proposed and awaiting final agency action; 52 in the General Superfund section and 6 in the Federal Facilities section. Final and proposed sites now total 1,283.

C. What Did EPA Do With the Public Comments It Received?

EPA reviewed all comments received on the Pools Prairie site in this rule. The site was proposed on January 19, 1999 (64 FR 2950).

EPA responded to all relevant comments received on the Pools Prairie site. EPA's responses to site-specific public comments are addressed in the "Support Document for the Revised National Priorities List Final Rule—Pools Prairie, September 1999".

IV. Executive Order 12866

A. What Is Executive Order 12866?

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether a regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

B. Is This Final Rule Subject to Executive Order 12866 Review?

No, the Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

V. Unfunded Mandates

A. What Is the Unfunded Mandates Reform Act (UMRA)?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal Agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before EPA promulgates a rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to

adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

B. Does UMRA Apply to This Final Rule?

No, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments in the aggregate, or by the private sector in any one year. This rule will not impose any federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. Listing a site on the NPL does not itself impose any costs. Listing does not mean that EPA necessarily will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site responses result from site-specific decisions regarding what actions to take, not directly from the act of listing a site on the NPL.

For the same reasons, EPA also has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding $100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

VI. Effect on Small Businesses

A. What Is the Regulatory Flexibility Act?

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

B. Does the Regulatory Flexibility Act Apply to This Final Rule?

No. While this rule revises the NPL, an NPL revision is not a typical regulatory change since it does not automatically impose costs. As stated above, adding sites to the NPL does not in itself require any action by any party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, impacts on any group are hard to predict. A site's inclusion on the NPL could increase the likelihood of adverse impacts on responsible parties (in the form of cleanup costs), but at this time EPA cannot identify the potentially affected businesses or estimate the number of small businesses that might also be affected.

The Agency does expect that placing the site in this rule on the NPL could significantly affect certain industries, or firms within industries, that have caused a proportionately high percentage of waste site problems. However, EPA does not expect the listing of this site to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which EPA takes at its discretion on a site-by-site basis. EPA considers many factors when determining enforcement actions, including not only a firm's contribution to the problem, but also its ability to pay. The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

For the foregoing reasons, I hereby certify that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

VII. Possible Changes to the Effective Date of the Rule

A. Has This Rule Been Submitted to Congress and the General Accounting Office?

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A "major rule" cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

B. Could the Effective Date of This Final Rule Change?

Provisions of the Congressional Review Act (CRA) or section 305 of CERCLA may alter the effective date of this regulation.

Under the CRA, 5 U.S.C. 801(a), before a rule can take effect the federal agency promulgating the rule must submit a report to each House of the Congress and to the Comptroller General. This report must contain a copy of the rule, a concise general statement relating to the rule (including whether it is a major rule), a copy of the cost-benefit analysis of the rule (if any), the agency's actions relevant to provisions of the Regulatory Flexibility Act (affecting small businesses) and the Unfunded Mandates Reform Act of 1995 (describing unfunded federal requirements imposed on state and local governments and the private sector), and any other relevant information or requirements and any relevant Executive Orders.

EPA has submitted a report under the CRA for this rule. The rule will take effect, as provided by law, within 30 days of publication of this document, since it is not a major rule. Section 804(2) defines a major rule as any rule that the Administrator of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) finds has resulted in or is likely to result in: an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. NPL listing is not a major rule because, as explained above, the listing, itself, imposes no monetary costs on any person. It establishes no enforceable duties, does not establish that EPA necessarily will undertake remedial action, nor does it require any action by any party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Section 801(a)(3) provides for a delay in the effective date of major rules after this report is submitted.

C. What Could Cause the Effective Date of This Rule to Change?

Under 5 U.S.C. 801(b)(1) a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 802.

Another statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS* v. *Chadha*, 462 U.S. 919,103 S. Ct. 2764 (1983) and Bd. of Regents of the *University of Washington* v. *EPA*, 86 F.3d 1214, 1222 (D.C. Cir. 1996) cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, EPA will publish a document of clarification in the **Federal Register**.

VIII. National Technology Transfer and Advancement Act

A. What Is the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

B. Does the National Technology Transfer and Advancement Act Apply to This Final Rule?

No. This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

IX. Executive Order 12898

A. What Is Executive Order 12898?

Under Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," as well as through EPA's April 1995, "Environmental Justice Strategy, OSWER Environmental Justice Task Force Action Agenda Report," and National Environmental Justice Advisory Council, EPA has undertaken to incorporate environmental justice into its policies and programs. EPA is committed to addressing environmental justice concerns, and is assuming a leadership role in environmental justice initiatives to enhance environmental quality for all residents of the United States. The Agency's goals are to ensure that no segment of the population, regardless of race, color, national origin, or income, bears disproportionately high and adverse human health and environmental effects as a result of EPA's policies, programs, and activities, and all people live in clean and sustainable communities.

B. Does Executive Order 12898 Apply to This Final Rule?

No. While this rule revises the NPL, no action will result from this rule that will have disproportionately high and adverse human health and environmental effects on any segment of the population.

X. Executive Order 13045

A. What Is Executive Order 13045?

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

B. Does Executive Order 13045 Apply to This Final Rule?

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this section present a disproportionate risk to children.

XI. Paperwork Reduction Act

A. What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9. The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574).

B. Does the Paperwork Reduction Act Apply to This Final Rule?

No. EPA has determined that the PRA does not apply because this rule does not contain any information collection requirements that require approval of the OMB.

XII. Executive Orders on Federalism

What Are The Executive Orders on Federalism and Are They Applicable to This Final Rule?

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order

12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

This rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999),) which will take effect on November 2, 1999. In the interim, the current Executive Order 12612 (52 FR 41685 (October 30, 1987),) on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. This rule will not result in the imposition of any additional requirements on any State, local governments or other political subdivisions within any State. Accordingly, the requirements of section 6(c) of Executive Order 12612 do not apply to this rule.

XIII. Executive Order 13084

What Is Executive Order 13084 and Is It Applicable to This Final Rule?

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

This rule does not significantly or uniquely affect the communities of Indian tribal governments because it does not significantly or uniquely affect their communities. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, penalties, Reporting and record keeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 10, 1999.

Timothy Fields, Jr.,

Assistant Administrator, Office of Solid Waste and Emergency Response.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. Table 1 of Appendix B to Part 300 is amended by adding the following site in alphabetical order to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes(a)
. . . . .			
MO	Pools Prairie	Neosho.	
. . . . .			

(a) A=Based on issuance of health advisory by Agency for Toxic Substance and Disease Registry (if scored, HRS score need not be ≤28.50).
C=Sites on Construction Completion list.
S=State top priority (included among the 100 top priority sites regardless of score).
P=Sites with partial deletion(s).

[FR Doc. 99–24166 Filed 9–16–99; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[IB Docket No. 95–118, FCC 96–79]

Streamlining the International Section 214 Authorization Process and Tariff Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rules; announcement of effective date.

SUMMARY: This document announces the effective date of rules governing the international Section 214 authorization process and tariff requirements. The amended rules lowered the barriers to entry, which will encourage more applicants to enter the international market. The amended rules contained new information collection requirements and were subject to review and approval by the Office of Management and Budget (OMB). Due to an administrative error, two rules were not included in the Commission's submission to OMB. Subsequently, the Commission sought approval for the information collection requirements contained in these rule sections. OMB approved the information collection on August 17, 1999. This document announces that Sections 63.19 and 63.53 (c) are now effective.

EFFECTIVE DATES: Sections 63.19 and 63.53 (c) published at 61 FR 15724 (April 9, 1996) became effective on August 17, 1999.

FOR FURTHER INFORMATION CONTACT: Peggy Reitzrel, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418–1470.

SUPPLEMENTARY INFORMATION: On February 29, 1996, the Commission adopted a report and order that streamlined the international Section 214 authorization process and tariff requirements, a summary of which was published in the **Federal Register**. See 61 FR 15724, April 9, 1996. The report and order contained new paperwork burdens. The Commission sought and received approval from the Office of Management and Budget (OMB) for all but two of the information collections contained in the report and order. Through a clerical error, 47 CFR 63.19 and 63.53(c) were inadvertently omitted from the Commission's information collection submission to OMB. The Commission subsequently sought OMB approval for 47 CFR 63.19 and 63.53(c). The information collections for these two rules were approved by OMB on August 17, 1999. See OMB Nos. 3060–0686. This publication satisfies the statement that the Commission would publish a document announcing the effective date of the rules.

List of Subjects in 47 CFR Part 63

Communications common carriers.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–24233 Filed 9–16–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 92–235; FCC 99–203]

Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; stay.

SUMMARY: By this document, the Commission grants petitions to stay rule changes providing that frequencies formerly assigned on a shared basis to the Power Radio Service, Petroleum Radio Service, or Railroad Radio Service must be coordinated by the frequency coordinator formerly solely responsible for the service in question (or be coordinated with that coordinator's prior written concurrence). The stay will remain in effect pending resolution of petitions for reconsideration of the rule changes, during which time any Industrial/Business Pool coordinator may coordinate these frequencies.

DATES: Effective August 5, 1999. The Commission will publish a document announcing the termination of this stay.

FOR FURTHER INFORMATION CONTACT: Scot Stone of the Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, at (202) 418–0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Fourth Memorandum Opinion and Order* in PR Docket No. 92–235, FCC 99–203, adopted August 4, 1999, and released August 5, 1999. The complete text may be purchased from the Commission's copy contractor, International Transcription Services, 1231 20th Street, NW, Washington, DC 20036, telephone (202) 857–3800, facsimile (202) 857–3805. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418–0260, TTY (202) 418–2555, or at mcontee@fcc.gov. The full text of the *Fourth Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th St., SW, Room CY–A257, Washington, DC 20554. The full text of the *Fourth Memorandum Opinion and Order* can also be downloaded at:

http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc99203.txt or
http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc99203.wp

Summary of the Fourth Memorandum Opinion and Order

1. On July 7 and 9, 1999, respectively, MRFAC, Inc. (MRFAC) and Forest Industries Telecommunications (FIT) requested that the Commission stay the effective date of recent amendments to 47 CFR 90.35, 90.175, until the issues raised in their petitions for reconsideration are addressed.

2. Formerly, the Private Land Mobile Radio service frequencies in the bands below 512 MHz were divided into twenty separate radio services, including the Power, Petroleum, Forest Products, Manufacturers, and Railroad Radio Services. The Commission certified one frequency coordinator to make frequency recommendations for each service. The coordinators for the services mentioned were, respectively, UTC, the Telecommunications Association (UTC), the American Petroleum Institute (API), FIT, MRFAC, and the American Association of Railroads (AAR).

3. In the *Second Report and Order* in this proceeding, 62 FR 18834 (rel. April 17, 1997), the Commission consolidated the twenty services into two broad frequency pools, Public Safety and Industrial/Business. All of the services listed above were consolidated into the Industrial/Business Pool. Generally, the Commission allowed coordination of any Industrial/Business frequency by any of the coordinators of the services that were consolidated into that pool, who would then notify the other in-pool frequency coordinators within one business day. The Commission provided, however, that frequencies formerly allocated *solely* to the Power, Petroleum, or Railroad Radio Service could be coordinated only by the relevant frequency coordinator. The Commission made this exception in order to ensure that licensees in those services, who sometimes use radio as a critical tool for responding to emergencies that could be extremely dangerous to the general public, not incur harmful interference from other licensees.

4. API sought reconsideration of the *Second Report and Order*, on the grounds that this exception did not provide sufficient protection to incumbent petroleum operations because most of the frequencies formerly allocated to the Petroleum Radio Service were shared with other services. In the *Second Memorandum Opinion and Order* in this proceeding, 64 FR 36258 (rel. July 6, 1999), the Commission amended the rules to require that frequencies formerly allocated to the Power, Petroleum, or Railroad Radio Services on an exclusive *or shared* basis be coordinated only by the frequency coordinator of the relevant service, or, at the relevant frequency coordinator's discretion, with its written concurrence.

5. MRFAC and FIT have raised substantial issues regarding the propriety and utility of the rule changes adopted in the *Second Memorandum Opinion and Order*. It is likely that they will incur much greater harm if the rules are permitted to take effect than might accrue to UTC and API if they are stayed. We conclude, therefore, on balance, that MRFAC and FIT have shown that it is in the public interest to grant the requested stay while the Commission examines these issues, in order to permit frequency coordinators to continue coordinating frequencies they have coordinated for years, and preserve coordination customers' options. We also find that limiting the stay to certain frequency coordinators or certain frequencies would engender greater confusion than it would avoid. Therefore, we shall stay in their entirety the changes to §§ 90.35 and 90.175 of the Commission's Rules requiring that frequencies formerly allocated on a shared basis to the Power, Petroleum, or Railroad Radio Services be coordinated

by UTC, API, or AAR, respectively (or, at their discretion, with their written concurrence). The stay will be in effect until the Commission resolves their Petitions for Reconsideration of the *Second Memorandum and Order* in this proceeding.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

In the final rule published on July 6, 1999, in amendatory instruction 4 on page 36262 beginning in the second column the following amendments to § 90.35 are stayed effective August 5, 1999: 153.035 MHz through 153.4025 MHz, 153.4025 MHz through 153.4625 MHz, 153.485 MHz through 153.5225 MHz, 153.545 MHz through 153.5825 MHz, 153.605 MHz through 153.6425 MHz, 153.665 MHz through 153.6675 MHz, 158.145 MHz through 158.1825 MHz, 158.205 MHz through 158.2425 MHz, 158.265 MHz through 158.3325 MHz, 158.355 MHz through 158.3775 MHz, 158.415 MHz through 158.4375 MHz, 173.250 MHz, 173.300 MHz, 173.350 MHz, 451.175 MHz, 451.225 MHz, 451.275 MHz, 451.375 MHz, 451.425 MHz, 451.475 MHz, 451.525 MHz, 451.550 MHz, 451.575 MHz, 451.600 MHz, 451.625 MHz, 451.650 MHz, 451.675 MHz, 451.700 MHz, 451.750 MHz, 452.325 MHz, 452.375 MHz, 452.425 MHz, 452.475 MHz, 452.775 MHz, 452.825 MHz, 452.875 MHz, 456.175 MHz, 456.225 MHz, 456.275 MHz, 456.375 MHz, 456.425 MHz, 456.475 MHz, 456.525 MHz, 456.550 MHz, 456.575 MHz, 456.600 MHz, 456.625 MHz, 456.650 MHz, 456.675 MHz, 456.700 MHz, 456.750 MHz, 457.325 MHz, 457.375 MHz, 457.425 MHz, 457.475 MHz, 457.775 MHz, 457.825 MHz, 457.875 MHz, 462.475 MHz, 462.525 MHz, 467.475 MHz, and 467.525 MHz of paragraph (b)(3), and paragraphs (c)(80) and (c)(81).

[FR Doc. 99–24234 Filed 9–16–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 22

RIN 1018–AB81

Eagle Transportation Permits for American Indians and Public Institutions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule revises the general eagle permit restrictions applicable to American Indians and public institutions. This final regulation provides for the issuance of eagle permits for transportation of lawfully possessed eagle parts into or out of the United States only when the eagle parts have a religious purpose, or when a public institution transports eagle parts for scientific or exhibition purposes. In these cases, we will require that the eagle parts be returned to the country of origin. We make this revision to address concerns expressed by American Indians and public institutions who have sought our permission to allow international travel of lawfully possessed eagle parts or items containing eagle parts. We have carefully considered the needs of science and education, the religious protections guaranteed by the United States Constitution, and the recommendations made by those responding to the proposed rule providing for Eagle Transportation Permits for American Indians and Public Institutions published Thursday, June 16, 1994 (**Federal Register** (59 FR 30892)).

EFFECTIVE DATE: This rule is effective September 17, 1999.

ADDRESSES: Comments received are available for public inspection between the hours of 8 a.m. and 4 p.m., Monday through Friday, in Room 500, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia 22203–3247, (703) 358–1949.

FOR INFORMATION CONTACT: Kevin R. Adams, Chief, U.S. Fish and Wildlife Service, Office of Law Enforcement, (703) 358–1949.

SUPPLEMENTARY INFORMATION:

Background

We, the U.S. Fish and Wildlife Service, will issue permits of limited duration and conditions to American Indians and public institutions for the transportation into or out of the United States of lawfully possessed dead bald eagles (*Haliaeetus leucocephalus*) or dead golden eagles (*Aquila Chrysaetos*), or their parts, nests, or dead eggs. The movement of dead eagles, their parts ,nests, or dead eggs across the border of the United States without a permit will still be considered an import or export and will be unlawful. We will not issue a permit under this part that authorizes the transportation into or out of the United Stats of any live bald or golden eagles, or any live eggs of these birds. We will not issue permits for one of these live eagle species if any population of that species is listed as endangered under the Endangered Species Act.

We have the authority and responsibility for enforcing the provisions of the Bald and Golden Eagle Protection Act (Eagle Act), 16 U.S.C. 668–668d, and related regulations in 50 CFR part 22. The Act prohibits certain activities including the import and export of bald or golden eagles on their parts, nests, or eggs. The Act also authorizes us to issue permits for otherwise prohibited activities, including transporting bald and golden eagles, or their parts, nests, or eggs.

Since the adoption of the Eagle Act, its amendments, and its regulations, we have received requests to allow the transportation of dead bald and golden eagles, their parts, nests, or dead eggs into or out of the United States for scientific or exhibition purposes or for religious use by American Indian tribes. There were, however, no provisions within our regulations to allow such activity and the scientific and educational community and the Indian tribes effectively were prevented from crossing international borders with such items. We recognize that this situation creates some problems both in the sharing of science and in the exercise of religious freedoms. We intend to allow American Indians meeting the certification requirements in § 22.22 and public scientific or educational institutions to transport into or out of the United States on a temporary basis dead bald and golden eagles, their parts, nests, or dead eggs. We do not intend this "transportation into or out of the United States" provision to apply to members of foreign aboriginal, indigenous, or other tribal groups. Those individuals are unable to meet the tribal certification requirements applying to a member of an Indian entity recognized and eligible to receive services from the United States Bureau of Indian Affairs listed pursuant to 25 U.S.C. 479a–1.

In changing the applicable regulations, we strive to eliminate unreasonable restrictions placed on the scientific community and American Indians while continuing to prevent any adverse effect on eagle populations. By allowing the transportation of dead bald and golden eagles, or their parts, nests, or dead eggs into or out of the United States, we believe that both of these goals can satisfactorily be met. Other rationales for these changes are: To update part 22 to reflect official title changes of our employees, to correct minor typographical errors, and to incorporate several changes suggested by respondents.

In §§ 22.1, 22.2, 22.11, 22.21, and 22.22, we add the term "transportation into or out of the United States" to existing wording to allow dead bald and golden eagles, or their parts, nests, or dead eggs to be moved across United States borders under strict guidelines. We will not issue a permit under this part that authorizes the transportation into or out of the United States of any live bald and golden eagles, or any live eggs of these birds. We modified § 22.3 to define "Transportation into or out of the United States," as well as §§ 22.21 and 22.22 to provide for the issuance of one permit to meet the requirements of several laws under our jurisdiction and to identify the offices responsible for permit application review. Sections 22.21 and 22.22 are further clarified to require a showing of lawful acquisition and possession prior to granting a permit to transport eagle parts outside the United States and, with respect to § 22.22, to impose time limits on permits for transportation of dead bald and golden eagles, or their nests, or dead eggs into or out of the United States. We correct typographical errors in §§ 22.11 and 22.12. In addition, we are modifying §§ 22.21, 22.22, 22.23, and 22.25 to direct permit applications and required reports to the appropriate Regional Director—Attention: Migratory Bird Permit Office. In § 22.11, we add wording to clarify that conditions included in a permit are enforceable as terms of a permit. Finally, we are revising § 22.22 to clarify certification requirements for members of Indian tribes and to delete paragraph (a)(6), which required a separate certification from an official of the individual's religious group. Although the latter change was not specifically addressed in the proposed rule, we do not view it as significant deviation from the proposed rule. The certification by a religious official is largely duplicative of the separate requirements of tribal membership certification and the individual's statement on the application form itself, under penalty of perjury, of the individual's religious need for the permit. We believe the sole effect of this change will be to reduce the administrative burden placed on individuals.

Summary of Comments and Information Received

We received six written comments to the proposed rule: One from a Confederation of Tribes; two from scientific associations; two from representatives of Federal government agencies; and one from a private citizen. We have carefully considered all comments received in response to the June 16, 1994, **Federal Register** Notice proposing these changes to part 22.

General Comments and Responses

We received a number of suggestions for changes that we found suitable for inclusion in the regulations. Many of these suggestions were incorporated into this revision of the regulation and the discussions follow.

Comment

A representative of a scientific association expressed support of the proposed rule. This individual commended our efforts in authorizing permits to transport eagle specimens into or out of the United States for scientific and exhibition purposes. The person explained that natural history museums have reason to transport such materials in the ordinary course of their work when mounting exhibits or transacting loans with other institutions for scientific study. It was also noted that until now scientists could not transport exhibits when eagles or eagle parts were involved. It was noted that for the first time since adoption of the Eagle Act, it will be possible for public institutions to borrow specimens from institutions in other countries and to send abroad exhibits containing eagle parts for educational purposes.

Response

We support the contention that the changes to be made in the regulations are a positive development. We also appreciate the assurance that allowing the transportation of bald and golden eagle specimens into or out of the United States will serve the public interest without harming wildlife resources. We agree that this change is a positive response to what generally is recognized as a real need in the science and education fields. It is or intent, by permitting public institutions to make such transportation, to promote the sharing of information, specimens, and exhibits within the international community for educational and scientific purposes whenever possible without harming wildlife resources.

Comment

Several comments expressed concern that the Endangered Species Act (ESA), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Migratory Bird Treaty Act (MBTA) have requirements affecting both bald and golden eagles. It was noted that we require qualified individuals wishing to transport bald or golden eagle parts into or out of the United States to obtain additional permits under regulations implementing the ESA, MBTA, and CITES. It was also noted that we issue these different permits from separate offices. One suggestion was that a single office should issue all permits, and one permit meeting the requirements of all three Acts would simplify the process for the applicant and for us. Another suggestion was that any permit issued in this fashion should include language stating the requirements being met.

Response

We agree that having a single document meeting the requirements of the several laws benefits both the individual or public institution and us. We currently authorize a single permit under 50 CFR 13.1. In addition, under 50 CFR 21.2(b), we do not require part 21 permits for bald and golden eagles except for banding or marking. However, we will continue to require a part 21 permit if an artifact containing eagle feathers also contains feathers of a non-eagle species protected by the MBTA. This provision of part 21 is not changed in this final rule.

We are taking additional steps to simplify permitting requirements. We published a Special Rule under the Endangered Species Act for bald eagles in the July 12, 1995 **Federal Register** (60 FR 36000), in which we changed 50 CFR 17.41(a)(1). The final rule states that "any permit issued under § 21.22 or part 22, will be deemed to satisfy all requirements of § 17.31 (prohibitions) and 17.32 (permits) for that authorized activity and a second permit will not be required under § 17.32." In this final rule we amend § 22.21, for the purpose of uniformity, to acceptance issuance of a single permit application that satisfies permit requirements of the MBTA, the Eagle Act, CITES, and the ESA. However, issuance of a single permit may not always be possible. Applicants for permits to transport eagle parts into or out of the United States under the provisions of § 22.21, permits for scientific or exhibition purposes, must submit applications to the Office of Management Authority in order to comply with the relevant sections of part 23 and CITES, and they must demonstrate lawful possession. Since CITES requires that original permits be surrendered upon import, the CITES permit could not authorize possession. Possession requires a separate permit issued by the Migratory Bird Permit Office in a respective Regional Office that is retained by the applicant.

American Indians applying for permits for the transportation into or out of the United States under the Indian religious purposes section, 22.22, will submit a single application to the

appropriate Regional Director—Attention: Migratory Bird Permit Office, because applicants must initially be certified as meeting the enrolled tribal member criteria established in this section. The Migratory Bird permit office will then forward the application to the Office of Management Authority for issuance of a CITES permit. This single permit application must also contain all the necessary information for issuance of a CITES permit.

Comment

One comment from an individual representing the interests of a Confederation of Tribes noted that because their Tribes are near the border with Canada, families frequently must travel between the two countries to maintain tribal and family relationships with members living in Canada. The individual also noted that tribal members often will possess eagle parts when crossing the border. The individual suggested that we delegate permitting authority to possess and transport eagle parts, especially miscellaneous feathers, to the Tribes. This person was of the opinion that the proposed transport permit requirements and the Federal permit process are too cumbersome.

Response

We recognize that the process of obtaining permits can be a burden especially for those individuals unfamiliar with the procedures or the reasons why such procedures are necessary. Under 16 U.S.C. 668a, we may issue permits only "Whenever, after investigation, the Secretary of the Interior shall determine that it is compatible with the preservation of the bald eagle or the golden eagle * * *." We must comply with the duties placed on us by the Eagle Act, and we have no plans to delegate our permitting responsibilities. However, we attempted to eliminate any unintended or unreasonable permit burden in this final rule.

Comment

One representative of a Federal agency suggested that the proposed regulation should consider repatriation of objects containing bald or golden eagle parts to Indian Tribes or lineal descendants as mandated by the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001 *et seq.* The individual noted that although transportation of most repatriated items occurs within the United States, foreign museums or persons also send items containing bald or golden eagle parts to the United States for repatriation.

Response

We acknowledge the concerns expressed by this individual. NAGPRA presents special circumstances that will ultimately have to be dealt with on a case by case basis; however, we expect this revision to reduce the problem of transporting items subject to the Eagle Act into the United States for repatriation under NAGPRA. One of the conditions of permits issued under this final rule authorizing transportation into the United States is that the permitted item or items do not change ownership. According to the statutory provisions found in 25 U.S.C. 3002, "funerary objects" subject to repatriation under NAGPRA are owned or controlled by the lineal descendants of a Native American or the Indian tribe. Using this definition, a "change of ownership" would not apply to these objects; therefore, the amendment could allow us to issue a permit authorizing transportation into the United States for religious purposes. Although incidents involving repatriation from outside the United States may be few, we intend to make every effort to assist in implementing NAGPRA rules that fall within our jurisdiction.

Comment

One individual noted several reasons for opposing the proposed revision of part 22. The first reason was that the Eagle Act prohibits the import or export of bald and golden eagles. The second reason was that the Eagle Act also explicitly prohibits the taking, possession, sale, purchase, barter, or transport of bald and golden eagles.

This individual also noted that because the Eagle Act prohibits transport and import or export, the latter two terms are not meant to be included within the meaning of "Transportation."

Response

With respect to this individual's concerns on the Eagle Act prohibiting import and export, we regard this assertion as correct as it pertains to "import" or "export." We point out that the statutory authority in 16 U.S.C. 668a allows the Secretary of the Interior (Secretary) to issue permits for activities prohibited by the Eagle Act. This authority, delegated to us by the Secretary, provides for our oversight and enforcement and does not require Congressional administration of our day-to-day responsibilities. In making this change, we do not intend to include activities defined as "import" or "export" within the meaning of "transport." Our intent is to distinguish between import/export activities and "transport into or out of the United States" for very specific purposes as it applies to the Eagle Act. The intent of this change is to remove any unreasonable and unintended regulatory restrictions previously imposed upon American Indians and public institutions. By allowing transportation into or out of the United States on a restricted basis, we are ensuring that bald and golden eagle populations are not harmed and lawfully possessed eagle parts are utilized in ways consistent with the intent of the law.

Comment

The same individual also noted that the Act specifically authorizes "the taking, possession, and transportation of specimens * * * for scientific or exhibition purposes by public museums, scientific societies and zoological parks, or for the religious purposes of Indian tribes, * * *" but as the individual noted, nowhere is there any provision for permits or other relief from the specific prohibitions of import and export of bald and golden eagles or relevant specimens thereof.

This individual expressed the opinion that Congress specified the acts it intended to prohibit and those for which it intended to provide exceptions and believes Congress intended to prohibit import/export of eagles because those activities are not included within the specified exceptions. The individual also expressed the point of view that Congress did not intend "import" or "export" to be included within the meaning of the term "transportation," nor did it intend to provide any exception for "import" or "export" either directly or within the context of the term "transport." The individual asserted that, in regards to the Indian religious right to "import" or "export" eagles, Congress intended to abrogate any such Indian Treaty rights that may have existed.

Response

We do not agree with this person's interpretation of the Act. The Act, as codified in 16 U.S.C. 668a, expressly authorizes the Secretary to issue permits for certain activities. One of the permitted activities is transportation for scientific or exhibition purposes; another is transportation for the religious purposes of Indian tribes. We interpret the term "transportation" to include the transportation of bald and golden eagles, or their parts, nests, or eggs within the United States or, under limited circumstances, the

transportation of dead bald and golden eagles, or their parts, nests, or dead eggs into and out of the United States on a temporary basis. As previously stated, we will not issue a permit under this part that authorizes the transportation into or out of the United States of any live bald or golden eagles or any live eggs of these birds. We also disagree with this individual's interpretation of the intent of Congress with respect to the Eagle Act. It is not our position that the terms "import" or "export," as used in the Eagle Act, are included in the term "transportation." Rather, it is our position that Congress intended "import" or "export," as used in the Act, to refer to activities of a permanent nature with a commercial component and that the Eagle Act allows the Secretary to permit the temporary and conditional transportation of eagle parts across national borders for activities covered by this proposal. Regardless of what rights may or may not have been abrogated by the Eagle Act, the transportation activities authorized in this final rule are not importations or exportations for the purposes of the Eagle Act.

Comment

The same individual additionally noted that the term "import," as defined in the ESA, is also applicable to restrictions on bald eagles. The ESA, as the individual noted, defines "import" as "to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States." Therefore, in this person's opinion, it was unreasonable to expect an individual to understand how actions proposed to be included within the term "transportation into or out of the United States" for purposes of the Eagle Act would be treated as "imports" or "exports" under other treaties, statutes, or regulations. The person further expressed the point of view that neither administrative agencies nor the courts are free to substitute their own standards for standards imposed by statute. Another characterization made by this person was that the proposed regulations fail to contain any provision to either detect or prevent circumvention of the law.

Response

We disagree with the conclusion that the definition of "import" as it appears in the ESA is applicable to the Eagle Act. To define terms applying to a law within the law itself or within the implementing regulations of that law is both reasonable and customary. We define the term "transport" and clarify the definitions of "import" and "export" as they apply to the Eagle Act in the implementing regulations in 50 CFR 22.3. We strive to use regulatory terms in an invariable fashion; however, in certain cases it is necessary for the regulations to clarify terminology used within a specific statute. In the present case, we have chosen to define certain limited kinds of permitted transportation activities as transportation into or out of the United States. This is a special case where the use of a term has no application to any activity other than those specifically stated in the regulations of part 22. This distinction is necessary for the proper administration of the Eagle Act, in a manner consistent with the intent of Congress. We will make every effort to explain to permit applicants the impact that various statutes may have on a proposed activity and will seek to resolve any continuing confusion on the part of applicants when processing applications.

We believe the characterization of the changes made as a substitution of standards is inaccurate. The court system in the United States is founded on principles of judicial review and interpretation and, when necessary, the courts void laws in order to guarantee reasonableness and compliance with constitutional provisions. We believe that we share responsibility with the courts for ensuring that these laws are reasonably interpreted and constitutionally enforced. The changes to part 22 in this final rule are not a substitution of standards. The Eagle Act provides the authority to make changes in the way we administer eagle permits, and we seek to provide the reader with an interpretation and clarification of statutory and regulatory terminology. In making these changes we hope to prevent any abridgement of constitutional rights while continuing to provide for enforcement of the law within the standards and intent established by Congress.

We believe that we have adequate enforcement mechanisms in place to deter circumvention of the law and to ensure the return of eagle parts to the United States. In the case of transports, the permit conditions will require the permit holder to return the eagle parts to the country of origin. In addition, we may require submission of reports, inventories, or photographic records of items transported outside the United States in order to ensure those items' eventual return. Permit holders must comply with all permit conditions.

We believe that regulations have general application and do not only serve as a means of deterrence. Regulations also serve to provide notice to law-abiding citizens of how to conform their activities to comply with the requirements of applicable law. It is primarily the responsibility of the individual to abide by the requirements of applicable law and the requirements of the agency charged with implementing the law. We believe that the changes made to these regulations will neither increase nor decrease the underlying difficulty of detecting or preventing wildlife violations. The proposed changes are important because they allow a segment of our society the ability to exercise their religious freedoms without undue infringement. Additionally, the ability for the scientific and educational communities to share specimens and exhibits is important to encourage the protection and enhancement of the species.

Comment

The individual raised another issue by saying that the proposed regulation will not satisfy the requirements of other relevant treaties and statutes and the laws of foreign countries. Examples of this are the requirements of the ESA, MBTA, and CITES. In the individual's opinion, this would create several kinds of "innocent violator" situations. The person suggests several hypothetical scenarios to illustrate this assertion. In the first scenario, an individual trying to comply with the law receives a "transportation" permit and is of the belief that he or she is in full compliance with the law. Later, however, the same individual encounters difficulties upon learning he or she has not complied with the requirements of other applicable laws. The second scenario concerns an individual who succeeds in obtaining a new "transportation" permit, but finds he or she does not qualify for one or more required permits. In the third scenario an individual possessing a permit authorizing possession and transportation of eagle specimens within the United States mistakenly assumes that he or she can lawfully export and/or re-export his or her specimen.

Response

We are sympathetic to the concerns of this individual, but we believe that these hypothetical situations illustrate worst case scenarios that this revision to part 22 protects against. The changes made to part 22 will have exactly the opposite effect. As described above, the changes made in 50 CFR 22.11 reiterate that we may issue one permit, when possible, that will meet the separate requirements of the applicable laws.

This fact will help prevent the problems suggested in the first two scenarios from arising.

Regarding the third scenario, we do not wish to penalize a good faith applicant who misunderstands what a permit authorizes. We seek to minimize the chance of error or misunderstanding in the permitting process; however, permit conditions are very explicit as to what activities they authorize, and we must hold applicants accountable for activity outside those allowed. This revision does not change our position on the necessary compliance with applicable foreign laws as it pertains to the third scenario. It will continue to remain the primary responsibility of the individual seeking to transport items outside the United States, or to return such items to the United States, to ensure that he or she is in compliance with all applicable foreign laws and the CITES requirements for exiting a foreign country, or entering additional foreign countries while abroad.

Comment

Finally, the individual suggested that instead of making changes in the regulations, we should request that Congress amend the Eagle Act, and further suggested that by inserting "import, export" between the words "possession," and "and transportation" in the first paragraph of 16 U.S.C. 668a, all questions of meaning would be resolved.

Response

We do not believe that such measures are necessary in order to correct the limitations in the existing regulations. We believe that Congress already has provided adequate authority to respond to the needs of American Indians and public institutions. We also believe the terms defined in 50 CFR 22.3 are compatible with 50 CFR 14.4 or those in other sections of Title 50. We have clarified the definitions in these regulations within the scope of this Act and in accordance with the intentions of Congress for enforcement of the Eagle Act.

Required Determinations

Executive Order 12866

This rule was not subject to Office of Management and Budget (OMB) review under Executive Order 12866. We conducted a review of economic impacts and determined that the rule affects about 11,000 public zoological and scientific societies, public museums, and Native Americans who have permits under part 22. As commercial trade in eagles and eagle parts is illegal, there is no related commercial activity. The rule will not induce any new economic transactions. The ability to transport eagle parts across borders will generate benefits by permitting activities to occur without regard to political boundaries. Native American religious rites may be held at the appropriate places, and zoos and museums may be able to reach new audiences. These efficiency benefits will improve the welfare of the individual but will not be reflected in measures of economic activity.

Regulatory Flexibility Act—5 U.S.C. 601 et seq.

The Department of the Interior (Department) has determined that this final rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This revision will have a beneficial effect upon small entities for the reasons stated above and by simplifying general permit procedures.

Small Business Enforcement Fairness Act—5 U.S.C.

Similarly, this is not a major rule under the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2).

Paperwork Reduction Act of 1995—44 U.S.C. 3507(d)

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the U.S. Fish and Wildlife Service has, in the past, received approval for this collection of information using form 3–200 with approval number 1018–0022. This information is used to determine whether or not the applicant is qualified to take, possess, or transport bald and golden eagles, or their parts, nests, or eggs. The likely respondents to this collection of information are public zoological or scientific societies, public museums, and American Indians for religious purposes. The information is needed by us to determine whether an applicant meets the criteria established in this part and in part 13 of this subchapter B, allowing for the taking, possession, and transportation, of bald and golden eagles, or their parts, nests, or eggs. The annual burden of reporting and recordkeeping is estimated to be two hours or less per response. The estimated number of likely respondents is less than 2,600, yielding a total current annual reporting and recordkeeping burden of 5,200 hours or less.

Executive Order 12988, NEPA, and Endangered Species Consideration

The Department has determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988. These changes in the regulations in part 22 are regulatory and enforcement actions encompassed in a categorical exclusion from National Environmental Policy Act procedures under section 516 of the Department Manual. An Environmental Action Memorandum is on file in the U.S. Fish and Wildlife Service office in Arlington, Virginia. A determination has been made pursuant to section 7 of the Endangered Species Act that the revision of part 22 will not adversely affect federally-listed species.

Unfunded Mandates Reform Act—2 U.S.C. 1531 et seq.

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Executive Order 12630

In accordance with Executive Order 12630, the rule does not have significant takings implications. A takings implication assessment is not required. This rule does not alter the ownership rights associated with eagles and their parts.

Executive Order 12612

In accordance with Executive Order 12612, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Effective Date of Rule

This rule relieves current restrictions on Native Americans and qualifying public institutions and has no impact on wild populations of eagles. Accordingly, as provided by 5 U.S.C. 553(d) we have determined that the rule become effective immediately upon publication in the **Federal Register**.

List of Subjects in 50 CFR Part 22

Exports, Imports, Reporting and recordkeeping requirements, Transportation, and Wildlife.

Regulation Promulgation

For reasons explained in the preamble, Title 50, Chapter I, subchapter B, of the Code of Federal Regulations is amended as follows:

PART 22—[AMENDED]

1. The authority citation for part 22 is revised to read as follows:

Authority: 16 U.S.C. 668a; 16 U.S.C. 703–712; 16 U.S.C. 1531–1544.

2. Revise § 22.1 to read as follows:

§ 22.1 What is the purpose of this part?

This part controls the taking, possession, and transportation within the United States of bald and golden eagles for scientific, educational, and depredation control purposes and for the religious purposes of American Indian tribes. This part also governs the transportation into or out of the United States of bald and golden eagle parts for scientific, educational, and Indian religious purposes. The import, export, purchase, sale, trade, or barter of bald and golden eagles, or their parts, nests, or eggs is prohibited.

3. Amend § 22.2 by revising the heading and paragraph (a) to read as follows:

§ 22.2 What activities does this part apply to?

(a)(1) You can possess or transport within the United States, without a Federal permit:

(i) Any live or dead bale eagles, or their parts, nests, or eggs that were lawfully acquired before June 8, 1940; and

(ii) Any live or dead golden eagles, or their parts, nests, or eggs that were lawfully acquired before October 24, 1962.

(2) You may not transport into or out of the United States, import, export, purchase, sell, trade, barter, or offer for purchase, sale, trade, or barter bald or golden eagles, or their parts, nests, or eggs of these lawfully acquired pre-act birds. However, you may transport into or out of the United States any lawfully acquired dead bald or golden eagles, their parts, nests, or dead eagles, if you acquire a permit issued under § 22.22 of this part.

(3) No exemption from any statute or regulation will apply to any offspring of these pre-act birds.

(4) You must mark all shipments containing bald or golden eagles, alive or dead, their parts, nests, or eggs as directed in § 14.81 of this subchapter. The markings must contain the name and address of the person the shipment is going to, the name and address of the person the shipment is coming from, an accurate list of contents by species, and the number of each species.

* * * * *

4. Amend § 22.3 by revising the heading and adding in alphabetical order definitions for " export," "import," and "transportation into and out of the United States" to read as follows:

§ 22.3 What definitions do you need to know?

* * * * *

Export for the purpose of this part does not include the transportation of any dead bald or golden eagles, or their parts, nests, or dead eggs out of the United States when accompanied with a valid transportation permit.

* * * * *

Import for the purpose of this part does not include the transportation of any dead bald or golden eagles, or their parts, nests, or dead eggs into the United States when accompanied with a valid transportation permit.

* * * * *

Transportation into or out of the United States for the purpose of this part means that the permitted item or items transported into or out of the United States do not change ownership at any time, they are not transferred from one person to another in the pursuit of gain or profit, and they are transported into or out of the United States for Indian religious purposes, or for scientific or exhibition purposes under the conditions and during the time period specified on a transportation permit for the items.

5. Revise § 22.11 to read as follows:

§ 22.11 What is the relationship to other permit requirements?

You may not take, possess, or transport any bald eagle (*Haliaeetus leucocephalus*) or any golden eagle (*Aquila chrysaetos*), or the parts, nests, or eggs of such birds, except as allowed by a valid permit issued under this part, part 13, and/or § 21.22 of this subchapter, or authorized under a depredation order issued under subpart D of this part. We will accept a single application for a permit under this part and any other parts of this subchapter B if it includes all of the information required for an application under each applicable part.

(a) You do not need a permit under parts 17 and 21 of this subchapter B for any activity permitted under this part 22 with respect to bald or golden eagles or their parts, nests, or eggs.

(b) You must obtain a permit under part 21 of this subchapter for any activity that also involves migratory birds other than bald and golden eagles, and a permit under part 17 of this subchapter for any activity that also involves threatened or endangered species other than the bald eagle.

(c) If you are transporting dead bald or golden eagles, or their parts, nests, or dead eggs into or out of the United States, you will also need a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permit under part 23 of this subchapter.

6. Revise § 22.12 to read as follows:

§ 22.12 What activities are illegal?

(a) You may not sell, purchase, barter, trade, import, or export, or offer for sale, purchase, barter, or trade, at any time or in any manner, any bald eagle (*Haliaeetus leucocephalus*), or any golden eagle (*Aquila chrysaetos*), or the parts, nests, or eggs of these birds, and we will not issue a permit to authorize these acts.

(b) You may not transport into or out of the United States any *live* bald or golden eagle, or any *live* egg of those birds, and we will not issue a permit to authorize these acts.

7. Amend § 22.21 as follows:

a. By revising the heading and the introductory text,

b. By redesignating paragraphs (a)(1) through (a)(6) as (a)(3)(i) through (a)(3)(vi),

c. By revising paragraphs (a) introductory text, (b), and paragraph (c) introductory text, and

d. By adding paragraphs (a)(1), (a)(2), and (a)(3) introductory text, to read as follows:

§ 22.21 What are the requirements concerning scientific and exhibition purpose permits?

We may, under the provisions of this Section, issue a permit authorizing the taking, possession, transportation within the United States, or transportation into or out of the United States of lawfully possessed bald eagles or golden eagles, or their parts, nests, or eggs for the scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks. We will not issue a permit under this section that authorizes the transportation into or out of the United States of any live bald or golden eagles, or any live eggs of these birds.

(a) *How do I apply if I want a permit for scientific and exhibition purposes?*

(1) You must submit applications for permits to take, possess, or transport within the United States lawfully acquired live or dead bald or golden eagles, or their parts, nests, or live or dead eggs for scientific or exhibition purposes to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the Regional Directors in 50 CFR 2.2.

(2) If you want a permit to *transport into or out of the United States* any lawfully acquired dead bald or golden

eagles or their parts, nests, or dead eggs for scientific or exhibition purposes, you must submit your application to the Office of Management Authority. Your application must contain all the information necessary for the issuance of a CITES permit. You must also comply with all the requirements in part 23 of this subchapter before international travel. Mail should be addressed to: Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, VA, 22203.

(3) Your application for any permit under this section must also contain the information required under this section, § 13.12(a) of this subchapter, and the following information:

* * * * *

(b) *What are the conditions?* In addition to the general conditions in part 13 of this subchapter B, permits to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests, or eggs for scientific or exhibition purposes, are also subject to the following condition: In addition to any reporting requirement specifically noted in the permit, you must submit a report of activities conducted under the permit to the Regional Director—Attention: Migratory Bird Permit Office, within 30 days after the permit expires.

(c) *How do we evaluate your application for a permit?* We will conduct an investigation and will only issue a permit to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests, or eggs for scientific or exhibition purposes when we determine that the taking, possession, or transportation is compatible with the preservation of the bald eagle and golden eagle. In making this determination, we will consider, among other criteria, the following:

* * * * *

8. Amend § 22.22 as follows:

a. By removing paragraph (a)(6).

b. Revising the heading, the introductory text to the section, paragraph (a) introductory text, paragraph (a)(5), paragraph (b) introductory text, paragraph (b)(2), paragraph (c) introductory text, and paragraph (d) to read as follows:

§ 22.22 What are the requirements concerning permits for Indian religious purposes?

We will issue a permit only to members of Indian entities recognized and eligible to receive services from the United States Bureau of Indian Affairs listed under 25 U.S.C. 479a–1 engaged in religious activities who satisfy all the issuance criteria of this section. We may, under the provisions of this section, issue a permit authorizing the taking, possession, and transportation within the United States, or transportation into or out of the United States of lawfully acquired bald eagles or golden eagles, or their parts, nests, or eggs for Indian religious use. We will not issue a permit under this section that authorizes the transportation into or out of the United States of any *live* bald or golden eagles, or any *live* eggs of these birds.

(a) *How do I apply if I want a permit for Indian regligious purposes?* You must submit applications for permits to take, possess, transport within the United States, or transport into or out of the United States lawfully acquired bald or golden eagles, or their parts, nests, or eggs for Indian religious use to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. If you are applying for a permit to *transport into or out of the United States*, your application must contain all the information necessary for the issuance of a CITES permit. You must comply with all the requirements in part 23 of this subchapter before international travel. Your application for any permit under this section must also contain the information required under this section, § 13.12(a) of this subchapter, and the following information:

* * * * *

(5) You must attach a certification of enrollment in an Indian tribe that is federally recognized under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a–1, 108 Stat. 4791 (1994). The certificate must be signed by the tribal official who is authorized to certify that an individual is a duly enrolled member of that tribe, and must include the official title of that certifying official.

(b) *What are the permit conditions?* In addition to the general conditions in part 13 of this subchapter B, permits to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests or eggs for Indian religious use are subject to the following conditions:

(1) * * * * *

(2) You must submit reports or inventories, including photographs, of eagle feathers or parts on hand as requested by the issuing office.

(c) *How do we evaluate your application for a permit?* We will conduct an investigation and will only issue a permit to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests or eggs, for Indian religious use when we determine that the taking, possession, or transportation is compatible with the preservation of the bald and golden eagle. In making a determination, we will consider, among other criteria, the following:

* * * * *

(d) *How long are the permits valid?* We are authorized to amend, suspend, or revoke any permit that is issued under this section (see §§ 13.23, 13.27, and 13.28 of this subchapter).

(1) A permit issued to you that authorizes you to take bald or golden eagles will be valid during the period specified on the face of the permit, but will not be longer than 1 year from the date it is issued.

(2) A permit issued to you that authorizes you to transport and possess bald or golden eagles or their parts, nests, or eggs within the United States will be valid for your lifetime.

(3) A permit authorizing you to transport dead bald eagles or golden eagles, or their parts, nests, or dead eggs into or out of the United States can be used for multiple trips to or from the United States, but no trip can be longer than 180 days. The permit will be valid during the period specified on the face of the permit, not to exceed 3 years from the date it is issued.

9. Amend § 22.23 by revising the heading, paragraph (a) introductory text, the heading of paragraph (b), and paragraph (b)(4) to read as follows:

§ 22.23 What are the requirements for permits to take depredating eagles?

* * * * *

(a) *How do I apply for a permit?* You must submit applications for permits to take depredating bald or golden eagles to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. Your application must contain the information and certification required by § 13.12(a) of this subchapter, and the following additional information:

* * * * *

(b) *What are the permit conditions?*

* * *

* * * * *

(4) In addition to any reporting requirement on a permit, you must submit a report of activities conducted under the permit to the appropriate Regional Director—Attention: Migratory

Bird Permit Office within 10 days following completion of the taking operations or the expiration of the permit, whichever occurs first.

* * * * *

10. Amend § 22.25 by revising the heading and paragraph (a) introductory text to read as follows:

§ 22.25 What are the requirements concerning permits to take golden eagle nests?

* * * * *

(a) *How do I apply for a permit to take golden eagle nests?* You must submit applications for permits to take golden eagle nests to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. We will only accept applications if you are engaged in a resource development or recovery operation, including the planning and permitting stages of an operation. Your application must contain the general information and certification required by § 13.12(a) of this chapter plus the following additional information:

* * * * *

Dated: June 11, 1999.

Stephen C. Saunders,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 99–24282 Filed 9–16–99; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062–9062–01; I.D. 091099B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Statistical Area 620 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS issues an inseason adjustment to open directed fishing for pollock within the C fishing season in Statistical Area 620 of the Gulf of Alaska (GOA). This adjustment is necessary to manage the C seasonal allowance of the pollock total allowable catch (TAC).

DATES: Directed fishing for pollock in Statistical Area 620 will be open at 1200 hrs, A.l.t., September 14, 1999. Comments must be received at the following address no later than 4:30 p.m., A.l.t., September 29, 1999.

ADDRESSES: Comments may be mailed to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel. Hand delivery or courier delivery of comments may be sent to the Federal Building, 709 West 9th Street, Room 453, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS issued an inseason adjustment effective September 1, 1999, limiting the initial opening of the C season fishery in Statistical Area 620 to 24 hours in accordance with § 679.25(a)(1)(i)(64 FR 48329, September 3, 1999).

NMFS also extended the C fishing season by inseason adjustment to delay the start of the D fishing season until the agency had determined whether sufficient amounts of the C season allowance remained unharvested to allow another opening within the C fishing season prior to the harvest of the pollock authorized for the D season. NMFS has determined that 7,565 metric tons (mt) of pollock remain in the C seasonal allowance of the pollock TAC in Statistical Area 620 of the GOA.

NMFS has determined that the C seasonal allowance of pollock has not been taken and is terminating the previous C fishing season directed fishing closure in Statistical Area 620.

In accordance with § 679.25(a)(2)(iii), NMFS has determined that opening directed fishing in the C fishing season at 1200 hrs, A.l.t., September 14, 1999, is the least restrictive management adjustment to achieve the C seasonal allowance of the pollock TAC. Pursuant to § 679.25(b)(2), NMFS has considered data regarding catch per unit effort and rate of harvest in making this adjustment.

Classification

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Without this inseason adjustment, the C seasonal allowance of the pollock TAC in Statistical Area 620 of the GOA would not be harvested in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the preceding address until September 29, 1999.

This action is required by §§ 679.20 and 679.25 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 14, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24284 Filed 9–14–99; 3:20 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062–9062–01; I.D. 091099A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Statistical Area 630 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS issues an inseason adjustment to open directed fishing for pollock within the C fishing season in Statistical Area 630 of the Gulf of Alaska (GOA). This adjustment is necessary to manage the C seasonal allowance of the pollock total allowable catch (TAC).

DATES: Directed fishing for pollock in Statistical Area 630 will be open at 1200 hrs, A.l.t., September 14, 1999. Comments must be received at the following address no later than 4:30 p.m., A.l.t., September 29, 1999.

ADDRESSES: Comments may be mailed to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel. Hand delivery or courier delivery of comments may be sent to the Federal Building, 709 West 9th Street, Room 453, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS issued an inseason adjustment effective September 1, 1999, limiting the initial opening of the C season fishery in Statistical Area 630 to 24 hours in accordance with § 679.25(a)(1)(i)(64 FR 48332, September 3, 1999).

NMFS also extended the C fishing season by inseason adjustment to delay the start of the D fishing season until the agency had determined whether sufficient amounts of the C season allowance remained unharvested to allow another opening within the C fishing season prior to the harvest of the pollock authorized for the D season. NMFS has determined that 4,346 metric tons (mt) of pollock remain in the C seasonal allowance of the pollock TAC in Statistical Area 630 of the GOA.

NMFS has determined that the C seasonal allowance of pollock has not been taken and is terminating the previous C fishing season directed fishing closure in Statistical Area 630.

In accordance with § 679.25(a)(2)(iii), NMFS has determined that opening directed fishing in the C fishing season at 1200 hrs, A.l.t., September 14, 1999, is the least restrictive management adjustment to achieve the C seasonal allowance of the pollock TAC. Pursuant to § 679.25(b)(2), NMFS has considered data regarding catch per unit effort and rate of harvest in making this adjustment.

Classification

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Without this inseason adjustment, the C seasonal allowance of the pollock TAC in Statistical Area 630 of the GOA would not be harvested in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the preceding address until September 29, 1999.

This action is required by §§ 679.20 and 679.25 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 14, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24283 Filed 9–14–99; 3:19 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 180
Friday, September 17, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1735

RIN 0572–AB49

General Policies, Types of Loans, Loan Requirements—Telecommunications Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS) is proposing a minor amendment to its regulations that will clarify that loan applicants organized as limited liability companies may be eligible to receive financial assistance. This proposed rule is part of an ongoing RUS project to modernize agency policies in order to provide borrowers with the flexibility they need to continue providing reliable telephone service at reasonable costs in rural areas, while maintaining the integrity of Government loans. This action also conforms more closely to private lending practice.

In the final rules section of this **Federal Register**, RUS is publishing this action as a direct final rule without prior proposal because RUS views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to the direct final rule, no further action will be taken on this proposed rule and the action will become effective at the time specified in the direct final rule. If RUS receives adverse comments, a document will be published withdrawing the direct final rule and all public comments received will be addressed in a subsequent final rule based on this proposed action. Any parties interested in commenting on this proposed action should do so at this time.

DATES: Comments on this proposed action must be received on or before October 18, 1999.

ADDRESSES: Written comments should be sent to Roberta D. Purcell, Assistant Administrator, Telecommunications Program, Rural Utilities Service, 1400 Independence Avenue, SW., Room 4056, STOP 1590, Washington, DC 20250–1590. RUS requires a signed original and three copies of all comments (7 CFR part 1700). Comments will be available for public inspection at room 4056, South Building, U.S. Department of Agriculture, Washington, DC, between 8:00 a.m. and 4:00 p.m. (7 CFR part 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Jonathan P. Claffey, Deputy Assistant Administrator, Telecommunications Program, Rural Utilities Service, 1400 Independence Avenue, SW., Room 4056, STOP 1590, Washington, DC 20250–1590. Telephone: (202) 720–9556.

SUPPLEMENTARY INFORMATION: See the **SUPPLEMENTARY INFORMATION** provided in the direct final rule located in the final rules section of this **Federal Register** for the applicable supplementary information on this action.

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*; Pub. L. 103–354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

Dated: September 10, 1999.

Inga Smulkstys,

Acting Under Secretary, Rural Development.

[FR Doc. 99–24189 Filed 9–16–99; 8:45 am]

BILLING CODE 3410–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[DE037–1015b; FRL–6439–1]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the municipal solid waste landfill 111(d) plan submitted by the State of Delaware, Department of Natural Resources and Environmental Control, Division of Air and Waste Management, for the purpose of controlling landfill gas emissions from existing municipal solid waste (MSW) landfills. In the final rules section of the **Federal Register**, EPA is approving the plan. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments must be received in writing by October 18, 1999.

ADDRESSES: Comments may be mailed to Walter Wilkie, Acting Chief, Technical Assessment Branch, Mailcode 3AP22, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: James B. Topsale at (215) 814–2190, or by e-mail at topsale.jim@epamail.gov.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Authority: 42 U.S.C. 7401–7642.

Dated: September 2, 1999.

W. Michael McCabe,

Regional Administrator, EPA Region III.

[FR Doc. 99–24042 Filed 9–16–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6438–8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Proposal to delete the Dutchtown Oil Treatment Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA) proposes to delete the Dutchtown Oil Treatment Superfund Site (Site), located in Ascension Parish, Louisiana, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which

is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, 42 U.S.C. 9605, as amended. This action is being taken by the EPA, with the concurrence of the State of Louisiana, because the EPA has determined that all appropriate response actions have been implemented and remedial actions conducted at the Site to date remain protective of public health and the environment.

DATES: Comments concerning this action must be received by the EPA by October 18, 1999.

ADDRESSES: Comments may be mailed to: Ms. Janetta Coats, Community Relations Coordinator (6SF–PO), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7308.

Information Repositories: Comprehensive information on the Site is available at the Site information repositories at the following locations: U.S. EPA Region 6 Library (12th Floor), 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6424; Louisiana Department of Environmental Quality, 7290 Bluebonnet Road, Baton Rouge, Louisiana 70809, (225) 765–0487; Ascension Parish Library, 708 S. Irma Blvd., Gonzales, LA 70737, (504) 647–3955.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen L. Tzhone, Remedial Project Manager (6SF–LP), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8409.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final action to delete notice which is located in the Rules section of this **Federal Register**.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: August 31, 1999.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

[FR Doc. 99–24040 Filed 9–16–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6439–8]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Tipton Army Airfield portion of Fort George Meade Site, located in Fort Meade, Maryland, from the National Priorities List (partial site deletion) and Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA) Region III announces its intent to delete the Tipton Army Airfield portion of the Fort George Meade Site (Site) from the National Priorities List (NPL) and requests public comment on this action.

The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the Maryland Department of Environment (MDE) have determined that all appropriate CERCLA response actions have been implemented and that no further action is appropriate. Moreover, EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of this Site from the NPL may be submitted on or before October 18, 1999.

ADDRESSES: Comments may be submitted to Nicholas J. DiNardo, (3HS13), Project Manager, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania, 19103–2029, (215) 814–3365.

Comprehensive information on this Site is available for viewing at the Site information repositories at the following locations:

(1) Provinces Public Library, 2624 Annapolis Road, Severn, MD 21144, Phone: (410) 222–6280.

Hours: Mondays, Tuesdays and Thursdays—1:00 p.m. to 9:00 p.m.; Wednesdays and Saturdays—9:00 a.m. to 5:00 p.m.; and Fridays—1:00 p.m. to 5:00 p.m.

(2) U.S. Army, Directorate of Public Works, Attn: ANME–PWE, Bldg. 239, 2–1/2 Street and Ross Road, Fort Meade, MD 20755, Phone: (301) 677–9648.

FOR FURTHER INFORMATION CONTACT: Nicholas J. DiNardo, (3HS13), Project Manager, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania, 19103–2029, (215) 814–3365.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
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I. Introduction

The Environmental Protection Agency (EPA) Region III announces its intent to delete the Tipton Army Airfield portion of the Fort George Meade Site, located in Fort Meade, Anne Arundel County, Maryland, from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this partial deletion. Releases on the Tipton Army Airfield portion were located at Inactive Landfill 1, Inactive Landfill 2, Inactive Landfill 3, Fire Training Area, and Helicopter Hangar Area. The Army is the DOD component and is responsible for implementing all response actions at the Fort George Meade NPL Site. In consultation with EPA and MDE, the Army has completed all required response actions at Tipton Army Airfield portion of the Fort George Meade NPL Site as detailed below.

The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions. Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for remedial actions if future conditions at the site warrant such action.

In a December 1998 Record of Decision (ROD), an interim remedial action decision for Tipton groundwater was made, in addition to a no further action determination for the soils in the following areas of concern:

- Helicopter Hangar Area (HHA);
- Fire Training Area (FTA); and
- Inactive Landfill No. 3 (IAL3).

In a June 1999 ROD, a final determination for Tipton groundwater, which includes continued monitoring, was made in addition to a no further action determination for the soils in the following areas of concern:

- Inactive Landfill No. 1 (IAL1); and
- Inactive Landfill No. 2 (IAL2).

EPA will accept comments on the proposal to delete this Site from the NPL for thirty calendar days after publication of this notice in the **Federal Register**. Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate responses under CERCLA have been implemented and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

In addition to the above, for all remedial actions which result in hazardous substances, pollutants, or contaminants remaining at a site above levels that allow for unlimited use and unrestricted exposure, CERCLA § 121(c), 42 U.S.C. 9621(c), the NCP at 40 CFR 300.430(f)(4)(ii) and EPA's policy, OSWER Directive 9320.2–09, dated August 1995, provide that a subsequent review of a site will be conducted by the lead Agency "no less often than" every five years after the initiation of the first remedial action at a site to ensure that conditions at a site remain protective of public health and the environment. In the case of a site, the Army will conduct a review every 5 years to evaluate the frequency and need for continued monitoring of conditions at the Site. This is to ensure that the no further action remedies continue to provide adequate protection of human health and the environment. As explained/discussed below, the Site meets the NCP's deletion criteria listed above. Five-year reviews will continue to be conducted at the Site until no hazardous substances, pollutants, or contaminants remain above levels that allow for unlimited use and unrestricted exposure.

The NCP further specifies that releases shall not be deleted from the NPL until the State in which the release was located has concurred on the proposed deletion. 40 CFR 300.425(e)(2). All releases deleted from the NPL are eligible for further remedial actions should future conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System. 40 CFR 300.425(e)(3).

III. Deletion Procedures

Section 300.425(e)(4) of the NCP sets forth requirements for site deletions to assure public involvement in the decision. MDE also will review this document along with all other documents in the Administrative Record and any public comment that may be received during the public comments period. During the process of proposing to delete a site from the NPL, EPA is required to conduct the following activities:

(i) Publish a notice of intent to delete in the **Federal Register** and solicit comment through a public comment period of a minimum of 30 calendar days;

(ii) Publish a notice of availability of the notice of intent to delete in a major local newspaper of general circulation at or near the release that is proposed for deletion;

(iii) Place copies of information supporting the proposed deletion in the information repository at or near the site proposed for deletion. These items shall be available for public inspection and copying; and,

(iv) Respond to each significant comment and any significant new data submitted during the comment period in a Responsiveness Summary and include this response document in the final deletion package.

If appropriate, after consideration of comments received during the public comment period, EPA will then publish a notice of final deletion in the **Federal Register** and place the final deletion package, including the Responsiveness Summary, in the Site information repositories.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. As stated in Section II of this Notice, Section 300.425(e)(3) of the NCP provides that the deletion of a site from the NPL does not preclude eligibility for future response actions.

IV. Basis for Intended Site Deletion

A. Site History

The following site summary provides EPA's rationale for the proposal to delete the Tipton Army Airfield portion of the Fort George Meade Site from the NPL.

Fort George G. Meade (FGGM) is located in Fort Meade, Maryland. FGGM formerly occupied 13,596 acres of land in the northwest corner of Anne Arundel County. FGGM is a Base Closure and Realignment Act of 1988 (BRAC) parcel, located east of State Route 198 and south of Highway 32. It is bounded on the west by the Baltimore-Washington Parkway and by the Patuxent River to the south. The Amtrak railroad track right-of-way and State Route 175 form the southeast and northeast boundaries of FGGM, respectively.

The facility was authorized by Congress in 1917 as a training cantonment for troops during World War I. The U.S. Government commandeered 4,000 acres, most of which was then farm land, and named the installation Camp Meade in honor of Major General George G. Meade. In January 1941, additional training areas were added within the installation, expanding the post to 13,596 acres. During the 1940s, the facility underwent widespread growth to accommodate several regiments who moved their base of operations to FGGM, including the Second U.S. Army and the Eleventh Cavalry. Tipton Army Airfield was completed in 1963, replacing a small airstrip which had been in operation since 1928.

In 1988, the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 mandated the closure and/or realignment of approximately 9,000 acres, encompassing the southernmost two-thirds of the installation. In 1991, the Army transferred 7,600 of the 9,000 acres to the Department of the Interior's Patuxent Research Refuge (PRR), formerly known as the Patuxent Wildlife Research Center. A second land transfer of approximately 500 acres to the PRR took place in January, 1993.

Use of the Site as a military range has been documented as far back as the early 1920s. In Special Military Maps from 1923, the area, later designated as Tipton Army Airfield, was identified as an artillery impact area. A 1941 South Cantonment Map shows that two ranges were located within the future Tipton Army Airfield area; one was an anti-tank range to the west of Bullard Hill, the other was an anti-aircraft range to the east of Bullard Hill. In the summer of 1942, 81mm and 60mm mortars were used in this area for target practice. During the same timeframe, live high-explosive shells were fired over the heads of troops for training purposes.

The investigation of the Tipton Army Airfield portion of the Fort George Meade NPL Site included the following areas: Helicopter Hangar Area (HHA), Fire Training Area (FTA), Inactive Landfill #1 (IAL1), Inactive Landfill #2 (IAL2), and Inactive Landfill #3 (IAL3).

HHA includes Building 90 and adjacent areas located at the northwest corner of the airfield. The HHA is roughly bounded by the Little Patuxent River to the west, an unnamed tributary to the Little Patuxent River to the north, Patuxent Road to the east, and the helicopter parking area to the south. The HHA is located approximately 800 feet west of the FTA. The HHA covers approximately 5 acres.

During operations, the 97th Army Command performed maintenance and storage of helicopters at Hangar 90. Typical activities included washing, disassembly, repair, and painting of aircraft. In addition to the use of fuels such as aviation and diesel fuel, other materials that were typically used, handled or stored included hydraulic and lubricating oils, detergents, and solvents. Hangar 90 was cleared and taken out of service when it was decommissioned in early 1996.

The FTA is located north of Airfield Road and is about 800 feet east of the HHA. The FTA covers approximately two acres. The FTA is flat and sparsely vegetated with grass. A drainage swale and culvert were located parallel to the gate that drained to wetlands/forested area just west of the FTA. The northern half of the FTA is fenced off, enclosing the fire training pit and adjacent training areas. The area was constructed around 1979 for training purposes by the Fort Meade Fire Department. Fires were typically set inside the pit or in portable burn pans by using gasoline or aviation fuel. The fires were then extinguished with water or aqueous film-forming foam, a synthetic extinguishing agent. Other emergency response training, such as self-contained breathing apparatus training and emergency rescues, were performed at the FTA. The fire training pit was constructed of a concrete berm about one foot high and twenty feet in diameter, which was surrounded by a concrete apron. An oil-water separator located on the south side of the fire training pit was used in draining the pit. Water from the separator was transported from the site via an underground pipeline to a sanitary sewer. Both the fire training pit and the oil-water separator were removed in 1998. During the Final RI report (USACE, 1998b), contaminants from this area were shown to be restricted to the two wells nearest the FTA.

IAL3 is located on the Tipton Army Airfield parcel in the eastern portion of the runway area. According to the Enhanced Preliminary Assessment (PA) Report (USAEC, 1989), IAL3 was initially used as a sand borrow area. During the late 1940s and 1950s, the area was used as a sanitary and "leaf-dump" landfill. The Tipton Army Airfield was constructed over the fill area in 1963. The airfield consists of four hangars, an operations building, a fire station, taxiways and runway, and a helicopter training area. A storm water management system is located under the airfield. The site history indicates that the main disposal area was under what is now the eastern portion of the runway area. According to the Enhanced PA, during construction of the airfield in 1963, much of IAL3 was excavated and the materials were disposed of off-post. The airfield construction plans, which include both pre- and post-construction geotechnical soil boring logs, indicate that landfill materials were removed from beneath all runway construction areas for structural reasons. However, landfilled materials are still present in areas subjacent to the runways. The landfill boundary was developed based on the extent of historical operations, aerial photographs, and subsequent site investigations.

IAL1 covers 16 acres in the north-central portion of the BRAC parcel between the Little Patuxent River and Bald Eagle Drive. IAL1 is considered part of the Tipton Army Airfield parcel although it is physically separated from the airfield by the Little Patuxent River. A small concrete blockhouse, formerly used as a communications building, is present on the northwest corner of the area. This boundary was developed based on the extent of historical operations, aerial photographs, and subsequent site investigation activities.

According to the Enhanced PA report (USAEC, 1989), IAL1 was used as an unlined sanitary landfill from approximately 1950 to 1964. No information has been found indicating the types of material disposed of at this location. Select historical aerial photographs of IAL1, compiled by the USEPA (1990 and 1996), are presented in the Final RI report (USACE, 1998a). The earliest known aerial photograph (1938) shows IAL1 as a cultivated field. In subsequent aerial photographs from 1943, 1952, and 1957, IAL1 appears as an open clearing or training area, with no evidence of ground scarring or landfill activity. Landfill activities were first indicated in aerial photographs from 1963, which show barren areas and what appear to be trenches, probable debris, and mounded material presumably associated with landfill activities (USEPA, 1990). Aerial photographs since 1970 show the area as inactive. The 1963 treeline, which appears to correspond to the maximum extent of man-made activities, persists to the present. Areas of mounded materials located on the north side of IAL1, which were first observed on the 1970 photographs, also persist to the present. A possible former burial trench location, corresponding to the mounded area and an area of strong magnetic responses, was tentatively located in the northern part of IAL1.

IAL2 is located within the BRAC parcel on approximately 10 acres of land north of New Tank Road (now Wildlife Loop), approximately 450 feet north and east of the Little Patuxent River. The bulk of IAL2 is separated from the PRR by the perimeter fence which runs along New Tank Road then turns north along the western side of IAL2. A dirt access road runs north, from a locked gate in the fence, through IAL2 to Tipton Airfield. Other unnamed tracks provide access to the area between IAL2 and the Little Patuxent River. No buildings or structures are present at IAL2. This boundary was developed based on the extent of historical operations, aerial photographs, and subsequent site investigations.

Select historical aerial photographs of IAL2 from USEPA photo compilations are presented in the Final Remedial Investigation (RI) report (USACE, 1998a). IAL2 was initially operated as a soil borrow area. Large active excavations are apparent in aerial photographs from 1938 and 1943 (USEPA, 1996). By 1952, the borrow area was mostly overgrown. According to the Enhanced PA (USAEC, 1989), the area was subsequently operated as an unlined rubble disposal area. In 1957 and 1963, at its maximum extent, mounded materials and probable fill material are visible in the southern portion of the area. IAL2 was little used between 1963 and 1970, with aerial photographs showing the area being increasingly revegetated. A single north-northwest trending trench is visible along the east side of the access road in 1970 (USEPA, 1990). Continued disposal activity occurred after 1980 in the northern portion of IAL2 where graded and disturbed areas are visible in 1986. During RI fieldwork, piles of rubble material (brush, concrete and asphalt debris) which appear to be of more recent origin were observed in a marshy area on the north side of IAL2.

Several environmental investigations have been performed at FGGM since 1988, including an Enhanced PA

(USAEC, 1989), a study by the Maryland Department of Natural Resources (MDNR), an RI (USAEC, 1992a), a Site Inspection (SI) Study (USAEC, 1992b), a Draft SI Addendum (which included an Environmental Impact Statement (EIS) and a Wetland Identification Study) (USACE, 1991), an Ordnance and Explosives (OE) Removal Action (USACE, 1997), RI reports (USACE 1998a and 1998b), and sampling and data evaluation for the Defense Reutilization and Marketing Office Salvage Yard (DRMO) (USACE, 1999). The Enhanced PA includes a review of all available records related to air, soil, surface water, and groundwater, and identifies six areas of concern requiring additional investigation at FGGM: active and inactive landfills, underground storage tanks, asbestos, unexploded ordnance, surface water, and burning grounds. These reports either address totally or in part parcels of Tipton Army Airfield.

Maryland Department of Natural Resources "MDNR" conducted an evaluation of the 9,000-acre BRAC parcel in January 1990, which includes the Tipton area. The study describes the natural features and land uses associated with the 9,000 acres to be excessed from FGGM and discusses the degree of development of the retained land. In January 1991, a wetland identification study was prepared by RGH/CH2M Hill, Inc. to complete the study of the closure and use/reuse alternatives for the 9,000-acre parcel at FGGM (USAEC, 1994). The report describes the methods used to identify wetlands on the parcel and presents a map of wetlands distribution.

A Final EIS for the comprehensive base realignment and partial closure for FGGM and Fort Holabird was prepared by the U.S. Army Corps of Engineers, Baltimore District, in August, 1991. This report focuses on the environmental and socioeconomic impacts associated with the planned base realignment and partial closure at FGGM and Fort Holabird. The EIS covers the 9,000-acre BRAC parcel at FGGM. A Draft SI report was submitted by EA Engineering, Science and Technology (EA) in January, 1992. This report discusses conditions at the Helicopter Hangar Area (HHA), four inactive landfills (IAL1 to IAL4), the DRMO, the Fire Training Area (FTA), the Ordnance Demolition Area (ODA), underground storage tanks, and asbestos. The Final SI was submitted in October 1992 (USAEC, 1992b).

A Draft SI Addendum (SIA) report, prepared by Arthur D. Little, Inc., addresses data gaps identified in the previous SI report (USAEC, 1994a). The SIA focused on the following six areas of investigation: DRMO Salvage Yard, the FTA, the HHA, IAL2, the ODA, and Soldiers Lake. Another study, a Remedial Investigation Addendum (RIA), was conducted concurrently with the SIA (USAEC, 1993a). The results of the RIA are reported as a separate document. However, some basewide data, such as geology, general hydrogeology, and background soil concentrations, are reported in both reports. An OE Removal was conducted by Human Factors Applications, Inc. (HFA) over the Tipton Army Airfield parcel in 1996 (USACE, 1997a). With the exception of the interior areas of the inactive landfill sites and areas beneath water, all unpaved areas of the parcel were searched for potential unexploded ordnance (UXO) to a depth of four feet.

RI reports (USACE, 1998a and USACE, 1998b) of IAL1, IAL2, IAL3, the CFD, the FTA, and the HHA were prepared by ICF Kaiser. In addition, an ecological risk assessment was performed for the 9,000-acre BRAC parcel, which included data from the inactive landfills, the CFD, FTA, and HHA. RI sampling data for the DRMO (USACE, 1999) was recently approved by EPA and MDE. This RI evaluated the potential for the DRMO to act as an upgradient source for groundwater contamination in the Tipton Army Airfield area. The RI data evaluation determined that the DRMO was not impacting the groundwater at the Tipton Army Airfield. While other groundwater studies will still be conducted for separate operable units at the Fort George Meade Site and may still include the Tipton area, no other upgradient areas are suspected as sources of groundwater contamination at the Tipton Army Airfield.

B. Other Army Actions and Safety Precautions Taken in the Tipton Army Airfield Area

Past military training activities resulted in the presence of UXO at the Tipton Army Airfield parcel. The following is a list of many actions and safety precautions taken by the Army at the Site:

Ordnance Survey (1994)

The Army commissioned an ordnance survey covering all areas of the airfield to assess the extent of ordnance remaining at the Site and surrounding areas. During this survey, ordnance was searched for to a depth of six inches below the surface, and 10% of the remaining area was surveyed for ordnance to a depth of five feet. During this action, a total of 1,400 ordnance items were recovered from the Site and surrounding areas.

Ordnance Clearance (1995–1997)

The Army searched for ordnance from all accessible areas of the Site to a four-foot depth. Inactive landfill areas, wetlands, and all paved surfaces were excluded. During this action, 1,548 ordnance items were recovered, rendered safe, and disposed of. In addition, more than 33 tons of scrap (concrete, metal, and miscellaneous debris) were recovered incidental to the ordnance removal. Much of this material was recycled at local facilities.

Miscellaneous Debris Removal (Summer 1998)

Several items that were identified during previous ordnance clearance projects were recovered for disposal. Items removed included several 55-gallon drums and an old vehicle-mounted storage tank.

Ordnance Safety Measures, Inactive Landfill 3 (1998)

The Army performed ordnance survey work in and around IAL3. The safety plan for this area includes developing a long-term monitoring plan for the site. The first step in this effort was to identify the depth of soil cover over any landfill debris at this site. The Army will now develop a schedule for periodic surface sweeps of the area to ensure that no ordnance items have migrated to the surface through frost action.

Ordnance Safety Measures, Inactive Landfill 2 (1998)

IAL2, located at the southern most end of the Tipton parcel, could not be cleared of suspected ordnance because the area contains large amounts of rubble debris and is partially composed of wetlands with a shallow water table. The selected response action for this site was the installation of a passive engineering control consisting of a seven-foot high chain link fence with three-strand barbed wire surrounding the entire site. The fence ties into an existing fence along Wildlife Loop Road, and encompasses an area of 24.68 acres that will be retained by the United States as a part of FGGM. IAL2 will not be included in the Tipton parcel transfer.

Ordnance Safety Measures, Building Debris Site (1999)

The Army took additional ordnance safety measures at a 2½-acre area designated as the Building Debris Site. Because of its central location, this area has been made a priority for reuse. The

selected response action for the site is a combination of additional ordnance clearance and construction of a vehicle parking lot.

Ordnance Safety Measures, Inactive Landfill 1 (1998–1999)

The selected response action for IAL1 was a combination of ordnance clearance to a four-foot depth and construction of a safety cover. During this action, 54 ordnance items were recovered, rendered safe, and disposed of. In addition, more than 760 tons of scrap (concrete, metal, and miscellaneous debris) were recovered incidental to the ordnance removal, and recycled at local facilities. The area of IAL1 not cleared of suspected ordnance is approximately 5.5 acres. A three-foot thick safety cover has been constructed over the entire landfill.

In summary, the Army's prior response actions addressed the explosives risks related to UXO and protect human health and the environment. The specifics of the Tipton Airfield Decision Document (July, 1998), and the Decision Document Addendum (November, 1998) include the establishment and enforcement of land use restrictions, initially via the FGGM Master Plan and, subsequent to property transfer, via deed restrictions. Existing land use restrictions include a prohibition on conducting any surface or subsurface excavations, digging, well drilling, or other disturbances of soil, or below paved surfaces, without prior written approval of the U.S. Government. This approval is also required for the first four feet which was previously cleared of ordnance items. Exceptions can be made for emergency repair of existing utilities. Groundwater use at the Site is restricted for any potable or non-potable purposes except for environmental studies. Furthermore, the existing land use restrictions prohibit residential use of the property without evaluation of residential exposure risk.

C. Hazard Ranking Process

On April 1, 1997, Fort George G. Meade (FGGM) was proposed for inclusion to the National Priorities List (NPL). FGGM was added to the final NPL on July 28,1998. The initial proposal was based on a Hazard Ranking System (HRS) Score of 51.44, compiled by EPA. An HRS score of 28.5 has been determined as the cut-off point for inclusion on the NPL; thus sites scoring below that will typically not be added to the NPL. None of the areas included in this deletion proposal were used in compiling the above score. Releases at the following four areas at FGGM were evaluated by the HRS scoring team;

(1) Defense Property Disposal Office (DPDO) Salvage Yard;

(2) Post Laundry Facility (PLF);

(3) Active Sanitary Landfill (ASL); and

(4) Clean Fill Dump (CFD).

The most significant exposure pathway within the HRS Documentation Record was the observed releases to the surface water migration pathway (SWMP) from these areas. Primary contaminants of potential concern (COPCs) in the SWMP were DDT and Lindane. Atrazine was the primary COPC in the groundwater migration pathway of the HRS. New information indicates that none of the private wells in the HRS Documentation Record are currently being used for drinking water purposes (Phone record with Amanda Sigillito of Maryland Department of Environment). In addition to the COPCs identified in the offpost private wells, new and existing information (Ref. No. 25 and No. 26 in the HRS) indicates that Atrazine was detected in offpost private wells only and not attributed to the ASL ("ASL Atrazine Study", U.S. Army Environmental Center, June 1995). Atrazine is stored and mixed at the Amtrak rail yard, which is located between the ASL and the offpost wells. Although Atrazine was not used for HRS purposes, it is likely to be attributable to sources other than the ASL.

The Army and EPA issued a Record of Decision in December, 1998 which included an interim remedy for the Tipton area groundwater, and which included a final remedy of no further action for soils at HHA, FTA, and IAL3. The Army and EPA issued a Record of Decision in June, 1999 which included no further action as a final remedy for Tipton area groundwater with continued monitoring, and no further action for soils at IAL1 and IAL2. Details of the groundwater remedies are discussed in the following sections. The RI reports provide the basis for the no further action determinations. These reports, which include the Baseline Risk Assessment, document the findings associated with the Site. These findings indicate that contaminants detected in the environment do not pose an unacceptable risk to human health and the environment as long as the land use restrictions selected and established by the Tipton Airfield Decision Document and the Decision Document Addendum remain in effect. The risk calculated under the current and reasonably anticipated future land use scenarios for the Site is within the EPA's acceptable risk range. Previously established land use restrictions focus on maintaining these land use assumptions.

The RI reports included both ecological and human health risk assessments to address the potential current and future risks posed to human health and the environment associated with the Site. The human health risk assessment was based on exposure to soil, surface water, sediment, and supplementary evaluations of groundwater. The ecological risk assessment was based on exposure to soil, sediments, and surface water. The risk assessment included estimates of the risk posed to human health and the environment assuming the continuation of the current industrial (non-residential) land use scenario, as well as risk in the absence of restrictions, or in the event of contaminant migration. The establishment of land use restrictions eliminates the exposure route to the contaminated groundwater and, therefore, protects human health and the environment. The groundwater assessment supports the continuation of these restrictions. The current land use scenario estimates the level of risk posed by Fort Meade's current use of the land. The current land use scenario is based on the assumption that the property continues in current or like use remains, remains under U.S. Government authority to enforce existing land use restrictions, and assumes that groundwater contaminant migration to off-site receptors will not occur at unacceptable levels.

The RI report for IAL3 also documents Maximum Contaminant Level (MCL) exceedances of the volatile organic compound, benzene, in groundwater sampled from well MW3–2 during two sampling rounds. Benzene has an MCL of 5.0 µg/l. The average benzene concentration detected during the two sampling events is 9.05 µg/l. The RI investigation did not reveal a likely source area. Although the average concentration of 9.05 µg/l exceeds the MCL, the risks associated with benzene in the Tipton area groundwater as a whole were relatively low. Even if the groundwater were used residentially, the benzene risks would be as follows: for a child, the Hazard Index (HI) would be 0.04; for an adult, the HI would be 0.07; and the cancer risk would be 2×10^{-6}. Therefore, it has been determined that benzene is not a risk driver for groundwater.

Health risks are based on a conservative estimate of the potential carcinogenic risk or potential to cause other health effects not related to cancer. Carcinogenic risks and non-carcinogenic risks were evaluated as part of the risk assessment; three factors

were considered: (1) Nature and extent of chemicals at the Site, (2) the pathways through which human and ecological receptors are or may be exposed to those chemicals at the Site, and (3) potential toxic effects of those chemicals.

Cancer risks are expressed as numbers reflecting the increased chance that a person will develop cancer, if he/she is directly exposed (e.g., through working at the Site) to the chemicals found in the groundwater and soil at the Site over a period of time. For example, EPA's acceptable risk range for Superfund sites is 1×10^{-4} to 1×10^{-6}, meaning there is one additional chance in ten thousand (1×10^{-4}) to one additional chance in one million (1×10^{-6}) that a person will develop cancer if exposed to a Superfund site. The risk associated with developing other health effects is expressed as a HI, which is the ratio of the existing level of exposure to contaminants at a site to an acceptable level of exposure. Below a HI of 1, adverse effects are not expected. A HI is also used to evaluate ecological risks.

An isolated detection of 2-amino-4, 6-dinitrotoluene was observed at 0.522 µg/l in well MW3–2. This compound, an explosive's degradation product, was detected at lower depths (Arundel Confining Layer) during one of two sampling rounds. This isolated detection resulted in an HI less than 1 for commercial/industrial use scenarios. 4-amino-2,6-dinitrotoluene was detected in both sampling rounds in well MW3–2. The average sample concentration is 28.6 µg/l resulting in a HI of 2 (EPA Region 3 risk-based screening concentration = 2.2 µg/l; Hazard Quotient of 1). The area-wide evaluation of groundwater concluded that the contamination was not originating from an identifiable source area within the Site, but was the result of past activities at Fort George Meade. There is no known carcinogenic risk associated with 4-amino-2,6-dinitrotoluene. The aminodinitrotoluenes (particularly 4–A–2,6–DNT) are associated with HIs greater than 1 for groundwater use by workers or residents. Because of the land use restrictions already in effect, it has been determined that no exposure pathways to the public exist due to this class of contaminants, provided that the land use restrictions are maintained. This is also true of metals, bis(2-ethylhexyl)phthalate, and acetophenone, which could contribute further to risks (both carcinogenic and noncarcinogenic) if residential receptors were ever exposed to the groundwater. In addition, a study of groundwater migration does not indicate expected migration of these chemicals to off-post residential wells above unacceptable concentrations. Given the relatively low concentrations of the aminodinitrotoluenes, the lack of a known carcinogenic risk relating to this class of contaminants, the lack of an identifiable source of these contaminants within the Site, and the lack of an exposure route, it has been determined that no active groundwater remediation is required.

Because of the RI findings, the Army and EPA determined that every two years after the date of the June 1999 ROD, groundwater will be sampled from certain wells. Monitoring results will be provided to EPA, MDE, and the Army. In addition, the Tipton area will be inspected to assure compliance with the land use restrictions. A review every 5 years will be conducted to evaluate the frequency and need for continued monitoring. This is to ensure that the remedies continue to provide adequate protection to human health and the environment. The five year reviews will be conducted pursuant to OSWER Directive 9355.7–02, "Structure and Components of Five-Year Reviews," and/or other applicable guidance.

The remedies selected for this Site will be implemented in accordance with the two Records of Decision. Human health threats and potential environmental impacts have been reduced to acceptable levels. EPA and the MDE, therefore, find that the remedies implemented will provide adequate protection to human health and the environment.

EPA, with the concurrence of MDE, believes that the criteria for deletion of the Tipton Army Airfield portion of the Fort George Meade Site have been met. Therefore, EPA is proposing deletion of the Tipton Army Airfield portion of the Fort George Meade Site from the NPL.

Dated: September 10, 1999.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 99–24280 Filed 9–16–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA–1086–N]

Medicare Program; Meetings of the Negotiated Rulemaking Committee on the Ambulance Fee Schedule

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meetings.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces the dates and locations for the sixth and seventh meetings of the Negotiated Rulemaking Committee on the Ambulance Fee Schedule. This meeting is open to the public.

The purpose of this committee is to develop a proposed rule that would establish a fee schedule for the payment of ambulance services under the Medicare program through negotiated rulemaking, as mandated by section 4531(b) of the Balanced Budget Act (BBA '97) of 1997.

DATES: The sixth meeting is scheduled for October 4, 1999 from 9:00 a.m. until 5 p.m. and October 5, 1999 from 8:30 a.m. until 4 p.m. E.S.T. The seventh meeting is scheduled for December 6, 1999 from 9 a.m. until 5 p.m., December 7, 1999 from 9 a.m. until 5 p.m., and December 8, 1999 from 8:30 a.m. until 4 p.m.

ADDRESSES: The 2-day October meeting will be held at Turf Valley Hotel, 2700 Turf Road, Ellicott City, Maryland 21042; (410) 465–1500. The 3-day December meeting will be held at Doyle's Hotel, 1500 New Hampshire Avenue, N.W., Washington, D.C. 20036; (202) 483–6000.

FOR FURTHER INFORMATION CONTACT: Inquiries regarding these meetings should be addressed to Bob Niemann ((410) 786–4569) or Margot Blige ((410) 786-4642) for general issues related to ambulance services or to Lynn Sylvester, ((202) 606–9140) or Elayne Tempel, ((207) 780–3408) facilitators.

SUPPLEMENTARY INFORMATION: Section 4531(b)(2) of the Balanced Budget Act of 1997 (BBA '97), Public Law 105–33, added a new section 1834(l) to the Social Security Act (the Act). Section 1834(l) of the Act mandates implementation, by January 1, 2000, of a national fee schedule for payment of ambulance services furnished under Medicare Part B. The fee schedule is to be established through negotiated rulemaking. Section 4531(b)(2) also provides that in establishing such fee schedule, the Secretary will—

- Establish mechanisms to control increases in expenditures for ambulance services under Part B of the program;
- Establish definitions for ambulance services that link payments to the type of services furnished;
- Consider appropriate regional and operational differences;
- Consider adjustments to payment rates to account for inflation and other relevant factors; and

• Phase in the fee schedule in an efficient and fair manner.

The Negotiated Rulemaking Committee on the Ambulance Fee Schedule has been established to provide advice and make recommendations to the Secretary with respect to the text and content of a proposed rule that would establish a fee schedule for the payment of ambulance services under Part B of the Medicare program.

The Committee held its third meeting on May 24 and 25, 1999. At this meeting, the Committee heard presentations from HCFA staff, including a data presentation. The Committee requested another presentation by HCFA's Office of the Actuary to obtain clarification about its calculation of the fee schedule payment cap. Additionally, a Medical Issues workgroup was formed.

The Committee held its fourth meeting on June 28 and 29, 1999. At this meeting a presentation was made by a HCFA Office of the Actuary staff member. The presentation clarified that budget neutrality will be evaluated by using all ambulance claims for the most current year and comparing the results of the proposed models with those paid claims. HCFA staff presented more historical Medicare hospital and supplier ambulance billing data. Consensus was reached on one possible basic structure for the fee schedule. HCFA indicated that the fee schedule must be effective as soon as operationally possible after January 1, 2000. Subcommittees were formed to produce, by July 19, proposals for:

(1) A rural/urban adjustment; and

(2) a fee schedule model based on the structure agreed to at the June meeting, combined with relative values. These proposals, along with the results of the medical issues workgroup, were to serve as the basis for the Committee's next meeting.

The Committee held its fifth meeting on August 2 and 3, 1999. At this meeting the Committee heard presentations from HCFA staff on the Medicare Physician Fee Schedule's Geographic Practice Cost Index (GPCI) and hospital wage index. The Committee is considering the GPCI and hospital wage index for possible use as a geographic cost adjuster for the ambulance fee schedule. The second presenter, a member of the HCFA negotiated rulemaking team, presented additional historical Medicare hospital and ambulance supplier billing data. The Committee was advised in a letter signed by HCFA's Deputy Administrator, Michael M. Hash, that it has until February 15, 2000 to conclude its business. The Committee reached consensus on the definitions for Basic Life Support, Advanced Life Support (ALS) Level-1, ALS Level-2, and the criteria that the service must meet in order for the emergency response modifier amount to be paid. During the October meeting, the Committee will work on defining the geographic and rural modifiers and establishing the relative values of the different levels of service.

The announced meetings are open to the public without advanced registration. Public attendance at the meeting may be limited to space available. Mail written statements to the following address: Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, D.C. 20427, Attention: Lynn Sylvester. Notice of future meetings will be published in the **Federal Register**. A summary of all proceedings will be available for public inspection in room 443–G of the Department's offices at 200 Independence Avenue, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Phone: (202) 690–7890), and can be accessed through the HCFA Internet site at http://www.hcfa.gov/medicare/ambmain.htm. Additional information related to the Committee will also be available on the web site.

Authority: Sec. 1834(l) of the Social Security Act (42 U.S.C. 1395m).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 14, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

[FR Doc. 99–24274 Filed 9–16–99; 8:45 am]

BILLING CODE 4120–01–P

Notices

Federal Register
Vol. 64, No. 180
Friday, September 17, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Changes to the Natural Resources Conservation Service's Section IV of the Field Office Technical Guide (FOTG) in Colorado

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

ACTION: Notice of availability of proposed changes in the NRCS Section IV of the FOTG in Colorado.

SUMMARY: It is the intention of the NRCS in Colorado to issue the following new or revised conservation practice standards in Section IV of the FOTG. These standards are Wetland Wildlife Habitat Management (Code 644), Shallow Water Management for Wildlife (Code 646), Wetland Restoration (Code 657), Wetland Creation (Code 658), and Wetland Enhancement (Code 659). These practices may be used in conservation systems that treat wetlands.

DATES: Comments will be received on or before September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to Stephen F. Black, State Conservationist, Natural Resources Conservation Service, 655 Parfet St., Lakewood, CO 80215–5517.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS in Colorado will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Colorado regarding disposition of those comments and a final determination of change will be made.

Dated: September 1, 1999.

Stephen F. Black,

State Conservationist, Natural Resources Conservation Service, Lakewood, Colorado.

[FR Doc. 99–24226 Filed 9–16–99; 8:45 am]

BILLING CODE 3410–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Agency Information Collection Activities Submission for OMB Review; Comment Request

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled has submitted annual certification forms (Form 403 and Form 404) to OMB for review and clearance under the provisions of the Paperwork Reduction Act of 1980 (44 USC Chapter 35).

DATES: Comments must be submitted on or before October 18, 1999.

ADDRESSES: Written comments should be sent to: Daniel Werfel, Desk Officer for the Committee for Purchase, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Room 10235, New Executive Office Building, Washington, DC 20503. Requests for information, including copies of the forms and supporting documentation, should be directed to: Beverly L. Milkman, Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, VA 22202–4302, (703) 603–7740.

SUPPLEMENTARY INFORMATION: The Committee has two annual certification forms, one for nonprofit agencies serving people who are blind and one for nonprofit agencies primarily serving people who have severe disabilities. The information included on the forms is required to ensure that nonprofit agencies participating in the Committee's program continue to meet the requirements of 41 USC 46–48c.

The forms have been modified to request that the previously reported JWOD direct labor hours be broken down into two separate categories: those generated from services, and those generated from products. The forms have also been revised so that previously reported non-JWOD sales are broken down to show any sales from other Federal Government contracts separately.

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–24275 Filed 9–16–99; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities and services previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 18, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and services listed below from nonprofit agencies

employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action will result in authorizing small entities to furnish the commodity and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodity

Cloth, Cleaning
7920–00–292–9204
NPA: East Texas Lighthouse for the Blind, Tyler, Texas

Services

Janitorial/Custodial
Naval Medical Center (NMC) and Branch Medical and Dental Clinics at the following locations:
North Island Naval Air Station, Naval Station, Naval Amphibious Base, Miramar Naval Air Station, Naval Training Center and Marine Corp Recruit Depot San Diego, CA
NPA: Job Options, Inc., San Diego, California

Janitorial/Custodial

Basewide, Picatinny Arsenal, New Jersey
NPA: Occupational Training Center of Morris County, Cedar Knolls, New Jersey

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for deletion from the Procurement List.

The following commodities and services have been proposed for deletion from the Procurement List:

Commodities

Table, Office, Steel
7110–00–149–2045
7110–00–113–0454
7110–00–113–0448
7110–00–149–2044
7110–00–149–2046
Cleaner, Water Soluble
7930–01–367–2962
Hood, Anti-Flash, Flame Resistant 8415–01–268–3473
Shirt, Sleeping
8415–00–890–2102
8415–00–890–2101
8415–00–935–6855
8415–00–890–2099
8415–00–890–2103
8415–00–890–2100

Services

Bus Service
Veterans Affairs Medical Center, Outpatient Clinic, Tomah, Wisconsin
Document Processing
U.S. Coast Guard Institute, 5900 SW 64th Street, Oklahoma City, Oklahoma

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–24276 Filed 9–16–99; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Cancellation of Public Meeting of the Alabama Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission which was to have convened at 6:00 p.m. and adjourned at 8:00 p.m., on September 27, 1999, has been canceled.

The original notice for the meeting was announced in the **Federal Register** on September 1, 1999, FR Doc. 99–22685, 64 FR, No. 169, p. 47760.

Persons desiring additional information should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414).

Dated at Washington, DC, September 14, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 99–24306 Filed 9–14–99; 4:31 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–008]

Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Extension of Time Limit for Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the final results of the administrative review of the antidumping duty order on certain circular welded carbon steel pipe and tube from Taiwan. The review covers four manufacturers/exporters of the subject merchandise and the period May 1, 1997 through April 30, 1998.

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Martin Odenyo or Thomas Killiam, Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–5254 or 482–3019, respectively.

Background and Notice of Extension

On June 29, 1998, the Department initiated this administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Taiwan (63 FR 40258). On June 7, 1999 the Department published its preliminary results of this review (64 FR 30306).

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the "Act") provides that the Department may extend the deadline for its final results of review for up to 60 days, if it is not practicable to complete the final results within the allotted 120 days after the date of publication of the preliminary results. For the following reasons, the Department determines that it is not practicable to complete this review within the 120-day time frame: (1) Verification was completed

approximately one month after publication of the preliminary results; (2) due to methodological difficulties encountered during verification, verification reports are not expected to be released until approximately mid-to-late September; and (3) on July 6, 1999, the Department extended the deadline for submission of case briefs until after the verification reports have been released. In order to properly analyze and respond to petitioner's and respondents' case briefs we have extended the deadline for the final results of this review until December 6, 1999, in accordance with the time limits allowed under section 751(a)(3)(A) of the Act.

Dated: September 13, 1999.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for AD/CVD Enforcement, Group III.

[FR Doc. 99–24301 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–614–801]

Fresh Kiwifruit From New Zealand: Final Results of Changed Circumstances Review; Revocation of Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of changed circumstances review and revocation of antidumping duty order.

SUMMARY: On August 20, 1999, the Department of Commerce published a notice of initiation of a changed circumstances review and preliminary results of review with intent to revoke the antidumping duty order on fresh kiwifruit from New Zealand. We are now revoking this order, retroactive to June 1, 1997, based on the fact that domestic parties no longer have an interest in maintaining the antidumping duty order.

EFFECTIVE DATES: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Sunkyu Kim or John P. Maloney, Jr., Office 2, AD/CVD Enforcement Group I, Import Administration-Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482–2613 or (202) 482–1503, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations codified at 19 CFR Part 351 (April 1998).

Background

On July 30, 1999, the petitioner, the California Kiwifruit Commission, requested that the Department conduct a changed circumstances review to revoke the antidumping duty order on fresh kiwifruit from New Zealand retroactive to June 1, 1997. The petitioner stated that circumstances have changed such that the petitioner no longer has an interest in maintaining the antidumping duty order. On August 5, 1999, the petitioner supplemented its request to indicate that it represents all kiwifruit growers in California and virtually all commercial growers of kiwifruit in the United States.

We preliminarily determined that the affirmative statement of no interest by the California Kiwifruit Commission constituted changed circumstances sufficient to warrant revocation of this order. Consequently, on August 20, 1999, we published a notice of initiation of a changed circumstances review and preliminary results of review with intent to revoke the order. *See* 64 FR 45508. We received no comments from interested parties on the preliminary results of this changed circumstances review.

Scope of Review

The product covered by this review is fresh kiwifruit. Processed kiwifruit, including fruit jams, jellies, pastes, purees, mineral waters, or juices made from or containing kiwifruit are not covered under the scope of this review. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 0810.90.20.60. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

This changed circumstances review covers all producers and exporters of fresh kiwifruit from New Zealand.

Final Results of Changed Circumstances Review; Revocation of Order

Pursuant to section 751(d)(1) of the Act, the Department may revoke, in whole or in part, an antidumping duty order based on a review under section 751(b) of the Act (*i.e.*, a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request containing sufficient information concerning changed circumstances.

The Department's regulations at 19 CFR 351.216(d) require the Department to conduct a changed circumstances review in accordance with 19 CFR 351.221 if it decides that changed circumstances sufficient to warrant a review exist. Section 782(h) of the Act and 19 CFR 351.222(g)(1)(i) provide further that the Department may revoke an order, in whole or in part, if it concludes that the order under review is no longer of interest to producers accounting for substantially all of the production of the domestic like product.

The California Kiwifruit Commission is a domestic interested party as defined by section 771(9)(E) of the Act and 19 CFR 351.102(b) and represents substantially all of the production of the domestic like product. Based on the affirmative statement by the California Kiwifruit Commission of no interest in the continued application of the order and the fact that no interested parties objected to or otherwise commented on our preliminary results of this review, we determine that there are changed circumstances sufficient to warrant revocation of the order. Therefore, the Department is revoking the antidumping duty order on fresh kiwifruit from New Zealand, retroactive to June 1, 1997.

In accordance with 19 CFR 351.222(g)(4), we will instruct the Customs Service to end the suspension of liquidation and to refund any estimated antidumping duties collected for all unliquidated entries of fresh kiwifruit from New Zealand made on or after June 1, 1997. We will also instruct the Customs Service to pay interest on such refunds in accordance with section 778 of the Act.

This changed circumstances review, revocation of the antidumping duty order and notice are in accordance with sections 751(b), 751(d) and 782(h) of the Act and 19 CFR 351.216 and 351.222.

Dated: September 13, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24300 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–508]

Final Results of Expedited Sunset Review: Porcelain-on-Steel Cooking Ware From Taiwan

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Final Results of Expedited Sunset Review: Porcelain-on-Steel Cooking Ware from Taiwan.

SUMMARY: On February 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping order on porcelain-on-steel ("POS") cooking ware from Taiwan pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate and adequate substantive response filed on behalf of a domestic interested party, and inadequate response (in this case, no response) from respondent interested parties, the Department is conducting an expedited review. As a result of this review, the Department finds that revocation of the antidumping order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. & Constitution Ave., NW, Washington, D.C. 20230; telephone (202) 482–5050 or (202) 482–1560, respectively.

EFFECTIVE DATES: September 17, 1999.

Statute and Regulations

These reviews were conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*"). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Scope

The product covered by this antidumping duty order is POS cooking ware from Taiwan that do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. Kitchenware and teakettles are not subject to this order. The merchandise is currently classifiable under the HTS item 7323.94.00. The HTS subheading is provided for convenience and U.S. Customs purposes.

On October 30, 1996, Cost Plus, Inc.'s 10 piece porcelain-on-steel fondue set was found to be within the scope of the order (*see Notice of Scope Rulings*, 62 FR 9176 (February 28, 1992)).

On August 18, 1995, Blair Corporation's Blair cooking ware items #1101 (seven piece cookware set), #271911 (eight-quart stock pot), and #271921(twelve-quart stock pot) were found to be outside the scope of the order (*see Notice of Scope Rulings*, 60 FR 36782 (July 18, 1995)).

On September 3, 1992, in response to a request from Mr. Stove Ltd., stove top grills and drip pans were found to be outside the scope of the order (*see Notice of Scope Rulings*, 57 FR 57420 (December 4, 1992)).

On September 25, 1992, in response to a request from Metrokane Inc., the "Pasta Time" pasta cooker was found to be within the scope of the order (*see Notice of Scope Rulings*, 57 FR 57420 (December 4, 1992)).

On August 23, 1990, in response to a request from RSVP, BBQ grill baskets were found to be outside the scope of the order (*see Notice of Scope Rulings*, 55 FR 43020 (October 25, 1990)).

History of the Order

On October 10, 1986, the Department issued a final determination of sales at less-than-fair value on imports of POS cooking ware from Taiwan.[1] On December 2, 1986, the antidumping duty order for POS cooking from Taiwan was published in the **Federal Register** (51 FR 43416).

In the original investigation, the Department found dumping margins that ranged from 1.99 percent to 23.12 percent for six Taiwanese producers and exporters of the subject merchandise. With the exception of one changed circumstance review, there have been no administrative reviews of this order.[2]

The antidumping duty order remains in effect for all producers and exporters of POS cooking ware from Taiwan.

Background

On February 1, 1999, the Department initiated sunset reviews of the antidumping duty orders on POS cooking ware from Taiwan pursuant to section 751(c) of the Act. On February 16, 1999 we received a Notice of Intent to Participate on behalf of a domestic interested party, Columbian Home Products, LLC ("CHP"), within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. On March 3, 1999, the Department received a complete substantive response from CHP within the deadline specified in section 351.218(d)(3)(i) of the *Sunset Regulations*. CHP claimed interested party status under section 771(9)(C) of the Act, as a U.S. producer of POS cooking ware. CHP asserts that it is the sole domestic producer of POS cooking ware.

We did not receive any response from respondent interested parties in this review. As a result, and in accordance with our regulations (19 CFR § 351.218(e)(1)(ii)(C)(2)) we are conducting an expedited review.

The Department determined that the sunset review of the antidumping duty order on POS cooking ware from Taiwan is extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.* an order in effect on January 1, 1995). (*See* section 751(c)(6)(C) of the Act.) Therefore, on June 7, 1999, the Department extended the time limit for completion of final results of this review until no later than August 30, 1999, in accordance with section 751(c)(5)(B) of the Act.[3]

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether revocation of the antidumping order would be likely to lead to continuation or recurrence of dumping. Section 752(c)(1) of the Act provides that, in making this determination, the Department shall consider the weighted-average dumping margins determined in the investigation and subsequent reviews and the volume of imports of the subject merchandise for the period

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[1] *See Porcelain-On-Steel Cooking Ware from Taiwan; Final Determination of Sales at Less-Than-Fair Value*, 51 FR 36425 (October 10, 1986).

[2] *See Porcelain-on-Steel Cooking Ware from Taiwan: Final Results of Changed Circumstances Antidumping Duty Administrative Review, and Revocation in Part of Antidumping Duty Order*, 62 FR 10024 (March 5, 1997).

[3] *See Notice of Extension of Time Limit for Final Results of Five-Year ("Sunset") Reviews*, 64 FR 30305 (June 7, 1999).

before and the period after the issuance of the antidumping order. Pursuant to section 752(c)(3) of the Act, the Department shall provide to the International Trade Commission ("the Commission") the magnitude of the margin of dumping likely to prevail if the order is revoked.

The Department's determinations concerning continuation or recurrence of dumping and magnitude of the margin are discussed below. In addition, CHP's comments with respect to the continuation or recurrence of dumping and the magnitude of the margin are addressed within the respective sections below.

Continuation or Recurrence of Dumping

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act ("URAA"), specifically the Statement of Administrative Action ("the SAA"), H.R. Doc. No. 103–316, vol. 1 (1994), the House Report, H.R. Rep. No. 103–826, pt. 1 (1994), and the Senate Report, S. Rep. No. 103–412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the basis for likelihood determinations. The Department clarified that determinations of likelihood will be made on an order-wide basis (see section II.A.2 of the *Sunset Policy Bulletin*). Additionally, the Department normally will determine that revocation of an antidumping order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly (*see* section II.A.3 of the *Sunset Policy Bulletin*).

In addition to considering the guidance on likelihood cited above, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of an order is likely to lead to continuation or recurrence of dumping where a respondent interested party waives its participation in the sunset review. In the instant review, the Department did not receive a response from any respondent interested party. Pursuant to section 351.218(d)(2)(iii) of the *Sunset Regulations*, this constitutes a waiver of participation.

In its substantive response, CHP argues that dumping would be likely to continue or recur if the antidumping duty order on POS cooking ware from Taiwan were revoked. CHP argues that the relationship between dumping margins and import volumes strongly suggests that dumping will continue at significant margins if the orders were revoked.

CHP argues that in the Department's final determination of sales at less-than-fair-value, six producers/exporters of POS cooking ware from Taiwan were assigned dumping margins ranging from 1.99 to 23.12 percent. CHP asserts that each of these margins are above the 0.5 percent *de minimis* standard applied in sunset reviews, and these dumping margins continue to exist.

With respect to imports of the subject merchandise from Taiwan, CHP argues that imports have decreased significantly since the antidumping duty order was put in place. Citing the Department's Bureau of Census import trade statistics, CHP argues that since the imposition of the order, imports from Taiwan declined by 75 percent. Further, CHP argues that in the most recent five years (1994 to 1998), imports declined by more than 60 percent, from 4,293 (thousand units) to 1,643 (thousand units).[4]

In conclusion, CHP argues that a decrease in import volume after the issuance of the order, coupled with the continuation of dumping margins above *de minimis* levels, is probative that producers and exporters of POS cooking ware from Taiwan will continue to dump if the order were revoked. Therefore, CHP maintains that the Department should determine that there is a likelihood of the continuation of dumping of POS cooking ware from Taiwan if the order were revoked.

As discussed in section II.A.3 of the *Sunset Policy Bulletin*, the SAA at 890, and the House Report at 63–64, existence of dumping margins after the order is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an order in place, the Department may reasonably infer that dumping would continue if the discipline of the order were revoked. Dumping margins above *de minimis* levels continue to exist for companies subject to this order. Therefore, given that dumping above *de minimis* continued over the life of the orders, imports decreased significantly after the order, respondent interested parties waived their right to participate in the instant reviews, and absent argument and evidence to the contrary, the Department determines that dumping would likely continue if the order were revoked for POS cooking ware from Taiwan.

[4] *See* CHP's Substantive Response, March 3, 1999, Attachment 1.

Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department stated that, consistent with the SAA and House Report, the Department will provide to the Commission the company-specific margins from the investigation because that is the only calculated rate that reflects the behavior of exporters without the discipline of an order. Further, for companies not specifically investigated, or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the all others rate from the investigation. (*See* section II.B.1 of the *Sunset Policy Bulletin*.) Exceptions to this policy include the use of a more recently calculated margin, where appropriate, and consideration of duty absorption determinations. (*See* sections II.B.2 and 3 of the *Sunset Policy Bulletin*.) We note that, to date, we have not issued any duty absorption finding in these cases.

In its substantive response, CHP urges the Department to follow the guidance of the SAA and its stated policy and provide to the Commission the margins from the original investigation.

CHP argues that the Department should apply the rates from the original investigation because they are the only rates available to the Department, given that there have been no administrative reviews of this order.

We agree with CHP. Absent argument and evidence to the contrary, we find that the margins calculated in the original investigation are probative of the behavior of Taiwanese producers/exporters if the order were revoked. Therefore, we will report to the Commission the margins contained in the *Final Results of Review* of this notice.

Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping order would be likely to lead to continuation or recurrence of dumping at the levels indicated below.

Manufacturer/exporter	Margin (percent)
First Enamel Industrial Corp.	9.04
Tian Shine Enterprise Co., Ltd.	1.99
Tou Tien Metal (Taiwan) Co., Ltd.	2.67
Li-Fong Industrial Corp.	2.63
Li-Mow Enamelling Co., Ltd.	6.48
Receive Will Industry Co., Ltd.	23.12

Manufacturer/exporter	Margin (percent)
All Others	6.82

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 27, 1999.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24298 Filed 9–16–99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–814]

Pure Magnesium From Canada; Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke Order in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review and determination not to revoke order in part.

SUMMARY: On May 11, 1999, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on pure magnesium from Canada and its notice of intent not to revoke the order with respect to pure magnesium produced by Norsk Hydro Canada Inc. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have made certain changes for the final results.

This review covers one producer/exporter of pure magnesium to the United States during the period August 1, 1997, through July 31, 1998. The review indicates no dumping margins during the review period.

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Zak Smith, Import Administration, AD/CVD Enforcement Group I, Office 1, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone (202) 482–0189.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

The Department of Commerce ("the Department") is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Act"), as amended. Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department's regulations are to those codified at 19 CFR Part 351 (April 1998).

Background

On May 11, 1999, the Department published the preliminary results of the administrative review of the antidumping duty order on pure magnesium from Canada and notice of the intent not to revoke the order in part (64 FR 25276) ("*Preliminary Results*"). The producer/exporter in this review is Norsk Hydro Canada Inc. ("NHCI"). We received case briefs from NHCI and petitioner, Magnesium Corporation of America ("Magcorp"), and a rebuttal brief from NHCI (*see Interested Party Comments*, below).

Scope of the Review

The product covered by this review is pure magnesium. Pure unwrought magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Granular and secondary magnesium are excluded from the scope of this review. Pure magnesium is currently classified under subheading 8104.11.0000 of the Harmonized Tariff Schedule ("HTS"). The HTS item number is provided for convenience and for customs purposes. The written description remains dispositive.

Determination Not to Revoke Order in Part

The Department "may revoke, in whole or in part" an antidumping duty order upon completion of a review under section 751 of the Act. While Congress has not specified the procedures that the Department must follow in revoking an order, the Department has developed a procedure for revocation that is described in 19 CFR 351.222. This regulation requires, inter alia, that a company requesting revocation must submit the following: (1) A certification that the company has sold the subject merchandise at not less than normal value ("NV") in the current review period and that the company will not sell at less than NV in the future; (2) a certification that the company sold the subject merchandise in each of the three years forming the basis of the request in commercial quantities; and (3) an agreement to reinstatement of the order if the Department concludes that the company, subsequent to the revocation, sold subject merchandise at less than NV. *See* 19 CFR 351.222(e)(1). Upon receipt of such a request, the Department may revoke an order, in part, if it concludes that (1) the company in question has sold subject merchandise at not less than NV for a period of at least three consecutive years; (2) it is not likely that the company will in the future sell the subject merchandise at less than NV; and (3) the company has agreed to its immediate reinstatement in the order if the Department concludes that the company, subsequent to the revocation, sold subject merchandise at less than NV. *See* 19 CFR 351.222(b)(2).

In our *Preliminary Results*, we determined that "NHCI does not qualify for revocation of the order on pure magnesium because it does not have three consecutive years of sales in commercial quantities at not less than normal value" (*see Preliminary Results* at 25277).

After consideration of the various comments that were submitted in response to the *Preliminary Results*, we determine that NHCI did not sell the subject merchandise in the United States in commercial quantities in each of the three years cited by NHCI to support its request for revocation. Specifically, NHCI made one sale in one of the relevant years and two sales in another. One or two sales to the United States during a one year period is not consistent with NHCI's selling activity prior to the order, nor is it consistent with NHCI's selling activity in the home market (*see* Memorandum from Team to Susan Kuhbach, "Commercial Quantities," dated September 8, 1999 ("Commercial Quantities Memorandum"), for a discussion of NHCI's selling activity). Therefore, we find that NHCI does not qualify for revocation of the order on pure magnesium under 19 CFR 351.222(e)(1)(ii).

We note that on January 29, 1999, a panel established by the Dispute

Settlement Body ("DSB") of the World Trade Organization ("WTO") determined that the "not likely" standard contained in 19 CFR 353.25(a)(2) was inconsistent with the United States' obligations under Article 11.2 of the WTO Antidumping Agreement. *See United States—Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or Above From Korea*, WTO Doc. WT/DS99/R (January 29, 1999) ("*DRAMS Panel*"). The panel recommended that the United States "bring section 353.25(a)(2)(ii) of the DOC regulations * * * into conformity with its obligations under Article 11.2 of the AD Agreement." The DSB adopted the panel report on March 19, 1999. On April 15, 1999, the United States announced its intention to implement the recommendations and rulings of the DSB. Consistent with section 123(g) of the URAA, which governs the Department's implementation of adverse panel reports, the Department is revising 19 CFR 351.222(b). The determination not to revoke in the instant case is not premised upon the interpretation or application of the "not likely" standard currently found in 19 CFR 351.222(b).

Comparisons

We calculated export price and normal value based on the same methodology used in the *Preliminary Results*, with the following exceptions:

Based upon comments received from respondent, when determining the appropriate home market sales to use for comparison purposes the Department is now matching to sales of identical merchandise. Also based upon comments received from respondent, we have corrected the currency conversions applied to home market freight charges.

Interested Party Comments

In accordance with 19 CFR 351.309, we invited interested parties to comment on our *Preliminary Results*. On June 10, 1999, the petitioner and the respondent submitted case briefs and the respondent submitted a rebuttal brief on June 15, 1999.

Comment 1: Appropriateness of Commercial Quantities Analysis

NHCI argues that the Department erred in conducting a commercial quantities analysis because its request for revocation was based on an absence of dumping over three consecutive years, not over a period of time in which there was an unreviewed intervening year. According to the respondent, section 351.222(b)(2) of the Department's regulations neither authorizes nor instructs the Department to conduct a commercial quantities analysis. NHCI contends that such analyses are only for revocations based on unreviewed intervening years. In support of this contention, NHCI cites the Department's notice of proposed rule in which the Department stated that, with respect to the new changes concerning intervening years, it would require a certification regarding sales in commercial quantities. *See Antidumping Duties; Countervailing Duties; Proposed Rule*, 61 FR 7308, 7320 (February 27, 1996) ("*Proposed Rule*"). The respondent notes that the certification was promulgated into the final regulations with respect to revocations based on an intervening year through section 351.222(d)(1), which states that the Department "must be satisfied that, during each of the three (or five) years, there were exports to the United States in commercial quantities. * * *"

NHCI agrees that such an analysis is reasonable in the case of a request based on unreviewed intervening years because a revocation of the antidumping duty order is weaker when based on only two, rather than three, years of sales above normal value. The respondent notes that the Department has reasoned that if sales are made in commercial quantities during an intervening year in which no review was requested, it is reasonable to conclude that the sales were not dumped because, if they had been, the domestic industry would have requested a review. Thus, according to the respondent, if reviews have taken place in each year upon which a revocation request is made, a commercial quantities analysis has no relevance. Rather, the fact that sales have been made above normal value each year is the relevant factor.

Magcorp argues that the Department's requirement that sales have been made in commercial quantities applies to all respondents requesting revocation of an antidumping order, regardless of whether an unreviewed intervening year has taken place. The petitioner cites to section 351.222(e)(1)(ii) of the Department's regulations which states that a request for revocation must include the person's certification that, during each of the consecutive years, the person sold the subject merchandise to the United States in commercial quantities. According to the petitioner, the Department's regulations create a first step that must be met before the Department will consider revocation and is not limited to the situation of an unreviewed year. Magcorp cites to the fifth administrative review of this antidumping order (*see Pure Magnesium From Canada; Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke Order in Part*, 64 FR 12977 (March 16, 1999) ("*Fifth Review*")) and to *Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Canada: Final Results of Antidumping Duty Administrative Review and Determination to Revoke in Part* (64 FR 2173 (January 13, 1999)) ("*Corrosion-Resistant Steel from Canada*"), in which the Department did not revoke the antidumping duty order with respect to companies that had sold above normal value for three consecutive years because such sales were not made in commercial quantities. While the petitioner recognizes that the Department's prior regulations did not address the volume of subject imports with respect to revocation, Magcorp argues that the Department now views sales in commercial quantities to be essential for revoking an order.

Department's Position: As noted above, we have developed a procedure for revocation that is described in 19 CFR 351.222. This regulation requires that a company requesting revocation must submit a certification that the company sold the subject merchandise in commercial quantities in each of the three years forming the basis of the request. Therefore, we must determine, as a threshold matter, in accordance with our regulations, whether the company requesting revocation sold the subject merchandise in commercial quantities in each of the three years forming the basis of the request. See *Fifth Review* at 12978. In the *Preliminary Results*, we found that NHCI does not qualify for revocation of the order on pure magnesium because it did not have three consecutive years of sales in commercial quantities at not less than normal value. We based this finding on the fact that two of the three years of sales NHCI is relying upon to support its request for revocation were not made in commercial quantities. Specifically, in the *Fifth Review* we determined that NHCI did not sell the subject merchandise in the United States in commercial quantities in any of the three years cited by NHCI to support its request for revocation. Because NHCI has used two of those three years to support its current request for revocation and the facts have not otherwise changed, we determine that NHCI has not met the threshold criterion outlined in section 351.222 of our regulations requiring sales in commercial quantities in each of the

three years forming the basis of the revocation request. *See* Commercial Quantities Memorandum.

We also note that while the regulation requiring sales in commercial quantities may have developed from the unreviewed intervening year regulation, its application in all revocation cases based on an absence of dumping is reasonable and mandated by the regulations. The application of this requirement to all such cases is reflected not only in the provision for unreviewed intervening years (*see* 19 CFR 351.222(d)(1)), but also in the new general requirement that parties seeking revocation certify to sales in commercial quantities in each of the years on which revocation is to be based. *See* 19 CFR 351.222(e)(1)(ii). This requirement ensures that the Department's revocation determination is based upon a sufficient breadth of information regarding a company's normal commercial practice. In this case the number of sales and the total sales volumes for at least two of the three years are so small, both in absolute terms and in comparison with the period of investigation and other review periods, that we do not have sufficient information regarding the company's normal commercial behavior to make a revocation decision. If sales levels are not reflective of a company's normal commercial activities, they can offer no basis upon which to make a revocation determination, regardless of whether we conducted a review of the sales in question or the sales took place in an intervening year. *See, e.g., Corrosion-Resistant Steel from Canada* at 2175.

Comment 2: Impermissible Change in Revocation Procedure

NHCI argues that the Department's practice of reviewing whether sales have taken place in commercial quantities in all three revocation review years constitutes an impermissible substantive change to the Department's longstanding revocation practice. According to the respondent, the Department expressly stated in its *Proposed Rule* (at 7319) that it intended there to be no substantive change in its new revocation regulations. NHCI notes that this understanding was also reflected in the *Notice of Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke Order in Part: Dynamic Random Access Memory Semiconductors of One Megabyte or Above From the Republic of Korea*, 62 FR 39809, 39810 (July 24, 1997) ("*DRAMS from Korea*"), where the Department said that its final regulations did not change the previous revocation requirements.

The respondent further argues that, up to this point, the development of the Department's revocation procedure has been in the direction of examining positive evidence indicating the absence of unfair price discrimination. According to NHCI, the Department must review sales to make this evaluation but the number of sales or sales volume from one year to the next has nothing to do with whether specific sales are evidence of unfair price discrimination. The respondent notes that when the Department has considered the volume of a respondent's shipments it has done so in the context of determining whether future dumping was likely. NHCI contends that the Department's threshold criterion of requiring sales in commercial quantities results in the Department ignoring positive evidence of unfair price discrimination and that this approach constitutes an impermissible substantive change to the Department's longstanding revocation practice.

Department's Position: As noted in the preamble, our substantive criteria for revocation (*i.e.*, an absence of dumping for three years and no continuing necessity for application of the order—the likelihood issue) have not changed. However, the new regulations do establish a new criterion for requesting revocation. Specifically, we now require a company requesting revocation to have sold the subject merchandise in commercial quantities during the three periods on which the revocation request is based, and to certify to that effect. Unless this criterion is met, we do not consider the revocation request. However, where it is met, we consider all relevant positive evidence in making our revocation decision.

Comment 3: Meeting the Commercial Quantities Threshold

NHCI argues that, even if a commercial quantities analysis is warranted, it has made sales to the United States in commercial quantities for at least three consecutive years. Specifically, the respondent contends that the term "commercial quantities" refers not to the number or volume of sales, but to whether any individual sale was a normal size transaction for the industry. In support of this argument, respondent points to the proposed regulations in which the Department states that it will "establish whether sales were made in commercial quantities based upon examination of the normal sizes of sales by the producer/exporter and other producers of subject merchandise." (*See Proposed Regulations* at 7320.) Respondent believes that the Department never intended to consider the aggregate volume of sales made throughout the POR. Rather, NHCI argues, the concept of commercial quantities was included in the regulations to ensure that individual sales were bona fide sales that demonstrated the exporter's ability to sell to U.S. customers without dumping in ordinary transactions (as opposed to sales of samples or prototypes).

Given this interpretation of commercial quantities, the respondent argues that its sales were made in commercial quantities because they were characteristic of NHCI's normal commercial practice and the industry standard. Specifically, NHCI states that its spot sales in both the U.S. and home markets involved commercial volumes consistent with the normal size of sales within the industry in general. Furthermore, NHCI argues that the sales examined in the last three years of this proceeding were found by the Department to be sales made in the ordinary course of trade and were not found to be samples nor prototypes nor "noncommercial" in any other sense.

Magcorp argues that NHCI's sales to the United States during the last three review periods were far too small to be considered commercial quantities. The petitioner contends that the concept of commercial quantities refers to the aggregate volume of sales made by a respondent over the course of the entire period of review ("POR") and not to the size of a single sale. In support of this argument, petitioner claims that there would be no reason for the requirement of commercial quantities in 19 CFR 351.222(e)(1)(ii) if the term merely referred to the existence of any sale recognizable as a U.S. sale for calculating an antidumping margin because there would be no reason for the Department to ask a respondent to certify a fact that has already been established. Under this definition of commercial quantities, the petitioner states that NHCI's sales during the three years in question have been negligible throughout the period, noting that in one of the years NHCI only had one U.S. sale.

The petitioner further argues that only if a respondent's sales are sufficiently large will a zero dumping margin offer any valid indication that the respondent can continue to export the subject merchandise to the United States at normal prices if the antidumping duty order were revoked. The petitioner refers to the preamble of the final regulations in which the Department states that a revocation based on the absence of dumping is based on the fact

that when a respondent sells in commercial quantities without dumping it has demonstrated that it will not resume dumping if the order is revoked (*see Antidumping Duties; Countervailing Duties; Final Rule* (''*Final Regulations*''), 62 FR 27296, 27326 (May 19, 1997)).

Department's Position: In the *Fifth Review*, we determined that NHCI did not sell the subject merchandise in the United States in commercial quantities in any of the three years cited by NHCI to support its request for revocation. Specifically, NHCI made one sale in two of the relevant years and two sales in the other. We determined that one or two sales to the United States during a one year period was neither consistent with NHCI's selling activity prior to the order nor NHCI's selling activity in the home market. Specifically, we stated that,

> for each year, the volume of merchandise sold was less than one-half of one percent of the volume of merchandise sold in the last completed fiscal year prior to the order. These sales and volume figures are so small, both in absolute terms and in comparison with the period of investigation, that we cannot reasonably conclude that the zero margins NHCI received are reflective of the company's normal commercial experience. More specifically, the abnormally low level of sales activity does not provide a reasonable basis for determining that the discipline of the order is no longer necessary to offset dumping.

(See *Fifth Review* at 12978.) Two of the 3 years examined in the *Fifth Review* have been cited by NHCI in support of its current request for revocation. Because no party has submitted information indicating that the facts relied upon in the *Fifth Review* have changed, we continue to find that NHCI does not qualify for revocation because it does not have three consecutive years of sales in commercial quantities.

We disagree with NHCI's argument that the commercial quantities criterion requires only that there be a *bona fide* commercial transaction during a given period. As the Department recently explained, ''sales during the POR which, in the aggregate, are an abnormally small quantity do not provide a reasonable basis for determining that the discipline of the order is no longer necessary to offset dumping'' (*see Corrosion-Resistant Steel from Canada* at 2175). As the record of this case demonstrates, NHCI did not sell the subject merchandise in the United States in commercial quantities in at least two of the three years cited by NHCI to support its request for revocation. Regardless of the *bona fide* nature of each transaction, these sales, in the aggregate, are abnormally small in quantity and do not provide the Department with a reasonable basis to make a revocation determination. Furthermore, we agree with the petitioner that if commercial quantities related to the *bona fide* nature of the sales, the commercial quantities requirement in our regulations would be redundant.

Comment 4: Revocation Following a Drop-Off in Sales

NHCI argues that the Department is effectively disqualifying companies from revocation if there is a sales drop-off following the imposition of an antidumping duty order. NHCI contends that, in situations where a sales drop-off has occurred, aggregate sales will appear ''abnormally small'' when compared to the aggregate sales made prior to the imposition of the order. However, the respondent states that there is no requirement in the Department's regulations that a company maintain a certain number of sales, market share, or sales volume after imposition of an order to qualify for revocation and that such a requirement is unreasonable and inappropriate because it has nothing to do with a company's pricing practice.

Department's Position: The Department's threshold requirement does not mean, as NHCI suggests, that the Department is effectively disqualifying companies from revocation if there is a sales drop-off following the imposition of an antidumping order. The issue that is analyzed by the Department is the magnitude of the drop-off. In this regard, the Department has expressed its intent to revoke an antidumping duty order even where the sales drop-off has been substantial so long as the sales used to demonstrate a lack of price discrimination are reflective of the companies' normal commercial experience. *See, e.g., Professional Electric Cutting Tools from Japan: Preliminary Results of Antidumping Administrative Review and Intent to Revoke in Part*, 64 FR 43346, 43351 (August 10, 1999).

When determining whether a company's sales have been made in commercial quantities we must look at each case on an individual basis. In many instances, when making such an assessment we will use the original period of investigation as a benchmark for a company's normal commercial behavior. The period of investigation is a logical and reasonable benchmark for this assessment, especially given that it is the only time period for which we have evidence concerning the company's normal commercial behavior with respect to exports to the United States without the discipline of an antidumping duty order. As demonstrated in the Commercial Quantities Memorandum, we have determined that NHCI's sales during the fourth and fifth review periods were not reflective of its normal commercial behavior.

Comment 5: Commercial Quantities Threshold Conflicts with WTO Agreement

The respondent argues that the Department's preliminary analysis is inconsistent with the 1994 WTO Antidumping Agreement because Article 11.1 of this agreement states that an antidumping duty ''shall remain in force only as long as and to the extent necessary to counteract dumping which is causing injury.'' Respondent supports this position by noting that in a recent decision a WTO panel found that the ''continued imposition [of an antidumping duty] must * * * be essentially dependent on, and therefore assignable to, a foundation of positive evidence that circumstances demand it'' (*see DRAMS Panel*). NHCI states that the Department's application of a commercial quantities threshold in this proceeding is in direct violation of the positive evidence rule set forth in the *DRAMS Panel* because the Department has determined to keep the order in place after refusing to consider any positive evidence.

Department's Position: The Department's revocation procedures are fully consistent with Article 11 of the WTO Antidumping Agreement. Consistent with the Agreement, under U.S. law, the Department is not required to review whether application of an order continues to be necessary unless there is positive evidence that such a review is warranted. Under the Department's regulations, three years of sales in commercial quantities at not less than normal value is the minimum evidence required to establish that a revocation review is warranted. This evidentiary threshold is reasonable because, as discussed above, absent commercially meaningful sales, we do not have a sufficient basis to make a reasoned judgement as to revocation. Moreover, while this specific evidentiary threshold was not at issue in the *DRAMS Panel*, it is in no way inconsistent with the Panel's findings.

Comment 6: Likelihood of Future Dumping

In addition to their arguments respecting the commercial quantities threshold requirement, both the petitioner and the respondent submitted

comments, in the alternative, on the likelihood of future dumping.

Department's Position: Because we have determined that NHCI is not eligible for revocation, based on the fact that it did not make sales in commercial quantities during the three year period being analyzed, we do not reach the likelihood of future dumping issue.

Final Results of Review

As a result of this review, we find that the following margin exists for the period August 1, 1997, through July 31, 1998:

Manufacturer/exporter	Period	Margin
Norsk Hydro Canada Inc	8/1/96–7/31/97	0

The results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the review and for future deposits of estimated duties for the manufacturers/exporters subject to this review. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of this new shipper administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed company will be the rate indicated above; (2) for companies not covered in this review, but covered in previous reviews or the original less-than-fair-value investigation, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the most recent rate established for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the original investigation, the cash deposit rate will be the "all others" rate of 21 percent established in the amended final determination of sales at less than fair value (58 FR 62643 (November 29, 1993)).

These deposit requirements will remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 771(i)(1) of the Act.

Dated: September 8, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–24302 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Notice of Extension of Time Limit for Final Results of the Antidumping Duty Administrative Review of Certain Welded Carbon Steel Pipes and Tubes From Thailand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for final results of antidumping duty administrative review.

SUMMARY: The Department of Commerce ("the Department") is extending the time limit for the final result for the 1997–1998 antidumping duty administrative review for the antidumping order on certain welded carbon steel pipes and tubes from Thailand. This review covers the period March 1, 1997 through February 28, 1998. The extension is made pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended.

EFFECTIVE DATES: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: John Totaro at (202) 482–1374; AD/CVD Enforcement Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930 ("the Act") are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act.

Postponement of Final Results

On April 13, 1999, the Department published in the **Federal Register** the preliminary results for this review. *See* 64 FR 17998. Section 751(a)(3)(A) of the Act requires the Department to complete an administrative review within 120 days of publication of the preliminary results. If it is not practicable to complete the review within the 120-day time limit, section 751(a)(3)(A) of the Act allows the Department to extend the time limit to 180 days from the date of publication of the preliminary results. On August 18, 1999, the Department published in the **Federal Register** an extension of the time limit for the final results of this review until September 10, 1999. *See* 64 FR 44892. However, the Department has determined that it is not practicable to issue its final results within this time limit (*See* Decision Memorandum from Joseph A. Spetrini to Robert S. LaRussa dated September 10, 1999). We are therefore fully extending the deadline for the final results in this review to 180 days from the date on which the notice of preliminary results was published. The fully extended deadline for the final results is October 12, 1999.

Dated: September 10, 1999.

Barbara E. Tillman,

Acting Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 99–24299 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041299A]

Marine Mammals; Scientific Research Permit (PHF# 909–1465–00)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Mr. Dan Engelhaupt, 9195 Jamaica Beach, Galveston, TX 77554, has been issued a permit to take several species of cetaceans for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Southeast Region, 9721 Executive Center Drive, St. Petersburg, FL 33702–2432 (813/570–5312).

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak, 301/713–2289.

SUPPLEMENTARY INFORMATION: On July 22, 1998, notice was published in the **Federal Register** (63 FR 39272) that a request for a scientific research permit to take several species of cetaceans during the course of biopsy sampling and photo-identification studies had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR parts 233–226).

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: September 14, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–24277 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in Bulgaria

September 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in Bulgaria and exported during the period January 1, 2000 through December 31, 2000 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2000 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 13, 1999.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2000, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories, produced or manufactured in Bulgaria and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000, in excess of the following levels of restraint:

Category	Twelve-month limit
410/624	2,999,396 square meters of which not more than 863,553 square meters shall be in Category 410.
433	13,510 dozen.
435	24,322 dozen.
442	15,761 dozen.
444	73,766 numbers.
448	27,837 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1999 shall be charged to the applicable category limits for that year (see directive dated November 3, 1998) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–24243 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Costa Rica

September 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits and Guaranteed Access Levels (GALs) for textile products, produced or manufactured in Costa Rica and exported during the period January 1, 2000 through December 31, 2000 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits and guaranteed access levels for 2000.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 13, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2000, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Costa Rica and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000, in excess of the following restraint limits:

Category	Twelve-month limit
340/640	1,255,919 dozen.
342/642	463,630 dozen.
347/348	2,116,502 dozen.
443	222,012 numbers.
447	11,970 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1999 shall be charged to the applicable category limits for that year (see directive dated December 14, 1998) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC, and under the terms of the Special Access Program, as set forth in 63 FR 16474 (April 3, 1998), you are directed to establish guaranteed access levels for properly certified cotton, wool and man-made fiber textile products in the following categories which are assembled in Costa Rica from fabric formed and cut in the United States and re-exported to the United States from Costa Rica during the period beginning on January 1, 2000 and extending through December 31, 2000:

Category	Guaranteed access level
340/640	650,000 dozen.
342/642	250,000 dozen.
347/348	1,500,000 dozen.
443	200,000 numbers.
447	4,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification in accordance with the provisions of the certification requirements established in the directive of May 15, 1990 (55 FR 21074), as amended, shall be denied entry unless the Government of Costa Rica authorizes the entry and any charges to the appropriate specific limit. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.99–24242 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

September 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits and guaranteed access levels for textile products, produced or manufactured in the Dominican Republic and exported

during the period January 1, 2000 through December 31, 2000 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2000 limits and guaranteed access levels.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 13, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2000, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in the Dominican Republic and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000, in excess of the following levels of restraint:

Category	Restraint limit
338/638	1,041,869 dozen.
339/639	1,239,822 dozen.
340/640	1,072,547 dozen.
342/642	754,776 dozen.
347/348/647/648.	2,567,466 dozen of which not more than 1,356,395 dozen shall be in Categories 647/648.
351/651	1,285,800 dozen.
433	22,436 dozen.
442	76,173 dozen.
443	139,360 numbers.
444	76,173 numbers.
448	39,241 dozen.
633	157,374 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1999 shall be charged to the applicable category limits for that year (see directive dated November 5, 1998) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC, and under the terms of the Special Access Program, as set forth in 63 FR 16474 (April 3, 1998), effective on January 1, 2000, you are directed to establish guaranteed access levels for properly certified textile products in the following categories which are assembled in the Dominican Republic from fabric formed and cut in the United States and re-exported to the United States from the Dominican Republic during the period January 1, 2000 through December 31, 2000:

Category	Guaranteed access level
338/638	1,150,000 dozen.
339/639	1,150,000 dozen.
340/640	1,000,000 dozen.
342/642	1,000,000 dozen.
347/348/647/648.	8,050,000 dozen.
351/651	1,000,000 dozen.
433	21,000 dozen.
442	65,000 dozen.
443	50,000 numbers.
444	30,000 numbers.
448	40,000 dozen.
633	60,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification in accordance with the provisions of the certification requirements established in the directive of February 25, 1987 (52 FR 6595), as amended, shall be denied entry unless the Government of the Dominican Republic authorizes the entry and any charges to the appropriate specific limits. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.99–24244 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Kenya

September 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in Kenya and exported during the period January 1, 2000 through December 31, 2000 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limits for the 2000 period.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 13, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2000, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Kenya and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
340/640	587,581 dozen.
360	4,243,640 numbers.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1999 shall be charged to the applicable category limits for that year (see directive dated September 30, 1998) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–24245 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Mauritius

September 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in the Mauritius and exported during the period January 1, 2000 through December 31, 2000 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2000 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 13, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2000, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Mauritius and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Knit Group	
345, 438, 445, 446, 645 and 646, as a group.	218,034 dozen.
Levels not in a group	
237	281,167 dozen.
335/835	111,766 dozen.
336	131,521 dozen.
338/339	526,529 dozen.
340/640	856,890 dozen of which not more than 521,611 dozen shall be in Categories 340–Y/640–Y [1].
341/641	593,587 dozen.
347/348	1,108,321 dozen.
351/651	260,664 dozen.
352/652	2,210,420 dozen of which not more than 1,878,860 dozen shall be in Category 352.
442	12,370 dozen.
604–A [2]	455,134 kilograms.
638/639	605,511 dozen.
647/648/847	816,494 dozen.

[1] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[2] Category 604–A: only HTS number 5509.32.0000.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1999 shall be charged to the applicable category limits for that year (see directive dated November 3, 1998) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–24246 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of an Import Limit for Certain Wool Textile Products Produced or Manufactured in Russia

September 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The Bilateral Textile Agreement, effected by exchange of notes dated August 13, 1996 and September 9, 1996, as amended, between the Governments of the United States and the Russian Federation establishes a limit for wool textile products in Category 435 for the period January 1, 2000 through December 31, 2000.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limit for 2000.

This limit may be revised if Russia becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Russia.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 13, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Bilateral Textile Agreement, effected by exchange of notes dated August 13, 1996 and September 9, 1996, as amended, between the Governments of the United States and the Russian Federation, you are directed to prohibit, effective on January 1, 2000, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 435, produced or manufactured in Russia and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000, in excess of 54,122 dozen.

The limit set forth above is subject to adjustment pursuant to the current bilateral agreement between the Governments of the United States and the Russian Federation.

Products in the above category exported during 1999 shall be charged to the applicable category limit for that year (see directive dated December 14, 1998) to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such products shall be charged to the limit set forth in this directive.

This limit may be revised if Russia becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Russia.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.99–24247 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Wool Textile Products Produced or Manufactured in Ukraine

September 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The Bilateral Textile Agreement of July 22, 1998, between the Governments of the United States and Ukraine establishes limits for certain wool textile products, produced or manufactured in Ukraine and exported during the period beginning on January 1, 2000 and extending through December 31, 2000.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2000 limits.

These limits may be revised if Ukraine becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Ukraine.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000

CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 13, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Bilateral Textile Agreement of July 22, 1998, between the Governments of the United States and Ukraine, you are directed to prohibit, effective on January 1, 2000, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in the following categories, produced or manufactured in Ukraine and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000, in excess of the following levels of restraint:

Category	Twelve-month limit
435	93,740 dozen.
442	15,606 dozen.
444	67,626 numbers.
448	67,626 dozen.

The limits set forth above are subject to adjustment pursuant to the current bilateral agreement between the Governments of the United States and Ukraine.

These limits may be revised if Ukraine becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Ukraine.

Products in the above categories exported during 1999 shall be charged to the applicable category limits for that year (see directive dated November 3, 1998) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–24248 Filed 9–16–99; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 16, 1999.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 13, 1999.

William Burrow, Leader,

Information Management Group, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Title: Core Alcohol and Other Drug Survey.

Frequency: Annually.

Affected Public: Individuals or households.

Reporting and Recordkeeping Hour Burden:

Responses: 216,750.

Burden Hours: 144,500.

Abstract: The Core Alcohol and Other Drug Survey is being conducted as a national probability sample in order for the Department to obtain national statistics on alcohol and other drug use and violence at public and private, two- and four-year institutes of higher education. The survey will be completed by college students and inform us of their perceptions and actual drug and alcohol use. It will also collect data on violence, including hate crimes.

Written comments and requests for copies of this information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov, or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Kathy Axt at 703–426–9692 or by e-mail at kathy__axt@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–24227 Filed 9–16–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Chicago Operations Office, Office of Industrial Technologies, Energy Efficiency and Renewable Energy; Meeting for a New Generation of Natural Gas-Fired Reciprocating Engines

AGENCY: DOE, Chicago Operations Office.

ACTION: Notice of an Open Meeting for a New Generation of Natural-Gas-Fired Reciprocating Engines.

SUMMARY: High efficiency and clean burning natural-gas-fired reciprocating

engines in the 0.3 to 3.0 MW range are expected to meet a significant portion of the demand for distributed generation by the "Industries of the Future." The U.S. Department of Energy (DOE) seeks to establish partnerships with manufacturers, vendors, suppliers, research organizations, universities, regulators, end users and other committed stakeholders that will expand opportunities for gas-fired reciprocating engines. On September 24, 1999 from 1:00 PM to 4:00 PM, an open meeting will be held at: Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, S.W., Washington, DC 2002, 202–484–1000. The purpose of the meeting is to start a roadmap that outlines the mission, goals, technical activities, and priorities of a five-year program (2000–2004). The intent is to develop, test, and demonstrate a new generation of gas-fired reciprocating engine systems that will be cleaner, more fuel efficient, longer lived, more rugged, and lower cost than the existing fleet of products. The roadmap will emphasize the future role of gas-fired reciprocating engines for distributed power generation in the "Industries of the Future." The specifics of this roadmap will result from extensive collaboration with industry and other partners. It is expected that the roadmap will start with preliminary studies that scope and quantify the benefits of specific technologies relative to the existing engine fleet. Subsequent to the completion of developmental activities, the roadmap will culminate with long-term engine demonstrations. Persons planning to attend this meeting are asked to provide prior notification (including name, mailing address, phone and fax number, and electronic mail address) via electronic mail (recips@energetics.com) or fax (410–423–2193). As further information becomes available, it will be posted at the following Internet site www.ch.doe.gov/business/ACQ.htm.

DATES AND ADDRESSES: An open meeting will be held on September 24, 1999 from 1:00 p.m.–4:00 p.m. (EST). The meeting will be held at Lowes L'Enfant Plaza Hotel, 480 L'Enfant Plaza, S.W. , Washington, DC 2002, (202) 484–1000.

FOR FURTHER INFORMATION CONTACT: Stephen Waslo at (630) 252–2143 or Joseph Mavec at (630) 252–2323, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, IL 60439–4899, or by electronic mail at stephen.waslo@ch.doe.gov or joseph.mavec@ch.doe.gov

Issued in Argonne, Illinois on September 10, 1999.

John D. Greenwood,

Acquisition and Assistance Group Manager.

[FR Doc. 99–24251 Filed 9–16–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Availability of the Bonneville Purchasing Instructions (BPI)

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of document availability.

SUMMARY: Copies of the BPI which establishes the procedures BPA uses in the solicitation, award, and administration of its purchases of goods and services, including construction, and the Bonneville Financial Assistance Instructions (BFAI) which establishes the procedures BPA uses in the solicitation, award, and administration of financial assistance instruments (principally grants and cooperative agreements) are available from BPA for $30 and $15 each, respectively, or available without charge at the Internet address: *http://www.bpa.gov/Corporate/kgp/bpi/bpi.htm and http://www.bpa.gov/corporate/kgp/bfai/bfai.htm.*

ADDRESSES: Copies of the BPI or BFAI may be obtained by sending a check for the proper amount to the Head of the Contracting Activity, Routing KGP, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208-3621.

FOR FURTHER INFORMATION CONTACT: The Manager, Corporate Communications, 1–800–622–4519.

SUPPLEMENTARY INFORMATION: BPA was established in 1937 as a Federal Power Marketing Agency in the Pacific Northwest. BPA operations are financed from power revenues as opposed to annual appropriations. Its purchasing operations are conducted under 16 U.S.C. 832 *et seq.* and related statutes, pursuant to these special authorities, the BPI is promulgated as a statement of purchasing policy and as a body of interpretative regulations governing the conduct of BPA purchasing activities. It is significantly different from the Federal Acquisition Regulation, and reflects BPA's private sector approach to purchasing the goods and services which it requires. BPA's financial assistance operations are conducted under 16 U.S.C. 832 *et seq.*, and 16 U.S.C. 839 *et seq.* The BFAI express BPA's financial assistance policy. The BFAI also comprise BPA's rules governing implementation of the principles provided in the following OMB circulars:

A–21 Cost principles applicable to grants, contracts, and other agreements within institutions of higher education.

A–87 Cost principles applicable to grants, contracts, and other agreements with State and local governments.

A–102 Uniform administrative requirements for grants in aid to State and local governments, and the common rule.

A–110 Grants and agreements with institutions of higher education, hospitals and other nonprofit organizations.

A–122 Cost principles applicable to grants, contracts, and other agreements with nonprofit organizations.

A–133 Audits of States, Local Governments and Non-Profit Organizations. BPA's solicitations include notice of applicability and availability of the BPI and the BFAI, as appropriate, for the information of offerors on particular purchases or financial assistance transactions.

Issued in Portland, Oregon, on September 9, 1999.

Kenneth R. Berglund,

Manager, Contracts and Property Management.

[FR Doc. 99–24250 Filed 9–16–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[IC99–582–001, FERC–582]

Information Collection Submitted for Review and Request for Comments

September 13, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received comments in response to an

earlier **Federal Register** notice of April 21, 1999 (64 FR 19522) and has responded in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received on or before October 18, 1999.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 725 17th Street, NW, Washington, DC 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Mr. Michael Miller, 888 First Street, NE, Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at mike.miller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. Collection of Information: FERC–582 "Oil, Gas and Electric Fees and Annual Charges".

2. Sponsor: Federal Energy Regulatory Commission.

3. Control No.: OMB No. 1902–0132. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection. There is a change in the reporting burden due an additional 63 entities who are now required to file. These are mandatory information collection requirements.

4. Necessity of Collection of Information: Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of the Independent Offices Appropriation Act of 1952 (IOAA) (31 U.S.C. 9701) which authorizes the Commission to establish fees for services. In addition, the Omnibus Budget Reconciliation Act of 1986 (OBRA) (42 U.S.C. 7178) authorizes the Commission "to assess and collect fees and annual charges in any fiscal year in amounts equal to all the costs incurred by the Commission in that fiscal year." In calculating annual charges, the Commission first determines the total costs of its electric regulatory program and subtracts all electric regulatory program filing fee collections to determine total collectible electric regulatory program costs. It then uses the data submitted under FERC information collection requirement FERC–582 to determine the total volumes of long-term firm sales and transmission, and short-term sales and transmission and exchanges for all public utilities, including power marketers. The Commission divides those volumes into its collectible program costs to determine the unit charge per mega-watt hour for each category of sales. Finally, the Commission multiplies the sales volume in each category for public utility (including each power marketer) by the relevant unit charge per mega-watt hour to determine the annual charges for all public utilities and power marketers. Public utilities and power marketers subject to these annual charges must submit FERC–582 to the Commission's Office of the Secretary by April 30 of each year. The Commission issues bills for annual charges, and public utilities and power marketers then must pay the charges within 45 days of the date on which the Commission issues the bill. In addition, Commission staff uses companies' financial information filed under the waiver provisions to evaluate requests for a waiver or exemption of the obligation to pay a fee for an annual charge. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 381, sections 381.108 and 381.302 and part 382 section 382.201(b).

5. Respondent Description: The respondent universe currently comprises on average, 242 applicants.

6. Estimated Burden: 968 total burden hours, 242 respondents, 1 response annually, 4 hours per response (average).

7. Estimated Cost Burden to Respondents: 968 hours ÷ 2,080 hours per year × $109,889 per year = $51,139, average cost per respondent = $211.32.

Statutory Authority: Section 3401 of the Omnibus Budget Reconciliation Act of 1986 42 U.S.C. 7178 (1998) and Independent Offices Appropriation Act of 1952 (31 U.S.C. 9701).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24213 Filed 9–16–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[IC99–583–001, FERC–583]

Information Collection Submitted for Review and Request for Comments

September 13, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier **Federal Register** notice of April 21, 1999 (64 FR 19523) and has made this notation in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received on or before October 18, 1999.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 725 17th Street, NW, Washington, DC 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Mr. Michael Miller, 888 First Street NE, Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at mike.miller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC–583 "Annual Kilowatt Generating Report (Annual Charges)".

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902–0136. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection. There is no change in the reporting burden. These are mandatory collection requirements.

4. *Necessity of Collection of Information:* Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of the Federal Power Act

(FPA). Section 10(e) of the FPA authorizes the Commission to collect annual charges from hydro power licenses for, among other things, the cost of administering Part I of the FPA and for use of administering the cost of United States dams. In addition, the Omnibus Budget Reconciliation Act of 1986 (OBRA) authorizes the Commission "to assess and collect fees and annual charges in any fiscal year in amounts equal to all the costs incurred by the Commission in that fiscal year." The information is collected annually and used to determine the amount of annual charges to be assessed licensees for reimbursable government administrative costs for the use of government dams.

5. *Respondent Description:* The respondent universe currently comprises on average, 660 applicants.

6. *Estimated Burden:* 1,320 total burden hours, 660 respondents, 1 response annually, 2 hours per response (average).

7. *Estimated Cost Burden to Respondents:* 1,320 hours ÷ 2,080, hours per year × $109,889 per year = $69,737, average cost per respondent = $105.66.

Statutory Authority: Section 10(e) of the Federal Power Act (FPA), Part 1, 16 U.S.C. 803(e).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24214 Filed 9–16–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL99–46–001, et al.]

Capacity Benefit Margin, et al.; Electric Rate and Corporate Regulation Filings

September 10, 1999.

Take notice that the following filings have been made with the Commission:

1. Capacity Benefit Margin

[Docket No. EL99–46–001]

Take notice that on August 12, 1999, North American Electric Reliability filed a response to the Commission's Order on Capacity Benefit Margin that was issued on July 28, 1999 in Docket No. EL99–46–000.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Vitol Gas & Electric LLC

[Docket No. ER94–155–026]

Take notice that on September 9, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only. This filing is available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

3. Stand Energy Corporation, Environmental Resources Trust, Inc. and Mid-Power Service Corporation

[Docket No. ER95–362–018, ER98–3233–004 and ER97–4257–010]

Take notice that on September 7, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

4. Wilson Power & Gas Smart, Inc.

[Docket No. ER95–751–019]

Take notice that on September 2, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only. This filing is available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

5. GDK

[Docket No. ER96–1735–012]

Take notice that on September 1, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only. This filing is available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

6. United American Energy Corporation

[Docket Nos. ER96–3092–013 and ER99–4360–000]

Take notice that on September 1, 1999, United American Energy Corp. (UAE), tendered for filing a Notification of Change in Status. UAE seeks to notify the Commission that it has become affiliated with Duke Energy Corporation (Duke Energy). Due to its new affiliation with Duke Energy, UAE is submitting for filing with the Commission an amended Rate Schedule No. 1 as well as a Code of Conduct (Supplement No. 1 to Rate Schedule No. 1).

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Allegheny Power Service Corporation, Cleveland Electric Illuminating Company, Toledo Edison Company, Ohio Edison Company, Pennsylvania Power Company, Southern Company Services, Inc., Virginia Electric & Power Company and Ontario Hydro

[Docket No. ER97–697–003]

Take notice that on September 2, 1999, Allegheny Power Service Corporation, Cleveland Electric Illuminating Company, Toledo Edison Company, Ohio Edison Company, Pennsylvania Power Company, Southern Company Services, Inc., Virginia Electric & Power Company, and Ontario Hydro tendered for filing a Final Report on the GAPP Experiment which was initiated on April 2, 1997.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. PSEG Energy Technologies Incorporated

[Docket No. ER97–2176–010]

Take notice that on September 8, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only. This filing is available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

9. Northeast Electricity Inc.

[Docket No. ER98–3048–002]

Take notice that on August 23, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only. This filing is available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

10. Virginia Electric and Power Company

[Docket No. ER99–1886–000]

Take notice that on September 2, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing pursuant to Section 205 of the Federal Power Act, 16 U.S.C. Section 824d, an amendment to its February 22, 1999 and April 20, 1999 filings in the above referenced docket number. Virginia Power's filings pertain to a Service Agreement under the Company's Open Access Transmission Tariff with The Wholesale Power Group for Long Term Firm Point-to-Point Transmission Service.

Copies of this filing were served upon The Wholesale Power Group, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. New England Power Pool

[Docket No. ER99–4330–000]

Take notice that on September 1, 1999, the New England Power Pool Participants Committee submitted the Forty-Fourth Agreement Amending New England Power Pool Agreement, which modifies the formula in the Restated NEPOOL Agreement that determines Installed Capability Responsibility in Section 12.2(a)(1) of the Restated NEPOOL Agreement to more accurately account for the reliability value for NEPOOL Interruptible and Dispatchable Loads.

The NEPOOL Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in the New England Power Pool.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Southwestern Public Service Company

[Docket No. ER99–4331–000]

Take notice that on September 1, 1999, New Century Services, Inc., on behalf of Southwestern Public Service Company (Southwestern), tendered for filing an executed umbrella service agreement under Southwestern's market-based sales tariff with Public Service Company of New Mexico (PNM). This umbrella service agreement provides for Southwestern's sale and PNM's purchase of capacity and energy at market-based rates pursuant to Southwestern's market-based sales tariff.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Niagara Mohawk Power Corporation

[Docket No. ER99–4332–000]

Take notice that on September 1, 1999, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed form Service Agreement between NMPC and NRG Power Marketing, Inc. (Purchaser). The Service Agreement specifies that the Purchaser has signed and agreed to the terms and conditions of NMPC's Power Sales Tariff designated as NMPC's FERC Electric Tariff, Original Volume No. 2. This Tariff, approved by FERC on April 15, 1994, and having an effective date of March 13, 1993, allows NMPC and the Purchaser to enter into separately scheduled transactions under which NMPC will sell to the Purchaser capacity and/or energy as the parties may mutually agree. In its filing letter, NMPC also included a Certificate of Concurrence from the Purchaser.

NMPC is: (a) requesting an effective date of September 1, 1999 for the agreement, and (b) requesting waiver of the Commission's notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and the companies included in a Service List enclosed with the filing.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4333–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Public Service Electric & Gas Company (PSE&G).

Con Edison states that a copy of this filing has been served by mail upon PSE&G.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4334–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Public Service Electric & Gas Company (PSE&G).

Con Edison states that a copy of this filing has been served by mail upon PSE&G.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4335–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Public Service Electric & Gas Company (PSE&G).

Con Edison states that a copy of this filing has been served by mail upon PSE&G.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4336–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Public Service Electric & Gas Company (PSE&G).

Con Edison states that a copy of this filing has been served by mail upon PSE&G.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4337–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Public Service Electric & Gas Company (PSE&G).

Con Edison states that a copy of this filing has been served by mail upon PSE&G.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4338–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Constellation Power Source (CPS).

Con Edison states that a copy of this filing has been served by mail upon CPS.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4340–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Con Edison Solutions (CES).

Con Edison states that a copy of this filing has been served by mail upon CES.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4341–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Con Edison Solutions (CES).

Con Edison states that a copy of this filing has been served by mail upon CES.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4342–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Con Edison Solutions (Solutions).

Con Edison states that a copy of this filing has been served by mail upon Solutions.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4343–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Con Edison Solutions (Solutions).

Con Edison states that a copy of this filing has been served by mail upon Solutions.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–4344–000]

Take notice that on September 1, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Aquila Power Corporation (APC).

Con Edison states that a copy of this filing has been served by mail upon APC.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

25. Consumers Energy Company

[Docket No. ER99–4345–000]

Take notice that on September 1, 1999, Consumers Energy Company (Consumers), tendered for filing an executed service agreement for unbundled wholesale power service with American Electric Power Service Corporation pursuant to Consumers' Market Based Power Sales Tariff accepted for filing in Docket No. ER98–4421–000 .

The service agreement has an effective date of July 27, 1999.

Copies of the filing have been served on the Michigan Public Service Commission and American Electric Power Service Corporation.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

26. Virginia Electric and Power Company

[Docket No. ER99–4346–000]

Take notice that on September 1, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing its proposed modification to Section 14.7 of the Open Access Transmission Tariff, that modifies the charge to a transmission customer that fails to curtail a non-firm point-to-point transmission transaction within ten minutes of notification by the Company. Virginia Power seeks to recover any costs that are incurred to meet NERC contingency reserve requirements.

Virginia Power requests waiver of the Commission's notice requirements to permit an effective date of September 10, 1999. If waiver is not granted, Virginia Power requests that the filing become effective sixty days from the date of this letter.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

27. Virginia Electric and Power Company

[Docket No. ER99–4347–000]

Take notice that on September 1, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing a Notice of Cancellation of the following Service Agreements:

1. Service Agreement between Virginia Electric and Power Company and Cleveland Electric Illuminating Company (Cleveland Electric) for Non-Firm Point-to-Point Transmission Service;

2. Service Agreement between Virginia Electric and Power Company and Toledo Edison Company (Toledo Edison) for Non-Firm Point-to-Point Transmission Service.

The above referenced Service Agreements were dated December 16, 1996 and were filed under the Company's Open Access Transmission Tariff to Eligible Purchasers dated July 9, 1996. These agreements were accepted by the FERC under Docket No. ER97–1461–000 in a letter order dated March 6, 1997. In light of the formation of FirstEnergy Corp. (FirstEnergy), an exempt holding company which owns all of the common stock of The Cleveland Electric Illuminating Company and The Toledo Edison Company, FirstEnergy directed Virginia Power to cancel the above referenced Service Agreements.

Virginia Power requests an effective date of November 2, 1999, for the cancellation of the above referenced Service Agreements.

Copies of this filing were served upon FirstEnergy, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

28. Virginia Electric and Power Company

[Docket No. ER99–4348–000]

Take notice that on September 1, 1999, Virginia Electric and Power

Company (Virginia Power), tendered for filing an assignment letter indicating that FirstEnergy Corp. (FirstEnergy), will replace Ohio Edison Company as transmission customer in the Non-Firm Point-to-Point Transmission Service Agreement dated February 28, 1997 and originally filed under the Company's Open Access Transmission Tariff to Eligible Purchasers dated July 9, 1996. The original Service Agreement was approved by the FERC in Docket No. ER97–2511–000 in a Letter Order dated May 15, 1997.

Virginia Power requests an effective date of January 1, 1998, for the assignment.

Copies of this filing were served upon FirstEnergy, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

29. Avista Corp.

[Docket No. ER99–4349–000]

Take notice that on September 1, 1999, Avista Corporation (AVA), tendered for filing with the Federal Energy Regulatory Commission executed Service Agreements for Long Term Firm and Point-To-Point Transmission Service under AVA's Open Access Transmission Tariff—FERC Electric Tariff, Volume No. 8 with Avista Corporation (Power Marketing).

AVA requests the Service Agreements be given the respective effective date of August 1, 1999 and September 1, 1999 respectively.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

30. Vermont Electric Power Company, Inc.

[Docket No. ER99–4350–000]

Take notice that on September 1, 1999, Vermont Electric Power Company, Inc. (VELCO), tendered for filing a non-firm point-to-point service agreement with Entergy Power Marketing Corporation as a customer under the terms of VELCO's Local Open Access Transmission Tariff. VELCO also filed a revised List of Customers With Active Service Agreements.

VELCO asks that this agreement and the revised List of Customers become effective as of the date of filing. Accordingly, VELCO requests a waiver of the Commission's notice requirements.

Copies of this filing were served on the customer, the Vermont Department of Public Service, and the Vermont Public Service Board.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

31. Vermont Electric Power Company, Inc.

[Docket No. ER99–4351–000]

Take notice that on September 1, 1999, Vermont Electric Power Company, Inc. (VELCO), tendered for filing a firm point-to-point service agreement with Entergy Power Marketing Corporation as a customer under the terms of VELCO's Local Open Access Transmission Tariff. VELCO also filed a revised List of Customers With Active Service Agreements.

VELCO asks that this agreement and the revised List of Customers become effective as of the date of filing. Accordingly, VELCO requests a waiver of the Commission's notice requirements.

Copies of this filing were served on the customer, the Vermont Department of Public Service, and the Vermont Public Service Board.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

32. PP&L, Inc.

[Docket No. ER99–4354–000]

Take notice that on September 2, 1999, PP&L, Inc. (PP&L), tendered for filing a Service Agreement dated August 19, 1999, with Consolidated Edison Company of New York, Inc. (ConEd) under PP&L's Market-Based Rate and Resale of Transmission Rights Tariff, FERC Electric Tariff, Revised Volume No. 5. The Service Agreement adds ConEd as an eligible customer under the Tariff.

PP&L requests an effective date of September 2, 1999, for the Service Agreement.

PP&L states that copies of this filing have been supplied to ConEd and to the Pennsylvania Public Utility Commission.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

33. Middletown Power LLC, Montville Power LLC, Norwalk Power LLC, Devon Power LLC, and Connecticut Jet Power LLC

[Docket Nos. ER99–4355–000, ER99–4356–000, ER99–4357–000, ER99–4358–000 and ER99–4359–000]

Take notice that on September 1, 1999, Middletown Power LLC, Montville Power LLC, Norwalk Power LLC, Devon Power LLC, and Connecticut Jet Power LLC (Sellers), limited liability companies organized under the laws of the State of Delaware, petitioned the Commission for an order: (1) accepting Sellers' proposed Rate Schedules FERC No. 1 (Market-Based Rate Schedule); (2) granting waiver of certain requirements under Subparts B and C of Part 35 of the regulations, and (3) granting the blanket approvals normally accorded sellers permitted to sell at market-based rates. Sellers are indirect subsidiaries of Northern States Power Company.

Comment date: September 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

34. Boston Edison Company

[Docket No. ER99–4361–000]

Take notice that on September 2, 1999, Boston Edison Company (Boston Edison), tendered for filing a service agreement between Boston Edison as the transmission provider and Entergy Nuclear Generation Company as the transmission customer. The service agreement provides for Network Integration Transmission Service under Boston Edison's Open-Access Transmission Tariff, FERC Volume No. 8.

Boston Edison requests an effective date of November 1, 1999.

Boston Edison states that copies of the filing have been served upon the affected customer and the Massachusetts Department of Telecommunications and Energy.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

35. Central Vermont Public Service Corporation

[Docket No. ER99–4362–000]

Take notice that on September 2, 1999, Central Vermont Public Service Corporation (Central Vermont), tendered for filing a Service Agreement with Sonat Power Marketing L.P., under its FERC Second Revised Electric Tariff Volume No. 8.

Central Vermont requests waiver of the Commission's Regulations to permit the service agreement to become effective on September 1, 1999.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

36. Cinergy Services, Inc.

[Docket No. ER99–4363–000]

Take notice that on September 2, 1999, Cinergy Services, Inc., on behalf of its Operating Company affiliates, The Cincinnati Gas & Electric Company and PSI Energy, Inc. (collectively Cinergy Operating Companies (COC)), tendered for filing an executed service agreement between COC and Northern Indiana

Public Service Company (NIPSCO) replacing the unexecuted service agreement filed on November 28, 1997 under Docket No. ER98–847–000 per COC FERC Electric Market-Based Power Sales Tariff, Original Volume No. 6–CB.

Cinergy is requesting an effective date of October 29, 1997 and the same Rate Designation as per the original filing.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

37. Cinergy Services, Inc.

[Docket No. ER99–4364–000]

Take notice that on September 2, 1999, Cinergy Services, Inc., on behalf of its Operating Company affiliates, The Cincinnati Gas & Electric Company and PSI Energy, Inc. (collectively Cinergy Operating Companies (COC)), tendered for filing an executed service agreement between COC and Northern Indiana Public Service Company (NIPSC) replacing the unexecuted service agreement filed on November 28, 1997 under Docket No. ER98–847–000 per COC FERC Electric Market-Based Power Sales Tariff, Original Volume No. 7–MB.

Cinergy is requesting an effective date of October 29, 1997 and the same Rate Designation as per the original filing.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

38. Duke Energy Corporation

[Docket No. ER99–4365–000]

Take notice that on September 2, 1999, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with the North Carolina Municipal Power Agency Number 1, for Non-Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on August 30, 1999.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

39. Commonwealth Edison Company

[Docket No. ER99–4366–000]

Take notice that on September 2, 1999, Commonwealth Edison Company (ComEd), tendered for filing an Interconnection Agreement with LSP-Kendall Energy, LLC (LSP-Kendall).

ComEd requests an effective date of September 3, 1999 and accordingly seeks waiver of the Commission's notice requirements.

Copies of the filing were served on LSP-Kendall and the Illinois Commerce Commission.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

40. Virginia Electric and Power Company

[Docket No. ER99–4367–000]

Take notice that on September 2, 1999, Virginia Electric and Power Company, doing business as North Carolina Power, tendered for filing a letter agreement supplementing Rate Schedules 102, 114 and 115 of North Carolina Power for service to the Town of Hertford, North Carolina (Town), a member municipality of the North Carolina Municipal Power Agency Number 3 of the North Carolina Eastern Municipal Power Agency (Power Agency). The letter agreement establishes the terms and conditions for the temporary and then permanent modification of a substation in conjunction with the Town's upgrade of its own electric system and the elimination of the rental fee for the existing instrument transformers leased by the Power Agency for the Town.

Copies of the filing were served upon the Power Agency, the North Carolina Utilities Commission and the Virginia State Corporation Commission.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

41. Niagara Mohawk Power Corporation

[Docket No. ER99–4368–000]

Take notice that on September 2, 1999, Niagara Mohawk Power Corporation tendered for filing an Interconnection Agreement between Niagara Mohawk Power Corporation and Northbrook New York LLC dated as of August 20, 1999.

Niagara Mohawk Power Corporation requests an effective date of the Closing Date of the sale of the Northbrook generating facility. To the extent necessary, Niagara Mohawk Power Corporation requests waiver of the Commission requirement that a rate schedule be filed not less than 60 days or more than 120 days from its effective date.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

42. ProLiance Energy, LLC

[Docket No. ER99–4380–000]

Take notice that on September 2, 1999, ProLiance Energy, LLC (ProLiance), tendered for filing proposed changes in its FERC Electric Service Tariff Rate Schedule No. 1 and a Notification of a Change in Status. The changes consist of restrictions on the sale of power and non-power goods and services between ProLiance and Southern Indiana Gas & Electric Company (SIGECO), based on a proposed merger between Indiana Energy, Inc. and SIGCORP, Inc., that would result in ProLiance becoming an affiliate of SIGECO, a subsidiary of SIGCORP, and the accompanying Code of Conduct.

Copies of the filing were served upon ProLiance's jurisdictional customers.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

43. PDI—New England & PDI—Canada

[Docket No. ER99–4381–000]

Take notice that on September 2, 1999, PDI—New England & PDI—Canada filed its quarterly report for the quarter ending June 30, 1999.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

44. PacifiCorp

[Docket No. ER99–4390–000]

Take notice that on September 7, 1999, PacifiCorp filed its quarterly report for the quarter ending June 30, 1999.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–24212 Filed 9–16–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

September 13, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Minor License.

b. *Project No.:* P–3052–003.

c. *Date Filed:* August 27, 1999.

d. *Applicant:* City of Black River Falls, Wisconsin.

e. *Name of Project:* Black River Falls Hydroelectric Project.

f. *Location:* On the Black River in Jackson County, Wisconsin. The project would not utilize federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Loren Radcliffe, Administrator, Black River Falls Municipal Utilities, 119 North Water Street, Black River Falls, Wisconsin 54615.

i. *FERC Contact:* Susan B. O'Brien, *susan.obrien@ferc.fed.us,* (202) 219–2659.

j. *Deadline for filing comments and additional study requests:* October 26, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Status of environmental analysis:* This application is not ready for environmental analysis at this time.

l. *Description of the Project:* The existing run-of-river project consists of: (1) 103-foot-long concrete gravity nonoverflow dam with the crest elevation of 773.0 feet; (2) 221-foot-long Taintor gate spillway; (3) 83-foot-long flashboard spillway with 12-inch-high flashboards; (4) nonoverflow concrete wall forming the left side of the powerhouse forebay; (5) headworks consisting of six head gates, a forebay, and the powerhouse intake; (6) powerhouse with a total installed capacity of 920 kilowatts, producing about 4.4 gigawatthours annually; (7) nonoverflow concrete gravity section extending from the headworks to the right retaining wall; (8) concrete retaining wall; (9) 198-acre reservoir with a total storage capacity of 1,980 acre-feet; (10) transmission lines; and (11) other appurtenances.

m. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. With this notice, we are initiating consultation with the State Historic Preservation Officer as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR at 800.4.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24215 Filed 9–16–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6246–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements

Filed September 06, 1999 Through September 10, 1999

Pursuant to 40 CFR 1506.9.

EIS No. 990323, Draft EIS, FAA, Programmatic EIS—Commercial Launch Vehicles, Implementation, Issuing a Launch License, Due: November 01, 1999, Contact: Nikos Himaras (202) 267–7926.

EIS No. 990324, Draft EIS, COE, FL, Lee County Beach Erosion Control Project, Shore Protection, Gasparilla and Estero Islands, Lee County, FL, Due: November 01, 1999, Contact: Kenneth Dugger (904) 232–1686.

EIS No. 990325, Draft EIS, NPS, MN, WI, Lower Saint Croix National Scenic Riverway Cooperative Management Plan, Implementation, MN and WI, Due: November 30, 1999, Contact: Michael Madell (608) 264–5257.

EIS No. 990326, Draft EIS, USN, NY, Brooklyn Naval Station Disposal and Reuse, Implementation, King County, NY, Due: November 01, 1999, Contact: Robert K. Ostermueller (610) 595–0759.

EIS No. 990327, Final EIS, AFS, OR, Nicore Mining Project, Implementation, Plan-of-Operations, Mining of Four Sites, Road Construction, Reconstruction, Hauling and Stockpiling of Ore, Rough and Ready Creek Watershed, Illinois Valley Ranger District, Siskiyou National Forest, Medford District, Josephine County, OR, Due: October 18, 1999, Contact: Rochelle Desser (541) 592–4055.

EIS No. 990328, Final EIS, FRC, MO, Missouri-Madison Hydroelectric (FERC No. 2188) Project, Issuing a New licence (Relicense) for Nine Dams and Associated Facilities, MO, Due: October 18, 1999, Contact: Mark Pawlowski (202) 219–2795.

EIS No. 990329, FINAL EIS, NPS, CA, Whiskeytown Unit General Management Plan, Implementation, Whiskeytown-Shasta-Trinity National Recreation Area, Shasta County, CA, Due: October 18, 1999, Contact: Alan Schmierer (415) 427–1441.

Amended Notices

EIS No. 990291, FINAL EIS, NOA, FL, Spiny Dogfish (Squalus acanthras) Fishery Management Plan, Implementation, Northwest Atlantic Ocean, Labrador to Florida, Due: September 20, 1999, Contact: Hannah Goodale (978) 281–9315. Published FR–08–20–99—Correction to Comment Period.

EIS No. 990310, FINAL SUPPLEMENT, NRC, Generic EIS—License Renewal of Nuclear Power Plants Operating Licenses, NUREG–1437 Addendum 1, Due: October 04, 1999, Contact: Donald P. Cleary (301) 415–3903. Published FR 09–03–99 Correction to Title.

Dated: September 14, 1999.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99–24295 Filed 9–16–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6246–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared August 9, 1999 Through August 13, 1999 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 9, 1999 (64 FR 17362).

Draft EISs

Erp No. D–FHW–F40384–MI Rating EO2, Boardman River Crossing Mobility Study, Improve the East-West Mobility across the Boardman River, COE Permit, Traverse City and Grand Traverse County, MI.

Summary: EPA expressed objections due to potential significant wetland, water quality, aquatic resource impacts and secondary/cumulative impacts. EPA also believes that additional detail is needed in the alternative analysis.

ERP No. D–NPS–D61051–VA Rating LO, Booker T. Washington National Monument (BOWA), General Management Plan, Implementation, Franklin County, VA.

Summary: EPA has no objection to the proposal and the DEIS adequately addressed the environmental impacts of the preferred alternative.

ERP No. D–TPT–K61147–CA Rating EC2, Presidio of San Francisco General Management Plan, Implementation, New Development and Uses within the Letterman Complex, Golden Gate National Recreation Area, City and County of San Francisco, CA.

Summary: EPA expressed environmental concerns due to traffic and parking impacts and recommended that the Trust take all steps to reduce the number of project-related single occupancy vehicle trips to, from, and within the Presidio, and adjust the capacity of the proposed parking structure accordingly. EPA also requested additional information regarding the Presidio Trust's master development plan, in the context of cumulative environmental impacts.

ERP No. D–UAF–K11016–NV Rating EC2, Nellis Air Force Base, Proposal to Base or Beddown F–22 Aircraft Force Development Evaluation and Weapons School, Clark County, NV.

Summary: EPA expressed concerns regarding the lack of a full alternatives analysis, increased noise impacts that disproportinately affect environmental justice (minority and low-income) populations, inaccurate/incomplete reporting of increased hazardous waste streams resulting from the proposed project.

ERP No. DA–COE–G36145–NM Rating EC2, Rio Grande Floodway, Flood Protection Plan, San Acacia to Bosque del Apache Unit, Socorro County, NM.

Summary: EPA has identified several environmental concerns in the area of document clarity, mitigation, coordination, impact assessment, cumulative effects, and biological assessment that need to be included in the Final SEIS.

ERP No. DS–AFS–K65203–CA Rating EC2, Sirretta Peak Motorcycle Trail, Additional Information on Alternative Route for the Trail, Construction, Approval and Implementation, Sirretta Peak/Machine Creek Area, Kern Plateau, Sequoia National Forest, Cannell Meadow Ranger District, Tulare County, CA.

Summary: EPA's concerns expressed in a letter dated April 6, 1998, regarding the draft EIS remain.

Final EISs

ERP No. F–BIA–G25000–NM, High Mesa Environmental Facility, Construction and Operation, Approval of Lease for Disposal of Municipal Solid Waste, Nambi Indian Reservation, Santa Fe County, New Mexico.

Summary: EPA continues to seek a commitment by BIA to require all Federal requirements to be met prior to approval and operation of the facility. To insure these conditions are legally binding, EPA requests that the contingencies be included in the lease agreement as well as the ROD. EPA offered to assist BIA in its evaluation of the technical information to be provided in 40 CFR Part 257, and 40 CFR Part 258 and motivated on willingness to continue to work with BIA in the design and operation approval process.

ERP No. F–BLM–J03013–UT, Ferron Natural Gas Project, Proposal to Construct, Maintain and Operate a Natural Gas Transmission Pipeline, Application for Permit to Drill (APD), Special-Use-Permit and Right-of-Way Grant, Carbon and Emery Counties, UT.

Summary: EPA is satisfied that previous comments have been addressed and that additional alternative options for reducing air quality impacts have been modeled. EPA suggests use of an Adaptive Environmental Management Process to track, evaluate, and modify mitigation measures to be implemented.

ERP No. F–BLM–J65212–WY, Newcastle Resource Management Plan, Implemention, Evaluates Alternatives for the Use of Public Lands and Resources in Portions of Wyoming, Crook, Niobrara and Westion Counties, WY.

Summary: EPA continued to express concern regarding the lack of full disclosure of direct, indirect and cumulative impacts. EPA believes that there is sufficient new information on regional air quality impacts to warrant further analysis and disclosure.

ERP No. F–BOP–E80029–KY, McCreary County Federal Correctional Facility, Construction and Operation, Five Possible Sites, McCreary County, KY.

Summary: EPA continues to have environmental concerns about the issue of wetland impacts.

ERP No. F–COE–E39042–GA, Latham River/Jekyll Creek Environmental Restoration Project (Section 1135), To Establish the Without Project Condition, Atlantic Intracoastal Waterway (AIWW), Glynn County, GA.

Summary: EPA's previous concerns have been adequately addressed, therefore EPA has no objection to the proposed action.

ERP No. F–COE–F36163–00, Upper Des Plaines River Flood Damage Reduction Project, Recommended Plan to Construction of a Lateral Storage Area, National Economic Development (NED), Lake County, IL and Kenosha and Racine Counties, WI.

Summary: EPA's previous objections have been resolved, EPA still has concerns regarding the scope of analysis.

ERP No. F–FHW–K40235–CA, California Forest Highway 137, Improvements to Wentworth Springs Road and the Stumpy Meadows Reservoir Dam eastward (14.4 miles) to Ice House Road, Eldorado National Forest, El Dorado County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–GSA–K40228–CA, United States Border Facility, Tecate Port of Entry (POE) Realignment and Expansion, NPDES Permit, City of Tecate, San Diego County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–NOA–F39035–MI, Thunder Bay National Marine Sanctuary

Management Plan, Comprehensive and Long-Term Management for Shipwrecks and other Underwater Cultural Resources, extending from Presque Isle Harbor to Sturgeon Paint and eastward into Lake Huron, Alpena, Alconia and Presque Isle Counties, MI.

Summary: Based on EPA review, EPA has no comments.

ERP No. F–RUS–F39034–00, Lincoln-Pipestone Rural Water (LPRW), Development and Expansion of Existing System North/Lyon County Phase and Northeast Phase Expansion Project, Yellow Medicine, Lincoln and Lyon Counties, MN and Deuel County, SD.

SUMMARY: While the previous comments made on the DEIS have been addressed, EPA recommended that an Adaptive Environmental Management Plan to be incorporated into the Record of Decision (ROD) as a method of verifying the implementation of the proposed Water Resource Management Plan and its effectiveness in mitigation of potential impacts to the surrounding ground water system.

ERP No. F–SFW–F99009–WI, Karner Blue Butterfly Habitat Conservation Plan State-wide, Application for an Incidental Take Permit, several counties, WI.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. FA–IBR–J05016–UT, Diamond Fork Power System, Updated Information, Boneville Unit, Central Utah Project, Approval and Funding, Utah and Wasatch Counties, UT.

Summary: EPA agreed with the lead agencies that municipal water conservation will be included in the next CUP planning effort on the Utah Lake Drainage Basin Water Distribution System.

Dated: September 13, 1999.

William D. Dickerson,

Director, Office of Federal Activities.

[FR Doc. 99–24296 Filed 9–16–99; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2360]

Petition for Reconsideration and Clarification of Action in Rulemaking Proceeding

September 10, 1999.

Petition for Reconsideration and Clarification has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, S.W., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to this petition must be filed by October 4, 1999. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Calling Party Pay Service Option in the Commercial Mobile Radio Services (WT Docket No. 97–207).

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–24231 Filed 9–16–99; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3140–EM]

California; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of California (FEMA–3140–EM), dated September 1, 1999, and related determinations.

EFFECTIVE DATE: September 1, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 1, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of California, resulting from severe fires on August 24, 1999, and continuing are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of California.

You are authorized to provide appropriate assistance for required emergency protective measures, including the limited removal of debris which poses a health and safety hazard to the general public, as authorized under Title V. This assistance excludes regular time costs for subgrantees regular employees. Other forms of assistance under Title V of the Stafford Act may be provided, as you may deem appropriate.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mark Ghilarducci of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of California to have been affected adversely by this declared emergency:

Emergency protective measures, including the limited removal of debris which poses a health and safety hazard to the general public, as authorized under Title V. This assistance excludes regular time costs for subgrantees regular employees for Butte, Shasta, Tehama, and Tuolome Counties.

(The following Catalog of Federal Domestic Assistance Numbers(CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 99–24289 Filed 9–16–99; 8:45 am]

BILLING CODE 5718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3140–EM]

California; Amendment No. 1 to Notice of an Emergency

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of California, (FEMA–3140–EM), dated September 1, 1999, and related determinations.

EFFECTIVE DATE: September 3, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of California is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of September 1, 1999:

The counties of Plumas and San Bernardino for emergency protective measures, including the limited removal of debris which poses a health and safety hazard to the general public, as authorized under Title V. This assistance excludes regular time costs for subgrantees regular employees.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–24290 Filed 9–16–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3141–EM]

North Carolina; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of North Carolina (FEMA–3141–EM), dated September 1, 1999, and related determinations.

EFFECTIVE DATE: September 1, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 1, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of North Carolina, resulting from Hurricane Dennis beginning on August 29, 1999, and continuing, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of North Carolina.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. You are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the disaster. I have authorized emergency protective measures, which includes direct Federal assistance at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Glenn C. Woodard, Jr. of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of North Carolina to have been affected adversely by this declared emergency:

Emergency protective measures, which includes direct Federal assistance at 75 percent Federal funding will be provided for Brunswick, Carteret, Currituck, Dare, Hyde, New Hanover, Onslow, Pamlico and Pender Counties.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 99–24291 Filed 9–16–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3141–EM]

North Carolina; Amendment No. 1 to Notice of an Emergency

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of North Carolina, (FEMA–3141–EM), dated September 1, 1999, and related determinations.

EFFECTIVE DATE: September 8, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of North Carolina is hereby amended to include debris removal (Category A) under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of September 1, 1999:

Brunswick, Carteret, Currituck, Dare, Hyde, New Hanover, Onslow, Pamlico and Pender Counties for debris removal (Category A) under the Public Assistance program (already designated for emergency protective measures (Category B) under the Public Assistance program.

Beaufort and Craven Counties for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Laurence W. Zensinger,

Division Director, Response and Recovery Directorate.

[FR Doc. 99–24292 Filed 9–16–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1289–DR]

Commonwealth of Pennsylvania; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Pennsylvania (FEMA–1289–DR), dated September 1, 1999, and related determinations.

EFFECTIVE DATE: September 1, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 1, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania, resulting from severe storms and flooding on August 20–21, 1999, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the Commonwealth of Pennsylvania.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is later warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Jack Schuback of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster:

McKean County for Individual Assistance.

All counties within the Commonwealth of Pennsylvania are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 99–24287 Filed 9–16–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1287–DR]

Texas; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas, (FEMA–1287–DR), dated August 22, 1999, and related determinations.

EFFECTIVE DATE: September 3, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Texas is hereby amended to include Categories C through G under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 22, 1999:

Aransas, Brooks, Cameron, Duval, Kenedy, Kleberg, Nueces, Webb, and Willacy Counties for Categories C through G under the Public Assistance program (already designated for Individual Assistance and debris removal and emergency protective measures (Categories A and B) under the Public Assistance program).

Hidalgo County for the Public Assistance Program (already designated for Individual Assistance).

San Patricio County for Individual Assistance (already designated for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Associate Director, Response and Recovery Directorate.

[FR Doc. 99–24285 Filed 9–16–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1287–DR]

Texas; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas, (FEMA–1287–DR), dated August 22, 1999, and related determinations.

EFFECTIVE DATE: September 7, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Texas is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 22, 1999:

Jim Hogg County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis

Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Associate Director, Response and Recovery Directorate.

[FR Doc. 99–24286 Filed 9–16–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3142–EM]

Texas; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Texas (FEMA–3142–EM), dated September 1, 1999, and related determinations.

EFFECTIVE DATE: September 1, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 1, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of Texas, resulting from extreme fire hazards on August 1, 1999, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of Texas.

You are authorized to coordinate with other Federal agencies to provide any form of direct Federal assistance which you deem appropriate for required emergency measures, authorized under the Stafford Act, to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe in the designated areas. You are also authorized to provide reimbursement for the eligible costs associated with the pre-staging of Emergency Management Assistance Compact and State fire suppression assets. Reimbursement for costs associated with suppressing wildland fires will continue to be authorized under Section 420 of the Stafford Act. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under the Stafford Act, as you may deem appropriate.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Robert E. Hendrix of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Texas to have been affected adversely by this declared emergency:

FEMA has been authorized to coordinate with other Federal agencies to provide any form of direct Federal assistance appropriate for required emergency measures, authorized under the Stafford Act, to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe. Reimbursement for the eligible costs associated with the pre-staging of Emergency Management Assistance Compact and State fire suppression assets is authorized. Reimbursement for costs associated with wildland fires will continue to be authorized under Section 420 of the Stafford Act.

This assistance is for the counties of: Anderson, Andrews, Angelina, Archer, Armstrong, Austin, Bailey, Bandera, Bastrop, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, DeWitt, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Gaines, Galveston, Garza, Gillespie, Glasscock, Gonzales, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Johnson, Jones, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, Matagorda, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Wharton, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, and Young.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 99–24293 Filed 9–16–99; 8:45 am]

BILLING CODE 6718–02–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1290–DR]

Commonwealth of Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–1290–DR), dated September 6, 1999, and related determinations.

EFFECTIVE DATE: September 6, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 6, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia, resulting from Tropical Storm Dennis and tornadoes beginning on August 27, 1999, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is later requested and warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Robert J. Gunter of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Virginia to have been affected adversely by this declared major disaster:

City of Hampton for Individual Assistance.

All counties within the Commonwealth of Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 99–24288 Filed 9–16–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Partially Open Meeting, Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of partially open meeting.

SUMMARY: In accordance with section 10 (a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, FEMA announces the following committee meeting:

NAME: Board of Visitors for the National Fire Academy.

DATES OF MEETING: September 30–October 1, 1999.

PLACE: Building J, Room 103, National Emergency Training Center, Emmitsburg, Maryland.

TIME: September 30, 1999, 8:30 a.m.–10:30 a.m. (Closed Meeting); September 30, 1999, 10:35 a.m.–5 p.m. (Open Meeting); October 1, 1999, 8:30 a.m.–9 p.m. (Open Meeting); October 2, 1999, 8:30 a.m.–12 noon (Open Meeting).

PROPOSED AGENDA: September 30, 1999 (Closed Meeting From 8:30 a.m.–10:30 a.m., to review Fiscal Years 2000 and 2001 budgetary and procurement recommendations.) September 30, 1999, 10:35 a.m.–5 p.m., Review National Fire Academy Program Activities. October 1–2, 1999, Finish Review of National Fire Academy Program Activities and Prepare Fiscal Year 1999 Annual Report.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public (except as noted above) with seating available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact the Office of the Superintendent, National Fire Academy, U.S. Fire Administration, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1117, on or before September 24, 1999.

Minutes of the meeting will be prepared and will be available for public viewing in the Office of the Administrator, U.S. Fire Administration, Federal Emergency Management Agency, Emmitsburg, Maryland 21727. Copies of the minutes will be available upon request within 60 days after the meeting.

Dated: September 8, 1999.

Richard A. Marinucci,

Acting Chief of Operations.

[FR Doc. 99–24294 Filed 9–16–99; 8:45 am]

BILLING CODE 6718–01–U

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, September 22, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: September 15, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24378 Filed 9–15–99; 12:07 pm]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

Governmentwide Policy Advisory Board, Committee for Excellence in Customer Satisfaction

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Notice of open meeting.

SUMMARY: Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of the opportunity to attend.

DATES AND TIMES: September 28, 1999, 1:15 p.m. to 5:00 p.m.

ADDRESSES: Vice President's Ceremonial Office (Room 274), Old Executive Office Building, 17th and Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Bernard Lubran, Project Manager, Excellence in Customer Satisfaction Initiative, Federal Quality Consulting Group, 1700 G Street, NW—Third Floor—Washington, DC 20552. Telephone: (202) 906–5642. Facsimile: (202) 906–6162. E-Mail: Bernie.Lubran@ots.treas.gov.

SUPPLEMENTARY INFORMATION: This is the second meeting of the Governmentwide Policy Board's Committee for Excellence in Customer Satisfaction. The Committee is responsible for providing advice and recommendations regarding new and ongoing initiatives to improve customer satisfaction with the services provided by the Executive Branch.

The Committee's planned agenda includes the following:

1:15 to 1:30 Call to Order and Opening Remarks.
1:30 to 1:45 Introductions.
1:45 to 2:30 Subcommittee Reports.
2:30 to 2:45 Break.
2:45 to 3:45 Executive Roundtable on Top Recommendations and Implementation Strategies.
3:45 to 4:15 Committee Operations.
4:15 to 4:30 Summary of Decisions.
4:30 to 5:00 Public Comment Period.
5:00 Adjourn.

The meeting of the Committee is open to the public; however, advance registration is required due to the limited seating available and the need to obtain prior clearance to enter the Old Executive Office Building. Attendance will be confirmed on a first-come, first-served basis. You must provide the following information by the close of business on September 24, 1999, to the point of contact listed above in order to be admitted: (a) Full name of the attendee; (2) Date of birth, and (3) Social Security number. In order to enter the Old Executive Office Building at the time of the meeting, each attendee must present a form of legal identification, such as a driver's license, bearing their picture and the personal information requested in this paragraph.

With advance notification to the contact person listed above, members of the public may make brief statements from 4:30 to 5:00. Oral statements may not exceed 5 minutes in length. Written statements may also be filed with the Committee for its consideration. Written statements should be submitted to the address listed above no later than September 27, 1999.

Individuals requiring special assistance should contact the person listed above no later than September 17, 1999.

Dated: September 13, 1999.

James L. Dean,

Director, Committee Management Secretariat.

[FR Doc. 99–24219 Filed 9–16–99; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Public Health and Science; Grant Award to Cicatelli Associates, Inc.

AGENCY: Office of Population Affairs, OPHS, HHS.

ACTION: Notice.

SUMMARY: This notice is to inform the public that the Office of Family Planning (OFP) of the Office of Population Affairs (OPA) is making available an award of approximately $500,000 in FY 1999 to Cicatelli Associates, Inc., a Title X general training and technical assistance grantee, under Section 1003 of Title X of the Public Health Service Act. These funds are from the Office of the Secretary's Public Health and Social Services Emergency Fund and were provided in the FY 1999 Emergency Supplemental Appropriation Pub. L. 105–277) by the Congressional Black Caucus for the Secretary to address the HIV/AIDS crisis in racial and ethnic minority communities through specifically targeted programs that respond to changing demographics of the disease.

Cicatelli Associates, Inc. (CAI) has requested these funds to support a one-year training and technical assistance project that will increase the capacity of Title X providers and other small community-based organizations to provide prevention and early intervention services for poor, minority communities disproportionately impacted by HIV/AIDS, sexually transmitted diseases, and unwanted pregnancies. CAI is proposing to develop training and technical assistance activities that focus on improving the coordination, comprehensiveness and quality of HIV/AIDS service provision, by bringing together community-based organizations, primarily those providing support services to communities of color, including Title X providers, into federal regional planning and networking activities.

The training and technical assistance activities proposed by CAI will include facilitating the identification of HIV/AIDS community resources across the country, and compiling regional resource handbooks on HIV/AIDS services, focusing on community-based organizations providing support and ancillary services to individuals and families affected and infected by HIV/AIDS. Also, CAI is proposing to support training and technical assistance activities for capacity building within small agencies and organizations that serve primarily racial and ethnic minorities and are in communities with high HIV incidence.

The unsolicited proposal from CAI was reviewed and approved by a federal interagency review panel. The following language regarding the use of these funds is to be placed on the award: "These funds are to be used only for high priority prevention and treatment needs in areas heavily impacted by HIV/AIDS, and to complement existing and previously planned targeted HIV/AIDS activities regarding communities of color."

FOR FURTHER INFORMATION CONTACT: Susan Moskosky, Acting Deputy Director, Office of Family Planning, OPA, 4350 East-West Highway, Suite 200, Bethesda, MD 20814. (301) 594–4008.

Dated: September 10, 1999.

Denese O. Shervington,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 99–24211 Filed 9–16–99; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–150]

Public Health Assessments Completed

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces those sites for which ATSDR has completed public health assessments during the period from April 1999 through June 1999. This list includes sites that are on or proposed for inclusion on the National Priorities List (NPL), and includes sites for which assessments were prepared in response to requests from the public.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., DEE, Assistant

Surgeon General, Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E–32, Atlanta, Georgia 30333, telephone (404) 639–0610.

SUPPLEMENTARY INFORMATION: The most recent list of completed public health assessments was published in the **Federal Register** on June 21, 1999 (64 FR 33090). This announcement is the responsibility of ATSDR under the regulation, Public Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities (42 CFR part 90). This rule sets forth ATSDR's procedures for the conduct of public health assessments under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) (42 U.S.C. 9604(i)).

Availability

The completed public health assessments and addenda are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday except legal holidays. The completed public health assessments are also available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 605–6000. NTIS charges for copies of public health assessments and addenda. The NTIS order numbers are listed in parentheses following the site names.

Public Health Assesssments Completed or Issued

Between April 1 and June 30, 1999, public health assessments were issued for the sites listed below:

NPL Sites

California

Sherwin Williams—Emeryville—(PB99–155590)

Union Pacific (a/k/a Union Pacific Railroad Yard)—Sacramento—(PB99–155608)

Florida

Normandy Park Apartments—Temple Terrace—(PB99–140956)

Georgia

USAF Robins Air Force (Landfill/Sludge LA) (a/k/a USAF Robins Air Force Base)—Warner Robins—(PB99–152738)

Illinois

Byron Salvage Yard (a/k/a Byron Johnson)—Byron—(PB99–149239)

National Lead Industries/Taracorp Lead Smelt Site—Granite City—(PB99–155343)

Sandoval Zinc Company—Sandoval—(PB99–155616)

Sangamo Electric Dump/Crab Orchard National Refuge (a/k/a Crab Orchard National Refuge)—Carterville—(PB99–149205)

Louisiana

Agriculture Street Landfill—New Orleans—(PB99–152282)

Massachusetts

Re-Solve, Incorporated—Dartmouth—(PB99–151490)

New Jersey

LCP Chemicals Incorporated—Linden—(PB99–155335)

New York

General Motors (Central Foundry Division)—Massena—(PB99–140949)

Pennsylvania

Sharon Steel Corporation (Farrell Works)—Farrell—(PB99–149197)

Tennessee

Ross Metals Incorporated—Rossville—(PB99–156622)

Wisconsin

US Army Badger Army Ammunition Plant—Baraboo—(PB99–151532)

Non NPL Petitioned Sites

Mississippi

Mayfair/New Haven Subdivision—Natchez—(PB99–163305)

New York

Underground Storage Tanks—Jacksonville—(PB99–156630)

Rhode Island

Smithfield Chemical Industrial Dump—Smithfield—(PB99–163321)

Dated: September 13, 1999.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 99–24229 Filed 9–16–99; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–99–39]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) and ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

1. Studies of Adverse Reproductive Outcomes in Female Occupation Groups (0920–0367)—EXTENSION—National Institute for Occupational Safety and Health (NIOSH). An estimated 50,000 to 60,000 chemicals are in common use throughout society today and hundreds of new chemicals are introduced each year. Yet the list of environmental chemicals and agents that have been investigated to determine whether they have adverse effects on reproductive health is still limited. With the growing number of women in the work force, it is becoming increasingly important to evaluate the potential female reproductive health effects of occupational and physical agents.

This study will examine reproductive disorders among female flight attendants. Approximately 66,000 flight attendants are currently employed by

U.S. commercial airlines and are potentially exposed to ionizing radiation and disruption of circardin rhythms, two exposures that may adversely affect reproductive function. Teachers will be enrolled as an external comparison group for this study.

Data from company personnel records containing demographic and work history information will be used to estimate workplace exposures. Each women will be asked to complete a telephone questionnaire on reproductive history and other factors (such as cigarette smoking) that may influence reproductive function. Each questionnaire will take approximately 60 minutes to complete. Medical records will be requested to confirm adverse reproductive outcomes reported by the participants. The risk of adverse reproductive outcomes between the two groups of women will then be compared.

The total cost to respondents to estimated at $102,000.

Respondents	Number of respondents	Number of responses respondent	Avg. burden per response	Total burden
Workers	6,200	1	1.0	6,200
Medical providers	1,200	1	0.5	600
Total				6,800

Dated: September 13, 1999.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–24230 Filed 9–16–99; 8:45 am]

BILLING CODE 4163–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0407]

Agency Information Collection Activities: Proposed Collection; Comment Request; Reclassification Petitions for Medical Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing information collection, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for Reclassification Petitions for Medical Devices.

DATES: Submit written comments on the collection of information by November 16, 1999.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520) Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Reclassification Petitions for Medical Devices; 21 CFR 860.123 (OMB Control Number 0910–0138—Extension)

FDA has the responsibility under sections 513(e) and (f), 514(b), 515(b), and 520(l) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(e) and (f), 360d(b), 360e(b), and 360j(l)) and part 860 (21 CFR part 860), subpart C, to collect data and information contained in reclassification petitions. The reclassification provisions of the act allow any person to petition for reclassification of a medical device from any one of three classes (I, II, and III) to another class. The reclassification procedures (§ 860.123) requires the submission of sufficient, valid scientific evidence demonstrating that the proposed classification will provide a reasonable assurance of safety and effectiveness of the device for its intended use. The reclassification provisions of the act serve primarily as a vehicle for manufacturers to seek reclassification from a higher to a lower class, thereby reducing the regulatory requirements applicable to a particular device. The reclassification petitions requesting classification from class III to class II or class I, if approved, provide an alternative route to the market in lieu of premarket approval for class III devices.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
860.133	11	1	11	500	5,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on current trends, FDA anticipates that 11 petitions will be submitted each year. The time required to prepare and submit a reclassification petition, including the time needed to assemble supporting data, averages 500 hours per petition. This average is based upon estimates by FDA administrative and technical staff who are familiar with the requirements for submission of a reclassification petition, have consulted and advised manufacturers on these requirements and have reviewed the documentation submitted.

Dated: September 13, 1999.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning and Legislation.

[FR Doc. 99–24237 Filed 9–16–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–2874]

Development of Guidance Documents for Medical Devices Regulated by the Center for Biologics Evaluation and Research; Stakeholders Input Under FDA Modernization Act of 1997; Public Meeting and Teleconference

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting and teleconference entitled "Development of Guidance Documents for Medical Devices Regulated by the Center for Biologics Evaluation and Research-Stakeholders Input Under FDA Modernization Act of 1997." The goals of the public meeting and teleconference are to explain to stakeholders the process and development of medical device guidance documents under good guidance practices (GGP's) and how to participate in both processes and to give stakeholders the opportunity to provide input on what they think the Center for Biologics Evaluation and Research's (CBER's) priorities should be regarding medical devices regulated by CBER. The agency is also requesting comments prior to the meeting, from stakeholders on proposals of priorities for development of guidance documents related to CBER-regulated medical devices.

DATES: The meeting will be held on November 15, 1999, 1 p.m. to 4 p.m. (Eastern Time). The teleconference will be held on the same day. See Table 1 in section III of this document for the scheduled times and locations of the teleconference. The deadline for registration for the meeting or teleconference is November 8, 1999. Comments are requested before the meeting by October 1, 1999, or after the meeting by December 15, 1999.

ADDRESSES: The meeting will be held at the Masur Auditorium, National Institutes of Health, 9000 Rockville Pike, Bldg. 10, Bethesda, MD. See Table 1 in section III of this document for the scheduled locations of the teleconference. Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Melanie N. Whelan, Center for Biologics Evaluation and Research (HFM–43), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3841, FAX 301–827–3079, or e-mail "Whelan@CBER.FDA.GOV".

SUPPLEMENTARY INFORMATION:

I. Background

Under section 406(b) of the Food and Drug Administration Modernization Act of 1997 (FDAMA) (21 U.S.C. 393(f) and (g)), CBER held a series of public meetings to discuss its statutory obligations under FDAMA for biologics. The meetings were held in Washington, DC, on August 14, 1998 (63 FR 39877, July 24, 1998); in Oakland, CA, on August 28, 1998; in Bethesda, MD, on December 1, 1998 (63 FR 58743, November 2, 1998); and in San Francisco, CA, and Boston, MA, on April 28, 1999 (64 FR 13804, March 22, 1999). The FDA Pacific Regional Office sponsored a grassroots meeting on September 15, 1998 (63 FR 42052, August 6, 1998), in Irvine, CA, with the biotechnology industry.

At some of the earlier public meetings, a recurring theme was dissatisfaction with the handling of medical devices regulated by CBER. Important concerns were related to CBER procedures and standards for medical device products similar to products regulated by the Center for Devices and Radiological Health (CDRH). In response to these concerns, CBER developed the Device Action Plan in order to facilitate the implementation of the device provisions of FDAMA and to ensure consistency of policy and procedures between CBER and CDRH. CBER announced the completed Device Action Plan at the CBER Stakeholders Meetings held in San Francisco, CA, and Boston, MA, on April 28, 1999 (64 FR 13804, March 22, 1999). The following issues have been outlined in the Device Action Plan: (1) Compliance and team biologics issues (application of certain good manufacturing practices (GMP's) and compliance policy), (2) enhancing communication with industry and within FDA, (3) coordination with CDRH, and (4) improvement of device review performance. The Device Action Plan has been posted on the CBER web site at "http://www.fda.gov/cber/dap/dap.htm".

The public meeting and teleconference will be gathering information on all medical devices including those regulated under the Federal Food, Drug, and Cosmetic Act and those licensed under the Public Health Service Act. The public meeting and teleconference announced in this notice is intended to: (1) Explain to stakeholders the process and development of medical device guidance documents under GGP's and how they can participate in both processes, and (2) give stakeholders the opportunity to provide input on what they think CBER's priorities should be regarding the development of guidance documents related to medical devices regulated by CBER.

In preparation for the November 15, 1999, public meeting, FDA is soliciting comments from stakeholders on proposals of priorities for development

of guidance documents related to medical devices regulated by CBER.

II. Comments

Written comments should be identified with the docket number found in brackets in the heading of this document and submitted to the Dockets Management Branch (address above). All comments should be identified with the docket number found in brackets in the heading of this document. Stakeholders are encouraged to submit their written comments by Friday, October 1, 1999, in order to have the comments addressed at the meeting. Written comments may also be submitted after the meeting to the Dockets Management Branch (address above) by December 15, 1999. Two copies of any comments should be submitted, except that individuals may submit one copy. Received comments are available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

III. Scheduled Meetings

The teleconference will be held in several locations throughout the country. The scheduled times and locations are listed as follows:

TABLE 1.—TELECONFERENCE SCHEDULES

Address/Food and Drug Administration (FDA) District	Scheduled Time of Teleconference
Denver District: Sixth & Kipling Sts., Denver Federal Center, Bldg. 20, rm. B1409, Denver, CO 80225–0087	11 a.m. to 2 p.m. Mountain Time.
San Francisco District: 1431 Harbor Bay Pkwy., Alameda, CA 94502	10 a.m. to 1 p.m. Pacific Time.
Los Angeles District: 19900 MacArthur Blvd., suite 300, Irvine, CA 92715–2445	10 a.m. to 1 p.m. Pacific Time.
Minneapolis District: 240 Hennepin Ave., Minneapolis, MN 55401	12 noon to 3 p.m. Central Time.
New England District: One Montvale Ave., Fourth Floor, Stoneham, MA 02180	1 p.m. to 4 p.m. Eastern Time.

IV. Registration

Send registration information (including name, title, firm name, address, telephone, and fax number) for the public meeting or teleconference, by mail, fax or e-mail to the contact person by Monday, November 8, 1999. Registration at the site will be done on a space available basis on the day of the meeting. There is no registration fee for the meeting. Space is limited, therefore, interested parties are encouraged to register early.

If you need special accommodations due to a disability, please contact Melanie N. Whelan (address above) at least 7 days in advance.

V. Transcripts

Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page. The transcript of the meeting will also be available on the CBER web site at "http://www.fda.gov/cber/minutes/workshop-min.htm".

Dated: September 10, 1999

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–24236 Filed 9–16–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–3089]

Draft Affirmative Agenda for International Activities—Center for Food Safety and Applied Nutrition; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the document entitled "Draft Affirmative Agenda for International Activities" (Draft International Affirmative Agenda) for FDA's Center for Food Safety and Applied Nutrition (CFSAN). The Draft International Affirmative Agenda presents, consistent with the center's mission and resources, CFSAN's international priorities for the next 3 years (2000–2002).

DATES: Written comments by November 1, 1999.

ADDRESSES: The Draft International Affirmative Agenda is available for public examination in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm.1061, Rockville, MD 20852. To view the document electronically or to print copies: World Wide Web at "http://vm.cfsan.fda.gov/".

FOR FURTHER INFORMATION CONTACT: To obtain a single copy of the Draft International Affirmative Agenda: John W. Jones, Office of Constituent Operations, Center for Food Safety and Applied Nutrition (HFS–550), 200 C St. SW., Washington, DC 20204, 202–205–4311.

SUPPLEMENTARY INFORMATION:

I. Background

CFSAN participates in numerous international activities pertaining to the safety, quality, and labeling of foods and cosmetics. These activities are intended, first and foremost, to enhance FDA's ability to ensure that foods and cosmetics available to American consumers are safe and appropriately labeled, whether the products are produced in or imported into the United States.

The international environment in which CFSAN operates has changed dramatically in the last 20 years. International trade in foods and cosmetics has grown markedly and international trade agreements have introduced new requirements that affect FDA's traditional approaches for regulating such products. Furthermore, resources available for CFSAN to accomplish its international activities are finite and limited.

Thus, CFSAN must establish priorities that are consistent with FDA's mission and resources. CFSAN's Draft International Affirmative Agenda is intended to present achievable, international priorities for the next 3 years for those areas where it is critical for the safety and regulation of foods and/or cosmetics that the center maintain a strong presence.

CFSAN is actively seeking comments on this Draft International Affirmative Agenda and will, if interest is sufficient, consider holding a public meeting to enable further dialogue on its contents. The center would appreciate hearing in the next two weeks from persons regarding the need for a public meeting on the draft document. Comments on the document, itself, may be submitted within the next 45 days.

II. Comments

Interested persons may, on or before November 1, 1999, submit to the Dockets Management Branch (address above) written comments on the draft document. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets at the head of this notice. Received comments may be seen in the office above between 9 a.m. and 4 p.m. Monday through Friday.

Dated: September 10, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–24207 Filed 9–16–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–2975]

International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH); VICH GL6 Draft Guidance on "Environmental Impact Assessments (EIA's) for Veterinary Medicinal Products (VMP's)-Phase I;" Availability; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability for comment of the following VICH GL6 draft guidance for industry entitled "Environmental Impact Assessments (EIA's) for Veterinary Medicinal Products (VMP's)-Phase I." This draft guidance document has been developed by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). It is intended to assist in developing harmonized guidance for conducting environmental assessments for VMP's in the European Union, Japan, and the United States.

DATES: Submit written comments by October 18, 1999. FDA must receive comments before the deadline in order to ensure their consideration at the next meeting, but the agency will accept general comments after the deadline at any time.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the full title of the draft guidance document and the docket number found in the heading of this document.

Copies of this **Federal Register** notice and the draft guidance document entitled "Environmental Impact Assessments (EIA's) for Veterinary Medicinal Products (VMP's)-Phase I" may be obtained from the Center for Veterinary Medicine (CVM) home page at "http://www.fda.gov/cvm/fda/TOCs/guideline.html". Persons without Internet access may submit written requests for single copies of the draft guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests.

FOR FURTHER INFORMATION CONTACT:

Regarding VICH: Sharon R. Thompson, Center for Veterinary Medicine (HFV–3), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1798, e-mail: "sthompso@cvm.fda.gov", or

Robert C. Livingston, Center for Veterinary Medicine (HFV–145), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–5903, e-mail: "rlivings@cvm.fda.gov".

Regarding the guidance document: Charles E. Eirkson, Center for Veterinary Medicine (HFV–145), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6958, e-mail: "ceirkson@cvm.fda.gov".

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities, industry associations, and individual sponsors to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seek scientifically based harmonized technical requirements for the development of pharmaceutical products. One of the goals of harmonization is to identify and reduce the differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH) for several years to develop harmonized technical requirements for the approval of human pharmaceutical and biological products among the European Union, Japan, and the United States. The VICH is a parallel initiative for VMP's. The VICH is concerned with developing harmonized technical requirements for the approval of VMP's in the European Union, Japan, and the United States, and includes input from both regulatory and industry representatives.

The VICH meetings are held under the auspices of the Office International des Épizooties. The VICH Steering Committee is composed of member representatives from the European Commission; the European Medicines Evaluation Agency; the European Federation of Animal Health; the Japanese Veterinary Pharmaceutical Association; the Japanese Ministry of Agriculture, Forestry, and Fisheries; the Committee on Veterinary Medicinal Products; the U.S. FDA; the U.S. Department of Agriculture; the Animal Health Institute; and the Japanese Association of Veterinary Biologics.

Two observers are eligible to participate in the VICH Steering Committee: One representative from the Government of Australia/New Zealand, and one representative from the industry in Australia/New Zealand. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the Confédération Mondiale de L'Industrie de la Santé Animale (COMISA). A COMISA representative participates in the VICH Steering Committee meetings.

II. Guidance on Assessing Environmental Impacts of VMP's Other Than Veterinary Biological Products

At a meeting held on October 20 through 22, 1998, the VICH Steering Committee agreed that the draft guidance entitled "Environmental Impact Assessments (EIA's) for Veterinary Medicinal Products (VMP's)-Phase I" should be made available for public comment.

This draft guidance document presents guidance on how to assess the environmental impact of VMP's other than veterinary biological products. This draft guidance document is intended to be consistent with the laws of the European Union, Japan, and the United States. In an effort to harmonize the different requirements in each of these areas for assessing the environmental impact of VMP's, this draft guidance document adopts the terminology "Phase I EIA's" and "Phase II EIA's."

In the United States, the environmental impact of VMP's is determined under the requirements established by the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR part 1500 and part 25 (21 CFR part 25)). Under NEPA, an environmental assessment (EA) is conducted to determine whether a VMP may have a significant environmental impact. A particular VMP may be categorically excluded from the requirement of an

EA, or it may require an EA or an environmental impact statement (EIS), or it may require both.

Using the terminology of the draft guidance document, a Phase I EIA is equivalent under NEPA to either a categorical exclusion or an EA that addresses only environmental exposures (40 CFR 1508.4 and 1508.9). A Phase II EIA represents an EA with more extensive data than would be necessary under the U.S. equivalent of a Phase I EIA. A Phase II EIA may lead to a finding of no significant impact or preparation of an EIS under NEPA.

Questions 2, 3, and 4 of the VICH guidance, which respectively address natural substances, nonfood animals, and minor species, directly parallel existing categorical exclusions under NEPA. (See § 25.33(c), (d)(1), and (d)(4).) These classes of actions have been determined not to have significant environmental impacts. Similarly, question 5, which concerns VMP's used to treat a small number of animals, generally parallels categorical exclusions in § 25.33(d)(2), (d)(3), (d)(4), and (d)(5). These questions provide guidance for defining when a categorical exclusion may be appropriate for U.S. environmental reviews.

Even when a VMP might ordinarily be categorically excluded under NEPA, there may be extraordinary circumstances that require the submission of an EA. Questions 11 through 13 and 17 provide guidance on when such extraordinary circumstances exist. Specifically, questions 11 through 13 relate to whether the environmental introduction concentration ($EIC_{aquatic}$) of a VMP released from aquaculture facilities is less than 1 microgram/liter (µg/L). Similarly, question 17 relates to whether the predicted environmental concentration in soil (PEC_{soil}) for VMP's used in terrestrial species is less than 100 µg/kilogram (kg). Based upon information reviewed to support the guidance, $EIC_{aquatic}$ at or above 1 µg/L, or PEC_{soil} at or above 100 µg/kg, could result in an environmental exposure concentration that could potentially have significant impact on the environment. Thus, an $EIC_{aquatic}$ equal to or greater than 1 µg/L or a PEC_{soil} equal to or greater than 100 µg/kg represents a level of exposure that constitutes extraordinary circumstances that require the submission of an EA or an EIS (see § 25.21(a)).

Additionally, for questions 11 through 13 and 17, FDA is concerned that if the VMP is not expected to degrade or may bioconcentrate, then the aggregate level of exposure from repeated uses could exceed the 1 µg/L $EIC_{aquatic}$ or the 100 µg/kg PEC_{soil} guidance. FDA is seeking comment on how to address the degradability and bioconcentration of a VMP when applying these guidance.

There are no categorical exclusions which parallel questions 6 through 17. Consequently, an EA to address the issues identified in these questions will be required under NEPA for U.S. environmental review. The EA must provide data demonstrating that any conditions of the question (e.g., the VMP is extensively metabolized in the treated animal) or any proposed mitigations (e.g., waste disposal by incineration or sewage treatment) will result in no significant environmental impacts from the VMP.

FDA specifically requests comment on questions 8 and 14 and the text following these questions because FDA is concerned that the text might create the mistaken impression that any time incineration is used to dispose of a waste matrix, there will be no significant impact on the environment under NEPA. For any mitigation, including incineration, the sponsor needs to provide data in the EA that demonstrates that the mitigating measures do in fact ensure that the VMP has no significant impact on the environment.

CVM will provide more detailed guidance, including guidance on formatting for EA's submitted to the United States, guidance on other extraordinary circumstances, and guidance on other NEPA-related environmental issues, such as impacts on natural and historical resources.

Comments about this draft guidance document will be considered by FDA and the VICH Ecotoxicity Working Group. Ultimately, FDA intends to adopt and publish the VICH Steering Committee's final guidance.

This document, developed under the VICH process, has been revised to conform to FDA's good guidance practice regulations (62 FR 8961, February 27, l997) . For example, the document has been designated "guidance" rather than "guideline." Since guidance documents are not binding, mandatory words such as "must" and "shall," and "will" in the original VICH document have been substituted with "should." Additionally, the term(s) "veterinary medicinal products" and "veterinary pharmaceuticals products" may require revision to be consistent with product terms used in other VICH guidance documents.

This draft guidance document represents a portion of FDA's current thinking on the conduct of ecological risk assessment for veterinary medicinal products proposed for marketing in the European Union, Japan, and the United States. The document does not create or confer any rights for or on any person and will not operate to bind FDA or the public. Alternate approaches may be used if they satisfy the requirements of applicable statutes, regulations, or both.

III. Comments

General comments on agency guidance documents are welcome at any time. However, in order to ensure consideration at the next meeting, interested persons should submit written comments on or before October 18, 1999, to the Dockets Management Branch (address above) regarding this draft guidance document. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document. A copy of the document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 10, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–24208 Filed 9–16–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–0232]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or

other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension; *Title of Information Collection:* Supporting Statement for Medicare Program Integrity Program Organizational Conflict of Interest Disclosure Certificate and Supporting Regulations in 42 CFR 421.310 and 421.312;

Form No.: HCFA–R–0232 (OMB# 0938–0723); *Use:* This information is used to assess whether contractors who perform, or who seek to perform, Medicare Integrity Program functions, such as medical review, fraud review or cost audits, have organizational conflicts of interest and whether any conflicts have been resolved. The entities providing the information will be organizations that have been awarded, or seek award of, a Medicare Integrity Program contract; *Frequency:* On occasion; *Affected Public:* Businesses or other for profit; *Number of Respondents:* 10; *Total Annual Responses:* 10; *Total Annual Hours:* 2,400.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: September 9, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–24220 Filed 9–16–99; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–1964]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Request for Review of Part B Medicare Claim and Supporting Regulations in 42 CFR 405.807;

Form No.: HCFA–1964 (OMB# 0938–0033);

Use: The HCFA–1964 is a form which is used nationally to request review of an initial determination made on a Part B health insurance claim. A Medicare beneficiary (or his/her physician/supplier who accepts assignment) files for Part B benefits using forms HCFA–1490S (Patient's Request for Medicare Payment), HCFA–1491 (Request for Medicare Payment—Ambulance), or HCFA–1500 (Health Insurance Claim Form). If any benefits are denied, the claimant has the right to request a review of the initial determination by submitting this HCFA–1964, form.;

Frequency: On occasion;

Affected Public: Individuals or Households, and Not-for-profit institutions;

Number of Respondents: 5,600,000;

Total Annual Responses: 5,600,000;

Total Annual Hours: 1,400,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: September 9, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–24269 Filed 9–16–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–0286]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension; *Title of Information*

Collection: Collection of Assessment Information on the HCFA website: www.medicare.gov/nmep; *Form No.:* HCFA–R–0286 (OMB# 0938–0773); *Use:* The purpose of the bounceback forms is to provide feedback to HCFA. The information collected through the bounceback form will be used in conjunction with other information collected about the web sites through focus groups and interviews with members of the Alliance Network. The combined information will guide future improvements to the web sites. There is no plan to disseminate the information, other than through public health, medical, or other professional journals, in which we may report the results; *Frequency:* Users will have the opportunity to complete the bounceback form whenever they exit the web site; *Affected Public:* Individuals or households, Business or other for profit, and Not for profit institutions; *Number of Respondents:* 49,300; *Total Annual Responses:* 49,300; *Total Annual Hours:* 5,752.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: September 9, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–24270 Filed 9–16–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–1450]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement without change of a previously approved collection for which approval has expired; *Title of Information Collection:* Medicare Uniform Institutional Provider Bill and Supporting Regulations in 42 CFR 424.5; *Form No.:* HCFA–1450 (OMB# 0938–0279); *Use:* This standardized form is used in the Medicare/Medicaid program to apply for reimbursement for covered services by all providers that accept Medicare/Medicaid assigned claims. It reduces cost and administrative burden associated with claims since only one reimbursement coding system is used and maintained. *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, and State, Local or Tribal Government; *Number of Respondents:* 149,609,549; *Total Annual Responses:* 149,609,549; Total Annual Hours: 1,960,991.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address:

HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: September 9, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–24271 Filed 9–16–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–2567]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Statement of Deficiencies and Plan of Correction and Supporting Regulations in 42 CFR 488.18, 488.26, and 488.28; *Form No.:*

HCFA–2567 (OMB# 0938–0391); *Use:* This Paperwork package provides information regarding the form used by the Medicare, Medicaid, and the Clinical Laboratory Improvement Amendments (CLIA) programs to document a health care facility's compliance or noncompliance (deficiencies) with regard to the Medicare/Medicaid Conditions of Participation and Coverage, the requirements for participation for Skilled Nursing Facilities and Nursing Facilities, and for certification under CLIA. This form becomes the basis for both public disclosure of information and HCFA certification decisions (including termination or denial of participation).; *Frequency:* Biennially and Annually; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, and State, Local or Tribal Government; *Number of Respondents:* 60,000; *Total Annual Responses:* 60,000; *Total Annual Hours:* 120,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: September 9, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–24272 Filed 9–16–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1090–N]

Medicare Program; October 6, 1999 and November 15, 1999, Meetings of the Competitive Pricing Demonstration Area Advisory Committee, Kansas City, MO Metropolitan Area

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meetings.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces two meetings of the Competitive Pricing Demonstration Area Advisory Committee (AAC), Kansas City, MO Metropolitan Area on October 6, 1999 and November 15, 1999.

The Balanced Budget Act of 1997 (BBA) requires the Secretary of the Department of Health and Human Services (the Secretary) to establish a demonstration project under which payments to Medicare+Choice organizations in designated areas are determined in accordance with a competitive pricing methodology. The BBA requires the Secretary to appoint an AAC in each designated demonstration area to advise on implementation of the project, including the marketing and pricing of the plan and other factors. The AAC meetings are open to the public.

DATES: The meetings are scheduled for October 6, 1999, from 9:00 a.m. until 4:30 p.m., c.d.s.t. and November 15, 1999 from 9:00 a.m. until 4:30 p.m., c.s.t.

ADDRESSES: The meetings will be held at the Adam's Mark Hotel, 9103 E. 39th Street, Kansas City, MO 64133.

FOR FURTHER INFORMATION CONTACT: Richard P. Brummel, Acting Regional Administrator, Health Care Financing Administration, Richard Bolling Federal Building, Room 235, 601 East 12th Street, Kansas City, MO 64106, (816) 426–5233.

SUPPLEMENTARY INFORMATION:

Section 4011 of the Balanced Budget Act of 1997 (BBA) requires the Secretary of the Department of Health and Human Services (the Secretary) to establish a demonstration project under which payments to Medicare+Choice organizations in designated areas are determined in accordance with a competitive pricing methodology.

Section 4012(a) of the BBA requires the Secretary to appoint a Competitive Pricing Advisory Committee (the CPAC) to make recommendations concerning the designation of areas for inclusion in the project and appropriate research designs for implementing the project. Once an area is designated as a demonstration site, section 4012(b) of the BBA requires the Secretary to appoint an Area Advisory Committee (AAC) to advise on the marketing and pricing of the plan in the area and other factors. Thus far, the Kansas City, MO Metropolitan Area and Maricopa County, AZ have been designated as demonstration sites.

The Kansas City, MO Metropolitan Area AAC has previously met on March 26, 1999, April 8, 1999, April 22, 1999, May 12, 1999, and July 22, 1999. The Kansas City AAC is composed of representatives of health plans, providers, employers, and Medicare beneficiaries in the area. The members are: E.J. Holland, Chair, Sprint Corporation; Robert S. Bonney, Saint Luke's Shawnee Mission Health System; Hazel Borders, Beneficiary; Richard W. Brown, Health MidWest; Cynthia A. Finter, Kaiser Permanente; Tresia Franklin, Hallmark Cards; Alan O. Freeman, Cass Medical Center; Herman Johnson, Beneficiary; John W. Kennedy, Blue Cross/Blue Shield of Kansas City; Mike Oxford, Topeka Independent Living Resource Center; Jean D. Rumbaugh, HealthNet; Kathleen Sebelius, Kansas Insurance Commissioner; Zarina Shockley-Sparling, Humana Health Plan; Jan Stallmeyer, Principal Health Care; Charles Van Way, M.D., St. Luke's Hospital; Barry Wilkinson, Heavy Construction Workers Local 663; and Esther V. Wolf, University of Missouri at Kansas City School of Social Welfare. In accordance with section 4012(b) of the BBA, the AAC will exist for the duration of the project in the area.

This notice announces two meetings of the Kansas City, MO Metropolitan Area AAC. The meetings will be held on:

- October 6, 1999, from 9:00 a.m. until 4:30 p.m., c.d.s.t., at the Adam's Mark Hotel, 9103 E. 39th Street, Kansas City, MO 64133.
- November 15, 1999 from 9:00 a.m. until 4:30 p.m., c.s.t., at the Adam's Mark Hotel, 9103 E. 39th Street, Kansas City, MO 64133.

The agenda for the October 6, 1999, meeting will include the following:

- A discussion of the status of local efforts to educate and inform beneficiaries, providers, and others about the demonstration.
- A review and contrast of the standard benefit package previously developed to the health plan benefits proposed for 2000.

• A discussion of a schedule for all implementation activities leading to the start-up on January 1, 2001.

• Other issues involving implementation of the demonstration in Kansas City, MO.

The agenda for the November 15, 1999, meeting will include the following:

• Reports of progress on development of risk adjustment alternatives and quality incentives.

• Decisions on the standard benefit package and outreach and communication initiatives for Kansas City, MO.

• A discussion of the bid solicitation and review process.

Individuals or organizations that wish to make 5-minute oral presentations on the agenda issues listed above should contact the Kansas City Acting Regional Administrator, by 12 noon, for each of the following days:

• September 29, 1999, for the first meeting.

• November 8, 1999, for the second meeting.

Anyone who is not scheduled to speak may submit written comments to the Kansas City Acting Regional Administrator, by 12 noon, for each of the following days:

• September 30, 1999, for the first meeting.

• November 9, 1999, for the second meeting.

These meetings are open to the public, but attendance is limited to the space available.

(Section 4012 of the Balanced Budget Act of 1997, Public Law 105–33 (42 U.S.C.1395w–23 note) and section 10(a) of Public Law 92–463 (5 U.S.C. App.2, section 10(a))

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 14, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

[FR Doc. 99–24273 Filed 9–16–99; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1999.

Name: National Advisory Council on the National Health Service Corps (NHSC).

Date and Time:

October 7, 1999; 8:30 a.m.–5:00 p.m.
October 8–9, 1999; 1:30 p.m.–4:30 p.m.
October 10, 1999; 7:30 a.m.–10:00 a.m.

Place: Alexis Park Hotel, 375 East Harmon Avenue, Las Vegas, Nevada 89109, Phone: (702) 796–3300.

The meeting is open to the public.

Agenda: Items will include updates on the NHSC and Scholarships and Loan Repayments program; Health Professional Shortage Areas (HPSA) designations; reports from the San Francisco field office, State Primary Care Association, and State Primary Care Office. In preparation for the year 2000 reauthorization, the Council will discuss the distribution of their position paper "The National Health Service Corps for the 21st Century." On Friday, October 8 through Sunday, October 10, the Council will attend parts of the NHSC Orientation Conference and interact with new scholars and loan repayers.

For further information, call Ms. Eve Morrow, Division of National Health Service Corps, at (301) 594–4144.

Dated: September 10, 1999.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 99–24206 Filed 9–16–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4432–N–37]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. **Veterans Administration**, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be

declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AIR FORCE: Ms. Barbara Jenkins, Air Force Real Estate Agency, (Area-MI), Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; ENERGY: Ms. Marsha Penhaker, Department of Energy, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585; (202) 586–0426; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–0052; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (These are not toll-free numbers).

Dated: September 9, 1999.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

Suitable/Available Properties

Buildings (by State)

Colorado

Bldg. 964
Former Lowry AFB
Denver Co: CO 80220–
Landholding Agency: Air Force
Property Number: 18199930016
Status: Unutilized
Comment: 14,495 sq. ft., local land use controls, most recent use—child care/kitchen facility

Hawaii

Facility No. 63
Naval Computer & Telecom.
Area Master Station
Wahiawa Co: HI 96786–
Landholding Agency: Navy
Property Number: 77199930075
Status: Excess
Comment: 14,784 sq. ft., needs rehab, presence of asbestos, most recent use—office, off-site use only

Facility No. 92
Naval Computer & Telecom.
Area Master Station
Wahiawa Co: HI 96786–
Landholding Agency: Navy
Property Number: 77199930076
Status: Excess
Comment: 1008 sq. ft., needs rehab, most recent use—storage, off-site use only

Facility No. 99
Naval Computer & Telecom.
Area Master Station
Wahiawa Co: HI 96786–
Landholding Agency: Navy
Property Number: 77199930077
Status: Excess
Comment: 544 sq. ft., concerete, needs rehab, presence of asbestos, most recent use—storage, off-site use only

Facility No. 127
Naval Computer & Telecom.
Area Master Station
Wahiawa Co: HI 96786–
Landholding Agency: Navy
Property Number: 77199930078
Status: Excess
Comment: 198 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only

Facility No. 227
Naval Computer & Telecom.
Area Master Station
Wahiawa Co: HI 96786–
Landholding Agency: Navy
Property Number: 77199930079
Status: Excess
Comment: 2240 sq. ft., needs rehab, presence of asbestos, most recent use—weight room, off-site use only

Facility No. 285
Naval Computer & Telecom.
Area Master Station
Wahiawa Co: HI 96786–
Landholding Agency: Navy
Property Number: 77199930080
Status: Excess
Comment: 418 sq. ft., needs rehap, most recent use—storage, off-site use only

California

Eureka Federal Building
5th & H Streets
Eureka Co: CA 95501–
Landholding Agency: GSA
Property Number: 54199930024
Status: Excess
Comment: 23,959 gross sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—post office/office, listed on the National Register of Historic Places
GSA Number: 9–G–CA–1529

Bldg. 5UT4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930081
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5US4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930082
Status: Unutilized
Reason: Extensive deterioration

Bldg. 127
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930083
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5A6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930084
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5A7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930085
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5A8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930086
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5A9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930087
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5B6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930088
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5B7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930089
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5B8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930090
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5B9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930091
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5C6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy

Property Number: 77199930092
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5C7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930093
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5C8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930094
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5C9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930095
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5D1
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930096
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5D2
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930097
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5D3
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930098
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5D4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930099
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5D5
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 771999300100
Status: Unutilized
Reason: Extensive deterioration

Hawaii

Portion, Bellows AFS
DE#1, Parcel 5A
Waimanalo Co: Oahu HI 96795–
Landholding Agency: GSA
Property Number: 54199930025
Status: Surplus
Reason: Floodway
GSA Number: 9–D–HI–574

Ohio

Bldg. 02
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930008
Status: Unutilized
Reason: Secured Area

Bldg. 06
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930009
Status: Unutilized
Reason: Secured Area

Bldg. 08
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930010
Status: Unutilized
Reason: Secured Area

Bldg. 09
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930011
Status: Unutilized
Reason: Secured Area

Bldg. 11
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930012
Status: Unutilized
Reason: Secured Area

Bldg. 12
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930013
Status: Unutilized
Reason: Secured Area

Bldg. 13
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930014
Status: Unutilized
Reason: Secured Area

Bldgs. 14 & 15
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930015
Status: Unutilized
Reason: Secured Area

Bldg. 16
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930016
Status: Unutilized
Reason: Secured Area

Bldg. 19
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930017
Status: Unutilized
Reason: Secured Area.

Bldg. 22
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930018
Status: Unutilized
Reason: Secured Area.

Bldg. 24
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930019
Status: Unutilized
Reason: Secured Area.

[FR Doc. 99–23999 Filed 9–16–99; 8:45 am]
BILLING CODE 4210–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice To Extend Public Comment Period on the Draft Document Entitled, "Forming Management Bodies To Implement Legal Spring and Summer Migratory Bird Subsistence Hunting in Alaska"

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service is requesting comments on a plan to establish management bodies for the development of a migratory bird subsistence program in Alaska. This action is the result of the 1997 amendments to the migratory bird treaties with Canada and Mexico ratified by the U.S. Senate on October 23, 1997. The amendment to the treaty with Canada requires that indigenous inhabitants of the State of Alaska will have a meaningful role in migratory bird conservation by participating on relevant management bodies. The plan which is available for public comment describes four models for organizing management bodies. This notice, the substance of which was printed as a notice on July 1, 1999 (FR 35674–35675), extends the comment period for an additional 29 days to allow further review and comment by interested groups and persons.

DATES: Comments must be received by close of business on October 29, 1999.

ADDRESSES: Submit comments to Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, AK 99503, Attn: Migratory Bird Management; fax: 907/786–3641. See Supplementary Information section for electronic access and filing addresses.

FOR FURTHER INFORMATION CONTACT: Mimi Hogan at 907/786–3673 or Bob Stevens at 907/786–3499.

SUPPLEMENTARY INFORMATION: Copies of the document for review may be obtained by writing to the above address or by telephoning Mimi Hogan or Bob Stevens. *Electronic Access and Filing Addresses:* The document is also available for viewing and downloading at <www.r7.fws.gov/mbm/treaty>. Comments can be sent by e-mail to

<treaty@fws.gov>. Submit comments as an ASCII file avoiding the use of special characters and any form of encryption.

Dated: September 8, 1999.

David B. Allen,

Regional Director, Anchorage, Alaska.

[FR Doc. 99–24268 Filed 9–16–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW120245]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

September 9, 1999.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW120245 for lands in Sublette County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or faction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW120245 effective June 1, 1999, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 99–24267 Filed 9–16–99; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–350–1492–01; CACA–38217]

Opening Order

AGENCY: Bureau of Land Management, DOI.

ACTION: Termination of Recreation and Public Purposes Classification and Opening Order, Lassen County, California.

SUMMARY: This notice terminates the existing Recreation and Public Purposes Classification and opens the affected lands to disposal by exchange.

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Susan Wannebo, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, CA 96130 (530) 257–0456.

SUPPLEMENTARY INFORMATION: On May 23, 1997, the land described below was classified as suitable for lease or sale pursuant to the Recreation and Public Purposes (R&PP). No R&PP development has occurred, therefore the R&PP classification is hereby terminated to allow other uses consistent with planning and current land classification. The lands are opened to disposal pursuant to provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Mount Diablo Meridian, California

T.30N., R.12E.,
Sec. 21, E½SESE,
Sec. 27, NW,
Sec. 28, E½NE.
Containing 260.00 acres more or less.

Dated: September 7, 1999.

Linda D. Hansen,

Field Office Manager.

[FR Doc. 99–24223 Filed 9–16–99; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–040–99–1410–00; AA–59715]

Realty Action; FLPMA Section 302 Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, lease of public land.

SUMMARY: The following public lands have been examined and found suitable for non-competitive lease to Mr. Dave Penz at Kako Landing, Russian Mission area, under the provisions of Section 302 of the Federal Land Policy and Management Act (FLPMA) of 1976 and 43 CFR Part 2920. This Notice of Realty Action proposes a 20 year lease intended to authorize operation and maintenance of an existing earthen dike which would permit safe containment and storage of fuel holding tanks required for operation of Kako Mine.

Seward Meridian, Alaska

T. 20 N., R. 67 W.,
Section 1, SW¼SW¼NE¼
Containing approximately .05 acre.

SUPPLEMENTARY INFORMATION: These lands have been selected by the Russian Mission Native Association for future conveyance pursuant to Alaska Native Claims Settlement Act (ANCSA) Section 11.

DATES: On or before November 1, 1999, interested parties may submit comments to the Field Manager, Anchorage Field Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507–2599. In the absence of timely objections, this proposal shall become the final decision of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Shirley Rackley, Anchorage Field Office, Bureau of Land Management, 6881 Abbott Loop Road, Anchorage, Alaska, 99507–2599; (907) 267–1289 or (800) 478–1263.

Nick Douglas,

Field Manager.

[FR Doc. 99–24221 Filed 9–16–99; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–4210–05; N–63113]

Notice of Realty Action: Lease/ Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, DOI.

ACTION: Recreation and public purpose lease/conveyance.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The City of Las Vegas proposes to use the land for a Public Park.

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 3, Government Lots 88, 89, and 90.
Containing *16.05* acres.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the

right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe, and will be subject to:

1. An easement 30 feet in width along the East boundary, 30 feet in width along the South boundary, and 30 feet in width along the North boundary in favor of the City of Las Vegas for roads, public utilities and flood control purposes.

2. Those rights for public utility purposes which have been granted to the City of Las Vegas by Permit No. N–51520, and to the Las Vegas Valley Water District by Permit No. N–53360 under the Act of October 26, 1976 (FLPMA). Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Field Manager, Las Vegas Field Office, Las Vegas, Nevada 89108.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a Public Park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a Public Park.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: September 8, 1999.

Rex Wells,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. 99–24224 Filed 9–16–99; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–957–00–1420–00: GP9–0300]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The plats of Amended Protraction Diagrams of the following described lands are officially filed in the Oregon State Office, Portland, Oregon.

Willamette Meridian

Oregon and Washington

T. 23 N., R. 5W., accepted March 7, 1990
T. 17 S. R. 8 E., accepted April 20, 1990
T. 12 S., R. 18 E., accepted November 22, 1993
T. 1 S., R. 7 E., accepted September 23, 1994
T. 2 N., R. 7 E., accepted September 23, 1994
T. 1 N., R. 8 E., accepted September 23, 1994
T. 1 S., R. 8 E., accepted September 23, 1994
T. 13 S., R. 24 E., accepted January 10, 1995
T. 13 S., R. 24 E., accepted January 10, 1995
T. 13 S., R. 24 E., accepted January 10, 1995
T. 5 N., R. 9 E., accepted January 17, 1995
T. 4 N., R. 9 E., accepted January 17, 1995
T. 6 N., R. 9 E., accepted January 17, 1995
T. 6 N., R. 8 E., accepted January 20, 1995
T. 6 N., R. 6 E., accepted January 20, 1995
T. 5 N., R. 8 E., accepted January 20, 1995
T. 5 N., R. 7 E., accepted January 20, 1995
T. 4 N., R. 6 E., accepted January 20, 1995
T. 3 N., R. 8 E., accepted January 20, 1995
T. 3 N., R. 5 E., accepted January 20, 1995
T. 4 N., R. 8 E., accepted January 20, 1995
T. 4 N., R. 7 E., accepted January 20, 1995
T. 3 N., R. 5 E., accepted January 20, 1995
T. 5 N., R. 5 E., accepted January 20, 1995
T. 6 N., R. 7 E., accepted January 20, 1995
T. 5 N., R. 6 E., accepted January 20, 1995
T. 12 S., R. 35.5 E., accepted July 13, 1995
T. 11 S., R. 35.5 E., accepted July 13, 1995
T. 13 S., R. 35.5 E., accepted July 13, 1995
T. 11 S., R. 35.5 E., accepted July 13, 1995
T. 2 N., R. 38 E., accepted August 3, 1995
T. 2 N., R. 38 E., accepted August 3, 1995
T. 6 S., R. 37 E., accepted October 16, 1995
T. 6 S., R. 37 E., accepted October 16, 1995
T. 7 S., R. 37 E., accepted October 16, 1995
T. 9 S., R. 37 E., accepted October 16, 1995
T. 7 S., R. 7 E., accepted April 12, 1996
T. 5 S., R. 10 E., accepted April 12, 1996
T. 8 S., R. 8.5 E., accepted April 12, 1996
T. 7 S., R. 8.5 E., accepted April 12, 1996
T. 6 S., R. 8.5 E., accepted April 12, 1996
T. 8 S., R. 8 E., accepted April 12, 1996
T. 7 S., R. 8 E., accepted April 12, 1996
T. 8 S., R. 7 E., accepted April 12, 1996
T. 6 S., R. 10 E., accepted April 12, 1996
T. 8 S., R. 9 E., accepted April 12, 1996
T. 7 S., R. 9 E., accepted April 12, 1996
T. 6 S., R. 9 E., accepted April 12, 1996
T. 5 S., R. 7 E., accepted April 12, 1996
T. 6 S., R. 8 E., accepted April 12, 1996
T. 9 S., R. 8.5 E., accepted May 8, 1996
T. 10 S., R. 8.5 E., accepted May 8, 1996
T. 11 S., R. 9 E., accepted May 8, 1996
T. 10 S., R. 8 E., accepted May 8, 1996
T. 9 S., R. 7 E., accepted May 8, 1996
T. 9 S., R. 8 E., accepted May 8, 1996
T. 9 S., R. 7 E., accepted May 8, 1996
T. 11 S., R. 8 E., accepted May 8, 1996
T. 11 S., R. 7.5 E., accepted May 8, 1996
T. 3 S., R. 47 E., accepted June 12, 1996
T. 5 S., R. 49 E., accepted June 12, 1996
T. 4 S., R. 49 E., accepted June 12, 1996
T. 3 S., R. 49 E., accepted June 12, 1996
T. 5 S., R. 48 E., accepted June 12, 1996
T. 6 E., R. 47 E., accepted June 12, 1996
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T. 35 N., R. 12 E., accepted June 30, 1999
T. 32 N., R. 8 E., accepted June 30, 1999
T. 26 N., R. 10 E., accepted June 30, 1999
T. 27 N., R. 9 E., accepted June 30, 1999
T. 34 N., R. 14 E., accepted June 30, 1999
T. 35 N., R. 14 E., accepted June 30, 1999
T. 36 N., R. 14 E., accepted June 30, 1999
T. 33 N., R. 13 E., accepted June 30, 1999
T. 34 N., R. 13 E., accepted June 30, 1999
T. 35 N., R. 13 E., accepted June 30, 1999
T. 36 N., R. 13 E., accepted June 30, 1999
T. 33 N., R. 14 E., accepted June 30, 1999
T. 35 N., R. 34 E., accepted August 12, 1999
T. 39 N., R. 37 E., accepted August 12, 1999
T. 40 N., R. 36 E., accepted August 12, 1999
T. 39 N., R. 35 E., accepted August 12, 1999
T. 40 N., R. 35 E., accepted August 12, 1999
T. 35 N., R. 36 E., accepted August 12, 1999
T. 36 N., R. 36 E., accepted August 12, 1999
T. 35 N., R. 35 E., accepted August 12, 1999
T. 37 N., R. 34 E., accepted August 12, 1999
T. 37 N., R. 35 E., accepted August 12, 1999
T. 37 N., R. 34 E., accepted August 12, 1999
T. 36 N., R. 35 E., accepted August 12, 1999

The plats will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S. W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of the plats may be obtained from the above office upon required payment.

The above-listed plats represent Amended Protraction Diagrams.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 S.W. 5th Avenue) P.O. Box 2965, Portland, Oregon 97208.

Dated: September 3, 1999.

Robert D. DeViney, Jr.,

Branch of Realty and Records Services.

[FR Doc. 99–24222 Filed 9–16–99; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1820–01, GP9–0251; OR–55174]

Notice of Proposed Withdrawal; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior, Bureau of Land Management proposes to withdraw approximately 619,000 acres of Federal lands, 73,900 acres of Federal minerals, and 37,400 acres of Federal surface lands to protect the nationally significant ecologic and biologic diversity values of the Steens Mountain area. Subject to valid existing rights, this notice segregates the Federal lands and minerals described below for up to 2 years from the non-discretionary public land and mining laws.

FOR FURTHER INFORMATION CONTACT: Miles Brown, BLM, Andrews Resource Area Manager, HC 74–12533 Hwy 20 West, Hines, Oregon 97738, 541–573–4425.

SUPPLEMENTARY INFORMATION: The purpose of the proposed withdrawal is to protect the nationally significant ecologic and biologic diversity of the Steens Mountain area, which contains outstanding scenic and recreation values, and special status plant and animal species and their habitats, while the Department of the Interior considers whether a special management designation for the area is warranted and the views of the public on such a designation. The proposal, if finalized, would withdraw, subject to valid existing rights, the following described Federal lands and minerals from the non-discretionary public land and mining laws. The Federal lands and minerals will remain open to the discretionary public land and mineral laws. Non-Federal lands and minerals are not intended to be included in this proposal unless they are subsequently acquired by the United States. The lands and minerals proposed for withdrawal are depicted on the map entitled "Steens Surface and Sub-Surface Estates" dated August 11, 1999 located in official file OR–55174 at the Bureau of Land Management Oregon State Office, 1515 S.W. 5th Avenue, Portland, Oregon, 97208.

1. Federal Lands/Federal Minerals

Willamette Meridian

T. 28 S., R. 31 E.,
Sec. 24, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 25, E½NE¼, NW¼NE¼, NE¼NW¼, and NE¼SE¼.
T. 29 S., R. 31 E.,
Sec. 1, lot 1, SE¼NE¼, and E½SE¼;
Sec. 12, NE¼NE¼;
Sec. 24, E½SE¼;
Sec. 25, E½E½ and SW¼SW¼;
Sec. 35, E½NE¼ and SE¼.
T. 30 S., R. 31 E.,
Sec. 1;
Sec. 2, lots 1 to 4, inclusive, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 11, NE¼ and N½SE¼;
Sec. 12, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 13, N½NE¼;
Sec. 25, E½SE¼SE¼.
T. 28 S., R. 32 E.,
Sec. 17;
Sec. 18, lot 4, S½NE¼, SE½SW¼, and SE¼;
Secs. 19 to 22, inclusive;
Sec. 23, SW¼ and S½SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, NW¼NW¼, S½NW¼, and SW¼;
Secs. 26 to 35, inclusive.
T. 29 S., R. 32 E.,
Sec. 1, lot 4, SW¼NW¼, and SW¼;
Secs. 2 to 6, inclusive;
Sec. 7, lot 1, N½NE¼, and NE¼NW¼;
Sec. 8, N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Secs. 9 and 10;
Sec. 11, W½E½ and W½;
Secs. 13 and 14;
Sec. 15, N½N½, SE¼NE¼, and E½SE¼;
Sec. 19, lot 4;
Sec. 23, N½N½;
Sec. 24, NE¼, E½NW¼, NW¼NW¼, and NE¼SE¼;
Sec. 26, SW¼SW¼;
Sec. 27, S½SW¼ and SE¼;
Sec. 28;
Sec. 29, NE¼NE¼, S½N½, and S½;
Sec. 30, lots 1 to 4, inclusive, NW¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 31, lots 1 to 4, inclusive, E½W½, and SE¼;
Sec. 32, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Secs. 33 and 34;
Sec. 35, NW¼NW¼, S½NW¼, SW¼, W½SE¼, and SE¼SE¼.
T. 30 S., R. 32 E.,
Sec. 1, lot 1, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 2, lots 2 to 4, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, and SE¼;
Sec. 4;
Sec. 5, lots 1, 3, and 4, S½N½, and S½;
Secs. 6 to 10, inclusive;
Sec. 11, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 12, NE¼, E½NW¼, and N½SE¼;
Sec. 13, W½NE¼, SE¼NE¼, W½, and SE¼;
Secs. 14, 15, and 17;
Sec. 18, lots 1 and 2, NE¼, and E½NW¼;
Sec. 20, NE¼ and N½SE¼;
Secs. 21 to 26, inclusive;
Sec. 27, N½, N½S½, and SE¼SE¼;
Sec. 28, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 30, lot 4 and SE¼SW¼;
Sec. 31;

Sec. 32, SW¼ and W½SE¼;
Sec. 35, N½, N½SW¼, and NW¼SE¼;
Sec. 36, W½NW¼.
T. 32 S., R. 32 E.,
Sec. 2, SW¼SE¼, and that portion of W½ lying southerly of the centerline of State Highway No. 205;
Sec. 3, that portion lying southerly of the centerline of State Highway No. 205;
Sec. 9, that portion of E½NE¼, S½SW¼NE¼, NW¼, E½SW¼, and SE¼ lying southeasterly of the centerline of State Highway. No. 205;
Sec. 10, that portion lying southerly of the centerline of State Highway No. 205;
Sec. 11, SW¼NE¼, NW¼, and S½;
Sec. 12, SW¼ and S½SE¼;
Secs. 13, 14, and 15;
Sec. 16, that portion lying southeasterly of the centerline of State Highway No. 205;
Sec. 17, that portion lying southeasterly of the centerline of State Highway No. 205;
Sec. 20, that portion of the NE¼NE¼ lying southeasterly of the centerline of State Highway No. 205;
Sec. 21 to 25, inclusive;
Sec. 26, E½, S½NW¼, and SW¼;
Sec. 27, S½NE¼, NW¼, and S½;
Sec. 28, N½;
Sec. 29, E½SE¼;
Sec. 32, SE¼NE¼, E½SE¼, SW¼SE¼, , and that portion of N½N½ lying southeasterly of the centerline of State Highway No. 205;
Sec. 36, N½N½.
T. 33 S., R. 32 E.,
Secs. 1 to 4, inclusive;
Sec. 5, that portion lying southeasterly of the centerline of State Highway No. 205;
Sec. 6, that portion lying southeasterly of the centerline of State Highway No. 205;
Sec. 7, that portion of N½NE¼, SW¼SE¼, and SW¼ lying southeasterly of the centerline of State Highway No. 205;
Secs. 8 and 9;
Sec. 10, N½, W½SW¼, SE¼SW¼, and SE¼;
Sec. 11;
Sec. 12, E½, NW¼NW¼, S½NW¼, and SW¼;
Sec. 13;
Sec. 14, N½, N½SW¼, and SE¼;
Secs. 15 and 17;
Sec. 18, that portion of lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 14, 15, and 16 lying southeasterly of the centerline of State Highway No. 205;
Sec. 19, that portion of lots 1, 2, and 3, E½E½, and E½NW¼ lying easterly of the centerline of State Highway No. 205;
Secs. 20, 21, and 22;
Sec. 23, N½, N½SW¼, SW¼SW¼, and SE¼;
Secs. 24 to 29, inclusive;
Sec. 30, that portion of lot 3 and E½E½ lying easterly of the centerline of State Highway No. 205;
Sec. 31, that portion of E½NE¼ lying easterly of the centerline of State Highway No. 205;
Sec. 32, N½, E½SW¼, and SE¼;
Sec. 33, N½NE¼, SW¼NE¼, SE¼, and W½;
Secs. 34 and 35;
Sec. 36, W½.
T. 34 S., R. 32 E.,
Secs. 1 to 4, inclusive;
Sec. 5, that portion of lots 1, 2, and 7, and S½NE¼, E½SW¼, and SE¼ lying easterly of the centerline of Harney County Road No. 202;
Sec. 8, that portion of lots 1 to 7, inclusive, SW¼NE¼, S½NW¼, and W½SE¼ lying easterly of the centerline of Harney County Road No. 202;
Sec. 9, N½NE¼, SW¼NE¼, W½, and SE¼;
Secs. 10 to 15, inclusive;
Sec. 21, that portion of lots 1 to 4, inclusive, lying easterly of the centerline of Harney County Road No. 202;
Sec. 22, lots 1, 2, and 3, E½, E½NW¼, and NE¼SW¼;
Secs. 23 to 26, inclusive;
Sec. 27, lots 3 and 4, E½NE¼, E½SW¼, and SE¼;
Sec. 34, that portion of lots 1 to 6, inclusive, and S½NE¼, N½SW¼, SE¼SW¼, and SE¼ lying easterly of the centerline of Harney County Road No. 202;
Sec. 35.
T. 35 S., R. 32 E.,
Secs. 1 and 2;
Sec. 3, lots 4 and 5, S½NE¼, and SE¼;
Sec. 10, that portion of E½E½ and NW¼NE¼ lying easterly of the centerline of Harney County Road No. 202;
Secs. 11 to 14, inclusive;
Sec. 15, that portion of E½E½ lying easterly of the centerline of Harney County Road No. 202;
Sec. 23, that portion of N½, NE¼SW¼, and SE¼ lying easterly of the centerline of Harney County Road No. 202;
Sec. 24;
Sec. 25, that portion of N½N½, SW¼NE¼, and S½SE¼ lying easterly of the centerline of Harney County Road No. 202.
T. 31 S., R. 32½ E.,
Sec. 1, lots 3 and 4, and SW¼;
Sec. 2;
Sec. 3, lots 1, 2, and 3, E½SW¼, and SE¼;
Sec. 9, S½NE¼, and SE¼;
Secs. 10 and 11;
Sec. 12, SW¼NE¼, W½, and W½SE¼;
Secs. 13, 14, and 15;
Sec. 21, E½NE¼ and NE¼SE¼;
Secs. 22 to 27, inclusive;
Sec. 28, E½E½;
Sec. 33, E½E½;
Secs. 34 and 35;
Sec. 36, E½E½.
T. 32 S., R. 32½ E.,
Secs. 1, 2, and 3;
Sec. 4, lot 1, SE¼NE¼, S½SW¼, NE¼SE¼, and S½SE¼;
Sec. 5, SE¼SE¼;
Sec. 8, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 9 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 19 to 35, inclusive;
Sec. 36, E½E½.
T. 33 S., R. 32½ E.,
Secs. 1 to 15, inclusive;
Sec. 16, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E½, SE¼NW¼, and E½SW¼;
Secs. 19 and 20;
Sec. 21, N½, N½SW¼, and SE¼;
Secs. 22 to 36, inclusive.
T. 34 S., R. 32½ E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 24, inclusive;
Sec. 25, N½, SW¼, N½SE¼, and SW¼SE¼;
Secs. 26, 27, and 28;
Sec. 29, N½, NE¼SW¼, and SE¼;
Sec. 30, lots 1, 2, and 4, NE¼, E½NW¼, SE¼SW¼, and SW¼SE¼;
Secs. 31 to 35, inclusive.
T. 35 S., R. 32½ E.,
Secs. 1 to 6, inclusive;
Sec. 7, lots 1 to 4, inclusive, E½, E½NW¼, and SE¼SW¼;
Secs. 8 to 13, inclusive;
Sec. 14, N½N½, S½NE¼, and E½SE¼;
Sec. 15, N½NW¼;
Sec. 17;
Sec. 18, lots 1, 3, and 4, E½, and E½W½;
Secs. 19 and 20;
Sec. 21, N½;
Sec. 22, NE¼ and S½NW¼;
Sec. 23, N½NE¼ and NE¼NW¼;
Sec. 24, N½N½, SE¼NE¼, and NE¼SE¼;
Sec. 26, SW¼, W½SE¼, and SE¼SE¼;
Sec. 27, N½;
Sec. 28, NE¼ and S½;
Sec. 29, S½;
Sec. 30, lots 1 and 2, E½NW¼, NE¼SW¼, and SE¼;
Sec. 32, lots 3 and 4, N½, NE¼SW¼, and N½SE¼;
Sec. 34.
T. 35½ S., R. 32½ E.,
Sec. 20, lots 1 and 2, S½SE¼;
Secs. 22 and 28;
Sec. 32, NE¼ and N½SE¼;
Sec. 34.
T. 36 S., R. 32½ E.,
Secs. 2, 10, and 14;
Sec. 15, S½;
Sec. 21, that portion lying easterly of the centerline of Harney County Road No. 202;
Sec. 22, NE¼NE¼, SW¼NE¼, NW¼NW¼, SE¼NW¼, and S½;
Sec. 23, N½NE¼, SW¼NE¼, NW¼, and S½;
Secs. 25, 26, and 27;
Sec. 28, that portion lying easterly of the centerline of Harney County Road No. 202;
Sec. 29, that portion lying easterly of the centerline of Harney County Road No. 202;
Sec. 32, that portion lying easterly of the centerline of Harney County Road No. 202;
Sec. 33, that portion lying easterly of the centerline of Harney County Road No. 202;
Secs. 34 and 35.
T. 37 S., R. 32½ E.,
Sec. 1;
Secs. 2 and 3, those portions lying northeasterly of the centerline of Harney County Road No. 202;
Sec. 4, that portion of N½ lying northeasterly of the centerline of Harney County Road No. 202;

Sec. 5, that portion of E½NE¼ lying northeasterly of the centerline of Harney County Road No. 202;
Sec. 11, that portion lying northeasterly of the centerline of Harney County Road No. 202;
Sec. 12, that portion of NW¼NE¼ and W½ lying northeasterly of the centerline of Harney County Road No. 202.
T. 31 S., R 32¾ E.,
Secs. 1 to 4, inclusive;
Sec. 5, lots 1, 7, and 8;
Sec. 6, lots 2 to 7, inclusive;
Sec. 7, lots 1 to 4, inclusive, E½W½, and SE¼;
Sec. 8, E½ and S½SW¼;
Secs. 9 to 15, inclusive;
Sec. 17;
Sec. 18, E½;
Sec. 19, lots 2, 3 and 4, E½SW¼, and W½SE¼;
Secs. 20 to 23, inclusive;
Sec. 24, N½, SW¼, and N½SE¼;
Sec. 25, W½W½;
Secs. 26 to 36, inclusive.
T. 32 S., R. 32¾ E.,
Sec. 1, lot 1, SE¼NE¼, and N½SE¼;
Sec. 2, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Secs. 3 to 10, inclusive;
Sec. 11, SW¼NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 14, W½E½ and W½;
Sec. 15;
Sec. 17, N½ and E½SE¼;
Secs. 18 and 19;
Sec. 20, S½;
Sec. 21, N½NE¼ and W½SW¼;
Sec. 22, N½ and E½SE¼;
Sec. 23, NW¼NE¼ and W½;
Sec. 25, S½NW¼, SW¼, NE¼SE¼, and W½SE¼;
Sec. 26, S½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 27, SW¼, N½SE¼, and SW¼SE¼;
Secs. 28 to 32, inclusive;
Sec. 33, NE¼NE¼, W½NE¼, W½, and W½SE¼;
Sec. 34, N½NW¼;
Sec. 35, E½ and E½W½.
T. 33 S., R. 32¾ E.,
Sec. 1, lots 1 to 4, inclusive, and SW¼NE¼, and S½SW¼;
Sec. 2, lots 1, 2, and 3, and SE¼NW¼;
Sec. 4, lots 3 and 4, S½NW¼, and SW¼;
Sec. 5, lots 2, 3, and 4, SW¼SW¼, and SE¼SE¼;
Sec. 6, lots 1 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 7;
Sec. 8, E½, W½W½, and SE¼SW¼;
Sec. 9;
Sec. 10, S½NW¼, SW¼, and S½SE¼;
Sec. 11, S½SE¼;
Sec. 12, W½SW¼;
Sec. 13;
Sec. 14, NE¼NE¼, S½N½, NW¼NW¼, and S½;
Secs. 15 to 35, inclusive;
Sec. 36, S½NW¼ and N½SE¼.
T. 34 S., R. 32¾ E.,
Secs. 1 to 10, inclusive;
Sec. 11, N½ and SW¼;
Sec. 12;
Sec. 13, E½ and S½SW¼;
Sec. 14, W½NW¼ and SE¼SE¼;
Secs. 15, 17, 18, and 19;
Sec. 20, N½;
Sec. 21, N½ and SW¼;
Sec. 22, N½NE¼, SW¼NE¼, and NW¼;
Sec. 23, E½ and SW¼;
Sec. 24, N½, SW¼, and W½SE¼;
Sec. 25, W½E½, W½, and SE¼SE¼;
Sec. 26, E½NE¼ and SE¼;
Sec. 28;
Sec. 29, S½;
Secs. 30 to 33, inclusive;
Sec. 34, W½SW¼;
Sec. 35.
T. 35 S., R. 32¾
Sec. 1, E½SW¼;
Sec. 2, lots 1, 2, and 3, SE¼NW¼, SW¼, and S½SE¼;
Sec. 3, lot 4 and S½;
Sec. 4, lots 1 to 4, inclusive, and S½;
Secs. 5 and 6;
Sec. 7, lots 1 to 4, inclusive, N½NE¼, SW¼NE¼, E½NW¼, and NE¼SW¼;
Sec. 8, E½ and N½NW¼;
Sec. 9, E½NE¼ and W½SW¼;
Sec. 10, N½N½ and SE¼NE¼;
Sec. 11, N½N½;
Sec. 12, E½;
Sec. 13, E½NE¼ and S½;
Sec. 17, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 18, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20;
Sec. 21, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 22, NW¼NW¼, S½N½, and N½S½;
Sec. 23, NE¼ and S½;
Secs. 24 and 25;
Sec. 26, N½;
Sec. 27, S½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 28, NE¼, E½NW¼, SW¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 29, SE¼NE¼;
Sec. 30, SE¼SE¼.
T. 35½ S., R. 32¾ E.,
Sec. 24, W½;
Sec. 26, NE¼NE¼, S½NE¼, SE¼SW¼, and SE¼.
T. 36 S., R. 32¾ E.,
Sec. 2, E½;
Sec. 12;
Sec. 13, NW¼NW¼ and S½;
Sec. 14;
Sec. 20, SE¼SE¼;
Secs. 23 to 27, inclusive;
Sec. 28, N½, SW¼, N½SE¼, and SE¼SE¼;
Secs. 30 and 31;
Sec. 32, W½NE¼, SE¼NE¼, NW¼, and S½;
Sec. 33, SW¼NE¼, W½, and W½SE¼;
Sec. 34, E½, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 35.
T. 37 S., R. 32¾ E.,
Secs. 1 and 2;
Sec. 3, lots 1 and 2, S½NE¼, NE¼SE¼, and SW¼SE¼;
Sec. 4, lots 2, 3, and 4, S½N½ and S½;
Secs. 5 and 6;
Sec. 7, those portions of lots 1 to 4, inclusive, NE¼, E½NW¼, and E½SE¼ lying northeasterly of the centerline of Harney County Road No. 202;
Secs. 8 to 15, inclusive;
Sec. 17, that portion of the E½ and NE¼NW¼ lying northeasterly of the centerline of Harney County Road No. 202;
Secs. 21, 22, and 23, those portions lying northeasterly of the centerline of Harney County Road No. 202;
Sec. 24;
Secs. 25, 26, and 35, that portion lying northeasterly of the centerline of Harney County Road No. 202.
T. 28 S., R. 33 E.,
Sec. 19, that portion of the SE¼SE¼ lying southeasterly of the centerline of Harney County Road No. 404;
Sec. 26, W½NE¼ and W½NW¼;
Sec. 27, N½, SW¼, and W½SE¼;
Sec. 34, NW¼NE¼ and N½NW¼;
Sec. 35, NE¼NW¼.
T. 29 S., R. 33 E.,
Sec. 2, S½SW¼ and W½SE¼;
Sec. 3, SE¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 11, W½E½ and W½;
Sec. 12, NE¼SW¼ and S½SE¼;
Sec. 13, NE¼, SW¼SW¼, and E½SE¼;
Sec. 14, NW¼NE¼, S½NE¼, W½, and SE¼;
Secs. 15 to 18, inclusive;
Sec. 19, lots 1, 2, and 3, N½NE¼, SE¼NE¼, E½NW¼, and NE¼SW¼;
Secs. 20 to 23, inclusive;
Sec. 24, S½NE¼, W½, and SE¼;
Secs. 25 and 26;
Sec. 27, N½, N½SW¼, and SE¼SE¼;
Sec. 28, N½ and N½S½;
Sec. 29, N½NE¼ and SE¼NE¼;
Sec. 33, SE¼NE¼ and E½SE¼;
Sec. 34, NE¼NE¼, S½NE¼, NE¼NW¼, SW¼NW¼, E½SW¼, and SE¼;
Sec. 35.
T. 30 S., R. 33 E.,
Scs. 1 and 2;
Sec. 3, lots 1, 2, and 3, S½N½, NE¼SW¼, and SE¼;
Sec. 6, lots 5, 6, and 7, E½SW¼, and S½SE¼;
Sec. 7, lots 1, 2, and 3, NE¼, E½W½, W½SE¼, and SE¼SE¼;
Sec. 8, E½ and E½W½;
Sec. 9, S½NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 10, E½NE¼, W½NW¼, NW¼SW¼, and NE¼SE¼;
Secs. 11 and 12;
Sec. 13, N½;
Sec. 14, NE¼, NE¼NW¼, SW¼SW¼, and N½SE¼;
Sec. 15, S½NE¼, NW¼, and S½;
Sec. 17, NE¼NE¼, SW¼NE¼, NW¼, and S½;
Sec. 18, lots 3 and 4, NW¼NE¼, SE¼NE¼, SE¼NW¼, and NE¼SE¼;
Sec. 19, lot 1, 3, and 4, NE¼NW¼, E½SW¼, and SE¼;
Sec. 20, NW¼NW¼ and S½;
Sec. 21;
Sec. 22, NE¼, N½NW¼, and S½SW¼;
Sec. 23, NW¼ and N½SW¼;
Sec. 24, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 25, NE¼NE¼, SE¼NW¼, SW¼SW¼, and SE¼;
Sec. 26, NW¼NE¼, NE¼NW¼, and SE¼;

Sec. 27, W½NE¼, NW¼, and S½; Secs. 28 to 32, inclusive;
Sec. 34;
Sec. 35, N½NE¼ and SW¼SW¼.
T. 31 S., R. 33 E.,
Sec. 2;
Sec. 3, lots 1 to 4, inclusive, and lots 6, 7, and 8;
Sec. 4, lot 5;
Sec. 5;
Sec. 6, lots 1, 4, and 5;
Sec. 7, W½;
Sec. 8, N½NE¼, SW¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 9, W½NW¼ and SE¼;
Sec. 10, E½ and E½NW¼;
Sec. 11, lots 1, 2, 3, 4, 6, and 7;
Sec. 14, lots 2 to 8, inclusive;
Sec. 15, E½E½, NW¼NE¼, and W½W½;
Sec. 17, E½;
Sec. 18, NW¼NW¼ and SW¼;
Sec. 19, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 20, NE¼NE¼, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 21, W½E½ and W½;
Sec. 22, E½E½;
Secs. 23 and 26;
Sec. 27, W½SW¼;
Sec. 28, N½, SW¼SW¼, and SE¼;
Sec. 29, N½, N½SW¼, and W½SE¼;
Sec. 30, N½NE¼, SE¼NE¼, and W½NW¼;
Sec. 33, N½, E½SW¼, and SE¼;
Sec. 34, S½NE¼, W½, and N½SE¼;
Sec. 35, lots 1 to 6, inclusive.
T. 32 S., R. 33 E.,
Sec. 3, lots 3 and 4, SW¼NW¼, and W½SW¼;
Sec. 4, lots 1, 2, and 3, SW¼NE¼, SE¼SW¼, and SE¼;
Sec. 5, lot 2, SW¼NW¼, and W½SW¼;
Sec. 6;
Sec. 8, S½SE¼;
Sec. 9, E½NE¼, NW¼NE¼, E½NW¼, NE¼SW¼, S½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 10, W½NW¼;
Sec. 11, lots 3 and 6;
Sec. 14, lots 2 and 5;
Sec. 17, W½NE¼, E½NW¼, SW¼, and NW¼SE¼;
Sec. 19, SE¼NE¼ and E½SE¼;
Sec. 20, NW¼ and W½SW¼;
Sec. 21, W½SE¼;
Sec. 22, NE¼NE¼, S½NE¼, E½NW¼, SE¼SW¼, NE½SE¼, and W½SE¼;
Sec. 23, lots 1, 4, 5, and 8;
Sec. 26, lots 1, 4, 5, and 8;
Sec. 27, SE¼NW¼, NE¼SW¼, S½S½, and NE¼SE¼;
Sec. 28, S½S½;
Sec. 29, W½NW¼ and S½;
Sec. 30, E½E½;
Secs. 31 and 32;
Sec. 33, NE¼NE¼, W½NE¼, W½, and W½SE¼;
Sec. 34, NE¼, N½NW¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼.
T. 32½ S., R. 33 E.,
Sec. 20, lots 1 to 4, inclusive;
Sec. 21, lots 1 to 4, inclusive, and S½SE¼;
Sec. 22, lots 3 and 4, and S½SW¼;
Sec. 23, lots 1 and 2, and S½S½;
Sec. 24, lots 1, 2, and 4, and SE¼SW¼;
Sec. 25, lots 1, 2, and 4, N½NW¼, SE¼NW¼, and SW¼;
Sec. 26;
Sec. 27, W½ and SE¼;
Sec. 28, NE¼ and N½SE¼;
Sec. 32, W½SW¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 33, S½NE¼ and W½SW¼;
Sec. 34, N½, N½SW¼, and SE¼;
Sec. 35.
T. 33 S., R. 33 E.,
Secs. 1 and 2;
Sec. 3, lots 1 and 2, S½NE¼, and S½;
Sec. 4, lots 3 and 4, S½NW¼, and S½;
Sec. 5, lots 2, 3, and 4, SW¼NE¼, S½NW¼, and S½;
Secs. 8 to 15, inclusive;
Sec. 16, N½N½;
Sec. 17;
Secs. 20 to 29, inclusive, and secs. 32 to 35, inclusive.
T. 34 S., R. 33 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1 to 4, inclusive, S½N½, N½S½, and S½SE¼;
Sec. 5, SW¼SE¼;
Sec. 8, S½NW¼, E½SW¼, and NW¼SE¼;
Sec. 9, E½NE¼;
Secs. 10 to 14, inclusive;
Sec. 15, E½ and N½NW¼;
Sec. 17, NE¼NE¼, W½E½, and W½;
Sec. 21, N½NE¼, NE¼NW¼, and W½SE¼;
Sec. 22, E½, SE¼NW¼, and E½SW¼;
Secs. 23 to 26, inclusive;
Sec. 27, E½, E½W½, SW¼NW¼, and W½SW¼;
Sec. 28, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 29, S½N½ and S½;
Secs. 32 to 35, inclusive.
T. 35 S., R. 33 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, E½SW¼, and SE¼;
Sec. 2, lots 1, 2, and 4, and SE¼NE¼;
Secs. 3, 4, 5, 8, and 9;
Sec. 10, N½, SW¼, and N½SE¼;
Sec. 12;
Sec. 14, NW¼ and S½;
Sec. 15, S½NE¼SW¼, SE¼SW¼, S½N½SE¼, and S½SE¼;
Sec. 17, lots 1 and 2, and NE¼;
Sec. 22, W½;
Sec. 23, N½NE¼, SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼, W½, N½NE¼SE¼, N½S½NE¼SE¼, NW¼SE¼, N½SW¼SE¼, and SE¼SE¼;
Sec. 24, E½ and E½W½;
Sec. 26, NW¼;
Sec. 27, E½E½, N½NW¼NE¼, SW¼NE¼, N½N½NW¼, SW¼NW¼, N½SE¼NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, NW¼SE¼, and N½SW¼SE¼;
Sec. 28, N½NE¼, SW¼NE¼, W½, and SE¼;
Sec. 32;
Sec. 34, E½, W½NW¼, and SW¼;
Sec. 35, S½SW¼NW¼, S½N½SW¼NW¼, W½SW¼, and that portion of NW¼NW¼ and N½N½SW¼NW¼ lying southwesterly of a diagonal line from the northwest corner of said
Sec. 35, to the southeast corner of the N½N½SW¼NW¼ of said sec. 35.
T. 36 S., R. 33 E.,
Sec. 4, lots 1 and 2, S½NE¼, and SE¼;
Secs. 6 and 8;
Sec. 13, NE¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 17, N½NE¼NW¼ and N½NW¼SW¼;
Sec. 18, lots 1, 2, and 3, E½, E½NW¼, and NE¼SW¼;
Secs. 19 and 20;
Sec. 21, W½NE¼, SE¼NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 22, lot 5, N½SW¼, and SW¼SW¼;
Sec. 23, NE¼NE¼;
Secs. 24, 25, and 26;
Sec. 28, NE¼NE¼, E½NW¼, SW¼NW¼, and W½SW¼;
Secs. 29 to 32, inclusive;
Sec. 33, S½N½, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 34, lots 2, 3, and 4;
Sec. 35;
And that portion of the township and range denoted as Alvord Lake on the official plat of survey.
T. 37 S., R. 33 E.,
Secs. 1, 2, and 3;
Sec. 4, lot 4, S½NW¼, and SW¼;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Sec. 10, N½, E½SW¼, and SE¼;
Sec. 11, N½ and SE¼;
Secs. 12 and 13;
Sec. 14, E½, N½NW¼, and S½SW¼;
Sec. 15;
Sec. 17, E½E½, NW¼NW¼, S½SW¼, and SW¼SE¼;
Secs. 18 to 22, inclusive;
Secs. 23 to 32, inclusive, those portions lying northerly of the centerline of BLM Road No. 7285–0–OO and Harney County Road No. 202;
And that portion of the township and range denoted as Alvord Lake on the official plat of survey.
T. 28 S., R. 34 E.,
Sec. 19, lot 4, SE¼SW¼, and S½SE¼;
Sec. 20, S½SW¼;
Sec. 28, S½SW¼ and SW¼SE¼;
Sec. 29, SW¼NE¼, W½, and SE¼;
Sec. 30, lots 1 and 2, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 32, NE¼, E½NW¼, NW¼NW¼, S½S½, and NE¼SE¼;
Secs. 33 and 34;
Sec. 35, S½NE¼, W½, and SE¼;
Sec. 36, S½N½ and S½.
T. 29 S., R. 34 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, E½SW¼, and SE¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, SW¼SW¼, and SW¼SE¼;
Sec. 3, lots 1 to 4, inclusive, SE¼NE¼, S½NW¼, SE¼SW¼, and S½SE¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼, and W½SE¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, and N½SE¼;
Sec. 7;
Sec. 8, NE¼, NE¼NW¼, SW¼NW¼, and S½;
Sec. 9, E½E½, NW¼NE¼, NE¼NW¼, SW¼NW¼, and SW¼;
Secs. 10 and 11;
Sec. 12, W½NE¼, E½NW¼, NW¼NW¼, NW¼SW¼, S½S½, and NW¼SE¼;
Sec. 13, N½, SW¼, N½SE¼, and SE¼SE¼;

Secs. 14 and 15;
Sec. 17, N½NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 18;
Sec. 19, E½ and E½W½;
Sec. 20;
Sec. 21, N½, SW¼, N½SE¼, and SE¼SE¼;
Sec. 22, NE¼NE¼, W½E½, W½, and SE¼SE¼;
Sec. 23, N½ and NE¼SE¼;
Sec. 24, N½, N½S½, SE¼SW¼, and S½ SE¼;
Sec. 25, NE¼, E½NW¼, and S½;
Sec. 26, W½NW¼, SW¼, and E½SE¼;
Secs. 27 to 32, inclusive;
Sec. 33, N½, N½SW¼, and SE¼;
Sec. 34, N½, N½SW¼, SW¼SW¼, and SE¼;
Sec. 35, NW¼ and W½SW¼.

T. 30 S., R. 34 E.,
Sec. 1, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and S½;
Sec. 2, lot 4, SW¼NW¼, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and N½S½;
Sec. 4, lots 1 and 4, SE¼NE¼, S½NW¼, SW¼, and W½SE¼;
Secs. 5 and 6;
Sec. 7, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Secs. 8 and 9;
Sec. 10, SE¼NE¼, SW¼NW¼, and S½;
Secs. 11, 12, and 13;
Sec. 14, N½, N½SE¼, and SE¼SE¼;
Sec. 15, N½N½, S½NW¼, and W½SW¼;
Sec. 16, E½E½ and SW¼;
Sec. 17, NE¼ and N½NW¼;
Sec. 19, lots 1 to 4, inclusive, and S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, SW¼;
Sec. 21;
Sec. 22, N½, N½S½, and S½SW¼;
Sec. 23, NE¼NE¼, S½N½, and S½;
Sec. 24, N½ and NE¼SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, N½, N½S½, and S½SE¼;
Sec. 27, W½ and W½SE¼;
Secs. 28 and 29;
Sec. 30, lots 1 and 2, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 31, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 32, W½NE¼, NW¼, NE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 33, NE¼, SW¼SW¼, and E½SE¼;
Sec. 34, W½NE¼, NW¼, and S½;
Sec. 35, NE¼ and S½.

T. 30½ S., R. 34 E.,
Secs. 25 and 26;
Sec. 27, lots 1 and 2, SE¼NE¼, and E½SE¼;
Sec. 28, lots 1, 2, and 3, S½NE¼, and SE¼NW¼;
Sec. 29, lot 2 and SW¼NE¼;
Sec. 30, lots 1 to 7, inclusive, and SE¼SW¼;
Sec. 31, lot 1, SE¼NE¼, E½NW¼, and W½SE¼;
Sec. 33, SE¼NE¼ and NE¼SE¼;
Sec. 34, SW¼NW¼ and W½SW¼;
Sec. 35, E½, N½NW¼, and SE¼NW¼;
Sec. 36, N½ and SW¼.

T. 31 S., R. 34 E.,
Sec. 1;
Sec. 2, lot 1 and SE¼NE¼;
Sec. 3, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and NW¼SE¼;
Sec. 4, lot 3, SW¼NE¼, and S½NW¼;
Sec. 5, N½SW¼ and E½SE¼;
Sec. 6, lots 2, 5, 6, and 7, SW¼NE¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1 to 4, inclusive, W½E½, and E½W½;
Sec. 10, E½NE¼;
Sec. 11, N½ and NE¼SE¼;
Sec. 12;
Sec. 13, lots 1, 2, and 3, W½NE¼, and NE¼NW¼;
Sec. 18, lots 1 to 4, inclusive, and W½E½, and E½W½;
Sec. 19, lots 1, 2, and 3, E½, and E½W½;
Sec. 24, lot 2, SW¼NE¼, E½SW¼, and SE¼;
Sec. 25, E½ and E½W½;
Sec. 30, lots 2 and 3, NE¼, E½NW¼, and W½SE¼;
Sec. 31, lot 3 and E½W½.

T. 32 S., R. 34 E.,
Sec. 1;
Sec. 2, lots 1 and 2, S½NE¼, SE¼NW¼, and S½;
Sec. 6, lots 5, 6, and 7;
Sec. 7, lots 1 to 4, inclusive, E½SW¼, and SE¼;
Sec. 12;
Sec. 13, N½;
Sec. 17, W½SW¼;
Sec. 18;
Sec. 19, lots 1, 2, and 4, N½NE¼, and NE¼NW¼;
Sec. 20, NW¼NW¼, S½NW¼, and S½;
Sec. 21, E½E½, W½SW¼, and SE¼SW¼;
Secs. 22 and 27;
Sec. 28, E½NE¼, NW¼, and S½;
Sec. 29;
Sec. 30, lots 1, 2, and 3, N½NE¼, SE¼NE¼, E½SW¼, and SE¼;
Sec. 31, lot 2, E½, E½NW¼, and E½SW¼;
Secs. 32, 33, and 34;
Sec. 35, W½.

T. 33 S., R. 34 E.,
Sec. 2, lots 3 and 4, S½NW¼, and SW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, E½SW¼, and SE¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, and W½SW¼;
Secs. 5 to 8, inclusive;
Sec. 9, S½N½, NW¼NW¼, and S½;
Sec. 10, W½;
Sec. 15;
Sec. 16, lots 1 to 4, inclusive;
Secs. 17 to 21, inclusive;
Sec. 22, W½E½ and W½;
Sec. 27, N½SW¼ and NW¼SE¼;
Secs. 28 to 32, inclusive;
Sec. 33, W½NE¼, W½, and N½SE¼.

T. 34 S., R. 34 E.,
Sec. 4, lot 4, S½NW¼, and SW¼;
Secs. 5 to 8, inclusive;
Sec. 9, NW¼NW¼, W½SW¼, and SE¼SW¼;
Secs. 17, 18, and 19;
Sec. 20, N½NE¼, W½, and SE¼;
Sec. 22, SW¼SE¼;
Sec. 23, SE¼NE¼, W½SW¼, SE¼SW¼, and SE¼;
Secs. 24, 25; and 26;
Sec. 27, E½, E½W½, SW¼NW¼, and W½SW¼;
Sec. 28, SE¼SE¼;
Sec. 29, SE¼NE¼, W½, and SE¼;
Secs. 30 and 31;
Sec. 32, NW¼NE¼, W½, and SW¼SE¼;
Sec. 33, E½NE¼, N½S½, SE¼SW¼, and S½SE¼;
Secs. 34 and 35.

T. 35 S., R. 34 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1, 2, and 3, S½N½, and S½;
Sec. 5, lots 2, 3, and 4, S½N½, and S½;
Sec. 6;
Sec. 7, lots 1 and 2, E½, and E½NW¼;
Sec. 8;
Sec. 9, N½NE¼;
Sec. 10;
Sec. 11, N½, NE¼SW¼, and N½SE¼;
Sec. 12;
Sec. 13, NE¼NE¼;
Sec. 14;
Sec. 17, NE¼;
Secs. 18, 20, 22, 24, 26, 28, 30, 32, and 34.

T. 36 S., R. 34 E.,
Sec. 4;
Sec. 6, lots 1, 2, and 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8;
Sec. 9, S½NW¼ and S½;
Secs. 10, 15 and 17;
Sec. 18, lots 2, 3, and 4, E½, and E½W½;
Secs. 19 to 23, inclusive;
Sec. 24, NW¼;
Sec. 26, W½;
Sec. 27, E½E½, NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼;
Secs. 28 to 33, inclusive;
Sec. 34, that portion lying westerly of the centerline of BLM Road No. 7283–0–OO.

T. 37 S., R. 34 E.,
Sec. 3, that portion lying westerly of the centerline of BLM Road No. 7283–0–OO;
Secs. 4 to 9, inclusive;
Secs. 10 and 15, those portions lying westerly of the centerline of BLM Road No. 7283–0–OO;
Secs. 17 and 18;
Secs. 19, 20, and 21, those portions lying northerly of the centerline of BLM Road No. 7285–0–OO;
Sec. 22, that portion lying westerly of the centerline of BLM Road No. 7283–0–00 and lying northerly of the centerline of BLM Road No. 7285–0–OO.

T. 28 S., R. 35 E.,
Sec. 31, lot 4.

T. 29 S., R. 35 E.,
Sec. 4, S½S½;
Sec. 5, SE¼SW¼ and S½SE¼;
Sec. 6, lots 2 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lot 1, NE¼, E½NW¼, and S½SE¼;
Sec. 8, N½, S½SW¼, and E½SE¼;
Sec. 9, N½, SW¼, E½SE¼, and SW¼SE¼;
Sec. 10, SW¼NW¼ and S½;
Sec. 11, SW¼;
Sec. 13, N½SW¼ and SE¼;
Sec. 14, NE¼, E½NW¼, SW¼NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 15, NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 17, N½, SW¼SW¼, and SE¼;
Sec. 18, lots 2, 3, and 4, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 19;

Sec. 20, NW¼NE¼ and W½;
Sec. 21, E½ and NE¼NW¼;
Sec. 22;
Sec. 23, W½ and S½SE¼;
Sec. 24, N½NE¼, SE¼NE¼, W½SW¼, SE¼SW¼, and NE¼SE¼;
Sec. 25, SW¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 26, W½NE¼, SE¼NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 27;
Sec. 28, E½E½, W½SW¼, and SE¼SW¼;
Sec. 29, W½NE¼, W½, and SE¼;
Secs. 30, 31, and 32;
Sec. 33, NW¼, W½SW¼, and SE¼SW¼;
Sec. 34, E½ and E½NW¼;
Sec. 35, E½, SW¼NW¼, and SW¼;
Sec. 36, S½.

T.. 30 S., R. 35 E.,
Sec. 1, SE¼SE¼;
Sec. 2, lots 2, 3, and 4, S½N½, and S½;
Sec. 3, lots 1, 2, and 4, S½N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 4, lots 1, 3, and 4, S½N½, and S½;
Secs. 5, 6, and 7;
Sec. 8, N½, SW¼, and N½SE¼;
Sec. 9, N½;
Sec. 10, N½NE¼, SE¼NE¼, NW¼, and NE¼SE¼;
Sec. 11;
Sec. 12, NE¼, S½NW¼, and S½;
Sec. 13;
Sec. 14, N½NE¼, SE¼NE¼, SW¼NW¼, and S½;
Sec. 15, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 17, W½;
Secs. 18 and 19;
Sec. 20, NW¼ and S½;
Sec. 21, SW¼NW¼ and W½SW¼;
Sec. 22, E½E½;
Secs. 23 to 26, inclusive;
Sec. 27, E½;
Sec. 28, W½NW¼, SE¼NW¼, and SW¼;
Secs. 29 to 32, inclusive;
Sec. 33, W½E½, W½, and SE¼SE¼;
Sec. 34, NE¼ and S½;
Sec. 35;
And that portion of the Township denoted as Juniper Lake on the official plat of survey.

T. 31 S., R. 35 E.,
Sec. 1, those portions of lots 1, 2, 3, 6, 7, 8, 10, 11, and 13 lying northerly of the centerline of Harney County Road No. D 201;
Sec. 2, lots 2 to 7, inclusive, lots 10 to 14, inclusive, lots 19, 20, and 21;
Sec. 3, lots 1 to 31, inclusive;
Sec. 4, lots 1 and 2, lots 4 to 35, inclusive, lots 38, 39, 40, and S½;
Sec. 5, lots 1 to 32, inclusive, lots 34 to 39, inclusive, and S½;
Sec. 6;
Secs. 7, 8, and 9;
Sec. 10, that portion of SW¼ lying westerly of the centerline of Harney County Road No. 201;
Sec. 15, that portion lying westerly of the centerline of Harney County Road No. 201;
Sec. 17, W½E½ and W½;
Sec. 18;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 20;
Sec. 21, those portions of N½ and N½SW¼ lying westerly of the centerline of Harney County Road No. 201;
Sec. 28, that portion lying westerly of the centerline of Harney County Road No. 201;
Sec. 29, that portion lying westerly of the centerline of Harney County Road No. 201;
Sec. 30, lots 1 to 4, inclusive, E½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 31, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 32, that portion lying westerly of the centerline of Harney County Road No. 201.

T. 32 S., R. 35 E.,
Sec. 5, that portion lying westerly of the centerline of Harney County Road No. 201;
Sec. 6, lots 3 to 7, inclusive, and those portions of S½NE¼, SE¼NW¼, E½SW¼, and SE¼ lying westerly of the centerline of Harney County Road No. 201;
Sec. 7, that portion lying westerly of the centerline of Harney County Road No. 201;
Sec. 8, that portion lying westerly of the centerline of Harney County Road No. 201;
Sec. 18, that portion of E½ lying westerly of the centerline of Harney County Road No. 201;
Sec. 19, those portions of lots 3 and 4, E½, SE¼NW¼, and E½SW¼ lying westerly of the centerline of Harney County Road No. 201;
Sec. 30, those portions of lots 1 to 4, inclusive, lying westerly of the centerline of Harney County Road No. 201;
Sec. 31, that portion lying westerly of the centerline of Harney County Road No. 201; And that portion of the Township denoted as Mann's Lake on the official plat of survey.

T. 33 S., R. 35 E.,
Sec. 6, that portion lying westerly of the centerline of Harney County Road No. 201;
Sec. 7, that portion lying westerly of the centerline of Harney County Road No. 201;
Sec. 13, those portions of S½NE¼, SE¼NW¼, and S½ lying southerly of the centerline of BLM Road Nos. 7282–2–DO and 7282–0–OO;
Sec. 14, that portion lying southerly of the centerline of BLM Road No. 7282–0–OO;
Sec. 15, that portion lying southerly of the centerline of BLM Road No. 7282–0–OO;
Sec. 18, that portion lying westerly of the centerline of Harney County Road No. 201;
Sec. 21, that portion lying southerly of the centerline of BLM Road No. 7282–0–OO;
Sec. 22, that portion lying southerly of the centerline of BLM Road No. 7282–0–OO;
Secs. 23 to 28, inclusive;
Secs. 33, 34, and 35.

T. 34 S., R. 35 E.,
Secs. 1 to 4, inclusive,
Secs. 9 to 15, inclusive, and
Secs. 19 to 24, inclusive;
Secs. 25 and 26, those portions lying northerly of the centerline of BLM Road No. 7282–2–OO;
Secs. 27 to 33, inclusive;
Sec. 34, W½E½ and W½.

T. 35 S., R. 35 E.,
Sec. 3, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Secs. 4 to 9, inclusive;
Sec. 10, W½E½ and W½;
Sec. 15, W½;
Sec. 17, N½, N½S½, SE¼SW¼, and SE¼SE¼;
Secs. 18 and 20;
Sec. 21, N½, N½S½, and S½SE¼;
Sec. 22, W½;
Secs. 28 and 30.

T. 36 S., R. 35 E.,
Sec. 8, W½;
Sec. 18, lots 1 to 4, inclusive, W½NE¼, and E½NW¼.

T. 29 S., R. 36 E.,
Sec. 4, S½SW¼ and SW¼SE¼;
Sec. 8, SE¼SE¼;
Sec. 9;
Sec. 10, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 13, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Secs. 14 and 15;
Sec. 17, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 18, lots 3 and 4, SE¼SW¼, and SE¼;
Secs. 19 to 22, inclusive;
Sec. 23, N½, SW¼, and W½SE¼;
Sec. 24, NW¼NW¼ and SE¼;
Sec. 25, that portion of SE¼ lying northerly of the centerline of Harney County Road No. 201;
Sec. 26, that portion lying northwesterly of the centerline of Harney County Road No. 201;
Secs. 27, 28, and 29;
Sec. 30, lots 1 and 4, N½NE¼, SE¼NE¼, NE¼NW¼, and SE¼SW¼;
Sec. 31;
Sec. 32, N½, N½SW¼, SW¼SW¼, and SE¼;
Sec. 33;
Sec. 34, that portion lying northwesterly of the centerline of Harney County Road No. 201;
Sec. 35, that portion lying northwesterly of the centerline of Harney County Road No. 201.

T. 30 S., R. 36 E.,
Sec. 3, that portion lying northwesterly of the centerline of Harney County Road No. 201;
Secs. 4 to 8, inclusive;
Sec. 9, that portion lying northwesterly of the centerline of Harney County Road No. 201;
Sec. 10, that portion lying northwesterly of the centerline of Harney County Road No. 201;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and W½SE¼;
Sec. 19, lots 1 to 4, inclusive, W½NE¼, E½W½, and SE¼;
Sec. 20, those portions of N½ and E½SE¼ lying northwesterly of the centerline of Harney County Road No. 201;
Sec. 21, that portion lying northwesterly of the centerline of Harney County Road No. 201;

Sec. 29, those portions of E½NE¼ and SE¼ lying northwesterly of the centerline of Harney County Road No. 201;
Sec. 31, lots 3 and 4, and those portions of E½SW¼ and SE¼ lying northwesterly of the centerline of Harney County Road No. 201;
Sec. 32, that portion lying northwesterly of the centerline of Harney County Road No. 201.
T. 33 S., R. 36 E.,
Sec. 17, that portion lying southerly of the centerline of BLM Road No. 7282–2–DO;
Sec. 18, that portion lying westerly of the centerline of BLM Road No. 7282–2–DO;
Sec. 19, that portion lying southerly of the centerline of BLM Road No. 7282–2–DO and that portion of lot 1 lying northwesterly of the centerline of BLM Road No. 7282–2–DO;
Sec. 20, that portion lying southerly of the centerline of BLM Road No. 7282–2–DO;
Sec. 21, that portion lying southwesterly of the centerline of BLM Road No. 7282–2–DO;
Sec. 27, that portion lying westerly of the centerline of BLM Road No. 7282–2–ED;
Sec. 28, that portion lying westerly of the centerline of BLM Road No. 7282–2–ED;
Secs. 29 to 33, inclusive.
T. 34 S., R. 36 E.,
Sec. 4, that portion lying northerly of the centerline of BLM Road No. 7283–2–EA and westerly of the centerline of BLM Road No. 7282–2–ED;
Sec. 5, that portion lying northeasterly of the centerline of BLM Road No. 7283–2–EA; secs. 6, 7, 18, 19, and 20, those portions lying westerly of the centerline of BLM Road No. 7283–2–EA;
Sec. 29, that portion lying northerly of the centerline of BLM Road No. 7282–2–OO and westerly of the centerline of BLM Road No. 7283–2–EA;
Sec. 30, that portion lying northerly of the centerline of BLM Road No. 7282–2–OO.

The areas described aggregate approximately 619,000 acres in Harney County.

2. Non-Federal Surface/Federal Minerals

Willamette Meridian

T. 29 S., R. 32 E.,
Sec. 27, SE¼NE¼.
T. 32 S., R. 32 E.,
Sec. 20, that portion of S½NE¼ and SE¼ lying easterly of the centerline of Harney County Road No. 202;
Sec. 29, E½NE¼.
T. 33 S., R. 32 E.,
Sec. 18, that portion of lot 13 lying southeasterly of the centerline of State Highway No. 205;
Sec. 19, that portion of lot 4 and E½SW¼ lying easterly of the centerline of State Highway No. 205;
Sec. 30, that portion of lots 1 and 2 lying easterly of the centerline of State Highway No. 205.
T. 34 S., R. 32 E.,
Sec. 22, lot 4 and SE¼SW¼;
Sec. 27, lots 1 and 2, W½NE¼, and E½NW¼.
T. 35 S., R. 32 E.,
Sec. 25, that portion of SE¼NE¼, E½SW¼, and N½SE¼, lying easterly of the centerline of Harney County Road No. 202.
T. 31 S., R. 32½ E.,
Sec. 16, SE¼NE¼.
T. 32 S., R. 32½ E.,
Sec. 18, NW¼NE¼ and NE¼NW¼.
T. 35 S., R. 32½ E.,
Sec. 14, S½NW¼, SW¼, and W½SE¼;
Sec. 15, E½, S½NW¼, and SW¼;
Sec. 21, S½;
Sec. 22, N½NW¼;
Sec. 23, SW¼NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 24, W½SW¼ and SE¼SW¼;
Sec. 25, NW¼;
Sec. 26, N½ and NE¼SE¼;
Sec. 28, NW¼;
Sec. 29, N½;
Sec. 30, lots 3 and 4, NE¼, and SE¼SW¼;
Sec. 32, lots 1 and 2, and NW¼SW¼.
T. 36 S., R. 32½ E.,
Sec. 4, that portion of lot 3, SW¼NE¼, SE¼NW¼, E½SW¼, NW¼SE¼, and S½SE¼ lying easterly of the centerline of Harney County Road No. 202.
T. 37 S., R. 32½ E.,
Sec. 4, that portion of S½ lying northeasterly of the centerline of Harney County Road No. 202.
T. 31 S., R. 32¾ E.,
Sec. 5, lots 3 and 6;
Sec. 7, NE¼;
Sec. 8, NW¼ and N½SW¼;
Sec. 19 NE¼, E½NW¼, and E¼SE¼;
Sec. 24, S½SE¼;
Sec. 25, SW¼NE¼ and E½W½.
T. 32 S., R. 32¾ E.,
Sec. 1, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and S½SE¼;
Sec. 2, lot 1, SE¼NE¼, and E½SE¼;
Sec. 12, SE¼NE¼ and NE¼SE¼;
Sec. 13, SE¼NE¼ and NE¼SE¼;
Sec. 17, SW¼ and W½SE¼;
Sec. 20, N½NW¼;
Sec. 21, SE¼;
Sec. 22, NE¼SW¼;
Sec. 23, SE¼NE¼ and NE¼SE¼;
Sec. 24, S½NE¼, SW¼NW¼, NW¼SW¼, and SE¼;
Sec. 25, N½N½;
Sec. 26, N½NE¼ and SW¼SW¼;
Sec. 27, E½NE¼, N½NW¼, SW¼NW¼, and SE¼SE¼;
Sec. 33, SE¼NE¼ and E½SE¼;
Sec. 34, N½NE¼, SE¼NE¼, and S½SW¼;
Sec. 35, W½NW¼ and NW¼SW¼.
T. 33 S., R. 32¾ E.,
Sec. 1, SE¼NE¼, S½NW¼, N½SW¼, NW¼SE¼, and S½SE¼;
Sec. 2, lot 4, S½NE¼, SW¼NW¼, E½SW¼, and SE¼;
Sec. 3, NE¼SW¼ and W½SE¼;
Sec. 4, lot 1 and SE¼;
Sec. 5, lot 1, S½N½, N½S½, SE¼SW¼, and SW¼SE¼;
Sec. 6, SE¼NE¼ and NE¼SE¼;
Sec. 8, E½NW¼ and NE¼SW¼;
Sec. 10, N½NE¼, SE¼NE¼, and NW¼NW¼;
Sec. 11, N½, NE¼SW¼, and N½SE¼;
Sec. 12, SW¼NE¼, W½NW¼, SE¼NW¼, E½SW¼, and W½SE¼.
T. 34 S., R. 32¾ E.,
Sec. 13, N½NW¼ and SE¼NW¼;
Sec. 14, NW¼NE¼, E½NW¼, W½SW¼, SE¼SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 20, S½;
Sec. 21, SE¼;
Sec. 22, SE¼NE¼ and S½;
Sec. 23, NW¼;
Sec. 24, E½SE¼;
Sec. 25, NE¼NE¼;
Sec. 26, W½NE¼ and W½;
Sec. 27, NE¼ and W½;
Sec. 29, N½;
Sec. 34, N½, E½SW¼, and SE¼.
T. 35 S., R. 32¾ E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, W½SW¼, and SE¼;
Sec. 2, lot 4, S½NE¼, SW¼NW¼, and N½SE¼;
Sec. 3, lots 1, 2, and 3, and S½N½;
Sec. 4, S½N½;
Sec. 8, S½NW¼ and SW¼;
Sec. 9, W½E½, NW¼, E½SW¼, and SE¼SE¼;
Sec. 10, SW¼NE¼, S½NW¼, N½SE¼, and SE¼SE¼;
Sec. 11, S½N½ and S½;
Sec. 12, NW¼ and W½SW¼;
Sec. 13, SW¼NE¼, W½NW¼, and SE¼NW¼;
Sec. 14;
Sec. 15, NE¼NE¼, NW¼NW¼, S½N½, and S½;
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼;
Sec. 19, lots 1, 2, and 4, N½NE¼, E½NW¼, and S½SE¼;
Sec. 22, N½NE¼, NE¼NW¼, and S½S½;
Sec. 23, NW¼;
Sec. 27, N½, N½SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 28, NE¼SE¼;
Sec. 29, S½NW¼ and SW¼;
Sec. 30, lots 3 and 4, W½NE¼, SE¼NE¼, E½SW¼, N½SE¼, and SW¼SE¼;
Sec. 34, E½NE¼ and SE¼.
T. 35½ S., R. 32¾ E.,
Sec. 24, E½;
Sec. 30, W½;
Sec. 32, S½;
Sec. 34, N½.
T. 36 S., R. 32¾ E.,
Sec. 33, E½SE¼.
T. 37 S., R. 32¾ E.,
Sec. 3, lot 4, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 4, lot 1.
T. 30 S., R. 33 E.,
Sec. 33.
T. 31 S., R. 33 E.,
Sec. 4, lots 3, 4, and 6;
Sec. 6, lots 3 and 6;
Sec. 7, W½NE¼ and SE¼;
Sec. 9, S½NE¼ and E½NW¼;
Sec. 10, SW¼NW¼ and SW¼;
Sec. 15, SW¼NE¼, E½NW¼, and NW¼SE¼;
Sec. 17, SW¼SW¼;
Sec. 18, NE¼, NE¼NW¼, and S½NW¼;
Sec. 21, E½SE¼;
Sec. 27, S½NE¼, NW¼, E½SW¼, and SE¼;
Sec. 28, N½SW¼ and SE¼SW¼;
Sec. 29, SE¼SW¼ and E½SE¼;
Sec. 30, NW¼SW¼ and S½SE¼;
Sec. 31, N½, E½SW¼, and SE¼;
Sec. 32, W½;
Sec. 34, N½NE¼.
T. 32 S., R. 33 E.,
Sec. 2, lots 4, 5, and 8;

Sec. 4, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 5, lots 1, 3, and 4, S½NE¼, SE¼NW¼, and SE¼;
Sec. 7, N½, N½SW¼, and SE¼;
Sec. 8, N½NE¼ and W½;
Sec. 9, W½NW¼ and NW¼SW¼;
Sec. 10, NE¼NE¼, S½NE¼, NW¼SW¼, and SE¼;
Sec. 11, lots 1 and 2;
Sec. 17, W½NW¼ and SW¼SE¼;
Sec. 18, E½E½, NW¼NE¼, SW¼NW¼, and NW¼SW¼;
Sec. 19, NE¼NE¼, SW¼NE¼, S½NW¼, NW¼SW¼, S½SW¼, and W½SE¼;
Sec. 20, E½ and E½SW¼;
Sec. 21, NW¼NE¼, S½NE¼, W½, and E½SE¼;
Sec. 22, W½W½ and NE¼SW¼;
Sec. 27, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 28, E½NE¼, W½NW¼, and N½S½;
Sec. 29, NE¼ and E½NW¼;
Sec. 30, W½E½ and W½;
Sec. 33, SE¼NE¼ and E½SE¼;
Sec. 34, SW¼NW¼ and W½SW¼.

T. 32½ S., R. 33 E.,
Sec. 20, SW¼SW¼;
Sec. 22, lots 1 and 2, and S½SE¼;
Sec. 23, lots 3 and 4;
Sec. 27, NE¼;
Sec. 28, S½NW¼, SW¼, and S½SE¼;
Sec. 29, S½N½, E½SW¼, and SE¼;
Sec. 32, N½, NE¼SW¼, and SE¼SE¼;
Sec. 33, N½N½, S½NW¼, E½SW¼, and SE¼;
Sec. 34, S½SW¼.

T. 33 S., R. 33 E.,
Sec. 3, lots 3 and 4, and S½NW¼;
Sec. 4, lots 1 and 2, and S½NE¼;
Sec. 5, lot 1 and SE¼NE¼.

T. 34 S., R. 33 E.,
Sec. 5, lots 1 to 4, inclusive, and SW¼NE¼, S½NW¼, and S½SW¼;
Sec. 8, NE¼, N½NW¼, NE¼SE¼, and S½SE¼;
Sec, 9, W½NE¼, NW¼, and S½;
Sec. 15, S½NW¼ and SW¼;
Sec. 17, SE¼NE¼ and E½SE¼;
Sec. 20;
Sec. 21, S½N½, NW¼NW¼, SW¼, and E½SE¼;
Sec. 22, NE¼NW¼ and W½W½;
Sec. 27, NW¼NW¼;
Sec. 28, NE¼NE¼;
Sec. 29, N½N½.

T. 35 S., R. 33 E.,
Sec. 20;
Sec. 28, SE¼NE¼;
Sec. 34, E½NW¼.

T. 28 S., R. 34 E.,
Sec. 31, lots 2, 3, and 4, E½SW¼, W½SE¼, and SE¼SE¼.

T. 29 S., R. 34 E.,
Sec. 6, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, and N½SE¼;
Sec. 12, E½NE¼ and NE¼SE¼;
Sec. 22, SE¼NE¼ and NE¼SE¼;
Sec. 23, SW¼ and W½SE¼;
Sec. 25, W½NW¼;
Sec. 26, NE¼ and E½NW¼.

T. 30 S., R. 34 E.,
Sec. 14, SW¼ and SW¼SE¼;
Sec. 15, S½NE¼, E½SW¼, and SE¼;
Sec. 22, S½SE¼;
Sec. 23, NW¼NE¼ and N½NW¼;
Sec. 25, S½NW¼, SW¼, and S½SE¼;
Sec. 27, NE¼;
Sec. 31, E½NW¼, N½SE¼, and SE¼SE¼;
Sec. 32, NW¼SW¼ and S½SW¼;
Sec. 33, E½SW¼ and W½SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, NE¼NW¼.

T. 30½ S., R. 34 E.,
Sec. 27, lots 3 and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 28, lot 4, SW¼NW¼ and E½SE¼;
Sec. 29, lot 1, 3, and 4, and SE¼NE¼;
Sec. 30, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 31, E½E½ and NW¼NE¼;
Sec. 32, S½SW¼ and SE¼SE¼;
Sec. 33, NE¼NE¼, SW¼NE¼, SE¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 34, NW¼NW¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 35, SW¼NW¼ and NE¼SW¼.

T. 31 S., R. 34 E.,
Sec. 2, lot 4, SW¼NW¼, and SW¼;
Sec. 3, lot 4, SW¼NW¼, SW¼, SW¼SE¼, and E½SE¼;
Sec. 4, lots 1, 2, and 4, SE¼NE¼, SW¼, and E½SE¼;
Sec. 5, lots 3 and 4, S½SW¼, and W½SE¼;
Sec. 6, lot 1;
Sec. 8, N½NE¼, SE¼NE¼, NE¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 9, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 11, N½SW¼;
Sec. 13, NW¼NW¼, SE¼NW¼, SW¼, and NW¼SE¼;
Sec. 14, SE¼NE¼, W½, and E½SE¼;
Sec. 15, S½NE¼ and NE¼SE¼;
Sec. 17, NW¼NE¼, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 18, SE¼NE¼ and E½SE¼;
Sec. 19, lot 4;
Sec. 20, N½NW¼;
Sec. 22, S½N½, E½SW¼, NW¼SE¼, and S½SE¼;
Sec. 23, E½NE¼ and W½W½;
Sec. 24, N½NW¼ and SW¼NW¼;
Sec. 26, NW¼NW¼, S½NW¼, SW¼, and W½SE¼;
Sec. 27, E½, NE¼NW¼, and SE¼SW¼;
Sec. 28, SE¼NW¼ and W½W½;
Sec. 29;
Sec. 30, lot 1 and E½SE¼;
Sec. 31, E½;
Sec. 32, lots 1 and 2, N½ , NE¼SW¼, and N½SE¼;
Sec. 33, lots 2, 3, and 4, NW¼, and N½SW¼;
Sec. 34, NE¼, E½NW¼, and N½SE¼;
Sec. 35, W½NW¼ and NW¼SW¼.

T. 32 S., R. 34 E.,
Sec. 4, lots 1 to 4, inclusive, SW¼NE¼, S½NW¼, and SW¼;
Sec. 5, lot 3, SE¼NE¼, SE¼NW¼, and E½SE¼;
Sec. 6, lot 2;
Sec. 7, NE¼ and SE¼NW¼;
Sec. 8, NE¼NE¼, S½NE¼, W½, and SW¼SE¼;
Sec. 9, SE¼SW¼ and SW¼SE¼;
Sec. 17, W½NE¼ and NW¼;
Sec. 19, S½NE¼, SE¼NW¼, and SE¼;
Sec. 21, NE¼SW¼ and W½SE¼;
Sec. 28, W½NE¼.

T. 33 S., R. 34 E.,
Sec. 3, W½SW¼.

T. 28 S., R. 35 E.,
Secs. 25 and 26;
Sec. 27, N½, E½SW¼, SW¼SW¼, and SE¼;
Sec. 31, lots 1 and 2, E½, and E½NW¼;
Sec. 32, E½NE¼, SW¼NE¼, SW¼NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 33;
Sec. 34, N½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 35;
Sec. 36, SW¼.

T. 29 S., R. 35 E.,
Secs. 1 and 2;
Sec. 3, lots 2, 3, and 4, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, and N½S½;
Sec. 5, lots 1, 2, and 3, SE¼NE¼;
Sec. 7, lots 2, 3, and 4;
Sec. 10, N½NE¼;
Sec. 11, NE¼, N½NW¼, and NE¼SE¼;
Sec. 12, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 13, N½NE¼, SE¼NE¼, and S½SW¼;
Sec. 14, SE¼SE¼;
Sec. 17, N½SW¼;
Sec. 18, lot 1, NE¼, E½NW¼, and NE¼SE¼;
Sec. 20, NE¼NE¼, S½NE¼, and SE¼;
Sec. 21, W½NW¼;
Sec. 23, NE¼ and N½SE¼;
Sec. 24, SW¼NE¼, NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 28, SW¼NE¼, W½NW¼, and SE¼NW¼;
Sec. 29, E½NE¼;
Sec. 33, E½ and NE¼SW¼;
Sec. 34, W½NW¼ and SW¼.

T. 30 S., R. 35 E.,
Sec. 1, SE¼NE¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 4, lot 2;
Sec. 8, SW¼SE¼;
Sec. 9, SW¼ and S½SE¼;
Sec. 10, SW¼NE¼;
Sec. 12, N½NW¼;
Sec. 15, NW¼NE¼, S½NW¼, SW¼, and SW¼SE¼;
Sec. 17, SW¼SE¼;
Sec. 20, NE¼;
Sec. 21, SE¼NW¼ and E½SW¼;
Sec. 22, W½E½, E½W½, SW¼NW¼, and NW¼SW¼;
Sec. 27, NE¼NW¼ and SW¼;
Sec. 28, W½E½ and NE¼NW¼;
Sec. 33, NE¼SE¼;
Sec. 34, NW¼.

T. 31 S., R. 35 E.,
Sec. 4, lots 36 and 37;
Sec. 5, lots 33 and 40.

T. 28 S., R. 36 E.,
Sec. 29;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, W½SE¼, and SE¼SE¼;
Secs. 31 and 32.

T. 29 S., R. 36 E.,
Secs. 2 and 3;
Sec. 4, lots 1 and 4, S½N½, N½SE¼, and SE¼SE¼;
Sec. 5, lots 1 to 4, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;

Secs. 6 and 7;
Sec. 8, N½, SW¼, and NW¼SE¼;
Sec. 10, NE¼ and NE¼NW¼;
Sec. 11, N½, N½S½, and SE¼SE¼;
Sec. 13, N½N½;
Sec. 17, NW¼NW¼;
Sec. 18, lots 1 and 2, NE¼, E½NW¼, and NE¼SW¼.
The areas described aggregate approximately 73,900 acres in Harney County.

3. Federal Surface/Non-Federal minerals

Willamette Meridian

T. 28 S., R. 31 E.,
Sec. 36, SE¼NE¼ and NE¼SE¼.
T. 29 S., R. 31 E.,
Sec. 36, W½.
T. 28 S., R. 32 E.,
Sec. 16, W½.
T. 30 S., R. 32 E.,
Sec. 3, SW¼;
Sec. 16;
Sec. 34, SE¼NE¼ and E½SE¼;
Sec. 35, S½S½ and NE¼SE¼;
Sec. 36, E½, E½W½, and W½SW¼.
T. 32 S., R. 32 E.,
Sec. 26, N½NW¼;
Sec. 27, N½NE¼;
Sec. 32, that portion of SW¼NE¼, NW¼SE¼, SW¼, and S½NW¼ lying southeasterly of the centerline of State Highway No. 205;
Sec. 36, S½N½ and S½.
T. 33 S., R. 32 E.,
Sec. 16;
Sec. 36, NE¼, N½SE¼, and SE¼SE¼.
T. 34 S., R. 32 E.,
Sec. 16, that portion lying easterly of the centerline Harney County Road No. 202;
Sec. 36.
T. 31 S. R. 32½ E.,
Sec. 16, S½SE¼;
Sec. 36, W½E½ and W½.
T. 32 S., R. 32½ E.,
Sec. 16;
Sec. 36, W½E½ and W½.
T. 33 S., R. 32½ E.,
Sec. 16, NW¼NW¼.
T. 34 S., R. 32½ E.,
Secs. 16 and 36.
T. 35 S., R. 32½ E.,
Sec. 16, S½.
T. 36 S., R. 32½ E.,
Sec. 36.
T. 31 S., R. 32¾ E.,
Sec. 16.
T. 32 S., R. 32¾ E.,
Sec. 11, NW¼NE¼.
T. 33 S., R. 32¾ E.,
Sec. 36, NE¼, N½NW¼, SW¼, and S½SE¼.
T. 34 S., R. 32¾ E.,
Sec. 36, W½.
T. 35 S., R. 32¾ E.,
Sec. 16, W½ and SE¼;
Sec. 36.
T. 35½. S., R. 32¾ E.,.
Sec. 36.
T. 36 S., R. 32¾ E.,
Sec. 36, NE¼, S½NW¼, and S½.
T. 37 S., R. 32¾ E.,
Sec. 16, that portion lying northeasterly of the centerline of Harney County Road No. 202.
T. 29 S., R. 33 E.,
Sec. 2, S½NW¼ and N½SW¼;
Sec. 3, lots 1 and 2, and S½NE¼;
Sec. 36, NE¼ and N½NW¼.
T. 30 S., R. 33 E.,
Sec. 16, N½NE¼ and SE¼NE¼.
T. 31 S., R. 33 E.,
Sec. 18, SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, W½NE¼, SE¼NE¼, NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼.
T. 32½ S., R. 33 E.,
Sec. 36, NE¼NW¼, W½W½, and NE¼SW¼.
T. 33 S., R. 33 E.,
Sec. 16, S½N½ and S½.
T. 34 S., R. 33 E.,
Sec. 36.
T. 35 S., R. 33 E.,
Sec. 13, S½SE¼SW¼, S½N½SE¼SW¼, S½SW¼SE¼, S½N½SW¼SE¼, S½N½SE¼SE¼, and N½S½SE¼SE¼;
Sec. 16;
Sec. 36, E½.
T. 36 S., R. 33 E.,
Sec. 16, NW¼NE¼, W½W½, and SE¼SW¼.
T. 29 S., R. 34 E.,
Sec. 16, SE¼NW¼, NE¼SW¼, and W½SE¼;
Sec. 36, SE¼NE¼.
T. 30 S., R. 34 E.,
Sec. 16, W½E½, and NW¼.
T. 30½ S., R. 34 E.,
Sec. 28, SW¼ and W½SE¼;
Sec. 29, SE¼;
Sec. 32, N½NE¼;
Sec. 33, NW¼NE¼, N½NW¼, and SW¼NW¼.
T. 31 S., R. 34 E.,
Sec. 36.
T. 34 S., R. 34 E.,
Sec. 36.
T. 35 S., R. 34 E.,
Sec. 7, lots 3 and 4, and E½SW¼;
Sec. 9, S½NE¼, NE¼NW¼, SW¼NW¼, and S½;
Sec. 11, NW¼SW¼ and S½S½;
Sec. 13, NW¼NE¼, SE¼NE¼, NW¼, W½SW¼, SE¼SW¼, and SE¼;
Sec. 15, W½;
Sec. 16;
Sec. 17, W½;
Secs. 19 and 21;
Sec. 23, N½ and SW¼;
Sec. 25;
Sec. 27, W½ and SE¼;
Sec. 29, W½ and SE¼;
Sec. 31, lots 1 to 4, inclusive, NE¼, and E½W½;
Sec. 33, W½ and SE¼;
Secs. 35 and 36.
T. 36 S., R. 34 E.,
Sec. 3;
Sec. 5, lots 1 to 4, inclusive, SE¼NE¼, SE¼NW¼, and S½;
Sec. 9, N½NE¼ and NW¼NW¼;
Sec. 16, S½.
T. 37 S., R. 34 E.,
Sec. 16.
T. 28 S., R. 35 E.,
Sec. 31, lot 3 and E½SW¼.
T. 29 S., R. 35 E.,
Sec. 3, SW¼SW¼;
Sec. 5, lot 4, SW¼NE¼, S½NW¼, and N½SE¼;
Sec. 6, lot 1;
Sec. 8, NW¼SE¼;
Sec. 9, NW¼SE¼;
Sec. 10, S½NE¼ and E½NW¼;
Sec. 11, S½NW¼, W½SE¼, and SE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, SW¼NE¼ and NW¼;
Sec. 16, S½NE¼, W½, and SE¼;
Sec. 28, NE¼SW¼ and W½SE¼;
Sec. 36, N½.
T. 31 S., R. 35 E.,
Sec. 16, that portion of E½W½ and E½ lying westerly of the centerline of Harney County Road No. 201.
T. 33 S., R. 35 E.,
Sec. 36.
T. 34 S., R. 35 E.,
Sec. 16.
T. 35 S., R. 35 E.,
Sec. 16;
Sec. 17, SW¼SW¼ and SW¼SE¼;
Sec. 19;
Sec. 21, S½SW¼;
Sec. 33, NW¼.
T. 36 S., R. 35 E.,
Sec. 5, SE¼.
T. 29 S., R. 36 E.,
Sec. 4, N½SW¼;
Sec. 5, SE¼NE¼ and E½SE¼;
Sec. 8, NE¼SE¼ and SW¼SE¼;
Sec. 10, NW¼NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 11, S½SW¼ and SW¼SE¼;
Sec. 16.
T. 30 S., R. 36 E.,
Sec. 16, that portion lying northwesterly of the centerline of Harney County Road No. 201.
The areas described aggregate approximately 37,400 acres in Harney County.

4. For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands and minerals will be segregated as specified above, subject to valid existing rights, unless the application is denied or canceled or the withdrawal is finalized prior to the end of the segregation. Further, the segregation does not preclude the issuance of licenses, permits, cooperative agreements, or discretionary land use authorizations, upon approval of the authorized officer of the Bureau of Land Management. The proposal includes withdrawing the reserved Federal mineral interest underlying private surface, but would not affect surface rights of those private lands. All previously authorized activities and permitted uses of the segregated lands may be continued in accordance with the terms of the authorization.

5. Any non-Federal lands within the boundary described above, if acquired by the United States, would become subject to the terms and conditions of this withdrawal.

Dated: September 8, 1999.

Ray Brady,

Manager, Lands and Realty Group.

[FR Doc. 99–23812 Filed 9–16–99; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of the Final Restoration Plan and Environmental Assessment for the March 28, 1993, Colonial Pipeline Oil Spill Near Reston, Virginia

ACTION: Notice of availability of the Final Restoration Plan and Environmental Assessment for the March 28, 1993, Colonial Pipeline Oil Spill near Reston, Virginia.

SUMMARY: The Final Restoration Plan and Environmental Assessment for the March 28, 1993, Colonial Pipeline Oil Spill near Reston, Virginia, has been completed. Pursuant to the Council on Environmental Quality regulations, the Trustees, representing the National Park Service, U.S. Fish and Wildlife Service, Commonwealth of Virginia, and District of Columbia, in 1998 prepared and made available for a 30-day public review the Draft Restoration Plan and Environmental Assessment for that Oil Spill (the EA). During the review period, the Trustees held a public meeting in Herndon, Virginia, to discuss the EA. See the notice of availability for the EA published in the **Federal Register** on October 23, 1998 (63 FR 56939).

Following the 30-day public availability period, the Trustees selected the preferred alternative, described in Sections 3.1 and 3.2 of the EA, and determined that the implementation of the preferred alternative will not cause a significant environmental impact. See the notice of availability for the Decision Notice and Finding of No Significant Impact (DN/FONSI) published in the **Federal Register** on July 20, 1999 (64 FR 38915). In making that selection and determination, the Trustees considered the information and analysis contained in the EA and the comments received during the 30-day public availability period. As a result, the Trustees adopted certain modifications to the preferred alternative. Those modifications are described in the Final Restoration Plan and Environmental Assessment.

The preferred alternative contains both primary and compensatory restoration actions. Natural recovery is the primary restoration action selected to return injured natural resources to their baseline conditions. A package of multiple compensatory restoration actions, including various wildlife habitat and recreational use enhancement projects, was selected to replace the interim loss of natural resource services. The goal of primary and compensatory restoration is to make the environment and the public whole for injuries to, or loss of, natural resources and services resulting from the oil spill. This follows on the 1998 judicial settlement resolving the Federal, State, and District claims for penalties and natural resource damages with the responsible party, Colonial Pipeline Company.

SUPPLEMENTARY INFORMATION: Requests for copies of the Final Restoration Plan and Environmental Assessment, or for any additional information, should be directed to Daniel Hamson, National Park Service, Environmental Quality Division, 1849 C Street, N.W. (Mail Stop 2749), Washington, D.C. 20240, Telephone: (202) 208–7504.

Dated: September 10, 1999.

Sharon Kliwinski,

Acting Associate Director, Natural Resource Stewardship and Science.

[FR Doc. 99–24304 Filed 9–16–99; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Impact Statement for the Lower St. Croix National Scenic Riverway, MN and WI

AGENCIES: National Park Service, Minnesota Department of Natural Resources, Wisconsin Department of Natural Resources.

ACTION: Notice of Availability of the Draft Cooperative Management Plan/ Draft Environmental Impact Statement for the Lower St. Croix National Scenic Riverway, Minnesota and Wisconsin.

SUMMARY: Pursuant to section 102(2) of the National Environmental Policy Act of 1969, the National Park Service, Minnesota Department of Natural Resources, and Wisconsin Department of Natural Resources announce the availability of the Draft Cooperative Management Plan/Draft Environmental Impact Statement (DCMP/DEIS) for the Lower St. Croix National Scenic Riverway. This notice also announces public open houses for the purpose of receiving public comments on the Draft DCMP/DEIS.

The purpose of the Cooperative Management Plan is to set forth the basic management philosophy for the riverway and to provide the strategies for addressing issues and achieving identified management objectives. The DCMP/DEIS describes and analyzes the environmental impacts of a proposed action and four action alternatives for the future management direction of the riverway. The DCMP/DEIS also evaluates a preferred management structure and two management structure options for the riverway. No action alternatives are evaluated for both management direction and management structure.

The responsible officials are Mr. William Schenk, Midwest Regional Director, National Park Service; Mr. Allen Garber, Commissioner, Minnesota Department of Natural Resources; and Mr. George Meyer, Secretary, Wisconsin Department of Natural Resources.

DATES: There will be a 60-day public review period for comments on this document. Comments on the DCMP/ DEIS must be received no later than November 30, 1999. Public open houses for information about, or to make comment on the DCMP/DEIS will be held on Monday, October 25, 1 to 4 p.m. and 7 to 10 p.m. at the Phipps Center for the Arts, 109 Locust Street, Hudson, Wisconsin and on Tuesday, October 26, 1999 from 1 to 4 p.m. and from 7 to 10 p.m. at the National Guard Armory, 107 Chestnut Street East, Stillwater, Minnesota.

ADDRESSES: Comments on the DGMP/ DEIS should be submitted to the Planning Coordinator, Lower St. Croix National Scenic Riverway, 117 Main Street South, Stillwater, Minnesota 55082. Copies of the DCMP/DEIS are available by request by writing the same address, by phone 651–439–7122, or by e-mail from randy—thoreson@nps.gov. The document also can be downloaded via the Internet at http://www.nps.gov/ planning/current.htm.

FOR FURTHER INFORMATION CONTACT: Randy Thoreson, Planning Coordinator, Lower St. Croix National Scenic Riverway at the address and telephone listed above.

SUPPLEMENTARY INFORMATION: The Lower St. Croix National Scenic Riverway is a narrow corridor that runs for 52 miles along the boundary of Minnesota and Wisconsin, from St. Croix Falls/Taylors Falls to the confluence with the Mississippi River at Prescott/Point Douglas. The National Park Service manages a portion of the upper 27 miles of lands and waters of this corridor. The states of Minnesota and Wisconsin administer the lower 25 miles. The states and the federal government jointly conduct planning for the riverway.

Commentors should be aware that National Park Service practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual commentors may request that we withhold their home address from the

planning record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the planning record a commentor's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials or organizations or businesses, available for public inspection in their entirety.

Dated: September 3, 1999.

William W. Schenk,

Regional Director, Midwest Region.

[FR Doc. 99–24305 Filed 9–16–99; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA–172C]

Special Surveillance List of Chemicals, Products, Materials and Equipment Used in the Clandestine Production of Controlled Substances or Listed Chemicals; Correction

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Correction to Final Notice.

SUMMARY: This document contains a correction to the final notice (DEA–172N), published Thursday, May 13, 1999 (64 FR 25910). That final notice contained the list of "laboratory supplies" which constitutes the Special Surveillance List that was required to be published by the Attorney General pursuant to Title 21, United States Code, Section 842(a).

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7183.

SUPPLEMENTARY INFORMATION:

Background

The notice that is the subject of this correction, implements provisions of the Comprehensive Methamphetamine Control Act of 1996 (MCA) which was signed into law on October 3, 1996. The MCA provides for a civil penalty of not more than $250,000 for the distribution of a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, if that distribution was made with reckless disregard for the illegal uses to which such laboratory supply will be put. The term "laboratory supply" is defined as "a listed chemical or any chemical, substance or item on a Special Surveillance List published by the Attorney General which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals." As required by the MCA, DEA published this Special Surveillance List on May 13, 1999.

Need for Correction

As published, the final notice erroneously indicated that the Special Surveillance List includes all listed chemicals "as specified in 21 CFR 1310.02(a) or (b)." This citation was in error and should have read "as specified in 21 CFR 1310.02(a) or (b) or 21 U.S.C. 802 (34) or (35)."

Additionally, the final notice incorrectly stated that "it advises individuals and firms that civil penalties may be imposed on them if they distribute a laboratory supply to a person anytime after a two week period following receipt of written notification by the Attorney General that the person has used, attempted to use, or distributed the laboratory supply further for the unlawful production of controlled substances or listed chemicals."

In fact, the MCA does not require that the Attorney General issue a written notification in order to impose civil penalties for the distribution of a laboratory supply to persons who use, attempt to use or distribute the laboratory supply for the unlawful production of controlled substances or listed chemicals, if that distribution was made with "reckless disregard" for the illegal uses to which the laboratory supply would be put.

The two week notification period, referenced in the final notice, pertains to the MCA provision of "rebuttable presumption of reckless disregard". Specifically, if the Attorney General issues a written notification that a laboratory supply sold by the firm has been used by a customer (or distributed further by that customer) for the unlawful production of controlled substances or listed chemicals, then there is a "rebuttable presumption of reckless disregard" at trial, if the notified firm distributes a laboratory supply to the customer two weeks or more after the notification.

This correction is therefore being published to clarify MCA provisions applicable to the Special Surveillance List.

Correction of Publication

Accordingly, the publication on May 13, 1999 of the final notice (DEA–172–N), which was the subject of FR Doc. 99–12037, is corrected as follows:

1. On page 25911, in the third column, in the first paragraph under the heading "Special Surveillance List Published Pursuant to Title 21, United States Code, Section 842(a)(11)", subheading "Chemicals", the text is corrected to read as follows:

All listed chemicals as specified in 21 CFR § 1310.02 (a) or (b) or 21 U.S.C. § 802 (34) or (35). This includes all chemical mixtures and all over-the-counter (OTC) products and dietary supplements which contain a listed chemical, regardless of their dosage form or packaging and regardless of whether the chemical mixture, drug product or dietary supplement is exempt from regulatory controls.

Ammonia Gas
Ammonium Formate
Bromobenzene
1, 1-Carbonyldiimidazole
Cyclohexanone
1, 1-Dichloro-1-fluoroethane (e.g. Freon 141B)
Diethylamine and its salts
2, 5-Dimethoxyphenethylamine and its salts
Formamide
Formic Acid
Hypophosphorous Acid
Lithium Metal
Lithium Aluminum Hydride
Magnesium Metal (Turnings)
Mercuric Chloride
N-Methylformamide
Organomagnesium Halides (Grignard Reagents) e.g. ethylmagnesium bromide and phenylmagnesium bromide)
Phenylethanolamine and its salts
Phosphorus Pentachloride
Potassium Dichromate
Pyridine and its salts
Red Phosphorus
Sodium Dichromate
Sodium Metal
Thionyl Chloride
ortho-Toluidine
Trichloromonofluoromethane (e.g. Freon-11, Carrene-2)
Trichlorotrifluoroethane (e.g. Freon 113)

Equipment

Hydrogenators
Tableting Machines
Encapsulating Machines
22 Liter Heating Mantels

2. On page 25912, in the first column, under the heading, "Small Business Impact and Regulatory Flexibility Concerns", the second paragraph is corrected to read as follows:

This notice serves two purposes. First, it informs individuals and firms of the potential use of items on the list for the production of listed chemicals and

illicit drugs. Second, it advises individuals and firms that civil penalties may be imposed on them if they distribute a laboratory supply to a person who uses or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, if that distribution was made with "reckless disregard" for the illegal uses to which such laboratory supply would be put. Moreover, there is a "rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and two weeks or more after the notification the notified firm distributes a laboratory supply to the customer.

Dated: September 7, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99–24103 Filed 9–16–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Standards for the Registration of Apprenticeship Programs Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the collection of the registered apprenticeship programs under Title 29 CFR Part 29 (Labor Standards for the Registration of Apprenticeship Programs). A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before November 16, 1999.

ADDRESSEES: Anthony Swoope, Director, Bureau of Apprenticeship and Training, 200 Constitution Ave., NW, Room 4649, Washington, DC 20210; E-mail Internet address: aswoope@doleta.gov; Telephone number: (202) 219–5921 (this is not a toll-free number); Fax number: (202) 219–5011 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The National Apprenticeship Act of 1937 authorizes and directs the Secretary of Labor "to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Office of Education under the Department of Health, Education, and Welfare * * *. "Section 2 of the Act authorizes the Secretary of Labor to "publish information relating to existing and proposed labor standards of apprenticeship," and to "appoint national advisory Committees * * *." (29 U.S.C. 50a).

Title 29 CFR Part 29 sets forth labor standards to safeguard the welfare of apprentices, and to extend the application of such standards by prescribing policies and procedures concerning registration, for certain Federal purposes, of acceptable apprenticeship programs with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training. These labor standards, policies and procedures cover the registration, cancellation, and deregistration of apprenticeship programs and the apprenticeship agreements; the recognition of a State agency as the appropriate agency for registering local apprenticeship programs for certain Federal purposes; and matters relating thereto.

II. Review Focus

The Department of Labor is particularly interested in comments which;

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

Recordkeeping and data collection activities regarding registered apprenticeship are by-products of the registration system. Organizations which apply for apprenticeship sponsorship enter into an agreement with the agreement with the Federal Government or cognizant State government to operate their proposed programs consistent with 29 CFR Part 29. Apprenticeship sponsors are not required to file reports regarding their apprentices other than individual registration and update information as an apprentice moves through their program. This extension request includes instructions for completing Item 9., Apprenticeship wages, on ETA Form 671.

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: Title 29 CFR Part 29, Labor Standards for the Registration of Apprenticeship Programs.

OMB Number: 1205–0223 for 29 CFR Part 29.

OMB Number: 1205–0223 for 29 CFR Part 29.

Agency Number: ETA Form 671.

Recordkeeping: Apprenticeship sponsors are required to keep accurate records on the recruitment, selection, employment and training of each apprentices pertaining to determination of compliance with the regulation. Records must be retained, where appropriate, regarding affirmative action plans and evidence that qualification

standards have been validated. State Apprenticeship Councils are also obligated to keep adequate records pertaining to determination of compliance with these regulations. All of the above records are required to be maintained for five years. If this information was not required, there would be no documentation that the apprenticeship programs were being operated in a nondiscriminatory manner. Many apprenticeship programs are 4 years or more in duration; therefore, it is important to maintain the records for at least 5 years.

Affected Public: Apprentices, Sponsors, State Apprenticeship Councils or Agencies, Tribal Government.

ETA Form 671.

Total Respondents: 197,278

Frequency: 1-time basis.

Total Responses: 197, 278.

Average Time per Response: See Chart.

Estimated Total Burden Hours: 39,200.

OR CHART FOR MULTIPLE FORMS/INFORMATION COLLECTIONS

Sec.	Total respondents	Frequency	Total responses	Average time per response	Burden
29.3	110,540	1-time basis	110,540	¼ hour/app	27,635
29.6	84,435	1-time basis	84,435	1/12 hour/app	7,036
29.5	2,263	1-time basis	2,263	2 hours	4,526
29.7	40	1-time basis	40	1/12 hr/spon	3.3
29.12	30	1-time basis			
29.13					
Totals			197,278		39,200

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 14, 1999.

Anthony Swoope,

Director, Bureau of Apprenticeship and Training.

[FR Doc. 99–24265 Filed 9–16–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or government agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

New York
NY990020 (MAR. 12, 1999)

Volume II

VIRGINIA
VA990006 (MAR. 12, 1999)
VA990013 (MAR. 12, 1999)

Volume III

FLORIDA
FL990001 (MAR. 12, 1999)
GEORGIA
GA990033 (MAR. 12, 1999)
GA990050 (MAR. 12, 1999)
GA990053 (MAR. 12, 1999)
GA990065 (MAR. 12, 1999)
GA990093 (MAR. 12, 1999)
GA990094 (MAR. 12, 1999)

Volume IV

MICHIGAN
MI990002 (MAR. 12, 1999)
MI990003 (MAR. 12, 1999)
MI990004 (MAR. 12, 1999)
MI990017 (MAR. 12, 1999)
MI990031 (MAR. 12, 1999)
MI990036 (MAR. 12, 1999)
MI990040 (MAR. 12, 1999)
MI990041 (MAR. 12, 1999)
MI990046 (MAR. 12, 1999)
MI990064 (MAR. 12, 1999)
MI990081 (MAR. 12, 1999)
MI990084 (MAR. 12, 1999)

Volume V

KANSAS
KS990008 (MAR. 12, 1999)
KS990009 (MAR. 12, 1999)
KS990012 (MAR. 12, 1999)
KS990016 (MAR. 12, 1999)
KS990069 (MAR. 12, 1999)
KS990070 (MAR. 12, 1999)
NEBRASKA
NE990003 (MAR. 12, 1999)
NE990011 (MAR. 12, 1999)
TEXAS
TX990007 (MAR. 12, 1999)
TX990033 (MAR. 12, 1999)
TX990034 (MAR. 12, 1999)
TX990035 (MAR. 12, 1999)
TX990037 (MAR. 12, 1999)
TX990046 (MAR. 12, 1999)
TX990069 (MAR. 12, 1999)

Volume VI

NONE

Volume VII

CALIFORNIA
CA990001 (MAR. 12, 1999)
CA990002 (MAR. 12, 1999)
CA990004 (MAR. 12, 1999)
CA990031 (MAR. 12, 1999)
CA990032 (MAR. 12, 1999)
CA990033 (MAR. 12, 1999)
CA990035 (MAR. 12, 1999)
CA990036 (MAR. 12, 1999)
CA990037 (MAR. 12, 1999)
CA990038 (MAR. 12, 1999)
CA990039 (MAR. 12, 1999)
CA990040 (MAR. 12, 1999)
CA990041 (MAR. 12, 1999)

General Wage Determination Publication

. General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determination issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068

Hard-Copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 9th day of September 1999.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 99–24010 Filed 9–16–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–99–18]

Inspection Certification Records for Slings; Extension of the Office of Management and Budget's (OMB) Approval of an Information Collection (Paperwork) Requirement

AGENCY: Occupational Safety and Health Administration (OSHA); Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning the proposed increase, and extension of, the information collection requirements (inspection and certification records) contained in the standard on Slings, 29 CFR 1910.184(e)(3)(i), (e)(4), (f)(4)(ii), (g)(1), (g)(8)(ii), and (i)(8)(ii).

Request for Comment

The Agency seeks comments on the following issues:

- Whether the information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used.
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated electronic, mechanical, and other technological information and transmission collection techniques.

DATES: Submit written comments on or before November 16, 1999.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–99–18, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693–2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693–2222. A copy of the Agency's Information Collection Request (ICR) supporting the need for the information collection requirements (inspection certification records) contained in the standard on Slings (29 CFR 1910.184) is available for inspection and copying in the Docket Office, or mailed on request by telephoning Theda Kenney at (202) 693–2222 or Barbara Bielaski at (202) 693–2444. For electronic copies of the ICR, contact OSHA on the Internet at http://www.osha.gov/comp-links.html, and click on "Information Collection Requests."

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal

agencies with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is correct.

The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents. (29 U.S.C. 657.) The information collection requirements (the inspection and certification records) in the standard on Slings (29 CFR 1910.184) require employers to: Generate and maintain records regarding the inspection of alloy steel chain slings, obtain and retain certificates showing that the equipment manufacturer (or equivalent entity) proof tested new, repaired, or reconditioned alloy steel chain slings, wire rope slings that have welded end attachments, and repaired synthetic web slings. These requirements also specify that employers affix a durable marking to metal mesh slings stating the rated capacity for the vertical basket hitch and choker hitch loadings, repaired metal mesh slings must indicate the date and type of repair, as well as the person or organization performing the repair, using permanent marking or tagging, or by maintaining a written record.

II. Proposed Actions

OSHA proposes to increase its earlier estimate of 1,071 burden hours to 21,435 burden hours for the provisions requiring inspection and certification records in the standard on Slings (29 CFR 1910.184).

OSHA will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the above standard.

Type of Review: Extension of currently approved information collection requirement.

Agency: Occupational Safety and Health Administration.

Title: Inspection and Certification Records for Slings (29 CFR 1910.184).

OMB Number: 1218–0223.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government; state, local or tribal government.

Number of Respondents: 155,675.

Frequency: Annually.

Average Time per Response: Varies from three minutes (0.05 hour) to 15 minutes (0.25 hour).

Estimated Total Burden Hours: 21,435.

III. Authority and Signature

Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), Secretary of Labor's Order No. 6–96 (62 FR 111).

Signed at Washington, DC, this 13th day of September 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99–24266 Filed 9–16–99; 8:45 am]

BILLING CODE 4510–26–M

OFFICE OF MANAGEMENT AND BUDGET

Accounting for Internal Use Software

AGENCY: Office of Management and Budget.

ACTION: Notice of Document Availability.

SUMMARY: This Notice indicates the availability of the tenth Statement of Federal Financial Accounting Standards (SFFAS), "Accounting for Internal Use Software." The statement was recommended by the Federal Accounting Standards Advisory Board (FASAB) and adopted in its entirety by the Office of Management and Budget (OMB).

ADDRESSES: Copies of SFFAS No. 10, "Accounting for Internal Use Software," may be obtained for $4.00 each from the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202–512–1800), Stock No. 041–001–00524–2.

FOR FURTHER INFORMATION CONTACT: Kim Geier (telephone: 202-395–6905), Office of Federal Financial Management, Office of Management and Budget, 725 17th Street, NW, Room 6025, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: This Notice indicates the availability of the tenth Statement of Federal Financial Accounting Standards (SFFAS), "Accounting for Internal Use Software." The standard was recommended by the Federal Accounting Standards Advisory Board (FASAB) and adopted in its entirety by the Office of Management and Budget (OMB) on October 9, 1998.

Under a Memorandum of Understanding among the General Accounting Office, the Department of the Treasury, and OMB on Federal Government Accounting Standards, the Comptroller General, the Secretary of the Treasury, and the Director of OMB decide upon principles and standards after considering the recommendations of FASAB. After agreement to specific principles and standards, they are published in the **Federal Register** and distributed throughout the Federal Government.

This Notice is available on the OMB home page on the Internet which is currently located at http://www.whitehouse.gov/OMB/, under the caption "**Federal Register**."

Sheila Conley,

Acting Controller.

[FR Doc. 99–24217 Filed 9–16–99; 8:45 am]

BILLING CODE 3110–01–P

OFFICE OF MANAGEMENT AND BUDGET

Recognition of Contingent Liabilities Arising from Litigation: An Amendment of SFFAS No. 5, Accounting for Liabilities of the Federal Government

AGENCY: Office of Management and Budget.

ACTION: Notice of Document Availability.

SUMMARY: This Notice indicates the availability of the twelfth Statement of Federal Financial Accounting Standards (SFFAS), "Recognition of Contingent Liabilities Arising from Litigation: An Amendment of SFFAS No. 5, Accounting for Liabilities of the Federal Government." The statement was recommended by the Federal Accounting Standards Advisory Board (FASAB) and adopted in its entirety by the Office of Management and Budget (OMB).

ADDRESSES: Copies of SFFAS No. 12, "Recognition of Contingent Liabilities Arising from Litigation: An Amendment of SFFAS No. 5, Accounting for Liabilities of the Federal Government," may be obtained for $2.50 each from the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202–512–1800), Stock No. 041–001–00527–7.

FOR FURTHER INFORMATION CONTACT: Kim Geier (telephone: 202-395–6905), Office of Federal Financial Management, Office of Management and Budget, 725

17th Street, NW, Room 6025, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: This Notice indicates the availability of the twelfth Statement of Federal Financial Accounting Standards (SFFAS), "Recognition of Contingent Liabilities Arising from Litigation: An Amendment of SFFAS No. 5, Accounting for Liabilities of the Federal Government." The standard was recommended by the Federal Accounting Standards Advisory Board (FASAB) and adopted in its entirety by the Office of Management and Budget (OMB) on February 1, 1999.

Under a Memorandum of Understanding among the General Accounting Office, the Department of the Treasury, and OMB on Federal Government Accounting Standards, the Comptroller General, the Secretary of the Treasury, and the Director of OMB decide upon accounting principles and standards after considering the recommendations of FASAB. After agreement to specific principles and standards, a notice of document availability is published in the **Federal Register** and distributed throughout the Federal Government.

This Notice is available on the OMB home page on the Internet which is currently located at http://www.whitehouse.gov/OMB/, under the caption "**Federal Register**."

Sheila Conley,

Acting Controller.

[FR Doc. 99–24218 Filed 9–16–99; 8:45 am]

BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27073]

Filings Under the Public Holding Company Act of 1935, as Amended ("Act")

September 10, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by October 5, 1999, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After October 5, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Indiana Michigan Power Company (70–6458)

Indiana Michigan Power Company ("I&M"), One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a post-effective amendment under sections 9(a), 10 and 12(d) of the Act and rule 54 under the Act to an application-declaration previously filed under the Act.

By orders dated June 11, 1980, June 25, 1980, December 4, 1984, December 12, 1984, August 2, 1985, October 5, 1994 and June 26, 1995 (HCAR Nos. 21618, 21642, 23514, 23528, 23781, 26136 and 26319) ("Orders"), I&M was authorized to enter into and amend agreements (collective, "Agreements") with the City of Rockport, Indiana ("City") in connection with the construction and installation of pollution control facilities at I&M's Rockport Generating Station ("Facilities"). Under the Agreements, the City may issue and sell, in several series, its pollution control revenue bonds and pollution control refunding bond ("Refunding Bonds") (together, "Bonds").

The Orders also authorized I&M to convey the Facilities to the City and to reacquire them at a purchase price, payable on an installment basis semi-annually, in amounts that enable the City to pay, when due, the interest and principal on the Bonds and certain other fees and expenses. Currently, the City has issued three series of Bonds in an outstanding aggregate principal amount of $150 million.

It is now proposed that, under the terms of the Agreements, I&M will cause the City to issue and sell, prior to June 30, 1999, one or more additional series of Refunding Bonds ("1999 Bonds") in the aggregate principal amount of up to $50 million. The 1999 Bonds will mature on a date not more than thirty years from the date of issuance. The proceeds will be used to provide for the early redemption of the entire outstanding principal amount of $50 million of the City's Series 1985 A Floating Rate Weekly Demand Bonds, due August 1, 2014.

National Fuel Gas Company, et al. (70–9525)

National Fuel Gas Company ("NFG"), 10 Lafayette Square, Buffalo, New York 14203, a public utility holding company registered under the Act, and its nonutility subsidiaries National Fuel Gas Supply Corporation ("Supply"), 10 Lafayette Square, Buffalo, New York 14203; National Fuel Resources, Inc. ("Resources"), 165 Lawrence Bell Drive, Suite 120, Williamsville, New York 14221; Seneca Resources Corporation ("Seneca"); and Upstate Energy, Inc. ("Upstate Energy," and together with Supply, Resources and Seneca, the "Nonutility Subsidiaries"), both located at 1201 Louisiana Street, Suite 400, Houston, Texas 77002, have filed an application under sections 9(a) and 10 of the Act, sections 2(a) and 2(b) of the Gas Related Activities Act of 1990, and rule 54 under the Act.

Supply, an interstate pipeline company, transports and stores natural gas for NFG's only public utility subsidiary, National Fuel Gas Distribution Corporation ("Distribution") and for other utilities, pipelines, marketers, and large industrial customers in the northeastern United States. Seneca is engaged in the business of exploration and development of natural gas and oil producing reserves, chiefly in the on-shore and off-shore Gulf Coast region of Texas, Louisiana and Alabama, the Appalachian region, the Rocky Mountain region, and California. Resources markets natural gas, electricity, and other forms of energy to approximately 5,400 industrial commercial, and residential customers under long-term agreements, and provides other related energy services to these end-use customers. Upstate Energy engages in wholesale natural gas marketing and related activities.

As more particularly discussed below, NFG requests authority through December 31, 2003 to acquire, through the Nonutility Subsidiaries, the equity and debt securities of one or more companies that are engaged in, or that are formed to engage in, certain categories of nonutility gas-related operations outside the United States ("Foreign Energy Affiliates"). NFG and the Nonutility Subsidiaries propose to

invest up to $300 million ("Investment Limitation") in the securities of Foreign Energy Affiliates. In addition, Resources and Update Energy request authority to engage directly in energy commodity marketing, brokering and related activities in Canada.

Specifically, Seneca proposes to acquire the securities of, or other interests in, entities engaged in natural gas and oil exploration and production operations outside the United States. Paralleling its domestic exploration and production activities. Seneca intends to invest in entities with Canadian operations located where pipeline facilities are available to deliver reserves to customers of Distribution or of other NFG subsidiaries. Seneca anticipates that it will concentrate initially on investing in Foreign Energy Affiliates with operations in the Western Canada Sedimentary Basin. Seneca requests that the Commission reserve jurisdiction over its investments in Foreign Energy Affiliates outside of the United States and Canada.

Supply proposes to acquire the securities of, or other interests in, companies formed to construct and operate new pipeline and gas storage facilities outside the United States. Supply anticipates that it will initially focus on projects that are planned or under construction in Canada, Mexico, and South America. Supply has not yet identified any specific foreign pipeline or storage venture in which it wished to invest, and it request that the Commission reserve jurisdiction over any investment it makes in a Foreign Energy Affiliate.

Resources and Upstate Energy propose to engage directly or indirectly in natural gas and other energy commodity marketing, brokering, and related activities outside the United States. Specifically, Resources and Upstate Energy request authority to invest in the aggregate either directly or indirectly, through one or more Foreign Energy Affiliates, up to $50 million of the Investment Limitation in Canadian nonutility facilities related to these activities. These would include natural gas or oil storage facilities, natural gas gathering and processing facilities, pipeline spurs to serve industrial customers, and meters, regulators, and similar nonutility equipment. The Canadian marketing and brokering operations of Resources and Upstate Energy would be substantially identical to their U.S. operations, although Canadian regulatory laws may impose different limitations or restrictions on these operations. The proposed brokering activities would involve acting as a middle man, usually for a fee, in energy commodity transactions. Marketing transactions could take a variety of forms. They may consist of purchases and sales of gas and other energy commodities where performance normally will be physical delivery of the underlying commodity. The may also include transactions that may or may not be settled by physical delivery, such as swaps or exchanges of energy commodities, and the sale of purchase of options, exchanged-traded futures contracts, or other derivative products to support marketing and brokering transactions.

By order dated February 12, 1997 (HCAR No. 26666), the Commission reserved jurisdiction over Resources's energy marketing and brokering business outside the United States. Resources requests that the Commission release jurisdiction over its conduct of this business in Canada. Upstate Energy and Resources request that the Commission reserve jurisdiction over the conduct of this business outside the United States and Canada.

NFG intends to provide the Nonutility Subsidiaries with funds and credit support necessary to enable them to acquire the securities of, or other interests in, Foreign Energy Affiliates. These investments by NFG in the Nonutility Subsidiaries would be funded by available cash and the proceeds to external financing previously approved by a Commission order dated March 20, 1998 (HCAR No. 26847) ("Financing Order"). The Nonutility Subsidiaries may borrow through the NFG system money pool to fund the activities proposed in the application. NFG may provide guarantees or other forms of credit support to or on behalf of the Nonutility Subsidiaries in this connection, subject to the authority of the Financing Order. NFG states that it would not attempt to recover any loss sustained through the proposed foreign gas-related activities, or compensate for any inadequate return on its investment in them, through higher rates to Distribution's customers.

For the Commission by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–24216 Filed 9–16–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of September 20, 1999.

A closed meeting will be held on Tuesday, September 21, 1999, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Hunt, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, September 21, 1999, at 10:00 a.m. will be:

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: September 14, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–24390 Filed 9–15–99; 12:38 pm]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Announcement OVA–99–001]

Award Notice for the Veterans Business Outreach Program Under Program

AGENCY: Small Business Administration.

ACTION: Notice of award.

SUMMARY: The Small Business Administration (SBA), Office of Veterans Affairs (OVA) announces the award of four cooperative agreements for the Veterans Business Outreach Program. These awards are a result of Program Announcement No. OVA–99–001. The awardees are as follows:

The University of West Florida, 19 West Garden Street, Suite 300, Pensacola, FL 32501

TEP Consulting, Inc., 858 Dogwood Court, P.O. Box 245, Herndon, VA 20172–0245

The Research Foundation of the State University of New York, 1400 Washington Avenue, AD216, Albany, NY 12222

The University of Texas Pan American, Office of Center Operations and Community Services, 1201 W. University Drive, Edinburg, TX 78535

The University of Texas—Pan American, TEP Consulting, Inc., The University of West Florida in Pensacola, and The Research Foundation of the State University of New York. The recipients of the awards will provide strategic entrepreneurial development and management services to service-disabled U.S. veterans and small businesses owned, controlled, and operated or established by service-disabled veterans.

FOR FURTHER INFORMATION CONTACT: Reginald Teamer, 202–205–7331 or Carol Greenfield, 202–205–7090.

Clifton Toulson, Jr.,

Assistant Administrator for Veterans Affairs.

[FR Doc. 99–24210 Filed 9–16–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Notice of Establishment of Point of Contact Between SBA and Small Business Concerns With Respect to Failure To Comply With Federal Rules or Regulations Due to Y2K Problems

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: Through this notice, SBA establishes a point of contact with small business concerns who fail to comply with Federal rules or regulations due to Y2K problems. This action is required by section 18 of the Y2K Act (Pub. L. 106–37).

DATES: Effective September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Mark A. Spellman, Office of General Counsel, 409 Third Street, SW, Suite 700, Washington, DC 20416, (202) 205–6642.

SUPPLEMENTARY INFORMATION: On July 20, 1999, the President signed H.R. 775, the "Y2K Act." The Act provides temporary relief for small business concerns that cannot comply with Federal rules and regulations because of Y2K problems.

Among other things, the Y2K Act requires agencies to waive civil penalties for a first time violation of any federally enforceable rule by a small business (defined as 50 employees or less), due to a Y2K failure, if the small business meets the standards for a waiver. An agency must provide a waiver of civil penalties for a first-time violation, if the small business concern demonstrates, and the agency determines that:

1. The small business concern previously made a reasonable good faith effort to anticipate, prevent, and effectively remediate a potential Y2K failure;

2. A first-time violation occurred as a result of the Y2K failure of the small business concern or other entity, which significantly affected the small business concern's ability to comply with a Federal rule or regulation;

3. The first-time violation was unavoidable in the face of a Y2K failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property;

4. Upon identification of a first-time violation, the small business concern initiated reasonable and prompt measures to correct the violation; and

5. The small business concern submitted notice to the appropriate agency of the first-time violation within a reasonable time not to exceed 5 business days from the time that the small business concern became aware that the first-time violation had occurred.

An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if:

1. The small business concern's failure to comply with Federal rules or regulations resulted in actual harm, or constitutes or creates an imminent threat to public health, safety, or the environment; or

2. The small business concern fails to correct the violation not later than 1 month after initial notification to the agency.

This relief does not apply to first-time violations caused by a Y2K failure occurring after December 31, 2000.

The Act requires that each agency must establish a point of contact for small businesses "with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations."

SBA's point of contact for this purpose is Mark A. Spellman, Office of General Counsel, 409 Third Street, SW, Suite 700, Washington, DC 20416, (202) 205–6642.

David R. Kohler,

Acting General Counsel.

[FR Doc. 99–24209 Filed 9–16–99; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice #3084]

Secretary of State's Arms Control and Nonproliferation Advisory Board; Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. 2 section 10(a)(2)(1996), the Secretary of State announces the following emergency Arms Control and Nonproliferation Advisory Board (ACNAB) meeting:

Date/Location

September 20, 1999—State Department Building, 2201 C Street, NW, Room 1105,Washington, DC 20520

Due to the recent developments regarding negotiations on the Biological Weapons Convention Verification Protocol, it was necessary that this meeting be scheduled on less than 15 days notice.

Pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2 section 10(d) (1996), and in accordance with Executive Order 12958, in the interest of national defense and foreign policy, it has been determined that the Board meeting will be closed to the public, since the ACNAB members will be reviewing and discussing classified matters.

The purpose of this Advisory Board is to advise the President and the Secretary of State on scientific, technical, and policy matters affecting arms control. The Board will review specific arms control and nonproliferation issues.

For more information, please contact Robert Sherman, Executive Director, Arms Control and Nonproliferation Board, at (202) 647–1192.

Dated: September 13, 1999.

Robert Sherman,

Executive Director, Secretary of State's Arms Control and Nonproliferation Advisory Board.

[FR Doc. 99–24430 Filed 9–15–99; 2:33 pm]

BILLING CODE 4710–27–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Space Transportation Advisory Committee—Open Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Commercial Space Transportation Advisory Committee open meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Thursday, October 21, 1999, from 8:00 a.m. to 1:00 p.m. at the Federal Aviation Administration Headquarters Building, 800 Independence Avenue SW, Washington, DC, in the Bessie Coleman Conference Center (second floor). This will be the thirtieth meeting of the COMSTAC.

The agenda for the meeting will include reports from the COMSTAC Working Groups; a legislative update on Congressional activities involving commercial space transportation; an activities report from FAA's Associate Administrator for Commercial Space Transportation (formerly the Office of Commercial Space Transportation [60 FR 62762, December 7, 1995]); and an update from the Office of Science and Technology Policy regarding the federal interagency review on the future management and use of the U.S. space launch bases and ranges. The meeting is open to the public; however, space is limited.

Meetings of the Technology and Innovation, Reusable Launch Vehicle, Risk Management, and Launch Operations and Support Working Groups will be held on Wednesday, October 20, 1999. For specific information concerning the times and locations of these meetings, contact the Contact Person listed below.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Brenda Parker (AST–200), Office of the Associate Administrator for Commercial Space Transportation (AST), 800 Independence Avenue SW, Room 331, Washington, DC 20591, telephone (202) 267–8308; E-mail brenda.parker@faa.dot.gov.

Issued in Washington, DC, September 10, 1999.

Patricia G. Smith,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 99–24264 Filed 9–16–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Aroostook County, ME

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared to improve transportation efficiency in Aroostook County, Maine. The EIS will examine highway infrastructure improvements to enhance transportation mobility and accessibility to and from Aroostook County, as well as within the County. These improvements are being considered as a means to improve the region's economy by improving access to jobs and services and by reducing travel time to markets outside Maine's northern-most county. The purpose of this study is to identify a Preferred Corridor only.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Linker Manager, Right of Way and Environmental Programs, Maine Division, Federal Highway Administration, 40 Western Ave. Augusta, Maine 04330, Tel. 207/622–8355, ext. 23; Ray Faucher, Project Manager, Maine Department of Transportation, State House Station 16, Augusta, Maine 04333–0016, Tel. 207/287–3172.

SUPPLEMENTARY INFORMATION: The purpose of this EIS is to establish a one-half mile wide corridor for future highway development. The area under consideration, from the towns of Smyrna Mills to Madawaska, is quite large and is bounded on the west by Route 11, on the south by I–95, and on the north and east by the Canadian border. The enclosed area is roughly twice the size of the state of Rhode Island. The EIS will study up to seven corridors alternatives, including upgrades within existing highway corridors and corridors on new location. The seven corridors, plus the no-action alternative, will be selected through a screening process of up to 20 preliminary corridors. The corridors will be selected for review based on their ability to provide transportation benefits and their environmental impacts. It is anticipated that highway segments with logical termini and independent utility will be constructed in the future within the selected corridor. Each segment will be supported by a separate environmental document in the later construction phase.

An 18-member public advisory committee has been established to represent the interests within the study area and to assist in the preparation of the EIS. Public scoping meetings will be held and are scheduled for the following locations: the Frenchville Community Center in Frenchville, September 14, 1999; the Northern Maine Technical College in Presque Isle, September 15, 1999; and the Miller Civil Center in Houlton on September 16, 1999.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: August 27, 1999.

Paul L. Lariviere,

Division Administrator, Federal Highway Administration, Augusta, Maine.

[FR Doc. 99–24228 Filed 9–16–99; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petitions for Waivers of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for waiver of compliance with certain requirements of the Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being sought and the petitioner's arguments in favor of relief.

Mass Transit Administration; FRA Waiver Petition No. FRA–1999–5987

The Mass Transit Administration of the Maryland Department of Transportation (MTA), dba as Marc Train Service, seeks a permanent waiver of compliance from certain provisions of the Roadway Worker Protection Standards, 49 CFR Part 214, Subpart C. MTA seeks a waiver of 49 CFR 214.329 which states:

Roadway workers in a roadway work group who foul any track outside of working limits shall be given warning of approaching trains by one or more watchmen/lookouts in accordance with the following provisions:

(a) Train approach warning shall be given in sufficient time to enable each roadway worker to move to and occupy a previously arranged place of safety not less than 15 seconds before a train moving at the maximum speed authorized on that track can pass the location of the roadway worker.

(b) Watchmen/lookouts assigned to provide train approach warning shall devote full attention to detecting the approach of trains and communicating a warning thereof, and shall not be assigned any other duties while functioning as watchmen/lookouts.

(c) The means used by a watchman/lookout to communicate a train approach warning shall be distinctive and shall clearly signify to all recipients of the warning that a train or other on-track equipment is approaching.

(d) Every roadway worker who depends upon train approach warning for on-track safety shall maintain a position that will enable him or her to receive a train approach warning communicated by a watchman/ lookout at any time while on-track safety is provided by train approach warning.

(e) Watchmen/lookouts shall communicate train approach warnings by a means that does not require a warned employee to be looking in any particular direction at the time of the warning, and that can be detected by the warned employee regardless of noise or distraction of work.

(f) Every roadway worker who is assigned the duties of a watchman/lookout shall first be trained, qualified and designated in writing by the employer to do so in accordance with the provisions of Sec. 214.349.

(g) Every watchman/lookout shall be provided by the employer with the equipment necessary for compliance with the on-track safety duties which the watchman/lookout will perform.

MTA requests permission to use radios to provide notification of approaching trains. In addition to use of radios, backup protection would be provided by lookouts, which would provide less than 15 seconds clearing time as required by Sec. 214.329(a), but would provide adequate time for workers clearing crosswalks with hand tools to vacate the fouling envelope.

This waiver applies to employees contracted to MTA who are engaged in the clearing of snow at commuter rail stations. MTA commuter rail stations are located on CSXT and National Railroad Passenger Corporation (Amtrak) rail lines. The MTA contractors, who are trained by MTA on Roadway Worker Protection procedures, remove snow from station platforms clear of the fouling envelope. MTA has 20 stations on CSX where walkways cross the tracks at grade which are used by passengers, including eight stations where the walkways provide ADA access. Amtrak employees provide protection when snow is cleared from walkways on that railroad.

In order to comply with the requirements of 214.329, MTA must place up to four lookouts to relay a visual warning of an approaching trains at certain stations when clearing snow from crosswalks. MTA is concerned about exposing non-railroad contract employees to injury due to the inherent risk involved in walking along a railroad right of way in snowy or icy conditions to position an advance lookout. While the number of lookouts vary by station, lookouts are required to provide 2933 feet sight distance requiring them to walk up to half a mile at certain locations.

MTA's procedure requires a lookout, with a radio, to be located on a bridge or road sufficiently far from the crosswalk to provide a minimum of 30 seconds clearing time. Work cannot begin until the lookout with the radio has established contact with the lookout stationed directly adjacent to the worker. The outlying lookout must transmit a message every five seconds indicating that no trains are approaching. If the lookout adjacent to the worker does not hear a transmission in at least ten seconds he or she must assume radio failure and remove the worker from the fouling envelope. As a backup, a secondary lookout will be placed at each station, with a clear view and within visual and audible range of the worker, who can provide a minimum of 10–15 seconds warning. The clearing time of the worker on the crosswalk is two to three seconds. This backup lookout is a secondary, and not the primary means of protection.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA 1999–5987) and must be submitted to the DOT Docket Management Facility, Room PL–401 (Plaza level) 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning this proceeding are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at http://dms.dot.gov.

Issued in Washington, D.C. on September 10, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99–24253 Filed 9–16–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–6078]

Insurer Reporting Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of availability.

SUMMARY: This notice announces publication by NHTSA of the annual insurer report on motor vehicle theft for the 1994 reporting year. Section 33112(c) of Title 49 of the U.S. Code, requires this information to be compiled periodically and published by the agency in a form that will be helpful to the public, the law enforcement community, and Congress. As required by section 33112(c), this report provides information on theft and recovery of vehicles; rating rules and plans used by motor vehicle insurers to reduce premiums due to a reduction in motor vehicle thefts; and actions taken by insurers to assist in deterring thefts.

ADDRESSES: Due to the voluminous content of this report, interested persons may obtain a copy of this report by contacting the Docket Section, NHTSA, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. Docket hours are from 9:30 a.m. to 5:00 p.m., Monday through Friday. Requests should refer to Docket No. 96–130; Notice 04.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Ms. Proctor's telephone number is (202) 366–0846. Her fax number is (202) 493–2290.

SUPPLEMENTARY INFORMATION: The Motor Vehicle Theft Law Enforcement Act of 1984 (Theft Act) was implemented to enhance detection and prosecution of motor vehicle theft (Pub. L. 98–547). The Theft Act added a new Title VI to the Motor Vehicle Information and Cost Savings Act, which required the Secretary of Transportation to issue a theft prevention standard for identifying major parts of certain high-theft lines of passenger cars. The Act also addressed several other actions to reduce motor vehicle theft, such as: increased criminal penalties for those who traffic in stolen vehicles and parts; curtailment of the exportation of stolen motor vehicles and off-highway mobile equipment; establishment of penalties for dismantling vehicles for the purpose of trafficking in stolen parts; and development of ways to encourage decreases in premiums charged to consumers for motor vehicle theft insurance.

Title VI (which has since been recodefied as 49 U.S.C. Chapter 331), was designed to impede the theft of motor vehicles by creating a theft prevention standard which required manufacturers of designated high-theft car lines to inscribe or affix a vehicle identification number onto the major component and replacement parts of all vehicle lines selected as high theft. The theft standard became effective in Model Year 1987 for designated high-theft car lines.

The "Anti-Car Theft Act of 1992" amended the law relating to the parts-marking of major component parts on designated high-theft vehicles. One amendment made by the Anti-Car Theft Act was to 49 U.S.C. 33101(10), where the definition of "passenger motor vehicle" now includes a "multipurpose passenger vehicle or light-duty truck when that vehicle or truck is rated at not more than 6,000 pounds gross vehicle weight." Since "passenger motor vehicle" was previously defined to include passenger cars only, the effect of the Anti-Car Theft Act is that certain multipurpose passenger vehicle (MPV) and light-duty truck (LDT) lines may be determined to be high-theft vehicles subject to the Federal motor vehicle theft prevention standard (49 CFR Part 541).

Section 33112 of Title 49 requires subject insurers or designated agents to report annually to the agency on theft and recovery of vehicles; rating rules and plans used by insurers to reduce premiums due to a reduction in motor vehicle thefts; and actions taken by insurers to assist in deterring thefts. Rental and leasing companies also are required to provide annual theft reports to the agency.

The annual insurer reports provided under section 33112 are intended to aid in implementing the Theft Act and fulfilling the Department's requirements to report to the public the results of the insurer reports. The first annual insurer report, referred to as the Section 612 Report on Motor Vehicle Theft, was prepared by the agency and issued in December 1987. The report included theft and recovery data by vehicle type, make, line, and model which were tabulated by insurance companies and, rental and leasing companies. Comprehensive premium information for each of the reporting insurance companies was also included. This is the tenth report and it discloses the same subject information and follows the same reporting format.

Issued on: September 13, 1999.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 99–24241 Filed 9–16–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33777]

RailAmerica, Inc.—Control Exemption—Florida Rail Lines, Inc., Toledo, Peoria and Western Railroad Corporation, Marksman Corporation, and Toledo, Peoria & Western Railway Corporation

RailAmerica, Inc. (RailAmerica), a noncarrier holding company, has filed a verified notice of exemption to continue in control of Florida Rail Lines, Inc. (Florida Rail), a noncarrier, and to acquire control of Toledo, Peoria and Western Railroad Corporation (TPW), Marksman Corporation (Marksman), and Toledo, Peoria & Western Railway Corporation (Railway). Florida Rail will acquire 100% of the outstanding stock of TPW. TPW owns 100% of the stock of Marksman,[1] and Marksman owns 100% of the stock of Railway.[2]

The transaction was scheduled to be consummated on or shortly after August 31, 1999.

On July 30, 1999, RailAmerica also filed a motion for protective order under 49 CFR 1104.14 and a protective order was granted.[3]

RailAmerica states that, at the time of its filing of the notice of exemption, it controlled 11 common carrier Class III rail carriers operating in 8 states.[4]

RailAmerica states that: (i) These railroads do not connect with each other; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33777, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on (1) Gary A. Laasko, Esq., RailAmerica, Inc., 5300 Broken Sound Boulevard N.W., Second Floor, Boca Raton, FL 33487, and (2) Louis E. Gitomer, Esq., Ball Janik LLP, 1455 F Street, NW, Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

By the Board, David M. Konschnik, Director, Office of Proceedings.

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[1] *See The Toledo, Peoria and Western Railroad Corporation—Continuance in Control Exemption—Marksman Corporation*, STB Finance Docket No. 33483 (STB served Oct. 16, 1997).

[2] *See Marksman Corporation—Lease and Operation Exemption—J.K. Line, Inc.*, STB Finance Docket No. 33481 (STB served Oct. 16, 1997).

[3] *See RailAmerica, Inc.—Control Exemption—Florida Rail Lines, Inc., Toledo, Peoria and Western Railroad Corporation, Marksman Corporation, and Toledo, Peoria & Western Railway Corporation*, STB Finance Docket No. 33777 (STB served Aug. 5, 1999).

[4] *See RailAmerica, Inc.—Continuance in Control Exemption—Ventura County Railroad Company*, STB Finance Docket No. 33650 (STB served Sept. 24, 1998).

Decided: September 10, 1999.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24178 Filed 9–16–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33798]

Canadian National Railway Company—Trackage Rights Exemption—New York Central Lines LLC

New York Central Lines LLC (NYC) has agreed to grant limited, non-exclusive overhead trackage rights to Canadian National Railway Company (CN) over a segment of NYC's lines between CP 437 on Belt Line Branch and the NYC/South Buffalo Railroad (SBRR) connection at the west end of NYC's Seneca Yard near Chicago Line milepost 5.0, both in the vicinity of Buffalo, NY, via: (i)(a) Chicago Line between CP 437 and CP 2, or (b) Compromise Branch between CP 437 and CP 2; and (ii) NYC's designated Seneca Yard trackage between CP 2 and CP 5, a total distance of approximately 7–8 miles, depending upon route, including NYC Seneca Yard trackage that CN requires to reasonably conduct interchange with SBRR.

The transaction is scheduled to be consummated on or shortly after September 10, 1999.

The purpose of the trackage rights is generally to improve service and transit times for CN's traffic moving through the Buffalo area, and to facilitate CN's interchange with SBRR.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33798, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Robert P. vom Eigen, Esq., Hopkins & Sutter, 888 16th Street, NW, Washington, DC 20006.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

By the Board, David M. Konschnik, Director, Office of Proceedings.

Decided: September 10, 1999.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24179 Filed 9–16–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Advisory Council on Transportation Statistics

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Notice of cancellation of meeting.

SUMMARY: The Bureau of Transportation Statistics (BTS) is canceling the meeting of its Advisory Council on Transportation Statistics (ACTS) scheduled for September 17, 1999, at 10:00 a.m. The meeting was announced in the **Federal Register** on September 10, 1999 (64 FR 49273). BTS will announce an alternative date as soon as possible.

Ashish Sen,

Director.

[FR Doc. 99–24401 Filed 9–15–99; 12:15 pm]

BILLING CODE 4910–FE–P

DEPARTMENT OF VETERANS AFFAIRS

Advsiory Committee on Geriatrics and Gerontology, Notice of Meeting

The Department of Veterans Affairs gives notice that a meeting of the Geriatrics and Gerontology Advisory Committee (GGAC) will be held on September 29–30, 1999, at the Department of Veterans Affairs, in Room 230, located at 810 Vermont Avenue, NW, Washington, DC. The purpose of the GGAC is to advise the Secretary of Veterans Affairs and the Under Secretary for Health relative to the care and treatment of the aging veterans, and to evaluate the Geriatric Research, Education and Clinical Centers. The Committee will meet from 8:30 a.m. until 5:00 p.m. (EST) on September 29 and from 9:00 a.m. until noon (EST) on September 30.

The agenda for September 29 will begin with a discussion of VA activities in Geriatrics and Extended Care. The first day's agenda will also include a discussion on the current expansion of the GRECC program and highlight the GRECC Director's meeting. On September 30, the Committee will address strategic planning for the GGAC.

The meeting will be open to the public. Individuals who wish to attend the meeting should contact Jacqueline Holmes, Program Assistant, Geriatrics and Extended Care Strategic Health Care Group at (202) 273–8539.

Dated: September 9, 1999.

By Direction of the Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 99–24240 Filed 9–16–99; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 64, No. 180
Friday, September 17, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 351

[Docket No. 9908128228–9228–01]

RIN 0625–AA56

Regulation Concerning Preliminary Critical Circumstances Findings

Correction

In rule document 99–23208 beginning on page 48706, in the issue of Wednesday, September 8, 1999, make the following correction:

On page 48706, in the first column, in the **DATES:** section, in the first line, "August 8, 1999" should read "September 8, 1999".

[FR Doc. C9–23208 Filed 9–16–99; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

Notice of Lodging of a Consent Decree Pursuant to The Comprehensive Environmental Response, Compensation, and Liability Act

Correction

In notice document 99–23599, beginning on page 49236, in the issue of Friday, September 10, 1999, in the third column, in the first paragraph, in the fourth line from the bottom, "$47,000" should read "$470, 000".

[FR Doc. C9–23599 Filed 9–16–99; 8:45 am]
BILLING CODE 1505–01–D

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federal register

Friday
September 17, 1999

Part II

Environmental Protection Agency

40 CFR Parts 9, 141 and 142
Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9, 141 and 142

[FRL–6433–1]

RIN 2040–AD15

Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Safe Drinking Water Act (SDWA), as amended in 1996, requires the U.S. Environmental Protection Agency (EPA) to establish criteria for a program to monitor unregulated contaminants and, by August 6, 1999, to publish a list of contaminants to be monitored. To conform to the Amendments, today EPA is promulgating the Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems (PWSs), which revises substantially the existing regulations for unregulated contaminant monitoring.

This final rule includes a list of contaminants to be monitored, procedures for selecting a representative nationwide sample of small PWSs that will be required to monitor, the frequency and schedule for monitoring, the sampling points, the approved analytical methods to be used, and procedures for entering the monitoring data in the National Drinking Water Contaminant Occurrence Database (NCOD), as required under section 1445 of SDWA, as amended. The data in the database will be used to identify contaminants on the Drinking Water Contaminant Candidate List (CCL), to support the Administrator's determination of whether or not to develop drinking water standards for a particular contaminant, and to develop standards for the contaminants that the Administrator selects.

DATES: *Effective Date*: The final rule is effective January 1, 2001.

For purposes of judicial review, this final rule is promulgated as on 1 p.m. Eastern time on October 1, 1999 as provided in 40 CFR 23.7.

The incorporation by reference of the publications listed in today's rule is approved by the Director of the **Federal Register** as of January 1, 2001.

ADDRESSES: Documents relevant to this action are available for inspection from 9 a.m. to 4 p.m. Monday through Friday, excluding legal holidays, at the Water Docket, East Tower Basement, U.S. EPA, 401 M Street, SW, Washington DC. For access to docket (Docket No. W–98–02) materials, please call (202) 260–3027 between 9 a.m. and 3:30 p.m, Eastern Time, Monday through Friday, to schedule an appointment. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Charles Job, Standards and Risk Management Division, Office of Ground Water and Drinking Water (MC–4607), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 260–7084. General information may also be obtained from the EPA Safe Drinking Water Hotline. Callers within the United States may reach the Hotline at (800) 426–4791. The Hotline is open Monday through Friday, excluding federal holidays, from 9:00 a.m. to 5:30 p.m. Eastern Time.

SUPPLEMENTARY INFORMATION:

Regional Contacts

I. Jane Downing, JFK Federal Bldg., Room 2203, Boston, MA 02203. Phone: 617–918–1571.
II. Bruce Kiselica, 290 Broadway, Room 2432, New York, NY 10007–1866. Phone: 212–637–3879.
III. Michelle Hoover, 1650 Arch Street, Philadelphia, PA 19103–2029. Phone: 215–814–5258.
IV. Janine Morris, 345 Courtland Street, NE, Atlanta, GA 30365. Phone: 404–562–9480.
V. Thomas Poleck, 77 West Jackson Blvd., Chicago, IL 60604–3507. Phone: 312–886–2407.
VI. Larry Wright, 1445 Ross Avenue, Dallas, TX 75202. Phone: 214–665–7150.
VII. Stan Calow, 726 Minnesota Ave., Kansas City, KS 66101. Phone: 913–551–7410.
VIII. Rod Glebe, One Denver Place, 999 18th Street, Suite 500, Denver, CO 80202. Phone: 303–312–6627.
IX. Bruce Macler, 75 Hawthorne Street, San Francisco, CA 94105. Phone: 415–744–1884.
X. Gene Taylor, 1200 Sixth Avenue, Seattle, WA 98101. Phone: 206–553–1389.

Abbreviations and Acronyms Used in the Preamble and Final Rule

2,4-DNT—2,4-dinitrotoluene
2,6-DNT—2,6-dinitrotoluene
4,4′-DDE—4,4′-dichloro dichlorophenyl ethylene, a degradation product of DDT
Alachlor ESA—alachlor ethanesulfonic acid, a degradation product of alachlor
AOAC—Association of Official Analytical Chemists
APHA—American Public Health Association
ASDWA—Association of State Drinking Water Administrators
ASTM—American Society for Testing and Materials
BGM—Buffalo Green Monkey cells, a specific cell line used to grow viruses
CAS—Chemical Abstract Service
CASRN—Chemical Abstract Service Registry Number
CCL—Contaminant Candidate List
CCR—Consumer Confidence Reports
CERCLA—Comprehensive Environmental Response, Compensation & Liability Act
CFR—Code of Federal Regulations
CFU—colony forming unit
CFU/mL—colony forming units per milliliter
CWS—community water system
DCPA—dimethyl tetrachloroterephthalate, chemical name of the herbicide dacthal
DCPA mono- and di-acid degradates—degradation products of DCPA
DDE—dichloro dichlorophenyl ethylene, a degradation product of DDT
DDT—dichloro diphenyl trichloroethane, a general insecticide
DNA—deoxyribonucleic acid
EDL—estimated detection limit
EPA—Environmental Protection Agency
EPTC—s-ethyl-dipropylthiocarbamate, an herbicide
EPTDS—Entry Point to the Distribution System
ESA—ethanesulfonic acid, a degradation product of alachlor
FACA—Federal Advisory Committee Act
FTE—full-time equivalent
GC—gas chromatography, a laboratory method
GLI method—Great Lakes Instruments method
GW—ground water
GWUDI—ground water under the direct influence (of surface water)
HPLC—high performance liquid chromatography, a laboratory method
ICR—Information Collection Request/Rule
IRFA—initial regulatory flexibility analysis
IMS—immunomagnetic separation
IRIS—Integrated Risk Information System
IS—internal standard
LLE—liquid/liquid extraction, a laboratory method
MAC—*Mycobacterium avium* complex
MOA—Memorandum of Agreement
MCL—maximum contaminant level
MDL—method detection limit
MRL—minimum reporting level
MS—mass spectrometry, a laboratory method
MSD—sample matrix spike duplicate
MTBE—methyl-tertiary-butyl-ether, a gasoline additive
NAWQA—National Water Quality Assessment Program
NCOD—National Drinking Water Contaminant Occurrence Database
NDWAC—National Drinking Water Advisory Council
NERL—National Environmental Research Laboratory
NPS—National Pesticide Survey
NTIS—National Technical Information Service
NTNCWS—non-transient non-community water system
NTTAA—National Technology Transfer and Advancement Act
OGWDW—Office of Ground Water and Drinking Water
OMB—Office of Management and Budget
PAH—Poly-aromatic hydrocarbon
PB—particle beam
PBMS—Performance-Based Measurement System
pCi/L—picocuries per liter
PCR—polymerase chain reaction

^{210}Pb—Lead-210 (also Pb-210), a lead isotope and radionuclide; part of the uranium decay series
^{210}Po—Polonium-210 (also Po-210), a polonium isotope and radionuclide; part of the uranium decay series
PWS—Public Water System
PWSF—Public Water System Facility
QA—quality assurance
QC—quality control
RDX—royal demolition explosive, hexahydro-1,3,5-trinitro-1,3,5-triazine
RFA—Regulatory Flexibility Act
RPD—relative percent difference
RSD—relative standard deviation
SBREFA—Small Business Regulatory Enforcement Fairness Act
SD—standard deviation
SDWA—Safe Drinking Water Act
SDWIS—Safe Drinking Water Information System
SDWIS FED—the Federal Safe Drinking Water Information System
SM—Standard Methods
SMF—Standard Compliance Monitoring Framework
SMS—sample matrix spike
SOC—synthetic organic compound
SPE—solid phase extraction, a laboratory method
SRF—State Revolving Fund
STORET—Storage and Retrieval System
SW—surface water
TBD—to be determined
TNCWS—transient non-community water system
UCMR—Unregulated Contaminant Monitoring Regulation/Rule
UCM—Unregulated Contaminant Monitoring
UMRA—Unfunded Mandates Reform Act of 1995
USEPA—United States Environmental Protection Agency
UV—ultraviolet
VOC—volatile organic compound
µg/L—micrograms per liter

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Potentially Regulated Entities

The regulated entities are public water systems. All large community and non-transient non-community water systems serving more than 10,000 persons are required to monitor. A community water system (CWS) means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Non-transient non-community water system (NTNCWS) means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year. Only a national representative sample of community and non-transient non-community systems serving 10,000 or fewer persons would be required to monitor. Transient non-community systems (i.e., systems that do not regularly serve at least 25 of the same persons over six months per year) would not be required to monitor. States, Territories, and Tribes, with primacy to administer the regulatory program for public water systems under the Safe Drinking Water Act sometimes conduct analyses to measure for contaminants in water samples and are regulated by this action. Categories and entities potentially regulated by this action include the following:

Category	Examples of potentially regulated entities	SIC
State, Territorial and Tribal Governments ..	States, Territories, and Tribes that analyze water samples on behalf of public water systems required to conduct such analysis; States, Territories, and Tribes that themselves operate community and non-transient non-community water systems required to monitor.	9511
Industry	Private operators of community and non-transient non-community water systems required to monitor.	4941
Municipalities	Municipal operators of community and non-transient non-community water systems required to monitor.	9511

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware of that could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Statutory Authority

SDWA section 1445(a)(2), as amended in 1996, requires EPA to establish criteria for a program to monitor unregulated contaminants and to publish, by August 6, 1999, a list of contaminants to be monitored. To meet these requirements, today's rule EPA substantially revises the existing Unregulated Contaminant Monitoring (UCM) Program, which is codified at 40 CFR 141.40. This final rule revises the regulations at 40 CFR 9.1, 141.35, 141.40, 142.16 and deletes and reserves 142.15(c)(3). The rule covers: (1) the frequency and schedule for monitoring, based on PWS size, water source, and likelihood of finding contaminants; (2) a new, shorter list of contaminants for which systems will monitor; (3) procedures for selecting and monitoring a nationally representative sample of small PWSs (those serving 10,000 or fewer persons), and; (4) procedures for entering the monitoring data in the National Drinking Water Contaminant Occurrence Data Base (NCOD), as required under section 1445.

II. Major Program Revisions

Since its inception in 1988, the UCM Program has collected occurrence data to help EPA determine which contaminants EPA should regulate based on contaminant concentrations in PWSs and the contaminants' adverse health effects levels. Today's rule is designed to improve and enhance this program in several important ways:

(1) A statistical approach to select only 800 representative systems for monitoring from the national total of 65,600 small systems reduces the monitoring burden of the water supply industry; the burden on small systems is significantly further reduced in that EPA will pay for virtually all of the costs associated with monitoring for the small systems that are part of the representative sample;

(2) A smaller number of contaminants to be monitored also reduces the testing and reporting burden of the water industry overall;

(3) The required information to be reported about each contaminant has been refined to improve the data quality for regulatory decisions; and

(4) Direct reporting of data for regulatory determination and development from systems to EPA reduces State reporting burden, and the opportunity for electronic reporting reduces the potential for data entry and submission.

A three-tier monitoring approach allows monitoring to start promptly for contaminants with approved analytical methods, while accommodating the need to delay implementation for contaminants needing further methods development. The rule also allows use of a State-EPA Memorandum of

Agreement, providing direct implementation in each State rather than implementation through primacy revisions, to address the three-tiered approach of the UCMR.

This program is a cornerstone of the "sound science" approach to future drinking water regulations, which is a goal of the 1996 SDWA Amendments. Data generated by this final rule will be used to: (1) evaluate and prioritize contaminants on the Contaminant Candidate List (CCL) and refine the CCL; (2) support the Administrator's determination of whether to regulate a contaminant under the drinking water program; and, (3) support the development of drinking water regulations.

In a related, cost-savings action, EPA published a Direct Final Rule (64 FR 1494) on January 8, 1999, suspending the monitoring requirements in effect for small systems serving 10,000 or fewer persons. The third round of monitoring by small systems under the existing list of unregulated contaminants would have overlapped with the monitoring required under this final rule. The Direct Final Rule saved small systems and States the cost of unnecessary monitoring. EPA believes it obtained sufficient data from the previous monitoring rounds to make decisions concerning the occurrence of the unregulated contaminants on its prior monitoring list for these systems. Large systems were not included in this Direct Final Rule since they had already begun the third round of monitoring in January 1998. This large system monitoring will provide confirming information on the occurrence of those contaminants. However, this final regulation cancels further monitoring by large systems for the existing list of contaminants effective January 1, 2001. Until that date, large systems must continue to monitor for the 48 contaminants listed in 40 CFR 141.40 (and also listed in Table 1 of "Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems," **Federal Register**, vol. 64, no. 83, April 30, 1999, p. 23401 (64 FR 23401)).

III. Regulatory Background

The requirements for unregulated contaminant monitoring were first established by the 1986 SDWA Amendments. Under this law, EPA implemented the drinking water standards in phases, with each phase having a set of contaminants for which maximum contaminant levels in drinking water were established. The phases also included unregulated contaminants for which more information was needed before decisions could be made regarding regulation of the contaminants. EPA included unregulated contaminant monitoring requirements in the Phase I chemical regulation, under 40 CFR 141.40(a)–(e). The Phase II regulation later superceded the Phase I rule, and some of the Phase I unregulated contaminants became regulated under Phase II. Additional contaminants were also added to the list of unregulated contaminants. The Phase V chemical regulation further modified the list of contaminants, as additional unregulated contaminants became regulated.

The basic monitoring and reporting requirements for unregulated contaminants were the same under the Phase I, Phase II, and Phase V regulations. PWSs were required to report their monitoring results to the primacy agencies (either the State or EPA), with States, in turn, reporting to EPA. Only systems serving fewer than 150 service connections were exempt from monitoring—provided they made their facilities available for monitoring by the States. Repeat monitoring was required every 5 years.

Section 125 of the 1996 SDWA Amendments substantially revised unregulated contaminant monitoring program. The new program includes: (1) a new list of contaminants (i.e., the Unregulated Contaminant Monitoring Regulation (UCMR) (1999) List; (2) a representative sample of PWSs serving 10,000 or fewer persons to monitor; (3) placement of the monitoring data in the NCOD, and; (4) notification of consumers that the monitoring results are available.

The 1996 amendments limit the number of contaminants to be monitored on the UCMR list to a maximum of 30. The amendments specify that only a representative sample of small systems are required to monitor, and that EPA must pay the reasonable costs of analyzing the samples taken by those systems. EPA will use the data generated by this monitoring effort in the development of future drinking water regulations.

Today's final rule will completely replace the requirements of the existing rule on the final rule's effective date of January 1, 2001. The existing requirements of 40 CFR 141.35 and 141.40 still apply to large systems serving more than 10,000 persons, (since their third round of monitoring had begun in January 1998) until January 1, 2001, as noted above in II. Major Program Revisions.

IV. Process of Preparing the Final Rule

EPA has been developing the final revisions to the Unregulated Contaminant Monitoring Regulation (UCMR) for public water systems since 1997. In December, 1997, EPA's UCMR development workgroup held a stakeholders meeting to obtain input from the public on major issues and options affecting the program and emanating from the Safe Drinking Water Act, as amended in 1996. EPA held a second stakeholders meeting in May 1998, on options under serious consideration for the UCMR. EPA engaged eleven external expert reviewers from March 1 through April 22, 1999 to examine and comment on the technical aspects of the proposed rule. These technical reviewers evaluated and commented on the chemical and microbiological contaminant analytical methods and reporting requirements, the statistical approach for the representative sample of small systems, and the sampling and monitoring approach. The comments of the technical reviewers were available to the public through the official docket and on the Internet through EPA's Office of Ground Water and Drinking Water electronic homepage.

EPA published the proposed rule in the **Federal Register** on April 30, 1999, for public comment. The comment period closed on June 14, with submissions from 39 commenters meeting the deadline and addressing all major aspects of the proposed regulation. EPA received one hundred sixteen comments after the public comment period closed, principally concerning the inclusion of perchlorate on the UCMR monitoring list. EPA considered and addressed all comments in the process of developing this final regulation.

V. Concise Description of Today's Action

A. Which Systems Must Monitor

Owners and operators of community and non-transient noncommunity water systems must monitor for unregulated contaminants if they serve more than 10,000 persons or if they are part of the representative sample of small systems serving 10,000 or fewer persons that will be randomly selected to monitor for these contaminants. Transient systems are not required to monitor for unregulated contaminants. Only purchased water systems that are identified by EPA or the State to sample at locations of low disinfectant residual or longest residence time are required to monitor for distribution system contaminants.

B. System Monitoring Requirements

The contaminants included in this action are: 2,4-dinitrotoluene, 2,6-dinitrotoluene, DCPA mono acid degradate, DCPA di acid degradate, 4,4′-DDE, EPTC, molinate, MTBE, nitrobenzene, terbacil, acetochlor, and perchlorate. Systems must also analyze for water quality parameters including, for chemical contaminants: pH; and for microbiological contaminants: pH, temperature, turbidity, free disinfectant residual and total disinfectant residual. Surface water systems must monitor during four consecutive quarters. Ground water systems must monitor two times five to seven months apart. One sampling event for surface and ground water systems must be during the vulnerable time of May 1 to July 31, or during an alternate vulnerable time selected by the State. Monitoring must be conducted at the entry point to the distribution system, or at other sampling locations previously specified by the State for compliance monitoring, for sampling points representative of each principal, non-emergency water source in use over the one year of monitoring. Large and small systems must monitor according to the quality control procedures described. Laboratories that are certified to use the indicated methods for the contaminants listed are automatically certified to analyze for unregulated contaminants. Small systems that are part of the representative sample which become part of State Monitoring Plans must follow instructions given them for unregulated contaminant sampling and shipment to the designated laboratory.

C. System Reporting Requirements

After testing for the contaminants on the monitoring list, the systems must report the results electronically to, or in an alternate format previously arranged with, EPA within 30 days following the month they receive the results. EPA will report the results for the small systems that are selected to be part of the State Monitoring Plans. EPA will hold the data for 60 days to allow for quality control review by systems and States before placing the data in the National Drinking Water Contaminant Occurrence Database.

Data required to be reported include: Public Water System (PWS) Identification Number; Sample Identification Number; Sample Collection Date; Contaminant/Parameter; Analytical Results—Sign; Analytical Result—Value; Analytical Result—Unit of Measure; Analytical Method Number; Public Water System Facility Identification Number—Source, Treatment Plant and Sampling Point; Sample Analysis Type; Detection Level; Detection Level Unit of Measure; Batch Identification Number; Spiking Concentration; Analytical Precision; Analytical Accuracy; Presence/Absence.

A system can have a laboratory report the results for it, but the system retains the responsibility for reporting. A system can report previously collected data as long as the data meet the requirements specified in 40 CFR 141.40(a) (3), (4), (5) and Appendix A and include the applicable water quality parameters and data listed previously that are required to be reported.

D. State and Tribal Participation

States and Tribes can enter into a Memorandum of Agreement (MOA) with the EPA concerning the implementation of the monitoring program. The MOA must address the following: accepting or modifying the State Monitoring Plan for small systems, determining an alternate vulnerable time, modifying the timing of monitoring, identifying sampling points for small systems, notifying small and large systems of their monitoring responsibilities, and providing instructions to systems. A State can remove a system from the State Monitoring Plan, after EPA review, as long as removal is not based on prior information on the occurrence or non-occurrence of contaminants at the system or the vulnerability of the system to the contaminants. States can decide not to participate in an MOA, in which case the EPA will establish a State Monitoring Plan. The governors of seven or more States can petition EPA to add contaminants to the monitoring list. States can apply to EPA to waive monitoring for large systems if they can demonstrate that the contaminants for which a monitoring waiver is sought have not occurred in the State in the past 15 years.

VI. Final Changes in the Unregulated Contaminant Monitoring Program

A. Revised List of Unregulated Contaminants To Be Monitored

1. Criteria for Selecting Contaminants for the UCMR

(a) Revising the UCMR (1999) List

Section 1445(a)(2)(B) requires EPA to list not more than 30 unregulated contaminants to be monitored by public water systems. EPA used the 1998 Contaminant Candidate List (CCL), established under section 1412(b)(1)(B) of SDWA, as the primary basis for selecting contaminants for future monitoring under the UCMR. Development of the CCL is discussed in the preamble to the proposed rule at 64 FR 23402. EPA believes, and nearly all public commenters addressing the use of the CCL as the basis for the UCMR List indicated, that the CCL process already uses the best available information on contaminants of concern and emerging contaminants that may need regulation. SDWA section 1445 (a)(2)(B)(ii) provides for the governors of seven or more States to petition the Agency to add contaminants to the UCMR List. This petition process allows for the flexibility to include contaminants that are emerging as concerns between the five-year listing cycles.

The CCL lists 26 chemical and 8 microbiological contaminants as occurrence priorities because additional data on their occurrence in drinking water are needed to help decide whether they should be regulated. The proposed rule did not address the two contaminants identified in the preparation of the CCL as highly localized in occurrence: perchlorate and RDX (hexahydro-1,3,5-trinitro-1,3,5-triazine). EPA now has information indicating that the occurrence of these contaminants is more widespread than originally thought. In response to this information, some of which was provided in public comments, EPA has added perchlorate and RDX to the final UCMR (1999) List. Perchlorate was added to the UCMR (1999) List because EPA feels that there is enough information on its occurrence in public water systems to warrant its inclusion in a national monitoring program. Since it was not included on the proposed UCMR (1999) List, EPA did not take comment on its analytical method, minimum reporting level, or sampling location. EPA is currently engaged in final validation of an analytical method for perchlorate. This validation is important because earlier analytical methods did not make adjustments for interferences from sulfate and chloride, thus reducing or eliminating detected concentrations. EPA feels that with this validation, the analytical method should be sufficiently ready for monitoring, and thus EPA has included perchlorate on the UCMR List 1. EPA plans to publish, for public comment, the analytical method, minimum reporting level, and sampling location for perchlorate shortly after the promulgation of this final rule. RDX now appears on UCMR (1999) List 2, indicating that additional information is available, and initial monitoring of occurrence in public water systems should occur but that its method needs further refinement.

Additionally, based on technical peer review and public comments, EPA moved Aeromonas from UCMR (1999) List 1 to UCMR (1999) List 2 in Table 1, because its analytical method is not expected to be validated until 2000 or 2001. Also, in response to public comments that the Agency include as many contaminants that could be tested under the same multi-analyte method as possible in Assessment Monitoring, EPA moved acetochlor to List 1 from List 2. This action is based on information that only minor refinements are needed in the method and those can be resolved before the effective date of today's rule. As a result, the analytical method is reserved until the details of the method are resolved. EPA plans to publish a revision to this final rule to approve an analytical method for acetochlor shortly after this rule's promulgation. EPA will likely publish a joint request for public comment on the analytical methods for perchlorate and acetochlor. EPA intends to approve and publish the methods as early as possible to allow monitoring to begin on January 1, 2001, and to allow for the reporting of any data obtained prior to January 1, 2001 to meet the requirements of this final Rule.

For the remaining contaminants on the CCL Occurrence Priorities List, EPA has evaluated the availability of analytical methods published by EPA or voluntary consensus standards organizations, such as the American Society for Testing and Materials (ASTM) and Standard Methods (SM). In addition, EPA prioritized analytical methods development activities for those compounds and microorganisms for which suitable analytical methods are not currently available. As listed in List 1 of Table 1, EPA identified 10 of the 12 listed chemical contaminants for which analytical methods are now available. UCMR (1999) List 1 contaminants are those for which monitoring is required under today's Rule, with the added note that analytical methods have yet to be approved for perchlorate and acetochlor. UCMR (1999) List 2 of Table 1 lists 16 contaminants for which analytical methods are being refined: 14 chemical contaminants, Aeromonas (a microorganism), and polonium-210 (discussed in Table 1). UCMR (1999) List 3 of Table 1 identifies seven microbiological contaminants and lead-210 for which analytical methods are being researched. Monitoring for contaminants on UCMR (1999) Lists 2 and 3 is not required until EPA promulgates revisions to this rule to specify analytical methods and related sampling requirements for them.

EPA requested comment on the addition to the UCMR (1999) List of two naturally occurring radionuclides with health concerns at low levels, lead-210 (pb-210), and polonium-210 (po-210). Both nuclides are in the uranium decay series, which also includes radium-226 and radon-222. Lead-210, with a half-life of 22 years, and one of its degradates, polonium-210, with a half-life of 138 days, have been found in drinking water. EPA is aware of the occurrence of these contaminants in shallow aquifers in Florida (Harada, et al., 1989; Upchurch, 1991), and in at least two other States. Because of potential occurrence, consequent health risks, and in response to public comments, EPA has added polonium-210 and lead-210 to the UCMR (1999) List and has placed them on Lists 2 and 3 respectively.

(b) Regulatory Approach for the UCMR (1999) List

EPA establishes in § 141.40(a)(3) that the contaminants listed in Lists 1–3 comprise the UCMR (1999) List, categorized based on the availability of analytical methods. UCMR (1999) List 1 is the basis for Assessment Monitoring. Assessment Monitoring will occur at all 2,774 large community and non-transient non-community public water systems serving more than 10,000 persons and at a representative sample of approximately 800 systems serving 10,000 or fewer persons identified in State Monitoring Plans. UCMR (1999) List 2 will be the basis for two Screening Surveys of approximately 300 systems each, statistically selected from those systems required to conduct Assessment Monitoring. UCMR (1999) List 3 will be used for Pre-Screen Testing at up to 200 systems selected because of their potential vulnerability to the specific contaminants. This monitoring approach is described in detail under Section VI.C, "Type of Monitoring Required of Public Water Systems Based on Listing Group." Assessment Monitoring (and associated "Index system" monitoring) is the only monitoring that would be required by today's action. This includes contaminants for which EPA expects to have developed analytical methods before implementation: perchlorate and acetochlor.

For contaminants on UCMR (1999) List 2 for which analytical methods are developed by the time of initial monitoring in 2001, EPA will amend this rule to require the first Screening Survey to be conducted at selected systems. For those contaminants on List 2 and List 3 that do not have well developed methods by the time of initial monitoring in 2001, EPA will issue a revision to this regulation to activate monitoring for them at the time when the methods are considered implementable, up to the limit of 30 contaminants to be monitored within the five-year contaminant listing cycle. Monitoring for those contaminants will then begin at a date specified in that prospective regulation. Therefore, monitoring of contaminants on UCMR (1999) Lists 2 and 3 is not required by today's action. Monitoring of these contaminants will only occur when EPA publishes a revision to this regulation specifying the analytical methods to be used and the period during which monitoring is to be completed.

(c) Analytical Methods Applicable to the UCMR (1999) List

The UCMR (1999) List development process focuses primarily on the availability of analytical methods for the listed contaminants and the level of information available for them at the time of its development. The discussion below highlights analytical method considerations in listing the contaminants for monitoring. Only the contaminants identified on UCMR (1999) List 1, will be monitored as a result of today's action, with the exceptions of perchlorate and acetochlor, for which analytical methods have yet to be approved. Contaminants on UCMR (1999) Lists 2 and 3 are included on the final UCMR (1999) List, but will not be activated for monitoring until EPA proposes and promulgates analytical methods that can be used to reliably measure their occurrence in drinking water. At that time, EPA will propose regulations for the monitoring of UCMR (1999) List 2 and 3 contaminants.

(i) Chemical Analytical Methods

The ability to correctly identify a chemical contaminant is directly related to the type of chemical and the analytical method used. Compounds such as disinfection byproducts are far less likely to be misidentified than pesticides because they are typically present at relatively high concentrations in disinfected waters, while pesticides are much less likely to occur, or occur at lower concentrations. The analytical method selected will determine the accuracy of the qualitative identification. In general, the most reliable qualitative identifications will come from methods that use mass spectral data for contaminant identification. However, these methods are typically less sensitive than methods that rely on less selective detectors.

Before EPA establishes a Maximum Contaminant Level (MCL), the Agency relies on an analytical method suitable for routine monitoring. It is likely that analytical methods in general use by laboratories performing drinking water analyses may not exist for some of the final compounds to be measured in the UCMR program. Complex analytical methods or methods requiring special handling often require more experienced laboratories than the laboratories performing routine compliance monitoring. Even when analytical methods that are in general use by analytical laboratories are available, limiting the analyses to a small number of laboratories operating under strict quality control requirements improves the precision and accuracy of the analyses, thereby increasing the usefulness of the data.

The option favored by many stakeholders for conducting the chemical laboratory analyses and made final today by EPA is the following:

For PWSs serving more than 10,000 people, the PWS is responsible for sample collection and analyses for Assessment Monitoring. This monitoring may be conducted at the same time as the required compliance monitoring, to the extent possible. For Assessment Monitoring, however, EPA requires in § 141.40(a)(3) and § 141.40 Appendix A, quality control procedures for both sampling and testing to ensure that the data collected under this regulation are of sufficient quality to meet the requirements of the related regulatory decisions. Thus, today's action specifies the analytical methods and procedures to be used in obtaining these data. The sampling and associated quality control requirements cover time frame, frequency, sample collection and submission, and review and reporting of results. The laboratory analytical quality control requirements address the use of a certified laboratory, sample collection/preservation, analytical methods, method detection limits, calibration, quality control samples, method performance tests, detection confirmation, and reporting. PWSs serving 10,000 or fewer persons must send their Assessment Monitoring samples to laboratories designated by EPA, since the Agency must pay for the reasonable costs of testing.

The purpose of the quality control requirements is to ensure that, since EPA will only be able to obtain results from 3,574 systems (2,774 large systems and a representative sample of 800 systems from 65,600 systems serving 10,000 or fewer persons), the Agency obtains the most reliable data possible. EPA is specifying the use of certain analytical methods that are currently available for monitoring (see Table 3, UCMR (1999) List, column 3). While these methods are routinely used by commercial and public water system laboratories (including some that are currently used for compliance monitoring), they have not been routinely used for the contaminants on the UCMR (1999) List. Note that, as shown in § 141.40(a)(3), Table 1, methods other than those that EPA has developed may be approved for use, but quality control procedures must also be followed, as specified in § 141.40(a)(3), (4) and (5), and Appendix A.

For the compounds included in this regulation, the following summary, Table 1, Status of Analytical Methods for Chemical Contaminants on the UCMR (1999) List, presents a brief overview of methods availability for each chemical contaminant.

TABLE 1.—STATUS OF ANALYTICAL METHODS FOR CHEMICAL CONTAMINANTS ON THE UCMR (1999) LIST

	CAS No.	Analytical methods	Status of availability
UCMR (1999) List 1—Chemical Contaminant			
2,4-dinitrotoluene	121–14–2	EPA 525.2	Method is adequate for monitoring.
2,6-dinitrotoluene	606–20–2	EPA 525.2	Method is adequate for monitoring.
4,4'-DDE	72–55–9	EPA 508	Methods are adequate for monitoring.
		EPA 508.1	
		EPA 525.2	
		D5812–96	
		AOAC 990.06	
Acetochlor	34256–82–1	In validation process	EPA anticipates that this compound can be added to the scope of EPA Method 525.2.
DCPA di acid degradate	2136–79–0	EPA 515.1	No method is available to measure the mono and di acid forms separately. All of the approved methods identify total mono and di acid forms.
		EPA 515.2	
		D5317–93	
		AOAC 992.32	
DCPA mono acid degradate	887–54–7	EPA 515.1	No method is available to measure the mono and di acid forms separately. All of the approved methods identify total mono and di acid forms.
		EPA 515.2	
		D5317–93	
		AOAC 992.32	
EPTC	759–94–4	EPA 507	Methods are adequate for monitoring.
		EPA 525.2	
		D5475–93	
		AOAC 991.07	
Molinate	2212–67–1	EPA 507	Methods are adequate for monitoring.
		EPA 525.2	
		D5475–93	
		AOAC 991.07	
MTBE	1634–04–4	EPA 524.2	Methods are adequate for monitoring.
		D5790–95	
		SM6210D	
		SM6200B	
Nitrobenzene	98–95–3	EPA 524.2	Methods are adequate for monitoring.
		D5790–95	
		SM6210D	
		SM6200B	

TABLE 1.—STATUS OF ANALYTICAL METHODS FOR CHEMICAL CONTAMINANTS ON THE UCMR (1999) LIST—Continued

	CAS No.	Analytical methods	Status of availability
Perchlorate	14797–73–0	In validation process	EPA is currently conducting analytical methods development to support the analyses of perchlorate. This new method will be based on the currently available ion chromatography methods, but will include a criteria detailing when a laboratory must perform a sample clean-up procedure to minimize the impact of elevated concentrations of chloride, sulfate or other dissolved solids.
Terbacil	5902–51–2	EPA 507 EPA 525.2 D5475–93 AOAC 991.07	Methods are adequate for monitoring.
UCMR (1999) List 2—Chemical Contaminant			
1,2-diphenylhydrazine	122–66–7	In development	Some methods evaluated but inadequate for monitoring. Priority for analytical method development. EPA anticipates that contaminant will be added to the scope of EPA Method 525.2.
2,4,6-trichlorophenol	88–06–2	In development	EPA Method 552 evaluated but subject to false positives from interferences of the derivitized byproduct of the contaminant. EPA anticipates that contaminant will be included in a new SPE/GC/MS method currently under development.
2,4-dichlorophenol	120–83–2	In development	EPA Method 552 evaluated but subject to quantitative uncertainty due to inadequate derivatization of the contaminant. EPA anticipates that contaminant will be included in a new SPE/GC/MS method currently under development.
2,4-dinitrophenol	51–28–5	In development	Some methods evaluated but inadequate for monitoring. EPA anticipates that contaminant will be included in a new SPE/GC/MS method currently under development.
2-methylphenol	95–48–7	In development	Some methods evaluated but inadequate for monitoring. EPA anticipates that contaminant will be included in a new SPE/GC/MS method currently under development.
Alachlor ESA and degradation byproducts of acetanilide pesticides.		To be determined	EPA is evaluating which specific contaminants will be included within this group of compounds. Analytical methods will be determined for the targeted contaminants.
Diazinon	333–41–5	In development	Diazinon is listed as a contaminant in several EPA and voluntary consensus standard organization methods but it is subject to rapid aqueous degradation. Preservation research currently being conducted to develop a preservation technique that would permit adding this compound to EPA Method 525.2.
Disulfoton	298–04–4	In development	Disulfoton is listed as a contaminant in several EPA and voluntary consensus standard organization methods but it is subject to rapid aqueous degradation. Preservation research currently being conducted to develop a preservation technique that would permit adding this compound to EPA Method 525.2.
Diuron	330–54–1	In development	While this compound is included in the scope of NPS Method 4 (LLE/HLPC/UV) and EPA Method 553 (SPE/HPLC/MS), these methods are not adequate for this monitoring. EPA anticipates that this compound can be included in a new SPE/HPLC/UV method currently being developed.
Fonofos	944–22–9	In development	Fonofos is listed as a contaminant in several EPA and voluntary consensus standard organization methods but it is subject to rapid aqueous degradation. Preservation research is currently being conducted to develop a preservation technique that would permit adding this compound to EPA Method 525.2
Linuron	330–55–2	In development	While this compound is included in the scope of NPS Method 4 (LLE/HLPC/UV) and EPA Method 553 (SPE/HPLC/MS), these methods are not adequate for this monitoring. EPA anticipates that this compound can be included in a new SPE/HPLC/UV method currently being developed.
Polonium-210 (^{210}Po)	13981–52–7	In development	Radiochemistry laboratory capacity is limited.

TABLE 1.—STATUS OF ANALYTICAL METHODS FOR CHEMICAL CONTAMINANTS ON THE UCMR (1999) LIST—Continued

	CAS No.	Analytical methods	Status of availability
Prometon	1610–18–0	In development	Prometon is listed as a contaminant in several EPA and voluntary consensus standard organization methods but it is subject to rapid aqueous degradation in non-acidified samples and is not readily extracted in acidified samples. Preservation research is currently being conducted to add neutralizing the pH of acidified samples just prior to extraction. This would permit adding this compound to EPA Method 525.2.
RDX	121–82–4	In development	No EPA or consensus methods organization analytical methods for the analysis of RDX in water are currently available.
Terbufos	13071–79–9	In development	Terbufos is listed as a contaminant in several EPA and voluntary consensus standard organization methods but it is subject to rapid aqueous degradation. Preservation research is currently being conducted to develop a preservation technique that would permit adding this compound to EPA Method 525.2.
UCMR (1999) List 3—Chemical Contaminant			
Lead-210 (^{210}Pb)	14255–04–0	In development	Method is time-consuming and expensive. Radiochemistry laboratory capacity is limited.

(ii) Microbiological Analytical Methods

The discussion of data quality for chemical analytical methods also applies to microbiological testing when analytical methods are developed for CCL microorganisms. When microorganisms were proposed for the CCL, EPA recognized that analytical methods were not well developed for the majority of them. Because of the lack of available analytical methods, some of the CCL microorganisms were grouped either into one category where information was available about methodologies indicating a need to further refine them, or another category where more research, including research on detection methods and occurrence, was needed. At the present time, and based on technical peer review and public comment, *Aeromonas* is the only one of the microorganisms for which more occurrence data are needed that also has an analytical method likely to be sufficiently developed for monitoring in time for implementation of the Screening Surveys. Three other microorganisms have methods available, but are in need of further methods development. These microorganisms (Cyanobacteria, Echoviruses, and Coxsackieviruses) may be candidates for the Screening Surveys if methods development proceeds expeditiously (§ 141.40(a)(3), Table 1, List 2), but are currently identified for Pre-Screen Testing (Table 1, List 3). The remaining four microorganisms currently lack satisfactory methods and will be evaluated for Pre-Screen Testing.

Several microorganisms on the CCL are actually groups of microorganism taxa. In some cases, the taxa have so many members that, given the limited resources available for UCMR monitoring, EPA may have to prioritize which strains, species, or serotypes are the most important to consider and target those for monitoring or further study. Decisions will have to be made on the basis of health risk, disinfection resistance, occurrence in water, and other factors. To address the need to prioritize which microorganisms should be targeted for monitoring, EPA's Office of Research and Development is assisting the Office of Ground Water and Drinking Water in establishing a research program for health effects, treatment, and analytical methods.

TABLE 2.—STATUS OF ANALYTICAL METHODS FOR MICROBIOLOGICAL CONTAMINANTS ON THE UCMR (1999) LIST

	Availability of analytical method	Status of availability
List 2—Microbiological Contaminant		
Aeromonas	Analytical method likely to be available for monitoring.	Current modification and evaluation of a published membrane filtration method (Havelaar et al., 1987) indicates that this method will be suitable for the monitoring program.
List 3—Microbiological Contaminant		
Cyanobacteria (blue-green algae, other freshwater algae and their toxins).	Methods available but not standardized.	Methods are available for counting cyanobacteria but new, standardized methods are needed for direct counts of targeted species with filtration methods or a counting chamber. Standardized analytical methods are also needed to detect the more important cyanobacterial toxins.
Echoviruses	Methods available but not standardized.	Echoviruses can be cultured on BGM cells and detected by the ICR method but require supplemental methods such as serological typing to distinguish echoviruses from other viruses. Cost of cell culture assays plus serotyping can be high. RT/PCR methods are subject to interferences and do not demonstrate infectivity. Combined cell culture and PCR, which demonstrates infectivity, may be considered.

TABLE 2.—STATUS OF ANALYTICAL METHODS FOR MICROBIOLOGICAL CONTAMINANTS ON THE UCMR (1999) LIST—Continued

	Availability of analytical method	Status of availability
Coxsackieviruses	Methods available but not standardized.	Group B coxsackieviruses are easy to grow in tissue culture but group A coxsackievirus detection in cell culture is variable. Culturable coxsackieviruses can be detected with the ICR method but serological typing is needed to distinguish coxsackieviruses from other viruses. RT/PCR methods are subject to interferences and do not demonstrate infectivity. New, standardized methods are needed. Combined cell culture and PCR methods may be considered.
Helicobacter pylori	No suitable method currently available.	*Helicobacter pylori* is difficult to cultivate because of its slow growth rate and the need for a low oxygen environment. No selective medium exists that will discriminate H. pylori from background bacteria. A culture-based method that demonstrates viability is preferred. Methods are needed for selective growth and identification. IMS has been used to concentrate *Helicobacter pylori*. Methods using PCR alone have been used but have not been validated by EPA. In general, PCR methods are not preferred due to interferences and their inability to demonstrate viability. A combined cultural and molecular method may be considered.
Microsporidia	No suitable method currently available.	No methods are available for the monitoring of the two species of human microsporidia which may have a waterborne route of transmission [*Enterocytozoon bienuesi* and *Encephalitozoon* (formerly *Septata*) *intestinalis*]. Spores could possibly be detected by methods similar to those being developed for *Cryptosporidium parvum*. Potential methods may utilize water filtration, clean-up with IMS, and detection using microscopy with either fluorescent antibody or gene probe procedures. Provided that procedures are validated by EPA, reverse-transcriptase (RT)—PCR techniques may be considered for monitoring, although PCR methods in general are not preferred at this time due to interferences and their inability to demonstrate viability. Due to the small size of microsporidia, problems could be encountered during filtration.
Adenoviruses	No suitable method currently available.	Adenoviruses serotypes 1 to 39 and 42 to 47 can be grown in tissue culture but enteric adenoviruses 40 to 41 are difficult to grow. Several selective tissue culture methods and detection methods have been reported. A selective, standardized method is needed for monitoring. PCR methods are not preferred, as they are subject to interferences and do not demonstrate infectivity. A combined cell culture and PCR method may be considered.
Caliciviruses	No suitable method currently available.	No tissue culture methods exist for the two genogroups of caliciviruses on the CCL (the Norwalk-like and the Snow Mountain-like agents). No sensitive or fully developed detection methods exist. PCR methods are not preferred, as they are subject to interferences and do not demonstrate infectivity. A combined cell culture and PCR method may be considered if a suitable cell line is found.

2. List of Contaminants To Be Monitored

(a) Final UCMR (1999) List

Section 141.40 (a)(3) Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, presents EPA's list of unregulated contaminants for monitoring under Section 1445(a)(2)(B)(i) of the 1996 Amendments for the first five-year listing cycle. The monitoring program for these contaminants is a three-tiered approach based on the availability of information about each contaminant and the availability of analytical methods for each contaminant. This approach is described in Section C., Type of Monitoring Required of Public Water Systems Based on Listing Group.

The final monitoring program divides the listed unregulated contaminants into three lists: List 1, for which Assessment Monitoring will be required, List 2, designated for the Screening Surveys; and List 3, designated for Pre-Screen Testing. Today's final regulation only requires Assessment Monitoring for UCMR (1999) List 1 contaminants beginning on January 1, 2001, with the exceptions of perchlorate and acetochlor, for which analytical methods have not yet been approved (but are planned to have monitoring begin on that date, also, after rulemaking to specify their analytical methods). The monitoring for contaminants on Lists 2 and 3 will only be required after EPA promulgates further rules.

Technical peer review and public comments strongly supported the three-tier approach of the UCMR program. As a result, EPA requires in today's action Assessment Monitoring for the contaminants on UCMR (1999) List 1, because analytical methods for these contaminants currently exist or will shortly be validated. EPA will shortly publish a request for public comment on a revision to this final rule to implement the analytical methods and other sampling requirements for perchlorate and acetochlor. Also, by future rulemaking, EPA plans to implement the Screening Survey (List 2) monitoring in groups of contaminants, rather than one contaminant at a time, to minimize sampling and testing costs since some of the contaminants may be tested by the

same method. EPA intends to take a similar approach with the contaminants on List 3, the Pre-Screen Testing. EPA plans to require, through future rulemaking, Pre-Screen Testing for contaminants for which EPA determines that new analytical methods can measure their existence in locations where they are most likely to be found. All analytical methods for contaminants on Lists 2 and 3 would be peer reviewed, following EPA's policy for peer review, before the Agency proposes regulations which would require public water systems to monitor for them.

In § 141.40 (a)(3), Table 1, UCMR (1999) List 1 contaminants, for Assessment Monitoring, are chemical contaminants for which analytical methods capable of generating the quantity and quality of data required under the UCMR are currently available, or expected to be available shortly after today's final rule. Monitoring for these contaminants is required under today's final UCMR, with the exceptions of perchlorate and acetochlor, as noted.

UCMR (1999) List 2 contaminants (14 organic chemicals, one radiochemical and one microorganism), for the Screening Surveys, are those for which EPA is currently refining analytical methods. Development of these methods should be sufficient for Screening Surveys to be conducted in the first three years of the listing cycle, but may occur in the later years of the cycle. These contaminants are characterized in today's final rule at § 141.40(a)(3), Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, List 2.

UCMR (1999) List 3 contaminants (seven microbiological contaminants or contaminant groups and one inorganic chemical), for Pre-Screen Testing, are those for which EPA has begun or shortly will begin analytical methods development, but completion of those efforts is not expected prior to the Assessment Monitoring required under implementation of this regulation. Instead, these contaminants will be tested for in Pre-Screen Testing. These contaminants are listed in today's final rule at § 141.40(a)(3) as Table 1, Unregulated Contaminant Monitoring List, List 3.

Tables 3 and 4, in IV.A.1.(c), Analytical Methods Applicable to the UCMR (1999) List, present a summary of the status of the methods for all the contaminants on this list.

EPA believes that this three-tiered approach to the UCMR, which was recommended by stakeholders, reflects a balance between the implementability of current analytical methods and the need to obtain data in time frames that are useful for responding to concerns about the contaminants identified.

(b) Number of Contaminants on the UCMR (1999) List

Thirty-six contaminants are on today's final UCMR (1999) List. SDWA Section 1445 (a)(2)(B)(i) states that in August 1999 and every five years thereafter "the Administrator shall issue a list of * * * not more than 30 unregulated contaminants to be monitored by public water systems and to be included in the national drinking water occurrence data base * * *" EPA interprets this to mean that the UCMR list may contain more than 30 contaminants, as long as monitoring is not required for more than 30 contaminants during a five-year listing cycle. Public comments were split on whether the monitoring list should have more than 30 contaminants. EPA believes that maintaining a monitoring list with more than 30 contaminants, while requiring monitoring for no more than 30, is responsive to public concerns about contaminants in drinking water. This interpretation and approach also supports EPA's efforts to respond to and encourage analytical methods development for emerging contaminants.

Any PWS may voluntarily submit data to EPA, including data for contaminants that a PWS may monitor that are on the UCMR (1999) List of 36 contaminants, but that are not on the final list of 30 contaminants actually required for UCMR monitoring. EPA is preparing a guidance document specifying the procedures for future voluntary submission of such data to the National Drinking Water Contaminant Occurrence Database (NCOD).

B. Public Water Systems Subject to the UCMR

The monitoring in this final rule focuses ultimately on determination of, on a national basis, the occurrence or likely occurrence of contaminants in drinking water delivered by community water systems (CWS) and non-transient non-community water systems (NTNCWS). For regulatory purposes, public water systems are categorized as "community water systems," or "non-community water systems." Community water systems (CWSs) are specifically defined as "public water systems which serve at least 15 service connections used by year-round residents or regularly serve at least 25 year-round residents." (40 CFR 141.2) A "non-community water system" means any other public water system. Non-community water systems include nontranisent non-community water systems (NTNCWSs) and transient non-community water systems. Non-community water systems are available to serve the public, but are not used on a year-round basis in most cases. Non-transient systems regularly serve at least 25 of the same persons over six months per year (e.g., schools). Transient systems do not regularly serve at least 25 of the same persons over six months per year. Additionally, some community water systems purchase all or part of their water supply from other water systems. Purchased water systems may be at the end of a distribution system from the water system selling the water.

One of the factors considered in establishing the UCMR program is the number of persons served by a system. With respect to size, about 2,774 large systems (each serving more than 10,000 persons) provide drinking water to about 80 percent of the U.S. population served by public water systems. Under today's final regulation, all large systems will be required to monitor the unregulated contaminants specified in § 141.40(a)(3), List 1 of Table 1, UCMR (1999) List, with the exception of perchlorate and acetochlor for which analytical methods have not been promulgated. In response to public comment on purchased water systems representing the end of a distribution system, purchased water systems are also included in this monitoring requirement for microbiological contaminants that occur primarily in distribution systems with maximum residence times or low disinfectant residuals which may allow microorganisms that have human health effects to survive and reproduce.

Section 1445(a)(2)(A) requires that the UCMR ensure that only a representative sample of systems serving 10,000 or fewer persons (small systems) monitor for unregulated contaminants. Small community water systems and small non-transient, non-community water systems total 65,636 systems. From this total number of small systems, EPA will select a national representative sample of 800 small systems. EPA is excluding transient non-community systems from UCMR requirements. The variation in the 97,000 transient systems would be difficult to reflect in a national representative sample and would be very costly to monitor. Furthermore, projecting contaminant exposure results from such systems would be complex and inconclusive because of the transient nature of the population that uses them. The results from the very small community and non-transient non-community systems (NTNCWS) can be extrapolated to the transient non-community systems. Public comments

supported not including these systems in the representative sample. One commenter suggested that transient systems be the subject of a special survey since they may be a pathway of exposure for a specific segment of the population. At this time, EPA is not planning any special surveys of transient systems because they are such a large and diffuse category and it is difficult to compile and evaluate population exposure information for this category of water systems.

EPA will pay for the reasonable costs of monitoring by the small systems selected for the representative sample, as long as the systems are part of a State Monitoring Plan. The EPA will select systems to monitor through the use of a random number generator according to a national representative sample selection plan developed primarily on the basis of population served by PWSs in each State. This detailed selection plan is necessary to ensure that the sample is statistically valid and representative of all small water systems nationally. This plan is also necessary because EPA typically has the least information about these systems and needs a consistent base of data for regulation development. EPA will use a national sample of approximately 800 systems serving 10,000 or fewer persons which the EPA will statistically draw from all small CWSs and NTNCWSs nationally. Section F, "Representative Sample of Systems Serving 10,000 or Fewer Persons," provides the details of the sample selection plan, including the sample size. The number of systems selected within each size category of systems will be based on the proportion of population served by that size category. System selection will be further allocated across water source type and distributed across all states.

The State-based component of this national representative sample, called a State Monitoring Plan (or State Plan), will include the list of systems statistically selected for UCMR monitoring. Other state responsibilities will be defined in the Memorandum of Agreement issued between the States and EPA. The State can review, and modify if necessary, the list of systems in the State Plan. The resulting State Plans will then be part of a national sample framework, providing the representative national sample requisite to drawing national conclusions for contaminant exposure.

To provide a more capable understanding of contaminants and conditions affecting small systems, and to provide additional quality assurance, EPA will randomly select up to 30 small public water systems from the systems in State Monitoring Plans as "Index" systems. Index systems must monitor every year during the five year UCMR listing cycle. These systems will also be required to report information on system operating conditions (such as water source, pumping rates, and environmental setting). This information will assist EPA in more fully evaluating small system operations and future regulations of small systems. EPA will conduct the sampling and testing for Index systems. At the time of sampling, EPA will also gather other system information to characterize the environmental setting affecting the system including precipitation, land and water resource use, and environmental factors (such as soil type and geology).

Also, up to 150 additional small systems might be selected for the Pre-Screen Testing. The systems for the Pre-Screen Testing will be selected on the basis of their representativeness of systems most vulnerable to the particular UCMR (1999) List 3 contaminants for which methods have been refined. The statistical selection of the 800 systems for the national representative sample may not include the systems determined to be most vulnerable to these contaminants, hence; the States and EPA may need to select additional systems for this targeted testing.

External expert peer review and public comments supported the statistical approach described to select small systems for the national representative sample and State Monitoring Plans.

C. Type of Monitoring Required of Public Water Systems Based on Listing Group

At the UCMR Stakeholders Meeting on June 3–4, 1998, a diverse group of stakeholders suggested that the UCMR Program be developed through a progression of monitoring levels based on contaminant group characteristics. These characteristics reflect current information about both the occurrence of and method availability for the contaminants. Occurrence information and methods availability will determine which phase, or tier, of monitoring the contaminants will be placed. Both EPA and stakeholders are also concerned about contaminants that may be "emerging" as contaminants of concern. These emerging contaminants have not been monitored before, but have the potential to be found near or in drinking water supplies or recently have been identified as potential health problems. It is not likely that there exists approved EPA analytical methods for the "emerging contaminants of concern". Typically, "research" analytical methods are used to detect such emerging contaminants and may be expensive. EPA will have to either develop an approved method for inclusion in a regulatory approach, or perhaps substitute a regulatory approach with a study using a single laboratory and a "research" analytical method. The resources needed to develop an approved analytical method will face competing resource demands for other contaminants on the CCL that also require analytical method development. In recognition of these considerations, as described above, the final rule incorporates an approach with three monitoring levels, or tiers, referred to as "Assessment Monitoring," "Screening Survey," and "Pre-Screen Testing".

1. Assessment Monitoring

The first type of monitoring in the three-tiered monitoring program of today's rule pertains to the group of contaminants for which analytical methods are currently available and are specified in § 141.40(a)(3), Table 1, UCMR (1999) List 1, Assessment Monitoring Importantly, these contaminants are ones for which initial data for PWSs indicate that the contaminants occur in at least two States or ten public water systems and should be monitored to assess national occurrence through the UCMR. Based on today's rule, all contaminants in § 141.40(a)(3), Table 1, List 1 must be monitored in the Assessment Monitoring tier of the UCMR Program, except perchlorate and acetochlor, for which analytical methods are soon to be finalized.

In § 141.40, EPA indicates that each system must conduct UCMR "Assessment Monitoring" of List 1 contaminants for a twelve-month period in the first three years (i.e., 2001 through 2003) of a five-year UCMR contaminant listing cycle (i.e., 2001 through 2005). Large systems must complete this monitoring in any twelve-month period within the years 2001 to 2003. Small systems in State Monitoring Plans must complete the monitoring according to the scheduled monitoring identified in those plans within the period of 2001 to 2003. Section F, "Representative Sample of Systems Serving 10,000 or fewer persons," describes in detail the selection of the subset of small systems required to monitor. The State could specify in the State Monitoring Plans a schedule that would correlate with compliance monitoring. This arrangement should enable systems to complete UCMR

sampling coincident with their compliance monitoring for regulated contaminants during one of the years when compliance monitoring is required. However, EPA recognizes that some large systems may not be required to monitor for any regulated contaminants during the five-year UCMR listing cycle. In that case, such large systems could monitor for the unregulated contaminants during any twelve-month period within the three years they choose. This approach, as originally proposed, is responsive to public comments that UCMR monitoring be able to be conducted in conjunction with compliance monitoring.

EPA is requiring that surface water systems monitor for four consecutive quarters in the designated, or, in the case of large systems, selected, monitoring year, and that ground water systems monitor two times approximately five to seven months apart in their monitoring year. Under Assessment Monitoring, systems serving more than 10,000 persons must conduct and pay for their own sample collection and testing. Small systems included in State Monitoring Plans must collect the samples with EPA-supplied equipment and send the samples to EPA-specified laboratories. EPA will pay for the testing and reporting. Although the laboratory may report the information directly to EPA and provide a copy to the State, the system still has final reporting responsibility to ensure that results are reported to EPA and copied to the State. Frequency and location of monitoring are discussed in section D, "Monitoring Requirements under the Final UCMR."

2. Screening Surveys

The contaminants that EPA is considering for the Screening Survey are listed in § 141.40(a)(3), Table 1, List 2. These contaminants are those for which analytical methods are under development and for which EPA has less occurrence data than for the contaminants on List 1. The purpose of the Screening Survey is to analyze for contaminants where the use of newly developed, non-routine analytical methods are required. To do this and still maintain adequate quality of the occurrence data, EPA will use only a select, controlled group of laboratories. In addition, the Screening Survey approach might allow EPA to maximize scientifically-defensible occurrence data for emerging contaminants of concern more quickly than could be obtained through a more standard unregulated contaminant monitoring effort. The Screening Survey could, for example, be useful where questions concerning whether a contaminant of concern is in fact occurring in drinking water and the range of concentration of that occurrence. The Screening Survey is also intended to allow EPA to screen contaminants to see if they occur at high frequencies or concentrations that justify inclusion in future unregulated contaminant Assessment Monitoring or at sufficiently low frequencies that do not require further monitoring, but allow the Agency to evaluate standard development.

The contaminants in UCMR (1999) List 2 will be monitored by a smaller, statistically selected sample from all (large and small) community and non-transient non-community water systems (about 300 systems total). These systems will be selected through a random number generator. Systems will not have to initiate Screening Surveys until after EPA promulgates requirements for Screening Surveys. The sample size needed for estimating frequencies of contaminant occurrence are smaller if the actual occurrence frequencies are close to 0 or to 100 percent. When a contaminant is consistently present or consistently absent it requires fewer samples to determine its frequency with adequate statistical confidence than if it occurs about half the time. Only 300 PWSs are needed to determine if a contaminant is present 5 percent of the time or less frequently, at a 99 percent confidence level and with a 3 percent margin of error. (The same criteria require 1,844 samples when the frequency could be any number.) If the contaminant occurrence findings are above the thresholds established for the Screening Survey, EPA will include the contaminant in the next Assessment Monitoring round (projected to begin in 2006) of the UCMR Program. The statistical threshold for positive results from this monitoring to determine if further monitoring is warranted might be 1 to 2 percent of systems with detections. If the contaminant occurrence were under the threshold, then no further testing would be required, and the contaminant may be removed from the list in a future UCM rulemaking. EPA requested public comment on whether the statistical threshold of 1 to 2 percent of systems is adequate to make a determination that further Assessment Monitoring should be conducted to determine the extent of contaminant occurrence, and, if not, what percent should be used as the threshold for such a determination. One commenter suggested that EPA should use a threshold of 3 to 5 percent, but did not provide any rationale. EPA believes that 1 to 2 percent is consistent with the approach that this monitoring is a Screening Survey to determine whether the contaminant(s) are occurring in any public water system. One to 2 percent occurrence is equal to 3 to 6 systems for the sample, but statistically this can be extrapolated to 600 to 1,200 systems out of all small systems that may have an occurrence of the contaminants. For a sample size of 300, occurrence of a contaminant on the monitoring list in any system would indicate that the contaminant occurs at a frequency greater than 0 (zero). Therefore, EPA should give further consideration to the occurrence and concentration of such a contaminant and may evaluate the extent of its occurrence nationally. EPA considers this extent of occurrence to be significant and to warrant more extensive monitoring, perhaps even through Assessment Monitoring. Another commenter indicated that EPA should evaluate other factors and not just the extent of occurrence before deciding to regulate a contaminant. EPA agrees with this comment and will continue to evaluate other factors.

The anticipated analytical methods that might be used for Screening Surveys are identified in § 141.40(a)(3), Table 1, List 2, as "Analytical Methods." These methods are being refined for the particular contaminants on List 2 and are not expected to be ready for use in an Assessment Monitoring program. Therefore, as analytical methods are developed for groups of contaminants on List 2, EPA will propose a rule modification for public comment and will promulgate analytical methods, minimum reporting levels and the location and timeframe for sampling for each contaminant.

Additionally, EPA requested public comment on two potential outcomes from the Screening Survey: (1) if the contaminant is observed at very few or no PWSs (i.e., less than the threshold of 1 to 2 percent of systems), then the contaminant may be dropped from the UCMR (1999) List 2 and no further monitoring for it will occur; and, (2) if the contaminant is observed extensively (i.e., in a higher percentage of PWSs, such as 5 to 10 percent) and EPA has health effects data for the contaminant that indicate a significant concern, then that specific contaminant may move directly to the regulation development stage. In these cases, there may be no Assessment Monitoring tier of monitoring activity to provide additional occurrence data for that contaminant. One commenter expressed concern that EPA would move directly to regulation development after obtaining results from Screening Surveys for a contaminant and stated

that EPA should move the contaminant up to Assessment Monitoring before taking any action. EPA believes that an occurrence of a contaminant in 5 or 10 percent of systems, for example, in the screening survey may be sufficient to determine whether or not to initiate regulation development. EPA may decide that it needs more information, in which case, EPA could move the contaminant to Assessment Monitoring (List 1) for more extensive monitoring to inform the regulatory process, but this may not always be necessary.

With respect to funding the Screening Survey, EPA will pay for the testing and reporting (as described in Preamble section V.G., Reporting of Monitoring Results) for systems serving 10,000 or fewer persons. Systems serving 10,000 or fewer persons will be responsible for sample collection and preparing the samples for shipment. EPA will pay for the shipment of these samples to an EPA-designated laboratory for testing and for reporting of monitoring results to EPA, with a copy to the State.

For large systems serving more than 10,000 persons, EPA requested public comment on whether it should set performance standards and allow systems to conduct their own laboratory analyses in compliance with the standards, or should approve a limited but sufficient number of laboratories to do lab analyses for large systems, providing for quality control across a manageable number of laboratories while allowing competitive pricing of services. Most commenters, including water system operators, favored EPA approval of a limited number of laboratories, but noted that a sufficient number of laboratories were needed so that competitive pricing would be available.

EPA expects the Screening Surveys will occur one or two times during the five-year listing cycle of 2001 through 2005. EPA expects that this Screening Survey monitoring will occur for groups of contaminants, rather than for one contaminant at a time, depending on when the different methods are promulgated and the timing of their promulgation. Systems selected for the Screening Surveys will monitor at the same frequency as for contaminants under Assessment Monitoring. Should approval and implementation of the analytical method for a particular contaminant become delayed, the contaminant might be moved into the category of Pre-Screen Testing, described next.

3. Pre-Screen Testing

The third tier of the final monitoring program is "Pre-Screen Testing", which will be conducted for contaminants with analytical methods that are in an early stage of development and at systems that are determined to be most vulnerable to the occurrence of contaminants on the Pre-Screen Testing list. Pre-Screen Testing means sampling, testing, and reporting of the listed contaminants that have newly emerged as drinking water concerns and, in most cases, for which methods are in an early stage of development. Pre-Screen Testing will be performed to determine whether a listed contaminant occurs in sufficient frequency in the most vulnerable systems or sampling locations to warrant its being included in future Assessment Monitoring or Screening Surveys. Pre-Screen Testing will only be required after additional rulemaking.

EPA will select a limited number of systems (up to 200) to conduct Pre-Screen Testing, possibly using a random number generator, selected from up to 25 of the most vulnerable systems identified by each State, or by EPA if a State decides not to participate in the Pre-Screen Testing system selection process. Up to 200 systems, a smaller sample size than under the Screening Survey or Assessment Monitoring, are considered sufficient for this type of monitoring because monitoring will occur at systems determined to be vulnerable to occurrence of the contaminants, based on the characteristics of the contaminants, system operation, climatic conditions, and land and water resource use. This monitoring is to determine whether the contaminant can be found in any public water system under most likely occurrence conditions specific to the contaminant. This tier of monitoring is not designed to determine the extent of occurrence. A portion (e.g., 100 to 150) of these 200 systems may be a different subset of small systems serving 10,000 or fewer persons than those selected for the national representative sample. The reason for this different subset is that States should identify the systems that are representative of the most vulnerable conditions for the contaminants specified for Pre-Screen Testing. These most vulnerable systems may not be those conducting Assessment Monitoring or the Screening Survey. It is possible, though, that some overlap of systems doing Assessment Monitoring and those selected for Pre-Screen Testing could occur.

Under Pre-Screen Testing, EPA will designate or approve a laboratory or laboratories to conduct sample analysis. The reason for this testing approach is that the analytical methods expected to be used will be emerging from research development, and most laboratories will not have any experience with them. For these laboratories to utilize the new methods could involve extensive investment in equipment and training. Rather than requiring this investment for contaminants which have uncertain occurrence in public water systems, EPA will develop and promulgate appropriate methods. EPA will also require that these methods be used by designated or approved laboratories. Pre-Screen Testing analysis is conducted at systems most likely to have the contaminants to determine whether further action is warranted and additional method development is needed.

Under this approach, once EPA has developed methods and promulgated the rule to test for List 3 contaminants, it will request States to identify at least 5 and not more than 25 systems (based on the population served by PWSs in each State) most vulnerable to the listed contaminants. States will select these systems from all community and non-transient non-community systems of all sizes. Selection criteria for these systems include States' determination of systems most vulnerable to the specified contaminants and numbers of systems per State based on the population served in each size category of system. The States will send the list of systems, any modification of their State Monitoring Plans, and the reasons for their list and modifications (considering the characteristics of the contaminants, precipitation, system operation, and environmental conditions) to the EPA: EPA will select up to 200 PWSs nationwide, from the pool of State-identified vulnerable systems, that must submit samples of the specified contaminants. Some small systems selected may not be part of the national representative sample of 800 small systems selected for Assessment Monitoring. Hence, some small systems may only be required to sample for Pre-Screen Testing. States or EPA will provide instructions to the systems for the necessary sampling and subsequent shipping to the EPA laboratory. At this time, EPA believes that the contaminants for which Pre-Screen Testing will likely be required are those listed in the final rule at § 141.40(a)(3) Table 1, List 3. Sampling and testing done for Pre-Screen Testing will most likely be required in the later years of the five-year UCMR listing cycle. This approach will assist EPA in refining the methods for these contaminants. If EPA finds any substantial frequency of occurrence of Pre-Screen Testing contaminants, the contaminants could

become part of either the Screening Survey or part of Assessment Monitoring in future UCMR lists. Since the methods for these contaminants will have to be applied under highly controlled analytical conditions, EPA will pay for the shipping and analyses of these samples for small systems selected to participate. Large systems will pay for the shipping and testing of samples at EPA approved laboratories.

Public comments requested that EPA provide guidance on the selection of "most vulnerable" systems and on reporting requirements for Pre-Screen Testing. EPA plans to provide this guidance during the years 2001 and 2002, and obtain public comment before the guidance is final.

D. Monitoring Requirements Under the Final UCMR

1. Monitoring Frequency

(a) Systems Serving More Than 10,000 Persons

(i) Chemical Contaminants.

The number of persons served affects exposure to contaminants and resources necessary to monitor. The final UCMR program requires large systems serving more than 10,000 persons to monitor at each entry point to the distribution system, or other representative compliance monitoring location specified by the State, whether or not the system applies treatment. If a system applies treatment, then it must monitor after treatment. In response to public comment, EPA modified the rule to allow alternative sampling points to be used: sampling points identified by the State for compliance monitoring under 40 CFR 141.24(f)(1), (2), and (3), and/or source (raw) water sampling points, if the State uses source water monitoring as a more stringent monitoring requirement. If monitoring at source (raw) water sampling points indicates detection of any of the contaminants on the monitoring list, then the system in most cases will be required to shift its unregulated contaminant monitoring to the entry point to the distribution system. These flexibilities in the sampling location should enable systems and States to coordinate compliance and unregulated contaminant monitoring more extensively.

The law requires EPA to consider the source of water relative to unregulated contaminant monitoring requirements (SDWA Section 1445(a)(2)(A)). Over the twelve-month period of monitoring, the regulation requires that systems sample from all entry points to the distribution system, or other sampling points specified, representing all principal, non-emergency sources of water used over the monitoring period. Surface water-supplied systems will monitor each of these points every three months for a twelve-month period and ground water-supplied systems will monitor each of these points two times five to seven months apart within a twelve-month period. Today's final monitoring frequency for surface water systems is the same as in the previous program. For ground water systems, the two sampling events must be approximately six months apart, increasing the frequency from one sample in five years under the previous program to two. The reasons for this increase are that while ground water typically moves slowly, one sample is insufficient to characterize water quality at any particular location and will not provide evidence of any changes over a longer period of time. Furthermore, some ground water environments transmit water more rapidly, potentially resulting in changes in water quality over shorter timeframes. From a statistical standpoint, one sample is not representative and will not allow the data to be used for exposure assessment which uses an average annual value. This frequency applied to the average of 6.2 entry points to the distribution system for systems serving more than 10,000 persons will provide sufficient data for an adequate statistical analysis of the varied conditions in which these systems are located.

One of the monitoring events for both surface water and ground water systems must occur at the most vulnerable time of year for the PWS. The rationale for this approach is that it provides data representing potential variation in contaminant concentration over the course of a year. This potential variation in concentration is necessary to evaluate exposure related to contaminant occurrence. Some systems perform compliance monitoring on a quarterly basis and can collect UCMR samples coincident with their compliance samples, and therefore provide data on the range of variation. Other systems may only conduct compliance monitoring once every third year and will therefore have to collect additional samples under the UCMR. While one UCMR sample could be collected coincident with this compliance sample, EPA is requiring for ground water-supplied systems to take a second sample five to seven months later. This requirement will provide the necessary data on seasonal variation over a year to allow consistent exposure assessments to be done with a range of concentrations. Stakeholders supported this option. EPA originally proposed that the second sample be collected exactly six months later. State commenters indicated a need to provide flexibility to accommodate changes in monitoring schedules. Therefore, EPA modified the regulation to allow monitoring five to seven months before or after the initial vulnerable period sampling event.

(ii) Microbiological Contaminants

For microbiological contaminants, the sampling frequency will be two times within one year, with samples collected each time at two different locations after treatment in the distribution system: a site representative of water in the distribution system received by the general population that the system serves and a site in the distribution system representing the maximum residence time or lowest disinfectant residual, depending on the contaminant. The frequency should capture the most vulnerable time as well as a time five to seven months later to provide an average exposure. Furthermore, precipitation patterns may be a major factor in contaminant occurrence. Thus, frequency of sampling should be tailored to the most vulnerable times because increased seasonal precipitation may carry these contaminants at higher concentrations than other times during the year.

(b) Systems Serving 10,000 or Fewer Persons

The final rule states that approximately one third of the small systems (serving 10,000 or fewer persons) selected through the representative sample, be sampled each year over a three-year period at the frequencies indicated in Section D, "Monitoring Requirements Under the Final UCMR" (1)(a) above. This allows a relatively even submission of samples to be managed and tested by the EPA laboratory. EPA will pay for the reasonable costs of monitoring (i.e., containers, shipping, testing and reporting) for this representative sample of systems, including Assessment Monitoring, Screening Survey, and Pre-Screen Testing, and will conduct the analyses at its designated laboratories. EPA, therefore will need to be able to manage the number of samples being received at any time to closely correspond to the analytical capacity of its laboratories. Some public commenters suggested that sampling for microbiological contaminants not occur at the maximum residence time in the distribution system, but at the point of lowest disinfectant residual, since the

monitoring of concern is for effectiveness of treatment and booster disinfection stations that may be in use in long distribution lines. In response, EPA added another sampling point at the "lowest disinfectant residual" in the distribution system. However, EPA maintained the original sampling point location of "maximum residence time" because, given potential chemical degradation over long periods of time in a distribution system, such as for disinfection byproducts, the location of maximum residence time can often be the location of lowest disinfectant residual and, therefore, highest likelihood of microbiological contaminants.

Public comments also addressed the flexibility in monitoring schedules to allow for unforeseen events or factors in field sampling. Specifically, States asked that system sampling schedules allow for sampling over a month within a quarter, rather than exactly three months later. EPA modified the final rule to allow sampling by small and large surface water systems to occur within the same month in each quarter and for small and large ground water systems, to occur any time five to seven months before or after the initially selected month within the vulnerable time.

2. Monitoring Time for Vulnerable Period

Water quality studies and monitoring throughout the United States have clearly shown that contaminant occurrence and/or concentration vary over time, both seasonally as well as from year to year. The seasonality of occurrence, or period of peak concentration of contaminants, commonly varies with seasonal changes in the hydrologic cycle in relation to the source of contaminants and their fate and transport characteristics. Particularly for land-applied or land-disposed contaminants, the increased flux of water mobilizes the contaminants and moves them into surface or ground water flow systems. For the most vulnerable of water systems, such as surface waters, unconfined shallow ground water and karst flow systems, for example, higher levels of contaminant concentrations typically occur during annual runoff and recharge periods. For much of the United States, east of the Rocky Mountains, many studies have shown that the season of greatest vulnerability for contaminant occurrence is the late-spring, early-summer runoff-recharge period, particularly for contaminants such as pesticides and nitrate (e.g., Larson et al., 1997; Barbash and Resek, 1996; Hallberg, 1989a,b). For deeper, more confined ground water systems, defining vulnerable periods is much more difficult. The exact flow path and time of travel are much greater and more complex and are dependent upon many factors unique to a particular well and aquifer setting (e.g., Hallberg and Keeney, 1993). There is no generality that can be applied to these latter settings.

Because occurrence may vary seasonally, it is important to try to capture these vulnerable periods in a one-time survey of contaminant occurrence such as the UCMR. Statistical studies of sampling strategies in surface water (e.g., Battaglin and Hay, 1996) have shown that incorporating sampling during spring and early summer runoff periods provides a more accurate representation of annual occurrence than random quarterly sampling (that can avoid these months). Ground water studies (e.g., Pinsky et al., 1997) suggest that the more vulnerable ground water settings also show peaks during these periods. The default vulnerable period for sampling for the UCMR has been designated to coincide with this period of peak vulnerability for much of the United States: one sample must be collected during May, June, or July, unless the State has better information to designate another period. Also, for surface waters, three additional samples will be collected throughout the year, and for ground water systems, one additional sample will be collected five to seven months before or after the vulnerable time. This additional sampling will also capture the winter recharge and runoff period that may be more vulnerable in the western coastal regions or warmer southern climates for some contaminants. In the case of some deeper ground water systems, States or systems may have additional knowledge of seasonal vulnerability patterns, in which case the State can designate an alternative period for sampling.

Public comments generally supported monitoring in a vulnerable time, but desired flexibility in establishing the time and frequency. The rule already provided flexibility in selecting a time within the May to July period for a sampling event. However, because the statistical approach requires consistency, today's rule enables a State to determine the alternate vulnerable time for monitoring, rather than each system using its own criteria for choosing a vulnerable time. With respect to frequency, the statistical approach requires that systems monitor with the same frequency so that a national frequency distribution can be developed. This precludes the State or a system from establishing its own monitoring frequency.

Two commenters indicated that pumping rate and not hydrologic factors accounted for variations in contaminant concentration, with higher pumping rates coinciding with higher concentrations. No specific data were offered in support of these comments. EPA believes that many factors may account for higher contaminant concentrations during certain seasons. While pumping rate may be a factor, hydrologic factors are documented as having a significant influence in concentrations of pesticides and other contaminants, as noted previously. A State may use pumping rates as a basis for designating an alternative vulnerable time if determined appropriate.

3. Monitoring Location

In § 141.40(a)(3), today's action identifies entry points to the distribution system (EPTDS) after any treatment, or the sampling points specified by the State for compliance monitoring under 40 CFR 141.24(f)(1), (2), and (3), representative of each principal, non-emergency water source in use over the twelve-month period of Assessment Monitoring, as the sampling locations for List 1 contaminants. Also, two sites in the distribution system (a site representative of water in the distribution system received by the general population that the system serves and a site in the distribution system representing the maximum residence time or the lowest disinfectant residual) are designated for microbiological or distribution system contaminants. Sampling at entry points to the distribution system after any treatment follows the existing regulatory approach for currently regulated contaminants and provides data for exposure assessment.

(a) Chemical Contaminants

The chemicals in this final rule (UCMR (1999) List 1) are all compounds that can enter a public water supply from the external environment (in contrast to disinfection byproducts, for example). The monitoring location is at the entry point to the distribution system after treatment, representative of each principal non-emergency source of water in use over the twelve-month monitoring period, which will ensure a nationally consistent data set and will provide consistent data for exposure assessment. In response to State and water system commenters, EPA also provided flexibility in the final rule to allow sampling of source (raw) water sampling points. However, if a listed contaminant is detected through source

water sampling and testing, then the monitoring location must be shifted to the entry point to the distribution system (unless there is no treatment) and follow the monitoring frequency specified in the rule for the contaminant and water source type.

(b) Microbiological Contaminants

The sampling locations for microbiological contaminants are different from those for chemical contaminants because the most likely locations with microbiological contaminants may be in the distribution system, or, for some systems, in source water. Two sampling locations were considered in the development of this regulation and are included in the reporting requirements under 40 CFR 141.35(d). No microbiological contaminant is on List 1 for Assessment Monitoring so the two sampling points are not now required. When microbiological contaminant monitoring is required, one of the samples will be at the site below a representative entry point to the distribution system that is used for taking total coliform samples; this sample will represent general exposure. The second sample will be in the distribution system that has the maximum residence time or lowest disinfectant residual, representing the extreme exposure of the population at this point in the distribution system. These sampling points were suggested by stakeholders. EPA will consider activating these sampling points for microbiological contaminants when their analytical methods are determined to be ready for Assessment Monitoring, Screening Survey or Pre-Screen Testing through separate rulemaking. Over the twelve-month period of monitoring, systems would sample at locations representing each principal, non-emergency source of water used over the monitoring period, to the extent possible. One commenter suggested that distribution system samples be taken at sites used for sampling total trihalomethanes (TTHMs). EPA will consider TTHM sites when it proposes methods for microbiological contaminants or other contaminants likely to occur in distribution systems.

Currently, it is not possible to assess whether or not all of the microbiological contaminants (including those on List 3) are likely to be found at any one sampling location, or that one sampling location is best to potentially identify all microbiological contaminants. The occurrence data needs may differ for different contaminants. Different portions of the water supply and distribution system may be more likely locations of particular microbiological contaminants/occurrences. Therefore, the sampling location for each microbiological contaminant may need to be contaminant-specific and related to the likelihood of occurrence.

As a result, for the microbiological contaminants on Lists 2 and 3 of the rule today, EPA has not identified a sampling location or locations. For some of the microbiological contaminants, source water may be the most appropriate sampling location. EPA will specify sampling locations at the time public comment is requested on the specific monitoring requirements for microbiological contaminants.

4. Quality Control Procedures for Sampling and Testing

To assure that the data collected under this final regulation are of sufficient quality to meet the requirements of its intended uses, EPA is requiring the use of the analytical methods and procedures in § 141.40(a)(3), (4), and (5) and Appendix A for monitoring. Also, additional guidance for quality control and analytical confirmation are specified in the "UCMR Analytical Methods and Quality Control Manual", available by the time this rule is published. This final regulation covers quality control steps for all sampling and testing under this program. Today's final rule requires that all monitored systems follow these methods and procedures in organizing and conducting their UCMR sampling and testing. Systems must also ensure that the laboratories they use to analyze samples use these approved methods and procedures. The specific quality control requirements addressed in § 141.40(a)(3), (4) and (5) and Appendix A of the final rule include: sample collection/preservation; sample transport; sample and sample extract holding time and storage; sample analyses/quality control requirements, including quality control (QC) requirements, calibration, calibration verification, laboratory reagent (method) blank, quality control sample, laboratory duplicates, sample matrix spike and matrix spike duplicate, internal standard, surrogate standard, method detection limit determination, minimum reporting level; confirmation; and reporting requirements. EPA believes that specifying the quality control requirements for UCMR sampling and testing will enable the Agency to have a high degree of confidence in determining the extent and range of concentrations for the contaminants on the UCMR (1999) List, since they are not regularly tested for nationally.

5. Monitoring of Routinely Tested Water Quality Parameters

In addition to the contaminants to be monitored, several chemical and physical parameters are important indicators of water quality and may contribute to the likelihood of contaminants being found in drinking water. EPA requested public comment on whether it should require the monitoring and reporting of these routinely tested parameters, usually associated with water quality analyses, to provide for a more thorough scientific understanding of the occurrence of unregulated contaminants. These chemical and physical parameters are not added to the UCMR (1999) List because they are not contaminants, but rather they provide supplementary data about the sample results which will facilitate their interpretation and use in regulatory decisions. Public comments indicated that for some systems and States, these chemical and physical parameters are routinely tested for, and in others, they are not. One commenter stated that temperature and pH were important for chemical contaminant occurrence and degradation. Another commenter indicated that analyzing for these water quality parameters is essential to managing his system's water. In response, EPA has revised the rule to require that for organic and inorganic chemical samples, pH be reported for the sampling event of each sampling point. Since no supporting information was provided, EPA determined that while temperature may be important for microorganisms, it is not expected to affect the results for chemical contaminants because the storage and transit temperature requirements in the approved methods will minimize the loss of target contaminants due to any physical, chemical or biological processes. For microbiological contaminants, temperature, pH, free disinfectant residual, and total disinfectant residual must be reported. These required water quality parameters are listed in § 141.40 (a)(4)(i) Table 2, Water Quality Parameters To Be Monitored With UCMR Contaminants. These water quality parameters must be reported as analytical results along with other results and data elements.

6. Relation to Compliance Monitoring Requirements

Currently, compliance monitoring for regulated contaminants is coordinated on a three-year cycle. All public water systems that are required to monitor for specific contaminants a minimum of one year out of every three, six, or nine

years, depending on the contaminant and its occurrence in the system. The existing unregulated contaminant monitoring requirements and the final revised UCMR require monitoring during one year out of every five years. EPA provides flexibility in this final UCMR so that public water systems: (a) only have to monitor for unregulated contaminants during one twelve-month period every five years (unless the State, at its discretion, determines that PWSs should conduct more frequent monitoring); (b) can use previously State-specified compliance sampling points, including source water sampling points; and (c) choose a sampling time within quarters or three-month periods specified in the rule. Hence, the compliance monitoring and the UCMR monitoring can be coordinated, to the extent practical, by conducting UCMR monitoring during a coincident year during which compliance monitoring is required. The years within which the unregulated contaminant monitoring are required to occur are specified in § 141.40(a)(3), Table 1, Unregulated Contaminant Monitoring List, column 6.

7. Previous Monitoring of the Contaminants on the Final UCMR (1999) List

Some PWSs may already have monitored for or want to monitor before the rule's effective date of January 1, 2001, for some of the contaminants identified on the final UCMR (1999) List because of local or State concerns about the possibility of those contaminants occurring in drinking water. At the time of proposal, EPA was concerned about allowing systems to report monitoring results for samples taken and tested prior to promulgation of the UCMR. EPA was concerned that such results might not be comparable to results obtained under this revised UCMR Program because of differences in sampling and analytical protocols, as well as the sampling schedule. Other factors thought to compound the problem of comparability included: (1) monitoring methods may have changed or improved; (2) water quality changes over time; and, (3) today's action requires reporting of a net increase of seven additional data elements, which will allow various, consistent comparisons to be made and data to be aggregated nationally based on current sound-science and quality assurance/quality control consistency. However, EPA received comments recommending that previously collected data should be accepted for the unregulated contaminants on the monitoring list as long as they meet all the requirements of this final rule. In response, EPA reevaluated the circumstances under which previously collected (also referred to as "grandfathered" or "grandparented") data could be accepted, given the statistical and quality assurance/quality control requirements of the UCMR Program. EPA has modified the regulation to allow previously collected data to be reported, as long as the data meet the sampling, testing and reporting requirements specified in 40 CFR 141.35(d) and 141.40(a)(3), (4), (5) and Appendix A. This change will allow for early monitoring and reporting for MTBE, as long as it meets the requirements of the UCMR. By doing so, EPA is responding to one of the recommendations of the Blue Ribbon Panel on Oxygenates in Gasoline, a panel appointed by EPA Administrator Browner, to evaluate the issues posed by the use of MTBE in gasoline. This recommendation consisted of accelerating the implementation of the UCMR, by allowing systems to sample for MTBE prior to the implementation date of January 1, 2001.

E. Waivers

1. Waivers for Systems Serving More Than 10,000 Persons

Section 1445(a)(2)(F) of SDWA allows a State to obtain a waiver of UCMR monitoring for specific contaminants if the State demonstrates that the UCMR listing criteria do not apply in that State. These criteria are:

(a) the criteria for listing a contaminant in the occurrence priorities list in the CCL or the regulatory process identifying contaminant occurrence in two or more States; and

(b) whether an analytical method exists for the contaminant.

When a State makes such a demonstration for a waiver of a specific contaminant on the monitoring list, EPA may waive monitoring for that contaminant in that State for large systems (serving more than 10,000 persons) only.

Stakeholders indicated that waiver requirements should be sufficiently stringent to obtain the most representative national data possible, including non-detections of contaminants on the UCMR (1999) List. Since only the UCMR listing criteria in (a) are relevant to a State-specific waiver and based on stakeholders' concern that the waiver be narrowly applied, EPA is requiring that this waiver be applied only where the State can demonstrate that the contaminant has not been used, applied, stored, disposed, released, or detected in the source waters or distribution systems in the State in the past 15 years and that the contaminant does not occur naturally (such as growth in a system or air deposition) in the State. Source Water Assessments provided for under Sections 1453 and 1428(b) of SDWA may be used as the basis for these waivers if the assessments specifically address the contaminant(s) on the UCMR List for which a waiver is sought. Table 3, Uses and Environmental Sources of Contaminants for the Monitoring List, presents the uses and sources of the contaminants included for the final UCMR (1999) List. A State can apply for a waiver from monitoring for specific contaminants, but must receive EPA approval to waive the monitoring.

While some chemical contaminants may only be discharged into the environment in regional or local areas, microbiological contaminants may be ubiquitous. However, previous monitoring results over time may provide information useful to waiver determinations for microbiological contaminants.

Public comments on system-specific waivers ranged from not allowing waivers for any systems to providing waiver procedures for individual systems. EPA decided that such waivers are not provided by the statute and would be generally inconsistent with the nature of a program that relies on nationally representative data. Detections and non-detections are equally important in deciding whether to regulate a contaminant. If waivers are given to systems not expected to have occurrence of a particular contaminant or group of contaminants, then the resulting data set will be biased toward systems having detections, potentially contributing to an incorrect conclusion about contaminant occurrence and regulation. EPA did not change the rule to allow other circumstances under which contaminant monitoring waivers could be given.

2. Waivers for Small Systems in State Plans

EPA is not allowing waivers to be granted for small systems serving 10,000 or fewer persons in State Plans for the national representative sample. Stakeholders also supported this position. The systems in State Plans will be statistically selected with the assumption that all systems in a particular size category and water source type have an equal probability of being selected. Non-detections are just as important as detections of contaminants for national analysis. Waiving contaminants to be monitored in certain States not expecting to have such contaminants biases the

representative sample toward detections. Selecting the small systems to be included in the State Monitoring Plans for the representative sample through a statistical process effectively waives ninety-seven percent of the systems from the final monitoring requirements (based on using 99 percent confidence level with three percent allowable error). Therefore, EPA rejected waivers for systems serving fewer than 10,000 persons because this approach is contradictory to obtaining a scientifically sound data set that provides the basis for a scientific statistical analysis. The rule was not changed in this regard.

TABLE 3.—USES AND ENVIRONMENTAL SOURCES OF CONTAMINANTS FOR THE MONITORING LIST

Contaminant name	CASRN	Use or environmental source
Proposed Chemical Contaminants		
1,2-diphenylhydrazine	122–66–7	Used in the production of benzidine and anti-inflammatory drugs.
2-methyl-phenol	95–48–7	Released in automobile and diesel exhaust, coal tar and petroleum refining, and wood pulping.
2,4-dichlorophenol	120–83–2	Chemical intermediate in herbicide production.
2,4-dinitrophenol	51–28–5	Released from mines, metal, and petroleum plants.
2,4-dinitrotoluene	121–14–2	Used in the production of isocyanate and explosives.
2,4,6-trichlorophenol	88–06–2	By-product of fossil fuel burning, used as bactericide and wood/glue preservative.
2,6-dinitrotoluene	606–20–2	Used as mixture with 2,4-DNT (similar uses).
Acetochlor	34256–82–1	Herbicide used with cabbage, citrus, coffee, and corn crops.
Alachlor ESA	.....	Degradation product of alachlor, an herbicide used with corn, bean, peanut, and soybean crops to control grasses and weeds.
DCPA di-acid degradate	2136–79–0	Degradation product of DCPA, an herbicide used on grasses and weeds with fruit and vegetable crops.
DCPA mono-acid degradate	887–54–7	Degradation product of DCPA, an herbicide used on grasses and weeds with fruit and vegetable crops.
DDE	72–55–9	Degradation product of DDT, a general insecticide.
Diazinon	333–41–5	Insecticide used with rice, fruit, vineyards, and corn crops.
Disulfoton	298–04–4	Insecticide used with cereal, cotton, tobacco, and potato crops.
Diuron	330–54–1	Herbicide used on grasses in orchards and wheat crops.
EPTC	759–94–4	Herbicide used on annual grasses, weeds, in potatoes and corn.
Fonofos	944–22–9	Soil insecticide used on worms and centipedes.
Lead-210 (Pb-210)	14255–04–0	Part of the uranium decay series, naturally occurring.
Linuron	330–55–2	Herbicide used with corn, soybean, cotton, and wheat crops.
Molinate	2212–67–1	Selective herbicide used with rice, controls watergrass.
MTBE	1634–04–4	Octane enhancer in unleaded gasoline.
Nitrobenzene	98–95–3	Used in the production of aniline, which is used to make dyes, herbicides, and drugs.
Perchlorate	14797–73–0	Oxygen additive in solid fuel propellant for rockets, missiles, and fireworks.
Polonium-210 (Po-210)	13981–52–7	Part of the uranium decay series, naturally occurring.
Prometon	1610–18–0	Herbicide used on annual and perennial weeds and grasses.
RDX	121–82–4	Used in explosives; ammunition plants.
Terbacil	5902–51–2	Herbicide used with sugarcane, alfalfa, and some fruit, etc.
Terbufos	13071–79–9	Insecticide used with corn, sugar beet, and grain sorghum crops.
Microbiological Contaminants		
Adenoviruses	N/A	Fecal sources; hand to mouth transmission.
Aeromonas	N/A	Present in all freshwater and brackish water.
Cyanobacteria (Blue-green algae), other freshwater algae and their toxins.	N/A	Bloom in surface water bodies; produce toxins.
Caliciviruses	N/A	Contaminated food and water, raw shellfish.
Coxsackieviruses	N/A	Fecal sources; hand to mouth transmission.
Echoviruses	N/A	Fecal sources; hand to mouth transmission.
Helicobacter pylori	N/A	Fecal sources; hand to mouth transmission.
Microsporidia	N/A	Occur in rivers, ponds, lakes, and unfiltered water.

F. Representative Sample of Systems Serving 10,000 or Fewer Persons

As required by section 1445(a)(2)(A) and (C), the regulation requires that only a representative sample of public water systems serving 10,000 or fewer persons must monitor for unregulated contaminants. As previously explained, only community and non-transient non-community systems are required to monitor for unregulated contaminants under this action. Therefore, the representative sample will include only community and non-transient non-community systems serving 10,000 or fewer persons. The representative sample must be of sufficient size to gather the necessary information on occurrence of unregulated contaminants to determine whether or not to regulate them, while not burdening every water system with the expense of monitoring. The number of systems selected within each of three size ranges of small systems will be based on the proportion of the State's population served by systems in that size range. (An example appears in Section 5.(a), "State Plans for the Representative Sample".) The small systems in the national representative sample will be selected using a stratified random sampling process. This process will utilize a random number generator to choose a statistically determined number of systems in each State, considering the proportion of the population served by CWSs and NTNCWSs by water source type (i.e., ground or surface water) and system

size category (i.e., 25 to 500 persons, 501 to 3,300, and 3,301 to 10,000) within the water source type. The regulation stipulates that the national representative sample is the basis for the State Monitoring Plan in each state. The use of this statistical approach is designed to take into account different system sizes, types of systems, the source of supply, contaminants likely to be found, and geographic location. EPA believes that the statistical process for selecting systems to monitor must yield data that are sufficient to answer questions about occurrence of contaminants on a national scale for use in exposure assessments and technology evaluations of alternative treatments at a PWS and in its watershed. These data should also be sufficient to answer questions on a broad multi-state scale, such as systems classified by size or source of water, particularly when combined with data for the 2,774 large systems.

Under this action, small system monitoring will be too sparse to answer questions about occurrence at the scale of a single State. The number of systems required for evaluation of occurrence in a single State is far greater than, and thus more costly than, those needed for the broader national evaluations required under the Act to determine whether or not to regulate a contaminant and to assist in developing future drinking water regulations.

1. System Size

Based on statistics reported in the Safe Drinking Water Information System (SDWIS) database, the following numbers of systems (1997 data) by size will approximate the universe from which a representative sample of systems serving 10,000 or fewer people will be taken for the national representative sample plan. These system size categories are used in other statutory and regulatory characterizations of systems, and are applied under the existing rule for unregulated contaminant monitoring for the scheduling of sampling. The relevant system and population information (1997) for systems serving 10,000 or fewer persons is:

No. of people served in PWS size range	No. of PWSs in size range	Population served nationally	
		CWS	NTNCWS
25–500	48,100	5,249,577	2,379,034
501–3,300	14,126	19,918,106	2,724,728
3,301–10,000	3,410	25,236,059	401,579
Total	65,636	50,403,742	5,505,341

Considering all community water systems and nontransient non-community water systems that do not purchase their water supplies, 65,636 PWSs are in the size range for small systems as defined in Section 1445. In response to public comments that indicated the appropriateness of including purchased water systems, EPA revised this rule to cover systems purchasing water from other systems if their distribution systems are the locations of the maximum residence time or lowest disinfectant residual in relation to the combined water seller-purchaser distribution system. Purchased water systems will not be required to monitor for contaminants for which the sampling location is specified as the entry point to the distribution system because they could bias results by potentially causing double counting of contaminant occurrence.

2. System Type

(a) Public Water System Monitoring

Under today's action, all public water systems serving 10,000 or fewer persons, except transient non-community systems, will be considered for monitoring, but only a subset will be selected for the national representative sample. Purchased water systems will be excluded from UCMR monitoring for contaminants where the sampling point is identified as the entry point to the distribution system. Public water systems owned and/or operated on Tribal lands by Tribes will have the same probability of being selected for the national representative sample as any other system in its water source-system size category. EPA will identify the size of the representative sample and the specific systems required to monitor and send the list of systems to the States for review and inclusion in State Monitoring Plans (discussed in Section V. F. 5).

(b) Nontransient Non-Community Water Systems

Nontransient non-community water systems (NTNCWSs) represent schools, hospitals and other facilities in communities that serve the resident population but have their own water supply systems. Approximately 20,000 systems of this type exist in the United States. Today's final regulation at § 141.40(a)(1)(iii) includes NTNCWSs as a separate type of water system to be included in the representative sample for monitoring. Typically, these systems are closely associated with a local resident population and may be a significant source of water consumed by that population over a lifetime. The selection of NTNCWSs will use the same statistical process as for CWSs, with systems grouped within a State by water source type and size category. NTNCWSs are considered separately to avoid double-counting the population served when conducting exposure assessments of both small CWSs and NTNCWSs, while allowing weighting of lifetime water consumption by system type.

(c) Transient Non-Community Systems

Transient non-community water systems represent systems providing drinking water to transient populations such as at a restaurant in a rural location or a highway roadside rest area. About 97,000 of these systems exist in the United States; their location and type are highly variable. It will be difficult to extrapolate exposure from monitoring results, given the very short-term nature of the systems' use by individuals who may not be in the area for more than a few hours or days. Because of problems with implementation and cost for sampling such a large and highly variable set of typically very small systems, EPA has excluded transient systems from all unregulated contaminant monitoring requirements in this final rule. In this regard, this action is consistent with the current UCMR Program. Four of the five public commenters addressing transient systems supported exclusion of transient systems from requirements for unregulated contaminant monitoring.

3. Geographic Location

SDWA Section 1445 specifies that State plans should consider "geographic location" when selecting a representative sample. This is

accomplished at the broadest level by selecting systems from each State. However, within a State, the sources of water may not be evenly distributed across that State, especially surface waters. Cities transfer water across watershed boundaries, or move water from one State to another. To best represent water being consumed by individuals, EPA defines "geographic location" in the representative sample for the final rule today as the location of the source of water, rather than as an even distribution of points across the State. For example, if 40 percent of the people in a State obtain their water from one water source type (e.g., surface water), 40 percent of the systems selected for the representative state sample should be from that source type, even if this results in points unevenly distributed across the State. This distribution should be accommodated by allocating systems based on the population served nationally and in each State stratified by water source and system size category.

4. Likelihood of Finding Contaminants

Section 1445(a)(2)(A) requires that the UCMR Program take into account the likelihood of finding a contaminant in establishing variable monitoring requirements for systems. The final rule allows the UCMR Program to focus on monitoring for contaminants that are expected to be found nationally or within several regions of the United States. Therefore, the expectation of finding the contaminants nationally is fundamental to the approach of the representative sample and its statistical method of selection. The "likelihood of finding contaminants" factor is accommodated by the step-wise three-tiered approach of Pre-Screen Testing, Screening Survey and Assessment Monitoring.

5. State Plans for the Representative Sample

As discussed previously, Section 1445 (a)(2)(C) allows States to develop State Monitoring Plans (also referred to as "State Plans") to assess the occurrence of unregulated contaminants for small systems in the State. EPA believes that the development of State Plans is affected by two other considerations: (i) the State plans must fit together into a national representative sample so that it is, in fact, nationally "representative," and (ii) EPA will pay for the reasonable costs of testing and laboratory analysis necessary to carry out monitoring at State Plans, pursuant to Section 1445(a)(2)(C)(ii).

(a) Representative State Plans

To have representativeness at the national level while at the same time allowing each State to develop a "State Plan," the testing for which EPA will fund, the Agency will take the following approach. Based on a statistical random selection process applied to all CWSs and NTNCWSs nationally using the average population served by systems and water source type (surface or ground water to ensure geographic coverage) within service-size categories (25–500, 501–3,300, 3,301–10,000 persons), EPA will select at least twice as many CWSs and NTNCWSs as required for the national representative sample. EPA will use a random number generator to select these systems. These systems will be divided into an "initial plan" list and a "replacement list" to allow for replacement of systems on the list with systems from the replacement list, by States. The representative sample will be allocated on a State basis, and then stratified by water source type and then by service size category within each water source type. EPA will use the percentages of the populations served in each water source-system size category to further allocate the systems in each State. The "initial plan" list of systems will identify those systems tentatively selected by EPA for each State. To establish a State Plan for small system monitoring, a State may enter into a Memorandum of Agreement (MOA) with EPA to take a partnership role in the development and implementation of the State Plan. By agreeing to participate in the process for the State plan through the MOA, the State must accept the EPA-selected systems on the "initial plan" as its plan, or review the list to determine which systems should be removed from the list because of such factors as closure, merger, or water purchase arrangement and submit a modified plan. The State must replace the system(s) they remove from the list with the water system(s) from the "replacement list" in the order the systems are listed in the replacement list, thus creating a "modified plan." The State, in either case, must inform the EPA of the State's choice of plan (i.e., "initial" plan or "modified" plan) along with reasons for removing and replacing systems on the "initial plan" within 60 days of receiving the "initial plan." If the State decides not to enter into an MOA with EPA for the State Plan process, then the EPA will consult with the State before the State adopts the "initial plan" as its State Plan. In a State with an MOA, the State Plan will include a process for the State to inform the public water systems of their responsibility to monitor and report results, their vulnerable time period, other monitoring times, sampling instructions, and of their participation in the screening survey and pre-screen testing. The EPA will inform systems of their inclusion in the representative sample if the State chooses not to enter into an MOA for the State Plan. This approach ensures a nationally representative set of systems and allows a State flexibility to modify EPA's "initial plan" with minimal burden. EPA will develop and provide initial plans to States and Tribes in the first half of year 2000 to allow sufficient time for State/Tribal review and modification, and for informing systems selected for the State Plans.

Statistical Approach. Under today's action, the representative sample of small public water systems will be composed of a subset of systems which, in the aggregate, represent the public water systems of the three small system size categories within the United States. Within a State, public water systems will need to be selected so that the proportion of persons served by the systems sampled is as close as possible to the proportion of persons served by that system size category within each water source type for that State. The portion of the national representative sample within a State's boundaries will become that State's Monitoring Plan, after review and possible adjustment by the State, and then EPA review.

For the small systems considered, a representative sample size of approximately 800 systems will provide a confidence level of 99 percent with an allowable error of plus or minus 1 percent. This number of systems is statistically derived to allow population weighting for exposure assessment. Because of population weighting in the selection of the representative sample, systems are a surrogate for the number of people being monitored for unregulated contaminants in their drinking water. Since population exposure assessment is the principal use of the data in the regulation development process, the quantity of interest is the fraction of people exposed, rather than the fraction of systems affected. However, the law requires measuring contaminant occurrence at systems and it is more efficient to measure at systems. So the population weighted plan allows EPA to recognize systems providing drinking water to their service population as a surrogate for people. When the goal is exposure assessment, then a population weighted sampling plan for systems is optimal. The results can also be used to

estimate the number of systems affected, although the selected population weighted plan is not optimal for this purpose.

The results will also be useful for analysis of contaminant occurrence at small systems in national analyses by water source and system size categories or strata, with a confidence level of 95 percent and a one percent margin of error. EPA will allocate systems to each State, water source type and system size category by: (1) estimating the population served by all small CWSs in each State, (2) dividing this population into the population served in each water source type-system size combination to derive a percentage, and (3) multiplying the percentage by the number of small systems in the State, with the result being the number of systems allocated to each water source-system size category. This allocation is a statistical stratification of systems by water source type and system size category. The approach ensures that each State has systems allocated to it for its State Plan. To accomplish this allocation of systems to each State, EPA will add a sufficient number of small CWSs and NTNCWSs to the statistically derived number for the representative sample to allow each State to have a plan that will then fit into the national representative sample, with each State having at least two systems. Once monitored, the results of the representative sample of small systems will then be combined with large system results in an overall national analysis of contaminant occurrence in systems. EPA believes that this sample size will provide an adequate level of confidence, considering size, type (community and non-transient non-community water systems), geographic location (State), and water source. EPA also believes that this approach provides sufficient information for the decision processes drawing on UCMR monitoring data for systems serving 10,000 or fewer persons, while keeping testing costs at a manageable level. This number of systems should be sufficient to statistically evaluate whether a contaminant occurs in a specified proportion, such as 2 or 3 percent of the population (using systems as a surrogate). This number of systems, confidence level and allowable error will enable EPA to: (1) evaluate the statistical significance of contaminant occurrence with low frequency and (2) compute the percent of systems for occurrence nationally, combining the results of both small and large systems.

Further rationale for using a small number of systems and small allowable error (confidence interval) in calculating the number of systems to be included in the representative sample is provided in the monitoring results from previous unregulated contaminant monitoring under the existing program. EPA has results from over 28,000 systems from the unregulated contaminant monitoring activities of 1988 to 1992 (the first round of unregulated contaminant monitoring under the existing program) that indicate that of the 34 contaminants required to be monitored at that time, 30 occurred at less than 2 percent of systems and, of those, 27 occurred at less than 1 percent of systems. Ten of these contaminants were selected for the Contaminant Candidate List "Regulatory Priorities" (see 64 FR 23403) and all of the ten contaminants occurred at less than 2 percent of systems and eight, at less than 1 percent. Of the eight contaminants occurring at less than one percent of systems, four have health effects values within the concentration range of contaminant occurrence (bromomethane [a pesticide], 1,3-dichloropropene [a pesticide], hexachlorobutadiene [a solvent], and 1,1,2,2-tetrachloroethane [a solvent]), and consequently may be considered for future regulation. These data point at the need to focus at the low end of occurrence. Using a small allowable error minimizes the chance of EPA incorrectly deciding whether or not to regulate a contaminant based on occurrence. Once EPA evaluates health effects data, contaminant occurrence among States and systems, contaminant sources, treatment technologies, and other relevant information, the small allowable error allows EPA to make regulatory determinations with a high degree of confidence.

If, based on prior information (e.g., from a Screening Survey or Pre-screen Testing), EPA determines that the listed contaminants occur in a different percent of systems at a different statistical confidence level and/or allowable error providing scientifically defensible monitoring results, then EPA may apply a different likely percent of systems, confidence level, and/or allowable error to determine a smaller representative sample size. The statistical approach for specifying the number of systems by water source type (ground water, surface water or ground water under the direct influence of surface water) and systems size is as follows:

The number of systems, n, required in the representative sample is determined by the allowable error ($\pm d$) around the estimate for p, the proportion of systems (a population-weighted surrogate for people) which exceed a criteria (e.g., detection level) of interest. Based on the binomial distribution in statistics, the number of systems n which must be sampled for a likely proportion p of people (systems as a surrogate) with contaminant occurrence within the allowable error d with confidence $(1 - a)$ is approximately:

$$n = \frac{z^2_{(a/2)} p(1-p)}{d^2} \qquad (1)$$

The number of systems to be sampled, n, does not depend on the total number of systems available. The number from the standard normal distribution, z, is obtained from a table of the standard normal distribution, representing a collection of data following a "bell-shaped curve" which have a (standardized) mean of zero and standard deviation of one. The significance level, a, is the chance of the statistical interval of interest not containing the true value of the number being estimated, which, in this case, is the percent of systems where contaminants of concern on the UCMR List occur. The true value for the percentage of systems where contaminants of concern occur can only be known if all systems are sampled, which is not a possibility since Section 1445(a)(2)(A) requires that only a representative subset of small systems be required to monitor for unregulated contaminants. Using this equation (1), the matrix below presents the required sample sizes for several values of allowable error margins and confidence levels. For the national representative sample, an allowable error of ±0.01 at a confidence level of 99 percent and a likely proportion of systems with contaminant occurrence of 1 percent was chosen. The possibilities for sample size, confidence level and allowable error considered in developing this approach are:

SAMPLE SIZES FROM A UNIVERSE OF 65,600 SYSTEMS BASED ON: CONFIDENCE LEVEL

Confidence Level (1-*a*)	*d*, Allowable Error			
	.03	.02	.01	.005
90%	30	67	266	1,065
95%	42	95	380	1,521
99%	73	165	659	2,636

EPA believes that a representative sample size of 659 systems to be sufficient to draw conclusions about contaminant occurrence for small systems, based on 99 percent (.99) confidence level, ± a 1 percent (.01) allowable margin of error (confidence interval), and target percent of contaminant occurrence in 1 percent of systems. EPA chose a confidence level of 99 percent because it wanted high confidence that the true proportion was included in its sample results. A 5 percent chance that the window of error did not include the true proportion was considered too large, given the amount of money invested in monitoring and regulatory decisions. Based on the monitoring program, a 1 percent risk (100 − 99 percent confidence) that EPA missed the target was more acceptable.

A small allowable error (narrow confidence interval), such as ±1 percent (±0.01), is important for evaluating the expected low percentages of contaminant occurrence in systems because EPA wants to be able to determine when the monitoring results show that the percent of systems is distinguishable from zero or some other small value close to zero. Determining this outcome will help EPA decide which contaminants should receive primary focus for possible regulation after the results are evaluated with health effects data.

To further consider the implications of the table above, suppose that after sampling these 659 systems, the proportion *p* which equaled or exceeded a detection level was 4 percent (0.04). The estimate of the true (unknown) proportion will be 0.04±0.02, or 4 to 6 percent. This interval has a 99 percent likelihood of containing the true proportion of systems having an occurrence of the contaminant of concern. There is a 1 percent (0.01) chance (*a*) that the true proportion is outside this estimated interval. A larger allowable error, *d*, (e.g., 3 percent) results in a wider estimate window. Knowing only that the proportion is somewhere within a window of 6 percent (e.g., between 1 and 7 percent) was too large a window of error if the percent of systems having occurrence of the UCMR (1999) List contaminants is less than 3 percent, which may be possible based on information from previous unregulated contaminant monitoring. In such a situation, it will be difficult to determine whether the percent of systems with contaminant occurrence was significantly different than zero or some small number.

For the purposes of data interpretation in the future, EPA has determined that, rather than using the normal approximation to the binomial distribution, the Agency should use the Wilson score interval method (Newcombe, 1998) which results in a confidence interval around the estimate of the percent of systems with contaminant occurrence which is narrower on the left or "zero" side of the estimate and wider on the right side of the estimate. One advantage to this interval is that it does not include zero whenever the estimated exposure is non-zero.

Additionally, EPA will increase the representative sample size of CWSs to 721 to increase the statistical power of the smallest system category. EPA will also add 79 systems to the NTNCWS sample size (using the same approach of applying the percentage of population served by NTNCWSs in each State to derive the number of systems allocated to each State). A total of 800 CWSs and NTNCWSs are included as the national representative sample. This allocation facilitates assigning systems to each State in the representative sample, allowing each State to have at least two systems.

Technical peer review of the statistical approach found it to be sound for the purposes of estimating contaminant occurrence to assess population exposure to the contaminants from Assessment Monitoring. Both internal and external peer review indicated the possibility of using another statistical method (such as the Poisson approximation to the binomial distribution or Wilson score interval method) to derive the number of systems in the national representative sample and to interpret the data at a given confidence level and error once they are reported. Additionally, the public commenters supported the statistical approach for deriving and implementing the national representative sample of small systems.

The representative sample of 721 small CWSs and 79 NTNCWSs will be disaggregated to the State level, and stratified by water source type (ground water or surface water) and system size (the three size categories of 25–500, 501–3,300, and 3,301–10,000 persons). The stratification by State, water source type and system size is described in the following example.

Example. To determine the number of PWSs (CWSs and NTNCWSs) randomly selected for unregulated contaminant monitoring as part of the national representative sample, the following figures are used as the starting point and are approximations for the purposes of example only:

US population: 265,000,000

US population served by small PWSs serving ≤ 10,000 persons: 50,000,000

State A's population served by small PWSs serving 10,000 or fewer persons equals 1,251,340 persons, which divided by 50,000,000 persons served nationally by small water systems equals 2.5 percent, or the percent of State A's population served by small systems of the national population served by small systems. Multiplying 2.5 percent (0.025) times the 659 systems nationally equals 16.48, rounded to 16, which is the number of small systems allocated to State A for its representative sample. Mathematically, this can be expressed as:

$$\frac{1{,}251{,}340 \text{ persons in State A}}{50{,}000{,}000 \text{ persons in U.S.}} \times 659 \text{ systems in sample for U.S.} = 16 \text{ systems in State A's sample}$$

State A's population served by small PWSs supplied by surface water (SW) or ground water under the direct influence of surface water (GWUDI) equals 449,920 persons.

State A's population served by small PWSs supplied by ground water (GW) equals 801,420 persons.

For each water source type (surface or ground water), the population served by small systems is further divided into the size category. The next step is to divide the population in each size category by the population served by small systems in State A (1,251,340 persons), and then multiply that result by the number of small systems allocated to State A (18 systems), to obtain the number of systems in that size category for the water source type that will be in the State Plan (identified below as "State Plan Allocation"). For each water source type, the example results for State A are:

SW/GWUDI SYSTEMS IN STATE A

[Numbers of systems rounded to nearest whole number]

System size (persons served)	Population served by size category		Number of persons served in state A		Systems allocated to state A		State plan allocation
10,000–3,301	281,200 persons	÷	1,251,340	×	16	=	4
3,300–501	154,660 persons	÷	1,251,340	×	16	=	2
500–25	14,060 persons	÷	1,251,340	×	16	=	0
Total							6 systems

GW SYSTEMS IN STATE A

[Numbers of systems rounded to nearest whole number]

System size (persons served)	Population served by size category		Number of persons served in state A		Systems allocated to state A		State plan allocation
10,000–3,301	421,800 persons	÷	1,251,340	×	16	=	5
3,300–500	239,020 persons	÷	1,251,340	×	16	=	3
500–25	140,600 persons	÷	1,251,340	×	16	=	2
Total							10 systems

The total of 6 surface water and 10 ground water systems equals 16 systems, the number to State A's Plan. The replacement list of systems will also be developed and provided at this level of detail.

Sampling Plan. The sampling plan that EPA is considering is outlined here. As shown in the first matrix of confidence levels, the overall confidence level is established at 99 percent (0.99). The small water systems were allocated on the basis of population served, except in the very small strata, which EPA supplemented to bring the statistical inferential ability up to 95 percent in all cells of the confidence level matrix.

System Size Category	Desired Confidence Levels by Source Type		
	Ground Water	Surface Water	All Sources
Very Small (25–500 persons)	0.95	0.95	0.95
Small (501–3,300 persons)	0.95	0.95	0.95
Medium (3,300–10,000 persons)	0.95	0.95	0.95
All System Categories	0.95	0.95	0.99

SAMPLING PLAN

System Size Category	Planned national water system allocation by source type		
	Ground water	Surface water	All sources
Very Small (25–500 persons)	67	64	131
Small (501–3,300 persons)	186	74	260
Medium (3,300–10,000 persons)	189	141	330
All System Categories Subtotal	442	279	721
NTNCWS Subtotal			79
Total			800

Both the very small ground water and surface water systems categories contained too few systems to have a confidence level of 95 percent. The very small ground water category needed 6 additional systems and the very small surface water category needed 56 systems to bring them up to the 95 percent confidence level. These numbers of systems will be allocated to each State based on the number of persons served in each subcategory within the State. (Note that the example presented above did not reflect an additional allocation to the "very small" strata for surface or ground water systems for State A. Such an outcome would result because State A had a low number of people in this category relative to other States and would not be allocated an additional system in this plan.)

EPA has prepared a background document titled "National Representative Sample of Small Public Water Systems: Statistical Design and State Plans for the Unregulated Contaminant Monitoring Regulation" to describe in more detail this selection process and its relation to the State Plans. The background document is available by calling the EPA Safe Drinking Water Hotline at (800) 426–4791, or by viewing it on EPA's Internet Homepage for the Office of Ground Water and Drinking Water (www.epa.gov/safewater).

EPA asked for public comment on whether it should consider using a targeted approach for selecting systems in the national representative sample based on prior knowledge of contaminant use or occurrence, system operation or other locational information, rather than this stratified random selection approach. Internal and external peer reviewers and public commenters agreed that a targeted approach would bias the national results.

Several aspects of potential bias are of concern to EPA: (1) prior information on targeted use of a contaminant may not be perfect which may lead to missing the target zone; (2) targeting leads to biased results that would be expected to have a larger percentage of detections, potentially overstating occurrence of the contaminant; (3) targeting areas of known or expected contaminant use or occurrence for monitoring does not provide a representative national picture of occurrence, because both detections and nondetections of contaminants are equally important in determining national occurrence in the decision process of whether or not to regulate a contaminant; and (4) targeting areas of known or expected use or occurrence does not take into account that surface waters can carry the contaminant out of the targeted area.

The State Monitoring Plans will also include a representative sample of small systems that will be combined with a set of randomly selected large systems for Screening Survey monitoring of UCMR (1999) List 2 contaminants. The number of small systems, selected through the same statistical process from the systems used to conduct Assessment Monitoring, will be smaller (perhaps 150 to 200 systems out of a total number of about 300 small and large systems) because the purpose of the Screening Survey is to test for contaminant presence in systems rather than testing for concentrations in an established percentage (such as 2 or 3 percent) of systems, as is the case for Assessment Monitoring. If a contaminant occurs in a small percent (e.g., 0.5 percent) of systems, then the contaminant will be considered to occur at a level that will indicate that it should be included in the next round of Assessment Monitoring.

EPA needs to balance the number of systems included in the national representative sample required for statistical validity with the cost of paying for the testing. EPA believes that the final rule's approach balances the number of systems to be tested with the cost and also balances a nationally representative sample with the allowance for State plans. The final approach also relieves States from having to develop the statistical design and specify the systems to be monitored.

(b) Systems Selected for Pre-Screen Testing

If a State enters into an MOA with EPA, it can participate in the Pre-Screen Testing program. States must specify from 5 up to 25 systems as the systems most vulnerable to the contaminants on UCMR (1999) List 3. EPA will determine the number of systems to be selected in any State based on the population served by CWSs and NTNCWSs in a State. The States must modify their State Plans to identify the small systems selected for Pre-Screen Testing and notify the EPA of their addition to those Plans.

(c) Tribal Water Systems

Public water systems serving less than 10,000 persons that are located on Tribal lands in Indian country will be treated as an individual stratum for the representative sample. The stratified random selection process described previously allocates systems within water source and size category by population served. A PWS in Indian country will have the same probability of being selected as any other water system in another State based on the proportion of the population served by water source and system size category. Because no State has jurisdiction over such systems, EPA will consult with the appropriate tribal government concerning whether any initially selected system should be replaced due to merger, closure, or purchase of water from another system. The resulting set of systems will be the "State Plan" for Indian country.

Public comments relative to Tribal water systems requested that Tribal systems be specified through a stratified random selection process like the other systems in the national representative sample to avoid biasing the results. EPA agrees and plans to identify Tribal systems through the same stratified random selection process that is applied to the other systems.

(d) "Index" Systems

EPA generally has less information about systems serving 10,000 or fewer persons than about systems serving more than 10,000 persons. This lack of information on these systems and their operation affects EPA's ability to tailor regulations to systems of this size. To provide an improved understanding of small systems, EPA will select up to 30 small public water systems as "Index" systems and EPA will conduct Assessment Monitoring at these systems during each of the five years for which the UCMR List and national representative sample must be established. EPA is requiring more frequent monitoring from these systems than the systems selected for Assessment Monitoring. Index systems must be selected from the systems designated in State Monitoring Plans using a random number generator. EPA will pay for this monitoring, including provision of sample equipment, shipment of samples, testing, and reporting. EPA will help Index systems collect samples by sending a field technician to each Index system to obtain the samples. Index system sampling is being conducted to: ensure sample collection quality for the 30 systems; provide information of temporal variation encountered during the monitoring cycle; and better understand the needs of small public water systems in future regulations. The Index system sampling program is designed to ensure that future regulations better reflect the conditions under which small systems operate. Owners/operators of Index systems are required to assist EPA in identifying

appropriate sampling locations and provide information on wells and intakes in use at the time of sampling, well casing and screen depth (if known) for those wells, and the pumping rates of each well or intake at the time of sampling. The monitoring results for the Index systems will be used to characterize the UCMR results to other small systems in the national representative sample with this frequency and for this additional information. EPA or its representative will also collect information on precipitation, land use and other environmental factors (e.g., soils and geology) to provide the Agency with information on other conditions potentially affecting drinking water quality of small systems. This Index system monitoring will facilitate extrapolation of Assessment Monitoring results nationally for systems of this size. A description of the selection process for Index systems using a random number generator will be presented in the background document, noted above, titled "National Representative Sample of Small Public Water Systems: Statistical Design and State Plans for the Unregulated Contaminant Monitoring Regulation."

Public comments received concerning Index systems were generally supportive of the approach to provide additional information to tailor future regulations to small systems.

(e) Other State Data

Some States may sample and test additional systems beyond those included in the State Monitoring Plan. Any additional systems sampled by States should not be combined with those of the State Monitoring Plan for the purpose of computing national estimates of contamination. While providing useful information for protecting the health of persons using drinking water from these systems, this additional data will bias the results of the national representative sample if included. However, if the State wants to report the results of such monitoring, EPA could receive the data through the Safe Drinking Water Information System (SDWIS) for input to the NCOD. EPA plans to develop acceptance criteria to allow such data to be placed in the NCOD. Public comments supported EPA's position that any data from additional systems not in the State Monitoring Plan should not be combined with data from the representative sample of small systems because it would bias the national results.

G. Reporting of Monitoring Results

Today's final regulation replaces the reporting requirements at 40 CFR 141.35 to make the reported occurrence results more useful for sound scientific analyses.

1. Reporting Requirements (Data Elements)

UCMR data are one of four types of data that will potentially be reported to the NCOD as required by Section 1445(g). The other types of data that may be included in the NCOD are: (1) regulated contaminant occurrence data below the maximum contaminant level (MCL) but above the minimum reporting level (MRL) (a regulation may be developed to obtain this data during 2000); (2) source water monitoring data; and (3) other data from special studies and research. Since these data will come from varying sources, they may have different reporting requirements. The PWS data from unregulated contaminant monitoring may have the smallest number of data elements to be reported because of the greater level of control over the quality of the data through the laboratory certification programs and the monitoring and quality control requirements in the final rule today.

EPA engaged in an extensive process of stakeholder and technical review when developing the NCOD to identify information reporting requirements that allow data from different sources to be adequately evaluated, compared, and interpreted. The NCOD information requirements process identified additional data elements that must be considered for UCMR reporting with unregulated contaminant sample test results. These data elements are especially important because many of the contaminants may not be routinely tested for and will need sample test data quality indicators to assist in interpreting the results. These additional data elements for the unregulated contaminants, and the reasons EPA adds them to the previous reporting requirements in this rule, are explained briefly in the following table. EPA requested public comment on these additional reporting requirements identified in Table 4, Final Additional Data Elements for the UCMR. The only comments EPA received, other than support for the additional data elements to be reported, were to clarify Minimum Reporting Level and Method Detection Level reporting and their difference from Instrument Detection Level and Estimated Detection Level and to use "presence/absence" for microbiological contaminants only. A technical peer reviewer also suggested that spiking concentration be added to the reporting requirements to allow evaluation of the methods being used, since the methods are still being refined. The reader is referred to the document titled, "Public Comment and Response Summary" for the Unregulated Contaminant Monitoring Regulation for a discussion of these comments. The complete list of data elements for the UCMR appears in the rule at § 141.35(d), Table 1.

TABLE 4.—FINAL ADDITIONAL DATA ELEMENTS FOR THE UCMR

Final data element	Definition	Reason for reporting
Public Water System Facility Identification Number—Source, Treatment Plant and Sampling Point.	An identification number established by the State, or, at the State's discretion, the PWS, that is unique to the system for an intake for each source of water, a treatment plant and a sampling point. Within each PWS, each intake, treatment plant and sampling point must receive a unique identification number, including, for intake; surface water intake, ground water well or wellfield centroid; and including, for sampling point; entry points to the distribution system, wellhead (or wellfield), intake, or locations within the distribution system. The same identification number must be used consistently throughout the history of unregulated contaminant monitoring to represent the facility.	Identify source water, treatment plant and sampling location for use in evaluating contaminant source controls in regulation development. The source intake/well identification number can be related to latitude and longitude for use in geographic analysis of land use, soils, geology and precipitation for alternative treatment and control analysis. Treatment plant identification number can be related to treatment information for that plant to use in analysis of alternative treatments. Sampling point identification number will allow the sample test result to be consistently associated with the same sample location over time for trend analysis.

TABLE 4.—FINAL ADDITIONAL DATA ELEMENTS FOR THE UCMR—Continued

Final data element	Definition	Reason for reporting
Sample Analysis Type	The type of sample collected. Permitted values include: (a) Field Sample—sample collected and submitted for analysis under this rule. (b) Batch Spike/Spike Duplicate Samples—Samples associated with a batch for calculating analytical precision and accuracy. A batch is a collection of 22 samples analyzed together, of which two are the spike and spike duplicate samples, that are tested for analyte concentrations.	Indicates field and spiked sample to ensure that the sample test result is used for the appropriate analysis (e.g., contaminant concentration trends, sample test performance, etc.).
Detection Level	"Detection level" refers to the detection limit applied to both the method and equipment. Detection limits are the lowest concentration of a target contaminant that a given method or piece of equipment can reliably ascertain and report as greater than zero (i.e., Instrument Detection Limit, Method Detection Limit, Estimated Detection Limit).	Indicates lowest quantifiable measurement level applied through the method to the sample to allow comparison with other sample test results.
Detection Level Unit of Measure	The unit of measure to express the concentration, count, or other value of a contaminant level for the detection level reported. (e.g., µg/L, colony forming units/mL (CFU/mL), etc.).	Indicates the reporting unit for the detection limit.
Batch Identification Number	A unique number assigned by the laboratory analyzing samples to a specific batch of samples. The number comprises 9 digits for the laboratory identification number, 4 digits for the year, 2 digits for the month, 2 digits for the day, and 2 digits for the batch of samples.	Allows calculation and comparison of precision and accuracy among batches of samples and association of precision and accuracy with each sample in a batch to sort results based on data quality.
Spiking Concentration	The concentration of method analytes added to a sample to be analyzed for calculating analytical precision and accuracy.	Allows calculation of precision and accuracy for a batch of samples and an evaluation of the method.
Analytical Precision	For purposes of the UCMR, Analytical Precision is defined as the relative percent difference (RPD) between spiked matrix duplicates. The RPD for the spiked matrix duplicates analyzed in the same batch of samples as the analytical result being reported is to be entered in this field. Precision is calculated as RPD between spiked matrix duplicates using, RPD = $[(X_1 - X_2) / \{(X_1 + X_2)/2\}] \times 100$.	Indicates variability among laboratory results as measured by testing replicate field or duplicate spiked samples, and is a key measure of sample test performance.
Analytical Accuracy	For the purposes of the UCMR, accuracy is defined as the percent recovery of the contaminant in the spiked matrix sample analyzed in the same analytical batch as the sample result being reported and calculated using;. % recovery = [(amt. found in Spiked sample—amt. found in sample) / amt. spiked] x 100.	Indicates whether test results are within a group of measurements corresponding to the true value of the results, and is a key measure of sample test performance.
Presence/Absence	*Chemicals:* Presence—a response was produced by the analysis (i.e., greater than or equal to the MDL but less than the MRL)/Absence—no response was produced by the analysis (i.e., less than the MDL). *Microbiologicals:* Presence—indicates a response was produced by the analysis/Absence—indicates no response was produced by the analysis.	Chemicals: Indicates results that do not have a quantifiable value and whether, for a positive result, the chemical concentration is between the MRL and the MDL to allow more thorough assessment of the method's capability to identify the contaminant. Microbiologicals: Allows measure under conditions and for microorganisms that are not able to be counted.

Note that EPA deleted "composite" from the proposed set of data elements since the final rule does not allow compositing. Since this program is designed to measure actual occurrence of contaminants, compositing (the combining of samples from several sampling points of a water system) will dilute concentrations of contaminants to be measured. Stakeholders supported the deletion of compositing, and believed it to be contrary to the objectives of the UCMR. No public comments were received on this subject.

Also note that "Public Water System Facility Source Intake Identification Number" must currently be reported under existing reporting requirements for SDWIS under 40 CFR 142.15(b)(1). The UCMR will expand this requirement to include the unique identification numbers for treatment plant and sampling point, which may not change over time. EPA is not requiring, through today's action, the reporting of treatment data (treatment objectives and processes) since these data are already required to be reported by January 1, 2000, for all systems. (Safe Drinking Water Information System

FACT SHEET, Revised Inventory Reporting Requirements, June 1998)

The rationale for including these data elements is that EPA needs the detailed information concerning the sample test, location, and treatment that will allow the results to be used in making a determination of whether or not to regulate the contaminant and to develop regulations. The specific reasons are identified in Table 4. To avoid duplicate and costly resampling efforts, EPA believes that systems should obtain and report the most complete information the first time a sample is tested.

The information requirements process for development of the NCOD identified technical questions that need to be answered in the regulatory process that the UCMR is to support. These data elements are associated with these questions. While the list of data elements will increase by five (from 12 to 17) in today's final UCMR (as compared to the existing UCMR), reporting them the first time precludes the need to obtain the information through another process. Because the 1996 SDWA Amendments expanded the determinations and types of analyses that need to be conducted to develop a rule, including these data elements is responsive to the new regulatory environment in which drinking water regulations must be developed.

These new data elements will not be a major burden for a PWS. Only four of the elements must be supplied by the PWS: the PWS ID; the Facility ID; the sample number; and sample collection date. All other elements can be supplied by the laboratory.

States commented that EPA should not require system inventory data if those data are required under another reporting arrangement in 40 CFR 142.15(b)(1). As a result, EPA modified this final rule eliminating inventory data elements that are required for other reporting. Today's rule requires that Public Water System Facility ID be reported. Coupled with the PWS ID, the facility ID can be linked to sampling site information and locational data necessary for thorough analyses of the data.

As explained earlier, EPA also requires owners/operators of Index systems that are part of State Plans for the national representative sample to provide data concerning well casing, screen depths and pumping rates at each well or intake at the time of monitoring. This reporting will allow EPA to tailor regulations to systems serving 10,000 or fewer persons by relating sample test results to conditions that affect capture of contaminants by ground water and surface water supplied systems.

2. Reporting to the Primacy Agency

Today's rule changes reporting relationships for unregulated contaminant monitoring data. The statute requires that the results be reported to the primary enforcement (or "primacy") authority for the system. Many States and systems raised questions about the necessity and utility of requiring State primacy for the UCMR. In response to these comments, EPA has decided to directly implement the UCMR, while allowing States to participate in State Plan review and implementation through MOAs rather than through State primacy. Some States noted that UCMR data will primarily be used by EPA to make regulatory determinations, and that such data are not required by the State to assess compliance for public health. The States however, need these data for their program records and implementation. In response to these comments, EPA is not requiring the State to report the data, but is requiring the PWS to report the data electronically to EPA, unless otherwise arranged, with a copy to the State. EPA will issue guidance on the process of reporting to EPA electronically or in other formats and providing a copy of the results to the State. Since EPA is paying for small systems' testing and reporting, the Agency will set up an electronic reporting system for these systems that are required to report. EPA will report the data to the States for these small systems. EPA will hold the data of small and large systems for 60 days to allow systems and States to review the data before placing the data in the NCOD, as required by SDWA. EPA encourages States to review the data as time allows because their review is critical to identifying drinking water quality issues that may not be obvious at the national level. This review provides an additional level of data quality control before EPA uses the data in regulatory decisions.

3. Timing of Reporting

In response to public comments from States and systems requesting more time to report these data, EPA modified the rule at § 141.35(c) to require large PWSs to report their monitoring results within thirty days, rather than ten days, after the month in which they receive the results from the laboratory. This requirement provides additional time for systems to review the UCMR results before reporting them to EPA.

4. Method of Reporting

SDWA Section 1445 (a)(2)(D) states that each PWS that monitors for unregulated contaminants must provide the monitoring results to the primacy authority for the system. Today's final rule requires electronic reporting by PWSs to EPA, while providing a copy of the results to the State (§ 141.35(e)). The rule also allows EPA to specify another method for reporting by a PWS, if necessary. Public commenters supported allowing an alternate reporting method for PWSs if they could not report electronically. Note that EPA will pay for the testing and laboratory analysis of samples for small systems in State Monitoring Plans. Since EPA plans to establish electronic recordkeeping of the results from systems in State Plans, electronic reporting for these systems will be done through the assistance of EPA. EPA might consider specifying another method for reporting when a system serving over 10,000 persons has not developed the capability to report electronic results. However, most laboratories have this capability and could probably provide this service for the PWS.

5. Public Notification of Availability of Results

SDWA Section 1445 (a)(2)(E) requires notification of the results of the UCMR program to be made available to persons served by the system. The results of UCMR monitoring for CWSs will be reported through annual Consumer Confidence Reports (CCR), as required by § 141.153 (d). For NTNCWSs, UCMR monitoring results will be reported according to requirements of the revised public notification rule as proposed May 13, 1999 at 64 FR 25963. Failure to monitor for unregulated contaminants required through the UCMR will also be reportable under the public notification rule.

The results that will be reported through the CCR and public notification rules should be based on the same monitoring data that the States will receive under the UCMR and will be required to be reported to the NCOD. Information in the NCOD will be available to the public.

VII. Section-by-Section Analysis of Public Comment and EPA Response

This portion of the preamble is devoted to highlighting major changes in the specific sections and paragraphs of the revisions to the Unregulated Contaminant Monitoring Regulation, including 40 CFR 141.35, 141.40, 142.15(c), and 142.16, in the order that they appear in the Code of Federal

Regulations and are promulgated here as a final rule today. The details of the peer review and public comments and EPA's responses can be found in two background documents: External Peer Reviews of the Unregulated Contaminant Monitoring Regulation, and Public Comment and Response Summary for the Unregulated Contaminant Monitoring Regulation.

A. Section 141.35—Reporting of Unregulated Contaminant Monitoring Results

1. Does this reporting apply to me?

This paragraph notes that § 141.35 applies to the owner or operator of any PWS required to monitor for unregulated contaminants under § 141.40. Exceptions to the reporting requirements are also noted. The majority of comments received on this topic suggested that water systems using purchased water should be required to monitor for contaminants occurring in distribution lines, such as microbiological contaminants. Like the proposed rule, today's final rule states that small systems serving 10,000 or fewer persons need not report their results to EPA because EPA will pay and arrange for testing and reporting of the results. To improve the logical flow of the rule, EPA moved this exception to this paragraph from the paragraph immediately below it.

In response to these comments, EPA has modified this section, noting that water systems that purchase all of their water will be included in the UCMR for contaminants having distribution system sampling points, including points of maximum residence time or points of lowest disinfectant residual.

A few commenters suggested it was inappropriate for only the small systems selected as part of the national representative sample to report UCMR results and not other small systems. In response, EPA notes that Section 1445(a)(2)(D) of the SDWA states that all systems required to conduct unregulated contaminant monitoring must report the results. Because only a nationally representative sample of small systems will be required to monitor under the UCMR, only those systems will have to report the results.

2. To whom must I report?

This section explains the reporting requirements for systems that will monitor for unregulated contaminants.

Under today's rule, a system must report the results of unregulated contaminant monitoring to EPA and provide a copy to the State. This is a change from the proposal and is based on EPA's decision, in response to public comment, to implement this rule through MOAs with State agencies rather than through the primacy process. EPA will hold the data for 60 days to allow systems and States time to conduct a quality control review before entering the data into the NCOD. This is discussed in more detail in IX.A. Implementation of the Rule. The system also must notify the public of the monitoring results as provided in Subpart O (Consumer Confidence Reports) and proposed Subpart Q (Public Notification) of this part.

Even though small systems do not report their results because EPA will do that for them, small systems must still comply with the public notification requirements for these results.

3. When do I report monitoring results?

This section specifies that a PWS must report the results of unregulated contaminant monitoring within thirty days following the month in which they receive the results from the laboratory.

Today's final rule is slightly different from that of the proposed rule. Rather than reporting within 10 days of receiving monitoring results, it extends the deadline for reporting results to thirty days after the month in which the results are received from the laboratory. This change provides more time for the system to review the data before reporting. This is in response to comments received indicating that the requirement that systems report results within 10 days after receiving results from the laboratory is too short a period. Additionally, commenters were concerned with adequate time to review and understand the data before reporting them to EPA. Also, as noted previously, EPA will wait 60 days before placing the data in the National Drinking Water Contaminant Occurrence Database (NCOD) to allow additional time for systems, States and EPA to ensure quality control of the data.

Consistent with the decision to not require States to adopt this rule as part of primacy, EPA has also clarified that EPA, not the State primacy agency, will specify the required monitoring period.

A commenter was concerned with the costs associated with reporting UCMR results quarterly and requested that PWSs be allowed to report data in an annual batch. EPA is maintaining the requirement of quarterly reporting because EPA does not believe that annual reporting would allow EPA to use the data as input to the next round of the CCL and UCMR lists, which is a principal objective of the rule. Also, large PWSs already report quarterly. Additionally, EPA plans to evaluate the data early to determine whether modifications are needed in the analytical methods.

4. What information must I report?

This section lists and defines the data elements that must be reported. In addition to analytical results and quality control, EPA is requiring information on the PWS from which the analyzed sample was taken.

Today's rule modifies somewhat the unregulated contaminant monitoring reporting requirements in the proposed rule (Table 8 of "Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems," **Federal Register**, vol. 64, no. 83, April 30, 1999, pages 23426 to 23428) and reorders the sample data elements. For example, for microbiological monitoring, future requirements may specify either a sampling point in the distribution system that has the maximum residence time or, under today's rule, the lowest disinfectant residual, in response to comments concerning systems using disinfectant booster stations where the disinfectant residual is low. These sampling point types were added to the data element listing. Questions were raised as to how the UCMR would accommodate water systems that have mixed sources (i.e., use blended/mixed surface water and ground water). In response, the data element, Water Source Type, will be modified in the Safe Drinking Water Information System (SDWIS) Inventory Reporting Requirements to address this issue: the valid choices for this data element will include purchased/non-purchased blended/mixed water. See 40 CFR 141.35(d) Table 1 of the rule for more information.

Sample collection date must be reported as 4-digit year, 2-digit month, and 2-digit day under the final rule to ensure year 2000 compliance, and to refine date records, as suggested by peer reviewers. Also added to the sample data elements is a sample batch identification number, which is assigned by the laboratory to each batch of samples analyzed with the spike and spike duplicate sample at the spiking concentration to allow analysis of method performance. The list of permitted sample analysis types is reduced to field sample and batch spike/spike duplicate since these will be the only required sample types reported for unregulated contaminant monitoring.

During the public comment period, a comment was received suggesting that inventory data elements should be provided officially by the States through

the inventory data reporting process, rather than by systems with their sample results. EPA agrees that inventory data elements are already reported by a different mechanism. Therefore, EPA has removed the data elements that are or will be included in the Safe Drinking Water Information System (SDWIS) Inventory Reporting Requirements: sampling point type, water source type, public water system facility type, latitude of the public water system facility for source and treatment plant, and longitude of the public water system facility for source and treatment plant. This change in data elements under today's rule provides for the revision or addition in inventory data reporting for the data elements not included in the rule to address:

(A) for sampling point type, an expansion of allowable choices to include: raw/untreated water, finished water from treatment system, finished/treated water from entry point to the distribution system after treatment, finished/treated water from within the distribution system, finished/treated water from the distribution system at the location of maximum residence time or lowest disinfectant residual, finished/treated water from the distribution system at the location of lowest disinfectant residual, finished/treated water from household/drinking water tap, finished/treated water from unknown location, and other finished/treated water;

(B) for water source type, to include allowable choices of: surface water from a stream or purchased surface water from a stream, surface water from a lake or reservoir, or purchased surface water from a lake or reservoir, ground water under the direct influence of surface water or purchased ground water under the direct influence of surface water, ground water or purchased ground water, and blended/mixed surface water and ground water, or purchased blended/mixed surface water and ground water;

(C) for public water system facility type, to include, for the purposes of UCMR, the allowable choices of: intake (for surface water sources), well or wellfield (for ground water sources), treatment plant, sampling point, entry point to distribution system, reservoir, booster station, and unknown;

(D) latitude of the public water system facility for source and treatment plant; and

(E) longitude of the public water system facility for source and treatment plant. Additionally, the SDWIS inventory reporting requirements will address associating the PWS facility identification number of any sampling point with the PWS facility identification number of its respective treatment plant. Furthermore, the reason that the latitude and longitude of the treatment plant should be reported is to allow the association of other data, such as health effects information, with a point closest to the affected population, since the ultimate use of the UCMR data is for input to exposure assessment in determining whether or not to regulate a contaminant.

Comments were received suggesting that EPA include the maximum reporting level (MRL) in the data elements. It is not necessary to include the MRL in the data elements because the MRL is specified in the rule in § 141.40(a)(3) Table 1. The rule wording is clarified so that a particular laboratory having the capability for reliable lower detection may report concentrations below the MRL.

Some commenters had concerns about the inclusion of a presence/absence data element. For microbiological contaminants, this data element may be needed because analytical methods do not always allow for quantification of the target organism in the sample and may only allow for a qualitative response, i.e., presence or absence. For chemical contaminants it can be used for reporting the detection of chemical contaminants below the MRL but above the MDL.

5. How must I report this information?

This section explains that the unregulated contaminant monitoring results must be reported in electronic or in another format specified by EPA, such as a template on paper that can be scanned and entered into the NCOD electronically.

A question was raised as to how EPA will be able to accept electronic data from diverse laboratory information systems at the many laboratories that may be reporting data. It was also suggested that EPA work with States and water suppliers to develop formats to make electronic submission easier. EPA is considering the development of software that may be downloaded from the EPA website to enable systems and their laboratories to electronically report data. This may be the same electronic data form that allows PWSs to report data to NCOD/SDWIS.

Some commenters indicated that the State should have the option to specify an alternate reporting method, particularly with respect to small systems. It was also suggested that EPA should write the rule so as not to preclude reporting directly to States and EPA from the laboratories for small systems, as well as for large systems. The laboratory, whether EPA-approved or an EPA-designated (i.e., contract) laboratory, could report to systems, States, and EPA. As noted previously, EPA will report the data for small systems.

As noted, the final rule is modified to require systems to report to EPA. EPA will require electronic reporting, unless some other format must be used for a particular system. This situation may be established in consultation with the State and described in subsequent guidance that EPA will prepare on the UCMR reporting process.

One commenter also expressed the need for an electronic legal equivalency of a signed hard copy of a laboratory report. Since there is no requirement for electronic reporting of a signed laboratory report, EPA will not require an electronic legal equivalency. Systems may want a signed hard copy for their own records.

6. Can the laboratory to which I send samples report the results for me?

This section states that a laboratory can report the sample results, so long as it provides the system with a copy for review and record keeping.

The Agency was asked to clarify that it is the responsibility of the PWS owner/operator to report data to EPA, even if the laboratory reports the results. In response to comments, the rule wording has been clarified to stress that the PWS is responsible for reporting information and ensuring that the laboratory provides the results to EPA and the State.

7. Can I report previously collected data to meet the testing and reporting requirements for the contaminants in § 141.40(a)(3)?

This paragraph was added in response to many comments received requesting a provision for systems to report relevant unregulated contaminant data collected before implementation of today's rule, in lieu of allowing only UCMR data collected after the rule's effective date. The general consensus was that some large systems may already have monitored for or want to monitor before 2001 for these contaminants, especially if it fits within their monitoring cycle. This paragraph specifies that, as long as systems meet the requirements specified in § 141.40(a)(3), (4), (5) and Appendix A for monitoring and in § 141.35 (d) for reporting, the data collected before the effective date of this rule can be submitted to meet the testing and reporting requirements for the contaminants in § 141.40(a)(3).

B. Section 141.40—Monitoring Requirements for Unregulated Contaminants

1. Requirements for Owners and Operators of Public Water Systems

(a) Do I have to monitor for unregulated contaminants?

This section eliminates unregulated contaminant monitoring requirements for owners and operators of transient, non-community water systems. It also specifies the monitoring requirements for large systems that do and do not purchase their entire water supply from another system and for small systems selected for the program that do and do not purchase their entire water supply from other systems.

Today's rule describes specific monitoring requirements for large and small systems that purchase their entire water supply from other systems. This is in response to the many commenters who indicated that PWSs using purchased water should be included in the UCMR for microbiological contaminants, or other contaminants that may arise in the distribution system. As a result, EPA modified the rule to require that water systems that purchase all of their water will be included in the UCMR for contaminants having distribution system sampling points.

(b) How would I be selected for the monitoring under the State Monitoring Plan, the screening survey, or the pre-screen testing?

This section is basically unchanged from the proposed rule since commenters broadly supported the 3-tier approach to the monitoring program. It explains that only a representative sample of small systems, randomly selected by EPA, will be required to conduct assessment monitoring for unregulated contaminants as part of a State Monitoring Plan. A subset of these systems will be randomly selected as Index systems and required to submit additional information. Each State will have the opportunity to modify the list of selected systems.

(c) For which contaminants must I monitor?

The Unregulated Contaminant Monitoring List is presented in this section. It comprises List 1, the chemical contaminants to be monitored under Assessment Monitoring; List 2, the chemical and microbiological contaminants to be monitored under the Screening Survey; and List 3, the chemical and microbiological contaminants to be monitored under Pre-Screen Testing.

In response to many comments, today's rule makes changes in the contaminant lists as presented in the proposed rule. For List 1, the chemicals perchlorate and acetochlor are added and the microbiological contaminant *Aeromonas* is removed and moved to List 2. The analytical methods for perchlorate and acetochlor are reserved. The methods are expected to be ready in the near future, at which time, a rule revision will be published for comment and promulgated to ensure these contaminants can be monitored on or before January 2001. Nitrobenzene, also on List 1, has an approved method, but it requires careful implementation. Acetochlor (now on List 1) is removed from List 2, and RDX and the radionuclide polonium-210 are added to List 2. The sampling locations for List 1 and 2 contaminants are Entry Points to the Distribution System (EPTDS), except for *Aeromonas* and polonium-210, for which the sampling points are reserved until the methods are further validated and promulgated. The radionuclide lead-210 is added to List 3. Sampling locations for the radionuclides and microogranisms are reserved, as are the dates for the period during which monitoring must be completed. These dates will be determined at a later time. To activate monitoring for the contaminants on Lists 2 and 3, the methods and related sampling requirements must be specified in future rulemaking revising this regulation.

Many commenters indicated that it would be premature to include *Aeromonas* on List 1 since the specified method has not been sufficiently field tested. It was also suggested that the rule should be clear about its focus on *Aeromonas* the genus, not the species *A. hydrophila*.

In response, EPA has moved Aeromonas to List 2. The CCL specifies *Aeromonas hydrophila*; however, the proposed analytical method identifies to the level of the *Aeromonas hydrophila* complex, which is a group of about 7 to 12 *Aeromonas* species. To identify to the species level would increase the cost and complexity of the analysis and, given funding considerations, would limit the size of the *Aeromonas* monitoring program that could be done. Given the cost of the analyses and how frequently *Aeromonas* has been found in previous finished water surveys, a panel of EPA scientists (CCL Microbiology Meeting, Cincinnati, OH, July 9, 1998) agreed that identifying to the *Aeromonas hydrophila* complex (rather than the species) level was adequate for the purpose of the UCMR. A final method has not yet been written for *Aeromonas*. The current draft analytical method for *Aeromonas*, draft EPA Method 1602, does not include verification tests since a final decision on the inclusion of verification tests into the method will be made after method validation studies. Since the method validation studies have not been completed, EPA has placed *Aeromonas* on List 2, to be monitored after the method is ready.

In response to over 100 public comments and peer review considerations addressing the inclusion of perchlorate in the UCMR, EPA has added it to List 1. EPA did not originally propose monitoring for perchlorate under this portion of the regulation based on three general concerns: its apparent local/regional, rather than nationwide, occurrence at the time EPA assembled the monitoring list; current analytical methods do not adequately address potential interferences from chloride, sulfate or other dissolved solids; and no laboratories are certified for performing analyses using the methods for perchlorate. Based on many comments that showed perchlorate occurrence in many locations around the nation, EPA placed perchlorate on List 1. The analytical method for perchlorate is listed as "reserved" in the UCMR pending imminent conclusion of EPA refinement and review of the analytical method. Since EPA did not initially include a perchlorate analytical method in the proposal to this regulation, it will be necessary for EPA to issue an additional regulation to formally propose and promulgate a perchlorate analytical method prior to initiating monitoring for perchlorate under the UCMR.

Therefore, following promulgation of the UCMR (including the "reserved" perchlorate method reference), EPA will be proposing a new regulation specifying both the approved analytical method for the analyses of perchlorate, and the implementation of a laboratory approval system, where labs are certified to test for perchlorate. EPA is currently conducting analytical methods development to support the analyses of perchlorate. This new method will be based on the currently available ion chromatography methods, but will include a criteria detailing when a laboratory must perform a sample clean-up procedure to minimize the impact of elevated concentrations of chloride, sulfate or other dissolved solids. The laboratory approval system will be based upon previous certification of the laboratory for the analyses of compliance monitoring samples using

either EPA Method 300.0 or 300.1, and the successful analyses of a perchlorate performance evaluation sample.

EPA asked for comment on and a few commenters recommended the addition of RDX (hexahydro-1,3,5-trinitro-1,3,5-triazine) to the UCMR. In response, EPA has placed RDX on List 2, as its method needs further refinement. EPA will propose and promulgate an analytical method for RDX prior to requiring monitoring for RDX under the UCMR.

EPA also received comments suggesting that it move acetochlor, 2,4-dichlorophenol and 2,4,6-trichlorophenol from List 2 to List 1, and require systems to use EPA Method 525.2 to analyze for acetochlor and either a new SPE/GC/MS method modified for EPA Method 525.2 or a modified EPA Method 552 to analyze for the phenols. EPA has moved acetochlor to List 1, since the analysis of acetochlor using EPA Method 525.2 is expected to be approved prior to UCMR implementation. The evaluation of the use of EPA Method 525.2 will be finalized after acetochlor preservation studies have been completed. EPA will propose and promulgate an analytical method, likely EPA Method 525.2, for acetochlor prior to requiring monitoring for acetochlor under the UCMR.

EPA did not move 2,4-dichlorophenol and 2,4,6-trichlorophenol to List 1 since the progress of method development for these contaminants is not equivalent to that of acetochlor. EPA has determined that the phenols are not compatible with EPA Method 525.2 and expects to require a separate SPE/GC/MS method currently under development. A modification to EPA Method 552 was also suggested. The suggested diazomethane modification to EPA Method 552 is not an option permitted in Method 552 as an EPA approved method and must be evaluated, reviewed and approved before allowing it to be used as an EPA method.

As noted in this comment, dichlorophenol and 2,4,6-trichlorophenol can only be analyzed using method 552, when the diazomethane used is sufficiently strong. This does not lead to the type of reproducibility needed to approve this method in a variety of analytical laboratories that may produce diazomethane of varying strengths. If the diazomethane is not as strong as that indicated in this comment, the recovery of dichlorophenol can drop to 10%. In addition, 2,4,6-trichlorophenol is subject to interferences caused by the derivatization product of 2,4-dichlorophenol, regardless of the strength of the diazomethane. Method 552 is not approved for the analyses of any other UCMR analytes. Therefore, use of Method 552 for these 2 compounds would then require the laboratory to use a separate method for the analyses of the other phenols included in the UCMR. Instead of requiring 2 methods for these analyses, EPA is currently conducting the method development necessary to provide a solid phase extraction GC/MS method, that does not require derivatization, for the analyses of all of the phenols included in the UCMR as well as other phenols not currently listed. This will provide a single solid phase extraction, GC/MS method for the analyses of all of the phenols included in the UCMR. Therefore, 2,4-dichlorophenol and 2,4,6-trichlorophenol will remain on List 2.

As suggested by several commenters, EPA has added polonium-210 and lead-210 to the UCMR Lists. New information indicates that methods for these contaminants may be easier to conduct than originally envisioned. However, EPA research and an external expert reviewer with experience with radionuclides note that the currently available methods for lead-210 and polonium-210 may be very time consuming and will require an experienced analyst. There are also significant laboratory capacity and capability concerns. Few, if any, laboratories currently performing compliance drinking water radiochemistry have any experience with polonium-210 or particularly lead-210. The method for lead-210, in particular, needs further refinement. Therefore, EPA has added polonium-210 to List 2 and lead-210 to List 3. Before requiring monitoring for these contaminants, EPA will need to address issues related to radionuclide laboratory capacity and certification.

The recommendation was also made that the Agency add EPA Method 502.2 for the measurement of MTBE. Several public comments suggested that EPA Method 502.2 was reliable, and that if it is not added, then there could be added burden on PWSs using GC methods. EPA considered the commenters concerns; however, the Agency is not allowing the use of EPA Method 502.2 for MTBE. MTBE is not included in EPA Method 502.2 because MTBE cannot be reliably measured by either of the detectors used in the method, and its stability has not been tested using the preservatives listed in that method.

Some commenters also suggested the use of EPA 525.2 for nitrobenzene since they have problems using the methods listed in this regulation. Nitrobenzene will remain on List 1 with EPA Method 524.2, and voluntary consensus standard methods D5790–95 and SM6210D being approved for its analysis. However, the commenters are correct that some laboratories have had problems measuring nitrobenzene using these methods. When laboratories do not use the three stage trap listed in the method, nitrobenzene cannot be detected at reasonable concentrations in either standards or samples. Since they will therefore clearly fail the quality control requirements of the method, data will only be generated by laboratories that can provide useful data based on full method implementation. While the data provided by a commenter and confirmed by current EPA methods development research demonstrate that nitrobenzene can be analyzed using EPA Method 525.2, the preservation of nitrobenzene using Method 525.2 conditions has not been demonstrated. The methods development research needed to determine that nitrobenzene can be preserved using the sampling procedures specified in EPA Method 525.2 is currently being conducted. If nitrobenzene is compatible with this method's preservation requirements, then EPA will propose and promulgate an analytical method for nitrobenzene prior to requiring monitoring for nitrobenzene.

As for the use of EPA Method 525.2 for the analyses of nitrobenzene, research recently conducted in the OGWDW laboratory clearly indicated that nitrobenzene cannot be accurately analyzed using Method 525.2. Recoveries of nitrobenzene were less then 10% when samples were extracted using the conditions specified in method 525.2. In conversations with the laboratory submitting this comment, EPA was informed that the data submitted in this comment was not developed using the procedures specified in EPA Method 525.2. In addition, no analyte stability data is available for the storage of nitrobenzene in samples preserved as specified in method 525.2 or in extracts generated using method 525.2. Therefore, EPA Method 525.2 will not be approved for the analyses of nitrobenzene.

One commenter suggested that EPA Method 632 is a simple method with adequate sensitivity for measuring diuron and linuron. EPA Method 632 is a modification of the National Pesticide Survey Method 4, which EPA has found is not reliable for diuron and linuron.

One commenter requested that an HPLC method that can measure each of the two DCPA acid degradates separately be approved for their analyses. However, this method was published in a journal not by EPA or

any of the consensus methods organizations. This method, to the best of EPA's knowledge, is only being used in a limited number of laboratories and therefore has not had the level of validation necessary for use in this type of occurrence data gathering effort. In addition, since the methods that were approved measure the two DCPA degradates as a single analyte, approving a method that measures them differently would cause concern about data reporting and interpretation.

(d) What general monitoring requirements must I follow for List 1 monitoring?

This section specifies what is generally required of all systems participating in Assessment Monitoring. It also details additional monitoring requirements unique to large and to small systems.

Several commenters expressed support for collecting routine water quality parameters (WQPs) and agreed that WQPs provide useful information and a solid framework within which to explain and understand monitoring results, especially for microbiological contaminants. Several did not believe that reporting or testing of WQPs is necessary, noting that WQPs are not routinely collected for all systems, and expressing particular concern that small ground water systems without treatment do not collect information on chlorine residuals.

Water quality parameters are important for microbiological contaminants and may affect degradation of chemical contaminants. However, EPA is limiting the set of additional parameters, in response to comments. EPA is requiring reporting of additional parameters, as appropriate to the contaminant type, including pH, turbidity, temperature, and free and total disinfectant residuals. In addition, today's rule specifies the contaminant type and EPA Method, Standard Method, or other voluntary consensus standard that may be used to measure these parameters. Small ground water systems that do not disinfect would have no residuals to measure or report, so this will not be a burden. Furthermore, for small systems serving 10,000 or fewer persons, EPA will pay for the testing of these water quality parameters as part of the testing program for unregulated contaminants.

The monitoring requirements for large systems remain unchanged from the proposed rule. Text covering small systems has been clarified (1) to indicate that the State may inform small systems of sampling arrangements other than those listed in this section, (2) that EPA-designated laboratories will provide sampling equipment, and (3) the EPA will specify sample collection times.

It was suggested that the Agency use total trihalomethane (TTHM) monitoring sites for the microbiological contaminants. In general, commenters requested that more explicit designations be given for microbiological sampling sites. EPA has noted that it expects that system specific sites of normal and maximum residence time and normal and lowest chlorine residual will be designated when revisions to this final rule are made for contaminants of concern in distribution systems. These sites have been designated for other rules, related to total coliform and total trihalomethane/disinfectant byproduct sampling. Further, EPA will propose and promulgate appropriate monitoring sites for microbiological contaminants prior to requiring monitoring for *Aeromonas* and other contaminants of interest in distribution systems. The TTHM monitoring sites may be appropriate and, if so, will be included in the future rulemaking.

(e) What specific sampling and quality control requirements must I follow for monitoring of List 1 contaminants?

This section details the requirements for all systems, including sample collection, shipping time and reviewing and reporting results. It also prohibits compositing samples. Also provided in this section are requirements unique to large and small PWSs that are part of the State Monitoring Plan.

Today's text has been clarified to indicate that the State or EPA may inform all systems of sampling arrangements other than those specified in the rule. Other changes from the proposed rule related to large systems include clarifications on the frequency of sampling for chemical and microbiological contaminants conducted by surface water and ground water systems, as well as expanded information on sampling locations.

Regarding small systems that are part of a State Monitoring Plan, today's rule notes that the State or EPA may inform the system of sampling arrangements other than those specified in the proposed rule. It also notes that EPA's laboratory will send additional instructions for sampling if the first sampling event was not properly conducted.

(i) All systems

Overall requirements for all systems relative to (A) sample collection and shipping time, (B) no compositing of samples, and (C) review and reporting of results were not changed from the proposed to final rule.

(ii) Large systems

Specific sampling requirements for large systems are in this section.

(A) Timeframe

One commenter indicated that EPA should adapt the UCMR process to the 3-year compliance monitoring cycle. The rule already states that coordination with the 3-year compliance monitoring cycle is appropriate.

(B) Frequency

Many commenters were concerned that requiring ground water samples 6 months apart was not flexible enough to accommodate other monitoring schedules. Several commenters also suggested that systems using groundwater only be required to collect one sample per year because ground water systems do not vary much in water quality.

EPA has modified the rule to provide flexibility to the system to pick one of the three months in the vulnerable time and then one of three months 5 to 7 months earlier or later than the vulnerable time. This schedule should preserve the longer time between ground water samples desired for calculating an average annual concentration for exposure assessment.

EPA will maintain the two samples for ground water systems. Ground water systems encompass a wide range of conditions and many utilize unconfined settings that do exhibit temporal variability. To assess exposure from a one-year sampling activity, most experts EPA consulted and most stakeholders agreed that the program must try to capture the range of contaminant concentrations that occur to ensure representativeness of the results over time nationally. Two samples are the minimum to estimate an average exposure; one sample will be targeted toward the season of elevated concentrations (the vulnerable monitoring time). Many experts and reviewers suggested more frequent sampling, but the current design was deemed a reasonable compromise between data needs and burden. The UCMR frequency adds one additional sample over five years for a ground water site, not one every year. While some systems may not exhibit much variability, and some deep systems may not exhibit any synthetic contaminants, the UCMR must include the full range of water system conditions to develop an accurate estimate of national occurrence and exposure. Additionally, with the UCMR monitoring being

coordinated with compliance monitoring (to the extent possible), approximately one-third of systems affected by the rule will monitor each year. Therefore, UCMR Assessment Monitoring is expected to be conducted over a range of hydrologic patterns.

This wide range of ground water conditions also effects the nature of vulnerable periods. Some ground water systems show clear seasonal patterns, some show different scale of variability, and some show no variations (for some types of contaminants). For these new contaminants, EPA set a default vulnerable period (May, June, or July) that would fit the majority of vulnerable seasonal patterns around the United States. Expert technical reviewers and stakeholders concurred with this period. However, the State can specify a different period, based on their knowledge of local conditions. EPA decided not to allow systems to establish vulnerable periods because of the need for national consistency to support a sound statistical approach. Allowing each system to establish a vulnerable time would introduce significant variability in the program implementation, contrary to the consistency basis of the statistical approach for an unbiased sample. EPA decided that flexibility at the State level to select an alternate vulnerable monitoring time was the maximum allowable variability that should be incorporated into the implementation of the program.

(C) Location

A few commenters suggested that EPA allow source water monitoring, particularly in States where source water monitoring is used as a more stringent location for compliance monitoring. In related comments, the Agency was asked to provide further information about entry points to the distribution system (EPTDS), particularly with respect to groundwater systems with multiple wellhead and/or using multiple aquifers, suggesting that representative samples might be collected instead of from every entry point.

The sampling location for chemical contaminants is given on List 1 as the EPTDS and is now further defined to include the compliance monitoring point specified by the State or EPA under 40 CFR Part 141. In implementing compliance monitoring, the States and EPA have made determinations of where representative samples are collected, and this rule will incorporate these determinations and be consistent with ongoing monitoring. However, if the compliance monitoring point specified by the State is a source (raw) water site, and a UCMR contaminant is detected, then sampling must be conducted at the EPTDS unless the State or EPA determines that no treatment or processing was in place that would affect the measurement of the contaminants. In that case, the additional sampling at the EPTDS would not be required.

(D) Sampling instructions

This section did not change and EPA did not receive any comments on it.

(E) Testing and analytical methods

Several commenters raised questions about the process for laboratory certification under the rule. As noted in the rule, laboratories are automatically certified for the analysis of UCMR chemicals if they are already certified to conduct compliance monitoring for a chemical included in the same method being approved for UCMR analysis. Since the Standard Methods, ASTM, and AOAC methods approved in the UCMR use the same technology as the EPA method listed for the same analyte, laboratories certified for compliance monitoring using the EPA method may also use any of these methods approved for the same analyte. As the method to be used for the analysis of perchlorate will be based upon the currently available single analyte methods for the analysis of perchlorate, EPA will need to conduct a performance evaluation study of labs to approve them for perchlorate monitoring before January 2001. Details of this approval system will be included in a public notice and comment period prior to conducting approval for perchlorate analysis.

(F) Sampling deviations

This section did not change and EPA did not receive any comments on it.

(G) Testing

This section did not change and EPA did not receive any comments on it.

(iii) Small systems that are part of the State Monitoring Plan

In the Preamble of the proposed rule, EPA asked for public comment on whether a random selection of small systems across the nation was appropriate for a representative sample of small systems or a targeted sampling approach based on prior information about contaminant occurrence or use should be applied. Most commenters, and particularly expert technical reviewers, addressing this issue supported the random selection of systems as an unbiased, scientifically sound approach.

EPA determined after consulting statisticians inside and outside EPA that a targeted approach would increase sampling errors unless the sample size is increased. A random sample is necessary to provide small system data roughly equivalent to large system data. Further stratification could introduce non-random sampling errors unless the sample size is increased. Targeted monitoring may also miss the target area if little is known about the actual location of use of a contaminant or if the contaminant is used beyond the specified target area. Additionally, surface waters will carry contaminants beyond the target area to surface water supplied drinking water systems downstream that need to be considered for UCMR monitoring. Also, targeting would be very difficult with the number of contaminants the UCMR is designed to measure. Finally, stratified sampling also requires extensive knowledge about a variety of factors beyond the fate and transport of a contaminant in the environment.

(A) Frequency

Comments and EPA response were addressed under (ii) Large Systems, above.

(B) Location

Comments and EPA response were addressed under (ii) Large Systems, above.

(C) Sampling deviations

State commenters asked about resampling if sampling errors occurred. EPA modified this paragraph to include provisions for resampling using additional instructions from the State or EPA.

(D) Sample kits

No comments were received on this section. It is unchanged.

(E) Sampling instructions

States indicated that some flexibility was needed within a month's timeframe to accommodate changes in sampling schedules that could not be accounted for up-front. In response, EPA changed the specifications. The State Plan will specify the year and day, plus or minus 2 weeks, to allow flexibility and/or to account for changes related to the State's determination of an alternate vulnerable sampling period. The State may pick another year and day to coincide with compliance monitoring.

(F) Duplicate samples

No comments were received on this section. It is unchanged.

(G) Sampling forms

No comments were received on this section. It is unchanged.

(H) Sample submission

At least ten States expressed concerns about the ability of small system owner/operators to properly collect samples for UCMR requirements, which would, therefore, affect the quality of the UCMR results. These States suggested that they could collect UCMR samples for systems in the State Monitoring Plans since, in most States, the number of small systems would be limited, and some of them already conduct compliance field sampling for small systems.

The rule allows for States to sample. States can address field sampling in their Memorandum of Agreement between the State and EPA. EPA would welcome the assistance of States in collecting samples from small systems to ensure high quality data for future decisions concerning whether or not to regulate unregulated contaminants.

(f) What additional requirements must I follow if my system is selected as an Index system?

This section explains that systems selected as Index systems must help EPA or the State identify appropriate sampling locations and provide information on the wells and intakes that are in use at the time of sampling, on well casing and screen depths (if known) for those wells, and the pumping rate of each well or intake at the time of sampling. However, EPA will provide field technical support to collect samples at index systems and assist the systems with compilation of this information, as well as reporting these data.

Comments were supportive and no substantive changes were made to this section.

(g) What must I do if my system is selected for the Screening Survey or Pre-Screen Testing?

This section explains what is required of large and small systems selected to participate in the Screening Survey or in Pre-Screen Testing. Today's rule notes that large systems must report test results to States and EPA. EPA will be developing guidance for this reporting process.

(h) What is a violation of this rule?

EPA added a new § 141.40(a)(8) that clarifies violations of this rule. This clarification will help public water systems understand the consequences of a failure to monitor. The changes state that any failure to monitor or report will be a monitoring or reporting violation.

2. Requirements for State and Tribal Participation

(a) How can I as the director of a State or Tribal drinking water program participate in unregulated contaminant monitoring, including the State Monitoring Plan for small systems, and the Screening Survey and Pre-Screen Testing of all systems?

Today's final rule incorporates a variety of changes from the proposed rule in response to public comments. Many comments were received requesting that EPA directly implement the UCMR, rather than require States to obtain primacy. In response to these comments, adoption of this rule is no longer a condition of maintaining PWS primacy. EPA will proceed with direct implementation. However, EPA recognizes the important role of the States in this program and has modified the rule to encourage States and EPA to enter into Memoranda of Agreement (MOA) to facilitate State participation and implementation. EPA also recognizes that, in the absence of the option for an MOA, the three-tier monitoring approach of the UCMR would require States to apply for primacy revisions under this program three separate times (separately for each of the three lists) over five years; moreover, the primacy application period extends beyond the start of monitoring for each of the three tiers. Through the MOA, EPA and the State may also address other aspects of this final rule's implementation, including compliance tracking and enforcement.

This section explains that the director of a State or Tribal drinking water program can complete an MOA with EPA that describes the State's or Tribe's activities in accepting or modifying the initial monitoring plan, determining an alternative vulnerable time for sampling, modifying the timing of monitoring, identifying sampling points for small systems, notifying large and small systems of their monitoring responsibilities, providing instructions to systems that are part of the State Monitoring Plan, and participating in the Screening Survey and Pre-Screen Testing.

Regarding the initial plan, EPA will specify the small systems, rather than just their number, and the year and day plus or minus two weeks—rather than the week, month, and year in the proposed rule—that each small system must monitor for List 1 contaminants. A State can request that a system which purchases all its water from another system, as clarified in today's rule, be removed from the initial monitoring list, except if it is required to monitor for contaminants in the distribution system.

Public comments also suggested that States be allowed to remove systems from the monitoring list for justifiable and compelling reasons. States may remove systems from the plan if the systems have closed, merged, or purchase all of their water from another system. However, in response to comments, purchased water systems may be selected to monitor contaminants in the distribution system, since purchased water systems tend to have locations furthest from the treatment plant. In these cases, they would be added to the plan as sampling points in the distribution system for the systems first selected. In a change from the proposed rule, States may now remove systems from the list for other reasons, subject to review by EPA, as long as the decision to remove systems from the list is not based on contaminant occurrence, non-occurrence, or potential vulnerability of a system to a contaminant. Not removing systems based on prior or presumed information about contaminants preserves the statistical principle of an unbiased sample.

A State must explain in the State Plan sent to EPA why it believes a system should be removed, but the final decision rests with EPA, as EPA is responsible for ensuring the integrity of the national representative sample.

Systems are expected to monitor between May 1 and July 31, as the default vulnerable period, but today's rule allows a State to determine if there is a different period when any of the small systems in the initial plan, or any of the large systems that must monitor, are more vulnerable to contamination. If so, a State must notify the affected systems of when they are to take samples. If a State changes the vulnerable time for monitoring, the rule now indicates, in response to comments, that the State should also consider that the effects on modifying the timing of monitoring. The States would notify EPA of their determination through the submission of their revised Plan to EPA.

The proposed rule required States to provide EPA with plans for notifying each PWS selected in the initial or modified monitoring plan of their responsibilities and to provide them with instructions for monitoring. Under today's rule, establishing the State role of informing systems of their responsibilities is part of the State-EPA MOA.

As was the case under the proposed rule, a State entering an MOA with EPA must provide instructions to systems that are part of the State Monitoring Plan implementation; EPA will provide guidance on the instructions. Today's final rule adds new language requiring a State to inform EPA at least 6 months before the first monitoring is to occur if the State plans to do the sampling or to make alternative arrangements for the sampling at systems in the plan. The State also must address the alternative monitoring arrangements in the MOA with EPA. These alternative monitoring arrangements could include the State sampling at small systems, a change from, but not precluded in, the proposed rule.

Today's rule enables States, through a State-EPA MOA, to participate in Screening Survey monitoring by small systems as well as large systems. To participate, a State must review its State Monitoring Plan to ensure that no systems have closed, merged, or purchase water from other systems (unless the system is to conduct microbiological monitoring) and then make any necessary changes. States also must notify selected systems of the Screening Survey requirements.

Under today's rule, States may participate in Pre-Screen Testing in two ways. First, within 60 days of receiving EPA's letter concerning the initiation of Pre-Screen Testing for specific contaminants, a participating State must identify between 5 and 25 systems determined to be representative of the systems most vulnerable to the List 3 contaminants. Second, if Pre-Screen Testing is part of the MOA, a State now must notify each selected system's owner or operator of the Pre-Screen Testing requirements.

Today's rule also notes that if a State decides not to prepare an MOA with EPA to develop the State Monitoring Plan for small systems, the initial plan provided by EPA will become the State Monitoring Plan for a State or Tribe. Under the proposed rule, the initial plan became the State plan if a State did not accept the initial plan or submit a request to EPA to modify the initial plan within 60 days.

A commenter raised concerns about whether Tribal systems would be selected in a random manner to avoid bias toward selecting vulnerable systems. EPA will select Tribal systems at random. The rule treats Tribal systems the same as other systems with equal probability of selection.

A commenter was concerned about who would inform systems of their responsibility to monitor. As noted above, the State still plays a critical role in the successful implementation of the program, including informing the systems. If the State elects not to enter into an MOA, EPA will inform systems of their responsibilities.

Several commenters asked whether States should review List 2 systems in the representative sample at a later date to check the status of the systems prior to the Screening Survey. A provision has been made for later State review of List 2 systems in the State Plan to check system status that may have changed since the initial review.

(b) What if I decide not to enter into an MOA?

This is a new section not included in the proposed rule, although it responds to the previous recognition in the proposed rule that a State may not desire to engage in the process of preparing a State Monitoring Plan. This section indicates that EPA will carry out the functions that the State could have conducted.

(c) Can I add contaminants to the Unregulated Contaminant Monitoring List?

This section explains how seven or more State governors can petition the EPA Administrator to add one or more contaminants to the Unregulated Contaminant Monitoring List.

Except for the numbering of this subsection, it is unchanged from the proposed rule.

(d) Can I waive monitoring requirements?

This section explains that monitoring requirements can be waived only with EPA approval and only under very limited conditions.

Except for the numbering of this subsection, it is unchanged from the proposed rule.

A few commenters inquired as to whether EPA would allow individual systems to be waived from monitoring. The statute only provides for State-wide waivers.

C. Appendix A—Quality Control Requirements for Testing All Samples Collected Under § 141.40

This appendix specifies the requirements that a system must follow to control the quality of samples collected and submitted under § 141.40. Areas covered are sample collection/preservation, method detection limit, calibration, reagent blank analysis, quality control sample, matrix spike and duplicate, internal standard calibration, method performance test, detection confirmation, and reporting.

In response to public comments, a few minor technical modifications have been made to the Appendix, modifying specifications for calibration, matrix spikes and matrix spike duplicates, and the number of significant digits specified for MRLs.

D. Section 142.15—Reports by States

Section 142.15(c)(3) is replaced in its entirety by the term "Reserved" in today's final regulation because States will not go through a primacy revision process but may be reviewing the data for quality control purposes before EPA places them in the NCOD. The wording in the proposed rule is, therefore, not included.

E. Section 142.16—Special Primacy Requirements

Section 142.16(e) is revised to delete references to § 141.40 that are no longer relevant.

VIII. General Issues From Public Comment and EPA Response

Several additional issues were raised during the technical peer review and public comment processes. They are summarized and addressed next.

A. Data Quality

One commenter indicated that data quality objectives should determine confidence bounds for occurrence and exposure estimates and that resulting DQOs should be maintained for all system sizes. Many data quality specifications, such as confidence levels for the representative sample, are presented in F., Representative sample of systems serving 10,000 persons or fewer. EPA will publish other Data Quality Objectives for the UCMR in the Quality Assurance Project Plan for the program.

Commenters indicated that EPA should give balanced attention to both false negatives and false positives in establishing analytical methods and quality control procedures for the contaminants on the UCMR List. The Agency has evaluated analytical methods developed by both EPA and other voluntary consensus standards organizations that publish analytical methods, such as Standard Methods and the American Society for Testing and Materials. The Agency has not approved analytical methods published only in analytical journals or methods that use techniques that cannot routinely be used by all drinking water analysis laboratories (e.g., acid, base/neutral fractionation, or packed column gas chromatography). Because control of "false negatives" is essential to the quality of the data collected under this

final regulation, documentation of the contaminants' stability under the sample and extract holding conditions specified in the analytical method were also evaluated.

B. EPA Funding for Small System Testing

Commenters were concerned about small system testing for which EPA is to pay the costs. They suggested that if there is reduced funding, then EPA should reduce the list, sampling frequency or number of systems sampled. EPA currently has sufficient funds for this rule. If for some reason, funds are reduced, EPA will consider a range of options to respond to this circumstance, but in all cases would ensure that the rule would not impose a significant economic impact on small entities.

C. Lab Certification

Commenters were concerned that EPA needs to identify steps and procedures necessary to maintain certification for unregulated contaminant analysis and clarify how States are to certify laboratories in time for implementation of the rule. EPA will maintain the process for laboratory certification as it is. The rule provides an automatic certification of laboratories that are certified for the same methods applied to at least one other contaminant. No separate certification is required under the current UCMR.

D. Research

Commenters indicated that EPA should commit research funds for Aeromonas and preservation process studies. EPA is developing a detailed research agenda with its Office of Research and Development in support of the contaminants on the CCL.

E. Regulation Format

Some State commenters indicated that they may not be able to incorporate this regulation by reference because it is in question-and-answer format. EPA is no longer requiring States to have primacy to implement the UCMR, so the States will not have to incorporate the UCMR into their regulations. However, States will still be able to participate in the State Monitoring Plan as specified in a Memorandum of Agreement between the State and EPA.

F. Voluntary Data Submittal

One commenter indicated that EPA should encourage voluntary source water data if standardized methods were utilized to substantiate treatment needs. EPA will pursue obtaining data from other reliable sources since additional data will help inform decision processes. Source water data are available from other agencies.

IX. Other Changes Related to the Regulation

A. Implementation of the Rule

Implementation issues addressed in today's final rule include setting an effective date, instituting a memorandum of agreement (MOA) process with interested States; establishing the laboratory testing program; continuing research on methods development; determining the representative national sample and associated State Plans; conducting the sampling, analysis, and reporting; and allowing previously collected monitoring data. The UCMR program, as revised by today's final rule, is illustrated in Figure 1, "Unregulated Contaminant Monitoring Approach." A critical part of this program is funding the testing of samples from the national representative sample of small systems.

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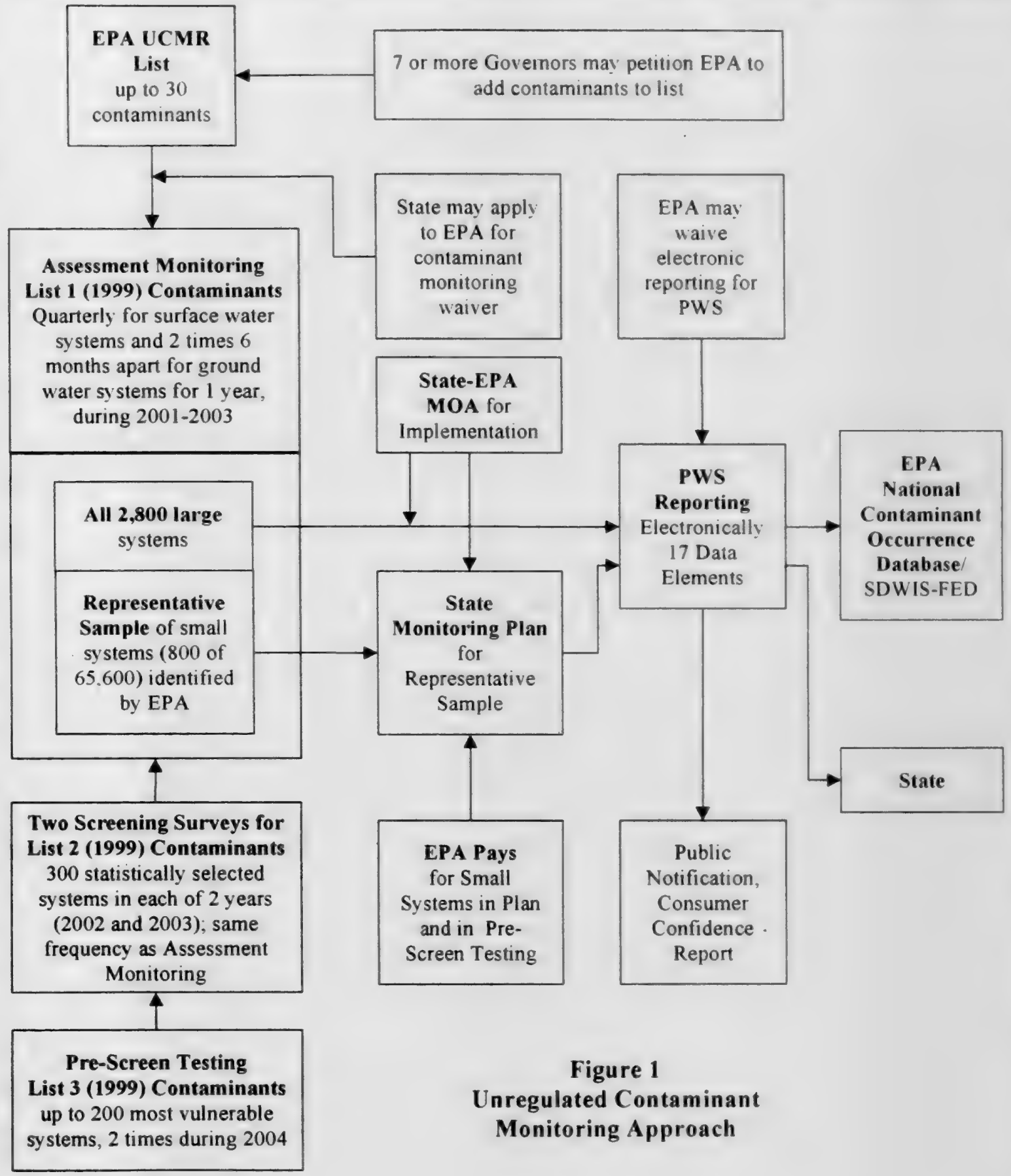

Figure 1
Unregulated Contaminant Monitoring Approach

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1. Setting an Effective Date

EPA has testing methods which are expected to give reliable and reproducible results for 10 of the contaminants on the UCMR Monitoring List to be tested for under Assessment Monitoring. These methods are widely used in the drinking water industry, although not necessarily for the listed contaminants. Testing for these contaminants, and other information about them, will help EPA determine whether to regulate them. Results of the UCMR testing should be available before the next revision of the CCL, in February 2003. Additionally, prior to initiation of the monitoring resulting from this rule, EPA must establish laboratory analysis contracts with laboratories that will do the testing and associated activities (including setting up a database and electronic reporting process) establish Memoranda of Agreement with States to implement the rule, and develop the national representative sample and send each State its allocation for review. Therefore, EPA has set January 1, 2001, as the effective date of the UCMR program, approximately16 months from the promulgation of this final rule. Shortly after this rule is promulgated, EPA will issue another rulemaking for public comment to add methods for perchlorate and acetochlor which were not previously on List 1. This action will allow these contaminants to be tested in 2001 and may allow data collected prior to the effective date to be used to meet the requirements of this final rule.

The 16-month period will enable States to enter into MOAs with EPA to provide support for the implementation of this final rule, to review the initial State Monitoring Plans, and to inform small PWSs of their selection and their responsibilities for monitoring. EPA will use this time to establish its laboratory program to test samples from small systems. Analytical methods are already in use for the contaminants to be tested for under Assessment Monitoring, so 16 months should be sufficient for laboratories that serve large systems to organize and implement the testing program, especially given the assistance provided by the methods and quality control manual. EPA is working to ensure that the manual and the contaminant occurrence reporting guidance documents are available to allow the program's implementation at that time. The requirements for small systems and the sampling and quality control procedures for all systems are specified in § 141.40(a)(3), (4), and (5) and in Appendix A. Figure 2 shows the timing of the major components and activities supporting the UCMR program.

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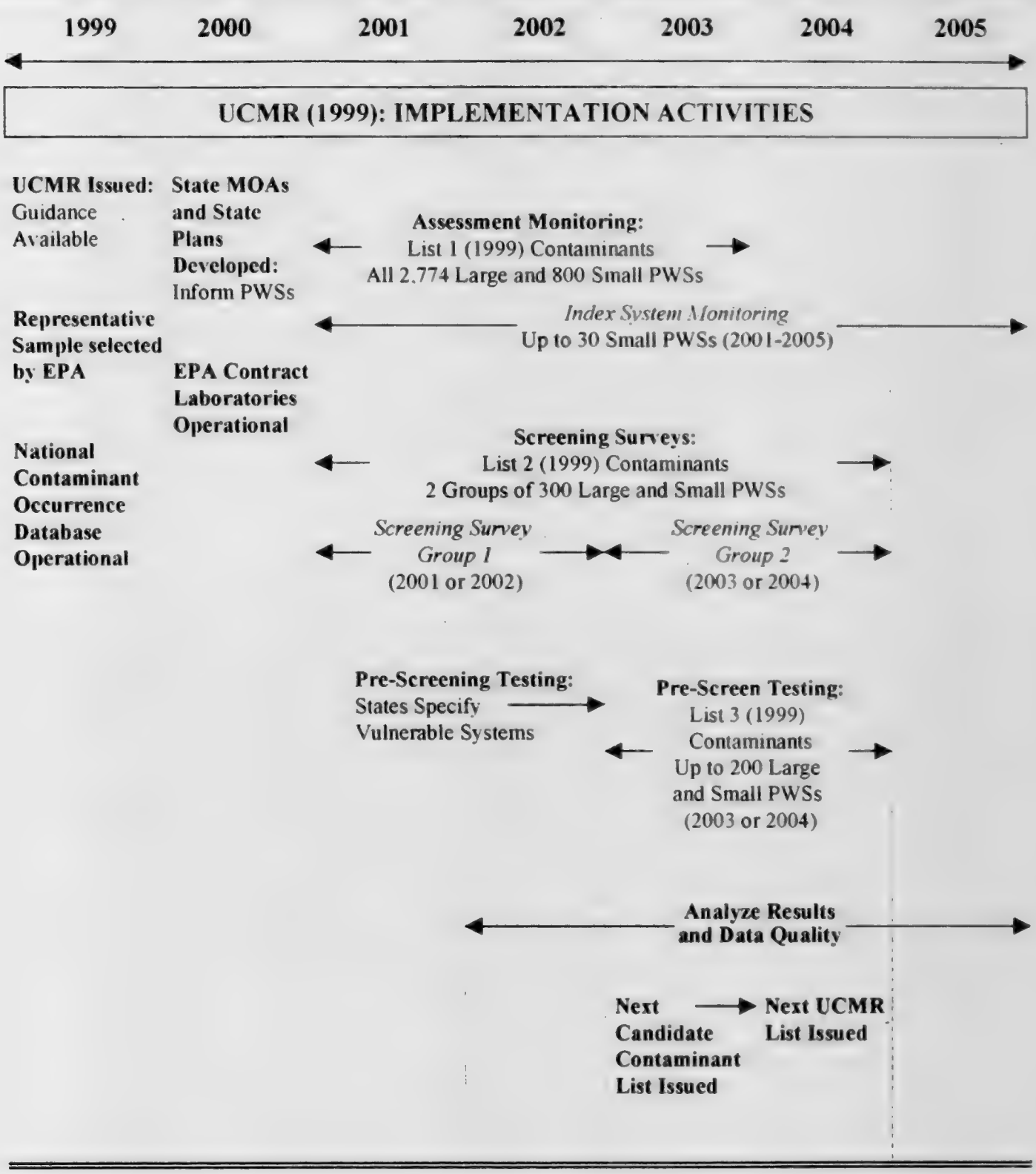

Figure 2
Implementation Timeline of
UCMR (1999) and Related Activities

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2. Analytical Methods for the Testing Program

The required methods are identified in today's rule at § 141.40(a)(3), Table 1, "Assessment Monitoring." Additional sampling and quality control requirements can be found in § 141.40(a)(4) and (5) and in Appendix A. Large systems are required to follow the methods and procedures in § 141.40(a)(3), (4), (5) and Appendix A. Laboratories that test samples from small systems will also have to comply with § 141.40(a)(3), (4), (5), and Appendix A.

EPA has prepared guidance documents to help large systems organize and conduct their unregulated contaminant testing programs. The Agency's draft sampling guidance, "UCMR Guidance for Operators of Systems Serving 10,000 or Fewer Persons" provides details on sampling requirements. The Agency's "Unregulated Contaminant Monitoring Regulation Analytical Methods and Quality Control Manual" provides detailed guidance on specific method requirements related to the unregulated contaminants on the monitoring list and on quality control for all testing under this program.

3. Testing Program for Large Systems

Implementation of today's rule will result in Assessment Monitoring for List 1 contaminants only (including perchlorate and acetochlor, for which methods will be addressed in a separate rulemaking shortly). Analytical methods are in use for these contaminants, and EPA plans to review laboratories' procedures for their testing during Assessment Monitoring because of this program's stringent data-quality requirements.

The Agency anticipates that the contaminants on List 2, for the Screening Survey, may be monitored during the 5-year listing cycle through a separate rulemaking. EPA will select a statistically valid random sample of about 150 large systems to provide samples to a limited number of EPA-approved laboratories. The Agency's approval will depend on a variety of factors, including its evaluation of (1) laboratory capability, (2) test results of blind samples, (3) experience with similar methodologies, (4) willingness to accept samples from any PWS required to monitor under this regulation, and (5) provision of the testing for List 2 (and List 3) contaminants at a reasonable cost to large systems required to monitor.

Large systems selected for the Screening Survey (or Pre-Screen Testing for List 3 contaminants) will be notified by the State or EPA before the dates established for collecting and submitting samples to determine the presence of contaminants on List 2. For List 2 and 3 contaminants, large systems must send samples to laboratories approved by EPA.

4. Testing Program for Small Systems

Based on a competitive selection process, EPA will designate one to five laboratories that will test Assessment Monitoring samples from approximately 800 small systems in the State Monitoring Plans and, from the index systems, over the program's 5-year cycle. The laboratories will need to be able to provide all necessary sampling equipment to these systems, complete yet easy-to-follow instructions on the equipment's use, and appropriate sample preservation and testing services. They also will have to report electronically the test results to EPA and, in an alternate format specified by EPA if necessary, the PWSs, and provide a copy to the States, according to the reporting requirements of today's rule.

EPA will review and evaluate laboratory procedures to ensure that sufficient testing and data quality standards are met. Today's requirements and the final "UCMR Analytical Methods and Quality Control Manual" would be part of the testing contracts that EPA expects to sign with the selected laboratories.

Once a future rule is finalized to implement the Screening Survey for List 2 contaminants, EPA will select a statistically valid random sample of 150 small systems to provide samples during the two to three years in the middle of the 5-year cycle. The laboratories that test for List 1 contaminants for small systems will also test for contaminants on List 2.

5. Continued Development of Analytical Methods

EPA has yet to establish analytical methods for List 2 and List 3 contaminants that can be used widely and at reasonable cost. The Agency is establishing, through its Office of Research and Development, a research program to identify such methods. As analytical methods for the List 2 and List 3 contaminants are developed, EPA will propose and promulgate them as a revision to today's rule and solicit public comments on them. In addition to specifying the analytical methods to be used, these future revisions will establish sampling locations, minimum reporting levels applicable to the contaminants, and the dates sampling is to occur.

6. Determining the Representative National Sample and State Monitoring Plans

EPA requires only a representative sample of up to 800 small systems to monitor for the presence of unregulated contaminants in their drinking water. No later than 6 months prior to the start of Assessment Monitoring, EPA will identify, through a statistical selection process using a random number generator, up to 800 small systems (from approximately 65,600 community and non-transient non-community water systems) and at least 800 alternate systems in case replacements are needed. Each system will have an approximately equal chance of being selected based on its source water type (ground water or surface water) and size category (25 to 500, 501 to 3,300, or 3,301 to 10,000 persons served). EPA will notify each State, tribe, and territory of the selected systems or the systems themselves (i.e., the initial State Monitoring Plan) and the alternates within its jurisdiction.

Each State, tribe and territory can enter into a Memorandum of Agreement (MOA) with EPA to participate in the monitoring program, which will include development and implementation of the State Monitoring Plan. Each State, Tribe, and Territory will have 60 days to review its initial plan and (1) accept the plan as its State Monitoring Plan and inform EPA of that; (2) propose to EPA deletions from and additions to the initial plan, and explain the reasons for the changes, in order to create the State Monitoring Plan; or (3) choose not to participate in an MOA to develop the State Monitoring Plan, in which case, the initial plan sent to the State will become the final State Monitoring Plan.

A State, Tribe, or Territory that chooses option 1 or 2 must also inform EPA of how and when it will notify the selected systems of their responsibilities for monitoring, along with any necessary modifications to the timing of sampling related to vulnerable period determinations or to coordinate with compliance monitoring, at the State's discretion. A State may also choose an alternative "most vulnerable time" for its systems to sample if systems are most vulnerable to contamination by unregulated contaminants during a period other than May through July, as specified in today's rule. States that choose option 3 may still elect to notify the selected systems and provide the necessary information about their monitoring responsibilities as long as EPA is notified 6 months prior to the

first unregulated contaminant monitoring.

The systems randomly chosen by EPA to be index systems will also be specified in each State's initial plan. Any required replacements for the index systems will come from a list of randomly selected alternates included in the plan. EPA expects to provide, through the laboratories selected to test for unregulated contaminants, contractor support in collecting, shipping, and testing samples and in gathering additional information to support these index systems.

The Agency's procedures for selecting index systems is described in a technical document, "National Representative Sample and State Plans for Unregulated Contaminant Monitoring at Public Water Systems Serving 10,000 or Fewer Persons."

Although monitoring for List 2 contaminants is not required by today's rule, EPA will provide with the initial State Monitoring Plans a list of systems that would monitor for List 2 contaminants once a future rule implementing the Screening Survey is promulgated. The Agency will select randomly about 180 small systems and 120 large systems when it prepares the initial plans. States will review these systems at the same time they review their initial plans. EPA believes that the analytical methods for List 2 contaminants will be ready for use during the first 3 years of the 5-year listing cycle and that the Screening Survey will be undertaken during that period.

For the Pre-Screen Testing, each State may specify 5 to 25 systems that are representative of systems most vulnerable to the contaminants on List 3. EPA will determine the exact number of systems to be selected in each State based on the population served by community and non-transient non-community water systems. Each State must add to its monitoring plan any small systems selected for Pre-Screen Testing and will notify EPA of their addition.

7. Specifying the Vulnerable Monitoring Period

Each State may modify the vulnerable monitoring period specified in § 141.40(a)(5)(ii)(B) for a single system, a group of systems, or all systems selected to perform monitoring. In changing the vulnerable period, the State may consider environmental, precipitation, and system-specific factors. For small systems in the State Monitoring Plan, changes in the vulnerable time must be included in the Plan.

8. Conducting the Sampling

All selected systems must monitor for the unregulated contaminants on List 1 and should coordinate, at State discretion and to the extent practical, with their compliance monitoring schedule for regulated chemicals. For small systems in State Monitoring Plans, States may also select an alternative year and day, plus or minus two weeks, within the 3 year monitoring time frame for Assessment Monitoring as long as approximately one-third of the systems in the State Monitoring Plan monitor in each year of the 3 year period. Surface water-supplied systems must monitor for chemical contaminants every 3 months during a 12-month period, and ground water-supplied systems must monitor for them once approximately every 6 months during a 12-month period of every 5-year testing cycle beginning in the years indicated in column 6 of UCMR Table 1, List 1, § 141.40(a)(3). One sample must be taken at each post-treatment distribution system entry point or other representative sampling point designated by the State for compliance monitoring under 40 CFR 141.24(f) representing all principal, non-emergency water sources in use during the 12-month period, or at each distribution sampling point, during May to July unless the State identifies a period when one, some, or all of its systems are more vulnerable to contamination by List 1 chemicals.

For microbiological contaminants, a PWS must monitor at a site in the distribution system that represents the water supplied to the system's customers and at a site in the distribution system that has the maximum residence time or lowest disinfectant residual, depending on the contaminant. This also would apply to PWS that purchase their water supply from another system. One set of samples must be taken during the system's most vulnerable time, defined as May 1 through July 31 in today's final rule, or at a time designated by the State as the must vulnerable period, and another set of samples must be taken approximately 5–7 months before or after.

The 5-year unregulated contaminant listing cycle can be coordinated with the 3-year compliance monitoring schedule by starting the next 5-year monitoring round in January 2001 and taking UCM samples when compliance sampling is performed, regardless of where the 3-year cycle is in a particular State. Sampling in the rest of the State would occur during the next 2 years, following the State's compliance monitoring schedule. Even though a system is not sampled for regulated contaminants during the 5-year UCMR listing cycle, it may be required to monitor for unregulated contaminants during that time.

9. Establishing Sampling Points

Today's rule specifies that sampling must be done at entry points to the distribution system, or at sampling points designated by the State to be representative compliance monitoring sites under 40 CFR 141.24 (f)(1), (2), or (3). For systems that are required to monitor source (raw) water for compliance purposes, the UCMR program accommodates these compliance sites in the following way: If sampling and testing at source water compliance sampling points results in detection of any UCMR List 1 contaminants, then Assessment Monitoring must shift to entry points to the distribution system for unregulated contaminants unless there is no treatment.

10. Large Systems

For Assessment Monitoring, large systems will follow the sampling requirements in § 141.40. They are explained further in the draft methods and quality control manual.

11. Systems in State Monitoring Plans

EPA's "UCMR Guidance for Operators of Public Water Systems Serving 10,000 or Fewer Persons" explains the responsibilities of PWSs that are part of the representative sample and State Monitoring Plan. It also explains further the requirements for operators of small systems, which are found at § 141.40(a)(3), (4), (5) and Appendix A, and addresses sampling including frequency and location, receipt and use of sampling equipment, shipping samples to laboratories, reviewing the results, and reporting. States can use the guidance to give monitoring schedules and instructions to systems when informing them of their responsibility to participate in the representative sample and State Monitoring Plan.

Small systems that are part of a State Monitoring Plan must sample at the locations specified in the regulation, similar to the other systems described previously. EPA will inform the competitively selected laboratories about which systems are included in the State Monitoring Plans and should therefore receive sampling equipment.

Ten percent of the systems in the State Monitoring Plans will be randomly selected to collect duplicate samples for quality control purposes. These samples will be collected using the same

procedures as those for the first sample collection.

12. Screening Survey

The Screening Survey is not part of today's rule. Today's rule only publishes the UCMR (1999) List 2 contaminants that systems will monitor for once the necessary analytical methods are developed, peer reviewed, proposed, and promulgated. When the methods are ready, EPA will issue a rule requiring large and small PWSs to collect water samples and submit them for testing to determine the presence of specified contaminants. EPA will pay for the shipping and testing of samples collected by small systems in State Monitoring Plans.

13. Pre-Screen Testing

Except for publishing the List 3 contaminants as part of the revised UCMR (1999) list, Pre-Screen Testing is not part of today's rule. Once analytical methods for these contaminants are developed, peer reviewed, proposed and promulgated. EPA will promulgate a rule specifying the sample locations and dates, analytical methods to be used, and minimum reporting levels.

Pre-Screen Testing will be a limited sampling and testing effort, conducted under controlled conditions. EPA will ask States to identify, within 90 days of the request, 5 to 25 large and small systems vulnerable to List 3 contaminants so that EPA will have a national set of up to 200 systems to collect samples. The Agency intends to use the results of this testing to determine whether a more representative monitoring effort should be made through Assessment Monitoring or a Screening Survey. Although the samples will come from the most vulnerable systems in the country and not from a statistically valid, randomly selected group of systems EPA could decide to regulate one or more of the List 3 contaminants if monitoring and other available information shows a clear and present threat to public health.

Persons taking samples to be tested for certain contaminants may require specific training and skills to ensure the integrity of the samples. In such cases, EPA may contract for sampling services, and the PWS owner/operator would be required only to provide access to the sampling locations.

The Agency will pay for shipping and testing samples from small systems participating in the Pre-Screen Testing. EPA will forward testing results for review by the PWSs and States before posting them on the NCOD where the public can access them. Large systems will pay for sampling, shipping, and testing at EPA-approved laboratories, and they will report the results to EPA and provide a copy to the State. EPA will enter the data into the NCOD.

14. Testing

As explained previously, EPA has prepared a methods and quality control manual for taking samples and analyzing them for contaminants on the monitoring list. The manual covers the requirements found in § 141.40(a)(3), (4), and (5) and Appendix A. EPA will make the manual available to systems, States and other interested parties in hard copy and on the Internet. Laboratories testing for unregulated contaminants at the request of PWSs will need to follow the requirements of § 141.40 and Appendix A. EPA plans to establish a program to review methods implementation and performance of the participating laboratories.

For small PWSs in State Monitoring Plans, EPA will identify through competitive bids one to five laboratories that will test their water samples for the presence of unregulated contaminants. The Agency is doing this so it can pay for the testing of samples from small PWSs. Later this year, EPA will seek bids from laboratories that wish to be considered for this effort. The first samples are expected to be available for testing after January 1, 2001.

For large systems required to test for contaminants on Lists 2 and 3, EPA will open a process to approve on a competitive basis, a limited number of laboratories for these analyses. This approval process will occur as EPA specifies methods for Lists 2 and 3 contaminants.

15. Reporting Requirements

The results of contaminant testing will have to be reported along with the 17 data elements identified in today's rule. Inventory data about systems (including PWS facility identification numbers allowing association of treatment plants to sampling points, and latitude and longitude of treatment plants) reported by States will be addressed separately in Safe Drinking Water Information System Inventory Reporting Requirements. PWSs are responsible for reporting electronically to EPA, unless EPA specifies alternative reporting requirements, such as a standard paper form that can be electronically scanned to make the data available in electronic format for computer storage, retrieval, and use. The PWSs must also provide a copy of the results to their States.

Small systems listed in State Monitoring Plans and large systems will have to report five data elements to the laboratory testing its samples: PWS identification number; PWS facility identification number for source (intake, well or wellfield), treatment plant, and sampling points; water source type; sample identification number; and sample collection date. The remaining data elements will be provided by the laboratory. If systems have not previously reported PWS facility identification number for sources, treatment plants and sampling points prior to their first UCMR report, then they must do so at the time of the first report. This information must be reported so that each sampling point used for UCMR sampling must be able to be associated with its treatment plant(s) and source(s) in use at the time the sampling occurred.

For systems demonstrating that they are not able to report electronically, EPA may specify an alternative reporting format that will allow EPA to enter the system's data into the National Drinking Water Contaminant Occurrence Database. EPA will use the "Unregulated Contaminant Monitoring Reporting Guidance" to guide the development of this alternative reporting format.

16. Record Keeping

Today's rule does not change PWSs' responsibility for keeping records of data from unregulated contaminant monitoring, which are presented in § 141.33, for PWSs.

17. Previously Collected Data

Public water systems that have previously collected data on List 1 may submit this information. However, this data must meet the specific testing and reporting requirements as described in today's final rule.

18. Modifying the Monitoring List

As required under SDWA Section 1445, EPA will modify the Unregulated Contaminant Monitoring List, Table 1, every 5 years to include the contaminants of greatest concern at that time. If EPA still requires additional data for some previously listed contaminants, they may remain on the list. Within each 5-year listing cycle, EPA will also modify the monitoring list to include the analytical methods for Lists 2 and 3 contaminants and their related sampling requirements. These modifications will occur through future rulemaking, with opportunity for public comment.

Funding for Testing of Samples for Systems in State Monitoring Plans and for Pre-Screen Testing. EPA will pay the cost of testing samples taken from small

systems pursuant to a State Monitoring Plan. These payments will be made directly to EPA-approved laboratories that meet the requirements of § 141.40(a)(3), (4), (5), and Appendix A, which are further described in the methods and quality control manual. The Agency expects to minimize costs of testing and take advantage of economies of scale through this approach, rather than reimbursing 800 systems for analytical costs at up to 800 different laboratories. Administrative costs will be less with this approach and contracted testing costs for a larger volume of samples should be less.

Two funding sources are available to pay for testing of these small system samples to carry out the provisions of SDWA Section 1445(a)(2)(C). Since FY 1998, EPA has been required to reserve annually $2 million from funds appropriated for the Drinking Water State Revolving Fund (DWSRF) to pay for unregulated contaminant testing. SDWA Section 1445(a)(2)(H) authorizes $10 million each year through FY 2003 to carry out all aspects of the UCMR program, including paying to test samples from small systems under State Monitoring Plans. Currently, $2 million from the DWSRF set-aside for FY 1998 and FY 1999 are available to support unregulated contaminant monitoring for small systems. EPA will use this set-aside in future years to pay for this testing and for the testing of samples drawn from small systems participating in the Screening Survey and Pre-Screen Testing. If funding for the UCMR program changes, however, EPA will need to consider how to accommodate reduced funding. The Agency could, for example, recalculate the representative sample size to a lower confidence level commensurate with available resources.

B. Implementation in Indian Country

Several provisions of this rule apply to State governments, and this preamble section clarifies how they will apply in Indian country.

As explained earlier, EPA intends to include all small systems in Indian country in a single, separate group. Like small systems in each State, small systems anywhere in Indian country may be selected at random to participate in the UCM program. EPA will not, however, notify the State of the systems selected and allow the State to select alternatives for systems that have closed, merged, or that purchase their water from other systems. Instead, EPA will contact the appropriate tribal governments for that purpose. The resulting group of systems will compose the single "State Plan" for Indian country. The EPA will notify selected systems of their UCMR responsibilities.

Tribes with "treatment as a State" status may enter into an MOA with EPA to provide support in implementing the UCMR for small systems monitoring plans. For systems on tribal lands of Tribes not having "treatment as a State" status, EPA will serve as the point of contact with the system and will implement the UCMR with the tribe. In either case, the steps of implementation would be the same as those described previously.

C. Performance-based Measurement System

EPA's Office of Water plans to implement a performance-based measurement system (PBMS) that would allow the option of using either performance criteria or reference methods in its drinking water regulatory programs, removing the requirement that only EPA-specified and approved analytical methods be used in SDWA regulatory programs. The requirement to use approved methods for SDWA regulatory programs would, however, be maintained for certain method-defined analytes (e.g., Total Coliform and asbestos), and for data gathering prospective to regulation, such as the contaminant monitoring in this rule.

As noted above, many of the contaminants of interest for the Unregulated Contaminant Monitoring (UCM) program can be classified as "emerging" and thus do not have existing performance criteria or reference methods. In addition to collecting information about contaminant occurrence, the UCM program will enable the development of reference methods and performance criteria. UCM testing will provide data to assist the Agency in developing performance criteria that would be proposed with the MCL, monitoring requirements, etc. for an analyte. For these reasons, the Agency is specifying the method to be used for UCM testing. Once, however, a contaminant proceeds to regulation development as an NPDWR, EPA expects to have sufficient data and method development information to be able to propose both performance criteria and a validated reference method, either of which could be used for compliance monitoring of the contaminant.

X. Guidance Manuals

EPA will provide a guidance manual to further explain the quality control measures that laboratories will need to perform for all unregulated contaminant monitoring. For systems that are part of State Plans for representative samples, the sampling guidance, "UCMR Guidance for Operators of Public Water Systems Serving 10,000 or Fewer Persons", will be available. Commenters asked for additional time to review the guidances for implementing this regulation. EPA will provide additional time for review and comment on the guidances: (1) UCMR Guidance for Operators of Public Water Systems Serving 10,000 or Fewer Persons; (2) UCMR Integrated Guidance; (3) UCMR Reporting Guidance; (4) Contaminant Selection, Methods, and Sampling: Technical Background Information for the UCMR. The guidance and manual "UCMR Analytical Methods and Quality Control Manual" and "National Representative Sample of Small Public Water Systems: Statistical Design and State Plans for the UCMR" will be available through the EPA Safe Drinking Water Hotline at 800–426–4791, or through EPA's Office of Ground Water and Drinking Water Homepage at www.epa.gov/safewater at the time of promulgation of this rule. EPA would apply these same testing and quality control procedures to the samples of all monitored systems. These final procedures are discussed in more detail in Section D. "Monitoring Requirements Under the Final UCMR".

XI. Costs and Benefits of the Rule

A. Program Cost Estimates

Today's final rule requires that only Assessment Monitoring for List 1 contaminants (12 chemical contaminants) be conducted over a 3-year period by all 2,774 large PWSs and a randomly selected representative sample of 800 small systems. Perchlorate and acetochlor monitoring will be activated under List 1 shortly after today's rule, by a separate regulation that will add the methods for those contaminants. Monitoring for contaminants on Lists 2 and 3 will wait until EPA promulgates rules to initiate the Screening Survey and Pre-Screen Testing.

Labor costs pertain to systems, State primacy agencies, and EPA. They include activities such as reading the regulation, notifying systems selected to participate, sample collection, reporting, record keeping, and data analysis.

Non-labor costs will be incurred primarily by EPA and by large PWSs. They include the cost of shipping samples to laboratories for testing and the cost of the actual laboratory analyses. The Agency also will incur non-labor costs in procuring services to conduct quality assurance surveys at contract laboratories and in collecting

samples at a select number of Index systems.

Laboratory analysis accounts for almost 70 percent of the national cost for a program such as this one. These costs generally are calculated as follows: the number of systems multiplied by the number of sampling points is multiplied by the sampling frequency and then multiplied by the cost of laboratory analysis. (This calculation is repeated for each separate analytical method). Shipping is added to the calculated costs to derive the total direct analytical non-labor costs. Instead of assuming that large systems will pay the full analytical costs for Assessment Monitoring, EPA assumes they will pay smaller "incremental" analytical costs because UCMR monitoring will coincide with ongoing Phase II/V compliance monitoring. In some cases, UCMR analyses use the laboratory analytical methods required for ongoing compliance monitoring. Therefore, when unregulated contaminant monitoring and Phase II/V monitoring are conducted concurrently, only incremental fees are charged for the analysis of additional UCMR compounds. Of course, if analyzing samples for some unregulated contaminants requires testing methods that are not currently in use, no cost savings can be realized. Note that, since the methods for perchlorate and acetochlor have a "Reserved" status in this rule promulgation, costs for these contaminants will be estimated when the rule revisions for these methods are published.

The details of EPA's cost assumptions and estimates can be found in the Information Collection Request (ICR) prepared for this rule (ICR No. 1882.01), which presents estimated costs and burden for the 1999–2001 period. It was sent to the Office of Management and Budget (OMB) on April 15, 1999. A background cost document, "Burden and Cost Calculation for the Unregulated Contaminant Monitoring Regulation," is attached as an appendix to the ICR. It presents the total and the estimated annual cost and burden for the final rule's first 5-year cycle (from 2001 to 2005). Some of the costs EPA estimated are associated with program start-up and may not recur in future monitoring cycles. Although some of these start-up costs might be incurred before 2001, they are included and averaged as part of the 5-year program costs to simplify the calculations; systems will incur costs only during the 5-year monitoring cycle. Copies of the ICR may be obtained from Sandy Farmer by mail at: Office of Policy Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460, by email at: farmer.sandy@epa.gov, or by calling: (202) 260–2740. A copy may also be downloaded from the Internet at: http://www.epa.gov/icr.

In preparing the UCMR ICR, EPA relied on standard assumptions and data sources used in the preparation of other drinking water program ICRs. These include the public water system inventory, number of entry points per system, and labor rates. To estimate the labor burden for State and some system activities, the Agency used its standard State Resource Model, which is documented in the Resource Analysis Computer Program for State Drinking Water Agencies (January 1993). Other assumptions are discussed next.

1. Assumptions: Assessment Monitoring

EPA's estimated cost of Assessment Monitoring is based on the following assumptions:

- Surface water systems will sample 4 times during 1 year and ground water systems will sample twice during 1 year in the 5-year UCMR program cycle.
- EPA will pay the testing costs for the representative sample of 800 small systems, which will be performed by selected laboratories.
- Large systems will pay for their own testing, which will be performed by laboratories of their choice (in accordance with UCMR program quality control requirements).
- All systems will, to the extent practical, conduct their chemical sampling along with their standard compliance monitoring to reduce labor burden and analytical costs where possible.

In addition, various quality assurance and quality control measures (e.g., 10 percent duplicate samples from the representative systems) will be in effect. Water samples also will be taken from a group of 30 small "Index systems" (a subset of the national representative sample of small systems) during all 5 years of the monitoring cycle to assess any trends in temporal occurrence, other data variability, or program problems.

2. Estimated Average Annual Cost for 5-Year Program: Assessment Monitoring Only

EPA estimates that the average annual cost of nationwide Assessment Monitoring is approximately $8.4 million, as follows:

- EPA: $3.1 million, including $2.0 million in testing costs for small systems.
- States: $461,500.
- Small systems: $16,440.
- Large systems: $4.8 million.

The estimated average annual cost (labor plus non-labor) is approximately $21 per participating small system and $1,735 per large system.

These average annual costs do not represent the peak costs expected to be encountered during program implementation. Most of the monitoring, and hence most of the costs, are expected to occur over a 3-year period, allowing for follow-up work and data review, reporting, and analysis. EPA's peak year costs (during the 3 core years of Assessment Monitoring primarily for the representative sample) are estimated to be $3.6 million for Assessment Monitoring. Peak year costs for large systems are projected to be about $8.0 million for Assessment Monitoring.

B. Estimated Net Costs

EPA estimated the UCMR program's net cost by comparing the new program costs, with the estimated costs of the unrevised program (i.e., the baseline costs). The standard labor rates and activities used to estimate the new program costs were also used to determine the baseline costs, and the same water inventory numbers were used for the comparison. A simplifying assumption with respect to the baseline that all systems serving more than 500 persons monitor during the same 5-year interval—was also made.

The Agency also had to address several differences between the two programs. The regulation replaced by today's rule did not require systems serving 150 or fewer service connections to monitor for unregulated contaminants unless requested to do so by the State. Data in the drinking water program information system suggest that State required about one-third of the systems serving 500 or fewer people to monitor; thus one-third of systems serving 150 or fewer service connections were included in EPA's baseline estimates.

Another significant difference between the previous program and the new one is the list of contaminants for which monitoring is required. The previous regulations required monitoring for 48 chemicals included in Table 1 of the Proposed Rule Preamble (64 FR 23401). (Although monitoring for 14 of the chemicals was discretionary, their associated costs were derived from the analytical method required for the other unregulated contaminants and the regulated volatile organic compounds [VOCs]. Consequently, they do not make a substantive difference in the cost estimates.) Although the previous program required monitoring for more

contaminants than does the program implemented by today's final rule, monitoring requirements of the previous UCMR program were derived from fewer analytical methods, and all were derived from standard methods used for routine compliance samples. Hence, the analytical costs were relatively lower.

Given the above assumptions and full implementation over 5 years, the revised UCMR program will save small drinking water systems an estimated $35.8 million over the estimated baseline. The annual costs for each small system participating in unregulated contaminant monitoring are reduced an estimated $190. Small systems will realize this saving because, unlike the previous program, the new program does not require any of them to pay for the analysis of water samples to determine the presence of unregulated contaminants. Only small systems chosen for the representative national sample will incur any costs, and they will be labor costs only.

Under the UCMR Assessment Monitoring program, large systems will face a $10.2 million increase in costs, primarily from the increase in laboratory analytical costs. Average annual large system costs are estimated to increase by approximately $730 under the new UCMR program.

EPA estimated the baseline costs to the States at $7.5 million over the 2001–2005 monitoring cycle, plus year 2000 start-up costs. Total estimated saving to States under the revised UCMR program is an estimated $5.2 million. This saving will be primarily in labor costs because the States will have oversight interactions with only 800 small water systems, far fewer than previously were involved in unregulated contaminant monitoring.

EPA estimated that it would have cost the Agency $1.9 million to run the previous monitoring program over the 2001–2005 monitoring period, plus start-up costs. The Agency's costs are estimated to almost double under the revised Assessment Monitoring program primarily because it will fund sample shipment and analysis for small systems.

The cost reductions also can be attributed to the "Suspension of Unregulated Contaminant Monitoring Requirements for Small Public Water Systems (Direct Final Rule)," which was published in the **Federal Register** on January 8, 1999. It suspended the requirement for small systems to perform another round of monitoring for unregulated contaminants because it would have overlapped with the revised UCMR program. Approximately two-thirds of the systems between 3,300 and 10,000 persons will save the cost of monitoring in 1999 and 2000 by the action of the Direct Final Rule, resulting in a savings of about $5.3 million for these systems.

C. Benefits

Today's rule significantly reduces burden, especially for small water systems. The original UCMR program, initiated in 1988, required all community water systems (CWSs) to monitor for 48 contaminants. States could waive the requirement for systems serving 150 or fewer service connections, although these systems had to be available for monitoring under the regulation. Analysis of the first round of data, from 1988 to 1993, indicates that well over 25,000 PWSs were involved in the original monitoring program. The revised program will involve only 3,574 to 3,724 systems: 2,774 large systems and up to 800 small systems.

The systems that will be regulated under today's rule will monitor for fewer contaminants than was the case under the original UCMR program. EPA will pay the small systems' costs of testing, keeping their burden to a minimum and limiting it to collecting the samples and contacting a shipping service to pick them up for delivery to a laboratory. The Agency also will manage the laboratory testing program for these systems, minimizing the time they interact with the laboratories. The laboratories contracted by EPA to perform the analyses also will provide electronic reporting services for small systems that lack this capability. Consequently, the costs borne by the selected 800 systems will be substantially reduced under the revised program.

Regarding the full UCMR program, cost savings can be attributed to the use of a small sample of small and large systems in the Screening Surveys and Pre-Screen Testing. The two Screening Surveys of 300 systems each and the Pre-Screen Testing of up to 200 systems will allow statistically valid, targeted approaches to be applied to emerging contaminants. These early screening efforts will help EPA determine whether contaminants are already in public water systems and whether they should be monitored for in the subsequent 5-year monitoring cycle. This approach—rather than requiring Assessment Monitoring for all 30 contaminants at all monitored systems—is projected to save large water systems and EPA more than $50 million in annual Assessment Monitoring costs.

State burden also will be reduced. A substantial portion of State burden depends on the number of systems that a State must manage. Although the revised UCMR program introduces some new elements, fewer systems are involved so State oversight activity (e.g., system notification and record keeping) will be reduced.

Today's final rule increases the number of data elements that must be reported from 12 to 17. These data must be reported with each sample to make the monitoring data more useful for analysis. However, the additional burden on systems is minimal, because most of the data elements will be reported to EPA by laboratories which already routinely record many of them.

The long-term benefits of the revised UCMR program are:

- Contaminants whose occurrence in drinking or source water is not widespread will be identified early, which will enable evaluations and decisions to minimize further the monitoring and resources that would otherwise be committed to those contaminants.
- Contaminants whose occurrence in drinking water is widespread will trigger additional research on health effects and treatment as soon as practical to protect the health of sensitive persons.
- The use of a representative sample of small systems (which comprise the majority of PWSs) can provide a scientifically sound, statistically valid data set that can be used for improved analysis and program decisions at reduced cost.

XII. Administrative Requirements

A. Executive Order 12866—Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that (1) is determined to be "economically significant" as defined under E.O. 12866 and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of.the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not "economically significant" as defined under E.O. 12866. Further, EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This final rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. For the most part, this rule establishes procedures for monitoring of unregulated contaminants on the Agency's CCL. Given EPA's interest in protecting children's health, however, as part of the provisions in the rule allowing State governors and Indian tribes to petition EPA to add contaminants to the Unregulated Contaminant Monitoring List, EPA asks them specifically to include any information that might be available regarding disproportional risks to the health or safety of children. Such information would help inform EPA's decision making regarding future lists.

This final rule is part of the Agency's overall strategy for deciding whether to regulate the contaminants on the CCL (63 FR 10273). Its purpose is to ensure that EPA has data on the occurrence of contaminants on the CCL where those data are lacking. EPA is also taking steps to ensure that the Agency will have data on the health effects of these contaminants on children through its research program. The Agency will use these occurrence and health effects data to decide whether to regulate any of these contaminants.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under UMRA section 202, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating a rule for which a written statement is needed, UMRA section 205 generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under UMRA section 203 a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or for the private sector in any one year. Total annual costs of today's rule for State, local, and Tribal governments and the private sector, are estimated to be $7.3 million, of which EPA will pay $2.0 million, or 27 percent. Thus, today's rule is not subject to the requirements of UMRA sections 202 and 205.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments because EPA will pay for the reasonable costs of sample testing for the small PWSs required to sample and test for unregulated contaminants under this rule, including those owned and operated by small governments. The only costs that small systems will pay are the costs attributed to (1) the labor associated with reading the regulations, guidance, and instructions to implement the monitoring requirements, (2) collecting the samples and packing them for shipping to the laboratory (EPA will pay for shipping), and (3) reporting and record keeping. These costs are not significant. Thus, today's rule is not subject to the requirements of UMRA section 203.

D. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2040–0208. An Information Collection Request (ICR) document which presents estimated costs and burdens for the 1999–2001 period has been prepared by EPA (ICR No. 1882.02). A background cost document, "*Burden and Cost Calculations for the Unregulated Contaminant Monitoring Regulation,*" is attached as an appendix to the ICR and presents the estimated costs and burdens for the first 5-year cycle of the final rule. A copy of these may be obtained from Sandy Farmer by mail at OP Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460; by email at: farmer.sandy@epa.gov; or by calling: (202) 260–2740. A copy may also be downloaded from the Internet at: http://www.epa.gov/icr.

The information to be collected under today's rule is to fulfill the statutory requirements of section 1445(a)(2) of the Safe Drinking Water Act, as amended in 1996. The data to be collected will describe the source water, location, and test results for samples taken from PWSs. The concentrations of any identified UCMR contaminants will be evaluated regarding health effects and will be considered for future regulations accordingly. Reporting is mandatory. The data are not subject to confidentiality protection.

Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain,

or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and use technology and systems to collect, validate, verify, process, maintain, disclose, and provide information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The annual burden and cost estimates described below are for the implementation assumptions put forth in this Rule, which includes only the Assessment Monitoring component of the UCMR Program. For Assessment Monitoring, the respondents are 800 small water systems (in the national representative sample of systems serving 10,000 or fewer people), 2,774 large public water systems, and 56 States and primacy agents (3,630 total respondents). The frequency of response varies across respondents and years. System costs (particularly laboratory analytical costs) vary depending on the number of entry or sampling points.

For the three-year ICR period 1999–2001, small systems will sample and report an average of 2.7 times for the entire period. The burden for small systems is estimated to be an average of 1.5 hours annually per system, with an annual cost of $31. Large systems will sample and report an average of 2.9 times for the entire period, and are estimated to have a 3.3 hour per system annual burden, with a labor cost of $93 per year. Non-labor costs per year for these systems is estimated at $2,798 per system. On average, States are assumed to report quarterly during each UCMR implementation year. It is estimated that each State will incur 141 hours of burden per year, with an annual labor cost of $5,647 for the ICR period 1999–2001. Non-labor costs for States were assumed to be minimal, with 10 percent of the States incurring a one-time $25,000 contractor cost for the optional upgrading of their drinking water databases; an average of $833 per year per State for the ICR period. In aggregate, the average respondent (i.e., small systems, large systems, and the States) incurs an average annual burden of 9.0 hours and a labor plus non-labor cost of $2,400. Because the actual implementation period of the UCMR does not begin until 2001, most of the costs presented here occur during that year. Average annual costs reflect the fact that the UCMR program implementation only overlaps with one of the three ICR years (1999–2001).

The burden and cost per response for the three ICR years for Assessment Monitoring are estimated to be 1.7 hour burden at $35 per response for small systems; 3.4 hours at $95 for labor and $2,847 in analytical costs for large systems; and 52.9 hours at $2,116 for labor for States. In aggregate, the average response (i.e., responses from small systems, large systems, and the States) is associated with a burden of 8.7 hours, with a labor plus non-labor cost of $2,213 per response over the three-year ICR period.

Over the ICR period, the Agency is estimated to incur an annual burden of 9,150 hours, with an average annual cost for labor of $366,000. Non-labor costs for EPA, which are primarily comprised of the analytical and shipping costs for representative set of small systems, and other contractor costs, are estimated at $1.3 million per year over the period 1999–2001. Non-labor costs are primarily attributed to the cost of sample testing for small systems.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number on its ICR. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. EPA is amending the table in 40 CFR Part 9 of currently approved ICR control numbers issued by OMB for various regulations to list the information requirements contained in the final rule.

E. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq., as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), EPA generally is required to conduct a regulatory flexibility analysis describing the impact of the regulatory action on small entities as part of rulemaking. However, under section 605(b) of the RFA, if EPA certifies that the rule will not have a significant economic impact on a substantial number of small entities, the Agency is not required to prepare a regulatory flexibility analysis. Pursuant to RFA section 605(b), 5 U.S.C. 605(b) and for the reasons set forth below, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

For purposes of RFA analyses for SDWA rulemakings, the Agency defines small entities as systems serving 10,000 or fewer customers because this is the size of system specified in SDWA as requiring special consideration with respect to small system flexibility. This alternative definition was established for all drinking water rules in the Consumer Confidence Reports rulemaking (63 FR 44511–44536 [August 19, 1998]). EPA also consulted with the Small Business Administration about the alternative definition as it relates to small businesses. For further information on the establishment of this definition of small entities, see the referenced **Federal Register** notice.

EPA has determined that the UCMR will affect small water utilities, since it is applicable to a subset of small community and non-transient noncommunity water systems. However, the affected systems are limited to a representative sample of approximately 800 small PWSs, or 1.2 percent of systems serving 10,000 or fewer persons. These systems will be required to conduct monitoring, as specified in the UCMR (i.e., collect and prepare samples for shipping). EPA will assume all costs for testing of the samples and for shipping the samples from these systems to certified laboratories throughout the United States. EPA has set aside $2 million from the DWSRF in Fiscal Years 1998 and 1999, and plans to do so into the future with its authority to set aside DWSRF monies to implement this SDWA provision.

EPA has estimated the impact of today's rule and concludes that the rule will not have a significant economic impact on a substantial number of small entities. The rationale for this conclusion is that EPA plans to pay the full costs of shipping and testing samples for small systems and does not plan, under any scenario, to ask systems to pay these costs. (The costs to these systems will be limited to the labor hours associated with collecting a sample and preparing it for shipping.)

EPA evaluated the cost to small entities under two scenarios. Under either scenario, EPA will assume the cost of shipping and testing samples for small systems. The "full implementation" scenario assumes full funding from the DWSRF set-aside through the year 2005, with the full Assessment Monitoring program being implemented. The "limited implementation" scenario assumes that EPA will pay for testing with the funds already set aside for this program. Under either scenario, this rule will not have a significant economic impact on a substantial number of small entities, and EPA certifies that fact. Cost summaries for both scenarios are provided below.

1. Full Assessment Monitoring Implementation Scenario

EPA analyzed separately the impact on small privately and publicly owned water systems because of the different economic characteristics of these ownership types. For publicly owned systems, EPA used the "revenue test," which compares a system's annual costs attributed to the rule with the system's annual revenues. EPA used a "sales test" for privately owned systems, which involves the analogous comparison of UCMR-related costs to a privately owned system's sales. EPA assumes that the distribution of the national representative sample of small systems will reflect the proportions of publicly and privately owned systems in the national inventory. The estimated distribution of the representative sample, categorized by ownership type, source water, and system size, is presented below in Table 5.

TABLE 5.—NUMBER OF PUBLICLY AND PRIVATELY OWNED SYSTEMS TO PARTICIPATE IN ASSESSMENT MONITORING

Size category	Publicly owned systems		Privately owned systems		Total—all systems
	Non-index systems	Index systems	Non-index systems	Index systems	
Ground Water Systems:					
500 and under	20	1	76	2	99
501 to 3,300	146	6	67	3	222
3,301 to 10,000	144	7	40	2	193
Subtotal	310	14	183	7	514
Surface Water Systems:					
500 and under	18	0	49	0	67
501 to 3,300	51	2	23	1	77
3,301 to 10,000	106	5	30	1	142
Subtotal	175	7	102	2	286
Total	485	21	285	9	800

The basis for the UCMR RFA certification under full Assessment Monitoring program implementation is as follows: the average annual compliance costs of the rule represent less than 1 percent of revenues/sales for the 800 small water systems that will be affected. The EPA estimates that EPA and system costs for implementing small system sampling for the full UCMR Assessment Monitoring program (2001–2005) will be approximately $10.2 million. Since the Agency specifically structured the rule to avoid significantly affecting a substantial number of small entities by assuming all costs for laboratory analyses, shipping, and quality control for small entities, EPA costs comprise approximately 99 percent ($10.1 million) of the total costs. (Note that EPA's contribution to the small system program is assumed to include all small system analytical and shipping costs, as well as all non-labor program support costs.) Table 6 presents the annual costs to small systems and to EPA for the small system sampling program, along with the number of participating small systems during each of the 5 years of the program.

TABLE 6.—EPA COSTS FOR SMALL SYSTEMS UNDER FULL IMPLEMENTATION OF UCMR ASSESSMENT MONITORING

Cost description [1]	2001	2002	2003	2004	2005	Total
Costs to EPA for Small System Program: quality assurance, ongoing coordination, data analysis, analytical costs, shipping costs, and costs for contractor site visits to small Index systems [2]	$3,317,970	$2,647,790	$2,617,790	$856,890	$648,440	$10,088,880
Costs to Small Systems: additional labor for monitoring or monitoring assistance	26,796	25,840	25,840	1,861	1,861	82,198
Total Costs to EPA and Small Systems for UCMR	3,924,769	2,993,810	3,053,630	1,338,752	1,150,297	10,171,078
Number of Systems to be Monitoring each Year: Non-Index and Index in 2001–2003, Index only in 2004–2005 [3]						
Public	182	182	182	107	21	533
Private	104	104	104	81	9	267
Total	286	286	286	188	30	800

[1] AM = Assessment Monitoring.
[2] EPA costs during the year 2001 include some start-up costs that may actually be incurred during the year 2000.
[3] Total number of systems is 800. All 30 Index systems sample during each year 2001–2005. One-third of Non-Index systems sample during each year from 2001–2003. The rows do not add across, because the same 30 Index systems sample during every year of 5-year implementation cycle.

System costs are attributed to the labor required for reading State notification letters, monitoring, reporting, and record keeping. Assuming that systems will efficiently conduct UCMR sampling (e.g., coincident with other required monitoring when feasible), the estimated average annual per system labor burden for full Assessment Monitoring implementation will be $17 (0.8 hours) for ground water systems and $27 (1.3 hours) for surface water systems. In total, ground water and surface water systems average 1.0 hours of burden per year with an average annual cost of $21. Average annual cost, in all cases, is less than 0.2 percent of system revenues/sales. Therefore, as stated previously, the Administrator certifies that this rule, as funded by EPA, will not have a significant economic impact on small entities. Tables 7a and 7b below present the estimated economic impacts in the form of revenue/sales tests for publicly and privately owned systems.

TABLE 7a.—UCMR FULL ASSESSMENT MONITORING IMPLEMENTATION SCENARIO: ANALYSIS FOR PUBLICLY-OWNED SYSTEMS (2001–2005)

System size	Annual number of systems affected [1]		Average annual hours per system (2001–2005)		Average annual cost per system (2001–2005)		"Revenue test" [2] (percent)	
	Number	Percent of US total	Non-index	Index	Non-index	Index	Non-index	Index
Ground Water Systems								
500 and under	4.8	0.01	0.6	2.0	$9.03	$28.28	0.05	0.17
501 to 3,300	35.4	0.29	0.7	2.8	10.12	39.88	0.01	0.04
3,301 to 10,000	35.8	1.49	0.9	3.6	24.02	100.80	0.01	0.02
Surface Water Systems								
500 and under	3.5	0.18	1.1	0.0	16.39	0.00	0.06	0.00
501 to 3,300	12.2	0.67	1.2	4.2	18.03	60.90	0.01	0.03
3,301 to 10,000	25.9	2.58	1.2	4.0	33.24	112.00	0.00	0.02

[1] Calculated as 1/5 of the Non-Index sample, plus all Index systems for each year from 2001–2005; actual sampling for Non-Index systems takes place over three years, while that of Index systems occurs over each of five years.
[2] The "Revenue Test" was used to evaluate the economic impact of an information collection on small government entities (e.g., publicly-owned systems); costs are presented as a percentage of median annual revenue in each size category.

TABLE 7b.—UCMR FULL ASSESSMENT MONITORING IMPLEMENTATION SCENARIO: ANALYSIS FOR PRIVATELY-OWNED SYSTEMS (2001–2005)

System size	Annual number of systems affected [1]		Average annual hours per system (2001–2005)		Average annual cost per system (2001–2005) [1]		"Sales test" [2] (percent)	
	Number	Percent of US total	Non-index	Index	Non-index	Index	Non-index	Index
Ground Water Systems								
500 and under	17.6	0.04	0.6	2.0	$9.03	$28.28	0.06	0.18
501 to 3,300	16.2	0.13	0.7	2.8	10.12	39.88	0.01	0.04
3,301 to 10,000	10.1	0.42	0.9	3.6	24.02	100.80	0.00	0.02
Surface Water Systems								
500 and under	9.7	0.51	1.1	0.0	16.39	0.00	0.07	0.00
501 to 3,300	5.6	0.31	1.2	4.2	18.03	60.90	0.01	0.04
3,301 to 10,000	7.3	0.72	1.2	4.0	33.24	112.00	0.01	0.02

[1] Calculated as 1/5 of the Non-Index sample, plus all Index systems for each year from 2001–2005; actual sampling for Non-Index systems takes place over three years, while that of Index systems occurs over each of five years.
[2] The "Sales Test" was used to evaluate the economic impact of an information collection on small private entities (e.g., privately-owned systems); costs are presented as a percentage of median annual sales in each size category.

2. Limited Implementation Scenario

Despite the expected $2 million annual budget, EPA recognizes that funding levels vary from year to year and thus the Agency cannot guarantee the precise amount that will ultimately be available to implement its UCMR Assessment Monitoring Program (although a considerable portion of those funds are currently on hand). If an amount commensurate with funding the optimal UCMR Assessment Monitoring Program (in terms of numbers of small systems sampled and numbers of contaminants analyzed) is not available, the Agency will adjust the UCMR program to accommodate the available funds. This adjustment may necessitate use of fewer sample sites, testing for fewer contaminants, or both.

Although the Agency considers the scenario of no additional funding to be unlikely, EPA also evaluated the scenario of "current funds only" for purposes of this RFA analysis. In this "current available funds" scenario EPA would receive no funding for small system testing beyond the $4 million set aside from the DWSRF in FY 1998 and FY 1999. EPA anticipates funding this program such that no small system would incur testing costs, as intended in the legislation. Small systems would be responsible only for taking the sample. By analyzing the small system impact under this scenario, EPA can

demonstrate that, regardless of funding levels, the UCMR will not have a significant economic impact on a substantial number of small entities. Given the flexibility of the proposed rule, EPA can ensure scientifically defensible results, balanced with available funding.

In the optimal program, the sample of 800 systems is derived by applying a 99 percent confidence level, with 1 percent error tolerance. To accommodate a $4 million budget, the representative sample of small systems would be reduced to approximately 400 systems. Although this smaller sample would be less rigorous than the anticipated sample of 800 systems, the sample error would still remain within plus or minus 5 percent. These 400 systems would incur only labor costs for collecting and packing the samples, while EPA would pay to ship and test these samples.

With the currently available $4 million, EPA will be able to fund approximately 50 percent of the planned Assessment Monitoring program for small systems. To estimate the costs under this scenario, EPA assumed that only the Assessment Monitoring component of the UCMR would be implemented and that the smaller representative sample would be allocated across system size categories in the same proportions as those in the sample of 800 systems, with 10 of these systems being Index sites, as seen in Table 8. Finally, for the cost analysis of this current funds scenario, EPA assumed that the national representative sample will reflect the proportions of publicly and privately owned systems in the national inventory of public water systems.[1] Because EPA's statistical approach uses a random selection process for systems in the national representative sample, publicly-and privately-owned systems should be selected in the same proportions for that sample as they occur in the set of all community and non-transient non-community water systems in the nation.

The Agency is concerned that a reduced sample size will reduce the statistical likelihood that the observed contaminant occurrence levels will be representative of actual occurrence across the nation. Because of this, the Agency will actively pursue funding for the full program described in this Preamble.

Table 8.—Number of Publicly- and Privately-Owned Systems To Participate in Assessment Monitoring, for Limited Funding Program [1]

Size category	Publicly-owned systems		Privately-owned systems		Total—all systems
	Non-index systems	Index systems	Non-index systems	Index systems	
Ground Water Systems:					
500 and under	10	0	39	1	50
501 to 3,300	75	2	34	1	112
3,301 to 10,000	73	2	21	1	97
Subtotal ground water systems	158	4	94	3	259
Surface Water Systems:					
500 and under	9	0	24	0	33
501 to 3,300	26	1	12	0	39
3,301 to 10,000	54	2	15	0	71
Subtotal surface water systems	89	3	51	0	143
Total	247	7	145	3	402

[1] The Limited Funding Program assumes that the only funds available to run the program are those that are currently in hand—$4 million of set aside funds from Federal Fiscal Years 1998 and 1999. This is a "worst case" funding scenario.

Under the limited funding scenario, EPA's costs for Assessment Monitoring would be incurred primarily from 2001 to 2003. Systems are assumed to sample during 1 year of the 3-year period, with one-third of systems sampling during each year. However, Index Systems are assumed to monitor during each of the three Assessment Monitoring years. The distribution of costs to EPA and small systems over the entire 5 years is presented in Table 9.

TABLE 9.—EPA COSTS FOR SMALL SYSTEMS—LIMITED $4 MILLION PROGRAM

Cost description	2001	2002	2003	2004	2005	Total
Costs to EPA for Assessment Monitoring Program: Quality assurance, ongoing coordination, data analysis, shipping costs, testing costs, reporting and analysis costs, and costs for contractor site visits to "Index" systems	$1,367,947	$1,082,342	$1,082,342	$280,422	$186,948	$4,000,000
Costs to Small Systems (Assessment Monitoring): including additional labor for monitoring or monitoring assistance	13,162	11,527	11,527	0	0	36,216

[1] Publicly- and privately-owned systems allocations are estimated using data from the 1995 Community Water System Survey. Publicly-owned systems are those that are owned by a city, town, township, village, municipal government, State or federal government, or any other publicly-owned or operated system. Privately-owned systems include those owned by private investors or homeowners' associations.

TABLE 9.—EPA COSTS FOR SMALL SYSTEMS—LIMITED $4 MILLION PROGRAM—Continued

Cost description	2001	2002	2003	2004	2005	Total
Total Costs to EPA and Small Systems for Assessment Monitoring	1,381,109	1,093,869	1,093,869	280,422	186,948	4,036,216
Number of Systems each Year: Assessment Monitoring and Index Systems in 2001–2003: [1]						
Public	89	89	89	0	0	254
Private	51	51	51	0	0	148
Total	140	140	140	0	0	402

[1] Rows do not add across because the 10 Index systems sample during each year 2001–2003. One-third of Non-Index systems sample during each year from 2001–2003.

Under this limited $4 million program, EPA's costs represent approximately 98 percent of the national cost for the small system sampling program. As in full UCMR implementation, small system costs are attributed to the additional labor required for reading State letters, monitoring, reporting, and record keeping. It is estimated that under a limited program of Assessment Monitoring only the average annual per system labor burden will be $14 (0.7 hours) for ground water systems and $25 (1.2 hours) for surface water systems. In total, ground water and surface water systems average 0.9 hours of burden per year, with an average annual cost of $18.

Through revenue and sales tests, determinations of economic impact are presented in Tables 10a and 10b respectively. Under this limited $4 million program, systems will be subject to less required monitoring than in the full UCMR program. For both full Assessment Monitoring implementation and the limited funding scenario, average annual cost is in all cases lower than 1 percent of annual sales/revenues. Thus, even in this worst case, limited implementation scenario, EPA certifies that today's final rule would not impose a significant economic impact on small entities.

TABLE 10a.—UCMR LIMITED IMPLEMENTATION SCENARIO: ANALYSIS FOR PUBLICLY-OWNED SYSTEMS (2001–2005)

System size	Annual number of systems affected [1]		Average annual hours per system (2001–2005)		Average annual cost per system (2001–2005)		"Revenue test" [2] (percent)	
	Number	Percent of US total	Non-index	Index	Non-index	Index	Non-Index	Index
Ground Water Systems								
500 and under	2.1	0.00	0.6	1.3	$8.06	$18.71	0.05	0.11
501 to 3,300	16.2	0.13	0.6	1.5	9.15	22.19	0.01	0.02
3,301 to 10,000	16.1	0.67	0.8	2.0	22.16	57.12	0.00	0.01
Surface Water Systems								
500 and under	1.7	0.09	1.1	0.0	15.41	0.00	0.05	0.00
501 to 3,300	5.6	0.31	1.2	2.6	17.07	38.28	0.01	0.02
3,301 to 10,000	11.8	1.17	1.1	2.5	31.35	70.56	0.00	0.01

[1] Calculated as 1/5 of publicly-owned Non-Index sample, plus all public Index systems for each year from 2001–2003; actual sampling for Non-Index takes place over 3 years, Index in each of 3 years.

[2] The "Revenue Test" was used to evaluate the economic impact of an information collection on small governments (e.g., publicly owned systems); costs are presented as a percentage of median annual revenue in each size category.

TABLE 10b.—UCMR Limited Implementation Scenario: Analysis for Privately-Owned Systems (2001–2005)

System size	Annual number of systems affected [1]		Average annual hours per system (2001–2005)		Average annual cost per system (2001–2005)		"Revenue test" [2] (percent)	
	Number	Percent of US total	Non-index	Index	Non-index	Index	Non-index	Index
Ground Water Systems								
500 and under	8.2	0.02	0.6	1.3	$8.06	$18.71	0.05	0.12
501 to 3,300	7.4	0.06	0.6	1.5	9.15	22.19	0.01	0.02
3,301 to 10,000	4.5	0.19	0.8	2.0	22.16	57.12	0.00	0.01
Surface Water Systems								
500 and under	4.8	0.25	1.1	0.0	15.41	0.00	0.07	0.00
501 to 3,300	2.5	0.14	1.2	2.6	17.07	38.28	0.01	0.03

TABLE 10b.—UCMR Limited Implementation Scenario: Analysis for Privately-Owned Systems (2001–2005)—Continued

System size	Annual number of systems affected [1]		Average annual hours per system (2001–2005)		Average annual cost per system (2001–2005)		"Revenue test" [2] (percent)	
	Number	Percent of US total	Non-index	Index	Non-index	Index	Non-index	Index
3,301 to 10,000	3.3	0.33	1.1	2.5	31.35	70.56	0.01	0.01

[1] Calculated as ⅛ of the Non-Index sample, plus all Index systems for each year from 2001–2005; actual sampling for Non-Index systems takes place over 3 years, while that of Index systems occurs during each of 3 years.
[2] The "Sales Test" was used to evaluate the economic impact of an information collection on small private entities (e.g., privately owned systems); costs are presented as a percentage of median annual sales in each size category.

F. National Technology Transfer and Advancement Act

As noted in the proposed rule, Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA), Pub. L. No. 104–113, § 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking involves technical standards. EPA has decided to use consensus methods published by the three major voluntary consensus method organizations—Standard Methods, AOAC International, and American Society for Testing and Materials (ASTM)—that would be acceptable for compliance determinations under SDWA for the UCMR (1999) List 1. The voluntary consensus methods found are listed in § 141.40(a)(3), Table 1, List 1. For the Assessment Monitoring portion of the final rule, EPA is approving the use of all of the non-EPA analytical methods adopted by these voluntary consensus groups that are applicable to the analyses of these unregulated contaminants when used in conjunction with the required quality-control practices specified in the rule.

A few public comments suggested the updating of consensus methods approved in Table 1, List 1, or an additional method to consider. To that end, the Agency updated the consensus methods listed to include those identified in the most current (20th) edition of Standard Methods (SM). SM 6200B, from the 20th edition, is also approved for volatile analysis; SM 6210D remains on the list but only appears in previous editions. A commenter suggested use of SM 6640 for DCPA mono and di acids for List 1; however, this method does not address hydrolysis, a critical step in the analyses of this contaminant, so EPA is not including it on the list.

EPA conducted a search to identify potentially applicable voluntary consensus standards for chemical and microbiological parameters included in Lists 2 and 3 of this rule. EPA identified and listed in the proposal some general methods specifications that the Agency believes may potentially be used to reliably detect some of the contaminants on List 2. However, EPA was unable to find either an EPA or voluntary consensus method applicable to the monitoring required and none were brought to our attention in comments on the proposed rule. Commenters suggested EPA also approve EPA Method 632 for linuron and diuron, which does not include confirmation or preservation steps; and EPA Method 552 for the phenols, which has low recoveries and interferences among the compounds. For these reasons, EPA has not included these EPA methods for the respective contaminants. No other voluntary consensus standards were brought to the Agency's attention in comments on the proposed rule. EPA is developing acceptable methods to determine the presence of the contaminants on Lists 2 and 3, and will take additional public comment when the rules are proposed for monitoring of List 2 and 3 contaminants.

G. Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 11, 1994), focuses federal attention on the environmental and human health conditions of minority and low-income populations with the goal of achieving environmental protection for all communities.

By seeking to identify unregulated contaminants that may pose health risks via drinking water from all PWSs, the unregulated contaminant monitoring regulation furthers the protection of public health for all citizens, including minority and low-income populations using public water supplies. Using a statistically derived set of systems for the national representative sample that is population-weighted within each system size category allocated across States, the final rule ensures that no group within the population is under represented.

H. Federalism Executive Orders

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to OMB with a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments; the nature of their concerns; any written communications from the governments; and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

EPA has concluded that today's rule will create a mandate on local governments that own or operate PWSs and that the Federal government will not provide the funds necessary to pay all of the direct costs incurred by these governments in complying with the mandate. However, EPA will pay for the

sample testing costs of small systems and has budgeted funds to do so.

In developing this rule, EPA consulted with State, local, and tribal governments to enable them to provide meaningful and timely input in the development of this rule. Prior to the publication of the proposed rule, EPA received input through its public stakeholder process, by conducting public meetings and through targeted mailings. Additionally, EPA received input through its public comment process from 22 States, 13 public water systems and local water agencies, and 130 other commenters, including non-profit organizations, associations, industry, and individuals. EPA also sent out nearly 400 targeted mailings directly to 360 Tribes, Tribal organizations, and small water system organizations to ensure that they were informed of the proposed rule's publication and had an opportunity to comment. The principal concerns raised were that: (1) States did not want to go through the primacy process; (2) EPA should include perchlorate on the monitoring list; (3) EPA should use multi-analyte methods to the extent possible for testing; and (4) EPA should allow previous monitoring data for some of the contaminants on the list. In response to these principal concerns, EPA changed the implementation steps for the regulation from primacy revisions to a Memorandum of Agreement with States. Perchlorate is now on UCMR List 1 (1999) for early monitoring. EPA incorporated as many additional contaminants in List 1 using multi-analyte methods as possible, specifically moving acetochlor from List 2 to List 1. Systems can submit previously collected data to meet the UCMR, as long as the requirements for sampling, testing and reporting are met.

Finally, while there is a new executive order on federalism, Executive Order 13132, it will not go into effect until November 3, 1999. In the interim, under the current Executive Order 12612 on federalism, this rule does not have a substantial direct effect upon States, upon the relationship between the national government and the States, or upon the distribution of power and responsibilities among the various levels of government. The final rule allows States to decide whether they want to enter a Memorandum of Agreement (MOA) with EPA to implement the monitoring program. If they decide not to enter into an MOA, then EPA will directly implement the monitoring program, since the data are for the purposes of deciding which contaminants to regulate in the future at the Federal level and will not have a direct effect on public health protection under current drinking water standards implemented by States.

I. Executive Order 13084—Consultation and Coordination with Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian Tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian Tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian Tribal governments. Only one Tribal water system serves more than 10,000 persons. All the other Tribal water systems serve 10,000 or fewer persons, and in today's rule have an equal probability of being selected in the national representative sample of small systems, for which EPA will pay the costs of unregulated contaminant testing. Thus, these Tribal water systems will be treated the same as water systems of a State and the impact of the rule on them will not be significant.

This rule will not impose substantial direct compliance costs on such communities either because, with the exception of the one large Tribal water system, the Federal government will provide most of the funds necessary to pay the direct costs incurred by tribal governments in complying with the rule. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule. Nevertheless, in developing this rule, EPA consulted with representatives of Tribal governments pursuant to both Executive Order 12875 and Executive Order 13084. The extent of EPA's consultation, the nature of the governments' concerns, and EPA's position supporting the need for this rule, are discussed in the preamble section that addresses compliance with Executive Order 12875. Tribes were consulted and raised issues concerning the utility of a targeted, rather than a representative random, sampling approach and the applicability of "treatment as a State" under the final rule.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. § 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by U.S.C. § 804(2). This rule will be effective January 1, 2001.

XIII. Public Involvement in Regulation Development

EPA's Office of Ground Water and Drinking Water has developed a process for stakeholder involvement in its regulatory activities to provide early input to regulation development. Activities related to the UCMR included meetings for developing the CCL and the information requirements of the NCOD, as well as specific meetings focused on revising the UCMR monitoring list. During the development of the UCMR, stakeholders from a wide range of public and private entities provided key perspectives. Representatives from public water systems, States, industry, and other organizations attended two stakeholder meetings to discuss options directly related to the UCMR. An additional 17 meetings were held with stakeholders and the public concerning issues related to the UCMR. In total, 21 State health and environmental agencies, 5 water systems, 6 water associations, 6 health associations, 5 industrial associations, 4 environmental organizations, 4 community and consumer organizations, 29 companies, and 7 federal agency offices participated in meetings that were instrumental in the development of today's final rule.

As noted previously, the CCL identifies contaminants for which EPA

may take regulatory action and for which EPA needs additional data. The UCMR list contains contaminants for which additional data are needed before EPA can determine their regulatory status. The meetings to develop the CCL included stakeholder meetings to discuss the list broadly and meetings focused on particular issues conducted through the National Drinking Water Advisory Council's (NDWAC) Working Group on Occurrence and Contaminant Selection, as follows:

- December 2–3, 1996 Stakeholders Meeting.
- April 3–4, 1997 NDWAC Working Group.
- June 23, 1997 NDWAC Working Group.
- July 17, 1997 NDWAC Working Group.
- January 7, 1998 NDWAC Conference Call.

These meetings resulted in the Drinking Water Contaminant Candidate List (63 FR 10274, March 2, 1998). The contaminants in today's rule for unregulated contaminant monitoring are taken in large part from the CCL "Occurrence Priorities."

The NCOD development activities included 10 public meetings on information requirements that should be considered for inclusion in the database. These meetings were held between October 1997 and February 1998. The work of the NCOD development team is incorporated as the reporting requirements for sample testing in today's unregulated contaminant monitoring regulation. Several documents concerning the NCOD development which were used in the public meetings are:

- Options for the National Drinking Water Contaminant Occurrence Data Base, Background Document (Working Draft), EPA 815–D–97–001, May 1997.
- National Drinking Water Contaminant Occurrence Data Base—Development Strategy, Background Document (Working Draft), EPA 815–D–97–005, December 1997.
- Options for Design of the National Drinking Water Contaminant Occurrence Data Base, Background Document (Working Draft), EPA 815–D–98–001, January 1998.

EPA held its first stakeholder meeting to discuss options for the development of the Unregulated Contaminant Monitoring Regulation on December 2 and 3, 1997, in Washington, DC. A variety of stakeholders attended that meeting, including representatives of PWSs, States, industry, health and laboratory organizations, and the public. EPA prepared a background document for the meeting, Options for Developing the Unregulated Contaminant Monitoring Regulation (Working Draft), EPA 815–D–97–003, November 1997. A summary of the meeting is also available. EPA held a second stakeholders meeting on June 3 and 4, 1998 to obtain input from interested parties on significant issues evolving from drafting the regulation, which needed further public input. The Agency prepared a public review document for that meeting, Background Information and Draft Annotated Outline for a Proposed Unregulated Contaminant Monitoring Regulation, Background Document, (Working Draft), May 1998. A meeting summary also is available. EPA also sent special requests for review of stakeholder documents to more than 360 Tribes (exclusive of the Alaskan native villages) and to small systems organizations to obtain their input.

In all, EPA held 17 public meetings with stakeholders and interested parties related directly or closely to the final Unregulated Contaminant Monitoring Regulation. Additionally, EPA received 39 comments by the public comment date of June 14, 1999, from a range of the public, including individuals, water systems, States, environmental organizations, and associations. EPA also received 121 comments after the comment period, primarily from individuals concerned with perchlorate being on the Monitoring List.

XIV. References

Barbash, J.E., and E.A. Resek. 1996. *Pesticides in Ground Water*, volume two of the series *Pesticides in the Hydrologic System*. Ann Arbor Press, Inc., Chelsea, Michigan.

Battaglin, W., and Hay, L. 1996. Effects of sampling strategies on estimates of annual mean herbicide concentrations in Midwestern rivers. *Environmental Science and Technology*, v. 30, p. 889–896.

Hallberg, G. 1989a. Pesticide pollution of groundwater in the humid United States; In Bouwer, H., and Bowman, R.S., eds., Effect of Agriculture on Groundwater. *Agriculture, Ecosystems, and Environment*, v. 26, p. 299–367.

Hallberg, G.R. 1989b. Nitrate in groundwater in the United States, In Follett, R.F., ed., *Nitrogen Management and Groundwater Protection;* Chapter 3, p. 35–74. Elsevier Sci. Pub., Amsterdam, The Netherlands.

Hallberg, G., and D. Keeney. 1993. Nitrate. In Alley, W.A., *Regional Ground-Water Quality;* Chapter 2, p. 297–322. Van Nostrand Reinhold, New York, NY.

Harada, Koh, W.C. Burnett, P.A. LaRock, and J.B. Cowart. 1989. Polonium in Florida groundwater and its possible relationship to the sulfur cycle and bacteria. *Geochemica et Cosmochimica Acta*, v. 53, pp. 143–150.

Havelaar, A.H., M. During and J.F. Versteegh. 1987. Ampicillin-dextrin agar medium for the enumeration of Aeromonas species in water by membrane filtration. *Journal of Applied Bacteriology*. 62(3):279–287.

Larson, S.J., P.D. Capel, and M.S. Majewski. 1997. *Pesticides in Surface Waters*, volume three of the series *Pesticides in the Hydrologic System*. Ann Arbor Press, Inc., Chelsea, Michigan.

Newcombe, R.G. 1998. Two-Confidence Intervals for the Single Proportion: Comparison of Seven Methods. *Statistics in Medicine*, vol. 17, p. 857–872.

Pinsky, P., M. Lorber, K. Johnson, B. Kross, L. Burmeister, A. Wilkins, and G. Hallberg. 1997. A study of the temporal variability of atrazine in private well water. *Environmental Monitoring and Assessment*, v. 47, p. 197–221.

Upchurch, S.B. 1991. *Radiochemistry of Uranium-Series Isotopes in Groundwater*. Florida Institute of Phosphate Research (Report No. 05–022–092).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 141

Environmental protection, Analytical methods, Chemicals, Incorporation by Reference, Intergovernmental relations, Microorganisms, Monitoring, Water supply.

40 CFR Part 142

Environmental protection, Analytical methods, Chemicals, Intergovernmental relations, Microorganisms, Monitoring, Water supply.

Dated: August 30, 1999.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40 Chapter I of the Code of Federal Regulations is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e); 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. Section 9.1 is amended by removing the entry for "141.33–141.35"; revising the entry for "141.40"; and by adding in numerical order under the indicated heading new entries "141.33–141.34" and "141.35" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR Citation	OMB control No.
National Primary Drinking Water Regulations	
141.33–141.34	2040–0090
141.35	2040–0208
141.40	2040–0208

* * * * *

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

2. Section 141.35 is revised to read as follows:

§ 141.35 Reporting of unregulated contaminant monitoring results.

(a) *Does this reporting apply to me?* (1) This section applies to any owner or operator of a public water system required to monitor for unregulated contaminants under § 141.40. This section requires you to report the results of this monitoring.

(2) *Exception.* You do not need to report results if you are a system serving a population of 10,000 or less, since EPA will arrange for testing and reporting of the results. However, you will still need to comply with consumer confidence reporting and public notification requirements for these results.

(b) *To whom must I report?* You must report the results of unregulated contaminant monitoring to EPA and provide a copy to the State. You must also notify the public of the monitoring results as provided in Subpart O (Consumer Confidence Reports) and Subpart Q (Public Notification) of this part.

(c) *When must I report monitoring results?* You must report the results of unregulated contaminant monitoring within thirty (30) days following the month in which you received the results from the laboratory . EPA will place the data in the national drinking water contaminant occurrence database sixty (60) days after you report the data to allow for quality control review by systems and States.

(d) *What information must I report?* You must report the information specified in the following table for each sample, and for each spiked sample and spike duplicate sample analyzed for quality control purposes and associated with each sample and its sample batch:

TABLE 1.—UNREGULATED CONTAMINANT MONITORING REPORTING REQUIREMENTS

Data element	Definition
1. Public Water System (PWS) Identification Number.	The code used to identify each PWS. The code begins with the standard two-character postal State abbreviation; the remaining seven characters are unique to each PWS.
2. Public Water System Facility Identification Number—Source, Treatment Plant, and Sampling Point.	An identification number established by the State, or, at the State's discretion, the PWS, that is unique to the system for an intake for each source of water, a treatment plant and a sampling point. Within each PWS, each intake, treatment plant and sampling point must receive a unique identification number, including, for intake; surface water intake, ground water well or wellfield centroid; and including, for sampling point; entry points to the distribution system, wellhead, intake, locations within the distribution system, or other representative sampling point specified by the State. The same identification number must be used consistently throughout the history of unregulated contaminant monitoring to represent the facility.
3. Sample Collection Date	The date the sample is collected reported as 4-digit year, 2-digit month, and 2-digit day.
4. Sample Identification Number	A numeric value assigned by the PWS or laboratory to uniquely identify a specific sampling occurrence.
5. Contaminant/Parameter	The unregulated contaminant or water quality parameter for which the sample is being analyzed.
6. Analytical Results—Sign	An alphanumeric value indicating whether the sample analysis result was: (a) (<) "less than" means the contaminant was not detected or was detected at a level "less than" the MRL. (b) (=) "equal to" means the contaminant was detected at a level "equal to" the value reported in "Analytical Result—Value."
7. Analytical Result—Value	The actual numeric value of the analysis for chemical and microbiological results, or the minimum reporting level (MRL) if the analytical result is less than the specified contaminant's MRL
8. Analytical Result—Unit of Measure	The unit of measurement for the analytical results reported. [e.g., micrograms per liter, (µg/L); colony-forming units per milliliter, (CFU/mL), etc.]
9. Analytical Method Number	The identification number of the analytical method used.
10. Sample Analysis Type	The type of sample collected. Permitted values include: (a) Field Sample—sample collected and submitted for analysis under this rule. (b) Batch Spike/Spike Duplicate—Samples associated with a batch used for calculating analytical precision and accuracy. A batch is defined as the set of field samples plus one spiked sample and one spiked duplicate sample analyzed for contaminant concentrations
11. Sample Batch Identification Number	A number assigned by the laboratory to the batch of samples analyzed with the spiked sample (at the spiking concentration reported), to be reported as 9-digit laboratory number (assigned by the State or EPA), 4-digit year, 2-digit month, 2-digit day and 2-digit batch number.
12. Detection Level	"Detection level" refers to the detection limit applied to both the method and equipment. Detection limit is the lowest concentration of a target contaminant that a given method or piece of equipment can reliably ascertain and report as greater than zero (e.g., Instrument Detection Limit, Method Detection Limit, or Estimated Detection Limit).
13. Detection Level Unit of Measure	The unit of measure to express the concentration, count, or other value of a contaminant level for the detection level reported. (e.g., µg/L, colony forming units/mL (CFU/mL), etc.)

TABLE 1.—UNREGULATED CONTAMINANT MONITORING REPORTING REQUIREMENTS—Continued

Data element	Definition
14. Analytical Precision	Precision is the degree of agreement among a set of repeated measurements and is monitored through the use of replicate samples or measurements. For purposes of the Unregulated Contaminant Monitoring Regulation (UCMR), Analytical Precision is defined as the relative percent difference (RPD) between spiked matrix duplicates. The RPD for the spiked matrix duplicates analyzed in the same batch of samples as the analytical result being reported is to be entered in this field. Precision is calculated as Relative Percent Difference (RPD) between spiked matrix duplicates using, $RPD = [(X_1-X_2) / (X_1 + X_2)/2] \times 100$
15. Analytical Accuracy	Accuracy describes how close a result is to the true value measured through the use of spikes, standards, surrogates or performance evaluation samples. For purposes of unregulated contaminant monitoring, accuracy is defined as the percent recovery of the contaminant in the spiked matrix sample analyzed in the same analytical batch as the sample result being reported and calculated using; % recovery = [(amt. found in spiked sample—amt. found in sample) / amt. spiked] × 100
16. Spiking Concentration	The concentration of method analytes added to a sample to be analyzed for calculating analytical precision and accuracy where the value reported use the same unit of measure reported for Analytical Results
17. Presence/Absence	*Chemicals:* Presence—a response was produced by the analysis (i.e., greater than or equal to the MDL but less than the MRL)/Absence—no response was produced by the analysis (i.e., less than the MDL). *Microbiologicals:* Presence—indicates a response was produced by the analysis /Absence—indicates no response was produced by the analysis.

(e) *How must I report this information?* You must report this information in the electronic or other format specified by EPA.

(f) *Can the laboratory to which I send samples report the results for me?* Yes, as long as the laboratory sends you a copy for review and recordkeeping. However, you are responsible for the reporting of this information and ensuring that the laboratory reports these results to EPA, with a copy to the State, on time.

(g) *Can I report previously collected data to meet the testing and reporting requirements for the contaminants listed in § 141.40(a)(3)?* Yes, as long as the data meet the specific requirements of § 141.40(a)(3), (4), (5), and Appendix A of § 141.40 and you report the data with the information specified in paragraph (d) of this section.

3. Section 141.40 is revised to read as follows:

§ 141.40 Monitoring requirements for unregulated contaminants.

(a) *Requirements for owners and operators of public water systems.* (1) *Do I have to monitor for unregulated contaminants?*

(i) *Transient systems.* If you own or operate a transient non-community water system, you do not have to monitor for unregulated contaminants.

(ii) *Large systems not purchasing their entire water supply from another system.* If you own or operate a wholesale or retail public water system (other than a transient system) that serves more than 10,000 persons, as determined by the State, and do not purchase your entire water supply from another public water system, you must monitor as follows:

(A) You must monitor for the unregulated contaminants on List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section.

(B) You must monitor for the unregulated contaminants on List 2 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, if notified by your State or EPA that you are part of the Screening Surveys.

(C) You must monitor for the unregulated contaminants on List 3 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, if notified by your State or EPA that you are part of the Pre-Screen Testing.

(iii) *Large systems purchasing their entire water supply from another system.* If you own or operate a public water system (other than a transient system) that serves more than 10,000 persons and purchase your entire water supply from a wholesale public water system, you must monitor as follows:

(A) You must monitor for the unregulated contaminants on List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, that have a "sampling location" indicated as "distribution system".

(B) You must monitor for the unregulated contaminants on List 2 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, that have a "sampling location" indicated as "distribution system" if notified by your State or EPA that you are part of the Screening Surveys.

(C) You must monitor for the unregulated contaminants on List 3 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, that have a "sampling location" indicated as "distribution system" if notified by your State or EPA that you are part of the Pre-Screen Testing.

(iv) *Small systems not purchasing their entire water supply from another system.* If you own or operate a public water system (other than a transient system) that serves 10,000 or fewer persons and do not purchase your entire water supply from another public water system, you must monitor as follows:

(A) You must monitor for the unregulated contaminants on List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, if you are notified by your State or EPA that you are part of the State Monitoring Plan for small systems.

(B) You must monitor for the unregulated contaminants on List 2 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, if you are notified by your State or EPA that you are part of the Screening Surveys.

(C) You must monitor for the unregulated contaminants on List 3 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, if you are notified by your State or EPA that you are part of the Pre-Screen Testing.

(v) *Small systems purchasing their entire water supply from another*

system. If you own or operate a public water system (other than a transient system) that serves 10,000 or fewer persons and purchase your entire water supply from a wholesale public water system, you must monitor as follows:

(A) You must monitor for the unregulated contaminants on List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, that have a "sampling location" indicated as "distribution system" if you are notified by your State or EPA that you are part of the State Monitoring Plan for small systems.

(B) You must monitor for the unregulated contaminants on List 2 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, that have a "sampling location" indicated as "distribution system" if you are notified by your State or EPA that you are part of the Screening Surveys.

(C) You must monitor for the unregulated contaminants on List 3 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, that have a "sampling location" indicated as "distribution system" if you are notified by your State or EPA that you are part of the Pre-Screen Testing.

(2) *How would I be selected for the monitoring under the State Monitoring Plan, the Screening Surveys, or the Pre-Screen Testing?* (i) State Monitoring Plan. Only a representative sample of small systems must monitor for unregulated contaminants. EPA will select a national representative sample of small public water systems in each State through the use of a random number generator. Selection will be weighted by population served within each system water source type (surface or ground water) and system size category (systems serving 25–500, 501–3,300, and 3,301–10,000 persons). EPA may allocate additional systems to water source types or system size categories to increase the statistical inferential ability for those categories. EPA will also select a small group of systems to be "Index systems." Systems selected as Index systems are required to provide information about their site and operation that will serve to allow extrapolation of their results to other systems of similar size, rather than collecting detailed information at every small system. Each State will have the opportunity to make some modifications to the list of small systems that EPA selects. You will be notified by the State or EPA if your system is part of the final State Monitoring Plan.

(ii) *Screening Surveys.* The purpose of the Screening Surveys is to determine the occurrence of contaminants in drinking water or sources of drinking water for which analytical methods have recently been developed for unregulated contaminant monitoring. EPA will select up to 300 systems to participate in each survey by using a random number generator. You will be notified by the State or EPA if your system is selected for monitoring under the Screening Surveys.

(iii) *Pre-screen Testing.* The purpose of Pre-Screen Testing is to determine the occurrence of contaminants for which EPA needs to evaluate new analytical methods in locations where the contaminants are most likely to be found. EPA will select up to 200 systems to participate in this testing after considering the characteristics of the contaminants, precipitation, system operation, and environmental conditions. You will be notified by the State or EPA that your system has been selected for monitoring under the Pre-Screen Testing program.

(3) *For which contaminants must I monitor?* Lists 1, 2 and 3 of unregulated contaminants are listed in the following table:

TABLE 1.—UNREGULATED CONTAMINANT MONITORING REGULATION (1999) LIST

List 1—Assessment Monitoring Chemical Contaminants					
1-Contaminant	2-CAS registry number	3-Analytical methods	4-Minimum reporting level	5-Sampling location	6-Period during which monitoring to be completed
2,4-dinitrotoluene	121–14–2	EPA 525.2[a]	2 µg/L[e]	EPTDS[f]	2001–2003
2,6-dinitrotoluene	606–20–2	EPA 525.2[a]	2 µg/L[e]	EPTDS[f]	2001–2003
Acetochlor	34256–82–1	Reserved[m]	Reserved[m]	EPTDS[f]	2001–2003
DCPA mono-acid degradate.	887–54–7	EPA 515.1[a] EPA 515.2[a] D5317–93[b] AOAC 992.32[c]	1 µg/L[e]	EPTDS[f]	2001–2003
DCPA di-acid degradate.	2136–79–0	EPA 515.1[a] EPA 515.2[a] D5317–93[b] AOAC 992.32[c]	1 µg/L[e]	EPTDS[f]	2001–2003
4,4'-DDE	72–55–9	EPA 508[a] EPA 508.1[a] EPA 525.2[a] D5812–96[b] AOAC 990.06[c]	0.8 µg/L[e]	EPTDS[f]	2001–2003
EPTC	759–94–4	EPA 507[a] EPA 525.2[a] D5475–93[b] AOAC 991.07[c]	1 µg/L[e]	EPTDS[f]	2001–2003
Molinate	2212–67–1	EPA 507[a] EPA 525.2[a] D5475–93[b] AOAC 991.07[c]	0.9 µg/L[e]	EPTDS[f]	2001–2003
MTBE	1634–04–4	EPA 524.2[a] D5790–95[b] SM 6210D[d] SM 6200B[d]	5 µg/L[g]	EPTDS[f]	2001–2003

TABLE 1.—UNREGULATED CONTAMINANT MONITORING REGULATION (1999) LIST—Continued

List 1—Assessment Monitoring Chemical Contaminants

1-Contaminant	2-CAS registry number	3-Analytical methods	4-Minimum reporting level	5-Sampling location	6-Period during which monitoring to be completed
Nitrobenzene	98–95–3	EPA 524.2[a] D5790–95[b] SM6210D[d] SM6200B[d]	10 µg/L[g]	EPTDS[f]	2001–2003
Perchlorate	14797–73–0	Reserved[m]	Reserved[m]	EPTDS[f]	2001–2003
Terbacil	5902–51–2	EPA 507[a] EPA 525.2[a] D5475–93[b] AOAC 991.07[c]	2 µg/L[e]	EPTDS[f]	2001–2003

List 2—Screening Survey Chemical Contaminants
To Be Sampled After Notice of Analytical Methods Availability

1-Contaminant	2-CAS registry number	3-Analytical methods	4-Minimum reporting level	5-Sampling location	6-Period during which monitoring to be completed
1,2-diphenylhydrazine	122–66–7	EPA 525.2[i]	Reserved[h]	EPTDS[f]	Reserved[h]
2-methyl-phenol	95–48–7	SPE/GC/MS[l]	Reserved[h]	EPTDS[f]	Reserved[h]
2,4-dichlorophenol	120–83–2	SPE/GC/MS[l]	Reserved[h]	EPTDS[f]	Reserved[h]
2,4-dinitrophenol	51–28–5	SPE/GC/MS[l]	Reserved[h]	EPTDS[f]	Reserved[h]
2,4,6-trichlorophenol	88–06–2	SPE/GC/MS[l]	Reserved[h]	EPTDS[f]	Reserved[h]
Alachlor ESA	TBD[h]	TBD[h]	Reserved[h]	EPTDS[f]	Reserved[h]
Diazinon	333–41–5	EPA 525.2[k]	Reserved[h]	EPTDS[f]	Reserved[h]
Disulfoton	298–04–4	EPA 525.2[k]	Reserved[h]	EPTDS[f]	Reserved[h]
Diuron	330–54–1	SPE/HPLC/ UV[j]	Reserved[h]	EPTDS[f]	Reserved[h]
Fonofos	944–22–9	EPA 525.2[i]	Reserved[h]	EPTDS[f]	Reserved[h]
Linuron	330–55–2	SPE/HPLC/UV[j]	Reserved[h]	EPTDS[f]	Reserved[h]
Polonium-210	13981–52–7	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]
Prometon	1610–18–0	EPA 525.2[k]	Reserved[h]	EPTDS[f]	Reserved[h]
Terbufos	13071–79–9	EPA 525.2[k]	Reserved[h]	EPTDS[f]	Reserved[h]
RDX	121–82–4	Reserved[h]	Reserved[h]	EPTDS[f]	Reserved

List 2—Screening Survey Microbiological Contaminants
To Be Sampled After Notice of Analytical Methods Availability

1-Contaminant	2-Identification number	3-Analytical methods	4-Minimum reporting level	5-Sampling location	6-Period during which monitoring to be completed
Aeromonas	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]	Reserved

List 3—Pre-Screen Testing Radionuclides
To Be Sampled After Notice of Analytical Methods Availability

1-Contaminant	2-CAS registry number	3-Analytical methods	4-Minimum reporting level	5-Sampling location	6-Period during which monitoring to be completed
Lead-210	14255–04–0	Reserved[h]	Reserved[h]	Reserved[h]	Reserved

List 3—Pre-Screen Testing Microorganisms
To Be Sampled After Notice of Analytical Methods Availability

1-Contaminant	2-Identification number	3-Analytical methods	4-Minimum reporting level	5-Sampling location	6-Period during which monitoring to be completed
Cyanobacteria (blue-green algae, other freshwater algae and their toxins).	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]
Echoviruses	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]
Coxsackieviruses	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]
Helicobacter pylori	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]
Microsporidia	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]
Calciviruses	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]
Adenoviruses	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]	Reserved[h]

Column headings are:
1-Chemical or microbiological contaminant: the name of the contaminants to be analyzed.
2–CAS (Chemical Abstract Service Number) Registry No. or Identification Number: a unique number identifying the chemical contaminants.
3-Analytical Methods: method numbers identifying the methods that must be used to test the contaminants.
4-Minimum Reporting Level: the value and unit of measure at or above which the concentration or density of the contaminant must be measured using the Approved Analytical Methods.
5-Sampling Location: the locations within a PWS at which samples must be collected.
6-Years During Which Monitoring to Be Completed: The years during which the sampling and testing are to occur for the indicated contaminant.
The procedures shall be done in accordance with the documents listed below. The incorporation by reference of the following documents listed in footnotes b-d was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed below. Information regarding obtaining these documents can be obtained from the Safe Drinking Water Hotline at 800–426–4791. Documents may be inspected at EPA's Drinking Water Docket, 401 M Street, SW., Washington, DC 20460 (Telephone: 202–260–3027); or at the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.
[a] The version of the EPA methods which you must follow for this Rule are listed at 40 CFR 141.24 (e).
[b] *Annual Book of ASTM Standards,* 1996 and 1998, Vol. 11.02, American Society for Testing and Materials. Method D5812–96 is located in the *Annual Book of ASTM Standards,* 1998, Vol. 11.02. Methods D5790–95, D5475–93, and D5317–93 are located in the *Annual Book of ASTM Standards,* 1996 and 1998, Vol 11.02. Copies may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428.
[c] Official Methods of Analysis of AOAC (Association of Official Analytical Chemist) International, Sixteenth Edition, 4th Revision, 1998, Volume I, AOAC International, First Union National Bank Lockbox, PO Box 75198, Baltimore, MD 21275–5198. 1–800–379–2622.
[d] SM 6210 D is only found in the 18th and 19th editions of *Standard Methods for the Examination of Water and Wastewater,* 1992 and 1995, American Public Health Association; either edition may be used. SM 6200 B is only found in the 20th edition of *Standard Methods for the Examination of Water and Wastewater,* 1998. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005.
[e] Minimum Reporting Level determined by multiplying by 10 the least sensitive method's minimum detection limit (MDL=standard deviation times the Student's T value for 99% confidence level with n-1 degrees of freedom), or when available, multiplying by 5 the least sensitive method's estimated detection limit (where the EDL equals the concentration of compound yielding approximately a 5 to 1 signal to noise ratio or the calculated MDL, whichever is greater).
[f] Entry Points to the Distribution System (EPTDS), After Treatment, representing each non-emergency water source in routine use over the twelve-month period of monitoring; sampling must occur at the EPTDS, unless the State has specified other sampling points that are used for compliance monitoring 40 CFR 141.24 (f)(1), (2), and (3). See 40 CFR 141.40(a)(5)(ii)(C) for a complete explanation of requirements, including the use of source (raw) water sampling points.
[g] Minimum Reporting Levels (MRL) for Volatile Organic Compounds (VOC) determined by multiplying either the published Method Detection Limit (MDL) or 0.5 µg/L times 10, whichever is greater. The MDL of 0.5 µg/L (0.0005 mg/L) was selected to conform to VOC MDL requirements of 40 CFR 141.24(f)(17)(i)(E).
[h] To be Determined at a later time
[i] Compound currently not listed as a contaminant in this method.
[j] Methods development currently in progress to develop a solid phase extraction/high performance liquid chromatography/ultraviolet method for the determination of this compound.
[k] Compound listed as being a contaminant using EPA Method 525.2; however, adequate sample preservation is not available. Preservation studies currently being conducted to develop adequate sample preservation.
[l] Methods development currently in progress to develop a solid phase extraction/gas chromatography/mass spectrometry method for the determination of this compound.
[m] If not determined by regulation by December 31, 2000, this contaminant will become part of List 2.

(4) *What general requirements must I follow for monitoring List 1 contaminants?* (i) All systems. You must:

(A) Collect samples of the listed contaminants in accordance with paragraph (a)(5) of this section and Appendix A of this section and any other specific instructions provided to you by the State or EPA,

(B) Analyze the additional parameters specified below in Table 2. "Water Quality Parameters to be Monitored with UCMR Contaminants" for each relevant contaminant type. You must analyze the parameters for each sampling event of each sampling point, using the method indicated, and report using the data elements 1 through 10 in Table 1, § 141.35(d), Unregulated Contaminant Monitoring Reporting Requirements;

(C) Review the laboratory testing results to ensure reliability; and

(D) Report the results as specified in § 141.35.

TABLE 2.—WATER QUALITY PARAMETERS TO BE MONITORED WITH UCMR CONTAMINANTS

Parameter	Contaminant type	Methodology		
		EPA method	Standard methods [1]	Other
pH	Chemical;	[2] 150.1	4500-H + B	ASTM D1293–84 [3]
	Microbiological	[2] 150.2		ASTM D1293–95 [3]
Turbidity	Microbiological	[4,5] 180.1	2130 B [4]	GLI Method 2 [4,6]
Temperature	Microbiological		2550	
Free Disinfectant Residual	Microbiological		4500-Cl D	ASTM D 1253–86 [3]
			4500-Cl F	
			4500-Cl G	
			4500-Cl H	
			4500-ClO_2 D	
			4500-ClO_2 E	
			4500-O_3 B	
Total Disinfectant Residual	Microbiological		4500-Cl D	ASTM D 1253–86 [3]
			4500-Cl E [4]	
			4500-Cl F	
			4500-Cl G [4]	
			4500-Cl I	

The procedures shall be done in accordance with the documents listed below. The incorporation by reference of the following documents was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed below. Information regarding obtaining these documents can be obtained from the Safe Drinking Water Hotline at 800–426–4791. Documents may be inspected at EPA's Drinking Water Docket, 401 M Street, SW., Washington, DC 20460 (Telephone: 202–260–3027); or at the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

[1] The 18th and 19th Editions of *Standard Methods for the Examination of Water and Wastewater*, 1992 and 1995. Methods 2130 B; 2550; 4500-Cl D, E, F, G, H, I; 4500-ClO2 D, E; 4500-H^+ B; and 4500-O_3 B in the 20th edition *Standard Methods for the Examination of Water and Wastewater*, 1998, American Public Health Association, 1015 Fifteenth St. NW, Washington D.C., 20005.

[2] Methods 150.1 and 150.2 are available from US EPA, NERL, 26 W. Martin Luther King Dr., Cincinnati, Ohio 45268. The identical methods are also in "Methods for Chemical Analysis of Water and Wastes," EPA–600/4–79–020, March 1983, available from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, Virginia 22161, PB84–128677. (Note: NTIS toll-free number is 800–553–6847.)

[3] *Annual Book of ASTM Standards*, Editions 1994 and 1996,Volumes 11.01, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428. Version D1293–84 is located in the *Annual Book of ASTM Standards*, 1994, Volumes 11.01. Version D1293–95 is located in the *Annual Book of ASTM Standards*, 1996, Volumes 11.01.

[4] "Technical Notes on Drinking Water," EPA–600/R–94–173, October 1994, Available at NTIS, PB95–104766.

[5] "Methods for the Determination of Inorganic Substances in Environmental Samples," EPA–600/R–93–100, August 1993. Available at NTIS, PB94–121811

[6] GLI Method 2, "Turbidity," November 2, 1992, Great Lakes Instruments Inc., 8855 North 55th St., Milwaukee, Wisconsin 53223.

(ii) *Large systems.* In addition to paragraph (a)(4)(i) of this section, you must arrange for testing of the samples according to the methods specified for each contaminant in Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, and in Appendix A of this section.

(iii) *Small systems.* Unless directed otherwise by the State or EPA, in addition to paragraph (a)(4)(i) of this section , you must:

(A) Properly receive, store, maintain and use the sampling equipment sent to you from the laboratory designated by EPA;

(B) Sample at the times specified by the State or the EPA;

(C) Collect and pack samples in accordance with the instructions sent to you by the laboratory designated by EPA; and

(D) Send the samples to the laboratory designated by EPA.

(5) What specific sampling and quality control requirements must I follow for monitoring of List 1 contaminants? *(i) All systems.* Unless the State or EPA informs you of other sampling arrangements, you must comply with the following requirements:

(A) *Sample collection and shipping time.* If you must ship the samples for testing, you must collect the samples early enough in the day to allow adequate time to send the samples for overnight delivery to the laboratory since some samples must be processed at the laboratory within 30 hours of collection. You must not collect samples on Friday, Saturday or Sunday because sampling on these days would not allow samples to be shipped and received at the laboratory within 30 hours.

(B) *No compositing of samples.* You must not composite (that is, combine, mix or blend) the samples. You must collect, preserve and test each sample separately.

(C) *Review and reporting of results.* After you have received the laboratory results, you must review and confirm the system information and data regarding sample collection and test results. You must report the results as provided in § 141.35.

(ii) *Large systems.* In addition to paragraph (a)(5)(i) of this section, you must comply with the following:

(A) *Timeframe.* You must collect the samples in one twelve-month period during the years indicated in column 6 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List.

(B) *Frequency.* You must collect the samples within the timeframe and according to the following frequency specified by contaminant type and water source type:

TABLE 3.—MONITORING FREQUENCY BY CONTAMINANT AND WATER SOURCE TYPES

Contaminant type	Water source type	Timeframe	Frequency
Chemical	Surface water	Twelve (12) months	Four quarterly samples taken as follows: Select either the first, second, or third month of a quarter and sample in that same month of each of four (4) consecutive quarters[a] to ensure that one of those sampling events occurs during the vulnerable time.[b]
	Ground water	Twelve (12) months	Two (2) times in a year taken as follows: Sample during one (1) month of the vulnerable time[b] and during one (1) month five (5) to seven (7) months earlier or later.[c]
Microbiological	Surface and ground water	Twelve (12) months	Two (2) times in a year taken as follows: Sample during one (1) month of the vulnerable time[b] and during one (1) month five (5) to seven (7) months earlier or later.[c]

[a] "Select either the first, second, or third month of a quarter and sample in that same month of each of four (4) consecutive quarters" means that you must monitor during each of the four (4) months of either: January, April, July, October; or February, May, August, November; or March, June, September, December.

[b] "Vulnerable time" means May 1 through July 31, unless the State or EPA informs you that it has selected a different time period for sampling as your system's vulnerable time.

[c] "Sample during one (1) month of the vulnerable time and during one (1) month five (5) to seven (7) months earlier or later" means, for example, that if you select May as your "vulnerable time" month to sample, then one (1) month five (5) to seven (7) months earlier would be either October, November or December of the preceding year, and one (1) month five (5) to seven (7) months later would be either, October, November, or December of the same year.

(C) *Location.* You must collect samples at the location specified for each listed contaminant in column 5 of the Table 1, UCMR (1999) List, in paragraph (a)(3) of this section. The sampling location for chemical contaminants must be the entry point to the distribution system or the compliance monitoring point specified by the State or EPA under 40 CFR 141.24(f)(1), (2), and (3). If the compliance monitoring point as specified by the State is for source (raw) water and any of the contaminants in paragraph (a)(3) of this section are detected, then you must also sample at the entry point to the distribution system at the frequency indicated in paragraph (a)(5)(ii)(B) of this section with the following exception: If the State or EPA determines that sampling at the entry point to the distribution system is unnecessary because no treatment was instituted between the source water and the distribution system that would affect measurement of the contaminants listed in paragraph (a)(3) of this section, then you do not have to sample at the entry point to the distribution system.

(D) *Sampling instructions.* You must follow the sampling procedure for the method specified in column 3 of List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, for each contaminant.

(E) *Testing and analytical methods.* For each listed contaminant, you must use the analytical method specified in column 3 of List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, the minimum reporting levels in column 4 of List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, and the quality control procedures specified in Appendix A of this section.

(F) *Sampling deviations.* If you do not collect a sample according to the procedures specified for a listed contaminant, you must resample within 14 days of observing the occurrence of the error (which may include notification from the laboratory that you must resample) following the procedures specified for the method. (This resampling is not for confirmation sampling but to correct the sampling error.)

(G) *Testing.* You must arrange for the testing of the contaminants by a laboratory certified under § 141.28 for compliance analysis using the EPA analytical methods listed in column 3 for each contaminant in Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, whether you use the EPA analytical methods or non-EPA methods listed in Table 1.

(iii) *Small systems that are part of the State Monitoring Plan.* Unless directed otherwise by the State or EPA, in addition to paragraph (a)(5)(i) of this section, you must comply with the following:

(A) *Timeframe and frequency.* You must collect samples at the times specified for you by the State or EPA, within the timeframe specified in paragraph (a)(5)(ii)(A) of this section and according to the frequency specified in paragraph (a)(5)(ii)(B) of this section for the contaminant type and water source type.

(B) *Location.* You must collect samples at the locations specified for you by the State or EPA.

(C) *Sampling deviations.* If you do not collect a sample according to the instructions provided to you for a listed contaminant, then you must report the deviation on the sample reporting form that you send to the laboratory with the samples. You must resample following instructions that you will be sent from EPA's designated laboratory or the State.

(D) *Sample kits.* You must store and maintain the sample collection kits sent to you by EPA's designated laboratory in a secure place until used for sampling. You should read the instructions for each kit when you receive it. If indicated in the kit's instructions, you must freeze the cold packs. The sample kit will include all necessary containers, packing materials and cold packs, instructions for collecting the sample and sample treatment (such as dechlorination or preservation), report forms for each sample, contact name and telephone number for the laboratory, and a prepaid return shipping docket and return address label. If any of the materials listed in the kit's instructions are not included or arrive damaged, you must notify EPA's designated laboratory which sent you the sample collection kits.

(E) *Sampling instructions.* You must comply with the instructions sent to you by the State or EPA concerning the use of containers, collection (how to fill the sample bottle), dechlorination and/or preservation, and sealing and preparing the sample and shipping containers for

shipment. You must also comply with the instructions sent to you by EPA's designated laboratory concerning the handling of sample containers for specific contaminants.

(F) *Duplicate samples.* EPA will select systems in the State Monitoring Plan that must collect duplicate samples for quality control. If your system is selected, you will receive two sample kits that you must use. You must use the same sampling protocols for both sets of samples, following the instructions in the duplicate sample kit.

(G) *Sampling forms.* You must completely fill out the sampling forms sent to you by the laboratory, including the data elements 1 through 6 listed in § 141.35(d) for each sample. You must sign and date the sampling forms.

(H) *Sample submission.* Once you have collected the samples and completely filled in the sampling forms, you must send the samples and the sampling forms to the laboratory designated in your instructions.

(6) *What additional requirements must I follow if my system is selected as an Index system?* If your system is selected as an Index system in the State Monitoring Plan, you must assist the State or EPA in identifying appropriate sampling locations and provide information on which wells and intakes are in use at the time of sampling, well casing and screen depths (if known) for those wells, and the pumping rate of each well or intake at the time of sampling.

(7) *What must I do if my system is selected for the Screening Surveys or Pre-Screen Testing?* (i) *Large systems.* If your system serves over 10,000 persons, you must collect and arrange for testing of the contaminants in List 2 and List 3 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, in accordance with the requirements set out in paragraphs (a)(4) and (5) of this section. You must send the samples to one of the laboratories designated by EPA in your notification. You must report the test results to EPA, and provide a copy to the State, as specified in 40 CFR 141.35.

(ii) *Small systems.* If your system serves 10,000 or fewer persons, you must collect samples in accordance with the instructions sent to you by the State or EPA, or, if informed by the State or EPA that the State or EPA will collect the sample, you must assist the State or EPA in identifying the appropriate sampling locations and in taking the samples. EPA will report the test results to you and the State.

(8) *What is a violation of this Rule?* (i) Any failure to monitor in accordance with § 141.40(a)(3) through (7) and Appendix A is a monitoring violation. (ii) Any failure to report in accordance with § 141.35 is a reporting violation.

(b) *Requirements for State and Tribal Participation.* (1) How can I, as the director of a State or Tribal drinking water program, participate in unregulated contaminant monitoring, including Assessment Monitoring (which includes the State Monitoring Plan for small systems), the Screening Surveys, and Pre-Screen Testing of all systems? You can enter into a Memorandum of Agreement (MOA) with the EPA that describes your State's or Tribe's activities to:

(i) *Accept or modify the initial plan.* EPA will first specify the systems serving 10,000 or fewer persons by water source and size in an initial State Monitoring Plan for each State using a random number generator. EPA will also generate a replacement list of systems for systems that may not have been correctly specified on the initial plan. This initial State Monitoring Plan will also indicate the year and day, plus or minus two (2) weeks from the day, that each system must monitor for the contaminants in List 1 of Table 1 of this section, Unregulated Contaminant Monitoring Regulation (1999) List. EPA will provide you with the initial monitoring plan for your State or Tribe, including systems to be Index systems and those systems to be part of the Screening Surveys. Within sixty (60) days of receiving your State's initial plan, you may notify EPA that you either accept it as your State Monitoring Plan or request to modify the initial plan by removing systems that have closed, merged or are purchasing water from another system and replacing them with other systems. Any purchased water system associated with a non-purchased water system must be added to the State Monitoring Plan if the State determines that its distribution line is the location of the maximum residence time or lowest disinfectant residual of the combined distribution system. In this case, the purchased water system must monitor for the contaminants for which the "distribution system" is identified as the point of "maximum residence time" or "lowest disinfectant residual," depending on the contaminant, and not the community water system selling water to it. You must replace any systems you removed from the initial plan with systems from the replacement list in the order they are listed. Your request to modify the initial plan must include the modified plan and the reasons for the removal and replacement of systems. If you believe that there are reasons other than those previously listed for removing and replacing one or more other systems from the initial plan, you may include those systems and their replacement systems in your request to modify the initial plan. EPA will review your request to modify your State's initial plan. Please note that information about the actual or potential occurrence or non-occurrence of contaminants at a system or a system's vulnerability to contamination is not a basis for removal from or addition to the plan.

(ii) *Determine an alternate vulnerable time.* Within 60 days of receiving the initial State Monitoring Plan, you may also determine that the most vulnerable time of the year for any or all of the systems in the plan, and for any of the large systems that must monitor, is some period other than May 1 through July 31. If you make this determination, you must modify the initial plan to indicate the alternate vulnerable time and to which systems the alternate vulnerable time applies. EPA will review these determinations when you submit your request to modify your State's initial monitoring plan to the EPA. You must notify the small system(s) in your final State Monitoring Plan and the large system(s) of the most vulnerable time(s) of the year that you have specified for them to sample for one of their sampling events. You must notify them at least 90 days before their first unregulated contaminant sampling is to occur. You may need to consider the timing of monitoring in paragraph (b)(1)(iii) of this section.

(iii) *Modify the timing of monitoring.* Within sixty (60) days of receiving the initial plan, you may also modify the plan by selecting an alternative year and day, plus or minus two (2) weeks, within the years specified in column 6, List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, for monitoring for each system in the initial plan as long as approximately one-third of the systems in the State Plan monitor in each of the three (3) years listed. This monitoring may be coordinated with regulated contaminant compliance monitoring at your discretion. You must send the modified plan to EPA.

(iv) *Identify alternate sampling points for small systems in the State Monitoring Plan.* All systems are required to monitor for the contaminants at the sampling locations specified in column 5, List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, unless the State specifies an alternate compliance sampling point as the sampling location.

If the compliance sampling points for the small systems in the State Monitoring Plan are different than those specified in paragraph (a)(3) of this section, then you must indicate these sampling points in the plan. These alternative sampling points must allow proper sampling and testing for the unregulated contaminants.

(v) *Notify small and large systems of their monitoring responsibilities.* You must provide notification to systems in the plan and, where appropriate, the large systems, at least ninety (90) days before sampling must occur.

(vi) *Provide instructions to systems that are part of the final State Monitoring Plan.* You must send a monitoring schedule to each system listed in the State Monitoring Plan and instructions on location, frequency, timing of sampling, use of sampling equipment, and handling and shipment of samples based on these regulations. EPA will provide you with guidance for these instructions. If you perform the sampling or make alternative arrangements for the sampling at the systems in the plan, you must inform EPA at least six (6) months before the first monitoring is to occur and address the alternative monitoring arrangements in the MOA.

(vii) *Participate in monitoring for the Screening Surveys for small and large systems.* Within 120 days prior to sampling, EPA will notify you which systems have been selected to participate in the Screening Surveys, the sampling dates, the designated laboratory for testing, and instructions for sampling. You must review the small systems that EPA selected for the State Monitoring Plan to ensure that the systems are not closed, merged or purchasing water from another system (unless the system is to conduct microbiological contaminant monitoring), and then make any replacements in the plan, as described in paragraph (b)(1)(i) of this section. You must notify the selected systems in your State of these Screening Surveys requirements. You must provide the necessary Screening Surveys information to the selected systems at least ninety (90) days prior to the sampling date.

(viii) *Participate in monitoring for Pre-Screen Testing for small and large systems.* You can participate in Pre-Screen Testing in two ways.

(A) First, within ninety (90) days of EPA's letter to you concerning initiation of Pre-Screen Testing for specific contaminants, you can identify from five (5) up to twenty-five (25) systems in your State that you determine to be representative of the most vulnerable systems to these contaminants, modify your State Monitoring Plan to include these most vulnerable systems if any serve 10,000 or fewer persons, and notify EPA of the addition of these systems to the State Plan. These systems must be selected from all community and non-transient noncommunity water systems. EPA will use the State-identified vulnerable systems to select up to 200 systems nationally to be monitored considering the characteristics of the contaminants, precipitation, system operation, and environmental conditions.

(B) Second, within 120 days prior to sampling, EPA will notify you which systems have been selected, sampling dates, the designated laboratory for testing of samples for systems serving 10,000 or fewer persons and approved laboratories for systems serving more than 10,000 persons, and instructions for sampling. You must notify the owners or operators of the selected systems in your State of these Pre-Screen Testing requirements. At least ninety (90) days prior to the sampling date, you must provide the necessary Pre-Screen Testing information to the owners or operators of the selected systems and then inform EPA that you took this action to allow sufficient time for EPA to ensure laboratory readiness.

(ix) *Revise system's treatment plant location(s) to include latitude and longitude.* For reporting to the Safe Drinking Water Information System, EPA already requires reporting of either the latitude and longitude or the street address for the treatment plant location. If the State enters into an MOA, the State must report each system's treatment plant location(s) as latitude and longitude (in addition to street address, if previously reported) by the time of the system's reporting of Assessment Monitoring results to the National Drinking Water Contaminant Occurrence Database.

(2) What if I decide not to participate in an MOA? If you decide not to enter into an MOA with EPA to develop the State Monitoring Plan for small systems, the initial monitoring plan that EPA sent you will become the final State Monitoring Plan for your State or Tribe. In that case, you may still notify each public water system of its selection for the plan and instructions for monitoring as long as you notify EPA that you will be undertaking this responsibility at least six (6) months prior to the first unregulated contaminant monitoring.

(3) Can I add contaminants to the Unregulated Contaminant Monitoring List? Yes, the SDWA allows Governors of seven (7) or more States to petition the EPA Administrator to add one or more contaminants to the Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section. The petition must clearly identify the reason(s) for adding the contaminant(s) to the monitoring list in paragraph (a)(3) of this section, including the potential risk to public health, particularly any information that might be available regarding disproportional risks to the health and safety of children, the expected occurrence documented by any available data, any analytical methods known or proposed to be used to test for the contaminant(s), and any other information that could assist the Administrator in determining which contaminants present the greatest public health concern and should, therefore, be included on the Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section.

(4) Can I waive monitoring requirements? Only with EPA approval and under very limited conditions. Conditions and procedures for obtaining the only type of waiver available under these regulations are as follows:

(i) Application. You may apply to EPA for a State-wide waiver from the unregulated contaminant monitoring requirements for public water systems serving more than 10,000 persons. To apply for such a waiver, you must submit an application to EPA that includes the following information:

(A) the list of contaminants on the Unregulated Contaminant Monitoring List for which you request a waiver, and

(B) documentation for each contaminant in your request demonstrating that the contaminants have not been used, applied, stored, disposed of, released, naturally present or detected in the source waters or distribution systems in your State during the past 15 years, and that it does not occur naturally in your State.

(ii) Approval. EPA will notify you if EPA agrees to waive monitoring requirements.

Appendix A to § 141.40—Quality Control Requirements for Testing All Samples Collected

Your system must ensure that the quality control requirements listed below for testing of samples collected and submitted under § 141.40 are followed:

(1) Sample Collection/Preservation. Follow the sample collection and preservation requirements for the specified method for each of the contaminants in Table 1, UCMR (1999) List, in paragraph (a)(3) of this section. These requirements specify sample containers, collection, dechlorination, preservation, storage, sample holding time, and extract storage and/or holding time that the laboratory must follow.

(2) Method Detection Limit. Calculate the laboratory method detection limit (MDLs) for each contaminant in Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, of paragraph (a)(3) of this section using the appropriate specified method according to procedures in 40 CFR Part 136, Appendix B with the exception that the contaminant concentration used to fortify reagent water must be less than or equal to the minimum reporting level (MRL) for the contaminants as specified in column 4, Table 1, UCMR (1999) List, in paragraph (a)(3) of this section. The calculated MDL is equal to the standard deviation times the Student's T value for 99% confidence level with n-1 degrees of freedom. (The MDL must be less than or equal to one-half of the MRL.)

(3) Calibration. Follow the initial calibration requirements as specified in the method utilized. Calibration must be verified initially with a low-level standard at a concentration at or below the MRL for each contaminant. Perform a continuing calibration verification following every 10th sample. The calibration verification must be performed by alternating low-level and mid-level calibration standards. The low-level standard is defined as a concentration at or below the MRL with an acceptance range of ±40%. The mid-level standard is in the middle of the calibration range with an acceptance range of ±20%.

(4) Reagent Blank Analysis. Analyze one laboratory reagent (method) blank per sample set/batch that is treated exactly as a sample. The maximum allowable background concentration is one-half of the MRL for all contaminants. A field reagent blank is required only for EPA Method 524.2 (or equivalent listed methods, D5790.95, SM6210D, and SM6200B).

(5) Quality Control Sample. Obtain a quality control sample from an external source to check laboratory performance at least once each quarter.

(6) Matrix Spike and Duplicate. Prepare and analyze the sample matrix spike (SMS) for accuracy and matrix spike duplicate (MSD) samples for precision to determine method accuracy and precision for all contaminants in Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section. SMS/MSD samples must be prepared and analyzed at a frequency of 5% (or one SMS/MSD set per every 20 samples) or with each sample batch whichever is more frequent. In addition, the SMS/MSD spike concentrations must be alternated between a low-level spike and mid-level spike approximately 50% of the time. (For example: a set of 40 samples will require preparation and analysis of two SMS/MSD sets. The first set must be spiked at either the low-level or mid level, and the second set must be spiked with the other standard, either the low-level or mid-level, whichever was not used for the initial SMS/MSD set). The low-level SMS/MSD spike concentration must be within ±20% of the MRL for each contaminant. The mid-level SMS/MSD spike concentration must be within ±20% of the mid-level calibration standard for each contaminant, and should represent, where possible, an approximate average concentration observed in previous analyses of that analyte. The spiking concentrations must be reported in the same units of measure as the analytical results.

(7) Internal Standard Calibration. As appropriate to a method's requirements to be used, test and obtain an internal standard for the methods for each chemical contaminant in Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, in paragraph (a)(3) of this section, a pure contaminant of known concentration, for calibration and quantitation purposes. The methods specify the percent recovery or response that you must obtain for acceptance.

(8) Method Performance Test. As appropriate to a method's requirements, test for surrogate compounds, a pure contaminant unlikely to be found in any sample, to be used to monitor method performance. The methods specify the percent recovery that you must obtain for acceptance.

(9) Detection Confirmation. Confirm any chemical contaminant detected above the MRL by gas chromatographic/mass spectrometric (GC/MS) methods. If testing resulted in first analyzing the sample extracts via specified gas chromatographic methods, an initial confirmation by a second column dissimilar to the primary column may be performed. If the contaminant detection is confirmed by the secondary column, then the contaminant must be reconfirmed by GC/MS using three (3) specified ion peaks for contaminant identification. Use one of the following confirming techniques: perform single point calibration of the GC/MS system for confirmation purposes only as long as the calibration standard is at a concentration within ± 50% of the concentration determined by the initial analysis; or perform a three (3) point calibration with single point daily calibration verification of the GC/MS system regardless of whether that verification standard concentration is within ± 50% of sample response. If GC/MS analysis confirms the initial contaminant detection, report results determined from the initial analysis.

(10) Reporting. Report the analytical results and other data, with the required data listed in 40 CFR 141.35, Table 1. Report this data electronically to EPA, unless EPA specifies otherwise, and provide a copy to the State. Systems must coordinate with their laboratories for electronic reporting to EPA to ensure proper formatting and timely data submission.

PART 142—NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

1. The authority citation for part 142 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

§ 142.15 [Amended]

2. Section 142.15 is amended by removing and reserving paragraph (c)(3).

3. Section 142.16 is amended by revising paragraphs (e) introductory text, (e)(1) introductory text, and (e)(1)(i)(C) to read as follows:

§ 142.16 Special primacy requirements.

* * * * *

(e) An application for approval of a State program revision which adopts the requirements specified in §§ 141.11, 141.23, 141.24, 141.32, 141.61 and 141.62 must contain the following (in addition to the general primacy requirements enumerated elsewhere in this part, including the requirement that State regulations be at least as stringent as the federal requirements):

(1) If a State chooses to issue waivers from the monitoring requirements in §§ 141.23 and 141.24, the State shall describe the procedures and criteria which it will use to review waiver applications and issue waiver determinations.

(i) * * *

(C) The State decision criteria, including the factors that will be considered in deciding to grant or deny waivers. The decision criteria must include the factors specified in §§ 141.24(f)(8) and 141.24(h)(6).

* * * * *

[FR Doc. 99–23030 Filed 9–3–99; 12:35 pm]
BILLING CODE 6560–50–P

federal register

Friday
September 17, 1999

Part III

Federal Communications Commission

47 CFR Parts 21, 73, 74, and 76
Review of the Commission's Regulations Governing Attribution Ownership Rule; Final Rule
Broadcast Television National Ownership Rules; Final Rule
Review of the Commission's Regulations Governing Television Broadcasting; Television Satellite Stations Review of Policy and Rules; Final Rule
Comment Sought on Processing Order for Applications Filed Pursuant to the Commission's New Local Broadcast Ownership Rules; Notice

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21, 73, 74 and 76

[MM Docket No. 94–150, 92–51, 87–154; FCC 99–207]

Review of the Commission's Regulations Governing Attribution Ownership Rule

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's broadcast, broadcast cable cross-ownership and cable/Multipoint Distribution Service Cross-ownership ("MDS") attribution rules. The intended effect of this action is to improve the clarity and precision of our current rules while avoiding disruptions in funding to licensees.

DATES: Effective November 16, 1999, except for § 73.3526(e)(14) and (e)(16) and § 73.3613(d) and (e) which contain information collection requirements that are not effective until approved by the Office of Management and Budget. The FCC will publish a document in the **Federal Register** announcing the effective dates for those sections.

FOR FURTHER INFORMATION CONTACT: Mania K. Baghdadi, Jane Gross or Berry Wilson at (202) 418–2120, Policy and Rules Division, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order ("*R&O*"), FCC 99–207, adopted August 5, 1999; released August 6, 1999. The full text of the Commission's *R&O* is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room TW–A306), 445 12 St. S.W., Washington, D.C. The complete text of this *R&O* may also be purchased from the Commission's copy contractor, International Transcription Services (202) 857–3800, 1231 20th St., N.W., Washington, D.C. 20036.

Synopsis of Report & Order

Introduction

1. The mass media attribution rules seek to identify those interests in or relationships to licensees that confer on their holders a degree of influence or control such that the holders have a realistic potential to affect the programming decisions of licensees or other core operating functions. In this *R&O*, we amend our broadcast and our cable/Multipoint Distribution Service ("MDS") attribution rules to improve the precision of the attribution rules, avoid disruption in the flow of capital to broadcasting, afford clarity and certainty to regulatees and markets, and facilitate application processing—our goals in initiating this proceeding. In taking these steps, we have sought to avoid undue impact on our goal of promoting the rapid conversion of broadcast television licensees to a digital mode. We initiated this long-pending proceeding in 1995, sought further comment after the passage of the Telecommunications Act of 1996, and have had the benefit of numerous comments on the variety of issues resolved herein. The new attribution rules we adopt today are integrally related to the rules adopted in our companion local television ownership and national television ownership proceedings. A reasonable and precise definition of what interests should be counted in applying the multiple ownership rules is a critical element in assuring that those rules operate to promote the goals they were designed to achieve.

Background

2. The attribution rules that are the subject of this proceeding define what constitutes a "cognizable interest" in applying the broadcast multiple ownership rules, the broadcast/cable cross-ownership rule, and the cable/MDS cross-ownership rule. We issued the *Attribution Notice*, 60 FR 6483, February 2, 1995, to review the attribution rules based on several considerations, including: (1) Changes in the broadcasting industry and in the multiple ownership rules since our last revision of the attribution rules over ten years ago and our consequent desire to ensure that the attribution rules remain effective in identifying interests that should be counted for purposes of applying the multiple ownership rules; (2) concerns raised that certain nonattributable investments, while permissible under current rules, might permit a degree of influence that warrants their attribution; (3) concerns that individually permissible cooperative arrangements between broadcasters are being used in combination so as to result in significant influence in multiple stations that is intended to be prohibited by the multiple ownership rules; and (4) the need to address attribution treatment of Limited Liability Companies ("LLCs").

3. We solicited comment in the *Attribution Notice* on several issues, including: (1) Whether to increase the voting stock benchmark from 5 percent to 10 percent and the passive investor benchmark from 10 percent to 20 percent; (2) whether to expand the category of passive investors; (3) whether and, if so, under what circumstances to attribute nonvoting shares; (4) whether to retain our single majority shareholder exemption from attribution; (5) whether to revise our insulation criteria for limited partners, and whether to adopt an equity benchmark for noninsulated limited partners; (6) how to treat interests in LLCs and other new business forms under our attribution rules; (7) whether to eliminate the remaining aspects of our cross-interest policy; and (8) how to treat financial relationships and multiple business interrelationships which, although not individually attributable, should perhaps be treated as attributable interests when held in combination.

4. Congress subsequently enacted the Telecommunications Act of 1996 ("1996 Act"), Public Law 104–104, 110 Stat. 56 (1996), which substantially relaxed several of our ownership rules. We issued the *Attribution Further Notice*, 61 FR 67275, December 20, 1996, to seek comment as to how these ownership rule revisions should affect our review of the attribution rules. We also sought comment on new proposals, including a proposal to attribute the otherwise nonattributable interests of holders of equity and/or debt in a licensee where the interest holder is a program supplier to a licensee or a same-market media entity and where the equity and/or debt holding exceeds a specified threshold. Additionally, we sought comment on: (1) Proposals to attribute television Local Marketing Agreements ("LMAs") and to modify the scope of the radio LMA attribution rules; (2) whether we should revise our approach to joint sales agreements ("JSAs") in specified circumstances; (3) a study conducted by Commission staff, appended to the *Further Notice*, on attributable interests in television broadcast licensees and on the implications of this study for our attribution rules, particularly on the voting stock benchmarks; (4) whether we should amend the cable/MDS cross-ownership attribution rule; and (5) transition issues.

5. We believe the rule revisions we adopt today promote these goals. In this *R&O*, we: (1) Adopt an equity/debt plus attribution rule that would narrow, but not eliminate, the current exemptions from attribution for nonvoting stock and debt, as well as the single majority shareholder exemption; (2) attribute certain television LMAs and modify the radio LMA rules; (3) retain the 5 percent voting stock attribution benchmark, but raise the passive investor voting stock benchmark to 20 percent; (4) retain the current definition of passive investor; (5) eliminate the cross-interest policy;

(6) decline to adopt attribution rules for JSAs; (7) adopt as an attribution rule our interim processing policy under which we apply limited partnership insulation criteria to LLCs; (8) retain the current insulation criteria for attribution of limited partnerships; (9) revise the cable/MDS cross-ownership attribution rule to conform it to the broadcast attribution rules, as revised in this *R&O*; and (10) establish transition measures with respect to interests made attributable as a result of rules adopted in this *R&O* that would result in violations of the multiple ownership rules. So that our broadcast attribution rules remain consistent, we also modify the attribution rules that apply to the broadcast/cable cross-ownership rule, § 76.501(a) to incorporate the attribution rule changes adopted today.

Issue Analysis

A. Stockholding Benchmarks

6. *Background.* The *Attribution Notice* sought comment on whether we should increase the voting stock benchmarks from five to ten percent for non-passive investors and from ten to twenty percent for passive investors. This issue was originally raised in the *Notice of Proposed Rule Making and Notice of Inquiry*, 57 FR 14684, April 22, 1992) in MM Docket No. 92–51, (*"Capital Formation Notice"*), which cited concerns about the availability of capital to broadcasters. Insufficient evidence was submitted in comments to the *Capital Formation Notice* to warrant raising the benchmarks, and, therefore, the *Attribution Notice* again raised the issue of whether to increase the voting stock benchmarks. In the *Attribution Further Notice*, the Commission noted that commenters responding to the *Attribution Notice* had again not submitted specific empirical data sufficient to conclude that the benchmarks should be raised. The *Attribution Further Notice* thus asked for additional information to justify raising the benchmarks, including information on changes in the economic climate and competitive marketplace, and the link between additional capital investment and raising the voting stock benchmarks.

7. *Comments.* Few commenters responded to our requests in the *Attribution Further Notice* for additional comments supporting the increase in the active investor benchmark to 10 percent.

8. *Decision.* We have decided to retain the current active voting stock benchmark at 5 percent. First and most importantly, in reviewing the evidence related to the issue of non-passive voting equity benchmarks, we remain convinced that shareholders with ownership interests of 5 percent or greater may well be able to exert significant influence on the management and operations of the firms in which they invest. In this regard, we have not been presented with empirical evidence to rebut our conclusion in the *Attribution Order* that a "5% benchmark is likely to identify nearly all shareholders possessed of a realistic potential for influencing or controlling the licensee, with a minimum of surplus attribution."

9. In this regard, a growing body of academic evidence indicates that an interest holder with 5 percent or greater ownership of voting equity can exert considerable influence on a company's management and operational decisions. This is particularly true with widely-held corporations where a 5 percent stockholder is likely to be among the largest shareholders in the firm. One recent study demonstrated that block trades involving 5 to 10 percent of the firm's voting stock resulted in a 27 percent turnover rate of the CEO of the traded firm, that a 20 to 35 percent block trade resulted in a 40 percent turnover rate of the CEO of the traded firm, and that block trades over 35 percent of the voting equity resulted in a 56 percent turnover rate, L.E. Ribstein, *Business Associations* 987 (1990). The turnover of the CEO was tracked over a one year period following the date of the trade. These results, spanning an increasing level of ownership starting at 5 percent, demonstrate a consistent relationship between ownership trades and the rate of replacement of top management. The results imply that investors who acquire and hold such large blocks of voting stock can influence the choice of management of the firms in which they invest.

10. Another study presents evidence that 5 percent or greater stockholders vote more actively than less-than-five percent shareholders, and they tend to vote more often against the recommendations of management in votes over corporate anti-takeover amendments (J.A. Brickley, R.C. Lease and C.W. Smith, *Ownership Structure and Voting on Antitakeover Amendments*, 20 Journal of Financial Economics 267–291 (1988)). This study suggests that larger owners, starting at a 5 percent level of ownership, tend to be more active in influencing management than smaller owners. The two studies considered together provide evidence that ownership percentages starting at 5 percent can influence management policies and have an impact on firm value.

11. In addition, notwithstanding our requests for empirical evidence, in the *Attribution Notice* and again in the *Attribution Further Notice*, commenters have not provided the kind of specific data to justify raising the non-passive investor benchmark even though they generally supported raising the benchmark. And, while commenters have not provided sufficient empirical evidence to justify raising the active voting stock benchmark, the *Attribution Further Notice* did incorporate and invite comment on a Commission staff study that categorized and quantified attributable interests in commercial broadcast television licensees, as reported in the Ownership Reports that licensees are required to file. Several facts emerge from that study that are relevant to our decision concerning the voting stock benchmarks. First, the study found and reported that increasing the attribution benchmark for non-passive investors from 5 percent to 10 percent would decrease by approximately one third the number of currently-attributable owners. This increase in the non-passive investor benchmark would also increase from 81 to 134 the number of stations (out of 389 commercial for-profit television stations studied that are incorporated and are not single majority shareholder stations), for which no stockholders and only officers and directors would be held attributable. These large potential changes in the number of attributable owners heighten our concern about the impact of raising the 5 percent benchmark. In light of the lack of sufficient evidence that such an increase is necessary or appropriate, we are reluctant to institute a change that would have such a major impact.

12. Further, we note that our concerns over capital availability that originally prompted the proposal to increase the active voting stock benchmark have eased somewhat, particularly in light of the increasing strength shown by the communications sector and financial markets in general over the past several years. For example, communications transactions increased by 38 percent during 1996, with the total value of mergers, acquisitions, share offerings and other deals totalling $113 billion. Within the communications sector, TV transfers of ownership in 1996 increased by 121.26 percent in dollar terms over 1995 figures, and FM and AM transfers increased by 283.27 percent and 99.34 percent, respectively. In total, dollars spent on radio and television transactions increased from $8.32 billion in 1995 to $25.362 billion in 1996, with the number of transactions

increasing from 849 to 1115 over the same period. Station trading remained strong in 1997, with a total of 1067 radio and television transactions worth $23.44 billion. In 1998, the total number of radio and television transactions fell slightly, as a result of the slower pace of radio consolidation, to 950 transactions, with the value of these transactions remaining fairly stable at $22.8 billion. This overall increase in capital spending from 1995 to 1998 occurred while our current attribution rules were in effect, and therefore provides us with strong evidence that those rules do not impede the availability of capital in the communications industry. And, to the extent that there are still concerns about not impeding capital flow to broadcasting, we believe that they will be adequately addressed by our increase in the passive investor benchmark. In sum, in reviewing the overall body of evidence on this issue, we believe that our original decision to set a 5 percent benchmark to capture influential interests remains valid and will not unduly restrict capital availability.

13. Finally, retention of the 5 percent benchmark remains consistent with the SEC's analogous 5 percent benchmark. Pursuant to § 13(d)(1) of the Exchange Act, 15 U.S.C. 78m(d)(1), any person who becomes a direct or indirect owner of more than 5 percent of any class of stock of a company through a stock acquisition must file a statement with the Securities and Exchange Commission (SEC). The purpose of this reporting requirement is generally to ensure that investors are alerted to potential changes in control. The broadcast attribution rules have a similar objective as they are intended to identify ownership interests that confer on their holders the potential to influence or control a licensee's day-to-day operations.

Passive Investor Benchmarks

14. *Comments.* Most commenters that responded to this issue favored raising the passive investor benchmark.

15. *Decision.* We will increase the voting stock benchmark from 10 percent to 20 percent for passive investors. We believe that increasing the passive investor benchmark to 20 percent will give broadcasters increased access to investment capital, while preserving the Commission's ability to enforce its ownership rules effectively. This decision takes into account the special nature of the passive investor category, in terms of the legal and fiduciary requirements that constrain passive investors' involvement in the management and operational affairs of the firms in which they invest.

16. We believe that we can increase the passive investor benchmark without incurring substantial risk that investors who should be counted for purposes of applying the multiple ownership rules will avoid attribution. Clearly, passive investors continue to face multiple constraints on their ability to become directly involved with the management and operations of the firms in which they invest, including statutory and regulatory restrictions as well as fiduciary obligations.

17. In setting the limit at 10 percent, we noted that an increase above 10 percent was not advisable at that time based on our concern about the impact on corporate management that could result, even unintentionally, from the trading and voting of large blocks of stock by purportedly passive investors. We have not been presented with any evidence to indicate that our ten percent benchmark has resulted in any such block trading problems. Moreover, any inadvertent effect of a passive investor's decision to sell its stock, for example, because it is dissatisfied with the return on its investment, simply reflects the marketplace at work, and a responsive action by management to make the entity more profitable in response to a sale is simply an appropriate reaction to market demands.

18. While we note that our concerns about capital availability have eased somewhat, to the extent that these concerns remain, particularly based on funding needs related to the conversion to digital television, we believe that increasing the passive investor benchmark is a relatively safe way to facilitate such further investment in broadcasting, without compromising the ability of our attribution rules to capture influential interests. Raising that benchmark will reduce barriers to investment in broadcasting and result in greater efficiencies in the use of capital.

Definition of Passive Investors

19. *Background.* In response to the *Capital Formation Notice*, several commenters raised the issue as to whether the Commission should expand its definition of "passive investors" to include such institutional investors as pension funds, commercial and investment banks, and certain investment advisors. These commenters argued that these largely institutional investors invest primarily for reasons of financial returns, rather than to exert significant influence or control, and therefore their interests should be treated as passive investments. In the *Attribution Notice*, the Commission stated that it did not intend to revisit its 1984 decision, which defined the passive-investor category to include only bank trust departments, insurance companies and mutual funds, and we tentatively concluded that we would not expand the passive investor category to include Small Business Investment Companies ("SBICs") and Special Small Business Investment Companies ("SSBICs"), as we had not been able to conclude that these entities met our definition of "passive." Nonetheless, we invited further comment on these tentative conclusions.

20. *Comments.* Several commenters urged the Commission to expand its passive investor category.

21. *Decision.* We reaffirm our earlier decision to retain the current definition of "passive investors," which is limited to bank trust departments, insurance companies and mutual funds. We noted that we earlier stated that we "do not intend to revisit our decision of 1984 in order to broaden the category of passive investors. . . ." We are not convinced that other types of investors lack the interest and/or the ability to actively participate in the affairs of the firms in which they invest. This is particularly true of public pension funds, many of which have apparently become increasingly active in proxy fights and other devices to put pressure on management perceived to be underperforming. Furthermore, commercial and investment bank activities do not fall under the same fiduciary restrictions, discussed above, that apply to bank trust departments. And, we have not been presented with sufficient evidence thus far to revise our earlier tentative conclusion not to include SBICs and SSBICs in the definition of passive investors.

B. Equity/Debt Plus and Attribution Exemptions

Background

22. In the *Attribution Notice*, we invited comment as to whether multiple cross-interests or currently nonattributable interests, when held in combination, raise diversity and competition concerns warranting regulatory oversight. We anticipated that any regulation of such inter-relationships would require case-by-case review of applications, but we did not otherwise delineate specific proposals to address these concerns. We also invited comment as to whether to restrict or eliminate the current nonvoting stock and single-majority shareholder attribution exemptions, expressing concerns that some interest holders that are eligible for these

exemptions might nonetheless exert significant influence such that the interest should be attributed.

23. In the *Attribution Further Notice*, we proposed to adopt a targeted equity/debt plus ("EDP") attribution approach to deal with the foregoing concerns. We noted that our proposed new EDP rule would operate in addition to other attribution standards and would attempt to increase the precision of the attribution rules, address our concerns about multiple nonattributable relationships, and respond to concerns about whether the single majority shareholder and nonvoting stock attribution exemptions were too broad. This approach would not eliminate the nonvoting and single majority shareholder exemptions from attribution, but would limit their availability in certain circumstances. Under this approach, we proposed to attribute the otherwise nonattributable debt or equity interests in a licensee where: (1) the interest holder was also a program supplier to the licensee or a same-market broadcaster or other media outlet subject to the broadcast cross-ownership rules, including newspapers and cable operators; and (2) the equity and/or debt holding exceeds 33 percent. Under our EDP proposal, a finding that an interest is attributable would result in that interest being counted for all applicable multiple ownership rules, local and national.

Comments

24. *Single Majority Shareholder and Nonvoting Stock Attribution Exemptions.* As discussed in the *Attribution Further Notice*, most commenters in response to the *Attribution Notice* urged us to retain the single majority shareholder and nonvoting stock attribution exemptions, but network affiliates have expressed concerns that the exemptions have allowed networks to extend their nationwide reach by structuring nonattributable deals in which the networks effectively exert significant influence if not control over licensees.

Decision

25. *Overview.* As we noted in the *Attribution Further Notice*, the relaxation of the multiple ownership rules resulting from the 1996 Act requires neither relaxation nor tightening of our attribution rules but does underscore the importance of maximizing the precision of the attribution rules. We should take care in enforcing the multiple ownership limits, which have been deliberately set at certain levels, to ensure that the attribution rules neither unduly loosen nor restrict those limits, but rather apply them with the greatest precision to entities that have the power to influence a licensee's operations. We have been mindful of this goal in the decisions that follow.

26. We will not eliminate the single majority shareholder or nonvoting stock exemptions, but, rather, to address the concerns that we raised in the *Attribution Notice* and *Attribution Further Notice*, we will adopt our equity/debt plus attribution proposal, modified as discussed herein, as a new rule that would function in addition to the other attribution rules. Under this new EDP rule, where the investor is either (1) a "major program supplier," as defined herein to include all programming entities (including networks and inter-market time brokers) that supply over 15 percent of a station's total weekly broadcast programming hours, or (2) a same-market media entity subject to the broadcast multiple ownership rules (including broadcasters, cable operators, and newspapers), its interest in a licensee or other media entity in that market will be attributed if that interest, aggregating both debt and equity holdings, exceeds 33 percent of the total asset value (equity plus debt) of the licensee or media entity. As a shorthand, we will use the term, "total assets," herein to refer to the total asset value of the licensee. In the case of a major program supplier, the EDP rule will apply and the interest will be attributable only if the investment is in a licensee to which the requisite triggering amount of programming is provided. A finding that an interest is attributable under EDP would result in attribution for purposes of applying all relevant multiple ownership rules, local and national, except that, as discussed in the *TV National Ownership Order*, we will not double-count same-market TV stations towards application of the national TV ownership rules.

27. We will define equity to include all stock, whether common or preferred and whether voting or nonvoting. We will also include equity held by insulated limited partners in limited partnerships. Debt includes all liabilities, whether short-term or long-term. Total assets, by definition, is equal to the sum of all debt plus all equity. Finally, an interest that is attributable pursuant to the EDP rule will count in determining compliance with all applicable ownership rules, national as well as local.

28. The equity/debt plus approach is intended to resolve our concerns, expressed in the *Attribution Notice*, that multiple nonattributable business interests could be combined to exert influence over licensees. As we stated in the *Attribution Notice*, we are concerned that our nonvoting stock, single majority shareholder, and debt attribution exemptions can permit nonattributable investments that could carry the potential for influence such that they implicate diversity and competition concerns and should be attributed.

29. The EDP rule addresses the most serious concerns we raised in the *Attribution Notice* and *Attribution Further Notice* concerning the underinclusiveness of the attribution rules, particularly those that were supported in the record. Based on the record, we have targeted our remedy and focused those concerns in shaping the EDP rule. For example, except in cases involving a same-market media entity or major program supplier, as defined herein, the single majority shareholder exemption and exemptions for nonvoting stock, preferred stock, corporate debt and other corporate liabilities will continue to apply as they do now. Moreover, the EDP rule will not apply to a program supplier's investment in a licensee or station unless the program supplier provides over 15 percent of that station's total weekly broadcast hours. Thus, a program supplier may invest without limit in the nonvoting stock, preferred stock or debt of a licensee to which it does not provide the requisite level of programming without having its interest attributed.

30. Furthermore, same-market or other relationships not within the defined EDP triggering relationships described herein will continue to be non-attributable. For example, an investor that is not a major program supplier and that is not a same-market media entity (*i.e.*, it does not have an attributable interest in a station, newspaper, or cable system in a given market) can continue to hold more than 33 percent of the total nonvoting assets of two stations or more in that same market without either interest being attributable.

31. The targeted approach embodied in the EDP rule reflects our current judgment as to the appropriate balance between our goal of maximizing the precision of the attribution rules by attributing all interests that are of concern, and only those interests, and our equally significant goals of not unduly disrupting capital flow and of affording ease of administrative processing and reasonable certainty to regulatees in planning their transactions. In this regard, some commenters have urged us to retain our

current approach or implement a new case-by-case approach, considering the combined impact of multiple business and financial relationships in a particular transaction.

32. However, we believe that the bright-line EDP test is superior to a case-by-case approach. The EDP rule will provide more regulatory certainty than a case-by-case approach that requires review of contract language. Thus, the EDP rule will permit planning of financial transactions, would also ease application processing, and would minimize regulatory costs. While an *ad hoc* approach might be more tailored than the EDP rule, it also might lead to complicated interpretation and processing difficulties and would likely add uncertainty to resolution of attribution cases. Of course, we retain discretion to review individual cases that present unusual issues on a case-by-case basis where it would serve the public interest to conduct such a review. Such cases might occur, for example, when there is substantial evidence that the combined interests held are so extensive that they raise an issue of significant influence such that the Commission's multiple ownership rules should be implicated, notwithstanding the fact that these combined interests do not come within the parameters of the EDP rule. We do not intend by this reservation of discretion to resurrect the cross-interest policy, elsewhere eliminated in this *R&O*. Rather, we merely emphasize our obligation under the Communications Act to apply the public interest standard and, as necessary, to scrutinize extraordinary or unanticipated circumstances that may arise.

33. In the *Attribution Further Notice*, we invited comment on the impact of a 33 percent EDP threshold on small business entities, particularly on whether there would be a disproportionate impact on small or minority entities. While some parties have argued that adoption of an equity/debt plus proposal would deter capital flow to broadcasting generally and might curb investment in smaller, minority, or UHF stations, in particular, or in digital television, others have argued strongly that this is not the case. We have no reason to believe that the EDP rule would unduly deter investment. The equity/debt plus proposal does not preclude investment by any entity; rather, it limits nonattributable investment levels for entities that have the potential to influence licensees. Moreover, the limit does not apply to all entities that might invest or help fund the transition to digital television or otherwise invest in licensees. In addition, we will consider individual rule waivers in particular cases where substantial evidence is presented that the conversion to digital television would otherwise be unduly impeded or that a waiver would significantly expedite DTV implementation in that particular case.

34. While we have invited comment on those issues, it is nonetheless our view that promoting our goal of ensuring adequate funding for the transition to digital television is better accomplished through our ownership rather than our attribution rules. The attribution rules are designed to attribute entities that wield significant influence on core operations of the licensee. It is the ownership rules that limit investment based on our core policies of diversity and competition. Arguments with respect to whether additional investment should be permitted have been made in the context of our companion multiple ownership proceedings. We believe that the attribution rules should function as precisely as possible to identify influential interests and that relaxation of ownership limits, if warranted, should be accomplished directly through revision of the multiple ownership rules, not indirectly through manipulation of what is considered "ownership."

35. *Triggering Relationships.* As we proposed in the *Attribution Further Notice*, the EDP approach will focus directly on those relationships that may trigger situations in which there is significant incentive and ability for the otherwise nonattributable interest holder to exert influence over the core operations of the licensee. The approach of focusing on specified triggering relationships would extend the Commission's current recognition that the category or nature of the interest holder is important to whether an interest should be attributed. For example, under the current broadcast attribution rules, passive investors are subject to a higher voting stock attribution benchmark, since these parties are subject to fiduciary and other restraints on their exercise of influence over licensees and are, by their nature, principally concerned with investment returns rather than direct influence over the licensee. The two relationships that will trigger the rule, major program supplier and same-market media entity, are relationships that afford the interest holder the incentive and means to exert influence over the licensee.

36. In adopting the EDP rule, we affirm our tentative conclusion in the *Attribution Further Notice* that there is the potential for certain substantial investors or creditors to exert significant influence over key licensee decisions, even though they do not hold a direct voting interest or may only have a minority voting interest in a corporation with a single majority shareholder, which may undermine the diversity of voices we seek to promote. They may, through their contractual rights and their ongoing right to communicate freely with the licensee, exert as much, if not more, influence or control over some corporate decisions as voting equity holders whose interests are attributable.

37. *Same-Market Media Entities.* As we noted in the *Attribution Further Notice*, same-market broadcasters and certain other same-market media entities may raise particular concerns because of our goal of protecting local diversity and competition. Firms with existing local media interests may have an incentive and means to use financing or contractual arrangements to obtain a degree of horizontal integration within a particular local market that should be subject to local multiple ownership limitations. Indeed, the Commission's cross-interest policy reflected its concern for competition and diversity where an entity has an attributable interest in one media outlet and a "meaningful relationship" with another media outlet serving substantially the same area. Accordingly, we will include same-market media entities as one of the relationships that will trigger application of the EDP rule.

38. To trigger application of the EDP rule to same-market media entities, the interest held in the non-EDP media entity in the same market must be attributable without reference to the EDP rule; the holding of a non-attributable interest in one station or entity in a market does not trigger application of the EDP rule where an EDP level, but otherwise non-attributable, interest is acquired. Thus, under this prong of the EDP rule, a nonvoting interest in 34 percent of the total assets of two stations in the same market will not result in attribution of either station. This is because the EDP rule is only triggered when the entity acquiring the second interest also holds an interest in a same-market media entity that is attributable under the current attribution rules other than the EDP rule. We follow case law in the cross-interest policy context in this regard. As discussed below, that policy is implicated in situations where a party holds an attributable interest in one media outlet and has a "meaningful relationship" with another media outlet serving "substantially the same area. As we proposed, we will include same-

market radio and television broadcasters as well as cable operators and newspapers in the category of same-market media entities subject to the equity/debt plus attribution standard. Cable operators and newspapers are subject to cross-ownership rules and have also been subject to the cross-interest policy. There is, accordingly, good reason to include them in the EDP rule.

39. For purposes of applying this prong of the EDP rule to radio stations, newspapers, and cable operators, as proposed in the *Attribution Further Notice*, we will define the "same market" by reference to the definition of the market used in the underlying multiple ownership rule that is implicated. As noted by Knight-Ridder, such an approach will help avoid confusion among the regulated entities in applying the EDP rule. With respect to television stations, as we also noted in the *Attribution Further Notice*, the definition of what is the same market for purposes of applying the EDP attribution standard is resolved in the companion television local ownership proceeding.

40. *Program suppliers.* In the *Attribution Further Notice*, we invited comment on whether we should include program suppliers under the "equity/debt plus" attribution test to address our concern and that of some commenters that program suppliers such as networks could use nonattributable interests to exert influence over critical station decisions, including programming and affiliation choices. We cited recent transactions involving program suppliers where it appeared that nonattributable investors could be granted rights over licensee decisions that might afford them significant influence over the licensee. We invited comment as to whether we should encompass radio and television time brokerage agreements or LMAs under the proposed "equity/debt plus" attribution approach, if we specify program suppliers as a triggering category.

41. We will include major program suppliers in the EDP rule. We will define the "major program suppliers" that are subject to this new attribution standard to include entities that provide more than 15 percent of a station's total weekly broadcast programming hours. We believe that the 15 percent standard should apply to all providers of programming to stations, including those that provide programming pursuant to inter-market LMAs. As noted above, the EDP rule would apply only to the major program supplier's investments in a station to which it supplies the requisite amount of programming. In addition, where a person or entity has an attributable interest in a major program supplier, that person or entity will be deemed to be a major program supplier for purposes of applying the EDP rule.

42. We have decided to define a major program supplier subject to the EDP rule as all programming entities that supply over 15 percent of a station's weekly programming for the following reasons. We agree with those commenters that argue that not every program provider can exert sufficient influence such that its otherwise non-attributable financial interests in a licensee should potentially be subject to attribution. We note the views of commenters that the major networks should be subject to the EDP rule and those that argue for including providers of substantial amounts of programming to a station. Those entities that provide substantial quantities of programming to a licensee are, we believe, in a strong position to exert significant influence over that licensee, particularly when the programming connection is coupled with the requisite financial investment, such that the EDP rule should be triggered. We believe that the 15 percent standard accomplishes these goals, as it would encompass those entities providing substantial quantities of programming that also have the requisite investment in the station and would exclude those entities that provide only small amounts of programming and that therefore do not have potential to exert significant influence over licensees. Moreover, it is a standard that we have experience in applying, as it is the standard currently used in determining whether an intra-market radio LMA is *per se* attributable, and it is the standard that will be used in determining whether an intra-market TV LMA is *per se* attributable. Under our new rule, an intra-market LMA is *per se* attributable if it involves more than 15 percent of a station's programming. In contrast, an inter-market LMA is attributable, under the EDP rule, only if it involves more than 15 percent of a station's programming and if the LMA is accompanied by a financial investment that is above the 33 percent investment threshold. It would sweep too broadly to attribute inter-market LMAs that are unaccompanied by the requisite financial investment. The substantial investment provides additional incentive and ability for influence or control. Finally, it is a clear and administratively simple standard to apply, promoting our goal of making the EDP rule a bright-line test.

43. A clear rationale exists for not attributing network affiliation agreements not accompanied by the requisite investment or debt agreements not involving program suppliers or same-market broadcasters. We do not attribute all network affiliation agreements because, absent a substantial equity or other investment that may create accompanying obligations, the affiliate is free to negotiate with the network for particular terms. With respect to lenders, such as banks, our experience indicates that their motivation is return on their investment, and that they do not have the same incentive as the networks to influence the programming or other core operational choices of the licensee.

44. While some commenters strongly argued that applying the EDP rule to program suppliers would curb investment in broadcast stations and possibly hurt weaker UHF stations and might deter investment that would facilitate the conversion to DTV, they do not provide empirical evidence to support this argument. We also note that the rule does not preclude investment, but merely provides that investments over a certain level will be deemed presumptively attributable. Networks are therefore free to invest in their affiliates, subject of course to the applicable multiple ownership rules. Moreover, the EDP rule does not attribute investments, even those by networks in their affiliates, which fall below the 33 percent threshold. Thus, a major program supplier may have an investment that is equivalent to 32 percent of the total assets of a station to which it supplies programming in excess of the 15 percent standard. This would comply with all EDP limits and the interests would not be attributable. In addition, the EDP rule does not affect investments by entities other than major program suppliers or same-market media entities. Accordingly, we believe that the EDP rule will not curb investment, deter new entry, or curb the conversion to DTV.

45. We have decided not to sweep so broadly as to include all entities from which a licensee obtains programming but only to include those entities that provide more than 15 percent of a station's weekly total programming. We have not been presented evidence that smaller program suppliers and syndicators that do not provide substantial quantities of programming to stations have the potential to wield significant influence such that their investment should be attributed. Under these circumstances, there appears to be no real need to impose constraints on investments by these syndicators and by new networks that do not provide the triggering amount of programming. If it

appears that problems arise in these areas, we can later broaden the EDP rule.

46. *Investment Thresholds.* Under the EDP rule, where the creditor or equity interest holder is a same-market broadcaster or major program supplier, as defined herein, in addition to applying the existing attribution criteria, we would attribute any financial interest or investment in a station or other media outlet where it exceeds 33 percent of the total assets (debt plus voting, non-voting and preferred stock) of the licensee. We intend to aggregate the equity and debt interests of such an investor (including both non-voting stock in whatever form it is held and voting stock) in a licensee or other media outlet for purposes of applying the investment threshold. Thus, when the investor's total investment in the licensee or other media outlet, aggregating all debt and equity interests, exceeds a specified threshold percentage of all investment in the licensee (the sum of all equity plus debt), that investment would be attributable. In aggregating the different classes of investment, equity and debt, we intend to use total assets (debt plus voting, non-voting, and preferred stock) as a base. We will not apply the percentage threshold separately to debt and to equity interests because this could lead to distortions in applying the EDP rule, depending on the percentage of total assets that each class of interests comprises. For example, were we to apply the percentage thresholds separately, a company with only 10 percent of its capital from debt would be attributable to a creditor providing only 3.4 percent of the company's total assets, while any equity holder providing 32 percent of the total capital would be nonattributable.

47. The FCC has recognized that holding voting stock in sufficient quantities confers the ability to exert influence or control over the licensee. Our decision to expand our focus beyond voting stock to nonvoting stock and debt is buttressed by academic literature. Nonvoting stock and debt may now be used to control or influence a licensee in a significant manner, especially when coupled with another meaningful relationship or when held by someone that has the incentive to influence the station or media entity. There is an incentive for licensees and other entities that face regulatory constraints on their acquisition of voting stock and other currently attributable interests (*e.g.*, networks that face the 35 percent national reach cap) to seek to combine currently non-attributable investments with contractual rights in such a manner so as to gain significant influence, and we believe that the current attribution exemptions have afforded such entities the ability to do so. Accordingly, the EDP rule examines not only the investment in voting stock but also nonvoting equity and debt in order to limit the ability of such entities to circumvent the attribution rules.

48. We have decided to set the threshold at 33%, as proposed in the *Attribution Further Notice.* We believe that a 50 percent threshold would be inappropriately high. Our goal is not merely to attribute interests with the potential to control but also those with a realistic potential to exert significant influence. On the other hand, the suggested thresholds of 25 percent or 10 percent seem too low. In setting the threshold for attribution of these newly attributable interests, we want to be cautious not to set the limit so low as to unduly disrupt capital flow to broadcasting. In addition, we believe that the threshold for attribution of nonvoting interests should be substantially higher than the attribution level for voting interests, which give the holder a ready means to influence the company. The proposed 33% threshold seems to be an appropriate and reasonable attribution threshold. We note that we have discretion to exercise our judgment in setting a percentage threshold in this regard and to draw an appropriate line, a challenging yet inevitable task for government agencies. We have employed a 33 percent benchmark applied in the context of the cross-interest policy, and that particular benchmark does not appear to have had a disruptive effect. In *Cleveland Television,* the Commission held that a one-third non-voting preferred stock interest by a broadcaster in another station in the same market conferred "insufficient incidents of contingent control" to violate the multiple ownership rules or the cross-interest policy, and that the holders, by virtue of ownership of the non-voting preferred stock interest would not retain the means to directly or indirectly control the station. More recently, we have applied *Cleveland Television's* 33 percent threshold in *Roy M. Speer,* where we limited the non-attributable equity holdings of a same-market television licensee in another local television station to 33 percent. We will use this threshold in applying the EDP rule but note that we could adjust the threshold later, if warranted.

49. We recognize that the attributable status of a certain investment could change, based, for example, on a change in the firm's assets, resulting in the investor's interests dropping below the 33 percent threshold, or vice versa. We will require parties to maintain compliance with the attribution criteria as any such changes occur. Where sudden, unforeseeable changes take place, however, we will afford parties a reasonable time, generally one year, to come into compliance with any ownership restrictions made applicable as a result of the change in attributable status. Finally, we note that we have conditioned a number of recent cases that have raised similar concerns on the outcome of this proceeding. We intend to issue separate orders, as necessary, to apply the EDP rule to any cases that have been conditioned on the outcome of this proceeding.

C. Time Brokerage Agreements or LMAs

Background

50. An LMA or time brokerage agreement is a type of contract that generally involves the sale by a licensee of discrete blocks of time to a broker that then supplies the programming to fill that time and sells the commercial spot announcements to support the programming. Currently, we do not attribute television LMAs, and, accordingly, these relationships are not subject to our multiple ownership rules. In the radio context, however, time brokerage of another radio station in the same market for more than fifteen percent of the brokered station's weekly broadcast hours results in attribution of the brokered station to the brokering licensee for purposes of applying our multiple ownership rules.

51. In the *Attribution Further Notice,* we incorporated the tentative proposal, initially set forth in the *Local Ownership Further Notice,* 60 FR 6490, December 19, 1996, to attribute television LMAs based on the same principles that currently apply to radio LMAs. Thus, time brokerage of another television station in the same market for more than fifteen percent of the brokered station's weekly broadcast hours would be attributable and would count toward the brokering licensee's national and local ownership limits. We specifically proposed to count attributed television LMAs in applying our other ownership rules, including, for example, the broadcast-newspaper cross-ownership rule, the broadcast-cable cross-ownership rule, and the one-to-a-market rule (or radio-television cross-ownership rule).

Comments

52. Most commenters addressing this issue supported our proposal to attribute television LMAs based on the

same principles that currently apply to radio LMAs.

53. Many parties agreed with our tentative conclusion that television LMAs should be attributable because they confer significant influence over the programming of the brokered party's station.

54. Commenters opposed to attributing LMAs generally did not disagree that LMAs confer significant influence over the programming of the brokering party's station, but either denied that LMAs can have negative competitive or diversity effects or argued that their public interest benefits outweigh these other considerations.

55. We issued a Public Notice requesting all parties to all existing television LMAs, or time brokerage agreements, to provide certain factual information regarding the terms and characteristics of these agreements. The responses received to the questionnaire also provide information supporting our view that LMAs accord the broker significant influence that warrants attribution. First, the LMA, or time brokerage agreement, typically brokered most, if not all, of the brokered station's broadcast time. The percent of time brokered with both same-market and out-of-market LMA stations averaged 90 percent or greater. Second, LMA contracts tended to have extended maturities, which are renewable in the majority of cases. Same-market LMA contracts averaged seven years in duration, and ranged from one to 21 years, while out-of-market LMA contracts averaged somewhat less at five years, with a range from two to ten years. In addition, a significant number of LMA agreements contained options to purchase the station.

56. *Decision.* We will adopt a new rule to *per se* attribute television LMAs, or time brokerage of another television station in the same market, for more than fifteen percent of the brokered station's broadcast hours per week and to count such LMAs toward the brokering licensee's local ownership limits. We have determined in the *TV National Ownership Order* that we will not count same-market LMAs towards the brokering licensee's national ownership limits, as that would constitute double-counting these LMAs. We will count inter-market time brokerage agreements where they come under the EDP rule for purposes of the national ownership limits. We believe that the rationale for attributing LMAs set forth in the *Radio Ownership Order*, 57 FR 18089, April 29,1992—*i.e.*, to prevent the use of time brokerage agreements to circumvent our ownership limits—applies equally to same-market television LMAs. We will determine whether an LMA involves a "same market" station based upon the revised duopoly rule's standards. Thus, if the brokered station is in the same DMA as the brokering station, the LMA is "same market" for purposes of determining compliance with the ownership rules. If the LMA is found to be a same-market LMA, we will then apply the other multiple ownership rules to see if they are implicated.

57. We note that in the *Radio Ownership Order*, the Commission voiced its concern that substantial time brokerage arrangements among stations serving the same market, combined with the increased common ownership permitted by the revised local rules, could undermine broadcast competition and diversity. The Commission therefore decided to preclude that possibility by attributing local time brokerage arrangements, at least until it had some experience with the effect of that new regulatory approach in broadcast markets. We are convinced that the radio LMA attribution rule adopted in that Order has operated successfully to ensure that the goals set forth in the radio ownership rules are not undermined by the existence of unattributed influence over radio stations in the same market. We believe that a similar approach is warranted concerning television LMAs.

58. In the *Attribution Further Notice*, we reiterated our belief that the attribution rules must function effectively and accurately to identify all interests that are relevant to the underlying purposes of the multiple ownership rules and that should therefore be counted in applying those rules. Now, based on our experience with attribution of radio LMAs and the record in this proceeding, we conclude that a stand-alone, or *per se*, rule that attributes a same-market television LMA, or time brokerage of a television station in the same market, for more than 15 percent of the brokered station's weekly broadcast hours is necessary to accomplish this goal.

59. We will count attributed television LMAs toward all applicable broadcast ownership rules, which include the duopoly rule and the one-to-a-market, or radio-television cross-ownership rule, We have determined in the *TV National Ownership Order* that we will not count same-market LMAs towards the brokering licensee's national ownership limits, as that would constitute double-counting these LMAs. We will count inter-market time brokerage agreements attributable under EDP because they are accompanied by the requisite financial investment for purposes of the national ownership limits. Attribution is based on influence or control that should be considered cognizable and defines what we mean by ownership. Indeed, with the exception of radio LMAs, an exception which we eliminate today, our other current attribution rules apply across the board to all the relevant ownership limits. There is no reasonable basis for treating television LMAs any differently.

60. The record in this proceeding supports our decisions to attribute television LMAs and to count attributed radio LMAs toward all applicable radio ownership limits. Our analysis, above, of the information submitted by parties to television LMAs in response to our *Public Notice* indicates that television LMAs, or time brokerage agreements, may give the brokering station influence over the programming of the brokered station such as should be recognized as an attributable relationship. Moreover, we agree with most commenters, representing a variety of interests ranging from ABC to the public interest group MAP, that television LMAs, like radio LMAs, permit a degree of influence and control that warrants ownership attribution. We find it particularly noteworthy that commenters that opposed attributing television LMAs did not disagree that such LMAs confer substantial influence over brokered stations. Instead, these commenters argued that LMAs are beneficial and provide diversity benefits, an issue relevant to the question of how much common ownership should be permitted, consistent with our competition and diversity goals, rather than the cognizability of the interest. This issue is being considered in the TV Local Ownership and TV National Ownership proceedings.

61. We also note that, under the EDP rule, above, we will attribute an inter-market time brokerage agreement or LMA (or any other program supply arrangement) that brokers more than 15 percent of a station's programming (*i.e.*, a program supplier, as defined above) when held in combination with more than 33 percent of the total assets (debt plus voting, non-voting and preferred stock) of a station. Prior to the EDP rule, an inter-market LMA would not have been attributed regardless of the level of non-voting equity and debt interests held by the brokering station. With the exception of the EDP rule, we will not attribute television time brokerage agreements between stations in different markets. We disagree with Pappas, which asserted that our proposal to treat television LMAs as cognizable interests must also apply to television network

affiliation agreements and argued that, for attribution purposes, there is little substantive difference between an LMA and a network affiliation agreement, in that both involve the provision of television programming and the sale of television advertising time.

62. *In the Radio Rules Order*, the Commission stated that time brokerage agreements involving radio stations licensed to different markets "raise little public interest concern; indeed they can be difficult to distinguish from network affiliation agreements, of which the Commission has long approved." Both LMAs and network affiliation agreements clearly confer some level of influence over the programming and commercial time of a licensee. Neither, however, taken alone, constitutes an attributable interest. It is the combination of ownership of a *local* competing media interest *and* programming and direct operational influence via a substantial same-market LMA that raises our concern and drives our decision to attribute such LMAs under our multiple ownership rules. This concern does not arise where there is no such combination of interests, as for example, network affiliation contracts or out-of-market LMAs unaccompanied by substantial investment in the programmed station. It is only when an out-of-market LMA provides more than 15 percent of a station's programming, in addition to holding an investment of more than 33 percent of total assets of the station, that we deem the level of influence sufficient to warrant attribution. Under those circumstances, where substantial investment in the licensee is combined with provision of substantial quantities of programming, we believe that the level of influence is sufficient to warrant attribution regardless of the fact that the programming provider is not a media entity in the same market. And, as we have noted, where the program supply agreement takes the form of a network affiliation agreement, the network, like the out-of-market LMA broker, will have its interest in its affiliate attributed if it invests in the affiliate above the EDP threshold.

63. *Modify radio rules.* In our *Attribution Further Notice*, we stated that if we adopt our proposal for attributing television LMAs, we would also consider similarly modifying the radio LMA rules (47 CFR 73.3555(a)(3)), because radio LMAs are currently considered only for purposes of applying the radio duopoly rule (47 CFR 73.3555(a)(1)), and invited comment on how the radio LMA attribution rules should be modified in this regard. Paxson, the only commenter to address this issue, generally argued against attributing radio or television LMAs for purposes of ownership restrictions other than the duopoly rules. We have decided to adopt our proposal to attribute same-market radio LMAs for purposes of applying our other multiple ownership rules that are applicable to radio stations, including, for example, the daily newspaper cross-ownership rule, and the one-to-a-market (or radio-television cross-ownership) rule. The other attribution rules apply across the board, and there is no reason not to apply attribution of radio LMAs consistently to all applicable radio ownership rules. Accordingly, we will modify our radio LMA attribution rules to reflect this change.

64. *Requirement to File TV LMAs.* In our *Attribution Further Notice*, we incorporated from the *TV Local Ownership Further Notice* the tentative proposal that attributable television LMAs be filed with the Commission in addition to being kept at the stations involved in an LMA. In the *Radio Ownership Order*, the Commission required that all radio time brokerage contracts be placed in the public inspection files of the stations involved, and that local time brokerage agreements be filed with the Commission within 30 days of execution. The Commission noted that these requirements would impose only a minimal burden on licensees but would permit it and others to monitor time brokerage agreements to ensure that licensees retain control of their stations and adhere to the Communications Act, Commission Rules and policies and the antitrust laws. We believe that these same reasons are valid today with respect to television time brokerage agreements.

65. We will require stations involved in television time brokerage agreements (inter-market as well as intra-market agreements) to keep copies of those agreements in their local public inspection files, with confidential or proprietary information redacted where appropriate, and require the licensee that is the brokering station to file with the Commission, within 30 days of execution of such agreement, a redacted copy of any time brokerage agreements that would result in the arrangement being attributed in determining the brokering licensee's compliance with the multiple ownership rules. We will amend our rules accordingly. We note that these provisions impose an affirmative obligation on licensees to determine, in the first instance, whether a particular LMA is attributable (either under the per se rule or the EDP rule), and to file the agreement with the Commission if it is.

66. *Programming responsibility safeguards.* In our *Attribution Further Notice*, we emphasized, as we did in our radio ownership proceeding, "that the licensee is ultimately responsible for all programming aired on its station, regardless of its source," and invited comment on what, if any, specific safeguards we should adopt with respect to television LMAs to ensure a brokered station's ability to exercise its programming responsibility. We believe that attribution of same-market television LMAs, along with our new filing requirements, will subject LMAs arrangements to sufficient scrutiny by competitors, the public and the Commission, that brokering stations will have strong incentives to avoid unauthorized acquisition of control of the brokered station. We remind all parties to LMAs that, as we noted in the *Radio Ownership Order*, "our rules require the licensee to maintain control over station management and ultimate programming decisions, regardless of any time brokerage agreements that may exist."

67. *Simulcasting.* In our *Attribution Further Notice*, we stated that we would resolve the issue, raised in the *Local Ownership Further Notice*, as to whether the program duplication or simulcasting limits that apply to commonly owned or time brokered radio stations should apply to television LMAs. No commenters addressed this particular question, although some argue generally that LMAs result in duplicative programming. Other commenters disagree, pointing out that, from the perspective of a time broker, time brokerage agreements pay off through the ability to attract additional, new audiences to the brokered station. A duplication of programming would not attract additional audiences, but would merely divide the audience currently enjoyed by the time broker's owned station with the audience of the brokered station.

68. With respect to radio broadcasting, "simulcasting," or program duplication, refers to the simultaneous broadcasting of a particular program over co-owned stations serving the same market, or the broadcasting of a particular program by one station within 24 hours before or after the identical program is broadcast over the other station. In the *Radio Ownership Order*, the Commission limited simulcasting on commonly owned stations in the same service serving substantially the same area to 25 percent of the broadcast schedule, stating that it saw no benefit to the

public from permitting commonly owned same-service stations in the same market to substantially duplicate programming. The Commission reasoned that the limited amount of available radio spectrum could be used more efficiently by other parties to serve competition and diversity goals, and that substantial same-service simulcasting would not aid economically disadvantaged stations because the audience for the programming in question would be shared by two or more stations.

69. At this time, we will not apply simulcasting limits to television LMAs. We are not aware that broadcasters involved in television LMAs are simulcasting their programming to any significant extent. Moreover, we believe such simulcasting is unlikely to occur because it would most likely work to the disadvantage of the stations engaged in the LMA. We note that television coverage differs from radio, in that there are fewer television stations per market, and those stations cover a larger market area than do radio stations. We assume that if television stations commonly operated under an LMA in the same market simulcast programming, they would split the audience for that programming between themselves, losing the audience for alternative programming to other television stations in that market. Because stations' advertising revenues are generally based on audience share, revenue and basic profits would be negatively affected by such practices. There consequently appears to be a significant market disincentive against simulcasting in the context of same-market television LMAs. To the extent that simulcasting occurs, it may reflect the owner's (or broker') attempt to maximize the audience reach within the DMA. As indicated above, we received no comments specifically addressing this question, nor have we seen any evidence that the concerns with respect to simulcasting by commonly owned or time brokered radio stations apply to television stations operating under LMAs. Should we find evidence to the contrary at a future date, we may, of course, revisit this decision.

70. *Grandfather Existing LMAs.* In our *Attribution Further Notice,* we stated that if we decided to attribute television LMAs as we proposed in this proceeding, we intended to resolve the issues of grandfathering, renewability and transferability of existing TV LMAs in the separate TV Local Ownership proceeding so that we could evaluate the extent to which grandfathering might be needed based on the nature of the local ownership rules we adopt. These issues are outside the scope of this proceeding, and, as we noted in the *Attribution Further Notice,* will be resolved in the *TV Local Ownership Order.*

D. Cross-Interest Policy

Background

71. *Overview.* The cross-interest policy has been applied to preclude individuals or entities from holding an attributable interest in one media property (broadcast station, newspaper, cable system) and having a "meaningful" albeit nonattributable interest in another media entity serving "substantially the same area." This policy originally developed as a supplement to the multiple ownership "duopoly" rule which prohibited the common ownership, operation, or control of two stations in the same broadcast service serving substantially the same area. Ownership, operation or control as contemplated by this rule was originally defined as actual control or ownership of 50 percent or more of the stock of a licensee. Since this definition did not encompass minority stock ownership, positional interests (such as officers and directors), and limited partnership interests, the cross-interest policy was developed to address the competitiveness and diversity concerns created when a single entity held these types of otherwise permissible interests in two (or more) competing outlets in the same market. In essence, the cross-interest policy filled gaps in our attribution criteria that had become apparent through our case-by-case application of the ownership rules.

72. Through case-by-case adjudication, the following relationships came to be viewed as constituting "meaningful" interests subject to the cross-interest policy: key employees, joint ventures, nonattributable equity interests, consulting positions, time brokerage arrangements, and advertising agency representative relationships. The cross-interest policy did not prohibit these interests outright, but required an *ad hoc* determination regarding whether the nonattributable interests at issue in each case would be permitted.

73. In 1989, after a comprehensive review to assess the continuing need for the cross-interest policy, the Commission issued a *Policy Statement* limiting the scope of the cross-interest policy so that it would no longer apply to consulting positions, time brokerage arrangements and advertising agency representative relationships. The Commission decided that it no longer needed to apply the cross interest policy to those relationships because: (1) the need for the policy had decreased based on new attribution provisions that had superseded it; (2) the costs to the public and the Commission of administering the policy were difficult to justify given the reduced need for continued oversight of these relationships; (3) growth of media outlets had undercut the notion that any single individual or entity could skew competition through the cross-interests at issue; and (4) alternative safeguards, such as antitrust laws, fiduciary duties and private contract rights were available to curb anti-competitive conduct.

Comments

74. *Current Aspects of the Cross-Interest Policy.* After the *Policy Statement,* three aspects of the cross-interest policy remain in effect:

(1) *Key employee relationships.* The cross-interest policy has generally prohibited an individual who serves as a key employee, such as general manager, program director, or sales manager, of one station from having an attributable ownership interest in or serving as a key employee of another station in the same community or market. The application of the cross-interest policy in these situations is premised on the potential impairment to competition and diversity and the apparent conflict of interest arising from the ability of key employees to implement policies to protect their substantial equity interest in the other station.

(2) *Nonattributable equity interests.* The cross-interest policy has also typically proscribed an individual who has an attributable interest in one media outlet from holding a substantial nonattributable equity interest in another media outlet in the same market. The Commission's concern with these relationships has been that the individual could use the attributable interest in one media outlet to protect the financial stake in the other media outlet, thus impairing arm's length competition. (Two or more separate non-attributable interests in a market are not proscribed by this policy, as neither gives rise to the potential to influence station operations that would concern us.)

(3) *Joint venture arrangements.* The cross-interest policy has prevented two local broadcast licensees from entering into joint associations to buy or build a new broadcast station, cable television system, or daily newspaper, in the same market. These joint ventures have triggered cross-interest scrutiny because the successful operation of the joint venture was thought to require a

cooperative relationship between otherwise competing stations, and this would impair competition in the local market.

75. *Prior Notices.* In the *Cross-Interest Notice*, we asked for comments as to whether we should retain our cross-interest policy in these three areas—key employees, non-attributable equity interests, and joint ventures. We also invited comment as to whether we should amend the attribution rules to incorporate the key employee portion of the cross-interest policy. We sought further comment on whether retention of the remaining named components of the cross-interest policy was necessary to prevent anticompetitive practices, whether alternative deterrent mechanisms exist to assure competition and diversity, and whether continued regulation of relationships not specifically addressed by the Commission's attribution rules is necessary. We also questioned whether regulatory oversight of one or more of these interests should be limited to geographic markets with relatively few media outlets. Five comments and reply comments were filed in response to the *Cross-Interest Notice*. The majority of commenters urged the Commission to eliminate the cross-interest policy as it applies to all of these relationships. One commenter, CFA/TRAC, urged the Commission to retain the policy. In the *Attribution Notice*, we sought to update the record with respect to retention of the cross-interest policy in light of changes in the multiple ownership rules and additional changes we were proposing to the attribution rules. In the *Attribution Further Notice*, we sought additional comment as to the effect on our cross-interest policy of our proposed equity/debt plus approach, which would apply to cases raising concerns of competition and diversity normally reflected in the cross-interest policy. We also sought comment on whether the equity/debt plus approach would be preferable to a case-by-case approach, which is used to administer the cross-interest policy. We specifically noted that the bright line approach could provide certainty and minimize regulatory costs.

76. Most commenting parties expressly discussing this issue favored eliminating at least portions, if not all of the cross-interest policy.

77. A few commenters either opposed elimination of the cross-interest policy, or urged the Commission not to change the rules.

Decision

78. We will eliminate the above noted remaining components of the cross interest policy. Our goals in initiating this proceeding include maximizing the clarity of the attribution rules, providing reasonable certainty and predictability to parties to allow transactions to be planned, and easing application processing. As discussed above, commenters have argued that the vagueness and uncertainty imposed by the *ad hoc* application of the cross-interest policy have chilled investment. As CalPERS argues, this uncertainty impedes the ability of broadcasters to enter into transactions because the policy can be invoked to prohibit a seemingly permissible transaction.

79. Today, we have revised the attribution rules to adopt the EDP rule, a bright line test, which we believe will increase regulatory certainty and reduce regulatory costs. In adopting that rule, we will reach those situations involving formerly nonattributable interests that raised the most concern with respect to issues of competition and diversity, some of which were previously addressed in administering the cross-interest policy. We agree with commenters who argue that adoption of the EDP rule, as well as the existence of the other attribution rules, provides additional grounds for elimination of the cross-interest policy.

80. We note that the EDP rule directly covers concerns treated under the non-attributable interests prong of the cross-interest policy, as it would attribute a substantial nonattributable interest by a media entity in a second media outlet in the same market. We recognize, however, that the EDP rule does not cover all the areas encompassed by the cross-interest policy. It would not cover key employees, for example. We nonetheless believe, as commenters have pointed out, that internal conflict of interest policies, common law fiduciary duty, and contract remedies provide adequate substitutes for our administration of the policy with respect to key employees. In addition, many key employees are also officers and directors and are thus already covered by the attribution rules. In any event, we believe that the very small risk of harm to competition by a key employee in an instance not covered by any of these other regulations and remedies is greatly outweighed by the benefits of minimizing our case-by-case approach to transactions and applying bright line tests, such as the EDP test and our other attribution rules.

81. With respect to joint ventures, we believe that application of a cross-interest policy is unwarranted. The ownership and attribution rules define the level of combined ownership that is permissible in the local market. Many joint ventures are already covered by the attribution/ownership rules, and they may also be covered to some extent by the EDP rule. Accordingly, a joint venture between two licensees in a market to acquire additional broadcast entities in the same market may be subject to the radio-television cross-ownership rule or the relevant duopoly rule. As CBS contended, to continue to regulate these interests under a separate policy when many are covered by the attribution rules is redundant. In addition, according to CBS, the *ad hoc* application of the cross-interest policy has "clouded the future of potential joint ventures with uncertainty" regarding their eventual approval by the Commission. We agree that the cross-interest policy as applied to joint ventures is largely subsumed by the application of the current multiple ownership rules. To the extent that the cross-interest policy is not so subsumed, we believe that it should be eliminated. We have made a judgment to limit combined local ownership to certain degrees, as delineated in our local ownership rules. Accordingly, it makes no sense to have a routine additional layer of case-by-case review for those joint ventures that fully comply with those rules. In these cases, the burdens of case-by-case review are not justified for transactions that already comply with the multiple ownership rules. Furthermore, as other commenters noted, the application of the antitrust laws should prevent or remedy any abuses of joint venture relationships not already subject to the multiple ownership rules.

82. In sum, we believe that the regulatory costs and the chilling effects of the cross-interest policy and the benefits of applying a clear and discernable standard outweigh any risks of potential abuses in eliminating the policy. Moreover, many remaining aspects of the cross-interest policy are subsumed under our attribution rules, as revised herein.

E. Joint Sales Agreements (JSAs)

83. *Background.* In the *Attribution Notice*, we requested comment on whether, through multiple cooperative arrangements or contractual agreements, broadcasters could so merge their operations as to implicate our diversity and competition concerns. We noted, however, that we did not intend to reopen our earlier decisions permitting joint sales practices in radio and television. These decisions had allowed joint sales agreements ("JSAs") (i.e., agreements for the joint sales of broadcast commercial time), subject to compliance with the antitrust laws.

84. After issuing the *Attribution Notice*, the staff was presented with cases involving joint sales agreements that raised diversity and competition concerns. These cases raised questions as to whether non-ownership mechanisms such as JSAs that might convey influence or control over advertising shares should be considered attributable under certain circumstances. Accordingly, in the *Attribution Further Notice* we invited additional comments on the potential effects of JSAs among same-market broadcasters on diversity and competition. We also sought comment on whether we should attribute JSAs among licensees in the same market, including both radio and television licensees, irrespective of whether they are accompanied by the holding of debt or equity. In addition, we sought general information concerning the typical contractual terms of JSAs.

85. *Decision.* We will not attribute JSAs. Based on the record in this proceeding, we do not believe that agreements which meet our definition of JSAs convey a degree of influence or control over station programming or core operations such that they should be attributed. We define JSAs as contracts that affect primarily the sales of advertising time, as distinguished from LMAs, which may affect programming, personnel, advertising, physical facilities, and other core operations of stations. We note that in our *DTV 5R&O*, we stated that we would look with favor upon joint business arrangements among broadcasters that would help them make the most productive and efficient uses of their channels to help facilitate the transition to digital technology. JSAs may be one such joint business arrangement. We recognize the significant competitive concerns about same-market radio JSAs raised by DOJ, but we also note that the factors considered by DOJ and the Commission in analyzing business arrangements may differ in some respects. Although both DOJ and the Commission are concerned about the competitive consequences of business agreements such as JSAs, our concerns are not identical. DOJ's comments explicitly recognize that in addition to competition issues, the Commission is also concerned with issues of diversity and reducing unnecessary administrative burdens. Some JSAs may actually help promote diversity by enabling smaller stations to stay on the air. Furthermore, to reduce administrative burdens, we will not require the routine filing of JSAs with the Commission.

86. Accordingly, after weighing competition, diversity, and administrative concerns, we decline to impose new rules attributing JSAs as long as they deal primarily with the sale of advertising time and do not contain terms that affect programming or other core operations of the stations such that they are, in fact, substantively equivalent to LMAs. We will retain our current policies concerning JSAs. Furthermore, in the absence of specific evidence of widespread abuse of JSAs by broadcasters, we also decline to adopt the general disclosure and reporting requirement for radio JSAs recommended by DOJ in its comments. We will, however, require broadcasters who have entered into JSAs to place such agreements in their public inspection files, with confidential or proprietary information redacted where appropriate. This requirement will facilitate monitoring of JSAs by the public, competitors and regulatory agencies. We do, however, retain discretion, in any event, to review cases involving radio or television JSAs on a case by case basis in the public interest, where it appears that such JSAs do pose competition or other concerns. Finally, we emphasize that all JSAs are of course still subject to antitrust laws and independent antitrust review by the Department of Justice.

F. Partnership Interests

87. *Background.* Under the Commission's current attribution rules governing partnership interests, general partners and non-insulated limited partnership interests are attributable, regardless of the amount or percentage of equity held. An exception from attribution applies only to those limited partners who meet the Commission's insulation criteria and certify that they are not materially involved in the management or operations of the partnership's media interests.

88. The *Attribution Notice* asked for comment on whether the insulation criteria remain effective and specifically whether the insulation criteria needed to be tightened or relaxed to meet the needs of certain new types of business entities. For example, widely-held limited partnerships, and in particular business development companies, may be required by federal and state statutes to grant voting rights to limited partners in such matters as the selection and removal of general partners. However, the insulation criteria require that such voting rights be restricted, except under certain circumstances, in order to support a presumption of partner non-involvement in the management of the partnership. The Attribution Notice inquired whether the insulation criterion should be relaxed to remove this potential conflict with state law, or whether equity benchmarks combined with a more limited relaxation of the insulation criteria should be applied to these widely-held limited partnerships. We noted that commenters in response to the *Capital Formation Notice* had argued that allowing specific voting rights would not compromise our attribution rules since: (1) the remaining insulation criteria are sufficient to prevent material involvement of a partnership member in media operations; and (2) the dispersed interests in a widely-held limited partnership would preclude member involvement in management and operations.

89. In addition, the *Attribution Notice* asked whether an equity benchmark, such as 5 percent, should be used to establish attribution with respect to all "widely-held" limited partnerships, and if so, how should the Commission define widely-held limited partnerships, and what factors could be used to guarantee that these entities remain widely-held. More generally, the *Attribution Notice* asked whether an equity benchmark, under which investments below the threshold would be exempted from the insulation criteria and would be held non-attributable, should be applied to all partnership forms, widely-held or not. In this latter case, the *Attribution Notice* asked whether we should set the equity benchmarks for partnership interests along lines similar to those used for voting corporate equity interests. We stated, however, that, based on the record thus far, we were not inclined to apply an equity benchmark to limited partnerships but would instead retain the insulation criteria, and that parties that disagreed must provide us with more data and analysis to demonstrate that our earlier decision to apply the insulation criteria is no longer justified. We also asked for information on the financial and legal structures of limited partnerships to enable us to determine whether there is a uniform equity level below which we need not be concerned with the application of the insulation criteria.

90. *Comments.* No commenters favored adding to the current list of insulation criteria.

91. *Decision.* We see no reason to revise our previous decision to treat limited partnership interests as distinct from corporate voting equity interests, and therefore elect not to adopt equity benchmarks for limited partnership interests. As we stated in the *Attribution Further Reconsideration*, "[t]he partners in a limited partnership, through contractual arrangements, largely have

the power themselves to determine the rights of the limited partners." Therefore, the insulation criteria adopted by the Commission serve to identify those situations within which it is safe to assume that a limited partner cannot be "materially involved" in the media management and operations of the partnership. As we also stated therein, the powers of a limited liability holder to exert influence or control are not necessarily proportional to their equity investment in the limited partnership, since the extent of these powers can be modified by the contractual arrangements of the limited partnership. In the *Attribution Notice*, we stated our disinclination to change our approach of applying insulation criteria in favor of an equity benchmark, and we have not been provided sufficient evidence to revise that view and to indicate that these original reasons for declining to adopt an equity benchmark for limited partnerships are no longer valid.

92. We also see no need at this time to add to, relax, or otherwise revise our limited partnership insulation criteria. Some commenters suggested that the insulation criteria should be modified to eliminate conflicts with state law, or that RULPA or other relevant standards should be used in their place. However, in our Attribution Reconsideration, the Commission decided for several reasons to abandon the use of RULPA, combined with a no material involvement standard, as a standard for judging whether limited partners were exempt from attribution. First, we judged the joint use of these two disparate standards for determining limited partner exemptions from attribution to be unnecessarily complicated. Second, we noted that there was a lack of uniform interpretation of the RULPA provisions, and that the scope of permissible limited partner activities was not statutorily set by RULPA, but rather was determined by the limited partnership agreement itself. Third, we determined that reliance on the RULPA provisions did not provide sufficient assurance that limited partners would not significantly influence or control partnership affairs. We are convinced that these conclusions remain valid today, and therefore we see no reason to revise our insulation criterion in favor of a RULPA standard. We also feel that similar considerations apply to state laws that regulate limited partnership activities, since these statutes may vary significantly from state to state, and may fail to provide sufficient assurance that the limited partner will lack the ability to significantly influence or control the partnership's media activities.

93. We will not create exceptions for widely-held limited partnerships, such as Business Development Companies, from the current insulation criteria applicable to limited partnerships or otherwise revise those insulation criteria. The essential character of these new business forms for determining attributable interests is the contractual flexibility they allow in setting up and managing the association. Therefore, we believe that the insulation criteria are needed for these business forms to insure "lack of material involvement" on the part of investors. This would imply that in some limited number of cases, interests may not be insulated because of state laws that require investor rights that conflict with the insulation criterion. However, commenters have not provided sufficient evidence concerning the number or importance of such instances that would compel the Commission to create special exemptions for these specialized business forms. Since these entities are allowed greater contractual flexibility under state law than are limited partnerships, we believe that greater caution is warranted in dealing with these novel forms. Further, we have not been presented with evidence to demonstrate that the current insulation criteria are no longer valid or effective in achieving their goals.

94. A number of commenters have asked us to clarify certain issues with respect to the scope or other aspects of the insulation criteria. We do not believe that this is the proper forum for declaratory rulings as to the scope of the insulation criteria. Indeed, the questions raised by commenters as to the application of the criteria to specific activities are best resolved by the Commission on a case-by-case basis based on the facts of the case. In addition, some of the proposed clarifications would, in effect, amount to a relaxation of the criteria. For example, Capital Cities/ABC asked the Commission to confirm that an insulated limited partner's interest in a licensee does not preclude the interest holder from also holding an affiliation agreement with the licensee. However, a contractual arrangement to provide programming would be inconsistent with the insulation criterion that "the limited partner may not perform any services for the partnership materially relating to its media activities," and therefore would not allow insulation of the limited partner's interest. As discussed, we decline to relax the insulation criteria. Moreover, we believe that the insulation criteria have worked effectively in the past, and that there is no need for further clarification on a general basis in this Report and Order. Any issues that may arise as to the application of the criteria to particular transactions will be resolved on a case-by-case basis.

G. LLCs and Other Hybrid Business Forms

95. *Background.* In the *Attribution Notice*, we sought comment as to how we should treat, for attribution purposes, the equity interest of a member in a limited liability company or LLC, a then relatively new form of business association regulated by state law, or in other new business forms, such as Registered Limited Liability Partnerships ("RLLPs"). LLCs are, in general, unincorporated associations that possess attributes of both corporations and partnerships. The specific attributes of LLCs may vary, since their form is regulated by state statutes. LLCs are, however, generally intended to afford limited liability to members, similar to that afforded by the corporate structure, while also affording the management flexibility and flow-through tax advantages of a partnership, without many of the organizational restrictions placed on corporations or limited partnerships. Depending on the requirements of the applicable state statute, LLCs afford their members broad flexibility in organizing the management structure and permit members to actively participate in the management of the entity without losing limited liability. Thus, with some variation depending on the applicable statute, LLCs may be organized with centralized management authority residing in one or a few managers (who may or may not be members) or decentralized management by members.

96. In the *Attribution Notice*, we tentatively proposed to treat LLCs and RLLPs like limited partnerships and adopted that proposal as an interim processing policy. Thus, membership in an LLC or RLLP would be attributed unless the applicant certifies that the member is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the LLC or RLLP. We proposed that such certification should be based on our limited partnership insulation criteria and invited comment on whether those insulation criteria developed with respect to limited partnerships are sufficient to insulate members of LLCs and RLLPs or whether other criteria would be more effective. We also tentatively concluded that we were not prepared to adopt an equity benchmark

for non-insulated LLC interests, but we invited comment on that conclusion. In addition, we invited comment on whether, if we adopt the certification approach, we should, either routinely or on a case-by-case basis, require parties to file copies of the organizational filings and/or operating agreements with the Commission when an application is filed. Finally, we asked whether we should differentiate our treatment of LLCs based on whether their management form is centralized or decentralized.

97. *Decision.* We adopt our tentative conclusion in the *Attribution Notice* to treat LLCs and other new business forms including RLLPs under the same attribution rules that currently apply to limited partnerships. The insulation criteria that currently apply to limited partnerships would apply without modification to these new business forms. Therefore, LLC or RLLP owners would be treated as attributable unless the owner can certify their lack of direct or indirect involvement in the management and operations of the media-related activities of the LLC or RLLP based on existing insulation criteria. We will not distinguish among LLCs based on whether they adopt a more centralized or decentralized form.

98. We believe that this decision is justified for the reasons discussed in the *Attribution Notice*, which are supported by the record. State laws grant more liberal organizational powers to LLCs and RLLPs than to limited partnership forms. Thus, equity holders can retain their limited liability even though they participate in the management of the entity. Under these circumstances, we believe that it is important to apply the insulation criteria to assure that those equity holders that purport to be insulated from management are in fact so insulated. In addition, even when an LLC adopts a "corporate form" of organization, there is still sufficient discretion afforded by state law so that the owners of the enterprise may retain some level of operational control on their own part. The organizational restrictions applicable to corporations do not necessarily apply. The Commission could also apply a control test to determine attribution, or require these companies to incorporate insulation criteria directly into their governing documents. However, these case-by-case solutions would reduce regulatory certainty and delay processing of applications. We also believe that using equity benchmarks would be inappropriate for reasons similar to those discussed above in terms of limited partnerships. In addition, we have been applying the interim processing policy, it has worked well and effectively, and we see no reason to change it.

99. We agree with those commenters who argued that business associations, such as LLCs, are similar to partnership forms in terms of organizational flexibility, and we will treat them comparably for attribution purposes. Indeed, the greater flexibility in governance granted such entities under state law, to elect either a "corporate form" or a "partnership form" of governance, underscores the need for caution in our approach to the attribution of new business forms. The current insulation criteria serve to directly address our concerns over the influence of an interest holder. Creating specialized attribution standards for new business forms as they arise will serve only to complicate the attribution rules, without better addressing our core concerns over the potential influence exerted by the owners of a particular entity, however organized.

100. To reduce paperwork burdens, we will not routinely require the filing of organizational documents for LLCs. However, to remain consistent with our treatment of limited partnerships and insulation criteria, we will require the same "non-involvement" statement for LLC members who are attempting to insulate themselves from attribution that we require for limited partners who are attempting to insulate themselves. We will also require LLC members who submit the foregoing statement to submit a statement that the relevant state statute authorizing LLCs permits an LLC member to insulate itself/himself in the manner required by our criteria, since our experience shows that state laws vary considerably with respect to the obligations and responsibilities of LLC members. This policy will help us to avoid any potential confidentiality concerns, referred to in the *Attribution Notice*, that may arise if we require filing of organizational documents.

H. Cable/MDS Cross-Ownership Attribution

101. *Background.* The *Attribution Further Notice* considered changes to the cable/Multipoint Distribution Service ("MDS") cross-ownership attribution rule, For purposes of this item (MDS also includes single channel Multipoint Distribution Service ("MDS") and Multichannel Multipoint Distribution Service ("MMDS")). Section 21.912 of the rules, which implements § 613(a) of the Communications Act, generally prohibits a cable operator from obtaining an MDS authorization if any portion of the MDS protected service area overlaps with the franchise area actually served by the cable operator's cable system. In addition, § 21.912(b) prevents a cable operator from leasing MDS capacity if its franchise area being served overlaps with the MDS protected service area. For purposes of this rule, the attribution standard used to determine what entities constitute a "cable operator" or an MDS licensee, is generally defined by the Notes to § 76.501. In sum, we presently consider a cable operator to have an attributable interest in an MDS licensee if the cable operator holds five percent or more of the stock in that licensee, regardless of whether such stock is voting or non-voting. We also attribute all officer and director positions and general partnership interests. However, unlike the broadcast attribution standard, our current cable/MDS standard contains no single majority shareholder exception, and attributes limited partnership interests of five percent or greater, notwithstanding insulation.

102. As we recognized in the *Attribution Further Notice*, the strictness of the existing attribution standard severely limits investment opportunities that would advance our goals of strengthening wireless cable and providing meaningful competition to cable operators. We also saw no reason to have different attribution criteria for broadcasting and MDS, and reiterated our previous observation that the broadcast attribution criteria could be used for the purpose of determining attribution in the context of cable/MDS cross-ownership. Thus, in the *Attribution Further Notice*, we invited comment on whether we should apply broadcast attribution criteria, as modified by this proceeding, in determining cognizable interests in MDS licensees and cable systems. In addition, we sought comment as to whether we should add an equity/debt plus attribution rule where the competing entity's holding exceeds 33 percent or some other benchmark. We further stated our belief that these proposed modifications of our attribution rules would increase the potential for investment and further diversity, while preventing cable from warehousing its potential competition.

103. *Decision.* After reviewing all of the comments submitted on our proposals to relax the cable/MDS attribution rules, we are persuaded that the broadcast attribution criteria, as modified by this proceeding, should be applied in determining what interests in MDS licensees and cable systems are cognizable. We continue to see no reason, and none has been suggested by

any of the commenters, that would warrant different attribution criteria for broadcasting and MDS. As we have discussed here and in the *Attribution Further Notice*, 60 FR 6483, February 2, 1995, investment opportunities critical to the development of MDS as a competitive service to cable have been severely limited by the current attribution standard.[1] Therefore, continued application of the current cable/MDS attribution standard would frustrate our goals of strengthening wireless cable, providing meaningful competition to cable operators and benefitting the public interest by offering consumers more choice in their selection of video programming providers. In view of these considerations and the record before us, we conclude that the public interest would be better served if the modified broadcast attribution criteria were employed for the purpose of determining attribution in the context of cable/MDS cross-ownership. Such modification of our existing attribution standard will increase investment possibilities without adversely affecting competition. Thus, we believe this attribution standard will identify ownership interests with the potential to exert significant influence on a licensee's management and operations, and the cross-ownership provision by its very nature will address the concern that common ownership of different multichannel video programming distributors may reduce competition and limit diversity. We are persuaded, moreover, that relaxing our current attribution standard will have genuine meaning for institutional investors who, though not involved in the day-to-day activities of either cable or MDS companies, have been precluded from making investments in MDS due to pre-existing or anticipated investments in cable.

104. The Wireless Association also fails to persuade us that it would be unfair to impose a debt limitation on cable/MDS cross-ownership when no such limitation has been placed on cable/LMDS cross-ownership. We consider it significant that, unlike our recently adopted cable/LMDS cross-ownership rules, the cable/MDS cross-ownership rule implements a statutory prohibition, Section 613(a) of the Act. Therefore, in revisiting our cable/MDS attribution standard, we must consider both the rule and the statutory implications. As we tentatively concluded in the *Attribution Further Notice*, the potential exists:

> For certain substantial investors or creditors to have the ability to exert significant influence over key licensee decisions through their contract rights, even though they are not granted a direct voting interest or may only have a minority voting interest in a corporation with a single majority shareholder, which may undermine the diversity of voices we seek to promote. They may, through their contractual rights and their ongoing right to communicate freely with the licensee, exert as much or more influence or control over some corporate decisions as voting equity holders whose interests are attributable.

That tentative conclusion has been affirmed here, and we believe applies with equal force to our competitive concerns underlying cable/MDS cross-ownership. We have also determined that our broadcast attribution rules will be triggered when the aggregated debt and equity interests in a licensee exceed a 33 percent benchmark. Our EDP broadcast attribution provision is intended to address our concerns that multiple nonattributable interests could be combined to exert influence over licensees such that they should be attributable. Based on the same reasons, we likewise regard the 33 percent EDP provision as an appropriate addition to the modified cable/MDS attribution standard. Furthermore, by adopting the 33 percent EDP provision for cable/MDS attribution, we believe that we are acting in a manner consistent with the statutory directive by furthering congressional intent to promote competition among video providers.

105. Accordingly, we will adopt the broadcast attribution criteria, as modified in this proceeding, for determining cognizable interests in MDS licensees and cable systems. The modified attribution criteria will also apply to the cable/MDS and cable/ITFS cross-leasing rules. A supplemental note will follow those cross-leasing rules and state that the attribution standard applicable to cable/MDS cross-ownership also applies to them. In addition, given the considerations discussed above, and for the same reasons we are adopting the 33 percent EDP provision for the broadcast attribution standard, we will adopt the 33 percent EDP provision as part of the cable/MDS attribution standard. A description of the resulting changes to our existing cable/MDS attribution standard follows.

106. In assessing cable/MDS attribution, we will distinguish passive investors from non-passive investors, applying the voting stock attribution benchmark applicable to each. As a preliminary matter, the definition of "passive investors" will be identical to that used in the context of broadcast attribution, and thus limited to bank trust departments, insurance companies and mutual funds. Passive investors will be subject to the same 20 percent voting stock benchmark as we adopt today for broadcast passive investors. With regard to a non-passive voting equity benchmark, we have already determined that shareholders with a five percent or greater ownership interest still have the ability to wield significant influence on the management and operations of the firms in which they invest. Therefore, we will continue to apply our five percent benchmark to determine the attributable interests of non-passive investors. We believe that employing a more liberal voting stock benchmark for passive investors than that used for non-passive investors will provide the MDS industry with increased access to much needed investment capital, while maintaining the Commission's ability to apply its ownership rules to influential interests.

107. Though positions such as officers and directors will remain attributable interests, we will further relax the current cable/MDS standard by exempting from attribution minority stockholdings in corporations with a single majority shareholder and non-voting stock, to the extent permitted by the other rule changes made in this proceeding. However, here as in broadcasting, we will carefully scrutinize cases to ensure that nonattributable minority or non-voting shareholders are not able to exert greater influence than what their attribution status should allow.

108. We further note that adoption of the EDP attribution rule for cable/MDS will limit, under certain circumstances, the availability of the single majority shareholder and non-voting stock exemptions from attribution. Under the EDP rule as adopted for cable/MDS attribution, where a cable franchise area and an MDS protected service area overlap, we will consider an investor (including a cable operator or MDS licensee) that has already invested in either the cable operator or MDS licensee, to have an attributable interest in the other entity if that interest exceeds 33 percent of the total assets of that entity. Thus, when the investor's total investment in the other entity, aggregating all debt and equity interests, exceeds 33 percent of all investment in that entity (the sum of all equity plus debt), attribution will be triggered. We

[1] We have recently taken additional steps to expand investment opportunities to further strengthen MDS. Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions, 13 FCC Rcd 19112 (1998), recon., FCC 99–178, released July 29, 1999.

will use total assets as a base in aggregating the different classes of investment, equity and debt, and will presume that nonvoting stock should be treated as equity. We will set the threshold at 33 percent for the cable/MDS EDP rule because we see no reason to have a different benchmark than that which will be used for the broadcast EDP rule.

109. We will also modify the existing cable/MDS attribution standard with respect to partnership interests and new business forms, such as LLCs and RLLPs, consistent with our treatment of such entities in the broadcast context. First, we will continue to hold all partnership interests attributable, regardless of the extent of their equity interests, unless they satisfy the insulation requirements. However, we will not attribute sufficiently insulated limited partnership interests when the limited partner certifies that it is not materially involved, directly or indirectly, in the management or operation of the partnership's cable or wireless cable activities. Nor will we adopt voting equity benchmarks for limited partnership interests. A limited partnership interest will not be attributable if the limited partner meets the Commission's insulation criteria and makes the requisite certification. Second, consistent with our earlier findings, we will subject widely-held limited partnerships, such as Business Development Companies, to the same set of attribution rules as limited partnerships. We will also treat LLCs and other new business forms, including RLLPs, under the same attribution rules that currently apply to limited partnerships. We believe that these changes, which generally relax our existing cable/MDS attribution standard and make them consistent with the broadcast attribution rules, will afford increased opportunities for investment in the wireless cable and cable industries.

I. Broadcast-Cable Cross-Ownership Attribution Rules

110. In the *Attribution Further Notice*, we stated that we would address, in this proceeding, the attribution criteria applicable to the broadcast-cable cross-ownership rule, § 76.501(a) of the Commission's rules. While we recognized that the attribution standards used in a number of other cable rules were implicitly or explicitly based on § 76.501 of the Commission's rules, we stated that we were considering establishing a separate proceeding to modify the attribution criteria for the other cable multiple ownership rules.

111. Accordingly, we will modify the attribution criteria applicable to the cable/broadcast cross-ownership rule to conform to the new broadcast attribution criteria adopted in this *R&O*. In this manner, all the broadcast attribution criteria will remain consistent. When we revised the cross-ownership attribution rules in 1984, we stated that there did not seem to be a justification for separate benchmarks as applicable to cable systems. We did not receive comments in this proceeding to justify treating the cable/broadcast cross-ownership attribution rules differently from the other broadcast attribution rules at issue in this proceeding. We reiterate that the attribution revisions made herein apply only to the cable/broadcast and the cable/MDS cross-ownership rules (and cable/ITFS cross-leasing rules) and that revisions to the other cable attribution rules will be addressed CS Docket No. 98–82. We also note that because these cross-ownership rules apply where the entities at issue are in the same market, these entities will always be subject to the EDP rule assuming that the requisite financial interest is held.

J. Transition Issues

112. *Background.* In the *Attribution Notice*, we stated our concern that any action taken in this proceeding not disrupt existing financial arrangements, and accordingly invited comment as to whether we should grandfather existing situations or allow a transition period for licensees to come into compliance with the multiple ownership rules if we adopted more restrictive attribution rules. As we stated in the *Attribution Further Notice*, commenters who addressed this issue in response to the *Attribution Notice* overwhelmingly urged the Commission to grandfather existing interests indefinitely if it adopted more restrictive attribution rules because of the disruptive effect and the unfairness to the parties of mandatory divestiture.

113. *Decision.* We conclude that any interests acquired on or after November 5, 1996, the date of adoption of the *Attribution Further Notice* in this proceeding, should be subject to the rules adopted in this *R&O*. We believe this cutoff date is reasonable and appropriate. We proposed the new EDP rule in the *Attribution Further Notice*, and it was therefore then that parties were on notice of the proposed new rule and that any interests acquired on or after that date could be subject to any rule changes. Thus, we believe that the November 5, 1996 grandfathering date is more reasonable than the earlier grandfathering date we proposed. While we tentatively concluded in the *Attribution Notice* that any interests acquired on or after December 15, 1994 should be subject to the final rules adopted in the *R&O* in this proceeding, we have decided to use the date of adoption of the *Attribution Further Notice* as the grandfathering date. Accordingly, any interests (other than radio LMAs) newly attributable pursuant to this *R&O* that would result in violations of the ownership rules, will be grandfathered if the triggering interest was acquired before November 5, 1996. Except in the case of TV and radio LMAs, such grandfathering will be permanent until such time as the grandfathered interest is assigned or transferred.

114. In this *R&O*, we have decided to count attributable radio LMAs for purposes of applying all applicable multiple ownership rules, including the one-to-a-market rule and the radio-newspaper cross-ownership rule, not just the radio duopoly rules. As discussed, we will treat grandfathering of radio LMAs on case-by-case basis. The issue of grandfathering television LMAs is resolved in the television local ownership proceeding.

115. We will apply the November 5, 1996 grandfathering date to interests, newly attributable under our EDP rule, that would result in new violations of the multiple ownership rules. Such grandfathering will be permanent so long as the interest is not transferred or renewed. Thus, if an inter-market LMA triggers the EDP rule, grandfathering will be for the term of the LMA, since the LMA cannot be renewed. Grandfathering will apply only to the current holder of the attributable interest. If the grandfathered interest is later assigned or transferred, the grandfathering will not transfer to the assignee or transferee. New owners cannot demonstrate the same equitable considerations that prompt us to grandfather existing owners whose current interests are now unavoidably placed in violation of the multiple ownership rules based on adoption of the EDP rule. Such new owners will be given a year to come into compliance with the multiple ownership rules.

116. For non-grandfathered interests that are now attributable, *i.e.*, those acquired on or after November 5, 1996, and which must be divested to comply with our multiple ownership rules, we believe that a twelve-month period should be sufficient for parties to identify buyers. Accordingly, parties holding such non-grandfathered interests must come into compliance, filing an appropriate application if necessary, within 12 months of the date

of adoption of this *R&O*. We recognize that we have specified a different divestiture period in some of the cases that have been conditioned on the outcome of this proceeding. In all of these cases, we will apply the one-year divestiture period. Thus, in a case conditioned on the outcome of this proceeding, where, for example, a six-month divestiture period is specified, the twelve-month period specified herein would nonetheless be operative.

117. We note that grandfathering treatment of television LMAs that result in violations of the multiple ownership rules varies depending on whether they are intra-market LMAs that are attributable under the *per se* LMA attribution rule or inter-market LMAs that are attributable under the EDP rule because they are accompanied by a financial investment that exceeds the 33 percent threshold. For intra-market LMAs, the grandfathering period is as discussed in the *TV Local Ownership R&O*. Grandfathering for interests newly attributable under the EDP rule is permanent, and, accordingly, for inter-market LMAs attributable under EDP, grandfathering will last for the length of the LMA term since no renewal or transfer is permitted.

K. Ownership Report, Form 323

118. We intend to modify the Ownership Report form, Form 323, to reflect the addition of the EDP rule, as well as the other attribution changes adopted in this *R&O*. We direct the Mass Media Bureau to make the necessary modifications to the form to reflect these changes. Further, the Mass Media Bureau is delegated authority to revise the Ownership Report rule, § 73.3615, to reflect the addition of the EDP rule, as well as the other attribution changes adopted in this *R&O*. Thereafter, we will issue a public notice with the revised Ownership Report Form and Ownership Report rule to reflect and incorporate these changes.

IV. Administrative Matters

119. *Paperwork Reduction Act of 1995 Analysis*. This *R&O* contains either new or modified information collections. Therefore, the Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget ("OMB") to comment on the information collections contained in this *R&O* as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due November 16, 1999. Comments should address: (a) whether the new or modified collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C1804, 445 12th Street S.W., Washington, DC 20554, or via the Internet to jboley@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, DC 20503, or via the Internet to fain__al.eop.gov.

120. For additional information concerning the information collections contained in this *R&O* contact Judy Boley at 202–418–0217.

121. Pursuant to the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601 *et seq.*, the Commission's Final Regulatory Flexibility Analysis included in this *R&O*.

Final Regulatory Flexibility Analysis

122. As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *FNPR* in MM Docket Nos. 94–150, 92–51, & 87–154, 11 FCC Rcd 19895 (1996) (*"Attribution Further Notice"*). The Commission sought written public comment on the proposals in the *Attribution Further Notice*, including comment on the IRFA. The comments received are discussed. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

I. Need For, and Objectives of the Report and Order

123. The attribution rules seek to identify those interests in or relationships to licensees or media entities that confer on their holders a degree of influence or control such that the holders have a realistic potential to affect the programming decisions of licensees or other core operating functions. The attribution rules are used to implement the Commission's broadcast multiple ownership rules. Our goals in this proceeding are to maximize the precision of the attribution rules, avoid disruption in the flow of capital to broadcasting, afford clarity and certainty to regulatees, ease application processing, and provide for the reporting of all the information we need in order to make our public interest finding with respect to broadcast applications. While our focus is on the issues of influence or control, at the same time, we must tailor the attribution rules to permit arrangements in which a particular ownership or positional interest involves minimal risk of influence, in order to avoid unduly restricting the means by which investment capital may be made available to the broadcast industry. The rules adopted meet these goals.

II. Summary of Significant Issues Raised by the Public in Response to the IRFA

124. One comment, filed specifically in response to the IRFA contained in the *Second Further Notice of Proposed Rulemaking* in MM Dockets 91–221 and 87–8, 61 FR 66978, December 19, 1996, addressed an issue relevant to all the Commission's proceedings dealing with the mass media multiple ownership rules.

125. Other commenters did not specifically respond to the IRFA, but did address small business issues.

III. Description and Estimate of the Number of Small Entities To Which Rules Will Apply

1. Definition of a "Small Business"

126. Under the RFA, small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. 601(6). The RFA, 5 U.S.C. 601(3), generally defines the term "small business" as having the same meaning as the term "small business concern" under the Small Business Act, 15 U.S.C. 632. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration ("SBA"). According to the SBA's regulations, entities engaged in television broadcasting Standard Industrial Classification ("SIC") Code 4833—Television Broadcasting Stations, may have a maximum of $10.5 million in annual receipts in order to qualify as a small business concern. Similarly, entities engaged in radio broadcasting, SIC Code 4832—Radio Broadcasting Stations, have a maximum of $5 million in annual receipts to qualify as a small business concern. 13 CFR 121.101 *et seq.* This standard also applies in determining whether an entity is a small business for purposes of the RFA.

127. Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency after consultation with the Office of Advocacy of the SBA and after

opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**." While we tentatively believe that the foregoing definition of "small business" greatly overstates the number of radio and television broadcast stations that are small businesses and is not suitable for purposes of determining the impact of the new rules on small television and radio stations, we did not propose an alternative definition in the IRFA. Accordingly, for purposes of this *R&O*, we utilize the SBA's definition in determining the number of small businesses to which the rules apply, but we reserve the right to adopt a more suitable definition of "small business" as applied to radio and television broadcast stations and to consider further the issue of the number of small entities that are radio and television broadcasters in the future. Further, in this FRFA, we will identify the different classes of small radio and television stations that may be impacted by the rules adopted in this *R&O*.

2. Issues in Applying the Definition of a "Small Business"

128. As discussed, we could not precisely apply the foregoing definition of "small business" in developing our estimates of the number of small entities to which the rules will apply. Our estimates reflect our best judgments based on the data available to us.

129. An element of the definition of "small business" is that the entity not be dominant in its field of operation. We were unable at this time to define or quantify the criteria that would establish whether a specific television or radio station is dominant in its field of operation. Accordingly, the following estimates of small businesses to which the new rules will apply do not exclude any television or radio station from the definition of a small business on this basis and are therefore overinclusive to that extent. An additional element of the definition of "small business" is that the entity must be independently owned and operated. We attempted to factor in this element by looking at revenue statistics for owners of television stations. However, as discussed further below, we could not fully apply this criterion, and our estimates of small businesses to which the rules may apply may be overinclusive to this extent. The SBA's general size standards are developed taking into account these two statutory criteria. This does not preclude us from taking these factors into account in making our estimates of the numbers of small entities.

130. With respect to applying the revenue cap, the SBA has defined "annual receipts" specifically in 13 CFR 121.104, and its calculations include an averaging process. We do not currently require submission of financial data from licensees that we could use in applying the SBA's definition of a small business. Thus, for purposes of estimating the number of small entities to which the rules apply, we are limited to considering the revenue data that are publicly available, and the revenue data on which we rely may not correspond completely with the SBA definition of annual receipts.

131. Under SBA criteria for determining annual receipts, if a concern has acquired an affiliate or been acquired as an affiliate during the applicable averaging period for determining annual receipts, the annual receipts in determining size status include the receipts of both firms. 13 CFR 121.104(d)(1). The SBA defines affiliation in 13 CFR 121.103. In this context, the SBA's definition of affiliate is analogous to our attribution rules. Generally, under the SBA's definition, concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. 13 CFR 121.103(a)(1). The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. 13 CFR 121.103(a)(2). Instead of making an independent determination of whether radio and television stations were affiliated based on SBA's definitions, we relied on the data bases available to us to provide us with that information.

3. Estimates Based on Census Data

132. The rules amended by this *R&O* will apply to full service television and radio licensees and permittees, potential licensees and permittees, cable services or systems, MDS and ITFS, and newspapers.

Radio and Television Stations

133. The rules adopted in this *R&O* will apply to full service television and radio stations. The Small Business Administration defines a television broadcasting station that has no more than $10.5 million in annual receipts as a small business. Television broadcasting stations consist of establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational, and other television stations. Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials. Separate establishments primarily engaged in producing taped television program materials are classified under another SIC number.

134. There were 1,509 television stations operating in the nation in 1992. That number has remained fairly constant as indicated by the approximately 1,594 operating television broadcasting stations in the nation as of June 1999. For 1992 the number of television stations that produced less than $10.0 million in revenue was 1,155 establishments. The amount of $10 million was used to estimate the number of small business establishments because the relevant Census categories stopped at $9,999,999 and began at $10,000,000. No category for $10.5 million existed. Thus, the number is as accurate as it is possible to calculate with the available information.

135. The rule changes will also affect radio stations. The SBA defines a radio broadcasting station that has no more than $5 million in annual receipts as a small business. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. Included in this industry are commercial, religious, educational, and other radio stations. Radio broadcasting stations which primarily are engaged in radio broadcasting and which produce radio program materials are similarly included. However, radio stations which are separate establishments and are primarily engaged in producing radio program material are classified under another SIC number. The 1992 Census indicates that 96 percent (5,861 of 6,127) of radio station establishments produced less than $5 million in revenue in 1992. Official Commission records indicate that 11,334 individual radio stations were operating in 1992. As of June 1999, official Commission records indicate that 12,560 radio stations are currently operating.

136. Thus, the rule changes will affect approximately 1,594 television stations, approximately 1,227 of which are considered small businesses. Additionally, the rule changes will affect 12,560 radio stations, approximately 12,057 of which are small businesses. These estimates may overstate the number of small entities since the revenue figures on which they are based do not include or aggregate revenues from non-television or non-radio affiliated companies.

Cable Services or Systems

137. SBA has developed a definition of small entities for cable and other pay television services (SIC 4841), which includes all such companies generating $11 million or less in revenue annually. This definition includes cable systems operators, closed circuit television services, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems and subscription television services. According to the Census Bureau data from 1992, there were 1,788 total cable and other pay television services, and 1,423 had less than $11 million in revenue.

138. The Commission has developed its own definition of a small cable company for the purposes of rate regulation. Under the Commission's rules, a "small cable company," is one serving fewer than 400,000 subscribers nationwide. Based on our most recent information, we estimate that there were 1439 cable operators that qualified as small cable companies at the end of 1995. Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, we estimate that there are fewer than 1439 small entity cable system operators that may be affected by the decisions and rules proposed in this *R&O*. The Commission's rules also define a "small system," for the purposes of cable rate regulation, as a cable system with 15,000 or fewer subscribers. We do not request nor do we collect information concerning cable systems serving 15,000 or fewer subscribers and thus are unable to estimate at this time the number of small cable systems nationwide.

139. The Communications Act also contains a definition of a small cable system operator, which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000." Section 76.1403(b) of the Commissions' rules defines a small cable system operator as one which serves in the aggregate fewer than 617,000 subscribers, and whose total annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that the number of cable operators serving 617,000 subscribers or less totals 1450. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

MDS and ITFS

140. Other pay television services are also classified under Standard Industrial Classification (SIC) 4841, which includes cable systems operators, closed circuit television services, direct broadcast satellite services (DBS), multipoint distribution systems (MDS), satellite master antenna systems (SMATV), and subscription television services.

141. The Commission refined the definition of "small entity" for the auction of MDS as an entity that together with its affiliates has average gross annual revenues that are not more than $40 million for the preceding three calendar years. This definition of a small entity in the context of the Commission's *R&O* concerning MDS auctions that has been approved by the SBA.

142. The Commission completed its MDS auction in March 1996 for authorizations in 493 basic trading areas ("BTAs"). Of 67 winning bidders, 61 qualified as small entities. Five bidders indicated that they were minority-owned and four winners indicated that they were women-owned businesses. MDS is an especially competitive service, with approximately 1573 previously authorized and proposed MDS facilities as of 1996. Information available to us indicates that no MDS facility generates revenue in excess of $11 million annually. We tentatively conclude that for purposes of this IRFA, there are approximately 1634 small MDS providers as defined by the SBA and the Commission's auction rules.

Newspapers

143. Some of the rule changes may also apply to daily newspapers that hold or seek to acquire an interest in a broadcast station that would be treated as attributable under the rules. A newspaper is an establishment that is primarily engaged in publishing newspapers, or in publishing and printing newspapers. The SBA defines a newspaper that has 500 or fewer employees as a small business. Based on data from the U.S. Census Bureau, there are a total of approximately 6,715 newspapers, and 6,578 of those meet the SBA's size definition. However, we recognize that some of these newspapers may not be independently owned and operated and, therefore, would not be considered a "small business concern" under the Small Business Act. We are unable to estimate at this time how many newspapers are affiliated with larger entities. Moreover, the rule changes would apply only to daily newspapers, and we are unable to estimate how many newspapers that meet the SBA's size definition are daily newspapers. Consequently, we estimate that there are fewer than 6,578 newspapers that may be affected by the rule changes in this *R&O*.

IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

144. The *R&O* imposes compliance with the amended attribution rules set forth in the *R&O*. Compliance will require licensees to file with the Commission amended Ownership Report Forms (FCC Form 323) to reflect interests attributable under the amended attribution rules. Compliance will also require licensees that have entered into Joint Sales Agreements (JSAs) to place such agreements in their public inspection files with confidential or proprietary information redacted where appropriate. In addition, pursuant to the new rules, certain television time brokerage agreements will be required to be filed with the Commission where they are intra-market agreements or are inter-market agreements that come under the equity/debt plus attribution standard adopted by the *R&O*. Finally, compliance may require some licensees whose ownership interests under the amended attribution rules violate the multiple ownership rules, to divest the prohibited interests within the time periods specified in the *R&O*.

V. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

145. The *R&O* retains the current 5 percent active voting stock attribution benchmark. We believe that our original decision to set a 5 percent benchmark to capture influential interests remains valid and will not unduly restrict capital availability. Further, we note that our concerns over capital availability that originally prompted the proposal to increase the active voting stock benchmark have eased somewhat, particularly in light of the increasing strength shown by the communications sector and financial markets in general over the past several years. This increase in capital spending occurred within the context of our current attribution rules, and therefore provides us with strong evidence of the continued availability of capital in the

communications industry. And, to the extent that there are still concerns about not impeding capital flow to broadcasting, we believe that they will be adequately addressed since the increases the passive investor benchmark.

146. The *R&O* increases the voting stock benchmark from 10 to 20 percent for passive investors. We believe that increasing the passive investor benchmark to 20 percent will give broadcasters increased access to investment capital, while preserving the Commission's ability to effectively enforce its ownership rules. This decision takes into account the special nature of the passive investor category, in terms of the legal and fiduciary requirements that constrain passive investors' involvement in the management and operational affairs of the firms in which they invest. In addition, passive investors have become an increasingly important source of investment capital to the corporate sector. Finally, the Commission recognizes that the pace of technological change within broadcasting, particularly the transition to DTV, might require access to such new sources of investment capital.

147. Further, we note that the record strongly supports an increase in the passive investor benchmark and supports our belief that such an increase will help assure that the attribution changes adopted herein will reinforce the trends in broadcast investment and growth in passive investment levels noted above, particularly at a time when television broadcasters are undertaking the conversion to digital television. We believe that increasing the passive investor benchmark is a relatively safe way to increase capital flows into broadcasting, without compromising the ability of our attribution rules to capture influential interests. The *R&O* retains the current definition of "passive investors," which is limited to bank trust departments, insurance companies and mutual funds.

148. The *R&O* does not eliminate the single majority shareholder or nonvoting stock exemptions, but, rather, to address the concerns that we raised in the *Attribution Notice* and *Attribution Further Notice*, we will adopt our equity and/or debt plus ("EDP") attribution proposal, as a new rule that would function in addition to the other attribution rules. Under this new EDP rule, where the investor is either (1) a "major program supplier," as defined herein to include all programming entities (including networks and time brokers) that supply over 15 percent of a station's total weekly broadcast programming hours, or (2) a same-market media entity subject to the broadcast multiple ownership rules (including broadcasters, cable operators, and newspapers), its interest in a licensee will be attributed if that interest exceeds 33 percent of the total asset value (equity plus debt) of the licensee. The *R&O* refers to total asset value as "total assets." In the case of a major program supplier, the investment will be attributable only if the investment is in a licensee to which the requisite triggering amount of programming is provided.

149. The targeted approach embodied in the EDP rule reflects our current judgment as to the appropriate balance between our goal of maximizing the precision of the attribution rules by attributing all interests that are of concern, and only those interests, and our equally significant goals of not unduly disrupting capital flow and of affording ease of administrative processing and reasonable certainty to regulatees in planning their transactions. The bright-line EDP test will provide more regulatory certainty than a case-by-case approach that requires review of contract language. Thus, the EDP rule will permit planning of financial transactions, would also ease application processing, and would minimize regulatory costs.

150. In the *Attribution Further Notice*, we invited comment on the impact of a 33 percent EDP threshold on small business entities, particularly on whether there would be a disproportionate impact on small or minority entities. While some parties have argued that adoption of an equity/debt plus proposal would deter capital flow to broadcasting generally and, in particular, for digital television, others have argued strongly that this is not the case. We have no basis to conclude or reason to believe that the EDP rule would unduly deter investment. The equity/debt plus proposal does not preclude investment by any entity; rather, it caps nonattributable investment levels for entities that have the potential to influence licensees. The limit does not apply to all entities that might invest or help fund the transition to digital television or otherwise invest in licensees. Additionally, to help assure that our actions today do not unduly impede capital flow to broadcasting, we have raised the passive investor benchmark. As discussed above, we believe that because of the nature of passive investors, we may raise that benchmark consistent with our goal of maximizing the precision of the attribution rules. In addition, we will consider individual rule waivers in particular cases where compelling evidence is presented that the conversion to digital television would otherwise be unduly impeded or that a waiver would significantly expedite DTV implementation in that particular case.

151. While some commenters strongly argued that applying the EDP rule to program suppliers would curb investment in broadcast stations and possibly hurt weaker UHF stations and might deter investment that would facilitate the conversion to DTV, they do not provide empirical evidence to support this argument. We also note that the rule does not preclude investment, but merely provides that investments over a certain level will be deemed presumptively attributable. Networks are therefore free to invest in their affiliates, subject of course to the applicable multiple ownership rules. Moreover, the EDP rule does not attribute investments, even those by networks in their affiliates, which fall below the 33 percent threshold. Thus, a major program supplier may hold 32 percent of the total assets of a station to which it supplies programming in excess of the 15 percent standard. This would comply with all EDP limits and the interests would not be attributable. In addition, the EDP rule does not affect investments by entities other than major program suppliers or same-market media entities. Under these circumstances, we believe that the EDP rule will not curb investment, deter new entry, or curb the conversion to DTV.

152. The *R&O* also adopts a new rule to attribute television LMAs, or time brokerage of another television station in the same market, for more than fifteen percent of the brokered station's broadcast hours per week and to count such LMAs toward the brokering licensee's local ownership limits. We believe that the rationale for attributing LMAs set forth in the *Radio Ownership Order,—i.e.*, to prevent the use of time brokerage agreements to circumvent our ownership limits—applies equally to same-market television LMAs.

153. The record in this proceeding supports our decisions to attribute television LMAs and to count attributed radio LMAs toward all applicable radio ownership limits. We agree with most commenters, representing a variety of interests ranging from ABC to the public interest group MAP, that television LMAs, like radio LMAs, represent a degree of influence and control that warrants ownership attribution and that, to decide otherwise, based on the precedent of the attribution of radio LMAs, would be inconsistent.

154. We will require stations involved in television time brokerage agreements (inter-market as well as intra-market agreements) to keep copies of those agreements in their local public inspection files, with confidential or proprietary information redacted where appropriate, and to file, with the Commission, within 30 days of execution, a copy of any local time brokerage agreements that would result in the arrangement being counted in determining the brokering licensee's compliance with the multiple ownership rules. We note that these provisions impose an affirmative obligation on licensees to determine, in the first instance, whether a particular LMA is attributable (either under the *per se* rule or the EDP rule), and to file the agreement with the Commission if it is.

155. This also eliminates the cross interest policy. Our goals in initiating this proceeding include maximizing the clarity of the attribution rules, providing reasonable certainty and predictability to parties to allow transactions to be planned, and easing application processing. Commenters have argued that the vagueness and uncertainty imposed by the *ad hoc* application of the cross-interest policy have chilled investment. As CalPERS argues, this uncertainty impedes the ability of broadcasters to enter into transactions because the policy can be invoked to prohibit a seemingly permissible transaction.

156. We note that the EDP rule directly covers concerns treated under the non-attributable interests prong of the cross-interest policy. In adopting that rule, we will reach those situations involving formerly nonattributable interests that raised the most concern with respect to issues of competition and diversity, some of which were previously addressed in administering the cross-interest policy. We recognize, however, that the EDP rule does not cover all the areas encompassed by the cross-interest policy. It would not cover key employees, for example. We nonetheless believe, as commenters have pointed out, that internal conflict of interest policies and common law fiduciary duty and contract remedies provide adequate substitutes for our administration of the policy with respect to key employees. In addition, many key employees are also officers and directors and thus already covered by the attribution rules. In any event, we believe that the very small risk of harm to competition by a key employee in an instance not covered by any of these other regulations and remedies is greatly outweighed by the benefits of minimizing our case-by-case approach to transactions and applying bright line tests, such as the EDP test and our other attribution rules.

157. With respect to joint ventures, we believe that application of a cross-interest policy is unwarranted. The ownership and attribution rules define the level of combined ownership that is permissible in the local market. We recognize that the cross-interest policy as applied to joint ventures is mostly, if not completely, subsumed by the application of the current multiple ownership rules. To the extent that it is not so subsumed, we believe that it should be eliminated. We agree that the burdens of case-by-case review are not justified for transactions that already comply with the multiple ownership rules. Furthermore, as other commenters noted, the application of the antitrust laws should prevent or remedy any abuses of joint venture relationships not already subject to the multiple ownership rules.

158. The *R&O* declines to attribute JSAs. Based on the record in this proceeding, we do not believe that agreements which meet our definition of JSAs convey a degree of influence or control over station programming or core operations such that they should be fully attributed. We define JSAs as contracts that affect primarily the sales of advertising time, as distinguished from LMAs, which may affect programming, personnel, physical facilities, and core operations of stations. We note that in our *DTV 5R&O*, we stated that we would look with favor upon joint business arrangements among broadcasters that would help them make the most productive and efficient uses of their channels to help facilitate the transition to digital technology. JSAs may be one such joint business arrangement. Although both DOJ and the Commission are concerned about the competitive consequences of business agreements such as JSAs, our concerns are not necessarily identical. DOJ's comments explicitly recognize that in addition to competition issues, the Commission is also concerned with issues of diversity and reducing unnecessary administrative burdens.

159. Accordingly, upon considering and weighing competition, diversity, and administrative concerns, we decline to impose new rules attributing JSAs as long as they are truly JSAs that deal with the sale of advertising time and do not contain terms that affect programming or other core operations of the stations such that they are, in fact, substantively equivalent to LMAs. We will retain our current policies concerning JSAs. Furthermore, in the absence of specific evidence of widespread abuse of JSAs by broadcasters, we also decline to adopt the general disclosure and reporting requirement for radio JSAs recommended by DOJ in its comments. We will, however, require broadcasters who have entered into JSAs to place such agreements in their public inspection files, pursuant to 47 CFR 73.3526 and 73.3613(e) of the Commission's Rules, with confidential or proprietary information redacted where appropriate. This requirement will facilitate monitoring of JSAs by the public, competitors and regulatory agencies. We do, however, retain discretion, in all events, to review cases involving radio or television JSAs on a case-by-case basis in the public interest, where it appears that such JSAs do pose competition, diversity, or administrative concerns. Finally, we emphasize that all JSAs are of course still subject to antitrust laws and independent antitrust review by the Department of Justice.

160. We see no reason to revise our previous decision to treat limited partnership interests as distinct from corporate voting equity interests, and therefore elect not to adopt equity benchmarks for limited partnership interests. As we stated in the *Attribution Further Reconsideration*, "[t]he partners in a limited partnership, through contractual arrangements, largely have the power themselves to determine the rights of the limited partners." Therefore, the insulation criteria adopted by the Commission serve to identify those situations within which it is safe to assume that a limited partner cannot be "materially involved" in the media management and operations of the partnership. As we also stated therein, the powers of a limited liability holder to exert influence or control are not proportional to their equity investment in the limited partnership, since the extent of these powers can be modified by the contractual arrangements of the limited partnership. In the *Attribution Notice*, we stated our disinclination to change our approach of applying insulation criteria in favor of an equity benchmark, and we have not been provided sufficient evidence to revise that view and to indicate that these original reasons for declining to adopt an equity benchmark for limited partnerships are no longer valid.

161. We also see no need at this time to add to, relax, or otherwise revise our limited partnership insulation criteria. Some commenters suggested that the insulation criteria should be modified to eliminate conflicts with state law, or that RULPA or other relevant standards should be used in their place. However,

in our *Attribution Reconsideration*, the Commission decided for several reasons to abandon the use of RULPA, combined with a no material involvement standard, as a standard for judging whether limited partners were exempt from attribution. First, we judged the joint use of these two disparate standards for determining limited partner exemptions from attribution to be unnecessarily complicated. Second, we noted that there was a lack of uniform interpretation of the RULPA provisions, and that the scope of permissible limited partner activities was not statutorily set by RULPA, but rather was determined by the limited partnership agreement itself. Third, we determined that reliance on the RULPA provisions did not provide sufficient assurance that limited partners would not significantly influence or control partnership affairs. We are convinced that these conclusions remain valid today, and therefore we see no reason to revise our insulation criterion in the direction of a RULPA standard. We also feel that similar considerations apply to state laws that regulate limited partnership activities, since these statutes may vary significantly from state to state, and may fail to provide sufficient assurance that the limited partner will lack the ability to significantly influence or control the partnership's media activities.

162. We will not create exceptions for widely-held limited partnerships, such as Business Development Companies, from the current insulation criteria applicable to limited partnerships or otherwise revise those insulation criteria. The essential character of these new business forms for determining attributable interests is the contractual flexibility they allow in setting up and managing the association. Therefore, we believe that the insulation criteria are needed for these business forms to insure the "lack of material involvement" on the part of investors. This would imply that in some limited number of cases, interests may not be insulated because of state laws that require investor rights that conflict with the insulation criterion. However, commenters have not provided sufficient evidence concerning the number or importance of such instances that would compel the Commission to create specialized exemptions for these specialized business forms. Since these entities are allowed greater contractual flexibility under state law than are limited partnerships, we believe that greater caution is warranted in dealing with these novel forms. Further, we have not been presented with evidence to demonstrate that the current insulation criteria are no longer valid or effective in achieving their goals.

163. We adopt our tentative conclusion in the *Attribution Notice* to treat LLCs and other new business forms including RLLPs under the same attribution rules that currently apply to limited partnerships. The insulation criteria that currently apply to limited partnerships would apply without modification to these new business forms. Therefore, LLC or RLLP owners would be treated as attributable unless the owner can certify their lack of direct or indirect involvement in the management and operations of the media-related activities of the LLC or RLLP. We will not distinguish among LLCs based on whether they adopt a more centralized or decentralized form.

164. We believe that this decision is justified for the reasons discussed in the *Attribution Notice*, which were also supported in the record and fully discussed in the *R&O*. In addition, we have been applying the interim processing policy, and it has worked well and effectively, and we see no reason to change it.

165. We will not routinely require the filing of organizational documents for LLCs. However, to remain consistent with our treatment of limited partnerships and insulation criteria, we will require the same "non-involvement" statement for LLC members who are attempting to insulate themselves. We will also require LLC members who submit the foregoing statement to submit a statement that the relevant state enabling statute authorizing LLCs permits an LLC member to insulate itself/himself in the manner required by our criteria, since our experience shows that state laws vary considerably with respect to the obligations and responsibilities of LLC members. This policy will help us to avoid any potential confidentiality concerns, referred to in the *Attribution Notice*, that may arise if we require filing of organizational documents.

166. After reviewing all of the comments submitted on our proposals to relax the cable/MDS attribution rules, we are persuaded that the broadcast attribution criteria, as modified by this proceeding, should be applied in determining cognizable interests in MDS licensees and cable systems. We continue to see no reason, and none has been suggested by any of the commenters, to warrant different attribution criteria for broadcasting and MDS. As we have discussed here and in the *Attribution Further Notice*, investment opportunities critical to the development of MDS as a competitive service to cable have been severely limited by the current attribution standard. Therefore, continued application of the current cable/MDS attribution standard would frustrate our goals of strengthening wireless cable, providing meaningful competition to cable operators and benefitting the public interest by offering consumers more choice in their selection of video programming providers. In view of these considerations and the record before us, we conclude that the public interest would be better served if the modified broadcast attribution criteria were employed for the purpose of determining attribution in the context of cable/MDS cross-ownership. Such modification of our existing attribution standard will increase investment possibilities and further diversity, while preventing cable from warehousing its potential competition. We are persuaded, moreover, that relaxation of our current attribution standard will have genuine meaning for institutional investors who, though not involved in the day-to-day activities of either cable or MDS companies, have been precluded from making investments in MDS due to pre-existing or desired investments in cable.

167. The *R&O* also adopts a 33 percent equity or debt provision as an appropriate addition to the modified cable/MDS attribution standard. Furthermore, by adopting the 33 percent "equity or debt plus" provision for cable/MDS attribution, we believe that we are acting in a manner consistent with the statutory directive, as well as furthering congressional intent to promote competition and prevent warehousing by cable operators. Accordingly, we will adopt the broadcast attribution criteria, as modified in this proceeding, for determining cognizable interests in MDS licensees and cable systems. The modified attribution criteria will also apply to the cable/MDS and cable/ITFS cross-leasing rules.

168. The *R&O* adopts grandfathering and transition measures for interests that become newly attributable pursuant to the new rules adopted. Grandfathering and transition measures for TV LMAs are discussed in the *TV Local Ownership Order*.

169. We intend to modify the Ownership Report form, Form 323, to reflect the addition of the EDP rule, as well as the other attribution changes adopted in this *R&O*.

VI. Report to Congress

170. The Commission shall send a copy of the *R&O* in MM Docket Nos. 94–150, 92–51, and 87–154, including this

FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, *see* 5 U.S.C. 801(a)(1)(A). In addition, the Commission shall send a copy of the *R&O* in MM Docket Nos. 94–150, 92–51, and 87–154, including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *R&O* in MM Docket Nos. 94–150, 92–51, and 87–154 and FRFA (or summaries thereof) will also be published in the **Federal Register**. *See* 5 U.S.C. 604(b).

Ordering Clauses

171. Accordingly, *it is ordered* that, pursuant to sections 4(i) & (j), 303(r), 307, 308 and 309 of the Communications Act of 1934 as amended, 47 U.S.C. 154(i), (j) 303(r), 307, 308, and 309, part 73 of the Commission's rules is amended as set forth.

172. *It is further ordered* that, pursuant to the Contract with America Advancement Act of 1996.

173. *It is further ordered* that the Commission's Office of Public Affairs, Reference Operations Division, *shall send* a copy of this *R&O* in MM Docket Nos. 94–150, 92–51, and 87–154, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

174. *It is further ordered* that the new or modified paperwork requirements contained in this R&O.

175. *It is further ordered* that this proceeding is hereby terminated.

List of Subjects

47 CFR Parts 21, 73 and 74

Television broadcasting; radio broadcasting.

47 CFR Part 76

Cable television.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 21, 73, 74 and 76 as follows:

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

1. The authority citation for Part 21 continues to read as follows:

Authority: Secs. 1, 2, 4, 201–205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

2. Section 21.912 is amended by revising the section heading and Note 1 to § 21.912 to read as follows:

§ 21.912 Cable television company eligibility requirements and MDS/cable cross-ownership.

* * * * *

Note 1: In applying the provisions of this section, ownership and other interests in MDS licensees or cable television systems will be attributed to their holders and deemed cognizable pursuant to the following criteria:

(a) Except as otherwise provided herein, partnership and direct ownership interests and any voting stock interest amounting to 5% or more of the outstanding voting stock of a corporate MDS licensee or cable television system will be cognizable;

(b) No minority voting stock interest will be cognizable if there is a single holder of more than 50% of the outstanding voting stock of the corporate MDS licensee or cable television system in which the minority interest is held;

(c) Investment companies, as defined in 15 U.S.C. 80a–3, insurance companies and banks holding stock through their trust departments in trust accounts will be considered to have a cognizable interest only if they hold 20% or more of the outstanding voting stock of a corporate MDS licensee or cable television system, or if any of the officers or directors of the MDS licensee or cable television system are representatives of the investment company, insurance company or bank concerned. Holdings by a bank or insurance company will be aggregated if the bank or insurance company has any right to determine how the stock will be voted. Holdings by investment companies will be aggregated if under common management.

(d) Attribution of ownership interests in an MDS licensee or cable television system that are held indirectly by any party through one or more intervening corporations will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, except that wherever the ownership percentage for any link in the chain exceeds 50%, it shall not be included for purposes of this multiplication. [For example, if A owns 10% of company X, which owns 60% of company Y, which owns 25% of "Licensee," then X's interest in "Licensee" would be 25% (the same as Y's interest since X's interest in Y exceeds 50%), and A's interest in "Licensee" would be 2.5% (0.1 x 0.25). Under the 5% attribution benchmark, X's interest in "Licensee" would be cognizable, while A's interest would not be cognizable.]

(e) Voting stock interests held in trust shall be attributed to any person who holds or shares the power to vote such stock, to any person who has the sole power to sell such stock, and to any person who has the right to revoke the trust at will or to replace the trustee at will. If the trustee has a familial, personal or extra-trust business relationship to the grantor or the beneficiary, the grantor or beneficiary, as appropriate, will be attributed with the stock interests held in trust. An otherwise qualified trust will be ineffective to insulate the grantor or beneficiary from attribution with the trust's assets unless all voting stock interests held by the grantor or beneficiary in the relevant MDS licensee or cable television system are subject to said trust.

(f) Subject to paragraph (j) of this Note, holders of non-voting stock shall not be attributed an interest in the issuing entity. Subject to paragraph (j) of this Note, holders of debt and instruments such as warrants, convertible debentures, options or other non-voting interests with rights of conversion to voting interests shall not be attributed unless and until conversion is effected.

(g)(1) A limited partnership interest shall be attributed to a limited partner unless that partner is not materially involved, directly or indirectly, in the management or operation of the MDS or cable television activities of the partnership and the licensee or system so certifies. An interest in a Limited Liability Company ("LLC") or Registered Limited Liability Partnership ("RLLP") shall be attributed to the interest holder unless that interest holder is not materially involved, directly or indirectly, in the management or operation of the MDS or cable television activities of the partnership and the licensee or system so certifies.

(2) In order for a licensee or system that is a limited partnership to make the certification set forth in paragraph (g)(1) of this **Note**, it must verify that the partnership agreement or certificate of limited partnership, with respect to the particular limited partner exempt from attribution, establishes that the exempt limited partner has no material involvement, directly or indirectly, in the management or operation of the MDS or cable television activities of the partnership. In order for a licensee or system that is an LLC or RLLP to make the certification set forth in paragraph (g)(2) of this **Note**, it must verify that the organizational document, with respect to the particular interest holder exempt from attribution, establishes that the exempt interest holder has no material involvement, directly or indirectly, in the management or operation of the MDS or cable television activities of the LLC or RLLP. The criteria which would assume adequate insulation for purposes of this certification are described in the Memorandum Opinion and Order in MM Docket No. 83–46, 50 FR 27438, July 3, 1985, as modified on reconsideration in the Memorandum Opinion and Order in MM Docket No. 83–46, 52 FR 1630, January 15, 1987. Irrespective of the terms of the certificate of limited partnership or partnership agreement, or other organizational document in the case of an LLC or RLLP, however, no such certification shall be made if the individual or entity making the certification has actual knowledge of any material involvement of the limited partners, or other interest holders in the case of an LLC or RLLP, in the management or operation of the MDS or cable television businesses of the partnership or LLC or RLLP.

(3) In the case of an LLC or RLLP, the licensee or system seeking installation shall certify, in addition, that the relevant state statute authorizing LLCs permits an LLC member to insulate itself as required by our criteria.

(h) Officers and directors of an MDS licensee or cable television system are considered to have a cognizable interest in the entity with which they are so associated. If any such entity engages in businesses in addition to its primary business of MDS or cable television service, it may request the Commission to waive attribution for any officer or director whose duties and responsibilities are wholly unrelated to its primary business. The officers and directors of a parent company of an MDS licensee or cable television system, with an attributable interest in any such subsidiary entity, shall be deemed to have a cognizable interest in the subsidiary unless the duties and responsibilities of the officer or director involved are wholly unrelated to the MDS licensee or cable television system subsidiary, and a statement properly documenting this fact is submitted to the Commission. [This statement may be included on the Licensee Qualification Report.] The officers and directors of a sister corporation of an MDS licensee or cable television system shall not be attributed with ownership of these entities by virtue of such status.

(i) Discrete ownership interests will be aggregated in determining whether or not an interest is cognizable under this section. An individual or entity will be deemed to have a cognizable investment if:

(1) The sum of the interests held by or through "passive investors" is equal to or exceeds 20 percent; or

(2) The sum of the interests other than those held by or through "passive investors" is equal to or exceeds 5 percent; or

(3) The sum of the interests computed under paragraph (i)(1) of this **Note** plus the sum of the interests computed under paragraph (i)(2) of this **Note** is equal to or exceeds 20 percent.

(j) Notwithstanding paragraphs (b), (f), and (g) of this **Note**, the holder of an equity or debt interest or interests in an MDS licensee or cable television system subject to the MDS/cable cross-ownership rule ("interest holder") shall have that interest attributed if:

(1) the equity (including all stockholdings, whether voting or nonvoting, common or preferred) and debt interest or interests, in the aggregate, exceed 33 percent of the total asset value (all equity plus all debt) of that MDS licensee or cable television system; and

(2) the interest holder also holds an interest in an MDS licensee or cable television system that is attributable under paragraphs of this **Note** other than this paragraph (j) and which operates in any portion of the franchise area served by that cable operator's cable system.

(k) The term "area served by a cable system" means any area actually passed by the cable operator's cable system and which can be connected for a standard connection fee.

(l) As used in this section "cable operator" shall have the same definition as in § 76.5 of this chapter.

* * * * *

PART 73—BROADCAST RADIO SERVICES

3. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

4. Section 73.3526 is amended by revising paragraph (e)(14) and adding (e)(16) to read as follows:

§ 73.3526 Local public inspection file of commercial stations.

* * * * *

(e) * * *

(14) *Radio and television time brokerage agreements.* For commercial radio and television stations, a copy of every agreement or contract involving time brokerage of the licensee's station or of another station by the licensee, whether the agreement involves stations in the same markets or in differing markets, with confidential or proprietary information redacted where appropriate. These records shall be retained as long as the contract or agreement is in force.

* * * * *

(16) *Radio and television joint sales agreements.* For commercial radio and commercial television stations, a copy of agreement for the joint sale of advertising time involving the station, whether the agreement involves stations in the same markets or in differing markets, with confidential or proprietary information redacted where appropriate.

5. Section 73.3555 is amended by removing paragraphs (a)(3) and (a)(4)(iii), redesignating paragraph (a)(4) as paragraph (a)(3), by revising Notes 2(b), 2(c), 2(f), 2(g), and 2(i) and by adding Notes 2(j) and 2(k) to read as follows:

§ 73.3555 Multiple ownership.

* * * * *

Note 2:

* * * * *

(b) Subject to paragraph (j) of this Note, no minority voting stock interest will be cognizable if there is a single holder of more than 50% of the outstanding voting stock of the corporate broadcast licensee, cable television system or daily newspaper in which the minority interest is held;

(c) Investment companies, as defined in 15 U.S.C. 80a–3, insurance companies and banks holding stock through their trust departments in trust accounts will be considered to have a cognizable interest only if they hold 20% or more of the outstanding voting stock of a corporate broadcast licensee, cable television system or daily newspaper, or if any of the officers or directors of the broadcast licensee, cable television system or daily newspaper are representatives of the investment company, insurance company or bank concerned.

* * *

* * * * *

(f) Subject to paragraph (j) of this Note, holders of non-voting stock shall not be attributed an interest in the issuing entity. Subject to paragraph (j) of this Note, holders of debt and instruments such as warrants, convertible debentures, options or other non-voting interests with rights of conversion to voting interests shall not be attributed unless and until conversion is effected.

(g)(1) A limited partnership interest shall be attributed to a limited partner unless that partner is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership and the licensee or system so certifies. An interest in a Limited Liability Company ("LLC") or Registered Limited Liability Partnership ("RLLP") shall be attributed to the interest holder unless that interest holder is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership and the licensee or system so certifies.

(2) In order for a licensee or system that is a limited partnership to make the certification set forth in paragraph (g)(1) of this section, it must verify that the partnership agreement or certificate of limited partnership, with respect to the particular limited partner exempt from attribution, establishes that the exempt limited partner has no material involvement, directly or indirectly, in the management or operation of the media activities of the partnership. In order for a licensee or system that is an LLC or RLLP to make the certification set forth in paragraph (g)(1) of this section, it must verify that the organizational document, with respect to the particular interest holder exempt from attribution, establishes that the exempt interest holder has no material involvement, directly or indirectly, in the management or operation of the media activities of the LLC or RLLP. The criteria which would assume adequate insulation for purposes of this certification are described in the Memorandum Opinion and Order in MM Docket No. 83–46, FCC 85–252 (released June 24, 1985), as modified on reconsideration in the Memorandum Opinion and Order in MM Docket No. 83–46, FCC 86–410 (released November 28, 1986). Irrespective of the terms of the certificate of limited partnership or partnership agreement, or other organizational document in the case of an LLC or RLLP, however, no such certification shall be made if the individual or entity making the certification has actual knowledge of any material involvement of the limited partners, or other interest holders in the case of an LLC or RLLP, in the management or operation of the media-related businesses of the partnership or LLC or RLLP.

(3) In the case of an LLC or RLLP, the licensee or system seeking insulation shall certify, in addition, that the relevant state statute authorizing LLCs permits an LLC member to insulate itself as required by our criteria.

* * * * *

(i) Discrete ownership interests will be aggregated in determining whether or not an interest is cognizable under this section. An individual or entity will be deemed to have a cognizable investment if:

(1) The sum of the interests held by or through "passive investors" is equal to or exceeds 20 percent; or

(2) The sum of the interests other than those held by or through "passive investors" is equal to or exceeds 5 percent; or

(3) The sum of the interests computed under paragraph (i)(1) of this section plus the sum of the interests computed under paragraph (i)(2) of this section is equal to or exceeds 20 percent.

(j) Notwithstanding paragraphs (b), (f), and (g) of this Note, the holder of an equity or debt interest or interests in a broadcast licensee, cable television system, daily newspaper, or other media outlet subject to the broadcast multiple ownership or cross-ownership rules ("interest holder") shall have that interest attributed if:

(1) The equity (including all stockholdings, whether voting or nonvoting, common or preferred) and debt interest or interests, in the aggregate, exceed 33 percent of the total asset value, defined as the aggregate of all equity plus all debt, of that media outlet; and

(2)(i) The interest holder also holds an interest in a broadcast licensee, cable television system, newspaper, or other media outlet operating in the same market that is subject to the broadcast multiple ownership or cross-ownership rules and is attributable under paragraphs of this Note other than this paragraph (j); or

(ii) The interest holder supplies over fifteen percent of the total weekly broadcast programming hours of the station in which the interest is held. For purposes of applying this paragraph, the term, "market," will be defined as it is defined under the specific multiple or cross-ownership rule that is being applied, except that for television stations, the term "market," will be defined by reference to the definition contained in the television duopoly rule contained in paragraph (b) of this section.

(k) "Time brokerage" is the sale by a licensee of discrete blocks of time to a "broker" that supplies the programming to fill that time and sells the commercial spot announcements in it.

(1) Where the principal community contours (predicted or measured 5 mV/m groundwave contour for AM stations computed in accordance with § 73.183 or § 73.186 and predicted 3.16 mV/m contour for FM stations computed in accordance with § 73.313) of two radio stations overlap and a party (including all parties under common control) with an attributable ownership interest in one such station brokers more than 15 percent of the broadcast time per week of the other such station, that party shall be treated as if it has an interest in the brokered station subject to the limitations set forth in paragraphs (a), (c), and (d) of this section. This limitation shall apply regardless of the source of the brokered programming supplied by the party to the brokered station.

(2) Where two television stations are both licensed to the same market, as defined in the television duopoly rule contained in paragraph (b) of this section, and a party (including all parties under common control) with an attributable ownership interest in one such station brokers more than 15 percent of the broadcast time per week of the other such station, that party shall be treated as if it has an interest in the brokered station subject to the limitations set forth in paragraphs (b), (c), (d) and (e) of this section. This limitation shall apply regardless of the source of the brokered programming supplied by the party to the brokered station.

(3) Every time brokerage agreement of the type described in this Note shall be undertaken only pursuant to a signed written agreement that shall contain a certification by the licensee or permittee of the brokered station verifying that it maintains ultimate control over the station's facilities, including specifically control over station finances, personnel and programming, and by the brokering station that the agreement complies with the provisions of paragraphs (b) through (d) of this section if the brokering station is a television station or with paragraphs (a), (c), and (d) if the brokering station is a radio station.

6. Section 73.3613 is amended by revising paragraphs (d) and (e) to read as follows:

§ 73.3613 Filing of contracts.

* * * * *

(d) *Time brokerage agreements:* Time brokerage agreements involving radio stations, where the licensee (including all parties under common control) is the brokering entity, there is a principal community contour overlap (predicted or measured 5 mV/m groundwave for AM stations and predicted 3.16 mV/m for FM stations) overlap with the brokered station, and more than 15 percent of the time of the brokered station, on a weekly basis, is brokered by that licensee; time brokerage agreements involving television stations where licensee (including all parties under common control) is the brokering entity, the brokering and brokered stations are both licensed to the same market as defined in the television duopoly rule contained in § 73.3555(b), and more than 15 percent of the time of the brokered station, on a weekly basis, is brokered by that licensee; time brokerage agreements involving radio or television stations that would be attributable to the licensee under § 73.3555 Note 2(j). Confidential or proprietary information may be redacted where appropriate but such information shall be made available for inspection upon request by the FCC.

(e) The following contracts, agreements or understandings need not be filed but shall be kept at the station and made available for inspection upon request by the FCC: contracts relating to the joint sale of broadcast advertising time that do not constitute time brokerage agreements pursuant to § 73.3555 Note 2(k); subchannel leasing agreements for Subsidiary Communications Authorization operation; franchise/leasing agreements for operation of telecommunications services on the TV vertical blanking interval and in the visual signal; time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs and special events) broadcast pursuant to the contract is not under control of the station; and contracts with chief operators.

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

6. The authority citation for Part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 307, and 554.

7. Section 74.931 is amended by adding Note 1 to § 74.931(i) to read as follows:

§ 74.931 [Amended]

Note 1: In applying the provisions of paragraphs (h) and (i) of this section, an attributable ownership interest shall be defined by reference to the Notes contained in § 21.912.

* * * * *

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

8. The authority citation for Part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

9. Section 76.501 is amended by adding Note 6 to read as follows:

§ 76.501 Cross-ownership.

* * * * *

Note 6: In applying the provisions of paragraph (a) of this section, Notes 1 through 4 shall apply, provided however that:

(a) The attribution benchmark for passive investors in paragraph (c) of Note 2 shall be 20 percent and the benchmarks in paragraph (i)(1) and (i)(3) of Note 2 shall be 20 percent;

(b) An interest holder in a Limited Liability Company or Registered Limited Liability Partnership shall be subject to the provisions of paragraph (g) of Note 2 in determining whether its interest is attributable; and

(c) Notwithstanding paragraphs (b), (f), and (g) of Note 2, the holder of an equity or debt interest or interests in a broadcast licensee or cable television system ("interest holder") shall have that interest attributed if:

(1) The equity (including all stockholdings, whether voting or nonvoting, common or

preferred) and debt interest or interests, in the aggregate, exceed 33 percent of the total asset value (defined as the aggregate of all equity plus all debt) of that media outlet; and

(2)(i) The interest holder also holds an interest in another broadcast licensee or cable television system which operates in the same market and is attributable without reference to this paragraph (c); or

(ii) The interest holder supplies over fifteen percent of the total weekly broadcast programming hours of the station in which the interest is held.

[FR Doc. 99–23694 Filed 9–16–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket Nos. 96–222, 91–221, 87–8; FCC 99–208]

Broadcast Television National Ownership Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules regarding how to calculate a group station owners national audience reach for purposes of determining compliance with the broadcast television national ownership rule. This action is necessary to respond to changes in the underlying rule mandated by the Telecommunications Act of 1996, as well as to changes in the Commission's satellite rules and changes in the broadcast television market.

DATES: Effective November 16, 1999.

FOR FURTHER INFORMATION CONTACT: Kim Matthews, (202) 418–2120, Policy and Rules Division, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order ("*R&O*"), FCC 99–208, adopted August 5, 1999; released August 6, 1999. The full text of the Commission's *R&O* is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room TW–A306), 445 12th St. S.W., Washington, D.C. The complete text of this *R&O* may also be purchased from the Commission's copy contractor, International Transcription Services (202) 857–3800, 1231 20th St., N.W., Washington, D.C. 20036.

Synopsis of Report and Order

1. On November 7, 1996, the Commission released a *Notice of Proposed Rule Making* ("*Notice*"), 61 FR 66987, December 19, 1996, in this proceeding, seeking comment on how to calculate a broadcast television station group owner's aggregate national audience reach for the purposes of determining compliance with the national broadcast television multiple ownership rule, which limits that reach to 35%. Based on the record before us, we conclude that the public interest would be served by counting a market only once when calculating an entity's national ownership reach, even if that entity has an attributable interest in more than one television station in that market. As specific applications of this policy, we are: (1) narrowing the application of the "satellite exemption," under which we disregard satellite station ownership in measuring aggregate national ownership; (2) not incorporating same-market local marketing agreements ("LMAs") into the calculation of the brokering station's national audience reach; and (3) replacing our use of Arbitron's Areas of Dominant Influence ("ADIs") to define geographic television markets with the use of Nielsen's Designated Market Areas ("DMAs").

Background

2. Pursuant to section 202(c)(1) of the Telecommunications Act of 1996 (the "1996 Act"), the Commission amended its national broadcast television ownership rule. Before passage of the 1996 Act, the Commission generally prohibited entities from having an attributable interest in more than 12 broadcast television stations. Further, the Commission generally prohibited an entity from having an attributable interest in a station if it would result in that entity's having an attributable interest in television stations with an aggregate national audience reach exceeding 25%. However, pursuant to section 202(c)(1) of the 1996 Act, the Commission eliminated the 12-station cap and raised the 25% aggregate national audience reach limit to 35%.

3. Pursuant to § 73.3555(e)(2)(i) of the Commission's Rules, a station's audience reach is defined as consisting of the total number of television households within the television market for that station. The television market, in turn, is currently defined as the Area of Dominant Influence (ADI) used by Arbitron, a commercial audience-rating service, to analyze broadcast television station competition. For purposes of calculating this aggregate audience reach under the rules, UHF stations are attributed with only 50% of the audience within their ADI (the UHF discount), a policy that is under careful review in the biennial ownership review. In addition, satellite stations generally are not counted at all in the national audience reach calculation (the satellite exemption). Neither the 1996 Act nor our Order implementing its national television ownership provisions addressed how to measure a licensee's national audience reach. thus leaving undisturbed the process prescribed earlier in connection with the 25% limit. In light of the modified national ownership rule and the new competitive and regulatory structure of the video marketplace brought about by the 1996 Act, we initiated this proceeding to update the record on measuring national television audience reach for purposes of the new national ownership limit.

Discussion

The Satellite Exemption

4. *Background.* A television satellite is a full-power terrestrial broadcast station authorized under part 73 of the Commission's Rules to retransmit all or part of the programming of another station (most commonly the parent station). Satellite stations are operated by the same party that operates the parent station. The Commission does not authorize satellite operation unless it is demonstrated that the frequency would likely go unused otherwise. As a result, satellite stations typically operate in areas that are likely to provide television broadcasters relatively little opportunity for growth and profit when compared with larger markets. Pursuant to 47 CFR 73.3555, Note 5, the Commission's multiple ownership rules do not apply to satellite stations. The Commission exempted TV satellites from the national multiple ownership rules when it adopted the 12-station cap and the 25% audience reach limitation. The Commission believed that this would encourage the provision of television service to smaller communities. It also noted that satellite stations and stations operating primarily as satellites were already exempt from the Commission's duopoly rule because they generally did not originate programming. In 1991, we abolished the 5% "limit" on the amount of local programming that a satellite could originate, which we had used as a benchmark for determining whether a station was still a satellite.

Same-Market Satellites

5. *Background.* The national multiple ownership rule, as amended by the 1996 Act, is concerned with a station's potential audience rather than with its actual viewership. Also, we are not concerned with the specific number of television stations owned by a group owner, since the 1996 Act eliminated

the numerical limitations on station ownership formerly in the rule; rather, the national television ownership rule now focuses solely on national audience reach. In the *Notice of Proposed Rule Making* in this proceeding, we tentatively concluded that if a licensee acquires a satellite television station in a market within which it already operates a station, it has not extended its audience reach in that television market for purposes of the national audience reach limit; the television households in that market are already counted, given the existence of the licensee's parent station. Accordingly, we proposed to retain the exemption for satellites operating in the same market as their parents.

6. *Discussion.* We shall retain the satellite exemption for same-market satellites. We are not concerned with the specific number of television stations owned by a group owner, since the 1996 Act eliminated the numerical limitations on station ownership formerly in the rule. In addition, the national ownership rule is concerned with competition and diversity on a national scale, and dual station ownership in one market neither adds to national reach nor affects competition and diversity on a national basis. Also, even if a licensee increases the total number of its viewers by acquiring a second station in the market, the relevant measurement is of audience reach, not of actual viewership.

7. Accordingly, we are amending § 73.3555(e)(2)(ii) of our rules to clarify that we shall not double-count individual markets. In practice, this means that we are retaining the satellite exemption for those satellites that operate in the same television market as their parent stations. Counting the audience twice in such a situation would serve only to distort our calculation of how many potential viewers a group owner is able to reach nationwide.

Separate-Market Satellites

8. In the *Notice of Proposed Rule Making,* we proposed to repeal the satellite exemption for satellites operating in separate markets from their parent stations. As discussed below, we are adopting the proposal.

9. We conclude that the satellite exemption is no longer warranted for satellite stations operating in separate markets from their parent stations. Satellite stations are no longer limited as to the amount of local programming they may originate. Therefore, when a parent station operates a satellite in another market, the licensee's over-the-air audience reach is expanded into another market by the audience reach of the satellite station. Consequently, we shall treat separate-market satellites as we do other television stations, and we shall include them when calculating a group station owner's national aggregate audience reach.

10. We believe that the benefits of inclusion of these stations, including a more accurate reflection of actual audience reach, outweigh any potential costs. The 1996 Act's elimination of the restriction on the absolute number of television stations that may be commonly owned has substantially reduced the disincentive to satellite operation. Also, because a satellite generally serves a sparsely populated area that is underserved, the population of the entire market in which the satellite is located should add relatively little to a group owner's aggregate national audience reach. The record does not indicate that the operation of a satellite station would generally put licensees over or so close to the 35% national aggregate audience reach limit as to dissuade them from operating the station at all.

Local Marketing Agreements

11. *Background.* An LMA generally involves the sale by a licensee of discrete blocks of time to a broker who then supplies the programming to fill that time and sells the commercial spot announcements to support it. Such agreements may enable separately owned stations to function cooperatively via joint advertising, shared technical facilities (including shared production facilities), and joint programming arrangements. In the *Notice of Proposed Rule Making,* we proposed not to count same-market LMAs towards the brokering station's national aggregate audience reach calculation.

12. *Discussion.* In our companion *Attribution* R&O, FCC 99–207, we determine that same-market LMAs are attributable to the brokering station for the purposes of administering the local ownership rules when the brokering station programs more than 15% of the brokered station's weekly broadcast hours. However, as we concluded above in the context of same-market satellite stations, the national ownership rule limits audience reach on a national scale, and dual station influence or control in one market does not add to national audience reach. That is merely a specific application of our new general rule of not double-counting markets. The record indicates no additional factors warranting a different analysis in this case. For these reasons, we find that same-market LMAs shall not be included in the brokering station's national aggregate audience reach calculation.

13. We note that when the brokering station is located in a different market than the brokered or programmed station, the issue of double-counting does not arise. As discussed in the *Attribution R&O,* under our new equity/debt plus rule, we will attribute the interest of a program supplier in a station where it: (1) provides more than 15% of the station's weekly programming; and (2) it holds more than 33% of the licensee's total assets. Such an attributable interest will count towards the 35% national reach limit since the brokered and brokering stations are in different markets.

Market Definition

14. We use the number of television households in each market in which an entity's stations are located to calculate that entity's national audience reach. The definition of the market for this purpose has remained unchanged since 1985, when the Commission first adopted a national audience cap:

> [n]ational audience reach means the total number of television households in the Arbitron Area of Dominant Influence (ADI) markets in which the relevant stations are located divided by the total national television households as measured by ADI data at the time of a grant, transfer or assignment of a license. . . . Where the relevant application forms require a showing with respect to audience reach and the application relates to an area where Arbitron ADI market data are unavailable, then the applicant shall make a showing as to the number of television households in its market. Upon such a showing, the Commission shall make a determination as to the appropriate audience reach to be attributed to the applicant.

15. However, because Arbitron no longer updates its county-by-county determinations of each broadcast station's ADI, they are static and have become less reliable over time as market conditions change. Accordingly, as we proposed in the *Notice,* we shall now use Designated Market Areas (DMAs) as compiled by A.C. Nielsen Media Research—another commercial ratings service—where we previously relied on ADIs. We use DMAs to define markets in the context of cable must-carry and retransmission consent. Nielsen uses the term DMA to define a unique geographic area based on the TV viewing habits of its residents. In designating DMAs, Nielsen Media Research collects viewing data from diaries placed in television households four times a year. Nielsen assigns counties to DMAs annually on the basis of television audience viewership as

recorded in those diaries. Counties are assigned to a DMA if the majority or, in the absence of a majority, the preponderance, of viewing in the county is recorded for the programming of the television stations located in that DMA.

16. In some instances the use of DMAs instead of ADIs might lead to small variations in the audience reach calculation of some stations, because in some instances Arbitron and Nielsen define markets somewhat differently. However, these variations would have only a minor effect on the calculation of licensees' national ownership reach.

Conclusion

17. This document reforms how we calculate audience reach for purposes of the national television ownership rule in response to changes in the broadcast television marketplace and changes in the underlying rule itself required by the 1996 Act. The changes that we make are relatively minor. We see no need to adopt any transition policy to implement these relatively minor changes, which should not result in any existing group television station owner's exceeding the 35% national aggregate audience reach cap set forth in the national television ownership rule.

Administrative Matters

Final Paperwork Reduction Act of 1995 Analysis

18. The rules adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure or record retention requirements. These rules will not increase or decrease burden hours imposed on the public.

Regulatory Flexibility Analysis

19. Pursuant to the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601 et seq., the Commission's Final Regulatory Flexibility Analysis in this *R&O* is below.

Ordering Clauses

20. Accordingly, *it is ordered* that, pursuant to §§ 4(i) and 303(r) of the Commission's rules, 47 U.S.C.154(i) and 303(r), 47 CFR part 73 is amended as set forth as below.

21. *It is further ordered* that, pursuant to the Contract with America Advancement Act of 1996, the amendment set forth set forth below *shall be effective* November 16, 1999.

22. *It is further ordered* that the Commission's Office of Public Affairs, Reference Operations Division, *shall send* a copy of this *R&O*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

23. *It is further ordered* that this proceeding *is terminated*.

Final Regulatory Flexibility Analysis

24. As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rule Making*, 61 FR 66987, December 19, 1996, in this proceeding. The Commission sought written public comment on the proposals in the *Notice*, including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA, 5 U.S.C. 604.

I. Need For and Objectives of the National TV Ownership R&O

25. The *R&O* modifies the method by which the Commission determines a group television station owner's national aggregate audience reach for compliance with the national television ownership rule. The modifications are necessary to reflect changes in the underlying national ownership limit adopted pursuant to the Telecommunications Act of 1996.

II. Summary of Significant Issues Raised by the Public in Response to the Initial Analysis

26. No comments were received specifically in response to the IRFA contained in the *Notice of Proposed Rule Making*. However, some comments addressed issues relating to small businesses and businesses controlled by minorities and women, some of which may be small entities. Several commenters made general assertions that broadcast station ownership has consolidated since passage of the 1996 Act, and that the Commission should take businesses controlled by minorities and women into account in all of our pending broadcast ownership proceedings. CBS argued that the ownership rules were not designed to foster minority ownership in the broadcast industry, and that this goal should be pursued by other means.

27. Turning to the specific rules that are the subject of this rule making proceeding, BET argued that if both a parent and a same-market satellite are allocated a second 6 MHz for DTV purposes, then the satellite station audience should be counted towards the 35% national ownership cap because the licensee of such a station will have increased its broadcasting power at least fourfold. It claims that incumbent broadcasters' market power will increase sufficiently to create insurmountable entry barriers against competing stations. However, the *R&O* concludes that such concerns involve competition and diversity on a local, not a national, scale and are not the focus of the national ownership rule.

28. BET asserted that retention of the satellite exemption for separate-market satellites would "squeeze out" entrepreneurs and new entrants by enabling large group owners to transfer costs among stations and eliminate competition from small operators. However, the *R&O* adopts a rule whereby such separate-market satellite stations shall be attributed for the purposes of the national ownership rule.

III. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

29. The amended rules will affect entities that have attributable interests in numerous full power commercial television stations reaching a substantial portion of the national viewing public. These multiple station owners are not likely to be small businesses.

1. Definition of a "Small Business"

30. Under the RFA, small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. 601(6). The RFA, 5 U.S.C. 601(3), generally defines the term "small business" as having the same meaning as the term "small business concern" under the Small Business Act, 15 U.S.C. 632. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration ("SBA"). According to the SBA's regulations, entities engaged in television broadcasting Standard Industrial Classification ("SIC") Code 4833—Television Broadcasting Stations, may have a maximum of $10.5 million in annual receipts in order to qualify as a small business concern. This standard also applies in determining whether an entity is a small business for purposes of the RFA.

31. Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register." While we tentatively believe that the foregoing definition of "small business" greatly overstates the number of radio and television broadcast stations that are small businesses and is

not suitable for purposes of determining the impact of the new rules on small television and radio stations, and auxiliary services, we did not propose an alternative definition in the IRFA. Accordingly, for purposes of this *R&O*, we utilize the SBA's definition in determining the number of small businesses to which the rules apply, but we reserve the right to adopt a more suitable definition of "small business" as applied to radio and television broadcast stations and to consider further the issue of the number of small entities that are radio and television broadcasters in the future. Further, in this FRFA, we will identify the different classes of small television stations that may be impacted by the rules adopted in this *R&O*.

2. Issues in Applying the Definition of a "Small Business"

32. As discussed below, we could not precisely apply the foregoing definition of "small business" in developing our estimates of the number of small entities to which the rules will apply. Our estimates reflect our best judgments based on the data available to us.

33. An element of the definition of "small business" is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television or radio station is dominant in its field of operation. Accordingly, the following estimates of small businesses to which the new rules will apply do not exclude any television or radio station from the definition of a small business on this basis and are therefore overinclusive to that extent. An additional element of the definition of "small business" is that the entity must be independently owned and operated. We attempted to factor in this element by looking at revenue statistics for owners of television stations. However, as discussed further below, we could not fully apply this criterion, and our estimates of small businesses to which the rules may apply may be overinclusive to this extent. The SBA's general size standards are developed taking into account these two statutory criteria. This does not preclude us from taking these factors into account in making our estimates of the numbers of small entities.

34. With respect to applying the revenue cap, the SBA has defined "annual receipts" specifically in 13 CFR 121.104, and its calculations include an averaging process. We do not currently require submission of financial data from licensees that we could use in applying the SBA's definition of a small business. Thus, for purposes of estimating the number of small entities to which the rules apply, we are limited to considering the revenue data that are publicly available, and the revenue data on which we rely may not correspond completely with the SBA definition of annual receipts.

35. Under SBA criteria for determining annual receipts, if a concern has acquired an affiliate or been acquired as an affiliate during the applicable averaging period for determining annual receipts, the annual receipts in determining size status include the receipts of both firms. 13 CFR 121.104(d)(1). The SBA defines affiliation in 13 CFR 121.103. In this context, the SBA's definition of affiliate is analogous to our attribution rules. Generally, under the SBA's definition, concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. 13 CFR 121.103(a)(1). The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. 13 CFR 121.103(a)(2). Instead of making an independent determination of whether radio and television stations were affiliated based on SBA's definitions, we relied on the data bases available to us to provide us with that information.

3. Estimates Based on Census Data

36. The rules amended by this *R&O* will apply to full power commercial broadcast television licensees, permittees, and potential licensees.

37. There were 1,509 television stations operating in the nation in 1992. That number has remained fairly constant as indicated by the approximately 1,594 operating television broadcasting stations in the nation as of June, 1999. For 1992 the number of television stations that produced less than $10.0 million in revenue was 1,155 establishments.

38. Thus, the rule changes will affect approximately 1,594 television stations, approximately 77% (or 1,227) of which are considered small businesses. These estimates may overstate the number of small entities since the revenue figures on which they are based do not include or aggregate revenues from non-television affiliated companies.

39. We recognize that the rule changes may also affect minority and women-owned stations, some of which may be small entities. In 1995, minorities owned and controlled 37 (3.0 percent) of 1,221 commercial television stations in the United States. According to the U.S. Bureau of the Census, in 1987 women owned and controlled 27 (1.9 percent) of 1,342 commercial and non-commercial television stations in the United States.

IV. Projected Compliance Requirements of the Rule

40. No new recording, recordkeeping or other compliance requirements are adopted.

V. Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

41. The modified rules would apply to full power broadcast television licensees, permittees, and potential licensees. No entity that is near the 35% national aggregate audience reach limit can be classified as a "small entity." As a result, the counting methodology adopted in this *R&O* will not have a direct effect on any small entity.

42. We have decided not to double-count LMAs or commonly owned stations in the same market for the purpose of calculating a licensee's national audience reach. We also eliminate the satellite exemption for licensees that operate a satellite station in a separate market from the parent station. In addition, we have decided to use A.C. Nielsen's Designated Market Areas (DMAs) rather than Arbitron's Areas of Dominant Influence to calculate national audience reach. A.C. Nielsen, like Arbitron, is another commercial ratings service. They are analytically similar. In each of these cases, we have determined that to do otherwise would not be consistent with the objective of the national television ownership rule as modified by the 1996 Act: to promote competition and diversity on a national level by limiting an entity's national audience reach. We expect that such additional competition and diversity will benefit commercial television entities, including small entities.

Report to Congress

43. The Commission will send a copy of the *National TV Ownership R&O*, including this FRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, codified at 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the *National TV Ownership R&O*, including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *National TV Ownership R&O* and FRFA (or summaries thereof) will also be published in the **Federal Register**, 5 U.S.C. 604(b).

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preample, the Federal Communication Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

2. § 73.3555 is amended by revising paragraphs (e)(2)(i), (e)(2)(ii) and the first sentence of Note 5 to read as follows:

§ 73.3555 Multiple ownership.

* * * * *

(e) * * *

(2) * * *

(i) *National audience reach* means the total number of television households in the Nielsen Designated Market Area (DMA) markets in which the relevant stations are located divided by the total national television households as measured by DMA data at the time of a grant, transfer, or assignment of a license. For purposes of making this calculation, UHF television stations shall be attributed with 50 percent of the television households in their DMA market.

(ii) No market shall be counted more than once in making this calculation.

* * * * *

Note 5: Paragraphs (a) through (d) of this section will not be applied to cases involving television stations that are "satellite" operations. * * *

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[FR Doc. 99–23695 Filed 9–16–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91–221, 87–8; FCC 99–209]

Review of the Commission's Regulations Governing Television Broadcasting; Television Satellite Stations Review of Policy and Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's local TV multiple ownership rule and its radio/TV cross-ownership rule. This document also adopts a grandfathering policy for certain TV local marketing agreements and certain conditional waivers of the radio/TV cross-ownership rule. The purpose of this action is to balance the Commission's competition and diversity goals with the efficiencies and public interest benefits that can be associated with common ownership of same-market broadcast stations.

DATES: Effective November 16, 1999, except for the requirements that: (1) radio/TV cross-ownership conditional waiver grantees file with the Commission showings sufficient to convert their compliance or non-compliance with the Commission's revised radio/TV cross-ownership rule; and (2) holders of local marketing agreements (LMAs) that have become attributable under the Commission's revised rules file a copy of their LMA with the Commission. These requirements contain information collection requirements that are not effective until approved by the Office of Management and Budget. The FCC will publish a document in the **Federal Register** announcing the effective dates for those sections.

FOR FURTHER INFORMATION CONTACT: Eric Bash, (202) 418–2120, Policy and Rules Division, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order ("*R&O*"), FCC 99–209, adopted August 5, 1999, and released August 6, 1999. The full text of the Commission's *R&O* is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room TW–A306), 445 12 St. S.W., Washington, D.C. The complete text of this *R&O* may also be purchased from the Commission's copy contractor, International Transcription Services (202) 857–3800, 1231 20th St., N.W., Washington, D.C. 20036.

Synopsis of Report and Order

I. Introduction

1. In this *R&O*, we revise our local TV multiple ownership rule and the radio/TV cross-ownership rule to respond to ongoing changes in the broadcast television industry. The new rules we adopt today reflect a recognition of the growth in the number and variety of media outlets in local markets, as well as the significant efficiencies and public service benefits that can be obtained from joint ownership. At the same time, our decision reflects our continuing goals of ensuring diversity and localism and guarding against undue concentration of economic power. The rules we adopt today and in our related national television ownership and broadcast attribution proceedings, being adopted simultaneously with this *R&O*, balance these competing concerns and are intended to facilitate further development of competition in the video marketplace and to strengthen the potential of broadcasters to serve the public interest.

II. Background

2. The local TV multiple ownership rule currently prohibits an entity from having cognizable interests in two television stations whose Grade B signal contours overlap. The Commission rarely grants permanent waivers of the duopoly rule, reserving such relief for cases with unique or highly unusual circumstances. Under current policy, the time brokerage by one television station of another television station, even one in the same market, pursuant to a time brokerage or "local marketing" agreement ("LMA"), is not attributable, and accordingly these relationships are not subject to our multiple ownership rules. The radio-television cross-ownership rule generally forbids joint ownership of a radio and a television station in the same local market. We have presumed it is in the public interest to waive this rule in the top 25 television markets if, post-merger, at least 30 independently owned broadcast voices remain, or if the merger involves a failed station. Such waivers are available to permit ownership of up to one television, one AM, and one FM station per market. We have evaluated other waiver requests case by case, based on an analysis of five criteria (the "five factors" test).

3. This proceeding began in 1991 with the issuance of a *Notice of Inquiry* ("*NOI*"), 56 FR 40847, August 16, 1991, soliciting comment on whether existing television ownership rules and related policies should be revised in light of ongoing changes in the competitive market conditions facing broadcast licensees. After reviewing the comments received in response to the *NOI*, the Commission issued a *Notice of Proposed Rule Making* ("*NPRM*"), 57 FR 28163, June 24, 1992, containing a number of alternative proposals involving the national and local television ownership rules, and seeking comment on the extent and impact of LMAs in the broadcast television industry.

4. In 1994, in a *Further Notice of Proposed Rule Making* ("*FNPRM*"), 60 FR 06490, February 2, 1995, in this docket, the Commission set forth a competition and diversity analysis for examining our ownership rules. Based

on this analysis, the Commission proposed changes to the national television ownership rule, the local television ownership rule (otherwise known as the "duopoly" rule), and the radio-television cross-ownership rule. In addition, the Commission solicited comment on whether broadcast television local marketing agreements ("LMAs") should be considered attributable for purposes of applying the ownership rules in a manner similar to radio LMAs.

5. On February 8, 1996, the Telecommunications Act of 1996 became law. Section 202 of the Act directed the Commission to make a number of significant revisions to its broadcast ownership rules. Section 202 also requires us to review aspects of our local ownership rules that were the subject of the *FNPRM*. Specifically, section 202 requires the Commission to: (1) conduct a rulemaking proceeding concerning the retention, modification, or elimination of the duopoly rule; and (2) to extend the top 25 market/30 independent voices one-to-a-market waiver policy to the top 50 markets, "consistent with the public interest, convenience, and necessity." In addition, both the Act and its legislative history contain language regarding the appropriate treatment of existing television LMAs under our ownership rules. Finally, section 202 directs the Commission to conduct a biennial review of all of its broadcast ownership rules and to repeal or modify any regulation it determines is no longer in the public interest.

6. In view of the 1996 Act's directives regarding broadcast multiple ownership, the Commission in 1996 adopted a *Second Further Notice of Proposed Rule Making* (*"2FNPRM"*), 61 FR 66978, December 19, 1996, in this proceeding inviting comment on several issues in light of the 1996 Act. The Commission solicited further comment in light of its review of comments previously filed in this proceeding, and invited comments on a number of specific issues pertaining to the duopoly rule, the radio-television cross-ownership rule, and the treatment of existing television LMAs in the event they are deemed attributable under any rules adopted in our attribution proceeding.

7. Our ownership rules, particularly the local ownership rules at issue in this proceeding, serve a vital public interest by promoting competition and diversity in the mass media. These are bedrock goals—reaffirmed by Congress and the Supreme Court on numerous occasions—in carrying out our statutory mandate of ensuring that broadcast licensees serve the "public interest, convenience, and necessity." With these goals in mind, and after carefully reviewing the record in this proceeding, we believe we should relax to some extent our local television ownership restrictions where the public interest benefits resulting from same-market common ownership outweigh the threat to diversity and localism. The record reflects that there has been an increase in the number and types of media outlets available to local communities.

8. Specifically, we have decided to modify our local television ownership rule as follows. First, we are relaxing our television duopoly rule by narrowing the geographic scope of the rule from the current Grade B contour approach to a "DMA" test. Thus, common ownership of two television stations will be permitted without regard to contour overlap if the stations are in separate Nielsen Designated Market Areas ("DMAs"). In addition, we will allow common ownership of two stations in the same DMA if their Grade B contours do not overlap (a continuation of our current rule), or if eight independently owned, full-power and operational television stations (commercial and noncommercial) will remain post-merger, and one of the stations is not among the top four-ranked stations in the market, based on audience share, as measured by Nielsen or by any comparable professional and accepted rating service, at the time the application is filed. We will also adopt three waiver criteria as follows. First, we will presume a waiver of the rule is in the public interest to permit common ownership of two television stations in the same market where one station is a "failed station," as supported by a showing that the station either has been off the air for at least four months immediately preceding the application for waiver, or is currently involved in involuntary bankruptcy or insolvency proceedings. Second, we will presume a waiver of the rule is in the public interest where one of the merging stations is a "failing" station, as supported by a showing that the station has had a low audience share and has been financially struggling during the previous several years, and that the merger will result in demonstrable public interest benefits. Third, we will presume a waiver is in the public interest where applicants can show that the combination will result in the construction and operation of an authorized but as yet "unbuilt" station, supported by a showing that the permittee has made reasonable efforts to construct. For all of these waivers, we will also require a showing that the in-market applicant is the only buyer ready, willing, and able to operate the station, and that sale to an out-of-market applicant would result in an artificially depressed price.

9. With respect to the radio-television cross-ownership rule, we are adopting a new, three-part rule that permits some degree of same-market radio and television joint ownership. We will permit a party to own a television station (or two television stations if permitted under our modified TV duopoly rule or television LMA grandfathering policy) and any of the following radio station combinations in the same market:

- Up to six radio stations (any combination of AM or FM stations, to the extent permitted under our local radio ownership rules) in any market where at least 20 independent voices would remain post-merger;
- Up to four radio stations (any combination of AM or FM stations, to the extent permitted under our local radio ownership rules) in any market where at least 10 independent voices would remain post-merger; and
- One radio station (AM or FM) notwithstanding the number of independent voices in the market.

In addition, in those markets where our revised rule will allow parties to own eight outlets in the form of two TV stations and six radio stations, we will permit them to own one TV station and seven radio stations instead.

10. For purposes of the new radio-television cross-ownership rule, we will count as voices all independently owned, full-power, operational, commercial and noncommercial television stations licensed to a community in the DMA in which the TV station in question is located, and all independently owned and operational commercial and noncommercial radio stations licensed to, or with a reportable share in, the radio metro market where the TV station involved is located. In addition, we will count independently owned daily newspapers that are published in the DMA and have a circulation exceeding 5 percent in the DMA. Finally, we will count, as a single voice, wired cable service, provided cable service is generally available in the DMA. As with our revised duopoly rule, we will permit waiver of our new radio/TV cross-ownership rule where one station is a failed station. We will not, however, adopt a presumptive waiver based on a showing that one station is a failing station or that the combination will result in the construction and operation of an authorized but as yet unbuilt station.

We will consider further relaxation of this rule and waiver policies as part of future biennial reviews.

11. We have granted a number of radio-television cross-ownership rule waivers conditioned on the outcome of this proceeding. The majority of these waivers involve radio-television combinations that will now be permissible under the revised rule we adopt today. For those that are not covered by the revised rule, as well as for those for which an application was filed on or before July 29, 1999 (the date of the "sunshine" notice for this *R&O*) if such application is ultimately granted by the Commission, we will allow these combinations to continue, conditioned on the outcome of the Commission's 2004 biennial review. Parties who wish the Commission to conduct this review prior to 2004 may apply for such relief, using criteria set forth below, beginning one year after the date this *R&O* is published in the **Federal Register**. Any transfer of a grandfathered combination after the adoption date of this *R&O* (whether during the initial grandfathering period of after a permanent grandfathering decision has been made) must meet the radio/TV cross-ownership rule.

12. Finally, with respect to existing television LMAs, we have decided in our related attribution proceeding to attribute time brokerage of another television station for purposes of our multiple ownership rules where the brokered and brokering station are in the same market and the amount of time brokered is more than 15 percent of the brokered station's weekly broadcast hours. Once attributed, however, the majority of currently existing same-market television LMAs will not violate our new TV duopoly rule going forward, because they either will be in separate DMAs, or will constitute an otherwise permissible arrangement under the new rule or related waiver policies. We will permit those LMAs that do not comply with our new duopoly rule and waiver policies to continue in full force and effect, if entered into before November 5, 1996, the grandfathering cut-off date proposed in the *2FNPRM*. LMAs entered into on that date or thereafter must come into compliance with our new duopoly rule and/or waiver policies or terminate within two years of the adoption date of this *R&O*. Television LMAs entered into before November 5, 1996 will be grandfathered, conditioned on the outcome of the Commission's 2004 biennial review, at which time the Commission will reconsider their status. Parties who wish the Commission to review the status of their LMAs prior to the 2004 biennial review may apply for such relief, using the criteria specified below, beginning one year after the date this *R&O* is published in the **Federal Register**. During the initial grandfathering period, the parties to the LMA may renew and/or transfer the term of LMA that remains in the five-year period.

III. The Local Television Ownership Rule

A. Geographic Scope of the Rule

13. *Background.* Our local television ownership rule presently prohibits common ownership of two television stations whose Grade B signal contours overlap. In the FNPRM, we sought comment on whether the geographic scope of the rule should be changed to Grade A signal contours or to Designated Market Areas ("DMAs"). Based on the comments we received, we tentatively concluded in the *2FNPRM* that the geographic scope of the local television ownership rule should be based on a combination of DMAs and Grade A contours. We sought comment on that tentative conclusion in the *2FNPRM*, as well as comment about possible exceptions to and waivers of the rule to permit television duopolies in certain circumstances where they would serve the public interest.

14. *Discussion.* We have decided to narrow the geographic scope of the television duopoly rule so as to permit common ownership of two television stations provided they are in different DMAs without regard to contour overlap. We will also continue to allow common ownership of stations within the same DMA as long as their Grade B contours do not overlap. We have chosen this DMA test based on our belief that, compared to the current Grade B signal contour standard, DMAs are a better measure of actual television viewing patterns, and thus serve as a good measure of the economic marketplace in which broadcasters, program suppliers and advertisers buy and sell their services and products. Changing the geographic scope of the duopoly rule will consequently more accurately define a local television market and permit mergers of stations in different markets without harming local competition and diversity. Moreover, we believe that the mergers that will be allowed under our new rule can lead to improved television service and viewer choice.

15. There are several benefits to defining the geographic dimensions of the local television market by reference to DMAs. Most importantly, unlike a rule relying on predicted field strength contours, DMAs reflect actual television viewing patterns and are widely used by the broadcasting and advertising industries. DMAs reflect the fact that a station's audience reach, and hence its "local market," is not necessarily coextensive with the area of its broadcast signal coverage. For example, a station's over-the-air reach can be extended by carriage on cable systems and other multichannel delivery systems, as well as through such means as satellite and translator stations. In designating DMAs and compiling DMA-based ratings of television programs, Nielsen Media Research, a TV audience measuring service, collects viewing data from diaries placed in television households four times a year. Nielsen assigns counties to DMAs annually on the basis of television audience viewership as recorded in those diaries. Counties are assigned to a DMA if the majority or, in the absence of a majority, the preponderance, of viewing in the county is recorded for the programming of the television stations located in that DMA. Nielsen uses its DMA viewing data to compile DMA-based audience ratings for television programs. These data are used by television stations in deciding which programming should be aired, and by advertisers and stations in negotiating advertising rates.

16. We recognize that we proposed in the *2FNPRM* to supplement the DMA test with a Grade A contour standard to prohibit common ownership of stations with Grade A signal contour overlap even when they are in separate DMAs. However, after considering the comments in response to this proposal, we believe a "DMA-only" test is more appropriate. Although a station may attract some viewers who live outside its designated DMA, the preponderance of its audience will reside within its DMA. Local advertisers use DMA-based ratings to make their purchases of advertising time on local television stations, television networks generally have only one affiliate in each DMA, and stations target their programming to viewers inside the DMA because these are the viewers that advertisers pay to reach. The record also indicates that there are a fair number of stations that lie in different DMAs and serve wholly different markets even though they may have slightly overlapping Grade A contours. In addition, a DMA-only standard is more straightforward and easy to apply in terms of administering the rule. We consequently will not adopt a Grade A component in our new definition of the geographic scope of the duopoly rule.

17. This new definition will generally be less restrictive than the current Grade B signal contour test. There may be

some situations, however, in which this is not the case, particularly in some geographically large DMAs west of the Mississippi River. In these situations, the DMA may be large enough that two stations situated in the DMA do not have overlapping Grade B contours. Common ownership of the two stations would be permitted under the existing rule but not under a strict application of the new DMA standard.

18. In the *2FNPRM*, we noted our belief that there are currently few stations within the same DMA that could be commonly owned under the existing Grade B signal contour standard that are not already jointly owned. We sought comment on whether we should, if we adopted a DMA/Grade A rule, grandfather existing joint ownership combinations that conform to our current Grade B test. We also sought comment on an alternative approach of adopting a two-tiered rule under which we would permit common ownership both under the new test using DMAs and in situations where there is no Grade B overlap.

19. It is our intention in this proceeding to relax the duopoly rule consistent with our competition and diversity objectives. It is not our intention to restrict combinations that would be permitted under our present Grade B signal contour test. To avoid this result, we will continue to permit common ownership of television stations in the same DMA where there is no Grade B overlap between those stations. Although such stations may compete to some extent for viewers and advertisers, we believe any harm to diversity and competition from permitting such combinations will be minimal and we wish to avoid instances in which application of our new rule would be more restrictive than our current duopoly rule. In addition, this approach avoids disrupting current ownership arrangements involving stations in the same DMA with no Grade B overlap.

B. Permitting Television Duopolies in the Same Local Market

20. *Background.* In both the *FNPRM* and the *2FNPRM*, we invited comment on whether, in certain situations, we should allow entities to acquire more than one television station in the same geographic market. We sought comment both on exceptions to our "one-station" local ownership rule, including the exception currently provided in our rules for television satellite stations, as well as on a number of possible waiver criteria.

21. *Costs and Benefits of Broadcast TV Station Duopolies.* We believe that the demonstrated benefits of same-market television station combinations support allowing the formation of such combinations in certain cases where competition and diversity will not be unduly diminished. The record in this proceeding shows that there are significant efficiencies inherent in joint ownership and operation of television stations in the same market, including efficiencies related to the co-location and sharing of studio and office facilities, the sharing of administrative and technical staff, and efficiencies in advertising and news gathering. These efficiencies can contribute to programming and other benefits such as increased news and public affairs programming and improved entertainment programming, and, in some cases, can ensure the continued survival of a struggling station. In markets with many separate television licensees, the public interest benefits of common ownership can outweigh any cost to diversity and competition of permitting combinations.

22. While we conclude that the public interest would be served by permitting television duopolies in certain circumstances, we are not eliminating or relaxing the rule to the extent a number of commenters advocate given the important diversity and competition issues at stake. Television broadcasting plays a very special role in our society. It is the primary source of news and information, as well as video entertainment to most Americans, and we must continue to ensure that the broadcast television industry has a diverse and competitive ownership structure. Moreover, as discussed above, because the communications industry is undergoing rapid change and increasing consolidation, significant yet measured relaxation of the television duopoly rule is appropriate to allow us to monitor the results of these sweeping changes.

23. In light of these considerations, we have decided to adopt a modification to our duopoly rule, and three waiver tests, that are targeted to promote the public interest without appreciable harm to our competition and diversity goals. In particular, as described below, we will modify the TV duopoly rule to allow common ownership of two stations in the same DMA, if eight independently owned and operating commercial and noncommercial television stations will remain in the DMA post-merger, and at least one of the stations is not among the top four-ranked stations in the market, based on audience share, as measured by Nielsen or by any comparable professional and accepted rating service, at the time the application is filed. In addition, we will presume that a waiver of the rule is in the public interest if the applicant satisfies a "failed" or "failing" station test, or involves the construction of an "unbuilt" station.

1. Modification of the Rule: Eight Voice/Top Four-Ranked Station Standard

24. *Background.* In the *2FNPRM*, the Commission sought comment on whether we should entertain joint ownership of stations that (1) have very small audience or advertising market shares and (2) are located in a very large market where (3) a specified minimum number of independently owned voices remain post-merger. We stated that the purpose of such a standard would be to enhance competition and diversity in the local market by allowing small stations to share costs and thereby compete more effectively. We further stated that such joint ownership could potentially serve the public interest if such stations were to use their economic savings to produce new and better-quality programming or related enhancements. Such advantages may be particularly helpful to small and independent UHF stations. We invited comment on the circumstances under which joint ownership should be permitted, and on the size of the market share we might adopt, the number and kinds of voices we should count in any minimum voice criterion, and whether we should include a market rank test.

25. *Discussion.* After considering the record, and our competition and diversity goals, we have decided to modify the duopoly rule to permit any two television stations in the same market to merge if:

- At least eight independently owned and operating full-power commercial and noncommercial TV stations would remain post-merger in the DMA in which the communities of license of the TV stations in question are located, and
- The two merging stations are not both among the top four-ranked stations in the market, as measured by audience share.

If any entity acquires a duopoly under this standard, it will not later be required to divest if the number of operating television voices within the market falls below eight or if the two merged stations subsequently are both ranked among the top four stations in the market; however, a duopoly may not automatically be transferred to a new owner if the market does not satisfy the eight voice/top four-ranked standard. In such a case, the transaction must either meet one of the waiver standards enunciated below, or involve a sale to separate parties. We will not include a market rank component in our new rule

because we believe such a test is unnecessary given the station rank and minimum number of stations criteria we are adopting. We adopt this "eight voice/top four-ranked station" standard as a modification of the rule as opposed to the adoption of a waiver criterion in order to fashion a bright-line test, bring certainty to the permissibility of these transactions, and expedite their consummation, given that we do not believe as a general matter that they unduly compromise our competition and diversity goals. We delegate to the Mass Media Bureau the authority to grant any application that satisfies the eight station/top four ranked station standard, and presents no new or novel issues.

26. This standard provides measured relaxation of the television duopoly rule, particularly in the larger television markets. It will allow weaker television stations in the market to combine, either with each other or with a larger station, thereby preserving and strengthening these stations and improving their ability to compete. These station combinations will allow licensees to take advantage of efficiencies and cost savings that can benefit the public, such as in allowing the stations to provide more local programming. At the same time, the station rank and voice criteria are designed to protect both our core competition and diversity concerns.

27. The "top four ranked station" component of this standard is designed to ensure that the largest stations in the market do not combine and create potential competition concerns. These stations generally have a large share of the audience and advertising market in their area, and requiring them to operate independently will promote competition. In addition, our analysis has indicated that the top four-ranked stations in each market generally have a local newscast, whereas lower-ranked stations often do not have significant local news programming, given the costs involved. Permitting mergers among these two categories of stations, but not among the top four-ranked stations, will consequently pose less concern over diversity of viewpoints in local news presentation, which is at the heart of our diversity goal.

28. The "eight independent voice" component of the rule provides a clear benchmark for ensuring a minimum amount of diversity in a market. Taking into account current marketplace conditions, the eight voice standard we adopt today strikes what we believe to be an appropriate balance between permitting stations to take advantage of the efficiencies of television duopolies while at the same time ensuring a robust level of diversity. Thus, under our new rule, at least eight independently owned and operating full-power commercial and noncommercial broadcast television stations must remain in the DMA post-merger. We will not include in our count of independently owned television stations those that are brokered pursuant to an attributable same-market LMA because a substantial portion of the programming of brokered stations is furnished by the brokering station. This gives the brokering station a significant degree of influence over the brokered station's operations and programming such that it should not be counted as an independent source of viewpoint diversity; indeed, it is for this reason we have decided to attribute such TV LMAs in our attribution proceeding.

29. We believe that an "eight station" test that focuses only on the number of full-power broadcast television outlets in the market is necessary for two reasons. First, we believe that broadcast television, more so than any other media, continues to have a special, pervasive impact in our society given its role as the preeminent source of news and entertainment for most Americans. As the Supreme Court recently stated, "[b]roadcast television is an important source of information to many Americans. Though it is but one of many means for communication, by tradition and use for decades now it has been an essential part of the national discourse on subjects across the whole broad spectrum of speech, thought, and expression."

30. Second, we are unable to reach a definitive conclusion at this time as to the extent to which other media serve as readily available substitutes for broadcast television. In the *FNPRM* and *2FNPRM*, we sought information about the extent to which other media serve as substitutes for television in the advertising and delivered video programming markets, and for purposes of diversity. For example, in the *FNPRM*, we stated that for the purpose of competition analysis, we would tentatively consider local advertising markets to include broadcast and cable television advertising, radio advertising, and newspaper advertising. For delivered video programming, we tentatively included commercial and noncommercial television stations and cable television. While we expressed our inclination to tentatively include MMDS, DBS, and television delivered by telephone companies, we expressed concern about the extent to which the latter three alternatives were actually available to most Americans and sought quantitative, behavioral studies estimating the extent to which broadcast television actually faced substitutes from any and all sources in the marketplace. Although we have received voluminous materials debating such substitutability, we have not received the quantitative, empirical studies that we sought in order to assess this issue in a complete and accurate fashion. Nor does there seem to be a consensus on the extent to which various media are substitutes for purposes of diversity. Thus, while we agree with those commenters who argued that different types of media, such as radio, cable television, VCRs, MMDS, and newspapers, may to some extent be substitutes for broadcast television, in the absence of the factual data we requested we have decided to exercise due caution by employing a minimum station count that includes only broadcast television stations.

31. Our "eight voice/top four ranked station" standard provides significant relaxation of the television duopoly rule while at the same time ensures that markets remain sufficiently diverse and competitive at the local level so that common ownership of two television stations in these markets does not threaten our core diversity concerns. We recognize that stations in markets with less than nine independent voices will not be able to take advantage of this standard. But we believe this is appropriate given that these markets start with fewer broadcast television outlets, and thus a lower potential for providing robust diversity to viewers in such markets. While we recognize, as several commenters argued, that smaller markets also benefit from the efficiency gains and cost savings associated with joint station ownership, it is in these small markets that consolidation of broadcast television ownership could most undermine our competition and diversity goals. Moreover, the three waiver standards we adopt today—the failed and failing station criteria, and the unbuilt station test—will, consistent with our competition and diversity goals, provide relief in a more tailored fashion for stations in smaller markets that are unable to compete effectively.

2. Waiver Criteria

a. Failed Stations

32. *Background.* We invited comment in the *2FNPRM* on whether, if an applicant can show that it is the only viable suitor for a failed station, the Commission should grant the application regardless of contour overlap or DMA designations. We noted that for purposes of our one-to-a-market rule waiver standard, a "failed" station

is a station that has not been operated for a substantial period of time, e.g., four months, or that is involved in bankruptcy proceedings. We asked whether this standard should be used in evaluating a request to waive the television duopoly rule.

33. *Discussion.* We are persuaded that the public interest would be served by adopting a failed station waiver standard for our revised television duopoly rule. A station that is off the air or in involuntary bankruptcy or insolvency proceedings can contribute little, if anything, to any type of diversity in a local market. Nor does such a station constitute a viable alternative in the local advertising market. As we concluded in adopting our current failed station waiver standard for the one-to-a-market rule, the benefits to the public of joint ownership under these circumstances outweigh the costs to diversity. In fact, dark or bankrupt stations actually disserve our goal of efficient use of the spectrum because those stations are holding valuable frequencies without providing service to the public. Permitting another local station to acquire a failed station will result in additional programming, perhaps an increase in diversity in the market, and more advertising time available for sale in larger quantities.

34. We have decided to define a "failed station" for purposes of our television duopoly rule as one that has been dark for at least four months or is involved in court-supervised involuntary bankruptcy or involuntary insolvency proceedings. In addition, we will require that the waiver applicant demonstrate that the "in-market" buyer is the only reasonably available entity willing and able to operate the failed station, and that selling the station to an out-of-market buyer would result in an artificially depressed price for the station.

35. This standard is stricter than the failed station standard used in the context of our current one-to-a-market rule. First, we are limiting our TV duopoly failed station waiver to stations in court-supervised involuntary bankruptcy and insolvency proceedings. By excluding voluntary bankruptcy and insolvency proceedings, we hope to avoid the issue of whether an owner has filed for bankruptcy or insolvency simply in order to qualify for a waiver. We will extend our failed station waiver here to apply to both insolvency and bankruptcy proceedings, as the former are a state-regulated mechanism similar to bankruptcy. Second, we are requiring applicants to make a serious attempt to sell the troubled station to an entity that would not require a waiver of our revised duopoly rule. Waiver applicants must demonstrate that the "in-market" buyer is the only reasonably available entity willing and able to operate the station, and that selling to another buyer would lead to an artificially depressed price for the station. One way to make this showing will be to provide an affidavit from an independent broker affirming that active and serious efforts have been made to sell the station, and that no reasonable offer from an entity outside the market has been received. We believe that a strict failed station waiver standard is warranted in view of the other steps we are taking today to relax the television duopoly rule. While there are now other limited criteria pursuant to which same-market television stations may combine, we hope to limit the special relief awarded to failed stations to those situations where this relief is clearly needed. As with our current one-to-a-market failed station waiver standard, we will be predisposed to grant applications that meet the waiver standard, but will entertain petitions to deny seeking to rebut the waiver request.

36. To qualify for a waiver under the failed station standard, we will require the waiver applicant to provide relevant documentation, *i.e.*, proof of the length of time that the station has been off the air, or proof that the station is involved in bankruptcy or insolvency proceedings. We will also require, in the case of a silent station, a statement that the failed station went dark due to financial distress, not because of other, non-financial reasons. This documentation will ensure that the waiver standard is applied only to stations facing financial difficulties. We will not require the waiver applicant to demonstrate that the market will contain post-merger a minimum number of voices. As noted above, we have concluded that the benefits to the public of preventing a station from going dark or bringing a dark station back on the air cannot harm and may help diversity and competition, regardless of the number of broadcast and other voices in the local market. Any combination formed as a result of a failed station waiver may be transferred together only if the combination meets our new duopoly rule or one of our three waiver standards at the time of transfer.

b. "Failing" Stations

37. *Background.* The *2FNPRM* also invited comment on whether we should adopt a failing station waiver criteria, and, if so, the appropriate definition of a failing station.

38. *Discussion.* We will adopt a "failing" station waiver standard. It will permit two stations to merge where at least one of the stations has been struggling for an extended period of time both in terms of its audience share and in its financial performance. Permitting such stations to merge should pose minimal harm to our diversity and competition goals, since their financial situation typically hampers their ability to be a viable "voice" in the market. These stations rarely have the resources to provide local news programming, and often struggle to provide significant local programming at all. Allowing a "failing" station to join with a stronger station in the market can greatly improve its ability to improve its facilities and programming operations, thus benefitting the public interest. This waiver standard may be of particular assistance to struggling stations in smaller markets that are not covered by the eight voice/top four ranked station test.

39. We agree with the commenters that argued that it makes little sense to force a station to go dark or declare bankruptcy before considering whether it should receive a waiver of the duopoly rule to permit it to merge with another station in the market. Of course, determining when a station is "failed" is a more straightforward task, since there are clear, objective criteria for identifying such a status, i.e., a station is dark or in bankruptcy. A "failing" station standard, by contrast, will involve more of an individualized, case-by-case assessment to determine when a station is struggling to such an extent that permitting it to merge with another station will not undermine our competition and diversity goals and may in fact promote them.

40. With these considerations in mind, and based on the record before us, we establish the following criteria for granting waivers under a "failing" station waiver standard. We will presume such a waiver is in the public interest if the applicant satisfies *each* of these criteria:

(1) One of the merging stations has had low all-day audience share (*i.e.*, 4% or lower).

(2) The financial condition of one of the merging stations is poor. A waiver is more likely to be granted where one or both of the stations has had a negative cash flow for the previous three years. The applicant will need to submit data, such as detailed income statements and balance sheets, to demonstrate this. Commission staff will assess the reasonableness of the applicant's showing by comparing data

regarding the station's expenses to industry averages.

(3) The merger will produce public interest benefits. A waiver will be granted where the applicant demonstrates that the tangible and verifiable public interest benefits of the merger outweigh any harm to competition and diversity. At the end of the stations' license terms, the owner of the merged stations must certify to the Commission that the public interest benefits of the merger are being fulfilled, including a specific, factual showing of the program-related benefits that have accrued to the public. Cost savings or other efficiencies, standing alone, will not constitute a sufficient showing.

(4) The in-market buyer is the only reasonably available candidate willing and able to acquire and operate the station; selling the station to an out-of-market buyer would result in an artificially depressed price. As with the showing required of failed station waiver applicants, one way to satisfy this fourth criterion will be to provide an affidavit from an independent broker affirming that active and serious efforts have been made to sell the station, and that no reasonable offer from an entity outside the market has been received.

Any combination formed as a result of a failing station waiver may be transferred together only if the combination meets our new duopoly rule or one of our three waiver standards at the time of transfer.

c. Unbuilt Stations

41. *Background.* In the *2FNPRM*, we invited comment on whether we should entertain requests to waive the local television ownership rule to permit a local broadcast television licensee to apply for a television channel allotment that has remained vacant or unused for an extended period of time. We stated there that it may not be in the public interest to allow allotted broadcast channels to lie fallow—particularly in markets where it might be possible to allow additional NTSC stations to come on the air without adversely affecting the DTV allotment table and the transition to digital television. Similarly, we asked whether, if it is possible to create new channel allotments in a market without interfering with nearby channels and without adversely affecting the DTV allotment table, the Commission should entertain applications by an incumbent television licensee to establish a new channel in its market.

42. *Discussion.* Since we adopted the *2FNPRM*, the rationale for a vacant allotment waiver policy has become less relevant. In the *DTV Sixth Report and Order*, 62 FR 26684, May 14, 1997, we eliminated vacant NTSC allotments in order to better achieve our DTV objectives of full accommodation, service replication and spectrum recovery. We further stated that new television stations should be operated as DTV stations, and that there would be no need to maintain vacant NTSC allotments that were not the subject of a pending application or rule making proceeding. Thus, with the licensing of new NTSC service coming to an end, we believe that the proposed rationale for a vacant allotment waiver policy has been largely vitiated because there would be few, if any, situations where that basis for a waiver would apply. As the development of DTV continues, it is possible that new channels may again become available for licensing. If so, we may reconsider this issue at that time or in the context of our biennial review of our multiple ownership rules.

43. Although we no longer find it appropriate to adopt a vacant allotment waiver standard, we have concluded that the public interest would be served at this time by adopting a duopoly waiver standard for "unbuilt" television stations. The unbuilt station waiver we adopt is premised on essentially the same logic as supports our failed and failing station waiver standards. A station that has gone unbuilt, like a built station that has gone dark, cannot contribute to diversity or competition. On the other hand, activation of a construction permit and construction of a station, even by the owner of another television station in the market if that is the only viable means to obtain service, increases program choice for viewers, may increase outlet diversity, and increases the amount of advertising time available for sale in the market. We believe that the benefits to the public of construction and operation of such a station, even if through joint ownership, rather than allowing the channel to remain unused, outweigh any costs to diversity and competition.

44. To qualify for a duopoly waiver under this standard, we will require that applicants satisfy each of these criteria:

(1) The combination will result in the construction of an authorized but as yet unbuilt station.

(2) The permittee has made reasonable efforts to construct, and has been unable to do so.

(3) The in-market buyer is the only reasonably available candidate willing and able to acquire the construction permit and build the station and selling the construction permit to an out-of-market buyer would result in an artificially depressed price. As with the showing required of failed and failing station waiver applicants, one way to satisfy this criterion will be to provide an affidavit from an independent broker affirming that active and serious efforts have been made to sell the permit, and that no reasonable offer from an entity outside the market has been received.

Any combination formed as a result of an unbuilt station waiver may be transferred together only if the combination meets our new duopoly rule or one of our three waiver standards at the time of transfer.

d. UHF Combinations

45. *Background.* In the *2FNPRM*, we invited comment on the extent to which the Commission should distinguish between UHF and VHF stations in applying our TV duopoly rule.

46. *Discussion.* After careful consideration of the comments, we have decided not to create a UHF exception or UHF waiver policy for several reasons. First, a UHF exemption or waiver policy is an overbroad means of promoting the public interest. As we noted in our *R&O* eliminating the prime time access rule for television networks, many UHF stations are financially successful, are network affiliates, and are part of large station groups. Thus, a blanket exception or waiver for all UHF stations would unfairly benefit more powerful affiliates as well as struggling stations. Second, cable carriage compensates for many of the technical disadvantages faced by UHF stations vis-a-vis their VHF counterparts. Cable penetration is near 70 percent nationwide. Moreover, the Supreme Court's decision upholding the statutory must-carry rights of television stations removes a major source of uncertainty among UHF stations about their ability to obtain cable carriage. Third, deployment of DTV should eliminate, over the next several years, many of the remaining disadvantages of UHF stations. The Commission's power limitations for DTV licensees will likely reduce the technical discrepancy of UHF and VHF stations, and the multichannel capabilities of digital transmission should enhance the ability of UHF stations to compete in the video marketplace. Fourth, licensees may continue to take advantage of the satellite station exception to the TV duopoly rule, which is designed to assist financially struggling stations that cannot operate as stand-alone full-service stations. Finally, we believe that the financial problems faced by particular UHF stations can more appropriately be addressed, at least to some extent, by the other duopoly waiver criteria we are adopting today.

As discussed above, these criteria are targeted to assist stations facing financial hardships. We therefore will not create a waiver policy or exception to the TV duopoly rule based on whether a station is in the UHF or VHF band.

3. Satellite Stations

47. *Background.* Generally, television satellite stations retransmit all or a substantial part of the programming of a commonly-owned parent station. Satellite stations are generally exempt from our broadcast ownership restrictions. In the *2NPRM*, we noted that the Commission first authorized TV satellite operations in small or sparsely populated areas with insufficient economic bases to support full-service operations. Later we authorized satellite stations in smaller markets already served by full-service operations but not reached by major networks. More recently, we have authorized satellite stations in larger markets where the applicant has demonstrated that the proposed satellite could not operate as a stand-alone full-service station. We stated in the *2FNPRM* that we saw no reason to alter our policy of exempting satellite stations from our local ownership rules, but invited comment on this conclusion. All the commenters that addressed this issue supported continuing the exception of satellite stations from the duopoly rule.

48. *Discussion.* We believe that continued exception of satellite stations from the duopoly rule is appropriate. As we stated in the *2FNPRM*, our satellite station policy rests in part on the questionable financial viability of the satellite as a stand-alone facility. As such, our policy has furthered the underlying goals of our ownership restrictions by adding additional stations to local television markets where these stations otherwise would not have been established. In addition, the other criteria we use to evaluate satellite operations, including service to underserved areas, ensure that satellite operations are consistent with our goals of promoting diversity and competition.

IV. Radio-Television Cross-Ownership Rule

49. *Background.* The radio-television cross-ownership rule, or the "one-to-a-market" rule, forbids joint ownership of a radio and a television station serving substantial areas in common. In 1989, the Commission amended the rule to permit, on the basis of a presumptive waiver, radio-television mergers involving one television and one AM and one FM station, in the top 25 television markets if, post-merger, at least 30 independently owned broadcast voices remain in the relevant market, or if the merger involves a failed station. Our current policy also permits waivers on a case-by-case basis if the merger satisfies a group of five separate criteria.

50. In the *FNPRM*, we proposed to eliminate the cross-ownership restriction in its entirety or replace it with an approach under which cross-ownership would be permitted where a minimum number of post-acquisition, independently owned broadcast voices remained in the relevant market. We tentatively concluded there were two alternative approaches toward modifying the rule. If radio and television stations do not compete in the same local advertising, program delivery, or diversity markets, we proposed to eliminate the rule entirely and rely on our radio and television local ownership rules to ensure competition and diversity at the local level. Under the local radio ownership rules in effect at that time, this would have permitted entities to own one AM, one FM, and one television station in even the smallest markets, and up to 2 AM, 2 FM, and one television station in larger markets. In contrast, if we concluded that radio and television did compete in some or all of the local markets, we proposed to modify the one-to-a-market rule to permit radio-television combinations in markets where there are a sufficient number of remaining independent voices to ensure sufficient diversity and competition.

51. After adoption of the *FNPRM*, Congress passed the 1996 Act, which affects the radio-television cross-ownership rule in at least two ways. First, section 202(d) of the Act directs the Commission to extend the radio-television cross-ownership presumptive waiver policy to the top 50, rather than top 25, television markets "consistent with the public interest, convenience and necessity." Second, section 202(b)(1) of the Act liberalized the local radio ownership rules.

52. In our *2FNPRM*, based on the statutory changes to the local radio ownership rules, we requested further comment on our radio-television cross-ownership rule proposals. First, we sought further comment on whether the rule should be eliminated based on a finding that radio and television stations do not compete in the same market. Second, even if we consider television and radio stations to be competitors, we asked if the radio-television cross-ownership rule could be eliminated because the respective radio and television ownership rules alone can be relied upon to ensure sufficient diversity and competition in the local market. We also sought to update the record on a number of specific options for modifying, but not eliminating, the rule. In this regard, and consistent with section 202(d) of the 1996 Act, we proposed, at a minimum, to extend the top 25 market/30 voice waiver policy to the top 50 markets. However, we also invited comment on a number of options to change the rule beyond what was contemplated by section 202(d) of the 1996 Act. For example, we asked whether the presumptive waiver policy should be extended further to any television market where the minimum number of independent voices would remain after the merger. We also invited comment on whether the presumptive waiver policy should be extended to entities that seek to own more than one FM and/or AM radio station, and whether the Commission should reduce the number of required independently owned voices that must remain after a merger. Finally, we asked whether our "five factors" test should be changed or refined to be more effective in protecting competition and diversity.

A. Modification of the Rule

53. *Discussion.* We have determined that the public interest would be best served at this time by relaxing the radio-television cross-ownership rule to permit same-market joint ownership of radio and television facilities up to a level that permits broadcasters and the public to realize the benefits of common ownership while not undermining our competition and diversity concerns. Our new rule consists of three parts. First, we will permit a party to own up to two television stations (provided this is permitted under our modified TV duopoly rule or TV LMA grandfathering policy) and up to six radio stations (any combination of AM or FM stations, to the extent permitted under our local radio ownership rules) in any market where at least 20 independently owned media voices remain in the market after the combination is effected. In those markets where our revised rule will allow parties to own a total of eight outlets in the form of two TV stations and six radio stations, we will also permit them instead to own eight outlets in the form of one TV station and seven radio stations. Second, we will permit common ownership of up to two television stations and up to four radio stations (any combination of AM or FM stations, to the extent permitted under our local radio ownership rules) in any market where at least 10 independently owned media voices remain after the combination is effected. And, third, we will permit common ownership of up to two television stations and one radio

station notwithstanding the number of independent voices in the market. In determining which stations are subject to the new rule, we will use the same contour overlap standards used in our present rule. We delegate to the Mass Media Bureau the authority to grant any application that satisfies the new radio/TV cross-ownership rule, and presents no new or novel issues. If a voice test is required to acquire a given combination (*i.e.*, any combination that includes more than one radio/TV combination), that combination will not later be required to be undone if the number of independent voices in the market later falls below the applicable voice test. However, a radio/TV combination may not be transferred to a new owner if the market does not satisfy the applicable voice standard at the time of sale.

54. As described below, we will eliminate our five factor case-by-case waiver standard. Waivers of our new three-part rule will be granted only in situations involving a failed station and in extraordinary circumstances in which the proponent of the waiver will face a high hurdle. We will define a failed station for purposes of our new radio/TV cross-ownership rule in the same manner as that term is defined for purposes of the failed station waiver we adopt today in connection with our television duopoly rule. Any combination formed as a result of a failed station waiver may be transferred together only if the combination meets our new radio/TV cross-ownership rule or our failed station waiver standard at the time of transfer.

55. *Rationale for Modified Rule.* We relax our radio/TV cross-ownership rule to balance our traditional diversity and competition concerns with our desire to permit broadcasters and the public to realize the benefits of radio/TV common ownership. We believe that the revised rule reflects the changes in the local broadcast media marketplace. The relaxed rule recognizes the growth in the number and types of media outlets, the clustering of cable systems in major population centers, the efficiencies inherent in joint ownership and operation of both television and radio stations in the same market, as well as the public service benefits that can be obtained from joint operation. At the same time, the voice test components of the revised rule also ensure that the local market remains sufficiently diverse and competitive.

56. The new three-part rule also ensures the application of a clear, reasoned standard. One of our primary goals in this proceeding is to provide concrete guidance to applicants and the public about the permissibility of proposed transactions. This minimizes the burdens involved in complying with and enforcing our rules. It also promotes greater consistency in our decision-making. Since development of the Commission's waiver policy in 1989, the Commission has granted a significant number of waivers in order to provide broadcasters relief from the one-to-a-market rule, which prohibited any common ownership of television and radio stations in the same market. Indeed, some commenters argue that this waiver process has come to govern regulation of same-market radio-television cross-ownership, rather than the rule itself. Today, we redirect our approach by amending the rule to provide a greater degree of common ownership of radio and television stations while at the same time limiting waivers of this new rule to only extraordinary circumstances. In addition, the new rule will ease administrative burdens and will provide predictability to broadcasters in structuring their business transactions.

57. A number of commenters argued that we should eliminate our radio-television cross-ownership rule entirely. We do not believe that course is appropriate at this time. We stated in the *FNPRM* that elimination of the rule might be warranted if we concluded that radio and television stations do not compete in the same local advertising, program delivery, or diversity markets. Although radio and television stations may or may not compete in different advertising markets, we believe a radio-television cross-ownership rule continues to be necessary to promote a diversity of viewpoints in the broadcast media. The public continues to rely on both radio and television for news and information, suggesting the two media both contribute to the "marketplace of ideas" and compete in the same diversity market. As these two media do serve as substitutes at least to some degree for diversity purposes, we will retain a relaxed one-to-market rule to ensure that viewpoint diversity is adequately protected.

58. Although we decline to eliminate our radio-television cross-ownership rule, the demonstrated benefits of same-market broadcast combinations support relaxing the rule and allowing such combinations in circumstances where we find that diversity and competition remain adequately protected. The record in this proceeding demonstrates that there are significant efficiencies inherent in joint ownership and operation of broadcast stations in the same market, even when the stations are in separate services (*i.e.*, radio-TV combinations). Among other benefits, these efficiencies often lead to improved programming and can help stations in financial difficulty remain on the air. The revised radio/TV cross-ownership rule we adopt today will establish clear guidelines that will permit common ownership of radio and television stations in markets where diversity and competition are preserved.

59. Turning to the specifics of the first two prongs of the new rule, we will use a "voice count" approach rather than also applying a market rank restriction as with our current top 25 market, 30 voice presumptive waiver policy. In particular, the first prong of our new rule, which permits a party to own up to two television stations (provided this is permitted under our modified TV duopoly rule or TV LMA grandfathering policy) and up to six radio stations (any combination of AM or FM stations, to the extent permitted under our local radio ownership rules) in any market with at least twenty independently owned media voices, focuses on the number of independent voices remaining in the market post-merger, rather than market rank (*e.g.*, the top 100 markets). A rule based on the number of independent voices more accurately reflects the actual level of diversity and competition in the market. As a number of commenters in this proceeding noted, a market-size restriction is unnecessary for purposes of competition and diversity as long as there are a minimum number of independent sources of news and information available to listeners, and a minimum number of alternative outlets available to advertisers. In addition, unlike a rule based on market rank, our revised rule will account for changes in the number of voices in a market resulting from consolidation, the addition of new voices, or the loss of any outlets. Mergers will be permitted only when the voice count is satisfied, thereby ensuring the preservation of a minimum level of diversity and competition in the market.

60. The second prong of our new rule permits a party to own up to two television stations (provided this is permitted under our modified TV duopoly rule or TV LMA grandfathering policy) and up to four radio stations (any combination of AM or FM stations, to the extent permitted under our local radio ownership rules) in any market with at least ten independently owned media voices. This standard also focuses on the number of independent voices remaining in the market post-merger rather than market rank, and extends the benefits of common ownership to smaller markets. In this regard, our

revised rule permits broadcasters and the public in these markets to realize the same benefits of common ownership we have concluded are worthwhile for the largest markets.

61. The third prong of our new rule will allow common ownership of up to two television stations (provided that is permissible under our rules or TV LMA grandfathering policy) and one radio station notwithstanding the number of independent voices in the market. Based on the record before us, we find that the service benefits and efficiencies achieved from the joint ownership and operation of a television/radio combination in local markets further the public interest and outweigh the cost to diversity in these instances.

62. *Applying the Voice Count Tests.* We will apply the voice test under both prongs of our new radio/TV cross-ownership rule that include such a test as follows:

(1) We will count all independently owned and operating full-power commercial and noncommercial broadcast television stations licensed to a community in the DMA in which the community of license of the television station in question is located.

(2) We will also count all independently owned and operating commercial and noncommercial broadcast radio stations licensed to a community within the radio metro market in which the community of license of the television station in question is located. In addition, we will count broadcast radio stations outside the radio metro market that Arbitron or another nationally-recognized audience rating service lists as having a reportable share in the metro market. In areas in which there is no radio metro market, the party seeking the waiver may count the radio stations present in an area that would be the functional equivalent of a radio market.

(3) We will count all independently owned daily newspapers that are published in the DMA at issue and that have a circulation exceeding 5% of the households in the DMA.

(4) We will count cable systems provided cable service is generally available to television households in the DMA. For DMAs in which cable service is generally available, cable will count as a single voice for purposes of our voice analysis, regardless of the number of cable systems within the DMA, their ownership, and any overlap in service area.

63. In counting broadcast television and radio stations as "voices" we are being consistent with the voice count analysis used in our current "top 25 market/30 voice" presumptive waiver standard. That standard, however, counts radio stations licensed to the relevant *television* metropolitan market. Under our new rule, we will instead use the *radio* metropolitan market, and will include both radio stations licensed within the radio metro market and stations with a reportable share in that market. We believe it is important to count radio stations with a reportable share in the relevant market because those stations clearly serve as a source of information and entertainment programming for the relevant market. We have chosen to use the radio metro market rather than the television metro market for counting the number of independent radio voices because the former more accurately reflect the competitive and core signal availability realities for radio service in the market. All independently owned radio stations in the radio market can be presumed to be available to residents of that market because of signal reach. Radio stations outside the radio metro market may also be presumed to be available to all residents of the radio market if Arbitron, or another nationally recognized audience rating service, lists them as having a reportable audience share in the radio metro. Reportable audience share information is not generally available for television metro markets. Thus, use of radio markets will ease the burden on applicants seeking approval of assignment and transfer applications, and on the Commission staff reviewing such applications.

64. We will also include in our voice count daily newspapers and cable systems because we believe that such media are an important source of news and information on issues of local concern and compete with radio and television, at least to some extent, as advertising outlets. Although we have not previously explicitly counted cable and newspapers as voices under our current top 25 market/30 voice presumptive waiver standard, we have counted these outlets in applying the case-by-case, five factor waiver standard. While we will count these media outlets in applying our amended rule, we will restrict the number of newspapers we will include and limit the weight we will ascribe to cable. Specifically, we will include all independently owned daily newspapers that are published in the DMA that have a circulation exceeding 5 percent of the households in the DMA. Our intent in this regard is to include those newspapers that are widely available throughout the DMA and that provide coverage of issues of interest to a sizeable percentage of the population. Although we recognize that other publications also provide a source of diversity and competition, many of these are only targeted to particular communities and are not accessible to, or relied upon by, the population throughout the local market. We will also include wired cable television in the DMA as one voice, since cable service is generally available to households throughout the U.S. We believe it is appropriate to include at least one voice for cable, where cable passes most of the homes in the market, because there are PEG and other channels on cable systems that present local informational and public affairs programming to the public. At this time we count cable as no more than one voice since most cable subscribers have only one cable system to choose from. In addition, despite a multiplicity of channels provided by each cable system, most programming is either originated or selected by the cable system operator, who thereby ultimately controls the content of such programming. As most cable programming available to a household is controlled by a single entity, we believe cable should be counted as a single voice in applying our voice test.

B. Waiver Criteria

1. Failed Stations

65. We will continue to grant waivers of our radio-television cross-ownership rule, on a presumptive basis, in situations involving a failed station. However, we will adopt the definition of a failed station used in the context of our television duopoly failed station waiver standard. In order to qualify as "failed" a station must be dark for at least four months or involved in court-supervised involuntary bankruptcy or involuntary insolvency proceedings. In addition, we will require that the waiver applicant demonstrate that the "in market" buyer is the only reasonably available entity willing and able to operate the failed station and that selling the station to an out-of-market buyer would result in an artificially depressed price for the station. As in the past, we will require the applicant seeking the waiver to provide relevant documentation, *i.e.*, proof of the length of time that the station has been off the air, or proof that the station is involved in bankruptcy proceedings. In addition, in the case of a silent station, we will require a statement that the failed station went dark due to financial distress, not because of other, non-financial reasons. Any combination formed as a result of a failed station waiver may be transferred together only

if the combination meets our radio/TV cross-ownership rule, or failed station waiver, at the time of transfer.

66. Our new waiver standard is significantly stricter than the failed station standard used in the context of our current one-to-a-market rule. As we stated in adopting our television duopoly failed station waiver, we are limiting the waiver to involuntary bankruptcy and insolvency proceedings to avoid the risk that an owner has filed for bankruptcy or insolvency simply to qualify for a waiver. We will extend the waiver to include stations in insolvency as well as bankruptcy proceedings, as the former is a state-regulated mechanism similar to bankruptcy. Finally, we are requiring that applicants make a serious effort to sell the troubled station to an out-of-market buyer in order to limit the relief afforded by the waiver to those situations in which it is clearly needed. In view of the other steps we are taking today to relax our radio/TV cross-ownership rule, we believe that it is appropriate to ensure that the relief offered by our failed station waiver is directed to stations that are clearly facing financial difficulty and that cannot be sold absent a waiver of our rule.

67. Our rationale for this waiver standard is the same as that of the failed station waiver standard we are adopting today for the television duopoly rule. We believe that the benefits to the public of joint ownership, namely preserving a bankrupt station or allowing a dark station to return to the air, do not pose costs from a diversity perspective. Once a station has been off the air for a substantial period or has become involved in involuntary bankruptcy proceedings (so that it is likely to go off the air), competition and diversity in a local market cannot be improved by forbidding joint ownership of that station with another station in the market. It is our view that two operating, commonly-owned stations serve the public better than one operational station and one nonoperational station that provides no service to the public at all. We note that Congress reached the same conclusion in the 1996 Act when it authorized an exception to the local radio ownership limits to permit an entity to exceed those limits if so doing would result in an increase in the number of stations in operation. Increasing the number of stations in a market provides additional voices to address community needs and issues and increases listeners' programming choices.

68. This waiver will not be extended to failing or unbuilt stations. Thus, evidence that a station is losing money (*i.e.*, a negative cash flow) is not adequate to qualify for the waiver. We do not believe that it is necessary at this time to permit such additional waivers in view of the measured liberalization of our radio/TV cross-ownership rule and the 1996 Act's liberalization of the local radio ownership limits.

2. "Five Factors" Waiver Standard

69. *Background.* We invited comment in the *2FNPRM* on whether our "five factors" case-by-case waiver standard should be changed or refined to be more effective in protecting our competition and diversity concerns. Under this standard, we make a public interest determination on a case-by-case basis currently using the following five criteria: (1) the potential public service benefits of common ownership of the facilities, such as economies of scale, cost savings, and programming benefits; (2) the types of facilities involved; (3) the number of media outlets already owned by the applicant in the relevant market; (4) any financial difficulties involving the station(s); and (5) issues pertaining to the level of diversity.

70. *Discussion.* In light of the modifications we are making today in the radio-television cross-ownership rule and our goals of protecting competition and diversity, we will eliminate the case-by-case, "five factors" waiver test we have previously employed. Our amended rule goes beyond the criteria pursuant to which we have delegated authority to the Commission staff to act on one-to-a-market waiver requests, most of which have been approved under the five factors standard. We have revised the rule based on our recognition that the benefits of joint ownership in many circumstances outweigh the harm to diversity, and have based that conclusion in large part on an assessment of the same general criteria identified in our current five factor waiver standard. In the event that extraordinary evidence exists that a waiver of our revised rule is warranted, the Commission will consider that evidence pursuant to our general waiver authority. Given the significant relaxation of our radio-TV cross-ownership rule, applicants seeking combinations that exceed the new rule will bear a substantially heavier burden than in the past in justifying joint ownership.

71. We are eliminating the five-factor waiver standard because it has been difficult to apply. After a number of years of experience in applying this test, we have come to conclude that the standard does not sufficiently protect our competition and diversity goals. We believe that our new, three-part rule, along with our failed station waiver, will be easier to administer, better protect the Commission's competition and diversity goals, and therefore further the public interest.

3. Existing Conditional Waivers

72. In a number of rulings since passage of the 1996 Act, the Commission has granted, conditioned on the outcome of this proceeding, applications for waiver of the radio-television cross ownership rule where the number of radio stations exceeded the radio limits in existence prior to the Act. The conditional waiver grantees are directed to file with the Commission within sixty days of publication of this *R&O* in the **Federal Register** a showing sufficient to demonstrate their compliance or non-compliance with our new rule. In situations where the revised rule is met, we delegate to the Mass Media Bureau the authority to replace the conditional waiver with permanent approval of the relevant assignment or transfer of license.

73. A number of the conditional waivers that have been granted will not comply with our newly revised radio/TV cross-ownership rule. Although parties that received these waivers were placed on notice that their proposed station transactions were subject to the outcome of this rulemaking proceeding, we nonetheless will extend these conditional waivers, until the conclusion of our biennial review in 2004, during which we will review the radio/TV cross-ownership rule itself. We will also extend this grandfathering relief to any pending application for conditional waiver, if filed on or before July 29, 1999 (the date of this "sunshine" notice for this *R&O*), and ultimately granted by the Commission. In 2004, the Commission will review these waivers, on a case-by-case basis, as part of its biennial review and determine the appropriate treatment of them beyond that point in time. In order to qualify for permanent grandfathering relief after 2004, conditional waiver grantees will be required to demonstrate that such relief is in the public interest, based upon, to the extent applicable to radio/TV combinations, the same criteria that we will use to review the LMAs that we have concluded to grandfather for a similar period of time. As is the case with the grandfathered LMAs, if conditional waiver grantees wish to establish greater certainty about the status of their waiver prior to the 2004 biennial review, they may make a showing using the 2004 biennial review criteria, beginning one year after the date that this *R&O* is published in the

Federal Register. Any transfer of a grandfathered combination after the adoption date of this *R&O* (whether during the initial grandfathering period or after a permanent grandfathering decision has been made) must meet the radio/TV cross-ownership rule or waiver policy in effect at the time of transfer.

V. Television Local Marketing Agreements

74. *Background.* A television local marketing agreement ("LMA") or time brokerage agreement is a type of contract that generally involves the sale by a licensee of discrete blocks of time to a broker that then supplies the programming to fill that time and sells the commercial spot announcements to support the programming. Our current data indicate that there are at least 70 existing LMAs where the brokering and brokered station are in the same DMA. Most of these LMAs are in the top 50 television markets.

75. In our companion *Attribution R&O*, we have decided to attribute time brokerage of another television station in the same market for more than fifteen percent of the brokered station's broadcast hours per week and to count LMAs that fall in this category toward the brokering licensee's ownership limits. In the *2FNPRM*, we stated that we would decide in this proceeding how to treat existing television LMAs under any new attribution rules that we might adopt in the *Attribution* proceeding. In this *R&O*, we adopt policies to afford "grandfather" rights to existing television LMAs according to the provisions discussed below.

76. In the *2FNPRM*, we stated that, in the event that we found television LMAs attributable, we were inclined to extend some grandfathering relief to all television LMAs entered into before the November 5, 1996 adoption date of the *2FNPRM* for purposes of compliance with our ownership rules. We sought comment on an approach whereby such LMAs would not be disturbed during the pendency of the original term of the LMA in the event the cognizability of the LMA would result in violation of an ownership rule. We also tentatively concluded that television LMAs entered into on or after the adoption date of the *2FNPRM*, if they resulted in violation of any ownership rule, would not be grandfathered and would be accorded only a brief period within which to terminate. We also reserved the right to invalidate an otherwise grandfathered LMA in circumstances raising particular competition and diversity concerns, such as might occur in very small markets.

77. After reviewing the comments received in response to the *2FNPRM* in this proceeding and the *FNPRM* in our related attribution proceeding, the Commission concluded that the commenters had not provided sufficient information on a range of important factual issues related to television LMAs. To provide a more complete record, the Commission released a *Public Notice* on June 17, 1997 (62 FR 33792, June 23, 1997), requesting parties to any existing television LMA to provide certain information regarding the terms and characteristics of these agreements to help us determine, *inter alia*, the number of existing television LMAs, the date of origination and duration of these arrangements, and the efficiencies or public interest benefits that may have resulted from the LMA.

78. *Discussion.* We adopt our proposal in the *2FNPRM* to grandfather television LMAs entered into prior to November 5, 1996, the adoption date of that document, for purposes of compliance with our ownership rules. Television LMAs entered into on or after that date will have two years from the adoption date of this *R&O* to come into compliance with our rules or terminate. LMAs entered into before November 5, 1996 will be grandfathered until the conclusion of our 2004 biennial review, a period of approximately five years. As part of that review, the Commission will conduct a general review of the TV duopoly rule and a case-by-case review of grandfathered LMAs, and assess the appropriateness of extending the initial grandfathering period. Parties who wish the Commission to conduct this review prior to 2004 may apply for such relief, using the biennial review criteria, beginning one year after the date the *R&O* is published in the **Federal Register**. We now turn to a more detailed explanation of our decision on this issue.

79. *Section 202(g) of the 1996 Act.* Some commenters argue that the 1996 Act directs us to grandfather television LMAs permanently. Section 202(g) of the 1996 Act addresses the construction of section 202 with respect to LMAs. Section 202(g) states that "[n]othing in this section shall be construed to *prohibit* the origination, continuation, or renewal of any television local marketing agreement that is *in compliance with the regulations of the Commission*." (Emphasis added.) As we stated in the *2FNPRM*, the plain language of this provision states that section 202 shall not be construed to prohibit any television LMA that is in compliance with the Commission's rules.

80. We do not regard section 202(g) as limiting our ability to promulgate attribution rules under Title I and Title III of the Communications Act affecting the status of television LMAs. As a result, we do not see section 202(g) of the 1996 Act as posing a legal restraint in resolving questions raised in the *FNPRM* as to (1) whether television LMAs in which a broker obtains the ability to program 15% or more of a broadcast television station's weekly broadcast output should be deemed an attributable interest (which has been decided in our companion *Attribution R&O*); and (2) whether grandfathering existing television LMAs from any applicable ownership rules that would follow from that attribution decision is appropriate.

81. We consequently believe that the 1996 Act left the Commission with the discretion to adopt a grandfathering policy with respect to television LMAs that appropriately addresses the equity, competition, and diversity issues these arrangements raise. Having said that, we fully recognize the need to avoid undue disruption of television LMAs that were entered into in good faith reliance on our previous rules at the time, and that these arrangements may in fact have resulted in significant public interest benefits. We now turn to striking the appropriate balance regarding these factors.

82. *Grandfathering Cut-Off Date.* We will adopt our proposal in the *2FNPRM* to grandfather television LMAs entered into before the adoption date of that document, *i.e.*, November 5, 1996. It was on this date that the Commission gave clear notice that it intended to attribute television LMAs in certain circumstances, and that LMAs entered into on or after that date that violated our local television ownership rule would not be grandfathered and would be accorded only a fixed period in which to terminate.

83. *Treatment of LMAs Entered Into on or After November 5, 1996.* LMAs that are not eligible for grandfathering relief—*i.e.*, those LMAs entered into on or after November 5, 1996, that are attributable under the new attribution criteria and that would violate the TV duopoly rule—will be given two years from the adoption date of this *R&O* to terminate. Even though the holders of such LMAs entered into after our grandfathering date could not have a legitimate expectation of being eligible for the grandfathering rights we adopt today, we believe that such a transition is appropriate to avoid undue disruption of existing arrangements and will allow the holders of LMAs to order their affairs. For example, the licensee

of a brokered station may need time to arrange for programming to replace that provided under the LMA; a two-year transition to do this will allow the licensee to avoid disruption of its service to the public. In addition, stations with non-grandfathered LMAs could, of course, apply for a TV duopoly under our new rule or waiver criteria, just as any other station owner in the market could. Applications based on a waiver may be based on circumstances as they existed at the time just prior to the parties entering into the LMA.

84. *Scope of Grandfathering Relief.* We believe television LMAs entered into prior to the November 5, 1996 adoption date of the *2FNPRM* should receive significant grandfathering relief. The parties to these LMAs entered into these arrangements when there was no Commission rule or policy prohibiting them. There consequently are strong equities against requiring them to divest their interests in these LMAs and upset the settled expectations established by these plans and investments. Doing so could impose an unfair hardship on these parties.

85. In addition to these equities, the record shows that a number of television LMAs resulted in public interest benefits. ALTV submitted a study showing that LMAs helped some struggling stations complete construction of their facilities or upgrade them, allowed others to add a local newscast or other local programming to their schedule, and more generally permitted stations to take advantage of operating efficiencies to serve their viewers better. We do not wish to disrupt these public interest benefits.

86. We consequently will grandfather television LMAs entered into prior to November 5, 1996, conditioned on the Commission's 2004 biennial review. During this initial grandfathering period and during the pendency of the 2004 review, these LMAs may continue in full force and effect, and may also be transferred and renewed by the parties, though the renewing parties and/or transferees take the LMAs subject to the review of the status of the LMA as part of the 2004 biennial review. At that time, the Commission will reevaluate these grandfathered television LMAs, on a case-by-case basis, to examine the competition, diversity, equities, and public interest factors they raise and to determine whether these LMAs should continue to be grandfathered. In order to qualify for permanent grandfathering relief after 2004, parties to LMAs entered into before November 5, 1996 will be required to demonstrate that such relief is in the public interest based upon the biennial review factors described below.

87. We believe that reevaluation of the LMAs is reasonable as the record shows that many parties entered into television LMAs, and made substantial investments in these arrangements, with the belief that they could be renewed or transferred. If any party to an LMA wishes the Commission to determine the status of its agreement prior to the 2004 biennial review, it may request the Commission to do so at any time beginning one year after this *R&O* is published in the **Federal Register**, using the biennial review factors noted below, to demonstrate that continuation of the LMA is in the public interest. (In addition, at any time the parties to an LMA may seek, just as any other applicant, to form a duopoly or justify an LMA indefinitely under our new rule and waiver policies. A showing based on voice counts must meet our new rule at the time the showing is filed; a showing based on a waiver may be based on the circumstances existing just prior to the parties entering into the LMA.) Whether LMA holders obtain a duopoly outright or permanent grandfathering relief for arrangements that do not comply with our new TV duopoly rule and waiver policies, such relief will not be extended to any transfers subsequent to 2004; any transfer of permanently grandfathered arrangements after that time must meet our duopoly rule or waiver policies in effect at the time of transfer.

88. As part of the 2004 biennial review, the Commission will examine the following factors to assist in its review of grandfathered television LMAs:

- Public Interest Factors—The FCC will assess the extent to which parties, by virtue of their joint operation, have achieved certain efficiencies allowing them, in turn, to produce specific and demonstrable benefits to the public. For example, the Commission may consider, among other things, the following: the extent to which broadcasters involved have fostered the regulatory goal of promoting localism, including locally-originated programming, such as news and public affairs programming; the extent to which the joint operations have made possible capital investments and technical improvements that have improved service; the extent to which the joint operations have increased the amount and investment in children's educational programming; and the extent to which the joint operations have otherwise produced specific and demonstrable benefits to the viewing public;
- DTV Conversion—The FCC will evaluate the extent to which the same-market joint operations are on or ahead of schedule to convert to DTV and digital service. We will examine the extent to which one station has enabled the other to convert to digital operations, and whether joint operation has expedited that conversion, as well as has produced more over-the-air programming using digital transmission.
- Marketplace Conditions—The FCC will evaluate the status of competition and diversity in the marketplace.
- Equities—In considering the appropriateness of grandfathering beyond the initial five year period, the FCC will take into account the capital investments the broadcasters involved have already made to improve the quality of the technical facilities of the stations involved, and weigh these equities against the competition and diversity issues involved.

89. *Filing Existing LMAs.* Those parties with existing LMAs that are attributable under our new attribution rules are directed to file a copy of the LMA with the Commission within thirty days of the publication of this *R&O* in the **Federal Register**.

VI. New Applications

90. Applications filed pursuant to this *R&O* will not be accepted by the Commission until the effective date of this *R&O*. We realize that the rules adopted in this *R&O* could result in two or more applications being filed on the same day relating to stations in the same market and that due to the voice count all applications might not be able to be granted. We will address how to resolve such conflicts in a subsequent action.

VII. Conclusion

91. For the reasons discussed, we adopt this *R&O* revising our local television ownership rules. We intend by these revisions to improve the ability of television broadcasters to realize the efficiencies and cost savings of common station ownership, and to strengthen their potential to serve the public interest. We believe that our decision strikes the appropriate balance between common ownership and our fundamental competition and diversity concerns, and ensures that our television ownership restrictions appropriately reflect ongoing changes in the broadcast television industry.

VIII. Administrative Matters

92. *Paperwork Reduction Act of 1995 Analysis.* This *R&O* has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose new reporting requirements on

the public. Implementation of these new reporting requirements will be subject to approval by the Office of Management and Budget as prescribed in the Act. The new reporting requirements contained in this *R&O* have been submitted to OMB for emergency clearance.

93. *Regulatory Flexibility Analysis.* Pursuant to the Regulative Flexibility Act of 1980, as amended, 5 U.S.C. 601 *et seq.*, the Commission's Final Regulatory Flexibility Analysis in this document.

94. *Ordering Clauses.* Accordingly, *it is ordered* that, pursuant to the authority contained in sections 4(i) & (j), 303(r), 308, 310 and 403 of the Communications Act of 1934, 47 U.S.C. 154(i) & (j), 303(r), 308, 310 and 403, as amended, 47 CFR Part 73 *is amended* as set forth in the Rule Changes.

95. *It is further ordered* that, pursuant to the Contract with America Advancement Act of 1996, the amendment set forth in the Rule Changes *shall be effective* November 16, 1999.

96. *It is further ordered* that the Commission's Office of Public Affairs, Reference Operations Division, *shall send* a copy of this *R&O*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

97. *It is further ordered* that this proceeding is terminated.

98. *Additional Information.* For addition information concerning this proceeding, please contact Eric Bash, Mass Media Bureau, (202) 418–2130.

Final Regulatory Flexibility Act Analysis

99. As required by the Regulatory Flexibility Act ("RFA"), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated in the *2FNPRM* in this proceeding. The Commission sought written public comment on the proposals in this document, including comment on the IRFA. The comments received are discussed below. This present Final Regulatory Flexibility Analysis ("FRFA") conforms to the RFA.

I. Need For, and Objectives of, Report and Order

100. In February, 1996, the Telecommunications Act of 1996 ("1996 Act") was signed into law. Section 202 of the 1996 Act directed the Commission to make a number of significant revisions to its broadcast media ownership rules. Section 202 also requires us to review aspects of our local ownership rules which were the subject of the *TV Ownership FNPRM* in this docket. Specifically, section 202 requires the Commission to: (1) conduct a rulemaking proceeding concerning the retention, modification, or elimination of the duopoly rule; and (2) extend the Top 25 market/30 independent voices one-to-a-market waiver policy to the Top 50 markets, "consistent with the public interest, convenience, and necessity." In view of the 1996 Act's directives regarding broadcast multiple ownership, the Commission in 1996 adopted a *2FNPRM* in this proceeding inviting comment on several issues prompted by the 1996 Act. We seek to foster both competition and diversity in the changing video marketplace, and this *R&O* modifies the local ownership rules consistent with these goals.

II. Significant Issues Raised by the Public in Response to the Initial Analysis

101. Media Access Project, *et al.* ("MAP *et al.*") submitted the only set of comments that was filed directly in response to the IRFA contained in the *2FNPRM.*

III. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

102. The amended rules will affect commercial television and radio broadcast licensees, permittees, and potential licensees. MAP asserts that the estimate contained in the IRFA of the number of broadcast radio and television licensees that qualify as "small entities" is flawed.

1. Definition of a "Small Business"

103. Under the RFA, small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. 601(6). The RFA, 5 U.S.C. 601(3) defines the term "small business" as having the same meaning as the term "small business concern" under the Small Business Act, 15 U.S.C. 632. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration ("SBA").

104. The Small Business Administration defines a television broadcasting station that has no more than $10.5 million in annual receipts as a small business, (13 CFR 121.201, Standard Industrial Code (SIC) 4833 (1996). Television broadcasting stations consist of establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational, and other television stations. Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials. Separate establishments primarily engaged in producing taped television program materials are classified under another SIC number.

105. The SBA defines a radio broadcasting station that has no more than $5 million in annual receipts as a small business. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. Included in this industry are commercial religious, educational, and other radio stations. Radio broadcasting stations which primarily are engaged in radio broadcasting and which produce ratio program materials are similarly included. However, radio stations which are separate establishments and are primarily engaged in producing radio program material are classified under another SIC number.

106. Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**."

2. Issues in Applying the Definition of a "Small Business"

107. As discussed below, we could not precisely apply the foregoing definition of "small business" in developing our estimates of the number of small entities to which the rules will apply. Our estimates reflect our best judgments based on the data available to us.

108. An element of the definition of "small business" is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio or television station is dominant in its field of operation. Accordingly, the estimates that follow of small businesses to which the new rules will apply do not exclude any radio or television station from the definition of a small business on this basis and are therefore overinclusive to that extent. An additional element of the definition of "small business" is that the entity must be independently owned and operated. As discussed further below, we could not fully apply this criterion, and our estimates of small businesses to which the rules may apply

may be overinclusive to this extent. The SBA's general size standards are developed taking into account these two statutory criteria. This does not preclude us from taking these factors into account in making our estimates of the numbers of small entities.

109. With respect to applying the revenue cap, the SBA has defined "annual receipts" specifically in 13 CFR 121.104, and its calculations include an averaging process. We do not currently require submission of financial data from licensees that we could use in applying the SBA's definition of a small business. Thus, for purposes of estimating the number of small entities to which the rules apply, we are limited to considering the revenue data that are publicly available, and the revenue data on which we rely may not correspond completely with the SBA definition of annual receipts.

110. Under SBA criteria for determining annual receipts, if a concern has acquired an affiliate or been acquired as an affiliate during the applicable averaging period for determining annual receipts, the annual receipts in determining size status include the receipts of both firms. 13 CFR 121.104(d)(1). The SBA defines affiliation in 13 CFR 121.103. In this context, the SBA's definition of affiliate is analogous to our attribution rules. Generally, under the SBA's definition, concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. 13 CFR 121.103(a)(1). The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. 13 CFR 121.103(a)(2). Instead of making an independent determination of whether television stations were affiliated based on SBA's definitions, we relied on the databases available to us to provide us with that information.

3. Estimates Based on Census Data

111. The rules adopted in this *R&O* will apply to full service television and radio stations.

112. There were 1,509 television stations operating in the nation in 1992. That number has remained fairly constant as indicated by the approximately 1,594 operating television broadcasting stations in the nation as of June 1999. For 1992 the number of television stations that produced less than $10.0 million in revenue was 1,155 establishments. Thus, the new rules will affect approximately 1,594 television stations; approximately 77%, or 1,227 of those stations are considered small businesses. These estimates may overstate the number of small entities since the revenue figures on which they are based do not include or aggregate revenues from non-television affiliated companies.

113. The new rule will also affect radio stations. The 1992 Census indicates that 96 percent (5,861 of 6,127) of radio station establishments produced less than $5 million in revenue in 1992. Official Commission records indicate that 11,334 individual radio stations were operating in 1992. As of June 1999, official Commission records indicate that 12,560 radio stations are currently operating.

IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

114. The *R&O* imposes compliance requirements. Pursuant to the *R&O*, applicants will be required to file with the Commission upon the effective date of the rules showings to convert conditional waivers to permanent license grants under the new rules or waiver standards. In addition, licensees with existing local marketing agreements (LMAs) that are attributable under the revised rules will be required to file a copy of the LMA with the Commission within thirty days of publication of the *R&O* in the **Federal Register**.

V. Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

115. We believe that our revised TV duopoly rule, radio/TV cross-ownership rule, and related waiver policies strike the appropriate balance between allowing broadcast stations to realize the efficiencies of combined operations, and furthering our policy goals of competition and diversity. Both of our revised rules and their associated waiver policies allow small stations to reduce expenses through shared operations, but at the same time protect them from acquisition that could eliminate their voice, and from the exercise of undue market power.

116. In addition to having amended the geographic scope of our TV duopoly rule, we have also modified the rule to permit common ownership of two stations in the same DMA if at least eight independently owned and operated full power TV stations (commercial and noncommercial) will remain post-merger, and both of the stations are not in the top four-ranked stations in the DMA. The new rule ensures that small stations may combine operations, reduce expenses, and perhaps diversify programming. At the same time, both the market rank and the voice count components of the rule further our competition goal and protect small stations from their competitors. The market rank test ensures that the two largest stations cannot combine to dominate and exercise market power in the advertising and programming markets in which TV stations compete; the voice count test ensures that more than eight competitors must exist in the market before any two of them may combine to increase their market share. Both components of the new rule also further our diversity goal and preserve small stations in markets with less than eight voices.

117. We have revised our radio/TV cross-ownership rule to permit common ownership of one or two TV stations and up to six radio stations if twenty independent voices will remain post-merger; one or two TV stations and up to four radio stations if at least ten voices will remain post-merger; and one or two TV stations and one radio station regardless of the number of voices that will remain post-merger. As with our amended TV duopoly rule, the modified radio/TV cross-ownership rule will allow stations, including small stations, to realize economies of scale, but at the same time ensure that no market will become concentrated to such an extent that any one or series of combinations will dominate the markets in which broadcasters compete, or monopolize the media and sources of information for their audiences.

118. Our TV duopoly waiver policies, based on a showing of a "failed" station, a "failing" station, and the construction of an authorized but as yet unbuilt station, and our radio/TV cross-ownership waiver policies, based on a showing of a "failed" station, likewise accommodate small stations, while protecting our competition and diversity goals. Each of these waiver policies was designed to ensure that only truly financially distressed, which are typically smaller, stations, can benefit from them. The waiver policies also ensure that more financially successful in-market stations, which are typically larger and likely would value same-market broadcast assets more highly than out-of-market stations, cannot foreclose out-of-market buyers. The in-market buyer must demonstrate that it is the only purchaser ready, willing, and able to operate the station, and that sale to an out-of-market buyer would result in an artificially depressed price.

119. We also believe that our grandfathering policies for conditional

radio/TV cross-ownership waivers, and TV LMAs, may help small stations. For example, the record suggested that TV LMAs may have helped smaller, struggling stations to remain on or return to the air, and to diversity and expand their programming. The *R&O* grandfathers all LMAs entered into prior to November 5, 1996, and therefore permits them to remain in full force and effect, subject to further review in the Commission's biennial review in 2004.

120. For the above reasons, we believe that the Commission has taken steps not only to reduce the economic impact on small entities, but also to assist them realize the benefits of common operations, and to protect them from undue market power.

VI. Report to Congress

121. The Commission will send a copy of this *R&O*, including this FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, *see* 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of this *R&O*, including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this *R&O* and FRFA (or summaries thereof) will also be published in the **Federal Register**. *See* 5 U.S.C. 604(b).

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reason discussed in the preamble, the Federal Communication Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

2. Section 73.3555 is amended by revising paragraphs (b) and (c) and Note 7 to read as follows:

§ 73.3555 Multiple ownership.

* * * * *

(b) *Local television multiple ownership rule.* An entity may directly or indirectly own, operate, or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research or any successor entity) only under one or more of the following conditions:

(1) The Grade B contours of the stations (as determined by § 73.684 of this part) do not overlap; or

(2)(i) At the time the application to acquire or construct the station(s) is filed, at least one of the stations is not ranked among the top four stations in the DMA, based on the most recent all-day (9:00 a.m.-midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service; and

(ii) At least 8 independently owned and operating full-power commercial and noncommercial TV stations would remain post-merger in the DMA in which the communities of license of the TV stations in question are located. In areas where there is no Nielsen DMA, count the TV stations present in an area that would be the functional equivalent of a TV market.

(c) *Radio-television cross ownership rule.* (1) This rule is triggered when:

(i) The predicted or measured 1 mV/m contour of an existing or proposed FM station (computed in accordance with § 73.313 of this part) encompasses the entire community of license of an existing or proposed commonly owned TV broadcast station(s), or the Grade A contour(s) of the TV broadcast station(s) (computed in accordance with § 73.684) encompasses the entire community of license of the FM station; or

(ii) The predicted or measured 2 mV/m groundwave contour of an existing or proposed AM station (computed in accordance with § 73.183 or § 73.386), encompasses the entire community of license of an existing or proposed commonly owned TV broadcast station(s), or the Grade A contour(s) of the TV broadcast station(s) (computed in accordance with § 73.684) encompass(es) the entire community of license of the AM station.

(2) An entity may directly or indirectly own, operate, or control up to two commercial TV stations (if permitted by paragraph (b) of this section, the local television multiple ownership rule) and 1 commercial radio station situated as described above in paragraph (1) of this section. An entity may not exceed these numbers, except as follows:

(i) If at least 20 independently owned media voices would remain in the market post-merger, an entity can directly or indirectly own, operate, or control up to:

(A) Two commercial TV and six commercial radio stations (to the extent permitted by paragraph (a) of this section, the local radio multiple ownership rule); or

(B) One commercial TV and seven commercial radio stations (to the extent that an entity would be permitted to own two commercial TV and six commercial radio stations under paragraph (c)(2)(i)(A) of this section, and to the extent permitted by paragraph (a) of this section, the local radio multiple ownership rule).

(ii) If at least 10 independently owned media voices would remain in the market post-merger, an entity can directly or indirectly own, operate, or control up to two commercial TV and four commercial radio stations (to the extent permitted by paragraph (a) of this section, the local radio multiple ownership rule).

(3) To determine how many media voices would remain in the market, count the following:

(i) *TV stations:* independently owned full power operating broadcast TV stations within the DMA of the TV station's (or stations') community (or communities) of license;

(ii) *Radio stations:*

(A) (1) Independently owned operating primary broadcast radio stations that are in the radio metro market (as defined by Arbitron or another nationally recognized audience rating service) of:

(i) The TV station's (or stations') community (or communities) of license; or

(ii) The radio station's (or stations') community (or communities) of license; and

(2) Independently owned out-of-market broadcast radio stations with a minimum share as reported by Arbitron or another nationally recognized audience rating service.

(B) When a proposed combination involves stations in different radio markets, the voice requirement must be met in each market; the radio stations of different radio metro markets may not be counted together.

(C) In areas where there is no radio metro market, count the radio stations present in an area that would be the functional equivalent of a radio market.

(iii) *Newspapers:* English-language newspapers that are published at least four days a week within the TV station's DMA and that have a circulation exceeding 5% of the households in the DMA; and

(iv) *One cable system:* if cable television is generally available to households in the DMA. Cable television counts as only one voice in the DMA, regardless of how many individual cable systems operate in the DMA.

* * * * *

Note 7: The Commission will entertain applications to waive the restrictions in paragraph (b) and (c) of this section (the TV duopoly and TV-radio cross-ownership rules) on a case-by-case basis. In each case, we will require a showing that the in-market buyer is the only entity ready, willing, and able to operate the station, that sale to an out-of-market applicant would result in an artificially depressed price, and that the waiver applicant does not already directly or indirectly own, operate, or control interest in two television stations within the relevant DMA. One way to satisfy these criteria would be to provide an affidavit from an independent broker affirming that active and serious efforts have been made to sell the permit, and that no reasonable offer from an entity outside the market has been received. We will entertain waiver requests as follows:

(1) If one of the broadcast stations involved is a "failed" station that has not been in operation due to financial distress for at least four consecutive months immediately prior to the application, or is a debtor in an involuntary bankruptcy or insolvency proceeding at the time of the application.

(2) For paragraph (b) of this section only, if one of the television stations involved is a "failing" station that has an all-day audience share of no more than four per cent; the station has had negative cash flow for three consecutive years immediately prior to the application; and consolidation of the two stations would result in tangible and verifiable public interest benefits that outweigh any harm to competition and diversity.

(3) For paragraph (b) of this section only, if the combination will result in the construction of an unbuilt station. The permittee of the unbuilt station must demonstrate that it has made reasonable efforts to construct but has been unable to do so.

* * * * *

[FR Doc. 99–23696 Filed 9–16–99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[MM Docket Nos. 91–221 & 87–8; FCC 99–240]

Comment Sought on Processing Order for Applications Filed Pursuant to the Commission's New Local Broadcast Ownership Rules

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document seeks comment on how to resolve conflicts resulting from two or more applications being filed on the same day relating to stations in the same market pursuant to new rules adopted August 5, 1999, in the local broadcast ownership proceeding.[1]

COMMENTS: Comments must be filed on or before October 4, 1999. Reply comments must be filed on or before October 12, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–A306, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Vicky Phillips, Chief, Legal Branch, Policy and Rules Division, Mass Media Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Alternatively, comments may also be filed by using the Commission's Electronic Comment Filing System (ECFS), via the Internet to http://www.fcc.gov.e-file/ecfs.html.

FOR FURTHER INFORMATION CONTACT: Vicky Phillips, Policy and Rules Division, Mass Media Bureau (202) 418–2120.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Public Notice*, FCC 99–240, adopted September 8, 1999 and released September 9, 1999. The full text of this Commission *Public Notice* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12 St. S.W., Washington, D.C. The complete text of this *Notice* may also be purchased from the Commission's copy contractor, International Transcription Services 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857–3800. It is also available on the Commission's web page at www.fcc.gov/Bureaus/Mass__Media/Public__Notices/fcc99240.txt.

[1] Report and Order in MM Docket Nos. 91–221 & 87–8, FCC 99–209 ("Local Ownership Order"), published elsewhere in this separate part.

Synopsis of the Public Notice

1. By this *Public Notice*, the Commission requests supplemental comment in MM Docket Numbers 91–221 and 87–8 on procedures for processing applications filed pursuant to the Local Ownership Order adopted in the local broadcast ownership proceeding on August 5, 1999.[2] In that order, we stated that "[a]pplications filed pursuant to this Report and Order will not be accepted by the Commission until the effective date" of the order, which will be sixty days after publication in the **Federal Register**.[3] We also said: "We realize that the rules adopted in this Report and Order could result in two or more applications being filed on the same day relating to stations in the same market and that due to the voice count all applications might not be able to be granted. We will address how to resolve such conflicts in a subsequent action."[4] This Notice seeks comment on how to resolve such conflicts.

2. Ordinarily, we would process these applications in the order in which they are filed. Generally, however, we treat broadcast applications filed on the same day as being filed simultaneously, regardless of the time of filing. Under the Commission's new local ownership rules, as we noted in the Local Ownership Order, we anticipate that applications for transfer or assignment might be filed on the same day relating to stations in the same market that will not all be able to be granted due to the voice counts that apply to the local ownership rules. The order in which the applications are processed would thus be determinative in these situations. Similar issues could arise in the radio-television cross ownership rule context, in situations in which grant of one application will bring the voice count down to ten or twenty, such that certain other applications relying on the minimum voice count for compliance with the rule could not be granted.

3. We believe that the most prudent, easy to administer, and fair method for determining the order in which applications filed on the same day will be processed is by random selection. Under this procedure, each potentially conflicting applicant in a market would be assigned a random number which would be determined by use of one or more forced-air blowers each containing numbered ping-pong balls. The applications would then be processed in ascending order based upon their randomly assigned numbers.

[2] *Id.*

[3] *Id.* at ¶¶ 150, 155.

[4] *Id.* at ¶ 150.

4. We thus seek comment on the use of random selection to determine processing order, as well as on any alternatives, such as auctions or first-come, first-served, that are both fair and easy to administer. We also seek comment on when the lotteries, if they are implemented, should be held relative to the filing of applications.

5. Because of timing concerns, we also anticipate that the rules adopted will be made effective upon publication in the **Federal Register**.[5] We seek comment on these issues.

6. *Filing of Comments and Reply Comments.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before October 4, 1999. Reply comments must be filed on or before October 12, 1999. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (May 1, 1998).

7. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

8. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, TW–A306, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. The Mass Media Bureau contacts for this proceeding is Vicky Phillips at (202) 418–2120.

9. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room CY–A257) 445 12th Street, S.W., Washington, D.C. 20554.

[5] See 5 U.S.C. 553(d)(3) (exception to 30-day effective date period for good cause).

Federal Communications Commission.
Magalie Roman Salas,
Secretary.
[FR Doc. 99–24117 Filed 9–16–99; 8:45 am]
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Friday
September 17, 1999

Part IV

Environmental Protection Agency

40 CFR Parts 152 and 156
Registration Requirements for Antimicrobial Pesticide Products and Other Pesticide Regulatory Changes; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 152 and 156

[OPP–300890; FRL–5770–6]

RIN 2070–AD14

Registration Requirements for Antimicrobial Pesticide Products and Other Pesticide Regulatory Changes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to establish procedures for the registration of antimicrobial products, as well as implement other provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by the Food Quality Protection Act. This proposal is required by FIFRA.

In addition to registration procedures for antimicrobial products, EPA also proposes to establish labeling standards for antimicrobial public health products, which will ensure that these products are appropriately labeled for the level of antimicrobial activity they demonstrate; to modify its notification process for antimicrobial products to conform to the statutorily prescribed process; and to exempt certain antimicrobial products from FIFRA regulation.

EPA believes that the new procedures and provisions will streamline and improve the registration process, increase consistency and certainty for antimicrobial producers, reduce the timeframes for EPA decisions on antimicrobial registrations, increase public health protection by ensuring the continued efficacy of antimicrobial public health pesticides, and promote international harmonization efforts.

EPA is also proposing to implement a number of general provisions of FIFRA that are not specific to antimicrobial pesticides. EPA proposes to interpret the applicability of the new FIFRA definition of "pesticide" that excludes liquid chemical sterilants from FIFRA regulation and includes nitrogen stabilizers, and to describe requirements pertaining to use dilution labeling. These proposals are intended to implement new provisions of FIFRA, and to update current regulations and procedures.

Finally, EPA is proposing technical, conforming and organizational changes to portions of its regulations on pesticide registration and labeling for clarity and understanding.

DATES: Comments, identified by the docket control number OPP–300890, must be received on or before November 16, 1999.

ADDRESSES: Comments may be submitted by regular mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I of the SUPPLEMENTARY INFORMATION section of this notice.

FOR FURTHER INFORMATION CONTACT: Jean M. Frane, Field and External Affairs Division (7506C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: 703–305–5944; e-mail address: frane.jean@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Notice Apply to You?

You may be potentially affected by this notice if you are a producer or registrant of antimicrobial or other pesticide products. Regulated categories and entities may include, but are not limited to:

Category	Examples	NAICS Code
Producers	Pesticide products	32532
	Antifoulant paints	32551
	Antimicrobial pesticides	32561
	Nitrogen stabilizer products	32531
	Wood preservatives	32519
Wholesalers	Pesticide products	42291
	Antimicrobial products	42269

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information or Copies of Support Documents?

1. *Electronically.* You may obtain electronic copies of this document and various support documents from the EPA Home page at the Federal Register Environmental Documents entry for this document under "Laws and Regulations" (http://www.epa.gov/fedrgstr/).

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300890. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments by mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–300890 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver comments to: Public Information and Records Integrity Branch in Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The Docket Control Office telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: "*opp-docket@epa.gov* ," or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 5.1/6.1 or ASCII file format. All comments in electronic form

must be identified by docket control number OPP–300890. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle Information That I Believe Is Confidential?

You may claim information that you submit in response to this document as confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice.

E. We Invite Your Comments

EPA invites you to provide your views on this proposal, approaches we have not considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide solid technical information and/or data to support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate.
5. Indicate what you support, as well as what you disagree with.
6. Provide specific examples to illustrate your concerns.
7. Make sure to submit your comments by the deadline in this proposed rule.
8. At the beginning of your comments (e.g., as part of the "Subject" heading), be sure to properly identify the document you are commenting on. You can do this by providing the docket control number assigned to the proposed rule, along with the name, date, and **Federal Register** citation.

II. Organization of Preamble

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III. Authority

A. The Federal Insecticide, Fungicide, and Rodenticide Act

This proposal is issued under the authority of FIFRA sections 3 and 25, 7 U.S.C. 136a and 136w. Under FIFRA, a pesticide product may not be distributed or sold in the United States unless it is registered with the EPA. Registration is a licensing process in which EPA evaluates each proposed product, its uses, and its labeling to determine whether it meets the standard for registration in FIFRA section 3(c)(5). That standard states that, for a registration to be approved, EPA must determine that the pesticide product, when used in accordance with its intended uses and with widespread and commonly recognized practice, will not cause unreasonable adverse effects on the environment. The registration standard is a risk/benefit standard, which must take into account the economic, social and environmental costs and benefits of use.

B. The Food Quality Protection Act

On August 3, 1996, Congress enacted the Food Quality Protection Act (FQPA), modifying FIFRA and the Federal Food, Drug and Cosmetic Act (FFDCA). Most of its provisions were effective immediately, although some require implementing regulations. Units IV. and V. discuss the statutory provisions of FIFRA as amended by FQPA that this proposal would implement.

C. The Antimicrobial Regulation Technical Corrections Act

On October 30, 1998, Congress enacted the Antimicrobial Regulation Technical Corrections Act (ARTCA), which modified the Federal Food, Drug, and Cosmetic Act (FFDCA) to effectively transfer authority over a number of pesticide residues to FDA. Regulatory authority over these residues had originally been transferred to EPA by FQPA. Unit XI. discusses the

consequences of this statute and how EPA and FDA jurisdiction over antimicrobial pesticide residues in food has been allocated by ARTCA.

IV. Antimicrobial Provisions Addressed in this Proposal

A. Overview

The FQPA amendments to FIFRA focus attention on antimicrobial pesticides specifically, and the procedural framework under which the Agency reviews and approves applications for registration and amendment of antimicrobial pesticides. This unit discusses the new statutory provisions for antimicrobial products and how this proposal satisfies each statutory requirement.

1. Under FIFRA section 3(h)(1), EPA must evaluate its registration process to identify improvements and reforms that would reduce historical review times for antimicrobial applications.

2. FIFRA section 3(h)(2) defines the goals for review that process improvements should be designed to achieve, expressed as review period reduction goals for various types of applications.

3. Under FIFRA section 3(h)(3)(A), EPA must propose regulations that address a number of application process elements, with the goal of implementing specified process management improvements and meeting section 3(h)(2) goals. EPA is today proposing these regulations. Unit VIII. discusses each of following statutorily mandated elements, and briefly describes how today's proposal addresses those requirements:

a. Defining the classes of antimicrobial use patterns.

b. Defining types of application review.

c. Conforming reviews to risks and benefits.

d. Ensuring efficacy.

e. Meeting review time goals.

4. Under FIFRA section 3(h)(3)(B), EPA must in its final rule consider specified types of application and process improvements that would contribute to meeting the review time goals or otherwise simplify the application process, including:

a. Certification mechanisms for applications.

b. Certification of laboratories.

c. Expanded use of notification and non-notification procedures.

d. Clarification of completeness criteria for applications.

e. Revised procedures for application review.

f. Allocation of resources.

In order to consider these topics for inclusion in the final rule, EPA must offer proposals or options for notice and comment today that could be incorporated into a final rule. EPA is today proposing regulations addressing expanded use of notification procedures (see Unit XVI.) and completeness criteria (See Unit VIII.F.). EPA has considered certification mechanisms for applicants, and, as discussed in Unit IV.G., may establish such a mechanism administratively. EPA has also considered the possibility of laboratory certification programs, but is not making a specific proposal at this time.

Under FIFRA section 3(h)(3)(B), a final regulation must be promulgated no later than 240 days after the end of the comment period for those portions of this proposal required by FIFRA section 3(h).

B. Defining Classes of Antimicrobial Use Patterns

FIFRA section 3(h)(3)(A)(ii)(I) requires that EPA "define the various classes of antimicrobial use patterns." EPA has developed a comprehensive list of antimicrobial use patterns in conjunction with its upcoming part 158 proposal on antimicrobial data requirements. That proposal would establish a set of data requirements that apply solely to antimicrobial pesticides. EPA has developed an appendix of all current antimicrobial use patterns, divided into 12 use categories having common exposures or other similarities. The proposal meshes with the statutory mandate to identify classes of antimicrobial use patterns by defining, for each use category, the data requirements that apply. Unit VIII.D. includes a list of the use categories. A copy of the full draft Use Appendix is in the docket for this proposal. EPA intends its proposal of part 158 data requirements to satisfy the statutory requirement to define classes of antimicrobial use patterns.

C. Defining Types of Application Reviews

FIFRA section 3(h)(3)(A)(ii)(II) requires that EPA "differentiate the types of review undertaken for antimicrobial pesticides." Since the primary purpose of differentiating types of review is to ensure that review time goals are met, EPA views the statutory requirement as equivalent to defining the types of applications associated with the review periods in section 3(h)(2). Proposed § 152.445 addresses the various application types, and describes the general criteria EPA uses to characterize an application. EPA intends that this section will satisfy the statutory requirement to differentiate types of reviews, and also in part will satisfy the requirement for setting out differing levels of data requirements for various classes of products under FIFRA section 3(h)(3)(A)(ii)(I).

D. Conforming Degree of Review to Risks and Benefits

FIFRA section 3(h)(3)(A)(ii)(III) requires that EPA "conform the degree and type of review to the risks and benefits presented by antimicrobial pesticides and the function of review under this Act, considering the use patterns of the product, toxicity, expected exposure and product type."

The function of review under FIFRA for any pesticide product, not just an antimicrobial pesticide, is grounded in the registration standards of FIFRA section 3(c)(5). As such, EPA review must:

1. Assess the risks and benefits of the pesticide and its use, relevant to the determination of unreasonable adverse effects. In the case of a public health antimicrobial pesticide, a determination that the product is efficacious when used as directed is central to a benefits assessment.

2. Determine the adequacy of the pesticide labeling in directing the pesticide user as to intended and safe use of the pesticide, thereby minimizing potential adverse effects to the user and the environment.

EPA believes that its proposed part 158 regulation defining use categories and data requirements clearly acknowledges that different use patterns have different exposure patterns and risks. The data requirements for each use category are commensurate with the potential exposures and risks associated with that use pattern, and in some cases are tiered so that higher exposures or higher risks require a second level of data. The amount and types of data required in and of themselves dictate a review process that is more detailed, requiring a more complex assessment for these potentially higher exposures or higher toxicity. Therefore, in issuing part 158, EPA intends that the mandate to conform the degree and type of review to risks and benefits of use will be satisfied.

E. Ensuring Efficacy

FIFRA section 3(c)(5) has required since 1972 that the composition of a pesticide be such as to warrant the claims made for it, i.e., that a product work as claimed. Moreover, the registrant must ensure that the pesticide product continues to meet that efficacy standard as long as the product is registered. What has changed over time is the manner in which EPA is assured of product efficacy. Until 1980, EPA

reviewed efficacy data for every pesticide product prior to registration, and thus could assure that, at least at the time of registration, each product would perform as intended. In 1980, EPA determined that, for pesticides of economic or aesthetic significance, the marketplace can be relied upon to weed out inefficacious products. EPA reasoned that because users can determine for themselves whether a product works, and are motivated by economic reasons to ensure that they are using the most efficacious products, less efficacious products would not survive in a highly competitive marketplace. Accordingly, EPA no longer routinely reviews efficacy data prior to registration for most insecticides, fungicides, herbicides, and non-public health antimicrobial pesticides. Registrants must maintain data demonstrating efficacy in their files, and submit it to the Agency upon request.

EPA recognized, however, that it could not reduce its efficacy oversight of public health products and still be assured of product efficacy. The failure of public health products to work as intended could have consequences far beyond those of mere economic or aesthetic significance. Consumers and public health officials must have assurance that a product will work against pests that pose public health threats. Many public health products are antimicrobial pesticides registered to control bacteria, viruses, protozoa, and other microorganisms pathogenic to man (others are insecticides and rodenticides controlling pests that are vectors of disease in man). Unlike insects or weeds, microbial pests cannot be seen, and users cannot determine by observation whether the product actually performs as claimed. Therefore, EPA cannot rely upon the users or marketplace forces to ensure product efficacy. Accordingly, EPA has continued to review efficacy data for public health products prior to registration.

Subdivision G of the Pesticide Assessment Guidelines describes the efficacy tests required, and the Labeling Guidelines for Pesticide Use Directions - Antimicrobial Products (Subdivision H) contain the performance standards that EPA uses to ensure that antimicrobial products achieve an acceptable level of efficacy for the claims made. The Pesticide Assessment Guidelines are available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

FIFRA section 3(h)(3)(A)(ii)(IV) requires EPA to "ensure that the registration process is sufficient to maintain antimicrobial pesticide efficacy and that antimicrobial pesticide products continue to meet product performance standards and effectiveness levels for each type of label claim made." At first glance, this language may appear merely to reinforce the existing efficacy standard of FIFRA section 3(c)(5) that, to be registered, a product must be efficacious. On closer reading, however, it is clear that the language carries a broader mandate making explicit the role of the registration process in ensuring continued efficacy after registration.

EPA has relied on post-registration mechanisms, including enforcement monitoring, good laboratory practice monitoring and data audits, testing by EPA and States as co-regulators, registrant reporting under FIFRA section 6(a)(2), and user complaints to target inefficacious products in the marketplace. In recent years, enforcement actions have found a number of incidents of product failure which have called into question the ability or willingness of producers to ensure and maintain the efficacy of their products after registration. As a result, EPA has since 1990 undertaken a systematic testing program for antimicrobial pesticides. In cooperation with FDA, EPA has tested sterilant products and has brought a number of enforcement and regulatory actions against products found to be inefficacious. EPA is now testing tuberculocides and hospital disinfectants.

After a product has been identified as failing in efficacy, EPA may use enforcement measures (such as Stop Sale, Use and Removal Orders) to correct problems. EPA may also use remedies such as cancellation of registration under FIFRA section 6 to remove inefficacious products from the marketplace. EPA has found that post-registration reporting, monitoring, testing and cancellation processes can be cumbersome and time-consuming. In some cases, products that EPA has found to be inefficacious have taken years for resolution through the hearing and appeals processes available to registrants.

EPA agrees wholeheartedly that measures to strengthen the Agency's oversight of antimicrobial efficacy as part of registration are desirable. Today's proposal contains two specific provisions to improve and strengthen EPA's regulatory oversight of the efficacy of public health antimicrobial pesticides:

1. EPA proposes to incorporate into its regulations, as subpart W of part 156, the efficacy performance standards for public health products that are now contained only in its Labeling Guidelines. Unit XII. further discusses efficacy performance standards for public health antimicrobial pesticides.

2. EPA proposes to limit the duration of registrations bearing public health claims to 5 years. In order to extend the registration for an additional 5 years, each registrant would have to confirm by analysis that the product composition was the same as that in Agency files previously demonstrated to be efficacious, and that the product continued to meet efficacy standards specified in subpart W for each public health claim. Unit IX. discusses the 5–year duration provision in greater detail.

EPA believes that these two regulatory provisions will fulfill the statutory requirement that EPA ensure continued product efficacy through the registration process.

F. Implementing Deadlines for Process Management

FIFRA section 3(h)(3)(A)(ii)(V) requires that EPA "implement effective and reliable deadlines for process management." EPA believes that the "deadlines" referred to are those contained in FIFRA section 3(h)(1), which requires EPA to identify and evaluate reforms to the antimicrobial registration process; FIFRA section 3(h)(2), which establishes goals for reduction of review periods for antimicrobial applications for registration; and FIFRA section 3(h)(3)(D), which establishes default review periods that apply if EPA fails to issue its final antimicrobial rule by the statutorily required deadline. As discussed more fully in Unit VIII.H., EPA is today proposing in § 152.457 to adopt the "goal" review periods rather than the "default" review periods.

G. Certification Process for Regulatory Actions

FIFRA section 3(h)(3)(B)(iii)(I) requires that, in issuing final regulations, EPA must "consider the establishment of a certification process for regulatory actions involving risks that can be responsibly managed, consistent with the degree of risk, in the most cost-efficient manner."

Certification statements are currently permitted by § 152.44(b)(2) for various types of amendments to registration when directed by EPA. Typically, EPA uses certification to accomplish specific changes to registration (frequently labeling changes). EPA has included in this proposal a broader provision that would allow the Agency to implement self-certification programs as needed in

the future administratively. Unit VIII.A. discusses further this provision.

With respect to data certification, EPA has considered two self-certification programs in the recent past, and has implemented one of these. PR Notice 98-1, Self-Certification of Product Chemistry Data, was issued on January 12, 1998. In that notice, EPA describes the types of product chemistry information (product characteristics) that can be supplied to the Agency together with a self-certification that the data were conducted according to EPA Guidelines. Under this program, EPA would generally review only the summarized results of testing at the time of application, but could review full study reports if EPA determines that a complete evaluation of the study is warranted. Review of the summary results of testing rather than of the complete study report would decrease the time needed for all applications for registration of new products and reregistration of existing products.

EPA also considered a similar self-certification procedure for acute toxicity data, and intends in the future to implement such a program for antimicrobial products only. EPA originally considered an acute toxicity data self-certification program because a backlog of applications requiring acute toxicity data review extended review periods while applications waited in queue. The certification mechanism considered would have been available only with respect to a study indicating that the product should be assigned to Toxicity Category III or IV. The certification procedure was viewed as a means of reducing the resources needed for review, and thus making more decisions with the same level of resources. At the same time, EPA recognized that the certification procedure could also reduce to some extent the Agency's confidence in hazard and precautionary statements on labeling. Since EPA issued its notice for comment, however, the Agency has achieved a significant reduction in the backlog and consequently in the review times for applications in the queue. The Agency decided therefore not to pursue a certification approach for acute toxicity studies at this time.

Although EPA has decided not to adopt such an approach for pesticides in general, the Agency has decided to consider a pilot program that allows applicants for registration of antimicrobial product to certify the results of an acute toxicity study when the test data would indicate the product is in Toxicity Category I (the highest toxicity category). Because such a product would be subject to the most stringent labeling requiements, applicants would have no incentive to certify that a product of lower toxicity was in Toxicity Category I. Moreover, EPA's review of such data would add little value and would use limited resources. EPA invites comment on this proposed approach to certification of acute toxicity data, which would be implemented by a notice to registrants if EPA decides to adopt it.

H. Certification of Laboratories

FIFRA section 3(h)(3)(B)(iii)(II) requires EPA to "consider the establishment of a certification process by approved laboratories as an adjunct to the review process." EPA currently has underway a broad program across the Agency evaluating the feasibility of laboratory accreditation mechanisms for a variety of program and regulatory needs. The Office of Pesticide Programs has also been actively working with outside groups, such as the Chemical Specialties Manufacturers' Association to further their efforts to develop laboratory accreditation programs for antimicrobial products. EPA has considered whether a program could be instituted at this time for antimicrobial products, and believes that these efforts need further evaluation and development before being integrated into the Agency's regulatory programs. EPA intends to continue its cooperative work, and to fold its efforts into the larger Agency process. Thus, EPA is not today proposing a specific laboratory accreditation process as part of this proposed rule.

I. Notification Processes

FIFRA section 3(h)(3)(B)(iii)(III)(aa) requires that, in issuing final regulations, EPA must use "expanded use of notification and non-notification procedures." This requirement dovetails neatly with the statutorily expanded scope of notifications under FIFRA section 3(c)(9). EPA is today proposing to include in new § 152.446 the new procedures to expand the use of notification as a mechanism for the label modification as directed by section 3(c)(9).

J. Revised Procedures for Application Review

FIFRA section 3(h)(3)(B)(iii)(III)(bb) requires that, in issuing final regulations, EPA must use "revised procedures for application review." As outlined in Unit VII, EPA's current regulations for registration of pesticide products, including antimicrobial pesticides, are generally limited to describing the applicant's and Agency's responsibilities and interactions. The summary description given in that unit is similar for all pesticides. EPA intends to issue or revise its current non-regulatory guidance documents that address the application process in greater detail. To the extent that EPA develops different procedures for antimicrobial products than for other products, EPA will make those procedures available via direct notice to affected registrants, and will make them widely available by all feasible means, including electronic accessibility.

The Agency has already implemented a number of administrative reforms to improve the process, including revised procedures for review. Since FQPA was enacted, the Agency has established a separate Division solely responsible for antimicrobial products. The new Antimicrobials Division is charged with all aspects of antimicrobial regulation, and includes a full complement of scientific personnel in biology, microbiology, chemistry, toxicology, and other scientific disciplines, as well as an ombudsman to deal directly with registrant issues and concerns.

The new Division has focussed initially on meeting the review period goals established by the statute for all new applications. To assist this effort, a dedicated Expedited Review Team has been formed for the purpose of processing notifications and screening and processing applications that are "fast-track" or with review periods of 90 days or less. By identifying and handling the less complex actions, this team allows the Division to channel its scientific and management resources into review of applications that are of higher priority or that require in-depth review. The Division has added more Product Managers, so that each Product Manager has a smaller and more focussed product universe.

The Division has also targeted increased outreach, communication and information exchange as a high priority. Training materials, information sheets, operating procedures and science reviews have been developed or reevaluated for streamlining opportunities.

Additional administrative accomplishments and plans are detailed in the Agency's first progress report to Congress, *Streamlining Registration of Antimicrobial Pesticides*, July 1997. EPA will issue this report annually as required by section 3(h)(4). Each report will identify further progress in management and administrative reforms.

K. Allocation of Resources

FIFRA section 3(h)(3)(B)(iii)(III)(cc) requires that, in issuing final

regulations, EPA must address "allocation of appropriate resources to ensure streamlined management of antimicrobial pesticide registrations." The allocation of resources is not a reform that can be accomplished by Agency regulations, and EPA is not proposing any regulations for doing so. Budget and resource allocations are guided by Executive branch and Congressional priorities and are determined year by year based on overall needs of the Agency and the pesticide program.

L. Completeness of Applications

FIFRA section 3(h)(3)(B)(iii)(IV) requires that, in issuing final regulations, EPA must "clarify criteria for determination of the completeness of an application." EPA is today proposing in § 152.3 a definition of a "complete application" for all registration applications. In addition, specific to antimicrobial products, and directly responsive to the requirement of FIFRA section 3(h)(3)(B), EPA is proposing in § 152.450 to describe in detail the contents of an application, and the criteria that will be used to judge the completeness of the application as a whole, and of its individual components. EPA's proposals are discussed further in Unit VIII.F.

V. Other Statutory Provisions Addressed in this Proposal

A. Changes to the Definition of "Pesticide"

FQPA modified FIFRA section 2(u) to exclude certain liquid chemical sterilant products from the definition of "pesticide," and to include certain nitrogen stabilizer products. This provision was effective on August 3, 1996. In recognition of this provision, EPA is proposing to add a new § 152.6 entitled "Substances excluded from regulation by FIFRA." EPA has issued a notice to registrants, entitled "Liquid Chemical Sterilant Products" (PR Notice 98-2; January 15, 1998), explaining how it will treat liquid chemical sterilants affected by section 2(u). Units XIV. and XV. discuss chemical sterilants and nitrogen stabilizers.

B. Notification Procedures

FIFRA section 3(c)(9)(C) now authorizes registrants of antimicrobial products to make certain defined labeling modifications by notification to the Agency instead of amendment, and establishes a procedure for notifications and Agency decisions. This provision was effective on August 3, 1996, and the new procedures are exclusive to antimicrobial products. Today's proposal codifies these new notification procedures. The substance of the expanded notifications permitted by FIFRA section 3(c)(9) is issued in notices to registrants (PR Notices), and not in today's proposal. Unit XVI. discusses antimicrobial notifications.

C. Use Dilution Labeling

FIFRA section 3(c)(9)(D) authorizes registrants to include on their labeling precautionary statements about the product as diluted for use (use dilution labeling). This provision was effective on August 3, 1996. EPA proposes to reformat its human hazard labeling requirements in § 156.10(h) and to incorporate use dilution requirements in appropriate sections. Unit XIII.A. discusses use dilution labeling.

VI. What is an Antimicrobial Pesticide?

EPA proposes in § 152.3 a definition and interpretation of antimicrobial pesticide. The proposed definition is paraphrased from that in section 2(mm) of FIFRA, and interprets the undefined elements. Because FIFRA section 3(h) directs EPA to develop and implement special procedures in its regulatory program for antimicrobial pesticides, it is important that there be a well-defined and commonly understood universe of products to which the statutory provisions apply. The practical consequences of being included or excluded as an "antimicrobial pesticide" are significant for both pesticide producers and the Agency. FIFRA section 2(mm) defines the term "antimicrobial pesticide," carefully delineating its boundaries to mesh with the practical implementation of section 3(h) requirements. This unit discusses the definition in detail.

A. General Definition

Under FIFRA section 2(mm)(1)(A), an antimicrobial pesticide is defined as

> (A) [A pesticide that] is intended to:
> (i) disinfect, sanitize, reduce or mitigate growth or development of microbiological organisms; or
> (ii) protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime;

With respect to the scope of pests covered by the definition, paragraph (i) focusses on the intended pesticidal function (disinfect, sanitize, etc.) against non-specific "microbiological organisms," while paragraph (ii) focusses on non-specific "protection" provided by the pesticide against specified microorganisms (bacteria, viruses, etc). As a practical matter, EPA believes that the term "microbiological organisms" in paragraph (i) should be considered to include each of the specific types of microorganisms in paragraph (ii)—bacteria, viruses, fungi, protozoa, and algae. Therefore, EPA will consider any product intended for use against the microorganisms specified in paragraph (ii) to be an antimicrobial pesticide (subject to the exclusions discussed in Unit VI.B. and C.)

Having identified the universe of substances that, based upon the intended pesticidal purpose, are antimicrobial pesticides, the definition goes on in paragraphs (1)(B) and (2) to exclude certain pesticides from the definition of antimicrobial pesticide. These exclusions may be characterized as use-based, that is, a pesticide is excluded because of how or where it is used, and not because of the pests or purpose of use.

B. Food Use Exclusion

FIFRA section 2(mm)(1)(B) excludes from "antimicrobial pesticide" those pesticides whose intended antimicrobial use is such that residues in food requiring regulation under section 408 or 409 of the FFDCA might result.

> (B) [A pesticide that] in the intended use is exempt from, or otherwise not subject to, a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a and 348) or a food additive regulation under section 409 of such Act.

In creating this exclusion, Congress recognized that applications for registration of food uses that require clearance under FFDCA require extensive data and relatively complex risk assessments that take longer to review. Moreover, obtaining an FFDCA clearance is a formal regulatory procedure. As discussed in Unit VIII.H., FIFRA section 3(h) establishes goals for completion of Agency review of an application for registration. In EPA's view, Congress recognized the difficulty of requiring the review timeframes for registration to encompass the complexities of FFDCA clearance as well. Accordingly, EPA believes that Congress intended the statutory definition to allow exclusion of any antimicrobial pesticide that would require the extensive clearance process of the FFDCA.

The statutory language uses the phrases "exempt from" and "not subject to" a clearance under FFDCA. The phrase "exempt from" is clear and has meaning under FFDCA: an exemption from the requirement of a tolerance is a formal regulatory determination made by EPA. Exemptions from the requirement of a tolerance are found in 40 CFR part 180.

The phrase "not subject to" is not a formal determination under FFDCA. Any product that bears a food use is "subject to" a tolerance, that is, a tolerance or other clearance is required, whether that tolerance has been established or not. EPA believes the statutory language may be unintentionally broad in not differentiating between food uses subject to an "existing" tolerance and those subject to a "new" tolerance. Products and uses subject to an existing tolerance do not require extensive review; only products subject to a new tolerance require such review. As written, the definition excludes both types of antimicrobial pesticides, although the apparent intent is to exclude only those requiring the lengthy and complicated tolerance-setting review associated with a new clearance.

In its discretion, EPA proposes to narrow the food use exclusion to conform to what it believes is the probable intent of Congress. EPA proposes to exclude from the definition of "antimicrobial pesticide" only products bearing one or more uses for which a new clearance is needed, or an amendment of an existing clearance. EPA proposes to include in the definition of "antimicrobial pesticide" (to exclude from the exclusion) product/uses "subject to" an existing tolerance. EPA believes that this narrower policy choice, while not required, more closely reflects the intent to include in the definition of "antimicrobial pesticide" products requiring little or no review and to exclude only products needing the extensive and time-consuming evaluation associated with the establishment of a new or amended clearance.

An antimicrobial pesticide, then, is a product bearing only non-food uses, only food uses covered by an existing clearance under FFDCA, or some combination of these two.

Given the food use exclusion, it is clear that the status of an antimicrobial product as an "antimicrobial pesticide" within the meaning of FIFRA section 3(h) is not necessarily a permanent designation, but may shift according to its intended use. A product could be included or excluded from the definition if the intended use changes. The status of a pesticide as an "antimicrobial pesticide" becomes pertinent and can only be determined at the time of submission of an application for Agency decision. At that time, EPA must determine whether the pesticide application is for an antimicrobial pesticide within the meaning of the statutory definition.

The prime example of this use-dependent phenomenon is an application seeking the first food use of an antimicrobial pesticide. A product that heretofore has been an "antimicrobial pesticide" because it bears only non-food uses or tolerance-covered food uses is no longer an "antimicrobial pesticide" for purposes of EPA review and decision on that first food use action. Provisions of FIFRA applying only to "antimicrobial pesticides," notably the review periods, would not be triggered for that action. Once the food use issue is resolved or a tolerance issued, such that the food use is covered by an existing tolerance, the product may revert to "antimicrobial pesticide" status for a subsequent action.

C. Other Specific Exclusions

FIFRA section 2(mm)(2) contains further specific exclusions to the definition. These are intended to clarify that certain types of products that might be considered "antimicrobial pesticides" because they have a pesticidal effect on the defined types of microorganisms are nonetheless not to be regulated as antimicrobial pesticides for purposes of FIFRA section 3(h). It should be noted that certain types of antimicrobial products are already excluded from regulation under FIFRA, and therefore from any coverage under this proposed rule. Products used against microorganisms in or on man or other living animals are not pesticides because such microorganisms are not "pests" under FIFRA section 2(t). Products intended for use against microorganisms in or on man and animals are regulated solely by FDA. This is not a change from longstanding FIFRA provisions.

1. *Certain wood preservatives and antifouling paints.* Any product that is a wood preservative or antifoulant paint, and that also bears any claim for a pesticidal activity other than or in addition to those specified in section 2(mm)(1) is not an antimicrobial pesticide. The pesticidal activities that generally define an "antimicrobial pesticide" include activity against any microbiological organisms, and "protection" against the destructive effects of bacteria, viruses, fungi, protozoa, algae, and slime.

Both wood preservatives and antifoulant paints (which are used to protect surfaces in contact with water such as boats) may function to protect against bacteria, fungi, etc., and thus, without a specific exclusion, would be deemed to be antimicrobial pesticides. However, since most wood preservatives also protect against insect damage, and most antifouling paints also protect against barnacles, the majority of these products are not likely to be "antimicrobial pesticides." As discussed in Unit VIII.H., however, some wood preservative products may be eligible for the review deadlines that apply to antimicrobial pesticides.

2. *Agricultural fungicides.* The definition of antimicrobial pesticide in FIFRA section 2(mm) excludes "agricultural fungicides." Traditionally, the term "fungus" in an agricultural context has been used to mean microorganisms that are pathogenic to plants. Fungi (and other microorganisms) that are pathogenic to man and animals have historically been treated separately because of their public health implications. However, FIFRA section 2(k) defines "fungus" broadly to include a variety of other microorganisms, including rust, smut, mildew, mold, yeast, and bacteria, without specific reference to whether the microorganisms are pathogenic to plants or to man and animals.

EPA intends the term "agricultural fungicide" to apply to all products applied in or on growing crops or to soil (i.e., pre-harvest application), regardless of the type of pest fungus. Although this would exclude as "antimicrobial pesticides" products applied pre-harvest against microorganisms that might be pathogenic to man and animals, EPA is not aware that any pesticides are currently registered against human and animal pathogens on growing crops. EPA would regulate such products if the need arose, but they would not be covered by subpart W.

Under this interpretation, a product intended for post-harvest application against fungi (including bacteria) would not be an "agricultural fungicide." Significantly, however, such a product would not necessarily be an "antimicrobial pesticide" either, since the food use exclusion also comes into play. Post-harvest application of fungicides or antimicrobial products to food or feed crops would run afoul of the food use exclusion if a new or amended tolerance were needed to cover pesticide residues. All post-harvest use antimicrobial products would be subject to subpart W generally; however, not all would be "antimicrobial pesticides" eligible for the review periods in § 152.457.

3. *Aquatic herbicides.* Further, the definition of antimicrobial pesticide excludes aquatic herbicide products. EPA interprets the term aquatic herbicide to mean pesticides used in or near environmental bodies of water, such as lakes, streams, or ponds, for the control of algae or weeds. In contrast, a

product intended for control of algae in industrial systems or processes or swimming pools would be considered an antimicrobial product.

D. Products Included

Finally, section 2(mm)(3) lists a number of products that are deemed to be antimicrobial pesticides, to ensure that they are not inadvertently excluded by application of the various exclusions elsewhere. These include chemical sterilants other than those excluded under FIFRA section 2(u), other disinfectant products, industrial microbiocides, and preservatives other than wood preservatives.

VII. Current Registration Procedures for Pesticides

Under FIFRA prior to FQPA, antimicrobial pesticides were not singled out as a class of pesticide products requiring special procedural attention. Antimicrobial pesticides were registered using the same procedures and policies as other pesticide products. Antifoulants, wood preservatives, and traditional antimicrobial pesticides were in separate organizational units within EPA.

A. Overview of Procedures

A brief discussion of the registration procedures which have applied to all products follows. Even though products that are "antimicrobial pesticides" will now be subject to a more carefully drawn and rigorously applied regulatory program, the basic procedures for registration will continue to apply.

1. A person seeking to register any pesticide product must submit an application for registration. That application contains information on the pesticide, copies of the proposed labeling of the product, and data of various types supporting the registration (such as chemistry, toxicology, environmental fate, ecological effects). If a food use is involved, data supporting a clearance for residues in food are also required, and if the product is of public health significance, efficacy data must be submitted. Current regulations governing submission of applications are found in 40 CFR part 152. Data requirements are described in 40 CFR part 158, and labeling requirements in 40 CFR part 156. The tolerance-setting process is contained in 40 CFR part 180.

2. At EPA, the application is processed in several stages, each of which evaluates different elements of the application.

a. A "front end" process assigns administrative numbers, checks that basic elements are contained in the application, does a data check for formatting purposes, and packages the application for review.

b. The application package is directed to the appropriate review Division and thence to a Product Management (PM) team. Until recently, two Divisions, the Registration Division and the Biopesticides and Pollution Prevention Division, were the regulatory Divisions which reviewed all applications. Antimicrobial pesticide applications were processed within one branch, and antifoulants and wood preservatives were located in a different branch, both in the Registration Division. EPA has established a separate Antimicrobials Division (AD) to help focus its regulatory management of these products, and antifoulants and most wood preservatives are also now assigned to this Division.

c. The PM team enters the application into a tracking system, reviews product labeling and data compensation elements, and determines whether a scientific review is needed. Every application for new registration contains some data; the amount and type of data vary depending on the type of product, its composition and uses. Even applications without new data often require scientific consultation to determine the relevance and adequacy of existing data to support the application.

d. If a scientific review is needed, the PM team sends the application and data to various scientific reviewers. These reviews are generally conducted in parallel, although certain assessments must await the results of other reviews (for example, ecological effects risk assessment may depend upon the environmental fate profile of the chemical).

3. Upon completion of all reviews, the PM team consolidates review recommendations and decisions and determines whether the product can be registered. If it can, EPA issues a registration, approves the labeling (often with required modifications), and notifies the applicant. If the application cannot be approved, the PM notifies the applicant of deficiencies (data, labeling, administrative) that must be corrected before proceeding.

Once issued, a registration may be amended by submission of an application for amendment, which undergoes a similar review process as outlined above. The significant difference is that many amendments are administrative, or require no scientific review, and thus entail a less intensive and time-consuming process. Often amendments can be handled entirely within a PM team. Some minor modifications to registration can be accomplished by notification; these are modifications EPA has determined have no potential for adverse effects. Notifications require the most minimal review, primarily to ensure compliance with pre-existing Agency policies or guidance.

B. Volume of Work

Typically, applications for new registration comprise about one-third of the applications processed by the Agency, but require more time and resources per application because of the scientific review involved. Applications for registration of new chemicals and major new uses require the most resources, but are relatively few in number. For sheer numbers, the bulk of registration actions are (and likely will continue to be) amendments to existing registrations that require no scientific review (so-called "fast track" amendments). In FY 1997, ending September 1997, EPA received a total of 635 actions related to new applications for registration of pesticides assigned to AD, including 11 high-resource new chemicals. In addition, there were 1,189 actions related to amendments to existing registrations, including 61 high-resource new uses. The number of "actions" includes both the initial submission of applications for new and amended registration and resubmissions of information after EPA has notified the applicant that the application is deficient.

Finally, there were 506 notifications for antimicrobial products, which under FIFRA section 3(c)(9) must be reviewed and a decision issued within 30 days of receipt. While these require minimal review, the large volume coupled with the short review time requires dedicated resources.

C. Review Times

As with any complex process, the speed at which an application can be reviewed and a decision made depends upon many things, some within the control of the Agency, others dependent upon the applicant. FIFRA prescribes in section 3(c)(3) that an application decision be reached "as expeditiously as possible." Until modified by FQPA, FIFRA contained only a single statutory decision deadline of 90 days, for so-called "fast-track" applications—those which require no review of scientific data. This review time is predicated upon receipt of a "complete" application. EPA is not required to review and reach a decision on a fast-track application until it is deemed to be complete (however, EPA must determine whether such an application

is complete within 45 days after receipt).

"Fast-track" deadlines continue to apply to all products, including antimicrobial pesticides. For antimicrobial pesticides, however, FIFRA as modified by FQPA imposes additional statutory review periods.

D. Non-Regulatory Guidance Documents

EPA uses detailed guidance documents to amplify, clarify, and interpret its regulations in areas such as data and labeling development and review, process changes, and applicant responsibilities. EPA has developed a number of documents, which are available to applicants and registrants, to elaborate on the general regulations. In particular:

1. A guidance document called simply the "Blue Book" provides specific details about the application process.

2. The Labeling Manual contains guidance for developing labeling which complies with FIFRA and EPA regulations.

3. The Pesticide Assessment Guidelines describe test methods, standards, and data reporting requirements used to satisfy data requirements.

4. Standard Evaluation Procedures describe how EPA will review and evaluate each type of study submitted in support of registration.

5. EPA uses direct notice to registrants (PR Notices) to inform them of procedural changes, to clarify and interpret its regulations in specific circumstances, and for general information purposes.

All of these will continue to apply to antimicrobial pesticides. Given the special attention FIFRA now focusses on antimicrobial products, EPA may develop specific guidance documents for antimicrobial pesticides that would augment or replace existing guidance.

VIII. Proposed Antimicrobial Procedures

This unit discusses in detail the proposed procedural regulations applicable to antimicrobial products. Proposed changes that apply to all pesticides are discussed in later units of this preamble.

A. Organization of Proposed Subpart W and Relationship to Current Regulations

40 CFR part 152 currently contains regulations pertaining to the registration of pesticide products, including antimicrobial pesticides. Part 152 contains appropriate definitions and criteria for determining whether a product is a pesticide that must be registered (subpart A); exemptions from FIFRA requirements (subpart B); procedures for applying for registration (subpart C); data compensation procedures (subpart E); the Agency's review of an application (subpart F); fees for applications (subpart U) (currently suspended), and criteria and procedures for classifying a pesticide for restricted use (subpart I). Most of these provisions are unaffected by changes in FIFRA that target antimicrobial program reform measures, and will continue to apply to antimicrobial products as well as other pesticides.

However, FIFRA section 3(h)(3)(A) requires that EPA propose procedural regulations focussing on antimicrobial pesticides. Because the statutory reform measures are designed to implement specific goals directed at antimicrobial products only, EPA proposes to create an entirely separate subpart devoted to antimicrobial registration procedures. Proposed new subpart W, entitled "Registration of Antimicrobial Products," would be a freestanding subpart describing the application and Agency review procedures mandated by FIFRA section 3(h).

1. *Relationship of subpart W to other subparts in part 152.* Subpart W would supersede subpart C of current part 152 for antimicrobial products only; subpart C would continue to apply to all other products.

In addition, subpart W—for antimicrobial products only—would supersede certain individual sections of subpart F--Agency Review of Applications; subpart F would continue to apply to all other products. Specifically, the following sections would be superseded:

a. § 152.104, Completeness of applications. Completeness of applications covered by subpart W is contained in § 152.450, Contents of application.

b. § 152.110, Time for Agency review. Review periods for applications covered by subpart W are contained in § 152.457, Review period for applications.

c. § 152.115, Conditions of registration. Conditions of registration for products covered by subpart W are contained in § 152.459, Terms and conditions of registration.

d. § 152.117, Notification to applicant. Notification of Agency decision on an application is contained in § 152.455, Action on applications.

e. § 152.118, Denial of application. Denial of an application covered by subpart W is also included in § 152.455, Action on applications, although the procedures for denial in § 152.118 are cross-referenced in § 152.455.

As described in § 152.440, all other subparts of part 152 would continue to apply to products covered by subpart W and other pesticides. Some minor modifications are proposed to current § 152.1 to properly refer to the antimicrobial subpart. If subpart W and subpart F conflict for an antimicrobial product or application, § 152.440 states that subpart W would take precedence.

2. *Requirements duplicated in subpart C and subpart W.* To be comprehensive, avoid confusion for users, and avoid cross-referencing unnecessarily, EPA has repeated in subpart W certain elements of its current registration regulations from subpart C. In so doing, EPA has made minor editorial changes not requiring proposal for clarity and organization. EPA has captured the content of the following sections in subpart W, and is not requesting comment at this time:

a. § 152.40, Who may apply, which also appears as new § 152.443.

b. § 152.42, Application for new registration, which has been incorporated into new § 152.443.

c. § 152.43, Alternate formulations, which also appears as § 152.444, unchanged.

d. § 152.44, Application for amended registration, which is also incorporated into new § 152.443.

EPA has incorporated into proposed § 152.443(e) a general provision for certification programs at the Agency's discretion and direction. Current regulations in § 152.44(b)(2) allow a certification submission, in the Agency's discretion, which EPA has typically used only for Agency-directed actions. EPA has not to date expanded the certification option to a class of actions submitted on the applicant's initiative. EPA believes that it may implement certification programs administratively without regulations. Nonetheless, in light of the statutory provision requiring consideration of a certification process, EPA proposes a broader, but still discretionary, use of certification programs. Under today's proposal, EPA could identify elements of an application that the Agency believes are amenable to a certification mechanism. EPA would issue a guidance document (typically a notice to registrants) that would detail how a certification program would be used.

B. Applicability of Subpart W

The applicability of subpart W is governed by the statutory mandate of FIFRA section 3(h) in the first instance. However, because of differences in scope between the statutory mandate and the Agency's administration of the antimicrobial program, EPA proposes a

broader applicability than is provided for by the statute. This unit explains why certain products would be covered by subpart W and others would not be.

1. *Antimicrobial pesticides and food/feed use antimicrobial products are covered by subpart W.* Although this proposal reflects the mandate of FIFRA to address "antimicrobial pesticides," EPA has chosen to cover a broader range of antimicrobial products than mandated. It makes sense for these procedural regulations to mesh as closely as possible with the Agency's organization and administration of the antimicrobial program, so as not to cause confusion either within the regulated community or within EPA itself. EPA has created an Antimicrobial Division within the Office of Pesticide Programs, whose responsibilities extend to all antimicrobial products, not just those defined as "antimicrobial pesticides."

Accordingly, EPA proposes that subpart W would apply to both "antimicrobial pesticides," as defined by FIFRA section 2(mm) and antimicrobial products that are food/feed use pesticides, but are not defined as "antimicrobial pesticides" by FIFRA section 2(mm). Virtually all products in these two categories are processed within the Antimicrobial Division. The procedures and requirements of subpart W would be applied equally to these two categories of products (with the exception of review periods).

2. *Wood preservatives and antifouling products are not covered by subpart W.* This subpart would not apply to any product that is neither an "antimicrobial pesticide" as defined by FIFRA nor a food/feed use antimicrobial product. Inclusion in this subpart would complicate the registration process for products not processed in the Antimicrobials Division, which are subject to the registration procedures of subpart C.

The status of wood preservatives and antifoulant paints is complicated under FIFRA. FIFRA is very specific in defining certain types of products as antimicrobial pesticides and excluding other, similar products, depending upon the type of claims made for the product. A wood preservative or antifoulant paint that makes only an antimicrobial pesticidal claim is an "antimicrobial pesticide" and would be covered by subpart W as an antimicrobial pesticide. By contrast, any multi-claim wood preservative or antifoulant paint is not an "antimicrobial pesticide" and would not be covered by subpart W. As a practical matter, because most antifoulant paints assert non-antimicrobial barnacle claims, they would not be covered by subpart W. Likewise, many wood preservatives make insecticidal or fungicidal claims and would not be covered by subpart W.

Under FIFRA section 3(h)(3)(E), certain wood preservative products that would not be covered by subpart W may nonetheless be eligible for the same review periods as antimicrobial pesticides that are covered by subpart W (see Unit VIII.H. for a full discussion of this provision). EPA's responsibility for wood preservative products that qualify under section 3(h)(3)(E) is fulfilled by ensuring that the statutory review period is met. EPA need not, and does not propose to, make subpart W apply to these products merely to implement the statutory review periods.

Because the status of wood preservatives and antifoulant paints is complex, EPA is providing in Table 1 below a summary of the status of these products. The table breaks down wood preservatives and antifoulant paints by type of claim (or combination of claims). Column 1 of the table lists the claim or combination of claims possible; Columns 2, 3, and 4 answer the questions posed at the top of each column.

Table 1.—Status of Wood Preservatives and Antifoulant Paints

	Is this product an "antimicrobial pesticide"?	Will this product be subject to this proposal?	Is this product eligible for statutorily-required review periods?
Wood Preservatives			
Insecticide claims only	No	No	No
Fungicide claims only	No	No	No
Antimicrobial claims only	Yes	Yes	Yes
Fungicide and insecticide claims	No	No	No
Antimicrobial and insecticide claims	No	No	Yes
Antimicrobial and fungicide claims	No	No	Yes
Antimicrobial, insecticide and fungicide claims	No	No	Yes
Antifoulant Paints			
Insecticide claims (barnacles) only	No	No	No
Antimicrobial claims only	Yes	Yes	Yes
Antimicrobial and insecticide claims	No	No	No

3. *Applicability is not dependent on where a product application is processed.* EPA has chosen to extend the proposal to food/feed use antimicrobials for practical organizational reasons. However, EPA emphasizes that where a product application is reviewed does not in any way determine whether subpart W applies. For example, the Antimicrobial Division currently reviews most antifoulant products, that for the most part are not covered by subpart W. The Antimicrobial Division also reviews those wood preservatives that do not make insecticidal claims, some of which are covered by subpart W. This allocation of products may change based upon workload and resource needs.

EPA may, in its discretion and for its convenience, choose to treat products that are not covered by subpart W as if

they were covered. For example, EPA currently reviews applications for non-covered products within the review periods of § 152.457, but, except for the narrow class of wood preservatives discussed above, the Agency is not required to do so, and would not be subject to any consequences if it failed to meet a review period.

C. Definitions

Section 152.442 contains definitions that apply to subpart W. Relatively few definitions are needed here, since most terms are defined elsewhere, either in FIFRA itself or in part 152. Terms pertaining to antimicrobial levels of activity (e.g., sterilant, disinfectant) are defined in subpart W of part 156, because they are used in conjunction with labeling and not with registration procedures. Comments are solicited on any additional terms that should be defined in subpart W to inform or clarify the subpart.

Proposed § 152.442 defines the following terms:

1. The term "clearance" is proposed to refer to all types of clearances required under a regulatory authority other than FIFRA before a product may be marketed. The term encompasses food tolerances, exemptions and food additive regulations under FFDCA section 408 and 409, and FDA clearances for medical devices under FFDCA section 510.

2. The term "complete application" is the general definition describing an application that may be placed into formal review. A complete application is one that contains all elements described by § 152.450, but not necessarily all information required for approving a registration or amendment.

3. The terms "major new use," "substantive amendment," and "minor amendment" are proposed as concise terms for application types defined in rather longer phrases in the statute.

D. Types of Applications

1. *What the statute requires.* FIFRA section 3(h)(2) establishes review period goals for antimicrobial applications, shown in Table 2 below, and requires in section 3(h)(3) that EPA differentiate in its regulations the types of review undertaken for antimicrobial pesticides. As discussed in Unit IV.C., EPA intends that defining these application types in this proposal, coupled with EPA's part 158 proposal, will serve to adequately differentiate the types of review undertaken by the Agency. EPA proposes in § 152.445 to define application types that correspond to the statutory review period goals prescribed in the statute. The categories EPA proposes are discussed in this unit.

Table 2.—Statutory Application Categories and Review Periods

Description of application type	Review period goal	
	Days	Months
Product containing a new active ingredient	540	18
Product that is identical or substantially similar (to another registered product)	90	3
Other new product	120	4
A new antimicrobial use of a registered active ingredient (either a new registration or an amendment)	270	9
Other amendment that does not require scientific review of data	90	3
Other amendment that requires scientific review of data	90 - 180	3 - 6

2. *Applications requiring FFDCA clearance.* The review periods for which application types must be described apply only to antimicrobial pesticides as defined in FIFRA section 2(mm). That definition excludes food/feed use products that require a clearance under FFDCA. Before assigning an application to a category having a review period, EPA must first exclude any application for a food/feed use that requires a new or revised clearance under FFDCA.

All other antimicrobial pesticide applications fall into one of the categories, described in proposed § 152.445(b) for new registrations and proposed 152.445(c) for amendments to existing products.

3. *Current application categories.* Currently, EPA does not define types of applications for registration by regulation, but has a detailed tracking system (the Pesticide Regulatory Action Tracking System or PRATS) for actions of all types flowing through the pesticide review process. The system works by assigning action codes to each type of action for purposes of PRATS tracking, reporting and process management; the action code definitions are detailed and do not correlate exactly with the six described in the statute. The PRATS system describes application types and assigns target review periods based on features that are not addressed by the general descriptions in the statute, including:

a. The applicant's method of support for the application (eligibility for the formulator's exemption, for example).

b. The amounts and types of data that require scientific review (product chemistry or confirmatory efficacy data, for example, require minimal review, while toxicology studies require considerable review time).

c. In the case of amendments, what aspect of the registration is being amended (composition, labeling).

d. Whether the application is an initial submission or a resubmission following a rejection of an initial application.

Moreover, combinations of registration actions (for example, a change in composition and labeling simultaneously, each with supporting data requirements) complicate EPA's task of describing a categorization scheme in simple terms.

It would be costly and inefficient for EPA to develop and manage separate tracking systems for antimicrobial decisions and other registration decisions. Nor does it make sense to do so. If EPA is to successfully manage the review process and track review periods for antimicrobial applications, it must use its existing tracking system. Accordingly, EPA's approach to defining types of antimicrobial applications was to crosswalk the types of applications defined by the statute with the descriptors used in PRATS.

EPA first sorted the categories of actions in PRATS and identified those that should be included in one of the six statutory categories. EPA then fleshed out the statutory descriptions using the greater detail of PRATS action code descriptions for purposes of this proposal. The results of this approach are presented in proposed § 152.445.

4. *Terms defined for this proposal.* EPA proposes to define more concise terms than the statutory ones for the purposes of this proposed rule. EPA proposes the following terms: (1) The term "major new use" for the statutory term "new antimicrobial use of a registered active ingredient"; (2) the term "substantive amendment" for the statutory term "amendment to an antimicrobial registration that requires sceintific review of data"; and (3) the term "minor amendment" for the statutory term "amendment to an antimicrobial product that does not require scientific review of data."

5. *Single category.* Because each antimicrobial pesticide application type will have a prescribed review period under FIFRA, and EPA's failure to issue a decision within that review period will be judicially reviewable, each application must be assigned to a single application category. Ideally, the applicant and EPA would have a common understanding of the designation of an application to avoid disputes over the review period. In all situations, the application categories in proposed § 152.445 are discrete, that is, there is only one possible application type that logically should apply. An application either is for a new registration or is an amendment to an existing registration. Beyond that broad division, the categories may be less well understood and subject to disagreement. Under proposed § 152.445(a), EPA would determine the appropriate category.

There is one situation in which the statutorily designated review period cuts across the application types as defined in the proposal. The Act sets a review period of 270 days for a "new antimicrobial use of a registered active ingredient" or "major new use." Proposed § 152.445 defines application types in the first instance according to whether they are submitted to EPA as applications for new registration or amended registration. In the construct of the proposal, therefore, an application for a "major new use" may be either an application for new registration that includes a major new use, or an application for amended registration to add a major new use. Accordingly, both § 152.445(b) and (c) include a separate category for "major new use. In both cases, the review period would be 270 days.

6. *Applications for new registration*—a. *A product containing a new active ingredient.* Products containing new active ingredients are a well-understood category. An application that proposes the registration of an active ingredient that has never before been registered falls into this category. A product containing a new active ingredient typically requires review of considerably more data than one containing already registered active ingredients.

b. *A product bearing a major new use.* This category consists of an application for new registration of a product bearing a major new use. A major new use is any use that is not registered for one or more of the active ingredients in a product. Typically a major new use would involve a significantly different pattern of use that changes or increases the exposures to the active ingredient, such that substantial amounts of new data are required to evaluate the different or incremental risks presented. This definition is comparable to that in § 152.3 for "new use" for non-antimicrobial products.

EPA intends in its part 158 proposal to categorize all antimicrobial uses into one of the following 12 use categories. All currently registered antimicrobial use patterns are included in one of these larger use classifications for data requirement purposes, but EPA has not to date classified the existing use patterns in this organized fashion.

- Agricultural premises and equipment.
- Food handling/storage establishments premises and equipment.
- Commercial, institutional, and industrial premises and equipment.
- Residential and public access premises.
- Medical premises and equipment.
- Human drinking water systems.
- Materials preservatives.
- Industrial processes and water systems.
- Antifouling coatings.
- Wood preservatives.
- Swimming pools.
- Aquatic areas.

Some categories would be further divided into subcategories. Subcategories would generally be defined on the basis of similar exposures and data requirements. Examples of significant use/exposure differentials among use categories and subcategories are food/non-food use and indoor/outdoor use or exposure.

Using these categories and subcategories of antimicrobial use patterns, EPA would regard as a major new use of an antimicrobial active ingredient any use in a different use category or subcategory from currently registered uses for that active ingredient. As an example, an active ingredient is registered with uses in the category of "Materials Preservatives" and subcategory "Indoor non-food uses." If a registrant proposed a new use either in that same category for an "Indoor food use" (a different subcategory), or in the different category of "Residential and Public Access Premises," that application would be a major new use of that active ingredient.

c. A product that is identical to an existing product. For clarity, this proposal separates "identical" and "substantially similar" products into two categories, even though they have the same review period. Applications for end use products of these types are generally indistinguishable from the so-called "fast-track" applications of FIFRA section 3(c)(3).

Identical products are those that have an identical composition to another registered product and bear identical use patterns. Both active and inert ingredients must be identical and in exactly the same proportion as the existing product. In the universe of antimicrobial products, "identical" products include products that are formulated by one company and simply repackaged by another company. These so-called "repacks" must be separately registered by the repackager. Identical products also include those that are actually formulated by a second producer based upon specifications provided by another registrant. The significant difference between these two types of identical products is that "repacks" require virtually no data for registration, while those that are produced separately require certain minimal "bridging" data to ensure that they are actually identical in composition and efficacy.

Identical use patterns mean that the label does not deviate in terms of organisms controlled, use sites, or directions for use. An applicant's product may have fewer (but identical) claims than another registered product and still be an "identical" product, but may not have different or expanded claims.

d. *A product that is substantially similar to an existing product.* Substantially similar products are those that are permitted to have minor differences in three areas—composition, use pattern, or method of data support—from another registered product. When evaluated against another identified registered product, a "substantially

similar" product must have the same active ingredients as the claimed similar product, in substantially the same proportion. The inert ingredients must also be substantially similar in chemical composition and functionality to the claimed similar product. For example, emulsifiers, fillers, solvents, propellants, etc., in the applicant's product must have similar counterparts in the cited registered product so EPA can reasonably conclude that both formulated products will have essentially the same chemical and physical characteristics and toxicity profile. Because substantial similarity may depend on the characteristics of the individual products or the active and inert ingredients, decisions on similarity would be made on a case-by-case basis.

Substantially similar use means that the product bears a use pattern similar to the claimed product. Again, fewer use patterns do not make the product dissimilar, but adding or changing use patterns would exclude the applicant's product from treatment as a substantially similar product. A use pattern is a claim for control of a specified organism on a specified site under specified conditions of use. With respect to public health products, for which efficacy considerations are paramount, use sites must be carefully considered in relation to the pest organism, and small formulation changes or variations in use directions can mean the difference between an efficacious product and a non-efficacious product. For this reason, "substantially similar" use patterns for public health products would be limited to identical organisms on both products. For non-public health products, substantially similar use patterns could involve organisms that are similar but not identical.

A similar method of data support means that the applicant is using methods of data support that do not require EPA to evaluate data (other than product chemistry data) to review the application. As a practical matter, this means that the applicant is either citing all required studies or requesting a waiver of required studies. Many antimicrobial products must be supported by efficacy data of some sort. Such products are not substantially similar even if they are similar in composition and use pattern to another product, because the submitted efficacy data must be reviewed by EPA. Such products would be considered "other" products.

e. *"Other" products.* All applications for new registration other than new chemicals, identical or substantially similar products, or those bearing a major new use, would be assigned to the "other" category. These are products which have significant differences in composition, uses, method of data support or labeling. Proposed § 152.445(b)(5) provides examples of applications that would be categorized as "other" new applications, but is not comprehensive or explicit, since it is essentially a default category of application. If a new application cannot readily be categorized either as a "new active ingredient" or as an "identical" or "substantially similar" application, it would routinely be placed in this category.

7. *Applications for amendment.* Applications for amendment to an existing registration are categorized in much the same fashion as new applications, that is, by defining the ends of the review spectrum, and placing all amendments not clearly delineated into a middle category. EPA therefore defines in this proposal three categories of amendments.

a. *Amendment to add a major new use.* As noted earlier, a major new use may be presented to EPA in the form of a new registration or an amendment. This category is for amendments to add a major new use to an existing registration (as opposed to a new registration that bears a major new use). "Major new use" would be the same as described earlier.

b. *Minor amendment.* At the other end of the amendment spectrum, EPA proposes an application category termed "minor amendment." This category is intended to parallel the "identical or substantially similar" category for new applications, and is also identical to the statutorily-defined "fast-track" provision of FIFRA section 3(c)(3). In no case would a minor amendment require the review of any data. The examples in proposed § 152.445(c)(3) list minor amendments not in terms of the actual registration changes that might be proposed, but in terms of the nature of the evaluation that EPA must do. EPA does not believe that this proposal can, or needs to, describe all the possible types of "minor amendments."

The following are some characteristics of a minor amendment:

- The evaluation can be conducted entirely within a Product Manager team, without any scientific consultation.
- The decision relies only on non-technical, non-scientific information readily at hand.
- The decision requires only regulatory or administrative judgments, not scientific ones.
- The decision applies existing policy, evaluates adherence to existing policy, or ensures consistency among decisions.

The evaluation consists of simple comparisons among products.

- The evaluation requires no separate documentation (such as a scientific review) beyond the decision itself.

c. *Substantive amendment.* EPA proposes a category termed "substantive" amendments. This type of application would parallel the "other" category of new registrations, and would encompass all amendments that are neither "major new uses" nor "minor" amendments. This category consists of amendments that require the review of any scientific data.

Most changes in label precautionary statements or use directions are included in this category, as well as many changes in product composition. Inclusion of such a wide variety of amendments in this category simply reflects the fact that these changes require the review of some data. The data may consist solely of bridging or confirmatory chemistry, toxicity, or efficacy data to demonstrate that the product and its uses, as modified, would not significantly increase risks, or that the product as modified remains efficacious. Moreover, the review may be a cursory evaluation of existing data to determine that the amendment is adequately supported. Nonetheless, the defining characteristic of a substantive amendment is the need to review some data, either submitted by the applicant or cited from Agency files.

This category is the only one in the statute that carries a range of review periods (90 to 180 days), a provision that recognizes the variety of amendments that can conceivably be proposed to a registration. Arguably, the inclusion of a range of review periods suggests that there are gradations of application types within this range—applications that are relatively less complex that could fall at the short end of the review period (90 to 120 days) and others that require the full 180 days. Under this interpretation, EPA could be expected to establish by regulation subcategories of application to which a specific review period within the 90– to 180–day range would apply. Equally consistent with the statute would be an interpretation holding that the range was included simply to allow EPA the flexibility to deal on a case-by case basis with the wide variety of amendments covered by this category, and that no further differentiation or other regulatory treatment is required.

EPA adheres to the latter view. EPA does not believe that it is statutorily obligated to establish subcategories of 90– to 180–day substantive

amendments. EPA has not discerned any great benefit to the Agency in doing so, especially by regulation, while noting a number of disadvantages. A proliferation of categories in itself creates administrative burdens for EPA in tracking applications. The more categories that are created—each having its own description against which applications must be judged and a distinct review period—the more time it takes EPA generally to administer a tracking system and ensure that review periods are met. Likewise, the more EPA is bound by regulatory categories and review periods, the less flexibility the Agency has to respond to changing review needs or critical priorities without running afoul of its regulations. EPA is not precluded from adopting administrative subcategories if it does not choose to adopt regulatory ones. Moreover, it is not clear that there would be significant benefits to applicants in gaining a decision 30 to 60 days earlier that would justify the additional administrative burden for EPA. Accordingly, EPA is not proposing any specific subcategories. Under today's proposal, all substantive amendments would be afforded the same review period, that is, a maximum of 180 days.

In its stakeholder meetings over the past year, however, industry representatives requested that EPA solicit comment on whether subcategories should be established. Suggestions from the Chemical Specialties Manufacturers' Association (CSMA) included the following, all of which would be classified as substantive amendments:

1. Amendment with data to add a "me-too" use that requires full toxicology and efficacy review.
2. Amendment with data to change a formulation that requires full toxicology and efficacy review.
3. Amendment with data to modify a label requiring a toxicology or efficacy review.
4. Amendment without data to modify a label which requires a toxicology or efficacy review.

EPA solicits comments on these and other sub-categorizations and review periods. Commenters should consider the following factors important to EPA's decision:

- A suggested category must be capable of unambiguous description. EPA would likely not consider a category of uncertain description that could be subject to dispute between applicants and the Agency.
- A suggested category must be meaningful in terms of both numbers of applications likely to fall in that category and in the suggested shorter review period. A category that includes relatively few amendments would be equally unsatisfactory as one that includes too many amendments. A suggested review period with less than a 30–day decrement (180 to 160 days for example) would likely not be considered meaningful. Nor would EPA likely adopt a category with a suggested review period of 90 days, since there would then be no distinction between that subcategory of substantive amendment and a minor amendment.
- A suggested category must be comprised of amendments that can be reviewed within a review period of less than 180 days without jeopardizing EPA's ability to meet other review periods. EPA is committed to making decisions on applications as rapidly as possible, and currently is meeting the review period goal of 180 days consistently for all substantive amendments, but without consideration of subcategories.

If commenters persuade EPA that additional subcategories should be established, and that the benefits of less than 180–day decisions outweigh the added administrative burdens (bearing in mind that the Agency has limited resources and that additional administrative burdens mean fewer resources for reviewing applications), EPA may in the final rule adopt one or more subcategories of substantive amendments that would refine the review period within the 90– to 180–day range. EPA will not consider subcategories of any types of applications other than substantive amendments.

E. Consultations During the Application Process

Because EPA is required to process complete applications for registration within judicially reviewable timeframes, it is critical that applications and data be complete and conform to Agency requirements, and, as much as possible, that applicants and the Agency have a common understanding of requirements and expectations about the process and its outcomes.

EPA recognizes that the registration process can be complicated for persons who are unfamiliar with FIFRA and its requirements; even for those who deal routinely with the Agency, keeping up with new policies and procedures can be challenging.

In the past, deficiencies in applications or data have been resolved during or after the review process, either informally, for example with a telephone call for a minor problem, or formally, by rejecting an application with significant deficiencies. The current review process has tended to encourage consultation only after an application has been rejected, when EPA can explain both the results of its review and what an applicant needs to do to correct deficiencies. Pre-submission consultation has not typically been the case with antimicrobial products.

With the completeness of an application at stake for an applicant, and strict review periods in place for EPA, it makes sense for both to consult as much as is practicable and as early as possible. Misunderstandings about requirements and expectations may lead to needless determinations of incompleteness or denial for the applicant, while impeding EPA's ability to reach decisions in a timely fashion as required by the statute.

EPA encourages consultation with the Agency on any application prior to a determination of completeness. However, the majority of antimicrobial applications are for so-called "me-too" products and uses, those which are identical or substantially similar to others already registered. Such applications are relatively easy to submit correctly, seldom raise new or controversial issues, and should not routinely require specific consultation. Once an application has been determined to be complete, and has been placed in review, the applicant should not need or expect to consult the Agency until the end of the appropriate review period (which for "me-too" products is only 90 days), or until EPA notifies the applicant of a deficiency.

However, EPA has identified two areas where it believes advance consultation is essential to the submission of a complete application, and proposes in § 152.447 to require pre-submission consultation. The first is applications for new chemicals and major new uses. These consultations, which are common for agricultural chemicals but rare for antimicrobial chemicals, help the applicant and the Agency agree upon data requirements, data waivers, or issues that typically arise for new chemicals and major new uses (such as food use status).

In addition, EPA proposes to require pre-submission consultation whenever an efficacy test protocol or method must be approved by the Agency either because there is no protocol or because the applicant wishes to modify an exising protocol.

The regulation does not prescribe how consultation is to be accomplished. There is no requirement that a required consultation occur in a meeting; a conference call, letter, or other form of

communication may be sufficient, depending on the nature of the new chemical, new use, or protocol approval needs. However, proposed § 152.447 emphasizes that any regulatory determinations must be in writing. EPA expects the applicant to follow up any consultation with a summary of any decisions so that EPA may confirm them in writing. Proposed § 152.450 would require written documentation of a consultation describing the substance of the consultation to be submitted with the application to verify that the consultation took place as required.

In turn, EPA would commit to adhere to the decisions agreed upon in a pre-submission consultation unless the circumstances of the application change, its determinations were in error, or a question of adverse effects arises.

F. Contents of Applications

1. *What the statute requires.* FIFRA section 3(h) requires formal Agency review only upon submission of a "complete" application, and requires that EPA clarify its criteria for completeness of an application. Current regulations in 40 CFR 152.50 describe the contents of an application for registration, including applications for antimicrobial products. EPA proposes in subpart W an expanded and more detailed description of the contents of a complete application, including some new elements of an application not currently required.

2. *Definition of complete application.* First, EPA is proposing a general definition of "complete application" in § 152.3, a definition that would apply to all applications for registration. Other provisions of FIFRA also link Agency priority, review or action to completeness of an application, for example, the fast-track and minor use provisions of section 3(c)(3), and the expedited review provisions of section 3(c)(10). The general definition is repeated in § 152.442 to apply to antimicrobial applications.

The definition draws a distinction between the completeness of the application itself (which allows EPA to commence formal Agency review), and the completeness of the information needed for EPA to approve the application. It is relatively easy to define a core set of items—forms, labels, routine and uncomplicated data—which, if present in an application, suffice to begin review. But completeness for Agency decision purposes encompasses an element of "adequacy" that, for many applications, can only be determined on a case-by-case basis, and only during or after substantive review of the application. Accordingly, the decision by EPA that an application is "complete" (and, for "antimicrobial pesticides," that begins a review period), represents only a preliminary or interim determination of overall completeness intended to allow EPA to initiate formal review.

Completeness becomes a question of adequacy as the amount of scientific data and the complexity of the risk assessment increase. Typically, applications for new chemicals or new uses, and actions involving food uses or increased non-dietary exposures require more data. FQPA significantly expanded the scope of dietary risk assessment under the FFDCA, particularly for infants and children. Correspondingly, EPA will be enhancing its non-dietary assessment of risks to infants and children, such as might occur with antimicrobial pesticides. However, "fast-track" or "me-too" applications that require little or no scientific review comprise the bulk of antimicrobial applications submitted to EPA. These actions are relatively straightforward as to application and approval criteria and EPA expects that the completeness determinations for review purposes and for approval of the application generally would be equivalent. For these types of applications, EPA would be less likely to find during its formal review that it requires data or information beyond that provided at the time of application.

3. *Contents of an antimicrobial application.* FIFRA section 3(h) requires that, in its final regulation, EPA clarify criteria for determination of the completeness of an application for antimicrobial pesticides. EPA is proposing in § 152.450 detailed requirements for applications, which, if satisfied, would allow a preliminary determination of completeness.

Current requirements in § 152.50 form the basis for the requirements in proposed § 152.450, but EPA proposes an expanded level of detail. Table 3 below sets out each element of an antimicrobial application as proposed today. Column 1 identifies the application requirement. Column 2 gives the reference in proposed § 152.450 of the requirement. Column 3 gives the cross-reference to § 152.50, or indicates that the requirement is new. New elements are discussed more fully afterwards. Column 4 provides explanatory notes, indicating that a requirement is unchanged from current requirements, or describing additions or changes for antimicrobial applications.

Table 3.—Contents of an Antimicrobial Application for Registration

Requirement	§ 152.450 reference	§ 152.50 reference	Explanatory notes/differences for antimicrobial applications
Application form	(a)	(a)	Unchanged. Detail is provided on the elements and completeness of the form.
Authorization for agent	(b)	(b)(3)	Unchanged.
Summary of application	(c)	(c)	Unchanged. This summary and that required for results of studies may be consolidated.
Statement of formula	(d)	(d), (f)(2)	Unchanged. The Statement of Formula includes both product identity and composition.
Draft labeling submission	(e)	(e)	Unchanged. Detail is provided on the presentation and completeness of the labeling submission.
Method of support documentation	(f)	(f)(1)	Unchanged. Consists of forms and information required to demonstrate compliance with data compensation requirements of FIFRA. § 152.450 summarizes the existing methods of data support.
Data	(g)	(c), (f)(2)	Unchanged.

Table 3.—Contents of an Antimicrobial Application for Registration—Continued

Requirement	§ 152.450 reference	§ 152.50 reference	Explanatory notes/differences for antimicrobial applications
Adverse effects information	(h)	(f)(3)	Unchanged. The proposal clarifies that such information is not required with an application for amendment.
Tolerances or other food clearances	(i)	(i)	Unchanged.
Consultation documentation	(j)	New	If a pre-submission consultation occurred under § 152.447, or decisions or agreements were made at an optional consultation, the applicant would be required to provide documentation of that consultation.
Data reviews conducted by other regulatory authorities	(k)	New	If reviews have been, or are being, conducted by other regulatory authorities, the applicant would be required to submit those that are available.
Other clearances	(l)	Not previously in regulatory form	Unchanged. Applicants are currently required to provide evidence that the applicant has requested clearances required by other Agencies.
Packaging	(m)	(g)	Unchanged. Clarifies that packaging itself is not to be submitted with an application unless specifically requested by EPA.
Product samples	(n)	Not previously in regulatory form	Unchanged. Clarifies that product samples are not to be submitted with an application unless requested by EPA.
Self-addressed means of EPA notification	(o)	New	Voluntary submission of a postcard or other means for EPA to notify the applicant of a preliminary determination of completeness.
Fees	(p)	Part 152, subpart U	Unchanged. Application fees are currently suspended. Included here only for completeness.
Authorization to share data and data reviews	(q)	New	Optional. The applicant is requested to authorize EPA to share either data or EPA reviews of data with State, Federal, national, or international regulatory authorities.

4. *New required elements of applications.* Only three required elements of an application are entirely new in today's proposal.

Proposed § 152.450(j) would require that applicants submit documentation of the results of pre-submission conferences, either those required by § 152.447 or optional ones, at which regulatory-related decisions were discussed or agreements reached. The documentation could be minutes of the meeting that EPA has reviewed, or could be a letter from EPA confirming the decisions reached or approving a specific test regimen or protocol.

Proposed § 152.450(k) would require the applicant to submit available reviews of the application, or of individual studies, that have been conducted by other regulatory agencies or organizations. If an application has been submitted for regulatory review elsewhere, the applicant would be required to inform EPA of that fact. Applications may have been submitted concurrently to international regulatory bodies, or to Federal Agencies or States. If EPA is able to use the results of reviews conducted elsewhere, it will save time and resources in reaching a decision on the application, which may allow earlier entry into the marketplace. An applicant would not be required to either await the results of ongoing reviews or to specifically obtain copies of the reviews to submit with his/her application. However, if reviews have been provided, the applicant would be required to submit them to EPA with his/her application.

Proposed § 152.450(l) would require that applicants provide EPA with documentation that they have received (or have applied for) any other clearances from Federal agencies that might be necessary to market or use the product. EPA currently requires such documentation before issuing a registration bearing the use in question. Submission with the application of evidence that the clearance has been requested or obtained would help assure EPA that the applicant is fully aware of its obligations under other laws. Ensuring that all regulatory clearances are underway concurrently also makes the review periods for EPA meaningful. EPA approval of an application within a review period would have little meaning if the applicant cannot market the product or users cannot use it because additional clearances are needed.

5. *Non-mandatory or clarified elements of applications.* Four further elements of the antimicrobial application are either clarified by inclusion of explanatory language, or are voluntary information.

Proposed § 152.450(m)(2) clarifies that product packaging is not to be submitted unless requested. The submission of labeling is accomplished using draft typescript copies or mock-ups that are suitable for microfilming and filing.

Proposed § 152.450(n) clarifies that applicants are not to submit actual product samples with an application unless requested. EPA typically requires samples of active ingredients or analytical standards in conjunction with

setting tolerances. EPA may also request samples of antimicrobial pesticides bearing public health claims for EPA evaluation of efficacy. In each case, EPA will separately request such samples and instruct the applicant how and where to provide them.

Proposed § 152.450(o) provides that applicants who wish to be notified whether an application is preliminarily complete (and therefore has been placed into review with a review period) furnish EPA with a means of notifying them. This could take the form of a postcard, form letter, or other means of such notification. Without an easy means of notification, EPA cannot commit to written notification. Nor will EPA use notification methods such as telephone or e-mail that cannot properly be documented by an authorized signature as EPA-originated, although advances in technology may make this feasible in the future. Finally, EPA would notify the applicant only at the time the application is determined to be complete; at that time the formal review period would have started, and EPA's next communication with the applicant would normally be a decision on the application (§ 152.455, Action on applications.) EPA would not accept multiple postcards or requests simply to advise the applicant of the status of the application review during the review period.

Proposed § 152.450(q) requests, but does not require, that the applicant provide authorization for EPA to share the data or EPA reviews of data with other regulatory agencies. The ability to share data and reviews among regulatory authorities will contribute to streamlining EPA review processes for antimicrobial products, and is an essential element in achieving harmonization of reviews.

An applicant who intends to market a product in the United States may be required to register the product with individual States; an applicant who intends to market the product abroad (such as in Canada) must meet the regulatory requirements of other countries. While the depth of regulatory scrutiny of a product varies among States and countries, many require the submission of equivalent amounts of data as the applicant has submitted to EPA. The ability to share data submitted to one regulatory authority with others can reduce the paperwork and review burden of all by reducing multiple identical submissions and allowing the sharing of the review load. EPA already is engaging in work-sharing efforts with the State of California and with Canada.

This effort can be complicated by confidentiality claims under FIFRA section 10(b) or the disclosure restrictions of section 10(g). Section 10(g) permits the Agency to disclose data in support of registration only to those who affirm that they will not further disclose the information to foreign or multinational pesticide producers. Although a mere claim of confidentiality under FIFRA section 10(b) does not conclusively prevent disclosure of information, it does require the Agency to follow certain procedures (which may include obtaining a substantiation of the claim from the registrant) to determine whether the information is entitled to confidential treatment. These procedures can interfere with free and unimpeded exchange of information and data among regulatory authorities.

On November 27, 1985, EPA issued Class Determination 3-85 (50 FR 48833). EPA declared as non-confidential (and not subject to the disclosure restrictions of FIFRA section 10(g)) reviews of data that do not contain information which would disclose: (1) Manufacturing or quality control processes; (2) the details of any methods for testing, detecting, or measuring the quantity of any deliberately added inert ingredient of a pesticide product; (3) the identity or percentage quantity of any deliberately added inert ingredient of a pesticide product; (4) unpublished information concerning the production, distribution, sale, or inventories of a pesticide (such information might appear in reviews which discuss the amount of a pesticide sold or used in a given time, and thus might concern the significance of data from a test or experiment); (5) any complete unpublished report submitted to EPA by a registrant or applicant; or (6) excerpts or restatements of any such report which reveal the full methodology and complete results of the study, test, or experiment, and all explanatory information necessary to understand the methodology or interpret the results.

Agency data reviews are normally drafted to avoid inclusion of information that is within the six categories described in the paragraph above, but EPA cannot guarantee that all reviews will meet these criteria. Moreover, as discussed above, the Agency may have a need to share raw data in addition to study reviews with States and other countries.

EPA believes it is in the interest of both applicants and the Agency to have free and unimpeded exchange of information and data among regulatory authorities. To that end, this proposal requests that applicants authorize such exchange at the time of application. Sharing data and reviews with other regulatory authorities would not compromise the protection against disclosure provided by section 10, because such sharing would not constitute a public disclosure of the information.

To authorize data- or review-sharing, the applicant would submit a statement authorizing EPA to share either any data submitted with the application or EPA's reviews of such data with regulatory authorities as needed. An appropriate permission statement would be similar to the following:

This letter grants permission for EPA to share all data submitted with this application, EPA reviews of data submitted with this application, with State, other U.S. Federal, or other national regulatory authorities. This authorization does not waive any restrictions on public disclosure of the data reviews.

G. EPA Action on Applications

1. *Completeness screens.* EPA currently screens all applications for completeness, not just antimicrobial applications. The Office of Pesticide Programs Front End Processing Unit (FEPU) receives all applications, processes them administratively, and conducts a simple screen to ensure that required application items are present and properly submitted. An application accompanied by data is subsequently screened for submission and format requirements of the data itself. Data submissions must include specific items prescribed by Agency regulations in 40 CFR 158.32 and 158.33, as well as meet format and presentation requirements detailed in PR Notice 86–5. Neither of these screens evaluates the substance of the application or the data. In either the FEPU or data screen, EPA may identify deficiencies that must be corrected. Depending on the nature of the deficiency, the application may be placed into review anyway, and deficiencies corrected during the review process. This informal screening and correction process has served the Agency and applicants well over the years.

Nonetheless, because FIFRA directs EPA to develop completeness criteria, and because antimicrobial pesticides are now subject to review periods, which are computed only if an application is determined to be complete, it is imperative that EPA not only establish more formal criteria for completeness, but that EPA conduct a more rigorous completeness screen before determining even preliminarily that an application is complete. Section 152.455 of today's proposal describes what actions EPA

may take on complete and incomplete applications.

2. *Preliminary determination of completeness.* In addition to the FEPU administrative screen and the data review screen, the Antimicrobial Division has instituted a more in-depth screening process to ensure that only applications that meet the standards of proposed § 152.450 enter formal Agency review. The antimicrobial screening process builds on the earlier screens in two ways: by evaluating the adequacy of certain application items that are typically not evaluated in a simple administrative screen (e.g., are clearly required studies included?), and by evaluating application requirements peculiar to antimicrobial pesticides (e.g., efficacy data requirements).

Based on this screen, EPA would make a preliminary determination whether an application is complete (proposed § 152.455(a) and (b)). If the application is incomplete, EPA would notify the applicant, describe the deficiencies and await resubmission by the applicant. If complete, and a self-addressed notification has been provided in accordance with proposed § 152.450(o), EPA would notify the applicant of the determination, compute the date under proposed § 152.457 when a decision may be expected (calculated from date of receipt of the application), and place the application into formal review. If no self-addressed notification is provided, EPA would place the application into formal review, but would not notify the applicant. Because some elements of completeness cannot be evaluated until the application is reviewed in depth, a determination of completeness sufficient to place the application into formal review must, of necessity, be a preliminary one.

EPA is likely to apply its completeness criteria very strictly, for several reasons. Strict application of completeness criteria appears to be consistent with the statutory direction to base enforceable deadlines on completeness determinations. Further, consistent treatment of applications is more likely if EPA establishes and adheres to relatively "bright line" criteria for completeness. Finally, the sheer number of applications that EPA receives means that it must allocate its review resources very carefully. EPA does not believe it unreasonable to use completeness determinations as a management tool for those resources. While refusing entry into review for a minor deficiency may appear inflexible, it is important to recognize that what is flexibility for one applicant may appear to be inconsistency or inequity to another. EPA believes that lack of completeness criteria and inconsistent application of such criteria have been a source of applicant dissatisfaction.

3. *Effect of incompleteness determination on review period.* Regardless of when a determination of incompleteness is made, the consequence is the same: the review period would either not be computed or would be halted and recomputed anew upon receipt of all items completing the application. EPA would notify the applicant that the application is incomplete, and specify how it can be made complete.

4. *Applicant resubmission.* Proposed § 152.455(b) specifies that EPA will deem the review period to have begun only upon receipt of the last item that completes an application. Partial information clearly does not satisfy the completeness criteria, or allow the application to be placed into review. EPA discourages applicants from correcting application deficiencies in a piecemeal fashion; nonetheless, historically this has happened (and been tolerated by the Agency) because some deficiencies are easy to correct (a form not signed, an unreadable draft label), while others may take longer (a missing required study).

An applicant may wish to resubmit rapidly what can be readily corrected, and EPA may wish to accommodate the applicant's desire to begin review of available information. As noted earlier, under the current application review system, both of these can often be accommodated. EPA frequently is requested and agrees to place an application into review while waiting for some item that has not yet been submitted, expecting that the missing item can "catch up" before it is needed for review. Under the tight review periods provided for antimicrobial application review, however, EPA cannot afford the time and resources that may be lost if an applicant fails to provide the needed information in a timely manner. Other applicants also suffer because their applications are not reviewed as promptly as possible. Accordingly, EPA would not place an application into review until all deficiencies are corrected, and a preliminary determination of completeness can be made.

5. *Agency review.* Once EPA has issued a preliminary determination of completeness, EPA will place the application into substantive Agency review. EPA conducts scientific reviews in parallel as much as possible, although some reviews depend upon the results of others and must be conducted sequentially. Proposed § 152.455(d) specifies that, once in review, EPA will complete all reviews for the application before issuing a decision of any sort, even a determination that the application remains incomplete. EPA intends, however, to continue, to the extent practicable, its longstanding practice of communicating informally with applicants about interim results of reviews as they are completed. Informal communications are not Agency decisions on the application itself, and are entirely at the Agency's discretion.

6. *EPA decisions after review.* Section 3(h)(3)(F)(i) provides that:

> [T]he Administrator shall notify an applicant whether an application has been granted or denied not later than the final day of the appropriate review period under this paragraph, unless the applicant and the Administrator agree to a later date.

This provision is probably the single most significant element of the overall antimicrobial reform effort mandated by FIFRA. All process improvements and efficiencies directed elsewhere in FIFRA section 3(h) are for the purpose of shortening review periods to the goals specified in FIFRA section 3(h)(2). This provision holds EPA to a decision within the review periods that would be established under this proposal. EPA's failure to meet those review periods is judicially reviewable.

EPA takes seriously its mandate for antimicrobial process reforms: meeting its review period goals is the most visible and tangible evidence of the success of its reforms. Hence, how EPA implements this provision, both in making decisions and in managing the review period process, is critical.

EPA review must culminate in one of two specified decisions—approval or denial—by the end of the review period. The "review period" can be either that established in proposed § 152.457, or an extended review period agreed to between an applicant and EPA. The statute does not provide for negotiated shorter review periods; those that would be established under this proposal are minimum review periods that would apply unless extended by agreement.

The statute is silent on whether EPA may take other unspecified actions prior to the expiration of the review period and what those actions might be, but clearly no action other than approval or denial is authorized at the end of the review period. EPA believes that it is within its discretion to take interim actions prior to the expiration of the review period, as long as the final decision on an application is either approval or denial. Interim actions might include communications with applicants on the application, preliminary indications of

incompleteness or other deficiencies that might lead to denial, or notice of the Agency's intent to approve the application.

Approval is of course the desired decision from the applicant's point of view. If the application is complete and relatively uncomplicated, reaching a decision within the review period is mostly a function of efficient management of the review process. The bulk of the antimicrobial applications that EPA receives are for so-called "me-too" products and amendments (those with review periods in the range of 90 days). These can be fairly characterized as uncomplicated, and problems with completeness are more likely to be the reason for delays in approval than the complexity of the review or decisionmaking processes. Delays due to incompleteness are not included in EPA's review period. A rigorous application of the completeness criteria of proposed § 152.450 to weed out incomplete applications should enable EPA to reach a decision within the review period for applications that are complete.

For applications of greater complexity—new chemicals, major new uses and other products and uses that are not substantially similar—the decision process is not a straightforward one-time review leading to a single decision point of approval or denial. Rather it involves a series of decisions, with stops and starts in the process as the application progresses. Typically, such an application goes through several cycles of review. Under current practice, EPA commences review of an application and often determines that it is incomplete, inadequate, or raises risk or efficacy concerns that must be addressed. The Agency notifies the applicant and places the application into pending status until the applicant responds. The "down time" awaiting applicant response varies considerably based on the type of problem, but if a new study is required, may be from 6 months to 2 years. For the most complex applications, those for new chemicals and major new uses, the cycle may be repeated several times. Thus, the total elapsed time from beginning of review to an approval or denial decision may be lengthy, but the length is generally not attributable solely to EPA inaction or delay. The time may be marked by interruptions when the application is awaiting applicant action and not EPA action.

In the current review process, an interim decision is not a denial, which carries the right to administrative appeals. EPA refers to such a decision as a "rejection," a term used to reflect the interim incomplete status of the application and of EPA's review.

The provision in FIFRA section 3(h) that EPA must reach a decision within a specified review period is silent on whether or how the review period should accommodate the cyclical nature of the review process, in which EPA review time and applicant response time typically alternate. A strict interpretation of the provision would be that the review period includes applicant "down time."

Congress rightly anticipated that EPA might reasonably need a longer review period in certain circumstances, and the statute contemplates, but does not specify, a process for reaching agreement on a longer period for the formal approval or denial decision. The excepting clause, "unless the applicant and the Administrator agree to a later date," while not perfect in that it does not reflect the reality of the review process, does allow EPA and the applicant, by agreement, to extend the total review period. An agreement on extension could be tailored to account appropriately for applicant "down time," without penalizing EPA or subjecting the Agency to the threat of judicial review. EPA believes that this clause provides much-needed flexibility both in the types of actions that EPA may take and the process by which an appropriate review period is to be agreed upon.

Regardless of the reasons for needing an extension, EPA cannot afford to engage in case-by-case negotiation for every application that might approach the end of its review period without a decision. To reflect more closely the actual review process, EPA needs to be able to take actions before the end of the review period that have the effect of extending the overall review period by stopping it for some period of time. Without such flexibility, EPA may be compelled to use its denial authority more frequently to meet the statutory requirement to issue a decision.

EPA does not intend to violate its regulations by failing to make decisions in a timely manner. If EPA is unable for any reason to issue a decision on an application within the review period, and cannot agree with the applicant on an extension, EPA's failure permits the applicant to seek judicial review. EPA views the judicial process as the least desirable means of resolving disputes over the review period. Not only is it time-consuming and costly for both parties, but a predictable result of judicial review is that a court would order EPA to complete review within some further period of time, an outcome which has the same effect on the review schedule as if EPA and the applicant had agreed to an extension.

EPA's alternative course of action, permitted by the statute, is simply to deny the application. Denial would be governed by the provisions of FIFRA section 3(c)(6), which permits an administrative hearing process. While EPA may thereby satisfy the requirement to issue a decision and avoid the threat of judicial review, the Agency believes there is little value added by the administrative hearing process, which can be as protracted, costly, and uncertain as judicial review. Nor does EPA believe that applicants, many of whom are small companies without substantial financial or technical resources, are well served by either an administrative or judicial process in this particular context. Their objective is presumably to obtain an EPA decision in the most timely manner and without extraordinary effort or cost on their part.

Given that individual negotiation is not feasible for any large number of applications, that EPA and applicants may reasonably disagree on the need for or length of extension, and that neither judicial review nor denial of the application is an appealing means of resolving such disputes, EPA believes it prudent to establish rules for implementation of review periods that build in provisions for extension. Today's proposal would do so, while not foreclosing the opportunity for case-by-case extension agreements when warranted.

Accordingly, EPA proposes in § 152.455 a series of possible decisions arising from substantive Agency review, incorporating proposals for dealing with extensions. These are: (1) The application may be approved; (2) the application remains incomplete; (3) the applicant has failed to furnish sufficient information to determine whether the application may be approved (two circumstances with different consequences for the review period); and (4) denial for cause.

7. *Approval.* If EPA approves the application, it would follow its customary procedures to notify the applicant by issuing a Notice of Registration or letter of approval for an amendment and sending back a stamped copy of the approved labeling if called for.

8. *Opportunity for rebuttal.* EPA frequently issues a registration that is conditioned upon the applicant's making certain corrections or modifications to the registration before sale or distribution. Such terms and conditions generally only require changes which are minor in nature and

most often consist of labeling changes to be consistent with similar products, adhere to Agency policies, or clarify label statements. In EPA's experience, virtually all new registrations require some modification to the label; for this reason EPA requests and approves draft labeling as part of the application, and requires that the applicant submit final printed labeling prior to sale or distribution of the product.

EPA's approval of the registration and permission to distribute or sell the product is premised on the applicant's acceptance of EPA's terms and conditions. Proposed § 152.455(d)(1) would permit applicants who disagree with the terms or conditions of EPA's approval to submit an objection within 30 days of receipt of registration. In a process analogous to the appeals process for notifications in FIFRA section 3(c)(9), EPA would review the applicant's arguments and issue a final decision. EPA would try to review the objection and render a decision within 45 days of receipt by the Agency. It should be kept in mind that EPA's limited resources must be devoted first and foremost to its review period obligations for application decisions; EPA cannot promise that objections to decisions already made will receive equal attention.

9. *Determination that the application remains incomplete.* EPA may decide that, notwithstanding its preliminary determination of completeness, the application remains incomplete. One reason EPA might determine incompleteness is if the deficiency is the result of the applicant's failure to follow well-established and clearly stated guidance, procedures, or policies. Such "incompleteness" could be identified when studies are reviewed in depth and found not to have been conducted in a manner that provides EPA with adequate information on which to reach a decision on the application. This type of incompleteness would normally be discovered only during substantive review. EPA cannot however, preclude the possibility that some deficiencies could be overlooked at the earlier preliminary completeness screening.

EPA expects that it would choose to use the incompleteness determination only rarely after an application is preliminarily determined to be complete, electing instead to deny the application or seek agreement with the applicant on an extension of the review period.

Applications having relatively short review periods (≤120 days) are generally straightforward enough that EPA believes it would catch most incomplete applications at the earlier preliminary completeness screening phase. EPA believes there should be few "me-too" type applications that are determined to be incomplete after entering formal review. EPA would rarely seek to extend the original review period for these short-term applications since it is considerably easier in Agency tracking systems to close out a review period altogether than to track an extension. Tracking the review period is a time-consuming operation. EPA does not believe it should devote its scarce resources to tracking an original review period through a series of short-term extensions. This is especially true given the high volume of applications that fall into the ≤120–day review period.

With respect to longer review period applications (≤120 days), EPA might choose to determine that an application is incomplete if a deficiency is discovered early in the review process (e.g., in the first 90 days of a 270–day review period).

If, at later points in a lengthy review period (e.g., 200 days into a 270–day review period), EPA judges an application to be deficient for reasons attributable to incompleteness, the Agency would want to examine why this is occurring. Why are incomplete applications being submitted and not being identified earlier in the process? Over time, as process improvements continue to be put in place and EPA and applicants familiarize themselves with new procedures and requirements, EPA expects that incompleteness determinations after beginning Agency review would decrease. Nonetheless, EPA must reserve to itself the right to determine after placing an application into formal review that the application is actually incomplete.

EPA is not obligated to begin review of or compute a review period for an application that is incomplete. If EPA determines after putting the application into formal review and computing a review period that the application is incomplete, EPA would normally stop the review, notify the applicant of its incompleteness, and recompute a new review period upon receipt of submission completing the application. Proposed § 152.455(d)(2)(ii) specifies this typical result.

10. *Qualifying resubmission for incomplete applications.* However, in its discretion, EPA proposes in § 152.455(d)(2)(i) to offer applicants somewhat more flexibility in Agency review periods if the incompleteness determination occurs after putting the application into formal review and if completing the application can be accomplished on an accelerated basis. For applications having short review periods (≤120 days) and minor incompleteness deficiencies, EPA believes that it need not necessarily take the full review period that it would be entitled to when the complete application is resubmitted. Generally, if a minor deficiency can be corrected within 30 days after notice to the applicant, EPA proposes to term that resubmission a "qualifying resubmission" and to complete review within a shorter review period than would otherwise be computed. In general, § 152.455(d)(2)(i) proposes a subsequent review period 30 days shorter than the original base review period for that type of application, i.e., 60 days instead of 90 days for an identical or substantially similar application, and 90 instead of 120 days for an "other new application." The choice to offer an abbreviated review period is entirely within EPA's discretion; EPA could instead take its entire review period.

EPA proposes to limit such "qualifying resubmissions" to applications having a review period of 120 days or less. EPA believes that the incompleteness deficiencies likely to arise in such applications would generally not be multiple deficiencies and are less likely to involve serious data deficiencies. By contrast, EPA review of an application for a new active ingredient or major new use would in all probability identify multiple deficiencies, including data deficiencies, not amenable to correction within 30 days.

11. *Determination that the applicant has not submitted all needed information.* If there are deficiencies other than incompleteness deficiencies, the Agency may determine that the applicant has not provided sufficient data or information to make a decision on the application. EPA proposes two procedures (termed Cases 1 and 2); which would apply to any particular application would depend upon the nature of the deficiency. In each case, EPA would stop the review period as of the date that it notifies the applicant of this decision. In neither case would the review period resume until the applicant provided the necessary information, and elapsed time with the applicant would not be counted against EPA's original review period. The difference lies in when EPA would restart the review period (the "clock"). In Case 1, EPA would restart the clock immediately upon receipt of a complete resubmission correcting the deficiencies. In Case 2, EPA would restart the clock only after an additional

period after receipt of a complete resubmission.

Case 1 - Immediate restarting of the review clock. If the deficiency is one that can be rapidly corrected by the applicant and upon resubmission rapidly reviewed by Agency reviewers without significant Agency downtime to re-review, refamiliarize, or reconstruct the decision logic, EPA would restart the clock as of the date that the applicant resubmitted all information or data required. EPA emphasizes that EPA would restart the clock only after all deficiencies have been corrected. The resubmission must also be "complete." The kinds of deficiencies EPA envisions in this category are short-term studies, upgrading an existing study, or providing an explanation of such studies.

If EPA chose this response, the Agency would specify in its notice to the applicant the deficiencies needing correction, and require that they be corrected within a relatively short timeframe—based upon the type of deficiency, probably less than 6 months. If the resubmission time is too short, the applicant could suggest a longer time for resubmission. If that resubmission time is considerably longer than EPA anticipated, such that the Agency would need additional time upon receipt to refresh its review, EPA would reserve the right to restart the clock at some later time after resubmission (Case 2).

Case 2 - Delayed restarting of the review clock. For deficiencies that take longer to correct (e.g., new studies must be generated) or where interruption of EPA review means that EPA must essentially begin some portion of its review again, EPA would restart the clock after both a period for applicant resubmission and an additional time for the Agency to bring the review and reviewer back up to date. The longer the interruption of review, the more likely it is that EPA reviewers may have changed, that policies may have changed or evolved, or that the original reviewer must refresh his/her knowledge of the product, the application or the data. In EPA's experience, a review that is interrupted for longer than 6 months has become stale.

In this case, EPA would notify the applicant, specifying the deficiencies and requiring correction by a certain date. EPA would also estimate how long after resubmission the clock would start.

12. *Negotiating extended review periods for deficient applications.* FIFRA section 3(h)(3)(F) allows the review period to be extended by agreement between EPA and applicants. As noted earlier, EPA intends that this proposal set boundary rules for extending review periods, so that case-by-case negotiated extensions would be used only infrequently. Deficient applications for which EPA would stop the clock and restart it, but where EPA cannot define the specifics of the resulting extended review period are an area where negotiations would be appropriate. Individual negotiation might be appropriate, for example, if the deficiency entailed development of new methodology or data with which EPA had no prior experience to judge its review time.

Case 1 - Negotiating resubmission dates for simple deficiencies. EPA anticipates it would provide only a limited opportunity for negotiation over the appropriate resubmission time for Case 1 resubmissions. EPA's ability to restart the clock immediately upon resubmission and thereafter to meet the review period deadline depends on the fact that the deficiency can be corrected rapidly. Simply restarting the clock is not feasible if protracted negotiations would result in significant delay in resubmission. EPA's concern is not the effect of the negotiation *per se* on the clock (since the clock will have stopped upon notification of the deficiency), but the fact that any appreciable delay in resubmission because of negotiation may mean that the application review would become stale. EPA must strictly limit the negotiating time for simple deficiencies, or such deficiencies would, because of the passage of time, have to be treated as complex deficiencies under Case 2. EPA does not intend in this proposed rule to define specific types of simple deficiencies for which Case 1 could be used. However, EPA solicits comment on how this procedure could be implemented in a realistic manner, and what would be an appropriate length of time to allow for negotiations to commence and conclude.

Case 2 - Negotiating resubmission dates for complex deficiencies. Resubmission dates would be more flexible with Case 2 complex deficiencies. Because the deficiencies are complex, the resubmission is expected to be on a longer schedule. Since time after notification of a deficiency until resubmission is on the applicant's clock and not EPA's, EPA could be flexible both in negotiating and in the resubmission dates established. Unless the deficiency raised serious risk concerns for a product already on the market (in which case EPA likely would consider denying the application), EPA believes it could generally accommodate applicant needs for resubmission.

In addition to interruption of the review period while the applicant corrects deficiencies and resubmits to the Agency, Case 2 negotiations would need to build in an additional period of time for EPA to "refresh" the application review before the review period clock would start. The appropriate length of this "delay time" is less easily determined and more likely to be an issue that requires negotiation between EPA and applicants. EPA is not proposing either specific delay times or criteria for determining appropriate delay times in this document, but is proposing to establish the "delay time" as a regulatory decision.

The delay time could be based on several factors. First, the delay time could be a function of the actual time needed for review of the submitted material (which may be one or more new studies). EPA could develop some general timeframes for review of particular types of studies, for example, a standard review time for a chronic toxicology study or an indoor exposure study. These would serve as a starting point for determining the delay time. If EPA develops such standard review times for studies, it would share these with registrants and others before implementing them.

Second, the delay time could also include the time needed for EPA to bring the review and reviewers back up to speed, to adjust for new reviewers, and, once completed, to integrate the new material into the application review and risk assessment. The longer the clock has been stopped and the application put aside, the longer the time needed to refresh it and the more likely that changes in personnel or policies will have occurred. These times are more variable, but may depend in part on the complexity of the application type. The definitions of application types in proposed § 152.445 roughly track the complexity of an original application review and therefore how much re-review might be needed to come up to speed later. EPA expects that the types of deficiencies that would trigger a delay time typically would be associated with new chemicals and major new uses.

Finally, the delay time must of necessity take into account variable external factors such as competing priorities and workload and resource balancing. As a practical matter, although EPA may be able to roughly estimate the delay time when it notifies an applicant of a deficiency, the actual delay time may be dictated not by circumstances at the time of notification, but by circumstances at the

time of resubmission. Depending on the nature of the deficiency, and whether new studies must be generated, resubmission could be a year or more away. In that time, substantial changes may have occurred within the Agency that cannot reliably be predicted at the time of notification.

For example, EPA could determine that applications requiring a particular set of tiered data (ecological effects, for example) routinely should require 4 months delay time for a new chemical, taking into account the actual review time and the re-review time. Two years later, when those studies are submitted to the Agency, EPA could be in a situation where its workload has doubled or key personnel are not available, leading to a likely delay time of 6 months.

EPA welcomes comment on how the "delay time" decision process might be structured and administered for maximum efficiency and equity. EPA is considering how and when negotiations on delay times are most appropriately conducted. EPA solicits comment on criteria, timing, and procedures that could be adopted and whether any of these should be regulatory. Realistically, EPA believes that negotiation and agreement on an Agency delay time can take place only at or close to the point of resubmission. Further, EPA believes that negotiation procedures should be informal and non-regulatory to offer the greatest flexibility, and at this time is not proposing regulatory negotiation procedures. EPA seeks comment on the following questions:

Criteria. What factors are most important in determining how long delay time should be? The type of application? The nature of the deficiency? The elapsed or remaining review period? Other priorities?

Timing. At what point would discussions between EPA and applicants be most productive and least demanding of time and resources? Soon after notification of deficiencies for planning purposes? Reasonably close to the expected date of resubmission? Only after resubmission and determination that the resubmission is complete?

Procedure. Should specific negotiation procedures be developed? Are discussions likely to be a frequent occurrence? Should negotiation procedures be developed on a case-by-case, as-needed basis? Are informal procedures sufficient or is there a need for a regulatory framework?

12. *Denial for failure to submit required information ("not for cause").* If EPA notifies an applicant of deficiencies, and agrees with the applicant on a resubmission date for the application, and the applicant fails, without good cause, to submit by that date, or fails to submit a "complete" resubmission, EPA has the option of denying the application. A denial of this type (a "not for cause" denial) would not be for reasons of potential adverse effects (a "for cause" denial), but because the applicant has failed to submit the information the Agency required to reach a decision on the application.

Several readings of FIFRA section 3(h)(3)(F)(i) are possible with respect to a denial action the Agency may take as the endpoint of a review period. EPA believes some interpretations, while plausible and logical, would not likely achieve what we believe the Congress intended. EPA is instead adopting an interpretation that we believe both advances the goal of Congress that the Agency institute reforms to improve the antimicrobial decision making process, and preserves the rights of applicants under the statutory framework for denials under FIFRA section 3(c)(6).

Under one possible reading of the statute, the Agency would review the application under the review periods specified in proposed § 152.457, and within those same review periods take all the actions required under FIFRA section 3(c)(6) for denials including a 30–day notice of intent to deny prior to actual denial. This interpretation would effectively shorten the review periods established by section 3(h) by 30 days, a result that would be particularly acute in the case of short review periods such as those of 120 days or less. In establishing the review periods, Congress considered the amounts of time the Agency requires to review various types of applications. Each review period goal was intended to provide a streamlined yet presumably adequate amount of time for the Agency to review these applications. Congress realized that in some instances these times would not be adequate and allowed for the Agency and applicant to extend the applicable review period through mutual agreement. We do not believe that Congress would on the one hand acknowledge EPA's possible need to extend review periods, while at the same time effectively diminishing each review period to accommodate the correction period for FIFRA section 3(c)(6) denials.

An equally plausible interpretation is that FIFRA section 3(h)(3)(F)(i) overrides the provisions of section 3(c)(6) altogether. Under this interpretation, EPA would not have to issue a 30–day Notice of Intent, or provide opportunity for a hearing. However, there is no indication of Congressional intent to diminish the opportunity for an applicant to remedy deficiencies and/or request a hearing for denials of applications.

EPA believes a third interpretation is reasonable and more appropriate. EPA would regard the Notice of Intent to Deny (NOID) required by FIFRA section 3(c)(6) as the practical equivalent of a denial under FIFRA section 3(h). At the point a decision is reached under § 152.457 (including any extended review periods), EPA would commence the FIFRA section 3(c)(6) denial process by issuing a NOID. Under this interpretation, the Agency would have the full review period contemplated by Congress, and applicants would be afforded the protections intended for FIFRA section 3(c)(6) denials. Accordingly, proposed § 152.455 would provide that the 30–day NOID itself constitutes the denial decision required by section 3(h)(3).

Denial under FIFRA section 3(h)(3) would be the same as denial under FIFRA section 3(c)(6). Legally, EPA would find that the applicant has failed to meet the registration standard of section 3(c)(5), in that "its labeling and other material required to be submitted" do not "comply with the requirements of the Act." EPA's determination to deny an application would set in motion a process that entails the NOID, opportunity for the applicant to correct the application deficiencies within 30 days, final denial if deficiencies are not corrected, and the opportunity for an administrative hearing process. Denial procedures are found in § 152.118.

EPA would be unlikely to allow additional time for correction beyond the 30 days provided by the NOID, for several reasons. First, EPA has already notified the applicant previously and agreed upon an appropriate time for submitting additional data (of a long-term nature). Additional discussion at this point would not seem justified in light of the previous negotiations. Second, as noted earlier, EPA's tracking system will be strained if EPA must repeatedly recompute the elapsed review period due to extensions, new resubmission dates, or additional EPA review times. EPA and applicants will not be well served if tracking system needs overwhelm the review process. At some point, EPA must reach closure on an application. Finally, there is the issue of equity among applicants. Negotiating time for any application is decreased review time for all applications, and should be allocated evenly across applications rather than consumed on a single undeserving application.

As an alternative, EPA could determine that the failure to resubmit properly and on time renders the application incomplete. In either case, the effect on the review clock is the same: it would start over whenever the applicant submitted the complete data or properly completed the application.

14. *Denial for failure to meet the registration standard ("for cause").* Finally, as already provided by the statute, EPA can determine that an application should be denied because the pesticide or its uses pose unreasonable adverse effects on man or the environment (a "for cause" denial). Legally, EPA would determine that it fails to meet the registration standard of FIFRA section 3(c)(5)(C) or (D).

As in the case of a not-for-cause denial, EPA would follow the denial procedures of FIFRA section 3(c)(6) and § 152.118. Also as noted above, EPA would treat the NOID as the decision required by FIFRA section 3(h). EPA expects a denial for cause to be a rare occurrence.

H. Review Periods

1. *Statutory provisions.* Although FIFRA section 3(h) is premised upon the establishment of decision-making deadlines, it does not prescribe a specific set of review periods that EPA must adopt by regulation. However, section 3(h) does contain two sets of review periods that express Congressional intent in this area. EPA has given careful consideration to each, discussed in this unit, and is today proposing one.

First, section 3(h)(2) establishes review time period reduction "goals," ranging from 90 days to 540 days, whose achievement is tied to the implementation of the process reforms required by section 3(h)(1). Under section 3(h)(1), the explicit purpose of the process reforms is to achieve the "goal" review periods. The statute stops short of requiring that EPA adopt by regulation a set of statutorily-mandated review periods. The statute appears to anticipate that EPA's management reforms might take some time to fully implement to achieve the goal review periods: section 3(h)(4) requires EPA to submit an annual report to appropriate Congressional committees documenting its progress toward the goals. Thus, while EPA is to work toward the goal review periods, Congress did not require EPA to adopt the "goal" review periods in its regulation. EPA may include other review periods in the regulation so long as it complies with other requirements triggered if the goals are not met.

Congress did, however, intend that EPA should take the goal review periods seriously, and therefore put in place two provisions that are triggered if EPA does not meet the goal review periods. The annual report mentioned above is to be submitted "beginning on the date of enactment of this subsection and ending on the date that the goals under paragraph (2) [the goal review periods] are achieved." Thus, as long as EPA is not meeting any statutory "goal" review periods, for whatever reason, it must continue to report to Congress on its progress. The first such annual report was issued in October 1997 (EPA 739–R–97–001).

Moreover, if EPA issues a final regulation that fails to meet any of the goals, it also must comply with the requirements of section 3(h)(3)(B)(ii) by identifying in the final rule any unmet goal, explaining why the goal was not met, describing the elements of the regulations included instead, and identifying future steps to attain the goal. Again, the statute does not require that EPA propose a statutorily-identified set of regulatory review periods, though a timeframe is required to be included in the regulation.

The second statement of Congressional intent, in section 3(h)(3)(D), establishes "default" review periods, ranging from 90 days to 2 years, that automatically took effect on April 25, 1998, since EPA's final regulation was not effective by that date. The "default" review periods are equal to or longer than the "goal" review periods, depending upon the type of application. After promulgation of this regulation, the default review periods will be replaced by time periods specified in the final rule. In the legislative history of the antimicrobial provisions, it is stated that "maximum time periods for review are specified in Subtitle B for various activities." [Subtitle B contains the amendments in FIFRA section 3(h)]. Since the default review periods are in fact the "maximum review periods specified" in section 3(h), this language could be read to suggest that Congress intended the default review periods to be adopted by the Agency in its regulation. However, EPA views the "default" review periods as a "hammer" provision to encourage timely promulgation of its antimicrobial final rule containing EPA-specified review periods, rather than a statement of Congressional intent as to what review periods should be adopted.

2. *EPA proposal.* EPA is today proposing the "goal" review periods. Since these are the benchmark of the management and process reforms contemplated by Congress, EPA believes they are more appropriate than any other review periods, which would of necessity serve only in an interim capacity until the "goal" review periods could be met. As an alternative, EPA could consider and would like comment on the options of: adopting no review periods by regulation and relying on administrative review periods; adopting the "default" review periods; or adopting some other review periods. Commenters who support this last option should be specific as to the review periods sought and why. If other than the goal review periods are ultimately adopted, EPA would strive to meet the goal review periods, as it has since FQPA was enacted.

Section 152.457 of today's proposal sets out EPA's proposed review periods. The three tables in that section address, respectively, approvals of new registrations, amended registrations, and "qualifying resubmissions." As noted in Unit VIII.D., EPA proposes to review an application for a major new use within 270 days, regardless of whether that application is a new registration or an amendment to an existing registration. Accordingly the tables in § 152.457(c) and (d) both include "major new use." Proposed § 152.457 also sets out the limitations of applicability of review periods.

3. *Food use antimicrobial products.* As defined by FIFRA section 2(mm), antimicrobial pesticides do not include products whose intended use would require a clearance under the FFDCA. As noted in Unit VI.B., EPA intends to apply this exception so as to exclude only applications that would require a new or revised clearance. Applications subject to an existing clearance that does not need revision would be antimicrobial pesticides.

4. *Wood preservatives.* The statutory definition also excludes aquatic herbicides and some wood preservatives and antifoulants from definition as "antimicrobial pesticides." Applications for registration of such products are not covered by subpart W and are not eligible for the review periods of § 152.457.

However, under FIFRA section 3(h)(3)(E), applications for wood preservatives (and only wood preservatives) are eligible for the statutorily-required review periods that would be established by this proposal if they meet certain conditions:

- First, the application must be for a wood preservative that bears an antimicrobial claim as defined in FIFRA section 2(mm), even if other non-antimicrobial wood preservative claims (such as fungus or insect protection) are made.
- Second, the data requirements to support the wood preservative product

that is not an "antimicrobial pesticide" must be the same as the data requirements that support a wood preservative that is an "antimicrobial pesticide." In general, the data requirements in part 158 are the same for all wood preservatives, regardless of the type of wood preservative claim made. Thus, all wood preservative products fulfill this criterion.

• Finally, the applicability of the statutorily-required review period to a wood preservative application is to be "consistent with the degree of risk posed by the use of the wood preservative." EPA interprets this clause to permit the Agency, in its discretion and on a case-by-case basis, to determine that an individual wood preservative application is not subject to the statutorily-required review period based on risk concerns.

For example, EPA might exercise this discretion for an application that initially would have a review period of 180 days. During the review, however, EPA discovers that the wood preservative use poses significantly greater risks than a typical "substantive new use" application. This might occur if the treated wood were intended for use in a manner that greatly increased or changed the exposure potential to humans or other species. To evaluate the increased risk, EPA might need more than 180 days, even if substantial new data were not required. In this situation, EPA would notify the wood preservative applicant that the application was no longer entitled to a statutorily-required review period, and specify the risk reasons therefor.

EPA would make every effort in its notification to estimate when the application review would be completed, although the application would no longer qualify for review period coverage. EPA regards its notification to the wood preservative applicant of a risk differential basis for review as relieving EPA of its obligation to complete review within any statutorily-required review period.

5. *Fast-track applications.* Fast-track applications are described in FIFRA section 3(c)(3). Fast-track applications are not limited to antimicrobial products, and EPA is required to reach a decision on the application within 90 days. Currently, there are no regulations for fast-track applications, and none are needed because the statute sets out clear deadlines for completion of review. The review period for an antimicrobial pesticide specifically does not affect or substitute for the timeframe for a fast-track review of an antimicrobial pesticide. Generally, antimicrobial applications for identical or substantially similar new products or minor amendments are equivalent to fast-track applications, and would be decided under either provision within 90 days.

As a legal matter, however, an application must be reviewed either as a fast-track application or an antimicrobial application—a single application cannot be both. EPA interprets FIFRA section 3(h)(3)(F)(iii) to place an application that could qualify as either a "fast-track" or "antimicrobial pesticide" application squarely under the antimicrobial provisions and review periods. While there are minor procedural differences between 90–day fast-track decisions and 90–day antimicrobial review period decisions, the significant difference between the two is that a fast-track action is not judicially reviewable if EPA fails to render its decision within 90 days while an antimicrobial action is judicially reviewable.

IX. Duration of Registration for Products Bearing Public Health Claims

EPA proposes in § 152.458 to establish terms for a time-limited registration of products bearing a public health claim. The term of a registration would be limited to no more than 5 years. The registration could be continued only if the registrant conducts product analysis and efficacy testing that confirms that the product continues to meet the applicable registration standards of FIFRA section 3(c)(5). EPA believes that it is authorized to establish this provision under the authority of sections 3(h) and 25(a).

A. Statutory Requirements

FIFRA section 3(h)(3)(A)(ii)(IV) mandates two things: (1) that EPA ". . . ensure that the registration process is sufficient to maintain antimicrobial pesticide efficacy"; and (2) that "antimicrobial pesticide products continue to meet product performance standards and effectiveness levels for each type of label claim made." Section 3(h) focuses on the registration process as a means of ensuring continued product performance. More important, however, is the strong Congressional directive to ensure continued product performance and effectiveness after registration. Thus, under section 3(h), EPA must address post-registration efficacy in the antimicrobial regulation proposed today.

EPA is also authorized under FIFRA section 25(a) to issue regulations to carry out the provisions of the Act. Such regulations must specifically "take into account the difference in concept and usage between various classes of pesticides, *including public health pesticides* and differences in environmental risk and the appropriate data for evaluating such risk between agricultural, nonagricultural, *and public health pesticides.*" "Public health pesticide" is defined in FIFRA section 2(nn) to include, among other things, pesticide products intended for use against "viruses, bacteria, or other microorganisms . . . that pose a threat to public health." The references in FIFRA section 25(a) singling out public health pesticides were added by FQPA, and EPA regards their addition as expressing Congressional intent that public health pesticides as a class should be distinguished from other pesticides when considering regulatory requirements, including this proposal.

Taken together, EPA believes that the clear Congressional intent expressed in section 3(h) to ensure post-registration product performance and effectiveness, coupled with the authority conferred by section 25(a), authorize EPA to establish by regulation binding requirements on registrants of antimicrobial public health products to ensure continued product efficacy. The requirements relate to initial registration and also extend into post-registration activities.

B. Alternatives Considered

As noted in Unit IV.E., EPA has relied on enforcement mechanisms to ensure post-registration efficacy; EPA will continue to use these as appropriate. But, because failure of an antimicrobial public health product to work as intended cannot normally be detected by the user and can have serious health and safety consequences or other unreasonable adverse effects, it is critical that EPA use all available regulatory and enforcement mechanisms to ensure public health protection.

One means of ensuring continued efficacy after registration would be through the statutorily required re-review of products. FIFRA contains two provisions that require EPA to reassess each registration according to the latest scientific standards, which for public health products would include an efficacy review. FIFRA section 4 requires a one-time reregistration of each product first registered before November 1984. This process is underway, but to date few antimicrobial products have been reviewed under section 4, and products registered since 1984 are not subject to reregistration. Additionally, FIFRA section 3(g) requires EPA to periodically review each registration, with a goal of re-reviewing each product every 15 years.

Although these provisions will be useful in ensuring that pesticide products continue to meet the registration standard, based upon up-to-date scientific standards, EPA believes that more product oversight is needed to meet the mandate of FIFRA section 3(h) to ensure continued efficacy of antimicrobial public health products. Neither a one-time re-review nor a periodic review only every 15 years offers adequate assurance of continued efficacy of products so critical to public health protection. EPA believes that by requiring the re-testing of products at more frequent intervals than every 15 years, complemented by EPA, State and other testing programs, it can be better assured of continued product efficacy, without incurring to itself or imposing upon registrants significant additional costs.

Alternatively, EPA could establish, or require registrants to establish, an ongoing quality control and efficacy monitoring program to evaluate product composition and efficacy on a frequent basis. EPA conducted a one-time testing of sterilant products, and is conducting similar testing of hospital disinfectant products. EPA believes that many antimicrobial registrants, fully aware of the need for continuing quality control and efficacy, already test their products on a routine basis, although EPA currently has no data on the number of producers who do so, the type of testing conducted, or how frequently it is done. A formalized testing program, whether by EPA or registrants, would obviously be one way to meet the mandate of FIFRA section 3(h), and, if conducted at frequent intervals, would offer the greatest assurance of continued product performance and public health protection. EPA itself does not have the resources to establish and sustain such a program, and so EPA proposes that registrants bear the cost of such testing. Two approaches have been considered, and one is being proposed today.

One such method would be to require that a public health applicant develop and submit for Agency approval as part of his/her application for registration or reregistration a plan for continuous quality control and efficacy testing. Such a requirement would meet the mandate of using the registration process to ensure efficacy, as well as ensuring continued post-registration needs. Upon approval of the registration or reregistration, the plan would become a term of the registration and would be binding on the registrant. The benefit of this approach is that public health applicants would be afforded the greatest flexibility to design a program that they believe satisfies the needs of the Agency. However, approval of a plan would require greater review resources for the Agency, and potentially lead to delays in approval beyond the established review periods required by § 152.458. Comments are requested as to the value, feasibility, and potential costs of such a requirement, as well as criteria for evaluating plans. EPA is not proposing this option today, but could adopt it in the final rule. If EPA does so, it would include the requirement for a public health quality control and efficacy monitoring plan in § 152.450.

EPA seeks information on current registrant- or producer-imposed quality control measures, whether producers are currently routinely conducting efficacy testing on a batch basis or at frequent intervals, and what type of testing is conducted. Finally, comments are solicited on any additional ways of ensuring continued efficacy of public health products; suggestions would be considered for future implementation, either administratively or by regulation.

C. Sunset Provision

1. *Maximum 5–year registration term.* EPA proposes to implement a periodic and regular testing program by limiting the duration of a new antimicrobial public health registration to no more than 5 years from the date of initial registration of the new product. EPA would incorporate the 5–year expiration into the approval of the application as a term of registration. Every 5 years, in order to avoid expiration, the registrant would have to conduct the testing described in § 152.458(b)(3) and certify that the product has passed the tests.

The Agency is also proposing to require testing every 5 years as a prerequisite for maintaining the registrations of existing products, i.e., products registered as of the effective date of the rule. For existing products, the 5–year period would begin on the earliest of: (1) The date of first amendment after the effective date; (2) the date of reregistration under FIFRA section 4; or (3) a date certain approximately 6 months after the effective date of the rule. EPA would in the final rule specify the date certain, which, based on current projected schedules, would be no earlier than August 1, 2000. This last date would ensure that all products registered at the time the rule becomes effective would be brought into the retesting scheme. EPA expects that this default date would govern for most existing products, since the number of amendments and reregistrations that could be expected in the 6–month period is unlikely to approach the number of public health registrations (currently estimated at approximately 3,000 products).

In the case of an amendment or reregistration, EPA approval letters would include the 5–year requirement. Because there would otherwise be no Agency notification for products that become subject on the specific default date, EPA would notify all such registrants of the effective date.

EPA is proposing this phased introduction of the testing requirement for existing products because it believes that phased testing will create less strain upon laboratory demand for testing and upon Agency resources. It would, however, complicate the tracking of expiration dates.

As an alternative, EPA could begin the 5–year retesting requirement on a single date for all existing products. While this would ensure equity for existing products and simplify calculation of expiration dates for both registrants and the Agency, it could lead to high demand for laboratory testing on a compressed schedule every 5 years. Even with a single date for existing products, new products would become subject to the retesting requirement on a phased basis as they are registered; thus, there would always be some phasing of the retesting requirement. Over time, as new products are registered and existing ones taken off the market, the phased testing scheme would become the norm rather than the exception. If EPA were to adopt a single date, it would specify the date in the final rule.

In any case, the scope of EPA's determination of continued registrability at the 5–year intervals would be limited to the composition and efficacy standards in FIFRA section 3(c)(5)(A) and (C), i.e., that the product's composition "is such as to warrant the proposed claims for it," and that "it will perform its intended function [without unreasonable adverse effects on the environment]." EPA's evaluation would be limited to products bearing public health claims and its determination to whether the product would perform its intended function at the antimicrobial levels claimed. EPA would not expect to reevaluate the potential adverse effects of the product every 5 years, but generally would reserve such evaluation for a 15–year review cycle. Thus, in any given 15–year period, EPA typically would review each product once under the 15–year statutory review provision and 3 times for efficacy purposes. Notwithstanding these scheduled review intervals, EPA may conduct a review of a product for any purpose (including, but not limited to, efficacy

concerns) at any time and take regulatory or enforcement action based upon its findings.

EPA believes that a quality control check and efficacy evaluation at least every 5 years is needed to ensure continued efficacy. However, the Agency solicits comment as to whether a different registration term should be implemented, either more or less than 5 years.

2. *Data requirements.* To meet the product composition standard, proposed § 152.458 would require a chemical analysis demonstrating that the product conforms to the composition approved by EPA on the most recent Statement of Formula, conducted according to the analytical method that the registrant is required to provide the Agency under 40 CFR 158.180.

To meet the product efficacy standard, proposed § 152.458 would require that the registrant conduct the battery of efficacy tests that would be required to support the product if it were submitted for new registration at that time, conducted in accordance with the most current Agency testing guidelines. Testing guidelines for antimicrobial products are evolving, and testing would have to reflect the methods and standards recognized by EPA at the time of the required testing.

To ensure that the testing reflected the product as distributed and sold at the 5–year mark, the testing would have to be conducted during the final year of the 5–year registration period (or other renewal period if 5 years is not selected). Although EPA believes it is in the interest of registrants to conduct such analysis and testing more frequently as a matter of good business practice, only testing conducted within the last year could be used to support renewal of product registration.

3. *Certification procedure for compliance.* EPA believes that it can accomplish this limited renewal program and monitor compliance without routinely reviewing the actual test results. In accordance with the mandate of FIFRA section 3(h)(3)(B)(iii) to "consider the establishment of a certification process for regulatory actions involving risks that can be responsibly managed . . . in the most cost-efficient manner," EPA proposes to use a certification process as the most cost-effective means of administering the program. Each registrant would certify in writing to the Agency that the testing had been conducted as required in accordance with EPA Good Laboratory Practice Standards, and that the results demonstrate that the product meets the composition and efficacy standards specified. The certification must be signed by an authorized representative of the registrant. As a condition of registration, EPA would require that test results be made available immediately to EPA upon request; EPA expects that it would selectively review the data for some products.

The required certification would have to be submitted to the Office of Pesticide Programs no later than 90 days prior to each successive expiration date of the registration, to allow sufficient time for EPA to process it and notify the registrant of its determination. If at any time after the renewal, the Agency determined that the certification was false or the data upon which it was based do not support the certification for any reason, the registration would be subject to regulatory or enforcement action or both.

4. *Failure to submit.* EPA would not notify registrants of the upcoming expiration of their product registrations. Registrants would be responsible for monitoring the status of their registrations, conducting the testing and submitting the required certification in a timely manner. Failure to submit would result in the expiration of the registration automatically and without hearing rights. If the registration expired, the registrant would have to submit a new application for registration to once again market the product.

If EPA has no other information or data to suggest that the product is no longer efficacious, EPA would permit the registrant 90 days to distribute and sell his/her existing stocks of product (product in existence on or before the date of registration expiration). Product already distributed by the registrant and in channels of trade could be distributed and sold for 1 year after expiration.

5. *Products that fail efficacy testing.* If a product fails efficacy testing at its 5–year renewal, the registrant would be unable to certify as required by § 152.458, and the product registration would expire at its 5–year anniversary.

Moreover, there is a continuing obligation under FIFRA section 6(a)(2) to report information concerning adverse effects to the Agency. In certain cases this obligation extends beyond the life of the registration (for example, to an expired registration). If the registrant conducts efficacy testing at any time, and the product fails to meet the performance standard of part 156, subpart W, for each public health claim, the registrant is required to report such failure to EPA in accordance with the procedures and timeframes in 40 CFR part 159. Section 159.188 specifically details the information required to be submitted concerning antimicrobial public health products. The requirement to submit under FIFRA section 6(a)(2) and the regulations in 40 CFR part 159 is a separate requirement from that under this proposal.

X. General Conditions of Registration

EPA proposes in § 152.459 to establish conditions of registration for antimicrobial pesticides. Under FIFRA section 3(c)(7), EPA is authorized to register pesticide products conditionally. Current regulations in § 152.115 implement EPA's authority, and specify general conditions applicable to registrations. Section 152.115(c) permits EPA to establish, on a case-by-case basis, other conditions applicable to registration under FIFRA section 3(c)(7).

For antimicrobial pesticides, EPA proposes in § 152.459(a) to cross-reference the conditions of § 152.115. These conditions relate primarily to submission of missing data subsequent to registration.

Further, EPA proposes to establish as a condition of registration a requirement that registrants of non-public health products submit efficacy data upon request by the Agency. Registrants are currently required to maintain efficacy data for non-public health products, but EPA does not routinely review them as part of the application. Upon request, registrants are required to submit the data. When this request is made prior to approval of a new application, EPA can refuse to register the product if the registrant does not comply. EPA proposes in § 152.459(b) to establish as a condition of registration that registrants must submit upon request any efficacy data for a non-public health product that were not required to be submitted with the application. By establishing submission as a condition of registration, EPA makes explicit the authority and action it will take (expedited cancellation under FIFRA section 6(e)) if registrants fail to provide these data after registration.

XI. EPA/FDA Jurisdiction Over Antimicrobial Products Used in or on Food

A. Background

Since EPA was created in 1970, EPA and FDA have shared authority under FFDCA over pesticide residues in food. Prior to FQPA, the division of jurisdiction between EPA and FDA was governed by a number of somewhat complicated provisions of FFDCA. FQPA modified the FFDCA to create much clearer lines of jurisdiction. In the

process, FQPA transferred to EPA regulatory responsibility for a number of antimicrobial substances which for many years had been under FDA jurisdiction.

In the 2 years after FQPA enactment, EPA and FDA held extensive discussions on their respective legal authorities pre- and post-FQPA. The two agencies issued a joint **Federal Register** notice entitled "Legal and Policy Interpretation of the Jurisdiction under the Federal Food, Drug, and Cosmetic Act of the Food and Drug Administration and the Environmental Protection Agency over the use of Antimicrobial Substances with the Potential to Become Components of Food" [hereinafter "Policy Interpretation"] issued in the **Federal Register** on October 9, 1998 (63 FR 54532) (FRL–5773–8). In that notice EPA and FDA discussed a proposed allocation of jurisdiction over antimicrobial substances which would transfer back to FDA regulatory authority over many of the substances that had been transferred to EPA in 1996 by FQPA.

EPA would have effected the transfer in a subsequent regulation by revising its declaration of a FIFRA "pest" in § 152.5 to exclude certain microorganisms occurring in food processing facilities, packaging and food contact articles. Readers are referred to the Policy Interpretation for a full discussion of the proposed approach.

B. FDA Regains FFDCA Jurisdiction

On October 30, 1998, however, Congress passed the "Antimicrobial Regulation Technical Corrections Act of 1998" (ARTCA), Public L. 105–324, which amended FFDCA section 201(q)(1) and 408(j) in a manner that essentially accomplished the two Agencies' planned regulatory approach, and obviated the need for EPA to issue regulations. ARTCA supersedes the Policy Interpretation with respect to FFDCA regulatory authority over antimicrobial residues in food except for residues of ethylene and propylene oxides, which were retained as "pesticides." ARTCA, however, does not address the interpretation of the FIFRA term "processed food" that was included in the Policy Interpretation.

C. EPA Retains FIFRA Jurisdiction

Under the Policy Interpretation, EPA intended to propose to yield both FFDCA and FIFRA authority over those antimicrobial substances addressed in the Policy Interpretation. EPA and FDA viewed the regulatory approach of redefining FIFRA "pests" to be the best means of accomplishing the transfer agreed upon between the Agencies. No authority under FFDCA would have achieved this objective before passage of ARTCA.

Unlike the proposed change discussed in the Policy Interpretation, however, the statutory change put in place by ARTCA affects only FFDCA authority over antimicrobial residues in food. ARTCA does not affect the status of any substance as a "pesticide" within the meaning of FIFRA. The legislative history of ARTCA makes this point clear:

> This amendment would affect the regulation of antimicrobial pesticides only under the FFDCA. EPA would continue to regulate antimicrobial pesticides under FIFRA, and EPA's authorities under that statute would not be changed.

In light of ARTCA, which provides specific Congressional direction, EPA is not proposing to exclude or exempt these products from FIFRA requirements, as discussed in the Policy Interpretation.

Because the legislation is complex, EPA has developed an overview table of current FFDCA authority post-ARTCA. Table 4 below is an overview of antimicrobial substances whose use may result in residues in food. Column 1 lists the category of antimicrobial substances. Column 2 further subdivides the major categories. Column 3 gives the current jurisdiction under FFDCA over antimicrobial substances after ARTCA. Note that, even where FFDCA authority is vested in FDA, EPA retains FIFRA authority for antimicrobial products other than those used on processed food. Such products will continue to require registration.

Table 4.—Jurisdiction Under FFDCA Over Residues of Antimicrobial Substances in or on Food[a]

Use Sites/Categories	Subcategories, if Applicable	Currect Jurisdiction under FFDCA
1. Edible raw agricultural commodities	a. Pre- and post-harvest field use on crops	EPA
	b. In a food processing facility[b]	FDA
	c. Consumer use (e.g., home gardens)	EPA
2. Process water that contacts edible food	a. Post-harvest field treatment[c] of raw agricultural commodities	EPA
	b. In a food processing facility[b]	FDA
	c. Consumer use (e.g., home produce washes for raw agricultural commodities)	EPA
3. Edible processed food	All uses	FDA
4. Animal drinking water	Uses other than animal drugs	EPA
5. Permanent or semi-permanent food-contact surfaces	All sites, including food processing facilities[b]	EPA
6. Production of food packaging materials and in or on finished materials, including plastic, paper, and paperboard	All, regardless of whether the food to be packaged is a raw or processed food	FDA
7. Production of food-contact articles, other than food packaging	a. No intended antimicrobial effect in the finished article; any ongoing effect is not an effect on the surface of the article	FDA

Table 4.—Jurisdiction Under FFDCA Over Residues of Antimicrobial Substances in or on Food[a]—Continued

Use Sites/Categories	Subcategories, if Applicable	Currect Jurisdiction under FFDCA
	b. An intended ongoing antimicrobial effect on the surface of the finished article	EPA

[a]The term "food" is defined according to FFDCA section 201(f).
[b]EPA has used this term for convenience in this overview table. FFDCA section 2(q)(1)(B) describes the scope of activities to include "locations where food is prepared, packed, or held for commercial purposes."
[c]EPA has used this term for convenience in this overview table. FFDCA section 2(q)(1)(B) describes the scope of these treatments to include: (1) treatments in facilities where the treatment does not change the raw agricultural status of the food; and (2) treatments applied during transportation between the field and the treatment facility.

XII. Efficacy Performance and Labeling Standards for Antimicrobial Products

EPA proposes to create a new Subpart W (§§ 156.440 through 156.458) in part 156, entitled *Public Health Claims for Antimicrobial Pesticides*. Subpart W would establish labeling requirements for antimicrobial pesticides that make public health claims based upon the level and type of efficacy demonstrated by testing. The efficacy performance standards upon which the proposed requirements are based are derived from the testing requirements of 40 CFR part 158, and the test methods and standards provided in Subdivision G of the Pesticide Assessment Guidelines. Today's proposal would also codify certain labeling requirements that are currently applied to antimicrobial pesticides individually at the time of registration, but are contained only in Guidelines (Subdivision H of the Pesticide Guidelines). Neither the performance standards nor the labeling requirements are a departure from current and longstanding policies.

A. Need for Rule

EPA bears a special responsibility to ensure that antimicrobial efficacy for public health products be substantiated and maintained over the life of the product because of the potentially serious consequences of lack of efficacy, and the fact that users cannot independently ascertain product efficacy. For that reason, EPA not only must review antimicrobial efficacy data to ensure that products indeed perform at the claimed level of antimicrobial activity, but also must assure that product labeling accurately expresses the type and level of activity to be expected. Effective control of public health pests is not only a function of the availability of products that work as intended, but also of users' ability to select an appropriate product for their needs, and to use it properly. The product labeling is critical in conveying this information. By issuing performance standards and associated labeling standards as rules rather than the current Guidelines, EPA expects to ensure consistency in labeling, promote a common understanding among registrants and the user community of performance expectations and limitations, and thereby maintain the benefits of these products in protecting public health.

B. 1984 Proposal

EPA originally proposed these performance and labeling standards in substantially similar form in 1984 as part of a larger general pesticide labeling proposal (September 26, 1984, 49 FR 37959), but did not finalize them. Because of the intervening time, EPA is reproposing those efficacy performance and labeling standards today. In response to the 1984 proposal, EPA received eight comments pertaining to the efficacy performance and labeling standards. The commenters included two trade associations (the Chemical Specialties Manufacturers' Association and the International Sanitary Supply Association), and six individual producers of antimicrobial pesticides. A copy of these comments or a summary is available in the public docket. EPA has not reviewed these comments in detail for this new proposal, and invites commenters to reiterate any comments they believe are relevant to this proposal.

C. Current Proposal

Every pesticide product must be properly labeled, in accordance with general labeling requirements of part 156, including, among other things, use directions that describe the site of application, the target pests associated with each site, the dosage rate, the method of application, the frequency and timing of application and any particular limitations on use. Antimicrobial products covered by subpart W must comply with part 156 labeling requirements. In addition, for public health antimicrobial products, the labeling must identify the type and level of antimicrobial activity demonstrated by efficacy testing. A product that does not meet the applicable performance standard of proposed subpart W for a specified level of activity (such as sterilizer, disinfectant, or sanitizer) or type of activity (tuberculocidal, virucidal) may not be identified as such on the label, and, in some cases, will be required to bear a disclaimer to make clear the limitations of product performance.

Under proposed § 156.440, the applicability of subpart W to antimicrobial products is the same as that in part 152, subpart W. This will clarify that all antimicrobial public health products, not just those meeting the definition of "antimicrobial pesticide," are subject to the efficacy performance and labeling standards. This clarifies the status of food use antimicrobials, which are excluded from the statutory definition, but covered under EPA's proposed rule.

However, proposed § 156.440 would limit applicability of subpart W to end use products. EPA does not expect manufacturing use products to make specific public health claims. Typically a manufacturing use product must be supported by presumptive efficacy testing demonstrating that the active ingredients are capable of antimicrobial activity. The labeling typically bears information on the results of these screening or presumptive efficacy tests. End use products must, however, be supported by specific efficacy data on the end use formulation, on the sites and under the expected conditions of use of the product itself. The performance standards on which the labeling standards of subpart W rely are based upon end use product testing, not presumptive testing of manufacturing use products. The labeling statements and limitations therefore would also relate only to end use products.

Proposed § 156.441 contains pertinent definitions, including the levels of antimicrobial activity that are permitted on labeling (e.g., sterilizer, disinfectant, sanitizer). This listing is not necessarily exhaustive; in the future, EPA may define additional categories of antimicrobial activity or public health pesticides.

Proposed § 156.443 describes what types of claims EPA considers to be public health claims. In general, public

health claims encompass three types of claims: (1) Claims of control of specific microorganisms that are pathogenic to man; (2) claims of levels of antimicrobial activity that are associated with public health protection (e.g., disinfect), even if specific organisms are not named; and (3) claims that make non-specific assertions relating to impact on public health or safety, e.g., "provides a germ-free environment." The use of such terms on a product label is deemed to bring a product within the ambit of FIFRA regulation as a public health product.

Among the last, EPA has specifically included reference to the term "sanitary" as an antimicrobial public health claim. EPA believes that this is a logical extension of the term "sanitize," that should be considered to bring a product under FIFRA regulation as a public health pesticide. EPA regards a product that claims to "create a sanitary environment" or is intended to achieve "sanitary" effects beyond itself to be making an assertion of impact on public health. The presence of such a claim would clearly constitute a pesticide claim.

At the same time, EPA recognizes that the term "sanitary" may be used on a product in the more traditional sense of "hygienic," i.e., to convey the fact that the product is clean or has been treated to render it free of harmful organisms (for example, "sanitary" napkins). When used in such a sense, EPA believes that there is no intent or claim that the product will have an antimicrobial function beyond protection of itself. In the absence of an express claim, EPA proposes to consider the claim "sanitary" as an implied pesticide public health claim, and the product on which it appears as a pesticide subject to FIFRA, if: (1) The product composition is similar to other products registered under FIFRA that make antimicrobial claims; or (2) the product contains a substance that is capable of antimicrobial activity at the levels in the product and there is no other functional reason for the ingredient to be present in the product. The burden would be on the producer of a product that makes a "sanitary" claim to demonstrate that the claim is not a public health claim. EPA seeks comment as to whether its interpretation of "sanitary" claims is sufficiently clear to unambiguously delineate pesticide products or whether it could be overly broad and draw inappropriate products under FIFRA.

Proposed § 156.444 lists examples of specific antimicrobial-related claims that EPA considers to be unacceptable because they are misleading. These are an extension and clarification of existing prohibitions against false and misleading statements found in § 156.10(a)(5). Again, the listings are intended to be exemplary; EPA may determine on a case-by-case basis that a label statement or claim is misleading.

A product that bears a public health claim, but which does not meet the performance standard for that claim in subpart W would be considered misbranded under FIFRA section 12(a)(1)(E). Registrants have been on notice of the unacceptability of these statements from previous and current Agency guidelines and policies. On the effective date of the final rule, EPA would prohibit these claims from appearing on new products. To ensure that all registrants of current produts are provided adequate notice and have ample opportunity to evaluate their label statements and delete or modify those that are unacceptable, EPA proposes to permit registrants a 1 year period in which to modify labeling before the Agency would find the products to be misbranded. As of a date approximately 1 year after the effective date of the rule, the actual date to be specified in the final rule, EPA may take action against any product that it determines is misbranded based upon the criteria in proposed § 156.444. EPA requests comments on whether a 1 year period for label compliance is adequate. Based on comments, EPA may in the final rule adopt a compliance date of more or less than 1 year.

The remainder of subpart W (§§ 156.445 through 156.458) describes the performance standards and acceptable claims that may be made for various antimicrobial public health pesticides. Each section generally contains the following:

1. The performance standard for a level of antimicrobial efficacy on a specified site (e.g., sanitizing claim on hard surfaces) or, alternatively, a description of a use site and the performance standards that apply (e.g., fabrics and textiles, air sanitizers).

2. A reference to the appropriate Guideline for an acceptable test protocol. The performance standards are based upon testing in accordance with the test methods of the Pesticide Assessment Guidelines, Subdivision G, or "its equivalent."

The term "equivalent" is defined in § 156.441 to mean a protocol or method that accomplishes the purposes of the cited Guidelines, and that provides data equal in quality and completeness for EPA assessment as that of the cited Guideline. With respect to antimicrobial protocols, an equivalent protocol or method must be validated by multiple laboratories studies that demonstrate equivalency. The term "Guidelines" is defined to include both the Pesticide Assessment Guidelines, Subdivision G, and the OPPTS Harmonized Guidelines. For antimicrobial efficacy testing, these differ only in the numbering and formatting of the Guidelines. Ultimately, the OPPTS Guidelines are intended to supersede the OPP Guidelines. EPA expects the Harmonized Guidelines to be issued before the rule is promulgated. Therefore, in proposed subpart W we have included references only to those updated Guidelines. A copy of the latest draft of the Harmonized Guidelines for Antimicrobial Performance (810 series) is included in the public docket. If the Harmonized Guidelines are not final and available at the time of promulgation, EPA will substitute references to the existing Pesticide Assessment Guidelines in the final rule.

3. A statement of the acceptable claim(s) that may be made on labeling of a product that meets the performance standard. Typically, explicit terminology or wording is provided, which must be used to ensure uniformity of claims. In this respect, § 156.442 would clarify that EPA requirements for specific terminology also authorize grammatical variations on that terminology, or its use in statements and phrases. For example, when EPA specifies that an acceptable claim is as a "tuberculocide," a product would be permitted to use the term "tuberculocidal" in a statement or phrase describing the activity of the product.

4. Any restrictions or limitations upon use of the claim. For example, proposed § 156.455 states that an air sanitizer must bear a statement that accurately describes the limited nature of the sanitizing claim.

5. In some cases, a description of unacceptable claims. Generally, both restrictions on claims and unacceptable claims are needed to ensure that users, who may have broader expectations of efficacy than the product demonstrates and the labeling conveys, are fully informed of product limitations. For example, proposed § 156.455 specifies that an air sanitizer may not make claims as a sterilant, disinfectant or germicide.

Proposed subpart W does not contain all required use directions for antimicrobial public health products. It contains only the specific performance standards and closely related restrictions and limitations on labeling claims derived from those standards. Adequate use directions for achieving expected efficacy require detailed instructions that vary depending on the type of product, use site and target

organism, and must be determined on a case-by-case basis. Particularly for antimicrobial pesticides, use instructions must reflect very specific test parameters keyed to sites of use. For example, the presence of soil or moisture on a surface may affect the ability of a product to perform, and must be accounted for both in efficacy testing and in labeling use directions. These more detailed use instructions are contained in Subdivision H, Labeling Requirements for Pesticide Use Directions, Antimicrobial Products.

XIII. Other Labeling Revisions

A. Use Dilution Labeling

FIFRA section 3(c)(9)(D) provides that antimicrobial products that are or may be diluted for use may bear a different "statement of caution or protective measures" for the recommended diluted solution than for the concentrate, provided that adequate data have been submitted to support the proposed statement and the label provides adequate protection for exposure to the diluted solution of the pesticide. The Agency has developed policy and procedural guidance pertaining to use dilution labeling, and will apply the policy to all pesticide products, not just antimicrobial products as required by FIFRA. Today's proposal would modify current regulations in part 156 to provide specifically for use dilution labeling.

1. *Data requirements.* EPA intends to specify in a future part 158 proposal the data required to support use dilution labeling for antimicrobial products.

The data needed to support use dilution labeling changes consist of data on acute toxicity of the diluted product. If a product is diluted with water, systemic toxicity (acute oral or dermal toxicity) categorization can be supported by calculations from the concentrated product. In general, systemic toxicity categories differ by a factor of 10. Therefore, in most cases, if dilutions are an order of magnitude or more, the toxicity category for a particular route of exposure can be expected to be the next lower category (Category I is highest). For example, if the concentrated product toxicity category is II and the product as used is diluted at least 10-fold, the diluted product should be in toxicity category III; if it is diluted more than 100-fold, the diluted product should be in toxicity category IV.

On the other hand, label statements triggered by skin or eye irritation or dermal sensitization must be supported by new or cited studies. Calculations are not acceptable because irritation and sensitization effects do not necessarily correlate directly with the degree of dilution.

In some cases, a diluted product may be more irritating than the concentrated product. Data may be cited if another registered product (such as a ready to use formulation) with a composition similar to the diluted product is supported by acceptable data. In all cases in which the diluent is other than water, data must be submitted, since diluents other than water may themselves be toxic.

2. *Permitted use dilution labeling.* EPA proposes to expand its current labeling regulations in 40 CFR part 156 to address opportunities for use dilution labeling. Currently § 156.10 requires that a product be labeled with information on the product as distributed and sold. The product that is marketed to users may be a concentrate product with directions for use dilution, or may be a ready-to-use product requiring no dilution. In many cases, a concentrate product as diluted will be substantially similar in composition and hazards to a ready-to-use product. It makes sense, then, that registrants should be permitted to provide additional information on precautions and protective measures for the diluted product. At the same time, the addition of statements appropriate for the product as diluted should not be allowed to detract from or mislead the user as to the hazards of the product in its undiluted form.

EPA believes that the "statement of caution or protective measures" referred to in FIFRA section 3(c)(9)(D) includes the first aid or practical treatment statement, the human (and animal) precautionary statements, and various personal protective equipment statements. EPA believes that a "statement of caution" does not extend to the signal word (DANGER, WARNING, or CAUTION), word POISON and skull and crossbones, or child hazard warning ("Keep Out of Reach of Children"), which should reflect and alert users to the typically higher hazards associated with the concentrate product.

If the labeling allows a range of dilution, EPA would permit use dilution labeling only for the most concentrated dilution. EPA believes that there is little value in multiple sets of precautionary statements reflecting various levels of use dilution, and that product users would find multiple statements cluttering and confusing.

Because the concentrate product typically presents higher hazards than the diluted product, EPA would not permit dilution-based statements either to substitute for or modify existing statements for the concentrate product. Rather, EPA would permit additional statements that augment the information for the concentrate product to appear following the concentrate product information. For example, the wording in italics could be added to precautionary or first aid statements:

HAZARDS TO HUMANS. "Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Wear goggles or face shield. Wash thoroughly with soap and water after handling. Wash contaminated clothing before reuse. *After product is diluted, goggles or face shield are not required.*"

FIRST AID. "If on skin: Take off contaminated clothing. Rinse skin immediately with plenty of running water. Call a doctor or poison control center for further treatment advice. *If diluted product gets on skin, medical attention is not required.*"

Separate statements could also be used, with appropriate headings for "Concentrate" and "Diluted product" or similar wording.

B. Reorganization of Labeling Regulations

EPA proposes to reorganize § 156.10(h), which describes labeling requirements pertaining to hazard statements, to upgrade its structure. EPA believes that this long overdue reorganization is needed to accommodate the new use dilution provisions, and to improve the readability of the human hazard and precautionary sections of its labeling regulations. Ultimately EPA intends to upgrade part 156 entirely, but at present is doing so only as part of other regulatory proposals that affect labeling.

EPA has already proposed to upgrade the structure of its use direction labeling requirements as part of its proposal on Pesticides and Ground Water State Management Plans (June 26, 1996; 61 FR 33260). That proposal would create subpart G to contain directions for use.

Today's proposal carries this organizational upgrading one step further. EPA proposes to create new subpart D in part 156 (comprising §§ 156.60 through 156.79), and locate in it all human hazard and precautionary statements, including physical and chemical hazards. Environmental hazard and precautionary statements, currently located in § 156.10(h)(2)(ii) would be located in new subpart E.

In reformatting, EPA has reworded the provisions of current § 156.10(h) for clarity, and is proposing several minor changes:

1. Section 156.64 would eliminate the requirement that a product in Toxicity

Category IV by all routes of exposure bear a signal word. Currently, products in Toxicity Categories III and IV bear the same signal word, CAUTION. Products in Toxicity Category IV are of minimal toxicity, and EPA believes that a signal word is not necessary for effecting the purposes for which the product is intended. Indeed, the same signal word for two different categories of toxicity may contribute to misunderstanding of the hazards of products in both categories.

In recent research conducted under the Consumer Labeling Initiative, users of several types of consumer products tended to ascribe a higher level of hazard to products bearing the signal word CAUTION than to products bearing no signal word at all. Thus the signal word CAUTION on a Category IV product has the potential to be misunderstood. Users may consider all products bearing the signal word CAUTION as similar in toxicity, even though those in Toxicity Category IV pose negligible hazard while those in Category III pose moderate but real hazards.

The hierarchical Toxicity Category scheme is designed to allow distinctions to be made among products based on acute toxicity. Signal words assigned to the four toxicity categories are intended to allow users to make informed choices about the risks of the products they purchase. Having the same signal word for two categories runs counter to this goal. The hierarchy of product toxicity would be easier to convey on labeling if each category were clearly differentiated from another. Absent a new signal word to assign to Toxicity Category IV products, EPA proposes to eliminate the signal word entirely. The label would still be required to bear the child hazard warning.

2. Section 156.66 would clarify that the child hazard warning, "Keep Out of Reach of Children" is not always appropriate for all products, and that EPA may require or permit an alternative wording of the statement. This change would codify existing policy.

3. Section 156.68 would require the heading "First Aid," instead of the currently required "Practical Treatment," for the statement regarding emergency treatment by a user to mitigate pesticide exposures. This change was recommended in the Consumer Labeling Initiative Phase I Report (September 30, 1996), in which consumer interviews identified label improvements for consumer pesticide and non-pesticide products.

4. Section 156.68 would also require that a first aid statement appear on the front panel of the label for each product in Toxicity Category I, including for the first time eye and skin irritation effects. Currently, the statement is required on the front panel only for products in Toxicity Category I based upon systemic effects.

EPA believes that the current distinction between systemic and irritation effects is not justified. The corrosive effects associated with exposure to a Toxicity Category I skin or eye irritant are potentially irreversible, and EPA believes that information on mitigating those effects should be clearly and immediately available to the user. Logically, then, first aid measures for skin irritation should be as prominently located on the label as those for dermal toxicity. Location on the front panel affords the greatest prominence to first aid statements.

5. In creating new subpart E in which to locate environmental hazard and precautionary statements, EPA has included in a general section (§ 156.80) introductory language describing the location and type size of environmental hazards statements. Otherwise the requirements are the same as those in current § 156.10(h), and comment is not requested on this reorganization.

C. Updated Toxicity Categories

EPA had intended to propose to update its current Toxicity Categories for acute hazard labeling. The Toxicity Categories in § 156.10(h) were established in 1975 and are no longer current. In September 1998, however, the United States agreed in principle with the Organization for Economic Cooperation and Development to harmonize internationally the classification systems for a number of hazard criteria, including acute toxicity. The proposed classification scheme differs markedly from EPA's current scheme, both in the number of and criteria for acute toxicity categories. Implementation plans for the new scheme are intended to be developed by the year 2000.

In light of the proposed internationally harmonized scheme, EPA has decided not to propose to update its toxicity categories. At best, updating would be an interim step, which would be superseded in 2 to 3 years by U.S. implementation of the new scheme, which itself will be a major undertaking for the pesticide industry.

XIV. Chemical Sterilants

A. Liquid Chemical Sterilants Excluded by Statute

FIFRA section 2(u) specifically excludes from the definition of "pesticide" liquid chemical sterilants (and their subordinate disinfectant claims) for use on a critical or semi-critical device. This change in FIFRA was effective on August 3, 1996, and supersedes the interim guidance outlined in PR Notice 94-4 (June 30, 1994). That notice pertains to registration procedures for liquid chemical sterilant products affected by the June 3, 1993 Memorandum of Understanding (MOU), as amended, between EPA and FDA. In accordance with the MOU, EPA was preparing a rule to exempt such products from FIFRA regulation under section 25(b), which would have yielded regulatory jurisdiction solely to FDA. That proposal is no longer needed since the jurisdictional change was accomplished statutorily.

The effect of the exclusion under FIFRA is that such products are regulated solely by FDA as "devices" as defined in section 201 of the FFDCA. EPA has issued a notice to registrants of affected sterilant products (PR Notice 98-2, January 15, 1998), informing them of the change in regulatory jurisdiction. Today's proposal will codify in new § 152.6 the statutory exclusion for liquid chemical sterilants, though codification is merely a convenience for the regulated community and is not necessary for the exclusion to be effective.

Codification of the liquid chemical sterilant exclusion does not change the interim measures outlined in PR Notice 94-4 for general purpose disinfectants, nor does it affect liquid chemical sterilant products intended for use on non-medical devices, such as those intended for use solely on environmental surfaces, or those which are intended for veterinary purposes.

B. Non-liquid Chemical Sterilants Exempted by Regulation

EPA proposes further to use its authority under FIFRA section 25(b) to exempt from FIFRA regulation the following additional antimicrobial product types: (1) Non-liquid chemical sterilants for use on critical/semi-critical devices, except ethylene oxide; (2) non-liquid chemical sterilants bearing, in addition, subordinate disinfectant claims for use on critical/semi-critical devices.

FQPA modified the definition of "pesticide" in FIFRA section 2(u) so as to grant FDA exclusive jurisdiction over

liquid chemical sterilants for use on critical/semi-critical devices. Congress did not, however, address non-liquid chemical sterilants, which have similar uses as liquid chemical sterilants. In fact, under FFDCA section 510, FDA regulates *all* chemical sterilants used on all medical devices, not just liquid chemical sterilants on critical and semi-critical devices. In modifying FIFRA, Congress affirmed that FDA jurisdiction under FFDCA section 510 was an adequate means of regulating these sterilant products, and that dual oversight with EPA was unnecessary to protect the public health.

FIFRA section 25(b) authorizes EPA, by regulation, to exempt a pesticide from any or all provisions of FIFRA if the pesticide is adequately regulated by another Federal agency. EPA believes that Congress' expression of the adequacy of FDA's approval process for liquid chemical sterilants and their subordinate disinfection claims on critical/semi-critical devices as a statutory matter is an adequate basis for EPA to determine that non-liquid chemical sterilant products regulated under the same approval process are adequately regulated by another Federal agency.

C. Antimicrobial Products Neither Excluded nor Exempted

1. *Any claims on non-critical medical devices.* EPA does not propose to exempt sterilants or disinfectant products used on non-critical medical devices from FIFRA regulation. Non-critical medical devices potentially cover a wide array of items and surfaces, such as blood pressure cuffs and bedpans. EPA and FDA currently share jurisdiction over products used on non-critical medical devices. However, under its 1993 MOU with FDA, EPA and FDA agreed to an approach under which FDA would grant sole responsibility for products used on non-critical medical devices to EPA. FDA has issued a proposal to exempt general purpose disinfectant products from the requirement for pre-market clearance under FFDCA section 510(k) (63 FR 59917, November 6, 1998).

2. *Any claims on non-medical devices.* EPA has sole jurisdiction over all claims on non-medical devices. These products are not regulated jointly with FDA.

The combination of the statutory exemption for liquid chemical sterilants and the exemptions proposed under FIFRA section 25(b) would give FDA sole jurisdiction over all chemical sterilants (except ethylene oxide), together with their subordinate level disinfection claims for use on all critical and semi-critical medical devices. Exempting from FIFRA coverage additional sterilants and uses and consolidation of regulatory jurisdiction with FDA will eliminate dual regulatory requirements and unnecessary paperwork requirements.

Table 5 below sets out concisely the status of chemical sterilants and other antimicrobial products used on medical devices, and the statutory and regulatory transfers that are occurring for liquid and non-liquid chemical products. Where the table indicates "no change" in the last column, the jurisdiction has not changed by statute, and EPA is not proposing any regulatory change.

Table 5.—Antimicrobial Products Used on Medical Devices

Product	In this form--	For this Use--	Is under the Jurisdiction of--	By Virtue of--
Sterilant + any subordinate level disinfectant claim (except ethylene oxide)	Liquid	Critical/semi-critical medical devices	FDA	Statutory exclusion
		Non-critical medical devices	FDA and EPA	No change
		Sites other than medical devices	EPA	No change
	Non-liquid	Critical/semi-critical medical devices	FDA	FIFRA exemption
		Non-critical medical devices	FDA and EPA	No change
		Sites other than medical devices	EPA	No change
Products bearing disinfectant or sanitizer claims only	All forms	Non-critical medical devices	EPA and FDA	No change
		Sites other than medical devices	EPA	No change

D. Ethylene Oxide

Ethylene oxide is a gaseous form of sterilant, and thus was not transferred to FDA jurisdiction by statute. EPA does not propose to exempt the sterilant ethylene oxide because, in contrast to the other non-liquid sterilants that would be exempted, ethylene oxide use is not limited to medical and hospital use. Ethylene oxide is used as a fumigant for foods, particularly for fumigation of whole spices, a use regulated by no other Agency except EPA. Thus, even if EPA were to exempt the ethylene oxide sterilization use on critical/semi-critical devices, EPA might retain significant oversight over ethylene oxide for other uses. It makes sense, then, for EPA to retain jurisdiction over the sterilant use of ethylene oxide on medical devices.

XV. Nitrogen Stabilizers

A. Nitrogen Stabilizers are Regulated as Pesticides

FQPA expanded the FIFRA definition of "pesticide" to include nitrogen stabilizers, but by definition in FIFRA section 2(hh) "nitrogen stabilizer" excludes certain substances. Two named substances (dicyandiamide and ammonium thiosulfate) are excluded outright. Other substances are excluded

if they meet the criteria in section 2(hh)(3): They were introduced into commercial agronomic use by January 1, 1992, without being registered under FIFRA, and thereafter have not made specific claims of "prevention or hindering of nitrification, denitrification, ammonia volatilization [or] urease production" (collectively referred to in this discussion as "nitrogen stabilization claims"), except where required to do so under State pesticide regulations.

EPA proposes to add to new § 152.6 those substances that are not nitrogen stabilizers by statutory definition and therefore not regulated as pesticides when used for nitrogen stabilization purposes. All other nitrogen stabilizer products are regulated as pesticides under FIFRA. This unit discusses how EPA will determine which nitrogen stabilizers it will treat as pesticides.

B. What is a Nitrogen Stabilizer?

1. *Action on soil bacteria.* To be a nitrogen stabilizer in the first instance, a product must accomplish the purpose of nitrogen stabilization through "action upon soil bacteria." Clearly, this phrase excludes fertilizer products, which increase soil nitrogen by simple addition of nitrogen-containing substances rather than any soil bacterial action. However, any product that enhances soil nitrogen availability by affecting the soil bacteria is a nitrogen stabilizer, regardless of whether it also functions as a fertilizer after action on soil bacteria. Such dual products that function both as nitrogen stabilizers and fertilizers are regulated under FIFRA if they meet the other statutory criteria for nitrogen stabilizers.

2. *Date of introduction into commerce.* The first criterion pertains to the date of introduction of the product into commerce. Section 2(hh) specifies January 1, 1992, as the date before which the product must have been in "commercial agronomic use" but not registered as a pesticide (as well as the date after which no specific claims of nitrogen stabilization must have been made in connection with its sale and distribution; see below). EPA can verify from its records what products were registered before January 1, 1992 (these are nitrogen stabilizers that must continue to be registered). EPA interprets "commercial agronomic use" to mean that a product is being distributed and sold at the wholesale and retail levels. A product that is being distributed only in a limited or restricted way in preparation for full marketing is not considered to have achieved commercial marketing status.

3. *Specific claims.* The second criterion relates to claims made for the product. The statute does not define what is meant by a "specific claim of prevention or hindering of the process of nitrification, denitrification, ammonia volatilization [or] urease production." Moreover, there is no explanatory legislative history to guide EPA in discerning Congressional intent. Therefore, EPA is interpreting the phrase in a common sense manner.

Nitrification, denitrification, ammonia volatilization, and urease production denote specific undesirable actions of soil bacteria with the result that nitrogen availability is decreased. Clearly, any product that uses these terms on the label is making a "specific claim" of mitigating that effect. However, other claims which focus only on the end result of nitrogen stabilization (increased/prolonged availability of nitrogen) are also used on product labels. EPA identifies examples of these phrases in proposed § 152.6(b)(4). The phrases listed in that section, to the Agency's knowledge, could be used to describe only two functions of products—either the fertilizer effect of addition of slow-release nitrogen-containing substances, or the pesticidal effect on soil bacteria that is nitrogen stabilization and has the same end result.

Although these label claims could theoretically be used to describe fertilizers, EPA believes that they are in practice claims of nitrogen stabilization rather than fertilizer claims, for the following reasons. First, fertilizer products are already excluded from FIFRA regulation by EPA's own regulations in § 152.8, and a fertilizer product need only be labeled as such (and bear no other pesticide claims) to avoid FIFRA regulation. It would make little sense for a fertilizer product to bear claims such as "increases nitrogen uptake" or "prolongs nitrogen availability" when a simple declaration as a "fertilizer" would suffice under FIFRA, and "fertilizer" is a description of such a product that would be understood by all purchasers. The only other plausible use of these ambiguous claims relates to nitrogen stabilizing effects on soil bacteria.

More telling is EPA's experience in evaluating such products. A first-hand examination of the labeling and ingredients declaration of a product is the most reliable method to determine if products with such claims are to be regulated under FIFRA. An examination of this sort is similar to the process used for many years to determine the pesticide/non-pesticide status of plant regulators (pesticide) versus fertilizer (non-pesticide) products. In each instance that EPA has examined a product bearing a claim such as described in § 152.6(b)(4), EPA has determined that the product was, in fact, functioning as a nitrogen stabilizer, and that the product composition was consistent with an expected nitrogen stabilization purpose rather than, or in addition to, a fertilizer purpose.

Moreover, such an interpretation of indirect claims is in keeping with EPA's past and current policies on nitrogen stabilizers. EPA's policy has been to treat claims that indicate pesticidal intent as pesticide claims that subject the products to regulation under FIFRA. Therefore, EPA proposes to treat any claim that states or implies that the product will prevent or hinder nitrification, denitrification, ammonia volatilization, or urease production as a claim that brings the product under the purview of FIFRA as a nitrogen stabilizer. If a product functions solely as a fertilizer or a slow- or delayed-release fertilizer, is labeled as such with explanatory information on the method used to accomplish any delayed- or slow-release action (e.g., by encapsulation) and bears no additional claims that appear to be nitrogen stabilization claims, it would not be considered a pesticide.

EPA believes that to do otherwise would create an administrative and enforcement inequity that could potentially undermine the intent of the statute to the point where it would have little practical effect. The purpose of incorporating nitrogen stabilizers into the definition of "pesticide" in FIFRA section 2(u) is to regulate certain nitrogen stabilizers as pesticides. If EPA were to interpret the Act to limit the regulatory coverage of nitrogen stabilizers to products that use the magic words "nitrification," "denitrification," "ammonia volatilization," or "urease production," while ignoring other language that makes equivalent but differently phrased claims, a product that Congress intended to be regulated could escape FIFRA regulation merely by using a "code phrase" that conveys the same meaning as these terms. Arguably, under such a restrictive interpretation, the only nitrogen stabilizers covered by FIFRA might be those already registered as of January 1, 1992. EPA believes that Congress could not have intended to extend coverage of FIFRA to nitrogen stabilizers, only to exclude most or all of those products by a mere turn of phrase.

4. *State exclusion.* Congress did provide a specific exclusion for statements that are required by State

legislative or regulatory authorities. A product that makes a claim of nitrogen stabilization in its labeling or other materials only because of a State requirement is not thereby brought under FIFRA regulation. Congressional intent is clear: Federal regulatory authority over nitrogen stabilizers should not be enlarged by actions of the States. Nor does EPA believe that Congress intended that a product that triggered Federal regulation by making nitrogen stabilizer claims be removed from regulation by subsequent action of a State. Proposed § 152.6 therefore makes clear that the State requirement for labeling must be a pre-existing one, that is, in place prior to the assertion of nitrogen stabilizing claims by the seller or distributor.

Moreover, a product for which nitrogen stabilization claims are made because of a State requirement is nonetheless subject to FIFRA regulation if at any time since January 1, 1992, nitrogen stabilization claims have been made for the product with respect to its distribution and sale in another State that does not have such a requirement. Sale or distribution of such a product in any State, including the State which imposed the labeling requirement, is subject to the provisions of FIFRA.

The producer of a product who claims eligibility under this exclusion would need to maintain sufficient records to clearly demonstrate that, as of January 1, 1992, the product was being commercially distributed and sold (sales records, for example), and that no nitrogen stabilization claims were made after that date (dated copies of labeling and advertising, for example). These records are maintained by producers as a normal business practice, so no additional recordkeeping would be required by this proposal.

XVI. Notification of Registration Changes

A. FQPA Modifications

EPA proposes to modify its current notification procedures for antimicrobial products to conform to those established under FIFRA section 3(c)(9). The statutory provisions requiring these changes are discussed in Units IV.I. and V.B.

Prior to FQPA, FIFRA did not provide a notification scheme. In 1988, EPA implemented a regulatory notification framework (contained in § 152.46), under which EPA determines acceptable modifications to registration that may be made by notification. The types of acceptable notifications are set out in direct notices to registrants, together with the procedures for submitting notifications.

FQPA modified FIFRA with respect to notifications for antimicrobial pesticides only, in both substance and procedure. For the first time, FIFRA establishes a statutory right for antimicrobial registrants to make certain types of changes by notification. Specifically, a registrant may modify the labeling of an antimicrobial pesticide product to include relevant information on product efficacy, product composition, container composition or design or other characteristics, that do not relate to any pesticide claim or pesticidal activity. Further, FIFRA sets up a procedure for antimicrobial notifications that holds both registrants and EPA to a high degree of accountability.

FIFRA section 3(c)(9) became effective on August 3, 1996; today's proposal would codify the procedures of the Act that are already in effect. Neither current regulations nor this proposal address the types of actions that may be accomplished by notification.

The notification provisions of the Act apply only to antimicrobial products. As a policy matter, EPA could extend both the types of notifications and the procedures for notifications to other products. After consideration, EPA has decided to allow non-antimicrobial registrants to avail themselves of the new types of notifications provided by FIFRA section 3(c)(9), but will not propose changes in its current procedures for notifications for such products. Although EPA believes that the new statutory process for antimicrobials is superior in some ways to the existing notification scheme, it is reluctant to add an additional procedural layer to a system that appears to work well as currently administered.

Consequently, after the effective date of the rule, EPA would have in place two notification schemes (antimicrobials/other pesticide products), but would have a unified set of notification actions. After the effective date of the rule, antimicrobial registrants would be required to follow the notification procedures of § 152.446 only; they would not be permitted to follow the current procedures in § 152.46. EPA welcomes comment on whether the notification procedures for antimicrobials should be adopted across-the-board. If persuaded by commenters that there are benefits without undue costs in making the procedures for notifications uniform for all products, EPA could, in the final rule, adopt the procedures across-the-board. If it does so, EPA would simply adopt the provisions of § 152.446 to replace those currently in § 152.46.

Although EPA does not propose to apply the new procedures to all products, it believes that the types of notifications permitted by FIFRA section 3(c)(9) should be extended to all products rather than limiting them to antimicrobials. Doing so does not require that EPA modify its regulations in § 152.46, since permitted notifications are detailed in direct notices to registrants (PR Notices), a practice EPA would continue. Current permitted notifications are specified in PR Notice 98-10, issued October 22, 1998.

B. Comparison of Current and New Procedures for Antimicrobial Products

This unit describes the new procedures for antimicrobial product notifications and compares them to the current procedures for all other products, which are not proposed for change. The significant differences between antimicrobial procedures and current notification procedures in § 152.46 are that:

1. Registrants who submit antimicrobial notifications must wait 60 days after submission before distributing or selling the modified product. Registrants of other products may distribute or sell immediately upon submission.

The new scheme offers an eminently practical solution for the uncertainties of compliance and enforcement in the current notification process. Under the current scheme, a registrant who ships immediately upon notification runs the risk that EPA might thereafter determine the notification is improper, and the product would be in violation of FIFRA. Because FIFRA section 3(c)(9) prohibits sale and distribution of a modified product for 60 days after submission, but requires Agency action within 30 days, there will always be some period of time after the Agency's decision before an antimicrobial product can be shipped legally. There is no possibility (as exists under the current scheme) that a registrant will ship an antimicrobial product only to have the Agency disapprove the notification. The benefit of certainty is somewhat offset by the fact that an antimicrobial registrant must wait before shipping. However, EPA proposes in § 152.446 to allow shipment at any time after receipt of approval by the Agency (30 days), thereby almost halving the 60–day waiting time.

2. EPA is obligated to disapprove antimicrobial notifications it finds unacceptable within 30 days after receipt. Under the current process,

EPA's goal is to make its determination within 30 days, but it is not required to do so.

The new process involves some increase in resources and time on EPA's part. Requiring a review and specific disapproval decision within 30 days of receipt is more demanding than the current scheme which lacks a decision deadline. Nonetheless, antimicrobial notifications are currently being processed within 30 days, so EPA anticipates little pressure on its current antimicrobial program resources to accommodate the 30–day decision deadline.

3. EPA may require substantiating information for an antimicrobial notification. Current EPA regulations in § 152.46 do not explicitly mention substantiation. EPA proposes that antimicrobial registrants be required to retain, and submit upon request, substantiating information for each modification. Substantiating information might be required to be submitted if the registrant objected to the Agency's disapproval of his/her notification. The provision for substantiation of claims for antimicrobial products offers EPA greater assurance that the claims are in fact accurate, and can be verified objectively or scientifically.

4. Antimicrobial registrants may formally object to the Agency's disapproval of an antimicrobial notification. Current § 152.46 contains no provision for appeal of an Agency disapproval. The availability of an administrative appeals process, if used frequently, would increase resource needs to administer the process. However, EPA anticipates few appeals since the types of notifications permitted by the statute are relatively straightforward decisions for which the current notification scheme was designed.

XVII. Conforming and Organizational Changes

A. Changes in Definitions

EPA is proposing to modify, delete, or add a number of definitions to § 152.3. Definitions located in § 152.3 apply to all pesticide applications, including antimicrobial applications. The definition of "pesticide" would be deleted because it has become so long and complicated in the statute itself that it adds no value to reiterate the definition in regulations. The definition of "active ingredient" would be modified to conform to the change made by FQPA adding nitrogen stabilizers. Definitions to be added include the following:

1. "Antimicrobial pesticide," to allow reference to new subpart W. The definition proposed here interprets the statutory definition to clarify and give practical meaning to the exclusions from the definition for "wood preservative," "antifouling paint product," "fungicide for agricultural use" and "aquatic herbicide."

2. "Applicant," "registrant" and "application for registration," to create concise terms that cover both new and amended registrations.

3. "Complete application." This definition is being added to apply to all pesticide applications because a number of FIFRA provisions (not just those for antimicrobial products) depend upon the submission of a "complete application," including: (1) the timeframes for all "fast-track" applications under section 3(c)(3)(B); (2) the priority given to review of minor use applications under section 3(c)(3)(C); and (3) the priority given to so-called "safer" pesticides under section 3(c)(10). For antimicrobial pesticides, § 152.450 contains detailed information on what constitutes a complete application.

4. "Fast-track application," to formalize the term widely used by the Agency and the regulated community for applications under FIFRA section 3(c)(3).

5. "Nitrogen stabilizer," to include the statutory term here for convenience.

B. Exclusions and Exemptions under FIFRA

EPA proposes to compile in one location in its regulations the various exclusions that have accumulated in FIFRA over the years. Exclusions from FIFRA regulation are statutorily designated substances that are not to be regulated under FIFRA. Readers should note that "exclusions" do not include exemptions granted under FIFRA section 25(b), which are pesticides specifically removed from FIFRA regulation by Agency action.

Several exclusions already exist in FIFRA, and are identified in current regulations. These include:

1. Substances used against organisms that are not "pests" by definition in FIFRA section 2(t).

2. Substances that are not "pesticides" by definition in FIFRA section 2(u).

3. Substances that indirectly are not "pesticides" by virtue of being excluded from definitions of substances that are pesticides, such as "vitamin-hormone horticultural products," which are excluded from the definition of "plant growth regulator" in FIFRA section 2(v).

FQPA amended FIFRA to add two additional exclusions for substances that are not to be regulated under FIFRA. Because the existing exclusions are scattered in FIFRA and have been expanded by FQPA, EPA believes it would be useful and convenient to consolidate them in one location in its regulations. Accordingly, EPA proposes to create new § 152.6 and to include in it both existing and new exclusions.

Existing exclusions, which have not been altered, include those in § 152.8 for pests of living man and animals (human and animal drugs) and various soil amendment products, in § 152.20 for human drugs and in § 152.25 for vitamin hormone products. New exclusions include those for certain liquid chemical sterilants and certain nitrogen stabilizer products. EPA believes that proposed § 152.6 contains all exclusions provided by statute or existing regulations. If EPA finds that it has inadvertently omitted any exclusions provided by statute, it will in the final rule add them to § 152.6.

XVIII. Consultations During the Development of this Proposal

FIFRA section 3(h) requires that EPA, in developing this proposed regulation, "solicit the views from registrants and other affected parties to maximize the effectiveness of the rule development process." EPA has consulted, and maintains an open dialogue with, a number of interested parties, both in establishing the streamlined antimicrobial program itself and in developing this proposal.

A. Stakeholder Meetings

Stakeholder meetings were begun shortly after enactment of FQPA--the first was in November 1996--with a view to engaging the antimicrobial industry (which is largely composed of small businesses), public health, consumer and environmental groups, in discussions and suggestions that could be implemented in the rule. Since then, EPA has held a number of open public meetings, approximately every quarter, to discuss issues arising from the development of the antimicrobial rule and the administration of the antimicrobial registration program. These open meetings have been announced in the **Federal Register** and have been attended by registrants, trade associations representing antimicrobial producers and users, other Federal agencies, and environmental and consumer groups. Information about the meetings and summaries have been placed in a public docket (OPP docket control number 00473, located at the address given under ADDRESSES). EPA

intends to conduct further meetings of this nature, and will make special efforts to continue and expand the participation of small businesses in the dialogue fostered through such meetings.

To enhance pre-proposal input into the regulatory development process, draft language for this proposal was released to the public in April 1997, and again in June 1998. Ensuing discussions and comments raised a number of issues of concern. Among them were the following:

1. *The opportunity to rebut Agency's conditions of registration.* When EPA issues a registration, it often does so with conditions attached, generally labeling changes. Registrants have not had the opportunity to have EPA reconsider conditions they believed were onerous or unnecessary. EPA has now modified the proposal to allow applicants who disagree with EPA's imposition of labeling changes as a condition of registration to submit a rebuttal for consideration.

2. *A shorter review period for resubmissions.* Industry was concerned that EPA might choose to start its review clock over for minor resubmissions to complete an application or respond to Agency questions. In response, EPA is proposing a specific new category of shortened review period for "qualifying resubmissions." This new category would shorten the review period that would otherwise apply by 30 days for applications with review periods of 120 days or less. EPA estimates that approximately 75% of antimicrobial applications each year would have review periods of 120 days or less, and would benefit from this provision.

3. *How EPA would deal with indications of product lack of efficacy.* EPA had considered a scheme whereby applicants would agree to accept as a condition of registration the imposition of a variety of measures if their product was found to be inefficacious after registration. Industry was concerned about the vague nature of EPA's proposal, and viewed it as potentially costly. As a result, EPA has scrapped this scheme, and developed a new one (the sunset provision in § 152.458), to respond to their concerns.

B. Workshops

To complement the stakeholder meetings and extend their approach to stakeholder involvement to a larger group of participants, on January 8-9, 1997, EPA held a highly successful 2–day antimicrobial regulation workshop attended by over 300 participants. At a number of plenary sessions and small discussion groups, EPA explored with participants issues such as improving and streamlining the registration process for antimicrobial products, self-certification, harmonization with States and the international community, applying for registration, and antimicrobial data requirements. A second workshop was held on June 15-16, 1998, and was attended by an even larger group of stakeholders. A major trade association with extensive small business membership was fully represented at both workshops. In addition, individual representatives of more than 15 small firms attended.

C. Food and Drug Administration

FQPA modified both FIFRA and FFDCA in ways that either explicitly or effectively transferred regulatory authority over a number of pesticides between EPA and FDA. As a result, EPA has consulted frequently with FDA in preparing this proposal with respect to liquid chemical sterilants (see Unit. XIV.) and the transfer of regulatory jurisdiction over certain food use antimicrobial residues back to FDA (see Unit XI.).

D. Canada

In the fall of 1996, EPA held discussions with the Pest Management Regulatory Agency of Health Canada, which is the Canadian government agency responsible for regulation of certain antimicrobial pesticides in Canada. These consultations focussed primarily on Canada's system of categorizing antimicrobial pesticide types, its administrative procedures that EPA might adopt to streamline, simplify and accelerate the Agency's procedures, and ways to harmonize data requirements for antimicrobial products.

Although the majority of the discussions targeted administrative rather than regulatory changes, EPA has included in this proposal expanded application contents (§ 152.450) that will, in addition to assisting U.S. regulators of antimicrobial pesticides, foster harmonization of application reviews between Canada and the U.S. For example, the requirement that an applicant supply copies of available data reviews conducted by other countries (such as Canada) will contribute to more efficient regulation of antimicrobial products. In addition, EPA's rigorous application of completeness criteria as a resource management tool mirrors that of Canada.

XIX. Table of Affected Sections

Because today's proposal covers myriad and diverse topics that affect several portions of the Code of Federal Regulations, EPA has summarized in Table 6 below all parts and sections for which additions or changes are being proposed today.

Table 6.—CFR Sections Affected by Proposal

CFR Part or Section Number	Title	Proposed Action
§ 152.1	Scope	Conforming changes
§ 152.3	Definitions	Additions
§ 152.6	Substances excluded from regulation by FIFRA	New
§ 152.8	Products that are not pesticides because they are not for use against pests	Material moved to § 152.6
§ 152.20	Exemptions for pesticides regulated by another Federal agency	Material moved to § 152.6; new material added
§ 152.25	Exemptions for pesticides of a character not requiring FIFRA regulation	Material moved to § 152.6
§ 152.44	Application for amended registration	Clarification and reformatting

Table 6.—CFR Sections Affected by Proposal—Continued

CFR Part or Section Number	Title	Proposed Action
Part 152, subpart W (§§ 152.440 - 152.459)	Registration of Antimicrobial Products	New
§ 156.10	Labeling requirements	Material moved to new subparts D and E; conforming changes
Part 156, subpart D (§§ 156.60 - 156.78)	Human Hazard and Precautionary Statements	Reorganized material from § 156.10
Part 156, subpart E (§§ 156.80 - 156.85)	Environmental Hazard and Precautionary Statements	Reorganized material from § 156.10
Part 156, subpart W (§§ 156.440 - 156.458)	Public Health Claims for Antimicrobial Products	New

XX. Statutory Review Requirements

In accordance with FIFRA section 25(a), this proposal was submitted to the FIFRA Scientific Advisory Panel, the Secretary of Agriculture (USDA), the Secretary of Health and Human Services (HHS), and appropriate Congressional Committees. The Scientific Advisory Panel waived its review of this proposal.

A. USDA Comments

1. USDA suggested that the document include a discussion of the issues surrounding microbial pest resistance.
Response: While there is evidence that microorganisms develop resistance to antibiotics, EPA is not aware of evidence that microorganisms are developing resistance to antimicrobial pesticides. Microorganisms respond to biocidal agents, and differ markedly in susceptibility and resistance responses to agents such as disinfectants and antiseptics. Bacterial resistance to biocides is usually considered to be of two types: (1) Intrinsic (a natural property of an organism); or (2) acquired (by genetic mutation or physiological adaptation). The mechanisms of susceptibility and resistance to biocides and techniques that would enhance or reduce susceptibility/resistance are not well understood and would require further research.

EPA expects that it would become aware of developing microbial pest resistance in public health products either through registrant reporting of lack of efficacy under FIFRA section 6(a)(2) or through the 5–year retesting program. A public health product that failed to demonstrate efficacy at the 5–year mark would be removed from the marketplace by automatic expiration of the registration.

2. USDA suggested that EPA clarify in the proposal the status of agricultural microorganisms other than fungi, for example, nematodes.
Response: EPA has revised Unit VI.C. of the preamble and the definition of "antimicrobial pesticide" in § 152.3 to clarify that an agricultural fungicide is one applied to crops or plants pre-harvest. It should be noted that nematodes are not considered microorganisms, but invertebrates, and thus would not be included in the definition of antimicrobial pesticide in any case.

3. USDA suggested that EPA standardize the review processes and times for wood preservatives and antifoulant paints.
Response: FIFRA section 2(mm) specifically excludes wood preservatives and antifoulant paints from the definition of "antimicrobial pesticide," and thus, with only limited exceptions, also excludes such products from the application review periods that this proposal would establish for antimicrobial pesticides. Therefore, EPA is not proposing to include wood preservatives and antifoulant paints within the scope of this regulation and its review periods. Unit VIII.H.4. contains a full explanation of when the review periods apply to certain wood preservative products. The review periods discussed in that unit, however, do not extend to antifoulant paints.

As a practical matter, the review processes for all wood preservatives and antifoulant paints are the same regardless of where within the EPA organization they originate. The data requirements and risk assessments for such products are the same and depend on the chemical and the potential risks from its use, regardless of whether there is a statutory review period.

B. HHS Comments

HHS provided informal comments on the draft, many of which were questions, clarifications, or corrections to the proposal. EPA has made changes to the draft proposal in many instances based upon their suggestions. A brief summary of their substantive comments follows.

1. HHS wanted to know the relationship between "antimicrobial pesticides" and "public health pesticides" and whether they were treated differently in the proposal.
Response: Both terms are defined in FIFRA. "Antimicrobial pesticide" is defined in FIFRA section 2(mm) to include, among other things, products intended to "disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms." "Public health pesticide" is defined in FIFRA section 2(nn) to include products for the ". . . prevention or mitigation of viruses, bacteria, or other microorganisms . . . that pose a threat to public health." An antimicrobial pesticide may be a public health pesticide if it is intended to destroy or mitigate microoganisms that pose a threat to public health.

However, there is a single standard for registrability of a pesticide in FIFRA section 3(c)(5), namely that the pesticide itself, or in its intended use, not cause "unreasonable adverse effects" on man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of the pesticide. This is a risk/benefit balancing provision. Of significance, though, is that EPA is specifically directed to take into account the health risks posed by the disease vectors controlled by a public health pesticide when weighing its risks and benefits. Under FIFRA section 6(b)(2), when EPA is contemplating action against a public health pesticide based on risk, HHS should provide information on use and benefits to the Agency to inform its risk/benefit decision.

2. HHS asked about the scope of the proposed rule in relation to HHS activities under FFDCA section 409. HHS noted the statutory definition of "antimicrobial pesticide" in FIFRA,

which excludes pesticides that require a clearance under either FFDCA secton 408 or 409. HHS also noted that ARTCA grants jurisdiction over many antimicrobial pesticide residues in food to FDA (discussed in Unit XI.), but it still requires registration of the pesticides under FIFRA.

Response: The definition of "antimicrobial pesticide" applies only to registration activities under FIFRA; it does not affect activities related to any FFDCA section 409 food additive regulation. EPA has no jurisdiction under section 409. Any action affecting the registration of an antimicrobial pesticide under FIFRA, such as cancellation or expiration under the "sunset provision," would not necessarily require that FDA revise or revoke any food additive regulations associated with that pesticide.

A similar situation could arise if EPA has established a tolerance or exemption under section 408 for a pesticide whose registration has expired under the sunset provision. As noted in Unit IX, the sunset provision is intended to ensure efficacy of public health products, not to determine whether the tolerance fails to meet the "reasonable certainty of no harm" standard of FFDCA. It is unlikely that the cancellation or expiration of any single product registration would trigger action to revoke the tolerance because there likely would remain other products on the market for the same use that are supported by the same tolerance or food additive regulation.

That said, EPA proposes to include all antimicrobial products in the scope of its proposed regulation. Unit VIII.B contains a full explanation of the applicability of subpart W. Under § 152.441, subpart W applies not only to "antimicrobial pesticides," but also to antimicrobial products whose registration requires a clearance under FFDCA section 408 or 409. Because the proposed rule affects only FIFRA actions, however, the difference in coverage of the statutory term "antimicrobial pesticide" and the broader coverage of the proposed rule is not expected to affect HHS activities under FFDCA over those same pesticides.

3. HHS commented that EPA's proposal would expand the scope of FDA authority over chemical sterilants beyond that agreed to by EPA and FDA.

Response: EPA has revised the proposal to align its provisions with FDA's understanding of our respective responsibilities (see Unit XIV.).

4. HHS comments suggested several areas where increased EPA/FDA consultation was desirable or necessary, for example, enforcement of labeling claims for products subject to both EPA and FDA jurisdiction.

Response: EPA and HHS are in the process of developing a Memorandum of Understanding (MOU) that would address responsibilities and consultations in a number of areas. The MOU is expected to establish a consultative process between the Agencies that will facilitate information exchange and resolution of issues. EPA expects that the consultations undertaken under the MOU will serve the various purposes noted by FDA. Currently EPA consults informally with counterparts in the FDA, the Centers for Disease Control, and other HHS offices on issues of joint authority and mutual interest.

5. HHS requested that EPA clarify the status under the Freedom of Information Act (FOIA) of data and/or data reviews provided to other agencies if the applicant authorizes EPA to share such data.

Response: The status of data provided to another agency under a registrant authorization would not change under FOIA because of the data sharing. A request to HHS for the release of such data would be treated the same under FOIA as a request to EPA.

6. HHS had a number of comments related to the efficacy performance standards (part 156, subpart W).

a. *Virucidal claims*. HHS suggested that EPA consider selecting representative viruses with differing intrinsic resistance to antimicrobial chemicals and use those as benchmark viruses for test purposes in support of a general virucidal claim.

Response: Currently, EPA requires that each specific virus intended to be claimed on the label be tested, and identified on the labeling. EPA takes the position that there is no known data base that assures that all viruses have the same susceptibility or resistance responses to antimicrobial agents, or that allows across-the-board extrapolation of results. Nonetheless, EPA has funded a 3–year research project on the use of surrogate viruses. The results from this study are currently under review.

b. *Efficacy terminology*. HHS noted that there are differences in terminology between EPA and HHS performance measures. HHS considers a laboratory test demonstrating product efficacy to be a test of a chemical's "potency" and not its "efficacy." HHS believes that "efficacy" is demonstrated only in the ability of an antimicrobial agent to reduce or prevent transmission of disease.

Response: EPA acknowledges these differences. In the case of antimicrobial pesticides, EPA uses the term "efficacy" to refer to laboratory testing that demonstrates "presumptive" efficacy of a product in reducing microbial populations on environmental surfaces. FIFRA specifically excludes as pests microorganisms in or on living man or other living animals (as opposed to microorganisms on surfaces to which man might be exposed). Effectiveness testing that would demonstrate performance of an antimicrobial pesticide against microorganisms in man and that would meet HHS' definition concerning actual reduction or prevention of disease is not within EPA's purview.

Based upon the laboratory tests that demonstrate efficacy for FIFRA purposes, EPA permits label claims only to the extent that the product reduces or eliminates target organisms under standard laboratory conditions or carefully defined simulated use protocols. Because EPA does not require or evaluate data on disease-related claims, antimicrobial pesticide products are not permitted to bear claims concerning reduction in transmission or prevention of disease, though they may claim the ability to reduce precursor microorganisms.

c. *"Sanitization" claims*. HHS requested clarification of the scope of the Agency's policy on "sanitary" and "sanitize" as pesticide public health claims. HHS noted that a product that "sanitizes" food equipment would not be an "antimicrobial pesticide" under FIFRA section 2(mm) because such use would be a food use requiring a tolerance or exemption under section 408. They requested clarificaiton as to whether such a sanitizer would be subject to subpart W labeling requirements, and whether it would be a public health pesticide.

Response: Yes. A pesticide that sanitizes food equipment would be a public health pesticide because sanitization is a claim of a specific level of antimicrobial activity against microorganisms associated with public health protection. It would therefore be subject to the labeling requirements of proposed subpart W of part 156. As noted earlier, the definition of "antimicrobial pesticide" in the proposal is broader than that in the statute. EPA has revised § 156.440 to clearly state that the applicability of part 156, subpart W, corresponds to that in part 152, subpart W, which would encompass food use sanitizers.

XXI. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), entitled *Regulatory Planning and Review*, this action is not a "significant regulatory action" subject to review by the Office of Management and Budget (OMB). This proposal is not expected to have significant impacts on antimicrobial pesticide producers and would have no impacts on any other sector of the economy. Moreover, a number of its provisions, including exemptions for various antimicrobial sterilants, reduction in duplicative regulation with FDA, and mandatory review periods for antimicrobial applications, are expected to decrease costs and burdens currently associated with the registration of antimicrobial pesticide products.

EPA has prepared an economic analysis of the potential costs associated with this proposed action, which is contained in a document entitled *Regulatory Impact Analysis of the Proposed Antimicrobial Pesticide Rules*. This document is available in the public record for this action and is summarized in this unit.

The only costs anticipated as a result of this action are the costs of compliance with the "sunset provision." Under this provision, proposed in § 152.458, registration of a public health antimicrobial pesticide would expire every 5 years unless the registrant certifies, based upon efficacy and composition studies conducted within the year prior to expiration, that the product continues to meet the standards for registration. The studies required are an analysis of the product composition to confirm certified limits of the ingredients, and efficacy studies for each public health claim on the product labeling.

The costs of the analysis and certified limits determination are estimated to be approximately $6,100 per product. The average cost of the efficacy studies is estimated to be just under $25,500 per product, based upon an average of six efficacy tests per product. The average annualized testing cost per product is $5,620. However, while all public health products would be subject to product analysis testing, only about 61% of products would be subject to efficacy testing, because some products can rely on testing developed for substantially similar products. Accordingly the adjusted annualized testing cost for products expected to actually have to conduct the testing is $3,897. The total annualized cost for both existing and new products is estimated to be $12.3 million.

In neither case are these costs expected to result in additional capital costs to applicants because such studies are currently required of applicants for registration, whether conducted by the applicants themselves, or, more typically, contracted for with outside laboratories.

The assumptions used in the analysis result in an overstatement of the costs of the rule, for the following reasons:

1. The analysis assumes that the testing requirement imposes costs effective immediately upon promulgation in 1999. However, actual costs will be imposed only as products are submitted for new or amended registration or reregistration over the next several years, on a schedule that EPA cannot predict. For a product first registered, amended or reregistered in 1999, the testing cost would be imposed only in the fourth year of registration (2003).

2. The analysis assumed that no firms were already complying with the sunset provisions that would be imposed. Based upon consultation with a limited number of small businesses, EPA estimates that approximately 11% of firms currently conduct testing that would comply fully, and others conduct testing that would comply partially. It is likely that a higher percentage of large firms would already be fully or partially complying.

All other provisions of this proposal would reduce the costs of compliance with FIFRA for producers of antimicrobial pesticides. Provisions that reduce costs include increased opportunities for notification instead of amendment of registration, elimination of dual jurisdiction with FDA, exemption of certain antimicrobial products from FIFRA regulation, more precise and clearer application and labeling information, and mandatory review periods for antimicrobial applications that are shorter than historical review times.

B. Regulatory Flexibility Act

Under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that this proposed action, if promulgated as proposed, action will not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is contained in the Economic Analysis referenced in Unit XXI.A., and summarized in this unit. The only provisions in this proposal that would impose costs on any business, including small businesses, are the sunset provisions, discussed in Unit XXI.A.

For the purpose of analyzing potential impacts on small entities, EPA used the RFA definition of small entities in section 601(6) of the RFA. Under this section, small entities include small governments, small nonprofit organizations, and small businesses. Because EPA does not believe that governments or nonprofit organizations are likely to be burdened by this proposed rule, EPA's analysis presents only the estimated potential impacts on small businesses.

Table 7 below summarizes the results of EPA's analysis.

Table 7.—Impacts on Small Businesses

Level of Impact[1]	Percent of Small Firms Impacted	Number of Small Firms Impacted[2]
>1%[3]	16.4%	139
>3%	4.6%	39
>10%	0.7%	6

[1] Calculated as a percentage of Annual Sales Revenue.
[2] Calculated on the basis of 848 small businesses registering antimicrobial products.
[3] The totals are cumulative, that is, the >3% and >10% values are included in the >1% totals.

EPA believes that all costs and burdens of this proposed rule are attributable to the "sunset provision" requiring periodic efficacy retesting and analysis of products after registration. In preparing for today's proposal, EPA conducted discussions with all segments of the industry, including small business (see discussion in Unit XVIII.A.), and we have adopted many of their suggestions to minimize burden. We invite comment on whether there are additional accommodations specific to the sunset provision that the Agency

should consider to further reduce the burden on small businesses.

Based on consultation with the regulated community, EPA believes that all other provisions would be both beneficial and cost-efficient to all segments of the antimicrobial industry, including small business. Specifically, EPA believes that there are overall reduced paperwork burdens and costs associated with increased notifications and exemptions from FIFRA; increased flexibility for applicants due to the many opportunities for informal consultations, rebuttals, and negotiations; greater clarity in the requirements for antimicrobial registration and product labeling; and cost savings for individual firms in obtaining registrations within the shortened review periods, allowing earlier entry into the market. We invite comment on whether there are additional accommodations we should consider that might further facilitate the registration process for small businesses.

Are there costs or burdens, efficiencies or savings attributable to this proposed rule that you believe have not been adequately identified and addressed? What are they and how great are these burdens or efficiencies? If you have a proposal for additional accommmodations to small business, please explain what you are proposing and provide information on costs or benefits of your approach.

For a discussion of the Agency's outreach to the antimicrobial industry, including small businesses, and changes to this proposal resulting from input by industry, including small businesses, refer to Unit XVIII.A.

Since the Agency's economic analysis for this proposal estimates that 83% of all antimicrobial registrants are small businesses, EPA is particularly interested in receiving comment from small businesses as to the benefits, costs, and impacts of this proposed rule.

Information relating to EPA's certification is provided upon request to the Chief Counsel for Advocacy of the Small Business Administration, and is included in the docket for this rulemaking. Any comments regarding the economic impacts that this proposed regulatory action may impose on small entities should be submitted to the Agency at the address listed in ADDRESSES.

C. Unfunded Mandates Reform Act

Under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4), EPA has determined that this action does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. The costs associated with this action are described in the Executive Order 12866 section above. In addition, EPA has determined that the proposed rule will not significantly or uniquely affect small governments and does not contain a significant Federal intergovermental mandate. As such, this action is not subject to sections 202, 203, 204 or 205 of UMRA.

D. Consultation and Coordination with Indian Tribal Governments

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Tribal governments would not be subject to the requirements of today's proposal. In addition, for the most part, today's proposal implements requirements specifically set forth by the Congress in FIFRA without the exercise of any discretion by EPA. The remainder of today's proposal does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposal.

E. Enhancing Intergovernmental Partnerships

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

For the most part, today's proposal implements requirements specifically set forth by the Congress in FIFRA without the exercise of any discretion by EPA. The remainder of today's proposal would not impose any enforceable duties on State, local or tribal governments. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this proposal.

F. Federalism Review

The Agency has determined that this action will not have a substantial direct effect on States, the relationship between the Federal government and States, the distribution in power between the Federal government and States, the responsibilities among the levels of government, or involve the potential pre-emption of State law as described by Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987).

G. Children's Health Protection

This proposed rule is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997) because this action is not an economically significant regulatory action as defined by Executive Order 12866 (see section A. of this unit). This proposed rule is procedural in nature and does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), 15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, etc.) that are developed or adopted by voluntary consensus standards bodies. This proposed regulation does not involve technical standards that would require Agency consideration of voluntary consensus standards. EPA requests comment on this conclusion.

I. Environmental Justice

This proposed rule does not directly affect minority populations or low-income groups. Therefore, under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), the Agency has not considered environmental justice-related issues with regard to the potential impacts of this action on the environmental and health conditions in low-income and minority communities.

J. Paperwork Reduction Act

The information collection requirements contained in this proposed rule have been submitted to OMB under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, and in accordance with the procedures at 5 CFR 1320.11. An Information Collection Request (ICR) document has been prepared by EPA (EPA ICR No. 277.12) and a copy may be obtained from Sandy Farmer, OP Regulatory Information Division; Environmental Protection Agency (2137); 401 M St., SW.; Washington, DC 20460, by calling (202) 260–2740, or electronically by sending an e-mail message to: farmer.sandy@epa.gov. An electronic copy has also been posted with the **Federal Register** notice on EPA's homepage with other information related to this action and included in the public version of the official record for the proposed rule. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information subject to OMB approval under the PRA unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial publication in the **Federal Register**, are maintained in a list at 40 CFR part 9.

The annual public burden for this collection of information, which will be submitted for approval as an addendum to the existing ICR approved under OMB Control No. 2070-0060, is estimated to range from 1 hour to 10.4 hours per response, depending upon the activity. The cost is estimated to range from $71.00 to $755.00 per response, again depending on the particular response. The actual number of respondents and the frequency of response are not known because many of the responses are at the discretion of the respondent. However, based upon EPA estimates, the revisions in the proposed rule would increase the current burden by an estimated 6,395 hours and $466,740.

Under the PRA, "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For this collection it includes the time needed to review instructions; processing and maintaining information, and disclosing and providing information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Comments are requested on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments on the ICR to the EPA at the address provided above, with a copy to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503, marked "Attention: Desk Officer for EPA." Please remember to include the ICR number in any correspondence. The final rule will respond to any comments on the information collection requirements contained in this proposal.

List of Subjects in 40 CFR Parts 152 and 156

Environmental protection, Administrative practice and procedure, Labeling, Occupational safety and health, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 7, 1999.

Carol M. Browner,

Administrator.

Therefore, it is proposed that 40 CFR chapter I, subchapter E be amended as follows:

PART 152—[AMENDED]

1. In part 152:

a. The authority citation for part 152 continues to read as follows:

Authority: 7 U.S.C. 136-136y.

b. Section 152.1 is revised to read as follows:

§ 152.1 Scope.

Part 152 sets out procedures, requirements, and criteria for the registration of pesticide products under FIFRA section 3, and for associated regulatory activities affecting registration.

(a) Subparts A, B, C, E, F, G, I, and U of this part apply to all products except antimicrobial products.

(b) Subparts A, B, E, F, G, I, U, and W of this part apply to antimicrobial products.

c. Section 152.3 is amended by removing the paragraph designations for the existing definitions, removing the definition for "pesticide," revising the definitions for "active ingredient"and "applicant", and adding alphabetically new definitions to read as follows:

§ 152.3 Definitions.

* * * * *

Active ingredient means any substance (or group of structurally similar substances if specified by the Agency) in a pesticide product that will prevent, destroy, repel, or mitigate any pest, or that functions as a plant regulator, desiccant, defoliant, or nitrogen stabilizer.

* * * * *

Antimicrobial pesticide means a pesticide product that:

(1) Is intended to have pesticide activity against microbiological pests, or to protect inanimate articles, substances, industrial processes or systems from deterioration, fouling, or contamination caused by bacterial, viral, fungal, protozoan, algal or slime pests; and

(2) In the intended use is exempt from or not subject to the requirement for a tolerance under FFDCA section 408 or a food additive regulation under FFDCA section 409.

(3) The term does not include any of the following:

(i) A wood preservative or antifouling paint that makes any non-antimicrobial pesticidal claim (such as insecticidal), regardless of whether it also makes an antimicrobial claim. A wood preservative that makes only an antimicrobial claim is an antimicrobial pesticide.

(ii) A fungicide for agricultural use. A fungicide is considered to be for agricultural use if it is intended to be applied to soil or to growing plants before harvest. A fungicide intended for post-harvest use is not considered to be

for agricultural use. "Fungus," as defined in FIFRA, includes rust, smut, mildew, mold, yeast, and bacteria.

(iii) A herbicide for aquatic use. A herbicide is considered to be for aquatic use if it is intended to be applied directly to natural or environmental bodies of water (such as lakes, ponds, or streams) or to terrestrial areas bordering environmental bodies of water for control of algae or weeds. A pesticide solely for control of algae in non-environmental waters (such as swimming pools or industrial water systems) is considered to be an antimicrobial pesticide and not an aquatic herbicide.

* * * * *

Applicant means a person applying for a new registration, or a registrant applying for an amended registration or submitting a notification.

Application for registration means an application for new or amended registration.

* * * * *

Complete application means an application for registration that contains all data, forms, and information required by EPA to be submitted with the application, and that will allow EPA to initiate review, notwithstanding that EPA may determine that additional information is required to approve the application. To be a complete application, each required item, and the application as a whole, must be determined by EPA to be complete, accurate, readable, and submitted in the format and number of copies required by the Agency.

* * * * *

Fast-track application means an application under FIFRA section 3(c)(3).

FFDCA means the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C 201 *et seq.*).

* * * * *

Nitrogen stabilizer means any substance or mixture of substances intended for preventing or hindering the process of nitrification, denitrification, ammonia volatilization or urease production through action upon soil bacteria, except that the term does not include:

(1) Dicyandiamide and ammonium thiosulfate; or

(2) Any substance or mixture of substances in commercial agronomic use before January 1, 1992, that was not registered before January 1, 1992, and for which the seller or distributor has made no specific claims of preventing or hindering the process of nitrification, denitrification, ammonium volatilization or urease production after January 1, 1992.

Registrant means a person to whom a registration has been issued. In this part 152, if the term "applicant" and "registrant" would both apply, the term "applicant" is used.

* * * * *

d. By adding new § 152.6 to read as follows:

§ 152.6 Substances excluded from regulation by FIFRA.

Products and substances listed in this section are excluded from FIFRA regulation if they meet the specified conditions or criteria.

(a) *Liquid chemical sterilants.* A liquid chemical sterilant product is not a pesticide under FIFRA section 2(u) if it meets all of the following criteria. Excluded products are regulated by the Food and Drug Administration. Products excluded are those meeting all of the following criteria:

(1) *Composition.* The product must be in liquid form as sold or distributed. Pressurized gases or products in dry or semi-solid form are not excluded by this provision. Ethylene oxide products are not liquid products and are not exempt under this exclusion.

(2) *Claims.* The product must bear a sterilant claim, or a sterilant plus subordinate level disinfection claim. Products that bear antimicrobial claims solely at a level less than "sterilant" are not excluded and are jointly regulated by EPA and FDA. "Sterilant" is defined in § 156.441 of this chapter.

(3) *Use site.* The product must be intended and labeled only for use on "critical or semi-critical devices." A "critical device" is any device which is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body. A "semi-critical device" is any device which contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body. Liquid chemical sterilants that bear claims solely for non-critical medical devices are jointly regulated by EPA and FDA. Liquid chemical sterilants bearing claims solely for use sites that are not medical devices, such as veterinary equipment, are not excluded and are regulated by EPA.

(b) *Nitrogen stabilizers.* A nitrogen stabilizer is excluded from regulation under FIFRA if it is a substance (or mixture of substances) meeting all of the following criteria:

(1) The substance prevents or hinders the process of nitrification, denitrification, ammonia volatilization, or urease production through action affecting soil bacteria and is distributed and sold solely for those purposes and no other pesticidal purposes.

(2) The substance was in "commercial agronomic use" in the United States before January 1, 1992. EPA considers a substance to be in commercial agronomic use if it is available for sale or distribution to users for direct agronomic benefit, as opposed to limited research, experimental, or demonstration use.

(3) The substance was not registered under FIFRA before January 1, 1992.

(4) Since January 1, 1992, the distributor or seller has made no claim that the product prevents or hinders the process of nitrification, denitrification, ammonia volatilization, or urease production. EPA considers any of the following claims (or their equivalents) to be a claim that the product prevents or hinders nitrification, denitrification, ammonia volatilization, or urease production:

(i) Improves crop utilization of applied nitrogen.

(ii) Reduces leaching of applied nitrogen or reduces ground water nitrogen contamination.

(iii) Prevents nitrogen loss.

(iv) Prolongs availability of nitrogen.

(v) Increases nitrogen uptake, availability, usage, or efficiency.

(5) A product will be consider to have met the criterion of paragraph (b)(4) of this section that no nitrogen stabilization claim has been made if:

(i) The nitrogen stabilization claim, in whatever terms expressed, is made solely in compliance with a State requirement to include the claim in materials required to be submitted to a State legislative or regulatory authority, or in the labeling or other literature accompanying the product; and

(ii) The State requirement to include the claim was in effect both before the product bearing the claim was introduced into commercial agronomic use, and before the effective date of this rule.

(6) A product that meets all of the criteria of this paragraph with respect to one State is not thereby excluded from FIFRA regulation if distributed and sold in another State whose nitrogen stabilization statement requirement does not meet the requirements of paragraph (b)(5)(ii) of this section.

(c) *Human drugs.* Human drugs for use in or on living man are not for use against "pests" as defined in FIFRA section 2(t). Human drugs are subject to regulation by the Food and Drug Administration under the FFDCA.

(d) *Animal drugs.* Viruses, bacteria or other microorganisms on or in living animals are not "pests" under FIFRA section 2(t). A "new animal drug" as

defined in section 201(w) of the FFDCA, or an animal drug that FDA has determined is not a "new animal drug" is not a pesticide under FIFRA section 2(u). Animal drugs are subject to regulation by the Food and Drug Administration under the FFDCA.

(e) *Animal feeds.* An animal feed containing a new animal drug is not a pesticide under FIFRA section 2(u). Animal feeds containg new animal drugs are subject to regulation by the Food and Drug Administration under the FFDCA.

(f) *Vitamin hormone products.* A product consisting of a mixture of plant hormones, plant nutrients, inoculants, or soil amendments is not a "plant regulator" under FIFRA section 2(v), provided it meets the following criteria:

(1) The product, in the undiluted package concentration at which it is distributed or sold, meets the criteria of § 156.62 of this chapter for Toxicity Category III or IV; and

(2) The product is not intended for use on food crop sites, and is labeled accordingly.

§ 152.8 [Amended]

e. In § 152.8, by removing paragraphs (a), (b), (c), introductory text, (c)(2), (c)(3), and (c)(4), and redesignating paragraph (c)(1) as paragraph (a) and redesignating paragraph (d) as paragraph (b).

f. In § 152.20, by revising paragraph (b) to read as follows:

§ 152.20 Exemptions for pesticides regulated by another Federal agency.

* * * * *

(b) *Non-liquid chemical sterilants.* A non-liquid chemical sterilant, except ethylene oxide, that meets the criteria of § 152.6(a)(2) with respect to its claims and § 152.6(a)(3) with respect to its use sites is exempted from regulation under FIFRA.

§ 152.25 [Amended]

g. Section 152.25 is amended by removing paragraph (d) and redesignating (e) through (g) as paragraphs (d) through (f).

h. Section 152.44 is amended by removing paragraph (b)(3), redesignating paragraph (b)(4) as paragraph (b)(3), and adding new paragraph (c) to read as follows:

§ 152.44 Application for amended registration.

* * * * *

(c) A registrant may at any time submit identical minor labeling amendments affecting a number of products as a single application if no data are required for EPA to approve the amendment (for example, a change in the wording of a storage statement for designated residential use products). A consolidated application must clearly identify the labeling modification(s) to be made (which must be identical for all products included in the application), list the registration number of each product for which the modification is requested, and provide required supporting materials (for example, labeling) for each affected product.

i. By adding new subpart W to read as follows:

Subpart W—Registration of Antimicrobial Products

Sec.

152.440 General.
152.441 Applicability.
152.442 Definitions.
152.443 Who may apply.
152.444 Alternate formulations.
152.445 Types of antimicrobial applications.
152.446 Notifications and non-notifications.
152.447 Consultation with EPA.
152.450 Contents of application.
152.451 How to submit applications.
152.455 Action on applications.
152.457 Review periods for applications.
152.458 Duration of registration.
152.459 Terms and conditions of registration.

Subpart W—Registration of Antimicrobial Products

§ 152.440 General.

(a) FIFRA section 3(h) requires EPA to establish by regulation procedures for the registration of certain antimicrobial pesticide products.

(b) In order to register, and lawfully distribute or sell, an antimicrobial product, a wood preservative or an antifouling paint covered by FIFRA section 3(h), an applicant must comply with each of the following:

(1) This subpart, which describes the requirements, procedures, conditions, and Agency review of applications for registration of antimicrobial products. This subpart W substitutes for subpart C of this part, which applies to all other products.

(2) Subparts A, B, E, F, G, I, and U of this part. If any provision of subpart W conflicts with any provision of these subparts, subpart W applies instead.

(3) Part 158 of this chapter, which describes the data requirements for registration of antimicrobial products, wood preservatives, and antifouling paints.

(4) Part 156 of this chapter, which describes the labeling requirements applicable to all products. Subpart W of part 156 of this chapter specifies efficacy performance standards and acceptable labeling claims for antimicrobial products bearing public health claims.

(5) Part 157 of this chapter, which establishes the criteria and requirements for the use of child-resistant packaging.

§ 152.441 Applicability.

(a) This subpart applies to an application for registration of a pesticide product that is any of the following:

(1) An antimicrobial pesticide, as defined by FIFRA section 2(mm) and § 152.3, including a wood preservative or antifouling paint product that makes only claims of antimicrobial pesticidal activity. All sections of this subpart apply to such products.

(2) Any product for which an antimicrobial claim is made, and which is used in such a manner that a new or modified clearance is required under FFDCA section 408 or 409. All sections of this subpart apply to such products, except § 152.457.

(b) This subpart does not apply to an application for registration of a pesticide product that is any of the following:

(1) A wood preservative that makes any non-antimicrobial pesticidal claim (for example, an insecticidal or fungicidal claim), regardless of whether an antimicrobial claim is also made for the product.

(2) An antifoulant product that makes any non-antimicrobial pesticidal claim, regardless of whether an antimicrobial claim is also made for the product.

§ 152.442 Definitions.

Terms used in this subpart have the same definitions as in the Act and subpart A of this part. For the purposes of this subpart, the following terms are defined:

Clearance means any of the following:

(1) A tolerance under FFDCA section 408(b).

(2) An exemption from the requirement of a tolerance under FFDCA section 408(c).

(3) A food additive regulation under FFDCA section 409.

(4) An approval of a medical device under FFDCA section 510(k).

Complete application means an application for registration that contains all data, forms, and information required by EPA to be submitted with the application, and that will allow EPA to initiate review, notwithstanding that EPA may determine that additional information is required to approve the application. To be a complete application, each required item, and the application as a whole, must be determined by EPA to be complete, accurate, readable, and submitted in the format and number of copies required by the Agency.

Major new use means a new antimicrobial use of a registered active ingredient, as used in FIFRA section 3(h).

Minor amendment means an amendment to an antimicrobial registration that does not require the review of scientific data.

Substantive amendment means an amendment to an antimicrobial registration that requires scientific review of data.

§ 152.443 Who may apply.

(a) *New registration.* Any person may apply for new registration of an antimicrobial product. A person seeking a new registration for an antimicrobial product must submit an application for registration containing the information specified in § 152.450. An application for new registration must be approved by the Agency before the product may lawfully be distributed or sold, except as provided by § 152.30.

(b) *Amended registration.* (1) Any registrant may apply for amendment of his/her registration to modify the composition, labeling, or packaging of the product. Except as provided by § 152.446, a registrant may modify the registration only by submitting an application for amended registration. The applicant must submit the information specified in § 152.450, as applicable to the change requested.

(2) Except as provided by paragraph (c) of this section, the registrant must submit a separate application for each amendment.

(3) If an application for amendment is required, the application must be approved by the Agency before the product, as modified, may lawfully be distributed or sold.

(c) *Consolidation of amendments.* A registrant may at any time submit identical minor labeling amendments affecting a number of products as a single application if no data are required for EPA to approve the amendment (for example, a change in the wording of a storage statement for designated household products). A consolidated application must clearly identify the labeling modification(s) to be made (which must be identical for all products), list the registration number of each product for which the modification is requested, and provide required supporting materials (for example, labeling) for each affected product.

(d) *Alternatives to amendment.* In its discretion, the Agency may:

(1) Waive the requirement for submission of an application for amended registration.

(2) Permit an applicant to modify a registration by notification or non-notification in accordance with § 152.446.

(e) *Certification statement.* In its discretion, the Agency may permit an applicant to certify to the Agency that the applicant has complied with an Agency directive or requirement with respect to any element of a new or amended registration. If the Agency determines that a requirement may be satisfied by an applicant certification, the Agency will provide, through a guidance document available to the general public, detailed instructions on a certification process. The guidance document will specify the content of a certification statement, any materials that must be submitted with the certification or maintained by the applicant, and the manner of submission of the certification.

§ 152.444 Alternate formulations.

(a) A product proposed for registration must have a single, defined composition of active and inert ingredients, except that EPA may approve a basic formulation and one or more alternate formulations under a single registration.

(b) An alternate formulation must meet the criteria listed in paragraph (b)(1) through (b)(4) of this section. The Agency may require the submission of data to determine whether the criteria have been met.

(1) The alternate formulation must contain, and have the same certified limits for, each active ingredient in the basic formulation.

(2) If the alternate formulation contains an inert ingredient or impurity of toxicological significance, the formulation must have the same upper certified limit for that substance as the basic formulation.

(3) The label text of the alternate formulation product must be identical to that of the basic formulation.

(4) The analytical methods required under § 158.180 of this chapter must be suitable for use on both the basic formulation and the alternate formulation.

(c) Notwithstanding the criteria in this section, the Agency may determine that an alternate formulation must be separately registered. If EPA makes this determination, the Agency will notify the applicant of its determination and its reasons. Thereafter the application for an alternate formulation will be treated as an application for new registration.

§ 152.445 Types of antimicrobial applications.

The following types of applications are identified solely for purposes of this subpart, in order to establish review periods. Identification of application types in this section does not modify similar terms used elsewhere in EPA regulations. Application categories generally differ based upon factors related to the active ingredient status, the product formulation type, the uses proposed, and whether data are required with the application. An application may fall into only one category, as determined by EPA.

(a) *Application for registration of a food or feed use.* (1) Any application for registration that proposes a use that would require the establishment of a new or modified clearance under the FFDCA. Under the FFDCA, a clearance must be granted, either by EPA or by FDA, for uses that might result, directly or indirectly, in residues in raw or processed food or animal feed.

(2) The review periods in § 152.457 do not apply to applications covered by paragraph (a)(1) of this section. Such applications require significantly more data, require a longer review time, and are subject to formal approval by regulation under the FFDCA.

(b) *Application for new registration—*

(1) *New active ingredient.* An application for registration of a new product containing any active ingredient that is not contained in a currently registered product.

(2) *Substantially similar product.* An application for new registration of a product that meets all of the criteria in this paragraph.

(i) *Formulation.* The product formulation contains the same active ingredients and is substantially similar in composition to a cited currently registered product.

(ii) *Uses.* The proposed uses are substantially similar to the uses on the label of the cited product. The proposed product may bear fewer uses than the cited product, but may not bear expanded uses or different uses or claims.

(iii) *Method of data support.* The application relies solely upon data from a substantially similar registration for support (with the exception of certain product chemistry data, which must be submitted for all new products) and does not require the submission of efficacy data.

(3) *Identical product.* An application for registration of a product that meets both of the criteria in this paragraph.

(i) *Formulation.* The formulation (including inert ingredients) is identical in composition to a cited currently registered formulation. Typically such a product either is a currently registered formulation that is being repackaged as a new product without separate

production, or is a formulation of identical composition to another product that is being separately produced according to specifications provided by the registrant of the cited product.

(ii) *Uses and claims.* The proposed uses are identical to those on the cited product, with no deviation in use sites or directions for use. A product may have fewer uses than on the cited product, but not different or expanded uses or claims.

(4) *New product with major new use.* An application for new registration that also proposes a "major new use," as described in paragraph (c)(1) of this section. Any application for a new registration that proposes only an additional or different use that is not a major new use will be considered to be a new registration described in paragraph (b)(5) of this section.

(5) *Other new product.* Any application for new registration that does not meet the criteria of paragraph (b)(1) through (b)(4) of this section. These products usually require the submission of data. Examples of what would be included in this category are applications for registration of a product of any of the types listed below.

(i) The product is a formulation of different active ingredients than is contained in any currently registered product.

(ii) The product contains the same active ingredients, but is in a different physical form (liquid, powder) than any other registered product containing the same active ingredients, or is not substantially similar in composition to a cited currently registered product.

(iii) The product has any unregistered source of any active ingredient, regardless of the fact that the active ingredient is currently registered in another product. Use of an unregistered source of active ingredient requires review of supporting data for the unregistered ingredient.

(iv) The product has an additional use that is not currently registered for any substantially similar product.

(v) The product requires the submission of efficacy data because the formulation is not identical to another product.

(c) *Amendments to registration*—(1) *Major new use.* An application for amended registration to add a major new use that is not currently registered for one or more of the active ingredients in the product. The major new use would generally be significantly different in the manner of use and exposure to humans or the environment from other registered use patterns for the active ingredient.

(2) *Substantive amendment.* An amendment that is not a major new use, and that requires scientific review of data. These include, but are not limited to, the following types of amendments:

(i) Any amendment that contains a data submission.

(ii) The addition of a use that has been approved for another registered product containing the same active ingredients, but which is not a substantially similar product as the registration for which the amendment is sought.

(iii) Except as permitted by § 152.446, Notifications and non-notifications, a change in precautionary or other hazard statements, use instructions, minor changes in ingredients that do not modify label statements, change in use concentrations, method of application, or pests.

(3) *Minor amendment.* An amendment to an existing registration which does not require scientific review of any type. In no case does an application for a minor amendment contain data for review. A minor amendment might include, but is not limited to, changes for which EPA must:

(i) Examine briefly or determine the applicability of previously submitted data (without scientific evaluation of such data).

(ii) Compare composition, characteristics or labeling with other products.

(iii) Evaluate the adequacy of the applicant's data citations or method of support.

(iv) Determine whether an adequate basis exists for a proposed label statement.

(v) Determine whether a proposed use is substantially similar to an approved use for a cited substantially similar product.

§ 152.446 Notifications and non-notifications.

(a) *Changes permitted by notification*—(1) *Notifications permitted by statute.* A registrant of an antimicrobial product may add relevant information on product efficacy, product composition, container composition or design, or other characteristics that do not relate to pesticidal claims or activity. An example of a product efficacy claim that does not relate to pesticidal claims or activity would be a cleaning, deodorizing, or polishing claim.

(2) *Notifications permitted by EPA.* In addition, EPA may determine that certain minor modifications to registration having no potential to cause unreasonable adverse effects to the environment may be accomplished by notification to the Agency, without requiring the registrant to obtain Agency approval. If EPA so determines, it will issue a notice to registrants describing the types of modifications permitted by notification.

(b) *Procedure for notification.* All notifications must be submitted in accordance with the procedures of this paragraph and any supplemental notice to registrants.

(1) *Submission.* A registrant must submit the notification to the Agency at least 60 days before distribution or sale of a product as modified.

(2) *Substantiation.* The registrant must retain, and submit to the Agency upon request, substantiating information or data supporting the proposed modification. These data need not be submitted with the notification unless specified in a notice issued in accordance with paragraph (a)(2) of this section. The substantiating information may be required, however, in accordance with paragraph (b)(4) of this section if the notification is disapproved.

(3) *Agency decision.* Within 30 days after receipt, the Agency will notify the registrant in writing if the notification is disapproved and state the reasons why it is unacceptable.

(4) *Objection.* A registrant may file an objection to a disapproval in writing not later than 30 days after receipt of the Agency's disapproval. If the basis for the disapproval is that substantiating information is needed, the registrant must submit such information as part of the objection. A decision by EPA after receipt and consideration of an objection is a final agency action.

(5) *Distribution or sale.* A registrant may not distribute or sell a product for which a modification by notification is proposed until the registrant receives EPA notice of approval, or until 60 days after submission of the notification, whichever comes first. A registrant may not sell or distribute a product bearing a disapproved modification.

(c) *Changes permitted without notification.* EPA may determine that certain minor changes to registration having no potential to cause unreasonable adverse effects to the environment may be accomplished without notification to or approval by the Agency. If EPA so determines, it will issue a notice to registrants describing the types of changes permitted without notification (known as non-notifications). A registrant may distribute or sell a product changed as permitted by such notice without notification to or approval by the Agency.

(d) *Effect of non-compliance.* Notwithstanding any other provision of

this section, if the Agency determines that a product has been modified through notification or without notification in a manner inconsistent with paragraphs (a) through (c) of this section or any notice issued thereunder, EPA may initiate regulatory or enforcement action, or both, without first providing the registrant with an opportunity to submit an application for amended registration.

§ 152.447 Consultation with EPA.

(a) *Optional consultation.* An applicant may consult the Agency at any time prior to submitting an application. Consultations should be by the most efficient and least time-consuming method available that satisfies the applicant's need. For minor questions or guidance, fax and e-mail are preferred, so that the Agency may respond both rapidly and in writing.

(b) *Meetings.* If a meeting is desired, applicants should contact the appropriate team leader or Branch Chief and provide a proposed agenda, list of likely attendees, and requested date(s). If EPA agrees that a meeting would be productive, EPA will schedule the meeting, honoring the applicant's requested times insofar as practicable, and will invite needed Agency personnel. EPA may choose not to meet with applicants if matters can be resolved by other means.

(c) *Required consultation.* An applicant must consult the Agency before submitting an application for registration if:

(1) The application is for a new chemical or major new use. It is strongly recommended that this consultation be a meeting or conference call with written confirmation of any agreements.

(2) The applicant wishes to develop data using different or modified protocols for required efficacy studies, or if no test method is specified. In some cases, EPA approval of alternate protocols and test standards is required. Consultation would typically consist of a written explanation of the modifications proposed or the proposed protocol, which EPA would approve in writing.

(d) *Written determinations.* An applicant may rely upon regulatory determinations only if in writing from EPA.

(e) *Reliance on EPA determinations.* EPA will not change the regulatory decisions contained in a written determination issued under paragraph (d) of this section unless:

(1) EPA concludes that its determination was in error.

(2) The applicant modifies the circumstances upon which the determination was based or EPA determines that the circumstances are other than described by the applicant.

(3) The applicant fails to submit the application in a timely manner, such that EPA's determination no longer comports with Agency regulations or policy; or

(4) EPA has information that raises concerns that an unreasonable adverse effect on the environment may result unless it changes its determination.

§ 152.450 Contents of application.

Each application for registration must include the data, information, and forms listed in this section.

(a) *Application for registration.* The applicant must submit an application form provided by the Agency. The application form is required for all applications, both new and amended, as well as for notifications under § 152.446. To be complete:

(1) The applicable parts of the form must be properly and accurately filled in, according to the instructions provided with the form.

(2) The applicant must identify on the form which type of application the applicant believes is being submitted for purposes of review time computation. Types of applications are listed in § 152.445.

(3) If the application relies on an "identical" or "substantially similar" product, the applicant must provide the EPA Registration Number of the product claimed as identical or substantially similar.

(4) The form must be signed by an authorized representative of the applicant and must be dated.

(b) *Authorization for agent.* The applicant must submit a letter of authorization designating an agent residing in the United States if the applicant is located outside of the United States or if the applicant wishes to use an agent. To be complete, the authorization must:

(1) Be on the applicant's company letterhead.

(2) Provide identifying information for the agent, including name, address, and telephone numbers (fax and e-mail are requested if available).

(3) Affirm that the person designated is authorized to serve as agent with respect to specified applications or registrations and provide a clear description of the products or applications covered and any limitations on the authorization.

(4) Be signed (with name and title) by an authorized representative of the applicant and be dated.

(c) *Summary of application.* An application for registration must contain a publicly releasable summary of the application, including a list of the data submitted or cited in support of the application, together with a brief summary of the results of any studies submitted. This summary may be combined with that required for any other purpose.

(d) *Statement of Formula.* (1) The applicant must submit a Statement of Formula that identifies the composition of the product proposed for registration. A Statement of Formula is required for:

(i) Each application for new registration.

(ii) Each application for amended registration that proposes any change in the product composition or a change in other information on the previous Statement of Formula.

(iii) Each notification under § 152.446 which affects the composition of the product.

(2) To be complete, the Statement of Formula must be accurately filled out with all required information, and must be signed by an authorized representative of the applicant.

(e) *Labeling.* (1) The applicant must submit the number of copies of draft labeling specified by the Agency. Generally four copies of draft labeling must be submitted. Draft labeling is required for:

(i) Each application for new registration.

(ii) Each application for amended registration, if the amendment proposes a label change or a labeling change is otherwise necessitated by the amendment (e.g., a change in composition affecting the labeling).

(iii) Each notification under § 152.446 that modifies any portion of the labeling.

(2) To be complete, the labeling submission must:

(i) Include both the product label and any supplemental labeling, brochures, or other printed material that is intended to accompany the product in distribution or sale.

(ii) In the case of an amendment to existing labeling, be identical in wording to the last approved labeling, except for proposed changes (and any previously accepted notification), which must be marked.

(iii) Be suitable for photocopying. In general, highlighting does not photocopy; changes need to be marked or circled in black ink. Product packaging bearing the labeling is not acceptable for this purpose.

(f) *Method of support documentation.* The applicant must submit documentation of the method of support that will be used to satisfy each data requirement that applies to the

application. Various forms provided by the Agency must be submitted to document the applicant's choices. This paragraph summarizes data support requirements. The applicant must comply with subpart E of this part, which contains detailed requirements and exceptions to the data support process.

(1) In general, the following choices for each data requirement are available:

(i) The applicant may submit the data. In all cases, an applicant may submit a study that satisfies a data requirement. Typically certain data must be submitted (product chemistry) and may not be cited. Refer to paragraph (g) of this section for information on data submission.

(ii) The applicant may cite the data with permission or offer to pay. If the data are exclusive use data, the applicant must have written permission from the data submitter. If the data are subject to compensation provisions, the applicant must have made appropriate offers to pay to each data submitter(s). Refer to paragraph (f)(2) of this section for the forms used to properly document citation of data.

(iii) The applicant may request in writing a waiver of the data requirement, together with a rationale for each waiver requested. A waiver request without a rationale is not complete.

(2) To be complete, the applicant who submits or cites data to satisfy any data requirement must submit, as applicable, one or more of the following:

(i) A data reference sheet (data matrix). This is a listing of all data requirements applicable to the product, identifying the means of satisfying each requirement, and must be submitted whenever an applicant submits his/her own data or uses the selective method of data support (see § 152.90). To be complete, each citation of data must include the Master Record Identification number, if known, or contain sufficient detail (title, date of submission, name and EPA identifying number of product) that EPA may clearly identify the item of data in its files.

(ii) A formulator's exemption form. This form is used when the applicant claims an exemption from certain data requirements because the applicant produces his/her product using a purchased registered source product. A single formulator's exemption form may be used for all data requirements to which the exemption applies. The form must identify the registration number of each source product.

(iii) Certification with respect to citation of data. This form is used to certify that the applicant has complied with all requirements pertaining to data submission and citation. The form must be submitted with each application for registration.

(g) *Data and information.* (1) The applicant must satisfy data requirements by submitting or properly citing data and information in support of the application, unless the applicant obtains a waiver of the data requirement, or unless EPA permits an alternate method of satisfying data requirements (such as certification). Data requirements are found in part 158 of this chapter.

(2) To be complete, the data submission must meet the following criteria:

(i) Final report of study. The submission must contain a final report of each study, including all information specified in Agency guidance (e.g., identity of substance tested).

(ii) Summary of results of data. The application must include a publicly releasable summary of the results of each study submitted. The results of all studies may be consolidated into a single summary.

(iii) Format. Each study individually, and the data submission as a whole, must conform to Agency requirements for formatting and presentation, as specified in § 158.32 of this chapter and Agency guidance.

(iv) Confidential business information (CBI). Each study must conform to Agency requirements in § 158.33 of this chapter with respect to identification, marking, and presentation of CBI.

(v) Certification of Good Laboratory Practice (GLP) compliance. Each study must include a certification in accordance with § 160.12 of this chapter.

(vi) Identification of studies demonstrating potential adverse effects. Each study that meets the criteria of § 158.34 of this chapter for potential adverse effects must be identified and the certification statement required by that section must be included. The studies to which this requirement applies are subchronic and chronic toxicity studies.

(h) *Data or information pertaining to adverse effects.* An applicant must submit any factual information regarding unreasonable adverse effects of this pesticide on man or the environment. The information that must be submitted is that which would be required to be reported under FIFRA section 6(a)(2) if the product were registered (see part 159 of this chapter). This requirement applies to each application for new registration. The requirement does not apply to an application for amended registration. To be complete, submission of adverse effects information must be in accordance with part 159 of this chapter.

(i) *Food use clearance.* If the application proposes a use of the pesticide on food or feed crops, or if the intended use of the pesticide results or may be expected to result, directly or indirectly, in pesticide chemical residues in or on food or feed, the applicant must submit one of the following:

(1) A citation to each clearance that covers the proposed food or feed use(s).

(2) A petition under FFDCA section 408 requesting the establishment of a food clearance for each ingredient for which there is no current clearance. Requirements for pesticide petitions are contained in 40 CFR part 180. If a petition is required, an application for registration is not complete unless all requirements for the petition are satisfied.

(3) Evidence of acceptance of a petition for a food additive regulation by the FDA, if a food additive regulation is required. A copy of the notice of filing of the petition in the **Federal Register** is acceptable for this purpose.

(j) *Documentation of pre-submission consultation.* If a pre-submission consultation is required by § 152.447, the applicant must submit written documentation that the consultation took place, and a copy of any resulting regulatory decisions regarding the application or its review (for example, agreement as to the type of application being submitted, or specific data requirements imposed or waived).

(k) *Data reviews conducted by other regulatory authorities.* The applicant must state whether the data supporting the application have been, or are being, reviewed by State, Federal, or other national regulatory authorities. If so, the applicant must identify the reviewing authority and purpose of the review and must submit any available data reviews conducted by such regulatory authorities that are in the applicant's possession. The applicant is not required to obtain regulatory reviews for this purpose.

(l) *Other clearances.* If the applicant is required to obtain clearances or approvals from other Federal (not State) agencies before a product may be distributed and sold, or used as proposed on the label, the applicant must submit either:

(1) A copy of each such clearance or approval if already obtained; or

(2) A copy of a request to the appropriate agency for each such clearance or approval.

(m) *Packaging*—(1) Child-resistant packaging (CRP). If the product is

required by part 157 of this chapter to be distributed and sold only in CRP, or if the product will be sold in CRP, the applicant must submit a certification statement that the product meets the criteria for CRP in § 157.32 of this chapter.

(2) In no case is actual product packaging to be submitted with an application for registration. If EPA needs to evaluate the actual product packaging, it will request submission.

(n) *Product samples.* In no case is a sample of the product to be submitted with an application. Product or ingredient samples may be required by the Agency for various purposes, but will be requested separately and must be submitted to the address in the request.

(o) *Self-addressed notice for completeness determination.* (1) An applicant may (but is not required to) provide a postcard (preferred) or form letter that EPA may use for notification of receipt of an application that EPA has preliminarily determined is complete.

(2) A postcard or form letter for this purpose must be addressed to the applicant at his/her address of record, stamped with sufficient U.S. postage, and provide a means (checkoff, space, box) for EPA to record the registration number or file symbol of the application, the fact that the application is complete, the date of EPA receipt, and the expected date for decision based upon the type of application.

(3) If a means of notifying the applicant is not provided, EPA will not otherwise notify an applicant in writing that the application is complete. EPA may, but is not required to, telephone or e-mail an applicant who does not provide written means of notification.

(p) *Fees.* If fees are required to be submitted for any application, or in conjunction with a petition for a clearance associated with an application, such fees must be submitted in accordance with Agency guidance. An application is not complete unless required fees have been submitted.

(q) *Authorizations.* (1) The applicant is requested, but not required, to provide authorization for EPA to share studies submitted by the applicant, or EPA's reviews of such studies, with other regulatory authorities, including Federal, State, or national bodies that may regulate pesticides. Such authorization would apply only to the exchange of data or EPA reviews of data that might contain Confidential Business Information (CBI) or information protected under FIFRA section 10(g), unless the applicant provided a broader disclosure authorization.

(2) If the applicant chooses to authorize any degree of data/review sharing, the applicant should include with his/her application, on company letterhead and signed by an authorized representative of the applicant, one of the following:

(i) A blanket authorization for EPA to exchange data or EPA data reviews pertaining to all of the applicant's products.

(ii) A specific authorization for EPA to exchange data or EPA data reviews pertaining to an ingredient(s) or product(s) designated in the authorization.

(iii) A specific authorization for EPA to exchange data or EPA data reviews pertaining to data submitted with the application.

(iv) Any other form of authorization, identifying the ingredients, products or data to which the authorization pertains and limitations upon the authorization.

(3) If an applicant chooses not to authorize EPA data/review sharing at the time of application, EPA may, in its discretion, disclose data or reviews in those circumstances where no authorization is needed, and seek consent for disclosure where needed on a case-by-case basis.

§ 152.451 How to submit applications.

(a) Applications must be submitted to the Agency by U.S. mail, courier service, or in person. EPA provides in guidance documents or upon request the appropriate address for each type of delivery. Applications may not be submitted electronically or by fax.

(b) EPA will not automatically provide evidence of receipt of an application. An applicant who wishes confirmation of delivery to EPA should use certified mail or courier services that provide confirmation.

§ 152.455 Action on applications.

(a) *Incomplete application.* EPA will screen each application for completeness, as specified in § 152.450. If EPA determines that the application is not complete, EPA will notify the applicant in writing of the deficiency(ies) in the application. EPA will not place into review, or compute review periods, for any application it finds incomplete.

(b) *Preliminary determination of complete application.* If EPA makes a preliminary determination that the application is complete, it will place the application into review. The appropriate review period in § 152.457 will be computed from the date of receipt by EPA of the last item that completes the application.

(c) *EPA review of application.* EPA will review each application for which a preliminary determination of completeness has been made. EPA will notify the applicant in writing of its decision on the application upon completion of all required reviews. EPA may, in its discretion, communicate with the applicant informally on the progress and interim results of the review. Such informal communications do not constitute a decision on the application, and do not affect the review period.

(d) *Decision on application.* When all reviews are completed, EPA will take one of the following actions on the application:

(1) *Approve the application.* (i) EPA will approve an application for registration if it meets the criteria of § 152.112, § 152.113, or § 152.114, as applicable.

(ii) If EPA approves the application, EPA will issue a Notice of Registration and provide the applicant a copy of the stamped approved labeling, together with any labeling modifications that must be made. Before distributing or selling the pesticide product, the applicant must submit final printed labeling to the Agency, modified as specified by EPA in approving the registration and in the number of copies required by EPA. Thereafter, the registrant may distribute and sell the product under the terms approved by EPA.

(iii) If EPA approves the application for a product on terms that differ from those requested by the applicant, the applicant may file a written objection and request that EPA reconsider the terms that are objectionable. An objection must be filed within 30 days of the date on which EPA approved the application, and must set out in detail the basis of the objection and the alternative terms of registration requested. The applicant may not distribute or sell the product until the objection is resolved. EPA will use its best efforts to respond within 45 days of receipt of a timely, written objection.

(2) *Determine that the application remains incomplete.* EPA may determine that, notwithstanding its preliminary determination of completeness, the application remains incomplete. If EPA so determines, it will notify the applicant of the deficiencies in the application. The applicant's resubmission will be treated in accordance with either paragraph (d)(2)(i) or (d)(2)(ii) of this section.

(i) Qualifying resubmission. EPA will treat a complete and timely response

from the applicant as a "qualifying resubmission" subject to the review period in § 152.457(e), and will make a final decision on the application without recomputing a full second review period provided by § 152.457(c) or (d), if:

(A) The original application has a review period of ≤120 days;

(B) EPA determines, in its sole discretion, that the deficiency is less serious; and

(C) The deficiency is corrected within 30 days of receipt of EPA's notice to the applicant.

(ii) Non-qualifying resubmission. EPA will recompute a second full review period beginning on the date of receipt of the last item completing the application, and will make a final decision on the application within the review periods in § 152.457(c) or (d), as applicable, if:

(A) The original application has a review period of >120 days;

(B) EPA determines, in its sole discretion, that the deficiency is serious; or

(C) The applicant does not respond within 30 days.

(3) *Determine that the applicant has not supplied all data or information required to determine the acceptability of the registration.* EPA may determine that, despite its preliminary determination of completeness, the applicant has not supplied sufficient information to issue a registration decision. If EPA so determines, it will notify the applicant, identify the additional information or data needed, and require that the applicant submit, by a specified date, the information or data needed. As of the date of EPA's notification to the applicant, the review period will stop. The elapsed time between date of notification and receipt of response will not be counted in computing the date for a decision under § 152.457. Based upon the nature of the deficiencies, the time anticipated for the applicant to correct the deficiencies, and the additional time needed by EPA to review the material submitted in response to the notice of deficiency, EPA will specify in its notification one of two review period decisions:

(i) EPA may specify that the review period will resume as of the date of receipt of the applicant's complete and timely response; or

(ii) EPA may specify that the review period will resume after a specified period following receipt of the applicant's complete and timely response.

(4) *Deny the application for failure to submit required information.* If, after notification in accordance with paragraph (d)(3) of this section, the applicant does not respond, or does not provide all required data or information within the specified time, EPA may deny the application in accordance with the procedures of § 152.118. These procedures provide that EPA will issue a Notice of Intent to Deny (NOID) the application, stating the reasons and factual basis for denial, and permit the applicant 30 days to take corrective action. The Agency's issuance of a NOID would constitute the action required by FIFRA section 3(h) to notify an applicant of the Agency's decision, and the 30 days allowed for correction or other action would not be counted in the computation of the review period. Alternatively, EPA may determine that the application remains incomplete, in accordance with paragraph (d)(2) of this section. In either case, any subsequent submission will be treated as if it were an original application, and the review period will start over upon receipt of a complete application.

(5) *Deny the application for failure to meet the registration standard.* EPA may deny an application for registration if the Agency determines that, based upon review of a complete application and all data required by the Act, this part and part 158 of this chapter, the product does not meet the criteria of FIFRA section 3(c)(5) or (7), as specified in § 152.112, § 152.113, or § 152.114. If EPA proposes to deny an application on this basis, the Agency will follow the procedures of § 152.118. The Agency's issuance of a NOID would constitute the action required by FIFRA section 3(h) to notify an applicant of the Agency's decision, and the 30 days allowed for correction or other action would not be counted in the computation of the review period.

§ 152.457 Review periods for applications.

EPA will complete review of, and make a decision on whether to approve, each application type listed in § 152.445 within the review periods given in this section. The statutory timeframes are based upon submission of a complete application. The process of submission is not complete until EPA has received the application. Accordingly, review periods are computed from the date that EPA receives the last item of an application that it determines thereafter is a complete application.

(a) *Applications involving food/feed uses.* The time frames in this section do not apply to applications involving food or feed uses that may require a clearance under the FFDCA. EPA will attempt to review such applications in a time commensurate with similar non-food actions, but because these applications may require significantly more data and more formal procedures for approval, EPA has not established any review periods for such applications.

(b) *Fast-track applications.* An application that qualifies as a fast-track application under FIFRA section 3(c)(3)(B)(i) will be reviewed within 90 days after receipt of a complete application.

(c) *Application for new registration.* Except as provided in paragraph (e) of this section, EPA will issue a decision on a complete application for new registration within the review period listed in the table to this paragraph.

Review Period for Applications for New Registration

Type of application	Calendar days for issuance of decision after receipt of a complete application
New active ingredient product	540
Identical or substantially similar product	90
Product bearing a major new use	270
Other new product	120

(d) *Application for amended registration.* Except as provided in paragraph (e) of this section, EPA will issue a decision on a complete application for amended registration within the review period given in the table to this paragraph.

Review Period for Applications for Amendment

Type of amendment	Calendar days for issuance of decision after receipt of a complete application
Major new use amendment	270
Minor amendment	90
Substantive amendment	90–180

(e) *Qualifying resubmission.* In the case of a qualifying resubmission under § 152.455(d)(2)(i), EPA will issue a decision on an application of the following type within the review period given in the table to this paragraph.

Review Period for Qualifying Resubmissions

Resubmission of an application for--	Calendar days for issuance of decision after receipt of a complete resubmission
Registration of an identical or substantially similar product	60
Registration of "other new product"	90
Minor amendment	60

(f) *Applicant recourse for failure to issue decision within review period.* If EPA has not notified the applicant that the application is approved or denied within the review period set out in this section, or within an alternative review period agreed to by EPA and the applicant, the applicant may seek judicial review under 5 U.S.C. 7.

§ 152.458 Duration of registration.

(a) *Products not bearing public health claims.* The registration of a product that bears no public health claim, as defined in § 156.443 of this chapter, will be effective until EPA takes action to suspend or cancel the registration.

(b) *Products bearing public health claims.* The registration of a product bearing a public health claim, as defined in § 156.443 of this chapter, will expire 5 years after the date specified in paragraph (b)(1) or (b)(2) of this section, as applicable, unless the requirements of paragraph (b)(3) of this section have been met. At the end of each 5–year period thereafter, the registration will expire unless the requirements of paragraph (b)(3) of this section have been met with respect to the most recent 5–year period.

(1) *New products.* The 5–year period for products first registered after the effective date of this rule begins on the date of registration. EPA will incorporate the 5–year term of registration in the notice of registration.

(2) *Existing products.* The 5–year period for products already registered as of the effective date of this rule begins on the earliest of the following dates:

(i) The date of EPA approval of the first amendment after the effective date of this rule. EPA will incorporate the 5–year term of registration into the letter of approval.

(ii) The date of EPA approval of reregistration of the product under FIFRA section 4. EPA will incorporate the 5–year term of registration into the letter of reregistration.

(iii) A date certain approximately 1 year after the effective date of this rule.

(3) The registration will not expire if:

(i) Within 1 year before each expiration date of the registration, the registrant completes one or more chemical analyses of the product according to the analytical method submitted under § 158.180 of this chapter.

(ii) Within 1 year before each expiration date of the registration, the registrant completes efficacy testing for each public health claim on the label in accordance with the most current Agency guidelines.

(iii) No later than 90 days before each expiration of the registration, the registrant submits to the Office of Pesticide Programs at EPA a written certification, signed by an authorized representative of the registrant. The registrant must certify to each of the following:

(A) The registrant has conducted the required tests, identifying the tests that were conducted.

(B) Each test was conducted in accordance with the most current EPA guidelines for product composition testing and efficacy testing, and with applicable Good Laboratory Practice standards of part 160 of this chapter.

(C) Based upon the product composition tests, the product composition continues to conform to the most recent Statement of Formula approved by EPA.

(D) Based upon the efficacy testing, the product meets applicable performance standards of part 156, subpart W, for each public health claim made.

(E) The test results are maintained with the registrant and will be submitted to EPA upon request.

(4) If the registration expires, the product will be deemed to be an unregistered product. EPA will permit the continued distribution and sale of existing stocks of the product by the registrant for 90 days after the expiration date, and by others for 1 year after the expiration date, unless the Administrator determines that a different time period is needed.

§ 152.459 Terms and conditions of registration.

(a) *General conditions.* A registration shall be subject to such terms and conditions as EPA may establish at the time of issuance, including, but not limited to, the terms and conditions in § 152.115. Such terms and conditions will be specified in the notice of registration or letter approving an amendment of registration.

(b) *Submission of efficacy data for non-public health products.* Efficacy data for non-public health products are not generally required to be submitted with an application for registration, but are required to be maintained by the registrant. Upon request by EPA, the registrant must submit the efficacy data required by part 158 for a non-public health product. EPA will notify the registrant and allow 30 days from date of receipt for submission of the data.

PART 156—[AMENDED]

2. In part 156:

a. The authority citation for part 156 continues to read as follows:

Authority: 7 U.S.C. 136 - 136y.

b. In § 156.10, by revising paragraph (a)(1)(vii) and removing paragraph (h) to read as follows:

§ 156.10 Labeling requirements.

(a) * * *

(1) * * *

(vii) Hazard and precautionary statements as prescribed in subpart D of this part for human and domestic animal hazards and subpart E of this part for environmental hazards.

* * * * * *

c. By adding new subpart D to read as follows:

Subpart D—Human Hazard and Precautionary Statements

Sec.

156.60 General.
156.62 Toxicity category.
156.64 Signal word.
156.66 Child hazard warning.
156.68 First aid statement.
156.70 Precautionary statements for human hazards.
156.78 Precautionary statements for physical or chemical hazards.

Subpart D—Human Hazard and Precautionary Statements

§ 156.60 General.

Each product is required to bear hazard and precautionary statements for humans and for domestic animals (if applicable) as prescribed in this subpart. Hazard statements describe the type of hazard that may occur, while precautionary statements will either direct or inform the user of actions to take to avoid the hazard or mitigate its effects.

(a) *Location of statements*—(1) *Front panel statements.* The signal word, child hazard warning, and, in certain cases, the first aid are required to appear on the front panel of the label, and also in any supplemental labeling intended to accompany the product in distribution or sale.

(2) *Statements elsewhere on label.* Hazard and precautionary statements

not required on the front panel may appear on other panels of the label, and may be required also in supplemental labeling. These include, but are not limited to, the human hazard and precautionary statements, domestic animal statements if applicable, Notes to Physician, and physical or chemical hazard statements.

(b) *Placement and prominence*—(1) *Front panel statements.* All required front panel warning statements shall be grouped together on the label, and shall appear with sufficient prominence relative to other front panel text and graphic material to make them unlikely to be overlooked under customary conditions of purchase and use. The table to this paragraph shows the minimum type size requirements for the front panel warning statements for various front panel sizes:

Type Sizes for Front Panel Warning Statements

Size of Label Front Panel (Square Inches)	Point Size	
	Signal Word All Capital Letters	Child Hazard Warning
5 and under	6	6
Over 5 to 10	10	6
Over 10 to 15	12	8
Over 15 to 30	14	10
Over 30	18	12

(2) *Other required statements.* All other hazard and precautionary statements must be at least 6 point type.

§ 156.62 Toxicity category.

This section establishes four Toxicity Categories for acute hazards of pesticide products, Category I being the highest toxicity category. Most human hazard, precautionary statements, and human personal protective equipment statements are based upon the Toxicity Category of the pesticide product as sold or distributed. In certain cases, statements based upon the Toxicity Category of the product as diluted for use are also permitted. A Toxicity Category is assigned for each of five types of acute exposure, as specified in the table to this paragraph.

ACUTE TOXICITY CATEGORIES FOR PESTICIDE PRODUCTS

Hazard Indicators	I	II	III	IV
Oral LD_{50}	Up to and including 50 mg/kg	> 50 thru 500 mg/kg	> 500 thru 5,000 mg/kg	> 5,000 mg/kg
Dermal LD_{50}	Up to and including 200 mg/kg	> 200 thru 2,000 mg/kg	> 2,000 thru 20,000 mg/kg	> 5,000 mg/kg
Inhalation LC_{50}	Up to and including 0.2 mg/liter	> 0.2 thru 2 mg/liter	> 2 thru 20 mg/liter	> 20 mg/liter
Eye irritation	Corrosive; corneal opacity not reversible within 7 days	Corneal opacity reversible within 7 days; irritation persisting for 7 days	No corneal opacity; irritation reversible within 7 days	No irritation
Skin irritation	Corrosive	Severe irritation at 72 hours	Moderate irritation at 72 hours	Mild or slight irritation at 72 hours

§ 156.64 Signal word.

(a) *Requirement.* Except as provided in paragraph (a)(4) of this section, each pesticide product must bear on the front panel a signal word, reflecting the highest Toxicity Category (Category I is the highest toxicity category) to which the product is assigned by any of the five routes of exposure in § 156.62. The signal word must also appear together with the heading for the human precautionary statement section of the labeling (see § 156.70).

(1) *Toxicity Category I.* Any pesticide product meeting the criteria of Toxicity Category I for any route of exposure must bear on the front panel the signal word "DANGER." In addition, if the product is assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye irritation), the word "Poison" must appear in red on a background of distinctly contrasting color, and the skull and crossbones symbol must appear in immediate proximity to the word "Poison."

(2) *Toxicity Category II.* Any pesticide product meeting the criteria of Toxicity Category II as the highest category by any route of exposure must bear on the front panel the signal word "WARNING."

(3) *Toxicity Category III.* Any pesticide product meeting the criteria of Toxicity Category III as the highest category by any route of exposure must bear on the front panel the signal word "CAUTION."

(4) *Toxicity Category IV.* A pesticide product meeting the criteria of Toxicity Category IV by all routes of exposure is not required to bear a signal word. If a signal word is used, it must be "CAUTION."

(b) *Use of signal words.* In no case may a product:

(1) Bear a signal word reflecting a higher Toxicity Category than indicated by the route of exposure of highest toxicity, unless the Agency determines that such labeling is necessary to prevent unreasonable adverse effects on man or the environment;

(2) Bear a signal word reflecting a lesser Toxicity Category associated with a diluted product. Although precautionary statements for use dilutions may be included on label, the signal word must reflect the toxicity of the product as distributed or sold; or

(3) Bear different signal words on different parts of the label.

§ 156.66 Child hazard warning.

(a) Each pesticide product must bear on the front panel of the label the statement "Keep Out of Reach of Children." The statement must appear on a separate line in close proximity to the signal word. The statement is required on Toxicity Category IV products that do not otherwise require a signal word.

(b) EPA may waive the requirement, or require an alternative child hazard warning, if:

(1) The applicant can demonstrate that the likelihood of exposure of children to the pesticide during distribution, marketing, storage or use is remote (for example, an industrial use product); or

(2) The pesticide is approved for use on children (for example, an insect repellent).

(c) EPA may approve an alternative child hazard warning that more appropriately reflects the nature of the pesticide product to which children may be exposed (for example, an impregnated pet collar). In this case, EPA may also approve placement on other than the front panel.

§ 156.68 First aid statement.

(a) *Product as sold and distributed.* Each product must bear a first aid statement if the product has systemic effects in Category I, II, or III, or skin or eye irritation effects in Category I or II. First aid statements are based upon the Toxicity Category by each route of exposure for the product.

(b) *Product as diluted for use.* If the product labeling bears directions for dilution with water prior to use, the label may also include a statement describing how the first aid measures may be modified for the diluted product. Such a statement must reflect the Toxicity Category(ies) of the diluted product, based upon data for the route of exposure (or calculations if appropriate). If the labeling provides for a range of use dilutions, only that use dilution representing the highest concentration allowed by labeling may be used as the basis for a statement pertaining to the diluted product. The statement for a diluted product may not substitute for the statement for the concentrate, but augments the information provided for the concentrate.

(c) *Heading.* The heading of the statement must be "First Aid."

(d) *Location of first aid statement.* The first aid statement must appear on the front panel of the label of all products assigned to Toxicity Category I by any route of exposure. Upon review, the Agency may permit reasonable variations in the placement of the first aid statement if a reference such as "See first aid statement on back panel" appears on the front panel. The first aid statement for products assigned to Toxicity Categories II or III may appear on any panel of the label.

§ 156.70 Precautionary statements for human hazards.

(a) *Requirement.* Human hazard and precautionary statements as required must appear together on the label or labeling under the general heading "Precautionary Statements" and under appropriate subheadings similar to "Humans and domestic animals," "Environmental hazards" (see subpart E of this part) and "Physical or chemical hazards." The phrase "and domestic animals" may be omitted from the heading if domestic animals will not be exposed to the product.

(b) *Content of statements.* When data or other information show that an acute hazard may exist to humans or domestic animals. the label must bear precautionary statements describing the particular hazard, the route(s) of exposure and the precautions to be taken to avoid accident, injury or toxic effect or to mitigate the effect. The precautionary paragraph must be immediately preceded by the appropriate signal word.

(c) *Typical precautionary statements.* The table to this paragraph presents typical hazard and precautionary statements. Specific statements pertaining to the hazards of the product and its uses must be approved by the Agency. With Agency approval, statements may be augmented to reflect the hazards and precautions associated with the product as diluted for use. Refer to § 156.68(b) for requirements for use dilution statements.

Typical Human Hazard and Precautionary Statements

Toxicity Category	Systemic Effects (Oral, Dermal, Inhalation Toxicity)	Irritation Effects (Skin and Eye)	Sensitizer (There are no categories of sensitization)
I	Fatal (poisonous) if swallowed [inhaled or absorbed through skin]. Do not breathe vapor [dust or spray mist]. Do not get in eyes, on skin, or on clothing. [Front panel first aid statement required.]	Corrosive, causes eye and skin damage [or skin irritation]. Do not get in eyes on skin, or on clothing. Wear goggles or face shield and rubber gloves when handling. Harmful or fatal if swallowed. [Front panel first aid statement required.]	If product is a sensitizer: Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.
II	May be fatal if swallowed, [inhaled or absorbed through the skin]. Do not breathe vapors [dust or spray mist]. Do not get in eyes, on skin, or on clothing. [Appropriate first aid statement required.]	Causes eye [and skin] irritation. Do not get in eyes, on skin, or on clothing. Harmful if swallowed. [Appropriate first aid statement required.]	

Typical Human Hazard and Precautionary Statements—Continued

Toxicity Category	Systemic Effects (Oral, Dermal, Inhalation Toxicity)	Irritation Effects (Skin and Eye)	Sensitizer (There are no categories of sensitization)
III	Harmful if swallowed [inhaled or absorbed through the skin]. Avoid breathing vapors [dust or spray mist]. Avoid contact with skin [eyes or clothing]. [Appropriate first aid statement required.]	Avoid contact with skin, eyes or clothing. In case of contact immediately flush eyes or skin with plenty of water. Get medical attention if irritation persists.	
IV	No precautionary statements required	No precautionary statements required.	

§ 156.78 Precautionary statements for physical or chemical hazards.

(a) *Requirement.* Warning statements on the flammability or explosive characteristics of the pesticide product are required if a product meets the criteria in this section. Warning statements pertaining to other physical/chemical hazards (e.g., oxidizing potential, conductivity, chemical reactions leading to production of toxic substances) may be required on a case-by-case basis.

(b) *Pressurized products.* The table to this paragraph sets out the required flammability label statements for pressurized products:

Flammability Statements for Pressurized Products

Flash point/flame extension of product	Required labeling statement
Flash point at or below 20 °F or Flashback at any valve opening	Extremely flammable. Contents under pressure. Keep away from fire, sparks, and heated surfaces. Do not puncture or incinerate container. Exposure to temperatures above 130 °F may cause bursting.
Flash point > 20 °F to 80 °F or Flame extension more than 18 inches long at a distance of 6 inches from the flame	Flammable. Contents under pressure. Keep away from heat, sparks and open flame. Do not puncture or incinerate container. Exposure to temperatures above 130 °F may cause bursting.

Flammability Statements for Pressurized Products—Continued

Flash point/flame extension of product	Required labeling statement
All other pressurized products	Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130 °F may cause bursting.

(c) Non-pressurized products. The table to this paragraph sets out the required flammability label statements for non-pressurized products:

Flammability Statement for Non-Pressurized Products

Flash point	Required labeling statement
At or below 20 °F	Extremely flammable. Keep away from fire, sparks, and heated surfaces.
Greater than 20 °F to 80 °F	Flammable. Keep away from heat and open flame.
Greater than 80 °F to 150 °F	Combustible. Do not use or store near heat or open flame.

(d) *Total release fogger products.* (1) A "total release fogger" is defined as a pesticide product in a pressurized container designed to automatically release the total contents in one operation, for the purpose of creating a permeating fog within a confined space to deliver the pesticide throughout the space.

(2) If a pesticide product is at total release fogger containing a propellant with a flash point at or below 20 °F, then the following special instructions must be added to the "Physical and Chemical Hazards" warning statement, in addition to any flammability statement required by paragraph (b) of this section:

This product contains a highly flammable ingredient. It may cause a fire or explosion if not used properly. Follow the Directions for Use on this label very carefully.

(3) A graphic symbol depicting fire, such as illustrated in this paragraph, or an equivalent symbol, must be displayed along with the required language adjoining the "Physical and Chemical Hazards" warning statement. The graphic symbol must be no smaller than twice the size of the first character of the human hazard signal word.

d. By adding new subpart E to read as follows:

Subpart E—Environmental Hazard and Precautionary Statements

Sec.

156.80 General.
156.85 Non-target organisms.

Subpart E—Environmental Hazard and Precautionary Statements

§ 156.80 General.

(a) *Requirement.* Each product is required to bear hazard and precautionary statements for environmental hazards, including hazards to non-target organisms, as prescribed in this subpart. Hazard statements describe the type of hazard that may be present, while precautionary statements direct or inform the user of actions to take to avoid the hazard or mitigate its effects.

(b) *Location of statements.* Environmental hazard and precautionary statements may appear on any panel of the label and may be

required also in supplemental labeling. The environmental hazard statements must appear together under the heading "Environmental hazards." Typically the statements are grouped as a sub-category within the "Precautionary Statements" section of the labeling.

(c) *Type size.* All environmental hazard and precautionary statements must be at least 6 point type.

§ 156.85 Non-target organisms.

(a) *Requirement.* Where a hazard exists to non-target organisms, EPA may require precautionary statements of the nature of the hazard and the appropriate precautions to avoid potential accident, injury, or damage.

(b) *Examples.* The statements in this paragraph illustrate the types of hazard statements that EPA may require and the circumstances under which they are typically required. These statements are not comprehensive; other statements may be required if more appropriate to the formulation or use.

(1) If a pesticide intended for outdoor use contains an active ingredient with a mammalian acute oral LD_{50} of 100 mg/kg or less, the statement, "This pesticide is toxic to wildlife" is required.

(2) If a pesticide intended for outdoor use contains an active ingredient with a fish acute LC_{50} of 1 ppm or less, the statement, "This pesticide is toxic to fish" is required.

(3) If a pesticide intended for outdoor use contains an active ingredient with an avian acute oral LD_{50} of 100 mg/kg or less, or a subacute dietary LC_{50} of 500 ppm or less, the statement, "This pesticide is toxic to wildlife" is required.

(4) If either accident history or field studies demonstrate that the use of the pesticide may result in fatality to birds, fish or mammals, the statement, "This pesticide is extremely toxic to wildlife (fish)" is required.

(5) If a product is intended for or involves foliar application to agricultural crops, forests or shade trees, or mosquito abatement treatments, and contains a pesticide toxic to pollinating insects, the label must bear appropriate label cautions.

(6) If a product is intended for outdoor use other than aquatic applications, the label must bear the caution, "Keep out of lakes, ponds or streams. Do not contaminate water by cleaning of equipment or disposal of wastes."

e. By adding new subpart W to read as follows:

Subpart W—Public Health Claims for Antimicrobial Products

Sec.

156.440 Scope and applicability.
156.441 Definitions.
156.442 Use of terms and statements on labeling.
156.443 Public health claims.
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156.445 Sterilant claim on hard surfaces.
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156.451 Sanitizing claim on hard surfaces.
156.452 Residual self-sanitizing claim on hard surfaces.
156.453 Laundry additives.
156.454 Fabrics and textiles.
156.455 Air sanitizers.
156.456 Toilets and urinals.
156.457 Human drinking water.
156.458 Swimming pool and spa water.

Authority: 7 U.S.C. 136-136y.

§ 156.440 Scope and applicability.

(a) *Scope*—(1) *Performance standards.* This subpart establishes performance standards for antimicrobial public health claims. The performance standards are based upon required efficacy testing for antimicrobial products specified in part 158 of this chapter. Test methods and standards, evaluation procedures and reporting standards referred to in this subpart are contained in the Pesticide Assessment Guidelines, Subdivision G. This subpart does not cover performance standards for non-public health claims.

(2) *Acceptable public health claim.* This subpart describes public health claims that may be made on antimicrobial product labeling based upon efficacy performance standards. This subpart also establishes limitations on the use of certain claims, as well as specific antimicrobial claims that are not acceptable on product labeling. An antimicrobial public health product that does not meet the performance standard in this subpart for a public health claim may not bear that claim.

(3) *Use directions.* This subpart describes certain use directions associated with public health claims, which are necessary to ensure that the product will achieve the level of antimicrobial performance claimed. This subpart does not set out use directions for non-public health antimicrobial products, nor does it describe comprehensively the use directions for public health products or claims, which are specific to the use sites and patterns. Additional detailed guidance on use directions for antimicrobial products is provided in the Pesticide Assessment Guidelines, Subdivision H.

(b) *Applicability.* (1) This subpart applies to any antimicrobial product that is subject to the provisions of part 152, subpart W, and that makes a public health claim.

(2) This subpart applies to end use antimicrobial products. This subpart does not apply to manufacturing use products.

§ 156.441 Definitions.

Terms defined in FIFRA and part 152 of this chapter are used with the same definitions as given therein. In addition, the following terms are defined for the purposes of this subpart:

Disinfectant means a substance that destroys or eliminates a specific species of infectious or other public health microorganism, but not necessarily bacterial spores, in the inanimate environment.

Equivalent, when used with respect to a test protocol or method, means a test protocol or method, validated by multiple laboratory studies and approved by EPA, that accomplishes the purposes intended by the cited Guidelines test protocols, and that is expected to provide data of equal quality and completeness as data derived from testing according to an EPA Guideline protocol.

Fungicide means a substance that destroys fungi (including yeasts) and fungal spores pathogenic to man or other animals in the inanimate environment.

Guidelines means the Pesticide Assessment Guidelines, Subdivision G - Product Performance Test Guidelines, or the Harmonized OPPTS Test Guidelines, which are an updated, reformatted compilation of guidelines used for both pesticide and other chemical testing.

Microbiological water purifier means any unit, water treatment product or system that removes, kills or inactivates all types of disease-causing microorganisms from the water, including bacteria, viruses and protozoan cysts, so as to render the treated water safe for drinking.

Public health product means an antimicrobial product that bears a public health claim as defined in § 156.443. A public health product is also a "public health pesticide" as defined by FIFRA section 2(nn).

Sanitizer means a substance that reduces the bacterial population in the inanimate environment by significant numbers, but does not destroy or eliminate all bacteria or other microorganisms.

Sterilant means a substance that destroys or eliminates all forms of microbial life in the inanimate environment, including all forms of vegetative bacteria, bacterial spores, fungi, fungal spores, and viruses. For purposes of this subpart, "sporicide" and "sterilant" are synonymous.

Tuberculocide means a substance that destroys or irreversibly inactivates tubercle bacilli in the inanimate environment.

Virucide means a substance that destroys or inactivates viruses in the inanimate environment.

§ 156.442 Use of terms and statements on labeling.

When this subpart authorizes the use of a term on product labeling, other grammatical variants, phrases and statements having the same or equivalent connotation are also authorized, unless EPA, on a case-by-case basis, prohibits their use. For example, authorization to use the term "sterilant" also means that "sterilizer," "sterilization," and similar terms may be used. EPA approves the content of each label, and may, in its discretion, limit the use of certain terms, phrases or statements.

§ 156.443 Public health claims.

EPA will consider a product to make a public health claim if any of the following applies:

(a) A claim is made for control of specific microorganisms or classes of microorganisms that are directly or indirectly infectious or pathogenic to man (or both man and animals). Examples of specific microorganisms include *Mycobacterium tuberculosis, Pseudomonas aeruginosa, E. coli, HIV, Streptococcus,* and *Staphylococcus aureus.* Claims for control of microorganisms infectious or pathogenic only to animals (such as canine distemper virus or hog cholera virus) are not considered public health claims.

(b) A claim is made for the product as a sterilant, disinfectant, virucide, or sanitizer, regardless of the site of use of the product, and regardless of whether specific microorganisms are identified.

(c) A claim is made for the product as a fungicide against fungi infectious or pathogenic to man, or the product does not clearly indicate it is intended for use only against non-public health fungi.

(d) A claim is made for the product as a microbiological water purifier (see § 156.457).

(e) A non-specific claim is made that the product will beneficially impact or affect public health at the site of use or in the environment in which applied (such as a "sanitary" claim), and:

(1) The product contains one or more ingredients that, under the criteria in 40 CFR 153.125(a), is considered an active ingredient with respect to a public health microorganism and there is no other functional purpose for the ingredient in the product; or

(2) The product is similar in composition to registered products that make explicit antimicrobial public health claims.

§ 156.444 Unacceptable statements and claims.

No pesticide or device, including an antimicrobial pesticide product, may bear false or misleading claims or statements (including the name of the product). Claims or statements of the type identified in this section are deemed to be false or misleading and are not acceptable on antimicrobial product labeling. Effective on [date certain - 1 year], EPA will regard an antimicrobial product bearing a statement, claim, or product name that is unacceptable under this section to be misbranded under FIFRA section 2(q).

(a) Statements or claims that suggest or imply greater effectiveness because of composition, e.g., "hospital" strength or grade, "industrial strength," "extra strength."

(b) Statements or claims that suggest or imply that the product can or will prevent or control disease or offer health protection. Claims such as "prevents infection," "controls infection" or "prevents cross-infection" or that the product will control or mitigate any disease (such as Legionnaire's disease), infection, or pathological condition constitute drug claims regulated by the Food and Drug Administration. A claim that the product "controls cross-contamination from treated surfaces," or "kills [name of specific organism] in the inanimate environment" is acceptable.

(c) Statements or claims that are overly broad, non-specific, ambiguous or exaggerated.

(1) The terms "microbicide" and "microbistat" are not acceptable on a public health product. If used on a non-public health product, the claim must be qualified to indicate that the product does not provide public health protection.

(2) The term "biocide" is unacceptable on a public health product because it implies that the product can kill all living organisms, including plants and animals. If used on a non-public health product, the term must be qualified by directions for use or other statements that make clear the types of organisms to be controlled.

(3) The term "antibacterial" or "germicidal" is not acceptable on a non-public health product. If used on a public health product, the labeling must identify the specific organisms to be controlled.

(4) The term "antimicrobial" is not acceptable on a non-public health product, unless clearly and properly qualified to indicate that the product does not provide public health protection. "Clearly and properly qualified" means, at a minimum, that:

(i) The term "antimicrobial" is clearly associated with, and in close proximity to, its qualifying statement on the labeling. It is always unacceptable for the term "antimicrobial" to appear on a different label panel from its qualifying statement.

(ii) The term "antimicrobial" is not highlighted or given prominence over the qualifying statement by means of placement or presentation (e.g., type size, style, color or contrast).

(iii) The term "antimicrobial" is not part of the product name.

(5) The prefix "steri-" implies sterilant activity, and may not be used in the product name or on a product that is not a sterilant.

(6) Statements or claims implying indefinite or all-encompassing antimicrobial protection against bacteria, fungi or algae ("germ-free," "mildew-proof," "algae-free") are not acceptable.

(d) Claims or statements that differ from or do not accurately reflect the results demonstrated by testing.

(1) Product names, or claims or statements expressing or implying a higher level of antimicrobial activity than that demonstrated by testing, even if qualified (for example, "sterisure bacteriostat"). The labeling must unambiguously identify the level of antimicrobial activity (disinfectant, sanitizer, etc).

(2) Claims or statements that are inconsistent with conditions of efficacy established by testing (e.g., a claim of efficacy within 30 seconds, when testing and use directions require 2 minutes contact time for efficacy.)

(e) Statements or claims of efficacy based on unsubstantiated, improbable or irrelevant site/pest relationships. For example, a claim of efficacy against a pest not likely to occur on the site (e.g., athlete's foot fungi in toilet bowls) is misleading.

(f) A statement or claim of presumptive or screening efficacy, even if qualified, is not acceptable on an end use product. Presumptive efficacy testing is intended to demonstrate that an active ingredient is capable of antimicrobial efficacy, but such testing is not conducted under specific conditions of use. An end use product

must be tested for, demonstrate, and be labeled for a specific level of antimicrobial efficacy against identified organisms under conditions of use likely to be encountered.

(1) Legionnaire's disease claims in cooling tower water are not acceptable. Express or implied claims that a product will prevent growth or spread of Legionnaire's Disease bacteria (LDB) are unacceptable. Product labeling may provide accurate information concerning current knowledge and recommendations of the Public Health Service, or laboratory test data showing presumptive effectiveness of the product against pure cultures of LDB. Such information must be qualified by statements to the effect that findings are presumptive, and that there is no evidence that chemical treatment will control LDB growth under actual use conditions, reduce transmission of LDB, or prevent Legionnaire's Disease.

(2) No statement of phenol coefficient may appear on a public health end use product. The phenol coefficient is a calculated comparison of presumptive efficacy.

(g) Certain symbols, icons, or graphics are unacceptable.

(1) The caduceus symbol is not acceptable because it is a medical symbol that implies endorsement by the medical profession or broad medical significance or health protection that is not acceptable in accordance with paragraph (b) of this section.

(2) The name and symbol of the Red Cross are not permitted on any product.

§ 156.445 Sterilant claim on hard surfaces.

(a) *Performance standard.* (1) When tested in accordance with the test methods and standards in OPPTS 810.2100(b)(1) and (2) of the guidelines or its equivalent, the product kills all test spores on all carriers with no failures; and

(2) When tested by a laboratory independent of the registrant in accordance with the test methods and standards in OPPTS 810.2100(b)(4) of the guidelines or its equivalent, the product kills all test spores on all carriers with no failures.

(b) *Acceptable claim.* (1) A product that meets the performance standard in paragraph (a) may bear "sterilant" claims or variants of these.

(2) Since a sterilizer by definition destroys or eliminates all forms of microbial life, a sterilant product may bear claims of any lesser efficacy levels, such as disinfectant, bactericidal, tuberculocidal, fungicidal, virucidal or sanitizer. Separate directions for use must be provided for each lesser level of antimicrobial activity.

(c) *Unacceptable claims.* (1) Liquid chemical germicides may not make sterilant claims for critical or semi-critical medical devices. Claims for liquid chemical germicides are limited to pre-cleaning critical or semi-critical medical devices prior to sterilization.

(2) "One-step" claims are not allowed for sterilants. The label must require pre-cleaning of surfaces prior to sterilization.

§ 156.446 Disinfectant claim on hard surfaces.

(a) *Performance standard.* (1) When tested in accordance with the test methods and standards in OPPTS 810.2100(c), (d), or (e) of the guidelines or its equivalent, the product kills the test microorganisms on 59 out of each set of 60 carriers/slides. Although the performance standard is the same for all disinfectant claims, the test standards and test microorganisms define the level of disinfectant claim that may be made on product labeling.

(2) An applicant who wishes to make disinfectant claims for additional microorganisms not designated in the test methods and standards may do so based upon efficacy tests conducted with those additional microorganisms. When tested in accordance with the test methods and standards in OPPTS 810.2100(k) of the guidelines or its equivalent, for each organism the product must kill all test organisms on 10 carriers for each of two samples representing two different batches.

(b) *Acceptable limited disinfectant claim*—(1) *Products containing pine oil.* A product containing pine oil (as sole active ingredient or in combination with other ingredients) and that meets the performance standard in paragraph (a) when tested using the test standards in OPPTS 810.2100(c) of the guidelines or its equivalent and the test microorganism *Salmonella cholerasuis* may bear only a claim as a "limited disinfectant against bacteria of intestinal origin."

(2) *All other products.* A product that meets the performance standard in paragraph (a) of this section for only one major group of microorganisms (Gram negative or Gram positive bacteria) when tested using the test standards of OPPTS 810.2100(c) of the guidelines or its equivalent may bear only a claim as a "limited disinfectant." The product labeling must identify the specific organisms against which the product is effective.

(c) *Acceptable general or broad spectrum disinfectant claim.* A product that meets the performance standard in paragraph (a) of this section for both Gram negative and Gram positive bacteria when tested using the test standards of OPPTS 810.2100(d) of the guidelines or its equivalent may bear a claim as a "general or broad spectrum disinfectant," and may also bear a claim as a "hard food contact surface disinfectant." The product labeling must identify the specific organisms against which the product is effective.

(d) *Acceptable hospital or medical disinfectant claim.* A product that meets the performance standard in paragraph (a) of this section when tested in accordance with the test standard in OPPTS 810.2100(e) of the guidelines or its equivalent may bear a claim as a "hospital or medical environment disinfectant," and may also bear a claim as a "hard food contact surface disinfectant." The product labeling must identify the specific organisms against which the product is effective.

(e) *Towelette disinfectant claims*—(1) *Single use towelette.* A single use towelette may bear a claim as a "single use towelette for the disinfection of hard surfaces" if, when tested by methods and standards approved by EPA (OPPTS 810.2100(i)(1)(i) of the guidelines or its equivalent), it meets the performance standard in OPPTS 810.2100(i)(3)(i) of the guidelines or its equivalent.

(2) *Multiple use towelettes.* A multiple use towelette may bear a claim as a "multiple use towelette for the disinfection of hard surfaces" if, when tested by the methods and standards approved by EPA (OPPTS 810.2100(i)(1)(ii) of the guidelines or its equivalent), it meets the performance standard in OPPTS 810.2100(i)(3)(ii) of the guidelines or its equivalent.

(f) *Unacceptable claims.* (1) A product that functions by fogging may not bear claims of disinfection for duct systems, air, or room surfaces.

(2) Products with circulate-in-place (CIP) applications may not bear claims of disinfection because CIP application has not been shown to be effective in disinfecting duct systems, air or room surfaces. CIP products may, however, bear claims of sanitization if they meet the performance standard of § 156.451.

§ 156.447 Fungicidal claim on hard surfaces.

(a) *Performance standard.* (1) The product meets the performance standard of OPPTS 810.2100(d) of the guidelines or its equivalent as a broad spectrum disinfectant; and

(2) When tested in accordance with the test methods and standards in OPPTS 810.2100(f) of the guidelines or its equivalent, the product kills all fungal spores.

(b) *Acceptable claim.* A product that meets the performance standard in

paragraph (a) of this section may bear a claim of effectiveness as a "fungicide" or against "pathogenic fungi" on appropriate surfaces or sites.

§ 156.448 Virucidal claim on hard surfaces.

(a) *Performance standard.* (1) The product meets the performance standard of OPPTS 810.2100(d) of the guidelines or its equivalent as a broad spectrum disinfectant; and

(2) When tested in accordance with the test methods and standards in OPPTS 810.2100(g) of the guidelines or its equivalent, the product:

(i) Inactivates virus at all dilutions when cytotoxicity is not observed in the assay system, or at all dilutions above the cytotoxic level when cytotoxicity is observed; and

(ii) Achieves at least a 99.9% (3-log) reduction in viral titer in all samples when cytotoxicity is present.

(b) *Acceptable claim*—(1) *Combination disinfectant/virucidal products.* A disinfectant product that also meets the performance standard in paragraph (a) of this section may also bear a claim of effectiveness as a "virucide" or as "virucidal." The product labeling must identify the specific viruses against which the product is effective.

(2) *Virucide only products.* A product that meets the performance standard in paragraph (a) of this section, but is not a disinfectant, may bear only a limited claim of effectiveness against viruses specifically tested against, and must bear a disclaimer that the product is not a disinfectant.

(3) *HIV/HBV claims.* A claim for virucidal activity against HIV-1, HIV-2, or hepatitis B (HBV) viruses may be made only for use sites that involve human health care or other sites where there is a likelihood of soiling of inanimate surfaces or objects with blood or body fluids.

§ 156.449 Tuberculocidal claim on hard surfaces.

(a) *Performance standard.* (1) The product meets the performance standard of OPPTS 810.2100(d) of the guidelines or its equivalent as a broad spectrum disinfectant; and

(2) When tested in accordance with one of the test methods and standards in OPPTS 810.2100(h) of the guidelines or its equivalent, the product meets the performance standard for that test method in OPPTS 810.2100(h)(3) of the guidelines or its equivalent.

(b) *Acceptable claim.* A product that meets the performance standard in paragraph (a) of this section may bear a claim of effectiveness as a "tuberculocide."

§ 156.451 Sanitizing claim on hard surfaces.

(a) *Products for use on non-food contact surfaces*—(1) *Performance standard.* When tested in accordance with the test methods and standards in OPPTS 810.2100(l) of the guidelines or its equivalent, the product achieves at least a 99.9% (3-log) reduction in the number of test microorganisms over the parallel control count within 5 minutes.

(2) *Acceptable claims.* A product that meets the performance standard in paragraph (a)(1) of this section may bear a claim of effectiveness as a "sanitizer for hard, non-food contact surfaces."

(b) *Products for use on previously-cleaned food contact surfaces*—(1) *Performance standard for products containing halides.* When tested in accordance with the test methods and test standards in OPPTS 810.2100(m)(1) of the guidelines or its equivalent, the product meets the performance standard of OPPTS 810.2100(m)(1) of the guidelines or its equivalent.

(2) *Performance standard for products not containing halides.* When tested in accordance with the test methods and test standards in OPPTS 810.2100(m)(2) of the guidelines or its equivalent, the product achieves a 99.999% (5-log) reduction in the number of each test microorganism within 30 seconds.

(3) *Acceptable claims.* A product that meets the appropriate performance standard in paragraph (b) of this section may bear a claim of effectiveness as a "sanitizer for hard food contact surfaces."

(4) *Unacceptable claims.* A product labeled for food surface sanitizing may not bear a claim for "one-step" or combination cleaning and sanitizing. Sanitizing claims for food surfaces may be made only in conjunction with use directions that require a cleaning step prior to sanitization.

§ 156.452 Residual self-sanitizing claim on hard surfaces.

(a) *Performance standard.* When tested in a controlled or simulated in-use study under OPPTS 810.2100(o) of the guidelines or its equivalent, whose protocol has been approved by the Agency, the product meets the performance standard of OPPTS 810.2100(o)(3) of the guidelines or its equivalent.

(b) *Acceptable claim.* A product that meets the performance standard in paragraph (a) of this section may bear a claim of residual "self-sanitizing" activity keyed to the presence of moisture on surfaces that are likely to become and remain wet under normal conditions of use. A "residual" claim must also include the duration of effectiveness.

§ 156.453 Laundry additives.

(a) *Pre-soak disinfection*—(1) *Performance standard.* When tested in accordance with the test methods and standards in OPPTS 810.2300(b)(1) of the guidelines or its equivalent, the product meets the performance standard of OPPTS 810.2100(c), (d), and (e) of the guidelines or its equivalent. Although the performance standard is the same for all disinfectant claims, the test standards and test microorganisms define the level of disinfectant claim that may be made on product labeling.

(2) *Acceptable claim.* A product that meets the performance requirement in paragraph (a)(1) of this section may bear a claim as a "disinfectant" for pre-soaking fabrics prior to laundering.

(b) *Pre-soak sanitization—(1) Performance standard.* When tested in accordance with the test methods and standards in OPPTS 810.2300(b)(2) of the guidelines or its equivalent, the product achieves at least a 99.9% (3-log) reduction in the number of each test microorganism over the control count within 5 minutes.

(2) *Acceptable claim.* A product that meets the performance requirement in paragraph (b)(1) of this section may bear a claim as a "sanitizer" for pre-soaking fabrics prior to laundering.

(c) *Non-residual disinfecting in-use additives*—(1) *Performance standard.* When tested in accordance with the simulated-use procedure in OPPTS 810.2300(b)(3) of the guidelines or its equivalent or an actual in-use study whose protocol has been approved by the Agency, the product meets the performance standard of OPPTS 810.2300(b)(3) of the guidelines or its equivalent.

(2) *Acceptable claim.* A product that meets the performance requirement in paragraph (c)(1) of this section may bear a claim as a "disinfectant" for use in laundry operations.

(d) *Non-residual sanitizing in-use additives*—(1) *Performance standard.* When tested in accordance with the test methods and standards in OPPTS 810.2300(b)(4) of the guidelines or its equivalent, the product meets the performance standard of OPPTS 810.2300(b)(4).

(2) *Acceptable claim.* A product that meets the performance requirement in paragraph (d)(1) of this section may bear a claim as a "sanitizer" for use in laundry operations.

(e) *Residual self-sanitizing in-use additives*—(1) *Performance standard.* When tested in accordance with the simulated-use procedure in OPPTS

810.2300(b)(5) of the guidelines or its equivalent, the product achieves at least 99.9% (3-log) reduction of each test microorganism over the zero-time and untreated control.

(2) *Acceptable claim.* A product that meets the performance standard in paragraph (e)(1) of this section may bear a claim of "residual self-sanitizer" for use in laundry operations when laundered articles are likely to become and remain wet (e.g., diapers), or be exposed to high humidity under normal conditions of use and storage.

§ 156.454 Fabrics and textiles.

(a) *Carpets—(1)* Performance standard. When tested in accordance with the test methods and standards in OPPTS 810.2300(c) of the guidelines or its equivalent, the product achieves at least a 99.9% (3-log) reduction in the number of test microorganisms over the scrubbed controls.

(2) *Acceptable claims.* A product that meets the performance standard in paragraph (a)(1) of this section may bear a claim as a "sanitizer" for carpets.

(b) *Mattresses and upholstered furniture—(1) Performance standard.* Only gas or fumigant treatments are acceptable for control of pathogenic microorganisms in or on these articles. When tested in accordance with a simulated use study under OPPTS 810.2300(d) of the guidelines or its equivalent, whose protocol has been approved by the Agency, the product meets one of the following standards:

(i) The performance standard in § 156.445(a) for a sterilizer.

(ii) The performance standard in § 156.446(a) for a disinfectant.

(iii) The performance standard in § 156.451(a) for a sanitizer.

(2) Acceptable claims. A product that meets the appropriate performance standard in paragraph (b)(1) of this section may bear the associated claim as a "sterilant," "disinfectant," or "sanitizer" for mattresses, upholstered furniture, pillows, and similar bulky articles. Separate directions for use must be provided for each claimed level of activity.

(c) *Impregnated self-sanitizing fabrics and textiles—(1) Performance standard.* When tested in a controlled or simulated in-use study under OPPTS 810.2300(e)(3) of the guidelines or its equivalent,, whose protocol has been approved by the Agency, the product meets the performance standard in § 156.452(a).

(2) *Acceptable claims.* A product that meets the performance standard in paragraph (c) of this section may bear a claim for "residual self-sanitizing" of treated fabrics and textiles in the presence of moisture. The duration of effectiveness must be specified.

§ 156.455 Air sanitizers.

(a) *Performance standard—(1) Glycol-containing products.* When tested in accordance with a protocol that has been approved by the Agency, the product achieves an actual glycol vapor concentration of at least 50% saturation in a test enclosure.

(2) *Other products.* When tested in accordance with a protocol that has been approved by the Agency, the product achieves, for each required test microorganism, at least a 99.9% (3-log) reduction in the number of viable microorganisms in the air of the test enclosure, after correction for settling rates.

(b) *Acceptable claims.* A product that meets either of the performance standards in paragraph (a) of this section may bear a claim as an "air sanitizer." This claim must be accompanied by a statement clearly indicating the mitigating level of the activity, such as "Temporarily reduces the number of airborne bacteria."

(c) *Unacceptable claims.* An air sanitizer may not bear a claim as a sterilant, disinfectant, or germicide.

§ 156.456 Toilets and urinals.

(a) *Toilet bowls—(1) Performance standard.* When tested in accordance with the test methods and standards in OPPTS 810.2100(c), (d), or (e), or OPPTS 810.2600(b)(2) of the guidelines or its equivalent, the product meets one of the following standards:

(i) The performance standard in § 156.446(a) for a disinfectant.

(ii) The performance standard in § 156.451(a) for a sanitizer.

(2) Acceptable claims. A product that meets the appropriate performance standard in paragraph (a)(1) of this section may bear the associated claim as a "disinfectant" or "sanitizer" for toilet bowl surfaces. Separate use directions must be provided for "disinfectant" and "sanitizer" levels of activity.

(3) *Unacceptable claims.* A product may not bear claims for disinfecting the hidden trap of the toilet, nor may a solution for tank use bear claims for disinfecting or sanitizing the bowl surface during flushing.

(b) *Toilet bowl water—(1) Performance standard.* When tested in accordance with a simulated-use study described in OPPTS 810.2600(c) of the guidelines or its equivalent, the product achieves at least a 99.9% (3-log) reduction in the number of each test microorganism over the zero-time and parallel untreated inoculated controls.

(2) *Acceptable claims.* A product that meets the performance standard in paragraph (b) of this section may bear a claim as a "sanitizer" for toilet water.

(3) *Unacceptable claims.* No claim other than sanitization may be made for toilet in-tank products.

(c) *In-tank products—(1) Performance standard.* When tested in accordance with a preliminary simulated in-use test and a laboratory efficacy test whose protocol has been approved by the Agency, the product achieves at least a 99.9% (3-log) reduction in the number of each test microorganism over the zero-time and parallel untreated inoculated controls.

(2) *Acceptable claims.* A product that meets the performance standard in paragraph (c)(1) of this section may bear a claim as an "in-tank sanitizer" against pathogenic microorganisms in toilet water.

156.457 Human drinking water.

(a) *Water treatment units and chemical substances—(1) Performance standard.* When tested in accordance with the test methods and standards of the EPA Guide Standard and Protocol, the product achieves the reductions in the numbers of required test microorganisms (bacteria, viruses, and protozoan cysts) given in the table to this paragraph.

Performance Standard Reductions for Microbiological Water Purifiers

Organisms	Minimum required reduction	
	Percent	Log
Bacteria	99.9999	6
Viruses	99.99	4
Protozoan cysts	99.9	3
or		
Particles or spheres, 4-6 microns diameter (for filtration occlusion units)		

(2) *Acceptable claim.* A product that meets the performance standard in paragraph (a)(1) of this section may be labeled as a "microbiological water purifier" or "microbiological water purification system."

(3) *Unacceptable claim.* A product that does not meet the performance standard in paragraph (a)(1) of this section for all test organisms required by the Guide Standard and Protocol may not bear on the labeling any terms or statements of express or implied "water purification" or variants thereof. Similarly terms such as "sanitize" or variants thereof, "pure" or "purify" and

"hygienic" or variants thereof are not acceptable.

(b) [Reserved]

§ 156.458 Swimming pool and spa water.

(a) *Performance standard.* (1) When tested in accordance with the test methods and standards in OPPTS 810.2700(d) of the guidelines or its equivalent, the product achieves efficacy equivalent to that achieved in a test using a sodium hypochlorite control; and

(2) When tested under in-use conditions (field test) under a protocol approved by the Agency, the product demonstrates that more than 85% of samples collected meet all of the following bacterial indices:

(i) The standard plate count at 35 °C does not exceed 200 colonies per 1.0 milliliter (ml).

(ii) The most probable number of coliform bacteria is less than 2.2 organisms per 100.0 ml, or, if a membrane filter test is used, less than 1.0 coliform organism per 50 ml.

(iii) The most probable number of enterococcal organisms is less than 2.2 organisms per 100.0 ml, or if the membrane filter test is used, less than 1.0 enterococcal organism per 50 ml.

(b) *Acceptable claims.* A product that meets the performance standard in paragraph (a) of this section may bear a claim as a "disinfectant" for swimming pool water or water in hot tubs, jacuzzis, spas, or whirlpools.

[FR Doc. 99–24181 Filed 9–14–99; 12:13 pm]

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The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 211/P.L. 106–48

To designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza". (Aug. 17, 1999; 113 Stat. 230)

H.R. 1219/P.L. 106–49

Construction Industry Payment Protection Act of 1999 (Aug. 17, 1999; 113 Stat. 231)

H.R. 1568/P.L. 106–50

Veterans Entrepreneurship and Small Business Development Act of 1999 (Aug. 17, 1999; 113 Stat. 233)

H.R. 1664/P.L. 106–51

Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999 (Aug. 17, 1999; 113 Stat. 252)

H.R. 2465/P.L. 106–52

Military Construction Appropriations Act, 2000 (Aug. 17, 1999; 113 Stat. 259)

S. 507/P.L. 106–53

Water Resources Development Act of 1999. (Aug. 17, 1999; 113 Stat. 269)

S. 606/P.L. 106–54

For the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes. (Aug. 17, 1999; 113 Stat. 398)

S. 1546/P.L. 106–55

To amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes. (Aug. 17, 1999; 113 Stat. 401)

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The President

Proclamation 7221 of September 15, 1999

National POW/MIA Recognition Day, 1999

By the President of the United States of America

A Proclamation

As we look back over this century that is swiftly drawing to a close, we recognize that the light of freedom still burns brightly in our world today because of the service and sacrifice of America's men and women in uniform. Through the devastation of two world wars and the brutality of numerous regional conflicts; on peacekeeping assignments and humanitarian missions; from the darkest days of the Cold War to the fall of the Berlin Wall, our Nation's service men and women have fought the forces of tyranny and won signal victories for liberty, human dignity, and the ideals of democracy. On every continent, on the seas, and in the air, gallant young Americans have paid for our future with their own, and many have preserved our freedom by sacrificing their own.

On National POW/MIA Recognition Day, we remember with profound gratitude those who suffered captivity and those whose fate remains unknown. Many American POWs were tortured at the hands of their captors; all experienced the ordeal of being held against their will and the anguish of indefinite separation from their families and their homeland.

Today we also honor the valiant families of our fellow citizens who remain missing—families who have had to suffer not only the absence of their loved ones, but also the uncertainty of their fate. As Americans, we remain unshakable in our resolve to achieve the fullest possible accounting of those missing and to strive to bring home the remains of those who have died. Only by doing so can we begin to acknowledge the debt we owe to these patriots and assuage the grief of the families they left behind for the sake of our Nation.

On September 17, 1999, the flag of the National League of Families of American Prisoners of War and Missing in Southeast Asia, a black and white banner symbolizing America's missing and our unwavering determination to account for them, will be flown over the White House, the U.S. Capitol, the Departments of State, Defense, and Veterans Affairs, the Selective Service System Headquarters, the Vietnam Veterans Memorial, the Korean War Veterans Memorial, national cemeteries, and other locations across our country.

NOW, THEREFORE, I, WILLIAM J. CLINTON, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 17, 1999, as National POW/MIA Recognition Day. I ask all Americans to join me in honoring former American prisoners of war and those whose fate is still undetermined. I also encourage the American people to remember with compassion and concern the courageous families who persevere in their quest to know the fate of their missing loved ones. Finally, I urge Federal, State, and local officials and private organizations to observe this day with appropriate ceremonies, programs, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.

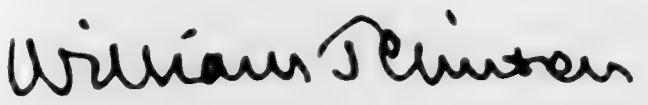

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Executive Order 13137 of September 15, 1999

Amendment to Executive Order 12975, as Amended, National Bioethics Advisory Commission

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to more accurately describe the expertise requirements for members selected for the National Bioethics Advisory Commission, it is hereby ordered that Executive Order 12975, as amended ("Order"), is further amended as follows:

Section 1. Section 3 of the order shall read as follows: "**Sec. 3.** *Establishment of National Bioethics Advisory Commission.* There is established in the Department of Health and Human Services a National Bioethics Advisory Commission (NBAC). The NBAC shall be subject to the Federal Advisory Committee Act, as amended (5 U.S.C. App.)."

Sec. 2. A new section 4 shall be added to the order to read: "**Sec. 4.** *Structure.* (a) The National Bioethics Advisory Commission shall be composed of not more than 18 nongovernment members appointed by the President. At least one member shall be selected from each of the following categories of primary expertise: (1) philosophy/theology; (2) social/behavioral science; (3) law; (4) medicine/allied health professions; and (5) biological research. At least three members shall be selected from the general public, bringing to the Commission expertise other than that listed. The membership shall be approximately evenly balanced between scientists and non-scientists. Close attention will be given to equitable geographic distribution and to ethnic and gender representation.

(b) Members of the Commission will serve for terms of 2 years and may continue to serve after the expiration of their term until a successor is appointed. A member appointed to fill an unexpired term will be appointed to the remainder of such term.

(c) The President shall designate a Chairperson from among the members of the NBAC."

Sec. 3. (a) "[S]ection 5" in the third sentence of section 1(b) of the order shall be deleted and "section 6" shall be inserted in lieu thereof.

(b) Current sections 4 through 7 of Executive Order 12975 shall be renumbered sections 5 through 8.

(c) New section 8(b) is amended by deleting "October 3, 1999" and inserting "October 3, 2001" in lieu thereof.

William J. Clinton

THE WHITE HOUSE,
September 15, 1999.

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR parts 210, 215, 220, 235 and 245

RIN 0584–AC01

School Nutrition Programs: Nondiscretionary Technical Amendments

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule makes a number of technical changes to the regulations governing the National School Lunch Program, the Special Milk Program for Children, the School Breakfast Program, State Administrative Expense Funds, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools. A number of these changes are a direct result of statutory changes made under the Child Nutrition and WIC Reauthorization Act of 1989, the Healthy Meals for Healthy Americans Act of 1994, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the William F. Goodling Child Nutrition Reauthorization Act of 1998. This rule also removes and updates obsolete provisions in these regulations. These amendments are nondiscretionary and technical in nature and will conform these regulations to statutory requirements.

EFFECTIVE DATE: October 20, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Jane Whitney, Section Chief, School Programs Section, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service at 703–305–2620.

SUPPLEMENTARY INFORMATION:

Background

Four different public laws, Public Law (Pub. L.) 101–147 (the Child Nutrition and WIC Reauthorization Act of 1989), Pub. L. 103–448 (the Healthy Meals for Healthy Americans Act of 1994), Pub. L. 104–193 (the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and Pub. L. 105–336 (the William F. Goodling Child Nutrition Reauthorization Act of 1998), made specific changes to the National School Lunch Act and the Child Nutrition Act of 1966, necessitating changes in the regulations that guide the National School Lunch Program, the School Breakfast Program, the Special Milk Program, State Administrative Expense Funds, and Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools.

In section 201 of Pub. L. 101–147, the Child Nutrition and WIC Reauthorization Act of 1989, enacted on November 10, 1989, Congress amended the National School Lunch Act (NSLA) (42 U.S.C. 1751 et. seq.) to make changes in the way the National School Lunch Program (NSLP) and School Breakfast Program (SBP) operate. Specifically, section 201 amended Section 8 of the NSLA by making permanent the agreements between the State agencies (SA) and school food authorities (SFA) for carrying out the school lunch program and school breakfast program.

In section 112 of Pub. L. 103–448, the Healthy Meals for Healthy Americans Act of 1994, enacted on November 2, 1994, Congress amended the definition of *School* in section 12(d) of the NSLA to make child care centers in Puerto Rico ineligible to participate in the NSLP and SBP. Additionally, section 202 of Pub. L. 103–448 amended section 7(a) of the Child Nutrition Act of 1966 (CNA) (42 U.S.C. 1771 *et seq.*) to authorize the Secretary to withhold State Administrative Expense (SAE) funds when the Secretary determines that the SA's administration of the program is seriously deficient.

Section 703 of Pub. L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, amended section 9(b)(2) of the NSLA. The amendment requires that after initial submission, an SFA would not be required to submit a new free and reduced price policy statement to a State educational agency unless there is a substantive change in the free and reduced price policy of the SFA. Section 707 of Pub. L. 104–193 amended section 14(e) of the NSLA by removing the requirement for States to have State food distribution advisory councils and adding in its place a requirement that SAs which receive food assistance payments for any school year must consult with schools regarding the selection and distribution of donated foods. Furthermore, section 723 of Pub. L. 104–193 removed section 4(f) of the CNA which dealt with breakfast outreach activities. Section 724(b) of Pub. L. 104–193 amended section 7(e) of the CNA by removing the requirement that State administrative expense plans be submitted annually by State agencies for approval by FNS and revising the regulation to require that States only need submit substantive changes to approved plans. In section 726 of Pub. L. 104–193 Congress amended section 11(a) of the CNA by revising the prohibition regarding the imposition of any requirements with respect to teaching personnel, curriculum, instruction and methods and materials of instruction. Section 726 removed references to State, thus directing the prohibition only to USDA.

In section 102(c) of Pub. L. 105–336, the William F. Goodling Child Nutrition Reauthorization Act of 1998, Congress added section 9(h) to the NSLA to establish new requirements regarding annual food safety inspections for schools participating in the NSLP or SBP. Section 102(d) added section 9(i) to the NSLA to require each SFA to submit a single agreement and a common claim form for programs administered by the SA. Section 104(b) amended section 12(g) of the NSLA to make changes in criminal penalties for attempting to defraud the program. Section 104(d) added section 12(n) to the NSLA to incorporate a provision to require that schools purchase, to the maximum extent practicable, domestic commodities or products. Finally, section 202(b) revised section 7(a)(6) of the CNA to eliminate the 10% transfer limitation for SAE funds.

The following chart summarizes the statutory provisions:

Statute	Provision	Regulatory section affected
Pub. L. 101–147:		
Section 201	Mandates permanent agreements	§§ 210.9, 215.7 and 220.7(e).
Pub. L. 103–448:		
Section 112	Revises definition of "school"	§§ 210.2 and 220.2(u).
Section 202	Authorizes USDA to withhold SAE funds when State agencies are deemed seriously deficient.	§ 235.4.
Pub. L. 104–193:		
Section 703	Mandates permanent Free and Reduced Price Policy Statement.	§ 245.10.
Section 707	Removes requirement for State Food Distribution Advisory Council.	§ 210.28
Section 723	Removes breakfast outreach activities	§ 220.13(k).
Section 724	Replaces annual State Administrative Expense Plan with a permanent base plan updated for substantive changes.	§ 235.5
Section 726	Revises educational prohibitions	§§ 210.27 and 220.17(a).
Pub. L. 105–336:		
Section 102(c)	Mandates food safety inspections	§§ 210.13(b), 220.7(a–2).
Section 102(d)	Mandates single agreements and common claim forms for SFAs.	§§ 210.8(c), 210.9(b), 215.7(d), 215.10(b), 220.7(e) and 220.11(b).
Section 104(b)	Changes criminal penalties for fraud	§§ 210.26, 215.6(b), 220.6(b), 2356(g) and 245.12.
Section 104(d)	Mandates purchase of domestic commodities or products	§§ 210.21(d) and 220.16d.
Section 202(b)	Eliminates 10% transfer for SAD funds	§ 235.6(a).

Additionally, the Department is taking the opportunity to remove obsolete provisions from and make technical corrections to 7 CFR parts 210, 215, 220, 235 and 245. For example, the obsolete references to "handicapped" children are removed, using instead the term "children with disabilities". The rule also incorporates technical conforming amendments to 7 CFR parts 210, 215, 220, 235 and 245. The remainder of this preamble discusses these amendments.

What Specific Revisions and Additions are Being Made to the Regulations?

The changes being made fall under four categories. They are:

- Changes to definitions
- New, updated or removed requirements
- Removal of obsolete references
- Technical amendments

What Changes are Being Made to the Definition Sections?

Definition of Child

The definition of the term *Child* in §§ 210.2 and 220.2(c) and the definition of the term *Children* in § 215.2(e–1) are amended to remove references to *handicapped* children, adding in their place the term *disabled*, thus conforming the definition to operating terminology.

Definition of Handicapped Student

The definition of the term *Handicapped student* in § 210.2 is removed, in order to remove references to *handicapped* children. A new definition, *Student with disabilities*, is used in its place.

Definition of School

Section 112(a) of Pub. L. 103–448 amended the definition of *School* in section 12(d)(5) of the NSLA. This amendment removed child care centers in the Commonwealth of Puerto Rico from the definition of *School*, effective October 1, 1995. As of that date, child care centers in Puerto Rico were no longer eligible to participate in the NSLP and SBP. However, these child care centers could provide meals and snacks to children under the Child and Adult Care Food Program, 7 CFR part 226, or milk under the Special Milk Program, the same as other child care centers in the contiguous United States. Affected child care centers were advised of their change in status. This rule codifies the provision by amending the definition of *School* in §§ 210.2 and 220.2(u) to remove child care centers in Puerto Rico from the definition of school to conform to this nondiscretionary statutory provision. Corresponding technical changes are made to the definition of *School* in § 235.2(o) to reflect these amendments.

Definition of Financial Management Circulars

The definition, *7 CFR part 3015*, in §§ 210.2, 215.2(x–1), 220.2(x–1), and 235.2(q–1) is revised to remove obsolete references to A–124 and A–128, as well as the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.). New definitions, *7 CFR part 3017*, *7 CFR part 3018*, and *7 CFR part 3052* are added to §§ 210.2, 215.2, 220.2 and 235.2. Part 3017 refers to the Department's Common Rule regarding Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants). Part 3018 refers to the Department's Common Rule regarding New Restrictions on Lobbying. Part 3052 refers to the Department's rule regarding Audits of States, Local Governments and Non-Profit Organizations.

Definition of State

The definition of *State* (§§ 210.2; 215.2(y); 220.2(y); 235.2(r)) is revised to accommodate the elimination of the territories under the Compact of Free Association and the block grant status of American Samoa and the Commonwealth of the Northern Marianas. Because both American Samoa and the Commonwealth may elect to forego the block grant and participate under part 210, 215, 220 and 235, they continue to be included in the definition of *State agency*, "as applicable".

What Requirements are Being Added, Updated or Removed?

Agreements/Claims

Section 201 of Pub. L. 101–147 amended section 8 of the NSLA by making permanent the agreements between SAs and SFAs for carrying out the NSLP and SBP. On May 28, 1991, USDA issued a proposed rule which would have implemented the provision to make these agreements permanent, to be amended as necessary (56 FR 24033). Fifty comments were received on that proposed rule during the 60-day public comment period, which closed on July 29, 1991. Commenters represented 19 different SAs, 22 SFAs, 4 State or local Departments of Human Services and 2

professional organizations. Only one commenter was opposed to having the agreement made permanent, stating that the agreement is a legal document that should have a beginning and ending date. All other commenters who addressed this provision viewed it as a paperwork reduction measure and supported the proposal. On May 12, 1991, USDA issued a memorandum implementing this provision. This memorandum stated that, because the Department did not anticipate any changes to the proposal for permanent agreements, the SAs would be able to accept current agreements as permanent, at their discretion. This was effective as of school year 1992—1993. This final rule codifies this provision in § § 210.9(b), 215.7(d) and 220.7(e).

Section 102 (d) of Pub. L. 105–336 amended section 9 (c) of the NSLA by establishing two requirements with respect to SFAs which administer any combination of the Child Nutrition Programs under the same State administering agency. First, the SA must use a single State/local agreement for all programs operated by the SFA under that SA. This also means that multiple SFA programs operated under an alternate SA must be combined into a single agreement. This rule makes the necessary changes to §§ 210.9(b), 215.7(d), and 220.7(e).

Second, an SFA must be able to use a common reimbursement form to claim meals under all of the programs. Previously, single agreements and common claim forms were permitted at SA option for SFAs administering multiple Child Nutrition Programs under a single SA. This rule makes the necessary changes to 7 CFR 210.8(c), 215.10(b), and 220.11(b) to reflect the implementation of the statutory requirements.

Free and Reduced Price Policy Statement

As noted above, on May 28, 1991, the Department had proposed to make the agreement between the SA and SFA a permanent document to be amended as necessary (56 FR 24033). Although Pub. L. 101–147 had not directed the Department to make the SFA's free and reduced price policy permanent, the Department used its discretionary authority to include the policy statement in the permanency provision, because the Department considers the policy statement part of the agreement. The Department had proposed in that rule to (1) Increase the number of provisions required in an SFA's policy statement and (2) remove the requirement for annual resubmission of the policy statement to the SA for approval, unless there was a substantive change to the SFA's free and reduced price policy. Of the 50 comments received on the proposal, only one commenter supported the increase in the required provisions to be included in the policy statement. Before the department could issue a final rule, section 703 of Pub. L. 104–193 amended section 9(b)(2) of the NSLA by making permanent the free and reduced price policy statement. Unless there is a substantive change made to the free and reduced price policy of the SFA, the policy statement need not be changed and resubmitted. Routine changes, such as an annual adjustment of the income eligibility guidelines, are not sufficient to require resubmission. This rule implements this provision by making the necessary amendments to §§ 245.10 and 245.11.

Food Safety Inspections

Section 102(c) of Pub. L. 105–336 amended section 9 of the NSLA by adding subsection (h) to require schools participating in the NSLP or the SBP to obtain food safety inspections conducted by a State or local government agency responsible for such inspections at least once a year if a State or local governmental agency does not otherwise require inspections. This provision does not apply to schools that must comply with State or local requirements for food safety inspections even if the time frames for these inspections are less frequent than annual. Moreover, if a State or local governmental agency responsible for food safety inspections conducts voluntary inspections in schools, these inspections may be counted toward meeting this requirement. This rule implements this provision by amending §§ 210.13 and 220.7 by adding a new paragraph, *Food safety inspections.*

State Agency Consultation With Schools

Section 707 of Pub. L. 104–193 removed the requirement for the State to establish a food distribution advisory council and in its place required SAs that receive food assistance payments to consult with schools that receive commodities in order to make the best assessment of the specific needs of that school relating to the manner of selection and the distribution of commodity goods. This rule removes § 210.28, *State Food Distribution Advisory Council*, and amends § 210.19 (b) to implement this provision. To accommodate the changes, the definition of *State Food Distribution Advisory Council* is removed and sections are redesignated.

Buy American

Section 104(d) of Pub. L. 105–336 amended section 12 of the NSLA to require SFAs participating in the NSLP and SBP in the contiguous United States (U.S.) to purchase for those programs, to the maximum extent practicable, domestic commodities or products. This requirement will help ensure that Federal funds dispensed to States support the U.S. agricultural economy to the extent feasible. For purposes of this provision, Pub. L. 105–336 defines the term "domestic commodity or product" to mean an agricultural commodity that is produced in the U.S. and a food product that is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. The Conference Report accompanying Pub. L. 105–336 makes it clear that the term "substantially" means that over 51 percent of the processed food comes from American produced products. Pub. L. 105–336 also stipulates that an SFA in Hawaii is required to purchase commodities or products that are produced in Hawaii, to the extent that such products are in adequate supply for program purposes. This rule implements this provision by adding new paragraphs (d), *Buy American* to §§ 210.21 and 220.16.

Criminal Penalties

Section 104(b) of Pub. L. 105–336 amended section 12(g) of the NSLA to increase from $10,000 to $25,000 the maximum fine for embezzling, willfully misapplying, stealing or obtaining by fraud any funds, assets or property acquired under the NSLA or CNA. This rule reflects this provision by amending §§ 210.26, 215.6(b), 220.6(b), 235.6(g) and 245.12(a).

Educational Prohibitions

Prior to Pub. L. 104–193, section 12 of the NSLA prohibited SAs and USDA from imposing any educational requirements with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school. Section 726 of Pub. L. 104–193, recognizing the educational responsibilities of the State education agencies, amended section 11 of the CNA by removing the reference to the State. This rule implements this provision by amending §§ 210.27 and 220.17 to limit the prohibition to USDA.

Removal of School Breakfast Outreach Requirements

Prior to Pub. L. 104–193, Section 4(f) of the CNA mandated that the Department and SAs initiate outreach and education on the benefits of the SBP. Section 723 of Pub. L. 104–193

removed the SBP outreach activities. This rule removes paragraph (k) of § 220.13 to implement this provision.

Withholding State Administrative Expense Funds

Section 202(a) of Pub. L. 103–448 amended section 7(a) of the CNA to stipulate that USDA may withhold SAE funds when SAs are seriously deficient in either their administration of the Child Nutrition Programs or their compliance with regulations issued to implement the Child Nutrition Programs, and that USDA may restore those withheld funds when performance improves. This rule adds a new paragraph (h) to § 235.4 to implement this provision.

State Administrative Expense Plans

Section 724(b) of Pub. L. 104–193 amended section 7(e) of the CNA by removing the requirement that SAE plans be submitted annually by State agencies for approval by FNS and revising the regulation to require that States only need submit substantive changes to approved plans. FNS notified State agencies of this change on June 5, 1997. The SAE plan used for fiscal year 1997 is the permanent plan document (*i.e.*, the "base year" SAE plan). For SAs not participating in the Child Nutrition Programs in FY 1997, the first SAE plan submitted will be considered the base year plan. After submitting the base plan, the SA is only required to submit substantive changes, as defined in the June 5, 1997 guidance, for approval by FNS. When those substantive changes are submitted and the plan is amended, the fiscal year in which those changes are effective becomes the plan's base year. This rule implements this provision by amending § 235.5.

Transfer of State Administrative Expense Funds

Section 202(b) of Pub. L. 105–336 amended section 7(a)(6) of the CNA by eliminating the previous 10 percent limit on SAE funds that may be transferred from one child nutrition program to another. Now, SAs may transfer their SAE funds among the programs as they deem necessary for efficient administration of the programs. This rule implements the limitation by amending § 235.6(a).

Which References are Being Removed as Obsolete?

The Department is taking this opportunity to remove the obsolete § 210.18a, Assessment, Improvement and Monitoring system, in its entirety and to make technical changes throughout 7 CFR part 210 and 235 to reflect its removal. The Department is removing the Appendix to 7 CFR part 215, which shows the apportionment of funds to States for the SMP for 1976. Finally, the Department is removing § 245.13 in its entirety because the Department of Health, Education and Welfare Public School Civil Rights Survey no longer exists.

What Technical Amendments are Being Made?

Audit Requirements in §§ 215.13 and 220.15

The audit requirements contained in §§ 215.13 and 220.15 are revised to match those set forth in § 210.22. This revision will not result in changes in program operation.

Coordinated Review

In § 210.18, a technical error is corrected. The review threshold set forth for Performance Standard I at § 210.18(i)(3)(B) is revised by revising the parenthetical phrase (but not less than 10 lunches) to read (but not less than 100 lunches).

Correction of OMB Numbers

The regulations governing the SAE funds (7 CFR part 235) are being revised to reflect corrected Office of Management and Budget information collection/ recordkeeping control numbers. This rule amends § 235.12 to reflect this change.

Correction of an Incorrect Reference

Section 245.5 requires SFAs to publicly announce the eligibility criteria for free and reduced price school meals and free milk. An announcement is not required for certain schools, including schools defined in § 210.2 paragraph (c) of the definition of *School*. Section 245.5(a) currently makes an incorrect reference. This rule corrects that error.

The following chart restates the changes affected in this regulation:

Provision	Affected section of regulation	Reason for change
Definition of "child" and "children"	§§ 210.2, 215.2(e-1) and 220.2(c)	Updated to reflect commonly accepted terminology.
Definition of "handicapped student"	§ 210.2	Updated to reflect commonly accepted terminology.
Definition of "school"	§§ 210.2, 220.2(u) and 235.2(o)	Excluding Puerto Rico child care centers from participation in NSLP and SBP because they may now participate in the CACFP (Statutory Provision).
Definition of Financial Management Circulars	§§ 210.2, 215.2, 220.2 and 235.2	Updated to reflect current terminology.
Definition of "State"	§§ 210.2, 215.2 (y), 220.2 (y),and 235.2(r)	Accommodates the elimination of the territories under the Compact of Free Association and the block grant status of American Samoa and the Commonwealth of the Northern Marianas.
Single Agreements/Claims	§§ 210.8(c), 210.9(b), 215.7(d), 215.10(b), 220.7(e) and 220.11(b).	Paperwork reduction (Statutory Provision).
Permanent Free and Reduced Price Policy Statement.	§§ 245.10 and 245.11	Paperwork reduction (Statutory Provision).
Food safety inspections	§§ 210.13 and 220.7(a-2)	Raising health standards (Statutory Provision).
State agency consultation with schools	§§ 210.2, 210.19(b) and 210.28	Food distribution advisory council was eliminated (Statutory Provision).
Buy American	§§ 210.21 and 220.16	Supporting American farmers and industries (Statutory Provision).
Criminal penalties	§§ 210.26, 215.6(b), 220.6(b) 235.6(g) and 245.12(a).	Updating penalties for fraud (Statutory Provision).

Provision	Affected section of regulation	Reason for change
Educational prohibitions	§§ 210.27 and 220.17	Recognizing educational responsibilities of SAs (Statutory Provision).
Removal of School Breakfast Outreach Requirements.	§ 220.13(k)	No longer required by law (Statutory Provision).
Withholding SAE funds	§ 235.4(h)	Monitoring SA performance (Statutory Provision).
Permanent State Administrative Expense Plans	§ 235.5	Paperwork reduction (Statutory Provision).
Transfer of SAE funds	§ 235.6(a)	Greater efficiency in program administration (Statutory Provision).
Removal of § 210.18a	Technical changes throughout 210 and 235	Obsolete reference.
Removal of Appendix, § 215	§ 215, Appendix	The appendix is obsolete.
Removal of Welfare Public School Civil Rights Survey.	§ 245.13	Obsolete reference to a Department of Health and Human Services Civil Rights survey that no longer exists.
Audit requirements	§§ 215.13 and 220.15	Intent to show continuity throughout the administration of the programs.
Coordinated review	§ 210.18(i)(3)(B)	Corrects technical error.
OMB numbers	§ 235.12	Reflect corrected numbers.
Announcement of eligibility criteria	§ 245.5(a)	Corrects technical error.

Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget.

Public Law 104–4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Food and Nutrition Service (FNS) must generally prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule.

This final rule contains no Federal mandates (under regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector of $100 million or more in any one year. Thus, this final rule is not subject to the requirements of Sections 202 and 205 of the UMRA.

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 through 612). The Administrator of the FNS has certified that this rule will not have a significant economic impact on a substantial number of small entities. Additionally, the Department of Agriculture (the Department or USDA) does not anticipate any adverse fiscal impact on local schools.

Executive Order 12372

The National School Lunch Program, Special Milk Program for Children, School Breakfast Program, and State Administrative Expense Funds are listed in the Catalog of Federal Domestic Assistance under Nos. 10.555, 10.556, 10.553, and 10.560, respectively. They are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (7 CFR part 3015, subpart V and final rule-related notice at 48 FR 29112. June 24, 1983.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This final rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would impede its full implementation. This final rule is not intended to have retroactive effect unless so specified in the **EFFECTIVE DATE** section of this preamble. Prior to any judicial challenge to the provisions of this final rule, all applicable administrative procedures must be exhausted. In the National School Lunch Program, the Special Milk Program, and School Breakfast Program, the administrative procedures are set forth under the following regulations: (1) SFA appeals of SA fiscal action resulting from an administrative review must follow SA hearing procedures as established pursuant to 7 CFR 210.18(q); (2) SFA appeals of FNS fiscal action resulting from an administrative review must follow FNS hearing procedures as established pursuant to 7 CFR 210.30(d)(3); (3) FNS claims against SAs must follow hearing procedures as established pursuant to 7 CFR 215.12(e); and (4) SA appeals of State Administrative Expense fund sanctions (7 CFR 235.11(b)) must follow the FNS administrative review process as established pursuant to 7 CFR 235.11(f).

Paperwork Reduction Act

This final rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Public Participation

This action is being finalized without prior notice or public comment under authority of 5 U.S.C. 553(b)(3)(A) and (B). The amendments contained herein are nondiscretionary in nature and therefore not subject to change as a result of public comment. Thus, the Department has determined in accordance with 5 U.S.C. 553(b) that Notice of Proposed Rulemaking and Opportunity for Public Comments is unnecessary and contrary to the public interest and, in accordance with 5 U.S.C. 553(d), that this action will be effective 30 days after the date of publication.

List of Subjects

7 CFR Part 210

Food and Nutrition Service, Grant programs-education, Grant programs-health, Infants and children, Nutrition, Penalties, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

7 CFR Part 215

Food and Nutrition Service, Food assistance programs, Grant programs-education, Grant programs-health, Infants and children, Milk, Reporting and recordkeeping requirements.

7 CFR Part 220

Food and Nutrition Service, Grant programs-education, Grant programs-health, Infants and children, Nutrition, Reporting and recordkeeping requirements, School breakfast and lunch programs.

7 CFR Part 235

Administrative practice and procedure, Food and Nutrition Service, Food assistance programs, Grant programs-education, Grant programs-health, Infants and children, reporting and recordkeeping requirements, School breakfast and lunch programs.

7 CFR Part 245

Civil rights, Food and Nutrition Service, Food assistance programs, Grant programs-education, Grant programs-health, Infants and children, Milk, Reporting and recordkeeping requirements, School breakfast and lunch programs.

Accordingly, 7 CFR parts 210, 215, 220, 235, and 245 are amended as follows:

Part 210—NATIONAL SCHOOL LUNCH PROGRAM

1. The authority citation for 7 CFR part 210 continues to read as follows:

Authority: 42 U.S.C. 1751–1760, 1779.

2. In § 210.2,

a. The definition of *Child* is amended by removing the words "handicapped" and "handicaps" wherever they appear and adding in their place the words "disabled" and "disabilities" respectively.

b. The definition of *Handicapped student* is amended by removing the words "Handicapped student", adding in their place the words "Student with disabilities", and redesignating the paragraph in alphabetical order.

c. The definition of *School* is amended by adding the word "or" before paragraph (c) and by removing the words "; or (d) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico".

d. The definition of *7 CFR part 3015* is revised, and the Note following the definition is removed.

e. New definitions *7 CFR part 3017*, *7 CFR part 3018* and *7 CFR part 3052* are added.

f. The definition of *State* is revised, and

g. The definition of *State food distribution advisory council* is removed in its entirety.

The additions and revisions read as follows:

§ 210.2 Definitions.

* * * * *

7 CFR part 3015 means the Uniform Federal Assistance Regulations published by the Department to implement OMB Circulars A–21, A–87, A–102, A–110, and A–122; and Executive Order 12372. (For availability of OMB Circulars referenced in this definition, see 5 CFR 1310.3.)

7 CFR part 3017 means the Department's regulation to implement Executive Order 12549, covering governmentwide rules on suspension and debarment as well as The Drug Free Workplace Act of 1988.

7 CFR part 3018 means the Department's Common Rule regarding Governmentwide New Restrictions on Lobbying. Part 3018 implements the requirements established by section 319 of the 1990 Appropriations Act for the Department of Interior and Related Agencies (Pub. L. 101–121).

7 CFR part 3052 means the Department's regulations implementing OMB Circular A–133, "Audits of State, Local Governments, and Non-Profit Organizations." (For availability of OMB Circulars referenced in this definition, see 5 CFR 1310.3.)

State means any of the 50 States, District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and, as applicable, American Samoa and the Commonwealth of the Northern Marianas.

* * * * *

3. In § 210.8, a new sentence is added to the end of paragraph (c)(1) to read as follows:

§ 210.8 Claims for reimbursement.

* * * * *

(c) * * *

(1) * * * If a single State agency administers any combination of the Child Nutrition Programs, a school food authority shall be able to use a common claim form with respect to claims for reimbursement for meals served under those programs.

* * * * *

4. In § 210.9, the heading of paragraph (b) and the first two sentences of the introductory text are revised, and a new sentence is added after the second sentence.

The addition and revisions read as follows:

§ 210.9 Agreement with State agency.

* * * * *

(b) *Agreement.* Each school food authority approved to participate in the program shall enter into a written agreement with the State agency that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State agency to suspend or terminate the agreement in accordance with § 210.25. If a single State agency administers any combination of the Child Nutrition Programs, that State agency shall provide each school food authority with a single agreement with respect to the operation of those programs. * * *

* * * * *

5. In § 210.13, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added, to read as follows:

§ 210.13 Facilities management.

* * * * *

(b) *Food safety inspections.*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, schools shall, at least once during each school year, obtain a food safety inspection conducted by a State or local governmental agency responsible for food safety inspections.

(2) *Exception.* Paragraph (b)(1) of this section shall not apply to a school if a food safety inspection of the school is required by a State or local governmental agency responsible for food safety inspections.

* * * * *

§ 210.18 [Amended]

6. In § 210.18,

a. The third sentence of paragraph (a) is amended by removing the words ", in lieu of implementing the provisions of § 210.18a of this part for school year 1991/1992".

b. The fourth sentence of paragraph (a) is amended by removing the reference "§ 210.30 of this part" and adding in its place the reference "§ 210.29".

c. The undesignated paragraph after paragraph (i)(3)(i)(B) is amended by removing the parenthetical phrase "(but not less than 10 lunches)" and adding in its place the new parenthetical phrase "(but not less than 100 lunches)".

d. The seventh sentence of paragraph (j) is amended by removing the reference "§ 210.30 (d)(3)" and adding in its place the reference "§ 210.29 (d)(3)".

e. The first sentence paragraph (q) is amended by removing the reference "§ 210.30 (d)(2) of this part" and adding in its place the reference "§ 210.29 (d)(2)", and

f. The first sentence of paragraph (r) is amended by removing the reference "§ 210.30 (d)(2) of this part" and adding in its place the reference "§ 210.29 (d)(2)".

§ 210.18a [Removed]

7. Section 210.18a is removed in its entirety.

8. In § 210.19,

a. The third sentence of paragraph (a)(6) is amended by removing the reference "or § 210.18a of the part".

b. Paragraph (b) is revised.

c. The third sentence of paragraph (c)(2)(ii) is amended by removing the reference "or § 210.18a of this part".

The revision reads as follows:

§ 210.19 Additional responsibilities.

* * * * *

(b) *Donated food distribution information.* Information on schools eligible to receive donated foods available under section 6 of the National School Lunch Act (42 U.S.C. 1755) shall be prepared each year by the State agency with accompanying information on the average daily number of lunches to be served in such schools. This information shall be prepared as early as practicable each school year and forwarded no later than September 1 to the Distributing agency. The State agency shall be responsible for promptly revising the information to reflect additions or deletions of eligible schools, and for providing such adjustments in participation as are determined necessary by the State agency. Schools shall be consulted by the Distributing agency with respect to the needs of such schools relating to the manner of selection and distribution of commodity assistance.

* * * * *

§ 210.20 [Amended]

9. In § 210.20,

a. Paragraph (a)(7) is amended by removing the reference "§ 210.28 (d)" adding in its place the reference "§ 250.13(k) of this chapter".

b. Paragraph (b)(11) is amended by removing the reference "§ 210.28 (d)" and adding in its place the reference "§ 250.13(k) of this chapter".

10. In § 210.21, a new paragraph (d) is added to read as follows:

§ 210.21 Procurement.

* * * * *

(d) *Buy American.*—(1) *Definition of domestic commodity or product.* In this paragraph (d), the term 'domestic commodity or product' means—

(i) An agricultural commodity that is produced in the United States; and

(ii) A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

(2) *Requirement.* (i) *In general.* Subject to paragraph (d)(2)(ii) of this section, the Department shall require that a school food authority purchase, to the maximum extent practicable, domestic commodities or products.

(ii) *Limitations.* Paragraph (d)(2)(i) of this section shall apply only to—

(A) A school food authority located in the contiguous United States; and

(B) A purchase of domestic commodity or product for the school lunch program under this part.

(3) *Applicability to Hawaii.* Paragraph (d)(2)(i) of this section shall apply to a school food authority in Hawaii with respect to domestic commodities or products that are produced in Hawaii in sufficient quantities to meet the needs of meals provided under the school lunch program under this part.

§ 210.23 [Amended]

11. In § 210.23, the first sentence of paragraph (b) is amended by removing the word "handicap" and adding in its place the word "disability".

§ 210.26 [Amended]

12. In § 210.26, the first sentence of the paragraph is amended by removing the word "$10,000" and adding in its place the word "$25,000".

§ 210.27 [Amended]

13. In § 210.27, the paragraph is amended by removing the words "neither the Department nor the State agency shall" and adding the words "the Department shall not".

§ 210.28 [Removed]

14. § 210.28 is removed in its entirety.

§§ 210.29, 210.30, 210.31, and 210.32 [Redesignated as §§ 210.28, 210.29, 210.30 and 210.31]

15. Sections 210.29, 210.30, 210.31, and 210.32 are redesignated as 210.28, 210.29, 210.30, and 210.31, respectively.

Part 215—SPECIAL MILK PROGRAM FOR CHILDREN

1. The authority citation for 7 CFR part 215 continues to read as follows:

Authority: 42 U.S.C. 1772, 1779.

2. In § 215.2,

a. Paragraph (e–1) is amended by removing the word "handicapped" wherever it appears and adding in its place the word "disabled".

b. Paragraph (x–1) is revised, and the Note following the definition is removed.

c. Paragraph (x–2) is redesignated as paragraph (x–5).

d. New paragraphs (x–2), (x–3) and (x–4) are added, and

e. Paragraph (y) is revised.

The additions and revisions read as follows:

§ 215.2 Definitions.

* * * * *

(x–1) *7 CFR part 3015* means the Uniform Federal Assistance Regulations published by the Department to implement OMB Circulars A–21, A–87, A–102, A–110, and A–122; and Executive Order 12372. (For availability of OMB Circulars referenced in this definition, see 5 CFR 1310.3.)

(x–2) *7 CFR part 3017* means the Department's regulation to implement Executive Order 12549, covering governmentwide rules on suspension and debarment as well as The Drug Free Workplace Act of 1988.

(x–3) *7 CFR part 3018* means the Department's Common Rule regarding Governmentwide New Restrictions on Lobbying. Part 3018 implements the requirements established by section 319 of the 1990 Appropriations Act for the Department of Interior and Related Agencies (Pub. L. 101–121).

(x–4) *7 CFR part 3052* means the Department's regulations implementing OMB Circular A–133, "Audits of State, Local Governments, and Non-Profit Organizations." (For availability of OMB Circulars referenced in this definition, see 5 CFR 1310.3.)

* * * * *

(y) *State* means any of the 50 States, District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and, as applicable, American Samoa and the Commonwealth of the Northern Marianas.

* * * * *

§ 215.6 [Amended]

3. In § 215.6, paragraph (b) is amended by removing "$10,000" and adding in its place "$25,000".

4. In § 215.7,

a. The second sentence of paragraph (b) introductory text is amended by removing the words "and thereafter at least annually", and

b. The first sentence of paragraph (d) introductory text is removed and three sentences are added in its place to read as follows:

§ 215.7 Requirements for participation.

* * * * *

(d) Each school food authority or child care institution approved to participate in the program shall enter into a written agreement with the State agency or FNSRO, as applicable, that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State

agency to suspend or terminate the agreement in accordance with § 215.15. If a single State agency administers any combination of the Child Nutrition Programs, that State agency shall provide each SFA with a single agreement with respect to the operation of those programs. * * *

* * * * *

5. In § 215.10, paragraph (b) is amended by adding a new sentence between the second and third sentences to read as follows:

§ 215.10 Reimbursement procedures.

* * * * *

(b) * * * If a single State agency administers any combination of the Child Nutrition Programs, the SFA shall be able to use a common claim form with respect to claims for reimbursement for meals served under those programs. * * *

* * * * *

6. In § 215.13,

a. Paragraphs (a) through (c) are removed.

b. Paragraphs (d) and (e) are redesignated as (c) and (d), respectively, and

c. New paragraphs (a) and (b) are added to read as follows:

§ 215.13 Management evaluations and audits.

(a) State agencies and school food authorities shall comply with the requirements of part 3015 of this title concerning the audit requirements for recipients and subrecipients of the Department's financial assistance.

(b) These requirements call for organization-wide financial and compliance audits to ascertain whether financial operations are conducted properly; financial statements are presented fairly; recipients and subrecipients comply with the laws and regulations that affect the expenditures of Federal funds; recipients and subrecipients have established procedures to meet the objectives of federally assisted programs; and recipients and subrecipients are providing accurate and reliable information concerning grant funds. States and school food authorities shall use their own procedures to arrange for and prescribe the scope of independent audits, provided that such audits comply with the requirements set forth in part 3015 of this title.

* * * * *

Appendix to Part 215 [Removed]

7. In part 215, the Appendix is removed in its entirety.

PART 220—SCHOOL BREAKFAST PROGRAM

1. The authority citation for 7 CFR part 220 continues to read as follows:

Authority: 42 U.S.C. 1773, 1779, unless otherwise noted.

2. In § 220.2,

a. Paragraph (c) is amended by removing the word "handicapped" wherever it appears and adding in its place the word "disabled".

b. Paragraph (u) is amended by adding the word "or" before paragraph (u)(3), and by removing the words "; or (4) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico".

c. Paragraph (x–1) is revised, and the Note following the definition is removed.

d. New paragraphs (x–2), (x–3) and (x–4) are added, and

e. Paragraph (y) is revised.

The additions and revisions read as follows:

§ 220.2 Definitions.

* * * * *

(x–1) *7 CFR part 3015* means the Uniform Federal Assistance Regulations published by the Department to implement OMB Circulars A–21, A–87, A–102, A–110, and A–122; and Executive Order 12372. (For availability of OMB Circulars referenced in this definition, see 5 CFR 1310.3.)

(x–2) *7 CFR part 3017* means the Department's regulation to implement Executive Order 12549, covering governmentwide rules on suspension and debarment as well as The Drug Free Workplace Act of 1988.

(x–3) *7 CFR part 3018* means the Department's Common Rule regarding Governmentwide New Restrictions on Lobbying. Part 3018 implements the requirements established by section 319 of the 1990 Appropriations Act for the Department of Interior and Related Agencies (Pub. L. 101–121).

(x–4) *7 CFR part 3052* means the Department's regulations implementing A–133, "Audits of State, Local Governments, and Non-Profit Organizations." (For availability of OMB Circulars referenced in this definition, see 5 CFR 1310.3.)

(y) *State* means any of the 50 States, District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and, as applicable, American Samoa and the Commonwealth of the Northern Marianas.

* * * * *

§ 220.6 [Amended]

3. In § 220.6, paragraph (b)(1) is amended by removing "$10,000" and adding in its place "$25,000".

4. In § 220.7, a.

a. New paragraph (a–2) is added, and

b. The first sentence of paragraph (e) introductory text is removed and three new sentences are added in its place.

The additions read as follows:

§ 220.7 Requirements for participation.

* * * * *

(a–2) Schools shall, at least once during each school year, obtain a food safety inspection conducted by a State or local governmental agency responsible for food safety inspections. However, this requirement shall not apply to a school if a food safety inspection of the school is required by a State or local governmental agency responsible for food safety inspections.

* * * * *

(e) Each school food authority approved to participate in the program shall enter into a written agreement with the State agency or the Department through the FNSRO, as applicable, that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State agency or the FNSRO to suspend or terminate the agreement in accordance with § 220.18. If a single State agency administers any combination of the Child Nutrition Programs, that State agency shall provide each SFA with a single agreement with respect to the operation of those programs.* * *

* * * * *

5. In § 220.11, paragraph (b) is amended by adding a new sentence between the second and third sentences to read as follows:

§ 220.11 Reimbursement procedures.

* * * * *

(b) * * * If a single State agency administers any combination of the Child Nutrition Programs, the SFA shall be able to use a common claim form with respect to claims for reimbursement for meals served under those programs. * * *

* * * * *

§ 220.13 [Amended]

6. In § 220.13, paragraph (k) is removed in its entirety.

7. In § 220.15,

a. Paragraphs (a), (b), (c), and (d) are removed and paragraphs (e) and (f) are redesignated as paragraphs (c) and (d), respectively, and

b. New paragraphs (a) and (b) are added.

The additions read as follows:

§ 220.15 Management evaluations and audits.

(a) State agencies and school food authorities shall comply with the requirements of part 3015 of this title concerning the audit requirements for recipients and subrecipients of the Department's financial assistance.

(b) These requirements call for organization-wide financial and compliance audits to ascertain whether financial operations are conducted properly; financial statements are presented fairly; recipients and subrecipients comply with the laws and regulations that affect the expenditures of Federal funds; recipients and subrecipients have established procedures to meet the objectives of federally assisted programs; and recipients and subrecipients are providing accurate and reliable information concerning grant funds. States and school food authorities shall use their own procedures to arrange for and prescribe the scope of independent audits, provided that such audits comply with the requirements set forth in part 3016 of this title.

* * * * *

8. In § 220.16, a new paragraph (d) is added to read as follows:

§ 220.16 Procurement standards.

* * * * *

(d) *Buy American.*—(1) *Definition of domestic commodity or product.* In this paragraph (d), the term "domestic commodity or product" means—

(i) An agricultural commodity that is produced in the United States; and

(ii) A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

(2) *Requirement.*—(i) *In general.* Subject to paragraph (d)(2)(ii) of this section, the Department shall require that a school food authority purchase, to the maximum extent practicable, domestic commodities or products.

(ii) *Limitations.* Paragraph (d)(2)(i) of this section shall apply only to—

(A) A school food authority located in the contiguous United States; and

(B) A purchase of domestic commodity or product for the school breakfast program under this part.

(3) *Applicability to Hawaii.* Paragraph (d)(2)(i) of this section shall apply to a school food authority in Hawaii with respect to domestic commodities or products that are produced in Hawaii in sufficient quantities to meet the needs of meals provided under the school breakfast program under this part.

§ 220.17 [Amended]

9. In § 220.17, paragraph (a) is amended by removing the words "neither the Department nor the State shall" and adding the words "the Department shall not".

Part 235—STATE ADMINISTRATIVE EXPENSE FUNDS

1. The authority citation for 7 CFR part 235 continues to read as follows:

Authority: Secs. 7 and 10 of the Child Nutrition Act of 1966, 80 Stat. 888, 889, as amended (42 U.S.C. 1776, 1779).

2. In § 235.2,

a. Paragraph (o) is revised.

b. Paragraph (q–1) is revised, and the Note following the definition is removed.

c. New paragraphs (q–2), (q–3) and (q–4) are added, and

d. Paragraph (r) is revised.

The additions and revisions read as follows:

§ 235.2 Definitions.

* * * * *

(o) *School* means the term as defined in sections 210.2, 215.2(v), 220.2(u), and 226.2 of this chapter, as applicable.

* * * * *

(q–1) *7 CFR part 3015* means the Uniform Federal Assistance Regulations published by the Department to implement OMB Circulars A–21, A–87, A–102, A–110, and A–122; and Executive Order 12372. (For availability of OMB Circulars referenced in this definition, see 5 CFR 1310.3.)

(q–2) *7 CFR part 3017* means the Department's regulation to implement Executive Order 12549, covering governmentwide rules on suspension and debarment as well as The Drug Free Workplace Act of 1988.

(q–3) *7 CFR part 3018* means the Department's Common Rule regarding Governmentwide New Restrictions on Lobbying. Part 3018 implements the requirements established by section 319 of the 1990 Appropriations Act for the Department of Interior and Related Agencies (Pub. L. 101–121).

(q–4) *7 CFR part 3052* means the Department's regulations implementing OMB Circular A–133, "Audits of State, Local Governments, and Non-Profit Organizations." (For availability of OMB Circulars referenced in this definition, see 5 CFR 1310.3.)

(r) *State* means any of the 50 States, District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and, as applicable, American Samoa and the Commonwealth of the Northern Marianas.

* * * * *

3. In § 235.4,

a. Paragraph (b) is amended by removing the words "or § 210.18a of this title" wherever they appear; and

b. A new paragraph (h) is added to read as follows.

§ 235.4 Allocation of funds to States.

* * * * *

(h) *Withholding SAE funds.* The Secretary may withhold some or all of the funds allocated to the State agency under this section if the Secretary determines that the State agency is seriously deficient in the administration of any program for which State administrative expense funds are provided under this part or in the compliance of any regulation issued pursuant to those programs. On a subsequent determination by the Secretary that State agency administration of the programs or compliance with regulations is no longer seriously deficient and is operated in an acceptable manner, the Secretary may allocate some or all of the funds withheld.

4. In § 235.5,

a. The third sentence of paragraph (a) introductory text is amended by removing the words "for the fiscal year",

b. The fifth sentence of paragraph (a) is amended by removing the word "fiscal" and adding in its place the word "base",

c. Paragraphs (b) and (c) are revised, and

d. The fourth sentence of paragraph (d) is revised.

The revisions read as follows:

§ 235.5 Payments to States.

* * * * *

(b) *Administrative plan.* (1) Each State agency shall submit, subject to FNS approval, an initial State Administrative Expense plan based upon guidance provided by FNS. This base year plan shall include:

(i) The staffing pattern for State level personnel;

(ii) A budget for the forthcoming fiscal year showing projected amounts (combined SAE and State funds) by cost category;

(iii) The total amount of budgeted funds to be provided from State sources;

(iv) The total amount of budgeted funds to be provided under this part;

(v) The State agency's estimate of the total amount of budgeted funds (combined SAE and State funds) attributable to administration of the School Nutrition Programs (National School Lunch, School Breakfast and Special Milk Programs), Child and Adult Care Food Program, and/or Food

Distribution Program in schools and child and adult care institutions and to each of the major activity areas of the State agency; and

(vi) The State agency's estimate of the total Child and Adult Care Food Program audit funds to be used for the forthcoming fiscal year.

(2) These activity areas shall be defined and described by the State agency in accordance with guidance issued by FNS and may include such activities as program monitoring, technical assistance, Federal reporting/claims processing, policy implementation, and allocation of foods to recipient agencies.

(3) Except in specific instances where determined necessary by FNS, State agencies shall not be required to maintain expenditure records by activity area or program. State agencies shall refer to Office of Management and Budget Circular A–87, Attachment B, to establish cost categories.

(4) FNS shall approve a State agency's plan, or any amendment to such plan under paragraph (c) of this section, if it determines that the plan or amendment is consistent with program administrative needs and SAE requirements under this part.

(5) To the extent practicable, State agencies shall implement their approved plans (as amended). FNS shall monitor State agency implementation of the plans through management evaluations, State agency reports submitted under this part, audits, and through other available means.

(6) FNS may expand plan requirements for individual State agencies in order to address specific administrative deficiencies which affect compliance with program requirements and which have been identified by FNS through its monitoring activities.

(c) *Amendments to the administrative plan.* A State agency may amend its plan at any time to reflect changes in funding or activities, except that, if such changes are substantive as defined in the June 5, 1997 guidance, and any amendments or updates to this guidance, the State agency shall amend its plan in accordance with guidance provided by FNS. Plan amendments shall provide information in a format consistent with that provided in the State agency's plan, but shall only require FNS approval if it results in a substantive change as defined by FNS.

(d) * * * Reallocated funds shall be made available for payment to a State agency upon approval by FNS of the State agency's amendment to the base year plan which covers the reallocated funds, if applicable. * * *

* * * * *

§ 235.6 [Amended]

5. In § 235.6,

a. The second sentence of paragraph (a) is amended by removing the words "up to ten percent of the",

b. Paragraph (a–2) is amended by removing the reference "or § 210.18a of this title", and

c. Paragraph (g)(1) is amended by removing "$10,000" and adding in its place "$25,000".

§ 235.11 [Amended]

6. In § 235.11, paragraph (b)(2) is amended by removing the references "or § 210.18a of this title", "or § 210.18a" and ", § 210.18a," wherever they appear.

7. Section 235.12 is revised to read as follows:

§ 235.12 Information collection/recordkeeping-OMB assigned control numbers.

7 CFR section where requirements are described	Current OMB control number
235.3(b).	
235.4(d), (e)	0584–0067
235.7(a)	0584–0067
235.7(b)	0584–0067
235.7(c)	0584–0067
235.8(a), (b)	0584–0067
235.9(c), (d)	0584–0067
235.11(b)(2)	0584–0067
235.11(b)(5)(ii)	0584–0067
235.11(f)	0584–0067

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

1. The authority citation for 7 CFR part 245 continues to read as follows:

Authority: Secs. 3, 4, and 10 of the Child Nutrition Act of 1966, 80 Stat. 885, 886, 889, as amended (42 U.S.C. 1772, 1773, 1779); secs. 2–12, 60 Stat. 230, as amended (42 U.S.C. 1751–1760).

§ 245.5 [Amended]

2. In § 245.5,

a. The first sentence of paragraph (a) introductory text, is amended by removing the reference "(o)(2) of part 210"; and

b. Paragraph (a)(1)(x) is amended by removing the word "handicap" and adding in its place the word "disability".

§ 245.6a [Amended]

3. In § 245.6a, paragraph (d) is amended by removing the word "handicap" and adding in its place the word "disability".

4. In § 245.10,

a. Paragraph (a) introductory text is amended by adding a sentence between the first and second sentences.

b. Paragraph (a)(2) is revised, and

c. Paragraph (c) is amended by adding two new sentences to the beginning of the paragraph.

The revision and additions read as follows:

§ 245.10 Action by School Food Authorities.

(a) * * * Once approved, the policy statement shall be a permanent document which may be amended as necessary, except as specified in paragraph (c) of this section. * * *

* * * * *

(2) An assurance that for children who are not categorically eligible for free and reduced price benefits the school food authority will determine eligibility for free and reduced price meals or free milk in accordance with the current Income Eligibility Guidelines.

* * * * *

(c) Each school food authority shall amend its permanent free and reduced price policy statement to reflect substantive changes. Any amendment to a policy shall be approved by the State agency prior to implementation, or as provided in paragraph (e) of this section. * * *

* * * * *

5. In § 245.11, the first sentence of paragraph (a)(1) revised to read as follows:

§ 245.11 Action by State agencies and FNSRO's.

(a) * * *

(1) As necessary, each State agency or FNSRO, as applicable, shall issue a prototype free and reduced price policy statement and any other instructions to ensure that each school food authority is fully informed of the provisions of this part. * * *

* * * * *

§ 245.12 [Amended]

6. In § 245.12, paragraph (a)(1) is amended by removing "$10,000" and adding in its place "$25,000".

§ 245.13 [Removed]

7. Section 245.13 is removed in its entirety.

§ 245.14 [Redesignated as § 245.13]

8. Section 245.14 is redesignated as § 245.13.

Dated: September 10, 1999.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 99–24297 Filed 9–17–99; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Docket No. FV99–930–2 FIR]

Tart Cherries Grown in the States of Michigan, et al.; Revision of the Sampling Techniques for Whole Block and Partial Block Diversions and Increasing the Number of Partial Block Diversions Per Season for Tart Cherries

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule revising the sampling techniques for whole and partial block diversions and increasing the number of allowable partial block diversions under the Federal marketing order for tart cherries. This rule continues in effect making the voluntary grower diversion program more flexible for grower participants. The order regulates the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin and is administered locally by the Cherry Industry Administrative Board (Board).

EFFECTIVE DATE: October 20, 1999.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kenneth G. Johnson, Marketing Order Administration Branch, F&V, AMS, USDA, room 2530–S, P.O. Box 96456, Washington, DC 20090–6456, telephone: (202) 720–2491.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491; Fax: (202) 720–5698; or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 930 (7 CFR part 930) regulating the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, hereinafter referred to as the "order." This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department or USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues in effect modifications to the handling regulations that revise the sampling techniques used in determining the amount of production diverted from whole blocks and partial blocks of cherry trees, and increases the number of allowable partial block diversions per season under the order. Whole block diversion results when an entire orchard block is left unharvested. Partial block diversion occurs when a contiguous portion of a definable block is diverted. An orchard block is defined as a group of cherry trees of similar age, with rows aligned in the same direction, and having definable boundaries (e.g., roads, ditches, or other permanent landmarks).

Section 930.58 of the tart cherry marketing order provides authority for voluntary grower diversion. Growers can divert all or a portion of their cherries which otherwise, upon delivery to a handler, would be subject to volume regulation. One of the ways handlers can satisfy their restricted percentage obligations is by redeeming grower diversion certificates. After the Board confirms that the grower diverted his/her crop, the Board issues a diversion certificate to the grower stating the weight of cherries diverted. The grower can present the certificate to a handler in lieu of actual cherries. The handler, in turn, can present the certificate to the Board. The Board then applies the weight of cherries represented by the certificate against the handler's restricted percentage obligation, which reduces the handler's restricted obligation.

Section 930.158 provides rules and regulations for grower diversion. Included in this section are procedures and deadline dates for applying for diversion and choosing the type of diversion available to growers. There are four types of diversion-random row, whole block, partial block, and in-orchard tank. This rule only makes changes to the whole and partial block diversion.

Grower applications for diversion must be filed by April 15 and growers must inform the Board by July 1 whether they elect to whole or partial block divert their tart cherries. If whole block or partial block diversion is not selected by July 1, the grower would have to choose the random row method or the in-orchard tank methods of diversion.

In whole and partial block diversion, the quantity of the fruit diverted is determined by application of a statistical sampling protocol. Prior to the issuance of the interim final rule published June 7, 1999, (64 FR 30229), § 930.158 specified that, if a block had 5 rows or less, 3 rows were randomly chosen to be sampled. If a block had 6 to 15 rows, 4 rows were randomly chosen to be sampled. If a block had 16 or more rows, 5 rows were randomly chosen to be sampled. The rows chosen had to be contiguous, and 10 contiguous tree sites were sampled from each row.

During its review of the grower diversion program the Board concluded that the sampling procedure mentioned above, which is based solely on the number of rows in a block, required more trees to be sampled on smaller blocks or on blocks that had shorter rows than was necessary to accurately determine the amount of tart cherries diverted. The Board determined that a sample size of approximately 10 to 15 percent, which had been taken on larger orchard blocks with more trees in a row, was adequate to accurately calculate the quantity of fruit diverted from such orchard blocks. Therefore, the Board recommended that the regulations be amended so that the sample taken from both large and small orchard blocks would be about 10 to 15 percent.

To achieve this goal, the Board recommended that the sampling procedure be revised by taking into account the number of rows and number of tree sites in each particular block. The sampling method used would be

the one requiring the smaller number of trees. A tree site is a planted tree or an area where a tree was planted and may have been uprooted or died. The revised sampling procedure continues in effect as follows: If a block has 5 rows or less, or 200 or less tree sites, 3 rows would be randomly chosen to be sampled. If a block has 6 to 15 rows or 201–400 tree sites, 4 rows would be randomly chosen to be sampled. If a block has 16 or more rows and greater than 400 tree sites, 5 rows would be randomly chosen to be sampled. This procedure is expected to result in a sample size of about 12 to 15 percent whether the orchard block has long rows or short rows.

For example, under the old sampling criteria, if a grower had 10 rows with 20 tree sites per row (10 × 20 equals 200 tree sites), 4 rows would have to be sampled. Under the revised rules in effect, only 3 rows would have to be sampled since there are 200 tree sites.

As required, prior to sampling, the grower must notify the Board to allow observation of the sampling process by a compliance officer. The sampling method used would continue to be the one requiring the smaller number of trees to be sampled. The compliance officer will use an orchard map in determining how many trees to sample.

To determine the yield for whole block diversion when five rows are to be sampled, 10 contiguous tree sites in each of the five rows are sampled. A total of 50 tree sites would be sampled ((10 original tree sites) × (5 rows)=50 trees). If a total of 4,600 pounds is harvested from the sample trees and this is divided by 50 tree sites, a yield of 92 pounds per tree site will be obtained. The yield for the block is found by multiplying the calculated 92 pounds per tree site yield by the 880 trees that were mapped in the block to yield 80,960 pounds for that block.

For partial block diversion, the yield for the partial block is found by multiplying the calculated pounds per tree site yield by the number of trees in the rows mapped in the partial block. Partial blocks shall consist of contiguous rows.

After harvest, the compliance officer could again visit the grower's orchard to verify that diversion actually took place. A diversion certificate would be issued for an amount equal to the volume of cherries diverted. The grower could then present the certificate to a handler to be redeemed.

The second change to the regulations that continue in effect increased the number of partial blocks that growers may divert each season. Partial block diversion is when a contiguous portion of a definable block is diverted. Using this method of diversion, a grower having a block with 35 rows could divert contiguous rows 1 through 22 and harvest rows 23 through 35. Section 930.158(b)(3) previously limited the number of partial block diversions to one partial block diversion for each grower per year. This limitation was intended to alleviate the time that compliance officers needed to spend observing sampling and diversion activities at growers' orchards and the administrative costs involved.

After one year of diversion under these rules, the Board reevaluated the program and determined that the number of partial block diversions per grower per year could be increased from one to five, or 50 percent of a producer's total number of blocks. For example, if a grower had 12 separate orchard blocks mapped by the Board, such grower would now be able to divert up to 6 partial blocks. After reviewing last year's operations, the Board believed that its administrative costs would not increase materially by making this change. Because this method of diversion allows growers to divert cherries based on quality, the Board further believed that the ability to take advantage of partial block diversion on a larger scale would continue to foster increased participation in the voluntary program.

The Regulatory Flexibility Act and Effects on Small Businesses

The Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities and has prepared this final regulatory flexibility analysis. The Regulatory Flexibility Act (RFA) would allow AMS to certify that regulations do not have a significant economic impact on a substantial number of small entities. However, as a matter of general policy, AMS' Fruit and Vegetable Programs (Programs) no longer opt for such certification, but rather perform regulatory flexibility analyses for any rulemaking that would generate the interest of a significant number of small entities. Performing such analyses shifts the Programs' efforts from determining whether regulatory flexibility analyses are required to the consideration of regulatory options and economic or regulatory impacts.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 handlers of tart cherries who are subject to regulation under the order and approximately 900 producers of tart cherries in the regulated area. The number of reported tart cherry producers in the regulated area is lower this crop year than in previous years (down from 1,220 producers) due to the Board receiving more accurate producer information. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. The majority of handlers and producers of tart cherries may be classified as small entities.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following website: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

The principal demand for tart cherries is in the form of processed products. Tart cherries are dried, frozen, canned, juiced and pureed. During the period 1994/95 through 1998/99, approximately 90 percent of the U.S. tart cherry crop, or 288.3 million pounds, were processed annually. Of the 288.3 million pounds of tart cherries processed, 63 percent was frozen, 25 percent canned and 4 percent utilized for juice. The remaining 8 percent was dried or assembled into juice packs.

In 1998, 37.7 million pounds of cherries were diverted in the orchard. Of that total, 16.3 million pounds were whole block diversions and 8.4 million were partial block diversions. The balance of the grower diversions was random row and in-orchard tank diversions.

Section 930.58 of the tart cherry marketing order provides authority for voluntary grower diversion. Growers can divert all or a portion of their cherries which otherwise, upon delivery to a handler, would be subject to volume regulation. One of the ways handlers can satisfy their restricted percentage obligations is by redeeming grower diversion certificates. After the Board confirms that the grower diverted his/her crop, the Board issues the grower a diversion certificate stating the weight of cherries diverted. The grower

can then present the certificate to a handler in lieu of actual cherries. The handler, in turn, can present the certificate to the Board. The Board then applies the weight of cherries represented by the certificate against the handler's restricted percentage obligation, which reduces the handler's restricted obligation.

Section 930.158 provides rules and regulations for grower diversion. Included in this section are procedures and dates for applying for diversion. There are four types of diversion. However, this action only makes changes to the rules and regulations for whole and partial block diversion.

Grower applications for diversion must be filed by April 15 and growers must inform the Board by July 1 whether they elect to whole or partial block divert their tart cherries. If whole block or partial block diversion is not selected by July 1, the grower would have to choose the random row method or the in-orchard tank methods of diversion.

In whole and partial block diversion, the quantity of the fruit diverted is determined by application of a statistical sampling protocol. Prior to the issuance of the interim final rule published June 7, 1999, (64 FR 30229), § 930.158 specified that, if a block had 5 rows or less, 3 rows were randomly chosen to be sampled. If a block had 6 to 15 rows, 4 rows were randomly chosen to be sampled. If a block had 16 or more rows, 5 rows were randomly chosen to be sampled. Ten contiguous tree sites were sampled from each row.

During its review of the grower diversion program, the Board concluded that the sampling procedure mentioned previously, which was based solely on the number of rows in a block, required more trees to be sampled on smaller blocks or on blocks that had shorter rows than was necessary to accurately determine the amount of tart cherries diverted. The Board determined that a sample size of approximately 10 to 15 percent, which had been taken on larger orchard blocks with more trees in a row, was adequate to accurately calculate the quantity of fruit diverted from such orchard blocks. That sample size could easily be twice as large in small orchards having fewer trees per row. Therefore, the Board recommended that the regulations be amended so that the sample taken from both large and small orchard blocks would be about 10 to 15 percent.

To achieve this goal, the Board recommended that the sampling procedure be revised by taking into account the number of rows and number of tree sites in each particular block. The sampling method used would be the one requiring the smaller number of trees. A tree site is a planted tree or an area where a tree was planted and may have been uprooted or died. The revised sampling procedure continues in effect as follows: If a block has 5 rows or less, or 200 or less tree sites, 3 rows would be randomly chosen to be sampled. If a block has 6 to 15 rows or 201–400 tree sites, 4 rows would be randomly chosen to be sampled. If a block has 16 or more rows and greater than 400 tree sites, 5 rows would be randomly chosen to be sampled. This procedure is expected to result in a sample size of about 12 to 15 percent whether the orchard block has long rows or short rows.

The second change to the regulations that continue in effect increased the number of partial blocks that growers may divert each season. Partial block diversion is when a contiguous portion of a definable block is diverted. Using this method of diversion, a grower having a block with 35 rows could divert contiguous rows 1 through 22 and harvest rows 23 through 35. Section 930.158(b)(3) previously limited the number of partial block diversions to one partial block diversion for each grower per year. This limitation was intended to alleviate the time that compliance officers needed to spend observing sampling and diversion activities at growers' orchards and the administrative costs involved.

After one year of diversion under these rules, the Board reevaluated the program and determined that the number of partial block diversions per grower per year could be increased from one to five, or 50 percent of a producer's total number of blocks without materially increasing administrative costs. Because this method of diversion allows growers to divert cherries based on quality, the Board further believed that the ability to take advantage of partial block diversion on a larger scale would continue to foster increased participation in the voluntary program.

The Board considered not changing the partial block diversion limitation as well as allowing an unlimited number of diversions. However, after much discussion, the Board decided that the diversion program could best be improved by increasing the opportunities for grower diversion, but believed a reasonable limit was needed to keep Board administrative costs as low as possible. Last year's experience showed that partial block diversion is the most flexible diversion option available to the grower because it allows growers to divert tart cherries based on quality. For example, if a grower observes that part of a block of tart cherries is of low quality, the problem rows can be diverted allowing the grower to deliver high quality fruit to a handler. The ability to choose in this manner benefits growers, handlers, and the industry as a whole.

At the end of the upcoming season, the Board plans to review the number of partial block diversions approved and decide if the number of such diversions is appropriate for upcoming crop years.

This rule does not require any new forms and will not impose any additional recordkeeping requirements on either small or large tart cherry diversion participants. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements imposed by this order have been previously approved by OMB and assigned OMB Number 0581–0177.

The Board's meetings were widely publicized throughout the tart cherry industry and all interested persons were invited to attend them and participate in Board deliberations. Like all Board meetings, the December 11–12, 1998, meeting was a public meeting and all entities, both large and small, were able to express their views on these issues. The Board itself is composed of 18 members, of whom 17 members are growers and handlers and one represents the public. Also, the Board has a number of appointed committees to review program issues and make recommendations.

An interim final rule concerning this action was published in the **Federal Register** on June 7, 1999. The Board's staff mailed copies of the rule to all Board members and cherry handlers. In addition, the Office of the Federal Register made the rule available through the Internet. That rule provided a 60-day comment period that ended August 6, 1999. No comments were received.

After consideration of all relevant material presented, including the Board's recommendation, and other information, it is found that finalizing this interim final rule, as published in the **Federal Register** (64 FR 30229), will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

For the reasons set forth in the preamble, 7 CFR part 930 is amended as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

Accordingly, the interim final rule amending 7 CFR part 930 which was published at 64 FR 30229 on June 7, 1999, is adopted as a final rule without change.

Dated: September 14, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–24437 Filed 9–17–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1131

[DA–99–05]

Milk in the Central Arizona Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; suspension.

SUMMARY: This document suspends certain provisions of the Central Arizona Federal milk marketing order (Order 131) from the day after publication in the **Federal Register** until the implementation of Federal order reform on October 1, 1999. The suspension eliminates the requirement that a cooperative association ship at least 50 percent of its receipts to other handler pool plants to maintain pool plant status of a manufacturing plant operated by the cooperative. United Dairymen of Arizona, a cooperative association that represents nearly all of the producers who supply milk to the market, requested the suspension. The suspension is necessary to prevent uneconomical and inefficient movements of milk and to ensure that producers historically associated with the market will continue to have their milk pooled under Order 131.

EFFECTIVE DATE: September 21, 1999, through September 30, 1999.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, PO Box 96456, Washington, DC 20090–6456, (202)720–9368, e-mail address clifford.carman@usda.gov.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued July 9, 1999; published July 15, 1999 (64 FR 38144).

The Department is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a "small business" if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. For the purposes of determining which dairy farms are "small businesses," the $500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most "small" dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of March 1999, 100 dairy farmers were producers under Order 131. Of these producers, three were considered small businesses. For the same month, there were five regulated handlers under Order 131. Two of these handlers were considered small businesses.

This final rule will suspend the requirement that a cooperative association ship at least 50 percent of its receipts to other handler pool plants to maintain pool status of a manufacturing plant operated by the cooperative. This rule lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing. This rule will not result in any additional regulatory burden on handlers in the Central Arizona marketing area since this suspension has been in effect since April 1995.

Preliminary Statement

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Central Arizona milk marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on July 15, 1999 (64 FR 38144), concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. One comment supporting the proposed suspension was received from United Dairymen of Arizona.

After consideration of all relevant material, including the proposal in the notice, the comment received, and other available information, it is hereby found and determined that from the day after publication of this rule in the **Federal Register** through September 30, 1999, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1131.7, paragraph (c), the words "50 percent or more of", "(including the skim milk and butterfat in fluid milk products transferred from its own plant pursuant to this paragraph that is not in

excess of the skim milk and butterfat contained in member producer milk actually received at such plant)", and "or the previous 12-month period ending with the current month."

Statement of Consideration

The rule suspends certain provisions of the Central Arizona Federal milk order through September 30, 1999. Implementation of Federal order reform begins on October 1, 1999. The suspension removes the requirement that a cooperative association that operates a manufacturing plant in the marketing area must ship at least 50 percent of its milk supply during the current month or the previous 12-month period ending with the current month to other handlers' pool plants to maintain the pool status of its manufacturing plant.

The order permits a cooperative association's manufacturing plant, located in the marketing area, to be a pool plant if at least 50 percent of the producer milk of members of the cooperative association is physically received at pool plants of other handlers during the current month or the previous 12-month period ending with the current month.

Reinstatement of the suspension which expired on March 31, 1999, was requested by United Dairymen of Arizona (UDA), a cooperative association that represents nearly all of the dairy farmers who supply the Central Arizona market. UDA states that the pool status of their manufacturing plant is threatened if the suspension is not reinstated. UDA states that the same marketing conditions that warranted the suspension for the past four years still exist. UDA maintains that members who increased their milk production to meet the projected demands of fluid handlers for distribution into Mexico continue to suffer the adverse impact of the collapse of the Mexican peso. Absent a suspension, UDA projects that costly and inefficient movements of milk would have to be made to maintain the pool status of producers who have historically supplied the market and to prevent disorderly marketing in the Central Arizona marketing area.

A review of the current marketing conditions indicates that, absent the suspension, the pool plant status of UDA's manufacturing plant will not be maintained. Thus, costly and inefficient movements of milk would have to be made to maintain pool status of producers who have historically supplied the market and to prevent disorderly marketing in the Central Arizona marketing area. Therefore, the suspension is found to be necessary for the purpose of assuring that producers' milk will not have to be moved in an uneconomic and inefficient manner to assure that producers whose milk has long been associated with the Central Arizona marketing area will continue to benefit from pooling and pricing under the order. In addition, suspension of these provisions through September 30, 1999, will ensure that disorderly marketing conditions that may result from these provisions do not negatively impact producers in the future as these provisions have been modified in the Federal order reform regulatory language.

Accordingly, it is appropriate to suspend the aforesaid provisions from the day after publication of this rule in the **Federal Register** through September 30, 1999.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such rule is necessary to permit the continued pooling of the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. One comment was received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1131

Milk marketing orders.

For the reasons set forth in the preamble, 7 CFR part 1131 is amended for the period of one day following publication of this rule in the **Federal Register** through September 30, 1999, as follows:

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. The authority citation for 7 CFR Part 1131 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 1131.7 [Suspended in part]

2. In § 1131.7, paragraph (c), the words "50 percent or more of", "(including the skim milk and butterfat in fluid milk products transferred from its own plant pursuant to this paragraph that is not in excess of the skim milk and butterfat contained in member producer milk actually received at such plant)", and "or the previous 12-month period ending with the current month" during the month" are suspended.

Dated: September 13, 1999.

Richard M. McKee

Deputy Administrator, Dairy Programs.

[FR Doc. 99–24436 Filed 9–17–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–175–AD; Amendment 39–11318; AD 99–19–31]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A340 series airplanes. This action requires repetitive inspections to detect cracking of the right inboard attachment lug of the main fitting of the center landing gear (CLG), and replacement with a new or serviceable CLG, if necessary. This action also provides for replacement of the CLG with an improved CLG as an optional terminating action for the repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to detect and correct cracks in the attachment lug, which could result in failure of the CLG.

DATES: Effective October 5, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 5, 1999.

Comments for inclusion in the Rules Docket must be received on or before October 20, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114,

Attention: Rules Docket No. 99–NM–175–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A340 series airplanes. The DGAC advises that an operator has found a cracked attachment lug located on the inboard side of the right-hand main fitting of the center landing gear (CLG) [which is part of the main landing gear (MLG)]. The operator found the failed lug during the weekly visual inspection of the MLG. The cause of the cracking is unknown at this time. Such cracking, if not corrected, could result in failure of the CLG.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A340–32–4091, Revision 01, dated June 3, 1998, which describes procedures for repetitive inspections to detect cracking of the right inboard attachment lug of the main fitting of the CLG, and replacement with a new or serviceable CLG, if necessary. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 97–363–076(B) R2, dated July 15, 1998, as revised by Erratum, dated August 12, 1998, in order to assure the continued airworthiness of these airplanes in Francea.

Airbus has also issued Service Bulletin A340–32–4097, Revision 02, dated June 24, 1998, which describes procedures for replacement of the CLG with an improved CLG. Such replacement eliminates the need for the repetitive inspections.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to detect cracks of the right inboard attachment lug of the main fitting of the CLG. This AD requires accomplishment of the actions specified in Airbus Service Bulletin A340–32–4091, described previously. This AD also provides for optional terminating action for the repetitive inspections.

Operators should note that, in consonance with the findings of the DGAC, the FAA has determined that the repetitive inspections in this AD can be allowed to continue in lieu of accomplishment of a terminating action. In making this determination, the FAA considers that, in this case, long-term continued operational safety will be adequately assured by accomplishing the repetitive inspections to detect cracking before it represents a hazard to the airplane.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 1 work hour to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this AD would be $60 per airplane, per inspection cycle.

Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NM–175–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) Is not a "significant regulatory action" under

Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–19–31 Airbus Industrie: Amendment 39–11318. Docket 99–NM–175–AD.

Applicability: Model A340 series airplanes, certificated in any category; except those on which Airbus Modification 45302 has been accomplished.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking of the right inboard attachment lug of the main fitting of the center landing gear (CLG), which could result in failure of the CLG, accomplish the following:

Inspection

(a) For airplanes on which Airbus Industrie Modification 43028 (reference Airbus Service Bulletin A340–32–4083) has not been accomplished: Prior to the accumulation of 150 flight cycles on the CLG, or within 7 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking of the right inboard attachment lug of the main fitting of the CLG, in accordance with Airbus Service Bulletin A340–32–4091, Revision 01, dated June 3, 1998.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(b) For airplanes on which Airbus Industrie Modification 43028 (reference Airbus Service Bulletin A340–32–4083) has been accomplished: Prior to the accumulation of 1,020 flight cycles on the CLG, or within 7 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking of the right inboard attachment lug of the main fitting of the CLG, in accordance with Airbus Service Bulletin A340–32–4091, Revision 01, dated June 3, 1998.

(c) If any cracking is found during any inspection required by paragraph (a) or (b) of this AD: Prior to further flight, replace the CLG with a new or serviceable CLG in accordance with Airbus Service Bulletin A340–32–4091, Revision 01, dated June 3, 1998; or accomplish the optional terminating action specified in paragraph (e).

Note 3: Accomplishment of the detailed visual inspections or replacement of the CLG in accordance with Airbus Service Bulletin A340–32–4091, dated February 17, 1997, is acceptable for compliance with the actions specified by paragraphs (a), (b), and (c) of this AD.

(d) Repeat the inspections required by paragraph (a) or (b), as applicable, at intervals not to exceed 7 days until accomplishment of the optional terminating action specified in paragraph (e) of this AD.

Optional Terminating Action

(e) Installation of an improved CLG in accordance with Airbus Service Bulletin A340–32–4097, Revision 01, dated April 16, 1998, or Revision 02, dated June 24, 1998, constitutes terminating action for the repetitive inspection requirement of paragraph (d) of this AD.

Alternative Methods of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(g) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(h) The actions shall be done in accordance with Airbus Service Bulletin A340–32–4091, Revision 01, dated June 3, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in French airworthiness directive 97–363–076(B) R2, dated July 15, 1998, as revised by Erratum, dated August 12, 1998.

(i) This amendment becomes effective on October 5, 1999.

Issued in Renton, Washington, on September 8, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–23995 Filed 9–17–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF STATE

22 CFR Part 40

[Public Notice 3105]

RIN 1400–AA79

VISAS: Regulations Regarding Public Charge Requirements Under the Immigration and Nationality Act, as Amended

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: This final rule amends Department of State regulations pertaining to the issuance of visas by establishing uniform procedures for the acceptance of affidavits of support by consular posts abroad as required by the Immigration and Nationality Act (INA). Publication of this rule is necessary to ensure proper adjudication of immigrant

visas pursuant to changes made to the INA by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA). The rule imposes new requirements on immigrant visa applicants.

EFFECTIVE DATES: This final rule is effective as of December 17, 1997.

FOR FURTHER INFORMATION CONTACT: Ron Acker, Visa Regulations Coordinator, Legislation and Regulations Division, Visa Office, Room L603–C, SA–1, Washington, DC, 20520–0106 (ackerrl@sa1wpoa.us-state.gov).

SUPPLEMENTARY INFORMATION: The Department published an interim rule, Public notice 2674 at 62 FR 67563, December 29, 1997, with a request for comments, for title 22, § 40.41, Code of the Federal Regulations. The rule was proposed to fully implement the provisions of section 343 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA), Pub. L. 104–208. That section requires changing the previous subparagraph (C) of INA 212(a)(4) to subparagraph (D) and adding a new subparagraph (C). The new subparagraph (C) provided that aliens applying in the immediate-relative, family-based and certain employment visa categories must be found ineligible unless the applicant is the beneficiary of an affidavit of support filed under INA 213A which is sufficient (meaning one that demonstrates the sponsor has income and assets equaling at least 125% of the current minimum Federal Poverty Guidelines to meet the requirements of that section). The employment based petitions are limited to those instances where a sponsoring relative is the petitioning employer or owns a 5% or more interest in the entity that is the petitioning employer.

The Immigration and Naturalization Service has promulgated rules and forms for the implementation of this procedure. Accordingly, the Department is adding to and/or changing its regulations at 22 CFR 40.41 to reflect the new affidavit of support requirements.

Comments

The interim rule for comment was published at 62 FR 67563. The comment period was closed on February 27, 1998 and the Department received 3 timely comments in response to the interim rule. After considering the comments received, the Department has adopted the interim rule in its entirety.

Analysis of Comments

The commentators' primary focus regarded the ability of a Consular Officer to find a visa applicant inadmissible, based on a likelihood of becoming a public charge, even if a qualifying Form I–864, Affidavit of Support, had been submitted. Since the affidavit of support requirements had been met, the commentators argued, Consular Officers should be limited in their discretion to find an applicant inadmissible.

While the Department appreciates the commentators' concern, the language of INA 212 (a)(4) supports consular discretion and the examination of multiple factors in determining the likelihood of an individual becoming a public charge, as opposed to the mere acceptance of a facially sufficient affidavit of support. According to the language of INA 212 (a)(4)(A), if it is the Consular Officer's opinion the applicant is likely to become a public charge, then such applicant is inadmissible and, therefore, unqualified for visa issuance. INA 212 (a)(4)(B) states that the Consular Officer shall consider, "at a minimum," factors including the applicant's age, health, family status, assets, resources, financial status, and education and skills. In addition to those requirements, the affidavit of support may be considered.

Any regulations promulgated pursuant to this statute should reflect the language of the INA. Such is the case with the interim rule as proposed. It incorporates the requirements of new INA 212 (A)(4)(C) by requiring the completion of an affidavit of support, but permits the Consular Officer to base his adjudication of the case on the totality of the circumstances surrounding the applicant. The rule makes clear that although Form I–864 is a necessary part of certain immigrant visa applications, it is not, in and of itself, wholly adequate to find that an applicant satisfies the public charge requirements. It is a threshold requirement necessary to begin public charge considerations, but it is not an end.

This is not to say, however, that a sufficient affidavit of support is not given great weight in the Consular Officer's determination. In many cases, the affidavit will be enough to issue a visa. And, in the event the Consular Officer finds the affidavit of support inadequate, a Consular Officer is instructed to be sure that there is a clear, well-documented basis for the determination that the applicant is likely to become a public charge. The Department has issued guidance to Consular Officers to this effect.

One commentator expressed a concern that the myriad factors that are within a Consular Officer's discretion to consider, in addition to a sufficient affidavit of support, would harm an applicant's chances of obtaining a visa since these other factors would add prejudicial uncertainty to the process. Although the commentator is correct that the additional factors can be complicated, there is no change in this respect as a result of the regulation since public charge determinations historically have contemplated numerous factors. In any event, under the statute a consular officer must consider such additional factors.

Another commentator maintained that an applicant who had met the minimum income requirement, but was otherwise unemployable, should be allowed to submit a non-legally-binding affidavit of support (presumably from another individual) if the Consular Officer, in his discretion, determines that a Joint Sponsor is not warranted. INA 213A(a)(1)(B) states that an affidavit is not acceptable by a consular officer to establish non-excludibility as a public charge unless it is legally enforceable. Therefore, the submission of a non-legally-binding affidavit of support by an alien in any of those categories for which Form I–864, is required while not precluded, will not establish that an applicant is not excludable as a public charge.

Finally, one commentator was concerned that Consular Officers would be influenced by what was perceived as a more stringent interpretation of the statute as stated by INS in its interim regulation at 8 CFR 213a.2(c)(2)(v), published at 62 FR 54346, October 10, 1997. This concern, however, is based upon an inaccurate interpretation of the regulation. It does not burden an applicant with any greater requirements. The regulation merely restates, albeit in different language than the Department's regulation, that a Consular Officer is to use his or her statutorily authorized discretion in determining public charge issues. This construction is supported by the Department.

Final Rule

The interim rule amended the Department's regulations at 22 CFR 40.41 to establish uniform procedures for using the affidavit of support in adjudicating immigrant visas. Since the Department does not feel it necessary to further amend the regulations as published in the interim rule, the interim rule is being incorporated herein as a final rule.

List of Subjects in 22 CFR Part 40

Aliens, Immigrants, Nonimmigration, Passports and visas.

Accordingly, the interim rule amending 22 CFR part 40 which was

published on December 29, 1997 is adopted as a final rule without change.

Dated: August 27, 1999.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 99–24184 Filed 9–17–99; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 290

RIN 1010–AC21

Appeal Procedures; Correction

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Correcting amendments.

SUMMARY: MMS is correcting an amendment to rules governing the appeal of Royalty Management Program and Delegated States Orders. This correction results from a technical error made in a recent final rule.

EFFECTIVE DATE: Effective on May 13, 1999.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Publications Staff, telephone (303) 231–3432, FAX (303) 231–3385, e-Mail David.Guzy@mms.gov.

SUPPLEMENTARY INFORMATION:

Background

MMS is making corrections to a final rule published in the **Federal Register** on May 13, 1999 (64 FR 26240). The final rule, effective May 13, 1999, amended among other things, 30 CFR part 290, Subpart B—Appeals of Royalty Management Program and Delegated States Orders. Subpart B applies to all Federal and Indian mineral leases onshore and on the Outer Continental Shelf regardless of the statutory authority under which the lease was issued or maintained. This correction adds two sections to 30 CFR part 290, subpart B. Before May 13, 1999, these sections were found in 30 CFR 243.3 Exhaustion of administrative remedies, and in 30 CFR 243.4 Service of official correspondence. These sections were inadvertently omitted from the May 13, 1999, final rule.

Amendments to these sections were proposed in the **Federal Register** on January 12, 1999 (64 FR 1986), under part 242, subpart D—Appeals and Service, sections 242.302 through 242.305. However, we are not adopting those amendments at this time. Rather, we simply are replacing former sections 30 CFR 243.3 and 243.4 with minor modifications to reflect changes in the final rule published May 13, 1999, and other changes to conform to the plain language of part 290.

Need for Correction

As published, the final regulations in 30 CFR part 290, subpart B, inadvertently omitted the provisions regarding exhaustion of administrative remedies and service of official correspondence. Without these provisions, it is unclear where recipients of orders should seek resolution to royalty disputes and how those orders must be served. Therefore, because this was an administrative error, MMS determines under 5 U.S.C. 553(b) that notice and comment are unnecessary and contrary to public interest. Thus, good cause exists to issue this final rule. MMS also determines for the same reasons to make this rule effective immediately. Further, to avoid any gap in coverage, we are adding those provisions in this correction, effective retroactively to the date of the final rule, i.e., May 13, 1999.

Although we received public comments on sections 242.302 through 242.305 of the proposed rule, we are not addressing those comments at this time because we are not finalizing those sections of the proposed rule in this correction. We will address those comments at the same time we address all the remaining matters from the January 12, 1999, proposed rule.

List of Subjects in 30 CFR Part 290

Administrative practice and procedure.

Dated: September 10, 1999.

Sylvia V. Baca,

Acting Assistant Secretary—Land and Minerals Management.

Accordingly, 30 CFR part 290, subpart B, is corrected by making the following correcting amendments:

PART 290—APPEALS PROCEDURES

1. The authority citation for part 290 remains as follows:

Authority: 5 U.S.C. 301 *et seq.*; 43 U.S.C. 1331 *et seq.*

2. Add §§ 290.110 and 290.111 to Subpart B—Appeals of Royalty Management Program and Delegated State Orders to read as follows:

* * * * *

§ 290.110 How do I exhaust administrative remedies?

(a) To exhaust administrative remedies, you must appeal an MMS Royalty Management Program (RMP) or delegated State order:

(1) To the MMS Director (or the Deputy Commissioner of Indian Affairs when Indian lands are involved); and

(2) Subsequently to the Interior Board of Land Appeals under 30 CFR part 290, subpart B, and 43 CFR part 4.

(b) This section does not apply if an order was made effective by:

(1) The Director;

(2) The Assistant Secretary for Land and Minerals Management;

(3) The Assistant Secretary for Indian Affairs; or

(4) The Interior Board of Land Appeals under 43 CFR part 4.

§ 290.111 How will MMS and delegated States serve official correspondence?

(a) *Method of service.* The Royalty Management Program (RMP) or a delegated State will serve official correspondence by sending the document by certified or registered mail, return receipt requested, to the addressee of record established in paragraph (b) of this section. Instead of certified or registered mail, RMP or a delegated State may deliver the document personally to the addressee of record and obtain a signature acknowledging the addressee's receipt of the document. Official correspondence includes all orders that are appealable under this subpart.

(b) *Addressee of record.* (1) The addressee of record for administrative correspondence for refiners participating in the Government's Royalty-in-Kind (RIK) Program is the position title, department name and address, or individual name and address identified in the executed royalty oil sale contract. The refiner/purchaser may identify, in writing, a different position title, department name and address, or individual name and address for billing purposes. The refiner must notify MMS, in writing, of all addressee changes.

(2) The addressee of record for serving official correspondence on anyone required to report energy and mineral resources removed from Federal and Indian leases to the RMP Production Accounting and Auditing System is the most recent position title, department name and address, or individual name and address that RMP has in its records for the reporter/payor. The reporter/payor is responsible for notifying RMP, in writing, of any addressee changes.

(3) The addressee of record for serving official correspondence concerning onshore Federal leases is the current lessee of record with the Bureau of Land Management. For Indian leases, the addressee of record is the current lessee of record with the Bureau of Indian Affairs. For offshore leases, the addressee of record is the current lessee

of record with the MMS Offshore Minerals Management Program. The lessee is responsible for notifying the appropriate Government office of any addressee changes.

(4) The addressee of record for serving official correspondence in connection with reviews and audits of payor records is the position title, department name and address, or individual name and address designated, in writing, by the company at the initiation of the audit, or the most recent addressee that was specified, in writing, by the payor.

(5) The addressee of record for serving official correspondence relating to reporting on the "Report of Sales and Royalty Remittance" (Form MMS–2014) is the most recent position title, department name and address, or individual name and address specified, in writing, by the payor. The payor is responsible for notifying RMP, in writing, of any addressee changes.

(6) The addressee of record for serving official correspondence in connection with remittances pertaining to rental and bonuses from nonproducing Federal leases is the most recent position title, department name and address, or individual name and address maintained in RMP records. The payor is responsible for notifying RMP, in writing, of any addressee changes.

(7) The addressee of record for serving official correspondence including orders, demands, invoices, or decisions, and other actions identified with payors reporting to the RMP Auditing and Financial System not identified above is the position title, department name and address or individual name and address for the payor identified on the most recent Payor Confirmation Report (Report No. RPI140R1) of a Payor Information Form (PIF) (Form MMS–4025 or Form MMS–4030) returned by RMP to the payor for the Federal or Indian lease (see 30 CFR 210.51 and 210.201).

(8) If correspondence applies to more than one category identified in paragraphs (b)(1) through (7) of this section, MMS may serve the official correspondence in accordance with the requirements of any one paragraph.

(c) *Dates of service.* Except as provided in paragraph (d) of this section, MMS considers official correspondence as served on the date that it is received at the address of record established under paragraph (b) of this section. A receipt signed by any person at that address is evidence of service. If official correspondence is served both personally and by registered or certified mail, the date of service is the earlier of the two dates, if they are different.

(d) *Constructive service.* (1) If delivery cannot be made after reasonable effort at the address of record established under paragraph (b) of this section, MMS deems official correspondence as constructively served 7 days after the date that the document is mailed.

(2) This provision covers such situations as nondelivery because the addressee has moved without filing a forwarding address, the forwarding order had expired, delivery was expressly refused, or the document was unclaimed where the attempt to deliver is substantiated by U.S. Postal Service authorities.

[FR Doc. 99–24389 Filed 9–17–99; 8:45 am]
BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

[SPATS No. AR–029–FOR]

Arkansas Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving an amendment to the Arkansas abandoned mine land reclamation plan (Arkansas plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Arkansas proposed revisions to its plan concerning definitions, purposes of the reclamation program, identification of eligible lands and water, ranking and selection procedures, coordination of reclamation work, acquisition management and disposition of land and water, reclamation on private land, rights of entry, public participation, organizational structure, personnel and staffing policies, purchasing and procurement systems, management accounting, and AML problem description. Arkansas intends to revise its plan to be consistent with the corresponding Federal regulations and SMCRA.

EFFECTIVE DATE: September 20, 1999.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Arkansas 74135–6547. Telephone: (918) 581–6430. Internet: mwolfrom@tokgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Arkansas Plan
II. Submission of the Proposed Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Arkansas Plan

On May 2, 1983, the Secretary of the Interior approved the Arkansas plan. You can find background information on the Arkansas plan, including the Secretary's findings, the disposition of comments, and the approval of the plan in the May 2, 1983, **Federal Register** (48 FR 19710). You can find later actions on the Arkansas plan at 30 CFR 904.25 and 904.26.

II. Submission of the Proposed Amendment

By letter dated June 16, 1999 (Administrative Record No. AAML–27), Arkansas sent us an amendment to its plan pursuant to SMCRA. Arkansas sent the amendment in response to our letter dated September 26, 1994, that we sent to Arkansas under 30 CFR 884.15(d). The amendment also included changes Arkansas made at its own initiative.

We announced receipt of the amendment in the July 9, 1999, **Federal Register** (64 FR 37067). In the same document, we opened the public comment period and provided an opportunity for a public hearing on the adequacy of Arkansas' amendment. The public comment period closed on August 9, 1999. Because no one requested a public hearing or meeting, we did not hold one.

III. Director's Findings

Following, under SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15, are our findings concerning the amendment. Any revisions that we do not discuss below are about minor wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Arkansas proposed to add to the reclamation plan a table of contents with numbered headings and lettered sub-headings. We are approving this addition.

B. Arkansas proposed to add Part III—"Definitions," to the reclamation plan. We are approving the addition of this part because it complies with Federal definitions found at 30 CFR 870.5.

C. Part IV—"Policies and Procedures for the State Abandoned Mine Land Reclamation Program."

1. Arkansas proposed to change the name of section 884.13(c)(1) from "Introduction" to "Purposes of the State

Reclamation Program" and to remove the old SMCRA priority 4 (Research and Demonstration) project selection criteria. We are approving the revisions because they meet the requirements of the Federal regulations at 30 CFR 884.13(c)(2) and section 403(a) of SMCRA, as revised by the Energy Policy Act of 1992 (Pub. L. 102–486). Effective October 24, 1992, this Act amended section 403(a) of SMCRA by removing the priority 4 (Research and Demonstration) project selection criteria. Arkansas also proposed to move descriptions of abandoned mine problem types from this section to section 884.13(e)(3). We are approving this revision because it meets the requirements of the Federal regulations at 30 CFR 884.13(e)(3). Arkansas also proposed to move the section entitled, "Corrective Measures to be used in Reclamation of Abandoned Mine Lands," to section 884.13(e)(3) and to substantially shorten it. We are approving the revision because it is not inconsistent with the requirements of the Federal regulations in 30 CFR Subchapter R.

2. Arkansas proposed to add a section, "Identification of Eligible Lands and Water." The section pertains to reclamation of interim program and bond insolvency sites. We are approving this addition because it complies with previous revisions to the State statutes at Arkansas Code Annotated (ACA) 15–58–401 and the State regulations at Arkansas Surface Coal Mining and Reclamation Code (ASCMRC) 874.12 which we approved on January 5, 1994 (59 FR 540), and April 29, 1997 (62 FR 23129), respectively. Also, the addition of the language is not inconsistent with the Federal regulations at 30 CFR 874.12 and 875.12.

3. Arkansas proposed to add a new subsection to section 884.13(c)(2), "Ranking and Selection Procedures." We are approving this addition because it meets the requirements of the Federal regulations at 30 CFR 874.12 and 874.13. Also, Arkansas proposed to remove the project ranking matrix form contained in the original reclamation plan and to replace it with a reference to the evaluation criteria contained in its regulations at ASCMRC 874.14. We are approving the revision because it does not constitute a policy change and because it meets the requirements of the Federal regulations at 30 CFR 884.13(c)(2).

4. Arkansas proposed to make editorial modifications to section 884.13(c)(3), "Coordination of Reclamation Work," primarily to update the names and relationships of agencies and their roles in abandoned mine land reclamation projects. We are approving these revision. Arkansas also proposed to revise and enhance the description of AML project coordination efforts related to resource issues. We are approving the revision because it meets the requirements of 30 CFR 884.13(c)(3).

5. Arkansas proposed to revise section 884.13(c)(4) to reduce redundancy within the state regulations. In addition, Arkansas proposed to remove most of the description of land and water acquisition, directing the reader, instead, to follow procedures established in ASCMRC 879.11. We are approving the revisions because they meet the requirements of 30 CFR 884.13(c)(4).

6. Arkansas proposed to revise section 884.13(c)(5), "Policies and Procedures for Reclamation on Private Land," to reduce redundancy within the state regulations. The proposed revision provides a brief overview of policies for placement, waiver, and satisfaction of liens, and refers the reader to ASCMRC 882.13 and 882.14. Arkansas also proposed to add a new paragraph on appraisals to clarify under what circumstances appraisals should be conducted and by whom. We are approving these revisions because they meet the requirements of 30 CFR Part 882.

7. Arkansas proposed to revise section 884.13(c)(6), "Rights of Entry," to reduce redundancy within the state regulations. The proposed revision provides a brief overview of policies for entry on private land and refers the reader to ASCMRC 882.13 and 882.14. We are approving the revisions because they are not inconsistent with the Federal regulations at 30 CFR Part 877.

8. Arkansas proposed to revise section 884.13(c)(7), "Public Participation Policies," to reduce redundancy within the state regulations and to eliminate obsolete information. The proposed revision provides a brief overview of current public participation practices. We are approving the revisions because they meet the requirements of the Federal regulations at 30 CFR 884.13(c)(6).

D. Part V—"Administrative and Management Structure."

1. Arkansas proposed to revise section 884.13(d)(1), "Organizational Structure," to update the organizational charts. We are approving this revision because it meets the requirements of the Federal regulation at 30 CFR 884.13(d)(1).

2. Arkansas proposed to revise section 884.13(d)(2), "Personnel and Staffing Policies," to update the list of State and Federal laws, regulations, and policies related to personnel practices. We are approving this revision because it meets the requirements of the Federal regulation at 30 CFR 884.13(d)(2).

3. Arkansas proposed to revise section 884.13(d)(3), "Purchasing and Procurement Systems," to comply with OSM's 30 CFR Part 884 letter, dated September 26, 1994, regarding "Contractor Responsibility (30 CFR 874.16 and 875.20)" and to identify 43 CFR Part 12 as the guidance by which Federal grant funds will be administered in the state program. We are approving the revisions because they satisfy the requirements of the above 30 CFR Part 884 letter and also meet the requirements of the Federal regulation at 30 CFR 884.13(d)(3).

4. Arkansas proposed to revise section 884.13(d)(4), "Management Accounting," to identify 43 CFR Part 12 as the guidance for administering Federal grant funds in the state program and to make minor editorial corrections. We are approving the revisions because they meet the requirements of the Federal regulation at 30 CFR 884.13(d)(4).

E. Part VI—"General Description of AML Problems."

Arkansas proposed to add section 884.13(e) to replace information previously contained in the "Introduction" section of the reclamation plan. Section 884.13(e) contains an overview of reclamation problem types and guides the reader to the OSM Abandoned Mine Land Inventory Directive and to OSM's December 30, 1996 (61 FR 68777), AML Program Guidelines for additional information. We are approving the revisions because they meet the requirements of the Federal regulation at 30 CFR 884.13(e)(1)–(3).

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment, but did not receive any.

Federal Agency Comments

Under 30 CFR 884.14(a)(2) and 884.15(a), we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Arkansas plan (Administrative Record Nos. AAML–27.01, AAML–27.02, and AAML–27.03). We received a comment from the U.S. Army Corps of Engineers dated July 13, 1999 (Administrative Record No. AAML–27.04), stating that they found the proposed amendment to be satisfactory.

U.S. Environmental Protection Agency (EPA)

Under 30 CFR 884.14(a)(6), we are required to get a written agreement from the EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Arkansas proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask the EPA to agree on the amendment.

U.S. Fish and Wildlife Service (FWS)

Under section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq*), we are required to ask the FWS to determine whether those provisions of the program amendment that relate to fish, wildlife, or plants and their habitat are likely to jeopardize the continued existence of species listed as endangered or threatened (under the authority of section 4 of the Endangered Species Act of 1973) or result in the destruction or adverse modification of their habitat. None of the revisions that Arkansas proposed to make in this amendment pertain to fish, wildlife, or plants and their habitat. Therefore, we did not ask the FWS for its determination under section 7 of the Endangered Species Act of 1973.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 884.14(a)(6), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On July 1, 1999, we requested comments on Arkansas' amendment (Administrative Record No. AAML–27.02), but neither responded to our request.

V. Director's Decision

Based on the above findings, we approve the proposed plan amendment as submitted by Arkansas on June 16, 1999. We approve the plan that Arkansas proposed with the provision that it be published in identical form to the plan sent to and reviewed by OSM and the public.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 904, which codify decisions concerning the Arkansas plan. We are making this final rule effective immediately to expedite the State program amendment process and to encourage Arkansas to bring its plan into conformity with the Federal standards. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamation plans and revisions since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR Part 884.

National Environmental Policy Act

This rule does not require an environmental impact statement since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 904

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 8, 1999.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 904 is amended as set forth below:

PART 904—ARKANSAS

1. The authority citation for Part 904 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 904.25 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 904.25 Approval of Arkansas abandoned mine land reclamation plan amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
. . .	.	. . . . .
June 16, 1999	9–20–99	Definitions; Purposes of the state reclamation program; Identification of eligible lands and water; Ranking and selection procedures; Coordination of reclamation work; Acquisition management and disposition of land and water; Reclamation on private land; Rights of entry; Public participation; Organizational structure; Personnel and staffing policies; Purchasing and procurement systems; Management accounting; and Abandoned mine land problem description.

[FR Doc. 99–24460 Filed 9–17–99; 8:45 am]
BILLING CODE 4310–05–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07–99–063]

RIN 2115–AE46

Special Local Regulations; Biscayne Bay, Miami, Florida

AGENCY: Coast Guard, DOT.
ACTION: Temporary final rule.

SUMMARY: Temporary Special Local Regulations are being adopted for the Columbus Day Regatta. The event will be held in Biscayne Bay from 9 a.m. to 5 p.m. Eastern Daylight Time (EDT) on October 9 and 10, 1999. These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: These regulations become effective at 9 a.m. and terminate at 5 p.m. EDT each day on October 9 and 10, 1999.

FOR FURTHER INFORMATION CONTACT: BM1 J. P. Storey Coast Guard Group Miami, Florida at (305) 535–4472.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Columbus Day Regatta, Inc., is sponsoring a sail boat race, with approximately 500 sailboats, ranging in length form 20 to 60 feet participating in the event. The race will take place in Biscayne Bay from Dinner Key to Soldier Key on October 9 and 10, 1999. There will also be approximately fifty (50) spectator craft. These regulations are intended to promote safe navigation on the waters of Biscayne Bay by controlling the traffic entering, exiting, and traveling within the regulated area.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations. Following normal rulemaking procedures would have been impracticable, as there was not sufficient time remaining after the receipt of the permit request to publish proposed rules in advance of the event or to provide for a delayed effective date.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has exempted it from review under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Entry into the regulated area is prohibited for only approximately 8 hours each day of the event and the regulated area does not block any channels.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies that this rule will not have a significant economic impact on a substantial number of small entities, as the regulations will only be in effect a total of two days in areas of limited commercial traffic.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined under Figure 2–1, paragraph 34(h) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations: In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. Add temporary § 100.35T–07–063 to read as follows:

§ 100.35T–07–063 Columbus Day Regatta Sail Boat Race, Miami, FL

(a) *Regulated Area:* A regulated area is established for the race by joining the following points (All coordinates referenced use Datum NAD:83):

(1) 25°43′399″N, 080°12′500″W
(2) 25°43′399″N, 080°10′500″W
(3) 25°33′000″N, 080°11′500″W
(4) 25°33′000″N, 080°15′900″W
(5) 25°40′000″N, 080°15′000″W.

(b) *Special local regulations.*

(1) Entry into the regulated area by other than event participants is prohibited unless otherwise authorized by the Patrol Commander. At the completion of scheduled races and exhibitions, and departure of participants from the regulated areas,

traffic may resume normal operations. At the discretion of the Patrol Commander, between scheduled racing events, traffic may be permitted to resume normal operations.

(2) A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any and all vessels to take immediate steps to avoid collision. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(3) Spectators are required to maintain a safe distance from the racecourse at all times.

(c) *Dates.* This section is effective at 9 a.m. and terminates at 5 p.m. EDT each day on October 9 and 10, 1999.

Dated: September 3, 1999.

G.W. Sutton,

Captain U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.

[FR Doc. 99–24402 Filed 9–17–99; 8:45 am]

BILLING CODE 4910–15–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 99–5A]

Notice and Recordkeeping for Nonsubscription Digital Transmissions

AGENCY: Copyright Office, Library of Congress.

ACTION: Interim rule amendment.

SUMMARY: To adjust for changes brought about by the passage of the Digital Millennium Copyright Act of 1998, the Copyright Office of the Library of Congress is amending the regulation that requires the filing of an initial notice of digital transmissions of sound recordings under statutory license with the Copyright Office.

EFFECTIVE DATE: September 20, 1999.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 1995, Congress enacted the Digital Performance Right in Sound Recordings Act of 1995 ("DPRA"), Public Law 104–39, 109 Stat. 336 (1995). The DPRA gave to sound recording copyright owners an exclusive right to perform their works publicly by means of a digital audio transmission. 17 U.S.C. 106(6). The new right, however, was subject to certain limitations, including exemptions for certain digital transmissions, 17 U.S.C. 114(d)(1), and the creation of a statutory license for nonexempt digital subscription services. 17 U.S.C. 114(d)(2).

The statutory license requires adherence to regulations under which copyright owners may receive reasonable notice of use of their sound recordings under the statutory license, and under which entities performing the sound recordings shall keep and make available records of such use. 17 U.S.C. 114(f)(2). On May 13, 1996, the Copyright Office initiated a rulemaking proceeding to promulgate regulations to govern the notice and recordkeeping requirements. 61 FR 22004 (May 13, 1996). This rulemaking concluded with the issuance of interim rules governing the filing of an initial notice of digital transmissions of sound recordings under the statutory license, 37 CFR 201.35, and the filing of reports of use of sound recordings under statutory license, 37 CFR 201.36. *See* 63 FR 34289 (June 24, 1998).

At the time these regulations were issued, only three noninteractive, subscription, digital transmissions services (DMX, Inc., Digital Cable Radio Associates/Music Choice, and Muzak, Inc.) [1] were in operation and considered eligible for the license. Consequently, the Office prescribed a period for filing initial notices which required any service already operating in accordance with the section 114 license to submit its notice within 45 days of the effective date of the regulation. Section 201.35(f) reads, in part, as follows: "A Service shall file the Initial Notice with the Licensing Division of the Copyright Office prior to the first transmission of sound recordings under the license, or within 45 days of the effective date of this regulation." (Emphasis added).

Subsequently, the President signed into law the Digital Millennium Copyright Act of 1998 ("DMCA"). Among other things, the DMCA expanded the section 114 compulsory license to allow a nonexempt, eligible nonsubscription transmission service and a preexisting satellite digital audio radio service to perform publicly a sound recording by means of certain digital audio transmissions, subject to compliance with notice and recordkeeping requirements. 17 U.S.C. 114(f).

[1] These services were incorrectly identified in the August 4, 1999, notice as nonsubscription services.

The notice and recordkeeping requirements found in §§ 201.35 and 201.36 would appear to apply to any service eligible for the section 114 license, including those newly eligible to use the license under the amended provisions of the license. However, these regulations provide no opportunity for a newly eligible nonsubscription transmission service which was in service prior to the passage of the DMCA to make a timely filing of its initial notice of transmission. Therefore, the Copyright Office proposed an amendment to § 201.35(f) which would extend the period for filing the initial notice to October 15, 1999, in order to allow the eligible nonsubscription services which were in operation prior to the passage of the DMCA an opportunity to file their initial notice timely. 64 FR 42316 (August 4, 1999).

On September 2, 1999, the Recording Industry of America, Inc. ("RIAA") filed a comment supporting, in general, the Office's proposal to amend the date by which a nonexempt, eligible nonsubscription service already in operation could file a timely initial notice. RIAA expressed concern, however, that the proposed language is overly broad and would allow not only the newly eligible nonsubscription services an opportunity to file an initial notice timely, but inadvertently extend the filing period for any preexisting digital subscription services which had not filed in accordance with the original rule. To avoid any confusion on this point, the Office is amending the rule to indicate that any subscription service in operation prior to September 3, 1998, had until that date to file its initial notice with the Copyright Office, in addition to establishing an October 15, 1999, filing deadline for any eligible, nonsubscription service which is currently in operation. Of course, any new service which chooses to make use of the license may file its initial notice after these dates, so long as the service files its initial notice with the Licensing Division prior to the first transmission of a sound recording.

Regulatory Flexibility Act

Although the Copyright Office, located in the Library of Congress which is part of the legislative branch, is not an "agency" subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612, the Register of Copyrights has considered the effect of the amendment on small businesses. The Register has determined that the amendment would not have a significant economic impact on a substantial number of small entities that would require provision of special relief

for small entities. The amendment is designed to minimize any significant economic impact on small entities.

List of Subjects in 37 CFR Part 201

Copyright.

Final Regulations

For the reasons set forth in the preamble, part 201 of title 37 of the Code of Federal Regulations is amended as follows:

PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.35 [Amended]

2. Section 201.35(f) is amended by removing the phrase "or within 45 days of the effective date of this regulation." and adding in its place the folllowing: * * * or by September 3, 1998, in the case of a Service that makes subscription transmissions before or on that date, or by October 15, 1999, in the case of a Service that makes eligible nonsubscription transmissions before, or on, that date. * * *

Dated: September 10, 1999.

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 99–24303 Filed 9–17–99; 8:45 am]

BILLING CODE 1410–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 086–0017a FRL–6438–1]

Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on a revision to the Arizona State Implementation Plan. This revision concerns two rules from Maricopa County: Rule 336—Surface Coating Operations; and, Rule 348—Aerospace Manufacturing and Rework Operations. This final action will incorporate these rules into the federally approved SIP and stop the sanctions and Federal Implementation Plan clocks started on February 9, 1998 when EPA published a final limited disapproval of the State's previous submittal of Rule 336. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) according to the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Rule 336 controls VOC emissions from different surface coating operations using primarily metal and plastic substrates. Rule 348 controls VOC emissions from aerospace manufacturing and rework operations. EPA is finalizing the approval of this revision into the Arizona SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

DATES: This rule is effective on November 19, 1999 without further notice, unless EPA receives adverse comments by October 20, 1999. If EPA receives such comment, it will publish a timely withdrawal **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105;

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, D.C. 20460;

Arizona Department of Environmental Quality, 3003 North Central Avenue, Phoenix, AZ 85012; and,

Maricopa County Environmental Services Department, 1001 N. Central Ave., Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1226.

SUPPLEMENTARY INFORMATION:

I. Applicability

The Maricopa County rules being approved into the Arizona SIP are Rule 336—Surface Coating Operations and Rule 348—Aerospace Manufacturing and Rework Operations. These rules were submitted by the Arizona Department of Environmental Quality to EPA on August 4, 1999.

II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included Maricopa County. 43 FR 8964; 40 CFR 81.305. On March 19, 1979, EPA changed the name and modified the geographic boundaries of the ozone nonattainment area to the Maricopa Association of Governments (MAG) Urban Planning Area. 44 FR 16391, 40 CFR 81303. On February 24, 1984, EPA notified the Governor of Arizona, pursuant to section 110(a)(2)(H) of the pre-amended Act, that MAG's portion of the Arizona SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call, 49 FR 18827, May 3, 1984). On May 26, 1988, EPA again notified the Governor of Arizona that MAG's portion of the SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies relating to VOC controls and the application of reasonably available control technology (RACT) in the existing SIP be corrected (EPA's second SIP-Call, 53 FR 34500, September 7, 1988). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies. Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The MAG Urban Planning Area is classified as serious;[2] therefore, this

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

[2] The MAG Urban Planning Area retained its designations of nonattainment and was classified by

Continued

area was subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of Arizona submitted many revised RACT rules for incorporation into its SIP on August 4, 1999, including Maricopa County's Rule 336 and Rule 348 being acted on today. This document addresses EPA's direct-final action for Maricopa County Rule 336—Surface Coating Operations and Rule 348—Aerospace Manufacturing and Rework Operations. Maricopa County adopted both Rule 336 and Rule 348 on April 7, 1999. These submitted rules were found to be complete on August 25, 1999 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V.[3] Now, EPA is approving Rule 336 and Rule 348 for inclusion within the SIP.

These two rules reduce volatile organic compound (VOC) emissions in different industries. Rule 336 reduces VOC emissions at industrial sites engaged in preparing and coating a variety of substrates such as metal, paper, film, fabric, vinyl, and plastic. The provisions of Rule 336 apply to surface preparation and coating operation in the following industries: metal can and coil, metal furniture, large appliances, miscellaneous metal parts and products, paper, film, fabric, vinyl, plastic, and other flexible parts and products. Rule 348 controls VOC emissions from aerospace manufacturing and rework operations where various coatings are applied to primarily metal substrates.

VOCs contribute to the production of ground level ozone and smog. Rule 336 and Rule 348 were adopted originally as part of Maricopa County's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. EPA's evaluation and final action for this rule follow in the next section.

III. EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote one. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The following CTGs are applicable to Rule 336:

—"Control of Volatile Organic Emission from Existing Stationary Sources Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and light Duty Trucks," USEPA, May 1977, EPA–450/2–77–008;
—"Control of Volatile Organic Emission from Existing Stationary Sources Volume III: Surface Coating of Metal Furniture," USEPA, December 1977, EPA–450/2–77–034; and,
—"Control of Volatile Organic Emission from Existing Stationary Sources Volume VI: Surface Coating of Miscellaneous Metal Parts and Products," USEPA, June 1978, EPA–450/2–78–015.

The following Alternative Control Techniques (ACT) document was consulted for its recommended emission limits and other applicable provisions:

—"Surface Coating of Automotive/Transportation and Business Machine Plastic Parts," USEPA, EPA 453/R–94–017.

The following CTG was used to evaluate Rule 348:

—"Guideline Series: Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace Manufacturing and Rework Operations," USEPA, EPA–453/R–97–004, December, 1997.

Further interpretations of EPA policy are found in the Blue Book, referred to in footnote one. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

On February 9, 1998, EPA finalized a limited approval and limited disapproval of Rule 336. Although Rule 336 strengthened the SIP, the rule contained deficiencies that were required to be corrected pursuant to the section 182(a)(2)(A) requirements of Part D of the CAA. EPA required that the following sections be amended to be consistent with the applicable CTG and EPA policy:

—Section 306.4, Exemptions, Special Facilities/Operations;
—Section 306.5, Exemptions Small Sources; and,
—Section 402, Administrative Requirements, Minimal Use Days.

Further discussion of these deficiencies can be found at 62 FR 66040 (December 17, 1997) or in EPA's Technical Support Document for that December 1997 rulemaking.

Maricopa County's submitted Rule 336—Surface Coating Operations includes the following significant changes from the current SIP version:

—Requirements for more efficient paint application equipment;
—More stringent clean-up requirements;
—VOC limits for adhesives used on paper and metal substrates;
—More explicit recordkeeping requirements;
—Aerospace coating limits and requirements were deleted and included within Rule 348—Aerospace Manufacturing and Rework Operations; and,
—Two exemptions were deleted and one was added for bond rubber sheets for abrasion protection on metal machinery.

Within the version of Rule 336 adopted on April 7, 1999, the deficiencies identified by EPA in its February 9, 1998 rulemaking were corrected in the following ways:

—Section 306.4, Exemptions, Special Facilities/Operations and its 40 pounds per day size cutoff was deleted and the CTG size cut-off of 15 lbs per day was retained;
—Section 306.5, Exemptions, Small Sources was amended at Sections 243 and 305.4(d) to address EPA's "once in, always in" policy; and,
—Section 402, Administrative Requirements, Minimal Use Days and its waiver provisions was deleted.

The submitted Rule 336 does not interfere with reasonable further progress, attainment, or other provisions of the CAA. The amendments to Rule 336 are consistent with the CAA's Section 110(1) requirement for several reasons. First, Rule 336's amendments correct the deficiencies within the rule

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operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991). On November 6, 1997 EPA published a final rule reclassifying the MAG Urban Planning Area from moderate to serious (FR 62 60001). This reclassification became effective on December 8, 1997.

[3] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

and increase VOC emission reductions compared to the previous 1996 version of the rule within the SIP. Emission reductions are estimated to be 40 tons per year resulting from the Section 302 requirement to use an efficient coating application method. Second, the emission limits within Rule 336 meet the relevant CTG. Finally, although aerospace coating limits and requirements were deleted from Rule 336, they were included within Rule 348—Aerospace Manufacturing and Rework Operations. Rule 348 and its emission limits are being approved concurrently with this rulemaking action on Rule 336.

EPA has evaluated the submitted Rule 336 and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, Maricopa County Rule 336—Surface Coating Operations is being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D. This approval action will incorporate this rule into the federally approved SIP and also stop the sanctions process and Federal Implementation Plan clock, which were started on February 9, 1998 when a limited disapproval action was published in the **Federal Register** (see 63 FR 6487.)

There is no version of Maricopa County Rule 348—Aerospace Manufacturing and Rework Operations in the SIP. The submitted Rule 348 includes the following general provisions:

—General purpose and applicability;
—Definitions of terms used within the rule;
—Requirements for VOC content of coatings, surface preparation, and storage of VOC containing materials;
—Exemptions from the rule;
—Requirements for using air pollution control equipment;—record keeping to demonstrate compliance with the rule; and,
—Test methods for determining compliance with the rule.

EPA has evaluated Rule 348 and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, Maricopa County Rule 348—Aerospace Manufacturing and Rework Operations is being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

EPA is publishing this approval action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 19, 1999 without further notice unless the Agency receives adverse comments by October 20, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule is effective on November 19, 1999 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 3, 1999.

Laura Yoshii,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart D—Arizona

2. Section 52.120 is amended by adding paragraph (c)(94) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(94) New and amended rules and regulations for the Maricopa County Environmental Services Department-Air Pollution Control were submitted on August 4, 1999, by the Governor's designee.

(i) Incorporation by reference.

(A) Rule 336, adopted on July 13, 1988 and revised on April 7, 1999 and Rule 348, adopted on April 7, 1999.

[FR Doc. 99–24431 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 086–0017c; FRL–6438–3]

Interim Final Determination that State Has Corrected the Deficiency State of Arizona; Maricopa County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: Elsewhere in today's **Federal Register**, EPA has published a direct final rulemaking fully approving the State of Arizona's submittal of Maricopa County's Rule 336—Surface Coating Operations. EPA has also published a proposed rulemaking to provide the public with an opportunity to comment on EPA's action. If a person submits adverse comments on EPA's final action, EPA will withdraw its direct final rule and will consider any comments received before taking final action on the State's submittal. Based on the full approval, EPA is making an interim final determination by this action that the State has corrected the deficiency for which a sanctions clock began on March 11, 1998. This action will defer both the imposition of the offset sanction and the imposition of the highway sanction. Although this action is effective upon publication, EPA will take comment. If no comments are received on EPA's approval of the State's submittal, the direct final action published in today's **Federal Register** will also finalize EPA's determination that the State has corrected the deficiency that started the sanctions clock. If comments are received on EPA's proposed approval and this interim final action, EPA will publish a final action taking into consideration any comments received.

DATES: *Effective date:* September 20, 1999.

Comment date: Comments must be received by October 20, 1999.

ADDRESSES: Written comments should be sent to Andrew Steckel at the Region IX office listed below. The state submittal and EPA's analysis for that submittal, which are the basis for this action, are available at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for public review at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105;
Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, D.C. 20460;
Arizona Department of Environmental Quality, 3003 North Central Avenue, Phoenix, AZ 85012; and,
Maricopa County Environmental Services Department, 1001 North Central Ave., Phoenix, AZ 85004

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1226.

SUPPLEMENTARY INFORMATION:

I. Background

On February 26, 1997, Arizona submitted Maricopa County Rule 336—Surface Coating Operations, which EPA disapproved in part on February 9, 1998. (See 63 FR 6487.) Beginning on March 11, 1998, EPA's disapproval action started an 18-month clock for the imposition of one sanction (followed by a second sanction 6 months later) and a 24-month clock for promulgation of a Federal Implementation Plan (FIP).

The State submitted a revised rule on August 4, 1999. EPA has taken direct final action on this submittal pursuant to its modified direct final policy set forth at 59 FR 24054 (May 10, 1994). In the Rules section of today's **Federal Register**, EPA has issued a direct final full approval of Arizona's submittal of Maricopa County Rule 336. In addition, in the Proposed Rules section of today's **Federal Register**, EPA has proposed full approval of the State's submittal.

Based on the direct final full approval set forth in today's **Federal Register**, EPA believes that it is more likely than not that Maricopa County has corrected the original disapproval deficiency. Therefore, EPA is taking this final rulemaking action, effective on publication, finding that Maricopa County has corrected the deficiency. However, EPA is also providing the public with an opportunity to comment on this final action. If, based on any comments on this action and any comments on EPA's proposed full approval of the State's submittal, EPA determines that the State's submittal is not fully approvable and this final action was inappropriate, EPA will either propose or take final action finding that the State has not corrected the original disapproval deficiency. As appropriate, EPA will also issue an interim final determination or a final determination that the deficiency has been corrected.

This action does not stop the sanctions clock that started for this area on March 11, 1998. However, this action will defer the imposition of the offsets sanction and will defer the imposition of the highway sanction. *See* 59 FR 39832 (August 4, 1994). If EPA's direct final action fully approving the State's submittal becomes effective, such action will permanently stop the sanctions clock and will permanently lift any imposed, stayed or deferred sanctions. If EPA must withdraw the direct final action based on adverse comments and EPA subsequently determines that the State, in fact, did not correct the disapproval deficiency, EPA will also determine that the State did not correct the deficiency and the sanctions consequences described in the sanctions rule will apply. See 59 FR 39832, to be codified at 40 CFR 52.31.

II. EPA Action

EPA is taking interim final action finding that Maricopa County has corrected the disapproval deficiency that started the sanctions clock. Based on this action, imposition of the offset sanction will be deferred and imposition of the highway sanction will be deferred until EPA's direct final action fully approving the State's submittal becomes effective or until EPA takes action proposing or finally disapproving in whole or part the State submittal. If EPA's direct final action fully approving the State submittal becomes effective, at that time any sanctions clocks will be permanently stopped and any imposed, stayed or deferred sanctions will be permanently lifted.

Because EPA has determined preliminarily that the State has an approvable rule, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception to the 30-day notice requirement of the Administrative Procedure Act because the purpose of this action is to relieve a restriction. *See* 5 U.S.C. 553(d)(1).

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 3, 1999.

Laura Yoshii,

Acting, Regional Administrator, Region IX.

[FR Doc. 99–24433 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[NV 015–MSWa; FRL–6440–4]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the Nevada State Plan for implementing the emissions guidelines (EG) applicable to existing municipal solid waste (MSW) landfills. The Plan was submitted by the Nevada Division of Environmental Protection (NDEP) for the State of Nevada to satisfy requirements of section 111(d) of the Clean Air Act (the Act).

DATES: This direct final rule is effective on November 19, 1999 without further notice, unless EPA receives relevant adverse comments by October 20, 1999. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the submitted Plan and EPA's evaluation report are available for public inspection at EPA's Region IX

office during normal business hours. Copies of the submitted Plan are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Bureau of Air Quality, Division of Environmental Protection, Department of Conservation and Natural Resources, 333 W. Nye Lane, Carson City, Nevada 89706–0851.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1188.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 111(d) of the Act, EPA has established procedures whereby States submit plans to control certain existing sources of "designated pollutants." Designated pollutants are defined as pollutants for which a standard of performance for new sources applies under section 111 but which are not "criteria pollutants" (*i.e.*, pollutants for which National Ambient Air Quality Standards (NAAQS) are set pursuant to sections 108 and 109 of the Act) or hazardous air pollutants (HAPs) regulated under section 112 of the Act. As required by section 111(d) of the Act, EPA established a process at 40 CFR part 60, subpart B, which States must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates new source performance standards (NSPS) that control a designated pollutant, EPA establishes EG in accordance with 40 CFR 60.22 which contain information pertinent to the control of the designated pollutant from that NSPS source category (*i.e.*, the "designated facility" as defined at 40 CFR 60.21(b)). Thus, a State's section 111(d) plan for a designated facility must comply with the EG for that source category as well as 40 CFR part 60, subpart B (40 CFR 60.23 through 60.26).

On March 12, 1996, EPA promulgated NSPS for new MSW landfills at 40 CFR part 60, subpart WWW (Standards of Performance for Municipal Solid Waste Landfills) and EG for existing MSW landfills at 40 CFR part 60, subpart Cc (Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills) (see 61 FR 9905). The pollutants regulated by the NSPS and EG are MSW landfill emissions, which contain a mixture of volatile organic compounds (VOC), other organic compounds, methane, and HAPs. VOC emissions contribute to ozone formation which can result in adverse effects to human health and vegetation. The health effects of HAPs include cancer, respiratory irritation, and damage to the nervous system. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site. To determine whether control is required, nonmethane organic compounds (NMOC) are measured as a surrogate for MSW landfill emissions. Thus, NMOC is considered the designated pollutant. The designated facility which is subject to the EG is each existing MSW landfill (as defined in 40 CFR 60.32c) for which construction, reconstruction or modification was commenced before May 30, 1991.

Pursuant to 40 CFR 60.23(a), States were required within nine months after promulgation of subpart Cc (by December 12, 1996) to submit either a plan to implement and enforce the EG or, if there are no existing MSW landfills subject to the EG in the State, a negative declaration letter.

EPA published a direct final rulemaking on June 16, 1998, in which EPA amended 40 CFR part 60, subpart Cc (and subpart WWW), to add clarifying language, make editorial amendments, and to correct typographical errors (see 63 FR 32743). EPA published additional technical amendments and corrections on February 24, 1999 (see 64 FR 9258). These amendments did not change the submittal date or the requirements for State plans for existing MSW landfills.

On June 3, 1998, NDEP submitted to EPA the Nevada State Plan for implementing the MSW landfill EG. NDEP submitted a technical revision to the Nevada State Plan on May 21, 1999.

The Nevada State Plan does not apply to landfills in the two counties that are not under the jurisdiction of the NDEP: Clark and Washoe. Washoe County submitted a negative declaration letter on May 7, 1997 certifying that there are no existing MSW landfills that are subject to the control requirements of the emission guidelines within the County. Clark County has affected existing landfills but has not submitted its portion of the Nevada State Plan. Existing landfills in Clark County will be subject to the requirements of the Federal Plan upon its promulgation until EPA receives and approves Clark County's portion of the Nevada State Plan.

The following provides a brief discussion of the requirements for an approvable State plan for existing MSW landfills and EPA's review of the Nevada State Plan with respect to those requirements. A detailed discussion of the State Plan and EPA's evaluation can be found in the Technical Support Document for the Nevada Plan (8/99).

II. Review of the Nevada MSW Landfill Plan

EPA has reviewed the Nevada section 111(d) plan for existing MSW landfills against the requirements of 40 CFR part 60, subparts B and Cc, as follows:

A. Identification of Enforceable State Mechanism for Implementing the EG

Subpart B at 40 CFR 60.24(a) requires that the section 111(d) plan include emissions standards, defined in 40 CFR 60.21(f) as "a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions." The Nevada State Plan uses the following State regulation as the enforceable mechanism: Nevada Administrative Code (NAC) 445B.383 "Municipal Solid Waste Landfills," as amended on April 9, 1999 by the Nevada State Environmental Commission (SEC). This State regulation controls air emissions from existing MSW landfills in the NDEP's jurisdiction.[1] Thus, Nevada has met the requirement of 40 CFR 60.24(a) to have legally enforceable emission standards.

B. Demonstration of Legal Authority

Subpart B at 40 CFR 60.26 requires that the section 111(d) plan demonstrate that the State has legal authority to adopt and implement the emission standards and compliance schedules. The State has demonstrated that the Nevada SEC has sufficient legal authority to adopt rules governing MSW landfills and that the NDEP has sufficient legal authority to enforce these rules and to develop and administer this MSW landfill plan. The State statutes providing such authority are sections 233B (Nevada Administrative Procedure Act) and 445B (Air Pollution) of the Nevada Revised Statutes (NRS).

C. Inventory of Existing MSW Landfills in the State Affected by the State Plan

Subpart B at 40 CFR 60.25(a) requires that the section 111(d) plan include a complete source inventory of all designated facilities regulated by the EG: existing MSW landfills (*i.e.*, those MSW landfills that constructed, reconstructed, or modified prior to May 30, 1991) that have accepted waste since

[1] The Air Quality Bureau of NDEP has jurisdiction over the landfills within the State of Nevada, excluding the landfills within the counties of Clark and Washoe.

November 8, 1987 or have additional capacity for future waste deposition (see 40 CFR 60.32c(a)(1)). NDEP submitted a list of the existing MSW landfills in Nevada as part of the State Plan.

D. Inventory of Emissions From Existing MSW Landfills in the State

Subpart B at 40 CFR 60.25(a) requires that the 111(d) plan include an emissions inventory that estimates emissions of the designated pollutant regulated by the EG: NMOC. NDEP has submitted an estimate of annual NMOC emissions from the landfills in the source inventory as part of the State Plan. NDEP used the procedures in 40 CFR 60.754 to estimate the NMOC emissions.

E. Emission Standards for MSW Landfills

Subpart B at 40 CFR 60.24(c) specifies that the State plan must include emission standards that are no less stringent than the EG (except as specified in 40 CFR 60.24(f) which allows for less stringent emission standards on a case-by-case basis if certain conditions are met). The State regulation, NAC 445B.383, contains the emission standards that are in subpart Cc. Thus, Nevada's State Plan complies with this requirement.

F. A Process for State Review and Approval of Site-Specific Gas Collection and Control System Design Plans

Subpart Cc at 40 CFR 60.33c(b) requires State plans to include a process for State review and approval of site-specific design plans for required gas collection and control systems. The process for NDEP review and approval of site-specific gas collection and control systems is specified in the State Plan. Thus, Nevada's section 111(d) plan adequately addresses this requirement.

G. Compliance Schedules

The State's section 111(d) plan must include a compliance schedule that owners and operators of affected MSW landfills must meet in complying with the requirements of the plan. Subpart Cc at 40 CFR 60.36c provides that planning, awarding of contracts, and installation of air emission collection and control equipment capable of meeting the EG must be accomplished within 30 months of the date on which the NMOC emission rate equals or exceeds 50 megagrams per year. The State regulation, NAC 445B.383, contains the same compliance schedule as subpart Cc.

H. Testing, Monitoring, Recordkeeping and Reporting Requirements

Subpart Cc at 40 CFR 60.34c specifies the testing and monitoring provisions that State plans must include (60.34c specifically refers to the requirements found in 40 CFR 60.754 to 60.756), and 40 CFR 60.35c specifies the reporting and recordkeeping requirements (60.35c refers to the requirements found in 40 CFR 60.757 and 60.758). The Nevada landfill regulation incorporates by reference the requirements found in 40 CFR 60.754 to 60.758. Thus, the State Plan satisfies the requirements of 40 CFR 60.34c and 60.35c.

I. A Record of Public Hearings on the State Plan

Subpart B at 40 CFR 60.23 contains the requirements for public hearings that must be met by the State in adopting a section 111(d) plan. NDEP included documents in its plan submittal demonstrating that these requirements, as well as the State's administrative procedures, were complied with in adopting the State landfill regulation and in developing the State Plan. Therefore, EPA finds that Nevada has met this requirement.

J. Submittal of Annual State Progress Reports to EPA

Subpart B at 40 CFR 60.25(e) and (f) requires States to submit to EPA annual reports on the progress of plan enforcement. Nevada committed in its section 111(d) plan to submit annual progress reports to EPA. The first progress report will be submitted by the State one year after EPA approval of the State Plan. Therefore, EPA finds that Nevada has adequately met this requirement.

In summary, EPA finds that the Nevada State Plan meets all of the requirements applicable to such plans in 40 CFR part 60, subparts B and Cc.

III. Final Action

Based on the rationale discussed above, EPA is approving the State of Nevada section 111(d) plan for the control of landfill gas emissions from existing MSW landfills.[2] As provided by 40 CFR 60.28(c), any revisions to the Nevada State Plan or associated regulations will not be considered part of the applicable plan until submitted by the NDEP in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the 111(d) plan should relevant adverse or critical comments be filed. This rule will be effective November 19, 1999 without further notice unless the Agency receives relevant adverse comments by October 20, 1999.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on November 19, 1999 and no further action will be taken on the proposed rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any section 111(d) plan. Each request for revision to the section 111(d) plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their

[2] The State did not submit evidence of authority to regulate existing MSW landfills in Indian Country; therefore, EPA is not approving this Plan as it relates to those sources.

concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because State Plan approvals under section 111(d) of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal State Plan approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning State Plans on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Disclaimer Language Approving State Plans in Audit Law States

Nothing in this action should be construed as making any determination or expressing any position regarding Nevada's audit privilege and penalty immunity law (NRS Chapter 445C.010–.120) or its impact upon any approved State Plan, including the plan at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act program resulting from the effect of Nevada's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the State Plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

G. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

H. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Non-methane organic compounds, Methane, Municipal solid waste landfills, Reporting and recordkeeping requirements.

Dated: September 10, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.

40 CFR part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Subpart DD is added to part 62 to read as follows:

Subpart DD—Nevada

Landfill Gas Emissions From Existing Municipal Solid Waste Landfill

Sec.
62.7100 Identification of plan.
62.7101 Identification of sources.
62.7102 Effective date.

Subpart DD—Nevada

Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

§ 62.7100 Identification of plan.

(a) The Washoe County Department of Health submitted on May 7, 1997 a letter certifying that there are no existing municipal solid waste landfills in Washoe County subject to 40 CFR part 60, subpart Cc.

(b) The Nevada Division of Environmental Protection submitted on June 3, 1998 and May 21, 1999 the State of Nevada's Section 111(d) Plan for Existing Municipal Solid Waste Landfills.

§ 62.7101 Identification of sources.

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, as described in 40 CFR part 60, subpart Cc.

§ 62.7102 Effective date.

The effective date of EPA approval of the plan is November 19, 1999.

[FR Doc. 99–24261 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[AZ 014–MSWa; FRL–6440–2]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the Arizona State Plan for implementing the emissions guidelines (EG) applicable to existing municipal solid waste (MSW) landfills. The Plan was submitted by the Arizona Department of Environmental Quality (ADEQ) for the State of Arizona to satisfy requirements of section 111(d) of the Clean Air Act (the Act).

DATES: This direct final rule is effective on November 19, 1999 without further notice, unless EPA receives relevant adverse comments by October 20, 1999. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the submitted Plan and EPA's evaluation report are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted Plan are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Air Quality Division, Arizona Department of Environmental Quality, 3033 N. Central Avenue, Phoenix, Arizona 85012

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1188.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 111(d) of the Act, EPA has established procedures whereby States submit plans to control certain existing sources of "designated pollutants." Designated pollutants are defined as pollutants for which a standard of performance for new sources applies under section 111 but which are not "criteria pollutants" (i.e., pollutants for which National Ambient Air Quality Standards (NAAQS) are set pursuant to sections 108 and 109 of the Act) or hazardous air pollutants (HAPs) regulated under section 112 of the Act. As required by section 111(d) of the Act, EPA established a process at 40 CFR part 60, subpart B, which States must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates new source performance standards (NSPS) that control a designated pollutant, EPA establishes EG in accordance with 40 CFR 60.22 which contain information pertinent to the control of the designated pollutant from that NSPS source category (i.e., the "designated facility" as defined at 40 CFR 60.21(b)). Thus, a State's section 111(d) plan for a designated facility must comply with the EG for that source category as well as 40 CFR part 60, subpart B (40 CFR 60.23 through 60.26).

On March 12, 1996, EPA promulgated NSPS for new MSW landfills at 40 CFR part 60, subpart WWW (Standards of Performance for Municipal Solid Waste Landfills) and EG for existing MSW landfills at 40 CFR part 60, subpart Cc (Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills) (see 61 FR 9905). The pollutants regulated by the NSPS and EG are MSW landfill emissions, which contain a mixture of volatile organic compounds (VOC), other organic compounds, methane, and HAPs. VOC emissions can contribute to ozone formation which can result in adverse effects to human health and vegetation. The health effects of HAPs include cancer, respiratory irritation, and damage to the nervous system. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site. To determine whether control is required, nonmethane organic compounds (NMOC) are measured as a surrogate for MSW landfill emissions. Thus, NMOC is considered the designated pollutant. The designated facility which is subject

to the EG is each existing MSW landfill (as defined in 40 CFR 60.32c) for which construction, reconstruction or modification was commenced before May 30, 1991.

Pursuant to 40 CFR 60.23(a), States were required within nine months after promulgation of subpart Cc (by December 12, 1996) to submit either a plan to implement and enforce the EG or, if there are no existing MSW landfills subject to the EG in the State, a negative declaration letter.

EPA published a direct final rulemaking on June 16, 1998, in which EPA amended 40 CFR part 60, subpart Cc (and subpart WWW), to add clarifying language, make editorial amendments, and to correct typographical errors (see 63 FR 32743). EPA published additional technical amendments and corrections on February 24, 1999 (see 64 FR 9258). These amendments did not change the submittal date or the requirements for State plans for existing MSW landfills.

On June 17, 1997, ADEQ submitted to EPA the Arizona State Plan for implementing the MSW landfill EG. ADEQ submitted an amendment to the Arizona State Plan on June 29, 1999. The following provides a brief discussion of the requirements for an approvable State plan for existing MSW landfills and EPA's review of the Arizona State Plan with respect to those requirements. A detailed discussion of the State Plan and EPA's evaluation can be found in the Technical Support Document for the Arizona Plan (8/99).

II. Review of the Arizona MSW Landfill Plan

EPA has reviewed the Arizona section 111(d) plan for existing MSW landfills against the requirements of 40 CFR part 60, subparts B and Cc, as follows:

A. Identification of Enforceable State Mechanism for Implementing the EG

Subpart B at 40 CFR 60.24(a) requires that the section 111(d) plan include emissions standards, defined in 40 CFR 60.21(f) as "a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions." In the State of Arizona, ADEQ has jurisdiction over stationary sources of air pollution in twelve of the fifteen counties of Arizona. The enforceable mechanism in the areas under ADEQ jurisdiction is a state air regulation: Arizona Administrative Code (AAC) R18–2–731 "Standards of Performance for Existing Municipal Solid Waste Landfills" (adopted April 4, 1997). In each of the three counties—Maricopa, Pima, and Pinal—that are not under ADEQ jurisdiction, the enforceable mechanism is a county air regulation: Maricopa County Rule 321 "Municipal Solid Waste Landfills" (adopted May 14, 1997); Pima County Code Section 17.16.390 "Standards of Performance for Existing Municipal Solid Waste Landfills" (adopted October 7, 1997); and Pinal County Article 5–34 "Standards of Performance for Existing Municipal Solid Waste Landfills" (adopted May 14, 1997). Thus, Arizona has met the requirement of 40 CFR 60.24(a) to have legally enforceable emission standards.

B. Demonstration of Legal Authority

Subpart B at 40 CFR 60.26 requires that the section 111(d) plan demonstrate that the State has legal authority to adopt and implement the emission standards and compliance schedules. The State has demonstrated that ADEQ and the three county air agencies have sufficient legal authority to adopt and enforce rules governing MSW landfills in their respective jurisdictions. The State statutes providing such authority are Article 2 (State Air Pollution Control) and Article 3 (County Air Pollution Control) of Chapter 3 (Air Quality) of Title 49 of the Arizona Revised Statutes (ARS).

C. Inventory of Existing MSW Landfills in the State Affected by the State Plan

Subpart B at 40 CFR 60.25(a) requires that the section 111(d) plan include a complete source inventory of all designated facilities regulated by the EG: existing MSW landfills (i.e., those MSW landfills that constructed, reconstructed, or modified prior to May 30, 1991) that have accepted waste since November 8, 1987 or have additional capacity for future waste deposition (see 40 CFR 60.32c(a)(1)). ADEQ has submitted an inventory of all existing MSW landfills in Arizona as part of the State Plan.

D. Inventory of Emissions from Existing MSW Landfills in the State

Subpart B at 40 CFR 60.25(a) requires that the 111(d) plan include an emissions inventory that estimates emissions of the designated pollutant regulated by the EG: NMOC. ADEQ has submitted an estimate of annual NMOC emissions from the landfills in the source inventory as part of the State Plan. ADEQ used the procedures in AP–42 "Compilation of Air Pollutant Emission Factors" to estimate the NMOC emissions.

E. Emission Standards for MSW Landfills

Subpart B at 40 CFR 60.24(c) specifies that the State plan must include emission standards that are no less stringent than the EG (except as specified in 40 CFR 60.24(f) which allows for less stringent emission standards on a case-by-case basis if certain conditions are met). The State and county regulations in the Arizona Plan contain emission standards that are no less stringent than the EG. Thus, Arizona's section 111(d) plan complies with this requirement.

F. A Process for State Review and Approval of Site-Specific Gas Collection and Control System Design Plans

Subpart Cc at 40 CFR 60.33c(b) requires State plans to include a process for State review and approval of site-specific design plans for required gas collection and control systems. The process for ADEQ and county air district review and approval of site-specific gas collection and control systems is specified in the State Plan. Thus, Arizona's section 111(d) plan adequately addresses this requirement.

G. Compliance Schedules

The State's section 111(d) plan must include compliance schedules that owners and operators of affected MSW landfills must meet in complying with the requirements of the plan. Subpart Cc at 40 CFR 60.36c provides that planning, awarding of contracts, and installation of air emission collection and control equipment capable of meeting the EG must be accomplished within 30 months of the date on which the NMOC emission rate equals or exceeds 50 megagrams per year. The State and county regulations in the Arizona Plan contain the same compliance schedule as subpart Cc.

H. Testing, Monitoring, Recordkeeping and Reporting Requirements

Subpart Cc at 40 CFR 60.34c specifies the testing and monitoring provisions that State plans must include (60.34c specifically refers to the requirements found in 40 CFR 60.754 to 60.756), and 40 CFR 60.35c specifies the reporting and recordkeeping requirements (60.35c refers to the requirements found in 40 CFR 60.757 and 60.758). The State and county regulations in the Arizona Plan incorporate by reference the requirements found in 40 CFR 60.754 to 60.758. Thus, the State Plan satisfies the requirements of 40 CFR 60.34c and 60.35c.

I. A Record of Public Hearings on the State Plan

Subpart B at 40 CFR 60.23 contains the requirements for public hearings that must be met by the State in adopting a section 111(d) plan. The public hearing requirements were fulfilled during the State and county rulemakings. ADEQ included documents in the Plan submittal demonstrating that ADEQ and the county air districts complied with these requirements, as well as the State's administrative procedures. Therefore, EPA finds that Arizona has met this requirement.

J. Submittal of Annual State Progress Reports to EPA

Subpart B at 40 CFR 60.25(e) and (f) requires States to submit to EPA annual reports on the progress of plan enforcement. Arizona committed in its section 111(d) plan to submit annual progress reports to EPA. The first progress report will be submitted by the State one year after EPA approval of the State Plan. Therefore, EPA finds that Arizona has adequately met this requirement.

In summary, EPA finds that the Arizona State Plan meets all of the requirements applicable to such plans in 40 CFR part 60, subparts B and Cc.

III. Final Action

Based on the rationale discussed above, EPA is approving the State of Arizona section 111(d) plan for the control of landfill gas emissions from existing MSW landfills.[1] As provided by 40 CFR 60.28(c), any revisions to the Arizona State Plan or associated regulations will not be considered part of the applicable plan until submitted by the ADEQ in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the 111(d) plan should relevant adverse or critical comments be filed. This rule will be effective November 19, 1999 without further notice unless the Agency receives relevant adverse comments by October 20, 1999.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on November 19, 1999 and no further action will be taken on the proposed rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any section 111(d) plan. Each request for revision to the section 111(d) plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

[1] The State did not submit evidence of authority to regulate existing MSW landfills in Indian Country; therefore, EPA is not approving this Plan as it relates to those sources.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because State Plan approvals under section 111(d) of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal State Plan approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning State Plans on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Non-methane organic compounds, Methane, Municipal solid waste landfills, Reporting and recordkeeping requirements.

Dated: September 10, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.

40 CFR part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Subpart D is added to part 62 to read as follows:

Subpart D—Arizona

Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

Sec.

62.600 Identification of plan
62.601 Identification of sources.
62.602 Effective date.

Subpart D—Arizona

Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

§ 62.600 Identification of plan.

The Arizona Department of Environmental Quality submitted on June 17, 1997 and June 29, 1999 the State of Arizona's Section 111(d) Plan for Existing Municipal Solid Waste Landfills.

§ 62.601 Identification of sources.

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, as described in 40 CFR part 60, subpart Cc.

§ 62.602 Effective date.

The effective date of EPA approval of the plan is November 19, 1999.

[FR Doc. 99–24259 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6440–8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Hebelka Auto Salvage Yard site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region III announces the deletion of the Hebelka Auto Salvage Yard Site (Site) from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended. EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that all appropriate CERCLA response actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and PADEP have determined that remedial activities conducted at the Site to date have been

protective of public health, welfare and the environment.

EFFECTIVE DATE: September 20, 1999.

ADDRESSES: Comprehensive information on this release is available for viewing at the Site information repositories at the following locations: U.S. EPA, Region 3, Regional Center for Environmental Information, 1650 Arch Street, Philadelphia, PA 19103, (215) 814–5364. Weisenberg Township Building, 2175 Seipstown Road, Fogelsville, PA 18051, (610) 285–6660.

FOR FURTHER INFORMATION CONTACT: Ms. Deanna Moultrie (3HS21), U.S. Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, PA, 19103, (215) 814–5125.

SUPPLEMENTARY INFORMATION: The release to be deleted from the NPL is: Hebelka Auto Salvage Yard Site, Weisenberg Township, Pennsylvania

A Notice of Intent to Delete for this site was published June 24, 1999 (64 FR 33812). The closing date for comments on the Notice of Intent to Delete was July 26, 1999. EPA received no comments.

The EPA identifies releases which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those releases. Releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.66(c)(8) of the NCP, any release deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the Site warrant such action.

Deletion of a release from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 1, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 191 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site: Hebelka Auto Salvage Yard, Weisenberg Township, Pennsylvania.

[FR Doc. 99–24452 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1839 ; MM Docket No. 97–216; RM–9153]

Radio Broadcasting Services; Berlin and North Conway, NH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Fuller-Jeffrey Radio of New England, Inc., reallots Channel 279C from Berlin to North Conway, NH, as the community's first local aural service, and modifies the license of Station WPKQ's license to specify North Conway as its community of license. *See* 62 FR 54819, October 22, 1997. The Commission found that a waiver of Section 73.207 of the Commission's Rules was warranted in this case since Station WPKQ is a grandfathered short-spaced station with respect to Station WKNE, Channel 279B, Keene, NH, and the allotment will not alter any of the existing short-spacings. Channel 279C can be allotted to North Conway at Station WPKQ's presently licensed transmitter site, 44–16–14 NL; 71–18–15 WL. With this action, this proceeding is terminated.

DATES: Effective October 25, 1999.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–216, adopted September 8, 1999, and released September 10, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334. 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Hampshire, is amended by removing Channel 279C at Berlin, and by adding North Conway, Channel 279C.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24371 Filed 9–17–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 622 and 648

[Docket No. 981014259–8312–02; I.D. 091499B]

Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3 Period; Fisheries of the Caribbean, Gulf and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Commercial quota harvest for Quarter 3 period.

SUMMARY: NMFS announces that the black sea bass commercial quota available in the Quarter 3 period to the coastal states from Maine through North Carolina will have been harvested as of September 25, 1999. Commercial vessels may not land black sea bass in the Northeast Region for the remainder of the 1999 Quarter 3 quota period (through September 30, 1999). Regulations governing the black sea bass fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial

quota is available for landing black sea bass in these states north of 35°15.3' N. lat.

DATES: Effective 0001 hours, September 25, 1999, through 2400 hrs September 30, 1999 (local time).

FOR FURTHER INFORMATION CONTACT: Walter J. Gardiner, Fishery Management Specialist, (978) 281-9326.

SUPPLEMENTARY INFORMATION: Regulations governing the black sea bass fishery north of 35°15.3' N. lat. are found at 50 CFR part 648. Regulations governing the black sea bass fishery south of 35°15.3' N. lat. as part of the South Atlantic snapper-grouper fishery (also known as the NMFS Southeast Region snapper-grouper fisheries) are found at 50 CFR part 622. The regulations for black sea bass at 50 CFR part 648 require annual specification of a commercial quota that is allocated into four quota periods, based upon percentages of the annual quota. The Quarter 3 commercial quota (July through September) is distributed to the coastal states from Maine through North Carolina. The process to set the total annual commercial quota and the percent allocated to each state is described in § 648.140.

The initial total commercial quota for black sea bass for the 1999 calendar year was set equal to 3,025,000 lb (1,372,117 kg) (63 FR 72203, December 31, 1998). The Quarter 3 period quota, which is equal to 12.33 percent of the annual commercial quota, was set at 372,983 lb (169,182 kg).

Section 648.141 requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the commercial black sea bass quota for each quota period and, based upon dealer reports, state data, and other available information, to determine when the commercial quota has been harvested. The Regional Administrator is further required to publish notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the black sea bass commercial quota has been harvested and no commercial quota is available for landing black sea bass for the remainder of the Quarter 3 period north of 35°15.3' N. lat. The Regional Administrator has determined, based upon dealer reports and other available information, that the black sea bass commercial quota for the 1999 Quarter 3 period will have been harvested as of September 25, 1999.

The regulations at § 648.4(b) provide that, if the commercial black sea bass quota for a period is harvested and the coastal states are closed to the landing of black sea bass north of 35°15.3' N. lat., any vessel owner that holds valid commercial permits for both the black sea bass and the NMFS Southeast Region Snapper-Grouper fisheries may surrender their moratorium black sea bass permit by certified mail addressed to the Regional Administrator (See Table 1 to § 600.502) and fish pursuant to their Snapper-Grouper permit, as long as fishing is conducted exclusively in waters, and landings are made, south of 35°15.3' N. lat. A moratorium permit for the black sea bass fishery that is voluntarily relinquished or surrendered will be reissued upon the receipt of the vessel owner's written request after a minimum period of 6 months from the date of cancellation.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 14, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24315 Filed 9–17–99; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 181
Monday, September 20, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket Number FV–99–302]

RIN 0581–AB63

Fees for Destination Market Inspections of Fresh Fruits, Vegetables and Other Products

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the regulations governing the inspection and certification for fresh fruits, vegetables and other products by increasing by approximately 14 percent for most of the fees charged for the inspection of these products at destination markets. The fees for inspecting multiple lots of the same product during inspections would be increased more significantly and the per package fees for dock-side inspections would be increased and changed from a three interval schedule, based on weight, to a two interval schedule based on different weight thresholds. These revisions are necessary in order to recover, as nearly as practicable, the costs of performing inspection services at destination markets under the Agricultural Marketing Act of 1946. The fees charged to persons required to have inspections on imported commodities in accordance with the Agricultural Marketing Agreement Act of 1937 and for imported peanuts under the Agricultural Act of 1949 would also be affected.

DATES: Comments must be postmarked or courier dated on or before November 19, 1999.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments are to be sent to the Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 2049-South, Washington, DC 20090–6456; faxed to (202) 720–5136 or sent via e-mail to *FPB.DocketClerk@usda.gov*. Comments should make reference to the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Rob Huttenlocker, Assistant Chief, Fresh Products Branch, at the above address or call (202) 720–9771.

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed by the Office of Management and Budget and has been determined to be not significant for the purposes of Executive Order 12866.

Also, pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

AMS regularly reviews its user-fee financed programs to determine if the fees are adequate. The Fresh Products Branch (FPB) of the Fruit and Vegetable Programs, AMS, has and will continue to seek out cost saving opportunities and implement appropriate changes to reduce its costs. Such actions can provide alternatives to fee increases. However, even with these efforts, FPB's existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. Current revenue projections for FPB's destination market inspection work during FY 99 are $13.7 million with costs projected at $13.9 million and an end-of-year reserve of $2.2 million. However, FPB's trust fund balance for this program will be approximately $2.4 million under the approximate $4.6 million deemed necessary to provide an adequate reserve balance in light of increasing program costs. Further, FPB's costs of operating the destination market program are expected to increase to approximately $14.5 million during FY 00 and to approximately $15.0 million during FY 01. These cost increases will result from inflationary increases with regard to current FPB operations and services (primarily salary and benefits), the training and equipment required to promote improved workplace safety, and the acquisition of additional computer-related technology.

Employee salaries and benefits are major program costs that account for approximately 80 percent of FPB's total operating budget. A general and locality salary increase for Federal employees, ranging from 3.54 to 4.02 percent depending on locality, effective January 1999, has significantly increased program costs. In addition, inflation also impacts FPB's non-salary costs. These factors have increased FPB's costs of operating this program by approximately $500,000 per year. In addition, a general and locality salary increase of at least 4.4 percent is anticipated in January 2000. This salary adjustment will increase FPB's costs by over $600,000 per year.

Additional revenues are also necessary in order for FPB to cover the costs of the additional staff, office space, and equipment ($150,000) needed in two federal market offices that were established during FY 99 (*e.g.*, Brooklyn, New York, and Oklahoma City, Oklahoma). Additional, revenues are also needed to cover the costs of providing safety orientation training to FPB's personnel and purchasing safety shoes for FPB's inspection personnel ($50,000). Finally, FPB needs an additional $200,000 per year to cover the costs of securing the equipment (*e.g.*, digital imaging cameras and computers and necessary information systems upgrades) needed to expand FPB's services and to make existing services more efficient in the future.

This proposed fee increase should result in an estimated $2.5 million in additional revenues per year (only $1.8 million during FY 00 since any fee increase would be effective on or after January 1, 2000) and should enable FPB to cover its costs while building its reserves from the current level of $2.2 million to closer to the $4.6 million level by the end of FY 2001.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. The proposed action described herein is being taken for several reasons, including that additional user fee revenues are needed to cover the costs of: (1) Providing current program operations and services; (2) improving

the timeliness with which inspection services are provided; (3) creating a safer working environment; and (4) acquiring technological advancements (*e.g.*, digital imaging cameras and computers and necessary information systems upgrades) aimed at expanding FPB's services and making them more efficient in the future. This proposed rule should increase user fee revenue generated under the destination market program by approximately $2.5 million or approximately 18 percent per year. While most of the fees would increase by approximately 14 percent, the fee for inspections of multiple lots of the same product during inspections, commonly referred to as "sublots," would be increased from $14–$32 because FPB's current fee does not nearly cover the costs of performing these inspections (between 20–25 percent of the destination market inspections conducted by FPB involve sublots). In addition, the per package rates for dock-side inspections would be increased and changed from a three interval schedule (based on package weight) to a two interval schedule (based on different weight thresholds). The two interval schedule would be simpler to administer and more appropriate given current packaging trends. This action is authorized under the Agricultural Marketing Act (AMA) of 1946 (see 7 U.S.C. 1622(h)) which states that the Secretary of Agriculture may assess and collect "such fees as will be reasonable and as nearly as may be to cover the costs of services rendered * * *."

There are more than 2,000 users of FPB's destination market grading services (including applicants who must meet import requirements [1]— inspections which amount to under 2.5 percent of all lot inspections performed). A small portion of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.601). There would be no additional reporting, recordkeeping, or other compliance requirements imposed upon small entities as a result of this proposed rule. In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements in Part 51 have been approved previously by OMB and assigned OMB No. 0581-0125. FPB has not identified any other Federal rules which may duplicate, overlap or conflict with this proposed rule.

The destination market grading services are voluntary (except when required for imported commodities) and the fees charged to users of these services vary with usage. However, the impact on all businesses, including small entities, is very similar. Further, even though fees would be raised, the increase would not be excessive (approximately fourteen percent for the most common fees) and should not significantly affect these entities. Finally, except for those persons who are required to obtain inspections, most of these businesses are typically under no obligation to use these inspection services, and, therefore, any decision on their part to discontinue the use of the services should not prevent them from marketing their products.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed action is not intended to have retroactive effect. This proposed rule will not preempt any state or local laws, regulations or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this proposed rule.

Proposed Action

The AMA authorizes official inspection, grading and certification, on a user-fee basis, of fresh fruits, vegetables and other products such as raw nuts, Christmas trees and flowers. The AMA provides that reasonable fees be collected from the users of the services to cover, as nearly as practicable, the costs of the services rendered. This proposed rule would amend the schedule for fees and charges for inspection services rendered to the fresh fruit and vegetable industry to reflect the costs necessary to operate the program.

AMS regularly reviews its user-fee programs to determine if the fees are adequate. While FPB continues to search for opportunities to reduce its costs, the existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. Current revenue projections for destination market inspection work during FY 99 are $13.7 million with costs projected at $13.9 million and an end-of-year reserve of $2.2 million. However, FPB's trust fund balance for this program will be approximately $2.4 million under the approximate $4.6 million deemed necessary to provide an adequate reserve balance in light of increasing program costs. Further, FPB's costs of operating the destination market program are expected to increase to approximately $14.5 million during FY 00 and to approximately $15.0 million during FY 01. These cost increases (which are outlined below) will result from inflationary increases with regard to current FPB operations and services (primarily salary and benefits), the training and equipment required to promote improved workplace saftey, and the acquisition of additional computer and related technology.

Employee salaries and benefits are major program costs that account for approximately 80 percent of FPB's total operating budget. A general and locality salary increase for Federal employees, ranging from 3.54 to 4.02 percent depending on locality, effective January 1999, significantly increased program costs. In addition, inflation also impacts FPB's non-salary costs. These factors have increased FPB's costs of operating this program by approximately $500,000 per year. In addition, a general and locality salary increase of at least 4.4 percent is anticipated in January 2000. This salary adjustment will increase FPB's costs by over $600,000 per year.

Additional revenues are also necessary in order for FPB to cover the costs of the additional staff, office space, and equipment ($150,000) needed in two federal market offices that were established during FY 99 (*e.g.*, Brooklyn, New York, and Oklahoma City, Oklahoma). Additional, revenues are also needed to cover the costs of providing safety orientation training to FPB's personnel and purchasing safety shoes for FPB's inspection personnel ($50,000). Finally, FPB needs an additional $200,000 per year to cover the costs of securing the equipment (*e.g.*, digital imaging cameras and computers and information systems upgrades) needed to expand FPB's

[1] Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), requires that whenever the Secretary of Agriculture issues grade, size, quality or maturity regulations under domestic marketing orders for certain commodities, the same or comparable regulations on imports of those commodities must be issued. Import regulations apply during those periods when domestic marketing order regulations are in effect.

Currently, there are 15 commodities subject to 8e import regulations: avocados, dates (other than dates for processing), filberts, grapefruit, kiwifruit, limes, olives (other than Spanish-style green olives), onions, oranges, Irish potatoes, prunes, raisins, table grapes, tomatoes and walnuts. A current listing of the regulated commodities can be found under 7 CFR parts 944, 980 and 999. Section 999.600 establishes minimum quality, identification, certification and safeguard requirements for foreign produced farmers stock, shelled and cleaned in-shell peanuts presented for importation into the United States. Import requirements applicable to peanuts may be found under subparagraph (f)(2) of section 108B of the Agricultural Act of 1949 (7 U.S.C. 1445c–3), as amended November 28, 1990, and August 10, 1993, and section 155 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7271).

services and to make existing services more efficient in the future.

This proposed fee increase should result in an estimated $2.5 million in additional revenues per year (only $1.8 million during FY 00 since any fee increase would be effective on or after January 1, 2000) and should enable FPB to cover its costs while building its reserves from the current level of $2.2 million to closer to the $4.6 million level by the end of FY 2001.

Based on the aforementioned analysis of this program's increasing costs, AMS proposes to increase the fees for destination market inspection services. The following table compares current fees and charges with the proposed fees and charges for fresh fruit and vegetable inspection as found in 7 CFR 51.38. This table also reflects the proposed change to the per package fees for dock-side inspections that are currently on a three interval schedule based on weight, to a two interval schedule based on different weight thresholds. Unless otherwise provided for by regulation or written agreement between the applicant and the Administrator, the charges in the schedule of fees as found in § 51.38 are:

Service	Current	Proposed
Quality and condition inspections of one to four products each in quantities of 51 or more packages and unloaded from the same land or air conveyance:		
—Over a half carlot equivalent of each product	$86	$98.
—Half carlot equivalent or less of each product	$72	$82.
—For each additional lot of the same product	$14	$32.
Condition only inspections of one to four products each in quantities of 51 or more packages and unloaded from the same land or air conveyance:		
—Over a half carlot equivalent of each product	$72	$82.
—Half carlot equivalent or less of each prod .ct	$66	$75.
—For each additional lot of the same produ .t	$14	$32.
Quality and condition and condition only inspections of five or more products each in quantities of 51 or more packages and unloaded from the same land or air conveyance:		
—For the first five products	$305	$348.
—For each additional product	$43	$49.
—For each additional lot of any of the same product	$14	$32.
Quality and condition and condition only inspections of products each in quantities of 50 or less packages unloaded from the same land or air conveyance:		
—For each product	$43	$49.
—For each additional lot of any of the same product	$14	$32.
Dock-side inspections of an individual product unloaded directly from the same ship:		
—For each package weighing less than 15 pounds	1.1 cents	NA.
—For each package weighing 15 to 29 pounds	2.2 cents	NA.
—For each package weighing 30 or more pounds	3.3 cents	NA.
—For each package weighing less than 26 pounds	NA	2.5 cents.
—For each package weighing 26 or more pounds	NA	3.5 cents.
—For each additional lot of any of the same product	$14	$32.
—Minimum charge per individual product	$86	$98.
Inspections performed for other purposes during the grader's regularly scheduled work week	$43 per hour	$49 per hour.
Overtime or holiday premium rate (per hour additional) for all inspections performed outside the grader's regularly scheduled work week.	$21.50 per hour	$24.50 per hour.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Trees, Vegetables.

For reasons set forth in the preamble, 7 CFR Part 51 is proposed to be amended as follows:

PART 51—[AMENDED]

1. The authority citation for 7 CFR part 51 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. Section 51.38 is revised to read as follows:

§ 51.38 Basis for fees and rates.

(a) When performing inspections of product unloaded directly from land or air transportation, the charges shall be determined on the following basis:

(1) For products in quantities of 51 or more packages:

(i) Quality and condition inspection of 1 to 4 products unloaded from the same conveyance:

(A) $98 for over a half carlot equivalent of an individual product.

(B) $82 for a half carlot equivalent or less of an individual product.

(C) $32 for each additional lot of the same product.

(ii) Condition only inspection of 1 to 4 products unloaded from the same conveyance:

(A) $82 for over a half carlot equivalent of an individual product.

(B) $75 for a half carlot equivalent or less of an individual product.

(C) $32 for each additional lot of the same product.

(iii) Quality and condition inspection and/or condition only inspection of 5 or more products unloaded from the same conveyance:

(A) $348 for the first 5 products.

(B) $49 for each additional product.

(C) $32 for each additional lot of any of the same product.

(2) For quality and condition inspection and/or condition only inspection of products in quantities of 50 or less packages unloaded from the same conveyance:

(i) $49 for each individual product.

(ii) $32 for each additional lot of any of the same product.

(b) When performing inspections of palletized products unloaded directly from sea transportation or when palletized product is first offered for inspection before being transported from the dock-side facility, charges shall be determined on the following basis:

(1) For each package inspected according to the following rates:

(i) 2.5 cents per package weighing less than 26 pounds; and

(ii) 3.5 cents per package weighing 26 or more pounds.

(2) $32 for each additional lot of any of the same product.

(3) A minimum charge of $98 for each product inspected.

(c) When performing inspections of products from sea containers unloaded directly from sea transportation or when palletized products unloaded directly from sea transportation are not offered for inspection at dock-side, the carlot fees in § 51.38(a) shall apply.

(d) When performing inspections for Government agencies, or for purposes other than those prescribed in the preceding paragraphs, including weight-only and freezing-only inspections, fees for inspection shall be based on the time consumed by the grader in connection with such inspections, computed at a rate of $49 an hour: Provided, That:

(1) Charges for time shall be rounded to the nearest half hour;

(2) The minimum fee shall be two hours for weight-only inspections, and one-half hour for other inspections; and

(3) When weight certification is provided in addition to quality and/or condition inspection, a one-hour charge shall be added to the carlot fee.

(4) When inspections are performed to certify product compliance for Defense Personnel Support Centers, the daily or weekly charge shall be determined by multiplying the total hours consumed to conduct inspections by the hourly rate. The daily or weekly charge shall be prorated among applicants by multiplying the daily or weekly charge by the percentage of product passed and/or failed for each applicant during that day or week. Waiting time and overtime charges shall be charged directly to the applicant responsible for their incurrence.

(e) When performing inspections at the request of the applicant during periods which are outside the grader's regularly scheduled work week, a charge for overtime or holiday work shall be made at the rate of $24.50 per hour or portion thereof in addition to the carlot equivalent fee, package charge, or hourly charge specified in this subpart. Overtime or holiday charges for time shall be rounded to the nearest half hour.

(f) When an inspection is delayed because product is not available or readily accessible, a charge for waiting time shall be made at the prevailing hourly rate in addition to the carlot equivalent fee, package charge, or hourly charge specified in this subpart. Waiting time shall be rounded to the nearest half hour.

Dated: September 15, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–24438 Filed 9–17–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1137

[DA–99–07]

Milk in the Eastern Colorado Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; suspension.

SUMMARY: This document invites written comments on a proposal to suspend certain sections of the Eastern Colorado Federal milk marketing order until implementation of Federal milk order reform on October 1, 1999. The proposed rule would reinstate a suspension that expired on August 31, 1999, which makes it easier for cooperative associations to qualify milk for pooling under the order. Dairy Farmers of America, Inc. (DFA), a cooperative association that represents nearly all of the producers who supply milk to the Eastern Colorado market, has requested continuation of the suspension. DFA asserts that the suspension is necessary to prevent uneconomical and inefficient movements of milk.

DATES: Comments must be submitted on or before September 27, 1999.

ADDRESSES: Comments (two copies) should be filed with USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, PO Box 96456, Washington, DC 20090–6456. Advance, unofficial copies of such comments may be faxed to (202) 690–0552. Reference should be given to the title of the action and its docket number.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, PO Box 96456, Washington, DC 20090–6456, (202) 720–9368, e-mail address: clifford.carman@usda.gov.

SUPPLEMENTARY INFORMATION: The Department is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. If adopted, this proposed rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service considered the economic impact of this action on small entities and has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a "small business" if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. For the purposes of determining which dairy farms are "small businesses," the $500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most "small" dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of June 1999, the milk of 203 producers was pooled on the Eastern Colorado milk order. Of these producers, 105 were below the 326,000-pound production guideline and are considered small businesses.

For June 1999, there were eight handlers operating pool plants under the Eastern Colorado milk order. Of these handlers, five are considered small businesses.

This rule would lessen the regulatory impact of the order on certain milk

handlers and would tend to ensure that dairy farmers would have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Interested parties are invited to submit comments on the probable regulatory and informational impact of this proposed rule on small entities. Also, parties may suggest modifications of this proposal for the purpose of tailoring their applicability to small businesses.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act, the suspension of the following provisions of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered until Federal milk order reform is implemented October 1, 1999:

In § 1137.12(a)(1), the words "from whom at least three deliveries of milk are received during the month at a distributing pool plant'; and in the second sentence "30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of", and the word "distributing".

All persons who want to submit written data, views or arguments about the proposed suspension should send two copies of their views to USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, PO Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures before the start of the next marketing period.

All written submissions made pursuant to this notice will be made available for public inspection in Dairy Programs during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed rule would suspend certain provisions of the Eastern Colorado order until implementation of Federal Order Reform. The proposed suspension would make it easier for a cooperative association to qualify milk for pooling under the order.

Continuation of the suspension that expired on August 31, 1999, was requested by DFA, a cooperative association which represents nearly all of the dairy farmers who supply the Eastern Colorado market. DFA contends that milk from some producers is required every day of the month in order to meet market demands, while milk from some other producers is required most days of the month and milk from a few producers is required only a few days each month to meet market demands. DFA asserts that with the suspension in place the market can be served in the most efficient manner possible because milk required by the market only a few days each month can maintain association with the market without being required to be delivered to pool distributing plants each month. DFA projects that, without the suspension, inefficient and costly movements of milk would have to be made to maintain the pool status of producers who historically have supplied the market.

Accordingly, it may be appropriate to suspend the aforesaid provisions until completion of Federal Order Reform.

List of Subjects in 7 CFR Part 1137

Milk marketing orders.

The authority citation for 7 CFR part 1137 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Dated: September 13, 1999.

Richard M. McKee,

Deputy Administrator, Dairy Programs.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 61

Proposed Compatibility Designation Change and Draft Emplacement Criticality Guidance for Low-Level Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting public comment as to whether the compatibility designation of 10 CFR 61.16(b)(2) should be changed. The compatibility designation relates to the extent which an Agreement State's regulations must be compatible with NRC requirements. The section of the Commission's regulations under consideration requires low-level waste (LLW) disposal facility licensees who receive and possess special nuclear material (SNM) to describe proposed procedures to avoid accidental criticality for storage of SNM waste prior to disposal and after disposal in the ground. In addition, NRC also is requesting comment on draft guidance on emplacement criticality at LLW disposal facilities.

DATES: Submit comments by October 20, 1999. Comments received after this date will be considered, if it is practical to do so, but assurance of consideration can only be given to comments received on or before this date.

ADDRESSES: Submit comments to David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Hand deliver comments to 11545 Rockville Pike, Rockville, MD between 5:15 am and 4:30 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (*http://www.nrc.gov*). From the home page, select "Rulemaking" from the tool bar. The interactive rulemaking website can then be accessed by selecting "New Rulemaking Website." This site provides the ability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905; e-mail cag@nrc.gov.

A copy of the draft guidance (NUREG/CR–6626, Emplacement Guidance for Criticality Safety in Low-Level Waste Disposal) can be obtained from the Internet at "http://ruleforum.llnl.gov," or contact Mr. Tim Harris (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Tim Harris, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC, 20555, telephone (301) 415–6613, or e-mail at TEH@NRC.GOV.

Background

Section 274 of the Atomic Energy Act of 1954 (AEA), as amended, provides a statutory basis for discontinuance by the NRC, and the assumption by the State, of regulatory authority for byproduct material, source material, and SNM in quantities not sufficient to form a critical mass. As stated in the Commission's Policy Statement on Adequacy and Compatibility of Agreement State Programs (62FR46517, September 3,1997), NRC and Agreement States have the responsibility to ensure that there is adequate protection of public health and safety and that radiation control programs are administered consistent and compatible with NRC's program.

Quantities of SNM not sufficient to form a critical mass are defined in 10 CFR 150.11 as enriched uranium not exceeding 350 grams, uranium-233 not exceeding 200 grams, plutonium not

exceeding 200 grams, or mixtures where the sum of the fractions is less than unity. These quantities of SNM can be regulated by the Agreement States. In both Agreement States and non-Agreement States, an NRC license is required for persons who possess quantities of SNM in excess of the § 150.11 limits. As it pertains to disposal facilities, the possession limits apply to material above-ground. Once the SNM waste is disposed of (i.e., placed in the disposal trench), SNM waste is not restricted by the § 150.11 limits.

Currently 10 CFR 61.16 is not a regulation required for Agreement State adoption; therefore, there is no equivalent Agreement State regulatory requirement for Agreement State licensees of existing or future LLW facilities to follow the equivalent of § 61.16(b)(2) and to evaluate emplacement criticality safety. This section of 10 CFR Part 61 requires LLW disposal facility licensees who receive and possess SNM waste to describe proposed procedures to avoid accidental criticality for storage of SNM waste prior to disposal and after disposal in the ground. Although the SNM mass limits in Part 150 restrict above-ground possession and ensure criticality safety above-ground (during receipt and storage), there is no equivalent mass restriction or other controls which limit the amount of SNM waste that can be placed in a disposal trench; and therefore, the question of criticality safety below-ground after disposal is left open. A technical basis for NRC's concern regarding emplacement criticality safety is presented in the DISCUSSION section of this document.

LLW containing SNM is currently disposed of at three facilities: Barnwell, South Carolina; Hanford, Washington; and Clive, Utah. All of these facilities are licensed by Agreement States. From the 1970's to 1997, NRC licensed the Barnwell and Hanford facilities under 10 CFR Part 70, to receive, possess, store, and dispose of kilogram quantities of SNM waste. In 1997, these facilities requested that the SNM possession limits be reduced to the Section 150.11 limits, and that NRC licenses be transferred to the respective Agreement States. These actions have been taken for both (Barnwell and Hanford).

The State of Washington incorporated NRC criticality controls for emplaced waste in license conditions in its Hanford license. Although not in the license, the State of South Carolina has required the licensee to implement the SNM waste emplacement procedures that address criticality safety. These procedures cannot be changed by the operator without State approval. NRC recently issued an Order to Envirocare that exempts Envirocare from the licensing requirements in 10 CFR Part 70 for possession of SNM waste at concentration limits in the Order, which ensures criticality safety. The conditions of the Order have been incorporated into the State of Utah license.

If NRC changes the compatibility designation for § 61.16(b)(2), then LLW disposal facility licensees would be required to develop procedures for avoiding accidental criticality, during both storage of SNM waste prior to disposal and after disposal in the ground. These procedures would then be reviewed and approved by Agreement State staffs. Given that licensees and Agreement State staffs may not have experience in criticality safety, NRC has developed guidance that could be used by licensees and Agreement State staffs to demonstrate compliance with § 61.16(b)(2). A summary of this draft guidance and how the guidance is envisioned to be used are provided in the DISCUSSION section of this document.

Discussion

This section presents a discussion of the following: (1) the technical basis for requiring emplacement criticality controls; (2) NRC staff's assessment of the compatibility designation for 10 CFR 61.16(b)(2); (3) a summary of the draft guidance; (4) the envisioned implementation if the compatibility of § 61.16(b)(2) is changed; and (5) NRC staff's assessment of potential resource impacts on Agreement States.

Technical Basis

Spontaneous nuclear fission occurs naturally in a very small percent of radioactive decays in some elements. When fission occurs, neutrons are emitted, along with fission fragments (e.g., cesium and strontium). The neutrons that are produced may be absorbed by an atom without causing a fission, may be absorbed by an SNM atom and cause a fission, or may not collide with any atoms. SNM (i.e., uranium-235, uranium-233, and plutonium) is unique from most materials in that a fission, not associated with a radioactive decay, can occur when a neutron collides with its nucleus. In natural materials such as soils containing natural uranium, neutrons produced by spontaneous fission are typically absorbed by uranium-238 atoms and do not collide with a uranium-235 atom possibly resulting in fission. Criticality is a chain reaction where large numbers of neutrons are produced, and can occur when sufficient SNM is present.

For a criticality to occur, special conditions involving a number of factors must occur. Important factors that affect the criticality safety of a LLW disposal site are: (1) the isotope; (2) enrichment; (3) mass; (4) concentration; and (5) presence of neutron moderating and absorbing materials. Each of these is discussed below. (Following this is a discussion of these factors relative to possible scenarios).

(1) Isotope: The SNM isotopes present in LLW are dependent on the waste stream. The vast majority of SNM waste is generated from the production of nuclear fuel for nuclear power plants and from LLW generated by nuclear power plants. Of the SNM isotopes, uranium-235 is the most common. Large quantities of plutonium and uranium-233 (the other SNM isotopes) are not present in the commercial waste. However, these materials are present in Department of Energy (DOE) facility waste, and some DOE waste is being shipped to commercial LLW disposal facilities.

(2) Enrichment: Enrichment is a ratio of the weight of uranium-235 to the weight of the total uranium and is commonly expressed as a percent. Natural uranium, found in most soils, has an average enrichment of 0.71 percent. In order to be used as nuclear fuel, natural uranium must be enriched in uranium-235. Most nuclear fuel is enriched to less than 6 percent, which is considered low-enriched uranium; however, some nuclear fuel for special reactors such as those in naval vessels is enriched to much higher values, which is considered high enriched uranium. At enrichments less than about 0.96 percent, criticality is not possible regardless of the mass or concentration. As enrichment increases, criticality becomes a greater concern. Although most of the SNM waste contains low-enriched uranium, some waste contains high-enriched uranium.

(3) Mass: As discussed above, disposal facilities that are licensed by Agreement States and do not have an NRC license are subject to the SNM possession limits in Part 150 for above ground possession. These limits are based on a fraction of the minimum mass required to achieve a criticality. Under these limits, there is simply not enough SNM to cause a criticality regardless of the enrichment or concentration. However, these limits have been applied to above-ground possession, and SNM waste that has been disposed of is no longer be subject to these limits. Historic records at disposal sites indicate that some

disposal units (trenches) have a mass of uranium-235 in the hundreds of kilogram range. Therefore, it is reasonable to assume that large masses of SNM waste will be disposed of in disposal units in the future.

In some cases, the mass of SNM in individual packages is limited by the requirements in Part 71 (Packaging and Transportation of Radioactive Material). The majority of SNM waste shipped to a LLW disposal facility is transported under 10 CFR 71.53 as "fissile exempt." This means it does not have to comply with the fissile material package standards in §§ 71.55 and 71.59. In order to be "fissile exempt", the quantity of unusual moderators (beryllium, graphite, or deuterium) is limited as is either the mass per package, the amount of moderator (water), concentration, enrichment, or mass per consignment. For example, SNM waste can be shipped as fissile exempt, if it contains no more than 15 grams of SNM per package. However, some general licenses in Part 71 allow for SNM waste to be shipped at higher masses per package. For example,10 CFR 71.22 allows up to 500 grams per shipment, which could be in a single container, provided unusual moderators are limited to 0.1 percent of the mass of the fissile material. This general license does not restrict concentration or enrichment. Therefore, mass cannot be eliminated as a factor of concern based solely on packaging and transportation regulations. As mass increases, criticality becomes a greater concern.

(4) Concentration: In some cases, the concentration of SNM received by a LLW disposal facility is limited by the requirements in Part 71. While significant quantities of SNM waste can be shipped under a number of general licenses, the majority of SNM waste shipped to a LLW disposal facility is transported as "fissile exempt". As noted above, in order to be "fissile exempt", the quantity of unusual moderators (beryllium, graphite, or deuterium) is limited, as is either the mass per package, the amount of moderator (water), the concentration, the enrichment, or the mass per consignment. For example, SNM waste can be shipped as fissile exempt, if it contains no more than 5 grams of SNM in any 10 liter volume. However, some general licenses in Part 71 allow for SNM waste to be shipped at higher concentrations per package. Therefore, concentration cannot be eliminated as a factor of concern based solely on packaging and transportation regulations.

(5) Presence of neutron moderator and absorbers: Neutrons that are produced during a fission have a relatively high energy and are termed "fast" neutrons. Moderators are materials that reduce the energy, or slow neutrons. This is important because uranium-235 is much more likely to be fissioned by slow neutrons than by fast neutrons. Therefore, the presence of moderator materials can increase the criticality concern. Elements such as hydrogen and carbon are particularly good moderators. Because water is abundant and is a very efficient moderator, assuming water is present is a common approach in evaluating the criticality significance of situations. However, there are certain materials such as beryllium, graphite, and deuterium that are more efficient moderators than water. These material are commonly termed "unusual" moderators.

Absorbers are materials that absorb or capture neutrons. Because capturing neutrons prevents those neutrons from possibly causing a fission, the presence of absorber materials will decrease the criticality concern. Most materials act both as a moderator and an absorber to varying degrees.

In some cases the presence of moderator material is limited by the requirements in Part 71. However, this is not always the case. It is reasonable to assume that moderators, such as water, will be present in the waste. In analyzing the criticality hazard of waste at LLW disposal facilities, it is conservative to assume that moderators will be present in optimal amounts. The presence of absorber materials is not limited by regulations. These materials, such as iron, calcium, etc., are present in LLW and in the waste containers. However, the amount and distribution of absorbers cannot be assured, so they are typically omitted in analyzing criticality hazards. For example, although a steel drum acts as an absorber, the drum will corrode within tens of years and can no longer be depended on to contain the waste and act as an absorber.

Possible Scenarios

In order for a criticality to occur, several of the above factors must be above certain values. For instance, a criticality cannot occur if the mass of the SNM is below a certain value regardless of the enrichment or concentration. A criticality cannot occur if the concentration of the SNM is below a certain value regardless of the enrichment or mass. A criticality cannot occur if the enrichment is below a certain value regardless of the mass or concentration.

Considering what can be controlled by Parts 71 and 150, several scenarios can be postulated. For waste shipped as "fissile exempt", concentrations can be limited to 5 grams of SNM per 10 liters. This translates to 104 grams of enriched uranium for a typical waste container (i.e., 55-gallon drum). In addition, under the fissile exemption unusual moderators are limited. Assuming a density of waste of 68 pounds per cubic foot, this concentration (4.6E–4 gram of uranium-235 per gram of waste) is smaller than the allowable operational concentration limit in the draft guidance (NUREG/CR–6626, Emplacement Guidance for Criticality Safety in Low-Level Waste Disposal) and therefore is considered safe. The limits in the draft guidance have been developed considering that absorbers are not present and that moderation with water is optimal to maximize the possibility of fissions.

For waste that does not meet the fissile exemption criteria, concentration, enrichment, and mass are not controlled. Given that disposal facilities licensed by Agreement States can only possess 350 grams, a package containing 350 grams of highly enriched uranium could be shipped to a disposal facility. Using the example of waste shipped in 55-gallon drums with a waste density of 68 pounds per cubic foot, the uranium-235 concentration is 1.5E–3 gram of uranium-235 per gram of waste. This concentration exceeds the limit for high enriched uranium in the draft guidance (8.3E–4 gram U–235/gram of waste for a 10-foot high disposal unit). While a single container would not represent a criticality concern, an array of such drums could represent a criticality concern.

Using the criticality calculations in NUREG/CR–6505 Volumes 1 and 2, "The Potential for Criticality Following Disposal of Uranium at Low-Level Waste Facilities," an array of low-enriched uranium (10 percent enrichment) drums stacked more than 15 feet high could pose a criticality concern. An array of high-enriched uranium (100 percent enrichment) drums stacked more than 11 feet high could pose a criticality concern. Trenches at burial sites are deeper than 15 feet. These calculations assume optimal water moderation and no absorbers. Although there is significant uncertainty associated with a waste facility receiving and disposing of numerous drums containing large amounts of SNM, there are no regulatory limitations to preclude this situation.

NRC Staff Assessment of Compatibility Designation

At the time the compatibility designations were originally selected for Part 61 (1983), the NRC directly regulated SNM at LLW disposal facilities. Becuase the NRC is responsible for SNM in greater than critical mass quantities and regulated SNM at LLW disposal facilities, there was no need for Agreement States to adopt these requirements. These requirements were designated "Not Required for Compatibility." As noted above, LLW disposal facilities reduced their SNM possession limits to those provided in 10 CFR 150.11 (350 grams or less). This authority was assumed by the respective Agreement State; thus, the NRC no longer directly regulates SNM at LLW disposal facilities, including the authority to administer waste emplacement criticality controls. Therefore, the NRC is considering changing the compatibility designation of § 61.16(b)(2) to ensure these safety measures are applied in the disposal of SNM.

NRC staff used the procedures outlined in Management Directive 5.9, "Adequacy and Compatibility of Agreement State Programs," and concluded that the compatibility designation for § 61.16(b)(2) should be revised from category "Not Required for Compatibility", to category "Health and Safety". "Health and Safety" applies to activities that could result directly in an exposure to an individual in excess of basic radiation protection standards, if the essential objectives of the provision were not adopted by an Agreement State. If an inadvertent criticality were to occur at a LLW disposal facility, workers could receive doses in excess of the 10 CFR Part 20 limits. Under the "Health and Safety" category, Agreement States that have currently operating LLW disposal facilities and those States which will be establishing LLW disposal facilities in the future, would need to adopt legally binding requirements that encompass the essential objectives of 10 CFR 61.16(b)(2) within three years of the change of designation in compatibility. This requirement would continue to be designated as "Not Required for Compatibility," for other Agreement States.

Summary of Draft Emplacement Criticality Guidance

The draft guidance provides a general approach to emplacement criticality safety. Five different SNM isotopic compositions were studied: uranium-235 at 10 and 100 percent enrichment; uranium-233; plutonium-239; and a mixture of plutonium-239, -240, and -241. Three different graded approaches are presented. The first graded approach is the most conservative, and can be used easily for facilities that dispose of very low levels of SNM, or dispose of material with a low average enrichment. This approach relies on the calculation of average areal density, or grams of SNM per square foot, or on the average enrichment of SNM. The area over which averaging may be performed also is specified, but the emplacement depth and concentration are not limited.

The second graded approach relies on limiting the average concentration by weight of SNM in the waste, and on limiting the depth of the emplacement. This method may be useful for facilities that emplace somewhat higher areal densities of SNM, but which do not use vaults or segmentation in the disposal emplacement.

The third graded approach relies on limiting the average concentration by weight of SNM in the waste, and on the presence of segmenting barriers, such as vaults, that will prevent movement of SNM waste from one side of the barrier to the other. This method may be useful for facilities that use concrete vaults in their disposal areas.

Envisioned Implementation of Guidance and Change in Compatibility

If the compatibility designation of 10 CFR 61.16(b)(2) were changed from "Not Required for Compatibility" to "Health and Safety", Agreement States would have three years to implement regulations or other legally binding requirements compatible with § 61.16(b)(2). As noted earlier, the States of Washington and South Carolina currently have emplacement criticality controls. The compatibility change will assure that future LLW disposal facilities in Agreement States will have criticality safety controls for emplaced SNM waste.

After these legally binding requirements have been implemented, the Agreement State regulatory program would require their licensees (disposal facility operators) to prepare and submit information demonstrating compliance with their equivalent of 10 CFR 61.16(b)(2).

To assist the States and licensees, NRC has prepared emplacement criticality safety guidance. Licensees would review the types of waste and disposal operations and determine which of the graded approaches in the guidance were appropriate for its facility. For each of the graded approaches, the NRC draft guidance includes criticality safety limits and a description of how to calculate the limits based on readily available information. The draft guidance also indicates the type of procedures that would need to be developed for each of the graded approaches. This guidance would serve as a technical basis for preparing the license amendment requests submitted to the Agreement States.

The Agreement State regulator would then review this amendment request and modify the license as appropriate. Again, the guidance would serve as the technical basis for the State regulator.

NRC Staff Assessment of Potential Resource Impact on Agreement States

NRC staff has estimated the potential resource impacts on Agreement States to implement a change in the compatibility of 10 CFR 61.16(b)(2). As indicated above, the first step would be to modify its regulations or other legally binding requirements to be compatible with § 61.16(b)(2). We consider that only a minor modification would be necessary to the existing Agreement State Part 61 equivalent regulations, or that the compatibility change could be administered through other legally binding requirements. We estimate that this will take four to six-State staff weeks. The next step of an Agreement State would be to review the licensee's amendment request and/or procedure changes. We estimate that this will take two-State staff weeks. Some additional effort would be required for inspection of the facility; however, this effort is not estimated to be significant.

Dated at Rockville, Maryland this 9th day of September, 1999.

For the Nuclear Regulatory Commission.

Daniel M. Gillen,

Acting Chief, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99–24254 Filed 9–17–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–21–AD]

RIN 2120–AA64

Airworthiness Directives; Hartzell Propeller Inc. ()HC–()()Y()–() Series Propellers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Hartzell Propeller Inc. ()HC–()()Y()–() series propellers, identified by hub serial numbers, that were returned to service by Brothers Aero Services Company, Inc. (BASCO). This proposal would require maintenance actions amounting to an overhaul of affected propellers. This proposal is prompted by reports of propellers returned to service by BASCO as overhauled that had numerous unsafe conditions after being returned to service by BASCO. The actions specified by the proposed AD are intended to prevent propeller failure from the conditions present after being returned to service by BASCO, and possible airplane loss of control.

DATES: Comments must be received by November 19, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–21–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Hartzell Propeller Inc., Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778–4200, fax (937) 778–4365.

FOR FURTHER INFORMATION CONTACT: Tomaso DiPaolo, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone (847) 294–7031, fax (847) 294–7834.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NE–21–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–21–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Federal Aviation Administration (FAA) has examined the results of teardown inspections of six Hartzell Propeller Inc ()HC–()()Y()–() series propellers returned to service as overhauled by Brothers Aero Services Company, Inc. (BASCO) that contained numerous unsafe conditions. BASCO, formerly Air Agency Certificate Number B4TR903J, had their certificate revoked by Amended Order of Revocation, dated May 12, 1999. The investigation further revealed that an additional 71 specific propellers had been returned to service by BASCO from November 1996 through October 1998 that potentially have the same conditions present. In total, 77 specific propellers have been identified by hub serial number (S/N). The following unsafe conditions have been found with propellers returned to service by BASCO:

1. BASCO either introduced or failed to remove potential failure sites (nicks and scratches) in the shank area of the blades,
2. BASCO failed to perform a cold rolling operation on propeller blade shanks,
3. Scratches were found in the blade internal bearing bore radius,
4. Blades were found to be below minimum dimensions,
5. Alodine and paint were applied over corrosion on hubs and blades,
6. Low pitch blade angles were out of specification,
7. The blade surface, beneath the de-ice boots, was not painted nor treated with a chemical conversion coating (Alodine),
8. Bolts were incorrectly torqued,
9. Wrong parts were used or parts were incorrectly installed,
10. Parts intended for removal from service at overhaul and to be replaced with new, unused parts, were reused.

These conditions, if not corrected, could result in propeller failure from the conditions present after being returned to serve by BASCO, and possible airplane loss of control.

Proposed Actions

Since unsafe conditions have been identified that are likely to exist or develop on other products of this same type design, the proposed AD would require maintenance actions that amount to an overhaul of the affected propellers, identified by hub S/N. One of the required actions is a cold rolling operation on the blade shanks, which is part of the manufacturer's recommended overhaul. Not all propeller repair facilities have the equipment to properly perform this operation. Additionally, repair facilities must first be qualified by the manufacturer to perform the process and then repetitively requalify and recalibrate the machine used in the process.

Economic Analysis

The FAA estimates that 77 propellers installed on aircraft of U.S. registry would be affected by this proposed AD and that it would cost on average approximately $1,300 to overhaul each propeller. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $100,100.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44

FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Hartzell Propeller Inc.: Docket No. 99–NE–21–AD.

Applicability: Hartzell Propeller Inc. ( )HC–( )( )Y( )–( ) series propellers, identified by hub serial numbers (S/Ns) listed in Table 1 of this airworthiness directive (AD).

Table 1.—Hub Serial Numbers

121, 251, 715, 1111, 1387, 1661, 2383, 2479, 2883, 3059, 3343, 3479, 3717, 3890, 3990, 4690, and 5523
AM911
AN1309, AN2773, AN2826, AN2828, and AN3883
AU42, AU696, AU814, AU992, AU1226, AU1290, AU1416, AU2641, AU2643, AU2658, AU2699, AU2847, AU7186E, AU8364A, AU8418A and AU12997
BP344, BP715, BP1276, BP1772, BP2121, BP3811, BP3763, BP3978, BP5674, BP6126, BP6194, BP7141, BP7297, BP7513, BP8199, BP8708, and BP9586
CH6190 & CH19251
CJ52, CJ54, CJ419, and CJ649
DA1404 and DA1418
DG101
DJ4431, DJ4449, DJ9521A, DJ10407A, DJ11249A, DJ11880A, and DJ11881A
DN3775
DV11 and DV12
FH307
P560

Note 1: This AD applies to each propeller identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For propellers that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Note 2: This AD is limited to propellers returned to service from November 1996 to October 1998 by Brothers Aero Service Company, Inc. (BASCO), Air Agency Certificate Number B4TR903J, revoked by Amended Order of Revocation, dated May 12, 1999.

Compliance: Required as indicated, unless accomplished previously.

To prevent propeller failure from the conditions present after being returned to service by BASCO, and possible airplane loss of control, accomplish the following:

(a) Within 10 hours time-in-service after the effective date of this AD, accomplish the following:

(1) Disassemble,

(2) Clean,

(3) Inspect for the following:

(i) Nicks,

(ii) Scratches,

(iii) Failure of blades to meet minimum dimensions,

(iv) Alodine and/or paint applied over corrosion,

(v) Lack of chemical conversion coating applied beneath the de-ice boots,

(vi) Bolts incorrectly torqued,

(vii) Incorrect parts,

(viii) Incorrect installation of parts, and

(ix) Reinstallation of parts intended for one-time use.

(4) Repair and replace with serviceable parts, as necessary.

(5) Perform a cold roll operation on the blade shanks.

(6) Reassemble and test.

Note 3: Information on performing an overhaul of the affected propellers may be found in the applicable Hartzell Propeller Inc. Overhaul Manual.

Note 4: For a current list of propeller overhaul facilities approved to perform the blade shank cold rolling procedure contact Hartzell Product Support, telephone (937) 778–4379. Not all propeller repair facilities have the equipment to properly perform a cold roll of the blade shanks.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Chicago Aircraft Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago Aircraft Certification Office.

Note 5: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Chicago Aircraft Certification Office.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on September 13, 1999.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

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BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–106010–98]

RIN 1545–AW16

Qualified Lessee Construction Allowances for Short-Term Leases

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations concerning an exclusion from gross income for qualified lessee construction allowances provided by a lessor to a lessee for the purpose of constructing long-lived property to be used by the lessee pursuant to a short-term lease. The proposed regulations affect a lessor and a lessee paying and receiving, respectively, qualified lessee construction allowances that are depreciated by a lessor as nonresidential real property and excluded from the lessee's gross income. The proposed regulations provide guidance on the exclusion, the information required to be furnished by the lessor and the lessee, and the time and manner for providing that information to the IRS. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written and electronic comments must be received by December 20, 1999. Outlines of topics to be discussed at the public hearing scheduled for January 19, 2000, must be received by December 29, 1999.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–106010–98), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through

Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–106010–98), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/tax_regs/regslist.html. The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Paul Handleman, (202) 622–3040; concerning submissions, the hearing, and/or to be placed on the building access list to attend the hearing, Michael Slaughter, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, OP:FS:FP, Washington, DC 20224. Comments on the collection of information should be received by November 19, 1999.

Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the IRS, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

The requirement for the collection of information in this notice of proposed rulemaking is in § 1.110–1(c). The information is required so that a taxpayer receiving a construction allowance as lessee from the lessor may establish the amount qualifying for the safe harbor under section 110(a). The collection of information is mandatory. The likely respondents are businesses and other for-profit organizations.

Estimated total annual reporting burden: 10,000 hours.

The estimated annual burden per respondent varies from .5 hours to 1.5 hours, depending on individual circumstances, with an estimated average of 1 hour.

Estimated number of respondents: 10,000.

Estimated annual frequency of responses: once.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) to provide regulations under section 110 of the Internal Revenue Code of 1986. Section 110 was added to the Code by section 1213(a) of the Taxpayer Relief Act of 1997, Public Law 105–34 (Act). Under section 1213(e) of the Act, the amendment made by section 1213(a) applies to leases entered into after August 5, 1997.

Explanation of Provisions

Tax Treatment of Lessee Construction Allowances

Section 61(a) provides that gross income means "all income from whatever source derived" except as otherwise provided in subtitle A of the Internal Revenue Code. Generally, the receipt of a construction allowance by a lessee from a lessor for property to be constructed and used by the lessee pursuant to a lease represents an accession to wealth includible in gross income in the year of receipt. However, amounts received by a lessee that are expended by the lessee on assets owned by the lessor are not includible in the lessee's gross income because there is no accession to wealth. Thus, the proper tax treatment of construction allowances turns on whether the lessee or the lessor owns the property constructed with the allowance.

Ownership for tax purposes generally is determined by applying a "benefits and burdens of ownership" test to the facts and circumstances surrounding the transaction. The benefits and burdens of ownership test was developed by the Tax Court to determine whether a purported lease should be treated as a sale for Federal income tax purposes. The court set forth the following factors to determine whether the taxpayer had the benefits and burdens of ownership of the leased property: (1) whether legal title passes; (2) how the parties treat the transaction; (3) whether an equity interest was acquired in the property; (4) whether the contract creates a present obligation on the seller to execute and deliver a deed and a present obligation on the purchaser to make payments; (5) whether the right of possession is vested in the purchaser; (6) which party pays the property taxes; (7) which party bears the risk of loss or damage to the property; and (8) which party receives the profits from the operation and sale of the property. *See Grodt & McKay Realty, Inc.* v. *Commissioner*, 77 T.C. 1221 (1981), and *Coleman* v. *Commissioner*, T.C. Memo. 1987–195, *aff'd*, 16 F.3d 821 (7th Cir. 1994).

In a coordinated issue paper dated October 7, 1996, the IRS enumerated certain specific factors that help establish whether the benefits and burdens of ownership of the leasehold improvements are with the lessee or the lessor; *i.e.*, who carries personal property and liability insurance on the leasehold improvements; who is the beneficiary under those policies; who is responsible for replacing the leasehold improvements if they wear out prior to the end of the lease term; and, if the usefulness of the leasehold improvements extends beyond the lease term, who has the remainder interest in the improvements.

To the extent the lessee holds the benefits and burdens of ownership of the leasehold improvements constructed with the construction allowance, the lessee has an accession to wealth and income under section 61(a). However, to the extent the lessor holds the benefits and burdens of ownership, the lessee is acting merely as an agent of the lessor and the construction allowance is not includible in the gross income of the lessee.

Congress was concerned that the traditional factors used by the IRS in making the determination of who is the

tax owner of property may be applied differently by the lessor and the lessee and may lead to controversies between the IRS and taxpayers.

H.R. Rep. No. 148, 105th Cong., 1st Sess. 423 (1997) (House Report); S. Rep. No. 33, 105th Cong., 1st Sess. 232–33 (1997) (Senate Report). Consequently, the Act provides a safe harbor whereby it is assumed that a construction allowance is used to construct or improve lessor property (and is properly excludable by the lessee) when long-lived property is constructed or improved and used pursuant to a short-term lease. The Act also provides a reporting requirement to ensure that both the lessee and the lessor consistently treat the property subject to the construction allowance as nonresidential real property owned by the lessor. House Report at page 424; Senate Report at page 233.

Safe Harbor Under Section 110

Section 110(a) provides, in general, that gross income of a lessee does not include any amount received in cash (or treated as a rent reduction) by a lessee from a lessor under a short-term lease of retail space, for the purpose of such lessee's constructing or improving qualified long-term real property for use in such lessee's trade or business at such retail space, but only to the extent that such amount does not exceed the amount expended by the lessee for such construction or improvement.

Section 110(c)(1) defines the term "qualified long-term real property" as nonresidential real property which is part of, or otherwise present at, the retail space referred to in section 110(a) and which reverts to the lessor at the termination of the lease. Section 110(c)(2) defines the term "short-term lease" as a lease (or other agreement for occupancy or use) of retail space for 15 years or less (as determined under the rules of section 168(i)(3)). Section 110(c)(3) defines the term "retail space" as real property leased, occupied, or otherwise used by a lessee in its trade or business of selling tangible personal property or services to the general public.

Consistent with section 110(c)(1), the proposed regulations define the term "qualified long-term real property" as nonresidential real property under section 168(e)(2)(B), which is section 1250 property other than residential rental property and property with a class life of less than 27.5 years. The proposed regulations do not require a direct tracing of the construction allowance, but assume that the construction allowance is used to construct or improve the lessor's property if qualified long-term real property is constructed by the lessee at the leased retail space. The IRS and the Department of Treasury specifically request comments on whether the definition of "retail space" needs to be clarified.

The proposed regulations recognize that a lessee may not be able to construct the qualified long-term real property in the same taxable year as it receives the construction allowance from the lessor. Thus, the proposed regulations give the lessee additional time to satisfy the safe harbor by allowing the construction allowance to be expended for qualified long-term real property until 8½ months after the close of the taxable year in which the construction allowance was received by the lessee.

The legislative history of the Act states that no inference is intended as to the treatment of amounts that are not subject to the safe harbor provision. In such cases, the provisions of IRS coordinated issue paper and present law (including case law) will continue to apply where applicable. H.R. Conf. Rep. No. 220, 105th Cong., 1st Sess. 658–59 (1997). Thus, a construction allowance failing to qualify under the safe harbor provision is not includible in the lessee's gross income if the lessor has the benefits and burdens of ownership of the property constructed with the construction allowance. Ownership of the property is determined under general principles of Federal tax law based on all the facts and circumstances.

Consistency Between Lessee and Lessor and Reporting Requirements

Section 110(b) provides that qualified long-term real property constructed or improved in connection with any amount excluded from a lessee's income by reason of section 110(a) shall be treated as nonresidential real property of the lessor (including for purposes of section 168(i)(8)(B)).

Section 110(d) provides that, under regulations, the lessee and lessor described in section 110(a) must, at such times and in such manner as may be provided in such regulations, furnish to the Secretary information concerning the amounts received (or treated as a rent reduction) and expended as described in section 110(a), and any other information which the Secretary deems necessary to carry out the provisions of section 110.

The Act provides that the lessor will treat any qualified long-term real property constructed or improved with a construction allowance excluded from the lessee's gross income under section 110(a) as nonresidential real property owned by the lessor. However, the lessee's exclusion is not dependent upon the lessor's treatment of the property as nonresidential real property. House Report at page 424; Senate Report at page 233.

The proposed regulations prescribe the information required to be furnished by the lessor and the lessee and the time and manner for providing that information to the IRS. A lessor or a lessee that fails to furnish the required information may be subject to a penalty under section 6721.

Proposed Effective Date

The regulations are proposed to be applicable to leases entered into on or after the date final regulations are published in the **Federal Register**.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that the collection of information in these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that any burden on taxpayers is minimal. Accordingly, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. The IRS and Treasury Department specifically request comments on the clarity of the proposed rule and how it may be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for Wednesday, January 19, 2000, at 10 a.m. in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the 10th Street entrance, located between Constitution and Pennsylvania Avenues, NW. In addition, all visitors must present photo identification to enter the building. Because of access

restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons who wish to present oral comments at the hearing must submit an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by December 29, 1999.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting information. The principal author of these regulations is Paul F. Handleman, Office of the Assistant Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.110–1 also issued under 26 U.S.C. 110(d); * * *

Par. 2. Section 1.110–1 is added to read as follows:

§ 1.110–1 Qualified lessee construction allowances.

(a) *Overview.* Amounts provided to a lessee by a lessor for property to be constructed and used by the lessee pursuant to a lease are not includible in the lessee's gross income if the amount is a qualified lessee construction allowance under paragraph (b) of this section.

(b) *Qualified lessee construction allowance*—(1) *In general.* A qualified lessee construction allowance means any amount received in cash (or treated as a rent reduction) by a lessee from a lessor—

(i) Under a short-term lease of retail space;

(ii) For the purpose of constructing or improving qualified long-term real property for use in the lessee's trade or business at that retail space; and

(iii) To the extent the amount is expended by the lessee in the taxable year received on the construction or improvement of qualified long-term real property for use in the lessee's trade or business at that retail space.

(2) *Definitions*—(i) *Qualified long-term real property* is nonresidential real property under section 168(e)(2)(B) that is part of, or otherwise present at, the retail space referred to in paragraph (b)(1)(i) of this section and which reverts to the lessor at the termination of the lease. Thus, qualified long-term real property does not include property qualifying as section 1245 property under section 1245(a)(3).

(ii) *Short-term lease* is a lease (or other agreement for occupancy or use) of retail space for 15 years or less (as determined pursuant to section 168(i)(3)).

(iii) *Retail space* is nonresidential real property under section 168(e)(2)(B) that is leased, occupied, or otherwise used by the lessee in its trade or business of selling tangible personal property or services to the general public.

(3) *Purpose requirement.* An amount will meet the requirement in paragraph (b)(1)(ii) of this section only to the extent that the lease agreement for the retail space expressly provides that the construction allowance is for the purpose of constructing or improving qualified long-term real property for use in the lessee's trade or business at that retail space.

(4) *Expenditure requirement*—(i) *In general.* Expenditures referred to in paragraph (b)(1)(iii) of this section will be treated as being made first from the lessee's construction allowance. Tracing of the construction allowance to the actual lessee expenditures for the construction or improvement of qualified long-term real property is not required. However, the lessee should maintain accurate records of the amount of the qualified lessee construction allowance received and the expenditures made for qualified long-term real property.

(ii) *Time when expenditures deemed made.* For purposes of paragraph (b)(1)(iii) of this section, an amount is deemed to have been expended by a lessee in the taxable year in which the construction allowance was received by the lessee if the amount is expended within 8½ months after the close of that taxable year.

(5) *Consistent treatment by lessor.* Qualified long-term real property constructed or improved with any amount excluded from a lessee's gross income by reason of paragraph (a) of this section must be treated as nonresidential real property owned by the lessor (for purposes of depreciation under 168(e)(2)(B) and determining gain or loss under section 168(i)(8)(B)). For purposes of the preceding sentence, the lessor must treat the construction allowance as fully expended in the manner required by paragraph (b)(1)(iii) of this section unless the lessor is notified by the lessee in writing to the contrary. General tax principles apply for purposes of determining when the lessor may begin depreciation of its nonresidential real property. The lessee's exclusion from gross income under paragraph (a) of this section, however, is not dependent upon the lessor's treatment of the property as nonresidential real property.

(c) *Information required to be furnished*—(1) *In general.* The lessor and the lessee described in paragraph (b) of this section who are paying and receiving a qualified lessee construction allowance, respectively, must furnish the information described in paragraph (c)(3) of this section in the time and manner prescribed in paragraph (c)(2) of this section.

(2) *Time and manner for furnishing information.* The requirement to furnish information under paragraph (c)(1) of this section is met by attaching a statement with the information described in paragraph (c)(3) of this section to the lessor's or the lessee's, as applicable, timely filed (including extensions) Federal income tax return for the taxable year in which the construction allowance was paid by the lessor or received by the lessee (either in cash or treated as a rent reduction), as applicable. A lessor or a lessee may report the required information for several qualified lessee construction allowances on a combined statement. However, a lessor's or a lessee's failure to provide information with respect to each lease will be treated as a separate failure to provide information for purposes of paragraph (c)(4) of this section.

(3) *Information required*—(i) *Lessor.* The statement provided by the lessor must contain the lessor's name (and, in the case of a consolidated group, the parent's name), employer identification number, taxable year and the following information for each lease:

(A) The lessee's name (in the case of a consolidated group, the parent's name).

(B) The address of the lessee.

(C) The employer identification number of the lessee.

(D) The location of the retail space (including mall or strip center name, if applicable, and store name).

(E) The amount of the construction allowance.

(F) The amount of the construction allowance treated by the lessor as nonresidential real property owned by the lessor.

(ii) *Lessee.* The statement provided by the lessee must contain the lessee's name (and, in the case of a consolidated group, the parent's name), employer identification number, taxable year and the following information for each lease:

(A) The lessor's name (in the case of a consolidated group, the parent's name).

(B) The address of the lessor.

(C) The employer identification number of the lessor.

(D) The location of the retail space (including mall or strip center name, if applicable, and store name).

(E) The amount of the construction allowance.

(F) The amount of the construction allowance that is a qualified lessee construction allowance under paragraph (b) of this section.

(4) *Failure to furnish information.* A lessor or a lessee that fails to furnish the information required in this paragraph (c) may be subject to a penalty under section 6721.

(d) *Effective date.* This section is applicable to leases entered into on or after the date final regulations are published in the **Federal Register**.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 99–24321 Filed 9–17–99; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 086–0017b; FRL–6438–2]

Approval and Promulgation of State Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve revisions to the Arizona State Implementation Plan (SIP) which concern the control of volatile organic compounds (VOC) emissions from different surface coating operations using primarily metal and plastic substrates and the aerospace manufacturing and rework industry.

The intended effect of this action is to regulate emissions of VOCs according to the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by October 20, 1999.

ADDRESSES: Comments should be addressed to: Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105;

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, D.C. 20460;

Arizona Department of Environmental Quality, 3003 North Central Avenue, Phoenix, AZ 85012; and,

Maricopa County Environmental Services Department, 1001 North Central Ave., Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, [AIR–4], Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901. Telephone: (415) 744–1226.

SUPPLEMENTARY INFORMATION: This document concerns Maricopa County Rule 336, Surface Coating Operations and Rule 348, Aerospace Manufacturing and Rework Operations, submitted to EPA on August 4, 1999 by the Arizona Department of Environmental Quality. For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

Dated: September 3, 1999.

Laura Yoshii,

Acting, Regional Administrator, Region IX.

[FR Doc. 99–24432 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[NV 015–MSWb; FRL–6440–5]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the Nevada State Plan for implementing the emissions guidelines applicable to existing municipal solid waste (MSW) landfills. The Plan was submitted by the Nevada Division of Environmental Protection (NDEP) for the State of Nevada to satisfy requirements of section 111(d) of the Federal Clean Air Act. In the Final Rules section of this **Federal Register**, EPA is approving the Nevada State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this action, no further activity is contemplated in relation to this proposed rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

DATES: Comments must be received in writing by October 20, 1999.

ADDRESSES: Written comments should be addressed to Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the documents relevant to this proposed rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted State Plan are also available for inspection at the following location: Bureau of Air Quality, Division of Environmental Protection, Department of Conservation and Natural Resources, 333 W. Nye Lane, Carson City, Nevada 89706–0851.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1188.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules section of this **Federal Register**.

Dated: September 10, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.

[FR Doc. 99–24262 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[AZ 014–MSWb; FRL–6440–3]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the Arizona State Plan for implementing the emissions guidelines applicable to existing municipal solid waste (MSW) landfills. The Plan was submitted by the Arizona Department of Environmental Quality (ADEQ) for the State of Arizona to satisfy requirements of section 111(d) of the Federal Clean Air Act. In the Final Rules section of this **Federal Register**, EPA is approving the Arizona State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this action, no further activity is contemplated in relation to this proposed rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

DATES: Comments must be received in writing by October 20, 1999.

ADDRESSES: Written comments should be addressed to Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the documents relevant to this proposed rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted State Plan are also available for inspection at the following location: Air Quality Division, Arizona Department of Environmental Quality, 3033 N. Central Avenue, Phoenix, Arizona 85012.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1188.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules section of this **Federal Register**.

Dated: September 10, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.

[FR Doc. 99–24260 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL–6441–2]

EPA Report to Congress on Fossil Fuel Combustion; Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; reopening of period for public comment.

SUMMARY: The Environmental Protection Agency (EPA) is today announcing an extension of the public comment period (see 64 FR 22820) for its Report to Congress on Wastes from the Combustion of Fossil Fuels until September 24, 1999.

DATES: The comment period of the Report to Congress on Wastes from the Combustion of Fossil Fuels is reopened and will close on September 24, 1999.

ADDRESSES: Those persons wishing to submit public comments must send an original and two copies of their comments referencing EPA docket number F–1999–FF2P–FFFFF to: RCRA Docket Information Center (5305W), U.S. Environmental Protection Agency Headquarters (EPA,HQ), 401 M Street, SW., Washington, DC, 20460. Hand deliveries of comments, including courier, postal and non-postal express deliveries, should be made to the Arlington, VA address below.

Comments may also be submitted electronically through the Internet to: rcra-docket@epa.gov. Comments in electronic format should also identify the docket number F–1999–FF2P–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RCRA Docket Information Center (RIC), located at Crystal Gateway I Building, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15 per page. The Report to Congress is also available electronically. See the Supplementary Information section below for information on electronic access.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424–9346 or TDD (hearing impaired) (800) 553–7672. In the Washington, DC metropolitan area, call (703) 412–9810 or TDD (703) 412–3323. For more detailed information on specific aspects of today's action, contact Dennis Ruddy, U.S. Environmental Protection Agency (5306W), 401 M Street, SW., Washington, DC 20460, at (703) 308–8430, or e-mail: ruddy.dennis@epa.gov.

SUPPLEMENTARY INFORMATION:

Customer Service

In developing the Report to Congress, we tried to address the concerns of all our stakeholders. Your comments will help us improve this regulatory action. We invite you to provide different views on options we propose, new approaches

we have not considered, new data, how this regulatory action may affect you, or other relevant information. We welcome your views on all aspects of this action, but we request comments in particular on the items discussed in the Report to Congress. Your comments will be most effective if you follow the suggestions below:

- Explain your views as clearly as possible and why you feel that way.
- Provide solid technical and cost data to support your views.
- If you estimate potential costs, explain how you arrived at the estimate.
- Tell us which parts you support, as well as those you disagree with.
- Provide specific examples to illustrate your concerns.
- Offer specific alternatives.
- Refer your comments to specific sections of the report.
- Make sure to submit your comments by the deadline in this notice.
- Be sure to include the name, date, and docket number with your comments.

Copies of the full report, titled Report to Congress: Wastes from the Combustion of Fossil Fuels; Volume 2—Methods, Findings, and Recommendations (EPA publication number EPA 530–R–99–010), are available for inspection and copying at the EPA Headquarters library, at the RCRA Docket (RIC) office identified in **ADDRESSES** above, at all EPA Regional Office libraries, and in electronic format at the following EPA Web site: http://www.epa.gov/osw/special.htm. Printed copies of Volume 2 and the executive summary, titled Report to Congress: Wastes from the Combustion of Fossil Fuels; Volume 1—Executive Summary (EPA publication number EPA 530–S–99–010), can also be obtained by calling the RCRA/Superfund Hotline at (800) 424–9346 or (703) 412–9810. The Executive Summary is also available in electronic format at the EPA Web site identified above.

Background

RCRA section 3001(b)(3) (hereafter referred to as the Bevill Exemption) exempts, among other things, fossil fuel combustion wastes from regulation under RCRA subtitle C, pending completion of a Report to Congress and a subsequent determination of whether such regulation is warranted. In RCRA section 8002(n), Congress directed EPA to conduct a detailed and comprehensive study based on eight study factors, and submit a Report to Congress on "the adverse effects on human health and the environment, if any, of the disposal and utilization of fossil fuel combustion wastes." RCRA section 3001(b)(3)(C) then requires that EPA determine, within six months of the date of submission of the Report to Congress, either to promulgate regulations for fossil fuel combustion wastes under subtitle C or determine that subtitle C regulation is unwarranted.

The Bevill Exemption was added to RCRA on October 12, 1980, as part of the 1980 Solid Waste Disposal Act Amendments. In response to the 1980 RCRA amendments, EPA published an interim final amendment to its hazardous waste regulations to reflect the provisions of the Bevill Exemption (40 CFR 261.4(b)(4)). In 1991, a suit was filed against EPA for failure to complete a regulatory determination on fossil fuel combustion (FFC) wastes. *Gearhart* versus *Reilly* Civil No. 91–2345 (D.D.C.). On June 30, 1992, the Agency entered into a Consent Decree which established a schedule for EPA to complete the regulatory determinations for all fossil fuel combustion (FFC) wastes. FFC wastes were divided into two categories: (1) fly ash, bottom ash, boiler slag, and flue gas emission control waste from the combustion of coal by electric utilities and independent commercial power producers, when such wastes are managed separately, and (2) all remaining wastes subject to RCRA sections 3001(b)(3)(A)(i) and 8002(n). On August 9, 1993, EPA published a determination for the first category of wastes, concluding that regulation under subtitle C for these wastes was not warranted. To make an appropriate determination for the second category, or "remaining wastes," EPA decided that additional study was necessary. Under consent-decree deadlines, the Agency completed the Report to Congress by March 31, 1999, and was to issue the regulatory determination by October 1, 1999. To meet this deadline, EPA established a 45-day public comment period following completion of the report, which closed on June 14, 1999. Subsequently, the plaintiffs in *Gearhart* versus *Reilly* moved to modify the consent decree to allow EPA until March 10, 2000 to complete the regulatory determination to allow EPA to reopen the comment period. EPA supported the motion and, on September 2, 1999, the Court granted the motion. The comment period will now extend until September 24, 1999, and the regulatory determination will be issued by March 10, 2000.

Dated: September 8, 1999.

Elizabeth Cotsworth,

Director, Office of Solid Waste.

[FR Doc. 99–24455 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 64, No. 181
Monday, September 20, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Nez Perce Fork Vegetation Management Project; Bitterroot National Forest, Ravalli County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service will prepare an environmental impact statement (EIS) to disclose the environmental effects of management activities proposed in the Nez Perce Fork area on the West Fork Ranger District of the Bitterroot National Forest. Proposed management activities include management ignited prescribed fire, timber harvest, reforestation, and road reconstruction. The Nez Perce Fork area is located in Ravalli County, Montana, approximately 30 miles southwest of the city of Hamilton. The Nez Perce Fork area includes the entire Nez Perce Fork drainage and several other tributary drainages of the West Fork Bitterroot River, including Boulder Creek, Christisen Creek, Baker Creek and Pierce Creek.

A variety of management activities proposed in the project are being considered together because they represent either connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25). The purposes of the project are: (1) To restore fire and its associated ecological benefits, (2) to reduce fuel accumulations, (3) to modify timber stand structure and species composition in order to maintain or restore ecosystem diversity, (4) modify the edges of two older clear cut units so they better comply with visual quality objectives, (5) improve habitat conditions for bighorn sheep and other big game species, (6) reduce sediment sources on open roads and stabilize a segment of one road by constructing a retaining wall, and (7) to utilize surplus biomass removed in fulfilling purposes 1 through 5, above, by providing raw materials for forest products. This project level EIS will tier to the Bitterroot National Forest Land and Resource Management Plan (Forest Plan) and Final EIS (September, 1987), which provides overall guidance for all land management activities on the Bitterroot National Forest.

DATES: Written comments and suggestions should be received by October 22, 1999.

ADDRESSES: The Responsible Official is David M. Campbell, District Ranger, West Fork Ranger District, Bitterroot National Forest, Darby, Montana 59829. Written comments and suggestions concerning the scope of the analysis or a request to be included on the project mailing list should be sent to him at that address.

FOR FURTHER INFORMATION CONTACT: Stuart Lovejoy, Resource Team Leader, Sula Ranger Station, Bitterroot National Forest, Phone (406) 821–3201.

SUPPLEMENTARY INFORMATION: The project encompasses approximately 86,000 acres of land in southwestern Montana on the Bitterroot National Forest. The Nez Perce Fork area includes lands drained by the Nez Perce Fork and several other tributaries of the West Fork Bitterroot River including Boulder Creek, Christisen Creek, Baker Creek and Pierce Creek. A map and legal descriptions are available on request.

Management ignited prescribed fire and timber harvest are proposed on approximately 10,500 acres and 1,400 acres, respectively. Proposed management ignited fire and harvest activities focus primarily on low to mid elevations and drier aspects, which are considered more at risk ecologically due to fire absence.

An analysis of the Nez Perce Fork area reveals changes in how the forest vegetation currently looks and functions compared to the past. Natural patterns and stand structures have changed, largely due to the absence of fire during this century in this fire dependent ecosystem. This has caused notable changes in vegetation species composition, plant density, stand structures, fuels, seral species regeneration, and the health and vigor of forest stands. The primary purpose of prescribed fire and timber harvest in the Nez Perce Fork area is to maintain or restore ecosystem diversity, function, and health. There is also an opportunity to address ecological trends and at the same time utilize surplus biomass for forest products. Maintaining plant community diversity will promote the range of habitats that native plants and animals evolved in. Management prescriptions to promote diversity include low to moderate intensity management ignited prescribed fire, and on some sites prescribed fire would be used in combination with silvicultural practices. Silvicultural treatments proposed include pre-commercial thinning, commercial thinning, irregular shelterwood harvest, seed tree harvest, sanitation salvage harvest, improving cutting, and reforestation.

Managing fuels using fire and silvicultural practices would decrease the risk of uncharacteristically intense fires and associated undesirable effects. These activities could also increase the ability of the Forest Service to allow more naturally occurring fires to burn in the adjoining Selway Bitterroot Wilderness Area by reducing fuels near private property at lower elevations. This would to some degree reduce the risks to private property from natural fires allowed to burn in the Wilderness.

Prescribed fire is proposed in 13 acres totaling about 9,700 acres, with special focus on the ponderosa pine/Douglas-fir community, which have been most altered due to fire absence.

Big game forage, including some winter range areas, would be improved in the areas to be understory burned. Bighorn sheep forage vigor would also be improved in four underburn areas that are located within the Nez Perce sheep herds range.

Fire would also be reintroduced in a portion of the Boulder Creek Research Natural Area, presenting the opportunity to conduct research on the effects of fire absence and reintroduction. These opportunities have been discussed with representatives of the Rocky Mountain Research Station from Missoula, Montana and the research would fulfill a need for additional information regarding fire absence and the effects of fire reintroduction.

Seven areas totaling 307 acres are proposed for commercial thinning. Following the thinning, understory burning is prescribed in the areas within the ponderosa pine/Douglas-fir

community. Pre-commercial thinning is also needed on 311 acres of densely stocked sub-merchantable trees in order to maintain desirable species composition, tree growth, and vigor.

Four areas totaling 93 acres would be harvested using an "irregular shelterwood" method to regenerate them. All areas would be treated with understory burning following harvest in order to reduce fuels, prepare sites for regeneration, and to maintain fire as an ecosystem process. The irregular shelterwood treatment would provide the relatively open conditions necessary for ponderosa pine tree seedlings to become established and provide for future stands that are dominated by large ponderosa pines.

One even aged mature lodgepole pine stand is prescribed for seed tree harvest and prescribed burning. Within the Nez Perce area, there has been a shift toward more late seral stands during this century due to fire absence. This treatment would to some degree simulate a stand replacing fire event, thereby increasing early seral stage habitat.

Two areas totalling 177 acres are proposed to receive a sanitation salvage harvest, an intermediate harvest treatment designed to remove individual dead, dying, and diseased trees. One of these areas would be understory burned following harvest and activity fuels in the other area would be limbed and lopped and/or hand-piled and burned. Fire absence in the Nez Perce area has allowed for higher than historic levels of dwarf mistletoe and other disease or insect disturbance levels, adding to heavy fuel accumulations.

Improvement cutting and prescribed fire would be used to restore more favorable conditions for wintering big game animals and spring/early summer range for bighorn sheep in one area. The resulting open stand with an increased ratio of ponderosa pine would provide improved sheep habitat and would more closely resemble historic conditions that can be maintained with fire.

Two older clear-cut units that are visible from main roads are proposed to have their edges modified in order to better meet visual quality objectives. The visual impact of these two openings is proposed to be rèduced by modifying their geometric shape and straight edges.

The fill slope of Soda Springs Road (#5365) is eroding and is proposed to be stabilized by construction of a bin retaining wall. The bin wall is needed to stabilize the chronic sediment source from the fill slope and to provide a safer and easier to maintain road facility. Roads on which timber would be hauled would have surface improvement work completed, such as installing drivable dips and gravelling. These are needed to reduce sediment sources, thereby protecting water quality and aquatic habitat.

The Bitterroot Forest Plan provides guidance for management activities through its goals, objectives, standards, and management area direction. The areas of proposed timber harvest occur in Management Areas 1, 2, and 3a. Prescribed burning is proposed on lands within Forest Plan Management Areas 1, 2, 3a, 3b, 5, and 6. The management direction for these areas are briefly described, as follows. Management Area 1 emphasizes timber management, livestock and big game forage production, and roaded dispersed recreation activities. Management Area 2 emphasizes elk winter range habitat, allows for timber management and providing roaded dispersed recreation opportunities. Management Area 3a emphasizes visual quality, allows timber management, and providing roaded dispersed recreation opportunities. Management Area 3b emphasizes protection of riparian habitat and water quality and providing for water-related recreation. Management Area 5 emphasizes semi-primitive recreation and elk security. Management Area 6 includes areas recommended for Wilderness designation.

This project proposal was analyzed in an Environmental Assessment (EA) that was issued in February, 1998. Public scopeing meetings and opportunities for interested parties to review and comment on the EA were included in that analysis effort. That planning effort lead to the decision to prepare an EIS. Public participation is also an important part of this analysis, commencing with additional scoping (40 CFR 1501.7), which will occur during September and October, 1999. In addition, the public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. No additional public meetings are scheduled at this time.

Comments from the public and other agencies will be used in preparation of the Draft EIS. The scoping process will be used to identify issues and alternatives to the proposed action. Some public comments have already been received in conjunction with an analysis documented in the Nez Perce Fork Vegetation Management Project EA (February, 1998). The following issues have already been identified: 1. How would the proposed timber harvest (improvement cutting) between Watchtower and Sheepshead Creeks and above the Nez Perce Road change the undeveloped character of this portion of the Selway Bitterroot Roadless area? 2. How would the proposed activities affect threatened, endangered and sensitive fish and wildlife species that inhabit the area? 3. How would the proposed activities affect the movement of wildlife through the area? 4. Can the vegetation diversity and ecological purposes of the project be met without any further timber extraction in the area? 5. To what degree would the proposed activities contribute to the spread of noxious weeds in the area? Other issues commonly associated with prescribed fire and timber harvest include: potential effects on cultural resources, water quality, air quality, soils, old growth, and scenery values. This list may be verified; expanded, or modified based on public scoping for this proposal.

The Forest Service will consider a range of alternatives in the EIS. One of these will be the "no action" alternative. in which none of the proposed activities would be implemented. Additional alternatives will examine varying levels and locations for the proposed activities to achieve the proposal's purposes, as well as to respond to the issues and other resource values. the EIS will analyze the direct, indirect, and cumulative environmental effects of the alternatives. Past, present, and scheduled activities on both private and National Forest lands will be considered. The EIS will disclose the analysis of site specific mitigation measures and their effectiveness.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in December, 1999. At that time, the EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. It is very important that those interested in management of the Nez Perce Fork area participate at that time. To be most helpful, comments on the Draft EIS should be as specific as possible. The Final EIS is scheduled to be completed in April, 2000.

The Forest Service believes, at this early stage it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First,

reviewers of draft environment impact statements must structure their participation in the Environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519,553 (1978). Also environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages* v. *Harris*, 490 F. Supp.–1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the scoping comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in developing issues and alternatives.

To assist the Forest Service in identifying and considering issues on the proposed action, comments should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The responsible official for this environmental impact statement is David M. Campbell, West Fork District Ranger. His address is West Fork Ranger District, Bitterroot National Forest, 6735 West Fork Road, Darby, Montana 59829. He will decide which, if any, of the proposed actions will be implemented and will document the decision and reasons for the decision in a Record of Decision. That decision will be subject to Forest Service Appeal Regulations.

Dated: September 9, 1999.

Jeff Amoss,

Acting Forest Supervisor, Bitterroot National Forest.

[FR Doc. 99–24347 Filed 9–17–99; 8:45 am]

BILLING CODE 3410–83–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Dry Run Watershed, Allegany County, Maryland

AGENCY: USDA, Natural Resources Conservation Service.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Soil Conservation Service Regulations (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Dry Run Watershed, Allegany County, Maryland.

FOR FURTHER INFORMATION CONTACT: David D. Doss, State Conservationist, USDA-Natural Resources Conservation Service, 339 Busch's Frontage Road, Suite 301, Annapolis, Maryland 21401–5534, Telephone (410) 757–0861; fax (410) 757–0687.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, David P. Doss, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project proposed are flood control and watershed protection. The planned works of improvement include floodplain acquisition and stream restoration.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting David P. Doss.

No administrative action or implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under NO. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials)

David P. Doss,

State Conservationist.

[FR Doc. 99–24364 Filed 9–17–99; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Rural Business-Cooperative Service (RBS) to request an extension of a currently approved information collection in support of the Servicing of Business and Industry Guaranteed Loans Program.

DATES: Comments on this notice must be received by November 19, 1999, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: David W. Lewis, Senior Loan Specialist, RBS, U.S. Department of Agriculture (USDA), Stop 3224, Washington, DC 20250–3224, telephone 202–690–0797.

SUPPLEMENTARY INFORMATION:

Title: Servicing Business and Industry Guaranteed Loans.

OMB Number: 0570–0016

Expiration Date of Approval: September 30, 1999.

Type of Request: Extension of a Currently Approved Information Collection.

Abstract: RBS, an agency within the Rural Development (RD) mission area of the USDA, operates several programs that provide guaranteed loans to banks, insurance companies, and other traditional lenders. The purpose of the Business and Industry Guaranteed Loan Program is to improve, develop, or finance business, industry and employment and improve the economic and environmental climate in rural communities, including pollution abatement and control. This purpose is achieved through bolstering the existing private credit structure through guarantee of quality loans, which will provide lasting community benefits.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.51 hours per response.

Respondents: Guaranteed lenders.

Estimated Number of Respondents: 2,681.

Estimated Number of Responses per Respondent: 7.26.

Estimated Number of Responses: 19,466.

Estimated Total Annual Burden on Respondents: 9,992.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Branch, at (202) 692–0043.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (b) the accuracy of RBS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: September 10, 1999.

Randall E. Torgerson,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 99–24318 Filed 9–17–99; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's intention to request an extension for a currently approved information collection in support of the program for Guaranteed Loanmaking.

DATES: Comments on this notice must be received by November 19, 1999, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Rick Bonnet, Senior Commercial Loan Specialist, Business Programs Processing Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP 3221, 1400 Independence Avenue SW, Washington, DC 20250–3221, Telephone (202) 720–1804, E-mail "rbonnet@rurdev.usda.gov".

SUPPLEMENTARY INFORMATION:

Title: Guaranteed Loanmaking (General).

OMB Number: 0570–0018.

Expiration Date of Approval: September 30, 1999.

Type of Request: Extension of Currently Approved Information Collection.

Abstract: The purpose of the program is to improve, develop, or finance businesses, industries, and employment and improve the economic and environmental climate in rural communities. This purpose is achieved through bolstering the existing private credit structure through the guaranteeing of quality loans made by lending institutions, thereby providing lasting community benefits. This subpart contains general requirements applicable to all guaranteed loan programs administered by the Agency.

Information being collected from lenders on guaranteed loan borrowers is typically collected by lenders. There are no new data collection requirements contained in the renewal notice. In contrast to the burden package approved in 1996, the estimates no longer include burden hours for customary and usual business practices. However, the total burden hours is higher because of a significant increase in the program funding level.

Estimate of Burden: Public reporting for this collection of information is estimated to average 0.44 hours per response.

Respondents: Business or other for-profit; State, Local or Tribal; Accounts, and Attorneys.

Estimated Number of Respondents: 1117.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 1117.

Estimated Total Annual Burden on Respondents: 1,734 hours.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Branch, at (202) 692-0043.

Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (b) the accuracy of RBS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: September 9, 1999.

William F. Hagy III,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 99–24319 Filed 9–17–99; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS) intention to request an extension for a currently approved information collection in support of the Section 502 Direct and the Section 504 Rural Housing Loans and Grants Programs.

DATES: Comments on this notice must be received by November 19, 1999 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Gloria L. Denson, Loan Specialist, Single Family Housing Direct Loan Division, RHS, U.S. Department of Agriculture, STOP 0783, 1400 Independence Ave., SW, Washington, DC 20250–0783, Telephone 202–720–1474. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION:

Title: RD Form 410–8, "Applicant Reference Letter".

OMB Number: 0575–0091.

Expiration Date of Approval: December 31, 1999.

Type of Request: Extension of a currently approved information collection.

Abstract: The rural housing loan program under Section 502 of title V of the Housing Act of 1949, as amended, provides eligible persons who live in rural areas with an opportunity to own adequate but modest, decent, safe, and sanitary dwellings and related facilities. Also, the Section 504 loan/grant programs assist eligible very low-income owner/occupants to repair or rehabilitate single family homes in rural areas. Applicants are required to furnish information concerning their credit history to RHS when they apply for assistance. In both programs, RD Form 410–8 is used to obtain information about an applicant's credit history that might not appear on a credit report. It is used to document an ability to handle credit effectively for applicants who have not used sources of credit that appear on a credit report. It also provides a mechanism for following up on repayment history for debts reported by the applicant on the application that do not appear on the credit report. This information is used by the Loan Originator serving the area in which the applicant or borrower will live to determine whether the applicant's credit history meets the Agency criteria. In addition to supplementing or verifying other debts when a credit report is limited and unavailable to determine the applicant's eligibility and credit worthiness, the RD Form 410–8 is used because credit reports are not always used when an applicant/borrower lives in a remote area; therefore, the form is widely used by the Agency to obtain credit information.

RHS must, by law, make available to the applicant, upon request, the source of information used to make an adverse decision. Individual references may be solicited with the clear understanding that if the information is used to deny credit, the information will be made available to the applicant upon request. If this information was not collected, RHS would be unable to evaluate an applicant's credit history.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 20 minutes per response.

Respondents: Individuals or households.

Estimated Number of Respondents: 28,523.

Estimated Number of Responses per Respondent: 3.

Estimated Total Annual Burden on Respondents: 28,238 hours.

Copies of this information collection can be obtained from Brenda Frost, Regulations and Paperwork Management Branch, at (202) 692–0037.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RHS, including whether the information will have practical utility; (b) the accuracy of RHS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Brenda Frost, Regulation and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, Stop 0742, 1400 Independence Ave., SW, Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: September 2, 1999.

Alan Stephens,

Acting Administrator Rural Housing Service.

[FR Doc. 99–24320 Filed 9–17–99; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

International Trade Administration

Texas A&M University; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC.

Docket Number: 99–012. *Applicant:* Texas A&M University, College Station, TX 77843–3122. *Instrument:* Densitometer and Balance. *Manufacturer:* Rubotherm, Germany. *Intended Use:* See notice at 64 FR 35126, June 30, 1999.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides: (1) Density measurements for corrosive materials using a magnetic suspension balance for weighing the sample with a mechanism located outside the measuring chamber and (2) a load capacity of 100 gm and resolution of 0.02 mg. A domestic manufacturer of similar equipment advised August 18, 1999 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 99–24462 Filed 9–17–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091499A]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Red Drum Stock Assessment Panel (RDSAP).

DATES: This meeting will begin at 9:00 a.m. on Monday, October 4, 1999, and will conclude by 3:00 p.m. on Thursday, October, 7, 1999.

ADDRESSES: The meeting will be held at the National Marine Fisheries Service Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, Florida.

FOR FURTHER INFORMATION CONTACT: Peter Hood, Fishery Biologist, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, Florida 33619; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The RDSAP will convene to review a stock assessment on the status of the red drum stocks in the Gulf of Mexico prepared by NMFS. The RDSAP will consider available information including, but not limited to, commercial and recreational catches, natural and fishing mortality estimates, recruitment, fishery-dependent and fishery-independent data, and data needs. These analyses will be used to determine the condition of the stocks and the levels of acceptable biological catch. The RDSAP may also review estimates of stock size (biomass at maximum sustainable yield) and minimum stock size thresholds. Currently it is illegal to harvest or possess red drum in Federal waters.

The conclusions of the RDSAP will be reviewed by the Council's Standing and Special Reef Fish Scientific and Statistical Committee, and Red Drum Advisory Panel at meetings to be held in late October, 1999.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at 813–228–2815 by September 27, 1999.

Dated: September 14, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24316 Filed 9–17–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for Construction of Military Family Housing at Marine Corps Air Station Miramar, San Diego, CA

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the environmental effects of the development of suitable and affordable housing for enlisted military personnel and their families assigned to installations in the San Diego region.

DATES: Two public scoping meetings will be held to receive oral and written comments on the scope of the EIS. The first meeting will be held on October 6, 1999, at the Serra High School located at 5156 Santo Road, San Diego, California. The second meeting will be held on October 13, 1999, at the Scripps Ranch High School located at 10410 Treena Street, San Diego, California. Both meetings will begin at 7 p.m.

ADDRESSES: Regional Planning Team, Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, CA 92132–5190.

FOR FURTHER INFORMATION CONTACT: Ms. Sheila Donovan (Code 04PLR.sd), Regional Planning Team, Southwest Division, Naval Facilities Engineering Command, at telephone (619) 523–1253; fax (619) 532–3979; or e-mail at donovansm@efdsw.navfac. navy.mil.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the environmental effects of the development of suitable and affordable housing for enlisted military personnel and their families assigned to installations in the San Diego region. Navy is proposing the construction of up to 1600 MFH units and supporting infrastructure. The EIS will address alternative sites that meet MFH housing suitability factors. Currently, four possible sites on government property, all at MCAS Miramar, have been identified for study: (1) A 211 acre site located off Missile Road in the northwest portion of East MCAS Miramar; (2) a 268 acre site located in the southeast corner of East Miramar; (3) a 283 acre site located in the north central portion of East Miramar; and (4) a Main Station site of approximately 100 acres located in the northern portion of the Station adjacent to Miramar Road. While no suitable private sites have been identified based upon preliminary real estate reviews, suitable private sites identified during the scoping process will be considered in the EIS. The EIS will also evaluate the No Action Alternative that would provide for no further construction of MFH.

Preliminary MFH justification studies for the San Diego area estimate the current MFH deficit to be about 2,400 units. Current projections show the MFH deficit substantially increasing through Fiscal Year 2004. However, because of constraints such as funding and land availability, it is unlikely that the Navy would be able to eradicate the shortfall through military construction.

The EIS will evaluate the environmental effects associated with each of the alternatives. Issues to be addressed include, but are not limited to: geology and soils; biological resources; water resources and hydrology; traffic; cultural resources; air quality; public services and utilities; land use and aesthetics; noise; socio-economics; public health and safety; hazardous materials and wastes; and environmental justice. The analysis will include an evaluation of the direct, indirect, short-term, and cumulative impacts. No decision to implement any alternative, including the No Action Alternative, will be made until the NEPA process is complete.

Two public scoping meetings will be held to receive oral and written comments on the scope of the EIS. A brief presentation describing the proposed action, potential alternatives, and the NEPA process will precede the public's opportunity to comment relating to the scope of the EIS. Navy and Marine Corps representatives will be available at this meeting to receive comments from the public regarding issues of concern. Federal, state and local agencies, and any potentially affected Indian tribes as well as interested organizations and individuals, may take this opportunity to identify environmental concerns that they believe should be addressed during the preparation of the EIS. Agencies and the public are invited and encouraged to provide written comments in addition to, or in lieu of, oral comments at the public meeting. Written comments regarding the scope of the EIS may also be submitted to Regional Planning Team, Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, CA 92132–5190. To be most helpful, comments should clearly describe specific issues or topics that the commentor believes the EIS should address. Written comments must be postmarked no later than November 13, 1999.

Dated: September 8, 1999.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Liaison Officer.

[FR Doc. 99–24314 Filed 9–17–99; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 19, 1999.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 14, 1999.

William Burrow,

Leader Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: New.

Title: Performance Report for the Jacob K. Javits Fellowship Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Burden: Responses: 115; Burden Hours: 690.

Abstract: This information collection provides the U.S. Department of Education with information needed to determine if grantees have made substantial progress toward meeting the program's objectives and allow program staff to monitor and evaluate the program. Congress has mandated (through the Government's Performance and Results Act of 1993) that the U.S. Department of Education provide documentation about the progress being made by the program.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov, or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Joseph Schubart at 202–708–9266 or by e-mail at joe__schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–24360 Filed 9–17–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 20, 1999.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 14, 1999.

William E. Burrow,

Leader Information Management Group, Office of the Chief Information Officer.

Office of Student Financial Assistance Programs

Type of Review: Extension.

Title: Guaranty Agency Monthly Claims and Collections Report.

Frequency: Monthly.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Burden: Responses: 36; Burden Hours: 2,160.

Abstract: This form is used by a guaranty agency to request payments of reinsurance for default, bankruptcy, death, disability claims paid to lenders and for costs incurred for supplemental

preclaims assistance, closed school, false certification and lender of last resort and lender referral fee pay.

Copies of this information collection can be obtained from the following electronic mailbox: http://www.ed.gov/offices/OSFAP/IGAL/.

Written comment and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address *OCIO—IMG—Issues@ed.gov*, or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Joseph Schubart at 202–708–9266 or by e-mail at joe__schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–24359 Filed 9–17–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Record of Decision: Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory in the State of New Mexico

AGENCY: Department of Energy.

ACTION: Record of decision.

SUMMARY: The Department of Energy (DOE) is issuing this Record of Decision on the continued operation of the Los Alamos National Laboratory (LANL) in the State of New Mexico. This Record of Decision is based on the information and analysis contained in the Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory, DOE/EIS–0238 (including the classified supplement), and other factors, including the mission responsibilities of the Department, and comments received on the final Site-Wide Environmental Impact Statement. DOE has decided to implement the Preferred Alternative, which, with certain limitations, is the Expanded Operations Alternative. This alternative would expand operations at LANL, as the need arises, to increase the level of existing operations to the highest reasonably foreseeable levels, and to fully implement the mission elements assigned to LANL.

FOR FURTHER INFORMATION CONTACT: For further information on the Site-Wide Environmental Impact Statement or to receive a copy of the Site-Wide Environmental Impact Statement or other information related to this Record of Decision, contact: Corey Cruz, Document Manager, U.S. Department of Energy, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, NM 87185, (505) 845–4282.

For information on the DOE National Environmental Policy Act (NEPA) process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–4600, or leave a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Background

DOE prepared this Record of Decision pursuant to the regulations of the Council on Environmental Quality for implementing NEPA (40 CFR Parts 1500–1508) and DOE's NEPA Implementing Procedures (10 CFR Part 1021). This Record of Decision is based, in part, on DOE's Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory, (DOE/EIS–0238). LANL is located in north-central New Mexico, 60 miles (96 kilometers) north-northeast of Albuquerque, 25 miles (40 kilometers) northwest of Santa Fe, and 20 miles (32 kilometers) southwest of Española. LANL occupies an area of approximately 27,832 acres (11,272 hectares), or approximately 43 square miles (111 square kilometers), of which 86 percent lies within Los Alamos County and 14 percent within Santa Fe County. The Fenton Hill site (Technical Area [TA]–57), a remote site 20 miles (32 kilometers) west of LANL, occupies 15 acres (6 hectares) in Sandoval County on land leased from the U.S. Forest Service. LANL is divided into 49 separate Technical Areas. LANL is a multi-disciplinary, multipurpose national laboratory engaged in theoretical and experimental research and development. DOE has assigned elements of each of its four principal missions (National Security, Energy Resources, Environmental Quality, and Science) to LANL, and has established and maintains several capabilities in support of these mission elements, including applications of science and technology to the nuclear weapons program. These capabilities also support applications for other Federal agencies and other organizations in accordance with national priorities and policies.

DOE is currently engaged in other NEPA reviews that include LANL as an alternate location for the action under consideration. These other NEPA reviews include programmatic and project Environmental Impact Statements for Waste Management and Surplus Plutonium Disposition. Since these other Environmental Impact Statements identify potential new or expanded activities for LANL, the impacts of these activities are described under the Preferred Alternative in the Site-Wide Environmental Impact Statement. The nature of the decisions in this Record of Decision with regard to the Waste Management programmatic and project proposals is simply to reserve infrastructure at LANL pending completion of these programmatic and project reviews and the corresponding decision document. With regard to the Surplus Plutonium Disposition program, the nature of the decision in this Record of Decision is to maintain the competency and capability to fabricate the Lead Assemblies as evaluated in the Surplus Plutonium Disposition Environmental Impact Statement (SPD EIS). However, the availability and capacity of facilities to perform such work may be limited because of competing priorities from the weapons program. DOE's resolution of any such competing priorities will be reflected in the Record of Decision for the SPD EIS.

DOE was directed by Congress (Pub. L. 105–119) to convey or transfer parcels of DOE land in the vicinity of LANL to the Incorporated County of Los Alamos, New Mexico, and the Secretary of the Interior, in trust for the San Ildefonso Pueblo. Such parcels, or tracts of land, must not be required to meet the national security mission of LANL and must also meet other criteria established by the Act. DOE has issued a Draft Environmental Impact Statement to examine the potential environmental impacts associated with the conveyance or transfer of 10 specific parcels. EPA published a Notice of Availability for the Draft Environmental Impact Statement for the Conveyance and Transfer of Certain Land Tracts Administered by the Department of Energy and Located at Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico, in the **Federal Register** on February 26, 1999.

The Site-Wide Environmental Impact Statement considers the environmental impacts of ongoing and proposed activities at LANL. DOE expects that it will continue to suggest new programs, projects, and facilities for LANL (or consider LANL as an alternative site for such facilities or activities). These new proposals will be analyzed in programmatic or project-specific NEPA reviews, as they become ripe for decision. Subsequent NEPA reviews

will make reference to, and be tiered from, the Site-wide Environmental Impact Statement; and subsequent DOE decisions on these proposals may amend this Record of Decision.

Alternatives Considered

DOE analyzed four broad alternative levels of operation at the Los Alamos National Laboratory. The four alternatives are as follows:

Alternative 1—No Action

The No Action Alternative reflects the levels of operation at LANL that are currently planned. This includes operations that provide for continued support of DOE's four primary missions, but would not include an increase in the existing pit manufacturing capacity (beyond the current capacity of 14 pits per year) nor expansion of the low-level waste disposal facility at Technical Area–54 (the remaining space in the existing Area G footprint would be used, but some low-level waste would be shipped off-site for disposal). This alternative includes the maintenance of existing capabilities, continued support/infrastructure activities, and implementation of several facility construction or modification projects throughout LANL that have previous NEPA reviews.

Alternative 2—Expanded Operations (DOE's Preferred Alternative Except for Pit Manufacturing)

The Expanded Operations Alternative would expand operations at LANL, as the need arises, to increase the level of existing operations to the highest reasonably foreseeable levels, and to fully implement the mission elements assigned to LANL. This includes the impacts of the full implementation of pit manufacturing up to a capacity of 50 pits per year under single-shift operations (80 pits per year using multiple shifts). This alternative includes the expansion of the low-level waste disposal site at Technical Area–54, including receipt of off-site wastes. In addition, this alternative includes the continued maintenance of existing and expanded capabilities, continued support/infrastructure activities, and implementation of several facility construction or modification projects at Technical Area–53 (i.e., the Long-Pulse Spallation Source, the 5-Megawatt Target/Blanket Experimental Area, the Dynamic Experiment Laboratory, and the Isotope Production Facility).

Alternative 3—Reduced Operations

The Reduced Operations Alternative reflects the minimum levels of operation at LANL considered necessary to maintain the capabilities to support DOE missions over the near-term (through the year 2007). While the capabilities are maintained under this alternative, this may not constitute full support of the mission elements currently assigned to LANL. This alternative reflects pit manufacturing at a level below the existing capacity (at 6 to 12 pits per year) and reflects shipment of much of the low-level waste generated at LANL for off-site disposal (on-site disposal would be limited to those waste types for which LANL has a unique capability at Area G). This alternative includes the maintenance of existing capabilities, continued support/infrastructure activities, and implementation of several facility construction or modification projects throughout LANL that have previous NEPA reviews; some of the projects previously reviewed under NEPA would be reduced in scope or eliminated (e.g., the Low-Energy Demonstration Accelerator would only be operated at the lower end of its energy range).

Alternative 4—"Greener"

The "Greener" Alternative reflects increased levels of operation at LANL in support of nonproliferation, basic science, and materials recovery/stabilization mission elements, and reduced levels of operation in support of defense and nuclear weapons mission elements. All LANL capabilities are maintained for the short term under this alternative; however, this may not constitute full support of the nuclear weapons mission elements currently assigned to LANL. This alternative reflects pit manufacturing at a level below the existing capacity (at 6 to 12 pits per year) and reflects shipment of much of the low-level waste generated at LANL for off-site disposal (on-site disposal would be limited to those waste types for which LANL has a unique capability at Area G). This alternative includes the maintenance of existing capabilities, continued support/infrastructure activities, and implementation of several facility construction or modification projects at Technical Area–53 (i.e., the Long-Pulse Spallation Source, the 5-Megawatt Target/Blanket Experimental Area, the Dynamic Experiment Laboratory, and the Isotope Production Facility.) The name and general description for this alternative were provided by interested public stakeholders as a result of the scoping process.

Preferred Alternative

In the draft Site-Wide Environmental Impact Statement, the Preferred Alternative was the Expanded Operations Alternative. In the final Site-Wide Environmental Impact Statement, the Expanded Operations Alternative is the Preferred Alternative with one modification, which involves the level at which pit manufacturing would be implemented at LANL. Under the Expanded Operations Alternative, DOE would expand operations at LANL, as the need arises, to increase the level of existing operations to the highest reasonably foreseeable levels. This expansion of operations would apply broadly to the essential science and technology activities across LANL, and would apply to the level of activity for those operations (e.g., increased throughput or increased numbers of experiments). The Expanded Operations alternative includes expansion to fully implement pit manufacturing up to the capacity of 50 pits per year under single-shift operations (80 pits per year using multiple shifts) assigned to LANL in the Record of Decision for the Stockpile Stewardship and Management Programmatic Environmental Impact Statement.

However, as a result of delays in the implementation of the Capability Maintenance and Improvement Project and recent additional controls and operational constraints applied to work conducted in the Chemistry and Metallurgy Research (CMR) Building, DOE has determined, as a matter of policy, to postpone any decision to expand pit manufacturing beyond a level of a nominal 20 pits per year in the near future (through the year 2007), and to study further methods for implementing the 50 pits per year production capacity. The revised Preferred Alternative reflects implementing pit manufacturing at the 20-pit-per-year level. This postponement does not modify the long-term goal announced in the Record of Decision for the Stockpile Stewardship and Management Programmatic Environmental Impact Statement of 50 pits per year (up to 80 pits per year using multiple shifts).

The Preferred Alternative includes the expansion of the low-level waste disposal site at Technical Area–54. The Preferred Alternative also includes the continued maintenance of existing and expanded capabilities, continued support/infrastructure activities, and implementation of several facility construction or modification projects at Technical Area–53 (i.e., the Long-Pulse Spallation Source, the 5-Megawatt Target/Blanket Experimental Area, the Dynamic Experiment Laboratory, and the Isotope Production Facility).

Environmentally Preferable Alternative

The Council on Environmental Quality, in its "Forty Most Asked Questions Concerning CEQ's NEPA Regulations" (46 FR 18026, 2/23/81), with regard to 40 CFR 1505.2, defined the "environmentally preferable alternative" as the alternative "that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources."

After considering impacts to each resource area by alternative, DOE has identified Alternative 3, Reduced Operations, as the environmentally preferable alternative. Alternative 3 was identified as having the fewest direct impacts to the physical environment and to worker and public health and safety because all operations would be at the lowest levels. However, the analyses indicate that there would be very little difference in the environmental impacts among the alternatives analyzed. The major discriminators among alternatives are collective worker risks due to radiation exposure, socioeconomic effects due to LANL employment changes, and electrical power demand. Therefore, Reduced Operations would have the fewest impacts and Expanded Operations would have the most.

Environmental Impacts of Alternatives

DOE weighed environmental impacts as one factor in its decision making. DOE analyzed the potential impacts that might occur to land resources; geology, geological conditions, and soils; water resources, air quality; ecological and biological resources, human health, environmental justice, cultural resources; and socioeconomic, infrastructure, and waste management for the four alternatives. DOE considered the impacts that might occur from use of special nuclear materials, facility accidents, and the transportation of radioactive and other materials associated with LANL operations. DOE considered the impacts of projects and activities associated with each alternative, the irreversible or irretrievable commitments of resources, and the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity.

The highest resource impacts under any of the alternatives will be to the electrical power infrastructure. Peak electrical demand under the Reduced Operations Alternative exceeds supply during the winter months and may result in periodic brownouts. Peak electrical demand under the No Action, Expanded Operations, and Greener Alternatives exceeds the power supply in both winter and summer, when this may result in periodic brownouts. (Power supply to the Los Alamos area has been a concern for a number of years, and DOE continues to work with other users in the area and power suppliers to increase supply and reduce use.)

Nonradioactive hazardous air pollutants would not be expected to degrade air quality or affect human health under any of the alternatives. The differences in activities among the alternatives do not result in large differences in chemical usage. The activities at LANL are such that large amounts of chemicals are not typically used in any industrial process at LANL (compared to what may be used in commercial manufacturing facilities); but research and development activities involving many users dispersed throughout the site are the norm. Air emissions are, therefore, not expected to change by a magnitude that would, for example, trigger more stringent regulatory requirements or warrant continuous monitoring. Radioactive air emissions change slightly, but are within a narrow range due to the controls placed on these types of emissions and the need to assure compliance with regulatory standards. The collective population radiation doses from these emissions range from about 11 person-rem per year to 33 person-rem per year across the alternatives, and the radiation dose to the maximally exposed individual ranges from 1.9 millirem per year to 5.4 millirem per year across the alternatives. These doses were considered in the human health impact analysis.

The total radiological doses from normal operations over the next 10 years to the public under any of the alternatives are relatively small and are not expected to result in any excess latent cancer fatalities (LCFs) to members of the public. Additionally, exposure to chemicals due to LANL operations under any of the alternatives is not expected to result in significant effects to either workers or the public. Exposure pathways associated with the traditional practices of communities in LANL area (special pathways) would not be expected to result in human health effects under any of the alternatives. The annual collective radiation dose to workers at LANL ranges from 170 person-rem per year to 833 person-rem per year across the alternatives. These dose levels would be expected to result in from 0.07 to 0.33 excess LCFs per year of operation, respectively, among the exposed workforce. These impacts, in terms of excess LCFs per year of operation, reflect the numbers of excess fatal cancers estimated to occur among the exposed members of the work force over their lifetimes per year of LANL operations. These impacts form an upper bound, and the actual consequences could be less, but probably would not be worse.

Worker exposures to physical safety hazards are expected to result in a range of 417 (Reduced Operations) to 507 (Expanded Operations) reportable cases each year; typically, such cases would result in minor or short-term effects to workers, but some of these incidents could result in long-term health effects or even death.

LANL employment (including the University of California employees and those of the two subcontractors with the largest employment among LANL subcontractors) ranges from 9,347 (Reduced Operations) to 11,351 (Expanded Operations) full-time equivalents across the alternatives, as compared to 9,375 LANL full-time equivalents in 1996. These changes in employment would result in changes in regional population, employment, personal income, and other socioeconomic measures. Under any of the alternatives, these secondary effects would change existing conditions in the region by less than 5 percent.

Water demand for LANL ranges from 602 million gallons (2,279 million liters) per year to 759 million gallons (2,873 million liters) per year across the alternatives; the total water demand (including LANL and the residences and other businesses and agencies in the area) is within the existing DOE Rights to Water, and would result in average drops of 10 to 15 feet (3.1 to 4.6 meters) in the water levels in DOE well fields over the next 10 years. Usage, therefore, will remain within a fairly tight range among the alternatives. The related aspect of wastewater discharges is also within a narrow range for that reason. Outfall flows range from 218 to 278 million gallons (825 to 1,052 million liters) per year across the alternatives, and these flows are not expected to result in substantial changes to existing surface or groundwater quantities. Outfall flows are not expected to result in substantial surface contaminant transport under any of the alternatives. However, since mechanisms for recharge to groundwater are highly

uncertain, it is possible that discharges under any of the alternatives could result in contaminant transport in groundwater and off the site, particularly beneath Los Alamos Canyon and Sandia Canyon, which have increased outfall flows. The outfall flows associated with the Expanded Operations and Greener Alternatives reflect the largest potential for such contaminant transport, and the flows associated with the Reduced Operations Alternative have the least potential for such transport.

There is little difference in the impacts to geology, geological conditions, and soils across the alternatives. Wastewater discharge volumes with associated contaminants do change across the alternatives, but not to a degree noticeable in terms of impacts (such as causing soil erosion, for example). Under all of the alternatives, small quantities (as compared to existing conditions) of contaminants would be deposited in soils due to continued LANL operations, and the Environmental Restoration Project would continue to remove existing contaminants at sites to be remediated. Geological mapping and fault trenching studies at LANL are currently under way or recently completed to better define the rates of fault movements, specifically of the Pajarito Fault, and the location and possible southern termination of the Rendija Canyon Fault. Ongoing and recently completed seismic hazard studies indicate that slip rates (recurrence intervals for earthquakes) are within the parameters assumed in the 1995 seismic hazards study at LANL.

There is little difference in the impacts to land resources between the No Action, Reduced Operations, and the Greener Alternatives. Differences among the alternatives are primarily associated with operations in existing facilities, and very little new development is planned. Therefore, these impacts are essentially the same as currently experienced. The Expanded Operations Alternative has very similar land resources impacts to those of the other three alternatives, with the principal differences being attributable to the visual impacts of lighting along the proposed transportation corridor between the Plutonium Facility and the Chemistry and Metallurgy Research Building (this corridor will not be built under the Preferred Alternative) and the noise and vibration associated with increased frequency of high explosives testing (as compared to the other three alternatives).

No significant adverse impact to ecological and biological resources is projected under any of the alternatives. The separate analyses of impacts to air and water resources constitute some of the source information for analysis of impacts in this area; as can be seen from the above discussion, the variation across the alternatives is not of a sufficient magnitude to cause large differences in effects. The impacts of the Expanded Operations Alternative differ from those of the other alternatives in that there is some projected loss of habitat; however, this habitat loss is small (due to limited new construction) compared to available similar habitat in the immediate vicinity.

DOE expects no environmental justice impacts from the operation of LANL under any of the alternatives, i.e., projected impacts are not disproportionately high for minority or low-income populations in the area. DOE also analyzed human health impacts from exposure through special pathways, including ingestion of game animals, fish, native vegetation, surface waters, sediments, and local produce; absorption of contaminants in sediments through the skin; and inhalation of plant materials. The special pathways have the potential to be important to the environmental justice analysis because some of these pathways may be more important or viable for the traditional or cultural practices of minority populations in the area. However, human health impacts associated with these special pathways also will not present disproportionately high and adverse impacts to minority or low-income populations.

Under all of the Site-Wide Environmental Impact Statement alternatives, there is a negligible to low potential for impacts to archaeological and historic resources due to shrapnel and vibration caused by explosives testing and contamination from emissions. Potential impacts will vary in intensity in accordance with the frequency of explosives tests and the operational levels that generate emissions (e.g., Reduced Operations would reflect the lowest potential, and Expanded Operations would reflect the highest potential). Recent assessments of prehistoric resources indicate a low potential compared to the effects of natural conditions (wind, rain, etc.). In addition to these potential impacts, the Expanded Operations Alternative includes the expansion of the low-level waste disposal site at Technical Area-54, which contains several National Register of Historic Places sites; if any significant cultural resources will be adversely effected by the undertaking, DOE will consult with the New Mexico State Historic Preservation Office and other consulting parties to resolve the adverse effect.

The potential impacts to specific traditional cultural properties would depend on their number, characteristics, and location. Such resources could be adversely affected by changes in water quality and quantity, erosion, shrapnel from explosives testing, noise and vibration from explosives testing, and contamination from ongoing operations. Such impacts would vary in intensity in accordance with the frequency of explosive tests and the operational levels that generate emissions. The current practice of consultation would continue to be used to provide opportunities to avoid or minimize adverse impacts to any traditional cultural properties located at LANL.

LANL chemical waste generation ranges from 3,173 to 3,582 tons (2,878,000 to 3,249,300 kilograms) per year across the alternatives. LANL low-level waste generation, including low-level mixed waste, ranges from 338,210 to 456,530 cubic feet (9,581 to 12,837 cubic meters) per year across the alternatives. LANL transuranic (TRU) waste generation, including mixed TRU waste, ranges from 6,710 to 19,270 cubic feet (190 to 547 cubic meters) across the alternatives. Disposal of these wastes at on-site or off-site locations is projected to constitute a relatively small portion of the existing capacity for disposal sites; disposal of all LANL low-level waste on the site would require expansion of the low-level waste disposal capacity beyond the existing footprint of Technical Area-54 Area G under all alternatives (although this is only included in the analysis of the Expanded Operations Alternative).

Radioactively contaminated space in LANL facilities would increase by about 63,000 square feet (5,853 square meters) under the No Action, Reduced Operations, and Greener Alternatives (due primarily to actions previously reviewed under NEPA but not fully implemented at the time the existing contaminated space estimate was established [May 1996]). The Expanded Operations Alternative would increase contaminated space in LANL facilities by about 73,000 square feet (6,782 square meters). The creation of new contaminated space causes a clean-up burden in the future, including the generation of radioactive waste for treatment and disposal; the actual impacts of such clean-up actions are highly uncertain because they are dependent on the actual characteristics of the facilities, the technologies

available, and the applicable requirements at the time of the cleanup.

Incident-free transportation associated with LANL activities over the next 10 years would be conservatively expected to cause radiation doses that would result in about one excess latent cancer fatality to a member of the public and two excess latent cancer fatalities to members of LANL workforce over their lifetimes under each of the Site-Wide Environmental Impact Statement alternatives. There is little variation in impacts because effects are small, and the increased transport of radioactive materials is not enough to make a significant change in those small effects.

Transportation accidents without an associated cargo release over the next 10 years of LANL operations are conservatively projected to result in from 33 to 76 injuries and 3 to 8 fatalities (including workers and the public) across the alternatives. The bounding off-site and on-site transportation accidents over the next 10 years involving a release of cargo would not be expected to result in any injuries or fatalities to members of the public for any of the alternatives. Accidents were analyzed by type of material, and the maximum quantities were selected for analysis. These parameters do not change across the alternatives. Total risk also does not change appreciably across the alternatives because the frequency of shipments does not vary enough to substantially influence the result.

The accident analyses (other than transportation and worker physical safety incidents/accidents) considered a variety of initiators (including natural and manmade phenomena), the range of activities at LANL, and the range of radioactive and other hazardous materials at LANL. Transportation accidents and the relatively frequent worker physical safety incidents/accidents were considered separately. The accidents discussed below are those that bound the accident risks at LANL (other than transportation and physical safety incidents/accidents).

The operational accident analysis included four scenarios that would result in multiple source releases of hazardous materials: three due to a site-wide earthquake and one due to a wildfire, resulting in three different degrees of consequences and one wildfire scenario. These four scenarios dominate the radiological risk due to accidents at LANL because they involve radiological releases at multiple facilities and are considered credible (that is, they would be expected to occur more often than once in a million years), with the wildfire considered likely. Another earthquake-initiated accident, labeled RAD–12, is facility-specific (to Building Technical Area–16–411) and is dominated by the site-wide earthquake accidents due to its very low frequency (about 1.5×10^{-6} per year). It is noteworthy that the consequences of such earthquakes are dependent on the frequency of the earthquake event, the facility design, and the amount of material that could be released due to the earthquake; such features do not change across the alternatives, so the impacts of these accidents are the same for all four alternatives. The risks were estimated conservatively in terms of both the frequency of the events and the consequences of such events. (In particular, it is noteworthy that the analysis assumes that any building that would sustain structural or systems damage in an earthquake scenario does so in a manner that creates a path for release of material outside of the building.) The total risk of an accident is the product of the accident frequency and the consequences to the total population within 50 miles (80 kilometers). This risk ranges from 0.046 (SITE–01, i.e., seismic event) and 0.034 (SITE–04, i.e., wildfire event) excess latent cancer fatalities per year of operation, to extremely small numbers for most of the radiological accidents. The risk for release of chemicals, such as chlorine, is calculated similarly as the product of the frequency and numbers of people exposed to greater than the selected guideline concentration, Emergency Response Planning Guideline (ERPG)–2. (ERPG–2 is the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to 1 hour without irreversible or serious health effects or symptoms that could impair their abilities to take protective action). Under all alternatives, the risks for chemical releases range from 6.4 (SITE–01) people exposed per year of operation to extremely small numbers for some chemical releases. In general, such earthquakes would be expected to cause fatalities due to falling structures or equipment; this also would be true for LANL facilities. Thus, worker fatalities due to the direct effects of the earthquakes would be expected. Worker injuries or fatalities due to the release of radioactive or other hazardous materials would be expected to be small or modest increments to the injuries and fatalities due to the direct effects of the earthquakes.

Comments on the Final Site-Wide Environmental Impact Statement

DOE distributed approximately 500 copies of the final Site-Wide Environmental Impact Statement to Congressional members and committees, the State of New Mexico, various American Indian Tribal governments and organizations, local governments, other Federal agencies, and the general public. Comments were received from the U.S. Department of the Interior (DOI) and Chestnut Law Offices, representing San Ildefonso Pueblo. The U.S. Environmental Protection Agency (EPA) did not provide comments on the final Site-Wide Environmental Impact Statement stating in the **Federal Register** (64 FR 18901) that "Review of the FEIS was not deemed necessary. No formal comment letter was sent to the preparing agency."

DOI identified two areas of concern with the final Site-Wide Environmental Impact Statement. The first concern is that the Site-Wide Environmental Impact Statement does not adequately assess the direct, indirect, and cumulative effects of programs and activities associated with the continued operation of LANL either on or off the site. DOI maintains that the existing impacts from the environmental baseline should be quantified and not restricted to the evaluation of only two site-specific projects. DOI further states that while programs and activities that are proposed or under way may help to reduce adverse impacts, these programs and activities were not adequately evaluated in the Site-Wide Environmental Impact Statement.

Chapter 4 (Volume I) of the Site-Wide Environmental Impact Statement presents the environmental setting and existing conditions associated with LANL operations. The information presented in Chapter 4 forms a baseline for use in evaluating the environmental impacts of the four Site-Wide alternatives. For all alternatives, assessment of significance was accomplished both quantitatively where data and analysis were available, and qualitatively. The assessment of the potential effects, both positive and adverse, of the Expanded Operations, Reduced Operations, Greener, and No Action Alternatives was based on the degree of change from baseline conditions and was presented in Chapter 5 (Volume I) of the Site-Wide Environmental Impact Statement. DOE integrated many programs and activities, including the Natural Resources Management Plan (see Mitigation Measures), that would reduce adverse impacts in its analysis of environmental impacts.

DOI's second concern is threatened and endangered species protection at LANL. DOI does not concur with DOE's determination that implementation of

the Expanded Operation Alternative may affect but would not likely adversely affect four listed species at LANL. The DOI believes that measures necessary to reduce impacts to threatened and endangered species that are identified through the consultation process should be incorporated into the Site-Wide Environmental Impact Statement as required measures.

On April 29, 1999, subsequent to DOI's submittal of comments on the final Site-Wide Environmental Impact Statement, DOE initiated formal section 7 consultation between the DOI and DOE for DOE's proposal to expand existing operations at LANL. DOE sees this consultation process as an opportunity to further the stewardship of listed species provided by the recently implemented Threatened and Endangered Species Management Plan for LANL. Based on communications with the U.S. Fish and Wildlife Service, DOE anticipates that the Service will issue a Biological Opinion in the near future. Upon its receipt DOE will continue to coordinate with the Service the integration into the operation of LANL of any needed measures recommended in the Biological Opinion that will contribute to the welfare of listed species. DOE believes that this process should proceed on a separate, parallel track from that of the Site-Wide Environmental Impact Statement process.

The Chestnut Law Offices, representing San Ildefonso Pueblo, identified three issues of concern with the final Site-Wide Environmental Impact Statement. First, Chestnut Law Offices states that the environmental justice analysis is flawed because it divides San Ildefonso Pueblo into several different segments thereby not indicating any adverse impacts to the Pueblo. Chestnut Law Offices states that most environmental risk is at the perimeter of the laboratory directly affecting San Ildefonso Pueblo, and that the Site-Wide Environmental Impact Statement determines there is no greater impact on the Pueblo than on other disadvantaged communities. Chestnut Law Offices states that this approach in environmental justice analysis does not comply with Federal law and is inadequate.

DOE prepared the environmental justice analysis in accordance with guidance from the Council on Environmental Quality and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The segments referred to in the comments were used to identify and highlight the locations of low-income and/or minority populations for the impact analyses. Using this tool, the San Ildefonso Pueblo was identified as housing minority and/or low-income populations for consideration in the Environmental Justice analysis. DOE has not identified any disproportionately high and adverse human health or environmental impacts on minority or low-income populations under any of the alternatives analyzed in the Site-Wide Environmental Impact Statement. To the extent that there is a potential for adverse impacts, DOE analysis has shown that most of the impact would affect all populations equally. In the cases of air emissions and on-site transportation, the residential populations nearest to LANL, which have a relatively low percentage of minority and low-income populations, would be affected to a greater extent than other populations within the 50-mile radius.

The impacts addressed in the environmental justice analysis in the Site-Wide Environmental Impact Statement include land resources, geology, soils, water resources, ecological resources, air quality, human health, waste management, socioeconomic, and transportation. This analysis includes the projected impacts due to contamination in the area from past LANL activities. As part of its human health impact analysis, DOE looked at potential exposure through special pathways, including ingestion of game animals, fish, native vegetation, surface waters, sediments, and local produce; absorption of contaminants in sediments through the skin; and inhalation of plant materials. For LANL, the special pathways influence the environmental justice analysis because some of these pathways are more important or viable to the traditional or cultural practices of minority populations in the area. Even considering these special pathways, DOE did not find disproportionately high and adverse health impacts to minority or low-income populations.

The Chestnut Law Offices' second concern is groundwater contamination due to LANL activities. The Chestnut Law Offices states that the final Site-Wide Environmental Impact Statement does not address the recent groundwater contamination but downplays it, and that this section of the Site-Wide Environmental Impact Statement should be re-evaluated.

DOE believes that drinking water quality in the Los Alamos area continues to meet all Federal and New Mexico chemical and radiological standards. In February 1999 DOE discovered, as part of implementing the Hydrogeologic Workplan (the multi-year effort to characterize the flow and extent of contamination of the main aquifer), high explosives contamination while drilling a well (R–25) in the western part of the Laboratory. Based on current knowledge, DOE believes it will take at least 50 years for these contaminants to reach the drinking water production wells approximately three and a half miles to the East of R–25. DOE has and will continue to sample the drinking water to ensure it is safe. Groundwater monitoring data from implementation of the Hydrogeologic Workplan is still under review and evaluation. As new information becomes available, the LANL Environmental Surveillance and Compliance Program will be revised to incorporate the additional data.

Chestnut Law Offices' third concern is that the Site-Wide Environmental Impact Statement does not consider the shutdown of the low-level waste disposal area, Area G, a reasonable alternative. The commentor states the alternatives in the Site-Wide Environmental Impact Statement are based on the assumption that LANL will be a regional low-level waste disposal site. The commentor believes the Site-Wide Environmental Impact Statement does not analyze the possibility that another site may be chosen as the regional low-level waste disposal site, thereby providing the opportunity for the waste to be removed from Area G. The commentor states this is a serious flaw since it does not anticipate a clearly reasonable alternative in light of existing planning documents.

The shutdown of the low-level waste disposal area, Area G, was not considered a reasonable alternative for analysis in the Site-Wide Environmental Impact Statement because Area G has a unique capability for the disposal of certain wastes generated by LANL. Such wastes include classified wastes and other wastes that would be difficult to transport to other sites. The Expanded Operations Alternative was the only alternative that analyzed the impacts of LANL being chosen as a regional low-level waste disposal site.

Under the Waste Management Programmatic Environmental Impact Statement, which evaluated locations for treatment and disposal of low-level radioactive waste and mixed low-level radioactive waste, these wastes would be treated on the site at LANL and disposed of at a regional site to be determined after consultation with stakeholders. One of the potential regional disposal sites for low-level waste is LANL. Therefore, in the Expanded Operations Alternative, the Site-Wide Environmental Impact

Statement addressed treatment and disposal of LANL-generated low-level waste, as well as disposal of off-site generated low-level waste. The Expanded Operations Alternative analyzes the environmental impacts and the footprint needed at Area G to allow for the implementation of this alternative.

If LANL is not selected as a regional disposal site, some low-level waste could be sent off-site for disposal, as reflected in the No Action, Reduced, and Greener Alternatives. The current low-level waste capacity available at Area G is limited. If LANL were selected as a regional disposal site, the expansion of Area G would occur at the fastest rate. If LANL continues to dispose of its own wastes, the expansion would still occur, but at a slower rate. Currently LANL generates some low-level waste that, primarily because of its size and shape, does not meet the acceptance criteria for disposal at other DOE sites, such as the Nevada Test Site. However, the decision as to the ultimate treatment and disposal of low-level waste and mixed low-level waste will be made in a Record of Decision for the Waste Management Programmatic Environmental Impact Statement.

It should also be noted that the EPA, State of New Mexico, and representatives of the Pueblos (four Accord Pueblos) near LANL were invited to review and comment on the Classified Supplement for the Draft Site-Wide Environmental Impact Statement (EPA declined the invitation). Comments from that review were received shortly after the final Site-Wide Environmental Impact Statement was issued. This final Classified Supplement and all comments provided were considered in reaching the decisions in this Record of Decision.

Other Decision Factors

As noted in the final Site-Wide Environmental Impact Statement, LANL houses unique facilities and expertise that have been developed over the past 50 years. These have served several National Security and other national needs in the past. It is expected that, for the foreseeable future, the U.S. will maintain a nuclear weapons stockpile and require "cutting edge" science and manufacturing capabilities to address issues of national importance for the maintenance of that stockpile and for other purposes, including assuring the safety and reliability of that stockpile. The unique facilities and expertise at LANL are needed to assist in finding solutions to these issues. As noted in the final Site-Wide Environmental Impact Statement, LANL's role in supporting DOE's missions has expanded as the DOE nuclear weapons complex has been downsized over the last decade. Additionally, it is expected that there will be continued emphasis on applying the unique capabilities at LANL to support DOE's basic science mission and to apply technologies developed in DOE laboratories to improve the U.S. technological position and competitiveness. These factors were also considered (in addition to the human health and environmental impact information discussed above) in reaching this Record of Decision.

Decisions

DOE has decided to continue to operate LANL for the foreseeable future and to expand the scope and level of its operations at LANL. DOE is implementing the Preferred Alternative, that is Alternative 2, Expanded Operations, but with pit production limited to a capacity that can be accommodated within the limited space currently set aside for this activity in the plutonium facility (estimated at nominally 20 pits per year). This alternative reflects a broad expansion of science and technology research, and applications of this research to a variety of issues of national importance; this alternative also includes the continued maintenance of existing and expanded capabilities, and continued support/infrastructure activities. The following discussion describes the major actions to be taken, with an emphasis on those areas that have had the most extensive programmatic or public interest.

It should be noted that the decisions in this Record of Decision will be reflected in DOE budget requests and management practices. However, the actual implementation of these decisions is dependent on DOE funding levels and allocations of DOE budget across competing priorities.

Pit Production and Other Plutonium Operations

DOE remains committed to meeting pit production requirements to support the enduring nuclear weapons stockpile. As part of its implementation of the Preferred Alternative, DOE will establish, over time, a pit production capability at LANL with a capacity of nominally 20 pits per year; this decision reflects an intent to establish a pit production capability at LANL within the existing floor space set aside for this operation (about 11,400 ft^2 [1060 m^2]). This will eliminate the need to transfer several Technical Area-55 plutonium operations (to "make room" for pit production activities in Technical Area-55) either to the CMR Building, or to newly constructed nuclear space, as contemplated in the Site-Wide Environmental Impact Statement. Thus, the Preferred Alternative for Pit Production can be implemented without an expansion of the plutonium operations floor space at LANL. The exact production capacity of this floor space is not known with certainty (pending process optimization studies), but has been characterized as nominally 20 pits per year. This level provides adequate capacity to meet the near-term pit production requirements to maintain the enduring stockpile (about 20 pits per year), as expressed in the Record of Decision for the Stockpile Stewardship and Management Programmatic Environmental Impact Statement. While this does not change the 50-pit-per-year mission assignment made in the Stockpile Stewardship and Management Programmatic Environmental Impact Statement Record of Decision, it does suspend full implementation of that decision until an undetermined time in the future.

Implementation of the pit production mission at LANL will be phased. The first pit for delivery to the U.S. nuclear weapons stockpile will be made in 2001. It is expected that, through equipment installation in existing facilities, the limited production capacity of nominally 20 pits per year will be achieved in 2007. At these levels of production, there is no need to move plutonium operations from the Plutonium Facility, Technical Area-55, to the CMR Building, and there is no need to construct a corridor between Technical Area-55 and Technical Area-3. Thus, DOE has decided not to move these operations or construct the road at this time.

Chemistry and Metallurgy Research Building—As the Site-Wide Environmental Impact Statement was being prepared, DOE was working on two sets of information associated with CMR operations: (1) Establishment of a modern authorization basis for these operations (referred to as the CMR Basis for Interim Operations, or BIO); and, (2) studies of the seismicity of the Technical Area-55 and Technical Area-3 areas. Both sets of information are included in the impact analyses in the Site-Wide Environmental Impact Statement (where details were not known, the analyses in the Site-Wide Environmental Impact Statement were, in fact, bounding of the details determined through these efforts). Through this effort, it became apparent that the subprojects included in the CMR Upgrades Construction Project should be reprioritized and oriented to provide for the continued safe operation

of the CMR Building through about 2010. The single most substantive change in this project was to replace the proposed seismic upgrades with a combination of material containerization, a reduction in the amount of Material at Risk (or MAR, which is the amount of in-process material that would be subject to release if there were a catastrophic accident), and a substantial reduction in the amount of combustible material allowed in the CMR Building. With these controls in place, the worst-case plausible accidents involving the CMR Building would have minimal effects on public health (effects would be within applicable guidelines intended to protect human health).

The 1996 Stockpile Stewardship and Management Programmatic Environmental Impact Statement analyzed the environmental impacts of locating a pit manufacturing capability at either LANL or the Savannah River Site. In December 1996, DOE issued a Record of Decision reestablishing the pit manufacturing mission at LANL. In August 1998, the U.S. District Court for the District of Columbia, while ruling in DOE's favor in litigation challenging the adequacy of the Stockpile Stewardship and Management Programmatic Environmental Impact Statement, directed DOE to take another look at certain new studies regarding seismic hazards at LANL, and to provide a factual report and technical analysis of the plausibility of a building-wide fire at LANL's plutonium facility (PF–4 at Technical Area-55). The Court directed that DOE prepare a Supplement Analysis, pursuant to DOE's NEPA regulations (10 CFR 1021.314(c)), to help determine whether a supplemental Stockpile Stewardship and Management Programmatic Environmental Impact Statement should be issued to address these studies. These seismic studies have been released to the public and are examined in more detail in the draft Supplement Analysis released for public review and comment on July 1, 1999. On September 2, 1999, DOE issued a final Supplement Analysis and determined that none of the issues analyzed in the Supplement Analysis represents substantial changes to the actions considered in the Stockpile Stewardship and Management Programmatic Environmental Impact Statement, nor do those issues provide significant new information relevant to the environmental concerns discussed in that Programmatic Environmental Impact Statement. Therefore no supplement to that Programmatic Environmental Statement is required.

Secondaries

While LANL was considered as a production site for secondaries (components of a nuclear weapon that contains elements needed to initiate the fusion reaction in a thermonuclear reaction) in the Stockpile Stewardship and Management Programmatic Environmental Impact Statement, this mission was assigned to the Y–12 plant at Oak Ridge, Tennessee. However, DOE expects LANL to maintain an understanding of secondary production technologies, as well as the characteristics of War Reserve secondaries in the stockpile.

Tritium

LANL will continue to support both research and development and production activities involving tritium (neutron tube target loading for nuclear weapons stockpile components). These will include development of new reservoirs and reservoir fill operations, surveillance and performance testing on tritium components, tritium recovery and purification technologies, and production operations associated with neutron generator production for the stockpile. The expansion of these activities results in: (1) tritium throughputs on an annual basis increase by a factor of up to 2.5; and (2) the on-site inventory of tritium increases by a factor of 10.

High Explosives Processing and Testing

Operations in this area will increase such that annual explosives throughput will increase to about 82,700 pounds, and the annual mock explosives throughput will increase to about 2,910. These quantities include continued research, development, and fabrication of high-power detonators, including support of up to 40 major product lines per year in support of the Stockpile Stewardship and Management program. In addition, the number of hydrodynamic tests will increase to about 100 per year; the annual amount of depleted uranium will increase to about 6,900 pounds.

Accelerator Operations

DOE will implement several facility construction or modification projects at Technical Area–53: the Long-Pulse Spallation Source, the 5-Megawatt Target/Blanket Experimental Area, the Dynamic Experiment Laboratory, and the Isotope Production Facility.

Expansion of Technical Area–54/Area G Low-Level Waste Disposal Area

As part of the implementation of the Preferred Alternative, DOE will continue the on-site disposal of LANL generated low-level waste using the existing footprint at Area G low-level waste disposal area and will expand disposal capacity into Zones 4 and 6 at Area G (this expansion would cover up to 72 acres [29 hectares]). DOE will develop both Zones 4 and 6 in a step-wise fashion, expanding these areas as demand requires.

Mitigation Measures

The Site-Wide Environmental Impact Statement included a discussion of existing programs and plans and controls built into the operations at LANL, including operating within applicable regulations, DOE Orders, contractual requirements and approved policies and procedures. The following discussion outlines the mitigation measures that DOE will undertake to reduce the impacts of continuing to operate LANL at the levels outlined in this Record of Decision.

Electrical Power

The Site-Wide Environmental Impact Statement recognizes the need for an increase in electrical power supply and reliability under the Preferred Alternative as well as other alternatives analyzed. The impact analyses emphasize the severity of these issues and consequences if they are not resolved, e.g., brownouts. Solutions to power supply issues are essential to mitigate the effects of power demand under all alternatives. An operating plan for improved load monitoring, equipment upgrades, and optimization of some available power sources was discussed. Additional measures under consideration by DOE include: (1) Limiting operation of large users of electricity to periods of low demand, and contractual mechanisms to bring additional electric power to the region and some form of on-site cogeneration as an incremental resource. DOE and other users of electrical power in the area have been working with suppliers to resolve these foreseeable power and reliability issues. One solution under consideration for improved reliability is the provision of a third power line from the existing Public Service Company of New Mexico Norton substation to the existing LANL substations. This solution could include a new LANL substation. In any case, DOE is committed to manage electric power demands to prevent periods of brownouts by adjusting to the limitations of available power until a solution for a long-term increase in power is in place. DOE is also committed to approve and begin implementing a Utility Procurement Plan by November 1999.

Water Supply and Demand

Prior to September 8, 1998, DOE supplied all potable water for LANL, Bandelier National Monument, and Los Alamos County, including the towns of Los Alamos and White Rock. This water was derived from DOE's groundwater right to withdraw 5,541.3 acre-feet or about 1,806 million gallons of water per year from the main aquifer. On this date, DOE leased these rights to the County of Los Alamos. This lease also included DOE's contracted annual right obtained in 1976 to 1,200 acre-feet of San Juan-Chama Transmountain Diversion Project water. This lease agreement is effective for three years, at which point DOE expects to convey 70 percent of the water right to the County of Los Alamos and lease the remaining 30 percent to them. The San Juan-Chama rights will be transferred in their entirety to the County. On several occasions since 1986 through 1998, LANL operations have exceeded 30 percent of the total DOE annual water right. The agreement between DOE and the County does not preclude provision of additional waters in excess of the 30 percent agreement, if available. However, the agreement also states that should the County be unable to provide water to its customers, the County shall be entitled to reduce water services to DOE in an amount equal to the water rights deficit.

DOE is committed to managing water demand to prevent exceedances of DOE water rights. LANL will develop and implement by June 2000 procedures to assure that all new projects will implement water conservation design and techniques. LANL will also develop water conservation goals and begin implementing them by October 2001.

Waste Management

DOE is committed to the proper management and minimization of all wastes. LANL will integrate waste minimization into Integrated Safety Management by October 2000. By June 2000 LANL will develop and implement procedures to assure that all new projects will implement waste minimization for TRU and mixed TRU waste streams. In addition LANL will reduce by December 2005 waste from routine operations by 80% using 1993 as a baseline for hazardous, low-level radioactive, and mixed low-level radioactive wastes. Also, LANL will recycle 40% of sanitary waste from routine operations by December 2005.

LANL will also purchase EPA-designated items with recycled content according to the conditions of Executive Order 12873. A LANL Implementing Requirement for waste minimization activities is currently in draft.

Wildfire

The final Site-Wide Environmental Impact Statement included an accident scenario from a wildfire that was initiated on land adjacent to LANL and spread to the LANL site. The analysis concluded that a major fire is not only credible but also likely. The current and future risks of wildfires at LANL can only be mitigated through purposeful environmental intervention and active land management. LANL will develop by December 1999 a preliminary program plan for comprehensive wildfire mitigation, including construction and maintenance of strategic fire roads and fire breaks, creation of defensible space surrounding key facilities, and active forest management to reduce fuel loadings. LANL will prepare and begin implementation of a long-term strategy for wildfire mitigation actions before the start of the 2000 fire season.

Cultural Resources

DOE is committed through ongoing consultation processes with affected Native American tribes to ensure protection of cultural resources and sites of cultural, historic, or religious importance to the tribes. With input from the tribes participating in the Los Alamos Pueblos Project (LAPP), DOE will develop a strategy to increase the understanding of traditional cultural properties at LANL, to determine strategies for the long-term management of identified traditional cultural properties and sacred sites and to determine appropriate mitigation measures for specific traditional cultural properties. The strategies could include the development of access agreements to traditional cultural properties and sacred sites. In the past, attempts to identify specific traditional cultural properties at LANL have encountered concerns from traditional groups because of the potential for increased risk to these resources if they are individually identified; thus, DOE will explore the potential benefits and risks of such a study, and options to such a study, with the LAPP tribes. This approach is intended to ensure appropriate respect and consideration regarding cultural concerns, while attempting to provide the information and ability to mitigate or avoid potential impacts to traditional cultural properties (which are currently not specifically known, to a large extent). The goal of the consultation and coordination would be an agreement with the relevant Native American tribes for the management of these resources.

DOE will complete an Integrated Cultural Resource Management Plan (ICRMP) by April 2002. The ICRMP will detail how LANL will manage, preserve, and protect cultural resources within the scope of Federal and State laws, regulations, Executive Orders, standards, as well as to the extent practicable, follow Tribal criteria and guidelines. The ICRMP will provide a basis for a unified approach to address the multiplicity of cultural resources located on LANL lands. The plan will serve to streamline many of the administrative steps required by Federal and State laws and regulations. The scope of activities for the ICRMP would include development of the plan, completion of surveys of archeological resources and historic buildings, and implementation of long-term monitoring.

Natural Resources

DOE will develop and begin implementation of an integrated Natural Resources Management Plan (NRMP) by October 2002, which will integrate the principles of ecosystem management into the critical missions of LANL to conserve ecosystem processes and biodiversity. The NRMP will support DOE's policy to manage all of its land and facilities as valuable national resources. This stewardship will integrate LANL's mission and operations with its biological, water, soil, and air resources in a comprehensive plan that will guide land and facility use decisions. The plan will consider the site's larger regional context and be developed in consultation with regional land managing agencies and owners (particularly Bandelier National Monument, Santa Fe National Forest, and Native American Pueblos), State agencies, and the U.S. Fish and Wildlife Service. This cooperative effort will ensure a consistent, integrated, and structured approach to regional natural resource management.

The NRMP is viewed as a sequenced planning document that will include specific tasks and studies as part of the process of development. It will include new initiatives as well as integrating ongoing programs, plans, and activities at LANL, some of which may be reassessed to ensure their contribution to the goals and objectives of integrated ecosystem management.

Mitigation Action Plan

In accordance with 10 CFR 1021.331, DOE is preparing a Mitigation Action Plan that will identify specific actions

needed to implement these mitigation measures and provide schedules for completion. These mitigation measures represent all practicable means to avoid or minimize harm from the alternative selected.

Conclusion

DOE has considered environmental impacts, stakeholder concerns, and National policy in its decisions regarding the management and use of LANL. The analysis contained in the Site-Wide Environmental Impact Statement is both programmatic and site specific in detail. It is programmatic from the broad multi-use facility management perspective and site specific in the detailed project and program activity analysis. The impacts identified in the Site-Wide Environmental Impact Statement were based on conservative estimates and assumptions. In this regard, the analyses bound the impacts of the alternatives evaluated in the Site-Wide Environmental Impact Statement. The Expanded Operations Alternative was defined to include activities to implement the programmatic decisions made or that may be made as a result of other DOE Environmental Impact Statements (some of which are currently in progress). This Site-Wide Environmental Impact Statement and the analyses it contains can be used to support these future programmatic or project decisions.

In accordance with the provisions of NEPA, its implementing procedures and regulations, and DOE's NEPA regulations, I have considered the information contained within the Site-Wide Environmental Impact Statement, including the classified supplement and public comments received in response to the final Site-Wide Environmental Impact Statement. Being fully apprised of the environmental consequences of the alternatives and other decision factors described above, I have decided to continue and expand the use of LANL and its resources as described. This will enhance DOE's ability to meet its primary National security mission responsibility and create an environment that fosters technological innovation in both the public and private sectors.

Issued at Washington, DC, September 13, 1999.

Thomas F. Gioconda,

Brigadier General, USAF, Acting Assistant Secretary for Defense Programs.

[FR Doc. 99–24456 Filed 9–17–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Withdrawal of Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Minnesota Agri-Power Plant and Associated Facilities

AGENCY: Department of Energy.

ACTION: Notice of withdrawal.

SUMMARY: On October 7, 1998 (63 FR 53885), U.S. Department of Energy (DOE) and the Minnesota Environmental Quality Board [MEQB, a Minnesota State agency] announced its intent to prepare a joint Environmental Impact Statement (EIS) regarding a proposal by the Minnesota Valley Alfalfa Producers (MnVAP) to construct and operate a 75–103 megawatt biomass fueled gasifier and electric generating facility, known as the Minnesota Agri-Power Plant (MAPP), and associated transmission lines and alfalfa processing facilities. After careful review of this proposed biopower gasification project, DOE has determined that it will no longer participate in the cooperative agreement with MnVAP. This determination terminates DOE's financial support for the MAPP project, thus DOE will not provide funding toward the cost of constructing the proposed biomass power plant and the associated alfalfa processing facilities. As a result of DOE's decision not to fund the construction of the power plant and the associated processing facilities, there is no longer a federal requirement to conduct an EIS. Accordingly, DOE is withdrawing its notice of intent to prepare an EIS.

FOR FURTHER INFORMATION CONTACT: For general information on the DOE's NEPA process, please contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0119, Phone: 202–586–4600 or leave a message at 1–800–472–2756.

For general information about the NEPA process relating to MnVAP's proposed biopower gasification project, please contract Mr. Tim Howell, Acting NEPA Compliance Officer, U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, CO 80401; Telephone: 303–275–4700 or toll-free 1–800–644–6735 extension 4700; Fax: 303–275–4790; E-mail: tim—howell@nrel.gov.

For information regarding the MEQB process please contact: Mr. John Hynes, Permit Compliance Officer, Minnesota Environmental Quality Board, 300 Centennial Building, St. Paul, Minnesota 55155, Phone: 651–296–4095, Fax: 651–296–2871, E-mail: john.hynes@mnplan.state.mn.us.

SUPPLEMENTARY INFORMATION: MnVAP is a farmer-owned cooperative, incorporated in 1994 to increase the value of farm products grown in and near the State of Minnesota. In response to a joint Department of Energy and U.S. Department of Agriculture, Solicitation for Financial Assistance for Biomass Power for Rural Development (DE–PS36–95GO10052), MnVAP submitted a proposal to establish Minnesota Agri-Power as a limited liability corporation, with MnVAP as the majority stock holder, for the purposes of siting, constructing, and operating a 75–103 megawatt power plant fueled with gasified alfalfa stems. DOE selected the MnVAP project as one of several promising efforts to meet the goals of the Energy Policy Act of 1992 to develop and ultimately commercialize biomass energy systems for the purposes of positively affecting global climate change and the revitalization of rural America. Under the terms of the solicitation, MnVAP and DOE would each share the financial burden of taking a biomass gasification technology from the demonstration phase to full commercial production.

The proposed power plant was to partially meet the Minnesota "Biomass Power Mandate," Minnesota State Law, 216B.2424, which requires that:

> A public utility * * * that operates a nuclear-powered electric generating plant within this state must construct and operate, purchase, or contract to construct and operate (1) by December 31, 1998, 50 megawatts of electric energy installed capacity generated by farm-grown closed-loop biomass scheduled to be operational by December 31, 2001; and (2) by December 31, 1998, an additional 75 megawatts of installed capacity so generated scheduled to be operational by December 31, 2002.

The MAPP project, as proposed, was to use an "integrated gasification combined-cycle" or IGCC system where the gasifier would process approximately 1,100 tons of alfalfa stems per day (i.e., this would produce approximately 750 million British thermal units per hour). As proposed, the gross output of the power plant could be as high as 103 megawatts. The alfalfa stems were to be rapidly heated in the gasifier to approximately 1,650 degrees Fahrenheit to produce alfalfa gas, cooled to 1,020 degrees Fahrenheit, and then cleaned to meet air quality standards and the requirements for the combustion turbine. The combustion turbine was to be designed to operate efficiently on the low energy biomass fuel produced by the gasifier unit with

a gross electric power output of 66 megawatts (the alfalfa gas was to be supplemented with natural gas as needed). Another 37 megawatts were to be generated from the super-heated, high-pressure steam recovered from the hot combustion gases leaving the combustion turbine. Since the biomass gasification technology proposed for MAPP has yet to be successfully demonstrated at full commercial scale, DOE was proposing to fund $44 million (up to 30%) of the cost of construction of the plant and associated facilities (approximately $140 to $200 million) as part of the Department's mission to support biomass technology commercialization. Other key participants in the MAPP project have included the University of Minnesota, Stone and Webster Engineering Corporation, Kvaerner/Carbona Corporation, Enron Capital and Trade Resources Corporation, the National Renewable Energy Laboratory, and the Oak Ridge National Laboratory. Enron Capital and Trade Resources Corporation, however, terminated its co-development participation in the MAPP project in early 1999.

In the event that MnVAP elects to proceed with the MAPP project without funding from DOE, an analysis of the relative impact of the proposed project on the environment would still be required under applicable Minnesota laws and regulations. In such an event, the MEQB, in accordance with applicable laws and regulations, would be the lead agency for the environmental analysis. While DOE may be asked by the MEQB to assist by providing relevant information to any Minnesota led environmental analysis, DOE would no longer participate as a lead agency or as a co-preparer.

Issued in Golden, Colorado, on September 10, 1999.

Frank M. Stewart,

Manager, Golden Field Office, U.S. Department of Energy.

[FR Doc. 99–24457 Filed 9–17–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Idaho Operations Office; Notice of Availability of Solicitation for Awards of Financial Assistance

AGENCY: Idaho Operations Office, DOE.

ACTION: Notice of availability of solicitation number DE–PS07–00ID13860—Nuclear Engineering Education Research (NEER) Program.

SUMMARY: The U.S. Department of Energy, Idaho Operations Office, is soliciting applications for special research grant awards that will support nuclear engineering research. It is anticipated that on September 16, 1999, the full text for Solicitation Number DE–PS07–00ID13860 for the 2000 NEER Program will be made available on the Internet under, "current solicitation", at the following URL address: *http://www.id.doe.gov/doeid/PSD/proc-div.html*, under current solicitation.

DATES: The deadline for receipt of applications will be November 22, 1999.

ADDRESSES: Applications should be submitted to: Dallas L. Hoffer, Procurement Services Division, U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, Mail Stop 1221, Idaho Falls, Idaho 83401–1563.

FOR FURTHER INFORMATION CONTACT: Dallas Hoffer, Contract Specialist at *hofferdl@id.doe.gov*.

SUPPLEMENTARY INFORMATION: The solicitation will be issued in accordance with 10 CFR 600.6(b). Eligibility for awards under this program will be restricted to U.S. colleges and universities with nuclear engineering degree programs or options or an operating research reactor. The purpose of the Nuclear Engineering Education Research (NEER) program is to (1) support basic research in nuclear engineering; (2) assist in developing nuclear engineering students; and (3) contribute to strengthening the academic community's nuclear engineering infrastructure.

The statutory authority for this program is Public Law 95–91.

Issued in Idaho Falls on September 13, 1999.

R.J. Hoyles,

Director, Procurement Services Division.

[FR Doc. 99–24458 Filed 9–17–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet during the week of September 27, 1999 at the headquarters of the IEA in Paris, France in connection with a Seminar on IEA Oil Stock Strategy, a Disruption Simulation Exercise, and a meeting of the IEA's Standing Group on Emergency Questions (SEQ).

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, 202–586–6738.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following notice of meetings is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the headquarters of the IEA, 9, rue de la Fédération, Paris, France, commencing on September 27, 1999, at approximately 10 a.m.. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at:

(1) A Seminar on IEA Oil Stock Strategy ("Stock Seminar") commencing on September 27 at approximately 10 a.m. and ending on September 28 at approximately 12:45 p.m.;

(2) A brief meeting of the IAB, on September 28 from approximately 1:45 p.m. to 2 p.m., in preparation of the Simulation Exercise;

(3) A Disruption Simulation Exercise (the "Simulation Exercise"), commencing on September 28 at approximately 2 p.m. and ending on September 30 at approximately 12:30 p.m.;

(4) A meeting of the IEA Standing Group on Emergency Questions (SEQ) on September 30 from approximately 2:30 p.m. to approximately 5 p.m. and on October 1 from approximately 9:30 a.m. to 1 p.m.; and

(5) A meeting of the IAB on September 30 from approximately 5 p.m. to 6:30 p.m.

The Agendas for the Stock Seminar (item 1 above), the Simulation Exercise (item 3), and the SEQ (item 4) are under the control of the IEA Secretariat and the SEQ. It is expected that the following Agendas will be followed:

I. Seminar on IEA Oil Stock Strategy (September 27 and 28 (a.m.))

- Welcome by SEQ Chairman, and IEA Executive Director
- Presentation by Secretariat of Background Note on Global Oil Stock Situation and Synopsis of Replies to SEQ Questionnaire on Stockholding and Stockdraw
- Session 1—Stocks as a Means of Rapid Response, and Demand Restraint Operations

How the Administrations and the industry would ensure quick and effective response to a major disruption: presentations and discussion

- Session 2—IEA Stock Strategies: Key Issues
  Trends and Issues in Industry Inventories, Minimum Operating Rates and Usable Stocks: presentations and discussion
  For What Disruption Should We Prepare?: presentations and discussion
  Crude Oil v Products; What is the Most Effective Weapon in an Emergency?: presentations and discussion
  The Governmental Control Issue: Under What Conditions Can Governments Ensure Drawdown? How can adequate legislation be put in place?: presentations and discussion
- Session 3—Experience Sharing with Non-Member Countries (NMCs) in Emergency Response
  How would NMCs react in a disruption? How can stockholding be promoted as an NMC priority?: presentations and discussions
- Chairman's Summary

II. Disruption Simulation Exercise Program—September 28 (p.m.)–September 30 (a.m.)

Disruption—Stage 1

Plenary

- Introduction by SEQ Chairman and IEA Oil Markets & Emergency Preparedness Director
- Introduction of Simulation Facilitator, External Market Group, Internal Market Group and Steering Group
- Logistics are described by Head of Emergency Planning and Preparations Department (EPPD)
- Rules of the game are defined and simulation initiated
- The Stage 1 event is announced
- A brief analysis of the market impact by the Internal Market Group

Participants break out into Teams; Teams will:

- Respond to specific questions on market analysis and IEA decision making
- Report on what action(s) if any the IEA should take at this point
- Submit a report to the Facilitator

Plenary

- Presentation of four team reports (more if sufficiently diverse)
- Reactions from the External Market Group to each team report presentation
- Reactions from Internal Market Group on fundamentals following all team reports
- Discussions on the recommendations
- Review and critique of the first day of the exercise
- Chairman's Summary of the Stage 1 Session

Disruption—Stage 2

Plenary

- Introduction by SEQ Chairman
- Simulation is initiated by Facilitator
- The Stage 2 event is announced
- A brief analysis of the market impact by the Internal Market Team

Participants break out into Teams; Teams will:

- Respond to specific questions on market analysis, and IEA policy decisions
- Report on what action(s) the IEA should take at this point
- Submit a report to the Facilitator

Plenary

- Presentation of four team reports (more if sufficiently diverse)
- Reactions from the External Market Group to each team report presentation
- Reactions from Internal Market Group on fundamentals following all team reports
- Discussion and conclusions
- Chairman's Summary

Cross Sector Y2K Session

Plenary

- Background briefings: presentation covering IEA findings on Y2K and results of IEA member country survey
- Cross-Sectoral panel, chaired by Deputy Executive Director, IEA, on potential disruptions and cross-sectoral issues.
- Introduction to pre-Y2K oil market situation: Internal Market Group
- Logistics are described by Head of EPPD

Participants break out into Teams; Teams will:

- Respond to specific questions
- Make pre-January 1st policy recommendations for the IEA (e.g. an IEA contingency plan)

Plenary

- Presentation of four team reports (more if sufficiently diverse)
- Reaction from the External Market Group to each presentation

Y2K Simulation Session

Plenary

- Presentation by Deputy Executive Director of pre-Y2K policy recommendations
- Simulation is initiated by the Facilitator
- News Flash: Y2K disruption announced
- A brief analysis of the market impact by the Internal Market Group

Participants Break Out Into Groups

Review IEA policy recommendations discussed on September 29 in light of disruption scenario Teams will:

- Develop recommendations on an IEA response(s) to the event
- Recommend arrangements to monitor situation after January 1 and follow-up evaluations
- Recommend process and timing of IEA decisions (e.g. October 27 Governing Board, November 19 SEQ and December 10 Governing Board and possible SEQ/Governing Board meetings in early January 2000)

Plenary

- Presentation of team reports
- Reactions from the External Market Group to each team report presentation
- Reactions from Internal Market Group on fundamentals following all team reports
- Discussions and formulation of IEA policy recommendations (content, process and timing)
- Recommendations for monitoring situation after January 1 and follow-up arrangements
- Chairman's summary

III. The Standing Group On Emergency Questions—September 30 (p.m.)–October 1 (a.m.)

1. Adoption of the Agenda
2. Approval of the Summary Record of the 95th Meeting
3. SEQ Work Program
   —The Year 2000 Work Program of the SEQ
   —The Result of the Questionnaire Survey on Program of Work 2000
4. Evaluation of Seminar on IEA Oil Stock Strategy
5. Evaluation of Disruption Simulation Exercise Stages 1 and 2
6. The Year 2000 Problems and IEA Response Plans
   —Replies to Questionnaires on Y2K Issues
   —Results of IEA 1999 Regional Seminars
   —Initial Discussion of Possible IEA Actions
7. Policy and Legislative Developments in Member Countries
   —Recent Strategic Petroleum Reserve Developments
   —Developments in other IEA Countries
8. Current IAB Activities
9. Report on Petroleum Coke Production, Trade, Use and Treatment in IEA Statistics by Working Group

10. Emergency Reserve Situation of IEA Countries
—Emergency Reserve and Net Import Situation of IEA Countries on 1 April 1999
—Emergency Reserve and Net Import Situation of IEA Countries on 1 July 1999
11. Emergency Response Issues of IEA Candidate Countries
—Emergency Response Review of the Czech Republic
—Emergency Reserve Situation of IEA Candidate Countries
12. Emergency Data System and Related Questions
—Base Period Final Consumption—" Q398–Q299
—Monthly Oil Statistics (MOS) April 1999
—MOS May 1999
—MOS June 1999
13. Emergency Response Reviews of IEA Countries
—Emergency Response Review of Germany
—Emergency Response Review of France
—Emergency Response Review of Turkey
—Updated Schedule of Emergency Response Reviews
14. Emergency Reference Guide
—Update of Emergency Contact Points
15. Other Business
—Celebration of 25 years of SEQ work on energy security at November SEQ meeting

IV. The Agenda for the Brief Meeting of the IAB on September 27 (Item 2) Is Preparation for the Simulation Exercise

V. The Agenda for the IAB Meeting on September 30 (Item 5) is

- Approval of the Record Notes of Previous IAB Meetings
- Lessons learned at the Seminar on IEA Oil Stock Strategy and the Disruption Simulation Exercise
- Future IAB activities in support of the SEQ Work Program for 2000
- Succession of the IAB Chairmanship

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), these meetings are open only to representatives of members of the IAB and their counsel, representatives of members of the SEQ, representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission, and invitees of the IAB, the SEQ, or the IEA.

Issued in Washington, D.C., September 15, 1999.

Mary Anne Sullivan,

General Counsel.

[FR Doc. 99–24539 Filed 9–17–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

September 15, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Applciation Type:* Change in Land and Water Rights.

b. *Project No.:* 2576–021.

c. *Date Filed:* August 6, 1999.

d. *Applicant:* Connecticut Light and Power Company.

e. *Name of Project:* Housatonic.

f. *Location:* The Housatonic project is located on the Houstonic River and its tributaries in Fairfield, New Haven, and Litchfield Counties, Connecticut. This project does not utilize Federal or Tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Raul de Brigard, Connecticut Light and Power Company, P.O. Box 270 Hartford, CT 06141–0270 (860) 665–3561.

i. *FERC Contact:* Any questions on this notice should be addressed to Jon Confrancesco at *Jon.Cofrancesco@ferc.fed.us* or telephone 202–219–0079.

j. *Deadline for filing comments and or motions:* October 15, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, Mail Code: DLC, HL–11.1, 888 First Street, NE., Washington, DC 20426.

Please include the project number on any comments or motions filed.

k. *Description of Project:* Connecticut Light and Power Company, license for the Housatonic Project, requests Commission approval of a proposed change in land rights involving Candlewood Lake, a reservoir within the project's Rocky River Development. Specifically, the licensee proposes to enter into an agreement with the five municipalities that surround Candlewood Lake (Brookfield, Danbury, New Fairfield, New Milford, and Sherman) that would grant the municipalities a conservation restriction at Candlewood Lake. The conservation restriction will enable the municipalities to ensure that Candlewood Lake remains a lake consistent with its recreational and environmental values in the event of a future termination of the Commission's jurisdiction over the project. The conservation restriction contains specific requirements related to the water level and use of the lake. The licensee states the proposed conservation restriction is subject to and subordinate to the project license; is in the public interest; and will preserve the scenic, recreational, and environmental values of Candlewood Lake while at the same time allowing the licensee to use if for hydroelectric operations.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24464 Filed 9–17–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: September 13, 1999, 64 FR 49481.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: September 15, 1999, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Nos. and Companies have been added as Item CAG–29 on the Agenda scheduled for the September 15, 1999 meeting.

Item No.	Docket No. and Company
CAG–29	CP97–315–000, 001, CP97–320–000 and CP97–321–000, Independence Pipeline Company CP97–319–000, ANR Pipeline Company CP98–540–000, Transcontinental Gas Pipe Line Corporation

David P. Boergers,

Secretary.

[FR Doc. 99–24463 Filed 9–15–99; 4:21 pm]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6440–9]

National Advisory Council for Environmental Policy and Technology, (NACEPT) Standing Committee on Sectors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of public advisory NACEPT standing committee on sectors meeting; open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Standing Committee on Sectors will meet on the date and time described below. The meeting is open to the public. Seating at the meeting will be a first-come basis and limited time will be provided for public comment. For further information concerning this meeting, please contact the individual listed with the announcement below.

NACEPT Standing Committee on Sectors; October 13–14, 1999

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the NACEPT Standing Committee on Sectors on Wednesday, October 13, 1999 from 9 a.m. to 5 p.m., and October 14, 1999 from 8:30–12. The meeting will be held at the Renaissance Hotel, 999 9th St. NW, Washington, DC 20001–4427. Phone: 202/898–9000.

The agenda for the meeting will be focused primarily on the completion of the fiscal year 2000 Sector-Based Environmental Protection Action Plan. A formal Agenda will be available at the meeting.

SUPPLEMENTARY INFORMATION: NACEPT is a federal advisory committee under the Federal Advisory Committee Act, Public Law 92–463. NACEPT provides advice and recommendations to the Administrator and other EPA officials on a broad range of domestic and international environmental policy issues. NACEPT consists of a representative cross-section of EPA's partners and principal constituents who provide advice and recommendations on policy issues and serve as a sounding board for new strategies that the Agency is developing.

In follow-up to completion of work by EPA's Common Sense Initiative (CSI) Council, the Administrator asked NACEPT to create a Standing Committee on Sectors. This Committee began its work in March 1999 and will provide a multi-stakeholder forum through which the Agency can continue to receive advice and recommendations on sector-based approaches to environmental protection. (A sector is generally defined a discrete production system of the economy, e.g., petroleum refining, printing, metal finishing.) Further information on sectors is available electronically on our web site at http.//www.epa.gov/sectors.

For further information concerning the NACEPT Standing Committee on Sectors, including the upcoming meeting, contact Kathleen Bailey, Designated Federal Officer (DFO), on (202) 260–7417, or E-mail: bailey.kathleen@epa.gov.

INSPECTION OF SUBCOMMITTEE DOCUMENTS: Documents relating to the above topics will be publicly available at the meeting. Thereafter, key documents and the minutes of the meeting will be available electronically on the web site, or by calling the DFO.

Dated: September 10, 1999.

Gregory Ondich,

Acting Designated Federal Officer.

[FR Doc. 99–24453 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6441–1]

Public Meetings of the Urban Wet Weather Flows Advisory Committee, the Storm Water Phase II Advisory Subcommittee, and the Sanitary Sewer Overflow Advisory Subcommittee

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is given that the Environmental Protection Agency (EPA) is rescheduling the September 27–30, 1999 public meeting of the *Sanitary Sewer Overflow (SSO) Advisory Subcommittee* (published in the **Federal Register** (FR–6433–8), dated September 8, 1999). The SSO Subcommittee meeting is to discuss the draft National Pollutant Discharge Elimination System (NPDES) regulation and policy for municipal sanitary sewer collection systems. This meeting is open to the public. Advance registration is required by October 8 since public seating is limited. Attendees should register by faxing their name, address, daytime telephone, fax number, and days of attendance to Sharie Centilla at 202–260–1460.

A limited number of government-rate hotel rooms ($98.55 single) are available. Hotel reservations should be made by calling the Ramada Inn and Conference Center at 1–800–666–8888 by October 4, 1999. The block is listed as "USEPA SSO FAC."

DATES: October 18–20, 1999.

ADDRESSES: Ramada Inn and Conference Center, 500 Merrimac Trail, Williamsburg, VA 23185.

TIME: The meetings will start each day at approximately 9:00 a.m. EDT and end at approximately 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Sharie Centilla, Office of Wastewater Management, at (202) 260–6052

daytime; 202–260–1460 fax, or Internet: centilla.sharie@epa.gov

Background information is available on the EPA website: *http://www.epa.gov/owm/wet.htm.*

Dated: September 14, 1999.

Michael B. Cook,

Director, Office of Wastewater Management, Designated Federal Official.

[FR Doc. 99–24451 Filed 9–17–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 13, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 20, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0209.

Title: Section 73.1920, Personal Attacks.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 698.

Estimate Time Per Response: 30 mins.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 349.

Total Annual Costs: None.

Needs and Uses: During the presentation of views on a controversial issue of public importance, an attack may be made upon the honesty, character, integrity, or like personal qualities of an identified person or group. Section 73.1920 requires that a licensee of a broadcast station must transmit to the person or group attacked, a notification of the date, time, and identification of the broadcast of a personal attack, a script or tape of the attack, and an offer of a reasonable opportunity to respond to the attack over the licensee's facilities. These data are used to notify a person or group that a personal attack has been made and to afford that person or group attacked, an opportunity to respond to the attack over the licensee's facilities.

OMB Control Number: 3060–0648.

Title: Section 21.902, Frequency.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 1,824.

Estimate Time Per Response: 15 mins. (0.25 hrs.).

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 456 hours.

Total Annual Costs: $491,250.

Needs and Uses: Section 21.902(b)(5) requires that respondents engineer the MDS station to limit the calculated free space power flux density at the boundary of the protected service area (PSA). As an alternative, the respondent may obtain the written consent on the entity authorized for the adjoining area when the calculated free space power flux density exceeds the standard. Section 21.902(g)(2) requires applicants with 35 mile PSA to notify in writing the holders of authorizations for adjoining basic trading areas (BTAs) or PSAs of the application filings for modified station licenses, provided the proposed facility would produce an unobserved signal path to any location within the adjoining BTA or PSA. This service must include a copy of the application and occur on or before the date the application is filed with the Commission. Section 21.902(i) requires each applicant for a new station or modified MDS, or amendment thereof, to provide notice of its application to cochannel and adjacent-channel authorized ITFS stations within 50 miles. The ITFS study must be prepared and served on the affected ITFS station, but is not required to be filed as part of the MDS application. Each applicant is required to file a written notice with the Commission before the 30th day after the applicant or amendment is initially filed with the Commission. This notice must contain the items specified in Section 21.902(i)(4). Section 21.902(i)(6) requires that a petition to deny filed by an ITFS licensee contain specific information. The requirements contained in Section 21.902(c), (f), (g), (j), and (k) have OMB approval under separate control numbers. The data are used to ensure that no harmful interference is caused to other authorized stations.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–24373 Filed 9–17–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 10, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the

information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 20, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0059

Title: Statement Regarding the Importance of Radio Frequency Devices Capable of Harmful Interference

Form Number: FCC 740

Type of Review: Revision of a currently approved collection

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions; State, Local, or Tribal Government

Number of Respondents: 5,077

Estimate Time Per Response: 1 to 5 mins. (330 responses annually/ respondent)

Frequency of Response: On occasion reporting requirements

Total Annual Burden: 28,030 hours

Total Annual Costs: None

Needs and Uses: Radio frequency (RF) devices (examples: microwaves, computer microprocessors, computers, computer peripherals, telephones with memory or other advanced features, video cameras, recorders, transmitters, electronic musical instruments, video games, and radio remote control toys) imported into the United States are capable of causing harmful interference (safety of life) to radio systems. The FCC working in conjunction with U.S. Customs is responsible for the regulations of both authorized radio services and devices that can cause interference. FCC Form 740 must be completed for each radio frequency device as defined in 47 U.S.C. 302 and D.F.R 2.802, which is imported into the Customs territory of the United States. Purpose of this information is to keep non-compliant devices from being distributed to the general public thereby reducing the potential for harmful interference being caused to authorized communications. Form 740 can be filed electronically.

OMB Control Number: 3060–0207.

Title: 47 CFR 11.35, Equipment Operational Readiness; 47 CFR 11.51 EAS Code and Attention Signal Transmission Requirements; 47 CFR 11.52, EAS Code and Attention Signal Monitoring Requirements; 47 CFR 11.61, Participating Broadcasting Stations to Test EAS Equipment Requirement.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities

Number of Respondents: 15,000

Estimate Time Per Response: 9 secs./ test/wk.

Frequency of Response: Weekly reporting requirement

Total Annual Burden: 1,950 hours

Total Annual Costs: None

Needs and Uses: The Commission recently adopted Rules that revised the Emergency Alert System testing requirements. The new Rule requires all broadcasting stations (AM, FM & TV) including Cable Television nationwide to receive the Emergency Alert System (EAS) electronic signal test (3 seconds) and to transmit the Emergency Alert System (EAS) electronic signal test (3 seconds) once a week with 3 seconds to record test. Records of this information are necessary in order to document compliance with these Rules, and to enhance awareness and participation in the national, state and local EAS. Accurate record keeping of this data is vital in determining the location and nature of possible equipment failure on the part of the transmitting and/or receiving entity. Furthermore, since the national level EAS is solely for the President's use, its proper operation must be assured. The purpose of the information is to ensure that the Emergency Alert Systems throughout the United States are in good working condition thus ensuring that communities will have access to communications systems in time of national emergency and/or local weather related or man made disasters.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–24374 Filed 9–17–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 14, 1999.

A. Federal Reserve Bank of Atlanta (Cynthia Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Equitex, Inc., Englewood, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of First TeleBanc Corporation, Boca Raton, Florida, and thereby indirectly acquire Net First National Bank, Boca Raton, Florida.

1. SNB Holdings, Inc., Slocomb, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Slocomb National Bank, Slocomb, Alabama.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Miles Independent Bancorporation, Inc., Advance, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Miles Bancshares, Inc., Advance, Missouri; and thereby indirectly acquire The Bank

of Advance, Advance, Missouri; The First National Bank of Lerna, Lerna, Illinois; and Bowen State Bank, Bowen, Illinois.

Board of Governors of the Federal Reserve System, September 14, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24358 Filed 9–17–99; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

FEDERAL TRADE COMMISSION

[Docket No. 990811219–9219–01]

Public Workshop on Online Profiling

AGENCIES: National Telecommunications and Information Administration, Commerce; Federal Trade Commission.

ACTION: Notice; request for public comment.

SUMMARY: The National Telecommunications and Information Administration ("NTIA") of the United States Department of Commerce and the Federal Trade Commission have determined to hold a public workshop on "online profiling," the practice of aggregating information about consumers' preferences and interests, gathered primarily by tracking their movements online, and using the resulting consumer profiles to create targeted advertising on Web sites. The workshop will be divided into three sessions. Session I will explore developments in information technology that facilitate online profiling. Session II will examine the implications of online profiling technologies for consumer privacy. Session III will focus on the online profiling industry's self-regulatory efforts to protect consumers' privacy online. Any person who wishes to participate as a panelist in one or more of the workshop sessions must file a written request to participate. In addition, the agencies are requesting public comment addressing various issues related to the practice of online profiling.

DATES: The workshop will be held on November 8, 1999 at the U.S. Department of Commerce, Main Auditorium, 1401 Constitution Ave., NW, Washington, DC 20230. The workshop is open to the public.

Written comments and requests to participate as a panelist in the workshop must be filed on or before October 18, 1999. Persons filing requests to participate as a panelist will be notified on or before October 25, 1999, if they have been selected to participate.

ADDRESSES: Written comments and requests to participate as a panelist in the workshop should be submitted to Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Avenue NW, Washington, DC 20580.

Submission of Documents

Parties sending written comments and/or requests to participate should submit an original and two copies of each document. To enable prompt review and public access, paper submissions should include a version on diskette in PDF, ASCII, WordPerfect (please specify version) or Microsoft Word (please specify version) format. Diskettes should be labeled with the name of the party, and the name and version of the word processing program used to create the document. Alternatively, documents may be submitted to the following email address: profile@ftc.gov.

Written Comments

Comments should be captioned "Online Profiling Project—Comment, P994809 / Docket No. 990811219–9219–01." Rebuttal comments should be submitted following the procedures described above. All comments will be posted on the Federal Trade Commission's Web site: www.ftc.gov and on the NTIA's Web site: www.ntia.doc.gov.

Requests To Participate as Panelist in the Workshop

Requests to participate as a panelist should be captioned "Online Profiling Project—Request to Participate, P994809 / Docket No. 990811219–9219–01."

Parties may apply to participate as a panelist in more than one workshop session. Requests to participate, however, must specify the session(s) in which participation is sought. Parties applying to participate are also encouraged to file written comments.

Requesters will be notified on or before October 25, 1999, if they have been selected to participate in workshop sessions. To assist staff of the Department of Commerce and the Federal Trade Commission in making this notification, parties are asked to include in their request to participate a telephone number, facsimile number, and email address if available.

FOR FURTHER INFORMATION CONTACT: Wendy S. Lader, NTIA, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230, telephone (202) 482–1880, email wlader@ntia.doc.gov; or Martha K. Landesberg, Division of Financial Practices, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Mail Stop 4429, Washington, DC 20580, telephone (202) 326–2825, email mlandesberg@ftc.gov.

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 41 *et seq.*; 47 U.S.C. 902(b)(2)(H); 47 U.S.C. 902(b)(2)(M).

1. Background

In July 1998, Vice President Gore asked the Department of Commerce to work with the Federal Trade Commission to encourage companies that build dossiers (profiles) about individuals by integrating information from a variety of database sources to implement effective self-regulatory mechanisms. The Department of Commerce and the Federal Trade Commission have been working together to explore ways in which consumer privacy can be protected in light of the rise of new technologies that facilitate "online profiling," the practice of aggregating information about consumers' preferences and interests, gathered primarily by tracking their movements online, and using the resulting consumer profiles to create targeted advertising on Web sites. Profiling typically employs "cookies," text files placed on users' computers to store information about their computers and their online activities. Companies are involved in a wide array of activities that support online profiling. For example, some companies develop profiling software and license it to Web sites that wish to track their own visitors; others manage networks of sites, pool data about consumers who visit sites in those networks, and sell or place online advertising based upon inferences about consumers drawn from the pooled data; still others specialize in measuring the popularity of particular online advertisements for advertisers. Privacy concerns have been raised by many of these practices. Consumers are largely unaware of the creation of online profiles, and the implementation of core fair information practices of notice, choice, access and security with respect to the collection of information in online profiles remains a significant challenge. The Department of Commerce and the Federal Trade Commission are announcing a public workshop to be held on November 8, 1999, to inform government officials and the public about these and related issues, and about industry's current self-regulatory efforts to develop privacy protections for online consumers.

2. Workshop Agenda

The workshop will be held on November 8, 1999 at the U.S. Department of Commerce, Main Auditorium, 1401 Constitution Ave., NW, Washington, DC 20230. The tentative schedule for the workshop is as follows: the workshop will begin at 8:30 a.m. and will consist of three sessions, which will run consecutively.

Session I: Online Profiling Technology

This session will explore information technologies that facilitate profiling of consumers online, both technologies that are currently in use and those in development. This session will focus particularly on the extent to which these technologies permit the integration of information that identifies consumers as individuals with non-identifying information.

Session II: Implications of Online Profiling Technology for User Privacy

This session will examine the extent to which online profiling technologies impinge upon consumer privacy, as well as the costs and benefits of online profiling for both consumers and businesses.

Session III: The Role of Self Regulation

This session will examine the potential of self-regulation as a means of addressing the privacy concerns raised by online profiling. This session will also examine ways in which profiling technology can be deployed to promote adherence to fair information practices. Current efforts to implement fair information practices in the profiling industry will be discussed.

3. Participation in Workshop Sessions

Those parties who wish to participate as panelists in the workshop must notify the Secretary of the Federal Trade Commission, in writing, of their interest in participating in Sessions I, II, and/or III on or before October 18, 1999. Parties may participate in more than one workshop session; requests to participate must specify the session(s) in which participation is sought. All workshop sessions are open to the public.

Staff of the Department of Commerce and the Federal Trade Commission will select a limited number of panelists to participate in the Workshop Sessions. In order to promote a thorough examination of the issues and to facilitate an effective discussion, participants will be chosen to represent different points of view and interests. Parties requesting to participate are therefore encouraged to file written comments. The agencies may invite parties to participate as panelists who have not filed requests to participate.

Parties will participate in an open discussion of the issues. It is contemplated that the selected panelists will ask and answer questions based on their respective comments, including questions posed by staff of the Department of Commerce and the Federal Trade Commission, at the workshop. The discussion will be transcribed and the transcription placed on the public record.

To the extent possible, staff of the Department of Commerce and the Federal Trade Commission will select panelists to represent the following affected interests, as well as any other interests that staff may identify and deem appropriate for representation. For Session I: online profiling companies; Web site operators; online advertisers; experts in profiling technology and software. For Session II: consumer and privacy advocacy groups; industry groups; Internet service providers; Web site operators; online marketers; Internet "portal" sites; consumers who are active on the World Wide Web. For Session III: online profiling companies; Web site operators; online advertisers; Internet "portal" sites; industry groups; consumer and privacy advocacy groups. Each session may also include members of the academic or research community with expertise in privacy, fair information practices, and/or consumer preferences with respect to the use of personal information in the online environment.

Parties to represent the above-referenced interests will be selected on the basis of the following criteria:

1. The party's participation would promote a balance of interests being represented at the workshop.
2. The party has expertise in or knowledge of the issues that are the focus of the workshop.
3. The party adequately reflects the views of the affected interest(s) which it purports to represent, not simply a single entity or firm within that interest.
4. The party has been designated by one or more interested parties (who timely file written comments and requests to participate) as a party who shares group interests with the designator(s).
5. The number of parties selected will not be so large as to inhibit effective discussion among them.

If it is necessary to limit the number of panelists, those not selected to participate may be afforded an opportunity at the end of the workshop to present their views during a limited time period. The time allotted for these statements will be determined on the basis of the time necessary for discussion of the issues by the selected parties, as well as by the number of persons who wish to make statements.

4. Invitation To Comment

Interested parties are requested to submit written comments on any issue of fact, law, or policy that may inform the U. S. Department of Commerce and the Federal Trade Commission's study of online profiling. Specifically, comment is requested on the questions set forth below. These questions are designed to assist the public, however, and should not be construed as a limitation on the issues on which public comment may be submitted. Comments should cite the number of the question(s) addressed. Please provide copies of any studies, research, or other empirical data referenced in comments.

1. What types of companies are engaged in online profiling or in the development of online profiling technologies? What are the relevant business models?
2. What types of information are currently being collected by online profiling companies from or about Web site visitors?
3. What technologies do online profiling companies use to collect information about consumers? Please describe how these technologies function.
4. Do these technologies currently enable creation of anonymous profiles?
5. Do these technologies currently enable the creation of consumer profiles that identify individual consumers? Do the profiles include information originally collected anonymously but later linked to an individual? Are online profiling companies currently creating such profiles?
6. Are there technologies in development that will enable the creation of consumer profiles that identify individual consumers? If so, please describe.
7. How is the information collected by online profiling companies used?
8. Is the information collected by online profiling companies being merged with other databases? If so, what kinds of information are included in such databases? How is the merged information being used?
9. What are the costs and benefits, to both industry and consumers, of online profiling?
10. What are consumers' perceptions about online profiling? Please provide the results of any studies or surveys addressing this question.
11. What are the beneficial uses of the information collected by online profiling companies?

12. Are consumers' privacy interests implicated by the collection, compilation, sale and use of information collected by online profiling companies? If so, please describe.

13. Do online profiling companies disclose the ultimate uses of the information they collect? If so, what is the nature of such disclosures? Where possible, please provide examples of such disclosures.

14. Do online profiling companies provide effective mechanisms for a consumer to remove his or her information from their databases or otherwise control the use of such information?

15. Do online profiling companies provide consumers an opportunity to choose whether and how their information will be collected and used? If so, please describe the choices that consumers are given and how consumers can exercise these choices.

16. What is current industry practice, with respect to information already collected from individuals, when there is a later change in the company's policies? What is the current industry practice, with respect to information already collected from individuals, when there is a material change in the corporate structure or business contracts governing such information, such as through a merger, joint venture, or sale of customer lists? Do online profiling companies provide notice and choice with respect to how already-collected information is handled under changed circumstances?

17. What, if any, legal or other practical issues would be implicated in the creation of effective self-regulatory programs to govern the sorts of changed circumstances described in Question 16?

18. Do online profiling companies provide consumers the opportunity to see what information has been collected from or about them and the ability to correct errors? If so, please describe.

19. What procedures have online profiling companies instituted to maintain the security of the information they collect?

20. What self-regulatory efforts have online profiling companies undertaken to address concerns raised by their collection, compilation, sale, and use of consumer information? How do these efforts address the fair information practice of notice, choice, access, security, and enforcement? What are the costs and benefits, to both consumers and businesses, of such self-regulatory efforts?

21. Are there any efforts currently underway or planned to educate consumers and businesses about online profiling? If so, please describe.

5. Form and Availability of Comments

Comments should indicate the number(s) of the specific question(s) being answered, provide responses to questions in numerical order, and use a new page for each question answered.

Written comments will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and Federal Trade Commission regulations, 16 CFR part 4.9, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m. at the Public Reference Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580. The agencies will make this notice and, to the extent technically possible, all comments received in response to this notice available to the public through the Internet at the following addresses: www.ftc.gov and www.ntia.doc.gov.

By direction of the Commission.

Donald S. Clark,

Secretary, Federal Trade Commission.

Kathy D. Smith,

Acting Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce.

[FR Doc. 99–24252 Filed 9–17–99; 8:45 am]

BILLING CODE 3510–60–P 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 991 0288]

The Associated Octel Company Limited; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 19, 1999.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: William Baer, FTC/H–374, 600 Pennsylvania, Ave., NW, Washington, DC 20580. (202) 326–2932.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 7, 1999), on the World Wide Web, at "http://www.ftc.gov/os/actions97.htm." A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing a proposed Consent Order from The Associated Octel Company Limited ("Octel"), which is designed to resolve competitive concerns arising out of Octel's proposed acquisition of Oboadler Company Limited ("Oboadler"). Under the terms of the agreement, Octel will be required, among other things, to supply lead antiknock compounds to Oboadler's current U.S. distributor, Allchem Industries, Inc., for resale in the United States.

The proposed Consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the

proposed Consent Order and the comments received, and will decide whether it should withdraw from the proposed Consent Order or make final the proposed Order.

Pursuant to a Share Purchase Agreement dated June 1, 1999, Octel has agreed to acquire 100 percent of the share capital of Oboadler for approximately $100 million. Oboadler controls three operating companies that, collectively, are engaged in the business of manufacturing and selling lead antiknock compounds: Alcor Chemie AG, Alcor Chemie Vertriebs AG, and Novoktan GmbH. The proposed Complaint alleges that the acquisition of Oboadler, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, in the world market for lead antiknock compounds.

Lead antiknock compounds are gasoline additives that contain tetraethyl lead. The product is used to increase the octane rating of gasoline, and thereby eliminate engine knock during the combustion cycle and improve fuel efficiency. Worldwide use of lead antiknocks has declined substantially since the early 1970's, and a continuing decline in demand is forecast. Driven by public health concerns, nations around the world are requiring refiners to adopt alternative methods of increasing the octane level of gasoline. Currently in the United States, lead antiknock compounds are added to aviation fuel for piston engine aircraft, and to certain motor gasoline for racing cars.

The proposed Complaint alleges that the world market for the manufacture and sale of lead antiknock compounds is highly concentrated. Octel and Oboadler are two of only three firms in the world that manufacture lead antiknock compounds. In the United States, lead antiknock compounds manufactured by Octel are distributed by two firms: Octel America Inc. (a subsidiary of Octel) and Ethyl Corporation ("Ethyl").[1] In the United States, lead antiknock compounds manufactured by Oboadler are distributed by Allchem Industries, Inc. ("Allchem").

The proposed Complaint further alleges that entry into the market would not be timely, likely and sufficient to deter or counteract the adverse competitive effects of the acquisition on competition. Entry is unlikely to occur because of the length of time and expense necessary to construct production facilities, environmental regulations, and ongoing decline in worldwide demand for lead antiknock compounds, and the cost of environmental remediation at the manufacturing site when, due to decline in demand, production is no longer commercially practicable.

According to the proposed Complaint, the effect of the proposed acquisition may be substantially to lessen competition by, among other things, eliminating direct actual competition between Octel and Oboadler in the relevant market, increasing the likelihood of coordinated interaction between the remaining competitors in the relevant market, and increasing the likelihood that consumers of lead antiknock compounds will be forced to pay higher prices.

The proposed Consent Order is designed to protect U.S. consumers of lead antiknock compounds from the exercise of market power resulting from Octel's proposed acquisition. The foundation for the Consent Order is a long-term supply agreement that Octel has entered into with Allchem, Oboadler's U.S. distributor.[2] The Supply Agreement provides that Octel shall provide Allchem with unlimited quantities of lead antiknock compounds for resale to customers in the United States. Further, Allchem shall have the sole right to determine the customers in the U.S. to whom the product will be resold, as well as the terms and conditions of such resale.

The proposed Consent Order requires Octel to supply product to Allchem for fifteen years in accordance with the terms and conditions of the Supply Agreement, and subject to the termination provision thereof.[3] (Paragraph II) In addition, Octel is prohibited from modifying certain key terms of the Supply Agreement except with the prior approval of the Commission.[4] (Paragraph III)

The wholesale price to be charged to Allchem for lead antiknock compounds is the product of negotiations between Octel and Allchem. If the wholesale price is too high (relative to the price at which Allchem, absent the acquisition, could have obtained product from Oboadler), then prices to U.S. consumers may likewise be supra-competitive. The proposed remedy relies upon Allchem's incentive to negotiate the lowest possible price. The Supply Agreement negotiated by the parties, should it take effect, will afford Allchem a reduction in the wholesale price of lead antiknock compounds (relative to Allchem's existing agreement with Oboadler).

The purpose of this analysis is to facilitate public comment on the proposed Order, and it is not intended to constitute an official interpretation of the agreement and proposed Order or to modify their terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–24308 Filed 9–17–99; 8:45 am]

BILLING CODE 6750–01–M

[1] *See The Associated Octel Company Limited and Great Lakes Chemical Corporation*, FTC Docket No. C–3815 (1998) (Commission order requiring, *inter alia*, that Octel supply Ethyl with whatever volumes of lead antiknock compounds Ethyl requires for resale to U.S. customers).

[2] Agreement for the Supply of Tetra Ethyl Lead Additive dated July 19, 1999, as amended by the Supplemental Agreement for the Supply of Tetra Ethyl Lead Additive dated July 30, 1999 (hereinafter collectively referred to as the "Supply Agreement"). The Supply Agreement goes into effect when Octel acquires Oboadler.

[3] At any time after year ten, Octel can terminate the Supply Agreement provided that Octel has ceased to manufacture lead antiknocks and has exited from the worldwide lead antiknocks business.

[4] The purpose of this provision is to prevent Octel and Allchem from modifying the Supply Agreement in a manner that is beneficial to each of them but harmful to U.S. consumers. To take an extreme example, the Commission would likely disapprove a proposed modification in which Allchem received a cash payment in return for surrendering its right to purchase and resell lead antiknocks.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Meeting of the Secretary's Advisory Committee on Genetic Testing

AGENCY: Office of the Secretary, DHHS.

ACTION: Notice of meeting.

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Secretary's Advisory Committee on Genetic Testing (SACGT), U.S. Public Health Service. The meeting will be held at the Doubletree Hotel, Regency Ballroom, 1750 Rockville Pike, Bethesda, MD 20852, starting on October 25, 1999 at approximately 9:00 a.m. and will recess at approximately 5:30 p.m. The meeting will reconvene on October 26, 1999 at approximately 8:00 a.m. and will adjourn at approximately 5:00 p.m. The meeting will be open to the public. Attendance by the public will be limited by the space available. The committee will continue deliberations begun at its first meeting in June on questions related to the oversight of genetic testing, and it will finalize plans for gathering public perspectives on those questions. A limited period of time will be provided for public comment, and individuals

interested in participating in the public comment period should contact Ms. Sarah Carr, SACGT Executive Secretary, as shown below.

Under authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services (DHHS) established the SACGT to advise and make recommendations to the Secretary through the Assistant Secretary for Health on all aspects of the development and use of genetic tests. The SACGT is directed to: (1) Recommended policies and procedures for the safe and effective incorporation of genetic technologies into health care; (2) assess the effectiveness of existing and future measures for oversight of genetic tests; (3) and identify research needs related to the Committee's purview.

Further information about the SACGT is available at the following web site: http://www.nih.gov/od/orda/sacgtdocs.htm. A draft meeting agenda will be posted to the site prior to the meeting. Individuals who wish to provide public comments should notify Ms. Carr, by telephone at 301–496–9838 or E-mail at *sc112c@nih.gov* as soon as possible and provide a copy of their remarks to Ms. Carr by October 15, 1999. Those who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Ms. Carr at 301–496–9838. The SACGT office is located at 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892.

Dated: September 13, 1999.

Sarah Carr,

Executive Secretary, SACGT.

[FR Doc. 99–24376 Filed 9–17–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[INFO–99–38]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Agency for Toxic Substances and Disease Registry (ATSDR) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the ATSDR Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Nancy Cheal, Ph.D., ATSDR Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Exposure to Volatile Organic Compounds and Childhood Leukemia Incidence at MCB Camp Lejeune, North Carolina—Extension—Agency for Toxic Substances and Disease Registry (ATSDR). There is limited evidence that in utero exposure to volatile organic compounds (VOCs) such as trichloroethylene and tetrachloroethylene (PCE) in drinking water may be strongly associated with childhood leukemia (CL). In 1982, VOC contamination was identified in certain groundwater supply wells which supplied drinking water to housing units at U.S. Marine Corps Base Camp Lejeune in Jacksonville, North Carolina. In a previous health study of approximately 6,000 infants exposed in utero to this contaminated water and 6,000 unexposed births, it was shown that gestational PCE exposure was related to lower birth weights for certain subgroups. The purpose of the proposed nested case-control study is to investigate the potential relationship between exposure to VOCs in drinking water and incidence of CL at Camp Lejeune. A secondary objective of the proposed study is to investigate the potential relationship between VOCs in drinking water and birth defects in this population.

During this phase of the proposed study, an attempt will be made to locate as many of the children born to base residents between 1968 and 1985 as well as offspring from pregnancies that occurred during this time period but were not delivered at Camp Lejeune. A brief screening questionnaire will be interviewer-administered to identify potential cancer and birth defect cases. Some of the data to be collected by the questionnaire includes: confirmation of the name(s) of children and date(s) of birth; dates and location of residence on base during the pregnancy and/or at the time of delivery; current vital status of each child; the determination of diagnosis with cancer or birth defects before age 20. As a result of delays in obtaining data necessary to trace potential respondents, a renewal for this project has been requested.

It is necessary to identify each respondent in order to assess place of residence at Camp Lejeune as a measure of possible VOC exposure as well as to determine possible case status, i.e. reported diagnosis of childhood cancer or birth defect. This information will be used during the next study phase to identify potential cases and controls for the proposed nested case-control study.

With help from the U. S. Navy and U. S. Marine Corps sources, we will obtain current address information and attempt to contact respondents directly. For respondents with unknown current addresses, tracing efforts will include advertising in the general media as well as in publications directed toward Marine Corps and Navy personnel. Once the respondent is located, the questionnaire will be administered by trained interviewers over the telephone.

Respondents will be one of the following: (1) a parent who gave birth or was pregnant while residing at MCB Camp Lejeune between 1968 and 1985; (2) a parent who was pregnant while residing at MCB Camp Lejeune between 1968 and 1985 but gave birth elsewhere; or (3) an offspring of said parents. The number of births that occurred at MCB Camp Lejeune during this period is approximately 12,000. It has been estimated that approximately one-third of women who seek prenatal care while residing at Camp Lejeune are relocated before delivery. Therefore, attempts will be made to contact and interview up to an additional 4,000 respondents. Of the 16,000 total possible respondents, a conservative estimate of the number that will be located and subsequently interviewed is 13,000 (about 80%).

The hourly burden has been modified since the first submittal. This was a result of pretesting of the data collection instrument. It was found that the average completion time per survey was closer to 15 minutes as opposed to the original estimate of 9 minutes.

Type of respondents	Number of respondents	Number of responses/respondent	Avg. burden of response (In hrs.)	Total burden (In hrs.)
Parent/Child born at Camp Lejeune; 1968–1985	9,650	1	0.25	2,412.50
Pregnancy at Camp Lejeune, delivery else-where; 1968–1985	3.350	1	0.25	837.50
Total				3,250.00

Dated: September 14, 1999.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–24368 Filed 9–17–99; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–99–37]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

National Coal Workers' Autopsy Study Consent Release and History Form—(0920–0021)—Extension—National Institute for Occupational Safety and Health (NIOSH)—Under the Federal Coal Mine Health & Safety Act of 1977, PL91–173 (amended the Federal Coal Mine & Safety Act of 1969), the Public Health Service has developed a nationwide autopsy program (NCWAS) for underground coal miners. The Consent Release and History Form is primarily used to obtain written authorization from the next-of-kin to perform an autopsy on the deceased miner. The study is a service program to aid surviving relatives in establishing eligibility for black lung compensation. Because a basic reason for the post-mortem exam is research (both epidemiological and clinical), included are a minimum of essential information regarding the deceased miner, his occupational history, and his smoking history. The data collected will be used by the staff at NIOSH for research purposes in defining the diagnostic criteria for coal workers' pneumoconiosis (black lung) and will be correlated with pathologic changes and x-ray findings.

It is estimated that only 5 minutes is required for the pathologist to put a statement on the invoice affirming that no other compensation is received for the autopsy. From past experience, it is estimated that 15 minutes is required for the next-of-kin to complete form CDC/NIOSH 2.6. In as much as an autopsy report is routinely completed by a pathologist, the only additional burden is the specific request of abstract of terminal illness and final diagnosis relating to pneumoconiosis. Therefore, only 5 minutes of additional burden is estimated for the autopsy report.

Respondent Costs

25 Burden Hours (Pathologists) @ $60/hour = $ 1,500

37.5 Burden Hours (Next-of-Kin) @ $12/hour = $ 450

Total: $ 1,950

The total cost to respondents is estimated at $1,950.

Data Collection:

Respondents	Number of respondents	Number of responses/respondent	Avg. burden of response (In hrs.)	Total burden (In hrs.)
Pathologist Invoice	150	1	5/60	12.5
Report	150	1	5/60	12.5
Next-of-Kin	150	1	15/60	37.5
Total				62.5

Dated: September 14, 1999.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–24367 Filed 9–17–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Immunization Practices: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Advisory Committee on Immunization Practices (ACIP).

Times and Dates: 8 a.m.–6 p.m., October 20, 1999; 8 a.m.–6 p.m., October 21, 1999; 8 a.m.–12 p.m., October 22, 1999.

Place: Auditorium B, Centers for Disease Control and Prevention, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The Committee is charged with advising the Director, CDC, on the appropriate uses of immunizing agents. In addition, under 42 U.S.C. 1396s, the Committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding the appropriate periodicity, dosage, and contraindications applicable to the vaccines.

Matters To Be Discussed: The agenda will include a review of issues relating to the goal of eliminating or reducing the thimerosal content of vaccines; adoption of the harmonized immunization schedule for the year 2000; recommendations for use of meningococcal polysaccharide vaccine for college students; an update on the use of meningococcal conjugate vaccine in the United Kingdom; recommendations for use of pneumococcal conjugate vaccine; inclusion of the pneumococcal vaccine in the Vaccines for Children program; recommendations for use of neuraminidase inhibitors; use of influenza vaccine in pregnant women and young children; plans to revise the adult immunization recommendations; approval of standing orders for adult immunization, adolescent/adults acellular pertussis products; adverse events reported after use of yellow fever vaccine in older adults; prevention of pneumococcal disease in adults <65 years old; an update on the bioterrorism work group; military experience on use of anthrax vaccine; an update from the Food and Drug Administration; update from the National Center for Infectious Diseases; update from the National Immunization Program; update from the Vaccine Injury Compensation Program; update from the National Vaccine Program; rotavirus vaccine and intussusception; and resumption or continued suspension of use of rotavirus vaccine. Other matters of relevance among the committee's objectives may be discussed.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: John R. Livengood, M.D., Director, Epidemiology and Surveillance Division, National Immunization Program, CDC, CDC, 1600 Clifton Road, NE, m/s E61, Atlanta, Georgia 30333. Telephone 404/639–8254.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: September 14, 1999.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 99–24366 Filed 9–17–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following council meeting.

Name: Advisory Council for the Elimination of Tuberculosis (ACET).

Times And Dates:

8:30 a.m.–5 p.m., October 6, 1999.
8:30 a.m.–12 p.m., October 7, 1999.

Place: Corporate Square Office Park, Corporate Square Boulevard, Building 11, Room 1413, Atlanta, Georgia 30329.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: This council advises and makes recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the Council makes recommendations regardindg policies, strategies, objectives, and priorities; addresses the development and application of new technologies; and reviews the extent to which progress has been made toward eliminating tuberculosis.

Matters To Be Discussed: Agenda items include update on latent TB infection, TB vaccine issues, and other TB related topics. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Paulette Ford, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road, NE, M/S E–07, Atlanta, Georgia 30333, telephone 404/639–8008.

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: September 14, 1999.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 99–24365 Filed 9–17–99; 8:45 am]

BILLING CODE 4163–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Medical Child Support Working Group

AGENCY: Administration for Children and Families, DHHS.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (FACA), notice is given of the fifth meeting of the Medical Child Support Working Group (MCSWG). The Medical Child Support Working Group was jointly established by the Secretaries of the Department of Labor (DOL) and the Department of Health and Human Services (DHHS) under section 401(a) of the Child Support Performance and Incentive Act of 1998. The purpose of the MCSWG is to identify the impediments to the effective enforcement of medical support by State child support enforcement agencies, and to submit to the Secretaries of DOL and DHHS a report containing recommendations for appropriate measures to address those impediments.

DATES: The meeting of the MCSWG will be held on Monday, October 4, 1999 and on Tuesday, October 5, 1999, from 8:30 a.m. to approximately 6:00 p.m., and on Wednesday, October 6, 1999, from 8:30 a.m. to approximately noon.

ADDRESSES: The meeting will be held in the Conference Center of the Quality Inn Iwo Jima, 1501 Arlington Boulevard (US Route 50) at Fairfax Drive, Arlington, Virginia, 22209, telephone number (703) 524–5000. All interested parties are invited to attend this public meeting. Seating may be limited and will be available on a first-come, first-serve basis. Persons needing special assistance, such as sign language interpretation or other special accommodation, should contact the Executive Director of the Medical Child Support Working Group, Office of Child Support Enforcement at the address listed below.

FOR FURTHER INFORMATION CONTACT: Ms. Samara Weinstein, Executive Director, Medical Child Support Working Group, Office of Child Support Enforcement, Fourth Floor East, 370 L'Enfant Promenade, SW, Washington, DC 20447 (telephone (202) 401–6953; fax (202) 401–5559; e-mail: sweinstein@acf.dhhs.gov). These are not toll-free numbers. The date, location and time for subsequent MCSWG meetings will be announced in advance in the **Federal Register**.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2) (FACA), notice is given of a meeting of the Medical Child Support Working Group (MCSWG). The Medical Child Support Working Group was jointly established by the Secretaries of the Department of Labor (DOL) and the Department of Health and

Human Services (DHHS) under section 401(a) of the Child Support Performance and Incentive Act of 1998 (P.L. 105–200).

The purpose of the MCSWG is to identify the impediments to the effective enforcement of medical support by State child support enforcement agencies, and to submit to the Secretaries of DOL and DHHS a report containing recommendations for appropriate measures to address those impediments. This report will include: (1) Recommendations based on assessments of the form and content of the National Medical Support Notice, as issued under interim regulations; (2) appropriate measures that establish the priority of withholding of child support obligations, medical support obligations, arrearages in such obligations, and in the case of a medical support obligation, the employee's portion of any health care coverage premium, by such State agencies in light of the restrictions on garnishment provided under title III of the Consumer Credit Protection Act (15 U.S.C. 1671–1677); (3) appropriate procedures for coordinating the provision, enforcement, and transition of health care coverage under the State programs for child support, Medicaid and the Child Health Insurance Program; (4) appropriate measures to improve the availability of alternate types of medical support that are aside from health care coverage offered through the noncustodial parent's health plan, and unrelated to the noncustodial parent's employer, including measures that establish a noncustodial parent's responsibility to share the cost of premiums, co-payments, deductibles, or payments for services not covered under a child's existing health coverage; (5) recommendations on whether reasonable cost should remain a consideration under section 452(f) of the Social Security Act; and (6) appropriate measures for eliminating any other impediments to the effective enforcement of medical support orders that the MCSWG deems necessary.

The membership of the MCSWG was jointly appointed by the Secretaries of DOL and DHHS, and includes representatives of: (1) DOL; (2) DHHS; (3) State Child Support Enforcement Directors; (4) State Medicaid Directors; (5) employers, including owners of small businesses and their trade and industry representatives and certified human resource and payroll professionals; (6) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)); (7) children potentially eligible for medical support, such as child advocacy organizations; (8) State medical child support organizations; and (9) organizations representing State child support programs.

Agenda

The agenda for this meeting includes a discussion of the issues to be contained in the MCSWG's report to the Secretaries containing recommendations for appropriate measures to address the impediments to the effective enforcement of medical child support as listed above. At the May, 1999, meeting, the MCSWG formed four (4) sub-committees to discuss barriers, issues, options, and recommendations in the interim between full MCSWG meetings. At this October, 1999, meeting, the four sub-committees will present their issues and recommendations to the full MCSWG for further discussion and consideration.

Public Participation

Members of the public wishing to present oral statements to the MCSWG should forward their requests to Samara Weinstein, MCSWG Executive Director, as soon as possible and at least four days before the meeting. Such request should be made by telephone, fax machine, or mail, as shown above. Time permitting, the Chairs of the MCSWG will attempt to accommodate all such requests by reserving time for presentations. The order of persons making such presentations will be assigned in the order in which the requests are received. Members of the public are encouraged to limit oral statements to five minutes, but extended written statements may be submitted for the record. Members of the public also may submit written statements for distribution to the MCSWG membership and inclusion in the public record without presenting oral statements. Such written statements should be sent to the MCSWG Executive Director, as shown above, by mail or fax at least five business days before the meeting.

Minutes of all public meetings and other documents made available to the MCSWG will be available for public inspection and copying at both the DOL and DHHS. At DHHS, these documents will be available at the MCSWG Executive Director's Office, Office of Child Support Enforcement (OCSE), Administration for Children and Families, U.S. Department of Health and Human Services, Aerospace Building, Fourth Floor—East, 370 L'Enfant Promenade, SW, Washington, DC from 8:30 a.m. to 5:30 p.m. Questions regarding the availability of documents from DHHS should be directed to Andrew J. Hagan, OCSE (telephone (202) 401–5375). This is not a toll-free number. Any written comments on the minutes should be directed to Ms. Samara Weinstein, Executive Director of the Working Group, as shown above.

Dated: September 14, 1999.

David Gray Ross,

Commissioner, Office of Child Support Enforcement.

[FR Doc. 99–24369 Filed 9–6–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96N–0393]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; MedWatch: The FDA Medical Products Reporting Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the collection of information by October 20, 1999.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building, 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Mark L. Pincus, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1471.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the PRA (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance.

MedWatch—The FDA Medical Products Reporting Program (Forms FDA 3500 and FDA 3500A) (OMB Control Number 0910–0291)—Extension

Under sections 505, 512, 513, 515, and 903 of the Federal Food, Drug, and

Cosmetic Act (the act) (21 U.S.C. 355, 360b, 360c, 360e, and 393); and section 351 of the Public Health Service Act (42 U.S.C. 262), FDA has the responsibility to ensure the safety and effectiveness of drugs, biologics, and devices. Under section 502(a) of the act (21 U.S.C. 352(a)), a drug or device is misbranded if its labeling is false or misleading. Under section 502(f)(1) of the act, it is misbranded if it fails to bear adequate warnings, and under section 502(j), it is misbranded if it is dangerous to health when used as directed in its labeling.

Under section 4 of the Dietary Supplement Health and Education Act of 1994 (the DSHEA) (21 U.S.C. 301), FDA must bear the burden of proof to show a dietary supplement is unsafe.

To carry out its responsibilities, the agency needs to be informed whenever an adverse event or product problem occurs. Only if FDA is provided with such information will the agency be able to evaluate the risk, if any, associated with the product, and take whatever regulatory action is necessary to reduce or eliminate the public's exposure to the risk through actions ranging from labeling changes to the rare product withdrawal. To ensure the marketing of safe and effective products, certain adverse events must be reported. Requirements regarding mandatory reporting of adverse events or product problems have been codified in parts 310, 312, 314, 600, and 803 (21 CFR parts 310, 312, 314, 600, and 803), specifically §§ 310.305, 312.32, 312.33, 314.80, 314.98, 600.80, 803.30, 803.50, 803.53, and 803.56.

To implement these provisions for reporting of adverse events and product problems with all medications, devices, and biologics, as well as any other products that are regulated by FDA, two very similar forms are used. Form FDA 3500 is used for voluntary (i.e., not mandated by law or regulation) reporting of adverse events and product problems by health professionals and the public. Form FDA 3500A is used for mandatory reporting (i.e., required by law or regulation). Respondents to this collection of information are health professionals, hospitals and other user-facilities (e.g., nursing homes, etc.), consumers, manufacturers of biologics, drugs and medical devices, distributors, and importers.

I. Use of the Voluntary Version (Form FDA 3500)

Individual health professionals are not required by law or regulation to submit adverse event or product problem reports to the agency or the manufacturer. There is one exception. The National Childhood Vaccine Injury Act of 1986 (the NCVIA) mandates that certain adverse events following the administration of vaccines specified in the NCVIA be reported by physicians to the joint FDA/Centers for Disease Control and Prevention Vaccine Adverse Event Reporting System.

Hospitals are not required by Federal law or regulation to submit adverse event reports on medications. However, hospitals and other medical facilities are required by Federal law to report medical device-related deaths and serious injuries.

Manufacturers of dietary supplements do not have to prove safety or efficacy of their products prior to marketing, nor do they have mandatory requirements for reporting adverse reactions to FDA. However, the DSHEA of 1994 puts the onus on FDA to prove that a particular product is unsafe. Consequently, the agency is totally dependent on voluntary reporting by health professionals and consumers about problems with the use of dietary supplements.

The voluntary version of the form is used to submit all adverse event and product problem reports not mandated by Federal law or regulation.

II. Use of the Mandatory Version (Form FDA 3500A)

A. Drug and Biologic Products

In sections 505(j) and 704 (21 U.S.C. 374) of the act, Congress has required that important safety information relating to all human prescription drug products be made available to FDA so that it can take appropriate action to protect the public health when necessary. Section 702 of the act (21 U.S.C. 372) authorizes investigational powers to FDA for enforcement of the act. These statutory requirements regarding mandatory reporting have been codified by FDA under parts 310, 312 and 314 (drugs), and part 600 (biologics). Parts 310, 314, and 600 mandate the use of the Form FDA 3500A for reporting to FDA on adverse events that occur with drugs and biologics; under § 312.32, written IND safety report notifications may be submitted on Form FDA 3500A.

B. Medical Device Products

Section 519 of the act (21 U.S.C. 360i) requires manufacturers, importers, or distributors of devices intended for human use to establish and maintain records, make reports, and provide information as the Secretary of Health and Human Services may by regulation reasonably require to ensure that such devices are not adulterated or misbranded and to otherwise ensure its safety and effectiveness. Furthermore, the Safe Medical Device Act of 1990, signed into law on November 28, 1990, amends section 519 of the act. The amendment requires that user facilities such as hospitals, nursing homes, ambulatory surgical facilities, and outpatient treatment facilities report deaths related to medical devices to FDA and to the manufacturer, if known. Serious illnesses and injuries are to be reported to the manufacturer or to FDA if the manufacturer is not known. These statutory requirements regarding mandatory reporting have been codified by FDA under part 803. Part 803 mandates the use of Form FDA 3500A for reporting to FDA on medical devices.

C. Other Products Used in Medical Therapy

There are no mandatory requirements for the reporting of adverse events or product problems with products such as dietary supplements. However, the DSHEA puts the onus on FDA to prove that a particular product is unsafe. Consequently, the agency is totally dependent on voluntary reporting by health professionals and consumers about problems with the use of dietary supplements.

The agency requested comments on proposed changes to the forms which comprise this collection of information in the **Federal Register** of November 10, 1998 (63 FR 63064). FDA received 21 comments from interested parties.

Comments were made about the estimate of the "hours per response." One comment correctly stated that the "estimate may be about right for the physical act of filling out the form itself." Because Form FDA 3500A is used for mandatory reporting subject to different regulations (i.e., §§ 310.305, 312.32, 314.80, 600.80, and 803), this estimate for reporting burden is limited to completing the form. Estimates of the burden placed on user-facilities, distributors, and manufacturers to investigate a report and compile the necessary information would be addressed in the final rules for those regulations.

Comments on the mandatory version of the form generally addressed the perceived major impact such a revision would have on the pharmaceutical and medical device industry, particularly the financial burden that would result from having to both reprogram their computer systems to handle new data elements and produce printed copies of the new form. Two major reasons for not revising the form at this time were presented by multiple respondents as follows:

(1) The medical product industry (particularly the medical device industry) is focused on ensuring Year 2000 compliance. To dedicate computer personnel to totally revamp their computer systems to handle the new form would not be possible at this time because of the impact it would have on meeting absolute deadlines; and

(2) Given that the goal is for both the pharmaceutical and medical device industries to submit the majority of mandatory reports electronically, it would present a financial burden to revamp systems to accommodate a paper form that will be virtually obsolete in the future.

While the comments on the proposed revisions to the voluntary form were mainly favorable, the agency has decided to not revise either form at this time. This decision reflects both concern about the financial burden that would be placed on FDA if the voluntary form underwent revision, and the availability of other avenues by which use of the voluntary and mandatory forms can be optimized, namely appropriate revision of documents related to their completion.

Regarding voluntary reporting, updated instructions for completing the Form FDA 3500 were posted on the Internet on the MedWatch home page in December 1998, and are available by mail/fax upon request. Questions/comments about adverse event/product problem reporting received by the agency over time were used as a major focus for revising the instructions. This updating included such changes as incorporation of information designed to solicit information specific to special nutritional products (e.g., dietary supplements) and current Department of Health and Human Services names and definitions for race to facilitate reporting of this aspect of the medical history.

In the same vein, an omnibus entitled "Guidance on How to Complete Form FDA 3500A" for use by user facilities, distributors, importers, and manufacturers for mandatory adverse event and product problem reporting is being drafted. Also utilizing questions/comments about adverse event/product problem reporting received by the agency over time as a major focus for revision, the guidance will be designed to minimize possible ambiguity and maximize the utility of Form FDA 3500A as a tool for soliciting important safety-related information and data. It is planned that this guidance will replace instructions that are currently available.

As both the Forms FDA 3500 (instructions) and 3500A (guidance) can be updated periodically based on questions/comments from stakeholders and statutory/regulatory changes, changing the forms themselves is not seen as necessary at this point.

At such time it is decided to repropose revisions, FDA will consult all interested parties for input into the design.

FDA estimates the burden for this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN

FDA Center(s)[1] (21 CFR Section)	No. of Respondents	Annual Frequency Per Response	Total Annual Responses	Hours per Response	Total Hours
CBER/CDER					
Form 3500[2]	15,456	1	15,456	0.5	7,728
Form 3500A[3] (310.305, 312.32, 314.80, 314.98, and 600.80)	410	529.3	217,014	1	217,014
CDRH					
Form 3500[2]	2,789	1	2,789	0.5	1,395
Form 3500A[3] (part 803)	3,100	30.25	93,786	1	93,786
CFSAN					
Form 3500[2]	316	1	316	0.5	158
Form 3500A[3] (No mandatory requirements)	0	0	0	1	0
Total Hours					
Form 3500[2]					320,081
Form 3500A[3]					9,281
					310,800

[1] CBER (Center for Biologics Evaluation and Research), CDER (Center for Drug Evaluation and Research), CDRH (Center for Devices and Radiological Health), and CFSAN (Center for Food Safety and Applied Nutrition).

[2] Form FDA 3500 is for voluntary reporting.

[3] Form FDA 3500A is for mandatory reporting.

Note.—The figures in Table 1 of this document are based on actual calendar year 1998 reporting experience. It is assumed that the number of reports will remain stable.

The increase in reporting burden reflects a natural increase in the number of reports coming into the agency. As more medical products are approved by FDA and marketed, and as knowledge increases of the importance of notifying FDA when adverse events and product problems are observed, it can be expected that more reports will be submitted to the agency either directly (voluntary Form FDA 3500) or via the manufacturer/user-facility (mandatory Form FDA 3500A).

Dated: September 7, 1999.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning and Legislation.

[FR Doc. 99–24309 Filed 9–17–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for

review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Organ Procurement and Transplantation Network (OPTN) Data System (OMB No. 0915–0157)—Revision

This is a request for revision of the data system for the Organ Procurement and Transplantation Network (OPTN) and the Scientific Registry of Transplant Recipients (SRTR) and the following associated forms: (1) cadaver donor registration/referral; (2) living donor registration; (3) donor histocompatibility; (4) potential recipient form; (5) recipient histocompatibility; (6) transplant candidate registration; (7) thoracic organ recipient registration; (8) thoracic organ recipient follow-up; (9) kidney transplant recipient registration; (10) kidney transplant recipient follow-up form; (11) liver transplant recipient registration; (12) liver transplant recipient follow-up; (13) pancreas transplant recipient registration; (14) pancreas transplant recipient follow-up; (15) intestine transplant recipient registration; and (16) intestine transplant recipient follow-up. New forms are related to intestine transplants to collect data similar to other types of transplants.

The estimated respondent burden is as follows:

	Number of respondents	Responses per respondent	Hours per response	Total hour burden
Cadaveric Registration or Referral	65	277	0.3	5,400
Living Donor Registration	687	7	0.2	920
Living Donor Follow-up	687	14	0.1	952
Donor Histocompatibility	159	75	0.1	1,200
Potential Recipient Form	65	385	0.3	7,500
Recipient Histocompatibility	159	157	0.1	2,500
Transplant Candidate Registration	687	114	0.2	15,600
Thoracic Registration	153	27	0.3	1,230
Thoracic Follow-up	153	144	0.2	4,400
Kidney Registration	252	58	0.3	4,380
Kidney Follow-up	252	500	0.2	25,200
Liver Registration	125	40	0.4	2,000
Liver Follow-up	125	192	0.3	7,200
Pancreas Registration	125	11	0.3	420
Pancreas Follow-up	125	56	0.2	1,400
Intestine Registration	33	3	0.2	20
Intestine Follow-up	33	6	0.2	40
Total	911			80,362

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Wendy A Taylor, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC.

Dated: September 14, 1999.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 99–24428 Filed 9–17–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institutes of Health; Notice of Listing of Members of the National Institutes of Health's Senior Executive Service Performance Review Board (PRB)

The National Institutes of Health (NIH) announces the persons who will serve on the National Institutes of Health's Senior Executive Service Performance Review Board. This action is being taken in accordance with Title 5, U.S.C., Section 4314(c)(4), which requires that members of performance review boards be appointed in a manner to ensure consistency, stability, and objectivity in performance appraisals, and requires that notice of the appointment of an individual to serve as a member be published in the **Federal Register**.

The following persons will serve on the NIH Performance Review Board, which oversees the evaluation of performance appraisals of NIH Senior Executive Service (SES) members:

Ruth L. Kirschstein, Chairperson
Wendy Baldwin
Colleen Barros
Marvin Cassman
Naomi Churchill-Earp
Robert Desimone
Stephen Ficca
Michael Gottesman
Barry Hoffer
Anthony Itteilag
Alan Leshner
Yvonne Maddox
Louise Ramm

For further information about the NIH Performance Review Board, contact the Office of Human Resource Management, Senior and Scientific Employment Division, National Institutes of Health, Building 31/B3C08, Bethesda, Maryland 20892, telephone (301) 496–1443 (not a toll-free number).

Dated: September 9, 1999.

Ruth L. Kirschstein,

Deputy Director, NIH.

[FR Doc. 99–24377 Filed 9–17–99; 8:45 am]

BILLING CODE 4140–09–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a Telephone Conference Call meeting of the Center for Substance Abuse Prevention (CSAP) National Advisory Council September 1999.

The agenda will include the review, discussion and evaluation of individual grant applications. Therefore this

meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App. 2, Section 10(d).

Substantive program information may be obtained from the contact listed below.

Committee Name: Center for Substance Abuse Prevention National Advisory Council.

Meeting Date: September 28, 1999.

Place: The Center for Substance Abuse Prevention, 5515 Security Lane, Rockwall II Building, 9th Floor, Room 901, Rockville, Maryland 20852.

Closed: September 28, 1999, 1:00 p.m. to 2:00 p.m.

Contact: Yuth Nimit, 5515 Security Lane, Rockwall II Building, Suite 901, Rockville, Maryland 20852, Telephone: (301) 443–8455.

Dated: September 9, 1999.

Sandra Stephens,

Acting Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 99–24427 Filed 9–17–99; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Little River Band of Ottawa Indians Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner*, 463 U.S. 713 (1983). I certify that the Little River Band of Ottawa Indians Liquor Control Ordinance was duly adopted and certified by Ordinance No. 99–0710–01 of the Little Band of Ottawa Indians' Tribal Council on July 10, 1999. The Ordinance provides for the regulation of the sale, possession and consumption of liquor in the area of the Little River Band of Ottawa Indians, under the jurisdiction of the Little River Band of Ottawa Indians, and is in conformity with the laws of the State of Michigan.

DATES: This ordinance is effective as of September 20, 1999.

FOR FURTHER INFORMATION CONTACT: Jim D. James, Office of Tribal Services, 1849 C Street, NW, MS 4641 MIB, Washington, DC 20240–4401; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: The Little River Band of Ottawa Indians Liquor Control Ordinance is to read as follows:

Section 1. General Provisions

1.01. *Title.* This Ordinance shall be known as the "Little River Band of Ottawa Indians Liquor Control Ordinance."

1.02. *Purpose.* The purpose of this Ordinance is to regulate and control the importation, manufacture, distribution, and sale of alcoholic beverages on the Little River Band of Ottawa Indians Reservation.

1.03. *Legislative Findings.* The Little River Band of Ottawa Indians Tribal Council hereby finds as follows:

a. The Tribal Council has the authority to adopt this Ordinance pursuant to the powers vested in it by Article IV, Section 7 of the Constitution, approved on July 10, 1998.

b. Federal law prohibits the introduction and sale of liquor into Indian country unless such transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an Ordinance duly adopted by the tribe having jurisdiction over such area of Indian country.

c. The regulation and control of alcoholic beverages on the Tribe's reservation is necessary to protect the health, security and general welfare of the Tribe.

d. The enactment of this Ordinance is an exercise of the inherent sovereign powers of the Tribe.

1.04. *Declaration of Policy.* The importation, distribution, manufacture, and sale of alcoholic beverages on the Tribe's reservation shall be lawful, provided that such activity is licensed by the Tribe in accordance with this Ordinance and the laws of the State of Michigan relating to the sale and regulation of alcoholic beverages.

1.05. *Application of 18 U.S.C. 1161.* The importation, distribution, manufacture, and sale of alcoholic beverages on the Tribe's reservation shall be "in conformity with" this Ordinance and the laws of the State of Michigan as that phrase is used in 18 U.S.C. 1161.

1.06. *Incorporation of Michigan Laws by Reference.*

a. In accordance with 18 U.S.C. 1161, the Tribe hereby adopts and applies as tribal law those Michigan laws, as amended, relating to the sale and regulation of alcoholic beverages encompassing the following areas: sale to a minor; sale to a visibly intoxicated individual; sale of adulterated or misbranded liquor; hours of operation; and similar substantive provisions, including such other laws prohibiting the sale of alcoholic beverages to certain categories of individuals. The tribal laws that are defined by reference to the substantive areas of Michigan laws referred to in this section shall apply in the same manner and to the same extent as such laws apply elsewhere in Michigan to off-reservation transactions unless otherwise agreed by the Tribe and State.

b. In the event any provision of this Ordinance is in conflict with the substantive provisions of Michigan law adopted and applied pursuant to this Ordinance, the terms of this Ordinance shall govern.

c. Whenever such Michigan laws are incorporated herein by reference, amendments thereto shall also be deemed to be incorporated upon their effective adoption by the Tribe or the Tribal Council.

d. Nothing in this Ordinance shall be construed as a consent by the Tribe to the jurisdiction of the State of Michigan or any of its courts or subordinate political subdivisions or municipalities within the Reservation over any activity arising under or related to the subject of this Ordinance nor shall anything in this Ordinance constitute an express or implied waiver of the sovereign immunity of the Tribe.

1.07. *Severability Clause.* In the event any provision of this Ordinance shall be found or declared to be invalid by a court of competent jurisdiction, all of the remaining provisions of this Ordinance shall be unaffected and shall remain in full force and effect.

1.08. *Effective Date.* The effective date of this Ordinance is the date the Secretary of the Interior publishes the same in the **Federal Register**.

Section 2. Terms Defined.

As used in this Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise:

2.01. *Alcohol* means the product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

2.02. *Alcoholic beverage* or *liquor* means any spirituous, vinous, malt, or fermented liquid and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing half (½) of 1% or more of alcohol by volume which is fit for use for beverage purposes. Alcoholic beverage or liquor includes the following eight subclassifications: beer, wine, spirits, alcohol, sacramental wine, brandy, mixed wine drink, and mixed spirit drink. Alcoholic beverage or liquor does not include the exceptions set forth in Mich. Comp. Laws § 436.4 (Mich. St. Ann. § 18.974).

2.03. *Applicant* means any person who submits an application to the Tribe for a liquor license or who applies for or requests a license required by this Ordinance.

2.04. *Beer* means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, or other cereal in potable water.

2.05. *Constitution* means the Constitution of the Little River Band of Ottawa Indians ratified by the members of the Tribe on May 27, 1998, and approved by the Deputy Commissioner of Indian Affairs on July 10, 1998.

2.06. *Council* or *Tribal Council* means the elected Tribal Council of the Little River Band of Ottawa Indians.

2.07. *License* means a liquor license issued by the Tribal Council pursuant to this Ordinance.

2.08. *Licensee* means any holder of a valid liquor license issued by the Tribal Council.

2.09. *Manufacturer* means any person engaged in the manufacture of alcoholic beverages.

2.10. *Ogema* or *Tribal Ogema* means the chief executive officer of the Tribe elected by

majority vote of the members of the Tribe or the person authorized to perform the duties of the Ogema in his/her absence.

2.11. *Person* means an individual, receiver, assignee, trustee in bankruptcy, trust, estate, tribe, firm, partnership, joint venture, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise.

2.12. *Reservation* means (i) all lands acquired by the Secretary of the Interior in trust for the benefit of the Tribe; (ii) upon the proclamation of the reservation, all lands within the exterior boundaries of the Tribe's reservation; and (iii) any and all lands made part of the reservation in the future.

2.13. *Sacramental wine* means wine containing not more than 24% of alcohol by volume which is used for sacramental purposes.

2.14. *Sale* means the exchange, barter, traffic, furnishing, or giving away for commercial purposes any alcoholic beverages.

2.15. *Spirits* means any beverage which contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.

2.16. *Tribal Court* means the Tribal Court of the Little River Band of Ottawa Indians.

2.17. *Tribal Enterprise* means any activity or business owned, managed, or controlled by the Tribe or any agency, subordinate organization, or other entity of the Tribe.

2.18. *Tribal law* means the Tribal Constitution and all laws, ordinances, codes, resolutions, and regulations now and hereafter duly enacted by the Tribal Council.

2.19. *Tribe* means, and *tribal* refers to, the Little River Band of Ottawa Indians.

2.20. *Wine* means the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks.

Section 3. Licenses

3.01. *Licensing Authority of Tribal Council.* The Council shall exercise all of the powers necessary to accomplish the purposes of this Ordinance, which may include the following actions:

(a) Adopt and enforce rules and regulations for the purpose of effectuating this Ordinance, which includes setting of fees;

(b) execute all necessary documents;

(c) perform all matters and things incidental to and necessary to conduct its business and carry out its duties and functions under this Ordinance;

(d) establish a commission and delegate to such commission the authority to regulate licensees and enforce this Ordinance; and

(e) to establish procedures to issue, suspend, revoke or transfer licenses under this Ordinance.

3.02. *Prohibition of Unlicensed Sale of Liquor.* This Ordinance prohibits the importation, manufacture, distribution, or sale of liquor for commercial purposes other than where conducted by a person licensed in accordance with this Ordinance. The federal laws relating to the importation, manufacture, distribution and sale of liquor are intended to remain applicable to any act or transaction that is not authorized by this Ordinance, and violators shall be subject to federal law.

3.03. *Purchases only from State licensed Distributors.* All persons shall purchase spirits, for resale by the person, from the Michigan Liquor Control Commission, and beer and wine from distributors licensed by the Michigan Liquor Control Commission, on the same basis that such beverages are purchased by similar licensees.

3.04. *Authorization to Sell Liquor.* Any person applying for and obtaining a license under the provisions of this Ordinance shall have the right to engage only in those alcoholic liquor transactions expressly authorized by such license and only at those specific places or areas designated in said license.

3.05. *Classes of Licenses.* The Council shall have the authority to issue any one or more of the following classes of liquor licenses within the reservation:

a. *Retail on-site general license* means a license authorizing the applicant to sell alcoholic beverages at retail to be consumed by the buyer only on the premises or at the location designated in the license. This class includes hotels where alcoholic beverages may be sold for consumption on the premises and in the rooms of bona fide registered guests.

b. *Retail on-site beer and wine license* means a license authorizing the applicant to sell beer and wine at retail to be consumed by the buyer only on the premises or at the location designated in the license. This class includes hotels where beer and/or wine may be sold for consumption on the premises and in the rooms of bona fide registered guests.

c. *Retail off-site general license* means a license authorizing the applicant to sell alcoholic beverages at retail to be consumed by the buyer off of the premises or at a location other than the one designated in the license.

d. *Retail off-site beer and wine license* means a license authorizing the applicant to sell beer and wine at retail to be consumed by the buyer off of the premises or at a location other than the one designated in the license.

e. *Manufacturer's license* means a license authorizing the applicant to manufacture alcoholic beverages for the purpose of sale on the Reservation.

f. *Temporary license* means a license authorizing the sale of alcoholic liquor on a temporary basis for premises temporarily occupied by the licensee for a picnic, social gathering, or similar occasion.

3.06. *Responsibility to Complete Application and Obtain License.* Except in the case of an application for a temporary license, the owner of the premises on which liquor is or will be imported, manufactured, distributed, or sold for commercial purposes shall complete a License application and obtain a License for the premises as required by Section 3.05. If the Tribe or a tribal enterprise is the owner of the premises on which liquor is or will be imported, manufactured, distributed, or sold for commercial purposes, the manager or general manager of the premises shall file an application on behalf of the Tribe or tribal enterprise for a license under Section 3.07. In the case of a Temporary License, the person(s) organizing or sponsoring the event for which a Temporary license is required shall complete the License application.

3.07. *Application Form and Content.* An application for a license shall be made to the Council for consideration at a Regular Meeting of the Tribal Council and shall contain the following information:

a. The name and address of the licensee, including the names and addresses of all of the principal officers and directors, and other employees with primary management responsibility related to the sale of alcoholic liquor;

b. The specific area, location, and/or premise(s) for which the license is applied for;

c. The class of license under Section 3.05 applied for;

d. Whether the applicant has a state liquor license; and

e. The application shall be verified under oath and notarized by a duly authorized representative.

3.08. *Investigation.* Upon receipt of an application for the issuance, renewal, or transfer of a license, the Tribal Council shall make an investigation to determine whether the applicant and the premises for which a license is applied for, qualify for a license, shall ensure that the applicant and premises are in compliance with this Ordinance, and shall investigate all matters connected therewith which may affect the public health, welfare, and morals.

3.09. *Public Hearing.* Upon receipt of an application for issuance, renewal, or transfer of a license, and the payment of all fees if required by regulations promulgated under Section 3.01(a), the Tribal Council may issue a license or set the matter for a public hearing at a Special Meeting of the Tribal Council. Notice of the time and place of the hearing shall be given to the applicant and the public at least twenty (20) calendar days before the hearing. Notice shall be given to the applicant by United States mail, postage prepaid, at the address listed in the application. Notice shall be given to the public by publication in a newspaper of general circulation sold on the reservation. The notice published in the newspaper shall include the name of the applicant, whether the action involves a new issuance, renewal, or transfer, the class of license applied for under Section 3.05, and a general description of the area where the alcoholic beverage will be or has been sold. At the hearing, the Tribal Council shall hear from any person who wishes to speak for or against the application. The Tribal Council shall have the authority to place time limits on each speaker and to limit or prohibit repetitive testimony.

3.10. *Tribal Council Action on the Application.* The Tribal Council shall act on the application within sixty (60) days of receipt of the application or within sixty (60) days of the conclusion of the public hearing if one is held pursuant to Section 3.09. The

Tribal Council shall have the authority to deny, approve, or approve with conditions the application. Provided, however, that the Tribal Council shall afford an applicant a hearing on the application before denying or approving with conditions any application. Upon approval of an application, the Tribal Council shall issue a license to the applicant in a form to be approved from time to time by Tribal Council resolution.

3.11. *Denial of License, Renewal, or Transfer.* An application for a license, license renewal, or license transfer may be denied for one or more of the following reasons:

a. The applicant has knowingly and materially misrepresented facts contained in the application;

b. The applicant (or premises) is not in compliance with tribal or applicable Federal or state laws;

c. Granting of the license (or renewal or transfer thereof) would create a threat to the peace, safety, morals, health, or welfare of the Tribe;

d. The applicant has failed to complete the application properly or has failed to tender the appropriate fee; or

e. If the applicant (or premise) is not in compliance with or does not meet the requirements of Michigan law incorporated as tribal law pursuant to this Ordinance.

3.12. *Multiple Locations.* Separate licenses shall be issued for each of the premises at which liquor is imported, distributed, manufactured or sold.

3.13. *Posting of License.* Every license shall be posted and kept in a conspicuous place(s) on the licensed premises.

3.14. *Transfer of License.* Each license issued or renewed under this Ordinance is separate and distinct and is transferable from one licensee to another or from one premises to another only with the approval of the Tribal Council. The Tribal Council shall have the authority to approve, deny, or approve with conditions, any application for the transfer of any license. The transfer application shall contain all of the information required of an original applicant under section 3.07 of this Ordinance. In the case of a transfer to a new premises, the application shall contain an exact description of the location where the liquor is proposed to be sold.

3.15. *Term and Renewal of License.* All licenses shall be issued on a calendar year basis and shall be renewed annually. The applicant shall renew a license by, prior to the license's expiration date, submitting a written renewal application to the Tribal Council on the provided form, and paying the annual license fee for the next year. License renewals may be issued without a hearing.

3.16. *Consent to Tribal Jurisdiction.* Anyone who imports, manufactures, distributes, or sells liquor for commercial purposes on the Tribe's reservation, and anyone who submits an application for a license, shall be deemed to have consented to the jurisdiction of the Tribe and the Tribal Court.

Section 4. License Suspension and Revocation; Inspections; Seizure

4.01. *Suspension or Revocation of License.* Whenever it is brought to the attention of the Tribal Ogema, Tribal Council, or any other person, that a licensee (or licensed premises), through action or inaction

a. Has knowingly and materially misrepresented facts contained in any license application;

b. Is not in compliance with tribal or applicable state and federal laws;

c. Failed to comply with any condition of a license, including failure to pay a required fee;

d. Failed to take reasonable steps to correct objectionable conditions constituting a nuisance on the licensed premises or any adjacent area within a reasonable time after receipt of a notice to make such corrections has been issued by the Tribal Council or its authorized representative; or

e. If applicable, suspension or revocation of the licensee's Michigan liquor license, proceedings to suspend or revoke a licensee's Tribal license may be initiated in accordance with this Section.

4.02. *Initiation of Suspension or Revocation Proceedings.*

(a) *Persons or Entities Authorized to Initiate Proceedings.* Suspension or revocation proceedings for any license held by a gaming operation may be initiated by the Tribal Gaming Commission by filing a complaint with the Tribal Council. All other suspension or revocation proceedings may be initiated by the Tribal Ogema or his/her designee, or by any person who files a complaint with the Tribal Council Recorder.

(b) *Interim Hearings Commission.* Until such time as the Tribal Council creates a regulatory commission vested with authority to adjudicate alleged violations of this Ordinance, suspension, revocation and other enforcement proceedings shall be heard by a Hearings Commission consisting of the Tribal Council Speaker, the Council Recorder, and one (1) other member of the Tribal Council.

(c) *Form of Complaint.* All complaints shall be in writing and signed by the complainant. The complaint shall state facts showing that there are specific grounds under this Ordinance which would authorize the suspension or revocation of the license(s). If the complaint does not state such grounds, the Hearings Commission shall dismiss the complaint and duly notify the complainant and the licensee.

(d) *Notice of Hearing.* If the complaint states such grounds, the Tribal Council Recorder shall cause the matter to be set for a hearing before the Hearings Commission on a date no later than thirty (30) days from the Tribal Council's receipt of the complaint. Notice of the time, date, and place of the hearing shall be given the licensee and the public in the same manner as set forth in Section 3.09. The notice shall state that the licensee has the right to file a written response to the complaint or resolution, verified under oath and signed by the licensee ten (10) days prior to the hearing date.

4.03. *Hearing.* A hearing held on any complaint shall be held before the Hearings Commission under such rules of procedure as it may adopt. Both the licensee and the complainant shall have the right to present witnesses, testify, and present written documents in support of their positions to the Hearings Commission at such hearing. The Hearings Commission shall render its decision within sixty (60) days after the date of the hearing. The decision of the Hearings Commission shall be final, unless appealed pursuant to Section 5.03.

4.04. *Delivery of License.* Upon suspension or revocation of a license, the owner of the premise shall return the license to the Recorder of the Tribal Council. In cases involving suspension, the Tribal Council shall return the license to the owner of the premise at the expiration or termination of the suspension period.

4.05. *General Penalties.* Any person adjudged to be in violation of this Ordinance, including any lawful regulation promulgated pursuant thereto, shall be subject to a civil fine of not more than five hundred dollars ($500.00) for each such violation. The Tribal Council may adopt by resolution a separate schedule for fines for each type of violation, taking into account the seriousness and threat the violation may pose to the general health and welfare of the Tribe, its members and those on reservation lands. The penalties provided for herein shall be in addition to any criminal penalties which may be imposed under applicable law. Each calendar day during which a violation occurs shall be deemed a separate violation.

4.06. *Initiation of Action.* The Tribal Ogema or Tribal Council, on behalf of and in the name of the Tribe, may initiate and maintain an action in Tribal Court or any court of competent jurisdiction to abate and permanently enjoin any violation of this Ordinance. Any action taken under this section shall be in addition to any other penalties provided for in this Ordinance.

4.07. *Inspection.* All licensed premises or any parts used or in any way connected physically or otherwise with the licensed premise, and any premise whether licensed or not used in the importation , distribution, manufacture or sale of liquor shall at all times be opened to inspection by any tribal inspector appointed by the Tribal Ogema. Any licensed premises operated by a person holding a gaming license shall be open to inspection by the Tribal Gaming Commission or any inspector acting on behalf of the Gaming Commission.

4.08. *Contraband; Seizure; Forfeiture.*

a. All alcoholic beverages within the reservation that are stored, held, owned, or possessed by any person, or licensee operating in violation of this Ordinance, are hereby declared to be contraband and subject to forfeiture to the Tribe.

b. Within thirty (30) calendar days following the seizure of the contraband, a hearing shall be held before the Tribal Court, at which time the licensee or owner of the premises or contraband shall be given an opportunity to present evidence.

c. Notice of the hearing shall be given to the persons identified in Section 4.08(b) or the person from whom the property was seized, if known, ten (10) calendar days prior to the hearing. If the person is unknown, notice of the hearing shall be posted at the place where the contraband was seized and at other public places on the reservation. The notice shall describe the property seized, and the time, place, and cause of seizure and give

the name and place of residence, if known, of the person from whom the property was seized.

d. If upon hearing, the evidence warrants, or if no person appears as a claimant, the Tribal Court shall thereupon enter a determination of forfeiture and order such contraband forfeited to the Tribe and sold or destroyed forthwith.

Section 5. Sovereign Immunity; Appeals

5.01. *Sovereign Immunity.*

a. The Tribe, and all of its instrumentalities, including, but not limited to tribal enterprises, subordinate organizations, boards, committees, officers, attorneys and agents, are immune from suit in any jurisdiction except to the extent that such immunity has been expressly and unequivocally waived in writing by the Tribe.

b. Except as provided in Section 5.02, nothing in this Ordinance, and no enforcement action taken pursuant to this Ordinance or otherwise, including but not limited to, the holding of any hearing, the grant, denial, suspension, modification, conditioning or revocation of any license, the filing of suit by the Tribal Ogema or Tribal Council to enforce any provision of this Ordinance or other law, shall constitute a waiver of such immunity, either as to the original action, any counterclaim, regardless of whether an asserted counterclaim arises out of the same transaction or occurrence, or in any other respect.

5.02. *Limited Waiver of Sovereign Immunity of the Tribe.* The Tribe hereby expressly waives its sovereign immunity from suit in the Tribal Court for the limited purpose of an appeal of any decision of the Tribal Council to grant, deny, modify, or condition a license or of the Tribal Council Hearings Commission to suspend or revoke a license or to impose fines. Nothing contained in this section or this Ordinance or in any express waiver of sovereign immunity by resolution of the Tribal Council relating to the regulation of alcoholic beverages shall be deemed a consent to levy of any judgment, lien or attachment upon any property or revenues of the Tribe.

5.03. *Appeal to Tribal Court.* A person directly affected by any grant, denial, suspension, modification, conditioning or revocation of any license or imposition of fines under this Ordinance, shall have the right to appeal such decision to the Tribal Court. Any such appeal must be filed with the Tribal Court in writing on or before the thirtieth (30th) day following the decision of the Tribal Council or Tribal Ogema, as the case may be. In any case which has been appealed to the Tribal Court for final action, the Tribal Court shall review all findings of fact and of law of the Hearings Commission on the record and pursuant to an "arbitrary and capricious" standard and shall have power to affirm, modify or reverse the decision. Pursuant to Section 5.02, the Tribal Court may only grant injunctive relief and may not grant damages against the Tribe. The Tribal Court's decision shall be final, and no further appeal may be had.

Dated: September 14, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99–24370 Filed 9–17–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice; correction.

SUMMARY: This notice corrects the amendment to the Burns-Paiute Tribe of Oregon Tribal-State gaming compact which was published on Wednesday, September 1, 1999, 64 FR 47857. The document contained an incorrect amendment number.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, (202) 219–4066.

Correction

In the **Federal Register** of September 1, 1999, in FR Doc. 99–22706, on page 47857, correct the Amendment number to read:

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment III to the Tribal-State Compact for Regulation of Class III Gaming Between the Burns-Paiute Tribe and the State of Oregon, which was executed on June 28, 1999.

Dated: September 9, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99–24362 Filed 9–17–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–957–00–1420–00: GP9–0319]

Filing of Plats of Survey: Oregon/ Washington

In Reply Refer to: 1500 (957).

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State, Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 28 S., R 31 E., accepted August 6, 1999.
T. 28 S., R 32 E., accepted August 6, 1999.
T. 29 S., R 32 E., accepted August 6, 1999.
T. 21 S., R 11 W., accepted August 9, 1999.
T. 22 S., R 11 W., accepted August 9, 1999.
T. 4 S., R 7 W., accepted August 16, 1999.
T. 7 S., R 7 W., accepted August 16, 1999.
T. 24 S., R 4 W., accepted August 16, 1999.

Washington

T. 32 N., R 37 E., accepted August 31, 1999.

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey, and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management (1515 S.W. 5th Avenue), P.O. Box 2965, Portland, Oregon 97208.

Dated: September 8, 1999.

Robert D. DeViney, Jr.,

Branch of Realty and Records Services.

[FR Doc. 99–24348 Filed 9–17–99; 8:45 am]

BILLING CODE 4310–33–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Criminal Procedure

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Criminal Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Criminal Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation.

DATES: October 7–8, 1999.

TIME: 8:30 a.m. to 5 p.m.

ADDRESSES: Williamsburg Lodge, 310 South England Street, Williamsburg, Virginia.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: September 14, 1999.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 99–24440 Filed 9–17–99; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Civil Procedure

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Civil Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Civil Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation.

DATES: October 14–15, 1999.

TIME: 8:30 a.m. to 5 p.m.

ADDRESSES: The Colony Hotel, 140 Ocean Avenue, Kennebunkport, Maine.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: September 14, 1999.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 99–24441 Filed 9–17–99; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Appellate Procedure

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Appellate Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Appellate Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation.

DATE: October 21–22, 1999.

TIME: 8:30 a.m. to 5 p.m.

ADDRESS: Westward Look Hotel, 245 East Ina Road, Tucson, Arizona.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: September 14, 1999.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 99–24442 Filed 9–17–99; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Evidence

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Evidence.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Evidence will hold a one-day meeting. The meeting will be open to public observation but not participation.

DATE: October 25, 1999.

TIME: 8:30 a.m. to 5 p.m.

ADDRESS: Thurgood Marshall Federal Judiciary Building, Judicial Conference Center, One Columbus Circle, NE, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: September 14, 1999.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 99–24443 Filed 9–17–99; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Committee on Rules of Practice and Procedure

AGENCY: Judicial Conference of the United States Committee on Rules of Practice and Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation.

DATES: January 6–7, 2000.

TIME: 8:30 a.m. to 5 p.m.

ADDRESSES: Omni Colonnade Hotel, 180 Aragon Avenue, Coral Gables, Florida.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: September 14, 1999.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 99–24444 Filed 9–17–99; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Criminal Procedure

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Criminal Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Criminal Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation.

DATE: January 10–11, 2000.

TIME: 8:30 a.m. to 5 p.m.

ADDRESS: Caribe Royale, 8101 World Center Drive, Orlando, Florida.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: September 14, 1999.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 99–24445 Filed 9–17–99; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Bankruptcy Procedure

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Bankruptcy Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Bankruptcy Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation.

DATE: March 9–10, 2000.

TIME: 8:30 a.m. to 5 p.m.

ADDRESS: Marriott Key Largo, 103800 Overseas Highway, Key Largo, Florida.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: September 14, 1999.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 99–24446 Filed 9–17–99; 8:45 am]

BILLING CODE 2210–55–M

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

Public Announcement

Pursuant to the Government in the Sunshine Act (Public Law 94–409) [5 U.S.C. 552b]

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

DATE AND TIME: 9:30 a.m., Wednesday, September 22, 1999.

PLACE: U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815.

STATUS: Closed-Meeting.

MATTERS CONSIDERED: The following matter will be considered during the closed portion of the Commission's Business Meeting:

Appeals to the Commission involving approximately two cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.27. These cases were originally heard by an examiner panel wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

AGENCY CONTACT: Tom Kowalski, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: September 15, 1999.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 99–24527 Filed 9–16–99; 10:51 am]

BILLING CODE 4410–31–M

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

Public Announcement

Pursuant To The Government In the Sunshine Act (Public Law 94–409) [5 U.S.C. Section 552b]

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

TIME AND DATE: 10:30 a.m., Wednesday, September 22, 1999.

PLACE: U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of minutes of previous Commission meeting.
2. Reports from the Chairman, Commissioners, Legal, Chief of Staff, Case Operations, and Administrative Sections.
3. Approval of FY 2001 U.S. Parole Commission Budget Request.

AGENCY CONTACT: Tom Kowalski, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: September 15, 1999.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 99–24528 Filed 9–16–99; 10:54 am]

BILLING CODE 4410–31–M

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Combined Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel, Media Arts section (Arts on Broadcasting), to the National Council on the Arts will be held from October 4–6, 1999 in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC, 20506. The Panel will meet from 9:00 a.m. to 6:00 p.m. on October 4th, from 9:00 a.m. to 6:30 p.m. on October 5th, and from 9:00 a.m. to 5:00 p.m. on October 6th. A portion of this meeting, from 1:15 p.m. to 2:15 p.m. on October 6th, will be open to the public for policy discussions.

The remaining portions of this meeting, from 9:00 a.m. to 6:00 p.m. on October 4th, from 9:00 a.m. to 6:30 p.m. on October 5th, and from 9:00 a.m. to 1:15 p.m. and 2:15 p.m. to 5:00 p.m. on October 6th, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 12, 1999, these sessions will be closed to the pubic pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506, or call 202/682–5691.

Dated: September 13, 1999.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 99–24317 Filed 9–17–99; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Advanced Computational Infrastructure & Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Advanced Computational Infrastructure & Research (#1185).

Date and Time: October 15, 1999, 8:30 am–5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 365, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Charles H. Koelbel, Program Director, Advanced Computational Research Program, Suite 1122, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1962.

Purpose of Meeting: To provide recommendations and advice concerning Faculty Early Career Development (CAREER) Program proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals in the Advanced Computational Research Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24332 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Advanced Networking and Infrastructure Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Advanced Networking and Infrastructure Research (#1207).

Date & Time: October 21 and 22, 1999; 8:30 a.m—5:00 p.m.

Place: National Science Foundation, Room 530, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Anne C. Richeson, Division of Advanced Networking Infrastructure Research, Room 1175, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1950.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Connections to the Internet Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b©, (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24325 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biomolecular Processes; Notice Of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Biomolecular Processes (5138) Panel A.

Date and Time: October 28 and 29, 1999; 9:00 a.m.-5:00 p.m.

Place: National Science Foundation, Room 320, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Persons: Dr. Allison Berry, Program Director, and Dr. Susan Porter Ridley, Assistant Program Manager, for Metabolic Biochemistry, Room 655, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. (703) 306–1441.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Metabolic Biochemistry Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24329 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biomolecular Processes; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Biomolecular Processes (5138) (Panel B).

Date and Time: Wednesday, Thursday, and Friday, October 13–15, 1999, 9:00 A.M. to 5:00 P.M.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 310, Arlington, Virginia 22230.

Type of Meeting: Closed.

Contact Person: Dr. Christopher Greer, Program Director, or Dr. Susan Porter Ridley, Assistant Program Manager for Biochemistry of Gene Expression, Room 655, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. (703) 306–1441.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Biochemistry of Gene Expression Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24330 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biomolecular Structure and Function: Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Biomolecular Structure and Function—(1134) (Panel B).

Date/Time: October 25–27, 1999, 8:30 a.m. to 6 p.m.

Place: National Science Foundation, Room 340, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Kamal Shukla, Program Director, Molecular Biophysics, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1444.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Molecular Biophysics Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the

proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24342 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biomolecular Structure and Function: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Biomolecular Structure and Function—(1134) (Panel A)

Date and Time: October 20–22, 1999; 8:30 a.m. to 6:00 p.m.

Place: National Science Foundation, Room 340, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Thomas E. Smith, Program Director, Molecular Biochemistry, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1443.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Molecular Biochemistry Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24343 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Cell Biology: Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Cell Biology—(1136) (Panel B).

Dates/Time: October 27–29, 1999 8:30 a.m. to 6:00 p.m.

Place: National Science Foundation, Room 360, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Persons: Eve Barak Philip Youderian, Program Directors, Cell Biology, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1442

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Cellular Organization Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24340 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended) the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical and Transport Systems (1190).

Date and Time: October 20–21, 1999; 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 320, Arlington, VA 22230, (703) 306–1371.

Type of Meeting: Closed.

Contact Person: Dr. Maria K. Burka, Program Director, Division of Chemical and Transport Systems (CTS), Room 525, (703) 306–1371.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY99 PRE/TSE Panel proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24331 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical and Transport Systems (1190).

Date and Time: September 28, 1999; 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 130, Arlington, VA 22230, (703) 306–1371.

Type of Meeting: Closed.

Contact Person: Dr. Geoffrey Prentice Program Director, Division of Chemical and Transport Systems (CTS), Room 525, (703) 306–1371.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY99 Career Panel proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24339 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical and Transport Systems (1190)

Date and Time: October 27, 1999; 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 530, Arlington, VA 22230, (703) 306–1371.

Type of Meeting: Closed.

Contact Person: Dr. Maria K. Burka, Program Director, Division of Chemical and Transport Systems (CTS), Room 525, (703) 306–1371.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY99 Career Panel proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24346 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemistry; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Special Emphasis Panel in Chemistry (#1191).

Date and Time: November 1–2, 1999.

Place: Rooms, 1060, NSF, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Joan M. Frye, Program Director, Chemical Research Instrumentation and Facilities Program, Chemistry Division, Room 1055, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1849.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals for Chemistry Research Instrumentation and Facilities/Junior Faculty Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24322 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Computer and Information Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Computer and Information Science and Engineering (1115).

Date and Time: October 13, 1999; 8:30 a.m. to 5:00 p.m.; October 14, 1999, 8:30 a.m. to 3:00 p.m.

Place: The University of Washington, 309 Parrington Hall, Seattle, WA 98195.

Type of Meeting: Open.

Contact Person: Gwen Barber-Blount, Office of the Assistant Director, Directorate for Computer and Information Science and Engineering, National Science Foundation, 4201 Wilson Blvd., Suite 1105, Arlington, VA 22230 (703) 306–1900.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To advise NSF on the impact of its policies, programs and activities on the CISE community; to provide advice to the Assistant Director/CISE on issues related to long range planning, and to form ad hoc subcommittees to carry out needed studies and tasks.

Agenda:

Day 1—Discussion of IT and CISE GPRA Report.

Day 2—Post-vBNS Networking, presentation on Information Science and complete writing assignments on recommendations to the Director and Assistant Director.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24344 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer—Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting. Special Emphasis Panel in Computer—Communications Research.

Name: Special Emphasis Panel in Computer—Communications Research (1192).

Date: November 1, 1999.

Time: 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, November 1, 1999 Room 370.

Type of Meeting: Closed.

Contact person(s): Zeke Zalcstein, Program Director, Theory of Computing Program, CISE/C–CR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

Telephone: (703) 306–1914.

Purpose of Meeting: To provide advice and recommendations for the Theory of Computing Program (TOC) by providing review of a group of approximately 12 proposals with special attention to changing emphases for that program.

Agenda: Review and evaluate TOC CAREER proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24323 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting. Special Emphasis Panel in Computer-Communications Research.

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date: October 22 and October 26, 1999.

Time: 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, October 22, 1999 Room 1150, October 26, 1999 Rooms 310 and 330.

Type of Meeting: Closed.

Contact Person(s): Frank D. Anger, Program Director, Software Engineering and Languages Program, CISE/C–CR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

Telephone: (703) 306–1911.

Purpose of Meeting: To provide advice and recommendations for the Software Engineering and Languages Program (SEL) by providing review of a group of approximately 36 proposals with special attention to changing emphases for that program.

Agenda: Review and evaluate SEL CAREER proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24324 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Engineering Education and Centers; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Cell Biology (1136)—(Panel A).

Date/Time: October 13–15, 1999, 8:30 a.m. to 6:00 p.m.

Place: National Science Foundation, Room 360, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Barbara Zain or Dr. Richard Rodewald, Program Directors, Cell Biology Program, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1442.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to *NSF for financial support.*

Agenda: To review and evaluate Engineering Research Centers Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24341 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Engineering Education and Centers; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Engineering Education and Centers (173).

Date/Time: September 29–30, 1999, 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, Room 360, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Cheryl Cathey, Program Director, Engineering Education and Centers Division, National Science Foundation, Room 585, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Engineering Research Centers Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24345 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Genetics; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Genetics (1149) Panel B.

Date/Time: November 11–12, 1999, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, Room 380, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: closed.

Contact Person: DeLill Nasser, Program Director, Eukaryotic Genetics, Division of Molecular and Cellular Biosciences, Room 655, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1439.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Eukaryotic Genetics Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24337 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Microbial Genetics; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Genetics (1149) Panel A.

Date/Time: November 8–9, 1999, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, Room 380, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Philip Harriman, Program Director, Microbial Genetics, Molecular and Cellular Biosciences Division, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1439.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Microbial Genetics Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24338 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Neuroscience; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Neuroscience (1158).

Date and Time: November 8 and 9, 1999; 8 a.m. to 5 p.m.

Place: National Science Foundation, Room 680, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Part-Open.

Contact Person: Dr. Avi Chaudhuri, Program Director, Sensory Systems, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. (703) 306–1424

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda:

Open Session: November 9, 1999; 2 p.m. to 3 p.m. to discuss goals and assessment procedures.

Closed Session: November 8; 8 a.m. to 5 p.m., and November 9, 8 a.m. to 2 p.m. and 3 p.m. to 5 p.m. To review and evaluate Sensory Systems proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24335 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Neuroscience; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Neuroscience (1158).

Date and Time: October 21 and 22, 1999; 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, Room 680, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Part-Open.

Contact Person: Dr. Roy White, Acting Program Director, Neuroendocrinology, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230 (703) 306–1423.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda:

Open Session: October 22, 1999; 11:00 a.m. to 12:00 p.m.; to discuss goals and assessment procedures.

Closed Session: October 21; 8:00 a.m. to 5:00 p.m., and October 22, 9:00 a.m. to 11:00 a.m. and 2:00 p.m. to 5:00 p.m. To review and evaluate Developmental Neuroscience proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management.

[FR Doc. 99–24336 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Physics (1208).

Date and Time: October 25 and 26, 1999; 8:00 a.m.—5:00 p.m.

Place: National Science Foundation, Room 1020, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Vicor Cook, Program Manager, Laser Interferometer Gravitational-Wave Observatory (LIGO), Physics Division, Room 1015, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. (703) 306–1892.

Purpose of Meeting: To review the Conceptual Plan for LIGO II—an upgrade of the LIGO detectors.

Agenda: A comprehensive review of the plans of LIGO II. Detailed examination of technical aspects of the project and the management of the upgrade.

Reason for Closing: The LIGO II plans include information of a proprietary or confidential nature, including technical information, information on personnel and data for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24326 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Physiology and Ethology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Nome: Advisory Panel for Physiology and Ethology (1160).

Date and Time: October 25 and 26, 1999, 8:30 a.m.–6:00 p.m.

Place: National Science Foundation, Room 380, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Part-Open.

Contact Person: Dr. Elvira Doman, Program Director, Integrative Animal Biology, Division of Integrative Biology and Neuroscience, Room 685N, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. (703) 306–1421.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda:

Open Session: October 25, 1999, 4:00 p.m. to 5:00 p.m.—discussion on research trends, opportunities and assessment procedures in Integrative Animal Biology.

Closed Session: October 25, 1999, 8:30 a.m.–4:00 p.m., 5:00 p.m. to 6:00 p.m. and October 26, 1999, 8:30 a.m. to 6:00 p.m. To review and evaluate Integrative Animal Biology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24333 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Physiology and Ethology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name: Advisory Panel for Physiology and Ethology (1160).

Date and Time: October 18, 19 & 20, 1999, 8:30 a.m.–6:00 p.m.

Place: National Science Foundation, Room 680, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Part-Open.

Contact Person: Dr. Judith Verbeke, Program Director, Integrative Plant Biology, Division of Integrative Biology and Neuroscience, Room 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1422.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda:

Open Session: October 19, 1999, 4:00 p.m. to 5:00 p.m.—discussion on research trends, opportunities and assessment procedures in Integrative Plant Biology.

Closed Session: October 18, 1999, 8:30 a.m.–6:00 p.m.; October 19, 1999, 8:30 a.m. to

4:00 p.m. and 5:00 p.m. to 6:00 p.m.; and October 20, 1999, 8:30 a.m. to 6:00 p.m. To review and evaluate Integrative Plant Biology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24334 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Polar Programs (1209).

Date and Time: October 20, 1999; 6 pm–10pm, October 21, 1999; 8 am–6pm; October 22, 1999; 9 am–5 pm.

Place: University of Chicago, Ida Noyes Hall, 1212 E. 59th Street, Chicago, IL.

Type of Meeting: Closed.

Contact Person: Dr. Dennis Peacock, Section Head, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1033.

Purpose of Meeting: To provide advice and recommendations concerning support for the Center for Astrophysical Research in the Antarctic, Science and Technology Center, University of Chicago.

Agenda: To review and evaluate progress so far and provide advice and recommendations on plans for the future.

Reason for Closing: The proposal being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24327 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Research Evaluation and Communication; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Research Evaluation and Communication (CAREER) (1210).

Date/Time: October 28, 1999, 8:00 a.m.–5:00 p.m., October 29, 1999, 8:00 a.m.–4:00 p.m., November 1, 1999, 8:00 a.m.–5:00 p.m., November 2, 1999, 8:00 a.m.–4:00 p.m.

Place: National Science Foundation, Room 130, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Elizabeth VanderPutten, Program Director, Research Evaluation and Communications Division, National Science Foundation, Room 855, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1650.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate CAREER Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 14, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24328 Filed 9–17–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. STN 50–528, STN 50–529, and STN 50–530]

Arizona Public Service Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. NPF–41, NPF–51, and NPF–74 issued to Arizona Public Service Company for operation of the Palo Verde Nuclear Generating Station Units 1, 2, and 3 located in Maricopa County, Arizona.

The proposed amendments would revise Technical Specification (TS) 3.7.15, "Fuel Storage Pool Boron Concentration," TS 3.7.17, "Spent Fuel Assembly Storage," and TS 4.3.1, "Criticality," to increase spent fuel pool storage capacity by crediting soluble boron and decay time in the safety analysis for the spent fuel pool storage racks. The proposed amendments would also increase the maximum radially averaged fuel enrichment from 4.3 weight percent to 4.8 weight percent.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Standard 1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. Analyses to support the proposed amendment have been developed using conservative methodology. An analysis and review of relevant plant operations shows that there is no significant increase in the probability of an accident previously evaluated. The analysis of the potential events and of the increase in fuel enrichment discussed below also show that there is no significant increase in the consequences of an accident previously evaluated.

The fuel handling accident described in the Updated Final Safety Analysis Report (UFSAR) section 15.7.4, "Radiological Consequences of Fuel Handling Accidents" was reviewed for this proposed amendment. The fuel handling accident that is of concern in the UFSAR is the dropping of a single fuel assembly during fuel handling. Changing the fuel assembly storage array and burnup versus enrichment criteria, crediting soluble boron in the spent fuel pool, and increasing

enrichment does not [a]ffect the method of handling spent fuel or the design of the fuel handling equipment. The fuel assembly design (clad material and structural components) is not affected by this change. Therefore, this change will not increase the probability that a fuel handling accident will occur.

The current fuel handling accident analysis for Palo Verde assumes a TID–14844 (Technical Information Document), "Calculation of Distance Factors for Power and Test Reactor Sites" equilibrium source term. The TID–14844 equilibrium source term is based on rated core thermal power and an infinite cycle. Therefore, the source term is independent of fuel assembly enrichment and fuel cycle length. As such, the proposed increase in maximum radially averaged enrichment for fuel assemblies stored in the spent fuel storage racks and the new fuel storage racks from 4.3 weight percent to 4.8 weight percent does not affect the dose calculation for the Palo Verde fuel handling accident analysis. Changing the fuel assembly storage array and burnup versus enrichment criteria, crediting soluble boron in the spent fuel pool, and increasing enrichment does not affect the spent fuel pool water level, water depth over a damaged fuel assembly, or the systems (e.g., fuel building essential ventilation system and radiation monitoring system) that may be available to reduce the doses associated with the current fuel handling accident analysis for Palo Verde. The radiological consequences of the fuel handling accident discussed in UFSAR section 15.7.4.1 remain bounding with these changes and are less than 10 CFR 100 limits, and therefore, this change will not increase the consequences of a fuel handling accident.

Fuel assembly placement in the spent fuel pool will continue to be controlled by approved procedures and in accordance with the Technical Specification fuel storage configuration limits as it currently is. Therefore, this change will not increase the probability of an accidental misloading of a fuel assembly in the spent fuel pool.

The consequences of a single fuel assembly misloaded into a region in the spent fuel pool intended for a less reactive fuel assembly were reviewed based on the proposed amendment. The maximum increase in the spent fuel pool effective multiplication factor (k_{eff}) due to a single misloaded fuel assembly was one of the factors used to determine the minimum soluble boron credit requirement. The minimum soluble boron credit required to maintain k_{eff} [less than or equal to] 0.95 (including all biases and uncertainties) assuming the most limiting single fuel assembly misloading event was determined to be 900 ppm. This is much less than the Technical Specification 3.7.15, "Fuel Storage Pool Boron Concentration" minimum boron requirement of 2150 ppm. Therefore, taking credit for soluble boron in the spent fuel pool to offset an increase in the number of fuel assemblies stored in the spent fuel pool and increasing maximum radially averaged enrichment does not [a]ffect the consequences of a fuel assembly misloading event since the k_{eff} for the spent fuel pool remains less than 0.95.

The spent fuel pool cooling requirements are described in UFSAR section 9.1.3, "Spent Fuel Pool Cooling and Cleanup System." The design basis of the spent fuel cooling system is to provide adequate cooling to the spent fuel during all operating conditions (including full core offload) for up to 1205 fuel assemblies. The proposed amendment will increase the spent fuel pool storage limit [to] 1205 assemblies. This change does not affect the design basis spent fuel pool heat load calculation since the spent fuel pool will be limited to the design basis limit of 1205 fuel assemblies. This change does not affect the operation or function of the spent fuel pool cooling system. Therefore, since the design basis and operation of the spent fuel pool cooling system are not affected by this change, this change will not increase the probability or the consequences of a loss of spent fuel pool cooling event.

Technical Specification 4.3.1.2 requires that the new fuel storage racks be designed and maintained with a k_{eff} [less than or equal to] 0.95 when fully flooded with unborated water and k_{eff} [less than or equal to] 0.98 if moderated with aqueous foam (including all biases and uncertainties). The current analysis of record assumes a maximum radially averaged fuel enrichment of 4.3 weight percent to determine that the k_{eff} for the new fuel storage racks met these limits. A new analysis was performed to determine that the proposed increase in maximum radially averaged enrichment (i.e., from 4.3 to 4.8 weight percent) would still meet the limits. The new analysis conservatively assumed a radially averaged enrichment of 5.0 weight percent U–235. Using a maximum radially averaged fuel enrichment of 5.0 weight percent U–235, the new analysis determined that the k_{eff} for the new fuel storage racks would continue to be [less than or equal to] 0.95 when fully flooded with unborated water and [less than or equal to] 0.98 if moderated by aqueous foam (including all biases and uncertainties). The increased radially averaged enrichment will not affect the requirement to maintain the new fuel subcritical (Technical Specification 4.3.1.2.b and c) when stored in the new fuel storage racks. There will be no dose consequences associated with these changes, since the new fuel will continue to remain subcritical at all times. Therefore, since the criticality requirements are maintained, this change will not involve a significant increase in the probability or consequences of a criticality event in the new fuel storage racks.

The current analysis of record for the new fuel elevator, the fuel upender and transfer machine, and the intermediate fuel storage rack assumes a maximum radially averaged fuel enrichment of 4.3 weight percent with a resultant k_{eff} in unborated water of [less than or equal to] 0.95. Using a radially averaged enrichment of 5.0 weight percent, the new analysis determined that the k_{eff} in unborated water would continue to be [less than or equal to] 0.95 (including all biases and uncertainties). The increased radially averaged enrichment will not affect the requirement to maintain the fuel subcritical when in the new fuel elevator, the fuel upender and transfer machine, or the intermediate fuel storage rack. There will be no dose consequences associated with these changes, since the fuel will continue to remain subcritical at all times. Therefore, since the criticality requirements are maintained, this change will not involve a significant increase in the probability or consequences of a criticality event in this equipment.

Therefore, the proposed change crediting soluble boron and the increased maximum radially averaged enrichment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Standard 2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed amendment credits the negative reactivity associated with some of the soluble boron present in the spent fuel pool. Based on these changes, an analysis was performed to verify that the Palo Verde design has sufficient margin to detect and mitigate a boron dilution of the spent fuel pool prior to exceeding the spent fuel pool k_{eff} limit of 0.95 (including all biases and uncertainties). The analysis determined that the most limiting boron dilution event was a fire in the fuel building. Assuming a spent fuel pool average bulk boron concentration of 2150 ppm (Technical Specification 3.7.15), this event would result in boron dilution to a minimum average bulk boron concentration of 1900 ppm. This is much greater than the minimum 900 ppm boron concentration required to maintain k_{eff} [less than or equal to] 0.95 (assuming the most limiting single fuel assembly misloading event). Therefore, the spent fuel pool will remain subcritical following a boron dilution event. The analysis shows that there is no credible boron dilution event that would result in an inadvertent criticality in the spent fuel pool. In addition, the criticality analysis shows that even if the spent fuel pool were filled with unborated water, the spent fuel pool would remain subcritical.

Taking credit for soluble boron does not make any change to the design or operation of the spent fuel racks, fuel assemblies, fuel handling equipment, or plant systems that can deliver non-borated water to the spent fuel pool. Increasing the maximum allowable radially averaged enrichment of the fuel assemblies in storage does not make any change to the design or operation of the fuel assemblies except to increase the allowed reactivity and fission product inventory of future assemblies, both of which are bounded by the new criticality analyses and the current fuel handling accident analysis (UFSAR 15.7.4). Since system interfaces and operating characteristics remain the same, no new fuel handling-related accident can be postulated.

Therefore, the proposed change crediting soluble boron and the increased maximum radially averaged enrichment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Standard 3. Does the proposed change involve a significant reduction in a margin of safety?

No. The Technical Specification changes in the proposed amendment, the proposed

spent fuel pool storage configuration, and the Technical Specification 3.7.15 requirement for minimum spent fuel boron concentration provide sufficient safety margin to ensure that the fuel assemblies stored in the spent fuel pool will remain subcritical. The criticality analysis, performed using the approved NRC methodology, shows that the minimum spent fuel pool soluble boron concentration in current Technical Specifications (2150 ppm) will maintain k_{eff} less than the maximum limit of 0.95. The criticality analyses determined that even with the spent fuel pool filled with unborated water, k_{eff} would remain below 1.0 (including all biases and uncertainties). Soluble boron is used to offset uncertainties, tolerances, and off-normal conditions and to provide subcritical margin so that the spent fuel pool k_{eff} will remain less than or equal to 0.95 at all times. A boron dilution was also evaluated and it was determined that the spent fuel pool boron concentration could not be reduced below the minimum boron concentration (900 ppm) required by the criticality analysis. Therefore, even with a boron dilution event the spent fuel pool k_{eff} will remain less than or equal to 0.95.

Therefore, the proposed change crediting soluble boron and the increased maximum radially averaged enrichment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 20, 1999, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective.

notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by close of business on the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties."

The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules and the designation, following argument of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 dated October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. The presiding officer must grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application must be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G apply.

For further details with respect to this action, see the application for amendment dated June 8, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 9th day of September, 1999.

Nageswaran Kalyanam,

Project Manager, Section 2, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24382 Filed 9–17–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Draft Federal Register Notice; U.S. Nuclear Regulatory Commission Seeks Qualified Candidates for the Advisory Committee on Nuclear Waste

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Request for résumés.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking qualified candidates for appointment to its Advisory Committee on Nuclear Waste (ACNW).

ADDRESSES: Submit résumés to: Ms. Robin Avent, Office of Human Resources, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

FOR APPLICATION MATERIALS, CALL: 1–800–952–9678. Please refer to Announcement Number 9999902.

SUPPLEMENTARY INFORMATION: The Commission established the ACNW to provide independent technical review of and advice on the disposal of nuclear waste, including all aspects of nuclear waste disposal facilities, as directed by the NRC. This includes activities related to both high- and low-level radioactive waste disposal facilities including the licensing, operation, and closure of the facilities and associated rulemakings, regulatory guides, and technical positions developed to clarify the intent of NRC's high- and low-level waste regulations. The ACNW also reviews performance assessment evaluations of waste disposal facilities.

A wide variety of engineering and scientific skills are needed to conduct the broadly based review processes required in the committee's work. Engineers and scientists with work experience in the high- and low-level radioactive waste disposal programs, coupled with broad experience in a pertinent technical field such as nuclear chemistry, nuclear science and technology, risk assessment, or systems engineering, are being sought.

Criteria used to evaluate candidates include education and experience, demonstrated skills in nuclear waste matters, and the ability to solve problems. Additionally, the Commission considers the need for specific expertise in relationship to current and future tasks. Consistent with the requirements of the Federal Advisory Committee Act, the Commission seeks candidates with varying views so that the membership on the Committee will be fairly balanced in terms of the points of view represented and functions to be performed by the Committee.

Because conflict-of-interest regulations restrict the participation of members actively involved in the regulated aspects of the nuclear industry, the degree and nature of any such involvement will be weighed. Each qualified candidate's financial interests must be reconciled with applicable Federal and NRC rules and regulations prior to final appointment. This might

require divestiture of securities issued by nuclear industry entities, or discontinuance of industry-funded research contracts or grants.

Copies of a résumé describing the educational and professional background of the candidate, including any special accomplishments, professional references, current address and telephone number should be provided. All qualified candidates will receive careful consideration.

Appointment will be made without regard to such factors as race, color, religion, national origin, sex, age, or disabilities. Candidates must be citizens of the United States and be able to devote approximately 50–100 days per year to Committee business. Applications will be accepted until November 30, 1999.

Dated: September 14, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–24383 Filed 9–17–99; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–369 and 50–370]

Duke Energy Corporation; McGuire Nuclear Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from Facility Operating Licenses Nos. NPF–9 and NPF–17, issued to Duke Energy Corporation (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenberg County, North Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action would exempt McGuire Nuclear Station, Units 1 and 2, from certain requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix A, General Design Criterion (GDC) 57, regarding isolation of main steam branch lines penetrating the containment. The proposed action is in response to the licensee's application dated April 20, 1999.

The Need for the Proposed Action

The licensee requested an exemption from GDC 57 for Containment Penetrations M261 and M393. GDC 57 imposes isolation requirements on lines that penetrate primary reactor containment and are neither part of the reactor coolant pressure boundary nor connected directly to the containment atmosphere. These are penetrations on main steam branch lines. These lines penetrate the containment and are not part of the reactor coolant pressure boundary or connected directly to the containment atmosphere. Outside of containment, these lines branch into various separate, individual lines before reaching the respective main steam isolation valves. From each of these main steam lines, one branch supplies main steam to the turbine-driven auxiliary feedwater (TDCA, using the licensee's abbreviation) pump.

Valves SA–1, SA–2, SA–77, and SA–78 are locally operated, locked open, manual gate valves. Valves SA–5 and SA–6 are stop check valves. All of these valves are located in the branch lines that supply main steam to the TDCA. Valves SA–1, SA–2, SA–77, and SA–78 are required to be open, and SA–5 and SA–6 are required to be capable of opening for Engineered Safety Features (ESF) operations of the TDCA pump by Technical Specifications (TS). The TDCA is also part of the ESF. Valves SA–1, SA–2, SA–77, and SA–78 are not identified as Containment Isolation Valves in the TS or the Updated Final Safety Analysis Report, but perform that function. To comply literally with GDC 57, the licensee would have to add motor operators to valves SA–1, SA–2, SA–77, and SA–78, such that they become automatic or capable of remote operation. The licensee has requested an exemption from literal compliance with GDC 57. The licensee would rely instead on manual action to close the valves SA–1, SA–2, SA–77, and SA–78, or valves SA–5, and SA–6. The time needed to do so has been factored into the accident analyses. Further, the applicable design-basis accident scenarios and consequences continue to be bounding.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that there is no significant environmental impact if the exemptions are granted. No changes will be made to the as-built design, and existing applicable procedures at the two units at the McGuire Nuclear Station will remain the same.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Impact Statement related to the McGuire Nuclear Station.

Agencies and Persons Contacted

In accordance with its stated policy, on September 13, 1999, the staff consulted with the North Carolina State official, Mr. John James, of the Bureau of Land and Waste Management Department of Health and Environmental Control, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed exemptions will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's request for the exemptions dated April 20, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington DC, and at the local public document room located at the J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, Charlotte, North Carolina.

Dated at Rockville, Maryland, this 14th day of September 1999.

For the Nuclear Regulatory Commission.

Frank Rinaldi,

Project Manager, Section 1, Project Directorate II, Division of Licensing and Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24381 Filed 9–17–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–245, 50–336, and 50–423]

Northeast Nuclear Energy Company (NNECO), et al., Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from Facility Operating License Nos. DPR–21, DPR–65, and NPF–49, issued to Northeast Nuclear Energy Company (NNECO/the licensee), for operation of Millstone Nuclear Power Station, Units 1, 2, and 3 (Millstone), located in New London County, Connecticut.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the licensee from the requirements of 10 CFR Part 50, Appendix E, Item IV.F.2.c regarding conduct of a full participation exercise of the offsite emergency plan every 2 years. Under the proposed exemption, the licensee would reschedule the Federally-observed full-participation emergency exercise from September 1999 to March 2000 and all future Nuclear Regulatory Commission (NRC)—and Federal Emergency Management Agency (FEMA)—evaluated exercises would occur biennially from the year 2000.

The proposed action is in accordance with the licensee's application for exemption dated August 3, 1999.

The Need for the Proposed Action

Title 10 of the Code of Federal Regulation, (10 CFR) Part 50, Appendix E, Item IV.F.2.c requires each licensee at each site to conduct an exercise of its offsite emergency plan biennially. The NRC and FEMA observe these exercises and evaluate the performance of the licensee, State and local authorities having a role under the emergency plan.

The licensee had initially planned to conduct an exercise of its onsite and offsite emergency plans in September 1999, which is at the end of the required interval. To support the efficient and effective use of Federal resources, as discussed during the annual NRC Region I and FEMA (Regions I, II, and III) exercise scheduling meeting held in White Plains, New York, in December 1998, the planned September 1999 exercise for Millstone was shifted to March 2000, which is beyond the required interval.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed action involves an administrative activity (a schedular change in conducting an exercise) unrelated to plant operations.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement Related to the Continuation of Construction of Unit 2 and the Operation of Units 1 and 2, Millstone Nuclear Power Station, Millstone Point Company," dated June 1973 or "Final Environmental Statement Related to the Operation of Millstone Nuclear Power Station, Unit No. 3," dated December 1984 (NUREG–1064).

Agencies and Persons Consulted

In accordance with its stated policy, on August 5, 1999, the staff consulted with the Connecticut State official, Mr. Fred Scheuritzel of the Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments. In addition, by letter dated July 14, 1999, from Ms. Vanessa Quinn, the Federal Emergency Management Agency indicated support for rescheduling the exercise.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated August 3, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Rockville, Maryland, this 10th day of September 1999.

For the Nuclear Regulatory Commission.

John A. Nakoski,

Senior Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24380 Filed 9–17–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on September 30–October 2, 1999, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Wednesday, November 18, 1998 (63 FR 64105).

Thursday, September 30, 1999

8:30 a.m.–8:45 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:45 a.m.–10:15 a.m.: NRC Safety Research Programs (Open)—The Committee will discuss the proposed ACRS report to the Commission on the NRC Safety Research Program and related matters. The Committee will hear presentations by and hold discussions with representatives of the NRC staff on the proposed Mission Statement for the NRC's Office of Research.

10:30 a.m.–12:00 Noon: Combustion Engineering Owners Group (CEOG) Proposal to Eliminate the Post-Accident Sampling System Requirements (Open)—The Committee will hear presentations by and hold discussions with representatives of CEOG and the NRC staff regarding CEOG proposal to eliminate the post-accident sampling system requirements.

1:30 p.m.–2:30 p.m.: Rulemaking and Review Plans Associated with the Development of Risk-Informed Revisions to 10 CFR Part 50 (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Nuclear Energy Institute (NEI) regarding the proposed rulemaking and review plans associated with the development of risk-informed revisions to 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities."

2:45 p.m.–3:45 p.m.: Proposed Resolution of Generic Safety Issue (GSI)–148, "Smoke Control and Manual Fire Fighting Effectiveness" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed resolution of GSI–148.

3:45 p.m.–4:30 p.m.: Discussion of Proposed ACRS Reports (Open)—The Committee will discuss the proposed guidelines for applying risk-informed decisionmaking in the licensing process.

4:30 p.m.–5:30 p.m.: Break and Preparation of Draft ACRS Reports, (Open)—Cognizant ACRS members will prepare draft reports for consideration by the full Committee.

5:30 p.m.–6:30 p.m.: Joint ACRS/ ACNW Report on the Proposed Framework for Risk-Informed Regulation in NMSS (Open)—The Committee will discuss the Joint ACRS/ ACNW report.

6:30 p.m.–7:30 p.m.: Discussion of Proposed ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting.

Friday, October 1, 1999

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:00 a.m.: Proposed Resolution of Generic Safety Issue (GSI)–23, "Reactor Coolant Pump Seal Failures" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed resolution of GSI–23.

10:15 a.m.–12:15 p.m.: Proposed Final Amendment to 10 CFR 50.55a, "Codes and Standards" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff, NEI and the American Society for Mechanical Engineers regarding the proposed final amendment to 10 CFR 50.55a related to elimination of the requirement to update the inservice inspection and inservice testing programs every 120 months, and the status of resolution of the issues associated with the volumetric examination of the small-bore piping of the high-pressure safety injection system.

1:15 p.m.–2:45 p.m.: Proposed Regulatory Guide on Design Bases Information (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and NEI regarding the proposed regulatory guide, which endorses NEI 97–04 document, "Design Bases Program Guidelines," and related matters.

3:00 p.m.–4:00 p.m.: Proposed Resolution of Generic Safety Issue B–55, "Improved Reliability of Target Rock Safety Relief Valves" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding proposed resolution of GSI B–55.

4:00 p.m.–5:15 p.m.: Break and Preparation of Draft ACRS Reports (Open)—Cognizant ACRS members will prepare draft reports for consideration by the full Committee.

5:15 p.m.–7:15 p.m.: Discussion of Proposed ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting.

Saturday October 2, 1999

8:30 a.m.–10:15 a.m.: Discussion of ACRS Meeting with the Commission (Open)—The Committee will discuss the topics for the meeting with the NRC Commissioners on November 4, 1999.

10:15 a.m.–11:00 a.m.: Report of the Planning and Procedures Subcommittee (Open)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, and organizational and personnel matters relating to the ACRS.

11:00 a.m.–11:15 a.m.: Future ACRS Activities (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings.

11:15 a.m.–12:00 Noon: Subcommittee Chairman Reports (Open)—The Committee will hear reports by ACRS members on the proposed final revision to Regulatory Guide 1.8 on the training and qualification of personnel at nuclear power plants, possible modifications to the NRC PRA Implementation plan, and control room habitability issues.

12:00 Noon–12:45 p.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the EDO to comments and recommendations included in recent ACRS reports and letters. The EDO responses are expected to be made available to the Committee prior to the meeting.

12:45 p.m.–5:00 p.m.: Discussion of Proposed ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting.

5:00 p.m.–5:30 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 29, 1998 (63 FR 51968). In accordance with these procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Mr. Sam Duraiswamy, ACRS, five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras

during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting Mr. Sam Duraiswamy prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with Mr. Sam Duraiswamy if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting Mr. Sam Duraiswamy (telephone 301/415–7364), between 7:30 a.m. and 4:15 p.m. EDT.

ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the internet at http://www.nrc.gov/ACRSACNW.

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. EDT at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: September 14, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–24384 Filed 9–17–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Twenty-Seventh Water Reactor Safety Information Meeting

AGENCY: Nuclear Regulatory Commission

ACTION: Notice of meeting.

SUMMARY: The Twenty-Seventh Water Reactor Safety Information Meeting will be held on October 25–27, 1999, 9:00 a.m. to 5:00 p.m. at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland.

The Water Reactor Safety Information Meeting will be opened by the NRC Office of Nuclear Regulatory Research Office Director, Ashok C. Thadani. Commissioner Jeffrey S. Merrifield will be the keynote speaker for the plenary session on Monday, October 25, 1999 at 9:00 a.m. and will be followed by an expert panel addressing the issue of the impact of emerging technologies on nuclear safety research. Panel members include NRC Commissioner Edward McGaffigan, Jr.; Sigma Xi Director and Former NRC Chairman, John Ahearne; EPRI Vice President, S&T Development & Chief Nuclear Officer, Robin Jones; NEI President & CEO, Joe Colvin; Framatome's Vice President of Corporate Research, Technology & Quality, M. A. Vallee; and the Department of Energy's Director of Nuclear Energy Science, & Technology, Bill Magwood. Technical sessions will be held in the afternoon. Chairman Greta J. Dicus will be the guest speaker on Tuesday morning at 8:30 a.m. and will be followed by technical sessions that will last until 5:00 p.m. On Wednesday, technical sessions will be held in the morning beginning at 8:30 a.m. and a plenary session featuring an expert panel addressing the issue of how best to focus both on safety and unnecessary burden reduction—the research role, will be held in the afternoon. Panel members include former NRC Office of Nuclear Reactor Regulation Office Director, Thomas Murley; NRC ACRS Chairman, Dana Powers; and representatives from the NEI and utility.

This meeting is international in scope and includes presentations by personnel from the NRC, U.S. Government, laboratories, private contractors, universities, the Electric Power Research Institute, reactor vendors, and a number of foreign organizations. This meeting is sponsored by the NRC and conducted by the Brookhaven National Laboratory.

The preliminary agenda for this year's meeting includes 8 sessions, along with discussions, on the following topics: Risk-Informed Regulation; Integrity of Primary Coolant Pressure Boundary; Regulatory Effectiveness Assessments; High Burnup and Mixed Fuel Oxide Fuel Under Reactivity Accident Conditions; Fuel Burnup Credit; Fission Product, Source Terms, and Applications; and Research Supporting New Technology.

Those who wish to attend are encouraged to register in advance on the newly established WRSM website (*www.wrsm.bnl.gov*) or by contacting Susan Monteleone, Brookhaven National Laboratory, Department of Nuclear Energy, Building 130, Upton, NY 11973, telephone (516) 344–7235; or Sandra Nesmith (301) 415–6437, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Rockville, Maryland, this 8th Day of September, 1999.

For the Nuclear Regulatory Commission.

Charles E. Ader,

Director, Program Management, Policy Development, & Analysis Staff, Office of Nuclear Regulatory Research.

[FR Doc. 99–24379 Filed 9–17–99; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request; Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Regulations 13D and 13G; Schedules 13D and 13G; SEC File No. 270–137; OMB Control No. 3235–0145.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Schedules 13D and 13G are filed pursuant to Sections 13(d) and 13(g) of the Securities Exchange Act of 1934 ("Exchange Act") and Regulations 13D and 13G thereunder to report beneficial ownership of equity securities registered under Section 12 of the Exchange Act. Regulations 13D and 13G are intended to provide investors and the subject issuers with information about accumulations of securities that may have the potential to change or influence control of the issuer. Schedules 13D and 13G are used by persons including small entities to report their ownership of more than 5% of a class equity securities registered under Section 12. It is estimated that approximately 10,690 respondents file Schedules 13D and 13G for a total burden of 114,718 hours. Respondents file Schedule 13D or Schedule 13G only when necessary.

The information provided by respondents is mandatory. All information provided to the Commission is public. However, Rules 0–6 and 24b-2 under the Exchange Act

permits reporting persons to request confidential treatment for certain sensitive information concerning national security, trade secrets, or privileged commercial or financial information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, D.C. 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: September 7, 1999.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24349 Filed 9–17–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [To Be Published]

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: To Be Published.

CHANGE IN THE MEETING: Time Change.

The closed meeting scheduled for Thursday, September 16, 1999, at 11:00 a.m., has been changed to Thursday, September 16, 1999, at 2:30 p.m.

Commissioner Hunt, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: September 15, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–24540 Filed 9–16–99; 11:56 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41864; File No. SR–Amex–98–19]

Self-Regulatory Organizations; Notice of Withdrawal of Proposed Rule Change and Amendment Nos. 1 and 2 by the American Stock Exchange LLC Relating to Solicitation of Options Transactions

September 10, 1999.

On May 18, 1998, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] to amend Amex Rule 950(d), Commentary .03 to: (1) Allow a member representing an originating order to solicit a customer (as well as another member, member organization, or non-member broker-dealer) to participate in the transaction; and (2) provide that a Registered Options Trader, when establishing or increasing a position, may retain priority over an off-floor order (including that of a customer) that is subject to Commentary .03. The Amex submitted Amendment No. 1 to the proposal on July 7, 1998,[3] and Amendment No. 2 to the proposal on August 19, 1998.[4] Notice of the proposed rule change, as amended, was published in the **Federal Register** on August 26, 1998, to solicit comment from interested persons.[5] The Commission received one comment letter regarding the proposal.[6] On September 3, 1999, the Amex withdrew the proposed rule change.[7]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Claire P. McGrath, Vice President and Special Counsel, Derivative Securities, Amex, to Richard Strasser, Assistant Director, Division of Market Regulation ("Division"), Commission, (dated July 6, 1998).

[4] *See* letter from Claire P. McGrath, Vice President and Special Counsel, Derivative Securities, Amex, to Richard Strasser, Assistant director, Division, Commission, dated August 18, 1998.

[5] *See* Securities Exchange Act Release No. 40345 (August 19, 1998), 63 FR 45541.

[6] *See* letter from Cherie L. Macauley, Wilmer, Cutler, & Pickering, to Jonathan G. Katz, Secretary, Commission, dated September 25, 1998 (on behalf of Credit Suisse First Boston Corporation, Merrill Lynch & Co., Goldman, Sachs & Co., and Morgan Stanley & Co., Inc.).

[7] *See* letter from Claire P. McGrath, Vice President and Special Counsel, Derivative Securities, Amex, to Richard Strasser, Assistant Director, Division, Commission, dated September 2, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24352 Filed 9–17–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41847; File No. SR–Amex–99–34]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Regarding the Extension of the Pilot Program Eliminating Position and Exercise Limits in FLEX Equity Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 27, 1999, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Exchange has designated the proposed rule change as constituting a "non-controversial" rule change under paragraph (f)(6) of Rule 19b–4 under the Act[3] which renders the proposal effective upon receipt of this filing by the Commission.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to accelerate the operative date of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes a three month extension of the pilot program

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] The Exchange has represented that the proposed rule change: (i) will not significantly affect the protection of investors or the public interest; (ii) will not impose any significant burden on competition; and (iii) will not become operative for 30 days after the date of this filing, unless otherwise accelerated by the Commission. The Commission is waiving the minimum five business day notice requirement as permitted by Rule 19b–4(f)(6) under the Act. *Id.* The Commission notes that the Exchange has requested that the Commission accelerate the operative date of the rule change to permit uninterrupted operation of the pilot program.

eliminating position and exercise limits for FLEX Equity options.

The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 19, 1996, the Commission approved the Exchange's proposal to list and trade FLEX Equity options on specified equity securities.[5] Thereafter, on September 9, 1997, to allow the Exchange to better compete with the over the counter (OTC) market in customized equity options, the Exchange received approval to eliminate position and exercise limits for FLEX Equity options pursuant to a two-year pilot program.[6] The pilot program, which is in place at other options exchanges, also provides that a member or member organization (other than a Specialist or Registered Options Trader) must report to the Exchange information for each amount that maintains a position on the same side of the market in excess of three times the position limit level established pursuant to the applicable exchange rule for Non-FLEX Equity options of the same class. The report should include information regarding the FLEX Equity option position, positions in any related instrument, the purpose or strategy for the position, and the collateral used by the account.[7]

The Commission, in its order approving the pilot program, required the Exchange to submit a report containing a description of: (i) The types of strategies used by FLEX Equity options market participants and whether FLEX Equity options are being used in lieu of existing standardized equity options; (ii) the type of market participants using FLEX Equity option both before and during the pilot program, including how the utilization of FLEX Equity options has changed; (iii) the average size of FLEX Equity option contracts both before and during the pilot program, the size of the largest FLEX Equity option contract on any given day both before and during the pilot program, and the size of the largest FLEX Equity option held by any single customer/member both before and during the pilot program; and (iv) any impact on the prices of underlying stocks during the establishment or unwinding of FLEX positions that are greater than three times the standard position limit. The Exchange filed this report with the Commission by letter, dated May 28, 1999.

The program will expire September 9, 1999. Accordingly, the Exchange is requesting a temporary three month extension of the current program to permit the program to continue without interruption. All of the terms and conditions applicable under the order approving the elimination of position and exercise limits for FLEX Equity options will remain in effect throughout the temporary extension of the program. During the temporary three month extension of the current program, the Exchange anticipates submitting a request to permanently approve the pilot program as contemplated in the order approving the program.

2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with Section 6(b)[8] of the Act in general and furthers the objectives of Section 6(b)(5)[9] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule filing has been filed by the Exchange as a "non-controversial" rule change pursuant to Section 19(b)(3)(A)(i) of the Act[10] and subparagraph (f)(6) of Rule 19b-4 thereunder.[11] Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest, (2) does not impose any significant burden on competition, (3) by its term does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate, and because (4) the Commission is waiving the required written notice of intent to file the proposed rule change at least five days prior to the filing date, it has become effective, for a pilot period until December 9, 1999, pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b-4(f)(6) thereunder.[13]

The Commission has determined, consistent with the protection of investors and the public interest, to make the proposed rule change operative upon filing, pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b-4(f)(6)(iii).[15] Under Rule 19b-4(f)(6)(iii), a proposed "non-controversial" rule change does not become operative for 30 days after the date of filing, unless the Commission designates a shorter time.[16] The Commission believes that because the two-year pilot program is scheduled to expire on September 9, 1999, and the three month extension is based on the same terms and conditions of the original pilot, it is consistent with the protection of investors and the public

[5] FLEX Equity options are equity options that give investors the ability, within specified limits, to designate certain of the terms of the option. See order approving FLEX Equity options trading, Securities Exchange Act Release No. 37336 (June 19, 1996), 61 FR 33558 (June 27, 1996).

[6] Securities Exchange Act Release No. 39032 (September 9, 1997), 62 FR 48683 (September 16, 1997).

[7] The Exchange also requires that an updated report be filed when a change in the options position occurs or when a significant change in the hedge of that position occurs. *See* Securities Exchange Act Release No. 39032 (September 9, 1997), 62 FR 48683 (September 16, 1997).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

[11] 17 CFR 240.19b-4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b-4(f)(6).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b-4(f)(6)(iii).

[16] *Id.*

interest to make the proposed rule change operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.[17]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to file number SR–Amex–99–34 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24357 Filed 9–17–99; 8:45 am]

BILLING CODE 8010–01–M

[17] 15 U.S.C. 78s(b)(3)(C).

[18] 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41856; File No. SR–CBOE–99–49]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Amending the Market-Maker Surcharge Fee Schedule

September 10, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 31, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE is proposing to make changes to its fee schedule pursuant to CBOE Rule 2.40, *Market-Maker Surcharge for Brokerage.*[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Pursuant to CBOE Rule 2.40, on August 30, 1999, the Equity Floor Procedure Committee ("Committee") approved the following fees for the option classes listed in the chart below. The Order Book Official Brokerage Rate (per contract) shall be set at $.00 for these option classes.[4]

Option class	Market-maker surcharge (per contract)
EMC Corporation (EMC)	$0.15
Eastman Kodak Co. (EK)	0.15
Merck & Co., Inc. (MRK)	0.10

These fees will be effective as of August 31, 1999. Exchange rules provide that an option be listed for trading on another exchange before a surcharge fee can be assessed. Since the option classes listed above have been certified by the Options Clearing Corporation to be listed on the Philadelphia Stock Exchange, Inc., and were subsequently listed for trading on August 31, 1999, the CBOE will assess these three surcharges beginning on that date. The Exchange interprets its rules to allow the Committee to vote on market-maker surcharges before the relevant option class has been listed for trading on another exchange. However, CBOE Rule 2.40 provides that the surcharge may not actually be assessed until the relevant class has been listed for trading on another exchange.

These fees will remain in effect until such time as the Committee or the Board determines to change these fees and file the appropriate rule change with the Commission.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)(4)[5] of the Act because it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 41121 (February 26, 1999), 64 FR 11523 (March 9, 1999) (order approving CBOE Rule 2.40).

[4] The surcharge will be used to reimburse the Exchange for the reduction in the Order Book Official brokerage rate (per contract) from $.20 to $.00 in the relevant option classes. Any remaining funds generated by the surcharge will be paid to Stationary Floor Brokers as provided in Exchange Rule 2.40.

[5] 15 U.S.C. 78f(b)(4).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A)(ii)[6] of the Act and subparagraph (f)(2) of Rule 19b–4 thereunder.[7] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[8]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–99–49 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24351 Filed 9–17–99; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

[8] In reviewing this proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41848; File No. SR–CBOE–99–53]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Regarding the Extension of the Pilot Program Eliminating Position and Exercise Limits in FLEX Equity Options

September 9, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 8, 1999, the Chicago Board Options Exchange, Inc. ("CBOE' or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the DBOE. The Exchange has designated the proposed rule change as constituting a "non-controversial" rule change under paragraph (f)(6) of rule 19b–4 under the Act [3] which renders the proposal effective upon receipt of this filing by the Commission.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to accelerate the operative date of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to extend the pilot period for the elimination of position and exercise limits on FLEX Equity options for three months, or until December 9, 1999.

The text of the proposed rule change is available at the Office of the Secretary, CBOE, and at the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] The Exchange has represented that the proposed rule change: (i) Will not significantly affect the protection of investors or the public interest; (ii) will not impose any significant burden on competition; and (iii) will not become operative for 30 days after the date of this filing, unless otherwise accelerated by the Commission. The Commission is waiving the minimum five business day notice requirement as permitted by rule 19b–4(f)(6) under the Act. *Id.* The Commission notes that the Exchange has requested that the Commission accelerate the operative date of the rule change to permit uninterrupted operation of the pilot program.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to extend the pilot program allowing for the elimination of position and exercise limits in FLEX Equity options for another three months. On September 9, 1997, the Commission approved separate proposals by the CBOE, the American Stock Exchange, and the Pacific Exchange (the "Exchanges") to eliminate position and exercise limits for FLEX Equity options under a two-year pilot program.[5]

The Approval Order required the Exchanges to report to the Commission on the status of the program so that the Commission could use this information to evaluate the consequences of the program and to determine whether to approve the elimination of position and exercise limits for these products on a permanent basis. The CBOE submitted the required report to the Commission on June 2, 1999. It is our understanding, however, that the Commission staff is still evaluating the CBOE's report and those of the other Exchanges and thus, will not be prepared to approve the elimination of position and exercise limits for these products on a permanent basis by the end of the pilot program period on September 9, 1999.[6] Consequently, the CBOE requests that the pilot program be extended for another three months, until December 9, 1999, so that the Commission staff may

[5] Securities Exchange Act Release No. 39032 (September 9, 1997), 62 FR 48683 (September 16, 1997) approving SR–CBOE–96–79, SR–Amex–96–19, and SR–PCX–97–09. ("Approval Order")

[6] The Commission notes that the report required pursuant to the current pilot program was due in March 1999. The Commission did not receive the CBOE's report until June 1999. The Commission also notes that it did not receive a rule filing relating to this program until September 1999.

have the appropriate time to consider the information it has been provided.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6[7] of the Act in general and in particular with Section 6(b)(5)[8] in that it is designed to promote just and equitable principles of trade, as well as to protect investors and the public interest, by allowing for the continuation of a pilot program that has enabled more business to be transacted on the exchanges that might otherwise have been transacted in the OTC market without the benefit of Exchange transparency and the guarantee of The Options Clearing Corporation.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule filing has been filed by the Exchange as a "non-controversial" rule change pursuant to Section 19(b)(3)(A) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10] Because the foregoing proposed rule change: (1) does not significantly affect the protection of investors or the public interest, (2) does not impose any significant burden on competition, (3) by its terms does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate, and because (4) the Commission is waiving the required written notice of intent to file the proposed rule change at least five days prior to the filing date, it has become effective, for a pilot period until December 9, 1999, pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

The Commission has determined, consistent with the protection of investors and the public interest, to make the proposed rule change operative upon filing, pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6)(iii).[14] Under rule 19b–4(f)(6)(iii), a proposed "non-controversial" rule change does not become operative for 30 days after the date of filing, unless the Commission designates a shorter time.[15] The Commission believes that because the two-year pilot program is scheduled to expire on September 9, 1999, and the three month extension is based on the same terms and conditions of the original pilot, it is consistent with the protection of investors and the public interest to make the proposed rule change operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.[16]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to file number SR–CBOE–99–53 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24356 Filed 9–17–99; 8:45 am]

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[7] 15 U.S.C. 78f.
[8] 15 U.S.C. 78f(b)(5).
[9] 15 U.S.C. 78s(b)(3)(A).
[10] 17 CFR 240.19b–4(f)(6).
[11] 15 U.S.C. 78s(b)(3)(A).
[12] 17 CFR 240.19b–4(f)(6).
[13] 15 U.S.C. 78s (b)(3)(A).
[14] 17 CFR 240.19b–4(f)(6)(iii).
[15] *Id.*
[16] 15 U.S.C. 78s(b)(3)(C).
[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41854; File No. SR–CBOE–99–50]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. To Increase the Size of Orders Eligible for Automatic Execution for Certain Classes of Options

September 10, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 31, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE is proposing to increase the size limit of orders in certain classes of options contracts which are eligible for entry into the CBOE's Retail Automatic Execution System ("RAES") in order to match the size limits of orders which will be eligible for entry into the automatic execution system of the Philadelphia Stock Exchange ("Phlx").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it receive on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in

[1] 15 U.S.C. 78s(b)(1).
[2] 17 CFR 240.19b–4.

Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE Rule 6.8(e) generally limits the size of RAES orders to twenty or fewer contracts. On August 31, 1999, options on Oracle Corporation (ORQ), Eastman Kodak Company (EK), EMC Corporation (EMC), Merck & Company, Inc. (MRK), Hewlett Packard Company (HWP), Texas Instruments, Inc. (TXN), and Exxon Corporation (XON) were dually listed on the CBOE and the Phlx. Before August 31, each of these option classes was listed solely on the CBOE. The Phlx has announced that the automatic execution size limit for each of these seven option classes is 50 contracts pursuant to Phlx Rule 1080(c).

Therefore, pursuant to CBOE Rule 6.8 and Interpretation and Policy .01, the CBOE proposes to increase the RAES eligible order size limit in ORQ, EK, EMC, MRK, HWP, TXN, and XON to 50 contracts, to match the eligible order size on the automatic execution system of the Phlx, effective August 31, 1999.[3]

The Exchange represents that RAES has the capacity to accommodate at RAES order limit size of up 50 contracts in ORQ, EK, EMC, MRK, HWP, TXN, and XON, both in terms of systems capacity as well as the market-making capacity of market-makes participating in RAES.

2. Statutory Basis

The exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general, and furthers the objectives of sections 6(b)(5) and 6(b)(8) of the Act in particular, in that it is designed to remove unnecessary burdens on competition, as well as remove impediments to and perfect the mechanism of a free and open market and a national market system, for the benefit of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

[3] Subsequently, the Commission approved a proposed rule filing by the CBOE to increase the size limit of RAES orders in most options classes to 50 contracts. *See* Securities Exchange Act Release No. 41821 (September 1, 1999) (SR–CBOE–99–17).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange, it has become effective pursuant to Section (19)(b)(3)(A)(i) of the Act and subparagraph (f)(1) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–99–50 and should be submitted October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24357 Filed 9–17–99; 8:45 am]

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[4] 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41855; File No. SR–CHX–99–10]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Stock Exchange, Inc., To Expand the SuperMax Plus Price Improvement Algorithm to Nasdaq/NM Securities

September 10, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 6, 1999, the Chicago Stock Exchange, Inc. ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to expand its SuperMax Plus price improvement algorithm, located in CHX Rule 37(d) of Article XX, to cover Nasdaz/National Market ("Nasdaq/NM") securities. The text of the proposed rule change is available at the Office of the Secretary, CHX and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 22, 1995, the Commission approved a proposed rule change allowing CHX specialists to provide order execution guarantees through the Exchange's MAX system that are more favorable than those required under CHX Rule 37(a), Article XX.[3] That approval order contemplated that the CHX would file with the Commission specific modifications to the parameters of MAX that are required to implement various options available under the new rule, as approved.

SuperMax Plus is an existing CHX program within the MAX System that uses a computerized algorithm to provide automated price improvement.[4] Currently, the SuperMax Plus program, like all other automated price-improvement programs at the CHX, is limited to Dual Trading System issues (*i.e.*, issues traded on both the CHX and either the New York Stock Exchange or the American Stock Exchange). The CHX now proposes to expand the SuperMax Plus program to include Nasdaq/NM securities traded on the Exchange. The CHX represents that this change will provide orders in Nasdaq/NM securities with the same automated price improvement benefits that are available for orders in Dual Trading System issues.[5]

The expanded SuperMax Plus program will be part of the existing voluntary price improvement programs in which specialists may choose to participate. Participation will continue to be on a security-by-security basis. A specialist will only be able to activate and deactivate the program with respect to a given security once a month.

Under the SuperMax Plus algorithm for Nasdaq/NM securities, if the SuperMax Plus program has been engaged for such security, small agency market orders (*i.e.*, orders from 100 shares to 199 shares (or a greater amount chosen by the specialist and approved by the Exchange)) will automatically receive 1/16th of a point price improvement from the National Best Bid or Offer ("NBBO") if the market for the security is quoted with a spread of 1/8th of a point or greater. If the spread between the national best bid and national best offer for such a security is less than 1/8th of a point, the order will automatically be immediately executed at such NBBO (*i.e.*, a buy order will be executed at the offer and a sell order will be executed at the bid).

Timing of Effectiveness of System Changes. The addition of SuperMax Plus to Nasdaq/NM securities will become operative shortly after approval of this proposed rule change on a date to be determined by the Exchange. The Exchange will announce this date in a Notice to Members issued within 30 days of the date of Commission approval of the proposed rule change.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5)[6] of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change accomplishes these ends by increasing the number of trades that will receive automated price improvement.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange represents that the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–99–10 and should be submitted by October 12, 1999.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The CHX requests accelerated approval of the proposed rule change. The Commission has reviewed the CHX's proposed rule change and finds, for the reasons set forth below, that the proposal is consistent with the requirements of Section 6 of the Act[7] and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission believes the proposal is consistent with Section 6(b)(5) of the Act,[8] which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.[9] The Commission believes expanding the SuperMax Plus program to Nasdaq/NM securities will provide investors with enhanced investment opportunities because price improvement from the NBBO will be available if the market for a Nasdaq/NM security is quoted with a spread of 1/8th of a point or greater. The Commission notes that while SuperMax Plus is a voluntary program that specialists choose to participate in for Dual Trading

[3] *See* Securities Exchange Act Release No. 35753 (May 22, 1995), 60 FR 28007 (May 26, 1995) (File No. SR–CHX–95–08).

[4] *See* Securities Exchange Act Release Nos. 40017 (May 20, 1998), 63 FR 29277 (May 28, 1998) and 40235 (July 17, 1998), 63 FR 40147 (July 27, 1998) (File No. SR–CHX–98–09) (approving revised SuperMax and Enhanced SuperMax algorithms).

[5] The execution algorithm for SuperMax Plus, as it applies to Dual Trading System issues, will differ from the execution algorithm for SuperMax Plus, as it is proposed to be applied to Nasdaq/NM Securities. The existing SuperMax Plus algorithm uses primary market sales and the Intermarket Trading System ("ITS") best bid or offer as factors in determining price improvement. Nasdaq/NM Securities do not have a primary market equivalent and do not have an ITS best bid or offer. In addition, the existing SuperMax and Enhanced SuperMax algorithms will continue to be available only for Dual Trading System issues. *See* Securities Exchange Act Release No. 41480 (June 4, 1999), 64 FR 32570 (June 17, 1999).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(5).

[9] In approving this rule, the Commission notes that it has also considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

System issues and, now, Nasdaq/NM securities, providing a greater number of investors an opportunity to achieve price improvement is compatible with the views expressed in the Order Handling Rules release.[10]

Because the provision of price improvement for Nasdaq/NM securities should enhance small investor participation in the securities market, without sacrificing investor protection and the public interest, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice in the **Federal Register**.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (SR–CHX–99–10) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24355 Filed 9–17–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41858; File No. SR–NASD–99–38]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc., To Increase the Examination Development Fee Payable to the New York Stock Exchange, Inc.

September 10, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 6, 1999, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[10] *See* Securities Exchange Act Release No. 37619A (September 6, 1996), 61 FR 48290 (September 12, 1996) (File No. S7–30–95).

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD proposes to amend Section 2(d) of Schedule A of the NASD By-Laws to reflect a recent increase to the examination development fee payable to the New York Stock Exchange, Inc. ("NYSE"), by NASD members taking the General Securities Representative Examination ("Series 7 Exam"). Additions are italicized; deletions are bracketed.

Section 2—Fees

* * * * *

(d) There shall be a New York Stock Exchange examination development fee of [$40.00] *$90.00* assessed as to each individual who takes a Series 7 examination for registration as a general securities representative. This fee is in addition to the registration and examination fees described in paragraphs (b) and (c) respectively.

* * * * *

II. Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The NASD proposes to amend Schedule A of its By-Laws to reflect an increase in the NYSE Series 7 Exam development fee from $40 to $90.[3] The NASD has represented that it collects this fee from its members in connection with its administration of the Central Registration Depository ("CRD") program.[4] After it collects the fee, the NASD passes the proceeds of the fee to the NYSE to cover the costs of providing qualification examination programs.

The NASD proposes to make the rule change effective on or about September 15, 1999. The effective date was announced on August 18, 1999, in a Notice To Members.[5]

2. Statutory Basis

The NASD represents that it believes the proposed rule change is consistent with the provisions of Section 15A(b)(5)[6] of the Act, which requires, among other things, that the Association's rules must provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the Association operates or controls.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD represents that it does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[7] of the Act and subparagraph (f)(2) of Rule 19b–4[8] thereunder in that it is a change to a due, fee, or other charge imposed by the NASD. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

[3] The NYSE charges its members and member organizations an examination development fee for each individual taking the Series 7 Exam to recover the costs of providing qualification examination programs. On June 17, 1999, the NYSE filed a proposed rule change with the Commission increasing its examination development fee from $40 to $90. *See* Securities Exchange Act Rel. No. 41548 (June 22, 1999), 64 FR 35231 (June 30, 1999). The NYSE initially adopted in 1986 an examination development fee of $10; it increased this fee to $40 in 1990.

[4] Telephone conversation between Mary Dunbar, Associate General Counsel, National Association of Securities Dealers Regulation, Inc. ("NASDR"), and Gordon Fuller, Special Counsel, and Matthew Boesch, Paralegal, Division of Market Regulation, Commission (August 17, 1999).

[5] Letter from Alden Adkins, Senior Vice President and General Counsel, NASDR, to Richard Strasser, Assistant Director, Division of Market Regulation, Commission, dated August 20, 1999.

[6] 15 U.S.C. 78o–3(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240–19b–4(f)(2).

or otherwise in furtherance of the purposes of the Act.[9]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file No. SR–NASD–99–38 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24350 Filed 9–16–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41849; File No. SR–PCX–99–29]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Regarding the Extension of the Pilot Program Eliminating Position and Exercise Limits in FLEX Equity Options

September 9, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on August 13, 1999, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PCX. The Exchange has designated the proposed rule change as constituting a "non-controversial" rule change under paragraph (f)(6) of Rule 19b-4 under the Act[3] which renders the proposal effective upon receipt of this filing by the Commission.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to accelerate the operative date of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes a three month extension of the pilot program, set to expire on September 9, 1999, relating to the elimination of position and exercise limits for FLEX Equity options. The Exchange proposes that the three month extension expire on December 9, 1999.

The text of the proposed rule change is available at the Office of the Secretary, PCX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 14, 1996, the Commission approved the Exchange's proposal to trade FLEX Equity options on specified equity securities.[5] On September 9, 1997, the Commission approved the Exchange's proposal to eliminate position and exercise limits for FLEX Equity options pursuant to a two-year pilot program.[6] Under the two-year pilot program, position and exercise limits for FLEX Equity options pursuant to PCX Rules 8.107 and 8.108 were eliminated. The current pilot program expires on September 9, 1999. The Exchange proposes a three month extension of the current pilot program to expire on December 9, 1999. The Exchange requests the extension to be able to complete a report required pursuant to the original approval order for the two-year pilot program.[7]

2. Statutory Basis

The Exchange believes that this proposed rule change is consistent with Section 6(b)[8] of the Act in general and furthers the objectives of Section 6(b)(5)[9] in particular in that it is designed to facilitate transactions in securities, promote just and equitable principles of trade, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule filing has been filed by the Exchange as a "non-controversial" rule change pursuant to Section 19(b)(3)(A)(i) of the Act[10] and subparagraph (f)(6) of Rule 19b-4

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[9] In reviewing this proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] 17 CFR 240.19b-4(f)(6).

[4] The Exchange has represented that the proposed rule change: (i) will not significantly affect the protection of investors or the public interest; (ii) will not impose any significant burden on competition; and (iii) will not become operative for 30 days after the date of this filing, unless otherwise accelerated by the Commission. The Commission is waiving the minimum five business day notice requirement as permitted by Rule 19b-4(f)(6) under the Act. *Id.* The Commission notes that the Exchange has requested that the Commission accelerate the operative date of the rule change to permit uninterrupted operation of the pilot program.

[5] Securities Exchange Act Release No. 36841 (February 14, 1996), 61 FR 6666 (February 21, 1996).

[6] Securities Exchange Act Release No. 39032 (September 9, 1997), 62 FR 48683 (September 16, 1997).

[7] Under the current pilot program, the Exchange was required to submit a status report eighteen months following the commencement of the program. Although the PCX has not submitted such report, it intends to do so within the proposed three month extension period.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

thereunder.[11] Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest, (2) does not impose any significant burden on competition, (3) by its terms does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate, and because (4) the Commission is waiving the required written notice of intent to file the proposed rule change at least five days prior to the filing date, it has become effective for a pilot period until December 9, 1999, pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b-4(f)(6) thereunder.[13]

The Commission has determined, consistent with the protection of investors and the public interest, to make the proopsed rule change operative upon filing, pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b-4(f)(6)(iii).[15] Under Rule 19b-4(f)(6)(iii), a proposed "non-controversial" rule change does not become operative for 30 days after the date of filing, unless the Commission designates a shorter time.[16] The Commission believes that because the two-year pilot program is scheduled to expire on September 9, 1999, and the three month extension is based on the same terms and conditions of the original pilot, it is consistent with the protection of investors and the public interest to make the proposed rule change operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.[17]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Secruities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to file number SR–PCX–99–29 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24353 Filed 9–17–99; 8:45 am]

BILLING CODE 8010–01–M

[11] 17 CFR 240.19b–4(f)(6).
[12] 15 U.S.C. 78s(b)(3)(A).
[13] 17 CFR 240.19b–4(f)(6).
[14] 15 U.S.C. 78s(b)(3)(A).
[15] 17 CFR 240.19b-4(f)(6)(iii).
[16] *Id.*
[17] 15 U.S.C. 78s(b)(3)(C).
[18] 17 CFR 200.30-3(a)(12).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending September 10, 1999

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–99–6203

Date Filed: September 7, 1999

Parties: Members of the International Air Transport Association

Subject:

PT3 0353 dated 7 September 1999

Mail Vote 029—Resolution 010c

TC3 Special Passenger Amending Resolution

Intended effective date: 15 September 1999.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–24407 Filed 9–17–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q during the Week Ending September 10, 1999

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–99–6208.
Date Filed: September 7, 1999.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: October 5, 1999.
Description: Application of United Air Lines, Inc. pursuant to 49 U.S.C. 41101 and Subpart Q, applies for an amendment to its Certificate of Public Convenience and Necessity for Route 624 authorizing United to provide scheduled foreign air transportation of persons, property and mail between any point or points in the United States, directly and via any intermediate point or points, and any point or points in Italy, and beyond Italy to any point or points in third countries.

Docket Number: OST–99–6211.
Date Filed: September 8, 1999.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: October 6, 1999.
Description: Amendment No. 6 of Malaysia Airlines (MAS) pursuant to 49 U.S.C. 41302, Part 211 and Subpart Q, hereby amends its Foreign Air Carrier Permit application to include all of the route authority made available to Malaysia pursuant to the terms of the Air Transport Agreement between the Government of the United States and the Government of Malaysia.

Docket Number: OST–99–6221.
Date Filed: September 10, 1999.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: October 8, 1999.
Description: Application of Ameristar Air Cargo, Inc. pursuant to 49 U.S.C. Section 41102, Parts 201 and 204, and Subpart Q, applies for a certificate of

public convenience and necessity authorizing Ameristar to engage in foreign charter air transportation of property and mail between points in the United States and points in various foreign countries.

Docket Number: OST–99–6222.
Date Filed: September 10, 1999.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: October 8, 1999.

Description: Application of Ameristar Air Cargo, Inc. pursuant to 49 U.S.C. 41102 and Subpart Q, applies for a certificate of public convenience and necessity authorizing Ameristar to provide interstate charter air transportation of property and mail between various points in the United States.

Dorothy W. Walker,
Federal Register Liaison.

[FR Doc. 99–24408 Filed 9–17–99; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Program Management Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Program Management Committee meeting to be held October 6, 1999, starting at 9:00 a.m. The meeting will be held at National Business Aviation Association, 1200 18th Street, NW., Suite 400, Washington, D.C. 20036.

The agenda will include: (1) Welcome and Introductions; (2) Review/Approve Summary of previous meeting; (3) Discussion: A. Special Committee 194, ATM Data Link Implementation, 1. Consider proposed revision to the Terms of Reference; 2. Consider a new Co-Chairman; B. Proposed New Special Committee for Night Vision Goggles, 1. Consider Terms of Reference and Proposed Co-Chairs; C. Status report on Special Committee 147, Traffic Alert and Collision Avoidance System; D. Update on Special Committee 165, Aeronautical Mobile Satellite Services; (4) Publication Consideration/Approval: A. Final Draft, First Annual Report for Clarification of DO–178B, Software Consideration in Airborne System and Equipment Certification (RTCA Paper No. 163–99/PMC–053, prepared by SC–190); B. Final Draft, Development and Implementation Planning Guide for Automatic Dependent Surveillance Broadcast (ADS–B) Applications, (RTCA Paper No. 221–99/PMC–059, prepared by SC–186); C. Final Draft, DO–229B, Minimum Operational Performance Standards for Global Positioning System/Wide Area Augmentation System Airborne Equipment (RTCA Paper No. 183–99/PMC–054, prepared by SC–159); (5) Action Item Review: A. Action Item 99–09. Comment on RTCA's process for facilitating the FAA's External Relations Program and value of input provided for the first Mission Needs review. B. Action Item 99–10. Proposed policy for PMC Member Attendance; C. Action Item 99–11. Update of deliverables and completion schedule for Special Committee 189, Air Traffic Service Safety & Interoperability Requirements; D. Action Item 99–12. Recommendation for changes to Terms of Reference for: 1. SC–186, Automatic Dependent Surveillance-Broadcast; 2. SC–193, Terrain and Airport Databases; 3. SC–195, Flight Information Services Communications. Changes have been suggested by the FAA to focus work programs and better support the Safe Flight 21 Program; E. Action Item 99–13. Proposed policy for termination/extension of Special Committees that have completed their assigned work programs; (6) Other Business; (7) Review Document Production Schedule and Future Meetings Dates; (8) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 14, 1999.

Janice L. Peters,
Designated Official.

[FR Doc. 99–24405 Filed 9–17–99; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 159; Minimum Operational Performance Standards for Airborne Navigation Equipment Using Global Positioning System (GPS)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 159 meeting to be held October 4–8, 1999, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Washington, DC 20036.

The agenda will be as follows:

Specific Working Group Sessions: October 4: Working Group 1, Third Civil Frequency; Working Group 2C, Global Positioning System (GPS)/Inertial; Working Group 5, Airport Surface Surveillance. October 5: Ad Hoc, Recommendation Support; 9:00 a.m.–12:00 p.m.: Working Group 6, Interference; Precision Landing Guidance (LAAS) 1:30–4:30 p.m. October 6: Working Group 4, Precision Landing Guidance (LAAS CAT I/II/III). Working Group 2, WAAS; 1:30–4:30 p.m. October 7: 9:00 a.m.–12:00 p.m., Working Group 4, Precision Landing Guidance (LAAS CAT I/II/III); 9:00 a.m.–12:00 p.m., Working Group 2, WAAS.

October 7, 1:30–4:30 p.m., Plenary Session (continuing on October 8, 9:00 a.m.–4:30 p.m.): (1) Chairman's Introductory Remarks; (2) Review/Approval of Minutes of Previous Meeting; (3) Review WG Progress and Identify Issues for Resolution: (a) GPS/Third Civil Frequency (WG–1); (b) GPS/WAAS (WG–2); (c) GPS/GLONASS (WG–2A); (d) GPS/Inertial (WG–2C); (e) GPS/Precision Landing Guidance (WG–4); (f) GPS/Airport Surface Surveillance (WG–5); (g) GPS/Interference (WG–6); (h) SC–159 Ad Hoc; (4) Review of EUROCAE Activities; (5) Review/Approval of Minimum Operational Performance Standards for Global Positioning System Local Area Augmentation System Airborne Equipment (RTCA Paper No. 227–99/159–826); and Global Navigation Satellite System (GNSS) Based Precision Approach Local Area Augmentation System (LLAS) Signal-In-Space Interface Control Document (RTCA Paper No. 227–99/159–826); (6) Assignment/Review of Future Work; (7) Other Business; (8) Date and Location of Next Meeting; (9) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact Mr. Harold Moses, RTCA Program Director, at (202) 833–9339 (phone), (202) 833–9434 (fax), or hmoses@rtca.org (electronic mail). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 14, 1999.

Janice L. Peters,

Designated Official.

[FR Doc. 99–24406 Filed 9–17–99; 8:45 am]

BILLING CODE 4410–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent To Rule on Application To Impose a Passenger Facility Charge (PFC) at Chicago O'Hare International Airport, Chicago, Illinois and Use PFC Revenue at Gary/Chicago Airport, Gary, Indiana

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose a PFC at Chicago O'Hare International Airport and use the revenue from a PFC at Gary/Chicago Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before October 20, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Room 101, Des Plaines, Illinois 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Mary Rose Loney, Commissioner, of the City of Chicago Department of Aviation at the following address: Chicago O'Hare International Airport, P. O. Box 66142, Chicago, Illinois 60666.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Chicago Department of Aviation under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Philip M. Smithmeyer, Manager, Chicago Airports District Office, 2300 East Devon Avenue, Room 101, Des Plaines, Illinois 60018, (847) 294–7335. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at Chicago O'Hare International Airport and use the revenue from a PFC at Gary/Chicago Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On September 7, 1999, the FAA determined that the application to impose and use the revenue from a PFC submitted by City of Chicago Department of Aviation was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 18, 1999.

The following is a brief overview of the application.

PFC application number: 99–11–C–00–ORD.

Level of the proposed PFC: $3.00.

Original charge effective date: September 1, 1993.

Proposed charge expiration date: October 1, 2017.

Total estimated PFC revenue: $1,500,000.00.

Brief description of proposed projects:

a. Acquire Airport Rescue and Firefighting Vehicle

b. Terminal Building Improvements

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: air taxi operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Chicago Department of Aviation.

Issued in Des Plaines, Illinois on September 18, 1999.

Cameron Bryan,

Acting Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 99–24404 Filed 9–17–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use a Passenger Facility Charge (PFC) at San Jose International Airport, San Jose, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to the notice requesting comments and announcing the FAA's intent to rule on a PFC application.

SUMMARY: This amendment is in response to a written request from Mr. Bill Dunn, Vice President, Regional Affairs, Aircraft Owners and Pilots Association (AOPA) to the FAA, dated August 27, 1999, requesting additional time to provide comments on the FAA's notice of intent to rule on a PFC application requesting authority to impose and use a PFC at San Jose International Airport.

Specifically, this amendment revises the date that comments must be received by the FAA regarding the FAA's intent to rule on a PFC application.

In FR Vol. 64, No. 150 at page 42752 (Thursday, August 5, 1999), FR Doc. 99–20085, on the second column under **DATES**, replace sentence "Comments must be received on or before September 7, 1999" with "Comments must be received on or before October 7, 1999."

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, Airports Program Analyst, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303, Telephone: (650) 876–2806. The application may be reviewed in person at this same location.

Issued in Hawthorne, California, on September 3, 1999.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 99–24403 Filed 9–17–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Federal Transit Administration

Transportation Equity Act for the 21st Century; Guidelines for the Evaluation of Operational Tests and Deployment Projects for Intelligent Transportation Systems (ITS)

AGENCIES: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides implementation guidance for section 5204(j)(1) of the Transportation Equity Act for the 21st Century (TEA–21) 23 U.S.C 502 Note. Guidelines and requirements for the evaluation of

operational tests and deployment projects for ITS ensure the objectivity and independence of project evaluators to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to such tests and projects. They also establish evaluation funding levels based on the size and scope of each test or project to ensure adequate evaluation. The ITS Joint Program Office (ITS JPO) plans to disseminate the TEA–21 Evaluation Guidelines to affected program offices within the DOT. Should it be deemed necessary to establish any requirements for the evaluation of operational tests and/or deployment projects, these would be established pursuant to rulemaking to be issued in the future.

FOR FURTHER INFORMATION CONTACT: For technical information: Mr. Joe Peters, (202) 366–2202, ITS Joint Program Office, (HOIT–1) FHWA. *For legal information:* Mr. Wilbert Baccus, Office of the Chief Counsel, FHWA (HCC–32), (202) 366–0780; Ms. Linda Sorkin, Office of the Chief Counsel, FTA (TCC–24), (202) 366–1936. All are located at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of the document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register**'s home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara*. The TEA–21 Evaluation Guidelines may also be accessed at the U.S. DOT's ITS home page, through the evaluation link, at *http://www.its.dot.gov*.

Background

Section 5204(j)(1) of TEA–21, Pub. L. 105–178, 112 Stat. 107, 455 (1998), states that the Secretary of Transportation (Secretary) shall issue guidelines and requirements for the evaluation of operational tests and deployment projects for the ITS. This document sets forth TEA–21 Guidelines that are required to include provisions to ensure objectivity and independence of evaluators so as to avoid real or apparent conflicts of interest on the outcome of project evaluations. The guidelines are further required to establish evaluation funding levels based on the size and scope of each test or project to ensure adequate project or operational test evaluations. Should it be deemed necessary to establish any requirements for the evaluation of operational tests and/or deployment projects, these would be established pursuant to rulemaking to be issued in the future.

The objective of the TEA–21 Evaluation Guidelines is to fulfill the requirements imposed on the Secretary in the referenced section by accomplishing the following:

1. Defining the different categories of projects carried out under subtitle C;

2. Defining, in general terms, different types of evaluations to be conducted by projects in the categories defined;

3. Establishing criteria to guide the selection of evaluations to be performed;

4. Defining, in general terms, procedures for ensuring objectivity and independence of evaluating organizations;

5. Defining the funding mechanism to provide project evaluation resources;

6. Providing a general description of the procedures [and requirements] that project partnerships can expect when participating in the types of evaluations defined;

7. Providing access through web site address to detailed evaluation procedures to include examples of specific evaluation plans, test plans, and reports.

The TEA–21 Evaluation Guidelines are published in the **Federal Register** for informational purposes on our approach to satisfying the requirements prescribed in section 5204(j)(1). Specific questions on any of the material published in this notice should be directed to the appropriate contact person named in the caption **FOR FURTHER INFORMATION CONTACT.**

Authority: 23 U.S.C. 315; sec. 5204(j), Pub. L. 105–178, 112 Stat. 455 (1998) 23 U.S.C. 502 Note.

Issued on: September 13, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

Gordon J. Linton,

Federal Transit Administrator.

The text of the TEA–21 Evaluation Guidelines is presented as follows:

United States Department of Transportation

Intelligent Transportation Systems

Evaluation Guidelines for the Transportation Equity Act for the 21st Century

Operational Tests and Deployment Projects

I. Introduction

A. Background

The enactment of the Transportation Equity Act for the 21st Century (TEA–21) [Pub. L. 105–178, 112 Stat. 107 (1998)] has expanded the focus of the Intelligent Transportation Systems (ITS) program from one of research and operational tests to one that now includes deployment of ITS across the Nation. Subtitle C (Intelligent Transportation Systems Act of 1998) under title V of TEA–21 authorizes investment to accelerate the rate at which intelligent transportation systems are incorporated in the Nation's surface transportation network to improve transportation safety and efficiency, and to reduce costs and negative impacts on communities and the environment. The effective implementation of the deployment and integration activities specified in subtitle C will rely heavily on active and rigorous evaluations of those activities. Recognizing the evolving nature of the ITS program, Congress included a mandate in TEA–21 which requires the Secretary of Transportation (Secretary) to issue guidelines and requirements for the evaluation of operational tests and deployment projects carried out under the program. A prerequisite for the continuing support of decision makers addressing policy and investment issues will be a clear understanding of ITS system effectiveness. At the Federal level, the Government Performance and Results Act [Pub. L. 103–62, 107 Stat. 285 (1993)] has established a formal process for program and budget planning. ITS benefits information will be needed for assessing the efficacy of Federal investment in ITS. At the project level, agencies and partners in public-private project initiatives require the means to monitor costs and system effectiveness on a continuing basis to support management of systems and operations.

B. Legislative Requirements

The Congress has recognized the critical role of ITS evaluation in section 5204(j)(1)(A) of subtitle C which prescribes that:

Subparagraph (A):

In General.—The Secretary shall issue guidelines and requirements for the evaluation of operational tests and deployment projects carried out under this subtitle.

Subparagraph (B):

Objectivity and Independence.—The guidelines and requirements issued under Subparagraph (A) shall include provisions to ensure the objectivity and

independence of the evaluator so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

Subparagraph (C):

Funding.—The guidelines and requirements issued under Subparagraph (A) shall establish evaluation funding levels based on the size and scope of each test or project to ensure adequate evaluation of the results of the test or project.

C. Objective

The objective of this document is to fulfill the "guidelines" requirement imposed on the Secretary by TEA–21, title V, subtitle C, section 5204(j)(1)(A), (B), and (C) as referenced above.

D. Purposes of Evaluation Guidelines

In order to satisfy the applicable title V subtitle C criterion imposed by TEA–21, guidelines must be issued which accomplish the following purposes:

1. Define different categories of projects carried out under subtitle C;
2. Define, in general terms, different types of evaluations to be conducted by projects in the categories defined;
3. Establish criteria to guide the selection of evaluations to be performed;
4. Define, in general terms, procedures for ensuring objectivity and independence of evaluating organizations;
5. Define the funding mechanism to provide resources for evaluations;
6. Provide a general description of the procedures [and requirements] that project partnerships can expect when participating in the types of evaluations defined;
7. Provide access through web site address to detailed evaluation procedures including examples of specific evaluation plans and reports. Guidelines in this document do not address detailed evaluation procedures.

II. Terms of Reference

The establishment of clearly understood guidelines for evaluation of projects funded with Federal ITS funding requires identification of the categories of projects specified in the law. Similarly, understanding of the Department's concept for conducting project evaluations requires differentiation between types of evaluation.

A. Project Categorization

Projects to be carried out with Federal ITS funds are identified as follows:

1. *Operational Tests*—Section 5207(c) specifies the conduct of operational tests of intelligent vehicles and intelligent infrastructure systems. Section 5207(c) further specifies that operational tests conducted under this section shall be designed for the collection of data to permit objective evaluation of the results of the tests, derivation of cost-benefit information that is useful to others contemplating deployment of similar systems, and the development and implementation of standards.

2. *ITS Deployment Program*—The ITS Deployment Program provides funding for two major project categories specified in sections 5208 and 5209. The two components are the ITS Integration Program and the Commercial Vehicle Intelligent Transportation Infrastructure Deployment Program, commonly known as the Commercial Vehicle Information Systems and Networks (CVISN) Program.

a. *Intelligent Transportation System Integration Program*—Section 5208(a) specifies projects to be carried out under the Intelligent Transportation System Integration Program in metropolitan and rural areas. These projects comprise one major component of the ITS Deployment Program defined above. The ITS Integration Program provides Federal funding for the integration of multi-modal ITS components in a variety of settings, including large regional areas (for example, Statewide, multi-State, or multi-city), metropolitan areas, non-metropolitan areas, and rural areas. ITS integration projects should improve transportation efficiency; promote safety; enhance transit integration; improve paratransit/demand-responsive transit operations, including operations of health and human services providers; improve traffic flow, including the flow of intermodal freight at ports of entry; reduce emissions of air pollutants; improve traveler information; promote tourism; enhance alternative transportation modes; or support improved transportation systems operations, management and maintenance.

As part of the Intelligent Transportation System Integration Program, section 5208(g), Corridor Deployment and Coordination, requires the Secretary to encourage multistate cooperative agreements, coalitions, or other arrangements intended to promote regional cooperation, planning, and shared project implementation for intelligent transportation system projects. There are two areas of implementation: Great Lakes ITS Implementation and Northeast ITS Implementation.

(a) Great Lakes Implementation—Section 5208(g)(2)(A): The Secretary is required to make grants under this subsection to the State of Wisconsin to continue ITS activities in the corridor serving the Greater Milwaukee, Wisconsin; Chicago, Illinois; and Gary, Indiana, areas initiated under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) [Pub. L. 102–240, 105 Stat. 1914 (1991)] and other areas in the State.

(b) Northeast ITS Implementation—Section 5208(g)(3)(A): The Secretary is required to make grants under this subsection to the states to continue ITS activities in the Interstate Route I–95 Corridor in the northeastern United States initiated under ISTEA.

b. *Commercial Vehicle Intelligent Transportation System Infrastructure Deployment*—Section 5209 specifies that the Secretary shall carry out a comprehensive program to deploy intelligent transportation systems that improve safety and productivity of commercial vehicles and drivers, while reducing costs of commercial vehicle operations and regulatory requirements. The term "Commercial Vehicle Information Systems and Networks" is defined (section 5211) as the information systems and communications networks that support commercial vehicle operations. Funding in section 5209 is used to support CVISN projects which comprise the second major component of the ITS Deployment Program defined above. CVISN objectives focus on advancing technological capabilities and promoting the deployment of intelligent transportation system applications to commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems and networks. Priority areas for projects are those that encourage multi-state cooperation and corridor development; improve the safety of commercial vehicle operations; increase the efficiency of regulatory inspection processes to reduce administrative burdens; improve the efficiency of enforcement efforts; advance electronic processing of registration, driver licensing and fuel tax information, inspection and crash data; promote communication of information among the States; and, enhance safe passage of commercial vehicles across international borders.

B. Evaluation Categorization

For the purpose of the guidelines, there are two categories of project evaluations.

1. *Self-Evaluations*—In the interests of accepted sound management practice, it is expected that ITS Deployment Program participants should conduct locally executed and funded evaluations under the auspices of the project partners. These self-evaluations, also identified as local evaluations, incorporate certain minimum evaluation and reporting requirements. Cross-cutting assessments of these local evaluations will be conducted by the ITS Joint Program Office (ITS JPO) at Headquarters (HQ), U.S. DOT, and will include gathering data and dissemination of results.

2. *National Evaluations*—National evaluations are formal, in-depth, independently conducted evaluations of operational tests of intelligent infrastructure systems and selected projects carried out under the ITS Deployment Program. In the case of selected ITS Deployment Program projects, these evaluations will supplement and expand on the activities of self-evaluations. The added resources available for national evaluations will facilitate assessment of quantitative performance measures and other aspects of project evaluation difficult to pursue with the potentially limited resources assigned for self-evaluations. National evaluations will be conducted under the auspices of U.S. DOT, and will be closely monitored by a designated U.S. DOT representative. The U.S. DOT has established the Intelligent Vehicle Initiative (IVI) to improve the safety and efficiency of motor vehicle operations by reducing the probability of motor vehicle crashes. Evaluations of IVI field operational tests will be conducted under the auspices of the IVI Program Manager in accordance with procedures defined within the IVI Program and not associated with requirements for national evaluations discussed in these guidelines.

Features and requirements of these categories are described below in these guidelines.

III. Concept for Project Selection and Evaluation Funding

A. National Evaluations

1. *Operational Tests*—All operational tests of intelligent infrastructure systems carried out under section 5207 shall be administered formal, national evaluations under the auspices of the ITS JPO Program Assessment Coordinator.

2. *ITS Deployment Program*—Projects carried out under the ITS Deployment Program will be reviewed as follows:

(a) *ITS Integration Program*—Projects selected for funding under section 5208 shall be reviewed, and a limited number will be selected for national evaluations in accordance with appropriate criteria described in these guidelines.

• Corridor Development and Coordination—Projects resulting from grants made to the State of Wisconsin to continue activities in the corridor serving Milwaukee, Wisconsin; Chicago, Illinois; and Gary, Indiana, in accordance with section 5208(g)(2)(A) and projects resulting from grants made to the I–95 Northeast ITS Priority Corridors, in accordance with section 5208(g)(3)(A), may be reviewed for incorporation in a national evaluation as determined by the Department's evaluation needs in corridor settings.

(b) *Commercial Vehicle ITS Infrastructure Deployment*—A limited number of CVISN deployment sites funded under section 5209 will be selected for national evaluations in accordance with appropriate criteria described in these guidelines.

B. Self-Evaluations

All project partnerships are expected to perform locally conducted self-evaluations.

C. Funding for Project Evaluations

In order to fulfill the mandate specified in section 5204(j)(1)(C) that these guidelines "shall establish evaluation funding levels based on the size and scope of each test or project that ensure adequate evaluation of the results of the test or project," the following procedures apply:

1. *Operational Tests*—Funding for evaluations of operational tests of intelligent infrastructure systems will be provided by the ITS JPO.

2. *ITS Deployment Program*—(a) Projects funded under the Intelligent Transportation System Integration Program (section 5208) and the Commercial Vehicle Intelligent Transportation System Infrastructure Deployment Program (section 5209) selected for national evaluations will use a pooled funding mechanism. During each year authorized by TEA–21, two percent of the amount authorized for the ITS Deployment Program will be placed into a deployment evaluation fund. National evaluations for selected projects will be funded by this account.

(b) All projects will fund locally conducted self-evaluations from project resources.

D. Selection Criteria for National Evaluation

1. *Intelligent Transportation System Integration Program*

Projects carried out under section 5208 are designed to accelerate the integration and interoperability of intelligent transportation systems in metropolitan and rural areas. Projects resulting from corridor grants may also be reviewed for inclusion in a national evaluation. Projects selected for funding should support the goals of the program as defined in section 5208.

Projects selected for funding will be reviewed by the ITS Program Assessment Working Group (ITS PAWG) chaired by the ITS JPO Program Assessment Coordinator. The ITS PAWG is comprised of representatives from the modal administrations at HQ, U.S. DOT, and field representatives from the Federal Highway Administration (FHWA) Resource Centers and Division Offices, to include the Office of Technology Evaluation and Deployment within the Office of Motor Carrier and Highway Safety. Federal Transit Administration field representation is included as well.

The ITS PAWG will consider projects for national evaluation through successive iterations designed to narrow the list of candidate projects consistent with available funding and the ITS Program's most compelling information needs. While the specific considerations for project selection may vary in any given year of TEA–21 authorization, the criteria described below will guide the review process.

a. Major consideration will be given to ITS areas for which insufficient knowledge was developed during the operational test experience under ISTEA authorization.

Metropolitan ITS Integration Program projects will be assessed for their potential to provide benefits-related data in areas where evaluation data are still needed.

b. Rural ITS Integration Program projects will be assessed for their potential to provide benefits-related data.

It is anticipated that, over the life of TEA–21, the areas reflecting shortfalls in ITS Program evaluation needs will vary. The ITS Program reserves the flexibility to develop a working document with annual updates of these areas of shortfall which would be used to guide the selection process. These areas will be addressed in annual Departmental project guidance documents.

2. CVISN Deployment Projects

The FHWA's State CVISN Level 1 deployment strategy consists of three key steps: Planning; Design; and, Implementation and Deployment.

Step 1, Planning, includes participation in two ITS/Commercial Vehicle Operations (ITS/CVO) training

courses (Introduction to ITS/CVO and ITS/CVO Technical Project Management for Non-Technical Managers) and the development of an ITS/CVO State business plan. This step is essential to promote ITS/CVO awareness and coalition building among the State agencies involved in CVO and with industry.

The focus of Step 2, Design, is for the State to establish its CVISN project team, including at a minimum a CVISN project manager and a system architect. Once these individuals have been selected, a State can participate in the Understanding ITS/CVO Technology training course and in three CVISN workshops. These activities will assist the State in developing its CVISN Project Plan and Top-Level Design.

Step 3 is the Implementation and Deployment of CVISN Level 1 capabilities.

Only CVISN sites selected for Step 3 funding will be considered for national evaluation. The three elements of Level 1 capabilities subject to national evaluation are:

- Safety Information Exchange,
- Credentials Administration, and
- Electronic Screening.

During each year of TEA–21 authorization, the ITS PAWG will convene its CVO Subcommittee comprised of subject matter experts from FHWA's Office of Technology Evaluation and Deployment within the Office of Motor Carrier and Highway Safety. Based on the ITS/CVO Program's information needs about Level 1 capabilities in different operating environments, a limited number of State CVISN deployment sites engaged in Step 3 (Implementation and Deployment) activities will be selected for national evaluation.

IV. Selection of Evaluating Organizations

A. General

Subtitle C, section 5204(j)(1)(B) requires that these guidelines include provisions to ensure objectivity and independence of the evaluator so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

B. Provisions for National Evaluations

The required provisions are outlined as follows:

1. Organizations demonstrating technical qualifications are eligible for selection to perform a national evaluation of designated operational tests or deployment projects.

2. In the process of submitting necessary documentation demonstrating qualifications to perform a national evaluation, interested organizations should include a statement certifying commitment to the conduct of a completely objective and independent evaluation, and its commitment to ensuring any subcontracting organizations will adhere to that standard. It is expected that this would include a provision for voluntary recusal from evaluating selected aspects of, or technologies involved in, the project to be evaluated, if appropriate.

3. For national evaluations conducted under the auspices of U.S. DOT, the ITS JPO Program Assessment Coordinator will convene selected members of the ITS PAWG to participate in the selection of an evaluating organization with consultations as follows:

a. *Operational Tests*—For operational tests of intelligent infrastructure systems, the ITS JPO Program Assessment Coordinator, in consultation with project partners and the ITS PAWG, will select the evaluating organization. For IVI field operational tests, the selection of organizations will be conducted in accordance with procedures established by the IVI Program Manager.

b. *ITS Deployment Program*—Participants in the evaluating organization selection process are as follows:

(1) *Intelligent Transportation System Integration Program*—For projects in this category selected for national evaluations, the ITS JPO Program Assessment Coordinator in consultation with project partners will conduct a selection process. The selected evaluator will receive direction and oversight by a U.S. DOT representative, and will be required to document compliance with the "OBJECTIVITY and INDEPENDENCE" requirements imposed by section 5204(j)(1)(B) of subtitle C, and will forward authenticated certifications described in IV.B.2 of these guidelines to the designated U.S. DOT representative. This representative, in coordination with the ITS JPO Program Assessment Coordinator, will conduct an expeditious review of selected organizations prior to completion of contract arrangements.

(2) *CVISN Project Evaluations*—The selection of an evaluation organization for the conduct of national evaluations of selected CVISN project sites will be led by the ITS JPO Program Assessment Coordinator and the ITS PAWG representative from the Office of Technology Evaluation and Deployment in the Office of Motor Carrier and Highway Safety who will convene a CVO subcommittee of the ITS PAWG. This subcommittee will be comprised of the ITS JPO Commercial Vehicle Operations Coordinator and subject matter experts on the staff of the Office of Motor Carrier and Highway Safety, HQ, FHWA.

C. Provisions for Self-Evaluations

The guidelines for the conduct of self-evaluations in ITS Deployment Program projects include the following: (1) The evaluations should be conducted under the auspices of the project partners; (2) The partners should form evaluation organizations; and, (3) The process for forming evaluation organizations should strive to adhere to the objectivity and independence principles cited in section 5204(j)(1)(B) of subtitle C.

V. Evaluation—Definition, Process, and Guidelines

A. General—The purposes of this section are to accomplish the following:

- Define evaluation as a management process;
- In general terms, differentiate between procedures and expectations to be encountered in national evaluations and self-evaluations;
- Convey reporting requirements.

These guidelines are not intended to provide detailed procedures for the conduct of evaluations. Extensive documentation addressing detailed procedures, to include examples of evaluation plans and reports will be available at the ITS JPO web site. (See Section V.G.).

B. Definition of Evaluation

Evaluation is the reasoned consideration of how well project goals and objectives are being achieved. The primary purpose of evaluation is to cause changes in the project so that it eventually meets or exceeds its goals and objectives. Evaluation is an essential ingredient to good project management. Evaluations can be qualitative and quantitative; however, the best evaluations employ the combination of qualitative and quantitative information that compare and contrast converging, non-converging, and diverging evidence to result in a complete diagnosis. The most effective evaluations occur when goals and objectives are explicitly stated, are measurable, and are agreed to by all project partners.

Evaluation should be considered as part of the project development process that iterates across stages of strategy

formulation, detailed planning, system design and implementation, data collection, data analysis, and reporting of results. Evaluations should be performed by a party who has had no vested interest or stake in the project itself.

Independence of the evaluator does not mean uninvolvement with the project. Key roles of the evaluator requiring early evaluator involvement are: (1) Identification of key stakeholder partners; (2) eliciting from the partners a meaningful set of goals and objectives for the project and their relative priorities; (3) obtaining insight and consensus regarding which measures will best reflect the degree of success in achieving prioritized goals; and, (4) communicating changes in goals, objectives, and measures as the project evaluation matures. Data can be collected either by the partners in the project (as long as the independent evaluator maintains some oversight of the process) or by the independent evaluator, or by both. The data analysis phase must be performed completely independently of the partners; however, draft results should be shared to obtain partners' expert insights regarding possible flaws in assumptions or errors in analysis. The best evaluation results are those that can bring about positive and timely changes in system operations or maintenance. In such instances, documentation of results may not be as important as the positive changes influenced by the results. Nevertheless, documentation has tremendous importance to the national interest.

A significant goal influencing the approach to ITS Program evaluation planning is the expansion of the knowledge base among transportation community professionals. To the extent that policy makers, planners, engineers, and other influence brokers become better informed about successful ITS deployment practices, project evaluations will make significant contributions. Effective information dissemination techniques will be critical. Information drawn from interim and final evaluation reports will be summarized in electronic media normally accessed by transportation professionals.

Project evaluation reports will be crucial to the ITS Program during the years funded by TEA–21. As the tempo of project deployments accelerates, newly formed project partnerships preparing to undertake deployments will need any available experience-based information relevant to their projects. The need for timely information will emphasize the value of interim reports capturing valuable, recent, lessons learned.

C. General Evaluation Process

The following are general steps successfully used to accomplish an ITS project evaluation for national or local evaluations:

1. Form the *Evaluation Team*. Each of the project partners and stakeholders designates one member to participate on the evaluation team. The program manager should designate an evaluation team leader. In the interests of conducting an effective evaluation, this team should interact with the independent evaluator periodically throughout the project development and deployment. Experience has demonstrated that formation of this team early in the project is essential to facilitating evaluation planning along a "no surprises" path. Participation by every project stakeholder is particularly crucial during the development of the "Evaluation Strategy."

2. Develop the *Evaluation Strategy*. This evaluation strategy document includes a description of the project to be evaluated and identifies the key stakeholders committed to the success of the project. It also relates the purpose of the project to the general goal areas of an ITS project.

Projects deploying intelligent metropolitan or rural infrastructure are expected to allocate resources adequate for evaluating the impact (or impacts) their projects exert in certain major goal areas which can be pursued through deploying and integrating ITS technologies. ITS goal areas include:

- Traveler Safety
- Traveler Mobility
- Transportation System Efficiency
- Productivity of Transportation Providers
- Conservation of Energy and Protection of the Environment
- Others as may be appropriate to unique features of a project

A major purpose of the evaluation strategy document is to focus partner attention on identifying which of the above goal areas has priority for their project. Partners assign ratings of importance to goal areas and evaluation priorities and resources are consequently aligned to the prioritized set. This rating process gives partners valuable insights regarding areas of agreement and disagreement and assists in reconciling differences and bolstering common causes.

Each of these goal areas can be associated with outcomes of deployment that lend themselves to measurement. These outcomes resulting from project deployment are identified as *measures* and have been adopted as useful metrics. The association of goal areas and measures is depicted as follows:

Goal area	Measure
Safety	• Reduction in the Overall Rate of Crashes.
	• Reduction in the Rate of Crashes Resulting in Fatalities.
	• Reduction in the Rate of Crashes Resulting in Injuries.
Mobility	• Reduction in Delay.
	• Reduction in Transit Time Variability.
	• Improvement in Customer Satisfaction.
Efficiency	• Increases in Freeway and Arterial Throughput or Effective Capacity*.
Productivity	• Cost Savings.
Energy and Environment	• Decrease in Emissions Levels.
	• Decrease in Energy Consumption.

*A discussion of the distinction between Throughput and Effective Capacity is included in the *ITS Evaluation Resource Guide* referred to in Section V.G. at the end of this document.

The "few good measures" in the preceding table constitute the framework of benefits expected to result from deploying and integrating ITS technologies. While each project partnership will establish its unique evaluation goals, the measures serve to maintain the focus of goal setting on how the project can contribute to reaping the benefits of one or more of the measures. A sample Evaluation Strategy document is provided as part of the *ITS Evaluation Resource Guide* (see Section V.G. at the end of this document).

3. Develop the *Evaluation Plan.* After the goals are identified and priorities are set by the partners, the evaluation plan should refine the evaluation approach by formulating hypotheses. Hypotheses are merely "if-then" statements about expected outcomes after the project is deployed. For example, a possible goal of coordinating jurisdictions' signal systems is improving safety by reducing rear-end crashes. If the evaluation strategy included this goal, the evaluation plan would formulate hypotheses that could be tested. In this case, one hypothesis might be, "If jurisdictions coordinate signal timing, then rear-end collisions will be significantly reduced at intersections at jurisdictional boundaries." An even more aggressive hypothesis might suggest that such collisions would be reduced by ten percent. The evaluation plan identifies all such hypotheses and then outlines the number of different tests that might be needed to test all hypotheses.

In addition to hypotheses regarding system and subsystem performance, the evaluation plan identifies qualitative studies that will be performed. The evaluation should address key components of the project, such as, (but not limited to):

- Implications of achieving consistency with the National ITS Architecture;
- Standards implementation;
- Consumer acceptance;
- Others as appropriate to local considerations;
- Institutional issues.

Institutional issues require brief elaboration. An area of special emphasis in all evaluation endeavors should be the non-technical factors influencing project performance. ITS projects conducted under ISTEA were profoundly influenced by considerations such as procurement practices, contracting policy, organizational structure, and relationships among major participants such as prime contractors and their subcontractors. The transportation community stands to reap significant benefit from understanding how the varied range of non-technical factors impacts directly on traditional project performance parameters, such as, cost, schedule, and final functionality.

As these critical aspects of the project are addressed, the value of the evaluation increases in proportion to its ability to produce lessons learned that can improve project performance. Thus, the measures serve as the foundations of the evaluation as project implementation seeks the best mix of approaches to ensure achieving some level of benefits described by the measures.

To the extent that projects define evaluation goals derived from one or more of the *few good measures* and document the impacts of deployment on transportation performance in their communities, they will have made significant contributions to the ITS Program and the Nation. A sample Evaluation Plan document is provided as part of the *ITS Evaluation Resource Guide* (see Section V.G. at the end of this document).

4. Develop one or more *Test Plans.* A test plan will be needed for each test identified in the evaluation plan. A test plan lays out all of the details regarding how the test will be conducted. It identifies the number of evaluator personnel, equipment and supplies, procedures, schedule, and resources required to complete the test. A sample test plan is provided as part of the *ITS Evaluation Resource Guide* (see Section V.G. at the end of this document).

5. Collect and analyze data and information. This step is the implementation of each test plan. It is in this phase where careful cooperation between partners and evaluators can save money. By early planning, it is possible to build into the ITS project capabilities for automatic data collection. Such data collection can be used by partners after the evaluation is completed to provide valuable feedback with regard to the performance of the system. Such feedback can help in detecting system failures and to improve system performance.

6. Document strategy, plans, results, conclusions, and recommendations in a *Final Report.* A sample Final Report document is provided as part of the *ITS Evaluation Resource Guide* (see Section V.G. at the end of this document).

D. Self-Evaluation Process

1. ITS Integration Program Evaluation Procedures

To the extent that resources allow, project partners should strive to follow the General Evaluation Process outlined in Section V.C. of this document. Partners should also utilize the *ITS Evaluation Resource Guide* described in Section V.G. at the end of this document.

Projects conducting self-evaluation should respond to a minimum of two reporting requirements.

a. In an attempt to satisfy significant and critical data needs in the ITS Program, projects should collect and document cost accounting data to include acquisition, life-cycle, and operations and maintenance costs capturing both start-up and sustaining cost factors. Reporting of cost data will be solicited annually for the duration of the deployed system's (or systems") life cycle(s). Cost data collection guidelines are provided as part of the *ITS Evaluation Resource Guide* (see Section V.G. at the end of this document).

b. Additionally, self-evaluations should result in one or more of the following efforts:

- Evaluating institutional issues associated with achieving cooperation among public sector agencies and documenting how they were overcome.
- Providing a brief lessons learned report on the technical and institutional issues encountered in integrating ITS components.
- Providing an evaluation report on the lessons learned in employing innovative financing or procurement and/or public-private partnering techniques.
- Producing a lessons learned report on the experiences, challenges, and approaches used in achieving consistency with the National ITS Architecture and/or implementation of ITS standards.
- Producing a case study on the planning process used to achieve integration into an approved plan and program developed under an area-wide (statewide and/or metropolitan) planning process which also complies with applicable State air quality implementation plans.
- Providing the appropriate metropolitan planning process with data generated by ITS technologies and services, and provide a report on plans or intentions for archiving the data and using it.

2. Commercial Vehicle Intelligent Transportation System Infrastructure Deployment Projects

All projects participating in the Commercial Vehicle Intelligent Transportation System Infrastructure Deployment Program are expected to accomplish the following:

- Document lessons learned in the areas of:
  - —institutional issues
  - —technical challenges
  - —employment of innovating financing
  - —public-private partnering
  - —achieving consistency with the National ITS Architecture and implementation of ITS Standards.
- Document benefits data.
- Collect cost data, especially with regard to operations and maintenance cost factors, and briefly address their implications for sustaining the project.

E. National Evaluations

1. Initial Procedures for Operational Tests of Intelligent Infrastructure

Upon selection of the organization to conduct a national evaluation of a designated ITS operational test of intelligent infrastructure, the ITS JPO Program Assessment Coordinator will establish the initial communications between involved parties. The detailed procedures for the conduct of the evaluation and the scope of the evaluating organization's tasks will be defined in accordance with procedures established by the ITS JPO Program Assessment Coordinator.

2. Requirements for ITS Integration Program Projects

During the annual project definition and proposal process, participants in the ITS Integration Program will be offered the opportunity to commit to cooperate with evaluators in the event of selection for a national evaluation. This commitment includes participation in evaluation planning and in-progress reviews to ensure a consensus-based, successfully implemented national evaluation as described in sections V.B. and V.C. of these guidelines.

3. Requirements for CVISN Deployment Projects

During the annual project definition and proposal process, participants in the Commercial Vehicle Intelligent Transportation System Infrastructure Program will be offered the opportunity to commit to cooperate with evaluators in the event of selection for a national evaluation. This commitment includes participation in evaluation planning and in-progress reviews to ensure consensus-based, successfully implemented national evaluations.

4. Timing Considerations for ITS Deployment Program Projects Selected for National Evaluations

Participants in ITS Deployment Program projects selected for national evaluations may experience a time delay between receipt of notification for project funding and, in the event of selection for national evaluation, notification of such selection. Upon notification of project funding approval, the project participants should proceed with the preparatory steps required for evaluation. The preparatory measures will lay the foundation for an effective self-evaluation. In the event of selection for a national evaluation, that process will build on this foundation. An evaluation team should be formed and an evaluation strategy, based upon the example in the *ITS Evaluation Resource Guide*, should be developed.

It is anticipated that U.S. DOT notification of selection for national evaluation will be accomplished prior to a project's development of an evaluation plan. This will facilitate coordination between the independent evaluating organization and the project partners in proceeding with the development of a consensus-based evaluation plan.

F. Reporting Requirements

This section prescribes reporting procedures for the categories of evaluations.

1. Projects conducting self-evaluations in the ITS Integration Program are expected to produce: (1) an annual cost report based upon guidelines in the *ITS Evaluation Resource Guide;* and, (2) a final evaluation report. Projects conducting self-evaluations of the CVISN are expected to produce a final report. All project partnerships conducting self-evaluations are expected to submit two camera-ready reproducible copies and one electronic file to the ITS JPO Program Assessment Coordinator at: Intelligent Transportation Systems, Joint Program Office (HOIT–1), Attn: JPO Program Assessment Coordinator, U.S. Department of Transportation, 400 Seventh St., SW., Washington, D.C. 20590.

Copies which may be required for other addressees will be defined in annual guidance documents transmitting instructions.

2. Reporting procedures in national evaluations will be defined in the appropriate documentation governing the contract entered into by the evaluating organization.

G. References

In lieu of incorporating detailed procedural guidance for the conduct of evaluations in this document, an *ITS Evaluation Resource Guide* has been developed. This comprehensive resource for supporting evaluation planning is accessible at the ITS JPO web site (*http://www.its.dot.gov*) through the Program Assessment/ Evaluation Link.

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BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Child Passenger Protection Education Grants

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Announcement of grants for child passenger protection education.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a grant program under Section 2003(b) of the Transportation Equity Act for the 21st Century (TEA–21) to implement child passenger protection programs that are designed to prevent deaths and injuries to children, educate the public concerning the proper installation of child restraints, and train child passenger safety personnel concerning child restraint use. This notice solicits applications from the States, the District of Columbia, Puerto Rico, the U.S. Territories and the Indian Tribes through the Secretary of the Interior.

DATES: Applications must be received by the office designated below on or before December 15, 1999.

ADDRESSES: Applications must be submitted to the appropriate National Highway Traffic Safety Administration Regional Administrator.

FOR FURTHER INFORMATION CONTACT: For program issues contact Ms. Joan Tetrault, State and Community Services, NSC–01, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590; telephone (202) 366–2121. For legal issues contact Mr. John Donaldson, Office of the Chief Counsel, NCC–30, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 366–1834.

SUPPLEMENTARY INFORMATION:

Background

Motor vehicle crashes remain the leading cause of unintentional injury-related deaths among children under the age of 15 years, despite a seven percent decline in the motor vehicle occupant death rate from 1987 to 1996. During the same time period, the motor vehicle occupant nonfatal injury rate among children has increased by four percent. Motor vehicle injuries and fatalities occur when children ride unrestrained or are improperly restrained. This grant program is intended to help reduce injuries and deaths by educating the public about the importance of correctly installing and using child safety seats, booster seats and seat belts.

1. Children Riding Unrestrained

Approximately 40 percent of children ages 1 through 15 years ride unrestrained, placing them at more than twice the risk of death and injury as those riding restrained. Child safety seats reduce the risk of fatal injury in a crash by 69 percent for infants (less than 1 year old) and by 47 percent for toddlers (1–4 years old). In 1997, there were 594 occupant fatalities in passenger motor vehicles among children under 5 years of age. Of those 594 fatalities, an estimated 298 (54 percent) were totally unrestrained. The problem of riding unrestrained is not limited to infants and young children. From 1975 through 1997, the lives of an estimated 3,894 children were saved by the use of child restraints (child safety seats or adult safety belts). Among children under age 15 who were killed as occupants in motor vehicle crashes in 1997, 63 percent were not using safety restraints at the time of the collision.

Examination of the demographics of children killed in motor vehicle crashes (for which the most recent available year is 1995) shows that safety restraint use differs markedly by race. For example, while somewhat less than half (43.3%) of white children up to age 9 riding in passenger motor vehicles were using safety restraints at the time of their deaths, that was true of only about one-quarter (28.2%) of black children. Native American children under age 15 have a motor vehicle occupant death rate twice that of white children. (Injury and fatality data for other minority groups is currently being collected.) Restraint use is also lower in rural areas and low-income communities. Lack of access to affordable child safety seats and booster seats contributes to a lower usage rate among low-income families. However, research shows that 95 percent of low-income families who own a child safety seat use it. Improving access to affordable child restraint systems and educating parents and care givers about proper installation and use are key components to improving use rates in these communities.

2. Misuse of Child Safety Seats and Improper Seating Positions

In 1997, 85 percent of infants (children under age 1) were restrained while riding in motor vehicles, as were 60 percent of children ages 1 to 5. However, it is estimated that approximately 80 percent of children who are placed in child safety seats are improperly restrained. Furthermore, adult safety belts do not adequately protect children ages 4 to 8 (about 40 to 80 pounds) from injury in a crash. Although car booster seats are the best way to protect them, only six percent of booster-age children are properly restrained in car booster seats.

In addition, there is a high risk of severe injury or fatality to children riding in the front seat of vehicles equipped with a passenger side air bag, due to the deployment force of the air bag. However, even if the air bag is shut off or there is no air bag, the back seat is the safest place for children to ride. Under no circumstances should a parent place a rear-facing infant seat in front of an air bag. It is estimated that children ages 12 and under are 36 percent less likely to die in a crash if seated in the rear seat of a passenger vehicle.

Child passenger safety professionals, educators, emergency personnel and others need to be adequately trained on all aspects of child restraint use in order to help reduce the problems of misuse and encourage the safest seating positions for children riding in motor vehicles. With these concerns in mind, the Transportation Equity Act for the 21st Century (TEA–21), which the President signed into law on June 9, 1998, established a new grant program under Section 2003(b) of Title 23, United States Code, to promote child passenger protection education and training.

New Grants for Child Passenger Protection

Section 2003 (b) provides Federal funds to States for activities that are designed to prevent deaths and injuries to children; educate the public concerning the design, selection, placement, and installation of child restraints; and train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use. A State may expend the funds itself or elect to distribute some or all of the funds to carry out the public education and training activities as grants to political subdivisions of the State or appropriate private entities. States are encouraged to direct funds obtained through this grant program to organizations that can deliver training and education to ensure positive impact in minority and low income communities where lack of child passenger protection is especially severe. Section 2003(b) provides that the Federal share of the cost of a program carried out with the grant funds is not to exceed 80 percent. A State that receives a grant must submit a report describing the program activities carried out with the funds.

Application Procedures

A. Use of Funds

To be eligible for funding under Section 2003(b), a State must submit an application that addresses how the State will implement child passenger protection programs that meet each of the three requirements listed below. For the education and training components, the grant application must identify expected program accomplishments, such as the estimated number of public education messages to be distributed (e.g. public service announcements or printed materials) and the type of audience to be targeted by these messages (e.g. minority or low-income communities); the estimated number of and type of training classes conducted; the number of child safety seat clinics or check-ups performed; and the number of fitting stations established.

Specifically, the State must implement a child passenger protection program that:

1. Is designed to prevent deaths and injuries to children. The State should provide a statement describing how their program supports efforts to prevent deaths and injuries to children.

2. Educates the public on all aspects of child passenger safety. The public education program may include strategies to increase child restraint use for children up to age 16, increase use among targeted populations (e.g., minority, rural, low-income, or special needs populations), or develop and implement child safety seat clinics and/or permanent locations where consumer's can have child safety seats and booster seats inspected. Additional information under public education may be included relevant to proper use of child restraint systems, booster seats and FMVSS 225, the Universal Child Safety Seat System (UCSSS).

At a minimum, the public education program must:

(a) Provide a summary of the information that the State intends to include or develop in the public education program. The information must address at least the following topics:

- All aspects of proper installation of child restraints using standard seat belt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques;
- Appropriate child restraint design, selection, and placement [NHTSA interprets this to include instruction about proper seating positions for children in air bag equipped vehicles]; and

• Harness threading and harness adjustment on child restraints.

(b) Include a description of the public education information methods that the State intends to employ, how these messages will be delivered to the target population, and expected accomplishments. The methods could include billboards, public service announcements, and published materials. It is also important to deliver this information in the language of the targeted group.

3. Trains and retrains child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use. At a minimum, States should include in the application a description of or reference to the curricula that the State will use to train and retrain child passenger safety experts to reach the targeted population and expected accomplishments.

All persons selected for training and retraining as child passenger safety professionals should achieve and maintain at least some minimum standards of expertise. In collaboration with several partners, NHTSA has developed several model curricula including: "Mobilizing America to Buckle Up Children" and "Operation Kids" for law enforcement officers; and the "Standardized Child Passenger Safety Training Program" for child passenger safety professional candidates. States are not restricted to using only these curricula, but States are encouraged to incorporate the learning objectives of these courses into the training and retraining provided to child passenger safety experts. Funding for this grant program is intended to help States develop and sustain adequate cadres of persons with technical expertise in child passenger protection who will directly serve the public through child safety seat clinics, checkpoints, workshops, fitting stations and other training and educational opportunities.

B. Certification

The State must submit certifications that: (i) It will use the funds awarded under this grant program exclusively to implement a child passenger protection program in accordance with the requirements of 23 U.S.C. 2003(b); (ii) It will administer the funds in accordance with 49 CFR Part 18 and OMB Circular A–87; and (iii) It will provide to the NHTSA Regional Administrator no later than 15 months after the grant award a report of activities carried out with grant funds and accomplishments to date.

C. Eligibility Requirements

Eligibility is limited to the 50 States, the District of Columbia, Puerto Rico, the U.S. Territories (which include the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands) through their Governor's Office of Highway Safety, and Indian Tribes through the Secretary of the Interior.

Award Procedures

The authorization for this program is $7,500,000 for each fiscal year of 2000 and 2001, and is subject to appropriations. (Separate applications must be submitted for each fiscal year.) Awards to applicants meeting the requirements of this notice will be made based upon the formula used for Section 402 apportionment, subject to the availability of funds. The amount awarded to each State qualifying under this program shall be determined by multiplying the amount appropriated for this grant program for the fiscal year by the ratio that the amount of funds apportioned to each such State under 23 U.S.C. 402 for the fiscal year bears to the total amount of funds apportioned to all such States under Section 402 for such fiscal year. Applicants will be required to submit to NHTSA within 30 days of notification that an award is made, a program cost summary (HS Form 217) obligating the Section 2003(b) funds to child passenger protection education programs. The Federal funding share may not exceed 80% of the program cost, and States should clearly identify their share in the program cost summary (HS Form 217).

Each State must submit one original and two copies of the application package to the appropriate NHTSA Regional Administrator. Only complete application packages submitted by a Governor's Highway Safety Representative and received on or before December 15, 1999 will be considered for funding in fiscal year 2000. The agency will publish a future notice covering grant funds for fiscal year 2001.

NHTSA Publications Available To Support Public Education

A number of NHTSA publications are available through the *Traffic Safety Materials Catalog* that address child passenger safety program topics. The *Are You Using It Right?* brochure illustrates a number of errors and the correct method of installing and using child passenger safety seats. *Parents' Guide to Booster Seats* illustrates the proper way to use different types of booster seats and includes information about purchasing and installing booster seats. Nine of fourteen "tips" in *Child Transportation Safety Tips* address child passenger safety issues including proper installation, appropriate child restraint design, selection, and placement, harness threading and harness adjustment, and proper seating positions for children in air bag equipped vehicles. *Child Transportation Safety Tips* is available in English, Spanish, Chinese, French, Russian, Haitian Creole, Portuguese and Vietnamese. These materials may be ordered from the NHTSA web site at >HTTP://WWW.NHTSA.DOT.GOV< or contacting the Media and Marketing Division, NTS–21 by fax at (202) 493–2062.

Issued on: September 15, 1999.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 99–24375 Filed 9–17–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub–No. 140)]

Union Pacific Railroad Company—Abandonment—In Lancaster and Gage Counties, NE, and Marshall County, KS

On August 31, 1999, Union Pacific Railroad Company (UP) filed an application with the Surface Transportation Board (Board) for permission to abandon a 57.72-mile line known as the Beatrice Branch extending from milepost 66 near Jamaica, NE, to milepost 125 near Marietta, KS, in Lancaster and Gage Counties, NE, and Marshall County, KS.[1] The information contained in the application is bifurcated into two segments—the 29-mile northern segment between milepost 66 and milepost 95 north of Beatrice, and the 28.72-mile southern segment between mileposts 95 and 125.[2] The line includes the following stations in Nebraska: Aldo Jct., milepost 69.8; Princeton, milepost 74.7; Cortland, milepost 79.5; Pickrell, milepost 88.9; Beatrice, milepost 96.8; Holmesville, milepost 105.7; Blue Springs, milepost 110.3; and Barneston, milepost 118; and

[1] The track mileage is 1.28 miles less than the milepost differential because a track relocation on the line between Beatrice and Holmesville, NE, created a milepost discontinuity. (Milepost 101.72 now coincides with milepost 103.)

[2] UP states that the bifurcated information is based on the different origins for the service and the absence of any traffic projected for the northern segment. It did not provide bifurcated cost data for the base year.

traverses United States Postal Service ZIP Codes 68404, 68331, 68422, 68310, 68374, 68318, 68309, and 66518.

In a decision served July 29, 1999, UP was granted a waiver of the requirements of 49 CFR 1152.22(c)–(d) to the extent those provisions require submission of revenue, cost, and service data relating to overhead or bridge traffic on the line.

The line does not contain federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it. UP's entire case for abandonment was filed with the application.

This line of railroad has been included in UP's system diagram map in category 1 since April 1, 1999.

The interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any interested person may file with the Board written comments concerning the proposed abandonment, or a protest (including the protestant's entire opposition case), by October 15, 1999. All interested persons should be aware that following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (49 CFR 1152.28) or for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by October 15, 1999. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27). UP's reply to any opposition statements and its response to trail use requests must be filed by November 1, 1999. *See* 49 CFR 1152.26(a).

Persons opposing the proposed abandonment who wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses containing detailed evidence should file comments. Persons interested only in seeking public use or trail use conditions should also file comments.

In addition, a commenting party or protestant may provide:

(i) An offer of financial assistance (OFA) for continued rail service under 49 U.S.C. 10904 (due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner);

(ii) Recommended provisions for protection of the interests of employees;

(iii) A request for a public use condition under 49 U.S.C. 10905; and

(iv) A statement pertaining to prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29.

All filings in response to this notice must refer to STB Docket No. AB–33 (Sub-No. 140) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001; and (2) Joseph D. Anthofer, 1416 Dodge Street, Omaha, NE 68179. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

The line sought to be abandoned will be available for subsidy or sale for continued rail use if the Board decides to permit the abandonment in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). Each OFA must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise agreed by the parties (49 U.S.C. 10904(f)(4)(B)). UP will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. UP's representative to whom inquiries may be made concerning sale or subsidy terms is set forth above.

Persons seeking further information concerning the abandonment procedures may contact the Board's Office of Congressional and Public Services at (202) 565–1592 or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at (202) 565–1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service date. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

By the Board, David M. Konschnik, Director, Office of Proceedings.

Decided: September 9, 1999.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24081 Filed 9–17–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 10, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 20, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0295.

Notice Number: Notice 210.

Type of Review: Extension.

Title: Preparation Instructions for Media Labels.

Description: Notice 210, Preparation Instructions for Media Labels, instructs the filers on how to prepare their own pressure sensitive label. This label must be attached to each and every piece of magnetic media to identify specific items needed so that the media can be processed by the Internal Revenue Service.

Respondents: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents: 150,000.

Estimated Burden Hours Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 12,765 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–24459 Filed 9–17–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request For 941 TeleFile

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning 941 TeleFile, Employer's Quarterly Federal Tax Return.

DATES: Written comments should be received on or before November 19, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Employer's Quarterly Federal Tax Return.

OMB Number: 1545–1509.

Form Number: 941 TeleFile.

Abstract: 941 TeleFile is used by employers to report by telephone payments made to employees subject to income and social security/Medicare taxes and the amounts of these taxes. It may be used instead of filing Form 941.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, and state, local, or tribal governments.

Estimated Number of Responses: 920,000.

Estimated Time Per Response: 5 hours, 53 minutes.

Estimated Total Annual Burden Hours: 5,418,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 9, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–24310 Filed 9–17–99; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–55–93]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking and temporary regulation, PS–55–93 (TD 8528), Certain Elections For Intangible Property (§ 1.197–1T).

DATES: Written comments should be received on or before November 19, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Certain Elections For Intangible Property.

OMB Number: 1545–1425.

Regulation Project Number: PS–55–93.

Abstract: These regulations provide procedures for taxpayers to make elections regarding the amortization and depreciation of certain intangible property pursuant to sections 197 and 167(f) of the Internal Revenue Code. The information will be used to verify that a taxpayer is properly reporting its amortization and income taxes.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and

tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 10, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–24311 Filed 9–17–99; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209828–96]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Currently, the IRS is soliciting comments concerning an existing final regulation, REG–209828–96 (TD 8758), Nuclear Decommissioning Funds; Revised Schedules of Ruling Amounts (§ 1.468A–3).

DATES: Written comments should be received on or before November 19, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Nuclear Decommissioning Funds; Revised Schedules of Ruling Amounts.

OMB Number: 1545–1511.

Regulation Project Number: REG–209828–96.

Abstract: This regulation relates to requests for revised schedules of ruling amounts for nuclear decommissioning reserve funds under section 468A(d) of the Internal Revenue Code. The regulation eases the burden on affected taxpayers by permitting electing taxpayers with qualifying interests in nuclear power plants to adjust their ruling amounts under a formula or method rather than by filing a request for a revised schedule of ruling amounts.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Time Per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 10, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–24312 Filed 9–17–99; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0121]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the insured's eligibility for continued disability insurance benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 19, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0121" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501—3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Obtaining Supplemental Information from Hospital or Doctor, VA FL 29–551b.

OMB Control Number: 2900–0121.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: This form letter is used to request medical evidence from an insured's attending physician or hospital in connection with continuing disability insurance benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 61 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 244.

Dated: August 12, 1999.

By direction of the Secretary.

Sandra McIntyre,

Management and Program Analyst, Information Management Service.

[FR Doc. 99–24395 Filed 9–17–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0131]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine eligibility to reinstate government life insurance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 19, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0131" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Supplemental Information on Medical and Nonmedical Application, VA Form 29–615.

OMB Control Number: 2900–0131.

Type of Review: Extension of a currently approved collection.

Abstract: The form letter is used by the policyholder to apply for new issue, reinstatement or change of plan on Government Life Insurance.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,000 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 9,000.

Dated: August 12, 1999.

By direction of the Secretary.

Sandra McIntyre,

Management and Program Analyst, Information Management Service.

[FR Doc. 99–24396 Filed 9–17–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0139]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine eligibility to reinstate government life insurance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 19, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0139" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: NOTICE—PAYMENT NOT APPLIED, VA Form 29–4499A.

OMB Control Number: 2900–0139.

Type of Review: Extension of a currently approved collection.

Abstract: This notice solicits comments for information needed to determine eligibility to reinstate government life insurance.

Affected Public: Individuals or households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 1,200.

Dated: August 5, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director Information Management Service.

[FR Doc. 99–24397 Filed 9–17–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0205]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to evaluate applicant's education, professional experience and credentials to determine suitability and grade level.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 19, 1999.

ADDRESSES: Submit written comments on the collection of information to Ann W. Bickoff, Veterans Health Administration (193B1), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0205" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann W. Bickoff at (202) 273–8310 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501—3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Form Numbers and Titles

a. VA Form 10–2850, Application for Physicians, Dentists, Podiatrists and Optometrists.
b. VA Form 10–2850a, Application for Nurses and Nurse Anesthetists.
c. VA Form 10–2850b, Application for Residents.
d. VA Form 10–2850c, Application for Associated Health Occupations.
e. VA Form FL 10–341a, Appraisal of Applicant.

OMB Control Number: 2900–0205.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA Forms 10–2850 and 10–2850a through c are applications designed specifically to elicit appropriate information about each candidate's qualifications for employment with VA. VHA officials use the information to evaluate education, professional experience and credentials and to determine suitability and grade level of applications of physicians, dentists, podiatrists, optometrists, nurses and nurse anesthetists, residents, and associated health occupations, and appraisal of applicants. The forms require disclosure of details about all licenses ever held, Drug Enforcement Administration certification, board certification, clinical privileges, revoked certification or registrations, liability insurance history, and involvement in malpractice proceedings. Form Letter 10–341a is a pre employment reference form used to elicit information concerning the prior education and/or performance of the Title 38 applicant.

Affected Public: Individuals or households, Business or other for-profit, Not-for-profit Institutions, Federal Government, State, Local or Tribal Government.

Estimated Annual Burden: 68,610 hours.

a. VA Form 10–2850, Application for Physicians, Dentists, Podiatrists and Optometrists—12,900 hours.
b. VA Form 10–2850a, Application for Nurses and Nurse Anesthetists—51,600 hours.
c. VA Form 10–2850b, Application for Residents—27,520 hours.
d. VA Form 10–2850c, Application for Associated Health Occupations—17,200 hours.
e. VA Form FL 10–341a, Appraisal of Applicant—42,000 hours.

Estimated Average Burden Per Respondent: 27 minutes.

a. VA Form 10–2850, Application for Physicians, Dentists, Podiatrists and Optometrists—30 minutes.
b. VA Form 10–2850a, Application for Nurses and Nurse Anesthetists—30 minutes.
c. VA Form 10–2850b, Application for Residents—30 minutes.

d. VA Form 10–2850c, Application for Associated Health Occupations—30 minutes.
e. VA Form FL 10–341a, Appraisal of Applicant—20 minutes.
Frequency of Response: On occasion.
Estimated Number of Respondents: 151,220.
a. VA Form 10–2850, Application for Physicians, Dentists, Podiatrists and Optometrists—6,450.
b. VA Form 10–2850a, Application for Nurses and Nurse Anesthetists—25,800.
c. VA Form 10–2850b, Application for Residents—13,760.
d. VA Form 10–2850c, Application for Associated Health Occupations—8,600.
e. VA Form FL 10–341a, Appraisal of Applicant—14,000.

Dated: August 13, 1999.

By direction of the Secretary

Barbara Epps,

Management Analyst Information Management Service.

[FR Doc. 99–24398 Filed 9–17–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0368]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the correct rate of subsistence allowance payable to a trainee in an established, approved on-the-job training or apprenticeship program. The form also assists a VA case manager determine if veteran is receiving wage increases and informs case manager of difficulties in training.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 19, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0368" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Monthly Statement of Wages Paid to Trainee, VA Form 28–1917.

OMB Control Number: 2900–0368.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: This notice solicits comments for information needed to determine the correct rate of subsistence allowance payable to a trainee in an established, approved on-the-job training or apprenticeship program. The form also assists a VA case manager determine if veteran is receiving wage increases and informs case manager of difficulties in training.

Affected Public: Business or other for-profit, Individuals or households, Not-for-profit Institutions.

Estimated Annual Burden: 1,800 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 3,600.

Dated: August 5, 1999

By direction of the Secretary.

Donald L. Neilson,

Director Information Management Service.

[FR Doc. 99–24399 Filed 9–17–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0003]

Agency Information Collection: Emergency Submission for OMB Review; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following emergency proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 3507(j)(1)). The reason for the emergency clearance request is that the ongoing survey is essential to VA's mission. Disruption of the collection of information will harm VBA's efforts to carry out VA's mission. OMB has been requested to act on this emergency clearance request by September 30, 1999.

DATES: Comments must be submitted on or before September 23, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0003."

SUPPLEMENTARY INFORMATION:

Title: Application for Burial Benefits, VA Form 21–530.

OMB Control Number: 2900–0003.

Type of Review: Reinstatement, without change, for a previously approved collection for which approval has expired.

Abstract: The form is used to apply for burial benefits, including transportation expenses. The information is used by VBA to determine if the deceased veteran had appropriate service and/or disability and that the applicant has made

payment for burial or has contracted to make appropriate payment.

Affected Public: Individuals or households and Business or other for-profit.

Estimated Annual Burden: 100,000 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: One time for most beneficiaries.

Estimated Number of Respondents: 300,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to "OMB Control No. 2900–0003" in any correspondence.

By direction of the Secretary.

Dated: September 1, 1999.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–24391 Filed 9–17–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0028]

Agency Information Collection: Emergency Submission for OMB Review; Comment Request

AGENCY: Office of Information and Technology, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Information and Technology (IT), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following emergency proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 3507(j)(1)). The reason for the emergency clearance request is that the ongoing survey is essential to VA's mission. Disruption of the collection of information will harm IT's efforts to carry out VA's mission. OMB has been requested to act on this emergency clearance request by September 30, 1999.

DATES: Comments must be submitted on or before September 23, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0028."

SUPPLEMENTARY INFORMATION:

Title: Application of Service Representative for Placement on Mailing List, VA Form 3215.

OMB Control Number: 2900–0028.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA operates an outreach services program to ensure veterans and beneficiaries have information about benefits and services to which they may be entitled. To support the program, VA distributes copies of publications to veterans service organizations representatives. The information collected on VA Form 3215 is used to process a request from a service organization to be placed on the mailing list for specific VA publications.

Affected Public: Individuals or households.

Estimated Annual Burden: 25 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 150.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to "OMB Control No. 2900–0028" in any correspondence.

Dated: September 1, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–24392 Filed 9–17–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0049]

Agency Information Collection: Emergency Submission for OMB Review; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following emergency proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 3507(j)(1)). The reason for the emergency clearance request is that the ongoing survey is essential to VA's mission. Disruption of the collection of information will harm VBA's efforts to carry out VA's mission. OMB has been requested to act on this emergency clearance request by September 30, 1999.

DATES: Comments must be submitted on or before September 23, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0049."

SUPPLEMENTARY INFORMATION:

Title: Request for Approval of School Attendance, VA Forms 21–674 and 674c.

OMB Control Number: 2900–0049.

Type of Review: Extension of a currently approved collection.

Abstract: The VA Forms 21–674 and 29–674c are used to gather information necessary to determine entitlement to compensation and benefits for a child between the ages of 18 and 23 who is attending school.

Affected Public: Individuals or Households.

Estimated Annual Burden: 34,500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 138,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to "OMB Control No. 2900–0049" in any correspondence.

Dated: September 1, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–24393 Filed 9–17–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0061]

Agency Information Collection: Emergency Submission for OMB Review; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following emergency proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 3507(j)(1)). The reason for the emergency clearance request is that the ongoing survey is essential to VA's mission. Disruption of the collection of information will harm VBA's efforts to carry out VA's mission. OMB has been requested to act on this emergency clearance request by September 30, 1999.

DATES: Comments must be submitted on or before September 23, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0061."

SUPPLEMENTARY INFORMATION:

Title: Request for Supplies, VA Form 28–1905m.

OMB Control Number: 2900–0061.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: The data collected is used to ascertain that the veteran needs the requested supplies, that the supplies are reasonable for the veteran's program, and that the veteran does not already own the supplies.

Affected Public: Individuals or households, Not-for-profit institutions, Business or other for-profit, Farms.

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden Per Respondent: 60 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 1,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to "OMB Control No. 2900–0061" in any correspondence.

Dated: September 1, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–24394 Filed 9–17–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research and Development Cooperative Studies Evaluation Committee Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federal Advisory Committee Act) as amended, by section 5(c) of Public Law 94–409, that a meeting of the Research and Development Cooperative Studies Evaluation Committee will be held at the Hilton Alexandria Mark Center, 5000 Seminary Road, Alexandria, VA 22311, October 7, 1999. The session is scheduled to begin at 7:30 a.m. and end at 5:00 p.m. The meeting will be for the purpose of reviewing the following two new proposals: Cost and Outcome of Varying Primary Care Revisit Intervals and Effects of Treatment of Sleep Apnea with Oxygen on Hospitalization and Survival of Patients with Stable Heart Failure. The committee will also review the resubmission of two cooperative trials: A Randomized Prospective Comparison of Bilateral Subthalamic Nucleus Stimulation to a Staged Pallidal Procedure for Patients with Refractory Parkinson's Disease and Homycystinemia in Kidney and End Stage Renal Disease.

The Committee advises the Chief Research and Development Officer through the Chief of the Cooperative Studies Program on the relevance and feasibility of the studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects.

The meeting will be open to the public from 7:30 a.m. to 8:00 a.m. to discuss the general status of the program. Those who plan to attend should contact Dr. Ping Huang, Coordinator, Research and Development Cooperative Studies Evaluation Committee, Department of Veterans Affairs, Washington, DC, (202.273.8295) prior to October 1, 1999.

The meeting will be closed from 8:00 a.m. to 5:00 p.m. This portion of the meeting involves consideration of specific proposals in accordance with provisions set forth in section 10(d) of Public Law. 92–463, as amended by section 5(c) of Public Law 94–409, and 5 U.S.C. 552b(c)(6). During the closed session of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research protocols, and similar documents, and the medical records of patients who are study subjects, the disclosures of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: September 8, 1999.

By Direction of the Secretary.

Martin R. Eason,

Committee Management Officer.

[FR Doc. 99–24400 Filed 9–17–99; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 64, No. ?
day, August ?, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

48 CFR Part 237

[DFARS Case 98-D312]

Defense Federal Acquisition Regulation Supplement; Improved Accounting for Defense Contract Services

Correction

In rule document 99–18588 beginning on page 39430 in the issue of Thursday, July 22, 1999, make the following correction(s):

§ 237.201 [Corrected]

On page 39430, in the third column, under the authority citation for part 237, the amendatory instruction was omitted and should be added to read:

"2. Section 237.201 is revised to read as follows:".

[FR Doc. C9–18588 Filed 9–17–99; 8:45 am]

BILLING CODE 1505–01–D

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150-AG17

List of Approved Spent Fuel Storage Casks: (HI-STAR 100) Addition

Correction

In rule document 99–23075 beginning on page 48259 in the issue of Friday, September 3, 1999, make the following correction:

§ 72.214 [Corrected]

On page 48274, in the first column, under § 72.214, in the sixth line "(20 years after final rule effective date)" should read "September 20, 2019".

[FR Doc. C9–23075 Filed 9–17–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ANM-99-1]

Improving Flightcrew Awareness During Autopilot Operation

Correction

In notice document 99–23394 beginning on page 49043 in the issue of Thursday, September 9, 1999, make the following corrections:

1. On page 49044, in the second column, in the 29th line, "conditions" should read "documents".

2. On page 49045, in the first column, in the 28th line, "practices" should read "practiced".

3. On the same page, in the third column, 11 lines from the bottom, "requirement" should read "requirements".

4. On page 49046, in the third column, under the subheading "6. Engagement", in the third line, "models" should read "mode".

5. On the same page, in the same column, in section 7.a.(5), after "engagement" add "with".

[FR Doc. C9–23394 Filed 9–17–99; 8:45 am]

BILLING CODE 1505–01–D

federal register

Monday
September 20, 1999

Part II

Department of Health and Human Services

Health Resources and Services Administration

Lists of Designated Primary Medical Care, Mental Health, and Dental Health Professional Shortage Areas; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Lists of Designated Primary Medical Care, Mental Health, and Dental Health Professional Shortage Areas

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: This notice provides lists of all areas, population groups, and facilities designated as primary medical care, mental health, and dental health professional shortage areas (HPSAs) as of July 30, 1999. HPSAs are designated or withdrawn by the Secretary of Health and Human Services (HHS) under the authority of section 332 of the Public Health Service (PHS) Act.

FOR FURTHER INFORMATION CONTACT: Requests for further information on the HPSA designations listed below and requests for additional designations, withdrawals, or reinstatement of a withdrawn designation should be submitted to Jerilyn A. Thornburg, R.N., M.P.H., Director, Division of Shortage Designation, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East-West Highway, Bethesda, Maryland 20814 (301–594–0816).

SUPPLEMENTARY INFORMATION:

1. Background

Section 332 of the PHS Act,42 U.S.C. 254e, provides that the Secretary of HHS shall designate HPSAs based on criteria established by regulation. HPSAs are defined in section 332 to include (1) urban and rural geographic areas, (2) population groups, and (3) facilities with shortages of health professionals. Section 332 further requires that the Secretary annually publish a list of the designated geographic areas, population groups, and facilities. The list of HPSAs is to be reviewed at least annually and revised as necessary. The Health Resources and Services Administration's (HRSA) Bureau of Primary Health Care (BPHC) has the responsibility for designating and updating HPSAs.

Public or private nonprofit entities are eligible to apply for assignment of National Health Service Corps (NHSC) personnel to provide primary health services in or to these HPSAs. NHSC health professionals with a service obligation may serve only in federally designated HPSAs. Programs with clinical training sites located in HPSAs are eligible to receive priority for certain residency training program grants administered by HRSA's Bureau of Health Professions.

Several programs administered by the Health Care Financing

Administration also use the HPSA designation. Certain qualified providers in HPSAs are eligible for increased levels of Medicare and Medicaid reimbursement.

2. Development of the Designation and Withdrawal Lists

Criteria for designating HPSAs were published as final regulations (42 CFR Part 5) in 1980. Criteria were then defined for each of seven health professional types (primary medical care, dental, psychiatric, vision care, podiatric, pharmacy, and veterinary care). The criteria for correctional facility HPSAs were revised at 54 FR 8738 in 1989, and the criteria for psychiatric HPSAs were expanded to mental health HPSAs at 57 FR 2477 in 1992. The currently-funded PHS programs which use the HPSA designations involve only the primary medical care, mental health, or dental HPSAs.

Individual requests for designation or withdrawal of a particular area, population group, or a facility as a HPSA are received and reviewed continuously by the BPHC. The review process includes routine submission of such requests to the appropriate State Health Planning and Development Agency (SHPDA) and/or a unit of the State Health Department, the Governor, and other interested organizations and individuals for their comments and recommendations. Requests regarding primary medical care and mental health HPSAs are also submitted to the appropriate State medical society for comment, and dental HPSA requests are submitted to the appropriate State dental society.

Annually, lists of designated HPSAs are provided to all

SHPDAs and/or State health departments, State medical and dental societies and others, together with a request to review and update the data on which the designations are based. Emphasis is placed on updating those designations which are more than three years old or where significant changes relevant to the designation criteria have occurred.

Recommendations for possible additions, continuations, revisions or withdrawals from the HPSA list are reviewed by the BPHC, and the review findings are provided by letter to the agency or individual requesting action or providing data, with copies to other interested organizations and individuals. These letters constitute the official notice of designation as a HPSA, rejection of recommendations for HPSA designation, revision of a HPSA designation, and/or advance notice of pending withdrawals from the HPSA list. Designations (or revisions of designations) are effective as of the date of the notification letter from BPHC. Proposed withdrawals become effective only after interested parties in the area affected have been afforded the opportunity to submit additional information to the BPHC in support of its continued or revised designation. If no new data are submitted or if the BPHC review confirms the proposed withdrawal, it becomes effective upon publication in the **Federal Register** of a list of HPSAs that does not include the proposed withdrawals.

This notice contains three lists of designated HPSAs. Each list (primary medical care, mental health, and dental) includes all those areas, population groups, and facilities which were designated HPSAs as of July 30, 1999. This notice incorporates the most recent annual review of designated HPSAs and supersedes the HPSA list published in the **Federal Register** on May 30, 1997.

The lists below include 2,790 primary medical care, 653 mental health, and 1,157 dental HPSAs.

3. Format of Lists

Each list of designated HPSAs (primary medical care, mental health, and dental) is arranged by State. Within each State, the list is first presented by county. If only a portion (or portions) of a county is (are) designated, or if the county is part of a larger designated service area, or if a population group residing in the county or a facility located in the county has been designated, the name of the service area, population group, or facility involved is listed under the county name. Counties which have a geographic HPSA designation in addition to one or more facility designations within the county are indicated by a (g) following the county name.

Following the county listing, a list of any designated service areas is presented, identifying their component parts-counties, towns, townships, census tracts (CTs), minor civil divisions (MCDs), census county divisions (CCDs), block numbering areas (BNAs), or magisterial districts, as defined by the Bureau of the Census. Those counties (or parts of counties included in service areas) which are classified as nonmetropolitan are indicated by an asterisk (*). "Nonmetropolitan" refers to those counties not included in the definition

of metropolitan areas established by the Office of Management and Budget (OMB Bulletin 94–07 dated July 5, 1994).

Following the service area listing, a list of designated population groups (if any) is presented identifying each group and the geographic area wherein it resides. Following the population group listing, a list by name and location of any separately designated facilities (including prisons, correctional institutions, health centers, or hospitals) is presented.

In addition to the specific listings included in this notice, all Indian tribes which meet the definition of such tribes in the Indian Health Care Improvement Act of 1976, 25 U.S.C. 1603(d), are automatically designated as population groups with primary medical care and dental health professional shortages.

4. Future Updates of Lists of Designated HPSAs

The lists of HPSAs below consist of all those which were designated as of July 30, 1999. It should be noted that additional HPSAs may have been designated by letter since July 30. The appropriate agencies and individuals have been or will be notified of these actions by letter.

Any designated HPSA listed below is subject to withdrawal from designation if new information received and confirmed by HRSA indicates that the relevant data for the area involved have significantly changed since its designation or that incorrect or incomplete data were used in making the original designation.

All requests for new designations, updates, or withdrawals should be based on the relevant criteria in regulations published at 42 CFR Part 5 (1997).

(Authority: 42 U.S.C. 254e).

5. Electronic Access Address

Information on HPSAs is also available at http://www.bphc.hrsa.gov.

Dated: August 30, 1999.

Claude Earl Fox,

Administrator.

PRIMARY MEDICAL CARE: Alabama
County Listing

County Name
Autauga
Service Area: Autaugaville
Population Group: Low Inc—Montgomery/ Prattville
Baldwin
Service Area: Atmore/Century (AL/FL)
Population Group: Low Inc—Central/South Baldwin
*Barbour
Service Area: Clayton
Population Group: Low Inc—Eufaula

PRIMARY MEDICAL CARE: Alabama
County Listing

County Name
*Bibb
Blount
Bullock
Service Area: Bullock-Macon
Butler
Service Area: Butler/South Lowndes
*Chambers
Service Area: La Fayette
Population Group: Low Inc—Valley
*Cherokee
*Chilton
*Choctaw
*Clarke
Service Area: Coffeeville
Service Area: Grove Hill/Fulton
*Cleburne
*Coffee
Population Group: Low Inc—Coffee Co
Colbert
Service Area: Cherokee
*Conecuh
*Coosa
*Covington
Service Area: South Covington
Population Group: Low Inc—North Covington
*Crenshaw
*Cullman
Population Group: Low Inc—Cullman Co
Dale
Population Group: Low Inc—Dale Co
*Dallas
Population Group: Low Inc—Dallas
*De Kalb
Population Group: Low Inc—Dekalb
Elmore
*Escambia
Service Area: Atmore/Century (AL/FL)
Etowah
Population Group: Low Inc—Etowah Co
*Fayette
*Franklin
Population Group: Low Inc—Franklin
*Geneva
Greene
Service Area: Greene-Hale
Hale
Service Area: Greene-Hale
*Henry
*Jackson
Population Group: Low Inc—Jackson Co
Jefferson
Population Group: Low Inc—Central Birmingham
*Lamar
Lauderdale
Population Group: Low Inc—Lauderdale Co
Lawrence
*Lee
Population Group: Low Inc—Lee County
Limestone
Population Group: Low Inc—Limestone Co
*Lowndes
Service Area: Butler/South Lowndes
Service Area: North Lowndes
Macon
Service Area: Bullock-Macon
Madison
Population Group: Low Inc—C Huntsville
*Marion
Population Group: Low Inc—Marion Co

PRIMARY MEDICAL CARE: Alabama
County Listing

County Name
*Marshall
Population Group: Med Ind—Marshall Co
Mobile
Service Area: Bayou La Batre/Grand Bay
Service Area: North Mobile
Population Group: Low Inc—Nw Mobile
Population Group: Low Inc—Central Mobile/Prichard
Population Group: Low Inc—Se Mobile
*Monroe
Service Area: Atmore/Century (AL/FL)
Population Group: Low Inc—Monroeville
Montgomery
Population Group: Low Inc—Montgomery/ Prattville
Morgan
Population Group: Low Inc—Morgan Co
*Perry
*Pickens
*Randolph
Russell
Service Area: Cottonton/Hurtsboro
Shelby
St Clair
*Sumter
*Talladega
Population Group: Low Inc—Talladega Co
Facility: FCI Talladega
*Tallapoosa
Service Area: Camp Hill
Tuscaloosa
Population Group: Low Inc—Tuscaloosa Co
*Walker
Population Group: Low Inc—Walker Co
*Washington
*Wilcox
*Winston

PRIMARY MEDICAL CARE: Alabama
Service Area Listing

Service Area Name
Atmore/Century (AL/FL)
County—Baldwin
Parts:
C.T. 101
County—Escambia
Parts:
C.T. 9703–9707
County—Monroe
Parts:
C.T. 9862
Autaugaville
County—Autauga
Parts:
Autaugaville Division
Billingsley Division
Marbury Division
Bayou La Batre/Grand Bay
County—Mobile
Parts:
C.T. 65–67
C.T. 72.01–72.02
C.T. 73
Bullock-Macon
County—Bullock
County—Macon
Butler/South Lowndes
County—Butler
County—Lowndes
Parts:

PRIMARY MEDICAL CARE: Alabama
Service Area Listing

Service Area Name
Braggs-Prairie Hill Division
Fort Deposit Division
Camp Hill
County—Tallapoosa
Parts:
Camp Hill Division
Dadeville Division
Tallassee Division
Cherokee
County—Colbert
Parts:
Cherokee Division
Clayton
County—Barbour
Parts:
Clayton Division
Clio Division
Louisville Division
Coffeeville
County—Clarke
Parts:
Coffeeville Division
Cottonton/Hurtsboro
County—Russell
Parts:
Cottonton-Seale Division
Hurtsboro Division
Greene-Hale
County—Greene
County—Hale
Grove Hill/Fulton
County—Clarke
Parts:
Fulton CCD
Grove Hill CCD
La Fayette
County—Chambers
Parts:
Five Points Division
Lafayette Division
Milltown Division
North Lowndes
County—Lowndes
Parts:
Benton-Collirene Division
Hayneville Division
Lowndesboro Division
North Mobile
County—Mobile
Parts:
C.T. 58–60
South Covington
County—Covington
Parts:
Falco Division
Florala Division

PRIMARY MEDICAL CARE: Alabama
Population Group Listing

Population Group
Low Inc—C Huntsville
County—Madison
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3.01–3.02
C.T. 7.01–7.02
C.T. 8
C.T. 10–13
C.T. 15–16
C.T. 20–24

PRIMARY MEDICAL CARE: Alabama
Population Group Listing

Population Group
C.T. 25.01–25.02
Low Inc—Central Birmingham
County—Jefferson
Parts:
C.T. 3–5
C.T. 7–8
C.T. 11–12
C.T. 14–16
C.T. 19.02
C.T. 22
C.T. 23.03–23.04
C.T. 24
C.T. 27
C.T. 29
C.T. 30.01–30.02
C.T. 31–34
C.T. 39–40
C.T. 42
C.T. 45
C.T. 51.01
C.T. 55
Low Inc—Central Mobile/Prichard
County—Mobile
Parts:
C.T. 1–3
C.T. 4.01–4.02
C.T. 5–6
C.T. 7.01–7.02
C.T. 8
C.T. 12.01
C.T. 26
C.T. 38.01
C.T. 39.01
C.T. 40–48
Low Inc—Central/South Baldwin
County—Baldwin
Parts:
C.T. 102–106
C.T. 107.01–107.03
C.T. 108
C.T. 109.01–109.02
C.T. 110–111
C.T. 112.01–112.02
C.T. 113
C.T. 114.01–114.02
C.T. 115–116
Low Inc—Coffee Co
County—Coffee
Low Inc—Cullman Co
County—Cullman
Parts:
Low Income
Low Inc—Dale Co
County—Dale
Parts:
Low Income
Low Inc—Dallas
County—Dallas
Parts:
Low Inc
Low Inc—Dekalb
County—De Kalb
Parts:
Low Income
Low Inc—Etowah Co
County—Etowah
Parts:
Low Income
Low Inc—Eufaula
County—Barbour
Parts:
C.T. 9501

PRIMARY MEDICAL CARE: Alabama
Population Group Listing

Population Group
C.T. 9505–9509
Low Inc—Franklin
County—Franklin
Parts:
Low Income
Low Inc—Jackson Co
County—Jackson
Parts:
Low Inc—Jackson
Low Inc—Lauderdale Co
County—Lauderdale
Parts:
Low Inc
Low Inc—Lee County
County—Lee
Parts:
Low Income
Low Inc—Limestone Co
County—Limestone
Parts:
Low Income
Low Inc—Marion Co
County—Marion
Parts:
Low Income
Low Inc—Monroeville
County—Monroe
Parts:
Beatrice CCD
Frisco City CCD
Monroeville CCD
Peterman CCD
Vredenburgh CCD
Low Inc—Montgomery/Prattville
County—Autauga
Parts:
C.T. 201–208
County—Montgomery
Parts:
Low Income
Low Inc—Morgan Co
County—Morgan
Parts:
Low Income
Low Inc—North Covington
County—Covington
Parts:
Andalusia Division
Opp Division
Rosehill-Gantt Division
Low Inc—Nw Mobile
County—Mobile
Parts:
C.T. 34.01–34.02
C.T. 49–50
C.T. 61.03
C.T. 161.03
Low Inc—Se Mobile
County—Mobile
Parts:
C.T 10.01
C.T9.02
C.T. 9.01
C.T. 10.02
C.T. 11
C.T. 13.01–13.02
C.T. 14
C.T. 15.01–15.02
C.T. 16
C.T. 21–22
C.T. 23.01–23.02
C.T. 24

PRIMARY MEDICAL CARE: Alabama
Population Group Listing

Population Group

C.T. 25.01–25.02
C.T. 27–29
Low Inc—Talladega Co
County—Talladega
Parts:
Low Income
Low Inc—Tuscaloosa Co
County—Tuscaloosa
Parts:
Low Income
Low Inc—Valley
County—Chambers
Parts:
Lanett CCD
Langdale CCD
Low Inc—Walker Co
County—Walker
Parts:
Low Inc—Walker
Med Ind—Marshall Co
County—Marshall
Parts:
Medically Indigent

PRIMARY MEDICAL CARE: Alabama
Facility Listing

Facility Name

FCI Talladega
County—Talladega

PRIMARY MEDICAL CARE: Alaska
Census Area Listing

Census Area Name

*Aleutians East Borough
*Aleutians West Borough
Anchorage Borough
Population Group: Low Inc—N. Anchorage City
*Bethel Area
*Bristol Bay Borough
*Denali Borough
*Fairbanks North Star Boro
Population Group: Low Inc—Fairbanks North Star Boro
*Lake And Peninsula Borough
*Nome Area
Service Area: Norton Sound
*North Slope Borough
*Prince Of Wales-Outer Ket
*Skagway-Hoonah-Angoon Borough
*Southeast Fairbanks
*Wade Hampton Borough
*Yakutat Borough
*Yukon-Koyukuk

PRIMARY MEDICAL CARE: Alaska
Service Area Listing

Service Area Name

Norton Sound
Census Area—Nome Area
Parts:
C.T. 9510

PRIMARY MEDICAL CARE: Alaska
Population Group Listing

Population Group

Low Inc—Fairbanks North Star Boro
Census Area—Fairbanks North Star Boro
Parts:
Low Income
Low Inc—N. Anchorage City
Census Area—Anchorage Borough
Parts:
Ct 10
Ct 11
Ct 14
Ct 15
Ct 16
Ct 19
Ct 20
Ct 21
Ct 22.02
Ct 5
Ct 6
Ct 7.01
Ct 7.02
Ct 7.03
Ct 8.01
Ct 8.02
Ct 9.01
Ct 9.02

PRIMARY MEDICAL CARE: Arizona
County Listing

County Name

*Apache
Service Area: Ganado
Service Area: Sanders
Service Area: Tsaile
Population Group: Low Inc—St Johns/Springerville
*Cochise
Service Area: Elfrida
Service Area: Tombstone
Population Group: Low Inc—Bowie/Wilcox
Population Group: Low Inc—Douglas
Population Group: Low Inc—Bisbee
*Coconino
Service Area: Kanab/Fredonia (UT/AZ)
Service Area: Page/Tuba City
*Gila
Service Area: Young
*La Paz
Population Group: Low Inc—LA Paz
Maricopa
Service Area: Gila Bend
Service Area: Guadalupe
Service Area: Wickenburg
Population Group: El Mirage- Low Inc/MFW
Population Group: Low Inc—Avondale/Tolleson
Population Group: Low Inc—South Mountain
Population Group: Low Inc—South Central Phoenix
Facility: FCI Phoenix
Facility: Maricopa Co Jails
Mohave
Service Area: Dolan Springs
Service Area: Hurricane/Mohave North (UT/AZ)
Service Area: Needles/Topock (CA/AZ)
*Navajo
Service Area: Heber/Overgaard
Service Area: Hopi
Population Group: Low Inc—Holbrook
Population Group: Low Inc—Winslow
Pima
Service Area: Arivaca
Service Area: Continental
Population Group: Low Inc—Ajo
Population Group: Low Inc—Marana
Population Group: Low Inc—South Tucson
Population Group: Med Ind—Catalina
Facility: Child. Rehab. Cl—PC Clinic
Facility: FCI Tucson
Facility: Pima Co Adult Detention Ctr
Pinal
Service Area: San Pedro Valley
Population Group: Low Inc—Superior
Population Group: Low Inc/MFW—Central/West Pinal
Facility: INS Med Fac—Florence
*Santa Cruz
*Yavapai
Service Area: Ash Fork
Service Area: Cordes Junction
Yuma
Service Area: Somerton
Service Area: Wellton/Mohawk

PRIMARY MEDICAL CARE: Arizona
Service Area Listing

Service Area Name

Arivaca
County—Pima
Parts:
C.T. 43.05
Ash Fork
County—Yavapai
Parts:
C.T. 1
Continental
County—Pima
Parts:
C.T. 41.02
Cordes Junction
County—Yavapai
Parts:
C.T. 15
Dolan Springs
County—Mohave
Parts:
C.T. 9502
C.T. 9504–9505
Elfrida
County—Cochise
Parts:
Elfrida Division
Ganado
County—Apache
Parts:
C.T. 9776–9778
Gila Bend
County—Maricopa
Parts:
C.T. 7233
Guadalupe
County—Maricopa
Parts:
C.T. 3200.02
Heber/Overgaard
County—Navajo
Parts:
C.T. 9607
Hopi
County—Navajo
Parts:
C.T. 9650–9653

PRIMARY MEDICAL CARE: Arizona
Service Area Listing

Service Area Name

C.T. 9674
C.T. 9676
Hurricane/Mohave North (UT/AZ)
County—Mohave
Parts:
Mohave North Division
Kanab/Fredonia (UT/AZ)
County—Coconino
Parts:
Kaibab Division
Needles/Topock (CA/AZ)
County—Mohave
Parts:
C.T. 9521
Page/Tuba City
County—Coconino
Parts:
C.T. 21–25
San Pedro Valley
County—Pinal
Parts:
San Manuel Division
Sanders
County—Apache
Parts:
C.T. 9701
Somerton
County—Yuma
Parts:
C.T. 114–116
Tombstone
County—Cochise
Parts:
C.T. 4
Tsaile
County—Apache
Parts:
C.T. 9772–9775
Wellton/Mohawk
County—Yuma
Parts:
Wellton Division
Wickenburg
County—Maricopa
Parts:
C.T. 405.02
C.T. 405.09
Young
County—Gila
Parts:
C.T. 9806–9807

PRIMARY MEDICAL CARE: Arizona
Population Group Listing

Population Group

El Mirage—Low Inc/MFW
County—Maricopa
Parts:
C.T. 608–609
C.T. 610.06–610.08
Low Inc—Ajo
County—Pima
Parts:
C.T. 49–50
Low Inc—Avondale/Tolleson
County—Maricopa
Parts:
C.T. 610.03–610.05
C.T. 612–614
C.T. 821
C.T. 822.01–822.02

PRIMARY MEDICAL CARE: Arizona
Population Group Listing

Population Group

Low Inc—Bisbee
County—Cochise
Parts:
C.T. 10–12
C.T. 19–21
Low Inc—Bowie/Wilcox
County—Cochise
Parts:
C.T. 1–2
Low Inc—Douglas
County—Cochise
Parts:
Douglas Div
Low Inc—Holbrook
County—Navajo
Parts:
Ct 9603
Ct 9601
Ct 9602
Low Inc—LA Paz
County—La Paz
Parts:
Ct 201
Ct 202
Ct 203
Ct 204
Ct 205
Ct 206
Low Inc—Marana
County—Pima
Parts:
C.T. 44.08–44.09
Low Inc—South Central Phoenix
County—Maricopa
Parts:
C.T. 1115–1124
C.T. 1126–1151
Low Inc—South Mountain
County—Maricopa
Parts:
C.T. 1152–1161
C.T. 1162.02–1162.04
C.T. 1163–1165
C.T. 1166.01–1166.02
C.T. 1167.02–1167.04
Low Inc—South Tucson
County—Pima
Parts:
C.T. 1–12
C.T. 13.01–13.02
C.T. 14
C.T. 20–24
C.T. 25.01–25.02
C.T. 37.01–37.03
C.T. 38–39
C.T. 41.03–41.04
C.T. 43.01
C.T. 43.09
Low Inc—St Johns/Springerville
County—Apache
Parts:
C.T. 9702–9705
Low Inc—Superior
County—Pinal
Parts:
Census Tract 2.00
Census Tract 4.00
Low Inc—Winslow
County—Navajo
Parts:
C.T. 9604–9606
Low Inc/MFW—Central/West Pinal

PRIMARY MEDICAL CARE: Arizona
Population Group Listing

Population Group

County—Pinal
Parts:
C.T. 8–17
C.T. 19–21
Med Ind—Catalina
County—Pima
Parts:
C.T. 47.07

PRIMARY MEDICAL CARE: Arizona
Facility Listing

Facility Name

Child. Rehab. Cl—PC Clinic
County—Pima
FCI Phoenix
County—Maricopa
FCI Tucson
County—Pima
INS Med Fac—Florence
County—Pinal
Maricopa Co Jails
County—Maricopa
Pima Co Adult Detention Ctr
County—Pima

PRIMARY MEDICAL CARE: Arkansas
County Listing

County Name

*Arkansas
Service Area: Dewitt
*Ashley
Service Area: Portland/Wilmot
*Boone
Service Area: Lead Hill
*Bradley
Service Area: Hermitage
*Calhoun
*Chicot
Population Group: Low Inc—Eudora/Lake Village
Population Group: Low Income—Dermott/Mcgehee
*Clay
*Cleburne
*Cleveland
Crawford
Service Area: Mountainburg
Crittenden
*Cross
*Dallas
Service Area: Bearden
Service Area: Carthage
Service Area: Sparkman
*Desha
Service Area: Snow Lake
Population Group: Low Income—Dermott/Mcgehee
*Drew
Population Group: Low Income—Dermott/Mcgehee
Faulkner
Service Area: California
*Franklin
Population Group: Low Inc—Franklin Co
*Fulton
Service Area: Mammoth Spring
*Grant
*Howard
Service Area: Umpire
Jefferson

PRIMARY MEDICAL CARE: Arkansas
County Listing

County Name

Service Area: Altheimer
Service Area: Central Pine Bluff
Service Area: North Pine Bluff
Service Area: Redfield
Service Area: Richland
*Johnson
Service Area: Oark
*Lafayette
*Lawrence
*Lincoln
*Logan
Lonoke
*Madison
*Marion
Service Area: Lead Hill
*Monroe
*Montgomery
*Nevada
*Newton
*Ouachita
Service Area: Bearden
Service Area: Reader
Service Area: Stephens
*Perry
*Phillips
*Poinsett
Service Area: Harrisburg
Population Group: Low Inc—Marked Tree
*Polk
Service Area: Grannis/Wickes
*Pope
Service Area: Hector
*Prairie
Pulaski
Service Area: College Station
Service Area: East Little Rock
*Randolph
*Scott
*Searcy
*St Francis
*Stone
*Union
Service Area: Strong
*Van Buren
Washington
Service Area: West Washington
*Woodruff
*Yell
Service Area: Havana

PRIMARY MEDICAL CARE: Arkansas
Service Area Listing

Service Area Name

Altheimer
County—Jefferson
Parts:
C.T. 1.85
C.T. 7
Bearden
County—Dallas
Parts:
Holly Springs Twp
County—Ouachita
Parts:
Carroll Twp
Cleveland Twp
Freeo Twp
Union Twp
Valley Twp
California
County—Faulkner

PRIMARY MEDICAL CARE: Arkansas
Service Area Listing

Service Area Name

Parts:
Benton Township
California Township
Enola Township
Matthews Township
Mount Vernon Township
Mountain Township
Walker Township
Carthage
County—Dallas
Parts:
Chester Township
Smith Township
Willow Township
Central Pine Bluff
County—Jefferson
Parts:
C.T. 10–13
C.T. 14.02
C.T. 16–17
College Station
County—Pulaski
Parts:
C.T. 40.01
C.T. 40.03
C.T. 40.05
Dewitt
County—Arkansas
Parts:
Arkansas Twp
Barton Twp
Bayou Meto Twp
Brewer Twp
Chester Twp
Crockett Twp
Garland Twp
Keaton Twp
La Grue Twp
Point De Luce Twp
Prairie Twp
Stanley Twp
East Little Rock
County—Pulaski
Parts:
C.T. 2
C.T. 4–5
Grannis/Wickes
County—Polk
Parts:
Ozark Township
White Township
Harrisburg
County—Poinsett
Parts:
Bolivar Township
Owen Township
Scott Township
Havana
County—Yell
Parts:
Bluffton Township
Briggsville Township
Crawford Township
Dutch Creek Township
Gravelly Hill Township
Herring Township
Ions Creek Township
Richland Township
Riley Township
Waveland Township
Hector
County—Pope

PRIMARY MEDICAL CARE: Arkansas
Service Area Listing

Service Area Name

Parts:
Center Township
Freeman Township
Griffin Township
Jackson Township
Liberty Township
Martin Township
Phoenix Township
Smyrna Township
Hermitage
County—Bradley
Parts:
Eagle Township
Marion Township
Ouachita Township
Palestine Township
River Township
Sumpter Township
Washington Township
Lead Hill
County—Boone
Parts:
Sugar Loaf Township
County—Marion
Parts:
Crockett Township
Franklin Township
Keesee Township
Sugarloaf Township
Mammoth Spring
County—Fulton
Parts:
Afton Township
Mammoth Spring Township
Myatt Township
Wilson Township
Mountainburg
County—Crawford
Parts:
Bidville Township
Chester Township
Locke Township
Mountainburg Township
Porter Township
Upper Township
Whitley Township
Winfrey Township
North Pine Bluff
County—Jefferson
Parts:
C.T. 5.02
C.T. 6
C.T. 6.99
Oark
County—Johnson
Parts:
Batson Township
Dickerson Township
Hill Township
Low Gap Township
Mulberry Township
Portland/Wilmot
County—Ashley
Parts:
Banner Township
Bayou Township
Bearhouse Township
Beech Creek Township
De Bastrop Township
Montrose Township
Portland Township
Prairie Township

PRIMARY MEDICAL CARE: Arkansas
Service Area Listing

Service Area Name

Union Township
Wilmot Township
Reader
County—Ouachita
Parts:
Behestian Township
Red Hill Township
Redfield
County—Jefferson
Parts:
Barraque Twp
Jefferson Twp
Richland
County—Jefferson
Parts:
C.T. 8
Snow Lake
County—Desha
Parts:
Mississippi Twp
Sparkman
County—Dallas
Parts:
Manchester Township
Nix Township
Owen Township
Stephens
County—Ouachita
Parts:
Jefferson Township
Liberty Township
Smackover Township
Strong
County—Union
Parts:
Harrison Township
Lapile Township
Umpire
County—Howard
Parts:
Burg Township
Clay Township
Duckett Township
Mountain Township
Umpire Township
West Washington
County—Washington
Parts:
District No. 11 Township
District No. 10 Township

PRIMARY MEDICAL CARE: Arkansas
Population Group Listing

Population Group

Low Inc—Eudora/Lake Village
County—Chicot
Parts:
Carlton Twp
Planters Twp
Low Inc—Franklin Co
County—Franklin
Parts:
Low Inc
Low Inc—Marked Tree
County—Poinsett
Parts:
Greenwood Twp
Little River Twp
Tyronza Twp
Low Income—Dermott/Mcgehee
County—Chicot

PRIMARY MEDICAL CARE: Arkansas
Population Group Listing

Population Group

Parts:
Bowie Twp
County—Desha
Parts:
Bowie Twp
Clayton Twp
Franklin Twp
Halley Twp
Richland Twp
County—Drew
Parts:
Bartholomew Twp
Collins Twp
Franklin Twp

PRIMARY MEDICAL CARE: California
County Listing

County Name

Alameda
Service Area: West Oakland
Population Group: Inmates—FCI Dublin
Butte
Service Area: Feather Falls (MSSA 11)
Service Area: Oroville/Palermo
Population Group: Low Inc—Biggs/Gridley
Population Group: Low Inc—Paradise
*Calaveras
Service Area: San Andreas
Service Area: West Point/Wilseyville
Population Group: Low Inc—Angels
*Colusa
*Del Norte
Population Group: Low Inc—Del Norte Co
El Dorado
Service Area: N. El Dorado Co
Fresno
Service Area: Coalinga
Service Area: Firebaugh/Mendota
Service Area: Kerman (MSSA 29)
Service Area: Laton/Riverdale
Service Area: San Joaquin-Tranquility (MSSA 26)
Population Group: Low Inc—Edison/Easton
Population Group: Low Inc—Reedley/Parlier/Orange
Facility: Kingsburg Hosp-Pc Clinic (MSSA 33)
Facility: Valley Medical Center
*Glenn
Service Area: Orland
*Humboldt
Service Area: Garberville (MSSA 44)
Service Area: Willow Creek (MSSA 38)
Population Group: Low Inc—Rio Dell/Scotia (MSSA 43)
Population Group: Low Inc—Fortuna (MSSA 42)
Population Group: Low Inc—Ferndale (MSSA 41)
Population Group: Low Inc—Blue Lake (MSSA 40)
Population Group: Low Inc—North Coastal (MSSA 39)
Population Group: Low Inc—Eureka/Arcata
*Imperial
Service Area: Brawley/Calipatria MSSA 50/51
Service Area: Calexico MSSA 49
Service Area: East Imperial MSSA 47
Service Area: El Centro MSSA 48

PRIMARY MEDICAL CARE: California
County Listing

Population Group: Low-Inc W. Imperial MSSA 52
Population Group: Medicaid—Winterhaven-Bard
Facility: INS Med Fac—El Centro
*Inyo
Service Area: Lone Pine
Kern
Service Area: Arvin/Lamont/MSSA 61
Service Area: Buttonwillow/MSSA 59
Service Area: Frazier Park-MSSA 57.1
Service Area: Se Kern/MSSA 65
Service Area: Taft/MSSA 57.2
Service Area: Tehachapi/MSSA 62
Service Area: Wasco/Shafter/MSSA 58
Population Group: Inmates—FPC Boron
Population Group: Low Inc—Lake Isabella/MSSA 63
Population Group: Low Inc—E Bakersfield/MSSA 66b
Population Group: Low Inc/MFW—Delano/Mcfarland/MSSA 60
*Kings
Service Area: Avenal
Service Area: Corcoran
*Lassen
Service Area: Big Valley
Population Group: Low Inc—Susanville
Los Angeles
Service Area: Avalon/Goodyear/Main
Service Area: East L.A./City Terrace
Service Area: Pico Rivera South
Service Area: Santa Catalina Island
Population Group: Inmates—MDC Los Angeles
Population Group: Low Inc—E San Ped/Long Beach MSSA 78.2
Population Group: Low Inc—Venice/South Santa Monica
Population Group: Low Inc—Pacoima/Sun Valley North
Population Group: Low Inc—Mission Hills/San Fernando
Population Group: Low Inc—El Sereno/Highland Park
Facility: FCI Terminal Island
Facility: Harbor-UCLa Med Ctr Ambulatory Clinics
Facility: INS Med Fac—San Pedro
Facility: Long Beach Comprehensive Hlth Ctr
Facility: Martin Luther King Jr. Gen Hosp
Facility: Uhp Compton Medical Center
Facility: USC Women/Children'S Ped Outpt Clinic
Facility: Watts Health Center (MSSA 78.2aaa)
Madera
Service Area: Madera West/Southwest
Marin
Service Area: Bolinas/Stinson Beach
*Mariposa
Service Area: Mariposa/Coulterville
*Mendocino
Service Area: Boonville/Navarro/Philo/Yorkville
Service Area: Covelo
Service Area: Laytonville/Leggett
Service Area: Redwood/Potter Valley
Facility: Redwood Coast Med Srvcs
Merced
Population Group: Low Inc/MFW—Gustine

PRIMARY MEDICAL CARE: California
County Listing

Population Group: Low Inc/MFW—Dos Palos/Los Banos
*Modoc
Service Area: Big Valley
Service Area: Surprise Valley
Service Area: Tule Lake
*Mono
Service Area: Mono South/Mammoth Lakes
Monterey
Service Area: Gonzales/Greenfield/Soledad
Service Area: King City
Population Group: Low Inc—Pajaro (MSSA 184.2)
Facility: Natividad Prof Plaza-Alvin Drive
Facility: Natividad Family Hlth-Blanco Circle
Napa
Population Group: Low Inc—Southern Napa Co
Population Group: Low Inc/MFW—Northern Napa Co
Orange
Population Group: Low Inc—Central Santa Ana
Population Group: Low Inc/MFW—San Juan Capistrano
Placer
Service Area: Colfax (MSSA 118.1)
Service Area: Foresthill/Back Country
Population Group: Low Inc—Lake Tahoe/Tahoe City
Facility: Placer Co Medical Clinic
Riverside
Service Area: Idyllwild/Pine Cove
Service Area: San Gogonio Pass
*San Benito
Service Area: Hollister/San Juan Bautista
Service Area: San Benito/Bitterwater
San Bernardino
Service Area: Helendale/Silver Lakes
Service Area: Lake Arrowhead (MSSA 147)
Service Area: Needles/Topock (CA/AZ)
Service Area: 29 Palms/Yucca Valley
Population Group: Low Inc—Big Bear Lake(MSSA 146)
San Diego
Service Area: Borrego Springs
Service Area: Encanto/Lincoln Acres/National City
Service Area: Golden Hills/Logan Heights
Service Area: Mountain Empire
Service Area: Ramona
Population Group: Inmates—MCC San Diego
Population Group: Low Inc—San Ysidro
Population Group: Low Inc—Fallbrook (MSSA 160)
Population Group: Low Inc—Oceanside W/Carlsbad W
Population Group: Low Inc—El Cajon
Population Group: Low Inc—Vista East/San Marcos North
Population Group: Low Inc—City Heights/Downtown
San Francisco
Population Group: Low Inc—South Of Market
San Joaquin
Service Area: South And East Stockton
Population Group: Low Inc—Escalon/Manteca/Ripon

PRIMARY MEDICAL CARE: California
County Listing

Santa Barbara (g)
Facility: USP Lompoc
Shasta
Service Area: Central Shasta/MSSA 188
Service Area: E Shasta/MSSA 190
Service Area: Sacramento Canyon/MSSA 187
Service Area: Sw Shasta/MSSA 186
Population Group: Low Inc—S Redding/MSSA 189.1
Facility: Shasta Pc Clinic/MSSA 189.2
*Sierra
Service Area: Downieville
*Siskiyou
Service Area: Butte Valley/Dorris
Service Area: Etna/Ft. Jones
Service Area: Happy Camp
Service Area: McCloud-Medicine Lake
Service Area: Tule Lake
Population Group: Low Inc—Dunsmuir
Population Group: Low Inc—Mt Shasta/Weed
Sonoma
Service Area: Cloverdale
Service Area: Guerneville
Service Area: Sonoma Valley (MSSA 208)
Population Group: Low Inc—Petaluma
Population Group: Low Inc—Healdsburg/Geyserville
Stanislaus
Service Area: Newman/Patterson (MSSA 213)
Population Group: Low Inc—Hughson
Population Group: Low Inc—Turlock
Sutter
Population Group: Low Inc—South Sutter (MSSA 217)
Population Group: Low Inc—Meridian/Robbins (MSSA 216)
Population Group: Low Inc—Live Oak (MSSA 9.2)
*Tehama
Service Area: Corning/Sw East Tehama/Las Molinas
Population Group: Low Inc—Red Bluff (MSSA 221)
*Trinity
Service Area: Hayfork/Forest Glen/Peanut(MSSA 225)
Service Area: Lower Trinity/Helena/Salyer
Service Area: Mad River/Ruth/Zenia(MSSA 226)
Tulare
Service Area: Earlimart
Service Area: Porterville
Service Area: Woodlake/Three Rivers(MSSA 229)
Population Group: Low Inc—Cutler/Orosi/Dinuba
Population Group: Low Inc/MFW—Visalia
*Tuolumne
Service Area: Groveland
Service Area: Stanislaus/Yosemite
Ventura
Service Area: Los Padres MSSA 237
Population Group: Low Inc-C.Oxnard MSSA 241b
Population Group: Low Inc-Fillmore MSSA 239.2
Population Group: Low Inc-Santa Paula MSSA 239.1
Yuba
Service Area: Yuba Foothills (MSSA 247)

PRIMARY MEDICAL CARE: California
County Listing

Population Group: Low Inc—Wheatland (MSSA 248.1)
Population Group: Low Inc—Marysville (MSSA 218.2)

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name
Argus/Trona (MSSA 142)
Arvin/Lamont/MSSA 61
County—Kern
Parts:
C.T. 62–64
Avalon/Goodyear/Main
County—Los Angeles
Parts:
C.T. 2281–2289
C.T. 2291–2294
C.T. 2311
C.T. 2318–2319
C.T. 2328
C.T. 2392–2393
C.T. 2395–2396
C.T. 5328–5329
Avenal
County—Kings
Parts:
C.T. 17
Big Valley
County—Lassen
Parts:
Big Valley Division
County—Modoc
Parts:
Adin-Lookout Division
Bolinas/Stinson Beach
County—Marin
Parts:
C.T. 1321–1322
Boonville/Navarro/Philo/Yorkville
County—Mendocino
Parts:
C.T. 112
Borrego Springs
County—San Diego
Parts:
C.T. 210
Brawley/Calipatria MSSA 50/51
County—Imperial
Parts:
C.T. 101–107
C.T. 123.02
Butte Valley/Dorris
County—Siskiyou
Parts:
C.T. 2
Buttonwillow/MSSA 59
County—Kern
Parts:
C.T. 37
Calexico MSSA 49
County—Imperial
Parts:
C.T. 119–122
Central Shasta/MSSA 188
County—Shasta
Parts:
C.T. 126
Cloverdale
County—Sonoma
Parts:
C.T. 1541–1542

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

Coalinga
County—Fresno
Parts:
C.T. 79.98
C.T. 80–81
Colfax (MSSA 118.1)
County—Placer
Parts:
C.T. 219.01–219.02
C.T. 220.02
Corcoran
County—Kings
Parts:
C.T. 13–16
Corning/Sw East Tehama/Las Molinas
County—Tehama
Parts:
C.T. 9–11
C.T. 12.98
Covelo
County—Mendocino
Parts:
C.T. 101
Downieville
County—Sierra
Parts:
West Sierra Division
E Shasta/MSSA 190
County—Shasta
Parts:
C.T. 127
Earlimart
County—Tulare
Parts:
C.T. 32
C.T. 42–44
East Imperial MSSA 47
County—Imperial
Parts:
C.T. 124
East L.A./City Terrace
County—Los Angeles
Parts:
C.T. 5303–5306
C.T. 5308–5311
C.T. 5312.01–5312.02
C.T. 5313.01–5313.02
C.T. 5315.01–5315.02
C.T. 5316.01–5316.02
C.T. 5317.01–5317.02
El Centro MSSA 48
County—Imperial
Parts:
C.T. 108–111
C.T. 112.01–112.02
C.T. 113–117
C.T. 118.01–118.03
Encanto/Lincoln Acres/National City
County—San Diego
Parts:
C.T. 30.01–30.02
C.T. 31.01–31.02
C.T. 32.02
C.T. 33
C.T. 114
C.T. 114.99–115.00
C.T. 116–122
Etna/Ft. Jones
County—Siskiyou
Parts:
C.T. 6 (Fort Jones CCD)
C.T. 8 (Etna CCD)

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

Feather Falls (MSSA 11)
County—Butte
Parts:
C.T. 24
Firebaugh/Mendota
County—Fresno
Parts:
C.T. 83
C.T. 84.01–84.02
Foresthill/Back Country
County—Placer
Parts:
C.T. 202
Frazier Park-MSSA 57.1
County—Kern
Parts:
C.T. 33.02
Garberville (MSSA 44)
County—Humboldt
Parts:
C.T. 113
Golden Hills/Logan Heights
County—San Diego
Parts:
C.T. 34.02
C.T. 35–36
C.T. 38
C.T. 38.99–39.00
C.T. 40–41
C.T. 45–50
C.T. 50.99–51.00
C.T. 51.99–52.00
Gonzales/Greenfield/Soledad
County—Monterey
Parts:
C.T. 108.98
C.T. 109
C.T. 111–112
Groveland
County—Tuolumne
Parts:
C.T. 42
Guerneville
County—Sonoma
Parts:
C.T. 1537.01–1537.02
C.T. 1543
C.T. 1543.99
Happy Camp
County—Siskiyou
Parts:
C.T. 5
Hayfork/Forest Glen/Peanut(MSSA 225)
County—Trinity
Parts:
C.T. 3.98
Helendale/Silver Lakes
County—San Bernardino
Parts:
C.T. 116–117
Hollister/San Juan Bautista
County—San Benito
Parts:
C.T. 1.98
C.T. 2–7
C.T. 9
Idyllwild/Pine Cove
County—Riverside
Parts:
C.T. 444.01–444.03
Kerman (MSSA 29)
County—Fresno

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

Parts:
C.T. 39–41
King City
County—Monterey
Parts:
C.T. 113
C.T. 114.02
Lake Arrowhead (MSSA 147)
County—San Bernardino
Parts:
C.T. 108–110
Laton/Riverdale
County—Fresno
Parts:
C.T. 74
C.T. 77
Laytonville/Leggett
County—Mendocino
Parts:
C.T. 102
Lone Pine
County—Inyo
Parts:
C.T. 5–7
Los Padres MSSA 237
County—Ventura
Parts:
C.T. 1
Lower Trinity/Helena/Salyer
County—Trinity
Parts:
C.T. 2
Mad River/Ruth/Zenia(MSSA 226)
County—Trinity
Parts:
C.T. 4
Madera West/Southwest
County—Madera
Parts:
C.T. 4
C.T. 5.02–5.05
C.T. 6.01–6.02
C.T. 7–10
Mariposa/Coulterville
County—Mariposa
Parts:
Coulterville Division
Mariposa Division
McCloud-Medicine Lake
County—Siskiyou
Parts:
C.T. 12
Parts:
C.T. 5990–5991
Parts:
C.T. 89.01
C.T. 89.01
Mono South/Mammoth Lakes
County—Mono
Parts:
C.T. 2
Mountain Empire
County—San Diego
Parts:
C.T. 211
N. El Dorado Co
County—El Dorado
Parts:
C.T. 306.03
Needles/Topock (CA/AZ)
County—San Bernardino
Parts:

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

C.T. 105–107
Newman/Patterson (MSSA 213)
County—Stanislaus
Parts:
C.T. 32
C.T. 33.98
C.T. 34.98
C.T. 35
Orland
County—Glenn
Parts:
C.T. 101–102
Oroville/Palermo
County—Butte
Parts:
C.T. 25–33
Pico Rivera South
County—Los Angeles
Parts:
C.T. 5007–5009
C.T. 5023–5025
C.T. 5026.01–5026.02
C.T. 5027
C.T. 5029.02
C.T. 5320–5322
Porterville
County—Tulare
Parts:
C.T. 27
C.T. 33–41
C.T. 45
Ramona
County—San Diego
Parts:
C.T. 208.01
C.T. 208.04
C.T. 208.97–208.98
Redwood/Potter Valley
County—Mendocino
Parts:
C.T. 108
Sacramento Canyon/MSSA 187
County—Shasta
Parts:
C.T. 125
San Andreas
County—Calaveras
Parts:
C.T. 2–3
San Benito/Bitterwater
County—San Benito
Parts:
C.T. 8
San Gogonio Pass
County—Riverside
Parts:
C.T. 438.02–438.03
C.T. 438.05–438.06
C.T. 439–443
San Joaquin-Tranquility (MSSA 26)
County—Fresno
Parts:
C.T. 82
Santa Catalina Island
County—Los Angeles
Parts:
C.T. 5990–5991
Se Kern/MSSA 65
County—Kern
Parts:
C.T. 55.03–55.06
C.T. 56–59

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

Sonoma Valley (MSSA 208)
County—Sonoma
Parts:
C.T. 1501–1502
C.T. 1503.01–1503.02
C.T. 1504–1505
South And East Stockton
County—San Joaquin
Parts:
C.T. 1–3
C.T. 5–8
C.T. 8.99
C.T. 16–26
C.T. 27.01–27.02
C.T. 28–29
C.T. 36.01–36.02
C.T. 37–39
Stanislaus/Yosemite
County—Tuolumne
Parts:
C.T. 21.98
C.T. 31.98
Surprise Valley
County—Modoc
Parts:
Surprise Valley Division
Sw Shasta/MSSA 186
County—Shasta
Parts:
C.T. 124
C.T. 128.97–128.98
Taft/MSSA 57.2
County—Kern
Parts:
C.T. 33.03–33.04
C.T. 34–36
Tehachapi/MSSA 62
County—Kern
Parts:
C.T. 60.01–60.02
C.T. 61
Tule Lake
County—Modoc
Parts:
Tule Lake CCD
County—Siskiyou
Parts:
C.T. 1 (Tule Lake CCD)
Wasco/Shafter/MSSA 58
County—Kern
Parts:
C.T. 39–45
West Oakland
County—Alameda
Parts:
C.T. 4014–4017
C.T. 4017.99–4018.00
C.T. 4019
C.T. 4019.99–4020.00
C.T. 4021–4027
West Point/Wilseyville
County—Calaveras
Parts:
C.T. 4–5
Willow Creek (MSSA 38)
County—Humboldt
Parts:
C.T. 101
Woodlake/Three Rivers(MSSA 229)
County—Tulare
Parts:
C.T. 1

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

C.T. 7
Yuba Foothills (MSSA 247)
County—Yuba
Parts:
C.T. 411
29 Palms/Yucca Valley
County—San Bernardino
Parts:
C.T. 104.02–104.03
C.T. 104.05–104.09

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

Inmates—FCI Dublin
County—Alameda
Parts:
FCI Dublin
Inmates—FPC Boron
County—Kern
Parts:
FPC Boron
Inmates—MCC San Diego
County—San Diego
Parts:
MCC San Diego
Inmates—MDC Los Angeles
County—Los Angeles
Parts:
MDC Los Angeles
Low Inc—Angels
County—Calaveras
Parts:
C.T. 1
Low Inc—Big Bear Lake(MSSA 146)
County—San Bernardino
Parts:
C.T. 111–115
Low Inc—Biggs/Gridley
County—Butte
Parts:
C.T. 34–36
Low Inc—Blue Lake (MSSA 40)
County—Humboldt
Parts:
C.T. 9
C.T. 12
Low Inc—Central Santa Ana
County—Orange
Parts:
C.T. 744.05
C.T. 745.01
C.T. 746.01–746.02
C.T. 747.01–747.02
C.T. 748.01–748.02
C.T. 748.05–748.06
C.T. 749.01–749.02
C.T. 750.01–750.02
C.T. 751
C.T. 752.01–752.02
Low Inc—City Heights/Downtown
County—San Diego
Parts:
C.T. 14–15
C.T. 22–24
C.T. 25.01–25.02
C.T. 26
C.T. 27.01
C.T. 27.04–27.06
C.T. 34.01
C.T. 42–44

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

C.T. 53–58
C.T. 58.99
C.T. 60–61
Low Inc—Cutler/Orosi/Dinuba
County—Tulare
Parts:
C.T. 2
C.T. 3.02
C.T. 3.98
C.T. 4–6
Low Inc—Del Norte Co
County—Del Norte
Parts:
Low Income
Low Inc—Dunsmuir
County—Siskiyou
Parts:
C.T. 11
Low Inc—E Bakersfield/MSSA 66b
County—Kern
Parts:
C.T. 10
C.T. 11.01–11.03
C.T. 12–15
C.T. 20–22
C.T. 23.01–23.02
C.T. 24–26
C.T. 30
Low Inc—E San Ped/Long Beach MSSA 78.2
County—Los Angeles
Parts:
Low Income (MSSA 78.2)
Low Inc—Edison/Easton
County—Fresno
Parts:
C.T. 2–4
C.T. 7–13
C.T. 15
C.T. 18–20
C.T. 38.01–38.03
C.T. 42.01
Low Inc—El Cajon
County—San Diego
Parts:
C.T. 153.01–153.02
C.T. 156.01–156.02
C.T. 157.01–157.02
C.T. 158–161
C.T. 162.01–162.02
C.T. 163
C.T. 164.01–164.02
C.T. 165.01–165.02
Low Inc—El Sereno/Highland Park
County—Los Angeles
Parts:
C.T. 1831.01–1831.02
C.T. 1832–1833
C.T. 1835–1838
C.T. 1991
C.T. 1992.01–1992.02
C.T. 1993
C.T. 1998
C.T. 2011–2012
C.T. 2013.01–2013.02
C.T. 2014.01–2014.02
C.T. 2015.01–2015.02
C.T. 2016–2017
C.T. 5307
Low Inc—Escalon/Manteca/Ripon
County—San Joaquin
Parts:

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

C.T. 49.01
C.T. 49.98
C.T. 50.01–50.02
C.T. 51.01
C.T. 51.06
C.T. 51.08–51.20
Low Inc—Eureka/Arcata
County—Humboldt
Parts:
C.T. 1
C.T. 1.99–2.00
C.T. 3–8
C.T. 10–11
C.T. 103–107
Low Inc—Fallbrook (MSSA 160)
County—San Diego
Parts:
Ct 187
Ct 188.01
Ct 188.02
Ct 188.03
Ct 189.01
Ct 189.02
Ct 190.00
Low Inc—Ferndale (MSSA 41)
County—Humboldt
Parts:
C.T. 112
Low Inc—Fortuna (MSSA 42)
County—Humboldt
Parts:
C.T. 108–110
Low Inc—Healdsburg/Geyserville
County—Sonoma
Parts:
C.T. 1538–1540
Low Inc—Hughson
County—Stanislaus
Parts:
C.T. 28
C.T. 29.01–29.02
Low Inc—Lake Isabella/MSSA 63
County—Kern
Parts:
C.T. 52.01–52.02
Low Inc—Lake Tahoe/Tahoe City
County—Placer
Parts:
C.T. 201.01–201.07
Low Inc—Live Oak (MSSA 9.2)
County—Sutter
Parts:
C.T. 507
Low Inc—Marysville (MSSA 218.2)
County—Yuba
Parts:
C.T. 401–407
C.T. 409.00–409.02
C.T. 410
Low Inc—Meridian/Robbins (MSSA 216)
County—Sutter
Parts:
C.T. 509
Low Inc—Mission Hills/San Fernando
County—Los Angeles
Parts:
C.T. 1042.01–1042.02
C.T. 1044.01
C.T. 1061.02
C.T. 1064.01
C.T. 1066.01–1066.02
C.T. 1070

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

C.T. 1091
C.T. 1094–1095
C.T. 3201–3203
Low Inc—Mt Shasta/Weed
County—Siskiyou
Parts:
C.T. 9–10
Low Inc—North Coastal (MSSA 39)
County—Humboldt
Parts:
C.T. 102
Low Inc—Oceanside W/Carlsbad W
County—San Diego
Parts:
C.T. 178.01
C.T. 178.05
C.T. 179–184
C.T. 185.01
C.T. 185.04
C.T. 186.01
C.T. 186.03
Low Inc—Pacoima/Sun Valley North
County—Los Angeles
Parts:
C.T. 1041.01–1041.02
C.T. 1043
C.T. 1044.02
C.T. 1045–1046
C.T. 1047.01–1047.02
C.T. 1048
C.T. 1210–1212
C.T. 1218–1219
C.T. 1221–1222
Low Inc—Pajaro (MSSA 184.2)
County—Monterey
Parts:
Ct 101.98
Ct 102.01
Ct 102.02
Low Inc—Paradise
County—Butte
Parts:
C.T. 17–23
Low Inc—Petaluma
County—Sonoma
Parts:
C.T. 1506.01–1506.04
C.T. 1507–1511
C.T. 1512.01–1512.02
C.T. 1513.01–1513.04
Low Inc—Red Bluff (MSSA 221)
County—Tehama
Parts:
C.T. 2
C.T. 4–8
Low Inc—Reedley/Parlier/Orange
County—Fresno
Parts:
Ct 63
Ct 65
Ct 66.01
Ct 66.02
Ct 67
Ct 68.01
Ct 68.02
Ct 69
Low Inc—Rio Dell/Scotia (MSSA 43)
County—Humboldt
Parts:
C.T. 111
Low Inc—S Redding/MSSA 189.1
County—Shasta

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

Parts:
C.T. 120–123
Low Inc—San Ysidro
County—San Diego
Parts:
C.T. 100.01–100.05
C.T. 100.07–100.09
C.T. 101.03–101.04
C.T. 101.06–101.09
C.T. 102–105
Low Inc—South Of Market
County—San Francisco
Parts:
C.T. 122–125
C.T. 176.02
C.T. 176.98
C.T. 177–178
C.T. 179.01–179.02
C.T. 179.99–180.00
C.T. 201.98
C.T. 226–229
C.T. 607
Low Inc—South Sutter (MSSA 217)
County—Sutter
Parts:
C.T. 511
Low Inc—Southern Napa Co
County—Napa
Parts:
C.T. 2001–2014
Low Inc—Susanville
County—Lassen
Parts:
Honey Lake CCD
Madeline Plains CCD
Susanville CCD
Westwood CCD
Low Inc—Turlock
County—Stanislaus
Parts:
C.T. 36.02–36.05
C.T. 37
C.T. 38.01–38.03
C.T. 39.03–39.07
Low Inc—Venice/South Santa Monica
County—Los Angeles
Parts:
C.T. 2722
C.T. 2723.02
C.T. 2731–2739
C.T. 2751–2752
C.T. 2755
C.T. 7018.01–7018.02
C.T. 7019–7021
C.T. 7022.01–7022.02
C.T. 7026
C.T. 7028.03
Low Inc—Vista East/San Marcos North
County—San Diego
Parts:
C.T. 192.02–192.04
C.T. 195
C.T. 196.01–196.02
C.T. 197.02
C.T. 199.02–199.03
C.T. 200.05–200.07
C.T. 200.09
Low Inc—Wheatland (MSSA 248.1)
County—Yuba
Parts:
Ct 408
Low Inc-C.Oxnard MSSA 241b
County—Ventura
Parts:
Ct 0030.01
Ct 0030.02
Ct 0031.00
Ct 0032.00
Ct 0034.01
Ct 0034.02
Ct 0035.00
Ct 0037.00
Ct 0038.00
Ct 0039.00
Ct 0040.00
Ct 0041.00
Ct 0044.00
Ct 0045.00
Ct 0045.01
Ct 0045.02
Ct 0047.01
Ct 0049.00
Ct 0050.01
Ct 0050.02
Low Inc-Fillmore MSSA 239.2
County—Ventura
Parts:
Ct 0003.00
Ct 0002.00
Low Inc-Santa Paula MSSA 239.1
County—Ventura
Parts:
Ct 0004.00
Ct 0006.00
Ct 0005.00
Ct 0008.00
Ct 0007.00
Low Inc/MFW—Delano/Mcfarland/MSSA 60
County—Kern
Parts:
C.T. 46–48
C.T. 49.01–49.02
C.T. 50
Low Inc/MFW—Dos Palos/Los Banos
County—Merced
Parts:
C.T. 21.98
C.T. 22
C.T. 23.01–23.02
C.T. 24
Low Inc/MFW—Gustine
County—Merced
Parts:
C.T. 20
Low Inc/MFW—Northern Napa Co
County—Napa
Parts:
C.T. 2015–2020
Low Inc/MFW—San Juan Capistrano
County—Orange
Parts:
C.T. 421.03
C.T. 421.05–421.10
C.T. 422.01
C.T. 422.03–422.04
C.T. 423.10–423.13
C.T. 423.22–423.23
Low Inc/MFW—Visalia
County—Tulare
Parts:
C.T. 9
C.T. 10.01–10.02
C.T. 11–13
C.T. 17.01–17.02
C.T. 18–19
C.T. 20.01–20.05
Low-Inc W. Imperial MSSA 52
County—Imperial
Parts:
Ct 0123.01
Medicaid—Winterhaven-Bard
County—Imperial
Parts:
C.T. 125

PRIMARY MEDICAL CARE: California
Facility Listing

Facility Name

FCI Terminal Island
County—Los Angeles
Harbor-UCLa Med Ctr Ambulatory Clinics
County—Los Angeles
INS Med Fac—El Centro
County—Imperial
INS Med Fac—San Pedro
County—Los Angeles
Kingsburg Hosp-Pc Clinic (MSSA 33)
County—Fresno
Long Beach Comprehensive Hlth Ctr
County—Los Angeles
Martin Luther King Jr. Gen Hosp
County—Los Angeles
Natividad Family Hlth-Blanco Circle
County—Monterey
Natividad Prof Plaza-Alvin Drive
County—Monterey
Placer Co Medical Clinic
County—Placer
Redwood Coast Med Srvcs
County—Mendocino
Shasta Pc Clinic/MSSA 189.2
County—Shasta
Uhp Compton Medical Center
County—Los Angeles
USC Women/Children'S Ped Outpt Clinic
County—Los Angeles
USP Lompoc
County—Santa Barbara
Valley Medical Center
County—Fresno
Watts Health Center (MSSA 78.2aaa)
County—Los Angeles

PRIMARY MEDICAL CARE: Colorado
County Listing

County Name

Adams
Service Area: Bennett/Strasburg
Service Area: Commerce City
Population Group: Low Inc—Thornton
Population Group: MSFW—Ft Lupton/Brighton
*Alamosa
Population Group: Low Inc—Alamosa Co
Arapahoe
Service Area: Bennett/Strasburg
*Baca
*Bent
Boulder
Population Group: Low Inc—Boulder City
Population Group: MSFW—Ft Lupton/Brighton
*Chaffee
Service Area: Northern Chaffee

PRIMARY MEDICAL CARE: Colorado
County Listing

County Name

*Cheyenne
*Clear Creek
*Conejos
  Population Group: Med Ind—Conejos Co
*Costilla
*Crowley
*Custer
*Delta
  Population Group: Low Inc—Delta Co
Denver
  Service Area: Globeville
  Service Area: La Casa
  Service Area: Montbello
  Population Group: Homeless—Downtown Denver
*Dolores
Douglas (g)
  Facility: FCI Englewood
El Paso
  Service Area: Calhan-Yoder
  Population Group: Low Income—Colorado Springs
*Elbert
  Service Area: Limon
*Fremont
  Population Group: Low Income—Canon City
  Facility: FCI Florence
  Facility: USP Florence—Admax
  Facility: USP Florence
*Garfield
  Service Area: Rifle
*Gilpin
*Hinsdale
*Huerfano
  Service Area: Gardner
  Population Group: Low Inc—E Huerfano
*Jackson
*Kiowa
  Population Group: Low Inc—Kiowa Co
*Kit Carson
*Lake
*Las Animas
  Population Group: Low Inc—Las Animas Co
Lincoln
  Service Area: Limon
*Logan
  Service Area: Crook/Fleming
*Mineral
*Moffat
  Service Area: Rangely
*Montrose
  Service Area: Nucla/Norwood
  Population Group: Low Inc—East Montrose/Ouray
*Morgan
  Population Group: Low Inc—Morgan Co
*Otero
  Population Group: Low Income—Otero County
*Ouray
  Population Group: Low Inc—East Montrose/Ouray
*Park
  Service Area: Fairplay
  Service Area: Lake George
*Phillips
*Prowers
Pueblo
  Population Group: Med Ind—Pueblo Co
*Rio Blanco

PRIMARY MEDICAL CARE: Colorado
County Listing

County Name

  Service Area: Meeker
  Service Area: Rangely
*Rio Grande
*Routt
  Service Area: Oak Creek/Yampa
*Saguache
*San Juan
*San Miguel
  Service Area: Nucla/Norwood
Sedgwick
  Service Area: Julesburg (CO/NE)
*Washington
Weld
  Population Group: MSFW—Ft Lupton/Brighton

PRIMARY MEDICAL CARE: Colorado
Service Area Listing

Service Area Name

Bennett/Strasburg
  County—Adams
    Parts:
      East Adams Division
  County—Arapahoe
    Parts:
      East Arapahoe Division
Calhan-Yoder
  County—El Paso
    Parts:
      C.T. 39.01
      C.T. 46
Commerce City
  County—Adams
    Parts:
      C.T. 87.03
      C.T. 87.05–87.06
      C.T. 88.01–88.02
      C.T. 89.01
      C.T. 89.52
Crook/Fleming
  County—Logan
    Parts:
      Crook CCD
      Fleming CCD
Fairplay
  County—Park
    Parts:
      Fairplay CCD
Gardner
  County—Huerfano
    Parts:
      Gardner CCD
Globeville
  County—Denver
    Parts:
      C.T. 15
      C.T. 35
Julesburg (CO/NE)
  County—Sedgwick
La Casa
  County—Denver
    Parts:
      C.T. 2.01–2.02
      C.T. 4.01–4.02
      C.T. 11.01–11.02
Lake George
  County—Park
    Parts:
      Lake George CCD
Limon
  County—Elbert

PRIMARY MEDICAL CARE: Colorado
Service Area Listing

Service Area Name

    Parts:
      Agate Division
      Simla Division
  County—Lincoln
Meeker
  County—Rio Blanco
    Parts:
      Meeker CCD
Montbello
  County—Denver
    Parts:
      C.T. 83.04–83.06
      C.T. 83.11–83.12
Northern Chaffee
  County—Chaffee
    Parts:
      Buena Vista CCD
Nucla/Norwood
  County—Montrose
    Parts:
      Nucla CCD
  County—San Miguel
    Parts:
      Norwood CCD
Oak Creek/Yampa
  County—Routt
    Parts:
      Oak Creek Division
      Yampa Division
Rangely
  County—Moffat
    Parts:
      Artesia CCD
  County—Rio Blanco
    Parts:
      Rangely CCD
Rifle
  County—Garfield
    Parts:
      Grand Valley Division
      New Castle Division
      Rifle Division

PRIMARY MEDICAL CARE: Colorado
Population Group Listing

Population Group

Homeless—Downtown Denver
  County—Denver
    Parts:
      C.T. 16
      C.T. 20
      C.T. 24.01–24.02
      C.T. 25
      C.T. 26.01–26.02
      C.T. 27.01–27.03
Low Inc—Alamosa Co
  County—Alamosa
    Parts:
      Low Income
Low Inc—Boulder City
  County—Boulder
    Parts:
      C.T. 121.01–121.02
      C.T. 122.02–122.05
      C.T. 123
      C.T. 124.01
      C.T. 126.02
      C.T. 126.04
Low Inc—Delta Co
  County—Delta
    Parts:

PRIMARY MEDICAL CARE: Colorado
Population Group Listing

Population Group

Low Inc
MFW
Low Inc—E Huerfano
County—Huerfano
Parts:
La Veta CCD
Walsenburg CCD
Low Inc—East Montrose/Ouray
County—Montrose
Parts:
Montrose CCD
Olathe CCD
County—Ouray
Parts:
Low Income
Low Inc—Kiowa Co
County—Kiowa
Parts:
Low Income
Low Inc—Las Animas Co
County—Las Animas
Parts:
Low Income
Low Inc—Morgan Co
County—Morgan
Parts:
Low Income
Low Inc—Thornton
County—Adams
Parts:
C.T. 85.05–85.08
C.T. 85.15–85.18
C.T. 90.01–90.03
C.T. 91.02
C.T. 92.01–92.03
C.T. 93.04
C.T. 93.06–93.10
C.T. 93.13–93.18
C.T. 94.01
C.T. 94.03
C.T. 94.05–94.07
C.T. 95.01–95.02
C.T. 95.53
C.T. 96.03–96.06
C.T. 97.50
Low Income—Canon City
County—Fremont
Parts:
Low Income
Low Income—Colorado Springs
County—El Paso
Parts:
13.01
14.00
15.00
16.00
17.00
21.01
21.02
22.00
23.00
26.00
27.00
28.00
29.00
33.02
45.01
52.00
53.00
54.00
Low Income—Otero County
County—Otero

PRIMARY MEDICAL CARE: Colorado
Population Group Listing

Population Group

Parts:
Low Income
Med Ind—Conejos Co
County—Conejos
Parts:
Medically Indigent
Med Ind—Pueblo Co
County—Pueblo
Parts:
Medically Indigent
MSFW—Ft Lupton/Brighton
County—Adams
Parts:
C.T. 85.13–85.14
C.T. 86.01–86.02
County—Boulder
Parts:
C.T. 128
C.T. 132.01
C.T. 132.04
C.T. 133.02
C.T. 133.05–133.08
C.T. 134.01–134.02
C.T. 135.01
C.T. 135.03–135.04
County—Weld
Parts:
MSFW

PRIMARY MEDICAL CARE: Colorado
Facility Listing

Facility Name

FCI Englewood
County—Douglas
FCI Florence
County—Fremont
USP Florence
County—Fremont
USP Florence—Admax
County—Fremont

PRIMARY MEDICAL CARE: Connecticut
County Listing

County Name

Fairfield
Service Area: Central Norwalk
Service Area: Central/East Bridgeport
Service Area: South End Stamford
Service Area: Southwest Bridgeport
Population Group: Inmates—FCI Danbury
Population Group: Low Inc—Stratford
Population Group: Low Inc—Danbury
Hartford
Service Area: Charter Oak/Frog Hollow/Parkville/Barry
Service Area: North-Central Hartford
Population Group: Low Inc—Central New Britain
Facility: Ct Child Med Ctr- PC Ctr
Middlesex
Population Group: Med Ind/Homeless—C Middletown
New Haven
Service Area: Central Waterbury
Service Area: Fair Haven
Population Group: Low Inc—Central New Haven
Population Group: Low Inc—West Haven
Population Group: Low Income—Central Meriden

PRIMARY MEDICAL CARE: Connecticut
County Listing

County Name

Population Group: Med Ind—Ansonia
New London
Service Area: Central Groton
Population Group: Low Inc—Norwich
Population Group: Low Inc—Central New London
Tolland
Population Group: Low Inc—Rockville
Windham
Population Group: Low Inc—Town Windham

PRIMARY MEDICAL CARE: Connecticut
Service Area Listing

Service Area Name

Central Groton
County—New London
Parts:
C.T. 7022–7023
C.T. 7025
C.T. 7027–7028
Central Norwalk
County—Fairfield
Parts:
C.T. 440–441
C.T. 444–445
Central Waterbury
County—New Haven
Parts:
C.T. 3501–3508
C.T. 3512
C.T. 3514
C.T. 3517
Central/East Bridgeport
County—Fairfield
Parts:
C.T. 713–717
C.T. 735–736
C.T. 738–744
Charter Oak/Frog Hollow/Parkville/Barry
County—Hartford
Parts:
C.T. 5001–5004
C.T. 5019
C.T. 5027–5030
C.T. 5043
C.T. 5045–5046
C.T. 5049
Fair Haven
County—New Haven
Parts:
C.T. 1421
C.T. 1423–1425
C.T. 1426.02
North-Central Hartford
County—Hartford
Parts:
C.T. 5005
C.T. 5008–5018
C.T. 5020–5022
C.T. 5034–5035
C.T. 5037
South End Stamford
County—Fairfield
Parts:
C.T. 222–223
Southwest Bridgeport
County—Fairfield
Parts:
C.T. 702–712

PRIMARY MEDICAL CARE: Connecticut
Population Group Listing

Population Group
Inmates—FCI Danbury
County—Fairfield
Parts:
FCI Danbury
Low Inc—Central New Britain
County—Hartford
Parts:
C.T. 4159–4162
C.T. 4166
C.T. 4168
C.T. 4171
Low Inc—Central New Haven
County—New Haven
Parts:
C.T. 1402–1409
C.T. 1413
C.T. 1415–1416
Low Inc—Central New London
County—New London
Parts:
C.T. 6901
C.T. 6903–6906
C.T. 6906.99–6907.00
C.T. 6907.99
Low Inc—Danbury
County—Fairfield
Parts:
C.T. 2101–2114
Low Inc—Norwich
County—New London
Parts:
C.T. 6961
C.T. 6964–6970
Low Inc—Rockville
County—Tolland
Parts:
C.T. 5301–5302
Low Inc—Stratford
County—Fairfield
Parts:
Stratford Town
Low Inc—Town Of Windham
County—Windham
Parts:
Windham Town
Low Inc—West Haven
County—New Haven
Parts:
West Haven Town
Low Income—Central Meriden
County—New Haven
Parts:
C.T. 1701.01–1701.02
C.T. 1702.01–1702.02
C.T. 1703
C.T. 1710
C.T. 1713–1715
Med Ind—Ansonia
County—New Haven
Parts:
Ansonia Town
Derby Town
Seymour Town
Med Ind/Homeless—C Middletown
County—Middlesex
Parts:
C.T. 5411
C.T. 5415–5418
C.T. 5421

PRIMARY MEDICAL CARE: Connecticut
Facility Listing

Facility Name
Ct Child Med Ctr—PC Ctr
County—Hartford

PRIMARY MEDICAL CARE: Delaware
County Listing

County Name
Kent
Population Group: Low Inc—Milford
New Castle
Service Area: Middletown-Odessa
Service Area: Wilmington—Southbridge
*Sussex
Population Group: Low Inc—Milford

PRIMARY MEDICAL CARE: Delaware
Service Area Listing

Service Area Name
Middletown-Odessa
County—New Castle
Parts:
C.T. 166–169
Wilmington—Southbridge
County—New Castle
Parts:
C.T. 1
C.T. 6.01–6.02
C.T. 7–9
C.T. 15–17
C.T. 19–23
C.T. 154–155

PRIMARY MEDICAL CARE: Delaware
Population Group Listing

Population Group
Low Inc—Milford
County—Kent
Parts:
C.T. 424–431
County—Sussex
Parts:
C.T. 501–502
C.T. 508

PRIMARY MEDICAL CARE: District of Columbia
County Listing

County Name
Dist Of Columbia
Service Area: Anacostia
Service Area: Brentwood
Service Area: East Capitol St. (Far S.E.)
Service Area: Mt. Pleasant/Upper Cardozo
Service Area: South Capitol
Population Group: Homeless—Downtown Washington
Facility: Dc General Ambulatory Care Center
Facility: Lorton Max Corr Fac

PRIMARY MEDICAL CARE: District of Columbia
Service Area Listing

Service Area Name
Anacostia
County—Dist of Columbia
Parts:
C.T. 74.01
C.T. 74.04

PRIMARY MEDICAL CARE: District of Columbia
Service Area Listing

Service Area Name
C.T. 74.06–74.09
C.T. 74.30
C.T. 75.02–75.04
C.T. 76.01
C.T. 76.05
Brentwood
County—Dist of Columbia
Parts:
C.T. 47
C.T. 79.01
C.T. 79.03
C.T. 80.01
C.T. 84.02
C.T. 84.10
C.T. 85.10
C.T. 86
C.T. 88.02–88.04
C.T. 89.03–89.04
C.T. 91.02
East Capitol St. (Far S.E.)
County—Dist of Columbia
Parts:
C.T. 77.03
C.T. 77.07–77.09
C.T. 78.03–78.04
C.T. 78.07–78.09
C.T. 78.60
C.T. 96.02–96.03
C.T. 99.03–99.07
Mt. Pleasant/Upper Cardozo
County—Dist of Columbia
Parts:
C.T. 25.02
C.T. 27.01–27.02
C.T. 28.01–28.02
C.T. 29–30
C.T. 35–39
C.T. 43
South Capitol
County—Dist of Columbia
Parts:
C.T. 60.20
C.T. 64.10
C.T. 71–72

PRIMARY MEDICAL CARE: District of Columbia
Population Group Listing

Population Group
Homeless—Downtown Washington
County—Dist of Columbia
Parts:
C.T. 40.01–40.02
C.T. 41
G.T. 42.02
C.T. 46–47
C.T. 48.01–48.02
C.T. 49.01–49.02
C.T. 50–51
C.T. 52.10
C.T. 52.20
C.T. 53.01–53.02
C.T. 54.01–54.02
C.T. 55.01–55.02
C.T. 56
C.T. 57.01–57.02
C.T. 58–59

PRIMARY MEDICAL CARE: District of Columbia
Facility Listing

Facility Name
DC General Ambulatory Care Center
  County—Dist of Columbia
Lorton Max Corr Fac
  County—Dist of Columbia

PRIMARY MEDICAL CARE: Florida
County Listing

County Name
Alachua
  Population Group: Low Inc—Alachua Co
  Facility: Gainesville Corr Inst
*Baker
  Facility: Baker Corr Inst
Bradford (g)
  Facility: Florida State Prs
Brevard
  Facility: Brevard Corr Inst
Broward
  Population Group: Low Inc—Central Ft Lauderdale
  Population Group: Low-Inc Pompano
*Calhoun
  Population Group: Low Inc—Calhoun
  Facility: Calhoun Corr Inst
Charlotte
  Population Group: Low Inc—Charlotte Co
*Citrus
  Population Group: Low Inc—Citrus Co
Clay
  Service Area: Keystone Heights
Collier
  Service Area: Everglades
  Service Area: Imokalee
*Columbia
  Population Group: Low Inc—Columbia Co
Dade
  Service Area: Model Cities
  Service Area: Wynwood
  Population Group: Inmates—MCC Miami
  Population Group: Low Inc—North Beach
  Population Group: Low Inc—Little Havana
  Population Group: Low Inc—South Beach
  Population Group: Low Inc—Homestead
  Facility: Dade Corr Inst
  Facility: Doris Ison Comm Hlth Ctr
  Facility: FCI Miami
  Facility: Helen B. Bentley Family Health Center
  Facility: Jackson Mem Hosp Outpt Clinics
  Facility: Krome Medical Referral Center
  Facility: S Florida Recept Ctr
*De Soto
  Population Group: Low Inc/MFW—Desoto Co
  Facility: Desoto Corr Inst
*Dixie (g)
  Facility: Cross City Corr Inst
Duval
  Population Group: Low Inc—N Jacksonville
Escambia
  Service Area: Atmore/Century (AL/FL)
  Facility: Century Corr Inst
*Franklin
  Population Group: Low Inc—Franklin Co
Gadsden
*Gilchrist
  Facility: Lancaster Corr Inst
*Glades
*Gulf
  Population Group: Low Inc—Gulf Co

PRIMARY MEDICAL CARE: Florida
County Listing

County Name
  Facility: Gulf Corr Inst
*Hamilton
*Hardee
*Hendry
  Service Area: Labelle
  Population Group: Low Inc/MFW—Clewiston
  Facility: Hendry Corr Inst
*Highlands
  Population Group: Low Inc/MFW—Highlands Co
  Facility: Avon Park Corr Inst
Hillsborough
  Population Group: Low Inc—E Tampa/Ybor City
  Population Group: Low Inc/MFW—Ruskin/Appollo Beach
  Population Group: Low Inc/MFW—Plant City/Dover
*Holmes (g)
  Facility: Holmes Corr Inst
*Indian River
  Population Group: Low Inc/MFW-Felismere
  Facility: Indian River Corr Inst
*Jackson
  Population Group: Low Inc—Jackson Co
  Facility: Apalachee Corr Inst
  Facility: FCI Marianna
  Facility: Jackson Corr Inst
*Jefferson
  Population Group: Low Inc—Jefferson Co
*Lafayette (g)
  Facility: Mayo Corr Inst
Lake
  Population Group: Low Inc/MFW—Lake Co.
Lee
  Service Area: Dunbar
  Population Group: Low Inc—N Cape Coral/Pine Island
Leon
  Population Group: Low Inc—Bond Community
  Facility: FCI—Tallahassee
*Levy
  Population Group: Low Inc/MFW—Levy Co
*Liberty
  Population Group: Low Inc—Liberty
  Facility: Liberty Corr Inst
*Madison
Manatee
  Population Group: Low Inc/MFW—Manatee Co
Marion
  Population Group: Low Inc—Marion Co
  Facility: Florida Corr Inst
  Facility: Marion Corr Inst
Martin
  Service Area: Indiantown
*Monroe
  Population Group: Medicaid—Monroe Co
Nassau
  Service Area: Callahan/Hilliard
Okaloosa
  Population Group: Inmates—FPC Elgin
  Population Group: Low Inc—Crestview
  Facility: Okaloosa Corr Inst
*Okeechobee
  Population Group: Low Inc/MFW—Okeechobee Co
Orange

PRIMARY MEDICAL CARE: Florida
County Listing

County Name
  Population Group: MFW—Orange
  Facility: Central Fl Reception Ctr
Osceola
  Population Group: Low Inc—Osceola
Palm Beach
  Population Group: Low Inc/MFW—Belle Glade/Pahokee
Pasco
  Population Group: Low Inc/MFW—Eastern Pasco
  Facility: Zephryhills Corr Inst
Pinellas
  Population Group: Low Inc—Inner St. Petersburg
  Population Group: Low Inc Pop—C Clearwater
Polk
  Service Area: Frostproof/Lake Wales
  Population Group: Low Inc—Haines City
*Putnam
  Population Group: Low Inc/MFW—Putnam
  Facility: Putnam Corr Inst
Santa Rosa (g)
  Facility: Santa Rosa Corr Inst
Seminole
  Population Group: MFW—Sanford Division
St Johns
  Population Group: Low Inc/MFW—Hastings
St Lucie
  Population Group: Low Inc—Fort Pierce
*Sumter
  Population Group: Low Inc/MFW—Sumter Co
  Facility: Fcc Coleman
  Facility: Sumter Corr Inst
*Suwannee
*Taylor
*Union
  Population Group: Low Inc—Union
  Facility: North Fl Reception Ctr
Volusia
  Service Area: Pierson/Seville/Deleon Spring
*Wakulla
*Walton
  Facility: Walton Corr Inst
*Washington

PRIMARY MEDICAL CARE: Florida
Service Area Listing

Service Area Name
Atmore/Century (AL/FL)
  County—Escambia
    Parts:
      C.T. 38–40
Callahan/Hilliard
  County—Nassau
    Parts:
      C.T. 504–505
Dunbar
  County—Lee
    Parts:
      C.T. 5.01–5.02
      C.T. 6
Everglades
  County—Collier
    Parts:
      C.T. 111.01–111.02
Frostproof/Lake Wales
  County—Polk

PRIMARY MEDICAL CARE: Florida
Service Area Listing

Service Area Name
Parts:
C.T. 142–144
C.T. 154–158
C.T. 160
C.T. 161.98
Imokalee
County—Collier
Parts:
C.T. 112.01–112.03
C.T. 113–114
Indiantown
County—Martin
Parts:
Indiantown Division
Keystone Heights
County—Clay
Parts:
Keystone Heights Division
Labelle
County—Hendry
Parts:
C.T. 9603–9604
Model Cities
County—Dade
Parts:
C.T. 4.08
C.T. 8.01–8.02
C.T. 9.01–9.03
C.T. 10.01–10.04
C.T. 11.03
C.T. 15.01–15.02
C.T. 16.01–16.02
C.T. 17.01–17.02
C.T. 18.01–18.03
C.T. 19.01
C.T. 19.03–19.04
C.T. 23
Pierson/Seville/Deleon Spring
County—Volusia
Parts:
C.T. 901
Wynwood
County—Dade
Parts:
C.T. 14.01–14.02
C.T. 20.01
C.T. 20.03–20.04
C.T. 21
C.T. 22.01–22.02
C.T. 25–26
C.T. 27.01–27.02
C.T. 28–29

PRIMARY MEDICAL CARE: Florida
Population Group Listing

Population Group
Inmates—FPC Elgin
County—Okaloosa
Parts:
FPC Elgin
Inmates—MCC Miami
County—Dade
Parts:
MCC Miami
Low Inc—Alachua Co
County—Alachua
Parts:
Low Inc
Low Inc—Bond Community
County—Leon
Parts:

PRIMARY MEDICAL CARE: Florida
Population Group Listing

Population Group
C.T. 1
C.T. 4–6
C.T. 10.01
C.T. 11.01–11.02
C.T. 12–14
Low Inc—Calhoun
County—Calhoun
Parts:
Low Income
Low Inc—Central Ft Lauderdale
County—Broward
Parts:
C.T. 409–416
C.T. 427–431
C.T. 503.04
C.T. 508
C.T. 803
C.T. 804.01–804.02
Low Inc—Charlotte Co
County—Charlotte
Parts:
Low Income
Low Inc—Citrus Co
County—Citrus
Parts:
Low Income
Low Inc—Columbia Co
County—Columbia
Parts:
Low Income
Low Inc—Crestview
County—Okaloosa
Parts:
C.T. 203–207
Low Inc—E Tampa/Ybor City
County—Hillsborough
Parts:
C.T. 10
C.T. 17–19
C.T. 30–44
C.T. 49–51
Low Inc—Fort Pierce
County—St Lucie
Parts:
C.T. 1
C.T. 1.99–2.00
C.T. 3–5
C.T. 9.02
Low Inc—Franklin Co
County—Franklin
Parts:
Low Income
Low Inc—Gulf Co
County—Gulf
Parts:
Low Inc—Gulf
Low Inc—Haines City
County—Polk
Parts:
C.T. 125–127
C.T. 141.00–141.02
Low Inc—Homestead
County—Dade
Parts:
C.T. 104–105
C.T. 106.02
C.T. 107.01–107.02
C.T. 108–109
C.T. 110.01–110.02
C.T. 111
C.T. 112.01–112.02
C.T. 113

PRIMARY MEDICAL CARE: Florida
Population Group Listing

Population Group
C.T. 114.98
Low Inc—Inner St. Petersburg
County—Pinellas
Parts:
C.T. 201.01
C.T. 203.01
C.T. 204–208
C.T. 209.95
C.T. 210.95
C.T. 212–213
C.T. 213.99–214.00
C.T. 215
C.T. 216.95
C.T. 218.95
C.T. 219.95
C.T. 220
C.T. 234–235
Low Inc—Jackson Co
County—Jackson
Parts:
Low Income
Low Inc—Jefferson Co
County—Jefferson
Parts:
Low Income
Low Inc—Liberty
County—Liberty
Parts:
Low Income
Low Inc—Little Havana
County—Dade
Parts:
C.T. 30.02
C.T. 36.01–36.02
C.T. 49.01–49.02
C.T. 50.01–50.02
C.T. 51
C.T. 52.01–52.02
C.T. 53.01–53.02
C.T. 54.01–54.02
C.T. 55.01–55.02
C.T. 56
C.T. 57.03–57.04
C.T. 58.01
C.T. 62
C.T. 63.01–63.02
C.T. 64.01–64.03
C.T. 65
Low Inc—Marion Co
County—Marion
Parts:
Low Inc
Low Inc—N Cape Coral/Pine Island
County—Lee
Parts:
C.T. 103.01–103.02
C.T. 104.01–104.02
C.T. 206–208
C.T. 701–702
Low Inc—N Jacksonville
County—Duval
Parts:
C.T. 1
C.T. 1.99–2.00
C.T. 2.99–3.00
C.T. 3.99–4.00
C.T. 5
C.T. 9–19
C.T. 26–29
C.T. 107–109
C.T. 112–116
C.T. 118

PRIMARY MEDICAL CARE: Florida
Population Group Listing

Population Group
C.T. 121
Low Inc—North Beach
County—Dade
Parts:
C.T. 39.01–39.02
C.T. 39.04–39.06
Low Inc—Osceola
County—Osceola
Parts:
Low Inc
Low Inc—South Beach
County—Dade
Parts:
C.T. 42–45
C.T. 45.99
Low Inc—Union
County—Union
Parts:
Low Income
Low Inc Pop—C Clearwater
County—Pinellas
Parts:
C.T. 261–264
C.T. 267.01
C.T. 270
C.T. 271.01–271.02
Low Inc/MFW—Belle Glade/Pahokee
County—Palm Beach
Parts:
C.T. 80.01–80.02
C.T. 81.01–81.02
C.T. 82.01–82.03
C.T. 83.01–83.02
Low Inc/MFW—Clewiston
County—Hendry
Parts:
C.T. 9601–9602
Low Inc/MFW—Desoto Co
County—De Soto
Parts:
Pov Pop/MFW
Low Inc/MFW—Eastern Pasco
County—Pasco
Parts:
C.T. 320.01–320.02
C.T. 321.01–321.02
C.T. 322–329
C.T. 330.01–330.04
C.T. 331
Low Inc/MFW—Hastings
County—St Johns
Low Inc/MFW—Highlands Co
County—Highlands
Parts:
Low Income
MFW
Low Inc/MFW—Lake Co.
County—Lake
Parts:
Low Inc/MFW
Low Inc/MFW—Levy Co
County—Levy
Parts:
Low Inc/MFW—Levy
Low Inc/MFW—Manatee Co
County—Manatee
Parts:
C.T. 1.01–1.04
C.T. 2
C.T. 3.01–3.03
C.T. 6.01
C.T. 7.01–7.02

PRIMARY MEDICAL CARE: Florida
Population Group Listing

Population Group
C.T. 13
C.T. 15.01–15.02
C.T. 16
C.T. 19.01
C.T. 19.03–19.04
Low Inc/MFW—Okeechobee Co
County—Okeechobee
Parts:
Low Inc/MFW—Okeechobee
Low Inc/MFW—Plant City/Dover
County—Hillsborough
Parts:
C.T. 101.02–101.04
C.T. 124–131
Low Inc/MFW—Putnam
County—Putnam
Parts:
Low Inc Pop/MFW
Low Inc/MFW—Ruskin/Appollo Beach
County—Hillsborough
Parts:
C.T. 140.02
C.T. 141.01
C.T. 141.03–141.04
Low Inc/MFW—Sumter Co
County—Sumter
Parts:
Low Income/Migrant Farmw
Low Inc/MFW- Fellsmere
County—Indian River
Parts:
Low Inc/MFW—Fellsmere
Low-Inc Pompano
County—Broward
Parts:
C.T. 303–306
C.T. 308.01
Medicaid—Monroe Co
County—Monroe
Parts:
Medicaid Eligible
MFW—Orange
County—Orange
Parts:
MFW
MFW—Sanford Division
County—Seminole
Parts:
MFW—Sanford

PRIMARY MEDICAL CARE: Florida
Facility Listing

Facility Name
Apalachee Corr Inst
County—Jackson
Avon Park Corr Inst
County—Highlands
Baker Corr Inst
County—Baker
Brevard Corr Inst
County—Brevard
Calhoun Corr Inst
County—Calhoun
Central Fl Reception Ctr
County—Orange
Century Corr Inst
County—Escambia
Cross City Corr Inst
County—Dixie
Dade Corr Inst
County—Dade

PRIMARY MEDICAL CARE: Florida
Facility Listing

Facility Name
Desoto Corr Inst
County—De Soto
Doris Ison Comm Hlth Ctr
County—Dade
Fcc Coleman
County—Sumter
Florida Corr Inst
County—Marion
Florida State Prs
County—Bradford
FCI—Tallahassee
County—Leon
FCI Marianna
County—Jackson
FCI Miami
County—Dade
Gainesville Corr Inst
County—Alachua
Gulf Corr Inst
County—Gulf
Helen B. Bentley Family Health Center
County—Dade
Hendry Corr Inst
County—Hendry
Holmes Corr Inst
County—Holmes
Indian River Corr Inst
County—Indian River
Jackson Corr Inst
County—Jackson
Jackson Mem Hosp Outpt Clinics
County—Dade
Krome Medical Referral Center
County—Dade
Lancaster Corr Inst
County—Gilchrist
Liberty Corr Inst
County—Liberty
Marion Corr Inst
County—Marion
Mayo Corr Inst
County—Lafayette
North Fl Reception Ctr
County—Union
Okaloosa Corr Inst
County—Okaloosa
Putnam Corr Inst
County—Putnam
S Florida Recept Ctr
County—Dade
Santa Rosa Corr Inst
County—Santa Rosa
Sumter Corr Inst
County—Sumter
Walton Corr Inst
County—Walton
Zephryhills Corr Inst
County—Pasco

PRIMARY MEDICAL CARE: Georgia
County Listing

County Name
*Appling
Population Group: Low Inc Pop—Appling Co
*Atkinson
*Bacon
Population Group: Low Inc—Bacon Co
*Baker
*Baldwin
Population Group: Low Inc—Baldwin

PRIMARY MEDICAL CARE: Georgia
County Listing

County Name

*Banks
Bartow
Population Group: Low Inc—Bartow Co
*Ben Hill
Population Group: Low Inc—Ben Hill Co
*Berrien
*Brantley
*Brooks
Bryan
Service Area: Pembroke
*Bulloch
Population Group: Low Inc—Bulloch
*Burke
Population Group: Low Inc—Burke Co
*Butts
Population Group: Low Inc—Butts Co
Facility: Ga Diagnostic Prison
*Calhoun
Population Group: Pov Pop—Calhoun Co
*Camden
Service Area: Woodbine
*Candler
Population Group: Low Inc—Candler Co
*Charlton
Population Group: Low Inc—Charlton Co
Chatham
Population Group: Pov Pop—N W Savannah
Chattahoochee
*Chattooga
Cherokee
Clarke
Population Group: Low Inc—Central City Athens
*Clay
*Clinch
Cobb
Population Group: Low Inc—Central Marietta
Facility: Smyrna Health Center
*Colquitt
*Cook
*Crawford
*Crisp
Population Group: Low Inc—Crisp Co
Dade
Population Group: Low Inc—Dade
*Dawson
De Kalb
Service Area: South Decatur/Candler/Mcafee
Facility: North Dekalb Clinic
*Decatur
Population Group: Low Inc—Decatur Co
*Dodge
Population Group: Low Inc—Dodge Co
*Dooly
Population Group: Low Inc—Dooly Co
Dougherty
Service Area: East Albany
Service Area: South Albany
Douglas
Population Group: Low Inc—Douglasville
*Echols
Effingham
*Elbert
Population Group: Low Inc—Elbert Co
*Emanuel
Fannin
Population Group: Low Inc—Fannin Co
Forsyth
Population Group: Pov Pop—Forsyth Co

PRIMARY MEDICAL CARE: Georgia
County Listing

County Name

Facility: Phillips State Prison
*Franklin
Population Group: Low Inc—Franklin Co
Fulton
Service Area: Atlanta/Southside
Service Area: West Atlanta
Population Group: Med Ind—Palmetto
Facility: Central Health Center
Facility: USP—Atlanta
*Gilmer
Population Group: Low Inc—Gilmer Co
*Glascock
*Gordon
Population Group: Low Inc—Gordon
*Grady
Population Group: Pov Pop—Grady Co
*Greene
*Habersham
Population Group: Low Inc—Habersham Co
*Hall
Population Group: Low Inc—Hall Co
*Hancock
*Haralson
Population Group: Low Inc—Haralson Co
Harris
*Hart
Population Group: Low Inc—Hart Co
*Heard
Henry
Population Group: Low Inc—Henry Co
Houston
Population Group: Low Inc—Houston Co
*Irwin
Jackson
Population Group: Low Inc—Jackson Co
*Jasper
*Jeff Davis
Population Group: Low Inc—Jeff Davis Co
*Jefferson
*Jenkins
Population Group: Low Inc—Jenkins Co
*Johnson
*Lamar
Population Group: Low Inc—Lamar Co
*Lanier
Population Group: Low Inc—Lanier Co
*Laurens
Population Group: Low Inc—Laurens Co
Lee
*Liberty
*Lincoln
*Long
*Lumpkin
Population Group: Low Inc—Lumpkin Co
Madison
Population Group: Low Inc—Madison Co
*Marion
Population Group: Low Inc—Marion Co
*McIntosh
*Meriwether
*Miller
Population Group: Low Inc—Miller
*Mitchell
Montgomery
Service Area: Montgomery/Wheeler
*Morgan
Population Group: Low Inc—Morgan Co
*Murray
Muscogee/Columbus
Population Group: Pov Pop—Central Muscogee

PRIMARY MEDICAL CARE: Georgia
County Listing

County Name

Newton
Population Group: Low Inc—Newton Co
*Oglethorpe
Population Group: Low Inc—Oglethorpe Co
Paulding
Peach
Population Group: Low Inc—Peach Co
Pickens
Population Group: Low Inc—Pickens Co
*Pierce
Population Group: Low Inc—Pierce Co
*Pike
Population Group: Low Income—Pike Co
*Polk
*Putnam
*Quitman
*Rabun
Population Group: Low Inc—Rabun Co
*Randolph
Population Group: Pov Pop—Randolph Co
Richmond
Population Group: Low Inc—Central Augusta
*Schley
Population Group: Low Inc—Schley Co
*Screven
Spaulding
Population Group: Low Inc—Spalding Co
Stewart
Service Area: Stewart/Webster
*Talbot
*Tattnall
*Taylor
Population Group: Low Inc—Taylor Co
*Telfair
*Terrell
*Toombs
Population Group: Med Ind—Toombs Co
*Towns
Population Group: Low Inc—Towns Co
*Turner
Twiggs
*Union
Population Group: Low Inc—Union Co
Walker
Walton
Population Group: Low Inc—Walton Co
*Ware
Population Group: Low Inc—Ware Co
*Warren
*Washington
Population Group: Pov Pop—Washington Co
*Wayne (g)
Facility: FCI Jesup
Webster
Service Area: Stewart/Webster
Wheeler
Service Area: Montgomery/Wheeler
*White
*Whitfield
Population Group: Low Inc—Whitfield Co
*Wilcox
Population Group: Low Inc—Wilcox Co
*Wilkes
*Wilkinson
*Worth

PRIMARY MEDICAL CARE: Georgia
Service Area Listing

Service Area Name
Atlanta/Southside
County—Fulton
Parts:
C.T. 44
C.T. 46.95
C.T. 48
C.T. 49.95
C.T. 50
C.T. 52–53
C.T. 55.01–55.02
C.T. 56–58
C.T. 63–64
C.T. 67
C.T. 68.01–68.02
C.T. 69–73
East Albany
County—Dougherty
Parts:
C.T. 1–2
C.T. 101–102
C.T. 103.01–103.02
C.T. 107–108
Montgomery/Wheeler
County—Montgomery
County—Wheeler
Pembroke
County—Bryan
Parts:
C.T. 201 (Pembroke CCD)
South Albany
County—Dougherty
Parts:
C.T. 12 (Pembroke CCD)
C.T. 14.01–14.02
C.T. 15
C.T. 106.01–106.02
South Decatur/Candler/Mcafee
County—De Kalb
Parts:
C.T. 205–209
C.T. 227
C.T. 231.01
C.T. 235.01–235.02
C.T. 236–237
Stewart/Webster
County—Stewart
County—Webster
West Atlanta
County—Fulton
Parts:
C.T. 8
C.T. 22–26
C.T. 36–41
C.T. 42.95
C.T. 43
C.T. 60–62
C.T. 66.02
C.T. 78.04
C.T. 80
C.T. 81.01–81.02
C.T. 82.01–82.02
C.T. 83.01–83.02
C.T. 84–85
C.T. 86.01–86.02
C.T. 87.01–87.02
Woodbine
County—Camden
Parts:
Woodbine Division

PRIMARY MEDICAL CARE: Georgia
Population Group Listing

Population Group
Low Inc—Bacon Co
County—Bacon
Parts:
Low Income
Low Inc—Baldwin
County—Baldwin
Parts:
Low Income
Low Inc—Bartow Co
County—Bartow
Parts:
Low Income
Low Inc—Ben Hill Co
County—Ben Hill
Low Inc—Bulloch
County—Bulloch
Parts:
Low Income
Low Inc—Burke Co
County—Burke
Parts:
Low Income
Low Inc—Butts Co
County—Butts
Parts:
Low Income
Low Inc—Candler Co
County—Candler
Parts:
Low Income Pop
Low Inc—Central Augusta
County—Richmond
Parts:
C.T. 104
C.T. 105.04–105.09
C.T. 106
Low Inc—Central City Athens
County—Clarke
Parts:
C.T. 1–7
C.T. 9–10
Low Inc—Central Marietta
County—Cobb
Parts:
C.T. 307–308
C.T. 309.02
Low Inc—Charlton Co
County—Charlton
Parts:
Low Income
Low Inc—Crisp Co
County—Crisp
Parts:
Low Income
Low Inc—Dade
County—Dade
Parts:
Low Income
Low Inc—Decatur Co
County—Decatur
Parts:
Low Income
Low Inc—Dodge Co
County—Dodge
Parts:
Low Income
Low Inc—Dooly Co
County—Dooly
Parts:
Low Income
Low Inc—Douglasville
County—Douglas

PRIMARY MEDICAL CARE: Georgia
Population Group Listing

Population Group
Parts:
C.T. 803
Low Inc—Elbert Co
County—Elbert
Parts:
Low Income
Low Inc—Fannin Co
County—Fannin
Parts:
Low Income
Low Inc—Franklin Co
County—Franklin
Parts:
Low Income
Low Inc—Gilmer Co
County—Gilmer
Parts:
Low Income
Low Inc—Gordon
County—Gordon
Parts:
Low Income
Low Inc—Habersham Co
County—Habersham
Parts:
Low Inc
Low Inc—Hall Co
County—Hall
Parts:
Low Income
Low Inc—Haralson Co
County—Haralson
Parts:
Low Income
Low Inc—Hart Co
County—Hart
Parts:
Low Income
Low Inc—Henry Co
County—Henry
Parts:
Low Income
Low Inc—Houston Co
County—Houston
Parts:
Low Income
Low Inc—Jackson Co
County—Jackson
Parts:
Low Income
Low Inc—Jeff Davis Co
County—Jeff Davis
Parts:
Low Income
Low Inc—Jenkins Co
County—Jenkins
Parts:
Low Income
Low Inc—Lamar Co
County—Lamar
Parts:
Low Income
Low Inc—Lanier Co
County—Lanier
Parts:
Low Inc—Lanier
Low Inc—Laurens Co
County—Laurens
Parts:
Low Income
Low Inc—Lumpkin Co
County—Lumpkin

PRIMARY MEDICAL CARE: Georgia
Population Group Listing

Population Group
Parts:
Low Income
Low Inc—Madison Co
County—Madison
Parts:
Low Income
Low Inc—Marion Co
County—Marion
Parts:
Low Income
Low Inc—Miller
County—Miller
Parts:
Low Income
Low Inc—Morgan Co
County—Morgan
Parts:
Low Income
Low Inc—Newton Co
County—Newton
Parts:
Low Inc
Low Inc—Oglethorpe Co
County—Oglethorpe
Parts:
Low Income
Low Inc—Peach Co
County—Peach
Parts:
Low Inc—Peach
Low Inc—Pickens Co
County—Pickens
Parts:
Low Income
Low Inc—Pierce Co
County—Pierce
Parts:
Low Income
Low Inc—Rabun Co
County—Rabun
Parts:
Low Inc—Rabun
Low Inc—Schley Co
County—Schley
Parts:
Low Income
Low Inc—Spalding Co
County—Spaulding
Parts:
Low Income
Low Inc—Taylor Co
County—Taylor
Parts:
Low Income
Low Inc—Towns Co
County—Towns
Parts:
Low Income
Low Inc—Union Co
County—Union
Parts:
Low Income
Low Inc—Walton Co
County—Walton
Parts:
Low Income
Low Inc—Ware Co
County—Ware
Parts:
Low Income
Low Inc—Whitfield Co
County—Whitfield

PRIMARY MEDICAL CARE: Georgia
Population Group Listing

Population Group
Parts:
Low Income
Low Inc—Wilcox Co
County—Wilcox
Parts:
Low Income
Low Inc Pop—Appling Co
County—Appling
Parts:
Low Inc—Appling
Low Income—Pike Co
County—Pike
Parts:
Low Income
Med Ind—Palmetto
County—Fulton
Parts:
C.T. 104
C.T. 105.04–105.06
Med Ind—Toombs Co
County—Toombs
Parts:
Medically Indigent
Pov Pop—Calhoun Co
County—Calhoun
Parts:
Pov Pop
Pov Pop—Central Muscogee
County—Muscogee/Columbus
Parts:
C.T. 1
C.T. 13
C.T. 15
C.T. 18–20
C.T. 22–25
C.T. 27–28
C.T. 29.01–29.02
C.T. 30–34
Pov Pop—Forsyth Co
County—Forsyth
Parts:
Pov Pop
Pov Pop—Grady Co
County—Grady
Parts:
Pov Pop
Pov Pop—N W Savannah
County—Chatham
Parts:
C.T. 1
C.T. 3
C.T. 6.01
C.T. 8–13
C.T. 15
C.T. 17–28
C.T. 32
C.T. 33.01–33.02
C.T. 36.01–36.02
C.T. 37
C.T. 44–45
C.T. 101.01
C.T. 106.04
Pov Pop—Randolph Co
County—Randolph
Parts:
Pov Pop
Pov Pop—Washington Co
County—Washington
Parts:
Pov Pop

PRIMARY MEDICAL CARE: Georgia
Facility Listing

Facility Name
Central Health Center
County—Fulton
FCI Jesup
County—Wayne
Ga Diagnostic Prison
County—Butts
North Dekalb Clinic
County—De Kalb
Phillips State Prison
County—Forsyth
Smyrna Health Center
County—Cobb
USP—Atlanta
County—Fulton

PRIMARY MEDICAL CARE: Hawaii
County Listing

County Name
*Hawaii
Service Area: Hamakua
Service Area: Kau District
Service Area: Pahoa
Honolulu
Population Group: Low Inc—Kokua/Kalihi-Palama
*Maui/Kalawao
Service Area: Hana/Haiku
Service Area: Island Of Lanai
Service Area: Island Of Molokai

PRIMARY MEDICAL CARE: Hawaii
Service Area Listing

Service Area Name
Hamakua
County—Hawaii
Parts:
C.T. 219–221
Hana/Haiku
County—Maui/Kalawao
Parts:
C.T. 301–302
Island Of Lanai
County—Maui/Kalawao
Parts:
C.T. 316
Island Of Molokai
Parts:
C.T. 319
County—Maui/Kalawao
Parts:
C.T. 317–318
Kau District
County—Hawaii
Parts:
C.T. 212
Pahoa
County—Hawaii
Parts:
C.T. 211

PRIMARY MEDICAL CARE: Hawaii
Population Group Listing

Population Group
Low Inc—Kokua/Kalihi-Palama
County—Honolulu
Parts:
C.T. 51–57
C.T. 57.99–58.00
C.T. 59–61
C.T. 62.01–62.02

PRIMARY MEDICAL CARE: Hawaii
Population Group Listing

County Name

C.T. 63.01–63.02
C.T. 64.01–64.02
C.T. 65–66

PRIMARY MEDICAL CARE: Idaho
County Listing

County Name

Ada (g)
  Facility: Idaho State Pen. (Max/Med Units)
*Adams
*Bannock
  Service Area: South Bannock Division
Benewah
  Population Group: Low Inc—Benewah Co
*Bingham
  Population Group: Low Inc/MFW—Bingham Co
*Blaine
  Service Area: Carey
*Boise
*Bonner
  Service Area: Clark Fork
  Service Area: Priest River
*Bonneville
  Service Area: Swan Valley
*Boundary
Butte
  Service Area: Arco/Mackay
*Camas
Canyon
  Population Group: Low Inc/MFW—Canyon Co
*Caribou
*Cassia
  Population Group: Low Inc/MFW—Cassia Co
*Clark
*Clearwater
  Service Area: Elk River
  Service Area: Pierce/Weippe
*Custer
  Service Area: Arco/Mackay
  Service Area: Stanley/Challis
*Elmore
*Franklin
*Fremont
*Gem
  Population Group: Low Inc/MFW—Gem Co
*Gooding
*Idaho
  Service Area: Elk City
  Service Area: Riggins
*Jefferson
*Jerome
  Population Group: Low Inc/MFW—Jerome Co
*Kootenai
  Population Group: Low Inc—Kootenai Co
*Latah
  Population Group: Low Inc—Latah Co
*Lemhi
  Population Group: Low Inc—Lemhi Co
*Lewis
  Service Area: Winchester
*Lincoln
*Madison
  Population Group: Low Inc/MFW—Madison Co
*Minidoka
  Population Group: Low Inc/MFW—Minidoka Co
*Oneida
*Owyhee
*Payette
*Power
  Population Group: Low Inc/MFW—Power Co
*Teton
*Twin Falls
  Population Group: Low Inc/MFW -Twin Falls Co
*Valley
  Service Area: Cascade
*Washington

PRIMARY MEDICAL CARE: Idaho
Service Area Listing

Service Area Name

Arco/Mackay
  County—Butte
  County—Custer
    Parts:
      Mackay Division
Carey
  County—Blaine
    Parts:
      Carey Division
Cascade
  County—Valley
    Parts:
      C.T. 9701
Clark Fork
  County—Bonner
    Parts:
      Clark Fork Division
Elk City
  County—Idaho
    Parts:
      Elk City Division
Elk River
  County—Clearwater
    Parts:
      Elk River Division
Pierce/Weippe
  County—Clearwater
    Parts:
      Pierce-Headquarters Division
      Weippe Division
Priest River
  County—Bonner
    Parts:
      Blanchard-Glengary Division
      Priest River Division
Riggins
  County—Idaho
    Parts:
      Riggins Division
South Bannock Division
  County—Bannock
    Parts:
      South Bannock Division
Stanley/Challis
  County—Custer
    Parts:
      Challis Division
      Stanley Division
Swan Valley
  County—Bonneville
    Parts:
      Swan Valley Division
Winchester
  County—Lewis

PRIMARY MEDICAL CARE: Idaho
Service Area Listing

Service Area Name

Parts:
  Winchester Division

PRIMARY MEDICAL CARE: Idaho
Population Group Listing

Population Group

Low Inc—Benewah Co
  County—Benewah
Low Inc—Kootenai Co
  County—Kootenai
Low Inc—Latah Co
  County—Latah
    Parts:
      Low Inc
Low Inc—Lemhi Co
  County—Lemhi
    Parts:
      Low Inc
Low Inc/MFW—Bingham Co
  County—Bingham
Low Inc/MFW—Canyon Co
  County—Canyon
    Parts:
      Low Income/MFW
Low Inc/MFW—Cassia Co
  County—Cassia
    Parts:
      Cassia
Low Inc/MFW—Gem Co
  County—Gem
Low Inc/MFW—Jerome Co
  County—Jerome
    Parts:
      Low Inc/MFW
Low Inc/MFW—Madison Co
  County—Madison
    Parts:
      Low Inc/MFW
Low Inc/MFW—Minidoka Co
  County—Minidoka
    Parts:
      Low Inc/MFW Minidoka Co
Low Inc/MFW—Power Co
  County—Power
    Parts:
      Low Income/MFW Pop
Low Inc/MFW -Twin Falls Co
  County—Twin Falls
    Parts:
      Low Inc/MFW—Twin Falls

PRIMARY MEDICAL CARE: Idaho
Facility Listing

Facility Name

Idaho State Pen. (Max/Med Units)
  County—Ada

PRIMARY MEDICAL CARE: Illinois
County Listing

County Name

Alexander
  Service Area: Cairo
*Bond (g)
  Facility: Greenville Corr Inst
*Brown
*Carroll
Clinton (g)
  Facility: Centralia Corr Ctr
Cook

PRIMARY MEDICAL CARE: Illinois
County Listing

County Name

Service Area: Auburn Gresham
Service Area: Austin
Service Area: Douglas/Armour Sq/Near South Side
Service Area: Logan Square
Service Area: New City
Service Area: Roseland/Pullman/Burnside
Service Area: S Lawndale
Service Area: South Chicago/Avalon Park
Service Area: South Deering
Service Area: West Englewood/Englewood
Population Group: Hmlss—Uptown/Near North Side/Loop
Population Group: Inmates—MCC Chicago
Population Group: Low Inc—South Shore
Population Group: Low Inc—Near West Side (Pt)
Facility: Alivio Med Ctr
Facility: Altgeld Health Ctr
Facility: Children's Primary Care Serv
Facility: Cook Co (Sengstacke)
Facility: Cook Co Dept Of Corr Complex
Facility: Erie Family HC (Teens)
Facility: Erie Family HC (West Town)
Facility: Erie Family HC (Seniors)
Facility: Erie Family HC (Humboldt Park)
Facility: Family Wellness Ctr (C.T. 4808)
Facility: Fantus Outpt Clinic—Cook Co Hosp
Facility: Friend Family Health Ctr
Facility: Hawthorne Works Med Ctr
Facility: Infant Welfare Society
Facility: Ingalls Community Care Ctr
Facility: Kedzie Plaza Med Ctr
Facility: Kling Prof Office Bldg
Facility: Lawndale Christian Hlth Ctr
Facility: Lawndale Plaza Medical Ctr
Facility: Lincoln Memorial Health Ctr
Facility: Markham Medical Clinic
Facility: Near South Health Ctr
Facility: Pcc Community Wellness Ctr
Facility: Pediatric Clinic—U Of Il
Facility: Pediatric Follow-Up Clinic
Facility: Pilsen Med Ctr
Facility: Sinai Doctors Med Ctr
Facility: West Side Health Ctr
Facility: Westside Family Health Ctr
Facility: Winfield Moody Health Ctr
Facility: Woodlawn Health Ctr
*Edgar
*Franklin
*Gallatin
Hardin
Service Area: Hardin/Pope
*Iroquois
Service Area: Hoopeston
*Jackson
Population Group: Med Ind—Jackson Co
*Jasper
*Jo Daviess
Service Area: Stockton/Warren
*Johnson
*Lawrence
Population Group: Low Inc—Lawrence Co
*Lee
Service Area: Ashton
Macon
Population Group: Low Inc—Decatur City
Madison
Service Area: East St. Louis
Population Group: Low Inc—Alton/Wood River

PRIMARY MEDICAL CARE: Illinois
County Listing

County Name

Facility: Koch Family Health Ctr
*Massac
Population Group: Low Inc—Massac Co
Ogle
Service Area: Polo
*Perry
Population Group: Low Inc—Perry Co
Pope
Service Area: Hardin/Pope
Pulaski
Service Area: Cairo
Rock Island
Population Group: Low Inc—Greater Davenport (IA/IL)
Population Group: Low Inc—Eastern Rock Island Co
*Scott
*Shelby
Population Group: Low Inc—Shelby Co
St Clair
Service Area: East St. Louis
Tazewell (g)
Facility: FCI Pekin
*Vermilion
Service Area: Hoopeston
*Washington
Service Area: Nashville
*White
Population Group: Low Inc—White Co
Will
Population Group: Low Inc—Eastside Joliet
Facility: Joliet Corr Inst
*Williamson (g)
Facility: USP Marion

PRIMARY MEDICAL CARE: Illinois
Service Area Listing

Service Area Name

Ashton
County—Lee
Parts:
Alto Township
Amboy Township
Ashton Township
Bradford Township
Brooklyn Township
China Township
Lee Center Township
May Township
Reynolds Township
Sublette Township
Viola Township
Willow Creek Township
Wyoming Township
Auburn Gresham
County—Cook
Parts:
C.T. 7101–7115
C.T. 7301–7307
Austin
County—Cook
Parts:
C.T. 2501–2524
Cairo
County—Alexander
County—Pulaski
Douglas/Armour Sq/Near South Side
County—Cook
Parts:
C.T. 3301–3305
C.T. 3401–3406

PRIMARY MEDICAL CARE: Illinois
Service Area Listing

Service Area Name

C.T. 3501–3515
East St. Louis
County—Madison
Parts:
C.T. 4007
County—St Clair
Parts:
C.T. 5004–5006
C.T. 5009–5014
C.T. 5021–5022
C.T. 5024.01
C.T. 5024.03–5024.04
C.T. 5025
C.T. 5027–5030
C.T. 5041
C.T. 5042.01
C.T. 5044
Hardin/Pope
County—Hardin
County—Pope
Hoopeston
County—Iroquois
Parts:
Fountain Creek Twp
Lovejoy Twp
Prairie Green Twp
County—Vermilion
Parts:
Butler Twp
Grant Twp
Middlefork Twp
Ross Twp
South Ross Twp
Logan Square
County—Cook
Parts:
C.T. 2001–2006
C.T. 2201–2229
Nashville
County—Washington
Parts:
Beaucoup Township
Bolo Township
Covington Township
Du Bois Township
Johannisburg Township
Lively Grove Township
Nashville Township
Oakdale Township
Okawville Township
Pilot Knob Township
Plum Hill Township
Venedy Township
New City
County—Cook
Parts:
C.T. 3701–3704
C.T. 6101–6122
Polo
County—Ogle
Parts:
Brookville Twp
Buffalo Twp
Eagle Point Twp
Forreston Twp
Leaf River Twp
Lincoln Twp
Maryland Twp
Mount Morris Twp
Pine Creek Twp
Woosung Twp
Roseland/Pullman/Burnside

PRIMARY MEDICAL CARE: Illinois
Service Area Listing

Service Area Name

County—Cook
Parts:
C.T. 4701
C.T. 4901–4914
C.T. 5001–5003
S Lawndale
County—Cook
Parts:
C.T. 3001–3020
South Chicago/Avalon Park
County—Cook
Parts:
C.T. 4501–4503
C.T. 4601–4610
South Deering
County—Cook
Parts:
C.T. 5101–5105
Stockton/Warren
County—Jo Daviess
Parts:
Apple River Township
Berreman Township
Derinda Township
Nora Township
Pleasant Valley Township
Rush Township
Stockton Township
Thompson Township
Wards Grove Township
Warren Township
Woodbine Township
West Englewood/Englewood
County—Cook
Parts:
C.T. 6701–6720
C.T. 6801–6814

PRIMARY MEDICAL CARE: Illinois
Population Group Listing

Population Group

Hmlss—Uptown/Near North Side/Loop
County—Cook
Parts:
Edgewater (C.T. 301–309)
Lakeview(C.T. 601–634)
Lincoln Park(C.T.701–720
Loop (C.T. 3201–3206)
Near N Side(C.T.801–819
Uptown(C.T. 310–321)
Inmates—MCC Chicago
County—Cook
Parts:
MCC Chicago
Low Inc—Alton/Wood River
County—Madison
Parts:
Alton Twp
Wood River Twp
Low Inc—Decatur City
County—Macon
Parts:
C.T. 1–3
C.T. 4.97–4.98
C.T. 5.98
C.T. 6–9
C.T. 16
C.T. 20
Low Inc—Eastern Rock Island Co
County—Rock Island
Parts:

PRIMARY MEDICAL CARE: Illinois
Population Group Listing

Population Group

C.T. 202–203
C.T. 206–210
C.T. 213–215
Low Inc—Eastside Joliet
County—Will
Parts:
C.T. 8812–8813
C.T. 8820–8822
C.T. 8824–8825
C.T. 8830
Low Inc—Greater Davenport (IA/IL)
County—Rock Island
Parts:
C.T. 216–217
C.T. 222–224
C.T. 226–228
C.T. 233–237
Low Inc—Lawrence Co
County—Lawrence
Parts:
Low Income
Low Inc—Massac Co
County—Massac
Parts:
Low Income
Low Inc—Near West Side (Pt)
County—Cook
Parts:
C.T. 2801–2828
C.T. 2838–2843
Low Inc—Perry Co
County—Perry
Parts:
Low Income
Low Inc—Shelby Co
County—Shelby
Parts:
Low Income
Low Inc—South Shore
County—Cook
Parts:
C.T. 4301–4314
Low Inc—White Co
County—White
Parts:
Low Income
Med Ind—Jackson Co
County—Jackson
Parts:
Medically Indigent

PRIMARY MEDICAL CARE: Illinois
Facility Listing

Facility Name

Alivio Med Ctr
County—Cook
Altgeld Health Ctr
County—Cook
Centralia Corr Ctr
County—Clinton
Children'S Primary Care Serv
County—Cook
Cook Co (Sengstacke)
County—Cook
Cook Co Dept Of Corr Complex
County—Cook
Erie Family HC (Humboldt Park)
County—Cook
Erie Family HC (Seniors)
County—Cook
Erie Family HC (Teens)

PRIMARY MEDICAL CARE: Illinois
Facility Listing

Facility Name

County—Cook
Erie Family HC (West Town)
County—Cook
Family Wellness Ctr (C.T. 4808)
County—Cook
Fantus Outpt Clinic—Cook Co Hosp
County—Cook
Friend Family Health Ctr
County—Cook
FCI Pekin
County—Tazewell
Greenville Corr Inst
County—Bond
Hawthorne Works Med Ctr
County—Cook
Infant Welfare Society
County—Cook
Ingalls Community Care Ctr
County—Cook
Joliet Corr Inst
County—Will
Kedzie Plaza Med Ctr
County—Cook
Kling Prof Office Bldg
County—Cook
Koch Family Health Ctr
County—Madison
Lawndale Christian Hlth Ctr
County—Cook
Lawndale Plaza Medical Ctr
County—Cook
Lincoln Memorial Health Ctr
County—Cook
Markham Medical Clinic
County—Cook
Near South Health Ctr
County—Cook
Pcc Community Wellness Ctr
County—Cook
Pediatric Clinic—U Of Il
County—Cook
Pediatric Follow-Up Clinic
County—Cook
Pilsen Med Ctr
County—Cook
Sinai Doctors Med Ctr
County—Cook
USP Marion
County—Williamson
West Side Health Ctr
County—Cook
Westside Family Health Ctr
County—Cook
Winfield Moody Health Ctr
County—Cook
Woodlawn Health Ctr
County—Cook

PRIMARY MEDICAL CARE: Indiana
County Listing

County Name

*Benton
*Blackford
*Brown
*Carroll
Population Group: Low Inc—Carroll Co
Clinton
Population Group: Low Inc—Clinton Co
*Crawford
*Daviess
*Fountain

PRIMARY MEDICAL CARE: Indiana
County Listing

County Name

Population Group: Low Inc—Fountain Co
*Franklin
*Grant
Population Group: Low Inc—Grant Co
*Greene
Harrison
Service Area: Elizabeth
*Henry
Population Group: Low Inc—Henry Co
Howard
Population Group: Low Inc—Inner City Kokomo
*Jasper
Population Group: Low Inc—Jasper Co
*Jennings
*Knox
Service Area: Bicknell
Facility: Wabash Valley Clinic
*La Porte
Population Group: Low Inc—LA Porte Co
Facility: Indiana State Prs
*Lagrange
Lake
Service Area: East Chicago
Service Area: Gary
Marion
Service Area: Blackburn (Indianapolis)
Service Area: Forest Manor (Indianapolis)
Service Area: Highland-Brookside (Indianapolis)
Service Area: Near North Side (Indianapolis)
Service Area: South Central Indianapolis
Service Area: Southwest Indianapolis
*Newton
*Noble
*Ohio
*Owen
*Perry
Facility: Branchville Training Ctr
*Pike
Porter
Population Group: Low Inc—Porter Co
*Putnam (g)
Facility: Indiana State Farm
*Randolph
*Ripley
Service Area: Osgood/Versailles
*Rush
Population Group: Low Inc—Rush Co
Scott
Population Group: Low Inc—Scott Co
*Spencer
St Joseph
Service Area: Southwest South Bend
*Starke
*Steuben
*Sullivan
*Switzerland
Tippecanoe
Population Group: Low Inc—Tippecanoe Co
Vanderburgh
Population Group: Homeless—Evansville
Vermillion
Service Area: Northern Vermillion
Vigo (g)
Facility: Terre Haute Corr Inst
*Warren
*Washington

PRIMARY MEDICAL CARE: Indiana
County Listing

County Name

Population Group: Low Inc—Washington Co
*White

PRIMARY MEDICAL CARE: Indiana
Service Area Listing

Service Area Name

Bicknell
County—Knox
Parts:
Vigo Township
Washington Township
Widner Township
Blackburn (Indianapolis)
County—Marion
Parts:
C.T. 3501–3502
C.T. 3511–3512
C.T. 3515
East Chicago
County—Lake
Parts:
C.T. 301–303
C.T. 303.98
C.T. 304
C.T. 304.98
C.T. 305–310
Elizabeth
County—Harrison
Parts:
Boone Township
Posey Township
Taylor Township
Forest Manor (Indianapolis)
County—Marion
Parts:
C.T. 3225–3227
C.T. 3505–3508
C.T. 3523
Gary
County—Lake
Parts:
C.T. 101
C.T. 102.98
C.T. 103–134
C.T. 411–412
C.T. 413.01
Highland-Brookside (Indianapolis)
County—Marion
Parts:
C.T. 3526–3527
C.T. 3544–3545
C.T. 3547–3551
Parts:
C.T. 101
C.T. 102.98
C.T. 103–134
C.T. 411–412
C.T. 413.01
Near North Side (Indianapolis)
County—Marion
Parts:
C.T. 3517
C.T. 3519
C.T. 3521
C.T. 3528
C.T. 3531–3532
Northern Vermillion
County—Vermillion
Parts:
Eugene Twp

PRIMARY MEDICAL CARE: Indiana
Service Area Listing

Service Area Name

Highland Twp
Vermillion Twp
Osgood/Versailles
County—Ripley
Parts:
Brown Township
Center Township
Johnson Township
Otter Creek Township
Shelby Township
Washington Township
South Central Indianapolis
County—Marion
Parts:
C.T. 3556–3557
C.T. 3559
C.T. 3562
C.T. 3569–3572
C.T. 3578–3580
Southwest Indianapolis
County—Marion
Parts:
C.T. 3414–3415
C.T. 3417
C.T. 3422–3426
C.T. 3563–3564
C.T. 3581
C.T. 3702.01–3702.02
Southwest South Bend
County—St Joseph
Parts:
C.T. 6
C.T. 17–24
C.T. 27
C.T. 29–30

PRIMARY MEDICAL CARE: Indiana
Population Group Listing

Population Group

Homeless—Evansville
County—Vanderburgh
Parts:
Homeless
Low Inc—Carroll Co
County—Carroll
Parts:
Low Income
Low Inc—Clinton Co
County—Clinton
Parts:
Low Income
Low Inc—Fountain Co
County—Fountain
Parts:
Low Income
Low Inc—Grant Co
County—Grant
Parts:
Low Income
Low Inc—Henry Co
County—Henry
Parts:
Low Income
Low Inc—Inner City Kokomo
County—Howard
Parts:
C.T. 1–2
C.T. 4–5
C.T. 9
C.T. 12
Low Inc—Jasper Co

PRIMARY MEDICAL CARE: Indiana
Population Group Listing

Population Group

County—Jasper
Parts:
Low Income
Low Inc—LA Porte Co
County—La Porte
Parts:
Low Income
Low Inc—Porter Co
County—Porter
Parts:
Low Income
Low Inc—Rush Co
County—Rush
Parts:
Low Income
Low Inc—Scott Co
County—Scott
Parts:
Low Income
Low Inc—Tippecanoe Co
County—Tippecanoe
Parts:
Low Income
Low Inc—Washington Co
County—Washington
Parts:
Low Income

PRIMARY MEDICAL CARE: Indiana
Facility Listing

Facility Name

Branchville Training Ctr
County—Perry
Indiana State Farm
County—Putnam
Indiana State Prs
County—La Porte
Terre Haute Corr Inst
County—Vigo
Wabash Valley Clinic
County—Knox

PRIMARY MEDICAL CARE: Iowa
County Listing

County Name

*Adair
*Benton
Black Hawk
Population Group: Medicaid—Black Hawk Co
*Boone
Service Area: Dayton/Gowrie
Bremer
Service Area: Sumner/Tripoli
*Buchanan
*Butler
*Calhoun
Service Area: Dayton/Gowrie
Service Area: Lake City
Service Area: Manson
*Carroll
Service Area: Lake City
*Cedar
Service Area: Lowden/Lost Nation
*Cherokee
Service Area: Kingsley/Anthon/Mapleton
*Clayton
Service Area: Elkader/Strawberry Point
*Clinton
Service Area: Lowden/Lost Nation

PRIMARY MEDICAL CARE: Iowa
County Listing

County Name

Dallas
Service Area: Redfield
*Davis
*Delaware
Service Area: Elkader/Strawberry Point
*Franklin
Population Group: Low Inc—Franklin Co
*Fremont
Service Area: Glenwood/Tabor
*Greene
Service Area: Dayton/Gowrie
Service Area: Lake City
*Grundy
Service Area: Grundy
*Guthrie
Service Area: Guthrie Center
Service Area: Redfield
*Hamilton
Service Area: Dayton/Gowrie
*Hancock
*Harrison
Service Area: Onawa (IA/NE)
*Henry
Service Area: Keosauqua
*Ida
*Jackson
Service Area: Lowden/Lost Nation
*Jefferson
Service Area: Keosauqua
*Jones
*Kossuth
*Lee
Service Area: Keosauqua
*Louisa
*Lyon
Service Area: Rock Rapids
*Madison
Service Area: Redfield
Mills
Service Area: Glenwood/Tabor
*Mitchell
*Monona
Service Area: Kingsley/Anthon/Mapleton
Service Area: Onawa (IA/NE)
*O Brien
*Plymouth
Service Area: Kingsley/Anthon/Mapleton
Service Area: Le Mars/Akron
*Pocahontas
Service Area: Manson
Pottawattamie
Service Area: Oakland
Population Group: Low Inc—W Pottawattamie Co
*Sac
Scott
Service Area: Lowden/Lost Nation
Population Group: Low Inc—Greater Davenport (IA/IL)
*Sioux
Service Area: Hawarden/Ireton
*Tama
*Taylor
Van Buren
Service Area: Keosauqua
*Webster
Service Area: Dayton/Gowrie
Service Area: Manson
Woodbury
Service Area: Kingsley/Anthon/Mapleton
Service Area: Onawa (IA/NE)
Population Group: Low Inc—Nw Sioux City

PRIMARY MEDICAL CARE: Iowa
Service Area Listing

Service Area Name

Dayton/Gowrie
County—Boone
Parts:
Dodge Twp
Grant Twp
Pilot Mound Twp
County—Calhoun
Parts:
Reading Twp
County—Greene
Parts:
Dawson Twp
Paton Twp
County—Hamilton
Parts:
Marion Twp
Webster Twp
County—Webster
Parts:
Burnside Twp
Clay Twp
Dayton Twp
Gowrie Twp
Hardin Twp
Lost Grove Twp
Roland Twp
Sumner Twp
Webster Twp
Yell Twp
Elkader/Strawberry Point
County—Clayton
Parts:
Boardman Twp
Cass Twp
Cox Creek Twp
Grand Meadow Twp
Highland Twp
Lodomillo Twp
Marion Twp
Monona Twp
Sperry Twp
Wagner Twp
County—Delaware
Parts:
Honey Creek Twp
Richland Twp
Glenwood/Tabor
County—Fremont
Parts:
Green Twp
Monroe Twp
Riverside Twp
Scott Twp
County—Mills
Grundy
County—Grundy
Parts:
Black Hawk Twp
Colfax Twp
Lincoln Twp
Melrose Twp
Palermo Twp
Pleasant Valley Twp
Shiloh Twp
Washington Twp
Guthrie Center
County—Guthrie
Parts:
Baker Twp
Bear Grove Twp
Beaver Twp
Cass Twp

PRIMARY MEDICAL CARE: Iowa
Service Area Listing

Service Area Name

- Dodge Twp
- Grant Twp
- Highland Twp
- Jackson Twp
- Orange Twp
- Richland Twp
- Seely Twp
- Thompson Twp
- Union Twp
- Valley Twp
- Victory Twp

Hawarden/Ireton
- County—Sioux
  - Parts:
    - Buncombe Township
    - Center Township
    - Eagle Township
    - Garfield Township
    - Logan Township
    - Plato Township
    - Reading Township
    - Sherman Township
    - Washington Township

Keosauqua
- County—Henry
  - Parts:
    - Jackson Township
    - Salem Township
- County—Jefferson
  - Parts:
    - Cedar Township
    - Des Moines Township
    - Liberty Township
    - Round Prairie Township
- County—Lee
  - Parts:
    - Cedar Township
    - Franklin Township
    - Harrison Township
    - Marion Township
    - Van Buren Township
- County—Van Buren

Kingsley/Anthon/Mapleton
- County—Cherokee
  - Parts:
    - Grand Meadow Twp
- County—Monona
  - Parts:
    - Cooper Twp
    - Grant Twp
    - Maple Twp
- County—Plymouth
  - Parts:
    - Elkhorn Twp
    - Garfield Twp
- County—Woodbury
  - Parts:
    - Arlington Twp
    - Banner Twp
    - Floyd Twp
    - Grange Twp
    - Grant Twp
    - Kedron Twp
    - Liston Twp
    - Little Sioux Twp
    - Miller Twp
    - Morgan Twp
    - Moville Twp
    - Oto Twp
    - Rock Twp
    - Rutland Twp
    - Union Twp

PRIMARY MEDICAL CARE: Iowa
Service Area Listing

Service Area Name

- West Fork Twp
- Willow Twp
- Wolf Creek Twp

Lake City
- County—Calhoun
  - Parts:
    - Calhoun Township
    - Cedar Township
    - Elm Grove Township
    - Garfield Township
    - Jackson Township
    - Lake Creek Township
    - Lake City City
    - Logan Township
    - Union Township
    - Williams Township
- County—Carroll
  - Parts:
    - Jasper Township
    - Kniest Township
    - Sheridan Township
    - Wheatland Township
- County—Greene
  - Parts:
    - Cedar Township
    - Highland Township

Le Mars/Akron
- County—Plymouth
  - Parts:
    - America Twp
    - Elgin Twp
    - Fredonia Twp
    - Grant Twp
    - Henry Twp
    - Johnson Twp
    - Liberty Twp
    - Marion Twp
    - Meadow Twp
    - Plymouth Twp
    - Portland Twp
    - Preston Twp
    - Remsen Twp
    - Sioux Twp
    - Stanton Twp
    - Union Twp
    - Washington Twp
    - Westfield Twp

Lowden/Lost Nation
- County—Cedar
  - Parts:
    - Inland Twp
    - Massillon Twp
    - Springfield Twp
- County—Clinton
  - Parts:
    - Liberty Twp
    - Sharon Twp
    - Spring Rock Twp
- County—Jackson
  - Parts:
    - Monmouth Twp
- County—Scott
  - Parts:
    - Liberty Twp

Manson
- County—Calhoun
  - Parts:
    - Butler Township
    - Center Township
    - Greenfield Township
    - Lincoln Township
    - Sherman Township

PRIMARY MEDICAL CARE: Iowa
Service Area Listing

Service Area Name

- Twin Lakes Township
- County—Pocahontas
  - Parts:
    - Bellville Township
    - Lizard Township
- County—Webster
  - Parts:
    - Jackson Township
    - Johnson Township

Oakland
- County—Pottawattamie
  - Parts:
    - Belknap Twp
    - Carson Twp
    - Center Twp
    - Grove Twp
    - James Twp
    - Knox Twp
    - Layton Twp
    - Lincoln Twp
    - Macedonia Twp
    - Pleasant Twp
    - Silver Creek Twp
    - Valley Twp
    - Washington Twp
    - Waveland Twp.
    - Wright Twp.

Onawa (IA/NE)
- County—Harrison
  - Parts:
    - Jackson Twp
    - Little Sioux Twp
- County—Monona
  - Parts:
    - Ashton Twp
    - Belvidere Twp
    - Center Twp
    - Fairview Twp
    - Franklin Twp
    - Jordan Twp
    - Kennebec Twp
    - Lake Twp
    - Lincoln Twp
    - Onawa City
    - Sherman Twp
    - Sioux Twp
    - Soldier Twp
    - Spring Valley Twp
    - St Clair Twp
    - West Fork Twp
    - Willow Twp
- County—Woodbury
  - Parts:
    - Lakeport Twp
    - Sloan Twp
    - Willow Twp

Redfield
- County—Dallas
  - Parts:
    - Linn Township
    - Union Township
- County—Guthrie
  - Parts:
    - Penn Township
    - Stuart Township
- County—Madison
  - Parts:
    - Madison Township
    - Penn Township

Rock Rapids
- County—Lyon
  - Parts:

PRIMARY MEDICAL CARE: Iowa
Service Area Listing

Service Area Name

Allison Twp
Cleveland Twp
Dale Twp
Doon Twp
Elgin Twp
Garfield Twp
Grant Twp
Larchwood Twp
Liberal Twp
Midland Twp
Riverside Twp
Rock Twp
Sioux Twp
Wheeler Twp
Sumner/Tripoli
County—Bremer
Parts:
Dayton Twp
Frederika Twp
Fremont Twp
Le Roy Twp
Sumner City
Sumner #2 Twp

PRIMARY MEDICAL CARE: Iowa
Population Group Listing

Population Group

Low Inc—Franklin Co
County—Franklin
Parts:
Low Income
Low Inc—Greater Davenport (IA/IL)
County—Scott
Parts:
C.T. 105–117
C.T. 122–123
C.T. 130
C.T. 135
Low Inc—Nw Sioux City
County—Woodbury
Parts:
C.T. 7–8
C.T. 10
C.T. 12–16
Low Inc—W Pottawattamie Co
County—Pottawattamie
Parts:
Boomer Twp
Crescent Twp
Garner Twp
Hardin Twp
Hazel Dell Twp
Kane Twp
Keg Creek Twp
Lake Twp
Lewis Twp
Minden Twp
Neola Twp
Norwalk Twp
Rockford Twp
York Twp
Medicaid—Black Hawk Co
County—Black Hawk
Parts:
Medicaid Eligible

PRIMARY MEDICAL CARE: Kansas
County Listing

County Name

*Atchison
Population Group: Low Inc—Atchison Co
*Brown
Population Group: Medicaid—Brown Co
*Chase
Chautauqua
Service Area: Elk/Chautauqua
*Cherokee
*Cheyenne
Clark
Service Area: Clark/Meade
*Comanche
*Doniphan
Douglas
Population Group: Low Inc—Douglas Co
*Edwards
Elk
Service Area: Elk/Chautauqua
*Ellsworth
*Geary
Population Group: Low Inc—Geary Co
*Jackson
*Jefferson
*Jewell
*Kearny
*Kiowa
Leavenworth (g)
Facility: USP Leavenworth
*Lincoln
*Lyon
Population Group: Low Inc—Lyon Co
Meade
Service Area: Clark/Meade
*Norton
*Osborne
*Pawnee
*Phillips
*Pratt
*Rawlins
*Reno
Population Group: Low Inc—Reno Co
*Rooks
*Russell
*Sheridan
*Smith
Population Group: Low Inc—Smith Co
*Stevens
*Wabaunsee
*Wallace
*Washington
*Wichita
Wyandotte
Population Group: Low Inc—Wyandotte Co

PRIMARY MEDICAL CARE: Kansas
Service Area Listing

Service Area Name

Clark/Meade
County—Clark
County—Meade
Elk/Chautauqua
County—Chautauqua
County—Elk

PRIMARY MEDICAL CARE: Kansas
Population Group Listing

Population Group

Low Inc—Atchison Co
County—Atchison
Parts:
Low Income
Low Inc—Douglas Co
County—Douglas
Parts:
Low Income
Low Inc—Geary Co
County—Geary
Parts:
Low Income
Low Inc—Lyon Co
County—Lyon
Parts:
Low Income
Low Inc—Reno Co
County—Reno
Parts:
Low Income
Low Inc—Smith Co
County—Smith
Parts:
Low Income
Low Inc—Wyandotte Co
County—Wyandotte
Parts:
Low Income
Medicaid—Brown Co
County—Brown
Parts:
Medicaid

PRIMARY MEDICAL CARE: Kansas
Facility Listing

Facility Name

USP Leavenworth
County—Leavenworth

PRIMARY MEDICAL CARE: Kentucky
County Listing

County Name

*Adair
*Allen
*Anderson
Population Group: Low Inc—Anderson
*Ballard
*Bath
Population Group: Low Inc—Bath
*Bell
Service Area: Western Harlan
Service Area: Williamsburg/Saxton
Boyd
Population Group: Low Inc—Boyd Co
Facility: FCI Ashland
*Bracken
*Breathitt
*Breckinridge
Population Group: Low Inc—Breckinridge Co
Bullitt
Service Area: Lebanon Junction
*Butler
Campbell
Population Group: Low Inc—Inner City Newport
*Carroll
Carter
*Casey
*Clay (g)
Facility: FCI Manchester
*Crittenden
*Cumberland
Population Group: Low Inc—Cumberland Co

PRIMARY MEDICAL CARE: Kentucky
County Listing

County Name

Daviess
  Population Group: Low Inc—Daviess
*Edmonson
*Elliott
*Estill
  Population Group: Low Inc—Estill
Fayette
  Population Group: Low Inc—N Central Lexington
*Fleming
*Floyd
  Population Group: Low Inc—Mud Creek
*Gallatin
*Garrard
*Grayson
  Population Group: Low Inc—Grayson Co
*Green
  Population Group: Low Inc—Green Co
Greenup
  Population Group: Low Inc—Greenup Co
*Hancock
*Harlan
  Service Area: Cumberland
  Service Area: Upper Clover
  Service Area: Western Harlan
  Population Group: Med Ind—Harlan/Evarts/Grays Knob
  Facility: Clover Fork Clinic
*Hart
*Henry
*Hickman
*Jackson
Jefferson
  Population Group: Low Inc—West End Louisville
*Knott
*Knox
*Larue
  Population Group: Low Inc—Larue
*Laurel
*Lawrence
  Population Group: Low Inc—Lawrence Co
*Lee
*Leslie
  Population Group: Low Inc—Leslie Co
*Letcher
  Population Group: Low Inc—Letcher Co
*Lewis
*Livingston
  Population Group: Low Inc—Livingston
*Logan
  Population Group: Med Ind—Logan Co
*Lyon (g)
  Facility: Ky. State Pen.
Madison
  Population Group: Low Inc—Madison Co
*Magoffin
*Martin
  Population Group: Low Inc—Martin Co
*McLean
*Meade
*Menifee
*Morgan (g)
  Facility: Eastern Ky. Corr. Complex
*Muhlenberg
*Nicholas
*Ohio
Oldham (g)
  Facility: Ky. State Ref.
*Owen
*Owsley
*Pendleton

PRIMARY MEDICAL CARE: Kentucky
County Listing

County Name

*Perry
  Service Area: Ary
  Service Area: Buckhorn
  Population Group: Low Inc—Hazard
*Pike
  Population Group: Low Inc—Pike
*Powell
*Robertson
*Rockcastle
*Todd
*Trigg
*Trimble
*Washington
  Population Group: Med Ind—Washington Co
*Wayne
  Population Group: Med Ind—Wayne Co
*Whitley
  Service Area: Williamsburg/Saxton
*Wolfe

PRIMARY MEDICAL CARE: Kentucky
Service Area Listing

Service Area Name

Ary
  County—Perry
    Parts:
      Dice Division
Buckhorn
  County—Perry
    Parts:
      Buckhorn Division
Cumberland
  County—Harlan
    Parts:
      Cumberland Division
Lebanon Junction
  County—Bullitt
    Parts:
      Lebanon Junction CCD
Upper Clover
  County—Harlan
    Parts:
      Upper Clover Division
Western Harlan
  County—Bell
    Parts:
      Tejay Division
  County—Harlan
    Parts:
      Alva Division
Williamsburg/Saxton
  County—Bell
    Parts:
      Pruden-Fonde Division
  County—Whitley
    Parts:
      Pearl Division
      Saxton Division
      Siler Division
      Williamsburg Division

PRIMARY MEDICAL CARE: Kentucky
Population Group Listing

Population Group

Low Inc—Anderson
  County—Anderson
    Parts:
      Low Income
Low Inc—Bath
  County—Bath
    Parts:
      Low Income
Low Inc—Boyd Co
  County—Boyd
    Parts:
      Low Income
Low Inc—Breckinridge Co
  County—Breckinridge
    Parts:
      Low Income
Low Inc—Cumberland Co
  County—Cumberland
    Parts:
      Low Income
Low Inc—Daviess
  County—Daviess
    Parts:
      Low Income
Low Inc—Estill
  County—Estill
    Parts:
      Low Income
Low Inc—Grayson Co
  County—Grayson
    Parts:
      Low Income
Low Inc—Green Co
  County—Green
    Parts:
      Low Income
Low Inc—Greenup Co
  County—Greenup
    Parts:
      Low Income
Low Inc—Hazard
  County—Perry
    Parts:
      Defiance-Vigor CCD
      Hazard CCD
      Krypton CCD
      Viper CCD
Low Inc—Inner City Newport
  County—Campbell
    Parts:
      C.T. 501–506
Low Inc—Larue
  County—Larue
    Parts:
      Low Income
Low Inc—Lawrence Co
  County—Lawrence
    Parts:
      Low Income
Low Inc—Leslie Co
  County—Leslie
    Parts:
      Low Income
Low Inc—Letcher Co
  County—Letcher
    Parts:
      Low Income
Low Inc—Livingston
  County—Livingston
Low Inc—Madison Co
  County—Madison
    Parts:
      Low Income
Low Inc—Martin Co
  County—Martin
    Parts:
      Low Income

PRIMARY MEDICAL CARE: Kentucky
Population Group Listing

Population Group

Low Inc—Mud Creek
  County—Floyd
    Parts:
      McDowell CCD
      Mud Creek CCD
      Wheelwr-Weeksbury CCD
Low Inc—N Central Lexington
  County—Fayette
    Parts:
      C.T. 1–5
      C.T. 8–14
      C.T. 18–19
      C.T. 38.01
Low Inc—Pike
  County—Pike
    Parts:
      Low Inc
Low Inc—West End Louisville
  County—Jefferson
    Parts:
      C.T. 1–18
      C.T. 20–24
      C.T. 27–28
      C.T. 30
      C.T. 34–35
Med Ind—Harlan/Evarts/Grays Knob
  County—Harlan
    Parts:
      Cawood Div
      Harlan Div
      Poor Fork Div
      Wallins Creek Div
Med Ind—Logan Co
  County—Logan
    Parts:
      Medically Indigent
Med Ind—Washington Co
  County—Washington
    Parts:
      Medically Indigent
Med Ind—Wayne Co
  County—Wayne
    Parts:
      Medically Indigent

PRIMARY MEDICAL CARE: Kentucky
Facility Listing

Facility Name

Clover Fork Clinic
  County—Harlan
Eastern Ky. Corr. Complex
  County—Morgan
FCI Ashland
  County—Boyd
FCI Manchester
  County—Clay
Ky. State Pen.
  County—Lyon
Ky. State Ref.
  County—Oldham

PRIMARY MEDICAL CARE: Louisiana
Parish Listing

Parish Name

Acadia
  Population Group: Low Inc—Acadia Co
*Allen
  Population Group: Inmates—Fdc Oakdale II
  Facility: FCI Oakdale

PRIMARY MEDICAL CARE: Louisiana
Parish Listing

Parish Name

  Facility: FCI Oakdale I
Ascension
  Service Area: Ascension/Northeast Iberville
*Assumption
*Avoyelles
*Beauregard
  Population Group: Med Ind—Beauregard Par
*Bienville
Caddo
  Service Area: North Caddo
  Population Group: Low Inc—Central Shreveport
  Facility: David Raines CHC (C.T. 246)
  Facility: LSU Med Ctr Outpt Dept
Calcasieu
  Service Area: North Lake Charles
  Service Area: Vinton
  Facility: Moss Reg Med Ctr Outpt Clinic
*Caldwell
*Cameron
*Catahoula
*Claiborne
  Population Group: Low Income—Claiborne Par
*De Soto
East Baton Rouge
  Service Area: Eden Park
  Service Area: Nw Baton Rouge
*East Carroll
*East Feliciana
*Franklin
*Grant
*Iberia
  Population Group: Medicaid—Iberia Par
*Iberville
  Service Area: Ascension/Northeast Iberville
  Population Group: Low Inc—Iberville Par
*Jackson
Jefferson
*Jefferson Davis
  Service Area: Lafitte
  Service Area: Old Kenner/River Town
  Population Group: Low Inc—Jefferson Davis Par
Lafourche
  Service Area: S E Lafourche
*Lasalle
*Lincoln
Livingston
  Service Area: Livingston Service Area
*Madison
*Morehouse
  Population Group: Low Inc—Morehouse Par
*Natchitoches
  Population Group: Medicaid—Natchitoches Co
Orleans
  Service Area: Algiers/Fischer
  Service Area: Desire/Florida
  Service Area: Lower 9Th Ward
  Service Area: Midtown-Seventh Ward
  Service Area: New Orleans East
  Service Area: St. Bernard
  Population Group: Low Inc—Irish Channel
  Population Group: Low Income—Gentilly Woods
  Facility: Med Ctr Of La At New Orleans
Ouachita
  Population Group: Med Ind—Ouachita Par
Plaquemines

PRIMARY MEDICAL CARE: Louisiana
Parish Listing

Parish Name

  Service Area: Plaquemines East
  Service Area: Plaquemines West
*Pointe Coupee
Rapides
  Population Group: Low Inc—Rapides Par
  Facility: Long Reg Med Ctr Outpt Clinic
*Richland
  Population Group: Low Inc—Richland Par
*Sabine
St Charles
*St Helena
St James
  Service Area: Vacherie
St John The Baptist
  Service Area: Vacherie
St Landry
  Population Group: Low Inc—St. Landry Parish
*St Mary
  Population Group: Low Inc—St. Mary Par
*Tangipahoa
  Service Area: Northern Tangipahoa
*Tensas
Terrebonne
  Service Area: Dulac
  Facility: Leonard J. Chabert Medical Center
*Union
*Vermilion
*Vernon
*Washington
  Population Group: Med Ind—Washington Par
*West Carroll
*West Feliciana
  Population Group: Low Inc—W Feliciana Parish
*Winn

PRIMARY MEDICAL CARE: Louisiana
Service Area Listing

Service Area Name

Algiers/Fischer
  Parish—Orleans
    Parts:
      C.T. 1–4
      C.T. 6.01–6.05
      C.T. 6.13
Ascension/Northeast Iberville
  Parish—Ascension
    Parts:
      District 4–a
      District 4–b
      District 5
      District 6–a
      District 6–b
      District 7–a
      District 3
      District 7–b
  Parish—Ascension
  Parish—Iberville
    Parts:
      District 3
      District 4
Desire/Florida
  Parish—Orleans
    Parts:
      C.T. 11
      C.T. 11.99–12.00
      C.T. 13.01–13.04
      C.T. 14.01–14.02

PRIMARY MEDICAL CARE: Louisiana
Service Area Listing

Service Area Name

C.T. 15–16
C.T. 17.03
C.T. 17.06
C.T. 17.98
Dulac
Parish—Terrebonne
Parts:
District I
District G
District H
Eden Park
Parish—East Baton Rouge
Parts:
C.T. 8–10
C.T. 12–16
C.T. 21–22
C.T. 24–25
Lafitte
Parish—Jefferson
Parts:
C.T. 277.02
C.T. 278.09
C.T. 279
C.T. 279.99
Livingston Service Area
Parish—Livingston
Parts:
District 8
Distnct 6
District 7
District 9
District 1
Lower 9Th Ward
Parish—Orleans
Parts:
C.T. 7.01–7.02
C.T. 8
C.T. 9.01–9.04
Midtown-Seventh Ward
Parish—Orleans
Parts:
C.T. 18–23
C.T. 26–31
C.T. 34–36
C.T. 39–40
C.T. 44.01–44.02
New Orleans East
Parish—Orleans
Parts:
C.T. 17.20–17.29
C.T. 17.32–17.33
North Caddo
Parish—Caddo
Parts:
C.T. 248–250
C.T. 251.98
North Lake Charles
Parish—Calcasieu
Parts:
C.T. 2–4
C.T. 14–15
Northern Tangipahoa
Parish—Tangipahoa
Parts:
C.T. 9532–9536
Nw Baton Rouge
Parish—East Baton Rouge
Parts:
C.T. 1–5
C.T. 6.01–6.02
C.T. 7.01–7.02
C.T. 11.02–11.04

PRIMARY MEDICAL CARE: Louisiana
Service Area Listing

Service Area Name

C.T. 30.01–30.02
C.T. 31.01–31.02
C.T. 33–34
Old Kenner/River Town
Parish—Jefferson
Parts:
C.T. 205.05
C.T. 206–210
C.T. 236–237
Plaquemines East
Parish—Plaquemines
Parts:
District 1
Plaquemines West
Parish—Plaquemines
Parts:
District 8
District 6
District 7
District 9
District 5
S E Lafourche
Parish—Lafourche
Parts:
District 11
District 8
District 9
District 10
District 12
District 13
District 14
District 15
St. Bernard
Parish—Orleans
Parts:
C.T. 33.05–33.07
Vacherie
Parish—St James
Parts:
District 5
District 6
District 7
Parish—St John The Baptist
Parts:
District 1
Vinton
Parish—Calcasieu
Parts:
C.T. 35–36

PRIMARY MEDICAL CARE: Louisiana
Population Group Listing

Population Group

Inmates—Fdc Oakdale II
Parish—Allen
Parts:
Fdc Oakdale II
Low Inc—Acadia Co
Parish—Acadia
Parts:
Low Income
Low Inc—Central Shreveport
Parish—Caddo
Parts:
C.T. 201–202
C.T. 204–213
C.T. 217–225
C.T. 232–233
Low Inc—Iberville Par
Parish—Iberville
Parts:

PRIMARY MEDICAL CARE: Louisiana
Population Group Listing

Population Group

Dist. 1
Dist. 8
Dist. 9
Dist. 10
Dist. 11
Dist. 12
Dist. 2
Dist. 6
Dist. 7
Low Inc—Irish Channel
Parish—Orleans
Parts:
C.T. 77–80
C.T. 81.01–81.02
C.T. 82–89
Low Inc—Jefferson Davis Par
Parish—Jefferson Davis
Parts:
Low Income
Low Inc—Morehouse Par
Parish—Morehouse
Parts:
Low Income
Low Inc—Rapides Par
Parish—Rapides
Parts:
Low Income
Low Inc—Richland Par
Parish—Richland
Parts:
Low Income
Low Inc—St. Landry Parish
Parish—St Landry
Parts:
Low Income
Low Inc—St. Mary Par
Parish—St Mary
Parts:
Low Income
Low Inc—W Feliciana Parish
Parish—West Feliciana
Parts:
Low Income
Low Income—Claiborne Par
Parish—Claiborne
Parts:
Low Income
Low Income—Gentilly Woods
Parish—Orleans
Parts:
C.T. 17.02
Med Ind—Beauregard Par
Parish—Beauregard
Parts:
Medically Indigent
Med Ind—Ouachita Par
Parish—Ouachita
Parts:
Medically Indigent
Med Ind—Washington Par
Parish—Washington
Parts:
Medically Indigent
Medicaid—Iberia Par
Parish—Iberia
Parts:
Medicaid Eligible
Medicaid—Natchitoches Co
Parish—Natchitoches
Parts:
Medicaid Eligible

PRIMARY MEDICAL CARE: Louisiana
Facility Listing

Facility Name

David Raines CHC (C.T. 246)
  Parish—Caddo
FCI Oakdale
  Parish—Allen
FCI Oakdale I
  Parish—Allen
Leonard J. Chabert Medical Center
  Parish—Terrebonne
Long Reg Med Ctr Outpt Clinic
  Parish—Rapides
LSU Med Ctr Outpt Dept
  Parish—Caddo
Med Ctr Of La At New Orleans
  Parish—Orleans
Moss Reg Med Ctr Outpt Clinic
  Parish—Calcasieu

PRIMARY MEDICAL CARE: Maine
County Listing

County Name

Androscoggin
  Service Area: Jay/Livermore Falls
*Aroostook
  Service Area: Ashland PCAA
  Service Area: Danforth
  Service Area: St. Francis
  Service Area: Van Buren
  Population Group: Low Inc—Island Falls
  Population Group: Low Inc—Mars Hill PCAA
  Population Group: Low Inc—Ft. Kent
  Population Group: Low Inc—Fort Fairfield
  Population Group: Low Inc—Lincoln
Cumberland
  Service Area: Casco Bay Islands
  Service Area: Sacopee Valley Region
  Population Group: Homeless—Portland
*Franklin
  Service Area: Jay/Livermore Falls
  Service Area: Rangeley
  Population Group: Low Inc—Rumford
  Population Group: Low Inc—Kingfield PCAA
*Hancock
  Population Group: Med Ind—Bar Harbor
  Population Group: Med Ind—Blue Hill PCAA #40
*Kennebec
  Service Area: Jay/Livermore Falls
  Service Area: Richmond
*Knox
  Population Group: Low Inc—Penobscot Bay Islands
  Population Group: Med Ind—Blue Hill PCAA #40
*Lincoln
  Service Area: Richmond
  Population Group: Low Inc—Damariscotta
*Oxford
  Service Area: Bethel
  Service Area: Jay/Livermore Falls
  Service Area: Rangeley
  Service Area: Sacopee Valley Region
  Population Group: Low Inc—Rumford
  Population Group: Med Ind—Norway
Penobscot
  Service Area: Corinth
  Service Area: Danforth
  Service Area: Howland
  Population Group: Low Inc—Island Falls
  Population Group: Low Inc—Dexter
  Population Group: Low Inc—Lincoln
  Population Group: Penobscot Nat Amer Tribe
*Piscataquis
  Service Area: Bingham
  Population Group: Low Inc—Greenville PCAA
  Population Group: Low Inc—Milo PCAA
  Population Group: Low Inc—Skowhegan
*Sagadahoc
  Service Area: Richmond
*Somerset
  Service Area: Bingham
  Service Area: Jackman
  Population Group: Low Inc—Greenville PCAA
  Population Group: Low Inc—Dexter
  Population Group: Low Inc—Skowhegan
Waldo
  Population Group: Med Ind—Belfast
*Washington
  Service Area: Danforth
  Service Area: Eastport
  Service Area: Jonesport
  Service Area: Topsfield
  Population Group: Low Inc—Lubec
  Population Group: Low Inc—Machias
  Population Group: Low Income—Milbridge
  Population Group: Med Ind—Calais
York
  Service Area: Sacopee Valley Region

PRIMARY MEDICAL CARE: Maine
Service Area Listing

Service Area Name

Ashland PCAA
  County—Aroostook
    Parts:
      Ashland Town
      Garfield Plantation
      Masardis Town
      Nashville Plantation
      Oxbow Plantation
      Portage Lake Town
Bethel
  County—Oxford
    Parts:
      Bethel Town
      Gilead Town
      Greenwood Town
      Newry Town
      North Oxford Unorg.
      Upton Town
      Woodstock Town
Bingham
  County—Piscataquis
    Parts:
      Kingsbury Plantation
  County—Somerset
    Parts:
      Bingham Town
      Brighton Plantation
      Caratunk Town
      Moscow Town
      Northeast Somerset Unorg.
      Pleasant Ridge Plantation
      Solon Town
      The Forks Plantation
      West Forks Plantation
Casco Bay Islands
  County—Cumberland
    Parts:
      Cliff Is.
      Cushing Is.
      Great Chebeague Is.
      Great Diamond Is.
      Little Chebeague Is.
      Little Diamond Is.
      Long Is.
      Peak'S Is.
Corinth
  County—Penobscot
    Parts:
      Bradford Town
      Charleston Town
      Corinth Town
      Exeter Town
      Hudson Town
Danforth
  County—Aroostook
    Parts:
      Bancroft Town
      Orient Town
      Weston Town
  County—Penobscot
    Parts:
      Drew Plantation
      Kingman Unorg.
      Prentiss Plantation
  County—Washington
    Parts:
      Danforth Town
Eastport
  County—Washington
    Parts:
      Eastport City
      Passamaquoddy Pleasant Point Res
      Pembroke Town
      Perry Town
Howland
  County—Penobscot
    Parts:
      Burlington Town
      East Central Penobscot Unorg.
      Edinburg Town
      Enfield Town
      Howland Town
      Lagrange Town
      Lowell Town
      Maxfield Town
      Passadumkeag Town
      Seboeis Plantation
Jackman
  County—Somerset
    Parts:
      Dennistown Plantation
      Jackman Town
      Moose River Town
Jay/Livermore Falls
  County—Androscoggin
    Parts:
      Livermore Town
      Livermore Falls Town
  County—Franklin
    Parts:
      Jay Town
  County—Kennebec
    Parts:
      Fayette Town
  County—Oxford
    Parts:
      Canton Town
      Hartford Town

PRIMARY MEDICAL CARE: Maine
Service Area Listing

Service Area Name

Sumner Town
Jonesport
County—Washington
Parts:
Addison Town
Beals Town
Centerville Town
Columbia Falls Town
Jonesboro Town
Jonesport Town
Rangeley
County—Franklin
Parts:
Coplin Plantation
Dallas Plantation
Eustis Town
Madrid Town
North Franklin Unorg.
Rangeley Plantation
Rangeley Town
Sandy River Plantation
County—Oxford
Parts:
Lincoln Plantation
Magalloway Plantation
North Oxford Unorg.
Richmond
County—Kennebec
Parts:
Litchfield Town
County—Lincoln
Parts:
Dresden Town
County—Sagadahoc
Parts:
Bowdoinham Town
Richmond Town
Sacopee Valley Region
County—Cumberland
Parts:
Baldwin Town
County—Oxford
Parts:
Hiram Town
Porter Town
County—York
Parts:
Cornish Town
Limerick Town
Parsonsfield Town
St. Francis
County—Aroostook
Parts:
Allagash Town
St. Francis Town
St. John Plantation
Topsfield
County—Washington
Parts:
Codyville Plt
Grand Lake Stream Plt
N Washington Unorg
Passamaquoddy Indian Res
Talmadge Town
Topsfield Town
Vanceboro Town
Waite Town
Van Buren
County—Aroostook
Parts:
Grand Isle Town

PRIMARY MEDICAL CARE: Maine
Service Area Listing

Service Area Name

Hamlin Town
Van Buren Town

PRIMARY MEDICAL CARE: Maine
Population Group Listing

Population Group

Homeless—Portland
County—Cumberland
Parts:
C.T. 1–13
Low Inc—Damariscotta
County—Lincoln
Parts:
Alna Town
Boothbay Town
Boothbay Harbor Town
Bremen Town
Bristol Town
Damariscotta Town
Edgecombe Town
Jefferson Town
Monhegan Plantation
Newcastle Town
Nobleboro Town
South Bristol Town
Southport Town
Waldoboro Town
Low Inc—Dexter
County—Penobscot
Parts:
Corinna Town
Dexter Town
Garland Town
County—Somerset
Parts:
Cambridge Town
Ripley Town
Low Inc—Fort Fairfield
County—Aroostook
Parts:
Caswell Town
Fort Fairfield Town
Limestone Town
Low Inc—Ft. Kent
County—Aroostook
Parts:
Eagle Lake Town
Fort Kent Town
Frenchville Town
Madawaska Town
New Canada Town
St. Agatha Town
Wallagras Plt.
Winterville Plt.
Low Inc—Greenville PCAA
County—Piscataquis
Parts:
Beaver Cove Town
Blanchard Plantation
Greenvilletown
Monsontown
Ne Piscataquis (1/3)
Nw Piscataquis
Shirleytown
Willimantic Town
County—Somerset
Parts:
Ne Somerset (North 2/3)
Seboomook Lake Town
Low Inc—Island Falls
County—Aroostook

PRIMARY MEDICAL CARE: Maine
Population Group Listing

Population Group

Parts:
Crystal Town
Dyer Brook Town
Hersey Town
Island Falls
Moro Plantation
S. Aroostook Un. (N 2/3)
Sherman Town
County—Penobscot
Parts:
Mt. Chase Town
N. Penobscot Un. (N 1/3)
Pattentown
Stacyville Town
Low Inc—Kingfield PCAA
County—Franklin
Parts:
Carrabassett Valley Town
E C Franklin Unorg. Terr
Kingfield Town
Phillips Town
Wyman Unorg. Terr
Low Inc—Lincoln
County—Aroostook
Parts:
Macwahoc Plt
County—Penobscot
Parts:
Carroll Plt
Chester Town
Lakeville Town
Lee Town
Lincoln Town
Mattawamakeag Town
Springfield Town
Twombley Unorg
Webster Plt
Winn Town
Woodville Town
Low Inc—Lubec
County—Washington
Parts:
Dennysville Town
East Central Wash.Unorg.
Lubec Town
Whiting Town
Low Inc—Machias
County—Washington
Parts:
Cutler Town
East Machias Town
Machias Town
Machiasport Town
Marshfield Town
Northfield Town
Roque Bluffs Town
Wesley Town
Whitneyville Town
Low Inc—Mars Hill PCAA
County—Aroostook
Parts:
Blaine Town
Bridgewater Town
E. Plantation
Mars Hill Town
Westfield Town
Low Inc—Milo PCAA
County—Piscataquis
Parts:
Atkinson Town
Brownville Town
Lake View Plantation

PRIMARY MEDICAL CARE: Maine
Population Group Listing

Population Group

Medford Town
Milo Town
Ne Piscataquis (1/3)
Se Piscataquis Unorg
Sebec Town
Low Inc—Penobscot Bay Islands
County—Knox
Parts:
Matinicus Isle Plt
North Haven Town
Vinalhaven Town
Low Inc—Rumford
County—Franklin
Parts:
Carthage Town
Weld Town
County—Oxford
Parts:
Andover Town
Byron Town
Dixfield Town
Hanover Town
Mexico Town
Milton Town
Peru Town
Roxbury Town
Rumford Town
Low Inc—Skowhegan
County—Piscataquis
Parts:
Wellington Town
County—Somerset
Parts:
Anson Town
Athens Town
Canaan Town
Comville Town
Embden Town
Harmony Town
Highland Plantation
Madison Town
Mercer Town
New Portland Town
Norridgewock Town
Skowhegan Town
Smithfield Town
Starks Town
Low Income—Milbridge
County—Washington
Parts:
Beddington Town
Cherryfield Town
Columbia Town
Deblois Town
Harrington Town
Milbridge Town
Steuben Town
Med Ind—Bar Harbor
County—Hancock
Parts:
Bar Harbor Town
Cranberry Isles Town
Frenchboro Town
Mount Desert Isle Town
Southwest Harbor Town
Swans Island Town
Tremont Town
Med Ind—Belfast
County—Waldo
Parts:
Belfast City
Belmont Town

PRIMARY MEDICAL CARE: Maine
Population Group Listing

Population Group

Brooks Town
Jackson Town
Knox Town
Liberty Town
Monroe Town
Montville Town
Morrill Town
Northport Town
Searsmont Town
Searsport Town
Stockton Springs
Swanville Town
Waldo Town
Med Ind—Blue Hill PCAA #40
County—Hancock
Parts:
Blue Hill Town
Brooklin Town
Brooksville Town
Castine Town
Deer Isle Town
Penobscot Town
Sedgwick Town
Stonington Town
Surry Town
County—Knox
Parts:
Isle Au Haut Town
Med Ind—Calais
County—Washington
Parts:
Alexander Town
Baileyville Town
Baring Town
Calais City
Charlotte Town
Cooper Town
Crawford Town
Meddybemps Town
Plantation #21
Princeton Town
Robbinston Town
Med Ind—Norway
County—Oxford
Parts:
Buckfield Town
Hebron Town
Norway Town
Otisfield Town
Oxford Town
Paris Town
Waterford Town
West Paris Town
Penobscot Nat Amer Tribe
County—Penobscot
Parts:
Old Town City

PRIMARY MEDICAL CARE: Maryland
County Listing

County Name

Allegany
Service Area: Hancock (MD/PA)
Facility: FCI Cumberland
Baltimore City (Indep)
Service Area: North Central Baltimore
Population Group: Low Inc—Belair Road/Brehm'S Lane
Population Group: Low Inc—Park West
Population Group: Medicaid—South Baltimore City

PRIMARY MEDICAL CARE: Maryland
County Listing

County Name

Facility: Healthcare For The Homeless
*Caroline
Cecil
Population Group: Medicaid—Cecil Co
*Dorchester
*Kent
Population Group: Medicaid—Kent Co
Montgomery
Population Group: Low Inc—Langley Park
Prince Georges
Population Group: Low Inc—Langley Park
Queen Annes
Population Group: Medicaid—Centreville/Queenstown
*Somerset
Population Group: Medicaid—Somerset Co
Facility: Eastern Corr Inst
Washington
Service Area: Hancock (MD/PA)
Population Group: Low Inc—Hagerstown
*Wicomico
Population Group: Medicaid—Wicomico Co
*Worcester
Population Group: Medicaid—Berlin/Ocean City
Population Group: Medicaid—Snow Pocomoke

PRIMARY MEDICAL CARE: Maryland
Service Area Listing

Service Area Name

Hancock (MD/PA)
County—Allegany
Parts:
District 1, Orleans
County—Washington
Parts:
District 4, Clear Spring
District 5, Hancock
District 15, Indian Spring
North Central Baltimore
County—Baltimore City (Indep)
Parts:
C.T. 805
C.T. 904–908
C.T. 1203–1204
C.T. 1206

PRIMARY MEDICAL CARE: Maryland
Population Group Listing

Population Group

Low Inc—Belair Road/Brehm'S Lane
County—Baltimore City (Indep)
Parts:
C.T. 801.01–801.02
C.T. 2601.02
C.T. 2602.01–2602.03
C.T. 2603.01–2603.03
C.T. 2604.02
C.T. 2604.98
C.T. 2701.01
Low Inc—Hagerstown
County—Washington
Parts:
C.T. 3.02
C.T. 4–5
C.T. 6.01–6.02
C.T. 7–9
Low Inc—Langley Park
County—Montgomery

PRIMARY MEDICAL CARE: Maryland
Population Group Listing

Population Group

Parts:
C.T. 7019–7020
County—Prince Georges
Parts:
C.T. 8056–8057
Low Inc—Park West
County—Baltimore City (Indep)
Parts:
C.T. 1512–1513
C.T. 2716–2717
C.T. 2718.01–2718.02
C.T. 2801.01
Medicaid—Berlin/Ocean City
County—Worcester
Parts:
Dist. 3 (Berlin)
Dist. 4 (Newark)
Dist. 5 (St. Martin)
Dist. 10 (Ocean City)
Medicaid—Cecil Co
County—Cecil
Parts:
Medicaid Eligible
Medicaid—Centreville/Queenstown
County—Queen Annes
Parts:
Dist. 6 (Ruthsburg)
Dist. 1 (Dixon)
Dist. 2 (Church Hill)
Dist. 3 (Centreville)
Dist. 7 (Crumpton)
Dist. 5 (Queenstown)
Medicaid—Kent Co
County—Kent
Parts:
Medicaid Eligible
Medicaid—Snow Hill/Pocomoke
County—Worcester
Parts:
Dist. 7 (Atkinsons)
Dist. 8 (Stockton)
Dist. 1 (Pocomoke)
Dist. 2 (Snow Hill)
Medicaid—Somerset Co
County—Somerset
Parts:
Medicaid Eligible
Medicaid—South Baltimore City
County—Baltimore City (Indep)
Parts:
C.T. 2101.01
C.T. 2102.01
C.T. 2301–2303
C.T. 2401
C.T. 2404
C.T. 2502.03–2502.05
C.T. 2502.07
C.T. 2503.01–2503.03
C.T. 2504.01–2504.02
C.T. 2505–2506
Medicaid—Wicomico Co
County—Wicomico
Parts:
Medicaid Eligible

PRIMARY MEDICAL CARE: Maryland
Facility Listing

Facility Name

Eastern Corr Inst
County—Somerset
FCI Cumberland

PRIMARY MEDICAL CARE: Maryland
Facility Listing

Facility Name

County—Allegany
Healthcare For The Homeless
County—Baltimore City (Indep)

PRIMARY MEDICAL CARE: Massachusetts
County Listing

County Name

Barnstable
Population Group: Homeless—Hyannis
Bristol
Population Group: Low Inc—C Fall River
Population Group: Low Inc—C New Bedford
Essex
Service Area: North Lawrence
Service Area: South Lynn
Population Group: Med Elig—Salem/East Peabody
Hampden
Service Area: Gateway Regional Dist
Population Group: Hispanic Pop—Holyoke
Population Group: Low Inc—Springfield
Population Group: Low Inc Of Holyoke
Hampshire
Service Area: Gateway Regional Dist
Service Area: Hampshire Regional Dist
Middlesex
Service Area: Community Health Network Area #16
Population Group: Low Inc—Somerville
Plymouth
Service Area: Hull
Suffolk
Service Area: Community Health Network Area #16
Service Area: Nw Dorchester
Service Area: Roxbury
Service Area: Sw Dorchester
Population Group: Hmlss—Boston
Population Group: Low Inc—Brighton/Allston
Worcester
Population Group: Low Inc—Worcester

PRIMARY MEDICAL CARE: Massachusetts
Service Area Listing

Service Area Name

Community Health Network Area #16
County—Middlesex
Parts:
Everett City
Malden City
County—Suffolk
Parts:
Chelsea City
Revere City
Winthrop Town
Gateway Regional Dist
County—Hampden
Parts:
Blandford Town
Chester Town
Montgomery Town
Russell Town
County—Hampshire
Parts:
Huntington Town
Middlefield Town
Worthington Town
Hampshire Regional Dist

PRIMARY MEDICAL CARE: Massachusetts
Service Area Listing

Service Area Name

County—Hampshire
Parts:
Chesterfield Town
Cummington Town
Goshen Town
Plainfield Town
Westhampton Town
Williamsburg Town
Hull
County—Plymouth
Parts:
Hull Town
North Lawrence
County—Essex
Parts:
C.T. 2501–2517
Nw Dorchester
County—Suffolk
Parts:
C.T. 901–906
C.T. 912–920
Roxbury
County—Suffolk
Parts:
C.T. 801–809
C.T. 811–821
South Lynn
County—Essex
Parts:
C.T. 2055–2065
C.T. 2068–2072
Sw Dorchester
County—Suffolk
Parts:
C.T. 923–924
C.T. 1001–1005
C.T. 1010.01–1010.02
C.T. 1011.01–1011.02
C.T. 1101.01

PRIMARY MEDICAL CARE: Massachusetts
Population Group Listing

Population Group

Hispanic Pop—Holyoke
County—Hampden
Parts:
City Of Holyoke
Hmlss—Boston
County—Suffolk
Parts:
Long Is Shelter/Ct 1501
Pc Clinic/Bc Hosp/Ct710
Pine Street Inn/Ct 712
Shattuck Ctr/Ct 1101.02
St. Francis Hse/Ct 1206
Homeless—Hyannis
County—Barnstable
Parts:
Ct 012400
Ct 012600
Low Inc—Brighton/Allston
County—Suffolk
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3
C.T. 4.01–4.02
C.T. 5.01–5.02
C.T. 6.01–6.02
C.T. 7.01–7.02
C.T. 8.01–8.02

PRIMARY MEDICAL CARE: Massachusetts
Population Group Listing

Population Group

Low Inc—C Fall River
County—Bristol
Parts:
C.T. 6408–6414
C.T. 6419–6420
Low Inc—C New Bedford
County—Bristol
Parts:
C.T. 6504–6509
C.T. 6510.02
C.T. 6511–6518
C.T. 6518.99–6519.00
C.T. 6520–6527
Low Inc—Somerville
County—Middlesex
Parts:
C.T. 3501–3515
Low Inc—Springfield
County—Hampden
Parts:
C.T. 8001
C.T. 8002.01–8002.02
C.T. 8003–8010
C.T. 8011.01–8011.02
C.T. 8012–8013
C.T. 8014.01–8014.02
C.T. 8015.01–8015.03
C.T. 8016.01–8016.05
C.T. 8017–8025
C.T. 8026.01–8026.02
Low Inc—Worcester
County—Worcester
Parts:
7301
7302
7303
7304.01
7304.02
7305
7306
7307
7308.01
7308.02
7309.01
7309.02
7310
7311.01
7311.02
7312.01
7312.02
7313
7314
7315
7316
7317
7318
7319
7320.01
7320.02
7321
7322.01
7322.02
7322.03
7323
7324
7325
7326
7327
7328
7329
7330
7331.01

PRIMARY MEDICAL CARE: Massachusetts
Population Group Listing

Population Group

7331.02
Low Inc Of Holyoke
County—Hampden
Parts:
C.T. 8114–8118
C.T. 8120
Med Elig—Salem/East Peabody
County—Essex
Parts:
C.T. 2041–2046
C.T. 2047.01–2047.02
C.T. 2104–2109

PRIMARY MEDICAL CARE: Michigan
County Listing

County Name

*Alcona
*Alger
Population Group: Low Inc—Alger Co
Facility: Alger Max Fac
Allegan
Service Area: Allegan
Population Group: Low Inc—South Haven/Bangor
*Alpena
Population Group: Low Inc—Alpena Co
*Antrim
Service Area: Mancelona
Population Group: Low Inc—East Jordan
Arenac
Service Area: Sterling/Standish
Bay
Service Area: Sterling/Standish
*Benzie
Berrien
Population Group: Low Inc—South Berrien Co
Population Group: Low Inc—North Berrien Co
*Branch
Population Group: Low Inc—Branch Co
Facility: Crane Women's Fac
Calhoun
Population Group: Low Inc—Calhoun Co
*Cass
Service Area: Dowagiac
*Charlevoix
Service Area: Beaver Island
Population Group: Low Inc—East Jordan
*Cheboygan
Population Group: Low Inc—Cheboygan Co
*Chippewa
Population Group: Low Inc—Chippewa Co
Facility: Chippewa Cty Corr Inst
*Clare
Crawford
Population Group: Low Inc—Crawford Co
*Delta
Population Group: Low Inc—Delta Co
*Dickinson
Population Group: Low Inc—Dickinson Co
*Emmet
Population Group: Little Traverse Bay Band Of Odawa Indian
Genesee
Service Area: Otter Lake
Population Group: Low Inc—Flint
*Gladwin
*Gogebic
Population Group: Low Inc—Ewen

PRIMARY MEDICAL CARE: Michigan
County Listing

County Name

Population Group: Low Inc—Ironwood/Hurley (MI/WI)
*Grand Traverse
Population Group: Low Inc—Cadillac/Buckley
*Gratiot
Population Group: Low Inc—Gratiot Co
Facility: Mid Michigan Temporary Fac
*Hillsdale
*Houghton
Population Group: Low Inc—Houghton Co
*Huron
Service Area: Pigeon
Service Area: Port Austin
Population Group: Low Inc—Harbor Beach/Bad Axe
*Ionia
Population Group: Low Inc/MFW—Ionia Co
Facility: Handlon Mi Training Unit
Facility: Ionia Maximum Fac
Facility: Ionia Temporary Fac
Facility: Michigan Ref
*Iosco
Service Area: Hale/Whittemore/Prescott
Population Group: Low Inc—E Iosco Co
Iron
Population Group: Low Inc—Iron Co
*Isabella
Population Group: Low Inc—Isabella Co
Jackson
Population Group: Low Inc—Ne Jackson City
Facility: Egeler Corr Fac
Facility: Jackson Cotton Facility
Facility: Reception And Guidance Ctr
Facility: State Prs S Michigan—S Complex
Facility: State Prs S Michigan—C Complex
Kalamazoo
Population Group: Huron Potawatomi, Inc.
Population Group: Low Inc—N Kalamazoo City
*Kalkaska
Kent
Population Group: Low Inc—Grand Rapids
Population Group: MSFW—N Kent Co
*Keweenaw
*Lake
Lapeer
Service Area: Marlette/Kingston
Service Area: Otter Lake
Facility: Thumb Regional Fac
*Leelanau
Service Area: Northport/Suttons Bay
*Lenawee
Service Area: Morenci
Facility: Gus Harrison Regional Fac
*Luce
Population Group: Low Inc—Luce Co
*Mackinac
Population Group: Low Inc—Mackinac Co
Macomb (g)
Facility: Macomb Corr Fac
*Manistee
Population Group: Little River Band Of Ottawa Indians, Inc
*Marquette
Service Area: Gwinn
Service Area: Western Marquette
Facility: Marquette Branch Prs
*Mason
Population Group: Low Inc/MFW—Mason Co

PRIMARY MEDICAL CARE: Michigan
County Listing

County Name

*Mecosta
*Menominee
Population Group: Low Inc—E Marinette/S Menominee (MI/WI
Population Group: Low Inc—Northern Menominee
*Missaukee
Monroe
Service Area: Carleton
*Montcalm
Population Group: Low Inc—Montcalm Co
Facility: Carson City Regional Fac
*Montmorency
Muskegon
Population Group: Low Inc—Muskegon City
Population Group: Low Inc—Northern Muskegon Co
Facility: Brooks Regional Fac
Facility: Muskegon Corr Fac
Facility: Muskegon Temporary Fac
*Newaygo
Population Group: Low Inc—Newaygo Co
Oakland
Population Group: Low Inc—Pontiac
*Oceana
*Ogemaw
Service Area: Hale/Whittemore/Prescott
Service Area: Rose City/Lupton
Service Area: West Branch
*Ontonagon
Population Group: Low Inc—Ewen
Population Group: Low Inc—North Ontonagon
*Osceola
*Oscoda
*Otsego
Population Group: Low Inc—Otsego Co
Ottawa
Population Group: Low Inc—Central Holland
Population Group: MFW—Ottawa Co
*Presque Isle
*Roscommon
Saginaw
Population Group: Low Inc—Eastside Saginaw
Facility: Saginaw Cooperative Hosp Inc
*Sanilac
Service Area: Marlette/Kingston
Population Group: Low Inc—Deckerville/Sandusky
*Schoolcraft
Population Group: Low Inc—Schoolcraft Co
St Clair
Service Area: Algonac
Service Area: Yale
Population Group: Low Inc—Port Huron/Marysville
*St Joseph
Population Group: Low Inc—St. Joseph Co
*Tuscola
Service Area: Marlette/Kingston
Service Area: Otter Lake
Service Area: Pigeon
Population Group: Low Inc—Caro/Cass City
Van Buren
Service Area: Dowagiac
Population Group: Low Inc—South Haven/Bangor

PRIMARY MEDICAL CARE: Michigan
County Listing

County Name

Wayne
Service Area: Airport/Conner (N.E. Detroit)
Service Area: Chene (S. Central Detroit)
Service Area: Eastside Detroit
Service Area: Hamtramck
Service Area: Highland Park
Service Area: Inkster
Service Area: Mackenzie/Brooks
Service Area: Nolan/State Fair/Davison/Pershing
Service Area: Southwest Detroit
Service Area: Tireman/Chadsey
Facility: Michigan Hospital & Medical Centers
Facility: Ryan Regional Fac
*Wexford
Population Group: Low Inc—Cadillac/Buckley

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

Airport/Conner (N.E. Detroit)
County—Wayne
Parts:
C.T. 5037
C.T. 5039–5048
C.T. 5052–5053
C.T. 5107–5109
Algonac
County—St Clair
Parts:
Algonac City
Clay Twp
Cottrellville Twp
Ira Twp
Marine City City
Allegan
County—Allegan
Parts:
Allegan City
Allegan Township
Cheshire Township
Clyde Township
Dorr Township
Hopkins Township
Lee Township
Leighton Township
Martin Township
Monterey Township
Salem Township
Trowbridge Township
Valley Township
Watson Township
Wayland City
Wayland Township
Beaver Island
County—Charlevoix
Parts:
Peaine Township
St. James Township
Carleton
County—Monroe
Parts:
Ash Township
Exeter Township
London Township
Chene (S. Central Detroit)
County—Wayne
Parts:
C.T. 5111

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

C.T. 5161–5162
C.T. 5177–5179
C.T. 5183–5188
Dowagiac
County—Cass
Parts:
Dowagiac City
La Grange Township
Marcellus Township
Penn Township
Pokagon Township
Silver Creek Township
Volinia Township
Wayne Township
County—Van Buren
Parts:
Decatur Township
Hamilton Township
Hartford City
Hartford Township
Keeler Township
Porter Township
Eastside Detroit
County—Wayne
Parts:
C.T. 5121–5124
C.T. 5126
C.T. 5129
C.T. 5132–5136
C.T. 5139–5143
C.T. 5145–5157
Gwinn
County—Marquette
Parts:
Ewing Township
Forsyth Township
Turin Township
Wells Township
Hale/Whittemore/Prescott
County—Iosco
Parts:
Burleigh Twp
Grant Twp
Plainfield Twp
Reno Twp
Sherman Twp
Whittemore City
County—Ogemaw
Parts:
Logan Twp
Richland Twp
Hamtramck
County—Wayne
Parts:
C.T. 5520–5526
Highland Park
County—Wayne
Parts:
C.T. 5530–5537
Inkster
County—Wayne
Parts:
C.T. 5701–5710
Mackenzie/Brooks
County—Wayne
Parts:
C.T. 5341–5344
C.T. 5347
C.T. 5350–5355
C.T. 5363–5368
C.T. 5370–5373
C.T. 5378

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

C.T. 5451–5454
Mancelona
County—Antrim
Parts:
Chestonia Township
Custer Township
Helena Township
Kearney Township
Mancelona Township
Star Township
Marlette/Kingston
County—Lapeer
Parts:
Burlington Township
County—Sanilac
Parts:
Lamotte Township
Marlette Township
Marlette City
County—Tuscola
Parts:
Dayton Township
Fremont Township
Kingston Township
Koylton Township
Morenci
County—Lenawee
Parts:
Fairfield Township
Medina Township
Morenci City
Ogden Township
Riga Township
Seneca Township
Nolan/State Fair/Davison/Pershing
County—Wayne
Parts:
C.T. 5064–5080
C.T. 5102–5106
Northport/Suttons Bay
County—Leelanau
Parts:
Leelanau Township
Leland Township
Suttons Bay Township
Otter Lake
County—Genesee
Parts:
Forest Township
County—Lapeer
Parts:
Deerfield Township
Marathon Township
North Branch Township
Rich Township
County—Tuscola
Parts:
Arbela Township
Millington Township
Watertown Township
Pigeon
County—Huron
Parts:
Brookfield Township
Caseville Township
Fairhaven Township
McKinley Township
Sebewaing Township
Winsor Township
County—Tuscola
Parts:
Columbia Township

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

Port Austin
County—Huron
Parts:
Dwight Township
Gore Township
Hume Township
Huron Township
Lake Township
Pointe Aux Barques Township
Port Austin Township
Rose City/Lupton
County—Ogemaw
Parts:
Cumming Twp
Goodar Twp
Hill Twp
Rose City
Rose Twp
Southwest Detroit
County—Wayne
Parts:
C.T. 5208–5209
C.T. 5211–5214
C.T. 5231–5238
C.T. 5240–5243
C.T. 5245
C.T. 5247–5248
Sterling/Standish
County—Arenac
County—Bay
Parts:
Gibson Twp
Mount Forest Twp
Pinconning City
Pinconning Twp
Tireman/Chadsey
County—Wayne
Parts:
C.T. 5221–5222
C.T. 5251–5258
C.T. 5260–5265
C.T. 5335–5337
C.T. 5345–5346
West Branch
County—Ogemaw
Parts:
Churchill Twp
Edwards Twp
Foster Twp
Horton Twp
Klacking Twp
Mills Twp
Ogemaw Twp
West Branch City
West Branch Twp
Western Marquette
County—Marquette
Parts:
Champion Township
Humboldt Township
Michigamme Township
Republic Township
Yale
County—St Clair
Parts:
Berlin Twp
Brockway Twp
Emmett Twp
Greenwood Twp
Kenockee Twp
Lynn Twp
Mussey Twp

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

Riley Twp
Yale City

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group

Huron Potawatomi, Inc.
County—Kalamazoo
Parts:
Wakeshma Twp
Little River Band Of Ottawa Indians, Inc
County—Manistee
Parts:
American Indians
Little Traverse Bay Band Of Odawa Indian
County—Emmet
Parts:
American Indians
Low Inc—Alger Co
County—Alger
Parts:
Low Income
Low Inc—Alpena Co
County—Alpena
Parts:
Low Income
Low Inc—Branch Co
County—Branch
Parts:
Low Income
Low Inc—Cadillac/Buckley
County—Grand Traverse
Parts:
Fife Lake Twp
Grant Twp
Mayfield Twp
Paradise Twp
County—Wexford
Parts:
Low Income
Low Inc—Calhoun Co
County—Calhoun
Parts:
Low Income
Low Inc—Caro/Cass City
County—Tuscola
Parts:
Almer Twp
Elkland Twp
Ellington Twp
Elmwood Twp
Indianfields Twp
Novesta Twp
Wells Twp
Low Inc—Central Holland
County—Ottawa
Parts:
C.T. 223–225
Low Inc—Cheboygan Co
County—Cheboygan
Parts:
Low Income
Low Inc—Chippewa Co
County—Chippewa
Parts:
Low Income
Low Inc—Crawford Co
County—Crawford
Parts:
Low Income
Low Inc—Deckerville/Sandusky

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group

County—Sanilac
Parts:
Argyle Twp
Austin Twp
Bridgehampton Twp
Custer Twp
Delaware Twp
Elmer Twp
Evergreen Twp
Forester Twp
Greenleaf Twp
Marion Twp
Minden Twp
Moore Twp
Sandusky City
Sanilac Twp
Watertown Twp
Wheatland Twp
Low Inc—Delta Co
County—Delta
Parts:
Low Income
Low Inc—Dickinson Co
County—Dickinson
Parts:
Low Income
Low Inc—E Iosco Co
County—Iosco
Parts:
Alabaster Twp
Au Sable Twp
Baldwin Twp
East Tawas City
Oscoda Twp
Tawas Twp
Tawas City City
Wilber Twp
Low Inc—E Marinette/S Menominee (MI/WI
County—Menominee
Parts:
Ingallston Twp
Mellen Twp
Menominee Twp
Menominee City
Low Inc—East Jordan
County—Antrim
Parts:
Banks Twp
Central Lake Twp
Echo Twp
Forest Home Twp
Jordan Twp
Torch Lake Twp
Warner Twp
County—Charlevoix
Parts:
Boyne Valley Twp
Boyne City City
Chandler Twp
East Jordan City
Evangeline Twp
Eveline Twp
Hudson Twp
Marion Twp
Melrose Twp
Norwood Twp
South Arm Twp
Wilson Twp
Low Inc—Eastside Saginaw
County—Saginaw
Parts:
C.T. 1–11

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group

C.T. 110
Low Inc—Ewen
County—Gogebic
Parts:
Marenisco Twp
Watersmeet Twp
County—Ontonagon
Parts:
Bergland Twp
Haight Twp
Interior Twp
Matchwood Twp
McMillan Twp
Rockland Twp
Stannard Twp
Low Inc—Flint
County—Genesee
Parts:
C.T. 1–11
C.T. 14–15
C.T. 17–29
C.T. 103.02
C.T. 103.04
C.T. 122.02
Low Inc—Grand Rapids
County—Kent
Parts:
C.T. 4
C.T. 8–10
C.T. 11.01–11.02
C.T. 12–15
C.T. 19–31
C.T. 36–40
Low Inc—Gratiot Co
County—Gratiot
Parts:
Low Income
Low Inc—Harbor Beach/Bad Axe
County—Huron
Parts:
Bad Axe City
Bingham Twp
Bloomfield Twp
Chandler Twp
Colfax Twp
Grant Twp
Harbor Beach City
Lincoln Twp
Meade Twp
Oliver Twp
Paris Twp
Rubicon Twp
Sand Beach Twp
Sheridan Twp
Sherman Twp
Sigel Twp
Verona Twp
Low Inc—Houghton Co
County—Houghton
Parts:
Low Income
Low Inc—Iron Co
County—Iron
Parts:
Low Income
Low Inc—Ironwood/Hurley (MI/WI)
County—Gogebic
Parts:
Bessemer City
Bessemer Twp
Erwin Twp
Ironwood City

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group

Ironwood Twp
Wakefield City
Wakefield Twp
Low Inc—Isabella Co
County—Isabella
Parts:
Low Income
Low Inc—Luce Co
County—Luce
Parts:
Low Income
Low Inc—Mackinac Co
County—Mackinac
Parts:
Low Income
Low Inc—Montcalm Co
County—Montcalm
Parts:
Low Income
Low Inc—Muskegon City
County—Muskegon
Parts:
C.T. 1–5
C.T. 6.01–6.02
C.T. 7–8
C.T. 11–13
C.T. 14.01–14.02
C.T. 19.02
C.T. 21
C.T. 26.01
Low Inc—N Kalamazoo City
County—Kalamazoo
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3
C.T. 4.02
C.T. 5–6
C.T. 8.01–8.02
C.T. 9–10
Low Inc—Ne Jackson City
County—Jackson
Parts:
C.T. 1–4
C.T. 6–7
C.T. 10–13
Low Inc—Newaygo Co
County—Newaygo
Parts:
Low Income
Low Inc—North Berrien Co
County—Berrien
Parts:
Bainbridge Twp
Benton Charter Twp
Benton Harbor City
Coloma City
Coloma Twp
Hagar Twp
Pipestone Twp
Sodus Twp
Watervliet Twp
Watervliet City
Low Inc—North Ontonagon
County—Ontonagon
Parts:
Bohemia Twp
Carp Lake Twp
Greenland Twp
Ontonagon Twp
Low Inc—Northern Menominee
County—Menominee

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group
Parts:
Cedarville Twp
Daggett Twp
Faithorn Twp
Gourley Twp
Harris Twp
Holmes Twp
Lake Twp
Meyer Twp
Nadeau Twp
Spalding Twp
Stephenson City
Stephenson Twp
Low Inc—Northern Muskegon Co
County—Muskegon
Parts:
Blue Lake Twp
Cedar Creek Twp
Dalton Twp
Fruitland Twp
Holton Twp
Montague Twp
Montague City
White River Twp
Whitehall City
Whitehall Twp
Low Inc—Otsego Co
County—Otsego
Parts:
Low Income
Low Inc—Pontiac
County—Oakland
Parts:
C.T. 1410
C.T. 1412–1418
C.T. 1420–1427
Low Inc—Port Huron/Marysville
County—St Clair
Parts:
Burtchville Twp
Casco Twp
China Twp
Clyde Twp
Columbus Twp
East China Twp
Fort Gratiot Twp
Grant Twp
Kimball Twp
Marysville City
Port Huron City
Port Huron Twp
St Clair Twp
St Clair City
Wales Twp
Low Inc—Schoolcraft Co
County—Schoolcraft
Parts:
Low Income
Low Inc—South Berrien Co
County—Berrien
Parts:
Baroda Twp
Berrien Twp
Bertrand Twp
Bridgman City
Buchanan City
Buchanan Twp
Chickaming Twp
Galien Twp
Lake Charter Twp
New Buffalo Twp
New Buffalo City

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group
Niles City
Niles Twp
Oronoko Twp
Three Oaks Twp
Weesaw Twp
Low Inc—South Haven/Bangor
County—Allegan
Parts:
Casco Twp
Ganges Twp
County—Van Buren
Parts:
Arlington Twp
Bangor City
Bangor Twp
Columbia Twp
Covert Twp
Geneva Twp
Lawrence Twp
South Haven City
South Haven Twp
Low Inc—St. Joseph Co
County—St Joseph
Parts:
Low Income
Low Inc/MFW—Ionia Co
County—Ionia
Parts:
Low Income
MFW
Low Inc/MFW—Mason Co
County—Mason
Parts:
Low Income
MFW
MFW—Ottawa Co
County—Ottawa
Parts:
MFW
MSFW—N Kent Co
County—Kent
Parts:
Algoma Twp
Cedar Springs City
Courtland Twp
Nelson Twp
Oakfield Twp
Rockford City
Solon Twp
Sparta Twp
Spencer Twp
Tyrone Twp

PRIMARY MEDICAL CARE: Michigan
Facility Listing

Facility Name
Alger Max Fac
County—Alger
Brooks Regional Fac
County—Muskegon
Carson City Regional Fac
County—Montcalm
Chippewa Cty Corr Inst
County—Chippewa
Crane Women'S Fac
County—Branch
Egeler Corr Fac
County—Jackson
Gus Harrison Regional Fac
County—Lenawee
Handlon Mi Training Unit
County—Ionia
Ionia Maximum Fac
County—Ionia
Ionia Temporary Fac
County—Ionia
Jackson Cotton Facility
County—Jackson
Macomb Corr Fac
County—Macomb
Marquette Branch Prs
County—Marquette
Michigan Hospital & Medical Centers
County—Wayne
Michigan Ref
County—Ionia
Mid Michigan Temporary Fac
County—Gratiot
Muskegon Corr Fac
County—Muskegon
Muskegon Temporary Fac
County—Muskegon
Reception And Guidance Ctr
County—Jackson
Ryan Regional Fac
County—Wayne
Saginaw Cooperative Hosp Inc
County—Saginaw
State Prs S Michigan—S Complex
County—Jackson
State Prs S Michigan—C Complex
County—Jackson
Thumb Regional Fac
County—Lapeer

PRIMARY MEDICAL CARE: Michigan
Facility Listing

PRIMARY MEDICAL CARE: Minnesota
County Listing

County Name
*Aitkin
Service Area: Floodwood
*Beltrami
Service Area: Northome/Blackduck
*Blue Earth
Service Area: Wells
*Cass
Clay
Service Area: Barnesville
Service Area: Hawley
*Cook
*Faribault
Service Area: Wells
Grant
Service Area: Elbow Lake/Dalton
Hennepin
Service Area: Near North—Minneapolis
Population Group: Am In—Hennepin Co
Population Group: Hmlss—Inner City Minneapolis
Population Group: Low Inc—Ne Minneapolis
Population Group: Low Inc—N Minneapolis
*Itasca
Service Area: Bigfork
Service Area: Northome/Blackduck
*Jackson
Service Area: Jackson/Lakefield
*Kanabec
*Kandiyohi
Service Area: Belgrade/Brooten
*Kittson
*Koochiching
Service Area: Northome/Blackduck

PRIMARY MEDICAL CARE: Minnesota
County Listing

County Name

*Lake
  Service Area: Silver Bay
*Lincoln
  Service Area: Tyler/Lake Benton
*Lyon
  Service Area: Tyler/Lake Benton
*Mahnomen
*Marshall
*Morrison
  Service Area: Albany
*Murray
*Norman
Olmsted (g)
  Facility: Federal Medical Ctr—Rochester
*Otter Tail
  Service Area: Elbow Lake/Dalton
  Service Area: Pelican Rapids
*Pipestone
  Service Area: Pipestone
  Service Area: Tyler/Lake Benton
Polk
*Pope
  Service Area: Belgrade/Brooten
Ramsey
  Service Area: Sumnit-Dale
  Population Group: Am In—St. Paul
  Population Group: Low Inc—Riverview/ Dayton'S Bluff
*Red Lake
*Rock
  Service Area: Pipestone
*Sibley
St Louis
  Service Area: Cook/Orr
  Service Area: Floodwood
  Population Group: Inmates—FPC Duluth
Stearns
  Service Area: Albany
  Service Area: Belgrade/Brooten
*Todd
*Waseca
  Service Area: Wells
*Wilkin
  Service Area: Barnesville
    Parts:
      Felton Township
    Parts:
      Felton City
      Hagen Township
      Ulen City
      Ulen Township

PRIMARY MEDICAL CARE: Minnesota
Service Area Listing

Service Area Name

Albany
  County—Morrison
    Parts:
      Elmdale City
      Elmdale Twp
      Upsala City
  County—Stearns
    Parts:
      Albany City
      Albany Twp
      Avon City
      Avon Twp
      Holdingford City
      Holding Twp
      Krain Twp
      St. Anthony City

PRIMARY MEDICAL CARE: Minnesota
Service Area Listing

Service Area Name

Barnesville
  County—Clay
    Parts:
      Alliance Township
      Barnesville Township
      Barnesville City
      Comstock City
      Elkton Township
      Holy Cross Township
      Humboldt Township
      Parke Township
      Skree Township
      Tansem Township
  County—Wilkin
    Parts:
      Atherton Township
      Deerhorn Township
      Manston Township
      Mitchell Township
      Prairie View Township
      Rothsay City
      Tanberg Township
      Wolverton City
Belgrade/Brooten
  County—Kandiyohi
    Parts:
      Burbank Township
      Colfax Township
  County—Pope
    Parts:
      Bangor Township
      Chippewa Falls Townsh
      Gilchrist Township
      Lake Johanna Township
      Sedan City
  County—Stearns
    Parts:
      Belgrade City
      Brooten City
      Crow Lake Township
      Crow River Township
      North Fork Township
Bigfork
  County—Itasca
    Parts:
      Bearville Township
      Bigfork City
      Bigfork Township
      Carpenter Township
      Effie Unorg.
      Effie City
      Grattan Township
      Kinghurst Township
      Lake Jessie Township
      Liberty Township
      Marcell Township
      Northeast Itasca Unorg.
      Pomroy Township
      Stokes Township
      Wirt Township
Cook/Orr
  County—St Louis
    Parts:
      C.T. 151–152
      C.T. 155
Elbow Lake/Dalton
  County—Grant
  County—Otter Tail
    Parts:
      Dalton City
      Tumuli Township
Floodwood

PRIMARY MEDICAL CARE: Minnesota
Service Area Listing

Service Area Name

  County—Aitkin
    Parts:
      Ball Bluff Township
      Balsam Township
      Cornish Township
      Northeast Aitkin Unorg.
      Turner Township
  County—St Louis
    Parts:
      Arrowhead Township
      Cedar Valley Township
      Cotton Township
      Elmer Township
      Fine Lakes Township
      Floodwood City
      Floodwood Township
      Halden Township
      Kelsey Township
      Meadowlands City
      Meadowlands Township
      Ness Township
      Northland Township
      Payne Township
      Potshot Lake Unorg.
      Prairie Lake Township
      Toivola Township
      Van Buren Township
Hawley
  County—Clay
    Parts:
      Cromwell Township
      Eglon Township
      Hawley City
      Hawley Township
      Highland Grove Townsh
      Riverton Township
      Spring Prairie Townsh
Jackson/Lakefield
  County—Jackson
    Parts:
      Alpha City
      Belmont Township
      Des Moines Township
      Enterprise Township
      Heron Lake Township
      Hunter Township
      Jackson City
      Lakefield City
      Middletown Township
      Minneota Township
      Okabena City
      Petersburg Township
      Rost Township
      West Heron Lake Township
      Wisconsin Township
Near North—Minneapolis
  County—Hennepin
    Parts:
      C.T. 20–23
      C.T. 27–29
      C.T. 32–35
      C.T. 41–42
Northome/Blackduck
  County—Beltrami
    Parts:
      Battle Township
      Blackduck City
      Cormant Township
      Durand Township
      Funkley City
      Hagali Township
      Hines Township

PRIMARY MEDICAL CARE: Minnesota
Service Area Listing

Service Area Name
Hornet Township
Kelliher City
Kelliher Township
Langor Township
Nebish Township
O'Brien Township
Quiring Township
Shooks Township
Shotley Brook Unorg.
Shotley Township
Summit Township
Waskish Township
Woodrow Township
County—Itasca
Parts:
Alvwood Township
Ardenhurst Township
Moose Park Township
Nore Township
Third River Township
County—Koochiching
Parts:
Mizpah City
Northome City
Northome Unorg.
Northwest Koochiching Unorg.
Pelican Rapids
County—Otter Tail
Parts:
Candor Township
Dora Township
Dunn Township
Erhard City
Erhards Grove Township
Lida Township
Maplewood Township
Norwegian Grove Township
Pelican Rapids City
Pelican Township
Scambler Township
Star Lake Township
Trondhjem Township
Vergas City
Pipestone
County—Pipestone
Parts:
Burke Twp
Eden Twp
Edgerton City
Elmer Twp
Grange Twp
Gray Twp
Hatfield City
Holland City
Ihlen City
Jasper City
Osborne Twp
Pipestone City
Rock Twp
Sweet Twp
Trosky City
Troy Twp
Woodstock City
County—Rock
Parts:
Battle Plain Twp
Denver Twp
Hardwick City
Rose Dell Twp
Silver Bay
County—Lake
Parts:
Beaver Bay City
Beaver Bay Township
Crystal Bay Township
Lake No. 1 Unorg.
Silver Bay City
Summit-Dale
County—Ramsey
Parts:
C.T. 324–327
C.T. 335–340
C.T. 354–355
Tyler/Lake Benton
County—Lincoln
Parts:
Arco City
Diamond Lake Township
Hope Township
Lake Benton City
Lake Benton Township
Lake Stay Township
Marshfield Township
Tyler City
County—Lyon
Parts:
Coon Creek Township
Florence City
Shelburne Township
County—Pipestone
Parts:
Aetna Township
Fountain Prairie Township
Ruthton City
Wells
County—Blue Earth
Parts:
Danville Township
County—Faribault
Parts:
Bricelyn City
Brush Creek Township
Clark Township
Dunbar Township
Easton City
Foster Township
Kiester City
Kiester Township
Lura Township
Minnesota Lake City
Minnesota Lake Townsh
Seely Township
Walnut Lake Township
Walters City
Wells City
County—Waseca
Parts:
Vivian Township
Waldorf City

PRIMARY MEDICAL CARE: Minnesota
Population Group Listing

Population Group
Am In—Hennepin Co
County—Hennepin
Parts:
American Indian
Am In—St. Paul
County—Ramsey
Parts:
American Indian—St. Paul
Hmlss—Inner City Minneapolis
County—Hennepin
Parts:
C.T. 44–48
C.T. 53–54
C.T. 57–63
C.T. 71–74
C.T. 78–79
Inmates—FPC Duluth
County—St Louis
Parts:
FPC Duluth
Low Inc—N Minneapolis
County—Hennepin
Parts:
C.T. 7–10
C.T. 13–16
Low Inc—Ne Minneapolis
County—Hennepin
Parts:
C.T. 5
C.T. 11
C.T. 17–19
C.T. 24–26
C.T. 30–31
C.T. 36
Low Inc—Riverview/Dayton'S Bluff
County—Ramsey
Parts:
C.T. 306.01
C.T. 307.04
C.T. 309–311
C.T. 315–317
C.T. 330–331
C.T. 342
C.T. 344–345
C.T. 346.01–346.02
C.T. 361
C.T. 370–372

PRIMARY MEDICAL CARE: Minnesota
Facility Listing

Facility Name
Federal Medical Ctr—Rochester
County—Olmsted

PRIMARY MEDICAL CARE: Mississippi
County Listing

County Name
*Adams
Service Area: North Natchez
Amite
Amite
Service Area: Centreville/Liberty
Service Area: Centreville/Liberty
*Benton
*Bolivar
Facility: Delta Health Center
*Calhoun
*Carroll
*Chickasaw
*Choctaw
*Claiborne
*Clarke
*Clay
*Coahoma
Population Group: Med Ind—Coahoma Co
*Copiah
*Covington
Forrest
Service Area: East Leaf River
*George

PRIMARY MEDICAL CARE: Mississippi
County Listing

County Name

*Greene
Hancock
Harrison
  Population Group: Low Inc—Harrison Co
Hinds
  Service Area: Utica
*Holmes
*Humphreys
*Itawamba
*Jasper
*Jefferson
*Jones
*Kemper
*Lauderdale
  Population Group: Med Ind—Lauderdale Co
*Leake
*Leflore
Madison
*Marion
*Marshall
*Monroe
*Montgomery
*Neshoba
*Newton
*Noxubee
*Panola
*Pearl River
*Perry
*Prentiss
*Quitman
Rankin
  Population Group: Low Inc—Eastern Rankin
  Population Group: Low Inc—Sw Rankin
*Scott
*Smith
*Stone
*Sunflower
*Tallahatchie
*Tate
*Tippah
*Walthall
*Warren
  Population Group: Low Inc—Warren Co
*Washington
*Wayne
*Webster
Wilkinson
Wilkinson
  Service Area: Centreville/Liberty
  Service Area: Centreville/Liberty
*Winston
*Yalobusha
*Yazoo

PRIMARY MEDICAL CARE: Mississippi
Service Area Listing

Service Area Name

Centreville/Liberty
  County—Amite
  County—Wilkinson
  County—Wilkinson
East Leaf River
  County—Forrest
    Parts:
      C.T. 1
      C.T. 4–6
      C.T. 105
North Natchez
  County—Adams

PRIMARY MEDICAL CARE: Mississippi
Service Area Listing

Service Area Name

    Parts:
      C.T. 2–4
Utica
  County—Hinds
    Parts:
      C.T. 113

PRIMARY MEDICAL CARE: Mississippi
Population Group Listing

Population Group

Low Inc—Eastern Rankin
  County—Rankin
    Parts:
      C.T. 201
      C.T. 208–209
Low Inc—Harrison Co
  County—Harrison
    Parts:
      Low Income
Low Inc—Sw Rankin
  County—Rankin
    Parts:
      C.T. 204.01–204.02
      C.T. 210
Low Inc—Warren Co
  County—Warren
    Parts:
      Low Income
Med Ind—Coahoma Co
  County—Coahoma
    Parts:
      Medically Indigent
Med Ind—Lauderdale Co
  County—Lauderdale
    Parts:
      Medically Indigent

PRIMARY MEDICAL CARE: Mississippi
Facility Listing

Facility Name

Delta Health Center
  County—Bolivar

PRIMARY MEDICAL CARE: Missouri
County Listing

County Name

Andrew
*Atchison
*Bates
*Benton
*Bollinger
*Caldwell
*Cape Girardeau
  Population Group: Low Inc—Cape Girardeau
*Carroll
*Carter
Cass
*Cedar
*Clark
Clay
  Population Group: Medicaid—Clay Co
*Dade
*Dallas
*Daviess
*Dent
*Douglas
*Gentry
Greene

PRIMARY MEDICAL CARE: Missouri
County Listing

County Name

  Population Group: Low Inc—Greene Co
*Grundy
*Hickory
*Holt
*Howell
  Population Group: Poverty—Howell Co
Jackson
  Population Group: Low Inc—Eastern Jackson
  Population Group: Medicaid—Central K C
  Population Group: Pov Pop—North Kansas City
Jefferson
  Service Area: Hillsboro/De Soto
*Johnson
*Knox
*Laclede
  Population Group: Low Inc—Laclede Co
Lafayette
*Lewis
Lincoln
*Maries
*McDonald
*Mercer
*Mississippi
*New Madrid
*Oregon
*Osage
*Ozark
*Perry
*Pike
*Pulaski
Ray
*Reynolds
*Schuyler
*Scotland
*Scott
  Population Group: Low Inc—Scott Co
*Shannon
St Louis
  Population Group: Low Inc—Kinlock/Berkeley
St Louis City (Indep)
  Population Group: Low Inc—Southeast St Louis
  Population Group: Low Inc—East Central St Louis
  Population Group: Low Inc—West Central St Louis
  Population Group: Low Inc—N St Louis City
*Stoddard
*Stone
*Taney
*Texas
*Washington
*Wayne
Webster
*Worth
*Wright

PRIMARY MEDICAL CARE: Missouri
Service Area Listing

Service Area Name

Hillsboro/De Soto
  County—Jefferson
    Parts:
      Big River Twp
      Central Twp
      Plattin Twp
      Valle Twp

PRIMARY MEDICAL CARE: Missouri
Population Group Listing

Population Group

Low Inc—Cape Girardeau
  County—Cape Girardeau
    Parts:
      Low Income
Low Inc—East Central St Louis
  County—St Louis City (Indep)
    Parts:
      C.T. 1171–1172
      C.T. 1181
      C.T. 1184
      C.T. 1186
      C.T. 1211
      C.T. 1214
      C.T. 1222
      C.T. 1255–1256
Low Inc—Eastern Jackson
  County—Jackson
    Parts:
      C.T. 112–113
      C.T. 114.01
      C.T. 114.03–114.04
      C.T. 115–116
      C.T. 122–124
      C.T. 134.04
      C.T. 135–136
      C.T. 137.01–137.04
      C.T. 138–140
      C.T. 141.01
      C.T. 141.03–141.06
      C.T. 142.01–142.02
      C.T. 143
      C.T. 145
      C.T. 146.01–146.02
      C.T. 147
      C.T. 148.01–148.02
      C.T. 149–151
Low Inc—Greene Co
  County—Greene
    Parts:
      Low Income
Low Inc—Kinlock/Berkeley
  County—St Louis
    Parts:
      C.T. 2127–2129
      C.T. 2134
Low Inc—Laclede Co
  County—Laclede
    Parts:
      Low Income
Low Inc—N St Louis City
  County—St Louis City (Indep)
    Parts:
      C.T. 1053–1055
      C.T. 1061–1067
      C.T. 1071–1077
      C.T. 1081–1082
      C.T. 1085
      C.T. 1096–1097
      C.T. 1101–1105
      C.T. 1111–1115
      C.T. 1122–1123
      C.T. 1192
      C.T. 1201–1203
      C.T. 1211–1213
      C.T. 1257
      C.T. 1266–1267
Low Inc—Scott Co
  County—Scott
    Parts:
      Low Income
Low Inc—Southeast St Louis
  County—St Louis City (Indep)

PRIMARY MEDICAL CARE: Missouri
Population Group Listing

Population Group

    Parts:
      C.T. 1014–1015
      C.T. 1018
      C.T. 1018.99
      C.T. 1155–1157
      C.T. 1164–1165
      C.T. 1173–1174
      C.T. 1185
      C.T. 1221
      C.T. 1224
      C.T. 1231–1235
      C.T. 1241–1243
      C.T. 1246
Low Inc—West Central St Louis
  County—St Louis City (Indep)
    Parts:
      C.T. 1051.98
      C.T. 1052
      C.T. 1121
      C.T. 1124
      C.T. 1191–1193
Medicaid—Central K C
  County—Jackson
    Parts:
      C.T. 49–55
      C.T. 56.01–56.02
      C.T. 57
      C.T. 58.01–58.02
      C.T. 60–67
      C.T. 75–77
      C.T. 78.01–78.02
      C.T. 79–80
      C.T. 87–89
      C.T. 96
Medicaid—Clay Co
  County—Clay
    Parts:
      Medicaid Eligible
Pov Pop—North Kansas City
  County—Jackson
    Parts:
      C.T. 2–4
      C.T. 5.01
      C.T. 6–27
      C.T. 28.01–28.02
      C.T. 29–34
      C.T. 35.01–35.02
      C.T. 36.01–36.02
      C.T. 37–45
      C.T. 59.01
Poverty—Howell Co
  County—Howell
    Parts:
      Poverty

PRIMARY MEDICAL CARE: Montana
County Listing

County Name

*Big Horn
Blaine
  Service Area: Havre/Chinook
*Broadwater
*Carbon
  Service Area: Bridger
Carter
  Service Area: Fallon
*Chouteau
  Service Area: Big Sandy
  Service Area: Fort Benton
*Custer
  Service Area: Fallon

PRIMARY MEDICAL CARE: Montana
County Listing

County Name

*Daniels
Fallon
  Service Area: Fallon
*Gallatin
  Service Area: Ennis/W. Yellowstone
  Service Area: Three Forks/Manhattan
*Garfield
*Glacier
*Granite
Hill
  Service Area: Havre/Chinook
*Judith Basin
*Lewis And Clark
  Service Area: Choteau
  Service Area: Lincoln
*Lincoln
  Service Area: Eureka
*Madison
  Service Area: Ennis/W. Yellowstone
*McCone
*Mineral
  Service Area: Thompson Falls
*Missoula
  Service Area: Seely Lake
*Musselshell
*Park
*Phillips
Pondera
  Service Area: Conrad
*Powder River
*Powell (g)
  Facility: Montana State Prs
*Prairie
*Richland
  Service Area: Culbertson
*Roosevelt
  Service Area: Culbertson
  Service Area: Poplar/Wolf Point
Rosebud
  Service Area: Forsyth/Colstrip
*Sanders
  Service Area: Hot Springs
  Service Area: Thompson Falls
*Silver Bow
  Population Group: Low Inc—Silver Bow Co
*Sweet Grass
*Teton
  Service Area: Choteau
  Service Area: Conrad
Treasure
  Service Area: Forsyth/Colstrip
*Valley
  Population Group: Low Inc—Valley Co
Wibaux
  Service Area: Fallon
*Yellowstone Park
  Service Area: Gardiner/Yellowstone (MT/WY)

PRIMARY MEDICAL CARE: Montana
Service Area Listing

Service Area Name

Big Sandy
  County—Chouteau
    Parts:
      Big Sandy Division
Bridger
  County—Carbon
    Parts:
      Carbon East Division
      Fromberg-Bridger Division

PRIMARY MEDICAL CARE: Montana
Service Area Listing

Service Area Name

Joliet Division
Choteau
County—Lewis And Clark
Parts:
Augusta Division
County—Teton
Parts:
Choteau Division
Fairfield Division
Conrad
County—Pondera
County—Teton
Parts:
Dutton-Power Division
Dutton-Power Division
Culbertson
County—Richland
Parts:
Fairview Division
County—Roosevelt
Parts:
East Roosevelt Division
Ennis/W. Yellowstone
County—Gallatin
Parts:
West Yellowstone Division
County—Madison
Parts:
Harrison Division
Madison Valley Division
Virginia City Division
Eureka
County—Lincoln
Parts:
Eureka Division
Fallon
County—Carter
County—Custer
Parts:
Shirley-Ismay Division
County—Carter
County—Fallon
County—Wibaux
Forsyth/Colstrip
County—Rosebud
County—Treasure
Fort Benton
County—Chouteau
Parts:
Fort Benton Division
Geraldine Division
Gardiner/Yellowstone (MT/WY)
County—Yellowstone Park
Parts:
Yellowstone National Park Divisi
Havre/Chinook
County—Blaine
County—Hill
Hot Springs
County—Sanders
Parts:
Flathead Division
Lincoln
County—Lewis And Clark
Parts:
Lincoln Division
Poplar/Wolf Point
County—Roosevelt
Parts:
Fort Peck Reservation Division
Seely Lake
County—Missoula

PRIMARY MEDICAL CARE: Montana
Service Area Listing

Service Area Name

Parts:
Seeley Lake-Blackfoot Valley Div
Thompson Falls
County—Mineral
Parts:
West End Division
County—Sanders
Parts:
Thompson Falls-West End Division
Three Forks/Manhattan
County—Gallatin
Parts:
Manhattan Division
Three Forks Division

PRIMARY MEDICAL CARE: Montana
Population Group Listing

Population Group

Low Inc—Silver Bow Co
County—Silver Bow
Parts:
Low Income
Low Inc—Valley Co
County—Valley
Parts:
Low Income

PRIMARY MEDICAL CARE: Montana
Facility Listing

Facility Name

Montana State Prs
County—Powell

PRIMARY MEDICAL CARE: Nebraska
County Listing

County Name

Antelope
Service Area: Antelope
*Arthur
*Blaine
Boone
Service Area: Albion
*Box Butte
Population Group: Low Inc—Box Butte Co
Brown
Service Area: North Central
*Burt
Service Area: Oakland
Service Area: Onawa (IA/NE)
Cass
Cedar
Service Area: Cedar/Dixon
*Cherry
*Cuming
Service Area: West Point
*Custer
Service Area: Arnold
*Dawes
Service Area: Crawford
Deuel
Service Area: Julesburg (CO/NE)
*Dixon
Service Area: Cedar/Dixon
*Dodge
Service Area: West Point
*Dundy
Frontier
Service Area: Cambridge
Service Area: Curtis

PRIMARY MEDICAL CARE: Nebraska
County Listing

County Name

Furnas
Service Area: Cambridge
*Garden
*Gosper
Service Area: Cambridge
*Greeley
Service Area: Albion
Service Area: Howard/St Paul
*Harlan
Hayes
Service Area: Hayes/Hitchcock
Hitchcock
Service Area: Hayes/Hitchcock
Howard
Service Area: Howard/St Paul
*Johnson
*Kearney
Keya Paha
Service Area: North Central
*Kimball
Lancaster (g)
Facility: Lancaster Dept Of Corr
*Lincoln
Service Area: Arnold
*Logan
Service Area: Arnold
Service Area: Stapleton No 1
*Madison
Service Area: Albion
Service Area: Antelope
*Merrick
*Morrill
*MCPherson
*Nance
*Platte
Service Area: Albion
Red Willow
Service Area: Cambridge
*Richardson
Population Group: Low Inc—Richardson Co
Rock
Service Area: North Central
*Saunders
Service Area: Wahoo
*Scotts Bluff
Population Group: Medicaid—Scotts Bluff
*Sheridan
*Sherman
Sioux
Service Area: Crawford
*Stanton
*Thayer
*Thomas
*Thurston
Population Group: Winnebago Indian Res

PRIMARY MEDICAL CARE: Nebraska
Service Area Listing

Service Area Name

Albion
County—Boone
County—Greeley
Parts:
Spalding Precinct
County—Boone
County—Madison
Parts:
Newman Grove City
Shell Creek Precinct
County—Boone

PRIMARY MEDICAL CARE: Nebraska
Service Area Listing

Service Area Name

- County—Platte
  - Parts:
    - St. Bernard Township
    - Walker Township
- Antelope
  - County—Antelope
  - County—Madison
    - Parts:
      - Jefferson Precinct
      - Tilden City
- Arnold
  - County—Custer
    - Parts:
      - Arnold Township
      - Cliff Township
      - Custer Township
      - Delight Township
      - Elim Township
      - Grant Township
      - Hayes Township
      - Triumph Township
      - Wayne Township
      - Wood River Township
  - County—Lincoln
    - Parts:
      - Antelope Precinct
      - Garfield Precinct
  - County—Logan
    - Parts:
      - Gandy Precinct
      - Logan Precinct
      - Stapleton No. 2 Precinct
- Cambridge
  - County—Frontier
    - Parts:
      - Garfield Precinct
      - Grant Precinct
      - Knowles Precinct
  - County—Furnas
  - County—Gosper
    - Parts:
      - Elk Creek Precinct
      - Highland Precinct
      - Union Precinct
      - West Muddy Precinct
  - County—Furnas
  - County—Red Willow
    - Parts:
      - Alliance Precinct
      - Beaver Precinct
      - East Valley Precinct
      - Indianola Precinct
      - Lebanon Precinct
      - Missouri Ridge Precinct
      - North Valley Precinct
      - Tyrone Precinct
- Cedar/Dixon
  - County—Cedar
  - County—Dixon
    - Parts:
      - Clark Township
      - Concord Township
      - Daily Township
      - Galena Township
      - Hooker Township
      - Newcastle Township
      - Otter Creek Township
      - Ponca City
      - Ponca Township
      - Silver Creek Township
      - Spring Bank Township
- Crawford
- County—Dawes
  - Parts:
    - Precinct No. 9
    - Precinct No. 11
    - Precinct No. 7
    - Precinct No. 10
  - County—Sioux
- Curtis
  - County—Frontier
    - Parts:
      - Allen Precinct
      - Clearwater Precinct
      - Curtis City
      - Curtis Precinct
      - Earl Precinct
      - Fairview Precinct
      - Harrison Precinct
      - Horrell Precinct
      - Laird Precinct
      - Laws Precinct
      - Lincoln Precinct
      - Logan Precinct
      - Moorefield Precinct
      - Muddy Precinct
      - North Star Precinct
      - Orafino Precinct
      - Osborn Precinct
      - Plum Creek Precinct
      - Russell Precinct
      - Sheridan Precinct
      - Sherman Precinct
      - Stockville Precinct
      - Weaver Precinct
      - Zimmer Precinct
- Hayes/Hitchcock
  - County—Hayes
  - County—Hitchcock
- Howard/St Paul
  - County—Greeley
    - Parts:
      - Greeley Precinct
      - Scotia Precinct
      - Wolbach No. 1 Precinct
      - Wolbach No. 2 Precinct
  - County—Howard
- Julesburg (CO/NE)
  - County—Deuel
- North Central
  - County—Brown
  - County—Keya Paha
  - County—Rock
- Oakland
  - County—Burt
    - Parts:
      - Arizona Township
      - Bell Creek Township
      - Craig Township
      - Everett Township
      - Logan Township
      - Oakland Township
      - Oakland City
      - Pershing Township
      - Summit Township
      - Tekamah City
- Onawa (IA/NE)
  - County—Burt
    - Parts:
      - Decatur Twp
      - Quinnebaugh Twp
      - Riverside Twp
      - Silver Creek Twp
- Stapleton No 1
- County—Logan
  - Parts:
    - Stapleton No. 1 Precinct
- Wahoo
  - County—Saunders
    - Parts:
      - Ashland Township
      - Center Township
      - Chapman Township
      - Chester Township
      - Clear Creek Township
      - Douglas Township
      - Elk Township
      - Green Township
      - Marble Township
      - Marietta Township
      - Mariposa Township
      - Newman Township
      - Oak Creek Township
      - Richland Township
      - Rock Creek Township
      - South Cedar Township
      - Stocking Township
      - Union Township
      - Wahoo City
      - Wahoo Township
- West Point
  - County—Cuming
    - Parts:
      - Beemer Township
      - Bismarck Township
      - Blaine Township
      - Cuming Township
      - Elkhorn Township
      - Garfield Township
      - Grant Township
      - Lincoln Township
      - Logan Township
      - Monterey Township
      - Neligh Township
      - Sherman Township
      - St. Charles Township
      - West Point City
      - Wisner Township
      - Wisner City
  - County—Dodge
    - Parts:
      - Cuming Township
      - Pebble Township
      - Scribner City
      - Webster Township

PRIMARY MEDICAL CARE: Nebraska
Population Group Listing

Population Group

- Low Inc—Box Butte Co
  - County—Box Butte
    - Parts:
      - Low Income
- Low Inc—Richardson Co
  - County—Richardson
    - Parts:
      - Low Income
- Medicaid—Scotts Bluff
  - County—Scotts Bluff
    - Parts:
      - Medicaid Eligible
- Winnebago Indian Res
  - County—Thurston
    - Parts:
      - Omaha Indian Res

PRIMARY MEDICAL CARE: Nebraska
Facility Listing

Facility Name
Lancaster Dept Of Corr
  County—Lancaster

PRIMARY MEDICAL CARE: Nevada
County Listing

County Name
Carson City (Indep)
  Population Group: Low Inc—E Carson City (Indep)
  Population Group: Native Am-Washoe Indian Tribe
  Facility: Nv St Corr Fac (North)
*Churchill
  Population Group: Native Am-Fallon Reservation And Colony
Clark
  Service Area: Indian Springs
  Service Area: Laughlin
  Service Area: Moapa Valley
  Service Area: N Central Las Vegas
  Service Area: N.E. Las Vegas
  Service Area: Virgin Valley
  Population Group: Low Inc—City Of Henderson
  Facility: Nv St Corr Fac (South)
*Douglas
  Service Area: Topaz Lake
  Population Group: Native Am-Washoe Indian Tribe
*Esmerelda
*Eureka
*Humboldt
  Population Group: Native Am-Winnemucca Colony
  Population Group: Native Am-Fort Mcdermitt Reservation
*Lander
*Lincoln
*Lyon
*Mineral
Nye
*Pershing
*Storey
Washoe
  Service Area: Gerlach
  Service Area: Wadsworth
  Population Group: Low Inc—Reno/Sparks
*White Pine (g)
  Facility: Nv St Corr Fac (East)

PRIMARY MEDICAL CARE: Nevada
Service Area Listing

Service Area Name
Gerlach
  County—Washoe
    Parts:
      Gerlach Division
Indian Springs
  County—Clark
    Parts:
      C.T. 58.98
Laughlin
  County—Clark
    Parts:
      C.T. 57
Moapa Valley
  County—Clark
    Parts:
      C.T. 59
N Central Las Vegas
  County—Clark
    Parts:
      C.T. 2.01
      C.T. 3.01–3.02
      C.T. 4
      C.T. 7
      C.T. 34.01
      C.T. 35
      C.T. 36.02
      C.T. 37–38
      C.T. 39.97–39.98
      C.T. 40–46
N.E. Las Vegas
  County—Clark
    Parts:
      C.T. 47.02–47.06
      C.T. 48.97–48.98
Topaz Lake
  County—Douglas
    Parts:
      Pine Nut CCD
      Topaz Lake CCD
Virgin Valley
  County—Clark
    Parts:
      C.T. 56.02–56.03
Wadsworth
  County—Washoe
    Parts:
      Pyramid Lake Division

PRIMARY MEDICAL CARE: Nevada
Population Group Listing

Population Group
Low Inc—City Of Henderson
  County—Clark
    Parts:
      C.T. 52
      C.T. 54.02
Low Inc—E Carson City (Indep)
  County—Carson City (Indep)
    Parts:
      C.T. 1
      C.T. 5–6
      C.T. 9–10
Low Inc—Reno/Sparks
  County—Washoe
    Parts:
      C.T 18.00
      C.T. 1–4
      C.T. 7
      C.T. 9
      C.T. 10.03–10.05
      C.T. 11.01–11.03
      C.T. 12–15
      C.T. 17
      C.T. 19
      C.T. 21.01–21.02
      C.T. 22.03–22.05
      C.T. 24.01–24.02
      C.T. 25
      C.T. 26.01
      C.T. 26.03–26.04
      C.T. 27.02
      C.T. 28
      C.T. 29.01–29.02
      C.T. 30
      C.T. 31.01
      C.T. 31.03
      C.T. 31.05–31.06
      C.T. 33.01

PRIMARY MEDICAL CARE: Nevada
Population Group Listing

Population Group
Native Am-Fallon Reservation And Colony
  County—Churchill
    Parts:
      Fallon Reservation
      Fallon Colony
Native Am-Fort Mcdermitt Reservation
  County—Humboldt
    Parts:
      Fort Mcdermitt Res
Native Am-Washoe Indian Tribe
  County—Douglas
    Parts:
      Dresslerville Ranch
      Washoe Ranch
  County—Carson City (Indep)
    Parts:
      Carson Colony
Native Am-Winnemucca Colony
  County—Humboldt
    Parts:
      Winnemucca Colony

PRIMARY MEDICAL CARE: Nevada
Facility Listing

Facility Name
Nv St Corr Fac (East)
  County—White Pine
Nv St Corr Fac (North)
  County—Carson City (Indep)
Nv St Corr Fac (South)
  County—Clark

PRIMARY MEDICAL CARE: New Hampshire
County Listing

County Name
*Carroll
  Service Area: Sacopee Valley Region
*Coos
  Service Area: Upper Connecticut Valley (NH/VT)
  Population Group: Low Inc—Berlin
*Grafton
  Service Area: Baker River Valley
Hillsborough
  Service Area: Hillsboro/Weare
  Population Group: Low Inc—Central Manchester
  Population Group: Low Inc—E Nashua
Merrimack
  Service Area: Hillsboro/Weare
Rockingham
  Service Area: Raymond
Strafford
  Population Group: Low Inc—Strafford Co
*Sullivan
  Service Area: Hillsboro/Weare

PRIMARY MEDICAL CARE: New Hampshire
Service Area Listing

Service Area Name
Baker River Valley
  County—Grafton
    Parts:
      Rumney Town
      Warren Town
      Wentworth Town
Hillsboro/Weare
  County—Hillsborough
    Parts:

PRIMARY MEDICAL CARE: New Hampshire
Service Area Listing

Service Area Name

- Antrim Town
- Deering Town
- Hillsborough Town
- Weare Town
- Windsor Town

County—Merrimack
Parts:
- Henniker Town

County—Sullivan
Parts:
- Washington Town

Raymond
County—Rockingham
Parts:
- Deerfield Town
- Epping Town
- Fremont Town
- Nottingham Town
- Raymond Town

Sacopee Valley Region
County—Carroll
Parts:
- Effingham Town
- Freedom Town

Upper Connecticut Valley (NH/VT)
County—Coos
Parts:
- Clarksville Town
- Colebrook Town
- Columbia Town
- Dixville Township
- Errol Town
- Millsfield Township
- Pittsburg Town
- Stewartstown Town
- Stratford Town
- Wentworth Location

PRIMARY MEDICAL CARE: New Hampshire
Population Group Listing

Population Group

Low Inc—Berlin
County—Coos
Parts:
- Berlin City
- Cambridge Twp
- Dummer Town
- Gorham Town
- Jefferson Town
- Kilkenny Twp
- Milan Town
- Randolph Town
- Shelburne Town
- Stark Town
- Success Twp

Low Inc—Central Manchester
County—Hillsborough
Parts:
- C.T. 4–5
- C.T. 13–16
- C.T. 19–20

Low Inc—E Nashua
County—Hillsborough
Parts:
- C.T. 105–109

Low Inc—Strafford Co
County—Strafford
Parts:
- Low Income

PRIMARY MEDICAL CARE: New Jersey
County Listing

County Name

Atlantic
- Population Group: Low Inc/MFW—Atlantic Co

Camden
- Population Group: Low-Inc Camden

Cumberland
- Population Group: Low Inc—Cumberland/Olivet
- Facility: FCI Fairton

Essex
- Service Area: Airport/Port Newark
- Service Area: City Of Orange
- Service Area: East Orange City
- Service Area: Vailsburg
- Facility: Essex County Jail

Hudson
- Service Area: Jersey City

Mercer
- Population Group: Medicaid—Trenton City

Middlesex
- Population Group: Low Inc—Perth Amboy
- Population Group: Low Inc—New Brunswick

Monmouth
- Service Area: City Of Asbury Park
- Service Area: Western Red Bank
- Population Group: Low Inc—Central Long Branch

Ocean
- Population Group: Low Inc—Lakewood

Passaic
- Service Area: Downtown Paterson
- Service Area: Northside Paterson
- Service Area: Passaic

Salem
- Population Group: Low Inc—Cumberland/Olivet
- Population Group: Med Ind/MFW—West Salem Co

Sussex
- Service Area: South Sussex

Union
- Population Group: Low Inc—E Elizabeth
- Facility: INS Medical Facility—Elizabeth

Warren
- Population Group: Low Inc—S Warren Co

PRIMARY MEDICAL CARE: New Jersey
Service Area Listing

Service Area Name

Airport/Port Newark
County—Essex
Parts:
- C.T. 74
- C.T. 75.01–75.02
- C.T. 98

City Of Asbury Park
County—Monmouth
Parts:
- C.T. 8070.02–8070.04
- C.T. 8071
- C.T. 8072.97–8072.98
- C.T. 8073

City Of Orange
County—Essex
Parts:
- C.T. 181–189

Downtown Paterson
County—Passaic
Parts:
- C.T. 1811–1815

PRIMARY MEDICAL CARE: New Jersey
Service Area Listing

Service Area Name

- C.T. 1816.01–1816.02
- C.T. 1817.01–1817.02
- C.T. 1818
- C.T. 1820
- C.T. 1822–1823
- C.T. 1829

East Orange City
County—Essex
Parts:
- East Orange City

Jersey City
County—Hudson
Parts:
- C.T. 1–8
- C.T. 9.01–9.02
- C.T. 10–11
- C.T. 12.01–12.02
- C.T. 13–15
- C.T. 16.01–16.02
- C.T. 17–40
- C.T. 41.01–41.02
- C.T. 42–56
- C.T. 58.01–58.02
- C.T. 59–63

Northside Paterson
County—Passaic
Parts:
- C.T. 1802–1809

Passaic
County—Passaic
Parts:
- C.T. 1752–1755
- C.T. 1758–1759

South Sussex
County—Sussex
Parts:
- Andover Boro
- Andover Twp
- Branchville Boro
- Byram Twp
- Frankford Twp
- Franklin Boro
- Fredon Twp
- Green Twp
- Hamburg Boro
- Hampton Twp
- Hardyston Twp
- Hopatcong Boro
- Lafayette Twp
- Newton Town
- Ogdensburg Boro
- Sparta Twp
- Stanhope Boro
- Stillwater Twp
- Sussex Boro
- Vernon Twp
- Wantage Twp

Vailsburg
County—Essex
Parts:
- C.T. 19–25

Western Red Bank
County—Monmouth
Parts:
- C.T. 8034

PRIMARY MEDICAL CARE: New Jersey
Population Group Listing

Population Group

Low Inc—Central Long Branch
County—Monmouth

PRIMARY MEDICAL CARE: New Jersey
Population Group Listing

Population Group

Parts:
C.T. 8055–8056
C.T. 8058.01–8058.02
Low Inc—Cumberland/Olivet
County—Cumberland
Parts:
Low Income
County—Salem
Parts:
Pittsgrove Twp
Low Inc—E Elizabeth
County—Union
Parts:
C.T. 302–307
C.T. 308.01–308.02
C.T. 309–314
Low Inc—Lakewood
County—Ocean
Parts:
Lakewood Twp
Low Inc—New Brunswick
County—Middlesex
Parts:
C.T. 52–59
Low Inc—Perth Amboy
County—Middlesex
Parts:
C.T. 40–50
Low Inc—S Warren Co
County—Warren
Parts:
Alpha Boro
Belvidere Town
Franklin Twp
Greenwich Twp
Harmony Twp
Lopatcong Twp
Oxford Twp
Phillipsburg Town
Pohatcong Twp
Washington Boro
Washington Twp
White Twp
Low Inc/MFW—Atlantic Co
County—Atlantic
Parts:
Low Income/MFW
Low-Inc Camden
County—Camden
Parts:
C.T. 6001–6020
Med Ind/MFW—West Salem Co
County—Salem
Parts:
Alloway Twp
Carneys Point Twp
Elmer Boro
Elsinboro Twp
Lower Alloways Creek Twp
Mannington Twp
Oldmans Twp
Penns Grove Boro
Pennsville Twp
Pilesgrove Twp
Quinton Twp
Salem City
Upper Pittsgrove Twp
Woodstown Boro
Medicaid—Trenton City
County—Mercer
Parts:

PRIMARY MEDICAL CARE: New Jersey
Population Group Listing

Population Group

C.T. 1–17
C.T. 19–24

PRIMARY MEDICAL CARE: New Jersey
Facility Listing

Facility Name

Essex County Jail
County—Essex
FCI Fairton
County—Cumberland
INS Medical Facility—Elizabeth
County—Union

PRIMARY MEDICAL CARE: New Mexico
County Listing

County Name

Bernalillo
Service Area: North Valley
Population Group: Low Inc/Hmlss—Albuquerque Central
*Catron
*Chaves
Population Group: Low Income— Chaves Co
*Cibola
Dona Ana
Service Area: Hatch
Service Area: Southern Dona Ana
Facility: Southern N.M. Corr. Fac.
*Grant
Service Area: Cliff/Gila
*Harding
*Hidalgo
*Lea
Service Area: Jal/Eunice
Service Area: Northern Lea
*Lincoln
Service Area: Carrizozo
Service Area: Corona
*Luna
*McKinley
*Mora
*Otero
Service Area: Cloudcroft
*Rio Arriba
Service Area: Coyote
Service Area: Penasco/Truchas/Embudo
Service Area: Rio Chama
Service Area: Tierra Amarilla
Service Area: Western Rio Arriba
*Roosevelt
Population Group: Low Inc—Roosevelt Co
*San Juan
Population Group: Am In—San Juan Co
*San Miguel
Service Area: Pecos/Villanueva
Sandoval
Service Area: Cuba
Service Area: Southern Sandoval
Santa Fe
Service Area: Santa Fe/La Familia
*Sierra
*Socorro
Service Area: Claunch
Service Area: Magdalena
*Taos
Service Area: Penasco/Truchas/Embudo
Service Area: Questo/Arroyo Hondo
*Torrance
*Union
Valencia

PRIMARY MEDICAL CARE: New Mexico
Service Area Listing

Service Area Name

Carrizozo
County—Lincoln
Parts:
Carrizozo CCD
Claunch
County—Socorro
Parts:
Claunch Division
Cliff/Gila
County—Grant
Parts:
Pinos Altos Division
Tyrone Division
Cloudcroft
County—Otero
Parts:
Southeast Otero Division
Corona
County—Lincoln
Parts:
Corona Division
Coyote
County—Rio Arriba
Parts:
Coyote Division
Cuba
County—Sandoval
Parts:
Cuba Division
Jemez Division
Hatch
County—Dona Ana
Parts:
Hatch Division
Jal/Eunice
County—Lea
Parts:
Eunice CCD
Jal CCD
Magdalena
County—Socorro
Parts:
Magdalena Division
Rio Chama Division
North Valley
County—Bernalillo
Parts:
C.T. 29
C.T. 30.01–30.02
C.T. 31
C.T. 32.01–32.02
C.T. 35.01–35.02
C.T. 36
Northern Lea
County—Lea
Parts:
Lovington CCD
Tatum CCD
Pecos/Villanueva
County—San Miguel
Parts:
Pecos Division
Villanueva Division
Penasco/Truchas/Embudo
County—Rio Arriba
Parts:
Chimayo Division
Dixon Division
County—Taos
Parts:
Penasco Division
Picuris Division

PRIMARY MEDICAL CARE: New Mexico
Service Area Listing

Service Area Name

Questo/Arroyo Hondo
County—Taos
Parts:
Arroyo Hondo Division
Questa Division
Rio Chama
County—Rio Arriba
Parts:
Rio Chama CCD
Santa Fe/La Familia
County—Santa Fe
Parts:
C.T. 3
C.T. 7–9
C.T. 10.02
C.T. 12
C.T. 103.04
Southern Dona Ana
County—Dona Ana
Parts:
Anthony Division
South Dona Ana Division
Southern Sandoval
County—Sandoval
Parts:
C.T. 103–104
C.T. 105.01–105.02
Tierra Amarilla
County—Rio Arriba
Parts:
Tierra Amarilla Division
Vallecitas Division
Western Rio Arriba
County—Rio Arriba
Parts:
Jicarilla Division
Western Rio Arriba Division

PRIMARY MEDICAL CARE: New Mexico
Population Group Listing

Population Group

Am In—San Juan Co
County—San Juan
Parts:
American Indian
Low Inc—Roosevelt Co
County—Roosevelt
Parts:
Low Income
Low Inc/Hmlss—Albuquerque Central
County—Bernalillo
Parts:
C.T. 14–15
C.T. 20–22
C.T. 25–28
Low Income— Chaves Co
County—Chaves
Parts:
Low Income

PRIMARY MEDICAL CARE: New Mexico
Facility Listing

Facility Name

Southern N.M. Corr. Fac.
County—Dona Ana

PRIMARY MEDICAL CARE: New York
County Listing

County Name

Albany

PRIMARY MEDICAL CARE: New York
County Listing

County Name

Service Area: Westerlo-Rensselaerville
*Allegany
Service Area: Arcade
Service Area: Letchworth
Service Area: Wellsville
Bronx
Service Area: Hunts Point
Service Area: Morris Heights
Population Group: Low Inc—Mott Haven
Population Group: Low Inc—High Bridge
Population Group: Low Inc—Morrisania
Population Group: Low Inc—Soundview
Population Group: Low Inc—West Farms
Facility: Jacobi Women'S Health Center
Facility: NYC Corr. Fac./Rikers Island
Broome
Service Area: Deposit
Service Area: Whitney Point PCAA
Population Group: Low Inc—Binghamton
*Cattaraugus
Service Area: Arcade
Service Area: Randolph/Ellicottville
Service Area: Tri-County
Population Group: Seneca Nation—Cattaraugus Res
Cayuga
Service Area: Aurora
Service Area: Cato
Service Area: Groton/Moravia
Population Group: Low Inc—Auburn PCSa
Population Group: Low Inc—Oswego City
Chautauqua
Service Area: Dunkirk-Fredonia
Service Area: Tri-County
Service Area: Westfield
Population Group: Low Inc—Union City (PA/NY)
Population Group: Seneca Nation—Cattaraugus Res
*Chenango
Service Area: Cincinnatus/De Ruyter
Service Area: Greene
Population Group: Low Inc—Hamilton/Sherburne
*Clinton
Population Group: Low Inc—Malone
*Columbia
Service Area: Southeast Columbia
*Cortland
Service Area: Cincinnatus/De Ruyter
Population Group: Low Inc—Cortland
*Delaware
Service Area: Deposit
Service Area: Hancock/Walton
Service Area: Hobart/Stamford
Service Area: Margaretville/Andes
Population Group: Low Inc—Hobart/Stamford
Dutchess
Population Group: Low Inc—Beacon
Erie
Service Area: Black Rock/Riverside
Service Area: Tri-County
Population Group: Medicaid —P.S. 84 Area
Population Group: Medicaid—Lower West Side
Population Group: Medicaid—Ellicott Neighborhood
Population Group: Seneca Nation—Cattaraugus Res

PRIMARY MEDICAL CARE: New York
County Listing

County Name

Facility: Children'S Hosp Pc Clinics—C.T. 67.02
*Essex
Service Area: Central Adirondack
Service Area: East Central Essex
Service Area: Warrensburg
Population Group: Low Inc—Schroon-Ticonderoga
Facility: FCI Raybrook
*Franklin
Population Group: Low Inc—Canton/Potsdam
Population Group: Low Inc—Malone
Facility: Bare Hill Corr Fac
Facility: Chateaugay State Corr. Facility
Facility: FCI Raybrook
*Fulton (g)
Facility: Hale Creek Asatca
Genesee
Service Area: Batavia/Attica/Bennington
*Greene
*Hamilton
Service Area: Central Adirondack
Service Area: South Hamilton
Service Area: Webb
Herkimer
Service Area: Webb
Service Area: West Winfield
*Jefferson
Service Area: Alexandria Bay
Service Area: Gouverneur
Population Group: Low Inc—Watertown
Kings
Service Area: Bedford-Stuyvesant
Service Area: Bushwick
Service Area: Coney Isl/Brighton Bch/W Brighton
Service Area: Crown Heights—Brooklyn
Service Area: East Ny-Brooklyn
Service Area: Williamsburg
Population Group: Inmates—MDC Brooklyn
*Lewis
Service Area: Boonville
Service Area: Camden
Livingston
Service Area: Letchworth
Service Area: N. Livingston
Madison
Service Area: Cincinnatus/De Ruyter
Population Group: Low Inc—Hamilton/Sherburne
Monroe
Service Area: Jordan
Service Area: Westside (Rochester)
New York
Service Area: Alphabet City—Lower East Side
Service Area: Clinton
Service Area: East Harlem
Service Area: Washington Heights—Inwood
Service Area: West Central Harlem
Population Group: Homeless—Chelsea/Ward'S Island
Population Group: Inmates—MCC New York
Population Group: Low Inc—Chinatown/Lwr Manhattan
Population Group: Low Inc—Upper West Side
Facility: INS Medical Facility—New York

PRIMARY MEDICAL CARE: New York
County Listing

County Name

Oneida
Service Area: Boonville
Service Area: Camden
Service Area: West Winfield
Population Group: Low Inc —Utica
Population Group: Low Inc—Hamilton/Sherburne
Population Group: Low Income—Rome PCSa
Onondaga
Population Group: Low Inc—Syracuse
Orange
Population Group: Low Inc—Newburgh City
Population Group: MFW—Goshen/Warwick
Population Group: MFW—Walden
Orleans
Service Area: Oak Orchard
Oswego
Service Area: Pulaski
Population Group: Low Inc—Fulton
Population Group: Low Inc—Oswego City
*Otsego
Service Area: Cherry Valley
Service Area: Southeast Otsego
Service Area: Southwest Otsego
Service Area: Western Otsego
Queens
Service Area: Long Island City
Service Area: South Jamaica
Population Group: Medicaid—Rockaway
Rockland
Population Group: Low Inc—Monsey/New Square
Saratoga
Service Area: Corinth/Luzerne
Schenectady
Population Group: Low Inc—Hamilton Hill/Mt Pleasant
Schoharie
Service Area: Cherry Valley
Service Area: Hobart/Stamford
Service Area: Southern Schoharie
Population Group: Low Inc—Hobart/Stamford
*Seneca
Service Area: South Seneca
*St Lawrence
Service Area: Alexandria Bay
Service Area: Gouverneur
Service Area: Star Lake
Population Group: Low Inc—Canton/Potsdam
Population Group: Low Inc—Massena
Population Group: Low Inc—Ogdensburg
*Steuben
Service Area: Elkland (NY/PA)
*Sullivan
Service Area: Cochecton
Population Group: Low Inc—Liberty
Tioga
Service Area: Whitney Point PCAA
*Tompkins
Service Area: Groton/Moravia
*Ulster
Population Group: MFW—New Paltz
Warren
Service Area: Corinth/Luzerne
Service Area: Warrensburg
Population Group: Low Inc—Schroon-Ticonderoga
Washington

PRIMARY MEDICAL CARE: New York
County Listing

County Name

Service Area: Pawlet/Granville (VT/NY)
Population Group: Low Inc—Schroon-Ticonderoga
*Wyoming
Service Area: Arcade
Service Area: Batavia/Attica/Bennington
Service Area: Letchworth
Facility: Attica Corr Fac

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

Alexandria Bay
County—Jefferson
Parts:
Alexandria Town
Cape Vincent Town
Clayton Town
Lyme Town
Orleans Town
Philadelphia Town
Theresa Town
County—St Lawrence
Parts:
Hammond Town
Alphabet City—Lower East Side
County—New York
Parts:
C.T. 10.02
C.T. 20
C.T. 22.01–22.02
C.T. 24
C.T. 26.01–26.02
C.T. 28
Arcade
County—Allegany
Parts:
Centerville Town
Rushford Town
County—Cattaraugus
Parts:
Farmersville Town
Freedom Town
Machias Town
Yorkshire Town
County—Wyoming
Parts:
Arcade Town
Eagle Town
Java Town
Orangeville Town
Sheldon Town
Wethersfield Town
Aurora
County—Cayuga
Parts:
Genoa Town
Ledyard Town
Scipio Town
Springport Town
Venice Town
Batavia/Attica/Bennington
County—Genesee
County—Wyoming
Parts:
Attica Town
Bennington Town
Bedford-Stuyvesant
County—Kings
Parts:
C.T. 11

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 23
C.T. 25
C.T. 27
C.T. 29.01–29.02
C.T. 31
C.T. 33
C.T. 35
C.T. 179
C.T. 181
C.T. 183
C.T. 185.01–185.02
C.T. 187
C.T. 189
C.T. 191
C.T. 193
C.T. 195
C.T. 197
C.T. 199
C.T. 201
C.T. 203
C.T. 205
C.T. 207
C.T. 213
C.T. 215
C.T. 217
C.T. 219
C.T. 221
C.T. 223
C.T. 225
C.T. 227
C.T. 229
C.T. 231
C.T. 233
C.T. 235
C.T. 237
C.T. 239
C.T. 241
C.T. 243
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255
C.T. 257
C.T. 259.01–259.02
C.T. 261
C.T. 263
C.T. 265
C.T. 267
C.T. 269
C.T. 271.01–271.02
C.T. 273
C.T. 275
C.T. 277
C.T. 279
C.T. 281
C.T. 283
C.T. 285.01–285.02
C.T. 287
C.T. 289
C.T. 291
C.T. 293
C.T. 295
C.T. 297
C.T. 299
C.T. 301
C.T. 303
C.T. 307
C.T. 309
C.T. 311
C.T. 313

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name
C.T. 315
C.T. 317.01–317.02
C.T. 319
C.T. 321
C.T. 323
C.T. 325
C.T. 327
C.T. 329
C.T. 331
C.T. 333
C.T. 335
C.T. 337
C.T. 339
C.T. 341
C.T. 343
C.T. 345
C.T. 347
C.T. 349
C.T. 351
C.T. 353
C.T. 365.01–365.02
C.T. 367
C.T. 369
C.T. 371
C.T. 373
C.T. 375
C.T. 377
C.T. 379
C.T. 381
C.T. 383
C.T. 385
C.T. 387
Black Rock/Riverside
County—Erie
Parts:
C.T. 55–59
Boonville
County—Lewis
Parts:
Greig Town
Lewis Town
Leyden Town
Lyonsdale Town
Turin Town
West Turin Town
County—Oneida
Parts:
Ava Town
Boonville Town
Forestport Town
Bushwick
County—Kings
Parts:
C.T. 389
C.T. 391
C.T. 393
C.T. 395
C.T. 397
C.T. 399
C.T. 401
C.T. 403
C.T. 405
C.T. 407
C.T. 409
C.T. 411
C.T. 413
C.T. 415
C.T. 417
C.T. 419
C.T. 421
C.T. 423
C.T. 425

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name
C.T. 427
C.T. 429
C.T. 431
C.T. 433
C.T. 435
C.T. 437
C.T. 439
C.T. 441
C.T. 443
C.T. 445
C.T. 447
C.T. 453
C.T. 455.97–455.98
C.T. 465
C.T. 473
C.T. 477
C.T. 481
C.T. 483
C.T. 487
C.T. 489
C.T. 491
C.T. 493
C.T. 495
C.T. 497
C.T. 501
C.T. 503
C.T. 505
C.T. 511
C.T. 513
C.T. 527
C.T. 1142.01–1142.02
Camden
County—Lewis
Parts:
Osceola Town
County—Oneida
Parts:
Annsville Town
Camden Town
Florence Town
Vienna Town
Cato
County—Cayuga
Parts:
Cato Town
Conquest Town
Ira Town
Victory Town
Central Adirondack
County—Essex
Parts:
Newcomb Town
County—Hamilton
Parts:
Indian Lake Town
Long Lake Town
Cherry Valley
County—Otsego
Parts:
Cherry Valley Town
Roseboom Town
Springfield Town
County—Schoharie
Parts:
Sharon Town
Cincinnatus/De Ruyter
County—Chenango
Parts:
Lincklaen Town
Pitcher Town
County—Cortland
Parts:

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name
Cincinnatus Town
Cuyler Town
Freetown Town
Harford Town
Lapeer Town
Marathon Town
Taylor Town
Willet Town
County—Madison
Parts:
De Ruyter Town
Clinton
County—New York
Parts:
C.T. 95
C.T. 97
C.T. 99
C.T. 101
C.T. 103
C.T. 109
C.T. 111
C.T. 113
C.T. 115
C.T. 117
C.T. 119
C.T. 121
C.T. 125
C.T. 127
C.T. 129
C.T. 133
C.T. 135
Cochecton
County—Sullivan
Parts:
Callicoon Town
Cochecton Town
Delaware Town
Fremont Town
Highland Town
Tusten Town
Coney Isl/Brighton Bch/W Brighton
County—Kings
Parts:
C.T. 326
C.T. 328
C.T. 330
C.T. 340
C.T. 342
C.T. 348.01–348.02
C.T. 350
C.T. 352
C.T. 354
C.T. 356
C.T. 360.01–360.02
C.T. 362
C.T. 364
Corinth/Luzerne
County—Saratoga
Parts:
Corinth Town
Day Town
Edinburg Town
Hadley Town
County—Warren
Parts:
Lake Luzerne Town
Stony Creek Town
Crown Heights—Brooklyn
County—Kings
Parts:
C.T. 508
C.T. 794

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 796
C.T. 798
C.T. 800
C.T. 802
C.T. 804
C.T. 806
C.T. 810
C.T. 812
C.T. 814
C.T. 816
C.T. 818
C.T. 820
C.T. 822
C.T. 824
C.T. 856
C.T. 864
C.T. 866
C.T. 868
C.T. 870
C.T. 872
C.T. 874.01–874.02
C.T. 876
C.T. 878
C.T. 880
C.T. 882
C.T. 884
C.T. 886
C.T. 888
C.T. 890
C.T. 892
C.T. 894
C.T. 896
C.T. 898
C.T. 900
C.T. 902

Deposit
County—Broome
Parts:
Colesville Town
Sanford Town
Windsor Town
County—Delaware
Parts:
Deposit Town
Tompkins Town

Dunkirk-Fredonia
County—Chautauqua
Parts:
Arkwright Twn.
Charlotte Twn.
Dunkirk Twn.
Dunkirk City
Pomfret Twn.
Portland Twn.
Sheridan Twn.
Stockton Twn.

East Central Essex
County—Essex
Parts:
Elizabethtown Town
Essex Town
Keene Town
Lewis Town
Moriah Town
North Hudson Town
Westport Town
Willsboro Town

East Harlem
County—New York
Parts:
C.T. 156.02
C.T. 158.02

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 160.02
C.T. 162
C.T. 164
C.T. 166
C.T. 168
C.T. 170
C.T. 172.01–172.02
C.T. 174.01–174.02
C.T. 178
C.T. 180
C.T. 182
C.T. 184
C.T. 188
C.T. 192
C.T. 194
C.T. 196
C.T. 198
C.T. 202
C.T. 204
C.T. 206
C.T. 210

East Ny-Brooklyn
County—Kings
Parts:
C.T. 904
C.T. 906
C.T. 908
C.T. 910
C.T. 912
C.T. 914
C.T. 916
C.T. 918
C.T. 920
C.T. 922
C.T. 982
C.T. 1058
C.T. 1070
C.T. 1078
C.T. 1098
C.T. 1100
C.T. 1102
C.T. 1106
C.T. 1110
C.T. 1112
C.T. 1114
C.T. 1118
C.T. 1120
C.T. 1122
C.T. 1124
C.T. 1126
C.T. 1128
C.T. 1130
C.T. 1132
C.T. 1134
C.T. 1136
C.T. 1138
C.T. 1140
C.T. 1146
C.T. 1148
C.T. 1150
C.T. 1152
C.T. 1154
C.T. 1156
C.T. 1158
C.T. 1160
C.T. 1162
C.T. 1164
C.T. 1166
C.T. 1168
C.T. 1170
C.T. 1172.01–1172.02
C.T. 1174

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 1176.01–1176.02
C.T. 1178
C.T. 1180
C.T. 1182.01–1182.02
C.T. 1184
C.T. 1186
C.T. 1188
C.T. 1190.97
C.T. 1192
C.T. 1194
C.T. 1196
C.T. 1200
C.T. 1202.97–1202.98
C.T. 1208
C.T. 1210
C.T. 1214
C.T. 1220

Elkland (NY/PA)
County—Steuben
Parts:
Tuscarora Town
Woodhull Town

Gouverneur
County—Jefferson
Parts:
Antwerp Town
County—St Lawrence
Parts:
De Kalb Town
De Peyster Town
Edwards Town
Fowler Town
Gouverneur Town
Macomb Town
Rossie Town

Greene
County—Chenango
Parts:
German Town
Greene Town
McDonough Town
Smithville Town

Groton/Moravia
County—Cayuga
Parts:
Locke Twn.
Moravia Twn.
Sempronius Twn.
Summerhill Twn.
County—Tompkins
Parts:
Groton Twn.

Hancock/Walton
County—Delaware
Parts:
Colchester Town
Hamden Town
Hancock Town
Walton Town

Hobart/Stamford
County—Delaware
Parts:
Davenport Town
Harpersfield Town
Kortright Town
Stamford Town
County—Schoharie
Parts:
Jefferson Town

Hunts Point
County—Bronx
Parts:

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name
C.T. 5
C.T. 91
C.T. 97
C.T. 99
C.T. 105
C.T. 115.01–115.02
Jordan
County—Monroe
Parts:
C.T. 7
C.T. 13–15
C.T. 39
C.T. 43
C.T. 48–53
C.T. 55–56
C.T. 80
C.T. 91–92
C.T. 93.01
Letchworth
County—Allegany
Parts:
Allen Town
Caneadea Town
Granger Town
Hume Town
County—Livingston
Parts:
Portage Town
County—Wyoming
Parts:
Castile Town
Gainesville Town
Genesee Falls Town
Pike Town
Long Island City
County—Queens
Parts:
C.T. 1
C.T. 7
C.T. 19
C.T. 25
C.T. 27
C.T. 29
C.T. 31
C.T. 35
C.T. 37
C.T. 39
C.T. 41
C.T. 43
C.T. 45
C.T. 47
C.T. 49
C.T. 51
C.T. 53
C.T. 55
C.T. 57
C.T. 59
C.T. 171
Margaretville/Andes
County—Delaware
Parts:
Andes Town
Middletown Town
Roxbury Town
Morris Heights
County—Bronx
Parts:
C.T. 53.02
C.T. 205
C.T. 215.01–215.02
C.T. 217.01
C.T. 227.01

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name
C.T. 233.01
C.T. 235.01
C.T. 237.01
C.T. 239
C.T. 241
C.T. 243
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255
C.T. 257
N. Livingston
County—Livingston
Parts:
Avon Town
Caledonia Town
Geneseo Town
Groveland Town
Leicester Town
Lima Town
Livonia Town
York Town
Oak Orchard
County—Orleans
Parts:
Albion Town
Barre Town
Carlton Town
Clarendon Town
Gaines Town
Kendall Town
Murray Town
Pawlet/Granville (VT/NY)
County—Washington
Parts:
Fort Ann Town
Granville Town
Hampton Town
Hartford Town
Hebron Town
Whitehall Town
Pulaski
County—Oswego
Parts:
Albion Town
Boylston Town
Mexico Town
Orwell Town
Redfield Town
Richland Town
Sandy Creek Town
Williamstown Town
Randolph/Ellicottville
County—Cattaraugus
Parts:
Carrollton Town
Cold Spring Town
Conewango Town
Ellicottville Town
Franklinville Town
Great Valley Town
Humphrey Town
Little Valley Town
Mansfield Town
Napoli Town
New Albion Town
Randolph Town
Red House Town
Salamanca City
Salamanca Town

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name
South Valley Town
South Hamilton
County—Hamilton
Parts:
Arietta Town
Benson Town
Hope Town
Lake Pleasant Town
Morehouse Town
Wells Town
South Jamaica
County—Queens
Parts:
C.T. 190
C.T. 196
C.T. 198
C.T. 202
C.T. 204
C.T. 206
C.T. 208
C.T. 212
C.T. 244
C.T. 246
C.T. 248
C.T. 250
C.T. 252
C.T. 258
C.T. 260
C.T. 262
C.T. 264
C.T. 266
C.T. 270
C.T. 272
C.T. 274
C.T. 276
C.T. 278
C.T. 280
C.T. 410
C.T. 414
C.T. 440
C.T. 442
South Seneca
County—Seneca
Parts:
Covert Town
Lodi Town
Ovid Town
Southeast Columbia
County—Columbia
Parts:
Ancram Town
Copake Town
Gallatin Town
Hillsdale Town
Taghkanic Town
Southeast Otsego
County—Otsego
Parts:
Decatur Town
Maryland Town
Westford Town
Worcester Town
Southern Schoharie
County—Schoharie
Parts:
Blenheim Town
Broome Town
Conesville Town
Fulton Town
Gilboa Town
Southwest Otsego
County—Otsego

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

Parts:
Butternuts Town
Morris Town
Star Lake
County—St Lawrence
Parts:
Clare Town
Clifton Town
Fine Town
Pitcairn Town
Russell Town
Tri-County
County—Cattaraugus
Parts:
Dayton Town
Leon Town
Otto Town
Perrysburg Town
Persia Town
County—Chautauqua
Parts:
Cherry Creek Town
Hanover Town
Villenova Town
County—Erie
Parts:
Brant Town
Collins Town
Eden Town
Evans Town
North Collins Town
Warrensburg
County—Essex
Parts:
Minerva Town
County—Warren
Parts:
Chester Town
Horicon Town
Johnsburg Town
Thurman Town
Warrensburg Town
Washington Heights—Inwood
County—New York
Parts:
C.T. 243.01
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255
C.T. 261
C.T. 263
C.T. 265
C.T. 267
C.T. 269
C.T. 271
C.T. 273
C.T. 275
C.T. 277
C.T. 279
C.T. 281
C.T. 283
C.T. 285
C.T. 287
C.T. 289
C.T. 291
C.T. 293
C.T. 295
C.T. 297
C.T. 303

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 307
C.T. 309
C.T. 311
Webb
County—Hamilton
Parts:
Inlet Town
County—Herkimer
Parts:
Webb Town
Wellsville
County—Allegany
Parts:
Alfred Town
Alma Town
Almond Town
Amity Town
Andover Town
Angelica Town
Belfast Town
Birdsall Town
Bolivar Town
Burns Town
Clarksville Town
Cuba Town
Friendship Town
Genesee Town
Grove Town
Independence Town
New Hudson Town
Scio Town
Ward Town
Wellsville Town
West Almond Town
Willing Town
Wirt Town
West Central Harlem
County—New York
Parts:
C.T. 186
C.T. 190
C.T. 197.02
C.T. 200
C.T. 201.02
C.T. 207.02
C.T. 208
C.T. 209.01–209.02
C.T. 211–212
C.T. 213.01–213.02
C.T. 214
C.T. 216
C.T. 217.01–217.02
C.T. 218
C.T. 219.97
C.T. 220
C.T. 221.01–221.02
C.T. 222
C.T. 223.97–223.98
C.T. 224–226
C.T. 227.01–227.02
C.T. 228–230
C.T. 231.01–231.02
C.T. 232–234
C.T. 235.01–235.02
C.T. 236–237
C.T. 239
C.T. 241
C.T. 243.02
West Winfield
County—Herkimer
Parts:
Columbia Town

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

Litchfield Town
Warren Town
Winfield Town
County—Oneida
Parts:
Bridgewater Town
Westerlo-Rensselaerville
County—Albany
Parts:
Rensselaerville Town
Westerlo Town
Western Otsego
County—Otsego
Parts:
Burlington Town
Edmeston Town
New Lisbon Town
Pittsfield Town
Plainfield Town
Westfield
County—Chautauqua
Parts:
Chautauqua Town
Mina Town
Ripley Town
Sherman Town
Westfield Town
Westside (Rochester)
County—Monroe
Parts:
C.T. 2
C.T. 16–17
C.T. 23–24
C.T. 27
C.T. 32
C.T. 40–41
C.T. 62–71
C.T. 75
C.T. 87.01–87.02
C.T. 88–90
C.T. 93.02
C.T. 94.01–94.03
C.T. 95
C.T. 96.01–96.04
Whitney Point PCAA
County—Broome
Parts:
Barker Town
Lisle Town
Nanticoke Town
Triangle Town
County—Tioga
Parts:
Berkshire Town
Richford Town
Williamsburg
County—Kings
Parts:
C.T. 507
C.T. 509
C.T. 515
C.T. 519
C.T. 523
C.T. 525
C.T. 529
C.T. 531
C.T. 533
C.T. 535
C.T. 537
C.T. 539
C.T. 545
C.T. 547

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 549
C.T. 551
C.T. 553
C.T. 555

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

Homeless—Chelsea/Ward's Island
County—New York
Parts:
C.T. 91 (Homeless)
C.T. 93 (Homeless)
C.T. 95 (Homeless)
C.T. 97 (Homeless)
C.T. 99 (Homeless)
C.T. 101 (Homeless)
C.T. 103 (Homeless)
C.T. 109 (Homeless)
C.T. 111 (Homeless)
C.T. 113 (Homeless)
C.T. 115 (Homeless)
C.T. 117 (Homeless)
C.T. 240 (Homeless)
Inmates—MCC New York
County—New York
Parts:
MCC New York
Inmates—MDC Brooklyn
County—Kings
Parts:
MDC Brooklyn
Low Inc —Utica
County—Oneida
Parts:
C.T. 202.01–202.02
C.T. 203–206
C.T. 207.01–207.02
C.T. 208.01–208.03
C.T. 209–210
C.T. 211.01–211.03
C.T. 212.01–212.02
C.T. 213.01–213.03
C.T. 214.01–214.04
C.T. 215
C.T. 216.01–216.02
C.T. 217.01–217.02
Low Inc—Auburn PCSa
County—Cayuga
Parts:
Auburn City
Aurelius Town
Brutus Town
Fleming Town
Mentz Town
Montezuma Town
Owasco Town
Sennett Town
Throop Town
Low Inc—Beacon
County—Dutchess
Parts:
Ct 2103
Ct 2101
Ct 2102
Low Inc—Binghamton
County—Broome
Parts:
C.T. 4–8
C.T. 10–12
Low Inc—Canton/Potsdam

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

County—Franklin
Parts:
Dickinson Town
Waverly Town
County—St Lawrence
Parts:
Canton Town
Colton Town
Hermon Town
Hopkinton Town
Madrid Town
Parishville Town
Pierrepont Town
Potsdam Town
Stockholm Town
Low Inc—Chinatown/Lwr Manhattan
County—New York
Parts:
C.T. 2.01–2.02
C.T. 6
C.T. 8
C.T. 10.01
C.T. 14.01–14.02
C.T. 15.01
C.T. 16
C.T. 18
C.T. 25
C.T. 27
C.T. 29
C.T. 30.01–30.02
C.T. 32
C.T. 34
C.T. 36.01–36.02
C.T. 38
C.T. 40–41
C.T. 43
C.T. 45
C.T. 55.02
Low Inc—Cortland
County—Cortland
Parts:
Cortlandville Town
Cortland City
Homer Town
Preble Town
Scott Town
Solon Town
Truxton Town
Virgil Town
Low Inc—Fulton
County—Oswego
Parts:
Fulton City
Granby Town
Schroeppel Town
Volney Town
Low Inc—Hamilton Hill/Mt Pleasant
County—Schenectady
Parts:
C.T. 203
C.T. 207–209
C.T. 210.01–210.02
C.T. 211.01–211.02
C.T. 214–217
Low Inc—Hamilton/Sherburne
County—Chenango
Parts:
Columbus Town
Otselic Town
Sherburne Town
Smyrna Town
County—Madison

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

Parts:
Brookfield Town
Eaton Town
Georgetown Town
Hamilton Town
Lebanon Town
Madison Town
County—Oneida
Parts:
Sangerfield Town
Low Inc—High Bridge
County—Bronx
Parts:
C.T. 53.01
C.T. 57
C.T. 59.01
C.T. 187
C.T. 189
C.T. 193
C.T. 195
C.T. 197
C.T. 199
C.T. 201
C.T. 211
C.T. 213.01–213.02
C.T. 217.02
C.T. 219
C.T. 221
C.T. 223
C.T. 227.02
Low Inc—Hobart/Stamford
County—Delaware
Parts:
Davenport Town
Harpersfield Town
Kortright Town
Stamford Town
County—Schoharie
Parts:
Jefferson Town
Low Inc—Liberty
County—Sullivan
Parts:
Liberty Town
Neversink Town
Rockland Town
Low Inc—Malone
County—Clinton
Parts:
Altona Town
Clinton Town
Ellenburg Town
County—Franklin
Parts:
Bangor Town
Belmont Town
Bombay Town
Brandon Town
Burke Town
Chateaugay Town
Constable Town
Duane Town
Fort Covington Town
Malone Town
Moira Town
Westville Town
Low Inc—Massena
County—St Lawrence
Parts:
Brasher Town
Lawrence Town
Louisville Town

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

Massena Town
Norfolk Town
Low Inc—Monsey/New Square
County—Rockland
Parts:
C.T. 115.03–115.04
C.T. 121–124
Low Inc—Morrisania
County—Bronx
Parts:
C.T. 49
C.T. 59.02
C.T. 61
C.T. 121.01
C.T. 123
C.T. 125
C.T. 127.01
C.T. 129.01
C.T. 131
C.T. 133
C.T. 135
C.T. 137
C.T. 139
C.T. 141
C.T. 143
C.T. 145
C.T. 147
C.T. 149
C.T. 151
C.T. 153
C.T. 155
C.T. 157
C.T. 161
C.T. 163
C.T. 165
C.T. 167
C.T. 169
C.T. 171
C.T. 173
C.T. 175
C.T. 177
C.T. 179
C.T. 181
C.T. 183
C.T. 225
C.T. 227.03
C.T. 229.02
C.T. 367
C.T. 369.02
Low Inc—Mott Haven
County—Bronx
Parts:
C.T. 11
C.T. 15
C.T. 17
C.T. 23
C.T. 25
C.T. 27.01–27.02
C.T. 31
C.T. 33
C.T. 35
C.T. 37
C.T. 39
C.T. 41
C.T. 43
C.T. 47
C.T. 65
C.T. 67
C.T. 69
C.T. 71
C.T. 73
C.T. 75

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

C.T. 77
C.T. 79
C.T. 81
C.T. 83
C.T. 85
C.T. 87
C.T. 89
C.T. 119
C.T. 121.02
C.T. 127.02
C.T. 129.02
Low Inc—Newburgh City
County—Orange
Parts:
Newburgh City
Low Inc—Ogdensburg
County—St Lawrence
Parts:
Depeyster Town
Lisbon Town
Morristown Town
Ogdensburg City
Oswegatchie Town
Waddington Town
Low Inc—Oswego City
County—Cayuga
Parts:
Sterling Town
County—Oswego
Parts:
Hannibal Town
Minetto Town
New Haven Town
Oswego City
Oswego Town
Scriba Town
Low Inc—Schroon-Ticonderoga
County—Essex
Parts:
Crown Point Twp
Schroon Twp
Ticonderoga Twp
County—Warren
Parts:
Hague Twp
County—Washington
Parts:
Dresdentwp
Putnam
Low Inc—Soundview
County—Bronx
Parts:
C.T. 2
C.T. 4
C.T. 16
C.T. 20
C.T. 24
C.T. 28
C.T. 36
C.T. 38
C.T. 40.01–40.02
C.T. 44
C.T. 46
C.T. 48
C.T. 50
C.T. 52
C.T. 54
C.T. 56
C.T. 58
C.T. 62
C.T. 64
C.T. 66

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

C.T. 68
C.T. 70
C.T. 72
C.T. 74
C.T. 78
C.T. 84
C.T. 86
C.T. 88
C.T. 98
C.T. 102
C.T. 214
Low Inc—Syracuse
County—Onondaga
Parts:
C.T. 5–7
C.T. 13–16
C.T. 21–24
C.T. 29–35
C.T. 36.01
C.T. 38–45
C.T. 51–55
C.T. 57–59
C.T. 61.01–61.02
Low Inc—Union City (PA/NY)
County—Chautauqua
Parts:
Clymer Town
French Creek Town
Low Inc—Upper West Side
County—New York
Parts:
C.T. 177
C.T. 179
C.T. 181
C.T. 183
C.T. 185
C.T. 187
C.T. 189
C.T. 191
C.T. 193
C.T. 195
C.T. 197.01
C.T. 199
C.T. 201.01
C.T. 203
C.T. 205
C.T. 207.01
Low Inc—Watertown
County—Jefferson
Parts:
Brownville Town
City Of Watertown
Hounsfield Town
Le Ray Town
Pamelia Town
Rutland Town
Watertown Town
Low Inc—West Farms
County—Bronx
Parts:
C.T. 60
C.T. 216.01–216.02
C.T. 218
C.T. 220
C.T. 236
C.T. 240
C.T. 359
C.T. 361
C.T. 363
Low Income—Rome PCSa
County—Oneida
Parts:

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

Floyd
Lee
Rome
Verona
Western
Medicaid —P.S. 84 Area
County—Erie
Parts:
C.T. 27.02
C.T. 29
C.T. 32.01–32.02
C.T. 33.01–33.02
C.T. 34–36
C.T. 39.01–39.02
C.T. 40.01–40.02
C.T. 41–42
C.T. 44.02
C.T. 52.02
C.T. 64
Medicaid—Ellicott Neighborhood
County—Erie
Parts:
C.T. 12
C.T. 13.01–13.02
C.T. 14.01–14.02
C.T. 15–18
C.T. 25.01–25.02
C.T. 26
C.T. 27.01
C.T. 31
Medicaid—Lower West Side
County—Erie
Parts:
C.T. 68
C.T. 71.01–71.02
C.T. 72.01
Medicaid—Rockaway
County—Queens
Parts:
C.T. 916.01–916.02
C.T. 916.99
C.T. 918
C.T. 922
C.T. 928
C.T. 934
C.T. 938
C.T. 942.01–942.03
C.T. 952
C.T. 962
C.T. 964
C.T. 972
C.T. 992
C.T. 998
C.T. 1008
C.T. 1010
C.T. 1032
MFW—Goshen/Warwick
County—Orange
Parts:
Goshen Town
Warwick Town
MFW—New Paltz
County—Ulster
Parts:
New Paltz Town
MFW—Walden
County—Orange
Parts:
Montgomery Town
Seneca Nation—Cattaraugus Res
County—Cattaraugus
Parts:
Cattaraugus Res
County—Chautauqua
Parts:
Cattaraugus Res
County—Erie
Parts:
Cattaraugus Res

PRIMARY MEDICAL CARE: New York
Facility Listing

Facility Name

Attica Corr Fac
County—Wyoming
Bare Hill Corr Fac
County—Franklin
Chateaugay State Corr. Facility
County—Franklin
Children'S Hosp Pc Clinics—C.T. 67.02
County—Erie
FCI Raybrook
County—Franklin
FCI Raybrook
County—Essex
Hale Creek Asatca
County—Fulton
INS Medical Facility—New York
County—New York
Jacobi Women'S Health Center
County—Bronx
NYC Corr. Fac./Rikers Island
County—Bronx

PRIMARY MEDICAL CARE: North Carolina
County Listing

County Name

Alamance
Population Group: Med Ind—Alamance Co
Alexander
*Anson
*Beaufort
Service Area: Bayboro/Aurora
Service Area: Belhaven/Swan Quarter
*Bertie
*Bladen
Caldwell
Service Area: Western Caldwell
*Caswell
Chatham
Population Group: Low Inc—Moncure/Sanford
*Clay
*Cleveland
Population Group: Med Ind—Cleveland Co
*Columbus
Cumberland
Population Group: Low Inc—Cumberland Co
Currituck
*Dare
Service Area: Hatteras-Ocracoke
*Duplin
Population Group: Low Inc—Duplin Co
Durham
Population Group: Medicaid—Durham Co
Edgecombe
Franklin
Gaston
Population Group: Low Inc—Gaston Co
*Gates
*Graham

PRIMARY MEDICAL CARE: North Carolina
County Listing

County Name

*Granville
Facility: FCI Butner
*Greene
Guilford
Service Area: Inner City Greensboro
*Halifax
Population Group: Low Inc—Halifax
*Harnett
Population Group: Low Inc—Harnett
*Henderson
Population Group: MFW—Henderson/Polk
*Hertford
Population Group: Low Inc—Hertford Co
*Hoke
*Hyde
Service Area: Belhaven/Swan Quarter
Service Area: Hatteras-Ocracoke
Johnston
Population Group: Low Inc/MFW—Johnston Co
*Lee
Population Group: Low Inc—Moncure/Sanford
*Lenoir
Service Area: East Kinston
*Macon
Service Area: Franklin
Mecklenburg
Service Area: Central Charlotte
*Montgomery
Nash
Population Group: Low Inc/MFW—Nash Co
New Hanover
Population Group: Low Inc—New Hanover Co
*Northampton
Pamlico
Service Area: Bayboro/Aurora
*Pender
*Person
*Polk
Population Group: MFW—Henderson/Polk
Randolph
*Robeson
*Sampson
Population Group: Low Inc/MFW—Sampson Co
*Scotland
Population Group: Med Ind—Scotland Co
*Stanly
Population Group: Low Inc—Stanly Co
Stokes
Service Area: Danbury
*Surry
Population Group: Low Inc—Surry Co
*Swain
Population Group: Low Inc—Swain Co
*Tyrrell
*Vance (g)
Facility: FCI—Butner
Wake (g)
Facility: Central Prison
*Warren
Service Area: Warrenton
*Washington
Wayne
Population Group: Low Inc—Wayne Co
*Wilson
Population Group: Low Inc/MFW—Wilson Co

PRIMARY MEDICAL CARE: North Carolina
County Listing

County Name
*Yancey
Population Group: Low Inc—Yancey Co

PRIMARY MEDICAL CARE: North Carolina
Service Area Listing

Service Area Name
Bayboro/Aurora
County—Beaufort
Parts:
Richland Twp
County—Pamlico
Belhaven/Swan Quarter
County—Beaufort
Parts:
Bath Township
Pantego Township
County—Hyde
Parts:
Currituck Township
Fairfield Township
Lake Landing Township
Lake Mattamuskeet Unorg.
Swan Quarter Township
Central Charlotte
County—Mecklenburg
Parts:
C.T. 1
C.T. 4–8
C.T. 36–37
C.T. 38.98
C.T. 39.01–39.02
C.T. 41–42
C.T. 45.00–51.01
C.T. 52
Danbury
County—Stokes
Parts:
C.T. 701–703
East Kinston
County—Lenoir
Parts:
C.T. 101–105
C.T. 107
Franklin
County—Macon
Parts:
Burningtown Twp
Cartoogechaye Twp
Cowee Twp
Ellijay Twp
Flats Twp
Franklin Twp
Millshoal Twp
Nantahala Twp
Smiths Bridge Twp.
Hatteras-Ocracoke
County—Dare
Parts:
Hatteras Township
Kinnakeet Township
County—Hyde
Parts:
Ocracoke Township
Inner City Greensboro
County—Guilford
Parts:
C.T. 101
C.T. 107.02
C.T. 108.01
C.T. 110
C.T. 111.01

PRIMARY MEDICAL CARE: North Carolina
Service Area Listing

Service Area Name
C.T. 112–115
Warrenton
County—Warren
Parts:
Fork Township
Hawtree Township
Nutbush Township
River Township
Roanoke Township
Sandy Creek Township
Shocco Township
Sixpound Township
Smith Creek Township
Warrenton Township
Western Caldwell
County—Caldwell
Parts:
Globe Township
Johns River Township
Mulberry Township
Patterson Township
Wilson Creek Township

PRIMARY MEDICAL CARE: North Carolina
Population Group Listing

Population Group
Low Inc—Cumberland Co
County—Cumberland
Parts:
Low Income
Low Inc—Duplin Co
County—Duplin
Parts:
Low Income
Low Inc—Gaston Co
County—Gaston
Parts:
Low Inc
Low Inc—Halifax
County—Halifax
Parts:
Low Income
Low Inc—Harnett
County—Harnett
Parts:
Low Inc
Low Inc—Hertford Co
County—Hertford
Parts:
Low Inc
Low Inc—Moncure/Sanford
County—Chatham
Parts:
Cape Fear
Haw River
Oakland
County—Lee
Parts:
Cape Fear
Deep River
East Sanford
Jonesboro
West Sanford
Low Inc—New Hanover Co
County—New Hanover
Parts:
Low Income
Low Inc—Stanly Co
County—Stanly
Parts:
Low Inc

PRIMARY MEDICAL CARE: North Carolina
Population Group Listing

Population Group
Low Inc—Surry Co
County—Surry
Parts:
Low Income
Low Inc—Swain Co
County—Swain
Parts:
Low Income
Low Inc—Wayne Co
County—Wayne
Parts:
Low Income
Low Inc—Yancey Co
County—Yancey
Parts:
Low Income
Low Inc/MFW—Johnston Co
County—Johnston
Parts:
Low Inc/MFW
Low Inc/MFW—Nash Co
County—Nash
Parts:
Low Income/Migrant Farmw
Low Inc/MFW—Sampson Co
County—Sampson
Parts:
Low Inc/MFW
Low Inc/MFW—Wilson Co
County—Wilson
Parts:
Low Income/Migrant Farmw
Med Ind—Alamance Co
County—Alamance
Parts:
Medically Indigent
Med Ind—Cleveland Co
County—Cleveland
Parts:
Medically Indigent
Med Ind—Scotland Co
County—Scotland
Parts:
Medically Indigent
Medicaid—Durham Co
County—Durham
Parts:
Medicaid Eligible
MFW—Henderson/Polk
County—Henderson
Parts:
MFW
County—Polk
Parts:
MFW

PRIMARY MEDICAL CARE: North Carolina
Facility Listing

Facility Name
Central Prison
County—Wake
FCI—Butner
County—Vance
FCI Butner
County—Granville

PRIMARY MEDICAL CARE: North Dakota
County Listing

County Name
*Adams

PRIMARY MEDICAL CARE: North Dakota
County Listing

County Name

Service Area: Lemmon (SD/ND)
*Barnes
Service Area: Wimbledon
*Benson
*Bottineau
Service Area: Bottineau
Service Area: Mohall
*Burke
Service Area: Powers Lake/Columbus
*Dickey
Service Area: Ellendale/Edgeley (ND/SD)
Service Area: Oakes/Forman
*Divide
*Dunn
*Eddy
*Emmons
*Golden Valley
*Hettinger
*Kidder
Service Area: Harvey
Service Area: Medina
*La Moure
Service Area: Ellendale/Edgeley (ND/SD)
Service Area: La Moure
Logan
Service Area: Wishek/Napoleon
*McHenry
McIntosh
Service Area: Wishek/Napoleon
*McKenzie
*McLean
*Mercer
Morton
Service Area: West Morton/East Stark
Mountrail
Service Area: New Town
Service Area: Stanley
*Nelson
Service Area: McVille
*Oliver
*Pembina
*Pierce
Service Area: Harvey
*Renville
Service Area: Mohall
*Richland
Service Area: Hankinson/Lidgerwood (ND/SD)
*Rolette
Sargent
Service Area: Oakes/Forman
*Sheridan
Service Area: Harvey
*Sioux
*Slope
*Stark
Service Area: West Morton/East Stark
*Stutsman
Service Area: Medina
Service Area: Wimbledon
*Ward
Service Area: New Town
Service Area: Stanley
*Wells
Service Area: Harvey
*Williams
Service Area: Tioga

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

Bottineau
County—Bottineau
Parts:
Amity Township
Bentinck Township
Bottineau City
Brander Township
Cecil Township
Chatfield Township
Cordelia Township
Dalen Township
Eidsvold Township
Elms Township
Elysian Township
Gardena City
Haram Township
Hastings Township
Homen Township
Kane Township
Kramer City
Landa City
Lewis Township
Lordsburg Township
Maxbass City
Mount Rose Township
Newborg Township
Newburg City
Oak Creek Township
Oak Valley Township
Ostby Township
Overly City
Peabody Township
Pickering Township
Richburg Township
Roland Township
Russell City
Scandia Township
Scotia Township
Sergius Township
Souris City
Starbuck Township
Stone Creek Township
Tacoma Township
Wayne Township
Wellington Township
Westhope City
Whitby Township
Whitteron Township
Willow City City
Willow Vale Township
Ellendale/Edgeley (ND/SD)
County—Dickey
Parts:
Ada Township
Albertha Township
Albion Township
Elden Township
Ellendale City
Ellendale Township
Elm Township
Forbes City
Fullerton City
German Township
Grand Valley Township
Hamburg Township
Kent Township
Kentner Township
Keystone Township
Lorraine Township
Maple Township
Merricourt City
Monango City

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

Northwest Township
Porter Township
Potsdam Township
Spring Valley Townshi
Valley Township
Van Meter Township
Whitestone Township
Wright Township
Yorktown Township
Young Township
County—La Moure
Parts:
Edgeley City
Golden Glen Township
Kulm City
Nora Township
Norden Township
Pomona View Township
Ray Township
Swede Township
Wano Township
Willowbank Township
Hankinson/Lidgerwood (ND/SD)
County—Richland
Parts:
Barney City
Belford Township
Brandenburg Township
Brightwood Township
Danton Township
Devillo Township
Dexter Township
Duerr Township
Elma Township
Fairmount City
Fairmount Township
Grant Township
Great Bend City
Greendale Township
Hankinson City
La Mars Township
Liberty Grove Township
Lidgerwood City
Mantador City
Moran Township
Waldo Township
Wyndmere Township
Wyndmere City
Harvey
County—Kidder
Parts:
Atwood Twp
Clear Lake Twp
Kickapoo Twp
Merkel Twp
Northwest Twp
Robinson City
Robinson Twp
Stewart Twp
Tuttle City
Tuttle Twp
County—Pierce
Parts:
Alexander Twp
Antelope Lake Twp
Elling Twp
Hagel Twp
S Pierce Unorg
Truman Twp
White Twp
County—Sheridan
County—Wells

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

Parts:
Bremen Twp
Bull Moose Twp
Chaseley Twp
Crystal Lake Twp
Delger Twp
Fairville Twp
Fessenden City
Forward Twp
Fram Twp
Germantown Twp
Hamberg City
Hamberg Twp
Harvey City
Heimdal Twp
Hillsdale Twp
Lynn Twp
Manfred Twp
Norway Lake Twp
Oshkosh Twp
Pony Gulch Twp
Rusland Twp
Silver Lake Twp
St Anna Twp
Valhalla Twp
Wells Twp
West Norway Twp
Western Twp

La Moure
County—La Moure
Parts:
Adrian Township
Badger Township
Berlin City
Black Loam Township
Bluebird Township
Dean Township
Dickey City
Gladstone Township
Glen Township
Glenmore Township
Grand Rapids Township
Grandview Township
Greenville Township
Henrietta Township
Jud City
Kennison Township
La Moure City
Litchville Township
Marion City
Mikkelson Township
Ovid Township
Pearl Lake Township
Prairie Township
Raney Township
Roscoe Township
Russell Township
Ryan Township
Saratoga Township
Sheridan Township
Verona City

Lemmon (SD/ND)
County—Adams
Parts:
E Adams Unorg
Gilstrap Twp
North Lemmon Twp
Orange Twp
South Fork Twp

McVille
County—Nelson
Parts:
Adler Township
Bergen Township
Central Township
Clara Township
Dahlen Township
Dayton Township
Dodds Township
Enterprise Township
Field Township
Forde Township
Hamlin Township
Illinois Township
Lakota City
Lakota Township
Lee Township
Leval Township
McVille City
Melvin Township
Michigan City City
Michigan Township
Nash Township
Nesheim Township
Osago Township
Pekin City
Petersburg City
Petersburg Township
Rubin Township
Samia Township
Tolna City
Wamduska Township
Williams Township

Medina
County—Kidder
Parts:
Allen Township
Buckeye Township
Bunker Township
Crystal Springs Township
Dawson City
Graf Township
Haynes Township
Manning Township
Peace Township
Quinby Township
Sibley Township
South Kidder Unorg.
Steele City
Tanner Township
Tappen City
Tappen Township
Valley Township
Vernon Township
Weiser Township
Westford Township
Williams Township
Woodlawn Township

County—Stutsman
Parts:
Bloomenfield Township
Chase Lake Unorg.
Chicago Township
Cleveland City
Flint Township
Germania Township
Griffin Township
Iosco Township
Medina City
Newbury Township
Peterson Township
Sinclair Township
St. Paul Township
Stirton Township
Streeter City
Streeter Township
Valley Spring Township
Weld Township

Mohall
County—Bottineau
Parts:
Antler City
Antler Township
Blaine Township
Cut Bank Township
Hoffman Township
Lansford City
Lansford Township
Renville Township
Sherman Township
Wheaton Township

County—Renville
Parts:
Brandon Township
Callahan Township
Clay Township
Colquhoun Township
Eden Valley Township
Grano City
Grassland Township
Hamerly Township
Hamlet Township
Hurley Township
Lockwood Township
Loraine City
Mohall City
Sherwood City

New Town
County—Mountrail
Parts:
Banner Township
Big Bend Township
Brookbank Township
Crane Creek Township
Fertile Township
Howie Township
Knife River Township
Liberty Township
Model Township
Mountrail Township
New Town City
Oakland Township
Osborn Township
Osloe Township
Parshall City
Parshall Township
Plaza Township
Plaza City
Rat Lake Township
Shell Township
Sikes Township
Southwest Mountrail Unorg.
Spring Coulee Township
Van Hook Township
Wayzetta Township

County—Ward
Parts:
Anna Township
Hiddenwood Township
Linton Township
Lund Township
Makoti City
Orlien Township
Ryder Township
Ryder City
Shealey Township

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

- Tolgen Township

Oakes/Forman
- County—Dickey
  - Parts:
    - Bear Creek Township
    - Clement Township
    - Divide Township
    - Hudson Township
    - James River Valley To
    - Lovell Township
    - Ludden City
    - Oakes City
    - Port Emma Township
    - Riverdale Township
- County—Sargent

Powers Lake/Columbus
- County—Burke
  - Parts:
    - Battleview Township
    - Clayton Township
    - Cleary Township
    - Columbus City
    - Colville Township
    - Dale Township
    - Fay Township
    - Foothills Township
    - Forthun Township
    - Garness Township
    - Harmonious Township
    - Keller Township
    - Larson City
    - Leaf Mountain Township
    - Lignite City
    - Lucy Township
    - Portal City
    - Portal Township
    - Powers Lake City
    - Short Creek Township
    - Soo Township
    - Thorson Township
    - Vale Township

Stanley
- County—Mountrail
  - Parts:
    - Alger Township
    - Bicker Township
    - Burke Township
    - Clearwater Township
    - Cottonwood Township
    - Crowfoot Township
    - Debing Township
    - Egan Township
    - Idaho Township
    - James Hill Township
    - Kickapoo Township
    - Lostwood Township
    - Lowland Township
    - Manitou Township
    - McAlmond Township
    - McGahan Township
    - Myrtle Township
    - Palermo City
    - Palermo Township
    - Powers Township
    - Powers Lake Township
    - Purcell Township
    - Redmond Township
    - Ross City
    - Ross Township
    - Sidonia Township
    - Sorkness Township
    - Stanley City
    - Stave Township
    - West Mountrail Unorg.
    - White Earth City
    - White Earth Township
- County—Ward
  - Parts:
    - Berthold City
    - Berthold Township.
    - Carbondale Township
    - Carpio City
    - Carpio Township
    - Donnybrook City
    - Evergreen Township
    - Mandan Township
    - Passport Township
    - Ree Township

Tioga
- County—Williams
  - Parts:
    - Alamo City
    - Athens Township
    - Barr Butte Township
    - Big Meadow Township
    - Big Stone Township
    - Blacktail Township
    - Blue Ridge Township
    - Bonetraill Township
    - Brooklyn Township
    - Champion Township
    - Climax Township
    - Dry Fork Township
    - Dublin Township
    - Ellisville Township
    - Epping City
    - Farmvale Township
    - Golden Valley Township
    - Good Luck Township
    - Grenora City
    - Grenora Township
    - Hanks City
    - Hazel Township
    - Hofflund Township
    - Lindahl Township
    - Marshall Township
    - Nesson Valley Unorg.
    - New Home Township
    - Oliver Township
    - Orthell Township
    - Pleasant Valley Township
    - Rainbow Township
    - Ray City
    - Rock Island Township
    - Sauk Valley Township
    - Scorio Township
    - South Meadow Township
    - Southeast Williams Unorg.
    - Spring Brook City
    - Strandahl Township
    - Tioga Township
    - Tioga City
    - Truax Township
    - Twelve Mile Township
    - View Township
    - West Bank Township
    - Wheelock Township
    - Wheelock City
    - Wildrose City
    - Winner Township

West Morton/East Stark
- County—Morton
  - Parts:
    - Almont City
    - Engelter Twp
    - Glen Ullin City
    - Hebron City
    - New Salem City
    - West Morton Unorg
- County—Stark
  - Parts:
    - East Stark Unorg
    - Richardton City
    - Taylor City

Wimbledon
- County—Barnes
  - Parts:
    - Ashtabula Township
    - Baldwin Township
    - Dazey City
    - Dazey Township
    - Edna Township
    - Ellsbury Township
    - Grand Prairie Township
    - Lake Town Township
    - Leal City
    - Minnie Lake Township
    - Pierce Township
    - Pillsbury City
    - Rogers City
    - Rogers Township
    - Sibley City
    - Sibley Trail Township
    - Uxbridge Township
    - Wimbledon City
- County—Stutsman
  - Parts:
    - Ashland Township
    - Courtenay City
    - Courtenay Township
    - Durham Township
    - Gray Township
    - Spiritwood Lake City

Wishek/Napoleon
- County—Logan
- County—McIntosh

PRIMARY MEDICAL CARE: Ohio
County Listng

County Name

*Adams
*Ashtabula
- Service Area: Orwell

*Athens
- Population Group: Med Ind—Athens Co

*Brown
Butler
- Service Area: Eastern Hamilton
- Service Area: West Middletown

Carroll
Clark
- Service Area: Southwest Side (Springfield)

Clermont
- Service Area: Eastern Clermont

Columbiana
- Service Area: East Liverpool (OH/PA/WV)

*Coshocton
- Population Group: Med Ind—Coshocton Co

Cuyahoga
- Service Area: East Cleveland
- Service Area: Hough/Norwood/Glenville
- Service Area: Lee Miles (Cleveland)
- Service Area: Mt Pleasant/Union-Miles/Cortett

PRIMARY MEDICAL CARE: Ohio
County Listing

Service Area Name

Service Area: Western Collinwood
Population Group: Low Inc—Central/Fairfax/Kinsman
Population Group: Med Ind—Near West/Westside/Edgewater
Population Group: Med Ind—Clark Fulton/Denison/Tremont
Facility: Free Clinic Of Greater Cleveland
Fairfield
Population Group: Low Inc—Lancaster/Baltimore
Franklin
Service Area: Lower Linden (N.E. Columbus)
Service Area: Near North/University
Population Group: Low Inc—Near Southside (Columbus)
Population Group: Low Inc—Franklinton (Columbus)
*Guernsey
Service Area: Freeport
Hamilton
Service Area: East & Lower Price Hill/S Fairmont
Service Area: East End (Cincinnati)
Service Area: Millvale
Service Area: West End (Cincinnati)
Service Area: Winton Hills (Cincinnati)
*Hancock
Population Group: Low Inc—Tiffin/Fostoria
*Hardin
Population Group: Low Inc—Hardin Co
*Harrison
Service Area: Cadiz/Scio/Hopedale
Service Area: Freeport
*Henry
Population Group: Med Ind—Henry Co
*Highland
Population Group: Low Inc—Highland Co
*Hocking
Population Group: Low Inc—Hocking Co
*Holmes
Population Group: Low Inc—Holmes Co
*Jackson
Population Group: Low Inc—Jackson Co
Jefferson
Service Area: East Liverpool (OH/PA/WV)
Lawrence
Population Group: Low Inc—Lawrence Co
Lucas
Service Area: Center City/Dorr (Toledo)
Service Area: East Toledo
Service Area: Near Southside Toledo
Mahoning
Service Area: Eastside Youngstown
Service Area: Southside Youngstown
*Meigs
*Monroe
Service Area: New Matamoras
Service Area: Woodsfield
Montgomery
Service Area: West Dayton
Population Group: Homeless—Dayton
*Morgan
*Morrow
*Perry
*Pike
Portage
Population Group: Med Ind—Portage Co
*Preble
*Putnam
Population Group: Med Ind—Putnam Co

PRIMARY MEDICAL CARE: Ohio
County Listing

Service Area Name

Richland
Population Group: Med Ind—Richland Co
*Sandusky
Population Group: Low Inc/MFW—Sandusky Co
*Scioto
Population Group: Low Inc—Scioto Co
*Seneca
Population Group: Low Inc—Tiffin/Fostoria
Stark
Service Area: Ne Canton
Summit
Service Area: Akron (Southeast Side)
Trumbull
Service Area: Orwell
Service Area: The Flats (Warren)
*Tuscarawas
Service Area: Freeport
Population Group: Low Inc—S Tuscarawas Co
*Vinton
Washington
Service Area: New Matamoras
Wood
Population Group: Low Inc—Tiffin/Fostoria

PRIMARY MEDICAL CARE: Ohio
Service Area Listing

Service Area Name

Akron (Southeast Side)
County—Summit
Parts:
C.T. 5014
C.T. 5031–5035
C.T. 5038
Cadiz/Scio/Hopedale
County—Harrison
Parts:
Archer Township
Athens Township
Cadiz Township
Franklin Township
German Township
Green Township
Monroe Township
North Township
Rumley Township
Short Creek Township
Stock Township
Center City/Dorr (Toledo)
County—Lucas
Parts:
C.T. 27–28
C.T. 31–37
C.T. 39
East & Lower Price Hill/S Fairmont
County—Hamilton
Parts:
C.T. 87
C.T. 89
C.T. 91–96
C.T. 103
East Cleveland
County—Cuyahoga
Parts:
C.T. 1501
C.T. 1503–1504
C.T. 1511–1518
East End (Cincinnati)
County—Hamilton
Parts:

PRIMARY MEDICAL CARE: Ohio
Service Area Listing

Service Area Name

C.T. 43–44
C.T. 47.02
East Liverpool (OH/PA/WV)
County—Columbiana
Parts:
Center Twp
East Liverpool City
Elk Run Twp
Franklin Twp
Hanover Twp
Liverpool Twp
Madison Twp
Middleton Twp
St. Clair Twp
Unity Twp
Washington Twp
Wayne Twp
Wellsville City
Yellow Creek Twp
County—Jefferson
Parts:
Brush Creek Twp
Saline Twp
East Toledo
County—Lucas
Parts:
C.T. 46
C.T. 47.01–47.02
C.T. 48
C.T. 48.99–49.00
C.T. 50–53
Eastern Clermont
County—Clermont
Parts:
Batavia Township
Franklin Township
Goshen Township
Jackson Township
Monroe Township
Ohio Township
Pierce Township
Stonelick Township
Tate Township
Washington Township
Wayne Township
Williamsburg Township
Eastern Hamilton
County—Butler
Parts:
C.T. 3–4
C.T. 6
C.T. 7.01–7.02
Eastside Youngstown
County—Mahoning
Parts:
C.T. 8001–8007
C.T. 8040
Freeport
County—Guernsey
Parts:
Londonderry Township
Madison Township
Washington Township
County—Harrison
Parts:
Freeport Township
Moorefield Township
Nottingham Township
Washington Township
County—Tuscarawas
Parts:
Perry Township

PRIMARY MEDICAL CARE: Ohio
Service Area Listing

Service Area Name

Hough/Norwood/Glenville
County—Cuyahoga
Parts:
C.T. 1112–1113
C.T. 1114.01–1114.02
C.T. 1115–1118
C.T. 1119.01–1119.02
C.T. 1121–1128
C.T. 1161–1168
C.T. 1181–1185
C.T. 1186.01–1186.02
C.T. 1189
Lee Miles (Cleveland)
County—Cuyahoga
Parts:
C.T. 1217–1219
C.T. 1221–1223
Lower Linden (N.E. Columbus)
County—Franklin
Parts:
C.T. 7.20
C.T. 7.30
C.T. 9.10
C.T. 9.20
C.T. 14–15
C.T. 23
C.T. 25.10
C.T. 29
C.T. 75.11–75.12
C.T. 75.20
C.T. 75.34
C.T. 76
Millvale
County—Hamilton
Parts:
C.T. 28
C.T. 77
C.T. 85.02
C.T. 86.01
Mt Pleasant/Union-Miles/Corlett
County—Cuyahoga
Parts:
C.T. 1155
C.T. 1198–1199
C.T. 1204–1206
C.T. 1207.01–1207.02
C.T. 1208.01–1208.02
C.T. 1211–1213
C.T. 1214.01–1214.02
C.T. 1215–1216
C.T. 1275
Ne Canton
County—Stark
Parts:
C.T. 7002–7005
C.T. 7018
C.T. 7124
Near North/University
County—Franklin
Parts:
C.T. 6
C.T. 10
C.T. 11.10
C.T. 12–13
C.T. 16–17
C.T. 18.10
C.T. 18.20
C.T. 20–22
C.T. 32
Near Southside Toledo
County—Lucas
Parts:

PRIMARY MEDICAL CARE: Ohio
Service Area Listing

Service Area Name

C.T. 38
C.T. 40–42
C.T. 54
New Matamoras
County—Monroe
Parts:
Benton Twp
Jackson Twp
County—Washington
Parts:
Grandview Twp
Independence Twp
Liberty Twp
Ludlow Twp
Orwell
County—Ashtabula
Parts:
Colebrook Twp
Hartsgrove Twp
Morgan Twp
New Lyme Twp
Orwell Twp
Rome Twp
Trumbull Twp
Windsor Twp
County—Trumbull
Parts:
Bloomfield Twp
Greene Twp
Gustavus Twp
Kinsman Twp
Mesopotamia Twp
Southside Youngstown
County—Mahoning
Parts:
C.T. 8010
C.T. 8016–8017
C.T. 8019–8025
Southwest Side (Springfield)
County—Clark
Parts:
C.T. 1–3
C.T. 8
C.T. 9.01–9.02
C.T. 10
C.T. 11.01–11.02
C.T. 12
The Flats (Warren)
County—Trumbull
Parts:
C.T. 9205–9207
West Dayton
County—Montgomery
Parts:
C.T. 2–4
C.T. 6–7
C.T. 9–10
C.T. 13
C.T. 35–42
C.T. 44–45
C.T. 602–603
C.T. 702.01–702.02
C.T. 703
West End (Cincinnati)
County—Hamilton
Parts:
C.T. 2
C.T. 3.01–3.02
C.T. 4
C.T. 8
C.T. 14–15
West Middletown

PRIMARY MEDICAL CARE: Ohio
Service Area Listing

Service Area Name

County—Butler
Parts:
C.T. 128–132
C.T. 140
Western Collinwood
County—Cuyahoga
Parts:
C.T. 1169
C.T. 1171.01–1171.02
C.T. 1172.01–1172.02
C.T. 1173–1175
C.T. 1179
C.T. 1261
Winton Hills (Cincinnati)
County—Hamilton
Parts:
C.T. 80
Woodsfield
County—Monroe
Parts:
Adams Twp
Bethel Twp
Center Twp
Franklin Twp
Green Twp
Lee Twp
Malaga Twp
Ohio Twp
Perry Twp
Salem Twp
Seneca Twp
Summit Twp
Sunsbury Twp
Switzerland Twp
Washington Twp
Wayne Twp

PRIMARY MEDICAL CARE: Ohio
Population Group Listing

Population Group

Homeless—Dayton
County—Montgomery
Parts:
C.T. 15
C.T. 21
Low Inc—Central/Fairfax/Kinsman
County—Cuyahoga
Parts:
C.T. 1079
C.T. 1087–1089
C.T. 1091–1093
C.T. 1096–1099
C.T. 1101–1103
C.T. 1129
C.T. 1131–1139
C.T. 1141–1145
C.T. 1147–1148
Low Inc—Franklinton (Columbus)
County—Franklin
Parts:
C.T. 41–44
C.T. 50–51
Low Inc—Hardin Co
County—Hardin
Parts:
Low Income
Low Inc—Highland Co
County—Highland
Parts:
Low Income
Low Inc—Hocking Co

PRIMARY MEDICAL CARE: Ohio
Population Group Listing

County Name

County—Hocking
Parts:
Low Income
Low Inc—Holmes Co
County—Holmes
Parts:
Low Income
Low Inc—Jackson Co
County—Jackson
Parts:
Low Income
Low Inc—Lancaster/Baltimore
County—Fairfield
Parts:
Amanda Twp
Berne Twp
Bloom Twp
Clear Creek Twp
Greenfield Twp
Hocking Twp
Lancaster City
Liberty Twp
Madison Twp
Pleasant Twp
Richland Twp
Rush Creek Twp
Walnut Twp
Low Inc—Lawrence Co
County—Lawrence
Parts:
Low Income
Low Inc—Near Southside (Columbus)
County—Franklin
Parts:
C.T. 37–38
C.T. 53
C.T. 54.10
C.T. 54.20
C.T. 55
C.T. 56.10
C.T. 56.20
C.T. 58.20
C.T. 59–61
C.T. 87.10
C.T. 87.20
C.T. 87.30
Low Inc—S Tuscarawas Co
County—Tuscarawas
Parts:
Clay Twp
Mill Twp
Oxford Twp
Rush Twp
Salem Twp
Union Twp
Warwick Twp
Washington Twp
Low Inc—Scioto Co
County—Scioto
Parts:
Low Income
Low Inc—Tiffin/Fostoria
County—Hancock
Parts:
C.T. 1 (Fostoria)
County—Seneca
Parts:
Low Income
County—Wood
Parts:
C.T. 22 (Fostoria)
Low Inc/MFW—Sandusky Co
County—Sandusky
Parts:
Low Income
MFW
Med Ind—Athens Co
County—Athens
Parts:
Medically Indigent
Med Ind—Clark Fulton/Denison/Tremont
County—Cuyahoga
Parts:
C.T. 1027–1029
C.T. 1041–1042
C.T. 1042.99–1043.00
C.T. 1044–1049
C.T. 1051–1055
C.T. 1056.01–1056.02
Med Ind—Coshocton Co
County—Coshocton
Parts:
Low Income
Med Ind—Henry Co
County—Henry
Parts:
Medically Indigent
Med Ind—Near West/Westside/Edgewater
County—Cuyahoga
Parts:
C.T. 1011.01–1011.02
C.T. 1012–1019
C.T. 1021.01
C.T. 1022–1026
C.T. 1031–1039
Med Ind—Portage Co
County—Portage
Parts:
Medically Indigent
Med Ind—Putnam Co
County—Putnam
Parts:
Medically Indigent
Med Ind—Richland Co
County—Richland
Parts:
Medically Indigent

PRIMARY MEDICAL CARE: Ohio
Facility Listing

Facility Name

Free Clinic Of Greater Cleveland
County—Cuyahoga

PRIMARY MEDICAL CARE: Oklahoma
County Listing

County Name

*Adair
*Alfalfa
Population Group: Low Inc—Woods/Alfalfa
*Atoka
Canadian
Facility: FCI El Reno
*Carter
Service Area: Velma-Alma/Healdton North
*Choctaw
*Coal
Creek
Population Group: Low Inc—Mounds
*Delaware
Population Group: Amer Indian Pop Delaware County
*Dewey
Service Area: Vici/Dewey South
*Grant
*Harmon
Population Group: Medicaid—Harmon Co
*Harper
*Haskell
*Hughes
Service Area: Allen
*Johnston
*Kiowa
*Latimer
Population Group: Low Inc—Latimer Co
*Le Flore
*Lincoln
Logan
McClain
*McIntosh
*Muskogee
Population Group: American Indian Pop Muskogee County
*Nowata
Service Area: Chelsea/New Alluwe
Service Area: Nowata
*Okfuskee
Oklahoma
Service Area: Luther
Service Area: N.E. Oklahoma Co
Service Area: S.E. Oklahoma City
*Okmulgee
Population Group: Low Inc—Mounds
*Pittsburg
Service Area: Quinton
*Pontotoc
Service Area: Allen
Population Group: Medicaid—Pontotoc Co
Pottawatomie
Service Area: Konawa
*Pushmataha
Service Area: Finley-Rattan/Antlers
*Roger Mills
Rogers
Service Area: Chelsea/New Alluwe
*Seminole
Service Area: Konawa
Sequoyah
Population Group: Amer Indian Pop Sequoyah County
*Stephens
Service Area: Velma-Alma/Healdton North
*Texas
Service Area: Texoma
*Tillman
Tulsa
Service Area: North Tulsa
Population Group: Am In—Tulsa
*Washita
*Woods
Population Group: Low Inc—Woods/Alfalfa

PRIMARY MEDICAL CARE: Oklahoma
Service Area Listing

Service Area Name

Allen
County—Hughes
Parts:
South Hughes CCD
County—Pontotoc
Parts:
Northeast Pontotoc CCD
Chelsea/New Alluwe

PRIMARY MEDICAL CARE: Oklahoma
Service Area Listing

Service Area Name

County—Nowata
Parts:
Alluwe CCD
County—Rogers
Parts:
Chelsea CCD
Finley-Rattan/Antlers
County—Pushmataha
Parts:
Antlers CCD
Finley-Rattan CCD
Konawa
County—Pottawatomie
Parts:
Maud Division
Wanette-Asher Division
County—Seminole
Parts:
Konawa Division
Seminole South Division
Luther
County—Oklahoma
Parts:
C.T. 1081.01
C.T. 1081.03
C.T. 1089–1090
N.E. Oklahoma Co
County—Oklahoma
Parts:
C.T. 1080.03
C.T. 1080.05
C.T. 1080.10–1080.11
C.T. 1088.01
C.T. 1088.03–1088.04
North Tulsa
County—Tulsa
Parts:
C.T. 2–10
C.T. 12–14
C.T. 57
C.T. 62
C.T. 79
C.T. 80.01–80.02
C.T. 91.01
Nowata
County—Nowata
Parts:
Lenapah-Delaware Division
Nowata Division
South Coffeyville-Wann Division
Quinton
County—Pittsburg
Parts:
Quinton Division
S.E. Oklahoma City
County—Oklahoma
Parts:
C.T. 1039
C.T. 1048
C.T. 1053–1054
C.T. 1073.04
Texoma
County—Texas
Parts:
West Texas Division
Velma-Alma/Healdton North
County—Carter
Parts:
Healdton North Divisi
County—Stephens
Parts:
Velma-Alma Division

PRIMARY MEDICAL CARE: Oklahoma
Service Area Listing

Service Area Name

Vici/Dewey South
County—Dewey
Parts:
Dewey South CCD
Vici CCD

PRIMARY MEDICAL CARE: Oklahoma
Population Group Listing

Population Group

Am In—Tulsa
County—Tulsa
Parts:
American Indian
Amer Indian Pop Delaware County
County—Delaware
Parts:
American Indian
Amer Indian Pop Sequoyah County
County—Sequoyah
Parts:
American Indian
American Indian Pop Muskogee County
County—Muskogee
Parts:
American Indian
Low Inc—Latimer Co
County—Latimer
Parts:
Low Income
Low Inc—Mounds
County—Creek
Parts:
C.T. 215
County—Okmulgee
Parts:
Beggs Division
Low Inc—Woods/Alfalfa
County—Alfalfa
Parts:
Low Income
County—Woods
Parts:
Low Inc
Medicaid—Harmon Co
County—Harmon
Parts:
Medicaid Eligible
Medicaid—Pontotoc Co
County—Pontotoc
Parts:
Medicaid

PRIMARY MEDICAL CARE: Oklahoma
Facility Listing

Facility Name

FCI El Reno
County—Canadian

PRIMARY MEDICAL CARE: Oregon
County Listing

County Name

*Baker
Service Area: Halfway
Clackamas
Service Area: Estacada
Service Area: Mt. Hood
Population Group: MSFWs—Western Clackamas Co
*Columbia

PRIMARY MEDICAL CARE: Oregon
County Listing

County Name

Service Area: Clatskanie
Service Area: East Columbia
Service Area: Vernonia
*Coos
Service Area: Powers
*Curry
Service Area: Port Orford
Population Group: Low Inc—Brookings
*Deschutes
Service Area: La Pine
*Douglas
Service Area: Glendale
Population Group: Med Ind—Roseburg
*Gilliam
Service Area: Arlington
Service Area: Condon
*Grant
*Harney
*Hood River
Population Group: MSFW—Hood River Co
Jackson
Service Area: Rogue River
Service Area: Shady Cove
Population Group: Med Ind—Medford
Population Group: MFW—Ashland/Phoenix
*Jefferson
Service Area: Madras
*Josephine
Service Area: Cave Junction
Service Area: Glendale
Service Area: Williams
Population Group: Med Ind—Grants Pass
*Klamath
Service Area: Bly
Service Area: Chiloquin
Population Group: Low Inc/MFW—Klamath Falls
*Lake
Service Area: Silver Lake
Lane
Service Area: Lowell
Service Area: McKenzie
Service Area: Oakridge
Service Area: Triangle Lake/Swisshome
Population Group: Low Inc—Florence
*Lincoln
Population Group: Low Inc—De Lake
*Linn
Service Area: Mill City/Gates/Detroit
*Malheur
Service Area: Jordan Valley
Service Area: Nyssa (OR/ID)
Service Area: Vale
Population Group: MSFW—Ontario
Facility: Snake River Corr. I.
Marion
Service Area: Mill City/Gates/Detroit
Population Group: Low Inc/MFW/Homeless-Polk & Marion
*Morrow
Service Area: Boardman
Service Area: Heppner
Multnomah
Population Group: Low Inc/Homeless—Burnside(Portland)
Polk
Population Group: Low Inc/MFW/Homeless-Polk & Marion
*Sherman
Service Area: Moro/Grass Valley
Service Area: Wasco
*Tillamook

PRIMARY MEDICAL CARE: Oregon
County Listing

County Name

Service Area: Nehalem
Service Area: Pacific City/Cloverdale
Population Group: Low Inc/Homeless—Tillamook/Bay City
*Umatilla
Population Group: Low Inc/MFW—Umatilla Co
Facility: E Oregon Corr I
*Union
Service Area: Elgin
*Wasco
Service Area: Maupin/Dufur
Population Group: MFW-Dallas
Washington
Population Group: MFW—W. Washington Co
*Wheeler
Yamhill (g)
Facility: FCI Sheridan

PRIMARY MEDICAL CARE: Oregon
Service Area Listing

Service Area Name

Arlington
County—Gilliam
Parts:
Arlington Division
Bly
County—Klamath
Parts:
Langell Division
Boardman
County—Morrow
Parts:
Boardman Division
Cave Junction
County—Josephine
Parts:
Cave Junction CCD
Wilderville CCD
Chiloquin
County—Klamath
Parts:
Chiloquin Division
Crescent Lake Division
Clatskanie
County—Columbia
Parts:
Clatskanie Division
Marshland Division
Condon
County—Gilliam
Parts:
Condon Division
East Columbia
County—Columbia
Parts:
Goble Division
Rainier Division
Scappoose Division
St. Helens Division
Elgin
County—Union
Parts:
Elgin Division
Estacada
County—Clackamas
Parts:
Estacada Division
Glendale
County—Douglas

PRIMARY MEDICAL CARE: Oregon
Service Area Listing

Service Area Name

Parts:
South Umpqua CCD
County—Josephine
Parts:
Northwest Josephine CCD
Halfway
County—Baker
Parts:
Eagle Valley Division
Halfway Division
Heppner
County—Morrow
Parts:
Heppner Division
Ione-Lexington Division
Jordan Valley
County—Malheur
Parts:
Jordan Division
La Pine
County—Deschutes
Parts:
C.T. 9902–9905
Lowell
County—Lane
Parts:
Lowell Division
Madras
County—Jefferson
Parts:
Ashwood Division
Culver Division
Madras Division
Maupin/Dufur
County—Wasco
Parts:
Dufur CCD
McKenzie
County—Lane
Parts:
McKenzie Division
Mill City/Gates/Detroit
County—Linn
Parts:
Mill City Division
County—Marion
Parts:
Mill City Division
Mill City Division
Moro/Grass Valley
County—Sherman
Parts:
Moro Division
Mt. Hood
County—Clackamas
Parts:
Mount Hood Division
Nehalem
County—Tillamook
Parts:
Nehalem Division
Nyssa (OR/ID)
County—Malheur
Parts:
Adrian Division
Nyssa Division
Owyhee Division
Oakridge
County—Lane
Parts:
Oakridge Division
Pacific City/Cloverdale

PRIMARY MEDICAL CARE: Oregon
Service Area Listing

Service Area Name

County—Tillamook
Parts:
Beaver Division
Neskowin Division
Port Orford
County—Curry
Parts:
Port Orford CCD
Powers
County—Coos
Parts:
Powers Division
Rogue River
County—Jackson
Parts:
Northwest Jackson CCD
Sams Valley CCD
Shady Cove
County—Jackson
Parts:
Butte Falls-Prospect Division
Shady Cove Division
Silver Lake
County—Lake
Parts:
Silver Lake-Fort Rock Division
Triangle Lake/Swisshome
County—Lane
Parts:
Middle Siuslaw-Triangle Lake Div
Vale
County—Malheur
Parts:
Brogan Division
Juntura Division
Vale Division
West Vale Division
Vernonia
County—Columbia
Parts:
Vernonia Division
Wasco
County—Sherman
Parts:
Wasco CCD
Williams
County—Josephine
Parts:
Williams Division

PRIMARY MEDICAL CARE: Oregon
Population Group Listing

Population Group

Low Inc—Brookings
County—Curry
Parts:
Brookings CCD
Harbor CCD
Low Inc—De Lake
County—Lincoln
Parts:
De Lake CCD
Depoe CCD
Low Inc—Florence
County—Lane
Parts:
North Siuslaw CCD
South Siuslaw CCD
Low Inc/Homeless—Burnside(Portland)
County—Multnomah
Parts:

PRIMARY MEDICAL CARE: Oregon
Population Group Listing

Population Group

C.T. 21
C.T. 51
Low Inc/Homeless—Tillamook/Bay City
County—Tillamook
Parts:
Bay City CCD
Tillamook CCD
Low Inc/MFW—Klamath Falls
County—Klamath
Parts:
Keno CCD
Klamath Falls CCD
Malinccd
Merrill CCD
Low Inc/MFW—Umatilla Co
County—Umatilla
Parts:
Low Income
Migrant Farmworkers
Low Inc/MFW/Homeless-Polk & Marion
County—Marion
Parts:
Low Inc/MFW/Homeless
County—Polk
Parts:
Low Inc/MFW/Homeless
Med Ind—Grants Pass
County—Josephine
Parts:
C.T. 3604–3608
C.T. 3610–3613
Med Ind—Medford
County—Jackson
Parts:
Medford Div
Med Ind—Roseburg
County—Douglas
Parts:
Calapooia CCD
Melrose CCD
Roseburg CCD
Tenmile CCD
MFW—Ashland/Phoenix
County—Jackson
Parts:
Ashland CCD
Eagle Point CCD
Southeast Jackson CCD
Southwest Jackson CCD
MFW—W. Washington Co
County—Washington
Parts:
Chehalem Mt CCD
Coast Range CCD
Forest Grove-Cornelius
North Plains CCD
MFW-Dallas
County—Wasco
Parts:
The Dalles CCD
MSFW—Hood River Co
County—Hood River
Parts:
MSFW
MSFW—Ontario
County—Malheur
Parts:
Ontario CCD
MSFWs—Western Clackamas Co
County—Clackamas
Parts:
Beaver Creek CCD

PRIMARY MEDICAL CARE: Oregon
Population Group Listing

Population Group

Canby CCD
Colton CCD
Molalla CCD
Mulino CCD
Northwest Clackamas CCD
Redland CCD
Sandy CCD
Wilsonville CCD
Yoder CCD

PRIMARY MEDICAL CARE: Oregon
Facility Listing

Facility Name

E Oregon Corr I
County—Umatilla
FCI Sheridan
County—Yamhill
Snake River Corr. I.
County—Malheur

PRIMARY MEDICAL CARE: Pennsylvania
County Listing

County Name

Allegheny
Service Area: Arlington Heights/St Clair
Service Area: Hill District
Service Area: Homewood-Brushton
Service Area: Manchester
Service Area: McKees Rocks-Stowe
Service Area: North Braddock
Service Area: South Braddock
Service Area: West End Pittsburgh
Population Group: Low Inc—East Liberty
Population Group: Low Inc—Mckeesport
*Armstrong
Service Area: Armstrong-Clarion
Service Area: Dayton/Rural Valley
Service Area: Kiski Valley
Service Area: New Bethlehem/Hawthorn
Service Area: Northeast Butler
Beaver
Service Area: East Liverpool (OH/PA/WV)
*Bedford
Service Area: Broad Top/Cromwell
Population Group: Low Inc—Pleasantville
Berks
Population Group: Med Ind—Welsh Mountain
Blair
Population Group: Low Inc—Pleasantville
*Bradford
Service Area: La Porte
Butler
Service Area: Northeast Butler
Cambria
Service Area: Coalport
Population Group: Low Inc—Ebensburg
Facility: Sci Cresson
*Cameron
Centre
Service Area: Snow Shoe
Population Group: Low Inc—Philipsburg
Facility: Sci Rockview
Chester
Population Group: Med Ind—Welsh Mountain
*Clarion
Service Area: Armstrong-Clarion
Service Area: New Bethlehem/Hawthorn
*Clearfield

PRIMARY MEDICAL CARE: Pennsylvania
County Listing

County Name

Service Area: Coalport
Service Area: Mahaffey
Service Area: Snow Shoe
Population Group: Low Inc—Philipsburg
*Clinton
Service Area: Renovo
Service Area: Snow Shoe
*Crawford
Service Area: Conneautville
Population Group: Low Inc—Union City (PA/NY)
Population Group: Med Ind—Titusville
Dauphin
Service Area: Millersburg
Population Group: Low Income—Harrisburg
*Elk
Service Area: Marienville
Erie
Service Area: Southern Erie
Population Group: Low Inc—Union City (PA/NY)
Population Group: Med Ind—Erie City
Fayette
Service Area: Markleysburg
Service Area: Republic
Population Group: Low Inc—Greensboro
*Forest
Service Area: Marienville
Service Area: Tionesta
*Franklin
Service Area: Dry Run
Population Group: Low Inc/MFW—Chambersburg
Population Group: Mont Alto—Low Income
*Fulton
Service Area: Broad Top/Cromwell
Service Area: Hancock (MD/PA)
*Greene
Service Area: Clay/Battelle (WV/PA)
Population Group: Low Inc—Carmichaels
Population Group: Low Inc—Greensboro
Population Group: Low Inc—Western Greene
Facility: Sci Greene
*Huntingdon
Service Area: Alexandria
Service Area: Broad Top/Cromwell
Service Area: Mt. Union
Population Group: Low Inc—Big Valley
*Indiana
Service Area: Dayton/Rural Valley
Service Area: North Indiana
Service Area: Punxsutawney
Population Group: Low Inc—Ebensburg
*Jefferson
Service Area: Punxsutawney
*Juniata
Service Area: Millerstown
Population Group: Low Inc—Middleburg
Population Group: Low Inc—Mifflintown
Lancaster
Population Group: Low Inc—Se Lancaster
Population Group: Med Ind—Welsh Mountain
*McKean
Population Group: Low Inc—Coudersport
Facility: FCI Mckean
Mercer
Service Area: Stoneboro
Population Group: Low Inc—Sharon/Farrell
*Mifflin

PRIMARY MEDICAL CARE: Pennsylvania
County Listing

County Name

Service Area: Mt. Union
Population Group: Low Inc—Big Valley
Monroe
Service Area: Mount Pocono
Service Area: South Monroe
Northampton
Population Group: Low Inc—Easton
*Northumberland
Service Area: Millersburg
Service Area: Shamokin
Perry
Service Area: Millerstown
Philadelphia
Population Group: Low Inc—Lower North Philadelphia
*Pike
Population Group: Low Inc—Paupack
*Potter
Service Area: Westfield
Population Group: Low Inc—Coudersport
*Schuylkill
Service Area: Millersburg
Service Area: Shamokin
Facility: FCI Schuylkill
*Snyder
Population Group: Low Inc—Middleburg
Population Group: Low Inc—Mcclure
Somerset
Service Area: Indian Lake
Population Group: Low Inc—Confluence Service Area
*Sullivan
Service Area: La Porte
*Susquehanna
Service Area: Montrose
*Tioga
Service Area: Blossburg
Service Area: Elkland (NY/PA)
Service Area: Mansfield
Service Area: Westfield
Population Group: Low Inc—Coudersport
*Union
Population Group: Inmates—LSCI Allenwood
Population Group: Inmates—FPC Allenwood
Population Group: Low Inc—Mcclure
Facility: FCI Allenwood
Facility: USP Allenwood
Facility: USP Lewisburg
*Venango
Service Area: Tionesta
Population Group: Med Ind—Titusville
*Warren
Population Group: Low Inc—Union City (PA/NY)
Population Group: Med Ind—Titusville
*Wayne
Population Group: Low Inc—Honesdale
Population Group: Low Inc—Northern Wayne
Population Group: Low Inc—Paupack
Westmoreland
Service Area: Kiski Valley
Population Group: Low Inc—Ebensburg
York
Service Area: York

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Alexandria
County—Huntingdon
Parts:
Alexandria Borough
Franklin Township
Logan Township
Morris Township
Petersburg Borough
Porter Township
Spruce Creek Township
Arlington Heights/St Clair
County—Allegheny
Parts:
C.T. 1603–1604
C.T. 1606
Armstrong-Clarion
County—Armstrong
Parts:
Bradys Bend Township
Madison Township
Perry Township
Sugarcreek Township
Washington Township
County—Clarion
Parts:
Brady Township
East Brady Borough
Madison Township
Rimersburg Borough
Blossburg
County—Tioga
Parts:
Bloss Township
Blossburg Borough
Covington Township
Duncan Township
Hamilton Township
Liberty Borough
Liberty Township
Putnam Township
Union Township
Ward Township
Broad Top/Cromwell
County—Bedford
Parts:
Broad Top Twp
Coaldale Boro
Hopewell Boro
Hopewell Twp
Liberty Twp
Saxton Boro
County—Fulton
Parts:
Dublin Twp
Taylor Twp
Wells Twp
County—Huntingdon
Parts:
Broad Top City Boro
Carbon Twp
Cass Twp
Cassville Boro
Clay Twp
Coalmont Boro
Cromwell Twp
Dublin Twp
Dudley Boro
Hopewell Twp
Lincoln Twp
Orbisonia Boro
Rockhill Furnace Boro
Saltillo Boro

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Shade Gap Boro
Springfield Twp
Tell Twp
Three Springs Boro
Todd Twp
Wood Twp
Clay/Battelle (WV/PA)
County—Greene
Parts:
Freeport Township
Gilmore Township
Springhill Township
Wayne Township
Coalport
County—Cambria
Parts:
Reade Township
White Township
County—Clearfield
Parts:
Beccaria Township
Bigler Township
Chest Township
Coalport Borough
Glen Hope Borough
Gulich Township
Irvona Borough
Jordan Township
Ramey Borough
Westover Borough
Conneautville
County—Crawford
Parts:
Beaver Township
Conneaut Township
Conneautville Borough
Spring Township
Springboro Borough
Summerhill Township
Dayton/Rural Valley
County—Armstrong
Parts:
Atwood Boro
Cowanshannock Twp
Dayton Boro
Elderton Boro
Plumcreek Twp
Rural Valley Boro
Wayne Twp
County—Indiana
Parts:
Plumville Boro
South Mahoning Twp
Dry Run
County—Franklin
Parts:
Fannet Twp.
Metal Twp.
East Liverpool (OH/PA/WV)
County—Beaver
Parts:
Georgetown Boro
Glasgow Boro
Greene Twp
Hookstown Boro
Ohioville Boro
Elkland (NY/PA)
County—Tioga
Parts:
Elkland Borough
Elkland Township
Farmington Township

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Nelson Township
Osceola Township
Hancock (MD/PA)
County—Fulton
Parts:
Bethel Township
Thompson Township
Union Township
Hill District
County—Allegheny
Parts:
C.T. 305
C.T. 314
C.T. 501–502
C.T. 506
C.T. 508–511
Homewood-Brushton
County—Allegheny
Parts:
C.T. 1207
C.T. 1301–1306
C.T. 5604
C.T. 5606
C.T. 5611–5612
Indian Lake
County—Somerset
Parts:
Central City Borough
Indian Lake Borough
Shade Township
Shanksville Borough
Stonycreek Township
Kiski Valley
County—Armstrong
Parts:
Apollo Boro
Bethel Twp
Burrell Twp
Gilpin Twp
Kiskiminetas Twp
Leechburg Boro
North Apollo Boro
Parks Twp
South Bend Twp
County—Westmoreland
Parts:
Allegheny Twp
Avonmore Boro
Bell Twp
East Vandergrift Boro
Hyde Park Boro
Oklahoma Boro
Vandergrift Boro
Washington Twp
West Leechburg Boro
La Porte
County—Bradford
Parts:
Albany Township
New Albany Borough
Overton Township
Wilmot Township
County—Sullivan
Parts:
Cherry Township
Colley Township
Davidson Township
Dushore Borough
Eagles Mere Borough
Elkland Township
Forks Township
Forksville Borough

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Hillsgrove Township
Laporte Township
Laporte Borough
Shrewsbury Township
Mahaffey
County—Clearfield
Parts:
Bell Township
Burnside Borough
Burnside Township
Ferguson Township
Grampian Borough
Greenwood Township
Lumber City Borough
Mahaffey Borough
New Washington Borough
Newburg Borough
Penn Township
Manchester
County—Allegheny
Parts:
C.T. 2107
C.T. 2503
C.T. 2507–2508
Mansfield
County—Tioga
Parts:
Jackson Township
Lawrence Township
Lawrenceville Borough
Mansfield Borough
Richmond Township
Roseville Borough
Rutland Township
Sullivan Township
Marienville
County—Elk
Parts:
Millstone Township
County—Forest
Parts:
Barnett Township
Green Township
Howe Township
Jenks Township
Kingsley Township
Markleysburg
County—Fayette
Parts:
Henry Clay Township
Markleysburg Borough
Ohiopyle Borough
Stewart Township
Wharton Township
McKees Rocks-Stowe
County—Allegheny
Parts:
C.T. 4621
C.T. 4626
C.T. 4639
C.T. 4644
Millersburg
County—Dauphin
Parts:
Berrysburg Borough
Elizabethville Borough
Gratz Borough
Halifax Borough
Halifax Township
Jackson Township
Jefferson Township
Lykens Borough

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Lykens Township
Mifflin Township
Millersburg Borough
Pillow Borough
Reed Township
Rush Township
Upper Paxton Township
Washington Township
Wayne Township
Wiconisco Township
Williamstown Borough
Williams Township
County—Northumberland
Parts:
Lower Mahanoy Township
County—Schuylkill
Parts:
Porter Township
Tower City Borough
Millerstown
County—Juniata
Parts:
Delaware Twp
Greenwood Twp
Thompsontown Boro
County—Perry
Parts:
Buffalo Twp
Greenwood Twp
Howe Twp
Liverpool Twp
Liverpool Boro
Millerstown Boro
Newport Boro
Oliver Twp
Tuscarora Twp
Fannet Twp
Parts:
Metal Twp
Montrose
County—Susquehanna
Parts:
Auburn Township
Bridgewater Township
Brooklyn Township
Dimock Township
Forest Lake Township
Franklin Township
Harford Township
Hop Bottom Borough
Jessup Township
Lathrop Township
Lenox Township
Liberty Township
Montrose Borough
Rush Township
Silver Lake Township
Springville Township
Mount Pocono
County—Monroe
Parts:
Barrett Twp
Coolbaugh Twp
Mount Pocono Boro
Paradise Twp
Tobyhanna Twp
Tunkhannock Twp
Mt. Union
County—Huntingdon
Parts:
Mapleton Boro
Mill Creek Boro

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Mount Union Boro
Shirley Twp
Shirleysburg Boro
Union Twp
County—Mifflin
Parts:
Bratton Twp
Kistler Boro
McVeytown Boro
Newton Hamilton Boro
Oliver Twp
Wayne Twp
New Bethlehem/Hawthorn
County—Armstrong
Parts:
Mahoning Twp
Redbank Twp
South Bethlehem Boro
County—Clarion
Parts:
Hawthorn Boro
New Bethlehem Boro
Porter Twp
Redbank Twp
North Braddock
County—Allegheny
Parts:
C.T. 5041
C.T. 5100
C.T. 5120
C.T. 5128–5129
C.T. 5138
C.T. 5140
North Indiana
County—Indiana
Parts:
Cherry Tree Borough
East Mahoning Township
Ernest Borough
Grant Township
Green Township
Marion Center Borough
Montgomery Township
Rayne Township
Northeast Butler
County—Armstrong
Parts:
Hovey Township
Parker City
County—Butler
Parts:
Allegheny Township
Bruin Borough
Cherry Valley Borough
Concord Township
Eau Claire Borough
Fairview Borough
Fairview Township
Karns City Borough
Oakland Township
Parker Township
Petrolia Borough
Venango Township
Washington Township
Punxsutawney
County—Indiana
Parts:
Banks Twp
Canoe Twp
Glen Campbell Boro
North Mahoning Twp
Smicksburg Boro

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

West Mahoning Twp
County—Jefferson
Parts:
Beaver Twp
Bell Twp
Big Run Boro
Gaskill Twp
Henderson Twp
McCalmont Twp
Oliver Twp
Perry Twp
Porter Twp
Punxsutawney Boro
Ringgold Twp
Timblin Boro
Worthville Boro
Young Twp
Renovo
County—Clinton
Parts:
Chapman Twp
East Keating Twp
Grugan Twp
Leidy Twp
Noyes Twp
Renovo Boro
South Renovo Boro
Republic
County—Fayette
Parts:
Brownsville Borough
Brownsville Township
Luzerne Township
Redstone Township
Shamokin
County—Northumberland
Parts:
Coal Twp
East Cameron Twp
Herndon Boro
Jackson Twp
Jordan Twp
Little Mahanoy Twp
Shamokin City
Shamokin Twp
Upper Mahanoy Twp
Washington Twp
West Cameron Twp
Zerbe Twp
County—Schuylkill
Parts:
Eldred Twp
Hubley Twp
Upper Mahantongo Twp
Snow Shoe
County—Centre
Parts:
Boggs Twp
Burnside Twp
Curtin Twp
Howard Twp
Howard Boro
Liberty Twp
Snow Shoe Boro
Snow Shoe Twp
Union Twp
Unionville Boro
County—Clearfield
Parts:
Cooper Twp
Covington Twp
Karthaus Twp

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

County—Clinton
Parts:
Beech Creek Twp
Beech Creek Boro
West Keating Twp
South Braddock
County—Allegheny
Parts:
C.T. 4824
C.T. 4838
C.T. 4843
C.T. 4850
C.T. 4867–4869
C.T. 4882
South Monroe
County—Monroe
Parts:
Chestnuthill Twp
Eldred Twp
Polk Twp
Ross Twp
Southern Erie
County—Erie
Parts:
Albion Borough
Conneaut Township
Cranesville Borough
Elk Creek Township
Platea Borough
Springfield Township
Stoneboro
County—Mercer
Parts:
Coolspring Twp
Deer Creek Twp
Fairview Twp
Fredonia Boro
French Creek Twp
Jackson Twp
Jackson Center Boro
Lake Twp
Mill Creek Twp
New Lebanon Boro
New Vernon Twp
Perry Twp
Sandy Lake Boro
Sandy Lake Twp
Stoneboro Boro
Tionesta
County—Forest
Parts:
Harmony Twp
Hickory Twp
Tionesta Twp
Tionesta Boro
County—Venango
Parts:
President Twp
West End Pittsburgh
County—Allegheny
Parts:
C.T. 2004
C.T. 2017–2022
C.T. 2024
C.T. 2807–2808
C.T. 2814
C.T. 2816
Westfield
County—Potter
Parts:
Harrison Township
Hector Township

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

County—Tioga
Parts:
Brookfield Township
Chatham Township
Clymer Township
Deerfield Township
Knoxville Borough
Westfield Township
Westfield Borough
York
County—York
Parts:
C.T. 1–3
C.T. 5
C.T. 7
C.T. 9–12
C.T. 15–16

PRIMARY MEDICAL CARE: Pennsylvania
Population Group Listing

Population Group

Inmates—FPC Allenwood
County—Union
Parts:
FPC Allenwood
Inmates—LSCI Allenwood
County—Union
Parts:
LSCI Allenwood
Low Inc—Big Valley
County—Huntingdon
Parts:
Barree Twp
Jackson Twp
Miller Twp
County—Mifflin
Parts:
Armagh Twp
Brown Twp
Decatur Twp
Menno Twp
Union Twp
Low Inc—Carmichaels
County—Greene
Parts:
Carmichaels Borough
Clarksville Borough
Cumberland Township
Jefferson Township
Jefferson Borough
Morgan Township
Rices Landing Borough
Low Inc—Confluence Service Area
County—Somerset
Parts:
Addison Twp
Addison Borough
Casselman Borough
Confluence Borough
Lower Turkeyfoot Twp
Middlecreek Twp
Seven Springs Borough
Upper Turkeyfoottwp
Ursina Borough
Low Inc—Coudersport
County—McKean
Parts:
Annin Township
Ceres Township
Eldred Borough
Eldred Township

PRIMARY MEDICAL CARE: Pennsylvania
Population Group Listing

Population Group

Keating Township
Liberty Township
Norwich Township
Otto Township
Port Allegany Borough
Smethport Borough
County—Potter
Parts:
Abbott Township
Allegany Township
Austin Borough
Bingham Township
Clara Township
Coudersport Borough
East Fork District
Eulalia Township
Galton Borough
Genesee Township
Hebron Township
Homer Township
Keating Township
Oswayo Township
Oswayo Borough
Pike Township
Pleasant Valley Township
Portage Township
Roulette Township
Sharon Township
Shinglehouse Borough
Stewardson Township
Summit Township
Sweden Township
Sylvania Township
Ulysses Township
Ulysses Borough
West Branch Township
Wharton Township
County—Tioga
Parts:
Gaines Township
Low Inc—East Liberty
County—Allegheny
Parts:
C.T. 818
C.T. 1016–1017
C.T. 1113–1115
C.T. 1201–1204
C.T. 1208
Low Inc—Easton
County—Northampton
Parts:
C.T. 143–147
Low Inc—Ebensburg
County—Cambria
Parts:
Allegheny Borough
Ashville Borough
Barnesboro Borough
Barr Township
Blacklick Township
Cambria Township
Carrolltown Borough
Cassandra Borough
Chest Springs Borough
Cresson Borough
Cresson Township
East Carroll Township
Ebensburg Borough
Gallitzin Borough
Gallitzin Township
Jackson Township
Lilly Borough

PRIMARY MEDICAL CARE: Pennsylvania
Population Group Listing

Population Group

Loretto Borough
Munster Township
Nanty-Glo Borough
Patton Borough
Portage Borough
Portage Township
Sankertown Borough
Spangler Borough
Susquehanna Township
Tunnelhill Borough
Vintondale Borough
Washington Township
West Carroll Township
County—Indiana
Parts:
Armagh Borough
Buffington Township
East Wheatfield Township
Pine Township
West Wheatfield
County—Westmoreland
Parts:
New Florence Borough
Seward Borough
St. Clair Township
Low Inc—Greensboro
County—Fayette
Parts:
Nicholson Twp
Point Marion Boro
Springhill Twp
County—Greene
Parts:
Dunkard Twp
Greene Twp
Greensboro Boro
Monongahela Twp
Low Inc—Honesdale
County—Wayne
Parts:
Berlin Township
Bethany Borough
Canaan Township
Cherry Ridge Township
Clinton Township
Dyberry Townshhip
Honesdale Borough
Oregon Township
Prompton Borough
South Canaan Township
Texas Township
Waymart Borough
Low Inc—Lower North Philadelphia
County—Philadelphia
Parts:
Ct 125.00
Ct 126.00
Ct 127.00
Ct 128.00
Ct 129.00
Ct 130.00
Ct 131.00
Ct 132.00
Ct 133.00
Ct 134.00
Ct 135.00
Ct 136.00
Ct 137.00
Ct 138.00
Ct 139.00
Ct 140.00
Ct 141.00

PRIMARY MEDICAL CARE: Pennsylvania
Population Group Listing

Population Group

Ct 142.00
Ct 144.00
Ct 145.00
Ct 146.00
Ct 147.00
Ct 148.00
Ct 149.00
Ct 150.00
Ct 151.00
Ct 152.00
Ct 153.00
Ct 154.00
Ct 155.00
Ct 156.00
Ct 157.00
Ct 162.00
Ct 163.00
Ct 164.00
Ct 165.00
Ct 166.00
Ct 167.00
Ct 168.00
Ct 169.00
Low Inc—Mcclure
County—Snyder
Parts:
Adams Twp
McClure Boro
Spring Twp
West Beaver Twp
County—Union
Parts:
Hartleton Boro
Hartley Twp
Low Inc—Mckeesport
County—Allegheny
Parts:
C.T. 5010
C.T. 5509
C.T. 5512
C.T. 5519–5524
Low Inc—Middleburg
County—Juniata
Parts:
Monroe Township
Susquehanna Township
County—Snyder
Parts:
Beaver Township
Beavertown Borough
Centre Township
Chapman Township
Franklin Township
Freeburg Borough
Middleburg Borough
Perry Township
Union Township
Washington Township
West Perry Township
Low Inc—Mifflintown
County—Juniata
Parts:
Beale Township
Fayette Township
Fermanagh Township
Lack Township
Mifflin Borough
Mifflintown Borough
Milford Township
Port Royal Borough
Spruce Hill Township
Turbett Township

PRIMARY MEDICAL CARE: Pennsylvania
Population Group Listing

Population Group

Tuscarora Township
Walker Township
Low Inc—Northern Wayne
County—Wayne
Parts:
Buckingham Township
Damascus Township
Lebanon Township
Manchester Township
Mt. Pleasant Township
Preston Township
Scott Township
Starrucca Borough
Low Inc—Paupack
County—Pike
Parts:
Blooming Grove Twp.
Greene Township
Lackawaxen Township
Palmyra Township
Porter Townsip
Shohola Township
County—Wayne
Parts:
Dreher Township
Hawley Borough
Lake Township
Palmyra Township
Paupack Township
Salem Township
Sterling Township
Low Inc—Philipsburg
County—Centre
Parts:
Philipsburg Boro
Rush Twp
South Philipsburg Boro
County—Clearfield
Parts:
Boggs Twp
Brisbin Boro
Chester Hill Boro
Decatur Twp
Graham Twp
Houtzdale Boro
Morris Twp
Osceola Mills Boro
Wallaceton Boro
Woodward Twp
Low Inc—Pleasantville
County—Bedford
Parts:
East St. Clair Township
Kimmel Township
King Township
Lincoln Township
Pleasantville Borough
St. Clairsville Borough
Union Township
West St. Clair Township
County—Blair
Parts:
Greenfield Township
Low Inc—Se Lancaster
County—Lancaster
Parts:
C.T. 1
C.T. 7–9
C.T. 14–16
Low Inc—Sharon/Farrell
County—Mercer
Parts:

PRIMARY MEDICAL CARE: Pennsylvania
Population Group Listing

Population Group

C.T. 301–309
Low Inc—Union City (PA/NY)
County—Crawford
Parts:
Bloomfield Twp
Rockdale Twp
Spartansburg Boro
Sparta Twp
County—Erie
Parts:
C.T. 112.01
C.T. 118.01–118.02
C.T. 119
C.T. 120.01–120.02
C.T. 121
County—Warren
Parts:
Columbus Twp
Spring Creek Twp
Low Inc—Western Greene
County—Greene
Parts:
Aleppo Twp
Center Twp
Franklin Twp
Gray Twp
Jackson Twp
Morris Twp
Richhill Twp
Washington Twp
Waynesburg Boro
Low Inc/MFW—Chambersburg
County—Franklin
Parts:
Chambersburg Boro
Hamilton Twp
Letterkenny Twp
St. Thomas Twp
Low Income—Harrisburg
County—Dauphin
Parts:
C.T. 201–217
Med Ind—Erie City
County—Erie
Parts:
C.T. 1–30
Med Ind—Titusville
County—Crawford
Parts:
Athens Twp
Centerville Boro
Hydetown Boro
Oil Creek Twp
Rome Twp
Steuben Twp
Titusville City
Townville Boro
Troy Twp
County—Venango
Parts:
Allegheny Twp
Cherrytree Twp
Oilcreek Twp
Pleasantville Boro
Plum Twp
County—Warren
Parts:
Eldred Twp
Southwest Twp
Med Ind—Welsh Mountain
County—Berks
Parts:

PRIMARY MEDICAL CARE: Pennsylvania
Population Group Listing

Population Group

Brecknock Twp
Caernarvon Twp
County—Chester
Parts:
Honey Brook Twp
Honey Brook Boro
County—Lancaster
Parts:
Adamstown Boro
Akron Boro
Brecknock Twp
Caernarvon Twp
Christiana Boro
Denver Boro
Earl Twp
East Cocalico Twp
East Earl Twp
Ephrata Boro
Ephrata Twp
Leacock Twp
New Holland Boro
Paradise Twp
Sadsbury Twp
Salisbury Twp
Terre Hill Boro
Upper Leacock Twp
West Earl Twp
Mont Alto—Low Income
County—Franklin
Parts:
Mont Alto Borough
Quincy Township

PRIMARY MEDICAL CARE: Pennsylvania
Facility Listing

Facility Name

FCI Allenwood
County—Union
FCI Mckean
County—McKean
FCI Schuylkill
County—Schuylkill
Sci Cresson
County—Cambria
Sci Greene
County—Greene
Sci Rockview
County—Centre
USP Allenwood
County—Union
USP Lewisburg
County—Union

PRIMARY MEDICAL CARE: Rhode Island
County Listing

County Name

Newport
Population Group: Low Inc—Newport Co
Providence
Service Area: C Falls/N Pawtucket
Service Area: Northwest Providence
Service Area: Northwest Woonsocket
Population Group: Low Inc—Providence City
Facility: Ri Adult Corr Inst (Cranston)
Washington
Population Group: Low Inc—West Washington
Population Group: Narragansett Indian Tribe

PRIMARY MEDICAL CARE: Rhode Island
County Listing

County Name

Facility: Health Center Of South County
Facility: Wood River Health Services

PRIMARY MEDICAL CARE: Rhode Island
Service Area Listing

Service Area Name

C Falls/N Pawtucket
County—Providence
Parts:
C.T. 108–111
C.T. 149
C.T. 151–153
C.T. 161
Northwest Providence
County—Providence
Parts:
Burrillville Town
Foster Town
Glocester Town
Northwest Woonsocket
County—Providence
Parts:
C.T. 172
C.T. 174
C.T. 176
C.T. 178–183

PRIMARY MEDICAL CARE: Rhode Island
Population Group Listing

Population Group

Low Inc—Newport Co
County—Newport
Parts:
Low Income
Low Inc—Providence City
County—Providence
Parts:
C.T. 1–23
C.T. 25–33
C.T. 35–37
Low Inc—West Washington
County—Washington
Parts:
Charlestown Town
Exeter Town
Hopkinton Town
Richmond Town
Narragansett Indian Tribe
County—Washington
Parts:
Charlestown Town

PRIMARY MEDICAL CARE: Rhode Island
Facility Listing

Facility Name

Health Center Of South County
County—Washington
Ri Adult Corr Inst (Cranston)
County—Providence
Wood River Health Services
County—Washington

PRIMARY MEDICAL CARE: South Carolina
County Listing

County Name

*Abbeville
Aiken
Population Group: Low Inc—Aiken Co

PRIMARY MEDICAL CARE: South Carolina
County Listing

County Name

Anderson
Population Group: Low Inc—Anderson Co
*Barnwell
*Beaufort
Service Area: Sheldon
Berkeley
Service Area: Cross
Service Area: McClellanville
Service Area: Northern Berkeley
*Calhoun
Charleston
Service Area: Edisto Is
Service Area: McClellanville
Service Area: Ravenel—Hollywood
Population Group: Low Inc—Sea Islands
Population Group: Low Inc—Peninsula Charleston
Population Group: Low Inc Pop—North Charleston
*Chester
*Chesterfield
Service Area: Sandhills
Population Group: Low Inc—Society Hill/E Chesterfield
*Clarendon
*Darlington
Population Group: Low Inc—Society Hill/E Chesterfield
*Dillon
Dorchester
Service Area: St George
Edgefield
*Fairfield
Florence
Service Area: Johnsonville/Brittons Neck
Service Area: Lake City
Service Area: Olanta
Greenville
Service Area: Slater-Marietta
Population Group: Low Inc—Inner City Greenville
*Hampton (g)
Facility: FCI Estil
*Jasper
*Lancaster
Service Area: Heath Springs
*Lee
Lexington
Service Area: Batesburg/Leesville
Service Area: Pelion-Swansea
*Marion
Service Area: Johnsonville/Brittons Neck
*Marlboro
*McCormick
*Newberry
Service Area: Whitmire
*Oconee
Population Group: Low Inc—Oconee Co
*Orangeburg
Service Area: Eastern Orangeburg
Service Area: Western Orangeburg
Population Group: Med Ind—Orangeburg
Richland
Service Area: Eastover
Service Area: Hopkins
Population Group: Low Inc—Columbia
*Saluda
Spartanburg
Service Area: Chesnee
Service Area: Woodruff/Enoree
Sumter
Service Area: Olanta

PRIMARY MEDICAL CARE: South Carolina
County Listing

County Name

*Union
*Williamsburg
York
Population Group: Catawba Indian Nation
Population Group: Low Inc—South Rock Hill

PRIMARY MEDICAL CARE: South Carolina
Service Area Listing

Service Area Name

Batesburg/Leesville
County—Lexington
Parts:
Batesburg-Leesville Division
Gilbert Division
Chesnee
County—Spartanburg
Parts:
Chesnee Division
Mayo Division
Cross
County—Berkeley
Parts:
Cross Division
Eastern Orangeburg
County—Orangeburg
Parts:
Bowman Division
Branchville Division
Elloree Division
Eutawville Division
Holly Hill Division
Vance Division
Eastover
County—Richland
Parts:
Eastover Division
Edisto Is
County—Charleston
Parts:
C.T. 23.98
Heath Springs
County—Lancaster
Parts:
Heath Springs Division
Kershaw Division
Hopkins
County—Richland
Parts:
Hopkins Division
Johnsonville/Brittons Neck
County—Florence
Parts:
Johnsonville Division
County—Marion
Parts:
Brittons Neck Division
Centenary Division
Lake City
County—Florence
Parts:
C.T. 18
C.T. 20
C.T. 22.01–22.02
C.T. 23
McClellanville
County—Berkeley
Parts:
C.T. 204.01
County—Charleston
Parts:
C.T. 46.01
C.T. 50
Northern Berkeley
County—Berkeley
Parts:
Bonneau Division
St. Stephen Division
Olanta
County—Florence
Parts:
Olanta Division
Sardis Division
County—Sumter
Parts:
Shiloh Division
Pelion-Swansea
County—Lexington
Parts:
Pelion Division
Swansea Division
Ravenel—Hollywood
County—Charleston
Parts:
C.T. 24.98
C.T. 25
Sandhills
County—Chesterfield
Parts:
Jefferson Division
McBee Division
Pageland Division
Sheldon
County—Beaufort
Parts:
Sheldon Division
Slater-Marietta
County—Greenville
Parts:
Highland Division
Slater Division
Tigerville Division
St George
County—Dorchester
Parts:
Harleyville Division
Reevesville Division
Ridgeville Division
St. George Division
Western Orangeburg
County—Orangeburg
Parts:
Neeses CCD
North CCD
Norway CCD
Springfield
Whitmire
County—Newberry
Parts:
Whitmire Division
Woodruff/Enoree
County—Spartanburg
Parts:
Enoree Division
Woodruff Division

PRIMARY MEDICAL CARE: South Carolina
Population Group Listing

Population Group

Catawba Indian Nation
County—York
Parts:
C.T. 612.02
Low Inc—Aiken Co
County—Aiken
Parts:
Low Income
Low Inc—Anderson Co
County—Anderson
Parts:
Low Income
Low Inc—Columbia
County—Richland
Parts:
C.T. 1–19
C.T. 20.01–20.02
C.T. 21–28
C.T. 105.01–105.02
C.T. 106
C.T. 107.01–107.03
C.T. 108.02–108.04
C.T. 109–110
C.T. 111.01–111.02
C.T. 112.01–112.02
C.T. 116.03–116.06
C.T. 117.01–117.02
Low Inc—Inner City Greenville
County—Greenville
Parts:
C.T. 1–10
C.T. 12.02
C.T. 13.01
C.T. 21.04–21.05
C.T. 21.08
C.T. 22.01–22.02
C.T. 23.03–23.04
Low Inc—Oconee Co
County—Oconee
Parts:
Low Income
Low Inc—Peninsula Charleston
County—Charleston
Parts:
C.T. 4
C.T. 6–11
C.T. 13–14
Low Inc—Sea Islands
County—Charleston
Parts:
C.T. 21.01–21.02
C.T. 22
Low Inc—Society Hill/E Chesterfield
County—Chesterfield
Parts:
Cheraw Division
Chesterfield Division
Patrick Division
County—Darlington
Parts:
Society Hill Division
Low Inc—South Rock Hill
County—York
Parts:
C.T. 601.01–601.02
C.T. 602–603
C.T. 604.01–604.02
C.T. 605.01–605.02
Low Inc Pop—North Charleston
County—Charleston
Parts:
C.T. 37
C.T. 41
C.T. 43–45
Med Ind—Orangeburg

PRIMARY MEDICAL CARE: South Carolina
Population Group Listing

Population Group
County—Orangeburg
Parts:
Cope CCD
Orangeburg West CCD
Orangeburg CCD

PRIMARY MEDICAL CARE: South Carolina
Facility Listing

Facility Name
FCI Estil
County—Hampton

PRIMARY MEDICAL CARE: South Dakota
County Listing

County Name
*Aurora
Service Area: Corsica/Armour
Service Area: Wessington Springs
*Bennett
*Brookings
Service Area: Flandreau/Elkton
*Brown
Service Area: Ellendale/Edgeley (ND/SD)
*Buffalo
Service Area: Wessington Springs
*Butte
Service Area: Newell
*Campbell
*Charles Mix
*Clark
*Clay
Service Area: Beresford/Alcester
*Corson
Service Area: Isabel
Service Area: Lemmon (SD/ND)
Service Area: McLaughlin
*Custer
Service Area: Custer/Hill
*Davison
Service Area: Corsica/Armour
*Day
*Deuel
*Dewey
Service Area: Eagle Butte
Service Area: Isabel
Douglas
Service Area: Corsica/Armour
*Edmunds
*Fall River
*Faulk
*Grant
Service Area: Milbank
*Gregory
Service Area: Fairfax
*Haakon
*Hamlin
*Hanson
Service Area: Salem
*Harding
*Hyde
*Jackson
Jerauld
Service Area: Wessington Springs
*Jones
*Kingsbury
Lincoln
Service Area: Beresford/Alcester
*Lyman
McCook
Service Area: Salem

PRIMARY MEDICAL CARE: South Dakota
County Listing

County Name
*Meade
Service Area: Faith
*Mellette
*Miner
Moody
Service Area: Flandreau/Elkton
*MCPherson
Service Area: Leola
Pennington
Service Area: Custer/Hill
Service Area: N. Rapid City
*Perkins
Service Area: Faith
Service Area: Lemmon (SD/ND)
Potter
Service Area: Gettysburg/Agar
*Roberts
Service Area: Milbank
*Sanborn
Service Area: Wessington Springs
*Shannon
*Spink
Sully
Service Area: Gettysburg/Agar
*Todd
*Turner
*Union
Service Area: Beresford/Alcester
Service Area: Elk Point
*Ziebach
Service Area: Eagle Butte
Service Area: Faith
Service Area: Isabel

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name
Beresford/Alcester
County—Clay
Parts:
Glenwood Twp
County—Lincoln
Parts:
Beresford City
Brooklyn Twp
Pleasant Twp
County—Union
Parts:
Alcester City
Alcester Twp
Beresford City
Big Springs Twp
Emmet Twp
Prairie Twp
Virginia Twp
Corsica/Armour
County—Aurora
Parts:
Aurora Township
Center Township
Truro Township
Washington Township
County—Davison
Parts:
Baker Township
County—Douglas
Custer/Hill
County—Custer
Parts:
Custer City
Pringle Town

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name
West Custer Urorg
County—Pennington
Parts:
Hill City
West Pennington Unorg
Eagle Butte
County—Dewey
Parts:
Eagle Butte City
South Dewey Unorg.
County—Ziebach
Parts:
Eagle Butte City
South Ziebach Unorg.
Elk Point
County—Union
Parts:
Brule Township
Elk Point City
Elk Point Township
Richland Unorg.
Ellendale/Edgeley (ND/SD)
County—Brown
Parts:
Allison Township
Frederick Town
Frederick Township
Greenfield Township
Liberty Township
Osceola Township
Palmyra Township
Richland Township
Savo Township
Fairfax
County—Gregory
Parts:
Bonesteel City
East Gregory Unorg
Fairfax Town
Fairfax Twp
Pleasant Valley Twp
Schriever Twp
Southeast Gregory Unorg
St Charles Twp
Star Valley Twp
Faith
County—Meade
Parts:
Eagle Township
Faith City
Howard Township
North Meade Unorg.
Union Township
Upper Red Owl Township
County—Perkins
Parts:
Ada Township
Antelope Township
Beck Township
Brushy Township
Chance Township
Chaudoin Township
Duell Township
Englewood Township
Foster Township
Hall Township
Highland Township
Lone Tree Township
Maltby Township
Martin Township
Moreau Township
South Perkins Unorg.

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name

Southwest Perkins Unorg.
Vickers Township
Vrooman Township
Wells Township
West Central Perkins Unorg.
West Perkins Unorg.
Wyandotte Township
County—Ziebach
Parts:
Dupree Unorg.
Dupree City
Flandreau/Elkton
County—Brookings
Parts:
Elkton City
Elkton Township
County—Moody
Gettysburg/Agar
County—Potter
County—Sully
Isabel
County—Corson
Parts:
Pleasant Ridge Township
County—Dewey
Parts:
Isabel City
North Dewey Unorg.
Timber Lake City
County—Ziebach
Parts:
North Ziebach Unorg.
Lemmon (SD/ND)
County—Corson
Parts:
Custer Twp
Delaney Twp
Grand Valley Twp
Lake Twp
Lemon No. 2 Unorg
McIntosh City
Morristown Town
Pioneer Twp
Prairie View Twp
Riverside Twp
Rolling Green Twp
Sherman Twp
Twin Butte Twp
Watauga Twp
West Corson Unorg
County—Perkins
Parts:
Anderson Twp
Barrett Twp
Bison Town
Bison Twp
Burdick Twp
Cash Twp
Castle Butte Twp
Clark Twp
De Witt Twp
Duck Creek Unorg
East Perkins Unorg
Flat Creek Twp
Fredlund Twp
Glendo Twp
Grand River Twp
Horse Creek Twp
Independence Unorg
Lemmon City
Liberty Twp
Lincoln Twp

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name

Lodgepole Twp
Marshfield Twp
Meadow Twp
Plateau Twp
Pleasant Valley Twp
Rainbow Twp
Rockford Twp
Scotch Cap Twp
Sidney Twp
Strool Twp
Trail Twp
Vail Twp
Viking Twp
White Butte Twp
White Hill Twp
Wilson Twp
Leola
County—MCPherson
Parts:
Carl Township
Central MCPherson Unorg.
Hoffman Township
Leola City
Long Lake Town
Wachter Township
Wacker Township
Weber Township
Wetonka Town
McLaughlin
County—Corson
Parts:
Cadillac Township
Central Corson Unorg.
Lincoln Township
Mahto Township
McLaughlin City
Mission Township
Northeast Corson Unorg.
Ridgeland Township
Wakpala Township
Walker Township
Milbank
County—Grant
Parts:
Adams Twp
Alban Twp
Albee Town
Blooming Valley Twp
Farmington Twp
Georgia Twp
Grant Center Twp
Kilborn Twp
La Bolt Town
Lura Twp
Madison Twp
Marvin Town
Mazeppa Twp
Melrose Twp
Milbank City
Osceola Twp
Revillo Town
Stockholm Twp
Stockholm Town
Strandburg Town
Troy Twp
Twin Brooks Twp
Twin Brooks Town
Vernon Twp
County—Roberts
Parts:
Garfield Twp
Geneseo Twp

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name

N. Rapid City
County—Pennington
Parts:
C.T. 101–105
C.T. 114–115
Newell
County—Butte
Parts:
East Butte Unorg
Newell City
Union Twp
Vale Twp
Salem
County—Hanson
Parts:
Edgerton Twp
Emery Town
Farmer Town
Spring Lake Twp
Taylor Twp
County—McCook
Wessington Springs
County—Aurora
Parts:
Belford Twp
Bristol Twp
Cooper Twp
Crystal Lake Twp
Eureka Twp
Firesteel Twp
Gales Twp
Hopper Twp
Lake Twp
Palatine Twp
Patten Twp
Plankinton City
Plankinton Twp
Pleasant Lake Twp
Pleasant Valley Twp
White Lake Twp
White Lake City
County—Buffalo
Parts:
Elvira Twp
Southeast Buffalo Unorg
County—Jerauld
County—Sanborn
Parts:
Floyd Twp
Jackson Twp
Logan Twp
Oneida Twp
Silver Creek Twp
Twin Lake Twp
Union Twp
Warren Twp
Woonsocket Twp
Woonsocket City

PRIMARY MEDICAL CARE: Tennessee
County Listing

County Name

Anderson
Service Area: Briceville/Lake City
*Bedford
Population Group: Low Inc—Bedford
Bledsoe
Service Area: Dayton/Pikeville/Decatur
Blount
Population Group: Low Inc—Blount
*Campbell

PRIMARY MEDICAL CARE: Tennessee
County Listing

County Name

Population Group: Low Inc—Campbell Co
Carter
Population Group: Low Inc—Carter
Cheatham
*Claiborne
Population Group: Low Inc—Claiborne Co
*Cocke
Population Group: Low Inc—Cocke Co
*Crockett
Population Group: Low Inc—Crockett Co
*Cumberland
Population Group: Low Inc—Cumberland
Davidson
Population Group: Low Inc—Waverly-Belmont
Population Group: Low Inc—N Nashville
Population Group: Low Inc—E Nashville
Facility: Downtown Homeless Clinic
Facility: Metro General Hosp
*Decatur
Population Group: Low Inc—Decatur Co
Dickson
Service Area: Vanleer/Shiloh
Fayette
*Fentress
Population Group: Low Inc—Fentress Co
*Gibson
Population Group: Low Inc—Gibson
*Giles
Population Group: Low Inc—Giles Co
Grainger
*Greene
Service Area: Baileyton
*Grundy
Hamilton
Service Area: Middle Valley
Population Group: Low Inc—Chattanooga
*Hancock
*Hardeman
Hawkins
*Haywood
*Henderson
*Hickman
Jefferson
Population Group: Low Inc—Jefferson
*Johnson
Knox
Service Area: Mechanicsville
*Lake
*Lauderdale
*Lawrence
Population Group: Low Inc—Lawrence
*Lewis
Population Group: Low Inc—Lewis
*Lincoln
Service Area: Cash Point—Blanche
*Macon
Madison
Service Area: E Jackson
*Marshall
Population Group: Low Inc—Marshall
Meigs
Service Area: Dayton/Pikeville/Decatur
*Monroe
Population Group: Low Inc—Monroe Co
Montgomery
Service Area: Vanleer/Shiloh
*Moore
*Morgan
*Obion
Service Area: Hornbeak/Samburg
*Overton

PRIMARY MEDICAL CARE: Tennessee
County Listing

County Name

Population Group: Low Inc—Overton Co
*Pickett
*Polk
Population Group: Low Inc—Benton/Parkville
*Putnam
Population Group: Low Inc—Putnam Co
Rhea
Service Area: Dayton/Pikeville/Decatur
*Roane
Population Group: Low Inc—Roane Co
Robertson
Population Group: Low Inc—Robertson
Rutherford
Service Area: Eagleville
*Scott
Population Group: Low Inc—Scott Co
Sevier
Population Group: Low Inc—Sevier
Shelby
Population Group: Low Inc—Whitehaven-Levi/Nw Oakhaven
Population Group: Low Inc—Millington
Population Group: Low Inc—Frayser
Population Group: Low Inc—Nw Memphis
Facility: FCI Memphis
Facility: Hope Center
*Stewart
Population Group: Low Inc—Stewart Co
Tipton
Population Group: Low Inc—Tipton
*Trousdale
Population Group: Low Inc—Trousddale
Union
*Van Buren
Population Group: Low Inc—Van Buren Co
*Warren
Population Group: Low Inc—Warrren Co
*Weakley
Population Group: Low Inc—Dresden
*White

PRIMARY MEDICAL CARE: Tennessee
Service Area Listing

Service Area Name

Baileyton
County—Greene
Parts:
Baileyton Division
Briceville/Lake City
County—Anderson
Parts:
Lake City East CCD
Lake City West CCD
New River CCD
Cash Point—Blanche
County—Lincoln
Parts:
Cash Point-Blanche Division
Dayton/Pikeville/Decatur
County—Bledsoe
County—Meigs
County—Rhea
E Jackson
County—Madison
Parts:
C.T. 5
C.T. 8–12
Eagleville
County—Rutherford
Parts:

PRIMARY MEDICAL CARE: Tennessee
Service Area Listing

Service Area Name

Eagleville Division
Hornbeak/Samburg
County—Obion
Parts:
Hornbeak-Samburg Division
Mechanicsville
County—Knox
Parts:
C.T. 1–7
C.T. 11–14
C.T. 20
C.T. 28
Middle Valley
County—Hamilton
Parts:
Middle Valley Division
Sale Creek Division
Soddy-Daisy Division
Vanleer/Shiloh
County—Dickson
Parts:
Vanleer Division
County—Montgomery
Parts:
Palmyra-Shiloh Division

PRIMARY MEDICAL CARE: Tennessee
Population Group Listing

Population Group

Low Inc—Bedford
County—Bedford
Parts:
Low Income
Low Inc—Benton/Parkville
County—Polk
Parts:
Low Inc Benton CCD
Low Inc Parkville CCD
Low Inc—Blount
County—Blount
Parts:
Low Income
Low Inc—Campbell Co
County—Campbell
Parts:
Low Income
Low Inc—Carter
County—Carter
Parts:
Low Income
Low Inc—Chattanooga
County—Hamilton
Parts:
C.T. 1–16
C.T. 18–21
C.T. 23–27
C.T. 31
C.T. 115
Low Inc—Claiborne Co
County—Claiborne
Parts:
Low Income
Low Inc—Cocke Co
County—Cocke
Parts:
Low Income
Low Inc—Crockett Co
County—Crockett
Parts:
Low Income
Low Inc—Cumberland

PRIMARY MEDICAL CARE: Tennessee
Population Group Listing

Population Group

County—Cumberland
Parts:
Low Income
Low Inc—Decatur Co
County—Decatur
Parts:
Low Income
Low Inc—Dresden
County—Weakley
Parts:
Chestnut Glade-Dukedom
Dresden Division
Gleason Division
Palmersville Division
Low Inc—E Nashville
County—Davidson
Parts:
C.T. 112–126
Low Inc—Fentress Co
County—Fentress
Parts:
Low Income
Low Inc—Frayser
County—Shelby
Parts:
C.T. 99–100
C.T. 101.10
C.T. 101.20
C.T. 102.10
C.T. 102.20
C.T. 103
Low Inc—Gibson
County—Gibson
Parts:
Low Income
Low Inc—Giles Co
County—Giles
Parts:
Low Inc
Low Inc—Jefferson
County—Jefferson
Parts:
Low Income
Low Inc—Lawrence
County—Lawrence
Parts:
Low Income
Low Inc—Lewis
County—Lewis
Parts:
Low Income
Low Inc—Marshall
County—Marshall
Parts:
Low Income
Low Inc—Millington
County—Shelby
Parts:
C.T. 202.10
C.T. 202.20
C.T. 203–204
Low Inc—Monroe Co
County—Monroe
Parts:
Low Income
Low Inc—N Nashville
County—Davidson
Parts:
C.T. 133
C.T. 135–144
Low Inc—Nw Memphis
County—Shelby

PRIMARY MEDICAL CARE: Tennessee
Population Group Listing

Population Group

Parts:
C.T. 1–10
C.T. 13–28
C.T. 30
C.T. 89–90
Low Inc—Overton Co
County—Overton
Parts:
Low Income
Low Inc—Putnam Co
County—Putnam
Parts:
Low Income
Low Inc—Roane Co
County—Roane
Parts:
Low Inc
Low Inc—Robertson
County—Robertson
Parts:
Low income
Low Inc—Scott Co
County—Scott
Parts:
Low Inc Pop
Low Inc—Sevier
County—Sevier
Parts:
Low Income
Low Inc—Stewart Co
County—Stewart
Parts:
Low Inc Pop
Low Inc—Tipton
County—Tipton
Parts:
Low Income
Low Inc—Trousddale
County—Trousdale
Parts:
Low Income
Low Inc—Van Buren Co
County—Van Buren
Parts:
Low Income
Low Inc—Warrren Co
County—Warren
Parts:
Low Inc—Warren Co
Low Inc—Waverly-Belmont
County—Davidson
Parts:
C.T. 161–163
C.T. 170–171
Low Inc—Whitehaven-Levi/Nw Oakhaven
County—Shelby
Parts:
C.T. 104.20
C.T. 105
C.T. 220.10
C.T. 220.21–220.22
C.T. 221.11–221.12
C.T. 221.20
C.T. 221.30
C.T. 222.10
C.T. 222.20
C.T. 223.10
C.T. 223.20
C.T. 223.30
C.T. 224.10
C.T. 224.20

PRIMARY MEDICAL CARE: Tennessee
Facility Listing

Facility Name

Downtown Homeless Clinic
County—Davidson
FCI Memphis
County—Shelby
Hope Center
County—Shelby
Metro General Hosp
County—Davidson

PRIMARY MEDICAL CARE: Texas
County Listing

County Name

*Anderson (g)
Facility: Beto Prs
Facility: Coffield Prs
Facility: Gurney Prs
Facility: Michael Prs
Facility: Powledge Prs
*Andrews
Population Group: Med Ind—Andrews Co
*Angelina (g)
Facility: Diboll Prs
Archer
*Armstrong
*Atascosa
*Austin
*Bailey
*Bandera
Bastrop (g)
Facility: FCI Bastrop
*Baylor
Population Group: Low Income—Baylor County
*Bee (g)
Facility: McConell Psn
Bexar
Service Area: San Antonio (West Side)
Service Area: San Antonio (Southside)
Service Area: San Antonio (Eastside)
Facility: Dominguez Prs
*Blanco
*Borden
Bowie
Service Area: Dekalb
Facility: Telford Prs
Brazoria (g)
Facility: Ramsey I Prs
Facility: Ramsey II Prs
*Brewster
*Brooks
*Burleson
Caldwell
Cameron (g)
Facility: Corazones Unidos Clinic
Facility: Port Isabel INS Health Facility
*Carson
*Chambers
*Cherokee
Population Group: Low Inc—Cherokee Co
Facility: Skyview/Hodge Psn
*Cochran
*Coke
*Coleman
*Collingsworth
Comal
Population Group: Low Inc—Comal County
Coryell (g)
Facility: Gatesville Prison
Facility: Hughes Prs
Facility: Mountain View Prison
*Crane (g)

PRIMARY MEDICAL CARE: Texas
County Listing

County Name

Facility: Tx Tech Univ Pc Clinics
*Crockett
Dallas
Service Area: Lisbon
Service Area: Simpson-Stuart
Service Area: South Dallas
Service Area: Trinity
Facility: Hutchins Prs
Facility: Parkland Mem Hosp Outpt Cl (C.T. 100)
*Dawson
*Deaf Smith
*Delta
Denton
Population Group: Low Inc—N Denton
*Dickens
Dimmit
Service Area: Dimmit-Zavala
*Donley
*Duval
El Paso
Service Area: Lower Valley—El Paso
Service Area: South El Paso
Service Area: Southeast El Paso
Facility: El Paso INS Health Facility
Facility: FCI La Tuna
Facility: Tx Tech Med. Ambulatory Cl
*Falls
*Fannin (g)
Facility: Choice Moore Prs
Facility: Cole Prs
*Fisher
*Foard
Fort Bend (g)
Facility: Jester I Prs
Facility: Jester II Prs
*Freestone (g)
Facility: Boyd Prs
*Frio (g)
Facility: Briscoe Prs
*Gaines
Galveston
Service Area: Bolivar Penninsula
*Garza
*Glasscock
*Goliad
*Gonzales
Population Group: Low Inc—Gonzales Co
*Grimes
Population Group: Inmates—FPC Bryan
Facility: Luther Prs
*Hale
Population Group: Low Inc/MFW—Hale Co
*Hall
*Hansford
Hardin
Harris
Service Area: Acres Home
Service Area: Casa De Amigos
Service Area: Galena Park/Jacinto City
Service Area: Ripley
Service Area: Settegast
Service Area: South Central Houston
Facility: Joe Kegan Psn
Facility: Lychner Prs
*Hartley
*Henderson
Population Group: Low Inc—Henderson Co
Hidalgo (g)
Facility: Lopez Psn
Facility: Segovia Psn
*Hill

PRIMARY MEDICAL CARE: Texas
County Listing

County Name

*Hockley
*Houston (g)
Facility: Eastham Prs
*Howard
Population Group: Inmates—FCI Big Spring
*Hudspeth
*Hunt
Population Group: Low Inc—Hunt Co
*Irion
*Jackson
*Jasper (g)
Facility: Goodman Prs
Jeff Davis
Service Area: Jeff Davis/Marfa
Jefferson
Service Area: Port Arthur Inner City
Facility: Gist Prs
Facility: Leblanc Prs
Facility: Stiles Prs
*Jim Wells
*Jones
*Karnes (g)
Facility: Conanally Prison
*Kendall
Population Group: Low Inc—Kendall Co
*Kenedy
*Kent
*Kerr
Population Group: Low Inc—Kerr Co
*King
*Kinney
*Knox
*La Salle
*Lamb
*Lampasas
*Lee
*Leon
Liberty
Facility: Henley Prs
Facility: Hightower Prs
Facility: Plane Prs
*Limestone
*Lipscomb
*Live Oak (g)
Facility: FCI Three Rivers
*Loving
Lubbock
Service Area: East Lubbock
*Lynn
*Madison (g)
Facility: Ferguson Prs
*Marion
*Mason
*Maverick
*McMullen
*Medina
*Menard
*Milam
*Mills
*Moore
Population Group: Low Inc—Moore Co
*Morris
*Motley
*Nacogdoches
Population Group: Low Inc—Nacogdoches Co
Nueces
Service Area: Port Aransas
*Oldham
*Palo Pinto
Population Group: Low Inc—Palo Pinto Co

PRIMARY MEDICAL CARE: Texas
County Listing

County Name

*Panola
*Parmer
*Pecos
Population Group: Low Inc—Pecos Co
*Polk (g)
Facility: Terrell Prison
*Presidio
Service Area: Jeff Davis/Marfa
*Rains
*Reagan
*Red River
*Reeves
*Refugio
*Roberts
*Robertson
*Runnels
*San Augustine
*San Jacinto
*San Saba
*Shackelford
*Shelby
Population Group: Low Inc—Shelby Co
*Sherman
Smith
Service Area: Troup
*Starr
*Stephens
*Sterling
*Swisher
Tarrant
Service Area: Diamond Hill
Service Area: Poly/Stop Six
Facility: Jp Smith Hosp Clinics (Fh,Gyn,Med,Ob,Ped
*Terrell
Travis
Service Area: Dove Springs
Service Area: East Austin
Service Area: South Austin
*Trinity
*Tyler (g)
Facility: Lewis Prs
*Upton
Population Group: Low Income-Upton County
*Uvalde
Population Group: Low Inc—Uvalde Co
*Val Verde
*Van Zandt
*Walker
Facility: Ellis I Prs
Facility: Holliday Prs
Facility: Wynne Prs
Waller
*Ward
Webb
*Wheeler
Population Group: Low Inc—Wheeler Co
*Willacy
Wilson
*Winkler
*Wise
*Wood (g)
Facility: Johnston Prs
*Yoakum
*Zapata
Zavala
Service Area: Dimmit-Zavala

PRIMARY MEDICAL CARE: Texas
Service Area Listing

Service Area Name

Acres Home
County—Harris
Parts:
C.T. 524
C.T. 525.02–525.04
C.T. 530.02
C.T. 531.01
C.T. 531.03
Bolivar Penninsula
County—Galveston
Parts:
C.T. 1254
Casa De Amigos
County—Harris
Parts:
C.T. 502
C.T. 503.01–503.02
C.T. 504
C.T. 505.01–505.02
C.T. 506.01–506.02
C.T. 507.01–507.02
C.T. 508
C.T. 509.02–509.03
C.T. 512
C.T. 514.01–514.02
C.T. 515.02
Dekalb
County—Bowie
Parts:
C.T. 116–117
Diamond Hill
County—Tarrant
Parts:
C.T. 1001.02
C.T. 1002.01–1002.02
C.T. 1003–1004
C.T. 1008–1011
C.T. 1050.01
C.T. 1050.06
Dimmit-Zavala
County—Dimmit
County—Zavala
Dove Springs
County—Travis
Parts:
C.T. 24.11–24.13
East Austin
County—Travis
Parts:
C.T. 4.02
C.T. 8.01–8.04
C.T. 9.01–9.02
C.T. 10
C.T. 18.11–18.12
C.T. 21.04–21.13
C.T. 22.01–22.02
C.T. 22.05
East Lubbock
County—Lubbock
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3.01–3.02
C.T. 6.03–6.06
C.T. 7–11
C.T. 13–14
C.T. 23–25
Galena Park/Jacinto City
County—Harris
Parts:
C.T. 211–212
Jeff Davis/Marfa
County—Jeff Davis
County—Presidio
Parts:
Marfa Division
Lisbon
County—Dallas
Parts:
C.T. 56–57
C.T. 59.01–59.02
C.T. 87.01
C.T. 87.03–87.05
C.T. 88.01–88.02
Lower Valley—El Paso
County—El Paso
Parts:
C.T. 35
C.T. 37.01–37.02
C.T. 38.01–38.02
C.T. 41.03–41.07
C.T. 42.01–42.02
Poly/Stop Six
County—Tarrant
Parts:
C.T. 1035
C.T. 1036.01
C.T. 1037.01–1037.02
C.T. 1046.01
C.T. 1046.04
C.T. 1062.01–1062.02
C.T. 1063
Port Aransas
County—Nueces
Parts:
C.T. 51.02
Port Arthur Inner City
County—Jefferson
Parts:
C.T. 51–65
Ripley
County—Harris
Parts:
C.T. 300.22–300.23
C.T. 301.01–301.02
C.T. 302
C.T. 308.20
C.T. 309.01–309.03
C.T. 310–312
C.T. 313.01–313.02
C.T. 314.02
C.T. 319.01
C.T. 321.01–321.02
San Antonio (Eastside)
County—Bexar
Parts:
C.T. 1101–1104
C.T. 1109–1110
C.T. 1301–1306
C.T. 1307.85
C.T. 1308–1313
C.T. 1401
San Antonio (Southside)
County—Bexar
Parts:
C.T. 1402–1412
C.T. 1416–1418
C.T. 1501–1522
C.T. 1609
C.T. 1610.85
C.T. 1611–1612
C.T. 1619–1620
San Antonio (West Side)
County—Bexar
Parts:
C.T. 1105–1108
C.T. 1601–1606
C.T. 1607.85
C.T. 1616
C.T. 1701–1716
C.T. 1901–1902
Settegast
County—Harris
Parts:
C.T. 207.01–207.02
C.T. 208.01
C.T. 215.01–215.03
C.T. 216.01–216.02
C.T. 217.01–217.02
C.T. 218.03–218.04
C.T. 225.03–225.04
C.T. 227
Simpson-Stuart
County—Dallas
Parts:
C.T. 112–113
C.T. 114.01–114.02
C.T. 167.01
C.T. 169.01
South Austin
County—Travis
Parts:
C.T. 23.04
C.T. 23.10–23.12
C.T. 24.16
South Central Houston
County—Harris
Parts:
C.T. 318.02–318.03
C.T. 319.02
C.T. 325.01–325.02
C.T. 327.01–327.02
C.T. 328.01–328.03
C.T. 329.02–329.03
C.T. 339.03
C.T. 340
C.T. 342
C.T. 343.01–343.02
South Dallas
County—Dallas
Parts:
C.T. 25
C.T. 27.01–27.02
C.T. 28–29
C.T. 33–38
C.T. 39.01–39.02
C.T. 40
C.T. 93.03–93.04
C.T. 115
C.T. 116.01
South El Paso
County—El Paso
Parts:
C.T. 17–21
C.T. 28–29
Southeast El Paso
County—El Paso
Parts:
C.T. 39.01–39.03
C.T. 40.01–40.02
C.T. 103.10
C.T. 104.01–104.04
C.T. 105
Trinity
County—Dallas
Parts:

PRIMARY MEDICAL CARE: Texas
Service Area Listing

Service Area Name

C.T. 41
C.T. 49
C.T. 54–55
C.T. 86.01–86.02
C.T. 89
Troup
County—Smith
Parts:
C.T. 21

PRIMARY MEDICAL CARE: Texas
Population Group Listing

Population Group

Inmates—FCI Big Spring
County—Howard
Parts:
FCI Big Spring
Inmates—FPC Bryan
County—Grimes
Parts:
FPC Bryan
Low Inc—Cherokee Co
County—Cherokee
Parts:
Low Income
Low Inc—Comal County
County—Comal
Parts:
Low Income
Low Inc—Gonzales Co
County—Gonzales
Parts:
Low Income
Low Inc—Henderson Co
County—Henderson
Parts:
Low Income
Low Inc—Hunt Co
County—Hunt
Parts:
Low Income
Low Inc—Kendall Co
County—Kendall
Parts:
Low Income
Low Inc—Kerr Co
County—Kerr
Parts:
Low Income
Low Inc—Moore Co
County—Moore
Parts:
Low Income
Low Inc—N Denton
County—Denton
Parts:
Denton CCD
Pilot Point—Aubrey CCD
Sanger CCD
Low Inc—Nacogdoches Co
County—Nacogdoches
Parts:
Low Income
Low Inc—Palo Pinto Co
County—Palo Pinto
Parts:
Low Income
Low Inc—Pecos Co
County—Pecos
Parts:
Low Income

PRIMARY MEDICAL CARE: Texas
Population Group Listing

Population Group

Low Inc—Shelby Co
County—Shelby
Parts:
Low Income
Low Inc—Uvalde Co
County—Uvalde
Parts:
Low Income
Low Inc—Wheeler Co
County—Wheeler
Parts:
Low Income
Low Inc/MFW—Hale Co
County—Hale
Parts:
Low Income
MFW
Low Income—Baylor County
County—Baylor
Parts:
Low Income
Low Income-Upton County
County—Upton
Parts:
Low Income
Med Ind—Andrews Co
County—Andrews
Parts:
Medically Indigent

PRIMARY MEDICAL CARE: Texas
Facility Listing

Facility Name

Beto Prs
County—Anderson
Boyd Prs
County—Freestone
Briscoe Prs
County—Frio
Choice Moore Prs
County—Fannin
Coffield Prs
County—Anderson
Cole Prs
County—Fannin
Conanally Prison
County—Karnes
Corazones Unidos Clinic
County—Cameron
Diboll Prs
County—Angelina
Dominguez Prs
County—Bexar
Eastham Prs
County—Houston
El Paso INS Health Facility
County—El Paso
Ellis I Prs
County—Walker
Ferguson Prs
County—Madison
FCI Bastrop
County—Bastrop
FCI La Tuna
County—El Paso
FCI Three Rivers
County—Live Oak
Gatesville Prison
County—Coryell
Gist Prs
County—Jefferson

PRIMARY MEDICAL CARE: Texas
Facility Listing

Facility Name

Goodman Prs
County—Jasper
Gurney Prs
County—Anderson
Henley Prs
County—Liberty
Hightower Prs
County—Liberty
Holliday Prs
County—Walker
Hughes Prs
County—Coryell
Hutchins Prs
County—Dallas
Jester I Prs
County—Fort Bend
Jester II Prs
County—Fort Bend
Joe Kegan Psn
County—Harris
Johnston Prs
County—Wood
Jp Smith Hosp Clinics (Fh,Gyn,Med,Ob,Ped
County—Tarrant
Leblanc Prs
County—Jefferson
Lewis Prs
County—Tyler
Lopez Psn
County—Hidalgo
Luther Prs
County—Grimes
Lychner Prs
County—Harris
McConell Psn
County—Bee
Michael Prs
County—Anderson
Mountain View Prison
County—Coryell
Parkland Mem Hosp Outpt Cl (C.T. 100)
County—Dallas
Plane Prs
County—Liberty
Port Isabel INS Health Facility
County—Cameron
Powledge Prs
County—Anderson
Ramsey I Prs
County—Brazoria
Ramsey II Prs
County—Brazoria
Segovia Psn
County—Hidalgo
Skyview/Hodge Psn
County—Cherokee
Stiles Prs
County—Jefferson
Telford Prs
County—Bowie
Terrell Prison
County—Polk
Tx Tech Med. Ambulatory Cl
County—El Paso
Tx Tech Univ Pc Clinics
County—Crane
Wynne Prs
County—Walker

PRIMARY MEDICAL CARE: Utah
County Listing

County Name

*Beaver
Population Group: Low Inc—Beaver Co
*Box Elder
Service Area: West Box Elder
*Carbon
*Daggett
Duchesne
Population Group: Low Inc—Duchesne Co
*Emery
*Garfield
Population Group: Low Income—Garfield Co
*Grand
*Juab
Kane
Service Area: Kanab/Fredonia (UT/AZ)
*Millard
*Morgan
Population Group: Low Income—Morgan Co
*Piute
*Rich
Population Group: Low Income—Rich Co
Salt Lake
Population Group: Low Income—Salt Lake Co
Facility: Utah State Prison
*San Juan
*Sanpete
Facility: Central Utah Corr Fac
*Sevier
*Summit
Service Area: Coalville/Kamas
*Tooele
*Uintah
Utah
Population Group: Low Income—Utah County
*Wasatch
*Washington
Population Group: Low Income—Washington County
*Wayne
Weber
Population Group: Low Income—Weber County

PRIMARY MEDICAL CARE: Utah
Service Area Listing

Service Area Name

Coalville/Kamas
County—Summit
Parts:
Coalville CCD
Kamas CCD
Kanab/Fredonia (UT/AZ)
County—Kane
West Box Elder
County—Box Elder
Parts:
West Box Elder Division

PRIMARY MEDICAL CARE: Utah
Population Group Listing

Population Group

Low Inc—Beaver Co
County—Beaver
Parts:
Low Income
Low Inc—Duchesne Co

PRIMARY MEDICAL CARE: Utah
Population Group Listing

Population Group

County—Duchesne
Parts:
Low Income
Low Income—Garfield Co
County—Garfield
Parts:
Low Income
Low Income—Morgan Co
County—Morgan
Parts:
Low Income
Low Income—Rich Co
County—Rich
Parts:
Low Income
Low Income—Salt Lake Co
County—Salt Lake
Parts:
Low Income
Low Income—Utah County
County—Utah
Parts:
Low Income
Low Income—Washington County
County—Washington
Parts:
Low Income
Low Income—Weber County
County—Weber
Parts:
Low Income

PRIMARY MEDICAL CARE: Utah
Facility Listing

Facility Name

Central Utah Corr Fac
County—Sanpete
Utah State Prison
County—Salt Lake

PRIMARY MEDICAL CARE: Vermont
County Listing

County Name

*Addison
Service Area: Route 100
*Bennington
Population Group: Med Ind—Bennington
*Caledonia
Population Group: Low Inc—Hardwick
*Essex
Service Area: Island Pond
Service Area: Upper Connecticut Valley (NH/VT)
Franklin
Service Area: Richford-Enosburg
*Lamoille
Population Group: Low Inc—Hardwick
*Orange
Service Area: Chelsea
*Orleans
Service Area: Island Pond
Service Area: Richford-Enosburg
Population Group: Low Inc—Hardwick
Facility: Northern State Correctional Facility
*Rutland
Service Area: Black River Valley
Service Area: Pawlet/Granville (VT/NY)
Service Area: Route 100
*Washington
Service Area: Mad River Valley

PRIMARY MEDICAL CARE: Vermont
County Listing

County Name

Population Group: Low Inc—Hardwick
*Windsor
Service Area: Black River Valley
Service Area: Route 100

PRIMARY MEDICAL CARE: Vermont
Service Area Listing

Service Area Name

Black River Valley
County—Rutland
Parts:
Mount Holly Town
County—Windsor
Parts:
Cavendish Town
Ludlow Town
Plymouth Town
Reading Town
Chelsea
County—Orange
Parts:
Chelsea Town
Corinth Town
Strafford Town
Tunbridge Town
Vershire Town
Washington Town
Island Pond
County—Essex
Parts:
Avery'S Gore
Brighton Town
Ferdinand Town
Lewis Town
Norton Town
Warner'S Grant
Warren'S Gore
County—Orleans
Parts:
Charleston Town
Morgan Town
Mad River Valley
County—Washington
Parts:
Fayston Town
Moretown Town
Waitsfield Town
Warren Town
Pawlet/Granville (VT/NY)
County—Rutland
Parts:
Danby Town
Middletown Springs To
Mount Tabor Town
Pawlet Town
Poultney Town
Tinmouth Town
Wells Town
Richford-Enosburg
County—Franklin
Parts:
Bakersfield Town
Berkshire Town
Enosburg Town
Fairfield Town
Franklin Town
Montgomery Town
Richford Town
Sheldon Town
County—Orleans
Parts:

PRIMARY MEDICAL CARE: Vermont
Service Area Listing

Service Area Name

Jay Town
Route 100
County—Addison
Parts:
Granville Town
Hancock Town
County—Rutland
Parts:
Pittsfield Town
County—Windsor
Parts:
Rochester Town
Stockbridge Town
Upper Connecticut Valley (NH/VT)
County—Essex
Parts:
Averill Town
Bloomfield Town
Brunswick Town
Canaan Town
Lemington Town
Maidstone Town

PRIMARY MEDICAL CARE: Vermont
Population Group Listing

Population Group

Low Inc—Hardwick
County—Caledonia
Parts:
Hardwick Town
Stannard Town
Walden Town
County—Lamoille
Parts:
Wolcott Town
County—Orleans
Parts:
Craftsbury Town
Greensboro Town
County—Washington
Parts:
Woodbury Town
Med Ind—Bennington
County—Bennington
Parts:
Med Ind Pop

PRIMARY MEDICAL CARE: Vermont
Facility Listing

Facility Name

Northern State Correctional Facility
County—Orleans

PRIMARY MEDICAL CARE: Virginia
County Listing

County Name

*Accomack
*Alleghany
Service Area: Clifton Forge/Covington
*Amelia
*Appomattox
Bedford
Service Area: Big Island
*Bland
Botetourt
Service Area: Northern Botetourt
Brunswick
Service Area: Brunswick/La Crosse
*Buchanan

PRIMARY MEDICAL CARE: Virginia
County Listing

County Name

Buckingham
Service Area: Tri-County(Buck/Fluv/Cumb)
Campbell/Lynchburg
Service Area: Altavista/Chatham
Facility: Free Clinic Of Central Va
*Caroline
*Carroll
Service Area: Laurel Fork
Charles City
Population Group: Low Inc—Charles City Co
*Charlotte
Chesapeake
Service Area: South Norfolk
Clifton Forge City (Indep)
Service Area: Clifton Forge/Covington
Covington City (Indep)
Service Area: Clifton Forge/Covington
Cumberland
Service Area: Tri-County(Buck/Fluv/Cumb)
*Dickenson
Dinwiddie/Peter(g)rg
Facility: FCI Petersburg
Fluvanna
Service Area: Tri-County(Buck/Fluv/Cumb)
*Franklin
Goochland
Service Area: Goochland/Fife
*Grayson/Galax
Service Area: Trout Dale/Independence
Hanover
Service Area: Beaverdam/Montpelier
*Henry/Martinsville
Population Group: Low Inc—Martinsville
*Highland
Isle Of Wight
Service Area: Berlin-Ivor
King George
*Lee
*Louisa
Service Area: Beaverdam/Montpelier
*Lunenburg
Mecklenburg
Service Area: Brunswick/La Crosse
Service Area: Chase City
*Nelson
New Kent
Northampton
Population Group: Low Inc/MFW—Northampton Co
*Northumberland
*Page
*Patrick
Pittsylvania/Danville
Service Area: Altavista/Chatham
Population Group: Low Inc—Danville
Portsmouth City
Service Area: Downtown Portsmouth
*Richmond
Richmond City
Service Area: East End Richmond
Service Area: Old South Richmond
*Rockbridge/Buena Vista
Service Area: Big Island
*Russell
*Smyth
Service Area: Saltville
*Southampton/Franklin
Service Area: Berlin-Ivor
Spotsylvania/Fredericksbg
Service Area: Beaverdam/Montpelier
Suffolk

PRIMARY MEDICAL CARE: Virginia
County Listing

County Name

Service Area: City Of Suffolk
*Surry
*Sussex
Washington/Bristol
Service Area: Saltville
*Westmoreland

PRIMARY MEDICAL CARE: Virginia
Service Area Listing

Service Area Name

Altavista/Chatham
County—Campbell/Lynchburg
Parts:
C.T. 204.98
C.T. 205–209
County—Pittsylvania/Danville
Parts:
C.T. 101–107
Beaverdam/Montpelier
County—Hanover
Parts:
C.T. 3201–3202
County—Louisa
Parts:
C.T. 9501
C.T. 9505
County—Spotsylvania/Fredericksbg
Parts:
C.T. 204.01
Berlin-Ivor
County—Isle Of Wight
Parts:
Hardy District
County—Southampton/Franklin
Parts:
Berlin And Ivor District
Big Island
County—Bedford
Parts:
Peaks Dist
County—Rockbridge/Buena Vista
Parts:
Natural Bridge Dist
Brunswick/La Crosse
County—Brunswick
County—Mecklenburg
Parts:
La Crosse District
Chase City
County—Mecklenburg
Parts:
Bluestone District
Boydton District
Buckhorn District
Chase City District
Clarksville District
City Of Suffolk
County—Suffolk
Parts:
C.T. 651
C.T. 653–655
C.T. 756
Clifton Forge/Covington
County—Alleghany
County—Clifton Forge City (Indep)
County—Covington City (Indep)
Downtown Portsmouth
County—Portsmouth City
Parts:
C.T. 2107
C.T. 2110–2111

PRIMARY MEDICAL CARE: Virginia
Service Area Listing

Service Area Name

C.T. 2113–2114
C.T. 2117–2121
East End Richmond
County—Richmond City
Parts:
C.T. 201–212
Goochland/Fife
County—Goochland
Parts:
C.T. 4002–4005
Halifax/South Boston
County—Halifax
County—South Boston City
Laurel Fork
County—Carroll
Parts:
Laurel Fork Dist
Northern Botetourt
County—Botetourt
Parts:
C.T. 401–402
Old South Richmond
County—Richmond City
Parts:
C.T. 601–605
C.T. 607.98
C.T. 608.98
Saltville
County—Smyth
Parts:
North Fork Dist
Saltville Dist
County—Washington/Bristol
Parts:
Jefferson Dist
South Norfolk
County—Chesapeake
Parts:
C.T. 201–204
C.T. 205.01–205.02
C.T. 206–207
Tri-County(Buck/Fluv/Cumb)
County—Buckingham
County—Cumberland
County—Fluvanna
Trout Dale/Independence
County—Grayson/Galax
Parts:
Elk Creek District
Wilson Creek District

PRIMARY MEDICAL CARE: Virginia
Population Group Listing

Population Group

Low Inc—Charles City Co
County—Charles City
Parts:
Low Inc—Chrls Cty Co
Low Inc—Danville
County—Pittsylvania/Danville
Parts:
C.T. 108.98
C.T. 109–111
C.T. 112.98
C.T. 113.98
C.T. 114
Danville City
Low Inc—Martinsville
County—Henry/Martinsville
Parts:
Henry Co

PRIMARY MEDICAL CARE: Virginia
Population Group Listing

Population Group

Martinsville City
Low Inc/MFW—Northampton Co
County—Northampton
Parts:
Low Inc/MFW

PRIMARY MEDICAL CARE: Virginia
Facility Listing

Facility Name

Free Clinic Of Central Va
County—Campbell/Lynchburg
FCI Petersburg
County—Dinwiddie/Petersburg

PRIMARY MEDICAL CARE: Washington
County Listing

County Name

*Adams (g)
Facility: Columbia Basin Health Association
Benton
Population Group: Low Inc/MFW—Benton Co
*Chelan
Population Group: MFW—Chelan/Douglas
*Clallam
Service Area: Clallam Bay-Neah Bay
Population Group: Lower Elwha Indian Tribe
*Cowlitz
Population Group: Low Inc—Cowlitz Co
*Douglas
Service Area: Grand Coulee
Population Group: MFW—Chelan/Douglas
*Ferry
Population Group: Am In—Colville Res
Franklin
Population Group: Low Inc/MFW—Franklin Co
Facility: Coyote Ridge Corr Inst
*Garfield
*Grant
Service Area: Grand Coulee
Service Area: Royal City
Population Group: Low Inc/MFW—Central Grant Co
*Grays Harbor
Service Area: Copalis Beach
Service Area: Mc Cleary-Elma
Service Area: Neilton
Service Area: Westport
Population Group: Low Inc—Aberdeen/Hoquiam
*Jefferson
Service Area: Clallam Bay-Neah Bay
Service Area: Quilcene Bay
Population Group: Low Inc-Discovery Bay/Oak Bay
King
Population Group: Low Inc/Homeless—S King Co
Kitsap
Population Group: Low Inc—Bremerton
*Klickitat
Population Group: MSFW—W Klickitat Co
*Lewis
Service Area: Morton
Population Group: Low Inc—Sw Lewis Co
*Lincoln
Service Area: Grand Coulee
Service Area: Odessa

PRIMARY MEDICAL CARE: Washington
County Listing

County Name

*Mason
Service Area: Mc Cleary-Elma
Facility: Wa Corr/Reception Ctr
*Okanogan
Service Area: Twisp/Winthrop
Population Group: Am In—Colville Res
Population Group: MSFW—C Okanogan Co
Population Group: MSFW—N Okanogan Co
Population Group: MSFW—S Okanogan Co
*Pend Oreille
Service Area: Ione/Metaline Falls
Service Area: Newport/Cusick
Pierce
Service Area: Longbranch
Population Group: Low Inc—Eastside Tacoma
Population Group: Low Inc—Lakewood (Sw Pierce Co)
Facility: McNeil Island Corr. C.
*Skagit
Service Area: Concrete
Population Group: MSFW—Skagit Co
*Skamania
Snohomish
Service Area: Darrington
Population Group: Low Inc/MFW—W Snohomish Co
Facility: Twin Rivers Corr C
Spokane
Service Area: Deer Park
Service Area: Rockford
Population Group: Am In—Spokane
*Stevens
Service Area: Chewelah
Service Area: Deer Park
Service Area: Northport
Thurston
Population Group: Low Inc—Thurston South Div
*Wahkiakum
Population Group: Low Inc—Wahkiakum Co
*Walla Walla
Population Group: Low Inc/MFW—Walla Walla
Facility: Wa State Pen
Whatcom
Population Group: MSFW—Whatcom Co
*Whitman
Service Area: Rock Lake/La Crosse
Population Group: Low Inc—Ne Whitman Co
Yakima
Population Group: MFW—Yakima Co

PRIMARY MEDICAL CARE: Washington
Service Area Listing

Service Area Name

Chewelah
County—Stevens
Parts:
Chewelah CCD
Columbia CCD
Springdale CCD
Clallam Bay-Neah Bay
County—Clallam
Parts:
Clallam Bay-Neah Bay CCD

PRIMARY MEDICAL CARE: Washington
Service Area Listing

Service Area Name

Forks CCD
County—Jefferson
Parts:
West End CCD
Concrete
County—Skagit
Parts:
Upper Skagit CCD
Copalis Beach
County—Grays Harbor
Parts:
North Beach Division
Darrington
County—Snohomish
Parts:
Cascade Division
Deer Park
County—Spokane
Parts:
Deer Park CCD
County—Stevens
Parts:
Loon Lake CCD
Grand Coulee
County—Douglas
Parts:
Bridgeport Division
County—Grant
Parts:
Coulee City Division
Grand Coulee Division
County—Lincoln
Parts:
Wilbur Division
Ione/Metaline Falls
County—Pend Oreille
Parts:
Ione-Metaline Falls Division
Longbranch
County—Pierce
Parts:
Lower Peninsula CCD (C.T.
Mc Cleary-Elma
County—Grays Harbor
Parts:
Elma Division
Malone-Porter Division
McCleary Division
County—Mason
Parts:
E.D. 425
Morton
County—Lewis
Parts:
Big Bottom CCD
Mineral CCD
Morton CCD
Mossyrock CCD
Neilton
County—Grays Harbor
Parts:
Humptulips CCD
Lake Quinalt CCD
Newport/Cusick
County—Pend Oreille
Parts:
Newport Division
Northport
County—Stevens
Parts:
Kettle Falls CCD
Odessa

PRIMARY MEDICAL CARE: Washington
Service Area Listing

Service Area Name

County—Lincoln
Parts:
Odessa Division
Quilcene Bay
County—Jefferson
Parts:
Quilcene Bay Division
Rock Lake/La Crosse
County—Whitman
Parts:
La Crosse CCD
Rock Lake CCD
Rockford
County—Spokane
Parts:
Rockford CCD
Royal City
County—Grant
Parts:
Southern Slopes Division
Twisp/Winthrop
County—Okanogan
Parts:
Early Winters Division
Methow Valley Division
Westport
County—Grays Harbor
Parts:
South Shore Division

PRIMARY MEDICAL CARE: Washington
Population Group Listing

Population Group

Am In—Colville Res
County—Ferry
Parts:
Colville Res CCD
County—Okanogan
Parts:
Colville Res CCD
Am In—Spokane
County—Spokane
Parts:
American Indian
Low Inc—Aberdeen/Hoquiam
County—Grays Harbor
Parts:
Aberdeen-Hoquiam CCD
North River CCD
Wishkah CCD
Wyhoochee CCD
Low Inc—Bremerton
County—Kitsap
Parts:
C.T. 805–806
C.T. 810–813
Low Inc—Cowlitz Co
County—Cowlitz
Parts:
Low Income
Low Inc—Eastside Tacoma
County—Pierce
Parts:
C.T. 618–627
C.T. 628.01–628.02
C.T. 629–635
Low Inc—Lakewood (Sw Pierce Co)
County—Pierce
Parts:
C.T. 714.03–714.05
C.T. 715.01

PRIMARY MEDICAL CARE: Washington
Population Group Listing

Population Group

C.T. 715.03–715.04
C.T. 717.01–717.02
C.T. 718.02–718.04
C.T. 719.01–719.02
C.T. 720
C.T. 721.05–721.08
C.T. 723.06
C.T. 723.08
Low Inc—Ne Whitman Co
County—Whitman
Parts:
Rosalia CCD
Steptoe CCD
Tekoa CCD
Low Inc—Sw Lewis Co
County—Lewis
Parts:
Boistfort CCD
Ethel CCD
Olequa CCD
Low Inc—Thurston South Div
County—Thurston
Parts:
Low Income
Low Inc—Wahkiakum Co
County—Wahkiakum
Parts:
Low Income
Low Inc-Discovery Bay/Oak Bay
County—Jefferson
Parts:
Discovery Bay CCD
Oak Bay CCD
Low Inc/Homeless—S King Co
County—King
Parts:
C.T. 252–254
C.T. 259
C.T. 291
C.T. 292.01–292.02
C.T. 295.01–295.02
C.T. 296–297
C.T. 298.01
C.T. 305.01–305.02
C.T. 306–308
Low Inc/MFW—Benton Co
County—Benton
Parts:
Low Income
MFW
Low Inc/MFW—Central Grant Co
County—Grant
Parts:
Ephrata—Soap Lake CCD
George CCD
Gloyd CCD
Moses Lake CCD
Quincy CCD
Warden CCD
Wilson Creek CCD
Low Inc/MFW—Franklin Co
County—Franklin
Parts:
Low Income
MFW
Low Inc/MFW—W Snohomish Co
County—Snohomish
Parts:
Arlington CCD
Edmunds CCD
Everett CCD
Granite Falls CCD

PRIMARY MEDICAL CARE: Washington
Population Group Listing

Population Group

Lake Stevens CCD
Maltby CCD
Marysville CCD
Monroe CCD
MFW
Skykomish CCD
Snohomish CCD
Stanwood CCD
Tulalip CCD
Low Inc/MFW—Walla Walla
County—Walla Walla
Parts:
Low Income
MFW
Lower Elwha Indian Tribe
County—Clallam
Parts:
Agnew-Carlsborg CCD
Crescent CCD
Forks CCD
Port Angeles CCD
Sequim CCD
MFW—Chelan/Douglas
County—Chelan
Parts:
MFW
County—Douglas
Parts:
MFW
MFW—Yakima Co
County—Yakima
Parts:
MFW
MSFW—C Okanogan Co
County—Okanogan
Parts:
Concully-Riverside CCD
Okanogan CCD
Omak CCD
MSFW—N Okanogan Co
County—Okanogan
Parts:
Oroville CCD
Tonasket-Pine Creek CCD
MSFW—S Okanogan Co
County—Okanogan
Parts:
Brewster-Wakefield CCD
MSFW—Skagit Co
County—Skagit
Parts:
Anacortes CCD
Bayview CCD
Bow CCD
Burlington CCD
Cavanaugh CCD
Clear Lake CCD
Conway CCD
La Conner CCD
Lyman-Hamilton CCD
Mount Vernon CCD
Samish CCD
Sedro-Woolley CCD
MSFW—W Klickitat Co
County—Klickitat
Parts:
Wahkiakus CCD
White Salmon CCD
Yakima Res CCD
MSFW—Whatcom Co
County—Whatcom

PRIMARY MEDICAL CARE: Washington
Population Group Listing

Population Group

Parts:
MSFW

PRIMARY MEDICAL CARE: Washington
Facility Listing

Facility Name

Columbia Basin Health Association
County—Adams
Coyote Ridge Corr Inst
County—Franklin
McNeil Island Corr. C.
County—Pierce
Twin Rivers Corr C
County—Snohomish
Wa Corr/Reception Ctr
County—Mason
Wa State Pen
County—Walla Walla

PRIMARY MEDICAL CARE: West Virginia
County Listing

County Name

*Barbour
Berkeley
Population Group: Low Inc/MFW—Shenandoah
*Boone
*Braxton
*Calhoun
*Clay
Doddridge
Service Area: Doddridge/Salem
*Fayette
Service Area: New Haven
*Gilmer
*Grant
Service Area: Mt Storm-Union District
*Greenbrier
Service Area: Greenbrier
Service Area: Rainelle
*Hampshire
Hancock
Service Area: East Liverpool (OH/PA/WV)
*Hardy
Service Area: Baker
*Harrison
Service Area: Doddridge/Salem
*Jackson
Jefferson
Population Group: Low Inc/MFW—Shenandoah
Kanawha
Service Area: Clendenin
*Lincoln
Marshall
Service Area: Cameron
*Mercer
Service Area: Matoaka
*Mingo
Service Area: Gilbert
Service Area: Kermit
*Monongalia
Service Area: Clay/Battelle (WV/PA)
Facility: FCI—Morgantown
*Monroe
Population Group: Inmates—FPC Alderson
*Morgan
Service Area: Paw Paw
*Nicholas
Service Area: Rainelle

PRIMARY MEDICAL CARE: West Virginia
County Listing

County Name

Service Area: Richwood
*Pendleton
*Preston
Service Area: Bruceton Mills
Service Area: Rowlesburg/Eglon
*Raleigh
Service Area: Northwest Raleigh
Facility: FCI Beckley
*Randolph
Service Area: Huttonsville
Facility: Huttonsville Corr Ctr
*Ritchie
*Roane
*Taylor
*Tucker
*Upshur
Service Area: Rock Cave
Wayne
Service Area: Wayne/Fort Gay
*Webster
Service Area: Richwood
*Wetzel
Service Area: Clay/Battelle (WV/PA)
*Wirt

PRIMARY MEDICAL CARE: West Virginia
Service Area Listing

Service Area Name

Baker
County—Hardy
Parts:
Capon District
Lost River District
Bruceton Mills
County—Preston
Parts:
Grant District
Cameron
County—Marshall
Parts:
C.T. 208
Clay/Battelle (WV/PA)
County—Monongalia
Parts:
C.T. 114
County—Wetzel
Parts:
C.T. 304
Clendenin
County—Kanawha
Parts:
C.T. 112
Doddridge/Salem
County—Doddridge
County—Harrison
Parts:
C.T. 316
East Liverpool (OH/PA/WV)
County—Hancock
Parts:
Grant Dist
Gilbert
County—Mingo
Parts:
Stafford District
Greenbrier
County—Greenbrier
Parts:
Anthony Creek Dist
Falling Spring Dist
Frankford Dist

PRIMARY MEDICAL CARE: West Virginia
Service Area Listing

Service Area Name

Williamsburg Dist
Huttonsville
County—Randolph
Parts:
Huttonsville Dist
Middle Fork Dist
Mingo Dist
Valley Bend Dist
Kermit
County—Mingo
Parts:
Harvey District
Kermit District
Matoaka
County—Mercer
Parts:
C.T. 9509
C.T. 9516
Mt Storm-Union District
County—Grant
Parts:
Union District
New Haven
County—Fayette
Parts:
C.T. 210–211
Northwest Raleigh
County—Raleigh
Parts:
C.T. 111–112
Paw Paw
County—Morgan
Parts:
C.T. 9709–9710
Rainelle
County—Greenbrier
Parts:
Meadow Bluff District
County—Nicholas
Parts:
Wilderness District
Richwood
County—Nicholas
Parts:
Beaver District
County—Webster
Parts:
Glade District
Rock Cave
County—Upshur
Parts:
Banks District
Meade District
Rowlesburg/Eglon
County—Preston
Parts:
Lyon District
Reno District
Union District
Wayne/Fort Gay
County—Wayne
Parts:
Butler District
Stonewall District
Union District

PRIMARY MEDICAL CARE: West Virginia
Population Group Listing

Population Group

Inmates—FPC Alderson
County—Monroe

PRIMARY MEDICAL CARE: West Virginia
Population Group Listing

Population Group

Parts:
FPC Alderson
Low Inc/MFW—Shenandoah
County—Berkeley
Parts:
Low Income/Migrant Farmw
County—Jefferson
Parts:
Low Incomw/Migrant Farmw

PRIMARY MEDICAL CARE: West Virginia
Facility Listing

Facility Name

FCI—Morgantown
County—Monongalia
FCI Beckley
County—Raleigh
Huttonsville Corr Ctr
County—Randolph

PRIMARY MEDICAL CARE: Wisconsin
County Listing

County Name

*Adams (g)
Facility: FCI Oxford
*Ashland
Service Area: Bayfield
Population Group: Am In—Bad River Tribe
*Barron
Service Area: Chetek/Colfax
*Bayfield
Service Area: Bayfield
Service Area: Hayward/Radisson
Brown
Service Area: Pulaski
Population Group: Am In—Oneida Nation
Facility: Green Bay Maximum Security Inst
*Buffalo
Service Area: Durand
Population Group: Low Inc—Mondovi
*Burnett
Calumet
*Clark
*Columbia (g)
Facility: Columbia Maximum Security Inst
*Crawford
Population Group: Low Inc—Boscobel
*Dodge (g)
Facility: Dodge Corr Inst
Facility: Fox Lake Medium Security Inst
Facility: Waupun Maximum Security Inst
*Door
Service Area: Sister Bay/Washington Island
Service Area: Sturgeon Bay
Douglas
Service Area: Minong/Solon Springs
*Dunn
Service Area: Chetek/Colfax
Service Area: Durand
Eau Claire
Population Group: Low Inc—Augusta/Osseo
*Florence
*Fond Du Lac (g)
Facility: Kettle Moraine Medium Security Inst
*Forest
*Grant
Service Area: Platteville/Cuba City

PRIMARY MEDICAL CARE: Wisconsin
County Listing

County Name

Population Group: Low Inc—Boscobel
Population Group: Low Inc—Lancaster/Fennimore
*Green Lake
Service Area: Markesan/Kingston
*Iowa
Service Area: Platteville/Cuba City
*Iron
Population Group: Low Inc—Ironwood/Hurley (MI/WI)
*Jackson
Population Group: Low Inc—Augusta/Osseo
*Juneau
Service Area: Hillsboro
Kenosha
Service Area: Kenosha
*Kewaunee
Service Area: Kewaunee City/Algoma
La Crosse
Service Area: Coon Valley/Chaseburg
*Lafayette
Service Area: Darlington/Shullsburg
Service Area: Platteville/Cuba City
*Langlade
Service Area: Elcho
Service Area: Mountain/White Lake
*Lincoln
Population Group: Low Inc—Tomahawk
Marathon
Service Area: Tigerton/Birnamwood
Population Group: Low Inc—City Of Wausau
*Marinette
Service Area: W. Marinette
Population Group: Low Inc—E Marinette/S Menominee (MI/WI
*Marquette
Service Area: Montello
*Menominee
Milwaukee
Service Area: Capitol Drive (Milwaukee)
Service Area: Inner City West
Service Area: Inner City South
Service Area: Juneautown
Population Group: Low Inc—Inner City North (Milwaukee)
*Monroe
Service Area: Hillsboro
Service Area: Sparta
*Oconto
Service Area: Mountain/White Lake
Service Area: Oconto/Oconto Falls
Service Area: Pulaski
*Oneida
Service Area: Elcho
Population Group: Low Inc—Tomahawk
Outagamie
Service Area: Clintonville/Marion
Population Group: Am In—Oneida Nation
*Pepin
Service Area: Durand
Population Group: Low Inc—Mondovi
Pierce
Service Area: Durand
*Polk
Service Area: Frederic/Luck
*Price
Racine (g)
Facility: Racine Medium Security Inst
*Richland
Service Area: Hillsboro

PRIMARY MEDICAL CARE: Wisconsin
County Listing

County Name

Service Area: Spring Green/Plain
Rock
Service Area: Central Beloit
*Rusk
Population Group: Low Inc—Rusk Co
*Sauk
Service Area: Hillsboro
Service Area: Spring Green/Plain
*Sawyer
Service Area: Hayward/Radisson
*Shawano
Service Area: Clintonville/Marion
Service Area: Oconto/Oconto Falls
Service Area: Pulaski
Service Area: Tigerton/Birnamwood
Population Group: Am In—Stockbridge-Munsee Tribe
*Taylor
*Trempealeau
Service Area: Galesville/Trempealeau
Population Group: Low Inc—Augusta/Osseo
*Vernon
Service Area: Coon Valley/Chaseburg
Service Area: Hillsboro
*Vilas
Service Area: Land O'Lakes/Presque Isle
*Washburn
Service Area: Hayward/Radisson
Service Area: Minong/Solon Springs
Population Group: Low Inc—Spooner/Shell Lake
*Waupaca
Service Area: Clintonville/Marion
Service Area: Tigerton/Birnamwood
*Waushara
Service Area: Wautoma/Plainfield/Wild Rose
Winnebago (g)
Facility: Oshkosh Medium Security Inst

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Bayfield
County—Ashland
Parts:
La Pointe Town
County—Bayfield
Parts:
Bayfield City
Bayfield Town
Bayview Town
Bell Town
Clover Town
Russell Town
Capitol Drive (Milwaukee)
County—Milwaukee
Parts:
C.T. 23–28
C.T. 36
C.T. 38–49
C.T. 60–61
C.T. 63–65
Central Beloit
County—Rock
Parts:
C.T. 15–19
Chetek/Colfax
County—Barron
Parts:

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Arland Town
Chetek Town
Chetek City
Dallas Vil
Dallas Town
Dovre Town
Maple Grove Town
Prairie Lake Town
Prairie Farm Town
Prairie Farm Vil
Sioux Creek Town
Sumner Town
Turtle Lake Town
Turtle Lake Vil
Vance Creek Town
County—Dunn
Parts:
Boyceville Vil
Colfax Vil
Colfax Town
Downing Vil
Grant Town
Hay River Town
Knapp Vil
New Haven Town
Otter Creek Town
Ridgeland Vil
Sand Creek Town
Sheridan Town
Sherman Town
Stanton Town
Tainter Town
Tiffany Town
Wheeler Vil
Wilson Town
Clintonville/Marion
County—Outagamie
Parts:
Bear Creek Vil
Deer Creek Town
Maine Town
County—Shawano
Parts:
Grant Town
Pella Town
County—Waupaca
Parts:
Bear Creek Town
Clintonville City
Dupont Town
Embarrass Vil
Larrabee Town
Marion City
Matteson Town
Union Town
Coon Valley/Chaseburg
County—La Crosse
Parts:
Washington Town
County—Vernon
Parts:
Chaseburg Vil
Coon Town
Coon Valley Vil
Hamburg Town
Darlington/Shullsburg
County—Lafayette
Parts:
Argyle Town
Argyle Vil
Blanchard Town
Blanchardville Vil

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Darlington City
Darlington Town
Fayette Town
Gratiot Town
Gratiot Vil
Kendall Town
Lamont Town
Monticello Town
Seymour Town
Shullsburg City
Shullsburg Town
South Wayne Vil
Wayne Town
White Oak Springs Town
Willow Springs Town
Wiota Town
Durand
County—Buffalo
Parts:
Maxville Town
Nelson Town
County—Dunn
Parts:
Dunn Town
Eau Galle Town
Peru Town
Rock Creek Town
Spring Brook Town
Weston Town
County—Pepin
Parts:
Durand Town
Durand City
Frankfort Town
Lima Town
Pepin Town
Pepin Vil
Stockholm Vil
Stockholm Town
Waterville Town
Waubeck Town
County—Pierce
Parts:
El Paso Town
Elmwood Vil
Gilman Town
Maiden Rock Vil
Maiden Rock Town
Plum City Vil
Prescott City
Rock Elm Town
Salem Town
Spring Valley Vil
Spring Lake Town
Union Town
Elcho
County—Langlade
Parts:
Ainsworth Town
Elcho Town
Parrish Town
Summit Town
Upham Town
County—Oneida
Parts:
Enterprise Town
Schoepke Town
Frederic/Luck
County—Polk
Parts:
Bone Lake Town
Clam Falls Town

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Frederic Vil
Georgetown Town
Laketown Town
Lorain Town
Luck Town
Luck Vil
McKinley Town
West Sweden Town
Galesville/Trempealeau
County—Trempealeau
Parts:
Caledonia Town
Ettrick Vil
Ettrick Town
Gale Town
Galesville City
Trempealeau Vil
Trempealeau Town
Hayward/Radisson
County—Bayfield
Parts:
Barnes Town
Cable Town
Drummond Town
Grand View Town
Namakagon Town
County—Sawyer
Parts:
Bass Lake Town
Couderay Town
Couderay Vil
Edgewater Town
Exeland Vil
Hayward City
Hayward Town
Hunter Town
Lenroot Town
Meadowbrook Town
Meteor Town
Ojibwa Town
Radisson Town
Radisson Vil
Round Lake Town
Sand Lake Town
Spider Lake Town
Weirgor Town
Winter Town
Winter Vil
County—Washburn
Parts:
Bass Lake Town
Stinnett Town
Stone Lake Town
Hillsboro
County—Juneau
Parts:
Union Center Village
Wonewoc Village
Wonewoc Town
County—Monroe
Parts:
Glendale Town
Kendall Village
Sheldon Town
Wellington Town
County—Richland
Parts:
Bloom Town
Cazenovia Village
Henrietta Town
Westford Town
Yuba Village

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

County—Sauk
Parts:
Woodland Town
County—Vernon
Parts:
Forest Town
Greenwood Town
Hillsboro Town
Hillsboro City
Ontario Village
Union Town
Whitestown Town
Inner City South
County—Milwaukee
Parts:
C.T. 155–159
C.T. 162–169
C.T. 174–177
Inner City West
County—Milwaukee
Parts:
C.T. 62
C.T. 87–90
C.T. 96–100
C.T. 119–123
C.T. 133–138
C.T. 148–149
Juneautown
County—Milwaukee
Parts:
C.T. 108
C.T. 110–113
Kenosha
County—Kenosha
Parts:
C.T. 7–12
C.T. 16
Kewaunee City/Algoma
County—Kewaunee
Parts:
Ahnapee Town
Algoma City
Carlton Town
Casco Town
Casco Village
Kewaunee City
Lincoln Town
Pierce Town
West Kewaunee Town
Land O'Lakes/Presque Isle
County—Vilas
Parts:
Land O'Lakes Town
Presque Isle Town
Winchester Town
Markesan/Kingston
County—Green Lake
Parts:
Kingston Vil
Kingston Town
Mackford Town
Manchester Town
Markesan City
Marquette Town
Marquette City
Minong/Solon Springs
County—Douglas
Parts:
Bennett Town
Dairyland Town
Gordon Town
Highland Town

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Oakland Town
Solon Springs Village
Solon Springs Town
Wascott Town
County—Washburn
Parts:
Brooklyn Town
Chicog Town
Frog Creek Town
Gull Lake Town
Minong Town
Minong Village
Montello
County—Marquette
Parts:
Crystal Lake Town
Harris Town
Mecan Town
Montello City
Montello Town
Neshkoro Town
Neshkoro Vil
Newton Town
Oxford Vil
Oxford Town
Packwaukee Town
Shields Town
Springfield Town
Westfield Vil
Westfield Town
Mountain/White Lake
County—Langlade
Parts:
Evergreen Town
Langlade Town
White Lake Vil
Wolf River Town
County—Oconto
Parts:
Armstrong Town
Bagley Town
Brazeau Town
Breed Town
Doty Town
Lakewood Town
Riverview Town
Townsend Town
Oconto/Oconto Falls
County—Oconto
Parts:
Abrams Town
Gillett City
Gillett Town
How Town
Lena Town
Lena Village
Little River Town
Maple Valley Town
Morgan Town
Oconto City
Oconto Falls City
Oconto Falls Town
Oconto Town
Pensaukee Town
Spruce Town
Stiles Town
Suring Village
Underhill Town
County—Shawano
Parts:
Green Valley Town
Platteville/Cuba City

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

County—Grant
Parts:
Clifton Town
Cuba City City
Dickeyville Vil
Ellenboro Town
Harrison Town
Hazel Green Town
Hazel Green Vil
Lima Town
Livingston Vil
Paris Town
Platteville Town
Platteville City
Smelser Town
County—Iowa
Parts:
Mifflin Town
Rewey Vil
County—Lafayette
Parts:
Belmont Town
Belmont Vil
Benton Town
Benton Vil
Elk Grove Town
New Diggings Town
Pulaski
County—Brown
Parts:
Pittsfield Town
Pulaski Vil
County—Oconto
Parts:
Chase Town
County—Shawano
Parts:
Angelica Town
Maple Grove Town
Sister Bay/Washington Island
County—Door
Parts:
Baileys Harbor Town
Ephraim Vil
Gibraltar Town
Liberty Grove Town
Sister Bay Vil
Washington Town
Sparta
County—Monroe
Parts:
Angelo Town
Cashton Vil
Jefferson Town
Lafayette Town
Leon Town
Little Falls Town
Melvina Vil
New Lyme Town
Norwalk Vil
Portland Town
Ridgeville Town
Sparta Town
Sparta City
Wells Town
Spring Green/Plain
County—Richland
Parts:
Buena Vista Town
Lone Rock Village
County—Sauk
Parts:
Bear Creek Town
Franklin Town
Honey Creek Town
Plain Village
Spring Green Town
Spring Green Village
Troy Town
Sturgeon Bay
County—Door
Parts:
Brussels Town
Claybanks Town
Egg Harbor Vil
Egg Harbor Town
Forestville Vil
Forestville Town
Gardner Town
Jacksonport Town
Nasewaupee Town
Sevastopol Town
Sturgeon Bay Town
Sturgeon Bay City
Union Town
Tigerton/Birnamwood
County—Marathon
Parts:
Elderon Town
Elderon Vil
Franzen Town
Hatley Vil
Norrie Town
Plover Town
County—Shawano
Parts:
Almon Town
Aniwa Town
Aniwa Vil
Birnamwood Town
Birnamwood Vil
Bowler Vil
Eland Vil
Fairbanks Town
Germania Town
Hutchins Town
Mattoon Vil
Morris Town
Tigerton Vil
Wittenberg Vil
Wittenberg Town
County—Waupaca
Parts:
Big Falls Vil
Harrison Town
Wyoming Town
W. Marinette
County—Marinette
Parts:
Amberg Town
Athelstane Town
Beaver Town
Beecher Town
Coleman Village
Crivitz Village
Dunbar Town
Goodman Town
Lake Town
Middle Inlet Town
Niagara Town
Pembine Town
Pound Village
Pound Town
Silver Cliff Town
Stephenson Town
Wausaukee Village
Wausaukee Town
Wautoma/Plainfield/Wild Rose
County—Waushara
Parts:
Coloma Town
Coloma Vil
Dakota Town
Deerfield Town
Hancock Town
Hancock Vil
Marion Town
Mount Morris Town
Oasis Town
Plainfield Town
Plainfield Vil
Richford Town
Rose Town
Springwater Town
Wautoma City
Wautoma Town
Wild Rose Vil

PRIMARY MEDICAL CARE: Wisconsin
Population Group Listing

Population Group

Am In—Bad River Tribe
County—Ashland
Parts:
Sanborn Town
Am In—Oneida Nation
County—Brown
Parts:
Hobart Town
County—Outagamie
Parts:
Oneida Town
Am In—Stockbridge-Munsee Tribe
County—Shawano
Parts:
Bartelme Town
Red Springs Town
Low Inc—Augusta/Osseo
County—Eau Claire
Parts:
Augusta City
Bridge Creek Town
Clear Creek Town
Fairchild Town
Fairchild Vil
Otter Creek Town
County—Jackson
Parts:
Cleveland Town
Garfield Town
Northfield Town
County—Trempealeau
Parts:
Hale Town
Osseo City
Strum Vil
Sumner Town
Unity Town
Low Inc—Boscobel
County—Crawford
Parts:
Haney Town
Marietta Town
Scott Town
Steuben Vil

PRIMARY MEDICAL CARE: Wisconsin
Population Group Listing

Service Area Name

Wauzeka Town
Wauzeka Vil
County—Grant
Parts:
Bagley Vil
Blue River Vil
Boscobel City
Boscobel Town
Castle Rock Town
Hickory Grove Town
Marion Town
Millville Town
Mount Hope Town
Mount Ida Town
Muscoda Town
Muscoda Vil
Patch Grove Vil
Patch Grove Town
Watterstown Town
Woodman Town
Woodman Vil
Wyalusing Town
Low Inc—City Of Wausau
County—Marathon
Parts:
C.T. 1–2
C.T. 4–5
C.T. 6.01–6.02
C.T. 7
Low Inc—E Marinette/S Menominee (MI/WI
County—Marinette
Parts:
Grover Town
Marinette City
Peshtigo City
Pestigo Town
Porterfield Town
Wagner Town
Low Inc—Inner City North (Milwaukee)
County—Milwaukee
Parts:
C.T. 44
C.T. 66–72
C.T. 79–86
C.T. 101–107
C.T. 114–118
C.T. 139–142
C.T. 145–147
C.T. 151
Low Inc—Ironwood/Hurley (MI/WI)
County—Iron
Parts:
Anderson Town
Carey Town
Gurney Town
Hurley City
Kimball Town
Knight Town
Mercer Town
Montreal City
Oma Town
Pence Town
Saxon Town
Low Inc—Lancaster/Fennimore
County—Grant
Parts:
Beetown Town
Bloomington Town
Bloomington Vil
Cassville Town
Cassville Vil
Fennimore Town

PRIMARY MEDICAL CARE: Wisconsin
Population Group Listing

Service Area Name

Fennimore City
Glen Haven Town
Lancaster City
Liberty Town
Little Grant Town
Montfort Vil
North Lancaster Town
Potosi Town
Potosi Vil
South Lancaster Town
Waterloo Town
Wingville Town
Low Inc—Mondovi
County—Buffalo
Parts:
Alma City
Alma Town
Belvidere Town
Buffalo City
Canton Town
Cochrane Vil
Dover Town
Gilmanton Town
Lincoln Town
Modena Town
Mondovi City
Mondovi Town
Naples Town
County—Pepin
Parts:
Albany Town
Low Inc—Rusk Co
County—Rusk
Parts:
Low Income
Low Inc—Spooner/Shell Lake
County—Washburn
Parts:
Barronett Town
Bashaw Town
Beaver Brook Town
Birchwood Town
Birchwood Vil
Casey Town
Crystal Town
Evergreen Town
Long Lake Town
Madge Town
Sarona Town
Shell Lake City
Spooner City
Spooner Town
Springbrook Town
Trego Town
Low Inc—Tomahawk
County—Lincoln
Parts:
Bradley Town
Harrison Town
King Town
Skanawan Town
Somo Town
Tomahawk City
Tomahawk Town
Wilson Town
County—Oneida
Parts:
Little Rice Town
Lynne Town
Nokomis Town

PRIMARY MEDICAL CARE: Wisconsin
Facility Listing

Facility Name

Columbia Maximum Security Inst
County—Columbia
Dodge Corr Inst
County—Dodge
Fox Lake Medium Security Inst
County—Dodge
FCI Oxford
County—Adams
Green Bay Maximum Security Inst
County—Brown
Kettle Moraine Medium Security Inst
County—Fond Du Lac
Oshkosh Medium Security Inst
County—Winnebago
Racine Medium Security Inst
County—Racine
Waupun Maximum Security Inst
County—Dodge

PRIMARY MEDICAL CARE: Wyoming
County Listing

County Name

*Albany
Service Area: Rock River
*Big Horn
*Campbell
Service Area: Wright
*Carbon
*Converse
*Crook
*Fremont
Service Area: Dubois
Service Area: Sweetwater
*Hot Springs
Laramie
Service Area: Pine Bluffs
*Lincoln
Service Area: Kemmerer/Cokeville
Natrona
Service Area: Midwest/Edgerton
Population Group: Low Income—Casper
*Niobrara
*Park
Service Area: Gardiner/Yellowstone (MT/WY)
Service Area: Meeteetse
*Platte
Service Area: Chugwater
Service Area: Glendo
Service Area: Guernsey
*Sublette
*Sweetwater
*Teton
Service Area: Gardiner/Yellowstone (MT/WY)
*Uinta
*Washakie
*Weston

PRIMARY MEDICAL CARE: Wyoming
Service Area Listing

Service Area Name

Chugwater
County—Platte
Parts:
Chugwater Division
Dubois
County—Fremont
Parts:
Dubois Division

PRIMARY MEDICAL CARE: Wyoming
Service Area Listing

County Name

Gardiner/Yellowstone (MT/WY)
County—Park
Parts:
Yellowstone National Park Divisi
County—Teton
Parts:
Yellowstone National Park Divisi
Glendo
County—Platte
Parts:
Glendo Division
Guernsey
County—Platte
Parts:
Guernsey Division
Kemmerer/Cokeville
County—Lincoln
Parts:
Kemmerer East CCD
Kemmerer West CCD
Meeteetse
County—Park
Parts:
Meeteetse CCD
Midwest/Edgerton
County—Natrona
Parts:
Casper Division
Pine Bluffs
County—Laramie
Parts:
Pine Bluffs CCD
Rock River
County—Albany
Parts:
Rock River Division
Sweetwater
County—Fremont
Parts:
Sweetwater Division
Wright
County—Campbell
Parts:
Gillette South Division

PRIMARY MEDICAL CARE: Wyoming
Population Group Listing

Population Group

Low Income—Casper
County—Natrona
Parts:
Census Tract 0012.00
Census Tract 0011.00
Census Tract 0008.00
Census Tract 0007.00
Census Tract 0004.00
Census Tract 0003.00
Census Tract 0002.00
Census Tract 0001.00

PRIMARY MEDICAL CARE: American Samoa
County Listing

County Name

Eastern
Service Area: Terr. Of American Samoa
Manua
Service Area: Terr. Of American Samoa
Rose Island
Service Area: Terr. Of American Samoa

PRIMARY MEDICAL CARE: American Samoa
County Listing

County Name

Swains Island
Service Area: Terr. Of American Samoa
Western
Service Area: Terr. Of American Samoa

PRIMARY MEDICAL CARE: American Samoa
Service Area Listing

Service Area Name

Terr. Of American Samoa
County—Eastern
County—Manua
County—Rose Island
County—Swains Island
County—Western

PRIMARY MEDICAL CARE: Fed Ste Micronesia
County Listing

County Name

*Chuuk State
*Kosrae State
*Pohnpei State
*Yap State

PRIMARY MEDICAL CARE: Guam
County Listing

County Name

*Guam

PRIMARY MEDICAL CARE: Marshall Islands
County Listing

County Name

Ailinginae
Service Area: Marshall Islands
Ailinglaplap
Service Area: Marshall Islands
Ailuk
Service Area: Marshall Islands
Arno
Service Area: Marshall Islands
Aur
Service Area: Marshall Islands
Bikar
Service Area: Marshall Islands
Bikini
Service Area: Marshall Islands
Bokak
Service Area: Marshall Islands
Ebon
Service Area: Marshall Islands
Enewetak
Service Area: Marshall Islands
Erikub
Service Area: Marshall Islands
Jabat
Service Area: Marshall Islands
Jaluit
Service Area: Marshall Islands
Jemo Island
Service Area: Marshall Islands
Kili
Service Area: Marshall Islands
Kwajalein
Service Area: Marshall Islands
Lae
Service Area: Marshall Islands

PRIMARY MEDICAL CARE: Marshall Islands
County Listing

County Name

Lib
Service Area: Marshall Islands
Likiep
Service Area: Marshall Islands
Majuro
Service Area: Marshall Islands
Maloelap
Service Area: Marshall Islands
Mejit
Service Area: Marshall Islands
Mili
Service Area: Marshall Islands
Namorik
Service Area: Marshall Islands
Namu
Service Area: Marshall Islands
Rongelap
Service Area: Marshall Islands
Rongrik
Service Area: Marshall Islands
Taka
Service Area: Marshall Islands
Ujae
Service Area: Marshall Islands
Ujelang
Service Area: Marshall Islands
Utrik
Service Area: Marshall Islands
Wotho
Service Area: Marshall Islands
Wotje
Service Area: Marshall Islands

PRIMARY MEDICAL CARE: Marshall Islands
Service Area Listing

Service Area Name

Marshall Islands
County—Ailinginae
County—Ailinglaplap
County—Ailuk
County—Arno
County—Aur
County—Bikar
County—Bikini
County—Bokak
County—Ebon
County—Enewetak
County—Erikub
County—Jabat
County—Jaluit
County—Jemo Island
County—Kili
County—Kwajalein
County—Lae
County—Lib
County—Likiep
County—Majuro
County—Maloelap
County—Mejit
County—Mili
County—Namorik
County—Namu
County—Rongelap
County—Rongrik
County—Taka
County—Ujae
County—Ujelang
County—Utrik
County—Wotho
County—Wotje

PRIMARY MEDICAL CARE: N. Mariana Islands
County Listing

County Name
Northern Islands
  Service Area: Commonwealth N. Mariana Islands
Rota
  Service Area: Commonwealth N. Mariana Islands
Saipan
  Service Area: Commonwealth N. Mariana Islands
Tinian
  Service Area: Commonwealth N. Mariana Islands

PRIMARY MEDICAL CARE: N. Mariana Islands
Service Area Listing

Service Area Name
Commonwealth N. Mariana Islands
  County—Northern Islands
  County—Rota
  County—Saipan
  County—Tinian

PRIMARY MEDICAL CARE: Republic of Palau
County Listing

County Name
*Republic Of Palau

PRIMARY MEDICAL CARE: Puerto Rico
County Listing

County Name
Adjuntas (W 1/2)
  Service Area: Castaner
Aguada
  Population Group: Pov Pop—Subregion 4A
Aguadilla
  Population Group: Pov Pop—Subregion 4A
Aguas Buenas
  Service Area: Caguas (Sub-Region I)
Anasco
  Population Group: Pov Pop—Subregion 4B
*Arroyo
  Population Group: Pov Pop—Subregion 5C
*Barranquitas
  Population Group: Pov Pop—Barranquitas
*Cabo Rojo
  Population Group: Pov Pop—Subregion 4C
Caguas
  Service Area: Caguas (Sub-Region I)
*Canovanas
  Population Group: Pov Pop—Subregion 1B
*Carolina
  Population Group: Pov Pop—Subregion 1B
*Catano
  Population Group: Pov Pop—Subregion 2A
*Ceiba
  Population Group: Pov Pop—Subregion 1A
Cidra
  Service Area: Caguas (Sub-Region I)
*Coamo
  Population Group: Pov Pop—Subregion 5B
*Dorado
  Population Group: Pov Pop—Subregion 2A
*Fajardo
  Population Group: Pov Pop—Subregion 1A
*Guanica
  Population Group: Pov Pop—Subregion 5A
*Guayama

PRIMARY MEDICAL CARE: Puerto Rico
County Listing

County Name
  Population Group: Pov Pop—Subregion 5C
Guayanilla
  Population Group: Pov Pop—Subregion 5A
*Guaynabo
  Population Group: Inmates—MDC Guaynabo
  Population Group: Pov. Pop.—Guaynabo
Gurabo
  Service Area: Caguas (Sub-Region I)
Hormigueros
  Population Group: Pov Pop—Subregion 4C
*Humacao
  Population Group: Pov. Pop.—Subregion 6A
*Isabela
  Population Group: Pov Pop—Subregion 4A
Juana Diaz
  Population Group: Pov Pop—Subregion 5B
Juncos
  Service Area: Caguas (Sub-Region I)
*Lajas
  Population Group: Pov Pop—Subregion 4C
Lares (S 1/2)
  Service Area: Castaner
*Las Marias
  Population Group: Pov. Pop.—Las Marias
*Las Peidras
  Population Group: Pov. Pop.—Subregion 6A
*Loiza
  Population Group: Pov Pop—Subregion 1B
*Luquillo
  Population Group: Pov Pop—Subregion 1A
Maricao (E 1/2)
  Service Area: Castaner
*Maunabo
  Population Group: Pov. Pop.—Subregion 6A
Mayaguez
  Population Group: Pov. Pop.—Mayaguez
Moca
  Population Group: Pov Pop—Subregion 4A
*Naguabo
  Population Group: Pov. Pop.—Subregion 6A
*Patillas
  Population Group: Pov Pop—Subregion 5C
Penuelas
  Population Group: Pov Pop—Subregion 5A
Ponce
  Population Group: Low Income—Sw Ponce
  Facility: Las Cucharas Corr Inst
*Rincon
  Population Group: Pov Pop—Subregion 4B
*Rio Grande
  Population Group: Pov Pop—Subregion 1A
Sabana Grande
  Population Group: Pov Pop—Subregion 4C
*Salinas
  Population Group: Pov Pop—Subregion 5C
San German
  Population Group: Pov Pop—Subregion 4C
*San Juan
  Population Group: Pov Pop—San Juan
*San Sebastian
  Population Group: Pov Pop—Subregion 4A
*Santa Isabel
  Population Group: Pov Pop—Subregion 5B
*Toa Alta
  Population Group: Pov Pop—Subregion 2A
*Toa Baja
  Population Group: Pov Pop—Subregion 2A

PRIMARY MEDICAL CARE: Puerto Rico
County Listing

County Name
*Trujillo Alto
  Population Group: Pov Pop—Subregion 1B
*Utuado
  Population Group: Pov. Pop.—Subregion 3A
*Vega Alta
  Population Group: Pov Pop—Subregion 2A
*Vega Baja
  Population Group: Pov Pop—Vega Baja
Villalba
  Population Group: Pov Pop—Subregion 5B
*Yabucoa
  Population Group: Pov. Pop.—Subregion 6A
Yauco (N 1/4)
  Service Area: Castaner

PRIMARY MEDICAL CARE: Puerto Rico
Service Area Listing

Service Area Name
Caguas (Sub-Region I)
  County—Aguas Buenas
  County—Caguas
  County—Cidra
  County—Gurabo
  County—Juncos
Castaner
  County—Adjuntas (W 1/2)
  County—Lares (S 1/2)
  County—Maricao (E 1/2)
  County—Yauco (N 1/4)

PRIMARY MEDICAL CARE: Puerto Rico
Population Group Listing

Population Group
Inmates—MDC Guaynabo
  County—Guaynabo
    Parts:
      MDC Guaynabo
Low Income—Sw Ponce
  County—Ponce
    Parts:
      C.T. 714.01–714.02
      C.T. 715
      C.T. 716.01–716.02
      C.T. 719
      C.T. 721.01–721.02
      C.T. 721.99
      C.T. 730.01–730.07
Pov Pop—Barranquitas
  County—Barranquitas
    Parts:
      Pov. Pop.—Barranquitas
Pov Pop—San Juan
  County—San Juan
    Parts:
      Pov. Pop.
Pov Pop—Subregion 1A
  County—Ceiba
    Parts:
      Pov. Pop.
  County—Fajardo
    Parts:
      Pov. Pop.
  County—Luquillo
    Parts:
      Pov. Pop.
  County—Rio Grande
    Parts:
      Pov. Pop.

PRIMARY MEDICAL CARE: Puerto Rico
Population Group Listing

Population Group

Pov Pop—Subregion 1B
County—Canovanas
Parts:
Pov. Pop.
County—Carolina
Parts:
Pov. Pop.
County—Loiza
Parts:
Pov. Pop.
County—Trujillo Alto
Parts:
Pov. Pop.
Pov Pop—Subregion 2A
County—Catano
Parts:
Pov. Pop.
County—Dorado
Parts:
Pov. Pop.
County—Toa Alta
Parts:
Pov. Pop.
County—Toa Baja
Parts:
Pov. Pop.
County—Vega Alta
Parts:
Pov. Pop.
Pov Pop—Subregion 4B
County—Anasco
Parts:
Pov. Pop.
County—Rincon
Parts:
Pov. Pop.
Pov Pop—Subregion 4C
County—Cabo Rojo
Parts:
Pov. Pop.
County—Hormigueros
Parts:
Pov. Pop.
County—Lajas
Parts:
Pov. Pop.
County—Sabana Grande
Parts:
Pov. Pop.
County—San German
Parts:
Pov. Pop.
Pov Pop—Subregion 4A
County—Aguada
Parts:
Pov. Pop.
County—Aguadilla
Parts:
Pov. Pop.
County—Isabela
Parts:
Pov. Pop.
County—Moca
Parts:
Pov. Pop.
County—San Sebastian
Parts:
Pov. Pop.
Pov Pop—Subregion 5A
County—Guanica
Parts:
Pov. Pop.

PRIMARY MEDICAL CARE: Puerto Rico
Population Group Listing

Population Group

County—Guayanilla
Parts:
Pov. Pop.
County—Penuelas
Parts:
Pov. Pop.
Pov Pop—Subregion 5C
County—Arroyo
Parts:
Pov. Pop.
County—Guayama
Parts:
Pov. Pop.
County—Patillas
Parts:
Pov. Pop.
County—Salinas
Parts:
Pov. Pop.
Pov Pop—Subregion 5B
County—Coamo
Parts:
Pov. Pop.
County—Juana Diaz
Parts:
Pov. Pop.
County—Santa Isabel
Parts:
Pov. Pop.
County—Villalba
Parts:
Pov. Pop.
Pov Pop—Vega Baja
County—Vega Baja
Parts:
Pov. Pop.—Vega Baja
Pov. Pop.—Guaynabo
County—Guaynabo
Parts:
Pov. Pop.
Pov. Pop.—Las Marias
County—Las Marias
Parts:
Pov. Pop.
Pov. Pop.—Mayaguez
County—Mayaguez
Pov. Pop.—Subregion 3A
County—Utuado
Parts:
Pov. Pop.
Pov. Pop.—Subregion 6A
County—Humacao
Parts:
Pov. Pop.
County—Las Peidras
Parts:
Pov. Pop.
County—Maunabo
Parts:
Pov. Pop.
County—Naguabo
Parts:
Pov. Pop.
County—Yabucoa
Parts:
Pov. Pop.

PRIMARY MEDICAL CARE: Puerto Rico
Facility Listing

Facility Name

Las Cucharas Corr Inst
County—Ponce

PRIMARY MEDICAL CARE: Virgin Islands
County Listing

County Name

*St. Croix
Service Area: Fredericksted
*St. Thomas
Service Area: East End St. Thomas

PRIMARY MEDICAL CARE: Virgin Islands
Service Area Listing

Service Area Name

East End St. Thomas
County—St. Thomas
Parts:
East End
Southside
Tutu
Fredericksted
County—St. Croix
Parts:
Fredericksted
Northwest
Southwest

MENTAL HEALTH: Alabama
County Listing

County Name

Autauga
Service Area: Catchment Area M–14
Baldwin
Service Area: Catchment Area M–21
Barbour
Service Area: Catchment Area M–19
Bibb
Service Area: Catchment Area M–8
Bullock
Service Area: Catchment Area M–15
Butler
Service Area: Catchment Area M–18
Calhoun
Service Area: Catchment Area M–7
Chambers
Service Area: Catchment Area M–12
Cherokee
Service Area: Catchment Area M–6
Chilton
Service Area: Catchment Area M–11
Choctaw
Service Area: Catchment Area M–10
Clarke
Service Area: Catchment Area M–17
Clay
Service Area: Catchment Area M–9
Cleburne
Service Area: Catchment Area M–7
Coffee
Service Area: Catchment Area M–18
Colbert
Service Area: Catchment Area M–1
Conecuh
Service Area: Catchment Area M–17
Coosa
Service Area: Catchment Area M–9
Covington
Service Area: Catchment Area M–18
Crenshaw
Service Area: Catchment Area M–18
Cullman
Service Area: Catchment Area M–22
Dale
Service Area: Catchment Area M–19
Dallas
Service Area: Catchment Area M–13

MENTAL HEALTH: Alabama
County Listing

County Name

Dekalb
  Service Area: Catchment Area M–6
Elmore
  Service Area: Catchment Area M–14
Escambia
  Service Area: Catchment Area M–17
Etowah
  Service Area: Catchment Area M–6
Fayette
  Service Area: Catchment Area M–4
Franklin
  Service Area: Catchment Area M–1
Geneva
  Service Area: Catchment Area M–19
Greene
  Service Area: Catchment Area M–10
Hale
  Service Area: Catchment Area M–10
Henry
  Service Area: Catchment Area M–19
Houston
  Service Area: Catchment Area M–19
Jackson
  Service Area: Catchment Area M–20
Lamar
  Service Area: Catchment Area M–4
Lauderdale
  Service Area: Catchment Area M–1
Lee
  Service Area: Catchment Area M–12
Lowndes
  Service Area: Catchment Area M–14
Macon
  Service Area: Catchment Area M–15
Marengo
  Service Area: Catchment Area M–10
Marion
  Service Area: Catchment Area M–4
Marshall
  Service Area: Catchment Area M–20
Mobile
  Service Area: Catchment Area M–16
Monroe
  Service Area: Catchment Area M–17
Montgomery
  Service Area: Catchment Area M–14
Perry
  Service Area: Catchment Area M–13
Pickens
  Service Area: Catchment Area M–8
Pike
  Service Area: Catchment Area M–15
Randolph
  Service Area: Catchment Area M–9
Russell
  Service Area: Catchment Area M–12
Shelby
  Service Area: Catchment Area M–11
Sumter
  Service Area: Catchment Area M–10
Talladega
  Service Area: Catchment Area M–9
Tallapoosa
  Service Area: Catchment Area M–12
Tuscaloosa
  Service Area: Catchment Area M–8
  Facility: M. Starke Harper Geriatric Psych Center
Walker
  Service Area: Catchment Area M–4
Washington
  Service Area: Catchment Area M–16

MENTAL HEALTH: Alabama
County Listing

County Name

Wilcox
  Service Area: Catchment Area M–13
Winston
  Service Area: Catchment Area M–4

MENTAL HEALTH: Alabama
Service Area Listing

Service Area Name

Catchment Area M–1
  County—Colbert
  County—Franklin
  County—Lauderdale
Catchment Area M–10
  County—Choctaw
  County—Greene
  County—Hale
  County—Marengo
  County—Sumter
Catchment Area M–11
  County—Chilton
  County—Shelby
Catchment Area M–12
  County—Chambers
  County—Lee
  County—Russell
  County—Tallapoosa
Catchment Area M–13
  County—Dallas
  County—Perry
  County—Wilcox
Catchment Area M–14
  County—Autauga
  County—Elmore
  County—Lowndes
  County—Montgomery
Catchment Area M–15
  County—Bullock
  County—Macon
  County—Pike
Catchment Area M–16
  County—Mobile
  County—Washington
Catchment Area M–17
  County—Clarke
  County—Conecuh
  County—Escambia
  County—Monroe
Catchment Area M–18
  County—Butler
  County—Coffee
  County—Covington
  County—Crenshaw
Catchment Area M–19
  County—Barbour
  County—Dale
  County—Geneva
  County—Henry
  County—Houston
Catchment Area M–20
  County—Jackson
  County—Marshall
Catchment Area M–21
  County—Baldwin
Catchment Area M–22
  County—Cullman
Catchment Area M–4
  County—Fayette
  County—Lamar
  County—Marion
  County—Walker
  County—Winston

MENTAL HEALTH: Alabama
Service Area Listing

Service Area Name

Catchment Area M–6
  County—Cherokee
  County—Dekalb
  County—Etowah
Catchment Area M–7
  County—Calhoun
  County—Cleburne
Catchment Area M–8
  County—Bibb
  County—Pickens
  County—Tuscaloosa
Catchment Area M–9
  County—Clay
  County—Coosa
  County—Randolph
  County—Talladega

MENTAL HEALTH: Alabama
Facility Listing

Facility Name

M. Starke Harper Geriatric Psych Center
  County—Tuscaloosa

MENTAL HEALTH: Alaska
Census Area Listing

Census Area Name

Nome Census Area
  Service Area: Nome

MENTAL HEALTH: Alaska
Service Area Listing

Service Area Name

Nome
  Census Area—Nome Census Area

MENTAL HEALTH: Arizona
County Listing

County Name

Apache
  Service Area: N. Arizona Mental Hlth Catch Area
Coconino
  Service Area: N. Arizona Mental Hlth Catch Area
Gila
  Service Area: Pinal/Gila Catchment Area
La Paz
  Service Area: Southwest Az Catchment Area
Maricopa (g)
  Facility: Maricopa Co Jails
Mohave
  Service Area: N. Arizona Mental Hlth Catch Area
Navajo
  Service Area: N. Arizona Mental Hlth Catch Area
Pinal
  Service Area: Pinal/Gila Catchment Area
Yavapai
  Service Area: N. Arizona Mental Hlth Catch Area
Yuma
  Service Area: Southwest Az Catchment Area

MENTAL HEALTH: Arizona
Service Area Listing

Service Area Name
N. Arizona Mental Hlth Catch Area
  County—Apache
  County—Coconino
  County—Mohave
  County—Navajo
  County—Yavapai
Pinal/Gila Catchment Area
  County—Gila
  County—Pinal
Southwest Az Catchment Area
  County—La Paz
  County—Yuma

MENTAL HEALTH: Arizona
Facility Listing

Facility Name
Maricopa Co Jails
  County—Maricopa

MENTAL HEALTH: Arkansas
County Listing

County Name
Arkansas
  Service Area: Pine Bluff C.A.
Ashley
  Service Area: Monticello C.A.
Baxter
  Service Area: Mountain Home C.A.
Benton (g)
  Facility: Benton Detox/MH Ctr
Boone
  Service Area: Mountain Home C.A.
Bradley
  Service Area: Monticello C.A.
Calhoun
  Service Area: El Dorado
*Carroll
Chicot
  Service Area: Monticello C.A.
Clark
  Service Area: Hot Springs C.A.
Clay
  Service Area: Jonesboro
Cleburne
  Service Area: Batesville
Cleveland
  Service Area: Pine Bluff C.A.
Columbia
  Service Area: El Dorado
Conway
  Service Area: Russellville C.A.
Craighead
  Service Area: Jonesboro
Crawford
  Service Area: Fort Smith C.A.
Crittenden
  Service Area: Helena
Cross
  Service Area: Helena
Dallas
  Service Area: El Dorado
Desha
  Service Area: Monticello C.A.
Drew
  Service Area: Monticello C.A.
Franklin
  Service Area: Fort Smith C.A.
Fulton
  Service Area: Batesville
Garland

MENTAL HEALTH: Arkansas
County Listing

County Name
  Service Area: Hot Springs C.A.
Grant
  Service Area: Pine Bluff C.A.
Greene
  Service Area: Jonesboro
Hempstead
  Service Area: Texarkana C.A.
Hot Spring
  Service Area: Hot Springs C.A.
Howard
  Service Area: Texarkana C.A.
Independence
  Service Area: Batesville
Izard
  Service Area: Batesville
Jackson
  Service Area: Batesville
Jefferson
  Service Area: Pine Bluff C.A.
Johnson
  Service Area: Russellville C.A.
Lafayette
  Service Area: Texarkana C.A.
Lawrence
  Service Area: Jonesboro
Lee
  Service Area: Helena
Lincoln
  Service Area: Pine Bluff C.A.
Little River
  Service Area: Texarkana C.A.
Logan
  Service Area: Fort Smith C.A.
*Madison
Marion
  Service Area: Mountain Home C.A.
Miller
  Service Area: Texarkana C.A.
Mississippi
  Service Area: Jonesboro
Monroe
  Service Area: Helena
Montgomery
  Service Area: Hot Springs C.A.
Nevada
  Service Area: El Dorado
Newton
  Service Area: Mountain Home C.A.
Ouachita
  Service Area: El Dorado
Perry
  Service Area: Russellville C.A.
Phillips
  Service Area: Helena
Pike
  Service Area: Hot Springs C.A.
Poinsett
  Service Area: Jonesboro
Polk
  Service Area: Fort Smith C.A.
Pope
  Service Area: Russellville C.A.
Randolph
  Service Area: Jonesboro
Scott
  Service Area: Fort Smith C.A.
Searcy
  Service Area: Mountain Home C.A.
Sebastian
  Service Area: Fort Smith C.A.
Sevier
  Service Area: Texarkana C.A.

MENTAL HEALTH: Arkansas
County Listing

County Name
Sharp
  Service Area: Batesville
St. Francis
  Service Area: Helena
Stone
  Service Area: Batesville
Union
  Service Area: El Dorado
Van Buren
  Service Area: Batesville
White
  Service Area: Batesville
Woodruff
  Service Area: Batesville
Yell
  Service Area: Russellville C.A.

MENTAL HEALTH: Arkansas
Service Area Listing

Service Area Name
Batesville
  County—Cleburne
  County—Fulton
  County—Independence
  County—Izard
  County—Jackson
  County—Sharp
  County—Stone
  County—Van Buren
  County—White
  County—Woodruff
El Dorado
  County—Calhoun
  County—Columbia
  County—Dallas
  County—Nevada
  County—Ouachita
  County—Union
Fort Smith C.A.
  County—Crawford
  County—Franklin
  County—Logan
  County—Polk
  County—Scott
  County—Sebastian
Helena
  County—Crittenden
  County—Cross
  County—Lee
  County—Monroe
  County—Phillips
  County—St. Francis
Hot Springs C.A.
  County—Clark
  County—Garland
  County—Hot Spring
  County—Montgomery
  County—Pike
Jonesboro
  County—Clay
  County—Craighead
  County—Greene
  County—Lawrence
  County—Mississippi
  County—Poinsett
  County—Randolph
Monticello C.A.
  County—Ashley
  County—Bradley
  County—Chicot
  County—Desha

MENTAL HEALTH: Arkansas
Service Area Listing

Service Area Name

County—Drew
Mountain Home C.A.
County—Baxter
County—Boone
County—Marion
County—Newton
County—Searcy
Pine Bluff C.A.
County—Arkansas
County—Cleveland
County—Grant
County—Jefferson
County—Lincoln
Russellville C.A.
County—Conway
County—Faulkner
County—Johnson
County—Perry
County—Pope
County—Yell
Texarkana C.A.
County—Hempstead
County—Howard
County—Lafayette
County—Little River
County—Miller
County—Sevier

MENTAL HEALTH: Arkansas
Facility Listing

Facility Name

Benton Detox/MH Ctr
County—Benton

MENTAL HEALTH: California
County Listing

County Name

*Calaveras
Fresno
Service Area: West Side Fresno Co
*Imperial
Kern
Population Group: Low Inc—Arvin/Lamont (MSSA 61)
Madera
Merced
Shasta
Population Group: Low Inc—Shasta Co
*Tehama
*Tuolumne
Parts:
C.T. 62–64

MENTAL HEALTH: California
Service Area Listing

Service Area Name

West Side Fresno Co
County—Fresno
Parts:
C.T. 78
C.T. 79.98
C.T. 80–83
C.T. 84.01–84.02

MENTAL HEALTH: California
Population Group Listing

Population Group

Low Inc—Arvin/Lamont (MSSA 61)
County—Kern
Low Inc—Shasta Co
County—Shasta

MENTAL HEALTH: Colorado
County Listing

County Name

Fremont
Facility: USP Florence

MENTAL HEALTH: Colorado
Facility Listing

Facility Name

USP Florence
County—Fremont

MENTAL HEALTH: Connecticut
County Listing

County Name

Hartford
Service Area: Charter Oak Terrace/ Rice Heights
New London (g)
Facility: York Corr Inst

MENTAL HEALTH: Connecticut
Service Area Listing

Service Area Name

Charter Oak Terrace/ Rice Heights
County—Hartford
Parts:
C.T. 5001–5004
C.T. 5019
C.T. 5027–5030
C.T. 5043
C.T. 5045–5046
C.T. 5049

MENTAL HEALTH: Connecticut
Facility Listing

Facility Name

York Corr Inst
County—New London

MENTAL HEALTH: District of Columbia
County Listing

County Name

The District
Service Area: Region IV—Anacostia

MENTAL HEALTH: District of Columbia
Service Area Listing

Service Area Name

Region IV—Anacostia
County—The District
Parts:
C.T. 73.01–73.02
C.T. 73.04
C.T. 73.08
C.T. 74.01
C.T. 74.04
C.T. 74.06–74.09
C.T. 74.30
C.T. 75.02–75.04
C.T. 76.01

MENTAL HEALTH: District of Columbia
Service Area Listing

Service Area Name

C.T. 76.03–76.05
C.T. 77.03
C.T. 77.07–77.09
C.T. 97
C.T. 98.03–98.10
C.T. 98.20
C.T. 99.01–99.07

MENTAL HEALTH: Florida
County Listing

County Name

Alachua (g)
Facility: Gainesville Corr Inst
*Baker (g)
Facility: Baker Corr. Inst.
Bradford
Service Area: Mental Health Catchment Area 3A
Facility: Florida State Prs
Facility: Lawtey Corr Inst
Facility: New River Corr Inst
Brevard (g)
Facility: Brevard Corr Inst
Broward (g)
Facility: Broward Corr Inst
*Calhoun (g)
Facility: Calhoun Corr Inst
Columbia
Service Area: Mental Health Catchment Area 3A
Facility: Columbia Corr Inst
Dade
Service Area: Model Cities
*De Soto (g)
Facility: Desoto Corr Inst
Dixie
Service Area: Suwannee River
Facility: Cross City Corr Inst
Escambia (g)
Facility: Century Corr Inst
Gilchrist
Service Area: Suwannee River
Facility: Lancaster Corr Inst
Glades
Population Group: Low Inc—South Central Florida
Facility: Moore Haven Corr Facility
*Gulf (g)
Facility: Gulf Corr Inst
Hamilton
Service Area: Mental Health Catchment Area 3A
Facility: Hamilton Corr Inst
*Hardee
Facility: Hardee Corr Inst
Hendry
Population Group: Low Inc—South Central Florida
Facility: Hendry Corr Inst
Hernando
Facility: Hernando Corr Inst
*Highlands
Facility: Avon Park Corr Inst
Hillsborough (g)
Facility: Hillsborough Corr Inst
*Holmes
Facility: Holmes Corr Inst
*Indian River (g)
Facility: Indian River Corr Inst
*Jackson
Facility: Apalachee Corr Inst

MENTAL HEALTH: Florida
County Listing

County Name

Facility: Jackson Corr Inst
Facility: River Junction Corr Inst
*Jefferson (g)
Facility: Jefferson Corr Inst
Lafayette
Service Area: Mental Health Catchment Area 3A
Facility: Mayo Corr Inst
Levy
Service Area: Suwannee River
*Liberty (g)
Facility: Liberty Corr Inst
*Madison (g)
Facility: Madison Corr Inst
Manatee
Population Group: Low Inc/MFW—Central Manatee
Marion
Facility: Florida Corr. Inst.
Facility: Marion Corr Inst
Martin (g)
Facility: Martin Corr Inst
*Monroe
Service Area: Upper/Middle Keys
Okaloosa (g)
Facility: Okaloosa Corr Inst
Orange (g)
Facility: C Fl Reception Ctr
Palm Beach
Service Area: Belle Glade/Pahokee
Facility: Glades Corr Inst
Pasco
Population Group: Low Inc/MFW E Pasco
Polk (g)
Facility: Polk Corr Inst
*Putnam
Facility: Putnam Corr Inst
Santa Rosa
Facility: Santa Rosa Corr Inst
*Sumter
Facility: Sumter Corr Inst
Suwannee
Service Area: Mental Health Catchment Area 3A
Union
Service Area: Mental Health Catchment Area 3A
Facility: N Fl Reception Ctr
Volusia (g)
Facility: Tomoka Corr Inst
*Wakulla (g)
Facility: Wakulla Corr Inst
*Walton (g)
Facility: Walton Corr Inst
*Washington
Facility: Washington Corr Inst

MENTAL HEALTH: Florida
Service Area Listing

Service Area Name

Belle Glade/Pahokee
County—Palm Beach
Parts:
Belle Glade-Pahokee Division
Parts:
C.T. 1.01–1.04
C.T. 2
C.T. 3.01–3.03
C.T. 6.01
C.T. 7.01–7.02
C.T. 13

MENTAL HEALTH: Florida
Service Area Listing

Service Area Name

C.T. 15.01–15.02
C.T. 16
C.T. 19.01
C.T. 19.03–19.04
Mental Health Catchment Area 3A
County—Bradford
County—Columbia
County—Hamilton
County—Lafayette
County—Suwannee
County—Union
Model Cities
County—Dade
Parts:
C.T. 4.08
C.T. 8.01–8.02
C.T. 9.01–9.03
C.T. 10.01–10.04
C.T. 11.03
C.T. 15.01–15.02
C.T. 16.01–16.02
C.T. 17.01–17.02
C.T. 18.01–18.03
C.T. 19.01
C.T. 19.03–19.04
C.T. 23
Suwannee River
County—Dixie
County—Gilchrist
County—Levy
Upper/Middle Keys
County—Monroe
Parts:
Middle Keys Division
Upper Keys Division

MENTAL HEALTH: Florida
Population Group Listing

Population Group

Low Inc—South Central Florida
County—Glades
County—Hendry
Low Inc/MFW E Pasco
County—Pasco
Parts:
C.T. 320.01–320.02
C.T. 321.01–321.02
C.T. 322–329
C.T. 330.01–330.04
C.T. 331
Low Inc/MFW—Central Manatee
County—Manatee

MENTAL HEALTH: Florida
Facility Listing

Facility Name

Apalachee Corr Inst
County—Jackson
Avon Park Corr Inst
County—Highlands
Baker Corr. Inst.
County—Baker
Brevard Corr Inst
County—Brevard
Broward Corr Inst
County—Broward
C Fl Reception Ctr
County—Orange
Calhoun Corr Inst
County—Calhoun

MENTAL HEALTH: Florida
Facility Listing

Facility Name

Century Corr Inst
County—Escambia
Columbia Corr Inst
County—Columbia
Cross City Corr Inst
County—Dixie
Desoto Corr Inst
County—De Soto
Florida Corr. Inst.
County—Marion
Florida State Prs
County—Bradford
Gainesville Corr Inst
County—Alachua
Glades Corr Inst
County—Palm Beach
Gulf Corr Inst
County—Gulf
Hamilton Corr Inst
County—Hamilton
Hardee Corr Inst
County—Hardee
Hendry Corr Inst
County—Hendry
Hernando Corr Inst
County—Hernando
Hillsborough Corr Inst
County—Hillsborough
Holmes Corr Inst
County—Holmes
Indian River Corr Inst
County—Indian River
Jackson Corr Inst
County—Jackson
Jefferson Corr Inst
County—Jefferson
Lancaster Corr Inst
County—Gilchrist
Lawtey Corr Inst
County—Bradford
Liberty Corr Inst
County—Liberty
Madison Corr Inst
County—Madison
Marion Corr Inst
County—Marion
Martin Corr Inst
County—Martin
Mayo Corr Inst
County—Lafayette
Moore Haven Corr Facility
County—Glades
N Fl Reception Ctr
County—Union
New River Corr Inst
County—Bradford
Okaloosa Corr Inst
County—Okaloosa
Polk Corr Inst
County—Polk
Putnam Corr Inst
County—Putnam
River Junction Corr Inst
County—Jackson
Santa Rosa Corr Inst
County—Santa Rosa
Sumter Corr Inst
County—Sumter
Tomoka Corr Inst
County—Volusia
Wakulla Corr Inst
County—Wakulla

MENTAL HEALTH: Florida
Facility Listing

Facility Name
Walton Corr Inst
County—Walton
Washington Corr Inst
County—Washington

MENTAL HEALTH: Georgia
County Listing

County Name
*Baker
Service Area: Albany Catchment Area
Banks
Service Area: Georgia Mountains
Bartow
Service Area: Coosa Valley
*Ben Hill
Service Area: Valdosta-Lowndes
*Berrien
Service Area: Valdosta-Lowndes
*Brooks
Service Area: Valdosta-Lowndes
Bryan
Service Area: Gateway Catchment Area
Butts
Service Area: McIntosh Trail Catchment Area
*Calhoun
Service Area: Albany Catchment Area
Camden
Service Area: Gateway Catchment Area
Carroll
Service Area: Chattahoochee-Flint
Catoosa
Service Area: MHCA #1—Lookout Mountain
Chattooga
Service Area: MHCA #1—Lookout Mountain
Cherokee
Service Area: Georgia Highlands
Cobb (g)
Facility: Devereux Treatment Center
Colquitt
Service Area: Thomas Trail
*Cook
Service Area: Valdosta-Lowndes
Coweta
Service Area: Chattahoochee-Flint
Crisp
Service Area: Middle Flint Ca 26
Dade
Service Area: MHCA #1—Lookout Mountain
Dawson
Service Area: Georgia Mountains
De Kalb (g)
Facility: Georgia Regional Hosp
Decatur
Service Area: Thomas Trail
Dooly
Service Area: Middle Flint Ca 26
Dougherty
Service Area: Albany Catchment Area
*Early
Service Area: Albany Catchment Area
*Echols
Service Area: Valdosta-Lowndes
Fannin
Service Area: Georgia Highlands
Fayette
Service Area: McIntosh Trail Catchment Area

MENTAL HEALTH: Georgia
County Listing

County Name
Floyd
Service Area: Coosa Valley
Forsyth
Service Area: Georgia Mountains
Franklin
Service Area: Georgia Mountains
Fulton
Service Area: South Central Fulton
Service Area: West Fulton Trail
Gilmer
Service Area: Georgia Highlands
Glynn
Service Area: Gateway Catchment Area
Gordon
Service Area: Coosa Valley
Grady
Service Area: Thomas Trail
Habersham
Service Area: Georgia Mountains
Hall
Service Area: Georgia Mountains
Haralson
Service Area: Coosa Valley
Hart
Service Area: Georgia Mountains
Heard
Service Area: Chattahoochee-Flint
Henry
Service Area: McIntosh Trail Catchment Area
*Irwin
Service Area: Valdosta-Lowndes
Lamar
Service Area: McIntosh Trail Catchment Area
Lanier
Service Area: Valdosta-Lowndes
Lee
Service Area: Albany Catchment Area
Liberty
Service Area: Gateway Catchment Area
Long
Service Area: Gateway Catchment Area
*Lowndes
Service Area: Valdosta-Lowndes
Lumpkin
Service Area: Georgia Mountains
Macon
Service Area: Middle Flint Ca 26
Marion
Service Area: Middle Flint Ca 26
McIntosh
Service Area: Gateway Catchment Area
Meriwether
Service Area: Chattahoochee-Flint
*Miller
Service Area: Albany Catchment Area
Mitchell
Service Area: Thomas Trail
Facility: Autry State Prison
Murray
Service Area: Georgia Highlands
Paulding
Service Area: Coosa Valley
Pickens
Service Area: Georgia Highlands
Pike
Service Area: McIntosh Trail Catchment Area
Polk
Service Area: Coosa Valley
Rabun

MENTAL HEALTH: Georgia
County Listing

County Name
Service Area: Georgia Mountains
Schley
Service Area: Middle Flint Ca 26
Seminole
Service Area: Thomas Trail
Spalding
Service Area: McIntosh Trail Catchment Area
Stephens
Service Area: Georgia Mountains
Sumter
Service Area: Middle Flint Ca 26
Taylor
Service Area: Middle Flint Ca 26
*Terrell
Service Area: Albany Catchment Area
Thomas
Service Area: Thomas Trail
*Tift
Service Area: Valdosta-Lowndes
Towns
Service Area: Georgia Mountains
Troup
Service Area: Chattahoochee-Flint
*Turner
Service Area: Valdosta-Lowndes
Union
Service Area: Georgia Mountains
Upson
Service Area: McIntosh Trail Catchment Area
Walker
Service Area: MHCA #1—Lookout Mountain
Webster
Service Area: Middle Flint Ca 26
White
Service Area. Georgia Mountains
Whitfield
Service Area: Georgia Highlands
*Worth
Service Area: Albany Catchment Area

MENTAL HEALTH: Georgia
Service Area Listing

Service Area Name
Albany Catchment Area
County—Baker
Parts:
Baker
County—Calhoun
Parts:
Calhoun
County—Dougherty
Parts:
Dougherty
County—Early
Parts:
Early
County—Lee
Parts:
Lee
County—Miller
Parts:
Miller
County—Terrell
Parts:
Terrell
County—Worth
Parts:
Worth

MENTAL HEALTH: Georgia
Service Area Listing

Service Area Name

Chattahoochee-Flint
County—Carroll
County—Coweta
County—Heard
County—Meriwether
County—Troup
Coosa Valley
County—Bartow
County—Floyd
County—Gordon
County—Haralson
County—Paulding
County—Polk
Gateway Catchment Area
County—Bryan
County—Camden
County—Glynn
County—Liberty
County—Long
County—McIntosh
Georgia Highlands
County—Cherokee
County—Fannin
County—Gilmer
County—Murray
County—Pickens
County—Whitfield
Georgia Mountains
County—Banks
County—Dawson
County—Forsyth
County—Franklin
County—Habersham
County—Hall
County—Hart
County—Lumpkin
County—Rabun
County—Stephens
County—Towns
County—Union
County—White
McIntosh Trail Catchment Area
County—Butts
County—Fayette
County—Henry
County—Lamar
County—Pike
County—Spalding
County—Upson
Middle Flint Ca 26
County—Crisp
County—Dooly
County—Macon
County—Marion
County—Schley
County—Sumter
County—Taylor
County—Webster
MHCA #1—Lookout Mountain
County—Catoosa
County—Chattooga
County—Dade
County—Walker
Pineland
County—Appling
County—Bulloch
County—Candler
County—Evans
County—Jeff Davis
County—Tattnall
County—Toombs
County—Wayne

MENTAL HEALTH: Georgia
Service Area Listing

Service Area Name

South Central Fulton
County—Fulton
Parts:
C.T. 44
C.T. 46.95
C.T. 48
C.T. 49.95
C.T. 50
C.T. 52–53
C.T. 55.01–55.02
C.T. 56–58
C.T. 63–64
C.T. 67
C.T. 68.01–68.02
C.T. 69–73
Thomas Trail
County—Colquitt
County—Decatur
County—Grady
County—Mitchell
County—Seminole
County—Thomas
Valdosta-Lowndes
County—Ben Hill
County—Berrien
County—Brooks
County—Cook
County—Echols
County—Irwin
County—Lanier
County—Lowndes
County—Tift
County—Turner
West Fulton Trail
County—Fulton
Parts:
C.T. 60–62
C.T. 77.01–77.02
C.T. 78.02–78.04
C.T. 79–80
C.T. 81.01–81.02
C.T. 82.01–82.02
C.T. 83.01–83.02
C.T. 84–85
C.T. 86.01–86.02
C.T. 87.01–87.02
C.T. 88
C.T. 103.01–103.02

MENTAL HEALTH: Georgia
Facility Listing

Facility Name

Autry State Prison
County—Mitchell
Devereux Treatment Center
County—Cobb
Georgia Regional Hosp
County—De Kalb

MENTAL HEALTH: Hawaii
County Listing

County Name

*Hawaii
Service Area: Kau
Service Area: Puna
Population Group: Low Inc—N Hawaii

MENTAL HEALTH: Hawaii
Service Area Listing

Service Area Name

Kau
County—Hawaii
Parts:
C.T. 212
Puna
County—Hawaii
Parts:
C.T. 210.01–210.02
C.T. 211

MENTAL HEALTH: Hawaii
Population Group Listing

Population Group

Low Inc—N Hawaii
County—Hawaii
Parts:
C.T. 217–221

MENTAL HEALTH: Idaho
County Listing

County Name

Ada
Service Area: Mental Hth Region IV
Adams
Population Group: Low Inc/MFW—Catchment Area III
Bannock
Service Area: Mental Hlth Region VI
Bear Lake
Service Area: Mental Hlth Region VI
*Benewah
Service Area: Mental Hlth Region I
Bingham
Service Area: Mental Hlth Region VI
Blaine
Service Area: Mental Hlth Region V
Boise
Service Area: Mental Hth Region IV
*Bonner
Service Area: Mental Hlth Region I
Bonneville
Service Area: MH Region VII
*Boundary
Service Area: Mental Hlth Region I
Butte
Service Area: MH Region VII
Camas
Service Area: Mental Hlth Region V
Canyon
Population Group: Low Inc/MFW—Catchment Area III
Caribou
Service Area: Mental Hlth Region VI
Cassia
Service Area: Mental Hlth Region V
Clark
Service Area: MH Region VII
Clearwater
Service Area: Mental Hlth Region II
Custer
Service Area: MH Region VII
Elmore
Service Area: Mental Hth Region IV
Franklin
Service Area: Mental Hlth Region VI
Fremont
Service Area: MH Region VII
Gem
Population Group: Low Inc/MFW—Catchment Area III

MENTAL HEALTH: Idaho
County Listing

County Name

Gooding
  Service Area: Mental Hlth Region V
Idaho
  Service Area: Mental Hlth Region II
Jefferson
  Service Area: MH Region VII
Jerome
  Service Area: Mental Hlth Region V
*Kootenai
  Service Area: Mental Hlth Region I
Latah
  Service Area: Mental Hlth Region II
Lemhi
  Service Area: MH Region VII
Lewis
  Service Area: Mental Hlth Region II
Lincoln
  Service Area: Mental Hlth Region V
Madison
  Service Area: MH Region VII
Minidoka
  Service Area: Mental Hlth Region V
Nez Perce
  Service Area: Mental Hlth Region II
Oneida
  Service Area: Mental Hlth Region VI
Owyhee
  Population Group: Low Inc/MFW—Catchment Area III
Payette
  Population Group: Low Inc/MFW—Catchment Area III
Power
  Service Area: Mental Hlth Region VI
*Shoshone
  Service Area: Mental Hlth Region I
Teton
  Service Area: MH Region VII
Twin Falls
  Service Area: Mental Hlth Region V
Valley
  Service Area: Mental Hth Region IV
Washington
  Population Group: Low Inc/MFW—Catchment Area III

MENTAL HEALTH: Idaho
Service Area Listing

Service Area Name

Mental Hlth Region I
  County—Benewah
  County—Bonner
  County—Boundary
  County—Kootenai
  County—Shoshone
Mental Hlth Region II
  County—Clearwater
  County—Idaho
  County—Latah
  County—Lewis
  County—Nez Perce
Mental Hlth Region V
  County—Blaine
  County—Camas
  County—Cassia
  County—Gooding
  County—Jerome
  County—Lincoln
  County—Minidoka
  County—Twin Falls
Mental Hlth Region VI
  County—Bannock
  County—Bear Lake
  County—Bingham
  County—Caribou
  County—Franklin
  County—Oneida
  County—Power
Mental Hth Region IV
  County—Ada
  County—Boise
  County—Elmore
  County—Valley
MH Region VII
  County—Bonneville
  County—Butte
  County—Clark
  County—Custer
  County—Fremont
  County—Jefferson
  County—Lemhi
  County—Madison
  County—Teton

MENTAL HEALTH: Idaho
Population Group Listing

Population Group

Low Inc/MFW—Catchment Area III
  County—Adams
  County—Canyon
  County—Gem
  County—Owyhee
  County—Payette
  County—Washington

MENTAL HEALTH: Illinois
County Listing

County Name

Adams
  Service Area: Quincy/Mt Sterling (Ca 30101)
Brown
  Service Area: Quincy/Mt Sterling (Ca 30101)
Clay
  Service Area: Catchment Area 4–03–33
Cook
  Service Area: Ashburn/Beverly/Mount Greenwood/Morgan Pa
  Service Area: Auburn Gresham/Washington Heights
  Service Area: Roseland/Pullman/Riverdale
  Service Area: South Chicago
  Service Area: South Shore/Chatham/Avalon Park/Burnside
  Population Group: Hmlss—Uptown/Near North Side/Loop
  Facility: Cook Co Dept Of Corr
  Facility: Tinley Park Mhc
Crawford
  Service Area: Catchment Area 4–03–33
Edwards
  Service Area: Catchment Area 4–03–33
Hancock
  Service Area: Quincy/Mt Sterling (Ca 30101)
Henderson
  Service Area: Galesburg
Henry
  Service Area: Galesburg
Jasper
Knox
  Service Area: Galesburg
Lawrence
  Service Area: Catchment Area 4–03–33
Pike
  Service Area: Quincy/Mt Sterling (Ca 30101)
Richland
  Service Area: Catchment Area 4–03–33
Schuyler
  Service Area: Quincy/Mt Sterling (Ca 30101)
Wabash
  Service Area: Catchment Area 4–03–33
Warren
  Service Area: Galesburg
Wayne
  Service Area: Catchment Area 4–03–33

MENTAL HEALTH: Illinois
Service Area Listing

Service Area Name

Ashburn/Beverly/Mount Greenwood/Morgan Pa
  County—Cook
    Parts:
      C.T. 7001–7005
      C.T. 7201–7207
      C.T. 7401–7404
      C.T. 7501–7506
Auburn Gresham/Washington Heights
  County—Cook
    Parts:
      C.T. 7101–7115
      C.T. 7301–7307
Catchment Area 4–03–33
  County—Clay
  County—Crawford
  County—Edwards
  County—Jasper
  County—Lawrence
  County—Richland
  County—Wabash
  County—Wayne
Galesburg
  County—Henderson
  County—Henry
  County—Knox
  County—Warren
Quincy/Mt Sterling (Ca 30101)
  County—Adams
  County—Brown
  County—Hancock
  County—Pike
  County—Schuyler
Roseland/Pullman/Riverdale
  County—Cook
    Parts:
      C.T. 4901–4914
      C.T. 5001–5003
      C.T. 5301–5306
      C.T. 5401
South Chicago
  County—Cook
    Parts:
      C.T. 4601–4610
      C.T. 4801–4805
      C.T. 5101–5105
      C.T. 5201–5206
      C.T. 5501–5502

MENTAL HEALTH: Illinois
Service Area Listing

Service Area Name

South Shore/Chatham/Avalon Park/Burnside
  County—Cook
    Parts:
      C.T. 4301–4314
      C.T. 4401–4409
      C.T. 4501–4503
      C.T. 4701
      C.T. 6901–6915

MENTAL HEALTH: Illinois
Population Group Listing

Population Group

Hmlss—Uptown/Near North Side/Loop
  County—Cook
    Parts:
      Edgewater (C.T. 301–309)
      Lakeview (C.T. 601–634)
      Lincoln Park(C.T.701–720
      Loop (C.T. 3201–3206)
      Near N Side (C.T.801–819
      Uptown (C.T. 310–321)

MENTAL HEALTH: Illinois
Facility Listing

Facility Name

Cook Co Dept Of Corr
  County—Cook
Tinley Park Mhc
  County—Cook

MENTAL HEALTH: Indiana
County Listing

County Name

Adams
Crawford
  Service Area: Southern Indiana Catchment Area
Dubois
  Service Area: Southern Indiana Catchment Area
*Greene
Huntington
  Service Area: Warsaw
Kosciusko
  Service Area: Warsaw
Lake
  Service Area: Gary
Madison (g)
  Facility: Pendleton Corr Fac
Marshall
  Service Area: Warsaw
Orange
  Service Area: Southern Indiana Catchment Area
Perry
  Service Area: Southern Indiana Catchment Area
  Facility: Branchville Training Ctr
Spencer
  Service Area: Southern Indiana Catchment Area
Wabash
  Service Area: Warsaw
Whitley
  Service Area: Warsaw

MENTAL HEALTH: Indiana
Service Area Listing

Service Area Name

Gary
  County—Lake
    Parts:
      C.T. 101
      C.T. 102.98–103.00
      C.T. 104–134
      C.T. 411–412
      C.T. 413.01
Southern Indiana Catchment Area
  County—Crawford
  County—Dubois
  County—Orange
  County—Perry
  County—Spencer
Warsaw
  County—Huntington
  County—Kosciusko
  County—Marshall
  County—Wabash
  County—Whitley

MENTAL HEALTH: Indiana
Facility Listing

Facility Name

Branchville Training Ctr
  County—Perry
Pendleton Corr Fac
  County—Madison

MENTAL HEALTH: Iowa
County Listing

County Name

Adair
  Service Area: Catchment Area 13
Allamakee
  Service Area: Catchment Area 3
Audubon
  Service Area: Catchment Area 13
Boone
  Service Area: Ft Dodge/Boone
Bremer
  Service Area: Catchment Area 3
Buchanan
  Service Area: Catchment Area 3
Buena Vista
  Service Area: MHCA 1
Butler
  Service Area: Catchment Area 3
Calhoun
  Service Area: Ft Dodge/Boone
Cass
  Service Area: Catchment Area 13
Cerro Gordo
  Service Area: Mental Hlth Catch Area 2
Cherokee
  Service Area: MHCA 1
Chickasaw
  Service Area: Catchment Area 3
Clay
  Service Area: MHCA 1
Clayton
  Service Area: Catchment Area 3
Clinton
  Service Area: Clinton/Jackson
*Dallas
  Service Area: Catchment Area 13
Des Moines
  Service Area: Mental Hlth Catch Area 16
Dickinson
  Service Area: MHCA 1

MENTAL HEALTH: Iowa
County Listing

County Name

Dubuque
  Service Area: Clinton/Jackson
Emmet
  Service Area: MHCA 1
Fayette
  Service Area: Catchment Area 3
Floyd
  Service Area: Mental Hlth Catch Area 2
Franklin
  Service Area: Mental Hlth Catch Area 2
Greene
  Service Area: Ft Dodge/Boone
Guthrie
  Service Area: Catchment Area 13
Hamilton
  Service Area: Ft Dodge/Boone
Hancock
  Service Area: Mental Hlth Catch Area 2
Hardin
  Service Area: Catchment Area 8
Henry
  Service Area: Mental Hlth Catch Area 16
Howard
  Service Area: Catchment Area 3
Humboldt
  Service Area: Ft Dodge/Boone
Ida
  Service Area: MHCA 1
Jackson
  Service Area: Clinton/Jackson
Jasper
  Service Area: Catchment Area 8
Jefferson
  Service Area: Mental Hlth Catch Area 16
Keokuk
  Service Area: Catchment Area 8
Kossuth
  Service Area: Mental Hlth Catch Area 2
Lee
  Service Area: Mental Hlth Catch Area 16
Louisa
  Service Area: Mental Hlth Catch Area 16
Lyon
  Service Area: MHCA 1
Madison
  Service Area: Catchment Area 13
Mahaska
  Service Area: Catchment Area 8
Marion
  Service Area: Catchment Area 8
Marshall
  Service Area: Catchment Area 8
Mitchell
  Service Area: Mental Hlth Catch Area 2
Montgomery
  Service Area: Catchment Area 13
O'Brien
  Service Area: MHCA 1
Osceola
  Service Area: MHCA 1
Page
  Service Area: Catchment Area 13
Palo Alto
  Service Area: MHCA 1
Plymouth
  Service Area: MHCA 1
Pocahontas
  Service Area: MHCA 1
Poweshiek
  Service Area: Catchment Area 8
Shelby
  Service Area: Catchment Area 13

MENTAL HEALTH: Iowa
County Listing

County Name

Sioux
  Service Area: MHCA 1
Tama
  Service Area: Catchment Area 8
Van Buren
  Service Area: Mental Hlth Catch Area 16
Washington
  Service Area: Mental Hlth Catch Area 16
Webster
  Service Area: Ft Dodge/Boone
Winnebago
  Service Area: Mental Hlth Catch Area 2
Winneshiek
  Service Area: Catchment Area 3
Worth
  Service Area: Mental Hlth Catch Area 2
Wright
  Service Area: Mental Hlth Catch Area 2

MENTAL HEALTH: Iowa
Service Area Listing

Service Area Name

Catchment Area 13
  County—Adair
  County—Audubon
  County—Cass
  County—Dallas
    Parts:
      Dallas Township
      Lincoln Township
      Linn Township
      Spring Valley Township
      Union Township
      Washington Township
  County—Adair
  County—Audubon
  County—Cass
  County—Guthrie
  County—Madison
  County—Montgomery
  County—Page
  County—Shelby
Catchment Area 3
  County—Allamakee
  County—Bremer
  County—Buchanan
  County—Butler
  County—Chickasaw
  County—Clayton
  County—Fayette
  County—Howard
  County—Winneshiek
Catchment Area 8
  County—Hardin
  County—Jasper
  County—Keokuk
  County—Mahaska
  County—Marion
  County—Marshall
  County—Poweshiek
  County—Tama
Clinton/Jackson
  County—Clinton
  County—Dubuque
  County—Jackson
Ft Dodge/Boone
  County—Boone
  County—Calhoun
  County—Greene
  County—Hamilton
  County—Humboldt

MENTAL HEALTH: Iowa
Service Area Listing

Service Area Name

  County—Webster
Mental Hlth Catch Area 16
  County—Des Moines
  County—Henry
  County—Jefferson
  County—Lee
  County—Louisa
  County—Van Buren
  County—Washington
Mental Hlth Catch Area 2
  County—Cerro Gordo
  County—Floyd
  County—Franklin
  County—Hancock
  County—Kossuth
  County—Mitchell
  County—Winnebago
  County—Worth
  County—Wright
MHCA 1
  County—Buena Vista
  County—Cherokee
  County—Clay
  County—Dickinson
  County—Emmet
  County—Ida
  County—Lyon
  County—O'Brien
  County—Osceola
  County—Palo Alto
  County—Plymouth
  County—Pocahontas
  County—Sioux

MENTAL HEALTH: Kansas
County Listing

County Name

Allen
  Service Area: Mental Hlth Area 7
Anderson
  Service Area: Mental Hlth Area 7
Atchison
  Service Area: Mental Hlth Area 4
Barton
  Service Area: Mental Hlth Area 20
Bourbon
  Service Area: Mental Hlth Area 7
Brown
  Service Area: Mental Hlth Area 3
Chase
  Service Area: Mental Hlth Area 12
Chautauqua
  Service Area: Mental Hlth Area 13
*Cherokee
Cheyenne
  Service Area: Mental Hlth Area 23
Clark
  Service Area: Mental Hlth Area 22
Cloud
  Service Area: Mental Health Area 14 (Part)
Coffey
  Service Area: Mental Hlth Area 12
Comanche
  Service Area: Mental Hlth Area 22
*Cowley
*Crawford
Decatur
  Service Area: Mental Hlth Area 23
Dickinson
  Service Area: Mental Hlth Area 15
Doniphan

MENTAL HEALTH: Kansas
County Listing

County Name

  Service Area: Mental Hlth Area 3
Edwards
  Service Area: Mental Hlth Area 22
Elk
*Elk
  Service Area: Mental Hlth Area 13
  Service Area: Mental Hlth Area 13
Ellis
  Service Area: Mental Hlth Area 23
Ellsworth
  Service Area: Mental Hlth Area 15
Finney
  Service Area: Mental Health Area 24
Ford
  Service Area: Mental Health Area 24
*Franklin
Gove
  Service Area: Mental Hlth Area 23
Graham
  Service Area: Mental Hlth Area 23
Grant
  Service Area: Mental Health Area 24
Gray
  Service Area: Mental Health Area 24
Greeley
  Service Area: Mental Health Area 24
Greenwood
  Service Area: Mental Hlth Area 12
Hamilton
  Service Area: Mental Health Area 24
Haskell
  Service Area: Mental Hlth Area 25
Hodgeman
  Service Area: Mental Health Area 24
Jackson
  Service Area: Mental Hlth Area 3
Jefferson
  Service Area: Mental Hlth Area 4
Jewell
  Service Area: Mental Health Area 14 (Part)
Kearny
  Service Area: Mental Health Area 24
Kiowa
  Service Area: Mental Hlth Area 22
*Labette
Lane
  Service Area: Mental Health Area 24
Leavenworth
  Service Area: Mental Hlth Area 4
Lincoln
  Service Area: Mental Hlth Area 15
Linn
  Service Area: Mental Hlth Area 7
Logan
  Service Area: Mental Hlth Area 23
Lyon
  Service Area: Mental Hlth Area 12
Meade
  Service Area: Mental Hlth Area 25
Miami
  Service Area: Mental Hlth Area 6
Mitchell
  Service Area: Mental Health Area 14 (Part)
Montgomery
  Service Area: Mental Hlth Area 13
Morris
  Service Area: Mental Hlth Area 12
Morton
  Service Area: Mental Health Area 24
Nemaha
  Service Area: Mental Hlth Area 3
Neosho

MENTAL HEALTH: Kansas
County Listing

County Name

Service Area: Mental Hlth Area 7
Ness
Service Area: Mental Hlth Area 23
Norton
Service Area: Mental Hlth Area 23
Osage
Service Area: Mental Hlth Area 12
Osborne
Service Area: Mental Hlth Area 23
Ottawa
Service Area: Mental Hlth Area 15
Pawnee
Service Area: Mental Hlth Area 20
Phillips
Service Area: Mental Hlth Area 23
Rawlins
Service Area: Mental Hlth Area 23
Republic
Service Area: Mental Health Area 14 (Part)
Rice
Service Area: Mental Hlth Area 20
Rooks
Service Area: Mental Hlth Area 23
Rush
Service Area: Mental Hlth Area 23
Russell
Service Area: Mental Hlth Area 23
Saline
Service Area: Mental Hlth Area 15
Scott
Service Area: Mental Health Area 24
Seward
Service Area: Mental Hlth Area 25
Sheridan
Service Area: Mental Hlth Area 23
Sherman
Service Area: Mental Hlth Area 23
Smith
Service Area: Mental Hlth Area 23
Stafford
Service Area: Mental Hlth Area 20
Stanton
Service Area: Mental Health Area 24
Stevens
Service Area: Mental Hlth Area 25
*Sumner
Thomas
Service Area: Mental Hlth Area 23
Trego
Service Area: Mental Hlth Area 23
Wabaunsee
Service Area: Mental Hlth Area 12
Wallace
Service Area: Mental Hlth Area 23
Washington
Service Area: Mental Health Area 14 (Part)
Wichita
Service Area: Mental Health Area 24
Wilson
Service Area: Mental Hlth Area 13
Woodson
Service Area: Mental Hlth Area 7

MENTAL HEALTH: Kansas
Service Area Listing

Service Area Name

Mental Health Area 14 (Part)
County—Clay
County—Cloud
County—Geary
County—Jewell

MENTAL HEALTH: Kansas
Service Area Listing

Service Area Name

County—Marshall
County—Mitchell
County—Pottawatomie
County—Republic
County—Riley
County—Washington
Mental Health Area 24
County—Finney
County—Ford
County—Grant
County—Gray
County—Greeley
County—Hamilton
County—Hodgeman
County—Kearny
County—Lane
County—Morton
County—Scott
County—Stanton
County—Wichita
Mental Hlth Area 12
County—Chase
County—Coffey
County—Greenwood
County—Lyon
County—Morris
County—Osage
County—Wabaunsee
Mental Hlth Area 13
County—Chautauqua
County—Elk
County—Montgomery
County—Wilson
Mental Hlth Area 15
County—Dickinson
County—Ellsworth
County—Lincoln
County—Ottawa
County—Saline
Mental Hlth Area 20
County—Barton
County—Pawnee
County—Rice
County—Stafford
Mental Hlth Area 22
County—Clark
County—Comanche
County—Edwards
County—Kiowa
Mental Hlth Area 23
County—Cheyenne
County—Decatur
County—Ellis
County—Gove
County—Graham
County—Logan
County—Ness
County—Norton
County—Osborne
County—Phillips
County—Rawlins
County—Rooks
County—Rush
County—Russell
County—Sheridan
County—Sherman
County—Smith
County—Thomas
County—Trego
County—Wallace
Mental Hlth Area 25
County—Haskell

MENTAL HEALTH: Kansas
Service Area Listing

Service Area Name

County—Meade
County—Seward
County—Stevens
Mental Hlth Area 3
County—Brown
County—Doniphan
County—Jackson
County—Nemaha
Mental Hlth Area 4
County—Atchison
County—Jefferson
County—Leavenworth
Mental Hlth Area 6
County—Miami
Mental Hlth Area 7
County—Allen
County—Anderson
County—Bourbon
County—Linn
County—Neosho
County—Woodson

MENTAL HEALTH: Kentucky
County Listing

County Name

Adair
Service Area: Lake Cumberland Catchment Area
Allen
Service Area: Barren River Catchment Area
*Anderson
Barren
Service Area: Barren River Catchment Area
Bath
Service Area: Gateway
Bell
Service Area: Cumberland River B
Boyd
Service Area: Fivco Catchment Area
Boyle
Service Area: Danville Catchment Area
Bracken
Service Area: Buffalo Trace
Breathitt
Service Area: Upper Kentucky River
Breckinridge
Service Area: North Central
Butler
Service Area: Barren River Catchment Area
Caldwell
Service Area: Pennyroyal
Carroll
Service Area: Northern Kentucky
Carter
Service Area: Fivco Catchment Area
Casey
Service Area: Lake Cumberland Catchment Area
Christian
Service Area: Pennyroyal
Clay
Service Area: Cumberland River A
Clinton
Service Area: Lake Cumberland Catchment Area
Crittenden
Service Area: Pennyroyal
Cumberland

MENTAL HEALTH: Kentucky
County Listing

County Name

Service Area: Lake Cumberland Catchment Area
Daviess
Service Area: Green River Catchment Area
Edmonson
Service Area: Barren River Catchment Area
Elliott
Service Area: Fivco Catchment Area
*Estill
Fleming
Service Area: Buffalo Trace
Floyd
Service Area: Mountain
*Franklin
Gallatin
Service Area: Northern Kentucky
Garrard
Service Area: Danville Catchment Area
Grant
Service Area: Northern Kentucky
Grayson
Service Area: North Central
Green
Service Area: Lake Cumberland Catchment Area
Greenup
Service Area: Fivco Catchment Area
Hancock
Service Area: Green River Catchment Area
Hardin
Service Area: North Central
Harlan
Service Area: Cumberland River B
*Harrison
Hart
Service Area: Barren River Catchment Area
Henderson
Service Area: Green River Catchment Area
*Henry
Hopkins
Service Area: Pennyroyal
Jackson
Service Area: Cumberland River A
Johnson
Service Area: Mountain
Knott
Service Area: Upper Kentucky River
Knox
Service Area: Cumberland River B
Larue
Service Area: North Central
Laurel
Service Area: Cumberland River A
Lawrence
Service Area: Fivco Catchment Area
Lee
Service Area: Upper Kentucky River
Leslie
Service Area: Upper Kentucky River
Letcher
Service Area: Upper Kentucky River
Lewis
Service Area: Buffalo Trace
Lincoln
Service Area: Danville Catchment Area
Livingston
Service Area: Pennyroyal
Logan
Service Area: Barren River Catchment Area

MENTAL HEALTH: Kentucky
County Listing

County Name

Lyon
Service Area: Pennyroyal
Madison
Magoffin
Service Area: Mountain
Marion
Service Area: North Central
Martin
Service Area: Mountain
Mason
Service Area: Buffalo Trace
McCreary
Service Area: Lake Cumberland Catchment Area
McLean
Service Area: Green River Catchment Area
Meade
Service Area: North Central
Menifee
Service Area: Gateway
Mercer
Service Area: Danville Catchment Area
Metcalfe
Service Area: Barren River Catchment Area
Monroe
Service Area: Barren River Catchment Area
Montgomery
Service Area: Gateway
Morgan
Service Area: Gateway
Muhlenberg
Service Area: Pennyroyal
Nelson
Service Area: North Central
*Nicholas
Ohio
Service Area: Green River Catchment Area
Owen
Service Area: Northern Kentucky
Owsley
Service Area: Upper Kentucky River
Perry
Service Area: Upper Kentucky River
Pike
Service Area: Mountain
*Powell
Pulaski
Service Area: Lake Cumberland Catchment Area
Robertson
Service Area: Buffalo Trace
Rockcastle
Service Area: Cumberland River A
Rowan
Service Area: Gateway
Russell
Service Area: Lake Cumberland Catchment Area
Simpson
Service Area: Barren River Catchment Area
*Spencer
Taylor
Service Area: Lake Cumberland Catchment Area
Todd
Service Area: Pennyroyal
Trigg
Service Area: Pennyroyal
*Trimble

MENTAL HEALTH: Kentucky
County Listing

County Name

Union
Service Area: Green River Catchment Area
Warren
Service Area: Barren River Catchment Area
Washington
Service Area: North Central
Wayne
Service Area: Lake Cumberland Catchment Area
Webster
Service Area: Green River Catchment Area
Whitley
Service Area: Cumberland River A
Wolfe
Service Area: Upper Kentucky River

MENTAL HEALTH: Kentucky
Service Area Listing

Service Area Name

Barren River Catchment Area
County—Allen
County—Barren
County—Butler
County—Edmonson
County—Hart
County—Logan
County—Metcalfe
County—Monroe
County—Simpson
County—Warren
Buffalo Trace
County—Bracken
County—Fleming
County—Lewis
County—Mason
County—Robertson
Cumberland River A
County—Clay
County—Jackson
County—Laurel
County—Rockcastle
County—Whitley
Cumberland River B
County—Bell
County—Harlan
County—Knox
Danville Catchment Area
County—Boyle
County—Garrard
County—Lincoln
County—Mercer
Fivco Catchment Area
County—Boyd
County—Carter
County—Elliott
County—Greenup
County—Lawrence
Gateway
County—Bath
County—Menifee
County—Montgomery
County—Morgan
County—Rowan
Green River Catchment Area
County—Daviess
County—Hancock
County—Henderson
County—McLean
County—Ohio
County—Union

MENTAL HEALTH: Kentucky
Service Area Listing

Service Area Name

County—Webster
Lake Cumberland Catchment Area
County—Adair
County—Casey
County—Clinton
County—Cumberland
County—Green
County—McCreary
County—Pulaski
County—Russell
County—Taylor
County—Wayne
Mountain
County—Floyd
County—Johnson
County—Magoffin
County—Martin
County—Pike
North Central
County—Breckinridge
County—Grayson
County—Hardin
County—Larue
County—Marion
County—Meade
County—Nelson
County—Washington
Northern Kentucky
County—Carroll
County—Gallatin
County—Grant
County—Owen
Pennyroyal
County—Caldwell
County—Christian
County—Crittenden
County—Hopkins
County—Livingston
County—Lyon
County—Muhlenberg
County—Todd
County—Trigg
Upper Kentucky River
County—Breathitt
County—Knott
County—Lee
County—Leslie
County—Letcher
County—Owsley
County—Perry
County—Wolfe

MENTAL HEALTH: Louisiana
Parish Listing

Parish Name

Acadia
*Allen
*Beauregard
*Caldwell
*Cameron
*De Soto
*East Carroll
*Evangeline
*Franklin
*Jackson
*Jefferson Davis
Lafourche
*Lincoln
*Madison
*Morehouse
*Natchitoches

MENTAL HEALTH: Louisiana
Parish Listing

Parish Name

Ouachita
*Red River
*Richland
*Sabine
*St. Mary
*Tensas
*Union
*Vermilion
*West Carroll

MENTAL HEALTH: Maine
County Listing

County Name

Aroostook
Population Group: Low Inc—MHCA 1
Franklin
Service Area: Farmington/Rumford
Service Area: Rumford
*Oxford
Service Area: Farmington/Rumford
Service Area: Rumford
Penobscot
Population Group: Low Inc—MHCA 2
Population Group: Low Inc—MHCA 1
Piscataquis
Population Group: Low Inc—MHCA 2
*Somerset
Population Group: Low Inc—MHCA 3
*Washington
Service Area: Greater Washington
Population Group: Low Inc—MHCA 1

MENTAL HEALTH: Maine
Service Area Listing

Service Area Name

Farmington/Rumford
County—Franklin
County—Oxford
Parts:
Bethel Town
Buckfield Town
Canton Town
Gilead Town
Greenwood Town
Hartford Town
Hebron Town
Lincoln Plantation
Magalloway Plantation
Newry Town
Norway Town
Otisfield Town
Oxford Town
Paris Town
South Oxford Unorg.
Sumner Town
Upton Town
Waterford Town
Woodstock Town
Greater Washington
County—Washington
Parts:
Addison Town
Alexander Town
Baileyville Town
Baring Town
Beals Town
Beddington Town
Calais City
Centerville Town
Charlotte Town

MENTAL HEALTH: Maine
Service Area Listing

Service Area Name

Cherryfield Town
Codyville Plantation
Columbia Falls Town
Columbia Town
Cooper Town
Crawford Town
Cutler Town
Deblois Town
Dennysville Town
East Central Washington Unorg.
East Machias Town
Eastport City
Grand Lake Stream Plantation
Harrington Town
Jonesboro Town
Jonesport Town
Lubec Town
Machias Town
Machiasport Town
Marshfield Town
Meddybemps Town
Milbridge Town
North Washington Unorg.
Northfield Town
Passamaquoddy Indian Township Re
Passamaquoddy Pleasant Point Res
Pembroke Town
Perry Town
Princeton Town
Robbinston Town
Roque Bluffs Town
Steuben Town
Talmadge Town
Topsfield Town
Vanceboro Town
Waite Town
Wesley Town
Whiting Town
Whitneyville Town
Rumford
County—Franklin
Parts:
Carthage Town
South Franklin Unorg.
Weld Town
County—Oxford
Parts:
Andover Town
Byron Town
Dixfield Town
Hanover Town
Mexico Town
Milton Unorg.
Peru Town
Roxbury Town
Rumford Town

MENTAL HEALTH: Maine
Population Group Listing

Population Group

Low Inc—MHCA 1
County—Aroostook
Parts:
Aroostook Co
County—Penobscot
Parts:
Mt. Chase Town
Patten Town
Stacyvilletown
County—Washington
Parts:

MENTAL HEALTH: Maine
Population Group Listing

Population Group
Danforth Town
Low Inc—MHCA 2
County—Penobscot
Parts:
Carroll Town
Chester Town
Drew Town
East Millinocket Town
Kingman Town
Lee Town
Lincoln Town
Mattawamkeagtown
Medway Town
Millinocket Town
Prentiss Town
Springfield Town
Webster Town
Winn Town
Woodville Town
County—Piscataquis
Parts:
Piscataquis Co
Low Inc—MHCA 3
County—Somerset
Parts:
Somerset Co

MENTAL HEALTH: Maryland
County Listing

County Name
Caroline
Service Area: Mid-Shore
Dorchester
Service Area: Mid-Shore
Kent
Service Area: Northeastern Shore
Queen Anne'S
Service Area: Northeastern Shore
*Somerset
*Worcester

MENTAL HEALTH: Maryland
Service Area Listing

Service Area Name
Mid-Shore
County—Caroline
County—Dorchester
County—Talbot
Northeastern Shore
County—Kent
County—Queen Anne'S

MENTAL HEALTH: Massachusetts
County Listing

County Name
Suffolk
Service Area: E Boston—Homeless
Worcester
Population Group: Low Inc—Worcester

MENTAL HEALTH: Massachusetts
Service Area Listing

Service Area Name
E Boston—Homeless
County—Suffolk
Parts:
C.T. 501–512
C.T. 1801–1805

MENTAL HEALTH: Massachusetts
Population Group Listing

Population Group
Low Inc—Worcester
County—Worcester
Parts:
Worcester City

MENTAL HEALTH: Michigan
County Listing

County Name
*Alger
Antrim
Service Area: Mancelona/Kalkaska
*Arenac
Baraga
Service Area: Copper Country
Benzie
Service Area: Manistee
*Branch
*Cass
*Charlevoix
Population Group: Low Inc—Charlevoix Co
*Cheboygan
Chippewa
Service Area: Eastern/Upper Peninsula
Clare
Service Area: Mt. Pleasant
Crawford
Service Area: North Central
*Delta
Dickinson
Service Area: Iron Mountain
*Emmet
Population Group: Low Inc—Emmet Co
Gladwin
Service Area: Midland/Gladwin
Gogebic
Service Area: Gogebic
*Gratiot
*Hillsdale
Houghton
Service Area: Copper Country
*Huron
Iosco
Service Area: Au Sable Valley
Iron
Service Area: Iron Mountain
Isabella
Service Area: Mt. Pleasant
Kalkaska
Service Area: Mancelona/Kalkaska
Keweenaw
Service Area: Copper Country
*Lake
Service Area: Lake/Mason/Oceana
*Leelanau
Mackinac
Service Area: Eastern/Upper Peninsula
Manistee
Service Area: Manistee
*Mason
Service Area: Lake/Mason/Oceana
Mecosta
Service Area: Mt. Pleasant
*Menominee
Midland
Service Area: Midland/Gladwin
Missaukee
Service Area: North Central
*Montcalm
*Newaygo
*Oceana
Service Area: Lake/Mason/Oceana

MENTAL HEALTH: Michigan
County Listing

County Name
Ogemaw
Service Area: Au Sable Valley
Ontonagon
Service Area: Copper Country
Osceola
Service Area: Mt. Pleasant
Oscoda
Service Area: Au Sable Valley
*Otsego
Ottawa
Roscommon
Service Area: North Central
*Sanilac
*Schoolcraft
*St. Joseph
*Tuscola (g)
Facility: Caro Regional Mhc
Wayne
Service Area: East Detroit
Service Area: Northwest Detroit
Population Group: Low Inc—Southwest Detroit
Wexford
Service Area: North Central

MENTAL HEALTH: Michigan
Service Area Listing

Service Area Name
Au Sable Valley
County—Iosco
County—Ogemaw
County—Oscoda
Copper Country
County—Baraga
County—Houghton
County—Keweenaw
County—Ontonagon
East Detroit
County—Wayne
Parts:
C.T. 5004–5005
C.T. 5013
C.T. 5020
C.T. 5039–5045
C.T. 5121–5124
C.T. 5126
C.T. 5129
C.T. 5132–5136
C.T. 5139–5143
C.T. 5145–5157
C.T. 5161–5164
C.T. 5166–5169
Eastern/Upper Peninsula
County—Chippewa
County—Mackinac
Gogebic
County—Gogebic
Iron Mountain
County—Dickinson
County—Iron
Lake/Mason/Oceana
County—Lake
County—Mason
County—Oceana
Mancelona/Kalkaska
County—Antrim
County—Kalkaska
Manistee
County—Benzie
County—Manistee
Midland/Gladwin

MENTAL HEALTH: Michigan
Service Area Listing

Service Area Name

County—Gladwin
County—Midland
Mt. Pleasant
County—Clare
County—Isabella
County—Mecosta
County—Osceola
North Central
County—Crawford
County—Missaukee
County—Roscommon
County—Wexford
Northwest Detroit
County—Wayne
Parts:
C.T. 5341–5347
C.T. 5350–5357
C.T. 5366–5367
C.T. 5371–5373
C.T. 5377–5378
C.T. 5423–5426
C.T. 5451–5454

MENTAL HEALTH: Michigan
Population Group Listing

Population Group

Low Inc—Charlevoix Co
County—Charlevoix
Parts:
Low Income
Low Inc—Emmet Co
County—Emmet
Parts:
Low Income
Low Inc—Southwest Detroit
County—Wayne
Parts:
C.T. 5209
C.T. 5211–5215
C.T. 5220–5222
C.T. 5231–5238
C.T. 5240–5243
C.T. 5251–5258
C.T. 5260–5265

MENTAL HEALTH: Michigan
Facility Listing

Facility Name

Caro Regional Mhc
County—Tuscola
County—Wayne

MENTAL HEALTH: Minnesota
County Listing

County Name

Aitkin
Service Area: Itasca/Koochiching
Becker
Service Area: Fergus Falls
*Beltrami
Service Area: Bemidji
Cass
Service Area: Bemidji
Chisago
Service Area: Cambridge
Clay
Service Area: Fergus Falls
*Clearwater
Service Area: Bemidji

MENTAL HEALTH: Minnesota
County Listing

County Name

Cottonwood
Service Area: Worthington
Douglas
Service Area: Fergus Falls
Faribault
Service Area: Fairmount
Grant
Service Area: Fergus Falls
*Hubbard
Service Area: Bemidji
Isanti
Service Area: Cambridge
Itasca
Service Area: Itasca/Koochiching
Jackson
Service Area: Worthington
Kanabec
Service Area: Cambridge
Kittson
Service Area: E Grand Forks
Koochiching
Service Area: Itasca/Koochiching
*Lake Of The Woods
Service Area: Bemidji
Lincoln
Service Area: Marshall
Lyon
Service Area: Marshall
Mahnomen
Service Area: E Grand Forks
Marshall
Service Area: E Grand Forks
Martin
Service Area: Fairmount
Mille Lacs
Service Area: Cambridge
Murray
Service Area: Marshall
Nobles
Service Area: Worthington
Norman
Service Area: E Grand Forks
Otter Tail
Service Area: Fergus Falls
Facility: Fergus Falls Reg Treat Ctr
Pennington
Service Area: E Grand Forks
Pine
Service Area: Cambridge
Pipestone
Service Area: Worthington
Polk
Service Area: E Grand Forks
Pope
Service Area: Fergus Falls
Red Lake
Service Area: E Grand Forks
Redwood
Service Area: Marshall
Rock
Service Area: Worthington
Roseau
Service Area: Bemidji
Stevens
Service Area: Fergus Falls
Traverse
Service Area: Fergus Falls
Watonwan
Service Area: Fairmount
Wilkin
Service Area: Fergus Falls

MENTAL HEALTH: Minnesota
County Listing

County Name

Yellow Medicine
Service Area: Marshall

MENTAL HEALTH: Minnesota
Service Area Listing

Service Area Name

Bemidji
County—Beltrami
County—Cass
County—Clearwater
County—Hubbard
County—Lake Of The Woods
County—Roseau
Cambridge
County—Chisago
County—Isanti
County—Kanabec
County—Mille Lacs
County—Pine
E Grand Forks
County—Kittson
County—Mahnomen
County—Marshall
County—Norman
County—Pennington
County—Polk
County—Red Lake
Fairmount
County—Faribault
County—Martin
County—Watonwan
Fergus Falls
County—Becker
County—Clay
County—Douglas
County—Grant
County—Otter Tail
County—Pope
County—Stevens
County—Traverse
County—Wilkin
Itasca/Koochiching
County—Aitkin
County—Itasca
County—Koochiching
Marshall
County—Lincoln
County—Lyon
County—Murray
County—Redwood
County—Yellow Medicine
Worthington
County—Cottonwood
County—Jackson
County—Nobles
County—Pipestone
County—Rock

MENTAL HEALTH: Minnesota
Facility Listing

Facility Name

Fergus Falls Reg Treat Ctr
County—Otter Tail

MENTAL HEALTH: Mississippi
County Listing

County Name

Adams
Service Area: Catchment Area #11

MENTAL HEALTH: Mississippi
County Listing

County Name

Alcorn
  Service Area: Catchment Area #4
Amite
  Service Area: Catchment Area #11
Attala
  Service Area: Catchment Area #6
Benton
  Service Area: Catchment Area #
Bolivar
  Service Area: Catchment Area #5
Calhoun
  Service Area: Catchment Area #2
Carroll
  Service Area: Catchment Area #6
Chickasaw
  Service Area: Catchment Area #3
Choctaw
  Service Area: Catchment Area #7
Claiborne
  Service Area: Catchment Area #11
Clarke
  Service Area: Catchment Area #10
Clay
  Service Area: Catchment Area #7
Coahoma
  Service Area: Catchment Area #1
Covington
  Service Area: Catchment Area #12
Desoto
  Service Area: Catchment Area #2
Forrest
  Service Area: Catchment Area #12
Franklin
  Service Area: Catchment Area #11
George
  Service Area: Catchment Area #14
Greene
  Service Area: Catchment Area #12
Grenada
  Service Area: Catchment Area #6
Hancock
  Service Area: Catchment Area #13
Harrison
  Service Area: Catchment Area #13
Holmes
  Service Area: Catchment Area #6
Humphreys
  Service Area: Catchment Area #6
Issaquena
  Service Area: Catchment Area #5
Itawamba
  Service Area: Catchment Area #3
Jackson
  Service Area: Catchment Area #14
Jasper
  Service Area: Catchment Area #10
Jefferson
Jefferson Davis
  Service Area: Catchment Area #11
  Service Area: Catchment Area #12
Jones
  Service Area: Catchment Area #12
Kemper
  Service Area: Catchment Area #10
Lafayette
  Service Area: Catchment Area #2
Lamar
  Service Area: Catchment Area #12
Lauderdale
  Service Area: Catchment Area #10
Lawrence
  Service Area: Catchment Area #11

MENTAL HEALTH: Mississippi
County Listing

County Name

Leake
  Service Area: Catchment Area #10
Lee
  Service Area: Catchment Area #3
Leflore
  Service Area: Catchment Area #6
Lincoln
  Service Area: Catchment Area #11
Lowndes
  Service Area: Catchment Area #7
Marion
  Service Area: Catchment Area #12
Marshall
  Service Area: Catchment Area #2
Monroe
  Service Area: Catchment Area #3
Montgomery
  Service Area: Catchment Area #6
Neshoba
  Service Area: Catchment Area #10
Newton
  Service Area: Catchment Area #10
Noxubee
  Service Area: Catchment Area #7
Oktibbeha
  Service Area: Catchment Area #7
Panola
  Service Area: Catchment Area #2
Pearl River
  Service Area: Catchment Area #13
Perry
  Service Area: Catchment Area #12
Pike
  Service Area: Catchment Area #11
Pontotoc
  Service Area: Catchment Area #3
Prentiss
  Service Area: Catchment Area #4
Quitman
  Service Area: Catchment Area #1
Scott
  Service Area: Catchment Area #10
Sharkey
  Service Area: Catchment Area #5
Smith
  Service Area: Catchment Area #10
Stone
  Service Area: Catchment Area #13
Sunflower
  Service Area: Catchment Area #6
Tallahatchie
  Service Area: Catchment Area #1
Tate
  Service Area: Catchment Area #2
Tippah
  Service Area: Catchment Area #4
Tishomingo
  Service Area: Catchment Area #4
Tunica
  Service Area: Catchment Area #1
Union
  Service Area: Catchment Area #3
Walthall
  Service Area: Catchment Area #11
Warren
  Service Area: Catchment Area #15
Washington
  Service Area: Catchment Area #5
Wayne
  Service Area: Catchment Area #12
Webster
  Service Area: Catchment Area #7

MENTAL HEALTH: Mississippi
County Listing

County Name

Wilkinson
  Service Area: Catchment Area #11
Winston
  Service Area: Catchment Area #7
Yalobusha
  Service Area: Catchment Area #2
Yazoo
  Service Area: Catchment Area #15

MENTAL HEALTH: Mississippi
Service Area Listing

Service Area Name

Catchment Area #1
  County—Coahoma
  County—Quitman
  County—Tallahatchie
  County—Tunica
Catchment Area #10
  County—Clarke
  County—Jasper
  County—Kemper
  County—Lauderdale
  County—Leake
  County—Neshoba
  County—Newton
  County—Scott
  County—Smith
Catchment Area #11
  County—Adams
  County—Amite
  County—Claiborne
  County—Franklin
  County—Jefferson
  County—Lawrence
  County—Lincoln
  County—Pike
  County—Walthall
  County—Wilkinson
Catchment Area #12
  County—Covington
  County—Forrest
  County—Greene
  County—Jefferson Davis
  County—Jones
  County—Lamar
  County—Marion
  County—Perry
  County—Wayne
Catchment Area #13
  County—Hancock
  County—Harrison
  County—Pearl River
  County—Stone
Catchment Area #14
  County—George
  County—Jackson
Catchment Area #15
  County—Warren
  County—Yazoo
Catchment Area #2
  County—Calhoun
  County—Desoto
  County—Lafayette
  County—Marshall
  County—Panola
  County—Tate
  County—Yalobusha
Catchment Area #3
  County—Benton
  County—Chickasaw
  County—Itawamba

MENTAL HEALTH: Mississippi
Service Area Listing

Service Area Name

County—Lee
County—Monroe
County—Pontotoc
County—Union
Catchment Area #4
County—Alcorn
County—Prentiss
County—Tippah
County—Tishomingo
Catchment Area #5
County—Bolivar
County—Issaquena
County—Sharkey
County—Washington
Catchment Area #6
County—Attala
County—Carroll
County—Grenada
County—Holmes
County—Humphreys
County—Leflore
County—Montgomery
County—Sunflower
Catchment Area #7
County—Choctaw
County—Clay
County—Lowndes
County—Noxubee
County—Oktibbeha
County—Webster
County—Winston

MENTAL HEALTH: Missouri
County Listing

County Name

Adair
Service Area: Hannibal
Andrew
Service Area: St Joseph
Atchison
Service Area: St Joseph
Audrain
Service Area: Mexico
Barry
Service Area: Nevada
Barton
Service Area: Joplin
Bates
Service Area: Nevada
Benton
Service Area: Nevada
Bollinger
Service Area: Cape Girardeau
Buchanan
Service Area: St Joseph
Butler
Service Area: Poplar Bluff
Caldwell
Service Area: Chillicothe
Callaway
Service Area: Mexico
Camden
Service Area: Jefferson City
Cape Girardeau
Service Area: Cape Girardeau
Carter
Service Area: Poplar Bluff
Cass
Service Area: Warrensburg
Cedar
Service Area: Nevada

MENTAL HEALTH: Missouri
County Listing

County Name

Clark
Service Area: Hannibal
Clinton
Service Area: St Joseph
Cole
Service Area: Jefferson City
Crawford
Service Area: Rolla
Dade
Service Area: Nevada
Daviess
Service Area: Chillicothe
Dekalb
Service Area: St Joseph
Dent
Service Area: Rolla
Douglas
Service Area: West Plains
Dunklin
Service Area: Poplar Bluff
Gasconade
Service Area: Rolla
Gentry
Service Area: St Joseph
Grundy
Service Area: Chillicothe
Harrison
Service Area: Chillicothe
Henry
Service Area: Nevada
Hickory
Service Area: Nevada
Holt
Service Area: St Joseph
Howell
Service Area: West Plains
Iron
Service Area: Rolla
Jasper
Service Area: Joplin
Jefferson
Service Area: Cape Girardeau
Johnson
Service Area: Warrensburg
Knox
Service Area: Hannibal
Laclede
Service Area: Jefferson City
Lafayette
Service Area: Warrensburg
Lawrence
Service Area: Nevada
Lewis
Service Area: Hannibal
Linn
Service Area: Chillicothe
Livingston
Service Area: Chillicothe
Macon
Service Area: Hannibal
Madison
Service Area: Cape Girardeau
Maries
Service Area: Rolla
Marion
Service Area: Hannibal
McDonald
Service Area: Joplin
Mercer
Service Area: Chillicothe
Miller
Service Area: Jefferson City

MENTAL HEALTH: Missouri
County Listing

County Name

Mississippi
Service Area: Sikeston
Monroe
Service Area: Mexico
Montgomery
Service Area: Mexico
Morgan
Service Area: Columbia
New Madrid
Service Area: Sikeston
Newton
Service Area: Joplin
Nodaway
Service Area: St Joseph
Oregon
Service Area: West Plains
Osage
Service Area: Jefferson City
Ozark
Service Area: West Plains
Pemiscot
Service Area: Poplar Bluff
Perry
Service Area: Cape Girardeau
Pettis
Service Area: Columbia
Phelps
Service Area: Rolla
Pike
Service Area: Mexico
*Polk
Pulaski
Service Area: Jefferson City
Putnam
Service Area: Chillicothe
Ralls
Service Area: Mexico
Reynolds
Service Area: Poplar Bluff
Ripley
Service Area: Poplar Bluff
Saline
Service Area: Columbia
Schuyler
Service Area: Hannibal
Scotland
Service Area: Hannibal
Scott
Service Area: Sikeston
Shannon
Service Area: West Plains
Shelby
Service Area: Hannibal
St Louis (g)
Facility: Malcolm Bliss/St Louis State Hosp
St. Clair
Service Area: Nevada
St. Francois
Service Area: Rolla
Ste. Genevieve
Service Area: Cape Girardeau
Stoddard
Service Area: Sikeston
Sullivan
Service Area: Chillicothe
Texas
Service Area: West Plains
Vernon
Service Area: Nevada
Washington
Service Area: Rolla
Wayne

MENTAL HEALTH: Missouri
County Listing

County Name

Service Area: Poplar Bluff
Worth
Service Area: St Joseph
Wright
Service Area: West Plains

MENTAL HEALTH: Missouri
Service Area Listing

Service Area Name

Cape Girardeau
County—Bollinger
County—Cape Girardeau
County—Jefferson
County—Madison
County—Perry
County—Ste. Genevieve
Chillicothe
County—Caldwell
County—Daviess
County—Grundy
County—Harrison
County—Linn
County—Livingston
County—Mercer
County—Putnam
County—Sullivan
Columbia
County—Boone
County—Carroll
County—Chariton
County—Cooper
County—Howard
County—Moniteau
County—Morgan
County—Pettis
County—Randolph
County—Saline
Hannibal
County—Adair
County—Clark
County—Knox
County—Lewis
County—Macon
County—Marion
County—Schuyler
County—Scotland
County—Shelby
Jefferson City
County—Camden
County—Cole
County—Laclede
County—Miller
County—Osage
County—Pulaski
Joplin
County—Barton
County—Jasper
County—McDonald
County—Newton
Mexico
County—Audrain
County—Callaway
County—Monroe
County—Montgomery
County—Pike
County—Ralls
Nevada
County—Barry
County—Bates
County—Benton
County—Cedar
County—Dade
County—Henry
County—Hickory
County—Lawrence
County—St. Clair
County—Vernon
Poplar Bluff
County—Butler
County—Carter
County—Dunklin
County—Pemiscot
County—Reynolds
County—Ripley
County—Wayne
Rolla
County—Crawford
County—Dent
County—Gasconade
County—Iron
County—Maries
County—Phelps
County—St. Francois
County—Washington
Sikeston
County—Mississippi
County—New Madrid
County—Scott
County—Stoddard
St Joseph
County—Andrew
County—Atchison
County—Buchanan
County—Clinton
County—Dekalb
County—Gentry
County—Holt
County—Nodaway
County—Worth
Warrensburg
County—Cass
County—Johnson
County—Lafayette
West Plains
County—Douglas
County—Howell
County—Oregon
County—Ozark
County—Shannon
County—Texas
County—Wright

MENTAL HEALTH: Missouri
Facility Listing

Facility Name

Malcolm Bliss/St Louis State Hosp
County—St Louis

MENTAL HEALTH: Montana
County Listing

County Name

*Beaverhead
*Big Horn
*Blaine
Service Area: North-Central Montana
*Carbon
Carter
Service Area: Eastern Montana
*Chouteau
Service Area: North-Central Montana
Custer
Service Area: Eastern Montana
Daniels
Service Area: Eastern Montana
Dawson
Service Area: Eastern Montana
*Deer Lodge (g)
Facility: Montana State Hospital
Fallon
Service Area: Eastern Montana
Garfield
Service Area: Eastern Montana
*Glacier
Service Area: North-Central Montana
*Golden Valley
*Granite
*Hill
Service Area: North-Central Montana
*Lake
*Liberty
Service Area: North-Central Montana
*Lincoln
*Madison
McCone
Service Area: Eastern Montana
*Meagher
*Mineral
*Musselshell
Phillips
Service Area: Eastern Montana
*Pondera
Service Area: North-Central Montana
Powder River
Service Area: Eastern Montana
*Powell
Prairie
Service Area: Eastern Montana
*Ravalli
Richland
Service Area: Eastern Montana
Roosevelt
Service Area: Eastern Montana
Rosebud
Service Area: Eastern Montana
*Sanders
Sheridan
Service Area: Eastern Montana
*Silver Bow
*Stillwater
*Sweet Grass
*Teton
Service Area: North-Central Montana
*Toole
Service Area: North-Central Montana
Treasure
Service Area: Eastern Montana
Valley
Service Area: Eastern Montana
Wibaux
Service Area: Eastern Montana

MENTAL HEALTH: Montana
Service Area Listing

Service Area Name

Eastern Montana
County—Carter
County—Custer
County—Daniels
County—Dawson
County—Fallon
County—Garfield
County—McCone

MENTAL HEALTH: Montana
Service Area Listing

Service Area Name

County—Phillips
County—Powder River
County—Prairie
County—Richland
County—Roosevelt
County—Rosebud
County—Sheridan
County—Treasure
County—Valley
County—Wibaux
North-Central Montana
County—Blaine
County—Chouteau
County—Glacier
County—Hill
County—Liberty
County—Pondera
County—Teton
County—Toole

MENTAL HEALTH: Montana
Facility Listing

Facility Name

Montana State Hospital
County—Deer Lodge

MENTAL HEALTH: Nebraska
County Listing

County Name

Antelope
Service Area: Catchment Area 4
Arthur
Service Area: Catchment Area 2
Banner
Service Area: Catchment Area 1
Boone
Service Area: Catchment Area 4
Box Butte
Service Area: Catchment Area 1
Boyd
Service Area: Catchment Area 4
Brown
Service Area: Catchment Area 4
Burt
Service Area: Catchment Area 4
Butler
Service Area: Catchment Area 5
Cedar
Service Area: Catchment Area 4
Chase
Service Area: Catchment Area 2
Cherry
Service Area: Catchment Area 4
Cheyenne
Service Area: Catchment Area 1
Colfax
Service Area: Catchment Area 4
Cuming
Service Area: Catchment Area 4
Dakota
Service Area: Catchment Area 4
Dawes
Service Area: Catchment Area 1
Dawson
Service Area: Catchment Area 2
Deuel
Service Area: Catchment Area 1
Dixon
Service Area: Catchment Area 4
Douglas (g)
Facility: Douglas County Hosp (Mhc)
Dundy
Service Area: Catchment Area 2
Fillmore
Service Area: Catchment Area 5
Frontier
Service Area: Catchment Area 2
Gage
Service Area: Catchment Area 5
Garden
Service Area: Catchment Area 1
Gosper
Service Area: Catchment Area 2
Grant
Service Area: Catchment Area 2
Hayes
Service Area: Catchment Area 2
Hitchcock
Service Area: Catchment Area 2
Holt
Service Area: Catchment Area 4
Hooker
Service Area: Catchment Area 2
Jefferson
Service Area: Catchment Area 5
Johnson
Service Area: Catchment Area 5
Keith
Service Area: Catchment Area 2
Keya Paha
Service Area: Catchment Area 4
Kimball
Service Area: Catchment Area 1
Knox
Service Area: Catchment Area 4
Lancaster
Service Area: Catchment Area 5
Lincoln
Service Area: Catchment Area 2
Logan
Service Area: Catchment Area 2
Madison
Service Area: Catchment Area 4
Morrill
Service Area: Catchment Area 1
MCPherson
Service Area: Catchment Area 2
Nance
Service Area: Catchment Area 4
Nemaha
Service Area: Catchment Area 5
Otoe
Service Area: Catchment Area 5
Pawnee
Service Area: Catchment Area 5
Perkins
Service Area: Catchment Area 2
Pierce
Service Area: Catchment Area 4
Platte
Service Area: Catchment Area 4
Polk
Service Area: Catchment Area 5
Red Willow
Service Area: Catchment Area 2
Richardson
Service Area: Catchment Area 5
Rock
Service Area: Catchment Area 4
Saline
Service Area: Catchment Area 5
Saunders
Service Area: Catchment Area 5
Scotts Bluff
Service Area: Catchment Area 1
Seward
Service Area: Catchment Area 5
Sheridan
Service Area: Catchment Area 1
Sioux
Service Area: Catchment Area 1
Stanton
Service Area: Catchment Area 4
Thayer
Service Area: Catchment Area 5
Thomas
Service Area: Catchment Area 2
Thurston
Service Area: Catchment Area 4
Wayne
Service Area: Catchment Area 4
York
Service Area: Catchment Area 5

MENTAL HEALTH: Nebraska
Service Area Listing

Service Area Name

Catchment Area 1
County—Banner
County—Box Butte
County—Cheyenne
County—Dawes
County—Deuel
County—Garden
County—Kimball
County—Morrill
County—Scotts Bluff
County—Sheridan
County—Sioux
Catchment Area 2
County—Arthur
County—Chase
County—Dawson
County—Dundy
County—Frontier
County—Gosper
County—Grant
County—Hayes
County—Hitchcock
County—Hooker
County—Keith
County—Lincoln
County—Logan
County—MCPherson
County—Perkins
County—Red Willow
County—Thomas
Catchment Area 4
County—Antelope
County—Boone
County—Boyd
County—Brown
County—Burt
County—Cedar
County—Cherry
County—Colfax
County—Cuming
County—Dakota
County—Dixon
County—Holt
County—Keya Paha
County—Knox
County—Madison

MENTAL HEALTH: Nebraska
Service Area Listing

Service Area Name

County—Nance
County—Pierce
County—Platte
County—Rock
County—Stanton
County—Thurston
County—Wayne
Catchment Area 5
County—Butler
County—Fillmore
County—Gage
County—Jefferson
County—Johnson
County—Lancaster
County—Nemaha
County—Otoe
County—Pawnee
County—Polk
County—Richardson
County—Saline
County—Saunders
County—Seward
County—Thayer
County—York

MENTAL HEALTH: Nebraska
Facility Listing

Facility Name

Douglas County Hosp (Mhc)
County—Douglas

MENTAL HEALTH: Nevada
County Listing

County Name

Carson City (g)
Facility: Nv State Prsn—Carson City
*Elko
*Humboldt
*Lander
*Pershing

MENTAL HEALTH: Nevada
Facility Listing

Facility Name

Nv State Prsn—Carson City
County—Carson City

MENTAL HEALTH: New Hampshire
County Listing

County Name

Carroll
Service Area: Mental Hlth Region I
Coos
Service Area: Mental Hlth Region I
*Grafton
Service Area: Eastern Grafton (Reg. III)
Service Area: Mental Hlth Region I
Population Group: Low Inc—E Grafton

MENTAL HEALTH: New Hampshire
Service Area Listing

Service Area Name

Eastern Grafton (Reg. III)
County—Grafton
Parts:
Alexandria Town
Ashland Town
Bridgewater Town
Bristol Town
Campton Town
Ellsworth Town
Groton Town
Hebron Town
Holderness Town
Plymouth Town
Rumney Town
Thornton Town
Wentworth Town
Mental Hlth Region I
County—Carroll
County—Coos
County—Grafton
Parts:
Bath Town
Benton Town
Bethlehem Town
Easton Town
Franconia Town
Haverhill Town
Landaff Town
Lincoln Town
Lisbon Town
Littleton Town
Lyman Town
Monroe Town
Piermont Town
Sugar Hill Town
Warren Town
Waterville Valley Town
Woodstock Town

MENTAL HEALTH: New Hampshire
Population Group Listing

Population Group

Low Inc—E Grafton
County—Grafton
Parts:
Alexandria Town
Ashland Town
Bridgewater Town
Bristol Town
Campton Town
Ellsworth Town
Groton Town
Hebron Town
Holderness Town
Plymouth Town
Rumney Town
Thornton Town
Wentworth Town

MENTAL HEALTH: New Jersey
County Listing

County Name

Cumberland
Essex
Salem

MENTAL HEALTH: New Mexico
County Listing

County Name

Bernalillo
Service Area: North Valley
Service Area: Southwest Valley
Catron
Service Area: Border MH Service Area
Chaves
Service Area: Southeastern MH Service Area
Curry
Service Area: Plains MH Service Area
Debaca
Service Area: Plains MH Service Area
Dona Ana (g)
Facility: S. New Mexico Corr. Fac.
Eddy
Service Area: Southeastern MH Service Area
Grant
Service Area: Border MH Service Area
Guadalupe
Service Area: Plains MH Service Area
Harding
Service Area: Plains MH Service Area
Hidalgo
Service Area: Border MH Service Area
Lea
Service Area: Southeastern MH Service Area
Lincoln
Service Area: Southeastern MH Service Area
Luna
Service Area: Border MH Service Area
McKinley
Service Area: Catchment Area #1
Otero
Service Area: Southeastern MH Service Area
Quay
Service Area: Plains MH Service Area
Roosevelt
Service Area: Plains MH Service Area
San Juan
Service Area: Catchment Area #1
*San Miguel
Facility: Las Vegas Medical Center
Sandoval
Service Area: Northern Sandoval
Sierra
Service Area: South Central MH Service Area
Socorro
Service Area: South Central MH Service Area
*Taos
Union
Service Area: Plains MH Service Area
Valencia

MENTAL HEALTH: New Mexico
Service Area Listing

Service Area Name

Border MH Service Area
County—Catron
County—Grant
County—Hidalgo
County—Luna
Catchment Area #1
County—McKinley
County—San Juan
North Valley
County—Bernalillo
Parts:
C.T. 29
C.T. 30.01–30.02
C.T. 31

MENTAL HEALTH: New Mexico
Service Area Listing

Service Area Name

C.T. 32.01–32.02
C.T. 35.01–35.02
C.T. 36
Northern Sandoval
County—Sandoval
Parts:
Cuba CCD
Jemez CCD
Santo Domingo CCD
Plains MH Service Area
County—Curry
County—Debaca
County—Guadalupe
County—Harding
County—Quay
County—Roosevelt
County—Union
South Central MH Service Area
County—Sierra
County—Socorro
Southeastern MH Service Area
County—Chaves
County—Eddy
County—Lea
County—Lincoln
County—Otero
Southwest Valley
County—Bernalillo
Parts:
C.T. 23
C.T. 24.01–24.02
C.T. 43
C.T. 44.01–44.02
C.T. 45.01–45.02
C.T. 46.02–46.04

MENTAL HEALTH: New Mexico
Facility Listing

Facility Name

Las Vegas Medical Center
County—San Miguel
S. New Mexico Corr. Fac.
County—Dona Ana

MENTAL HEALTH: New York
County Listing

County Name

*Allegany
Bronx (g)
Facility: NYC Corr. Fac./Rikers Island
*Cattaraugus
Cayuga
Chautauqua
*Chenango
*Delaware
Erie
Service Area: P.S. 84 Neighborhood
*Essex
*Franklin
*Fulton
*Jefferson
*Lewis
Livingston
Monroe
Service Area: Jordan (Rochester)
New York
Service Area: Chinatown/Lower Manhattan
Service Area: Northern Manhattan (Ryan)
Facility: Bellevue Hosp Ctr
Facility: Callen/Lorde Mental Health Clinic

MENTAL HEALTH: New York
County Listing

County Name

Facility: Psych Outreach To Homeless
*Schuyler
*Seneca
Wayne

MENTAL HEALTH: New York
Service Area Listing

Service Area Name

Chinatown/Lower Manhattan
County—New York
Parts:
C.T. 2.01–2.02
C.T. 8
C.T. 8
C.T. 10.01
C.T. 12
C.T. 14.01–14.02
C.T. 15.01
C.T. 16
C.T. 18
C.T. 25
C.T. 27
C.T. 29
C.T. 30.01–30.02
C.T. 31–32
C.T. 34
C.T. 36.01–36.02
C.T. 38
C.T. 41
C.T. 43
C.T. 45
C.T. 55.02
Jordan (Rochester)
County—Monroe
Parts:
C.T. 7
C.T. 13–15
C.T. 39
C.T. 43
C.T. 48–53
C.T. 55–56
C.T. 80
C.T. 90–92
C.T. 93.01–93.02
C.T. 94.01–94.03
Northern Manhattan (Ryan)
County—New York
Parts:
C.T. 173
C.T. 175
C.T. 177
C.T. 179
C.T. 181
C.T. 183
C.T. 185–187
C.T. 189–191
C.T. 193
C.T. 195
C.T. 197.01–197.02
C.T. 199–200
C.T. 201.01–201.02
C.T. 203
C.T. 205
C.T. 207.01–207.02
C.T. 208
C.T. 209.01–209.02
C.T. 211
C.T. 213.01–213.02
C.T. 216
C.T. 217.01–217.02
C.T. 218

MENTAL HEALTH: New York
Service Area Listing

Service Area Name

C.T. 219.97
C.T. 220
C.T. 221.01–221.02
C.T. 222
C.T. 223.97–223.98
C.T. 224–226
C.T. 227.01–227.02
C.T. 229
C.T. 233
C.T. 237
C.T. 241
C.T. 245
C.T. 247
P.S. 84 Neighborhood
County—Erie
Parts:
C.T. 27.02
C.T. 29
C.T. 32.01–32.02
C.T. 33.01–33.02
C.T. 34–36
C.T. 39.01–39.02
C.T. 40.01–40.02
C.T. 41–42
C.T. 44.02
C.T. 52.02
C.T. 64

MENTAL HEALTH: New York
Facility Listing

Facility Name

Bellevue Hosp Ctr
County—New York
Callen/Lorde Mental Health Clinic
County—New York
NYC Corr. Fac./Rikers Island
County—Bronx
Psych Outreach To Homeless
County—New York

MENTAL HEALTH: North Carolina
County Listing

County Name

Bertie
Service Area: Roanoke-Chowan
Bladen
Service Area: Southeast Regional
*Brunswick
Burke (g)
Facility: Broughton Hospital
Camden
Service Area: Albemarle
Cherokee
Service Area: Smokey Mountain
Chowan
Service Area: Albemarle
Clay
Service Area: Smokey Mountain
Columbus
Service Area: Southeast Regional
Currituck
Service Area: Albemarle
Dare
Service Area: Albemarle
Duplin
Service Area: Duplin-Sampson
Edgecombe
Population Group: Low Inc—Edgecombe/Nash
Gates

MENTAL HEALTH: North Carolina
County Listing

County Name

Service Area: Roanoke-Chowan
Graham
Service Area: Smokey Mountain
Halifax
Service Area: Halifax MHCA
Hertford
Service Area: Roanoke-Chowan
Hyde
Service Area: Tideland
Jackson
Service Area: Smokey Mountain
Macon
Service Area: Smokey Mountain
Martin
Service Area: Tideland
Nash
Population Group: Low Inc—Edgecombe/Nash
Northampton
Service Area: Roanoke-Chowan
Pasquotank
Service Area: Albemarle
Perquimans
Service Area: Albemarle
Robeson
Service Area: Southeast Regional
Sampson
Service Area: Duplin-Sampson
Scotland
Service Area: Southeast Regional
Surry
Service Area: Surry-Yadkin
Swain
Service Area: Smokey Mountain
Tyrrell
Service Area: Tideland
Vance
Facility: FCI—Butner
Washington
Service Area: Tideland
Yadkin
Service Area: Surry-Yadkin

MENTAL HEALTH: North Carolina
Service Area Listing

Service Area Name

Albemarle
County—Camden
County—Chowan
County—Currituck
County—Dare
County—Pasquotank
County—Perquimans
Duplin-Sampson
County—Duplin
County—Sampson
Halifax MHCA
County—Halifax
Roanoke-Chowan
County—Bertie
County—Gates
County—Hertford
County—Northampton
Smokey Mountain
County—Cherokee
County—Clay
County—Graham
County—Haywood
County—Jackson
County—Macon
County—Swain

MENTAL HEALTH: North Carolina
Service Area Listing

Service Area Name

Southeast Regional
County—Bladen
County—Columbus
County—Robeson
County—Scotland
Surry-Yadkin
County—Surry
County—Yadkin
Tideland
County—Beaufort
County—Hyde
County—Martin
County—Tyrrell
County—Washington

MENTAL HEALTH: North Carolina
Population Group Listing

Population Group

Low Inc—Edgecombe/Nash
County—Edgecombe
County—Nash

MENTAL HEALTH: North Carolina
Facility Listing

Facility Name

Broughton Hospital
County—Burke
FCI—Butner
County—Vance

MENTAL HEALTH: North Dakota
County Listing

County Name

Barnes
Service Area: Jamestown (Ca 38004)
Benson
Service Area: Devils Lake Catchment Area
Cavalier
Service Area: Devils Lake Catchment Area
Dickey
Service Area: Jamestown (Ca 38004)
Eddy
Service Area: Devils Lake Catchment Area
Foster
Service Area: Jamestown (Ca 38004)
Griggs
Service Area: Jamestown (Ca 38004)
Lamoure
Service Area: Jamestown (Ca 38004)
Logan
Service Area: Jamestown (Ca 38004)
McIntosh
Service Area: Jamestown (Ca 38004)
Ramsey
Service Area: Devils Lake Catchment Area
Rolette
Service Area: Devils Lake Catchment Area
Stutsman
Service Area: Jamestown (Ca 38004)
Facility: North Dakota State Hosp
Towner
Service Area: Devils Lake Catchment Area
Wells
Service Area: Jamestown (Ca 38004)

MENTAL HEALTH: North Dakota
Service Area Listing

Service Area Name

Devils Lake Catchment Area
County—Benson
County—Cavalier
County—Eddy
County—Ramsey
County—Rolette
County—Towner
Jamestown (Ca 38004)
County—Barnes
County—Dickey
County—Foster
County—Griggs
County—Lamoure
County—Logan
County—McIntosh
County—Stutsman
County—Wells

MENTAL HEALTH: North Dakota
Facility Listing

Facility Name

North Dakota State Hosp
County—Stutsman

MENTAL HEALTH: Ohio
County Listing

County Name

Athens
Service Area: Catchment Area #33
Belmont
Service Area: Catchment Area #8
*Clinton
Cuyahoga (g)
Facility: Cleveland Psych Inst
Gallia
Service Area: Catchment Area #35
Geauga
Harrison
Service Area: Catchment Area #8
Hocking
Service Area: Catchment Area #33
Jackson
Service Area: Catchment Area #35
Lawrence
Lorain (g)
Facility: Grafton Corr Fac
Meigs
Service Area: Catchment Area #35
Monroe
Service Area: Catchment Area #8
Richland (g)
Facility: Mansfield Corr Inst
*Ross (g)
Facility: Chillicothe Corr Inst
Facility: Ross Corr Inst
*Scioto (g)
Facility: S Ohio Corr Fac
Stark (g)
Facility: Massillon State Hosp
Vinton
Service Area: Catchment Area #33

MENTAL HEALTH: Ohio
Service Area Listing

Service Area Name

Catchment Area #33
County—Athens
County—Hocking
County—Vinton
Catchment Area #35

MENTAL HEALTH: Ohio
Service Area Listing

Service Area Name

County—Gallia
County—Jackson
County—Meigs
Catchment Area #8
County—Belmont
County—Harrison
County—Monroe

MENTAL HEALTH: Ohio
Facility Listing

Facility Name

Chillicothe Corr Inst
County—Ross
Cleveland Psych Inst
County—Cuyahoga
Grafton Corr Fac
County—Lorain
Mansfield Corr Inst
County—Richland
Massillon State Hosp
County—Stark
Ross Corr Inst
County—Ross
S Ohio Corr Fac
County—Scioto

MENTAL HEALTH: Oklahoma
County Listing

County Name

Adair
Service Area: Catchment Area #21
Atoka
Service Area: Catchment Area #6
Beckham
Service Area: Catchment Area #9
Blaine
Service Area: Catchment Area #9
Bryan
Service Area: Catchment Area #7
Carter
Service Area: Catchment Area #7
Cherokee
Service Area: Catchment Area #21
Choctaw
Service Area: Catchment Area #6
Coal
Service Area: Catchment Area #6
*Craig
Facility: Eastern State Mental Hospital
Creek
Service Area: Catchment Area #13
Custer
Service Area: Catchment Area #9
Dewey
Service Area: Catchment Area #9
Garvin
Service Area: Catchment Area #7
Greer
Service Area: Catchment Area #9
Haskell
Service Area: Catchment Area #6
Hughes
Service Area: Catchment Area #6
Johnston
Service Area: Catchment Area #7
Kay
Service Area: Catchment Area #11
Kiowa
Service Area: Catchment Area #9
Latimer
Service Area: Catchment Area #6
Le Flore
Service Area: Catchment Area #6
Love
Service Area: Catchment Area #7
Marshall
Service Area: Catchment Area #7
McCurtain
Service Area: Catchment Area #6
Murray
Service Area: Catchment Area #7
Noble
Service Area: Catchment Area #11
Okfuskee
Service Area: Catchment Area #13
Okmulgee
Service Area: Catchment Area #13
Osage
Service Area: Catchment Area #11
Pawnee
Service Area: Catchment Area #11
Payne
Service Area: Catchment Area #11
Pittsburg
Service Area: Catchment Area #6
Pontotoc
Service Area: Catchment Area #7
Pushmataha
Service Area: Catchment Area #6
Roger Mills
Service Area: Catchment Area #9
Seminole
Service Area: Catchment Area #7
Sequoyah
Service Area: Catchment Area #21
Wagoner
Service Area: Catchment Area #21
Washita
Service Area: Catchment Area #9

MENTAL HEALTH: Oklahoma
Service Area Listing

Service Area Name

Catchment Area #11
County—Kay
County—Noble
County—Osage
County—Pawnee
County—Payne
Catchment Area #13
County—Creek
County—Okfuskee
County—Okmulgee
Catchment Area #1
County—Adair
County—Cherokee
County—Sequoyah
County—Wagoner
Catchment Area #6
County—Atoka
County—Choctaw
County—Coal
County—Haskell
County—Hughes
County—Latimer
County—Le Flore
County—McCurtain
County—Pittsburg
County—Pushmataha
Catchment Area #7
County—Bryan

MENTAL HEALTH: Oklahoma
Service Area Listing

Service Area Name

County—Carter
County—Garvin
County—Johnston
County—Love
County—Marshall
County—Murray
County—Pontotoc
County—Seminole
Catchment Area #9
County—Beckham
County—Blaine
County—Custer
County—Dewey
County—Greer
County—Kiowa
County—Roger Mills
County—Washita

MENTAL HEALTH: Oklahoma
Facility Listing

Facility Name

Eastern State Mental Hospital
County—Craig

MENTAL HEALTH: Oregon
County Listing

County Name

Baker
Service Area: Northeastern Oregon
*Clatsop
Coos
Service Area: Catchment Area 14
Crook
Service Area: Central Oregon
Curry
Service Area: Catchment Area 14
Gilliam
Service Area: East Columbia
Grant
Service Area: East Columbia
Harney
Service Area: Southeastern Oregon
Hood River
Service Area: Mid Columbia Region
Jefferson
Service Area: Central Oregon
*Josephine
*Klamath
*Lincoln
Malheur
Service Area: Southeastern Oregon
Marion
Population Group: Low Inc/MFW/Homeless—Marion And Polk C
Morrow
Service Area: East Columbia
Polk
Population Group: Low Inc/MFW/Homeless—Marion And Polk C
Sherman
Service Area: Mid Columbia Region
*Tillamook
Umatilla
Service Area: East Columbia
Union
Service Area: Northeastern Oregon
Wallowa
Service Area: Northeastern Oregon
Wasco
Service Area: Mid Columbia Region

MENTAL HEALTH: Oregon
County Listing

County Name
Wheeler
  Service Area: East Columbia

MENTAL HEALTH: Oregon
Service Area Listing

Service Area Name
Catchment Area 14
  County—Coos
  County—Curry
Central Oregon
  County—Crook
  County—Jefferson
East Columbia
  County—Gilliam
  County—Grant
  County—Morrow
  County—Umatilla
  County—Wheeler
Mid Columbia Region
  County—Hood River
  County—Sherman
  County—Wasco
Northeastern Oregon
  County—Baker
  County—Union
  County—Wallowa
Southeastern Oregon
  County—Harney
  County—Malheur

MENTAL HEALTH: Oregon
Population Group Listing

Population Group
Low Inc/MFW/Homeless—Marion And Polk C
  County—Marion
  County—Polk

MENTAL HEALTH: Pennsylvania
County Listing

County Name
Adams
  Service Area: Gettysburg/Hanover
Armstrong
  Population Group: Low Inc—Armstrong Co
Beaver
  Population Group: Low Inc—Beaver Co
Carbon
*Clinton
Fayette
*Forest
*Greene
Huntingdon
  Service Area: Juniata/Mifflin
*Indiana
Juniata
  Service Area: Juniata/Mifflin
Lackawanna
  Population Group: Low Income—Northern Lackawana
Lancaster
  Population Group: Low Inc—Lancaster City
Lycoming
Mifflin
  Service Area: Juniata/Mifflin
Monroe
*Pike
*Susquehanna
*Tioga
*Warren

MENTAL HEALTH: Pennsylvania
County Listing

County Name
*Wayne (g)
  Facility: Farview State Hosp
Wyoming
York
  Service Area: Gettysburg/Hanover
    Parts:
      *C.T. 124

MENTAL HEALTH: Pennsylvania
Service Area Listing

Service Area Name
Gettysburg/Hanover
  County—Adams
  County—York
    Parts:
      Codorus Township
      Hanover Borough
      Heidelberg Township
      Jackson Township
      Jefferson Borough
      Manheim Township
      New Salem Borough
      North Codorus Townshi
      Paradise Township
      Penn Township
      Seven Valleys Borough
      Spring Grove Borough
      West Manheim Township
Juniata/Mifflin
  County—Huntingdon
  County—Juniata
  County—Mifflin

MENTAL HEALTH: Pennsylvania
Population Group Listing

Population Group
Low Inc—Armstrong Co
  County—Armstrong
    Parts:
      Low Income
Low Inc—Beaver Co
  County—Beaver
    Parts:
      Low Income
Low Inc—Lancaster City
  County—Lancaster
    Parts:
      C.T. 1
      C.T. 4–10
      C.T. 14–16
Low Income—Northern Lackawana
  County—Lackawanna
    Parts:
      Archbaldboro.
      Blakelyboro.
      Carbondale Boro.
      Carbondale Twp
      Fell Twp
      Greenfield Twp
      Jefferson Twp
      Jermynboro.
      Jessup Boro.
      Mayfield Boro.
      Olyphant Boro.
      Scott Twp
      Vandling Boro.

MENTAL HEALTH: Pennsylvania
Facility Listing

Facility Name
Farview State Hosp
  County—Wayne

MENTAL HEALTH: Rhode Island
County Listing

County Name
Washington
  Population Group: Narragansett Indian Tribe
  Parts:

MENTAL HEALTH: Rhode Island
Service Area Listing

Service Area Name
Charlestown Town

MENTAL HEALTH: Rhode Island
Population Group Listing

Population Group
Narragansett Indian Tribe
  County—Washington

MENTAL HEALTH: South Carolina
County Listing

County Name
Abbeville
  Service Area: Catchment Area 5
Allendale
  Population Group: Low Inc—Catchment Area 11
Anderson
  Population Group: Low Inc—Catchment Area 1
  Facility: Patrick B. Harris Psychiatric Hospital
Bamberg
  Service Area: Catchment Area 14
*Barnwell
  Population Group: Low Inc—Catchment Area 10
Beaufort
  Population Group: Low Inc—Catchment Area 11
Berkeley
  Service Area: Rural Berkeley
Calhoun
  Service Area: Catchment Area 14
Charleston
  Population Group: Low Inc—Catchment Area 15
Cherokee
  Service Area: Catchment Area 3
Chester
  Service Area: Catchment Area 4
Chesterfield
  Service Area: Catchment Area 12
Clarendon
  Service Area: Catchment Area 9
Colleton
  Population Group: Low Inc—Catchment Area 11
Darlington
  Service Area: Catchment Area 7
Dillon
  Service Area: Catchment Area 12
Dorchester
  Population Group: Low Inc—Catchment Area 15
Edgefield

MENTAL HEALTH: South Carolina
County Listing

County Name

Service Area: Catchment Area 5
*Fairfield
Florence
Service Area: Catchment Area 7
Greenwood
Service Area: Catchment Area 5
Hampton
Population Group: Low Inc—Catchment Area 11
Jasper
Population Group: Low Inc—Catchment Area 11
Kershaw
Service Area: Catchment Area 9
Lancaster
Service Area: Catchment Area 4
Laurens
Service Area: Catchment Area 5
Lee
Service Area: Catchment Area 9
Marion
Service Area: Catchment Area 7
Marlboro
Service Area: Catchment Area 12
McCormick
Service Area: Catchment Area 5
Newberry
Service Area: Catchment Area 5
Oconee
Oconee
Population Group: Low Inc—Catchment Area 1
Population Group: Low Inc—Catchment Area 1
Orangeburg
Service Area: Catchment Area 14
Pickens
Pickens
Population Group: Low Inc—Catchment Area 1
Population Group: Low Inc—Catchment Area 1
Richland (g)
Facility: G. Werber Bryan Psychiatric Hospital
Saluda
Service Area: Catchment Area 5
Spartanburg
Service Area: Catchment Area 3
Sumter
Service Area: Catchment Area 9
Union
Service Area: Catchment Area 3
Williamsburg
Service Area: Catchment Area 13
York
Service Area: Catchment Area 4

MENTAL HEALTH: South Carolina
Service Area Listing

Service Area Name

Catchment Area 12
County—Chesterfield
County—Dillon
County—Marlboro
Catchment Area 13
County—Georgetown
County—Horry
County—Williamsburg
Catchment Area 14
County—Bamberg
County—Calhoun
County—Orangeburg
Catchment Area 3
County—Cherokee
County—Spartanburg
County—Union
Catchment Area 4
County—Chester
County—Lancaster
County—York
Catchment Area 5
County—Abbeville
County—Edgefield
County—Greenwood
County—Laurens
County—McCormick
County—Newberry
County—Saluda
Catchment Area 7
County—Darlington
County—Florence
County—Marion
Catchment Area 9
County—Clarendon
County—Kershaw
County—Lee
County—Sumter
Rural Berkeley
County—Berkeley
Parts:
Bonneau Division
Cordesville Division
Cross Division
Moncks Corner Division
St. Stephen Division
Wando Division

MENTAL HEALTH: South Carolina
Population Group Listing

Population Group

Low Inc—Catchment Area 10
Parts:
Aiken Co
County—Barnwell
Parts:
Barnwell Co
Low Inc—Catchment Area 15
County—Charleston
County—Dorchester
Low Inc—Catchment Area 11
County—Allendale
Parts:
Allendale Co
County—Beaufort
Parts:
Beaufortco
County—Colleton
Parts:
Colleton Co
County—Hampton
Parts:
Hampton Co
County—Jasper
Parts:
Jasper Co
Low Inc—Catchment Area 1
County—Anderson
County—Oconee
County—Pickens
County—Pickens

MENTAL HEALTH: South Carolina
Facility Listing

Facility Name

G. Werber Bryan Psychiatric Hospital
County—Richland
Patrick B. Harris Psychiatric Hospital
County—Anderson

MENTAL HEALTH: South Dakota
County Listing

County Name

Aurora
Service Area: Catchment Area 4
Beadle
Service Area: Catchment Area 3
Bon Homme
Service Area: Catchment Area 12
Facility: Sd State Pen.—Bon Homme
Brookings
Service Area: Catchment Area 1
Brule
Service Area: Catchment Area 4
Buffalo
Service Area: Catchment Area 2
Charles Mix
Service Area: Catchment Area 12
Clark
Service Area: Catchment Area 5
Clay
Service Area: Catchment Area 12
Codington
Service Area: Catchment Area 5
Corson
Service Area: Catchment Area 8
Davison
Service Area: Catchment Area 4
Deuel
Service Area: Catchment Area 5
Dewey
Service Area: Catchment Area 8
Douglas
Service Area: Catchment Area 12
Grant
Service Area: Catchment Area 5
Gregory
Service Area: Catchment Area 10
Haakon
Service Area: Catchment Area 2
Hamlin
Service Area: Catchment Area 5
Hand
Service Area: Catchment Area 3
Hanson
Service Area: Catchment Area 4
Hughes
Service Area: Catchment Area 2
Hutchinson
Service Area: Catchment Area 12
Hyde
Service Area: Catchment Area 2
Jerauld
Service Area: Catchment Area 3
Jones
Service Area: Catchment Area 2
Kingsbury
Service Area: Catchment Area 5
Lake
Service Area: Catchment Area 3
Lyman
Service Area: Catchment Area 2
Mellette
Service Area: Catchment Area 10
Miner
Service Area: Catchment Area 3

MENTAL HEALTH: South Dakota
County Listing

County Name

Minnehaha (g)
  Facility: Sd State Pen.—Minnehaha
Moody
  Service Area: Catchment Area 1
Perkins
  Service Area: Catchment Area 8
Roberts
  Service Area: Catchment Area 5
Sanborn
  Service Area: Catchment Area 4
Spink (g)
  Facility: Redfield State Hospital
Stanley
  Service Area: Catchment Area 2
Sully
  Service Area: Catchment Area 2
Todd
  Service Area: Catchment Area 10
Tripp
  Service Area: Catchment Area 10
Union
  Service Area: Catchment Area 12
Yankton
  Service Area: Catchment Area 12
  Facility: South Dakota Human Srv Ctr
Ziebach
  Service Area: Catchment Area 8

MENTAL HEALTH: South Dakota
Service Area Listing

Service Area Name

Catchment Area 1
  County—Brookings
  County—Moody
Catchment Area 10
  County—Gregory
  County—Mellette
  County—Todd
  County—Tripp
Catchment Area 12
  County—Bon Homme
  County—Charles Mix
  County—Clay
  County—Douglas
  County—Hutchinson
  County—Union
  County—Yankton
Catchment Area 2
  County—Buffalo
  County—Haakon
  County—Hughes
  County—Hyde
  County—Jones
  County—Lyman
  County—Stanley
  County—Sully
Catchment Area 3
  County—Beadle
  County—Hand
  County—Jerauld
  County—Lake
  County—Miner
Catchment Area 4
  County—Aurora
  County—Brule
  County—Davison
  County—Hanson
  County—Sanborn
Catchment Area 5
  County—Clark
  County—Codington
  County—Deuel
  County—Grant
  County—Hamlin
  County—Kingsbury
  County—Roberts
Catchment Area 8
  County—Corson
  County—Dewey
  County—Perkins
  County—Ziebach

MENTAL HEALTH: South Dakota
Service Area Listing

Service Area Name

MENTAL HEALTH: South Dakota
Facility Listing

Facility Name

Redfield State Hospital
  County—Spink
Sd State Pen.—Bon Homme
  County—Bon Homme
Sd State Pen.—Minnehaha
  County—Minnehaha
South Dakota Human Srv Ctr
  County—Yankton

MENTAL HEALTH: Tennessee
County Listing

County Name

Bedford
  Population Group: Low Inc—Catchment Area 19
Benton
  Population Group: Low Inc—Catchment Area 21
Bledsoe
  Population Group: Low Inc—Catchment Area 12
Bradley
  Population Group: Low Inc—Catchment Area 10
Cannon
  Service Area: Catchment Area 9
Carroll
  Population Group: Low Inc—Catchment Area 21
Cheatham
  Population Group: Low Inc—Catchment Area 14
Chester
  Service Area: Catchment Area 24
Claiborne
  Population Group: Low Inc—Catchment Area 5
Clay
  Service Area: Catchment Area 9
Cocke
  Population Group: Low Inc—Catchment Area 5
Coffee
  Population Group: Low Inc—Catchment Area 19
Crockett
  Service Area: Catchment Area 22
Cumberland
  Service Area: Catchment Area 9
Decatur
  Service Area: Catchment Area 24
Dekalb
  Service Area: Catchment Area 9
Dickson
  Population Group: Low Inc—Catchment Area 14

MENTAL HEALTH: Tennessee
County Listing

County Name

Dyer
  Service Area: Catchment Area 22
Fayette
  Service Area: Catchment Area 25
Fentress
  Service Area: Catchment Area 9
Franklin
  Population Group: Low Inc—Catchment Area 19
Gibson
  Population Group: Low Inc—Catchment Area 21
Giles
  Service Area: Catchment Area 20
Grainger
  Population Group: Low Inc—Catchment Area 5
Greene
  Population Group: Low Inc—Catchment Area 4
Grundy
  Population Group: Low Inc—Catchment Area 12
Hamblen
  Population Group: Low Inc—Catchment Area 5
Hancock
  Population Group: Low Inc—Catchment Area 4
Hardeman
  Service Area: Catchment Area 24
Hardin
  Service Area: Catchment Area 24
Hawkins
  Population Group: Low Inc—Catchment Area 4
Haywood
  Service Area: Catchment Area 23
Henderson
  Service Area: Catchment Area 23
Henry
  Population Group: Low Inc—Catchment Area 21
Hickman
  Service Area: Catchment Area 20
Houston
  Population Group: Low Inc—Catchment Area 14
Humphreys
  Population Group: Low Inc—Catchment Area 14
Jackson
  Service Area: Catchment Area 9
Jefferson
  Population Group: Low Inc—Catchment Area 5
Lake
  Service Area: Catchment Area 22
Lauderdale
  Service Area: Catchment Area 25
Lawrence
  Service Area: Catchment Area 20
Lewis
  Service Area: Catchment Area 20
Lincoln
  Population Group: Low Inc—Catchment Area 19
Macon
  Service Area: Catchment Area 9
Madison
  Service Area: Catchment Area 23
Marion

MENTAL HEALTH: Tennessee
County Listing

County Name

Population Group: Low Inc—Catchment Area 12
Marshall
Service Area: Catchment Area 20
Maury
Service Area: Catchment Area 20
McMinn
Population Group: Low Inc—Catchment Area 10
McNairy
Service Area: Catchment Area 24
Meigs
Population Group: Low Inc—Catchment Area 10
Montgomery
Population Group: Low Inc—Catchment Area 14
Moore
Population Group: Low Inc—Catchment Area 19
Obion
Service Area: Catchment Area 22
Overton
Service Area: Catchment Area 9
Perry
Service Area: Catchment Area 20
Pickett
Service Area: Catchment Area 9
Polk
Population Group: Low Inc—Catchment Area 10
Putnam
Service Area: Catchment Area 9
Rhea
Population Group: Low Inc—Catchment Area 12
Robertson
Population Group: Low Inc—Catchment Area 14
Sequatchie
Population Group: Low Inc—Catchment Area 12
Shelby
Population Group: Low Inc—Shelby
Smith
Service Area: Catchment Area 9
Stewart
Population Group: Low Inc—Catchment Area 14
Sumner
Service Area: Catchment Area 31
Tipton
Service Area: Catchment Area 25
Trousdale
Service Area: Catchment Area 31
Union
Population Group: Low Inc—Catchment Area 5
Van Buren
Service Area: Catchment Area 9
Warren
Service Area: Catchment Area 9
Wayne
Service Area: Catchment Area 20
Weakley
Service Area: Catchment Area 22
White
Service Area: Catchment Area 9
Wilson
Service Area: Catchment Area 31

MENTAL HEALTH: Tennessee
Service Area Listing

Service Area Name

Catchment Area 20
County—Giles
County—Hickman
County—Lawrence
County—Lewis
County—Marshall
County—Maury
County—Perry
County—Wayne
Catchment Area 22
County—Crockett
County—Dyer
County—Lake
County—Obion
County—Weakley
Catchment Area 23
County—Haywood
County—Henderson
County—Madison
Catchment Area 24
County—Chester
County—Decatur
County—Hardeman
County—Hardin
County—McNairy
Catchment Area 25
County—Fayette
County—Lauderdale
County—Tipton
Catchment Area 31
County—Sumner
County—Trousdale
County—Wilson
Catchment Area 9
County—Cannon
County—Clay
County—Cumberland
County—Dekalb
County—Fentress
County—Jackson
County—Macon
County—Overton
County—Pickett
County—Putnam
County—Smith
County—Van Buren
County—Warren
County—White

MENTAL HEALTH: Tennessee
Population Group Listing

Population Group

Low Inc—Catchment Area 4
County—Greene
County—Hancock
County—Hawkins
Low Inc—Catchment Area 21
County—Benton
County—Carroll
County—Gibson
County—Henry
Low Inc—Catchment Area 19
County—Bedford
County—Coffee
County—Franklin
County—Lincoln
County—Moore
Low Inc—Catchment Area 10
County—Bradley
County—McMinn
County—Meigs

MENTAL HEALTH: Tennessee
Population Group Listing

Population Group

County—Polk
Low Inc—Catchment Area 12
County—Bledsoe
County—Grundy
County—Marion
County—Rhea
County—Sequatchie
Low Inc—Catchment Area 14
County—Cheatham
County—Dickson
County—Houston
County—Humphreys
County—Montgomery
County—Robertson
County—Stewart
Low Inc—Catchment Area 5
County—Claiborne
County—Cocke
County—Grainger
County—Hamblen
County—Jefferson
County—Union
Low Inc—Shelby
County—Shelby

MENTAL HEALTH: Texas
County Listing

County Name

Anderson
Service Area: LSA 2 (Anderson/Cherokee)
Facility: Beto Psn
Facility: Gurney Prison
*Andrews
Service Area: LSA 38a
Angelina
Service Area: LSA 7 (Burke Center)
Facility: Duncan Prison
Archer
Service Area: LSA 52
Atascosa
Service Area: LSA 8 (Camino Real)
Austin
Service Area: LSA 11 (Central Gulf Designation)
Bailey
Service Area: LSA 12 (Central Plains)
*Bandera
Service Area: LSA 40
Bastrop
Service Area: LSA 9 (Blue Bonnet Trails)
*Baylor
Service Area: LSA 55
Bee
Facility: McConnel Prsn
*Blanco
Service Area: LSA 32
*Borden
Service Area: LSA 37a
Bowie
Service Area: LSA 34 (North East Texas)
Brazos
Service Area: LSA 32 (Mhmra Of Brazos Valley)
Brewster
Service Area: LSA 6 (Big Bend)
Briscoe
Service Area: LSA 12 (Central Plains)
*Brooks
Service Area: LSA 60
Brown
Service Area: LSA 13 (Central Texas)

MENTAL HEALTH: Texas
County Listing

County Name

Burleson
Service Area: LSA 32 (Mhmra Of Brazos Valley)
Burnet
Service Area: LSA 9 (Blue Bonnet Trails)
Caldwell
Service Area: LSA 9 (Blue Bonnet Trails)
Cameron
Service Area: LSA 44 (Tropical Texas)
Camp
Service Area: LSA 42 (The Lake Region)
Cass
Service Area: LSA 34 (North East Texas)
Castro
Service Area: LSA 12 (Central Plains)
Cherokee
Service Area: LSA 2 (Anderson/Cherokee)
*Childress
Service Area: LSA 53
*Clay
Service Area: LSA 57
Coke
Service Area: LSA 30 (Services Of Concho Valley)
Coleman
Service Area: LSA 13 (Central Texas)
Colorado
Service Area: LSA 38 (Riceland Region)
Comal
Service Area: LSA 44
Comanche
Service Area: LSA 13 (Central Texas)
Concho
Service Area: LSA 30 (Services Of Concho Valley)
Cooke
Service Area: LSA 31 (Services Of Texoma)
Coryell (g)
Facility: Mountain View Prison
*Cottle
Service Area: LSA 55
*Crane
Service Area: LSA 54c
Crockett
Service Area: LSA 30 (Services Of Concho Valley)
Culberson
Service Area: LSA 6 (Big Bend)
*Dawson
Service Area: LSA 38a
Delta
Service Area: LSA 42 (The Lake Region)
*Dickens
Service Area: LSA 55
Dimmit
Service Area: LSA 8 (Camino Real)
*Duval
Service Area: LSA 60
Eastland
Service Area: LSA 13 (Central Texas)
Ector
Service Area: LSA 37 (Permian Basin Centers)
*Edwards
Service Area: LSA 40
El Paso
Ellis
Service Area: LSA 26 (Johnson County)
Erath
Service Area: LSA 36 (Pecan Valley)
Falls
Service Area: LSA 21 (Heart Of Texas Mhmr=Mha)
Fannin
Service Area: LSA 31 (Services Of Texoma)
Fayette
Service Area: LSA 9 (Blue Bonnet Trails)
*Fisher
Service Area: LSA 37a
Floyd
Service Area: LSA 12 (Central Plains)
*Foard
Service Area: LSA 55
Fort Bend
Service Area: LSA 38 (Riceland Region)
Franklin
Service Area: LSA 42 (The Lake Region)
Freestone
Service Area: LSA 21 (Heart Of Texas Mhmr=Mha)
Facility: Boyd Prison
Frio
Service Area: LSA 8 (Camino Real)
*Gaines
Service Area: LSA 38a
*Garza
Service Area: LSA 38b
Gillespie
Service Area: LSA 40
*Glasscock
Service Area: LSA 37a
Gonzales
Service Area: LSA 8 (Camino Real)
Grayson
Service Area: LSA 31 (Services Of Texoma)
Gregg
Service Area: LSA 40 (Sabine Valley Center)
Grimes
Service Area: LSA 32 (Mhmra Of Brazos Valley)
Guadalupe
Service Area: LSA 8 (Camino Real)
Hale
Service Area: LSA 12 (Central Plains)
*Hardeman
Service Area: LSA 55
Hardin
Service Area: LSA 7 (Burke Center)
Harrison
Service Area: LSA 40 (Sabine Valley Center)
*Haskell
Service Area: LSA 52
Hays
Service Area: LSA 32
*Henderson
Service Area: LSA 12
Hidalgo
Service Area: LSA 44 (Tropical Texas)
Facility: Lopez Psn
Hood
Service Area: LSA 36 (Pecan Valley)
Hopkins
Service Area: LSA 42 (The Lake Region)
Houston
Service Area: LSA 7 (Burke Center)
*Howard
Service Area: LSA 37a
Hudspeth
Service Area: LSA 6 (Big Bend)
Hunt
Service Area: LSA 25 (Hunt Family Services)
Irion
Service Area: LSA 30 (Services Of Concho Valley)
*Jack
Service Area: LSA 57
Jasper
Service Area: LSA 7 (Burke Center)
Jeff Davis
Service Area: LSA 6 (Big Bend)
Jim Hogg
Service Area: LSA 27 (Laredo)
*Jim Wells
Service Area: LSA 60
Johnson
Service Area: LSA 26 (Johnson County)
Karnes
Service Area: LSA 8 (Camino Real)
Facility: Conanally Prison
Kaufman
Service Area: LSA 42 (The Lake Region)
*Kendall
Service Area: LSA 40
*Kenedy
Service Area: LSA 60
*Kent
Service Area: LSA 38b
*Kerr
Service Area: LSA 40
*Kimble
Service Area: LSA 40
*King
Service Area: LSA 55
*Kinney
Service Area: LSA 42
*Kleberg
Service Area: LSA 60
*Knox
Service Area: LSA 55
La Salle
Service Area: LSA 8 (Camino Real)
Lamar
Service Area: LSA 42 (The Lake Region)
Lamb
Service Area: LSA 12 (Central Plains)
Lee
Service Area: LSA 9 (Blue Bonnet Trails)
Leon
Service Area: LSA 32 (Mhmra Of Brazos Valley)
Liberty
Service Area: LSA 43 (Tri-Co Mhmr Center)
Limestone
Service Area: LSA 21 (Heart Of Texas Mhmr=Mha)
*Llano
Service Area: LSA 40
*Loving
Service Area: LSA 54a
Madison
Service Area: LSA 32 (Mhmra Of Brazos Valley)
Marion
Service Area: LSA 40 (Sabine Valley Center)
*Martin
Service Area: LSA 38a
*Mason
Service Area: LSA 40

MENTAL HEALTH: Texas
County Listing

County Name

Matagorda
  Service Area: LSA 38 (Riceland Region)
Maverick
  Service Area: LSA 8 (Camino Real)
McCulloch
  Service Area: LSA 13 (Central Texas)
McMullen
  Service Area: LSA 8 (Camino Real)
*Medina
  Service Area: LSA 42
*Menard
  Service Area: LSA 40
Midland
  Service Area: LSA 37 (Permian Basin Centers)
Mills
  Service Area: LSA 13 (Central Texas)
*Mitchell
  Service Area: LSA 37a
*Montague
  Service Area: LSA 57
Montgomery
  Service Area: LSA 43 (Tri-Co Mhmr Center)
Morris
  Service Area: LSA 42 (The Lake Region)
Motley
  Service Area: LSA 12 (Central Plains)
Nacogdoches
  Service Area: LSA 7 (Burke Center)
Navarro
  Service Area: LSA 26 (Johnson County)
Newton
  Service Area: LSA 7 (Burke Center)
*Nolan
  Service Area: LSA 37a
Palo Pinto
  Service Area: LSA 36 (Pecan Valley)
Panola
  Service Area: LSA 40 (Sabine Valley Center)
Parker
  Service Area: LSA 36 (Pecan Valley)
Parmer
  Service Area: LSA 12 (Central Plains)
Pecos
  Service Area: LSA 37 (Permian Basin Centers)
Polk
  Service Area: LSA 7 (Burke Center)
  Facility: Terrell Prison
Presidio
  Service Area: LSA 6 (Big Bend)
*Rains
  Service Area: LSA 12
Reagan
  Service Area: LSA 30 (Services Of Concho Valley)
*Real
  Service Area: LSA 40
Red River
  Service Area: LSA 34 (North East Texas)
*Reeves
  Service Area: LSA 54a
Robertson
  Service Area: LSA 32 (Mhmra Of Brazos Valley)
Rockwall
  Service Area: LSA 42 (The Lake Region)
*Runnels
  Service Area: LSA 37b
Rusk
  Service Area: LSA 40 (Sabine Valley Center)
Sabine
  Service Area: LSA 7 (Burke Center)
San Augustine
  Service Area: LSA 7 (Burke Center)
San Jacinto
  Service Area: LSA 7 (Burke Center)
San Saba
  Service Area: LSA 13 (Central Texas)
*Schleicher
  Service Area: LSA 39
*Scurry
  Service Area: LSA 37a
*Shackelford
  Service Area: LSA 56
Shelby
  Service Area: LSA 7 (Burke Center)
Smith
  Service Area: LSA 12
Somervell
  Service Area: LSA 36 (Pecan Valley)
Starr
  Service Area: LSA 27 (Laredo)
*Stephens
  Service Area: LSA 56
Sterling
  Service Area: LSA 30 (Services Of Concho Valley)
*Stonewall
  Service Area: LSA 52
*Sutton
  Service Area: LSA 39
Swisher
  Service Area: LSA 12 (Central Plains)
*Terrell
  Service Area: LSA 54b
*Terry
  Service Area: LSA 38a
*Throckmorton
  Service Area: LSA 52
Titus
  Service Area: LSA 42 (The Lake Region)
Tom Green
  Service Area: LSA 30 (Services Of Concho Valley)
Trinity
  Service Area: LSA 7 (Burke Center)
Tyler
  Service Area: LSA 7 (Burke Center)
Upshur
  Service Area: LSA 40 (Sabine Valley Center)
*Upton
  Service Area: LSA 54c
*Uvalde
  Service Area: LSA 42
*Val Verde
  Service Area: LSA 43
*Van Zandt
  Service Area: LSA 12
Walker
  Service Area: LSA 43 (Tri-Co Mhmr Center)
Waller
  Service Area: LSA 11 (Central Gulf Designation)
*Ward
  Service Area: LSA 54a
Washington
  Service Area: LSA 32 (Mhmra Of Brazos Valley)
Webb
  Service Area: LSA 27 (Laredo)
Wharton
  Service Area: LSA 38 (Riceland Region)
*Wilbarger
  Service Area: LSA 55
Willacy
  Service Area: LSA 44 (Tropical Texas)
Williamson
  Service Area: LSA 9 (Blue Bonnet Trails)
Wilson
  Service Area: LSA 8 (Camino Real)
*Winkler
  Service Area: LSA 54a
*Wise
  Service Area: LSA 57
*Wood
  Service Area: LSA 12
*Yoakum
  Service Area: LSA 38a
*Young
  Service Area: LSA 52
Zapata
  Service Area: LSA 27 (Laredo)
Zavala
  Service Area: LSA 8 (Camino Real)

MENTAL HEALTH: Texas
Service Area Listing

Service Area Name

LSA 11 (Central Gulf Designation)
  County—Austin
  County—Waller
LSA 12
  County—Henderson
  County—Rains
  County—Smith
  County—Van Zandt
  County—Wood
LSA 12 (Central Plains)
  County—Bailey
  County—Briscoe
  County—Castro
  County—Floyd
  County—Hale
  County—Lamb
  County—Motley
  County—Parmer
  County—Swisher
LSA 13 (Central Texas)
  County—Brown
  County—Coleman
  County—Comanche
  County—Eastland
  County—McCulloch
  County—Mills
  County—San Saba
LSA 2 (Anderson/Cherokee)
  County—Anderson
  County—Cherokee
LSA 21 (Heart Of Texas Mhmr=Mha)
  County—Falls
  County—Freestone
  County—Limestone
LSA 25 (Hunt Family Services)
  County—Hunt
LSA 26 (Johnson County)
  County—Ellis
  County—Johnson
  County—Navarro
LSA 27 (Laredo)

MENTAL HEALTH: Texas
Service Area Listing

Service Area Name
County—Jim Hogg
County—Starr
County—Webb
County—Zapata
LSA 30 (Services Of Concho Valley)
County—Coke
County—Concho
County—Crockett
County—Irion
County—Reagan
County—Sterling
County—Tom Green
LSA 31 (Services Of Texoma)
County—Cooke
County—Fannin
County—Grayson
LSA 32
County—Blanco
County—Hays
LSA 32 (Mhmra Of Brazos Valley)
County—Brazos
County—Burleson
County—Grimes
County—Leon
County—Madison
County—Robertson
County—Washington
LSA 34 (North East Texas)
County—Bowie
County—Cass
County—Red River
LSA 36 (Pecan Valley)
County—Erath
County—Hood
County—Palo Pinto
County—Parker
County—Somervell
LSA 37 (Permian Basin Centers)
County—Ector
County—Midland
County—Pecos
LSA 37a
County—Borden
County—Fisher
County—Glasscock
County—Howard
County—Mitchell
County—Nolan
County—Scurry
LSA 37b
County—Runnels
LSA 38 (Riceland Region)
County—Colorado
County—Fort Bend
County—Matagorda
County—Wharton
LSA 38a
County—Andrews
County—Dawson
County—Gaines
County—Martin
County—Terry
County—Yoakum
LSA 38b
County—Garza
County—Kent
LSA 39
County—Schleicher
County—Sutton
LSA 40
County—Bandera
County—Edwards

MENTAL HEALTH: Texas
Service Area Listing

Service Area Name
County—Gillespie
County—Kendall
County—Kerr
County—Kimble
County—Llano
County—Mason
County—Menard
County—Real
LSA 40 (Sabine Valley Center)
County—Gregg
County—Harrison
County—Marion
County—Panola
County—Rusk
County—Upshur
LSA 42
County—Kinney
County—Medina
County—Uvalde
LSA 42 (The Lake Region)
County—Camp
County—Delta
County—Franklin
County—Hopkins
County—Kaufman
County—Lamar
County—Morris
County—Rockwall
County—Titus
LSA 43
County—Val Verde
LSA 43 (Tri-Co Mhmr Center)
County—Liberty
County—Montgomery
County—Walker
LSA 44
County—Comal
LSA 44 (Tropical Texas)
County—Cameron
County—Hidalgo
County—Willacy
LSA 52
County—Archer
County—Haskell
County—Stonewall
County—Throckmorton
County—Young
LSA 53
County—Childress
LSA 54a
County—Loving
County—Reeves
County—Ward
County—Winkler
LSA 54b
County—Terrell
LSA 54c
County—Crane
County—Upton
LSA 55
County—Baylor
County—Cottle
County—Dickens
County—Foard
County—Hardeman
County—King
County—Knox
County—Wilbarger
LSA 56
County—Shackelford
County—Stephens
LSA 57

MENTAL HEALTH: Texas
Service Area Listing

Service Area Name
County—Clay
County—Jack
County—Montague
County—Wise
LSA 6 (Big Bend)
County—Brewster
County—Culberson
County—Hudspeth
County—Jeff Davis
County—Presidio
LSA 60
County—Brooks
County—Duval
County—Jim Wells
County—Kenedy
County—Kleberg
LSA 7 (Burke Center)
County—Angelina
County—Hardin
County—Houston
County—Jasper
County—Nacogdoches
County—Newton
County—Polk
County—Sabine
County—San Augustine
County—San Jacinto
County—Shelby
County—Trinity
County—Tyler
LSA 8 (Camino Real)
County—Aransas
County—Atascosa
County—Bee
County—Dimmit
County—Frio
County—Gonzales
County—Guadalupe
County—Karnes
County—La Salle
County—Live Oak
County—McMullen
County—Maverick
County—San Patricio
County—Wilson
County—Zavala
LSA 9 (Blue Bonnet Trails)
County—Bastrop
County—Burnet
County—Caldwell
County—Fayette
County—Lee
County—Williamson

MENTAL HEALTH: Texas
Facility Listing

Facility Name
Beto Psn
County—Anderson
Boyd Prison
County—Freestone
Conanally Prison
County—Karnes
Duncan Prison
County—Angelina
Gurney Prison
County—Anderson
Lopez Psn
County—Hidalgo
McConnel Prsn
County—Bee

MENTAL HEALTH: Texas
Facility Listing

Facility Name

Mountain View Prison
  County—Coryell
Terrell Prison
  County—Polk

MENTAL HEALTH: Utah
County Listing

County Name

Beaver
  Service Area: Five County MHCA (SW District)
*Carbon
*Daggett
*Duchesne
*Emery
Garfield
  Service Area: Five County MHCA (SW District)
*Grand
Iron
  Service Area: Five County MHCA (SW District)
Juab
  Service Area: Six County MHCA
Kane
  Service Area: Five County MHCA (SW District)
Millard
  Service Area: Six County MHCA
Piute
  Service Area: Six County MHCA
Salt Lake (g)
  Facility: Draper State Prison
*San Juan
Sanpete
  Service Area: Six County MHCA
  Facility: Central Utah Corr Fac
Sevier
  Service Area: Six County MHCA
*Tooele
*Uintah
Washington
  Service Area: Five County MHCA (SW District)
Wayne
  Service Area: Six County MHCA

MENTAL HEALTH: Utah
Service Area Listing

Service Area Name

Five County MHCA (SW District)
  County—Beaver
  County—Garfield
  County—Iron
  County—Kane
  County—Washington
Six County MHCA
  County—Juab
  County—Millard
  County—Piute
  County—Sanpete
  County—Sevier
  County—Wayne

MENTAL HEALTH: Utah
Facility Listing

Facility Name

Central Utah Corr Fac
  County—Sanpete

MENTAL HEALTH: Utah
Facility Listing

Facility Name

Draper State Prison
  County—Salt Lake

MENTAL HEALTH: Vermont
County Listing

County Name

Caledonia
  Service Area: Northeast Kingdom
Essex
  Service Area: Northeast Kingdom
Franklin
  Service Area: Franklin/Grand Isle
Grand Isle
  Service Area: Franklin/Grand Isle
Orleans
  Service Area: Northeast Kingdom

MENTAL HEALTH: Vermont
Service Area Listing

Service Area Name

Franklin/Grand Isle
  County—Franklin
  County—Grand Isle
Northeast Kingdom
  County—Caledonia
  County—Essex
  County—Orleans

MENTAL HEALTH: Virginia
County Listing

County Name

Brunswick
  Service Area: Southside Planning Ditrict
Buchanan
  Service Area: Planning Dist II
Danville City
  Service Area: Planning Dist XII
Dickenson
  Service Area: Planning Dist II
Dinwiddie/Petersburg
  Service Area: Planning Dist XIX
Franklin
  Service Area: Planning Dist XII
Halifax
  Service Area: Southside Planning Ditrict
Henry
  Service Area: Planning Dist XII
Martinsville City
  Service Area: Planning Dist XII
Mecklenburg
  Service Area: Southside Planning Ditrict
Patrick
  Service Area: Planning Dist XII
Pittsylvania
  Service Area: Planning Dist XII
Russell
  Service Area: Planning Dist II
Smyth (g)
  Facility: Southwestern MH Inst
Surry
*Surry
  Service Area: Planning Dist XIX
  Service Area: Planning Dist XIX
Sussex
*Sussex
  Service Area: Planning Dist XIX
  Service Area: Planning Dist XIX
Tazewell
  Service Area: Planning Dist II

MENTAL HEALTH: Virginia
Service Area Listing

Service Area Name

Planning Dist II
  County—Buchanan
  County—Dickenson
  County—Russell
  County—Tazewell
Planning Dist XIX
  County—Dinwiddie/Petersburg
  County—Surry
  County—Sussex
  County—Sussex
Planning Dist XII
  County—Franklin
  County—Henry
  County—Patrick
  County—Pittsylvania
  County—Danville City
  County—Martinsville City
Southside Planning Ditrict
  County—Brunswick
  County—Halifax
  County—Mecklenburg

MENTAL HEALTH: Virginia
Facility Listing

Facility Name

Southwestern MH Inst
  County—Smyth

MENTAL HEALTH: Washington
County Listing

County Name

*Adams
Benton
  Service Area: Tri-Cities
  Population Group: MFW—Benton/Franklin
Chelan
  Service Area: Chelan/Douglas
*Clallam
  Facility: Clallam Bay Corr Ctr
*Cowlitz
Douglas
  Service Area: Chelan/Douglas
*Ferry
Franklin
  Service Area: Tri-Cities
  Population Group: MFW—Benton/Franklin
*Grant
*Jefferson
*Kittitas
*Lewis
  Population Group: Low Inc—Lewis Cty
*Lincoln
*Mason
  Population Group: Low Inc—Mason Cty
  Facility: Wash/Corr/Reception Ctr
*Okanogan
*Pend Oreille
Pierce (g)
  Facility: McNeil Island Corr Ctr
Spokane
  Population Group: Am In—Spokane
*Stevens
*Wahkiakum
*Walla Walla
  Service Area: Tri-Cities
  Facility: Wa State Pen
Yakima
  Population Group: MSFW—Yakima Cty

MENTAL HEALTH: Washington
Service Area Listing

Service Area Name
Chelan/Douglas
  County—Chelan
  County—Douglas
Tri-Cities
  County—Benton
  County—Franklin
  County—Walla Walla
    Parts:
      Burbank CCD

MENTAL HEALTH: Washington
Population Group Listing

Population Group
Am In—Spokane
  County—Spokane
    Parts:
      Am In Pop
Low Inc—Lewis Cty
  County—Lewis
    Parts:
      Low Inc
Low Inc—Mason Cty
  County—Mason
    Parts:
      Low Inc
MFW—Benton/Franklin
  County—Benton
    Parts:
      MFW
  County—Franklin
    Parts:
      MFW
MSFW—Yakima Cty
  County—Yakima
    Parts:
      MSFW

MENTAL HEALTH: Washington
Facility Listing

Facility Name
Clallam Bay Corr Ctr
  County—Clallam
McNeil Island Corr Ctr
  County—Pierce
Wa State Pen
  County—Walla Walla
Wash/Corr/Reception Ctr
  County—Mason

MENTAL HEALTH: West Virginia
County Listing

County Name
Berkeley
  Population Group: Low Inc—E Panhandle (MH Reg IX)
Braxton
  Service Area: Central (VI-2)
Cabell
  Facility: Huntington State Hosp
Doddridge
  Service Area: Central (VI-2)
Gilmer
  Service Area: Central (VI-2)
Grant
  Service Area: Petersburg (VIII)
Greenbrier
  Service Area: Seneca (IV)
Hampshire
  Service Area: Petersburg (VIII)
Hardy
  Service Area: Petersburg (VIII)
Harrison
  Service Area: Central (VI-2)
Jefferson
  Population Group: Low Inc—E Panhandle (MH Reg IX)
Lewis
  Service Area: Central (VI-2)
Logan
  Service Area: Logan/Mingo (II-1)
Mc Dowell
  Service Area: Mercer/Mcdowell/Wyoming (I-1)
Mercer
  Service Area: Mercer/Mcdowell/Wyoming (I-1)
Mineral
  Service Area: Petersburg (VIII)
Mingo
  Service Area: Logan/Mingo (II-1)
*Morgan
  Population Group: Low Inc—E Panhandle (MH Reg IX)
Nicholas
  Service Area: Seneca (IV)
Pendleton
  Service Area: Petersburg (VIII)
Pocahontas
  Service Area: Seneca (IV)
Webster
  Service Area: Seneca (IV)
Wyoming
  Service Area: Mercer/Mcdowell/Wyoming (I-1)

MENTAL HEALTH: West Virginia
Service Area Listing

Service Area Name
Central (VI-2)
  County—Braxton
  County—Doddridge
  County—Gilmer
  County—Harrison
  County—Lewis
Logan/Mingo (II-1)
  County—Logan
  County—Mingo
Mercer/Mcdowell/Wyoming (I-1)
  County—Mc Dowell
  County—Mercer
  County—Wyoming
Petersburg (VIII)
  County—Grant
  County—Hampshire
  County—Hardy
  County—Mineral
  County—Pendleton
Seneca (IV)
  County—Greenbrier
  County—Nicholas
  County—Pocahontas
  County—Webster

MENTAL HEALTH: West Virginia
Population Group Listing

Population Group
Low Inc—E Panhandle (MH Reg IX)
  County—Berkeley
    Parts:
      Berkeley

MENTAL HEALTH: West Virginia
Population Group Listing

Population Group
  County—Jefferson
    Parts:
      Jefferson
  County—Morgan
    Parts:
      Morgan

MENTAL HEALTH: West Virginia
Facility Listing

Facility Name
Huntington State Hosp
  County—Cabell

MENTAL HEALTH: Wisconsin
County Listing

County Name
Adams
  Service Area: Catchment Area 16
Ashland
  Service Area: Catchment Area 3
Barron
  Service Area: Catchment Area 2
Bayfield
  Service Area: Catchment Area 3
Brown (g)
  Facility: Green Bay Corr. I.
Buffalo
  Service Area: Catchment Area 9
Burnett
  Service Area: Catchment Area 2
*Clark
Columbia
  Service Area: Catchment Area 16
Crawford
  Service Area: Catchment Area 21
*Dodge (g)
  Facility: Dodge Corr Inst
  Facility: Fox Lake Corr. I.
  Facility: Waupun Corr Inst
Door
  Service Area: Catchment Area #6
Douglas
  Service Area: Catchment Area 1
Dunn
  Service Area: Catchment Area 7
Florence
  Service Area: Catchment Area #6
Forest
  Service Area: Catchment Area 4
Grant
  Service Area: Catchment Area 21
Green
  Service Area: Catchment Area 21
Iowa
  Service Area: Catchment Area 21
Iron
  Service Area: Catchment Area 3
Jackson
  Service Area: Catchment Area 9
  Facility: Jackson Corr Inst
*Jefferson
Juneau
  Service Area: Catchment Area 15
Lafayette
  Service Area: Catchment Area 21
*Langlade
*Lincoln
Marinette
  Service Area: Catchment Area #6
Marquette

MENTAL HEALTH: Wisconsin
County Listing

County Name

Service Area: Catchment Area 16
Menominee
Service Area: Catchment Area 11
Milwaukee
Service Area: Near North Side—Milwaukee
Facility: Milwaukee MH Complex
*Monroe
*Oconto
Oneida
Service Area: Catchment Area 4
Pepin
Service Area: Catchment Area 7
Pierce
Service Area: Catchment Area 7
Polk
Service Area: Catchment Area 2
Price
Service Area: Catchment Area 3
Racine (g)
Facility: Racine Corr I
Facility: Racine Youth Corr Ctr
Richland
Service Area: Catchment Area 15
Rusk
Service Area: Catchment Area 2
Sauk
Service Area: Catchment Area 15
Sawyer
Service Area: Catchment Area 3
Shawano
Service Area: Catchment Area 11
Sheboygan (g)
Facility: Kettle Moraine Corr I
St. Croix
Service Area: Catchment Area 7
*Taylor
Trempealeau
Service Area: Catchment Area 9
*Vernon
Vilas
Service Area: Catchment Area 4
Washburn
Service Area: Catchment Area 2
Waukesha (g)
Facility: Ethan Allen School
Waupaca
Service Area: Catchment Area 11
*Waushara
Winnebage (g)
Facility: Oshkosh Corr I
Facility: Wisconsin Resource Center

MENTAL HEALTH: Wisconsin
Service Area Listing

Service Area Name

Catchment Area 1
County—Douglas
Catchment Area #6
County—Door
County—Florence
County—Marinette
Catchment Area 11
County—Menominee
County—Shawano
County—Waupaca
Catchment Area 15
County—Juneau
County—Richland
County—Sauk
Catchment Area 16
County—Adams

MENTAL HEALTH: Wisconsin
Service Area Listing

Service Area Name

County—Columbia
County—Marquette
Catchment Area 2
County—Barron
County—Burnett
County—Polk
County—Rusk
County—Washburn
Catchment Area 21
County—Crawford
County—Grant
County—Green
County—Iowa
County—Lafayette
Catchment Area 3
County—Ashland
County—Bayfield
County—Iron
County—Price
County—Sawyer
Catchment Area 4
County—Forest
County—Oneida
County—Vilas
Catchment Area 7
County—Dunn
County—Pepin
County—Pierce
County—St. Croix
Catchment Area 9
County—Buffalo
County—Jackson
County—Trempealeau
Near North Side—Milwaukee
County—Milwaukee
Parts:
C.T. 18–28
C.T. 38–49
C.T. 60–72
C.T. 79–92
C.T. 98–107

MENTAL HEALTH: Wisconsin
Facility Listing

Facility Name

Dodge Corr Inst
County—Dodge
Ethan Allen School
County—Waukesha
Fox Lake Corr. I.
County—Dodge
Green Bay Corr. I.
County—Brown
Jackson Corr Inst
County—Jackson
Kettle Moraine Corr I
County—Sheboygan
Milwaukee MH Complex
County—Milwaukee
Oshkosh Corr I
County—Winnebage
Racine Corr I
County—Racine
Racine Youth Corr Ctr
County—Racine
Waupun Corr Inst
County—Dodge
Wisconsin Resource Center
County—Winnebage

MENTAL HEALTH: Wyoming
County Listing

County Name

*Albany
Service Area: Southeast
*Big Horn
Service Area: MH Region I
*Campbell
*Carbon
Converse
Service Area: Eastern
*Crook
Service Area: Crook/Weston
*Fremont
*Goshen
Service Area: Southeast
*Hot Springs
Service Area: MH Region I
*Johnson
Service Area: Northern
Laramie
Service Area: Southeast
*Lincoln
Natrona
Niobrara
Service Area: Eastern
Park
Service Area: MH Region I
*Platte
Service Area: Southeast
*Sheridan
Service Area: Northern
*Sublette
*Sweetwater
*Teton
*Uinta (g)
Facility: Wyoming State Hosp
*Washakie
Service Area: MH Region I
*Weston
Service Area: Crook/Weston

MENTAL HEALTH: Wyoming
Service Area Listing

Service Area Name

Crook/Weston
County—Crook
County—Weston
Eastern
County—Converse
County—Niobrara
MH Region I
County—Big Horn
County—Hot Springs
County—Park
County—Washakie
Northern
County—Johnson
Parts:
Johnson
County—Sheridan
Parts:
Sheridan
Southeast
County—Albany
County—Goshen
County—Laramie
County—Platte

MENTAL HEALTH: Wyoming
Facility Listing

Facility Name

Wyoming State Hosp
County—Uinta

MENTAL HEALTH: American Samoa
County Listing

County Name
Eastern
Service Area: Terr. Of American Samoa
Manua
Service Area: Terr. Of American Samoa
Rose Island
Service Area: Terr. Of American Samoa
Swains Island
Service Area: Terr. Of American Samoa
Western
Service Area: Terr. Of American Samoa

MENTAL HEALTH: American Samoa
Service Area Listing

Service Area Name
Terr. Of American Samoa
County—Eastern
County—Manua
County—Rose Island
County—Swains Island
County—Western

MENTAL HEALTH: Fed Ste Micronesia
County Listing

County Name
*Chuuk State
*Kosrae State
*Pohnpei State
*Yap State

MENTAL HEALTH: Guam
County Listing

County Name
Guam
Service Area: Terr. Of Guam

MENTAL HEALTH: Guam
Service Area Listing

Service Area Name
Terr. Of Guam
County—Guam

MENTAL HEALTH: N. Mariana Islands
County Listing

County Name
Northern Islands
Service Area: Commonwealth N. Marianas Islands
Rota
Service Area: Commonwealth N. Marianas Islands
Saipan
Service Area: Commonwealth N. Marianas Islands
Tinian
Service Area: Commonwealth N. Marianas Islands

MENTAL HEALTH: N. Mariana Islands
Service Area Listing

Service Area Name
Commonwealth N. Marianas Islands
County—Northern Islands
County—Rota
County—Saipan
County—Tinian

MENTAL HEALTH: Republic of Palau
County Listing

County Name
*Republic Of Palau

MENTAL HEALTH: Puerto Rico
County Listing

County Name
*Adjuntas
Service Area: Castaner
Adjuntas (W 1/2)
Service Area: Castaner
Aguas Buenas
Service Area: Caguas (Sub-Region I)
*Aquas Buenas
Service Area: Caguas (Sub-Region I)
Caguas
*Caguas
Service Area: Caguas (Sub-Region I)
Service Area: Caguas (Sub-Region I)
Cidra
*Cidra
Service Area: Caguas (Sub-Region I)
Service Area: Caguas (Sub-Region I)
Gurabo
*Gurabo
Service Area: Caguas (Sub-Region I)
Service Area: Caguas (Sub-Region I)
Juncos
*Juncos
Service Area: Caguas (Sub-Region I)
Service Area: Caguas (Sub-Region I)
*Lares
Service Area: Castaner
Lares (S 1/2)
Service Area: Castaner
*Maricao
Service Area: Castaner
Maricao (E 1/2)
Service Area: Castaner
*Yauco
Service Area: Castaner
Yauco (N 1/4)
Service Area: Castaner

MENTAL HEALTH: Puerto Rico
Service Area Listing

Service Area Name
Caguas (Sub-Region I)
County—Aguas Buenas
County—Caguas
County—Cidra
County—Gurabo
County—Juncos
Castaner
County—Adjuntas (W 1/2)
County—Lares (S 1/2)
County—Maricao (E 1/2)
County—Yauco (N 1/4)

DENTAL: Alabama
County Listing

County Name
Autauga
Population Group: Low Inc Pop—Autauga Co.
*Barbour
Population Group: Low Inc—Barbour Co
*Bibb
Blount
*Chambers
Population Group: Low Inc—Chambers Co
*Choctaw
Population Group: Low Inc—Choctaw
*Conecuh
Elmore
Population Group: Low Inc Pop—Elmore Co
*Escambia
Population Group: Low Inc—W Escambia
Etowah
Population Group: Low Inc—Etowah Co
*Greene
*Hale
*Lowndes
Madison
Population Group: Low Inc—C Huntsville
*Marengo
Mobile
Service Area: Bayou La Batre/Grand Bay
Service Area: North Mobile
Population Group: Low Inc—Nw Mobile
Population Group: Low Inc—Central Mobile/Prichard
Population Group: Low Inc—Se Mobile
Montgomery
Population Group: Low Inc—W Montgomery
*Pickens
*Pike
Population Group: Low Inc—Pike Co
*Sumter
*Talladega
Facility: FCI—Talladega
Tuscaloosa
Population Group: Pov Pop—Tuscaloosa Co
*Washington
*Wilcox

DENTAL: Alabama
Service Area Listing

Service Area Name
Bayou La Batre/Grand Bay
County—Mobile
Parts:
C.T. 66–67
C.T. 72.02
C.T. 73
North Mobile
County—Mobile
Parts:
C.T. 58–60

DENTAL: Alabama
Population Group Listing

Population Group
Low Inc—Barbour Co
County—Barbour
Low Inc—C Huntsville
County—Madison
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3.01–3.02
C.T. 7.01–7.02
C.T. 8
C.T. 10–13
C.T. 15–16
C.T. 20–24
C.T. 25.01–25.02
Low Inc—Central Mobile/Prichard
County—Mobile

DENTAL: Alabama
Population Group Listing

Population Group

Parts:
C.T. 1–3
C.T. 4.01–4.02
C.T. 5–6
C.T. 7.01–7.02
C.T. 8
C.T. 12.01
C.T. 26
C.T. 38.01
C.T. 39.01
C.T. 40–48
Low Inc—Chambers Co
County—Chambers
Parts:
Low Inc
Low Inc—Choctaw
County—Choctaw
Parts:
Low Income
Low Inc—Etowah Co
County—Etowah
Parts:
Low Income
Low Inc—Nw Mobile
County—Mobile
Parts:
C.T. 34.01–34.02
C.T. 49–50
C.T. 61.03
C.T. 161.03
Low Inc—Pike Co
County—Pike
Parts:
Low Income
Low Inc—Se Mobile
County—Mobile
Parts:
C.T. 9.01–9.02
C.T. 10.01–10.02
C.T. 11
C.T. 13.01–13.02
C.T. 14
C.T. 15.01–15.02
C.T. 16
C.T. 21–22
C.T. 23.01–23.02
C.T. 24
C.T. 25.01–25.02
C.T. 27–29
Low Inc—W Escambia
County—Escambia
Parts:
Atmore CCD
Flomaton CCD
McCullough-Huxford CCD
Low Inc—W Montgomery
County—Montgomery
Parts:
C.T. 1–2
C.T. 3.85
C.T. 4–7
C.T. 10–11
C.T. 13
C.T. 15–16
C.T. 22–24
C.T. 51.02
C.T. 59.02
Low Inc Pop—Autauga Co.
County—Autauga
Parts:
Low Inc Pop Autauga Co
Low Inc Pop—Elmore Co

DENTAL: Alabama
Population Group Listing

Population Group

County—Elmore
Parts:
Low Inc—Elmore Co
Pov Pop—Tuscaloosa Co
County—Tuscaloosa
Parts:
Pov Pop

DENTAL: Alabama
Facility Listing

Facility Name

FCI—Talladega
County—Talladega

DENTAL: Arizona
County Listing

County Name

*Apache
Service Area: Fort Defiance
*Cochise
Service Area: Elfrida
*Coconino
Service Area: Williams
Population Group: Low Inc—Flagstaff
*Greenlee
Maricopa
Population Group: Low Inc—Buckeye
Population Group: Low Inc—Wickenburg
Population Group: Low Inc—S Mountain
Population Group: Low Inc—El Mirage
Facility: FCI Phoenix
Facility: FCI Tucson
Facility: Maricopa Co Jails
Pima (g)
Facility: FCI Tucson
Pinal
Service Area: San Manuel
Population Group: Low Inc-Coolidge/Eloy/Casa Grande
*Santa Cruz
Yuma
Service Area: Wellton
Population Group: Low Inc—Somerton

DENTAL: Arizona
Service Area Listing

Service Area Name

Elfrida
County—Cochise
Parts:
Elfrida CCD
Fort Defiance
County—Apache
Parts:
Fort Apache Division
San Manuel
County—Pinal
Parts:
San Manuel CCD
Wellton
County—Yuma
Parts:
Wellton CCD
Williams
County—Coconino
Parts:
Williams CCD

DENTAL: Arizona
Population Group Listing

Population Group

Low Inc—Buckeye
County—Maricopa
Parts:
C.T. 506–507
Low Inc—El Mirage
County—Maricopa
Parts:
C.T. 405.02
C.T. 405.09
C.T. 608–609
Low Inc—Flagstaff
County—Coconino
Parts:
C.T. 1–15
Low Inc—S Mountain
County—Maricopa
Parts:
C.T. 1152–1161
C.T. 1162.02–1162.04
C.T. 1163–1165
C.T. 1166.01–1166.02
C.T. 1167.02–1167.04
Low Inc—Somerton
County—Yuma
Parts:
Somerton CCD
Low Inc—Wickenburg
County—Maricopa
Parts:
C.T. 405.02
C.T. 405.09
Low Inc-Coolidge/Eloy/Casa Grande
County—Pinal
Parts:
Casa Grande CCD
Coolidge CCD
Eloy CCD
Manicopa-Stanfield

DENTAL: Arizona
Facility Listing

Facility Name

FCI Phoenix
County—Maricopa
FCI Tucson
County—Pima
FCI Tucson
County—Maricopa
Maricopa Co Jails
County—Maricopa

DENTAL: Arkansas
County Listing

County Name

*Ashley
Service Area: Parkdale
*Calhoun
*Cleveland
*Fulton
*Grant
Jefferson
Service Area: Altheimer
*Lafayette
*Lee
*Lincoln
*Monroe
*Montgomery
*Newton
*Perry
*Phillips

DENTAL: Arkansas
County Listing

County Name

*Prairie
Pulaski
  Service Area: College Station
*Sharp
*Woodruff

DENTAL: Arkansas
Service Area Listing

Service Area Name

Altheimer
  County—Jefferson
    Parts:
      C.T. 1.85
      C.T. 7
College Station
  County—Pulaski
    Parts:
      C.T. 2
      C.T. 4–5
      C.T. 40.01
      C.T. 40.05
Parkdale
  County—Ashley
    Parts:
      Beech Creek Twp
      De Bastrop Twp
      Portland Twp
      Wilmot Twp

DENTAL: California
County Listing

County Name

Alameda
  Service Area: East Oakland/Fruitvale
  Population Group: Inmates—FCI Dublin
Butte
  Population Group: Low Inc/MFW—Oroville/Palermo
*Colusa
  Population Group: Low Inc/MFW—Colusa Co
*Del Norte
  Population Group: Low Inc—Del Norte Co
Fresno
  Service Area: San Joaquin/Tranquility
*Glenn
  Population Group: Low Inc—Willows
*Humboldt
  Population Group: Low Inc—Garberville/Redway
  Population Group: Low Inc—Trinity/Klamath
  Population Group: Low Inc—Eureka/Arcata
  Population Group: Low Inc—Rio Dell/Scotia
  Population Group: Low Inc—Fortuna
  Population Group: Low Inc—Ferndale
  Population Group: Low Inc—Area Around Arcata
  Population Group: Low Inc—North Coastal
*Imperial
  Service Area: Brawley-Calipatria
  Service Area: Brawley/Calpatria-Westmorland
  Service Area: Calexico—MSSA 49
  Service Area: East Imperial—MSSA 47
  Service Area: El Centro
  Service Area: West Imperial
  Population Group: Medicaid—Winterhaven-Bard
Kern
  Service Area: Arvin-Lamont(MSSA 61)
  Service Area: Buttonwillow
  Service Area: McFarland/Delano
  Service Area: S. Westside/Frazier Park
  Service Area: Shafter/Wasco
  Population Group: Inmates—FPC Boron
  Population Group: Low Inc—N Westside/Taft
*Lake
  Population Group: Low Inc—Lakeport (MSSA 70)
*Lassen
  Population Group: Low Inc—Susanville
Los Angeles
  Service Area: City Terrace/E Los Angeles
  Service Area: Figueroa/Firestone/Green Meadows/Watts
  Facility: FCI Terminal Island
*Mendocino
  Service Area: Covelo
  Service Area: Laytonville/Leggett
  Service Area: Redwood/Potter Valley
  Population Group: Low Inc—Hopland/Ukiah
  Population Group: Low Inc—Willits
Monterey
  Service Area: E Salinas/N Central Salinas
  Service Area: Greenfield/Soledad/Gonzales
  Service Area: King City
Riverside
  Population Group: Low Inc—Blythe
San Francisco
  Population Group: Low Inc—South Of Market
San Mateo
  Service Area: East Palo Alto
Santa Barbara (g)
  Facility: USP Lompoc
*Sierra
  Service Area: West Sierra (MSSA 192)
*Siskiyou
  Service Area: Butte Valley/Dorris
  Service Area: Happy Camp
Sonoma
  Population Group: Low Inc—Guerneville
  Population Group: Low Inc—Healdsburg/Geyserville
*Trinity
  Service Area: Lower Trinity/Helena/Salyer
  Service Area: Mad River/Ruth/Zenia
Tulare
  Population Group: Low Inc—Porterville (MSSA 231/232)
Ventura
  Population Group: Low Inc/MFW—Northern Ventura

DENTAL: California
Service Area Listing

Service Area Name

Arvin-Lamont(MSSA 61)
  County—Kern
    Parts:
      C.T. 62–64
Brawley-Calipatria
  County—Imperial
    Parts:
      C.T. 101–107
      C.T. 123.02
Brawley/Calpatria-Westmorland
  County—Imperial
    Parts:
      C.T. 101–107
      C.T. 123.02
Butte Valley/Dorris
  County—Siskiyou
    Parts:
      C.T. 2
Buttonwillow
  County—Kern
    Parts:
      C.T. 37
Calexico—MSSA 49
  County—Imperial
    Parts:
      C.T. 119–122
City Terrace/E Los Angeles
  County—Los Angeles
    Parts:
      C.T. 5303–5306
      C.T. 5308–5311
      C.T. 5312.01–5312.02
      C.T. 5313.01–5313.02
      C.T. 5315.01–5315.02
      C.T. 5316.01–5316.02
      C.T. 5317.01–5317.02
Covelo
  County—Mendocino
    Parts:
      C.T. 101
E Salinas/N Central Salinas
  County—Monterey
    Parts:
      C.T. 5–9
      C.T. 13
      C.T. 17–18
East Imperial—MSSA 47
  County—Imperial
    Parts:
      C.T. 124
East Oakland/Fruitvale
  County—Alameda
    Parts:
      C.T. 4052–4066
      C.T. 4070–4078
      C.T. 4082–4098
      C.T. 4101–4104
East Palo Alto
  County—San Mateo
    Parts:
      C.T. 6117–6120
      C.T. 6121.98
El Centro
  County—Imperial
    Parts:
      C.T. 108–111
      C.T. 112.01–112.02
      C.T. 113–117
      C.T. 118.01–118.03
Figueroa/Firestone/Green Meadows/Watts
  County—Los Angeles
    Parts:
      C.T. 2397–2398
      C.T. 2400
      C.T. 2402–2414
      C.T. 2420–2423
      C.T. 2426–2427
      C.T. 2430–2431
      C.T. 5349–5350
      C.T. 5351.01–5351.02
      C.T. 5352–5354
      C.T. 5404

DENTAL: California
Service Area Listing

Service Area Name

Greenfield/Soledad/Gonzales
County—Monterey
Parts:
C.T. 108.98
C.T. 109
C.T. 111–112
Happy Camp
County—Siskiyou
Parts:
C.T. 5
King City
County—Monterey
Parts:
C.T. 113
C.T. 114.02
Laytonville/Leggett
County—Mendocino
Parts:
C.T. 102
Lower Trinity/Helena/Salyer
County—Trinity
Parts:
C.T. 2
Mad River/Ruth/Zenia
County—Trinity
Parts:
C.T. 4
McFarland/Delano
County—Kern
Parts:
C.T. 46–48
C.T. 49.01–49.02
C.T. 50
Redwood/Potter Valley
County—Mendocino
Parts:
C.T. 108
S. Westside/Frazier Park
County—Kern
Parts:
C.T. 33.02
San Joaquin/Tranquility
County—Fresno
Parts:
C.T. 82
Shafter/Wasco
County—Kern
Parts:
C.T. 39–45
West Imperial
County—Imperial
Parts:
C.T. 123.01
West Sierra (MSSA 192)
County—Sierra
Parts:
West Sierra Division

DENTAL: California
Population Group Listing

Population Group

Inmates—FCI Dublin
County—Alameda
Parts:
FCI Dublin
Inmates—FPC Boron
County—Kern
Parts:
FPC Boron
Low Inc—Area Around Arcata
County—Humboldt

DENTAL: California
Population Group Listing

Population Group

Parts:
C.T. 9
C.T. 12
Low Inc—Blythe
County—Riverside
Parts:
C.T. 459–462
Low Inc—Del Norte Co
County—Del Norte
Parts:
Low Income
Low Inc—Eureka/Arcata
County—Humboldt
Parts:
C.T. 1
C.T. 1.99–2.00
C.T. 3–8
C.T. 10–11
C.T. 106–107
Low Inc—Ferndale
County—Humboldt
Parts:
C.T. 112
Low Inc—Fortuna
County—Humboldt
Parts:
C.T. 108–110
Low Inc—Garberville/Redway
County—Humboldt
Parts:
C.T. 113
Low Inc—Guerneville
County—Sonoma
Parts:
C.T. 1537.01–1537.02
C.T. 1543
C.T. 1543.99
Low Inc—Healdsburg/Geyserville
County—Sonoma
Parts:
C.T. 1538–1540
Low Inc—Hopland/Ukiah
County—Mendocino
Parts:
C.T. 113–118
Low Inc—Lakeport (MSSA 70)
County—Lake
Parts:
C.T. 1–5
C.T. 10
Low Inc—N Westside/Taft
County—Kern
Parts:
C.T. 33.03–33.04
C.T. 34–36
Low Inc—North Coastal
County—Humboldt
Parts:
C.T. 102
Low Inc—Porterville (MSSA 231/232)
County—Tulare
Parts:
C.T. 27
C.T. 33–41
C.T. 45
Low Inc—Rio Dell/Scotia
County—Humboldt
Parts:
C.T. 111
Low Inc—South Of Market
County—San Francisco
Parts:

DENTAL: California
Population Group Listing

Population Group

C.T. 122–125
C.T. 176.02
C.T. 176.98
C.T. 177–178
C.T. 179.01–179.02
C.T. 179.99–180.00
C.T. 201.98
C.T. 226–229
C.T. 607
Low Inc—Susanville
County—Lassen
Parts:
Honey Lake Div
Madeline Plains Div
Susanville Div
Westwood Div
Low Inc—Trinity/Klamath
County—Humboldt
Parts:
C.T. 101
Low Inc—Willits
County—Mendocino
Parts:
C.T. 106–107
Low Inc—Willows
County—Glenn
Parts:
C.T. 103–105
Low Inc/MFW—Colusa Co
County—Colusa
Parts:
Low Income
Migrant
Low Inc/MFW—Northern Ventura
County—Ventura
Parts:
Camarillo CCD
Fillmore-Piru CCD
Las Posas CCD
Los Padres CCD
Meiners Oaks-Ojai CCD
Oxnard CCD
Santa Paula CCD
Ventura CCD
Low Inc/MFW—Oroville/Palermo
County—Butte
Parts:
C.T. 25–33
Medicaid—Winterhaven-Bard
County—Imperial
Parts:
C.T. 125

DENTAL: California
Facility Listing

Facility Name

FCI Terminal Island
County—Los Angeles
USP Lompoc
County—Santa Barbara

DENTAL: Colorado
County Listing

County Name

Adams
Service Area: Commerce City
*Alamosa
Population Group: Low Inc—Alamosa Co
*Costilla
Denver

DENTAL: Colorado
County Listing

County Name
Service Area: Eastside (Denver)
Service Area: Montbello
Service Area: Westside (Denver)
Douglas (g)
Facility: FCI Englewood
*Fremont (g)
Facility: Florence Admax USP
Facility: FCI Florence
Facility: USP Florence
*Kiowa
*Prowers
Population Group: Low Inc—Prowers Co
Pueblo
Population Group: Low Inc/MFW—Pueblo Co
*Saguache

DENTAL: Colorado
Service Area Listing

Service Area Name
Commerce City
County—Adams
Parts:
C.T. 87.03
C.T. 87.05–87.06
C.T. 88.01–88.02
C.T. 89.01
C.T. 89.52
Eastside (Denver)
County—Denver
Parts:
C.T. 15–16
C.T. 23
C.T. 24.01–24.02
C.T. 25
C.T. 26.01–26.02
C.T. 27.01–27.03
C.T. 28.01–28.03
C.T. 35
C.T. 36.01–36.03
C.T. 41.01–41.02
C.T. 41.04
Montbello
County—Denver
Parts:
C.T. 83.04–83.06
C.T. 83.11–83.12
Westside (Denver)
County—Denver
Parts:
C.T. 2.01–2.02
C.T. 4.01–4.02
C.T. 5.01–5.02
C.T. 6
C.T. 7.01–7.02
C.T. 8
C.T. 9.01–9.03
C.T. 10
C.T. 11.01–11.02
C.T. 13.01–13.02
C.T. 14.01–14.02
C.T. 18–19
C.T. 21
C.T. 45.01–45.02
C.T. 46.01–46.02
C.T. 54.02

DENTAL: Colorado
Population Group Listing

Population Group
Low Inc—Alamosa Co
County—Alamosa
Parts:
Low Income
Migrant Farmworker
Low Inc—Prowers Co
County—Prowers
Parts:
Low Income
Low Inc/MFW—Pueblo Co
County—Pueblo
Parts:
Low Income/MFW

DENTAL: Colorado
Facility Listing

Facility Name
Florence Admax USP
County—Fremont
FCI Englewood
County—Douglas
FCI Florence
County—Fremont
USP Florence
County—Fremont

DENTAL: Connecticut
County Listing

County Name
Fairfield
Service Area: Central/East Bridgeport
Service Area: Southwest Bridgeport
Population Group: Inmates—FCI Danbury
Hartford
Service Area: Charter Oak/Frog Hollow/ Parkville
Service Area: North/Northcentral Hartford
Population Group: Low Inc— C New Britain
Middlesex
Population Group: Low Inc—Lower Shoreline
New Haven
Service Area: S. Cent Waterbury
Population Group: Low Inc—Meriden
New London
Population Group: Low Inc—Lower Shoreline
Population Group: Low Inc—Norwich
Population Group: Low Inc—New London (Inner City)
Windham
Population Group: Low Inc—Town Of Windham

DENTAL: Connecticut
Service Area Listing

Service Area Name
Central/East Bridgeport
County—Fairfield
Parts:
C.T. 713–717
C.T. 735–736
C.T. 738–744
Charter Oak/Frog Hollow/Parkville
County—Hartford
Parts:
C.T. 5001–5004
C.T. 5019
C.T. 5027–5030
C.T. 5043
C.T. 5045–5046
C.T. 5049
North/Northcentral Hartford
County—Hartford
Parts:
C.T. 5008–5015
C.T. 5017–5018
C.T. 5035
C.T. 5037
S. Cent Waterbury
County—New Haven
Parts:
C.T. 3501–3506
C.T. 3508
C.T. 3512
C.T. 3514
C.T. 3517
Southwest Bridgeport
County—Fairfield
Parts:
C.T. 702–712

DENTAL: Connecticut
Population Group Listing

Population Group
Inmates—FCI Danbury
County—Fairfield
Parts:
FCI Danbury
Low Inc— C New Britain
County—Hartford
Parts:
C.T. 4159–4162
C.T. 4166
C.T. 4168
C.T. 4171
Low Inc—Lower Shoreline
County—Middlesex
Parts:
Chester Town
Clinton Town
Deep River Town
Essex Town
Killingworth Town
Old Saybrook Town
Westbrook Town
County—New London
Parts:
Lyme Town
Old Lyme Town
Low Inc—Meriden
County—New Haven
Parts:
Low Income
Low Inc—New London (Inner City)
County—New London
Parts:
C.T. 6901
C.T. 6901.99–6902.00
C.T. 6902.99–6903.00
C.T. 6904–6906
C.T. 6906.99–6907.00
C.T. 6907.99–6908.00
C.T. 6909
Low Inc—Norwich
County—New London
Parts:
Bozrah Town
Franklin Town
Griswold Town

DENTAL: Connecticut
Population Group Listing

Population Group
Lisbon Town
Montville Town
Norwich Town
Preston Town
Sprague Town
Voluntown Town
Low Inc—Town Of Windham
County—Windham
Parts:
Windham Town

DENTAL: Delaware
County Listing

County Name
New Castle
Service Area: Southbridge
Service Area: Wilmington
*Sussex

DENTAL: Delaware
Service Area Listing

Service Area Name
Southbridge
County—New Castle
Parts:
C.T. 19
C.T. 153–155
Wilmington
County—New Castle
Parts:
C.T. 1
C.T. 6.01–6.02
C.T. 7–9
C.T. 15–17
C.T. 20–23

DENTAL: District of Columbia
County Listing

County Name
Dist of Columbia
Population Group: Homeless—Downtown D.C.

DENTAL: District of Columbia
Population Group Listing

Population Group
Homeless—Downtown D.C.
County—Dist of Columbia
Parts:
C.T. 40.01–40.02
C.T. 41
C.T. 42.02
C.T. 46–47
C.T. 48.01–48.02
C.T. 49.01–49.02
C.T. 50–51
C.T. 52.10
C.T. 52.20
C.T. 53.01–53.02
C.T. 54.01–54.02
C.T. 55.01–55.02
C.T. 56
C.T. 57.01–57.02
C.T. 58–59

DENTAL: Florida
County Listing

County Name
Alachua (g)
Facility: Gainesville Corr Inst
*Baker
Facility: Baker Corr Inst
Bradford (g)
Facility: Fl State Prison
Facility: Lawtey Corr Inst
Brevard (g)
Facility: Brevard Corr Inst
Broward (g)
Facility: Broward Corr Inst
*Calhoun (g)
Facility: Calhoun Corr Inst
Charlotte (g)
Facility: Charlotte Corr Inst
Collier
Service Area: Everglades
Service Area: Immokalee
*Columbia
Facility: Columbia Corr Inst
Dade
Service Area: Homestead
Service Area: Model Cities
Facility: Dade Corr Inst
Facility: FCI Miami
Facility: S Fl Reception Ctr
*De Soto
Facility: Desoto Corr Inst
*Dixie (g)
Facility: Cross City Corr Inst
Escambia (g)
Facility: Century Corr Inst
*Franklin
Gadsden
Population Group: Low Inc/MFW—Gadsden Co
*Gilchrist (g)
Facility: Lancaster Corr Inst
*Glades
*Gulf
Population Group: Low Inc—Gulf Co
Facility: Gulf Corr Inst
*Hamilton (g)
Facility: Hamilton Corr Inst
*Hardee
Population Group: Low Inc/MFW—Hardee Co
Facility: Hardee Corr Inst
*Hendry
Hernando
Population Group: Low Inc—Hernando Co
*Highlands
Population Group: Low Inc/MFW—Highlands Co
Facility: Avon Park Corr Inst
Hillsborough
Population Group: Low Inc/MFW—Ruskin/Apollo Beach
Population Group: Low Inc/MFW—Plant City/Dover
*Holmes (g)
Facility: Holmes Corr Inst
*Indian River (g)
Facility: Hendry Corr Inst
Facility: Indian River Corr Inst
*Jackson
Facility: Apalachee Corr Inst
Facility: FCI—Marianna
Facility: Jackson Corr Inst
Facility: River Junction Corr Inst
*Jefferson (g)
Facility: Jefferson Corr Inst

DENTAL: Florida
County Listing

County Name
*Lafayette (g)
Facility: Mayo Corr Inst
Lake
Population Group: MFW—Lake Co
Facility: Lake Corr Inst
Leon
Population Group: Low Inc—Bond Community
*Levy
*Liberty (g)
Facility: Liberty Corr Inst
*Madison (g)
Facility: Madison Corr Inst
Manatee
Population Group: MFW—Manatee
Marion (g)
Facility: Florida Corr Inst
Martin
Service Area: Indiantown
Facility: Martin Corr Inst
Okaloosa
Population Group: Inmates—FPC Elgin
Facility: Okaloosa Corr Inst
*Okeechobee
Orange (g)
Facility: C Fl Reception Ctr
Palm Beach
Service Area: Belle Glade/Pahokee
Population Group: Low Inc—West Palm Beach
Pasco
Service Area: Eastern Pasco
Facility: Zephyrhills Corr Inst
Pinellas
Population Group: Low Inc—Inner St. Petersburg
Polk
Service Area: Frostproof
Facility: Polk Corr Inst
*Putnam
Santa Rosa (g)
Facility: Santa Rosa Corr Inst
Seminole
Population Group: Medicaid—Seminole Co
St Lucie
Population Group: Low Inc—Central Ft. Pierce
*Sumter (g)
Facility: Fcc Coleman
Facility: Sumter Corr Inst
*Suwannee
Population Group: Low Inc—Suwannee Co
*Taylor
*Union
Facility: N Fl Reception Ctr
Facility: Union Corr Inst
Volusia (g)
Facility: Tomoka Corr Inst
*Walton (g)
Facility: Walton Corr Inst
*Washington

DENTAL: Florida
Service Area Listing

Service Area Name
Belle Glade/Pahokee
County—Palm Beach
Parts:
C.T. 80.01–80.02
C.T. 81.01–81.02
C.T. 82.01–82.03

DENTAL: Florida
Service Area Listing

Service Area Name
C.T. 83.01–83.02
Eastern Pasco
County—Pasco
Parts:
C.T. 320.01–320.02
C.T. 321.01–321.02
C.T. 322–329
C.T. 330.01–330.04
C.T. 331
Everglades
County—Collier
Parts:
C.T. 111.01–111.02
Frostproof
County—Polk
Parts:
Frostproof Division
Homestead
County—Dade
Parts:
C.T. 104–105
C.T. 106.02
C.T. 107.01
C.T. 108–109
C.T. 110.01–110.02
C.T. 111
C.T. 112.01–112.02
C.T. 113
C.T. 114.98
Immokalee
County—Collier
Parts:
C.T. 112.02–112.03
C.T. 113–114
Indiantown
County—Martin
Parts:
C.T. 18
Model Cities
County—Dade
Parts:
C.T. 4.08
C.T. 8.01–8.02
C.T. 9.01–9.03
C.T. 10.01–10.04
C.T. 11.03
C.T. 15.01–15.02
C.T. 16.01–16.02
C.T. 17.01–17.02
C.T. 18.01–18.03
C.T. 19.01
C.T. 19.03–19.04
C.T. 23

DENTAL: Florida
Population Group Listing

Population Group
Inmates—FPC Elgin
County—Okaloosa
Parts:
FPC Elgin
Low Inc—Bond Community
County—Leon
Parts:
C.T. 1
C.T. 4–6
C.T. 10.01
C.T. 11.01–11.02
C.T. 12–14
Low Inc—Central Ft. Pierce
County—St Lucie

DENTAL: Florida
Population Group Listing

Population Group
Parts:
C.T. 1
C.T. 1.99–2.00
C.T. 3–5
C.T. 9.02
Low Inc—Gulf Co
County—Gulf
Parts:
Low Income
Low Inc—Hernando Co
County—Hernando
Parts:
Low Income
Low Inc—Inner St. Petersburg
County—Pinellas
Parts:
C.T. 201.01
C.T. 203.01
C.T. 204–208
C.T. 209.95
C.T. 210.95
C.T. 212–213
C.T. 213.99–214.00
C.T. 215
C.T. 216.95
C.T. 218.95
C.T. 219.95
C.T. 220
C.T. 234–235
Low Inc—Suwannee Co
County—Suwannee
Parts:
Low Income
Low Inc—West Palm Beach
County—Palm Beach
Parts:
C.T. 20–24
C.T. 26
Low Inc/MFW—Gadsden Co
County—Gadsden
Parts:
Low Income/Migrant Farmw
Low Inc/MFW—Hardee Co
County—Hardee
Parts:
Low Income/Migrant Farmw
Low Inc/MFW—Highlands Co
County—Highlands
Parts:
Low Income/MFW
Low Inc/MFW—Plant City/Dover
County—Hillsborough
Parts:
C.T. 101.02–101.04
C.T. 124–131
Low Inc/MFW—Ruskin/Apollo Beach
County—Hillsborough
Parts:
C.T. 140.02
C.T. 141.01
C.T. 141.03–141.04
Medicaid—Seminole Co
County—Seminole
Parts:
Medicaid Eligible
MFW—Lake Co
County—Lake
Parts:
MFW
MFW—Manatee
County—Manatee
Parts:

DENTAL: Florida
Population Group Listing

Population Group
C.T. 13
C.T. 14.01–14.02
C.T. 15.01
C.T. 15.01
C.T. 16
C.T. 19.01
C.T. 19.03–19.04

DENTAL: Florida
Facility Listing

Facility Name
Apalachee Corr Inst
County—Jackson
Avon Park Corr Inst
County—Highlands
Baker Corr Inst
County—Baker
Brevard Corr Inst
County—Brevard
Broward Corr Inst
County—Broward
C Fl Reception Ctr
County—Orange
Calhoun Corr Inst
County—Calhoun
Century Corr Inst
County—Escambia
Charlotte Corr Inst
County—Charlotte
Columbia Corr Inst
County—Columbia
Cross City Corr Inst
County—Dixie
Dade Corr Inst
County—Dade
Desoto Corr Inst
County—De Soto
Fcc Coleman
County—Sumter
Fl State Prison
County—Bradford
Florida Corr Inst
County—Marion
FCI—Marianna
County—Jackson
FCI Miami
County—Dade
Gainesville Corr Inst
County—Alachua
Gulf Corr Inst
County—Gulf
Hamilton Corr Inst
County—Hamilton
Hardee Corr Inst
County—Hardee
Hendry Corr Inst
County—Indian River
Holmes Corr Inst
County—Holmes
Indian River Corr Inst
County—Indian River
Jackson Corr Inst
County—Jackson
Jefferson Corr Inst
County—Jefferson
Lake Corr Inst
County—Lake
Lancaster Corr Inst
County—Gilchrist
Lawtey Corr Inst
County—Bradford

DENTAL: Florida
Facility Listing

Facility Name
Liberty Corr Inst
County—Liberty
Madison Corr Inst
County—Madison
Martin Corr Inst
County—Martin
Mayo Corr Inst
County—Lafayette
N Fl Reception Ctr
County—Union
Okaloosa Corr Inst
County—Okaloosa
Polk Corr Inst
County—Polk
River Junction Corr Inst
County—Jackson
S Fl Reception Ctr
County—Dade
Santa Rosa Corr Inst
County—Santa Rosa
Sumter Corr Inst
County—Sumter
Tomoka Corr Inst
County—Volusia
Union Corr Inst
County—Union
Walton Corr Inst
County—Walton
Zephyrhills Corr Inst
County—Pasco

DENTAL: Georgia
County Listing

County Name
Bibb (g)
Facility: Middle Ga Corr Complex
Bryan
*Burke
*Butts
Facility: Ga Diagnostic Prison
*Calhoun
Facility: Calhoun State Prison
Chatham (g)
Facility: Costal State Prison
*Colquitt
Population Group: Low Inc—Colquitt
*Dawson
Population Group: Low Inc—Dawson Co
De Kalb
Service Area: East Atlanta
Facility: Metro State Prison
*Dodge (g)
Facility: Dodge State Prison
Dougherty
Population Group: Low Inc—Dougherty
Forsyth (g)
Facility: Phillips State Prison
Fulton
Service Area: Atlanta Southside
Service Area: West Atlanta
Facility: Metro Corr Inst
Facility: Procare At Midtown, Inc.
Facility: USP Atlanta
*Hancock
Facility: Hancock State Prison
Harris
*Liberty
*Long
*Macon
*Marion
*Sumter
*Talbot
*Tattnall
*Ware
Population Group: Low Inc—Ware Co
*Warren
*Wayne (g)
Facility: FCI—Jesup
*Wilcox
Facility: Wilcox State Prison
*Worth
Population Group: Low Inc—Worth

DENTAL: Georgia
Service Area Listing

Service Area Name
Atlanta Southside
County—Fulton
Parts:
C.T. 44
C.T. 46.95
C.T. 48
C.T. 49.95
C.T. 50
C.T. 52–53
C.T. 55.01–55.02
C.T. 56–58
C.T. 63–64
C.T. 67
C.T. 68.01–68.02
C.T. 69–73
East Atlanta
County—De Kalb
Parts:
C.T. 205–209
C.T. 227
C.T. 231.01
C.T. 235.01–235.02
C.T. 236–237
West Atlanta
County—Fulton
Parts:
C.T. 8
C.T. 22–26
C.T. 36–41
C.T. 42.95
C.T. 43
C.T. 60–62
C.T. 66.02
C.T. 78.04
C.T. 80
C.T. 81.01–81.02
C.T. 82.01–82.02
C.T. 83.01–83.02
C.T. 84–85
C.T. 86.01–86.02
C.T. 87.01–87.02
C.T. 88

DENTAL: Georgia
Population Group Listing

Population Group
Low Inc—Colquitt
County—Colquitt
Parts:
Low Income
Low Inc—Dawson Co
County—Dawson
Parts:
Low Income
Low Inc—Dougherty
County—Dougherty
Parts:
Low Income
Low Inc—Sumter
County—Sumter
Parts:
Low Income
Low Inc—Ware Co
County—Ware
Parts:
Low Income
Low Inc—Worth
County—Worth
Parts:
Low Income

DENTAL: Georgia
Facility Listing

Facility Name
Calhoun State Prison
County—Calhoun
Costal State Prison
County—Chatham
Dodge State Prison
County—Dodge
FCI—Jesup
County—Wayne
Ga Diagnostic Prison
County—Butts
Hancock State Prison
County—Hancock
Metro Corr Inst
County—Fulton
Metro State Prison
County—De Kalb
Middle Ga Corr Complex
County—Bibb
Phillips State Prison
County—Forsyth
Procare At Midtown, Inc.
County—Fulton
USP Atlanta
County—Fulton
Wilcox State Prison
County—Wilcox

DENTAL: Hawaii
County Listing

County Name
*Hawaii
Population Group: Low Inc—West Hawaii
Population Group: Low Inc—East Hawaii
*Maui
Service Area: Hana/Haiku

DENTAL: Hawaii
Service Area Listing

Service Area Name
Hana/Haiku
County—Maui
Parts:
C.T. 301–302

DENTAL: Hawaii
Population Group Listing

Population Group
Low Inc—East Hawaii

DENTAL: Hawaii
Population Group Listing

Population Group
County—Hawaii
Parts:
C.T. 201–206
C.T. 206.99
C.T. 207.01–207.02
C.T. 208.01–208.02
C.T. 209
C.T. 210.01–210.02
C.T. 211
C.T. 219–221
Low Inc—West Hawaii
County—Hawaii
Parts:
C.T. 212–214
C.T. 215.01–215.02
C.T. 215.97–215.98
C.T. 216–218

DENTAL: Idaho
County Listing

County Name
Ada
Population Group: Low Inc—Urban Boise City
*Adams
*Bannock
Population Group: Low Inc/MFW—Bannock C0
*Benewah
Population Group: Low Inc—Benewah Co
*Bingham
Population Group: Low Inc/MFW—Bingham Co
*Boise
Population Group: Low Inc—Boise Co
*Bonner
Population Group: Low Inc/MFW—Bonner Co
*Boundary
Population Group: Low Inc—Boundary Co
*Butte
Population Group: Low Inc/MFW—Butte Co
*Camas
Canyon
Population Group: Low Inc/MFW—S Treasure Valley
*Caribou
Population Group: Low Inc/MFW—Caribou Co
*Clark
*Elmore
Population Group: Low Inc/MFW—Elmore Co
*Fremont
Population Group: Low-Inc/MFW—Fremont Co
*Gem
Population Group: Low Inc/MFW—N Treasure Valley
*Gooding
Population Group: Low -Inc/MFW—Gooding Co
*Idaho
*Jerome
Population Group: Low Inc/MFW—Jerome Co
*Kootenai
Population Group: Low Inc—Kootenai
*Lemhi
Population Group: Low Inc—Lemhi Co

DENTAL: Idaho
County Listing

County Name
*Lincoln
*Nez Perce
Population Group: Nez Perce Co—Low Inc/MFW
*Oneida
Population Group: Low Inc—Oneida Co
*Owyhee
Service Area: Bruneau
Population Group: Low Inc/MFW—S Treasure Valley
*Payette
Population Group: Low Inc/MFW—N Treasure Valley
*Power
Population Group: Low Inc/MFW—Power Co
*Shoshone
Population Group: Low Inc—Shoshone Co
*Teton
Population Group: Low Inc/MFW—Teton Co
*Twin Falls
Population Group: MSFW—Twin Falls Co
*Valley
Population Group: Low Inc—Valley Co
*Washington
Population Group: Low Inc/MFW—N Treasure Valley

DENTAL: Idaho
Service Area Listing

Service Area Name
Bruneau
County—Owyhee
Parts:
Bruneau Division
Grand View Division
Murphy Division
Western Shoshone Division

DENTAL: Idaho
Population Group Listing

Population Group
Low -Inc/MFW—Gooding Co
County—Gooding
Parts:
Low—Inc/MFW—Gooding
Low Inc—Benewah Co
County—Benewah
Parts:
Low Income
Low Inc—Boise Co
County—Boise
Low Inc—Boundary Co
County—Boundary
Parts:
Low Inc
Low Inc—Kootenai
County—Kootenai
Parts:
Kootenai Co
Low Inc—Lemhi Co
County—Lemhi
Parts:
Lemhi Co
Low Inc—Oneida Co
County—Oneida
Parts:
Oneida Co
Low Inc—Shoshone Co

DENTAL: Idaho
Population Group Listing

Population Group
County—Shoshone
Parts:
Shoshone
Low Inc—Urban Boise City
County—Ada
Parts:
Ct 1
Ct 10
Ct 11
Ct 12.01
Ct 12.02
Ct 14
Ct 15
Ct 16
Ct 17
Ct 18
Ct 19
Ct 20
Ct 21
Ct 23.02
Ct 23.10
Ct 23.11
Ct 4
Ct 5
Ct 6
Ct 9
Low Inc—Valley Co
County—Valley
Low Inc/MFW—Bannock C0
County—Bannock
Parts:
Low Income
Low Inc/MFW—Bingham Co
County—Bingham
Parts:
Low Income
Low Inc/MFW—Bonner Co
County—Bonner
Parts:
Low Inc/MFW
Low Inc/MFW—Butte Co
County—Butte
Parts:
Low Inc/MFW
Low Inc/MFW—Caribou Co
County—Caribou
Parts:
Low Inc/MFW
Low Inc/MFW—Elmore Co
County—Elmore
Low Inc/MFW—Jerome Co
County—Jerome
Parts:
Jerome Co
Low Inc/MFW—N Treasure Valley
County—Gem
Parts:
Low Income/MFW-Gem Co
County—Payette
Parts:
Low Income/MFW-Payette
County—Washington
Parts:
Low Income/MFW-Washingto
Low Inc/MFW—Power Co
County—Power
Parts:
Power Co
Low Inc/MFW—S Treasure Valley
County—Canyon
Parts:
Low Income

DENTAL: Idaho
Population Group Listing

Population Group

MFW
County—Owyhee
Parts:
Homedale CCD
Marsing CCD
Low Inc/MFW—Teton Co
County—Teton
Parts:
Teton Co
Low-Inc/MFW—Fremont Co
County—Fremont
Parts:
Low Inc/MFW—Fremont
MSFW—Twin Falls Co
County—Twin Falls
Parts:
MSFW
Nez Perce Co—Low Inc/MFW
County—Nez Perce
Parts:
Low Inc/MFW

DENTAL: Illinois
County Listing

County Name

*Adams
Population Group: Low Inc—Adams Co
*Bond
Facility: FCI Greenville
*Bureau
Population Group: Low Inc—Bureau Co
Champaign
Population Group: Low Inc—Campaign Co
Cook
Service Area: Englewood Area
Service Area: Riverdale (Chicago)
Population Group: Homeless—Chicago
Population Group: Inmates—MCC Chicago
*Macoupin
Population Group: Low Inc—Macoupin Co
*Montgomery
Population Group: Low Inc—Montgomery Co
Tazewell (g)
Facility: Pekin Corr Inst
*Whiteside
Population Group: Low Inc—Whiteside Co
*Williamson (g)
Facility: USP Marion

DENTAL: Illinois
Service Area Listing

Service Area Name

Englewood Area
County—Cook
Parts:
C.T. 6701–6720
C.T. 6801–6814
Riverdale (Chicago)
County—Cook
Parts:
C.T. 5401

DENTAL: Illinois
Population Group Listing

Population Group

Homeless—Chicago
County—Cook
Parts:

DENTAL: Illinois
Population Group Listing

Population Group

Comm. Area 4 (Lincoln S
Comm. Area 5 (North Cen
Comm. Area 6 (Lakeview)
Comm. Area 7 (Lincoln P
Comm. Area 8 (Near Nort
Comm. Area 22 (Logan Squ
Comm. Area 24 (West Town
Comm. Area 28 (Near West
Comm. Area 32 (Loop)
Comm. Area 77 (Edgewater
Comm. Area 3 (Uptown)
Inmates—MCC Chicago
County—Cook
Parts:
MCC Chicago
Low Inc—Adams Co
County—Adams
Parts:
Low Income
Low Inc—Bureau Co
County—Bureau
Parts:
Low Income
Low Inc—Campaign Co
County—Champaign
Parts:
Low Income
Low Inc—Macoupin Co
County—Macoupin
Parts:
Low Income
Low Inc—Montgomery Co
County—Montgomery
Parts:
Low Income
Low Inc—Whiteside Co
County—Whiteside
Parts:
Low Income

DENTAL: Illinois
Facility Listing

Facility Name

FCI Greenville
County—Bond
Pekin Corr Inst
County—Tazewell
USP Marion
County—Williamson

DENTAL: Indiana
County Listing

County Name

Allen
Population Group: Low Inc—Central Ft Wayne City
Elkhart
Population Group: Low Inc—Nw Elkhart Co
*Jennings
*La Porte
Population Group: Low Inc—LA Porte Co
Marion
Service Area: Highland-Brookside (Indianapolis)
Service Area: Near North Side (Indianapolis)
Service Area: South Central Indianapolis
St Joseph
Population Group: Low Inc—South Bend
Tippecanoe

DENTAL: Indiana
County Listing

County Name

Population Group: Low Inc—Lafayette City
Vigo (g)
Facility: Terre Haute Corr Inst

DENTAL: Indiana
Service Area Listing

Service Area Name

Highland-Brookside (Indianapolis)
County—Marion
Parts:
C.T. 3526–3527
C.T. 3544–3545
C.T. 3547–3551
Near North Side (Indianapolis)
County—Marion
Parts:
C.T. 3517
C.T. 3519
C.T. 3521
C.T. 3528
C.T. 3531–3532
South Central Indianapolis
County—Marion
Parts:
C.T. 3556–3557
C.T. 3559
C.T. 3562
C.T. 3569–3572
C.T. 3578–3580

DENTAL: Indiana
Population Group Listing

Population Group

Low Inc—Central Ft Wayne City
County—Allen
Parts:
C.T. 6
C.T. 9–27
C.T. 28.97–28.98
C.T. 29–30
Low Inc—Lafayette City
County—Tippecanoe
Parts:
C.T. 4
C.T. 6
C.T. 53–55
C.T. 103–105
Low Inc—LA Porte Co
County—La Porte
Parts:
Low Income
Low Inc—Nw Elkhart Co
County—Elkhart
Parts:
C.T. 16–17
C.T. 18.97
C.T. 21
C.T. 22.97–22.98
C.T. 23–28
Low Inc—South Bend
County—St Joseph
Parts:
C.T. 1–2
C.T. 4–7
C.T. 9–10
C.T. 17–24
C.T. 27–30
C.T. 33–35

DENTAL: Indiana
Facility Listing

Facility Name
Terre Haute Corr Inst
County—Vigo

DENTAL: Iowa
County Listing

County Name
*Guthrie
Service Area: Guthrie Center
Polk
Population Group: Low Inc—City Of Des Moines
Woodbury
Population Group: Low Inc—Central Sioux City

DENTAL: Iowa
Service Area Listing

Service Area Name
Guthrie Center
County—Guthrie
Parts:
Baker Twp.
Bear Grove Twp.
Beaver Twp.
Cass Twp.
Dodge Twp.
Grant Twp.
Highland Twp.
Jackson Twp.
Orange Twp.
Richland Twp.
Seely Twp.
Thompson Twp.
Union Twp.
Valley Twp.
Victory Twp.

DENTAL: Iowa
Population Group Listing

Population Group
Low Inc—Central Sioux City
County—Woodbury
Parts:
C.T. 7–8
C.T. 10
C.T. 12–16
Low Inc—City Of Des Moines
County—Polk
Parts:
C.T. 11–12
C.T. 17–18
C.T. 21
C.T. 26–27
C.T. 42
C.T. 44
C.T. 48–53

DENTAL: Kansas
County Listing

County Name
*Anderson
*Chase
*Comanche
Douglas
Population Group: Low Inc—Douglas Co
*Elk
*Greeley
*Haskell
*Hodgeman

DENTAL: Kansas
County Listing

County Name
*Kearny
*Kiowa
*Lane
Leavenworth (g)
Facility: USP Leavenworth
*Lyon
Population Group: Low Inc—Emporia City
*Mitchell
*Ness
*Scott
Shawnee
Population Group: Low Inc—City Of Topeka
*Wabaunsee
*Wallace
*Wichita
*Wilson

DENTAL: Kansas
Population Group Listing

Population Group
Low Inc—City Of Topeka
County—Shawnee
Parts:
Low Income
Low Inc—Douglas Co
County—Douglas
Parts:
Low Income
Low Inc—Emporia City
County—Lyon
Parts:
Low-Income

DENTAL: Kansas
Facility Listing

Facility Name
USP Leavenworth
County—Leavenworth

DENTAL: Kentucky
County Listing

County Name
*Ballard
Boyd (g)
Facility: FCI Ashland
*Breathitt
Population Group: Low Inc—Breathitt Co
*Clay
Facility: FCI Manchester
*Edmonson
*Floyd
Service Area: Mud Creek
*Harlan
*Hart
*Jackson
Jefferson
Service Area: West End—Louisville
*Larue
*Laurel
Lee
Service Area: Lee/Owsley
*McCreary
*Meade
Owsley
Service Area: Lee/Owsley
*Rockcastle
*Todd
*Wolfe

DENTAL: Kentucky
Service Area Listing

Service Area Name
Lee/Owsley
County—Lee
County—Owsley
Mud Creek
County—Floyd
Parts:
McDowell CCD
Mud Creek CCD
Wheelwright-Weeksbury
West End—Louisville
County—Jefferson
Parts:
C.T. 1–18
C.T. 20–24
C.T. 27–28
C.T. 30
C.T. 34–35

DENTAL: Kentucky
Population Group Listing

Population Group
Low Inc—Breathitt Co
County—Breathitt
Parts:
Low Income

DENTAL: Kentucky
Facility Listing

Facility Name
FCI Ashland
County—Boyd
FCI Manchester
County—Clay

DENTAL: Louisiana
Parish Listing

Parish Name
*Allen (g)
Facility: FCI Oakdale
*Assumption
Calcasieu
Service Area: North Lake Charles
*Caldwell
*Catahoula
*De Soto
East Baton Rouge
Service Area: Eden Park/South Baton Rouge
*Iberia
Population Group: Medicaid—Iberia Par
*Iberville (g)
Facility: Elayn Hunt Corr Ctr
*Natchitoches
Orleans
Service Area: Desire/Florida
Service Area: Lower 9Th Ward
Population Group: Low Inc—Central City
*Red River
St Landry
Population Group: Low Inc—St. Landry Par
*Tensas
*Union
*Vernon
*West Carroll
*West Feliciana (g)
Facility: La State Pen—Angola
*Winn

DENTAL: Louisiana
Service Area Listing

Service Area Name

Desire/Florida
  Parish—Orleans
    Parts:
      C.T. 11
      C.T. 11.99–12.00
      C.T. 13.01–13.02
      C.T. 14.01–14.02
      C.T. 15–16
      C.T. 17.03
      C.T. 17.98
Eden Park/South Baton Rouge
  Parish—East Baton Rouge
    Parts:
      C.T. 8–10
      C.T. 12–16
      C.T. 21–22
      C.T. 24–25
Lower 9Th Ward
  Parish—Orleans
    Parts:
      C.T. 7.01–7.02
      C.T. 8
      C.T. 9.01–9.04
North Lake Charles
  Parish—Calcasieu
    Parts:
      C.T. 2–4
      C.T. 14–15

DENTAL: Louisiana
Population Group Listing

Population Group

Low Inc—Central City
  Parish—Orleans
    Parts:
      C.T. 67–68
      C.T. 79–80
      C.T. 84–86
      C.T. 91–92
      C.T. 93.01–93.02
      C.T. 94
Low Inc—St. Landry Par
  Parish—St Landry
    Parts:
      Low Income
Medicaid—Iberia Par
  Parish—Iberia
    Parts:
      Medicaid eligible

DENTAL: Louisiana
Facility Listing

Facility Name

Elayn Hunt Corr Ctr
  Parish—Iberville
FCI Oakdale
  Parish—Allen
La State Pen—Angola
  Parish—West Feliciana

DENTAL: Maine
County Listing

County Name

Androscoggin
  Service Area: Jay-Livermore
*Aroostook
  Service Area: Allagash
  Service Area: Danforth
  Service Area: Fort Kent
  Population Group: Low Income—Presque Isle
Cumberland
  Population Group: Low Inc—Portland
*Franklin
  Service Area: Jay-Livermore
  Service Area: Rangeley/Kingsfield
  Population Group: Low Inc—Farmington
*Hancock
  Population Group: Low Inc—Bucksport
  Population Group: Low Inc—Gouldsboro
  Population Group: Low Inc—Ellsworth
*Kennebec
  Service Area: Jay-Livermore
  Population Group: Low Inc—Waterville Dcaa
  Population Group: Low Inc—Farmington
  Facility: Augusta Mental Health Institute
*Knox
  Service Area: Penobscot Bay
*Oxford
  Service Area: Jay-Livermore
  Service Area: Rangeley/Kingsfield
Penobscot
  Service Area: Danforth
  Facility: Bangor Mental Health Institute
*Piscataquis
  Service Area: Bingham Dcaa
  Population Group: Low Inc—Skowhegan Dcaa
*Somerset
  Service Area: Bingham Dcaa
  Service Area: Jackman Dcaa
  Population Group: Low Inc—Skowhegan Dcaa
  Population Group: Low Inc—Waterville Dcaa
Waldo
  Population Group: Low Inc—Waterville Dcaa
  Population Group: Low Inc—Bucksport
  Population Group: Low Inc—Belfast
*Washington
  Service Area: Danforth
  Service Area: Eastport/Lubec
  Population Group: Low Inc—Gouldsboro

DENTAL: Maine
Service Area Listing

Service Area Name

Allagash
  County—Aroostook
    Parts:
      Allagash Town
      Northwest Aroostook Unorg.
      St. Francis Town
      St. John Plantation
Bingham Dcaa
  County—Piscataquis
    Parts:
      Kingsbury Plantation
  County—Somerset
    Parts:
      Bingham Town
      Caratunk Town
      Moscow Town
      Nw Somerset (S. 1/3)
      Pleasant Ridge Plantation
      The Forks Plantation
      West Forks Plantation
Danforth
  County—Aroostook
    Parts:
      Bancroft Town
      Orient Town
      Weston Town
  County—Penobscot
    Parts:
      Drew Plantation
      Kingman Unorg.
      Prentiss Plantation
  County—Washington
    Parts:
      Codyville Plantation
      Danforth Town
      Grand Lake Stream Plantation
      North Washington Unorg.
      Passamaquoddy Indian Township Re
      Talmadge Town
      Topsfield Town
      Vanceboro Town
      Waite Town
Eastport/Lubec
  County—Washington
    Parts:
      Dennysville Town
      East Central Washington Unorg.
      Eastport City
      Lubec Town
      Pembroke Town
      Perry Town
      Whiting Town
Fort Kent
  County—Aroostook
    Parts:
      Eagle Lake Town
      Fort Kent Town
      Frenchville Town
      Grand Isle Town
      Hamlin Town
      Madawaska Town
      New Canada Town
      Square Lake Unorg.
      St. Agatha Town
      Van Buren Town
      Wallagrass Plantation
      Winterville Plantation
Jackman Dcaa
  County—Somerset
    Parts:
      Dennistown Plantation
      Jackman Town
      Moose River Town
Jay-Livermore
  County—Androscoggin
    Parts:
      Livermore Falls Town
      Livermore Town
  County—Franklin
    Parts:
      Jay Town
  County—Kennebec
    Parts:
      Fayette Town
  County—Oxford
    Parts:
      Canton Town
      Hartford Town
      Sumner Town
Penobscot Bay
  County—Knox
    Parts:
      Matinicus Isle Plantation

DENTAL: Maine
Service Area Listing

Service Area Name

North Haven Town
Vinalhaven Town
Rangeley/Kingsfield
County—Franklin
Parts:
Carrabassett Valley Town
Coplin Plantation
Dallas Plantation
Eustis Town
Kingsfield Twn
Madrid Town
Phillips Town
Rangeley Town
Rangeley Plantation
Sandy River Plantation
Unorg. Terr.—E.C.Franklin
Wyman Unorg.
County—Oxford
Parts:
Lincoln Plantation
Magalloway Plantation
Unorg. Terr.-N.Oxford

DENTAL: Maine
Population Group Listing

Population Group

Low Inc—Belfast
County—Waldo
Parts:
Belfast City
Belmont Town
Brooks Town
Jackson Town
Knox Town
Liberty Town
Lincolnville Town
Monroe Town
Montville Town
Morrill Town
Northport Town
Searsmont Town
Searsport Town
Stockton Springs Town
Swanville Town
Waldo Town
Low Inc—Bucksport
County—Hancock
Parts:
Bucksport Town
Orland Town
Verona Town
County—Waldo
Parts:
Frankfort Town
Prospect Town
Low Inc—Ellsworth
County—Hancock
Parts:
Eastbrook Town
Ellsworth City
Franklin Town
Hancock Town
Lamoine Town
Mariaville Town
Osborn Town
Otis Town
Trenton Town
Waltham Town
Low Inc—Farmington
County—Franklin
Parts:

DENTAL: Maine
Population Group Listing

Population Group

Avon Town
Chesterville Town
Farmington Town
Industry Town
New Sharon Town
Strong Town
Temple Town
Wilton Town
County—Kennebec
Parts:
Vienna Town
Low Inc—Gouldsboro
County—Hancock
Parts:
East Hancock Unorg.
Gouldsboro Town
Sorrento Town
Sullivan Town
Winter Harbor Town
County—Washington
Parts:
Beddington Town
Cherryfield Town
Columbia Town
Deblois Town
Harrington Town
Milbridge Town
Steuben Town
Low Inc—Portland
County—Cumberland
Parts:
Low Income
Low Inc—Skowhegan Dcaa
County—Piscataquis
Parts:
Wellington Town
County—Somerset
Parts:
Anson Town
Athens Town
Brighton Plantation Town
Canaan Town
Central Somerset Unorg.
Cornville Town
Embden Town
Harmony Town
Highland Plantation Town
Madison Town
Mercer Town
New Portland Town
Norridgewock Town
Skowhegan Town
Smithfield Town
Solon Town
Starks Town
Low Inc—Waterville Dcaa
County—Kennebec
Parts:
Albion Town
Belgrade Town
Benton Town
China Town
Clinton Town
Oakland Town
Rome Town
Sidney Town
Unity Township
Vassalboro Town
Waterville Town
Winslow Town
County—Somerset
Parts:

DENTAL: Maine
Population Group Listing

Population Group

Fairfield Town
County—Waldo
Parts:
Burnham Town
Freedom Town
Palermo Town
Thorndike Town
Troy Town
Unity Town
Low Income—Presque Isle
County—Aroostook
Parts:
Ashland Town
Blaine Town
Bridgewater Town
Caribou City
Castle Hill Town
Caswell Town
Central Aroostook Unorg.
Chapman Town
Connor Unorg.
Cyr Plantation
East Plantation
Easton Town
Fort Fairfield Town
Garfield Plantation
Limestone Town
Mapleton Town
Mars Hill Town
Masardis Town
Nashville Plantation
New Sweeden Town
Oxbow Plantation
Perham Town
Portage Lake Town
Presque Isle City
Stockholm Town
Wade Town
Washburn Town
Westfield Town
Westmanland Town
Woodland Town

DENTAL: Maine
Facility Listing

Facility Name

Augusta Mental Health Institute
County—Kennebec
Bangor Mental Health Institute
County—Penobscot

DENTAL: Maryland
County Listing

County Name

Allegany
Population Group: Low Inc—Allegany Co
Facility: FCI Cumberland
Baltimore City
Population Group: Low Inc—East Baltimore
Population Group: Low Inc—Sandtown Winchester
Facility: Health Care For The Homeless Facility
*Caroline
Population Group: Low Inc—Caroline
Charles
Population Group: Low Inc—Nanjemoy-Marbury

DENTAL: Maryland
County Listing

Population Group

*Somerset
Population Group: Medicaid—Somerset Co

DENTAL: Maryland
Population Group Listing

Population Group

Low Inc—Allegany Co
County—Allegany
Parts:
Low Income
Low Inc—Caroline
County—Caroline
Parts:
Low Inc Pop Caroline
Low Inc—East Baltimore
County—Baltimore City
Parts:
C.T. 301–302
C.T. 501
C.T. 603–605
C.T. 703–704
C.T. 802
C.T. 803.01–803.02
C.T. 804
C.T. 806–808
C.T. 909
C.T. 1001–1002
C.T. 1004
C.T. 1205
Low Inc—Nanjemoy-Marbury
County—Charles
Parts:
District 10, Marbury
District 3, Nanjemoy
Low Inc—Sandtown Winchester
County—Baltimore City
Parts:
C.T. 1401–1403
C.T. 1501–1502
C.T. 1601–1604
C.T. 1607
C.T. 1702–1703
Medicaid—Somerset Co
County—Somerset
Parts:
Medicaid Eligibles

DENTAL: Maryland
Facility Listing

Facility Name

FCI Cumberland
County—Allegany
Health Care For The Homeless Facility
County—Baltimore City

DENTAL: Massachusetts
County Listing

County Name

Hampden
Service Area: Worthington
Population Group: Low Inc—C Springfield
Hampshire
Service Area: Worthington
Suffolk
Service Area: North Dorchester
Population Group: Low Inc—Roxbury
Population Group: Low Inc—South End
Population Group: Low Inc—Allston-Brighton

DENTAL: Massachusetts
County Listing

County Name

Worcester
Population Group: Low Inc—Worcester

DENTAL: Massachusetts
Service Area Listing

Service Area Name

North Dorchester
County—Suffolk
Parts:
C.T. 901–924
Worthington
County—Hampden
Parts:
Chester Town
County—Hampshire
Parts:
Chesterfield Town
Cummington Town
Goshen Town
Middlefield Town
Plainfield Town
Worthington Town

DENTAL: Massachusetts
Population Group Listing

Population Group

Low Inc—Allston-Brighton
County—Suffolk
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3
C.T. 4.01–4.02
C.T. 5.01–5.02
C.T. 6.01–6.02
C.T. 7.01–7.02
C.T. 8.01–8.02
Low Inc—C Springfield
County—Hampden
Parts:
C.T. 8005–8010
C.T. 8011.01–8011.02
C.T. 8012–8013
C.T. 8014.01–8014.02
C.T. 8015.01–8015.02
C.T. 8017–8020
Low Inc—Roxbury
County—Suffolk
Parts:
Ct 801.00
Ct 802.00
Ct 803.00
Ct 804.00
Ct 805.00
Ct 806.00
Ct 807.00
Ct 808.00
Ct 809.00
Ct 811.00
Ct 812.00
Ct 813.00
Ct 814.00
Ct 815.00
Ct 816.00
Ct 817.00
Ct 818.00
Ct 819.00
Ct 820.00
Ct 821.00
Low Inc—South End

DENTAL: Massachusetts
Population Group Listing

Population Group

County—Suffolk
Parts:
C.T. 704–712
Low Inc—Worcester
County—Worcester
Parts:
C.T. 7301–7303
C.T. 7304.01–7304.02
C.T. 7305–7307
C.T. 7308.01–7308.02
C.T. 7309.01–7309.02
C.T. 7310
C.T. 7311.01–7311.02
C.T. 7312.01–7312.02
C.T. 7313–7319
C.T. 7320.01–7320.02
C.T. 7321
C.T. 7322.01–7322.03
C.T. 7323–7328
C.T. 7329.01–7329.02
C.T. 7330
C.T. 7331.01–7331.02

DENTAL: Michigan
County Listing

County Name

*Alcona
Population Group: Low Inc—Alcona Co
*Alger
Population Group: Low Inc—Alger Co
Allegan
Population Group: Low Inc/MFW—Allegan Co
*Alpena
Population Group: Low Inc—Alpena Co
*Antrim
Population Group: Low Inc/MFW—Antrim Co
*Arenac
Population Group: Low Inc—Arenac Co
*Baraga
Population Group: Low Inc—Baraga Co
*Barry
Population Group: Low Inc/MFW—Barry Co
*Benzie
Population Group: Low Inc/MFW—Benzie Co
Berrien
Population Group: Low Inc—Berrien Co
*Branch
Population Group: Low Inc—Branch Co
Calhoun
Population Group: Low Inc—Calhoun Co
*Cass
Population Group: Low Inc—Cass Co
*Charlevoix
Population Group: Low Inc—Charlevoix Co
*Cheboygan
Population Group: Low Inc—Cheboygan Co
*Chippewa
Population Group: Low Inc—Chippewa Co
*Clare
Population Group: Low Inc—Clare Co
*Crawford
Population Group: Low Inc—Crawford Co
*Delta
Population Group: Low Inc—Delta Co
*Dickinson
Population Group: Low Inc—Dickenson Co

DENTAL: Michigan
County Listing

County Name

*Emmet
Population Group: Low Inc—Emmet Co
Genesee
Population Group: Low Inc—South Flint
Population Group: Low Inc—North Flint
*Gladwin
Population Group: Low Inc—Gladwin Co
*Gogebic
Population Group: Low Inc—Gogebic Co
*Gratiot
Population Group: Low Inc/MFW—Gratiot Co
*Hillsdale
Population Group: Low Inc—Hillsdale Co
*Houghton
Population Group: Low Inc—Houghton Co
*Huron
Population Group: Low Inc/MFW—Huron Co
*Ionia
Population Group: Low Inc—Ionia Co
*Iosco
Population Group: Low Inc—Iosco Co
*Iron
Population Group: Low Inc—Iron Co
*Isabella
Population Group: Low Inc—Isabella Co
Jackson
Population Group: Low Inc—Jackson Co
Kalamazoo
Population Group: Low Inc—Northern Kalamazoo City
Facility: Kalamazoo Co Dental Office
*Kalkaska
Population Group: Low Inc—Kalkaska Co
Kent
Population Group: Low Inc/MFW—Kent Co
*Keweenaw
Population Group: Low Inc—Keweenaw Co
Lake
Population Group: Low Inc—Lake Co
*Leelanau
Population Group: Low Inc/MFW—Leelanau Co
*Lenawee
Population Group: Low Inc—W Lenawee
*Luce
Population Group: Low Inc—Luce Co
*Mackinac
Population Group: Low Inc—Mackinac Co
*Manistee
Population Group: Low Inc/MFW—Manistee Co
*Marquette
Population Group: Low Inc—Marquette Co
*Mason
Population Group: Low Inc/MFW—Mason Co
*Mecosta
Population Group: Low Inc/MFW—Mecosta Co
*Menominee
Population Group: Low Inc—Menominee Co
*Missaukee
Population Group: Low Inc—Missaukee Co
*Montcalm
Population Group: Low Inc/MFW—Montcalm Co
*Montmorency
Population Group: Low Inc—Montmorency Co

DENTAL: Michigan
County Listing

County Name

Muskegon
Population Group: Low Inc/MFW—Muskegon Co
*Newaygo
Population Group: Low Inc/MFW—Newaygo Co
*Oceana
Population Group: Low Inc/MFW—Oceana Co
*Ogemaw
Population Group: Low Inc—Ogemaw Co
*Ontonagon
Population Group: Low Inc—Ontonagon Co
*Osceola
Population Group: Low Inc—Osceola Co
*Oscoda
Population Group: Low Inc—Oscoda Co
*Otsego
Population Group: Low Inc—Otsego Co
Ottawa
Population Group: Low Inc/MFW—Ottawa Co
*Presque Isle
Population Group: Low Inc—Presque Isle Co
*Roscommon
Population Group: Low Inc—Roscommon Co
Saginaw
Population Group: Low Inc—Eastside Saginaw
*Sanilac
Population Group: Low Inc/MFW—Sanilac Co
*Schoolcraft
Population Group: Low Inc—Schoolcraft Co
*St Joseph
Population Group: Low Inc—St Joseph Co
*Tuscola
Population Group: Low Inc/MFW—Tuscola Co
Van Buren
Population Group: Low Inc—Van Buren Co
Wayne
Service Area: Southwest Detroit
Population Group: Low Inc—Tireman/Chadsey
Population Group: Low Inc—Central Detroit
Population Group: Low Inc—Highland Park City
Population Group: Low Inc—Romulus City
Population Group: Low Inc—River Rouge City
Population Group: Low Inc—Melvindale City
Population Group: Low Inc—Inkster City
Population Group: Low Inc—Ecorse City
Population Group: Low Inc—Eastside Detroit
Population Group: Low Inc—Mackenzie/Brooks
Population Group: Low Inc—Chene
Population Group: Low Inc—Airport/Conner
Population Group: Low Inc—Nolan/State Fair/Davison/Persh
Population Group: Low Inc—Outer Drive/Van Dyke
*Wexford
Population Group: Low Inc—Wexford Co

DENTAL: Michigan
Service Area Listing

Service Area Name

Southwest Detroit
County—Wayne
Parts:
C.T. 5208–5209
C.T. 5211–5214
C.T. 5231–5238
C.T. 5240–5243
C.T. 5245
C.T. 5247–5248

DENTAL: Michigan
Population Group Listing

Population Group

Low Inc—Airport/Conner
County—Wayne
Parts:
C.T. 5037
C.T. 5039–5048
C.T. 5052–5053
C.T. 5107–5109
Low Inc—Alcona Co
County—Alcona
Parts:
Low Income
Low Inc—Alger Co
County—Alger
Parts:
Low Income
Low Inc—Alpena Co
County—Alpena
Parts:
Low Income
Low Inc—Arenac Co
County—Arenac
Parts:
Low Income
Low Inc—Baraga Co
County—Baraga
Parts:
Low Income
Low Inc—Berrien Co
County—Berrien
Parts:
Low Income
Low Inc—Branch Co
County—Branch
Parts:
Low Income
Low Inc—Calhoun Co
County—Calhoun
Parts:
Low Income
Low Inc—Cass Co
County—Cass
Parts:
Low Income
Low Inc—Central Detroit
County—Wayne
Parts:
C.T. 5172–5176
C.T. 5180–5181
C.T. 5201–5207
C.T. 5218
Low Inc—Charlevoix Co
County—Charlevoix
Parts:
Low Income
Low Inc—Cheboygan Co
County—Cheboygan
Parts:
Low Income

DENTAL: Michigan
Population Group Listing

Population Group

Low Inc—Chene
County—Wayne
Parts:
C.T. 5111
C.T. 5161
C.T. 5177–5178
C.T. 5183–5188
Low Inc—Chippewa Co
County—Chippewa
Parts:
Low Income
Low Inc—Clare Co
County—Clare
Parts:
Low Income
Low Inc—Crawford Co
County—Crawford
Parts:
Low Income
Low Inc—Delta Co
County—Delta
Parts:
Low Income
Low Inc—Dickenson Co
County—Dickinson
Parts:
Low Income
Low Inc—Eastside Detroit
County—Wayne
Parts:
C.T. 5121–5124
C.T. 5126
C.T. 5129
C.T. 5132–5136
C.T. 5139–5143
C.T. 5145–5156
Low Inc—Eastside Saginaw
County—Saginaw
Parts:
C.T. 1–11
C.T. 110
Low Inc—Ecorse City
County—Wayne
Parts:
C.T. 5795
C.T. 5795.99–5796.00
C.T. 5797–5798
Low Inc—Emmet Co
County—Emmet
Parts:
Low Income
Low Inc—Gladwin Co
County—Gladwin
Parts:
Low Income
Low Inc—Gogebic Co
County—Gogebic
Parts:
Low Income
Low Inc—Highland Park City
County—Wayne
Parts:
C.T. 5530–5537
Low Inc—Hillsdale Co
County—Hillsdale
Parts:
Low Income
Low Inc—Houghton Co
County—Houghton
Parts:
Low Income
Low Inc—Inkster City

DENTAL: Michigan
Population Group Listing

Population Group

County—Wayne
Parts:
C.T. 5701–5710
Low Inc—Ionia Co
County—Ionia
Parts:
Low Income
Low Inc—Iosco Co
County—Iosco
Parts:
Low Income
Low Inc—Iron Co
County—Iron
Parts:
Low Income
Low Inc—Isabella Co
County—Isabella
Parts:
Low Income
Low Inc—Jackson Co
County—Jackson
Parts:
Low Income
Low Inc—Kalkaska Co
County—Kalkaska
Parts:
Low Income
Low Inc—Keweenaw Co
County—Keweenaw
Parts:
Low Income
Low Inc—Lake Co
County—Lake
Parts:
Low Income
Low Inc—Luce Co
County—Luce
Parts:
Low Income
Low Inc—Mackenzie/Brooks
County—Wayne
Parts:
C.T. 5341–5344
C.T. 5347
C.T. 5350–5357
C.T. 5364–5367
C.T. 5370–5373
C.T. 5377–5378
C.T. 5451–5454
Low Inc—Mackinac Co
County—Mackinac
Parts:
Low Income
Low Inc—Marquette Co
County—Marquette
Parts:
Low Income
Low Inc—Melvindale City
County—Wayne
Parts:
C.T. 5230
C.T. 5986
Low Inc—Menominee Co
County—Menominee
Parts:
Low Income
Low Inc—Missaukee Co
County—Missaukee
Parts:
Low Income
Low Inc—Montmorency Co
County—Montmorency

DENTAL: Michigan
Population Group Listing

Population Group

Parts:
Low Income
Low Inc—Nolan/State Fair/Davison/Persh
County—Wayne
Parts:
C.T. 5064–5080
C.T. 5102–5106
Low Inc—North Flint
County—Genesee
Parts:
C.T. 1–11
C.T. 14
C.T. 17–27
C.T. 103.02
C.T. 103.04
Low Inc—Northern Kalamazoo City
County—Kalamazoo
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3
C.T. 4.02
C.T. 5–6
C.T. 8.01–8.02
C.T. 9–10
Low Inc—Ogemaw Co
County—Ogemaw
Parts:
Low Income
Low Inc—Ontonagon Co
County—Ontonagon
Parts:
Low Income
Low Inc—Osceola Co
County—Osceola
Parts:
Low Income
Low Inc—Oscoda Co
County—Oscoda
Parts:
Low Income
Low Inc—Otsego Co
County—Otsego
Parts:
Low Income
Low Inc—Outer Drive/Van Dyke
County—Wayne
Parts:
C.T. 5035–5036
C.T. 5049–5051
C.T. 5061–5063
Low Inc—Presque Isle Co
County—Presque Isle
Parts:
Low Income
Low Inc—River Rouge City
County—Wayne
Parts:
C.T. 5790–5793
Low Inc—Romulus City
County—Wayne
Parts:
C.T. 5855–5863
Low Inc—Roscommon Co
County—Roscommon
Parts:
Low Income
Low Inc—Schoolcraft Co
County—Schoolcraft
Parts:
Low Income
Low Inc—South Flint

DENTAL: Michigan
Population Group Listing

Population Group
County—Genesee
Parts:
C.T. 12–13
C.T. 15–16
C.T. 28–29
C.T. 32
C.T. 36–40
C.T. 113.01–113.02
Low Inc—St Joseph Co
County—St Joseph
Parts:
Low Income
Low Inc—Tireman/Chadsey
County—Wayne
Parts:
C.T. 5221–5222
C.T. 5251–5258
C.T. 5260–5265
C.T. 5335–5337
C.T. 5345–5346
Low Inc—Van Buren Co
County—Van Buren
Parts:
Low Income
Low Inc—W Lenawee
County—Lenawee
Parts:
Adrian City
Dover Twp
Fairfield Twp
Hudson Twp
Hudson City
Madison Charter Twp
Medina Twp
Morenci City
Rollin Twp
Rome Twp
Seneca Twp
Low Inc—Wexford Co
County—Wexford
Parts:
Low Income
Low Inc/MFW—Allegan Co
County—Allegan
Parts:
Low Income
MFW
Low Inc/MFW—Antrim Co
County—Antrim
Parts:
Low Income
MFW
Low Inc/MFW—Barry Co
County—Barry
Parts:
Low Income
MFW
Low Inc/MFW—Benzie Co
County—Benzie
Parts:
Low Income
MFW
Low Inc/MFW—Gratiot Co
County—Gratiot
Parts:
Low Income
MFW
Low Inc/MFW—Huron Co
County—Huron
Parts:
Low Income
MFW

DENTAL: Michigan
Population Group Listing

Population Group
Low Inc/MFW—Kent Co
County—Kent
Parts:
Low Income
MFW
Low Inc/MFW—Leelanau Co
County—Leelanau
Parts:
Low Income
MFW
Low Inc/MFW—Manistee Co
County—Manistee
Parts:
Low Income
MFW
Low Inc/MFW—Mason Co
County—Mason
Parts:
Low Income
MFW
Low Inc/MFW—Mecosta Co
County—Mecosta
Parts:
Low Income
MFW
Low Inc/MFW—Montcalm Co
County—Montcalm
Parts:
Low Income
MFW
Low Inc/MFW—Muskegon Co
County—Muskegon
Parts:
Low Income
MFW
Low Inc/MFW—Newaygo Co
County—Newaygo
Parts:
Low Income
MFW
Low Inc/MFW—Oceana Co
County—Oceana
Parts:
Low Income
MFW
Low Inc/MFW—Ottawa Co
County—Ottawa
Parts:
Low Income
MFW
Low Inc/MFW—Sanilac Co
County—Sanilac
Parts:
Low Income
MFW
Low Inc/MFW—Tuscola Co
County—Tuscola
Parts:
Low Income
MFW

DENTAL: Michigan
Facility Listing

Facility Name
Kalamazoo Co Dental Office
County—Kalamazoo

DENTAL: Minnesota
County Listing

County Name
*Cook

DENTAL: Minnesota
County Listing

County Name
*Koochiching
Service Area: Littlefork/Big Falls
Population Group: Low Inc—Koochiching Co
Olmsted (g)
Facility: Federal Medical Ctr—Rochester
St Louis
Service Area: Cook/Orr
Service Area: Littlefork/Big Falls
Population Group: Inmates—FPC Duluth

DENTAL: Minnesota
Service Area Listing

Service Area Name
Cook/Orr
County—St Louis
Parts:
C.T. 151–152
C.T. 155
Littlefork/Big Falls
County—Koochiching
Parts:
Big Falls City
East Koochiching Unorg.
Littlefork City
Mizpah City
Nett Lake Unorg.
Northome Unorg.
Northome City
Northwest Koochiching Unorg.
South Koochiching Unorg.
County—St Louis
Parts:
Nett Lake Unorg.

DENTAL: Minnesota
Population Group Listing

Population Group
Inmates—FPC Duluth
County—St Louis
Parts:
FPC Duluth
Low Inc—Koochiching Co
County—Koochiching
Parts:
Low Income

DENTAL: Minnesota
Facility Listing

Facility Name
Federal Medical Ctr—Rochester
County—Olmsted

DENTAL: Mississippi
County Listing

County Name
*Amite
*Benton
*Carroll
*Chickasaw
*Claiborne
*Clarke
*Franklin
*Greene
Hancock
Harrison
Population Group: Pov Pop—Harrison Co
Hinds

DENTAL: Mississippi
County Listing

County Name

Population Group: Low Inc—Western Hinds
*Holmes
*Humphreys
Issaquena
Service Area: Issaquena-Sharkey
*Jasper
*Jefferson
*Kemper
*Lawrence
*Leake
Madison
Population Group: Low Inc—Madison
*Marshall
*Montgomery
*Neshoba
*Noxubee
*Panola
*Pearl River
*Perry
*Quitman
*Scott
Sharkey
Service Area: Issaquena-Sharkey
*Smith
*Stone
*Tallahatchie
*Tate
*Tunica
*Walthall
*Wayne
*Webster
*Yazoo

DENTAL: Mississippi
Service Area Listing

Service Area Name

Issaquena-Sharkey
County—Issaquena
County—Sharkey

DENTAL: Mississippi
Population Group Listing

Population Group

Low Inc—Madison
County—Madison
Low Inc—Western Hinds
County—Hinds
Parts:
C.T. 106–107
C.T. 112–113
Pov Pop—Harrison Co
County—Harrison
Parts:
Pov Pop

DENTAL: Missouri
County Listing

County Name

*Adair
Population Group: Medicaid—Adair Co
*Chariton
*Holt
Jackson
Population Group: Medicaid—Central Kansas City
Population Group: Medicaid—North Kansas City
*Macon

DENTAL: Missouri
County Listing

County Name

St Louis City
Population Group: Low Inc—N. St. Louis
Population Group: Low Inc—W. Central St. Louis
Population Group: Low Inc—Southeast St. Louis
Population Group: Low Inc—E. Central St. Louis

DENTAL: Missouri
Population Group Listing

Population Group

Low Inc—E. Central St. Louis
County—St Louis City
Parts:
C.T. 1171–1172
C.T. 1181
C.T. 1184
C.T. 1186
C.T. 1211
C.T. 1214
C.T. 1222
C.T. 1255–1256
Low Inc—N. St. Louis
County—St Louis City
Parts:
C.T. 1053–1055
C.T. 1061–1067
C.T. 1071–1077
C.T. 1081–1082
C.T. 1085
C.T. 1096–1097
C.T. 1101–1105
C.T. 1111–1115
C.T. 1122–1123
C.T. 1201–1203
C.T. 1212–1213
C.T. 1257
C.T. 1266–1267
Low Inc—Southeast St. Louis
County—St Louis City
Parts:
C.T. 1014–1015
C.T. 1018
C.T. 1018.99
C.T. 1155–1157
C.T. 1164–1165
C.T. 1173–1174
C.T. 1185
C.T. 1221
C.T. 1224
C.T. 1231–1235
C.T. 1241–1243
C.T. 1246
Low Inc—W. Central St. Louis
County—St Louis City
Parts:
C.T. 1051.98
C.T. 1052
C.T. 1121
C.T. 1124
C.T. 1191–1193
Medicaid—Adair Co
County—Adair
Parts:
Medicaid Eligible
Medicaid—Central Kansas City
County—Jackson
Parts:
C.T. 46–55
C.T. 56.01–56.02

DENTAL: Missouri
Population Group Listing

Population Group

C.T. 57
C.T. 58.01–58.02
C.T. 60–67
C.T. 75–77
C.T. 78.01–78.02
C.T. 79–80
C.T. 87–89
C.T. 96
Medicaid—North Kansas City
County—Jackson
Parts:
C.T. 2–4
C.T. 5.01
C.T. 6–27
C.T. 28.01–28.02
C.T. 29–34
C.T. 35.01–35.02
C.T. 36.01–36.02
C.T. 37–45
C.T. 59.01

DENTAL: Montana
County Listing

County Name

*Roosevelt
Service Area: Poplar/Wolf Point

DENTAL: Montana
Service Area Listing

Service Area Name

Poplar/Wolf Point
County—Roosevelt
Parts:
Fort Peck Reservation Division

DENTAL: Nebraska
County Listing

County Name

Arthur
Service Area: Arthur/Grant
*Blaine
*Cuming
Population Group: Am In—Winnebago/Omaha
Douglas
Population Group: Medicaid—Eastern Omaha City
*Frontier
*Furnas
Grant
Service Area: Arthur/Grant
Greeley
Service Area: Greeley/Wheeler
Hayes
Service Area: Hayes/Hitchcock
Hitchcock
Service Area: Hayes/Hitchcock
Logan
Service Area: Logan/MCPherson
*Morrill
MCPherson
Service Area: Logan/MCPherson
*Scotts Bluff
Population Group: Medicaid—Scotts Bluff Co
*Thurston
Population Group: Am In—Winnebago/Omaha
Wheeler
Service Area: Greeley/Wheeler

DENTAL: Nebraska
Service Area Listing

Service Area Name

Arthur/Grant
  County—Arthur
  County—Grant
Greeley/Wheeler
  County—Greeley
  County—Wheeler
Hayes/Hitchcock
  County—Hayes
  County—Hitchcock
Logan/MCPherson
  County—Logan
  County—MCPherson

DENTAL: Nebraska
Population Group Listing

Population Group

Am In—Winnebago/Omaha
  County—Cuming
    Parts:
      Om In—Bancroft Twp
      Om In—Cleveland Twp
  County—Thurston
    Parts:
      Winnebago Indians
Medicaid—Eastern Omaha City
  County—Douglas
    Parts:
      C.T. 3
      C.T. 6–12
      C.T. 16
      C.T. 18–19
      C.T. 39–43
      C.T. 50–54
      C.T. 59.01–59.02
      C.T. 60
      C.T. 61.01–61.02
Medicaid—Scotts Bluff Co
  County—Scotts Bluff
    Parts:
      Medicaid Eligible

DENTAL: Nevada
County Listing

County Name

*Churchill
  Service Area: Dixie Valley
Clark
  Service Area: Northeast Clark
  Population Group: Low Inc—Las Vegas
*Elko
  Service Area: Jackpot
  Service Area: Montello/West Wendover
  Service Area: Mountain City/Jarbidge
  Service Area: Wells
*Esmeralda
*Eureka
*Humboldt
  Service Area: McDermitt
  Service Area: Summit Lake
*Lyon
Nye
*Pershing
Washoe
  Population Group: Low Inc-Reno/Sparks

DENTAL: Nevada
Service Area Listing

Service Area Name

Dixie Valley
  County—Churchill
    Parts:
      Dixie Valley Division
Jackpot
  County—Elko
    Parts:
      Jackpot Division
McDermitt
  County—Humboldt
    Parts:
      McDermitt Division
Montello/West Wendover
  County—Elko
    Parts:
      Montello Division
      West Wendover Division
Mountain City/Jarbidge
  County—Elko
    Parts:
      Jarbidge Division
      Mountain City Division
Northeast Clark
  County—Clark
    Parts:
      C.T. 56.02–56.03
      C.T. 59
Summit Lake
  County—Humboldt
    Parts:
      Summit Lake Division
Wells
  County—Elko
    Parts:
      Wells Division

DENTAL: Nevada
Population Group Listing

Population Group

Low Inc—Las Vegas
  County—Clark
    Parts:
      Las Vegas CCD
Low Inc-Reno/Sparks
  County—Washoe
    Parts:
      C.T. 1–3
      C.T. 7
      C.T. 9
      C.T. 10.04
      C.T. 14–15
      C.T. 17–19
      C.T. 21.01
      C.T. 22.03–22.04
      C.T. 28
      C.T. 33.01

DENTAL: New Hampshire
County Listing

County Name

*Coos
  Service Area: Upper Connecticut Valley
  Population Group: Low Inc—Berlin

DENTAL: New Hampshire
Service Area Listing

Service Area Name

Upper Connecticut Valley
  County—Coos
    Parts:
      Clarksville Town
      Colebrook Town
      Columbia Town
      Dixville Township
      Errol Town
      Millsfield Township
      Pittsburg Town
      Stewartstown Town
      Wentworth Location

DENTAL: New Hampshire
Population Group Listing

Population Group

Low Inc—Berlin
  County—Coos
    Parts:
      Berlin City
      Cambridge Township
      Dummer Town
      Gorham Town
      Milan Town
      Randolph Town
      Shelburne Town
      Stark Town
      Success Township

DENTAL: New Jersey
County Listing

County Name

Atlantic
  Service Area: Atlantic City
  Population Group: Low Inc—West Atlantic Co
Camden
  Population Group: Low Inc—Camden City
Cumberland
  Population Group: Low Inc/MFW—Cumberland Co
  Facility: FCI Fairton
Mercer
  Population Group: Medicaid—Trenton
Ocean
  Population Group: Medicaid—Lakewood
Salem
  Population Group: Medicaid—Salem Co
Warren
  Population Group: Medicaid—Warren Co

DENTAL: New Jersey
Service Area Listing

Service Area Name

Atlantic City
  County—Atlantic
    Parts:
      C.T. 1–5
      C.T. 8
      C.T. 11–19
      C.T. 23–25

DENTAL: New Jersey
Population Group Listing

Population Group

Low Inc—Camden City
  County—Camden
    Parts:
      Camden City (6001–6020)
Low Inc—West Atlantic Co
  County—Atlantic
    Parts:

DENTAL: New Jersey
Population Group Listing

Population Group

C.T. 104.01–104.03
C.T. 105.01
C.T. 105.03–105.04
C.T. 106–111
C.T. 112.01–112.02
C.T. 113
C.T. 114.01–114.02
C.T. 115–116
C.T. 117.01–117.02
C.T. 118.05
C.T. 119–122
Low Inc/MFW—Cumberland Co
County—Cumberland
Parts:
Low Income
MFW
Medicaid—Lakewood
County—Ocean
Parts:
Lakewood Twp
Medicaid—Salem Co
County—Salem
Parts:
Medicaid Eligible
Medicaid—Trenton
County—Mercer
Parts:
C.T. 1–24
Medicaid—Warren Co
County—Warren
Parts:
Medicaid Eligible

DENTAL: New Jersey
Facility Listing

Facility Name

FCI Fairton
County—Cumberland

DENTAL: New Mexico
County Listing

County Name

Bernalillo
Service Area: North Valley
Service Area: Southwest Valley
*Catron
*Cibola
*Curry
Population Group: Low Inc—Curry Co
Dona Ana
Service Area: Hatch
Service Area: Southern Dona Ana
Population Group: Dent Ind—Las Cruces
Population Group: Low Income—Dona Ana Hill
*Eddy
Population Group: Low Inc—Eddy Co
*Grant
Population Group: Low Inc—Grant Co
*Guadalupe
*Harding
*Hidalgo
*Luna
*McKinley
*Mora
*Otero
*Rio Arriba
Service Area: North/Western Rio Arriba
Service Area: Penasco/Truchas/Embudo
*Roosevelt

DENTAL: New Mexico
County Listing

County Name

Population Group: Dent Ind—Roosevelt Co
Sandoval
Service Area: Cuba (N. Sandoval)
Santa Fe
Population Group: Low-Inc—Santa Fe Co
*Sierra
*Taos
Service Area: North/Western Rio Arriba
Service Area: Penasco/Truchas/Embudo
Service Area: Questa
*Torrance

DENTAL: New Mexico
Service Area Listing

Service Area Name

Cuba (N. Sandoval)
County—Sandoval
Parts:
Cuba Division
Jemez Division
Santo Domingo Division
Hatch
County—Dona Ana
Parts:
Hatch Division
North Valley
County—Bernalillo
Parts:
C.T. 29
C.T. 30.01–30.02
C.T. 31
C.T. 32.01–32.02
C.T. 35.01–35.02
C.T. 36
North/Western Rio Arriba
County—Rio Arriba
Parts:
Coyote Division
Jicarilla Division
Rio Chama Division
Tierra Amarilla Division
Vallecitas Division
Western Rio Arriba Division
County—Taos
Parts:
Tres Piedras Division
Penasco/Truchas/Embudo
County—Rio Arriba
Parts:
Chimayo Division
Dixon Division
County—Taos
Parts:
Penasco Division
Picuris Division
Questa
County—Taos
Parts:
Arroyo Hondo CCD
Questa CCD
Southern Dona Ana
County—Dona Ana
Parts:
Anthony Division
South Dona Ana Division
Southwest Valley
County—Bernalillo
Parts:
C.T. 23
C.T. 24.01–24.02
C.T. 40.01

DENTAL: New Mexico
Service Area Listing

Service Area Name

C.T. 43
C.T. 44.01–44.02
C.T. 45.01–45.02
C.T. 46.02–46.04

DENTAL: New Mexico
Population Group Listing

Population Group

Dent Ind—Las Cruces
County—Dona Ana
Parts:
C.T. 1–9
Dent Ind—Roosevelt Co
County—Roosevelt
Parts:
Dentally Indigent
Low Inc—Curry Co
County—Curry
Parts:
Low Income
Low Inc—Eddy Co
County—Eddy
Parts:
Low Inc—Eddyco.
Low Inc—Grant Co
County—Grant
Parts:
Low Inc
Low Income—Dona Ana Hill
County—Dona Ana
Parts:
Low Income
Low-Inc—Santa Fe Co
County—Santa Fe
Parts:
Low Inc

DENTAL: New York
County Listing

County Name

*Allegany
Service Area: Arcade
Service Area: Letchworth
Population Group: Low Inc—Wellsville
Bronx
Service Area: Morris Heights
Service Area: Morrisania/High Bridge
Service Area: Mott Haven/Point Norris
*Cattaraugus
Service Area: Arcade
Service Area: Randolph-Ellicottville
Population Group: Low Inc—Olean
Cayuga
Service Area: Groton—Moravia
Chautauqua
Population Group: Low Inc—Dunkirk/Fredonia
Population Group: Low Inc—Jamestown
Population Group: Low Inc—Westfield
*Clinton
Population Group: Low Income—Dannemora
*Cortland
Population Group: Low Inc—Cortland
Dutchess
Population Group: Low Inc—Beacon City
*Franklin (g)
Facility: FCI Raybrook
Kings
Service Area: Bedford-Stuyvesant

DENTAL: New York
County Listing

County Name
Service Area: Coney Island
Service Area: Crown Heights
Service Area: Sunset Park
Population Group: Inmates—MDC Brooklyn
*Lewis
Population Group: Low Inc—Lewis Co
Monroe
Population Group: Low Inc—Westside Rochester
New York
Service Area: Central/West Harlem
Service Area: East Harlem
Service Area: Lower East Side
Service Area: Washington Hgts/Inwood
Population Group: Low Inc—Chinatown/Lwr Manhattan
Onondaga
Population Group: Low Inc—Syracuse
Orange
Population Group: Low Inc—Port Jervis
Population Group: Medicaid—City & Town Of Newburgh
Population Group: MFW—Goshen/Warwick
Population Group: MFW—Walden
Oswego
Population Group: Low Inc—Pulaski PCSa
*St Lawrence
Population Group: Medicaid—Ogdensburg
*Sullivan
Population Group: Low Inc—Port Jervis
Tioga
Population Group: Low Income—Tioga County
*Tompkins
Service Area: Groton—Moravia
*Ulster
Population Group: MFW—New Paltz
Westchester
Population Group: Low Inc—Mt Vernon
*Wyoming
Service Area: Arcade
Service Area: Letchworth

DENTAL: New York
Service Area Listing

Service Area Name
Arcade
County—Allegany
Parts:
Centerville Town
Rushford Town
County—Cattaraugus
Parts:
Farmersville Town
Freedom Town
Machias Town
Yorkshire Town
County—Wyoming
Parts:
Arcade Town
Eagle Town
Java Town
Orangeville Town
Sheldon Town
Wethersfield Town
Bedford-Stuyvesant
County—Kings
Parts:
C.T. 11
C.T. 23

DENTAL: New York
Service Area Listing

Service Area Name
C.T. 25
C.T. 27
C.T. 29.01–29.02
C.T. 31
C.T. 33
C.T. 35
C.T. 179
C.T. 181
C.T. 183
C.T. 185.01–185.02
C.T. 187
C.T. 189
C.T. 191
C.T. 193
C.T. 195
C.T. 197
C.T. 199
C.T. 201
C.T. 203
C.T. 205
C.T. 207
C.T. 213
C.T. 215
C.T. 217
C.T. 219
C.T. 221
C.T. 223
C.T. 225
C.T. 227
C.T. 229
C.T. 231
C.T. 233
C.T. 235
C.T. 237
C.T. 239
C.T. 241
C.T. 243
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255
C.T. 257
C.T. 259.01–259.02
C.T. 261
C.T. 263
C.T. 265
C.T. 267
C.T. 269
C.T. 271.01–271.02
C.T. 273
C.T. 275
C.T. 277
C.T. 279
C.T. 281
C.T. 283
C.T. 285.01–285.02
C.T. 287
C.T. 289
C.T. 291
C.T. 293
C.T. 295
C.T. 297
C.T. 299
C.T. 301
C.T. 303
C.T. 307
C.T. 309
C.T. 311
C.T. 313
C.T. 315

DENTAL: New York
Service Area Listing

Service Area Name
C.T. 317.01–317.02
C.T. 319
C.T. 321
C.T. 323
C.T. 325
C.T. 327
C.T. 329
C.T. 331
C.T. 333
C.T. 335
C.T. 337
C.T. 339
C.T. 341
C.T. 343
C.T. 345
C.T. 347
C.T. 349
C.T. 351
C.T. 353
C.T. 355
C.T. 357
C.T. 359
C.T. 361
C.T. 363
C.T. 365.01–365.02
C.T. 367
C.T. 369
C.T. 371
C.T. 373
C.T. 375
C.T. 377
C.T. 379
C.T. 381
C.T. 383
C.T. 385
C.T. 387
Central/West Harlem
County—New York
Parts:
C.T. 186
C.T. 190
C.T. 197.02
C.T. 200
C.T. 201.02
C.T. 207.02
C.T. 208
C.T. 209.01–209.02
C.T. 211–212
C.T. 213.01–213.02
C.T. 214
C.T. 216
C.T. 217.01–217.02
C.T. 218
C.T. 219.97
C.T. 220
C.T. 221.01–221.02
C.T. 222
C.T. 223.97–223.98
C.T. 224–226
C.T. 227.01–227.02
C.T. 228–230
C.T. 231.01–231.02
C.T. 232–234
C.T. 235.01–235.02
C.T. 236–237
C.T. 239
C.T. 241
C.T. 243.02
Coney Island
County—Kings
Parts:
C.T. 326

DENTAL: New York
Service Area Listing

Service Area Name
C.T. 328
C.T. 330
C.T. 340
C.T. 342
C.T. 348.01–348.02
C.T. 352
Crown Heights
County—Kings
Parts:
C.T. 213
C.T. 215
C.T. 217
C.T. 219
C.T. 317.02
C.T. 319
C.T. 321
C.T. 323
C.T. 325
C.T. 327
C.T. 329
C.T. 331
C.T. 333
C.T. 335
C.T. 337
C.T. 339
C.T. 349
C.T. 351
C.T. 353
C.T. 355
C.T. 357
East Harlem
County—New York
Parts:
C.T. 156.02
C.T. 158.02
C.T. 160.02
C.T. 162
C.T. 164
C.T. 166
C.T. 168
C.T. 170
C.T. 172.01–172.02
C.T. 174.01–174.02
C.T. 178
C.T. 180
C.T. 182
C.T. 184
C.T. 188
C.T. 192
C.T. 194
C.T. 196
C.T. 198
C.T. 202
C.T. 204
C.T. 206
C.T. 210
Groton—Moravia
County—Cayuga
Parts:
Locke Town
Moravia Town
Sempronius Town
Summerhill Town
County—Tompkins
Parts:
Groton Town
Letchworth
County—Allegany
Parts:
Allen Town
Caneadea Town
Granger Town

DENTAL: New York
Service Area Listing

Service Area Name
Hume Town
County—Wyoming
Parts:
Castile Town
Gainesville Town
Genesee Falls Town
Pike Town
Lower East Side
County—New York
Parts:
C.T. 10.02
C.T. 20
C.T. 22.01–22.02
C.T. 24
C.T. 26.01–26.02
C.T. 28
Morris Heights
County—Bronx
Parts:
C.T. 205
C.T. 213.01–213.02
C.T. 215.01–215.02
C.T. 217.01
C.T. 239
C.T. 243
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255
C.T. 257
Morrisania/High Bridge
County—Bronx
Parts:
C.T. 47
C.T. 49
C.T. 53.01
C.T. 57
C.T. 59.01–59.02
C.T. 61
C.T. 67
C.T. 69
C.T. 121.01
C.T. 123
C.T. 125
C.T. 127.01
C.T. 129.01
C.T. 131
C.T. 133
C.T. 135
C.T. 137
C.T. 139
C.T. 141
C.T. 143
C.T. 145
C.T. 147
C.T. 149
C.T. 151
C.T. 153
C.T. 155
C.T. 157
C.T. 161
C.T. 163
C.T. 165
C.T. 167
C.T. 169
C.T. 171
C.T. 173
C.T. 175
C.T. 177
C.T. 179

DENTAL: New York
Service Area Listing

Service Area Name
C.T. 181
C.T. 183
C.T. 187
C.T. 189
C.T. 193
C.T. 195
C.T. 197
C.T. 199
C.T. 201
C.T. 211
C.T. 213.02
C.T. 217.02
C.T. 219
C.T. 221
C.T. 223
C.T. 225
C.T. 227.02–227.03
C.T. 229.02
C.T. 367
C.T. 369.02
Mott Haven/Point Norris
County—Bronx
Parts:
C.T. 11
C.T. 15
C.T. 17
C.T. 23
C.T. 25
C.T. 27.01–27.02
C.T. 31
C.T. 33
C.T. 35
C.T. 37
C.T. 39
C.T. 41
C.T. 43
C.T. 47
C.T. 49
C.T. 65
C.T. 71
C.T. 73
C.T. 75
C.T. 77
C.T. 79
C.T. 81
C.T. 83
C.T. 85
C.T. 87
C.T. 89
C.T. 119
C.T. 121.02
C.T. 127.02
C.T. 129.02
Randolph-Ellicottville
County—Cattaraugus
Parts:
Carrollton Town
Coldspring Town
Conewango Town
Ellicottville Town
Franklinville Town
Great Valley Town
Humphrey Town
Little Valley Town
Mansfield Town
Napoli Town
New Albion Town
Randolph Town
Red House Town
Salamanca City
Salamanca Town
South Valley Town

DENTAL: New York
Service Area Listing

Service Area Name

Sunset Park
County—Kings
Parts:
C.T. 2
C.T. 18
C.T. 20
C.T. 22
C.T. 72
C.T. 74
C.T. 76
C.T. 78
C.T. 80
C.T. 82
C.T. 84
C.T. 86
C.T. 88
C.T. 90
C.T. 92
C.T. 94
C.T. 96
C.T. 98
C.T. 100–102
C.T. 104
C.T. 106
C.T. 108
C.T. 118
C.T. 122
C.T. 143
C.T. 145
C.T. 147
Washington Hgts/Inwood
County—New York
Parts:
C.T. 243.01
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255
C.T. 261
C.T. 263
C.T. 265
C.T. 267
C.T. 269
C.T. 271
C.T. 273
C.T. 275
C.T. 277
C.T. 279
C.T. 281
C.T. 283
C.T. 285
C.T. 287
C.T. 289
C.T. 291
C.T. 293
C.T. 295
C.T. 297
C.T. 301
C.T. 303
C.T. 307
C.T. 309
C.T. 311

DENTAL: New York
Population Group Listing

Population Group

Inmates—MDC Brooklyn
County—Kings
Parts:
MDC Brooklyn
Low Inc—Beacon City
County—Dutchess
Parts:
Beacon City
Low Inc—Chinatown/Lwr Manhattan
County—New York
Parts:
C.T. 2.01–2.02
C.T. 6
C.T. 8
C.T. 10.01
C.T. 14.01–14.02
C.T. 15.01
C.T. 16
C.T. 18
C.T. 25
C.T. 27
C.T. 29
C.T. 30.01–30.02
C.T. 32
C.T. 34
C.T. 36.01–36.02
C.T. 38
C.T. 40–41
C.T. 43
C.T. 45
C.T. 55.02
Low Inc—Cortland
County—Cortland
Parts:
Cortlandville Town
Cortland City
Homer Town
Preble Town
Scott Town
Solon Town
Truxton Town
Virgil Town
Low Inc—Dunkirk/Fredonia
County—Chautauqua
Parts:
Arkwright Town
Charlotte Town
Dunkirk City
Dunkirk Town
Pomfret Town
Portland Town
Sheridan Town
Stockton Town
Low Inc—Jamestown
County—Chautauqua
Parts:
Busti Town
Carroll Town
Ellery Town
Ellicott Town
Ellington Town
Gerry Town
Harmony Town
Jamestown City
Kiantone Town
North Harmony Town
Poland Town
Low Inc—Lewis Co
County—Lewis
Parts:
Low Income
Low Inc—Mt Vernon
County—Westchester
Parts:
C.T. 25–45

DENTAL: New York
Population Group Listing

Population Group

Low Inc—Olean
County—Cattaraugus
Parts:
Allegany Town
Hinsdale Town
Ischua Town
Lyndon Town
Olean City
Olean Town
Portville Town
Low Inc—Port Jervis
County—Orange
Parts:
Deerpark Town
Greenville Town
Port Jervis City
County—Sullivan
Parts:
Lumberland Town
Low Inc—Pulaski PCSa
County—Oswego
Parts:
Albion Town
Boylston Town
Mexico Town
Orwell Town
Redfield Town
Richland Town
Sandy Creek Town
Williamstown Town
Low Inc—Syracuse
County—Onondaga
Parts:
C.T. 5–7
C.T. 13–16
C.T. 21–24
C.T. 29–35
C.T. 36.01
C.T. 38–45
C.T. 51–55
C.T. 57–59
C.T. 61.01–61.02
Low Inc—Wellsville
County—Allegany
Parts:
Alfred Town
Alma Town
Almond Town
Amity Town
Andover Town
Angelica Town
Belfast Town
Birdsall Town
Bolivar Town
Burns Town
Clarksville Town
Cuba Town
Friendship Town
Genesee Town
Grove Town
Independence Town
New Hudson Town
Scio Town
Ward Town
Wellsville Town
West Almond Town
Willing Town
Wirt Town
Low Inc—Westfield
County—Chautauqua
Parts:
Chautauqua Town

DENTAL: New York
Population Group Listing

Population Group
Clymer Town
French Creek Town
Mina Town
Ripley Town
Sherman Town
Westfield Town
Low Inc—Westside Rochester
County—Monroe
Parts:
C.T. 2
C.T. 16–17
C.T. 23–24
C.T. 27
C.T. 40–41
C.T. 62–71
C.T. 75
C.T. 87.01–87.02
C.T. 88
C.T. 94.03
C.T. 95
C.T. 96.01–96.04
Low Income—Dannemora
County—Clinton
Parts:
Dannemora Town
Ellenburg Town
Saranacv Town
Low Income—Tioga County
County—Tioga
Parts:
Low Income
Medicaid—City & Town Of Newburgh
County—Orange
Parts:
Newburgh City
Newburgh Town
Medicaid—Ogdensburg
County—St Lawrence
Parts:
De Peyster Town
Lisbon Town
Morristown Town
Ogdensburg Town
Oswegatchie Town
Waddington Town
MFW—Goshen/Warwick
County—Orange
Parts:
Goshen Town
Warwick Town
MFW—New Paltz
County—Ulster
Parts:
New Paltz
MFW—Walden
County—Orange
Parts:
Montgomery Town

DENTAL: New York
Facility Listing

Facility Name
FCI Raybrook
County—Franklin

DENTAL: North Carolina
County Listing

County Name
*Anson
*Bladen
Population Group: Low Inc—Bladen
*Craven
Population Group: Low Inc—Craven
Cumberland
Population Group: Low Inc—Cumberland Co
Edgecombe
Population Group: Low Inc—Edgecombe
Gaston
Population Group: Medicaid—Gaston Co
*Granville (g)
Facility: FCI Butner
Guilford
Population Group: Low Inc—Inner Greensboro
*Halifax
*Harnett
Population Group: Low Inc—Harnett Co
*Henderson
Population Group: Low Inc/MFW—Henderson
*Jones
Population Group: Low Inc—Jones
*Macon
Population Group: Low Inc—Macon
Madison
Service Area: Hot Springs
*Northampton
*Pamlico
Population Group: Low Inc—Pamlico
*Person
Population Group: Low Inc—Person
*Sampson
Population Group: Low Inc—Sampson
*Vance (g)
Facility: FCI—Butner
*Warren
*Wilkes

DENTAL: North Carolina
Service Area Listing

Service Area Name
Hot Springs
County—Madison
Parts:
Hot Springs Twp
Laurel Twp
Revere Rice Cove Twp
Spring Creek Twp
Walnut Twp

DENTAL: North Carolina
Population Group Listing

Population Group
Low Inc—Bladen
County—Bladen
Parts:
Low Income
Low Inc—Craven
County—Craven
Parts:
Low Income
Low Inc—Cumberland Co
County—Cumberland
Parts:
Low Inc
Low Inc—Edgecombe
County—Edgecombe
Parts:
Low Income
Low Inc—Harnett Co
County—Harnett
Parts:
Low Income
Low Inc—Inner Greensboro
County—Guilford
Parts:
C.T. 101
C.T. 103
C.T. 107.02
C.T. 108.01
C.T. 109–110
C.T. 111.01–111.02
C.T. 112–115
C.T. 127.05–127.07
Low Inc—Jones
County—Jones
Parts:
Low Income
Low Inc—Macon
County—Macon
Parts:
Low Income
Low Inc—Pamlico
County—Pamlico
Parts:
Low Income
Low Inc—Person
County—Person
Parts:
Low Income
Low Inc—Sampson
County—Sampson
Parts:
Low Income
Low Inc/MFW—Henderson
County—Henderson
Parts:
Low Inc/MFW
Medicaid—Gaston Co
County—Gaston
Parts:
Medicaid Eligible

DENTAL: North Carolina
Facility Listing

Facility Name
FCI—Butner
County—Vance
FCI Butner
County—Granville

DENTAL: North Dakota
County Listing

County Name
*Benson
*Billings
*Dunn
*Foster
*Golden Valley
*Kidder
*McIntosh
*McKenzie
*Rolette
*Sioux
*Slope
*Towner

DENTAL: Ohio
County Listing

County Name

*Adams
Population Group: Low Inc—Adams Co
*Ashland
Population Group: Low Inc—Ashland Co
*Brown
Population Group: Low Inc—Brown Co
Columbiana
Population Group: Low Inc—Columbiana Co
Cuyahoga
Service Area: Glenville (Area I—Cleveland)
Service Area: Western Collinwood
Population Group: Low Inc—Hough/Norwood
Population Group: Low Inc—Central/Fairfax/Kinsman
Hamilton
Service Area: Avondale
Service Area: East/Lower Price Hill/S Fairmont
Service Area: Millvale
Service Area: Winton Hills (Cincinnati)
Lucas
Population Group: Low Inc—Old West End/Center City/Door
Mahoning
Population Group: Low Inc—Ne Youngstown
*Muskingum
Population Group: Low Inc—Muskingum/Perry
*Perry
Population Group: Low Inc—Muskingum/Perry
*Pike
Population Group: Low Inc—Pike Co
*Sandusky
Population Group: Low Inc/MFW—Sandusky Co
*Seneca
Population Group: Low Inc—Seneca Co
Washington
Population Group: Low Inc—Washington Co

DENTAL: Ohio
Service Area Listing

Service Area Name

Avondale
County—Hamilton
Parts:
C.T. 32
C.T. 34
C.T. 66–69
East/Lower Price Hill/S Fairmont
County—Hamilton
Parts:
C.T. 87
C.T. 89
C.T. 91–96
C.T. 103
Glenville (Area I—Cleveland)
County—Cuyahoga
Parts:
C.T. 1114.01–1114.02
C.T. 1161–1168
C.T. 1181–1185
Millvale
County—Hamilton
Parts:
C.T. 28

DENTAL: Ohio
Service Area Listing

Service Area Name

C.T. 77
C.T. 85.02
C.T. 86.01
Western Collinwood
County—Cuyahoga
Parts:
C.T. 1169
C.T. 1171.01–1171.02
C.T. 1172.01–1172.02
C.T. 1173–1175
C.T. 1179
C.T. 1261
Winton Hills (Cincinnati)
County—Hamilton
Parts:
C.T. 80

DENTAL: Ohio
Population Group Listing

Population Group

Low Inc—Adams Co
County—Adams
Parts:
Low Income
Low Inc—Ashland Co
County—Ashland
Parts:
Low Income
Low Inc—Brown Co
County—Brown
Parts:
Low Income
Low Inc—Central/Fairfax/Kinsman
County—Cuyahoga
Parts:
C.T. 1079
C.T. 1087–1089
C.T. 1093
C.T. 1096–1099
C.T. 1103
C.T. 1129
C.T. 1131–1139
C.T. 1141–1145
C.T. 1147–1148
Low Inc—Columbiana Co
County—Columbiana
Parts:
Low Income
Low Inc—Hough/Norwood
County—Cuyahoga
Parts:
C.T. 1112–1113
C.T. 1115–1118
C.T. 1119.01–1119.02
C.T. 1121–1128
C.T. 1186.01–1186.02
C.T. 1189
Low Inc—Muskingum/Perry
County—Muskingum
Parts:
Low Income
County—Perry
Parts:
Low Income
Low Inc—Ne Youngstown
County—Mahoning
Parts:
C.T. 8001–8007
C.T. 8034–8035
C.T. 8037
C.T. 8040–8044

DENTAL: Ohio
Population Group Listing

Population Group

Low Inc—Old West End/Center City/Door
County—Lucas
Parts:
C.T. 8
C.T. 14–16
C.T. 21–23
C.T. 24.01–24.02
C.T. 25–28
C.T. 31–37
Low Inc—Pike Co
County—Pike
Parts:
Low Income
Low Inc—Seneca Co
County—Seneca
Parts:
Low Income
Low Inc—Washington Co
County—Washington
Parts:
Low Income
Low Inc/MFW—Sandusky Co
County—Sandusky
Parts:
Low Income
MFW

DENTAL: Oklahoma
County Listing

County Name

*Caddo
Canadian (g)
Facility: FCI El Reno
*Coal
Creek
*Haskell
*Le Flore
Service Area: Talihina
*McCurtain
Oklahoma
Population Group: Low Inc—Se Oklahoma City
Osage
*Pushmataha
Service Area: Talihina
*Tillman
Tulsa
Population Group: Am In—Tulsa

DENTAL: Oklahoma
Service Area Listing

Service Area Name

Talihina
County—Le Flore
Parts:
South Le Flore Division
Talihina Division
County—Pushmataha
Parts:
North Pushmataha Division

DENTAL: Oklahoma
Population Group Listing

Population Group

Am In—Tulsa
County—Tulsa
Parts:
American Indian
Low Inc—Se Oklahoma City

DENTAL: Oklahoma
Population Group Listing

Population Group
County—Oklahoma
Parts:
Low-Income

DENTAL: Oklahoma
Facility Listing

Facility Name
FCI El Reno
County—Canadian

DENTAL: Oregon
County Listing

County Name
Clackamas
*Curry
Service Area: Port Orford
*Gilliam
*Harney
Population Group: Low Inc—Harney Co
*Hood River
Population Group: Low Inc/MFW—Hood River Co
Jackson
Population Group: Low-Inc/MFW—Jackson Co
*Josephine
Population Group: Low Inc—Josephine Co
*Klamath
Population Group: Low Inc/MFW/Homeless—Klamath Co
Lane
Population Group: Low Inc—Lowell
*Malheur
Population Group: Low Inc/MFW—Malheur Co
Marion
Population Group: Low Inc/MFW/Homeless—Polk And Marion C
*Morrow
Multnomah
Population Group: Dent Ind—Multnomah Co
Polk
Population Group: Low Inc/MFW/Homeless—Polk And Marion C
*Sherman
*Tillamook
*Umatilla
Population Group: Low Inc/MFW—Umatilla Co
*Wasco
Population Group: Low Inc/MFW—Wasco Co
Washington
Population Group: Low Inc/MFW—Washington Co
*Wheeler
Yamhill
Population Group: Low Inc—Yamhill
Facility: FCI Sheridan

DENTAL: Oregon
Service Area Listing

Service Area Name
Port Orford
County—Curry
Parts:
Port Orford Division

DENTAL: Oregon
Population Group Listing

Population Group
Dent Ind—Multnomah Co
County—Multnomah
Parts:
Dentally Indigent
Low Inc—Harney Co
County—Harney
Low Inc—Josephine Co
County—Josephine
Parts:
Low Income
Low Inc—Lowell
County—Lane
Parts:
Lowell CCD
Low Inc—Yamhill
County—Yamhill
Parts:
Low Income/MFW
Low Inc/MFW—Hood River Co
County—Hood River
Parts:
Low Income
MFW
Low Inc/MFW—Malheur Co
County—Malheur
Parts:
Low Income/MFW
Low Inc/MFW—Umatilla Co
County—Umatilla
Parts:
Low Income
MFW
Low Inc/MFW—Wasco Co
County—Wasco
Parts:
Low Income
MFW
Low Inc/MFW—Washington Co
County—Washington
Parts:
Low Income/MFW
Low Inc/MFW/Homeless—Klamath Co
County—Klamath
Parts:
Low Income/MFW/Homeless
Low Inc/MFW/Homeless—Polk And Marion C
County—Marion
Parts:
Low Inc/MFW/Homeless
County—Polk
Parts:
Low Inc/MFW/Homeless
Low-Inc/MFW—Jackson Co
County—Jackson
Parts:
Low Inc/MFW—Jackson Co

DENTAL: Oregon
Facility Listing

Facility Name
FCI Sheridan
County—Yamhill

DENTAL: Pennsylvania
County Listing

County Name
Allegheny
Service Area: Homewood-Brushton
Service Area: Wilkinsburg
Beaver
Population Group: Low Inc—Beaver Co
Berks
Population Group: Low Inc—Welsh Mountain
*Bradford
Population Group: Low Inc—Bradford Co
Butler
Population Group: Low-Inc Pop Of Butler Co
Chester
Population Group: Low Inc—Welsh Mountain
*Crawford
Population Group: Low Inc—Meadville/Conneautville
Dauphin
Population Group: Low Inc—Harrisburg
Erie
Population Group: Low Inc—Erie City
Fayette
Service Area: Greensboro
*Franklin
Population Group: Low Inc/MFW—Chambersburg
*Fulton
Population Group: Low Inc.—Fulton County
*Greene
Service Area: Greensboro
*Huntingdon
Service Area: Cromwell
*Juniata
Population Group: Low Inc—Juniata
Lancaster
Population Group: Low Inc—Welsh Mountain
Population Group: Low Inc—Se Lancaster City
*Lawrence
Population Group: Low Inc—Lawrence Co
*McKean (g)
Facility: FCI Mckean
Mercer
Population Group: Low Inc—Sharon/Farrell
*Mifflin
Population Group: Low Inc—Mifflin Co
Philadelphia
Population Group: Low Inc—Lower North Philadelphia
*Pike
Population Group: Low Inc—Pike County
*Schuylkill
Population Group: Low Inc—Schuylkill
Facility: FCI—Schuylkill
*Union
Population Group: Inmates—FPC Allenwood
Population Group: Inmates—LSCI Allenwood
Facility: FCI Allenwood
Facility: USP—Lewisburg
Facility: USP Allenwood
*Wayne
Population Group: Low Inc—Wayne Co.
York
Service Area: York City

DENTAL: Pennsylvania
Service Area Listing

Service Area Name
Cromwell

DENTAL: Pennsylvania
Service Area Listing

Service Area Name

County—Huntingdon
Parts:
Clay Twp
Cromwell Twp
Dublin Twp
Orbisonia Boro
Rockhill Furnace Boro
Saltillo Boro
Shade Gap Boro
Springfield Twp
Tell Twp
Three Springs Boro
Greensboro
County—Fayette
Parts:
German Township
Masontown Borough
Nicholson Township
Point Marion Borough
Springhill Township
County—Greene
Parts:
Dunkard Township
Greene Township
Greensboro Borough
Monongahela Township
Homewood-Brushton
County—Allegheny
Parts:
C.T. 1204
C.T. 1207
C.T. 1301–1305
C.T. 1305
Wilkinsburg
County—Allegheny
Parts:
Wilkinsburg Borough
York City
County—York
Parts:
C.T. 1–3
C.T. 5
C.T. 7
C.T. 9–12
C.T. 15–16

DENTAL: Pennsylvania
Population Group Listing

Population Group

Inmates—FPC Allenwood
County—Union
Parts:
FPC Allenwood
Inmates—LSCI Allenwood
County—Union
Parts:
LSCI Allenwood
Low Inc—Beaver Co
County—Beaver
Parts:
Low Income
Low Inc—Bradford Co
County—Bradford
Low Inc—Erie City
County—Erie
Parts:
Ct 1
Ct 10
Ct 11
Ct 12
Ct 13

DENTAL: Pennsylvania
Population Group Listing

Population Group

Ct 14
Ct 15
Ct 16
Ct 17
Ct 18
Ct 19
Ct 2
Ct 20
Ct 21
Ct 22
Ct 23
Ct 24
Ct 25
Ct 26
Ct 27
Ct 28
Ct 29
Ct 3
Ct 30
Ct 4
Ct 5
Ct 6
Ct 7
Ct 8
Ct 9
Low Inc—Harrisburg
County—Dauphin
Parts:
C.T. 201–217
Low Inc—Juniata
County—Juniata
Parts:
Low Income
Low Inc—Lawrence Co
County—Lawrence
Parts:
Low Income
Low Inc—Lower North Philadelphia
County—Philadelphia
Parts:
C.T. 125–149
C.T. 151–182
C.T. 192
C.T. 195
C.T. 200–201
Low Inc—Meadville/Conneautville
County—Crawford
Parts:
Beaver Twp
Conneaut Twp
Conneaut Lake Boro
Conneautville Boro
Cussewago Twp
Hayfield Twp
Meadville City
Pine Twp
Sadsbury Twp
Saegertown Boro
Spring Twp
Springboro Boro
Summerhill Twp
Summit Twp
Union Twp
Vernon Twp
West Mead Twp
Low Inc—Mifflin Co
County—Mifflin
Parts:
Low Income
Low Inc—Pike County
County—Pike
Parts:

DENTAL: Pennsylvania
Population Group Listing

Population Group

Pike County
Low Inc—Schuylkill
County—Schuylkill
Parts:
Low Income
Low Inc—Se Lancaster City
County—Lancaster
Parts:
C.T. 1
C.T. 7–9
C.T. 14–16
Low Inc—Sharon/Farrell
County—Mercer
Parts:
C.T. 301–309
Low Inc—Wayne Co.
County—Wayne
Parts:
Low Income
Low Inc—Welsh Mountain
County—Berks
Parts:
Brecknock Twp
Caernarvon Twp
County—Chester
Parts:
Honey Brook Twp
Honey Brook Boro
County—Lancaster
Parts:
Adamstown Boro
Akron Boro
Brecknock Twp
Caernarvon Twp
Christiana Boro
Denver Boro
Earl Twp
East Cocalico Twp
East Earl Twp
Ephrata Boro
Ephrata Twp
Leacock Twp
New Holland Boro
Paradise Twp
Sadsbury Twp
Salisbury Twp
Terre Hill Boro
Upper Leacock Twp
West Earl Twp
Low Inc.—Fulton County
County—Fulton
Parts:
Low Income
Low Inc/MFW—Chambersburg
County—Franklin
Parts:
Chambersburg Boro
Hamilton Twp
Letterkenny Twp
St. Thomas Twp
Low-Inc Pop Of Butler Co
County—Butler
Parts:
Allegheny Twp
Brady Twp
Bruin Boro
Butler City
Butler Twp
Center Twp
Cherry Twp
Cherry Valley Boro
Chicora Boro

DENTAL: Pennsylvania
Population Group Listing

Population Group
Clay Twp
Clearfield Twp
Concord Twp
Connequenessing Boro
Connoquenessing Twp
Donegal Twp
East Butler Boro
Eau Claire Boro
Fairview Boro
Fairview Twp
Franklin Twp
Harrisville Boro
Karns City Boro
Lancaster Twp
Marion Twp
Mercer Twp
Muddy Creek Twp
Oakland Twp
Parker Twp
Petrolia Boro
Portersville Boro
Prospect Boro
Slippery Rock Boro
Slippery Rock Twp
Summit Twp
Venango Twp
Washington Twp
West Liberty Boro
West Sunbury Boro
Worth Twp

DENTAL: Pennsylvania
Facility Listing

Facility Name
FCI—Schuylkill
County—Schuylkill
FCI Allenwood
County—Union
FCI Mckean
County—McKean
USP—Lewisburg
County—Union
USP Allenwood
County—Union

DENTAL: Rhode Island
County Listing

County Name
Newport
Population Group: Low Inc—Newport Co
Providence
Population Group: Low Inc—Nw Woonsocket
Population Group: Low Inc—Providence City
Population Group: Low Inc—C Falls/N Pawtucket
Facility: Allen Berry Hlth Ctr
Facility: Central Hlth Ctr Providence
Washington
Population Group: Low Inc—Wakefield/Kingstown/Narraga
Population Group: Narrangansett Indian Tribe
Facility: Health Center Of South County

DENTAL: Rhode Island
Population Group Listing

Population Group
Low Inc—C Falls/N Pawtucket
County—Providence
Parts:
C.T. 108–111
C.T. 149
C.T. 151–153
C.T. 161
Low Inc—Newport Co
County—Newport
Parts:
Low Income
Low Inc—Nw Woonsocket
County—Providence
Parts:
C.T. 172
C.T. 174
C.T. 176
C.T. 178–183
Low Inc—Providence City
County—Providence
Parts:
C.T. 1–23
C.T. 25–33
C.T. 35–37
Low Inc—Wakefield/Kingstown/Narraga
County—Washington
Parts:
Narragansett Town
S. Kingstown Town
Narrangansett Indian Tribe
County—Washington
Parts:
Charlestown Town

DENTAL: Rhode Island
Facility Listing

Facility Name
Allen Berry Hlth Ctr
County—Providence
Central Hlth Ctr Providence
County—Providence
Health Center Of South County
County—Washington

DENTAL: South Carolina
County Listing

County Name
*Bamberg
Charleston
Service Area: Sea Islands
Cherokee
*Clarendon
*Colleton
Dorchester
Service Area: St George
*Hampton (g)
Facility: FCI Estill
*Jasper (g)
Facility: Ridgeland Ci
*Lee
Sumter
*Union
*Williamsburg

DENTAL: South Carolina
Service Area Listing

Service Area Name
Sea Islands
County—Charleston
Parts:
Edisto Is CCD
James Is CCD
Johns Is CCD
Wadmalaw Is CCD
St George
County—Dorchester
Parts:
Harleyville CCD
Reevesville CCD
Ridgeville CCD
St George CCD

DENTAL: South Carolina
Facility Listing

• *Facility Name*
FCI Estill
County—Hampton
Ridgeland Ci
County—Jasper

DENTAL: South Dakota
County Listing

County Name
*Corson
*Dewey
*Gregory
*Harding
*Lyman
*Meade
Service Area: Faith
Minnehaha
Population Group: Low Inc—Central Sioux Falls
*Perkins
*Roberts
*Shannon
Population Group: Low Income—Shannon
*Todd
*Ziebach

DENTAL: South Dakota
Service Area Listing

Service Area Name
Faith
County—Meade
Parts:
Eagle Township
Faith City
Howard Township
North Meade Unorg.
Union Township
Upper Red Owl Township

DENTAL: South Dakota
Population Group Listing

Population Group
Low Inc—Central Sioux Falls
County—Minnehaha
Parts:
C.T. 1–2
C.T. 7–9
Low Income—Shannon
County—Shannon
Parts:
Low Income

DENTAL: Tennessee
County Listing

County Name

Anderson
Population Group: Low Inc—Anderson Co
*Bedford
Population Group: Low Inc—Bedford
*Benton
Population Group: Low Inc—Benton Co
*Bledsoe
Blount
Population Group: Low Inc—Blount Co
*Bradley
Population Group: Low Inc—Bradley Co
*Campbell
*Carroll
Population Group: Low Inc—Carroll Co
Carter
Population Group: Low Inc—Carter Co
Cheatham
Population Group: Low Inc—Cheatham
*Chester
Population Group: Low Inc—Chester Co
*Claiborne
*Clay
Population Group: Low Inc—Clay
*Cocke
Population Group: Low Inc—Cocke
*Coffee
Population Group: Low Inc—Coffee Co
*Crockett
Population Group: Low Inc—Crockett Co
*Cumberland
Population Group: Low Inc—Cumberland
Davidson
Population Group: Low Inc—E Nashville
Population Group: Low Inc Pop—Waverly-Belmont
Population Group: Low Inc/Homeless—N Nashville
*De Kalb
Population Group: Low Inc—Dekalb
*Decatur
Population Group: Low Inc—Decatur Co
Dickson
Population Group: Low Inc—Dickson
*Dyer
Population Group: Low Inc—Dyer Co
Fayette
*Fentress
Population Group: Low Inc—Fentress
*Franklin
Population Group: Low Inc—Franklin Co
*Gibson
Population Group: Low Inc—Gibson Co
*Giles
Population Group: Low Inc—Giles Co
Grainger
*Greene
Population Group: Low Inc—Greene Co
*Grundy
*Hamblen
Population Group: Low Inc—Hamblen Co
Hamilton
Population Group: Low Inc—Central Chattanooga
Facility: Woods Clinic
*Hancock
*Hardeman
Population Group: Low Inc—Hardeman Co
*Hardin
Population Group: Low Inc—Hardin Co
Hawkins
Population Group: Low Inc—Hawkins Co
*Haywood

DENTAL: Tennessee
County Listing

County Name

Population Group: Low Inc—Haywood
*Henderson
Population Group: Low Inc—Henderson Co
*Henry
Population Group: Low Inc—Henry Co
*Hickman
Population Group: Low Inc—Hickman Co
*Houston
Population Group: Low Inc—Houston
*Humphreys
Population Group: Low Inc—Humphreys
*Jackson
Population Group: Low Inc—Jackson Co
Jefferson
Population Group: Low Inc—Jefferson Co
*Johnson
Knox
Population Group: Low Inc—Knoxville
*Lake
*Lauderdale
Population Group: Low Inc—Lauderdale Co
*Lawrence
Population Group: Low Inc—Lawrence Co
*Lewis
Population Group: Low Inc—Lewis Co
*Lincoln
Population Group: Low Inc—Lincoln Co
Loudon
Population Group: Low Inc—Loudon Co
*Macon
Madison
Population Group: Low Inc—Madison Co
Marion
Population Group: Low Inc—Marion Co
*Marshall
Population Group: Low Inc—Marshall Co
*Maury
Population Group: Low Inc—Maury Co
*McMinn
Population Group: Low Inc—Mcminn Co
*McNairy
Population Group: Low Inc—Mcnairy Co
*Meigs
*Monroe
Population Group: Low Inc—Monroe Co
Montgomery
Population Group: Low Inc—Montgomery
*Moore
Population Group: Low Inc—Moore Co
*Morgan
*Obion
Population Group: Low Inc—Obion Co
*Overton
Population Group: Low Inc—Overton
*Perry
Population Group: Low Inc—Perry Co
*Pickett
*Polk
Population Group: Low Inc—Polk Co
*Putnam
Population Group: Low Inc—Putnam
*Rhea
Population Group: Low Inc—Rhea Co
*Roane
Population Group: Low Inc—Roane Co
Robertson
Population Group: Low Inc—Robertson
*Scott
*Sequatchie
Population Group: Low Inc—Sequatchie Co

DENTAL: Tennessee
County Listing

County Name

Sevier
Population Group: Low Inc—Sevier Co
Shelby (g)
Facility: FCI Memphis
*Smith
Population Group: Low Inc—Smith
*Stewart
Population Group: Low Inc—Stewart
Tipton
Population Group: Low Inc—Tipton Co
*Trousdale
Population Group: Low Inc—Trousdale
Unicoi
Population Group: Low Inc—Unicoi Co
Union
*Van Buren
Population Group: Low Inc—Van Buren
*Warren
Population Group: Low Inc—Warren
Washington
Population Group: Low Inc—Washington Co
*Wayne
Facility: South Central Corr Ctr
*Weakley
Population Group: Low Inc—Weakley Co
*White
Population Group: Low Inc—White
Parts:

DENTAL: Tennessee
Service Area Listing

Service Area Name

Baxter
Parts:
Cookeville

DENTAL: Tennessee
Population Group Listing

Population Group

Low Inc—Anderson Co
County—Anderson
Parts:
Low Income
Low Inc—Bedford Co
County—Bedford
Parts:
Low Income
Low Inc—Benton Co
County—Benton
Parts:
Low Income
Low Inc—Blount Co
County—Blount
Parts:
Low Income
Low Inc—Bradley Co
County—Bradley
Parts:
Low Inc Pop
Low Inc—Carroll Co
County—Carroll
Parts:
Low Income
Low Inc—Carter Co
County—Carter
Parts:
Low Income
Low Inc—Central Chattanooga
County—Hamilton

DENTAL: Tennessee
Population Group Listing

Population Group

Parts:
C.T. 1–8
C.T. 10–16
C.T. 18–21
C.T. 23–27
C.T. 31
C.T. 115
Low Inc—Cheatham
County—Cheatham
Parts:
Low Income
Low Inc—Chester Co
County—Chester
Parts:
Low Income
Low Inc—Clay
County—Clay
Parts:
Low Income
Low Inc—Cocke
County—Cocke
Parts:
Low Income
Low Inc—Coffee Co
County—Coffee
Parts:
Low Income
Low Inc—Crockett Co
County—Crockett
Parts:
Low Income
Low Inc—Cumberland
County—Cumberland
Parts:
Low Income
Parts:
Low Income
Low Inc—Decatur Co
County—Decatur
Parts:
Low Income
Low Inc—Dekalb
County—De Kalb
Parts:
Low Income
Low Inc—Dickson
County—Dickson
Parts:
Low Income
Low Inc—Dyer Co
County—Dyer
Parts:
Low Income
Low Inc—E Nashville
County—Davidson
Parts:
C.T. 112–129
Low Inc—Fentress
County—Fentress
Low Inc—Franklin Co
County—Franklin
Parts:
Low Income
Low Inc—Gibson Co
County—Gibson
Parts:
Low Income
Low Inc—Giles Co
County—Giles
Parts:
Low Income
Low Inc—Greene Co
County—Greene
Parts:

DENTAL: Tennessee
Population Group Listing

Population Group

Low Income
Low Inc—Hamblen Co
County—Hamblen
Parts:
Low Income
Low Inc—Hardeman Co
County—Hardeman
Parts:
Low Income
Low Inc—Hardin Co
County—Hardin
Parts:
Hardin
Low Inc—Hawkins Co
County—Hawkins
Parts:
Low Income
Low Inc—Haywood
County—Haywood
Low Inc—Henderson Co
County—Henderson
Parts:
Low Income
Low Inc—Henry Co
County—Henry
Parts:
Low Income
Low Inc—Hickman Co
County—Hickman
Parts:
Low Income
Low Inc—Houston
County—Houston
Parts:
Low Income
Parts:
Low Income
Low Inc—Humphreys
County—Humphreys
Parts:
Low Income
Low Inc—Jackson Co
County—Jackson
Parts:
Low Income
Low Inc—Jefferson Co
County—Jefferson
Parts:
Low Income
Low Inc—Knoxville
County—Knox
Parts:
C.T. 1–17
C.T. 19–20
C.T. 24
C.T. 26–28
Low Inc—Lauderdale Co
County—Lauderdale
Parts:
Low Income
Low Inc—Lawrence Co
County—Lawrence
Parts:
Low Income
Low Inc—Lewis Co
County—Lewis
Parts:
Low Income
Low Inc—Lincoln Co
County—Lincoln
Parts:
Low Income
Low Inc—Loudon Co
County—Loudon

DENTAL: Tennessee
Population Group Listing

Population Group

Parts:
Low Income
Low Inc—Madison Co
County—Madison
Parts:
Low Income
Low Inc—Marion Co
County—Marion
Parts:
Low Income
Low Inc—Marshall Co
County—Marshall
Parts:
Low Income
Low Inc—Maury Co
County—Maury
Parts:
Low Income
Low Inc—Mcminn Co
County—McMinn
Parts:
Low Income
Low Inc—Mcnairy Co
County—McNairy
Parts:
Low Income
Low Inc—Monroe Co
County—Monroe
Parts:
Low Income
Low Inc—Montgomery
County—Montgomery
Parts:
Low Income
Low Inc—Moore Co
County—Moore
Parts:
Low Income
Low Inc—Obion Co
County—Obion
Parts:
Low Income
Low Inc—Overton
County—Overton
Parts:
Low Income
Low Inc—Perry Co
County—Perry
Parts:
Low Income
Low Inc—Polk Co
County—Polk
Parts:
Low Income
Low Inc—Putnam
County—Putnam
Parts:
Low Income
Low Inc—Rhea Co
County—Rhea
Parts:
Low Income
Low Inc—Roane Co
County—Roane
Parts:
Low Income
Low Inc—Robertson
County—Robertson
Parts:
Low Income
Low Inc—Sequatchie Co
County—Sequatchie

DENTAL: Tennessee
Population Group Listing

Population Group
Parts:
Low Income
Low Inc—Sevier Co
County—Sevier
Parts:
Low Income
Low Inc—Smith
County—Smith
Parts:
Low Income
Low Inc—Stewart
County—Stewart
Parts:
Low Income
Low Inc—Tipton Co
County—Tipton
Parts:
Low Income
Low Inc—Trousdale
County—Trousdale
Parts:
Low Income
Low Inc—Unicoi Co
County—Unicoi
Parts:
Low Income
Low Inc—Van Buren
County—Van Buren
Parts:
Low Income
Low Inc—Warren
County—Warren
Low Inc—Washington Co
County—Washington
Parts:
Low Income
Low Inc—Weakley Co
County—Weakley
Parts:
Low Income
Low Inc—White
County—White
Parts:
Low Income
Low Inc Pop—Waverly-Belmont
County—Davidson
Parts:
C.T. 161–163
C.T. 170–171
Low Inc/Homeless—N Nashville
County—Davidson
Parts:
C.T. 133
C.T. 135–144
C.T. 146–148

DENTAL: Tennessee
Facility Listing

Facility Name
FCI Memphis
County—Shelby
South Central Corr Ctr
County—Wayne
Woods Clinic
County—Hamilton

DENTAL: Texas
County Listing

County Name
*Anderson (g)

DENTAL: Texas
County Listing

County Name
Facility: Beto Psn
Facility: Gurney Prison
*Aransas
Archer
*Armstrong
*Atascosa
Bastrop (g)
Facility: FCI Bastrop
*Bee (g)
Facility: Garza West & East Units
Facility: McConnell Prsn
Bexar
Service Area: East Side (San Antonio)
Service Area: South Side (San Antonio)
Service Area: West Side (San Antonio)
Facility: Bexar Co State Jail
*Borden
*Briscoe
*Brooks
*Burleson
Cameron
*Carson
*Castro
*Cochran
*Coke
Coryell (g)
Facility: Mountain View Prison
*Crosby
*Culberson
Dallas
Service Area: Lisbon
Service Area: South Dallas
Facility: FCI Seagoville
*Dawson
*De Witt
*Dickens
*Dimmit
*Donley
*Duval
*Edwards
El Paso
Service Area: Southeast El Paso
*Gaines
*Glasscock
*Grimes
Population Group: Inmates—FPC Bryan
*Hall
*Hansford
Hidalgo
*Howard
Population Group: Inmates—FCI Big Spring
*Hudspeth
Jefferson
Service Area: North Beaumont
Service Area: South Beaumont
*Jim Hogg
*Jim Wells
*Kent
*King
*Kinney
*La Salle
Liberty
Live Oak
Facility: FCI Three Rivers
*Loving
*Maverick
*Medina
*Mitchell
*Motley
*Nacogdoches

DENTAL: Texas
County Listing

County Name
Population Group: Low Inc—Nacogdoches Co
*Oldham
*Pecos
*Presidio
*Reeves
*Roberts
*Robertson
*San Jacinto
*Schleicher
*Shackelford
*Sherman
*Starr
*Sterling
*Stonewall
*Terrell
*Terry
*Throckmorton
Travis
Service Area: Dove Springs
Service Area: East Austin
Service Area: South Austin
*Trinity
Upshur
*Uvalde
*Val Verde
*Ward
Webb
*Wharton
Population Group: Low Inc—Wharton Co
*Willacy
*Wise
*Yoakum
*Zapata
*Zavala

DENTAL: Texas
Service Area Listing

Service Area Name
Dove Springs
County—Travis
Parts:
C.T. 24.11–24.13
East Austin
County—Travis
Parts:
C.T. 4.02
C.T. 8.01–8.04
C.T. 9.01–9.02
C.T. 10
C.T. 18.11–18.12
C.T. 21.04–21.13
C.T. 22.01–22.02
C.T. 22.05
East Side (San Antonio)
County—Bexar
Parts:
C.T. 1101–1104
C.T. 1109–1110
C.T. 1301–1306
C.T. 1307.85
C.T. 1308–1313
C.T. 1401
Lisbon
County—Dallas
Parts:
C.T. 56–57
C.T. 59.01–59.02
C.T. 87.01
C.T. 87.03–87.05
C.T. 88.01–88.02

DENTAL: Texas
Service Area Listing

Service Area Name

North Beaumont
  County—Jefferson
    Parts:
      C.T. 1.03
      C.T. 6–9
South Austin
  County—Travis
    Parts:
      C.T. 23.04
      C.T. 23.10–23.12
      C.T. 24.16
South Beaumont
  County—Jefferson
    Parts:
      C.T. 10
      C.T. 12
      C.T. 14–26
South Dallas
  County—Dallas
    Parts:
      C.T. 25
      C.T. 27.01–27.02
      C.T. 28–29
      C.T. 33–38
      C.T. 39.01–39.02
      C.T. 40
      C.T. 93.03–93.04
      C.T. 115
      C.T. 116.01
South Side (San Antonio)
  County—Bexar
    Parts:
      C.T. 1402–1412
      C.T. 1416–1418
      C.T. 1501–1522
      C.T. 1609
      C.T. 1610.85
      C.T. 1611–1612
      C.T. 1619–1620
Southeast El Paso
  County—El Paso
    Parts:
      C.T. 17–21
      C.T. 28–32
      C.T. 35–36
      C.T. 37.01–37.02
      C.T. 38.01–38.02
      C.T. 39.01–39.03
      C.T. 40.01–40.02
      C.T. 41.03–41.07
      C.T. 42.01–42.02
      C.T. 103.10
      C.T. 104.01–104.04
      C.T. 105
West Side (San Antonio)
  County—Bexar
    Parts:
      C.T. 1105–1108
      C.T. 1601–1606
      C.T. 1607.85
      C.T. 1616
      C.T. 1701–1716
      C.T. 1901–1902

DENTAL: Texas
Population Group Listing

Population Group

Inmates—FCI Big Spring
  County—Howard
    Parts:
      FCI Big Spring

DENTAL: Texas
Population Group Listing

Population Group

Inmates—FPC Bryan
  County—Grimes
    Parts:
      FPC Bryan
Low Inc—Nacogdoches Co
  County—Nacogdoches
    Parts:
      Low Income
Low Inc—Wharton Co
  County—Wharton
    Parts:
      Low Income

DENTAL: Texas
Facility Listing

Facility Name

Beto Psn
  County—Anderson
Bexar Co State Jail
  County—Bexar
FCI Bastrop
  County—Bastrop
FCI Seagoville
  County—Dallas
FCI Three Rivers
  County—Live Oak
Garza West & East Units
  County—Bee
Gurney Prison
  County—Anderson
McConnell Prsn
  County—Bee
Mountain View Prison
  County—Coryell

DENTAL: Utah
County Listing

County Name

*Beaver
  Population Group: Low Inc—Beaver
*Carbon
  Population Group: Low Income—Carbon County
*Daggett
*Duchesne
  Population Group: Pov Pop—Duchesne Co
*Emery
*Garfield
*Grand
  Population Group: Low Income—Grand County
*Piute
*Rich
Salt Lake
  Population Group: Low Income— Nw Salt Lake
  Facility: Utah St. Prison (Draper)
*San Juan
  Population Group: Low Inc—San Juan Co
*Uintah
  Population Group: Low Income—Uintah Co
Utah
  Population Group: Low Income—Utah Co
*Washington
  Service Area: Hildale
*Wayne
Weber
  Population Group: Low Inc—Weber

DENTAL: Utah
Service Area Listing

Service Area Name

Hildale
  County—Washington
    Parts:
      Hildale Town

DENTAL: Utah
Population Group Listing

Population Group

Low Inc—Beaver
  County—Beaver
    Parts:
      Low Income
Low Inc—San Juan Co
  County—San Juan
    Parts:
      Low Income
Low Inc—Weber
  County—Weber
    Parts:
      Low Income
Low Income— Nw Salt Lake
  County—Salt Lake
    Parts:
      C.T. 1001
      C.T. 1003.03–1003.04
      C.T. 1004–1006
      C.T. 1019–1027
Low Income—Carbon County
  County—Carbon
    Parts:
      Low Income
Low Income—Grand County
  County—Grand
    Parts:
      Low Income
Low Income—Uintah Co
  County—Uintah
    Parts:
      Low Income
Low Income—Utah Co
  County—Utah
    Parts:
      Low Income
Pov Pop—Duchesne Co
  County—Duchesne
    Parts:
      Pov Pop

DENTAL: Utah
Facility Listing

Facility Name

Utah St. Prison (Draper)
  County—Salt Lake

DENTAL: Vermont
County Listing

County Name

*Essex

DENTAL: Virginia
County Listing

County Name

Accomack
  Service Area: Accomack/Northampton
*Brunswick
*Buchanan
*Charlotte
*Dickenson
*Lee

DENTAL: Virginia
County Listing

County Name

*Nelson
  Service Area: Lovingston
Newport News
  Service Area: Newport News
Northampton
  Service Area: Accomack/Northampton
Richmond City
  Service Area: East End Richmond
*Russell
Suffolk
  Service Area: City Of Suffolk

DENTAL: Virginia
Service Area Listing

Service Area Name

Accomack/Northampton
  County—Accomack
  County—Northampton
City Of Suffolk
  County—Suffolk
    Parts:
      C.T. 651
      C.T. 653–655
      C.T. 756
East End Richmond
  County—Richmond City
    Parts:
      C.T. 201–212
Lovingston
  County—Nelson
    Parts:
      Lovingston Dist
      Massies Mill Dist
      Schuyler Dist
Newport News
  County—Newport News
    Parts:
      C.T. 302
      C.T. 302.99
      C.T. 303.98
      C.T. 304–306
      C.T. 308–309
      C.T. 313

DENTAL: Virginia
Facility Listing

Facility Name

FCI—Petersburg

DENTAL: Washington
County Listing

County Name

*Adams
  Population Group: Low Inc/MFW—Othello/Royal City
Benton
  Population Group: Low Inc/MFW—Benton/Franklin
*Chelan
  Population Group: MFW—Chelan/Douglas
*Clallam
  Service Area: W Side Olympic Peninsula
*Columbia
  Population Group: Low Inc/MFW—Columbia & Walla Walla
*Douglas
  Population Group: MFW—Chelan/Douglas
*Ferry
Franklin
  Population Group: Low Inc/MFW—Benton/Franklin
  Facility: Coyote Ridge Corr Inst
*Grant
  Population Group: Low Inc/MFW—Central Grant Co
  Population Group: Low Inc/MFW—Othello/Royal City
*Island
  Population Group: Low Inc—Island Co
*Jefferson
  Service Area: W Side Olympic Peninsula
King
  Population Group: Low Inc/Homeless- S. King Co
Kitsap
  Population Group: Low Inc—Central Bremerton
*Klickitat
  Population Group: Low Inc—E Klickitat Co
  Population Group: Low Inc/MFW—W Klickitat Co
*Lewis
  Service Area: Morton
*Lincoln
  Service Area: Odessa
*Mason (g)
  Facility: Wa Corr/Reception Ctr
*Okanogan
  Population Group: MSFW—Okanogan Co
*Pend Oreille
  Service Area: Ione/Metaline
Pierce
  Population Group: Medicaid—S. Pierce Co
  Facility: Wa Corr Ctr For Women
*Skagit
  Population Group: Low Inc/MFW—Skagit/Whatcom
Snohomish
  Population Group: Low Inc—Snohomish Co
*Wahkiakum
*Walla Walla
  Population Group: Low Inc/MFW—Columbia & Walla Walla
  Facility: Wa State Pen
Whatcom
  Population Group: Low Inc/MFW—Skagit/Whatcom
Yakima
  Population Group: MSFW—Toppenish/Grandview

DENTAL: Washington
Service Area Listing

Service Area Name

Ione/Metaline
  County—Pend Oreille
    Parts:
      Ione-Metaline Falls Division
Morton
  County—Lewis
    Parts:
      Big Bottom Division
      Mineral Division
      Morton Division
      Mossyrock Division
Odessa
  County—Lincoln
    Parts:
      Odessa Division

DENTAL: Washington
Service Area Listing

Service Area Name

W Side Olympic Peninsula
  County—Clallam
    Parts:
      C.T. 9802–9805
  County—Jefferson
    Parts:
      C.T. 9501

DENTAL: Washington
Population Group Listing

Population Group

Low Inc—Central Bremerton
  County—Kitsap
    Parts:
      C.T. 805–806
      C.T. 810–813
Low Inc—E Klickitat Co
  County—Klickitat
    Parts:
      Goldendale CCD
      Horse Heaven CCD
Low Inc—Island Co
  County—Island
    Parts:
      Low Income
Low Inc—Snohomish Co
  County—Snohomish
    Parts:
      Low Income
Low Inc/Homeless- S. King Co
  County—King
    Parts:
      C.T. 259
      C.T. 292.01–292.02
      C.T. 297
      C.T. 298.01–298.02
      C.T. 299
      C.T. 300.02
      C.T. 302.02
      C.T. 303.03
      C.T. 305–308
Low Inc/MFW—Benton/Franklin
  County—Benton
    Parts:
      Low Income
      MFW
  County—Franklin
    Parts:
      Low Income
      MFW
Low Inc/MFW—Central Grant Co
  County—Grant
    Parts:
      Ephrata-Soap Lake CCD
      George CCD
      Gloyd CCD
      Moses Lake CCD
      Quincy CCD
      Warden CCD
      Wilson Creek CCD
Low Inc/MFW—Columbia & Walla Walla
  County—Columbia
    Parts:
      Columbia
  County—Walla Walla
    Parts:
      Walla Walla
Low Inc/MFW—Othello/Royal City
  County—Adams
    Parts:
      Low Inc/MFW—Adams Co

DENTAL: Washington
Population Group Listing

Population Group

County—Grant
Parts:
Low Inc/MFW—S Slopes C
Low Inc/MFW—Skagit/Whatcom
County—Skagit
Parts:
Low Income
MFW
County—Whatcom
Parts:
Low Income
MFW
Low Inc/MFW—W Klickitat Co
County—Klickitat
Parts:
Wahkiakus CCD
White Salmon CCD
Yakima Res CCD
Medicaid—S. Pierce Co
County—Pierce
Parts:
C.T. 2
C.T. 5
C.T. 20
C.T. 30
C.T. 52
C.T. 60
C.T. 65
C.T. 80
MFW—Chelan/Douglas
County—Chelan
Parts:
MFW
County—Douglas
Parts:
MFW
MSFW—Okanogan Co
County—Okanogan
Parts:
MSFW
MSFW—Toppenish/Grandview
County—Yakima
Parts:
Mabton CCD
S Yakima CCD
Sunnyside CCD
Toppenish/Wapato CCD

DENTAL: Washington
Facility Listing

Facility Name

Coyote Ridge Corr Inst
County—Franklin
Wa Corr Ctr For Women
County—Pierce
Wa Corr/Reception Ctr
County—Mason
Wa State Pen
County—Walla Walla

DENTAL: West Virginia
County Listing

County Name

*Calhoun
*Hampshire
Service Area: Baker
*Hardy
Service Area: Baker
Kanawha
Service Area: Cedar Grove

DENTAL: West Virginia
County Listing

County Name

*Lincoln
*McDowell
*Monongalia
Service Area: Clay/Battelle (WV/PA)
Population Group: Inmates—FCI Morgantown
*Monroe
Population Group: Inmates—FPC Alderson
*Raleigh (g)
Facility: FCI Beckley
Wayne
Population Group: Low-Inc Wayne/Ft. Gay
*Wetzel
Service Area: Clay/Battelle (WV/PA)

DENTAL: West Virginia
Service Area Listing

Service Area Name

Baker
County—Hampshire
Parts:
Capon District
County—Hardy
Parts:
Capon District
Lost River District
Cedar Grove
County—Kanawha
Parts:
C.T. 118
Clay/Battelle (WV/PA)
County—Monongalia
Parts:
C.T. 114
County—Wetzel
Parts:
C.T. 304

DENTAL: West Virginia
Population Group Listing

Population Group

Inmates—FCI Morgantown
County—Monongalia
Parts:
FCI Morgantown
Inmates—FPC Alderson
County—Monroe
Parts:
FPC Alderson
Low-Inc Wayne/Ft. Gay
County—Wayne
Parts:
Butler Dist
Stonewall Dist
Union Dist

DENTAL: West Virginia
Facility Listing

Facility Name

FCI Beckley
County—Raleigh

DENTAL: Wisconsin
County Listing

County Name

*Adams
Facility: FCI Oxford
Dane

DENTAL: Wisconsin
County Listing

County Name

Population Group: Low Inc—Central Madison
*Forest
Service Area: Mountain
Kenosha
Population Group: Low Inc—Kenosha City
La Crosse
Population Group: Low Inc—LA Crosse Co
*Langlade
Service Area: Mountain
Marathon
Population Group: Low Inc—Wausau City
Milwaukee
Service Area: Inner City West
Service Area: Inner City North (Milwaukee)
Population Group: Low Inc—Inner City South
*Monroe
Population Group: Low Inc—Westby/Cashton
*Oconto
Service Area: Mountain
*Vernon
Population Group: Low Inc—Westby/Cashton
*Waushara
Population Group: Low Inc—Waushara Co

DENTAL: Wisconsin
Service Area Listing

Service Area Name

Inner City North (Milwaukee)
County—Milwaukee
Parts:
C.T. 66–72
C.T. 79–86
C.T. 101–107
C.T. 114–118
C.T. 139–142
C.T. 145–147
C.T. 151
Inner City West
County—Milwaukee
Parts:
C.T. 62
C.T. 87–90
C.T. 96–100
C.T. 119–123
C.T. 133–138
C.T. 148–149
Mountain
County—Forest
Parts:
Blackwell Town
Freedom Town
Wabeno Town
County—Langlade
Parts:
Evergreen Town
Langlade Town
White Lake Village
Wolf River Town
County—Oconto
Parts:
Armstrong Town
Bagley Town
Brazeau Town
Breed Town
Doty Town
Lakewood Town

DENTAL: Wisconsin
Service Area Listing

Service Area Name
Riverview Town
Townsend Town

DENTAL: Wisconsin
Population Group Listing

Population Group
Low Inc—Central Madison
County—Dane
Parts:
C.T. 11
C.T. 12.98
C.T. 13.98
C.T. 14.01
C.T. 16.01–16.02
C.T. 17
Low Inc—Inner City South
County—Milwaukee
Parts:
C.T. 155–159
C.T. 162–169
C.T. 174–177
C.T. 178.98
C.T. 179
C.T. 180.97–180.98
Low Inc—Kenosha City
County—Kenosha
Parts:
C.T. 7–12
C.T. 16
Low Inc—LA Crosse Co
County—La Crosse
Parts:
Low Income
Low Inc—Wausau City
County—Marathon
Parts:
C.T. 1–2
C.T. 4–5
C.T. 6.01–6.02
C.T. 7
Low Inc—Waushara Co
County—Waushara
Parts:
Low Income
Low Inc—Westby/Cashton
County—Monroe
Parts:
Cashton Vil
Jefferson Town
Melvina Vil
Norwalk Vil
Portland Town
Ridgeville Town
Sheldon Town
Wellington Town
County—Vernon
Parts:
Christiana Town
Clinton Town
Forest Town
Ontario Vil
Westby City
Whitestown Town

DENTAL: Wisconsin
Facility Listing

Facility Name
FCI Oxford
County—Adams

DENTAL: Wyoming
County Listing

County Name
*Niobrara

DENTAL: American Samoa
County Listing

County Name
Eastern
Service Area: Terr. Of American Samoa
Manua
Service Area: Terr. Of American Samoa
Rose Island
Service Area: Terr. Of American Samoa
Swains Island
Service Area: Terr. Of American Samoa
Western
Service Area: Terr. Of American Samoa

DENTAL: American Samoa
Service Area Listing

Service Area Name
Terr. Of American Samoa
County—Eastern
County—Manua
County—Rose Island
County—Swains Island
County—Western

DENTAL: Fed Ste Micronesia
County Listing

County Name
*Chuuk State
*Kosrae State
*Pohnpei State
*Yap State

DENTAL: Guam
County Listing

County Name
*Guam

DENTAL: Marshall Islands
County Listing

County Name
Ailinginae
Service Area: Marshall Islands
Ailinglaplap
Service Area: Marshall Islands
Ailuk
Service Area: Marshall Islands
Arno
Service Area: Marshall Islands
Aur
Service Area: Marshall Islands
Bikar
Service Area: Marshall Islands
Bikini
Service Area: Marshall Islands
Bokak
Service Area: Marshall Islands
Ebon
Service Area: Marshall Islands
Enewetak
Service Area: Marshall Islands
Erikub
Service Area: Marshall Islands
Jabat
Service Area: Marshall Islands
Jaluit
Service Area: Marshall Islands

DENTAL: Marshall Islands
County Listing

County Name
Jemo Island
Service Area: Marshall Islands
Kili
Service Area: Marshall Islands
Kwajalein
Service Area: Marshall Islands
Lae
Service Area: Marshall Islands
Lib
Service Area: Marshall Islands
Likiep
Service Area: Marshall Islands
Majuro
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Service Area: Marshall Islands
Rongrik
Service Area: Marshall Islands
Taka
Service Area: Marshall Islands
Ujae
Service Area: Marshall Islands
Ujelang
Service Area: Marshall Islands
Utrik
Service Area: Marshall Islands
Wotho
Service Area: Marshall Islands
Wotje
Service Area: Marshall Islands

DENTAL: Marshall Islands
Service Area Listing

Service Area Name
Marshall Islands
County—Ailinginae
County—Ailinglaplap
County—Ailuk
County—Arno
County—Aur
County—Bikar
County—Bikini
County—Bokak
County—Ebon
County—Enewetak
County—Erikub
County—Jabat
County—Jaluit
County—Jemo Island
County—Kili
County—Kwajalein
County—Lae
County—Lib
County—Likiep
County—Majuro
County—Maloelap
County—Mejit
County—Mili
County—Namorik
County—Namu
County—Rongelap

DENTAL: Marshall Islands
Service Area Listing

Service Area Name

County—Rongrik
County—Taka
County—Ujae
County—Ujelang
County—Utrik
County—Wotho
County—Wotje

DENTAL: N. Mariana Islands
County Listing

County Name

Northern Islands
Service Area: Commonwealth N. Marianas Islands
Rota
Service Area: Commonwealth N. Marianas Islands
Saipan
Service Area: Commonwealth N. Marianas Islands
Tinian
Service Area: Commonwealth N. Marianas Islands

DENTAL: N. Mariana Islands
Service Area Listing

Service Area Name

Commonwealth N. Marianas Islands
County—Northern Islands
County—Rota
County—Saipan
County—Tinian

DENTAL: Republic of Palau
County Listing

County Name

*Republic Of Palau

DENTAL: Puerto Rico
County Listing

County Name

*Adjuntas
Service Area: Castaner
Adjuntas (W 1/2)
Service Area: Castaner
Aguada
Aguadilla
Aguas Buenas
*Aguas Buenas
Service Area: Caguas (Sub-Region I)
Service Area: Caguas (Sub-Region I)
*Aibonito
Anasco
*Arecibo
*Arroyo
*Barceloneta
*Barranquitas
*Bayamon
Population Group: Low Inc—Bayamon
Cabo Rojo
Caguas
*Caguas
Service Area: Caguas (Sub-Region I)
Service Area: Caguas (Sub-Region I)
*Camuy
*Canovanas
*Carolina
*Catano

DENTAL: Puerto Rico
County Listing

County Name

*Cayey
*Ceiba
*Ciales
Cidra
*Cidra
Service Area: Caguas (Sub-Region I)
Service Area: Caguas (Sub-Region I)
*Coamo
*Comerio
*Corozal
*Culebra
*Dorado
*Fajardo
Population Group: Low Inc—Fajardo
*Florida
*Guanica
*Guayama
Guayanilla
*Guaynabo
Population Group: Low Inc—Guaynabo
Gurabo
*Gurabo
Service Area: Caguas (Sub-Region I)
Service Area: Caguas (Sub-Region I)
*Hatillo
Hormigueros
*Humacao
Population Group: Low Inc—Humacao
*Isabela
*Jayuya
Juana Diaz
Juncos
*Juncos
Service Area: Caguas (Sub-Region I)
Service Area: Caguas (Sub-Region I)
*Lajas
*Lares
Service Area: Castaner
Lares (S 1/2)
Service Area: Castaner
*Las Marias
*Las Peidras
*Loiza
*Luquillo
*Manati
Population Group: Low Inc—Manati
*Maricao
Service Area: Castaner
Maricao (E 1/2)
Service Area: Castaner
*Maunabo
Mayaguez
Population Group: Low Inc—Mayaguez
Moca
*Morovis
*Naguabo
*Naranjito
*Orocovis
Population Group: Low Inc—Orocovis
*Patillas
Penuelas
Ponce
Population Group: Low Inc—Ponce
*Quebradillas
*Rincon
*Rio Grande
Sabana Grande
*Salinas
San German
*San Juan
Population Group: Low Inc—San Juan
*San Lorenzo

DENTAL: Puerto Rico
County Listing

County Name

*San Sebastian
*Santa Isabel
*Toa Alta
*Toa Baja
*Trujillo Alto
*Utuado
*Vega Alta
*Vega Baja
*Vieques
Villalba
*Yabucoa
Yauco
Service Area: Castaner
Yauco (N 1/4)
Service Area: Castaner

DENTAL: Puerto Rico
Service Area Listing

Service Area Name

Caguas (Sub-Region I)
County—Aguas Buenas
County—Caguas
County—Cidra
County—Gurabo
County—Juncos
County—Juncos
Castaner
County—Adjuntas (W 1/2)
County—Lares (S 1/2)
County—Maricao (E 1/2)
County—Yauco (N 1/4)
County—Yauco

DENTAL: Puerto Rico
Population Group Listing

Population Group

Low Inc—Bayamon
County—Bayamon
Parts:
Low Income
Low Inc—Fajardo
County—Fajardo
Parts:
Low Income
Low Inc—Guaynabo
County—Guaynabo
Parts:
Low Income
Low Inc—Humacao
County—Humacao
Parts:
Low Income
Low Inc—Manati
County—Manati
Parts:
Low Income
Low Inc—Mayaguez
County—Mayaguez
Parts:
Low Income
Low Inc—Orocovis
County—Orocovis
Parts:
Low Income
Low Inc—Ponce
County—Ponce
Parts:
Low Income
Low Inc—San Juan
County—San Juan

DENTAL: Puerto Rico
Population Group Listing

Population Group
Parts:
Low Income

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current

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H.R. 211/P.L. 106–48

To designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza". (Aug. 17, 1999; 113 Stat. 230)

H.R. 1219/P.L. 106–49

Construction Industry Payment Protection Act of 1999 (Aug. 17, 1999; 113 Stat. 231)

H.R. 1568/P.L. 106–50

Veterans Entrepreneurship and Small Business Development Act of 1999 (Aug. 17, 1999; 113 Stat. 233)

H.R. 1664/P.L. 106–51

Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999 (Aug. 17, 1999; 113 Stat. 252)

H.R. 2465/P.L. 106–52

Military Construction Appropriations Act, 2000 (Aug. 17, 1999; 113 Stat. 259)

S. 507/P.L. 106–53

Water Resources Development Act of 1999. (Aug. 17, 1999; 113 Stat. 269)

S. 606/P.L. 106–54

For the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes. (Aug. 17, 1999; 113 Stat. 398)

S. 1546/P.L. 106–55

To amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes. (Aug. 17, 1999; 113 Stat. 401)

Last List August 18, 1999

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CFR CHECKLIST

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[2] The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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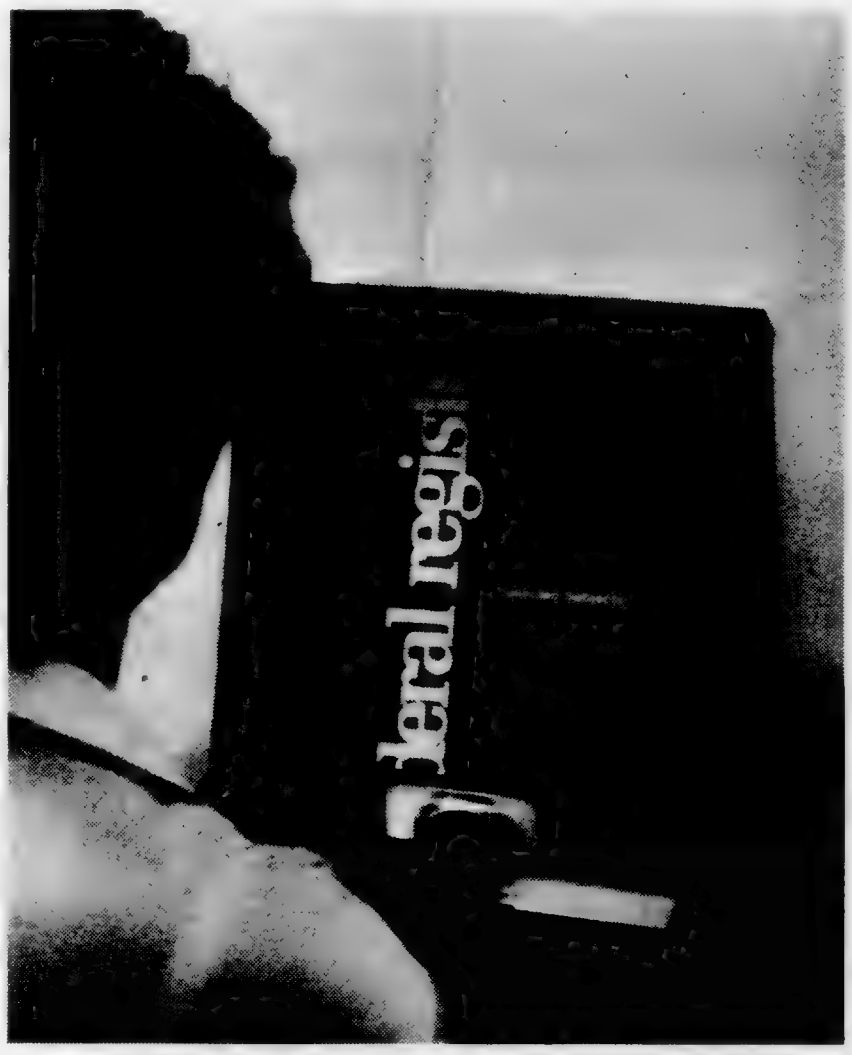

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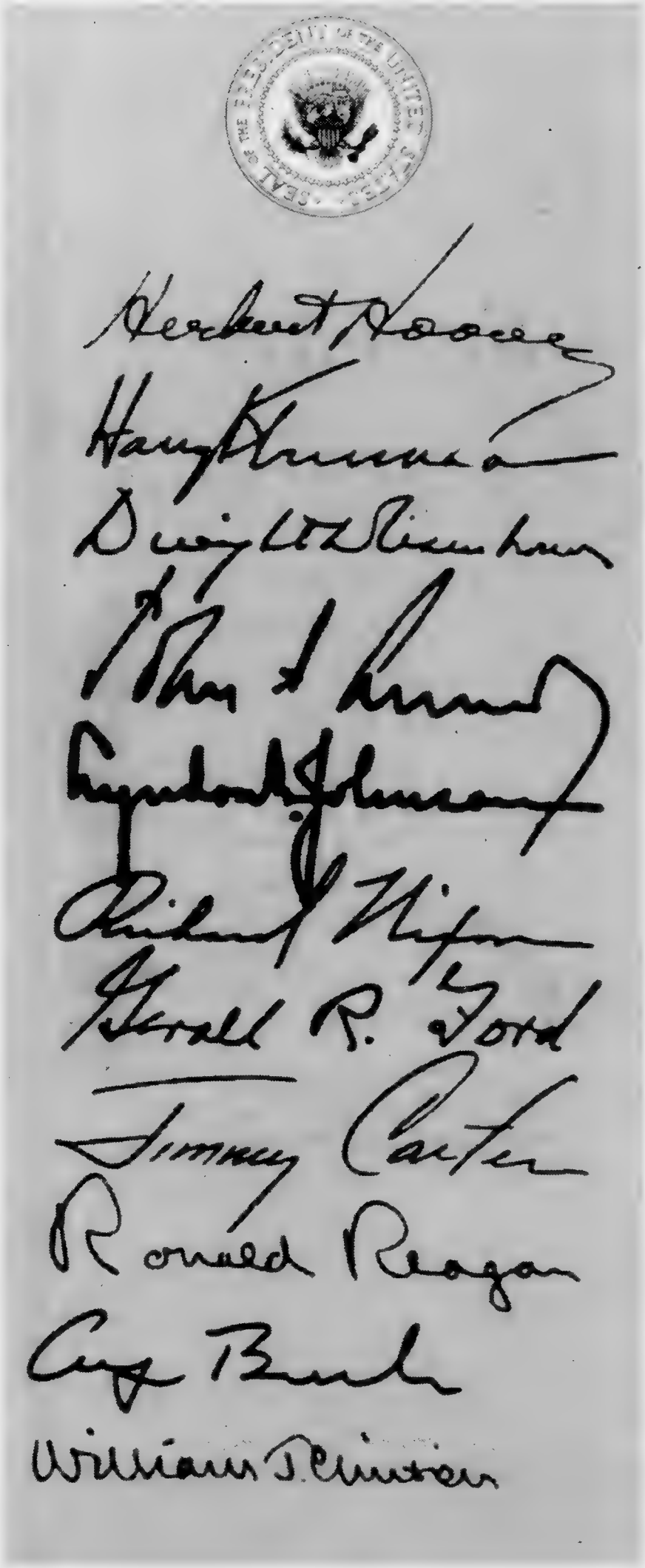

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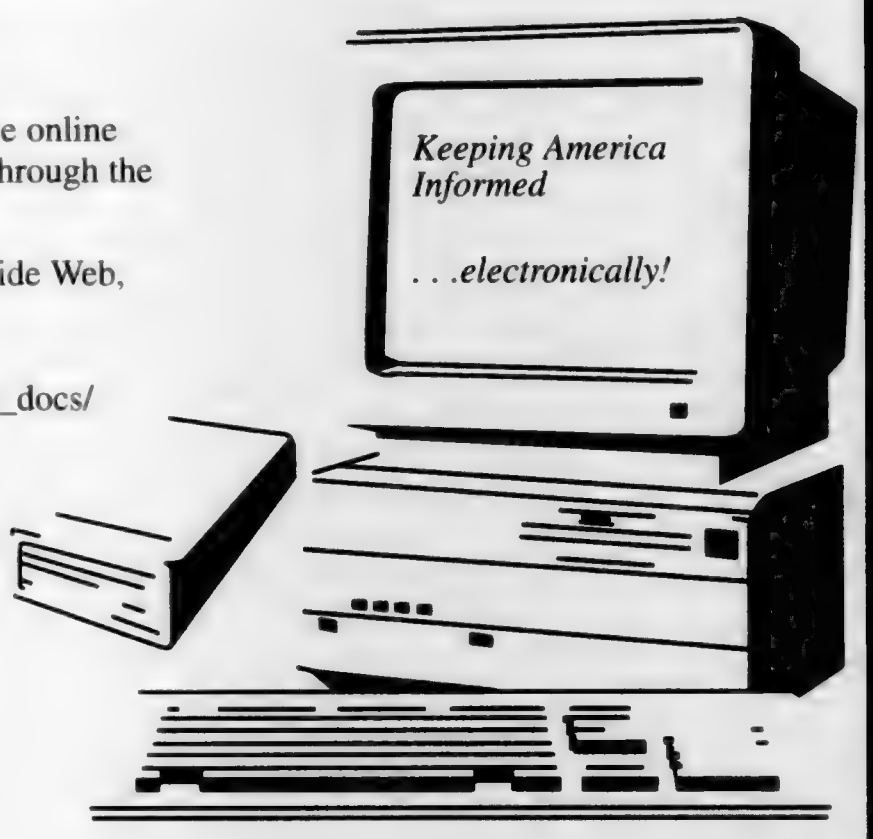

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1204

Availability of Official Information

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending its rules regarding the availability of official information to comply with the Electronic Freedom of Information Act Amendments of 1996, to update the fee schedule, and to add a time limit to ask for review by the Board's Chairman of an action or a failure to act under this part. Certain other changes are made to update the rules on the availability of official information for the benefit of the Board's customers, for consistency, and to comply with the President's Memorandum on Plain Language in Government Writing.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk of the Board, (202) 653–7200.

SUPPLEMENTARY INFORMATION: The Board previously published a notice of proposed rulemaking regarding the availability of official information to comply with the Electronic Freedom of Information Act Amendments of 1996, to update the fee schedule, and to add a time limit to ask for review by the Board's Chairman of an action or a failure to act under this part (64 FR 35952, July 2, 1999). The proposed rule requested public comments and allowed 60 days, until August 31, 1999, for receipt of such comments. No comments were received. The Board, therefore, amends its regulations implementing 5 U.S.C. 552 (the Freedom of Information Act) to accommodate the requirements of the amendments.

The Board also is updating its rules on computing and collecting fees charged requesters for services provided in processing requests for information to produce a more realistic schedule.

In addition, the Board is updating various rules to reflect changes in regional realignments of the Merit Systems Protection Board, to make other changes for consistency and grammatical reasons, and to comply with the President's Memorandum, "Plain Language in Government Writing," 34 Weekly Comp. Pres. Doc. 1010 (June 1, 1998).

List of Subjects in 5 CFR Part 1204

Confidential business information, Freedom of information, Privacy.

Accordingly, the Board is revising 5 CFR part 1204 to read as follows:

PART 1204—AVAILABILITY OF OFFICIAL INFORMATION

Subpart A—Purpose and Scope

Sec.
1204.1 Purpose.
1204.2 Scope.

Subpart B—Procedures for Obtaining Records under the Freedom of Information Act

1204.11 Requests for access to Board records.
1204.12 Fees.
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Subpart C—Appeals

1204.21 Submission.
1204.22 Decision on appeal.

Authority: 5 U.S.C. 552 and 1204, Pub. L. 99–570, Pub. L. 104–231, and E.O. 12600.

Subpart A—Purpose and Scope

§ 1204.1 Purpose.

This part implements the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, by stating the procedures to follow when requesting information from the Board, and by stating the fees that will be charged for that information.

§ 1204.2 Scope.

(a) For the purpose of this part, the term *record* and any other term used in reference to information includes any information that would be a Board record subject to the requirements of 5 U.S.C. 552 when maintained by the Board in any format including an electronic format. All written requests for information that are not processed under part 1205 of this chapter will be processed under this part. The Board may continue, without complying with this part, to furnish the public with the information it has furnished in the regular course of performing its official duties, unless furnishing the information would violate the Privacy Act of 1974, 5 U.S.C. 552a, or another law.

(b) When the subject of the record, or the subject's representative, requests a record from a Privacy Act system of records, as that term is defined by 5 U.S.C. 552a(a)(5), and the Board retrieves the record by the subject's name or other personal identifier, the Board will handle the request under the procedures and fees shown in part 1205 of this chapter. When a third party requests access to those records, without the written consent of the subject of the record, the Board will handle the request under this part.

(c) When a party to an appeal requests a copy of a tape recording, video tape, or transcript (if one has been prepared) of a hearing that the Board or a judge held under part 1201 or part 1209 of this chapter, the Board will handle the request under § 1201.53 of this chapter. When someone other than a party to the appeal makes this request, the Board will handle the request under this part.

(d) In accordance with 5 U.S.C. 552(a)(2), the Board's final opinions and orders (including concurring and dissenting opinions), those statements of policy and interpretations adopted by the Board and that are not published in the **Federal Register**, administrative staff manuals and instructions to staff that affect a member of the public, and agency records processed and disclosed in response to a FOIA request that the Board determines have been or are likely to become the subject of additional requests for basically the same records and a general index of those records, are available for public review and copying in the Board's Headquarters' Library, 1120 Vermont Avenue NW., Washington, DC 20419–0001, and on the Board's World Wide Web site at http://www.mspb.gov.

Subpart B—Procedures for Obtaining Records Under the Freedom of Information Act

§ 1204.11 Request for access to Board records.

(a) *Sending a request.* A person may request a Board record under this part by writing to the office that has the record. If the requester believes that the records are located in a regional or field office, the request must be sent to that office. A list of the addresses of the Board's regional and field offices are in appendix II of part 1201 of this chapter and on the Board's World Wide Web site at http://www.mspb.gov. Other requests must be sent to the Clerk of the Board, 1120 Vermont Avenue NW., Washington, DC 20419–0001. Requests sent under this part must be clearly marked "Freedom of Information Act Request" on both the envelope and the request.

(b) *Description.* A request must describe the records wanted in enough detail for Board employees to locate the records with no more than a reasonable effort. Wherever possible, a request must include specific information about each record, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if the request asks for records on cases decided by the Board, it must show the title of the case, the MSPB docket number, and the date of the decision.

(c) *Time limits and decisions.* If a request is not properly labeled or is sent to the wrong office, the time for processing the request will begin when the proper office receives it. Requests to the Board's headquarters will be decided by the Clerk of the Board. Requests to one of the regional or field offices will be decided by the Regional Director or Chief Administrative Judge. The Board will decide a request within 20 workdays after the appropriate office receives it, except under the conditions that follow.

(1) *Extension of time.* If "unusual circumstances" exist, the Board may extend the time for deciding the request by no more than 10 additional workdays. An example of unusual circumstances could be the need to find and retrieve records from regional or field offices or from federal records centers or the need to search, collect and or examine a large number of records which are demanded in a single request, or the need to talk to another agency with a substantial interest in the determination of the request. When the Board extends the time to decide the request, it will inform the requester in writing and describe the "unusual circumstances", and it will state a date on which a decision on the request will be made. If the "unusual circumstances" are such that the Board cannot comply with the request within the time limit, the Board will offer the requester an opportunity:

(i) To limit the request so that it may be processed within the time limit, or

(ii) To arrange with the Board a different time frame for processing the request or a changed request.

(2) *Expedited processing.* Where a requester shows a "compelling need" and in other cases determined by the Board, a decision whether to provide expedited processing of a request and notification of that decision to the requester will be made within 10 workdays of the date of the request. An example of a compelling need could be that a failure to obtain the records expeditiously could reasonably be expected to be a threat to the life or physical safety of a person or that there is urgency to inform the public about actual or alleged Federal Government activity by a person primarily engaged in distributing information. Where the Board approves expeditious processing, the Board will process the request within 5 workdays from the date of the decision to grant the expeditious processing. If, in order to fully satisfy the request, the Board requires the standard or additional processing time, or if it decides that good cause for expedited processing has not been made, it will provide written notice of its decision to the requester and will inform the requester of the right to administrative and court review of the decision. A showing of a compelling need must be made by a statement certified to be true to the best of the requester's knowledge and belief.

§ 1204.12 Fees.

(a) *General.* The Board will charge the requester fees for services provided in processing requests for information. Those fees will be charged according to the schedule in paragraph (d) of this section, and will recover the full allowable direct costs that the Board incurs. Fees may be charged for time spent searching for information, even if the Board fails to locate responsive records, and even if it determines that the information is exempt from disclosure.

(b) *Definitions.* (1) The term *direct costs* means the costs to an agency for searching for and copying (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for example, the salary of each employee performing work at the rate of $5 per quarter hour. Overhead expenses, such as costs of space and of heating or lighting the facility in which the records are stored, are not included in direct costs.

(2) The term *search*, as defined by 5 U.S.C. 552(a)(3)(D), means either manual or automated review of Board records to locate those records asked for, and includes all time spent looking for material in response to a request, including page-by-page or line-by-line identification of material within documents. Searches will be done in the most efficient and least expensive way to limit costs for both the Board and the requester. Searches may be done manually or by computer using existing programming. The Board will make a reasonable effort to search for the records in electronic form or format, except when such effort would interfere to a large extent with the operation of the Board's automated information system.

(3) The term *duplication* means the process of copying a document or electronically maintained information in response to a FOIA request. Copies can take the form of paper, microfilm, audio-visual materials, or machine-readable documentation (e.g., magnetic tape or disk), among others. The copy provided will be in a form or format requested if the record is readily reproducible by the Board in that form or format. The Board will make a reasonable effort to maintain its records in forms or formats that are reproducible.

(4) The term *review* includes the process of examining documents to determine whether any portion of them may be exempt from disclosure under the FOIA, when the documents have been located in response to a request that is for a commercial use. The term also includes processing any documents for disclosure, e.g., doing all that is necessary to edit them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues.

(5) The term *commercial use request* means a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In deciding whether a requester properly belongs in this category, the Board will decide the use the requester will make of the documents requested. Also, where the Board has reasonable cause to doubt the use a requester will make of the records requested, or where that use is not clear from the request, the Board will seek additional clarification before assigning the request to a specific category.

(6) The term *educational institution* means a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education that operates a program or programs of scholarly research.

(7) The term *noncommercial scientific institution* means an institution that is not operated on a "commercial" basis as that term is used above, and that is operated solely for the purpose of conducting scientific research whose results are not intended to promote any particular product or industry.

(8) The term *representative of the news media* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term *news* means information that concerns current events or that would be of current interest to the public.

(c) *Categories of requesters.* There are four categories of FOIA requesters: Commercial use requesters; educational and noncommercial scientific institutions; representatives of the news media; and all other requesters. To be included in the category of educational and noncommercial scientific institutions, requesters must show that the request is authorized by a qualifying institution and that they are seeking the records not for a commercial use, but to further scholarly or scientific research. To be included in the news media category, a requester must meet the definition in paragraph (b)(8) of this section and the request must not be made for a commercial use. To avoid commercial use charges, requesters must show that they should be included in a category or categories other than that of commercial use requesters. The Board will decide the categories to place requesters for fee purposes. It will make these determinations based on information given by the requesters and information otherwise known to the Board.

(d) The Board will not charge a requester if the fee for any request is less that $100 (the cost to the Board of processing and collecting the fee).

(1) When the Board receives a request:

(i) From a commercial use requester, it will charge fees that recover the full direct costs for searching for the information requested, reviewing it for release at the initial request stage, reviewing it after an appeal to determine whether other exemptions not considered before the appeal apply to it, and copying it.

(ii) From an educational and noncommercial scientific institution or, to the extent copying exceeds 100 pages, from a representative of the news media, it will charge fees only for the cost of copying the requested information.

(iii) From all other requesters, to the extent copying exceeds 100 pages and search time exceeds 2 hours, it will charge fees for the full direct cost of searching for and copying requested records.

(2) When the Board reasonably believes that a requester or group of requesters is attempting to divide a request into more than one request to avoid payment of fees, the Board will combine the requests and charge fees accordingly. The Board will not combine multiple requests on unrelated subjects from one requester.

(3) When the Board decides that charges for a request are likely to exceed $250, the Board will require the requester to pay the entire fee in advance before continuing to process the request.

(4) When a requester has an outstanding fee charge or has not paid a fee on time, the Board will require the requester to pay the full amount of the estimated fee in advance before the Board begins to process a new or pending request from that requester, and before it applies administrative time limits for making a decision on the new or pending request.

(e) *Fee schedule.* (1) Fees for document searches for records will be charged at a rate of $5 per quarter hour spent by each Board employee performing the search.

(2) Fees for computer searches for records will be $5 per quarter hour spent by each employee operating the computer equipment and/or developing a new inquiry or report.

(3) Fees for review at the initial administrative level to determine whether records or portions of records are exempt from disclosure, and for review after an appeal to determine whether the records are exempt on other legal grounds, will be charged, for commercial use requests, at a rate of $5 per quarter hour spent by each reviewing employee.

(4) Fees for photocopying records is 20 cents a page, the fee for copying audio tapes is the direct cost up to $15 per cassette tape; the fee for copying video tapes is the direct cost up to $20 per tape; and the fee for computer printouts is 10 cents a page. The fee for duplication of electronically maintained information in the requester's preferred format will be $21 for copying computer tapes and $4 for copying records on computer diskettes, if it is feasible for the Board to reproduce records in the format requested. Fees for certified copies of the Board's records will include a $4 per page charge for each page displaying the Board's seal and certification. When the Board estimates that copying costs will exceed $100, it will notify the requester of the estimated amount unless the requester has indicated in advance a willingness to pay an equal or higher amount.

(f) *Fee waivers.* (1) Upon request, the Clerk of the Board, Regional Director, or Chief Administrative Judge, as appropriate, will furnish information without charge or at reduced rates if it is established that disclosure "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government." This decision will be based on:

(i) The subject of the request: Whether the subject of the requested records concerns the operations or activities of the government;

(ii) The informative value of the information to be disclosed: Whether the disclosure is likely to contribute to an understanding of government operations or activities;

(iii) Whether disclosure of the requested information is likely to contribute to public understanding of the subject of the disclosure; and

(iv) The significance of the contribution the disclosure would make to public understanding of government operations or activities.

(2) If information is to be furnished without charge or at reduced rates, the requester must also establish that disclosure of the information is not primarily in the commercial interest of the requester. This decision will be based on:

(i) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so,

(ii) Whether the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(3) The requester must establish eligibility for a waiver of fees or for reduced fees. The denial of a request for waiver of fees may be appealed under subpart C of this part.

§ 1204.13 Denials

(a) The Board may deny: A request for reduced fees or waiver of fees; a request for a record, either in whole or in part; a request for expeditious processing based on the requester's compelling need; or a request that records be

released in a specific electronic format. The denial will be in writing, will state the reasons, and will notify the requester of the right to appeal.

(b) If the Board applies one or more of the exemptions provided under the FOIA to deny access to some or all of the information requested, it will respond in writing, identifying for the requester the specific exemption(s), providing an explanation as to why the exemption(s) to withhold the requested information must be applied, and providing an estimate of the amount of material that has been denied to the requester, unless providing such an estimate would harm an interest protected by the exemptions.

(c) The amount of information deleted will be indicated on the released portion of the record at the place in the record where the deletion is made, if technically feasible and unless the indication would harm an interest protected by the exemption under which the deletion is made.

§ 1204.14 Requests for access to confidential commercial information.

(a) *General.* Confidential commercial information provided to the Board by a business submitter will not be disclosed in response to a FOIA request except as required by this section.

(b) *Definitions.* (1) The term *confidential commercial information* means records provided to the government by a submitter that are believed to contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(2) The term *submitter* means any person or organization that provides confidential commercial information to the government. The term *submitter* includes, but is not limited to, corporations, state governments, and foreign governments.

(c) *Notice to business submitters.* The Board will provide a business submitter with prompt written notice of a request for its confidential commercial information whenever such written notice is required under paragraph (d) of this section. Exceptions to such written notice are at paragraph (h) of this section. This written notice will either describe the exact nature of the confidential information requested or provide copies of the records or parts of records containing the commercial information.

(d) *When initial notice is required.* (1) With respect to confidential commercial information received by the Board before January 1, 1988, the Board will give the business submitter notice of a request whenever:

(i) The information is less than 10 years old; or

(ii) The Board has reason to believe that releasing the information could reasonably be expected to cause substantial competitive harm.

(2) With respect to confidential commercial information received by the Board on or after January 1, 1988, the Board will give notice to the business submitter whenever:

(i) The business submitter has designated the information in good faith as commercially of financially sensitive information; or

(ii) The Board has reason to believe that releasing the information could reasonably be expected to cause substantial competitive harm.

(3) Notice of a request for commercially confidential information that was received by January 1, 1988, is required for a period of not more than 10 years after the date on which the information is submitted unless the business submitter requests, and provides justification for, a longer specific notice period. Whenever possible, the submitter's claim of confidentially must be supported by a statement or certification, by an officer or authorized representative of the company, that the information in question is confidential commercial information and has not been disclosed to the public.

(e) *Opportunity to object to disclosure.* Through the notice described in paragraph (c) of this section, the Board will give a business submitter a reasonable period to provide a detailed statement of any objection to disclosure. The statement must specify all grounds for withholding any of the information under any exemption of the Freedom of Information Act. In addition, in the case of Exemption 4, the statement must state why the information is considered to be a trade secret, or to be commercial or financial information that is privileged or confidential. Information a business submitter provides under this paragraph may itself be subject to disclosure under the Freedom of Information Act.

(f) *Notice of intent to release information.* The Board will consider carefully a business submitter's objections and specific grounds for claiming that the information should not be released before determining whether to release confidential commercial information. Whenever the Board decides to release confidential commercial information over the objection of a business submitter, it will forward to the business submitter a written notice that includes:

(1) A statement of the reasons for which the business submitter's objections to the release were not sufficient;

(2) A description of the confidential commercial information to be released; and

(3) A specified release date. The Board will forward the notice of intent to release the information a reasonable number of days, as circumstances permit, before the specified date upon which release is expected. It will forward a copy of the release notice to the requester at the same time.

(g) *Notice of Freedom of Information Act lawsuit.* Whenever a requester files a lawsuit seeking to require release of business information covered by paragraph (d) of this section, the Board will notify the business submitter promptly.

(h) *Exceptions to notice requirements.* The notice requirements of this section do not apply when:

(1) The Board decides that the information should not be released;

(2) The information lawfully has been published or otherwise made available to the public;

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) The disclosure is required by an agency rule that:

(i) Was adopted after notice and public comment;

(ii) Specifies narrow classes of records submitted to the agency that are to be released under the FOIA; or

(iii) Provides in exceptional circumstances for notice when the submitter provides written justification, at the time the information is submitted or a reasonable time thereafter, that release of the information could reasonably be expected to cause substantial competitive harm.

(5) The information requested is not designated by the submitter as exempt from release according to agency regulations issued under this section, when the submitter has an opportunity to do so at the time of sending the information or a reasonable time thereafter, unless the agency has good reason to believe that disclosure of the information would result in competitive harm; or

(6) The designation made by the submitter according to Board regulations appears obviously frivolous; except that, in such case, the Board must provide the submitter with written notice of any final administrative release decision within a reasonable period before the stated release date.

§ 1204.15 Records of other agencies.

Requests for Board records that were created by another agency may, in appropriate circumstances, be referred to that agency for discussion or processing. In these instances, the Board will notify the requester.

Subpart C—Appeals

§ 1204.21 Submission.

(a) A person may appeal the following actions, or failure to act by the Clerk of the Board, a Regional Director, or Chief Administrative Judge:

(1) A denial of access to agency records;

(2) A denial of a request for a waiver or reduced fees;

(3) A decision that it is technically not possible to reproduce electronically maintained information in the requester's preferred format;

(4) A denial of a request for expedited processing of information under this part; or

(5) A failure to decide a request for expedited processing within 10 workdays from the date of the request.

(b) Appeals must be filed with the Chairman, Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419–0001 within 10 workdays from the date of the denial. Any appeal must include a copy of the initial request, a copy of the letter denying the request, and a statement of the reasons why the requester believes the denying employee erred.

§ 1204.22 Decision on appeal.

A decision on an appeal will be made within 20 workdays after the appeal is received. A decision not to provide expeditious processing of a request will be made within 15 workdays after the appeal is received. The decision will be in writing and will contain the reasons for the decision and information about the appellant's right to seek court review of the denial.

Dated: September 2, 1999.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 99–24551 Filed 9–20–99; 8:45 am]

BILLING CODE 7400–01–U

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1205

Privacy Act Regulations

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending its Privacy Act regulations to update its fee schedule, update certain information to conform to administrative changes, and to comply with the President's Memorandum on Plain Language in Government Writing.

DATES: Effective date: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk of the Board, (202) 653–7200.

SUPPLEMENTARY INFORMATION: To be consistent with the amendments to our regulations (5 CFR 1204.11(c)) which were allowed by the Electronic Freedom of Information Act Amendments of 1996 (Pub. L. 104–231, 101 Stat. 3048), the Board is changing from 10 to 20 the number of workdays in which it will acknowledge a request for access to records in § 1205.12(a) and (a)(4). Section 1205.23 retains the 10 workday time limit but reflects the requirement that the Board acknowledge, rather than rule on a request for amendment of the record. The amendments also add to unusual circumstances in § 1205.12(a)(1) the circumstance where the Board must obtain requested records from a Federal Records Center.

These amendments also update § 1205.16 of the Board's rules controlling the computation and collection of fees. Paragraphs (e) and (f) of § 1205.16 are eliminated as redundant and paragraph (f) is renamed. Section 1205.31 adds a time limit of 10 workdays to file an appeal of a denial of an amendment with the Board's Chairman.

In addition, the Board is updating the wording of its regulations to reflect the existence of field offices in addition to its regional offices and the chief administrative judges who handle certain responsibilities in those offices. Other changes have been made for consistency, to update zip codes, and to comply with the President's Memorandum, "Plain Language in Government Writing", 34 Weekly Comp. Pres. Doc. 1010 (June 1, 1998).

List of Subjects in 5 CFR Part 1205—Privacy

Accordingly, the Board is revising 5 CFR part 1205 to read as follows:

PART 1205—PRIVACY ACT REGULATIONS

Subpart A—General Provisions

Sec.
1205.1 Purpose.
1205.2 Policy and scope.
1205.3 Definitions.
1205.4 Disclosure of Privacy Act records.

Subpart B—Procedures for Obtaining Records

1205.11 Access to Board records.
1205.12 Time limits and determinations.
1205.13 Identification.
1205.14 Granting access.
1205.15 Denying access.
1205.16 Fees.

Subpart C—Amendment of Records

1205.21 Request for amendment.
1205.22 Action on request.
1205.23 Time limits.

Subpart D—Appeals

1205.31 Submitting appeal.
1205.32 Decision on appeal.

Authority: 5 U.S.C. 552a and 1204.

Subpart A—General Provisions

§ 1205.1 Purpose.

This subpart implements the Privacy Act of 1974, 5 U.S.C. 552a, ("the Act") by stating the procedures by which individuals may determine the existence of, seek access to, and request amendment of Board records concerning themselves, and by stating the requirements that apply to Board employees' use and disclosure of those records.

§ 1205.2 Policy and scope.

The Board's policy is to apply these regulations to all records that can be retrieved from a system of records under the Board's control by using an individual's name or by using a number, symbol, or other way to identify the individual. These regulations, however, do not govern the rights of the parties in adversary proceedings before the Board to obtain discovery from adverse parties; those rights are governed by part 1201 and part 1209 of this chapter. These regulations also are not meant to allow the alteration, either before or after the Board has issued a decision on an appeal, of evidence presented during the Board's adjudication of the appeal.

§ 1205.3 Definitions.

The definitions of 5 U.S.C. 552a apply to this part. In addition, as used in this part:

(a) *Inquiry* means a request by an individual regarding whether the Board has a record that refers to that individual.

(b) *Request for access* means a request by an individual to look at or copy a record.

(c) *Request for amendment* means a request by an individual to change the substance of a particular record by addition, deletion, or other correction.

(d) *Requester* means the individual requesting access to or amendment of a record. The individual may be either the person to whom the requested record

refers, a legal guardian acting on behalf of the individual, or a representative designated by that individual.

§ 1205.4 Disclosure of Privacy Act records.

(a) Except as provided in 5 U.S.C. 552a(b), the Board will not disclose any personal record information from systems of records it maintains to any individual other than the individual to whom the record refers, or to any other agency, without the express written consent of the individual to whom the record refers, or his or her representative or attorney.

(b) The Board's staff will take necessary steps, in accordance with the law and these regulations, to protect the security and integrity of the records and the personal privacy interests of the subjects of the records.

Subpart B—Procedures for Obtaining Records

§ 1205.11 Access to Board records.

(a) *Submission of request.* Inquiries or requests for access to records must be submitted to the appropriate regional or field office of the Board, or to the Clerk of the Board, U.S. Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419–0001. If the requester has reason to believe that the records are located in a regional or field office, the request must be submitted to that office. Requests submitted to the regional or field office must be addressed to the Regional Director or Chief Administrative Judge at the appropriate regional or field office listed in appendix II of 5 CFR part 1201.

(b) *Form.* Each submission must contain the following information:

(1) The name, address, and telephone number of the individual to whom the record refers;

(2) The name, address, and telephone number of the individual making the request if the requester is someone other than the person to whom the record refers, such as a legal guardian or an attorney, along with evidence of the relationship. Evidence of the relationship may consist of an authenticated copy of:

(i) The birth certificate of the minor child, and

(ii) The court document appointing the individual legal guardian, or

(iii) An agreement for representation signed by the individual to whom the record refers;

(3) Any additional information that may assist the Board in responding to the request, such as the name of the agency that may have taken an action against an individual, or the docket number of the individual's case;

(4) The date of the inquiry or request;

(5) The inquirer's or requester's signature; and

(6) A conspicuous indication, both on the envelope and the letter, that the inquiry is a "PRIVACY ACT REQUEST".

(c) *Identification.* Each submission must follow the identification requirements stated in § 1205.13 of this part.

(d) *Payment.* Records usually will not be released until fees have been received.

§ 1205.12 Time limits and determinations.

(a) *Board determinations.* The Board will acknowledge the request for access to records and make a determination on whether to grant it within 20 workdays after it receives the request, except under the unusual circumstances described below:

(1) When the Board needs to obtain the records from other Board offices or a Federal Records Center;

(2) When it needs to obtain and examine a large number of records;

(3) When it needs to consult with another agency that has a substantial interest in the records requested; or

(4) When other extenuating circumstances prevent the Board from processing the request within the 20-day period.

(b) *Time extensions.* When unusual circumstances exist, the Board may extend the time for making a determination on the request for no more than 10 additional workdays. If it does so, it will notify the requester of the extension.

(c) *Improper request.* If a request or an appeal is not properly labeled, does not contain the necessary identifying information, or is submitted to the wrong office, the time period for processing the request will begin when the correct official receives the properly labeled request and the necessary information.

(c) *Determining officials.* The Clerk of the Board, a Regional Director, or a Chief Administrative Judge will make determinations on requests.

§ 1205.13 Identification.

(a) *In person.* Each requester must present satisfactory proof of identity. The following items, which are listed in order of the Board's preference, are acceptable proof of the requester's identity when the request is made in person:

(1) A document showing the requester's photograph;

(2) A document showing the requester's signature; or

(3) If the items described in paragraphs (a)(1) and (2) of the section are not available, a signed statement in which the requester asserts his or her identity and acknowledges understanding that misrepresentation of identity in order to obtain a record is a misdemeanor and subject to a fine of up to $5,000 under 5 U.S.C. 552a(i)(3).

(b) *By mail.* The identification of a requester making a request by mail must be certified by a notary public or equivalent official or contain other information to identify the requester. Information could be the date of birth of the requester and some item of information in the record that only the requester would be likely to know.

(c) *Parents of minors, legal guardians, and representatives.* Parents of minors, legal guardians, and representatives must submit identification under paragraph (a) or (b) of this section. Additionally, they must present an authenticated copy of:

(1) The minor's birth certificate, and

(2) The court order of guardianship, or

(3) The agreement of representation, where appropriate.

§ 1205.14 Granting access.

(a) The Board may allow a requester to inspect records through either of the following methods:

(1) It may permit the requester to inspect the records personally during normal business hours at a Board office or other suitable Federal facility closer to the requester; or

(2) It may mail copies of the records to the requester.

(b) A requester seeking personal access to records may be accompanied by another individual of the requester's choice. Under those circumstances, however, the requester must sign a statement authorizing the discussion and presentation of the record in the accompanying individuals presence.

§ 1205.15 Denying access.

(a) *Basis.* In accordance with 5 U.S.C. 552a(k)(2), the Board may deny access to records that are of an investigatory nature and that are compiled for law enforcement purposes. Those requests will be denied only where access to them would otherwise be unavailable under Exemption (b)(7) of the Freedom of Information Act.

(b) *Form.* All denials of access under this section will be made in writing and will notify the requester of the right to judicial review.

§ 1205.16 Fees.

(a) No fees will be charged except for making copies of records.

(b) Photocopies of records duplicated by the Board will be subject to a charge of 20 cents a page.

(c) If the fee to be assessed for any request is less than $100 (the cost to the Board of processing and collecting the fee), no charge will be made to the requester.

(d) Fees for copying audio tapes and computer records will be charged at a rate representing the actual costs to the Board, as shown in paragraphs (d)(1) through (d)(3) of this section.

(1) Audio tapes will be provided at a charge not to exceed $15 for each cassette tape.

(2) Computer printouts will be provided at a charge of 10 cents a page.

(3) Records reproduced on computer tapes, computer diskettes, or other electronic media, will be provided at the actual cost to the Board.

(e) The Board will provide one copy of the amended parts of any record it amends free of charge as evidence of the amendment.

Subpart C—Amendment of Records

§ 1205.21 Request for amendment.

A request for amendment of a record must be submitted to the Regional Director or Chief Administrative Judge of the appropriate regional or field office, or to the Clerk of the Board, U.S. Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419–0001, depending on which office has custody of the record. The request must be in writing, must be identified conspicuously on the outside of the envelope and the letter as a "PRIVACY ACT REQUEST," and must include the following information:

(a) An identification of the record to be amended;

(b) A description of the amendment requested; and

(c) A statement of the basis for the amendment, along with supporting documentation, if any.

§ 1205.22 Action on request.

(a) *Amendment granted.* If the Board grants the request for amendment, it will notify the requester and provide him or her with a copy of the amendment.

(b) *Amendment denied.* If the Board denies the request for amendment in whole or in part, it will provide the requester with a written notice that includes the following information:

(1) The basis for the denial; and

(2) The procedures for appealing the denial.

§ 1205.23 Time limits.

The Clerk of the Board, Regional Director, or Chief Administrative Judge will acknowledge a request for amendment within 10 workdays of receipt of the request in the appropriate office except under the unusual circumstances described in paragraphs (a)(1) through (a)(4) of § 1205.12 of this part.

Subpart D—Appeals

§ 1205.31 Submitting appeal.

(a) A partial or complete denial, by the Clerk of the Board, by the Regional Director, or by the Chief Administrative Judge, of a request for amendment may be appealed to the Chairman, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419–0001 within 10 workdays from the date of the denial.

(b) Any appeal must be in writing, must be clearly and conspicuously identified as a Privacy Act appeal on both the envelope and letter, and must include:

(1) A copy of the original request for amendment of the record;

(2) A copy of the denial; and

(3) A statement of the reasons why the original denial should be overruled.

§ 1205.32 Decision on appeal.

(a) The Chairman will decide the appeal within 30 workdays unless the Chairman determines that there is good cause for extension of that deadline. If an appeal is improperly labeled, does not contain the necessary information, or is submitted to an inappropriate official, the time period for processing that appeal will begin when the Chairman receives the appeal and the necessary information.

(b) If the request for amendment of a record is granted on appeal, the Chairman will direct that the amendment be made. A copy of the amended record will be provided to the requester.

(c) If the request for amendment of a record is denied, the Chairman will notify the requester of the denial and will inform the requester of:

(1) The basis for the denial;

(2) The right to judicial review of the decision under 5 U.S.C. 552a(g)(1)(A); and

(3) The right to file a concise statement with the Board stating the reasons why the requester disagrees with the denial. This statement will become a part of the requester's record.

Dated: September 2, 1999.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 99–24552 Filed 9–20–99; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 903

[Docket No. FR–4420–F–04]

RIN 2577–AB89

Public Housing Agency Plans; Change in Plan Submission Dates

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; amendment.

SUMMARY: This final rule makes two amendments to HUD's February 18, 1999 interim rule regarding public housing agency (PHA) plans. First, this final rule provides PHAs whose fiscal years begin on January 1, 2000, with additional time to submit their first PHA plans to HUD. This final rule also provides that, for purposes of first PHA plan submissions, a PHA will be considered to have submitted its PHA plans on the submission due date, regardless of whether the PHA submits its first plans before that date. This final rule does not address the public comments received on the February 18, 1999 interim rule. The comments will be addressed in a separate rulemaking that HUD is currently developing, and that HUD expects to publish within the next few weeks.

DATES: *Effective Date:* October 21, 1999.

FOR FURTHER INFORMATION CONTACT: For further information contact Beth Cooper, the Office of Policy, Program and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4116, Washington, DC 20410; telephone (202) 708–0730 (this is not a toll-free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. HUD's February 18, 1999 Interim Rule

On February 18, 1999 (64 FR 8170), HUD published an interim rule to implement a new component of public housing and tenant-based assistance operations required by the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, 112 Stat. 2461, approved October 21, 1998) (referred to as the "Public Housing Reform Act")—the public housing agency plans. Through these plans—the 5-year Plan and the Annual Plan—a public housing agency (PHA) will advise HUD, its

residents and members of the public of the PHA's mission for serving the needs of low-income and very low-income families, and the PHA's strategy for addressing those needs. The February 18, 1999 interim rule established the initial procedures and requirements for development, submission and implementation of the Plans. The February 18, 1999 interim rule also provided the dates for submission of the Plans. The interim rule became effective on March 22, 1999, and is codified at 24 CFR part 903 (entitled "Public Housing Agency Plans").

II. This Rule

The purpose of this final rule is to make two amendments to the February 18, 1999 interim rule. The amendments are as follows:

1. *Extended submission date for initial PHA Plans.* Section 511 of the Public Housing Reform Act provides (in subsection (h)(1)) for the Secretary to establish the due date for initial submission of the PHA 5-year and Annual Plans. After initial submission of the PHA Plans, the statute sets the due date at not later than 75 days before the start of the PHA's fiscal year. In accordance with this statutory authority, the February 18, 1999 interim rule established due dates for the initial submission of the PHA Plans.

The February 18, 1999 interim rule established a due date of "no later than 75 days before January 1, 2000" for the first 5-year Plan submission by PHAs whose fiscal years begin on January 1, 2000. PHAs whose fiscal years begin after that date are required to submit their first 5-year Plan "no later than 75 days before the commencement of their fiscal year." (See § 903.3(a) of the February 18, 1999 interim rule)

The interim rule established a due date of October 15, 1999 for the first PHA Annual Plan submission by PHAs whose fiscal years begin on January 1, 2000. PHAs whose fiscal years begin after January 1, 2000 are required to submit their first Annual Plan no later than "75 days in advance of their fiscal year commencement date." (See § 903.3(b) of the February 18, 1999 interim rule).

On July 30, 1999, HUD issued Public and Indian Housing (PIH) Notice 99–33, which announced the availability of an electronic template that PHAs must use to complete and submit the PHA Plans. The electronic template, which is generally presented in question and answer format, clarifies HUD's expectations for PHA Plan submissions and will make these submissions easier to complete. The PIH notice also provides additional guidance for completing the PHA Plans.

This rule extends the due date for initial PHA Plan submissions made by PHAs with fiscal years beginning on January 1, 2000. Specifically, the rule provides that these PHAs must submit their first PHA Plans to HUD by December 1, 1999. This extension is designed to permit these PHAs (who will be the first to submit PHA Plans) to benefit from the electronic template and additional guidance provided in PIH Notice 99–33.

2. *Designation of December 1, 1999 as the PHA Plan submission date.* The February 18, 1999 interim rule provides that "not later than 75 days after the date on which the PHA submits its plan * * * HUD will issue written notice to the PHA if the plan has been disapproved." (See § 903.23(b)(2) of the February 18, 1999 interim rule).

This rule amends the interim rule to provide that, for purposes of the submission of the first PHA Plans, the "date on which the PHA submits its plan" will be considered to be the submission due date. Accordingly, the 75-day period for HUD to provide written notice of its disapproval will not begin until the due date. For example, the initial Plan submission due date for PHAs whose fiscal year begins on January 1, 2000 is December 1, 1999. The 75-day HUD review period for these Plans will begin on December 1, 1999, regardless of whether the PHA has submitted its PHA Plans before December 1, 1999.

The designation of the due date as the submission date for purposes of the 75-day period assures that there is a uniform time period in which HUD field offices are charged with reviewing the PHA Plan submissions, and that field offices will have been provided appropriate and uniform guidance prior to the review period. The result will be HUD reviews that have the benefit of the uniform guidance and, thus, will be conducted under uniform, national standards. The uniform time period will also assist HUD's efforts to use its work force as efficiently as possible. Both of these benefits will assist PHAs and the public. The extended time period until the first submissions makes this step more important.

III. HUD's Upcoming Final Rule Regarding the PHA Plans

This rule does not address the public comments received on the February 18, 1999 interim rule. HUD is currently developing a separate rule that will finalize the policies and procedures contained in the February 18, 1999 interim rule, and that takes into consideration the public comments received on the interim rule. HUD expects to publish this final rule within the next few weeks.

IV. Justification for Issuance of Rule for Effect

In general, HUD publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking at 24 CFR part 10. Part 10, however, does provide for exceptions from that general rule where HUD finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the prior public procedure is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment, in that prior public procedure is unnecessary. Public procedure is unnecessary because this rule simply makes two technical amendments to 24 CFR part 903 regarding the due dates for initial PHA Plan submissions. These amendments will provide PHAs whose fiscal years begin on January 1, 2000 with additional time to prepare their first PHA Plans. The amendments will also benefit HUD, PHAs, and the public by assuring that there is a uniform time period in which HUD field offices are charged with reviewing the PHA Plan submissions, and that field offices will have been provided appropriate and uniform guidance prior to the review period.

V. Findings and Certifications

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule only makes two technical amendments to 24 CFR part 903 regarding the due date for initial PHA Plan submissions by PHAs with fiscal years beginning on January 1, 2000.

Environmental Impact

This rule is exempt from the environmental review procedures under HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) because of the exemption under § 50.19(c)(1). This rule only makes a technical amendment to an existing regulation.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. No programmatic or policy changes will result from this rule that would affect the relationship between the Federal Government and State and local governments.

List of Subjects in 24 CFR Part 903

Administrative practice and procedure, Public housing, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, HUD amends 24 CFR part 903 as follows:

PART 903—PUBLIC HOUSING AGENCY PLANS

1. The authority citation for part 903 continues to read as follows:

Authority: 42 U.S.C. 1437c; 42 U.S.C. 3535(d).

2. Revise § 903.3 to read as follows:

§ 903.3 When must a PHA submit the plans to HUD?

(a) *5-Year Plan.* (1) The first PHA fiscal year that is covered by the requirements of this part is the PHA fiscal year that begins January 1, 2000. The first 5-Year Plan submitted by a PHA must be submitted for the 5-year period beginning January 1, 2000. The first 5-Year Plans are due on December 1, 1999. For PHAs whose fiscal years begin after January 1, 2000, their 5-Year Plans are due no later than 75 days before the commencement of their fiscal year. For all PHAs, after submission of their first 5-Year Plan, all subsequent 5-Year Plans must be submitted once every 5 PHA fiscal years, no later than 75 days before the commencement of the PHA's fiscal year.

(2) PHAs may choose to update their 5-Year Plans every year as good management practice. PHAs must explain any substantial deviation from their 5-Year Plans in their Annual Plans.

(b) *The Annual Plan.* The first fiscal year that is covered by the requirements of this part is the PHA fiscal year that begins January 1, 2000. The first Annual Plans are due December 1, 1999. For PHAs whose fiscal years begin after January 1, 2000, their first Annual Plan are due 75 days in advance of their fiscal year commencement date. For all PHAs, after submission of their first Annual Plan, all subsequent Annual Plans will be due 75 days in advance of the commencement of a PHA's fiscal year.

3. Add § 903.23(c) to read as follows:

§ 903.23 What is the process by which HUD reviews, approves, or disapproves an Annual Plan?

* * * * *

(c) *Designation of due date as submission date for initial plan submissions.* For purposes of the 75-day period described in paragraph (b) of this section, the first 5-year and Annual Plans submitted by a PHA will be considered to have been submitted on their due date (December 1, 1999 or 75 days before the start of the PHA fiscal year, as appropriate—see § 903.3).

* * * * *

Dated: September 14, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–24600 Filed 9–20–99; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–99–076]

Special Local Regulations for Marine Events; Chincoteague Power Boat Regatta, Assateague Channel, Chincoteague, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements the special local regulations for the Chincoteague Power Boat Regatta to be held on the waters of Assateague Channel near Chincoteague, Virginia, on September 25, 1999 and September 26, 1999. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and expected vessel congestion during the event. The effect will be to restrict general navigation in the regulated area for the safety of event participants, spectators and vessels transiting the event area.

DATES: This rule is effective from 10:30 a.m. EDT (Eastern Daylight Time) to 6:30 p.m. EDT on September 25, 1999, and from 11:30 a.m. EDT to 6:30 p.m. EDT on September 26, 1999.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer G. Nestle, Marine Events Coordinator, Commander, Coast Guard Group Eastern Shore, Chincoteague, Virginia, (757) 336–2890.

SUPPLEMENTARY INFORMATION: The Chincoteague Chamber of Commerce will sponsor the Chincoteague Power Boat Regatta on September 25, 1999 and September 26, 1999, on the waters of Assateague Channel, near Chincoteague, Virginia. (This event is normally held on the third Saturday and Sunday in June.) The event will involve 45 hydroplanes and runabouts racing along a 1.25 mile course within the regulated area. In order to ensure the safety of race participants, spectators and transiting vessels, 33 CFR 100.519 will be in effect for the duration of the event. Under provisions of 33 CFR 100.519, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel. Because these restrictions will be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

Dated: September 2, 1999.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard, Commander Fifth Coast Guard District.

[FR Doc. 99–24578 Filed 9–20–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA 022–5040; FRL–6436–8]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; New Source Review in Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting limited approval of a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia to revise its new source review (NSR) regulations for nonattainment areas to bring them into conformance with the Clean Air Act (CAA) Amendments adopted in 1990, and to make other changes desired by the Commonwealth. Virginia's NSR regulations for nonattainment areas require persons to meet certain requirements before constructing a new major source or major modification in a nonattainment area. The intended effect of this action is to grant limited approval of Virginia's NSR regulation as a SIP revision under the CAA.

EFFECTIVE DATE: This final rule is effective on Ocotber 21, 1999.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

FOR FURTHER INFORMATION CONTACT: Donna Weiss, Environmental Engineer, (215) 814–2198 or by e-mail at weiss.donna@epa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

On March 23, 1998 (63 FR 13811), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed limited approval of revisions to Virginia's NSR regulations (Section 120–08–03). No comments were received on the NPR.

B. Summary of the SIP Revision

Virginia submitted the formal SIP revision on November 9, 1992. The significant changes to Section 120–08–03 are summarized below:

Section 120–08–03 A—Applicability (amended)—Virginia has modified this subsection by including a provision to deter a company from constructing or modifying a facility in increments to avoid permit requirements.

Section 120–08–03 B—Definitions (amended)—Virginia has modified many of the definitions found in this subsection. Key changes were made to the following terms: "Allowable Emissions", "Building, structure facility or installation", "Federally enforceable", "Major Modification", "Major Stationary Source", "Net emissions increase", "Nonattainment pollutant", "Potential to Emit", "Reconstruction", and "Significant".

Section 120–08–03 C—General (amended)—Virginia modified the general subsection by adding a provision stating that it may combine in one permit the requirements for emissions units subject to more than one of Virginia's regulatory requirements applicable to permitting, and that Virginia may also require a combined application for such emissions units. The permitting requirements for which such combined permits and applications may be required include those of Virginia's NSR regulation for sources locating in nonattainment areas and those of two other Virginia regulations, entitled, "Permits—New and Modified Sources," and "Permits—Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas."

Section 120–08–03 D—Applications (amended)—Virginia modified the applications subsection by revising its specification of the scope of permit applications. Virginia also added provisions defining who must sign permit applications and requiring the signer to certify that "the information submitted is, to the best of my knowledge and belief, true, accurate, and complete."

Section 120–08–03 F—Standards/ Conditions for Granting Permits (amended)—Virginia made several changes in the standards and conditions subsection, which establishes the requirements which must be met before a permit can be issued.

Section 120–08–03 G—Action on Permit application (amended)—Virginia amended this subsection to specify that Virginia must notify applicants in writing of deficiencies in their permit applications. Virginia also deleted certain public participation provisions from this section which it now includes in a separate section of the regulation; and revised its description of permit processing steps by including in the description a reference to public participation requirements found elsewhere in the regulation.

Section 120–08–03 H—Public Participation (added)—Virginia added a new subsection detailing public participation requirements. This subsection requires the applicant to provide the public with notice of its application for a permit and then, within 30 to 60 days, to provide a public briefing. In addition, the subsection provides that Virginia must provide a public comment period of at least 30 days, and hold a public hearing, before it makes a decision on a permit application.

Section 120–08–03 I—Compliance Determination verification by Performance Testing (amended, formerly designated as Section 120–08–03 H, this section replaces the original Section 120–08–03 I, which was deleted)—Virginia modified this subsection by specifying that source owners are responsible for conducting tests if any such tests are required.

Section 120–08–03 J—Application Review and Analysis (formerly designated as Section 120–08–03 K, this section replaces the original Section 120–08–03 J, which was deleted)—Virginia made no changes to this subsection.

Section 120–08–03 K—Circumvention (formerly designated as Section 120–08–03 L)—Virginia made no changes to this subsection.

Section 120–08–03 L—Interstate Pollution Abatement (formerly designated as Section 120–08–03 M)—Virginia made no changes to this subsection.

Section 120–08–03 M—Offsets (amended, formerly designated as Section 120–08–03 N)—Virginia allows the crediting of emission reductions resulting from shutting down an existing source or curtailing production or operating hours below baseline levels if the shutdown or curtailment is in effect, if it occurred on or after January 1, 1991, and if it is permanent, quantifiable, and federally and state enforceable. Virginia requires that the increased emissions of the air pollutant(s) from the new or modified source must be offset by an equal or greater reduction in the actual emissions of such air pollutant(s) from the same or other sources. Virginia allows reductions to be credited only if they are not otherwise required by its regulations. Virginia does allow incidental emission reductions to be credited, provided they are not required by regulation and meet certain other requirements. In this section Virginia also includes a special provision allowing increases in emissions from rocket engine and motor firing to be offset by alternative or innovative means.

Section 120–08–03 N—De minimis increases and stationary source modification alternatives for ozone nonattainment areas classified as serious or severe (added)—Virginia specifies in this new subsection that VOC emissions increases resulting from modifications at sources in serious or severe ozone nonattainment areas cannot be considered *de minimis* unless the increase in net emissions does not exceed 25 TPY when aggregated with all other net increases in emissions from the source over any period of 5 consecutive calendar years which includes the calendar year in which such increase occurred.

Section 120–08–03 Q—Reactivation and Permanent shutdown (added) Virginia specifies in this new subsection that a source which is reopened after having been determined to be shutdown must obtain a permit. Virginia also sets forth criteria by which sources are formally determined to be shutdown.

Section 120–08–03 R—Transfer of Permits (added)—Virginia establishes in

this new subsection provisions pertaining to transfer of permits.

Section 120–08–03 S—Permit Invalidation, Revocation, and Enforcement (added)—Virginia sets forth in this new subsection the conditions under which owners of sources subject to permitting requirements may be subject to enforcement action and when permits may be invalidated or revoked.

Section 120–08–03 T—Existence of Permit No Defense (added)—Virginia specifies in this new subsection that the existence of a permit under this section shall not constitute a defense to a violation of the Virginia Air Pollution Control Law or these regulations and shall not relieve any owner of the responsibility to comply with any applicable regulations, laws, ordinances and orders of the governmental entities having jurisdiction.

C. EPA's Evaluation of the SIP Revision

EPA has determined that the amendments to Virginia's NSR regulations are consistent with the CAA and currently promulgated federal NSR regulations with one exception. Virginia's NSR regulation allows persons who intend to build or modify a major source in a nonattainment area to take credit for emission reductions obtained from shutdowns or curtailments of production or operating hours which took place prior to the source's application for a new source review permit (prior to shutdown or curtailment credits) even if EPA has not yet approved an attainment plan for the nonattainment area. The shutdown may not predate the design year of the required attainment plan. Although EPA's existing regulations do not allow for this, EPA proposed revisions to its NSR and PSD regulations on July 23, 1996, which proposes an option which is consistent with Virginia's revised regulation. Based on this fact, as well as the fact that the revisions strengthen Virginia's SIP, EPA is granting limited approval of these regulatory revisions. EPA has provided a more detailed analysis on this issue in the March 23, 1998 NPR referenced above.

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) "privilege" for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1997, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information "required by law," including documents and information "required by federal law to maintain program delegation, authorization or approval," since Virginia must "enforce federally authorized environmental programs in a manner that is no less stringent than their federal counterparts * * *." The opinion concludes that "[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by federal law to maintain program delegation, authorization or approval." Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that "[t]o the extent consistent with requirements imposed by Federal law," any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1997 opinion states that the quoted language renders this statute inapplicable to enforcement of any federally authorized programs, since "no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with federal law, which is one of the criteria for immunity."

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its NSR program consistent with the federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, state audit privilege or immunity law.

Other specific requirements of Virginia's revisions and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

EPA is granting limited approval of amendments to 120–08–03. "Permits—major stationary sources and major modifications locating in nonattainment areas' submitted by the Commonwealth of Virginia on November 9, 1992.

III. Administrative Requirements

A. Executive Orders 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of

state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is "economically significant," as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under sections 110 and 301, and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule. EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action granting limited approval of Virginia's NSR regulations must be filed in the United States Court of Appeals for the appropriate circuit by November 22, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 3, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(129) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(129) Revisions to the Virginia Regulations pertaining to permit requirements for new and modified stationary sources locating in nonattainment areas mandated under Title I, Sections 171–173 and 182 of the Clean Air Act submitted on November 9, 1992, by the Commonwealth of Virginia:

(i) Incorporation by reference.

(A) Letter of November 9, 1992, from the Commonwealth of Virginia, Department of Air Pollution Control transmitting revisions to the Virginia Regulations pertaining to permit requirements for new and modified stationary sources locating in nonattainment areas.

(B) Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, *Permits for Stationary Sources*, Section 120–08–03. "Permits—Major Stationary Sources and Major Modifications Locating in Nonattainment Areas". (Effective January 1, 1993).

(ii) Additional materials—The remainder of the November 2, 1992 submittal pertaining to Regulation 120–08–03.

[FR Doc. 99–24454 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

[Docket #OR55–7270; FRL–6438–5]

Approval and Promulgation of Implementation Plans; Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves revisions to the Oregon State Implementation Plan. The Lakeview, Oregon PM10 Control Plan is intended to bring about the attainment of National Ambient Air Quality Standards for particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM10). The implementation plan was submitted to satisfy Federal requirements for moderate PM10 nonattainment areas.

DATES: This direct final rule is effective on November 22, 1999, without further notice, unless EPA receives adverse comment by October 21, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle Washington 98101, and State of Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Tracy Oliver, EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Ave, Seattle, Washington, 98101, (206) 553–1388.

SUPPLEMENTARY INFORMATION:

I. Background

A. Applicable PM10 Standard and Initial Area Designations

The Clean Air Act [1] (Act) requires EPA to reevaluate the health-based National Ambient Air Quality Standards (NAAQS) every five years to consider changes based on new scientific information. On July 1, 1987, EPA revised the particulate matter NAAQS to reflect new evidence that smaller particles pose an increased threat to human health and the environment (52 FR 24634). Upon revision, PM10 was selected as the new indicator for particulates.

EPA replaced the old total suspended particulate (TSP) standard with new primary and secondary standards for PM10. The new 24-hour primary and secondary standard for PM10 was set at 150 micrograms per cubic meter ($\mu g/m^3$) with no more than one allowable exceedance per year within a three-year time frame. The new annual PM10 standard was set at 50 $\mu g/m^3$ expected annual arithmetic mean with no allowable exceedances.

Concurrent with the new standards, EPA promulgated revisions to 40 CFR parts 51 and 52 and implementation guidance for PM10 NAAQS (52 FR 24672). These revisions to 40 CFR Parts 51 and 52 established requirements for the preparation, adoption, and submittal of State Implementation Plans (SIPs) and set forth requirements for the Administrator's approval and promulgation of SIP revisions.

When Congress revised the Act on November 15, 1990, it codified the EPA's 1987 PM10 NAAQS revisions and designated PM10 areas under Section 107. This revision also changed SIP requirements for particulate matter (PM) nonattainment areas.[2]

The General Preamble for the implementation of Title I of the amended Act states that on the date of enactment, PM10 areas meeting the qualifications of Section 107(d)(4)(B) of the Act became nonattainment by operation of law. These areas included: (1) Areas with the greatest probability of violating the old PM standard (Class I areas in 52 FR 29383 and 55 FR 45799); and (2) other areas violating the PM10 NAAQS prior to January 1, 1989. All other PM areas were designated unclassifiable for PM10 (57 FR 13537).[3]

The amended Act, in accordance with Section 107(d)(3), authorizes EPA to promulgate the designation of new areas as nonattainment for PM10 based on air quality data, planning and control considerations, and/or any other air quality-related consideration that the Administrator deems appropriate.

On April 22, 1991, EPA announced in 56 FR 16274 that it had initiated the redesignation process for 16 areas. Other areas were subsequently redesignated on a case-by-case basis.

B. Lakeview, Oregon Designation History

By operation of law upon enactment of the 1990 Clean Air Act Amendments, Lakeview, Oregon was designated "unclassifiable" due to a lack of air quality monitoring data (see CAA section 107(d)(4)(B)(iii)).

The State of Oregon subsequently conducted monitoring in the Lakeview area to verify PM10 concentrations and

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. 101–549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended. The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C., Sections 7401, *et seq.*

[2] Title 1, Subparts 1 and 4 contain revisions applicable to all nonattainment areas and those specific to PM10 nonattainment areas. At times, these provisions overlap or conflict. Because EPA is describing its interpretations here in broad terms, the reader should refer to the General Preamble (57 FR 13498) to better clarify the requirements that authorize this action.

[3] Procedures for area classification and attainment date determinations can be found in CAA section 188.

determine if its designation status should be revised.

On December 29, 1992, the Governor of Oregon submitted a letter notifying EPA that the monitoring site in Lakeview had recorded an exceedance of the 24-hour PM10 NAAQS. Because monitors in the area had also recorded previous exceedances of the 24-hour PM10 NAAQS on January 4, 14, and 16, 1991, the exceedance in 1992 resulted in a violation of the 24-hour PM10 NAAQS.

The Governor requested that Lakeview be redesignated to nonattainment for PM10. Additionally, Oregon requested that the nonattainment area be defined as the Lakeview Urban Growth Boundary. EPA approved these requests and redesignated Lakeview as nonattainment for PM10 and classified it as moderate effective December 25, 1993 (58 FR 49931).

On June 1, 1995, the Governor submitted to EPA the Lakeview, Oregon PM10 Control Plan, Oregon's strategy for meeting the PM10 NAAQS as expeditiously as practicable. This revision to the Oregon SIP, herein referred to as the Lakeview Attainment Plan, is the subject of today's action.

C. Attainment Plan Requirements for Moderate PM10 Nonattainment Areas

A moderate area PM10 attainment plan must include: (1) Provisions to assure that Reasonably Available Control Measures (RACM), including Reasonable Available Control Technology (RACT), are implemented within four years of redesignation; (2) a permit program meeting the requirements of Section 173 of the Act governing the construction and operation of new and modified stationary sources of PM10; (3) quantitative milestones demonstrating reasonable further progress achieved every three years until the area is redesignated to attainment (see CAA section 171(1)); and (4) a demonstration that the plan will provide for the attainment of the PM10 NAAQS as expeditiously as practicable within six years (or a demonstration that such a date is not practicable).[4]

The State is also required to submit contingency measures, pursuant to Section 172(c) of the Act. These additional controls take effect without further action if EPA determines that an area has failed to make reasonable further progress. Pursuant to today's action, the State of Oregon was required to submit contingency measures within 18 months of Lakeview's redesignation.

D. Lakeview PM10 Attainment Plan Development

The Lakeview PM10 Attainment Plan was developed by the Oregon Department of Environmental Quality in consultation with the Town of Lakeview, Lake County, the Oregon Department of Transportation, the Oregon Department of Forestry, and EPA. It was prepared in accordance with the requirements of the Clean Air Act and EPA regulations. It is designed to achieve attainment of the NAAQS within the time frame required by the Act.

II. Summary of Today's Action

EPA is approving the Lakeview Attainment Plan as a revision to the Oregon State Implementation Plan. This plan contains Oregon's strategy for meeting the PM10 NAAQS in Lakeview, a moderate PM10 nonattainment area.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules Section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 22, 1999, without further notice unless the Agency receives adverse comments by October 21, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 22, 1999, and no further action will be taken on the proposed rule.

III. Analysis of State Submission

Section 110(k) of the Act sets out provisions for EPA's review of SIP submittals (57 FR 13565–13566). The decision to approve Lakeview, Oregon PM10 Control Plan is based on EPA's belief that the submittal satisfies all applicable Federal requirements for moderate PM10 nonattainment area SIP revisions.[5] The following discussion summarizes the basis for this finding.

A. Procedural Background

The Act requires states to follow certain procedural requirements when developing state implementation plans and plan revisions that will be submitted to EPA. The Act also requires EPA to follow procedural requirements when reviewing and acting on these submissions.

Section 110(a)(2) and Section 110(l) of the Act require that all SIPs and SIP revisions undergo reasonable public notice and public hearing prior to adoption by the State and approval by EPA.[6] The Act also requires EPA to determine whether a State submission is complete before entering into further review and action (CAA section 110(k)(1); 57 FR 13565).

Activities that meet the requirements for reasonable public notice on the part of the State include: (1) A public hearing on the Lakeview Attainment Plan in Lakeview on February 16, 1995; (2) public notice for the proposed rule revision via residential mailings and media notifications.

Activities that meet the requirements for completeness determination on the part of EPA include: (1) A completeness determination conducted shortly after submittal;[7] (2) a letter dated October 17, 1995, sent to the Director of the Oregon Department of Environmental Quality (ODEQ) indicating EPA had begun evaluating the plan in accordance with the Act.

B. Accurate Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. The emissions inventory should also include a comprehensive, accurate, and current inventory of allowable emissions in the area (CAA section 110(a)(2)(k)).

An emissions inventory provides information about the relative contribution of pollution sources within an airshed. It forms the basis for evaluating control strategies, tracking emission reductions, and measuring growth. Because this information is required for an area's attainment

[4] See 57 FR 13498 and 57 FR 18070 for more detailed discussion of EPA guidance and statutory requirements applicable to moderate PM10 nonattainment areas.

[5] This document provides general information about EPA's approval. More detailed discussion of EPA's analysis can be found in the Technical Support Document for this action (Docket #OR55–7270).

[6] Section 172(c)(7) of the Act also requires that plan provisions for nonattainment areas meet applicable provisions of section 110(a)(2).

[7] EPA's completeness criteria for SIP submittals is specified in 40 CFR Part 51, Appendix V.

demonstration (or its demonstration that it cannot practicably attain) an accurate emissions inventory must accompany each attainment plan submission (57 FR 13539).

The Lakeview 1992 base year emissions inventory was submitted to EPA with the attainment plan on June 1, 1995. The year 1992 was chosen for Lakeview's base year emissions inventory because it is representative of Lakeview air quality prior to the implementation of PM10 control measures. The 1992 base year was used as the baseline for setting emission reduction goals and determining an appropriate attainment strategy.

The 1992 emissions inventory identifies the relative contribution of the following major sources of PM10, before the implementation of control measures. These contributions are calculated on an annual basis as well as a 24-hour basis during the peak PM10 season (December 1–February 28).

1992 BASE YEAR—CALCULATED EMISSIONS SUMMARY [8]

Source	24-hour/peak season	Annual
Industry	21%	34%
Residential Woodheat	58%	42%
Solid Waste Disposal forestry/residential	**	2%
Fugitive Dust	11%	19%
Transportation	1%	2%
Other	9% (incl yard waste)	<1% (no yard waste).
Total	1609 lbs per day	141 tons per year.

** Not calculated.

[8] The source categories used in the plan to summarize annual and 24 hour emission inventories contain inconsistencies. "Solid waste disposal" in the annual summary represents emissions from both residential and forestry burning. This category does not fully apply to the 24-hour worst-case inventory because forestry burning is a predominately summer-time activity. Winter-time emissions from residential waste disposal are represented in the "other" category in the 24-hour summary, but not in the "other category for the annual summary. This inconsistency does not affect the approvability of the SIP.

In 1999, Lakeview's attainment deadline, ODEQ projects the following contributions from the same source categories—both before and after the implementation of control measures in the attainment plan.

1999 ATTAINMENT YEAR—PROJECTED EMISSIONS SUMMARY [9]

Source	24-hour/no controls	24-hour/all controls
Industry	51%	40%
Residential Woodheat	36%	34%
Solid Waste Disposal forestry/residential	**	**
Fugitive Dust	7%	14%
Transportation	1%	2%
Other	5% (incl. yard waste)	10% (incl. yard waste).
Total	2732 lbs per day	1390 lbs per day.

** Not calculated.

[9] Annual calculations are omitted because Lakeview is in attainment for the annual PM10 NAAQS and in fact has never exceeded the annual standard for PM10. EPA believes the control measures designed to bring the area into attainment for the 24-hour standard will further reduce annual emissions.

EPA finds the emission inventory to be comprehensive and accurate. EPA believes it provides a sufficient basis for the Lakeview attainment demonstration. This finding is consistent with the requirements of Sections 172(c)(3) and 110(a)(2)(K) of the Act.

C. RACM (Including RACT)

As noted, the Act requires states with moderate PM10 nonattainment areas designated after the 1990 amendments to submit attainment plans containing RACM (including RACT) within 18 months of designation. It also requires that attainment plans provide for the implementation of RACM (including RACT) no later than four years after designation (57 FR 13540).

Oregon met these deadlines by submitting the Lakeview Attainment Plan in 1995 and implementing appropriate and timely control measures.

ODEQ determined RACM (including RACT) for Lakeview by: (1) Conducting a cost and technical analysis of the area's emission sources; and (2) evaluating available control measures for meeting the attainment needs of the community.

The results of the emissions inventory and a chemical mass balance analysis indicated that emissions from residential wood combustion were the largest source category on days that exceeded the 24-hour PM10 NAAQS. This conclusion was based on an evaluation of an average exceedance day using 1991–1993 24-hour data. On a worst-case day basis, residential wood combustion emitted 77.0% of the PM10 mass. This is equivalent to 163.1 $\mu g/m^3$ of the total average actual PM10 mass (211.8 $\mu g/m^3$). ODEQ's analysis also indicated that actual industrial emissions were relatively minor in comparison, emitting just 3.0% [10] of the total PM10 mass on an average exceedance day, or 6.4 $\mu g/m^3$ of the total (211.8 $\mu g/m^3$).

This analysis clearly showed that PM10 values that exceeded the 24-hour NAAQS were linked to emissions from residential wood combustion. As a result, ODEQ concluded that an effective attainment strategy for the 24-hour NAAQS could focus controls on

[10] The Lakeview Lumber Products facility ceased operation and was dismantled in 1995, after the Lakeview SIP was submitted. ODEQ estimated that this would reduce total industrial emissions in Lakeview by one half.

this source category, specifically. More stringent controls on industrial emissions appeared to offer limited benefit, serving only to reduce what was already a minor contributor to exceedance day values.

Based on dispersion modeling, a RACT analysis, and the attainment needs of the community, ODEQ determined that the level of control for the two industrial sources that were operational at the time of submittal already met the intent of RACT.[11] Nevertheless, the Lakeview Attainment Plan takes a protective approach and includes two additional control elements.

Revisions to ODEQ's New Source Review Rules will lower the emission threshold that triggers offset requirements from 15 tons per year to 5. This 66% reduction will safeguard reductions gained from other control measures, ensuring they are not jeopardized by future industrial growth.

Also, one major source agreed to relinquish emission credits through a revision to the Plant Site Emission Limit in its Air Contaminate Discharge Permit, permanently reducing its allowable emissions by 70%.

EPA finds that the existing industrial controls in the Oregon SIP and those elements identified in the Lakeview Attainment Plan meet the RACT requirement for approvable RACM. This finding is supported by the fact that the full complement of control measures in the Lakeview Attainment Plan provide for attainment of the PM10 NAAQS by December 31, 1999.

1. Lakeview Attainment Strategy

Attainment of the 24-hour PM10 NAAQS by December 31, 1999, and continued maintenance of the annual PM10 NAAQS are based on the following creditable control measures: (1) Non-certified woodstove ban; (2) voluntary woodstove curtailment program; (3) low-income woodstove removal program; (4) residential open burning restrictions; and (5) revision to a Plant Site Emission Limit (PSEL).

The following table identifies the control measures in Lakeview's attainment strategy and summarizes anticipated emission reductions and credits, where applicable.

Summary—Lakeview PM10 Attainment Strategy

Control measures—1999 Attainment Year	24-hr credit requested	1999 emission reductions
a. Non-certified Woodstove Ban	22%	215
b. Voluntary Woodstove Curtailment Program	30%	202
c. Winter Road Sanding Controls	none	* *
d. Low-income Woodstove Removal Program	17%	88
e. Public Education Programs	none	* *
f. Residential Open Burning Restrictions[12]	50%	8
g. Wood Products PSEL Revisions	60%	830
h. Industrial Significant Emission Rate	none	* *
i. Offset Restrictions	none	* *
j. Forestry Slash Burning	none	* *
Total reductions claimed		1342
Reductions needed for attainment		1007
Excess reductions		335

* * Not calculated.

[12] Page A–32 of the plan states the approximately 328 tons of residential yard debris is burned each year between October and April generating 2.6 tons of PM10. The emission reduction credit claimed for residential open burning restrictions discussed in the attainment strategy section of this notice is based on these emission estimates. See also footnote 8.

EPA accepts the credits for these control measures as proposed. This decision considers the fact that the Lakeview nonattainment area has not monitored exceedance of the 24-hour PM10 NAAQS since 1994 and has never exceeded the annual standard.

a. Non-certified Woodstove Ban. The State of Oregon adopted a statewide rule prohibiting the sale of any used woodstove not certified under Oregon's 1986 woodstove emission standard (OAR 340–34–010). In addition, the Oregon State Building Code Agency amended its administrative rules to prohibit the installation of non-certified used woodstoves in new homes.

To enforce these provisions, ODEQ will investigate potential violations of the non-certified woodstove ban and take appropriate enforcement actions if necessary. ODEQ has also committed to public education and outreach activities to increase public awareness and compliance with the non-certified woodstove ban. The State Building Code Agency will enforce the regulations prohibiting the installation of non-certified woodstoves.

Prior to these regulations, approximately 21% of woodstoves purchased were non-certified. As a result of this ban, each new woodstove purchased in lieu of a non-certified woodstove will result in an estimated 50% per unit reduction in PM10 emissions. ODEQ estimates that this control will reduce Lakeview's PM10 emissions by 215 lbs per day in the attainment year. EPA accepts the 22% credit claimed for this control measure.

b. Voluntary Woodburning Curtailment Program. The Lakeview Voluntary Woodburning Curtailment Program is designed to limit the use of woodstoves and fireplaces when PM10 levels are most likely to exceed the 24-hour NAAQS. This voluntary curtailment program has been in operation and administered by the town of Lakeview since the fall of 1993.

The Lakeview Town Council formally adopted local ordinances implementing the Lakeview Air Quality and Voluntary Woodburning Curtailment Programs in February 1995. Also, the Lake County Board of Commissioners adopted complementary ordinances in March 1995.

The plan specifies that the Lakeview's Voluntary Woodburning Curtailment Program is operational between

[11] This finding is consistent with EPA's policy that RACM (including RACT) does not require implementation of all available control measures when: (1) an area can already achieve timely attainment; and (2) additional controls will not appreciably expedite attainment. See 57 FR 13540–13544.

November 1 and February 28, when PM10 levels are typically elevated. During this period, curtailment forecasts are made daily at 3:30 p.m. Air quality forecasts are based on the Klamath Falls curtailment advisory, a nearby community with similar airshed characteristics. If the correlation between these communities does not continue, the plan states ODEQ will develop a site specific forecasting equation for Lakeview.

The Lakeview Voluntary Woodburning Curtailment Program involves a three-tier advisory system with different burning restrictions based on the risk of exceedance. The advisory levels are: (1) GREEN—no restrictions, NAAQS violations unlikely, PM10 levels less than 80 μ/m^3 expected; (2) YELLOW—restrict unnecessary wood burning, NAAQS violations possible, PM10 levels between 81–150 μ/m^3 expected; (3) RED—restrict all wood burning (except homes with woodheat only), NAAQS violations likely, PM10 levels greater than 150 μ/m^3 expected.

The Lakeview Voluntary Woodburning Curtailment Program includes a woodstove survey and compliance protocol for conducting and evaluating woodheating visual surveys. These survey procedures and data collection tools assist Town officials with collecting information on compliance rates and resulting emission reductions.

The goal of the Lakeview curtailment program is to achieve a 30% compliance rate on the two to four days per year when NAAQS exceedances are most likely. The program is administered by the Town of Lakeview and endorsed by local ordinances. The Town of Lakeview conducts ongoing assessments of curtailment compliance rates and focuses efforts as needed on achieving its compliance goal.

ODEQ anticipates success in Lakeview similar to that achieved in other communities in Oregon with voluntary curtailment programs, including Medford, Klamath Falls, and La Grande.

EPA accepts the 30% credit claimed for this control measure based on a 202 lbs per day emission reduction. This finding considers the merit of the elements above, consistency with EPA guidance, and the success of similar programs in Oregon.

c. Winter Road Sanding Controls. The base year emissions inventory estimates that fugitive dust associated with roadways accounts for approximately 11% of the worst-case day emissions. In winter, the majority of these emissions are attributed to road de-icing and application of anti-skid materials. Due to the seasonal nature of this emission source, ODEQ chose not to pursue year-round RACM measures such as paving or transportation reduction plans. Instead, the control measures focus on reducing emissions from winter road sanding.

RACM for fugitive dust in Lakeview involves the following elements to be carried out by the Oregon Department of Transportation: (1) The use of cleaner, more durable aggregates; (2) the coordination with local officials of rapid aggregate cleanup after snow episodes; and (3) the continued study of liquid chemical deicers as an alternative to conventional sanding material.

While no credit is claimed, it is expected that this measure will reduce emissions when they are needed most, during winter-time inversions when air quality is most likely to become compromised.

d. Low-income Woodstove Removal Program. The woodstove removal program is an incentive based program that encourages the replacement of non-certified woodstoves with cleaner burning alternatives, such as certified stoves, kerosene heaters, and pellet stoves. The program targets low to moderate income households that use woodstoves as the primary source of heat.

In August 1994, the Town of Lakeview received a $200,000 State of Oregon Community Block Grant for the program. Matching funds included: (1) $5,000 and in-kind services from the Town of Lakeview; and (2) $2,000 from Lake County. The total sum, $207,000, enabled Lakeview to offer interest free, deferred payment loans for the replacement of inefficient woodstoves.

The credit claimed for this control measure is based on the assumption that non-wood heating systems would be the primary replacements for non-certified woodstoves. This assumption is consistent with County permit records that show an overwhelming preference (90%) for kerosene heating systems in woodstove change-outs.

EPA accepts the 17% credit claimed for this control measure based on an 88 lbs per day emission reduction.

e. Lakeview Public Education Program. ODEQ considers the Lakeview Public Education Program to be a cornerstone of the attainment plan's suite of residential wood combustion controls. This program is designed to educate the community about the hazards of particulate air pollution and encourage compliance with emission reduction programs.

Key elements of the public education program include: (1) radio public service announcements; (2) posters and brochures; (3) bulk mailings and mail inserts; (4) community meetings; (5) personal contact to promote proper woodheating practices; (6) press releases on clean air issues, Air Pollution Index Trends, and woodburning curtailment calls; (7) newspaper advertisements and radio announcements; (8) distribution of woodsmoke health effects information; (9) public speaking engagements and symposiums; (10) coordination with advisory committees; and (11) a burning advisory telephone system.

While no emission reduction credit is requested, these programs are integral to the success of other control measures. EPA believes this measure is central to the voluntary woodburning curtailment program, partially justifying that credit. EPA believes the Lakeview Public Education Program is an important part of the Lakeview attainment strategy.

f. Residential Open Burning Restrictions. The Lakeview Open Burning Ordinance contains restrictions on residential open burning within the urban growth boundary. No open burning is allowed except by special permit.

Permit conditions require that burning be allowed on GREEN curtailment advisory days only. Violation of permit conditions is punishable by civil penalty.

EPA accepts the 50% credit claimed for this control measure based on an 8 lbs per day emission reduction.

g. Wood Products Plant Site Emission Limit Revisions. According to the 1992 base year emission inventory, the Ostrander Construction Company's Freemont Sawmill accounts for 25% of the point source emissions. The facility's Plant Site Emission Limit (PSEL) as defined in its 1992 air contaminant discharge permit contained a credit of 34.2 lbs per hour (15 tons per year) as a result of the previous shutdown of the Wigwam burner. The company agreed to relinquish this credit to the Lakeview airshed.

The subsequent air contaminant discharge permit, effective September 29, 1994, reflected this reduction and changed the allowable emissions from a total of 1,190 lbs per day to 360 lbs per day.

EPA accepts the 60% credit claimed for this control measure, based on an 830 lbs per day emission reduction.

h. Industrial Significant Emission Rate. Oregon Administrative Rule 340–28–110 Significant Emission Rate provision for industrial sources was amended to add the Lakeview Nonattainment area. This provision will manage industrial emission growth by lowering the threshold for significant emission rate increases that trigger

emission offset requirements for new and modified sources.

As a result of this provision, the significant emission rate that triggers New Source Review for new and modified sources in Lakeview was reduced from 15 to 5 tons per year.

No formal emission reduction credit is claimed; however, this control measure is protective and will likely prevent increases industrial emissions that are not accounted for in the attainment plan.

i. Offset Restrictions. The offset requirements in OAR 340–28–1930 require any emission increase greater than 5 tons per year be fully offset. Emission increases greater than 15 tons per year require Lowest Achievable Emission Rate (LAER) controls.

No formal credit is claimed for this control measure. These provisions for future industrial growth are expected to protect the emission reductions achieved with the credited control measures.

j. Forestry Slash Burning. To reduce potential smoke impacts from forest slash burning, the Oregon Smoke Management Plan (ORS 477.515) will be amended to create a special protection zone for the Lakeview PM10 nonattainment area. This special protection zone will provide for the following voluntary restrictions on prescribed burning within 20 miles of the nonattainment area: (1) prohibition on burning if weather forecasts predict smoke impacts on the nonattainment area; (2) monitoring of burns for at least three days for potential smoke impacts on the nonattainment area; and (3) ban on fires from December 1 to February 15 when RED woodburning curtailment days are in effect.

D. Attainment Demonstration

1. Requirements

As noted, moderate PM10 nonattainment areas designated after the enactment of the 1990 Clean Air Act Amendments are required to submit an attainment demonstration which includes air quality modeling (CAA section 189(a)(1)(B)). This demonstration must show either the attainment of the NAAQS as expeditiously as practicable within six years of designation or that such a date is not practicable (CAA section 188(c)(1)). The General Preamble sets out EPA's guidance on the use of modeling for moderate area attainment demonstrations (57 FR 13539).

The 24-hour PM10 NAAQS is 150 μg/m^3. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 μg/m^3 is equal to or less than one. (40 CFR 50.600)

The annual PM10 NAAQS is 50 μg/m^3. This standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 μg/m^3.

While the Act requires SIP revisions for PM10 nonattainment areas to include an attainment demonstration for both the 24-hour and annual NAAQS, Lakeview has never exceeded the annual PM10 NAAQS. The monitored 24-hour exceedances which resulted in Lakeview's nonattainment designation are well delineated as winter-time events caused primarily by residential woodsmoke.

ODEQ requested in a August 15, 1994, letter to EPA that the Lakeview Attainment Plan be allowed to omit a demonstration based on the annual PM10 NAAQS. Based on review of the emission inventory and demonstrated lack of annual exceedances, EPA concurred with this request.

This decision is supported by the following facts: (1) The area has never exceeded annual standard; (2) all 24-hour exceedances are limited to the wood heating season; and (3) industrial sources do not significantly impact exceedance values. These facts are documented in the Lakeview Attainment Plan.

As a result of this earlier determination, the Lakeview Attainment Plan provides an attainment demonstration based on the 24-hour PM10 NAAQS only. All the following discussion with regard to Lakeview's attainment demonstration is based on the 24-hour NAAQS.

2. Methodology

EPA recommends that attainment demonstrations be conducted according to the PM10 SIP Development Guideline (June 1987). Federal regulations require demonstration of attainment "by means of a proportional model or dispersion model or other procedure which is shown to be adequate and appropriate for such purposes" (40 CFR 51.112). The preferred method is a combination of both dispersion and receptor modeling.

The regulation and guideline also allows the use of dispersion modeling alone, or the use of two receptor models in combination with proportional roll-back. In cases where dispersion models can-not or need-not be broadly applied, receptor modeling such as Chemical Mass Balance (CMB) is recommended. ODEQ chose the CMB receptor modeling approach for Lakeview due to the prevalence of stagnate, inverted airshed conditions. Also, when worst-case days occur, the airshed is heavily dominated by emissions from area sources such as woodstoves, fireplaces, and fugitive dust. Because, EPA has not developed an approved dispersion model for conditions of this type, Lakeview's attainment demonstration was not based on dispersion modeling.[13]

ODEQ conducted an attainment demonstration using receptor modeling proportional roll-back calculations to estimate the emission reductions required in 1999 to achieve the 24-hour NAAQS. While this method was relied upon as the primary authority for worst-case day source apportionment, two additional methods were used to validate various aspects of the CMB solutions. Emission inventory estimates and a dispersion modeling analysis of hog fuel boiler impacts at a reference monitor site were also used to verify the CMB results.

3. Results

The CMB, emission inventory, and dispersion modeling methods used to characterize the Lakeview airshed generated results that were in general agreement. This implies that the results form a credible basis for the attainment demonstration.

The emission inventory and receptor modeling methods of characterizing emissions in an airshed generated similar profiles for Lakeview. The two methods implicated the same significant source categories; and both methods generated analogous profiles for source apportionment.

Source apportionment for a future-year 24-hour worst-case day (attainment year 1999), suggested woodstoves were the primary source of PM10. According to the emission inventory, woodstove emissions would make up 46% of total PM10 mass on a 24-hour worst-case day in 1999. Similarly, the CMB analysis shows that woodstove emissions would comprise 69% of total PM10 mass.

Using a hypothetical PM10 mass value of 200 μg/m^3 for a 1999 worst-case day for illustration, the emissions inventory results suggest that 92 μg/m^3 of this total would be from residential woodsmoke. The CMB analysis results suggest that 138 μg/m^3 of the total would be from residential woodsmoke. The proportion of total mass attributable to woodsmoke are in general agreement. Both suggest that significant reductions in this source could bring total 24-hour

[13] EPA's 1990 memo from Robert Bauman regarding "simple airsheds" allows the use of proportional roll-back modeling in lieu of dispersion modeling when local impacts are attributable to only a few, well characterized source categories.

PM10 mass values below the NAAQS, 150 μg/m³.

Results from the dispersion modeling of industrial source emissions from a hog fuel boiler were also in agreement with the CMB analysis. The CMB analysis indicates a mean contribution of 6.3 μg/m³. The dispersion model indicates levels above and below this estimate depending on the data set used (0.3 μg/m³. – 7.4 μg/m³); however, the results overall support the CMB analysis, indicating a relatively low impact from this industrial point source.

EPA guidance on CMB modeling specifies that the apportionment should account for at least 80% of the measured aerosol mass. ODEQ's analysis met this requirement and accounted for an average 92% mass.

ODEQ determined the 1992 24-hour worst-case day design value without controls to be 217 μg/m³ using EPA's table look up procedure. Other estimates generated with EPA approved methods were close to, but less than 217 μg/m³. This base year design value was used because it was more conservative and more protective.

This value was adjusted for emission growth expected to occur between the base year (1992) and the attainment year (1999). This resulted in a 1999 worst-case day design value of 232.8 μg/m³. This design value was used to estimate emission reductions needed to attain the PM10 NAAQS in 1999.

Based on the 232.8 μg/m³ design value, ODEQ estimated that 1999 worst-case day emissions must be reduced by 37%, or 83 μg/m³. This is equivalent to 1007 lbs PM10 emissions per day. Thus, to attain the standard, the total emission reductions achieved by the control measures in the attainment strategy must be greater than or equal to 83 μg/m³, or 1007 lbs per 1999 worst-case day.

The previously discussed control measures will reduce emissions by 1342 lbs per worst-case day, creating a 335 lbs per day safety margin. According to proportional roll-back modeling, this reduction will result in a worst-case day ambient concentration of 122.5 μg/m³. This concentration is below 150 μg/m³ and demonstrates attainment of the applicable 24-hour PM10 NAAQS.

EPA approves the attainment demonstration. This decision considers the fact that the area has not monitored any PM10 exceedances since 1994. Air quality monitoring data indicates that Lakeview has attained the 24-hour PM10 NAAQS and continues to maintain the annual PM10 NAAQS.

It is EPA's opinion that the appropriate air quality model was used and all significant emission sources and impacts were considered. The attainment plan demonstrates attainment of the 24-hour PM10 NAAQS by 1999 and maintenance through 2009. EPA also finds that the plan demonstrates continued maintenance of the annual PM10 NAAQS through 2009.

E. PM10 Precursors

The control requirements that apply to major stationary sources of PM10 also apply to major stationary sources of PM10 precursors, unless EPA determines such sources do not contribute significantly to PM10 levels in excess of the NAAQS (CAA § 189(e)). The General Preamble contains guidance addressing how EPA intends to implement Section 189(e) (57 FR 13539–13542).

ODEQ's technical analysis indicates that emissions from industrial point sources have considerably less impact on the 24-hour standard than residential wood combustion in the Lakeview nonattainment area. Residential wood combustion is further implicated because violations of the 24-hour standard have consistently occurred during the wood burning season during extended periods of cold temperature and airshed stagnation.

The CMB analysis also indicates that secondary particulates are not a major component of the area's PM10 emissions. This analysis identifies that, on an adjusted average winter exceedance day, only 4.4% of the average actual PM10 mass is secondary particulate. This equals approximately 9.32 μg/m³ of the total average actual (211.8 μg/m³) per day.

EPA believes that sources of PM10 precursors do not contribute significantly to PM10 levels in excess of the NAAQS in the Lakeview nonattainment area. EPA grants Lakeview exclusion from the control requirements authorized under Section 189(e) of the Act for major stationary sources of PM10 precursors.

This general finding is based on the current character of the area. It is possible that future growth will change the significance of precursors in the area and warrant reconsideration of this finding.

F. Quantitative Milestones and Reasonable Further Progress

PM10 nonattainment area plan SIP revisions demonstrating attainment must contain quantitative milestones to be achieved every three years until the area is redesignated to attainment. Achieving these incremental reductions in PM10 emissions demonstrates reasonable further progress, as defined in Section 171(1) of the Act (see also CAA section 189(c)).

In its interpretation of Section 189(c), the General Preamble states that the first three-year period begins on the due date for the applicable implementation plan revision containing control measures for the area (57 FR 13539). EPA believes that at least two milestones should be addressed initially. Once a milestone has passed, the state must demonstrate that the milestone was achieved (CAA section 189(c)(2)).

The Lakeview submittal, received by EPA on June 1, 1995, must demonstrate reasonable further progress for the time periods April 1995–1998 and April 1998–2001 unless the area attains sooner.

The Lakeview Attainment Plan demonstrates attainment of the PM10 NAAQS by December 31, 1999, and maintenance of the NAAQS through 2009. The plan satisfies at least two milestones.

EPA approves the submittal as meeting the quantitative milestone requirement currently due (April 25, 1998). This is supported by the lack of monitored exceedances since 1994.

G. Enforceability

All emission limits and control in a SIP must be enforceable by ODEQ and EPA (see CAA section 172(c)(6), CAA section 110(a)(2)(A), and 57 FR 13556). EPA criteria addressing the enforceability of SIP's and SIP revisions were stated in a September 23, 1987, memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, Thomas L. Adams Jr., Assistant Administrator for Enforcement and Compliance Monitoring, and Francis S. Blake, General Counsel, "Review of State Implementation Plans and Revisions for Enforceability and Legal Sufficiency". Nonattainment area provisions must also contain a program that provides for the enforcement of the control measures and the regulation of modifications and construction of any stationary source within the area as necessary to assure the NAAQS are achieved (CAA section 110(a)(2)(c)).

EPA has reviewed the Lakeview Attainment Plan and finds it enforceable with regard to the considerations discussed above. EPA believes the plan, including those control measures relied upon for attainment, satisfies applicable requirements and is fully enforceable by the state.

The specific control measures contained in the Lakeview Attainment Plan are discussed in this Federal Register notice under III. Analysis of State Submission, C. RACM (including RACT). These control measures apply throughout the nonattainment area and to all applicable activities, including

residential woodstove use and other woodburning activities.

The following summarizes the state, city, county, and interagency commitments that EPA approves as part of the Oregon SIP. These include required control measures (noted with abstricts) and SIP strengthening measures.

a. State of Oregon Rules. (1) OAR Division 34*. This division establishes rules to control, reduce, and prevent air pollution caused by residential woodheating emissions. *Ban on Used Woodstove Sales*—OAR 340–34–101 through 340–34–020. These rules establish requirements for the sale of new and used woodstoves, specifically prohibiting the sale and resale of non-certified woodstoves. *Woodstove Certification Program*—OAR 340–34–045 through 340–34–115. These rules require all new stoves, unless specifically exempted, to be certified by the Administrator and be in compliance with particulate emission limits specified in federal regulations.

(2) OAR 340–28–110. Revisions to the Significant Emission Rate Rule apply "Table 3" Significant Emission Rate Levels to the Lakeview PM10 nonattainment area.

(3) OAR 340–28–1930. The Lakeview Industrial Emission Offset Rule requires that new major sources or major modifications that increase PM10 emissions more than 5 tons per year be fully offset. LAER technology may be applied in lieu of offsets.

(4) OAR 340–30–200 through 340–30–255. These rules establish industrial dust RACM and special requirements for operation and maintenance plans for sources in the Lakeview urban growth area.

b. City Resolutions and Ordinances. (1) Resolution No. 402. This Town of Lakeview resolution establishes and defines a Lakeview Air Quality Improvement Program to cooperatively restore and maintain healthful air quality within the Town of Lakeview.

(2) Ordinance No. 748*. This Town of Lakeview ordinance prohibits the use of solid fuel burning devices during an Air Pollution Alert Period (unless specifically exempted) and prohibits the rent or lease of property not equipped with an Alternative Heat Source (on or after two years from effective date).

(3) Ordinance No. 749*. This Town of Lakeview ordinance prohibits the burning of solid waste and places additional restrictions on open burning.

c. County Resolutions and Ordinances. (1) Resolution March 15, 1995. This Lake County resolution establishes the Lake County Commission's commitment to cooperatively implement the Lakeview Air Quality Improvement Program within the Lakeview urban growth boundary.

(2) Ordinance No. 29*. This Lake County ordinance prohibits the use of solid fuel burning devices during an Air Pollution Alert Period (unless specifically exempted) and prohibits the rent or lease of property not equipped with an Alternative Heat Source (on or after two years from effective date).

(3) Ordinance No. 30*. This Lake County ordinance prohibits the burning of solid waste and places additional restrictions on open burning.

d. Interagency Commitments. (1) Winter Road Sanding Program. An Oregon Department of Transportation, Highway Division Memorandum of Understanding, establishes the Agency's commitment to: (a) identify and utilize cleaner sanding materials; and (b) clean-up spent sanding material promptly.

(2) Forestry Smoke Management Plan. Oregon Department of Forestry amendments to this plan (ORS 477.515) create a special protection zone for the Lakeview nonattainment area.

H. Contingency Measures

As provided in Section 172(c)(9) of the Act, all moderate nonattainment area SIPs that demonstrate attainment must include contingency measures (57 FR 13543–13544).

Contingency measures consist of other available measures that are not part of the area's initial control strategy. These measures must take effect without further action by the State or EPA upon determination by EPA that the area has either: (1) Failed to attain the PM10 NAAQS by the applicable deadline; or (2) failed to make reasonable further progress.

EPA guidance recommends that the emission reductions expected from the implementation of the contingency measures equal 25% of the total reduction in actual emissions expected from the plan's control strategy (57 FR 13544). EPA believes that contingency measures must, at a minimum, provide for continued progress toward attainment during the time between an area's failure to attain and the state's adoption of additional measures required by reclassification to serious, where applicable (57 FR 13511).

The Lakeview Attainment Plan contains three contingency measures. ODEQ estimates that these controls will reduce PM10 emissions an additional 249 lbs per day by the year 1999 if implemented. This represents 25% of expected 1999 emissions after the application of other control measures. This meets the requirements for contingency measure reductions applicable to moderate nonattainment areas. The specific contingency measures are:

1. Mandatory Woodstove Curtailment Program

This measure upgrades the Lakeview voluntary curtailment program to a mandatory program, including enforcement provisions, procedures, penalties, and exemptions. This provision is contained in the Town of Lakeview Air Quality Resolution No. 402. State backup authority exists in OAR 340–34–150 through OAR 340–34–175. This requires the State to implement a mandatory program should the local government fail to do so.

2. Removal of Non-certified Woodstoves

This is State backup authority for requiring the removal of non-certified woodstoves upon the sale of a home, as contained in OAR 340–34–200 through 340–34–215. This provision will be implemented automatically, if necessary to demonstrate RFP or attainment of the NAAQS.

3. Prescribed Burning

As a contingency, a mandatory forest slash burning program would be implemented if slash burning smoke is found to be a significant contributor to PM10 nonattainment.

EPA approves the contingency measures for the Lakeview nonattainment area.

IV. Implications of This Action

EPA approves the Lakeview, Oregon, PM10 Control Plan as a revision to the Oregon State Implementation Plan. This attainment plan was submitted to EPA on June 1, 1995.

EPA finds that the SIP revision meets the requirements for a moderate nonattainment area and demonstrates attainment of the PM10 NAAQS by the applicable deadline. The fact that Lakeview has not experienced an exceedance of the 24-hour PM10 NAAQS since 1994 and has never exceeded the annual PM10 NAAQS further supports this finding. EPA's action includes approval of the plan's contingency measures.

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

V. Administrative Requirements

A. Oregon Notice Provision

During EPA's review of a SIP revision involving Oregon's statutory authority, a problem was detected which affected the enforceability of point source permit limitations. EPA determined that, because the five-day advance notice provision required by ORS 468.126(1) (1991) bars civil penalties from being imposed for certain permit violations, ORS 468 fails to provide the adequate enforcement authority that a state must demonstrate to obtain SIP approval, as specified in Section 110 of the Clean Air Act and 40 CFR 51.230. Accordingly, the requirement to provide such notice would preclude federal approval of a Section 110 SIP revision.

To correct the problem the Governor of Oregon signed into law new legislation amending ORS 468.126 on September 3, 1993. This amendment added paragraph ORS 468.126(2)(e) which provides that the five-day advance notice required by ORS 468.126(1) does not apply if the notice requirement will disqualify a state program from federal approval or delegation. ODEQ responded to EPA's understanding of the application of ORS 468.126(2)(e) and agreed that, because federal statutory requirements preclude the use of the five-day advance notice provision, no advance notice will be required for violations of SIP requirements contained in permits.

B. Oregon Audit Privilege

Another enforcement issue concerns Oregon's audit privilege and immunity law. Nothing in this action should be construed as making any determination or expressing any position regarding Oregon's Audit Privilege Act, ORS 468.963 enacted in 1993, or its impact upon any approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act Program resulting from the effect of Oregon's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, Sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under Section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

C. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

D. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of Section 1(a) of Executive Order 12875 do not apply to this rule.

E. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be Economically significant as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks

F. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified Section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments To provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of Section 3(b) of Executive Order 13084 do not apply to this rule.

G. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under Section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act,

preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

H. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

J. Petitions for Judicial Review

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 22, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: August 23, 1999.

Chuck Findley,

Acting Regional Administrator, Region 10.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c) (128) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(128) On June 1, 1995 the State of Oregon submitted to EPA an attainment plan for the Lakeview PM10 nonattainment area. This SIP revision is designed to bring about the attainment of the PM10 NAAQS in Lakeview and satisfy Federal requirements applicable to moderate PM10 nonattainment areas.

(i) Incorporation by reference.

(A) June 1, 1995 letter from the Director, Oregon Department of Environmental Quality, the Governor's designee, to Region 10 Regional Administrator, EPA, submitting the Lakeview, Oregon PM10 Control Plan.

(B) Revision to the Oregon State Implementation Plan: Lakeview, Oregon PM10 Control Plan; Appendix 3, Lakeview Detailed Emissions Inventories; Appendix 4, Ordinances and Commitments; Appendix 5, Demonstration of Attainment; Appendix 9, Woodburning Curtailment Survey Protocol; Appendix 10, Legal Description of Lakeview PM10 Nonattainment Area.

(C) Supporting regulations approved as part of the revision, state effective May 1, 1995: OAR 340–20–047; OAR 340–21–010, –012, –025, –200; OAR 340–30–043, –300, –310, –340; OAR 340–34–150, –200, –210.

[FR Doc. 99–24447 Filed 9–20–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300903; FRL–6097–8]

RIN 2070–AB78

Sulfentrazone; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-yl] phenyl] methanesulfonamide in or on sunflowers, lima beans, and cowpeas. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on sunflowers, lima beans, and cowpeas. This regulation establishes a maximum permissible level for residues of sulfentrazone in these food commodities pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA). The tolerances will expire and is revoked on December 30, 2000.

DATES: This regulation is effective September 21, 1999. Objections and requests for hearings must be received by EPA on or before November 22, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300903], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations

Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300903], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300903]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Jacqueline E. Gwaltney, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 278, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–6792, gwaltney.jackie@epamail@epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(l)(6) of the FFDCA, 21 U.S.C. 346a, is establishing a tolerance for residues of the herbicide *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-y-l] phenyl] methanesulfonamide, in or on sunflowers, lima bean, and cowpeas at 0.1 part per million (ppm). This tolerance will expire and is revoked on December 30, 2000. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

I. Background and Statutory Findings

The FQPA (Public Law 104–170) was signed into law August 3, 1996. FQPA amends both the FFDCA, 21 U.S.C. 301 *et seq.*, and the FIFRA, 7 U.S.C. 136 *et seq.* The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described in this preamble and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996) (FRL–5572–9).

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that "emergency conditions exist which require such exemption." This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerances to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

II. Emergency Exemption for Sulfentrazone on Sunflowers, Lima Beans, and Cowpeas and FFDCA Tolerances

North Dakota claims that there is an emergency situation regarding herbicide resistant weeds, especially kochia that has seriously reduced sunflower yields in all production systems. They also claimed that reduced till and no-till farmers need an herbicide tool, such as sulfentrazone, that does not need to be incorporated and will allow efficient, cost-effective control of broadleaf weeds. Presently there is no such tool available. North Dakota requested the use of sulfentrazone in order to eliminate the emergency. EPA has authorized under FIFRA section 18 the use of sulfentrazone on sunflowers for control of kochia in North Dakota.

Tennessee claims that the hophorn beam coppperleaf has increased in recent years, and has become such an overwhelming pest that entire fields were abandoned in 1995. The fields in question constitute some of the most fertile agricultural land in West Tennessee, an area where farming and agriculturally-related businesses are the primary sources of income. The registered alternative, does not provide effective control for the entire season.

After having reviewed these submissions, EPA concurs that emergency conditions exist for these States.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of sulfentrazone in or on sunflowers, lima beans, and cowpeas. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment under section 408(e), as provided in section 408(l)(6). Although this tolerance will expire and is revoked on December 30, 2000, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on sunflowers, lima beans, and cowpeas after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this tolerance at the time

of that application. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these tolerances are being approved under emergency conditions, EPA has not made any decisions about whether sulfentrazone meets EPA's registration requirements for use on sunflowers, lima beans, and cowpeas or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance serves as a basis for registration of sulfentrazone by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than North Dakota and Tennessee to use this pesticide on this crop under section 18 of FIFRA without following all provisions of EPA's regulations implementing section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for sulfentrazone, contact the Agency's Registration Division at the address provided under the "ADDRESSES" section.

III. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of sulfentrazone and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for combined residues or residues of *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-y-l] phenyl] methanesulfonamide on sunflowers at 0.1 ppm, and on bean, succulent seed with pod (lima beans & cowpeas) at 0.1 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by sulfentrazone are discussed in this unit.

B. Toxicological Endpoint

1. *Acute toxicity.* For the acute analysis, the EPA selected two endpoints, one for the Females 13+ population subgroup and another for the General population (including infants and children). For the Females 13+ population subgroup, a Reference dose (RfD) of 0.10 milligrams/kilograms/day (mg/kg/day) from a no observable adverse effect level (NOAEL) = 10.0 was established based on decreased fetal weight and retarded skeletal development seen in a developmental rat study at a lowest observable adverse effect level (LOAEL) of 25 mg/kg/day. For the General population (including infants and children), an RfD of 2.5 mg/kg/day (NOAEL = 250) was established from an acute neurotoxicity study in rats. This endpoint is based upon increased clinical signs (abdominal gripping, abdominogenital staining, and/or reddish-brown staining under the cage), EPA findings, and decreased motor activity (which were reversed by day 14 postdose) at a LOAEL of 750 mg/kg/day. An uncertainty factor (UF) of 100X was applied to account for both interspecies extrapolation 10X and intraspecies variability 10X.

2. *Chronic toxicity.* For the chronic analysis, the EPA selected an RfD of 0.14 mg/kg/day (NOAEL = 14.0) based on significant toxic effects observed primarily in the second generation animals in a 2–generation rat reproduction study at a LOAEL of 33/44 mg/kg/day in males and females, respectively. A UF of 100X was applied to account for both interspecies extrapolation 10X and intraspecies variability 10X.

3. *Carcinogenicity.* The Agency determined that sulfentrazone should be classified as a "Group E" chemical (not likely to be carcinogenic to humans via relevant routes of exposure). This weight of the evidence judgment was largely based on the absence of significant tumor increases in two adequate rodent carcinogenicity studies.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.498) for the combined residues of *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-yl] phenyl] methanesulfonamide, in or on a variety of raw agricultural commodities. Risk assessments were conducted by EPA to assess dietary exposures and risks from sulfentrazone as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. An acute dietary risk assessment is required for sulfentrazone.

Since two endpoints were selected for risk assessment, the acute dietary analyses were conducted for two main population subgroups, the Females 13+ subgroup and the General population (including infants, children, and adult males (excluding Females 13+)). The acute RfDs for the Females 13+ subgroup and the General population are 0.10 mg/kg/day and 2.5 mg/kg/day, respectively. The acute population adjusted doses (aPADs) are 0.01 mg/kg/day (0.10 mg/kg/day ÷ 10 = 0.01 mg/kg/day) and 0.25 mg/kg/day (2.5 mg/kg/day ÷ 10 = 0.25 mg/kg/day) for the Females 13+ subgroup and the General population, respectively.

Separate Tier 1 acute dietary exposure analyses were performed using tolerance level residues and 100% crop treated (CT) information. Dietary exposures and associated acute risk for the Females 13+ population subgroup at the 95th percentile are shown in Table 1 below.

Table 1- Summary of Results of Acute DEEM Analysis for Sulfentrazone (Females 13+)

Subgroups Exposure	(mg/kg/day)	% aPAD
Females (13+, pregnant, not nursing).	0.000515	5.2
Females (13+, nursing).	0.000702	7.0
Females (13–19 years, not pregnant, not nursing).	0.000663	6.6
Females (20+ years, not pregnant, not nursing).	0.000501	5.0
Females (13–50 years).	0.000562	5.6

Dietary exposures and associated acute risk for the General population including infants and children at the 95th percentile are shown in Table 2 below. The other subgroups included in Table 2 represent the highest dietary exposures for their respective subgroups (i.e., children and the other General population subgroups higher than U.S. population).

Since the EPA determined to retain the factor of 10X, the PAD was used in this risk assessment. The PAD is equal to the acute or chronic RfD divided by the FQPA Safety Factor. Therefore, the Agency's level of concern is for values >100% PAD.

Table 2. - Summary of Results of Acute DEEM Analysis for Sulfentrazone (General Population Including Infants and Children)

Subgroups Exposure	(mg/kg/day)	%aPAD
U.S. Population (48 Contiguos States).	0.000901	<1
Non-Hispanic Blacks.	0.001016	<1
Non-nursing Infants (<1 year).	0.001599	<1
Children (1–6 years).	0.001513	<1

The %aPADs for the Females 13+ subgroup were <100%, and the highest was 7.0% for Females (13+/nursing). The %aPADs for the General population (including infants and children) were <100%, and the highest subgroups (as shown in Table 3) had %aPADs of <1%. For acute dietary risk, the Agency's level of concern is >100% aPAD. The results of the acute analyses indicate that the acute dietary risks associated with the existing and proposed uses of sulfentrazone are well below the Agency's current level of concern.

ii. *Chronic exposure and risk.* A chronic dietary risk assessment is required for sulfentrazone. The chronic RfD used for the chronic dietary analysis for sulfentrazone is 0.14 mg/kg/day. Therefore, the chronic population adjusted dose (cPAD) is 0.014 (0.14 mg/kg/day ÷ 10 = 0.014 mg/kg/day) for chronic dietary exposure for All Populations which include Infants and Children. The chronic dietary exposure analysis used mean consumption (3–day average) data. A Tier 1 chronic dietary exposure assessment was performed using tolerance level residues and 100% crop treated (CT) information for all commodities as well. Since the Agency determined to retain the factor of 10X, the PAD was used in this risk assessment. The PAD is equal to the acute or chronic RfD divided by the FQPA Safety Factor. Therefore, the Agency's level of concern is for values >100% PAD.

Chronic dietary exposures for the General population and other subgroups are presented in Table 3 below. The other subgroups included in Table 3 represent the highest dietary exposures for their respective subgroups (i.e., children, females, and the other General population subgroups higher than U.S. population).

Table 3. Summary of Results from Chronic DEEM Analysis of Sulfentrazone

Subgroups Exposure	(mg/kg/day)	% cPAD
U.S. Population (48 Contiguous States).	0.000343	2.4
Non-Hispanic Other Than Black or White.	0.000372	2.7
Non-nursing Infants (<1 year).	0.000778	5.6
Children (1–6 years)	0.000773	5.5
Females (13+, not pregnant or nursing).	0.000318	2.3
Males (13–19 years)	0.000382	2.7

The %cPADs for all subgroups were <100%, and the highest was 5.6% for non-nursing infants (<1 year) and children (1–6 years). The results of the chronic analysis indicate that the chronic dietary risk associated with the existing and proposed uses of sulfentrazone is well below the Agency's current level of concern.

2. *From drinking water.* Drinking Water Level of Comparison (DWLOC) is a theoretical upper limit on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, drinking water, and through residential uses. A DWLOC will vary depending on the toxic endpoint, with drinking water consumption and body weights. Different populations will have different DWLOCs.

The Agency uses DWLOCs internally in the risk assessment process as a surrogate measure of potential exposure associated with pesticide exposure through drinking water. In the absence of monitoring data for pesticides, it is used as a point of comparison against conservative model estimates of a pesticide's concentration in water.

DWLOC values are not regulatory standards for drinking water. They do have an indirect regulatory impact through aggregate exposure and risk assessments.

EPA does not have monitoring data available to perform a quantitative drinking water risk assessment for sulfentrazone at this time. Thus, ground and surface water exposure estimates were used for sulfentrazone on sunflowers.

i. *Chronic exposure and risk.* Because the Agency lacks sufficient water-related exposure data to complete a comprehensive drinking water risk assessment for many pesticides, EPA has commenced and nearly completed a process to identify a reasonable yet conservative bounding figure for the potential contribution of water-related exposure to the aggregate risk posed by a pesticide. In developing the bounding figure, EPA estimated residue levels in water for a number of specific pesticides using various data sources. The Agency then applied the estimated residue levels, in conjunction with appropriate toxicological endpoints (RfDs or acute dietary NOAELs) and assumptions about body weight and consumption, to calculate, for each pesticide, the increment of aggregate risk contributed by consumption of contaminated water. While EPA has not yet pinpointed the appropriate bounding figure for exposure from contaminated water, the ranges the Agency is continuing to examine are all below the level that would cause sulfentrazone to exceed the RfD if the tolerance being considered in this document were granted. The Agency has therefore concluded that the potential exposures associated with sulfentrazone in water, even at the higher levels the Agency is considering as a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

3. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether sulfentrazone has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, sulfentrazone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that sulfentrazone has a common mechanism of toxicity with other substances. For more information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* Since there are no residential uses for sulfentrazone, the aggregate exposure only includes food and water.

From the acute dietary (food only) risk assessments, high-end exposure estimates were calculated for the two main subgroups, Females 13+ years and the General population. For the subgroup Females 13+, the percentages of the aPAD that will be utilized by acute dietary (food only) exposure to residues of sulfentrazone range from 5.7% for Females (20+ yrs, not pregnant, not nursing) to 7.9% for Females (13+, pregnant, not nursing). For the General population subgroup, which includes the U.S. population and the most highly exposed subgroups (non-Hispanic Blacks, non-nursing infants (<1 year), and children (1–6 years)), <1% of the aPAD is occupied by acute dietary food exposure. The low %aPADs calculated for the Female 13+ subgroup and the General population provide assurance that there is reasonable certainty that no harm will be caused to infants, children, or adults from acute aggregate exposure to sulfentrazone residues.

The maximum estimated concentrations of sulfentrazone in surface and ground water are less than the Agency's DWLOCs for sulfentrazone as a contribution to acute aggregate exposure. Therefore, OPP concludes with reasonable certainty that residues of sulfentrazone in drinking water do not contribute significantly to the acute aggregate human health risk at the present time considering the present uses and the uses proposed in this action.

The Agency bases this determination on a comparison of estimated concentrations of sulfentrazone in surface waters and ground waters to levels of comparison for sulfentrazone in drinking water. The estimates of sulfentrazone in surface and ground waters are derived from water quality models that use conservative assumptions regarding the pesticide transport from the point of application to surface and ground water. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of sulfentrazone on drinking water as a part of the acute aggregate risk assessment process.

2. *Chronic risk.* Since there are no residential uses for sulfentrazone, the aggregate exposure only includes food and water.

For the U.S. population, 2% of the cPAD is occupied by dietary (food) exposure. For the most highly exposed subgroups, non-nursing infants (<1 year) and children (1–6 years), 6% of the cPAD is occupied by dietary food exposure. The estimated average concentrations of sulfentrazone in surface and ground water are less than EPA's levels of comparison for sulfentrazone in drinking water as a contribution to chronic aggregate exposure. Therefore, EPA concludes with reasonable certainty that residues of sulfentrazone in drinking water do not contribute significantly to the chronic aggregate human health risk at the present time considering the present uses and uses proposed in this action.

EPA bases this determination on a comparison of estimated concentrations of sulfentrazone in surface waters and ground waters to levels of comparison for sulfentrazone in drinking water. The estimates of sulfentrazone in surface and ground waters are derived from water quality models that use conservative assumptions regarding the pesticide transport from the point of application to surface and ground water. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of sulfentrazone on drinking water as a part of the aggregate chronic risk assessment process.

3. *Short- and intermediate-term risk.* Since there are no residential uses or exposure scenarios, short- and intermediate-term aggregate risk assessments were not conducted.

4. *Aggregate cancer risk for U.S. population.* Sulfentrazone has been classified as a "Group E" chemical (not likely to be carcinogenic to humans via relevant routes of exposure) by the RfD/Peer Review Committee. Therefore, no cancer dietary exposure analysis was performed.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to sulfentrazone residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children* — i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of sulfentrazone, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2–generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard MOE and uncertainty factor (usually 100 for combined interspecies and intraspecies variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies* — a. *Rats.* In EPA's oral developmental study in rats, the maternal (systemic) NOAEL was 25 mg/kg/day, based on increased relative spleen weights and splenic extramedullary hematopoiesis at the LOAEL of 50 mg/kg/day. The developmental (fetal) NOAEL was 10 mg/kg/day, based on decreased mean fetal weight and retardation in skeletal development as evidenced by increased numbers of litters with any variation and by decreased numbers of caudal vertebral and metacarpal ossification sites at the LOEL of 25 mg/kg/day.

In the dermal developmental study in rats, the maternal (systemic) NOAEL was ≧250 mg/kg/day and a LOAEL was not determined. The developmental (fetal) NOAEL was 100 mg/kg/day, based on decreased fetal weight and increased fetal variations (hypoplastic or wavy ribs, incompletely ossified lumbar vertebral arches, incompletely ossified ischia or pubes, and reduced numbers of thoracic vertebral and rib ossification sites) at the LOAEL of 250 mg/kg/day.

b. *Rabbits.* In the oral developmental toxicity study in rabbits, the maternal

(systemic) NOAEL was 100 mg/kg/day, based on increased abortions, clinical signs (decreased feces and hematuria), and reduced body weight gain during gestation at the LOAEL of 250 mg/kg/day. The developmental (pup) NOAEL was 100 mg/kg/day, based on increased resorptions, decreased live fetuses per litter, and decreased fetal weight at the LOAEL of 250 mg/kg/day.

iii. *Reproductive toxicity study — Rats.* In the 2–generation reproductive toxicity study in rats, the maternal (systemic) NOAEL was 14/16 mg/kg/day in males and females, respectively, based on decreased maternal body weight and/or body weight gain during gestation in both P and F1 generations, and reduced premating body weight gains in the second generation (F1 adults) at the LOAEL of 33/40 mg/kg/day for males and females, respectively. The developmental (pup) NOEL was 14/16 mg/kg/day based on: (a) Reduced prenatal viability (fetal and litter); (b) reduced litter size; (c) increased number of stillborn pups; (d) reduced pup and litter postnatal survival and; (e) decreased pup body weights throughout lactation at the LOAEL of 33/40 mg/kg/day. The reproductive NOAEL was 14/16 mg/kg/day, based on: (a) Increased duration of gestation in both F1 and F2 dams; (b) decreased fertility in F1 generation (males); and/or (c) atrophy of the germinal epithelium of the testes, oligospermia and intratubular degeneration of the seminal product in the epididymis at the LOAEL of 33/40 mg/kg/day.

iv. *Prenatal and postnatal sensitivity.* The toxicological data base for evaluating prenatal and postnatal toxicity for sulfentrazone is complete with respect to current data requirements. Based on the developmental and reproductive toxicity studies discussed above for sulfentrazone there appears to be prenatal and postnatal sensitivity. Based on the above, the Agency concludes that reliable data support use of a 1,000-fold margin/factor, to protect infants and children.

v. *Conclusion.* There is a complete toxicity data base for sulfentrazone and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures.

2. *Acute risk.* Acute RfD = 2.5 mg/kg/day. For acute dietary risk, the Agency recommended use of the NOAEL of 250 mg/kg/day with an uncertainty factor of 100, based on increased incidences of clinical signs (abdominal gripping, abdominogenital staining, and or/reddish-brown staining under the cage), EPA findings, and decreased motor activity which were reversed by day 14 post dose at a LOAEL of 750 mg/kg, from an acute neurotoxicity study in rats. There was no evidence of neuropathology at the high dose (2,000 mg/kg).

3. *Chronic risk.* RfD = 0.14 mg/kg/day. For chronic dietary risk assessment the Agency recommended use of the NOAEL of 14 mg/kg/day with an uncertainty factor of 100, based on: (a) Decreased maternal body weight and/or body weight gain during gestation in both P and F1 generations; (b) reduced premating body weight gains in the second generation (F1 adults); (c) increased duration of gestation in both F1 and F2 dams; (d) reduced prenatal viability (fetal and litter); (e) reduced litter size; (f) increased number of stillborn pups; (g) reduced pup and litter postnatal survival; (h) decreased pup body weights throughout lactation; (i) decreased fertility in F1 generation males; and (j) atrophy of the germinal epithelium of the testes, oligospermia and intratubular degeneration of the seminal product in the epididymis at the LOAEL of 33/44 mg/kg/day for males and females, respectively, from a 2–generation reproductive toxicity study in rats.

4. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to sulfentrazone residues.

IV. Other Considerations

A. Metabolism in Plants and Animals

1. *Plants.* No plant metabolism study was submitted with this petition. However, the nature of the residue in soybeans and rotational crops is adequately understood. The residues of concern in soybeans are the parent plus the metabolite 3-hydroxymethyl sulfentrazone. The residues of concern in the rotational crops are the parent plus the metabolites 3-hydroxymethyl sulfentrazone and 3-desmethyl sulfentrazone.

EPA translated the sunflower plant metabolism data in support of the use of sulfentrazone on lima beans and cowpeas. Due to the uncertainty of the nature of the residue of sulfentrazone in lima beans and cowpeas, the residues of concern will be the parent plus the metabolites 3-hydroxymethyl sulfentrazone and 3-desmethyl sulfentrazone.

2. *Animals.* There will be no animal feed items associated with the proposed use provided that the label is modified to specify the following restriction: Do not allow livestock to graze on treated plants or feed treated plants or plant trash to livestock.

B. Analytical Enforcement Methodology

An analytical methodology for the determination of sulfentrazone, 3-desmethyl sulfentrazone, and 3-hydroxymethyl sulfentrazone residues in/on various matrices was submitted with the petition. A petition method validation (PMV) was successfully completed by Analytical Chemistry Laboratory (ACL). The Limit of Quantitation (LOQ) and Minimum Detection Limit (MDL) were determined to be 0.05 ppm and 0.005–0.025 ppm, respectively. EPA concluded that the method was suitable for enforcement purposes.

Adequate enforcement methodology (example - gas chromotography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 101FF, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5229.

C. International Residue Limits

There are no Codex, Canadian or Mexican residue limits established for sulfentrazone on lima beans and cowpeas. Therefore, no compatibility problems exist for the tolerances.

D. Rotational Crop Restrictions

Rotational field trial data for wheat, corn, rice and sorghum were submitted in support of a petition for a sulfentrazone tolerance on soybeans. Permanent tolerances have been established on cereal grains (excluding sweet corn) when planted in rotation with the primary crop soybeans. The suggested rotational crop restrictions on the section 18 label pertaining to this petition are the same as those on the label for soybeans. Therefore, additional rotational crop data are not necessary for this action.

V. Conclusion

Therefore, the tolerance is established for combined residues of *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-yl] phenyl] methanesulfonamide in sunflowers, lima beans, and cowpeas at 0.1 ppm.

VI. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation issued by EPA under new

section 408(l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by November 22, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the "ADDRESSES" section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VII. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300903] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:
opp-docket@epa.gov

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

VIII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408 of the FFDCA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal

governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

IX. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 9, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

2. In § 180.498, by revising the heading to paragraph (a); redesignating the existing paragraph (b) as paragraph (d) and revising the heading; adding a new paragraph (b); and adding and reserving paragraph (c) to read as follows:

§ 180.498 Sulfentrazone; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* Time limited tolerances are established for residues of the herbicide *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-y-l] phenyl] methanesulfonamide, in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerance is specified in the following table. The tolerances expire and will be revoked by EPA on the date specified in the table.

Commodity	Parts per million	Expiration/revocation date
Bean, succulent seed without pod (lima beans & cowpeas).	0.1	12/30/00
Sunflower	0.1	12/30/00

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.*

* * * * *

[FR Doc. 99–24509 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Associate Director has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive

Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Coconino (FEMA Docket No. 7288.	City of Flagstaff	April 20, 1999, April 29, 1999, *Arizona Daily Sun.*	The Honorable Christopher J. Bavasi, Mayor, city of Flagstaff, 211 West Aspen Avenue, Flagstaff, Arizona 86001.	March 17, 1999	040020
Arkansas: Crittenden (FEMA Docket No. 7288).	City of Memphis ...	April 20, 1999, April 27, 1999, *Evening Times.*	The Honorable William H. Johnson, Mayor, City of West Memphis, P.O. Box 1728, West Memphis, Arkansas 72303.	March 30, 1999	050055
California: Los Angeles (FEMA Docket No. 7288)	City of Los Angeles.	April 22, 1999, April 29, 1999, *Los Angeles Times.*	The Honorable Richard J. Riordan, Mayor, city of Los Angeles, City Hall, Room 305, 200 North Main Street, Los Angeles, California 90012.	March 12, 1999	060137
Colorado:					
Douglas (FEMA Docket No. 7288).	Unincorporated Areas.	April 21, 1999, April 28, 1999, *Douglas County News Press.*	The Honorable James Sullivan, Chairman, Douglas County, Board of Commissioners, 101 Third Street, Castle Rock, Colorado 80104.	March 29, 1999	080049
Douglas (FEMA Docket No. 7288).	Town of Parker	April 22, 1999, April 29, 1999, *Parker Trail.*	The Honorable Gary Lasater, Mayor, Town of Parker, 20120 East Main Street, Parker, Colorado 80138.	March 29, 1999	080310
San Miguel (FEMA Docket No. 7288).	Town of Telluride	April 9, 1999, April 16, 1999, *Telluride Daily Planet.*	The Honorable Elaine Fischer, Mayor, Town of Telluride, P.O. Box 397, Telluride, Colorado 81435.	March 10, 1999	080186
Missouri: Madison (FEMA Docket No. 7288).	City of Fredericktown.	April 21, 1999, April 28, 1999, *Democrat News.*	The Honorable Phillip Wulfert, Mayor, City of Fredericktown, City Hall, 124 Main Street, Fredericktown, Missouri 63645.	March 24, 1999	290221
Nebraska:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Sarpy (FEMA Docket No. 7260).	City of Papillion	September 16, 1998, September 23, 1998, *The Papillion Times.*	The Honorable Pete Goodman, Mayor, City of Papillion, City Hall, 122 East Third Street, Papillion, Nebraska 68046.	August 14, 1998 ..	315275
Sarpy (FEMA Docket No. 7256).	Unincorporated Areas.	September 16, 1998, September 23, 1998, *The Papillion Times.*	The Honorable Tim Gray, Chairman, Sarpy County, Board of Commissioners, County Courthouse, 1210 Golden Gate Drive, Suite 1118, Papillion, Nebraska 68046.	August 14, 1998 ..	310190
Texas:					
Bandera (FEMA Docket No. 7288).	City of Bandera	April 21, 1999, April 28, 1999, *Bandera Bulletin.*	The Honorable Bob Cowan, Mayor, City of Bandera, P.O. Box 896, Bandera, Texas 78003.	July 27, 1999	480021
Bandera (FEMA Docket No. 7288).	Unincorporated Areas.	April 21, 1999, April 28, 1999, *Bandera Bulletin.*	The Honorable Richard A. Evans, Bandera County Judge, County Courthouse, P.O. Box 877, Bandera, Texas 78003.	July 27, 1999	480020
Tarrant (FEMA Docket No. 7288).	City of Bedford	April 23, 1999, April 30, 1999, *Fort Worth Star-Telegram.*	The Honorable Rick Hurt, Mayor, City of Bedford, 2000 Forrest Ridge Drive, Bedford, Texas 76021.	March 26, 1999	480585
Brazos (FEMA Docket No. 7288).	City of College Station.	April 21, 1999, April 28, 1999, *Bryan-College Station Eagle.*	The Honorable Lynn McIlhaney, Mayor, City of College Station, P.O. Box 9960, College Station, Texas 77842–0960.	March 26, 1999	480083
Tarrant (FEMA Docket No. 7288).	City of Crowley	April 14, 1999, April 21, 1999, *Fort Worth Star-Telegram.*	The Honorable Chuck Rutherford, Mayor, City of Crowley, P.O. Box 747, Crowley, Texas 76036.	July 20, 1999	480591
El Paso (FEMA Docket No. 7288).	City of El Paso	April 20, 1999, April 27, 1999, *El Paso Times.*	The Honorable Carlos M. Ramirez, Mayor, City of El Paso, Two Civic Center Plaza, El Paso, Texas 79901–1196.	March 26, 1999	480214
Tarrant (FEMA Docket No. 7288).	City of Euless	April 13, 1999, April 20, 1999, *Fort Worth Star-Telegram.*	The Honorable Mary Lib Saleh, Mayor, City of Euless, 201 North Ector Drive, Euless, Texas 76039.	March 16, 1999	480593
Tarrant (FEMA Docket No. 7288).	City of Fort Worth	April 30, 1999, May 7, 1999, *Fort Worth Star-Telegram.*	The Honorable Kenneth Barr, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102–6311.	April 1, 1999	480596
Tarrant (FEMA Docket No. 7288).	City of Haltom City	April 8, 1999, April 15, 1999, *Fort Worth Star-Telegram.*	The Honorable Gary Larson, Mayor, City of Haltom City, P.O. Box 14246, Haltom City, Texas 76117–1246.	March 16, 1999	480599
Collin (FEMA Docket No. 7288).	City of Plano	April 21, 1999, April 28, 1999, *Plano Star Courier.*	The Honorable John Longstreet, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	March 26, 1999	480140
Tarrant (FEMA Docket No. 7288).	City of Watauga ...	April 8, 1999, April 15, 1999, *Fort Worth Star-Telegram.*	The Honorable Hector Garcia, Mayor, City of Watauga, 7101 Whitley Road, Watauga, Texas 76148.	March 16, 1999	480613
Utah					
Salt Lake (FEMA Docket No. 7288).	Unincorporated Areas.	April 13, 1999, April 20, 1999, *Salt Lake Tribune.*	The Honorable Mary Callaghan, Chairperson, Salt Lake County Commission, 2001 South State Street, Suite N2100, Salt Lake City, Utah 84190–1000.	July 19, 1999	490102
Salt Lake (FEMA Docket No. 7288).	City of South Jordan.	April 13, 1999, April 20, 1999, *Salt Lake Tribune.*	The Honorable Dix McMullin, Mayor, City of South Jordan, 11175 South Redwood Road, South Jordan, Utah 84095.	July 19, 1999	490107
Salt Lake (FEMA Docket No. 7288).	City of West Jordan.	April 13, 1999, April 20, 1999, *Salt Lake Tribune.*	The Honorable Donna Evans, Mayor, City of West Jordan, 8000 South Redwood Road, West Jordan, Utah 84088.	July 19, 1999	490108

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: Sepember 14, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–24561 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7300]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director for Mitigation reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Colorado: El Paso	City of Colorado Springs.	July 22, 1999, July 29, 1999, *Gazette Telegraph.*	The Honorable Mary Lou Makepeace, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901–1575.	July 1, 1999	080060
Idaho: Ada	Unincorporated Areas.	July 21, 1999, July 28, 1999, *The Idaho Statesman.*	The Honorable Vernon Bisterfeldt, Chairman, Ada County Board of Commissioners, 650 West Main Street, Boise, Idaho 83702.	Oct. 26, 1999	160001
Idaho: Ada	City of Eagle	July 21, 1999, July 28, 1999, *Valley News.*	The Honorable Rick Yzaguirre, Mayor, City of Eagle, 310 East State, Eagle, Idaho 83616.	Oct. 26, 1999	160003

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Kansas: Sedgwick	City of Wichita	July 21, 1999, July 28, 1999, *Wichita Eagle.*	The Honorable Bob Knight, Mayor, City of Wichita, City Hall, 455 North Main Street, First Floor, Wichita, Kansas 67202.	June 18, 1999	200328
Missouri: Lincoln ..	City of Troy	August 4, 1999, August 11, 1999, *Lincoln County Journal.*	The Honorable Charles H. Kemper, Mayor, City of Troy, 200 Main Street, Troy, Missouri 63379.	July 9, 1999	290641
Texas: Collin	City of Allen	July 21, 1999, July 28, 1999, *Allen American.*	The Honorable Kevin Lilly, Mayor, City of Allen, One Butler Circle, Allen, Texas 75013.	June 21, 1999	480131
Texas: Cameron ..	Unincorporated Areas.	August 6, 1999, August 13, 1999, *Brownsville Herald.*	The Honorable Gilberton Hinojosa, Cameron County Judge, 964 East Harrison, Brownsville, Texas 78520.	July 2, 1999	480101
Texas: Dallas	City of Dallas	July 15, 1999, July 22, 1999, *Dallas Morning News.*	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla, Dallas, Texas 75201.	June 20, 1999	480171
Texas: Dallas	City of Irving	July 22, 1999, July 29, 1999, *Irving News.*	The Honorable Joe Putman, Mayor, City of Irving, P.O. Box 152288, Irving, Texas 75015–2288.	June 25, 1999	480180
Texas: Tarrant	City of Keller	August 3, 1999, August 10, 1999, *Keller Citizen.*	The Honorable Dave Phillips, Mayor, City of Keller, P.O. Box 770, Keller, Texas 76244.	July 6, 1999	480602
Texas: Tarrant, Dallas and Ellis.	City of Grand Prairie.	July 22, 1999, July 29, 1999, *Grand Prairie.*	The Honorable Charles V. England, Mayor, City of Grand Prairie, P.O. Box 534045, Grand Prairie, Texas 75053.	June 25, 1999	485472
Texas: Denton	City of Lewisville ..	August 4, 1999, August 11, 1999, *Lewisville News.*	The Honorable Bobbie J. Mitchell, Mayor, City of Lewisville, P.O. Box 299002, Lewisville, Texas 75029–9002.	July 6, 1999	480195
Texas: Gregg and Harrison.	City of Longview ..	July 13, 1999, July 20, 1999, *Longview News-Journal.*	The Honorable David McWhorter, Mayor, City of Longview, P.O. Box 1952, Longview, Texas 75606–1952.	Oct. 18, 1999	480264
Texas: Bexar	City of San Antonio.	July 14, 1999, July 21, 1999, *San Antonio Express-News.*	The Honorable Howard W. Peak, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	Oct. 19, 1999	480045
Texas: Guadalupe	City of Schertz	July 15, 1999, July 22, 1999, *The Herald.*	The Honorable Hal Baldwin, Mayor, City of Schertz, P.O. Box Drawer 1, Schertz, Texas 78154.	June 8, 1999	480269

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: September 14, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–24560 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–04–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR Part 67.

FEMA has developed criteria for floodplain management in floodprone

areas in accordance with 44 CFR Part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and record-keeping requirements.

Accordingly, 44 CFR Part 67 is amended to read as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
CALIFORNIA	
Napa (City), Napa County (FEMA Docket No. 7246)	
Napa Creek:	
Immediately upstream of Coombs Street	*25
Approximately 200 feet upstream of State Highway 29	*46.1
Maps are available for inspection at the City of Napa, Department of Public Works, 1195 Third Street, Napa, California.	
IOWA	
Dallas County (and Incorporated Areas) (FEMA Docket No. 7282)	
Little Walnut Creek:	
Approximately 3,200 feet downstream from County Road R–30	*917
Approximately 6,650 feet upstream from County Road R–22	*1,016
Walnut Creek:	
At 156th Street	*913
Approximately 3,950 feet upstream of 230th Street	*978
Raccoon River:	
Approximately 51,000 feet downstream of County Road 90 (at County boundary)	*833
Approximately 5,900 feet upstream of County Road R–16 (at confluence of North and South Raccoon Rivers)	*868
North Raccoon River:	
Approximately 400 feet downstream of Interstate Highway 801	*868
Approximately 16,800 feet upstream of U.S. Highway 169	*897
Raccoon River Mill Slough:	
Approximately 2,300 feet downstream of Old Wiscotta Road (at downstream confluence with North Raccoon River)	*881
Approximately 4,200 feet upstream of U.S. Highway 169 (at upstream confluence with North Raccoon River)	*890
Maps are available for inspection at the Dallas County Planning and Zoning Department, Dallas County Courthouse, 801 Court Street, Adel, Iowa.	
Maps are available for inspection at the City of Adel, City Hall, 102 South Tenth Street, Adel, Iowa.	
Maps are available for inspection at the City of Van Meter, City Hall, 505 Grant Street, Van Meter, Iowa.	
Maps are available for inspection at the City of Waukee, City Hall, 410 Sixth Street, Waukee, Iowa.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
MISSOURI	
Bull Creek (Village), Taney County (FEMA Docket No. 7286)	
Bull Creek:	
Approximately 4,100 feet downstream of State Highway F	*725
Approximately 450 feet downstream of State Highway F	*728
Maps are available for inspection at the Village of Bull Creek Village Hall, 1886 State Highway F, Bull Creek, Missouri.	
Clark County (Unincorporated Areas) (FEMA Docket No. 7286)	
Mississippi River:	
At County boundary 13,000 feet downstream of confluence of Fox River	*496
At confluence of Des Moines River and County boundary	*500
Maps are available for inspection at the Clark County Courthouse, 111 East Cort Street, Kohoka, Missouri.	
Hollister (City), Taney County (FEMA Docket No. 7286)	
Turkey Creek:	
At confluence with White River	*716
Approximately 2,200 feet upstream of the Wastewater Treatment Plant Road, at corporate limits	*748
White River:	
At confluence of Coon Creek	*715

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 1,050 feet (0.2 mile) upstream of U.S. Highway 65	*718
Maps are available for inspection at the City of Hollister City Hall, 294 Esplanade Street, Hollister, Missouri.	
OKLAHOMA:	
Canadian County (and Incorporated Areas) (FEMA Docket No. 7278)	
Deer Creek:	
Immediately upstream of County Line Road	*1,075
Approximately 1,000 feet upstream of County Line Road	*1,077
Soldier Creek:	
Immediately upstream of County Line Road	*1,075
Just downstream of 32nd Street Northeast (Sara Road)	*1,110
North Canadian River:	
Just northwest of the intersection of Gregory Road and Chicago, Rock Island and Pacific Railroad (in south overbank of North Canadian River)	*1,282
Approximately 3,000 feet upstream of Gregory Road	*1,282
Maps are available for inspection at the City of Piedmont City Hall, 314 Edmond Street Northwest, Piedmont, Oklahoma.	
Maps are available for inspection at the City of El Reno Community Map Repository, 201 North Choctaw, El Reno, Oklahoma.	
OREGON	
Keizer (City), Marion County (FEMA Docket No. 7246)	
Lake Labish Ditch:	
At confluence with Claggett Creek	*122
Just upstream of River Road	*132
Approximately 3,300 feet upstream of River Road	*133
Maps are available for inspection at 930 Chemawa Road, Keizer, Oregon.	
Marion County (Unincorporated Areas) (FEMA Docket No. 7246)	
Lake Labish Ditch:	
At City of Keizer-Marion County line, approximately 4,050 feet upstream of River Road	*133
Maps are available for inspection at the Marion County Community Development Department, 3150 Lancaster Drive Northeast, Salem, Oregon.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Marion County (and Incorporated Areas) (FEMA Docket No. 7282)	
Lake Labish Ditch:	
Approximately 2,200 feet downstream of Burlington Northern Railroad	*130
Approximately 50 feet downstream of Burlington Northern Railroad	*132
Claggett Creek:	
Backwater area along tributary to Claggett Creek, from approximately 300 feet upstream of Sieberg Street (along tributary drainage) to approximately 300 feet due west of the intersection of Verda Lane Northeast and Salem Parkway	*127
Pudding River:	
Just upstream of Arndt Road and the Marion-Clackamas County border	*95
Just downstream of the Southern Pacific Railroad	*99
Willamette River:	
Approximately 5,000 feet downstream of Newcomer Road (Extended)	*104
Approximately 2,500 feet upstream of Newcomer Road (Extended)	*105
Maps are available for inspection at the City of Keizer City Hall, 930 Chemawa Road Northeast, Keizer, Oregon.	
Maps are available for inspection at the Marion County Planning Department, 3150 Lancaster Drive Northeast, Salem, Oregon.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
TEXAS	
Travis County (and Incorporated Areas) (FEMA Docket No. 7250)	
Barton Creek:	
Approximately 4,000 feet downstream of Fitzhugh Road	*930
Approximately 740 feet upstream of Fitzhugh Road	*943
Bear Creek:	
At confluence with Onion Creek	*617
Approximately 4.4 miles upstream of Rock Dam (approximately 240 feet upstream of County boundary)	*805
Bear Creek Tributary:	
At confluence with Bear Creek	*656
Approximately 9 feet upstream of FM 1626	*656
Approximately 20 feet upstream of FM 1626	*656
Boggy Creek South:	
At confluence with Onion Creek	*558
Approximately 300 feet upstream of Bluff Springs Road	*559
Approximately 375 feet upstream of Bluff Springs Road	*560
Cottonmouth Creek:	
At confluence with Onion Creek	*477
Approximately 5,150 feet (.98 mile) upstream of confluence with Onion Creek	*480
Approximately 5,350 feet (1.01 miles) upstream of confluence with Onion Creek	*481

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Little Bear Creek:	
At confluence with Bear Creek	*634
Approximately 1.8 miles upstream of confluence with Bear Creek (at County boundary)	*672
Long Branch:	
Approximately 1,090 feet downstream of dam	*1,013
Approximately 1,835 feet upstream of dam (at County boundary)	*1,035
Marble Creek:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At confluence with Onion Creek	*540
Approximately 1,650 feet upstream of William Cannon Drive	*544
Approximately 1,700 feet upstream of William Cannon Drive	*544
Onion Creek:	
At confluence with Colorado River	*414
Approximately 2,060 feet upstream of confluence with Colorado River	*417
Approximately 1.4 miles upstream of confluence of Garlic Creek (approximately 150 feet upstream of County boundary)	*645
Rinard Creek:	
At confluence with Onion Creek	*576
Approximately 1,370 feet upstream of Bradshaw Road	*577
Approximately 1,404 feet upstream of Bradshaw Road	*578
Slaughter Creek:	
At confluence with Onion Creek	*571
Approximately 3,850 feet upstream of confluence with Onion Creek	*572
Approximately 4,100 feet upstream of confluence with Onion Creek	*573
Williamson Creek:	
At confluence with Onion Creek	*526
Approximately 2,940 feet upstream of Jimmy Cliff Drive	*529
Approximately 3,030 feet upstream of Jimmy Cliff Drive	*529
Williamson Creek Tributary 1:	
At confluence with Williamson Creek	*526
Approximately 2,480 feet upstream of confluence with Williamson Creek	*526
Approximately 2,520 feet upstream of confluence with Williamson Creek	*526
Williamson Creek Tributary 2:	
At confluence with Williamson Creek	*526
Approximately 2,410 feet upstream of confluence with Williamson Creek	*526
Maps are available for inspection at the Travis County Transportation and Natural Resources Department, Executive Office Building, 411 West 13th Street, Austin, Texas.	
Maps are available for inspection at the City of Austin Watershed Engineering Division, 206 East Ninth Street, Suite No. 17102, Austin, Texas.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: September 14, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–24562 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF DEFENSE

48 CFR Parts 201, 202, 204, 207, 208, 209, 211, 212, 214, 215, 219, 223, 225, 227, 232, 235, 236, 242, 245, 246, 249, 250, 252, and 253

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is making technical amendments to the Defense Federal Acquisition Regulation Supplement. The amendments update names, addresses, and references and make minor editorial changes.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; telefax (703) 602–0350.

List of Subjects in 48 CFR Parts 201, 202, 204, 207, 208, 209, 211, 212, 214, 215, 219, 223, 225, 227, 232, 235, 236, 242, 245, 246, 249, 250, 252, and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 201, 202, 204, 207, 208, 209, 211, 212, 214, 215, 219, 223, 225, 227, 232, 235, 236, 242, 245, 246, 249, 250, 252, and 253 are emended as follows:

1. The authority citation for 48 CFR Parts 201, 202, 204, 207, 208, 209, 211, 212, 214, 215, 219, 223, 225, 227, 232, 235, 236, 242, 245, 246, 249, 250, 252, and 253 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

201.303 [Amended]

2. Section 201.303 is amended in paragraph (a)(ii)(A) in the first sentence and in paragraph (a)(ii)(B) in the fourth sentence by revising the reference "FAR 1.104–2(b)(2)" to read "FAR 1.105–2(b)(2)".

PART 202—DEFINITIONS OF WORDS AND TERMS

3. Section 202.101 is amended as follows:

a. In the definition of "Contracting activity" by—

(1) Revising the text under the heading "DEPARTMENT OF DEFENSE" and before the heading "Army";

(2) Removing, under the heading "NAVY", the entry "Marine Corps Systems Command" and adding in its place the entry "Marine Corps Material Command";

(3) Revising the text under the heading "DEFENSE LOGISTICS AGENCY";

(4) Removing the heading and entry "DEFENSE SPECIAL WEAPONS AGENCY Headquarters, Defense Special Weapons Agency" and adding in their place the heading and entry "DEFENSE THREAT REDUCTION AGENCY Acquisition Management Office"; and

(5) Removing the heading and entry "ON-SITE INSPECTION AGENCY Acquisition Management Office".

b. In definition of "Departments and agencies" in the third sentence by—

(1) Removing the words "Defense Investigative Service" and adding in their place the words "Defense Security Service";

(2) Removing the words "Defense Special Weapons Agency" and adding in their place the words "Defense Threat Reduction Agency"; and

(3) Removing the phrase "the On-Site Inspection Agency,". The revised text reads as follows:

202.101 Definitions.

* * * * *

DEPARTMENT OF DEFENSE

Department of Defense Education Activity
TRICARE Management Activity
Real Estate and Facilities Directorate, Washington Headquarter Services

* * * * *

Defense Logistics Agency

Office of the Commander, Defense Contract Management Command
Office of the Executive Director, Procurement Management, Defense Logistics Support Command
Defense Supply Centers

Defense Energy Support Center
* * * * *

PART 204—ADMINISTRATIVE MATTERS

204.201 [Amended]

4. Section 204.201 is amended in paragraph (1) in the second sentence by removing the word "terminations" and adding in its place the word "termination".

204.202 [Amended]

5. Section 204.202 is amended in paragraph (1)(v) by removing the word "Investigative" and adding in its place the word "Security".

204.402 [Amended]

6. Section 204.402 is amended in paragraph (2) in the second sentence by removing the words "Industrial Security Manual" and adding in their place the words "National Industrial Security Program Operating Manual".

7. Section 204.670–1 is amended by revising paragraph (c)(4); and in paragraph (d) introductory text by removing the number "55–2" and adding in its place the number "55". The revised text reads as follows:

204.670–1 Definitions

* * * * *

(c) * * *

(4) For the Defense Logistics Agency: Headquarters, Defense Logistics Agency, Attn: Procurement Management Directorate (Acquisition Programs Team), 8725 John J. Kingman Road, Suite 3147, Fort Belvoir, VA 22060–6221.

* * * * *

204.670–3 [Amended]

8. Section 204.670–3 is amended in paragraph (a)(2)(i) by removing the words "Fuel Supply" and adding their place the words "Energy Support", and by removing the word "which" and adding in its place the word "that".

204.670–6 [Amended]

9. Section 204.670–6 is amended in paragraphs (b)(1)(ii) and (iii) in the first sentence of each by revising the words "indefinite delivery" to read "indefinite-delivery"; and in paragraph (b)(1)(iii) in the first sentence by removing the words "Fuel Supply" and adding in their place the words "Energy Support".

204.7003 [Amended]

10. Section 204.7003 is amended as follows:

a. In paragraph (a)(1)(i)(F) by removing the words "Special Weapons" and adding in their place the words "Threat Reduction", and by removing the abbreviation "DSWA" and adding in its place the abbreviation "DTRA";

b. In paragraph (a)(1)(i)(G) by removing the abbreviation "NIMA" and adding in its place the abbreviation "NMA";

c. By removing paragraph (a)(1)(i)(K); and

d. By redesignating paragraphs (a)(1)(i)(L) and (M) as paragraphs (a)(1)(i)(K) and (L), respectively.

PART 207—ACQUISITION PLANNING

11. Section 207.105 is amended in paragraph (b) (13) (iv) by revising the last sentence to read as follows:

207.105 Contents of written acquisition plans.

* * * * *

(b) * * *

(13) * * *

(iv) * * * Also see DoD 4120.3–M, Defense Standardization Program (DSP) Policies and Procedures.

* * * * *

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

12. Section 208.7002 is amended as follows:

a. By revising paragraphs (a)(1) and (a)(2);

b. In paragraph (a)(4) in the parenthetical at the end by removing the number "2308" and adding in its place the number "2311";

c. By revising paragraph (b) introductory text; and

d. In paragraph (b)(2) by removing the word "the". The revised text reads as follows:

208.7002 Assignment authority.

a. * * *

1. To the departments and agencies, by the Deputy Under Secretary of Defense (Logistics);

(2) To GSA, through agreement with GSA, by the Deputy Under Secretary of Defense (Logistics);

* * * * *

(b) Under the Integrated Materiel Management Program, assignments are made by the Deputy Under Secretary of Defense (Logistics)—

* * * * *

13. Section 208.7003–1 is amended in paragraph (b)(1) and in paragraph (b)(2) introductory text by removing the number "13" and adding in its place the number "2"; and by revising paragraph (b)(2)(ii) to read as follows:

208.7003–1 Assignments under integrated materiel management (IMM).

* * * * *

(b) * * *

(2) * * *

(ii) For DLA: Defense Supply Center, Columbus, Attn: DSCC–BDL, P.O. Box 3990, Columbus, OH 43216–5000

Defense Energy Support Center, Attn: DESC–FI, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6222

Defense Supply Center, Richmond, Attn: DSCR–RZO, 8000 Jefferson Davis Highway, Richmond, VA 23297–5000

Defense Industrial Supply Center, Attn: DISC–ABLI (Bldg. 4), 700 Robbins Avenue, Philadelphia, PA 19111–5096

Defense Supply Center, Philadelphia, Attn: DSCP–OMPS, 2800 South 20th Street, P.O. Box 8419, Philadelphia, PA 19145–5099

* * * * *

208.7003–2 [Amended]

14. Section 208.7003–2 is amended in paragraph (c) by removing the number "13" and adding in its place the number "2".

PART 209—CONTRACTOR QUALIFICATIONS

209.403 [Amended]

15. Section 209.403 is amended in the definition of "Debarring official", in paragraph (1), by removing the entry "Defense Special Weapons Agency—The Director" and adding in its place the entry "Defense Threat Reduction Agency—The Director".

PART 211—DESCRIBING AGENCY NEEDS

16. Section 211.201 is amended by revising paragraph (d) introductory text to read as follows:

211.201 Identification and availability of specifications.

* * * * *

(d) The AMSDL, all unclassified specifications and standards listed in the DODISS, and data item descriptions listed in the AMSDL also may be obtained from the Department of Defense Single Stock Point (DoDSSP), Building 4, Section D, 700 Robbins Avenue, Philadelphia, PA 19111–5094; telephone (215) 697–2179; http://assist.daps.mil. Include with the request—

* * * * *

17. Section 211.602 is revised to read as follows:

211.602 General.

DoD implementation of the Defense Priorities and Allocations System is in DoDD 4400.1, Defense Production Act Programs.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.503 [Amended]

18. Section 212.503 is amended in the section heading by removing the word "Agency" and adding in its place the word "agency".

PART 214—SEALED BIDDING

19. Part 214 is amended in the table of contents, under the heading "Subpart 214.4—Opening of Bids and Award of Contract", by removing the number "214–404–1" and adding in its place the number "214.404–1".

214.407–3 [Amended]

20. Section 214.407–3 is amended as follows:

a. In paragraph (e)(vi) by removing the words "Special Weapons" and adding in their place the words "Threat Reduction", and by removing the abbreviation "DSWA" and adding in its place the abbreviation "DTRA";

b. By removing paragraph (e)(viii); and

c. By redesignating paragraph (e)(ix) as paragraph (e)(viii).

PART 215—CONTRACTING BY NEGOTIATION

§ 215.304 [Amended]

21. Section 215.304 is amended in paragraph (c)(i)(C) by removing the reference "(c)(i)(B)(*1*)" and adding in its place the reference "(c)(i)(A)(*1*)".

PART 219—SMALL BUSINESS PROGRAMS

22. Section 219.703 is amended by revising paragraph (b)(ii) to read as follows:

§ 219.703 Eligibility requirements for participating in the program.

* * * * *

(b) * * *

(ii) A qualified nonprofit agency for the blind or other severely disabled approved by the Committee for Purchase from People Who Are Blind or Severely Disabled.

§ 219.705–2 [Amended]

23. Section 219.705–2 is amended in paragraph (d) by removing the reference "215.605" and adding in its place the reference "215.304".

PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

§ 223.370–4 [Amended]

24. Section 223.370–4 is amended in paragraph (b)(2)(i) in the second sentence by removing the reference "42.204" and adding in its place the reference "42.202(e)".

PART 225—FOREIGN ACQUISITION

§ 225.102 [Amended]

25. Section 225.102 is amended in paragraph (b)(iii)(C) by removing the words "Defense Personnel Support Center" and adding in their place the phrase "Defense Supply Center, Philadelphia,".

§ 225.302 [Amended]

26. Section 225.302 is amended in paragraph (b)(i) by removing the heading "DEPARTMENT OF DEFENSE OFFICE OF DEPENDENTS SCHOOLS" and adding in its place the heading "DEPARTMENT OF DEFENSE EDUCATION ACTIVITY", and by removing the heading and entry "ON-SITE INSPECTION AGENCY Principal Deputy Director".

§ 225.402 [Amended]

27. Section 225.402 is amended in paragraph (c)(iii)(B) by removing the words "Fuel Supply" and adding in their place the words "Energy Support".

§ 225.405 [Amended]

28. Section 225.405 is amended in paragraph (d) by removing the words "Fuel Supply" and adding in their place the words "Energy Support".

§ 225.872 [Amended]

29. Section 225.872–7 is amended by removing the words "Defense Mapping Agency by DMA" and adding in their place the words "National Imagery and Mapping Agency by NIMA".

30. Section 225.873–2 is amended by revising paragraph (a) introductory text to read as follows:

225.873–2 Procedures.

(a) Waiver of U.K. levies must be approved by the Government of the U.K. When an offeror or contractor identifies a levy included in an offered or contract price, the contracting officer shall provide written notification to the Defense Security Cooperation Agency, Attn: PSD–PMD, 1111 Jefferson Davis Highway, Arlington, VA 22202–4306, telephone (703) 601–3864. The Defense Security Cooperation Agency will request a waiver of the levy from the Government of the U.K. The notification shall include—

* * * * *

PART 227—PATENTS, DATA, AND COPYRIGHTS

227.7004 [Amended]

31. Section 227.7004 is amended in paragraph (c)(6) by removing the words "Special Weapons" and adding in their place the words "Threat Reduction"; and in paragraph (c)(7) by removing the word "Defense" and adding in its place the words "National Imagery and".

PART 232—CONTRACT FINANCING

232.906 [Amended]

32. Section 232.906 is amended in paragraph (a)(i) in the second sentence by removing the reference "subparagraphs (b)(2)" and adding in its place the reference "paragraph (b)(1)".

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

235.070–1 [Amended]

33. Section 235.070–1 is amended in paragraph (a) introductory text by adding a comma after the number "2354" and by removing the phrase "or designee under 10 U.S.C. 2356,".

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

236.604 [Amended]

34. Section 236.604 is amended in paragraph (c)(ii) by removing "SF 1421" and adding in its place "DD Form 2631".

PART 242—CONTRACT ADMINISTRATION

242.1203 [Amended]

35. Section 242.1203 is amended in paragraph (b)(1) in the entry "Air Force" by removing "AFMC/PKM" and adding in its place "HQ AFMC/PKP".

PART 245—GOVERNMENT PROPERTY

245.302–1 [Amended]

36. Section 245.302–1 is amended in paragraph (b)(1)(A)*(1)* by adding a comma after the word "Center", and by removing "Attn: JH" and adding in its place "Attn: DSCR–JH".

37. Section 245.310 is amended by revising paragraph (c) introductory text and paragraph (c)(ii)(A) to read as follows:

245.310 Providing agency-peculiar property.

(c) All Government-furnished mapping, charting, and geodesy (MC&G) property is under the control of the Director, National Imagery and Mapping Agency (NIMA).

* * * * *

(ii) * * *

(A) Contact the Director, NIMA(PP), 8613 Lee Highway, Fairfax, VA 22031–2137, for disposition instructions;

* * * * *

245.405 [Amended]

38. Section 245.405 is amended in paragraph (3)(ii) in the second sentence by removing the word "Assistance" and adding in its place the word "Cooperation", and by removing the word "which" and adding in its place the word "that".

245.7203 [Amended]

39. Section 245.7203 is amended in paragraph (a)(3) by revising the entry "M-Defense Mapping Agency" to read "M-National Imagery and Mapping Agency".

PART 246—QUALITY ASSURANCE

40. Section 246.710 is amended by revising paragraph (4) to read as follows:

246.710 Contact clauses.

* * * * *

(4) Use the clause at 252.246–7002, Warranty of Construction (Germany), instead of the clause at FAR 52.246–21, Warranty of Construction, in solicitations and contracts for construction when a fixed-price contract will be awarded and contract performance will be in Germany.

PART 249—TERMINATION OF CONTRACTS

41. Section 249.105–1 is amended by revising the introductory text to read as follows:

249.105–1 Termination status report.

When the contract administration office receives a termination notice, it will, under Report Control Symbol DD–A&T(AR)1411–

* * * * *

42. Section 249.7001 is amended by revising paragraphs (b)(7) through (b)(9), by removing paragraph (b)(11), by redesignating paragraph (b)(12) as paragraph (b)(11), and by revising paragraph (f) to read as follows:

249.7001 Congressional notification on significant contract terminations.

* * * * *

(b) * * *

(7) Defense Logistics Agency—DLSC–P

(8) National Imagery and Mapping Agency—HQ NIMA (AQ)

(9) Defense Threat Reduction Agency—Acquisition Management Office (AM)

* * * * *

(f) This reporting requirement is assigned Report Control Symbol DD–A&T(AR)1412.

PART 250—EXTRAORDINARY CONTRACTUAL ACTIONS

43. Section 250.303 is amended by revising paragraphs (3), (9), and (10), by removing paragraph (12), and by redesignating paragraph (13) as paragraph (12). The revised text reads as follows:

250.303 Contractor requests.

* * * * *

(3) Navy-Assistant Secretary of the Navy (RD&A), Attn: Deputy for Acquisition and Business Management.

* * * * *

(9) National Imagery and Mapping Agency-Director, NIMA, Attn: AQ.

(10) Defense Threat Reduction Agency-Director, DTRA, Attn: AM.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

44. Part 252 is amended in the table of contents, in the heading of Subpart 252.2, by removing the word "Texts" and adding in its place the word "Text".

252.212–7001 [Amended]

45. Section 252.212–7001 is amended as follows:

a. By revising the clause date to read "(Sep 1999)"; and

b. In paragraph (b) of the clause—

(1) In the introductory text by removing the word "Orders" and adding in its place the word "orders";

(2) In the entry at 252.219–7003 by removing the words "Small Business and Small Disadvantaged" and adding in their place the phrase "Small, Small Disadvantaged and Women-Owned Small";

(3) In the entries at 252.225–7007 and 252–7021 by removing the parenthetical "(____Alternate I)";

(4) in the entry at 252.225–7029 by removing the words "Restriction on Acquisition of" and adding in their place the words "Preference for United States or Canadian"; and

(5) In the entry at 252.243–7002 by removing the words "Certification of".

252.223–7007 [Amended]

46. Section 252.223–7007 is amended as follows:

a. By revising the clause date to read "(SEP 1999)";

b. In paragraph (d) of the clause by removing the phrase "Investigative Service (DIS)" and adding in its place the phrase "Security Service (DSS)"; and

c. In paragraph (e) of the clause by removing the abbreviation "DIS" and adding in its place the abbreviation "DSS".

252.225–7000 [Amended]

47. Section 252.225–7000 is amended by revising the provision date to read "(SEP 1999)"; and in paragraph (c)(1)(i) of the provision by removing the word "clause" and adding in its place the word "provision".

252.225–7036 [Amended]

48. Section 252.225–7036 is amended in *Alternate I* as follows:

a. By revising the date of *Alternate I* to read "(SEP 1999)";

b. In the introductory text by removing the reference "(a)(4)" both places it appears and adding in its place the reference "(a)(6)"; and

c. By redesignating paragraph (a)(4) as paragraph (a)(6).

252.227–7037 [Amended]

49. Section 252.227–7037 is amended by revising the clause date to read "(SEP 1999)"; and in paragraph (b) of the clause in the second sentence by adding the word "provides" prior to the word "demonstrates".

252.235–7011 [Amended]

50. Section 252.235–7011 is amended by revising the clause date to read "(SEP 1999)"; and by removing the address "Cameron Station, Alexandria, VA 22304–6145" both places it appears and adding in its place the address "8725 John J. Kingman Road, Suite 0944, Fort Belvoir, VA 22060–6218".

252.243–7000 [Amended]

51. Section 252.243–7000 is amended by revising the clause date to read "(SEP 1999)"; and in paragraph (c) introductory text by removing "price**" and adding in its place "price*".

PART 253—FORMS

253.209–1 [Amended]

52. Section 253.209–1 is amended in paragraph (a)(ii)(D) by removing the phrase "Investigative Service (DIS)" and adding in its place the phrase "Security Service (DSS)".

[FR Doc. 99–24388 Filed 9–20–99; 8:45 am]
BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Part 235

[DFARS Case 98–D306]

Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is adopting as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS). The rule implements Section 213 of the Strom Thurmond National Defense Authorization Act of Fiscal Year 1999. Section 213 requires that, for each contract entered into on a cost-sharing basis under the Manufacturing Technology Program, the ratio of contract recipient cost to Government cost must be determined by competitive procedures.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–4245; telefax (703) 602–0350. Please cite DFARS Case 98–D306.

SUPPLEMENTARY INFORMATION:

A. Background

This rule adopts as final, without change, the interim rule published at 64 FR 18829 on April 16, 1999. The rule implements Section 213 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261).

DoD received one comment in response to the interim rule and considered that comment in the development of the final rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the only new requirement for offerors is the inclusion of a cost-sharing ratio in proposals under the Manufacturing Technology Program. This change is not expected to significantly alter the procedures for award of contracts under the Manufacturing Technology Program since the DFARS already requires the use of cost-sharing arrangements under the Program.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR part 235

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR Part 235, which was published at 64 FR 18829 on April 16, 1999, is adopted as a final rule without change.

[FR Doc. 99–24387 Filed 9–20–99; 8:45 am]

BILLING CODE 5000–04–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852

Revisions to the NASA FAR Supplement on Brand Name or Equal Procedures

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This final rule amends the NASA FAR Supplement (NFS) to remove brand name or equal guidance no longer necessary as a result of FAR changes contained in Federal Acquisition Circular (FAC) 97–12. This rule also makes editorial corrections and miscellaneous changes dealing with NASA internal and administrative matters.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: James H. Dolvin, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546, (202) 358–1279, e-mail: jdolvin1@mail.hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

FAC 97–12, dated June 17, 1999, contains guidance for use of brand name or equal procedures at FAR 11.4, Use of brand name or equal purchase descriptions, and a corresponding solicitation provision at FAR 52.211–6, Brand Name or Equal. The NASA FAR Supplement already has almost identical guidance at 1811.104–70, Brand name or equal purchase descriptions, and a solicitation provision at 1852.211–70, Brand Name or Equal. Because of this resulting duplication, the NFS coverage in Parts 1811 and 1852 is being removed in its entirety. Other editorial changes unrelated to brand name or equal guidance are made to: correct clause and referenced document titles; correct listing of clauses authorized for use in acquisition of commercial items; update the agency program coordinator for the Governmentwide commercial purchase card; allow electronic submission of RFPs for Headquarters review; and correct the numbering within Section 1842.202.

B. Regulatory Flexibility Act

This rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577, and publication for public comment is not required. However, comments from small entities concerning the affected NFS subparts will be considered in accordance with 5 U.S.C. 601. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.*

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS does not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1)

PART 1811—DESCRIBING AGENCY NEEDS

2. Subpart 1811.1 is removed.

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

3. In section 1812.301, paragraph (f)(i)(J) is removed, and the designated paragraph (f)(i)(K) is redesignated as (f)(i)(J), and paragraph (f)(i)(E) is revised to read as follows:

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f)(i) * * *

(E) 1852.219–76, NASA 8 Percent Goal.

PART 1813—SIMPLIFIED ACQUISITION PROCEDURES

4–5. In section 1813.301–73, paragraph (a) is revised to read as follows:

1813.301–73 Program officials.

(a) The Langley Research Center, Office of Procurement (Code AG), is the agency program coordinator.

* * * * *

PART 1815—CONTRACTING BY NEGOTIATION

6. Section 1815.203–71 is revised to read as follows:

§ 1815.203–71 Headquarters reviews.

For RFPs requiring Headquarters review and approval, the procurement officer shall submit an electronic copy of the RFP to the Associate Administrator for Procurement (Code HS). Any significant information relating to the RFP or the planned evaluation methodology omitted from the RFP itself should also be provided.

PART 1816—TYPES OF CONTRACTS

7. In section 1816.505, paragraph (b)(4) is redesignated as paragraph (b)(6).

8. In section 1816.506–70, the reference "(See NHB 9501.2)" is revised to read "(see NPG 9501.2, NASA Contractor Financial Management Reporting System)".

PART 1837—SERVICE CONTRACTING

9. In section 1837.203, the reference "(see NMI 3304.1, Employment of Experts and Consultants)" is revised to read "(see NPD 3000.1, Management of Human Resources)".

PART 1842—CONTRACT ADMINISTRATION AND AUDIT SERVICES

10. In section 1842.202, paragraph (b)(1) is redesignated as (b)(i).

PART 1847—TRANSPORTATION

11. Section 1847.200–70 is revised to read as follows:

1847.200–70 Charter of aircraft.

When acquiring aircraft by charter, contracting officers shall comply with NPG 7900.3, Aircraft Operations Management.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

12. Section 1852.211–70 is removed.

[FR Doc. 99–24361 Filed 9–20–99; 8:45 am]
BILLING CODE 7510–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 091599A]

Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Adjustment of General category daily retention limit on previously designated restricted-fishing days.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) General category restricted-fishing day (RFD) schedule should be adjusted, i.e., certain RFDs should be waived, in order to allow for maximum utilization of the General category quota. Therefore, NMFS increases the daily retention limit from zero to one large medium or giant BFT on the following previously-designated RFDs for 1999: September 19, 20, 26, and 27, and October 1.

DATES: Effective September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Pat Scida or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. General category effort controls (including time-period subquotas and RFDs) are specified annually under §§ 635.23(a) and 635.27(a). The 1999 General category effort controls were implemented June 1, 1999 (64 FR 29806, June 3, 1999).

Adjustment of Daily Retention Limit for Selected Dates

Under § 635.23 (a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range from zero (on RFDs) to a maximum of three per vessel to allow for maximum utilization of the quota for BFT.

Based on a review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds, NMFS has determined that adjustment to the RFD schedule, and, therefore, an increase of the daily retention limit for selected, previously designated RFDs, is necessary. Therefore, NMFS adjusts the daily retention limit for September 19, 20, 26, and 27, and October 1, to one large medium or giant BFT per vessel. October 1 was designated as an RFD to facilitate enforcement of the October reopening after an anticipated closure in September. However, since the September subquota will most likely not be reached, it is no longer necessary for October 1 to be an RFD. Note that NMFS is not waiving the "market-smart" RFDs on Wednesdays in September that correspond to Japanese market closures (September 22 and 29).

The intent of this adjustment is to allow for maximum utilization of the General category quota (specified under § 635.27(a)) in order to help achieve optimum yield in the fishery, to collect a broad range of data for stock monitoring purposes, and to be consistent with the objectives of the HMS FMP.

Classification

This action is taken under § 635.23(a)(4) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 16, 1999.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24566 Filed 9–16–99; 2:01 pm]
BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 981231333–8333–01; I.D. 091399D]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-Up

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Announcement of fixed gear sablefish mop-up fishery; fishing restrictions, request for comments.

SUMMARY: NMFS announces adjustments to the management measures for the Pacific Coast groundfish fishery off Washington, Oregon, and California. This action establishes beginning and ending dates and the cumulative period landings limit for the mop-up portion of the limited entry, fixed gear sablefish fishery. These actions are intended to provide for harvest of the remainder of the sablefish available to the 1999 limited entry, fixed gear primary sablefish fishery. This action applies only in waters north of 36° N. lat.

DATES: The fixed gear sablefish mop-up fishery will begin at 1201 hours local time (l.t.), September 20, 1999, and will end at 1200 hours l.t., September 25, 1999, at which time the limited entry daily trip limit fishery resumes. The daily trip limits for the fixed gear sablefish fishery will remain in effect, unless modified, superseded or rescinded, until the effective date of the 2000 annual specifications and management measures for the Pacific coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted until October 6, 1999.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle WA 98115–0070; or Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, Northwest Region, NMFS, 206–526–6140.

SUPPLEMENTARY INFORMATION: The limited entry, fixed gear sablefish fishery consists of a "primary" fishery, composed of the "regular" fishery described here, during which most of the fixed gear sablefish allocation is taken, and then a "mop-up" fishery, during which the remainder of the amount available to the primary fishery is taken.

The regulations at 50 CFR 660.323(a)(2) provide a season structure for the limited entry, fixed gear primary (regular + mop-up) sablefish fishery. During the regular season, each vessel with a limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for the tier to which the permit is assigned. For the August 16–25, 1999, regular season, participants fished under the following tier limits: Tier 1, 84,800 lb (40,823 kg); Tier 2, 38,300 lb (17,373 kg); Tier 3, 22,000 lb (9,979 kg). Other than the large, tiered cumulative limits, the only trip limit in this fishery was for sablefish smaller than 22 inches (56 cm). The 1999 regular season started at noon on August 16, 1999, and lasted until noon on August 25, 1999.

Preseason estimates of the likely total harvest in the regular season fishery were conservative in order to minimize the risk of the fishery exceeding its total allocation. Because of the conservative projections, the regular fishery was not expected to harvest all of the limited entry, fixed gear allocation for north of 36° N. lat. in excess of that required for the daily trip limit fishery. The Regional Administrator is authorized to announce a mop-up fishery for any excess, if it is large enough, about 3 weeks after the end of the regular season and consisting of one cumulative trip limit for each vessel (50 CFR 660.323(a)(2)(v)). Approximately 3 weeks are needed for the Pacific Fishery Management Council (Council) Groundfish Management Team to compile all of the landings receipts from the regular season and to calculate the amount available for the mop-up season, if any. This action establishes the 1999 mop-up fishery for limited entry, fixed gear permit holders with sablefish endorsements.

The 1999 limited entry nontrawl sablefish allocation is 2,516 mt (5,546,824 lb), of which 2,137 mt (4,711,315 lb) is available to the primary (regular + mop-up) season. The best available information on September 8, 1999, indicated that approximately 2,085 mt (4,596,527 lb) of sablefish were landed during the regular season. Therefore, 52 mt (114,788 lb) remain available to the mop-up fishery. The Regional Administrator, after consulting with Council representatives via telephone on September 9, 1999, has determined that the mop-up fishery will occur, and that a cumulative trip limit of 1,100 lb (499 kg) (round weight) in a 5-day period (September 20 - September 25, 1999) would give limited entry permit holders with sablefish endorsements the opportunity to harvest the remainder of the sablefish available to the primary fishery without exceeding the amount of sablefish set aside for that fishery. The 5-day time frame for the 1999 fishery is shorter than in past years (2 weeks in 1997 and 1998,) because the cumulative limit amount is relatively small, and leaving the mop-up fishery open for an overly long period would unnecessarily limit the number of daily trip limit fishing days available to limited entry permit holders without sablefish endorsements. The same trip limit for sablefish smaller than 22 inches (56 cm) total length, or 15.5 inches (39 cm) for sablefish that are headed that was in effect during the regular season is in effect during the mop-up season.

Only limited entry permit holders with sablefish endorsements may participate in the mop-up fishery. No vessel may land more than one cumulative limit. There is no limited entry, daily trip limit fishery during the mop-up fishery period. Therefore, holders of limited entry permits without sablefish endorsements may not land any sablefish during the mop-up period. Similarly, once a vessel with a sablefish endorsed limited entry permit has been used to land its 1,100 lb (499 kg) cumulative trip limit in the mop-up fishery, it may not be used to land more sablefish until the daily trip limits resume at 1201 hours on September 25, 1999. Also, acquiring additional limited entry permits does not entitle a vessel to more than one cumulative limit.

Following the mop-up fishery, daily trip limits are reimposed until the end of the year, or until modified. The next opportunity for the Council to recommend modifications to the daily trip limit fishery will be at its September 13–17, 1999, meeting. The sablefish daily trip limit for the limited entry fishery north of 36° N. lat. after the mop-up season is 300 lb (136 kg) per day, with no more than 2,100 lb (953 kg) cumulative per calendar month. Since the daily trip limits apply to a 24–hour day starting at 0001 hours, but the mop-up fishery begins and ends at 1200 hours, it will be lawful for a vessel in the limited entry fishery to land a daily trip limit between 0001 hours and 1200 hours on September 20, 1999, just before the start of the mop-up season, and between 1201 hours and 2400 hours on September 25, 1999, following the mop-up season.

A daily trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish may be made in that 24–hour period. Daily trip limits may not be accumulated. If a trip lasts more than 1 day, only one daily trip limit is allowed. Daily trip limits were in effect until the closed period before the regular season, and went back into effect after the post-season closure ended on August 26, 1999. A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips.

NMFS Actions

NMFS announces the dates of the fixed gear sablefish limited entry mop-up fishery. All other provisions remain in effect. In the January 8, 1999 **Federal Register** (64 FR 1316), annual management measures, paragraph IV.B.(6)(d)(i) is revised to read as follows:

IV. * * *

B. * * *

(6) * * *

(d) * * *

(i) *Mop-Up Season.* The mop-up season will begin at 12 noon l.t. on September 20, 1999, and end at noon on September 25, 1999. The cumulative trip limit for the mop-up fishery is 1,100 lb (499 kg). No vessel may be used to take more than one mop-up cumulative trip limit. (Note: The States of Washington, Oregon, and California use a conversion factor of 1.6 to convert dressed sablefish to its round-weight equivalent. Therefore, 1,100 lb (499 kg) round weight corresponds to 688 lb (312 kg) for dressed sablefish.)

* * * * *

Classification

This action is authorized by the Pacific Coast Groundfish Fishery Management Plan, which governs the harvest of groundfish in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. The determination to take these actions is based on the most recent data available. Because of the need for immediate action to start the mop-up fishery for sablefish, NMFS has determined that providing an opportunity for public notice and comment would be impractical and contrary to public interest. Delaying this rule could push the mop-up season into inclement autumn weather. Therefore, the agency believes that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period.

These actions are taken under the authority of 50 CFR 660.323(a)(2), and are exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24487 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063–9063–01; I.D. 091499F]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of Pacific ocean perch in the Western Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catch of Pacific ocean perch in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 1999 total allowable catch (TAC) of Pacific ocean perch in this area has been achieved.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 17, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The amount of the 1999 TAC of Pacific ocean perch in the Western Aleutian District of the BSAI was established as 5,753 metric tons by the Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 12103, March 11, 1999). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the 1999 TAC for Pacific ocean perch in the Western Aleutian District of the BSAI has been achieved. Therefore, NMFS is requiring that further catches of Pacific ocean perch in the Western Aleutian District of the BSAI be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1999 TAC for Pacific ocean perch in the Western Aleutian District of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the amount of the 1999 TAC for Pacific ocean perch in the Western Aleutian District of the BSAI. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24565 Filed 9–16–99; 2:01 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062–9062–01; I.D. 091599E]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the third seasonal allowance of pollock total allowable catch (TAC) in this area and to close the C season fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 16, 1999, until 1200 hrs, A.l.t., September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907–481–1780 or tom.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels is in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The pollock TAC in Statistical Area 630 was established by the Final 1999 Harvest Specifications for Groundfish for the GOA (64 FR 12094, March 11, 1999) as 30,520 metric tons (mt) for the entire fishing year and 7,630 mt for the third seasonal allowance.

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the second seasonal catch was in excess of the second seasonal allowance by 402 mt and that the excess shall be proportionately subtracted from the subsequent seasonal allowances. In accordance with § 679.20(a)(5)(ii)(C), the third seasonal allowance of pollock TAC in Statistical Area 630 is 7,429 mt.

NMFS issued an inseason adjustment in expectation of excessive harvest capacity, effective September 2, 1999, limiting the initial opening of the C season fishery to 24 hours in accordance with § 679.25(a)(1)(i)(64 FR 48332, September 3, 1999). Within that same adjustment NMFS extended the C fishing season by inseason adjustment to delay the start of the D fishing season until the agency had determined whether sufficient amounts of the C season allowance remained unharvested to allow another opening within the C fishing season prior to the harvest of the pollock authorized for the D season. NMFS opened the subsequent C season fishery to directed fishing effective 1200 hrs, A.l.t. September 14, 1999. The opening notice will be published in the **Federal Register** on September 17, 1999.

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the third seasonal allowance of pollock TAC in Statistical Area 630 has been reached and that sufficient amounts of the C season allowance were harvested to close the C fishing season which will initiate the regulatory schedule to open the D season. The Regional Administrator has established a directed fishing allowance of 7,379 mt for the C season allowance and has set aside the remaining 50 mt as bycatch to support other anticipated groundfish fisheries prior to the start of the D season. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 from 1200 hrs, A.l.t., September 16, 1999. Pursuant to 679.23(d)(3)(iv) the D season fishery will open 1200 hrs, A.l.t. September 21, 1999.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the third seasonal TAC limitations and other restrictions on the fisheries established in the Final 1999 Harvest Specifications for Groundfish in the GOA. It must be implemented immediately to prevent overharvesting the third seasonal allowance of pollock TAC in Statistical Area 630 of the GOA. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by §§ CFR 679.20 and 679.23 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24564 Filed 9–16–99; 2:01 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 182
Tuesday, September 21, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1126

[DA–99–08]

Milk in the Texas Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; suspension.

SUMMARY: This document invites written comments on a proposal that would reinstate suspension of portions of the pool plant and producer milk definitions of the Texas Federal milk order until the implementation of Federal order reform. Dairy Farmers of America, Inc. (DFA), a cooperative association that represents producers who supply milk to the market, has requested the reinstatement of the suspension that expired July 31, 1999. The cooperative asserts that the suspension is necessary to ensure that dairy farmers who have historically supplied the Texas market will continue to have their milk priced under the Texas order without incurring costly and inefficient movements of milk.

DATES: Comments are due no later than September 28, 1999.

ADDRESSES: Comments (two copies) should be sent to USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9368.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2968, South Building, PO Box 96456, Washington, DC 20090–6456, (202) 720–9368, e-mail address: clifford.carman@usda.gov.

SUPPLEMENTARY INFORMATION: The Department is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. If adopted, this proposed rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a "small business" if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. For the purposes of determining which dairy farms are "small businesses," the $500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most "small" dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of May 1999, the milk of 1,314 producers was pooled on the Texas Federal milk order. Of these producers, 812 producers were below the 326,000-pound production guideline and are considered small businesses. During May, there were 12 handlers operating 21 pool plants under the Texas order. Four of these handlers would be considered small businesses.

This proposal would suspend portions of the pool plant and producer milk definitions under the Texas order. The proposed action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure that dairy farmers would have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Interested parties are invited to submit comments on the probable regulatory and informational impact of this proposed rule on small entities. Also, parties may suggest modifications of this proposal for the purpose of tailoring their applicability to small businesses.

Preliminary Statement

Notice is hereby given that, pursuant to the provisions of the Act, the suspension of the following provisions of the order regulating the handling of milk in the Texas marketing area is being considered for a period that would terminate upon implementation of Federal milk order reform—the final rule issued September 1, 1999 (64 FR 47898) and with an effective date of October 1, 1999:

1. In § 1126.7(d) introductory text, the words "during the months of February through July" and the words "under paragraph (b) or (c) of this section".

2. In § 1126.7(e) introductory text, the words "and 60 percent or more of the producer milk of members of the cooperative association (excluding such milk that is received at or diverted from pool plants described in paragraphs (b), (c), and (d) of this section) is physically received during the month in the form of a bulk fluid milk product at pool plants described in paragraph (a) of this section either directly from farms or by transfer from plants of the cooperative association for which pool plant status

under this paragraph has been requested".

3. In § 1126.13(e)(1), the words "and further, during each of the months of September through January not less than 15 percent of the milk of such dairy farmer is physically received as producer milk at a pool plant".

4. In § 1126.13, paragraph (e)(2).

5. In § 1126.13(e)(3), the sentence "The total quantity of milk so diverted during the month shall not exceed one-third of the producer milk physically received at such pool plant during the month that is eligible to be diverted by the plant operator;".

All persons who desire to submit written data, views or arguments about the proposed suspension should send two copies to USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures for timely implementation of the suspension.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Programs offices during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

This proposed action would reinstate the suspension of portions of the pool plant and producer milk definitions under the Texas order that expired July 31, 1999. The proposed suspension would be in effect from the day after publication of the suspension in the **Federal Register** until the implementation of Federal order reform (October 1, 1999). The proposed action would suspend: (1) The 60 percent delivery standard for pool plants operated by cooperatives; (2) the diversion limitation applicable to cooperative associations; (3) the limits on the amount of milk that a pool plant operator may divert to nonpool plants; (4) the shipping standards that must be met by supply plants to be pooled under the order; and (5) the individual producer performance standards that must be met in order for a producer's milk to be eligible for diversion to a nonpool plant.

The order provides for regulating, as a supply plant, a plant that each month ships a sufficient percentage of its receipts to distributing plants. The order sets the requirement as 15 percent of the plant's milk receipts during August and December and 50 percent of the plant's receipts during September through November and January. In addition, the order provides that a plant that is pooled, as a supply plant, during each of the immediately preceding months of September through January is pooled under the order during the following months of February through July without making qualifying shipments to distributing plants. The requested action would suspend these performance standards, but only for supply plants that were regulated under the Texas order during each of the immediately preceding months of September through January.

The order also permits a cooperative association plant located in the marketing area to be a pool plant if at least 60 percent of the producer milk of members of the cooperative association is physically received at pool distributing plants during the month. In addition, a cooperative association may divert to nonpool plants up to one-third of the amount of milk that the cooperative causes to be physically received during the month at handlers' pool plants, and the operator of a pool plant may divert to nonpool plants not more than one-third of the milk that is physically received during the month at the handler's pool plant. The proposed action would suspend the 60 percent delivery standard for plants operated by a cooperative association and remove the diversion limitations applicable to a cooperative association and to the operator of a pool plant.

The order also specifies that some milk of each producer must be physically received at a pool plant in order for any of the producer's milk to be eligible for diversion to a nonpool plant. During the months of September through January, 15 percent of a producer's milk must be received at a pool plant for the remainder to be eligible for diversion. The proposed action would suspend these requirements.

The reinstatement of the suspension was requested by DFA, a cooperative association that represents a substantial number of dairy farmers who supply the Texas market. The cooperative stated that marketing conditions have not changed materially since the provisions were initially suspended, prior to 1990, and therefore should be suspended until restructuring of the Federal order program is implemented as mandated in the 1996 Farm Bill.

The cooperative states that the reinstatement of the suspension is necessary to assure that dairy farmers who have historically supplied the Texas market will have their milk priced under the Texas order. In addition, DFA maintains that the suspension would provide handlers the flexibility needed to move milk supplies in the most efficient manner and to eliminate costly and inefficient movements of milk that would be made solely for the purpose of pooling the milk of dairy farmers who have historically supplied the market.

Accordingly, it may be appropriate to suspend the aforesaid provisions effective upon the day after the date of publication of the suspension in the **Federal Register**, continuing until implementation of Federal order reform.

List of Subjects in 7 CFR Part 1126

Milk marketing orders.

The authority citation for 7 CFR Part 1126 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Dated: September 15, 1999.

Richard M. McKee,

Deputy Administrator, Dairy Programs.

[FR Doc. 99–24568 Filed 9–20–99; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 340

RIN 3064–AB37

Restrictions on the Purchase of Assets From the Federal Deposit Insurance Corporation

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is proposing to issue a rule implementing the requirements of the Resolution Trust Corporation Completion Act of 1993 that assets held by the FDIC in the course of liquidating any federally insured institution not be sold to persons who, in ways specified in the Act, contributed to the demise of an insured institution. The proposed rule establishes a self-certification process that is a prerequisite to the purchase of assets from the FDIC and provides definitions that effectuate the intent of Congress regarding the scope of the statutory prohibitions.

DATES: Written comments must be received on or before December 20, 1999.

ADDRESSES: Written comments should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th St., N.W., Washington, D.C. 20429.

Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F street), between the hours of 7:00 a.m. and 5:00 p.m. on business days. (Fax number (202) 898–3838; Internet: comments@FDIC.gov). Comments will be available for inspection and photocopying in the FDIC Public Information Center, Room 100, 801 17th Street, N.W., Washington, D.C., between 9:00 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Steven K. Trout, Senior Resolutions Specialist, Division of Resolutions and Receiverships, 202–898–3758, or Elizabeth Falloon, Counsel, Legal Division, 202–736–0725, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Background

Section 20 of the Resolution Trust Corporation Completion Act of 1993 (RTCCA or Act) amends section 11(p) of the Federal Deposit Insurance Act (FDI Act) by adding a provision that restricts the class of persons eligible to purchase assets held by the FDIC in the course of liquidating depository institutions. The Act amended the FDI Act by requiring the FDIC to promulgate regulations which, at a minimum, prohibit the sale of an asset of a failed financial institution to certain individuals or entities who may have contributed to the demise of that institution and prohibit the sale of an asset using FDIC financing to persons who have defaulted and engaged in fraudulent activities with respect to a loan from the institution. The FDIC has adopted policies beginning in 1991 that addressed various statutory goals as well as other policy concerns. The proposed regulation will meet the requirements of the statute, and the FDIC will continue to have other policies regarding purchaser eligibility, such as policies regarding purchase by individuals and entities who are delinquent in payment of obligations to the FDIC and purchase by FDIC contractors.

The FDIC's implementation of the requirements of the statute expands upon the minimum established by statute in several respects. Under the regulation, prospective purchasers will be restricted from buying assets from failed financial institutions for which the FDIC is conservator or receiver in the following circumstances:

Under § 340.3 of the proposed regulation, if a person or entity (or its associated person, as that term is defined) has defaulted on obligations owed to failed financial institutions and the FDIC that aggregate over $1 million, and made fraudulent misrepresentations in connection with any one of those obligations, such a person or entity is prohibited from purchasing any assets of failed financial institutions using FDIC financing. Although the statute would restrict only the sale of assets from the failed financial institution that held the defaulted obligation of the proposed purchaser, restrictions contained in the regulation apply regardless of which failed institution's assets are being sold. Because assets are passed through various institutions from time to time before and after the institutions are placed in receivership and are sometimes acquired from institutions in their corporate capacity, it can be difficult to ascertain which institution may have sustained a loss associated with a particular asset, or which institution held the asset in question at various points in time. Also, assets are sometimes sold in bulk, combining assets from several failed financial institutions. These factors would make it cumbersome to limit the restriction to the assets of the particular institution that incurred the loss. Moreover, the FDIC believes adopting this more stringent approach is consistent with the Act as the statute sets only the minimum standards that the FDIC must set in its rule.

Section 340.4(a)(1) of the regulation provides that if a person participated as an officer or director of a failed financial institution or of a related entity in a material way in one or more transactions that resulted in a substantial (*i.e.*, greater than $50,000) loss to that failed financial institution, the person would not, using any source of payment or financing (*i.e.*, whether or not the FDIC provides financing), be permitted to purchase an asset of any failed institution from the FDIC. The proposed rule establishes parameters to determine whether a person or entity has "participated in a material way in a transaction that caused a substantial loss to a failed institution", as this phrase is not defined in the statute. This definition includes anyone who has been found by a court or tribunal (or, in certain circumstances, has been alleged in formal legal proceedings) in connection with a substantial loss to a failed institution to have (i) violated any federal banking laws or to have breached a written agreement with a federal banking agency or with the failed financial institution; (ii) engaged in an unsafe or unsound practice in conducting the affairs of the failed institution; or (iii) breached a fiduciary duty to the failed institution.

Under § 340.4(a)(2), if a person has, by federal regulatory action, been removed from or barred from participating in the affairs of any failed financial institution, the person would not, using any source of payment or financing, be permitted to purchase an asset of any failed financial institution from the FDIC.

Under § 340.4(a)(3), if a person or related entity has demonstrated a pattern or practice of defalcation, as defined in the proposed rule, regarding an obligation to a failed financial institution, the person would be barred from purchasing any asset or assets of any failed institution from the FDIC, regardless of the intended source of financing or payment. The definition of "pattern or practice of defalcation" requires more than one incident involving either intent or reckless disregard for whether a loss was caused and requires that the resulting loss be "substantial".

Finally, under § 340.4(a)(4), no person who has defaulted on an obligation to a failed institution and has been convicted of committing, or conspiring to commit, any offense under section 215, 656, 657, 1005, 1006, 1007, 1014, 1032, 1341, 1343 or 1344 of Title 18 of the United States Code (having generally to do with financial crimes, fraud and embezzlement) affecting any failed institution will be permitted to purchase any asset of any failed institution from the FDIC.

In promulgating this regulation, the FDIC does not intend to imply that it will provide seller financing in connection with any asset sales nor that, if it determines to provide seller financing, it will do so to a person who does not meet other criteria, such as creditworthiness, as the FDIC may lawfully impose. Further, the FDIC expressly reserves its authority to promulgate other policies and rules restricting purchaser eligibility to buy assets from the FDIC.

The proposed rule provides for implementation of the restrictions set forth above through a self-certification process. All purchasers of assets covered by the regulation, other than federal, state and local governmental agencies and instrumentalities and government-sponsored entities such as Government National Mortgage Association, Fannie Mae and Freddie Mac, will be required to execute a Purchaser Eligibility Certification in the form established by the FDIC. Because of the nature of these entities, including their organizational purposes or goals and the fact that they are subject to strict

governmental control or oversight, it is reasonable to presume compliance without requiring self-certification. However, authority is given to the Director of the FDIC's Division of Resolutions and Receiverships, or his designee, to require a certification from any of these entities if facts exist that suggest that such a prospective purchaser would fall within the restricted categories. Comment is expressly sought about the nature and scope of this aspect of the certification requirement.

The prohibitions do not apply to a sale or transfer of assets that is part of a workout or settlement of obligations to a failed institution.

Paperwork Reduction Act

As indicated by § 340.7 of the proposed rule, the FDIC intends to develop a purchaser eligibility certification relating to this rule. If the certification is covered by the Paperwork Reduction Act, the FDIC will publish **Federal Register** notices and make submissions to the Office of Management and Budget consistent with the requirements of 5 CFR 1320.10.

Regulatory Flexibility Act

The only burden imposed by this regulation is the completion of a certification form described above in the Paperwork Reduction Act section. The burden produced by this requirement does not require the use of professional skills or the preparation of special reports or records and has a minimal impact, economic and time-wise, on those individuals and entities that seek to purchase assets from the FDIC. Moreover, this minimal burden is imposed only on those entities voluntarily seeking to purchase assets from the FDIC. Accordingly, the Board hereby certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603 and 604) are not applicable.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families.

The FDIC has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 340

Asset disposition, Banks, banking.

For the reasons set out in the preamble, the FDIC hereby proposes to amend chapter III of title 12 of the Code of Federal Regulations by adding a new part 340 as follows:

PART 340—RESTRICTIONS ON SALE OF ASSETS BY THE FEDERAL DEPOSIT INSURANCE CORPORATION

Sec.

340.1 Authority, purpose, scope and preservation of existing authority.
340.2 Definitions.
340.3 Restrictions on the sale of assets by the FDIC in conjunction with a loan or extension of credit.
340.4 Restrictions on the sale of assets by the FDIC regardless of the method of financing.
340.5 Independent determination of eligibility for seller financing.
340.6 Certain asset sales unaffected by this part.
340.7 Certification required.
340.8 Workout, resolution, or settlement of obligations.

Authority: 12 U.S.C. 1819 (Tenth), 1821(p).

§ 340.1 Authority, purpose, scope and preservation of existing authority.

(a) *Authority.* This part is issued by the Federal Deposit Insurance Corporation (FDIC) pursuant to section 11(p) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1821(p), as added by section 20 of the Resolution Trust Corporation Completion Act (Pub. L. 103–204, 107 Stat. 2369 (1993).

(b) *Purpose.* The sale by the FDIC of assets of any failed financial institution to certain persons who profited or engaged in wrongdoing at the expense of an insured institution, or seriously mismanaged an insured institution, is prohibited.

(c) *Scope.* The restrictions of this part generally apply to assets owned or controlled by the FDIC in any capacity, even though the assets are not owned by the insured institution that the prospective purchaser injured. Unless the FDIC determines otherwise, this part shall not apply to the sale of securities in connection with the investment of corporate and receivership funds pursuant to the Investment Policy for Liquidation Funds managed by the FDIC as the same shall be in effect from time to time. These restrictions shall not apply to any sale by a trust or other entity of securities backed by a pool of assets that may include assets of failed institutions to a purchaser other than the underwriter purchasing in an initial offering.

(d) *Preservation of existing authority.* Neither section 11(p) of the FDI Act nor this part in any way limits the authority of the FDIC to establish policies prohibiting the sale of assets to prospective purchasers who have injured any FDIC-insured institution or to other prospective purchasers, such as certain employees or contractors of the FDIC, or individuals who are not in compliance with the terms of any debt or duty owed to the FDIC. Any such policies may be independent of, in conjunction with, or in addition to the restrictions set forth in this part.

§ 340.2 Definitions.

(a) *Associated person* of an entity or individual shall mean:

(1) With respect to an individual:

(i) That individual's spouse or dependent child or any member of that individual's immediate household;

(ii) A partnership of which that individual is or was a general or limited partner; or

(iii) A corporation of which that individual is or was an officer or director;

(2) With respect to a partnership, a managing or general partner of the partnership; or

(3) With respect to any entity, an individual or entity who, acting individually or in concert with one or more individuals or entities, owns or controls 25 percent or more of the entity.

(b) *Default* shall mean any failure to comply with the terms of an obligation to such an extent that:

(1) A judgment has been rendered in favor of the FDIC or a failed institution; or (2) In the case of a secured obligation, the property securing such obligation is foreclosed on.

(c) *FDIC* shall mean the Federal Deposit Insurance Corporation.

(d) *Failed institution* shall mean any bank or savings association that has been under the conservatorship or receivership of the FDIC or RTC. For the purpose of this part, "failed institution" shall be deemed to include any entity owned and controlled by a failed institution.

(e) *Obligation* shall mean any debt or duty to pay money owed to the FDIC or a failed institution, including any guarantee of any such debt or duty.

(f) *Person* shall mean an individual, or an entity with a legally independent existence, including, without limitation, a trustee; the beneficiary of at least a 25 percent share of the proceeds of a trust; a partnership; a corporation; an association; or other organization or society.

(g) *RTC* shall mean the former Resolution Trust Corporation.

(h) *Substantial loss* shall mean:

(1) An obligation that is delinquent for ninety (90) or more days and on which there remains an outstanding balance of more than $50,000;

(2) An unpaid final judgment in excess of $50,000 regardless of whether it becomes forgiven in whole or in part in a bankruptcy proceeding;

(3) A deficiency balance following a foreclosure of collateral in excess of $50,000, regardless of whether it becomes forgiven in whole or in part in a bankruptcy proceeding;

(4) Any loss in excess of $50,000 evidenced by an IRS Form 1099–C (Information Reporting for Discharge of Indebtedness).

§ 340.3 Restrictions on the sale of assets by the FDIC in conjunction with a loan or extension of credit.

A person shall not, in purchasing one or more assets from the FDIC or any failed institution, receive a loan, advance, or other extension of credit from the FDIC or any failed institution, if:

(a) There has been a default with respect to one or more obligations totaling in excess of $1,000,000 owed by that person or its associated person; and

(b) Such person or its associated person shall have made any fraudulent misrepresentations in connection with any such obligation(s).

§ 340.4 Restrictions on the sale of assets by the FDIC regardless of the method of financing.

(a) No person may acquire any assets from the FDIC or from any failed institution if the person or its associated person:

(1) Has participated, as an officer or director of a failed institution or of an affiliate of a failed institution, in a material way in one or more transaction(s) that caused a substantial loss to that failed institution;

(2) Has been removed from, or prohibited from participating in the affairs of, a failed institution, pursuant to any final enforcement action by the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, the FDIC, or the successors of any of them;

(3) Has demonstrated a pattern or practice of defalcation regarding obligations to any failed institution; or

(4) Has been convicted of committing or conspiring to commit any offense under section 215, 656, 657, 1005, 1006, 1007, 1014, 1032, 1341, 1343 or 1344 of title 18 of the United States Code affecting any failed institution and there has been a default with respect to one or more obligations owed by that person or its associated person.

(b) For purposes of paragraph (a) of this section, a person has participated "in a material way in a transaction that caused a substantial loss to a failed institution" if, in connection with a substantial loss to a failed institution, the person has been found in a final determination by a court or administrative tribunal, or is alleged in a judicial or administrative action brought by the FDIC or by any component of the government of the United States or of any state:

(1) To have violated any law, regulation, or order issued by a federal or state banking agency, or breached or defaulted on a written agreement with a federal or state banking agency, or breached a written agreement with a failed institution;

(2) To have engaged in an unsafe or unsound practice in conducting the affairs of a failed institution; or

(3) To have breached a fiduciary duty owed to a failed institution.

(c) For purposes of paragraph (a) of this section, a person or its associated person shall have demonstrated a pattern or practice of defalcations regarding obligations to a failed institution if the person or associated person has engaged in the following:

(1) The person or associated person has engaged in more than one transaction which created an obligation on the part of such person or its associated person with intent to cause a loss to any financial institution insured by the FDIC or with reckless disregard for whether such transactions would cause a loss to any such insured financial institution; and

(2) Such transactions, in the aggregate, caused a substantial loss to one or more failed institution(s).

§ 340.5 Independent determination of eligibility for seller financing.

The absence of any disqualification under the restrictions set forth in this part does not create any right to obtain a loan or advance by or through the FDIC or remove the right of the FDIC to make an independent determination, based upon all relevant facts of the offeror's financial condition and history, of the offeror's eligibility to receive any such loan or advance.

§ 340.6 Certain asset sales unaffected by this part.

The effectiveness of this part shall not affect the enforceability of a contract of sale and/or agreement for seller financing in effect prior to [insert effective date of final rule].

§ 340.7 Certification required.

(a) Except as provided in paragraph (b) of this section, no person shall purchase any asset from the FDIC, unless that person shall have certified, under penalty of perjury with notice that a false certification may lead to punishment under 18 U.S.C. 1001, 1007, 1014 and 1621, in such form as may be established by the FDIC, that none of the restrictions contained in this part applies to such purchase.

(b) Notwithstanding paragraph (a) of this section, no certification shall be required of a state or political subdivision thereof, a federal agency or instrumentality, the Government National Mortgage Association, Fannie Mae, or Freddie Mac; provided however, that the Director of the FDIC's Division of Resolutions and Receiverships, or his designee, may, in his discretion, require a certification of any such entity.

§ 340.8 Workout, resolution, or settlement of obligations.

The restrictions of §§ 340.3 and 340.4 shall not apply if the sale or transfer of an asset resolves or settles, or is part of the resolution or settlement of, one or more obligations, regardless of the amount of such obligations.

By Order of the Board of Directors.

Dated at Washington, D.C. this 31st day of August, 1999.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 99–24541 Filed 9–20–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 432

Trade Regulation Rule Relating to Power Output Claims for Amplifiers Utilized in Home Entertainment Products

AGENCY: Federal Trade Commission.

ACTION: Notice of extension of comment period.

SUMMARY: On July 19, 1999, the Federal Trade Commission (the "Commission") commenced a rulemaking proceeding and requested public comments on a notice of proposed rulemaking to amend its Rule relating to Power Output Claims for Amplifiers Utilized in Home Entertainment Products (the "Amplifier Rule" or the "Rule"). The Commission solicited comments until September 17, 1999. In response to a request from an industry trade association, the Commission grants an extension of the comment period until October 15, 1999.

DATES: Written comments will be accepted until October 15, 1999.

ADDRESSES: Written comments should be submitted to Office of the Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Comments should be identified as "16 CFR Part 432 Comment—Amplifier Rule." If possible, submit comments both in writing and on a personal computer diskette in Word Perfect or other word processing format (to assist in processing, please identify the format and version used). Written comments should be submitted, when feasible and not burdensome, in five copies.

FOR FURTHER INFORMATION CONTACT: Dennis Murphy, Economist, Division of Consumer Protection, Bureau of Economics, (202) 326-3524, or Neil Blickman, Attorney, Division of Enforcement, Bureau of Consumer Protection, (202) 326–3038, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On July 19, 1999, as part of its regulatory review program, the Commission published in the **Federal Register** a request for public comments on a notice of proposed rulemaking to amend its Amplifier Rule, 16 CFR part 432 (64 FR 38610). The Amplifier Rule was promulgated on May 3, 1974 (39 FR 15387), to assist consumers in purchasing power amplification equipment for home entertainment purposes by standardizing the measurement and disclosure of various performance characteristics of the equipment. Specifically, the **Federal Register** notice solicited public comments on Commission proposals to amend the Amplifier Rule to: Exempt sellers who make power output claims in media advertising from the Rule's requirement to disclose total rated harmonic distortion and the associated power bandwidth and impedance ratings; clarify the manner in which the Rule's testing procedures apply to self-powered subwoofer-satellite combination speaker systems; and reduce the preconditioning power output requirement in the Rule from one-third of rated power to one-eighth of rated power. Pursuant to the **Federal Register** notice, the comment period on the notice of proposed rulemaking currently ends on September 17, 1999.

On September 7, 1999, the Commission staff received a request for an extension of the comment period from the Consumer Electronics Manufacturers Association ("CEMA"). CEMA has indicated that additional time is required for its members to prepare thorough, thoughtful responses to the proposals and questions contained in the **Federal Register** notice.

The Commission is aware that some of the issues raised by the **Federal Register** notice are complex and technical. Accordingly, to provide sufficient time for interested parties to prepare useful comments, the Commission has decided to extend the deadline for comments on its notice of proposed rulemaking by twenty-eight (28) days, until October 15, 1999.

Authority: 15 U.S.C. 41–58.

List of Subjects in 16 CFR Part 432

Amplifiers, Home entertainment products, Trade practices.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–24555 Filed 9–17–99; 8:55 am]

BILLING CODE 6750–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OR55–7270–b; FRL–6438–6]

Approval and Promulgation of State Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Oregon for the purpose of bringing the Lakeview, Oregon into attainment for the National Ambient Air Quality Standards for particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM10). The SIP revision was submitted by the State to satisfy Federal Clean Air Act requirements for moderate PM10 nonattainment areas.

In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule.

If no adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.

EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received in writing by October 21, 1999.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (OAQ–107), Office of Air Quality, at the EPA Regional Office listed below.

Copies of the state submittal are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, WA 98101; State of Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390.

Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Tracy Oliver, EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Ave, Seattle, Washington 98101 (206) 553–1388.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this **Federal Register**.

Dated: August 23, 1999.

Chuck Findley,

Acting Regional Administrator, Region 10.

[FR Doc. 99–24448 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 60

[SD–001–0005 & SD–001–0006; FRL–6441–5]

Clean Air Act Approval and Promulgation of State Implementation Plan; South Dakota; New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve revisions to the South Dakota State Implementation Plan (SIP) which update the State's incorporation by reference of the Federal New Source Performance Standards (NSPS). The SIP revisions were submitted by the designee of the Governor of South Dakota on May 2, 1997 and on May 6, 1999. The State adopted the Federal NSPS by reference in subchapter

74:36:07 of the Administrative Rules of South Dakota (ARSD). The State also repealed a rule that required stack tests for asphalt batch plants, other than the initial stack test required by the NSPS, to be performed if certain conditions existed. EPA proposes to approve the revisions to the ARSD 74:36:07 because the revisions are consistent with Federal regulations.

This proposed approval action does not extend to sources in Indian country. In this document, EPA proposes to clarify the interpretation of Indian country in South Dakota.

DATES: Written comments must be received on or before October 21, 1999.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202. Copies of the documents relative to this action are available for inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466. Copies of the State documents relevant to this action are available for public inspection at the Air Quality Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312–6445.

SUPPLEMENTARY INFORMATION:

I. What Action is EPA Proposing Today?

EPA proposes to approve two revisions to the South Dakota's NSPS regulations in subchapter 74:36:07 of the ARSD, except for those sources located in Indian country. These revisions were submitted for approval as part of the SIP on May 2, 1997 and on May 6, 1999.

The State's May 2, 1997 and May 6, 1999 SIP submittals included revisions to other subchapters of the ARSD. We acted on most of those revisions submitted on May 2, 1997 in an October 19, 1998 rulemaking (see 63 FR 55804–55807). In this document, we only propose to act on the revisions to ARSD 74:36:07. We will act on the revisions to the other subchapters of the ARSD included in these two submittals in separate rulemakings.

II. What Changes Were Made to South Dakota's NSPS regulation?

In South Dakota's May 2, 1995 SIP submittal, the State adopted four new NSPS categories in subchapter 74:36:07 of the ARSD. Specifically, the State incorporated by reference the following subparts of the Federal NSPS in 40 CFR part 60 as in effect on July 1, 1995 unless otherwise stated: subpart Eb (pertaining to large municipal waste combustors) as promulgated by EPA on December 19, 1995 (59 FR 65419–65436); 40 CFR part 60, subpart RRR (pertaining to the synthetic organic chemical manufacturing industry reactor processes); 40 CFR part 60, subpart UUU (pertaining to calciners and dryers in mineral industries); and 40 CFR part 60, subpart WWW (pertaining to municipal solid waste (MSW) landfills) as promulgated by EPA on March 12, 1996 (61 FR 9918–9929). The State also updated its existing NSPS to incorporate by reference the July 1, 1995 version of the Federal NSPS.

In South Dakota's May 6, 1999 SIP submittal, the State adopted one new NSPS subpart in subchapter 74:36:07 of the ARSD: 40 CFR part 60, subpart Ec (pertaining to hospital/medical/infectious waste incinerators) as promulgated by EPA on September 15, 1997 (62 FR 48383–48390). The State also updated its incorporated by reference of 40 CFR part 60, subpart Eb (pertaining to municipal waste combustors) to reflect the version in effect as of July 1, 1997 and of 40 CFR part 60, subpart WWW (pertaining to MSW landfills) to reflect the version in effect as of July 1, 1997 as revised on June 16, 1998 (63 FR 32750–32753). Last, the State repealed its additional provisions for asphalt batch plants in section 74:36:07:11 of the ARSD. This section previously required stack tests at asphalt batch plants, aside from the initial stack test required by the NSPS, if certain conditions existed. The State repealed this section because it was repetitive with recent changes to the ARSD. The State still has the ability to require stack performance tests at any time to determine compliance with emission limits.

III. Why is EPA Proposing To Approve the South Dakota Revisions to the NSPS?

EPA proposes to approve these revisions to South Dakota's NSPS in ARSD 74:36:07 because the revisions ensure that the State's NSPS are up to date with the Federal NSPS.

We also believe that the State met EPA's completeness criteria, including the public participation requirements of sections 110(a)(2) and 110(l) of the Clean Air Act, for the adoption of these revisions to ARSD 74:36:07. Specifically, the State of South Dakota held a public hearing on November 20, 1996, after providing notice to the public, for the revisions to the ARSD submitted to EPA on May 2, 1997. For the SIP revisions submitted on May 6, 1999, the State held a public hearing on February 18, 1999 after providing notice to the public.

IV. How Does This Proposed Action Affect Sources in Indian Country as Interpreted in South Dakota?

EPA has been consulting with the affected Tribes and has had discussions with the State regarding the extent of Indian country in South Dakota. Based on these discussions, we propose the following language. Recognizing that the affected parties may have differing opinions, we invite comment from the Tribes, the State and others.

EPA's decision to approve these revisions to the South Dakota SIP regarding NSPS does not include any land that is, or becomes after the date of this authorization, "Indian country," as defined in 18 U.S.C. 1151, including:

A. Land within formal Indian reservations located within or abutting the State of South Dakota, including the:

1. Cheyenne River Indian Reservation,
2. Crow Creek Indian Reservation,
3. Flandreau Indian Reservation,
4. Lower Brule Indian Reservation,
5. Pine Ridge Indian Reservation,
6. Rosebud Indian Reservation,
7. Standing Rock Indian Reservation, and
8. Yankton Indian Reservation.

B. Any land held in trust by the United States for an Indian tribe, and

C. Any other land, whether on or off a reservation, that qualifies as Indian country.

Moreover, in the context of these principles, a more detailed discussion for three reservations follows.

Rosebud Sioux Reservation

In a September 16, 1996, **Federal Register** notice regarding EPA's final determination of adequacy of South Dakota's municipal solid waste permit program over non-Indian lands, EPA noted that the U.S. Supreme Court in *Rosebud Sioux Tribe* v. *Kneip*, 430 U.S. 584 (1977), determined that three Congressional acts diminished the Rosebud Sioux Reservation and that it no longer includes Gregory, Tripp, Lyman and Mellette Counties. See 61 FR 48683. Accordingly, EPA proposes to approve these revisions to the South Dakota SIP regarding NSPS for all land in Gregory, Tripp, Lyman and Mellette Counties that was formerly within the 1889 Rosebud Sioux Reservation boundaries and does not otherwise qualify as Indian country under 18 U.S.C. 1151. This proposed approval

does not include any trust or other land in Gregory, Tripp, Lyman and Mellette Counties that qualifies as Indian country.

Lake Traverse (Sisseton-Wahpeton) Reservation

In the September 16, 1996, **Federal Register** document, EPA noted that the U.S. Supreme Court in *DeCoteau* v. *District County Court*, 420 U.S. 425 (1975), determined that an Act of Congress disestablished the Lake Traverse (Sisseton-Wahpeton) Reservation. Therefore, EPA proposes to approve these revisions to the South Dakota SIP regarding NSPS for all land that was formerly within the 1867 Lake Traverse Reservation boundaries and does not otherwise qualify as Indian country under 18 U.S.C. 1151. This proposed approval does not include any trust or other land within the former Lake Traverse Reservation that qualifies as Indian country.

Yankton Sioux Reservation

The U.S. Supreme Court's ruling in *South Dakota* v. *Yankton Sioux Tribe*, 522 U.S. 329 (1998), found that the Yankton Sioux Reservation has been diminished by the unallotted, "ceded" lands, that is, those lands that were not allotted to Tribal members and that were sold by the Yankton Sioux Tribe to the United States pursuant to an Agreement executed in 1892 and ratified by the United States Congress in 1894. Accordingly, EPA proposes to approve these revisions to the South Dakota SIP regarding NSPS for unallotted, ceded lands that were ceded as a result of the Act of 1894, 28 Stat. 286 and do not otherwise qualify as Indian country under 18 U.S.C. 1151. This proposed approval does not include any trust or other land within the original boundaries of the Yankton Sioux Reservation that qualifies as Indian country under 18 U.S.C. 1151. EPA acknowledges that there may be further interpretation of land status by the final federal court decision in *Yankton Sioux Tribe* v. *Gaffey*, Nos. 98–3893, 3894, 3986, 3900. If Indian country status changes as a result of *Gaffey*, EPA will act to modify this SIP approval as appropriate.

V. EPA Requests Public Comment on this Proposal

For the reasons discussed above, EPA is proposing to approve South Dakota's May 2, 1997 and May 6, 1999 SIP revisions regarding the State's NSPS regulations in subchapter 74:36:07 of the ARSD, except for those sources located in Indian country. EPA also proposes to clarify the interpretation of Indian country in South Dakota. We solicit public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

VI. What Are the Administrative Requirements Associated With This Action?

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

B. Executive Orders on Federalism

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation.

In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's proposed rule would not create a mandate on state, local, or tribal governments. The proposed rule would not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this proposed rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987)), on federalism still applies. This proposed rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The proposed rule would affect only one State, and would not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

C. Executive Order 13045

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation.

In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's proposed rule would not significantly or uniquely affect the communities of Indian tribal

governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This proposed rule would not have a significant impact on a substantial number of small entities because SIP approvals under section 110 of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the proposed Federal SIP approval would not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed would not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to approve pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, would result from this proposed action.

G. National Technology Transfer and Advancement Act

Section 12 of the National Technology and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes VCS are inapplicable to this proposed action. Today's proposed action would not require the public to perform activities conducive to the use of VCS.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 60

Environmental protection, Air pollution control, Aluminum, Ammonium sulfate plants, Beverages, Carbon monoxide, Cement industry, Coal, Copper, Drycleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Household appliances, Insulation, Intergovernmental relations, Iron, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Tires, Urethane, Vinyl, Waste treatment and disposal, Wool, Zinc.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 13, 1999.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 99–24508 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS–400140A; FRL–6382–9]

RIN 2070–AD38

Lead and Lead Compounds; Lowering of Reporting Thresholds; Community Right-to-Know Toxic Chemical Release Reporting; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: On August 3, 1999, EPA issued a proposed rule to lower the reporting thresholds for lead and lead compounds which are subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). The proposed rule also included a limitation on the reporting of lead when contained in certain alloys and proposed modifications to certain reporting exemptions and requirements for lead and lead compounds. The purpose of this action is to inform interested parties that, in response to several requests, EPA is extending the comment period by 45 days until November 1, 1999. The comment period for the proposed rule was scheduled to close on September 17, 1999.

DATES: Written comments, identified by the docket control number OPPTS–400140, must be received by EPA on or before November 1, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Petitions Coordinator, 202–260–3882, e-mail: bushman.daniel@epamail.epa.gov, for specific information on this action, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1–800–535–0202, in Virginia and Alaska: 703–412–9877 or Toll free TDD: 1–800–553–7672.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, process, or otherwise use lead or lead compounds. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities
Industry	Facilities that: process copper ores, lead and zinc ores; operate pulp mills, petroleum refineries, primary copper smelters, primary and secondary nonferrous metal smelters, gray/ductile iron foundries, steel foundries, blast furnaces, steel mills, petroleum bulk stations and terminals, industrial boilers that burn coal, wood, petroleum products, and electric utilities that combust coal and/or oil for distribution of electricity in commerce; facilities that manufacture, process, or use inorganic pigments, small arms ammunition, asphalt paving mixtures and blocks, storage batteries, motor vehicles and motor vehicle equipment; manufacture electronic components and accessories.
Federal Government	Federal facilities that: manufacture, process, or use lead or lead compounds; burn coal or petroleum products.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility would be affected by this action, you should carefully examine the applicability criteria in part 372, subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information or Copies of this Document or Other Support Documents?

1. *Electronically.* You may obtain electronic copies of this document from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**--Environmental Documents." You can also go directly to the "**Federal Register**" listings at http://www.epa.gov//fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–400140. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B-607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket control number (i.e., "OPPTS–400140") in your correspondence.

1. *By mail.* Submit written comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G-099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is: 202–260–7093.

3. *Electronically.* Submit your comments electronically by E-mail to: "oppt.ncic@epamail.epa.gov." Please note that you should not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 6.1/8.0 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS–400140. Electronic comments on this proposal may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information that I Want to Submit to the Agency?

You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the technical person identified in the "FOR FURTHER INFORMATION CONTACT" section.

II. Background Information

A. What Does this Notice Do and What Action Does this Notice Affect?

This notice extends the comment period for EPA's August 3, 1999 proposed rule (64 FR 42222) (FRL–6081–4) to lower the reporting thresholds for lead and lead compounds which are subject to reporting under EPCRA section 313 and PPA section 6607. EPA proposed the lowering of the

reporting thresholds for lead and lead compounds pursuant to its authority under EPCRA section 313(f)(2) to revise reporting thresholds. The August 3, 1999 proposed rule also included a limitation on the reporting of lead when contained in certain alloys and proposed modifications to certain reporting exemptions and requirements for lead and lead compounds.

B. Why and for How Long is EPA Extending the Comment Period?

EPA has received requests from a number of groups to extend the comment period for the August 3, 1999 proposed rule. These groups include the American Electroplaters and Surface Finishing Society, American Iron and Steel Institute, American Petroleum Institute, American Zinc Association, ASARCO Incorporated, Chemical Manufactures Association, Coalition for Safe Ceramicware, Colorado Mining Association, Color Pigments Manufacturers Association, Columbus Galvanizing, Edison Electric Institute, Electronic Industries Alliance, Galvan Industries Incorporated, Hampden Fence Supply Incorporated, Hornady Manufacturing Company, Independence Mining Company Incorporated, Industrial Galvanizers Southeastern, International Crystal Federation, IPC - Association Connecting Electronics Industries, Kennecott Utah Copper Corporation, Lead Industries Association, National Association of Metal Finishers, National Mining Association, North American Coal Corporation, Metal Finishing Suppliers Association, Phelps Dodge Corporation, Society of Glass and Ceramic Decorators, United States House of Representatives Committee on Small Business, and Woven Electronics Corporation. These groups have requested additional time to review relevant information and prepare comments on the proposed rule. EPA has considered these comments and has determined that extending the comment period is an appropriate action that will not cause a significant delay in the evaluation of the proposed rule. Therefore, EPA is extending the comment period on the August 3, 1999 proposed rule by 45 days. All comments must be received by November 1, 1999.

III. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. As indicated previously, this action merely announces the extension of the comment period for the proposed rule. This action does not impose any new requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Nor does it require prior consultation with State, local, and Tribal government officials as specified by Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying proposed rule, is discussed in the preamble to the proposed rule (see 64 FR 42222, August 3, 1999).

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund.

Dated: September 15, 1999.

Stephen L. Johnson,

Acting Deputy Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–24554 Filed 9–16–99; 1:11 pm]

BILLING CODE 6560–50–F

Notices

Federal Register
Vol. 64, No. 182
Tuesday, September 21, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that a Federally owned invention U.S.Serial No. 09/294,499 filed April 20, 1999, entitled "Termite Bait Matrix" is available for licensing and the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Ensystex, Inc., of Fayetteville, North Carolina, an exclusive license to Serial No. 09/294,499.

DATES: Comments must be received on or before December 16, 1999.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1158, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Ensystex, Inc., has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety (90) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard M. Parry, Jr.,
Assistant Administrator.

[FR Doc. 99–24569 Filed 9–20–99; 8:45 am]
BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that a Federally owned invention U.S. Serial No. 09/277,599 filed March 26, 1999, entitled "Monoclonal Antibodies Against Campylobacter jejuni and Campylobacter coli Outer Membrane Antigens" is available for licensing and the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Meridian Diagnostics, Inc., of Cincinnati, Ohio, and BioControl Systems, Inc., of Bellevue, Washington, a co-exclusive license to Serial No. 09/277,599.

DATES: Comments must be received on or before December 16, 1999.

ADDRESSES: Send comments to: USDA, ARS, PWA, WRRC , 800 Buchanan Street, Room 2010, Albany, California 94710.

FOR FURTHER INFORMATION CONTACT: Martha Steinbock of the Office of Technology Transfer at the Albany address given above; telephone: 510–559–5641.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Meridian Diagnostics, Inc., and BioControl Systems, Inc., have each submitted a complete and sufficient application for a license. The prospective co-exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective co-exclusive license may be granted unless, within ninety (90) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard M. Parry, Jr.,
Assistant Administrator.

[FR Doc. 99–24570 Filed 9–20–99; 8:45 am]
BILLING CODE 3410–03–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090799C]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMF3), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Ad-Hoc Groundfish Strategic Plan Development Committee (Committee) will hold a work session which is open to the public.

DATES: The work session will begin Thursday, October 7, 1999, at 10 a.m. and may go into the evening until business for the day is completed. The work session will reconvene at 8 a.m. on Friday, October 8 and continue throughout the day until business for the day is completed.

ADDRESSES: The work session will be held at the Pacific States Marine Fisheries Commission, Large Conference Room, 45 SE 82nd Drive, Suite 100, Gladstone, OR; telephone: (503) 650–5400.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence D. Six, Executive Director; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to begin drafting a strategic plan for the West Coast groundfish fishery.

Although other issues not contained in this agenda may come before this Committee for discussion, in accordance with the Magnuson-Stevens Fishery

Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice.

Special Accommodations

This work session is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: September 10, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24483 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090799E]

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Tilefish Committee will hold a public meeting.

DATES: The meeting will be held on Friday, October 1, 1999, from 9:00 a.m. until 4:00 p.m.

ADDRESSES: The meeting will be held at the Sheraton International Hotel at BWI Airport, 7032 Elm Road, Baltimore, MD; telephone: 410–859–3300.

Council address: Mid-Atlantic Fishery Management Council, Room 2115, 300 S. New Street, Dover, DE 19904.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to review the public hearing comments and develop recommendations for Council on the fishery management plan for tilefish.

Although other issues not contained in this agenda may come before the Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, such issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council Office (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: September 10, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24485 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091499G]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Herring Oversight Committee in October, 1999. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate. This will be a joint meeting with the Atlantic States Marine Fisheries Commission Atlantic Herring Section.

DATES: The meeting will held on Wednesday, October 6, 1999, at 10:00 a.m.

ADDRESSES: The meeting will be held at the Trade Winds Motel, 2 Park Drive, Rockland, ME 04841; telephone: (207) 596–6492.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231–0422. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1036; telephone: (781) 231–0422.

SUPPLEMENTARY INFORMATION: The committee will discuss various options for developing a controlled access program for the Atlantic herring fishery. The committee also may discuss other herring management issues, including spawning area closures, gear competition and interactions in the Gulf of Maine, management area Total Allowable Catches (TACs) and changing the start of the fishing year.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: September 15, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24486 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091499H]

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings. The Council will also meet in joint session with the International Pacific Halibut Commission (IPHC).

DATES: The Council and its advisory bodies will meet in Seattle, WA the week of October 11, 1999. The Council will meet with the IPHC on Tuesday, October 12, beginning at 9:00 a.m , continuing until the agenda is complete. On the same day, immediately following the completion of the joint meeting, but not before 1:00 p.m., the Council will begin its regular plenary session and at 8:00 a.m. on Wednesday, October 13, continuing through Monday, October

18. All meetings are open to the public except Executive Sessions which may be held during the week to discuss litigation and/or personnel matters.

ADDRESSES: All meetings will be held at the Doubletree Hotel, Seattle Airport, 18740 Pacific Highway South, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Council staff; telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The agenda for the Council's joint session with the International Pacific Halibut Commission will include the following subjects:

1. Halibut Bycatch
2. Halibut Charterboat/Recreational Catch Issues
3. Season Extension for Halibut
4. Data for Local Area Management Plans
5. Fee Collection Program
6. Enforcement

The agenda for the Council's normal plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

1. Reports
(a) Executive Director's Report
(b) State Fisheries Report by Alaska Department of Fish and Game
(c) NMFS Management Report
(d) Enforcement and Surveillance Reports
2. Bering Sea/Aleutian Islands (BSAI) Fixed Gear Pacific Cod Allocations-final approval
3. American Fisheries Act
(a) Performance report on 1999 co-ops: discuss expectations.
(b) Review proposed regulations for crab processing sideboards.
(c) Review report from the Processor Sideboard Committee.
(d) Inshore co-op structure and processor sideboards: final action.
(e) Review progress on amendment for excessive share caps (BSAI harvest and processing).
(f) Update on meeting data requirements.
(g) Review Committee report on Gulf of Alaska co-ops.
(h) Management of red king crab catcher vessel sideboards: discuss.
4. License Limitation Program
(a) Progress report on implementation.
(b) Pacific cod species and gear endorsements: preliminary analysis.
(c) Crab license buyback: discussion.
5. Multispecies Community Development Quotas (CDQ)
(a) Review and comment on State of Alaska's 2000 pollock and associated bycatch CDQ allocations.
(b) CDQ observer coverage: discussion.
6. Recordkeeping & Reporting, & Observers
(a) Observer program: status report.
(b) Electronic shoreside reporting: status report.
7. Steller Sea Lions
(a) Status of litigation, emergency rules for 1999, and amendments for 2000.
(b) Status of Reasonable and Prudent Alternatives and discussion of need for court-ordered revisions.
(8) Groundfish Supplemental Environmental Impact Statement: scoping and further action.
9. Halibut and Sablefish Management
(a) Weighmaster program: further direction.
(b) Halibut subsistence issue: status report and direction as appropriate.
10. Essential Fish Habitat: preliminary review of habitat areas of particular concern.
11. Joint Alaska Board of Fisheries/ North Pacific Council Activities:
(a) Review protocol and any other recommendations from joint committee.
(b) Discuss possible amendments to clarify Category 1 and 3 measures in the crab fishery management plan.
12. Magnuson-Stevens Act Reauthorization: Update.
13. Ecosystems Management: Committee Report
14. Groundfish Amendments
(a) Cook Inlet non-pelagic trawl ban: initial review.
(b) Shark and skate management plan: initial review.
(c) Pelagic trawl definition: joint committee report and further action.
15. Groundfish Specifications for 2000
(a) Specifications process: discussion.
(b) Interim specification and associated analyses for 2000: approval.
16. Crab Management
(a) Plan team report and review of Stock Assessment and Fishery Evaluation report.
(b) Bairdi rebuilding plan: final action.
(c) Standdown alternatives: review joint committee recommendations.
(d) Status of C. opilio stocks: staff report and Council direction on development of rebuilding plan.
17. Staff Tasking: Review amendment proposals; give direction to staff.

Advisory Meetings

The Halibut/Sablefish Individual Fishery Quota (IFQ) Committee will meet between 1:00 p.m. and 6:00 p.m. on Sunday, October 10, to review proposals for changes to the IFQ program.

The Advisory Panel will meet beginning at 8:00 a.m. on Monday, October 11, continuing through Thursday, October 14, 1999. The agenda for the Advisory Panel will mirror that of the Council listed above.

The Scientific and Statistical Committee (SSC) will meet beginning at 8:00 a.m. on Monday, October 11, continuing through Wednesday, October 13, 1999. The agenda for the SSC will address scientific issues on the Council agenda.

The Gulf of Alaska Co-op Committee will meet Thursday, October 14, between 6:00 p.m. and 10:00 p.m. to continue discussions on forming cooperatives in the Gulf of Alaska fisheries.

Other committees and workgroups may hold impromptu meetings throughout the meeting week. Such meetings will be announced during regularly-scheduled meetings of the Council, Advisory Panel, and SSC, and will be posted at the hotel.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Helen Allen at 907–271–2809 at least 7 working days prior to the meeting date.

Dated: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24575 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–820, A–834–804, A–821–804, A–823–804, A–307–807, A–570–819, C–307–808]

Ferrosilicon From Brazil, Kazakhstan, People's Republic of China, Russia, Ukraine, and Venezuela

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty orders on ferrosilicon from Brazil, Kazakhstan, People's Republic of China, Russia, Ukraine, and Venezuela, rescission of countervailing duty order on ferrosilicon from Venezuela, and termination of administrative reviews of ferrosilicon from Brazil, the People's Republic of China, and Venezuela.

SUMMARY: In 1993 and 1994, the Department of Commerce (the Department) issued antidumping duty orders on ferrosilicon from Brazil, Kazakhstan, People's Republic of China (PRC), Russia, Ukraine, and Venezuela, as well as a countervailing duty order on ferrosilicon from Venezuela. The Department subsequently initiated administrative reviews pursuant to these orders. On August 24, 1999, the International Trade Commission (ITC), after reconsidering its previous injury determinations, informed the Department that it had determined that there is no material injury, or threat of material injury, to an industry with regard to ferrosilicon from the above countries. The Department is therefore rescinding these orders, terminating the related reviews, and instructing the U.S. Customs Service (Customs) accordingly.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Jack K. Dulberger or Wendy Frankel, AD/CVD Enforcement, Group II, Office IV, Import Administration, International Trade Administration U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5505 and (202) 482–5849, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

The relevant antidumping and countervailing duty orders were issued prior to the amendments made to the Tariff Act of 1930, as amended (the Act) by the Uruguay Round Agreements Act (URAA). Because this notice addresses an ITC reconsideration made in a proceeding that was governed by the law in effect prior to URAA, all citations to the Act are references to the provisions in existence prior to January 1, 1995 (the effective date of the URAA), unless otherwise indicated.

Scope of Antidumping Duty and Countervailing Duty Orders

The merchandise subject to the orders and administrative reviews in question is ferrosilicon, a ferro alloy generally containing, by weight, not less than four percent iron, more than eight percent but not more than 96 percent silicon, not more than 10 percent chromium, not more than 30 percent manganese, not more than three percent phosphorous, less than 2.75 percent magnesium, and not more than 10 percent calcium or any other element. Ferrosilicon is a ferro alloy produced by combining silicon and iron through smelting in a submerged-arc furnace. Ferrosilicon is used primarily as an alloying agent in the production of steel and cast iron. It is also used in the steel industry as a deoxidizer and a reducing agent, and by cast iron producers as an inoculant. Ferrosilicon is differentiated by size and by grade. The sizes express the maximum and minimum dimensions of the lumps of ferrosilicon found in a given shipment. Ferrosilicon grades are defined by the percentages by weight of contained silicon and other minor elements. Ferrosilicon is most commonly sold to the iron and steel industries in standard grades of 75 percent and 50 percent ferrosilicon. Calcium silicon, ferrocalcium silicon, and magnesium ferrosilicon are specifically excluded from the scope of this review. Calcium silicon is an alloy containing, by weight, not more than five percent iron, 60 to 65 percent silicon, and 28 to 32 percent calcium. Ferrocalcium silicon is a ferro alloy containing, by weight, not less than four percent iron, 60 to 65 percent silicon, and more than 10 percent calcium. Magnesium ferrosilicon is a ferro alloy containing, by weight, not less than four percent iron, not more than 55 percent silicon, and not less than 2.75 percent magnesium. Ferrosilicon is currently classifiable under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050. The HTSUS subheadings are provided for convenience and customs purposes. Our written description of the scope of these orders is dispositive. Ferrosilicon in the form of slag is included within the scope of these orders if it meets, in general, the chemical content definition stated above and is capable of being used as ferrosilicon.

Background

In 1993 and 1994 the Department issued antidumping duty orders on ferrosilicon from Brazil, Kazakhstan, PRC, Russia, Ukraine, and Venezuela, as well as a countervailing duty order on ferrosilicon from Venezuela. *See Antidumping Duty Order: Ferrosilicon From Brazil*, 59 FR 11769 (March 14, 1994) (*Antidumping Order—Brazil*); *Antidumping Duty Order: Ferrosilicon From the People's Republic of China*, 58 FR 13448 (March 11, 1993) (*Antidumping Order—PRC*); *Antidumping Duty Order: Ferrosilicon From Kazakhstan*, 58 FR 18079 (April 7, 1993) (*Antidumping Order—Kazakhstan*); *Antidumping Duty Order: Ferrosilicon From Russia*, 58 FR 34243 (June 24, 1993) (*Antidumping Order—Russia*); *Antidumping Duty Order: Ferrosilicon From Ukraine*, 58 FR 18079 (April 7, 1993) (*Antidumping Order—Ukraine*); *Antidumping Duty Order: Ferrosilicon from Venezuela*, 58 FR 34243 (June 24, 1993), amended by 60 FR 64018 (December 13, 1995) (*Antidumping Order—Venezuela*); *Countervailing Duty Order: Ferrosilicon From Venezuela*, 58 FR 27539 (May 10, 1993), amended by 58 FR 36394 (July 7, 1993) (*Countervailing Order—Venezuela*).

The Department subsequently initiated administrative reviews under section 751 of the Act pursuant to the orders. *See Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 63 FR 20378 (April 24, 1998) (Brazil—antidumping); *Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 64 FR 23269 (April 30, 1999) (Brazil and China—antidumping); *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Requests for Revocation in Part and Deferral of Administrative Review*, 64 FR 35124 (June 30, 1999) (Venezuela—countervailing); *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 64 FR 41075 (July 29, 1999) (Venezuela—antidumping). These five administrative reviews are on-going.

On May 21, 1999, the ITC instituted proceedings to reconsider its original determinations in antidumping investigations Nos. 731–TA–566–570 and 731–TA–641 (Final) concerning ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela, and in countervailing duty investigation No. 303–TA–23 (Final) concerning ferrosilicon from Venezuela.

The ITC made its decision after learning that certain domestic producers had pleaded guilty or had been found guilty of conspiring to fix domestic ferrosilicon prices during the periods of the original investigations. *See Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela*, Inv. Nos. 303–TA–566–570 and 731–TA–641 (*Reconsideration*), USITC Pub. 3218, at 3–4 (August 24, 1999). On August 24, 1999, the ITC informed the Department that it had reconsidered its original material injury determination in these cases. *Id.*

Upon reconsideration, the ITC determined that "an industry in the United States is neither materially injured nor threatened with material injury by reason of imports of ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela that have been found by the Department of Commerce to be sold at less than fair value and imports of ferrosilicon that the Department of Commerce has found are subsidized by the government of Venezuela." *Id.* at 4.

Subsequent to the ITC's publication of its *Reconsideration*, the Department received a letter dated August 30, 1999, from representatives of the domestic ferrosilicon industry, petitioners in this case, regarding the Department's possible revocation of the above named antidumping duty and countervailing duty orders. Petitioners argue that, pursuant to 19 U.S.C. section 1675(d), the Department is only authorized to revoke antidumping or countervailing duty orders after conducting some sort of review of the orders, in which parties have an opportunity to comment and in which the Department sets out the legal and factual basis for its determination to revoke.

The Department also received a letter dated September 1, 1999, from Companhia Carbureto de Calcio, Companhia Ferroligas Minas Gerais-Minasligas, and Zunyi Ferroalloy Imp. & Exp. Company, Brazilian and Chinese respondents who are interested parties in the on-going administrative reviews of the antidumping duty orders on ferrosilicon from Brazil and China. Respondents assert that because the ITC notified the Department that no material injury or threat of material injury existed, pursuant to its reconsideration of the original injury determinations in these cases, the Department must terminate its activity under the affected antidumping and countervailing duty orders. Respondents state that the Department need not revoke the outstanding orders, because there are no longer any orders to revoke. Instead, respondents assert that "the Department must terminate these investigations (sic), terminate the suspension of liquidation for all entries for which liquidation is currently suspended, and refund any cash deposits that have been paid."

Further, on September 3, 1999, the Department received a letter from Ferroatlantica de Venezuela ("Ferroven"), a Venezuelan respondent in the antidumping and countervailing duty order proceedings listed above, stating that the Department "has full authority under the statute to rescind [the above listed orders] *ab initio*." Ferroven asserts that pursuant to 19 U.S.C. sections 1671, 1673, an antidumping or countervailing duty order can only stand if the ITC determines that an industry in the United States is materially injured or threatened with material injury. Ferroven states that because the ITC reconsidered, *ab initio*, its original injury determination and found no injury, a mandatory element for an antidumping or countervailing duty order no longer exists. Therefore, Ferroven asserts that because the Department lacks the statutory authority to maintain an antidumping duty order, the Department has no choice but to rescind the outstanding orders, terminate the suspension of liquidation for all entries currently suspended, and refund any cash deposits.

Contrary to petitioners' argument, there is no statutory requirement that the Department conduct a review before acting upon the ITC's negative injury determination. The ITC's action in these cases is unique and there is no statutory provision which explicitly provides for the manner in which the Department should rescind these orders. The ITC's action in these cases is analogous to a negative injury finding in an original investigation under sections 705(b)(1) and 735(b)(1). Once the ITC renders a negative injury finding, the Department has no authority to issue an order and merely performs the ministerial act of terminating the suspension of liquidation pursuant to sections 705(c)(2) and 735(c)(2). The Department's response to the ITC's negative injury redetermination in these cases should be the equivalent of the action the Department would have been required to take had the ITC rendered negative injury determinations in 1993 and 1994.

However, because the ferrosilicon orders were issued in 1993 and 1994, the Department cannot merely terminate the suspension of liquidation as would be the case under sections 705(c)(2) and 735(c)(2) when no order is ever issued. In this instance, therefore, rescission of the ferrosilicon orders from the dates of issuance is the legal equivalent of the action required to be taken by the Department under sections 705(c)(2) and 735(c)(2).

Conducting some sort of review is inappropriate under the circumstances in these cases. There are no issues of law or fact capable of review by the Department, because the Department's action in rescinding the ferrosilicon orders is merely a ministerial function which is the legal consequence of the ITC's redetermination of no material injury or threat thereof.

Rescission of Antidumping Duty and Countervailing Duty Orders and Termination of Administrative Reviews

Sections 705(c)(2), 735(c)(2), 706(a), and 736(a) of the Act require that as a prerequisite for the issuance and enforcement of an antidumping or countervailing duty order, the ITC must determine that an industry in the United States is materially injured or threatened by material injury. On August 24, 1999, the ITC notified the Department that it had reconsidered its original injury determinations in the above listed cases and determined that material injury, or threat of material injury, had never existed. As a necessary element for the imposition and enforcement of antidumping and countervailing duty orders does not exist, the Department has no legal authority to maintain and/or enforce any of the above listed orders.

Consequently, we are now rescinding the above listed antidumping orders concerning ferrosilicon from Brazil, Kazakhstan, PRC, Russia, Ukraine, and Venezuela. We also are rescinding the countervailing duty order concerning ferrosilicon from Venezuela. Because the ITC's negative injury determinations resulted from a reconsideration of its original injury determinations, these orders are rendered legally invalid from the date of issuance. Accordingly, our rescission of these orders are effective from the date of their original issuance and apply to all unliquidated entries of subject merchandise from the above countries.

Further, we are terminating the above listed administrative reviews of the antidumping duty orders concerning ferrosilicon from Brazil, Venezuela, and PRC. We also are terminating the above listed administrative review of the countervailing duty order concerning ferrosilicon from Venezuela.

Customs Instructions

The Department will issue instructions directly to Customs. The Department will direct Customs to lift

the suspension of all entries of the subject merchandise that are currently suspended pursuant to these orders, and to liquidate, without regard to antidumping or countervailing duties, all unliquidated entries of ferrosilicon from Brazil, Kazakhstan, PRC, Russia, Ukraine, and Venezuela.

The Department will further instruct Customs to release any bond or other security and refund any cash deposit collected, with interest, if applicable, with respect to all unliquidated entries of ferrosilicon from Brazil, Kazakhstan, PRC, Russia, Ukraine, and Venezuela.

With respect to unliquidated entries of ferrosilicon that are the subject of court-ordered injunctions, the Department continues to be enjoined from ordering the liquidation of these entries until the court disposes of the litigation or dissolves the injunctions.

This notice is in accordance with sections 705(c)(2) and 735(c)(2) of the Act.

Dated: September 15, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24583 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090799D]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Management Team (GMT) will hold a working meeting which is open to the public.

DATES: The GMT working meeting will begin Monday, October 4, 1999, at noon and may go into the evening until business for the day is completed. The meeting will reconvene from 8 a.m. to 5 p.m., Tuesday, October 5 through Friday, October 8.

ADDRESSES: The meeting will be held at the Pacific Fishery Management Council Conference Room, 2130 SW Fifth Avenue, Suite 224, Portland, OR; telephone: (503) 326-6352.

FOR FURTHER INFORMATION CONTACT: Jim Glock, Groundfish Fishery Management Coordinator; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to develop final recommendations for groundfish harvest levels and management measures for 2000. The GMT will prepare the annual Stock Assessment and Fishery Evaluation document, other reports, and technical advice for the upcoming Council meeting and in support of Council decisions throughout the year. The GMT will discuss, receive reports, and/or prepare reports on the following topics during this working session: (1) default harvest rate policies; (2) rebuilding plans for lingcod, bocaccio, and Pacific ocean perch, including allocation and bycatch reduction; (3) preparation of preliminary 2000 harvest level and management recommendations, including optimum yield/management line issues and identification of rockfish complexes;(4) fishing community baseline document; (5) inseason management; (6) observer program design and documentation needs;(7) survey of trawl gears; and (8) recreational data issues.

Although other issues not contained in this agenda may come before this Team for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: September 10, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24484 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Bangladesh

September 14, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for swing, carryforward and special shift. In addition, the current limit for Category 335 is being corrected to the level of 276,893 dozen.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 59942, published on November 6, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 14, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 3, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on September 21, 1999, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
335	276,893 dozen.
338/339	1,697,310 dozen.

Category	Adjusted twelve-month limit [1]
341	2,549,123 dozen.
352/652	11,719,126 dozen.
638/639	1,741,323 dozen.
641	777,307 dozen.
647/648	1,972,144 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–24504 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in India

September 15, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 22, 1999.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota reopenings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 68247, published on December 10, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 15, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 4, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man–made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on September 22, 1999, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
219	69,072,804 square meters.
313	45,118,633 square meters.
317	40,487,582 square meters.
363	51,712,178 numbers.
369–D [2]	1,450,771 kilograms.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

[2] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–24503 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0397]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Requests for Equitable Adjustment

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through November 30, 2000. DoD proposes that OMB approve an extension of the information collection, to expire 3 years after the approval date.

DATES: DoD will consider all comments received by November 22, 1999.

ADDRESSES: Interested parties should submit written comments and recommendations on the proposed information collection to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350.

E-mail comments submitted via the Internet should be addressed to: dfarsacq.osd.mil.

Please cite OMB Control Number 0704–0397 in all correspondence related to this issue. E-mail comments should cite OMB Control Number 0704–0397 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, at (703) 602–0288. This information collection requirement addressed in this notice is available electronically via the Internet at: http://www.acq.osd.mil/dp/dars/dfars.html.

Paper copies are available from Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Contract Modifications-Defense Federal Acquisition Regulation Supplement (DFARS) Part 243 and Associated Clauses at 252.243; OMB Control Number 0704–0397.

Needs and Uses: The information collection required by the clause at DFARS 252.243–7002, Requests for Equitable Adjustment, implements 10 U.S.C. 2410(a). DoD contracting officers and auditors use this information to evaluate contractor requests for equitable adjustment to contract terms.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 2,120.

Number of Respondents: 440.

Responses Per Respondents: 1.

Annual Responses: 440.

Average Burden Per Response: 4.8 hours.

Frequency: On occasion.

Summary of Information Collection

The clause at DFARS 252.243–7002, Requests for Equitable Adjustment, requires contractors to certify that requests for equitable adjustment that exceed the simplified acquisition threshold are made in good faith and that the supporting data are accurate and complete. The clause also requires contractors to fully disclose all facts relevant to the requests for adjustment.

Michele P. Peterson,

Executive Editor,

Defense Acquisition Regulations Council.

[FR Doc. 99–24386 Filed 9–20–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting to Discuss Gulf War Illnesses

AGENCY: Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents, Department of Defense.

ACTION: Notice.

SUMMARY: The Board will conduct a public meeting to obtain information from veterans, the Transuranium and Uranium Registries, and outside experts regarding the causes of Gulf War Illnesses. The meeting will begin at 6:00 p.m. PDT.

DATES: October 19, 1999.

ADDRESSES: Letterman Auditorium, Madigan Army Medical Center, 9040 Reid Street, Tacoma, WA 98431 (Ft Lewis Military Reservation).

FOR FURTHER INFORMATION CONTACT: Contact Mr. David Edman, Special Oversight Board, 1401 Wilson Blvd, Suite 401, Arlington, VA 22209, phone (703) 696–9468, fax (703) 696–4062, or via Email at *Gulfsyn@osd.pentagon.mil* Requests to address the Board must be sent in writing to Mr. Edman and be received no later than noon EDT Friday, October 8, 1999. Written comments must be received no later than noon EDT Friday, October 15, 1999. Copies of the draft meeting agenda can be obtained by contacting Ms. Sandra Simpson at (703) 696–9464 or at the above fax number or above email.

SUPPLEMENTARY INFORMATION: Seating in the Letterman Auditorium is limited, and spaces will be reserved only for scheduled speakers. The remaining seats will be available on a first-come, first-served basis beginning at 5:30 p.m. No teleconference lines will be available. The Special Oversight Board expects that public statements presented at its meetings will deal only with potential chemical, environmental, and other exposures. In general, each individual or group making an oral presentation will be limited to a total time of five minutes. Written comments will be provided to Board members if at least 10 copies are received in the Special Oversight Board Staff Office no later than noon EDT October 15, 1999. Written comments received after that date will be mailed to Board members after the adjournment of the October 1999 meeting.

Dated: September 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–24478 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Environmental Research and Development Program, Scientific Advisory Board

ACTION: Notice.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee meeting:

Date of Meeting: October 19, 1999 from 0830 to 1645 and October 20, 1999 from 0830 to 1150.

Place: Holiday Inn Arlington at Ballston, 4610 North Fairfax Drive, Arlington, VA 22203.

Matters to be Considered: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds in excess of $1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

For Further Information Contact: Ms. Amy Kelly, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696–2124.

Dated: September 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 99–24477 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DOD.

ACTION: Notice to alter a system of records.

SUMMARY: The Office of the Secretary proposes to alter an existing system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on October 21, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the OSD Privacy Act Coordinator, Records Section, Directives and Records Branch, Directives and Records Division, Washington Headquarters Services, Correspondence and Directives, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mr. David Bosworth at (703) 588–0159.

SUPPLEMENTARY INFORMATION: The complete inventory of Office of the Secretary record system notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed altered system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on September 1, 1999, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: September 14, 1999.

L.M. BYNUM,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DHA 07

SYSTEM NAME:

Defense Medical Information System (DMIS) *(May 20, 1998, 63 FR 13641).*

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete 'Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete 'CHAMPUS'.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Delete paragraph two and replace with 'To permit the disclosure of records to the Department of Health and Human Services (HHS) and its components for the purpose of conducting research and analytical projects, and to facilitate collaborative research activities between DoD and HHS.'

* * * * *

DHA 07

SYSTEM NAME:

Defense Medical Information System (DMIS).

SYSTEM LOCATION:

Primary location: Directorate of Information Management, Building 1422, Fort Detrick, MD 21702–5000 with Region-specific information being kept at each Office of the Assistant Secretary of Defense (Health Affairs) designated regional medical location. A complete listing of all regional addresses may be obtained from the system manager.

Secondary location: Service Medical Treatment Facility Medical Centers and Hospitals, and Uniformed Services Treatment Facilities. For a complete listing of all facility addresses write to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Uniformed services medical beneficiaries enrolled in the Defense Enrollment Eligibility Reporting System (DEERS) who receive medical care at one or more of DoD's medical treatment facilities (MTFs), or one or more of the Uniformed Services Treatment Facilities (USTFs), or who have care provided under the TRICARE programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Selected data elements extracted from the DEERS beneficiary and enrollment records. Electronic files containing beneficiary identifier, date of birth, gender, sponsor status (active duty or retired), relationship of patient to sponsor, pay grade of sponsor, state or country, zip code, and enrollment and eligibility status.

Individual patient hospital discharge records. Electronic files containing patient ID, date of birth, gender, sponsor status (active duty or retired), relationship to sponsor, pay grade of sponsor, state or country, zip code, health care dates and services, provider, service status, health status, billed amount, allowed amount, amount paid by beneficiary, amount applied to deductible, and amount paid by government.

Selected data elements extracted from the TRICARE, National Mail Order Pharmacy, or other purchased care medical claims records. Electronic files containing patient ID, date of birth, gender, sponsor status (active duty or retired), relationship to sponsor, pay grade of sponsor, state or country, zip code, health care dates and services, provider, service status, health status, billed amount, allowed amount, amount paid by beneficiary, amount applied to deductible, and amount paid by government.

Data elements extracted from the DEERS electronic Non-availability Statement application. Records containing beneficiary ID, date and types of health care services not covered by the issuing entity (MTFs, etc.), along with other demographic and issuing entity information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; 10 U.S.C., Chapter 55; and E.O. 9397 (SSN).

PURPOSE(S):

DMIS collects data from multiple DoD electronic medical systems and processes and integrates the data in a manner that permits health management policy analysts to study, evaluate, and recommend changes to DoD health care programs. Analysis of beneficiary utilization of military medical and other program resources is possible using DMIS. Statistical and trend analysis permits changes in response to health care demand and treatment patterns. The system permits the projection of future Medical Health Services (MHS) beneficiary population, utilization requirements, and program costs to enable health care management concepts and programs to be responsive and up to date.

The detailed patient level data at the foundation of DMIS permits analysis of virtually any aspect of the military health care system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To permit the disclosure of records to the Department of Health and Human Services (HHS) and its components for the purpose of conducting research and analytical projects, and to facilitate collaborative research activities between DoD and HHS.

To the Congressional Budget Office for projecting costs and workloads associated with DoD Medical benefits.

To the Department of Veterans Affairs (DVA) for coordinating cost sharing activities between the DoD and DVA.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on optical and magnetic media.

RETRIEVABILITY:

Records may be retrieved by individual's Social Security Number, sponsor's Social Security Number, Beneficiary ID (sponsor's ID, patient's name, patient's DOB, and family member prefix or DEERS dependent suffix).

SAFEGUARDS:

Automated records are maintained in controlled areas accessible only to authorized personnel. Entry to these areas is restricted to personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of a cipher lock. Back-up data maintained at each location is stored in a locked room.

Access to DMIS records is restricted to individuals who require the data in the performance of official duties. Access is controlled through use of passwords.

RETENTION AND DISPOSAL:

Disposition pending (until NARA disposition is approved, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Corporate Executive Information System Program Office, Six Skyline Place, Suite 809, 5111 Leesburg Pike, Falls Church, VA 22041–3201.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Corporate Executive Information System Program Office, Six Skyline Place, Suite 809, 5111 Leesburg Pike, Falls Church, VA 22041–3201.

Requests should contain the full names of the beneficiary and sponsor, sponsor Social Security Number, sponsor service, beneficiary date of birth, beneficiary sex, treatment facility(ies), and fiscal year(s) of interest.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written requests to Corporate Executive Information System Program Office, Six Skyline Place, Suite 809, 5111 Leesburg Pike, Falls Church, VA 22041–3201.

Requests should contain the full names of the beneficiary and sponsor, sponsor Social Security Number, sponsor service, beneficiary date of birth, beneficiary sex, treatment facility(ies) that have provided care, and fiscal year(s) of interest.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are contained in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual data records that are assembled to form the DMIS data base are submitted by the Military Departments, the Defense Enrollment Eligibility Reporting System, the Uniformed Service Treatment Facility Managed Care System, the Health Care Finance Administration, and the National Mail Order Pharmacy, Defense Supply Center, Philadelphia, PA.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–24482 Filed 9–20–99; 8:45 am]
BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on October 21, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 31, 1999, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S337.01 DLA-KS

SYSTEM NAME:

Labor Management Relations Records System *(February 22, 1993, 58 FR 10854).*

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with 'S370.10 CAHS'.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'DLA or other third party employees and individuals of other Federal agencies who receive personnel support from DLA who are involved in labor grievances, disputes, or complaints which have been referred to an arbitrator for resolution.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'The file contains name, Social Security Number, addresses, phone numbers, background papers, and details pertaining to the case or issue.'

* * * * *

PURPOSE(S):

Delete entry and replace with 'Records are maintained incident to the administration, processing, and resolution of unfair labor complaints. Statistical data, with personal identifiers removed, may be used by management for reporting or policy evaluation purposes.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add a new paragraph 'To arbitrators, examiners, or other third parties appointed to inquire into, review, or negotiate labor-management issues.'

* * * * *

S370.10 CAHS

SYSTEM NAME:

Labor Management Relations Records System.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA or other third party employees and individuals of other Federal agencies who receive personnel support from DLA who are involved in labor grievances, disputes, or complaints which have been referred to an arbitrator for resolution.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains name, Social Security Number, addresses, phone numbers, background papers, and details pertaining to the case or issue.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 71 of Title 5 of the U.S. Code, Labor-Management Relations and E.O. 9397 (SSN).

PURPOSE(S):

Records are maintained incident to the administration, processing, and resolution of unfair labor complaints. Statistical data, with personal identifiers removed, may be used by management for reporting or policy evaluation purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Representatives of the U.S. Office of Personnel Management (OPM) on matters relating to the inspection, survey, audit or evaluation of Civilian Personnel Management Programs.

To the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor-Management Relations Program.

To the Federal Labor Relations Authority to respond to inquiries from that office regarding complaints referred to or filed with that office.

To arbitrators, examiners, or other third parties appointed to inquire into, review, or negotiate labor-management issues.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and electronic form.

RETRIEVABILITY:

Records are retrieved by case subject, case numbers, and/or individual employee names and Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computerized files are password protected with access restricted to authorized users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after final resolution of case.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Human Resources Office, Headquarters, Defense Logistics Agency, ATTN: CAHS, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, and the Human Resources Offices of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Servicing Civilian Personnel Officers, arbitrator's office, the Federal Labor Relations Authority, and union officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–24479 Filed 9–20–99; 8:45 am]
BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on October 21, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on September 1, 1999, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.10 DMDC

SYSTEM NAME:

Defense Manpower Data Center Data Base *(June 1, 1999, 64 FR 29285).*

CHANGES:

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Under paragraph '1. To the Department of Veteran Affairs (DVA)',

add a new paragraph as follows 'e. To provide identifying military personnel data to the DVA for the purpose of notifying such personnel of information relating to educational assistance as required by the Veterans Programs Enhancement Act of 1998 (38 U.S.C. 3011 and 3034).'

* * * * *

S322.10 DMDC

SYSTEM NAME:

Defense Manpower Data Center Data Base.

SYSTEM LOCATION:

Primary location: Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943-5000.

Back-up location: Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army, Navy, Air Force and Marine Corps officer and enlisted personnel who served on active duty from July 1, 1968, and after or who have been a member of a reserve component since July 1975; retired Army, Navy, Air Force, and Marine Corps officer and enlisted personnel; active and retired Coast Guard personnel; active and retired members of the commissioned corps of the National Oceanic and Atmospheric Administration; participants in Project 100,000 and Project Transition, and the evaluation control groups for these programs. All individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later.

DoD civilian employees since January 1, 1972.

All veterans who have used the GI Bill education and training employment services office since January 1, 1971. All veterans who have used GI Bill education and training entitlements, who visited a state employment service office since January 1, 1971, or who participated in a Department of Labor special program since July 1, 1971. All individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute and all individuals who ever participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969.

Individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services National Longitudinal Survey.

Individuals responding to recruiting advertisements since January 1987; survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Department of Veteran Affairs; surviving spouses of active or retired deceased military personnel; 100% disabled veterans and their survivors; survivors of retired Coast Guard personnel; and survivors of retired officers of the National Oceanic and Atmospheric Administration who are eligible for or are currently receiving Federal payments due to the death of the retiree.

Individuals receiving disability compensation from the Department of Veteran Affairs or who are covered by a Department of Veteran Affairs' insurance or benefit program; dependents of active duty military retirees, selective service registrants.

Individuals receiving a security background investigation as identified in the Defense Central Index of Investigation. Former military and civilian personnel who are employed by DoD contractors and are subject to the provisions of 10 U.S.C. 2397.

All Federal Civil Service employees.

All non-appropriated funded individuals who are employed by the Department of Defense.

Individuals who were or may have been the subject of tests involving chemical or biological human-subject testing; and individuals who have inquired or provided information to the Department of Defense concerning such testing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized personnel/employment/pay records consisting of name, Service Number, Selective Service Number, Social Security Number, compensation data, demographic information such as home town, age, sex, race, and educational level; civilian occupational information; civilian and military acquisition work force warrant location, training and job specialty information; military personnel information such as rank, assignment/deployment, length of service, military occupation, aptitude scores, post-service education, training, and employment information for veterans; participation in various inservice education and training programs; military hospitalization and medical treatment, immunization, and pharmaceutical dosage records; home and work addresses; and identities of individuals involved in incidents of child and spouse abuse, and information about the nature of the abuse and services provided.

CHAMPUS claim records containing enrollee, patient and health care facility, provided data such as cause of treatment, amount of payment, name and Social Security or tax identification number of providers or potential providers of care.

Selective Service System registration data.

Department of Veteran Affairs disability payment records.

Credit or financial data as required for security background investigations.

Criminal history information on individuals who subsequently enter the military.

Office of Personnel Management (OPM) Central Personnel Data File (CPDF), an extract from OPM/GOVT–1, General Personnel Records, containing employment/personnel data on all Federal employees consisting of name, Social Security Number, date of birth, sex, work schedule (full-time, part-time, intermittent), annual salary rate (but not actual earnings), occupational series, position occupied, agency identifier, geographic location of duty station, metropolitan statistical area, and personnel office identifier. Extract from OPM/CENTRAL–1, Civil Service Retirement and Insurance Records, including postal workers covered by Civil Service Retirement, containing Civil Service Claim number, date of birth, name, provision of law retired under, gross annuity, length of service, annuity commencing date, former employing agency and home address. These records provided by OPM for approved computer matching.

Non-appropriated fund employment/personnel records consist of Social Security Number, name, and work address.

Military drug test records containing the Social Security Number, date of specimen collection, date test results reported, reason for test, test results, base/area code, unit, service, status (active/reserve), and location code of testing laboratory.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. App. 3 (Pub.L. 95–452, as amended (Inspector General Act of 1978)); 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 2358, Research and Development Projects; and E.O. 9397 (SSN).

PURPOSE(S):

The purpose of the system of records is to provide a single central facility

within the Department of Defense to assess manpower trends, support personnel and readiness functions, to perform longitudinal statistical analyses, identify current and former DoD civilian and military personnel for purposes of detecting fraud and abuse of pay and benefit programs, to register current and former DoD civilian and military personnel and their authorized dependents for purposes of obtaining medical examination, treatment or other benefits to which they are qualified, and to collect debts owed to the United States Government and state and local governments.

Information will be used by agency officials and employees, or authorized contractors, and other DoD Components in the preparation of the histories of human chemical or biological testing or exposure; to conduct scientific studies or medical follow-up programs; to respond to Congressional and Executive branch inquiries; and to provide data or documentation relevant to the testing or exposure of individuals

All records in this record system are subject to use in authorized computer matching programs within the Department of Defense and with other Federal agencies or non-Federal agencies as regulated by the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

Military drug test records will be maintained and used to conduct longitudinal, statistical, and analytical studies and computing demographic reports on military personnel. No personal identifiers will be included in the demographic data reports. All requests for Service-specific drug testing demographic data will be approved by the Service designated drug testing program office. All requests for DoD-wide drug testing demographic data will be approved by the DoD Coordinator for Drug Enforcement Policy and Support, 1510 Defense Pentagon, Washington, DC 20301–1510.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To the Department of Veteran Affairs (DVA):

a. To provide military personnel and pay data for present and former military personnel for the purpose of evaluating use of veterans benefits, validating benefit eligibility and maintaining the health and well being of veterans and their family members.

b. To provide identifying military personnel data to the DVA and its insurance program contractor for the purpose of notifying separating eligible Reservists of their right to apply for Veteran's Group Life Insurance coverage under the Veterans Benefits Improvement Act of 1996 (38 U.S.C. 1968).

c. To register eligible veterans and their dependents for DVA programs.

d. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of:

(1) Providing full identification of active duty military personnel, including full-time National Guard/Reserve support personnel, for use in the administration of DVA's Compensation and Pension benefit program. The information is used to determine continued eligibility for DVA disability compensation to recipients who have returned to active duty so that benefits can be adjusted or terminated as required and steps taken by DVA to collect any resulting over payment (38 U.S.C. 5304(c)).

(2) Providing military personnel and financial data to the Veterans Benefits Administration, DVA for the purpose of determining initial eligibility and any changes in eligibility status to insure proper payment of benefits for GI Bill education and training benefits by the DVA under the Montgomery GI Bill (Title 10 U.S.C., Chapter 1606 – Selected Reserve and Title 38 U.S.C., Chapter 30 – Active Duty). The administrative responsibilities designated to both agencies by the law require that data be exchanged in administering the programs.

(3) Providing identification of reserve duty, including full-time support National Guard/Reserve military personnel, to the DVA, for the purpose of deducting reserve time served from any DVA disability compensation paid or waiver of VA benefit. The law (10 U.S.C. 12316) prohibits receipt of reserve pay and DVA compensation for the same time period, however, it does permit waiver of DVA compensation to draw reserve pay.

(4) Providing identification of former active duty military personnel who received separation payments to the DVA for the purpose of deducting such repayment from any DVA disability compensation paid. The law requires recoupment of severance payments before DVA disability compensation can be paid (10 U.S.C. 1174).

(5) Providing identification of former military personnel and survivor's financial benefit data to DVA for the purpose of identifying military retired pay and survivor benefit payments for use in the administration of the DVA's Compensation and Pension program (38 U.S.C. 5106). The information is to be used to process all DVA award actions more efficiently, reduce subsequent overpayment collection actions, and minimize erroneous payments.

e. To provide identifying military personnel data to the DVA for the purpose of notifying such personnel of information relating to educational assistance as required by the Veterans Programs Enhancement Act of 1998 (38 U.S.C. 3011 and 3034).

2. To the Office of Personnel Management (OPM):

a. Consisting of personnel/employment/financial data for the purpose of carrying out OPM's management functions. Records disclosed concern pay, benefits, retirement deductions and any other information necessary for those management functions required by law (Pub.L. 83–598, 84–356, 86–724, 94–455 and 5 U.S.C. 1302, 2951, 3301, 3372, 4118, 8347).

b. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a) for the purpose of:

(1) Exchanging personnel and financial information on certain military retirees, who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of military retired pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and to permit adjustments of military retired pay by the Defense Finance and Accounting Service and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

(2) Exchanging personnel and financial data on civil service annuitants (including disability annuitants under age 60) who are reemployed by DoD to insure that annuities of DoD reemployed annuitants are terminated where applicable, and salaries are correctly offset where applicable as required by law (5 U.S.C. 8331, 8344, 8401 and 8468).

(3) Exchanging personnel and financial data to identify individuals who are improperly receiving military retired pay and credit for military service in their civil service annuities, or annuities based on the 'guaranteed minimum' disability formula. The match will identify and/or prevent erroneous payments under the Civil Service Retirement Act (CSRA) 5 U.S.C. 8331 and the Federal Employees'

Retirement System Act (FERSA) 5 U.S.C. 8411. DoD's legal authority for monitoring retired pay is 10 U.S.C. 1401.

(4) Exchanging civil service and Reserve military personnel data to identify those individuals of the Reserve forces who are employed by the Federal government in a civilian position. The purpose of the match is to identify those particular individuals occupying critical positions as civilians and cannot be released for extended active duty in the event of mobilization. Employing Federal agencies are informed of the reserve status of those affected personnel so that a choice of terminating the position or the reserve assignment can be made by the individual concerned. The authority for conducting the computer match is contained in E.O. 11190, Providing for the Screening of the Ready Reserve of the Armed Services.

3. To the Internal Revenue Service (IRS) for the purpose of obtaining home addresses to contact Reserve component members for mobilization purposes and for tax administration. For the purpose of conducting aggregate statistical analyses on the impact of DoD personnel of actual changes in the tax laws and to conduct aggregate statistical analyses to lifestream earnings of current and former military personnel to be used in studying the comparability of civilian and military pay benefits. To aid in administration of Federal Income Tax laws and regulations, to identify non-compliance and delinquent filers.

4. To the Department of Health and Human Services (DHHS):

a. To the Office of the Inspector General, DHHS, for the purpose of identification and investigation of DoD employees and military members who may be improperly receiving funds under the Aid to Families of Dependent Children Program.

b. To the Office of Child Support Enforcement, Federal Parent Locator Service, DHHS, pursuant to 42 U.S.C. 653 and 653a; to assist in locating individuals for the purpose of establishing parentage; establishing, setting the amount of, modifying, or enforcing child support obligations; or enforcing child custody or visitation orders; and for conducting computer matching as authorized by E.O. 12953 to facilitate the enforcement of child support owed by delinquent obligors within the entire civilian Federal government and the Uniformed Services work force (active and retired). Identifying delinquent obligors will allow State Child Support Enforcement agencies to commence wage withholding or other enforcement actions against the obligors.

NOTE 1: Information requested by DHHS is not disclosed when it would contravene U.S. national policy or security interests (42 U.S.C. 653(e)).

NOTE 2: Quarterly wage information is not disclosed for those individuals performing intelligence or counter-intelligence functions and a determination is made that disclosure could endanger the safety of the individual or compromise an ongoing investigation or intelligence mission (42 U.S.C. 653(n)).

c. To the Health Care Financing Administration (HCFA), DHHS for the purpose of monitoring HCFA reimbursement to civilian hospitals for Medicare patient treatment. The data will ensure no Department of Defense physicians, interns or residents are counted for HCFA reimbursement to hospitals.

d. To the Center for Disease Control and the National Institutes of Mental Health, DHHS, for the purpose of conducting studies concerned with the health and well being of active duty, reserve, and retired personnel or veterans, to include family members.

5. To the Social Security Administration (SSA):

a. To the Office of Research and Statistics for the purpose of conducting statistical analyses of impact of military service and use of GI Bill benefits on long term earnings.

b. To the Bureau of Supplemental Security Income to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of verifying information provided to the SSA by applicants and recipients who are retired military members or their survivors for Supplemental Security Income (SSI) benefits. By law (42 U.S.C. 1383) the SSA is required to verify eligibility factors and other relevant information provided by the SSI applicant from independent or collateral sources and obtain additional information as necessary before making SSI determinations of eligibility, payment amounts or adjustments thereto.

6. To the Selective Service System (SSS) for the purpose of facilitating compliance of members and former members of the Armed Forces, both active and reserve, with the provisions of the Selective Service registration regulations (50 U.S.C. App. 451 and E.O. 11623).

7. To DoD Civilian Contractors and grantees for the purpose of performing research on manpower problems for statistical analyses.

8. To the Department of Labor (DOL) to reconcile the accuracy of unemployment compensation payments made to former DoD civilian employees and military members by the states. To the Department of Labor to survey military separations to determine the effectiveness of programs assisting veterans to obtain employment.

9. To the U.S. Coast Guard (USCG) of the Department of Transportation (DOT) to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of exchanging personnel and financial information on certain retired USCG military members, who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of military pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and to permit adjustments of military retired pay by the U.S. Coast Guard and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

10. To the Department of Housing and Urban Development (HUD) to provide data contained in this record system that includes the name, Social Security Number, salary and retirement pay for the purpose of verifying continuing eligibility in HUD's assisted housing programs maintained by the Public Housing Authorities (PHAs) and subsidized multi-family project owners or management agents. Data furnished will be reviewed by HUD or the PHAs with the technical assistance from the HUD Office of the Inspector General (OIG) to determine whether the income reported by tenants to the PHA or subsidized multi-family project owner or management agent is correct and complies with HUD and PHA requirements.

11. To Federal and Quasi-Federal agencies, territorial, state, and local governments to support personnel functions requiring data on prior military service credit for their employees or for job applications. To determine continued eligibility and help eliminate fraud and abuse in benefit programs and to collect debts and over payments owed to these programs. To assist in the return of unclaimed property or assets escheated to states of civilian employees and military member and to provide members and former members with information and assistance regarding various benefit entitlements, such as state bonuses for veterans, etc. Information released includes name, Social Security Number, and military or civilian address of individuals. To detect fraud, waste and

abuse pursuant to the authority contained in the Inspector General Act of 1978, as amended (Pub.L. 95–452) for the purpose of determining eligibility for, and/or continued compliance with, any Federal benefit program requirements.

12. To private consumer reporting agencies to comply with the requirements to update security clearance investigations of DoD personnel.

13. To consumer reporting agencies to obtain current addresses of separated military personnel to notify them of potential benefits eligibility.

14. To Defense contractors to monitor the employment of former DoD employees and members subject to the provisions of 41 U.S.C. 423.

15. To financial depository institutions to assist in locating individuals with dormant accounts in danger of reverting to state ownership by escheatment for accounts of DoD civilian employees and military members.

16. To any Federal, state or local agency to conduct authorized computer matching programs regulated by the Privacy Act of 1974, as amended, (5 U.S.C. 552a) for the purposes of identifying and locating delinquent debtors for collection of a claim owed the Department of Defense or the Unites States Government under the Debt Collection Act of 1982 (Pub.L. 97–365) and the Debt Collection Improvement Act of 1996 (Pub.L. 104–134).

17. To state and local law enforcement investigative agencies to obtain criminal history information for the purpose of evaluating military service performance and security clearance procedures (10 U.S.C. 2358).

18. To the United States Postal Service to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purposes of:

a. Exchanging civil service and Reserve military personnel data to identify those individuals of the Reserve forces who are employed by the Federal government in a civilian position. The purpose of the match is to identify those particular individuals occupying critical positions as civilians and who cannot be released for extended active duty in the event of mobilization. The Postal Service is informed of the reserve status of those affected personnel so that a choice of terminating the position on the reserve assignment can be made by the individual concerned. The authority for conducting the computer match is contained in E.O. 11190, Providing for the Screening of the Ready Reserve of the Armed Forces.

b. Exchanging personnel and financial information on certain military retirees who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of retired military pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and permit adjustments to military retired pay to be made by the Defense Finance and Accounting Service and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

19. To the Armed Forces Retirement Home (AFRH), which includes the United States Soldier's and Airmen's Home (USSAH) and the United States Naval Home (USNH) for the purpose of verifying Federal payment information (military retired or retainer pay, civil service annuity, and compensation from the Department of Veterans Affairs) currently provided by the residents for computation of their monthly fee and to identify any unreported benefit payments as required by the Armed Forces Retirement Home Act of 1991, Pub.L. 101-510 (24 U.S.C. 414).

20. To Federal and Quasi-Federal agencies, territorial, state and local governments, and contractors and grantees for the purpose of supporting research studies concerned with the health and well being of active duty, reserve, and retired personnel or veterans, to include family members. DMDC will disclose information from this system of records for research purposes when DMDC:

a. has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

b. has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

d. has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

21. To the Educational Testing Service, American College Testing, and like organizations for purposes of obtaining testing, academic, socioeconomic, and related demographic data so that analytical personnel studies of the Department of Defense civilian and military workforce can be conducted.

NOTE 3: Data obtained from such organizations and used by DoD does not contain any information which identifies the individual about whom the data pertains.

The 'Blanket Routine Uses' set forth at the beginning of the DLA compilation of record system notices apply to this record system.

NOTE 4: Military drug test information involving individuals participating in a drug abuse rehabilitation program shall be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–2. This statute takes precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. The DLA's 'Blanket Routine Uses' *do not* apply to these types records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Retrieved by name, Social Security Number, occupation, or any other data element contained in system.

SAFEGUARDS:

Access to personal information at both locations is restricted to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of passwords which are changed periodically. Physical entry is restricted by the use of locks, guards, and administrative procedures.

RETENTION AND DISPOSAL:

Disposition pending.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

The military services, the Department of Veteran Affairs, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Office of Personnel Management, Federal and Quasi-Federal agencies, and the Selective Service System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–24480 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

In addition, the system identifier for the system of records 'S200.20 DLA-M' is being changed to 'S200.20 CAH'.

DATES: This action will be effective without further notice on October 21, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The system identifier for the system of records 'S200.20 DLA-M' is being changed to 'S200.20 CAH'.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on September 1, 1999, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S600.10 DLA-W

SYSTEM NAME:

Hazardous Materials Occupational Exposure History Files *(February 22, 1993, 58 FR 10854).*

CHANGES:

SYSTEM IDENTIFIER:

Delete 'DLA-W' and replace with 'CAAE'.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Individuals working in or visiting storage areas containing hazardous materials and individuals who have submitted dosimeter applications.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'File contains name, Social Security Number, badge readings, individual or area exposure monitoring results and medical data.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 7902, Safety Programs; 29 U.S.C. Chapter 15, Occupational Safety and Health; 42 U.S.C. 2201(o), Reports; and E.O. 9397 (SSN).'

PURPOSE(S):

Delete entry and replace with 'To record and maintain data on hazardous materials exposure levels and medical status following annual medical examinations and to comply with reporting requirements.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add the following paragraph 'To academic institutions and nongovernment agencies for the purpose of monitoring/evaluating exposures to hazardous materials.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete first sentence and replace with 'Staff Director, Environment and Safety Policy, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, and safety and health offices at the DLA PLFAs.'

* * * * *

S600.10 CAAE

SYSTEM NAME:

Hazardous Materials Occupational Exposure History Files.

SYSTEM LOCATION:

Records are maintained at the Defense Supply Center Philadelphia; the Defense Distribution Center; and the Defense National Stockpile Center. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

In addition, records are maintained at the Defense Logistics Support

Command, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, and the following Defense National Stockpile Center field locations:

Binghamton Depot, Hoyt Avenue, Binghamton, NY 13901–1699;

Sommerville Depot, 152 U.S. Highway 206 South, Sommerville, NJ 08876–4135;

Curtis Bay Depot, 710 Ordnance Road, Baltimore, MD 21226–1786;

Scotia Depot, Scotia, NY 12302–7463;

Point Pleasant Depot, 2601 Madison Avenue, Point Pleasant, WV 25550–1603;

Hammond Depot, 3200 Sheffield Avenue, Hammond, IN 46327–5000;

Casad Depot, New Haven, IN 46774–9644;

Warren Depot, Pine Street Extension, Warren, OH 44482–9999;

Gadsden Depot, 400 Raines Avenue, Gadsden, AL 35902–5000;

Baton Rouge Depot, 2695 N. Sherwood Forest Drive, Baton Rouge, LA 70814–5397; and

Clearfield Federal Depot, Clearfield, UT 84016–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals working in or visiting storage areas containing hazardous materials and individuals who have submitted dosimeter applications.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Social Security Number, badge readings, individual or area exposure monitoring results and medical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902, Safety Programs; 29 U.S.C. Chapter 15, Occupational Safety and Health; 42 U.S.C. 2201(o), Reports; and E.O. 9397 (SSN).

PURPOSE(S):

To record and maintain data on hazardous materials exposure levels and medical status following annual medical examinations and to comply with reporting requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the U. S. Public Health Service for the purpose of conducting medical examinations and evaluations of DLA employees.

To the regulatory agencies which regulate the handling of hazardous materials for reporting purposes.

To academic institutions and nongovernment agencies for the purpose of monitoring/evaluating exposures to hazardous materials.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Records are stored in paper and electronic form.

RETRIEVABILITY:

Retrieved alphabetically by individual's name and Social Security Number.

SAFEGUARDS:

Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed 75 years after birth date of employee, 60 years after date of the earliest document in the file if the date of birth cannot be ascertained, or 30 years after latest separation, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Environment and Safety Policy, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, and safety and health offices at the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of record system notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of record system notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from film badges, dosimeters, other instrumentation, work logs, and medical examinations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–24481 Filed 9–20–99; 8:45 am]
BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to amend records systems.

SUMMARY: The Defense Logistics Agency proposes to amend two systems of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The action will be effective on October 21, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Defense Logistics Agency proposes to amend two systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records are not

within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems report. The record system being amended is set forth below, as amended, published in its entirety.

Dated: September 15, 1999.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S690.10 DLA-W

SYSTEM NAME:

Individual Vehicle Operators File *(February 22, 1993, 58 FR 10854).*

CHANGES:

SYSTEM IDENTIFIER:

Replace 'DLA-W' with 'DLSC'.

* * * * *

SYSTEM LOCATION:

Replace first sentence and with 'Commanders of the Defense Logistics Agency (DLA) Primary Level Field Activities (PLFAs) which issue vehicle operator's Identification Cards (I.D.).'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'File contains name, Social Security Number, date of birth, State and number of currently valid license; list of arrests or summonses for violation of motor vehicle laws (excluding parking violations) and convictions, if any; suspensions or revocations of his/her state license or identification card within the past five years and any motor vehicle accidents within the past five years, training and performance record, and other related papers.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '40 U.S.C. 471, Federal Property and Administrative Services Act of 1949; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and E.O. 9397 (SSN).'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'Retrieved by name or Social Security Number.'

SAFEGUARDS:

Delete entry and replace with 'Records are maintained in areas accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorized users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.'

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with 'Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2553, Fort Belvoir, VA 22060-6221 or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.'

RECORD ACCESS PROCEDURES:

Delete entry and replace with 'Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2553, Fort Belvoir, VA 22060-6221 or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.'

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RECORD SOURCE CATEGORIES:

Delete entry and replace with 'Record subject, court records, supervisors notes and comments and related documents.'

* * * * *

S690.10 DLSC

SYSTEM NAME:

Individual Vehicle Operators File.

SYSTEM LOCATION:

Commanders of the Defense Logistics Agency (DLA) Primary Level Field Activities (PLFAs) which issue vehicle operator's Identification Cards (I.D.). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons for whom Defense Logistics Agency has issued permits to operate motor vehicles or equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Social Security Number, date of birth, State and number of currently valid license; list of arrests or summonses for violation of motor vehicle laws (excluding parking violations) and convictions, if any; suspensions or revocations of his/her state license or identification card within the past five years and any motor vehicle accidents within the past five years, training and performance record, and other related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471, Federal Property and Administrative Services Act of 1949; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and E.O. 9397 (SSN).

PURPOSE(S):

Records are maintained and used by DLA officials to determine an individual's qualifications and fitness to operate government vehicles and/or equipment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic form.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorized users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after the individual's termination or transfer or after cancellation of authorization.

SYSTEM MANAGER(S) AND ADDRESS:

Commanders of Defense Logistics Agency PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2553, Fort Belvoir, VA 22060-6221 or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2553, Fort Belvoir, VA 22060-6221 or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Record subject, court records, supervisors notes and comments and related documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S900.10 CA

SYSTEM NAME:

Personnel Roster/Locator Files *(June 4, 1993, 58 FR 31697).*

CHANGES:

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Current civilian employees, military personnel, and a select number of former employees of the DLA activity where records are maintained.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Add after the words 'next-of-kin name' add 'address'.

* * * * *

PURPOSE(S):

Delete first paragraph and replace with 'To notify DLA personnel of the arrival of visitors, to plan social and honorary recognition functions, to recall personnel to duty station when required, for use in emergency notification, and to perform relevant functions/requirements/actions consistent with managerial functions.'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'Retrieved by name, Social Security Number, organization, or grade/rank.'

SAFEGUARDS:

Delete entry and replace with 'Records are maintained in areas accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorize users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Records are destroyed upon termination/departure of DLA personnel or when no longer needed for notification of official or social Agency functions.'

* * * * *

S900.10 CA

SYSTEM NAME:

Personnel Roster/Locator Files.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current civilian employees, military personnel, and a select number of former employees of the DLA activity where records are maintained.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include name, Social Security Number, organizational assignment, home address and telephone number, grade/rank, position title and job series, and spouse or next-of-kin name, address, and telephone numbers.

Security offices and police force records may also contain emergency medical and disability data, including information on special equipment or devices the individual requires, name and telephone number of medical practitioner, and medical alert data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. Chapter 31 (Personnel); and E.O. 9397 (SSN).

PURPOSE(S):

To notify DLA personnel of the arrival of visitors, to plan social and honorary recognition functions, to recall personnel to duty station when required, for use in emergency notification, and to perform relevant functions/requirements/actions consistent with managerial functions.

Medical and disability data is used by security and police officers to identify and locate individuals during medical emergencies, facility evacuations, and similar threat situations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Security and police officers may relay medical and disability data to emergency medical treatment personnel, local fire fighters, and similar groups responding to calls for emergency assistance.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic form.

RETRIEVABILITY:

Retrieved by name, Social Security Number, organization, or grade/rank.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorize users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed upon termination/departure of DLA personnel

or when no longer needed for notification of official or social Agency functions.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of HQ DLA principal staff elements and Heads of DLA field activities which maintain locator/roster files. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Record subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–24529 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 22, 1999.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 15, 1999.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Special Education Expenditure Project.

Frequency: On occasion.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 24,474.—Burden Hours: 12,391.

Abstract: This package is to request clearance for The Special Education Expenditures Project (SEEP). The purpose of the study is to provide information about resource allocation to special education programs. The study will provide information on how resources are allocated among various special education programs, and how the use of resources varies across states, schools and districts (e.g., by school poverty levels and size of allocation). The study will report total expenditures on special education, average per pupil expenditures for special education programs and services, patterns of resource allocation, and patterns of services to different categories of students. Respondents will include state, district, and school staff including teachers and instructional aides.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *OCIO__IMG__Issues@ed.gov* or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Sheila Carey at 202–708–6287 or electronically mail her at internet address sheila__carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–24505 Filed 9–20–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 21, 1999.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs,

Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 15, 1999.

William E. Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Annual Report on Appeals Process.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Reporting and Recordkeeping Hour Burden:
Responses: 81.
Burden Hours: 162.

Abstract: Form RSA–722 is needed to meet specific data collection requirements in Subsections 102c (8)(A) and (B) of the Rehabilitation Act of 1973, as amended on the number of requests for mediation, hearings and reviews filed. The information collected is used to evaluate the types of complaints made by applicants for and eligible individuals of the vocational rehabilitation program and the final resolution of appeals filed. Respondents are State agencies that administer the Federal/State Program for Vocational Rehabilitation.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *OCIO__IMG__Issues@ed.gov* or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Sheila Carey at 202–708–6287 or by e-mail at internet address sheila__carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–24506 Filed 9–20–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.103A]

Office of Postsecondary Education, Department of Education Notice Inviting Applications for the Training Program for Federal TRIO Programs (Training Program) New Awards for Fiscal Year (FY) 2000

Purpose of Program: The purpose of the Training Program is to provide grants to train staff and leadership personnel employed in, or preparing for employment in, projects funded under the Federal TRIO Programs to improve the operation of those programs and projects.

Eligible Applicants: Institutions of higher education; and public and nonprofit private agencies and organizations. We suggest that applicants read the "Dear Applicant letter" and this notice before completing the Training Program application.

Deadline for Intergovernmental Review: February 8, 2000

Deadline for Transmittal of Applications: December 10, 1999

Applications Available: October 28, 1999

Available Funds: $6,000,000. The estimated amount of funds available for new awards is based on the Administration's request for this program for FY 2000. The actual level of funding, if any, is contingent on final congressional action.

Estimated Range of Awards: $170,000—$290,000.

Estimated Average Size of the Awards: $250,000.

Estimated Number of Awards: 26.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Page Limit: An applicant uses the application narrative (Part III), to address the application selection criteria. This narrative section (Part III) may not exceed 50 pages, using the following standards:

(1) A "page" is 8.5" × 11", on one side only with 1" margins at the top, bottom, and both sides.

(2) You must double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as text in charts, tables, figures, and graphs.

If you use a proportional computer font, you may not use a font smaller than a 12-point font or an average character density greater than 18 characters per inch. If you use a nonproportional font or a typewriter, you may not use more than 12 characters per inch.

The page limit does not apply to or include Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; and the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III. If you use print size, spacing, or margins smaller than the standards specified in this notice, your application will not be reviewed for funding.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 642.

SUPPLEMENTARY INFORMATION: *Priorities:* Under Title IV, Part A, Subpart 2, Chapter I, Section 402G of the Higher Education Act of 1965, as amended, and 34 CFR 75.105(c)(2) and 642.34(a), the Secretary gives competitive preference (8 ⅓ points) to applications that address one of the following priorities:

(1) General project management for new directors.

(2) Legislative and regulatory requirements for the operation of the Federal TRIO Programs.

(3) Student financial aid.

(4) The design and operation of model TRIO projects.

(5) Use of educational technology.

(6) Retention and graduation strategies.

(7) Counseling.
(8) Reporting student and project performance.
(9) Coordinating project activities with other available resources and activities.

An applicant can submit only one application per priority.

FOR FURTHER INFORMATION CONTACT: Patricia S. Lucas, Training Program for Federal TRIO Programs, U.S. Department of Education, Office of Federal TRIO Programs, 400 Maryland Avenue, SW, Suite 600–D, Portals Building, Washington, DC 20202–5249. Telephone: (202) 708–4804. The e-mail address for Ms. Lucas is: patricia__lucas@ed.gov Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph. Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. Fax: (301) 470–1244. Individuals who use a telecommunictations device for the deaf (TDD) may call (toll free): 1–877–576–7734. You may also contact ED Pubs via its Web site at: http://www.ed.gov/pubs/edpubs.html or at its e-mail address: edpubs@inet.ed.gov

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA 84.103A.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites: http://ocfo.ed.gov/fedreg.htm http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Program Authority: 20 U.S.C. 1070d–1d.

Dated: September 16, 1999.

Claudio R. Prieto,

Acting Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 99–24567 Filed 9–20–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, October 7, 1999 6:00 p.m.–9:30 p.m.

ADDRESSES: College Hill Library, (Front Range Community College), 3705 West 112th Avenue, Westminster, CO 80021.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Presentation by the Health Advisory Panel on its final report
2. Review and approve Board's year 2000 work plan and budget
3. Review and approve the Board's Vision document
4. Other Board business may be conducted as necessary

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855. Hours of operation for the Public Reading Room are 9:00 a.m. to 4:00 p.m. Monday through Friday. Minutes will also be made available by writing or calling Deb Thompson at the address or telephone number listed above.

Issued at Washington, DC on September 16, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–24549 Filed 9–20–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP97–315–000, CP97–315–001, CP97–320–000, CP97–321–000, CP97–319–000, CP98–540–000]

Independence Pipeline Company; ANR Pipeline Company; Transcontinental Gas Pipe Line Corporation; Notice of Public Conference

September 15, 1999.

Take notice that the Federal Energy Regulatory Commission will convene a public conference on September 29, 1999, in the above-captioned proceedings.

In these proceedings, Independence Pipeline Company, ANR Pipeline Company, and Transcontinental Gas Pipe Line Corporation have filed applications with the Commission to construct and operate extensive pipeline facilities. These applications, in turn, have sparked significant interest from the public and energy industry.

In light of the recent high level of interest in these proposals, the Commission will convene a conference in the above-captioned proceedings, to

allow the record to be supplemented to address the market need for the proposed project. The purpose of the conference is to provide an opportunity for parties to provide new information, not to restate positions or information already in the record. In addition, the Commission is particularly interested in hearing from elected officials concerning their analysis and views of the project.

The conference will be held in the offices of the Federal Energy Regulatory Commission, in the Commission Meeting Room, 888 First Street, N.E., Washington, DC 20426, starting at 1:00 p.m.

Any party wishing to participate in the conference should submit a written request to the Secretary of the Commission by September 21, 1999. The request should indicate the scope of the participants' planned remarks. Because of time constraints, parties with common interests are encouraged to designate a single speaker to represent their views. The Commission will review the requests and the requesters, and will select the participants in the conference based on the number of requests to speak and the issues to be addressed. Speakers that have audio/visual requirements should contact Wanda Washington at (202) 208–1460.

Any written comments may be filed within 15 days after the conference.

The Capital Connection offers all Open and special FERC meetings live over the Internet as well as via telephone and satellite. For a reasonable fee, you can receive these meetings in your office, at home, or anywhere in the world. To find out more about The Capitol Connection's live Internet, phone bridge, or satellite coverage, contact David Reininger or Julia Morelli at (703) 993–3100 or visit the web site (www.capitolconnection.gmu.edu). The Capitol Connection also offers FERC Open meetings through its Washington, D.C. area telephone service.

In addition, National Narrowcast Network's Hearing-On-The-Line service covers all FERC meetings live by telephone so that interested persons can listen at their desks, from their homes, or from any phone without special equipment. Billing is based on time on-line. Call (202) 966–2211. Anyone interested in purchasing videotapes of the meeting should also call VISCOM at (703) 715–7999.

All questions concerning the format of this conference should be directed to: Joel Arneson, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208–2169.

By direction of the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24553 Filed 9–20–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL98–1–001]

Public Access to Information and Electronic Filing; Staff Notice of Pilot Project for Electronic Filing

September 15, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of pilot project for electronic filing of documents.

SUMMARY: The Federal Energy Regulatory Commission (Commission) notifies interested persons that, beginning on October 1, 1999, the Commission will conduct a Pilot Project that will allow selected participants in Commission proceedings to submit to the pilot specified categories of documents electronically. This pilot is intended to test the Commission's systems for receiving electronic filings in preparation for implementing electronic filing as the principal means of filing documents in its proceedings.

FOR FURTHER INFORMATION CONTACT:

Brooks Carter, Office of the Chief Information Officer, Federal Energy Regulatory Commission, 888 First Street, NE., Room 42–29, Washington, DC 20426, (202) 501–8145, FAX: (202) 208–2425, E-Mail: brooks.carter@ferc.fed.us

Wilbur Miller, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Room 91–17, Washington, DC 20426, (202) 208–0953, FAX: (202) 208–0056, E–Mail: wilbur.miller@ferc.fed.us

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.fed.us*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street, NE, Room 2A, Washington, DC 20426.

From FERC's Home Page on the Internet, this information is available in both the Commission Issuance Posting System (CIPS) and the Records and Information Management System (RIMS).

—CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994. CIPS can be accessed using the CIPS link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII and WordPerfect 8.0 format for viewing, printing, and/or downloading.

—RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from FERC's Home Page using the RIMS link or the Energy Information Online icon. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the Website during normal business hours from our Help line at (202) 208–2222 (E-Mail to *WebMaster@ferc.fed.us*) or the Public Reference Room at (202) 208–1371 (E–Mail to *public.referenceroom@ferc.fed.us*).

During normal business hours, documents can also be viewed and/or printed in FERC's Public Reference Room, where RIMS, CIPS, and the FERC Website are available. User assistance is also available.

Take notice that Commission Staff is seeking volunteers to participate in a Pilot Project for electronic filing of documents in Commission proceedings over the Internet. This Pilot Project will commence on October 1, 1999, and will continue until further notice by the Commission. Because this is a test of the electronic system, participants in the pilot will still be required to comply with existing filing requirements, by filing paper copies of documents in accordance with the Commission's existing regulations.

This pilot is part of the Commission Staff's effort to implement electronic filing. Eventually, Staff expects to recommend that the Commission require that all filings by regulated entities be made in electronic form, with limited exceptions. Participants in this pilot will have the opportunity not only to assist the Commission in making its determination on electronic filing, but to familiarize themselves with the process at an early stage of development. At the outset of the pilot only a few participants may be selected, but Commission Staff anticipates that the number of testers will be increased incrementally as more experience is gained with electronic filing. Staff will be particularly interested in working

with participants that anticipate filing, during the course of the pilot, documents of the types that will be accepted for the pilot.

The pilot will test a prototype for electronic filing over the Internet limited to motions and notices to intervene, protests, comments and related filings. The attachment describes the pilot and contains a general description of the requirements and specifications for electronic submissions during the pilot. The Commission Staff is not testing electronic filings made on diskette, CD–ROM, or other media as part of this pilot, although ultimately some filings may be made using these media.

The Commission Staff encourages those interested in participating in the pilot to contact: Brooks Carter, Office of the Chief Information Officer, Federal Energy Regulatory Commission, 888 First Street, NE, Room 42–29, Washington, DC 20426, (202) 501–8145, FAX: (202) 208–2425, E-Mail: brooks.carter@ferc.fed.us.

Please include the name, mailing address, telephone number, and E-Mail address of the company contact. It would also be helpful if interested parties would be prepared to give Staff some indication of whether they anticipate filing documents of the types that will be accepted for the pilot. A link on the Commission's Website for the Electronic Filing Initiative provides information about the pilot (*http://www.ferc.fed.us/efi/efi.htm*). Questions may also be addressed to Brooks Carter.

Linwood A. Watson, Jr.,

Acting Secretary.

Attachment—Summary of Staff Pilot Project for Electronic Filing

I. Initial Approach

Initially, a limited group of voluntary participants will take part in testing the electronic filing prototype. This group will be incrementally enlarged during the pilot to ensure that as many volunteers as possible get the opportunity to participate and that all functional components of the system are adequately tested. The initial group of participants will include those that anticipate making several filings of the types being accepted for purposes of the pilot during the early stages of the pilot.

Coordination with Commission Staff will be essential. During the pilot, participants will work closely with Staff in testing specific aspects of the prototype and the initial filing profile, and will provide technical feedback.

II. Scope

The following categories of documents, and no others, may be submitted in connection with the Pilot Project (all citations are to 18 CFR):

1. Motions to Intervene and Notices to Intervene pursuant to § 385.214.
2. Protests pursuant to § 385.211, and protests and responses pursuant to § 343.3.
3. Comments on any pleading listed in 1. or 2. other than (a) those in proceedings set for hearing under Subpart E of the regulations and (b) settlement comments.
4. Comments filed in rulemaking proceedings and in connection with Environmental Impact Statements on Environmental Assessments.
5. Answers to, withdrawals of, and amendments to pleadings and rulemaking comments listed in 1., 2., or 4., filed pursuant to § 385.213, 385.215 and 385.216, other than those in proceedings set for hearing under Subpart E of the regulations.

III. Existing Filing Requirements

Existing filing requirements will not be waived, suspended or modified for purposes of this Pilot Project. Thus, participants, filing electronic copies of documents must also file paper copies in accordance with the Commission's existing filing requirements. The paper copy will serve as the official copy in accordance with existing regulations during the pilot. Questions of timeliness will be determined according to the paper submission.

IV. Technical Requirements

The following sections describe in general terms the technical requirements and operations of the pilot. Commission Staff will provide detailed instructions to participants.

A. Filing Format

During the pilot, the participants may submit electronic documents in the following formats:

1. Microsoft Word: Versions from 2.x for Windows to MS Office 97. The file name extension must be ".doc."
2. Corel WordPerfect: Versions 4.2 through 8.0. The file name extension must be ".wpd."
3. Adobe Acrobat Portable Document Format (PDF): All versions. The file name extension must be ".pdf."
4. Rich Text Format. The file name extension must be ".rtf."
5. ASCII. The file name extension must be ".txt."

Participants may submit files with long file names.

As the Commission Staff expands its electronic filing initiative, it will add other formats (*e.g.*, spreadsheets, graphics) to accommodate specific requirements.

B. Method of Submission

The following steps generally outline the method of submission that participants will be required to follow during the pilot:

1. The participant will access the Commission's web site and follow the instructions for submitting an electronic document.
2. Upon submission of the document, the Commission's computer system will immediately generate a web-based response confirming successful transmission. The Commission's computer system will shortly thereafter send an E-Mail message confirming receipt and containing an accession number for the document's image.
3. The E-Mail that the Commission's computer system sends will also contain an Internet link, so the participant can view the document's electronic image, which the Commission's system will have generated. The participant will be able to view the Commission-generated electronic image of the submitted document, thus allowing the participant to compare the image's content and appearance with the original document sent.
4. The participant will make a paper copy of the document (either from the participant's electronic version or from the document's Commission-generated electronic image). The participant will also print out a copy of the confirmation received from the Commission's computer system (which will include the accession number), and place the confirmation on top of the original paper version of the document. The participant will then submit the original with the confirmation and the prescribed number of paper copies of the document in accordance with the Commission's existing regulations. *The paper copy and not the electronic version governs issues of timeliness.*
5. The Commission will make available on its web site, through RIMS, both the electronic version of the document in its native format and the Commission's electronic image of the paper copy. Users of the Commission's web site will be able to download the native format version or, if they have the appropriate viewer, to view it on screen.

C. Formatting of Documents To Permit Accurate Citation

Paragraph numbering is not necessary for documents filed in PDF format. For documents filed in other formats (WordPerfect, MS Word, RTF and ASCII), accurate citation may be difficult unless documents contain paragraph numbers. The Commission Staff thus encourages participants filing documents in those formats to include paragraph numbers. During the pilot, paragraph numbering will not be required and documents that do not contain it will not be rejected solely for that reason.

For purposes of this pilot, participants choosing to include paragraph numbering should number every paragraph of the document consecutively. Participants can use any format for paragraph numbering, but they are encouraged to use the format [¶number] and place the number at the left margin to each paragraph, as follows: [¶1] [Paragraph text beginning here.].

Participants can use either the automatic paragraph numbering features of the application (such as Word ™ or WordPerfect ™) or can use ASCII characters for numbering.

Commission Staff will create an electronic image of the submitted electronic file, as long as the file format used is one of those stated above as acceptable. At this time, RIMS is not able to convert non-PDF file formats to PDF.

D. Authentication and Verification

Participants in the Pilot Project will establish a User ID and Password to authenticate an electronic submission. Each

person submitting an electronic filing must establish his/her own ID and Password.

E. Document Content Standards

The Commission Staff will place some limitations on the content of electronic documents submitted as part of the pilot. Such documents will have to meet at least the following criteria:

1. Documents must be submitted as a single file, which is neither zipped nor compressed.

2. Documents must be submitted in connection with a proceeding that has a single Docket Number, or is the lead docket in a consolidated case.

3. The file size must be less than five megabytes.

4. Documents must not contain auto-text (such as "date") or macros that may change the document in any way after submission.

5. Documents must not contain hyperlinks to external documents, except to the Commission's CIPS and RIMS systems as long as the text also contains a regular, full citation to the referenced document.

6. All documents submitted electronically in connection with the pilot will be public. Non-public or proprietary documents and data may not be submitted electronically as part of the pilot.

All participants should note that the above technical requirements are subject to change. The Commission Staff will post any updates to the requirements for the pilot on the Website and encourages participants to check regularly for possible changes.

F. Additional Contacts

Help lines (202–208–0258, 202–208–2222 and 202–208–1371) for technical assistance or questions about the pilot program are staffed during the Commission's official business hours (8:30 a.m. to 5:00 p.m. Eastern time). Users needing help or information also are encouraged to send an E-Mail to efiling@ferc.fed.us.

V. Paperwork Reduction Act

No person shall be subject to any penalty for failing to comply with this collection of information if the collection of information does not display a valid control number. 44 U.S.C. 3512.

[FR Doc. 99–24488 Filed 9–20–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6442–3]

Microbial and Disinfectants/ Disinfection Byproducts Advisory Committee; Notice of Meetings

AGENCY: Environmental Protection Agency.

ACTION: Notice of meetings.

SUMMARY: Under section 10(a)(2) of Public Law 920423, "The Federal Advisory Committee Act," notice is hereby given of a series of meetings of the Microbial and Disinfectants/ Disinfection Byproducts Advisory Committee established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*). All meetings are scheduled from 9:00 a.m. to 5:00 p.m. eastern time, and will be held at RESOLVE, Inc., 1255 23rd Street, NW, Suite 275 Washington, DC 20037. The meetings are open to the public.

The meetings are scheduled for: September 22–23, to discuss ICR Occurrence Data, provide overview of drinking water treatment technologies, and review and provide guidance on the Technical Working Group's priorities; October 27–28, to discuss 12 month ICR data, distribution systems, and an update on microbial and DBP health risks; December 8–9, to discuss Stage 1 baseline, continue discussion on microbial and DBP health risks, and begin discussion of rule options; January 12–13, to discuss post Stage 1 baseline, rule options, and continue discussion of microbial and DBP health risks.

Statements from the public will be taken if time permits.

For more information, please contact Martha M. Kucera, Designated Federal Officer, Microbial Disinfectants/ Disinfection Byproducts Advisory Committee, U.S. EPA, Office of Ground Water and Drinking Water, Mailcode 4607, 401 M Street, SW, Washington, DC 20460. The telephone number is 202–260–7773 or E-mail kucera.martha@epamail.epa.gov.

Dated: September 17, 1999.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 99–24674 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

September 15, 1999.

Deletion of Agenda Items From September 15th Meeting

The following items have been deleted from the list of agenda items scheduled for consideration at the September 15, 1999, Open Meeting and previously listed in the Commission's Notice of September 8, 1999. Items 2 and 3 have been adopted by the Commission.

Item No.	Bureau	Subject
2	International	Title: Direct Access to the INTELSAT System (IB Docket No. 98–192, File No. 60–SAT–ISP–97). Summary: The Commission will consider a Report and Order concerning direct access to the INTELSAT system.
3	International	Title: Lockheed Martin Corporation Regulus, LLC and Comsat Corporation; Application for Transfer of Control of COMSAT Government Systems, Inc., Holder of an International Section 214 Authorization and Earth Station Licenses E960186 and E960187 (File Nos. SE5–T/C/–19981016–01388(2)ITC–T/C–19981016–00715); and Lockheed Martin Corporation/Regulus, LLC; and Application for authority to Purchase and Hold Shares of Stock in COMSAT Corporation (File No. SAT–ISP–19981016–00072). Summary: The Commission will consider a Memorandum, Order and Authorization concerning applications for transfer of control of a subsidiary of Comsat Corporation to Lockheed Martin Corporation and for authority for Lockheed Martin Corporation to acquire up to 49 percent of Comsat's stock.

Federal Communications Commission.
Magalie Roman Salas,
Secretary.
[FR Doc. 99–24712 Filed 9–17–99; 3:48 pm]
BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed revised information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the application for grants under the Hazard Mitigation Grant Program.

SUPPLEMENTARY INFORMATION: The Hazard Mitigation Grant Program (HGMP) was created with the passage of the Stafford Act in November 1988. The Program, authorized by Section 404 of the Act, provides States and local governments financial assistance to implement measures that will permanently reduce or eliminate future damages and losses from natural hazards.

In December 1993 the President signed the Hazard Mitigation and Relocation Assistance Act that amended Section 404. This amendment increased the Federal cost share of the HMGP to a maximum 75 percent, and the amount of funds available to 15 percent of all other disaster grants. The amendment also imposed new implementing requirements on acquisition and relocation projects funded under the Program. FEMA published an interim rule in the **Federal Register** on May 11, 1994, amending the original program regulations published in May 1989, to implement the changes.

The statutory changes combined with the Administration's National Performance Review initiative provided an opportunity for FEMA to evaluate the overall program and make improvements. The 1993 increase in program funding significantly heightened public interest in the Program and have served to underscore the need to clarify Program eligibility, simplify program administration, and expedite grant award and implementation.

The changes are only a first step in the ongoing process to enhance the program. FEMA is working with its customers to improve training and guidance to accompany the regulations. Successful implementation of the changes requires clear guidance for both FEMA staff and State grantees.

Collection of Information

Title: Hazard Mitigation Grant Program Application.

Type of Information Collection: Reinstatement of a previously approved collection.

OMB Number: 3067–0207.

Form Numbers. SF–424—Application for Federal Assistance; FEMA Forms 20–16, 20–16a, 20–16b, 20–16c & SF–LLL—Summary Sheet for Assurances and Certifications and Lobbying Disclosure; FEMA Form 20–10—Financial Status Report; 20–15—Budget Information (Construction Programs); FEMA Form 20–20—Budget Information (Nonconstruction Programs); and FEMA Form 20–17—Outlay Report and Request for Reimbursement for Construction Programs.

Abstract. HMGP Application Package. Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act authorizes FEMA to provide financial assistance to communities and States to implement measures that will permanently reduce or eliminate future damages and losses from natural hazards. Grantees will no longer be asked to create distinctive application forms for the program in their State. This change is intended to make HMGP procedures more consistent with OMB guidance and requirements, particularly OMB Circular A–102 (revised October 7, 1994).

The application package consists of the SF–424 facesheet; the budget form; project narrative with detailed descriptions; and assurances and certifications. Applications with detailed descriptions include the following:

(1) SF–424, Application for Federal Assistance (facesheet). This is a standard form used by applicants to accompany applications for Federal assistance. It provides the agency summary information about applicant organization and the type of assistance requested. Local governments may use the SF–424 to provide pertinent applicant profile information with their application. States may submit amendments to their original application by submitting an additional SF–424 that requests a revision to the original (block 8).

(2) Budget form. This is a standardized form which applicants submit with the application detailing the proposed budget for the grant. For construction projects, applicants complete FEMA Form 20–15. For nonconstruction projects, applicants complete FEMA Form 20–20. FEMA will use this information to determine if the requested funding is reasonable and to perform a benefit-cost analysis on the proposed project (construction projects only)

(3) Project Narrative. The narrative statement, more commonly referred to as the project application, identifies the proposed measure to be funded and provides information supporting the projects eligibility. The narrative contains the following twelve essential elements: (a) General Project Information: Indicate the FEMA disaster declaration number, the date the application was submitted to the State, and the title of the project. Applicant should note whether the application provides additional information requested from the State or FEMA. (b) Name of Subgrantee: Indicate whether the applicant is a town, county, or city; State agency, eligible private non-profit organization or institution; or Indian tribe. (c) State and Local contact: Identify the name, agency, address, and phone number of a contract person. If there is an alternate contact, include information for that person as well. (d) Location of the Project: Describe the project location by street, address, road intersections, geographic landmarks, legal description, or other methods, if appropriate. Maps or drawings or the area should be provided indicating the project location. If the project is located within an identified flood hazard area, the National Flood Insurance Program map should be attached with the project location identified. It is also important to note whether the project is located inside or outside of the disaster area. (e) Description of the Project: To assist State and local officials in reviewing and prioritizing project applications, the applicant should include as much detail as possible. This may include: Description of problem the proposed project is intended to solve; primary objectives of the project; appropriate maps and diagrams; description of the damage caused by the current disaster or previous disasters, and/or the potential for future damage based on the area's exposure to hazards; how the project is intended to reduce hazard effects and risks; the number of people and/or the amount of property that will be protected with the proposed project; and description of how the proposed

project meets or exceeds minimum project criteria.

The emphasis of the description will vary depending on whether the applicant is seeking a grant for construction or nonconstruction projects. Because the criteria for HMGP grants are very specific, the narrative for construction grants will be more extensive than those for nonconstruction. For example, narratives for a construction project will not only describe the proposed approach, but also other approaches considered to meet the objective. Also, construction projects are more likely to have a potential effect on the environment, so the narrative for project construction grants will include a detailed description of the surrounding environment. FEMA will use the environmental information to meet its requirements under the National Environmental Policy Act.

(f) Cost-estimate for the Project: Applicant should be accurate as possible in computing project costs. Total estimate project costs should be indicated. A breakdown should also be provided that includes the following categories: Federal share (HGMP funds); other Federal funding (Community Development Block Grant); State share; Applicant share; and other non-Federal share. If appropriate, costs for the following services should also be included: project management; comprehensive study; engineering and design; site acquisition; construction; labor; equipment; staffing; transportation; and materials/supplies. (g) Analysis of cost-effectiveness and substantial risk reduction: applicant should explain how the cost of the project compares with the anticipated value of future damage reduction. This will help document that the benefits are greater than the costs. Other factors that should be addressed in analyzing the cost-effectiveness of a project include: the cost and useful life of the project; frequency of the disaster event; an estimate of the dollar amount of damage that would be prevented as a direct result of the proposed project; and an estimate of the subsequent negative impacts to the area if the measure were not implemented. The cost-effective analysis should include a narrative statement, describing the costs and expected damages, and a numerical analysis, justifying the findings. (h) Work Schedule: A work schedule should be provided that details, at a minimum, the start date, completion date, and project milestones, including dates for submittal or quarterly progress reports. If the project is detailed, it may be helpful to separate the activities into phases and perhaps tasks within those phases. If deliverables are required, deadlines for submission should be included. A maintenance schedule should also be submitted indicating the maintenance activities that will need to be performed by the applicant for the life of the project. (i) Justification for Selection: Applicant should discuss why the project is required and how the project will solve the problem. This may involve a discussion of the other alternatives examined and the reason this specific approach was chosen. If the project is a recommendation from a post-disaster team report or state hazard mitigation plan, it may be appropriate to include supporting data from either the report or the plan. (j) Alternatives Considered: A discussion of the alternatives examined in selecting this project should be included. The narrative should address the reason(s) why they were determined not to be the most appropriate option. Issues such as effectiveness, cost, and affect on the environment should be examined. (k) Environmental Information: HGMP projects must comply with appropriate environmental requirements. FEMA is ultimately responsible for preparing an environmental document describing the potential environmental impacts on all potential projects, although FEMA and the state may rely on the applicant to provide much of this information. The applicant is responsible for meeting all State and local environmental requirements and initiating the application process for environmental permits or approvals, as necessary. (l) Project Compliance Assurances: These are standardized forms that are completed by the State. FEMA Form 20–16 summarizes all assurances and certifications that the State must sign in order to receive grant assistance. FEMA Form 20–16a is a list of assurances that the State must provide in order to receive assistance for nonconstruction programs. FEMA Form 20–16b is a list of assurances that the State must provide in order to receive assistance for construction programs. FEMA Form 20–16c lists three certifications that the State must make in order to receive Federal assistance: Lobbying; debarment, suspension, and other responsibility matters; and drug free workplace requirements. The SF–LLL is a standard form disclosing lobbying activity on the part of grant recipients. These assurances are an integral element of the grant agreement between FEMA and the State, ensuring compliance with all applicable Federal statutes, executive orders, and regulations.

Affected Public: State, Local or Tribal government, and not for profit institutions.

Estimated Total Annual Burden Hours: 20,263.

FEMA forms	No. of respondents (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (A × B × C)
SF–424	25	[1] 46	.75	862.50
Narrative	25	46	15	17,250
Assurances and Certifications	25	46	2.2	2,530
Total	25	46	[2] 18	[2] 20,643

[1] Average based on number of declared disasters per yr.
[2] Rounded.

Estimated Cost. Estimated cost of the collection of information to the Federal government is $200,000.

Comments

Written comments are solicited to:

(a) Evaluate whether the proposed data collections and reporting requirements are necessary for the proper performance of FEMA's functions and program activities, including whether the data have practical utility;

(b) evaluate the accuracy of the agency's estimate of the burden of the proposed data collections and reporting requirements;

(c) determine the estimated cost of the proposed data collections and reporting requirements to the respondents;

(d) enhance the quality, utility, and clarity of the information to be collected; and,

(e) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646–2625, FAX number (202) 646–3524, or email address: muriel.anderson@fema.gov.

FOR FURTHER INFORMATION CONTACT: Contact Catherine Young, Mitigation Directorate at (202) 646–4541 for additional information. Contact Ms. Anderson at (202) 646–2625 for copies of the proposed collection of information.

Dated: August 25, 1999.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 99–24563 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1291–DR]

North Carolina; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina (FEMA–1291–DR), dated September 9, 1999, and related determinations.

EFFECTIVE DATE: September 11, 1999

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 11, 1999.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–24557 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3141–EM]

North Carolina; Amendment No. 2 to Notice of an Emergency

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of North Carolina (FEMA–3141–EM), dated September 1, 1999, and related determinations.

EFFECTIVE DATE: September 11, 1999

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 11, 1999.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–24558 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1290–DR]

Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia (FEMA–1290–DR), dated September 6, 1999, and related determinations.

EFFECTIVE DATE: September 13, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 13, 1999.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Laurence W. Zensinger,

Division Director, Response and Recovery Directorate.

[FR Doc. 99–24556 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY:

Background: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB

inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on an information collection proposal.

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. the accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. ways to enhance the quality, utility, and clarity of the information to be collected; and

d. ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

In addition, the Federal Reserve invites comments on whether it would be more efficient to collect the proposed information on the commercial bank Consolidated Reports of Condition and Income (FFIEC 031-034).

DATES: Comments must be submitted on or before [insert date 60 days from publication in the Federal Register].

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P-500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83-I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Mary M. West, Chief, Financial Reports Section (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins (202-452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following report:

1. Report title: The Bank Holding Company Report of Subsidiary Banks' Section 23A Transactions with Affiliates.

Agency form number: FR Y-8.

OMB control number: 7100-0126.

Frequency: Quarterly.

Reporters: Bank holding companies.

Annual reporting hours: 73,282.

Estimated average hours per response: 3.6.

Number of respondents: 5089. Small businesses are not affected.

General description of report: This information collection is authorized by section 5 (c) of the Bank Holding Company Act (12 U.S.C. 1844 (c)) and section 225.5 (b) of Regulation Y (12 CFR 225.5 (b)) and is given confidential treatment pursuant to the Freedom of Information Act (5 U.S.C. 552 (b) (4) and (8)).

Abstract: The FR Y-8 collects information on the movement of funds between a domestic bank holding company and its subsidiaries in order to identify broad categories of intercompany transactions and balances that may affect the financial condition of the subsidiary bank. The report also collects information on income recognized by subsidiary banks from other bank holding company members as well as information on credit extended by subsidiary banks to other bank holding company members. Domestic top-tier bank holding companies with assets of $300 million or more are required to file the FRY-8 on a semiannual basis (June and December). Also, interim reporting is currently required within ten calendar days of certain large asset transfers. The Federal Reserve proposes to delete the current information on the FRY-8 and collect only four items of information on Section 23A covered transactions.

Current actions: The Federal Reserve proposes to completely revise the FR Y-8 to collect information to enhance the Federal Reserve's ability to monitor bank exposures to affiliates and to ensure compliance with Section 23A of the Federal Reserve Act. The revisions would include renaming the report, changing all of the reportable items and revising the reporting panel and reporting frequency. The report would be retitled, "The Bank Holding Company Report of Subsidiary Banks' Section 23A Transactions with Affiliates." Domestic financial top-tier bank holding companies would be required to file the report quarterly, providing the requested information on an individual bank-basis for each of their subsidiary banks. For purposes of the FR Y-8, banks are defined as insured depository institutions. The interim report would be eliminated.

Section 23A of the Federal Reserve Act is one of the most important statutes protecting the federal safety net by limiting exposure of insured depository institutions to affiliates, defined as organizations under common control with the insured depository institution. Section 23A contains restrictions to safeguard the resources of insured depository institutions against misuse for the benefit of affiliates, including the following:

(1) The statute limits "covered transactions" with any single affiliate to no more than 10 percent of the depository institution's capital stock and surplus, and limits aggregate covered transactions with all affiliates to no more than 20 percent of the depository institution's capital stock and surplus. Covered transactions are specifically described in Section 23A and include extensions of credit to an affiliate, the purchase of securities issued by an affiliate, the purchase of assets from an affiliate, the acceptance of securities issued by an affiliate as collateral for any loan, and the issuance of a guarantee or letter of credit on behalf of an affiliate.

(2) The statute requires that all transactions between an insured depository institution and its affiliates

be on terms and conditions consistent with safe and sound banking practices.

(3) The statute prohibits an insured depository institution from purchasing "low-quality" assets from affiliates. A "low-quality" asset is defined in the statute as an asset that falls in any one or more of the following categories: (a) an asset classified as "substandard," "doubtful," or "loss" or treated as "other loans especially mentioned" in the most recent report of examination or inspection of an affiliate prepared by either a Federal or State supervisory agency; (b) an asset in a nonaccrual status; (c) an asset on which principal or interest payments are more than thirty days past due; or (d) an asset whose terms has been renegotiated or compromised due to the deteriorating financial condition of the obligor.

(4) The statute imposes collateral requirements when an insured depository institution is lending to an affiliate or is issuing a guarantee, acceptance, or letter of credit on behalf of an affiliate. The collateral requirements, which vary based on the type of collateral, are designed to reduce risk related to these exposures.

As the activities of nonbank subsidiaries of bank holding companies have expanded, and as regulatory restrictions have been reduced or eliminated to lessen the burden on the industry, the importance of the limits imposed by Section 23A has increased. Yet, at present, there is no uniform or regular reporting of bank transactions subject to Section 23A. The current bank holding company FR Y-8 report collects data on intercompany transactions on a combined, aggregate basis for all subsidiary banks of a bank holding company at the bank holding company level; hence, Section 23A transactions cannot be identified from data submitted in the current report. Additionally, while this information may be reviewed in examinations, data on covered transactions are not always contained in examination reports, or if contained in the reports, the data are not presented in comparable detail or a uniform format. Moreover, examinations for most insured depository institutions occur infrequently, whereas compliance with Section 23A is required continuously.

In order to identify and monitor for each individual institution, potential Section 23A compliance issues, and to identify and monitor industry-wide levels of activity and the effect on insured depository institution risk exposure, the Federal Reserve proposes to revise the FR Y-8 report to collect for each insured subsidiary only four items:

(1) For covered transactions subject to Section 23A's collateral requirements, (a) the outstanding amount of such transactions as of the report date and (b) the maximum amount of such transactions during the calendar quarter ending with the report date.

(2) For covered transactions not subject to the collateral requirements, (a) the outstanding amount of such transactions as of the report date and (b) the maximum amount of such transactions during the calendar quarter ending with the report date.

Transactions exempt from the quantitative limits of the statute such as extensions of credit fully secured by the U.S. Government securities or transactions with affiliated insured depository institutions known as sister banks would be excluded from the report.

The proposed revised report distinguishes between covered transactions that are subject to collateral requirements and those that are not in order to distinguish, with the fewest possible report items, between the various types of covered transactions that, collectively, represent extensions of credit, and those that do not (e.g., purchases of assets). The information requested should be available and not significantly burdensome to report because insured depository institutions already should, on an ongoing basis, be continually monitoring their Section 23A covered transaction exposures to ensure compliance with the statute on an ongoing basis. Also, bank holding companies currently required to file the FR Y-8 must currently obtain thirty items of data for each individual subsidiary bank in order to provide aggregate data on the thirty items requested on the existing report. The reduction in burden associated with reducing the number of items reported on the current semiannual report from thirty items to four items and discontinuing the FR Y-8 interim report, comprising twenty items of aggregated data compiled from data from each insured subsidiary bank, should offset any burden associated with the report.

The proposed revised report would become effective with the June 30, 2000, reporting date.

Board of Governors of the Federal Reserve System, September 15, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–24545 Filed 9–20–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY

Background: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Chief, Financial Reports Section--Mary M. West--Division of Research and Statistics,Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829); OMB Desk Officer--Alexander T. Hunt--Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7860).

Final approval under OMB delegated authority of the extension for three years, with revisions, of the following reports:

1. Report title: Applications for Subscription to, Adjustment in Holding of, and Cancellation of Federal Reserve Bank Stock.

Agency form numbers: FR 2030, 2030a, 2056, 2086, 2086a, 2086b, and 2087.

OMB control number: 7100-0042.

Effective date: September 30, 1999.

Frequency: On occasion.

Reporters: National, State Member, and Nonmember Banks.

Annual reporting hours: 952 (FR 2030: 47; FR 2030a: 13; FR 2056: 860; FR 2086: 1; FR 2086a: 30; FR 2087: 1).

Estimated average hours per response: 0.5 (for each form).

Number of respondents: 1,901 (FR 2030: 93; FR 2030a: 26; FR 2056: 1,719; FR 2086: 2; FR 2086a: 60; FR 2087: 1).

Small businesses are affected.

General description of report: This information collection is mandatory [12 U.S.C. §§ 222, 248, 282, 287, 288, and 321 and 12 C.F.R. §§ 209.1, 209.3, 209.5(b), 209.7, and 209.8]. Upon request from an applicant, certain information may be given confidential treatment pursuant to the Freedom of Information Act [5 U.S.C. §§ 552(b)(4) and (6)].

Abstract: These applications must be submitted to Federal Reserve Banks by organizing and existing member commercial banks requesting the issuance, adjustment, or cancellation of Federal Reserve Bank stock. National banks, chartered by the Comptroller of the Currency, are required to become members of the Federal Reserve System. State-chartered commercial banks may elect to become members if they meet the requirements established by the Board of Governors of the Federal Reserve System. When a bank receives approval for membership in the Federal Reserve System, the bank agrees to certain conditions of membership which are contained in an approval letter sent to the bank by the Federal Reserve Bank in the District where the bank is located. In addition to the conditions of membership, the bank also is advised by the Reserve Bank that it must subscribe to the capital stock of the Federal Reserve Bank of its District in an amount equal to 6 percent of the bank's paid-up capital and surplus, including reserve for dividends payable in common stock, pursuant to Section 5 of the Federal Reserve Act and Regulation I. However, the bank is required to make payment for only 50 percent of the subscription, which is recorded as paid-in capital on the Reserve Bank's balance sheet. The remaining 50 percent is subject to call by the Board of Governors of the Federal Reserve System. On December 31, 1998, there were 3,401 Federal Reserve member banks, and their consolidated paid-in capital at the twelve Federal Reserve Banks was $5.6 billion.

These applications are necessary in order to obtain account data on the bank's capital and surplus and to document its request to increase or decrease its holdings of Federal Reserve Bank stock. Another purpose of the applications is to verify that a request has been duly authorized and to prevent unauthorized requests for issuance or cancellation of Federal Reserve Bank stock.

Current Actions The most significant changes are (1) revising the items included in the capital stock and surplus section on the FR 2056, (2) combining the FR 2086a and FR 2086b, and (3) adding an optional field to each of the applications for the institution's ABA number. On the FR 2056, the capital and surplus will be reported as shown on the institution's most recent Report of Condition (instead of on the date of the application). Also, the capital stock section will include common stock, preferred stock (including sinking fund preferred stock), and paid-in surplus less the aggregate of retained earnings, gains(losses) on securities available-for-sale, and foreign currency translation gains or losses, if such aggregate is a deficit. Finally, information on "reserve for dividends payable in common stock" will be deleted.

The FR 2086a will be used for all member banks converting or merging into nonmember banks. This application will now include national banks converting into nonmember banks and therefore the FR 2086b application will be eliminated.

The Certificate of Issuance of Federal Reserve Bank Stock will be eliminated from the FR 2030, FR 2030a, and FR 2056 applications and the Certificate of Cancellation of Federal Reserve Bank stock will be eliminated from the FR 2056, FR 2086, FR 2086a, and FR 2087 applications. Also, minor clarifications will be made to all of the applications to improve consistency and make filing of the applications more expeditious and user-friendly.

2. Report title: Applications for Membership in the Federal Reserve System.

Agency form numbers: FR 2083, 2083A-2083E.

OMB control number: 7100-0046.

Effective date: September 30, 1999.

Frequency: On occasion.

Reporters: Commercial banks and certain mutual savings banks.

Annual reporting hours: 2,805 burden hours.

Estimated average hours per response: 35.5 hours.

Number of respondents: 79. Small businesses are affected.

General description of report: This information collection is required [12 U.S.C. §§ 321, 322 and 333]. The information in the application is not confidential; however, parts may be given confidential treatment at the applicant's request [5 U.S.C. § 552(b)(4)].

Abstract: The application for membership is a required one-time submission, pursuant to Section 9 of the Federal Reserve Act, that collects the information necessary for the Federal Reserve Board to evaluate the statutory criteria for admission of a new or existing bank to membership in the Federal Reserve System. This application provides managerial, financial, and structural data.

Current Actions: The Federal Reserve will be (1) revising the application to conform with changes to Regulation H, (2) combining the FR 2083B, C, and D, which are filed by mutual savings banks, into one application and (3) replacing Section IV of the application with a reference to the Interagency Biographical and Financial Report (FR 2081c; OMB No. 7100-0134).

With respect to the Regulation H changes, the instructions will be revised as follows: the "Preparation of Application" section will be updated regarding examination and Reserve Bank consultation and would define those institutions that qualify for expedited treatment and the "Public Notification" section will be eliminated. On the FR 2083E, which will be renamed the FR 2083C, references to capital stock will be revised to capital stock and surplus. Capital stock and surplus includes Tier 1 and Tier 2 capital, as calculated under the risk-based capital guidelines, plus any allowance for loan and lease losses not already included in Tier 2 capital.

The FR 2083B, C, and D will be combined in an effort to streamline the applications and Section IV will be replaced with FR 2081c for consistency purposes. Also, the Federal Reserve will incorporate several formatting changes to all of the applications to improve consistency and clarify the information to be reported.

Board of Governors of the Federal Reserve System, September 15, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–24544 Filed 9–20–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the

Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 15, 1999.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. South Central Bancshares of Kentucky, Inc., Horse Cave, Kentucky; to acquire 82.27 percent of the voting shares of First Deposit Bancshares, Inc., Tompkinsville, Kentucky, and thereby indirectly acquire Deposit Bank of Monroe County, Inc., Tompkinsville, Kentucky.

In connection with this application, Applicant also has applied to acquire South Central Bank, FSB, Edmonton, Kentucky, and thereby engage in operating a federal savings bank, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Exchange Bancshares of Moore, Inc., Moore, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Exchange National Bank of Moore, Moore, Oklahoma.

Board of Governors of the Federal Reserve System, September 15, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24543 Filed 9–20–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225), to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 5, 1999.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. Boston Private Financial Holdings, Inc., Boston, Massachusetts; to acquire RINET Company, Inc., Boston, Massachusetts, and thereby indirectly acquire Cornerstone Fund Advisors, Inc., Boston, Massachusetts, and thereby engage in providing tax-planning and preparation services, business valuation and liquidation strategies, and asset allocation, estate planning, charitable planning, investment consulting, general financial planning, and other investment advisory services, pursuant to § 225.28(b)(6) of Regulation Y; in trust management services, pursuant to § 225.28(b)(5) of Regulation Y; in private placement services, pursuant to § 225.28(b)(7)(iii) of Regulation Y; in employee benefits consulting, pursuant to § 225.28(b)(9)(ii) of Regulation Y; in providing administrative services to closed-end investment funds, pursuant to Board Order, *see Dresdner Bank AG*, 82 Fed. Res. Bull. 676 (1996); and in serving as the general partner of private investment funds, pursuant to Board Order, *see Dresdner Bank AG* 84 Fed. Res. Bull. 361 (1998).

B. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Cera Holding, C.V., Brussels, Belgium; Almanij N.V. (Algemene Maatschappij Voor Nijverheidskrediet), Antwerp, Belgium; KBC Bank & Insurance Holding Company, N.V., Brussels, Belgium; and KBC Bank N.V., Brussels, Belgium; to acquire D.E. Shaw & Company, New York, New York, through KBC Financial Products USA, Inc., New York, New York, and thereby engage in financial and investment advisory activities, pursuant to § 225.28(b)(6) of Regulation Y; in agency transactional services for customer investments, including securities brokerage, riskless principal transactions, private placement services, and other transactional services, pursuant to §§ 225.28(b)(7)(i), (ii), (iii) and (v) of Regulation Y, respectively; and in investment transactions as principal, including underwriting and dealing in government obligations and money market instruments, and investing and trading activities, pursuant to §§ 225.28(b)(8)(i) and (ii) of Regulation Y, respectively. These activities will be conducted worldwide.

Board of Governors of the Federal Reserve System, September 15, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24542 Filed 9–20–99; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Responsibilities of Awardees and Applicant Institutions for Reporting Possible Misconduct in Science (42 CFR part 50 and PHS 6349)—0937–0198—Revision—As required by Section 493 of the Public Health Service Act, the Secretary by regulation shall require that applicant and awardee institutions receiving PHS funds must investigate and report instances of alleged or apparent misconduct in science. *Respondents:* State or local governments; Businesses or other for-profit; Non-profit institutions—Reporting Burden Information—*Number of Respondents:* 3550; *Number of Annual Responses:* 3,663; *Average Burden per Response:* .497 hours; *Total*

Reporting Burden: 1822 hours—Disclosure Burden Information—*Number of Respondents:* 3550; *Number of Annual Responses:* 3,610; *Average Burden per Response:* .5 hours; *Total Disclosure Burden:* 1,805 hours—Recordkeeping Burden Information—*Number of Respondents:* 40; *Number of Annual Responses:* 160; *Average Burden per Response:* 6.175 hours; *Total Recordkeeping Burden:* 988 hours—Total Burden—4,615 hours. OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue S.W., Washington DC, 20201. Written comments should be received within 30 days of this notice.

Dated: September 7, 1999.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 99–24550 Filed 9–20–99; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–99–40]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Coal Mine Dust Personal Sampling Systems—(0920–0148)—Extension—National Institute for Occupational Safety and Health (NIOSH)—Under the Federal Coal Mine Health & Safety Act of 1977, PL91–173 (amended the Federal Coal Mine & Safety Act of 1969), mine operators must periodically sample mine atmospheres and submit the samples to the Mine Safety and Health Administration (MSHA). The Act states that sampling equipment used must be approved by the Secretaries of the Department of Health and Human Services (DHHS) and the Department of Labor (DOL). Concurrent permissibility approval for electrical intrinsic safety is provided by MSHA while NIOSH certifies the performance under Title 30 CFR Part 74. Under this regulation, certification applicants are required to submit detailed parts lists, drawings, and inspection instructions, along with the personal sampler unit to be tested. These materials are provided to NIOSH along with a letter from the applicant requesting certification. After NIOSH has tested the unit and certifies the performance of the equipment, a certificate of approval is issued to the manufacturer. Should the equipment be disapproved, a letter is sent to the manufacturer outlining the details of the defects resulting in disapproval, with suggestions for possible corrections to the unit. Certificates of approval are accompanied by photographs of designs for approval labels to be affixed to each coal mine dust personal sampler unit. Use of the approval label is authorized only on sampler units which conform strictly with the drawings and specifications upon which the certificate of approval is based. Changes or modifications in the unit after certification will result in the manufacturer requesting extensions of approval through the original certification process.

The information is used by NIOSH to fulfill its legislatively-mandated responsibilities to evaluate and approve coal mine dust personal sampler units (CMDPSU) submitted for certification and approval actions (30 U.S.C. 957 and 961). Before NIOSH grants a certification, it must have sufficient evidence of safety and adequate performance. The parts listing, engineering drawings, and inspection instructions submitted are used by NIOSH to assure that descriptions of tested units are fully detailed and that future units produced are equivalent to those currently certified. Without the information specified in 30 CFR Part 74, NIOSH will be unable to adequately evaluate CMDPSU safety and efficacy, and to determine if functional changes were made in the manufacture of certified products. The total cost to respondents is estimated at $2,200.

Data Collection

Respondents	No. of respondents	No. of responses/respondent	Avg. burden of response (in hrs.)	Total burden (in hrs.)
Manufacturer	1	1	44	44
Total				44

Dated: September 15, 1999.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–24531 Filed 9–20–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Diseases Transmitted Through the Food Supply

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of annual update of list of infectious and communicable diseases that are transmitted through handling the food supply and the methods by which such diseases are transmitted.

SUMMARY: Section 103(d) of the Americans with Disabilities Act of 1990, Public Law 101–336, requires the Secretary to publish a list of infectious and communicable diseases that are transmitted through handling the food supply and to review and update the list annually. The Centers for Disease Control and Prevention (CDC) published a final list on August 16, 1991 (56 FR 40897) and updates on September 8, 1992 (57 FR 40917); January 13, 1994 (59 FR 1949); August 15, 1996 (61 FR 42426); and September 22, 1997 (62 FR 49518); and September 15, 1998 (63 FR 49359). No new information that would warrant additional changes has been received; therefore the list, as set forth in the last update and below, remains unchanged.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Arthur P. Liang, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop G–24, Atlanta, Georgia 30333, telephone (404) 639–2213.

SUPPLEMENTARY INFORMATION: Section 103(d) of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12113(d), requires the Secretary of Health and Human Services to:

1. Review all infectious and communicable diseases which may be transmitted through handling the food supply;
2. Publish a list of infectious and communicable diseases which are transmitted through handling the food supply;
3. Publish the methods by which such diseases are transmitted; and,
4. Widely disseminate such information regarding the list of diseases and their modes of transmissibility to the general public.

Additionally, the list is to be updated annually.

Since the last publication of the list on September 15, 1998 (63 FR 49359), CDC has received no information to indicate that additional unlisted diseases are transmitted through handling the food supply. Therefore, the list set forth below is unchanged from the list published in the **Federal Register** on September 15, 1998.

I. Pathogens Often Transmitted by Food Contaminated by Infected Persons Who Handle Food, and Modes of Transmission of Such Pathogens

The contamination of raw ingredients from infected food-producing animals and cross-contamination during processing are more prevalent causes of foodborne disease than is contamination of foods by persons with infectious or contagious diseases. However, some pathogens are frequently transmitted by food contaminated by infected persons. The presence of any one of the following signs or symptoms in persons who handle food may indicate infection by a pathogen that could be transmitted to others through handling the food supply: diarrhea, vomiting, open skin sores, boils, fever, dark urine, or jaundice. The failure of food-handlers to wash hands (in situations such as after using the toilet, handling raw meat, cleaning spills, or carrying garbage, for example), wear clean gloves, or use clean utensils is responsible for the foodborne transmission of these pathogens. Non-foodborne routes of transmission, such as from one person to another, are also major contributors in the spread of these pathogens. Pathogens that can cause diseases after an infected person handles food are the following:

Caliciviruses (Norwalk and Norwalk-like viruses)
Hepatitis A virus
Salmonella typhi
Shigella species
Staphylococcus aureus
Streptococcus pyogenes

II. Pathogens Occasionally Transmitted by Food Contaminated by Infected Persons Who Handle Food, but Usually Transmitted by Contamination at the Source or in Food Processing or by Non-Foodborne Routes

Other pathogens are occasionally transmitted by infected persons who handle food, but usually cause disease when food is intrinsically contaminated or cross-contaminated during processing or preparation. Bacterial pathogens in this category often require a period of temperature abuse to permit their multiplication to an infectious dose before they will cause disease in consumers.

Preventing food contact by persons who have an acute diarrheal illness will decrease the risk of transmitting the following pathogens:

Campylobacter jejuni
Cryptosporidium parvum
Entamoeba histolytica
Enterohemorrhagic Escherichia coli
Enterotoxigenic Escherichia coli
Giardia lamblia
Nontyphoidal Salmonella
Rotavirus
Taenia solium
Vibrio cholerae 01
Yersinia enterocolitica

References

1. World Health Organization. Health surveillance and management procedures for food-handling personnel: report of a WHO consultation. World Health Organization technical report series; 785. Geneva: World Health Organization, 1989.

2. Frank JF, Barnhart HM. Food and dairy sanitation. In: Last JM, ed. Maxcy-Rosenau public health and preventive medicine, 12th edition. New York Appleton-Century-Crofts, 1986:765–806.

3. Bennett JV, Holmberg SD, Rogers MF, Solomon SL. Infectious and parasitic diseases. In: Amler RW, Dull HB, eds. Closing the gap: the burden of unnecessary illness. New York: Oxford University Press, 1987:102–114.

4. Centers for Disease Control and Prevention. Locally acquired neurocysticercosis—North Carolina, Massachusetts, and South Carolina, 1989–1991. MMWR 1992; 41:1–4.

5. Centers for Disease Control and Prevention. Foodborne Outbreak of Cryptosporidiosis-Spokane, Washington, 1997. MMWR 1998; 47:27.

Dated: September 15, 1999.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–24530 Filed 9–20–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0670]

Agency Information Collection Activities; Announcement of OMB Approval; Labeling Requirements for Color Additives (Other Than Hair Dyes) and Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Labeling Requirements for Color Additives (Other Than Hair Dyes) and Petitions" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 8, 1999 (64 FR 36885), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0185. The approval expires on September 30, 2002. A copy of the supporting statement for this information collection is available on the Internet at "http://www.fda.gov/ohrms/dockets",

Dated: September 14, 1999

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 99–24465 Filed 9–20–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–0021]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension Title of Information Collection: Withholding Medicare Payments to Recover Medicaid Overpayments and Supporting Regulations in 42 CFR 447.31; Form No.: HCFA–R–0021 (OMB# 0938–0287); *Use:* Overpayments may occur in either the Medicare and Medicaid program, at times resulting in a situation where an institution or person that provides services owes a repayment to one program while still receiving reimbursement from the other. Certain Medicaid providers which are subject to offsets for the collection of Medicaid overpayments may terminate or substantially reduce their participation in Medicaid, leaving the State Medicaid Agency unable to recover the amounts due. These information collection requirements give HCFA the authority to recover Medicaid overpayments by offsetting payments due to a provider under the program; *Frequency:* On occasion; *Affected Public:* State, Local, or Tribal Government; *Number of Respondents:* 54; *Total Annual Responses:* 27; *Total Annual Hours:* 81.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: September 9, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–24492 Filed 9–20–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Program Exclusions: August 1999

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions

During the month of August 1999, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject, city, state	Effective date
PROGRAM-RELATED CONVICTIONS	
ABRAHAM, JOSEPH MICHAEL	09/20/1999

Subject, city, state	Effective date
EL PASO, TX	
AJURIA, GILBERTO	09/20/1999
MONTGOMERY, AL	
AKOP, WILLIAM	09/20/1999
GLENDALE, CA	
BALLESTEROS, JOSE	
SAYSON	09/20/1999
LA MIRADA, CA	
BELMONTE, DEREK EDMUND	09/20/1999
FT WORTH, TX	
BLOMQUIST, SCOTT P	09/20/1999
PORT CHARLOTTE, FL	
CAMPAGNA, C THOMAS	09/20/1999
WILBAHAM, MA	
CAMPAGNA, PAUL	09/20/1999
SOMERS, CT	
CARMONA, VICTOR	09/20/1999
ASHLAND, KY	
CHANG, GUILLERMO	09/20/1999
FLUSHING, NY	
CHARLES, SHERYL Y	09/20/1999
DENVER, CO	
CHAUDHARI, KIRIT	09/20/1999
PLAINSBORO, NJ	
COCIOBA, SERBAN I	09/20/1999
ASTORIA, NY	
DALEY, AMELIA V	09/20/1999
RENO, NV	
DI, MEALA	09/20/1999
NORWALK, CA	
DI, MAP	09/20/1999
LONG BEACH, CA	
DIAS, ALBERT	09/20/1999
LUDLOW, MA	
DICKERSON, TAMMY C	09/20/1999
PENDLETON, OR	
DURAN, SANDRA	09/20/1999
MIAMI, FL	
DURAN, DIONISIO	09/20/1999
MIAMI, FL	
ECHEVARRIA, REINA	09/20/1999
COLEMAN, FL	
EYE WAREHOUSE, LTD	09/20/1999
VOORHEES, NJ	
FERNANDEZ, ANTONIO	09/20/1999
MIAMI, FL	
FIORDALIS, CHARLES JOHN	09/20/1999
MILAN, MI	
FRAGA, BARBARA	09/20/1999
MIAMI, FL	
FRENCH, DAVID WILLIAM	09/20/1999
ANNAPOLIS, MD	
GALLINARO, LOUIS	09/20/1999
AMHERST, MA	
GLENSIDE COUNSELING	
CENTER	09/20/1999
LOMBARD, IL	
GRAVELY, ROBERT FLOYD	09/20/1999
MARTINSVILLE, VA	
GUTHRIE, PAMELA JANE	09/20/1999
EUGENE, OR	
HART, BARBARA	09/20/1999
BALTIMORE, MD	
HUMBERT, SHARON W	09/20/1999
ARDEN, NC	
HUNT, LARRY GLEN	09/20/1999
MAXWELL AFB, AL	
JARVIS, JAMES S	09/20/1999
ZANESVILLE, OH	
JOHNSON, BOBBY	09/20/1999
ATLANTA, GA	
JOHNSON, JAMIE	09/20/1999
CHICAGO, IL	
LASTER, MARILOIS ALLEN	09/20/1999
CLAXTON, GA	
LEAL, RIGOBERTO	09/20/1999
LEXINGTON, KY	
LINEBERGER, FRANK J JR	09/20/1999
LITHONIA, GA	
MATIR, EUGENIO	09/20/1999
MIAMI, FL	
MCALLISTER, HEATHER	09/20/1999
WELLSBURG, WV	
MCWHORTER, JUDY	09/20/1999
LOCKSBURG, AR	
MICHENER, MARY CHRISTINE	09/20/1999
EDEN, ID	
MOREJON, REINALDO	09/20/1999
OPALOCKA, FL	
MORENO, LUIS	09/20/1999
MIAMI, FL	
MYRICK, DEBRA A	09/20/1999
DES MOINES, IA	
PAPIASVILI, AVTANDIL	09/20/1999
NEW YORK, NY	
PEYKAR, EZZAT	09/20/1999
GREAT NECK, NY	
POBRE, SILVESTRA	09/20/1999
PEKIN, IL	
POWER, JOHN B	09/20/1999
MONTPELIER, VT	
PREAP, DENNISA THIDA	09/20/1999
LONG BEACH, CA	
RASMUSSEN, LARRY	09/20/1999
CAROL STREAM, IL	
ROSHY, GARY L	09/20/1999
RICHMOND, VA	
SANTOS, JESUS	09/20/1999
MIAMI, FL	
SILVERMAN, FRANK H	09/20/1999
LONG BEACH, NY	
SIMMONS, RHONDA L	09/20/1999
OVERLAND PARK, KS	
THOMPSON, CAROLYN ELAINE	09/20/1999
PULASKI, VA	
TROLLINGER, ROBERT J	09/20/1999
MEDFORD, NJ	
TURNER, JOHNNIE JR	09/20/1999
WESTMONT, IL	
VILARINO, HUMBERTO	09/20/1999
EGLIN AFB, FL	
WATTS, LINDA SHIRLEY	09/20/1999
BALDWIN, LA	
WE CARE HEALTH SUPPLY, INC	09/20/1999
PORT CHARLOTTE, FL	
WORKMAN, DAVID HENRY	09/20/1999
KAYSVILLE, UT	
YONG, PETER YAU-LING	09/20/1999
DOUGLASTON, NY	
YOUVAN, GREGORY GENE	09/20/1999
STERLING, KS	

FELONY CONVICTION FOR HEALTH CARE FRAUD

DUPRE, DEBORAH LYNN	09/20/1999
CLOVIS, CA	
STINSON, VIRGIE	09/20/1999
HICKORY, NC	

FELONY CONTROL SUBSTANCE CONVICTION

BLAZY, DAVID S	09/20/1999
MAPLE HGTS, OH	
KEVORKIAN, JACK	09/20/1999
EAST LAKE, MI	
SAGMAQUEN, ROLANDA R	09/20/1999
FRESNO, CA	
TREMOGLIE, DAVID E	09/20/1999
PHILADELPHIA, PA	

PATIENT ABUSE/NEGLECT CONVICTIONS

AVERETT, JIMMY R	09/20/1999
LIVINGSTON, LA	
BOE, SANDRA L	09/20/1999
RHINELANDER, WI	
BROOKS, ISRAEL MOSES	09/20/1999
BUENA VISTA, CO	
CAVINS, PAULA L	09/20/1999
CENTRALIA, IL	
COOK, GERALDINE	09/20/1999
TULSA, OK	
DAVIS, MELINDA	09/20/1999
JACKSON, MS	
DAVIS, SABRINA R	09/20/1999
ROCHESTER, NY	
DAWSON, BEATRICE	09/20/1999
BENTON, AR	
DEGUZMAN, ANTONIO	09/20/1999
BRIDGEWATER, MA	
DESAI, SANJIV C	09/20/1999
FRANKLIN PARK, NJ	
GILLESPIE, ALBERTA	09/20/1999
CHICAGO, IL	
HASHEM, GAMAL I	09/20/1999
HACKENSACK, NJ	
HAWKINS, KATHLEEN	09/20/1999
FRANKLIN, LA	
HEARN, DIA	09/20/1999
SCHENECTADY, NY	
HOPKINS, MONA MARIE	09/20/1999
LAFAYETTE, LA	
JACKSON, LARRY DOBBY	09/20/1999
KILLEEN, TX	
JOHNSON, LETICIA ANN	09/20/1999
BERWICK, LA	
JOHNSON, HAROLD RICHARD	09/20/1999
SAN JOSE, CA	
KETTELLE, GENE R	09/20/1999
N KINGSTON, RI	
LEWIS, LAKEISHA MARIE	09/20/1999
JEANERETTE, LA	
MARQUEZ, LETICIA	09/20/1999
ROCHESTER, NY	
NORRIS, TABETHA ELAINE	09/20/1999
ALEXANDRIA, LA	
OCHIEZE, COMFORT	09/20/1999
HOUSTON, TX	
PIERRE, LILLIAN	09/20/1999
WESTBURY, NY	
RADKE, DENNIS R	09/20/1999
CHEROKEE, IA	
RAMPERSAUD, HUBERT	09/20/1999
FAR ROCKAWAY, NY	
REID, JESSE	09/20/1999
BALTIMORE, MD	
SELK, ROBERT D	09/20/1999
WELLINGTON, KS	
SHEARIN, NICKIE NICOLE	09/20/1999
NORLINA, NC	
SHEPHERD, DEREK	09/20/1999
BALTIMORE, MD	
SINGLETON, TINISHA LACHELL	09/20/1999

Subject, city, state	Effective date
TULSA, OK	
SMITH, COLLEENA MICHELLE ..... HOUSTON, TX	09/20/1999
SMITH, DARRELL KEITH ..... CHICAGO, IL	09/20/1999
SOUFFRANT, MARIE ..... HEMPSTEAD, NY	09/20/1999
STOWERS, NANCY L ..... STOUGHTON, WI	09/20/1999
THOMAS, HENRY MAURICE .. BALTIMORE, MD	09/20/1999
TUCKER, JOYCE ..... AMITE, LA	09/20/1999
TURNBULL, RENEE M ..... BALLSTON, NY	09/20/1999
VASQUEZ, EMILIO ..... TAYLORSVILLE, UT	09/20/1999
WASHINGTON, MICHELLE DAPHIENE ..... ROME, NY	09/20/1999
WILLARD, FRANCES ..... GREEN RIVER, UT	09/20/1999
WRIGHT, MICHAEL C. ..... DUNCAN, SC	09/20/1999
CONTROLLED SUBSTANCE CONVICTIONS	
BRYANT, CAROLYN ..... ROANOKE RAPIDS, NC	09/20/1999
LICENSE REVOCATION/SUSPENSION/ SURRENDERED	
ABEYTA, EPIFANIA E ..... PUEBLO, CO	09/20/1999
ADAMS, STEVEN WALLACE .. SAN DIEGO, CA	09/20/1999
ALLEN, JERRE WAYNE ..... IONE, CA	09/20/1999
AMABILE, JOHN C ..... NEPTUNE CITY, NJ	09/20/1999
ANDREWS, LISA ANN HYDEN WETUMPKA, AL	09/20/1999
ARCHER, DONNA J ..... LUBBOCK, TX	09/20/1999
BAILEY, ROSS DWAINE ..... SAN DIEGO, CA	09/20/1999
BANKS, GLORIA J ..... BIRMINGHAM, AL	09/20/1999
BARROSO, CARLOS M ..... HIALEAH, FL	09/20/1999
BARTLETT, SUSAN B GOFF .. WOODLAKE, CA	09/20/1999
BEAR, LANA MARIE ..... WINNEMUCCA, NV	09/20/1999
BECQUETTE, TERRIE LEE .... APPLE VALLEY, CA	09/20/1999
BENSON, JAMES DAWSON JR ..... JASPER, AL	09/20/1999
BLACK, BOBBIE E ..... WIGGINS, MS	09/20/1999
BOOTH, JUDY ANN ..... EL CAJON, CA	09/20/1999
BORISKIN, HENRY LEIB ..... MAHOPAC, NY	09/20/1999
BOSOMPEM, ANDREW MIREKU ..... VAN NUYS, CA	09/20/1999
BRACHMAN, NANCI L ..... NEVADA CITY, CA	09/20/1999
BRADLEY, RICKY EUGENE ... ATLANTA, GA	09/20/1999
BRANSON, PATRICIA ..... SUGARLOAF, CA	09/20/1999
BRAYTON, RAYMOND MICHAEL ..... ILION, NY	09/20/1999
BRIDGES, DERANDA M ..... LUFKIN, TX	09/20/1999
BRODIE, HOWARD R ..... TARZANA, CA	09/20/1999
BRYANT, TROY LEE ..... MAYWOOD, CA	09/20/1999
BUGARIN, ALEJANDRA B ..... CAPE CORAL, FL	09/20/1999
BURKE, JAMES RICHARD ..... COTTAGE GROVE, OR	09/20/1999
BURNARD, JENIFER CHRISTINE ..... BROOKLYN, NY	09/20/1999
BUTTRUM, DAWN MARIE ..... LAGRANGE, GA	09/20/1999
CABRERA, AMADOR A ..... MIAMI, FL	09/20/1999
CALHOUN, JAMES DELANO .. LANETT, AL	09/20/1999
CAMACHO, BARBARA A ..... WINTHROP, MA	09/20/1999
CAREY, BRIAN ..... PHILADELPHIA, PA	09/20/1999
CARLSON, ROBERT A ..... CAVENDISH, VT	09/20/1999
CARPENTER, CYNTHIA LEE .. MONTGOMERY, AL	09/20/1999
CAUDLE, TINA LOUISE ..... NORWALK, CA	09/20/1999
CHESLEY, KATHLEEN JEAN BATAVIA, NY	09/20/1999
CHILSON, PATRICIA ..... TOPEKA, KS	09/20/1999
COHEN, LAWRENCE M ..... CANTON, MA	09/20/1999
CORNELISON, SHAWN DIONNA ..... DUTTON, AL	09/20/1999
COURNOYER, ANNE M ..... WESTBOROUGH, MA	09/20/1999
D'CUNHA, KENNETH M ..... DANNEMORA, NY	09/20/1999
DAWSON, CARMENCITA VALERIO ..... ANAHEIM, CA	09/20/1999
DOMINIC, ROLAND JAMES .... GILBOA, NY	09/20/1999
ELLIS, SHINNER ..... GREENWOOD, MS	09/20/1999
FANG, MARY HUI ..... POTOMAC, MD	09/20/1999
FISHER, GREG SCOTT ..... VALENCIA, CA	09/20/1999
FLEARY, ANNIE ADELLA ..... BROOKLYN, NY	09/20/1999
FLEURIMA, BARBARA TULIE BROOKLYN, NY	09/20/1999
FRANCO, ALLEN I ..... LAS VEGAS, NV	09/20/1999
GALLAGHER, PETER J ..... PITTSBURGH, PA	09/20/1999
GERMANN, TIMOTHY D ..... MISSION HILLS, CA	09/20/1999
GIBSON, LEONARD DEAN ..... WINNEMUCCA, NV	09/20/1999
GILLEN, BEVERLY KAYE ..... WICHITA FALLS, TX	09/20/1999
GODWIN, ANDREW C ..... SYRACUSE, NY	09/20/1999
GRAVADOR, LOURDES ..... LAKEWOOD, CA	09/20/1999
GREEN, SYNDI ANN ..... COSTA MESA, CA	09/20/1999
GREENE, MARIA ANN ..... SANTA MARIA, CA	09/20/1999
GREENOUGH, HARRY W III ... ANCHORAGE, AK	09/20/1999
GRIFFIN, KATHY L ..... DENVER, CO	09/20/1999
HADLEY, JANICE S ..... AUBURN, AL	09/20/1999
HAMMOND, RAMONA ..... TAYLORSVILLE, MS	09/20/1999
HARMON, TOMMY L ..... COLORADO SPRING, CO	09/20/1999
HARPER, ROBBIE NELL ..... HALEYVILLE, AL	09/20/1999
HARRIS, VERNE DUNCAN ..... ARCADIA, CA	09/20/1999
HARRIS, NANCY BETH ..... MARLBORO, MA	09/20/1999
HENDERSON, LAUREN KENT BIRMINGHAM, AL	09/20/1999
HENDRIX, BRENDA S CRADDOCK ..... MONTGOMERY, AL	09/20/1999
HESKETT, ELAINE DAWN ..... OCALA, FL	09/20/1999
HEY, SUSAN LYNNE ..... GATESVILLE, TX	09/20/1999
HILL, MARCY JANE WICKER HARTWELL, GA	09/20/1999
HOENER, IRENE ..... SANTA ROSA, CA	09/20/1999
HOOD, KAREN LYNN ..... NAUVOO, AL	09/20/1999
HOWARD, DOROTHY ELLEN AUGUSTA, GA	09/20/1999
HUFNAGEL, VICKI GEORGES LOS ANGELES, CA	09/20/1999
HYCHE, SUE ELLEN ..... JASPER, AL	09/20/1999
JOHNSON, PHOEBE PAULETTE ..... ADAMSVILLE, AL	09/20/1999
JOHNSON, CINDY LEE STILLWELL ..... ATHENS, GA	09/20/1999
JOHNSON, NEDRA DYNELLE MAYSVILLE, GA	09/20/1999
JOHNSON, BERTHA J ..... AURORA, CO	09/20/1999
JONES, ANITA HILL ..... DAPHNE, AL	09/20/1999
KELLY, ROBERT W ..... SAN FRANCISCO, CA	09/20/1999
KIRKPATRICK, CHRISTINE J BRISSETTE ..... NORTHFIELD, VT	09/20/1999
KLEIDON, DIANA M ..... JACKSONVILLE, IL	09/20/1999
KNOWLES, SHARON ANN ..... EL SEGUNDO, CA	09/20/1999
KOESTER, CAROL DEE ..... SONORA, CA	09/20/1999
KURIATA, JACQUELINE LAURINO ..... ARDMORE, PA	09/20/1999
KUSTERBECK, RICHARD ..... SKILLMAN, NJ	09/20/1999
KWIATKOSKI, SANDRA KAY ..	09/20/1999

Subject, city, state	Effective date
CONCORD, AL	
LANG, JODI L	09/20/1999
DENVER, CO	
LANGEFELD, JANET M	09/20/1999
VACAVILLE, CA	
LAWYER, CARRIE A	09/20/1999
DENVER, CO	
LENETT, MAXINE ETHEL	09/20/1999
VICTORVILLE, CA	
LIDDLE, SCOTT KENTON	09/20/1999
TUSCALOOSA, AL	
LITTLEJOHN, JUANITA JO	09/20/1999
LINDEN, TX	
LONG, MICHAEL EARL	09/20/1999
SAN FRANCISCO, CA	
LOPEZ, DORIS ANN	09/20/1999
BLYTHE, CA	
LOWRANCE, NELL ROSE	09/20/1999
REFUGIO, TX	
LUKASZEWICZ, ROBERT P	09/20/1999
ALIQUIPPA, PA	
LYKIARDOPOULOS, JOY	09/20/1999
PITTSBURGH, PA	
MACKEY, DEBRA JOY FERGUSON	09/20/1999
TUSCALOOSA, AL	
MARABLE, DELORES JONES	09/20/1999
TEMPLE HILLS, MD	
MARSHALL, MARJORIE A	09/20/1999
ROCHESTER, NY	
MAURO, MARY LOU	09/20/1999
GRANTS, NM	
MCALEESE, JAMES L	09/20/1999
PHILADELPHIA, PA	
MCGEHEE, MARY EVELYN	09/20/1999
HATTIESBURG, MS	
MCKENZIE, DEANA	09/20/1999
BERLIN, MD	
MCSWEENEY, CRISTA LEE	09/20/1999
WINOOSKI, VT	
MIRANDA, CESAR PERAZ	09/20/1999
BUTLER, PA	
MOELLENDORF, MARK ALEXANDER	09/20/1999
PFUGERVILLE, TX	
MOORE, BOBBY LEE	09/20/1999
ABILENE, TX	
MOORE, STEVE DOUGLAS	09/20/1999
CORONA, CA	
MOORE, HEATHER JILSON	09/20/1999
ELMIRA, NY	
MORTUS, MARY BERK	09/20/1999
STRONGSVILLE, OH	
MOTT, JANET M	09/20/1999
FREDERICKSBURG, TX	
MOTT, BERNICE S	09/20/1999
STARKE, FL	
MOUTON, JOSEPH L JR	09/20/1999
OCEAN SPRINGS, MS	
MOYE, CASSANDRA EYVETTE	09/20/1999
VALLEY, AL	
MUNKUS, LEIGH M	09/20/1999
PELL CITY, AL	
NICHOLSON, CHUCK ALTON	09/20/1999
BRUNSWICK, GA	
NORCROSS, THOMAS B	09/20/1999
DUXBURY, MA	
NORTON, JULIANNE M	09/20/1999
HORNELL, NY	
OCCHIPINTI, JUDITH A	09/20/1999
NEWTON, MA	
OSBORN, CLYDE BELEW JR	09/20/1999
TORRANCE, CA	
OWEN, DAVID E	09/20/1999
GARDNER, MA	
PAK, HAN HO	09/20/1999
PEBBLE BEACH, CA	
PALMER, DOREEN	09/20/1999
HARTSDALE, NY	
PARKER, KIMBERLY SMITH	09/20/1999
MOULTON, AL	
PEPPER, MARION B JR	09/20/1999
PENSACOLA, FL	
PETTUS, NANCY P NICHOLSON	09/20/1999
BIRMINGHAM, AL	
PINGOLT, JOSEPH W	09/20/1999
STAUNTON, IL	
POWELL, LORETTA J	09/20/1999
CHICAGO, IL	
RANDAL, WILLIAM J	09/20/1999
PITTSBURGH, PA	
REPPER, THOMAS M	09/20/1999
JACKSONVILLE, FL	
RICE, MICHAEL DAVID	09/20/1999
SAN FRANCISCO, CA	
RIVERS, MARY JANE PEOPLES	09/20/1999
MOBILE, AL	
ROLFE, VICTORIA ANNE	09/20/1999
N BABYLON, NY	
RORIE, MICHAEL STEPHEN	09/20/1999
MCLEAN, VA	
ROWE, RAYMOND L	09/20/1999
ARVADA, CO	
RUMBALL, SUSAN A	09/20/1999
ERIE, PA	
RUTERBORIES, MICHAEL J	09/20/1999
DENVER, CO	
SALDANA, CESAR	09/20/1999
CUERO, TX	
SANWONG, CLARA JOYCE	09/20/1999
HAYWARD, CA	
SCHEIDWEILER, MARK J	09/20/1999
BIRMINGHAM, AL	
SHELLEY, PAUL KEITH	09/20/1999
SMYRNA, GA	
SHELTON, OLINA FAYE	09/20/1999
CHOWCHILLA, CA	
SHINE, DAWN APRIL	09/20/1999
ROCHESTER, NY	
SHUTTERLY, RALPH A	09/20/1999
MONTGOMERY, AL	
SIEGAL, MARTIN W	09/20/1999
RANDOLPH, MA	
SMITH, KATHLEEN A	09/20/1999
JOHNSONBURG, PA	
SMITH, PAMELA DENISE	09/20/1999
BIRMINGHAM, AL	
SPINA, JOANNE	09/20/1999
DEER PARK, NY	
STERNS, JORDAN B	09/20/1999
LA MESA, CA	
STOBBIONE, SANDRA F	09/20/1999
JOLIET, IL	
SUNBERG, EMILY DARLENE	09/20/1999
BESSEMER, AL	
TARVER, WALTER J	09/20/1999
DENVER, CO	
THEODORE, CLAIRE M	09/20/1999
MALDEN, MA	
THOMPSON, PEARL J	09/20/1999
MIDLAND, TX	
THOMPSON, FELIX JR	09/20/1999
PERRIS, CA	
THORTON, STACI LYNN	09/20/1999
PALESTINE, TX	
TILLMAN, DEMETRA	09/20/1999
JACKSON, MS	
TONKS, MICHAEL JAY	09/20/1999
PALM DESERT, CA	
WAHL, STEPHEN J	09/20/1999
WARWICK, RI	
WALKER, SHARON A	09/20/1999
RICHMOND, VA	
WALKER, HARRIET DENISE	09/20/1999
COLTON, CA	
WALTER, FAYE H	09/20/1999
DENVER, CO	
WARBURTON, DIANA	09/20/1999
SANTA YNEZ, CA	
WEINSTEIN, GARY	09/20/1999
MIAMI, FL	
WILSON, ALAN D	09/20/1999
NORFOLK, VA	
WILSON, MARTHA A	09/20/1999
SHEFFIELD, AL	
WILSON, LENORIA JOHNSON	09/20/1999
TUSCALOOSA, AL	
WINEGARDEN, ROBERT	09/20/1999
EDISON, NJ	
WINGO, KATHARINE SONOKO	09/20/1999
BIRMINGHAM, AL	
YUENG, NURYS MARY	09/20/1999
BROOKLYN, NY	

FEDERAL/STATE EXCLUSION/ SUSPENSION

KENNEDY, SHANNON	09/20/1999
SEASIDE HGTS, NJ	
OH, DONALD D	09/20/1999
PHILLIPSBURG, NJ	
RIVERA, CLARISSA L	09/20/1999
HOWELL, NJ	
SOCARRAS, PATRICIA D	09/20/1999
MARY ESTER, FL	

FRAUD/KICKBACKS

AYRFS, JAMES M	03/16/1999
RALEIGH, NC	
GONZALEZ, JOSE J	09/20/1999
MIAMI, FL	
RESNICK, LIONEL	05/07/1999
MIAMI LAKES, FL	

OWNED/CONTROLLED BY CONVICTED/ EXCLUDED

BAYCHESTER PHARMACY, INC	09/20/1999
BRONX, NY	
BEST MEDICAL RENTALS, INC	09/20/1999
MIAMI, FL	
M MICHENER & ASSOCIATES, INC	09/20/1999
TWIN FALLS, ID	
NATIONAL MEDICAL & SURGICAL	09/20/1999
MARIANNA, FL	
SHAW AVENUE CHIROPRACTIC	09/20/1999
FRESNO, CA	
WOMAN'S CLINIC OF PLANO	09/20/1999

Subject, city, state	Effective date
PLANO, TX	
DEFAULT ON HEAL LOAN	
BARAHEMI, MANSOUREH ANAHEIM HILLS, CA	09/20/1999
BARCELO, JAIME V MIAMI, FL	09/20/1999
BARNO, MICHAEL D ORANGEVALE, CA	09/20/1999
GOODWIN, RANDALL J ATWOOD, KS	09/20/1999
JACKSON, STEPHEN C MILLVILLE, NJ	09/20/1999
JOHNSTON, DAVID K HOUSTON, TX	09/20/1999
KAHRS, JEFFREY B TACOMA, WA	09/20/1999
KINCY, GARY W BIRMINGHAM, AL	09/20/1999
KNAPKE, VICKI L INDIANAPOLIS, IN	09/20/1999
KRUPP, MICHAEL D PORTLAND, OR	09/20/1999
MCCOMBS, MARTIN B LONG BEACH, CA	09/20/1999
MCGHEE, ORSEL S III ANAHEIM, CA	09/20/1999
MCKENZIE, LAWRENCE G THIEF RIVER FALLS, MN	09/20/1999
MONGALO, VIRGILIO J MIAMI, FL	09/20/1999
O'BRIEN, DENNIS E LA CENTER, WA	09/20/1999
ORNELAS, MANUEL E MOBILE, AL	09/20/1999
ORTIZ, ERNEST E VALENCIA, CA	09/20/1999
PINSON, JEFFREY R NATALIA, TX	09/20/1999
RAZAVIAN, FAHIMEH MISSION VIEJO, CA	09/20/1999
ROUTLEY, DAVID B BIG RAPIDS, MI	09/20/1999
SEFLA, TODD S PAWTUCKETT, RI	09/20/1999
SOKOL, LOUIS J HOBE SOUND, FL	09/20/1999
THOMPSON, BENJAMIN F MADISON, AL	09/20/1999
WHITTAKER, ROBIN D NASHVILLE, TN	08/25/1999
SETTLEMENT AGREEMENT	
MODERN MEDICAL CENTER, INC MIAMI, FL	09/20/1999

Dated: September 2, 1999.

Joanne Lanahan,

Director, Health Care Administrative Sanctions, Office of Inspector General.

[FR Doc. 99–24429 Filed 9–20–99; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request: Request for Generic Clearance To Conduct Voluntary Customer/Partner Surveys

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Library of Medicine (NLM), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Voluntary Customer Satisfaction Surveys. *Type of Information Collection Request:* New. *New and Use of Information Collection:* Executive Order 12962 directs agencies that provide significant services directly to the public to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. Additionally, since 1994, the NLM has been a "Federal Reinvention Laboratory" with a goal of improving its methods of delivering information to the public. An essential strategy in accomplishing reinvention goals is the ability to periodically receive input and feedback from customers about the design and quality of the services they receive.

The NLM provides significant services directly to the public including health providers, researchers, universities, other federal agencies, state and local governments, and to others through a range of mechanisms, including publications, technical assistance, and web sites. These services are primarily focused on health and medical information dissemination activities. The purpose of this submission is to obtain OMB's generic approval to conduct satisfaction surveys of NLM's customers. The NLM will use the information provided by individuals and institutions to identify strengths and weaknesses in current services and to make improvements where feasible. The ability to periodically survey NLM's customers is essential to continually update and upgrade methods of providing high quality service. *Frequency of Response:* Annually or biennially. *Affected Public:* Individuals or households; businesses or other for profit; state or local governments; Federal agencies; non-profit institutions; small businesses or organizations. *Type of Respondents:* Organizations, medical researchers, physicians and other health care providers, librarians, students, and the general public. Annual reporting burden is an follows:

Title of Survey	Type of survey	Number of respondents	Estimated response time	Burden hours
Evaluation of Clinical Studies Database	Web-based	1,000	.167	167
Visible Human Project—Image Processing Tools	Electronic Mail	1,000	.25	250
PubMed	Web-based	5,000	.0835	418
Entrez	Web-based	2,000	.0835	167
GeneMap	Web-based	2,000	.0835	167
NCBI Web Site	Web-based	2,000	.0835	167
NLM Service Desk Survey	Interactive Voice Response telephone.	400	.0835	33
NLM Onsite Reading Room Use	Exit Interview	500	.167	84
NLM Electronic Mail Customer Survey	Electronic Mail	1,000	.0835	84
MEDLINEplus User Survey	Web-based	500	.0835	59
Survey of Unified Medical Language System (UMLS) Use	Mail Survey	1,000	.5	500
NLM Services Satisfaction Survey	Web-based	2,000	.0835	167
Total				2,163

There are no capital costs to report. There are no operating or maintenance costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION: To request additional information on the proposed collection of information contact Ronald F. Stewart, National Library of Medicine, Building 38, Room 2N07, 8600 Rockville Pike, Bethesda, MD 20894, or call non-toll free number (301) 496–6491. You may also e-mail your request to: ron__stewart@nlm.nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on of before November 22, 1999.

Dated: September 13, 1999.

Donald C. Poppke,

Associate Director for Administrative Management, National Library of Medicine.

[FR Doc. 99–24520 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Opportunity for a Cooperative Research and Development Agreement (CRADA) To Develop Live Attenuated Dengue Viruses for Use as Vaccines in Humans

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institute of Allergy and Infectious Diseases (NIAID) of the National Institutes of Health (NIH) is seeking capability statements from parties interested in entering into a Cooperative Research and Development Agreement (CRADA) on a project to develop live attenuated dengue viruses for use as vaccines to prevent dengue hemorrhagic fever and dengue shock syndrome in humans. This project is part of ongoing vaccine development activities in the Laboratory of Infectious Diseases (LID), Division of Intramural Research, NIAID.

DATES: Only written CRADA capability statements received by the NIAID on or before November 2, 1999 will be considered.

ADDRESSES: Capability statements should be submitted to Dr. Michael R. Mowatt, Office of Technology Development, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 31 Center Drive MSC 2137, Building 31, Room 3B62, Bethesda, MD 20892–2137; Tel: 301/496–2644, Fax: 301/402–7123; Electronic mail: mmowatt@nih.gov.

SUPPLEMENTARY INFORMATION: The CRADA will employ attenuated dengue virus strains (types 1 through 4) developed in LID using recombinant DNA methodologies to (1) identify and characterize the mutations responsible for attenuation, (2) engineer viral strains suitably attenuated for use as human vaccines, and (3) evaluate the attenuated viruses as live vaccines in animals and humans. The Public Health Service (PHS) has filed patent applications both in the U.S. and internationally related to these technologies.

The LID has extensive experience in evaluating the safety, antigenicity, immunogenicity and efficacy of various human viral pathogens and vaccines thereof both in experimental animals and human volunteers. The Collaborator in this endeavor is expected to commit several scientists off-site to support the activities defined by the CRADA Research Plan. These scientists, in collaboration with investigators in the LID, would coordinate the production and release testing of the candidate vaccines, generate monoclonal antibodies needed for manufacture of clinical lots and for their clinical evaluation, and use molecular virologic techniques to generate attenuating mutations suitable for use in live vaccine candidates. In addition, it is expected that the Collaborator will provide funds to supplement LID's research budget for the project and would make a major funding commitment to support the safety, immunogenicity and efficacy studies for candidate vaccines developed under the CRADA.

The capability statement must address, with specificity, each of the following selection criteria: (1) The technical expertise of the Collaborator's Principal Investigator and laboratory group in molecular virology, (2) Ability of Collaborator to manufacture experimental vaccine lots for parenteral administration under Good Manufacturing Practices (GMP) conditions, and (3) Ability to provide adequate and sustained funding to support the requisite vaccine safety and efficacy studies.

Dated: September 13, 1999.

Mark L. Rohrbaugh,

Director, Office of Technology Development, NIAID.

[FR Doc. 99–24516 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Fogarty International Center; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Fogarty International Center Advisory Board.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Fogarty International Center Advisory Board, Research Awards Subcommittee Meeting.

Date: September 27, 1999.

Time: 3:00 PM. to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Lawton Chiles International House, 16 Center Drive, (Building 16), Bethesda, MD 20892.

Contact Person: Irene W. Edwards, Information Officer, Fogarty International Center, National Institutes of Health, Building 31, Room B2C08, 31 Center Drive MSC 2220, Bethesda, MD 20892, 301–496–2075.

This notice is being published less than 15 days prior to the meeting due to the timing limitation imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.106, Minority International

Research Training Grant in the Biomedical and Behavioral Sciences; 93.154, Special International Postdoctoral Research Program in Acquired Immunodeficiency Syndrome; 93.168, International Cooperative Biodiversity Groups Program; 93.934, Fogarty International Research Collaboration Award; 93.989, Senior International Fellowship Awards Program, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24511 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Fogarty International Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Fogarty International Center Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation of other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Commitee: Fogarty International Center Advisory Board.

Date: September 28, 1999.

Open: 8:30 AM to 12:00 PM.

Agenda: Report of the Director and presentations on Inernational Nutrition Issues.

Place: Lawton Chiles International House, 16 Center Drive (Building 16), Bethesda, MD 20892.

Closed: 12:00 PM TO 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: Lawton Chiles International House, 16 Center Drive (Building 16), Bethesda, MD 20892.

Contact Person: Irene W. Edwards, Information Officer, Fogarty International Center, National Institutes of Health, Building 31, Room B2C08, 31 Center Drive MSC 2220, Bethesda, MD 20892, 301–496–2075.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Asistance Program Nos. 93.106, Minority International Research Training Grant in the Biomedical and Behavioral Sciences; 93.154, Special International Postdoctoral Resereach Program in Acquired Immunodeficiency Syndrome; 93.168, International Cooperative Biodiversity Groups Program; 93.934, Fogarty International Research Collaboration Award; 93.989, Senior Internatiional Fellowship Awards Program, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24512 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Review of the Alland R01.

Date: September 23, 1999.

Time: 11:00 AM to 12:30 PM.

Agenda: To review and evaluate grant applications.

Place: NIAID, NIH, (Room 2148), 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, (Telephone Conference Call).

Contact Person: Dianne E. Tingley, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2220, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–24510 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Mental Retardation Research Subcommittee.

Date: October 7–8, 1999.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Wyndham Bristol Hotel, 2430 Pennsylvania Avenue, NW, Washington, DC 20037.

Contact Person: Norman Change, PhD, Scientific Review Administrator, National Institute of Child Health and Human Development, National Institutes of Health, PHS, DHHS, Bethesda, MD 20892.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24514 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, NICHD RFP Contract Review.

Date: September 15, 1999.

Time: 10:00 AM to 4:00 PM.

Agenda: To review and evaluate contract proposals.

Place: 6100 Executive Blvd., DSR Conf. Rm., Rockville, MD 20852.

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435–6884.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24515 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: October 29, 1999.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: John R. Lymangrover, PhD, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24517 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee.

Date: October 18–19, 1999.

Time: 8:00 AM to 6:00 PM.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: John R. Lymangrover, PHD, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24518 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group, Population Research Subcommittee.

Date: October 21–22, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Jon M. Ranhand, Phd., Health Scientist Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Blvd., Rm. 5E01, MSC 7510, Bethesda, MD 20892, (301) 435–6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93–209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24519 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Center for Biotechnology Information, National Library of Medicine.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Library of Medicine, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Center for Biotechnology Information, National Library of Medicine.

Date: October 11–12, 1999.

Time: October 11, 1999, 7:00 PM to 10:00 PM.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Time: October 12, 1999, 8:30 AM to 2:00 PM.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: David J. Lipman, MD, Director, Natl Ctr For Biotechnology Information, National Library of Medicine, Department of Health and Human Services, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24513 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4513–N–02]

Credit Watch Termination Initiative

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice advises of the cause and effect of termination of Origination Approval Agreements taken by HUD's Federal Housing Administration against HUD-approved mortgagees through its Credit Watch Termination Initiative. This notice includes a list of mortgagees which have had their Origination Approval Agreements (Agreements) terminated.

FOR FURTHER INFORMATION CONTACT: The Quality Assurance Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh St. SW, Room B133–P3214, Washington, DC 20410; telephone (202) 708–2830 (This is not a toll free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: HUD has the authority to address deficiencies in the performance of lenders' loans as provided in the HUD mortgagee approval regulations at 24 CFR 202.3. On May 17, 1999 (64 FR 26769), HUD published a notice on its procedures for terminating origination approval agreements with FHA lenders and placement of FHA lenders on Credit Watch status (an evaluation period). In the May 17, 1999 notice, HUD advised that it would publish in the **Federal Register** a list of mortgagees which have had their Origination Approval Agreements terminated.

Termination of Origination Approval Agreement

Approval of a mortgagee by HUD/FHA to participate in FHA mortgage insurance programs includes an Agreement between HUD and the mortgagee. Under the Agreement, the mortgagee is authorized to originate single family mortgage loans and submit them to FHA for insurance endorsement. The Agreement may be terminated on the basis of poor performance of FHA-insured mortgage loans originated by the mortgagee. The Termination of a mortgagee's Agreement is separate and apart from any action taken by HUD's Mortgagee Review Board under HUD's regulations at 24 CFR part 25.

Cause

HUD's regulations permit HUD to terminate the Agreement with any mortgagee having a default and claim rate for loans endorsed within the preceding 24 months that exceeds 200 percent of the default and claim rate within the geographic area served by a HUD field office, and also exceeds the national default and claim rate. For the first review period, HUD is only terminating the Agreement of mortgagees whose default and claim rate exceeds both the national rate and 300 percent of the field office rate.

Effect

Termination of the Agreement precludes that branch(s) of the mortgagee from originating FHA-insured single family mortgages within the area of the HUD field office(s) listed in this notice. Mortgagees authorized to purchase, hold, or service FHA insured mortgages may continue to do so.

Loans that closed or were approved before the Termination became effective may be submitted for insurance endorsement. Approved loans are (1) those already underwritten and approved by a Direct Endorsement (DE) underwriter employed by an unconditionally approved DE lender and (2) cases covered by a firm commitment issued by HUD. Cases at earlier stages of processing cannot be submitted for insurance by the terminated branch; however, they may be transferred for completion of processing and underwriting to another mortgagee or branch authorized to originate FHA insured mortgages in that area. Mortgagees are obligated to continue to pay existing insurance premiums and meet all other obligations associated with insured mortgages.

A terminated mortgagee may request to have its authority to originate FHA

loans reinstated no earlier that six months after the effective date of the Termination. The request, addressed to the Director, Office of Lender Activities and Program Compliance, should describe any actions taken (*e.g.*, changes in operations and/or personnel) to eliminate the cause(s) of the poor loan performance that led to the Termination.

Action

The following mortgagees have had their Agreements terminated by HUD:

Mortgagee name	Mortgagee branch street address	Mortgagee branch city	Mortgagee branch state	HUD office jurisdictions	Termination effective date	Home ownership centers
American Choice Mtg. Corp.	7855 NW 12th St. Ste 103.	Miami	FL	Coral Gables, FL	08/01/1999	Atlanta.
Amerimort Financial Group dba/ Citimortgage.	13200 Crossroads Pkwy N 200.	City of Industry	CA	Los Angeles, CA	08/01/1999	Santa Ana.
Cameron Mtg. Co	8563–2 Argyle Business Loop.	Jacksonville	FL	Jacksonville, FL	09/15/1999	Atlanta.
Capitol Mtg. Bankers	All Branches			Washington, DC	09/15/1999	Philadelphia.
Capitol Mtg. Bankers	All Branches			Baltimore, MD	09/15/1999	Philadelphia.
Capitol Mtg. Bankers	901 Dulaney Valley Rd.	Towson	MD	Richmond, VA	09/15/1999	Philadelphia.
Citizens First Mtg	2301 Lee Rd	Winter Park	FL	Orlando, FL	09/15/1999	Atlanta.
CTX Mtg. Co	11108–10 West National Avenue.	West Allis	WI	Milwaukee, WI	09/15/1999	Denver.
Dalma Corp. dba/ Alpha Mtg. Bankers.	1745 Old Spring House Lane 400.	Atlanta	GA	Atlanta, GA	09/15/1999	Atlanta.
Eastern Mtg. Corp	8380 Baymeadows Rd Ste 9.	Jacksonville	FL	Jacksonville, FL	09/15/1999	Atlanta.
First National Funding Group.	2690 E Garvey Avenue S.	West Covina	CA	Santa Ana, CA	09/15/1999	Santa Ana.
Four Star Mtg. Ltd	1349 Empire Central Ste 404.	Dallas	TX	Dallas, TX	09/15/1999	Denver.
Friendly Hills Mtg	7028 Greenleaf Ave Ste M.	Waittier	CA	Santa Ana, CA	09/15/1999	Santa Ana.
Harbor Financial Mtg	5350 South Staples Ste 103.	Corpus Christi	TX	San Antonio, TX	08/01/1999	Denver.
Harbor Financial Mtg	5024 Campbell Blvd Ste H.	Baltimore	MD	Baltimore, MD	08/01/1999	Philadelphia.
Home Mtg. Center	3227 Duke St	Alexandria	VA	Washington, DC	09/15/1999	Philadelphia.
Mirage Financial Services.	3565 NE 163rd St	North Miami Beach	FL	Coral Gables, FL	09/15/1999	Atlanta.
Mortgage Acceptance Corp.	10 McKinley St	Closter	NJ	Newark, NJ	08/01/1999	Philadelphia.
Mortgage Acceptance Corp.	10 McKinley St	Closter	NJ	New York, NY	08/01/1999	Philadelphia.
Mortgage Capital Resources Corp.	3435 Wilshire Blvd Ste 380.	Los Angeles	CA	Los Angeles, CA	09/15/1999	Santa Ana.
Mortgage Lending of America.	110 Walt Whitman Rd Ste 204.	Huntington Station	NY	New York, NY	09/15/1999	Philadelphia.
Ober Financial Corp. dba/Combined Mtg.	15329 Bonanza Rd Ste D.	Victorville	CA	Santa Ana, CA	09/15/1999	Santa Ana.
Plus Four Mtg	36358 Garfield Rd	Clinton Twp	MI	Detroit, MI	09/15/1999	Philadelphia.
Presidential Mtg. Corp.	1210 32nd St. North.	Birmingham	AL	Birmingham, AL	09/15/1999	Atlanta.
Progressive Loan Funding.	3030 Old Ranch Pkwy Ste 150.	Seal Beach	CA	Los Angeles, CA	09/15/1999	Santa Ana.
RC Mtg. Inc	8560 Vineyard Ave. Ste 407.	Rancho Cucamonga.	CA	Santa Ana, CA	09/15/1999	Santa Ana.
RE Mtg. Group	8141 E Kaiser Blvd Ste 212.	Anaheim Hills	CA	Los Angeles, CA	09/15/1999	Santa Ana.
RE Mtg. Group	10927 Downey Ave. Ste A.	Downey	CA	Los Angeles, CA	09/15/1999	Santa Ana.
RLS Mtg. Inc. dba/ Trinity Mtg.	309 E Rowland Ave.	Covina	CA	Los Angeles, CA	09/15/1999	Santa Ana.
RLS Mtg. Inc. dba/ Trinity Mtg.	All Branches			Santa Ana, CA	09/15/1999	Santa Ana.
RMS Inc. dba/Residential Lending Service Inc.	1421 Triad Center Dr. Ste 102.	Saint Peters	MO	St. Louis, MO	09/15/1999	Denver.
Sun America Mtg	750 Terrando Plaza Ste 14.	Covina	CA	Santa Ana, CA	09/15/1999	Santa Ana.
United California Mtg	12750 Center Court Dr. Ste 140.	Cerritos	CA	Los Angeles, CA	09/15/1999	Santa Ana.

Dated: September 14, 1999.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 99–24636 Filed 9–17–99; 10:59 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1320–00]

Powder River Regional Coal Team Activities: Notice of Public Meeting

AGENCY: Department of Interior, Wyoming.

ACTION: Notice of public meeting.

SUMMARY: The Powder River Regional Coal Team (RCT) announces that it has scheduled a public meeting for October 27, 1999, to review current and proposed activities in the Powder River Coal Region and to review pending coal lease applications (LBA).

DATES: The RCT meeting will begin at 9 a.m., M.D.T., on Wednesday, October 27, 1999. The meeting is open to the public.

ADDRESSES: The meeting will be held at the Holiday Inn, 2009 S. Douglas Highway, Gillette, WY 82718, 307–686–3000. Attendees are responsible for making their own reservations.

FOR FURTHER INFORMATION CONTACT: Mel Schlagel, Wyoming State Office, BLM, P.O. Box 1828 (922), Cheyenne, WY 82003, 307–775–6257.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to discuss the North Jacobs Ranch LBA. The Jacobs Ranch Coal Company (Kennecott Energy Company), filed an LBA (WYW146744), on October 2, 1998, for an estimated 519 million tons and 4,821 acres. In accordance with the *Powder River Operational Guidelines (1991),* the initial public notification of North Jacobs Ranch pending LBA was made at the February 23, 1999, RCT meeting in Billings, MT. At this meeting, the RCT approved processing for the North Jacobs Ranch LBA. This LBA has several conflicts between oil and gas development and coal mining. The RCT left open the possibility of another RCT meeting in the fall of 1999, to further address existing conflicts. Coal and oil and gas conflicts need further consideration by the RCT, and are the primary topic of discussion for this RCT meeting. Processing time frames between the North Jacobs Ranch LBA and the Belle Ayr LBA also need to be discussed by the RCT.

Two possible coal exchanges also need to be discussed by the RCT. The Belco exchange involves exchanging coal near Buffalo, WY, for Federal coal just north of the Buckskin Mine in Campbell County. The Pittsburg & Midway exchange proposal is to exchange Federal coal near Sheridan, WY, for private lands located throughout WY. The RCT may generate recommendation(s) for any or all of these topics. No new LBA's have been filed since the February 23, 1999, RCT meeting.

Any party interested in providing comments or data related to the above pending applications may either do so in writing to the State Director (925), Wyoming State Office, BLM, P.O. Box 1828, Cheyenne, WY 82003, no later than October 15, 1999, or by addressing the RCT with his/her concerns at the meeting on October 27, 1999.

The draft agenda for the meeting follows:

1. Introduction of RCT Members and guests.
2. Approval of the Minutes of the February 23, 1999, RCT meeting held in Billings MT.
3. Regional Coal Activity Status:
   a. Activity Since Last RCT Meeting.
   b. Status of pending LBAs previously reviewed by RCT.
   c. Belco Coal Lease Exchange.
4. Industry Presentations:
—Jacobs Ranch Coal Company
—Belle Ayr Coal Company
—Pittsburg & Midway Exchange
7. RCT Activity Planning Recommendations—Review and recommendation(s) on pending Lease Application(s).
8. Discussion of the next meeting.
9. Adjourn.

Alan R. Pierson,

State Director.

[FR Doc. 99–24534 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–910–0777–26–241A]

State of Arizona Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Arizona Resource Advisory Council Meeting notice of meeting.

SUMMARY: This notice announces a meeting of the Arizona Resource Advisory Council. The one-day business meeting will be held on October 22, 1999, in Tempe, Arizona. The RAC meeting will begin at 9:00 a.m. and will conclude at approximately 4:00 p.m. The meeting will be held at the Arizona Historical Society museum located at 1300 North College Avenue, Tempe, Arizona. The agenda items to be covered at the meeting include welcome of RAC members, review of the August 20, 1999, meeting minutes; BLM State Director's Update on legislation, regulations and statewide planning efforts; RAC Orientation; Election of Chair/Vice Chair; Updates on Secretarial Initiatives, regarding Proposed Arizona National Monument and Empire Cienega National Conservation Area proposed legislation, and Barry Goldwater Range; Update on Permit Renewals, Biological Opinions, and Appeals; Clean Water Action Plan/ Watersheds/Abandon Mines Presentation; Update Proposed Field Office Rangeland Resource Teams; Reports from BLM Field Office Managers; Working Group Assignments of new members; Reports by the Standards and Guidelines, Recreation and Public Relations, Wild Horse and Burro Working Groups; Reports from RAC members; and Discussion of future meetings. A public comment period will be provided at 11:30 a.m. on October 21, 1999, for any interested publics who wish to address the Council.

FOR FURTHER INFORMATION CONTACT: Deborah Stevens, Bureau of Land Management, Arizona State Office, 222 North Central Avenue, Phoenix, Arizona 85004–2003, (602) 417–9215.

Signature:

Gary D. Bauer,

Acting Arizona State Director.

[FR Doc. 99–24533 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice of Availability and Sale of Federal Royalty Oil to Small Refiners

AGENCY: Minerals Management Service, Interior.

ACTION: Notice.

SUMMARY: This Notice explains how small refiners may apply to participate in the sale of Federal royalty oil and the procedures under which subsequent contracts will be awarded.

DATES: Completed applications to participate in the sale must be received by the close of business (4:00 p.m. Mountain Standard Time) on October 15, 1999. Bid proposals, signed contracts, and surety instruments must be received by the close of business

(4:00 p.m. Mountain Standard Time) on October 27, 1999. Documents received after these dates and times will be rejected. The sale will be held on October 28, 1999.

ADDRESSES: You may obtain an application to participate in the sale (Form MMS–4070, Application for the Purchase of Royalty Oil) directly from our web site *http://www.rmp.mms.gov/library/leglroom/notices/Notices.htm*. You may also request an application by writing to one of the addresses below or by calling Mr. Robert Prael at (303) 231–3217 or by sending an e-mail message to Robert.Prael@mms.gov.

Completed applications, bid proposals, signed contracts, and surety instruments must be addressed as follows:

Regular U.S. mail. Minerals Management Service, Royalty Management Program, Attention: Robert F. Prael, MS 3131, P.O. Box 5760, Denver, Colorado 80217–5760.

Overnight mail or courier. Minerals Management Service, Royalty Management Program, Room A–212, Document Processing Section, Attention: Robert F. Prael, Building 85, Denver Federal Center, Denver, Colorado 80225.

For confidentiality, please place your bid proposal in an envelope marked as "confidential, to be opened only by Robert Prael" and enclose this envelope inside the envelope containing the signed contract and surety instrument.

FOR FURTHER INFORMATION CONTACT: Robert F. Prael, Chief, Royalty-in-Kind Section, at (303) 231–3217, FAX (303) 231–3219, or e-mail Robert.Prael@mms.gov.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior has determined that sufficient need exists among small refining companies to justify taking royalty oil in kind and offering this oil for sale to eligible refiners. This determination of need is based on the following facts:

Small refiners who purchase crude oil in the Pacific and Gulf of Mexico regions have expressed concerns about the lack of stable access to the marketplace and the premium prices they frequently must pay to obtain desired feed stock.

Small refiners continue to play a prominent role in providing military jet fuel to the U.S. Department of Defense. This supply of military jet fuel and the diversity in suppliers and locations combine to make the small refiner oil program an important contributor to National security.

The U.S. Small Business Administration encourages program continuance in the interest of maintaining a competitive marketplace.

Small refiners also provide valuable resources for several States and local governments.

Accordingly, the Secretary has elected to take royalty oil in kind from certain Federal leases in the Gulf of Mexico and Pacific regions and offer such oil for sale to eligible small refiners.

Improvements to the Small Refiner Program

The Minerals Management Service (MMS) is making several improvements in the small refiner program effective with this sale. These improvements are summarized below:

1. Refiners will be reporting and paying based on their delivered volumes. In the past, MMS billed refiners based on volumes reported by operators. This volume, in many cases, had no relationship to the volume delivered to the refiners. The difference between deliveries and billings frequently created cash flow problems for refiners. By allowing refiners to pay only for what they receive, we will eliminate this problem.

2. Pricing will be established in the contract. This will eliminate problems created when we billed for retroactive price adjustments and refiners had no means to recover the additional cost through their end users.

3. We will monitor imbalances between the royalty barrels the Government is entitled to receive and the barrels actually received by the refiners. Deliveries by operators will be based on the royalty entitlement of 2 months prior, thereby keeping imbalances to a minimum (that is, Month 1 royalty entitlement will be delivered to the refiner in Month 3). If overdeliveries occur, we will issue a credit or refund to the operator. If underdeliveries occur, we will work with the operator and have either an additional delivery made or payment made in value. Penalties may also be assessed. We will charge or pay interest when operators under- or overdeliver royalty oil. We will charge or pay interest when refiners under- or overpay for royalty oil.

4. Administrative fees have been canceled. Because this sale will be a competitive bid sale, there is no need for an administrative fee.

5. Deliveries of royalty oil will occur at market centers such as St. James, etc.

Eligibility Requirements

For purposes of this sale, "eligible refiners" are those refiners who meet the criteria for small refiners as defined in the U.S. Small Business Administration regulations at 13 CFR part 121 (that is, no more than 75,000 barrels per day refinery capacity and 1,500 employees).

We will not accept an application from a refiner who is not in operation during the 60-day period before the date of the sale, unless the refiner certifies that operations will begin by the first month in which oil becomes available under a royalty oil contract. Certification could be in the form of a notarized statement referencing a current permit to operate from the State or local environmental control agency. We will confirm the operating status of the applicant's refinery with the U.S. Department of Energy and/or the U.S. Small Business Administration as appropriate. We will terminate the royalty oil contract if operations do not begin by the first month in which oil becomes available.

In addition, we will disallow multiple applications from two or more refiners who are affiliated through common ownership or control. Such refiners will be limited to one allotment in the allocation of royalty oil.

An otherwise eligible refiner will not be permitted to participate in the sale if, at the time of the sale, that refiner is in arrears on payments owed to MMS.

Application Procedures

Applications must be filed on Form MMS–4070, Application for the Purchase of Royalty Oil. The application must be complete and timely filed. We will reject any improperly completed or late application and any application from a refiner who does not meet the eligibility criteria established in this Notice.

Applicants are advised that the Federal Oil and Gas Royalty Management Act of 1982, as amended, 30 U.S.C. 1701, *et seq.*, provides civil and criminal penalties for false or inaccurate reporting. Applicants are also cautioned to provide adequate detail on each item in the application to preclude rejection of the application from further consideration. Any questions concerning the application should be directed to the contact listed in the "For Further Information Contact" section.

We will provide an information package to each eligible refiner who files a timely application. This package will contain:

1. Sale arrangements and procedures;

2. Lease locations and approximate quantity and quality of royalty oil to be offered from each lease;

3. A statement on the contract award processes, surety requirements, and imbalance procedures;

4. A copy of the Federal royalty oil contract; and

5. A copy of the regulations governing royalty-in-kind sales.

Sale Information

Approximately 20,000 barrels of royalty oil per day from selected Federal leases in the Pacific region and 80,000 barrels per day in the Gulf of Mexico region will be offered for sale to qualified applicants. We will have a separate offering for each region at the sale.

Royalty oil will be sold based on a competitive bidding process. The bid proposal will be based on formulas representing spot market prices with premiums added or deductions subtracted. Royalty oil will be sold in lease bundles representing groups of leases, oil types, and Facility Measurement Points. Refiners will be required to select the entire bundle.

The highest bidder will be notified by phone or e-mail and provided a list of properties from which to choose. After the highest bidder selects his/her properties, the list of remaining properties will be provided to the next highest bidder. This process is continued until all the oil is selected or the minimum bid threshold is met.

In the event that an applicant who has participated in the allocation process does not execute his/her contract, or in the event substantial quantities of royalty oil sold in this eligible lease sale are subsequently turned back to MMS, we may reallocate such oil. However, only those refiners who hold ongoing contracts from this sale will be allowed to participate in any reallocation, and then only if they continue to meet eligibility requirements as set forth in this Notice and 30 CFR part 208 (1999). Questions concerning these allocation and reallocation procedures should be directed to the contact listed in the "For Further Information Contact" section.

Surety Requirements

Applicants for royalty oil will be required to provide a surety instrument with their bid package. This surety instrument must be an MMS-specified surety such as a bond, irrevocable letter of credit, etc. The amount of the surety instrument must equal the value of 30 days of production that the refiner is bidding on. Once the contract is awarded, the surety must be increased to an amount equal to the estimated value of royalty oil that could be taken by the purchaser in a 99-day period. The increased surety must be received by December 17, 1999. All sureties must be in a form acceptable to MMS and must include any MMS-specified requirements to adequately protect the Government's interests. Sureties for unsuccessful bidders will be immediately returned to the financial insfitution. Upon termination of deliveries under the contract, we will reduce the amount of the surety in amounts proportionate to payments made by the refiner to fulfill payment obligations.

If the refiner provides a bond or a certificate of deposit as the surety, the bond or certificate of deposit must be effective for the entire term of the contract plus a 6-month reconciliation period. If the refiner furnishes a letter of credit as the surety, the letter of credit must be effective for a 1-year period beginning the first day the royalty oil contract is effective, with a clause providing for automatic renewal for a new 6-month period. The purchaser or surety company may elect not to renew the letter of credit at any monthly anniversary date but must notify MMS of the intent not to renew at least 30 days before the anniversary date. We may grant the purchaser 45 days to obtain a new surety. If no replacement surety is provided, we will terminate the contract effective at least 6 months before the expiration date of the letter of credit.

Financial institutions that furnish bonds must be listed in the U.S. Department of the Treasury's Circular 570. Those institutions that propose to furnish letters of credit and certificates of deposit must be chartered in the United States and must be acceptable to MMS.

Contract Terms

The royalty oil contracts will be effective January 1, 2000, and will have a 1-year term with an automatic evergreen clause subject to a 90-day termination notice.

Successful applicants who are awarded royalty oil contracts must process that royalty oil, or oil obtained in exchange for the royalty oil, in their refineries and may not resell it. If a refiner exchanges royalty oil for other crude oil to process in his/her refinery, the refiner must provide full information to us, including a copy of the exchange agreement within 30 days of the exchange agreement's effective date.

Authority

This sale is conducted under the provisions of the Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1331, *et seq.*, and regulations at 30 CFR part 208.

Dated: September 15, 1999.

R. Dale Fazio,

Acting Associate Director for Royalty Management.

[FR Doc. 99–24525 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 11, 1999. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by October 6, 1999.

Carol D. Shull,

Keeper of the National Register.

AMERICAN SAMOA

Tutuila Island, Eastern District

Breakers Point Naval Guns, Breakers Point, Lauli'i vicinity, 99001231

Eastern District

Lau'agae Ridge Quarry, Tula-Onenoa Rd., Tula vicinity, 99001227

FLORIDA

Dade County

Stiltsville, 1.5 mi. SW of southern tip of Key Biscayne, Key Biscayne vicinity, 99001226

IOWA

Black Hawk County

Wasson, Dr. Jesse, Building, 201 Main St., La Porte St., 99001239

Fayette County

First Baptist Church of West Union, Main And Vine Sts., West Union, 99001240

Story County

Bandshell Park Historic District, Bounded by Duff Ave., E. 5th St., E. 6th St., and Carroll Ave., Ames, 99001238

NEVADA

Mineral County

Sixth Street School, Sixth and C Sts., Hawthorne, 99001241

OHIO

Cuyahoga County

Fuller—Bramley House, 7489 Brecksville Rd., Independence, 99001242

TENNESSEE

Hamilton County

Chattanooga Plow Power House, 1533–1535 Chestnut St., Chattanooga, 99001243

Shelby County

Glenview Historic District (Residential Resources of Memphis MPS) Bounded by Souther RR, Lamar Ave., S. Parkway E., and Frisco RR, Memphis, 99001244

The 15 day comment period has been waived for the following resources:

COLORADO

Hinsdale County

Argentum Mining Camp (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001235
Capitol City Charcoal Kilns (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001236
Empire Chief Mine and Mill (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001237
Golconda Mine (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001234
Little Rome (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001233
Tellurium—White Cross Mining Camp (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001232

[FR Doc. 99–24474 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains From Gunnison County, CO in the Possession of the Colorado Historical Society, Denver, CO

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains from Gunnison County, CO in the possession of Colorado Historical Society, Denver, CO.

A detailed assessment of the human remains was made by Colorado Historical Society professional staff in consultation with representatives of the Southern Ute Indian Tribe of the Southern Ute Reservation, the Ute Mountain Tribe of the Ute Mountain Reservation, and the Ute Indian Tribe of the Uintah & Ouray Reservation.

In 1999, human remains representing one individual were recovered during a housing construction project in Gunnison County, CO by the Colorado State Archeologist following notification of the Mount Crested Butte Police Department and the Gunnison County Coroner. No known individuals were identified. No associated funerary objects are present.

Based on the condition of the human remains and skeletal morphology, this individual has been identified as Native American from the historic period. Gunnison County, CO is part of the pre–1900 homeland of the present-day Ute Indian Tribe of the Uintah and Ouray Reservation, specifically the Uncompahgre Band (Taveewach).

Based on the above mentioned information, officials of the Colorado Historical Society have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Colorado Historical Society have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Ute Indian Tribe of the Uintah and Ouray Reservation.

This notice has been sent to officials of the Southern Ute Indian Tribe of the Southern Ute Reservation, the Ute Mountain Tribe of the Ute Mountain Reservation, and the Ute Indian Tribe of the Uintah & Ouray Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Susan Collins, Colorado State Archeologist, Colorado Historical Society, 1300 Broadway, Denver, CO 80203; telephone: (303) 866-2736, before October 21, 1999. Repatriation of the human remains to the Ute Indian Tribe of the Uintah and Ouray Reservation may begin after that date if no additional claimants come forward.

Dated: September 14, 1999.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 99–24476 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and an Associated Funerary Object From South Dakota in the Possession of South Dakota State Archaeological Research Center, Rapid City, SD

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and an associated funerary object from South Dakota in the possession of South Dakota State Archaeological Research Center, Rapid City, SD.

A detailed assessment of the human remains was made by South Dakota State Archaeological Research Center (SARC) professional staff in consultation with representatives of the Three Affiliated Tribes of North Dakota.

Between 1938 and 1954, human remains representing five individuals were recovered from the Mitchell Village and Mounds (39DV2) on the south bank of Firesteel Creek (now Lake Mitchell), Davison County, SD during excavations conducted by E.E. Meleen of the Smithsonian Institution, the Mitchell Lions Club, and the Works Progress Administration (WPA Project 3159); and a separate recovery in 1954 by Marvin Thome, Mitchell, SD. In 1998, four of these individuals were transferred from the W.H. Over Museum to SARC. Also in 1998, the individual recovered in 1954 was transferred from the University of Nebraska State Museum to SARC. No known individuals were identified. No associated funerary objects are present.

Based on manner of interment, these individuals have been identified as Native American. Based on architecture, artifact assemblage, radiocarbon dates, and ceramics from previous excavations, the Mitchell Village and Mounds have been identified as Initial Middle Missouri Tradition (900-1400 A.D.). Based on continuities of material culture, architecture, and skeletal morphology, in addition to oral tradition and historical evidence, the Mitchell Village and Mounds have been affiliated with the Mandan.

During the early 1930s, human remains representing three individuals were recovered from an earthlodge cache pit in Twelve Mile Creek Village and Mounds (39HT1) on the north bank

of South Fork Twelve Mile Creek, Hutchinson County, SD during non-professional excavations conducted by F. Robinson, Dr. J.J. Krall, and H. Hall, Tyndall, SD. These individuals were donated to F.C. Kratz, director of the Olivet Museum, and were later transferred to the University of South Dakota Museum-Vermillion (now the W.H. Over Museum). In 1997, these human remains were transfered to SARC. No known individuals were identified. No associated funerary objects are present.

In 1939, human remains representing two individuals were recovered from Twelve Mile Creek Village and Mounds (39HT1) on the north bank of South Fork Twelve Mile Creek, Hutchinson County, SD during WPA excavations conducted by E.E. Meleen, Smithsonian Institution, and W.H. Over, USD Museum. In 1998, these human remains were found in SARC collections. No known individuals were identified. The one associated funerary object is a coyote tooth.

Based on the manner of interment and the associated funeary object, these individuals have been identified as Native American. Based on the architecture, material culture, radiocarbon dates, and ceramics from the 1930-1939 excavations, the Twelve Mile Village and Mounds have been dated to the Lower James Phase of the Initial Middle Missouri Tradition (900-1350 A.D.). Based on continuities of material culture, architecture, and skeletal morphology, in addition to oral tradition and historical evidence, the Twelve Mile Village and Mounds have been affiliated with the Mandan.

In 1870, the Mandan, Hidatsa, and Arikara tribes were moved to the Fort Berthold Indian Reservation in North Dakota, and are now known collectively as the Three Affiliated Tribes of North Dakota.

Based on the above mentioned information, officials of the South Dakota State Archaeological Research Center have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of ten individuals of Native American ancestry. Officials of the South Dakota State Archaeological Research Center have also determined that, pursuant to 43 CFR 10.2 (d)(2), the one object listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the South Dakota State Archaeological Research Center have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary object and the Three Affiliated Tribes of North Dakota.

This notice has been sent to officials of the Three Affiliated Tribes of North Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary object should contact Renee Boen, Curator, State Archaeological Center, South Dakota Historical Society, P.O. Box 1257, Rapid City, SD 57709-1257; telephone: (605) 394-1936, before October 21, 1999. Repatriation of the human remains and associated funerary object to the Three Affiliated Tribes of North Dakota may begin after that date if no additional claimants come forward.

Dated: September 14, 1999.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 99–24475 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

National Institute of Justice

[OJP(NIJ)–1250]

RIN 1121–ZB84

Announcement of the National Town Hall Meeting on Methamphetamine/ Fourth Meeting of the Methamphetamine Interagency Task Force

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Notice of Meeting.

SUMMARY: Announcement of National Town Hall Meeting on Methamphetamine and fourth meeting of Methamphetamine Interagency Task Force.

DATES: The meeting will be held on Tuesday, November 30, 1999, from 8:30 a.m. to 5:00 p.m., EDT, and Wednesday, December 1, 1999, from 8:30 a.m. to 10:30 a.m., EDT.

ADDRESSES: The meeting will take place in the Polaris Room at the Ronald Reagan Building/International Trade Center, 1300 Pennsylvania Avenue, NW, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: For information about how to attend this meeting or to submit written questions, contact Mark Jordan, National Institute of Justice, 810 7th Street, NW. Washington, DC 20531; Telephone (202) 305–7939 [This is not a toll free number]; Facsimile: (202) 616–0275; E-mail: jordanm@ojp.usdoj.gov.

SUPPLEMENTARY INFORMATION: The Methamphetamine Interagency Task Force, established pursuant to Section 3(2)A of the Federal Advisory Committee Act, 5 U.S.C. App. 2, will meet to carry out its advisory functions under Sections 201–202 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

The meeting will allow Federal, State, and local law enforcement officials, public health officials, educators, drug treatment providers, and researchers to provide the Task Force with feedback on an implementation plan for a national strategy addressing methamphetamine in the United States.

The meeting will be open to the public on a space-available basis. You must make reservations if you want to attend. You should make a reservation no later than Monday, November 15, 1999, so that we can make proper seating arrangements. See the contact person listed above to reserve a space and to advise us of any special needs. When you arrive, you must present a photo ID in order to gain admittance. If you wish to submit written questions to this session, you should notify the contact person listed above by Monday, November 15, 1999. You must submit your name, affiliation, and contact information (address or telephone number) with your questions.

Jeremy Travis,

Director, National Institute of Justice.

[FR Doc. 99–24546 Filed 9–20–99; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,668]

Burlington Industries, Incorporated, Stonewall Cutting Plant, Stonewall, MS; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 9, 1999 in response to a worker petition which was filed on behalf of workers at Burlington Industries, Stonewall Cutting Plant, Stonewall, Mississippi.

An active certification covering the petitioning group of workers remains in effect (TA–W–35,631). Consequently, further investigation in this case would

serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 9th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24473 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,662]

Diversified Trucking Corporation, a Former Roadmaster Company, Olney, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 9, 1999 in response to a worker petition which was filed on behalf of workers at Diversified Trucking Corporation, a former Roadmaster Company, located in Olney, Illinois.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 26th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24472 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,673]

Fina Oil & Chemical Co., Houston, TX; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 9, 1999, in response to a petition filed on behalf of workers at Fina Oil & Chemical Co., Houston, Texas.

A certification applicable to the petitioning group of workers employed at Fina Oil & Chemical Co., Houston, Texas, was issued on July 13, 1999 and is currently in effect (TA–W–36,252A). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 27th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24471 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,106 and TA–W–36,106A]

Funtime Sportswear, Inc., Lansford, PA; Moscow, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 as amended (19 U.S.C. 2273) the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on July 8, 1999 applicable to all workers of Funtime Sportswear, Inc. located in Lansford, Pennsylvania. The notice was published in the **Federal Register** on August 11, 1999 (64 FR 43723).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. New findings show that worker separations occurred at the Moscow, Pennsylvania location of Funtime Sportswear, Inc. when it closed in April 1999. The workers were engaged in employment related to the production of sports bras and ladies' exercise shorts.

Accordingly, the Department is amending the certification to cover workers at the Funtime Sportswear, Inc., Moscow, Pennsylvania location.

The intent of the Department's certification is to include all workers of Funtime Sportswear, Inc. adversely affected by increased imports.

The amended notice applicable to TA–W–36,106 is hereby issued as follows:

All workers of Funtime Sportswear, Inc., Lansford, Pennsylvania (TA–W–36,106) and Moscow, Pennsylvania (TA–W–36,106A) who became totally or partially separated from employment on or after April 12, 1999 through July 8, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of August, 1999.

Edward A. Tomchick,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24468 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,768]

Funtime Sportswear, Inc., Moscow, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 30, 1999 in response to a worker petition which was filed on behalf of workers at Funtime Sportswear, Moscow, Pennsylvania.

An active certification covering the petitioning group of workers is already in effect (TA–W–36,106A). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 31st day of August, 1999.

Edward A. Tomchick,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24470 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the

subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 1, 1999.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 1, 1999.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

Appendix

[Petitions instituted on 8/23/1999

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
36,714	International Playing (GCIU)	Rogersville, TN	08/12/1999	Labels for Tobacco Products.
36,715	Dalei Fashion/Dani Max (Wrks)	New York, NY	06/09/1999	Dresses.
36,716	Philadelphia Glass (UE)	Philadelphia, PA	08/12/1999	Bending of Glass.
36,717	L.M. Rabinowitz and Co (Wrks)	Brooklyn, NY	08/11/1999	Hook and Eyes for Bras.
36,718	Aquatech, Inc. (Comp)	Cookeville, TN	07/28/1999	Garment Finishing (Commercial Laundry).
36,719	Aquatech, Inc (Wrks)	Cleveland, TN	01/07/1999	Garment—Dyed, Stonewashed.
36,720	Blue Fish Clothing, Inc. (Comp)	Frenchtown, NJ	08/06/1999	Printed Women's Clothing.
36,721	Markco Machine Works (Wrks)	Odessa, TX	08/05/1999	Wellheads & Other Oilfield Equipment.
36,722	King Louis International (UFCW)	Baxter Springs, KS	08/13/1999	Baseball Jackets and Casualwear.
36,723	King Louis International (UFCW)	Adair, OK	08/13/1999	Baseball Jackets and Casualwear.
36,724	Graphic Research, Inc. (Comp)	Chatsworth, CA	08/13/1999	Printed Circuit Boards.
36,725	Corbin, Ltd (UNITE)	Ashland, KY	08/02/1999	Suitcoats.
36,726	Lone Star Mud, Inc (Comp)	Midland, TX	08/05/1999	Oil and Gas Drilling Fluids.
36,727	Methode East (Comp)	Willingboro, NJ	08/11/1999	Printed Circuit Boards.
36,728	Wellman, Inc. (Comp)	Johnsonville, SC	08/06/1999	Wool and Wool Blend Yarn.
36,729	Garan, Inc. (Wrks)	Adamsville, TN	08/06/1999	Boy's, Girl's and Toddler Turtlenecks.
36,730	Ray Ban Sun Optics (Comp)	Rochester, NY	08/11/1999	Sunglasses.
36,731	Stone Manufacturing Co (Wrks)	Johnston, SC	08/11/1999	Boxer Shorts.
36,732	F.G. Montabert Co (UFCW)	Midland Park, NJ	04/20/1999	Woven Labels for Clothing.
36,733	Pabst Engineering (Wrks)	Onalaska, WI	08/02/1999	Special Tooling.
36,734	Jennings Manufacturing Co (Comp)	Jennings, IA	08/10/1999	Men's Dress Slacks.
36,735	Makino, Inc. (IEO)	Mason, OH	08/02/1999	Various Machine Tools.
36,736	Water Valley Mfg. (Comp)	Water Valley, MS	08/09/1999	Denim Jans.
36,737	Sikorsky Aircraft (IBT)	Stratford, CT	07/06/1999	Helicopters.
36,738	ALM Antillean Airline (Wrks)	Miami, FL	08/09/1999	Airline Reservations
36,739	Turnkey International (Wrks)	Durham, NC	08/12/1999	Computer Monitors.
36,740	Animas Public Schools (Wrks)	Animas, NM	07/20/1999	Teachers and Teacher Aids.
36,741	Greenwood Mills (Comp)	Greenwood, SC	07/26/1999	Yarn and Weaved Fabric.
36,742	John Crane, Inc (Comp)	Crystal Falls, MI	08/11/1999	Automotive Seals.
36,743	Universal Music Group (ILGP)	Pinckneyville, IL	08/11/1999	Recycled CD's Viedo's.
36,744	Datacard FS (Wrks)	Minnetonka, MN	08/11/1999	Point of Sale Transaction Terminals.
36,745	Muskin Leisure Products (IUE)	Wilkes Barre, PA	08/13/1999	Above Ground Swimming Pools.
36,746	Mark Thompson Co. (The) (Comp)	Graham, TX	08/10/1999	Oil
36,747	Enron Oil and Gas (Wrks)	Corpus Christi, TX	08/11/1999	Crude Oil and Natural Gas.
36,748	Capitan Corp (Wrks)	Odessa, TX	08/12/1999	Wireline Logging and Perforating Services.
36,749	Midwestern Oilfield Serv. (Comp)	Tioga, ND	08/17/1999	Oil.
36,750	Ancor Services, Inc. (Wrks)	Kilgore, TX	08/09/1999	Oil and Gas Well Services.
36,751	CGG–TLC Data Processing (Wrks)	Richardson, TX	08/13/1999	Process Oil and Gas Exploration Data.

[FR Doc. 99–24467 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–33,618]

Economy Color Card Co., Inc., Now Known as International Service Group, Home Furnishings Division, Elizabeth, NJ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 18, 1997, applicable to workers of Economy Color Card Co., Inc., Elizabeth, New Jersey. The notice was published in the **Federal Register** on September 4, 1997 (62 FR 46775).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of sample books of wallpaper and fabrics. The State reports that in January, 1998 Economy Color Card Co., Inc. was purchased by International

Service Group. The Elizabeth, New Jersey location of International Service became known as the Home Furnishing Division and continues to layoff workers.

Accordingly, the Department is amending the certification determination to correctly identify the new ownership to read "Economy Color Card Co., Inc. now known as International Service Group, Home Furnishing Division," Elizabeth, New Jersey, and provide coverage to those workers producing sample books of wallpaper and fabrics.

The intent of the Department's certification is to include all workers of Economy Color Card Co., Inc. now known as International Service Group, Home Furnishing Division who were adversely affected by increased imports.

The amended notice applicable to TA–W–34,618 is hereby issued as follows:

All workers of Economy Color Card Co., Inc., now known as International Service Group, Home Furnishing Division, Elizabeth, New Jersey engaged in employment related to the production of sample books of wallpaper and fabrics, who became totally or partially separated from employment on or after June 10, 1996 through July 18, 1999, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of September, 1999.

Edward A. Tomchick,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24469 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Disability Employment Grant Program: Proposed Collection; Comment Request

AGENCY: Employment and Training Administration, U.S. Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation process to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This process helps to ensure that requested data can be provided in the desired format, reporting burdens are minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the reporting requirements for the Disability Initiatives Employment Grant Program for the FY 2000 funding period. The reports submitted for comment include the quarterly Activity and Placement Report (APR) and annual Participant Characteristics Report (PCR).

DATES: Written comments must be submitted to the office listed in the **ADDRESSEE** section below on or before November 23, 1999, 60 days after date of publication in the **Federal Register**.

ADDRESSEE: Alexandra K. Kielty, Chief, Disability Employment and Initiatives Unit, Room N–4641, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 219–5500 ext 125 (VOICE) or (202) 219–6338 (FAX) (these are not toll-free numbers) or Email: akielty@doleta.gov

SUPPLEMENTARY INFORMATION:

I. Background

The Employment and Training Administration of the Department of Labor is considering implementing reporting requirements for the Disability Employment Grant Program for the fiscal years 1999 and 2000. Reporting impacts 15 grants for the last two years of a three year grant cycle which began July 1, 1998. The grants are awarded for one year plus two option years. These reports will also be used for similar disability related grants administered by ETA.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's burden estimate for the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The proposed Information Collection Request establishes reporting requirements for this discretionary grant program which is funded under Job Training Partnership Act (JTPA) Title III and IV appropriations. The Activity and Placement Report (APR) includes information of the number of participants being served, activities and services provided, and planned outcomes. The Participant Characteristics Report (PCR) covers information on age, race, educational level and types of disability.

Paperwork burden are included in the following paperwork burden estimates. For ease of analysis, the burden estimate is presented separately for each report. In addition to these reports, grantees are required to provide a quarterly Financial Status Report (FSR), SF 269 which is approved under OMB Clearance *#0348–0039*.

Type of Review: Initial OMB Approval.

Agency: Employment and Training Administration.

Title: Disability Initiatives Employment Grant Program.

OMB Number: None.

Catalog of Federal Domestic Assistance Number: 17.248.

Frequency: Quarterly for Activity and Placement Report (APR) Annually for participant Characteristic Report (PCR).

Affected Public: National organizations that engage in employment and training services for people with disabilities to obtain competitive employment under grants awarded by the Department of Labor.

Number of Respondents: 15.

Total Responses: 75; 15 respondents × 4 Quarterly Reports=60 + (15 respondents × 1 annual report) = 75 Annual Responses.

Estimated Time Per Respondent: 100 Hours; 20 Hours × 4 APRs+(20hrs.PCR) = 100hrs.per respondent.

Total Burden Hours: 1,050 hr. (Note: Estimate is based on having 20 respondents).

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $1,890.00.

Description: This OMB Approval application concerns the submission of the Activity and Placement Report (APR) and the Participant Characteristic Report (PCR) to the disAbility Employment Initiative Grant Programs which gives partial-funds to National organizations that engaged in

employment training and services for people with disabilities to obtain competitive employment. The Activity and Placement Report (APR) gives the number of participants being served, activities and services provided, and placement outcomes. The Participant Characteristics Report (PCR) gives participant information in age, race, type of disAbility, etc. These funds are taken from the Job Training and Partnership Act (JTPA) Title III and IV. Under Title III of JTPA there is a requirement to have grantees complete quarterly an Activity Placement Report (APR) [29 U.S.C. 1732(2)(c)(III)] and a Standard Form 269 (SF–269). A Participant Characteristic Report (PCR) is submitted annually to provide an overview of participants that were served during the program year [29 U.S.C. 1732(2)(c)(III)]. Respondents submit a narrative as part of the quarterly report package. The narrative states activities of the participants in the organization during the previous three months.

Signed at Washington, DC this 15th day of September, 1999.

Anna W. Goddard,

Director, Office of Special Targeted Programs.

[FR Doc. 99–24524 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension collections of form C–910, Request to be Selected as Payee. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before November 25, 1999.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 693–0339 (this is not a toll-free number), 200 Constitution Ave., N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451.

SUPPLEMENTARY INFORMATION:

Request To Be Selected as Payee

I. Background

Benefits are payable by the Department of Labor to coal miners who are totally disabled due to pneumoconiosis and to certain survivors of a miner under the Federal Mine Safety and Health Act of 1977, as amended. If a beneficiary is incapable of handling his/her affairs, the person or institution responsible for his/her care is required to apply to receive the benefit payments on the beneficiary's behalf. The CM–910, Request to be Selected as Payee, is the form completed by representative payee applicants.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension of approval to collect this information in order to assess the applicant's ability to undertake the responsibilities of a representative payee.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Request to Be Selected as Payee.

OMB Number: 1215–0166.

Agency Number: CM–910.

Affected Public: Individuals or households; Businesses or other for-profit; Not-for-profit institutions; State, Local or Tribal government.

Total Respondents: 2,350.

Frequency: One time.

Total Responses: 2,350.

Average Time per Response: 20 minutes.

Estimated Total Burden Hours: 783.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $846.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 14, 1999.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 99–24466 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on the Benefit Implications Due to the Growth of a Contingent Workforce Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study what the benefit implications are due to the growth of a contingent workforce will hold an open public meeting on Tuesday, October 5, 1999, in Room N3437 A–B, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to begin drafting its

report for the Secretary of Labor and, if warranted, to receive testimony from additional witnesses.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before September 28, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentation will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by September 28, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 28.

Signed at Washington, D.C. this 15th day of September, 1999.

Richard McGahey,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 99–24521 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group Exploring the Possibility of Using Surplus Pension Assets To Secure Retiree Health Benefits Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Tuesday, October 5, 1999, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to explore the possibility of using surplus pension assets to secure retiree health benefits.

The session will take place in Room N–3437 A–B, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, D.C. 20210. The purpose of the open meeting, which will run from 1:00 p.m. to approximately 3:30 p.m., is for working group members to formulate recommendations for the committee's report, due for completion by the end of the Advisory Council year on November 14.

Members of the Public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before September 28, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, D.C. 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by September 28, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 28.

Signed at Washington, D.C. this 15th day of September 1999.

Richard McGahey,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 99–24522 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group Studying Issues Surrounding the Trend in the Defined Benefit Plan Market With a Focus on Employer-Sponsored Hybrid Plans Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held on Wednesday, October 6, 1999, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study issues surrounding trends in the defined benefit market with a focus on employer-sponsored hybrid plans.

The purpose of the open meeting, which will run from 9:00 a.m. to approximately 1:00 p.m. in Room N–3427 A–B, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, DC 20210, is for working group members to conclude taking testimony on account balance plans and to begin drafting its report for the Secretary of Labor.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before September 28, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by September 28, at the address indicated in this notice.

Organizations or individuals alsc may submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 28.

Signed at Washington, DC this 15th day of September, 1999.

Richard McGahey,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 99–24523 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

Consumers Energy Company; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–20, issued to the Consumers Energy Company (the licensee), for operation of the Palisades Plant, located in Van Buren County, Michigan.

The proposed amendment would represent a full conversion from the current Technical Specifications (CTS)

to a set of improved Technical Specifications (ITS) based on the Improved Standard Technical Specifications (ISTS) in NUREG–1432, "Standard Technical Specifications, Combustion Engineering Plants," Revision 1, dated April 1995. The ISTS in NUREG–1432 have been developed through working groups composed of both NRC staff members and industry representatives, and have been endorsed by the NRC staff as part of an industry-wide initiative to standardize and improve the technical specifications for nuclear power plants. As part of this submittal, the licensee has applied the criteria contained in the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors" (Final Policy Statement), published in the **Federal Register** on July 22, 1993 (58 FR 39132), to the CTS, and, using NUREG–1432 as a basis, developed a proposed set of ITS for Palisades. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change that was published in the **Federal Register** on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

The licensee has categorized the proposed changes to the CTS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes, and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation, and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operating requirement. The reformatting, renumbering, and rewording processes reflect the attributes of NUREG–1432 and do not involve technical changes to the CTS. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG–1432 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG–1432 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in technical specifications. Relocated changes are those CTS requirements that do not satisfy or fall within any of the four criteria specified in the Final Policy Statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in its January 26, 1998, application. The affected structures, systems, components, or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the CTS to administratively controlled documents such as the Final Safety Analysis Report (FSAR), the ITS Bases, the Operating Requirements Manual (ORM), or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate and acceptable change control mechanisms, and may be made without prior NRC review and approval. In addition, the affected structures, systems, components, or variables are addressed in existing surveillance procedures that are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements.

More restrictive changes are those involving more stringent requirements compared to the CTS for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to the mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems, and components described in the safety analyses. For each requirement in the CTS that is more restrictive than the corresponding requirement in NUREG–1432 that the licensee proposes to retain in the ITS, the licensee has provided an explanation of why it has concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facility because of specific design features of the plant.

Less restrictive changes are those where CTS requirements are relaxed or eliminated, or new plant operational flexibility is provided. The more significant less restrictive requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the technical specifications may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of Owners Groups' comments on the ISTS. Generic relaxations contained in NUREG–1432 were reviewed by the NRC staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design information will be reviewed to determine if the specific design and licensing bases are consistent with the technical bases for the model requirements in NUREG–1432, thus providing a basis for the ITS, or if relaxation of the requirements in the CTS is warranted based on the justifications provided by the licensee.

These administrative, relocated, more restrictive, and less restrictive changes to the requirements of the CTS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

In addition to the proposed changes solely involving the conversion, there are also changes proposed that are different from the requirements in both the CTS and the ISTS. These proposed beyond-scope issues to the ITS conversion are as follows:

1. ITS 3.0.3 and related specifications that specify time to reach MODE 4: The CTS do not include an equivalent classification to ISTS MODE 4. To maintain consistency with the ISTS, the licensee proposed a definition for MODE 4 and a time limit to reach the new MODE 4. The proposed time limit is greater than the time limit in the ISTS.

2. ITS 3.3.1: The frequency of the channel functional test associated with certain reactor protective system and engineered safety features instrumentation was proposed to be increased from 31 to 92 days.

3. ITS 3.4.1: The CTS require restoration of reactor inlet temperature within 30 minutes if the temperature limit is exceeded. The proposed ITS would require the primary coolant system (PCS) cold leg temperature (equivalent to the CTS reactor inlet temperature) and additional specified parameters to be restored to within the specified limits within 2 hours.

4. ITS 3.4.1: The proposed ITS surveillance requirement regarding verification of PCS total flow rate differs from the ISTS by allowing additional methods of flow measurement other than the "precision heat balance" specified in the ISTS to be used.

5. ITS 3.4.6: The proposed ITS actions for PCS loops while in MODE 4 contain several wording deviations from the ISTS.

6. ITS 3.4.10: The proposed ITS applicability modes for pressurizer

safety valves differ from both the ISTS and the CTS.

7. ITS 3.4.14: The proposed ITS requirements for isolation valves in high pressure lines with an inoperable pressure isolation valve differ from both the ISTS and the CTS.

8. ITS 3.5.3: The CTS does not contain any ECCS requirements when the reactor is not critical. The proposed ITS requirements differ from those in the ISTS.

9. ITS 3.6.6, 3.7.5, 3.7.7, and 3.7.8: The proposed requirements for the containment cooling, auxiliary feedwater, component cooling water, and service water systems differ from both the CTS and ISTS. The proposed specifications would permit one or more trains of these systems to be inoperable, provided the systems are capable of providing at least 100 percent of the required flow or cooling capacity. This approach is similar to ISTS 3.5.2.

10. ITS 3.7.12: The proposed applicability requirements for the fuel handling area ventilation system differ from both the CTS and ISTS.

11. ITS 3.8.4: The proposed action requirements for DC electrical sources differ from both the CTS and ISTS.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By October 21, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Van Wylen Library, Hope College, Holland, Michigan 49423–3698. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (l)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated January 26, 1998, as supplemented April 30, September 14, October 12, and November 9, 1998, and March 1, March 22, March 30, April 7, May 3, June 4, June 11, June 17, July 19, and July 30, 1999, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Van Wylen Library, Hope College, Holland, Michigan 49423–3698.

Dated at Rockville, Maryland, this 15th day of September 1999.

For the Nuclear Regulatory Commission.

Robert G. Schaaf,

Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24574 Filed 9–20–99; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24015; No. 812–11624]

Evergreen Variable Annuity Trust, et al.; Notice of Application

September 15, 1999.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for an amended order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting relief from Sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

Summary of Application

Applicants seek an amended order to permit shares of any current or future series of the Evergreen Variable Annuity Trust ("Trust") and shares of any other investment company that is designed to fund insurance products or to serve as an investment vehicle for qualified pension and retirement plans and for which Evergreen Asset Management Corp. ("Evergreen Asset") or any of its affiliates may now or in the future serve as investment adviser, administrator, manager, principal underwriter or sponsor (the Trust and such other investment company are hereinafter referred to collectively as the "Funds") to be sold and held by the investment adviser of any Fund (the "Adviser" and, collectively, the "Advisers") or any of the Adviser's affiliates.

Applicants

Evergreen Variable Annuity Trust and Evergreen Asset Management Corp.

Filing Date

The application was originally filed on May 21, 1999, and amended and restated on July 30, 1999.

Hearing and Notification of Hearing

An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing the Secretary of the SEC and serving Applicants with a copy of the request, in person or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 12, 1999, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants, c/o Sullivan & Worcester, LLP, 1025 Connecticut Avenue, NW, Washington, DC 20036, Attention: Robert N. Hickey, Esq.

FOR FURTHER INFORMATION CONTACT: Michael D. Pappas, Senior Counsel, or Susan M. Olson, Branch Chief, Office of Insurance Products, Division of Investment Management at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0102, (202–942–8090).

Applicant's Representations

1. The Trust was organized in June 1994 as a Massachusetts business trust and is registered as an open-end management investment company under the Act. The Trust was reorganized as a Delaware business trust on April 30, 1998. The Trust consists of separately managed series and additional series of the Trust may be created in the future.

2. Evergreen Asset serves as Adviser for certain of the Trust's series. Evergreen Asset is a wholly-owned subsidiary of First Union National Bank of North Carolina ("FUNB"). FUNB and certain of its other investment advisory affiliates serve as Advisers to certain funds or series of the Trust. FUNB is a national bank, which is a wholly-owned subsidiary (except for director's qualifying shares) of First Union Corporation, the sixth largest bank holding company in the nation (based on June 30, 1999 total assets). Evergreen Asset is registered under the Investment Advisers Act of 1940.

3. Shares of the Funds are currently offered to separate accounts of various unaffiliated insurance companies to serve as the investment medium for variable annuity contracts and variable life insurance policies issued by such companies ("Participating Insurance Companies"). Shares of the Funds also may be offered to qualified pension and retirement plans outside the separate account context ("Qualified Plans"). In addition, shares of a Fund may also be offered to an Adviser or an affiliate of the Adviser for the purposes of providing necessary capital required by Section 14(a) of the Act or for other investment purposes, in compliance with Treasury Regulation 1.817–5(f)(3).

4. On March 5, 1996, the Commission issued an order granting relief with respect to shares of the Funds to be sold to and held by (a) variable annuity and variable life insurance separate accounts of both affiliated and unaffiliated Participating Insurance Companies and (b) Qualified Plans (Investment Company Act Release No. 21806, File No. 812–9856) (the "Original Order"). The Applicants incorporated by reference into their application the Application for the Original Order and any amendments thereto, the Notice of Application for the Original Order and the Original Order.[1]

5. The Original Order did not address the sale of shares of the Funds to the Advisers or their affiliates in compliance with Treasury Regulation 1.817–5(f)(3) representing seed money or other investments in a Fund. Applicants propose that the Funds be permitted to offer and sell their shares to Advisers and their affiliates in compliance with Treasury Regulation 1.817–5(f)(3).

Applicants' Legal Analysis

1. Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision of the Act or the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Applicants request that the Commission issue an amended order pursuant to Section 6(c) of the Act for exemptions from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) (and any comparable rule) thereunder, respectively, to the extent necessary to permit shares of the Funds to be sold to and held by the Funds' Advisers or any of its affiliates in compliance with Treasury Regulation

[1] Applicants represent that all of the facts asserted in the Application for the Original Order and any amendments thereto remain true and accurate in all material respects to the extent that such facts are relevant to any relief on which Applicants continue to rely.

1.817–5(f)(3) (representing seed money or other investments in the Funds).

3. In connection with scheduled premium variable life insurance contracts issued through a separate account registered under the Act as a unit investment trust, Rule 6e–2(b)(15) provides partial exemptions from Section 9(a) and from Sections 13(a), 15(a) and 15(b) of the Act to the extent that those Sections have been deemed by the Commission to require "pass-through" voting with respect to an underlying investment company's shares. The exemptions granted to a separate account by Rule 6e–2(b)(15) are available only where all of the assets of the separate account consist of the shares of one or more registered managed investment companies which offer their shares *exclusively* to variable insurance separate accounts of the life insurer or any affiliated life insurance company. Therefore, the relief provided by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an investment company that also offers its shares to a variable annuity separate account or a flexible premium variable life insurance separate account of the insurer or of any affiliated insurance company (mixed funding). In addition, the relief granted by Rule 6e–2(b)(15) is not available if the shares of the underlying investment company are offered to variable life insurance separate accounts of unaffiliated insurance companies (shared funding).

4. Moreover, because the relief under Rule 6e–2(b)(15) is available only where shares of the investment company are offered *exclusively to separate accounts*, exemptive relief is necessary if the shares of the Funds are also to be sold to the Advisers or their affiliates.

5. In connection with flexible premium variable life insurance contracts issued through a separate account registered under the Act as a unit investment trust, Rule 6e–3(T)(b)(15) provides partial exemptions from Section 9(a) and from Sections 13(a), 15(a) and 15(b) of the Act to the extent those Sections have been deemed by the Commission to require "pass-through" voting with respect to an underlying investment company's shares. The exemptions granted to a separate account by Rule 6e–3(T)(b)(15) are available only where all of the assets of the separate account consist of the shares of one or more registered management investment companies which offer their shares exclusively to separate accounts of the life insurer, or any affiliated life insurance company, offering either scheduled premium variable life insurance contracts or flexible premium variable life insurance contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or an affiliated life insurance company. Therefore, Rule 6e–3(T)(b)(15) permits mixed funding for a flexible premium variable life insurance separate account under certain circumstances. The rule does not, however, permit shared funding, because relief granted by Rule 6e–3(T)(b)(15) is not available with respect to a flexible premium variable life insurance separate account that owns shares of an investment company that also offers its shares to separate accounts (including flexible premium variable life insurance separate accounts) of unaffiliated insurance companies.

6. Because the relief under rule 6e–3(T)(b)(15) is available only where shares of the investment company are offered exclusively to separate accounts, exemptive relief is necessary if the shares of the Funds are also to be sold to the Advisers or their affiliates.

7. Applicants assert that the relief granted by Rules 6e–2(b)(15) and 6e–3(T)(b)(15) is in no way affected by the purchase of the Funds' shares by Advisers or their affiliates. However, in that relief under Rules 6e–2(b)(15) and 6e–3(T)(b)(15) is available only where shares are offered exclusively to separate accounts, it is Applicants' concern that additional exemptive relief may be necessary if the shares of the Funds are also to be sold to Advisers or their affiliates. Applicants therefore request relief in order to have the Participating Insurance Companies enjoy the benefits of the relief granted in Rules 6e–2(b)(15) and 6e–3(T)(b)(15). Applicants assert that if the Funds were to sell shares only to Advisers or their affiliates and/or separate accounts funding variable annuity contracts, no exemptive relief would be necessary. None of the relief provided for in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) relates to Advisers or their affiliates, or to a registered investment company's ability to sell its shares to such purchasers. It is only because some of the separate accounts that may invest in the Funds may themselves be investment companies that rely upon Rules 6e–2 and 6e–3(T) and that desire to have relief continue in place, that the Applicants are applying for the requested relief.

8. In addition to permitting sales of a Fund's shares to Participating Insurance Companies and Qualified plans, Treasury Regulation 1.817–5(f)(3) permits, subject to certain conditions, a Fund to sell shares to the Adviser and its affiliates.

9. The promulgation of Rules 6e–2(b)(15) and 6e–3(T)(b)(15) under the Act preceded the issuance of the Treasury Regulation. Thus, the sale of shares of the same investment company to separate accounts, through which variable life insurance contracts are issued, and to the Adviser or its affiliates was not contemplated at the time of the adoption of Rules 6e–2(b)(15) and 6e–3(T)(b)(15).

10. Applicants believe that there is no regulatory purpose in extending the monitoring requirements of Section 9(a) of the Act because the Funds may sell their shares to an Adviser or its affiliate. Rules 6e–3 and 6e–3(T) provide relief from the eligibility restrictions of Section 9(a) only for officers, directors or employees of Participating Insurance Companies or their affiliates. The eligibility restrictions of Section 9(a) will still apply to any officers, directors or employees of the Adviser or an affiliate who participate directly in the management or administration of a Fund. Furthermore, there is no reason why the monitoring requirements should extend to all officers, directors and employees of Participating Insurance Companies and their affiliates simply because the Funds sell certain shares to an Adviser or its affiliate. This monitoring would not benefit contract owners and Qualified Plan participants and would only increase costs, thus reducing net rates of return.

11. With respect to "pass-through" voting requirements of Sections 13(a), 15(a) and 15(b) of the Act and the partial exemptions therefrom provided by Rules 6e–2(b)(15) and 6e–3(T)(b)(15), Applicants believe that the exercise of voting rights by the Advisers and their affiliates do not present the type of issues respecting the disregard of voting rights that are presented by variable contract separate accounts. Applicants have concluded that the inclusion of Advisers and their affiliates as eligible shareholders should not increase the risk of irreconcilable material conflicts among shareholders. Any Adviser or its affiliate that purchases Fund shares will agree to vote its shares of the fund in the same proportion as all contract owners having voting rights with respect to that Fund or in such other manner as may be required by the Commission or its staff. Therefore, the Applicants believe that allowing Advisers and their affiliates to purchase shares of the Funds should not increase the opportunity for conflicts of interest.

12. Applicants argue that the ability of the funds to sell their shares directly to Advisers and their affiliates does not

create a "senior security" as such term is defined in Section 18(g) of the Act, with respect to any contract owner or Qualified Plan participant as opposed to an Adviser or its affiliate. Each shareholder has rights only with respect to its respective shares of the Funds. Shareholders can only redeem such shares at their net asset value. No shareholder of any of the funds has any preference over any other shareholder with respect to distribution of assets or payment of dividends.

13. Applicants assert that permitting a Fund to sell its shares to an Adviser of a Fund or to an affiliate of an Adviser, in compliance with Treasury Regulation 1.817–5(f)(3) will enhance Fund management without raising significant concerns regarding irreconcilable material conflicts. Section 14(a) of the Act generally requires that an investment company have a net worth of at least $100,000 upon making a public offering of its shares. Funds also will require more limited amounts of initial capital in connection with the creation of new series and the voting of initial shares of such series on matters requiring the approval of shareholders. In addition, the funds may wish to purchase a substantial portfolio of securities upon commencement of operations and will require capital to do so. A potential source of the requisite initial capital is an Adviser or an affiliate. These parties may have an interest in making the requisite capital expenditure, and in participating with the fund in its organization. However, Applicants submit that the provision of seed capital or the purchase of shares in connection with the management of a Fund by its Adviser or an affiliate of the Adviser may be deemed to violate the exclusivity requirements of Rule 6e–2(b)(15) and/or Rule 6e–3(T)(b)(15).

14. Applicants anticipate that such investment by an Adviser or its affiliate generally will be limited in scope and duration, and will be made only in connection with the operation of the Funds. Given the conditions of Treasury Regulation 1.817–5(f)(3) as described herein and the harmony of interest between a Fund, on the one hand, and its Adviser, on the other, Applicants assert that little incentive for overreaching exists. Furthermore, such limited investments should not implicate the concerns discussed above regarding the creation of irreconcilable material conflicts. Instead, permitting investment by Advisers or their affiliates will permit the orderly and efficient creation and operation of Funds, or series thereof, and reduce the expense and uncertainty of using outside parties at the early stages of Fund operations. The return on shares held by an Adviser or its affiliate will be calculated in the same manner as for shares held by a separate account. Any shares of a Fund purchased by the Adviser or its affiliate will be automatically redeemed if and when the Adviser's investment advisory agreement terminates, to the extent required by applicable Treasury Regulations. Neither the Adviser nor its affiliate will sell such shares of the Fund to the public.

Applicants' Conditions

Applicants have consented to the following conditions, in addition to the conditions set forth in the Original Order:

1. The Adviser or an affiliate, all Participating Insurance Companies and any Qualified Plan that executes a fund participation agreement upon becoming the owner of 10% or more of the shares of a Fund ("Participating Plan") will be promptly informed in writing of any determination of the Board of Trustees of the Trust that an irreconcilable material conflict exists, and its implications.

2. As long as the Commission interprets the Act to require "pass-through" voting privileges for contract owners, whose contracts are funded through a separate account, an Adviser, or if applicable, any of its affiliates, will vote its shares of any Fund in the same proportion as all variable contract owners having voting rights with respect to the Fund; provided, however, that the Adviser or any such affiliate shall vote its shares in such other manner as may be required by the Commission staff.

3. All reports of potential or existing conflicts received by the Board of Trustees of the Trust, and all Board action with regard to determining the existence of a conflict, notifying the Adviser or any of its affiliates, Participating Insurance Companies and Participating Plans of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the appropriate Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

Conclusion

For the reasons set forth above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24548 Filed 9–20–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24014; 812–648]

Stein Roe Floating Rate Income Fund, et al., Notice of Application

September 15, 1999.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 18(c) and 18(i) of the Act, under sections 6(c) and 23(c)(3) of the Act for an exemption from rule 23c–3 under the Act, and pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

Summary of Application

Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares, and impose asset-based distribution fees and early withdrawal charges.

Applicants

Stein Roe Floating Rate Income Fund (the "Trust" or a "Fund"), Stein Roe Advisor Floating Rate Advantage Fund (the "Floating Rate Fund" or a "Fund" and together with the Trust, the "Funds"), Stein Roe Floating Rate Limited Liability Company (the "Portfolio"), Stein Roe & Farnham Incorporated (the "Adviser"), Liberty Funds Distributor, Inc. (the "Distributor"), and Colonial Management Associates, Inc. (the "Administrator").

Filing Dates

The application was filed on June 9, 1999 and amended on August 27, 1999. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing

An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request,

personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 12, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW, Washington, DC 20549–0609; Applicants, One Financial Center, Boston, MA 02111.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 942–0574, or Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. Each Fund is organized as a Massachusetts business trust. The Trust is, and the Floating Rate Fund will be, registered under the Act as closed-end management investment companies. The Portfolio is organized as a Delaware limited liability company, and is registered under the Act as a closed-end management investment company.

2. The Adviser, registered under the Investment Advisers Act of 1940 ("Advisers Act"), has overall responsibility for the management of the Funds and serves as investment adviser to the Portfolio and will serve as investment adviser to the Floating Rate Fund. The Distributor, a broker-dealer registered under the Securities Exchange Act of 1934, distributes each Fund's shares. The Administrator is registered under the Advisers Act and serves as administrator to the Floating Rate Fund. Each of the Adviser, the Distributor, and the Administrator is an indirect wholly-owned subsidiary of Liberty Financial Companies, Inc., which is a majority-owned subsidiary of Liberty Mutual Insurance Company. Applicants request that the order also apply to any other registered closed-end investment company for which the Administrator, the Adviser or the Distributor or any entity controlling, controlled by, or under common control with the Administrator, the Adviser or the Distributor acts as investment adviser or principal underwriter.[1]

3. Each Fund's investment objective is to provide a high level of current income, consistent with the preservation of capital. The Trust operates as a feeder fund in a master/feeder structure and invests all of its net investable assets in the Portfolio, a master fund with the same investment objective and policies as the Trust. The Portfolio does, and the Floating Rate Fund will, invest primarily in senior secured floating or variable rate loans made by commercial banks, investment banks and finance companies to commercial and industrial borrowers ("Loans"). Under normal market conditions, at least 80% of each of the Portfolio's and the Floating Rate Fund's total assets will be invested in Loans. Up to 20% of each of the Portfolio's and the Floating Rate Fund's total assets may be invested in high quality, short-term debt securities with remaining maturities of one year or less and warrants, equity securities and, in limited circumstances, junior debt securities acquired in connection with investments in Loans.

4. The Trust does, and the Floating Rate Fund intends to, continuously offer their shares to the public at net asset value. The Trust's shares are not, and the Floating Rate Fund's shares will not be, offered or traded in the secondary market and will not be listed on any exchange or quoted on any quotation medium. The Trust and the Portfolio do, and the Floating Rate Fund intends to, operate as an "interval fund" pursuant to rule 23c–3 under the Act and make periodic repurchase offers to their shareholders.

5. The Trust currently does not have multiple classes of shares. Applicants propose to structure each of the Funds as a multiple-class fund, with each class of shares having a different sales charge structure. Each Fund will offer four classes of shares: Class A Shares, Class B Shares, Class C Shares, and Class Z Shares. Class A Shares will be issued upon automatic conversion of Class B Shares, as described below, and also may be offered with a front-end sales load that may be waived in certain circumstances. Class B Shares will be offered with no front-end sales charge but will be subject to an early withdrawal charge ("EWC") that declines over time to 0% after the end of the eighth year that a shareholder owns Class B Shares. Class B Shares will automatically convert to Class A Shares eight years from the date of purchase. Shareholders will not incur any sales charge on the conversion of Class B Shares to Class A Shares. Class C Shares will be offered with no front-end sales charge but will be subject to an EWC of 1% during the first three years that a shareholder owns Class C Shares. The Class B and Class C EWCs may be waived in certain circumstances. Class A, Class B and Class C Shares will be subject to an annual service fee of .25% of average daily net assets. In addition, Class A Shares will be subject to an annual distribution fee of .10% of average daily net assets. Each of Class B Shares and Class C Shares will be subject to an annual distribution fee of up to .75% of average daily net assets. The shares currently offered by the Trust will be designated Class Z Shares, and each Fund also will offer Class Z Shares that will be sold to institutional investors. Class Z Shares are not and will not be subject to distribution fees, service fees, front-end sales charges, or EWCs. Applicants represent that the service and distribution fees will comply with the provisions of rule 2830(d) of the Conduct Rules of the National Association of Securities Dealers, Inc. ("NASD") as if each Fund were an open-end investment company. Applicants also represent that each Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of shares offered for sale, as is required for open-end multi-class funds under Form N–1A.

6. All expenses incurred by a Fund will be allocated among the various classes of shares based on the net assets of a Fund attributable to each class, except that the net asset value and expenses of each class will reflect distribution fees, service fees (including transfer agency fees), and any other incremental expenses of that class. Expenses of a Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. Each Fund may create additional classes of shares in the future that may have different terms from Class A, Class B, Class C, and Class Z Shares. Applicants state that each Fund will comply with the provisions of rule 18f–3 under the Act as if it were an open-end investment company.

7. Each Fund may waive the EWC for certain categories of shareholders or transactions to be established from time to time. With respect to any waiver of, scheduled variation in, or elimination of the EWC, a Fund will comply with rule

[1] Any registered closed-end investment company relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application. Applicants represent that each investment company presently intending to rely on the relief requested in this application is listed as an applicant.

22d–1 under the Act as if it were an open-end investment company.

8. Each Fund may offer its shareholders an exchange feature under which shareholders of a Fund may, during any quarterly repurchase period, exchange their shares for shares of the same class of other funds in the Liberty group of investment companies. Any exchange option will comply with rule 11a–3 under the Act as if a Fund were an open-end investment company subject to that rule. In complying with rule 11a–3, a Fund will treat the EWC as if it were a contingent deferred sales charge ("CDSC").

Applicants' Legal Analysis

Multiple Classes of Shares

1. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of a Fund may be prohibited by section 18(c).

2. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of a Fund may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

3. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) of the Act from sections 18(c) and 18(i) of the Act to permit a Fund to issue multiple classes of shares.

4. Applicants submit that the proposed allocation of expenses and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its securities and provide investors with a broader choice of shareholder services. Applicants assert that their proposal does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f–3 under the Act. Applicants state that a Fund will comply with the provisions of rule 18f–3 as if it were an open-end investment company.

Early Withdrawal Charges

5. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company will purchase any securities of which it is the issuer, except: (i) On a securities exchange or other open market; (ii) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (iii) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

6. Rule 23c–3 under the Act permits a registered closed-end investment company (an "interval fund") to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c–3(b)(1) under the Act provides that an interval fund may deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is reasonably intended to compensate the fund for expenses directly related to the repurchase.

7. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. As noted above, section 6(c) provides that the Commission may exempt any person, security or transaction from any provision of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request relief under sections 6(c) and 23(c) from rule 23c–3 to permit them to impose EWCs on shares submitted for repurchases that have been held for less than a specified period.

8. Applicants submit that the requested relief meets the standards of sections 6(c) and 23(c)(3). Rule 6c–10 under the Act permits open-end investment companies to impose deferred sales charges, subject to certain conditions. Applicants state that EWCs are functionally similar to CDSCs imposed by open-end investment companies under rule 6c–10 under the Act. Applicants state that EWCs may be necessary for the Distributor to recover distribution costs and that EWCs may discourage investors from moving their money quickly in and out of a Fund, a practice that applicants submit imposes costs on all shareholders. Applicants will comply with rule 6c–10 under the Act as if that rule applied to closed-end investment companies. Each fund also will disclose EWCs in accordance with the requirements of Form N–1A concerning CDSCs. Applicants further state that each Fund will apply the EWC (and any waivers or scheduled variations of the EWC) uniformly to all shareholders in a given class and consistent with the requirements of rule 22d–1 under the Act.

Asset-Based Distribution Fees

9. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

10. Rule 17d–3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b–1 under the Act. Applicants request an order under section 17(d) and rule 17d–1 to permit each Fund to impose asset-based distribution fees. Applicants have agreed to comply with rules 12b–1 and 17d–3 as if those rules applied to closed-end investment companies.

Applicant's Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Applicants will comply with the provisions of rules 6c–10, 11a–3, 12b–1, 17d–3, 18f–3, and 22d–1 under the Act and NASD Conduct Rule 2830(d), as amended from time to time, as if those rules applied to closed-end investment companies.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24547 Filed 9–20–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41866; File No. SR–Amex–99–23]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the American Stock Exchange LLC Relating to the Amendment of Commentary .05 to Rule 155

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 9, 1999, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change. The Exchange submitted Amendment No. 1 to its proposal on August 2, 1999.[3] The proposed rule change, as amended, is described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Under the proposal, a member seeking to break an equity or option trade[4] must first obtain written Floor Official approval. The member seeking the rejection must show good cause for the Floor Official to form the belief that the execution was inconsistent with the specialist's responsibility to maintain a fair and orderly market. The text of the proposed rule change is as follows. New text is italicized and deleted text is bracketed.

Exchange Rule 155

* * * * *

.05(i) If a specialist elects to take or supply for his own account the securities named in an order entrusted to him by another member or member organization, such member or organization shall be so notified as follows:

(a) If such securities were named in an order received by the specialist through the Post Execution Reporting ("PER") System or the Amex Options Switch ("AMOS") System, the Exchange shall furnish a report of the transaction; or

(b) If such securities were named in an order received by the specialist in any other manner, the specialist shall indicate on the copy of the order ticket to be returned to the member or member organization that he executed the order as principal.

(ii) A member or member organization *that seeks to* [may] reject a transaction for which notice is required to be furnished pursuant to paragraph (i) above *shall request Floor Official review of the transaction in writing promptly after receiving such notice and shall advise* [by so advising] the relevant specialist in writing *contemporaneously with the request for review* [promptly after receiving such notice]. Any such written *request for review* [rejection] shall be given to the *Floor Official and* specialist by a member, not by a clerk. *The transaction may only be rejected upon written Floor Official approval for good cause shown in relation to the specialist's responsibility to maintain a fair and orderly market.* Any transaction not rejected in this manner shall be deemed accepted.

* * * * *

(b) Not applicable.

(c) Not applicable.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Since at least 1926, the Amex has had rules that allow specialists to act as both agent and principal on trades, but permit the brokers that placed the orders to reject the resulting contracts.[5] Such rules always have required (i) a report advising the member that gave-out the order that the specialist acted as principal on the trade, and (ii) an opportunity for the member that gave-out the order to reject the contract. The genesis of the Amex and similar New York Stock Exchange ("NYSE") rules[6] goes back to the turn of the century and traditional concepts of agency law that an agent cannot deal for its account against its principal absent the principal's consent.

There have been many changes in the securities market since the early part of this century. Of particular importance, the dissemination of information regarding trades and quotes is now nearly instantaneous and permits both market professionals and public investors to monitor the market and the quality of their executions. Brokers have developed sophisticated systems for reviewing execution quality in response to the Commission's statements on "best execution" of customer orders. The Exchange also has developed

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange clarified that Amex Rule 155 applies to all securities transactions on the Amex, revised and expanded its discussion of the rules of the other exchanges, and provided an example of what constitutes good cause for rescinding a trade. Letter from William Floyd-Jones, Assistant General Counsel, Legal & Regulatory Policy, Amex, to Terri Evans, Attorney, Division of Market Regulation, Commission, dated July 29, 1999 ("Amendment No. 1").

[4] Amex Rule 155 generally applies to securities transactions on the Exchange. Amex Rule 950(a) specifically extends Rule 155 to options trading. The proposed rule change, accordingly, will apply to all securities trades effected on the Amex, including options. *See* Amendment No. 1, *supra* note 3.

[5] Section 1 of Chapter XI of the Rules of the New York Curb Exchange (a predecessor of the Amex) in the July 1926 "Constitution of New York Curb Exchange and Rules Adopted by the Board of Governors Pursuant Thereto" provides in part:

No regular member, while acting as a broker, whether as a specialist or otherwise, shall buy or sell, directly or indirectly, for his own account or for that of a partner, or for any account in which either he or a partner has a direct or indirect interest, securities, the order for the sale or purchase of which has been accepted for execution by him, or by his firm, or by a partner, except as follows: . . .

[Exception (b)]. A regular member may only take the securities named in the order, provided that he shall have offered the same in the open market, if bonds at ⅛ of 1%, and if stocks at the minimum fraction of trading, above his bid, and provided that the price is justified by the conditions of the market, and that the member who gave the order shall directly, or through a broker authorized to act for him, after prompt notification, accept the trade and report it.

[Exception (c)]. A regular member may only supply the securities named in the order, provided that he shall have bid for the same in the open market, if bonds at ⅛ of 1%, and if stocks at the minimum fraction of trading, below his offer, and provided that the price if justified by the conditions of the market, and that the member who gave the order shall directly, or through a broker authorized to act for him, after prompt notification, accept the trade and report it.

[6] The NYSE has a rule similar to Amex rule 155. *See* Amendment No. 1, *supra* note 3 (interpreting rules of other exchanges).

sophisticated surveillance systems backed by extensive staff resources for reviewing trading by its members. These facilities were unavailable and inconceivable at the beginning of the century. At that time, the coarse approach of allowing one party to a trade to renege if the executing specialist acted both as agent and principal may have created an appropriate "in terrorem" effect. Today, however, a discretionary and unchecked unilateral right of rescission is excessive.

The Philadelphia Stock Exchange ("Phlx") amended its rules in 1993 to permit rescission of options trades only when the cancellation is approved in writing by a floor official, "for good cause shown."[7] The Exchange's proposed rule change is based upon the Phlx's 1993 amendment to its rules.

The Amex rule that permits a party to an Exchange contract to break it, even though the execution may have been consistent with the market at the time of trade, interjects an element of financial risk into the market. This risk is magnified in the context of options due to the leverage of these securities. In the Exchange's view, the risk of financial instability created by giving persons an unfettered right to cancel trades merely because the executing specialist acted both as principal and agent outweighs whatever residual benefits the Rule may have. The Exchange, moreover, is not proposing to eliminate a member's ability to rescind a trade where the specialist may have acted inappropriately. The proposed rule change simply aims at eliminating the unchecked right to break trades due to the capacity in which the specialist acted.

Under the proposal, a member seeking to break an equity or option trade[8] must first obtain written Floor Official approval. The member seeking the rejection must show good cause for the Floor Official to form the belief that the execution was inconsistent with the specialist's responsibility to maintain a fair and orderly market. For example, assume the market is 9 to 9¼, 1,000 by 1,000, and the specialist holds a sell stop order for 800 shares with an electing price of 9. Assume that the specialist sells 1,000 shares for its principal account at 9, and then executes the sell stop order at 8¾, buying 800 shares for its account. In this circumstance, it would be appropriate to break the trade at 8¾ since, when a specialist's trade elects a stop, the specialist is required to fill the stop order at the price of the electing transaction (in this case at 9).[9] The Exchange believes that the proposal appropriately limits the financial risk of specialists that provide liquidity to investors by acting as principal while maintaining the ability of members to break trades where the specialist acts inconsistently with his or her obligations.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act[10] in general and furthers the objectives of Section 6(b)(5)[11] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investor and the public interest. Moreover, the Exchange contends that the proposal is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Amex–99–23 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24498 Filed 9–20–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41870; File No. SR–Amex–99–29]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by American Stock Exchange LLC Relating to Disclosures by Specialists Under Amex Rule 174

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (or "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 6, 1999, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit

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[7] *See* Securities Exchange Act Release No. 32922 (September 17, 1993), 58 FR 50062 (September 24, 1993) (amending Phlx Rule 1019, Commentary .05) and Amendment No. 1, *supra* note 3 (interpreting the rules of the other exchanges).

[8] *See* Amendment No. 1, *supra* note 3.

[9] *Id.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Amex Rule 174 relating to disclosures by specialists. The text of the proposed rule change is as follows (brackets indicate deletions from current Amex Rule 174 and italics indicate new language):

* * * * *

Disclosures by Specialists [Prohibited]

Rule 174. (*a*)[No] *A* member acting as a specialist [shall, directly or indirectly, at any time] *may* disclosure [to any person other than a Floor Official or authorized official of the Exchange any] information in regard to orders entrusted to [him as a] *the* specialist *as provided in this rule.* [except that]

[a](*b*) [w]*W*hen requested by a member, member organization, or a representative of the issuer of the security involved, the specialist may disclose to such parties the names of buying and selling member organizations in either completed or partially executed Exchange transactions unless specifically directed to the contrary by the parties involved[;].

[b](*c*) *While acting in a market making capacity, the specialist* may in response to an inquiry from a member conducting a market probe in the normal course of business provide *any* information about buying or selling interest in the market [at or near the prevailing quotation and such information] *which* may include the identity of bidders or offerors represented on his book unless the specialist has been expressly directed to the contrary by the broker who entered the order with the specialist *and may also include information regarding stop orders if the specialist has a reasonable basis to believe that the member intends to trade the security at a price at which stop orders would be relevant,* provided that the specialist shall, *while on the Floor,* make the same information available in a fair and impartial manner to any member [who shall so inquire], and provided further that the specialist, when requested, shall disclose whether a bid or offer is in whole or in part for an account in which he has a direct or indirect interest[; and].

[c](*d*) *The specialist* shall disclose information in regard to limited price orders entrusted to him as a specialist to the extent required by the Plan provided for in Rule 230. [In any such case, the specialist shall at the same time make the information so disclosed available to all members.] The provision of the Plan shall not be construed to require a specialist to disclose the name of a bidder or offeror whose order is contained in the specialist's book.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Presently, Amex Rule 174 prohibits specialists from disclosing information regarding orders left with the specialist other than to a Floor Official or an authorized Amex official. This prohibition is subject to three exceptions: (1) a specialist may disclose information to requesting members or issuer representatives regarding names of buying and selling member organizations in completed or partially executed Amex transactions unless parties to the trade direct otherwise; (2) in response to a member's probe of the market, the specialist, in a fair and impartial manner, may provide information about buying and selling interest at or near the prevailing quotation, including the identity of bidders or offerors represented on the book, unless the entering broker directs otherwise; and (3) the specialist must disclose information regarding limited price orders held by the specialist to the extent required by the Intermarket Trading System Plan.

The Exchange proposes to amend Amex Rule 174 to expand the information that the specialist, while acting in a market making capacity on the Floor, is permitted to disclose following a market probe by a member in the normal course of business. These amendments will promote market transparency by permitting additional disclosure of away-from-the-market information. Specifically, the amendment will strike the requirement that only information regarding orders "at or near the prevailing quotation" may be disclosed. Instead, the rule will permit any information concerning buying and selling interest of orders held by the specialist on the specialist's book to be disclosed following a member's market probe. In addition, the specialist will be permitted to disclose information regarding stop orders if the specialist reasonably believes that the requesting member intends to trade the security at a price at which stop orders would be relevant (for example, if stop orders would be triggered if a proposed trade occurred at a certain price).[3] The proposed rule change would also permit disclosure of percentage orders in a manner similar to disclosure of any other orders (except stop orders).[4]

The Exchange notes that the specialist is not required to provide any such information in response to a probe, either under the existing or the proposed rule. However, if the specialist determines to make such disclosure, the same information must be made available in a fair and impartial manner to any member while on the Floor.

(2) Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5),[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

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[3] A stop order to buy (sell) becomes a market order when a transaction in the security occurs at or above (below) the stop price after the order is represented in the Trading Crowd. A stop limit order to buy (sell) becomes a limit order executable at the limit price or better when a transaction occurs at or above (below) the stop price after the order is represented. See Amex Rule 131(q) and (r) respectively

[4] A percentage order is a limited price order to buy or sell 50% of the volume of a specified stock after its entry. A percentage order is "elected" and becomes capable of execution under circumstances set forth in Amex Rule 131.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR.–AMEX–99–29 and should be submitted by October 12, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

[FR Doc. 99–24499 Filed 9–20–99; 8:45 am]

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[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41872; File No. SR–CBOE–99–37]

September 13, 1999.

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., To Establish a Membership Ownership Requirement and Assess a Capitalization Transfer Fee Applicable to Designated Primary Market Makers

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on July 9, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. On July 13, 1999, the Exchange submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to require each Exchange designated primary market maker ("DPM") to own at least one Exchange membership and to assess a transfer fee on any DPM that is allocated, after June 29, 1999, one or more option classes that has been traded on CBOE or another exchange before June 29, 1999, if that DPM undergoes a change in its capitalization during the five year period following the allocation of the pre-June 29, 1999 option class.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set for in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing two rule changes applicable to DPMs. These rule changes are part of the Exchange's initiative to expand its DPM program to allow for the appointment of DPMs in most, if not all, equity option classes traded on the Exchange. This initiative was approved in principle by the Exchange's membership as part of a membership vote that was held on June 29, 1999.

a. Requirement That DPM Own an Exchange Membership

The Exchange proposes to require that each DPM own at least one Exchange membership. An Exchange membership would include a transferable regular membership of the Exchange or a Chicago Board of Trade ("CBOT") full membership that has effectively been exercised pursuant to Article Fifth(b) of the CBOE Certificate of Incorporation.[4] A DPM would be deemed to satisfy this ownership requirement if the DPM or a senior principal of the DPM owned an Exchange membership. In addition, no single Exchange membership could be used to satisfy this ownership requirement for more than one DPM. DPMs would be given 18 months from the effective date of this proposed rule change to satisfy the requirement.

The purpose of this ownership requirement is to assure that DPMs have a long-term commitment to the Exchange given the important functions they perform and to recognize that DPMs are a pivotal component of the Exchange's marketplace.

b. Assessment of Transfer Fee

The Exchange is also proposing to assess a transfer fee on certain DPMs that change their capitalization during a defined five-year period. This transfer fee would only be assessed on those

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Arthur B. Reinstein, Assistant General Counsel, CBOE, to Kelly Riley, Attorney, Division of Market Regulation, SEC, dated July 12, 1999 ("Amendment No. 1"). In Amendment No. 1, the Exchange re-designated the rule change as amendments to current CBOE Rule 8.80. The original filing amended proposed rules that are currently pending with the Commission and not approved as of the time of this filing.

[4] Pursuant to Article Fifth(b) of the Certificate of Incorporation and CBOE Rule 3.16(c), any member of the CBOT who is an Eligible CBOT Full Member or an Eligible CBOT Full Member Delegate is entitled to become a member of CBOE. Any eligible CBOT member who has effectively exercised this entitlement to be a CBOE member is referred to as a CBOT exerciser member of CBOE.

DPMs that have been allocated one or more options classes that have been traded on the CBOE or other exchange prior to June 29, 1999. Furthermore, the transfer fee will only be imposed on those DPMs that have been allocated a pre-June 29, 1999 option after June 29, 1999. The five-year period will begin as of the allocation date of the pre-June 29, 1999 option.

For purposes of this transfer fee, a change in the capitalization of a DPM would be deemed to include any sale, transfer, or assignment of any ownership interest in the DPM or any change in the DPM's capital structure, voting authority, or distribution of profits or losses.

The transfer fee would generally be equivalent to an applicable percentage of the larger of: (i) the dollar amount of the change in a DPM's capitalization attributable to pre-June 29, 1999 option classes allocated to the DPM after June 29, 1999 or (ii) the value of the change in the DPM's capitalization attributable to pre-June 29, 1999 option classes allocated to the DPM after June 29, 1999, as determined by a formula for ascertaining an approximate value of that portion of the transaction. The applicable percentage to be applied in determining this transfer fee would be: 50% in the first year of the five-year period during which the DPM is subject to this transfer fee, 40% in the second year, 30% in the third year, 20% in the fourth year, and 10% in the fifth year.

Specifically, this transfer fee would be equal to the larger of two figures determined by the following formulas. The first formula to determine the dollar amount of change in the DPM's capitalization attributable to pre-June 29, 1999 options classes is: (the applicable percentage listed above based on the year) × (the actual dollar value of the change in capitalization of the DPM as determined by the Exchange) × (the percentage of the DPM's market-maker trading volume in its capacity as a DPM in the previous 12 months attributable to pre-June 29, 1999 option classes allocated to the DPM after June 29, 1999).

With respect to the first formula, the Exchange would determine the actual dollar value of the change in capitalization of the DPM by examining the DPM's organizational documents, the documents related to the transactions, and the other information provided by the DPM concerning the transaction to ascertain the dollar value of the change in capitalization that is revealed by that information.

If not all of the pre-June 29, 1999 option classes allocated to a DPM following that date have been traded by the DPM for at least 12 months, the Exchange would determine the percentage of the DPM's market-maker trading volume attributable to those option classes based on the time period since the last such option class was allocated to the DPM for purposes of the first formula.

The second formula to determine the value of the change in the DPM's capitalization attributable to pre-June 29, 1999 option classes is: (the applicable percentage listed above based on the year) × (the current level of overall DPM profitability per contract as determined by the Exchange based on DPM financial reporting) × (the DPM's market-maker trading volume in the previous 12 months in pre-June 29, 1999 option classes allocated to the DPM after June 29, 1999) × (2) × (the percentage change in the DPM's capitalization as determined by the Exchange).

With respect to the second formula, the Exchange would determine the current level of overall DPM profitability per contract based on DPM financial reporting by examining FOCUS Reports submitted to the Exchange by DPMs during the prior 12 months. Specifically, the Exchange would determined the total net profit reported by DPMs on FOCUS Reports submitted during the prior 12 months and divide this total net profit amount by the total market-maker trading volume of DPMs (in their capacity as DPMs) in the prior 12 months to arrive at a proxy for the current level of overall DPM profitability per contract. If a DPM has other operations in addition to its DPM operation for which financial information is reflected on its FOCUS Reports, the Exchange may exclude the data related to that DPM from this calculation so that the calculation is not skewed by the level of profitability from non-DPM activities.

If not all of the pre-June 29, 1999 option classes allocated to a DPM following that date have been traded by the DPM for at least 12 months, the Exchange would determine the DPM's market-maker trading volume in those option classes during the time period since the last such option class was allocated to the DPM and convert that volume number to an annualized amount in order to determine the DPM's market-maker trading volume figure in those classes for the purposes of the second formula.

The multiple of 2 in the second formula is intended to represent two calendar years of assumed DPM operation.

Finally, the Exchange would determine the percentage change in the DPM's capitalization for purposes of the second formula by examining the DPM's organizational documents, the documents related to the transaction, and the other information provided by the DPM concerning the transaction in order to ascertain this percentage change as revealed by that information.

This transfer fee has three primary purposes. First, the transfer fee is designed to provide those who own DPMs that are allocated one or more existing option classes with a significant incentive to sufficiently capitalize the DPM and to have sufficient capital of their own to operate the DPM given that any transaction to transfer an interest in the DPM in order to raise capital in the subsequent five years will be subject to the transfer fee. In addition, the Exchange believes that allocating an existing option class to a DPM is a valuable right because of the established order flow and contract volume. Therefore, the Exchange believes it would be inequitable to allow those who own a DPM organization that is allocated one or more existing option classes to shortly thereafter sell this right by transferring all or a portion of their interest in the DPM organization to other parties. Accordingly, a second purpose of the transfer fee is to discourage these types of transactions, or if they occur, to require a significant portion of the value of the transaction to be paid to the Exchange. Third, as with the proposed ownership requirement, the transfer fee will contribute toward assuring that DPMs have a long-term commitment to the Exchange.

2. Basis

The proposed ownership requirements and transfer fee will contribute toward assuring that DPMs have a long-term commitment to the Exchange. Moreover, the proposed transfer fee will provide DPMs with significant incentive to be sufficiently capitalized while at the same time discouraging transfer of interest in DPMs that are inequitable to the Exchange and its membership. Accordingly, the Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5)[6] in particular, because it is designated to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No.SR–CBOE–99–37 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

[FR Doc. 99–24496 Filed 9–20–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41863; File No. SR–CBOE–99–48]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. To Match Size Limits of the Automatic Execution System of the Philadelphia Stock Exchange, Inc.

September 10, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 25, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE is proposing to increase the size limit of orders in certain classes of options contracts which are eligible for entry into the CBOE's Retail Automatic Execution System ("RAES") to match the size limits of orders which will be eligible for entry into the automatic execution system of the Philadelphia Stock Exchange, Inc. ("Phlx")

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE include statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As of the date of filing, CBOE Rule 6.8(e) generally limits the size of CBOE RAES orders to twenty or fewer contracts.[3] Notwithstanding the provision, Interpretation and Policy .01 under that rule permits the appropriate FPC to increase the size in one or more classes of multiply listed equity options eligible for entry on RAES to the extent necessary to match the size of orders in the same options class eligible for entry into the automated execution system of any other options exchange. Interpretation and Policy .01 requires that the effectiveness of the increase in options size be conditioned on the CBOE making a filing with the Commission under Section 19(b)(3)(A) of the Act.[4]

As of August 24, 1999, options on Bank America (BAC), Citigroup (C), Cendant (CD), Conoco (COC), Frontier (FRO), Georgia Pacific (GP), AT&T Liberty Media Group (LMG), Lucent (LU), and LHS Group (QLH) are dually listed on the CBOE and the Phlx. The current size limit eligible for automatic execution of Phlx orders is 30 contracts for BAC, and 25 contracts for C, CD, COC, FRO, GP, LMG, LU, and QLH. These size limits could be increased by Phlz up to 50 contracts pursuant to Phlx Rule 1080(c). The CBOE therefore anticipates that if it raises it RAES eligible limit to match the current size limits of the Phlx in BAC, C, CD, COC, FRO, GP, LMG, LU, and QLH, the Phlx in turn may potentially raise its own limits again.

Therefore, pursuant to CBOE rule 6.8 and Interpretation and Policy .01, the CBOE proposes to increase the RAES eligible order size limit in BAC, C, CD, COC, FRO, GP, LMG, LU, and QLH to match the eligible order size on the automatic execution system of the Phlx, effective August 25, 1999. Currently, this will involve an increase to a 30 contract size limit for BAC, and 25 contracts for C, CD, COC, FRO, GP, LMG, LU, and QLH. If the Phlx in response, increases its own size limit for automatic execution in response, the CBOE in turn will match such increases up to 50 contracts.[5]

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[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On September 1, 1999, the Commission approved a CBOE proposal to increase generally the size limits of RAES orders from 20 to 50 contracts. *See* Securities Exchange Act Release No. 41821.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] In actuality, on August 25, 1999, the Phlx order size limits for the CBOE to match were 30 contracts for BAC and 25 contracts for C, CD, COC, FRO, GP,

The Exchange represents that RAES has the capacity to accommodate a RAES order limit size of up to 50 contracts in BAC, C, CD, COC, FRO, GP, LMG, LU, and QLH, both in terms of systems capacity as well as the market-making capacity of market-makers participating in RAES.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[6] of the Act, in general, and furthers the objectives of Sections 6(b)(5)[7] and 6(b)(8)[8] of the Act in particular, in that it is designed to remove unnecessary burdens on competition, as well as remove impediments to, and perfect the mechanism of, a free and open market and a national market system, for the benefit of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and subparagraph (f)(1) of the Rule 19b–4 thereunder.[10] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[11]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–99–48 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24497 Filed 9–20–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41869; File No. SR–CHX–99–13]

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Inc. Relating to Membership Dues and Fees

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice hereby is given that on August 27, 1999, the Chicago Stock Exchange, Inc. ("CHX" or "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the information. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its membership dues and fees schedule. Specifically, the "Technical Equipment" portion of the CHX fee schedule would be amended to incorporate uniform monthly charges for certain computer equipment that now is available for use by CHX members (*i.e.*, flat panel monitors) and to delete references to obsolete computer equipment. The text of the proposed rule change is available upon request from the Commission or the Office of the Secretary of the CHX.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the CHX schedule of membership dues and fees. Specifically, the "Technical Equipment" portion of the CHX fee schedule would be amended to incorporate uniform monthly charges for certain computer equipment that now is available for use by CHX members (*i.e.*, flat panel monitors) and to delete references to obsolete computer equipment. The proposed amendment is intended solely to update the list of computer equipment itemized as "Technical Equipment" and does not impose new or additional charges on any member unless a member elects to augment existing trading floor workstation technology with new flat panel monitors.

LMG, LU, and QLH. Telephone conversation among Chris Hill, Attorney, CBOE, and Kenneth Rosen, Attorney, and Melinda Diller, Law Clerk, Commission, on September 1, 1999.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78f(b)(8).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(1).

[11] In reviewing this proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(4) of the Act[3] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

(B) Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange and therefore has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[4] and Rule 19b–4(f)(2)[5] thereunder.[6] At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the foregoing is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–99–13 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24494 Filed 9–20–99; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78f(b)(4)

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

[6] In reviewing the proposal, the Commission considered its impact on efficiency, competition and capital formation. 15 U.S.C. 78f(b).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41862; File No. SR–DTC–99–16]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Amendment and Order Granting Accelerated Approval of a Proposed Rule Change Relating to Implementation of the Profile Modification System Feature of the Direct Registration System

September 10, 1999.

On June 17, 1999, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") and on July 22, 1999, and August 31, 1999, as amended a proposed rule change (File No. SR–DTC–99–16) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the original proposal and first amendment were published in the **Federal Register** on June 23, 1999,[2] and on July 29, 1999,[3] respectively. The Commission received twenty-two comments in response to the proposed rule change.[4] The Commission is publishing this notice and order to solicit comments on the August 31, 1999, amendment from interested persons and to grant accelerated approval of the proposal.

I. Description

The Direct Registration System ("DRS"), as developed by the DRS Committee,[5] is a facility that allows investors the ability to hold their securities on the issuer's books, through the issuer's transfer agent, rather than holding in street name or in certificated form.[6] Instructions to create investors' book-entry positions in DRS or to move those positions are transmitted through an electronic system. The DRS facility is administered by DTC and uses DTC's systems to effect DRS transactions.[7] The DRS Committee meets on a regular basis to discuss the on-going development of DRS and to form the policies, systems, and operational procedures needed to implement these developments.

The purpose of DTC's filing is to resolve an impasse that developed

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 41535 (June 17, 1999), 64 FR 33539 (July 23, 1999).

[3] Securities Exchange Act Release No. 41643 (July 22, 1999), 64 FR 41171 (July 29, 1999).

[4] Telephone conversation between Jerome J. Claire, John Cirrito, and Don Kittel, Securities Industry Association, with Robert Colby, Deputy Director, Division of Market Regulation, Securities and Exchange Commission (July 20, 1999). Letters from Vickie Dear, Department Leader, and Mark Leverenz, Principal, Edward Jones (July 6, 1999); Timothy J. Carlin, Senior Counsel, Wells Fargo & Company (July 13, 1999); Frank M. Ciavarella, First Vice President, Prudential Securities (July 13, 1999); Paul Morelli, First Vice President, The Cashiers' Association of Wall Street, Inc. (July 13, 1999); Robert Dietz, President, STA (July 14, 1999); Jerome J. Clair, Chair, SIA Operations Committee, and John Cirrito, Chair, SIA Subcommittee on DRS, SIA (July 15, 1999); William Talbot, Vice President, Pershing, (July 15, 1999); Eric D. Kamback, Senior Vice President, The Bank of New York (July 15, 1999); Fred Enriquez, President, Securities Operations Division (July 16, 1999); Kenneth F. Kaplan, Vice President and Chief Financial Officer, Regal-Beloit Corporation (July 19, 1999); Patricia Trevino, Chair, Securities Industry Committee, American Society of Corporate Secretaries (July 19, 1999); Jerome J. Clair, Chair, SIA Operations Committee, and John Cirrito, Chair, SIA Subcommittee on DRS, SIA (August 11, 1999); Robert E. Smith, Assistant Corporate Secretary, Reliant Energy (August 11, 1999); Jason Korstange, Senior Vice President, TCF Financial Corporation (August 16, 1999); Scott A. Ziegler, Ziegler & Altman LLP (August 17, 1999); Joseph F. Spadaford, President of First Chicago Trust Division and Charles V. Rossi, President of Boston EquiServe Division, EquiServe (August 19, 1999); American Stock Transfer & Trust Company, The Bank of New York, ChaseMellon Shareholder Services, Continental Stock Transfer & Trust Company, EquiServe, First Union, Harris Trust & Savings Bank, Norwest Shareowner Services (August 20, 1999); Richard P. Randall, Vice President, Associate General Counsel, Assistant Corporate Secretary, Avery Dennison (August 23, 1999); Warren G. Andersen, Attorney and Assistant Secretary, General Motors Corporation (August 25, 1999); Thomas L. Montrone, President and Chief Executive Officer, Registrar and Transfer Company (August 26, 1999); Ian Yewer, President and Chief Operating Officer, American Securities Transfer and Trust, Inc. (August 30, 1999).

[5] The DRS Committee is an industry committee responsible for designing DRS. Its members include the Securities Transfer Association, the Securities Industry Association, the Corporate Transfer Agents Association, and DTC.

[6] For a history of DRS and a description of the original DRS concept, *see* Securities Exchange Act Release No. 35038 (December 1, 1994), 59 FR 63652 (concept release relating to the direct registration system) ("Concept Release"). As described in the Concept Release, DRS was determined to be a means to reducing systemic risk in the marketplace by reducing the timeframes for settling securities transactions. The Commission continues to believe DRS will be an important element in achieving a shorter settlement periods. *Cf.* Section 17A(e) of the Act.

[7] Securities Exchange Act Release No. 37931 (November 7, 1996), 61 FR 58600 (November 15, 1996) [File No. SR–DTC–96–15] (order relating to the establishment of DRS).

among members of the Securities Transfer Association ("STA") and the Securities Industry Association ("SIA") relating to the implementation of the Profile Modification System feature ("Profile")[8] of DRS. Profile will allow a DTC participant (*i.e.*, a broker-dealer) upon instructions from the participant's customer to electronically request that a "DRS limited participant" of DTC (*i.e.*, a transfer aggent)[9] to move the customer's DRS positions to the participant's account at DTC.[10] Profile will be available through both DTC's Participant Terminal System ("PTS") and DTC's Computer-to-Computer Facility ("CCF").

Representative members of the STA reported to the DRS Committee that some transfer agents may not be able to implement Profile until some time in calendar year 2000. Members of the SIA, on the other hand, expected Profile to be implemented during the third quarter of 1999 and are concerned that implementation will be delayed indefinitely. Because of differing views on the implementation schedule for Profile, no industry consensus has emerged on whether DRS should continue to operate as it does today or whether use of DRS should be restricted in some manner until Profile is implemented.

As an industry utility and administrator of the systems used to facilitate DRS activity between participants and DRS limited participants, DTC initially filed and amended its proposed rule change to request guidance from the Commission in resolving the impasse between members of the STA and the SIA. DTC proposed four options on how to proceed in the implementation of Profile.[11] The options included:

(1) if all DRS limited participants are not able to implement Profile by September 13, 1999,[12] no additional securities issues would be made eligible after September 13, 1999, for inclusion in DRS until sometime in the first quarter of 2000 when all DRS limited participants are able to implement Profile using either DTC's PTS, or its CCF;

(2) securities issues would continue to be made eligible for inclusion in DRS in the manner in which they are currently make eligible for inclusion;

(3) securities would continue to be made eligible for inclusion in DRS provided that each DRS limited participant could be the DRS limited participant for no more than two new issues per month. If all DRS limited participants are not able to implement Profile by using PTS or CCF by March 31, 2000, no additional securities issues would be made eligible for inclusion in DRS until such time as all DRS limited participants are ready to use Profile; or

(4) if a DRS limited participant implements Profile by September 15, 1999,[13] either through PTS or CCF, that DRS limited participant will be allowed to continue to make securities eligible for inclusion in DRS. Any DRS limited participant that does not implement Profile either through PTS or CCF by September 15, 1999, will not be allowed to make additional securities eligible for DRS until such time as it implements Profile after January 15, 2000.

DTC also amended the proposed rule change to clarify its description of Profile by adding language indicating that Profile was developed to incorporate the use of an "electronic medallion guarantee."[14]

On August 31, 1999, DTC filed its second amendment to withdraw Options (1), (2), and (3). Based on the comment letters it received and on its discussions with Commission staff, DTC believes that Option (4) represents the most equitable option.

II. Comment Letters

The Commission received twenty-one comment letters.[15] Five commenters, representing primarily broker-dealers or associations representing broker-dealer interests, support limitations on making additional issues eligible if all DTC limited participants are not able to implement Profile by August 31, 1999, [*i.e.*, Option (1)]. While generally supporting the concept of DRS, these commenters state that their understanding of the DRS concept includes the ability of shareholders to "recover" their shares once the issuer places the securities in DRS. The commenters contend that the current system is not working because it is labor intensive, error-prone, confusing to investors, and causing unreasonable delays in confirming receipt of customers' positions, transferring customers' shares, and crediting customers with sale proceeds.[16] One of the five commenters stated it experiences an average "turnaround time" of twenty-six to thirty days.[17]

One commenter supports limitations on making additional issues eligible applicable to those agents that are not using Profile by September 13, 1999, [*i.e.*, Option (4)].[18] This commenter states that requiring the use of Profile will not impose any significant system changes on most DRS limited participants (this is particularly true if the DRS limited participant receives instructions through PTS) and is preferable to the current paper-based

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[8] Profile is an electronic communication system through DTC which allows participants and DRS Limited Participants to send instructions to each other regarding the movement of DRS shares.

[9] For a description of DRS limited participants, refer to Securities Exchange Act Release No. 37931 (November 7, 1996), 61 FR 58600 (November 15, 1996) [File No. SR–DTC–96–15].

[10] Profile will also allow a DRS limited participant upon instructions from a customer to electronically request a participant to move the customer's positions from the participant's account at DTC to the customer's account at the DRS limited participant.

[11] DTC initially proposed three options. Options (1) through (3), on making additional securities issues eligible for inclusion in DRS. However after publication of the proposed rule change, several DRS limited participants indicated that they may be operationally able to implement the Profile feature by the proposed deadline of August 31, 1999, or shortly thereafter. In addition, the SIA submitted a comment letter supporting the concept of permitting any DRS limited participant capable of using the Profile feature by the August 31, 1999, deadline to be able to do so and to allow that DRS limited participant to make additional issues eligible. [See letter form Jerome Clair, Chair, SIA Operations Committee, to Jonathan Katz, Secretary, Commission (July 14, 1999).] As a result of these developments, DTC amended its proposed rule change to add on additional option, Option (4), to its recommendations.

[12] DTC originally proposed a deadline of August 31, 1999. However DTC amended its proposed rule change to change the deadline to September 13, 1999. Securities Exchange Act Release No. 41643 (July 22, 1999), 64 FR 41171 (July 29, 1999).

[13] In both amendments, DTC proposed to require use of Profile by September 13, 1999, in Option (4). However, DTC recently filed a proposed rule change addressing Year 2000 system concerns in which it plans to close its systems on September 15, 1999, to any system changes, testing of its systems with participants not currently using a specific DTC system, and new participants. Securities Exchange Act Release No. 41799 (August 27, 1999), 64 FR 48690 (September 7, 1999) [File No. SR–DTC–99–20]. DTC is extending the date in Option (4) of the DRS filing to September 15, 1999, in order to have consistent cutoff dates. Conversation with Jeffrey T. Waddle, Associate Counsel, DTC, with Susan Petersen (September 9, 1999). Since adding new DRS limited participants or permitting current DRS limited participants to use Profile requires DTC to test its systems with the DRS limited participant, DTC's general September 15, 1999, systems cutoff date applies to DRS applications.

[14] *Supra* note 3.

[15] *Supra* note 4.

[16] Because DRS limited participants are currently not using Profile to receive instructions, brokers or their customers must submit requests to move DRS shares by sending a transaction advice to the DRS limited participant generally through the U.S. mail or a commercial delivery service. Once the transaction advice is received by the transfer agent and processed, the transfer agent delivers the shares through DTC's Delivery Order system to the broker's account at DTC.

[17] The commenter's reference to turnaround time refers to the time between when that broker submits the transaction advice to the transfer agent for transfer and when the position is credited to the broker-dealer's account at DTC.

[18] The SIA submitted two letters. One letter addressed the proposed rule change which recommended Options (1) through (3). The second letter addressed DTC's first amendment which added Option (4). (See letters from Jerome J. Claire and John Cirrito, SIA.)

processing because DRS limited participants will receive instructions in a uniform manner. Furthermore, this commenter states that because some transfer agent representatives on the DRS Committee recently reopened issues the commenter believes had been addressed and agreed upon by the DRS Committee, it believes that transfer agents are not operating in good faith to resolve the outstanding operational and liability issues facing DRS.

Thirteen commenters, representing primarily issuers and transfer agents, support continuation of DRS as it is currently operating [*i.e.*, Option (2)]. These commenters believe that the unrestricted ability to allow issues to be made eligible in DRS is in the public interest. They contend that DRS as it is operating today (*i.e.*, without Profile) benefits the marketplace by providing shareholders with another option on how to hold their securities and by providing issuers and their transfer agents with cost savings from not having to issue and process physical certificates.

Three of these twelve commenters do not support the use of Profile in DRS at this time due to the number of unresolved issues surrounding its use in the marketplace.[19] They contend that there are fundamental flaws with Profile in its current form, including insufficient protection for both issuers and investors against fraudulent transfers. One of these three commenters said it would oppose a system that allows transfers without direct instruction from the shareholder or its legal agent.[20] Another of these three commenters suggests that use of Profile as proposed may constitute an invalid transfer and that this issue should also be carefully considered in light of both domestic and foreign law.[21]

Seven commenters generally accept the use of Profile as part of DRS but do not support its implementation until such time as the outstanding issues concerning liability are resolved.One of these seven commenters believes Profile should not be a condition of participating in DRS and that issuers should be given an option as to whether to use Profile for their issues. The three remaining commenters do not take a position on Profile but believe discussions regarding use of Profile in DRS should proceed separately from DRS use and eligibility requirements.

Finally, one commenter supports allowing transfer agents to make two or three issues eligible per month, and if all agents are not using Profile by an established date in 2000,[22] to discontinue allowing any new issues to be made eligible until such time as all agents are using Profile [*i.e.*, Option (3)]. This commenter conditioned its comment in favor of this option on DTC revising the cut-off date from March 31, 2000, to June 30, 2000. This commenter contends that the DRS Committee needs additional time to resolve outstanding issues that are critical to operating DRS efficiently and effectively. Delaying implementation until these issues are resolved, this commenter believes, will benefit both investors and the industry.

III. Discussion

Section 17A(b)(3)(F) of the Act[23] requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions[24] and to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. The Commission believes that the proposed rule change is consistent with DTC's obligations under Section 17A(b)(3)(F).

By permitting only those DRS limited participants that use Profile to continue to make issues eligible for DRS, a more efficient mechanism for the transfer of DRS positions between an investor's broker-dealer and the transfer agent should be promoted. Currently, there is substantial evidence to indicate that the transfer of DRS positions, which is presently a multi-step, paper-based process, is labor intensive and slow. For an investor to move a DRS position from a DRS limited participant to a broker, the investor must have a transaction advice signature guaranteed and physically delivered to the DRS limited participant. When the transaction advice is received, the DRS limited participant enters the information into its system to process the instructions. Only after the DRS limited participant completes its processing is the investor's DRS position moved to the broker. In addition, since the information contained on the transaction advices is not standardized throughout the industry, investors (or brokers sending the transaction advices on behalf of their customers) do not always provide the correct or complete information necessary to process the instructions. Furthermore, an investor generally can not sell, pledge, tender, or otherwise dispose of a DRS position until the broker's account at DTC has been credited with the shares.[25]

Using Profile, DRS participants will send standardized information which thereby should reduce the possibility that the instruction will be rejected due to errors or incomplete information. Because Profile is an electronic system that eliminates the need for the information to be physically delivered, it should make the processing of DRS instructions more efficient and should give investors the ability to execute transactions using their DRS positions in a time frame that is at least as fast as when using certificate. In short, Profile should reduce the time it takes for the DRS limited participant to receive and process DRS instructions.

Accordingly, while several DRS limited participants believe that DRS is working well today and that there should not be any changes made or conditions imposed on making issues DRS eligible, the Commission believes that DTC's decision to require a DRS limited participant to use Profile before making any additional issues DRS eligible is consistent with DTC's statutory obligations under Section 17A of the Act because by adding efficiencies and reducing the potential for errors, the proposed rule change should promote the prompt and accurate clearance and settlement of securities transactions and help perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

The Commission also finds that requiring those participating in DRS to use the Profile feature is consistent with the general purposes of Section 17A of the Act. When enacting Section 17A, Congress set forth its findings that the

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[19] One of these commenters, the STA, submitted an extensive comment letter expressing its opinion on a number of issues including perceived legal defects in DTC's filing and unaddressed liability risks to issuers and transfer agents in the movement of shares through DTC's systems and its recommendations on issues that the STA believes should be resolved prior to implementing Profile.

[20] On this issue, the commenter does not address the argument that the broker may be considered as the customer's legal representative for purposes of conveying its customer's instruction to move the DRS positions from the issuer's books to the broker's account at DTC.

[21] The Commission staff is working with the DRS Committee and the New York Stock Exchange to address issues regarding the application of the Uniform Commercial Code to the use of Profile and the underlying electronic medallion guarantee.

[22] The commenter believes June 30, 2000, to be a more reasonable date than March 31, 2000, in light of the system changes the commenter believes DRS limited participants will have to undertake before they will be able to implement Profile. (See letter from Timothy J. Carlin, Wells Fargo & Company.)

[23] 15 U.S.C. 78q-1(b)(3)(F).

[24] Pursuant to Section 17A(a)(1)(A) of the Act, the prompt and accurate settlement of securities transactions includes the transfer of record ownership of securities.

[25] In contrast, an investor with a stock certificate can immediately sell, pledge, tender, *etc.* her shares with a broker.

prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership, is necessary for the protection of investors; inefficient procedures for clearance and settlement impose unnecessary costs on investors; and that new data processing and communications techniques create the opportunity for more efficient, effective and safe procedures for clearance and settlement.[26] Profile accomplishes these objectives by providing a more efficient mechanism for the movement of investors' securities positions than the current multi-step, paper-based DRS processing.

Participation in DRS by issuers or DRS limited participants is not mandatory.[27] Issues regarding risks and liabilities to issuers or transfer agents [28] are internal business issues and should be addressed prior to an issuer or transfer agent's decision to participate or participate further in DRS. On the other hand, participation in DRS by investors is not always voluntary. Although it was originally contemplated that shareholders would initiate their participation by individually choosing to hold their securities as DRS positions, DRS has developed so that in most situations issuers and transfer agents are making the decision for investors by establishing DRS positions on their books instead of issuing certificates. The vast majority of shares issued to shareholders as DRS positions have been the result of corporate actions (*e.g.*, splits, mergers, and spin-offs) without any election by the shareholders.

The Concept Release indicated that although industry participants would be free to decide for themselves whether they wanted to offer investors the services that comprise DRS, once the service is offered, its implementation and operation must be efficient, safe, and largely transparent to investors.[29] Therefore, DRS should not materially disadvantage shareholders when compared with the current processing of physical securities. The delays caused by requiring shareholders to either contact the DRS limited participant directly or to send transaction advices through the mail, as suggested by some commenters as the preferable method to process shareholder requests for transferring their shares to a broker, generally precludes shareholders holding DRS positions from executing transactions on the same basis as investors holding certificates. The use of Profile in DRS should reduce these delays.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the publication of notice of the filing of DTC's second amendment. The Commission finds good cause for so approving the proposed rule change because Option (4) was previously published in its entirety and the public had an opportunity to comment on its merits. The Commission believes accelerated approval will allow DRS participants to prepare for any operational changes that may be necessary in light of DTC's Year 2000 shutdown date of September 15, 1999.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the File No. SR–DTC–99–16 and should be submitted by October 12, 1999.

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–99–16) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[30]

Margaret H. McFarland,

Deputy Secretary.

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[26] 15 U.S.C. 78q–1(a)(1) (A), (B), and (C).

[27] However, once an issuer and DRS limited participant decided to participate in DRS, use of Profile, which includes such things as the acceptance of the electronic medallion guarantee, is required.

[28] In their comment letters to DTC's proposed rule change, some transfer agents contend there are business risks and liability concerns associated with use of the Profile feature. Because participation in DRS is not mandatory, the Commission is not addressing these issues in this order. The Commission urges representatives of the issuer, transfer agent, and broker-dealer community to continue discussions to resolve the outstanding DRS issues relative to processing and liability.

[29] *Supra* note 6.

[30] 17 CFR 200.30–3(a)(12)

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41875; File No. SR–NASD–99–41]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Opening of Day-Trading Accounts

September 14, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 20, 1999, the National Association of Securities Dealers, Inc. ("NASD"), through its wholly-owned subsidiary, NASD Regulation, Inc. ("NASD Regulation"), filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing to amend the 2300 Series of the Rules of the NASD to include new Rule 2360 and Rule 2361 regarding the opening of day-trading accounts. Below is the text of the proposed rule change. Proposed new language is in *italics*.

Rule 2360. Approval Procedures for Day-Trading Accounts

(a) No member that is promoting a day-trading strategy, directly or indirectly, shall open an account for or on behalf of a non-institutional customer, unless, prior to opening the account, the member has furnished to the customer the risk disclosure

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

statement set forth in Rule 2361 and has:

(1) approved the customer's account for a day-trading strategy in accordance with the procedures set forth in paragraph (b) and prepared a record setting forth the basis on which the member has approved the customer's account; or

(2) received from the customer a written agreement that the customer does not intend to use the account for the purpose of engaging in a day-trading strategy, except that the member may not rely on such agreement if the member knows that the customer intends to use the account for the purpose of engaging in a day-trading strategy.

(b) In order to approve a customer's account for a day-trading strategy, a member shall have reasonable grounds for believing that the day-trading strategy is appropriate for the customer. In making this determination, the member shall exercise reasonable diligence to ascertain the essential facts relative to the customer, including his or her financial situation, tax status, prior investment and trading experience, and investment objectives.

(c) If a member that is promoting a day-trading strategy opens an account for a non-institutional customer in reliance on a written agreement from the customer pursuant to paragraph (a)(2) and, following the opening of the account, knows that the customer is using the account for a day-trading strategy, then the member shall be required to approve the customer's account for a day-trading strategy in accordance with paragraph (a)(1) as soon as practicable, but in no event later than 10 days following the date that such member knows that the customer is using the account for such a strategy.

(d) Any record or written statement prepared or obtained by a member pursuant to this rule shall be preserved in accordance with Rule 3110(a).

(e) For purposes of this rule, the term "day-trading strategy" means an overall trading strategy characterized by the regular transmission by a customer of intra-day orders to effect both purchase and sale transactions in the same security or securities.

(f) For purposes of this rule, the term "non-institutional customer" means a customer that does not qualify as an "institutional account" under Rule 3110(c)(4).

Rule 2361. Day-Trading Risk Disclosure Statement

(a) Except as provided in paragraph (b), no member that is promoting a day-trading strategy, directly or indirectly, shall open an account for or on behalf of a non-institutional customer unless, prior to opening the account, the member has furnished to the customer, in writing or electronically, the following disclosure statement:

You should consider the following points before engaging in a day-trading strategy. For purposes of this notice, a "day-trading strategy" means a strategy characterized by the regular transmission by a customer of intra-day orders to effect both purchase and sale transactions in the same security or securities.

- *Day trading can be extremely risky. Day trading generally is not appropriate for someone of limited resources and limited investment or trading experience and low risk tolerance. You should be prepared to lose all of the funds that you use for day trading. In particular, you should not fund day-trading activities with retirement savings, student loans, second mortgages, emergency funds, funds set aside for purposes such as education or home ownership, or funds required to meet your living expenses.*
- *Be cautious of claims of large profits from day trading. You should be wary of advertisements or other statements that emphasize the potential for large profits in day trading. Day trading can also lead to large and immediate financial losses.*
- *Day trading requires knowledge of securities markets. Day trading requires in-depth knowledge of the securities markets and trading techniques and strategies. In attempting to profit through day trading, you must compete with professional, licensed traders employed by securities firms. You should have appropriate experience before engaging in day trading.*
- *Day trading requires knowledge of a firm's operations. You should be familiar with a securities firm's business practices, including the operations of the firm's order execution systems and procedures.*
- *Day trading may result in your paying large commissions. Day trading may require you to trade your account aggressively, and you may pay commissions on each trade. The total daily commissions that you pay on your trades may add to your losses or significantly reduce your earnings.*
- *Day trading on margin or short selling may result in losses beyond your initial investment. When you day trade with funds borrowed from a firm or someone else, you can lose more than the funds you originally placed at risk. A decline in the value of the securities that are purchased may require you to provide additional funds to the firm to avoid the forced sale of those securities or other securities in your account. Short selling as part of your day-trading strategy also may lead to extraordinary losses, because you may have to purchase a stock at a very high price in order to cover a short position.*

(b) In lieu of providing the disclosure statement specified in paragraph (a), a member that is promoting a day-trading strategy may provide to the customer, in writing or electronically, prior to opening the account, an alternative disclosure statement, provided that:

(1) The alternative disclosure statement shall be substantially similar to the disclosure statement specified in paragraph (a); and

(2) The alternative disclosure statement shall be filed with the Association's Advertising Department (Department) for review at least 10 days prior to use (or such shorter period as the Department may allow in particular circumstances) for approval and, if changes are recommended by the Association, shall be withheld from use until any changes specified by the Association have been made or, if expressly disapproved, until the alternative disclosure statement has been refiled for, and has received, Association approval. The member must provide with each filing the anticipated date of first use.

(c) For purposes of this rule, the term "day-trading strategy" shall have the meaning provided in Rule 2360(e).

(d) For purposes of this rule, the term "non-institutional customers" means a customer that does not qualify as an "institutional account" under Rule 3110(c)(4).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Introduction

Certain brokerage firms focus primarily, or even exclusively, on promoting day-trading strategies to individuals. These firms generally advertise on the Internet and elsewhere as "day-trading" firms or otherwise promote their execution and other services as desirable for "serious" or "professional" traders. In addition, many of these firms offer training on day-trading techniques, as well as provide computer facilities and software packages specifically designed to support and accommodate day trading.

Day trading, however, raises unique investor protection concerns. In general, day traders seek to profit from very small movements in the price of a security. Such a strategy often requires aggressive trading of a brokerage account. As a result, day trading generally requires a significant amount of capital, a sophisticated understanding of securities markets and trading techniques, and high risk tolerance. Even experienced day traders with in-depth knowledge of the securities markets may suffer severe and unexpected financial losses.

The Proposal in Special Notice to Members 99–32

To address investor protection concerns arising from day-trading activities, on April 15, 1999, NASD Regulation issued Special Notice to Members 99–32 soliciting comment on proposed rules regarding approval procedures for day-trading accounts. The proposal set forth in the Notice required a firm that had *recommended* an intra-day trading strategy to an individual to approve the individual's account for day trading. The proposal also required the firm, as part of the account approval process, to determine that the strategy was appropriate for the customer and to provide a disclosure statement to the customer discussing the risks associated with day-trading activities. As further discussed below, NASD Regulation received 39 comment letters in response to Special Notice to Members 99–32.

The Revised Proposed Rule Change

Based on the comments received in response to the Notice and input provided by the various NASD standing-committees, NASD Regulation has revised the proposed rule change concerning the opening of day-trading accounts. The proposed rule change, similar to its predecessor in Notice to Members 99–32, focuses on disclosing the basic risks of engaging in a day-trading strategy and assessing the appropriateness of day-trading strategies for individuals.

In particular, the proposed rule change would require a firm that is *promoting a day-trading strategy*, directly or indirectly, to deliver a specified risk disclosure statement to a non-institutional customer prior to opening an account for the customer. In addition, the firm would be required to (1) approve the customer's account for day trading or (2) obtain a written agreement from the customer stating that the customer does not intend to use the account for day-trading activities. A firm would not be permitted to rely on the written agreement from the customer if the firm knows that the customer intends to use the account for day trading. In addition, if a firm knows that a customer who provided such an agreement is engaging in a day-trading strategy, the firm would be required to approve the account for day trading.

As part of the account approval process, a firm would be required to have reasonable grounds for believing that the day-trading strategy is appropriate for the customer. In making this determination, the firm would be required to exercise reasonable diligence to ascertain the essential facts relative to the customer, including his or her financial situation, tax status, prior investment and trading experience, and investment objectives. The firm also would be required to prepare a record setting forth the basis on which the firm has approved the customer's account. Any record or written statement prepared or obtained by the firm pursuant to the proposed rule change would have to be preserved in accordance with NASD Rule 3110(a).

Requirement To Approve the Account for Day Trading

Elimination of the Term "Recommend"

As noted above, the proposal articulated in Notice to Members 99–32 applied to firms that had *recommended* an intra-day trading strategy to individual investors. Many commenters raised serious concerns with the proposal's use of the term "recommend." While the proposed rules did not define "recommendation" in the context of day trading, Notice to Members 99–32 provided general guidance on the types of activities that would constitute a recommendation in this context. The Notice stated that in general, a member would be recommending a day-trading strategy for purposes of the proposed rules if it affirmatively promoted day trading through advertising, training seminars, or direct outreach programs, and an individual engaged in day trading in response to those solicitations.

Many commenters voiced concerns that the Notice adopted an overly broad view of "recommendation," and feared that this broader view would be applied in other contexts. In particular, these commenters were concerned that advertisements or other promotions alone would be deemed to trigger a firm's duty to customers under the NASD's general suitability rule, Rule 2310. In this regard, one commenter stated its belief that the historical understanding that a recommendation is a specific communication from a broker to a customer at a specific time must be maintained. A second commenter suggested that the rules include a clear statement that "recommendation" for purposes of the rules shall mean "recommendation" as that term is commonly used throughout NASD rules, other Notices to Members, and NASD interpretative letters. This same commenter believed the rules should explicitly state that advertising does not constitute a recommendation for purposes of the proposed rules.

Several commenters suggested specific interpretations of the term "recommendation" in the day-trading context. For instance, one commenter expressed the view that the types of conduct that constituted "recommending" involved actively reaching out to the investing public with the goal of reaping financial benefits from the recommendation being made. The commenter also believed that the definition of recommendation should expressly exclude conduct such as solely operating a Web site that provided general financial information and news. A second commenter suggested exempting from the proposed rules those Internet-based firms that do not provide individualized instructions or guidance with respect to day trading, and that do not promote or endorse particular investment strategies to customers on an individual basis. Many commenters, after addressing issues raised by the proposal's use of the term "recommendation," suggested that the proposal be limited to a risk disclosure requirement.

In contrast, several commenters believed that the proposed rules should apply to a broader scope of firms and firm activities, such as to any firm that permits or accepts intra-day trading transactions. In this regard, one commenter opined that all firms

promoting, advertising, recommending, or providing their customers with the opportunity to day trade should be required to comply with the rules. Another commenter suggested that the proposed rules should apply to all firms that promote or advertise day-trading activities or that have more than a certain percentage of day-trading accounts.

After considering the comments, NASD Regulation has revised the proposed rule change to apply to those firms that are "promoting a day-trading strategy." This revision should address commenters' concerns that the interpretation of the term "recommendation" in the day-trading context could obfuscate use of the term in the general suitability area. By using the concept of "promoting a day-trading strategy," the proposed rule change also would more clearly apply to those situations where a member firm either solicits a person on an individual basis or advertises to the general public.

NASD Regulation has determined not to define "promoting a day-trading strategy" for purposes of the proposed rule change. However, NASD Regulation believes that the promotion by a member of efficient execution services or lower execution costs based on multiple trades alone would *not* trigger the requirements under the proposed rule change. In addition, merely providing general investment research or advertising the high quality or prompt availability of such general research would *not* constitute the promotion of day trading under the proposal. Similarly, merely having a Web site that provides general financial information or news or that allows the multiple entry of intra-day purchases and sales of the same securities would *not* constitute the promotion of day trading.

However, a member would be subject to the proposed rule change if it affirmatively promotes day-trading activities or strategies through advertising, training seminars, or direct outreach programs. For instance, a firm generally would be subject to the proposed rule change if its advertisements address the benefits of day trading, rapid-fire trading, or momentum trading, or encourage persons to trade or profit like a professional trader. A firm also would be subject to the proposed rule change if it promotes its day-trading services through a third party. Moreover, the fact that many of a firm's customers are engaging in a day-trading strategy would be relevant in determining whether a firm has promoted itself in this way.

Notably, while the proposed rule change does not define the term "promoting a day-trading strategy," firms could submit their advertisements to NASD Regulation's Advertising Department for review and guidance on whether the content of the advertisement constitutes such activity for purposes of the rule change. As a result, the proposed rule change, as revised, should both limit concerns about any effect of the proposal on the NASD's general suitability rule and allow firms to better determine whether a particular advertisement would trigger the rule prior to publication or distribution of the advertisement.

Persons Covered by the Proposed Rules

Comments also were varied regarding whether any proposed day-trading rules should reach a broader range of customers. One commenter stated that the application of the rules should not be limited to natural persons, but should include "non-institutional customers" as defined by NASD Rules. This commenter noted that many day traders have opened accounts under partnership or corporate names and that these customers typically are no more sophisticated than customers who open accounts in their own names. Several commenters also believed that all existing customers should be covered by day-trading rules or, at a minimum, receive a risk disclosure statement. One individual suggested that any proposed day-trading rules should apply to all new day-trading *accounts*, rather than to new customers.

In response to commenter's concerns, NASD Regulation has determined to revise the proposal to apply to all non-institutional customers. For purposes of the proposed rule change, the term "non-institutional customer" would mean a customer that does not qualify as an "institutional account" under NASD Rule 3110(c)(4). Rule 3110(c)(4) defines "institutional account" to mean the account of (1) a bank, savings and loan association, insurance company, or registered investment company; (2) an investment adviser registered either with the SEC under Section 203 of the Investment Advisers Act of 1940 or with a state securities commission (or agency or office performing like functions); or (3) any other entity (whether a natural person, corporation, partnership, trust, or otherwise) with total assets of at least $50 million. Applying the proposed rule change to non-institutional customers would ensure that most individuals would be covered by the proposed rule change, regardless of whether they engage in day-trading activities in their own name or in the name of a corporation or partnership. As revised, the proposed rule change would not apply to an existing customer unless the customer opens a new account at a firm that is promoting a day-trading strategy.

Accounts Used For Purposes Other Than Day-Trading Activities

As an alternative to approving an account for a day-trading strategy, the proposed rule change would permit a firm that is promoting a day-trading strategy to obtain from the customer a written agreement that the customer does not intend to use the account for the purposes of day trading ("other-use agreement"). In addition, the firm would be required to provide a risk disclosure statement to the customer even if the firm obtains an other-use agreement. A firm would not be permitted to rely on an other-use agreement if it knows that the customer intends to use the account for day trading. Moreover, if a firm opens an account for a customer in reliance on an other-use agreement, but later knows that the customer is using the account for day-trading activities, then the firm would be required to approve the customer's account for day trading in accordance with the rule as soon as practicable, but in no event later than ten days from the date of discovery.

Elements To Consider in Making Appropriateness Determinations

Commenters also suggested additional elements that a firm should consider in order to assess the appropriateness of a day-trading strategy for an individual. For example, several commenters believed that firms should be required to determine the source of funds that an individual intends to use for day-trading activities. Other commenters, however, voiced concerns that any such requirement would be an invasion of privacy or questioned why this requirement would not apply to all types of brokerage accounts. One individual believed that all persons should be required to meet a minimum net worth standard in order to engage in day trading.

After considering the comments, NASD Regulation has revised the proposed rule change to require a firm that is promoting a day-trading strategy to have reasonable grounds for believing that the strategy is appropriate for the customer and to exercise reasonable diligence to ascertain the essential facts relative to the customer. The proposed rule change continues to require a firm to review the customer's financial situation, prior investment and trading experience, and investment objectives. A firm also would be expressly required

to review the customer's tax status. The proposed rule change, however, would not require firms to determine the source of funds, primarily because of concerns with defining the scope of any such obligation and the risks of imposing disproportionate burdens on firms.

Definition of an Intra-Day Trading Strategy

The proposal set forth in Notice to Members 99–32 defined "intra-day trading strategy" to mean "an overall trading strategy characterized by the regular transmission by a customer of multiple intra-day electronic orders to effect both purchase and sale transactions in the same security or securities." Several commenters suggested a broader definition of the term. For example, one commenter stated that the term should include a person who regularly makes only one buy and one sale of a particular security or group of securities on a daily basis. A second commenter believed that the term should include short-term trading strategies that could occur over, for example, a two-day period. Another commenter suggested that the definition include any offer and sale of the same security if the offer and sale are accomplished prior to settlement.

In contrast, one commenter emphasized its belief that the long-standing historical definition of a day trader requires a pattern of day trades, noting that there are legitimate reasons to buy and sell a single security in a single day that are not premised on a day-trading strategy. This commenter suggested that the proposal apply only when a clearly defined and easily identified pattern of activity exists over a considerable period of time. Another commenter expressed a general view that the definition of day trading lacked sufficient clarity, and raised a series of questions regarding the scope of the term, including whether it should include the transmission of orders in a non-electronic environment.

In light of the comments, NASD Regulation has revised the proposed definition of "day-trading strategy" to mean "an overall trading strategy characterized by the regular transmission by a customer of intra-day orders to effect both purchase and sale transactions in the same security or securities." NASD Regulation believes that the revised definition would include those instances where an individual regularly transmits one or more purchase and sale (*i.e.*, "round-trip") transactions in a single day. In addition, although as a practical matter, day trading typically requires electronic delivery of orders, the proposed definition of "day-trading strategy" has been revised to include orders transmitted by non-electronic means, such as by telephone.

Requirement To Provide Day-Trading Risk Disclosure Statement

As discussed above, the proposed rule change would require a firm that is promoting a day-trading strategy to deliver a disclosure statement to the customer discussing the unique risks posed by day trading. The disclosure statement would include several factors that a customer should consider before engaging in day trading, including that the customer should be prepared to lose all of the funds that he or she uses for day trading and that day trading on margin may result in losses beyond the initial investment. The firm would be permitted to develop an alternative risk disclosure statement, provided that the alternative statement was substantially similar to the mandated statement and was filed with, and approved by, NASD Regulation's Advertising Department.

Many commenters agreed that customers should receive additional information on the risks of day trading or other on-line trading activities. One commenter suggested that firms be required to provide a risk disclosure statement to all new individual customers, rather than limit dissemination to individuals to whom firms have recommended a day-trading strategy. In contrast, another commenter believed that it was more effective for the NASD to provide risk disclosures to potential customers in an educational atmosphere, such as the NASD's Web site. Some commenters suggested specific revisions to the proposed risk disclosure statement. In this regard, one commenter proposed that the statement include the language from the text of the Notice that day trading generally would not be appropriate for someone of limited resources and limited investment or trading experience and low risk tolerance. Another commenter expressed concern that the suggestion in the disclosure statement that persons inquire as to a firm's capacity to permit customers to engage in day trading might place an unrealistic obligation on the customer.

Comments generally were divided as to whether customers should be required to acknowledge receipt of the disclosure statement. One commenter believed that a firm should be able to provide a copy of the statement on its Web site or in an initial mailing to the customer at the time of account opening. The commenter stated that the document was a disclosure of risks and not an agreement between the parties. Another commenter asserted that firms should have flexibility in deciding whether to require a customer to sign the statement. In contrast, one commenter emphasized that requiring customers to acknowledge receipt of the statement would protect both the customer and the firm. In addition, one individual suggested that the proposed rules require customers to sign the statement and to wait three days prior to trading to allow for additional reflection and consideration.

After considering the comments, NASD Regulation has modified the proposed rule change to require firms promoting a day-trading strategy to deliver the risk disclosure statement to all non-institutional customers prior to opening an account for such customers. NASD Regulation is not recommending that all firms be required to disseminate the disclosure statement to all new customers because the benefits of such a requirement are unclear. However, NASD Regulation will continue to monitor the growth of day-trading activities to determine whether, in the future, such a requirement might be justified. In addition, NASD Regulation encourages all firms, particularly firms that provide on-line trading capability, to provide the mandated risk disclosure statement or a substantially similar disclosure statement to their customers.

The disclosure statement also has been revised to include the additional key point that day trading generally is not appropriate for persons of limited resources and limited investment or trading experience and low risk tolerance. The provision in the proposed statement that an individual should confirm that a firm has adequate capacity to support day-trading activities has been deleted, in light of concerns that the provision might place undue burdens on the customer.

Comments Suggesting No or Minimal Regulatory Response

Those commenters that opposed any action in the area of day trading generally questioned why day-trading activities merited special regulation. For example, two commenters emphasized that many investments were risky and generally believed that the proposed rules inappropriately targeted day-trading firms. Some commenters also suggested that the proposed rules were paternalistic. Another commenter raised concerns that the proposal unfairly suggested to investors that on-line trading is somehow less scrupulous and more risky than trading through a traditional broker-dealer. This commenter also believed that the

existing regulatory framework provides ample means to combat abuses associated with day trading. In addition, one commenter generally stated that it was premature to attempt regulation of day-trading practices. Several individual commenters, in opposing regulation of day trading, emphasized the benefits of electronic trading and their ability to protect themselves.

As noted above, however, NASD Regulation believes that the proposed rule change focuses on the promotion of trading strategies that present very high risk to individuals and, as revised, should be easier for firms to apply to their activities. Firms that are actively promoting a day-trading strategy should be responsible for assessing whether the strategy is appropriate for an individual who opens a day-trading account at that firm. These firms also should be required to disclose the risks of engaging in a day-trading strategy to an individual prior to opening an account for that individual.

2. Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with Section 15A(b)(6) of the Act [3] in that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD Regulation believes that the proposed rule change codifying the obligation of firms promoting day-trading strategies to disclose the risk of these strategies to non-institutional customers and to determine whether the strategy is appropriate for a customer will help to protect investors and the public interest in an increasingly more sophisticated trading environment.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed rule change was published for comment in NASD Special Notice to Members 99–32 (April 15, 1999). The comment period expired on May 31, 1999. Thirty-nine comment letters were received in response to the Notice. Copies of the comment letters and a brief summary of the comment letters have been provided to the Commission. Of the 39 comment letters received, approximately 13 were in favor of the proposed rule change, 8 supported risk disclosure only, 12 were opposed to the proposed rule change, and 6 expressed no opinion or addressed broader issues.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. In addition, the Commission seeks comment on the following specific issues: (1) whether the proposal should cover existing day-trading accounts; (2) whether the proposed definition of "day-trading strategy" is appropriate; (3) whether the proposed risk disclosure statement is adequate; and (4) whether the firm should be required to obtain a customer's acknowledgment of receipt of the risk disclosure document.

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–99–41 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24493 Filed 9–20–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41871; File No. SR–NYSE–99–32]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Amending Exchange Rule 22(b) Regarding Board and Committee Member Disqualifications

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 9, 1999, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The amendment to Exchange Rule 22(b) codifies the interpretation of the Exchange of the circumstances under which Board and committee members and other persons are obliged to disqualify themselves from participating in matters in which they have a personal interest. The present rule states that no person shall participate in the "adjudication" of any matter in which they are personally interested. The proposed amendment to Exchange Rule 22(b) bars participation in the "consideration, review or adjudication" of any matter in which a person is personally interested.

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[1] 15 U.S.C. 78o–3(b)(6).

[4] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Exchange Rule 22(b) to codify the Exchange's interpretation of the circumstances under which Board and committee members and other persons are obligated to disqualify themselves from participating in the consideration of matters in which they have a personal interest.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5)[3] of the Act in that it promotes just and equitable principles of trade by insuring that Board and committee members and other persons are not participating in matters in which they have a personal interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer perod to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–99–32 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24500 Filed 9–20–99; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78f(b)(5).

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41867; File No. SR–PCX–99–18]

September 13, 1999.

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Facilitation Crosses.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on June 4, 1999, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commissioin" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PCX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to amend PCX Rule 6.47(b), governing Facilitation Crosses, to provide firms with a guaranteed percentage of cross trades when a firm holds an order for a public customer or a broker-dealer ("customer order") and an order for the proprietary account of a member organization ("facilitation order") that is representing that customer. The text of the proposed rule change follows. Additions are italicized and deletions are bracketed.

¶4987 "Crossing Orders"

Rule 6.47 Non-Facilitation (Regular Way) Crosses

(a) No change.

Facilitation Crosses

(b) A Floor Broker who holds an order for a public customer [of a member organization] *or a broker-dealer ("customer order")* and *an* [facilitation] order *for the proprietary account of a member organization that is representing that customer (the "facilitation order")* may cross *those* [such] orders [provided that he proceeds in the following manner.] *only if the following procedures and requirements are followed:*

(1) The size of the customer order subject to facilitation must be at least two hundred (200) contracts.

(2) [(1)] The option order tickets *for* [of] both the facilitation order and the [public] customer order [subject to facilitation] must display all of the terms of such orders, including any [contingency] *contingencies* involving, and all related transactions in, either options or underlying or related securities. *The Floor Broker must disclose all securities that are components of the customer order.*

[(2) The Floor Broker shall disclose all securities which are components of the order subject to facilitation and then shall request bids and offers for the execution of all components of the order, making all persons in the trading crowd, including the Order book Official, aware of his request for a market.]

[(3) After providing an adequate opportunity for such bids and offers to be made, the Floor Broker must, on behalf of the public customer whose order is subject to facilitation, either bid above the highest bid in the market or offer below the lowest offer in the market, identify the order as being subject to facilitation, and disclose all terms and conditions of such order. After all other market participants are given an opportunity

to accept the bid or offer made on behalf of the public customer whose order is subject to facilitation, the Floor Broker may cross all or any remaining part of such order and the facilitation order at such customer's bid or offer by announcing in public outcry that he is crossing and by stating the quantity and price(s). Once such bid or offer has been made, the order subject to facilitation has precedence over any other bid or offer in the crowd at the same price, to trade immediately with the facilitation order. The order subject to facilitation may not be blocked by revised bids or offers; however, the bid or offer of the order subject to facilitation may be accepted or improved by members in the trading crowd or orders represented in the trading crowd.]

(3) The Floor Broker must request bids and offers for all components of the orders and clearly disclose his intention to execute a facilitation cross transaction to the trading crowd. Once the trading crowd has provided a quote, it will remain in effect until: (A) a reasonable amount of time has passed, or (B) there is a significant change in the price of the underlying security, or (C) the facilitation market has been improved. (The term "significant change" will be interpreted on a case-by-case basis by two Floor Officials based upon the extent of recent trading in the option and in the underlying security, and any other relevant factors.)

(4) Once a market has been established and all customer orders represented in the trading crowd have been satisfied, the Floor Broker may cross:

(A) fifty percent (50%) of any remaining contracts at a price between the trading crowd's quoted market (e.g., if the trading crowd's quoted market is 2 1/8–2 1/2, and the Floor Broker is representing a customer order to buy 1000 contracts, then the Floor Broker may cross 50% of 1000 at 2 1/4 or any other improved price); or

(B) twenty-five (25%) of the contracts at the trading crowd's best bid or offer (e.g., if the trading crowd's quoted market size is 500×500, and the Floor Broker is representing a customer order to buy 1000 contracts, then the Floor Broker may cross 25% of 1000 at the trading crowd's best bid or offer).

(5) If the facilitation trade occurs at the LMM's quoted bid or offer in their allocated issue, then the LMM's guaranteed participation level shall apply only to the number of contracts remaining after all customer orders and the firm facilitation order being represented by the Floor Broker have been satisfied pursuant to this rule. If the trade occurs at a price other than the LMM's quoted bid or offer, the LMM is entitled to no guaranteed participation.

(6) The members of the trading crowd who established the facilitation market will have priority over all other orders that were not represented in the trading crowd at the time that the facilitation market was established and will maintain priority over non-customer orders unless the facilitation quote is improved. A Floor Broker who is holding a customer order and a facilitation order and who calls for a facilitation market will be deemed to be representing both the customer order and the facilitation order, so that the customer order and the facilitation order will also have priority over all other orders that were not being represented in the trading crowd at the time that the facilitation market was established.

Crossing of Solicited Orders

(c) No Change.

Commentary .01–.06 No Change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background. Currently, PCX Rule 6.47(b) does not guarantee a firm any cross trades when that firm holds an order for a public customer and a facilitation order for the proprietary account of a member organization that is representing that customer order. The rule states that a Floor Broker holding an order for a public customer and a facilitation order may cross such orders provided he discloses all securities that are components of the order subject to facilitation; requests bids and offers for the execution of all components of the order; and makes all persons in the trading crowd, including the Order Book Official, aware of his request for a market. After providing an adequate opportunity for such bids and offers to be made, the Floor Broker must then identify the order as being subject to facilitation, and disclose all terms and conditions of such order. After all other market participants are given an opportunity to accept the bid or offer made on behalf of the public customer whose order is subject to facilitation, the Floor Broker may cross all or any remaining part (whatever maybe left after the trading crowd has had an opportunity to trade) of such order and the facilitation order at such customer's bid or offer by announcing in public outcry that he is crossing and by stating the quantity and price(s). The current rule does not guarantee the Floor Broker who brings the customer order to the trading floor any part of the cross trades.

Proposal. The PCX proposes to change PCX Rule 6.47(b), governing facilitation crosses, to provide firms with a guaranteed percentage of cross trades when a firm holds a customer order and a facilitation order. Specifically, for customer orders of at least 200 contracts, the PCX proposes that a Floor Broker representing the orders must disclose all securities that are components of the customer order and must display all of the terms of such orders on the option order tickets for both the customer order and the facilitation order (including any contingencies involving, and all related transactions in, either options or underlying or related securities). The PCX further proposes that the Floor Broker must also request bids and offers for all components of the orders and clearly disclose his intention to execute a facilitation cross transaction to the trading crowd.[3]

The PCX proposes that, once a market has been established and all customer orders represented in the trading crowd have been satisfied, the Floor Broker may cross fifty percent (50%) of any remaining contracts at a price between the trading crowd's quoted market, or twenty-five percent (25%) of the contracts at the trading crowd's best bid or offer.

In addition, the PCX proposes that if the facilitation trade occurs at the LMM's quoted bid or offer in its allocated issue, then the LMM's guaranteed participation level shall apply only to the number of contracts remaining after all customer orders and the firm facilitation order being represented by the Floor Broker have been satisfied pursuant to PCX Rule 6.47(b). If the trade occurs at a price other than the LMM's quoted bid or offer, the LMM is entitled to no guaranteed participation.

Finally, with regard to priority of orders, the PCX proposes that the members of the trading crowd who established the facilitation market will have priority over all other orders that were not represented in the trading crowd at the time that the facilitation market was established and will maintain priority over non-customer orders unless the facilitation quote is

[3] Proposed subsection (b)(3) states that once the trading crowd has provided a quote, it will remain in effect until: (A) A reasonable amount of time has passed or (B) there is a significant change in the price of the underlying security or (C) the facilitation market has been improved. (The term "significant change" will be interpreted on a case-by-case basis by two Floor Officials based upon the extent of recent trading in the option and in the underlying security, and any other relevant factors.)

improved. Furthermore, the PCX proposes that a Floor Broker who is holding a customer order and a facilitation order who calls for a facilitation market will be deemed to be representing both the customer order and the facilitation order, so that the customer order and the facilitation order will also have priority over all other orders that were not being represented in the trading crowd at the time that the facilitation market was established.

The Exchange believes that the effect of this rule change will be to provide Market Makers with an additional incentive to quote tighter markets in response to a request for quotes and at the same time encourage member firms to bring their order flow to the PCX options floor. In addition, the Exchange believes that the rule change will provide Floor Brokers with an additional incentive to trade between the quoted bid and ask, thereby passing on the benefits of additional price discovery to customers.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)[4] of the Act, in general, and furthers the objectives of Section 6(b)(5)[5] in particular, become it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments and perfect the mechanisms of a free and open market and a national market system and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. In particular, the Commission seeks comment on whether the proposed rule change will result in fair executions for the various orders and parties represented in the crossing transaction.[6] Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–99–18 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

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[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] The PCX has also filed a proposed rule change concerning "cross-only" contingency orders (SR–PCX–99–31).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41868; File No. SR–PCX–99–25]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. To Allow Lead Market Makers To Perform Certain Floor Broker Functions

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 13, 1999, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to modify its Lead Market Maker ("LMM") rules to allow an LMM to perform certain Floor Broker functions. The text of the proposed rule change is set forth below. Additions are italicized and deletions are bracketed.

Pacific Exchange, Inc.

Rule 6.82

(a)–(g)—No Change.

(h) LMM Performance of Order Book Official, [and] Market Maker *and Floor Broker* Functions.

(1) LMM Performance of Order Book Official Functions.

(a)–(e)–No Change.

(2) LMM Performance of Market Maker Function.

(a)–No Change.

(3) *LMM Performance of Floor Broker Function.*

(a) LMMs may function in designated option issues as both Market Maker and Floor Broker, and as such, will be exempt from Rule 6.38. In acting as Floor Brokers, LMMs must fulfill their obligation to use due diligence and all other obligations of Floor Brokers pursuant to Rules 6.43 through 6.48.

(b) LMMs may (but are not obligated to) accept non-discretionary orders that are not eligible to be placed in the Public Order Book, and LMMs may represent such orders as Floor Brokers. An LMM may not represent discretionary orders, whether as a Floor

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Broker or otherwise. All orders in the LMM's possession that are eligible to be booked must be booked.

Commentary: .01.–.02.—No Change.

[.03. the provisions of Rule 6.82(h) are subject to a pilot program, which is set to expire on October 12, 1998.]

.03. [.04.]—No Change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background. In October of 1996, the Commission approved a PCX pilot program that allowed LMMs to perform all functions of the Order Book Official ("OBO") in designated option issues pursuant to PCX Rules 6.51 through 6.59.[3] The Commission approved the PCX pilot program on a permanent basis on July 2, 1999.[4]

Proposal. The Exchange now proposes to modify its LMM rules to allow an LMM to perform certain Floor Broker functions in addition to OBO and Market Maker functions.[5] First, the Exchange proposes that, in acting as Floor Broker, LMMs must fulfill their obligation to use due diligence and perform all other obligations of Floor Brokers pursuant to PCX Rules 6.43 through 6.48. Second, the Exchange proposes that LMMs may, but are not obligated to, accept non-discretionary orders that are not eligible to be placed in the Public Order Book, and LMMs may represent such orders as Floor Brokers.[6] Third, the Exchange proposes that an LMM may not represent discretionary orders, whether as a Floor Broker or otherwise. Finally, all orders in the LMM's possession that are eligible to be booked must be booked.

The Exchange proposes these rule changes for competitive reasons. Specifically, the Exchange seeks to provide its LMMs with the flexibility needed to compete with Specialists and Designated Primary Market Makers ("DPMs") on other national securities exchanges.[7] The Exchange believes that the proposed rule change will allow LMMs to provide customers with a greater level of service than currently provided. The Exchange further believes that the proposal will help LMMs to better compete with DPMs and Specialists with respect to rates charged to customers for the execution of their orders.

Finally, with respect to the restrictions on the types of orders that the LMM may represent as a Floor Broker, the Exchange notes that the restrictions are consistent with applicable rules of competing exchanges.[8]

2. *Statutory Basis*

The Exchange believes that this proposal is consistent with Section 6(b)[9] of the Act, in general, and Section 6(b)(5)[10] of the Act, in particular, in that it is designed to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; and in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PCX does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the PCX consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal offices of the PCX. All submissions should refer to File No. SR–PCX–99–25 and should be submitted by October 12, 1999.

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[1] *See* Securities Exchange Act Release No. 37810 (Oct. 11, 1996), 61 FR 54481 (Oct. 18, 1996). Under the pilot program, LMMs were also required to perform all obligations of Market Makers provided in PCX Rules 6.35 through 6.40 and 6.82(c).

[4] *See* Securities Exchange Act Release No. 41595 (July 2, 1999), 64 FR 38064 (July 14, 1999).

[5] The PCX proposed rule change is similar to Chicago Board Options Exchange Rule 8.80(c)(8). *See infra* note 8.

[6] As explained by PCX, the eligibility of orders to be placed in the Public Order Book is determined by reference to PCX Rule 6.52(a), which governs the types of orders that Order Book Officials may accept. Such orders, as indicated in the Rule, "shall include limit orders * * * and such other orders as may be designated by the Options Floor Trading Committee." According to PCX, the Committee has not designated any additional types of orders that may be accepted by Order Book Officials. Orders not eligible for the Public Order Book would include, for example, contingency orders, spread orders, straddle orders, and combination orders, among others. Telephone conversation between Robert P. Pacileo, Attorney, PCX, and Ira L. Brandriss, Attorney, Division of Market Regulation, Commission, on August 6, 1999.

[7] The proposed rule change will generally allow PCX LMMs to perform the same functions that DPMs on the Chicago Board Options Exchange ("CBOE") may perform.

[8] *See, e.g.*, CBOE Rule 8.80. CBOE Rule 8.80(c)(8) states that DPMs may, but are not obligated to accept non-discretionary orders that are not eligible to be placed in the Public Order Book, and DPMs may represent such orders as Floor Brokers. A DPM may not represent discretionary orders, whether as a Floor Broker or otherwise and all orders in the DPM's possession that are eligible to be booked must be booked.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24502 Filed 9–20–99; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before November 22, 1999.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Gayle Baker, Program Analyst, Office of the ADA/Entrepreneurial Development, Small Business Administration, 409 3rd Street, SW, Suite 6200, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gayle Baker, Program Analyst, 202–205–6706 or Curtis B. Rich, Management Analyst, 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: "ED/MIS".

Form No: N/A.

Description of Respondents: Clients served by SBA resource partners in the Score, OSCS, BIC, Tribal BIC, WBC and Veterans Programs.

Annual Responses: 500,000.

Annual Burden: 33,500.

Dated: 9/13/99.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 99–24538 Filed 9–20–99; 8:45 am]

BILLING CODE 4410–18–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3208]

State of Texas; (Amendment #1)

In accordance with notices from the Federal Emergency Management Agency dated September 3 and 7, 1999, the above-numbered Declaration is hereby amended to include Jim Hogg and San Patricio Counties in the State of Texas as a disaster area due to damages from severe storms and flooding caused by Hurricane Bret that occurred August 21–26, 1999.

In addition, applications for economic injury loans from small businesses located in Bee County, Texas, a contiguous county, may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is October 20, 1999, and for economic injury the deadline is May 30, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 9, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–24536 Filed 9–20–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3210]

Commonwealth of Virginia

As a result of the President's major disaster declaration on September 6, 1999, I find that the Independent City of Hampton, Virginia constitutes a disaster area due to damages caused by Tropical Storm Dennis and tornadoes beginning on August 27, 1999, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 4, 1999, and for loans for economic injury until the close of business on June 6, 2000 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South, 3rd Floor, Niagara Falls, NY 14303

In addition, applications for economic injury loans from small businesses located in the contiguous Independent Cities of Newport News and Poquoson, and the contiguous county of York in the Commonwealth of Virginia may be filed until the specified date at the above location.

The interest rates are—	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	7.250
Homeowners Without Credit Available Elsewhere	3.625
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.000
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The numbers assigned to this disaster are 321012 for physical damage and 9E4600 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 9, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–24537 Filed 9–20–99; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

Office of Mexican Affairs; Notice of Issuance of a Finding of No Significant Impact With Regard to the Issuance of a Presidential Permit for the Cox Communications Underground Fiber-Optic Link, San Diego, California

[Public Notice No. 3124]

AGENCY: Department of State.

SUMMARY: Notice is hereby given that the Department of State has issued a Finding of No Significant Impact on the human environment within the United States for the underground fiber-optic link project sponsored by Cox Communications, Inc. of San Diego, California. A draft Environmental Assessment of the proposed underground fiber-optic link was prepared by Tetra Tech, Inc. for the sponsor, Cox Communications, Inc. of San Diego, California.

The draft Final Environmental Assessment was then reviewed by numerous federal and state agencies. Each such "cooperating agency" has approved or accepted the draft Final Environmental Assessment.

Based upon the Department's independent review of the draft Final Environmental Assessment, comments received during its preparation and comments received by the Department from federal and state agencies including measures which are proposed to be taken to prevent and/or mitigate

[11] 17 CFR 200.30–3(a)(12).

potentially adverse environmental impacts which the Sponsors intend to take, the Department has concluded that issuance of a Presidential Permit authorizing construction of the proposed Cox Communications underground fiber-optic link would not have a significant impact on the quality of the human environment within the United States. Accordingly, a finding of no significant impact is adopted and an EIS will not be prepared.

ADDRESSES: Copies of the Presidential Permit may be obtained from Mr. David E. Randolph, Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs, Room 4258, Department of State, Washington, D.C. 20520, telephone (202) 647–8529. A copy of the Department's Final Environmental Assessment is available for inspection in Room 4258 of the Department of State during normal business hours.

SUPPLEMENTARY INFORMATION: The proposed action is to grant a Presidential Permit to Cox Communications of San Diego, California (hereinafter referred to as "permittee"), for the construction of an underground fiber-optic link from San Diego, California, to Tijuana, Baja California, Mexico. A draft Environmental Assessment of the proposed fiber-optic tunnel which permits the cable to run beneath the U.S.-Mexico boundary was prepared by Tetra Tech, Inc. of San Diego, California, on behalf of the permittee, under the guidance and supervision of the Department of State. The Department of State placed a notice in the **Federal Register** (November 13, 1998, 63 FR 63520) regarding the availability for inspection of Cox's Permit application and the draft Environmental Assessment. No public comments were received.

Seventeen federal and state agencies independently reviewed the draft Environmental Assessment. They were: the Immigration and Naturalization Service, the United States Customs Service, the Food and Drug Administration, the Animal and Plant Health Inspection Service (of the Department of Agriculture), the General Services Administration, the International Boundary and Water Commission (United States Section), the Department of Defense, the Federal Highway Administration and the United States Coast Guard (of the Department of Transportation), the Federal Emergency Management Agency, the Department of the Interior, the Department of Commerce, the Environmental Protection Agency, the Department of Justice, the Council on Environmental Quality, the Department of State and the California Department of Transportation. Because the land where construction is proposed to take place is owned by a federal government agency (the United States Section of the International Boundary and Water Commission), the draft Environmental Assessment was not subject to review under the California Environmental Quality Act. All comments received from these agencies were responded to directly or by expanding the analysis contained in this assessment.

This draft Final Environmental Assessment, the comments submitted by the agencies, the responses to these comments, and all correspondence between the agencies and the permittee addressing the agencies' concerns, together constitute the Final Environmental Assessment of the proposed action by the Department of State.

The Department of State (the Department) is charged with issuance of Presidential Permits for the construction of international bridges between the United States and Mexico under the International Bridge Act of 1972, 86 Stat. 731; 33 U.S.C. § 535 *et seq.*, and Executive Order 11423, 33 Fed. Reg. 11741 (1968), as amended by Executive Order 12847 of May 17, 1993, 58 Fed. Reg. 29511 (1993). On January 22, 1998, the Undersecretary of State for Economic, Business and Agricultural Affairs determined that international fiber-optic links, the construction of which involve tunnels under the United States-Mexico border, require Presidential Permits. Based on the Final Environmental Assessment, including measures which are proposed to be taken to prevent or mitigate potentially adverse environmental impacts and which the permittee intends to take, and information developed during the review of the permittee's application, the Department of State has concluded that issuance of the Presidential Permit authorizing construction of the fiber-optic link will not have a significant impact on the quality of the human environment within the United States.

Summary of The Environmental Assessment

Cox Communications of San Diego, California, has applied to the Department for a Presidential Permit to build an underground tunnel carrying fiber optic cables in the San Ysidro-Tijuana area, just north of the U.S.-Mexico International Border Fence and just south of a secondary concrete pillar fence. The boundary crossing site is located in an area that is not open to the public and is used by the United States Border Patrol, owned by the United States Section of the International Boundary and Water Commission and located within the corporate boundaries of the City of San Diego.

The fiber optic line will extend a cable overhead to the U.S.-Mexican border by placing the cable on the existing utility poles owned by San Diego Gas and Electric. Cox will place an additional 45-foot long pole at a point 12 feet north of the border wall and at a depth in the ground of 10 feet. Cox will place an anchor rod six feet south of the new pole; at the new pole, Cox will use a backhoe to dig a trench 32 feet east with the dimensions of one foot wide by five feet deep. At the end of the trench, Cox will shoot an eight-inch diameter directional bore south under the border wall at a depth of ten feet for a distance of 130 feet to the pole on the Mexican side at Martinez Street. Conduit will be placed in the trench. The cable will be pulled through the conduit to the Mexican side.

The fiber optic line, the first of its kind in a tunnel across the U.S.-Mexican border, will provide a communication link between San Diego and Tijuana. Initially, the connection will allow an interactive/broadcast quality/live, video connection to be activated between San Diego State University and a university in Tijuana.

Other uses for the connection could include: Video connectivity between the offices of the Mayors of San Diego and Tijuana; Transporting network television programming between cable systems; Linking together television stations to provide connections for late-breaking news stories such as storms, traffic congestion, etc.; Transporting high speed Internet access across the border; Providing telephony traffic back and forth across the border; Linking "sister" factories on both sides of the border with data connections.

The Alternatives

The Department considered four alternatives:

1. The "No Action" alternative;
2. Constructing the fiber optic cable line underground along the entire alignment;
3. Constructing the fiber optic cable line above-ground along the entire alignment;
4. Constructing the fiber optic cable line both aboveground and underground using primarily existing facilities.

The First Alternative, the "No Action" alternative, would eliminate any potential adverse environmental impacts associated with the proposed construction, but would not achieve the objective of providing a high-tech fiber

optic link between San Diego and Tijuana.

The Second Alternative, constructing the fiber optic cable line underground along the entire alignment, would involve constructing underground facilities where no facilities currently exist.

The Third Alternative, constructing the fiber optic cable line above-ground along the entire alignment, would involve constructing aboveground facilities where no facilities currently exist.

The Fourth Alternative, constructing the fiber optic cable line both aboveground and underground using primarily existing facilities, is the permittee's preferred alternative. Temporarily, potentially significant noise impacts, minor, temporary impacts to air quality and temporary, local impacts on recreation (temporary disruption of use of a bike lane), and traffic and socioeconomic effects (temporary partial disruption of access to businesses) have been identified for the Second, Third and Fourth Alternatives. Because the Fourth Alternative would use the greatest amount of existing infrastructure to contain the new cable line, resulting in less construction time than the other two alternatives, environmental impacts would likely be less under the Fourth Alternative than under the Second and Third Alternatives.

The draft Environmental Assessment submitted by the permittee in support of its application provides information on the environmental effects of the construction of the underground tunnel. On the basis of the Environmental Assessment and information developed by the Department and other federal and state agencies in the process of reviewing the draft Environmental Assessment, the Department arrived at the following conclusions on the likely impact of construction at the proposed location:

Wetlands

The permittee apprised the U.S. Army Corps of Engineers (Corps) of the proposed project in a letter dated February 10, 1997. This letter contained a project description and project map. The Corps responded on May 7, 1997, setting forth its determination that the proposed project would not discharge dredged or fill material into waters of the United States or an adjacent wetland. The Corps further indicated that the proposed project is not subject to Corps jurisdiction under Section 404 of the Clear Water Act, and a Section 404 permit would not be required. The Corps response letter is included in the Environmental Assessment.

Threatened and Endangered Species

The Department considered possible impacts of the project on federally protected species. Cox accessed the California Natural Diversity Data Base (CNDDB) for the Imperial Beach USGS 7.5 minute quad mapping area. The CNDDB contains historic records of occurrence of sensitive biological resources. These computer records, dated December 12, 1997, revealed a number of sensitive species that could be present in the Tijuana River Valley area. A biological field survey was conducted at the project site on June 9, 1998 to characterize the habitat present and evaluate the potential occurrence of sensitive species and sensitive habitat types. An additional survey was conducted on July 4, 1998. Based on the lack of habitat, the sensitive species identified during the CNDDB search are not expected to be present at the project site.

Examples of sensitive species known to occur in the region, but not expected to occur at the site due to a lack of appropriate habitat, include the Least Bell's Vireo and Arroyo Toad (on the federal endangered species list); the Coastal California Gnatcatcher (on the federal threatened species list); and the Western Spadefoot, San Diego Horned Lizard, Orange-Throated Whiptail, Coastal Cactus Wren, San Diego Desert Woodrat and Many-Stemmed Dudleya (on the federal species of concern list).

Land Use

The proposed site is located in an area that is not open to the public, and which is used by the United States Border Patrol. Border Patrol agents typically patrol the area between the two fences using sport utility vehicles, and often park their vehicles along the access road located just north of the border crossing site in order to discourage illegal border crossing attempts. The land at the border crossing site is owned by the United States Section of the International Boundary and Water Commission. The proposed fiber optic cable line alignment would be constructed along existing overhead transmission lines or existing underground transmission facilities that traverse existing residential and commercial land uses. There are an estimated 18 businesses and 586 residences located along the proposed fiber optic alignment, on both sides of the streets. Most residences are multi-family attached units and mobile homes. An elementary school that serves about 700 students is located in the area.

The border crossing site is an area of disturbed land that is maintained in a cleared and graded condition, and sustains heavy off-road vehicle use. It is devoid of structures and vegetation. The project would add only one new utility pole. All other facilities would be placed in an underground trench or would be accommodated on an existing SDG&E utility pole. Construction duration is expected to be relatively short-term—less than one week. As such, no significant impacts to aesthetic resources at the border crossing site are anticipated.

River Channel and Floodplains

The Tijuana River is located approximately 100 meters to the north of the project area. Variable rainfall produces variable flow characteristics, and the river does shift widely across the valley floor. However, a high levee located south of the river overlooks the border crossing site and provides protection from flooding.

Air Quality

The San Diego Air Basin is designated as a non-attainment area with respect to ozone standards (a level of non-attainment is classified as being "serious"), carbon monoxide standards (west San Diego County only) and the California state suspended particulate matter standard. Land uses considered to be sensitive receptors relative to air pollutant emissions typically include health-related facilities, child-care facilities and facilities where occupants may have limited mobility and/or long-term exposure to emissions. Such uses typically include long-term health-care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools and playgrounds. No sensitive receptors are located at the border crossing site.

The nearest sensitive receptors relative to air pollutant emissions include Willow School located at 226 Willow Road, the South Bay Head Start facility located at 253 Willow Road, numerous residences along streets traversed by the existing overhead transmission lines and underground transmission facilities, and the Cesar Chavez Community Center-San Ysidro at Larsen Field, located approximately 0.1 miles west of the alignment at 455 Sycamore Road. Temporary, unavoidable, local, construction-related, less-than-significant impacts are expected for air quality.

Historical and Archeological Resources

A record search was conducted by the South Coast Information Center on February 24, 1997, at the request of the permittee. This search revealed that a portion of the project area had been previously inventoried, and that no cultural resources had been identified.

On June 9, 1998, a cultural resources and paleontological survey with limited subsurface testing was conducted at the border crossing site. The primary purpose of the survey and subsurface testing was to determine whether cultural and paleontological resources exist in the ground disturbance portion of the project area that could be adversely affected by the placement of the pole and associated buried fiber optic cable. The entire area subject to surface disturbance, as well as a buffer area, was examined for the presence of both prehistoric and historic archaeological resources, and paleontological resources. A total of eight 12-centimeter-diameter auger test holes were excavated. No archaeological, historic or paleontological resources have been identified at the border crossing site.

During the June 1998 survey, a spot check was made at a utility pole at the southeast corner of Willow Road and Camino de la Plaza where a small excavation immediately adjacent to the pole is proposed. No evidence of cultural or paleontological resources was observed at this location. No historical resources are located along the proposed fiber optic cable line alignment.

Noise

The border crossing site is located within open space land that is used by the Border Patrol for control of illegal immigration. It is disturbed land with no structures. Like air quality pollutants, land uses considered to be sensitive receptors relative to noise typically include health-related facilities, child-care facilities and facilities where occupants may have limited mobility and/or long-term exposure to emissions. Such uses typically include long-term health-care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools and playgrounds. There are no sensitive noise receptors present in the vicinity of the border crossing site on the U.S. side of the international border.

The nearest sensitive receptors relative to noise include Willow School located at 226 Willow Road, the South Bay Head Start facility located at 253 Willow Road, numerous residences along streets traversed by the existing overhead transmission lines and underground transmission facilities, and the Cesar Chavez Community Center-San Ysidro at Larsen Field, located approximately 0.1 miles west of the alignment at 455 Sycamore Road. Temporary, unavoidable, local, construction-related, less-than-significant impacts are expected for noise.

Environmental Justice

The border crossing site is located on vacant land. No businesses or residences exist on or near the site on the U.S. side of the border. The population of Census Tract 100.09, which contains all of the border crossing site and the majority of the proposed fiber optic cable line alignment, was 4,584 as of January 1, 1998. According to a population estimate of the census tract by ethnicity, the population of the census tract is 87.8% of Hispanic origin, 5.6% White, 5.4% Black and 1.2% Asian/Other.

The median household income for the census tract was $14,495 as of January 1, 1998. The largest percentage of households (30.0%) consisted of those in the $10,000–$14,999 income range, while 1.5% of households earned $50,000–$74,999 and none earned over $75,000.

The population of the City of San Diego as a whole was 1,224,848 as of January 1, 1998. According to a population estimate by ethnicity, the population of San Diego is 24.3% of Hispanic origin, 54.7% White, 8.7% Black and 13.2% Asian/Other.

The median household income for the City was $40,974 as of January 1, 1998. The largest percentage of households (19.8%) consisted of those in the $50,000–$74,999 income range, while 6.1% of households earned $10,000–$14,999 and 8.2% earned under $10,000.

The general make-up of the population of the census tract containing the border crossing site is low-income and of Hispanic origin. No disproportionately high and adverse human health or environmental impacts on minority populations, low-income populations, or Native American Indian tribes are likely to result from construction or operation of the proposed fiber optic project.

Cumulative Impacts

Construction and operation of the proposed fiber optic cable project will not result in significant cumulative impacts. The proposed project would have no adverse impact on land use, recreation, biological resources, cultural resources, geotechnical hazards or environmental justice. Temporary, unavoidable, local, construction-related, less-than-significant impacts are expected for air quality, traffic and socioeconomics (temporary partial disruption of access to local businesses). Temporary, unavoidable, local, construction-related, potentially significant impacts have been identified for noise, but these can be reduced to a level that is less-than-significant through successful application of the recommended mitigation measures. Mitigation is also recommended for air quality to further reduce the level of impact.

Conclusion

On the basis of the Environmental Assessment, the Department's independent review of that Assessment, information developed during the review of the application and Environmental Assessment, and comments received, it appears that none of the alignment alternatives (i.e. alternatives 1–4, described above) would have a significant impact on the human environment within the United States. Accordingly, a Finding of No Significant Impact ("FONSI") is adopted and an environmental impact statement will not be prepared.

Dated: September 14, 1999.

David E. Randolph,

Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs.

[FR Doc. 99–24579 Filed 9–20–99; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

[Public Notice No. 3125]

Office of Mexican Affairs; Notice of Issuance of a Presidential Permit to Cox Communications, Incorporated To Construct, Operate and Maintain an International Underground Tunnel at the International Boundary Between the United States and Mexico

AGENCY: Department of State.

SUMMARY: Notice is hereby given that the Department of State has issued a Presidential Permit to Cox Communications, Incorporated to construct, operate and maintain an international underground tunnel at the international boundary between the United States and Mexico. The permit was issued August 31, 1999, pursuant to Executive Order 11423 of August 16, 1968, as amended by Executive Order 12847 of May 17, 1993.

ADDRESSES: Copies of the Presidential Permit may be obtained from Mr. David

E. Randolph, Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs, Room 4258, Department of State, Washington, D.C. 20520, telephone (202) 647–8529.

SUPPLEMENTARY INFORMATION: Notice of the application by Cox Communications, Incorporated to construct, operate and maintain an international underground tunnel at the international boundary between the United States and Mexico between San Diego, California and Tijuana, Baja California, Mexico was published in the **Federal Register** on November 13, 1998 at 63 FR 63520.

The tunnel will measure eight inches in diameter, 130 feet in length and be dug at a depth of ten feet. It will carry fiber optic cables.

The application for the Presidential Permit was reviewed and approved by numerous federal, state and local agencies. The final application and environmental assessment, which resulted in a finding by the Department of State of no significant impact ("FONSI") on the human environment, were reviewed and approved or accepted by the Immigration and Naturalization Service, General Services Administration, Department of Interior, Department of Agriculture, Department of Commerce, U.S. Customs Service, U.S. Coast Guard, Federal Highway Administration, Food and Drug Administration, International Boundary and Water Commission—U.S. Section, Department of Defense, Environmental Protection Agency, Department of State and the California Department of Transportation.

Dated: August 31, 1999.

David E. Randolph,

Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs.

[FR Doc. 99–24580 Filed 9–20–99; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

Inspector General

[Public Notice 3123]

State Department Performance Review Board Members (Office of Inspector General)

In accordance with section 4314(c)(4) of the Civil Service Reform Act of 1978 (Pub. L. 95–454), the Office of Inspector General of the Department of State has appointed the following individuals to its Performance Review Board register.

Lloyd W. Pratsch, Procurement Executive, Bureau of Administration, Department of State

Dennis Duquette, Deputy Inspector General for Management and Policy, Department of Health and Human Services

John Canaan, Assistant Inspector General for Investigations, Department of Defense

Dated: September 13, 1999.

Jacquelyn L. Williams-Bridgers,

Inspector General.

[FR Doc. 99–24526 Filed 9–20–99; 8:45 am]

BILLING CODE 4710–42–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33466]

Borough of Riverdale—Petition for Declaratory Order—The New York, Susquehanna and Western Railway Corporation

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of opening of declaratory order proceeding.

SUMMARY: The Surface Transportation Board has issued a decision in a case involving the Borough of Riverdale, NJ and The New York, Susquehanna and Western Railway Corporation instituting a declaratory order proceeding to address preemption issues. To provide guidance, the decision also summarizes various decisions concerning the reach of the express preemption in 49 U.S.C. 10501(b).

DATES: The New York Susquehanna and Western Railway Corporation and the Borough of Riverdale should file respective opening statements addressing the preemption issues by November 9, 1999. Other interested persons may file comments by December 9, 1999. The New York, Susquehanna and Western Railway Corporation and the Borough of Riverdale may file replies by December 29, 1999.

ADDRESSES: Send an original plus 10 copies of any comments, referring to STB Finance Docket No. 33466, to the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Evelyn Kitay at (202) 565–1563 [TDD for the hearing impaired (202) 565–1695.]

Additional information is contained in the Board's decision. To obtain a copy of the decision, contact D.C. News & Data, 1925 K Street, NW., Washington, DC 20423, phone (202) 289–4357 or visit the Board's website at "WWW.STB.DOT.GOV".

Decided: September 10, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24576 Filed 9–20–99; 8:45 am]

BILLING CODE 4915–00–P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: "Edouard Manet: The Still-Life Paintings"

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the "Bouquet of Lilacs in a Vase," to be included in the exhibit "Edouard Manet: The Still-Life Paintings," imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with a foreign lender. I also determine that the exhibition or display of the object at the Walters Art Gallery, Baltimore, Maryland, from on or about January 21, 2001, to on or about July 29, 2001, and at a subsequent venue or venues yet to be determined, is in the national interest. Public notice of these determinations in ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, contact Ms. Lorie Nierenberg, Assistant General Counsel, Office of the General Counsel, 202/619–6084. The address is Room 700, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547–0001.

Dated: September 13, 1999.

Les Jin,

General Counsel.

[FR Doc. 99–24489 Filed 9–20–99; 8:45 am]

BILLING CODE 8230–01–M

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Tuesday
September 21, 1999

Part II

The President

Proclamation 7222—Citizenship Day and Constitution Week, 1999

Proclamation 7223—Ovarian Cancer Awareness Week, 1999

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Presidential Documents

Title 3—

The President

Proclamation 7222 of September 16, 1999

Citizenship Day and Constitution Week, 1999

By the President of the United States of America

A Proclamation

The Constitution is perhaps our Nation's most cherished document, the compass that has helped us chart America's course toward freedom, human dignity, and democracy for more than 200 years. Its text, born of the genius and idealism of our Founders and hammered out through hard effort and compromise by the delegates to the Constitutional Convention, established a system of government capable of responding to the pressures of social and political change. It created a sacred covenant that continues to bind all our citizens by a set of principles based on the ideals of equality, inclusion, and independence and by a delicate balance of powers, rights, and responsibilities among citizens and their State and Federal Governments. Today, sustained by the efforts and sacrifices of generations of Americans, the U.S. Constitution remains as strong and vibrant a charter of freedom as it was at the time of its signing 212 years ago.

The 20th century has witnessed a great wave of migration of men and women to our Nation from all parts of the globe, attracted by the freedom, justice, and rule of law guaranteed by our Constitution. As they assume the responsibilities of American citizenship, they infuse our political process with fresh perspectives and enthusiasm and prove to the world that a diverse people can live in peace and progress. Today we are a Nation with new hopes, new dreams, and new people, but we are united by a devotion to the same democratic ideals that have guided us for over 200 years.

As we reflect upon America's past, we recognize that our country is still in the act of becoming the "more perfect union" envisioned by our Founders. Every generation of Americans has struggled to live up to our Nation's promise, working to overcome forces of fear or ignorance or prejudice that would seek to deny the rights of others because of their gender, race, religion, sexual orientation, or disability. The 21st century may bring new challenges to the rights and liberties of American citizens, but we can be confident that the Constitution will still light a clear and shining path of freedom and justice into the future.

During Citizenship Day and Constitution Week, let us recognize the great efforts not only of our leaders, but also of ordinary Americans who labor daily to uphold and strengthen the ideals embodied in our Constitution. Whether citizens by birth or choice, we share the blessings guaranteed to us by the Constitution and the responsibility of ensuring that those blessings are extended to all our people equally.

In commemoration of the signing of the Constitution and in recognition of the importance of active, responsible citizenship in preserving the Constitution's blessings for our Nation, the Congress, by joint resolution of February 29, 1952 (36 U.S.C. 153), designated September 17 as "Citizenship Day," and by joint resolution of August 2, 1956 (U.S.C. 159), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as "Constitution Week."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim September 17, 1999, as Citizenship Day and September 17 through September 23, 1999, as Constitution Week. I call upon Federal, State, and local officials, as well as leaders of civic, educational, and religious organizations, to conduct meaningful ceremonies and programs in our schools, houses of worship, and other community centers to foster a greater understanding andappreciation of the Constitution and the rights and duties of citizenship. I also call on all citizens to rededicate themselves to the principles of the Constitution.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.

William J. Clinton

[FR Doc. 99–24781
Filed 9–20–99; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7223 of September 17, 1999

Ovarian Cancer Awareness Week, 1999

By the President of the United States of America

A Proclamation

Ovarian cancer is a devastating disease that takes the lives of thousands of women in our Nation each year. Since 1985, there has been a dramatic increase in the incidence of ovarian cancer, with a 30 percent increase in the number of women diagnosed with the disease and an 18 percent increase in the number of fatalities. Ovarian cancer is particularly deadly, killing nearly 15,000 women each year. It is often not diagnosed until the cancer is in the late stages of development, limiting the effectiveness of treatment and reducing the chances of survival. In its late stages, the chances of survival from ovarian cancer are just 25 percent; when it is detected early, before the cancer spreads, the survival rate exceeds 90 percent.

Our most effective weapon in the battle against ovarian cancer is early detection. Subtle but recognizable symptoms, such as bloating, vague abdominal pain and discomfort, gastrointestinal problems, back pain, and fatigue can also be symptoms of other less serious illnesses, but women who are experiencing such early warning signs should consult their doctors immediately for appropriate tests.

Doctors and researchers have identified factors that put women at higher risk of developing ovarian cancer, including a family history of breast and ovarian cancer, a high fat diet, never having had children, or infertility. It is vital that women learn about risk factors and visit their doctors regularly.

As we observe Ovarian Cancer Awareness Week, let us build on our efforts to eradicate this serious disease and urge all American women and their families to learn more about ovarian cancer, its symptoms, and available methods that may reduce the risk of developing it. By increasing awareness of early warning signs and risk factors, maintaining a healthy diet, and consulting regularly with health care professionals, women across America can lead healthier and longer lives and help our Nation win the fight against ovarian cancer.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 19 through September 25, 1999, as Ovarian Cancer Awareness Week. I encourage the American people to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.

William J Clinton

[FR Doc. 99–24782
Filed 9–20–99; 8:45 am]
Billing code 3195–01–P

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The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 211/P.L. 106–48

To designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza". (Aug. 17, 1999; 113 Stat. 230)

H.R. 1219/P.L. 106–49

Construction Industry Payment Protection Act of 1999 (Aug. 17, 1999; 113 Stat. 231)

H.R. 1568/P.L. 106–50

Veterans Entrepreneurship and Small Business Development Act of 1999 (Aug. 17, 1999; 113 Stat. 233)

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Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999 (Aug. 17, 1999; 113 Stat. 252)

H.R. 2465/P.L. 106–52

Military Construction Appropriations Act, 2000 (Aug. 17, 1999; 113 Stat. 259)

S. 507/P.L. 106–53

Water Resources Development Act of 1999. (Aug. 17, 1999; 113 Stat. 269)

S. 606/P.L. 106–54

For the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes. (Aug. 17, 1999; 113 Stat. 398)

S. 1546/P.L. 106–55

To amend the International Religious Freedom Act of

1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes. (Aug. 17, 1999; 113 Stat. 401)
Last List August 18, 1999

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Rules and Regulations

Federal Register
Vol. 64, No. 183
Wednesday, September 22, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG36

List of Approved Spent Fuel Storage Casks: (VSC–24) Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations revising the Pacific Sierra Nuclear Associates (PSNA) VSC–24 cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 1 to the Certificate of Compliance. Amendment No. 1 will modify the present cask system design to permit a licensee to store burnable poison rod assemblies in the VSC–24 cask system design along with the spent fuel under a general license.

DATES: The final rule is effective December 6, 1999, unless significant adverse comments are received by October 22, 1999. If adverse comments are received, a timely withdrawal will be published in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff. Hand deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 am and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website through the NRC's home page (http://ruleforum.llnl.gov). This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These documents also may be viewed and downloaded electronically via the interactive rulemaking website established by NRC for this rule.

FOR FURTHER INFORMATION CONTACT: Stan Turel, telephone (301) 415–6234, e-mail spt@nrc.gov, of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires that "[t]he Secretary [of the Department of Energy (DOE)] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission." Section 133 of the NWPA states, in part, that "[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 218(a) for use at the site of any civilian nuclear power reactor."

To implement this mandate, the NRC approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule in 10 CFR part 72 entitled "General License for Storage of Spent Fuel at Power Reactor Sites" (55 FR 29181, July 18, 1990). This rule also established a new Subpart L within 10 CFR part 72, entitled "Approval of Spent Fuel Storage Casks," containing procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on April 7, 1993 (58 FR 17948) that approved the VSC–24 cask design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance Number (CoC No.) 1007.

Discussion

On December 30, 1998, the certificate holder (Pacific Sierra Nuclear Associates (PSNA)) submitted an application to the NRC to amend CoC No. 1007 to permit a Part 72 licensee to store burnable poison rod assemblies (BPRAs) with Babcock & Wilcox (B&W) 15 x15 spent fuel assemblies in the VSC–24 cask design. A BPRA is a reactor core component that is inserted inside a fuel assembly during core refueling. BPRAs provide a means of controlling reactor power distribution and do not contain fissile material. No other changes to the VSC–24 cask system design were requested in this application. The staff performed a detailed safety evaluation of the proposed CoC amendment request and found that the addition of the BPRAs to the B&W 15 x15 fuel does not reduce the VSC–24 safety margin. In addition, the staff has determined that the storage of BPRAs in the VSC–24 does not pose any increased risk to public health and safety.

This direct final rule revises the VSC–24 cask design listing in § 72.214 by adding Amendment No. 1 to CoC No. 1007. The amendment consists of changes to the Technical Specifications for the VSC–24 cask design which will permit a Part 72 licensee to store burnable poison rod assemblies (BPRAs) with B&W 15 x15 spent fuel assemblies in a VSC–24 cask system design. The particular Technical Specifications which are changed are identified in the NRC Staff's Safety Evaluation Report for Amendment No. 1.

The title of the safety analysis report (SAR) will be changed from "Safety Analysis Report for the Ventilated Storage Cask System" to "Final Safety Analysis Report for the Ventilated Storage Cask System." This action is being taken to ensure the SAR title is consistent with the approach taken in new § 72.248, recently approved by the Commission. Additionally, other minor, nontechnical, changes have been made to CoC No. 1007 to ensure consistency with the NRC's new standard format and content for CoCs.

The amended VSC–24 cask system, when used in accordance with the conditions specified in the CoC, the Technical Specifications, and NRC regulations, will meet the requirements

of Part 72; thus, adequate protection of public health and safety will continue to be ensured.

CoC No. 1007, the revised Technical Specifications, and the underlying Safety Evaluation Report for Amendment No. 1, dated September 3, 1999, and the Environmental Assessment, are available for inspection at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Single copies of the CoC may be obtained from Stan Turel, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6234, email spt@nrc.gov.

Discussion of Amendments by Section

Section 72.214 List of Approved Spent Fuel Storage Casks

Certificate No. 1007 is revised by adding the effective date of the initial certificate, the effective date of Amendment Number 1, and revising the title of the SAR submitted by Pacific Sierra Nuclear Associates to "Final Safety Analysis Report for the Ventilated Storage Cask System."

Procedural Background

This rule is limited to the changes contained in Amendment 1 to CoC No. 1007 and does not include other aspects of the VSC–24 cask system design. Because NRC considers this amendment to its rules to be noncontroversial and routine, the NRC is using the direct final rule procedure for this rule. The amendment to the rule will become effective on December 6, 1999. However, if the NRC receives significant adverse comments on this direct final rule by October 22, 1999, then the NRC will publish a document that withdraws this action and will address the comments received in response to the amendment. These comments will be addressed in a subsequent final rule based on a proposed rule published elsewhere in this issue of the **Federal Register**. The NRC will not initiate a second comment period on this action.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rule would amend the CoC for the VSC–24 cask system within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. The amendment will modify the present cask system design to permit a Part 72 licensee to store burnable poison rod assemblies in the VSC–24 cask system design along with the spent fuel. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the environmental assessment and finding of no significant impact are available from Stan Turel, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6234, email spt@nrc.gov.

Paperwork Reduction Act Statement

This direct final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0132.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC would revise the PSNA VSC–24 cask system design listed in § 72.214 (List of NRC-approved spent fuel storage cask designs). This action does not constitute the establishment of a standard that establishes generally-applicable requirements.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled "Plain Language in Government Writing," directed that the Government's writing be in plain language. The NRC requests comments on this direct final rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On April 7, 1993 (58 FR 17948), the NRC issued an amendment to Part 72 that approved the VSC–24 cask design, added it to the list of NRC-approved cask designs in § 72.214, and issued CoC No. 1007. On December 30, 1998, the certificate holder (Pacific Sierra Nuclear Associates (PSNA)), submitted an application to the NRC to amend CoC No. 1007 to permit a Part 72 licensee to store burnable poison rod assemblies (BPRAs) with Babcock & Wilcox (B&W) 15 x15 spent fuel assemblies in the VSC–24 cask design.

This rule will permit storage of reactor core components, which are BPRAs that do not contain fissile material, in the VSC–24 cask system. The alternative to this action is to withhold approval of this amended cask system design and issue an exemption to each general license that proposes to use the casks to store BPRAs. This alternative would cost both the NRC and the utilities more time and money because each utility would have to pursue an exemption.

Approval of the direct final rule will eliminate the above described problem and is consistent with previous Commission actions. Further, the direct final rule will have no adverse effect on public health and safety. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on the above discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of

Information and Regulatory Affairs, Office of Management and Budget.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This direct final rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and Pacific Sierra Nuclear Associates. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this direct final rule because this amendment does not involve any provisions that would impose backfits as defined. Therefore, a backfit analysis is not required.

List of Subjects In 10 CFR Part 72

Administrative practice and procedure, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is adopting the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d–48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, the entry for Certificate of Compliance Number 1007 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1007.
Initial Certificate Effective Date: May 7, 1993.
Amendment Number 1 Effective Date: December 6, 1999.
SAR Submitted by: Pacific Sierra Nuclear Associates.
SAR Title: Final Safety Analysis Report for the Ventilated Storage Cask System.
Docket Number: 72–1007.
Certificate Expiration Date: May 7, 2013.
Model Number: VSC–24.

* * * * *

Dated at Rockville, Maryland, this 3rd day of September, 1999.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 99–24572 Filed 9–21–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–118–AD; Amendment 39–11328; AD 99–19–41]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes, that requires modification of the insulation pads in the lower side of the fuselage at the wing aft area. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent loose insulation from interfering with an aileron control cable, which could result in reduced aileron control.

DATES: Effective October 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes was published in the **Federal Register** on July 14, 1999 (64 FR 37917). That action proposed to require modification of the insulation pads in the lower side of the fuselage at the wing aft area.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 303 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the

average labor rate is $60 per work hour. Based on these figures, the cost impact of the required AD on U.S. operators is estimated to be $54,540, or $180 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–19–41 Saab Aircraft AB: Amendment 39–11328. Docket 99–NM–118–AD.

Applicability: Model SAAB SF340A series airplanes, serial numbers 004 through 159 inclusive; and Model SAAB 340B series airplanes, serial numbers 160 through 459 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent loose insulation from interfering with an aileron control cable, which could result in reduced aileron control, accomplish the following:

(a) Within 6 months after the effective date of this AD, modify the insulation pads in the lower side fuselage at the wing aft area in accordance with Saab Service Bulletin 340–53–061, dated April 21, 1999.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The modification shall be done in accordance with Saab Service Bulletin 340–53–061, dated April 21, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Swedish airworthiness directive SAD No. 1–141, dated April 21, 1999.

(e) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on Seeptember 10, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24202 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–110–AD; Amendment 39–11327; AD 99–19–40]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A310 and A300–600 series airplanes, that requires a detailed visual inspection to detect damage to the terminal lugs on the 12XC and 15XE connectors and the mounting lugs on the 15XE connector; and repair or replacement of the terminal lugs or the 15XE connector with new parts, if necessary. This amendment is prompted by the issuance of a mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct broken terminal and mounting lugs on the 15XE and 12XC connectors in the 101VU panel in the avionics compartment, which could result in loss of electrical power from the standby generator.

DATES: Effective October 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be

examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A310 and A300–600 series airplanes was published in the **Federal Register** on July 15, 1999 (64 FR 38154). That action proposed to require a detailed visual inspection to detect damage to the terminal lugs on the 12XC and 15XE connectors and the mounting lugs on the 15XE connector; and repair or replacement of the terminal lugs or the 15XE connector with new parts, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Explanation of Changes Made to Proposal

The FAA has added a note to the final rule to clarify the definition of a detailed visual inspection. Additionally, the FAA has corrected a typographical error of a part number in paragraph (a)(2)(i) of this final rule.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Interim Action

This is considered to be an interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that approximately 109 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the required AD on U.S. operators is estimated to be $13,080, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–19–40 AIRBUS INDUSTRIE: Amendment 39–11327. Docket 99-NM–110-AD.

Applicability: Model A310 series airplanes on which Airbus Modification 05911 has been installed, and Model A300–600 series airplanes on which Airbus Modification 06214 has been installed; equipped with a standby generator (FIN 25XE); certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct broken terminal lugs on the 12XC and 15XE connectors, and mounting lugs on the 15XE connector in the 101VU panel in the avionics compartment, which could result in loss of electrical power from the standby generator, accomplish the following:

Inspection and Corrective Actions

(a) Prior to the accumulation of 5,000 total flight hours, or within 600 flight hours after the effective date of this AD, whichever occurs later, accomplish the actions required by paragraphs (a)(1) and (a)(2) of this AD in accordance with Airbus All Operators Telex (AOT) 24–09, Revision 01, dated August 13, 1998.

(1) Perform a detailed visual inspection of the terminal lugs on the 12XC and 15XE connectors to detect damage (i.e., overheat, cracking, twisting, or total rupture). If any damage is detected, prior to further flight, replace the terminal lugs with new terminal lugs, part number NSA936501TA1004.

(2) Perform a detailed visual inspection of the mounting lugs on connector 15XE to detect damage (i.e., cracking or breaking). If any damage is detected, prior to further flight, accomplish the requirements of either paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required."

(i) Replace connector 15XE with a new connector, part number 258: 1BOSHUNTKL vendor code F0214 ECE. Or,

(ii) Repair connector 15XE in accordance with Airbus AOT 24–09, Section 4.2.2.3. Repeat the detailed visual inspection required by paragraph (a)(2) of this AD of the repaired connector thereafter at intervals not to exceed 1 week, and repeat the repair with new cable ties thereafter at intervals not to exceed 3 months, until the replacement required by paragraph (a)(2)(i) of this AD is accomplished.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with Airbus All Operators Telex (AOT) 24–09, Revision 01, dated August 13, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive, 1999–077–278(B), dated February 24, 1999.

(e) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on September 10, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24201 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–92–AD; Amendment 39–11326; AD 99–19–39]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model CL–600–2B19 (Regional Jet Series 100) series airplanes, that requires removal of the insulation blankets surrounding the emergency overwing exit hatches. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent the freezing of moisture entrapped in the fiberglass/foam insulation installed on the fuselage structure between the overwing exit door and the fuselage door frame and intercostal, which could interfere with the opening of the overwing emergency exit hatches during an emergency evacuation of the airplane.

DATES: Effective October 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centreville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paolo Farina, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7530; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Bombardier Model CL–600–2B19 (Regional Jet Series 100) series airplanes was published in the **Federal Register** on July 20, 1999 (64 FR 38844). That action proposed to require removal of the insulation blankets surrounding the emergency overwing exit hatches.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 157 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the required AD on U.S. operators is estimated to be $28,260, or $180 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a

substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–19–39 Bombardier, Inc. (Formerly Canadair): Amendment 39–11326. Docket 99–NM–92–AD.

Applicability: Model CL–600–2B19 (Regional Jet Series 100) series airplanes, serial numbers 7003 through 7067 inclusive, and 7069 through 7292 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the freezing of moisture entrapped in the fiberglass/foam insulation installed on the fuselage structure between the overwing exit door and the fuselage door frame and intercostal, which could interfere with the opening of the overwing emergency exit hatches during an emergency evacuation of the airplane, accomplish the following:

(a) Within 100 flight hours or 30 days after the effective date of this AD, whichever occurs first, remove the insulation blankets surrounding the emergency overwing exit hatches in accordance with Canadair Regional Jet Alert Service Bulletin S.B. A601R–25–152, Revision "A," dated February 25, 1999.

Note 2: Removal of the insulation blankets surrounding the emergency overwing exit hatches accomplished in accordance with Canadair Regional Jet Alert Service Bulletin S.B. A601R–25–152, dated December 26, 1998, prior to the effective date of this AD, is considered acceptable for compliance with paragraph (a) of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The removal shall be done in accordance with Canadair Regional Jet Alert Service Bulletin S.B. A601R–25–152, Revision "A," dated February 25, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centreville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF–99–01, dated February 9, 1999.

(e) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on September 10, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24200 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–91–AD; Amendment 39–11325; AD 99–19–38]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A310 series airplanes, that requires repetitive high frequency eddy current inspections to detect fatigue cracking at the hole in the lower web of the inner and outer attachment fittings of the number 3 wing spoilers; and corrective actions, if necessary. This amendment also provides for an optional modification, which terminates the repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct fatigue cracking and eventual failure of the attachment fittings of the number 3 wing spoilers.

DATES: Effective October 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A310 series airplanes was

published in the **Federal Register** on July 23, 1999 (64 FR 39946). That action proposed to require repetitive high frequency eddy current inspections to detect fatigue cracking at the hole in the lower web of the inner and outer attachment fittings of the number 3 wing spoilers; and corrective actions, if necessary. That action also provides for an optional modification, which would terminate the repetitive inspections.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 44 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the required AD on U.S. operators is estimated to be $5,280, or $120 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to accomplish the optional terminating action rather than continue the repetitive inspections, it would take approximately 110 work hours per airplane to accomplish the modification, at an average labor rate of $60 per work hour. Required parts will cost approximately $13,280 per airplane. Based on these figures, the cost impact of this optional terminating action is estimated to be $19,880 per airplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–19–38 Airbus Industrie: Amendment 39–11325. Docket 99–NM–91–AD.

Applicability: Model A310 series airplanes, on which Airbus Industrie Modification 04117 or 04799 has been installed in production; except those airplanes on which Airbus Industrie Modification 11929 (reference Airbus Industrie Service Bulletin A310–57–2079, dated July 21, 1998, or Revision 01, dated January 11, 1999) has been installed; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking and eventual failure of the attachment fittings of the number 3 wing spoilers, which, if left undetected, could lead to fuel leaks and loss of various hydraulic and electrical systems, accomplish the following:

Inspection

(a) At the applicable compliance time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, perform a high frequency eddy current inspection to detect fatigue cracking at the hole in the lower web of the inner and outer attachment fittings of the number 3 wing spoilers, in accordance with Airbus Industrie Service Bulletin A310–57–2078, Revision 01, dated January 11, 1999. Repeat the inspection thereafter at intervals not to exceed 1,200 flight cycles.

(1) For airplanes that have accumulated 14,200 or fewer total flight cycles as of the effective date of this AD, accomplish the inspection required by paragraph (a) of this AD prior to the accumulation 10,800 total flight cycles or within 800 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated more than 14,200 total flight cycles but fewer than 15,400 total flight cycles as of the effective date of this AD, accomplish the inspection required by paragraph (a) of this AD within 400 flight cycles after the effective date of this AD.

(3) For airplanes that have accumulated 15,400 or more total flight cycles as of the effective date of this AD, accomplish the inspection required by paragraph (a) of this AD within 200 flight cycles after the effective date of this AD.

Note 2: Inspection of the attachment fittings of the number 3 wing spoilers accomplished prior to the effective date of this AD in accordance with the original issue of Airbus Industrie Service Bulletin A310–57–2078, dated July 21, 1998, is considered acceptable for compliance with the inspection required by paragraph (a) of this AD.

Replacement

(b) If any crack is found during any inspection required by paragraph (a) of this AD, at the applicable compliance time specified in paragraph (b)(1), (b)(2), or (b)(3) of this AD, perform a high frequency eddy current inspection for fatigue cracking of the holes in the wing structure; ream and cold work those holes; and replace the cracked aluminum wing spoiler number 3 actuator attachment fitting with a new steel fitting; in accordance with Airbus Industrie Service Bulletin A310–57–2079, Revision 01, dated January 11, 1999. Accomplishment of the replacement constitutes terminating action for the repetitive inspection requirements of paragraph (a) of this AD for the replaced fitting.

(1) If the crack is less than 0.078 inches (2.0 mm) in length, inspect, ream, cold work, and replace within 100 flight cycles after accomplishment of the inspection.

(2) If the crack is 0.078 inches (2.0 mm) in length or greater and less than 0.118 inches (5.0 mm) in length, inspect, ream, cold work, and replace within 50 flight cycles after accomplishment of the inspection.

(3) If the crack is greater than 0.118 inches (5.0 mm) in length, inspect, ream, cold work, and replace prior to further flight.

Optional Terminating Modification

(c) Accomplishment of the high frequency eddy current inspection for fatigue cracking of the holes in the wing structure; reaming and cold working of those holes; and replacement of all aluminum wing spoiler number 3 actuator attachment fittings with new steel fittings; in accordance with Airbus Industrie Service Bulletin A310–57–2079, Revision 01, dated January 11, 1999; constitutes terminating action for the repetitive inspection requirements of paragraph (a) of this AD.

Note 3: Replacement of aluminum attachment fittings of the number 3 wing spoilers with steel fittings accomplished prior to the effective date of this AD in accordance with the original issue of Airbus Industrie Service Bulletin A310–57–2079, dated July 21, 1998, is considered acceptable for compliance with the applicable fitting replacement specified in paragraphs (b) and (c) of this AD.

Wing Repair

(d) If any crack is found in the wing structure during any inspection required by paragraph (b) or specified in paragraph (c) of this AD, prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent). For a repair method to be approved by the Manager, International Branch, ANM–116, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Note 4: For paragraph (d) of this AD, the wing spoiler number 3 actuator attachment fittings are not considered part of the wing structure.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(g) Except as provided by paragraph (d) of this AD, the actions shall be done in accordance with Airbus Industrie Service Bulletin A310–57–2078, Revision 01, dated January 11, 1999; or Airbus Industrie Service Bulletin A310–57–2079, Revision 01, dated January 11, 1999; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 6: The subject of this AD is addressed in French airworthiness directive 98–483–271(B) R1, dated June 2, 1999.

(h) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on September 10, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24199 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–384–AD; Amendment 39–11324; AD 99–19–37]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–100 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model DHC–8–100 and –300 series airplanes, that requires replacement of the main landing gear (MLG) uplock actuator on both the left and right MLG with a new redesigned uplock assembly. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the MLG to extend when a "gear down" selection is made.

DATES: Effective October 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paolo Farina, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7530; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–100 and –300 series airplanes was published in the **Federal Register** on July 20, 1999 (64 FR 38850). That action proposed to require replacement of the main landing gear (MLG) uplock actuator on both the left and right MLG with a new redesigned uplock assembly.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 148 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the required replacement, and that the average labor rate is $60 per work hour. Required parts will cost between $4,030 and $5,016 per airplane. Based on these figures, the cost impact of the required AD on U.S. operators is estimated to be between $649,720 and $795,648, or between $4,390 and $5,376 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish

those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–19–37 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–11324. Docket 98–NM–384–AD.

Applicability: Model DHC–8–100 and –300 series airplanes, serial numbers 3 through 339 inclusive, except those on which Modification 8/1828 has been incorporated; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the main landing gear to extend when a "gear down" selection is made, accomplish the following:

(a) Within 12 months after the effective date of this AD: Replace the uplock actuator with a new, improved part in accordance with de Havilland Service Bulletin S.B. 8–32–98, Revision 'C,' dated July 31, 1998.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The replacement shall be done in accordance with de Havilland Service Bulletin S.B. 8–32–98, Revision 'C,' dated July 31, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Canadian airworthiness directive CF–98–26, dated August 26, 1998.

(e) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on September 10, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24151 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–366–AD; Amendment 39–11323; AD 99–19–36]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328–100 series airplanes, that requires a one-time inspection to measure the offset of the de-icing tubing adjacent to the refueling panel on the right-hand wing, and replacement with new improved tubing, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent a blockage in the de-icing tubing which could result in a malfunction of the de-icing boot. This malfunction would be unknown to the flight crew, and could lead to reduced controllability of the airplane during flight in icing conditions.

DATES: Effective October 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 series airplanes was published in the **Federal Register** on July 16, 1999 (64 FR 38378). That action proposed to require a one-time inspection to measure the offset of the de-icing tubing adjacent to the refueling panel on the right-hand wing, and replacement with new improved tubing, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 27 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the required AD on U.S. operators is estimated to be $1,620, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–19–36 Dornier Luftfahrt GMBH: Amendment 39–11323. Docket 98–NM–366–AD.

Applicability: Model 328–100 series airplanes, serial numbers 3042 through 3105 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent a blockage inside the de-icing tubing, which could result in a malfunction of the de-icing boot, and consequent reduced controllability of the airplane during flight in icing conditions, accomplish the following:

Inspection and Corrective Action

(a) Within two months after the effective date of this AD, perform a one-time detailed inspection to measure the offset of the de-icing tubing adjacent to the refueling panel on the right-hand wing in accordance with Dornier Service Bulletin SB–328–30–265, dated July 24, 1998.

(1) If the de-icing tubing offset measurement conforms to the dimension shown in the service bulletin, no further action is required by this AD.

(2) If the de-icing tubing does not conform to the dimension shown in the service bulletin, prior to further flight, replace it with new improved tubing in accordance with instructions provided in the service bulletin.

Note 2: For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required."

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with Dornier Service Bulletin SB–328–30–265, dated July 24, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in German airworthiness directive 1998–423, dated November 5, 1998.

(e) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on September 10, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24150 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–344–AD; Amendment 39–11322; AD 99–19–35]

RIN 2120–AA64

Airworthiness Directives; British Aerospace BAe Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace BAe Model ATP airplanes, that requires repetitive tests for the serviceability of the nose landing gear compensator; and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent a nose wheel shimmy, which could lead to the collapse of the nose landing gear during landing.

DATES: Effective October 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all British Aerospace BAe Model ATP airplanes was published in the **Federal Register** on July 15, 1999 (64 FR 38152). That action proposed to require repetitive tests for the serviceability of the nose landing gear compensator; and corrective action, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

Correction of Manufacturer's Title

One commenter, the manufacturer, informs the FAA that its title has changed and requests that the proposed AD be revised to provide the correct title of the manufacturer for obtaining service information. The FAA has made this change in the final rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 10 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required test, and that the average labor rate is $60 per work hour. Required parts will cost approximately $50 per airplane. Based on these figures, the cost impact of the required AD on U.S. operators is estimated to be $1,700, or $170 per airplane, per test.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–19–35 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Amendment 39–11322. Docket 98–NM–344–AD.

Applicability: All BAe Model ATP airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent a nose wheel shimmy, which could lead to the collapse of the nose landing gear during landing, accomplish the following:

Serviceability Test

(a) Within 250 flight cycles after the effective date of this AD, perform a test for the serviceability of the nose landing gear compensator in accordance with British Aerospace Alert Service Bulletin ATP–A32–94, dated October 3, 1998. Thereafter, repeat the test at intervals not to exceed 4,000 flight cycles. If the compensator does not pass the serviceability test, within 50 flight cycles after the accomplishment of the test, replace the compensator with a new or serviceable compensator in accordance with the service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with British Aerospace Alert Service Bulletin ATP–A32–94, dated October 3, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Regional Aircraft, 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in British airworthiness directive 016–10–98.

(e) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on September 10, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24149 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–58–AD; Amendment 39–11321; AD 99–19–34]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–100 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model DHC–8–100 and –300 series airplanes, that requires modification of certain hydraulic systems that provide hydraulic pressure for the control of the rudder and for the main landing gear brakes. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent damage to certain hydraulic system components in the number 2 engine nacelle, which could result in loss of the number 1 and number 2 hydraulic systems, and consequent reduced controllability of the airplane.

DATES: Effective October 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Anthony Gallo, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7510; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–100 and –300 series airplanes was published in the **Federal Register** on July 7, 1999 (64 FR 36624). That action proposed to require modification of certain hydraulic systems that provide hydraulic pressure for the control of the rudder and for the main landing gear brakes.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 148 airplanes of U.S. registry will be affected by this AD.

For airplanes identified in Bombardier Service Bulletin S.B. 8–32–128, Revision 'C,' it will take between 15 and 40 works hours per airplane to accomplish the required modification, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be between $133,200 and $355,200, or between $900 and $2,400 per airplane.

For airplanes identified in Bombardier Service Bulletin S.B. 8–29–23, it will take approximately 346 work hours per airplane to accomplish the required relocation, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be $3,072,480, or $20,760 per airplane.

For airplanes identified in Bombardier Service Bulletin S.B. 8–29–29, it will take approximately 120 work hours per airplane to accomplish the required installation, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the installation required by this AD on U.S. operators is estimated to be $1,065,600, or $7,200 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–19–34 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–11321. Docket 97–NM–58–AD.

Applicability: Model DHC–8–100 and –300 series airplanes having serial numbers 003 through 405; except those airplanes on which Bombardier Modifications 8/1152 and 8/1982 have been installed, and on which either Bombardier Modification 8/1983 or 8/2781 has been installed; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to certain hydraulic system components in the number 2 engine nacelle, which could result in loss of the number 1 and number 2 hydraulic systems, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 18 months after the effective date of this AD, modify certain hydraulic systems that provide hydraulic pressure for the control of the rudder and for the main landing gear brakes by accomplishing the requirements of paragraph (a)(1) or (a)(2), as applicable, in accordance with Bombardier Service Bulletin S.B. 8–32–128, Revision 'C,' dated March 27, 1998.

(1) For all airplanes on which Bombardier Modification 8/1152 has been installed: Accomplish Part A of the Accomplishment Instructions of the service bulletin.

(2) For all airplanes on which Bombardier Modification 8/1152 has not been installed: Accomplish Part B of the Accomplishment Instructions of the service bulletin.

(b) Within 18 months after the effective date of this AD, accomplish the actions specific in either paragraph (b)(1) or (b)(2) of this AD.

(1) Relocate the number 2 standby power unit (SPU) of the number 2 hydraulic system in accordance with Bombardier Service Bulletin S.B. 8–29–23, dated December 6, 1996; or

(2) Install a hydraulic rudder isolation system in the number 1 and number 2 hydraulic systems in accordance with Bombardier Service Bulletin S.B. 8–29–29, dated February 27, 1998.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with Bombardier Service Bulletin S.B. 8–32–128, Revision 'C,' dated March 27, 1998; Bombardier Service Bulletin S.B. 8–29–23, dated December 6, 1996; or Bombardier Service Bulletin S.B. 8–29–29, dated February 27, 1998; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Canadian airworthiness directives CF–96–25R1, dated January 16, 1997, and CF–96–25R2, dated September 10, 1998.

(f) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on September 10, 1999.

D.L. Riggin,

Acting Manager; Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24148 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–46–AD; Amendment 39–11331; AD 99–17–17]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 99–17–17 which was sent previously to all known U.S. owners and operators of Robinson Helicopter Company (RHC) Model R44 helicopters by individual letters. This AD requires, prior to further

flight, replacing certain yoke assemblies with airworthy yoke assemblies. This amendment is prompted by an incident in which, during cruise flight, the pilot heard a loud bang and no tail rotor effectiveness due to a cracked yoke assembly. RHC has identified the manufacturing lots associated with the failed yoke assembly. The actions specified by this AD are intended to prevent failure of the yoke assembly, which could result in loss of main and tail rotor drive and subsequent loss of control of the helicopter.

DATES: Effective October 7, 1999, to all persons except those persons to whom it was made immediately effective by Emergency Priority Letter AD 99–17–17, issued on August 13, 1999, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 7, 1999.

Comments for inclusion in the Rules Docket must be received on or before November 22, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–46–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The applicable service information may be obtained from Robinson Helicopter Company, 2901 Airport Drive, Torrance, California 90505 telephone (310) 539–0508, fax (310) 539–5198. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Elizabeth Bumann, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, Propulsion Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627–5265, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On August 13, 1999, the FAA issued Emergency Priority Letter AD 99–17–17, applicable to RHC Model R44 helicopters, which requires, prior to further flight, replacing certain yoke assemblies with airworthy yoke assemblies. That action was prompted by an incident in which, during cruise flight, the pilot heard a loud bang and noticed no tail rotor effectivity after entering autorotation. An investigation revealed that the yoke assembly, which connects the main rotor gearbox pinion shaft to the forward flexplate, had failed at a weld joint due to a crack. The cause of the crack is unknown but still under investigation. RHC has identified the manufacturing lots associated with the failed yoke. This condition, if not corrected, could result in failure of the yoke assembly, loss of main and tail rotor drive, and subsequent loss of control of the helicopter.

The FAA has reviewed RHC R44 Service Bulletin SB–35, dated July 26, 1999, which prescribes procedures for identifying the manufacturing lot for each yoke assembly, part number (P/N) C908–1C, and for removing and replacing the yoke assembly.

Since the unsafe condition described is likely to exist or develop on other RHC Model R44 helicopters of the same type design, the FAA issued Emergency Priority Letter AD 99–17–17 to prevent failure of the yoke assembly, which could result in loss of main and tail rotor drive and subsequent loss of control of the helicopter. The AD requires, prior to further flight, replacing the yoke assembly, P/N C908–1C, from Lot Nos. 36B, 37, and 38, with an airworthy yoke assembly from a lot other than 36B, 37, or 38. The actions must be accomplished in accordance with the service bulletin described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, replacing any yoke assembly, P/N C908–1C, from Lot Nos. 36B, 37, and 39, is required prior to further flight, and this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on August 13, 1999 to all known U.S. owners and operators of RHC Model R44 helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

The FAA estimates that 75 helicopters of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per helicopter to accomplish the required actions, and the average labor rate is $60 per work hour. Required parts will cost approximately $840 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $72,000, assuming that the yoke assembly is replaced in each helicopter.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 99–SW–46–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined

further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 99–17–17 Robinson Helicopter Company: Amendment 39–11331. Docket No. 99–SW–46–AD.

Applicability: Model R44 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required prior to further flight, unless accomplished previously.

To prevent failure of the yoke assembly, which could result in loss of main and tail rotor drive and subsequent loss of control of the helicopter, accomplish the following:

(a) Determine, by inspection, if the yoke assembly, part number (P/N) C908–1C, from Lot No. 36B, 37, or 38 is installed.

Note 2: Yoke assemblies, P/N C908–1C, from Lot Nos. 36B, 37, and 38 were installed as original equipment in R44 helicopters, Serial Numbers (S/N) 0219 and 0535 through 0608 (except S/N's 0565, 0582, and 0592).

(b) Replace any yoke assembly, P/N C908–1C, from Lot No. 36B, 37, or 38, with an airworthy yoke assembly from a lot other than 36B, 37, or 38 in accordance with the compliance procedure, steps 2 through 12, of Robinson Helicopter Company R44 Service Bulletin SB–35, dated July 26, 1999.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(d) Special flight permits will not be issued.

(e) The replacement of the yoke assembly shall be done in accordance with the compliance procedure, steps 2 through 12, of Robinson Helicopter Company R44 Service Bulletin SB–35, dated July 26, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Robinson Helicopter Company, 2901 Airport Drive, Torrance, California 90505 telephone (310) 539–0508, fax (310) 539–5198. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on [insert date 15 days after date of publication in the **Federal Register**], to all persons except those persons to whom it was made immediately effective by Emergency Priority Letter AD 99–17–17, issued August 13, 1999, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on September 13, 1999.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99–24535 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–328–AD; Amendment 39–11329; AD 99–20–01]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes, that requires modification of the electrical wiring of the flight warning computer (FWC), and installation of upgraded computer software into the FWC. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent certain nuisance alerts generated by the FWC and to ensure annunciation of certain flight alerts by the FWC during initial climb. Such nuisance alerts or failures to annunciate certain alerts could result in an improper response by the flight crew and consequent reduced controllability of the airplane.

DATES: Effective October 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD)

that is applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes was published in the **Federal Register** on March 15, 1999 (64 FR 12772). That action proposed to require modification of the electrical wiring of the flight warning computer (FWC), and installation of upgraded computer software into the FWC.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request for Extension of Compliance Time

Two commenters, both operators, raise a concern regarding the necessity to accomplish other modifications prior to or concurrent with accomplishment of the modification described in Fokker Service Bulletin SBF100–31–051, dated August 15, 1998, which is required by paragraph (b) of the proposed AD. One commenter states that the wiring modification described in Fokker Service Bulletin SBF100–78–014, Revision 2, dated May 1, 1999, is necessary prior to or concurrent with accomplishment of SBF100–31–051. Additionally, Service Bulletin SBF100–78–014 specifies that three other service bulletins must be accomplished either prior to or concurrent with SBF100–78–014, including SBF100–78–012 [which is also required by AD 96–26–03, amendment 39–9866 (62 FR 604, January 6, 1997)].

Both commenters state that the labor and costs associated with these additional modifications will require the actions proposed in this AD to be accomplished in conjunction with scheduled heavy maintenance visits, rather than during scheduled overnight maintenance. One commenter states that the compliance threshold should be extended to preclude the additional operational costs associated with removing an airplane from service out of the normally scheduled sequence. The two commenters request that the compliance threshold of 18 months for accomplishment of SBF100–31–051 be extended (to 24 months or 30 months after the effective date of the AD) to allow sufficient time for scheduling of the additionally required modifications.

The FAA does not concur. After further discussions with the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, and the manufacturer, the FAA has determined that such extension of the compliance time would not provide an acceptable level of safety necessary to address the identified unsafe condition. Accomplishment of the modifications specified in the proposed AD, as well as the necessary prior modifications to support the final modification, was found to be necessary in the wake of thrust reverser problems related to a 1996 accident in Brazil.

In developing the proposed compliance time of 18 months, the FAA considered the safety implications, the RLD's and the manufacturer's recommendations, and the availability of required parts. The FAA also considered the fact that Fokker Service Bulletin SBF100–31–051 has been available to all affected operators since August 1998.

Therefore, U.S. operators have had time since then to consider initiating those actions, which this AD ultimately mandates. Under the provisions of paragraph (c) of the final rule, however, the FAA may consider requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Relation of Proposed AD to AD 96–26–03

One commenter states that the proposed AD does not address the necessary modifications (as discussed previously) described in Fokker Service Bulletin SBF100–78–014, which specifies prior accomplishment of Fokker Service Bulletin SBF100–78–012. Since SBF100–78–012 is currently required by AD 96–26–03, the commenter notes that the proposed AD does not provide the necessary relief for the interim conditions when an airplane may not be in the configuration specified by AD 96–26–03 or in full compliance with the proposed new AD. If the required relief is not provided, the commenter states that each operator will be forced to petition the FAA for each variance encountered during the fleet modification program, which will add significant workload for both these operators and the FAA.

The FAA partially concurs. The FAA concurs that AD 96–26–03 currently specifies accomplishment of SBF100–78–012, which is indirectly necessary prior to accomplishment of SBF100–31–051 as required by this proposed AD. However, since issuance of the proposed AD, another proposed AD (reference Rules Docket No. 98–NM–329–AD) has been issued that would supersede AD 96–26–03. That proposed AD would continue to require accomplishment of SBF100–78–012 by March 21, 1997 (the compliance time specified in AD 96–26–03), and would add a requirement for accomplishment of SBF100–78–014 within 18 months after the effective date of that AD.

The FAA does not consider that accomplishment of the requirements of these AD's will pose any configuration problems for operators provided the AD's are issued simultaneously, since the compliance times of 18 months would be identical. The FAA will ensure that the AD's are issued simultaneously to avoid the concern expressed by the commenter.

The FAA has added NOTE 4 to the final rule to provide clarification regarding the accomplishment of other modifications prior to accomplishment of SBF100–31–051, as well as related FAA rulemaking actions specified in AD 96–26–03 and Rules Docket No. 98–NM–329–AD.

Request To Remove Spares Paragraph

One commenter states that paragraph (c) of the proposed AD, which specifies that "As of the effective date of this AD, no person shall install on any airplane a flight warning computer (FWC), unless it has been modified in accordance with this AD", is an impossible stipulation. The commenter states that there will be a transition period during which the wiring of some airplanes will not be modified as described in SBF100–78–014. An upgraded FWC cannot be installed in an unmodified airplane, therefore, provisions must be made to allow the installation of an unmodified FWC in an unmodified airplane.

The FAA concurs. The necessary airplane wiring modifications will be accomplished over a period of time and are necessary prior to accomplishment of the FWC modifications required by this AD. Since the modified FWC's cannot be installed in an unmodified airplane, the FAA has deleted the requirement regarding installation of an unmodified FWC by removing this paragraph from the final rule.

Request To Revise Cost Information

One commenter states that the proposed AD does not address the labor and material costs associated with accomplishment of SBF100–78–014. Therefore, the commenter states that an additional 44 work hours and material costs of $7,663 must be added to the projected cost estimates provided in the proposed AD. The FAA does not concur. As stated previously, accomplishment of SBF100–78–014 is proposed as a direct requirement in a separate rulemaking action (reference Rules Docket No. 98–NM–329–AD). Cost estimates associated with that action are provided in that NPRM and therefore are not restated in this AD.

Other Changes Made to the Proposed AD

The FAA has been informed that the manufacturer's address has changed and has revised the AD to provide the correct address for obtaining service information. The FAA also has revised its estimate of the number of affected airplanes from 129 in the proposed AD to 126, and the cost impact information, below, has been revised accordingly.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 126 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the required modification, and that the average labor rate is $60 per work hour. Required parts will cost approximately $93 per airplane. Based on these figures, the cost impact of the modification on U.S. operators is estimated to be $57,078, or $453 per airplane.

It will take approximately 1 work hour per airplane to accomplish the required installation, at an average labor rate of $60 per work hour. Required parts will cost approximately $1,500 per airplane. Based on these figures, the cost impact of the installation on U.S. operators is estimated to be $196,560, or $1,560 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–20–01 Fokker Services B.V.: Amendment 39–11329. Docket 98–NM–328–AD.

Applicability: All Model F.28 Mark 0070 and 0100 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent certain nuisance alerts generated by the flight warning computer (FWC) and to ensure annunciation of certain flight alerts by the FWC during initial climb, which could result in an improper response by the flight crew and consequent reduced controllability of the airplane, accomplish the following:

Modifications

(a) Within 18 months after the effective date of this AD, modify the electrical wiring of the FWC in accordance with Part 1 or 2, as applicable, of the Accomplishment Instructions of Fokker Service Bulletin SBF100–31–047, Revision 1, dated March 21, 1997.

Note 2: It is not necessary to install computer software version V10.40 into the FWC, since a later version is available and is required to be installed by this AD.

(b) Concurrent with the accomplishment of the requirements of paragraph (a) of this AD, install upgraded computer software version V11.45 into the FWC in accordance with Fokker Service Bulletin SBF100–31–051, dated August 15, 1998.

Note 3: AlliedSignal Grimes Aerospace has issued Service Bulletin 80–0610–31–0031, dated May 14, 1998, as an additional source of service information for installation of the upgraded computer software version into the FWC.

Note 4: Operators should note that Fokker Service Bulletin SBF100–31–051, dated August 15, 1998, specifies prior or concurrent accomplishment of Fokker Service Bulletin SBF100–78–014 [which specifies concurrent accomplishment of Fokker Component Service Bulletin (CSB) P41440–78–04, and prior or concurrent accomplishment of Fokker Service Bulletin SBF100–78–012 and CSB P41440–78–05]. Related FAA Rules Docket No. 98–NM–329–AD requires accomplishment of these four other service bulletins.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with Fokker Service Bulletin SBF100–31–047, Revision 1, dated March 21, 1997, and Fokker Service Bulletin SBF100–31–051, dated August 15, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The

Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 6: The subject of this AD is addressed in Dutch airworthiness directive BLA 1998–110, dated August 31, 1998.

(f) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on September 13, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24278 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–329–AD; Amendment 39–11330; AD 99–20–02]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes, that currently requires Airplane Flight Manual (AFM) and maintenance program revisions, modifications, and repetitive checks associated with ensuring the integrity of the thrust reverser system. This amendment continues to require the modifications and repetitive checks, and adds an AFM revision, repetitive operational tests, and other modifications related to the thrust reverser system. The new modifications terminate the repetitive operational checks and tests. This amendment is prompted by results of a review, which indicated that a potential latent failure of the secondary lock actuator switch 1 of the thrust reverser system in the open position may occur, in addition to the potential failure of the secondary lock relay 1 in the energized position. The actions specified by this AD are intended to ensure protection against inadvertent deployment of the thrust reversers during flight, which could result in reduced controllability of the airplane.

DATES: Effective October 27, 1999.

The incorporation by reference of Fokker Service Bulletin SBF100–78–014, Revision 2, dated May 1, 1999, including Attachment 1 (undated); Fokker Component Service Bulletin P41440–78–04, dated August 15, 1998; and Fokker Component Service Bulletin P41440–78–05, dated August 15, 1998; as listed in the regulations; is approved by the Director of the Federal Register as of October 27, 1999.

The incorporation by reference of Fokker Service Bulletin SBF100–78–012, dated November 22, 1996; Fokker Service Bulletin SBF100–24–034, Revision 1, dated September 12, 1996; and Fokker Service Bulletin SBF100–78–013, dated November 22, 1996; was approved previously by the Director of the Federal Register as of January 21, 1997 (62 FR 604, January 6, 1997).

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 96–26–03, amendment 39–9866 (62 FR 604, January 6, 1997), which is applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes, was published in the **Federal Register** on May 20, 1999 (64 FR 27480). The action proposed to continue to require Airplane Flight Manual (AFM) and maintenance program revisions, modifications, and repetitive checks associated with ensuring the integrity of the thrust reverser system, and to add an AFM revision, repetitive operational tests, and other modifications related to the thrust reverser system. The new modifications would terminate the repetitive operational checks and tests.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Withdraw Proposed AD

One commenter requests that this proposed AD and another related proposed AD (reference Rules Docket No. 98–NM–328–AD) be withdrawn, reviewed, coordinated, and reissued as a single proposal, to allow each of the requirements to be clearly stated and coordinated. The commenter states that this proposed AD adds a new repair requirement and also duplicates changes indirectly mandated by the previously issued and still active notice of proposed rulemaking (NPRM). The wiring modification described in Fokker Service Bulletin SBF100–78–014, as required by paragraph (f)(1) of this proposed AD, is necessary prior to or concurrent with accomplishment of SBF100–31–051, which is required by the other proposed AD. Additionally, paragraph (f)(2) of this proposed AD requires accomplishment of Fokker Component Service Bulletins (CSB) P41440–78–04 and CSB P41440–78–05, and SBF100–78–014 specifies that such accomplishment is also necessary. The commenter states that the other NPRM (by requiring accomplishment of SBF100–31–051) therefore includes, by a roundabout means, everything contained in this proposed AD.

The FAA does not concur with the request to withdraw the proposed AD. The FAA does not consider that withdrawing both proposals and combining the requirement into a single rulemaking action is necessary in order to provide a clear statement of these requirements. Additionally, the FAA does not consider it appropriate to delay issuance of this final rule by such action, which would necessitate (under the provisions of the Administrative Procedure Act) reissuing the notice, reopening the period for public comment, considering additional comments received, and eventually issuing a final rule.

The FAA also notes that this AD requires various corrective actions intended to ensure protection against inadvertent deployment of the thrust reversers in flight. However, the requirements of the other proposed AD were separately issued to allow specific information to be provided regarding the unsafe condition of certain alerts generated by the flight warning computer (FWC), and the required modifications of the FWC intended to prevent that unsafe condition.

While the FAA acknowledges the relationship between the requirements of the AD's, the FAA does not consider that accomplishment of the requirements of these AD's will pose any difficulty for operators provided the

AD's are issued simultaneously, since the compliance times of 18 months would be identical. The FAA will ensure that these AD's are issued simultaneously. The FAA has also added a NOTE 2 to the final rule to provide additional information regarding the related FAA rulemaking action specified in Rules Docket No. 98–NM–328–AD.

Request for Extension of Compliance Time

Two commenters request that additional time be provided for accomplishment of the requirements of paragraph (f) of the proposed AD, which specifies a compliance time of "18 months after the effective date of this AD". One commenter requests a minimum of 30 months, and states that, due to the work scope of all related modifications (discussed previously), the work must be accomplished during heavy "C-check" and modification line visits, which are 10-day visits. Another commenter requests a minimum of 24 months, and states that the hours required to accomplish the actions are too large to be completed in an overnight or drop-in maintenance period, and the out-of-service time will be even greater due to the close correlation with related modifications required by the other proposed AD.

The FAA does not concur. After further discussions with the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, and the manufacturer, the FAA has determined that such extension of the compliance time would not provide an acceptable level of safety necessary to address the identified unsafe condition. Accomplishment of the modifications specified in the proposed AD, as well as the necessary prior modifications to support the final modification, was found to be necessary in the wake of thrust reverser problems related to a 1996 accident in Brazil.

In developing the proposed compliance time of 18 months, the FAA considered the safety implications, the RLD's and the manufacturer's recommendations, and the availability of required parts. The FAA also considered the fact that Fokker Service Bulletin SBF100–78–014 was originally issued in August 1998. Therefore, U.S. operators have had time since then to consider initiating those actions, which this AD ultimately mandates. Under the provisions of paragraph (g)(1) of the final rule, however, the FAA may consider requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Modification of Spare Parts

Two commenters request that the proposed AD be revised to accommodate concurrent installation of aft engine cowlings modified in accordance with Fokker Component Service Bulletin P41440–78–04 on airplanes modified in accordance with Fokker Service Bulletin SBF100–78–014. Paragraph (g) of the proposed AD states that "as of the effective date of this AD, no person shall install on any airplane an aft engine cowling having part number 1159P41440, unless it has been modified in accordance with paragraph (f)(2) of this AD". One commenter notes that, due to there being no interchangeability between these modification standards, the compliance time for paragraph (g) must coincide with the compliance time for paragraph (f) of the AD.

The FAA partially concurs. The FAA concurs that aft engine cowlings modified in accordance with P41440–78–04 cannot be installed on an airplane not modified in accordance with SBF100–78–014. However, instead of revising the compliance time for paragraph (g) of the AD, the FAA has deleted the requirement regarding installation of an unmodified aft engine cowling by removing paragraph (g) from the final rule.

Request to Cite Later Revision of Service Bulletin

Two commenters request that the proposed AD be revised to reference Revision 2 of Fokker Service Bulletin SBF100–78–014, dated May 1, 1999, including Attachment 1 (undated). [Revision 1 of the service bulletin, dated December 15, 1998; as revised by Change Notice 1, dated December 18, 1998, and Change Notices 2 and 3, both dated January 29, 1999; is referenced in the proposed AD as the appropriate source of service information for accomplishment of the requirements of paragraph (f)(1) of the proposed AD]. One commenter requests compliance in accordance with the latest revision released. Another commenter, the manufacturer, states that Revision 2 of the service bulletin incorporates all prior change notices, corrects typing errors, and revises certain cost information and drawings, but does not change the technical content.

The FAA concurs with these requests. The FAA has determined that Revision 2 of the service bulletin is substantially equivalent to Revision 1 as revised by the change notices cited previously. Therefore, the FAA has revised paragraph (f)(1) of the final rule to require its accomplishment in accordance with Revision 2, dated May 1, 1999. A Note 3 also has been added to the final rule to provide credit for operators who may have accomplished required actions in accordance with the previously cited service bulletin revision and change notices prior to the effective date of this AD.

Additionally, since Revision 2 of the service bulletin provided an increased estimate of labor costs for its accomplishment, the cost impact information, below, has been revised to include these additional work hours. The FAA also has revised its estimate of the number of affected airplanes from 131 in the proposed AD to 126, and the cost impact information has been revised accordingly.

Correction of Manufacturer's Address

One commenter, the manufacturer, informs the FAA that its address has changed and requests that the proposed AD be revised to provide the correct address for obtaining service information. The FAA has made this change in the final rule.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 126 airplanes of U.S. registry that will be affected by this AD.

The actions that are currently required by AD 96–26–03 take approximately 20 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts cost approximately $1,200 per airplane. Based on these figures, the cost impact of the previously required actions on U.S. operators is estimated to be $302,400, or $2,400 per airplane.

The new AFM revision that is required in this AD action will take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AFM revision required by this AD on U.S. operators is estimated to be $7,560, or $60 per airplane.

The new operational tests that are required in this AD action will take

approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the operational tests required by this AD on U.S. operators is estimated to be $7,560, or $60 per airplane, per test cycle.

The new modifications that are required in this AD action will take approximately 57 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $7,737 per airplane. Based on these figures, the cost impact of the modifications required by this AD on U.S. operators is estimated to be $1,405,782, or $11,157 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9866 (62 FR 604, January 6, 1997), and by adding a new airworthiness directive (AD), amendment 39–11330, to read as follows:

99–20–02 Fokker Services B.V.: Amendment 39–11330. Docket 98–NM–329–AD. Supersedes AD 96–26–03, Amendment 39–9866.

Applicability: All Model F.28 Mark 0070 and 0100 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure protection against inadvertent deployment of the thrust reversers during flight, which could result in reduced controllability of the airplane, accomplish the following:

Restatement of Certain Requirements of AD 96–26–03, Amendment 39–9866

(a) Within 60 days after January 21, 1997 (the effective date of AD 96–26–03, amendment 39–9866), modify the wiring of the electrical control, and indication and warning systems of the thrust reversers, in accordance with Fokker Service Bulletin SBF100–78–012, dated November 22, 1996.

(b) For Model F.28 Mark 0070 series airplanes: Prior to or in conjunction with the accomplishment of paragraph (a) of this AD, modify the wiring of the priority switching of the emergency inverter power supply in accordance with Fokker Service Bulletin SBF100–24–034, Revision 1, dated September 12, 1996.

(c) Within 500 flight cycles following accomplishment of paragraph (a) of this AD, perform operational checks to detect failures of the secondary lock actuator, primary lock switch, indication and warning system, and feedback cable mechanism of the thrust reversers in accordance with Fokker Service Bulletin SBF100–78–013, dated November 22, 1996. If any failure is detected, prior to further flight, repair the thrust reverser system in accordance with Chapter 78–30–00 of the Fokker Airplane Maintenance Manual. Repeat the operational checks thereafter at intervals not to exceed 500 flight cycles.

New Requirements of This AD

Airplane Flight Manual (AFM) Revision

(d) Within 3 months after the effective date of this AD, revise the Abnormal Procedures Section, Sub-section Engine, of the FAA-approved AFM to include the following information. This may be accomplished by inserting a copy of this AD in the AFM.

"REVERSER UNLOCKED PROCEDURE

ON GROUND (except during engine start)

REVERSER SYSTEM.....	MAINTENANCE ACTION REQUIRED

Note: If alert occurs during engine start, recycle affected reverser after engine start.

IN FLIGHT

Note: If thrust lever is not blocked at idle and no pronounced buffet is present, normal operation of the aircraft may be continued, although alert may persist. After landing, maintenance action is required.

ATS	(Check) Disconnect
Affected Thrust Lever.	(Check) Idle
Speed	Max 200 kts
Affected Fuel Lever	Shut
Single Engine Procedure.	Apply

Note: Descent below 1,000 feet AGL requires that the landing be completed."

Repetitive Tests

(e) Perform an operational test of the pilot valve and piston seal for leakage of the selector valve of the thrust reversers, in accordance with Fokker 70/100 Airplane Maintenance Manual 78–32–01, dated June 1, 1998, at the latest of the times specified in paragraphs (e)(1), (e)(2), and (e)(3) of this AD. If any discrepancy is detected, prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the RLD (or its delegated agent). Repeat the operational test thereafter at intervals not to exceed 12,000 flight hours.

(1) For airplanes on which Fokker Service Bulletin SBF100–78–004, Revision 1, dated November 22, 1996, has been accomplished prior to the effective date of this AD: Within 12,000 flight hours after accomplishment of Fokker Service Bulletin SBF100–78–004, Revision 1, dated November 22, 1996.

(2) Within 6,000 flight hours after accomplishment of Fokker Service Bulletin SBF100–78–012, dated November 22, 1996.

(3) Within 500 flight hours after the effective date of this AD.

Terminating Modifications

(f) Within 18 months after the effective date of this AD, concurrently accomplish the requirements of paragraphs (f)(1) and (f)(2) of this AD. Accomplishment of these modifications constitutes terminating action for the repetitive operational checks and operational tests required by paragraphs (c) and (e) of this AD.

(1) Modify the thrust reverser electrical control system and thrust reverser indication and warning system, in accordance with Fokker Service Bulletin SBF100–78–014, Revision 2, dated May 1, 1999, including Attachment 1 (undated).

(2) Modify the aft engine cowlings in accordance with Fokker Component Service Bulletins P41440–78–04 and P41440–78–05, both dated August 15, 1998.

Note 2: Operators should note that related FAA Rules Docket No. 98–NM–328–AD requires accomplishment of Fokker Service Bulletin SBF100–31–051. That service bulletin specifies prior or concurrent accomplishment of SBF100–78–014 which specifies concurrent accomplishment of Fokker Component Service Bulletin (CSB) P41440–78–04, and prior or concurrent accomplishment of Fokker Service Bulletin SBF–100–78–012 and Fokker CSB P41440–78–05].

Note 3: Accomplishment of the actions required by paragraph (f)(1) of this AD prior to the effective date of this AD in accordance with Fokker Service Bulletin SBF100–78–014, Revision 1, dated December 15, 1998; as revised by Change Notice 1, dated December 18, 1998, and Change Notices 2 and 3, both dated January 29, 1999; is acceptable for compliance with the actions required by that paragraph.

Alternative Methods of Compliance

(g)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

(g)(2) Alternative methods of compliance, approved previously in accordance with AD 96–26–03, amendment 39–9866 for accomplishment of paragraph (c) of that AD, are approved as alternative methods of compliance with paragraph (a) of this AD.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(h) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(i) Except as provided by paragraphs (c), (d), and (e), the actions shall be done in accordance with Fokker Service Bulletin SBF100–78–012, dated November 22, 1996; Fokker Service Bulletin SBF100–24–034, Revision 1, dated September 12, 1996; Fokker Service Bulletin SBF100–78–013, dated November 22, 1996; Fokker Service Bulletin SBF100–78–014, Revision 2, dated May 1, 1999, including Attachment 1 (undated); Fokker Component Service Bulletin P41440–78–04, dated August 15, 1998; and Fokker Component Service Bulletin P41440–78–05, dated August 15, 1998; as applicable.

(i)(1) The incorporation by reference of Fokker Service Bulletin SBF100–78–014, Revision 2, dated May 1, 1999, including Attachment 1 (undated); Fokker Component Service Bulletin P41440–78–04, dated August 15, 1998; and Fokker Component Service Bulletin P41440–78–05, dated August 15, 1998; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Fokker Service Bulletin SBF100–78–014, Revision 2, dated May 1, 1999, including Attachment 1 (undated), contains the following list of effective pages:

Page number	Revision level shown on page	Date shown on page
1–62	2	May 1, 1999.
ATTACHMENT 1		
1–53	.....	Not Dated.

(i)(2) The incorporation by reference of Fokker Service Bulletin SBF100–78–012, dated November 22, 1996; Fokker Service Bulletin SBF100–24–034, Revision 1, dated September 12, 1996; and Fokker Service Bulletin SBF100–78–013, dated November 22, 1996; was approved previously by the Director of the Federal Register as of January 21, 1997 (62 FR 604, January 6, 1997).

(i)(3) Copies may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in Dutch airworthiness directive BLA 1996–140/2, dated August 31, 1998.

(j) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on September 13, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24279 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–01]

Establishment of Class D Airspace; Sugar Land, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D airspace extending upward from the surface to and including 2,600 feet mean sea level (MSL), within a 4.2-mile radius of the Sugar Land Municipal/Hull Field, Sugar Land, TX. This action is prompted by a non-federal air traffic control tower that currently operates during specified hours at this airport. The intended effect of this rule is to provide adequate controlled airspace for aircraft operating in the vicinity of Sugar Land Municipal/Hull Field, Sugar Land, TX.

EFFECTIVE DATE: 0901 UTC, November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION:

History

On March 4, 1999, a proposal to amend 14 CFR part 71 to establish Class D and Class E airspace at Sugar Land, TX, was published in the **Federal Register** (64 FR 10410). The proposal was to establish Class D and Class E airspace extending upward from the surface to and including 2,600 feet MSL, within a 4.2-mile radius of the Sugar Land Municipal/Hull Airport, Sugar Land, TX. This action is prompted by a non-federal air traffic control tower that currently operates during specified hours at this airport. The published notice proposed to establish Class E airspace to protect aircraft operations while the control tower was not operating. However, the necessary weather equipment is not available, therefore, the Class D airspace will revert to Class G airspace when the control tower is not in operation. The intended effect of this rule is to provide adequate controlled airspace for aircraft operating in the vicinity of Sugar Land Municipal/Hull Field, Sugar Land, TX.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed with the exception of inserting "Municipal" after Sugar Land in the description of the airport and changing Hull "Airport" to Hull "Field".

The coordinates for this airspace docket are based on North American Datum 83. Designated Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by

reference in 14 CFR 71.1. The Class D airspace designations listed in this document will be published subsequently in the order.

The Rule

This amendment to 14 CFR Part 71 establishes Class D airspace, at Sugar Land, TX, extending upward from the surface to and including 2,600 feet MSL, within a 4.2-mile radius of the Sugar Land Municipal/Hull Field, Sugar Land, TX.

The FAA has determined that this regulation only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. It therefore (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 5000 Class D airspace areas.

* * * * *

ASW TX D Houston Sugar Land Municipal/ Hull Field, TX [New]

Sugar Land, Sugar Land Municipal/Hull Field, TX
(Lat. 29°37'20" N., long. 095°39'24" W.)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.2-mile radius of Sugar Land Municipal/Hull Field. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on September 14, 1999.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 99–24653 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 153, 157 and 375

[Docket No. RM98–16–000; Order No. 608]

Collaborative Procedures for Energy Facility Applications

Issued September 15, 1999.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission, (Commission) is issuing a final rule to expand its procedural regulations governing the authorization of natural gas facilities and services. The regulations offer prospective applicants seeking to construct, operate or abandon natural gas facilities or services the option, in appropriate circumstances and prior to filing an application, of designing a collaborative process that includes environmental analysis and issue resolution. This pre-filing collaborative process is comparable to the process the Commission adopted two years ago with respect to applications for hydroelectric licenses, amendments and exemptions and, like those regulations, is optional and is designed to be adaptable to the facts and circumstances of the particular case. The regulations do not delete or replace any existing regulations.

EFFECTIVE DATE: This rule is effective October 22, 1999.

FOR FURTHER INFORMATION CONTACT:

Richard Hoffman, Office of Pipeline Regulation, 888 First Street, NE, Washington, DC 20426, (202) 208–0066

Gordon Wagner, Office of the General Counsel, 888 First Street, NE, Washington, DC 20426, (202) 219–0122.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, NE, Room 2A, Washington, DC 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission from November 14, 1994, to the present. CIPS can be accessed via Internet through FERC's Home page (http://www.ferc.fed.us) using the CIPS Link or the Energy Information Online icon, or by going directly to the following address: http://cips.ferc.fed.us/cips/default.htm. Documents will be available on CIPS in ASCII and WordPerfect 8.0. User assistance is available at 202–208–2474 or by E-mail to cipsmaster@ferc.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Home Page using the RIMS link or the Energy Information Online icon, or by going directly to the following address: http://rimsweb1.ferc.fed.us/rims. User assistance is available at 202–208–2222, or by E-mail to rimsmaster@ferc.fed.us.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc. is located in the Public Reference Room at 888 First Street, NE, Washington, DC 20426.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is expanding its procedural regulations governing the authorization of natural gas facilities and services to offer prospective applicants seeking to construct, operate or abandon natural gas facilities or services the option, in appropriate circumstances and prior to filing an application, of using a collaborative process to identify and resolve significant issues. In addition, a

significant portion of the environmental review process can be completed as part of the pre-filing collaborative process. This process is comparable to the process the Commission adopted two years ago with respect to preparing applications for hydroelectric licenses, amendments and exemptions and, like those regulations, is optional and voluntary and is designed to be flexible and adaptable to the facts and circumstances of the particular case.

A prospective gas facility applicant may continue to use the standard authorization procedures (which do not require any pre-filing consultation process). After a pre-filing collaboration has begun, an applicant may switch to the standard procedures and file its application if it believes that the pre-filing collaborative process is not productive. The regulations do not delete or replace any existing regulations.

II. Background

On September 30, 1998, the Commission issued a Notice of Proposed Rulemaking (NOPR) [1] to expand its procedural regulations governing the authorization of natural gas facilities and services, and to consider certain revisions in its procedural regulations governing applications for licenses, amendments and exemptions for hydroelectric projects. In response to the comments received [2] and discussions by staff with potential participants in technical workshops,[3] the Commission is adopting a final rule that offers an optional, pre-filing collaborative process to gas facility applicants and is not modifying any of the existing regulations for hydropower applicants.

Regardless of the process path the applicant selects, once the application is filed the Commission will review it for adequacy, publish a notice of it in the **Federal Register**, and invite comments and interventions. The Commission will then either complete or begin the NEPA process depending on the procedures that were employed in the pre-filing stage. In a standard process, the NEPA process will begin only after the filing of the application. In the pre-filing collaborative process promulgated herein, the NEPA process can begin prior to the filing of the application, and the Commission will complete the NEPA process after the application is filed.

III. Discussion

A. Should the Pre-filing Collaborative Process be Authorized for Gas Applicants?

In the NOPR, the Commission proposed a new § 157.22 of the regulations to allow potential applicants for gas facilities under sections 3 and 7 of the Natural Gas Act (NGA) [4] to choose a pre-filing collaborative process in preparing an application for filing with the Commission. As proposed, and as adopted herein, the potential applicant can obtain the assistance of Commission staff in preparing its application and begin the NEPA process in the pre-filing stage. Before undertaking a collaboration, the applicant must show that it has contacted entities interested in its proposal, a consensus exists to support the collaborative process, and a communications protocol among the entities has been negotiated. A successful collaborative process might conclude with the filing of a complete application with the Commission that includes a preliminary draft NEPA document (a preliminary draft EA or EIS). Depending upon the willingness of the participants, including the applicant and resource agencies, the process could also result in the filing of an agreement or an offer of settlement with the Commission that addresses issues raised by the application, and to the extent possible resolves within the pre-filing collaborative process related legal processes mandated by other agencies.

Many commenters representing pipelines supported adoption of the proposed pre-filing collaborative process for the gas industry as long as the final rule incorporates certain provisions to maximize its chances for success. In particular, these commenters believe that use of the collaborative process should be optional and voluntary for the applicant, the process should be limited to environmental issues, and the applicant should be able to terminate the process and file its application at any time.[5] One commenter took the same approach but wanted assurances that the collaborative process would not have as objectives the narrowing of areas of disagreement and the promotion of settlements, on the grounds that such efforts would distract from the NEPA process and lead to unnecessary delays. Another commenter was concerned that adoption of the proposed rule would have an adverse effect on existing and proposed practices aimed at streamlining the processing of gas applications by the Commission and would encumber pipelines in red tape, including restrictions and reporting requirements.[6]

Another commenter requested that the Commission clarify in the final rule that the process will not abridge the legal rights of any party to the subsequent Commission proceeding, and in particular, that all parties retain the right to protest all issues, including those addressed in the pre-filing process.[7] One gas industry commenter was opposed to the proposed rule, suggesting that it would not help to certificate needed pipeline construction under the NGA and is subject to a number of legal infirmities.[8]

State agencies expressed support for extending the opportunity to engage in a pre-filing collaborative process to potential applicants for gas facilities, citing their favorable experience with such procedures used by potential applicants for hydropower facilities.[9] Federal resource agencies that filed comments were generally supportive of pre-filing consultation processes, stating that such efforts have been helpful in addressing resource issues presented by hydropower applications.[10]

Environmental groups favor the proposed rule. One commenter asked the Commission to explain in more detail how it would work for the gas industry and what its benefits would be.[11] Landowners' comments generally favored improving Commission procedures in order to give landowners additional notice of pipeline proposals and the opportunity to express their views about them.[12]

We believe that the final rule adopted herein addresses and responds to the main concerns expressed by the gas industry and others in this rulemaking. As recommended by the commenters and discussed in the following sections, in the final rule we adopt a pre-filing collaborative process for potential applicants for gas facilities that is strictly voluntary, and the applicant may terminate the process at any time. We are neither prohibiting the

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[1] FERC Stats. & Regs. (Proposed Regulations 1988–1998) ¶ 32,536 (Sept. 30, 1998), 63 FR 59916 (Nov. 6, 1998).

[2] The commenters (and abbreviations to identify them) are listed in Appendix A.

[3] Staff conducted technical workshops on the NOPR in Washington, D.C., Houston, Texas, and Chicago, Illinois, on November 5, 10 and 18, 1999, respectively.

[4] 15 U.S.C. 717b and 717f(c).

[5] *E.g.*, INGAA at 1–2, Williams at 2–3, Williston at 2–3.

[6] Enron at 2–4.

[7] AGA at 2–8.

[8] Indicated Shippers at 2–3 and 7–15.

[9] *See, e.g.*, Wisconsin DNR at 1–2. State agencies also made recommendations for improvements in the proposed rule, which are discussed in the following sections.

[10] *E.g.*, Commerce at 14, Interior at 1–2, EPA at 1, and Forest Service at 1,3.

[11] Trout Unlimited at 5–6.

[12] Ferguson & Tavares at 1–2, Smith at 4–5, and Southern Landowners at 2–3.

discussion of non-environmental issues in the process, nor requiring that such issues be addressed. It will be up to the applicants and the other participants in the process to decide which issues will be covered in each collaboration. We emphasize the flexibility of the pre-filing process and are open to working cooperatively with potential applicants and participants to design pre-filing processes that are helpful to all concerned and lay the foundation for expeditious proceedings on gas applications and full compliance with the NGA, NEPA and other applicable statutes.

We hope that the positive and open dialogue established by a pre-filing collaborative process may help other state and federal agencies to coordinate the exercise of their regulatory mandates with the Commission's and will foster the resolution of disputed issues and the submission of offers of settlement. But a successful pre-filing collaborative process does not require such results. We stress that adoption of the new, optional pre-filing process will neither prejudice the processing of any applications that are prepared by standard means (*i.e.*, absent pre-filing consultation), nor will use of the process curtail the legal rights of any party to intervene and participate fully in the Commission's post-filing proceedings. If a pre-filing process produces an agreement between the applicant and some or all of the participants, the applicant and participants may elect to treat the agreement as an offer of settlement and submit it in conjunction with an application. The offer of settlement will be treated like any other such offer, and be evaluated under the same legal standards that the Commission customarily applies.[13]

While we recognize that nothing in the NGA or the Natural Gas Policy Act (NGPA)[14] specifically authorizes the adoption of pre-filing collaborative procedures for gas applicants, we perceive no prohibition of such procedures in either act. We also believe that affording this procedural option furthers a number of important legal and policy objectives dedicated to streamlining and coordinating the regulatory process and makes it more flexible and responsive to citizens' concerns, including those expressed by business, consumer, and environmental interests.[15]

[13] *See* 18 CFR 385.602 of the Commission's rules of practice and procedure.

[14] 15 U.S.C. 3301–3432.

[15] *See* 40 U.S.C. 101.

Many commenters mentioned that they thought that the time required to complete a pre-filing collaborative process would not shorten the time from initial proposal to Commission action and questioned why an applicant for gas facilities or services would undertake the process. In the technical workshops, the Commission's staff specifically asked about the time frames used by applicants to prepare gas applications. Since only one commenter filed a response to the staff's question,[16] the Commission is not in a position to determine whether the overall application preparation time of an applicant using a pre-filing collaborative process would be less, the same or longer than the preparation time of an applicant using the standard process (which does not require as much pre-filing consultation).[17]

B. Should the Collaborative Process be Mandatory?

Although the regulatory text in the NOPR proposed a pre-filing collaborative process for gas applicants that would be voluntary, the preamble to the NOPR asked whether the process should be made mandatory, not only for gas but also for hydropower applicants. The latter are currently using alternative pre-filing procedures that are similar to the collaborative procedures proposed in the NOPR for gas applicants; hydropower applicants may also use standard pre-filing consultation procedures that do not require the formation of a collaborative group.[18] The Commission invited commenters to describe the advantages and disadvantages of making the pre-filing collaborative process mandatory for all applicants (gas and hydropower) and to describe how the proposal might work, especially if there were no consensus among the participants that such a process would be useful. The Commission also asked whether applicants should at least be required to make a good faith effort to undertake such a collaborative process and what should be done if an applicant could not document that it had made such an effort.

Almost without exception,[19] commenters rejected the suggestion of mandating pre-filing collaboration for applicants for either gas or hydropower facilities. Commenters familiar with the alternative pre-filing process for hydropower applicants who use collaborative procedures stressed that the successful use of the process requires a strong consensus to support it. They contended that the Commission cannot mandate the cooperative attitude among the participants and applicant that is necessary for a productive collaboration; the willingness of participants and applicant to voluntarily support the process is critical.[20] Representatives of the hydropower industry also emphasized how helpful it is, when planning for the licensing of a hydropower project, to have current regulations that afford applicants a range of pre-filing options from which they may choose the process best suited to the preparation of their applications in each case.[21] Gas industry commenters agreed, favoring flexibility in preparing their applications but stressing that timely approval of gas projects is often crucial to their viability. Many were concerned that requiring the use of pre-filing collaborative procedures in all cases might add significantly to the time and expense needed to obtain authorization for a proposal, which could preclude or end some time-sensitive project proposals.[22] Gas commenters further stated that the proposed requirement that all applicants demonstrate at least a good faith attempt to initiate a pre-filing collaborative process would place an additional administrative burden on the applicant and would not serve any useful purpose.[23]

Commenters favoring voluntary collaboration[24] noted that gas certificates and abandonments cover a

. [16] El Paso at 8–9.

[17] INGAA is concerned that the new collaborative process could curtail existing pre-filing procedural rights. We clarify that nothing in the new regulations will displace or replace present pre-filing options. The new regulations provide prospective applicants an additional means to engage in discussion with interested persons prior to filing.

Trout Unlimited observes that not all proposed gas projects make promising candidates for a collaboration and thus requests that the Commission consider other forms of early public involvement. We note the existing procedural rights alluded to above constitute one such alternative; another is contemplated in the NOPR on Landowner Notification, Residential Area Designation, and Environmental Filing Requirements, 64 FR 27717 (May 21, 1999), IV FERC Stats. & Regs. ¶ 32,540 (Apr. 28, 1999).

[18] 18 CFR 4.38 and 16.8.

[19] EDF at 2. EDF advocated requiring all applicants for natural gas facilities and services to demonstrate that they have made a good-faith effort to undertake a pre-filing collaboration.

[20] NHA at 2–6; Northwest at 3–6; EEI at 9–12; CRITFC at 1–2; HRC at 4–6; EPA; Commerce at 2; Interior at 7–8; NY DEC at 2.

[21] SoCal Ed at 3–5; Sacramento at 2–3; California Water at 3–6; PG&E at 9.

[22] AGA at 6–7; ANR at 3; El Paso at 14–17; Great Lakes at 6; Tejas at 5–6; Williams at 7; Williston at 4.

[23] AGA at 4; PG&E at 14–15.

[24] Among those favoring a voluntary process are California Water at 1; Great Lakes at 2–4; INGAA at 2; Nicor at 3–4; PG&E at 7–9, 16; Industrials at 4–8; Sempra at 2; Williams at 6–7; Wisconsin DNR at 1–2; and Williston at 3–4.

broad range of different types of projects, and asserted that pre-filing collaboration will be ineffective for at least some of these projects. Commenters pointed out that prospective project sponsors are in the best position to judge whether a collaborative process is likely to be fruitful and should therefore have the flexibility either to request a pre-filing collaboration or to file an application without using such a process.

In view of the comments, the Commission will not mandate that all project applicants engage in a pre-filing collaboration or explain why efforts to do so were unavailing. The final rule adopts regulations similar to those proposed in the NOPR in order to offer applicants for gas facilities or services the option of undertaking a pre-filing collaboration. Those applicants may continue to use the standard certification procedures (which, for gas applicants, do not require any pre-filing consultation process). After a pre-filing collaboration has begun, the applicant may switch to the standard procedures and file its application if it believes that the pre-filing collaborative process is not productive.

C. Should the Collaborative Process be Extended to Include a Draft EIS or Draft FEIS?

In the preamble to the NOPR, the Commission asked whether it would be appropriate to extend the pre-filing collaborative process beyond the stage of preparing a preliminary draft NEPA document, as provided under current regulations for hydropower applicants and proposed in the NOPR for gas applicants. The Commission asked whether it would be appropriate for Commission staff, in the pre-filing stage, to issue a draft EIS and for participants in a pre-filing collaborative process to review the comments on the draft EIS and prepare either a final EIS or a preliminary draft of a final EIS. The Commission asked whether such a process should be permitted prior to the filing of the application, without first issuing a notice inviting interested persons to intervene as parties to a formal proceeding.

While a few commenters thought that the Commission should consider extending the NEPA process (prior to the filing of an application) beyond the point allowed by current regulations for hydropower applicants (*i.e.*, the preparation of a preliminary draft EA or EIS),[25] most commenters thought that such a proposal was ill-advised and may be illegal.[26] Commenters stated that the proposal would complicate the pre-filing collaborative process and could undercut one of its central purposes, allowing the applicant to craft a proposal in its application that would respond to the resource concerns raised by the participants in the pre-filing process. An attempt to carry NEPA further in the pre-filing stage may entangle the pre-filing collaboration with the Commission's post-filing review and decision-making process, which should not commence until after the application is filed and a legal proceeding begins, with all its attendant protections for parties.

We agree with the majority of commenters on this issue. The rulemaking establishing the alternative pre-filing procedures for hydropower applications carefully balanced the interests of accelerating the NEPA process by beginning it, with staff's assistance, in the pre-filing stage, against the interests of preserving the Commission's responsibilities—under the Federal Power Act (FPA),[27] NEPA, and other applicable statutes—to conduct its own independent review of the application after it has been filed. That balance is best accomplished as the current hydropower regulations provide, by ending the pre-filing process with the preparation of an application and a preliminary draft EA or EIS. Only after the filing of these documents in conjunction with an application will the Commission complete the NEPA process by issuing a draft EA or EIS. Then, in light of the comments received, and any additional analysis and review deemed necessary, the Commission issues the final EA or EIS, followed by a decision on the application.[28] To try to carry the NEPA process further in the pre-filing stage would upset this balance, raise the risks outlined by the commenters, and call into question the integrity of the Commission's review and decision-making processes.

D. Should there be Deadlines on the Collaborative Process?

The proposed rule required the submission of certain reports by the applicant in the course of the pre-filing collaborative process, allowed the participants in the process to set reasonable deadlines for requests for scientific studies or alternative route analyses, and provided that the Commission may set deadlines for preliminary resource agency recommendations, conditions, and comments, to be submitted in final form after the filing of the application with the Commission.[29]

The Commission invited comment on whether any limitations of time should be placed on the pre-filing collaborative process and, if so, what time limits might be appropriate. Comment was sought on how best to ensure that all participants in the process have a full and fair opportunity to participate in a manner that facilitates cooperative progress within a reasonable time frame.

Some commenters wanted the Commission to set deadlines for pre-filing processes and participants in order to avoid delaying the filing of certificate applications.[30] One commenter suggested the potential applicant propose time limits for a collaboration in its initial request to employ the pre-filing process.[31] Another commenter argued that participants and Commission staff should follow through to establish a post-filing schedule for submitting comments, data, and documents.[32]

Other commenters observed that establishing deadlines can be effective in moving hydropower alternative pre-filing processes along, but concluded that given the relatively short period that this process has been in effect for hydropower applicants, it would be premature for the Commission to set time limits on the pre-filing process.[33]

Many commenters wanted to avoid any Commission-imposed deadlines on the pre-filing process, preferring that the collaborative participants concur on deadlines.[34] Concerns were expressed that any fixed time limit applied across the board to the wide variety of possible processes would be arbitrary and burdensome[35] and that such constraints might pressure participants into making unwanted concessions.[36] One commenter observed that any imposition of time limits in the pre-filing process must not conflict with the time frames provided under the regulations of the affected agencies.[37]

In light of the commenters' concerns, we see no reason to establish in the final rule any general deadlines for

[25] *E.g.*, EEI at 12 and Northwest at 7.

[26] *E.g.*, California Water at 7–9, Interior at 5, Commerce at 3–4, PG&E at 10–11, and HRC at 3.

[27] 16 U.S.C. 791a *et seq.*

[28] Although not required by NEPA, the Commission in its hydropower licensing program issues draft EA's for comment.

[29] Proposed 18 CFR 157.22(f)(2), (7) and (8).

[30] Industrials at 8; SoCal Ed at 7–8; NY DEC at 4, citing proposed 18 CFR 157.22(f)(8).

[31] PG&E at 17.

[32] Forest Service at 2.

[33] California Water at 10.

[34] Wisconsin DNR at 2; Interior at 6–7; Forest Service at 2; Commerce at 2–3; and AGA at 8.

[35] PG&E at 11, 17; Forest Service at 2; Interior at 7; AGA at 8.

[36] Wisconsin DNR at 2.

[37] Advisory Council at 2, citing 36 CFR part 800.

completion of stages in the pre-filing collaborative process; this issue is best left to the potential applicant and the participants in each process to decide. A collaborative process must be flexible.

We do not anticipate that any deadlines agreed upon in the pre-filing collaborative process, or any set by the Commission in the proceeding on the filed application, would conflict with those set by other agencies with related authorities. Should such a conflict arise, we believe it can be resolved on a case-by-case basis.

It would not be appropriate to add specific provisions for the Commission to confer with a collaborative group to establish deadlines after an application is filed. Once an application has been filed, existing Commission practices and regulatory deadlines come into effect in the context of an administrative proceeding, and all deadlines will be set in reference to established Commission regulations, practices and procedures applicable to such proceedings. As appropriate, the Commission will consult with parties in setting such deadlines.

E. Should the Collaborative Process be Limited to Environmental Issues?

The NOPR noted that there are sometimes contentious non-environmental issues that may undermine successful collaboration in a pre-filing consultation process and sought comment on whether the process for gas applicants should address only the environmental issues associated with the potential application. While the main focus of the NOPR was to propose regulations that would allow for resolution of environmental issues prior to the filing of applications, the NOPR asked whether the collaborative process should be extended to non-environmental issues such as the need for the project, a comparison with competing projects, capacity allocation, rates, and the effects of abandonments on existing customers.

Some commenters believed that both environmental and non-environmental issues should be considered in the pre-filing process, at least in its initial phases, with the participants ultimately deciding the scope of issues to be addressed.[38] The majority of the commenters, however, stated that the pre-filing process should deal exclusively with environmental issues.[39]

The competitive nature of many NGA applications was most frequently cited as the reason why non-environmental issues should not be made part of the pre-filing process. Some of the commenters expressed concern that certain entities might try to use the pre-filing collaborative process as a means to delay the preparation and filing of applications of competitors, which would be contrary to the Commission's policy of promoting competition in the industry.[40] Several commenters asserted that allowing the pre-filing collaborative process to address non-environmental issues would cause unnecessary delay, emphasizing that the Commission's existing procedures are sufficient to address such topics as the need for a project, rate design, and other market-based issues.[41]

Commenters had varied opinions as to what constitutes environmental issues, with one commenter requesting that the Commission clarify what is an environmental issue.[42] While there was general agreement that issues such as need, capacity allocation and rates should not be included within the review of environmental issues, some commenters considered such issues as alternatives to a certificate proposal, landowner matters, terms of service, and related market and competitive matters to be non-environmental issues.[43] Other commenters expressed the view that it would be difficult, if not impossible, to differentiate between environmental and non-environmental issues.[44] Many commenters stated that the stakeholders involved in a collaborative team should be the ones to decide what issues will be addressed in the pre-filing process.[45]

We agree with the commenters that propose that the potential gas applicant and participants in any pre-filing process should determine the range of issues to be addressed in a collaboration. While the final rule adopted herein sets forth procedures for establishing a pre-filing collaborative process and the preparation of a preliminary draft NEPA document, nothing in it precludes the applicant and the participants from voluntarily deciding to use the process to address non-environmental issues which are not required to be a part of the NEPA process.

F. Procedural Questions

(1) Notice

As proposed in the NOPR, § 157.22(c)(1) of the rule required an applicant contemplating a pre-filing collaboration to make a "reasonable effort" to contact all "resource agencies, Indian tribes, citizens" groups, landowners, customers, and others affected by the applicant's proposal." Proposed § 157.22(c)(3) would require such an applicant to send a copy of its request to use the pre-filing collaborative process to the same entities. Under § 157.22(d)(1), the applicant's request must include provisions to distribute a description of its proposed project (including its intended purpose, location and scope, and the estimated dates of construction) at an initial information meeting (or meetings) open to the public. Pursuant to § 157.22(e), the Commission will publish in the **Federal Register** a notice of the request to initiate a pre-filing collaborative process and invite comments on the request. The Director of the Office of Pipeline Regulation (OPR) will review the comments submitted on the applicant's request and decide whether to approve the proposed process.

If a request to use the process is approved, under § 157.22(f)(1), the Commission will give notice in the **Federal Register**; the applicant will give notice in local newspaper(s) in the county or counties in which the project is proposed to be located, of the initial public meeting(s) and, subsequently, the scoping of environmental issues.[46] Under § 157.22(f)(5), the applicant must maintain a public file of all the relevant documents generated during the process, and the Commission will maintain a public file of the initial description of the proposed project, each scoping document, the periodic reports on the process and the preliminary draft EA or EIS. Under § 157.22(f)(4), the applicant must send copies of all these filings to each participant in the pre-filing collaborative process that requests a copy.

Some commenters contended that these procedures are inadequate to ensure that all interested parties: (1) Receive actual notice of the intent to

[38] Interior at 5; NY DEC at 2; Nicor at 5; NHA at 5.

[39] INGAA at 5; Williston at 5; Great Lakes at 7; Sempra at 2; Williams at 3; Industrials at 7; Duke at 11–12; AGA at 2.

[40] Industrials at 8; AGA at 6; and Great Lakes at 6.

[41] Williston at 5–6; Great Lakes at 6; Sempra at 2; Williams at 5; and Duke at 19.

[42] Duke at 20.

[43] Sempra at 2; Williams at 3; Industrials at 7; Duke at 12.

[44] Interior at 4; Nicor at 5.

[45] NHA at 7; Nicor at 5; Interior at 4; NY DEC at 2.

[46] In the interest of simplifying the process, we have deleted proposed 18 CFR 157.22(f)(2), which would have required the potential applicant to file periodic progress reports with the Commission. We have also deleted proposed 18 CFR 157.22(b), describing the goals of the process, because those goals are adequately described in the preamble herein and do not need to be articulated again in the regulatory text.

initiate a collaboration; (2) are informed that a collaboration has been initiated; and (3) have a meaningful opportunity to participate and be heard in a collaboration.[47]

Some commenters proposed that notice of the request to use the collaborative process be sent by certified mail to all landowners directly impacted by a proposed project.[48] One commenter expressed concern that without confirmed notification trespassing[49] may occur.[50] This commenter also asked: (1) Whether the Commission will verify that the list of contacted landowners is accurate and complete; (2) how participants will be informed of relevant Commission filings; and (3) how participants can obtain information about scientific studies and alternative route analyses and deadlines therefore.[51]

One commenter was concerned that once underway, a pre-filing collaborative process may so change the parameters of a proposed project that it may affect persons whom the applicant did not initially inform. That commenter urged us to adopt some means to inform and bring such persons into an ongoing collaboration.[52]

One commenter requested that the Commission clearly state how the universe of potentially interested entities is to be defined and urged that the Commission require the applicant to include the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) in any pre-filing collaborative process.[53]

One commenter requested that the Commission describe in greater specificity the minimum required contents of the project description included in the applicant's initial notice.[54] To ensure that participants have a full understanding of the collaborative process, that commenter proposed that the Commission publish an explanation with guidelines covering the process and require that the applicant distribute these guidelines to potentially interested entities with its initial notice of its request to undertake a pre-filing collaboration.

We believe that with the changes discussed herein, the notice procedures proposed in the NOPR should be adopted. In the final rule, § 157.22(c)(1) requires an applicant to make a reasonable effort to contact "all entities affected by the applicant's proposal." As revised herein, § 157.22(c)(3) requires the applicant, within five days, to send a copy of the request to use the pre-filing collaborative process on "all affected resource agencies and Indian tribes and on all entities that have expressed an interest in the collaborative process."[55] The Commission will publish notice of the request in the **Federal Register**. If the use of the pre-filing process is approved, the applicant must conduct a public meeting or meetings at which a description of its proposed project will be distributed. The Commission will give notice in the **Federal Register** and the applicant will give notice in local newspapers of the initial public meeting(s) and of the scoping of environmental issues.[56] As the pre-filing process unfolds, the applicant must keep a complete file, open to the public, of the process; essential information about the process must be submitted to the Commission for insertion into its public file, and copies of these filings must be sent to each participant in the process that requests a copy. In addition, the regulations require the negotiation of a communications protocol, governing the flow of information between the participants in the process.

The notice procedures for the pre-filing collaborative process for potential gas applicants are similar to the comparable procedures now in effect for hydropower applicants. We are not aware of any significant noticing problems under the hydropower procedures. We do not think it is useful to try to describe further in the final rule the universe of potentially interested entities. We note the Commission will have the opportunity to review the adequacy of the applicant's notification efforts when deciding whether to permit a potential applicant to use the pre-filing collaborative process. Further, the Commission's staff will work closely with the applicant and participants during the process to ensure appropriate efforts are made to inform interested persons of the proposed project and of any subsequent changes to the initial proposal.[57]

We note that the regulations require that notice of the request be sent to resource agencies and Indian tribes. We believe that this notice, along with the required **Federal Register** notice, is sufficient to alert the SHPO or THPO that a pre-filing collaborative process is being considered. In response to the concerns raised in the comments and to clarify these noticing requirements, we are adding in the final rule, at new § 157.1, definitions of "Indian tribe" and "resource agency." These definitions are based on similar definitions in the Commission's hydropower regulations, which apply to potential hydropower applicants using the standard or alternative pre-filing consultation processes.[58]

We believe that the concerns about notification to landowners are adequately addressed by the provisions in the final rule, along with the regulations proposed in Docket No. RM98–17–000,[59] which include prompt notification to landowners by mail once an application for gas facilities is filed with the Commission. We are not persuaded that there is any need in the pre-filing process for the applicant and the Commission to provide landowners' notice by certified mail.

How all types of information, including studies and analyses that are part of the NEPA process, are distributed and made available to the public is an issue we expect that the applicant and participants will take up, resolve, and make part of the communications protocol to be filed with each request for a collaborative process.

We do not believe it is appropriate to specify further in the regulations what description of the proposed project the potential applicant must make in its notices and what procedures may be used for participating in the pre-filing collaborative process. We believe the project description required by the final rule is both broad and particular enough to alert entities to proposals that they may want to monitor or participate in. As far as the procedural steps in a collaborative process and the

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[47] Advisory Council at 1–2; Indicated Shippers at 8–12; Trout Unlimited at 3–4.

[48] Ferguson & Tavares at 1; Southern Landowners at 2–3.

[49] Trespass is governed by state law, and is not affected by the final rule because the rule adopts procedures that apply prior to the issuance of a certificate. Specific allegations of trespass may be referred to the Commission's Enforcement Task Force Hotline at (202) 208–1390 or (877) 303–4340 or by E-mail to hotline@ferc.fed.us.

[50] Ferguson & Tavares at 1.

[51] Id.

[52] Indicated Shippers at 12.

[53] Advisory Council at 2.

[54] NY DEC at 3.

[55] The regulatory language adopted herein is based on 18 CFR 4.43(i), which is applicable to hydropower applicants using the alternative pre-filing consultation process.

[56] The timing and sequencing of notices of environmental scoping may vary considerably among different projects and collaborative processes.

[57] The Commission encourages applicants and participants, to the extent practical on a case-by-case basis, to consider making use of the Internet to supplement the notification procedures mandated herein.

[58] See 18 CFR 4.30, 4.34(i), 4.38 and 16.8.

[59] Landowner Notification, Expanded Categorical Exclusions, and Other Environmental Filing Requirements, Notice of Proposed Rulemaking, 64 FR 27717 (May 21, 1999), IV FERC Stats. & Regs. ¶ 32,540 (Apr. 28, 1999).

participants' roles are concerned, we will leave that up to the applicant and the collaborative participants to decide in each case. To assist interested entities in developing an understanding of these types of processes and their role in the Commission's regulation of gas projects, we are incorporating into § 157.22(c)(3) of the final rule a requirement that a potential applicant requesting to use a pre-filing collaborative process must include a copy of the regulations adopted herein when it is sending notice of its request to all affected resource agencies, Indian tribes, and entities that have expressed an interest in the process.[60]

(2) Involvement of Commission Staff

Some commenters asked why Commission approval should be required for an applicant to use a pre-filing collaborative process.[61] It is not necessary for applicants to seek Commission approval for activities which take place without substantial involvement by Commission staff and without the preparation of a draft NEPA document.

One commenter urged the Commission to describe in greater detail the benefits available through use of the process and to clarify the role and purpose of Commission staff involvement.[62] The role of Commission staff is to guide and support the pre-filing process but not to lead or direct it. Participants in the process may choose a "neutral," such as a facilitator or mediator, to coordinate the collaborative group's efforts, and this role may be filled by any person that the group selects.[63]

(3) Consensus

As proposed in the NOPR, and as adopted herein in § 157.22(b)(1), a potential applicant requesting to use a pre-filing collaborative process must contact entities affected by its proposal and demonstrate that a "consensus exists that the use of the collaborative process is appropriate under the circumstances." Under § 157.22(f), a participant that has cooperated in the pre-filing process can petition the Commission for an order to terminate the process if a consensus to support it no longer exists and if continued use of the process would not be productive.[64] In the NOPR, we explained that the requirement for a consensus means that "the weight of opinions expressed makes it reasonable to conclude that under the circumstances the use of the collaborative process will be productive." The applicant's consent to use of this process would be required, but the agreement of everyone interested in the proposal would not be required for the Commission's approval of the process. The term "consensus" is also used in § 157.22(f), providing that if a consensus supporting use of the process no longer exists, a participant can petition the Commission for an order directing the applicant to use appropriate procedures to complete its application.

A number of commenters requested clarification regarding the criteria the Commission will use in determining whether to approve or deny an applicant's request to initiate a pre-filing collaborative process.[65] One commenter argued that "consensus" should be defined as "unanimous agreement by the various stakeholders,"[66] while other commenters urged that the Commission not approve a request to use a pre-filing collaborative process unless "critical constituencies" or a majority of the "customers/shippers" that may use the proposed facilities endorsed the process.[67]

One commenter was unclear if the Commission, in considering comments in response to a request to initiate a collaboration will, pursuant to proposed § 157.22(e), accept comments only from entities previously notified by the applicant or will also accept comments from entities not so notified. That commenter recommended revising proposed §§ 157.22(c) and (e)[68] to specify whether the Commission may compel an applicant to admit a late-arriving interested entity to an ongoing collaboration.[69]

The Commission addressed similar concerns in the rulemaking adopting the regulations governing the alternative pre-filing process for hydropower applicants.[70] Our subsequent experience with those regulations does not lead us to change the conclusion we reached at that time. For the purposes of determining whether the Commission should grant an applicant's request to use the pre-filing collaborative process and determining whether such a process should be allowed to continue, "consensus" means "general agreement" or "collective opinion: The judgment arrived at by most of those concerned." While unanimity among the participants in a collaborative process reflects consensus, it is not essential to support a consensual approach. In its request to use the pre-filing collaborative process, the applicant need only show that the weight of opinions expressed by the entities interested in the process makes it reasonable to conclude that under the circumstances use of the process will be productive. No signed agreement or use of a particular voting procedure is required to memorialize the consensus on use of the process. The Commission will apply similar standards in evaluating any petition alleging that the consensus for the process has collapsed and asking for an order to bring it to a conclusion.

As stated in Order No. 596, the Commission expects the potential applicant, prior to filing its request to use the pre-filing collaborative process, to engage in a series of interactions with those who may be interested in its proposal, going beyond an exchange of letters. Such interactions could include teleconferences and meetings involving Commission staff to explore the use of the process. In some cases the applicant's showing in support of its request to use the process may rely on a lack of objections raised in such meetings, in order to allow the applicant and the participants an opportunity to try the process. Where the position of potentially key players in a collaborative process is not clear, the Commission's staff may reach out to solicit their position before reaching any decision on a request to use the process. If entities that appear to be key players oppose the use of a collaborative process, we will carefully weigh whether the process should be allowed to proceed under these circumstances, and staff may hold discussions with those concerned to try to find ways to reconcile different views on the use of the process.

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[60] As a means to inform potentially interested persons of procedures generally applicable to pipeline projects, the Commission has made available to the public, in pamphlet form, answers to questions frequently asked concerning gas certificate applications. In the event the need arises for a similar procedural summary or a set of guidelines with respect to the pre-filing collaborative process for gas facilities, the Commission will make it available in the same manner.

[61] Martin at 1, Enron at 3.

[62] Trout Unlimited at 5–6.

[63] In the interest of simplifying the process, we have deleted proposed § 157.22(f)(9), which would have authorized participants to request dispute resolution by the Commission.

[64] The petitioner must also serve a copy of the petition on all participants and recommend specific procedures for completing the pre-filing process.

[65] *E.g.*, NY DEC at 3–4.

[66] Interior at 3.

[67] Industrials at 8–10; EDF at 2.

[68] Because of our deletion of several subsections of the regulations that were proposed in the NOPR, as mentioned above, proposed §§ 157.22(c) and (e), as well as other subsections, have been renumbered in the final rule.

[69] NY DEC at 3.

[70] Order No. 596, 62 FR 59802 (Nov. 5, 1997), III FERC Stats. & Regs. ¶ 31,057 at 30,638–39 (1997).

We are therefore not making any changes in the final rule regarding "consensus" as it applies to requests to use or to discontinue the pre-filing collaborative process. Likewise, we do not believe that it would be appropriate to specify criteria that the Commission will use in making decisions on such requests, beyond the general considerations outlined above.

We clarify that in deciding whether to approve an applicant's request to use the pre-filing collaborative process, under § 157.22(d) (as it is numbered in the final rule), all timely submitted comments will be considered, whether in response to actual notice by the applicant or not.

Because the procedures for the pre-filing collaborative process in the final rule provide for abundant notice to potentially interested persons and entities, as discussed above, latecomers may enter as participants provided they do not delay or disrupt the process, *i.e.*, latecomers must deal with the applicant and the collaborative group that has formed and with any ground rules that have already been established. For these reasons we strongly encourage those interested in an applicant's proposal to participate from the outset in any pre-filing collaborative process that is authorized, if not directly then indirectly through others with similar interests. At the very least, we expect interested entities to monitor the progress of a collaboration through the many sources of public information that the rule requires.

(4) *Concluding the Pre-Filing Process*

As noted above, under proposed § 157.22(g)[71] a participant that has cooperated in the pre-filing process can petition the Commission for an order to terminate the process if a consensus to support it no longer exists and if continued use of the process would not be productive. The request must recommend specific procedures that are appropriate to use to complete the process, and the petition must be served on all the other participants in the process.

One commenter requested that proposed § 157.22(g) be modified to state that when a participant submits a petition to the Commission claiming that a consensus no longer exists to support the process, other participants may submit comments in response to that petition.[72] The commenter also asked whether a collaboration might continue without the participation of the applicant and proposed that the Commission describe the circumstances under which it would intervene to end a pre-filing collaborative process.

Several commenters were concerned that proposed § 157.22(g) would impede a prospective applicant's right to file an application with the Commission at any time and, by so filing, end a pre-filing collaborative process at the applicant's discretion.[73] Another commenter suggested that if a pre-filing collaboration stagnates, the Commission might require the applicant to show cause why pre-filing efforts should not end and an application be filed.[74]

When a participant in a pre-filing collaborative process believes that the consensus supporting the use of the process has collapsed and petitions the Commission for an order terminating it, other participants may submit a response to the Commission. Any such response should be served on all other participants and submitted to the Commission as soon as possible. In seeking to determine whether a consensus still exists to support continuation of the process, the Commission will consider both the petition and timely responses to it. With this clarification, we see no need to revise proposed § 157.22(g) in the final rule.

The proposed regulations were not intended to preclude an applicant from withdrawing from and ending an ongoing pre-filing collaborative process by filing an application, which an applicant may do under current practice and procedures. As stated in the preamble to the NOPR: "Entering into a pre-filing collaboration will not bar an applicant from interrupting pre-filing efforts by exercising its existing option to file an application." In response to the concerns expressed in the comments, and in order to ensure that the new regulations in no way intrude on a project sponsor's existing rights, in the final rule we are adding a new § 157.22(h) to clarify that these rights are not affected by the rule.

We are also changing the first sentence of proposed § 157.22(g) to make it clear that any order issued in response to a petition will only end the pre-filing process and will not affect the applicant's existing right to file an application for the proposed facilities.[75]

(5) Offer of Settlement

The NOPR anticipated that one outcome of a pre-filing collaborative process could be a settlement or agreement on issues by the participants. The results could be submitted to the Commission with the application and the preliminary draft NEPA document as an offer of settlement covering all or certain issues raised in the process, as a stipulation of facts, or in conjunction with certain documentation (such as studies that have been conducted pursuant to the process).

Commenters requested that the Commission clarify in the regulations whether an agreement or offer of settlement resulting from a pre-filing process is binding on all the participants in the process and pointed out that in some cases such settlements may not satisfy criteria established in applicable statutes and regulations.[76]

One commenter was concerned that entities opposing a collaboration are left no option but to refuse to participate, risking exclusion from "a settlement that would effectively moot the formal proceeding before the Commission."[77]

The manner in which a settlement is binding on signatories is a matter properly described in the language of the settlement. The terms of a settlement may bar signatories from protesting certain aspects of an application. We note, however, that no provision in the Commission's regulations restricts a collaborative participant or non-participant from intervening, commenting on, and protesting any aspect of an application or settlement. Collaborative participants that are non-signatories to a settlement or agreement are obviously not committed to the terms of that settlement or agreement.[78]

In any proceeding on an application in which an offer of settlement is filed, the Commission will carefully review the offer, including all comments supporting or opposing it, to determine whether the settlement proposed complies with all applicable legal standards and Commission policy. The Commission will not approve any offer unless it is supported by substantial evidence such as documents and studies. When evidence is developed in

[71] Proposed § 157.22(g) appears as § 157.22(f) in the final rule.

[72] NY DEC at 3–4.

[73] El Paso at 19–20; Enron at 3; Great Lakes at 4–5; INGAA at 4; PG&E at 18; Tejas at 14–15; Williston at 6–7.

[74] Commerce at 2–3.

[75] Hydropower applicants using the alternative pre-filing procedures may be subject to different requirements in such a case, as they must fulfil detailed pre-filing consultation requirements under the standard process. *See* 18 CFR 4.38 and 16.8.

[76] NY DEC at 3, Advisory Council at 2.

[77] Indicated Shippers at 10.

[78] *See, e.g.*, Kern River Gas Transmission Company, 87 FERC ¶ 61,128 at 61,506 (1999), in which the Commission found that a party had not been afforded the opportunity to participate in discussions leading to a rate settlement, and "in the spirit of the effort already expended," withheld ruling on the pending settlement while the Director of the Commission's Dispute Resolution Service convened "a meeting of the parties to arrange a process that will foster negotiation and agreement."

the course of a pre-filing collaboration, the applicant should include such information in the administrative record in the proceeding on the application.

(6) Post-Filing Changes in Proposed Facilities

The NOPR did not address the impact of an applicant's participation in a pre-filing process on its rights to revise its proposal after filing an application with the Commission.

One commenter stated that, in the past, changed circumstances have compelled it to modify the terms of a requested authorization after the application was initially filed and expressed concern that pre-filing discussions cannot anticipate or address such changes to a proposal that may become necessary after filing.[79] This commenter claimed that the existing certificate process is flexible enough to accommodate such post-filing changes and was concerned that understandings reached in a pre-filing collaboration could inhibit or delay the submission of amendments (incorporating such changes) to an application that has been filed.

The final rule does not restrict an applicant's ability to make changes to the parameters of a proposed project after the application is filed. Depending on the extent of the changes, the application may need to be amended or refiled. An applicant may make a post-filing change in a project that raises issues that go beyond those addressed in the pre-filing process. Such post-filing changes may well reflect the applicant's reasoned response to recommendations received in the pre-filing process or in the post-filing review, including the NEPA process. The new regulations will not in any way inhibit or delay an applicant from making changes to a proposed project.

The pre-filing process is not designed to compel an applicant to bind itself to build or abandon a project as initially proposed. In the context of a collaboration, a project sponsor may, but need not, make commitments that vary in their rigidity and enforceability as a means to firm up support for or satisfy critics of a project. Such efforts are no different from the precedent agreements gas pipelines have secured under existing procedures to show demand for proposed new capacity. Similarly, in order to address concerns raised by landowners or resource agencies, pipelines have often committed to routing a proposed line along a particular right of way prior to filing an application. An applicant may feel bound to honor such commitments made prior to filing, whether as part of a pre-filing collaborative process or not.

Of course parties to a proceeding on an application for gas facilities, including parties that did not participate in the pre-filing process, may oppose the application as initially filed or as revised or amended. The Commission will consider any such opposition prior to issuing a decision on the application.

G. Miscellaneous

(1) Study Requests Made during the Pre-filing Process

The section proposed in the NOPR as § 57.22(f)(7) and adopted herein as § 157.22(e)(6) states in part: "Additional requests for studies may be made to the Commission after the filing of the application only for good cause shown."

One commenter noted that an applicant may not conduct all the studies requested by participants in the pre-filing process, and sought assurances that the regulations do not preclude a participant in the process from renewing its request for a study that had been made by the participant and had been rejected by the applicant in the pre-filing stage. Specifically, the commenter requested that the language in proposed § 157.22(f)(7) be changed to substitute "study requests" for "additional requests for studies."[80]

We do not believe it is necessary to change the language in § 157.22(f)(7). We confirm that participants (including resource agencies) in a pre-filing process (either gas or hydropower), after an application has been filed, are free to renew requests for studies that were made but rejected by the applicant in the pre-filing process. In such cases, however, we encourage the participants to make every effort to resolve their differences with the applicant as part of the pre-filing process and to consider the filing of a request for dispute resolution with the Commission in the pre-filing stage if such efforts are not successful.

(2) Communications Protocol

Section 157.22(c)(2) as proposed in the NOPR, adopted herein as § 157.22(b)(2), states that an applicant seeking to undertake a pre-filing collaboration must submit with its request "a communications protocol, supported by interested entities, governing how the applicant and other participants in the pre-filing collaborative process, including the Commission staff, may communicate with each other regarding the merits of the applicant's proposal and recommendations of interested entities." The NOPR stated that this protocol would designate how communications in the pre-filing process would be documented and made available to the participants and the public.

One commenter asked the Commission to provide more guidance regarding the required communications protocol, including what such a protocol must include or may exclude, how it may be implemented, and the consequences for violating it.[81] Another commenter was concerned that the applicant may exert undue influence over a group's development of the communications protocol and therefore urged the Commission to impose its own protocol on all collaborative groups.[82]

The communications protocol governs how the applicant, Commission staff, and participants in the pre-filing collaborative process may communicate with each other during the process. The protocol should specify how such communications will be documented and made available to the participants and the public.[83] Because we want to leave the applicant and participants room to tailor the protocol to suit the particular circumstances of each collaborative process, we will not add requirements to the final rule specifying the content or manner of implementation of a protocol. When an applicant files its request to use the pre-filing collaborative process, the Commission will have the opportunity to review the proposed communications protocol and prospective participants' comments regarding it before deciding whether to authorize the requested pre-filing collaboration. We can reject the protocol or require revision of its terms if they are inadequate, inappropriate, or prejudicial in any way.

(3) Record in Certificate Proceedings

Section 157.22(e)(5) as adopted herein (§ 157.22(f)(6) in the NOPR) states: "An applicant authorized to use the pre-filing collaborative process may substitute a preliminary draft environmental review document and additional material specified by the Commission instead of an environmental report with its application as required by § 380.3 of this chapter and need not supply additional

[79] Tejas at 11–12.

[80] *Id.*

[81] Industrials at 10.

[82] Smith at 3.

[83] The Commission staff can provide examples of communications protocols that have worked on hydropower projects and can assist the applicant and participants in defining the necessary elements.

documentation of the pre-filing collaborative process with its application. The applicant will file with the Commission the results of any studies conducted or other documentation as directed by the Commission, either on its own motion or in response to a motion by a party to the proceeding."

One commenter asked the Commission to clarify whether "additional material" is to include documentation sufficient to satisfy the identification and evaluation requirements of section 106 of National Historic Preservation Act.[84] Other commenters asked whether any portion of pre-filing discussions would become part of the record after the application is filed with the Commission[85] and, if the post-filing record rests on the pre-filing discussions, whether dissenting points of view would appear in the record.[86]

We expect that the information submitted with the application after a pre-filing process would be equivalent to that normally submitted pursuant to § 380.3, for purposes of evaluating the consistency of the application with the National Historic Preservation Act and other relevant statutes.

We expect that only pertinent parts of the information gathered in the pre-filing process will become part of the record of the proceeding once an application has been filed.[87] At the conclusion of the pre-filing process, the applicant and the collaborative group should decide what information they wish to become part of the administrative record in the proceeding on the application, and that information should be submitted to the Commission with the application.

Any party to the proceeding, regardless of whether it participated in the pre-filing process or whether it supports the application, may seek to enter additional information into the record to support the party's position, and if necessary or appropriate, the Commission may direct such information to be submitted.

[84] Advisory Council, attachment at 2–3.

[85] Industrials at 10.

[86] Sempra at 3.

[87] Examples of information gathered in the pre-filing process that would not normally become part of the administrative record of the proceeding on the application would include drafts of studies or reports, routine correspondence, and privileged settlement discussions. Information that would normally be submitted to the Commission for inclusion in the record would include the results of relevant scientific studies or other investigations of resource concerns conducted during the pre-filing process.

(4) Rights of Parties

Currently, once an application is filed, interested persons can intervene, comment, and/or protest. Several commenters emphasized that it would be inappropriate if this existing process were curtailed in any way with respect to applications filed following a collaboration.[88] One commenter sought assurances that participants in a pre-filing process can withdraw from it without prejudicing their right to later intervene after an application has been filed and participate in the proceeding before the Commission.[89] One commenter insisted the Commission must accord the same treatment to all applications, whether filed after a collaboration or without any pre-filing consultation.[90]

All entities, including those that do not participate in or withdraw from a pre-filing process, retain their existing rights to intervene in the proceeding concerning the proposed project once an application is actually filed and to comment on, support or protest the application. The time the Commission needs to reach a decision is in part a function of the complexity of the issues raised, the degree to which issues are contested, and the thoroughness with which the application explores the issues. In particular, when an application is filed in which the environmental impacts of a proposed project have been adequately addressed and the applicant has agreed to take actions to provide appropriate mitigation for such impacts and enhancement, the time required for Commission review may be significantly shorter than for an application that does not discuss such issues.

(5) Relation to Ex Parte Regulations

One commenter[91] questioned the Commission's legal authority to provide for pre-filing collaboration for gas applicants, contending this could be construed to be a form of alternative dispute resolution (ADR) that could run afoul of *ex parte* prohibitions.[92] Commenters sought clarification on how *ex parte* rules will affect the collaborative process.[93] One commenter suggested that, if not the letter, then the spirit of the *ex parte* prohibitions would be compromised were the same Commission staff to participate in pre-filing collaboration and to later serve in an advisory role in the decision-making proceeding on any resulting application that was filed.

The Commission's *ex parte* rules[94] are intended to avoid any prejudice, real or apparent, that might result to a party in a contested, on-the-record proceeding before the Commission, were a party or "interceder" to communicate information regarding the merits to decision-making (advisory) staff without the knowledge of other parties. Since the pre-filing collaborative process established by the final rule is not a proceeding before the Commission (which commences only after the filing of an application), the Commission's regulations precluding *ex parte* communications do not apply to communications with staff during the course of such a pre-filing process. The communications protocol, however, typically addresses concerns about private communications with Commission staff during the pre-filing process. Collaborative participants have the flexibility in negotiating the protocol to set the level of scrutiny that they feel is appropriate to apply to exchanges of information among participants and with the Commission staff. Consequently, we do not believe that the involvement of the project sponsor, interested persons, or Commission staff in pre-filing, pre-decisional activities conflicts with the Commission's *ex parte* rules.

We are not persuaded that a staff member's participation in a pre-filing discussion should disqualify that individual from serving in an advisory role in any proceeding on an application that is subsequently filed. We note that staff representations in the pre-filing forum can not in any way bind the Commission, because the Commission alone is responsible for making all final decisions on the application.

IV. Environmental Analysis

Commission regulations describe the circumstances where preparation of an EA or an EIS will be required.[95] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment.[96] No environmental consideration is necessary for the promulgation of a rule

[88] AGA at 7–8; Industrials at 9; Sempra at 3.

[89] EDF at 2.

[90] INGAA at 3–4.

[91] Indicated Shippers at 4 and 14.

[92] *See* 5 USC 551–557 and 18 CFR 385.604 and 385.2201.

[93] Advisory Council, attachment at 3; Martin at 2.

[94] *See* 5 U.S.C. 557; 18 CFR 385.2201; *see also* Regulations Governing Off-the-Record Communications, Notice of Proposed Rulemaking, 63 FR 51312 (Sept. 25, 1998), FERC Stats. & Regs. (Regulations Preambles 1988–1998) ¶ 32,534 (Sept. 16, 1998).

[95] Regulations Implementing the National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), codified at 18 CFR part 380.

[96] 18 CFR 380.4(a)(2)(ii).

that is clarifying, corrective, or procedural, or that does not substantially change the effect of legislation or regulations being amended.[97]

The final rule adopted herein is procedural in nature. It implements an optional pre-filing collaborative process that a prospective applicant for a natural gas authorization may wish to use. Thus, no environmental assessment or environmental impact statement is necessary for the requirements adopted in the rule.

V. Regulatory Flexibility Certification

The Regulatory Flexibility Act of 1980 (RFA)[98] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. Pursuant to section 605(b) of the RFA, the Commission hereby certifies that the final rule adopted herein will not have a significant economic impact on a substantial number of small entities.

The procedural regulations adopted in this final rule are purely voluntary in nature, and are designed to reduce burdens on small entities (as well as large entities) rather than to increase them. The pre-filing collaborative process adopted herein is optional, will not alter or replace the procedures currently prescribed in our regulations, and will not be available unless it is the consensus of the persons interested in the proposed project to use that process. Under this approach, each small entity will be able to evaluate for itself whether the pre-filing process would be beneficial or burdensome, and could decline to participate in the proposed process if it appeared to be more burdensome than beneficial. Under these circumstances, the economic impact of the final rule will be either neutral or beneficial to the small entities affected by it.

VI. Information Collection Statement

The regulations adopted in this final rule will impose reporting burdens only on those applicants that voluntarily choose to use the pre-filing collaborative process, and will only require minor additional filing requirements, as most of the reporting burdens associated with preparing and filing an application for natural gas facilities or services are imposed by existing regulations. The other additional burdens of the process do not involve filings with the Commission, but consist of various outreach efforts of the potential applicant and related interactions with entities interested in its proposal. An applicant would presumably only incur such additional burdens if it believed that, in the long run, it would reduce the time required to obtain Commission authorization or save on litigation and other costs incurred to pursue its application using only the standard procedures.

The Commission has made approximate estimates of the additional time that may be required of an applicant to comply with the pre-filing collaborative process. It is difficult to be precise about such estimates, because the time required for one applicant could vary considerably from the time required for other applicants, depending upon the circumstances involved, including the complexity of the issues raised, the total number of participants in the pre-filing process, and how cooperatively those participants worked together. If the pre-filing collaborative process were successful and resulted, for example, in the filing of an agreement or an offer of settlement with the Commission, the applicant might be able to save substantially more time by avoiding rehearing and litigation than was invested in the use of that process. If an applicant requested and was allowed to use the pre-filing collaborative process for an average project requiring a significant EA or an EIS, the main additional burden areas, with the estimated hours to comply with each, are:

Process	Burden (hours of effort)
(1) contact interested entities;	80
(2) prepare and submit request, including communications protocol;	80
(3) prepare and distribute scoping and hold related meetings;	32
(4) develop agenda and other documents, including minutes, for all meetings and prepare and distribute them (only additional time as compared to presently required meetings;	802
(5) prepare and publish public notices;	88
(6) prepare and submit required Commission filings;	64
(7) maintain a complete record of the pre-filing consultation proceedings that would be open to the public.	208
Total	1,354

We estimate that to prepare and distribute the preliminary draft environmental review document would not take any more time than to prepare an environmental report under the standard process. Therefore, the estimated additional burden of the tasks required of an applicant if it voluntarily undertakes the alternative process totals 1,354 hours.

SoCal Ed expects that an effective collaboration will involve frequent meetings with multiple participants and on this basis believes the Commission underestimates the hours such meetings will require.[99] We clarify that the specified number of additional hours reflects our judgment of the additional time needed to conclude an average pre-filing collaboration. As previously explained, the time devoted to a collaboration will vary considerably depending on the complexity and contentiousness of the proposed project. A potential applicant may expend less than 1,354 hours to complete a collaboration for relatively minor modifications to existing facilities, whereas a collaboration for a large and controversial project can be expected to take longer. Given the inevitable variability in types of applicant proposals, we have endeavored to strike a balance and gauge the additional time needed to undertake a collaboration for a moderately scaled project. For such a project, we affirm our estimate that an additional 1,354 hours will be needed.

Office of Management and Budget (OMB)[100] approval is required for certain information collection requirements imposed by agency rules. Accordingly, pursuant to OMB regulations, the Commission is providing notice of its information collections to OMB for review under section 3507(d) of the Paperwork Reduction Act of 1995.[101] The Commission identifies the information provided under parts 153 and 157 of its regulations as FERC–539 and FERC–537, respectively.

Title: FERC–537, Gas Pipeline Certificates: Construction, Acquisition, and Abandonment, and, FERC–539, Gas Pipeline Certificate: Import/Export.

Action: Proposed Data Collection.

OMB Control No.: 1902–0060 and 1902–0062.

An applicant shall not be penalized for failure to respond to this collection of information unless the collection of information displays a valid OMB control number.

Respondents: Businesses or other for profit, including small businesses.

Frequency of Responses: On occasion.

Necessity of Information: The rule will revise the Commission's regulations contained in 18 CFR parts 153 and 157.

[97] 18 CFR 380.4.

[98] 5 U.S.C. 601–612.

[99] SoCal Ed at 5–6.

[100] 5 CFR 1320.11.

[101] 44 U.S.C. 3507(d).

Implementation of the rule will offer prospective applicants seeking to construct, operate, or abandon natural gas facilities or services the option, in appropriate circumstances and prior to filing an application, of using a collaborative process.

Internal Review: The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimates associated with the information requirements. The Commission's Office of Pipeline Regulation (OPR) will use the data included in applications to determine whether proposed facilities, services, or abandonments are in the public interest as well as for general industry oversight. This determination involves, among other things, an examination of adequacy of design, costs, reliability, redundancy, safety, and environmental acceptability of the proposal. These requirements conform to the Commission's plan for efficient information collection, communication, and management within the natural gas industry.

Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426 (Attention: Michael Miller, Office of the Chief Information Officer, Phone: (202) 208–1415, fax: (202) 273–0873, E-mail: michael.miller@ferc.fed.us).

For submitting comments concerning the collection of information and the associated burden estimates, please send comments to the contact listed above and to the Office of Management and Budget, Office of Information and Regulatory Affairs (Attention: Desk Officer for Federal Energy Regulatory Commission).

VII. Effective Date

These regulations become effective October 22, 1999. The Commission has concluded, with the concurrence of the Administrator of the Information and Regulatory Affairs of OMB, that this rule is not a "major rule" as defined in section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of Subjects

18 CFR Part 153

Exports, Imports, Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements

18 CFR Part 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

By the Commission. Commissioner Bailey concurred with a separate statement attached.

David P. Boergers,

Secretary.

Appendix A—List of Commenters

Advisory Council on Historic Preservation (Advisory Council)
Alabama Historical Commission (Alabama)
Alabama Power Company (Alabama Power)
American Gas Association (AGA)
ANR Pipeline Company (ANR)
California Department of Water Resources (California Water)
Columbia River Inter-Tribal Fish Commission (CRITFC)
Duke Energy Companies (Duke)
Edison Electric Institute (EEI)
El Paso Energy Interstate Pipelines (El Paso)
Enron Interstate Pipelines (Enron)
Environmental Defense Fund (EDF)
FPL Energy Inc. (FPL)
Frederick W. Martin (Martin)
Great Lakes Gas Transmission Limited Partnership (Great Lakes)
Hydropower Reform Coalition (HRC)
Idaho Power Company (Idaho Power)
Interstate Natural Gas Association of America (INGAA)
Indicated Shippers
J. Ferguson & J. Tavares (Ferguson & Tavares)
Laurie G. Smith (Smith)
National Hydropower Association (NHA)
New York State Department of Environmental Conservation (NY DEC)
Nicor Gas (Nicor)
Northwest Hydroelectric Association (Northwest)
Oregon Departments of Fish and Wildlife and Environmental Quality (Oregon)
PG&E Corporation (PG&E)
Process Gas Consumers Group, The American Iron and Steel Institute, and
The Georgia Industrial Group (Industrials)
Sacramento Municipal Utility District (Sacramento)
Sempra Energy Companies (Sempra)
Southern California Edison Company (SoCal Ed)
Southern Tier Landowners Association (Southern Landowners)
Tejas Offshore Pipeline, LLC (Tejas)
Travis K. Bynum
Tri-Dam Project of the South San Joaquin and Oakdale Irrigation Districts (Tri-Dam)
Trout Unlimited
U.S. Department of Agriculture, Forest Service (Forest Service)
U.S. Department of Commerce, National Marine Fisheries Service (Commerce)
U.S. Department of the Interior (Interior)
U.S. Environmental Protection Agency (EPA)
Williams Gas Pipeline Company (Williams)
Williston Basin Interstate Pipeline Company (Williston)
Wisconsin Department of Natural Resources (Wisconsin DNR)

(Issued September 15, 1999)

BAILEY, Commissioner, *concurring.*

I support the *voluntary* use of the collaborative process adopted in this document. I write separately only to question the need for engrafting a voluntary process into the Code of Federal Regulations as a rule. Putting aside a semantic discussion about whether a rule is a rule or just an option, my concern derives from the simultaneous issuance today of a certificate policy statement that has as a goal the filing of complete applications that can be processed expeditiously by minimizing adverse effects and working out contentious issues in advance. I am concerned that these two documents not be read in tandem so as to suggest the collaborative process is anything other than voluntary. I want to make it perfectly clear that from my perspective, this is the case.

Vicky A. Bailey,

Commissioner.

In consideration of the foregoing, the Commission amends Parts 153, 157 and 375 of Chapter I, Title 18, Code of Federal Regulations, as follows:

PART 153—APPLICATIONS FOR AUTHORIZATION TO CONSTRUCT, OPERATE OR MODIFY FACILITIES USED FOR THE EXPORT OR IMPORT OF NATURAL GAS

1. The authority citation for part 153 continues to read as follows:

Authority: 15 U.S.C. 717b, 717o; E.O. 10485, 3 CFR, 1949–1953 Comp., p. 970, as amended by E.O. 12038, 3 CFR, 1978 Comp., p. 136, DOE Delegation Order No. 0204–112, 49 FR 6684 (February 22, 1984).

2. Section 153.12 is added, to read as follows:

§ 153.12 Collaborative procedures for applications for authorization to site, construct, maintain, connect, or modify facilities to be used for the export or import of natural gas.

The definitions and pre-filing collaborative procedures for certificate applications in §§ 157.1 and 157.22 of this chapter are applicable to applications under section 3 of the Natural Gas Act filed pursuant to subpart B of this part.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

3. The authority citation for part 157 continues to read as follows:

Authority: 15 U.S.C. 717–717w; 3301–3432; 42 U.S.C. 7101–7352.

4. Section 157.1 is added, to read as follows:

§ 157.1 Definitions

For the purposes of this part—

Indian tribe means, in reference to a proposal or application for a certificate or abandonment, an Indian tribe which is recognized by treaty with the United States, by federal statute, or by the U.S. Department of the Interior in its periodic listing of tribal governments in the **Federal Register** in accordance with 25 CFR 83.6(b), and whose legal rights as a tribe may be affected by the proposed construction, operation or abandonment of facilities or services (as where the construction or operation of the proposed facilities could interfere with the tribe's hunting or fishing rights or where the proposed facilities would be located within the tribe's reservation).

Resource agency means a Federal, state, or interstate agency exercising administration over the areas of recreation, fish and wildlife, water resource management, or cultural or other relevant resources of the state or states in which the facilities or services for which a certificate or abandonment is proposed are or will be located.

5. Section 157.22 is added, to read as follows:

§ 157.22 Collaborative procedures for applications for certificates of public convenience and necessity and for orders permitting and approving abandonment.

(a) A potential applicant may submit to the Commission a request to approve the use of collaborative procedures for pre-filing consultation and the filing and processing of an application for certificate or abandonment authorization that is subject to part 157 of this chapter.

(b) A potential applicant requesting to use the pre-filing collaborative procedures must provide a list of potentially interested entities invited to participate in a pre-filing collaborative process and:

(1) Demonstrate that a reasonable effort has been made to contact all entities affected by the applicant's proposal, such as resource agencies, local governments, Indian tribes, citizens' groups, landowners, customers, and others, and that a consensus exists that the use of the collaborative process is appropriate under the circumstances;

(2) Submit a communications protocol, supported by interested entities, governing how the applicant and other participants in the pre-filing collaborative process, including the Commission staff, may communicate with each other regarding the merits of the applicant's proposal and recommendations of interested entities; and

(3) Submit a request to use the pre-filing collaborative process and, within five days, send a copy of the request, along with the docket number of the request, instructions on how to submit comments to the Commission, and a copy of §§ 157.1 and 157.22, to all affected resource agencies and Indian tribes, and all entities contacted by the applicant that have expressed an interest in the pre-filing collaborative process.

(c) As appropriate under the circumstances of the case, the request to use the pre-filing collaborative procedures must include provisions for:

(1) Distribution of a description of the proposed project (including its intended purpose, location and scope, and the estimated dates of its construction), and scheduling of an initial information meeting (or meetings, if more than one such meeting is appropriate) open to the public;

(2) The cooperative scoping of environmental issues (including necessary scientific studies), the analysis of completed studies and any further scoping; and

(3) The preparation of a preliminary draft environmental assessment or preliminary draft environmental impact statement and related application.

(d) The Commission will give public notice in the **Federal Register** and the prospective applicant will inform potentially interested entities of a request to use the pre-filing collaborative procedures and will invite comments on the request within 30 days. The Commission will consider the submitted comments in determining whether to grant or deny the applicant's request to use the pre-filing collaborative procedures. Such a decision will not be subject to interlocutory rehearing or appeal.

(e) If the Commission accepts the use of a pre-filing collaborative process, the following provisions will apply:

(1) To the extent feasible under the circumstances of the process, the Commission will give notice in the **Federal Register**, and the applicant will give notice in a local newspaper of general circulation in the county or counties in which the facility is proposed to be located, of the initial information meeting or meetings and the scoping of environmental issues. The applicant shall also send notice of these events to a mailing list approved by the Commission. To the extent feasible under the circumstances of the process, the mailing list should contain the names and addresses of landowners affected by the project.

(2) The applicant must also file with the Commission a copy of the initial description of its proposed project, each scoping document, and the preliminary draft environmental review document.

(3) All filings submitted to the Commission under this section shall consist of an original and seven copies. The applicant shall send a copy of each filing to each participant that requests a copy.

(4) At a suitable location (or at more than one location if appropriate), the applicant will maintain a public file of all relevant documents, including scientific studies, correspondence, and minutes or summaries of meetings, compiled during the pre-filing collaborative process. The Commission will maintain a public file of the applicant's initial description of its proposed project, scoping documents, periodic reports on the pre-filing collaborative process, and the preliminary draft environmental review document.

(5) An applicant authorized to use the pre-filing collaborative process may substitute a preliminary draft environmental review document and additional material specified by the Commission instead of an environmental report with its application as required by § 380.3 of this chapter and need not supply additional documentation of the pre-filing collaborative process with its application. The applicant will file with the Commission the results of any studies conducted or other documentation as directed by the Commission, either on its own motion or in response to a motion by a party to the proceeding.

(6) Pursuant to the procedures approved, the participants will set reasonable deadlines requiring all resource agencies, Indian tribes, citizens' groups, and interested entities to submit to the applicant requests for scientific studies or alternative route analyses during the pre-filing collaborative process. Additional requests for studies may be made to the Commission after the filing of the application only for good cause shown.

(7) During the pre-filing collaborative process the Commission may require deadlines for the filing of preliminary resource agency recommendations, conditions, and comments, to be submitted in final form after the filing of the application.

(f) If the potential applicant or any resource agency, Indian tribe, citizens' group, or other entity participating in the pre-filing collaborative process can show that it has cooperated in the process but that a consensus supporting the use of the pre-filing collaborative process no longer exists and that continued use of that process would not

be productive, the participant may petition the Commission for an order directing the use by the potential applicant of appropriate procedures to complete its pre-filing process. No such request will be accepted for filing unless the participant submitting it certifies that the request has been served on all other participants. The request must recommend specific procedures that are appropriate under the circumstances.

(g) The Commission staff may participate in the pre-filing collaborative process (and in discussions contemplating initiating a collaboration) and assist in the integration of this process and the environmental review process in any case. Commission staff positions are not binding on the Commission.

(h) A potential applicant for gas facilities is not precluded by these regulations from filing an application with the Commission at any time, even if the pre-filing collaborative process for the proposed facilities has not been completed.

PART 375—THE COMMISSION

6. The authority citation for part 375 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791–825r, 2601–2645; 42 U.S.C. 7101–7352.

7. In § 375.307, a new paragraph (h) is added, to read as follows:

§ 375.307 Delegations to the Director of the Office of Pipeline Regulation.

* * * * *

(h) Approve, on a case-specific basis, and make such decisions as may be necessary in connection with the use of pre-filing collaborative procedures, for the development of an application for certificate or abandonment authorization under section 7 of the Natural Gas Act, or the development of an application for facilities under section 3 of the Natural Gas Act, and assist in the pre-filing collaborative and related processes.

[FR Doc. 99–24615 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 385

[Docket No. RM98–1–000; Order No. 607]

Regulations Governing Off-the-Record Communications

Issued September 15, 1999.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final Rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is revising its rules concerning communications between persons outside the Commission and the Commission and its employees. The revised regulations are designed to clarify ambiguities in the existing *ex parte* rules and to provide better guidance on what communications to and from the Commission are permissible and what communications are prohibited.

EFFECTIVE DATE: This rule is effective on October 22, 1999.

FOR FURTHER INFORMATION CONTACT: David R. Dickey, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, (202) 208–2140.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, NE, Room 2A, Washington, DC 20426.

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I. Introduction

The Federal Energy Regulatory Commission is revising its regulations governing communications between the Commission's decisional employees and persons outside the Commission. The revisions clarify the ground rules for communication, consistent with the Commission's outreach goals. The final rule is intended to permit fully informed decision making while at the same time ensuring the continued integrity of the Commission's decisionmaking process.

II. Background

The amendments added to the Administrative Procedure Act (APA) in 1976 by the Government in the Sunshine Act provided a general statement as to the limitations and procedures governing *ex parte* communications in matters that statutorily require an on the record hearing.[1] Except as otherwise authorized by law, the APA prohibits *ex parte* communications relevant to the merits of a proceeding between employees involved in the decisional process of a proceeding and interested persons outside the agency.[2] The 1976

[1] 5 U.S.C. 551–557. Section 557 applies "according to the provisions thereof, when a hearing is required to be conducted in accordance with section 556 of this title." Section 556 applies to hearings required by sections 553 and 554.

[2] 5 U.S.C. 557(d) provides that:

(1) In any agency proceeding which is subject to subsection (a) of this section, except to the extent required for the disposition of ex parte matters as authorized by law—

(A) No interested person outside the agency shall make or knowingly cause to be made to any member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, an ex parte communication relevant to the merits of the proceeding;

(B) No member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, shall make or knowingly cause to be made to any interested person outside the agency an ex parte communication relevant to the merits of the proceeding;

Act instructed agencies to issue regulations necessary to implement the APA's requirements.[3] Shortly thereafter, the Federal Power Commission implemented ex parte regulations based on the APA's guidance.[4] Existing Rule 2201[5] applies to all covered proceedings before the Commission except those involving oil pipelines. The Commission currently has a separate *ex parte* regulation, Rule 1415,[6] originally developed by the Interstate Commerce Commission (ICC), which applies only to oil pipeline proceedings.[7] Although directed to the same end—both prohibit certain *ex parte* communications and both describe methods for public disclosure of such communications—they differ in significant details. The manner in which the existing *ex parte* regulations have been interpreted and applied within and outside of the Commission has led to a great deal of confusion.

In October 1992, upon determining that a proposed negotiated rulemaking effort would be cumbersome and ineffective,[8] the Commission noticed a Public Conference for the purpose of examining the Commission's *ex parte* regulations and providing, *inter alia*, that the Commission wanted to provide clearer guidance on whether the *ex parte* prohibitions should apply to all Commission employees or be more limited, *e.g.*, to Commissioners, their personal staff, and other decisional employees.[9] The notice further recited the need for clearer standards governing informal consultations between the Commission's environmental staff and other federal agencies that have environmental responsibilities or interests impacting our decisions, as well as contacts between the Commission and applicants and other persons for the purpose of obtaining information necessary for environmental analyses.[10]

As a result of the March 1992 public conference, participants developed a general consensus favoring a revised rule that would provide the Commission, the industry, and the public with a clearer statement of what communications are prohibited and when the prohibitions apply.[11] It is evident from comments on the March 1992 Notice of Public Conference, and from the ongoing experiences of staff and persons outside the agency, that the language and application of our existing *ex parte* rule should be revised for the sake of clarity.

Moreover, the Commission has recognized the benefits of enhancing its access to information from federal and state agencies and other interested persons to the extent consistent with law and fair process. More recently, discussions undertaken as part of the Commission staff's ongoing reengineering effort indicated that many people believe that changes to the current *ex parte* rule could enhance the Commission's operations.

On September 16, 1998, the Commission issued a Notice of Proposed Rulemaking (NOPR) to revise its procedural rules concerning communications between the Commission and its employees and persons outside the Commission.[12] The NOPR requested comments on the proposed changes to the Commission's procedural rules governing communications between the Commission and its employees and persons outside the Commission.[13] Thirty-two commenters, representing the hydropower, electric power, and natural gas pipeline industries, as well as state and federal resource agencies filed comments generally supporting adoption of the rule as proposed in the NOPR.[14] Their comments offer a number of recommendations and suggestions for improving the proposed rule, some of which are adopted in the final rule, and some which are not, as discussed more thoroughly below.

III. Discussion

The final rule is based on the fundamental APA principles that are the foundation for the *ex parte* prohibition, and furthers the basic tenets of fairness: (1) A hearing is not fair when one party has private access to the decision maker and can present evidence or argument that other parties have no opportunity to rebut;[15] and (2) reliance on "secret" evidence may foreclose meaningful judicial review.[16] The final rule sets out when communications between the Commission and Commission staff and persons outside the Commission may take place off-the-record, and when such communications must take place on the record. The final rule also contains directions on how both prohibited and exempted off-the-record communications will be handled by the Secretary's office and how public notice of such communications will be made.

A. Overview

The final rule generally follows the direction of the proposed rule. The final rule applies to off-the-record communications made in a "contested on-the-record proceeding," defined as "any proceeding before the Commission to which there is a right to intervene and in which an intervenor disputes any material issue, or any proceeding initiated by the Commission on its own motion or in response to a filing." Proceedings not covered by this rule include informal (*i.e.*, notice and comment) rulemaking proceedings under 5 U.S.C. 553; investigations under part 1b; public technical, policy, and other conferences intended to inform

(C) A member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of such proceeding who receives, or who makes or knowingly causes to be made, a communication prohibited by this subsection shall place on the public record of the proceeding:

(i) All such written communications;

(ii) Memoranda stating the substance of all such oral communications; and

(iii) All written responses, and memoranda stating the substance of all oral responses, to the materials described in clauses (i) and (ii) of this subparagraph;

(D) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this subsection, the agency, administrative law judge, or other employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation; and

(E) The prohibitions of this subsection shall apply beginning at such time as the agency may designate, but in no case shall they begin to apply later than the time at which a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply beginning at the time of his acquisition of such knowledge.

(2) This subsection does not constitute authority to withhold information from Congress.

[3] 5 U.S.C. 559.

[4] FPC Order No. 562, 42 FR 14701 (Mar. 16, 1977).

[5] 18 CFR 385.2201.

[6] 18 CFR 385.1415.

[7] 18 CFR 385.1415.

[8] *See* Determination Not to Establish a Negotiated Rulemaking Committee, Docket No. RM 91–10–000, 57 FR 10621 (Mar. 27, 1992), IV FERC Stats. & Regs. ¶ 35,023 (Mar. 20, 1992).

[9] Notice of Public Conference, Regulations Governing Ex Parte Communications, Docket No. RM91–10–000, 58 FERC ¶ 61,320 (Mar. 20, 1991).

[10] *Id.*

[11] *See, e.g.*, the comments filed by Interstate Natural Gas Association, the Industrial Groups, Pacific Gas Transmission Company, and Environmental Action in Docket No. RM91–10–000. Notice of Public Conference, 57 FR 10622 (Mar. 27, 1992); IV FERC Stat. & Regs. ¶ 35,023 (Mar. 20, 1992).

[12] Regulations Governing Off-the-Record Communications, 63 FR 51312 (Sept. 25, 1998); FERC Stats. & Regs. (Proposed Regulations 1988–1998) ¶ 32,534 (Sept. 16, 1998).

[13] The Commission sought comments notwithstanding that, because this is a procedural rule, no opportunity for comment is required by the APA.

[14] The commenters are identified in Appendix A.

[15] *WKAT, Inc. v. FCC*, 296 F.2d 375 (D.C. Cir.), *cert. denied*, 360 U.S. 841 (1961).

[16] *Home Box Office, Inc. v. FCC*, 567 F.2d 9, 54 (D.C. Cir.), cert. *denied*, 434 U.S. 829 (1977); *U.S. Lines v. Federal Maritime Commission*, 584 F.2d 519, 541–542 (D.C. Cir. 1978).

the public or solicit comments on general issues of interest to the Commission and the public; any other proceeding not having a "party or parties," as defined in Rule 102 of the Commission rules of practice and procedure [17]; and any proceeding in which no party disputes any material issues. Although the APA permits off-the-record communications concerning general background or policy discussions about an industry or segment of an industry, discussions of how such background or policy information might apply to the specific merits of a pending proceeding are not permitted.[18]

The NOPR proposed 10 exemptions to the general prohibition against off-the-record communications in contested, on-the-record proceedings at the Commission. Seven of the proposed exemptions are adopted in the final rule largely as proposed in the NOPR—(1) off-the-record communications expressly permitted by rule or order, (2) off-the-record communications related to emergencies, (3) off-the-record communications agreed to by the parties, (4) off-the-record written communications with non-party elected officials, (5) off-the-record communications with other Federal, state, local and Tribal agencies, (6) off-the-record communications related to National Environmental Policy Act (NEPA) documentation, and (7) off-the-record communications with individual non-party landowners. These are discussed below. As a clarification, the final rule refers to "exempted" rather than "permitted" off-the-record communications in the regulatory text.

Three proposed exemptions are dropped in this final rule because they are unnecessary. The NOPR proposed an exemption for communications taking place prior to the filing of an application for Commission action (generally referred to as a "pre-filing" meeting or conference). As more thoroughly discussed below, this exemption is eliminated as unnecessary in the final rule, because pre-filing communications are outside the purview of this rule because they take place prior to the filing of an application, and therefore prior to any "proceeding" at the Commission.

The NOPR proposed an exemption for published or broadly disseminated public information. We subsequently have concluded that, where staff obtains such information of its own volition, no exemption is required to permit Commission staff to access and consider widely available public information. Thus, that exemption has been deleted in the final rule although information relied on by the Commission must be put into the public record.

Finally, the NOPR also proposed an exemption for communications related to compliance matters where compliance was not the subject of a pending proceeding. The final rule addresses this concern by defining such communications as not relevant to the merits, rather than by providing a separate exemption.

The final rule establishes notice and disclosure requirements for both prohibited and exempted communications. These provisions are similar to those proposed in the NOPR.

B. General Comments

The comments received from the 32 commenters generally were supportive of the Commission's efforts to clarify and reform the current rules. Several general comments are addressed in this section; comments on specific elements of the NOPR are discussed below.

Several commenters expressed concern that the revised rules could operate to the detriment of small entities.[19] It is not our intent to create rules or regulations having a discriminatory effect on any segment of the Commission's constituency, particularly smaller entities that may not have a regular presence in Washington, DC, or may lack the resources of larger entities. Everybody doing business with the Commission should be assured that the purpose of the final rule on communications is to enhance the ability of *all* entities involved in a particular proceeding to communicate with the Commission on an equal footing.

One weakness in the prior rule is that it did not expressly apply to off-the-record communications initiated by the Commission and its staff. This deficiency appears to be inconsistent with the approach of the APA that, in general, *ex parte* proscriptions should apply when one party has private off-the-record communications with a decisional authority, regardless of who initiated the contact, so that other parties are not deprived of fundamental fairness and due process. Therefore, the final rule applies to off-the-record communications from decisional Commission employees to persons outside the Commission as well as off-the-record communications from persons outside the Commission to Commission decisional employees. The prohibitions apply both to oral and written off-the-record communications.

One commenter opines that, while most of the reforms set out in the proposed rule are generally desirable and will give the Commission more flexibility in communicating with other entities, the rule, if strictly applied, would seem to reduce some of the flexibility commonly practiced under the existing rule.[20] This commenter believes that exposing staff to possible recriminations for such off-the-record communications might have a chilling effect on staff and forecloses the type of meaningful dialogue that might otherwise lead to informed decision making, and suggests more extensive use of notice and disclosure procedures to further enhance communications.

The final rule is not intended to reduce communications. Rather, by clarifying some of the confusion that existed with the prior rule, the net result should be to improve meaningful dialogue that is necessary to informed and fair decision making. The final rule defines when a communication is considered off-the-record, and sets forth certain exemptions for when off-the-record communications may be permitted.

C. Definitions in the Final Rule

The final rule provides relevant definitions. These are discussed *seriatim*.

(1) Off-the-Record Communication

As proposed in the NOPR, an "off-the-record communication" was defined as "any communication which, if written, is not served on the parties, and, if oral, is made without prior notice to the parties." Several commenters believe that the definition of an oral off-the-record communication should be amended so that even if prior notice is provided for the off-the-record oral communication, it should nonetheless be categorized as prohibited unless there was an opportunity for all parties to be present when the communication was made.[21] One commenter argues that such an amendment gives context to the nature of prohibited oral communications and tracks the language of the Federal Communication Commission's (FCC's) *ex parte* rule.[22]

The Commission agrees that the proposed definition should be modified along the lines suggested. Accordingly, in the final rule, "off-the-record communication" is defined as "any

[17] 18 CFR 385.102.

[18] *See* H.R. Rep. No. 94–880 (Part I), at 20 (1976), *reprinted in* 1976 U.S.C.C.A.N. at 2202.

[19] *See* EPSA at 4; Joint Commenters at 3–4.

[20] Sempra at 3–4.

[21] INGAA at 2 (INGAA's comments are endorsed by Southern Natural Gas Company, Natural Gas Supply Association, and the Williams Companies).

[22] *Id.* at 2–3.

communication relevant to the merits of a contested on-the-record proceeding which, if written, is not filed with the Secretary and not served on the parties to the proceeding pursuant to Rule 2010,[23] and if oral, is made without reasonable prior notice to the parties to the proceeding, and without the opportunity for such parties to be present when the communication is made." Many oral communications are made by telephone conference calls during which all parties may not be physically "present." We will interpret the definition of "present" to include presence by telephone or similar means. The definition of "written communications" includes communications transmitted by electronic means such as "e-mail."

(2) Contested On-the-Record Proceeding

The APA *ex parte* prohibitions apply to adjudications and similar cases required by statute to be decided on the record after an opportunity for hearing.[24] Courts generally have treated rules barring private communications as a basic element of a fair hearing—whether an APA-type oral evidentiary hearing or one involving "paper" exhibits and pleadings—in any case involving competing private claims to a valuable privilege or benefit.[25] Consequently, the final rule extends the prohibitions to all "contested on-the-record proceedings." The NOPR defined a "contested on-the-record proceeding" as "any complaint, action initiated by the Commission, or other proceeding involving a party or parties in which an intervenor opposes a proposed action."

One commenter believes the definition is too narrow because it would attach only in a proceeding in which a party has filed in opposition to an application. The commenter believes that the Commission should deem as contested a proceeding where parties contest legal or factual issues, such as the proper scope of mitigation for environmental harm, even if they do not necessarily contest the propriety of the application, and expresses uncertainty over whether the rule would apply in circumstances where the posture of an intervention is unclear and the Commission has not yet issued a formal determination that the proceeding is contested.[26] The commenter thus believes that the proposed definition could motivate a party to take a position in opposition to an application merely to prevent off-the-record communications from taking place, a proposition it notes as contrary to the new policy of encouraging collaboration in licensing proceedings.[27] As a solution, the commenter suggests amending the proposed definition to include the possibility that the prohibition on off-the-record communications could be invoked by an intervenor's mere request that the rule apply, even in the absence of dispute over a material issue.

The Commission will not rely on intervenor requests to trigger the rule's application. One purpose of the final rule is to permit and encourage more open communications between the Commission and the public, and, therefore, an overbroad definition of when this rule would be triggered would be counter to this goal. The Commission will not treat an intervention as triggering the requirements of this rule when it appears to have been made solely for the purpose of causing the intervenor to be placed on the service list or solely for the purpose of seeking permission to participate in a hearing, should the Commission order that a hearing be held.

To clarify, however, the Commission will amend the definition in the final rule so that a "contested on-the-record proceeding" is "any proceeding before the Commission to which there is a right to intervene and in which an intervenor disputes any material issue, or any proceeding initiated by the Commission on its own motion or in response to a filing." Consistent with current practice, a dispute of "any material issue" may include a dispute of fact, law or policy. This amendment to the NOPR's definition of a contested on-the-record proceeding is more consistent with the APA and its legislative history. The explicit requirement that the proceeding be "contested" before *ex parte* rules attach reflects the notion that procedural requirements and constraints originally developed to preserve the rights of parties in an adjudication have no place in an administrative proceeding in which there is no "contest" comparable to the controversy in a judicial case. For purposes of this definition, an "on-the-record" proceeding includes both proceedings set for oral hearings and so-called "paper hearings" where the matter is disposed of on evidence taken only by written submissions.

The definition expressly excludes "notice-and-comment rulemaking under 5 U.S.C. 553, investigations under part 1b of this chapter, proceedings not having a party or parties, or any proceeding in which no party disputes any material issue." With this change, the NOPR's separate definition of "proceeding involving a party or parties" is unnecessary and is omitted.

(3) Decisional Employee, Contractor, and Person

The NOPR proposed to define a "decisional employee" as "a Commissioner or member of his or her personal staff, an administrative law judge, or any other employee or contractor of the Commission who is or may reasonably be expected to be involved in the decisional process of a particular proceeding, but does not include an employee designated as a part of the Commission's trial staff in a proceeding, a settlement judge appointed under Rule 603 (settlement of negotiations before a settlement judge), a neutral (other than an arbitrator) in an alternative dispute resolution proceeding subject to Rule 604, or an employee designated as non-decisional in a particular proceeding subject to the separation of functions requirements applicable to trial staff under Rule 2202 (separation of functions of staff)."

One resource agency asks whether the definition of "decisional employee" includes the Commission's environmental staff and directors of the program offices.[28] It does. As a general rule, we view these employees as involved in the analysis and decisionmaking process so that, to the extent they are assigned to a particular proceeding with the goal of making recommendations for the Commission's consideration, they must be considered as decisional employees. However, specified communications between persons outside the Commission and the Commission's environmental staff and directors of the program offices may take place off-the-record pursuant to one of the exemptions to the prohibition of the general rule discussed below. Another commenter notes that, as proposed, the rule would not apply to staff who are non-decisional employees, focuses on prohibited communications to and from persons outside the Commission, and does not address communications between decisional and non-decisional FERC staff.[29] The commenter apparently reads the rule as eroding or modifying the Commission separation of functions rule (18 CFR 385.2202) and requests the Commission to reaffirm Rule 2202 and specify that decisional and non-decisional staff

[23] 18 CFR 385.2010

[24] 5 U.S.C. 557(d)(1).

[25] *Sangamon Valley Television Corp.* v. *United States*, 269 F.2d 221 (D.C. Cir. 1959); and *Sierra Club* v. *Costle*, 657 F.2d 298, 400 (D.C. Cir. 1981).

[26] HRC at 2.

[27] *Id.* at 2–3.

[28] ACHP at 1.

[29] INGAA at 3.

would not be permitted to engage in prohibited communications in contested proceedings.[30] Other commenters specifically request that the definition be amended to include Commission trial staff and other non-decisional employees.[31] One commenter suggests that these Commission employees be considered as outside of the Commission, and subject to the rule.[32]

We find that these proposed modifications are not necessary or practicable. Rule 102(b) of the Commission's rules of practice and procedure sets forth the definition of a "participant" in Commission proceedings as "(1) Any party; or (2) any employee of the Commission assigned to present the position of the Commission staff in a proceeding before the Commission," thus distinguishing between Commission trial staff and a party participant to a proceeding.[33] Furthermore, Rule 2202 remains in place and as such adequately regulates the conduct of intra-agency communications that concerns these commenters.[34] The Commission reaffirms its commitment to the tenets of the separation of functions rule. This commitment is recognized in the current Commission organizational design, with the new Office of Administrative Litigation encompassing all Commission employees engaged in trial work.

As set forth in the NOPR and reflected in the final rule, the Commission may designate any member of the Commission staff as "non-decisional in a proceeding." As a non-decisional employee, he or she would be subject to the requirements of Rule 2202. This gives the Commission the necessary flexibility to make appropriate allocations of its human resources.

The Commission's administrative law judges fall into a unique category. Consequently, with the addition of a clause to the exemptions provisions discussed below, the final rule prohibits the making of any off-the-record communications to or by a presiding officer in any proceeding set for hearing under subpart E of the Commission's rules of practice and procedure.[35] For subpart E proceedings, *none* of the exemptions for off-the-record communications applies to presiding officers.

In contrast, when an administrative law judge is appointed by the Chief Administrative Law Judge as a settlement judge under rule 603,[36] or when an administrative law judge is selected as a neutral under rule 604[37] the administrative law judge is not a decisional employee in that proceeding.

Pursuit of alternative dispute resolution by the Commission's Dispute Resolution Service (DRS) is not part of the decisional process and is not subject to these *ex parte* rules. Alternative dispute resolution procedures are set out in Commission Rule 604.[38] Communications undertaken in the context of alternative dispute resolution are confidential. Moreover, DRS employees are not decisional employees themselves, nor do they advise decisional employees on matters relevant to the merits of a particular matter.

One commenter opposes including third-party contractors in the definition of decisional employees, asserting that applicants need to have confidential discussions with those preparing their NEPA evaluations.[39] To be sure, third-party contracting reflects a scheme by which an applicant is responsible for directly paying and cooperating with a contractor selected to perform environmental analyses. However, the selection of the contractor is subject to Commission approval and Commission staff is responsible for directing the work of the contractor.[40] Thus, in the same manner as direct Commission contractors, a third-party contractor plays the role of a Commission decisional employee, subject to the proscriptions of the rules against prohibited off-the-record communications. Accordingly, merits-related communications between an applicant and a contractor are governed by these rules.

Finally, one resource agency commented that pre-decisional technical involvement by Commission staff should be outside the purview of the rule, so that Federal, state, local or tribal agencies may freely communicate with Commission staff on technical issues.[41] To the extent that the technical issues are not related to the merits of the underlying proceeding, such communications would be permitted. Such communications may also be permitted under the exemptions for communications between Federal agencies having common jurisdictional interests in a particular matter or for NEPA document preparation.[42]

(4) Relevant to the Merits

The final rule applies to off-the-record communications relevant to the merits of a Commission proceeding in covered proceedings. The term "relevant to the merits" is taken directly from the APA and its definition is drawn from the legislative history of those provisions.[43] The term is defined to mean "capable of affecting the outcome of a proceeding, or of influencing a decision, or providing an opportunity to influence a decision, on any issue in the proceeding." The regulatory text states that purely procedural inquiries or status requests that will not have an effect on the outcome of a case or on the decision on any issue are not "relevant to the merits." Communications relating to purely procedural inquiries, such as how to intervene in a proceeding, the number of days before a responsive filing is due, or the number of copies that must be provided for a required filing are permitted at any time. Where a communication states or implies a preference for a particular party or position, it would be considered as being relevant to the merits. Although simple requests for action by a specific date or for expedited action may be viewed as not relevant to the merits, the Commission strongly encourages that any such requests be made in writing and on the record.

As discussed further below, the definition also excludes communications related to compliance matters if compliance is not the subject of an ongoing proceeding.

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[30] *Id.*

[31] WPPI at 4; SCSI at 2–3

[32] SCSI at 2–3.

[33] 18 CFR 385.102(b).

[34] 18 CFR 385.2202. The Separation of Functions Rule precludes employees performing investigative or trial functions in a particular case from participating as "decisional employees" in the same matter or in a related matter.

[35] 18 CFR 385.501 *et seq.*

[36] 18 CFR 385.603.

[37] 18 CFR 385.604.

[38] *Id.*

[39] NHA at 2.

[40] 40 CFR 1506.5.

[41] *See* Interior at 11–12.

[42] 18 CFR 385.2201(e)(1)(v), 385.2201(e)(1)(vi).

[43] *See* H.R. Rep. No. 94–880 (Part I), at 20, *reprinted in* 1976 U.S.C.C.A.N. at 2202:

> The (statute) prohibits an ex parte communication only when it is "relative to the merits of the proceeding." This phrase is intended to be construed broadly and to include more than the phrase "fact in issue" currently used in the Administrative Procedure Act. The phrase excludes procedural inquiries, such as requests for status reports, which will not have an effect on the way the case is decided. It excludes general background discussions about an entire industry which do not directly relate to specific agency adjudication involving a member of that industry, or to formal rulemaking involving the industry as a whole. It is not the intent of this provision to cut an agency off from general information about an industry that an agency needs to exercise its regulatory responsibilities. So long as the communication containing such data does not discuss the specific merits of a pending adjudication it is not affected by this section.

D. Exempt Off-the-Record Communications

The final rule sets out seven exemptions from the general prohibitions against off-the-record communications. These exemptions are independent of one another. Accordingly, if any exemption applies to the circumstances of a particular proceeding, off-the-record communications will be permitted subject to any disclosure requirements. For example, Rule 2201(e)(1)(iii),[44] provides that the proscriptions of this rule do not apply where all parties to a proceeding have agreed in writing that off-the-record communications may take place. However, even in the absence of such unanimity, off-the-record communications relating to development of an environmental impact statement would be permitted in accordance with the exemption contained in Rule 2201(e)(1)(vi).[45]

We note that while the final rule exempts certain off-the-record communications from the prohibitions of the rule, the Commission and Commission staff retain the discretion not to engage in permitted communications if, in their judgment, such communications would create the appearance of an impropriety or otherwise seem inconsistent with the best interests of the Commission.[46]

(1) Off-the-Record Communications Expressly Permitted by Rule or Order

To the extent permitted by law, Rule 2201(a) allows the Commission, by rule or order, to modify any of the *ex parte* provisions as they apply to all or part of a proceeding. Resource agencies commented that statutes such as the Endangered Species Act require interagency consultations, within and outside of the context of preparing an environmental document.[47] These commenters ask if the rule should consider whether statutes mandating such consultations properly fit within this exemption.

As discussed in the NOPR,[48] only where there is specific statutory authority permitting or directing interagency consultations to take place on an *ex parte* basis, would such off-the-record communications be construed as "authorized by law." We do not believe that statutes requiring interagency consultations should be viewed as authorizing such communications to take place off-the-record.[49] Under other exemptions of the final rule, however, the types of communications addressed by resource agencies may often be permissible, subject to a disclosure requirement.[50]

(2) Off-the-Record Communications Related to Emergencies

The final rule provides an exemption, subject to a notice and disclosure provision, for communications relating to emergencies. The NOPR proposed such an exemption for communications related to emergencies, and specifically requested comments on whether last year's Midwest price spike might qualify as an emergency under such an exemption. Some commenters suggest that an "act of God" emergency would not likely occur in the context of a contested proceeding.[51] Because of the high stakes that might be involved in a contested proceeding, however, it was suggested that, if adopted, the proposed exemption be triggered only after a decision by the Commission or a senior staff official.

Other comments suggest that the final rule better define covered emergencies, and that generic fact-finding would be a better mechanism for handling communications concerning emergencies.[52] Commenters also noted that, because resource agencies might have specific statutory responsibilities relating to natural disasters, the Commission should promptly disclose off-the-record communications related to such emergencies.[53]

We agree with the commenters' suggestions that it is unlikely that communications relating to emergencies would take place in the context of a pending contested proceeding, and we also find some merit in the argument that permitting off-the-record communications during "economic" emergencies could have an adverse effect on regulated energy markets in the context of a contested proceeding.[54] We believe that the Commission's investigative powers under its enabling statutes and part 1b ("Rules Relating to Investigations" under subchapter A "General Rules") of its regulations appear to be sufficiently broad to allow informal investigations into "significant market anomalies," and such investigations are outside the scope of this rule.

However, especially with regard to emergencies affecting a regulated entity's ability to deliver energy, it is imperative that the regulated community be assured that, in the face of an emergency, it may initiate communications with the Commission without fear of violating the prohibitions on off-the-record communications, even in the context of a contested proceeding. By their very nature, emergencies do not allow prior opportunity for public participation in meetings addressing issues relating to the emergency. Concomitantly, Commission staff must be able to receive an emergency communication without fear of violating *ex parte* considerations or other provisions of the Commission's standards of conduct for employees. Therefore, the final rule adopts this exemption. Because we believe that the Commission can proceed to investigate emergencies, once identified, under its part 1b procedures, the final rule makes clear that this exemption is limited to communications from persons outside the Commission, and requires prompt notice and disclosure of the communication. The prompt disclosure required under this exemption should alleviate any possible detriment occasioned by allowing such communications.

(3) Off-the-Record Communications Agreed to by the Parties

The NOPR proposed to retain prior Rule 2201(b)(6) permitting communications which all the parties to a proceeding agree may be made without regard to communication constraints. We conclude that agreements to waive this rule must be in writing and subject to Commission approval.[55]

The NOPR sought comments on whether pre-filing communications protocols permitted under our collaborative procedures initiatives[56]

[44] 18 CFR 385.2201(e)(1)(iii).

[45] 18 CFR 385.2201(e)(1)(vi).

[46] *See* 18 CFR 385.2201(j)(2).

[47] *E.g.*, Interior at p. 6.

[48] Notice of Proposed Rulemaking, *Regulations Governing Off-the-Record Communications*, 63 FR 51312, 51316 (Sept. 25, 1998).

[49] In fact, pursuant to NEPA, prior to issuing a detailed environmental statement, an agency must make available, pursuant to the Freedom of Information Act (FOIA), the comments and views of cooperating agencies. *See* 42 U.S.C. 4233(C.)

[50] *See* 18 CFR 385.2201(e)(1)(v) or (vi). We note however that the disclosure requirement in this rule does not permit the Commission or any resource agency to publicly disclose statutorily protected information. There are statutory prohibitions against disclosing the location of certain historically, culturally, or environmentally sensitive resources, but there is no such prohibition on setting conditions to protect such resources. *See, e.g.*, Section 304 of the National Historic Preservation Act, as amended, 16 U.S.C. 470w–3.

[51] *E.g.*, Joint Commenters at 9–10.

[52] EEI at 8–9.

[53] Interior at 7.

[54] Joint Commenters at 9–10.

[55] *See WKAT, Inc.*, v. *FCC*, 296 F.2d 375 at 383 (D.C. Cir. 1961).

[56] *See* Order No. 596, Regulations for the Licensing of Hydroelectric Projects, 62 FR 59802

Continued

should be allowed to remain in effect after a filing is made. The general consensus of commenters is that pre-filing communications protocols agreements should be renewed or otherwise approved by all parties to a proceeding once a filing is made and the time for filing interventions has passed.[57]

We agree with the commenters. In order to qualify for this exemption, pre-filing protocols must be renewed by all parties and approved by the Commission after an application is filed with the Commission and the time for filing interventions has expired. At that time, the identities of all parties participating in the proceeding have been determined.

(4) Off-the-Record Written Communications from Non-Party Elected Officials

The Commission receives numerous letters from Federal and state elected officials requesting expedition and forwarding correspondence from constituents. The NOPR proposed treating such written communications as permitted communications, subject to a notice and disclosure requirement under which the communications would be placed in the public record.[58] Various commenters urge that the exemption include any communications from Commission officials to the non-party elected official,[59] be limited to Congress,[60] restrict covered officials from forwarding to the Commission the comments of constituents who are parties to a particular proceeding,[61] and extend to Tribal officials.[62]

The final rule generally adopts the proposed exemption. The exemption covers only written communications. Because such communications may be relevant to the merits, this exemption contains a notice and disclosure requirement.

We agree with commenters that communications from elected, non-party Tribal officials should be included among those communications permitted by this exemption. Indian tribes frequently have interests that may be substantially affected by Commission proceedings.

Any communications from Commission officials to elected officials are not covered by this exemption. Consistent with current practice, Commission responses to correspondence from elected officials do not address the merits. Nevertheless, such responses will be placed in the record.

(5) Off-the-Record Communications with Other Federal, State, Local, and Tribal Agencies

Prior Rule 2201(b)(1)[63] permitted off-the-record communications from interceders who are Federal, state or local agencies that have no official interest in, and whose official duties are not affected by, the outcome of a covered proceeding to which the communication relates. What was meant by "official duties" or having "no official interest in" a covered proceeding was unclear, at best.

Because many of the agencies with which the Commission works have an interest in Commission proceedings, the NOPR proposed an exemption to permit off-the-record communications, subject to a disclosure requirement, with Federal, state, or local agencies that are not parties in a specific contested proceeding. As proposed, there would be an exemption for off-the-record communications involving: (1) A request for information by the Commission or Commission staff; or (2) a matter over which the other Federal, state, or local agency and the Commission share regulatory jurisdiction, including authority to impose or recommend licensing conditions.

One commenter strongly objects to this exemption and suggests that agencies use memoranda of understanding to define their respective roles.[64] Three other commenters suggest that government agencies are no different from other parties with specific interests in the outcome of a proceeding and, thus, should not be accorded special treatment, particularly when the Commission may grant late intervention to agencies.[65] On the other hand, most resource agencies believe the exemption should be expanded to include party, as well as non-party, agencies.[66]

One commenter argues that, because some agencies have authority to make mandatory licensing conditions, interagency off-the-record communications should be prohibited unless applicants have similar access to the Commission.[67] NARUC urges the Commission to consider its statutory obligations for consultations with its member state utility commissions, and clarify when communications with state commissions are necessary.[68] At least one state agency believes that excluding party agencies from this exemption would chill their ability to participate fully in some proceedings.[69] Finally, it was suggested that communications with non-party Indian Tribes be covered by this exemption.[70]

The exemption, modeled on similar *ex parte* exemptions adopted by the Federal Communications Commission (FCC), is adopted as proposed.[71] The intent is to recognize that, except when the other Federal, state, or local agency is directly involved in a Commission case as a party, the public interest favors a free flow of information between government agencies with shared jurisdiction. Where agencies are charged with shared jurisdiction and regulatory responsibilities, a cohesive government policy can best be developed and implemented through communication, cooperation and collaboration between agencies and their staff that sometimes can take place most effectively off-the-record.[72] To ensure that such communications do not compromise the procedural rights of the parties or the integrity of the Commission's decisional record, the exemption as proposed and adopted includes a disclosure provision, requiring that information obtained through off-the-record communications with Federal, state or local agencies, and relied upon by the Commission in reaching its decision, be placed in the public record to allow the public to discern the basis of the Commission's decision.

We do not believe it appropriate to require disclosure of communications between the Commission and non-party cooperating agencies that exchange views and information in the development of an environmental impact statement or environmental assessment under NEPA. Such cooperation typically involves an interagency sharing of the staff work necessary to prepare an environmental document. This collaboration is most

(Nov. 5, 1997), III FERC Stats. & Regs. ¶ 31,057 (Oct. 29, 1997).

[57] *See, e.g.*; ACHP at 2; EEI at 9; Williston at 5–6; SMUD; at 5.

[58] The legislative history of the APA makes clear that members of Congress are "interested persons" subject to the APA restrictions on communications. It also indicates, however, that this prohibition is not intended to prohibit routine inquiries or referrals of constituent correspondence. *See* H.R. Rep. No. 94–880 (Part 1), (at 21–22), *reprinted in* 1976 U.S.C.C.A.N at 2203.

[59] INGAA at 4, SoCalEd at 8–9.

[60] *Id.*

[61] BPA at 3–4.

[62] Interior at 10.

[63] 18 CFR 385.2201(b)(1).

[64] HRC at 5–6.

[65] *See*, EEI at 3; Joint Commenters at 10–11; NHA at 2–3.

[66] Interior at 11–12; NMFS at 2; EPA at 1–2.

[67] NHA at 2–3.

[68] NARUC at 2–4.

[69] California Oversight at 2.

[70] Interior at 11–12.

[71] *See, e.g.*, 47 CFR 1.1204(a)(5).

[72] Similar exclusions appear in the Federal Communications Commission's *ex parte* regulations. *See* 47 CFR 1.1204(b)(5), (7) and (8).

effective when not burdened by notice and disclosure requirements. Where the involved agencies are not parties before the Commission, we believe this collaboration can occur off-the-record without prejudice to the parties. Thus, the final rule excludes such communications from the disclosure requirements.

(6) Off-the-Record Communications Relating to NEPA Documentation

The NOPR proposed to exclude from the general prohibitions of this rule all off-the-record communications relating to the preparation of either an environmental impact statement (EIS) or an environmental assessment (EA) where the Commission has determined to solicit public comment on the EA. Under the proposed exemption, off-the-record communications would be permitted by the rule if they are made prior to the issuance of a final NEPA document. The proposed exemption provided for notice and disclosure of off-the-record communications.

Several commenters would limit application of the exemption to off-the-record communications leading up to the issuance of a draft environmental impact statement (DEIS) and require all communications occurring after issuance of the DEIS to take place on the record.[73] One commenter expresses concern that if the Commission adopts the rule as proposed, permitting off-the-record communications during the period between issuance of a DEIS and final environmental impact statement (FEIS), an applicant might learn of post-DEIS comments only upon issuance of the final environmental document, thus denying it an opportunity to respond. Accordingly, this commenter asks that, should the Commission permit off-the-record communications until issuance of the FEIS, such communications should be immediately disclosed and parties should be allowed to comment on the substance of the communication prior to the Commission addressing such communication in the FEIS.[74]

Federal agency commenters enthusiastically support this exemption and would broaden it to allow communications related to areas within their jurisdictional expertise even after a FEIS issues.[75] They cite statutory obligations such as, but not limited to, the Clean Water Act,[76] Endangered Species Act,[77] and National Historic Preservation Act of 1966,[78] as requiring input from their respective agencies even after the Commission issues its decisions. Furthermore, CEQ regulations require that Federal agencies integrate related surveys, required by other relevant environmental review laws, into an EIS.[79]

Another commenter responds that government agencies that are also parties to a proceeding should not have access to materials under circumstances where other parties lack such access, but that a disclosure requirement would alleviate such concerns.[80] One commenter responds that there is no need to share confidential trade secret information with agencies in order to prepare an environmental document.[81]

The Commission basically adopts the exemption in the final rule as proposed in the NOPR. The Commission appreciates the concerns raised by the commenters, both those supporting narrowing the scope of the exemption, and those supporting broadening its scope, but we do not believe that they require us to make changes to the rule as proposed. While the Commission prefers that all NEPA-related communications take place on the record, we acknowledge that there will be times when off-the-record contacts may assist in the development of sound environmental analysis.

The public NEPA process provides sufficient opportunity for interested persons to fully participate in the development of the environmental document that will be part of the Commission's record of decision. In proceedings where the preparation of an EIS is necessary, CEQ rules describe a public scoping requirement that may include noticed, public, on-the-record meetings, and require that all substantive comments (whether written or oral) received on the DEIS, or summaries thereof, where the response has been especially voluminous, should be addressed in the final environmental document, whether or not they are relied upon by the agency.[82] Just as with the development of an EIS, CEQ regulations provide that, to the extent practicable, environmental agencies, the applicant, environmental interest groups, and the public should be involved in the process of crafting an EA.[83] Thus, the process of NEPA document preparation is an open one, with ample opportunities for public participation.

The final rule adopts a notice and disclosure requirement. The disclosure requirement provides that any written communication, and a summary of any oral communication obtained through an exempted off-the-record communication to or from Commission staff, will be promptly placed in the decisional record of the proceeding, and noticed by the Secretary.[84] Thus, interested persons will have notice of comments received on a NEPA document and be given the opportunity to respond. Such a practice will enhance the openness of the NEPA process and allow the Commission to make the most informed decisions practicable.

Finally, there were two comments related to the timing of this exemption. One commenter asks the Commission to clarify when this exemption would be in effect: from the time an application is received, or from the time of notice that the application is ready for environmental analysis?[85] The CEQ regulations suggest that the environmental analysis process start at the earliest possible time, including the possibility that such preparation start before an application is filed with an agency.[86] This exemption will be triggered by the filing of an application, and remain in effect no later than the date on which the final environmental document (either FEIS or Finding of No Significant Impact) is issued.

The second commenter suggests that the exemption provide for disclosure of an off-the-record communication within ten days of the communication.[87] We believe that the general provision requiring disclosure promptly after receipt is appropriate, and is included in the final rule. While the final rule adopts the exemption for off-the-record communications relating to contested proceedings that require the preparation of environmental documents, any off-the-record communications relevant to the merits taking place after the Commission's issuance of the final environmental document will be considered prohibited *ex parte* communications under the final rule, unless covered by another exemption.

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[73] *E.g.* INGAA at 4–5, NHA at 3–4, SMUD at 8.

[74] INGAA at 4–5.

[75] Interior at 12, NMFS at 4–5, ACHP at 1–2, BPA at 4–10, CEQ at 1.

[76] 33 U.S.C. 1251, *et seq.*

[77] 16 U.S.C. 1632, *et seq.*

[78] 16 U.S.C. 470, *et seq.*

[79] Such statutes include, but are not limited to, the Coastal Zone Management Act of 1972, 16 U.S.C. 1451 *et seq.*; National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*; Endangered Species Act, 16 U.S.C. 1532 *et seq.*; and section 401, the Clean Water Act, 33 U.S.C. 1341.

[80] Williston at 6.

[81] SoCalEd at 2.

[82] 40 CFR 1503.4(b).

[83] 40 CFR 1501.4.

[84] As discussed above, the notice and disclosure requirements do not apply to communications with non-party cooperating agencies. *See* 18 CFR 385.2201(g)(1).

[85] Interior at 12.

[86] *See, e.g.*, 40 CFR 1501.2.

[87] SMUD at 8.

(7) Off-the Record Communications With Individual Non-Party Landowners

Subject to a disclosure requirement, the NOPR proposed, and the final rule permits, off-the-record communications with non-party landowners whose property may be affected by a pending proceeding.

Several commenters oppose this exemption and suggest that all landowner communications should be filed and served on all parties.[88] Other commenters suggest that while some exemption for landowner communications is appropriate, such communications should be limited in number or restricted to those owners whose property is or will be affected by an action over which the Commission has statutory authority.[89] Another commenter notes that the Commission's Landowner Notification proposal[90] was intended to make it easier for landowners to participate in proceedings that directly affect them. This commenter asks the Commission to clarify, in this proceeding, when an individual landowner is or is not a party, who may comment without intervening, and whether these landowners need to be served filings by parties to the proceeding.[91]

This non-party landowner exemption does not apply to landowners who have intervened as a party to a proceeding. Such a party will be treated as any other party to a contested Commission proceeding. Landowners desiring to become parties may do so in the same manner as any other person desiring to do so: By filing an application or timely intervention or opposition to the proceeding, or at such time the Commission accepts a request to file out of time. Once a landowner becomes a party to a proceeding, all communications between the landowner and the Commission must be made on-the-record and served on all parties to the proceeding. As an intervenor, the landowner will be placed on the service list and will receive copies of all documents of record. Also as an intervenor, the landowner has the right to seek rehearing of any Commission order, and to appeal any final Commission action.

During the NEPA process, landowner comments (as well as comments by others) are placed in the record and, to the extent required by CEQ regulations, responded to in any final environmental document. For purposes of preparing an environmental impact statement or an environmental assessment, such commenters are not deemed to be intervenors, absent their having formally intervened as a party pursuant to the Commission's procedural rules. Thus, they do not receive documents of record, nor do they have the right to seek rehearing or appeal of Commission orders. On the other hand, they do not have the burden of serving copies of their comments on all parties on the service list.

The exemption provides an opportunity for individuals who may not have the knowledge of Commission practice and procedure to obtain information from the Commission. The Commission is concerned that in spite of its efforts and those of applicants, many landowners may remain unaware that a project directly affects their property until the time for intervention in a proceeding has passed. A non-party landowner should be able to contact the Commission to determine what is going on and how to participate in the proceeding if he or she so chooses. Further, if a landowner decides not to intervene, that landowner should be permitted to comment without the need to incur the expense of formally intervening in a proceeding. Any possible bias to the parties is mitigated by the notice and disclosure requirement that off-the-record communications with affected landowners be placed in the record of the proceeding and made available for review and comment. While the Commission agrees that an individual non-party landowner should not have an unlimited number of contacts, we believe that it is preferable to rely on the sound judgment of the Commission and its staff to prevent abuse rather than setting "bright line" restrictions on the number of such contacts.

In addition, only those non-party landowners whose property would be used by or whose property abuts property that would be used by the proposed project would qualify for the exemption. This exemption applies throughout the course of the proceeding, even after the NEPA process has been completed, but does not apply to landowner organizations, or to individual landowners who are parties to the proceeding.

E. Proposed Exemptions Not Adopted in the Final Rule

As indicated above, three of the ten exemptions proposed in the NOPR are not included as exemptions in the final rule.

(1) Pre-filing Communications Outside the Scope of the Final Rule

The NOPR proposed an exemption that would have permitted off-the-record communications relating to "pre-filing communications, including communications under §§ 4.34(i), 4.38 and 16.8 of this chapter, to take place before the filing of an application for an original, new, nonpower, or subsequent hydropower license or exemption or a license amendment." A clarifying note added that application of this exemption is not limited to the referenced hydropower regulations, but would also include the submission of draft rate schedules for the purpose of receiving suggestions under § 35.6 of the Commission's rules, and certain informal pipeline certificate consultations pursuant to § 157.14(a). Further, the Commission has always encouraged pre-filings by oil pipeline companies. In our work on streamlining the oil regulations in Order No. 561,[92] we specifically included § 341.12, "Informal Submissions," to allow for this. In addition, the NOPR anticipated additional initiatives permitting pre-filing collaborative procedures designed to expedite the process of reviewing applications subsequently filed with the Commission.

There is general support for this exemption; however, several commenters argue in favor of setting conditions on allowing pre-filing communications to take place off-the-record.[93] As noted by other commenters, however, pre-filing communications generally fall outside the scope of the APA's definition of *ex parte*.[94] Except for mandating that *ex parte* provisions take effect no later than the date a matter is noticed for hearing, the APA leaves to the individual agency the decision as to whether *ex parte* proscriptions should attach at an earlier date.[95] The Commission views pre-filing

[88] *E.g.*, HRC at 7, NGSA at 11.

[89] Joint Commenters at 12, BPA at 7.

[90] *See* "Landowner Notification, Expanded Categorical Exclusions and Other Environmental Filing Requirements," Docket No. RM98–17–000 64 FR 27717 (May 21, 1999), IV FERC Stats & Regs. ¶ 32,540 (Apr. 28, 1999).

[91] Williston at 3.

[92] 58 FR 58753 (Nov. 4, 1993), FERC Stats. & Regs. (Regulations Preambles 1991–1996) ¶ 30,985 (Oct. 22, 1993).

[93] *E.g.*, SCSI at 4 (supports as long as pre-filing consultations do not address merits of the proceeding to be filed); WPPI at 6–7 (if adopted, permitted communications should be limited to procedure and precedent, and be disclosed); NGSA at 10 (favors exemption but reminds Commission that its decision must be based on record evidence, not pre-filing communications).

[94] HRC at 4, Interior at 5 (requests that the rule reference need for certain interagency communications).

[95] *See*, 5 U.S.C. 557(d)(1)(E). It should be noted, however, that the APA requires that, when the agency knows that the matter will be set for hearing, *ex parte* prohibitions should be enforced at that point.

communications as harmonious with the APA and, consistent with our past practice, does not believe that any bar to communications should exist prior to the time a matter is formally contested, let alone prior to the time a matter is filed for its consideration.

We agree with the commenters' assertion that there is no need to provide an exemption for pre-filing communications, as such communications fall outside this rule's applicability. Accordingly, this exemption is deleted from the final rule.[96]

(2) Consideration of Published or Widely Disseminated Public Information

As articulated in the NOPR, the Commission proposed this exemption to allow the Commission to consider publicly available information such as speeches, articles, and other published or widely disseminated information that may have a bearing on the issues involved in a contested proceeding. For example, Commission staff should be able to consult various regulated companies' electronic bulletin boards such as OASIS sites in order to obtain market information. The Commission can take official notice of that information in making its determination in the contested case. Independent research such as this does not qualify as an *ex parte* communication. This policy is not intended to encourage parties to forward for Commission consideration any published or otherwise broadly disseminated information in any manner other than on-the-record.

Commenters acknowledge that the Commission may take notice of public domain information but urge that parties not be permitted to provide such information to a decisional employee without formal notice.[97] It was also argued that exercising judicial notice is appropriate as long as the Commission identifies and allows parties a chance to rebut any such information it relies upon, and that the Commission clarify that the exemption applies to the document and not to direct communications with its makers.[98]

We agree with the commenters' assertions. However, we do not believe that a specific exemption is necessary to allow the Commission to access and consider in its decision making process any publicly available, widely disseminated materials. Independent research or fact gathering where no oral or written communication is exchanged does not qualify as a communication. Nor do we believe that a specific exemption is warranted to permit parties the opportunity to forward such information for Commission consideration off-the-record. Accordingly, we do not believe that a specific exemption is required for off-the-record communications of published or widely disseminated public information, and this exemption is deleted from the final rule. To the extent persons outside the Commission wish to communicate publicly available information in contexts not otherwise exempt under the rule, those communications must take place on-the-record.

(3) Off-the-Record Communications Concerning Non-Contested Compliance Matters

The NOPR proposed an exemption for certain staff communications concerning compliance matters where the compliance issue is not a subject of the rehearing. We note that several commenters supporting this exemption suggested that it be subject to a disclosure requirement.[99] Two commenters opposed lifting any restrictions on off-the-record communications relating to compliance, preferring that all such communications take place on the record. [100] It also was suggested that the exemption be limited to matters concerning environmental and safety concerns as well as to routine audits, and would require that the communication be disclosed with an opportunity for comment.[101]

The Commission does not believe that a specific exemption is needed to allow the sort of off-the-record communications we envisioned as being permitted by this proposed exemption. If a compliance matter is unrelated to a pending rehearing, it is no longer subject to an on-going Commission proceeding, and communications related to such matters are not relevant to the merits and, therefore, are not subject to the rule in any case. In order to clarify our intent, the definition of "relevant to the merits" has been modified to expressly exclude "communications relating to compliance matters not the subject of an ongoing proceeding." With this definitional change, the proposed exemption is not included in the final rule.

Under the final rule, if a hydropower licensee or certificate holder is having difficulty complying with a particular condition imposed by the Commission in its order authorizing the subject facility, and the licensing or certification order is pending rehearing on issues unrelated to compliance issues, the licensee or certificate holder and the Commission may engage in off-the-record communications necessary solely to resolve issues related to the mechanics of compliance. However, communications relating to the need for the particular condition would be considered as relevant to the merits and would have to take place on the record.[102]

F. Application of the Prohibitions on Off-The-Record Communications

The final rule generally follows the proposed rule, stating that the prohibitions on off-the-record communications do not apply prior to the initiation of a proceeding at the Commission. The rule's proscriptions apply: For proceedings initiated by the Commission—from the time an order initiating the proceeding is issued; for proceedings returned to the Commission on judicial remand—from the date the court issues its mandate; for complaints initiated pursuant to Rule 206 [103]—from the date of the filing of the complaint with the Commission, or the date the Commission initiates an investigation, on its own motion; and for all other proceedings—from the time of the filing of an intervention disputing any material issue that is the subject of a proceeding.

As discussed above, pre-filing communications are not governed by this rule. With respect to licenses and certificates, even though pre-filing communications are not prohibited under the provisions of this rule, our intent and preference is that pre-filing protocols will continue to be used as an element of our collaborative pre-filing procedures.

Several commenters suggest that the Commission should presume that all docketed matters will be contested and,

[96] Even though we find that pre-filing communications fall outside the scope of this rule, we are nonetheless sensitive to the concerns expressed by some commenters regarding communications that take place before an application is filed. The Commission's pre-filing collaborative procedures address these concerns, typically with communications protocols.

[97] ACHP at 3.

[98] NGSA at 9.

[99] *E.g.*, HRC at 7; INGAA at 10; Interior at 10; Indicated Shippers at 10, NGSA at 5.

[100] NMFS at 4 (suggesting that its role in compliance matters could be adversely affected if it is not provided prior notice of communications between the Commission and the licensee); WPPI at 5–6.

[101] Indicated Shippers at 10.

[102] In this example, should the permitted communication result in a conclusion that the condition cannot practicably be met, the licensee would have to seek an amendment to its license, which must be on-the-record, subject to comment by all parties to the proceeding.

[103] 18 CFR 385.206.

therefore, the prohibition on off-the-record communications should be in effect from the time of filing of an application until the time for interventions and protests has expired. If no opposing pleading has been filed by that time, the Commission could then notice that communications may take place off-the-record.[104] Another commenter requests that the Commission announce that *ex parte* provisions have been triggered at the same time it announces receipt of *any* filing. [105]

The Commission is not adopting these suggestions. The thrust of these comments would be to begin the prohibition on *ex parte* contacts as soon as an application is filed with the Commission. This would mean that there could be no off-the-record communications about any proceeding docketed by the Commission—a result that the Commission finds is too restrictive and is not required by law. To trigger the rule upon application, for example, could prevent the Commission from efficiently obtaining important information necessary to cure an incomplete filing.

As noted above, the prohibitions on off-the-record communications will typically be triggered by the filing of a protest or an intervention that disputes any material issue in an application for Commission action, not by the filing of the application itself. Because a properly filed intervention is recorded on the docket sheet and is available on other public electronic information retrieval systems maintained by the Commission and should be served by the maker on the parties, the Commission does not believe it is necessary to formally notice in any individual proceeding when the prohibitions on off-the-record communications are in effect. However, the Commission will explore electronic tools for indicating, perhaps on the docket sheet, when the prohibitions on off-the-record communications have been triggered.

Once triggered, the prohibitions against off-the-record communications remain in effect until the time for rehearing has expired and no party has filed for rehearing, or the Commission has disposed of all petitions for rehearing or clarification, or the proceeding is otherwise terminated or is no longer contested. If the Commission order is subject to judicial review which results in a remand, the prohibitions against off-the-record communications once again apply when the court issues its mandate remanding the matter to the Commission.

One commenter suggested that the prohibitions should remain in effect during judicial review.[106] This commenter's concern was that, in the event of a remand, whether voluntarily requested by the Commission or as a result of judicial review, information communicated while the proceeding is before the court by the parties to the case to Commission staff defending the Commission's orders could be improperly used to prejudice any Commission action on remand.[107]

The final rule does not adopt this suggestion. During judicial review, there is no matter pending before the Commission that would trigger the *ex parte* communication prohibitions of the APA. During the judicial review process, the record of the Commission's proceedings is closed. In the event of a remand, any further Commission action would be required to be based on that existing record or on additions made to that record after remand and the reopening of the record. As the rule's prohibitions would once again apply on remand, any additional matter made part of the record would be admitted under the protections of the rule.

G. Handling Prohibited Off-The-Record Communications

The final rule, as did the proposed rule, differentiates between two types of off-the-record communications: those prohibited by the regulations, and those permitted by the regulations under specific exemptions. This section sets forth the treatment for prohibited off-the-record communications under the regulations, while the next section addresses the handling of exempted off-the-record communications.

The NOPR proposed to depart from the prior Rule 2201,[108] but not the APA, by dropping the requirement that submissions to the public, non-decisional file revealing prohibited off-the-record communications must be served on the parties to the proceeding. The proposed substitution of public notice, rather than requiring the Commission to make individual service on all parties to a proceeding, was modeled on the approach used in the FCC's *ex parte* rule with regard to off-the-record communications.[109]

Comments received on this provision of the rule express concern about the adequacy of notice, with a number of commenters arguing that mere "bulletin board" posting is insufficient notice.[110] However, several other commenters argue that, although merely posting a notice on the Commission's bulletin board is not sufficient, proper notice could be accomplished electronically through the Internet, electronic mail, or by posting the notice on the Commission's web page.[111] The final rule reflects these comments. In addition, in the case of a prohibited off-the-record written communication, the final rule requires the Secretary to instruct the author to directly serve the document on all parties listed on the Commission's official service list.

Commission decisional employees who make or receive a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, are obligated to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary for submission into a public, non-decisional file associated with the decisional record in the proceeding. This obligation must be met promptly after the prohibited off-the-record communication occurs.

The final rule, under Rule 2201(h),[112] requires the Secretary to issue a public notice, at least as often as every 14 days, of the receipt of any prohibited off-the-record communications. Such notice will list the maker of the prohibited off-the-record communication, date of receipt by the Commission, and the docket number to which the prohibited off-the-record communication relates. The notice also will state that the prohibited, off-the-record communication will not be considered by the Commission.

Parties to a proceeding may seek an opportunity to respond on the record to any facts or contentions made in a communication and placed in the non-decisional file, and may request that the Commission include the prohibited off-the-record communication and responses thereto in the public decisional record, as well. The Commission will grant such requests only when it determines that fairness so requires. If the request is granted, a copy of the off-the-record communication and the permitted on-the-record response will be made a part of the decisional record.

The public notice will appear on the Commission's web page in a place

[104] Indicated Shippers at 7, WPPI at 3.

[105] Interior at 15.

[106] Indicated Shippers at 7–9.

[107] *Id.*

[108] 18 CFR 385.2201.

[109] 47 CFR 1.1206(b).

[110] *E.g.*, NHA at 4–5, Interior at 16–17, EEI, at 4, HRC at 8. "Bulletin board" posting in this context means the posting of a paper document on a public bulletin board at Commission headquarters.

[111] *See, e.g.*, INGAA at 9, BPA at 7, Williams at 2–3, Williston at 6–10.

[112] 18 CFR 385.2201(h).

designated for such notices. The notice will describe the prohibited off-the-record communication in sufficient detail to allow interested persons to ascertain whether it is of interest and how it may be accessed through RIMS or some other means. In addition, the Secretary will periodically, but not less than every 14 days, publish in the **Federal Register** a list of prohibited off-the-record communications.

H. Handling Exempted Off-The-Record Communications

Many of the exemptions to the final rule require notice and disclosure of off-the-record communications permitted under their terms. Because the exemptions require notice and disclosure of off-the-record communications that are relevant to the merits, one commenter asks that when the Secretary notices an exempted off-the-record communication, whether written or oral, such notice provide details of the contact, such as the related docket number, maker, time and place of a communication, and a summary of the substance of the communication.[113] Because this section addresses exempted, rather than prohibited communications, this commenter believes that it is very important that notice of the communication be made promptly so as to allow time for a meaningful response.[114]

These comments have merit. Exempted off-the-record communications subject to a disclosure requirement will be placed in the decisional record and may be used by the Commission in coming to a decision on the merits in a proceeding. Accordingly, such communications must be available for review by all parties to the proceeding, and there must be an efficient and effective method for noticing the receipt of such off-the-record communications and making such off-the-record communications available for public inspection and comment. In the case of exempted off-the-record communications, prompt electronic notice through an electronic service list will be made and the document will be made available through the Commission's public automated information retrieval systems.

J. Notice of Prohibited and Exempted Off-The-Record Communications

The NOPR had two different subsections regarding notice of off-the-record communications. Rule 2201(f)(2) required notice of prohibited, off-the-record communications, and Rule 2201(g)(2) required notice of permitted off-the-record communications.[115] The final rule consolidates these two subsections into final Rule 2201(h): "Public notice requirement of prohibited and exempted off-the-record communications."

K. Sanctions for Making Prohibited, Off-The-Record Communications

The final rule adopts the NOPR's proposed sanctions. Any party or its agent who knowingly makes or causes to be made prohibited off-the-record communications may be required to show cause why its claim or interest should not be dismissed, disregarded, or otherwise adversely affected because of the improper communication. This particular sanction is already found in our existing *ex parte* regulation,[116] and mirrors that provided for in the APA itself.[117] An additional sanction subjects to possible suspension or disbarment from practice before the Commission, any individual knowingly making or causing to be made, prohibited off-the-record communications. The final rule allows the Commission to take action against the representative of a party to a proceeding, the party itself, or both. In those rare instances where a party uses attorneys or other representatives who repeatedly violate Commission procedures, both the party and the individual offender may be subject to Commission disciplinary measures.

The general view of the commenters is that the existing *ex parte* sanction, coupled with Rule 2102 on suspensions from practice before the Commission,[118] is already sufficient to dissuade individuals from engaging in improper off-the-record communications.[119] One commenter argues that the sanctions set forth in the NOPR seem disproportionate and may discourage contact with the Commission.[120]

To the extent the commenters support the new sanctions, they suggest making clear that this section should be applied in only the most egregious cases, *e.g.*, repeated violations by the same person, and then only after due process requirements have been satisfied.[121] The Commission also is urged not to invoke sanctions for inadvertent violations, and to assure that the sanction of disqualification would apply to an individual representing a party to a proceeding and not the party itself.[122]

The final rule retains the sanctions as proposed. In so doing, we acknowledge the overlap with this provision and Rule 2102.[123] The ex parte sanctions are intended to clarify that persons who engage in prohibited communications are subject to sanctions for the violation of the rule. The final rule properly provides that knowing and willful violations of the prohibitions could result in suspension or disbarment pursuant to the provisions of Rule 2102.

One commenter suggests that the final rule provide that those Commission employees who violate these provisions should be subject to the Commission's disciplinary procedures.[124] The Commission's standards of conduct [125] and administrative directives [126] provide that staff who violate its rules are subject to sanctions ranging from admonishment to removal from Federal service, depending on the severity of the violation. One intent of the revisions to the existing *ex parte* rule is to clarify that the prohibitions apply to communications by Commission decisional employees as well as to communications from persons outside the Commission. Accordingly, the final rule includes a provision that Commission personnel violating this rule may be subject to Commission disciplinary action.

IV. Regulatory Flexibility Certification Statement

The Regulatory Flexibility Act [127] requires rulemakings either to contain a description and analysis of the impact the rule would have on small entities, or to certify that the rule will not have a significant economic impact on a substantial number of small entities. An analysis is not required if a proposed rule will not have such an impact.[128]

The regulations proposed in this rulemaking would revise the Commission's rules of practice and procedure dealing with certain off-the-record communications. The Commission certifies that this final rule will not have a significant economic impact on small entities.

V. Environmental Statement

Commission regulations require that an environmental assessment or an

[113] HRC at 8–9.
[114] *Id.*
[115] The comments relating to the notice requirements were discussed in the previous section.
[116] 18 CFR 385.2201(f).
[117] 5 U.S.C. 557(d)(1)(D).
[118] 18 CFR 385.2102
[119] *See, e.g.*, NGSA at 12.
[120] Indicated Shippers at 14–15.
[121] *Id. See also* Process Gas at 6, EEI at 13,.
[122] NGSA at 12.
[123] 18 CFR 385.2102.
[124] INGAA at 11.
[125] 18 CFR 385.3c
[126] Federal Energy Regulatory Commission, Administrative Directive 3–7B (FERC Work Force Discipline Program).
[127] 5 U.S.C. 601–612.
[128] 5 U.S.C. 605(b).

environmental impact statement be prepared for any Commission action that may have a significant adverse effect on the human environment.[129] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Among these are proposals for rules that are procedural.[130] The final rule falls under this exception; consequently, no environmental consideration is necessary.

VI. Information Collection Statement

The Office of Management and Budget's (OMB's) regulations require that OMB approve certain information collection requirements imposed by agency rules.[131] However, this final rule contains no information collection requirements and therefore is not subject to OMB approval.

VII. Congressional Review and Effective Date

The provisions of 5 U.S.C. 801, regarding Congressional review of rulemakings, do not apply to this rulemaking because it concerns agency procedure and practice and will not substantially affect the rights and obligations of non-agency parties.[132]

The rule is effective October 22, 1999.

List of Subjects in 18 CFR Part 385

Administrative practice and procedure, Electric Power, Penalties, Pipelines, and Reporting and record keeping requirements.

By the Commission.

David P. Boergers,

Secretary.

In consideration of the foregoing, the Commission amends part 385, chapter I, Title 18, Code of Federal Regulations, as follows:

PART 385—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 385 continues to read as follows:

Authority: 5 U.S.C.551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

§ 385.101 [Amended]

2. In § 385.101, remove paragraph (b)(4)(ii), and redesignate paragraph (b)(4)(i) as (b)(4).

3. Section 385.915 is revised to read as follows:

§ 385.915 Off-the-record communications (Rule 915).

The provisions of Rule 2201 (prohibited communications and other communications requiring disclosure) apply to proceedings pursuant to this subpart, commencing at the time the Secretary issues a proposed remedial order under 10 CFR 205.192, an interim remedial order for immediate compliance under 10 CFR 205.199D, or a proposed order of disallowance under 10 CFR 205.199E.

4. Section 385.1012 is revised to read as follows:

§ 385.1012 Off-the-record communications (Rule 1012).

The provisions of Rule 2201 (prohibited communications and other communications requiring disclosure) apply to proceedings pursuant to this subpart, commencing at the time a petitioner files a petition for review under Rule 1004 (commencement of proceedings).

§ 385.1415 [Removed]

5. Section 385.1415 is removed.

6. The heading of Subpart V is revised to read as follows:

Subpart V—Off-the-Record Communications; Separation of Functions

7. Section 385.2201 is revised to read as follows:

§ 385.2201 Rules governing off-the-record communications. (Rule 2201).

(a) *Purpose and scope.* This section governs off-the-record communications with the Commission in a manner that permits fully informed decision making by the Commission while ensuring the integrity and fairness of the Commission's decisional process. This rule will apply to all contested on-the-record proceedings, except that the Commission may, by rule or order, modify any provision of this subpart, as it applies to all or part of a proceeding, to the extent permitted by law.

(b) *General rule prohibiting off-the-record communications.* Except as permitted in paragraph (e) of this section, in any contested on-the-record proceeding, no person shall make or knowingly cause to be made to any decisional employee, and no decisional employee shall make or knowingly cause to be made to any person, any off-the-record communication.

(c) *Definitions.* For purposes of this section:

(1) *Contested on-the-record proceeding* means

(i) Except as provided in paragraph (c)(1)(ii) of this section, any proceeding before the Commission to which there is a right to intervene and in which an intervenor disputes any material issue, or any proceeding initiated by the Commission on its own motion or in response to a filing.

(ii) The term does not include notice-and-comment rulemakings under 5 U.S.C. 553, investigations under part 1b of this chapter, proceedings not having a party or parties, or any proceeding in which no party disputes any material issue.

(2) *Contractor* means a direct Commission contractor and its subcontractors, or a third-party contractor and its subcontractors, working subject to Commission supervision and control.

(3) *Decisional employee* means a Commissioner or member of his or her personal staff, an administrative law judge, or any other employee of the Commission, or contractor, who is or may reasonably be expected to be involved in the decisional process of a proceeding, but does not include an employee designated as part of the Commission's trial staff in a proceeding, a settlement judge appointed under Rule 603, a neutral (other than an arbitrator) under Rule 604 in an alternative dispute resolution proceeding, or an employee designated as being non-decisional in a proceeding.

(4) *Off-the-record communication* means any communication relevant to the merits of a contested on-the-record proceeding that, if written, is not filed with the Secretary and not served on the parties to the proceeding in accordance with Rule 2010, or if oral, is made without reasonable prior notice to the parties to the proceeding and without the opportunity for such parties to be present when the communication is made.

(5) *Relevant to the merits* means capable of affecting the outcome of a proceeding, or of influencing a decision, or providing an opportunity to influence a decision, on any issue in the proceeding, but does not include:

(i) Procedural inquiries, such as a request for information relating solely to the status of a proceeding, unless the inquiry states or implies a preference for a particular party or position, or is otherwise intended, directly or indirectly, to address the merits or influence the outcome of a proceeding;

(ii) A general background or broad policy discussion involving an industry or a substantial segment of an industry, where the discussion occurs outside the context of any particular proceeding involving a party or parties and does not address the specific merits of the proceeding; or,

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[129] 18 CFR part 380.

[130] 18 CFR 380.4(a)(2)(ii).

[131] 5 CFR part 1320.

[132] 5 U.S.C. 804(3)(C).

(iii) Communications relating to compliance matters not the subject of an ongoing proceeding.

(d) *Applicability of prohibitions.*

(1) The prohibitions in paragraph (b) of this section apply to:

(i) Proceedings initiated by the Commission from the time an order initiating the proceeding is issued;

(ii) Proceedings returned to the Commission on judicial remand from the date the court issues its mandate;

(iii) Complaints initiated pursuant to rule 206 from the date of the filing of the complaint with the Commission, or the date the Commission initiates an investigation, (other than an investigation under part 1b of this chapter), on its own motion; and

(iv) All other proceedings from the time of the filing of an intervention disputing any material issue that is the subject of a proceeding.

(2) The prohibitions remain in force until:

(i) A final Commission decision or other final order disposing of the merits of the proceeding or, when applicable, after the time for seeking rehearing of a final Commission decision, or other final order disposing of the merits expires;

(ii) The Commission otherwise terminates the proceeding; or

(iii) The proceeding is no longer contested.

(e) *Exempt off-the-record communications.*

(1) Except as provided by paragraph (e)(2) of this section, the general prohibitions in paragraph (b) of this section do not apply to:

(i) An off-the-record communication permitted by law and authorized by the Commission;

(ii) An off-the-record communication made by a person outside of the agency related to an emergency subject to disclosure under paragraph (g) of this section;

(iii) An off-the-record communication provided for in a written agreement among all parties to a proceeding that has been approved by the Commission;

(iv) An off-the-record written communication from a non-party elected official, subject to disclosure under paragraph (g) of this section;

(v) An off-the-record communication to or from a Federal, state, local or Tribal agency that is not a party in the Commission proceeding, subject to disclosure under paragraph (g) of this section, if the communication involves:

(A) An oral or written request for information made by the Commission or Commission staff; or

(B) A matter over which the Federal, state, local, or Tribal agency and the Commission share jurisdiction, including authority to impose or recommend conditions in connection with a Commission license, certificate, or exemption;

(vi) An off-the-record communication, subject to disclosure under paragraph (g) of this section, that relates to:

(A) The preparation of an environmental impact statement if communications occur prior to the issuance of the final environmental impact statement; or

(B) The preparation of an environmental assessment where the Commission has determined to solicit public comment on the environmental assessment, if such communications occur prior to the issuance of the final environmental document.

(ii) An off-the-record communication, involving individual landowners who are not parties to the proceeding and whose property would be used or abuts property that would be used by the project that is the subject of the proceeding, subject to disclosure under paragraph (g) of this section.

(2) Except as may be provided by Commission order in a proceeding to which this subpart applies, the exceptions listed under paragraph (e)(1) of this section, will not apply to any off-the-record communications made to or by a presiding officer in any proceeding set for hearing under subpart E of this part.

(f) *Treatment of prohibited off-the-record communications.*—(1) *Commission consideration.* Prohibited off-the-record communications will not be considered part of the record for decision in the applicable Commission proceeding, except to the extent that the Commission by order determines otherwise.

(2) *Disclosure requirement.* Any decisional employee who makes or receives a prohibited off-the-record communication will promptly submit to the Secretary that communication, if written, or, a summary of the substance of that communication, if oral. The Secretary will place the communication or the summary in the public file associated with, but not part of, the decisional record of the proceeding.

(3) *Responses to prohibited off-the-record communications.* Any party may file a response to a prohibited off-the-record communication placed in the public file under paragraph (f)(2)of this section. A party may also file a written request to have the prohibited off-the-record communication and the response included in the decisional record of the proceeding. The communication and the response will be made a part of the decisional record if the request is granted by the Commission.

(4) *Service of prohibited off-the-record communications.* The Secretary will instruct any person making a prohibited written off-the-record communication to serve the document, pursuant to Rule 2010, on all parties listed on the Commission's official service list for the applicable proceeding.

(g) *Disclosure of exempt off-the-record communications.* (1) Any document, or a summary of the substance of any oral communication, obtained through an exempt off-the-record communication under paragraphs (e)(1)(ii), (iv), (v), (vi) or (vii) of this section, promptly will be submitted to the Secretary and placed in the decisional record of the relevant Commission proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under paragraph (e)(1)(v) of this section.

(2) Any person may respond to an exempted off-the-record communication.

(h) *Public notice requirement of prohibited and exempt off-the-record communications.* (1) The Secretary will, not less than every 14 days, issue a public notice listing any prohibited off-the-record communications or summaries of the communication received by his or her office. For each prohibited off-the-record communication the Secretary has placed in the non-decisional public file under paragraph (f)(1) of this section, the notice will identify the maker of the off-the-record communication, the date the off-the-record communication was received, and the docket number to which it relates.

(2) The Secretary will not less than every 14 days, issue a public notice listing any exempt off-the-record communications or summaries of the communication received by the Secretary for inclusion in the decisional record and required to be disclosed under paragraph (g)(1) of this section.

(3) The public notice required under this paragraph (h) will be posted in accordance with § 388.106 of this chapter, as well as published in the **Federal Register**, and disseminated through any other means as the Commission deems appropriate.

(i) *Sanctions.* (1) If a party or its agent or representative knowingly makes or causes to be made a prohibited off-the-record communication, the Commission may require the party, agent, or representative to show cause why the party's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected because of the

prohibited off-the-record communication.

(2) If a person knowingly makes or causes to be made a prohibited off-the-record communication, the Commission may disqualify and deny the person, temporarily or permanently, the privilege of practicing or appearing before it, in accordance with Rule 2102 (Suspension).

(3) Commission employees who are found to have knowingly violated this rule may be subject to the disciplinary actions prescribed by the agency's administrative directives.

(j) *Section not exclusive.* (1) The Commission may, by rule or order, modify any provision of this section as it applies to all or part of a proceeding, to the extent permitted by law.

(2) The provisions of this section are not intended to limit the authority of a decisional employee to decline to engage in permitted off-the-record communications, or where not required by any law, statute or regulation, to make a public disclosure of any exempted off-the-record communication.

8. The heading of § 385.2202 is revised to read as follows:

§ 385.2202 Separation of Functions (Rule 2202).

Note: This Appendix will not appear in the Code of Federal Regulations

Appendix A—List of Commenters

Adirondack Mountain Club
Advisory Council on Historic Preservation (ACHP)
American Gas Association (AGA)
ANR Pipeline Company/Colorado Interstate Gas Company (ANR/CIG)
Bonneville Power Administration (BPA)
California Electric Oversight Board (Cal Board)
Chevron Pipe Line Company (Chevron)
Edison Electric Institute (EEI)
Electric Power Supply Association (EPSA)
Environmental Protection Agency (EPA)
Executive Office of the President/Council on Environmental Quality (CEQ)
Hydropower Reform Coalition (HRC)
Indicated Shippers
Interstate Natural Gas Association of America (INGAA)
Louisiana Department of Wildlife And Fisheries (La W&F)
National Association of Regulatory Utility Commissioners (NARUC)
National Marine Fisheries Services (NMFS)
National Hydropower Association (NHA)
National Rural Electric Cooperative Association/American
Public Power Supply Association (Joint Commenters)
Natural Gas Supply Association (NGSA)
Public Service Commission of New York (PSCNY)
Public Utilities Commission of State of California (PUCCAL)
Public Utilities Commission of State of California/Independent (Cal–ISO) System Operator
Process Gas Consumers Group (Process Gas)
Sacramento Municipal Utilities District (SMUD)
Sempra Energy Companies (Sempra)
Southern California Edison Company (SoCalEd)
Southern Companies Services, Inc. (SCSI)
Southern Natural Gas Company (SoNat)
United States Department of the Interior (Interior)
Williams Companies (Williams)
Williston Basin Interstate Pipeline Company (Williston)
Wisconsin Public Power, Inc. (WPPI)

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BILLING CODE 6717–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 351

[Docket No. 990521142–9252–02]
RIN 0625–AA54

Amended Regulation Concerning the Revocation of Antidumping and Countervailing Duty Orders

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce (the "Department" or "DOC") is amending its regulation, which governs the revocation of antidumping and countervailing duty orders, in whole or in part, and the termination of suspended antidumping and countervailing duty investigations, based upon an absence of dumping or subsidization, respectively. The amended regulation conforms the existing regulation to the United States' obligations under Article 11 of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Antidumping Agreement") and Article 21 of the Agreement on Subsidies and Countervailing Measures ("SCM Agreement"). The amended paragraph relating to revocation or termination based on absence of dumping provides that the Secretary, upon considering whether producers or exporters have sold subject merchandise at not less than normal value for at least three consecutive years, and whether the continued application of the antidumping duty order is otherwise necessary to offset dumping, will revoke an antidumping duty order if warranted. The amended paragraph relating to revocation or termination based on absence of countervailable subsidy provides that the Secretary, upon considering whether the government of the affected country has eliminated all countervailable subsidy programs covering the subject merchandise for at least three consecutive years, or exporters or producers have not applied for or received countervailable subsidies for at least five consecutive years, and whether the continued application of the countervailing duty order is otherwise necessary to offset subsidization, will revoke a countervailing duty order if warranted.

EFFECTIVE DATE: November 1, 1999.

FOR FURTHER INFORMATION CONTACT: Melissa G. Skinner, Office of Policy, Import Administration, U.S. Department of Commerce, at (202) 482–1560, or Myles S. Getlan, Office of the Chief Counsel for Import Administration, U.S. Department of Commerce, at (202) 482–5052.

SUPPLEMENTARY INFORMATION:

Background

On June 3, 1999, the Department published a Notice of Proposed Rulemaking which proposed to amend 19 CFR 351.222(b).[1] See 64 FR 29818 (the "Proposed Rule"). The Department explained that the process of amending this regulation arose from the findings of a dispute settlement panel convened under the auspices of the World Trade Organization ("WTO") that considered various aspects of the Department's final results of administrative review in Dynamic Random Access Memory Semiconductors (DRAMs) Of One Megabit Or Above From Korea (62 FR 39809, July 24, 1997) ("DRAMs From Korea").

On January 29, 1999, the Panel determined that the Department's standard for revoking an antidumping duty order contained in 19 CFR 353.25(a)(2) (the precursor to 19 CFR 351.222(b)) was inconsistent with the United States' obligations under Article 11.2 of the WTO Antidumping Agreement. See United States—Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or Above From Korea, WT/DS99/R ("Panel Report"). Specifically, the Panel determined that requiring the Secretary

[1] This amendment does not affect the Department's regulations at 19 CFR 351.218, which implements the statutory provision at 19 U.S.C. 1675(c) and governs the Department's five-year sunset reviews, in which the Department determines whether revocation of an order "would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury."

to conclude that "it is not likely" that the persons requesting revocation will dump merchandise subject to an antidumping duty order in the future did not implement properly Article 11.2 of the Antidumping Agreement. This provision requires an administering authority to consider whether "the continued imposition of [an antidumping] duty is necessary to offset dumping" in determining whether to revoke an antidumping duty order. Thus, the Panel recommended that the United States "bring section 353.25(a)(2)(ii) of the DOC regulations * * * into conformity with its obligations under Article 11.2 of the AD Agreement." The Dispute Settlement Body ("DSB") adopted the Panel Report on March 19, 1999. On April 15, 1999, the United States announced its intention to implement the recommendations and rulings of the DSB. Consistent with section 123(g) of the Uruguay Round Agreements Act ("URAA"), which governs the Department's implementation of adverse panel reports, the Department is revising 19 CFR 351.222(b) and (c).

Explanation of the Final Rule

The proposed amendment to the Department's revocation regulation concerned only antidumping proceedings, as the Department focused upon implementing the specific findings contained in the Panel Report. Consequently, at that time, the Department did not propose amending the companion revocation provision applicable to countervailing duty proceedings. However, we believe that a decision not to amend the countervailing duty provision would render the revocation standards in antidumping and countervailing duty cases inconsistent with each other. The "not likely" standard in 19 CFR 351.222(b), which governs the revocation of antidumping duty orders, is identical to the standard in 19 CFR 351.222(c), which governs revocation in countervailing duty cases. In addition, the "necessary" standard in Article 11 of the Antidumping Agreement, to which we have conformed the antidumping regulation, is identical to the standard in Article 21 of the SCM Agreement which regulates the duration of countervailing duties. Since the revocation standards in the two WTO agreements are identical, and since at least one party commented on this issue during the public comment period, we conclude that the public was on notice that the countervailing duty regulation could similarly be revised. Therefore, we are making conforming amendments to the countervailing duty provision as well in order to maintain consistency between the Department's procedures governing revocation in both antidumping and countervailing duty cases and the standards in both the Antidumping Agreement and SCM Agreement.

In addition, in response to comments, the final rule incorporates several changes to the Proposed Rule. First, the language which read "[t]he Secretary may revoke an antidumping order * * *" has been altered to read "[t]he Secretary will revoke the antidumping duty order." Second, the final rule no longer states that the Secretary will consider whether the continued application of the order is "no longer necessary to offset dumping." Instead, the final rule provides that, *inter alia*, the Secretary will consider "whether the continued application of the antidumping duty order is otherwise necessary to offset dumping." These changes are discussed in more detail below.

We received comments concerning the Proposed Rule from various parties. One commenter believes that the proposed revision to the Department's regulation, which incorporates the standard set forth in Article 11.2 of the WTO Antidumping Agreement, responds appropriately to the concerns articulated by the WTO panel decision and represents a fair implementation of the panel's recommendation. Moreover, this commenter states that the proposed revision should not negatively affect the protection afforded U.S. industries against unfairly traded imports.

Several commenters insist that the revised "necessity" standard is "effectively not a standard at all." In this respect, these commenters note the Panel's finding that there must be a demonstrable basis for consistently and reliably determining that the maintenance of an order is necessary to offset injurious dumping. These commenters contend that the Proposed Rule contains no guidelines or definitions of the "evidence" that would be relevant to the continued necessity of an order. Consequently, these commenters argue that the Proposed Rule will not improve the demonstrability, consistency, and reliability of revocation decisions or ensure that decisions to maintain antidumping or countervailing duty orders are based upon positive evidence demonstrating the continued need for the order. One commenter suggests that using a "likely to recur" standard "would have been the most logical, direct means to meet the WTO requirement that a positive finding is necessary to support continuation of an [antidumping duty] order."

However, another commenter noted that the amended regulation establishes a "necessity" standard which reflects the same standard established in the Antidumping Agreement. Thus, this commenter believes the revised standard does in fact provide the "demonstrable basis upon which to reliably conclude that the continued imposition of the duty is necessary to offset dumping."

We disagree with those commenters who state that the revised "necessity" standard is "effectively not a standard at all." Article 11.2 of the Antidumping Agreement allows interested parties to request authorities to examine whether the continued imposition of the duty is "necessary" to offset dumping. To say that the "necessity" standard contained in the Department's revised regulation is effectively no standard at all is to say that Article 11.2 contains no standard. This is illogical given that this process of revising the revocation regulation stems from a panel finding that the Department's existing regulation did not properly implement the "necessary" standard contained in Article 11.2. On the other hand, we agree that each determination made pursuant to this new regulation will need to be supported by positive evidence. Moreover, we are confident that the revised standard, along with our established practice of considering evidence relating to the likelihood of future dumping, will provide for consistent and reliable decisions regarding revocation.

One commenter urges the Department to discontinue its practice of applying a presumption in favor of revocation in the absence of dumping for three consecutive years. As support, this commenter refers to the Court of International Trade's ("CIT") characterization of the Department's regulation as a three-part test for revocation and states that the "not likely" (or the revised "necessary") prong constitutes an independent criterion that must be established to attain revocation. See Hyundai Electronics Co., Ltd. v. United States, Slip. Op. 99–44 (Ct. Int'l Trade, May 19, 1999). This commenter believes that the presumption nullifies the satisfaction of the second ("necessary") prong.

In this regard, two commenters assert that a presumption favoring revocation unfairly and improperly shifts the burden to petitioners to come forward with affirmative evidence. Since respondents are in possession of information relevant to revocation, as argued by these commenters, the burden

of producing such evidence should rest with the respondents. One commenter requested that the Department include in its initial questionnaire a solicitation of data and other information from the respondent seeking revocation on why the antidumping duty order in the respondent's opinion is no longer needed to offset dumping. While this commenter conceded that this procedural element could be implemented without regulatory modification, the commenter contended that there was no reason that such a provision could not be incorporated in the regulations.

By contrast, several commenters stated that the revised regulation continues to place a burden on respondents to prove eligibility for revocation, rather than placing the burden on the Department to find positive evidence establishing that the maintenance of the order is necessary. These commenters contend that placing the burden on the Department necessitates a reformulation of the regulation, such that the revised regulation should not treat maintaining the order as the norm. Thus, these commenters suggested that the new regulation require the Secretary to revoke if the respondent has not dumped for three consecutive years and has furnished the required reinstatement agreement, "unless the Secretary reliably demonstrates on the basis of a foundation of positive evidence that the continued application of the antidumping duty order as to the exporter or producer is necessary to offset dumping."

However, one commenter welcomed the Department's confirmation that the regulation reflects a rebuttable presumption that favors revoking an order when there is an absence of dumping for three or more years. In this regard, this commenter states that the initial burden should clearly rest on the petitioners, as the beneficiaries of the continuation of the order, to provide evidence that the order is still necessary. Thus, this commenter states that the Department should not request information from a respondent until petitioners make allegations supported by tangible evidence that the order is still necessary.

As discussed in the Proposed Rule, in situations where there is an absence of dumping (or subsidization) for three (or five) consecutive years, the Department intends to presume that an order is not necessary in the absence of additional evidence. We believe that such a presumption is consistent with prior Department practice as well as U.S. obligations under Article 11.2 of the Antidumping Agreement and Article 21.2 of the SCM Agreement. As the Panel recognized, a decision to maintain an order must be substantiated by positive evidence. If the only evidence on record is a respondent's ability to sell subject merchandise at not less than normal value for three consecutive years, the record would not support a decision to maintain the order in light of the requirement in Article 11.2, as interpreted by the Panel, that there be positive evidence reflecting the continued necessity of the order.

We decline at this time to adopt the commenter's suggestion that we solicit information from respondents at the outset of an administrative review. The absence of dumping for three consecutive years,[2] while satisfying the first prong of the regulatory standard, is also sufficient evidence relevant to the continued necessity of the order to shift the burden of production to the petitioners. However, if a party raises an issue relating to the necessity of an order, the Department may seek additional information relevant to that issue. Nonetheless, since the manner in which we collect evidence is not necessarily a regulatory matter, we may revisit this issue at a later time in the development of our practice in applying the revised regulation.

We disagree with those commenters who suggest that the revised regulation continues to place a burden on respondents, rather than the Department, to prove eligibility for revocation. The threshold requirement for revocation continues to be that respondents not sell at less than normal value for at least three consecutive years and that, during each of those years, respondents exported subject merchandise to the United States in commercial quantities. See 19 CFR 351.222(d)(1). The Panel did not disturb this aspect of the Department's revocation practice. Moreover, we re-emphasize our statement in the Proposed Rule that "the absence of dumping for three consecutive years served as a presumption in favor of revoking the order, which could be rebutted by positive evidence indicating that dumping may recur if the order were revoked." Thus, we disagree that an impermissible burden is placed on respondents. Instead, a thorough analysis of all relevant information requires a system in which there is a shifting burden of production such that the parties in the best position to provide relevant information are compelled to do so. All parties may be in a position to provide information concerning trends in prices and costs, currency movements, and other market and economic factors that may be relevant to the likelihood of future dumping. If no party provides information addressing these issues, we rest with the presumption that an order is not necessary in the absence of dumping. If the petitioner comes forward with information demonstrating that the maintenance of the order is necessary, that initial presumption is rebutted, and the burden of production shifts to respondents. While the burden of producing evidence shifts among the parties, we emphasize that the Department does not impose a burden of proof on any party. The Department must weigh all of the evidence on the record and determine whether the continued application of the order is necessary to offset dumping (or subsidization). Each revocation determination must be based upon substantial, positive evidence and be otherwise in accordance with law.

One commenter stated that, unlike the "not likely" standard, "necessity" is a minimum standard that has no shades or degrees within it. Stated differently, something that is not "no longer necessary" is necessary.

However, another commenter claimed that the Department's revised standard retains the negative and passive elements which rendered the prior regulatory standard inconsistent with the Antidumping Agreement. This commenter noted the Panel's distinction between failing to establish something as a negative finding and establishing something as a positive finding in the context of the "not likely" criterion and concluded that this same principle applies to the proposed regulation.

We have formulated the final rule in a way that clarifies that the Secretary must make an affirmative finding of necessity in order to retain an antidumping or countervailing duty order. While this reformulation does not affect the process by which the Department considers revocation, the reformulated regulation more closely tracks the wording of Article 11.2 of the Antidumping Agreement and Article 21.2 of the SCM Agreement.

Several commenters argue that the continued use of the discretionary term "may" in the Proposed Rule conflicts with the mandatory term "shall" contained in Article 11.2 of the Antidumping Agreement. These commenters suggest that the Panel rejected the existing regulation, in part, because the regulation allows the

[2] In accordance with 19 CFR 351.222(e)(ii), to be considered for revocation, the producers and exporters must have sold the subject merchandise in commercial quantities in each of the three years.

Department to maintain an order where Article 11.2 of the Antidumping Agreement requires revocation. Thus, these commenters believe that the Proposed Rule, which contains the permissive "may" and not the mandatory "shall" or "must," is inconsistent with the Panel's findings.

In the final rule, we have substituted the term "will" for "may." We do not agree that the use of the term "may" imbued the Department with unbridled discretion in making revocation determinations, as argued by these commenters. The Department's determinations are constrained by general legal principles. Every decision must be based upon substantial evidence and otherwise in accordance with law. In addition, each decision must be consistent with prior practice unless we reasonably explain the departure from prior practice. However, by adopting the "necessary" standard contained in the Antidumping and SCM Agreements, we are persuaded that it is more appropriate to use the term "will" instead of the term "may" in the amended regulation. The "necessary" standard represents the full spectrum of circumstances under which the Department could maintain an order and be consistent with the United States' WTO obligations under Article 11.2 of the Antidumping Agreement and Article 21.2 of the SCM Agreement. In other words, considering the comprehensive nature of the new standard, the Secretary can only retain an antidumping or countervailing duty order if there is positive evidence on the record indicating the continued necessity of such order to offset dumping or subsidization. Thus, in accordance with Article 11.2 of the Antidumping Agreement and Article 21.2 of the SCM Agreement, we are substituting the term "will" for "may" in the amended regulation.

Several commenters took issue with the Department's claim in the Proposed Rule that the "Panel's ruling was not based upon the Department's application of the standard in DRAMs from Korea." These commenters note that the Panel specifically found that the regulation *and* the third review final results in DRAMs were inconsistent with Article 11.2 of the Antidumping Agreement.

While we accept that, based upon the inconsistency of the revocation regulation applied in DRAMs from Korea with the Antidumping Agreement, the Panel invalidated the third review final results, we maintain that several aspects of our practice were not invalidated by the Panel and, thus, do not require revision. As discussed above and in the preamble to the Proposed Rule, we continue to believe that, while an absence of dumping for three years is evidence that the antidumping duty order is no longer necessary, it is not conclusive in all cases. Evidence relating to the likelihood of future dumping will still be considered under the revised regulation because such evidence relates to the necessity of the order. Thus, while the Panel decision necessitated revising the standard by which the Department considers revocation, it did not necessitate changes to these specific aspects of our practice.

One commenter, citing Hyundai Electronics, in which the CIT affirmed the Department's final results of administrative review in DRAMs from Korea, argued that it is unnecessary to amend the regulation because the CIT determined that the "not likely" standard is consistent with U.S. international obligations and with U.S. obligations under Article 11.2 of the Antidumping Agreement.

The CIT decision in Hyundai does not preclude amending the regulation in question. While the Court stated that the Panel Report was not binding precedential authority on the Court, it recognized that "Congress provided that the response to an adverse WTO panel report is the province of the executive branch and, more particularly, the Office of the U.S. Trade Representative." The United States Trade Representative and the DOC have decided to respond to the Panel Report by amending the regulation in question, and we are confident that the amended regulation, if challenged, will be found to be consistent with the statute as well as U.S. obligations under the WTO Antidumping Agreement.

Another commenter expressed concern with the Department's practice of relating an absence of dumping to declining imports following the imposition of an order. This commenter asserts that numerous factors, including changes in the strengths of alternative markets, exchange rates, changes in production capacity, changes in marketing strategies, and changes in the technology of production, may contribute to the decline in imports rather than the exporter's inability to sell in the U.S. market without dumping.

This matter is appropriate for consideration on a case-by-case basis, rather than in a rulemaking proceeding because, as the commenter suggests, numerous factors underlying an absence of dumping may be considered when evidence relating to those factors is developed on the record of each proceeding.

Classification

Executive Order 12866

This rule has been determined to be not significant under Executive Order 12866.

Paperwork Reduction Act

This rule contains no new collection of information subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Executive Order 12612

This rule does not contain federalism implications warranting the preparation of a Federalism Assessment.

Regulatory Flexibility Act

In issuing the proposed regulation, the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The Department's existing regulations provide a procedural and substantive process by which the Secretary considers whether to revoke an antidumping duty order. The rule retains the current procedural process and revises the substantive standard used by the Secretary to make the appropriate revocation determination. As discussed above, the regulation would not significantly change the Department's practice in determining whether to maintain an antidumping duty order. Moreover, as the revised regulation only changes the standard by which the Department considers whether to revoke an antidumping duty order, this action, in and of itself, will not have a significant economic impact. Therefore, the Chief Counsel concluded that the rule would not have a significant impact on a substantial number of small business entities, and a regulatory flexibility analysis was not prepared. We received no comments concerning this conclusion.

List of Subjects in 19 CFR Part 351

Administrative practice and procedure, Antidumping duties, Business and industry, Cheese, Confidential business information, Countervailing duties, Investigations, Reporting and recordkeeping requirements.

Dated: September 16, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

For the reasons stated, 19 CFR part 351 is amended to read as follows:

PART 351—ANTIDUMPING AND COUNTERVAILING DUTIES

1. The authority citation for part 351 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. 1671 *et seq.*; and 19 U.S.C. 3538.

Subpart B—Antidumping and Countervailing Duty Procedures

2. Section 351.222 is amended by revising paragraphs (b) and (c) to read as follows:

§ 351.222 Revocation of orders; termination of suspended investigations.

* * * * *

(b) *Revocation or termination based on absence of dumping.* (1)(i) In determining whether to revoke an antidumping duty order or terminate a suspended antidumping investigation, the Secretary will consider:

(A) Whether all exporters and producers covered at the time of revocation by the order or the suspension agreement have sold the subject merchandise at not less than normal value for a period of at least three consecutive years; and

(B) Whether the continued application of the antidumping duty order is otherwise necessary to offset dumping.

(ii) If the Secretary determines, based upon the criteria in paragraphs (b)(1)(i)(A) and (B) of this section, that the antidumping duty order or suspension of the antidumping duty investigation is no longer warranted, the Secretary will revoke the order or terminate the investigation.

(2)(i) In determining whether to revoke an antidumping duty order in part, the Secretary will consider:

(A) Whether one or more exporters or producers covered by the order have sold the merchandise at not less than normal value for a period of at least three consecutive years;

(B) Whether, for any exporter or producer that the Secretary previously has determined to have sold the subject merchandise at less than normal value, the exporter or producer agrees in writing to its immediate reinstatement in the order, as long as any exporter or producer is subject to the order, if the Secretary concludes that the exporter or producer, subsequent to the revocation, sold the subject merchandise at less than normal value; and

(C) Whether the continued application of the antidumping duty order is otherwise necessary to offset dumping.

(ii) If the Secretary determines, based upon the criteria in paragraphs (b)(2)(i)(A) through (C) of this section, that the antidumping duty order as to those producers or exporters is no longer warranted, the Secretary will revoke the order as to those producers or exporters.

(3) Revocation of nonproducing exporter. In the case of an exporter that is not the producer of subject merchandise, the Secretary normally will revoke an order in part under paragraph (b)(2) of this section only with respect to subject merchandise produced or supplied by those companies that supplied the exporter during the time period that formed the basis for the revocation.

(c) *Revocation or termination based on absence of countervailable subsidy.* (1)(i) In determining whether to revoke a countervailing duty order or terminate a suspended countervailing duty investigation, the Secretary will consider:

(A) Whether the government of the affected country has eliminated all countervailable subsidies on the subject merchandise by abolishing for the subject merchandise, for a period of at least three consecutive years, all programs that the Secretary has found countervailable;

(B) Whether exporters and producers of the subject merchandise are continuing to receive any net countervailable subsidy from an abolished program referred to in paragraph (c)(1)(i)(A) of this section; and

(C) Whether the continued application of the countervailing duty order or suspension of countervailing duty investigation is otherwise necessary to offset subsidization.

(ii) If the Secretary determines, based upon the criteria in paragraphs (c)(1)(i)(A) through (C) of this section, that the countervailing duty order or the suspension of the countervailing duty investigation is no longer warranted, the Secretary will revoke the order or terminate the suspended investigation.

(2)(i) In determining whether to revoke a countervailing duty order or terminate a suspended countervailing duty investigation, the Secretary will consider:

(A) Whether all exporters and producers covered at the time of revocation by the order or the suspension agreement have not applied for or received any net countervailable subsidy on the subject merchandise for a period of at least five consecutive years; and

(B) Whether the continued application of the countervailing duty order or suspension of the countervailing duty investigation is otherwise necessary to offset subsidization.

(ii) If the Secretary determines, based upon the criteria in paragraphs (c)(2)(i)(A) and (B) of this section, that the countervailing duty order or the suspension of the countervailing duty investigation is no longer warranted, the Secretary will revoke the order or terminate the suspended investigation.

(3)(i) In determining whether to revoke a countervailing duty order in part, the Secretary will consider:

(A) Whether one or more exporters or producers covered by the order have not applied for or received any net countervailable subsidy on the subject merchandise for a period of at least five consecutive years;

(B) Whether, for any exporter or producer that the Secretary previously has determined to have received any net countervailable subsidy on the subject merchandise, the exporter or producer agrees in writing to their immediate reinstatement in the order, as long as any exporter or producer is subject to the order, if the Secretary concludes that the exporter or producer, subsequent to the revocation, has received any net countervailable subsidy on the subject merchandise; and

(C) Whether the continued application of the countervailing duty order is otherwise necessary to offset subsidization.

(ii) If the Secretary determines, based upon the criteria in paragraphs (c)(3)(i)(A) through (C) of this section, that the countervailing duty order as to those exporters or producers is no longer warranted, the Secretary will revoke the order as to those exporters or producers.

(4) Revocation of nonproducing exporter. In the case of an exporter that is not the producer of subject merchandise, the Secretary normally will revoke an order in part under paragraph (c)(3) of this section only with respect to subject merchandise produced or supplied by those companies that supplied the exporter during the time period that formed the basis for the revocation.

* * * * *

[FR Doc. 99–24675 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Labeling of Drugs for Use in Milk-Producing Animals; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations concerning labeling of drugs for use in milk-producing animals. This document corrects two outdated cross-references. As amended, the references conform to the current statute and regulations.

EFFECTIVE DATE: September 22, 1999.

FOR FURTHER INFORMATION CONTACT: Carol J. Haley, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1682.

SUPPLEMENTARY INFORMATION: FDA is amending the animal drug regulations in 21 CFR 510.105(a) and (b) concerning labeling of drugs for use in milk-producing animal. Paragraph (a) cites "Part 540 of this chapter" and paragraph (b) cites "section 402(a)(2)(D) of the act". Because of revisions of the act and the regulations, these cites should be changed to "Part 526 of this chapter" and "section 402(a)(2)(c)(ii) of the act", respectively. This document amends the regulation accordingly.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

§510.105 [Amended]

2. Section 510.105 *Labeling of drugs for use in milk-producing animals* is amended in paragraph (a) by removing "540" and adding in its place "526", and in paragraph (b) by removing "402(a)(2)(D)" and adding in its place "402(a)(2)(c)(ii)".

Dated: September 8, 1999.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 99–24596 Filed 9–21–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 301 and 602

[TD 8839]

RIN 1545–AV08

IRS Adoption Taxpayer Identification Numbers

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations under section 6109 relating to taxpayer identifying numbers. The final regulations provide rules for obtaining IRS adoption taxpayer identification numbers (ATINs), which are used to identify children placed for adoption. The regulations assist prospective adoptive parents in claiming tax benefits with respect to these children.

DATES: Effective Date: These regulations are effective September 22, 1999.

Dates of Applicability: For dates of applicability of these regulations, see §§ 301.6109–1(h)(2)(iii) and 301.6109–3(d).

FOR FURTHER INFORMATION CONTACT: Beverly A. Baughman, (202) 622-4940 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) under control number 1545–1564. Responses to this collection of information are required to obtain ATINs, which are used by prospective adoptive parents to claim tax benefits with respect to children placed for adoption.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

The collection of information in this final regulation is contained in § 301.6109–3(c)(2). The information collection requirements of that section are satisfied by including the required information on Form W–7A or such other form as may be prescribed by the IRS to apply for an adoption taxpayer identification number (ATIN). The burden for this requirement is reflected in the burden estimated for the form. The current burden estimated for Form W–7A is 40 minutes per form.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be sent to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, OP:FS:FP, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Books or records relating to this collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document contains final Regulations on Procedure and Administration (26 CFR part 301) relating to identifying numbers under section 6109.

On November 24, 1997, final and temporary regulations (TD 8739) were published in the **Federal Register** (62 FR 62518). A notice of proposed rulemaking (REG–103330–97) cross-referencing the temporary regulations was published in the **Federal Register** for the same day (62 FR 62538).

Written comments responding to these notices were received and a public hearing was held on March 4, 1998. After consideration of all the comments, the proposed regulations under section 6109 are adopted with minor changes by this Treasury decision, and the corresponding temporary regulations are removed. The comments and revisions are discussed below.

Explanation of Revisions and Summary of Comments

Comments were received concerning the requirement that, in order for an ATIN to be assigned, the child must be placed for adoption by an *authorized placement agency* as defined in § 1.152-2(c)(2) of the regulations. The

commentators expressed concern that because of this requirement ATINs are not available in the case of independent adoptions as defined by state law. In general, independent adoptions take two forms. In one type the biological parent(s) places the child with the adoptive parents with the assistance of an attorney or other intermediary. In other independent adoptions, no such intermediary is necessary because the adoptive parents and the biological parent(s) know one another.

The IRS and Treasury Department believe that, under section 1.152–2(c), *authorized placement agency* is not limited to governmental and private organizations authorized by state law to place children for legal adoption, but also includes biological parents and other persons authorized by state law to place children for legal adoption. To address commentators' concerns regarding independent adoptions, the IRS and Treasury Department intend to amend section 1.152–2(c) to clarify that this is the meaning of *authorized placement agency*. Accordingly, the final ATIN regulations continue to provide that *authorized placement agency* has the same meaning as in section 1.152–2(c) of the regulations.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Only individuals may receive ATINs under this Treasury decision.

Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking that preceded these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Beverly A. Baughman of the Office of Assistant Chief Counsel (Income Tax and Accounting). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 301 and 602 are amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 is amended by:

1. Removing the entries for sections 301.6109–1T and 301.6109–3T; and
2. Adding an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 301.6109–3 also issued under 26 U.S.C. 6109; * * *

Par. 2 Section 301.6109–1 is amended by:

1. Revising paragraph (a)(1)(i).
2. Revising the introductory text of paragraph (a)(1)(ii).
3. Revising paragraph (a)(1)(ii)(A).
4. Revising paragraph (a)(1)(ii)(B).
5. Revising paragraph (h)(2)(iii).

The revisions read as follows:

§ 301.6109–1 Identifying numbers.

(a) *In general*—(1) *Taxpayer identifying numbers*—(i) *Principal types.* There are several types of taxpayer identifying numbers that include the following: social security numbers, Internal Revenue Service (IRS) individual taxpayer identification numbers, IRS adoption taxpayer identification numbers, and employer identification numbers. Social security numbers take the form 000–00–0000. IRS individual taxpayer identification numbers and IRS adoption taxpayer identification numbers also take the form 000–00–0000 but include a specific number or numbers designated by the IRS. Employer identification numbers take the form 00–0000000.

(ii) *Uses.* Social security numbers, IRS individual taxpayer identification numbers, and IRS adoption taxpayer identification numbers are used to identify individual persons. Employer identification numbers are used to identify employers. For the definition of social security number and employer identification number, see §§ 301.7701–11 and 301.7701–12, respectively. For the definition of IRS individual taxpayer identification number, see paragraph (d)(3) of this section. For the definition of IRS adoption taxpayer identification number, see § 301.6109–3(a). Except as otherwise provided in applicable regulations under this chapter or on a return, statement, or other document, and related instructions, taxpayer identifying numbers must be used as follows:

(A) Except as otherwise provided in paragraph (a)(1)(ii)(B) and (D) of this section, and § 301.6109–3, an individual required to furnish a taxpayer identifying number must use a social security number.

(B) Except as otherwise provided in paragraph (a)(1)(ii)(D) of this section and § 301.6109–3, an individual required to furnish a taxpayer identifying number but who is not eligible to obtain a social security number must use an IRS individual taxpayer identification number.

* * * * *

(h) * * *

(2) * * *

(iii) Paragraphs (a)(1)(i), (a)(1)(ii) introductory text, (a)(1)(ii)(A), and (a)(1)(ii)(B) of this section apply to income tax returns due (without regard to extensions) on or after April 15, 1998.

§ 301.6109–1T [Removed]

Par. 3. Section 301.6109–1T is removed.

Par. 4. Section 301.6109–3 is added to read as follows:

§ 301.6109–3 IRS adoption taxpayer identification numbers.

(a) *In general*—(1) *Definition.* An *IRS adoption taxpayer identification number* (ATIN) is a temporary taxpayer identifying number assigned by the Internal Revenue Service (IRS) to a child (other than an alien individual as defined in § 301.6109–1(d)(3)(i)) who has been placed, by an authorized placement agency, in the household of a prospective adoptive parent for legal adoption. An ATIN is assigned to the child upon application for use in connection with filing requirements under the Internal Revenue Code and the regulations thereunder. When an adoption becomes final, the adoptive parent must apply for a social security number for the child. After the social security number is assigned, that number, rather than the ATIN, must be used as the child's taxpayer identification number on all returns, statements, or other documents required under the Internal Revenue Code and the regulations thereunder.

(2) *Expiration and extension.* An ATIN automatically expires two years after the number is assigned. However,

upon request, the IRS may grant an extension if the IRS determines the extension is warranted.

(b) *Definitions.* For purposes of this section—

(1) *Authorized placement agency* has the same meaning as in § 1.152–2(c) of this chapter;

(2) *Prospective adoptive child* or *child* means a child who has not been adopted, but who has been placed in the household of a prospective adoptive parent for legal adoption by an authorized placement agency; and

(3) *Prospective adoptive parent* or *parent* means an individual in whose household a prospective adoptive child is placed by an authorized placement agency for legal adoption.

(c) *General rule for obtaining a number*—(1) *Who may apply.* A prospective adoptive parent may apply for an ATIN for a child if—

(i) The prospective adoptive parent is eligible to claim a personal exemption under section 151 with respect to the child;

(ii) An authorized placement agency places the child with the prospective adoptive parent for legal adoption;

(iii) The Social Security Administration will not process an application for an SSN by the prospective adoptive parent on behalf of the child (for example, because the adoption is not final); and

(iv) The prospective adoptive parent has used all reasonable means to obtain the child's assigned social security number, if any, but has been unsuccessful in obtaining this number (for example, because the biological parent who obtained the number is not legally required to disclose the number to the prospective adoptive parent).

(2) *Procedure for obtaining an ATIN.* If the requirements of paragraph (c)(1) of this section are satisfied, the prospective adoptive parent may apply for an ATIN for a child on Form W–7A, *Application for Taxpayer Identification Number for Pending Adoptions* (or such other form as may be prescribed by the IRS). An application for an ATIN should be made far enough in advance of the first intended use of the ATIN to permit issuance of the ATIN in time for such use. An application for an ATIN must include the information required by the form and accompanying instructions, including the name and address of each prospective adoptive parent and the child's name and date of birth. In addition, the application must include such documentary evidence as the IRS may prescribe to establish that a child was placed in the prospective adoptive parent's household by an authorized placement agency for legal adoption. Examples of acceptable documentary evidence establishing placement for legal adoption by an authorized placement agency may include—

(i) A copy of a placement agreement entered into between the prospective adoptive parent and an authorized placement agency;

(ii) An affidavit or letter signed by the adoption attorney or government official who placed the child for legal adoption pursuant to state law;

(iii) A document authorizing the release of a newborn child from a hospital to a prospective adoptive parent for adoption; and

(iv) A court document ordering or approving the placement of a child for adoption.

(d) *Effective date.* The provisions of this section apply to income tax returns due (without regard to extension) on or after April 15, 1998.

§ 301.6109–3T [Removed]

Par. 5. Section 301.6109–3T is removed.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 6. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 7. In § 602.101, paragraph (b) is amended by removing the entry for 301.6109–3T from the table and adding an entry in numerical order to the table to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(b) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
301.6109–3	1545–1564
* * * * *	

Approved: June 17, 1999.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 99–24313 Filed 9–21–99; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–161]

RIN 2115–AA97

Safety Zone: Movie Production, Gloucester, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the production of the movie "The Perfect Storm", in Gloucester, MA. This regulation establishes a safety zone that will close the waters of Gloucester Harbor, Gloucester, MA for short periods of time throughout the hours listed to all vessel traffic except for vessels involved in the production of the movie "The Perfect Storm". The safety zone is in effect daily from 6:30 a.m. to 8:30 p.m. from Tuesday, September 7, 1999, until Saturday, September 27, 1999, and from 6:30 a.m. until midnight, September 11, 1999. This safety zone prevents entry into or movement within this portion of Gloucester Harbor to all vessels except for those involved in the movie production for short periods of time as directed by the Coast Guard representative on scene.

DATES: This rule is effective daily from 6:30 a.m. to 8:30 p.m. from September 7 through September 10, and from September 12 through September 25, 1999, and from 6:30 a.m. until midnight on September 11, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: ENS Rebecca Montleon, Waterways Management Division, Coast Guard Marine Safety Office Boston, (617) 223–3000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Conclusive information about this event was not provided to the Coast Guard until August 26, 1999, making it impossible

to draft or publish an NPRM or a final rule 30 days in advance of its effective date. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public and the movie production crew during periods of restricted maneuvering.

Background and Purpose

On August 26, 1999, the Warner Brothers Film Production Company filed a marine event permit with the Coast Guard to begin filming on the waters of Gloucester Harbor, Gloucester, MA. This regulation establishes a safety zone that will close the waters of Gloucester Harbor, Gloucester, MA for short periods of time throughout the hours listed to all vessel traffic except for vessels involved in the production of the movie "The Perfect Storm". The safety zone is in effect daily from 6:30 a.m. to 8:30 p.m. from Tuesday, September 7, 1999, until Saturday, September 25, 1999, and until midnight, September 11, 1999. This safety zone prevents entry into or movement within Gloucester Harbor and it is needed to protect the maritime public and the movie production crew during periods of restricted maneuvering.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under the Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary since the safety zone will be limited in duration and marine advisories will be made in advance of the implementation of the safety zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this final rule and concluded that, under Figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.2.

2. Add temporary section 165.T01–161 to read as follows:

§ 165.T01–161 Safety Zone: Movie Production, Gloucester, MA.

(a) *Location.* The following area is a safety zone: all the waters of Gloucester Harbor, Gloucester, MA.

(b) *Effective Date.* This section is effective daily from 6:30 a.m. to 8:30 p.m. from September 7 through 10, 1999, and from September 12 through September 25, 1999, and from 6:30 a.m. until midnight on September 11, 1999.

(c) *Regulations.*

(1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated onscene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in section 165.23 of this part apply.

Dated: September 7, 1999.

M.A. Skordinski,

Commander, U.S. Coast Guard, Acting Captain of the Port, Boston, Massachusetts.

[FR Doc. 99–24584 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

[Docket No. 990401084–9227–02]

RIN 0651–AB00

Trademark Law Treaty Implementation Act Changes; Correction

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule; correction.

SUMMARY: The Patent and Trademark Office published in the **Federal Register** of September 8, 1999, (64 FR 48900) a final rule amending its rules to implement the Trademark Law Treaty Implementation Act of 1998 and to otherwise simplify and clarify procedures for registering trademarks, and for maintaining and renewing trademark registrations. This document corrects four typographical errors in the final rule.

DATES: Effective on October 30, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Hannon, Office of Assistant Commissioner for Trademarks, by telephone at (703) 308–8910, extension 137; by facsimile transmission addressed to her at (703) 308–9395; or by mail marked to her attention and addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202–3513.

SUPPLEMENTARY INFORMATION: The Patent and Trademark Office published a final rule in the **Federal Register** of

September 8, 1999, (64 FR 48900) entitled "Trademark Law Treaty Implementation Act Changes." This document amends 37 CFR 2.76(b)(1), 2.88(b)(1), 2.89(a)(3), and 2.89(b)(3) to correct a cross-reference. Specifically, these sections are amended to refer to "§ 2.33(a)" rather than "§ 2.33(a)(2)."

In rule FR Doc. 99–22957, published on September 8, 1999, (64 FR 48900), make the following corrections:

§ 2.76 [Corrected]

1. On page 48922, in the third column, in § 2.76, in paragraph (b)(1) introductory text, in line 5, correct "§ 2.33(a)(2)" to read "§ 2.33(a)".

§ 2.88 [Corrected]

2. On page 48923, in the second column, in § 2.88, in paragraph (b)(1) introductory text, in line 3 from the top of the column, correct "§ 2.33(a)(2)" to read "§ 2.33(a)".

§ 2.89 [Corrected]

3. On page 48923, in the third column, in § 2.89, in paragraph (a)(3), in line 2 from the top of the column, correct "§ 2.33(a)(2)" to read "§ 2.33(a)".

4. On page 48923, in the third column, in § 2.89, in paragraph (b)(3), in line 5, correct "§ 2.33(a)(2)" to read "§ 2.33(a)".

Dated: September 17, 1999.

Albin F. Drost,

Acting Solicitor.

[FR Doc. 99–24676 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300918; FRL–6381–7]

RIN 2070–AB78

2,6-Diisopropylnapthalene; Temporary Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a temporary exemption from the requirement of a tolerance for residues of the biochemical pesticide 2,6-diisopropylnapthalene (2,6-DIPN) when applied/used to inhibit sprouting in potatoes held in storage. Platte Chemical Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996 requesting the temporary tolerance exemption. This regulation eliminates the need to establish a maximum permissible level for residues of 2,6-DIPN. The temporary tolerance exemption will expire on September 22, 2000.

DATES: This regulation is effective September 22, 1999. Objections and requests for hearings, identified by docket control number OPP–300918, must be received by EPA on or before November 22, 1999.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided under Unit VIII. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300918 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Driss Benmhend, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703-308-9525); and e-mail address: benmhend.driss@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Potato Processors	311	Food manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under "FOR FURTHER INFORMATION CONTACT."

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**--Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300918. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of November 25, 1998 (63 FR 65204) (FRL–6039–7), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170) announcing the filing of a pesticide tolerance petition by Platte Chemical Company, 419 18th Street, Greeley, CO 80632. This notice included a summary of the petition prepared by the petitioner Platte Chemical Company. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing a temporary exemption from the requirement of a tolerance for residues of 2,6-DIPN.

New section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an

exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ." Additionally, section 408(b)(2)(D) requires that the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

1. *Acute toxicity.* Technical 2,6-DIPN exhibits low acute toxicity. It is a toxicity category IV biopesticide. The rat oral LD_{50} is greater than 5,000 milligrams/kilograms (mg/kg), the rabbit dermal LD_{50} is greater than 5,000 mg/kg, and the rat inhalation LC_{50} is greater than 2.60 mg/L at the maximum attainable condition. In addition, 2,6-DIPN is not a skin sensitizer in guinea pigs, shows no dermal irritation at 72 hours in rabbits, and shows minimal ocular irritation in rabbits. The end use formulation is the same as the technical formulation; it contains no intentionally added inert ingredients.

2. *Genotoxicity.* Short-term assays for genotoxicity consisting of a bacterial reverse mutation assay (Ames test), an *in vivo/in vitro* unscheduled DNA synthesis in rat primary hepatocyte cultures at two time points, and an *in vivo* mouse micronucleus assay have been conducted for 2,6-DIPN. These studies show a lack of genotoxicity for 2,6-DIPN.

3. *Other tests.* No additional mammalian toxicology testing has been conducted. Platte requested a waiver from the requirement to submit further mammalian toxicology studies on the basis of the favorable toxicological profile for 2,6-DIPN, the low residues observed in treated potatoes, the specific plant growth regulator mode of action, and the confined nature of the proposed use. No data were found in the literature that would indicate 2,6-DIPN has any adverse effect on mammals. No incidents of hypersensitivity or any other adverse effects have been observed in individuals handling the material over the past 6 years.

IV. Aggregate Exposures

In examining aggregate exposure, section 408 of the FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

Any dietary exposure resulting from applications made under an experimental use permit (EUP) would be through potato consumption and animal products in which animals are fed potato feed stocks.

1. *Food.* Residues in treated potatoes have been shown to be low (average residue was 0.08 ppm 90 days after treatment). Residues would be expected to continue to decline after potatoes are removed from storage and before consumption. Cooking and/or processing would be expected to further lower the residue level in consumed potatoes or potato products

2. *Drinking water exposure.* Since 2,6-DIPN would only be used in commercial storage warehouses, there is little if any potential for drinking water exposure.

B. Other Non-Occupational Exposure

The EUP would only cover use for direct application to potatoes when stored in commercial warehouses. There are currently no other registered uses of 2,6-DIPN. Non-dietary exposure to 2,6-DIPN via lawn care, topical treatments, etc., will not occur. Thus, the potential for non-occupational exposure to the general population is virtually non-existent.

V. Cumulative Effects

EPA also is required to consider the potential for cumulative effects of 2,6-DIPN and other substances that have a common mechanism of toxicity. Consideration of a common mode of toxicity is not appropriate, given that there is no indication of mammalian toxicity of 2,6-DIPN and no information that indicates toxic effects, if any, would be cumulative with any other compounds. Since 2,6-DIPN does not exhibit a toxic mode of action in the target plant, it is appropriate to consider only the potential risks of 2,6-DIPN in this exposure assessment.

VI. Determination of Safety for U.S. Population, Infants and Children

Since there are no anticipated residues in drinking water or from other non-occupational sources, and no reliable information exists on cumulative effects due to a common mechanism of toxicity, the aggregate exposure to 2,6-DIPN is adequately represented by the dietary route. The lack of toxicity of 2,6-DIPN has been demonstrated by the results of acute toxicity testing in mammals in which 2,6-DIPN caused no adverse effects when dosed orally, dermally, and via inhalation at the limit dose for each study. Anticipated residues in consumed potatoes are low. Moreover, 2,6-DIPN exhibits close structural and chemical similarity to other plant-based, naturally occurring methyl and isopropyl naphthalene. Thus, the dietary exposure to 2,6-DIPN should pose negligible risks to human health. Based on the lack of toxicity and low exposure, there is a reasonable certainty that no harm to infants, children, or adults will result from aggregate exposure to 2,6-DIPN residues. Exempting 2,6-DIPN from the requirement of a tolerance should pose no significant risk to humans or the environment.

VII. Other Considerations

A. Analytical Method

An analytical method for residues is not applicable, as this proposes an exemption from the requirement of a tolerance.

B. Codex Maximum Residue Level

No Codex maximum residue levels are established for residues of 2,6-DIPN in or on any food or feed crop. There are no other established U.S. tolerances or

exemptions from tolerances for 2,6-DIPN food or feed crops in the United States. The Agency has classified 2,6-DIPN as a biochemical pesticide.

VIII. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300918 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 22, 1999.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25) as well as other requirements set forth in 40 CFR 178.25. If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Room M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement when in the judgment of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at *tompkins.jim@epa.gov*, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VIII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket number OPP–300918, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

IX. Regulatory Assessment Requirements

This final rule establishes a temporary tolerance/exemption under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect on States, on the relationship between

the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(b)(4). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the a temporary tolerance/exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

X. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 15, 1999.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.1208 is added to subpart D to read as follows:

§ 180.1208 2,6-Diisopropylnapthalene; temporary exemption from the requirement of a tolerance.

2,6-Diisopropylnapthalene is temporarily exempt from the requirement of a tolerance when used to inhibit sprouting in potatoes held in storage in accordance with the Experimental Use Permit 034704-EUP-13. The temporary exemption from the requirement of a tolerance will expire on September 22, 2000.

[FR Doc. 99–24694 Filed 9–21–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300919; FRL–6381–6]

RIN 2070–AB78

Tebuconazole; Extension of Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends time-limited tolerances for residues of the fungicide tebuconazole in or on barley grain at 2.0 parts per million (ppm), barley hay at 20 ppm, barley straw at 20 ppm, wheat hay at 15 ppm, wheat straw at 2.0 ppm, and pistachios at 1.0 ppm; and extends time-limited tolerances for combined residues of tebuconazole and its metabolite in milk at 0.1 ppm and in meat byproducts of cattle, goats, hogs, horses, poultry and sheep at 0.2 ppm for an additional 1-year period. These tolerances will expire and are revoked on December 31, 2000. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on barley, wheat and pistachios. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

DATES: This regulation is effective September 22, 1999. Objections and requests for hearings, identified by docket control number OPP–300919, must be received by EPA on or before November 22, 1999.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit III. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300919 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Stephen Schaible, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–9362; and e-mail address: schaible.stephen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from

the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**--Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300919. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

EPA issued a final rule, published in the **Federal Register** of June 20, 1997 (62 FR 33550) (FRL–5725–7), which announced that on its own initiative under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) it established time-limited tolerances for the residues of tebuconazole in or on barley grain at 2.0 ppm, barley hay at 20 ppm, barley straw at 20 ppm, wheat hay at 15 ppm, wheat straw at 2.0 ppm, and pistachios at 1.0 ppm. EPA also established time-limited tolerances for the combined residues of tebuconazole and its metabolite (HGW-2061) in milk at 0.1 ppm and in meat byproducts of cattle, goats, hogs, horses, poultry and sheep at 0.2 ppm. All of these tolerances had an expiration date of June 30, 1998. The expiration date of these tolerances was extended to December 31, 1999, in a final rule published in the **Federal Register** on July 21, 1998 (63 FR 39032) (FRL–6015–9). EPA established these tolerances because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Such tolerances can be established without providing notice or period for public comment.

EPA received requests to extend the use of tebuconazole on barley, wheat and pistachios for this year's growing season due to continued non-routine situations for growers of these crops. Numerous States have requested emergency exemptions to control rust in barley and wheat; currently registered alternatives do not allow application at a sufficiently late stage of growth to control the disease. Additionally, North Dakota, Minnesota, South Dakota, and Michigan have again requested use of this chemical to control Fusarium head blight on barley and/or wheat; abundant inoculum and wet weather conditions this year are likely to result in a severe outbreak without the requested use. The continued lack of an effective alternative to control late blight and panicle/shoot blight on pistachios when disease pressure is high is likely to result in significant economic losses to growers in California if wet weather conditions occur. After having reviewed these submissions, EPA concurs that emergency conditions exist. EPA has authorized under FIFRA section 18 the use of tebuconazole on barley, wheat and pistachios for control of the above fungal diseases.

EPA assessed the potential risks presented by residues of tebuconazole in or on barley grain, barley hay, barley straw, wheat hay, wheat straw, pistachios, milk, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of June 20, 1997 (62 FR 33550). Based on that data and information considered, the Agency reaffirms that extension of the time-limited tolerances will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerances are extended for an additional 1-year period. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations (CFR). Although these tolerances will expire and are revoked on December 31, 2000, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on barley grain, barley hay, barley straw, wheat hay, wheat straw, pistachios, milk, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA and the application occurred prior to the revocation of the tolerances. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

III. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300919 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 22, 1999.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing

request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Room M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at *tompkins.jim@epa.gov*, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit III.A. of this preamble, you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. of this preamble. Mail your copies, identified by docket number OPP–300919 to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. of this preamble. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

IV. Regulatory Assessment Requirements

This final rule establishes exemptions from the tolerance requirement under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(b)(4).This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

V. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides

and pests, Reporting and recordkeeping requirements.

Dated: September 9, 1999.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180–[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

§ 180.474 [Amended]

2. In § 180.474, by amending paragraph (b) by changing the date "12/31/99" to read "12/31/00".

[FR Doc. 99–24693 Filed 9–21–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300914; FRL–6380–1]

RIN 2070–AB

Tebufenozide; Benzoic Acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl)hydrazide; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of tebufenozide in or on sugarcane and sugarcane molasses. Rohm and Haas Company requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 22, 1999. Objections and requests for hearings, identified by docket control number OPP–300914, must be received by EPA on or before November 22, 1999.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300914 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joseph Tavano, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305–6411; and e-mail address: tavanojoseph@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

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2. *In person.* The Agency has established an official record for this action under docket control number OPP–300914. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of August 19, 1998 (63 FR 44439) (FRL–6019–6), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP 7F4863) for a tolerance by Rohm and Haas Company, 100 Independence Mall West, Philadelphia, PA 19106–2399. This notice included a summary of the petition prepared by Rohm and Haas Company, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.482 be amended by establishing a tolerance for residues of the insecticide, tebufenozide, in or on sugarcane and sugarcane molasses at 0.3 and 1.0 parts per million (ppm) respectively. Tebufenozide is a reduced risk pesticide and controls sugarcane borer and Mexican rice borer on sugarcane.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to

infants and children from aggregate exposure to the pesticide chemical residue."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of tebufenozide on sugarcane and sugarcane molasses at 1.0 and 3.0 ppm respectively. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by tebufenozide are discussed in this unit.

1. Acute toxicity studies with technical grade: Oral LD_{50} in the rat is > 5 grams for males and females - Toxicity Category IV; dermal LD_{50} in the rat is = 5,000 milligrams/kilogram (mg/kg) for males and females - Toxicity Category III; inhalation LC_{50} in the rat is > 4.5 mg/l - Toxicity Category III; primary eye irritation study in the rabbit is a non-irritant; primary skin irritation in the rabbit > 5mg - Toxicity Category IV. Tebufenozide is not a sensitizer.

2. In a 21-day dermal toxicity study, Crl:CD rats (6/sex/dose) received repeated dermal administration of either the technical 96.1% product RH-75,992 at 1,000 mg/kg/day (Limit-Dose or the formulation (23.1% a.i.) product RH-755,992 2F at 0, 62.5, 250, or 1,000 mg/kg/day, 6 hours/day, 5 days/week for 21 days. Under conditions of this study, RH-75,992 Technical or RH-75,992 2F demonstrated no systemic toxicity or dermal irritation at the highest dose tested 1,000 mg/kg/ during the 21-day study. Based on these results, the NOAEL for systemic toxicity and dermal irritation in both sexes is 1,000 mg/kg/day HDT. A lowest observable adverse effect level (LOAEL) for systemic toxicity and dermal irritation was not established.

3. A 1-year dog feeding study with a LOAEL of 250 ppm (9 mg/kg/day for male and female dogs) based on decreases in RBC, HCT, and HGB, increases in Heinz bodies, methemoglobin, MCV, MCH, reticulocytes, platelets, plasma total bilirubin, spleen weight, and spleen/body weight ratio, and liver/body weight ratio. Hematopoiesis and sinusoidal engorgement occurred in the spleen, and hyperplasia occurred in the marrow of the femur and sternum. The liver showed an increased pigment in the Kupffer cells. The no observed adverse effect level (NOAEL) for systemic toxicity in both sexes is 50 ppm (1.9 mg/kg/day).

4. An 18-month mouse carcinogenicity study with no carcinogenicity observed at dosage levels up to and including 1,000 ppm.

5. A 2-year rat carcinogenicity with no carcinogenicity observed at dosage levels up to and including 2,000 ppm (97 mg/kg/day and 125 mg/kg/day for males and females, respectively).

6. In a prenatal developmental toxicity study in Sprague-Dawley rats (25/group), tebufenozide was administered on gestation days 6-15 by gavage in aqueous methyl cellulose at dose levels of 50, 250, or 1,000 mg/kg/day and a dose volume of 10 ml/kg. There was no evidence of maternal or developmental toxicity; the maternal and developmental toxicity NOAEL was 1,000 mg/kg/day.

7. In a prenatal developmental toxicity study conducted in New Zealand white rabbits (20/group), tebufenozide was administered in 5 ml/kg of aqueous methyl cellulose at gavage doses of 50, 250, or 1,000 mg/kg/day on gestation days 7-19. No evidence of maternal or developmental toxicity was observed; the maternal and developmental toxicity NOAEL was 1,000 mg/kg/day.

8. In a 1993 2-generation reproduction study in Sprague-Dawley rats, tebufenozide was administered at dietary concentrations of 0, 10, 150, or 1,000 ppm (0, 0.8, 11.5, or 154.8 mg/kg/day for males and 0, 0.9, 12.8, or 171.1 mg/kg/day for females). The parental systemic NOAEL was 10 ppm (0.8/0.9 mg/kg/day for males and females, respectively) and the LOAEL was 150 ppm (11.5/12.8 mg/kg/day for males and females, respectively) based on decreased body weight, body weight gain, and food consumption in males, and increased incidence and/or severity of splenic pigmentation. In addition, there was an increased incidence and severity of extramedullary hematopoiesis at 2,000 ppm. The reproductive NOAEL was 150 ppm (11.5/12.8 mg/kg/day for males and females, respectively), and the LOAEL was 2,000 ppm (154.8/171.1 mg/kg/day for males and females, respectively), based on an increase in the number of pregnant females with increased gestation duration and dystocia. Effects in the offspring consisted of decreased number of pups per litter on postnatal days 0 and/or 4 at 2,000 ppm (154.8/171.1 mg/kg/day for males and females, respectively) with a NOAEL of 150 ppm (11.5/12.8 mg/kg/day for males and females, respectively).

9. In a 1995 2-generation reproduction study in rats tebufenozide was administered at dietary concentrations of 0, 25, 200, or 2,000 ppm (0, 1.6, 12.6, or 126.0 mg/kg/day for males and 0, 1.8, 14.6, or 143.2 mg/kg/day for females). For parental systemic toxicity, the NOAEL was 25 ppm (1.6/1.8 mg/kg/day in males and females, respectively), and the LOAEL was 200 ppm (12.6/14.6 mg/kg/day in males and females), based on histopathological findings (congestion and extramedullary hematopoiesis) in the spleen. Additionally, at 2,000 ppm (126.0/143.2 mg/kg/day in M/F), treatment-related findings included reduced parental body weight gain and increased incidence of hemosiderin-laden cells in the spleen. Columnar changes in the vaginal squamous epithelium and reduced uterine and ovarian weights were also observed at 2,000 ppm, but the toxicological significance was unknown. For offspring, the systemic NOAEL was 200 ppm (12.6/14.6 mg/kg/day in males and females), and the LOAEL was 2,000 ppm (126.0/143.2 mg/kg/day in M/F), based on decreased body weight on postnatal days 14 and 21.

10. Several mutagenicity tests which were all negative. These include an Ames assay with and without metabolic activation, an *in vivo* cytogenetic assay in rat bone marrow cells, and *in vitro* chromosome aberration assay in CHO cells, a CHO/HGPRT assay, a reverse mutation assay with E. Coli, and an unscheduled DNA synthesis assay (UDS) in rat hepatocytes.

11. The pharmacokinetics and metabolism of tebufenozide were studied in female Sprague-Dawley rats (3-6/sex/group) receiving a single oral dose of 3 or 250 mg/kg of RH-5992, ^{14}C labeled in one of three positions (A-ring, B-ring or *N*-butylcarbon). The extent of absorption was not established. The

majority of the radiolabeled material was eliminated or excreted in the feces within 48 hours; small amounts (1 to 7% of the administered dose) were excreted in the urine and only traces were excreted in expired air or remained in the tissues. There was no tendency for bioaccumulation. Absorption and excretion were rapid.

A total of 11 metabolites, in addition to the parent compound, were identified in the feces; the parent compound accounted for 96 to 99% of the administered radioactivity in the high dose group and 35 to 43% in the low dose group. No parent compound was found in the urine; urinary metabolites were not characterized. The identity of several fecal metabolites was confirmed by mass spectral analysis and other fecal metabolites were tentatively identified by cochromatography with synthetic standards. A pathway of metabolism was proposed based on these data. Metabolism proceeded primarily by oxidation of the three benzyl carbons, two methyl groups on the B-ring and an ethyl group on the A-ring to alcohols, aldehydes or acids. The type of metabolite produced varies depending on the position oxidized and extent of oxidation. The butyl group on the quaternary nitrogen also can be leaved (minor), but there was no fragmentation of the molecule between the benzyl rings.

No qualitative differences in metabolism were observed between sexes, when high or low dose groups were compared or when different labeled versions of the molecule were compared.

12. The absorption and metabolism of tebufenozide were studied in a group of male and female bile-duct cannulated rats. Over a 72-hour period, biliary excretion accounted for 30% males to 34% females of the administered dose while urinary excretion accounted for ≈5% of the administered dose and the carcass accounted for <0.5% of the administered dose for both males and females. Thus systemic absorption (percent of dose recovered in the bile, urine and carcass) was 35% (males) to 39% (females). The majority of the radioactivity in the bile (20% (males) to 24% (females) of the administered dose) was excreted within the first 6 hours postdosing indicating rapid absorption. Furthermore, urinary excretion of the metabolites was essentially complete within 24 hours postdosing. A large amount 67% (females) to 70% (males) of the administered dose was unabsorbed and excreted in the feces by 72 hours. Total recovery of radioactivity was 105% of the administered dose.

A total of 13 metabolites were identified in the bile; the parent compound was not identified i.e. - unabsorbed compound nor were the primary oxidation products seen in the feces in the pharmacokinetics study. The proposed metabolic pathway proceeded primary by oxidation of the benzylic carbons to alcohols, aldehydes or acids. Bile contained most of the other highly oxidized products found in the feces. The most significant individual bile metabolites accounted for 5% to 18% of the total radioactivity (females and/or males). Bile also contained the previously undetected (in the pharmacokinetics study "A" Ring ketone and the "B" Ring diol. The other major components were characterized as high molecular weight conjugates. No individual bile metabolite accounted for >5% of the total administered dose. Total bile radioactivity accounted for ≈17% of the total administered dose.

No major qualitative differences in biliary metabolites were observed between sexes. The metabolic profile in the bile was similar to the metabolic profile in the feces and urine.

B. Toxicological Endpoints

1. *Acute toxicity.* Toxicity observed in oral toxicity studies were not attributable to a single dose (exposure). No neuro or systemic toxicity was observed in rats given a single oral administration of tebufenozide at 0, 500, 1,000, or 2,000 mg/kg. No maternal or developmental toxicity was observed following oral administration of tebufenozide at 1,000 mg/kg/day (Limit-Dose) during gestation to pregnant rats or rabbits. Thus, the risk from acute exposure is considered negligible.

2. *Short- and intermediate-term toxicity.* No dermal or systemic toxicity was seen in rats receiving 15 repeated dermal applications of the technical (97.2%) product at 1,000 mg/kg/day (Limit-Dose) as well as a formulated (23% a.i.) product at 0, 62.5, 250, or 1,000 mg/kg/day over a 21-day period. The Agency noted that in spite of the hematological effects seen in the dog study, similar effects were not seen in the rats receiving the compound via the dermal route indicating poor dermal absorption. Also, no developmental endpoints of concern were evident due to the lack of developmental toxicity in either rat or rabbit studies. This risk is considered to be negligable.

3. *Chronic toxicity.* EPA has established the the chronic population adjusted dose (cPAD) for tebufenozide at 0.018 mg/kg/day. This endpoint is based on the NOAEL of 1.8 mg/kg/day from a chronic toxicity study in dogs. Growth retardation, alterations in hematology parameters, changes in organ weights, and histopathological lesions in the bone, spleen and liver were observed at the LOAEL of 8.7 mg/kg/day in this study. An uncertainty factor (UF) of 100 was applied to account for interspecies (10x) and intraspecies (10x) variation resulting in a chronic RfD of 1.8 mg/kg/day ÷ 100 = 0.018 mg/kg/day. For chronic dietary risk assessment, the 10x factor to account for the protection of infants and children (as required by FQPA) was removed. Therefore, the cPAD is identical to the chronic RfD. cPAD = chronic RfD = 0.018 mg/kg/day. Removing the 10x factor is supported by the following factors.

i. Developmental toxicity studies showed no increased sensitivity in fetuses when compared to maternal animals following *in utero* exposures in rats and rabbits.

ii. Multi-generation reproduction toxicity studies in rats showed no increased sensitivity in pups as compared to adults and offspring.

iii. There are no data gaps.

4. *Carcinogenicity.* Tebufenozide has been classified as a Group E, "no evidence of carcinogenicity for humans," chemical by EPA.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.482) for the residues of tebufenozide, in or on a variety of raw agricultural commodities. In today's action, tolerances will be established for residues of tebufenozide in or on sugarcane and sugarcane molasses at 1.0 and 3.0 ppm, respectively. Risk assessments were conducted by EPA to assess dietary exposures from as follows.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of crop treated (PCT) for assessing chronic dietary risk only if the Agency can make the following findings: That the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; that the exposure estimate does not underestimate exposure for any significant subpopulation group; and if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by section 408(b)(2)(F),

EPA may require registrants to submit data on PCT.

The Agency used PCT information as follows:

Estimates of PCT were used for the following crops. In all cases the maximum estimate was used.

Crops	Average	Maximum
Almonds	<1%	<1%
Apples	1%	2%
Beans/Peas, Dry	0%	1%
Cotton	1%	4%
Walnuts	10%	16%
Cabbage, Fresh	2%	3%
Cole Crops	1%	2%
Spinach, Fresh	2%	3%
Spinach, Processed	20%	29%

The Agency believes that the three conditions, discussed in section 408 (b)(2)(F) in this unit concerning the Agency's responsibilities in assessing chronic dietary risk findings, have been met. The PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of the PCT, the Agency is reasonably certain that the percentage of the food treated is not likely to be underestimated. The regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which may be applied in a particular area.

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Toxicity observed in oral toxicity studies were not attributable to a single dose (exposure). No neuro or systemic toxicity was observed in rats given a single oral administration of tebufenozide at 0, 500, 1,000 or 2,000 mg/kg. No maternal or developmental toxicity was observed following oral administration of tebufenozide at 1,000 mg/kg/day (Limit-Dose) during gestation to pregnant rats or rabbits. This risk is considered to be negligable.

ii. *Chronic exposure and risk.* In conducting the DEEM (Dietary Exposure Evaluation Model) for chronic dietary (food only) analysis, EPA used tolerance level residues and some PCT (Tier 2). For the subject crops, the tolerances used are: 10 ppm for sugarcane, 3.0 ppm for sugarcane molasses. The analysis evaluates individual food consumption as reported by respondents in the USDA Continuing Surveys of Food Intake by Individuals conducted in 1989 through 1992. Summaries of the ARC and their representations as percentages of the cPAD for the general population and subgroups of interest are presented in the following table.

TABLE 1.—CHRONIC EXPOSURE ANALYSIS BY THE DEEM SYSTEM FOR TEBUFENOZIDE

Population Subgroup	Exposure (mg/kg/day)	cPAD%[1]
U.S. Population (48 Contiguous States)	0.0017	10%
Children (1-6 years old)	0.0038	21%
Females (13+/nursing)	0.0017	10%

[1] cPAD% = Exposure over cPAD X 100%

The subgroups listed above are: (1) The U.S. population (48 contiguous states); (2) highest exposed population subgroup that includes infants and children; and (3) Female 13+.

This chronic dietary (food only) risk assessment should be viewed as conservative. Further refinement using anticipated residue values and additional PCT information would result in a lower estimate of chronic dietary exposure.

2. *From drinking water— i. Acute exposure and risk.* Because no acute dietary endpoint was determined, the Agency concludes that there is a reasonable certainty of no harm from acute exposure from drinking water.

ii. *Chronic exposure and risk.* EPA calculated the Tier I Estimated Environmental Concentrations (EECs) for tebufenozide using GENEEC (surface water) and SCI-GROW (ground water) for use in the human health risk assessment. For chronic exposure, the worst case EECs for surface water and ground water were 16.5 parts per billion (ppb) and 1.04 ppb, respectively. These values represent upper-bound estimates of the concentrations that might be found in surface and ground water. These modeling data were compared to the chronic drinking water levels of comparison (DWLOCs) for tebufenozide in ground and surface water.

For purposes of chronic risk assessment, the estimated maximum concentration for tebufenozide in surface and ground waters (16.5 ppb=16.5 µg/L) was compared to the back-calculated human health DWLOCs for the chronic (non-cancer) endpoint. These DWLOCs for various population categories are summarized in the following table.

TABLE 2.—DRINKING WATER LEVELS OF COMPARISON FOR CHRONIC EXPOSURE TO TEBUFENOZIDE

Population Category	Chronic RfD (mg/kg/day)	Food Exposure (mg/kg/day)	Max. Water Exposure (mg/kg/day)	DWLOC (µg/L)	EEC Calc. Max. (µg/L)
U.S. Population (48 Contiguous States)	0.018	0.0017	0.016	560	16.5
Female (13+ years)	0.018	0.0017	0.016	480	16.5
Children (1-6)	0.018	0.0038	0.014	140	16.5

In performing this risk assessment, EPA has calculated drinking water levels of comparison (DWLOCs) for each of the DEEM population subgroups. Within each subgroup, the population with the highest estimated exposure was used to determine the maximum concentration of tebufenozide that can occur in drinking water without causing an unacceptable human health risk. As a comparison value, EPA has used the 16.5-ppb value in this risk assessment, as this represents a worst-case scenario. The DWLOCs for tebufenozide are above the drinking water estimated concentration (DWEC) of 16.5 ppb for all population subgroups. Therefore, the human health risk from exposure to tebufenozide through drinking water in not likely to exceed EPA's level of concern.

3. *From non-dietary exposure.* Tebufenozide is not currently registered for use on any residential non-food sites. Therefore there are no non-dietary acute, chronic, short- or intermediate-term exposure scenarios.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether tebufenozide has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, tebufenozide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that tebufenozide has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* Since no acute toxicological endpoints were established, no acute aggregate risk exists.

2. *Chronic risk.* Using the somewhat conservative exposure assumptions described above, and taking into account the completeness and reliability of the toxicity data, EPA has concluded that dietary (food only) exposure to tebufenozide will utilize 10% of the cPAD for the U.S. population, and 21% of the cPAD for the most highly exposed population subgroup (Children 1-6 yrs). Submitted environmental fate studies suggest that tebufenozide is moderately persistent to persistent and mobile; thus, tebufenozide could potentially leach to ground water and runoff to surface water under certain environmental conditions. The modeling data for tebufenozide indicate levels less than EPA's DWLOCs. EPA generally has no concern for exposures below 100% of the cPAD. Since there are no registered residential uses of tebufenozide, there is no potential for exposure to tebufenozide from residential uses. EPA concludes that there is a reasonable certainty that no harm will result to adults, infants and children from chronic aggregate exposure to tebufenozide residues.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure.

Since there are currently no registered indoor or outdoor residential non-dietary uses of tebufenozide and no short- or intermediate-term toxic endpoints, short- or intermediate-term aggregate risks do not exist.

4. *Aggregate cancer risk for U.S. population.* Since tebufenozide has been classified as a Group E, "no evidence of carcinogenicity for humans," this risk does not exist.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to tebufenozide residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined interspecies and intraspecies variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

2. *Prenatal and postnatal sensitivity.* The toxicology data base for tebufenozide included acceptable developmental toxicity studies in both rats and rabbits as well as a 2-generation reproductive toxicity study in rats. The data provided no indication of increased sensitivity of rats or rabbits to *in utero* and/or postnatal exposure to

tebufenozide. No maternal or developmental findings were observed in the prenatal developmental toxicity studies at doses up to 1,000 mg/kg/day in rats and rabbits. In the 2-generation reproduction studies in rats, effects occurred at the same or lower treatment levels in the adults as in the offspring.

3. *Conclusion.* There is a complete toxicity data base for tebufenozide and exposure data are complete and reasonably accounts for potential exposures. For the reasons summarized above, EPA concluded that an additional safety factor is not needed to protect the safety of infants and children.

4. *Acute risk.* Since no acute toxicological endpoints were established, no acute aggregate risk exists.

5. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to tebufenozide from food will utilize 21% of the cPAD for infants and children. Submitted environmental fate studies suggest that tebufenozide is moderately persistent to persistent and mobile; thus, tebufenozide could potentially leach to ground water and runoff to surface water under certain environmental conditions. The modeling data for tebufenozide indicate levels less than HED's DWLOCs. EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Since there are no registered residential uses of tebufenozide, there is no potential for exposure to tebufenozide from residential uses. EPA concludes that there is a reasonable certainty that no harm will result to adults, infants and children from chronic aggregate exposure to tebufenozide residues.

6. *Short- or intermediate-term risk.* Short and intermediate term risks are judged to be negligible due to the lack of significant toxicological effects observed.

7. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to tebufenozide residues.

IV. Other Considerations

A. Metabolism in Plants and Animals

The qualitative nature of the residue in plants is adequately understood based upon acceptable apple, sugar beet, and rice metabolism studies. EPA has concluded that the residue of regulatory concern is tebufenozide per se. The qualitative nature of the residues in animals is also adequately understood based on acceptable poultry and ruminant metabolism studies. For animals, EPA has concluded that the residues of regulatory concern are tebufenozide and its metabolites benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-((4-carboxymethyl) benzoyl)hydrazide), benzoic acid, 3-hydroxymethyl,5-methyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl)hydrazide, the stearic acid conjugate of benzoic acid, 3-hydroxymethyl,5-methyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl)hydrazide and benzoic acid, 3-hydroxymethyl-5-methyl-1-(1,1-dimethylethyl)-2-(4-(1-hydroxyethyl)benzoyl)hydrazide.

B. Analytical Enforcement Methodology

1. *Analytical methods - sugarcane.* The HPLC/UV methods (Rohm and Haas Method TR 34-95-66, TR 34-94-41, and TR34-97-115) used for determining residues of tebufenozide in/on sugarcane are adequate for collection of residue data. Adequate method validation and concurrent method recovery data have been submitted for these methods. The validated limit of quantitation (LOQ) is 0.01 ppm for residues of tebufenozide in/on sugarcane and sugarcane processed commodities.

2. *Analytical methods - sugarcane and sugarcane processed commodities.* The petitioner also submitted an enforcement method (TR34-97-115) for sugarcane and sugarcane processed commodities. This method has been adequately validated by an independent laboratory validation (ILV). EPA concludes that this proposed enforcement method (TR 34-97-115) is very similar to the previous enforcement method on apples, which has been successfully validated by the Agency Analytical Lab. Therefore EPA concludes that no Agency validation is needed for the proposed enforcement method (TR 34-97-115) for sugarcane and sugarcane processed commodities. The method is suitable for publication in the Pesticide Analytical Manual, Volume II (PAM II) with an alphabetical designation (i.e., letter method).

3. *Analytical methods - animal tissues.* A submitted HPLC/UV Method, Rohm and Haas Method TR 34-96-109, has been determined to be adequate for collecting data on residues of tebufenozide in animal tissues. The validated LOQ for tebufenozide in animal tissue is 0.02. The LOQ for each of the metabolites studied are as follows: RH-2703 in liver, 0.02 ppm; RH-9886 and RH-0282 in meat 0.02 ppm; RH-9526 in fat, 0.02 ppm. The limits of detection (LODs) for the analytes are 0.006 ppm in tissues. The method has been sent to ACB/BEAD for validation as a possible enforcement method.

4. *Multiresidue methods.* Rohm and Haas has previously submitted data involving multiresidue method testing. Tebufenozide was not recoverable by FDA Test Protocols A, B, D, or E; analysis by Protocol C was marginally successful. No further data are required at this time.

These methods may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

C. Magnitude of Residues

Samples of sugarcane from the residue field trials were stored frozen for 5-14 months prior to analysis, and sugarcane processed commodities were stored frozen for 2-11 months. EPA concludes that the submitted residue data for sugarcane are adequate to support the permanent tolerance petition for sugarcane and sugarcane molasses.

EPA concludes that the geographic representation of the crop field trials on sugarcane is adequate and that data are sufficient to support the proposed 1.0 ppm tolerance for residues of tebufenozide in/on sugarcane.

The submitted sugarcane processing studies are adequate. The concentration factor for molasses is 4.5. Multiplying the average concentration factor (4.5) and the highest average field trial (HAFT) residue (0.63) gives 3.0 ppm. Therefore EPA has determined that tolerance for sugarcane molasses should be set at 3.0 ppm (instead of proposed 6.0 ppm) based on the available processing studies. No tolerance is needed for refined sugar. Tolerances for livestock commodities have been established; therefore, residues of tebufenozide in meat, milk, poultry and eggs from the use on sugarcane are covered.

D. International Residue Limits

No CODEX, Canadian or Mexican limits for tebufenozide have been established on sugarcane.

E. Rotational Crop Restrictions

EPA has determined that crops which the label allows tebufenozide to be treated directly can be planted at any time. All other crops can not be planted within 12 months of application.

V. Conclusion

Therefore, the tolerance is established for residues of tebufenozide in sugarcane and sugarcane molasses at 1.0 and 3.0 ppm, respectively.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300914 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 22, 1999.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Room M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A. of this preamble, you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. of this preamble. Mail your copies, identified by docket control number OPP–300914, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. of this preamble. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov.* Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect

on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(b)(4). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register.** This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 9, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180–[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. In § 180.482, by adding alphabetically in paragraph (b), the following commodities to the table to read as follows:

§ 180.482 Tebufenozide; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million	Expiration/ Revocation Date
* *	* *	*
Sugarcane	1.0	N/A
Sugarcane molasses	3.0	N/A
* *	* *	*

* * * * *

[FR Doc. 99–24695 Filed 9–21–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 61 and 69

[CC Docket Nos. 96–262, 94–1, 98–157; CCB/CPD File No. 98–63; FCC 99–206]

Access Charge Reform; Price Cap Performance Review for Local Exchange Carriers; Petition of U S West Communications, Inc. for Forbearance From Regulation as a Dominant Carrier in the Phoenix, AZ MSA; Interexchange Carrier Purchases of Switched Access Services Offered by Competitive Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document revises the rules that govern the provision of interstate access services by those incumbent local exchange carriers subject to price cap regulation to advance the pro-competitive, de-regulatory national policies embodied in the Telecommunications Act of 1996. With these revisions, the Commission continues the process it began in 1997 to reform the regulation of interstate access charges in order to accelerate the development of competition in all telecommunications markets and to ensure that the Commission's own regulations do not unduly interfere with the operation of these markets as competition develops.

DATES: Effective October 22, 1999, except for 47 CFR 1.774, 61.47, 69.709, 69.711, 69.713, 69.729, which contain information collection requirements that have not been approved by OMB. The Commission will publish a document in the **Federal Register** announcing the effective date.

FOR FURTHER INFORMATION CONTACT: Tamara Preiss, Deputy Division Chief, Common Carrier Bureau, Competitive Pricing Division, (202) 418–1520. For additional information concerning the information collections contained in this Report and Order contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Access Reform Fifth Report and Order* adopted August 5, 1999, and released August 25, 1999. The Order was accompanied by a Further Notice of Proposed Rulemaking (Notice) printed elsewhere in this **Federal Register** issue. The full text of this Report and Order (and the accompanying Notice), as well as the complete files for the relevant dockets, is available for inspection and copying during the weekday hours of 9:00 a.m. to 4:30 p.m. in the Commission's Reference Center, 445 12th St. SW, Room CY–A257, Washington DC, or copies may be purchased from the Commission's duplicating contractor, ITS Inc., 1231 20th St. NW, Washington DC 20036; (202) 857–3088. The complete text of the Order also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common_Carrier/Orders/1999/fcc99206.wp.

This Report and Order contains new and/or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA.

Paperwork Reduction Act

This Report and Order contains either a new or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this Order, as required by the Paperwork Reduction Act of 1995, Public Law 104–12. Written comments by the public on the information collections are due 30 days after date of publication in the **Federal Register**. OMB notification of action is due November 22, 1999.

Comments should address: (1) Whether the new or modified collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–0760.

Title: Access Charge Reform—CC Docket No. 96–262 (First Report and Order), Second Order on Reconsideration and Memorandum Opinion and Order, Third Report and Order, and Fifth Report and Order.

Form No.: N/A.

Type of Review: Revised collection.

Respondents: Businesses or other for profit.

Section/title	Number of responses	Est. time per response	Total annual burden
Showings Under Market-Based Approach	13	2117	27,520
Cost Study	13	8	104
Tariff Filings	13	35	455
Third Party Disclosure	14	160	2,240
Contract Based Tariffs	13	60	780

Total Annual Burden: 30,829 hrs.
Estimated Cost Per Respondent: $600.
OMB Control No.: 3060–0526.
Title: Density Pricing Plan.
Form No.: N/A.
Type of Review: Revised Collection.
Respondents: Businesses or other for Profit.

Section/title	Number of responses	Est. time per response	Total annual burden
Density Pricing Plan	13	48	624

Estimated Costs Per Respondents: $0.
OMB Control No.: 3060–0770.
Title: Price Cap Performance Review for Local Exchange Carriers—CC Docket No. 94–1 (New Services).
Form No.: N/A.
Type of Review: Revised Collection.
Respondents: Businesses or other for Profit.

Section/title	Number of responses	Est. time per response	Total annual burden
New Services	13	10	130

Estimated Costs Per Respondents: $0.

Needs and Uses: The Commission provides detailed rules for implementing the market-based approach, pursuant to which price cap LECs would receive pricing flexibility in the provision of interstate access services as competition for those services develops. The Order grants immediate pricing flexibility to price cap LECs in the form of streamlined introduction of new services, geographic deaveraging of rates for services in the trunking basket, and removal of certain interstate interexchange services from price cap regulation and provides for additional pricing flexibility upon showings.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act, the Fifth Report and Order contains a Final Regulatory Flexibility Analysis regarding the Order which is set forth in the Order. A brief description of the analysis follows. Pursuant to section 604 of the Regulatory Flexibility Act, the Commission performed a comprehensive analysis of the Order with regard to small entities. This analysis includes: (1) A succinct statement of the need for, and objectives of, the Commission's decisions in the Order; (2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the Commission's assessment of these issues, and a statement of any changes made in the Order as a result of the comments; (3) a description of and an estimate of the number of small entities to which the Order will apply; (4) a description of the projected reporting, recordkeeping and other compliance requirements of the Order, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for compliance with the requirement; and (5) a description of the steps the Commission has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the Order and why each one of the other significant alternatives to each of the Commission's decisions which affect small entities was rejected.

Synopsis of Order

I. Introduction

1. In this Order, the Commission revises the rules that govern the provision of interstate access services by those incumbent local exchange carriers (ILECs) subject to price cap regulation (collectively, "price cap LECs") to advance the pro-competitive, de-regulatory national policies embodied in the Telecommunications Act of 1996

(1996 Act). With these revisions, the Commission continues the process it began in 1997, with the *Access Reform First Report and Order* (62 FR 31868, June 11, 1997), to reform regulation of interstate access charges in order to accelerate the development of competition in all telecommunications markets and to ensure that the Commission's own regulations do not unduly interfere with the operation of these markets as competition develops.

2. In the *Access Reform First Report and Order*, the Commission adopted a primarily market-based approach to drive interstate access charges toward the costs of providing these services. The Commission envisioned that this approach would enable it to give carriers progressively greater flexibility to set rates as competition develops, until competition gradually replaces regulation as the primary means of setting prices. In this Order, the Commission fulfills its commitment to provide detailed rules for implementing the market-based approach, pursuant to which price cap LECs would receive pricing flexibility in the provision of interstate access services as competition for those services develops.

3. The pricing flexibility framework the Commission adopts in this Order is designed to grant greater flexibility to price cap LECs as competition develops, while ensuring that: (1) Price cap LECs do not use pricing flexibility to deter efficient entry or engage in exclusionary pricing behavior; and (2) price cap LECs do not increase rates to unreasonable levels for customers that lack competitive alternatives. In addition, these reforms will facilitate the removal of services from price cap regulation as competition develops in the marketplace, without imposing undue administrative burdens on the Commission or the industry.

4. Specifically, this Order grants immediate pricing flexibility to price cap LECs in the form of streamlined introduction of new services, geographic deaveraging of rates for services in the trunking basket, and removal, upon implementation of toll dialing parity, of certain interstate interexchange services from price cap regulation. The Commission also establishes a framework for granting price cap LECs greater flexibility in the pricing of all interstate access services once they satisfy certain competitive criteria. In Phase I, the Commission allows price cap LECs to offer contract tariffs and volume and term discounts for those services for which they make a specific competitive showing. In Phase II, the Commission permits price cap LECs to offer dedicated transport and special access services free from the Commission's part 69 rate structure and part 61 price cap rules, provided that the LECs can demonstrate a significantly higher level of competition for those services. This Order amends the Commission's rules, as revised in *1998 Beinnial Regulatory Review—Part 61 of the Commission's Rules and Related Tariffing Requirements*, 64 FR 46584 (August 26, 1999).

II. Background

A. Price Cap Regime

5. To recover the costs of providing interstate access services, incumbent LECs charge IXCs and end users for access services in accordance with the Commission's part 69 access charge rules. Part 69 establishes two basic categories of access services: Special access services and switched access services. Special access services do not use local switches; instead they employ dedicated facilities that run directly between the end user and the IXC's point of presence (POP). Switched access services, on the other hand, use local exchange switches to route originating and terminating interstate toll calls. The Commission has not prescribed specific rate elements in part 69 for special access services. Part 69 does establish specific switched access elements and a mandatory switched access rate structure for each element.

6. Interoffice transmission services, known as transport services, carry interstate switched access traffic between an IXC's POP and the end office that serves the end user customer. Incumbent LEC transmission facilities that carry switched interstate traffic between an IXC's POP and the incumbent LEC end office serving the POP (this office is called the serving wire center, or SWC), are known as entrance facilities. Incumbent LECs currently offer two types of interstate switched transport service between a SWC and an end user's end office. Under the first service, direct-trunked transport, calls are transported between the SWC and the end office by means of a direct trunk, a dedicated facility, that does not pass through an intervening switch. The second service, tandem-switched transport, routes calls from the SWC to the end office through a tandem switch located between the SWC and the end office. Traffic travels over a dedicated circuit from the SWC to the tandem switch and then over a shared circuit, which carries the calls of many different IXCs, from the tandem switch to the incumbent LEC end office. Incumbent LEC tandem switches and end office switches switch interstate traffic between the transport trunks carrying traffic to and from the IXC POPs and the end users' local loops.

7. Charges for special access services generally are divided into channel termination charges and channel mileage charges. Channel termination charges recover the costs of facilities between the customer's premises and the LEC end office and the costs of facilities between the IXC POP and the serving wire center. Channel mileage charges recover the costs of facilities (also known as interoffice facilities) between the serving wire center and the LEC end office serving the end user.

8. In 1990, the Commission replaced rate-of-return regulation for the BOCs and GTE with an incentives-based system of regulation that encourages companies to: (1) Improve their efficiency by developing profit-making incentives to reduce costs; (2) invest efficiently in new plant and facilities; and (3) develop and deploy innovative service offerings. The price cap plan is designed to replicate some of the efficiency incentives found in fully competitive markets and to act as a transitional regulatory scheme until actual competition makes price cap regulation unnecessary.

9. Under the original price cap plan, interstate access services were grouped into four different baskets: The common line, traffic-sensitive, special access, and interexchange baskets. In the *Second Transport Order* (59 FR 10300, March 4, 1994), the Commission combined transport and special access services into the newly created trunking basket. Each basket is subject to a price cap index (PCI), which caps the total charges a LEC may impose for interstate access services in that basket. The PCI is adjusted annually by a measure of inflation minus a "productivity factor," or "X-Factor." A separate adjustment is made to the PCI for "exogenous" cost changes, which are changes outside the carrier's control and not otherwise reflected in the price cap formula.

10. Within the traffic-sensitive and trunking baskets, services are grouped into service categories and subcategories. Rate revisions for these services are limited by upper and, in the original price cap plan, lower pricing bands established for that particular service. Originally, the pricing band limits for most of the service categories and subcategories were set at five percent above and below the Service Band Index (SBI). In 1995, however, the Commission increased the lower pricing bands to ten percent for those service categories in the trunking and traffic-sensitive baskets and 15 percent for those services subject to density zone

pricing. These pricing bands give price cap LECs the ability to raise and lower rates for elements or services as long as the actual price index (API) for the relevant basket does not exceed the PCI for that basket, and the prices for each category of services within the basket are within the established pricing bands. Together, the PCI and pricing bands restrict a price cap LEC's ability to offset price reductions for services that are subject to competition with price increases for services that are not subject to competition.

B. Pricing Flexibility

11. When it adopted the *LEC Price Cap Order* (55 FR 42375, October 19, 1990), the Commission required price cap LECs to offer all interstate special and switched access services at geographically averaged rates for each study area. Since that time, the Commission has taken significant steps to increase the LECs' pricing flexibility and ability to respond to the advent of competition in the exchange access market. In the *Special Access* and *Switched Transport Expanded Interconnection Orders* (57 54323, November 19, 1992; 58 FR 48756, September 17, 1993), the Commission permitted LECs to introduce density zone pricing for high capacity special access and switched transport services in a study area, provided that they could demonstrate the presence of "operational" special access and switched transport expanded interconnection arrangements and at least one competitor in the study area. The Commission also permitted price cap LECs to offer volume and term discounts for special access and switched transport services upon specific competitive showings.

12. Subsequently, the Commission eliminated the lower service band indices, concluding that this action would lead to lower prices and encourage LECs to charge rates that reflect the underlying costs of providing exchange access services. The Commission found that the PCI and upper pricing bands adequately control predatory pricing and that greater downward pricing flexibility would benefit consumers both directly through lower prices and indirectly by encouraging only efficient competitive entry.

13. In that same order, the Commission also relaxed the procedures for introducing new switched access services, in response to arguments that new services and technologies do not fit the part 69 rate structure requirements. The Commission prescribed the original rate structure for introducing new switched access services in 1983. At that time, incumbent LECs were required to file a part 69 waiver each time they wanted to introduce a new rate element for switched access service that did not conform to the prescribed switched access rate structure. A part 69 waiver required incumbent LECs to demonstrate that "special circumstances warrant deviation from the general rule and that such deviation will serve the public interest." Incumbent LECs also had to comply with the "new services" test, which required an incumbent LEC to demonstrate that its tariffed rates for new services would recover no more than the carrier's direct costs of providing the service, plus a reasonable amount of overhead, and no less than the carrier's direct costs of providing the service. Finally, incumbent LECs were directed to file their tariffs introducing a new service on at least fifteen days' notice and to incorporate the new service into the appropriate price cap basket and indices within six to eighteen months after the new service tariff became effective.

14. The Commission found that the part 69 rate structure imposed a costly, time-consuming, and unnecessary burden on incumbent LECs and significantly impeded the introduction of new services. Accordingly, the Commission modified the part 69 rate structure rules to permit an incumbent LEC to introduce a new service by filing a petition based on a "public interest" standard that is easier to satisfy than the general standard applicable to waivers of the its rules. In addition, under the new rules, once an initial incumbent LEC has satisfied the public interest requirement for establishing new rate elements for a new switched access service, another incumbent LEC may file a petition seeking authority to introduce an identical new service, and its petition will be reviewed within ten days of the release of a Public Notice. The LEC may introduce the new rate element following the ten-day period, unless the Common Carrier Bureau (the Bureau) informs the LEC before that time that its new service does not qualify for "me too" treatment.

15. The Commission also recognized that additional modifications to the Part 69 rate structure could increase consumer choice, streamline regulation, and increase consumer welfare by increasing incentives for innovation. The Commission, therefore, sought comment on whether to permit price cap LECs to establish new switched access rate elements without prior approval. It also invited comment on whether to eliminate the new services test and permit LECs to offer new services free from price cap regulation. In the *Access Reform First Report and Order*, the Commission deferred resolution of these issues, as well as other issues concerning the timing and degree of pricing flexibility, to a future report and order.

III. Summary

A. Pricing Flexibility

16. Since the release of the *Access Reform First Report and Order*, the Commission has re-examined the record generated in response to the *Access Reform NPRM* (62 FR 4670, January 31, 1997) and the *Price Cap Second FNPRM* (60 FR 49539, September 26, 1995); it has observed competition develop in the marketplace; and the it has invited parties to update and refresh the record relating to access charge reform to reflect any changes that may have taken place since May 1997. In addition, the Commission has received and reviewed several petitions (and the associated records) from BOCs seeking pricing flexibility in the form of forbearance from dominant carrier regulation in the provision of certain special access and high capacity services. Although the Commission's current price cap regime gives LECs some pricing flexibility and considerable incentives to operate efficiently, significant regulatory constraints remain. As the market becomes more competitive, such constraints become counter-productive. The Commission recognizes that the variety of access services available on a competitive basis has increased significantly since the adoption of its price cap rules. Therefore, in response to changing market conditions, the Commission grants price cap LECs immediate flexibility to deaverage services in the trunking basket and to introduce new services on a streamlined basis. The Commission also removes certain interstate interexchange services from price cap regulation upon implementation of intra-and interLATA toll dialing parity, and the it establishes a framework for granting price cap LECs further pricing flexibility upon satisfaction of certain competitive showings and seek comment on additional flexibility for certain switched access services.

1. Immediate Regulatory Relief

17. As discussed above, the original rate structure for interstate switched transport services required price cap LECs to charge averaged rates throughout a study area. The Commission subsequently found that this requirement forced LECs to price above cost in the high-traffic, lower-cost

areas where competition is more likely to develop. In the *Switched Transport Expanded Interconnection Order*, therefore, the Commission created a density zone pricing plan that allows some degree of deaveraging of rates for switched transport services. It concluded that relaxing the pricing rules in this manner would enable price cap LECs to respond to increased competition in the interstate switched transport market.

18. Although the density zone pricing plan afforded some pricing flexibility to price cap LECs, it contained several constraints, such as the increased scrutiny applicable to plans with more than three zones. The Commission now concludes that market forces, as opposed to regulation, are more likely to compel LECs to establish efficient prices. Accordingly, for purposes of deaveraging rates for services in the trunking basket, the Commission eliminates the limitations inherent in the its current density zone pricing plan and allow price cap LECs to define the scope and number of zones within a study area, provided that each zone, except the highest-cost zone, accounts for at least 15 percent of the incumbent LEC's trunking basket revenues in the study area and that annual price increases within a zone do not exceed 15 percent. In addition, the Commission eliminates the requirement that LECs file zone pricing plans prior to filing their tariffs.

19. The Commission also permits price cap LECs to introduce new services on a streamlined basis, without prior approval. Generally, the Commission modifies the its rules to eliminate the public interest showing required by § 69.4(g) and to eliminate the new services test (except in the case of loop-based new services) required under §§ 61.49(f) and (g) of the Commission's rules. These modifications will eliminate the delays that now exist for the introduction of new services as well as encourage efficient investment and innovation.

20. Certain interstate interexchange services provided by price cap LECs are found in the interexchange basket, including interstate intraLATA services and certain interstate interLATA services called "corridor services." In this Order, the Commission allows price cap LECs to remove from the interexchange basket, and, hence, price cap regulation, their interstate intraLATA toll services and corridor services, provided the price cap LEC has implemented intra-and interLATA toll dialing parity in all of the states in which it provides local exchange service. The presence of competitive alternatives for these services, coupled with implementation of dialing parity, should prevent price cap LECs from exploiting over a sustained period any market power may possess with respect to these services and thus warrants removal of these services from price cap regulation.

2. Relief That Requires a Competitive Showing

21. In addition, the Commission adopts a framework for granting further regulatory relief upon satisfaction of certain competitive showings. Relief generally will be granted in two phases and on an MSA (Metropolitan Statistical Area) basis. To obtain Phase I relief, price cap LECs must demonstrate that competitors have made irreversible, sunk investments in the facilities needed to provide the services at issue. For instance, for dedicated transport and special access services, price cap LECs must demonstrate that unaffiliated competitors have collocated in at least 15 percent of the LEC's wire centers within an MSA or collocated in wire centers accounting for 30 percent of the LEC's revenues from these services within an MSA. Higher thresholds apply, however, for channel terminations between a LEC end office and an end user customer. In that case, the LEC must demonstrate that unaffiliated competitors have collocated in 50 percent of the price cap LEC's wire centers within an MSA or collocated in wire centers accounting for 65 percent of the price cap LEC's revenues from this service within an MSA. For traffic-sensitive, common line, and the traffic-sensitive components of tandem-switched transport services, a LEC must show that competitors offer service over their own facilities to 15 percent of the price cap LEC's customer locations within an MSA. Phase I relief permits price cap LECs to offer, on one day's notice, volume and term discounts and contract tariffs for these services, so long as the services provided pursuant to contract are removed from price caps. To protect those customers that may lack competitive alternatives, however, LECs receiving Phase I flexibility must maintain their generally available, price cap constrained tariffed rates for these services.

22. To obtain Phase II relief, price cap LECs must demonstrate that competitors have established a significant market presence (*i.e.*, that competition for a particular service within the MSA is sufficient to preclude the incumbent from exploiting any individual market power over a sustained period) for provision of the services at issue. Phase II relief for dedicated transport and special access services is warranted when a price cap LEC demonstrates that unaffiliated competitors have collocated in at least 50 percent of the LEC's wire centers within an MSA or collocated in wire centers accounting for 65 percent of the LEC's revenues from these services within an MSA. Again, a higher threshold applies to channel terminations between a LEC end office and an end user customer. In that case, a price cap LEC must show that unaffiliated competitors have collocated in 65 percent of the LEC's wire centers within an MSA or collocated in wire centers accounting for 85 percent of the LEC's revenues from this service within an MSA. Phase II relief permits price cap LECs to file tariffs for these services on one day's notice, free from both the Commission's Part 61 rate level and its Part 69 rate structure rules.

B. CLEC Access Charges

23. In the *Access Reform NPRM*, the Commission sought comment on whether CLECs have market power in the provision of terminating access services and whether to regulate these services. In the *Access Reform First Report and Order*, it decided to treat CLECs as non-dominant in the provision of terminating access service, because they did not appear at that time to possess market power. The Commission stated, however, that it would revisit the issue of regulating CLEC terminating access rates if there were sufficient indications that CLECs were imposing unreasonable terminating access charges.

24. On October 23, 1998, AT&T filed a petition for declaratory ruling requesting that the Commission confirm that, under existing Commission rules and policies, an IXC may elect not to accept service at a price chosen by the CLEC. In its petition, AT&T alleges that some CLECs impose switched access charges significantly higher than those charged by the ILEC competitors in the same area. AT&T points to a Commission pronouncement in the Access Reform First Report and Order that "terminating rates that exceed those charged by the ILEC serving the same market may suggest that a CLEC's terminating access rates are excessive," thereby warranting Commission regulation.

25. In this Order, the Commission denies AT&T's petition. The Commission finds, however, that the record developed in response to AT&T's petition suggests the need for the it to revisit the issue of CLEC access rates.

IV. Procedural Issues and Ordering Clauses

A. Final Regulatory Flexibility Analysis

25. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in *Access Reform NPRM*. The Commission sought written comments on the proposals in the *Access Reform NPRM*, including the IRFA. Its Final Regulatory Flexibility Analysis (FRFA) in this Order conforms to the RFA, as amended. To the extent that any statement contained in this FRFA is perceived as creating ambiguity with respect to the Commission's rules or statements made in preceding sections of this Order, the rules and statements set forth in those preceding sections shall be controlling.

1. Need For and Objectives of This Report and Order

27. This proceeding is being conducted to advance the pro-competitive, de-regulatory national policies embodied in the Telecommunications Act of 1996. The Commission continues the process it began in 1997 with the Access Reform First Report and Order to reform regulation of interstate access charges in order to accelerate the development of competition in all telecommunications markets and to ensure that the its own regulations do not unduly interfere with the operation of these markets as competition develops.

2. Summary of Significant Issues Raised by the Public Comments in Response to the IRFA

28. The Commission has already addressed the general concerns raised by Rural Telephone Coalition that this proceeding may "prejudge and prejudice" a later rulemaking for non price cap LECs, and that the delay in implementing that rulemaking may injure non-price cap LECs. Otherwise, the comments filed do not address the specific issues contained in this Order.

3. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

29. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity " as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). The Small Business Administration has defined a small business for Standard Industrial Classification (SIC) category 4813 (Telephone Communications, Except Radiotelephone) to be a small entity that has no more than 1500 employees.

Total Number of Telephone Companies Affected:

30. The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a "small business" under the RFA is one that, *inter alia*, meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation." The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in scope. The Commission has therefore included small incumbent LECs in this RFA analysis, although it emphasizes that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

31. *Price Cap Local Exchange Carriers.* The rulemaking contained in this Order applies only to price cap LECs. The Commission does not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of price cap LECs that would qualify as small business concerns under the SBA's definition. However, there are only 13 price cap LECs. Consequently, the Commission estimates that significantly fewer than 13 providers of local exchange service are small entities or small price cap LECs that may be affected by these proposals.

4. Summary Analysis of the Projected Reporting, Recordkeeping, and Other Compliance Requirements

32. In this Report and Order, the Commission adopts changes in pricing flexibility to price cap LECs in the form of streamlined introduction of new services, geographic deaveraging of rates for services in the trunking basket, and removal of interexchange services from price cap regulation. These changes will affect all price cap LECs, including small price cap LECs, and will require small price cap LECs to make one or more tariff filings should they desire to obtain the additional pricing flexibility, which will involve the usage of legal skills, and possibly accounting, economic, and financial skills.

5. Burdens on Small Entities, and Significant Alternatives Considered and Rejected

33. In Sections III, IV, and V, the Commission adopts forms of regulatory relief for price cap LECs that can be granted under current market conditions and do not require a further competitive showing. Price cap LECs each will have to file at least one tariff to implement this relief, but the administrative burdens they will face in future filings will diminish as a result. In Section VI, the Commission grants additional pricing flexibility to price cap LECs that make "competitive showings," or satisfy "triggers," to demonstrate that market conditions in particular areas warrant the relief at issue. In order to minimize the administrative burdens on price cap LECs, the Commission bases its triggering mechanisms on objectively measurable criteria.

34. The Commission considered and rejected alternative triggers and granting a different amount of pricing flexibility. In setting the triggers and relief in the manner the Commission did, it attempted to balance the interests of price cap LECs in being able to gain regulatory relief, with its interest in protecting ratepayers from unreasonable rate levels and new entrants from anti-competitive actions.

6. Report to Congress

35. The Commission will send a copy of this Report and Order, including this FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Commission will send a copy of this Report and Order, including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this Report and Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

C. Paperwork Reduction Act

36. On April 1, 1997, the Office of Management and Budget (OMB) approved all of the Commission's proposed information collection requirements in accordance with the Paperwork Reduction Act. The OMB made one recommendation, suggesting that the Commission tries "to minimize the number of new filings that firms must create in order to be compliant with the rules adopted * * *" The

Commission has carefully considered the recommendation of OMB, and in the course of preparing this Order, it has decided to modify several of the collection requirements proposed in the *Access Reform NPRM*. This Order has greatly reduced the number of filings a price cap LEC will have to submit to receive pricing flexibility. In addition, many of the filings should take less time to make than was originally proposed. For example, the Commission estimates that based on the competitive triggers it adopted, it should only take five hours each to make two Phase II showings per MSA for all special access and dedicated transport services, whereas the original filing to OMB estimated that each Phase II showing would take approximately 300 hours.

D. Ordering Clauses

37. Accordingly, *It is Ordered*, pursuant to sections 1, 4(i), 4(j), 201–205, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, 303(r), 403, and section 553 of Title 5, United States Code, that revisions to Parts 1, 61, and 69 of the Commission's rules, 47 CFR Parts 1, 61, 69, *are adopted* as set forth in the rule changes in this Order.

38. *It is further ordered* that the rule revisions adopted in this Order will be effective 30 days after publication of this Order in the **Federal Register**. The collections of information contained within are contingent upon approval by the Office of Management and Budget.

39. *It is further ordered* that, pursuant to section 10(c) of the Communications Act of 1934, 47 USC. 160(c), the period for review by the Commission of the petition for forbearance filed by U S West Communications, Inc., CC Docket No. 98–157, *is extended* by 90 days.

40. *It is further ordered* that the petition for declaratory ruling filed by AT&T, CCB/CPD File No. 98–63, *is denied*.

List of Subjects

47 CFR Part 0

Organization and functions.

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Telecommunications.

47 CFR Part 61

Communications common carriers, Telephone.

47 CFR Part 69

Communications common carriers, Telephone.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

Accordingly, parts 0, 1, 61, and 69 of Title 47 of the Code of Federal Regulations are amended to read as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 0.291 is amended by adding paragraph (i) to read as follows:

§ 0.291 Authority delegated.

* * * * *

(j) *Authority concerning petitions for pricing flexibility.* (1) The Chief, Common Carrier Bureau, shall have authority to act on petitions filed pursuant to part 69, subpart H, of this chapter for pricing flexibility involving special access and dedicated transport services. This authority is not subject to the limitation set forth in paragraph (a)(2) of this section.

(2) The Chief, Common Carrier Bureau, shall not have authority to act on petitions filed pursuant to part 69, subpart H, of this chapter for pricing flexibility involving common line and traffic sensitive services.

PART 1—PRACTICE AND PROCEDURE

3. The authority citation for part 1 continues to read as follows:

Authority: 15 U.S.C. 79 *et seq.*, 47 U.S.C. 151, 154(i), 154(j), 155, 225, and 303(r).

4. Amend § 1.773 by adding paragraph (a)(1)(v) to read as follows:

§ 1.773 Petitions for suspension or rejection of new tariff filings.

(a) * * *

(1) * * *

(v) For the purposes of this section, any tariff filing by a price cap LEC filed pursuant to the requirements of § 61.42(d)(4)(ii) of this chapter will be considered *prima facie* lawful, and will not be suspended by the Commission unless the petition requesting suspension shows each of the following:

(A) That there is a high probability the tariff would be found unlawful after investigation;

(B) That any unreasonable rate would not be corrected in a subsequent filing;

(C) That irreparable injury will result if the tariff filing is not suspended; and

(D) That the suspension would not otherwise be contrary to the public interest.

* * * * *

5. Add § 1.774 to read as follows:

§ 1.774 Pricing flexibility

(a) *Petitions.* (1) A petition seeking pricing flexibility for specific services pursuant to part 69, subpart H, of this chapter, with respect to a metropolitan statistical area (MSA), as defined in § 22.909(a) of this chapter, or the non-MSA parts of a study area, must show that the price cap LEC has met the relevant thresholds set forth in part 69, subpart H, of this chapter.

(2) The petition must make a separate showing for each MSA for which the petitioner seeks pricing flexibility, and for the portion of the study area that falls outside any MSA.

(3) Petitions seeking pricing flexibility for services described in §§ 69.709(a) and 69.711(a) of this chapter must include:

(i) The total number of wire centers in the relevant MSA or non-MSA parts of a study area, as described in § 69.707 of this chapter;

(ii) The number and location of the wire centers in which competitors have collocated in the relevant MSA or non-MSA parts of a study area, as described in § 69.707 of this chapter;

(iii) In each wire center on which the price cap LEC bases its petition, the name of at least one collocator that uses transport facilities owned by a provider other than the price cap LEC to transport traffic from that wire center; and

(iv)(A) The percentage of the wire centers in the relevant MSA or non-MSA area, as described in § 69.707 of this chapter, in which competitors have collocated and use transport facilities owned by a provider other than the price cap LEC to transport traffic from that wire center; or

(B) The percentage of total base period revenues generated by the services at issue in the petition that are attributable to wire centers in the relevant MSA or non-MSA area, as described in § 69.707 of this chapter, in which competitors have collocated and use transport facilities owned by a provider other than the price cap LEC to transport traffic from that wire center.

(4) Petitions seeking pricing flexibility for services described in § 69.713(a) of this chapter must make a showing sufficient to meet the relevant requirements of § 69.713 of this chapter.

(b) *Confidential treatment.* A price cap LEC wishing to request confidential treatment of information contained in a pricing flexibility petition should

demonstrate, by a preponderance of the evidence, that the information should be withheld from public inspection in accordance with the requirements of § 0.459 of this chapter.

(c) *Oppositions.* Any interested party may file comments or oppositions to a petition for pricing flexibility. Comments and oppositions shall be filed no later than 15 days after the petition is filed. Time shall be computed pursuant to § 1.4.

(d) *Replies.* The petitioner may file a reply to any oppositions filed in response to its petition for pricing flexibility. Replies shall be filed no later than 10 days after comments are filed. Time shall be computed pursuant to § 1.4.

(e) *Copies, service.* (1)(i) Any price cap LEC filing a petition for pricing flexibility must submit its petition pursuant to the Commission's Electronic Tariff Filing System (ETFS), following the procedures set forth in § 61.14(a) of this chapter.

(ii) The price cap LEC must provide to each party upon which the price cap LEC relies to meet its obligations under paragraph (a)(3)(iii) of this section, the information it provides about that party in its petition, even if the price cap LEC requests that the information be kept confidential under paragraph (b) of this section.

(A) The price cap LEC must certify in its pricing flexibility petition that it has made such information available to the party.

(B) The price cap LEC may provide data to the party in redacted form, revealing only that information to the party that relates to the party.

(C) The price cap LEC must provide to the Commission copies of the information it provides to such parties.

(2)(i) Interested parties filing oppositions or comments in response to a petition for pricing flexibility may file those comments through ETFS.

(ii) Any interested party electing to file an opposition or comment in response to a pricing flexibility petition through a method other than ETFS must file an original and four copies of each opposition or comment with the Commission, as follows: the original and three copies of each pleading shall be filed with the Secretary, FCC, Room CY–A257, 445 Twelfth St. S.W., Washington, D.C., 20554; one copy must be delivered directly to the Commission's copy contractor, International Transcription Service, Inc., 1231 Twentieth St. N.W., Washington, D.C. 20036. Additional, separate copies shall be served simultaneously upon the Chief, Common Carrier Bureau; the Chief, Competitive Pricing Division; and the Chief, Tariff and Pricing Analysis Branch of the Competitive Pricing Division.

(iii) In addition, oppositions and comments shall be served either personally or via facsimile on the petitioner. If an opposition or comment is served via facsimile, a copy of the opposition or comment must be sent to the petitioner via first class mail on the same day as the facsimile transmission.

(3) Replies shall be filed with the Commission through ETFS. In addition, petitioners choosing to file a reply must serve a copy on each party filing an opposition or comment, either personally or via facsimile. If a reply is served via facsimile, a copy of the reply must be sent to the recipient of that reply via first class mail on the same day as the facsimile transmission.

(f) *Disposition.* (1) A petition for pricing flexibility pertaining to special access and dedicated transport services shall be deemed granted unless the Chief, Common Carrier Bureau, denies the petition no later than 90 days after the close of the pleading cycle. The period for filing applications for review begins the day the Bureau grants or denies the petition, or the day that the petition is deemed denied. Time shall be computed pursuant to § 1.4.

(2) A petition for pricing flexibility pertaining to common-line and traffic-sensitive services shall be deemed granted unless the Commission denies the petition no later than five months after the close of the pleading cycle. Time shall be computed pursuant to § 1.4.

PART 61—TARIFFS

6. The authority citation continues to read as follows:

Authority: Secs. 1, 4(i), 4(j), 201–205, and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201–205, and 403, unless otherwise noted.

7. Amend § 61.3 by revising paragraph (m) and adding paragraphs (nn), (oo), and (pp), to read as follows:

§ 61.3 Definitions.

* * * * *

(m) *Contract-based tariff.* A tariff based on a service contract entered into between a non-dominant carrier and a customer, or between a customer and a price cap local exchange carrier which has obtained permission to offer contract-based tariff services pursuant to Part 69, Subpart H, of this chapter.

* * * * *

(nn) *Corridor service.* "Corridor service" refers to interLATA services offered in the "limited corridors" established by the District Court in United States v. Western Electric Co., Inc., 569 F. Supp. 1057, 1107 (D.D.C. 1983).

(oo) *Toll dialing parity.* "Toll dialing parity" exists when there is dialing parity, as defined in § 51.5 of this chapter, for toll services.

(pp) *Loop-based services.* Loop-based services are services that employ Subcategory 1.3 facilities, as defined in § 36.154 of this chapter.

* * * * *

8. Amend § 61.42 by redesignating paragraph (d)(4) as (d)(4)(i), and adding paragraph (d)(4)(ii), to read as follows:

§ 61.42 Price cap baskets and service categories.

* * * * *

(d) * * *

(4) * * *

(ii) If a price cap carrier has implemented interLATA and intraLATA toll dialing parity everywhere it provides local exchange services at the holding company level, that price cap carrier may file a tariff revision to remove corridor and interstate intraLATA toll services from its interexchange basket.

* * * * *

9. Amend § 61.45 by revising paragraph (d)(1)(vii) to read as follows:

§ 61.45 Adjustments to the PCI for local exchange carriers.

* * * * *

(d) * * *

(1) * * *

(vii) Retargeting the PCI to the level specified by the Commission for carriers whose base year earnings are below the level of the lower adjustment mark, subject to the limitation in § 69.731 of this chapter.

* * * * *

10. Amend § 61.46 to add paragraph (i) to read as follows:

§ 61.46 Adjustments to the API.

* * * * *

(i) In no case shall a price cap local exchange carrier include data associated with services offered pursuant to contract tariff in the calculations required by this section.

11. Section 61.47 is amended by revising paragraphs (a), introductory text, (e) introductory text, and (e)(1) and by adding paragraphs (f) and (k) to read as follows:

§ 61.47 Adjustments to the SBI; pricing bands.

(a) In connection with any price cap tariff filing proposing changes in the rates of services in service categories, subcategories, or density zones, the

carrier must calculate an SBI value for each affected service category, subcategory, or density zone pursuant to the following methodology: * * *

* * * * *

(e) Pricing bands shall be established each tariff year for each service category and subcategory within a basket. Each band shall limit the pricing flexibility of the service category, subcategory, as reflected in the SBI, to an annual increase of a specified percent listed in this paragraph, relative to the percentage change in the PCI for that basket, measured from the levels in effect on the last day of the preceding tariff year. For local exchange carriers subject to price cap regulation as that term is defined in § 61.3(x), there shall be no lower pricing band for any service category or subcategory.

(1) *Five percent:*

(i) Local switching (traffic sensitive basket)
(ii) Information (traffic sensitive basket)
(iii) Database Access services (traffic sensitive basket)
(iv) 800 Database Vertical Services subservice (traffic sensitive basket)
(v) Billing Name and Address (traffic sensitive basket)
(vi) Local switching trunk ports (traffic sensitive basket)
(vii) Signalling Transfer Point Port Termination (traffic sensitive basket)
(viii) Voice grade (trunking basket)
(ix) Audio/Video (trunking basket)
(x) Total High Capacity (trunking basket)
(xi) DS1 subservice (trunking basket)
(xii) DS3 subservice (trunking basket)
(xiii) Wideband (trunking basket)

(f) A local exchange carrier subject to price cap regulation may establish density zones pursuant to the requirements set forth in § 69.123 of this chapter, for any service in the trunking basket, other than the interconnection charge set forth in § 69.124 of this chapter. The pricing flexibility of each zone shall be limited to an annual increase of 15 percent, relative to the percentage change in the PCI for that basket, measured from the levels in effect on the last day of the preceding tariff year. There shall be no lower pricing band for any density zone.

* * * * *

(k) In no case shall a price cap local exchange carrier include data associated with services offered pursuant to contract tariff in the calculations required by this section.

12. In § 61.49, revise paragraphs (f)(2) and (g) introductory text, and add paragraphs (f)(3) and (f)(4) to read as follows:

§ 61.49 Supporting information to be submitted with letters of transmittal for tariffs of carriers subject to price cap regulation.

* * * * *

(f) * * *

(2) Each tariff filing submitted by a price cap LEC that introduces a new loop-based service, as defined in § 61.3(pp) of this part—including a restructured unbundled basic service element (BSE), as defined in § 69.2(mm) of this chapter, that constitutes a new loop-based service—that is or will later be included in a basket, must be accompanied by cost data sufficient to establish that the new loop-based service or unbundled BSE will not recover more than a just and reasonable portion of the carrier's overhead costs.

(3) A price cap LEC may submit without cost data any tariff filings that introduce new services, other than loop-based services.

(4) A price cap LEC that has removed its corridor or interstate intraLATA toll services from its interexchange basket pursuant to § 61.42(d)(4)(ii), may submit its tariff filings for corridor or interstate intraLATA toll services without cost data.

(g) Each tariff filing submitted by a local exchange carrier subject to price cap regulation that introduces a new loop-based service or a restructured unbundled basic service element (BSE), as defined in § 69.2(mm) of this chapter, that is or will later be included in a basket, or that introduces or changes the rates for connection charge subelements for expanded interconnection, as defined in § 69.121 of this chapter, must also be accompanied by:

* * * * *

13. Add § 61.55 to read as follows:

§ 61.55 Contract-based tariffs.

(a) This section shall apply to price cap LECs permitted to offer contract-based tariffs under § 69.727(a) of this chapter.

(b) Composition of contract-based tariffs shall comply with §§ 61.54(b) through (i).

(c) Contract-based tariffs shall include the following:

(1) The term of contract, including any renewal options;

(2) A brief description of each of the services provided under the contract;

(3) Minimum volume commitments for each service;

(4) The contract price for each service or services at the volume levels committed to by the customers;

(5) A general description of any volume discounts built into the contract rate structure; and

(6) A general description of other classifications, practices, and regulations affecting the contract rate.

14. Amend § 61.58 to add paragraphs (b), (c) and (d) to read as follows:

§ 61.58 Notice requirements.

* * * * *

(b) Tariffs for new services filed by price cap local exchange carriers shall be filed on at least one day's notice.

(c) Contract-based tariffs filed by price cap local exchange carriers pursuant to § 69.727(a) of this chapter shall be filed on at least one day's notice.

(d)(1) A local exchange carrier that is filing a tariff revision to remove its corridor or interstate intraLATA toll services from its interexchange basket pursuant to § 61.42(d)(4)(ii) shall submit such filing on at least fifteen days' notice.

(2) A local exchange carrier that has removed its corridor and interstate intraLATA toll services from its interexchange basket pursuant to § 61.42(d)(4)(ii) shall file subsequent tariff filings for corridor or interstate intraLATA toll services on at least one day's notice.

* * * * *

PART 69—ACCESS CHARGES

15. The authority citation for part 69 continues to read as follows:

Authority: 47 U.S.C. 154, 201, 202, 203, 205, 218, 220, 254, 403.

16. Amend § 69.3 by revising paragraph (e)(7) to read as follows:

§ 69.3 Filing of access service tariffs.

* * * * *

(e) * * *

(7) Such a tariff shall not contain charges for any access elements that are disaggregated or deaveraged within a study area that is used for purposes of jurisdictional separations, except as otherwise provided in this chapter.

* * * * *

17. Amend § 69.4 by revising paragraph (g)(1) and adding paragraph (i), to read as follows:

§ 69.4 Charges to be filed.

* * * * *

(g)(1) Local exchange carriers subject to price cap regulation, as that term is defined in § 61.3(x) of this chapter, may establish appropriate rate elements for a new service, within the meaning of § 61.3(t) of this chapter, in any tariff filing with a scheduled effective date after October 22, 1999.

* * * * *

(i) Paragraphs (b) and (h) of this section are not applicable to a price cap local exchange carrier to the extent that

it has been granted the pricing flexibility in § 69.727(b)(1).

18. In § 69.110, revise paragraph (e) to read as follows:

§ 69.110 Entrance facilities.

* * * * *

(e) Except as provided in paragraphs (f), (g), and (h) of this section, and subpart H of this part, telephone companies shall not offer entrance facilities based on term discounts or volume discounts for multiple DS3s or any other service with higher volume than DS3.

* * * * *

19. Amend § 69.123 by revising paragraphs (a), (b), (e)(2), and (f)(1), to read as follows:

§ 69.123 Density pricing zones.

(a)(1) Incumbent local exchange carriers not subject to price cap regulation may establish a reasonable number of density pricing zones within each study area that is used for purposes of jurisdictional separations, in which at least one interconnector has taken the subelement of connection charges for expanded interconnection described in § 69.121(a)(1).

(2) Such a system of pricing zones shall be designed to reasonably reflect cost-related characteristics, such as the density of total interstate traffic in central offices located in the respective zones.

(3) Non-price cap incumbent local exchange carriers may establish only one set of density pricing zones within each study area, to be used for the pricing of both special and switched access pursuant to paragraphs (c) and (d) of this section.

(b)(1) Incumbent local exchange carriers subject to price cap regulation may establish any number of density zones within a study area that is used for purposes of jurisdictional separations, provided that each zone, except the highest-cost zone, accounts for at least 15 percent of that carrier's trunking basket revenues within that study area, calculated pursuant to the methodology set forth in § 69.725.

(2) Price cap incumbent local exchange carriers may establish only one set of density pricing zones within each study area, to be used for the pricing of all services within the trunking basket for which zone density pricing is permitted.

(3) An access service subelement for which zone density pricing is permitted shall be deemed to be offered in the zone that contains the telephone company location from which the service is provided.

(4) An access service subelement for which zone density pricing is permitted which is provided to a customer between telephone company locations shall be deemed to be offered in the highest priced zone that contains one of the locations between which the service is offered.

* * * * *

(e) * * *

(2) Notwithstanding § 69.3(e)(7), incumbent local exchange carriers subject to price cap regulation may charge different rates for services in different zones pursuant to § 61.47(f) of this chapter, provided that the charges for any such service are not deaveraged within any such zone.

(f)(1) An incumbent local exchange carrier that establishes density pricing zones under this section must reallocate additional amounts recovered under the interconnection charge prescribed in § 69.124 of this subpart to facilities-based transport rates, to reflect the higher costs of serving lower density areas. Each incumbent local exchange carrier must reallocate costs from the interexchange charge each time it increases the ratio between the prices in its lowest-cost zone and any other zone in that study area.

* * * * *

20. Amend part 69 by adding subpart H to read as follows:

Subpart H—Pricing Flexibility

Sec.

69.701 Application of rules in this supbart.
69.703 Definitions.
69.705 Procedure.
69.707 Geographic scope of petition.
69.709 Dedicated transport and special access services other than channel terminations between LEC end offices and customer premises.
69.711 Channel terminations between LEC end offices and customer premises.
69.713 Common line, traffic-sensitive, and tandem-switched transport services.
69.714–69.724 [Reserved]
69.725 Attribution of revenues to particular wire centers.
69.727 Regulatory relief.
69.729 New services.
69.731 Low-end adjustment mechanism.

Subpart H—Pricing Flexibility

§ 69.701 Application of rules in this subpart.

The rules in this subpart apply to all incumbent LECs subject to price cap regulation, as defined in § 61.3(x) of this chapter, seeking pricing flexibility on the basis of the development of competition in parts of its service area.

§ 69.703 Definitions.

For purposes of this subpart:

(a) *Channel terminations.*

(1) A channel termination between an IXC POP and a serving wire center is a dedicated channel connecting an IXC POP and a serving wire center, offered for purposes of carrying special access traffic.

(2) A channel termination between a LEC end office and a customer premises is a dedicated channel connecting a LEC end office and a customer premises, offered for purposes of carrying special access traffic.

(b) *Metropolitan Statistical Area (MSA).* This term shall have the definition provided in § 22.909(a) of this chapter.

(c) *Interexchange Carrier Point of Presence (IXC POP).* The point of interconnection between an interexchange carrier's network and a local exchange carrier's network.

(d) *Wire center.* For purposes of this subpart, the term "wire center" shall refer to any location at which an incumbent LEC is required to provide expanded interconnection for special access pursuant to § 64.1401(a) of this chapter, and any location at which an incumbent LEC is required to provide expanded interconnection for switched transport pursuant to § 64.1401(b)(1) of this chapter.

(e) *Study area.* A common carrier's entire service area within a state.

§ 69.705 Procedure.

Price cap LECs filing petitions for pricing flexibility shall follow the procedures set forth in § 1.774 of this chapter.

§ 69.707 Geographic scope of petition.

(a) *MSA.* (1) A price cap LEC filing a petition for pricing flexibility in an MSA shall include data sufficient to support its petition, as set forth in this subpart, disaggregated by MSA.

(2) A price cap LEC may request pricing flexibility for two or more MSAs in a single petition, provided that it submits supporting data disaggregated by MSA.

(b) *Non-MSA.* (1) A price cap LEC will receive pricing flexibility with respect to those parts of a study area that fall outside of any MSA, provided that it provides data sufficient to support a finding that competitors have collocated in a number of wire centers in that non-MSA region sufficient to satisfy the criteria for the pricing flexibility sought in the petition, as set forth in this subpart, if the region at issue were an MSA.

(2) The petitioner may aggregate data for all the non-MSA regions in a single study area for which it requests pricing flexibility in its petition.

(3) A petitioner may request pricing flexibility in the non-MSA regions of

two or more of its study areas, provided that it submits supporting data disaggregated by study area.

§ 69.709 Dedicated transport and special access services other than channel terminations between LEC end offices and customer premises.

(a) *Scope.* This paragraph governs requests for pricing flexibility with respect to the following services:

(1) Entrance facilities, as described in § 69.110.

(2) Transport of traffic over dedicated transport facilities between the serving wire center and the tandem switching office, as described in § 69.111(a)(2)(iii).

(3) Direct-trunked transport, as described in § 69.112.

(4) Special access services, as described in § 69.114, other than channel terminations as defined in § 69.703(a)(2) of this part.

(b) *Phase I Triggers.* To obtain Phase I pricing flexibility, as specified in § 69.727(a) of this part, for the services described in paragraph (a) of this section, a price cap LEC must show that, in the relevant area as described in § 69.707 of this part, competitors unaffiliated with the price cap LEC have collocated:

(1) In fifteen percent of the petitioner's wire centers, and that at least one such collocator in each wire center is using transport facilities owned by a transport provider other than the price cap LEC to transport traffic from that wire center; or

(2) In wire centers accounting for 30 percent of the petitioner's revenues from dedicated transport and special access services other than channel terminations between LEC end offices and customer premises, determined as specified in § 69.725 of this part, and that at least one such collocator in each wire center is using transport facilities owned by a transport provider other than the price cap LEC to transport traffic from that wire center.

(c) *Phase II Triggers.* To obtain Phase II pricing flexibility, as specified in § 69.727(b) of this part, for the services described in paragraph (a) of this section, a price cap LEC must show that, in the relevant area as described in § 69.707 of this part, competitors unaffiliated with the price cap LEC have collocated:

(1) in 50 percent of the petitioner's wire centers, and that at least one such collocator in each wire center is using transport facilities owned by a transport provider other than the price cap LEC to transport traffic from that wire center; or

(2) in wire centers accounting for 65 percent of the petitioner's revenues from dedicated transport and special access services other than channel terminations between LEC end offices and customer premises, determined as specified in § 69.725 of this part, and that at least one such collocator in each wire center is using transport facilities owned by a transport provider other than the price cap LEC to transport traffic from that wire center.

§ 69.711 Channel terminations between LEC end offices and customer premises.

(a) *Scope.* This paragraph governs requests for pricing flexibility with respect to channel terminations between LEC end offices and customer premises.

(b) *Phase I Triggers.* To obtain Phase I pricing flexibility, as specified in § 69.727(a) of this part, for channel terminations between LEC end offices and customer premises, a price cap LEC must show that, in the relevant area as described in § 69.707 of this part, competitors unaffiliated with the price cap LEC have collocated:

(1) In 50 percent of the petitioner's wire centers, and that at least one such collocator in each wire center is using transport facilities owned by a transport provider other than the price cap LEC to transport traffic from that wire center; or

(2) In wire centers accounting for 65 percent of the petitioner's revenues from channel terminations between LEC end offices and customer premises, determined as specified in § 69.725 of this part, and that at least one such collocator in each wire center is using transport facilities owned by a transport provider other than the price cap LEC to transport traffic from that wire center.

(c) *Phase II Triggers.* To obtain Phase II pricing flexibility, as specified in § 69.727(b) of this part, for channel terminations between LEC end offices and customer premises, a price cap LEC must show that, in the relevant area as described in § 69.707, competitors unaffiliated with the price cap LEC have collocated:

(1) In 65 percent of the petitioner's wire centers, and that at least one such collocator in each wire center is using transport facilities owned by a transport provider other than the price cap LEC to transport traffic from that wire center; or

(2) In wire centers accounting for 85 percent of the petitioner's revenues from channel terminations between LEC end offices and customer premises, determined as specified in § 69.725, and that at least one such collocator in each wire center is using transport facilities owned by a transport provider other than the price cap LEC to transport traffic from that wire center.

§ 69.713 Common line, traffic-sensitive, and tandem-switched transport services.

(a) *Scope.* This paragraph governs requests for pricing flexibility with respect to the following services:

(1) Common line services, as described in §§ 69.152, 69.153, and 69.154.

(2) Services in the traffic-sensitive basket, as described in § 61.42(d)(2) of this chapter.

(3) The traffic-sensitive components of tandem-switched transport services, as described in §§ 69.111(a)(2)(i) and (ii).

(b) *Phase I Triggers.* (1) To obtain Phase I pricing flexibility, as specified in § 69.727(a), for the services identified in paragraph (a) of this section, a price cap LEC must provide convincing evidence that, in the relevant area as described in § 69.707, its unaffiliated competitors, in aggregate, offer service to at least 15 percent of the price cap LEC's customer locations.

(2) For purposes of the showing required by paragraph (b)(1) of this section, the price cap LEC may not rely on service the competitors provide solely by reselling the price cap LEC's services, or provide through unbundled network elements as defined in § 51.5 of this chapter, except that the price cap LEC may rely on service the competitors provide through the use of the price cap LEC's unbundled loops.

(c) [Reserved.]

§§ 69.714–69.724 [Reserved.]

§ 69.725 Attribution of revenues to particular wire centers.

If a price cap LEC elects to show, in accordance with § 69.709 or § 69.711, that competitors have collocated in wire centers accounting for a certain percentage of revenues from the services at issue, the LEC must make the following revenue allocations:

(a) For entrance facilities and channel terminations between an IXC POP and a serving wire center, the petitioner shall attribute all the revenue to the serving wire center.

(b) For channel terminations between a LEC end office and a customer premises, the petitioner shall attribute all the revenue to the LEC end office.

(c) For any dedicated service routed through multiple wire centers, the petitioner shall attribute 50 percent of the revenue to the wire center at each end of the transmission path, unless the petitioner can make a convincing case in its petition that some other allocation would be more representative of the extent of competitive entry in the MSA or the non-MSA parts of the study area at issue.

§ 69.727 Regulatory relief.

(a) *Phase I Relief.* Upon satisfaction of the Phase I triggers specified in §§ 69.709(b), 69.711(b), or 69.713(b) for an MSA or the non-MSA parts of a study area, a price cap LEC will be granted the following regulatory relief in that area for the services specified in §§ 69.709(a), 69.711(a), or 69.713(a), respectively:

(1) Volume and term discounts;

(2) Contract tariff authority, provided that

(i) Contract tariff services are made generally available to all similarly situated customers; and

(ii) The price cap LEC excludes all contract tariff offerings from price cap regulation pursuant to § 61.42(f)(1) of this chapter.

(iii) Before the price cap LEC provides a contract tariffed service, under § 69.727(a), to one of its long-distance affiliates, as described in section 272 of the Communications Act of 1934, as amended, or § 64.1903 of this chapter, the price cap LEC certifies to the Commission that it provides service pursuant to that contract tariff to an unaffiliated customer.

(b) *Phase II Relief.* Upon satisfaction of the Phase II triggers specified in §§ 69.709(c) or 69.711(c) for an MSA or the non-MSA parts of a study area, a price cap LEC will be granted the following regulatory relief in that area for the services specified in §§ 69.709(a) or 69.711(a), respectively:

(1) Elimination of the rate structure requirements in subpart B of this part;

(2) Elimination of price cap regulation; and

(3) Filing of tariff revisions on one day's notice, notwithstanding the notice requirements for tariff filings specified in § 61.58 of this chapter.

§ 69.729 New services.

(a) Except for new services subject to paragraph (b) of this section, a price cap LEC may obtain pricing flexibility for a new service that has not been incorporated into a price cap basket by demonstrating in its pricing flexibility petition that the new service would be properly incorporated into one of the price cap baskets and service bands for which the price cap LEC seeks pricing flexibility.

(b) Notwithstanding paragraph (a) of this section, a price cap LEC must demonstrate satisfaction of the triggers in § 69.711(b) to be granted pricing flexibility for any new service that falls within the definition of a "channel termination between a LEC end office and a customer premises" as specified in § 69.703(a)(2).

§ 69.731 Low-end adjustment mechanism.

(a) Any price cap LEC obtaining Phase I or Phase II pricing flexibility for any service in any MSA in its service region, or for the non-MSA portion of any study area in its service region, shall be prohibited from making any low-end adjustment pursuant to § 61.45(d)(1)(vii) of this chapter in all or part of its service region.

(b) Any affiliate of any price cap LEC obtaining Phase I or Phase II pricing flexibility for any service in any MSA in its service region shall be prohibited from making any low-end adjustment pursuant to § 61.45(d)(1)(vii) of this chapter in all or part of its service region.

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150—AG36

List of Approved Spent Fuel Storage Casks: (VSC–24) Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations revising the Pacific Sierra Nuclear Associates (PSNA) VSC–24 cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 1 to the Certificate of Compliance. Amendment No. 1 will modify the present cask system design to permit a licensee to store burnable poison rod assemblies in the VSC–24 cask system design along with the spent fuel under a general license.

DATES: Comments on the proposed rule must be received on or before October 22, 1999.

ADDRESSES: Comments may be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff. Hand deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 am and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website through the NRC's home page (http://www.nrc.gov). This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These documents also may be viewed and downloaded electronically via the interactive rulemaking website established by NRC for this rule.

FOR FURTHER INFORMATION CONTACT: Stan Turel, telephone (301) 415–6234, e-mail, spt@nrc.gov of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: For additional information see the Direct Final Rule published in the final rules section of this **Federal Register**.

Procedural Background

Because NRC considers this action noncontroversial and routine, we are publishing this proposed rule concurrently as a direct final rule. The direct final rule will become effective on December 6, 1999. However, if the NRC receives significant adverse comments on the direct final rule by October 22, 1999, then the NRC will publish a document to withdraw the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to the proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period for this action if the direct final rule is withdrawn.

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d—48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, the entry for Certificate of Compliance Number 1007 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1007.

Initial Certificate Effective Date: May 7, 1993.

Amendment Number 1 Effective Date: [75 days after publication of final rule in the **Federal Register**].

SAR Submitted by: Pacific Sierra Nuclear Associates.

SAR Title: Final Safety Analysis Report for the Ventilated Storage Cask System.

Docket Number: 72–1007.

Certificate Expiration Date: May 7, 2013.

Model Number: VSC–24.

* * * * *

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 3rd day of September, 1999.

William D. Travers,

Executive Director for Operations.

[FR Doc. 99–24635 Filed 9–21–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG31

List of Approved Spent Fuel Storage Casks: Holtec HI–STORM 100 Addition

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to add the Holtec International HI–STORM 100 cask system to the list of approved spent fuel storage casks. This amendment will allow the holders of power reactor operating licenses to store spent fuel in the Holtec HI–STORM 100 cask system under a general license.

DATES: The comment period expires December 6, 1999. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: Comments may be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff. Hand deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website (http://ruleforum.llnl.gov). This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rulemaking, including comments received by the NRC, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These documents also may be viewed and downloaded electronically via the interactive rulemaking website established by NRC for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Merri Horn, telephone (301) 415–8126, e-mail mlh1@nrc.gov of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires that "[t]he Secretary [of Energy] shall establish a demonstration program for the dry storage of spent nuclear fuel at civilian power reactor sites, with the objective of establishing one or more technologies the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission." Section 133 of the NWPA states, in part, "[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 218(a) for use at the site of any civilian nuclear power reactor."

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license, publishing on July 18, 1990, a final rule in 10 CFR part 72 entitled "General License for Storage of Spent Fuel at Power Reactor Sites" (55 FR 29181). This rule also established a new Subpart L within 10 CFR part 72 entitled "Approval of Spent Fuel Storage Casks," containing procedures and criteria for obtaining NRC approval of dry storage cask designs.

Discussion

This proposed rule would add the Holtec HI–STORM 100 cask system to the list of NRC-approved casks for spent fuel storage in 10 CFR 72.214. Following the procedures specified in 10 CFR 72.230 of Subpart L, Holtec submitted an application for NRC approval with the Safety Analysis Report (SAR): "Topical Safety Analysis Report for the HI–STORM 100 Cask System." The NRC evaluated the Holtec submittal and issued a preliminary Safety Evaluation Report (SER) on the Holtec SAR and proposed Certificate of Compliance (CoC) for the Holtec HI–STORM 100 cask system on September 10, 1999.

The NRC is proposing to approve the Holtec HI–STORM 100 cask system for storage of spent fuel under the conditions specified in the proposed CoC. This cask system, when used in accordance with the conditions specified in the CoC and NRC regulations, will meet the requirements of 10 CFR part 72; thus, adequate protection of the public health and safety would be ensured. This cask system is being proposed for listing under 10 CFR 72.214, "List of approved spent fuel storage casks," to allow holders of power reactor operating licenses to store spent fuel in this cask system under a general license. The CoC would terminate 20 years after the effective date of the final rule listing this cask in 10 CFR 72.214, unless the cask system's CoC is renewed. The certificate contains conditions for use which are specific for this cask system and addresses issues such as operating procedures, training, and spent fuel specification.

The proposed CoC for the Holtec HI–STORM 100 cask system and the underlying preliminary SER, dated September 10, 1999, are available for inspection and comment at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Single copies of the proposed CoC and preliminary SER may be obtained from Merri Horn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–8126, email mlh1@nrc.gov.

Discussion of Proposed Amendments by Section

Section 72.214 List of Approved Spent Fuel storage Casks

Certificate Number 1014 would be added indicating that:

(1) The title of the SAR is "Final Safety Analysis Report for the HI–STORM 100 Cask System";

(2) The Docket Number is 72–1014;

(3) The certificate expiration date would be 20 years after final rule effective date; and

(4) The model number affected is HI–STORM 100.

Agreement State Compatibility

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs" approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as compatibility Category "NRC." Compatibility is not required for Category "NRC" regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended (AEA), or the provisions of the Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled "Plain Language

in Government Writing," directed that the Government's writing be in plain language. The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC would add the Holtec HI–STORM 100 cask system to the list of NRC approved casks for spent fuel storage in 10 CFR 72.214. This action does not constitute the establishment of a standard that establishes generally-applicable requirements.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rule is mainly administrative in nature. It would not have significant environmental impacts. The proposed rule would add the Holtec HI–STORM 100 cask system to the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites without additional site-specific approvals by the NRC. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the environmental assessment and finding of no significant impact are available from Merri Horn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–8126, email mlh1@nrc.gov.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0132.

Public Protection Notification

If a means to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license. Any nuclear power reactor licensee can use NRC-certified casks to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. In that rule, four spent fuel storage casks were approved for use at reactor sites and were listed in 10 CFR 72.214. That rule envisioned that storage casks certified in the future could be added to the listing in 10 CFR 72.214 through rulemaking procedures. Procedures and criteria for obtaining NRC approval of new spent fuel storage cask designs were provided in 10 CFR part 72, Subpart L. Subsequently, additional casks have been added to the listing in 10 CFR 72.214.

The alternative to this proposed action is not to certify these new designs and give a site-specific license to each utility that proposes to use the casks. This would cost both the NRC and the utilities more time and money in that each utility would have to pursue a new site-specific license. Using site-specific licenses would ignore the procedures and criteria currently in place for the addition of new cask designs and would be in conflict with the NWPA direction to the Commission to approve technologies for the use of spent fuel storage at the sites of civilian nuclear power reactors without, to the extent practicable, the need for additional site reviews. Also, this alternative is anticompetitive because it would exclude new vendors without cause and would arbitrarily limit the choice of cask designs available to power reactor licensees. Approval of the proposed rule would eliminate the above problems and is consistent with previous Commission actions. Further, the proposed rule will have no adverse effect on public health and safety.

The benefit of this proposed rule to nuclear power reactor licensees is to make available a greater choice of spent fuel storage cask designs that can be used under a general license. The new cask vendors with casks to be listed in 10 CFR 72.214 benefit by having to obtain NRC certificates only once for a design that can then be used by more than one power reactor licensee. The NRC also benefits because it will need to certify a cask design only once for use by multiple licensees. Casks approved through rulemaking are to be suitable for use under a range of environmental conditions sufficiently broad to encompass multiple nuclear power plant sites in the United States without the need for further site-specific approval by NRC. Vendors with cask designs already listed may be adversely impacted because power reactor licensees may choose a newly listed design over an existing one. However, the NRC is required by its regulations and the NWPA direction to certify and list approved casks. This proposed rule would have no significant identifiable impact or benefit on other Government agencies.

Based on the above discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the proposed rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and cask vendors. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this proposed rule because this amendment does not involve any provisions that would impose backfits as defined in the backfit rule. Therefore, a backfit analysis is not required.

List of Subjects in 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping

requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d–48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In Section 72.214, Certificate of Compliance 1014 is added to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1014.

SAR Submitted by: Holtec International.

SAR Title: Final Safety Analysis Report for the HI-STORM 100 Cask System.

Docket Number: 72–1014.

Certification Expiration Date: [insert 20 years after the effective date of the final rule].

Model Number: HI-STORM 100.

* * * * *

Dated at Rockville, Maryland, this 10th day of September 1999.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 99–24667 Filed 9–21–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–19]

Proposed Revision of Class D Airspace; NAS JRB (Carswell Field), Fort Worth, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise Class D airspace extending upward from the surface to and including 3,000 feet mean sea level (MSL), within a 4.5-mile radius of the Naval Air Station (NAS) Joint Reserve Base (JRB) Carswell Field, Fort Worth, TX. This action is prompted by the U.S. Navy request to enhance flight safety and reduce the mid-air collision potential for aircraft operating in the vicinity of NAS JRB Carswell Field, Fort Worth, TX. The intended effect of this proposal is to provide adequate controlled airspace for aircraft operating in the vicinity of NAS JRB Carswell Field, Fort Worth, TX.

DATES: Comments must be received on or before November 22, 1999.

ADDRESSES: Send comments on the proposal in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 99–ASW–19, Fort Worth, TX 76193–0520. The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX, between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193–0520; telephone: (817) 222–5593.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed under the caption **ADDRESSES.** Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comment to Airspace Docket No. 99–ASW–19." The postcard will be date and time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Southwest Region Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Operations Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193–0520. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A that describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to revise Class D airspace, controlled airspace extending upward from the surface to and including 3,000 feet MSL, at NAS JRB Carswell Field. This action is prompted by the U.S. Navy request to enhance flight safety and reduce the

mid-air collision potential for aircraft operating in the vicinity of NAS JRB Carswell Field, Fort Worth, TX. The intended effect of this proposal is to provide adequate controlled airspace for aircraft operating in the vicinity of NAS JRB Carswell Field, Fort Worth, TX.

The coordinates for this airspace docket are based on North American Datum 83. Designated Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 5000 Class D airspace areas.

* * * * *

ASW TX D Fort Worth NAS JRB (Carswell Field), TX [Revised]

Fort Worth, NAS JRB Carswell Field, TX
(Lat. 32°46′09″N., long. 97°26′30″W.)
Carswell ILS Localizer North
(Lat. 32°47′19″N., long. 97°26′28″W.)
Carswell TACAN
(Lat. 32°46′18″N., long. 97°26′22″W.)
Carswell ILS Localizer South
(Lat. 32°45′08″N., long. 97°26′27″W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.5-mile radius of NAS JRB Carswell Field and within 1 mile each side of the Carswell ILS Localizer north course extending from the 4.5-mile radius to 6.5 miles north of the airport and within 1.3 miles each side of the 359° radial of the Carswell TACAN extending from the 4.5-mile radius to 6.5 miles north of the airport and within 1 mile each side of the Carswell ILS Localizer south course extending from the 4.5-mile radius to 6.5 miles south of the airport and within 1.3 miles each side of the 182° radial of the Carswell TACAN extending from the 4.5-mile radius to 6.5 miles south of the airport excluding that airspace east of long. 97°24′00″W.

* * * * *

Issued in Forth Worth, TX on September 14, 1999.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 99–24655 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 212

[Docket No. 99N–4063]

Current Good Manufacturing Practices for Positron Emission Tomography Drug Products; Preliminary Draft Regulations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Availability of preliminary draft regulations.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of preliminary draft regulations on current good manufacturing practices (CGMP's) for positron emission tomography (PET) drug products. FDA is developing CGMP's for PET drugs in accordance with the Food and Drug Administration Modernization Act of 1997 (Modernization Act). These preliminary draft regulations are being made available to allow full discussion of them at an upcoming public meeting on the regulation of PET drugs.

DATES: A public meeting on PET drug matters will be held on September 28, 1999. Submit written comments on or before October 13, 1999.

ADDRESSES: A copy of the preliminary draft regulations will be on display at the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Copies of the preliminary draft regulations may be obtained from the Drug Information Branch (HFD–210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4573, and the Center for Drug Evaluation and Research's Fax-on-Demand system at 301–827–0577 or 800–342–2722. An electronic version of the preliminary draft regulations is available on the Internet at "http://www.fda.gov/cder/fdama" under "Section 121—PET (Positron Emission Tomography)." Submit written comments to the Dockets Management Branch (address above).

FOR FURTHER INFORMATION CONTACT: Tracy A. Roberts, Center for Drug Evaluation and Research (HFD–336), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 301–594–0093.

SUPPLEMENTARY INFORMATION:

The President signed the Modernization Act (Public Law 105–115) into law on November 21, 1997. Section 121(c)(1)(A)(ii) of the Modernization Act directs FDA to establish within 2 years after enactment appropriate CGMP requirements for PET drugs.

Section 121(c)(1)(B) of the Modernization Act requires FDA to consult with patient advocacy groups, professional associations, manufacturers, and other interested persons as the agency develops PET drug CGMP requirements and approval procedures. To that end, the agency has conducted public meetings on PET drug matters and has established a public docket.

In accordance with section 121 of the Modernization Act, FDA has developed preliminary draft CGMP requirements for PET drug products. In accordance with 21 CFR 10.40(f)(4) and 10.80(b)(2), FDA has decided to make available to the public these preliminary draft CGMP regulations to facilitate discussion at the public meeting on PET drug matters to be held on September 28, 1999, from 9 a.m. to 4 p.m., at the Holiday Inn, Gaithersburg, MD (Goshen Room). Subsequently, FDA will issue a proposed rule on CGMP's for PET drug

products and will invite comments on the proposed rule.

Interested persons may, on or before October 13, 1999, submit to the Dockets Management Branch (address above) written comments on the preliminary draft regulations. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document. The preliminary draft regulations and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

(**Authority:** 21 U.S.C. 321 *et seq.*)

Dated: September 15, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–24592 Filed 9–21–99; 8:45 am]

BILLING CODE 4160–01–F

OFFICE OF NATIONAL DRUG CONTROL POLICY

21 CFR Part 1401

RIN 3201–ZA02

Freedom of Information Act

AGENCY: Office of National Drug Control Policy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of National Drug Control Policy proposes this rule to comply with the Electronic Freedom of Information Act. The proposed rule defines records as defined in the Act, establishes an electronic reading room, institutes an expedited process for handling requests and conforms to the statutory time limitations for a response.

DATES: Submit comments on or before November 22, 1999.

ADDRESSES: Send comments to Executive Office of the President, Office of National Drug Control Policy, Office of Legal Counsel, Attention General Counsel, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Daniel R. Petersen, (202) 395–6745.

SUPPLEMENTARY INFORMATION: This proposed rule is not a major rule for the purposes of Executive Order 12866. As required by the Regulatory Flexibility Act, ONDCP certifies that this proposed rule would not have a significant impact on small business entities.

List of Subjects in 21 CFR Part 1401

Freedom of information, Organization and functions (Government agencies).

For the reasons stated in the preamble, the Office of National Drug Control Policy proposes to revise 21 CFR part 1401 to read as follows:

PART 1401—PUBLIC AVAILABILITY OF INFORMATION

Sec.

1401.1 Purpose.
1401.2 The Office of National Drug Control Policy—organization and functions.
1401.3 Definitions.
1401.4 Access to information.
1401.5 How to request records.
1401.6 Expedited process.
1401.7 Prompt response.
1401.8 Extension of time.
1401.9 Appeals.
1401.10 Fees to be charged—general.
1401.11 Fees to be charged—miscellaneous provisions.
1401.12 Fees to be charged—categories of requesters.
1401.13 Waiver or reduction of fees.

Authority: 5 U.S.C. 552.

§ 1401.1 Purpose.

The purpose of this part is to prescribe rules, guidelines and procedures to implement the Freedom of Information Act (FOIA), as amended, 5 U.S.C. 552.

§ 1401.2 The Office of National Drug Control Policy—organization and functions.

(a) The Office of National Drug Control Policy (ONDCP) was created by the Anti-Drug Abuse Act of 1988, 21 U.S.C. 1501 *et seq.*, and reestablished under 21 U.S.C. 1701 *et seq.* The mission of ONDCP is to coordinate the anti-drug efforts of the various agencies and departments of the Federal government, to consult with States and localities and assist their anti-drug efforts, to conduct a national media campaign, and to annually promulgate the National Drug Control Strategy.

(b) ONDCP is headed by the Director of National Drug Control Policy. The Director is assisted by a Deputy Director of National Drug Control Policy, a Deputy Director for Supply Reduction, a Deputy Director for Demand Reduction, and a Deputy Director for State and Local Affairs.

(c) Offices within ONDCP include Chief of Staff, and the Offices of Legal Counsel, Strategic Planning, Legislative Affairs, Programs Budget and Evaluation, Supply Reduction, Demand Reduction, Public Affairs, State and Local Affairs, and the Financial Management Office.

(d) The Office of Public Affairs is responsible for providing information to the press and to the general public. If members of the public have general questions about ONDCP that can be answered by telephone, they may call the Office of Public Affairs at (202) 395–6618. This number should not be used to make FOIA requests. All oral requests for information under FOIA will be rejected.

§ 1401.3 Definitions.

For the purpose of this part:

(a) All the terms defined in the Freedom of Information Act apply.

(b) *Commercial-use request* means a request from or on behalf of one who seeks information for a cause or purpose that furthers the commercial, trade or profit interests of the requester or the person or institution on whose behalf the request is made. In determining whether a requester properly belongs in this category, ONDCP will consider the intended use of the information.

(c) *Direct costs* means the expense actually expended to search, review, or duplicate in response to a FOIA request. For example, direct costs include 116% of the salary of the employee performing work and the actual costs incurred while operating equipment.

(d) *Duplicate* means the process of making a copy of a document. Such copies may take the form of paper, microform, audio-visual materials, or machine-readable documentation. ONDCP will provide a copy of the material in a form that is usable by the requester.

(e) *Educational institution* means preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education that operates a program or programs of scholarly research.

(f) *Noncommercial scientific institution* means an institution that is not operated on a commercial basis as that term is defined above, and that is operated solely for the purpose of conducting scientific research not intended to promote any particular product or industry.

(g) *Records* and any other terms used in this part in reference to information includes any information that would be an agency record subject to the requirements of this part when maintained in any format, including electronic format.

(h) *Representative of the news media* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. News is information about current events or information that would be of interest to the public. Examples of the news media include television or radio stations that broadcast to the public at large and publishers of news periodicals that

make their products available to the general public for purchase or subscription. Freelance journalists may be regarded as working for the news media where they demonstrate a reasonable basis for expecting publication through that organization, even though not actually employed by it.

(i) *Request* means a letter or other written communication seeking records or information under FOIA.

(j) *Review* means the process of examining documents that are located during a search to determine if any portion should lawfully be withheld. It is the processing of determining disclosability.

(k) *Search* means to review, manually or by automated means, agency records for the purpose of locating those records responsive to a request.

§ 1401.4 Access to information.

The Office of National Drug Control Policy makes available information pertaining to matters issued, adopted, or promulgated by ONDCP, that are within the scope of 5 U.S.C. 552(a)(2). A public reading area and the ONDCP FOIA Handbook are located at http://www.whitehousedrugpolicy.gov/about/about.html.

§ 1401.5 How to request records.

(a) Each request must reasonably describe the record(s) sought including the type of document, specific event or action, originator of the record, date or time period, subject matter, location, and all other pertinent data.

(b) Requests must be received by ONDCP through the mail or by electronic facsimile transmission. Mailed requests must be addressed to Executive Office of the President, Office of National Drug Control Policy, Office of Legal Counsel, Washington, DC 20503. The applicable fax number is (202) 395–5543.

(c) The words "FOIA REQUEST" or "REQUEST FOR RECORDS" must be clearly marked on the cover-letter, letter and envelope. The time limitations imposed by § 1401.7 will not begin until the Office of the General Counsel identifies a letter or fax as a FOIA request.

§ 1401.6 Expedited process.

(a) Requests and appeals will be given expedited treatment whenever ONDCP determines either:

(1) The lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(2) An urgency to inform the public about an actual or alleged federal government activity occurs and the request is made by a person primarily engaged in disseminating information.

(b) A request for expedited processing may be made at the time of the initial request for records or at a later time.

(c) A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. A requester within the category in paragraph (a)(2) of this section also must establish a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity generally. The formality of certification may be waived as a matter of administrative discretion.

(d) Within ten days of receipt of a request for expedited processing, ONDCP will decide whether to grant it and will notify the requester of the decision. If a request for expedited treatment is granted, the request will be given priority and will be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision will be acted on expeditiously.

§ 1401.7 Prompt response.

The General Counsel, or designee, will determine within 20 days (excepting Saturdays, Sundays and legal public holidays) after the receipt of a FOIA request whether it is appropriate to grant the request and will provide written notification to the person making the request. If the request is denied, the written notification will include the names of the individuals who participated in the determination, the reasons for the denial, and that an appeal may be lodged within the Office of National Drug Control Policy.

§ 1401.8 Extension of time.

(a) In unusual circumstances, the Office of General Counsel may extend the time limit prescribed in § 1401.7 or § 1401.9 by written notice to the FOIA requester. The notice will state the reasons for the extension and the date a determination is expected. The extension period may be divided among the initial request and an appeal but will not exceed a total of 10 working days (excepting Saturdays, Sundays, or legal public holidays).

(b) The phrase "unusual circumstances" means:

(1) The requested records are located in establishments that are separated from the office processing the request;

(2) A voluminous amount of separate and distinct records are demanded in a single request; or

(3) Another agency or two or more components in the same agency have substantial interest in the determination of the request.

(c) Where unusual circumstance exist, ONDCP may provide an opportunity for amendment of the initial request so that the request may be timely processed. Refusal by the person to reasonably modify the request or arrange an alternative time frame shall be considered as a factor for purposes of 5 U.S.C. 552 (a)(6)(C).

(d) ONDCP may aggregate requests by a requester or a group of requestors where multiple requests reasonably appear to be a single request.

§ 1401.9 Appeals.

An appeal to the ONDCP must explain in writing the legal and factual basis for the appeal. It must be received by mail at the address specified in Section 1401.5 within 30 days of receipt of a denial. The Director or designee will decide the appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays). If the Director or designee deny an appeal in whole or in part, the written determination will contain the reason for the denial, the names of the individuals who participated in the determination, and the provisions for judicial review.

§ 1401.10 Fees to be charged—general.

ONDCP will recoup the full allowable costs it incurs in response to a FOIA request.

(a) *Manual search for records.* ONDCP will charge 116% of the salary of the individual(s) making a search.

(b) *Computerized search for records.* ONDCP will charge 116% of the salary of the programmer/operator and the apportionable time of the central processing unit directly attributed to the search.

(c) *Review of records.* ONDCP will charge 116% of the salary of the individual(s) conducting a review. Records or portions of records withheld under an exemption subsequently determined not to apply may be reviewed to determine the applicability of exemptions not considered. The cost for a subsequent review is assessable.

(d) *Duplication of records.* Request for copies prepared by computer will cost 116% of the apportionable operator time and the cost of the tape or disk. Other methods of duplication will cost 116% of the salary of the individual copying the data plus 15 cents per copy of 8½ x 11 inch original.

(e) *Other charges.* ONDCP will recover the costs of providing other services such as certifying records or sending records by special methods.

§ 1401.11 Fees to be charged—miscellaneous provisions.

(a) Remittance shall be mailed to the Office of Legal Counsel, ONDCP, Washington DC 20503, and made payable to the order of the Treasury of the United States on a postal money order or personal check or bank draft drawn on a bank in the United States.

(b) ONDCP may require advance payment where the estimated fee exceeds $250, or a requester previously failed to pay within 30 days of the billing date.

(c) ONDCP may assess interest charges beginning the 31st day of billing. Interest will be at the rate prescribed in section 3717 of title 31 of the United States Code and will accrue from the date of the billing.

(d) ONDCP may assess search charges where records are not located or where records are exempt from disclosure.

(e) ONDCP may aggregate individual requests and charge accordingly for requests seeking portions of a document or documents.

§ 1401.12 Fees to be charged—categories of requesters.

(a) There are four categories of FOIA requesters: commercial use requesters; educational and non-commercial scientific institutions; representatives of the news media; and all other requesters.

(b) The specific levels of fees for each of these categories are:

(1) *Commercial use requesters.* ONDCP will recover the full direct cost of providing search, review and duplication services. Commercial use requesters will not receive free search-time or free reproduction of documents.

(2) *Educational and non-commercial scientific institution requesters.* ONDCP will charge the cost of reproduction, excluding charges for the first 100 pages. Requesters must demonstrate the request is authorized by and under the auspices of a qualifying institution and that the records are sought for scholarly or scientific research not a commercial use.

(3) *Requesters who are representatives of the news media.* ONDCP will charge the cost of reproduction, excluding charges for the first 100 pages. Requesters must meet the criteria in § 1401.3(h), and the request must not be made for a commercial use. A request that supports the news dissemination function of the requester shall not be considered a commercial use.

(4) *All other requesters.* ONDCP will recover the full direct cost of the search and the reproduction of records, excluding the first 100 pages of reproduction and the first two hours of search time. Requests for records concerning the requester will be treated under the fee provisions of the Privacy Act of 1974, 5 U.S.C. 552a, which permits fees only for reproduction.

§ 1401.13 Waiver or reduction of fees.

Fees chargeable in connection with a request may be waived or reduced where ONDCP determines that disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester.

Janet Crist,

Chief of Staff.

[FR Doc. 99–24491 Filed 9–21–99; 8:45 am]

BILLING CODE 3180–02–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2510

RIN 1210–AA48

Plans Established or Maintained Pursuant to Collective Bargaining Agreements Under Section 3(40)(A) of ERISA

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Negotiated Rulemaking Committee notice of meeting.

SUMMARY: The Department of Labor's (Department) ERISA Section 3(40) Negotiated Rulemaking Advisory Committee (Committee) was established under the Negotiated Rulemaking Act of 1990 and the Federal Advisory Committee Act (the FACA) to develop a proposed rule implementing the Employee Retirement Income Security Act of 1974 (ERISA), as amended. The purpose of the proposed rule is to establish a process and criteria for a finding by the Secretary of Labor that an agreement is a collective bargaining agreement for purposes of section 3(40) of ERISA. The proposed rule will also provide guidance for determining when an employee benefit plan is established or maintained under or pursuant to such an agreement. Employee benefit plans that are established or maintained for the purpose of providing benefits to the employees of more than one employer are "multiple employer welfare arrangements" (MEWAs) under section 3(40) of ERISA, and therefore are subject to certain state laws, unless they meet one of the exceptions set forth in section 3(40)(A). At issue in this regulation is the exception for plans or arrangements that are established or maintained under one or more agreements which the Secretary finds to be collective bargaining agreements. It is the view of the Department that it is necessary to distinguish organizations that provide benefits through collectively bargained employee representation from organizations that are primarily in the business of marketing commercial insurance products.

DATES: The Committee will meet from 9:00 am to approximately 5:00 pm on each day on Wednesday, October 13, 1999, and Thursday, October 14, 1999.

ADDRESSES: This Committee meeting will be held at the offices of the U.S. Department of Labor, Room C–5515, Conference Room 1–A, 200 Constitution Avenue, NW, Washington, DC. All interested parties are invited to attend this public meeting. Seating is limited and will be available on a first-come, first-serve basis. Individuals with disabilities wishing to attend who need special accommodations should contact, at least 4 business days in advance of the meeting, Ellen Goodwin, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Room N–4611, 200 Constitution Avenue, NW, Washington, DC 20210 (telephone (202) 219–4600; fax (202) 219–7346). The date, location and time for subsequent Committee meetings will be announced in advance in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ellen Goodwin, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Room N–4611, 200 Constitution Avenue, NW, Washington, DC 20210 (telephone (202) 219–4600; fax (202) 219–7346). This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Minutes of all public meetings and other documents made available to the Committee will be available for public inspection and copying in the Public Documents Room, Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5638, 200 Constitution Avenue, NW, Washington, DC from 8:30 a.m. to 4:30 p.m. Any written comments on these minutes should be directed to Ellen Goodwin, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Room N–4611, 200 Constitution Avenue, NW, Washington, DC 20210 (telephone (202)

219–4600; fax (202) 219–7346). This is not a toll-free number.

Agenda

The Committee will continue to discuss the possible elements of a process and potential criteria for a finding by the Secretary of Labor that an agreement is a collective bargaining agreement for purposes of section 3(40) of ERISA (29 U.S.C. 1002(40)). Discussion of these issues is intended to help the Committee members define the scope of a possible proposed rule.

Members of the public may file a written statement pertaining to the subject of this meeting by submitting 15 copies on or before Wednesday, October 6, 1999, to Ellen Goodwin, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Room N–4611, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives wishing to address the Committee should forward their request to Ms. Goodwin or telephone (202) 219–4600. During each day of the negotiation session, time permitting, there shall be time for oral public comment. Members of the public are encouraged to keep oral statements brief, but extended written statements may be submitted for the record.

Organizations or individuals may also submit written statements for the record without presenting an oral statement. 15 copies of such statements should be sent to Ms. Goodwin at the address above. Papers will be accepted and included in the record of the meeting if received on or before October 6, 1999.

Signed at Washington, DC, this 15th day of September 1999.

Richard McGahey,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 99–24659 Filed 9–21–99; 8:45 am]

BILLING CODE 4510–29–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 217–0179; FRL–6442–2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a revision to the California State Implementation Plan (SIP) which controls the sulfur content of fuels within the South Coast Air Quality Management District and the Ventura County Air Pollution Control District.

The intended effect of proposing approval of these rules is to regulate emissions of sulfur dioxide (SO_2) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this proposed rule will incorporate these rules into the federally approved SIP. EPA has evaluated each of these rules and is proposing to approve them under provisions of the CAA regarding EPA action on SIP submittals and SIPs for national primary and secondary ambient air quality standards.

DATES: Comments must be received on or before October 22, 1999.

ADDRESSES: Comments may be mailed to: Andrew Steckel, Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Environmental Protection Agency, Air Docket, 401 "M" Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

South Coast Air Quality Management District, 21865 E. Copley Dr., Diamond Bar, CA 91765–4182.

Ventura County APCD, 669 County Square Dr., 2nd Fl., Ventura, CA 93003–5417.

FOR FURTHER INFORMATION CONTACT: Stanley Tong, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, (415) 744–1191.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules proposed for approval into the California SIP include: South Coast Air Quality Management District (SCAQMD) Rule 431.1, Sulfur Content of Gaseous Fuels and Ventura County Air Pollution Control District (VCAPCD) Rule 64, Sulfur Content of Fuels. SCAQMD Rule 431.1 was submitted by the California Air Resources Board (CARB) to EPA on September 29, 1998 and VCAPCD Rule 64 was submitted by CARB to EPA on June 3, 1999.

II. Background

40 CFR 81.305 provides the attainment status designations for air districts in California. South Coast Air Quality Management District [1] and Ventura County Air Pollution Control District are listed as in attainment of the national ambient air quality standards (NAAQS) for sulfur dioxide (SO_2). Therefore, for purposes of controlling SO_2, these rules need only comply with the general provisions of section 110 of the Act.

Sulfur dioxide is formed by the combustion of fuels containing sulfur compounds. SCAQMD adopted Rule 431.1, Sulfur Content of Gaseous Fuels, on June 12, 1998. On September 29, 1998, the State of California submitted many rules for incorporation into its SIP, including SCAQMD Rule 431.1. This rule was found to be complete on January 26, 1999 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V [2] and is being proposed for approval.

VCAPCD adopted Rule 64, Sulfur Content of Fuels, on April 13, 1999. On June 3, 1999, the State of California submitted many rules for incorporation into its SIP, including VCAPCD Rule 64. This rule was found to be complete on June 24, 1999 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V and is being proposed for approval.

The following is EPA's evaluation and proposed action for SCAQMD Rule 431.1 and VCAPCD Rule 64.

III. EPA Evaluation and Proposed Action

In determining the approvability of an SO_2 rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

While the SCAQMD and VCAPCD are in attainment with the SO_2 NAAQS, many of the general SIP requirements regarding enforceability, for example, are still appropriate for these rules. In determining the approvability of these rules, EPA evaluated them in light of the "SO_2 Guideline Document," EPA–452/R–94–008.

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[1] This **Federal Register** action for the South Coast Air Quality Management District excludes the Los Angeles County portion of the Southeast Desert AQMA, otherwise known as the Antelope Valley Region in Los Angeles County, which is now under the jurisdiction of the Antelope Valley Air Pollution Control District as of July 1, 1997.

[2] EPA adopted completeness criteria on February 16, 1990 (55 FR 5824) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

On October 19, 1984, EPA approved into the SIP a version of Rule 431.1, Sulfur Content of Gaseous Fuels, that had been adopted by SCAQMD on May 6, 1983. Revisions to this rule were subsequently adopted on May 4, 1990, April 5, 1991, September 11, 1992, October 2, 1992, November 17, 1995 and June 12, 1998. All but the September 11, 1992 and October 2, 1992 revisions were submitted to EPA. While EPA can only act on the most recently submitted version, EPA reviewed relevant materials associated with the superseded versions that were submitted. SCAQMD submitted Rule 431.1 includes the following significant changes from the current SIP:

- Added new sections for purpose, monitoring, reporting and recordkeeping, and test methods.
- Clarified that a person shall not burn in equipment requiring a Permit to Operate, purchase, transfer, sell or offer for sale any gaseous fuel containing sulfur compounds in excess of the concentration limits specified in the rule.
- Reduced the sulfur limit from 250 ppm down to 150 ppm, averaged daily, for gaseous fuels from landfills.
- Reduced the sulfur limit from 250 ppm down to 40 ppm, averaged daily, for sewage digesters and allows an alternate limit of 40 ppm averaged monthly with a 500 ppm peak averaged over 15 minutes.
- Reduced the sulfur limit from 80 ppm down to 40 ppm for the selling of other gaseous fuel.
- Reduced the sulfur limit from 800 ppm down to 40 ppm for the burning of other gaseous fuels.
- Specified averaging times for the sulfur limits.
- Added an Optional Facility Compliance Plan.
- Added a requirement for a continuous emission monitoring system (CEMS) or a continuous fuel gas monitoring system (CFGMS) to monitor sulfur content.
- Added an option for landfills and sewage digesters to use an alternative monitoring method provided the alternative method has been approved by the District, CARB and US EPA.
- Lowered the sulfur emissions ceiling from 30 pounds per day down to 5 pounds per day for facilities to be considered exempt.
- Removed exemptions for: Combined unit gases from an air pollution control system for steam drive oil wells, (Rule 1148), provided gases from individual well vents comply with the requirements of the rule; gaseous fuels where gaseous combustion products are used as raw materials for other processes; and vent gas streams, excluding coker blowdown, which have been connected to fuel gas or vent gas disposal systems.

EPA has evaluated SCAQMD submitted Rule 431.1 for consistency with the CAA, EPA regulations, and EPA policy and has found that the revisions result in a clearer, more enforceable rule. Furthermore, the addition of more stringent limits in submitted Rule 431.1 should lead to greater emission reductions.

EPA recommends the following improvements to the rule.

- The rule specifies an SO_2 averaging time of 4 hours for refineries and other gases. The averaging time should be based on time periods consistent with the national ambient air quality standard for sulfur dioxide.
- The period of record retention specified should be consistent with the federal record retention requirement of 5 years.

On January 15, 1999, EPA approved into the SIP (64 FR 2575) a version of VCAPCD Rule 64, Sulfur Content of Fuels, that had been adopted by VCAPCD on June 14, 1994. EPA's January action granted a limited approval and limited disapproval to Rule 64 stating that while the rule strengthened the SIP, it did not contain recordkeeping requirements and therefore was not fully approvable. VCAPCD subsequently amended Rule 64 to address EPA's comments and to make other rule improvements.

VCAPCD's amended Rule 64 corrects all the deficiencies identified in the previous limited approval (64 FR 2575). As stated in that final action, there is no sanctions clock as VCAPCD is in attainment for SO_2.

The VCAPCD submitted Rule 64 includes the following significant changes from the current SIP:

- Deleted an obsolete limit for natural gas and deleted the sulfur limit for solid fuels.
- Exempted Public Utilities Commission regulated natural gas, propane, butane, CARB quality reformulated gasoline and CARB certified diesel fuel from the recordkeeping and monitoring requirements of the rule, provided records are maintained to substantiate the use of these fuels.
- Clarified that sewage digester gases are exempt from the rule provided any supplemental fuel used to combust the gas complies with the rule.
- Added sections on Monitoring/ Recordkeeping and Violations.
- Requires records to be retained for five years.
- Requires annual monitoring of sulfur. Requires quarterly monitoring if a facility is new; has not provided historical monitoring data to the District; or if sulfur measurements of gaseous fuels at landfills or oil fields exceed 394 ppmv.
- Initial sulfur monitoring must begin within 30 days of the effective date of the rule and new sources must begin monitoring within 30 days of initial operation.
- Requires operators to either test or obtain certification that liquid fuels meet the sulfur requirements of Rule 64 for each liquid fuel delivery.
- Allows the use of colorimetric tubes for the sulfur content of landfill or oil field gases if levels are below 200 ppm.
- Allows the use of colorimetric tubes to measure other gaseous fuels only if written approval is obtained from the VCAPCD and US EPA.
- Allows the use of alternative test methods for analysis of sulfur.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. A detailed discussion of the rules can be found in the Technical Support Document for SCAQMD Rule 431.1 and VCAPCD Rule 64 (8/23/99), which is available from the U.S. EPA, Region IX office. Therefore, SCAPCD, Rule 431.1 and VCAPCD Rule 64 are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a).

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to

issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 9, 1999.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 99–24690 Filed 9–21–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 61 and 69

[CC Docket Nos. 96–262, 94–1, 98–157; CCB/CPD File No. 98–63; FCC 99–206]

Access Charge Reform; Price Cap Performance Review for Local Exchange Carriers; Petition of US West Communications, Inc. for Forbearance From Regulation as a Dominant Carrier in the Phoenix, Arizona MSA; Interexchange Carrier Purchases of Switched Access Services Offered by Competitive Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to revise the rules that govern the provision of interstate access services by those incumbent local exchange carriers subject to price cap regulation to advance the pro-competitive, de-regulatory national policies embodied in the Telecommunications Act of 1996. The document seeks comment on: Pricing flexibility and geographic deaveraging of rates for services in the common line and traffic-sensitive baskets; the rate structure for the local switching service category of the traffic-sensitive basket and for tandem-switched transport and whether

capacity-based charges, rather than per-minute charges, better reflect the manner in which the underlying costs of these services are incurred; adjustments to the traffic-sensitive and trunking price cap index formulae for these charges so that price cap LECs do not enjoy all the benefits of growth if they have not been exclusively responsible for creating that growth; market-based or other approaches to ensure that rates charged by competitive carriers are just and reasonable.

DATES: Written comments from the public on the Notice and the proposed information collections are due on or before October 29, 1999. Reply comments are due on or before November 29, 1999. Written comments on the new and/or modified information collections must be submitted to the Office of Management and Budget (OMB) on or before November 22, 1999.

FOR FURTHER INFORMATION CONTACT: Tamara Preiss, Deputy Division Chief, Common Carrier Bureau, Competitive Pricing Division, (202) 418–1520. For additional information concerning the information collections contained in document contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (Notice) adopted August 5, 1999, and released August 25, 1999. The full text of this Notice, as well as the complete files for the relevant dockets, is available for inspection and copying during the weekday hours of 9:00 a.m. to 4:30 p.m. in the Commission's Reference Center, 445 12th St. SW, Room CY–A257, Washington DC, or copies may be purchased from the Commission's duplicating contractor, ITS Inc., 1231 20th St. NW, Washington DC 20036; (202) 857–3088. The complete text of the Notice also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common_Carrier/Orders/1999/fcc99206.wp.

In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Virginia Huth, OMB Desk Officer, 10236 NEOB, 725–17th Street, NW, Washington, DC 20503 or via the Internet to huth_v@al.eop.gov.

Paperwork Reduction Act

This NPRM contains either a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due 60 days from date of publication of this NPRM in the **Federal Register**. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–0760.

Title: Access Charge Reform—CC Docket No. 96–262 (First Report and Order), Second Order on Reconsideration and Memorandum Opinion and Order, Third Report and Order, and Fifth Report and Order and FNPRM

Form No.: N/A.

Type of Review: Revised Collection.

Respondents: Business or other for profit.

Section/title	No. of responses	Est. time per response	Total annual burden
Proposed Deaveraging of Common Line and Traffic Sensitive Access Elements (Tariff Filing)	13	109	1,420
Proposed Common Line and Traffic Sensitive Phase II Showings	13	1,984	25,800

Total Annual Burden: 27,220 Hrs.

Estimated costs per respondent: $600.

Needs and Uses: The Commission will use the information collected to provide price cap LECs with additional pricing flexibility. The pricing flexibility would permit price cap LECs to deaverage geographically their pricing of access services other than those in the trunking basket; and to make a showing in order to receive Phase II pricing flexibility for common line and traffic-sensitive services.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act, the Notice contains an Initial Regulatory Flexibility Analysis regarding the Further Notice of Proposed Rulemaking (Notice). A brief description of the analysis follows. Pursuant to section 604 of the Regulatory Flexibility Act, the Commission performed a comprehensive analysis of the Order with regard to small entities. This analysis includes: (1) A succinct statement of the need for, and objectives of, the Commission's proposals in the Notice; (2) a description of and an estimate of the number of small entities to which the Notice may apply; (3) a description of the projected reporting, recordkeeping and other compliance requirements of the Notice, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for compliance with the requirement; (4) a description of the steps the Commission has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the Notice and why each one of the other significant alternatives to each of the Commission's decisions which affect small entities was rejected.

Synopsis of Notice

I. Summary of Notice

1. This Further Notice of Proposed Rulemaking (Notice) accompanies an order, printed elsewhere in this **Federal Register** issue, in which the Commission revises the rules that govern the provision of interstate access services by those incumbent local exchange carriers (ILECs) subject to price cap regulation (collectively, "price cap LECs") to advance the pro-competitive, de-regulatory national policies embodied in the Telecommunications Act of 1996 (1996 Act). With the proposed revisions in the Notice and revisions made in the Order, the Commission continues the process it

began in 1997, with the *Access Reform First Report and Order* (62 FR 31868, June 11, 1997), to reform regulation of interstate access charges in order to accelerate the development of competition in all telecommunications markets and to ensure that the Commission's own regulations do not unduly interfere with the operation of these markets as competition develops.

2. In the *Access Reform First Report and Order*, the Commission adopted a primarily market-based approach to drive interstate access charges toward the costs of providing these services. The Commission envisioned that this approach would enable it to give carriers progressively greater flexibility to set rates as competition develops, until competition gradually replaces regulation as the primary means of setting prices. In the accompanying Order, the Commission fulfills its commitment to provide detailed rules for implementing the market-based approach, pursuant to which price cap LECs would receive pricing flexibility in the provision of interstate access services as competition for those services develops.

3. The pricing flexibility framework the Commission adopts in the Order is designed to grant greater flexibility to price cap LECs as competition develops, while ensuring that: (1) Price cap LECs do not use pricing flexibility to deter efficient entry or engage in exclusionary pricing behavior; and (2) price cap LECs do not increase rates to unreasonable levels for customers that lack competitive alternatives. In addition, these reforms will facilitate the removal of services from price cap regulation as competition develops in the marketplace, without imposing undue administrative burdens on the Commission or the industry.

4. Specifically, the Order grants immediate pricing flexibility to price cap LECs in the form of streamlined introduction of new services, geographic deaveraging of rates for services in the trunking basket, and removal, upon implementation of toll dialing parity, of certain interstate interexchange services from price cap regulation. The Commission also establishes a framework for granting price cap LECs greater flexibility in the pricing of all interstate access services once they satisfy certain competitive criteria. In Phase I, the Commission allows price cap LECs to offer contract tariffs and volume and term discounts for those services for which they make a specific competitive showing. In Phase II, the Commission permits price cap LECs to offer dedicated transport and special access services free from the Commission's part 69 rate structure and part 61 price cap rules, provided that the LECs can demonstrate a significantly higher level of competition for those services.

5. The Commission addresses additional pricing flexibility proposals in this Notice. The Commission seeks comment on proposals for geographic deaveraging of the rates for services in the common line and traffic-sensitive baskets. The Commission also invites comment on the appropriate triggers for granting Phase II relief for services in the common line and traffic-sensitive baskets, as well as for the traffic-sensitive parts of tandem-switched transport service.

6. In addition to adopting rules to implement the market-based approach to access reform, the Commission takes this opportunity to re-examine the rate structure for the local switching service category of the traffic-sensitive basket. Accordingly, the Commission seeks comment on a number of proposed changes to the rate structure so that it better replicates the operation of a competitive market. Generally, the Commission invites parties to discuss proposed revisions to its rules that would require price cap LECs to develop capacity-based local switching charges rather than per-minute charges. The Commission also solicits comment on whether the traffic-sensitive price cap index (PCI) formula should be modified. For the same reasons that the Commission considers revising the local switching rate structure, it also seeks comment on whether similarly to revise the rate structure for tandem switched transport.

7. In the accompanying Order, the Commission denies a petition for declaratory ruling filed by AT&T requesting that the Commission confirm that interexchange carriers (IXCs) may elect not to purchase switched access services offered under tariff by competitive local exchange carriers (CLECs). The Commission declines to address AT&T's concerns in a declaratory ruling; however, it finds that AT&T's petition and supporting comments suggest a need for the Commission to revisit the issue of CLEC access rates. Therefore, the Commission initiates a rulemaking regarding the reasonableness of these charges and whether it might adopt rules to address, by the least intrusive means, any failure of market forces to constrain CLEC access charges.

8. Because the Commission's ultimate goal is to continue to foster competition and allow market forces to operate where they are present, it seeks comment on pricing flexibility for common line and traffic-sensitive services. First, the Commission considers permitting price cap LECs to deaverage rates for services in the common line and traffic-sensitive baskets in conjunction with identification and removal of implicit universal service support in interstate access charges and implementation of an explicit high cost support mechanism. The Commission also invites parties to comment on how it should define zones for purposes of deaveraging. In addition, the Commission seeks comment on which rate elements may be deaveraged and whether deaveraging should be subject to subscriber line charge (SLC) and presubscribed interexchange carrier charge (PICC) caps or any other constraint. The Commission also seeks comment on the appropriate Phase II triggers for granting greater pricing flexibility for traffic-sensitive, common line, and the traffic-sensitive components of tandem-switched transport services.

9. The Notice also seeks comment on certain price cap regulation issues. Specifically, consistent with the *Access Reform First Report and Order's* efforts to reform access charges so costs are recovered in a manner that reflects how they are incurred, the Commission seeks comment on adopting a capacity-based rate structure for local switching. The local switch, which consists of an analog or digital switching system and line and trunk cards, connects subscriber lines both with other local subscriber lines and with dedicated and common interoffice trunks. As discussed in more detail below, prior to the *Access Reform First Report and Order*, the interstate allocated portion of these costs was recovered entirely through per-minute charges assessed on IXCs.

10. Recognizing that a significant portion of these costs (*i.e.*, the costs associated with line cards and trunk ports) do not vary with usage, however, the Commission determined that such non-traffic-sensitive costs should be recovered on a flat-rated, rather than usage sensitive, basis. Accordingly, consistent with principles of cost-causation and economic efficiency, the Commission directed price cap LECs to reassign all line-side port costs from the Local Switching rate element to the Common Line rate element and to recover these costs through the common line rate elements, including the SLC and flat-rated PICC. Because the record in that proceeding was not adequate, however, to determine whether and to what extent the remaining local switching costs were traffic-sensitive or

non-traffic-sensitive, LECs continue to recover these costs through traffic-sensitive charges.

11. The Commission takes this opportunity to re-examine the local switching rate structure to determine whether it reasonably reflects the manner in which price cap LECs incur costs. The Commission invites comment on whether and to what extent it should modify further its price cap rules for the traffic-sensitive basket to reflect a capacity-based local switching rate structure.

12. The Commission also invites parties to discuss proposed revisions to its rules for the common line basket, and it considers redefining the price cap baskets and pricing bands. Specifically, the Commission solicits comment on whether to increase the "g" factor in the common line PCI formula and whether it should revise the baskets so that services with flat rates are not placed in the same basket as services with traffic-sensitive rates. In addition, the Commission seeks comment on its tentative conclusion that the inflation measure in the PCI formula should be consistent with the measure defined by the Bureau of Labor Statistics (BLS).

13. Finally, the Commission initiates a rulemaking to determine the reasonableness of CLEC access rates and whether it might adopt rules to address, by the least intrusive means, any failure of market forces to constrain CLEC access charges.

II. Procedural Issues and Ordering Clauses

A. Initial Regulatory Flexibility Act Analysis

14. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Further Notice of Proposed Rulemaking (Further Notice). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Further Notice provided below in Section IX.D. The Office of Public Affairs will send a copy of the Further Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the Further Notice and IRFA (or summaries thereof) will be published in the **Federal Register**.

15. *Need for, and objectives of, the proposed rules.* Consistent with the Telecommunications Act of 1996, the Commission has revised its interstate access charges to facilitate competition in the provision of interstate access services. These proposals attempt to effect additional regulations reflective of the competitive marketplace. In Sections VIII.A and VIII.B, the Commission seeks to establish additional pricing flexibilities for price cap incumbent LECs, while at the same time limit use of those flexibilities to deter entry, to drive existing competitors from the market, or to increase rates for those customers that lack competitive alternatives. In Section VIII.C, the Commission seeks to modify the common line rate structure should the Commission determine that a capacity-based rate structure reflects the manner in which price cap LECs incur their costs better than the current traffic-sensitive rate structure. In Section VIII.D, the Commission seeks to refine several of its price cap rules to better reflect the manner in which price cap incumbent LECs costs are incurred. In Section VIII.E, the Commission seeks to prevent CLECs from charging unreasonable rates for terminating access service.

16. *Legal Basis.* The proposed action is supported by sections 4(i), 4(j), 201–205, 208, 251, 252, 253 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 205, 208, 251, 252, 253, 403.

17. *Description, potential impact and number of small entities affected.* The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). The Small Business Administration has defined a small business for Standard Industrial Classification (SIC) category 4813 (Telephone Communications, Except Radiotelephone) to be a small entity that has no more than 1500 employees.

Total Number of Telephone Companies Affected:

18. The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a "small business" under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation." The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in scope. The Commission has therefore included small incumbent LECs in this RFA analysis, although it emphasizes that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

19. *Price Cap Local Exchange Carriers.* The proposals in Section VIII.A–D apply only to price cap LECs. The Commission does not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of price cap LECs that would qualify as small business concerns under the SBA's definition. However, there are only 13 price cap LECs. Consequently, the Commission estimates that significantly fewer than 13 providers of local exchange service are small entities or small price cap LECs that may be affected by these proposals.

20. *Competitive Local Exchange Carriers.* The proposals in Section VIII.E apply only to competitive LECs. Neither the Commission nor the Small Business Administration has developed a definition of small providers of local exchange service. The closest applicable definition under Small Business Administration rules is for telephone telecommunications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of competitive LECs nationwide of which the Commission is aware appears to be the data that it collects annually in connection with the Telecommunications Relay Service (TRS). According to the Commission's most recent data, 129 companies reported that they were engaged in the provision of either competitive access provider services or competitive local exchange carrier services. The Commission does not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of competitive LECs that would qualify as small business concerns under the SBA's

definition. Consequently, the Commission estimates that fewer than 129 providers of local exchange service are small entities or small competitive LECs that may be affected by these proposals.

21. *Reporting, record keeping and other compliance requirements.* The Commission expects that, on balance, the proposals in this Further Notice will slightly increase price cap LECs' administrative burdens. The proposals in Section VIII.A would require at least one additional tariff filing, and may require additional showings. The proposals in Section VIII.B will require a price cap LEC, to the extent that it chooses to avail itself of the additional flexibility, to file a petition demonstrating that it has met the triggers, and make an initial tariff filing. The Commission expects that the proposals in Sections VIII.C and VIII.D would establish new methodologies that price cap LECs would need to apply in their tariff filings, but otherwise should not affect their administrative burdens.

22. The Commission expects that the proposals in Section VIII.E will have no effect on the administrative burdens of competitive LECs, because they would have no additional filing requirement. They would only be required to respond to complaints.

23. *Steps taken to minimize significant economic impact on small entities, and significant alternatives considered.* In this Notice, the Commission sought comment on how a number of proposals would affect small entities. The Commission believes that overall, these proposals should have a positive economic impact on small price cap LECs. The proposals in Sections VIII.A, VIII.B, and VIII.C should enable small price cap LECs to price their regulated services in a manner that is more reflective of the underlying costs of these services. In Sections VIII.C, the Commission has also sought comment on whether small interexchange carriers would be artificially disadvantaged if it adopts a capacity-based local switching rate structure. The proposals in Sections VIII.D and VIII.E should not have a significant economic impact on small entities. The Commission seeks comment on these proposals and urge that parties support their comments with specific evidence and analysis.

24. *Federal rules which overlap, duplicate or conflict with this proposal.* None.

B. Paperwork Reduction Act

25. The Further Notice of Proposed Rulemaking contains either a proposed or modified information collection. As part of its continuing effort to reduce paperwork burdens, the Commission invites the general public and the OMB to take this opportunity to comment on the information collections contained in the Further Notice of Proposed Rulemaking, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. Public and agency comments are due at the same time as other comments on the Further Notice of Proposed Rulemaking; OMB comments are due 60 days from date of publication of the Further Notice of Proposed Rulemaking in the **Federal Register**. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

C. Filing Comments

26. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before October 29, 1999, and reply comments on or before November 29, 1999. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings* (63 FR 24121, May 1, 1998).

27. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appears in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

28. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth St., SW., Room TW–A325, Washington, DC 20554.

E. Ordering Clauses

29. *It is ordered,* pursuant to sections 1, 4(i) and (j), 201–205, 303(r), and 403 of the Communications Act, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, 303(r), and 403 that this Notice of Proposed Rulemaking *is hereby adopted* and comments *are requested* as described above.

30. *It is further ordered* that the Commission's Office of Public Affairs Reference Operations Division, shall send a copy of this Notice of Proposed Rulemaking, including the Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 0

Organization and functions.

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Telecommunications.

47 CFR Part 61

Communications common carriers, Telephone.

47 CFR Part 69

Communications common carriers, Telephone.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–24142 Filed 9–21–99; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1849; MM Docket No. 99–278; RM–9424]

Radio Broadcasting Services; Susquehanna, PA and Conklin, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition jointly filed by

Majac of Michigan, Inc. and Equinox Broadcasting Corporation proposing the reallotment of Channel 223A from Susquehanna, Pennsylvania, to Conklin, New York, and the modification of Station WKGB–FM's license accordingly. Petitioners also request the reallotment of Channel 263A from Conklin, New York, to Susquehanna, Pennsylvania, and the modification of Station WCDW(FM)'s license accordingly. Channel 223A can be reallotted to Conklin in compliance with the Commission's minimum distance separation requirements without the imposition of site restriction at Station WKGB–FM's requested site. The coordinates for Channel 223A at Conkilin are 42–06–53 North Latitude and 75–51–16 West Longitude. *See* Supplementary Information, *infra*.

DATES: Comments must be filed on or before November 1, 1999, reply comments on or before November 16, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultants, as follows: John J. McVeigh, Esq., 12101 Blue Paper Trail, Columbia, Maryland 21044–2787 (Counsel for Equinox Broadcasting Corporation); and Peter Tannenwald, Esq., Irwin Campbell & Tannenwald, P.C., 1730 Rhode Island Ave., NW., Suite 200, Washington, DC 20036–3101 (Counsel for Majac of Michigan, Inc.).

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–278, adopted September 9, 1999, and released September 10, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Additionally, Channel 263A can be reallotted to Susquehanna without the imposition of a site restriction. The coordinates for Channel 263A at Susquehanna are 42–02–30 North Latitude and 75–41–30 West Longitude. Since Conklin and Susquehanna are located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested. In accordance with provisions of Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 223A at Conklin, New York, or Channel 263A at Susquehanna, Pennsylvania.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24665 Filed 9–21–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1851; MM Docket No. 99–280; RM–9672]

Radio Broadcasting Services; Elaine, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Phillips County Broadcasting, requesting the allotment of Channel 238A to Elaine, Arkansas, as that community's first local aural transmission service. Coordinates used for this proposal are 34–22–52 NL and 90–45–56 WL.

DATES: Comments must be filed on or before November 1, 1999, and reply comments on or before November 16, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Allan G. Moskowitz, Esq., Kaye, Scholer, Fierman, Hays & Handler, LLP, 901 15th Street, NW., Suite 1100, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–280, adopted September 1, 1999, and released September 10, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24663 Filed 9–21–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1851; MM Docket No. 99–281; RM–9684]

Radio Broadcasting Services; Ringgold, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Black Lake Broadcasting, requesting the allotment of Channel 253C3 to Ringgold,

Louisiana, as that community's first local aural transmission service. Coordinates used for this proposal are 32–19–49 NL and 93–12–33 WL.

DATES: Comments must be filed on or before November 1, 1999, and reply comments on or before November 16, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Henry E. Crawford, Esq., 1150 Connecticut Avenue, NW., Suite 900, Washington, DC 20036–4192.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–281, adopted September 1, 1999, and released September 10, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY A–257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24662 Filed 9–21–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1851; MM Docket No. 99–282; RM–9710]

Radio Broadcasting Services; Littlefield, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Mountain West Broadcasting requesting the allotment of Channel 265C to Littlefield, Arizona, as that locality's first local aural transmission service. Information is requested regarding the attributes of Littlefield, Arizona, to determine whether it is a *bona fide* community for allotment purposes. Coordinates used for this proposal are 36–52–59 NL and 114–33–13 WL.

DATES: Comments must be filed on or before November 1, 1999, and reply comments on or before November 16, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., 6807 Foxglove Drive, Cheyenne, WY 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–282, adopted September 1, 1999, and released September 10, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY A–257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24661 Filed 9–21–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1851; MM Docket No. 99–283; RM–9711]

Radio Broadcasting Services; Hays, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Gatoradio Media Group, Inc., requesting the allotment of Channel 289C2 to Hays, Kansas, as that community's third local FM transmission service. Coordinates used for this proposal are 38–57–15 NL and 99–26–43 WL.

DATES: Comments must be filed on or before November 1, 1999, and reply comments on or before November 16, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Naomi S. Travers, Esq., Arter & Hadden, LLP, 1801 K Street, NW., Suite 400K, Washington, DC 20006–1301.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–283, adopted September 1, 1999, and released September 10, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room CY–A257) 445 Twelfth Street, SW., Washington, DC. The complete text of

this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24660 Filed 9–21–99; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 64, No. 183
Wednesday, September 22, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 99–062–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of the regulations issued under the Animal Welfare Act governing the humane handling, care, treatment, and transportation of certain animals by dealers, research institutions, exhibitors, carriers, and intermediate handlers.

DATES: Comments on this notice must be received by November 22, 1999 to be assured of consideration.

ADDRESSES: We invite you to comment regarding the accuracy of burden estimate, ways to minimize the burden (such as through the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information. Please send your comment and three copies to: Docket No. 99–062–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–062–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: For information regarding the regulations for the humane handling, care, treatment, and transportation of certain animals by dealers, research institutions, exhibitors, carriers, and intermediate handlers, contact Dr. Jerry DePoyster, Animal Care Staff Officer, AC, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 734–7833; or e-mail: Jerry.D.Depoyster@usda.gov. For copies of more detailed information on the information collection, contact Ms. Cheryl Groves, APHIS' Information Collection Coordinator, at (301) 734–5086.

SUPPLEMENTARY INFORMATION:

Title: Animal Welfare.

OMB Number: 0579–0036.

Expiration Date of Approval: December 31, 1999.

Type of Request: Extension of approval of an information collection.

Abstract: Regulations have been promulgated under the Animal Welfare Act (the Act) (7 U.S.C. 2131 *et seq.*) to promote and ensure the humane care and treatment of regulated animals under the Act. Title 9, parts 1 through 3, of the Code of Federal Regulations (CFR) contain regulations for the care and handling of certain animals covered under the Act. The regulations in 9 CFR part 2 require documentation of specified information concerning the humane handling, care, treatment, and transportation of certain animals by dealers, research institutions, exhibitors, carriers, and intermediate handlers. The regulations also require that facilities that use animals for regulated purposes obtain a license or register with the U.S. Department of Agriculture (USDA).

The Act is enforced by USDA's Animal and Plant Health Inspection Service (APHIS), which performs unannounced inspections of regulated facilities. A significant component of the inspection process is review of mandatory records that must be established and maintained by regulated facilities. The information contained in these records is used by APHIS inspectors to ensure that dealers, research facilities, exhibitors, intermediate handlers, and carriers comply with the Act and regulations.

Facilities must make and maintain records that contain official identification for all dogs and cats and certification of those animals received from pounds, shelters, and private individuals. These records are used to ensure that stolen pets are not used for regulated activities. Records must also be maintained for animals other than dogs and cats when the animals are used for purposes regulated under the Act.

Research facilities must also make and maintain additional records for animals covered under the Act that are used for teaching, testing, and experimentation. This information is used by APHIS personnel to review the research facility's animal care and use program concerning animal activities regulated under the Act.

The reporting and recordkeeping requirements contained in 9 CFR part 2 are necessary to enforce regulations intended to ensure the humane care and treatment of covered animals. The collected information is also used by APHIS to provide a mandatory annual Animal Welfare Enforcement report to Congress.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), we are asking the Office of Management and Budget to approve the continued use of this information collection.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, or other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1.1708 hours per response.

Respondents: Research facilities, "A" and "B" dealers, exhibitors, carriers, and intermediate handlers.

Estimated annual number of respondents: 8,564.

Estimated annual number of responses per respondent: 9.9738.

Estimated annual number of responses: 85,416.

Estimated total annual burden on respondents: 100,006. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 15th day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–24678 Filed 9–21–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1050]

Grant of Authority for Subzone Status; Equilon Enterprises LLC (Oil Refinery), Los Angeles County, CA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Board of Harbor Commissioners of the City of Long Beach, grantee of Foreign-Trade Zone 50, for authority to establish special-purpose subzone status at the oil refinery complex of Equilon Enterprises LLC, located in Los Angeles, California, was filed by the Board on September 30, 1998, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 46–98, 63 FR 54671, 10/13/98); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval is subject to the conditions listed below;

Now, Therefore, the Board hereby authorizes the establishment of a subzone (Subzone 50G) at the oil refinery complex of Equilon Enterprises LLC, located in Los Angeles, California, at the locations described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

1. Foreign status (19 CFR 146.41, 146.42) products consumed as fuel for the refinery shall be subject to the applicable duty rate.

2. Privileged foreign status (19 CFR 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR 146.42) may be elected on refinery inputs covered under HTSUS Subheadings #2709.00.1000—#2710.00.1050, #2710.00.2500, and #2710.00.4510 which are used in the production of: petrochemical feedstocks and refinery by-products (examiners report, Appendix C); products for export; and, products eligible for entry under HTSUS #9808.00.30 and #9808.00.40 (U.S. Government purchases).

3. The authority with regard to the NPF option is initially granted until September 30, 2004, subject to extension.

Signed at Washington, DC, this 13th day of September, 1999.

Richard W. Moreland,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest: Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–24588 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1056]

Approval for Expanded Manufacturing Authority (Pharmaceutical Products) Within Foreign-Trade Subzone 202A; Minnesota Mining and Manufacturing Company, Los Angeles, CA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Minnesota Mining and Manufacturing Company (3M), operator of FTZ 202A, has requested authority to expand the scope of manufacturing activity conducted under FTZ procedures within Subzone 202A, the 3M pharmaceutical manufacturing plant in Los Angeles, California (FTZ Doc. 2–99, filed 1–11–99); and

Whereas, notice inviting public comment was given in the **Federal Register** (64 FR 4068, 1/27/99); and

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby approves the request subject to the FTZ Act and the Board's regulations, including § 400.28, and further subject to the following special conditions:

1. The admission levels of CFC–11 and CFC–12 products to the subzone are limited to the essential-use allowance levels authorized by the Environmental Protection Agency (EPA) for this facility.

2. The merchandise admitted to the subzone shall continue to be subject to all EPA regulatory requirements, including 40 CFR part 82.

3. 3M shall provide the FTZ Board annually with evidence that it is in compliance with EPA requirements.

Signed at Washington, DC, this 13th day of September, 1999.

Richard W. Moreland,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest: Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–24590 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1059]

Grant of Authority for Subzone Status; Hewlett-Packard Company (Computer and Related Electronic Products), San Diego, CA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for " * * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board (the Board) to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the City of San Diego, California, grantee of Foreign-Trade Zone 153, has made application to the Board for authority to establish special-purpose subzone status at the computer and electronic products manufacturing facilities of the Hewlett-Packard Company, located in San Diego, California, (FTZ Docket 36–98, filed 7/1/98);

Whereas, notice inviting public comment has been given in the **Federal Register** (63 FR 37514, 7/13/98); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the computer products plant of the Hewlett-Packard Company, located in San Diego, California (Subzone 153B), at the locations described in the application, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 13th day of September, 1999.

Richard W. Moreland,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest: Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–24591 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1054]

Approval for Manufacturing Authority (Automotive Audio/Electronics and Telecommunications Products) Within Foreign-Trade Zone 26 Matsushita Communication Industrial Corporation of U.S.A. Peachtree City, GA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Georgia Foreign-Trade Zone, Inc., grantee of FTZ 26, has requested authority on behalf of Matsushita Communication Industrial Corporation of U.S.A., to manufacture automotive audio, electronic, and telecommunications products under FTZ procedures within FTZ 26'Site 2 (FTZ Doc. 8–99, filed 2–16–99);

Whereas, notice inviting public comment was given in the **Federal Register** (64 FR 9126, 2–24–99);

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now therefore, the Board hereby approves the request subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 13th day of September 1999.

Richard Moreland,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–24587 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1057]

Grant of Authority for Subzone Status; Lexmark International, Inc. (Computer Printers and Related Products), Seymour, IN

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for " * * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board (the Board) to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Indiana Port Commission, grantee of Foreign-Trade Zone 170, has made application to the Board for authority to establish special-purpose subzone status at the computer printer and related products distribution and assembly facility of Lexmark International, Inc., located in Seymour, Indiana, (FTZ Docket 45–98, filed 9–28–98);

Whereas, notice inviting public comment has been given in the **Federal Register** (63 FR 53641, 10–6–98); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby grants authority for subzone status at the computer products facility of Lexmark International, Inc., located in Seymour, Indiana, (Subzone 170A), at the location described in the application, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 13th day of September, 1999.

Richard W. Moreland,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest: Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–24589 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1053]

Expansion of Foreign-Trade Zone 181 Akron-Canton, OH, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Northeast Ohio & Trade Economic Consortium (NEOTEC), grantee of Foreign-Trade Zone 181, submitted an application to the Board for authority to expand FTZ 181 to include a site at the Terminal Warehouse, Inc., facility in Summit County, Ohio (Site 6), within the Cleveland/Akron Customs port of entry (FTZ Docket 74–96; filed 10/10/96; amended 3/25/99);

Whereas, notice inviting public comment was given in the **Federal Register** (61 FR 54766, 10/22/96) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, Therefore, the Board hereby orders:

The application to expand FTZ 181 is approved, subject to the Act and the Board's regulations, including Section 400.28, and further subject to the Board's standard 2,000-acre activation limit for the overall zone project, and to a sunset provision that terminates authority for this site (Site 6) in five years, unless the site is activated pursuant to 19 CFR Part 146 of the U.S. Customs Service regulations.

Signed at Washington, DC, this 13th day of September 1999.

Richard W. Moreland,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–24586 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 46–99]

Foreign-Trade Zone 137—Washington Dulles International Airport, VA, Area—Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by Washington Dulles Foreign Trade Zone, Inc., grantee of FTZ 137 (Fairfax/Loudoun Counties, Virginia), requesting authority to expand its zone to include sites in the Winchester-Frederick County, Virginia area, adjacent to the Washington, DC., Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 10, 1999.

FTZ 137 was approved on April 17, 1987 (Board Order 350, 52 FR 13489, 4/23/87). The zone project currently consists of the following sites (392 acres): *Site 1*—within the Washington Dulles International Airport complex, Fairfax and Loudoun Counties; *Site 2*—warehouse facility, 110 Terminal Drive, Sterling; and, *Site 3*—near the intersection of Routes 606 and 621, Loudoun County. An application is currently pending with the Board for two additional sites in Virginia's Eastern Shore region (Doc. 44–98).

This application is requesting authority to expand the general-purpose zone to include 3 new sites (498 acres) within industrial parks in the Winchester-Frederick County region of Virginia (Proposed Sites 6–8): *Proposed Site 6* (183 acres, 6 parcels)—within the 330-acre Fort Collier Industrial Park (owned primarily by the Fort Collier Group, L.C.), U.S. Route 11, Winchester; *Proposed Site 7* (160 acres)—airport properties contiguous to the Winchester Regional Airport consisting of three industrial parks: Parcel 1A (5 acres)—Pegasus Business Center (owned by C.D. Adams & K.D. Adams), Airport Road, Winchester; Parcel 1B (145 acres)—within the 219-acre Airport Business Center (owned by the Adams Family Limited Partnership and Crum Electric Company), Airport Road, Winchester; and, Parcel 2 (10 acres)—AeroCentre Business Park (owned by North Frederick Realty, L.L.C.), east of U.S. Highway 522 South, Winchester; and, *Proposed Site 8* (155 acres, 6 parcels)—within the 236-acre Wrights Run complex, U.S. Route 522 and new Route 624 (Tasker Road), Winchester, consisting of two industrial parks: Parcels 1–4 and 6 (71 acres) are located within the Jouan Global Center (owned by Wrights Run LP Properties (WRLP), Jouan Inc., Donald Rainville and Hermitage Place L.L.C.); and, Parcel 5 (84 acres) within the Wrights Run Industrial Park (owned by WRLP). All of the properties are located within Frederick County, approximately 46 miles west of the Washington Dulles International Airport. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is November 22, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to December 6, 1999).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Washington Dulles Foreign Trade Zone, Inc., 44701 Propeller Court, Dulles, VA 20166

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce 14th & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: September 13, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–24710 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–815, C–428–817]

Notice of Final Results of Changed Circumstances Antidumping Duty and Countervailing Duty Reviews and Revocation of Orders in Part: Certain Corrosion-Resistant Carbon Steel Flat Products From Germany

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of changed circumstances antidumping duty and countervailing duty reviews and revocation of orders in part.

EFFECTIVE DATE: September 22, 1999.

SUMMARY: On June 11, 1999, the U.S. Department of Commerce (the Department) received a request on behalf of Bethlehem Steel Corporation, Ispat Inland Steel, LTV Steel Company, Inc., National Steel Corporation, and U.S. Steel Group, a unit of USX Corporation, petitioners in the above mentioned cases, for changed circumstances antidumping (AD) and countervailing duty (CVD) reviews for the purpose of revoking, in part, the AD and CVD orders with respect to specific corrosion-resistant carbon steel flat products from Germany. Petitioners' letter confirmed a lack of interest in the continuation of the AD and CVD orders with respect to the subject merchandise defined in the Scope of the Review section below.

Accordingly, on August 2, 1999, the Department published a notice of initiation and preliminary results of changed circumstances reviews and intent to revoke these orders in part (64 FR 41916). We gave interested parties an opportunity to comment on the preliminary results of these changed circumstances reviews. No comments were received.

FOR FURTHER INFORMATION CONTACT: Barbara Chaves (202–482–0414) or Linda Ludwig (202–482–3833), Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR part 351 (April 1998).

Background

On August 17, 1993, the Department published the CVD order on certain corrosion-resistant carbon steel flat products from Germany (58 FR 43756). On August 19, 1993, the Department published the AD order on certain corrosion-resistant carbon steel flat products from Germany (58 FR 44170).

On June 11, 1999, petitioners requested partial revocation of the AD and CVD orders with respect to specific corrosion-resistant carbon steel flat products from Germany described below pursuant to section 751(b)(1) of the Act and § 351.222(g) of the Department's regulations. On August 2, 1999, the Department published a notice of initiation and preliminary results of changed circumstances reviews and intent to revoke these orders in part. We gave interested parties an opportunity to comment on the preliminary results of these changed circumstances reviews. No comments were received.

Scope of the Reviews

The corrosion-resistant steel products covered by these AD/CVC orders include flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7210.31.0000, 7210.39.0000, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.60.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.21.0000, 7212.29.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.5000, 7217.12.1000, 7217.13.1000, 7217.19.1000, 7217.19.5000, 7217.22.5000, 7217.23.5000, 7217.29.1000, 7217.29.5000, 7217.32.5000, 7217.33.5000, 7217.39.1000, and 7217.39.5000. Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under review is dispositive.

Included in these orders are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been "worked after rolling")—for example, products which have been bevelled or rounded at the edges. Excluded from these orders are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead ("terne plate"), or both chromium and chromium oxides ("tin-free steel"), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, and certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%-60%-20% ratio.

Merchandise covered by these changed circumstances reviews and partial revocations are shipments of certain corrosion-resistant carbon steel flat products that are deep-drawing carbon steel strip, roll-clad on both sides with aluminum (AlSi) foils in accordance with St3 LG as to EN 10139/10140. The merchandise's chemical composition encompasses a core material of U St 23 (continuous casting) in which carbon is less than 0.08; manganese is less than 0.30; phosphorous is less than 0.20; sulfur is less than 0.015; aluminum is less than 0.01; and the cladding material is a minimum of 99% aluminum with silicon/copper/iron of less than 1%. The products are in strips with thicknesses of 0.07mm to 4.0mm (inclusive) and widths of 5mm to 800mm (inclusive). The thickness ratio of aluminum on either side of steel may range from 3%/94%/3% to 10%/80%/10%.

Final Results of Changed Circumstances AD and CVD Reviews, and Revocation of Orders in Part

Based on the affirmative statement of no interest by petitioners, combined with the lack of comments from interested parties, the Department has determined that substantially all of the domestic producers have no further interest in maintaining these orders with respect to certain corrosion-resistant carbon steel flat products, described above, in accordance with section 782(h) of the Act. This lack of interest by domestic producers constitutes changed circumstances sufficient to warrant partial revocation of these orders. Therefore, the Department is partially revoking these orders on certain corrosion-resistant carbon steel flat products with respect to deep-drawing carbon steel strip, roll-clad on both sides with aluminum (AlSi) foils in accordance with St3 LG as to EN 10139/10140, as described above, in accordance with sections 751(b) and 782(h) of the Act and 19 CFR 351.216(d). This partial revocation applies to all unliquidated entries of certain corrosion-resistant carbon steel flat products described above that are not covered by the final results of an administrative review.

The Department will instruct the U.S. Customs Service to proceed with liquidation, without regard to antidumping or countervailing duties, of all unliquidated entries of deep-drawing carbon steel strip, roll-clad on both sides with aluminum (AlSi) foils in accordance with St3 LG as to EN 10139/10140, as described above, as provided under section 778 of the Act.

These changed circumstances administrative reviews, partial revocations of the antidumping duty and countervailing duty orders and notice are in accordance with sections 751(b) and 782(h) of the Act and §§ 351.216, 351.221(c)(3) and 351.222(g)(1)(i) of the Department's regulations.

Dated: September 14, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24709 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–819]

Amendment to Certain Pasta From Italy: Final Results of the Second Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Amendment of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On August 16, 1999, the Department of Commerce published in the **Federal Register** its final results of the second administrative review of the countervailing duty order on certain pasta from Italy for the period January 1, 1997 to December 31, 1997 (64 FR 44489). After publishing the final results, we discovered one calculation error, and we received a timely filed allegation regarding another ministerial error.

EFFECTIVE DATE: September 22, 1999.

FOR FURTHER INFORMATION CONTACT: Vincent Kane, Sally Hastings or Suresh Maniam, AD/CVD Enforcement, Group I, Office 1, Import Administration, US Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–2815, 482–3463, 482–0176, respectively.

Corrections

Audisio Industrie Alimentari S.p.A ("Audisio") and Pastificio Fabianelli S.p.A ("Fabianelli")

The Department of Commerce ("the Department") inadvertently miscalculated the duty rates for respondents Audisio and Fabianelli. In the final notice, we specified a total duty rate of 1.03 percent for Audisio and 0.49 percent for Fabianelli. In calculating these rates, we erroneously attributed a European Social Fund (ESF) subsidy rate in the amount of 0.04 percent to Fabianelli. The ESF subsidy rate instead should have been attributed to Audisio. Neither the petitioners [1] nor the respondents have made a ministerial error allegation with respect to this miscalculation, and the Department is correcting this error on its own initiative.

[1] The petitioners in this review are Borden, Inc., Hershey Foods Corp. and Gooch Foods, Inc.

Delverde, SrL ("Delverde") and Tamma Industrie Alimentari, SrL ("Tamma")

On August 26, 1999, respondent (Delverde/Tamma) timely filed a ministerial error allegation. Delverde/Tamma states that, with respect to one publicity grant, the Department should not have countervailed the entire amount of the grant, but instead should have countervailed only that portion of the grant attributable to pasta products. Respondent further states that countervailing only the pasta portion of the grant would be consistent with our previous calculations in the original investigation (*see Final Affirmative Countervailing Duty Determination: Certain Pasta from Italy* 61 FR 30288, 30303 (June 14, 1996)) and the first administrative review (*see Certain Pasta from Italy: Final Results of the Countervailing Duty Administrative Review*, 63 FR 43905, 43907 (August 17, 1998)). We agree with the respondent that the Department inadvertently countervailed the entire amount of the grant rather than only that portion of the grant received for pasta products. The petitioners have not commented on this ministerial error allegation. We have made the suggested corrections for the amended final results.

Amended Final Results of Review

Pursuant to the Department's regulations at 19 CFR 351.224(e), we correct the duty rates for Audisio, Fabianelli, Delverde, and Tamma to be as follows:

AD VALOREM RATES

Producer/Exporter	01/01/97 through 12/31/97 (percent)
Audisio Industrie Alimentari S.p.A.	1.07
Pastificio Fabianelli S.p.A.	0.45
Delverde, SrL	3.98
Tamma Industrie Alimentari, SrL	3.98

The Department will instruct the US Customs Service ("Customs") to assess countervailing duties on all appropriate entries on or after January 1, 1997, and on or before December 31, 1997. The Department will issue liquidation instructions directly to Customs. The amended deposit requirements are effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a reminder to all parties subject to an administrative protective order (APO) of their

responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 355.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is sanctionable violation.

This amendment to the final results of the countervailing duty administrative review notice is in accordance with section 751(a)(1) of the Tariff Act, as amended, (19 U.S.C. 1675(a)(1), 19 CFR 351.213, and 19 CFR 351.221(b)(5)).

Dated: September 13, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24585 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number 990809210–9210–01]

Voluntary Product Standard; DOC PS 20–99 "American Softwood Lumber Standard"

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) announces voluntary product standard DOC PS 20–99 "American Softwood Lumber Standard" is to supersede DOC PS 20–94. The Standard establishes standard sizes and requirements for developing and coordinating the lumber grades of the various species of softwood lumber, the assignment of design values, and the preparation of grading rules applicable to each species. Its provisions include implementation of the Standard through an accreditation and certification program; establishment of principal trade classifications and lumber sizes for yard, structural, factory/shop use; classification, measurement, grading and grade-marking of lumber; definitions of terms and procedures to provide a basis for the use of uniform methods in the grading, inspection, measurement and description of softwood lumber; commercial names of the principal softwood species; definitions of terms used in describing standard grades of lumber; and commonly used industry abbreviations. The Standard also includes the organization and functions of the American Lumber Standard Committee, the Board of Review, and the National Grading Rule Committee.

DATES: DOC PS 20–99 "American Softwood Lumber Standard," a voluntary product standard developed under Department of Commerce procedures, becomes effective September 1, 1999, for products produced thereunder on and after that date. The standard being superseded, DOC PS 20–94 "American Softwood Lumber Standard," is effective for products produced thereunder through August 1, 1999.

ADDRESSES: Requests for a copy of DOC PS 20–99 should be submitted to the Technical Standards Activities program, NIST, 100 Bureau Drive Stop 2150, Gaithersburg, MD 20899–2150.

FOR FURTHER INFORMATION CONTACT: Barbara M. Meigs, Technical Standards Activities Program, telephone: 301–975–4025, fax: 301–926–1559, e-mail: barbara.meigs@nist.gov.

SUPPLEMENTARY INFORMATION: DOC PS 20–99 "American Softwood Lumber Standard" was developed by the American Lumber Standard Committee, the Standing Committee responsible for maintaining DOC PS 20–94. The revision was processed in accordance with provisions of Department "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 51 FR 119 dated June 20, 1986). A notice, which appeared in the **Federal Register** on February 1, 1999 (54 FR 4844–4845), announced NIST's circulation of the revision for public review and comment and provided the history of the revision.

An analysis of the results of the comments and responses received by NIST indicated that the revision was supported by a consensus (general concurrence and, in addition, no substantive objection deemed valid by the Department); therefore, in accordance with DOC procedures, DOC PS 20–99 supersedes DOC PS 20–94, effective September 1, 1999. The new edition reflects efforts toward updating and improving the presentation of DOC PS 20 with clarification and simplification of text and terms while maintaining the technical requirements and administrative structure for implementing and enforcing the Standard.

Authority: 15 USC 272.

Dated: September 16, 1999.

Karen H. Brown,

Deputy Director.

[FR Doc. 99–24698 Filed 9–21–99; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Department of the Navy

Correction to Notice of Public Hearing for the Draft Overseas Environmental Impact Statement/Draft Environmental Impact Statement (DOEIS/DEIS) for the Operational Employment of the Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) Sonar

AGENCY: Department of the Navy, DOD.

ACTION: Announcement of correction.

SUMMARY: The Department of the Navy published in the **Federal Register**, September 14, 1999 (Volume 64, Number 177) Notice of Public Hearing concerning the operational employment of the SURTASS LFA sonar. This announcement corrects the submission date for written comments.

DATES: The date for submission of written comments is not later than October 28, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Clayton H. Spikes, telephone (703) 465–8404.

SUPPLEMENTARY INFORMATION: The public hearing will be conducted in English. Requests for language interpreters or assistance with other special needs should be made to Mr. Clayton Spikes (703) 465–8404 at least one week prior to the meeting. The Navy will make every reasonable effort to accommodate these needs.

Dated: September 17, 1999.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 99–24702 Filed 9–21–99; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Invention for Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The invention U.S. Patent Number 5,752,713 entitled *Discriminate Reduction Data Processing* is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy.

ADDRESSES: Requests for copies of the patent cited should be directed to Naval Surface Warfare Center, Carderock Division, Code 0117, 9500 MacArthur Blvd, West Bethesda, MD 20817–5700.

FOR FURTHER INFORMATION CONTACT: Mr. Dick Bloomquist, Director Technology Transfer, Naval surface Warfare Center, Carderock Division, Code 0117, 9500 MacArthur Blvd., West Bethesda, MD 20817–5700, telephone (301) 227–4299.

Dated: September 13, 1999.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 99–24614 Filed 9–21–99; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF THE DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive License: Applied Analysis Research Company

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Applied Analysis Research Company a revocable, nonassignable, exclusive license to practice the government-owned inventions described in the following: U.S. Patent Number 5,619,432 entitled *Discriminate Reduction Data Processor* and U.S. Patent Number 5,652,713 entitled *Discriminate Reduction Data Processing.*

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than November 22, 1999.

ADDRESSES: Written objections are to be filed with the Carderock Division, Naval Surface Warfare Center, Code 004, 9500 MacArthur Blvd., West Bethesda MD 20817–5700.

FOR FURTHER INFORMATION CONTACT: Mr. Dick Bloomquist, Director Technology Transfer, Carderock Division, Naval Surface Warfare Center, Code 0117, 9500 MacArthur Blvd., West Bethesda MD 20817–5700, telephone (301) 227–4299.

Dated: September 13, 1999.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 99–24613 Filed 9–21–99; 8:45 am]

BILLING CODE 3810–FF–U

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference and public hearing on Thursday, September 30, 1999. The hearing will be part of the Commission's regular business meeting. Both the conference and business meeting are open to the public and will be held in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

The conference among the Commissioners and staff will begin at 9:30 a.m. and will include a presentation on New York City's Water Conservation Program; status reports on drought conditions and the codification of the existing Comprehensive Plan; discussions of fiscal year 2001 budget and health insurance issues; summaries of the Governors' Summit and the flood preparedness meeting; and a report on the Pittsburgh Joint ICWP and River Basin Commission meeting.

In addition to the subjects summarized below which are scheduled for public hearing at the 1:00 p.m. business meeting, the Commission will also address the following: Minutes of the August 18, 1999 business meeting; announcements; report on Basin hydrologic conditions; reports by the Executive Director and General Counsel; and public dialogue. The Commission will consider resolutions to: confirm the appointment of the Secretary to the Commission; make FY '99 budget adjustments; amend the cost of the barrier-free unisex bathroom facility at the headquarters building; establish a Watershed Council; and approve a cooperative agreement for the Schuylkill River Monitoring Program. The Commission will also review and possibly act on drought related emergency resolutions.

The subjects of the hearing will be as follows:

1. *Northeast Land Company D–89–10 CP RENEWAL.* An application for the renewal of a ground water withdrawal project to supply up to 4.96 million gallons (mg)/30 days of water to the applicant's distribution system from Well Midlake #1. Commission approval on April 26, 1989 was extended to 10 years. The applicant requests that the total withdrawal from the well remain limited to 4.96 mg/30 days. The project is located in Kidder Township, Carbon County, Pennsylvania.

2. *Seabrook Brothers & Sons, Inc. D–98–44.* A ground water withdrawal project to supply up to 133.6 mg/30 days of water to the applicant's vegetable processing and packaging facility from existing Well Nos. 1, 2R and 4, and new Well No. 5. The project entails an increase of the existing total combined withdrawal limit from 117.5 mg/30 days to 133.6 mg/30 days. The project is located in Upper Deerfield Township, Cumberland County, New Jersey.

3. *Utilities, Inc. D–98–47 CP.* A project to replace the withdrawal of water from Well No. 1 which has become an unreliable source of supply, and to increase the total withdrawal from all wells from 8.25 mg/30 days to 10.65 mg/30 days. The applicant requests that the withdrawal from replacement Well No. 6 be limited to 2.4 mg/30 days. The project wells are located in Stroud Township and will continue to serve the applicant's Penn Estates residential community located in Stroud and Pocono Townships, all in Monroe County, Pennsylvania.

4. *Lower Providence Township Municipal Authority D–99–21 CP.* A ground water withdrawal project to supply a combined total of up to 2.27 mg/30 days of water to the applicant's golf course irrigation system from Well Nos. 1 and 2. The project is located in Lower Providence Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

5. *Pennsylvania-American Water Company D–99–29 CP.* A project to upgrade and expand the applicant's existing 0.567 million gallons per day (mgd) secondary treatment plant to 1.256 mgd to provide advanced secondary treatment. The project will continue to serve the Pocono Country Place development in Coolbaugh Township, Monroe County, Pennsylvania. Treated effluent will continue to discharge to East Branch Dresser Run, a tributary of Tobyhanna Creek in the Lehigh River watershed.

6. *Central Carbon Municipal Authority D–99–48 CP.* A project to construct a new 1.6 mgd oxidation ditch process sewage treatment plant to replace an existing failing overloaded 0.72 mgd plant. The new advanced secondary treatment plant is located approximately one-half mile downstream of the existing plant along the Lehigh River in Mahoning Township, Carbon County, Pennsylvania. The new facilities will serve portions of Franklin and Mahoning Townships, and Weissport and Lehighton Boroughs, all in Carbon

County. The project effluent will discharge to the Lehigh River.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at (609) 883–9500 ext. 221 concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Acting Secretary at (609) 883–9500 ext. 222 prior to the hearing.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who would like to attend the hearing should contact the Acting Secretary at (609) 883–9500 ext. 222 or through the New Jersey Relay Service at 1–800–852–7899 (TTY) to discuss how the DRBC may accommodate your needs.

Dated: September 14, 1999.

Anne M. Zamonski,

Acting Secretary.

[FR Doc. 99–24637 Filed 9–21–99; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF ENERGY

Oak Ridge Operations Office, Office of Transportation Technologies; Notice of Solicitation for Research and Development for Class 1–8 Truck Diesel Engine and Natural Gas Fueled Hybrid Propulsion Technologies: Energy Efficiency and Renewable Energy Technology for Transportation

AGENCY: Department of Energy.

ACTION: Notice of solicitation availability.

SUMMARY: The U.S. Department of Energy (DOE) announces its interest in receiving financial assistance applications for research and development (R&D) on Technologies for Class 1–8 truck Diesel engine and hybrid propulsion technologies. DOE's Office of Heavy Vehicle Technologies (OHVT) has set a goal of improving the efficiency and emissions performance of Class 1–8 trucks through the use of advanced Diesel engines, emission control technologies, and hybrid electric propulsion systems.

DATES: The complete solicitation document will be available on or about September 21, 1999. Preapplications are due October 4, 1999, and applications are due November 15, 1999.

ADDRESSES: The complete solicitation document will be available on the DOE Industry Interactive Procurement System (IIPS) Home Page at http://*doe-iips.pr.doe.gov/* under the heading "IIPS Business Opportunities", Solicitation Number DE–SC05–99OR22735. Any amendments to this solicitation will be posted at the IIPS site on the Internet. Please note that users will not be alerted when the solicitation is issued on the Internet or when amendments are posted on the Internet. Prospective applicants are therefore advised to check the above Internet address on a daily basis. The cooperative agreements are expected to be awarded on or about January 28, 2000.

FOR FURTHER INFORMATION CONTACT: Beth L. Holt, at (423) 576–0783, U.S. Department of Energy, P.O. Box 2001, Oak Ridge, Tennessee 37831–8759; by fax at (423) 241–2549; or by e-mail at *holtbl@oro.doe.gov*.

SUPPLEMENTARY INFORMATION: Topic (1) is Heavy Truck Engine Program. The goal is to develop high efficiency, low emission Diesel engine technologies for Class 7–8 trucks. Topic (2) is Heavy Hybrid Vehicles Program. The goal is to develop hybrid electric vehicle systems technologies utilizing reciprocating natural gas engines for Class 3–6 urban trucks and buses. Topic (3) is Clean Diesel Engine Component Improvement Program. The goal is to develop component and technology improvements and/or alterations for increased efficiency, reduced emissions, and decreased manufacturing costs of Class 1–8 Diesel engines. The primary fuel for programs 1 and 3 is the applicable (per Environmental Protection Agency) Diesel certification fuel specified for Federal Test Procedure emissions testing. The fuel grade may be appropriately revised throughout the duration of the three research efforts to be consistent with EPA regulations or proposed rules. The impact of fuel properties on efficiency and performance is the focus of a companion program in OHVT. (If appropriate, new fuels identified in that companion program may be introduced into one or more of the three R&D programs described in this solicitation.) For program 3, applicant teams must propose to include a hybrid propulsion system using a reciprocating engine operating on natural gas. Proposals may be submitted for one, two, or all three programs. Proposals must be submitted separately for each program. Under Topic 1, approximately 2–4 awards will be made, with periods of performance ranging from twenty-four to sixty months, with total estimated DOE funding of $50,000,000 to $70,000,000. Under Topic 2, there will be approximately 3–5 awards, with periods of performance ranging from forty-eight to sixty months, with total estimated DOE funding of $30,000,000 to $50,000,000. Under Topic 3, there will be approximately 3–5 awards, with periods of performance ranging from twenty-four to forty-eight months, with total estimated DOE funding of $5,000,000 to $10,000,000. Topics 1 and 2 require a minimum 50 percent cost share; Topic 3 requires a minimum 25 percent cost share. Awards are subject to the availability of funds and the solicitation will not obligate DOE to make any awards(s). Any non-profit or for-profit organization, university, or other institution of higher education, or non-federal agency or entity is eligible to apply. Federal laboratory participation is encouraged and will be subject to DOE approval. The solicitation will provide further guidance in this area. Awards resulting from this solicitation will be subject to the requirements of the Energy Policy Act which in general requires that the awardee be a United States-owned company (including certain non-profits) or that the foreign country in which the parent company is located meets certain conditions of reciprocity in the treatment of investments, access to research and development programs, and protection of intellectual property. All responsible sources, as indicated above, may submit a preapplication or application which shall be considered by the Government.

Issued in Oak Ridge, Tennessee on September 15, 1999.

Peter D. Dayton,

Director, Procurement and Contracts Division, Oak Ridge Operations Office.

[FR Doc. 99–24645 Filed 9–21–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Availability of Solicitation

AGENCY: Idaho Operations Office, Department of Energy.

ACTION: Notice of Availability of Solicitation Number DE–PS07–99ID13831—Steel Industries of the Future.

SUMMARY: The U.S. Department of Energy (DOE), Idaho Operations Office, is seeking applications for cost-shared research and development of technologies which will reduce energy consumption, enhance economic competitiveness, and reduce environmental impacts of the steel industry. The research is to address research priorities identified by the steel industry in the Steel Industry Technology Roadmap.

DATES: The deadline for receipt of applications is 3:00 p.m. MST November 12, 1999.

ADDRESSES: Applications should be submitted to: Procurement Services Division, U. S. Department of Energy, Idaho Operations Office, Attention: Carol Van Lente [DE–PS07–99ID13831], 850 Energy Drive, MS 1221, Idaho Falls, Idaho 83401–1563.

FOR FURTHER INFORMATION CONTACT: Carol Van Lente, Contract Specialist, at *vanlencl@id.doe.gov*.

SUPPLEMENTARY INFORMATION: The statutory authority for this program is the Federal Non-Nuclear Energy Research & Development Act of 1974 (Pub. L. 93–577). Approximately $5,000,000 to $6,000,000 in federal funds is expected to be available to fund the first year of selected research efforts. DOE anticipates making one to three cooperative agreement awards each with a duration of five years or less. Collaborations between industry, university, and National Laboratory participants are encouraged.

The issuance date of Solicitation No. DE–PS07–99ID13831 is on or about September 15, 1999. The solicitation is available in full text via the Internet at the following address: http://www.id.doe.gov/doeid/psd/proc-div.html. Technical and non-technical questions should be submitted in writing to Carol Van Lente by e-mail vanlencl@id.doe.gov, or facsimile at 208–526–5548 no later than October 6, 1999.

Issued in Idaho Falls on September 10, 1999.

Michael Adams,

Deputy Director, Procurement Services Division.

[FR Doc. 99–24249 Filed 9–21–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy

[Docket Nos. FE C&E 99–17, C&E 99–18 and C&E 99–19; Certification Notice—178]

Notice of Filings of Coal Capability of Cordova Energy Company LLC, Athens Generating Co., L.P. and Mantua Creek Generating Co., L.P. Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Cordova Energy Company LLC, Athens Generating Co., L.P. and Mantua Creek Generating Co., L.P. submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the proposed new baseload powerplants have filed a self-certification in acccordance with section 201(d).

Owner: Cordova Energy Company LLC (C&E 99–17).
Operator: CalEnergy Generation Operating Company.
Location: Cordova, IL.
Plant Configuration: Combined cycle.
Capacity: 537 megawatts.
Fuel: Natural gas.
Purchasing Entities: El Paso Power Services Company.
In-Service Date: June 1, 2001.

Owner: Athens Generating Company, L.P. (C&E 99–18).
Operator: Athens Generating Company, L.P.
Location: Athens, Greene County, New York.
Plant Configuration: Combined cycle.
Capacity: 1,080 megawatts.
Fuel: Natural gas.
Purchasing Entities: Wholesale power markets.
In-Service Date: First quarter of 2002.

Owner: Mantua Creek Generating Company, L.P. (C&E 99–19).
Operator: Mantua Creek Generating Company, L.P.
Location: West Deptford, New Jersey.
Plant Configuration: Combined cycle.
Capacity: 800 megawatts.
Fuel: Natural gas.
Purchasing Entities: Wholesale power market.
In-Service Date: Second quarter of 2002.

Issued in Washington, DC, September 16, 1999.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy

[FR Doc. 99–24644 Filed 9–21–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–618–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization

September 15, 1999.

Take notice that on September 10, 1999, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP99–618–000 a request pursuant to Sections 157.205 and 157.208 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.208) for authorization to construct and operate facilities in the Federal Waters, Offshore Louisiana to permit ANR to receive and transport gas from the system of Garden Banks Gas Pipeline, LLC (Garden Banks), under the blanket certificate issued in Docket No. CP82–553–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/onLine/htm (call 202–208–2222 for assistance).

ANR proposes to construct and operate approximately 8.2 miles of 16-inch pipeline extending from the terminus of Garden Banks' system in South Marsh Island (SMI) Block 76, to ANR's 20 lateral at SMI Block 61, along with a subsea tie-in at SMI Block 61 and two 10-inch orifice meters on the platform at SMI 76. ANR indicates that the facilities will accommodate up to 225,000 Mcf per day and will cost approximately $10,000,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section

157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24626 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–446–001]

CNG Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

September 15, 1999.

Take notice that on September 9, 1999, CNG Transmission Corporation (CNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, with an effective date of August 25, 1999:

Substitute Original Sheet No. 397

CNG states that the purpose of this filing is to comply with the August 25, 1999, letter order. Consistent with the order CNG states that it has deleted the fifth discount category and replaced "reservation charge" with "maximum rate" in the sixth discount category.

CNG states that copies of its letter of transmittal and enclosures are being served upon its customers and to interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24623 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG99–26–000]

Dauphin Island Gathering Partners; Notice of Filing

September 14, 1999.

Take notice that on September 2, 1999, Dauphin Island Gathering Partners filed standards of conduct under Order Nos. 497 *et seq.*[1] Order Nos. 566 *et seq.*,[2] and Order No. 599.[3]

Any person desiring to be heard or to protest said failing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. 385.211 or 385.214). All such motions to intervene or protest should be filed on or before September 29, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24631 Filed 9–20–99; 8:45 am]

BILLING CODE 6717–01–M

[1] Order No. 497, 53 FR 22139 (June 14, 1988), FERC Stats. & Regs. 1986–1990 ¶ 30,820 (1988); Order No. 497–A, *order on rehearing*, 54 FR 52781 (December 22, 1989), FERC Stats. & Regs. 1986–1990 ¶ 30,868 (1989); Order No. 497–B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), FERC Stats. & Regs. 1986–1990 ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date*, 57 FR 9 (January 2, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,934 (1991), *rehearing denied*, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date*, 57 FR 58978 (December 14, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,958 (December 4, 1992), Order No. 497–E, *order on rehearing and extending sunset date*, 59 FR 243 (January 4, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,987 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), FERC Stats. & Regs. 1991–1996 § 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing*, 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing*, 59 FR 65707, (December 21, 1994), 69 FERC ¶ 61,334 (December 14, 1994).

[3] Reporting Interstate Natural Gas Pipeline Marketing Affiliates on the Internet Order No. 599, 63 FR 43075 (August 12, 1998), FERC Stats. & Regs. 31,064 (1998).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR95–18–001]

Duke Energy Intrastate Network, L.L.C; Notice of Filing

September 14, 1999.

Take notice that on May 3, 1999, Duke Energy Intrastate Network, L.L.C (DEIN) filed a notification of DEIN's election of rates under Section 311 of the Natural Gas Policy Act (NGPA), pursuant to Section 284.123(b)(1)(i)(A) of the Commission's Regulations. DEIN has included its Statement of Operating Conditions in the filing. DEIN has acquired a portion of Koch Midstream Services' transportation facilities in South Texas and will operate those facilities under Section 311(a)(2) of the NGPA.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission within twelve days of the date of this notice. The notification of election of rates and the Statement of Operating Conditions is on file with the Commission and is available for public inspection.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 99–24629 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. MG99–24–000 and MG99–25–000]

K N Interstate Gas Transmission Co. and K N Wattenberg Transmission, L.L.C.; Notice of Filing

September 14, 1999.

Take notice that on August 24, 1999, K N Interstate Gas Transmission Co. (KNI) and K N Wattenberg Transmission, L.L.C. (KNW) filed revised standards of conduct under Order Nos. 497 *et seq.*,[1] Order Nos. 566 *et seq.*[2] and Order No. 599.[3]

KNI and KNW state that they served copies of the standards of conduct on all customers, interested parties and affected state commissioners.

Any person desiring to be heard or to protest said filings should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC, 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before September 29, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24632 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

[1] Order No. 497, 53 FR 22139 (June 14, 1988), FERC Stats, & Regs. 1986–1990 ¶ 30,820 (1988); Order No. 497–A, *order on rehearing*, 54 FR 52781 (December 22, 1989), FERC Stats. & Regs. 1986–1990 ¶ 30,868 (1989); Order No. 497–B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), FERC Stats. & Regs. 1986–1990 ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date*, 57 FR 9 (January 2, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,934 (1991), *rehearing denied*, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date*, 57 FR 58978 (December 14, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,958 (December 4, 1992); Order No. 497–E, *order on rehearing and extending sunset date*, 59 FR 243 (January 4, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,958 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing*, 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing*, 59 FR 65707 (December 21, 1994), 69 FERC ¶61,334 (December 14, 1994).

[3] Reporting Interstate Natural Gas Pipeline Marketing Affiliates on the Internet Order No. 599, 63 FR 43075 (August 12, 1998), FERC Stats. & Regs. ¶ 31,064 (1998).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 137–002]

Pacific Gas & Electric Company; Notice of Meeting

September 16, 1999.

Take notice that there will be meetings of the Ecological Resources and Recreation subgroups of the Mokelumne Relicensing Collaborative Group on Wednesday, September 22, and Thursday, September 23, 1999, from 9:00 a.m. to 4:00 p.m. at the PG&E offices, 2740 Gateway Oaks Drive, in Sacramento, California. Expected participants need to give their names to David Moller (PG&E) at (415) 973–4696 so that they can get through security.

For further information, please contact Diana Shannon at (202) 208–7774.

David P. Boergers,

Secretary.

[FR Doc. 99–24620 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–615–000]

Petal Gas Storage Company; Notice of Application

September 16, 1999.

Take notice that on September 8, 1999, Petal Gas Storage Company (Petal), 229 Milam Street, Shreveport, Louisiana 71101, filed an application pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations to increase the storage capacity of its previously certificated underground, salt dome natural gas storage caverns in Forrest County, Mississippi. Specifically, Petal proposes to increase the working gas capacity of each of its two salt dome natural gas storage caverns from 3.2 Bcf to 5.0 Bcf all as more fully set forth in the application which is on file with the Commission and open to public inspection. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

Petal states that it proposes to increase the working gas capacity of Cavern 6 and Cavern 7 which were previously certificated by the Commission in Dockets CP93–69–000 and CP99–25–000. Petal states that Cavern 7 is currently under development while Cavern 6 is in-service and providing storage service. In the instant application Petal proposes to continue leaching Cavern 7 to expand the working gas capacity from the currently certificated 3.2 Bcf to a capacity of 5 Bcf. Petal states that once Cavern 7 has been developed to a working gas capacity of 5 Bcf, the cavern will be dewatered and the gas currently stored in Cavern 6 will be transferred to Cavern 7. Petal says that after all the stored natural gas has been transferred to Cavern 7, Cavern 6 will be expanded to provide capacity for 5 Bcf of working gas. In this way, existing service would not be interrupted.

Petal proposes to charge market based rates for service from the expanded caverns and requests waivers of various Commission regulations related to rate design, costs, revenues, expenses and income, and depreciation and depletion.

Any questions regarding this application should be directed to David L. Hayden, Petal Gas Storage Company, 229 Milam Street, Shreveport, Louisiana 71101 at (318) 677–5512.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1999, file with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding must file a motion to intervene in accordance with the Commission's rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for

court review of any such order. However, an intervenor must serve copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of such comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Section 7 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the proposal is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provide for, unless otherwise advised, it will be unnecessary for Petal to appear or to be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 99–24621 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–503–000]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

September 15, 1999.

Take notice that on September 10, 1999, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, First Revised Sheet No. 37A, with an effective date of October 11, 1999.

Transwestern states that the purpose of the filing is to modify Rate Schedule PNG of its Tariff to provide Transwestern the ability to contract for services on Pacific Gas & Electric (PG&E) Market Center for purposes of providing Park 'N Ride service on Transwestern.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24622 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–462–001]

U–T Offshore System; Notice of Tariff Sheet Filing

September 14, 1999.

Take notice that on September 2, 1999, U–T Offshore System (U–TOS), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective August 1, 1999:

Sub Twelfth Revised Sheet No. 73
Sub Seventh Revised Sheet No. 73A
Sub Sixth Revised Sheet No. 73B

Such tariff sheets are being submitted to comply with the Office of Pipeline Regulation's August 26, 1999, Letter Order that accepted UTOS' tariff filing in compliance with Commission's Order No. 587–K in Docket No. RM96–1–011.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24627 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–136–013]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

September 14, 1999.

Take notice that on September 9, 1999, Williams Gas Pipelines Central, Inc. (Williams), tendered for filing to become a part of its FERC Gas Tariff, Original Volume No. 1 the following tariff sheets to be effective November 1, 1999:

Tenth Revised Sheet No. 6
Thirteenth Revised Sheet No. 6A

Williams states that pursuant to Commission order issued August 30, 1999 and the Stipulation and Agreement filed June 14, 1999 in Docket No. RP95–136–012, Williams is filing actual tariff sheets to be effective November 1, 1999. The rates included on such tariff sheets reflect a prospective annual cost of service reduction of approximately $2.0 million.

Williams states that a copy of its filing was served on all parties on the official service list in this proceeding and on all of Williams' jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24628 Filed 9–21–99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–200–000, et al.]

Energy Alternatives, Inc., LLC, et al.; Electric Rate and Corporate Regulation Filings

September 13, 1999.

Take notice that the following filings have been made with the Commission:

1. Energy Alternatives, Inc.

[Docket No. EG99–200–000]

Take notice that on September 10, 1999, Energy Alternatives, Inc. (Energy Alternatives) filed with the Federal Energy Regulatory Commission an amended application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Energy Alternatives, a Minnesota corporation, is a wholly-owned subsidiary of Midwest Energy Services, Inc., a Minnesota corporation, which is a wholly-owned subsidiary of Dakota Electric Association, a Minnesota cooperative corporation, which owns and operates an electric distribution system.

Energy Alternatives will own and operate generating facilities with a nominal capacity of 20 MW located in distribution substations near the cities of Lakeville, Miesville, and Hastings, Minnesota and in the townships of Byllesby and Castle Rock in Dakota County, Minnesota, consisting of ten 2 MW Caterpillar diesel reciprocating engine generator sets, five 480 volt/12,470 volt step up transformers, and associated circuit breakers. The facilities will be interconnected with the distribution system of Dakota Electric Association.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy.

2. CMS Marketing, Services & Trading Company

[Docket No. ER96–2350–019]

Take notice that on September 7, 1999, CMS Marketing, Services and Trading Company (CMS MST), tendered for filing an updated market power analysis in accordance with the order issued by the Federal Energy Regulatory Commission dated September 6, 1996 in Docket No. ER96–2350–000.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Murphy Oil USA, Inc.

[Docket No. ER97–610–009]

Take notice that on September 1, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only. This filing is available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

4. Avista Corporation Avista Energy, Inc. Spokane Energy, LLC

[Docket Nos. ER99–1435–001, ER96–2408–015 and ER98–4336–004

Take notice that on September 7, 1999, Avista Corporation and its subsidiaries listed as Avista Energy, Inc., and Spokane Energy, LLC collectively tendered for filing an updated market analysis as required by the Commission's orders approving market based rates.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Company

[Docket No. ER99–1886–000]

Take notice that on September 8, 1999, Virginia Electric and Power Company (Virginia Power) tendered for filing pursuant to Section 205 of the Federal Power Act, 16 U.S.C. Section 824d, an amendment to its February 22, 1999 and April 20, 1999 filings in the above referenced docket number. Virginia Power's filings pertain to a Service Agreement under the Company's Open Access Transmission Tariff with The Wholesale Power Group for Long Term Firm Point-to-Point Transmission Service.

Copies of this filing were served upon The Wholesale Power Group, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. California Independent System Operator Corporation

[Docket No. ER99–1971–004]

Take notice that on September 8, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Notice of Implementation which specifies that the software required to implement the portions of Amendment No. 14 to the ISO Tariff relating to Inter-Scheduling Coordinator Trades of Ancillary Services will be in place for Ancillary Service bids submitted in the Day-Ahead Market on Wednesday, September 15, 1999 for Trading Day Thursday, September 16, 1999.

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Ameren Services Company

[Docket Nos. ER99–3972–000 and ER99–4047–000]

Take notice that on September 7, 1999, Ameren Services Company (ASC), the transmission provider, tendered for filing changes to its Transmission System Interconnection Agreements between ASC and Trigen-St. Louis Energy Corporation and Union Electric Development Corporation. ASC asserts

that the purpose of the changes are to correct minor errors in the Agreements.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Arizona Public Service Company

[Docket No. ER99–4124–000]

Take notice that on August 19, 1999, Arizona Public Service Company (APS), tendered for filing an application for an order accepting its revised Market Rate Tariff and approving the Code of Conduct governing APS' relationship with its affiliate.

Copies of this filing have been served upon customers taking service under APS' Market Rate Tariff and the Arizona Corporation Commission.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Tampa Electric Company

[Docket No. ER99–4211–000]

Take notice that on September 7, 1999, Tampa Electric Company (Tampa Electric) tendered for filing an executed service agreement with the Orlando Utilities Commission (OUC) under Tampa Electric's market-based sales tariff. The executed service agreement replaces the unexecuted service agreement with OUC that Tampa Electric filed in this docket on August 24, 1999.

Tampa Electric renews its request that the service agreement be made effective on July 25, 1999.

Copies of the filing have been served on OUC and the Florida Public Service Commission.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Fitchburg Gas and Electric Light Company

[Docket No. ER99–4369–000]

Take notice that on September 3, 1999, Fitchburg Gas and Electric Light Company (Fitchburg), tendered for filing a service agreement between Fitchburg and Reliant Energy Services, Inc., for service under Fitchburg's Market-Based Power Sales Tariff. This Tariff was accepted for filing by the Commission on September 25, 1997, in Docket No. ER97–2463–000.

Fitchburg requests waiver of the 30-day period requirement and requests an effective date of June 1, 1999 for the service agreement.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Unitil Power Corp.

[Docket No. ER99–4370–000]

Take notice that on September 3, 1999, Unitil Power Corp. (Unitil), tendered for filing a service agreement between Unitil and Reliant Energy Services, Inc. (Reliant), for service under Unitil's Market-Based Power Sales Tariff. This Tariff was accepted for filing by the Commission on September 25, 1997, in Docket No. ER97–2460–000.

Unitil requests a waiver of the 30-day filing period and requests an effective date of June 1, 1999, for the service agreement.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. PJM Interconnection, L.L.C.

[Docket No. ER99–4371–000]

Take notice that on September 3, 1999, PJM Interconnection, L.L.C. (PJM), tendered for filing amendments to the PJM Open Access Transmission Tariff (PJM Tariff) and the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (Operating Agreement) to address (1) compensation for generators that PJM requests to reduce output in emergencies, which will better enable PJM to manage voltage or other problems that it may experience during peak conditions; (2) modification of the determination of the hour at which annual zonal peaks occur for billing purposes in order properly to reflect curtailed loads; and (3) clarification of PJM's borrowing authority.

PJM requests a waiver of the Commission's 60 day notice requirement and an effective date of September 4, 1999, for the amendment addressing compensation for generators, and an effective date of November 3, 1999, which is sixty days after the date of this filing, for the other amendments.

Copies of this filing were served upon all PJM Members and the state electric utility regulatory commissions in the PJM Control Area.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Virginia Electric and Power Company

[Docket No. ER99–4372–000]

Take notice that on September 3, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing the following:

1. Service Agreement for Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to TXU Energy Trading Company.

2. Service Agreement for Non-Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to TXU Energy Trading Company.

The foregoing Service Agreements are tendered for filing under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreements, Virginia Power will provide point-to-point service to the Transmission Customer under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of September 3, 1999, the date of filing of the Service Agreements.

Copies of the filing were served upon TXU Energy Trading Company, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Central Illinois Public Service Company

[Docket No. ER99–4373–000]

Take notice that on September 3, 1999, Central Illinois Public Service Company (CIPS), tendered for filing the Wholesale Voluntary Curtailment Rider to the Service Agreement for Full Requirements Service between CIPS and Mt. Carmel Public Utility Company (Mt. Carmel). CIPS states that the Rider will allow Mt. Carmel and its retail customers to participate in a voluntary curtailment program similar to that applicable to its retail electric service customers.

CIPS has proposed to make the Rider effective on September 9, 1999.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. UtiliCorp United Inc.

[Docket No. ER99–4374–000]

Take notice that on September 3, 1999, UtiliCorp United, Inc. (UtiliCorp), tendered for filing service agreements with Basin Electric Power Cooperative for service under its Non-Firm Point-to-Point open access service tariff for its operating divisions, Missouri Public Service and WestPlains Energy-Kansas.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. UtiliCorp United Inc.

[Docket No. ER99–4375–000]

Take notice that on September 3, 1999, UtiliCorp United Inc. (UtiliCorp), tendered for filing service agreements with Basin Electric Power Cooperative

for service under its short-term firm point-to-point open access service tariff for its operating divisions, Missouri Public Service, WestPlains Energy-Kansas and WestPlains Energy-Colorado.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Commonwealth Edison Company

[Docket No. ER99–4376–000]

Take notice that on September 3, 1999, Commonwealth Edison Company (ComEd), tendered for filing a Non-Firm Transmission Service Agreement with Edison Mission Marketing & Trading, Inc., (EMMT) and a Firm Transmission Service Agreement with Wisconsin Electric Power Company (WEPCO) under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of September 3, 1999, and accordingly, seeks waiver of the Commission's notice requirements.

Copies of this filing were served on EMMT and WEPCO.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. South Carolina Electric & Gas Company

[Docket No. ER99–4377–000]

Take notice that on September 3, 1999, South Carolina Electric & Gas Company (SCE&G), tendered for filing a service agreement establishing New Horizon Electric Cooperative as a customer under the terms of SCE&G's Negotiated Market Sales Tariff.

SCE&G requests an effective date of one day subsequent to the date of filing. Accordingly, SCE&G requests waiver of the Commission's notice requirements.

Copies of this filing were served upon New Horizon Electric Cooperative and the South Carolina Public Service Commission.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Central Illinois Light Company

[Docket No. ER99–4378–000]

Take notice that on September 3, 1999, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61602, tendered for filing with the Commission a substitute Open Access Transmission Tariff to facilitate the retail access program initiated by the Illinois deregulation legislation.

CILCO requested an effective date of October 1, 1999.

Copies of the filing were served on all affected customers, and the Illinois Commerce Commission.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Virginia Electric and Power Company

[Docket No. ER99–4382–000]

Take notice that on September 3, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing an assignment letter indicating that Phibro Power LLC (Phibro Power) will replace Phibro Inc. (PI) as the wholesale power customer in a Service Agreement dated October 18, 1995 and originally filed under the Company's Power Sales Tariff to Eligible Purchasers dated May 27, 1994. The original Service Agreement was approved by the FERC in Docket No. ER96–248–000 in a Letter Order dated December 8, 1995.

Virginia Power requests an effective date of September 3, 1999, the date of filing of the assignment letter.

Copies of this filing were served upon Phibro Power, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. Southern Company Services, Inc.

[Docket No. ER99–4384–000]

Take notice that on September 8, 1999, Southern Company Services, Inc. filed with the Commission an initial Generator Backup Service Tariff on its own behalf and as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (the Southern Companies).

Southern Companies state that pursuant to the tariff, they will provide backup service for independent generators interconnecting with the transmission system of Southern Companies to provide for differences between scheduled generation and actual generation at a generator's facility.

Southern Companies have requested that the initial tariff be made effective as of September 7, 1999.

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Maine Public Service Company

[Docket No. ER99–4385–000]

Take notice that on September 7, 1999, Maine Public Service Company (Maine Public), tendered for filing an executed Service Agreement for short-term firm point-to-point transmission service under Maine Public's open access transmission tariff with Entergy Power Marketing Corp.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. Maine Public Service Company

[Docket No. ER99–4386–000]

Take notice that on September 7, 1999, Maine Public Service Company (Maine Public), tendered for filing an executed Service Agreement for non-firm point-to-point transmission service under Maine Public's open access transmission tariff with Entergy Power Marketing Corp.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. Southern Indiana Gas and Electric Company

[Docket No. ER99–4387–000]

Take notice that on September 7, 1999, Southern Indiana Gas and Electric Company (SIGECO) tendered for filing service agreements for firm and non-firm transmission service under Part II of its Transmission Services Tariff with Consumers Energy Company.

Copies of the filing were served upon each of the parties to the service agreement.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

25. Southern Indiana Gas and Electric Company

[Docket No. ER99–4388–000]

Take notice that on September 7, 1999, Southern Indiana Gas and Electric Company (SIGECO) tendered for filing the following agreements concerning the provision of electric service to Cargill-Alliant LLC, Duquesne Light Company, OGE Energy Resources, Inc., and Transalta Energy Marketing (U.S.) Inc., as umbrella service agreements under its market-based Wholesale Power Sales Tariff:

1. Wholesale Energy Service agreement, dated July 29, 1999, by and between Southern Indiana Gas and Electric Company and Cargill-Alliant LLC.

2. Wholesale Energy Service Agreement dated July 28, 1999, by and between Southern Indiana Gas and Electric Company and Duquesne Light Company.

3. Wholesale Energy Service Agreement, dated July 27, 1999, by and between Southern Indiana Gas and Electric Company and OGE Energy Resources, Inc.

4. Wholesale Energy Service Agreement, dated July 29, 1999, by and

between Southern Indiana Gas and Electric Company and Transalta Energy Marketing (U.S.) Inc.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

26. Georgia Power Company

[Docket No. ER99–4389–000]

Take notice that on September 7, 1999, Georgia Power Company tendered for filing a Memorandum of Understanding Regarding Application of the New Southern Companies Open Access Transmission Tariff Rates to the Revised and Restated Coordination Services Agreement by and among itself and Oglethorpe Power Corporation and Georgia System Operations Corporation.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

27. Yadkin, Inc.

[Docket No. ER99–4391–000]

Take notice that on September 8, 1999, Yadkin, Inc. (Yadkin) tendered for filing an umbrella service agreement for Firm Point-to-Point Transmission Service between Yadkin and itself under Yadkin's FERC Electric Tariff Original Volume No. 1—Open Access Transmission Tariff (OATT).

The service agreement provides for transmission service under Yadkin's OATT and is proposed to be effective June 27, 1999.

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

28. Southwest Power Pool, Inc.

[Docket No. ER99–4392–000]

Take notice that on September 7, 1999, Southwest Power Pool, Inc. (SPP) tendered for filing changes to its open access transmission tariff (Tariff) intended to add network services, change the method for calculating the SPP's administrative charge, and make other changes to the Tariff. SPP also submitted a Membership Agreement intended to better define the rights and responsibilities of SPP and its members, and establish a disinterested Board of Directors for the SPP.

SPP requests an effective date of February 1, 2000 for these changes and January 1, 2000 for the Membership Agreement changes.

Copies of this filing were served upon members and customers of SPP, and on all affected state commissions.

Comment date: September 27, 1999, in accordance with Standard Paragraph E at the end of this notice.

29. Pacific Gas and Electric Company

[Docket No. ER99–4393–000]

Take notice that on September 8, 1999, Pacific Gas and Electric Company (PG&E) tendered for filing proposed changes in rates for Sacramento Municipal Utility District (SMUD), to be effective July 1, 1999, developed using a rate adjustment mechanism previously agreed by PG&E and SMUD for PG&E Rate Schedule FERC Nos. 88, 91, 136 and 138.

Copies of this filing have been served upon SMUD and the California Public Utilities Commission.

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

30. Niagara Mohawk Power Corporation

[Docket No. ER99–4395–000]

Take notice that on September 8, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and PP & L Energy Plus Co. This Transmission Service Agreement specifies that PP & L Energy Plus Co. has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and PP & L Energy Plus Co. to enter into separately scheduled transactions under which Niagara Mohawk will provide non-firm transmission service for PP & L Energy Plus Co. as the parties may mutually agree.

Niagara Mohawk requests an effective date of August 19, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and PP & L Energy Plus Co..

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

31. Niagara Mohawk Power Corporation

[Docket No. ER99–4396–000]

Take notice that on September 8, 1999, Niagara Mohawk (Niagara Mohawk) tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and PP & L Energy Plus Co. This Transmission Service Agreement specifies that PP & L Energy Plus Co. has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and PP & L Energy Plus Co. to enter into separately scheduled transactions under which Niagara Mohawk will provide firm transmission service for PP & L Energy Plus Co. as the parties may mutually agree.

Niagara Mohawk requests an effective date of August 19, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and PP & L Energy Plus Co..

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

32. Illinois Power Company

[Docket No. ER99–4397–000]

Take notice that on September 8, 1999, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which Tractebel Energy Marketing, Inc. will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of September 1, 1999.

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

33. Reliant Energy Etiwanda, LLC

[Docket No. ER99–4398–000]

Take notice that on September 8, 1999, Reliant Energy Etiwanda, LLC (Reliant Etiwanda) tendered for filing an "Addendum to Must-Run Service Agreement" between Reliant Etiwanda and the California Independent System Operator Corporation (ISO), made as of June 1, 1999.

This addendum supplements Reliant Etiwanda's Must-Run Agreement, dated June 1, 1999, which was submitted for filing on April 13, 1999 in connection with the Offer of Settlement filed in Docket Nos. ER98–441–000, et al., on April 2, 1999.

Reliant Etiwanda has requested a waiver of the prior notice requirement, to permit the addendum to become effective as of June 1, 1999.

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

34. Tampa Electric Company

[Docket No. ER99–4399–000]

Take notice that on September 8, 1999, Tampa Electric Company (Tampa Electric) tendered for filing a service agreement with Florida Power & Light Company (FPL) under Tampa Electric's market-based sales tariff.

Tampa Electric proposes that the service agreement be made effective on August 10, 1999.

Copies of the filing have been served on FPL and the Florida Public Service Commission.

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

35. Southern Company Services, Inc.

[Docket No. ER99–4400–000]

Take notice that on September 8, 1999, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Company), filed three unexecuted service agreements for long-term firm point-to-point transmission service between SCS, as agent for Southern Company, and Carolina Power & Light Company under the Open Access Transmission Tariff of Southern Company (FERC Electric Tariff, Original Volume No. 5). One such agreement provides for service from June 1, 1999 through May 31, 2000, and the other two agreements provide for service from June 1, 2000 through May 31, 2001.

Comment date: September 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–24618 Filed 9–21–99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–4401–000, et al.]

Hardee Power Partners Limited, et al.; Electric Rate and Corporate Regulation Filings

September 15, 1999.

Take notice that the following filings have been made with the Commission:

1. Hardee Power Partners Limited

[Docket No. ER99–4401–000]

Take notice that on September 9, 1999, Hardee Power Partners Limited (HPP), tendered for filing a service agreement with Florida Power & Light Company (FPL) under HPP's market-based sales tariff.

HPP proposes that the service agreement be made effective on August 10, 1999.

Copies of the filing have been served on FPL and the Florida Public Service Commission.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Ameren Services Company

[Docket No. ER99–4402–000]

Take notice that on September 9, 1999, Ameren Services Company (ASC), tendered for filing Service Agreements for Non-Firm Point-to-Point Transmission Services between ASC and Aquila Energy Marketing Corporation and TXU Energy Trading Company (the parties). ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open Access Transmission Tariff filed in Docket No. ER96–677–004.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Ameren Services Company

[Docket No. ER99–4403–000]

Take notice that on September 9, 1999, Ameren Services Company (ASC), tendered for filing Service Agreements for Firm Point-to-Point Transmission Services between ASC and Aquila Energy Marketing Corporation and TXU Energy Trading Company (the parties). ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open Access Transmission Tariff filed in Docket No. ER96–677–004.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Virginia Electric and Power Company

[Docket No. ER99–4404–000]

Take notice that on September 9, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing the following:

1. Service Agreement for Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to Northern States Power Company.

2. Service Agreement for Non-Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to Northern States Power Company.

The foregoing Service Agreements are tendered for filing under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreements, Virginia Power will provide point-to-point service to the Transmission Customer under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of September 9, 1999, the date of filing of the Service Agreements.

Copies of the filing were served upon Northern States Power Company, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Company

[Docket No. ER99–4405–000]

Take notice that on September 9, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service with Commonwealth Edison Company under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreement, Virginia Power will provide firm point-to-point service to the Transmission Customer under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of September 9, 1999, the date of filing the Service Agreement.

Copies of the filing were served upon Commonwealth Edison Company, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Puget Sound Energy, Inc.

[Docket No. ER99–4406–000]

Take notice that on September 9, 1999, Puget Sound Energy, Inc. (PSE), tendered for filing a Service Agreement under the provisions of PSE's market-based rates tariff, FERC Electric Tariff, First Revised Volume No. 8, with Public Service Company of New Mexico (PNM).

A copy of the filing was served upon PNM.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Puget Sound Energy, Inc.

[Docket No. ER99–4407–000]

Take notice that on September 9, 1999, Puget Sound Energy, Inc. (PSE), tendered for filing a Service Agreement under the provisions of PSE's market-based rates tariff, FERC Electric Tariff, First Revised Volume No. 8, with Public Utility District No. 1 of Snohomish County (Snohomish).

A copy of the filing was served upon Snohomish.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Puget Sound Energy, Inc.

[Docket No. ER99–4408–000]

Take notice that on September 9, 1999, Puget Sound Energy, Inc. (PSE), tendered for filing a Service Agreement under the provisions of PSE's market-based rates tariff, FERC Electric Tariff, First Revised Volume No. 8, with Powerex.

A copy of the filing was served upon Powerex.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Puget Sound Energy, Inc.

[Docket No. ER99–4409–000]

Take notice that on September 9, 1999, Puget Sound Energy, Inc. (PSE), tendered for filing a Service Agreement under the provisions of PSE's market-based rates tariff, FERC Electric Tariff, First Revised Volume No. 8, with Public Utility District No. 1 of Chelan County (Chelan).

A copy of the filing was served upon Chelan.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Puget Sound Energy, Inc.

[Docket No. ER99–4410–000]

Take notice that on September 9, 1999, Puget Sound Energy, Inc. (PSE), tendered for filing a Service Agreement under the provisions of PSE's market-based rates tariff, FERC Electric Tariff, First Revised Volume No. 8, with PG&E Power Services Company (PG&E Power).

A copy of the filing was served upon PG&E Power.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Puget Sound Energy, Inc.

[Docket No. ER99–4411–000]

Take notice that on September 9, 1999, Puget Sound Energy, Inc. (PSE), tendered for filing a Service Agreement under the provisions of PSE's market-based rates tariff, FERC Electric Tariff, First Revised Volume No. 8, with Public Utility District No. 2 of Grant County (Grant).

A copy of the filing was served upon Grant.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Puget Sound Energy, Inc.

[Docket No. ER99–4412–000]

Take notice that on September 9, 1999, Puget Sound Energy, Inc. (PSE), tendered for filing a Service Agreement under the provisions of PSE's market-based rates tariff, FERC Electric Tariff, First Revised Volume No. 8, with Public Utility District No. 1 of Grays Harbor County (Grays Harbor).

A copy of the filing was served upon Grays Harbor.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Puget Sound Energy, Inc.

[Docket No. ER99–4413–000]

Take notice that on September 9, 1999, Puget Sound Energy, Inc. (PSE), tendered for filing a Service Agreement under the provisions of PSE's market-based rates tariff, FERC Electric Tariff, First Revised Volume No. 8, with Portland General Electric Company (PGE).

A copy of the filing was served upon PGE.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Puget Sound Energy, Inc.

[Docket No. ER99–4414–000]

Take notice that on September 9, 1999, Puget Sound Energy, Inc. (PSE), tendered for filing a Service Agreement under the provisions of PSE's market-based rates tariff, FERC Electric Tariff, First Revised Volume No. 8, with Public Service Company of Colorado (PSCO).

A copy of the filing was served upon PSCO.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Illinois Power Company

[Docket No. ER99–4415–000]

Take notice that on September 9, 1999, Illinois Power Company, tendered for filing revisions to the rates and charges contained in its Open Access Transmission Tariff (OATT).

Copies of the filing were served upon Illinois Power's OATT customers, and the Illinois Commerce Commission.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. New Century Services, Inc.

[Docket No. ER99–4420–000]

Take notice that on September 9, 1999, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing an amendment to the Service Agreement under their Joint Open Access Transmission Service Tariff for Long-Term Firm Point-to-Point Transmission Service between the Companies and Southwestern Public Service Company—Wholesale Merchant Function.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Baltimore Gas and Electric Company

[Docket No. ER99–4421–000]

Take notice that on September 9, 1999, Baltimore Gas and Electric Company (BGE), tendered for filing a Service Agreement with PP&L, under BGE's FERC Electric Tariff Original Volume No. 3 (Tariff). Under the tendered Service Agreement, BGE agrees to provide services pursuant to the provisions of the Tariff.

BGE requests an effective date of August 10, 1999, for the Service Agreements.

BGE states that a copy of the filing was served upon the Public Service Commission of Maryland.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–24619 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

September 15, 1999.

a. *Type of Application:* Major License.
b. *Project No.:* P–2631–007.
c. *Date Filed:* August 31, 1999.
d. *Applicant:* International Paper Company.
e. *Name of Project:* Woronoco Hydroelectric Project.
f. *Location:* On the Westfield River in the Town of Russell, Hampden County, Massachusetts.
g. *File Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).
h. *Applicant Contact:*
Ted Lewellyn, P.E., International Paper Company, Paper Mill Road, Millers Falls, MA 01349, (413) 659–2337
Michael K. Chapman, Esq., International Paper Company, 6400 Poplar Avenue, Memphis, TN 38197, (901) 763–5888
Jon Christensen, Kleinschmidt Associates, 75 Main Street, Pittsfield, ME 04967, (207) 487–3328
i. *FERC Contact:* Allan Creamer (202) 219–0365.
j. *Comment Date:* 60 days from the filing date shown in paragraph (c).
k. *Description of Project:*
The proposed run-of-river project would consist of the following features: (1) two non-contiguous dam sections, with lengths of about 307 feet (North dam) and 351 feet (South dam), and a crest elevation of 229 feet NGVD; (2) a 655-foot-long earthen dike with a sheet steel core; (3) a 40-foot-wide by 15-foot-high intake structure, having trashracks with 1.25-inch clear bar spacing; (4) a 550-foot-long penstock; (5) a power house containing three Francis turbines and generating units, having an installed capacity of 2,700 kW; (6) a 43-acre impoundment that extends approximately 1.2 miles upstream; (7) an interim downstream fish passage facility; and (8) appurtenant facilities. The applicant estimates that the total average annual generation would be approximately 7,700 MWh.
l. With this notice, we are initiating consultation with the *MASSACHUSETTS STATE HISTORIC PRESERVATION OFFICER (SHPO)*, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 C.F.R., at § 800.4.
m. Pursuant to Section 4.32(b)(7) of 18 C.F.R. of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24624 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing with the Commission and Soliciting Additional Study Requests

September 15, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New Major License.
b. *Project No:* 2576–023 and 2597–018.
c. *Date filed:* August 31, 1999.
d. *Applicant:* Connecticut Light and Power Company.
e. *Name of project:* Housatonic River Project.
f. *Location:* The Falls Village, Bulls Bridge, Shepaug, Rocky River and Stephenson developments are located on the Housatonic River, 76.2 miles, 52.9 miles, 44.1 miles, 30.0 miles and 19.3 miles, respectively, from its mouth. The project is in the western portion of Connecticut in the counties of Fairfield, New Haven and Litchfield. Approximately 74 acres of federal land are within project boundaries.
g. *Filed Pursuant to:* Federal Power Act, 16 USC §§ 791(a)–825(r).
h. *Applicant Contact:* William J. Nadeau, Vice President, The Connecticut Light and Power Company, Post Office Box 270, Hartford, Connecticut 06141–0270, (860) 665–5315.
i. *FERC Contact:* Any questions on this notice should be addressed to James T Griffin, E-mail address *james.griffin@ferc.fed.us*, or telephone (202) 219–2799.
j. *Deadline for filing additional study requests:* November 1, 1999, all documents (original and eight copies) should be filed with: David P. Boegers, Secretary, Federal Energy Commission, 888 First Street, N.E., Washington, D.C. 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Status of environmental analysis:* This application is not ready for environmental analysis at this time.
l. *Description of the Project:* The combined projects consist of the following five developments.

1. The Falls Village Development consists of the following existing facilities: (1) a 300-foot-long, 14-foot-high concrete gravity dam with two spillways having a combined overflow length of approximately 280 feet, and a crest at elevation 631.5 feet National Geodetic Vertical Datum (NGVD); (2) an impoundment 3.8 miles long containing 1,135 acre-feet when at elevation 633.2 feet NGVD; (3) a dam-integral powerhouse with a total installed capacity of 9.0 megawatts (MW) producing approximately 39,894 megawatthours (MWh) annually; and (4)

a switchyard connected to the project via a 69 kilovolt (kV) interconnected transmission line.

2. The Bulls Bridge Development consists of the following existing facilities: (1) a 203-foot-long, 24-foot-high stone and concrete gravity dam with a dam crest of 354 feet NGVD; (2) a two mile long power canal; (3) a 156-foot-long, 17-foot-high rockfill gravity weir dam; (4) a 2.25 mile-long reservoir with an 1,800 acre-feet storage capacity, a surface area, which, at a normal elevation of 354 feet NGVD, occupies approximately 120 acres; (5) a powerhouse with a capacity of 7.2 MW, producing approximately 41,000 MWh annually; and (6) a 69kV line connecting the development to the Rocky River development.

3. The Rocky River Pumped Storage Development consists of the following existing facilities: (1) a 952-foot-long earth-filled core wall dam, a 2,500-foot-long earthen canal dike that forms the north bank of the power canal to the intake structure, six dikes, a dam crest elevation averaging 440.1 feet NGVD, and an intake canal of 3,190 feet in length; (2) a seven mile-long, Candlewood Lake reservoir with a 5,610 acre impoundment at 428.1 feet NGVD; (3) a powerhouse with a rated 31,000 kilowatts (kW) capacity averaging 14,238, 100 kilowatthours (kWh) per year; and (4) a development connection to the applicant's transmission system via the Rocky River-Carmel Hill 1813 line, the Rocky River-Bull Bridge 1555 line and the Rocky River-West Brookfield 1618 line.

4. The Shepaug Development consists of the following existing facilities: (1) a 1,412-foot, bedrock-anchored, concrete gravity dam having a crest elevation of 205.3 feet NGVD; (2) an impoundment, at maximum operational elevation level of 198.3 feet NGVD, occupying 1870 acres; (3) a powerhouse with a rated capacity of 37,200 kWh, with a 1997 production of 118,880 MWh; and (4) a development connection to the applicant's transmission system via the Shepaug-Bates 1622 line and the Shepaug-Stony Hill-West Brookfield 1887 line.

5. The Stevenson Development consists of the following existing facilities: (1) a 1,250-foot, bedrock-anchored, concrete gravity dam with a crest elevation of 98.3 feet NGVD, 696 feet of spillway and an integral powerhouse; (2) an impoundment occupying a surface area of 1,063 acres at 101.3 feet NGVD, which contains a storage volume of 2,650 acre-feet; (3) a powerhouse with a rated capacity of 30,500 kWh, with 1997 production of 92,448 Mwh; and (4) a development connection to the applicant's transmission system via several 115 kV transmission lines.

m. Locations of the application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

n. With this notice, we are initiating consultation with the State Historic Preservation Officer as required by §§ 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR, Part 800.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24625 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

September 14, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Minor License.

b. *Project No.:* 11541–001.

c. *Date filed:* February 26, 1999.

d. *Applicant:* Atlanta Power Company, Inc.

e. *Name of Project:* Atlanta Power Station Hydroelectric Project.

f. *Location:* On the Middle Fork of the Boise River in the remote town of Atlanta, in Elmore County, in southern Idaho. The project occupies about 3.3 acres of land within the Boise National Forest, administered by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Michael C. Creamer, ESQ., Givens Pursley & Huntley, 277 N. 6th Street, suite 200, P.O. Box 2720, Boise, ID 83701, (208) 342–6571.

i. *FERC Contact:* Any questions on this notice can be addressed to Gaylord W. Hoisington, E-mail address *gaylord.hoisington@ferc.fed.us*, or telephone (202) 219–2831.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of that document on that resource agency.

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time.

l. *Description of the Project:* The proposed project would consist of the existing Atlanta Power Station facilities located at the Forest Service's Kirby Dam, consisting of: (1) a penstock intake structure; (2) a powerhouse, containing a single generating unit with a capacity of 187 kilowatts; and (3) other appurtenances.

m. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be

filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24630 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL99–3–000]

Certification of New Interstate Natural Gas Pipeline Facilities; Statement of Policy

Issued September 15, 1999.

Before Commissioners: James J. Hoecker, Chairman; Vicky A. Bailey, William L. Massey, Linda Breathitt, and Curt Hébert, Jr.

In the Notice of Proposed Rulemaking (NOPR) in Docket No. RM98–10–000 [1] and the Notice of Inquiry (NOI) in Docket No. RM98–12–000,[2] the Commission has been exploring issues related to the current policies on certification and pricing of new construction projects in view of the changes that have taken place in the natural gas industry in recent years.

In addition, on June 7, 1999, the Commission held a public conference in Docket No. PL99–2–000 on the issue of anticipated natural gas demand in the northeastern United States over the next two decades, the timing and the type of growth, and the effect projected growth will have on existing pipeline capacity. All segments of the industry presented their views at the conference and subsequently filed comments on those issues.

Information received in these proceedings as well as recent experience evaluating proposals for new pipeline construction persuade us that it is time for the Commission to revisit its policy for certificating new construction not covered by the optional or blanket certificate authorizations.[3] In particular the Commission's policy for determining whether there is a need for a specific project and whether, on balance, the project will serve the public interest. Many urge that there is a need for the Commission to authorize new pipeline capacity to meet the growing demand for natural gas. At the same time, others already worried about the potential for capacity turnback, have urged the Commission to be cautious because of concerns about the potential for creating a surplus of capacity that could adversely affect existing pipelines and their captive customers.

Accordingly, the Commission is issuing this policy statement to provide the industry with guidance as to how the Commission will evaluate proposals for certificating new construction. This should provide more certainty about how the Commission will evaluate new construction projects that are proposed to meet growth in the demand for natural gas at the same time that some existing pipelines are concerned about the potential for capacity turnback. In considering the impact of new construction projects on existing pipelines, the Commission's goal is to appropriately consider the enhancement of competitive transportation alternatives, the possibility of overbuilding, the avoidance of unnecessary disruption of the environment, and the unneeded exercise of eminent domain. Of course, this policy statement is not a rule. In stating the evaluation criteria, it is the Commission's intent to evaluate specific proposals based on the facts and circumstances relevant to the application and to apply the criteria on a case-by-case basis.

I. Comments Received on the NOPR

In the NOPR the Commission explained that it wants to assure that its policies strike the proper balance between the enhancement of competitive alternatives and the possibility of over building. The Commission asked for comments on whether proposed projects that will establish a new right-of-way in order to compete for existing market share should be subject to the same considerations as projects that will cut a new right-of-way in order to extend gas service to a frontier market area. Also, in reassessing project need, the Commission said that it was considering how best to balance demonstrated market demand against potential adverse environmental impacts and private property rights in weighing whether a project is required by the public convenience and necessity.

The Commission asked commenters to offer views on three options: One option would be for the Commission to authorize all applications that at a minimum meet the regulatory requirements, then let the market pick winners and losers. Another would be for Commission to select a single project to serve a given market and exclude all other competitors. Another possible option would be for the Commission to approve an environmentally acceptable right-of-way and let potential builders compete for a certificate.

In addition, the Commission asked commenters to consider the following questions: (1) Should the Commission look behind the precedent agreement or contracts presented as evidence of market demand to assess independently the market's need for additional gas service? (2) Should the Commission apply a different standard to precedent agreements or contracts with affiliates than with non-affiliates? For example, should a proposal supported by affiliate agreements have to show a higher percentage of contracted-for capacity than a proposal supported by non-affiliate agreements, or, should all proposed projects be required to show a minimum percent of non-affiliate support? (3) Are precedent agreements primarily with affiliates sufficient to meet the statutory requirement that construction must be required by the public convenience and necessity, and,

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[1] Notice of Proposed Rulemaking, Regulation of Short-term Natural Gas Transportation Services, 63 *Fed. Reg.* 42982, 84 FERC ¶ 61,087 (1998).

[2] Notice of Inquiry, Regulation of Interstate Natural Gas Transportation Services, 63 *Fed. Reg.* 42974, 84 FERC ¶ 61,087 (July 29, 1998).

[3] This policy statement does not apply to construction authorized under 18 CFR Part 157, Subparts E and F.

if so, (4) Should the Commission permit rolled-in rate treatment for facilities built to serve a pipeline affiliate? (5) Should the Commission, in an effort to check overbuilding and capacity turnback, take a harder look at proposals that are designed to compete for existing market share rather than bring service to a new customer base, and what particular criteria should be applied in looking at competitive applications versus new market applications? (6) Should the Commission encourage pre-filing resolution of landowner issues by subjecting proposed projects to a diminished degree of scrutiny where the project sponsor is able to demonstrate it has obtained all necessary right-of-way authority? (7) Should a different standard be applied to project sponsors who do not plan to use either federal or state-granted rights of eminent domain to acquire right-of-way?

A. Reliance on Market Forces To Determine Optimal Sizing and Route for New Facilities

PG&E, Process Gas Consumers (PGC), Tejas Gas, Washington Gas, Columbia, Market Hub Partners, and Ohio PUC agree that the Commission should continue to let the market decide which projects to pursue. PG&E states that the Commission should authorize all projects that meet minimum regulatory requirements, looking at whether the project will serve new or existing markets, the firmness of commitments and environmental and property rights issues. PGC urges the Commission to refrain from second guessing customers' decisions. Tejas suggests that the Commission rely on the market to the maximum extent; regulatory changes that affect risk/reward allocation will increase regulatory risk and deter new investment. Washington Gas suggests letting the market decide on new construction with market based rates subject only to environmental review and landowner concerns. Columbia comments that it would not be economically efficient to protect competitors from the competition created by new capacity. Market Hub Partners specifies that, when there is no eminent domain involved, the focus should be on competition, not protecting individual competitors from overbuilding. Ohio PUC supports authorizing all applications for new capacity certification which meet the minimum regulatory requirements. Ohio PUC does not support approving a single pipeline's application while excluding all others.

The Regulatory Studies Program of the Mercatus Center, George Mason University suggests allowing projects to be proposed with no certification requirements, but allowing competitors to challenge the need. Investors would be at risk for all investments. Tejas proposes holding pipelines at risk for reduced throughput, thereby avoiding shifting the risk to customers. On the issue of overbuilding, Millennium, Enron, PGC, Columbia, and Wisconsin PSC disagree with the presumption that overbuilding must be avoided. Millennium asserts that all competitive markets have excess capacity. Enron urges the Commission to be receptive to overbuilding in areas of rapid growth, difficult construction, and environmental sensitivity. PGC agrees that some capacity in excess of initial demand may make environmental and economic sense in that it will reduce the need for future construction, but argues that the pipelines be at risk for those facilities. Columbia alleges that the concern about overbuilding is misguided. Wisconsin PSC contends that concerns of overbuilding should not operate to limit the availability of competitive alternatives to customers currently without choices of pipeline provider. Wisconsin PSC believes the elimination of the discount adjustment mechanism and the imposition of reasonable at risk provisions for new construction will deter pipelines from overbuilding.

On the other hand, UGI recommends that overbuilding be minimized. UGI states that the Commission should ensure a reasonable fit between supply and demand. The Commission should limit certification of new projects to ones which demonstrate unmet demand or demand growth over 1–3 years.

Coastal stresses that competition should not be the only or primary factor in deciding the public convenience and necessity.

Amoco contends that, if the Commission chooses the right-of-way, it will in many cases have chosen the parties that will ultimately build the pipeline. Amoco urges the Commission not substitute its judgement for that of the marketplace unless there are overwhelming environmental concerns. Tejas also objects to the option of the Commission approving an environmentally acceptable right-of-way and letting potential builders compete for a certificate because it believes it would be difficult for the Commission to implement.

Colorado Springs supports the concept of having the Commission select a single project in a given corridor rather than letting the market pick winners and losers.

PGC and Ohio PUC recommend that the Commission authorize all construction applications meeting certain threshold requirements, leaving the market to decide winners and losers. PGC urge the Commission to facilitate construction of new pipelines that will increase the potential for gas flows. Under no circumstances should the Commission deny a certificate based on a complaint by an LDC or a competing pipeline that new construction will hurt their market position or ability to recover costs. The Commission should not afford protection to traditional suppliers or transporters by constraining the development of new pipeline capacity.

PGC believes that only in unusual situations, where insuperable environmental barriers cannot be resolved through normal mitigation measures, should the Commission select an acceptable right-of-way. Ohio PUC does not support approving a single pipeline's application while excluding all others. Ohio PUC recommends having market forces guide construction projects unless or until obvious shortcomings begin to emerge. In such instances, the option of designating a single right-of-way with competition for the certificate could be used to spur needed construction.

B. Reliance on Contracts To Demonstrate Demand

A number of parties commend that there is no reason to change the current policy regarding certificate need (AlliedSignal, Millennium, Southern Natural, Tejas, Williston, Columbia). National Fuel Gas Supply believes the Commission should keep shipper commitment as the test because it is more accurate than market studies. National Fuel Gas Supply further believes the Commission's present reliance on market forces to establish need, and its environmental review process, form the best approach to reviewing certificate applications. Foothills agrees, but states that a new, flexible regulatory structure for existing pipelines is needed. Indicated Shippers also wants to keep the current policy, but stresses that expedition in processing is needed to lower entry barriers.

Amoco, Consolidated Natural, and Columbia urged the Commission to continue requiring sufficient binding long-term contracts for firm capacity. Millennium and Tejas stated that there is no need to develop different tests for different markets. Columbia also argued that there is no need to look behind contracts. Williams argues that the Commission should not second guess contracts or make an independent market analysis. Williston alleges that

reviewing the firmness of private contracts is ineffectual and futile. Market Hub Partners cautions the Commission not to substitute its judgment for that of the marketplace.

PGC argues that there should be no change to current policy where construction affects landowners. Eminent domain is a necessary tool to delivering clean burning natural gas to growing markets; no individual landowners should be given a veto over pipeline construction. PGC adds that the absence of prefiling right-of-way agreements does not mean that a project is less good or necessary or should be treated more harshly. Southern Natural, Millennium, and National Fuel Gas Supply agree that no market preference should be given for projects that do not use eminent domain. National Fuel Gas Supply agrees that such a preference would tilt the power balance to landowners. Millennium argues that the Commission should not establish certificate preferences for pipelines that do not require eminent domain; such preferences are not needed because a pipeline that does not want to use eminent domain can already build projects under Section 311.

On the other hand, Amoco, El Paso/Tennessee, ConEd, and Wisconsin PSC recommend modifying the current policy. El Paso/Tennessee recommend that the Commission look behind all precedent agreements to see if real markets exist. ConEd suggests considering forecasts for market growth; if there is a disparity with the proposal, the Commission should look at all circumstances. Wisconsin PSC urges the Commission to consider market saturation and growth prospects by looking at market power (HHIs) and the degree of rate discounting in a market. Amoco suggests that the Commission analyze all relevant data. Peco Energy believes the current Commission policy, which provides for minimal market justification for authorizing construction of incremental facilities, coupled with its presumption in favor of rolled-in rate treatment, has contributed to discouraging existing firm shippers from embracing longer term capacity contracts.

Consolidated Natural recommends creating a settlement forum for market demand and reverse open season issues. Washington Gas urges the Commission to adopt an open entry, "let the market decide" policy. IPAA supports a need analysis focusing on the ability of existing capacity to handle projected demand. IPAA alleges that the overall infrastructure is already in place to supply current demand projections.

Some commenters support a sliding scale approach to determine need. ConEd states that the Commission should determine need on a case-by-case basis, using different standards for large or small projects. Enron advocates use of a sliding scale, requiring more market support for projects with more landowner and/or environmental impact. Enron supports requiring no market showing for projects using existing easements for mutually agreed upon easements. Enron also suggests, in addition to requiring that at least 25% of the precedent agreements supporting a project be with non-affiliates, that the Commission relax its market analysis if 75% or more of those agreements are with non-affiliates. Enron would require more market data for an affiliate-backed project. American Forest & Paper would allow negotiation of risk if there is no subsidy by existing customers. Sempra and UGI urge the Commission to look at whether projects serve identifiable, new or growing markets. NARUC states that each state is unique and that the Commission should consider those differences. Market Hub Partners believes that a project which is at risk, requires little or no eminent domain authority, and has potential to bring competition to a market that is already being served by pipelines and strong operators with market power should be expedited.

The development in recent years of certificate applicants' use of contracts with affiliates to demonstrate market support for projects has generated opposition from affected landowners and competitor pipelines who question whether the contracts represent real market demand. ConEd, Ohio PUC, and Enron believe that a different standard should be applied to affiliates. ConEd argues that the at risk condition is inadequate when a pipeline serves a market served by an affiliate; risk is shifted. Ohio PUC states that pipelines should shoulder the increased risk and that the Commission should look behind contracts with affiliates. Enron would require more market data for affiliate-backed projects and would require that all projects be supported by precedent agreements at least 25% of which are with non-affiliates.

Nevertheless, most of the commenters support applying the same standard to contracts for new capacity with affiliates as non-affiliates. Amoco, Coastal, Millennium, National Fuel, Southern Natural, Tejas, Texas Eastern, Columbia, Market Hub Partners, El Paso/Tennessee, and PGC all support applying the same standard to affiliates as non-affiliates. Market Hub argues that a contract is a contract; treating affiliates differently would be in the interest of incumbent monopolists. El Paso/Tennessee agree that affiliate precedent agreements are sufficient as long as they are supported by market demand. PGC agrees that the same standard should apply as long as the proposed capacity is offered on a non-discriminatory basis to all in an open season. Amoco makes an exception for marketing affiliates, arguing that they do not represent new demand. Columbia also makes an exception for affiliates that are created just to show market for a project.

Other parties also offered comments on affiliate issues. PGC recommends addressing affiliate issues on a case-by-case basis. Exxon support offering comparable deals to non-affiliates. If there is insufficient capacity, it should be prorated. AGA supports prohibiting discount adjustments connected with new construction by pipelines or affiliates. National Fuel Gas Supply and Tejas support permitting rolled-in rates for facilities to serve affiliates. PGC argues that there should be no presumption of rolled in rates for affiliates.

The commenters also express concern with the current policy's effect on existing pipelines and their captive customers when the Commission approves pipeline projects proposed to serve the same market. In those cases, they believe that need should be measured differently by, for example, assessing the impact on existing capacity or requiring a strong incremental market showing and more scrutiny of the net benefits. They urge the Commission to balance all the relevant factors before issuing a certificate. A number of parties argued that need should be measured differently when a project is proposed to serve an existing market. UGI urges requiring a strong market showing for such projects. Coastal proposes that the Commission fully integrate the standards announced by the courts [4] with its certificate construction policies, balancing all the relevant factors including the ability of the existing provider to provide the service. El Paso/Tennessee would require more scrutiny of the net benefit. Sempra would require that, prior to construction, all shippers be given the opportunity to turn back capacity. Similarly, Texas Eastern would require the pipeline to use unsubscribed capacity before construction (e.g., a reverse auction).

[4] *Citing* FPC v. Transcontinental Gas Pipeline Corp., 365 U.S. 1, 23 (1961) and Scenic Hudson Preservation Conference v. FERC, 354 F.2d. 608, 620 (2nd Cir. 1965).

Other commenters oppose a policy requiring a harder look at projects proposed to serve existing markets. They maintain that market demand for service in order to escape dependence on a dominant pipeline supplier should be accorded the same weight as demand by new incremental load growth. They contend that the benefits of competition and potentially lower gas prices for consumers should control over claims that an existing pipeline needs to be insulated from competition because its revenues may decrease. National Fuel Gas Supply, PGC, Florida Cities, Market Hub Partners, and Southern Natural in particular object to having different policies for new or existing pipelines. National Fuel Gas Supply contends that generally the policies on new construction and existing pipelines should match. PGC opposes any policy that protects incumbents by requiring a harder look at projects proposed to serve existing markets rather than new demand. Many existing markets have unmet demand. Likewise, Florida Cities is concerned that the NOPR is intended to elicit a new policy where the import and influence of competition is downplayed to minimize or eliminate the risk of unsubscribed capacity on existing pipelines. Florida Cities supports pipeline-on-pipeline competition as a primary factor in determining which new capacity projects receive certificate authority and are constructed. Florida Cities believes that additional pipeline competition would benefit customers and any generic policy that would decrease or inhibit pipeline competition would not be in the best interest of the consumers the Commission is obliged to protect. Market Hub Partners urges the Commission to attempt to limit market incumbents' ability to forestall competition by defeating the efforts of new market entrants to build or operate new capacity. Market Hub Partners contend that incumbents protest on the basis of project safety and environmental concerns when they are primarily concerned with their own welfare and market share. Southern Natural contends the NGA does not permit a rule disfavoring projects that enhance competitive alternatives. Taking a harder look at competitive proposals would effect a preference for monopoly, clearly not endorsed by the NGA or the Courts of Appeal.

Wisconsin Distributor Group believes that meaningful pipe-on-pipe competition can only exist where there are choices among or between pipelines and unsubscribed firm capacity exists. Wisconsin Distributor Group argues the Commission should view favorably new pipeline projects that propose to create competition by introducing an alternative pipeline to markets where no choices exist. Wisconsin Distributor Group contends the Commission's policy should not be driven by self-protective arguments but by the need for competitive alternatives. Wisconsin Distributor Group supports the Commission's analysis in Alliance and Southern because it considers the benefits of competition and potentially lower gas prices for consumers as controlling over claims that an existing pipeline needs to be insulated from competition because its revenues may decrease. Market demand for service in order to escape dependence on a dominant pipeline supplier should be accorded the same weight as demand by new incremental load growth.

UGI, Sempra, and El Paso/Tennessee would require assessing the impact on existing capacity. Sempra states that if existing rates are below the maximum rate, new capacity may not be needed. Sempra adds that the Commission should look at whether expansion capacity can stand on its own without rolled-in treatment. Texas Eastern believes the Commission must consider how best to use existing unsubscribed capacity and capacity that has been turned back to pipelines.

C. The Pricing of New Facilities

A number of commenters submit that the existing presumption in favor of rolled-in rates for pipeline expansions sends the wrong price signals with regard to pricing new construction. They urge the Commission to adopt policies such as incremental pricing for pipeline projects or placing pipelines at risk for recovery of the costs of construction. They submit that such a policy would reveal the true value of existing capacity and properly allocate costs and risks. A number of parties also raised issues concerning rate design in general, but the Commission is deferring for now consideration of those kinds of issues which also affect the Commission's policies for existing pipelines in order to focus on issues concerning the certification of new pipeline construction.

AGA, ConEd, and Michigan Consolidated stress the importance of ensuring the right price signals. AGA urges the Commission to adopt policies that reveal the true value of existing capacity. ConEd states that rate policies should send proper price signals by properly allocating costs and risks.

AGA contends that the Commission's certification policies should protect recourse shippers. AGA and BG&E recommend that the Commission ensure that pipelines are not able to impose the costs of new capacity or the costs of consequent unsubscribed existing capacity on recourse shippers. Amoco asserts pipelines should be at risk for unsubscribed capacity. Similarly, AGA and Philadelphia Gas Works urge the Commission to ensure that pipelines are at risk for unsubscribed capacity relating to construction projects by the pipeline or its affiliate. However, Tejas believes that treatment of any under recovery must address the unique circumstances of deepwater pipelines.

APGA argues that, if the Commission allows initial rates based on the life of the contract rather than the useful life of facilities, the Commission must at least require a uniform contract with the same terms and conditions for all customers involved in the expansion.

The Williams Companies recommend that all new capacity be subject to market-based rates. the Williams Companies argue that, for new capacity priced on an incremental basis rather than a rolled-in basis, competitive circumstances in the industry support the use of market-based rates and terms of service.

AlliedSignal contends depreciation should be based on the life of the facilities not the life of a contract. If the Commission were to promulgate a general rule, it should state that depreciation rates for pipeline facilities in rate and certificate cases should be set at 25 years unless factors are brought to the Commission's attention justifying a lesser or longer time period. NGSA believes that the Commission's current depreciation methodology is appropriate. NGSA also urges that the appropriate asset life of new facilities be determined when the facilities are constructed and adhered to for the life of the asset. On the other hand, the Williams Companies point out that market-based rates would negate the need for the Commission to approve depreciation rates.

Coastal believes pipelines should have the flexibility to address new facility costs in certificate applications and in rate cases. The Commission should not establish hard and fast rules as to how a facility should be treated in a pipeline's rates over its entire life. Rather, costs should be dealt with in accordance with Commission policies from time to time in pipeline rate cases.

Enron Pipelines contend that the rate treatment for capacity additions should continue to be determined on a case-by-case basis using the system benefits test.

Louisville contends that the Commission should address the question of whether its pricing policies

for new capacity provide appropriate incentives at the same time as it considers auctions and negotiated rates and services and that all of these issues should be the subject of a new NOPR.

PGC suggest that initial rates be based on a presumed level of contract commitment (e.g., 80–90%) so the pipeline bears the risks of uncommitted capacity but reaps a reward if it sells at undiscounted rates. Another option would be for the commission to put at risk only that portion of the proposed facilities for which the pipeline has not obtained firm contracts of a minimum duration. Where an existing pipeline constructs new facilities, PGC support the Commission's current policy favoring rolled-in rates if certain conditions are met.

Williston Basin argues that fixed rates for long-term contracts would create a relatively risk-free contract for shippers while creating a total-risk contract for pipelines.

Arkansas, IPAA, Indicated Shippers, National Fuel Gas Supply, NGSA, Peoples Energy, PGC, and the Williams Companies support the Commission's current policy with its presumption in favor of rolled-in pricing for new capacity only when the impact of new capacity is not more than a 5% increase to existing rates and results in system-wide benefits. AGA, Amoco, IPAA, Philadelphia Gas Works, PGC, and UGI recommend that the Commission more rigidly apply its pricing policy and more closely review claims pertaining to the 5% threshold test and/or system benefits. Nicor urges that pipelines should not be allowed to segment construction with the goal of falling below the 5% pricing policy threshold.

APGA and Consolidated Edison recommend that the Commission adopt a presumption of incremental pricing for pipeline certificate projects. APGA would allow limited exceptions such as when the project would lower rates to existing customers or when the benefits of the project would fully offset the costs of the roll-in. Koch Gateway and Pennsylvania Consumer Advocate also recommend incremental pricing for new capacity.

Arkansas and Brooklyn Union contend that pipelines should be at risk for the recovery of the costs of incremental facilities. Brooklyn Union urges the Commission to eliminate the presumption in favor of rolled-in pricing for new capacity and require pipelines to show the benefits of each new project are proportionate to the total rate increase sought.

El Paso/Tennessee recommend that only fully subscribed projects with revenues equaling or exceeding project costs and supported by demonstrated market need should be eligible for rolled-in rates. El Paso/Tennessee believe that projects intended to compete for existing market should not be eligible for rolled-in rates.

New York questions the 5% presumption for rolled-in pricing and argues that a move away from rolled-in pricing would create competitive markets for new pipeline construction.

AlliedSignal believes pipelines should be at risk for costs relative to new services prior to filing a new rate case. In the new rate case, the burden should be on the pipeline to justify the proper allocation of costs.

Amoco suggests that the pipeline and customer be allowed to enter into any agreement that does not violate existing regulations or statutory requirements, but they must explicitly apportion any risk between themselves.

The Illinois Commerce Commission believes this issue needs more research and should not be addressed until state regulators are consulted further.

Market Hub Partners and PGC contend that rolled-in rate treatment should not be granted for facilities solely or principally being constructed on the basis of affiliate precedent agreements. On the other hand, Millennium asserts that affiliates and non-affiliates should be treated alike with respect to rate design. Also, Southern Natural argues that the fact that an affiliate subscribed for capacity on new facilities cannot along preclude rolled-in pricing for those facilities; the Commission must leave to individual cases the issue of whether to price facilities on a rolled-in or incremental basis.

Nicor argues that the Commission cannot, in a competitive marketplace, evaluate the enhancements claimed by the pipeline to determine whether new construction should be incrementally priced or receive rolled-in rate treatment. Instead of imposing rolled-in rate treatment on the entire system, the Commission should allow individual "old" shippers to decide whether the supposed benefits are worth the costs.

Pipeline Transportations Customer Coalition contends the existing regulatory process does not reflect a reasonable risk-reward balance between industry segments, asserting that pipeline rates are too high given their relatively low risk exposure.

II. Certificate Policy Goals and Objectives

The comments present a variety of perspectives and no clear consensus on a path the Commission should follow. Nevertheless, the staring point for the Commission's reassessment of its certificate policy is to define the goals and objectives to be achieved. An effective certificate policy should further the goals and objectives of the Commission's natural gas regulatory policies. In particular, it should be designed to foster competitive markets, protect captive customers and avoid unnecessary environmental and community impacts while serving increasing demands for natural gas. It should also provide appropriate incentives for the optimal level of construction and efficient customer choices.

Commission policy should give the applicant an incentive to file a complete application that can be processed expeditiously and to develop a record that supports the need for the proposed project and the public benefits to be obtained. Commission certificate policy should also provide an incentive for applicants to structure their projects to avoid, or minimize, the potential adverse impacts that could result from construction of the project.

The Commission intends the certificate policy introduced in this order to provide an analytical framework for deciding, consistent with the goals and objectives stated above, when a proposed project is required by the public convenience and necessity. In some respects this policy is not a significant change from the kind of analysis employed currently in certificate cases. By stating more explicitly the Commission's analytical framework, the Commission can provide applicants and other participants in certificate proceedings a better understanding of how the Commission makes its decisions. By encouraging applicants to devote more effort before filing to minimize the adverse effects of a project, the policy given them the ability to expedite the decisional process by working out contentious issues in advance. Thus, this policy will provide more certainty about the Commission's analytical process and provide participants in certificate proceedings with a framework for shaping the record that is needed by the Commission to expedite its decisional process.

III. Evaluation of Current Policy

A. Current Policy

Section 1(b) of the Natural Gas Act (NGA) gives the Commission jurisdiction over the transportation of natural gas in interstate commerce and the natural gas companies providing

that transportation.[5] Section 7(c) of the NGA provides that no natural gas company shall transport natural gas or construct any facilities for such transportation without a certificate of public convenience and necessity issued by the Commission.[6]

In reaching a final determination on whether a project will be in the public convenience and necessity, the Commission performs a flexible balancing process during which it weights the factors presented in a particular application. Among the factors that the Commission considers in the balancing process are the proposal's market support, economic, operational, and competitive benefits, and environmental impact.

Under the Commission's current certificate policy, an applicant for a certificate of public convenience and necessity to construct a new pipeline project must show market support through contractual commitments for at least 25 percent of the capacity for the application to be processed by the Commission. An applicant showing 10-year firm commitments for all of its capacity, and/or that revenues will exceed costs is eligible to receive a traditional certificate of public convenience and necessity.

An applicant unable to show the required level of commitment may still receive a certificate but it will be subject to a condition putting the applicant "at risk." In other words, if the project revenues fail to recover the costs, the pipeline rather than its customers will be responsible for the unrecovered costs, the pipeline rather than its customers will be responsible for the unrecovered costs. Alternatively a project sponsor can apply for a certificate under subpart E of part 157 of the Commission's regulations for an optional certificate.[7] An optional certificate may be granted to an applicant without any market showing at all; however, in practice optional certificate applicants usually make some form of market showing. The rates for service provided through facilities constructed pursuant to an optional certificate must be designed to impose the economic risk of the project entirely on the applicant.

The Commission also has certificated projects that would serve no new market, but would provide some demonstrated system-benefit. Examples include projects intended to provide improved system reliability, access to new supplies, or more economic operations.

Generally, under the current policy, the Commission does not deny an application because of the possible economic impact of a proposed project on existing pipelines serving the same market or on the existing pipelines' customers. In addition, the Commission gives equal weight to contracts between an applicant and its affiliates and an applicant and unrelated third parties and does not look behind the contracts to determine whether the customer commitments represent genuine growth in market demand.[8]

Under section 7(h) of the NGA, a pipeline with a Commission-issued certificate has the right to exercise eminent domain to acquire the land necessary to construct and operate its proposed new pipeline when it cannot reach a voluntary agreement with the landowner.[9] In recent years, this has resulted in landowners becoming increasingly active before the Commission. Landowners and communities often object both to the taking of land and to the reduction of their land's value due to a pipeline's right-of-way running through the property. As part of its environmental review of pipeline projects, the Commission's environmental staff works to take these landowners' concerns into account, and to mitigate adverse impacts where possible and feasible.

Under the pricing policy for new facilities in Docket No. PL94–4–000,[10] the Commission determines, in the certificate proceeding authorizing the facilities' construction, the appropriate pricing for the facilities. Generally, the Commission applies a presumption in favor of rolled-in rates (rolling-in the expansion costs with the existing facilities' costs) when the cost impact of the new facilities would result in a rate impact on existing customers of five percent or less, and some system benefits would occur. Existing customers generally bear these rate increases without being allowed to adjust their volumes.

When a pipeline proposes to charge a cost-based incremental rate (establishing separate costs-of-service and separate rates for the existing and expansion facilities) higher than its existing generally applicable rates, the Commission usually approves the proposal. However, the Commission generally will not accept a proposed incremental rate that is lower than the pipeline's existing generally applicable Part 284 rate.

B. Drawbacks of the Current Policy

1. Reliance on Contracts To Demonstrate Demand

Currently, the Commission uses the percentage of capacity under long-germ contracts as the only measure of the demand for a proposed project. Many of the commenters have argued that this is too narrow a test. The reliance solely on long-term contracts to demonstrate demand does not rest for all the public benefits that can be achieved by a proposed project. The public benefits may include such factors as the environmental advantages of gas over other fuels, lower fuel costs, access to new supply sources or the connection of new supply to the interstate grid, the elimination of pipeline facility constraints, better service from access to competitive transportation options, and the need for an adequate pipeline infrastructure, The amount of capacity under contract is not a good indicator for all these benefits.

The amount of capacity under contract also is not a sufficient indicator by itself of the need for a project, because the industry has been moving to a practice of relying on short-term contracts, and pipeline capacity is often managed by an entity that is not the actual purchaser of the gas. Using contracts as the primary indicator of market support for the proposed pipeline project also raises additional issues when the contracts are held by pipeline affiliates. Thus, the test relying on the percent of capacity contracted does not reflect the reality of the natural gas industry's structure and presents difficult issues.

In addition, the current policy's preference for contracts with 10-year terms biases customer choices toward longer term contracts. Of course, there are other elements of the Commission's policies that also have this effect. However, eliminating a specific requirement for a contract of a particular length is more consistent with the Commission's regulatory objective to provide appropriate incentives for efficient customer choices and the optimal level of construction, without biasing those choices through regulatory policies.

Finally, by relying almost exclusively on contract standards to establish the market need for a new project, the current policy makes it difficult to articulate to landowners and

[5] 15 USC 717.
[6] 15 USC 717h.
[7] 18 CFR Part 157, Subpart E.
[8] *See, e.g.*, Transcontinental Gas Pipe Line Corp., 82 FERC ¶ 61,084 at 61,316 (1998).
[9] 15 USC 717f(h).
[10] *See* Pricing Policy for New and Existing Facilities Constructed by Interstate Natural Gas Pipelines, 71 FERC ¶ 61,241 (1995).

community interests why their land must be used for a new pipeline project.

All of these concerns raise difficult questions of establishing the public need for the project.

2. The Pricing of New Facilities

As the industry becomes more competitive the Commission needs to adapt its policies to ensure that they provide the correct regulatory incentives to achieve the Commission's policy goals and objectives. All of the Commission's natural gas policy goals and objectives are affected by its pricing policy, but directly affected are the goals of fostering competitive markets, protecting captive customers, and providing incentives for the optimal level of construction and efficient customer choice. The current pricing policy focuses primarily on the interests of the expanding pipeline and its existing and new shippers, giving little weight to the interests of competing pipelines or their captive customers. As a result, it no longer fits well with an industry that is increasingly characterized by competition between pipelines.

The current pricing policy sends the wrong price signals, as some commenters have argued, by masking the real cost of the expansions. This can result in overbuilding of capacity and subsidization of an incumbent pipeline in its competition with potential new entrants for expanding markets. The pricing policy's bias for rolled-in pricing also is inconsistent with a policy that encourages competition while seeking to provide incentives for the optimal level of construction and customer choice. This is because rolled-in pricing often results in projects that are subsidized by existing ratepayers. Under this policy the true costs of the project are not seen by the market or the new customers, leading to inefficient investment and contracting decisions. This in turn can exacerbate adverse environmental impacts, distort competition between pipelines for new customers, and financially penalize existing customers of expanding pipelines and of pipelines affected by the expansion.

Under existing policy, shippers' rates may change for a number of reasons. These include rolling-in of an expansion's costs, changes in the discounts given other customers, or changes in the contract quantities flowing on the system. As a customer's rates change in a rate case, it is generally unable to change its volumes, even though it may be paying more for capacity. This results in shippers bearing substantial risks of rate changes which they may be ill equipped to bear.

III. The New Policy

A. Summary of the Policy

As a result of the Commission's reassessment of its current policy, the Commission has decided to announce the criteria, set forth below, that it will use in deciding whether to authorize the construction of major new pipeline facilities. This section summarizes the analytical steps the Commission will use under this policy to balance the public benefits against the potential adverse consequences of an application for new pipeline construction. Each of these steps is described in greater detail in the later sections of this policy statement.

Once a certificate application is filed, the threshold question applicable to existing pipelines is whether the project can proceed without subsidies from their existing customers. As discussed below, this will usually mean that the project would be incrementally priced, if built by an existing pipeline, but there are cases where rolled in pricing would prevent subsidization of the project by the existing customers.[11]

The next step is determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the existing customers of the pipeline proposing the project, existing pipelines in the market and their captive customers, or landowners and communities affected by the route of the new pipeline. These three interests are discussed in more detail below. This is not intended to be a decisional step in the process for the Commission. Rather, this is a point where the Commission will review the efforts made by the applicant and could assist the applicant in finding ways to mitigate the effects, but the choice of how to structure the project at this stage is left to the applicant's discretion.

If the proposed project will not have any adverse effect on the existing customers of the expanding pipeline, existing pipelines in market and their captive customers, or the economic interests of landowners and communities affected by the route of the new pipeline, then no balancing of benefits against adverse effects would be necessary. The Commission would proceed, as it does under current practice, to a preliminary determination or a final order depending on the time required to complete and environmental assessment (EA) or environmental impact statement (EIS) (whichever is required in the case).

If residual adverse effects on the three interests are identified, after efforts have been made to minimize them, then the Commission will proceed to evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will the Commission then proceed to complete the environmental analysis where other interests are considered. It is possible at this stage for the Commission to identify conditions that it could impose on the certificate that would further minimize or eliminate adverse impacts and take those into account in balancing the benefits against the adverse effects. If the result of the balancing is a conclusion that the public benefits outweigh the adverse effects then the next steps would be the same as for a project that had no adverse effects. That is, if the EA or EIS would take more than approximately 180 days then a preliminary determination could be issued, followed by the EA or EIS and the final order. If the EA would take less time, then it would be combined with the final order.

B. The Threshold Requirement—No Financial Subsidies

The threshold requirement in establishing the public convenience and necessity for existing pipelines proposing an expansion project is that the pipeline must be prepared to financially support the project without relying on subsidization from its existing customers.[12] This does not mean that the project sponsor has to bear all the financial risk of the project; the risk can be shared with the new customers in preconstruction contracts, but it cannot be shifted to existing customers. For new pipeline companies, without existing customers, this requirement will have no application.

The requirement that the project be able to stand on its own financially without subsidies changes the current pricing policy which has a presumption

[11] This policy does not apply to construction authorized under 18 CFR Part 157, Subparts E and F.

[12] Projects designed to improve existing service for existing customers, by replacing existing capacity, improving reliability or providing flexibility, are for the benefit of existing customers. Increasing the rates of the existing customers to pay for these improvements is not a subsidy. Under current policy these kinds of projects are permitted to be rolled in and are not covered by the presumption of the current pricing policy. Great Lakes Gas Transmission Limited Partnership, 80 FERC ¶61,105 (1997) (Pricing policy statement not applicable to facilities constructed solely for flexibility and system reliability).

in favor of rolled-in pricing. Eliminating the subsidization usually inherent in rolled-in rates recognizes that a policy of incrementally pricing facilities sends the proper price signals to the market. With a policy of incremental pricing, the market will then decide whether a project is financially viable. The commenters were divided on whether the Commission should change its current pricing policy. A number of commenters, however, urged the Commission to allow the market to decide which projects should be built, and this requirement is a way of accomplishing that result.

The requirement helps to address all of the interests that could be adversely affected. Existing customers of the expanding pipeline should not have to subsidize a project that does not serve them. Landowners should not be subject to eminent domain for projects that are not financially viable and therefore may not be viable in the marketplace. Existing pipelines should not have to compete against new entrants into their markets whose projects receive a financial subsidy (via rolled-in rates), and neither pipeline's captive customers should have to shoulder the costs of unused capacity that results from competing projects that are not financially viable. This is the only condition that uniformly serves to avoid adverse effects on all the relevant interests and therefore should be a test for all proposed expansion projects by existing pipelines. It will be the predicate for the rest of the evaluation of a new project by an existing pipeline.

A requirement that the new project must be financially viable without subsidies does not eliminate the possibility that in some instances the project costs should be rolled into the rates of existing customers. In most instances incremental pricing will avoid subsidies for the new project, but the situation may be different in cases of inexpensive expansibility that is made possible because of earlier, costly construction. In that instance, because the existing customers bear the cost of the earlier, more costly construction in their rates, incremental pricing could result in the new customers receiving a subsidy from the existing customers because the new customers would not face the full cost of the construction that makes their new service possible. The issue of the rate treatment for such cheap expansibility is one that always should be resolved in advance, before the construction of the pipeline.

Another instance where a form of rolling in would be appropriate is where a pipeline has vintages of capacity and thus charges shippers different prices for the same service under incremental pricing, and some customers have the right of first refusal (ROFR) to renew their expiring contracts. Those customers could be allowed to exercise a ROFR at their original contract rate except when the incremental capacity is fully subscribed and there are competing bids for the existing customer's capacity. In that case, the existing customer could be required to match the highest competing bid up to a maximum rate which could be either an incremental rate or a "rolled-up rate" in which costs for expansions are accumulated to yield an average expansion rate. Although the focus of this policy statement is the analysis for deciding whether new capacity should be constructed, it is important for the Commission to articulate the direction of its policy on pricing existing capacity where a pipeline has engaged in expansions. This will enable existing and potential new shippers to make appropriate decisions pre-construction to protect their interests either in the certificate proceeding or in their contracts with the pipeline.

This policy leaves the pipeline responsible for the costs of new capacity that is not fully utilized and obviates the need for "at risk" condition because it accomplishes the same purpose. Under this policy the pipeline bears the risk for any new capacity that is under-utilized, unless, as recommended by a number of commenters, it contracts with the new customers to share the risk by specifying what will happen to rates and volumes under specific circumstances. If the pipeline finds that new shippers are unwilling to share this risk, this may indicate to the pipeline that others do not share its vision of future demand. Similarly, the risks of construction cost over-runs should not be the responsibility of the pipeline's existing customers but should be apportioned between the pipeline and the new customers in their service contracts. Thus, in pipeline contracts for service on newly constructed facilities, pipelines should not rely on standard "Memphis clauses", but should reach agreement with new shippers concerning who will bear the risks of underutilization of capacity and cost overruns and the rate treatment for "cheap expansibility."[13]

In sum, if an applicant can show that the project is financially viable without subsidies, then it will have established the first indicator of public benefit. Companies willing to invest in a project, without financial subsidies, will have shown an important indicator of market-based need for a project. Incremental pricing will also lead to the correct price signals for the new project and provide the appropriate incentive for the optimal level of construction. This can unnecessary adverse impacts on landowners or existing pipelines and their captive customers. Therefore, this will be the threshold requirement for establishing that a project will satisfy the public convenience and necessity standard.

C. Factors To Be Balanced in Assessing the Public Convenience and Necessity

Ideally, an applicant will structure its proposed project to avoid adverse economic, competitive, environmental, or other effects on the relevant interests from the construction of the new projects, and the Commission would be able to approve such projects promptly. Of course, elimination of all adverse effects will not be possible in every instance. When it is not possible, the Commission's policy objective is to encourage the applicant to minimize the adverse impact on each of the relevant interests. After the applicant efforts to minimize the adverse effects, construction projects that would have residual adverse effects would be approved only where the public benefits to be achieved from the project can be found to outweigh the adverse effects. Rather than relying only on one test for need, for Commission will consider all relevant factors reflecting on the need for the project. These might include, but would not be limited to, precedent agreements, demand projections, potential cost savings to consumers, or a comparison of projected demand with the amount of capacity currently serving the market. The objective would be for the applicant to make a sufficient showing for the public benefits of its proposed project to outweigh any residual adverse effects discussed below.

1. Consideration of Adverse Effects on Potentially Affected Interests

In deciding whether a proposal is required by the public convenience and necessity, the Commission will consider the effects of the project on all the affected interests; this means more than the interests of the applicant, the potential new customers and the general societal interests.

Depending on the type of project, there are three major interests that may be adversely affected the approval of major certificate projects, and that must be considered by the Commission.

[13] "Memphis clause" refers to an agreement that the pipeline may change the rate during the term of the contract by making rate filings under NGA section 4.

There are: the interest of the applicant's existing customers, the interests of competing existing pipelines and their captive customers, and the interests of landowners and surrounding communities. There are other interests that may need to be separately considered in a certificate proceeding, such as environmental interests.

Of course, not every project will have an impact on each interest identified. Some projects will be proposed by new pipeline companies to serve new markets, so that there will be no adverse effects on the interests of existing customers; other projects may be constructed so that there may be no adverse effect on landowner interests.

a. *Interests of existing customers of the pipeline applicants.* The interests of the existing customers of the expanding pipeline may be adversely affected if the expansion results in their rates being increased or if the expansion causes a degradation in service.

b. *Interests of existing pipelines that already serve the market and their captive customers.* Pipelines that already serve the market into which the new capacity would be built are affected by the potential loss of market share and the possibility that they may be left with unsubscribed capacity investment. The Commission need not protect pipeline competitors from the effects of competition, but it does have an obligation to ensure fair competition. Recognizing the impact of a new project on existing pipelines serving the market is not synonymous with protecting incumbent pipelines from the risk of loss of market share to a new entrant, but rather, is a recognition that the impact on the incumbent pipeline is an interest to be taken into account in deciding whether to certificate a new project. The interests of the existing pipeline's captive customers are slightly different from the interests of the pipeline. The interests of the captive customers of the existing pipelines are affected because, under the Commission's current rate model, they can be asked to pay for the unsubscribed capacity in their rates.

c. *Interests of landowners and the surrounding communities.* Landowners whose land would be condemned for the new pipeline right-of-way, under eminent domain rights conveyed by the Commission's certificate, have an interest as does the community surrounding the right-of-way. The interest of these groups is to avoid unnecessary construction, and any adverse effects on their property associated with a permanent right-of-way. In some cases, the interests of the surrounding community may be represented by state or local agencies. Traditionally, the interests of the landowners and the surrounding community have been considered synonymous with the environmental impacts of a project; however, these interests can be distinct. Landowner property rights issues are different in character from other environmental issues considered under the National Environmental Policy Act of 1969 (NEPA).[14]

2. Indicators of Public Benefit

To demonstrate that its proposal is in the public convenience and necessity, an applicant must show public benefits that would be achieved by the project that are proportional to the project's adverse impacts. The objective is for the applicant to create a record that will enable the Commission to find that the benefits to be achieved by the project will outweigh the potential adverse effects, after efforts have been made by the applicant to mitigate these adverse effects. The types of public benefits that might be shown are quite diverse but could include meeting unserved demand, eliminating bottlenecks, access to new supplies, lower costs to consumers, providing new interconnects that improve the interstate grid, providing competitive alternatives, increasing electric reliability, or advancing clean air objectives. Any relevant evidence could be presented to support any public benefit the applicant may identify. This is a change from the current policy which relies primarily on one test to establish the need for the project.

The amount of evidence necessary to establish the need for a proposed project will depend on the potential adverse effects of the proposed project on the relevant interests. Thus, projects to serve new demand might be approved on a lesser showing of need and public benefits than those to serve markets already served by another pipeline. However, the evidence necessary to establish the need for the project will usually include a market study. There is no reason for an applicant to do a new market study of its own in every instance. An applicant could rely on generally available studies by EIA or GRI, for example, showing projections of market growth. If one of the benefits of a proposed project would be to lower gas or electric rates for consumers, then the applicant's market study would need to explain the basis for that projection. Vague assertions of public benefits will not be sufficient.

Although the Commission traditionally has required an applicant to present contracts to demonstrate need, that policy, as discussed above, no longer reflects the reality of the natural gas industry's structure, nor does it appear to minimize the adverse impacts on any of the relevant interests. Therefore, although contracts or precedent agreements always will be important evidence of demand for a project, the Commission will no longer require an applicant to present contracts for any specific percentage of the new capacity. Of course, if an applicant has entered into contracts or precedent agreements for the capacity, it will be expected to file the agreements in support of the project, and they would constitute significant evidence of demand for the project.

Eliminating a specific contract requirement reduces the significance of whether the contracts are with affiliated or unaffiliated shippers, which was the subject of a number of comments. A project that has precedent agreements with multiple new customers may present a greater indication of need than a project with only a precedent agreement with an affiliate. The new focus, however, will be on the impact of the project on the relevant interests balanced against the benefits to be gained from the project. As long as the project is built without subsidies from the existing ratepayers, the fact that it would be used by affiliated shippers is unlikely to create a rate impact on existing ratepayers. With respect to the impact on the other relevant interests, a project built on speculation (whether or not it will be used by affiliated shippers) will usually require more justification than a project built for a specific new market when balanced against the impact on the affected interests.

3. Assessing Public Benefits and Adverse Effects

The more interests adversely affected or the more adverse impact a project would have on a particular interest, the greater the showing of public benefits from the project required to balance the adverse impact.The objective is for the applicant to develop whatever record is necessary, and for the commission to impose whatever conditions are necessary, for the Commission to be able to find that the benefits to the public from the project outweigh the adverse impact on the relevant interests.

It is difficult to construct helpful bright line standards or tests for this area. Bright line tests are unlikely to be flexible enough to resolve specific cases and to allow the Commission to take into account the different interests that

[14] 42 U.S.C. § 4321 *et seq.*

must be considered. Indeed, the current contract test has become problematic. However, the analytical framework described here should give applicants more certainty and sufficient guidance to anticipate how to structure their projects and develop the record to facilitate the Commission's decisional process.

Under this policy, if project sponsors, proposing a new pipeline company, are able to acquire all, or substantially all, of the necessary right-of-way by negotiation prior to filing the application, and the proposal is to serve a new, previously unserved market, it would not adversely affect any of the three interests. Such a project would not need any additional indicators of need and may be readily approved if there are no environmental considerations. Under these circumstances landowners would not be subject to eminent domain proceedings, and because the pipeline was new, there would be no existing customers who might be called upon to subsidize the project. A similar result might be achieved by an existing pipeline extending into a new unserved market by negotiating for a right-of-way for the proposed expansion and following the first requirement for showing need, financing the project without financial subsidies. It would avoid adverse impacts to existing customers by pricing its new capacity incrementally and it is unlikely that other relevant interests would be adversely affected if the pipeline obtained the right-of-way by negotiation.

It may not be possible to acquire all the necessary right-of-way by negotiation. However, the company might minimize the effect of the project on landowners by acquiring as much right-of-way as possible. In that case, the applicant may be called upon to present some evidence of market demand, but under this sliding scale approach the benefits needed to be shown would be less than in a case where no land rights had been previously acquired by negotiation. For example, if an applicant had precedent agreements with multiple parties for most of the new capacity, that would be strong evidence of market demand and potential public benefits that could outweigh the inability to negotiate right-of-way agreements with some landowners. Similarly, a project to attach major new gas supplies to the interstate grid would have benefits that may outweigh the lack of some right-of-way agreements. A showing of significant public benefit would outweigh the modest use of federal eminent domain authority in this example.

In most cases it will not be possible to acquire all the necessary right-of-way by negotiation. Under this policy, a few holdout landowners cannot veto a project, as feared by some commenters, if the applicant provides support for the benefits of its proposal that justifies the issuance of a certificate and the exercise of the corresponding eminent domain rights. The strength of the benefit showing will need to be proportional to the applicant's proposed exercise of eminent domain procedures.

Of course, the Commission will continue to do an independent environmental review of projects, even if the project does not rely on the use of eminent domain and the applicant structures the project to avoid or minimize adverse impacts on any of the identified interests. The Commission anticipates no change to this aspect of its certificate policies. However, to the extent applicants minimize the adverse impacts of projects in advance, this should also lessen the adverse environmental impacts as well, making the NEPA analysis easier. The balancing of interests and benefits that will precede the environmental analysis will largely focus on economic interests such as the property rights of landowners. The other interests of landowners and the surrounding community, such as noise reduction or esthetic concerns will continue to be taken into account in the environmental analysis. If the environmental analysis following a preliminary determination indicates a preferred route other than the one proposed by the applicant, the earlier balancing of the public benefits of the project against its adverse effects would be reopened to take into account the adverse effects on landowners who would be affected by the changed route.

In another example of the proportional approach, a proposal that may have adverse impacts on customers of another pipeline may require evidence of additional benefits to consumers, such as lower rates for the customers to be served. The Commission might also consider how the proposal would affect the cost recovery of the existing pipeline, particularly the amount of unsubscribed capacity that would be created and who would bear that risk, before approving the project. This evaluation would be needed to ensure consideration of the interests of the existing pipeline and particularly its captive customers. Such consideration does not mean that the Commission would always favor existing pipelines and their captive customers. For instance, a proposed project may be so efficient and offer substantial benefits, such as significant service flexibility, so that the benefits would outweigh the adverse impact on existing pipelines and their captive customers.

A number of commenters were concerned that the Commission might give too much weight to the impact on the existing pipeline and its captive customers and undervalue the benefits that can arise from competitive alternatives. The Commission's focus is not to protect incumbent pipelines from the risk of loss of market share to a new entrant, but rather to take the impact into account in balancing the interests. In such a case the evidence of benefits will need to be more specific and detailed than the generalized benefits that arise from the availability of competitive alternatives. The interests of the captive customers are slightly different from the interests of the incumbent pipeline. The captive customers are affected if the incumbent pipeline shifts to the captive customers the costs associated with its unsubscribed capacity. Under the Commission's current rate model captive customers can be asked to pay for unsubscribed capacity in their rates[15] but the Commission has indicated that it will not permit all costs resulting from the loss of market share to be shifted to captive customers.[15] Whether and to what extent costs can be shifted is an issue to be resolved in the incumbent pipeline's rate case, but the potential impact on these captive customers is a factor to be taken into account in the certificate proceeding of the new entrant.

In sum, the Commission will approve an application for a certificate only if the public benefits from the project outweigh any adverse effects. Under this policy, pipelines seeking a certificate of public convenience and necessity authorizing the construction of facilities are encouraged to submit applications designed to avoid or minimize adverse effects on relevant interests including effects on existing customers of the applicant, existing pipelines serving the market and their captive customers, and affected landowners and communities. The threshold requirement for approval, that project sponsors must be prepared to develop the project without relying on subsidization by the sponsor's existing customers, protects all of the relevant interests. Applicants also must submit evidence of the public benefits to be achieved by the proposed project such as contracts, precedent agreements, studies of projected demand in the

[15] El Paso Natural Gas Company, 72 FERC ¶ 61,083 (1995); Natural Gas Pipeline Company of America, 73 FERC ¶ 61,050 (1995).

market to be served, or other evidence of public benefit of the project.

V. Conclusion

At a time when the Commission is urged to authorize new pipeline capacity to meet an anticipated increase in the demand for natural gas, the Commission is also urged to act with caution to avoid unnecessary rights-of-way and the potential for overbuilding with the consequent effects on existing pipelines and their captive customers. This policy statement is intended to provide more certainty as to how the Commission will analyze certificate applications to balance these concerns. By encouraging applicants to devote more effort in advance of filing to minimize the adverse effects of a project, the policy gives them the ability to expedite the decisional process by working out contentious issues in advance. Thus, this policy will provide more guidance about the Commission's analytical process and provide participants in certificate proceedings with a framework for shaping the record that is needed by the Commission to expedite its decisional process.

Finally, this new policy will not be applied retroactively. A major purpose of the policy statement is to provide certainty about the decisionmaking process and the impacts that would result from approval of the project. This includes providing participants in a certificate proceeding certainty as to economic impacts that will result from the certificate. It is important for the participants to know the economic consequences that can result before construction begins. After the economic decisions have been made it is difficult to undo those choices. Therefore, the new policy will not be applied retroactively to cases where the certificate has already issued and the investment decisions have been made.

By the Commission. Chairman Hoecker and Commissioners Breathitt and Hébert concurred with a separate statement attached. Commissioner Bailey dissented with a separate statement attached.

David P. Boergers,

Secretary.

Policy Statement for Certification of New Interstate Natural Gas Pipeline Facilities

Docket No. PL99–3–000

[Issued September 15, 1999]

Hoecker, Chairman; Breathitt and Hébert, Commissioners, *concurring*;

Our intention is to apply this policy statement to any filings received by the Commission after July 29, 1998 (the issuance date of the Commission's Notice of Proposed Rulemaking regarding the Regulation of Short-term Natural Gas Transportation Services in Docket No. RM98–10–000 and Notice of Inquiry regarding Regulation of Interstate Natural Gas Transportation Services in Docket No. RM98–12–000), and not before.

James J. Hoecker,

Chairman.

Linda K. Breathitt,

Commissioner.

Curt L. Hébert,

Commissioner.

Certification of New Interstate Natural Gas Facilities

[Docket No. PL99–3–000]

[Issued September 15, 1999]

Bailey, Commissioner, *dissenting.*

Respectfully, I will be dissenting from this policy statement.

The document puts forth the majority's statement of an analytical framework for use in certificate proceedings. Its goal is to give applicants and other participants in those proceedings a better understanding of how the commission makes its decisions. This is always a good thing to do. But ultimately, I cannot sign on to this statement as representative of my approach to certificate policy for several reasons.

First and foremost, the document purports that the policy outlined is not a significant departure from the kind of analysis used currently in certificate cases. I do not share this view. I know that it does depart from the way I currently look at certificate issues. For example, I cannot say that the sliding scale evaluation process and the weighing and balancing process described in the statement actually reflects the way I look at things. Further, the pricing changes announced are in fact significant departures from current practice. Thus, the document is as much about pricing policy change as it is about articulating an analytical approach to certification questions. I do not completely agree with the statements regarding pricing contained in this document.

The announced policy will now require that new projects meet a pricing threshold before work can proceed on the application—that is they should be incrementally priced and not subsidized by existing customers. The intent behind this is to enhance our certainty that the market is determining which projects come to the Commission.

I do not disagree with the idea that incremental pricing is consistent with the idea of allowing markets to decide. I also recognize that it can protect existing customers from subsidizing expansions as well as insulate existing pipelines form subsidized competition. However, I find the policy statement to be far too categorical in its approach. I am not persuaded that we should depart from our existing policy statement on pricing that we adopted in 1995.

There is too little recognition here that some types of construction projects are not designed solely for new markets or customers, that existing customers can benefit from some projects, and that rolled-in pricing may still be appropriate. Thus, while I can agree with some of the articulated goals such as pricing should allocate risk appropriately, and that if done properly it can assist in avoiding construction of excess capacity, I would not adopt a threshold requirement that virtually precludes use of rolled-in rates.

Finally, I am at a loss to explain the genesis of this particular outcome. I recognize that certificate policy issues have been problematic for a long time. In attempts to address these issues we have had conferences to explore need issues and we have requested comments on certificate issues in the pending gas Notice of Proposed Rulemaking in Docket No. RM98–10–1000 (84 FERC ¶ 61,087 (1998)) and the Notice of Inquiry in Docket No. RM98–12–000 (84 FERC ¶ 61,087 (1998)). The variety of views we have received in these efforts are summarized in the policy statement ad it candidly recognizes the lack of clear direction on what path the Commission should follow. Given this lack of industry consensus, I question the advisability of trying to adopt a generic approach at this time. I would prefer to weigh further the relative merits of those comments before embarking on an attempt to articulate a certificate policy.

Vicky A. Bailey,

Commissioner.

[FR Doc. 99–24617 Filed 9–21–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00597A; FRL–6384–4]

Proposed Test Guidelines; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: On July 28, 1999, EPA issued a notice announcing the availability of

a combined chronic toxicity and carcinogenicity test guideline for the Series 870–Health Effects Test Guidelines for use in the testing of fibrous particles in the development of test data (OPPTS 870.8355). Natural and synthetic fibers are one group of substances that have been identified to be of potential health concern to humans. The comment period would have ended September 27, 1999. Due to the complexity of the proposed test guideline and the potential health concerns to humans, EPA has decided to extend the comment period by 45 days.

DATES: Comments, identified by the docket control number OPP–00597, must be received on or before November 12, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00597 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Christine M. Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone numbers: (202) 554–1404 and TDD: (202) 554–0551; fax number: (202) 554–5603; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: David Lai, Risk Assessment Division (7403), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (202) 260–6222; fax number: (202) 260–1279; e-mail address: lai.david@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who are or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA), the Federal Food, Drug and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under "FOR FURTHER INFORMATION CONTACT."

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

A. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

You may also obtain copies of test guidelines from the EPA Internet Home Page by selecting "Researchers and Scientists/Test Methods and Guidelines/OPPTS Harmonized Test Guidelines" at http://www.epa.gov/epahome/research.htm.

B. *In person*. The Agency has established an official record for this action under docket control number OPP–00597. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. How and to Whom Do I Submit Comments?

As described in Unit III.A. of the proposed test guideline notice of availability published in the **Federal Register** of July 28, 1999 (64 FR 40871) (FRL–6078–6), you may submit your comments through the mail, in person, or electronically. Please follow the instructions that are provided in the notice of availability. Do not submit any information electronically that you consider to be CBI. To ensure proper receipt by EPA, be sure to identify docket control number OPP–00597 in the subject line on the first page of your response.

IV. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under "FOR FURTHER INFORMATION CONTACT."

V. What Action is EPA Taking?

EPA is extending the comment period on the proposed test guideline for developing a combined chronic toxicity and carcinogenicity test guideline for use in the testing of respirable fibrous substances (OPPTS 870.8355). Natural and synthetic fibers are one group of substances that have been identified to be of potential health concern to humans. The background on the proposed test guideline can be found in the previous **Federal Register** notice of availability published on July 28, 1999 (64 FR 40871) (FRL–6078–6). A time extension of 45 days is being provided such that the comment period will now end on November 12, 1999.

VI. Do Any Regulatory Assessment Requirements Apply to this Action?

No. This action is not a rulemaking, it merely extends the date by which public comments must be submitted to EPA on the notice of availability that previously published in the **Federal Register** of July 28, 1999 (64 FR 40871). For information about the applicability of the regulatory assessment requirements to the proposed test guideline, please refer to the discussion in Unit V. of that document.

List of Subjects

Environmental protection, Chemical testing, Test guideline.

Dated: September 16, 1999.

William H. Sanders, III

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 99–24697 Filed 9–21–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 202–010776–113
Title: Asia North America Eastbound Rate Agreement
Parties:
American President Lines, Ltd. and APL Co. Pte Ltd. (operating as a single carrier)
Hapag-Lloyd Container Linie GmbH
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha Line
Orient Overseas Container Line, Inc.
P&O Nedlloyd Limited
P&O Nedlloyd B.V.
Sea-Land Service, Inc.
Synopsis: The proposed modification would extend the current suspension of the agreement through May 1, 2000.

Agreement No.: 202–011677
Title: United States Australasia Agreement
Parties:
P&O Nedlloyd Limited
Contship Containerlines Limited
Compagnie Marseille Fret
Compagnie Generale Maritime S.A.
Australia-New Zealand Direct Line
Columbus Line
Wallenius Wilhelmsen Lines AS
Synopsis: The proposed agreement would authorize the parties to establish a conference in the trade from United States ports and points, to ports and points in Australia and New Zealand. The parties may agree upon rates, enter into service contracts, charter space from each other, and establish a volume-based pooling arrangement.

Agreement No.: 224–200563–009
Title: Oakland—Trans Pacific Marine Terminal Agreement
Parties:
City of Oakland: Board of Port Commissioners
Trans Pacific Container Corporation
Synopsis: The proposed amendment changes the definition of the contract year as well as the annual rental. The agreement continues to run through September 5, 2015.

Agreement No.: 224–201028–001
Title: Oakland—SSA Marine Terminal Agreement
Parties:
City of Oakland: Board of Port Commissioners
Stevedoring Services of America
Synopsis: The proposed amendment changes parts of the remuneration basis of the agreement. The agreement continues to run through June 30, 2007.

Agreement No.: 224–201075–001
Title: Oakland—Maersk Pacific Marine Terminal Agreement
Parties:
City of Oakland: Board of Port Commissioners
Maersk Pacific Ltd.
Synopsis: The proposed amendment changes the remuneration basis of the agreement and also accounts for changes arising from the joint service with Sea-Land Service, Inc. The agreement continues to run through March 31, 2003.

Agreement No.: 224–201085
Title: Oakland—Star Shipping Marine Terminal Agreement
Parties:
City of Oakland: Board of Port Commissioners
Star Shipping (USWC), Inc.
Synopsis: The proposed agreement provides for the non-exclusive use of certain parts of the Ninth Avenue Terminal. The agreement runs through September 30, 2001 but may be extended for three additional years on a year-to-year basis.

Agreement No.: 224–201086
Title: Oakland—Zim American Marine Terminal Agreement
Parties:
City of Oakland: Board of Port Commissioners
Zim-American Israeli Shipping Co., Inc.
Synopsis: The proposed agreement provides for the non-exclusive use of certain parts of the Charles P. Howard Terminal. The agreement runs through May 31, 2002.

Agreement No.: 224–201087
Title: Oakland—International Transportation Marine Terminal Agreement
Parties:
City of Oakland: Board of Port Commissioners
International Transportation Service, Inc.
Synopsis: The proposed agreement provides for the non-exclusive use of certain parts of Berth 25. The agreement runs through June 30, 2003 but may be extended for three additional five year periods.

Dated: September 17, 1999.

By order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–24708 Filed 9–21–99; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants:

Air Sea Containers, Inc., 2749 N.W. 82nd Avenue, Miami, FL 33122, Officers: Alan H. Bond, President (Qualifying Individual)

Interlog USA, Inc., 5402 Main Street NE, Fridley, MN 55421, Officers: James G. Taylor, President (Qualifying Individual) Donald B. Taylor, Treasurer

Jeong, G. Ju d/b/a Korea Express Washington, Inc., 7912 Yarnwood Ct. Springfield, VA 22153, Sole Proprietor: Jeong G. Ju, President (Qualifying Individual)

M & M Cargo Line, Inc., One Broadway, Suite 403, Elmwood Park, NJ 07407, Officers: Milton D'Souza, President (Qualifying Individual) Marti Aranha, Vice President

Multi Transport, Inc., 8422 N.W. 66th Street, Miami, FL 33166, Officers: Jaime Grullon, President (Qualifying Individual)

N.E.W.S. Transportation Co., Inc., d/b/a N.E.W.S. Express, 1535 W. 139th Street, Gardena, CA 90249, Officers:

Chul S. Yang, President (Qualifying Individual), Tae S. Chang, Secretary

R.T.W. Co. for Shipping and Trad, d/b/a J & M Shipping, 2455 S. Fern #1, Ontario, CA 91762, Partners: Yasser Mahfouz, Partner (Qualifying Individual), Salah Mahdi Jafar, Partner

Seaspeed Transport LLC, 1021 W. Arbor Vitae Street, Inglewood, CA 90301, Officers: Virginia Mercado, Vice President, (Qualifying Individual), Juliet Viray, Treasurer, Melissa Ajoc, Secretary, Ely Mercado, President

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Future Enterprises Incorporated d/b/a Langham Transport Services 7136 Zionsville Road, Indianapolis, IN 46268, Officers: Cathy Langham, President, Margaret Langham, Vice President, John Langham, Vice President, John Willman, Director of Ocean Development (Qualifying Individual)

Universal Express International 613 Hindry Avenue, Inglewood, CA 90301, Officers: Mike Mvdallal, President, Clemencia T. Hilvano, Vice President Ocean (Qualifying Individual)

Transportation Logistics Int'l., Inc., 811 Route 33, Freehold, NJ 07728 Officers: Michael Margolies, Chairman, Kathy Buonomo, Vice President (Qualifying Individual)

Ocean Freight Forwarders—Ocean Transportation Intermediary Applicants:

Rich Shipping (USA), Inc., 19191 South Vermont Avenue, #750, Torrance, CA 90520, Officers: Ling Wan, President, Benny Wong, Vice President (Qualifying Individual)

Trans-Border Global Freight Systems, Inc., 12 Wade Road, Latham, New York 12110 Officers: Martin B. Hellwig, President (Qualifying Individual), Matthew C. Spiegel, Vice President

Dated: September 17, 1999.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–24707 Filed 9–21–99; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Monday, September 27, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: September 17, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24736 Filed 9–17–99; 4:10 pm]

BILLING CODE 6210–01–P

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board

AGENCY: General Accounting Office.

ACTION: Notice of Rescheduled Meeting on October 4–5, 1999.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that the Federal Accounting Standards Advisory Board will hold a meeting on Monday, October 4, and Tuesday, October 5, from 9:00 to 12:00 noon, in room 7C13, the Comptroller General's Briefing Room, of the General Accounting Office building, 441 G St., NW, Washington, DC. This meeting was postponed from September 16 and 17.

The purpose of the meeting is to discuss:

- National Defense PP&E.

—project plan for Phase 2

—SARS reporting; issues and options

- Direct Loan and Loan Guarantee Amendments.

—comments letters with summaries

- Other Matters such as Reporting on Indian Trust Funds in Department of the Interior Financial Reports.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Wendy Comes, Executive Director, 441 G St., NW, Room 3B18, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: September 17, 1999.

Wendy M. Comes,

Executive Director.

[FR Doc. 99–24677 Filed 9–21–99; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–151]

Availability of Final Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of four new final and six updated final toxicological profiles of priority hazardous substances comprising the tenth set prepared by ATSDR.

FOR FURTHER INFORMATION CONTACT: Ms. Loretta Norman, Division of Toxicology, Agency for Toxic Substances and Disease Registry, Mailstop E–29, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone (404) 639–6322.

SUPPLEMENTARY INFORMATION: The Superfund Amendments and Reauthorization Act (SARA) (Pub. L. 99–499) amends the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) (42 U.S.C. 9601 *et seq.*) by establishing certain requirements for ATSDR and the Environmental Protection Agency (EPA) with regard to hazardous substances which are most commonly found at facilities on the CERCLA National Priorities List (NPL). Among these statutory requirements is a mandate for the Administrator of ATSDR to prepare toxicological profiles for each substance included on the priority lists of hazardous substances. These lists identified 275 hazardous substances that ATSDR and EPA determined pose the most significant potential threat to

human health. The availability of the revised list of the 275 most hazardous substances was announced in the **Federal Register** on November 17, 1997 (62 FR 61332). For prior versions of the list of substances see **Federal Register** notices dated April 29, 1996 (61 FR 18744); April 17, 1987 (52 FR 12866); October 20, 1988 (53 FR 41280); October 26, 1989 (54 FR 43619); October 17, 1990 (55 FR 42067); October 17, 1991 (56 FR 52166); October 28, 1992 (57 FR 48801); and February 28, 1994 (59 FR 9486).

Notices (62 FR 55816) and (62 FR 55818) announcing the availability of the draft toxicological profiles for public review and comment were published in the **Federal Register** on October 28, 1997 with notice of a 90-day public comment period for each profile, starting from the actual release date. Following the close of the comment period, chemical-specific comments were addressed, and where appropriate, changes were incorporated into each profile. The public comments and other data submitted in response to the **Federal Register** notices bear the docket control numbers ATSDR–127 or ATSDR–128. This material is available for public inspection at the Division of Toxicology, Agency for Toxic Substances and Disease Registry, Building 4, Suite 2400, Executive Park Drive, Atlanta, Georgia, (not a mailing address) between 8:00 a.m. and 4:30 p.m., Monday through Friday, except legal holidays.

Availability

This notice announces the availability of four new final and six updated final toxicological profiles comprising the tenth set prepared by ATSDR. The following toxicological profiles are now available through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, telephone 1–800–553–6847. There is a charge for these profiles as determined by NTIS.

Toxicological profile	NTIS Order No.	CAS No.
Tenth Set:		
1. ALUMINUM	PB99–166613	007429–90–5
ALUMINUM CHLORIDE		007446–70–0
ALUMINUM CHLOROHYDRATE		001327–41–9
		11097–68–0
		4861–98–3
ALUMINUM LACTATE		18917–91–4
ALUMINUM HYDROXIDE		021645–51–2
ALUMINUM OXIDE		001344–28–1
ALUMINUM NITRATE		13473–90–0
ALUMINUM PHOSPHATE		007784–30–7
ALUMINUM PHOSPHIDE		020859–73–8
ALUMINUM FLUORIDE		007784–18–1
ALUMINUM SULFATE		010043–01–3
2. CADMIUM	PB99–166621	007440–43–9
CADMIUM CARBONATE		000513–78–0
CADMIUM CHLORIDE		010108–64–2
CADMIUM OXIDE		01306–19–0
CADMIUM SULFATE		010124–36–4
CADMIUM SULFIDE		01306–23–6
3. CHLOROPHENOLS	PB99–166639	000088–06–2
2,3,5,6-TETRACHLOROPHENOL		000935–95–5
2,4,5-TRICHLOROPHENOL		000095–95–4
2,4,6-TRICHLOROPHENOL		000088–06–2
2-CHLOROPHENOL		000120–83–2
4-CHLOROPHENOL		000095–57–8
2,3,4,5-TETRACHLOROPHENOL		004901–51–3
2,3,4,6-TETRACHLOROPHENOL		000058–90–2
4. ETHYL BENZENE	PB99–166647	000100–41–4
5. FORMALDEHYDE	PB99–166654	000050–00–0
6. HEXACHLOROCYCLOHEXANE	PB99–166662	000608–73–1
HEXACHLOROCYCLOHEXANE, ALPHA–		000319–84–6
HEXACHLOROCYCLOHEXANE, BETA–		000319–85–7
HEXACHLOROCYCLOHEXANE, DELTA–		000319–86–8
HEXACHLOROCYCLOHEXANE, GAMMA–		000058–89–9
7. HEXACHLOROCYCLOPENTADIENE	PB99–166670	000077–47–4
8. HEXANE	PB99–166688	000110–54–3
9. HYDROGEN SULFIDE	PB99–166696	007783–06–4
10. LEAD	PB99–166704	007439–02–1

Dated: September 16, 1999.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 99–24640 Filed 9–21–99; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Study Team for the Los Alamos Historical Document Retrieval and Assessment Project

The Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the following meeting.

Name: Public Meeting of the Study Team for the Los Alamos Historical Document Retrieval and Assessment Project.

Time and Date: 4 p.m.–6 p.m., Tuesday, October 5, 1999.

Place: Fuller Lodge, Pajarito Room, 2132 Central Avenue, Los Alamos, New Mexico 87544, telephone 505/662–8403.

Status: Open to the public, limited only by space available. The meeting room accommodates approximately 100 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with DOE and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) is given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, an MOU was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This Study Team is charged with locating, evaluating, cataloging, and copying documents that contain information about historical chemical or radionuclide releases from facilities at the Los Alamos National Laboratory (LANL) since its inception. The purpose of this meeting is to review the goals, methods, and schedule of the project; discuss the key role of interviews with current and former LANL employees; provide a forum for community interaction; and serve as a vehicle for members of the public to express concerns to CDC.

Matters to be Discussed: Agenda items include a presentation from the National Center for Environmental Health(NCEH), CDC, and/or its contractor, regarding the information-gathering project that recently began, and plans and methods for conducting interviews with active and retired employees. There will be time for public input, questions, and comments.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: Paul G. Renard, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE, m/s F–35, Atlanta, Georgia 30341–3724, telephone 770/488–7040, fax 770/488–7044.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and ATSDR.

Dated: September 16, 1999.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 99–24639 Filed 9–21–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Members on Public Advisory Committees; Veterinary Medicine Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for members to serve on the Veterinary Medicine Advisory Committee (the Committee) in FDA's Center for Veterinary Medicine.

FDA has a special interest in ensuring that women, minority groups, and the physically challenged are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified candidates from these groups.

DATES: No cutoff date is established for receipt of nominations.

ADDRESSES: All nominations for membership should be submitted to Barbara E. Leach (address below).

FOR FURTHER INFORMATION CONTACT: Barbara E. Leach, Center for Veterinary Medicine (HFV–15), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–5904.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for members to serve on the Committee. The function of the Committee is to review and evaluate available data concerning safety and effectiveness of marketed and investigational new animal drugs, feeds, and devices for use in the treatment and prevention of animal disease and increased animal production.

Criteria for Members

Persons nominated for membership on the Committee shall have adequately diversified experience that is appropriate to the work of the Committee in such fields as companion animal medicine, food animal medicine, avian medicine, microbiology, biometrics, toxicology, pathology, pharmacology, animal science, public health/epidemiology, minor species/minor use veterinary medicine, and chemistry. The specialized training and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review, but may include experience in medical practice, teaching, and/or research relevant to the field of activity of the Committee. The term of office is 4 years.

Nomination Procedures

Any interested person may nominate one or more qualified persons for membership on the Committee. Nominations shall state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude Committee membership. A current copy of the nominee's curriculum vitae should be included. Potential candidates will be asked by FDA to provide detailed information concerning such matters as employment, financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: September 13, 1999

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–24594 Filed 9–21–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–4004]

Wallace Laboratories et al.; Withdrawal of Approval of 18 New Drug Applications and 44 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 18 new drug applications (NDA's) and 44 abbreviated new drug applications (ANDA's). The holders of the applications notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: September 22, 1999.

FOR FURTHER INFORMATION CONTACT: Olivia A. Pritzlaff, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The holders of the applications listed in the table in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their request, waived their opportunity for a hearing.

Application No.	Drug	Applicant
NDA 4–253	Davitamin Tablets	Wallace Laboratories, 301B College Rd., East, Princeton, NJ 08540.
NDA 5–932	5% Aminosol	Abbott Laboratories, One Abbott Park Rd., Abbott Park, IL 60064–3500.
NDA 6–668	Redisol (cyanocobalamin) Tablets and Injection.	Merck & Co., Inc., 5 Sentry Pkwy., East (BLA–10), Blue Bell, PA 19422.
NDA 7–842	Flaxedil (gallamine triethiodide injection), 20 milligrams (mg)/milliter (mL).	Kendall Healthcare Products Co., 15 Hampshire St., Mansfield, MA 02048.
NDA 9–295	Vibazine (buclizine hydrochloride) Tablets.	Pfizer Pharmaceuticals, 235 East 42d St., New York, NY 10017–5755.
NDA 10–460	Preludin (phenmetrazine hydrocholoride) Tablets.	Boehringer Ingelheim Pharmaceuticals, Inc., 900 Ridgebury Rd., P.O. Box 368, Ridgefield, CT 06877.
NDA 10–639	Hydeltrasol (prednisolone sodium phosphate ophthalmic solution) Sterile Ophthalmic Solution.	Merck & Co., Inc., P.O. Box 4, BLA–20, West Point, PA 19486.
NDA 11–612	Daricon (oxyphenylcyclamine hydrochloride) Tablets.	Pfizer Pharmaceuticals.
NDA 11–752	Preludin (phenmetrazine hydrochloride) Endurets.	Boehringer Ingelheim Pharmaceuticals, Inc.
NDA 17–497	Synthetic Calcimar (calcitonin-salmon) for Injection.	Rhone-Poulenc Rorer Pharmaceuticals, Inc., 500 Arcola Rd.,P.O. Box 1200, Collegeville, PA 19426–0107.
NDA 18–208	Pfi-Lith (lithium carbonate) Capsules.	Pfizer Pharmaceuticals.
NDA 18–237	Calciparine (heparin calcium) Injection.	Sanofi Pharmaceuticals, Inc., 90 Park Ave., New York, NY 10019.
NDA 18–342	Wellcovorin (leucovorin calcium) Tablets.	Glaxo Wellcome, Inc., 5 Moore Dr., P.O. Box 13398, Research Triangle Park, NC 27709.
NDA 18–499	Lactated Ringer's and Dextrose Injection USP.	Miles, Inc., Pharmaceutical Div., 4th and Parker Sts., P.O. Box 1986, Berkeley, CA 94701.
NDA 18–933	MVI-12 Powder	Astra USA, Inc., P.O. Box 4500, Westborough, MA 01581–4500.
NDA 19–498	Parathar (teriparatide acetate) for Injection.	Rhone-Poulenc Rorer Pharmaceuticals, Inc.
NDA 20–841	Lotemax (loteprednol etabonate ophthalmic suspension), 0.5% Ophthalmic Suspension.	Pharmos Corp., c/o Bausch & Lomb Pharmaceuticals, Inc., 8500 Hidden River Pkwy., Tampa, FL 33637.
NDA 50–762	Trovan/Zithromax Compliance Pak (trovafloxacin mesylate/azithromycin for oral suspension).	Pfizer Pharmaceuticals.
ANDA 60–082	Tetracyn (tetracycline) Capsules.	Pfizer, Inc., 235 East 42d St., New York, NY 10017–5755.
ANDA 60–290	Tetracycline Hydro-chloride Capsules USP, 250 mg and 500mg.	Purepac Pharmaceutical Co., 200 Elmora Ave., Elizabeth, NY 07207.
ANDA 60–458	Terramycin (oxytetracyclinewith polymyxin B sulfate) Topical Powder with Polymyxin B Sulfate.	Pfizer, Inc.
ANDA 60–586	Terramycin (oxytetracycline) IV.	Do.
ANDA 60–595	Terramycin (oxytetracycline) Syrup.	Do.
ANDA 60–731	Bacitracin Neomycin-Polymyxin with Hydrocortisone Acetate Ophthalmic Ointment 1%.	Altana, Inc., 60 Baylis Rd., Melville, NY 11747.
ANDA 61–009	Terra-Poly (oxytetracycline, polymyxin B sulfate) Vaginal Tablets.	Pfizer, Inc.
ANDA 61–010	Terramycin (oxytetracycline) Tablets.	Do.
ANDA 61–277	Penicillin G Potassium Tablets for Oral Solution USP.	Teva Pharmaceuticals, USA, 1510 Delp Dr., Kulpsville, PA 19443.
ANDA 61–841	Terramycin (oxytetracycline) with Polymyxin B Sulfate Otic Ointment.	Pfizer, Inc.
ANDA 62–288	Gentamicin Sulfate Injection, 40 mg/mL.	Bristol Laboratories, P.O. Box 4755, Syracuse, NY 13221–4755.
ANDA 62–289	Gentamicin Sulfate Injection USP.	King Pharmaceuticals, Inc., 501 Fifth St., Bristol, TN 37620.
ANDA 62–598	Neomycin Sulfate-Triamcinolone Acetonide Cream.	Savage Laboratories, Inc., Division of Altana Inc., 60 Baylis Rd., Melville, NY 11747.
ANDA 62–607	Neomycin Sulfate-Triamcinolone Acetonide Ointment.	Pharmaderm, Division of Altana, Inc., 60 Baylis Rd.,Melville, NY 11747.

Application No.	Drug	Applicant
ANDA 70–656	Dopamine Hydrochloride Injection USP, 40 mg/mL.	Abbott Laboratories.
ANDA 70–657	Dopamine Hydrochloride Injection USP, 80 mg/mL.	Do.
ANDA 73–611	Diphenhydramine Hydrochloride Cough Syrup, 12.5 mg/5 mL.	Cumberland-Swan, Inc., 1 Swan Dr., Smyrna, TN 37167.
ANDA 80–195	Potassium Chloride Injection.	Miles, Inc.
ANDA 80–211	Prednisolone Tablets, 5 mg.	Private Formulations, Inc., 460 Plainfield Ave., Edison, NJ 08818.
ANDA 80–830	Vitamin A Capsules USP, 15 mg.	Del Ray Labs, Inc., 22–20th Ave., NW., Birmingham, AL 35215.
ANDA 83–021	Sulfacetamide Sodium Ophthalmic Solution USP, 10%, 15%, and 30%.	AKORN, Inc., 1222 West Grand, Decatur, IL 62526.
ANDA 83–256	Alcohol in Dextrose Injection USP, 5%/5%.	Baxter Healthcare Corp., Rte. 120 and Wilson Rd., Round Lake, IL 60073–0490.
ANDA 84–652	Chlorotrianisene Capsules USP, 12 mg.	Banner Pharmacaps, 200730 Dearborn St., P.O. Box 2157, Chatsworth, CA 91313–2157.
ANDA 84–708	Triamcinolone Tablets, 2 mg.	Roxane Laboratories, Inc., P.O. Box 16532, Columbus, OH 43216–6532.
ANDA 84–775	Triamcinolone Tablets, 4 mg.	Teva Pharmaceuticals, USA.
ANDA 85–697	Phendimetrazine Tartrate Tablets, 35 mg (pink).	Private Formulations, Inc.
ANDA 85–914	Phendimetrazine Tartrate Tablets, 35mg.	Manufacturing Chemist, Inc., c/o Integrity Pharmaceutical Corp., 5767 Thunderbird Rd., Indianapolis, IN 46236.
ANDA 86–192	Hydrochlorothiazide Tablets, 25 mg and 50 mg.	M. M. Mast & Co., 4152 Ruple Rd., Cleveland, OH 44121.
ANDA 86–217	Chlordiazepoxide Capsules, 10 mg.	Do.
ANDA 86–259	Trichlormethiazide, 4 mg.	Do.
ANDA 86–521	Dextroamphetamine Sulfate Tablets, 5 mg.	Do.
ANDA 86–523	Phenazine Capsules, 35 mg.	Do.
ANDA 86–524	Phenazine Capsules, 35 mg.	Do.
ANDA 86–525	Phenazine Capsules, 35 mg.	Do.
ANDA 86–787	Sustac (nitroglcerin) Extended-release Oral Tablets, 10 mg.	Forest Laboratories, Inc., 909 Third Ave., New York, NY 10022–4731.
ANDA 87–255	Quinidine Sulfate Tablets, 200 mg.	Solvay Pharmaceuticals, Inc., 901 Sawyer Rd., Marietta, GA 30062.
ANDA 87–229	Nitrobon (nitroglycerin extended-release capsules) Capsules.	Inwood Laboratories, Inc., 909 Third Ave., New York, NY 10022–4731.
ANDA 87–305	Phendimetrazine Tartrate Tablets, 35 mg.	M. M. Mast & Co.
ANDA 87–544	Nitrobon (nitroglycerin extended-release capsules) Capsules.	Inwood Laboratories, Inc.
ANDA 87–917	Theophylline Syrup, 80 mg/15 mL.	Ferndale Laboratories, Inc., 780 West Eight Mile Rd., Ferndale, MI 48220.
ANDA 89–577	Hydrocortisone Sodium Succinate for Injection USP, 100 mg/mL.	Abbott Laboratories.
ANDA 89–578	A-Hydrocort (Hydrocortisone Sodium Succinate for Injection USP), 250 mg/vial.	Do.
ANDA 89–579	A-Hydrocort (Hydrocortisone Sodium Succinate for Injection USP), 500 mg/vial.	Do.
ANDA 89–580	A-Hydrocort (Hydrocortisone Sodium Succinate for Injection USP), 1 gram/vial.	Do.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82), approval of the applications listed in the table in this document, and all amendments and supplements thereto, is hereby withdrawn, effective September 22, 1999.

Dated: September 8, 1999.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 99–24595 Filed 9–21–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Cardiovascular and Renal Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 14, 1999, 9 a.m. to 5:30 p.m.

Location: National Institutes of Health, Clinical Center, Bldg. 10, Jack Masur Auditorium, 9000 Rockville Pike, Bethesda, MD. Parking in the Clinical Center is reserved for Clinical Center patients and their visitors. If you must drive, please use an outlying lot such as Lot 41B. Free shuttle bus service is provided from Lot 41B to the Clincal Center every 8 eight minutes during rush hour and every 15 minutes at other times.

Contact Person: Joan C. Standaert, Center for Drug Evaluation and Research (HFD–110), Food and Drug Administration, 5630 Fishers Lane,

Rockville, MD 20857, 419–259–2511, or John M. Treacy, 301–827–7001, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12533. Please call the Information Line for up-to-date information on this meeting. Current information may also be accessed on the Internet at the FDA Website "www.fda.gov".

Agenda: On October 14, 1999, the committee will discuss acute coronary syndromes.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by October 7, 1999. Oral presentations from the public will be scheduled on October 14, 1999, between approximately 9 a.m. and 10 a.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 7, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 13, 1999

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–24593 Filed 9–21–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of the Committee: Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 4, 1999, 8 a.m. to 5 p.m.

Location: Parklawn Bldg., conference rooms D and E, 5600 Fishers Lane, Rockville, MD.

Contact Person: Elisa D. Harvey, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1180 or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12524. Please call the Information Line for up-to-date information on this meeting.

Agenda: On October 4, 1999, in the morning session, the committee will discuss issues for new barrier contraceptive devices such as premarket study design, prescription versus over-the-counter availability, and premarket versus postmarket studies. The following current guidance documents are available as references: (1) "Testing Guidance for Male Condoms Made from New Material," (2) "Guidance for Industry: Uniform Contraceptive Labeling," and (3) "Premarket Testing Guidelines for Female Barrier Contraceptive Devices Also Intended to Prevent Sexually Transmitted Diseases." Single copies of these guidance documents are available to the public by contacting the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 1–800–638–2041 or by faxing your request to 301–443–8818 and requesting the document by shelf numbers 455, 1251, and 384, respectively. They are also available on the Internet using the World Wide Web at http://www.fda.gov/cdrh/ode/oderp455.html, http://www.fda.gov/cdrh/ode/contrlab.html, and http://www.fda.gov/cdrh/ode/384.pdf.

In the afternoon session, the committee will discuss clinical study requirements for new nonextirpative methods of treating uterine fibroids.

Procedure: On October 4, 1999, from 9 a.m. to 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by September 27, 1999. Oral presentations from the public will be scheduled between approximately 9:30 a.m. and 10 a.m. and between approximately 1:30 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal presentations should notify the contact person before September 27, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On October 4, 1999, from 8 a.m. to 9 a.m., the meeting will be closed to permit the committee to hear and review trade secret and/or confidential commercial information regarding pending and future device issues. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

FDA regrets that it was unable to publish this notice 15 days prior to the October 4, 1999, Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 17, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–24711 Filed 9–17–99; 3:37 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Psychopharmacologic Drugs Advisory Committee; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the notice of meeting of the Psychopharmacologic Drugs Advisory Committee. This meeting was announced in the **Federal Register** of August 26, 1999 (64 FR 46687). The

amendment is being made to cancel the entire session on October 7, 1999. This meeting will be open to the public. There are no other changes.

FOR FURTHER INFORMATION CONTACT: Sandra L. Titus, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093) Rockville, MD 20857, 301–827–7001, or e-mail "tituss@cder.fda.gov", or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area) code 12544. Please call the Information Line for up-to-date information on this meeting.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 26, 1999 (64 FR 46687), FDA announced that a meeting of the Psychopharmacologic Drugs Advisory Committee would be held on October 7 and 8, 1999. On page 46687, beginning in the first column, the *Date and Time*, *Agenda*, and *Procedure* portions of this meeting are amended to read as follows:

Date and Time: The meeting will be held October 8, 1999, 8 a.m. to 4:30 p.m.

Agenda: On October 8, 1999, the committee will consider the safety and efficacy of new drug application 19–839/S–026, Zoloft®, (sertraline hydrochloride, Pfizer Pharmaceuticals) proposed to treat posttraumatic stress disorder.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by October 1, 1999. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 1, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Dated: September 13, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–24597 Filed 9–21–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee on Special Studies Relating to the Possible Long–Term Health Effects of Phenoxy Herbicides and Contaminants (Ranch Hand Advisory Committee); Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Advisory Committee on Special Studies Relating to the Possible Long–Term Health Effects of Phenoxy Herbicides and Contaminants (Ranch Hand Advisory Committee).

General Function of the Committee: To advise the Secretary and the Assistant Secretary for Health concerning its oversight of the conduct of the Ranch Hand study by the U.S. Air Force and provide scientific oversight of the Department of Veterans Affairs (VA) Army Chemical Corps Vietnam Veterans Health Study, and other studies in which the Secretary or the Assistant Secretary for Health believes involvement by the committee is desirable.

Date and Time: The meeting will be held on October 14 and 15, 1999, 8:30 a.m. to 5 p.m.

Location: Parklawn Bldg., 5600 Fishers Lane, conference rm. K, Rockville, MD.

Contact Person: Ronald F. Coene, Food and Drug Administration, 5600 Fishers Lane, rm. 16–53, Rockville, MD 20857, 301–827–6696, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12560. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will receive an update from the Department of Veterans Affairs on the Army Chemical Corps Vietnam Veterans Health Study and will continue their review of the Air Force Health Study-Cycle 5, draft report.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by October 7, 1999. Oral presentations from the public will be scheduled on October 15, 1999, between approximately 11 a.m. to 12 m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 7, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 13, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–24598 Filed 9–21–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–0296]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the Information collections referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We

are requesting an emergency review because the collection of this information is needed prior to the expiration of the normal time limits under OMB's regulations at 5 CFR, part 1320. The Agency cannot reasonably comply with the normal clearance procedures because public harm is likely to result because beneficiaries may not receive timely, accurate, complete, and useful notices which will enable them to make informed consumer decisions, with a proper understanding of their rights to a Medicare initial determination, their appeal rights in the case of payment denial, and how these rights are waived if they refuse to allow their medical information to be sent to Medicare. This information collection standardizes the requirements set forth under 42 CFR 484.10, currently approved under OMB number 0938–0365.

HCFA is requesting OMB review and approval of this collection by close of business 09/30/1999, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by close of business 9/29/1999. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

Type of Information Collection Request: New Collection;

Title of Information Collection: Home Health Advance Beneficiary Notices (HHABNs) and Supporting Regulations in 42 CFR 484.10;

Form No.: HCFA–R–0296 (OMB #0938–NEW);

Use: This program memorandum (PM) is intended to instruct Home Health Agencies (HHAs) with respect to their responsibility for providing proper written notice to beneficiaries in advance of furnishing what they believe to be noncovered care or of reducing or terminating ongoing care. These new instructions and notices apply where a physician has ordered home health care for a beneficiary but the HHA believes that Medicare will not pay for that care. They do not apply to situations where the physician will not order care, or where care is reduced or terminated in accordance with a physician's order. Medicare never pays for home health care that is not ordered by a physician. The instructions in the PM supersede current instructions in Medicare Intermediary Manual, Part 3 (MIM) § 3730.2 and in Home Health Agency Manual § 270. These new instructions are designed to ensure that beneficiaries receive timely, accurate, complete, and useful notices which will enable them to make informed consumer decisions, with a proper understanding of their rights to a Medicare initial determination, their appeal rights in the case of payment denial, and how these rights are waived if they refuse to allow their medical information to be sent to Medicare. It is essential that such notice be timely, readable and comprehensible, provide clear directions, and provide accurate and complete information about the services affected and the reason that Medicare denial of payment for those services is expected by the HHA. For this reason, new notices (the HHABNs) with very specific content and graphic design have been prepared and are attached as Exhibits 2–4 hereto, and must be used by all HHAs furnishing services to Medicare beneficiaries.

The model notices attached to the memorandum are designed to ensure HHAs inform beneficiaries in writing, in a timely fashion, about changes to their home health care, the fact that they may have to pay for care themselves if Medicare does not pay, the process they must follow in order to obtain an initial determination by Medicare and, if payment is denied, to file an appeal, and the fact that they waive those rights if they refuse to allow their medical information to be sent to Medicare. If the HHA expects payment for the home health services to be denied by Medicare, a beneficiary must be advised before home health care is initiated or continued, that in the HHA's opinion, payment probably will be required from him or her personally. These notices must be issued by the HHA each time, and as soon as the HHA makes the assessment that it believes Medicare payment will not be made. The HHABNs must be provided by HHAs according to these instructions in any case where a reduction or termination of services is to occur, or where services are to be denied before being initiated, except in any case in which a physician concurs in the reduction, termination, or denial of services. Failure to do so is a violation of the HHA Conditions of Participation in the Medicare Program, which are currently approved PRA requirements approved under OMB number 0938–0365, and may result in the HHA being held liable under the Limitation on Liability (LOL) provision.

These instructions for completion, provision, and effectuation of advance beneficiary notices by HHAs are to be used by RHHIs effective September 30, 1999. The model notices (HHABNs) must be used by providers and as required by the MIM, Part 3, § 3440 Establishing When Beneficiary is on Notice of Noncoverage.

Completion of Model Home Health Advance Beneficiary Notices (HHABNs) Model Notice Exhibit 1 of the PM is for instructional purposes only and includes guidance on the notice form. Model HHABNs, Exhibits 2–4, serve as notice to the beneficiary that the HHA believes that home health services are not covered in different situations. HHABN–1, Termination, is used when all home health services will be terminated. HHABN–2, Initiation, is used when the HHA expects that Medicare will not pay, even before services have been initiated. HHABN–3, Reduction, is used when ongoing home health services will be reduced (e.g., reduced in number, frequency, or for a particular subset of services, or otherwise). For any particular HHABN, the provider makes an original and two copies. (If you require a copy, one more will be made.) The provider gives, or where this is not possible mails, the original to the beneficiary (or the person acting on his or her behalf), sends the first copy to the beneficiary's physician, and keeps the second. When the beneficiary (or person acting on his or her behalf) is given a copy, he or she will return it to the provider with his or her signature and the date he or she signed the notice. If the beneficiary or the person acting on behalf of the beneficiary refused to sign the HHABN, the provider's copy should be annotated accordingly, indicating the circumstances and persons involved;

Frequency: On occasion;

Affected Public: Individuals or Households, Business or other for-profit, Not-for-profit institutions;

Number of Respondents: 188,326;

Total Annual Responses: 360,000;

Total Annual Hours: 60,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of Information requirements. However, as noted above, comments on these Information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by close of business 09/29/1999:

Health Care Financing Administration, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Allison Herron Eydt, HCFA Desk Officer.

Dated: September 20, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–24845 Filed 9–20–99; 2:40 pm]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1999.

Name: Advisory Committee on Training in Primary Care Medicine and Dentistry.

Date and Time: November 4, 1999; 8:30 a.m.–5:00 p.m.; November 5, 1999; 8:30 a.m.–4:00 p.m.

Place: Washington Plaza Hotel, 10 Thomas Circle, NW, Washington, DC 20005.

The meeting is open to the public.

Purpose: The Advisory Committee shall (1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning activities under section 747 of the Public Health Service (PHS) Act; and (2) prepare and submit to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Advisory Committee, including findings and recommendations made by the Committee concerning the activities under section 747 of the PHS Act. The Advisory Committee will meet twice each year and submit its first report to the Secretary and the Congress by November 2001.

Agenda: Introduction of the 23 new members. Discussion of history and current status of programs and activities authorized under section 747 of the PHS Act. Discussion of the intent of the programs; goals for improving access, diversity and supply; focus of programs; project requirements; funding priorities; outcomes data; and the peer review process. Strategic planning for the Committee.

Anyone interested in obtaining a roster of members, minutes of the meeting, or other relevant information should write or contact Dr. Barbara Brookmyer, Deputy Executive Secretary, Advisory Committee on Training in Primary Care Medicine and Dentistry, Parklawn Building, Room 9A–27, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–1468, e-mail bbrookmyer@hrsa.gov.

Dated: September 15, 1999.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 99–24599 Filed 9–21–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Protection and Advocacy for Individuals With Mental Illness (PAIMI) Annual Program Performance Report (OMB No. 0930–0169, Revision)

The Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, (42 U.S.C. Chapter 1114) authorized funds to support protection and advocacy services on behalf of individuals with mental illness and severe emotional disturbance who are at risk for abuse and neglect and other civil rights violations while under treatment in a residential facility. Under the PAIMI Act, formula grant awards are made to protection and advocacy (P&A) systems designated by the governors of the 50 states and 5 territories, and the District of Columbia to ensure that the rights of individuals with mental illness and severe emotional disturbance are not violated. The PAIMI Act requires P&A systems to file an annual report on their activities and accomplishments and to provide in the report information on such topics as, numbers of individuals served, types of complaints addressed, the number of intervention strategies used to resolve the presenting issues. The Act also requires that the P&A Advisory Council also submit an annual report that assesses the effectiveness of the services provided by P&A systems.

SAMHSA's Center for Mental Health Services (CMHS) is revising the PAIMI Annual Program Performance Report for the following reasons: (1) to make it consistent with the revised annual program report format used by the Administration on Developmental Disabilities, Administration on Children and Families; and, (2) to conform to the GPRA requirements that the reporting burden to the States be reduced. CMHS is making no revisions to the PAIMI Annual Advisory Council Report.

Revisions to the PAIMI Annual Program Performance Report include: (1) Deletion of financial expenditure and sub-contractor information, which P&A systems are required to submit annually to the SAMHSA Grants Management Office; (2) Deletion of items that are more appropriate for inclusion in the Guidance for Applicants (GFA), such as PAIMI program staff positions, by-laws and policies and procedures; (3) PAIMI staff, advisory council and governing board demographic information will be reduced to a comprehensive graph format; (4) All "information not available" statements will be deleted to ensure that P&A systems focus on gathering more accurate client data during the intake and referral process; (5) Sections such as, PAIMI program mechanisms for public comment, individual PAIMI clients, etc. will be reduced to a graph format similar to that approved by OMB for use by the Administration on Developmental Disabilities, Administration on Children and Families, which administers the Protection and Advocacy to the Developmentally Disabled (PADD) Program; (6) Case complaints and problems of the individuals served by the P&As will be modified to capture more accurate information on incidents of abuse, neglect and civil rights violations, such as the incidents of seclusion and restraint used in the emergency rooms of general hospitals on individuals with mental illness, co-occurring disorders and severe emotional disturbance, during transport

to and from a residential treatment facility, etc.; and, (7) Sections focused on the types of intervention strategies, public education and awareness/training activities used by the P&As on behalf of the clients served will be placed in a chart format. The revised format will be effective for the report due on January 1, 2001. The annual burden estimate is as follows:

	Number of respondents	Number of responses per respondent	Hours per response	Total hour burden
Annual Program Performance Report	56	1	26	1,456
Advisory Council Report	56	1	10	560
Total	112			2,016

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Allison Eydt, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: September 15, 1999.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 99–24641 Filed 9–21–99; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4520–N–02]

NOFA for Resident Opportunities and Self Sufficiency (ROSS) Program; Notice of Amendment

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Notice of amendment of Notice of Funding Availability (NOFA) for Resident Opportunities and Self Sufficiency (ROSS) Program.

SUMMARY: The Department of Housing and Urban Development (HUD) is amending the NOFA for the Resident Opportunities and Self Sufficiency (ROSS) Program published in the **Federal Register** of August 10, 1999 (64 FR 43530). The amendment expands the eligibility of applicants, extends the application due dates, and makes clear that all expiring Service Coordinator grants are being renewed. Applicants that have already applied under the August 10, 1999 NOFA do not need to reapply.

DATES: *Application Deadline:* Completed applications (one original and two copies) must be submitted by the time described in section I. of the August 10, 1999 ROSS NOFA on: November 22, 1999 for Resident Management and Business Development; November 22, 1999 for Capacity Building and/or Conflict Resolution; and December 21, 1999 for Resident Service Delivery Models. The application period for Service Coordinators grant renewals is open until all funds are awarded.

ADDRESSES: *Address for Submitting Applications:* By the application due date an original and one copy of the application must be received at the Grants Management Center (GMC); one copy must be received at the local Field Office with delegated public or assisted housing responsibilities attention: Director, Office of Public Housing, or, in the case of Indian Tribes/TDHEs, an original and one copy to ONAP, Denver Program Office, 1999 Broadway, Suite 3390, Denver, CO 80202. Applications, other than those from Tribes/TDHEs, should be sent to the GMC at the following address: Grants Management Center, Attention: Director, 501 School Street, S.W., Suite 800, Washington, DC 20024. A list of HUD Field Offices is included in the application kit for this NOFA.

For Application Kits. For an application kit and any supplemental information please call the PIH Information and Resource Center at 1–800–955–2232. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209. The application kit also will be available on the Internet through the HUD web site at http://www.hud.gov. When requesting an application kit, please refer to ROSS and provide your name, address (including zip code), and telephone number (including area code).

FOR FURTHER INFORMATION CONTACT: For answers to your questions, you have several options. For ROSS and any of its funding categories, you may call the local HUD Field Office with delegated responsibilities over the pertinent housing agency/authority. Answers may also be obtained by calling the Public and Indian Housing Information and Resource Center at 1–800–955–2232. Information on this NOFA may also be obtained through the HUD web site on the Internet at http://www.HUD.gov.

SUPPLEMENTARY INFORMATION:

On August 10, 1999, at 64 FR 43530, HUD published the Resident Opportunities and Self Sufficiency (ROSS) Program NOFA (ROSS NOFA). The ROSS NOFA made funds available under three funding categories: Technical Assistance/Training Support for Resident Organizations (which has two subcategories: Resident Management and Business Development, and Capacity Building and/or Conflict Resolution) Resident Service Delivery Models, and Service Coordinators (Elderly/Disabled). This notice amends the ROSS NOFA requirements, as explained below. Applicants must still comply with all of the other application submission requirements as stated in the August 10, 1999 NOFA. Applicants that have already applied under the August 10, 1999 NOFA do not need to reapply.

Technical Assistance/Training Support for Resident Organizations

The ROSS NOFA included provisions, at sections IV.(A)(3) and IV.(B)(3) that previous TOP grantees must demonstrate that they have spent at least 75 percent of any prior grant by the publication date of the ROSS NOFA. This requirement was to be used as a measure of an applicant's capacity, and to make funding more widely available by avoiding duplicate, overlapping funding. To make these sections consistent with the rest of the ROSS NOFA, from which similar 75 percent spending requirements are being removed, these provisions are being removed. Instead, for applicants under this category, the ROSS NOFA is being amended, at sections IV.(A)(9) and IV.(A)(8), to provide that based on the applicant's past experience and Field Office knowledge of the applicant's capacity to perform, the Field Office will determine whether or not the applicant is eligible for an award.

Resident Service Delivery Models (RSDM)

The August 10, 1999 ROSS Program NOFA provided, at paragraph V.(C)(3) for the RSDM funding category, that previous EDSS, TOP, or Service Coordinator grantees must demonstrate that they have spent at least 75 percent of any prior grant by the publication date of the ROSS NOFA. This requirement is being removed to expand the pool of eligible applicants.

Service Coordinators for Elderly and Persons With Disabilities

With respect to the Service Coordinators category, the PHA eligibility threshold of spending 75 percent of prior Service Coordinator or EDSS grants is removed. All PHAs with prior Service Coordinator grants may apply for renewal of their Service Coordinator grants. Conforming changes are made to section VI.(G) to remove a reference to 75%, and to section VI.(I) of the ROSS NOFA to say that grants will be renewed as applications are received. The last sentence in paragraph VI(I), which discusses how funds will be distributed to other funding categories if all funds are not awarded in the Service Coordinator funding category is also being removed. Since all Service Coordinator category funds will be awarded for Service Coordinator grants, this sentence is not necessary.

Accordingly, FR Doc. 99–20429, the Notice of Funding Availability for the Resident Opportunities and Self Sufficiency published in the **Federal Register** on August 10, 1999 (64 FR 43530) is amended as follows:

1. On page 43532, in the second column, paragraph IV.(A)(3) is revised to read as follows:

(3) *Eligible applicants.* Site-Based Resident Associations (RAs), City-Wide Resident Organizations (CWROs), and Tribes/TDHEs that partner with Tribal ROs and Tribal RMCs. If an RA is a beneficiary or recipient of proposed grant activities by a CWRO, then that RA cannot also apply under this category. Applications from a Tribe or TDHE must include a Memorandum of Understanding (MOU) (see section IV.(A)(8)(b), below, of this NOFA) with the Tribal RO or RMC.

2. On page 43535, in the first column, paragraph IV.(A)(9) is revised to read as follows:

(9) *Application Selection Process.* Applicants for Resident Management and Business Development grants are required to address application submission requirements, but are not required to address selection factors. Based on the applicant's past experience and Field Office knowledge of the applicant's capacity to perform, the Field Office will determine whether or not the applicant is eligible for an award. Eligibility will also be determined by applications that meet the threshold requirements of sections IV.(A)(8) and VII. of this NOFA. * * *

3. On page 43535, in the third column, paragraph IV.(B)(3)(d) is removed.

4. On page 43536, in the third column, paragraph IV.(B)(8) is revised to read as follows:

(8) *Application Selection Process.* Applicants for Conflict Resolution or Capacity Building grants are required to address application submission requirements but are not required to address selection factors. Applicants are required to include letters of support from the PHA or Tribe on behalf of RAs or Tribal ROs and RMCs to be served (see section IV.(B)(7)(f), above, of this NOFA). Based on the applicant's past experience and Field Office knowledge of the applicant's capacity to perform, the Field Office will determine whether or not the applicant is eligible for an award. Eligibility will also be determined by applications that meet the threshold requirements of sections IV.(B)(7) and VII. of this NOFA. * * *

5. On page 43537, in the third column, paragraph V.(C)(3) is removed, and paragraph V.(D)(4) is redesignated as paragraph V.(C)(3).

6. On page 43543, in the middle column, paragraph VI.(C)(2) is removed, and paragraph VI.(C)(3) is redesignated as paragraph VI.(C)(2).

7. On page 43543, in the third column, paragraph VI.(G)(2)(e) is removed, and paragraphs VI.(G)(2)(f), (g), (h), (i), (j), (k), (l), and (m), are redesignated as paragraphs VI.(G)(2)(e), (f), (g), (h), (i), (j), (k), and (l), respectively.

8. On page 43544, in the middle column, paragraph VI.(I) is revised to read as follows:

(I) *Application Selection Process.* Applicants for Elderly or Persons with Disabilities Service Coordinator grants are required to address application submission requirements, but are not required to address selection factors. To be eligible for funding, an application must meet the threshold requirements of sections VI.(H) and VII. of this NOFA, and submit all information required under this NOFA. HUD will renew expiring Service Coordinator grants for up to 12 months as applications are received until funds in this funding category are exhausted.

Dated: September 17, 1999.

Harold Lucas,

Assistant Secretary, Office of Public and Indian Housing.

[FR Doc. 99–24783 Filed 9–20–99; 11:18 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–016166

Applicant: Abed S. Radwan, Anchorage, AK

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–017288

Applicant: James L. Tyson, Doerun, GA

The applicant requests a permit to import the sport-hunted trophy of two male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–017224

Applicant: Martin A. Steiner, Granite Bay, CA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–017234

Applicant: Zoological Society of San Diego, San Diego, CA

The applicant requests a permit to import one female captive-born Northern Douc Langur (*Pygathrix nemaeus nemaeus*) from the Zoological Garden Basel, Basel, Switzerland, for the purpose of enhancement of the survival of the species through conservation education and propagation.

PRT–017229

Applicant: University of North Florida, Jacksonville, FL

The applicant requests a permit to import preserved hatchling or egg specimens of: Green turtle (*Chelonia mydas*), up to 50s hatchlings and 25 undeveloped eggs; Hawksbill turtle (*Eretmochelys imbricata*), up to 50 hatchlings and 18 undeveloped eggs; Leatherback turtle (*Dermochelys coriacea*), up to 50 hatchlings, for scientific purposes.

PRT–691650

Applicant: U.S. Fish and Wildlife Service, Division of Law Enforcement, Arlington, VA

The applicant requests renewal of a permit to import and export any Endangered or Threatened species for the purpose of enhancement of the survival of the affected species through enhanced law enforcement capabilities.

The following applicants have applied for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR part 18).

PRT–017171

Applicant: Jerry Cotner, Richardson, TX

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

PRT–017419

Applicant: Dr. Darlene Ketten, Woods Hole Oceanographic Institute, Woods Hole, MA

Permit Type: Take and import for scientific research.

Name and Number of Animals: Dugong (*Dugong dugong*).

Summary of Activity to be Authorized: The applicant requests a permit to obtain 3 heads for the purpose of scientific research as part of study on how the structural elements of marine mammal ears contribute to underwater hearing.

Source of Marine Mammals: Dugongs obtained post-mortem in the Torres Straits, Australia.

Period of Activity: Up to 5 years, if issued.

PRT–017421

Applicant: Donald E. Lenig, Lancaster, PA

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted taken prior to April 30, 1994 from the Lancaster Sound polar bear population, Northwest Territories, Canada, for personal use.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be sent to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281 and must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: September 17, 1999.

Kristen Nelson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 99–24705 Filed 9–21–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Habitat-Based Recovery Criteria for the Grizzly Bear (Ursus arctos horribilis) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period.

SUMMARY: In 64 FR 38464, July 16, 1999, we announced the availability for public review of draft habitat-based recovery criteria for the grizzly bear (*Ursus arctos horribilis*) in the Yellowstone Ecosystem. Final habitat-based recovery criteria will be appended to the Grizzly Bear Recovery Plan. We solicited review and comment from the public on this draft information until September 14, 1999. This notice extends the comment period for 45 days, until October 30, 1999.

DATES: Comments on the draft habitat-based recovery criteria must be received on or before October 30, 1999, to ensure that they will be considered when we finalize the criteria.

ADDRESSES: Persons wishing to review the draft habitat-based recovery criteria may obtain a copy by contacting the Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, University Hall, Room 309, University of Montana, Missoula, Montana 59812. Written comments and materials regarding this information should be sent to the Recovery Coordinator at the address given above. Comments may also be submitted by e-mail to: FW6__grizzly@fws.gov. Please include the "Habitat Criteria" in the subject line of your message. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator (see **ADDRESSES** above), at telephone (406) 243–4903.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 15, 1999.

Terry Terrell,

Regional Director, Denver, Colorado.

[FR Doc. 99–24532 Filed 9–21–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Habitat Conservation Plan, Receipt of Application for; and Intent To Issue, Incidental Take Permit for Installation of a 2,500-foot Television Coaxal Cable on Private Property in Garfield County, UT

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability, Receipt of Application for, and Intent to Issue Permit.

SUMMARY: South Central Utah Telephone Association (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant has been assigned permit number TE–017010. The request permit, which is for a period of 1 year, would authorize incidental take of the threatened Utah prairie dog (*Cynomys parvidens*). The proposed take would occur as a result of installation of a 2,500-feet television coaxal cable on a privately-owned

parcel of land located within Garfield County, Utah.

The Service has determined that issuance of the incidental take permit meets the criteria for a categorical exclusion under the requirements of the National Environmental Policy Act, and that there is consequently no necessity for the development of an Environmental Assessment. The Applicant has prepared a Habitat Conservation Plan as part of the incidental take permit application. A determination of whether jeopardy to the species will occur and/or issuance of the incidental take permit, will not be made before 30 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application must be received on or before October 22, 1999.

ADDRESSES: Persons wishing to review the permit application and/or Habitat Conservation Plan may obtain a copy by writing to the Assistant Field Supervisor, Utah Ecological Services Field Office, U.S. Fish and Wildlife Service, 145 East 1300 South Street, Suite 404, Salt Lake City, Utah 84115. Documents will be available for public inspection by written request, or by appointment only, during business hours (8:00 a.m. to 4:30 p.m.) at the above address.

Written data or comments concerning the permit application should be submitted to the Assistant Field Supervisor, Utah Ecological Services Field Office, U.S. Fish and Wildlife Service, Salt Lake City, Utah (see **ADDRESSES** above). Please refer to permit number TE–017010 in all correspondence regarding these documents.

FOR FURTHER INFORMATION CONTACT: David McGillivary, Assistant Field Supervisor or Ted Owens, Wildlife Biologist, at the above U.S. Fish and Wildlife Service office in Salt Lake City, Utah (see **ADDRESSES** above) (telephone: (801) 524–5001, facsimile: (801) 524–5021).

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the "taking" of any threatened or endangered species, such as the threatened Utah prairie dog. However, the Service, under limited circumstances, may issue permits to take threatened or endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are at 50 CFR 17.22.

Applicant

The Applicant plans to install a 2,500-foot television coaxal cable within a 10-foot right-of-way across private land parallel to State Route 12 near the junction of U.S. Highway 89 and State Route 12 (Red Canyon Junction), approximately 8 miles southeast of the town of Panguitch, Garfield County, Utah. The cable installation will provide television cable services to the local residents, motels, and recreational vehicle campgrounds located in the area. The installation will impact approximately 0.133 acre of occupied Utah prairie dog habitat, and the Applicant foresees an incidental take of a maximum of four (4) Utah prairie dogs as a result of direct mortality during installation. The Applicant proposes to minimize impacts to Utah prairie dogs through conducting a preconstruction information meeting for construction personnel and through minimization of the cable installation's footprint and the time spent working in occupied Utah prairie dog habitat. The Applicant proposes to compensate for the habitat disturbance resulting from cable installation by payment of $900 per care for each acre impacted, to be used for public land management actions for Utah prairie dog conservation and to implement recovery actions for conservation of the Utah prairie dog, through contribution to the Utah Prairie Dog Conservation Fund, managed by the National Fish and Wildlife Foundation.

A no-action alternative to the proposed action was considered, consisting of foregoing the installation of the 2,500 television cable in Utah prairie dog habitat. The no-action alternative was rejected for reasons including loss of use of private property, resulting in significant economic loss to the Applicant.

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq*).

Dated: September 9, 1999.

Terry Terrell,

Deputy Regional Director, Fish and Wildlife Service, Denver, Colorado.

[FR Doc. 99–24684 Filed 9–21–99; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On May 13, 1999 a notice was published in the **Federal Register**, Vol.64, No.92, page 25899, that an application had been filed with the Fish and Wildlife Service by Ferris State University, MI, for a permit (PRT–838026) to import one donated, taxidermied polar bear (*Ursus maritimus*) for the purpose of public display.

Notice is hereby given that on August 16, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On, July 19, 1999 a notice was published in the **Federal Register**, Vol.64, No.137, page 38687, that an application had been filed with the Fish and Wildlife Service by Toledo Zoological Gardens, Toledo, OH, for a permit (014704) to import one live, captive-born female polar bear (*Ursus maritimus*) for the purpose of public display and scientific study.

Notice is hereby given that on September 10, 1999, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Documents and other information submitted with the application are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the above address within 30 days of the date of publication of this notice.

Dated: September 17, 1999.

Kristen Nelson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 99–24706 Filed 9–21–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Western Regional Panel Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Western Regional Panel Committee. The meeting topics are identified in the **SUPPLEMENTARY INFORMATION.**

DATES: The Panel will meet from 8:00 p.m. to 5:00 p.m., on Tuesday, October 5, 1999, and 8:00 am to 12:00 noon on Wednesday, October 6, 1999.

ADDRESSES: The meeting will be held at the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas.

FOR FURTHER INFORMATION CONTACT: Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force at 703–358–2308 or by e-mail at: sharon__gross@fws.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Aquatic Nuisance Species Task Force Western Regional Panel Committee. The Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

The Panel, comprised of representatives from Federal, State, and local agencies and from private environmental and commercial interests, provides the following:

1. Identifies priorities for the Western Region with respect to aquatic nuisance species;
2. Makes recommendations to the Task Force regarding an education, monitoring (including inspection), prevention, and control program to prevent the spread of the zebra mussel west of the 100th Meridian;
3. Coordinates with other aquatic nuisance species program activities in the Western region;
4. Develops an emergency response strategy for Federal, State, and local entities for stemming new invasions of aquatic nuisance species; and
5. Provides advice to public and private individuals and entities concerning methods of preventing and controlling aquatic nuisance species.

The topics of this meeting will be to review Panel activities for the past year and develop priorities for the coming year, develop plans to implement priority actions, and provide updates of ongoing activities.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 851, North Fairfax Drive, Arlington, Virginia 22203–1622, and will be available for public inspection during business hours, Monday through Friday.

Dated: September 16, 1999.

Rowan Gould,

Co-Chair, Aquatic Nuisance Species Task Force, Acting Assistant Director—Fisheries.

[FR Doc. 99–24634 Filed 9–21–99: 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Geological Survey

National Satellite Land Remote Sensing Data Archive Advisory Committee; Committee Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, the National Satellite Land Remote Sensing Data Archive (NSLRSDA) Advisory Committee will meet at the U.S. Geological Survey (USGS) Earth Resources Observation Systems (EROS) Data Center (EDC) near Sioux Falls, South Dakota. The Committee, comprised of 15 members from academia, industry, government, information science, natural science, social science, and policy/law, will provide the USGS, EDC management with advice and consultation on defining and accomplishing the NSLRSDA's archiving and access goals to carry out the requirements of the Land Remote Sensing Policy Act; on priorities of the NSLRSDA's tasks; and, on issues of archiving, data management, science, policy, and public-private partnerships.

Topics to be reviewed and discussed by the Committee include determining the content of and upgrading the basic data set as identified by the Congress; metadata content and accessibility; product characteristics, availability, and delivery; and, archiving, data access, and distribution policies.

DATES: October 20–22, 1999, commencing at 8:30 a.m. October 20 and adjourning at 12 noon on October 22.

CONTACT: Mr. Thomas M. Holm, Acting Chief, Data Services Branch, U.S. Geological Survey, EROS Data Center, Sioux Falls, South Dakota, 57198 at (605) 594–6142 or email at *holm@edcmail.cr.usgs.gov.*

SUPPLEMENTARY INFORMATION: Meetings of the National Satellite Land Remote Sensing Data Archive Advisory Committee are open to the public. Previous Committee meeting minutes are available for public review at *http://edc.usgs.gov/programs/nslrsda/advcomm.html.*

Dated: September 15, 1999.

Ernest B. Brunson,

Acting Associate Chief of Operations, National Mapping Division.

[FR Doc. 99–24683 Filed 9–21–99; 8:45 am]

BILLING CODE 4310–47–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–962–1410–00–P; AA–72079]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), and Sec. 207(e) of Pub. L. 100–383, will be issued to The Aleut Corporation. The lands involved are in the vicinity of Attu Island, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the *Anchorage Daily News.* Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision shall have until October 22, 1999 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Sherri D. Belenski,

Land Law Examiner, Branch of ANCSA Adjudication.

[FR Doc. 99–24642 Filed 9–21–99; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on August 31, 1999, a proposed consent decree in *United States* v. *Charles L. Guyton, et al.*, Civil Action No. 99CV223, was

lodged with the United States District Court for the Eastern District of Virginia.

In this action, the United States sought recovery under Section 107 of CERCLA of in excess of $2.7 million in response costs incurred as well as costs to be incurred by the United States in response to the release or threatened release of hazardous substances at the C&R Battery Company, Inc. Superfund Site ("Site"), located in Chesterfield, Virginia. The Consent Decree will resolve the claims against three of the defendants, Ricky Wharton T/A Wharton Enterprises, Divid Cunningham T/A Battery Barn and Battery Barn of Virginia, Inc., for the payment, aggregate, of $25,757.56 to the United States. The Consent Decree contains a covenant not to sue by the United States under Section 107 of CERCLA. The Consent Decree will not resolve the United States' claims against the remaining defendant, Charles L. Guyton, who was the operator of the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Charles L. Guyton, et al.*, DOJ Ref. #90–11–2–692/2.

The proposed consent decree may be examined at the Office of the United States Attorney, Eastern District of Virginia, Richmond Division, 600 E. Main Street, Suite 1800, Richmond, VA, 23219; at U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029; and at the Consent Decree Library, 1120 G. Street, N.W., 3rd Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of $46.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–24604 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—CommerceNet Consortium, Inc.

Notice is hereby given that, on May 11, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), CommerceNet Consortium, Inc. (the "Consortium") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Baltimore, Inc., Plano, TX; Bow Street Software, Portsmouth, NH; Boston Consulting Group, Inc., Boston, MA; Computer Literacy, Sunnyvale, CA; Progress Software, Bedford, MA; and Fatbrain.com, Sunnyvale, CA have joined the Consortium as Core members. Intelisys Electronic Commerce LLC, New York, NY has joined the Consortium as a Portfolio member. Also, Emerge Consulting, Palo Alto, CA; E-Forex, Brisbane, CA; CNAPro, New York, NY; Fujitsu Limited-Japan, Tokoyo, Japan; nCiper Limited, Cambridge, United Kingdom; Fruit of the Loom, Bowling Green, KY; and Bay Networks, Santa Clara, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CommerceNet Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On June 13, 1994, CommerceNet Consortium, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 31, 1994 (59 FR 45012).

The last notification was filed with the Department on April 29, 1999. A notice has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–24606 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—CommerceNet Consortium, Inc.

Notice is hereby give that, on April 29, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), CommerceNet Consortium, Inc. (the "Consortium") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, TSI Software, Wilton, CT; Roundstone Group, Westwood, MA; and Infoseek, Sunnyvale, CA have joined the Consortium as Core members. Also, Mitsubishi Electronics America, Inc., Sunnyvale, CA; V-One Corporation, Germantown, MD; Internet Shopping Directory, Inc., Incline Village, NV; and Mitsubishi International Corp., Palo Alto, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CommerceNet Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On June 13, 1994, CommerceNet Consortium, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 31, 1994 (59 FR 45012).

The last notification was filed with the Department on March 31, 1999. A notice has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–24607 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Digital Imaging Group

Notice is hereby given that, on March 8, 1999, pursuant to Section 6(a) of the

National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Digital Imaging Group has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Elysium Ltd. Crowborough, East, United Kingdom; Fonecom, San Diego, CA; IXLA, Ltd, San Jose, CA; LizardTech, Inc., Seattle, WA; LuRa Tech, Berlin, Germany; Norwegian University of Science and Technology, Trundheim, Norway; Octalis, Louvain-la-Neuve, Belgium, Panoptic Vision, Boulder, CO; Societe des Auteurs et Compositeurs, Paris, France; and Netimage, Gargilesse, France have been added as parties to this venture. Also, Jiro (formerly PrintPaks, Inc.), Portland, OR; Koyosha Graphics of America, Inc., San Francisco, CA; PhotoDisc, Inc., Seattle, WA; PhotoSpin, Inc., Rolling Hills Estates, CA; Pictra, Inc., Sunnyvale, CA; PictureWorks Technology, Inc., Danville, CA; SanDisk Corporation, Sunnyvale, CA; and Storm Technology, Inc., Mountain View, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Digital Imaging Group intends to file additional written notification disclosing all changes in membership.

On September 25, 1997, Digital Imaging Group filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 10, 1997 (62 FR 60530).

The last notification was filed with the Department on December 16, 1998. A notice has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–24611 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Gas Utilization Research Forum ("GURF")

Notice is hereby given that, on February 2, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Gas Utilization Research Forum ("GURF") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Phillips Petroleum Company, Bartlesville, OK has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Gas Utilization Research Forum ("GURF") intends to file additional written notification disclosing all changes in membership.

On December 19, 1990, Gas Utilization Research Forum ("GURF") filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 16, 1991 (56 FR 1655).

The last notification was filed with the Department on July 6, 1998. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 31, 1998 (63 FR 72331).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–24605 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Inter Company Collaboration for AIDS Drug Development

Notice is hereby given that, on June 29, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4310 *et seq.* ("the Act"), Inter Company Collaboration for AIDS Drug Development (the "Collaboration") has filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, although no changes have been made in the membership of the Collaboration, Collaboration member Astra AB of Sweden merged with Zeneca Group PLC of the United Kingdom to form AstraZeneca PLC, a United Kingdom public limited company. In addition, Collaboration member Agouron Pharmaceuticals, Inc. of La Jolla, California has become a wholly owned subsidiary of Warner-Lambert Company of Morris Plains, New Jersey.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Inter Company Collaboration for AIDS Drug Development intends to file additional written notification disclosing all changes in membership.

On May 27, 1993, Inter Company Collaboration for AIDS Drug Development filed its original notification to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 6, 1993 (58 FR 36223).

The last notification was filed with the Department on November 30, 1998. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 29, 1999 (64 FR 4707).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–24609 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—International Business Machines Corporation and the Santa Curz Operation, Inc. Cooperative Development

Notice is hereby given that, on January 22, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), International Business Machines

Corporation and The Santa Cruz Operation, Inc. have filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provision limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are International Business Machines Corporation, Armonk, NY; and The Santa Cruz Operation, Inc., Santa Cruz, CA. The nature and objectives of the venture are to cooperatively develop and enhance UNIX operating systems designed to operate on the 32-bit and 64-bit Intel architecture platforms to enable innovative new open systems computer technologies and products more rapidly and efficiently than either party could achieve independently. Each party may market such jointly developed products.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–24610 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Motorola/Jabil Circuits

Notice is hereby given that, on March 30, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Motorola, Inc. has filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b)of the Act, the identities of the parties are Auburn University, Auburn, AL; Jabil Circuit, Inc., San Jose, CA; Loctite Corporation, Rocky Hill, CT; and Motorola, Inc., Schaumburg, IL. The nature and objectives of the venture are to engage in a collaborative effort of limited duration to gain further knowledge and understanding of, and develop new materials and technology for, integrated-circuit fabrication facilities using conventional surface mount technology to handle new "direct chip attach" components, enabling more efficient production of these high performance devices.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–24608 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1998–99]

RIN 1115–AF50

Advance Notice of Expansion of Expedited Removal to Certain Criminal Aliens Held in Federal, State, and Local Jails

AGENCY: Immigratnion and Naturalization Service, Justice.

ACTION: Advance notice with request for comments.

SUMMARY: This notice advises the public that the Immigration and Naturalization Service (Service) intends to apply the expedited removal provision of section 235(b)(1) of the Immigration and Nationality Act (Act) on a pilot basis to certain criminal aliens being held in three correctional facilities in the State of Texas. This action will not become effective until the Service evaluates and addresses public comments and informs the public by notice in the **Federal Register** when the expedited removal provisions will be implemented. This pilot program will last for a period of 180 days, and will be followed with an evaluation of the program. The Service believes that implementing the expedited removal provisions to person who have been found by a Federal judge to be guilty of illegal entry and are serving short criminal sentences will result in removal of those criminal aliens faster than can be achieved under ordinary removal proceedings. This will ensure prompt immigration determinations in those cases and consequently will save Service detention space and immigration judge and trial attorney resources, while at the same time protecting the righ5ts of the individuals affected.

DATES: Comments must be submitted on or before November 22, 1999.

ADDRESSES: Please submit written comments, **original and two copies,** to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW, Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS No. 1998–99 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Isabelle Chewning, Detention and Deportation Officer, Immigration and Naturalization Service, 801 I Street NW, Suite 800, Washington, DC 20536, telephone (202) 616–7797, or Melinda Clark, Detention and Deportation Officer, Immigration and Naturalization Service, 425 I Street NW, Room 3214, Washington, DC 20536, telephone (202) 514–1986.

SUPPLEMENTARY INFORMATION:

What is the expedited removal program?

Under section 235(b)(1) of the Immigration and Nationality Act (Act), as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), certain aliens who are inadmissible to the United States under sections 212(a) (6) (C) or 212(a) (7) of the Act are not entitled to a formal removal hearing before an immigration judge under section 240 of the Act. Instead, these aliens are subject to an expedited removal order issued by an immigration officer. Sections 212(a) (6) (C) and 212(a) (7) are the grounds of inadmissibility which cover aliens who seek or have sought to procure a visa, other documentation, or admission to the United States or other benefits under the Act by fraud or misrepresentation or who arrive without proper entry documents.

On March 6, 1997, the Department of Justice issued implementing regulations which apply the expedited removal provisions of section 235(b)(1) of the Act to certain aliens arriving in the United States on or after April 1, 1997. (See 62 FR 10312).

To whom Will the Section 235(b) (1) Expedited Removal Provisions Be Applied?

Section 235(b) (1) (A) (iii) of the Act permits the Attorney General, in her sole and unreviewable discretion, to designate certain other aliens to whom the expedited removal provisions may be applied even though they are not arriving in the United States. Specifically, the Attorney General may apply the expedited removal provisions to any or all aliens who have not been admitted or paroled into the Untied States and who have been physically present for less than 2 years prior to the date of the determination of inadmissibility. By publication of this notice, the Attorney General is exercising her discretionary authority to apply the provisions of the expedited removal to certain alien who:

(i) Have been convicted of illegal entry into the United States under 8 U.S.C. 1325(a) (1) or (2) (section 275 of the Act) if the court record establishes the time, place, and manner of entry;

(ii) Have not been admitted or paroled into the United States and who have been physically present for less than 2 years prior to the date of the determination of inadmissibility; and

(iii) Are serving criminal sentences in the Big Spring Correction Center, Eden Detention Center, or Reeves County Bureau of Prisons Contract Facility.

Under What Authority Is the Immigration and Naturalization Service Taking This Action?

In addition to the statutory authority contained in section 235(b)(1)(A)(iii) of the Act, the expedited removal provisions contained in the Service's regulations at 8 CFR 235.3(b)(1)(ii) provides as follows:

(ii) As specifically designated by the Commissioner, aliens who arrive in, attempt to enter, or have entered the United States without having been admitted or paroled following inspection by an immigration officer at a designated port-of-entry, and who have not established to the satisfaction of the immigration officer that they have been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility. The Commission shall have the sole discretion to apply the provisions of section 235(b)(1) of the Act, at any time, to any class of aliens described in this section. The Commissioner's designation shall become effective upon publication of a notice in the **Federal Register**. However, if the Commissioner determines, in the exercise of discretion, that the delay caused by publication would adversely affect the interests of the United States or the effective enforcement of the immigration laws, the Commissioner's designation shall become effective immediately upon issuance, and shall be published in the **Federal Register** as soon as practicable thereafter. When these provisions are in effect for aliens who enter without inspection, the burden of proof rests with the alien to affirmatively show that he or she has the required continuous physical presence in the United States. Any absence from the United States shall serve to break the period of continuous physical presence. An alien who was not inspected and admitted or paroled into the United States but who establishes that he or she has been continuously physically present in the United States for the 2-year period immediately prior to the date of determination of inadmissibility shall be detained in accordance with section 235(b)(2) of the Act for a proceeding under section 240 of the Act.

Because the regulation provides the authority to apply expedited removal to aliens affected by this pilot program, the Service is not amending its regulation, but it is announcing the pilot program through this notice and a subsequent notice after receiving public comment.

Why Is This Action Being Taken?

The Service identifies and processes thousands of criminal aliens for removal each year while they are incarcerated in Federal, State, and local jails and correctional facilities. There are several programs and methods in place to accomplish this task. Most notable is the Institutional Removal Program (IRP), whereby immigration officers are stationed at specific Federal and State correctional facilities to process aliens for removal proceedings, which are conducted at that site by Immigration Judges before their release from criminal custody. If found removable, the aliens can then be removed from the country immediately upon completion of their sentence, without the Service incurring additional detention costs to house them during their removal proceedings. Many of the aliens incarcerated in certain IRP facilities have been convicted of illegal entry under 8 U.S.C. 1325 (section 275 of the Act), often initiated after the alien has committed multiple illegal entries. Many are given relatively short sentences that make it difficult to complete removal proceedings before an immigration judge prior to the completion of their sentences. Since these aliens have been convicted of illegal entry, the court records and documentation in the file will clearly establish the time, place, and manner of entry, thereby establishing eligibility for expedited removal. Under this pilot program, therefore, expedited removal will only be applied where the Federal Courts have affirmatively determined that the alien falls within the illegal entry criteria for expedited removal.

Will the Program Be Expanded to all Federal, State, and Local Jails and Correctional Facilities?

No. This pilot program will be limited to the following IRP facilities: Big Spring Correction Center, Eden Detention Center, and Reeves County Bureau of Prisons Contract Facility. This limitation will permit the Service to provide thorough training to all officers involved in the process, to monitor the procedures being followed, and to evaluate the effectiveness of the pilot program for possible application to other IRP facilities.

Will Expedited Removal Be Applied to all Criminal Aliens Detained at These Sites?

No. The Service intends to apply the expedited removal provisions only to those aliens convicted of illegal entry who have not previously been removed, provided the court records explicitly established the time, place, and manner of entry, and that the alien has not been admitted or paroled into the United States and has not been physically present continuously for the 2-year period immediately prior to the date of the determination of inadmissibility.

Those aliens who have reentered the United States illegally after having been previously ordered removed from the United States will continue to be subject to reinstatement of the prior order of removal under section 241(a)(5) of the Act. The Service will also continue to apply the existing procedures under section 238 of the Act for removal of most aliens convicted of an aggravated felony.

What Does the Service Expect To Achieve Through This Pilot Program?

The Service expects the pilot program to demonstrate a greater efficiency in processing criminal aliens who meet the statutory criteria for expedited removal, but who may not be eligible for other existing programs or could not be as promptly removed under the IRP. In addition, many of the relatively routine cases that fall within the statutory criteria for expedited removal but are currently being heard by immigration judges in the IRP could be processed under expedited removal, and the administrative resources and detention costs currently expended on these cases could be applied to other IRP cases or to other detained cases. The increased volume of illegal entries and the increasing number of criminal aliens being apprehended and identified have resulted in a critical shortage of Service detention space in recent months. This shortage necessitates that the Service explore further appropriate means to achieve the most efficient use of limited Service detention space. The Service is confident that the experience it has gained since the implementation of the expedited removal program at ports-of-entry on April 1, 1997, will enable it to successfully pilot a very limited expansion of the program in a manner that is both effective and fair.

How Will the Service Ensure That an Alien Placed in the Expedited Removal Program Will Not Be Subjected to Persecution or Torture Upon Removal From the United States?

Service regulations provide that any alien who indicates either an intention to apply for asylum, withholding of removal under section 241(b)(3) of the Act, or protection under the Convention Against Torture, or expresses a fear of persecution, torture, or other harm shall be referred for an interview by an asylum officer to determine whether the alien has a credible fear. The Form I–867A and I–867B currently used by the officers who process aliens under the expedited removal program, in accordance with the statutory requirement at section 235(b)(1)(B)(iv) of the Act, carefully explains to all aliens in expedited removal proceedings the alien's right to a credible fear interview. The forms also require that the officer determine whether the alien has any reason to fear harm if returned to his or her country. This form will also be used for aliens subject to expedited removal under this pilot program. Additionally the training to be provided to other officers who will administer the program will emphasize the need to be alert for any verbal or non-verbal indications that the alien may be afraid to return to his or her homeland.

Once an alien is referred to an asylum officer for a credible fear interview, he or she has a right to consultation with a person of the alien's choosing, and a right to review by an immigration judge of any negative credible fear determination. Aliens found to have a credible fear are then placed into ordinary removal proceedings before an immigration judge where they may apply for asylum and withholding of removal.

How Does the Effect of an Expedited Removal Order Issued by an Immigration Officer Differ From the Effect of a Final Removal Order Issued by an Immigration Judge Under Section 240 of the Act?

Regardless of whether the final order is issued by an immigration judge or the Board of Immigration Appeals under section 240 of the Act or by an immigration officer under section 235(b)(1) of the Act, the consequences are the same. The alien is prohibited from returning to the United States without advance permission for the period of time specified in section 212(a)(9) of the Act. Where proceedings are initiated other than upon the alien's arrival in the United States, the alien ordered removed is inadmissible for a period of 10 years (or 20 years in the case of a second or subsequent removal). If the alien should illegally reenter the United States, he or she is subject to reinstatement of removal under section 241(a)(5) of the Act and to civil and criminal penalties contained in the Act and in other Federal statutes.

How Will the Service Evaluate the Integrity, Productivity and Effectiveness of This Program?

The Service intends to monitor the process carefully and will conduct an evaluation of the program upon the termination of the pilot program after 180 days have elapsed. The Service will regularly conduct reviews of a sampling of expedited removal cases processed at the selected facilities. The files will be reviewed to ensure that all procedures are properly followed, especially those procedures designed to protect the rights of the aliens involved. This is the same process used by the Service for monitoring port-of-entry expedited removal cases. The Service will also conduct site visits to conduct follow-up training and on-site monitoring. The Service will also monitor statistics pertaining to the number of aliens removed through this program.

Why Is the Service Soliciting Public Comments on This Notice?

While not required under the Administrative Procedures Act, the Service is interested in receiving comments from the public on all aspects of the expedited removal program, but especially on the effectiveness of the program, problems envisioned by the commenters, and suggestions on how to address those problems. We believe that, by maintaining a dialogue with interested parties, the Service can ensure that the program remains effective in combating and deterring illegal entry whole at the same time protecting the rights of the individuals affected.

When Will These Actions Begin and How Long Will It Last?

After evaluating and addressing the public comments, the Service will inform the public by notice in the **Federal Register** 30 days prior to the pilot program's implementation. The program will remain in effect for 180 days.

Dated: September 14, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 99–24385 Filed 9–21–99; 8:45 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–73]

General Electric Company; Notice of Consideration of Application for Renewal of Facility License

The United States Nuclear Regulatory Commission (the Commission) is considering renewal of Facility License No. R–33, issued to the General Electric Company (the licensee) for operation of the General Electric Nuclear Test Reactor located on the Vallecitos Nuclear Center in Sunol, California.

The renewal would extend the expiration date of Facility License No. R–33 for twenty years from date of issuance, in accordance with the licensee's timely application for renewal dated September 30, 1997, as supplemented on November 20, 1997, and June 18, and August 23, 1999.

Prior to a decision to renew the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

Within thirty days of publication of this notice, the licensee may file a request for a hearing with respect to renewal of the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC. If a request for a hearing or petition for leave to intervene is filed within the time prescribed above, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the

following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion and the petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC within the time prescribed above. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325–6000 (in Missouri 1-(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Ledyard B. Marsh: petitioner's name and telephone number; date petition was mailed; General Electric Company Nuclear Test Reactor; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Benton M. Murray, V18, General Electric Company, Vallecitos Nuclear Center, 6705 Vallecitos Road, Sunol, CA 94586.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for renewal dated September 30, 1997, as supplemented on November 20, 1997, and June 18, and August 23, 1999, which is available for public inspection at the Commission's Public Document Room at 2120 L Street, NW, Washington, DC

Dated at Rockville, Maryland, this 16th day of September 1999.

For the Nuclear Regulatory Commission.

Thomas Koshy,

Acting Chief, Events Assessment, Generic Communications and Non-Power Reactors Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24669 Filed 9–21–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–151]

University of Illinois at Urbana-Champaign; University of Illinois at Urbana-Champaign Advanced Triga Research Reactor Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a license amendment to Facility License No. R–115, issued to the University of Illinois at Urbana-Champaign (UIUC or the licensee), for decommissioning of the UIUC Advanced TRIGA Research Reactor, located on the UIUC campus in Urbana, Champaign County, Illinois.

Environmental Assessment

Identification of Proposed Action

The proposed action is approval of the licensee's SAFSTOR decommissioning plan. UIUC submitted their decommissioning plan in accordance with 10 CFR 50.82(b) for the UIUC Advanced TRIGA Research Reactor located in the Nuclear Reactor Laboratory (NRL). The reactor (1.5 MW thermal power) was permanently shut down on August 9, 1998. The licensee applied for a possession-only license amendment on October 5, 1998. By License Amendment No. 10 issued on April 12, 1999, the NRC removed the authority to operate the reactor and authorized possession of the residual radioactive materials.

The proposed decommissioning plan would place the NRL and reactor into safe storage until at least 2009 because this date is the soonest the Department of Energy can accept fuel from the UIUC. Domestic spent nuclear fuel receipts at the Idaho National Engineering and Environmental Laboratory have been severely constrained because of a settlement agreement of a lawsuit concerning spent nuclear fuel and nuclear waste. The only fuel storage option the licensee has is to maintain fuel in storage at the NRL. Decontamination and dismantlement activities cannot begin until fuel is removed from the NRL. The licensee has chosen the SAFSTOR option of decommissioning. SAFSTOR is the alternative in which the facility is placed and maintained in a condition that allows the facility to be safely stored and subsequently decontaminated to levels that permit release for unrestricted use. SAFSTOR consists of a short period of preparation for safe storage, a variable safe storage

period of continuing care consisting of security, surveillance, and maintenance, and ends with a period of deferred decontamination. The regulations in 10 CFR 50.82(b)(4)(i) allow the NRC staff to give consideration to an alternative which provides for delayed completion of decommissioning only when necessary to protect the public health and safety. The regulations give factors to be considered in evaluating an alternative which provides for delayed completion of decommissioning. One of these factors is the unavailability of waste disposal capacity. The inability of the licensee to dispose of the spent reactor fuel falls under this factor. The licensee will submit an updated decommissioning plan for NRC review and approval after fuel has been removed from the NRL.

The decommissioning plan describes maintaining the facility in a safe storage condition. Fuel will be stored in approved storage racks in the Bulk Shielding Facility, which is a tank of water that is part of the reactor biological shield but is separate from the reactor tank. The licensee plans to maintain a regular surveillance schedule at the facility during the SAFSTOR period. The licensee will continue with their current health physics program and the approved emergency plan, security plan and operator requalification plan during the SAFSTOR period.

A "Notice and Solicitation of Comments Pursuant to 10 CFR 20.1405 and 10 CFR 50.82(b)(5) Concerning Proposed Action to Decommission University of Illinois at Urbana-Champaign University of Illinois Advanced TRIGA Research Reactor" was published in the **Federal Register** on June 14, 1999 (64 FR 31882), and in the Champaign News-Gazette on June 13, 1999. There were no comments received on the proposed action.

The proposed action is in accordance with the licensee's application for amendment dated November 13, 1998, as supplemented by letters dated May 11 and August 3, 1999.

The Need for the Proposed Action

The proposed action is necessary because of the UIUC's decision to cease operations permanently. As specified in 10 CFR 50.82, any licensee may apply to the NRC for authority to surrender a license voluntarily and to decommission the affected facility. Once the licensee permanently ceases operation, 10 CFR 50.82(b)(1) requires the licensee to make application for license termination within two years following permanent cessation of operations, and in no case later than one year prior to expiration of the operating license. UIUC is planning to place the facility into safe storage until such time that the Department of Energy can accept the fuel from the facility. After the fuel is removed, the licensee will continue with decommissioning activities. UCIC is planning to use the area that would be released for unrestricted use for other academic purposes.

Environmental Impact of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the radiological effects of maintaining the facility in a condition of safe storage will be minimal because fuel will be stored in approved storage locations under the restrictions of the facility license. In accordance with the conditions of the technical specifications, the licensee will conduct weekly physical surveillance of the facility to confirm that the fuel and facility are in a condition of safe storage and to ensure proper system performance. The licensee will continue surveillance of primary water quality, radiation monitoring systems, the ventilation system and fuel inspection. Likewise, the licensee will continue with their current health physics program, approved emergency plan, security plan and operator requalification plan. Any solid or liquid wastes generated during the storage period will be disposed of in accordance with the regulations. With the termination of reactor operations, effluents released from the site will probably decrease. No new postulated accidents have been identified during the safe storage period that would have greater radiological impact than previously evaluated accidents. The UIUC estimates that the typical dose commitment to a member of the public at the site boundary will continue to be less than 2 mrem per year as has been reported in annual reports from the licensee. The UIUC estimates that the typical occupational dose commitment to members of the staff will continue to be less than 50 mrem per year per person during the SAFSTOR period.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

The only two alternatives to the proposed action for the UCIC Advanced TRIGA reactor are ENTOMB and no action. ENTOMB is the alternative in which radioactive contaminates are encased in a structurally long-lived material, such as concrete, the entombed structure is appropriately maintained and continued surveillance is carried out until the radioactivity decays to a level permitting release of the property for unrestricted use.

The ENTOMB alterative could not be put into place until the fuel has been removed from the facility. However, the UIUC wants to use the space that will become available for other academic purposes and would enter into the decommissioning activities soon after fuel is removed from the facility. The alternative of not decommissioning reactors was rejected in the "Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities," NUREG–0586. The no action alternative would leave the facility in its present configuration. Denial of the application would result in no change in current environmental impacts.

The environmental impacts of the proposed action and the alternative actions are similar.

Alternative Use of Resources

The action does not involve the use of resources different from those previously committed for construction and operation of the UIUC Advanced TRIGA reactor.

Agencies and Persons Consulted

In accordance with its stated policy, on August 20, 1999, the staff consulted with the State of Illinois official, F. Niziolek of the Illinois Department of Nuclear Safety (IDNS), regarding the environmental impact of the proposed action. The state official stated that the IDNS chooses not to provide any comments on the proposed action.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have

a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this proposed action, see the licensee's letter dated November 13, 1998, as supplemented by letters dated May 11 and August 3, 1999. These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C. 20003–1527.

Dated at Rockville, Maryland, this 16th day of September 1999.

For the Nuclear Regulatory Commission.

Thomas Koshy,

Acting Chief, Events Assessment, Generic Communications and Non-Power Reactors Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24668 Filed 9–21–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Materials and Metallurgy; Postponed

A meeting of the ACRS Subcommittee on Materials and Metallurgy scheduled to be held on September 22, 1999, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland has been postponed due to the unavailability of a staff document. Notice of the meeting was published in the **Federal Register** on Friday, September 3, 1999 (64 FR 48439). Rescheduling of this meeting will be announced in a future **Federal Register** Notice.

Further information contact: Mr. Noel F. Dudley, cognizant ACRS staff engineer, (telephone 301/415–6888) between 7:30 a.m. and 4:15 p.m. (EDT).

Dated: September 16, 1999.

Richard P. Savio,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 99–24666 Filed 9–21–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of September 20, 27, October 4, 11, *and* 18, 1999.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of September 20

Tuesday, September 21

9:25 a.m.—Affirmation Session (Public Meeting) (if needed)

9:30 a.m.—Briefing by DOE on Draft Environmental Impact Statement (DEIS) for a Proposed HLW Geologic Repository (Public Meeting)

Wednesday, September 22

9:00 a.m. Meeting on Center for Strategic and International Studies Report, "The Regulatory Process for Nuclear Power Reactors—a Review" (Public Meeting)

Week of September 27—Tentative

There are no meetings scheduled for the Week of September 27.

Week of October 4—Tentative

There are no meetings scheduled for the Week of October 4.

Week of October 11—Tentative

Thursday, October 14

11:30 a.m.—Affirmation Session (Public Meeting) (if needed)

Week of October 18—Tentative

Thursday, October 21

9:30 a.m.—Briefing on Part 35—Rule on Medical Use of Byproduct Material (Contact: Cathy Haney, 301–415–6825) (SECY–99–201, *Draft Final Rule—10 CFR Part 35, Medical Use of Byproduct Material,* is available in the NRC Public Document Room or on NRC web site at "www.nrc.gov/NRC/COMMISSION/SECY/index.html". Download the *zipped version* to obtain all attachments.)

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. *Contact Person for More Information:* Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: September 17, 1999.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 99–24682 Filed 9–17–99; 2:03 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 28, 1999, through September 10, 1999. The last biweekly notice was published on September 8, 1999 (64 FR 48858).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3)

involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administration Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m., Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By October 22, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for

amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: August 27, 1999.

Description of amendments request: The proposed amendment revises Technical Specification (TS) 3.7.13, "Spent Fuel Pool (SFP) Water Level" to allow placement of one or more fuel assemblies on SFP rack spacers to support fuel reconstitution activities while irradiated fuel assembly movement continues in the SFP. Although the plant TSs do not prohibit fuel reconstitution, the effect of the current wording of TS 3.7.13, in conjunction with the specific design of the SFP and storage racks, limits reconstituting only one fuel assembly at a time and only when no irradiated fuel assembly movement occurs in the SFP. Specifically, the proposed change adds a new statement to the limiting condition for operation that would require the water level over fuel assemblies placed on rack spacers to be 19.8 feet while irradiated fuel assemblies are being moved in the SFP. The proposed administrative controls will ensure that the current design basis fuel handling accident described in the Updated Final Safety Analysis Report (UFSAR) bounds a fuel handling accident associated with reconstitution activities.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change will require a minimum water level of 19.8 feet over fuel assemblies that are placed on rack spacers for fuel reconstitution activities while fuel movement continues in the SFP. This proposed change does not cause any spent fuel handling equipment to be operated in a new or different manner. No structural changes or modifications are being made to the spent fuel handling machine (SFHM) or to the spent fuel storage racks. Administrative controls will be put in place to ensure that the SFHM or an assembly being carried by the SFHM will not strike assemblies placed on rack spacers. This proposed change does not make any changes to equipment, procedures, or processes that increase the likelihood of dropping the fuel assembly from the SFHM. Administrative controls will be put in place to limit the movement of heavy loads such that only a single-failure-proof crane will be used in the area of the affected fuel assembly and the adjacent storage rack cells when the assemblies are seated on rack spacers with their upper end fittings removed. Therefore, this proposed change does not involve a significant increase in the probability of an accident previously evaluated.

A Fuel Handling Incident (FHI) during reconstitution activities is bounded by those previously analyzed and described in the Updated Final Safety Analysis Report (UFSAR) for the limiting FHI. The number of fuel pins that could be ruptured in a raised fuel assembly does not exceed that previously analyzed. Also, by requiring that reconstitution activities do not occur until 10 days after shutdown ensures that a[n] FHI during these activities will be bounded by the most limiting FHI described in the UFSAR. Therefore, the proposed change does not significantly increase the consequences of an accident previously evaluated.

Based on the above, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different type of accident from any accident previously evaluated.

The proposed change will not make any physical changes to the plant. Specifically, no modifications will be made to the SFHM, the spent fuel storage racks, or the spent fuel assemblies. No changes are made to the operation of the SFHM. The only change made by this activity is that multiple fuel assemblies may be placed on rack spacers in the SFP for reconstitution activities. Administrative controls will be put in place to ensure that this proposed change does not create the potential of a[n] FHI during reconstitution activities that is not bounded by our current accident analysis. This proposed change does not have any impact on the cooling or safe geometry functions of the SFP storage racks. This proposed change does not create any new interactions between any plant components. Therefore, the possibility of a new or different type of accident is not created by this proposed change.

3. Would not involve a significant reduction in a margin of safety.

The Technical Specification requires a minimum water level to be maintained above the fuel assemblies stored in the SFP storage racks to ensure that sufficient water depth is available to remove the assembled iodine gap activity released from the rupture of an irradiated fuel assembly. The proposed change will allow multiple fuel assemblies to be placed on rack spacers for fuel reconstitution activities while fuel movement continues in the spent fuel pool. These activities will reduce the amount of water maintained above the fuel assemblies that are placed on rack spacers. However, the proposed change does not involve a significant reduction in a margin of safety based on the administrative controls that require an increase in the decay time before these activities can be started. Additional administrative controls will be put in place that include, in part, restricting load movements over the affected fuel assembly and the adjacent storage rack cells, as well as controlling the SFHM. The administrative controls will ensure that the FHI associated with reconstitution activities is bounded by the current design basis FHI described in the UFSAR. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Attorney for Licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Section Chief: S. Singh Bajwa.

Florida Power and Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: August 18, 1999.

Description of amendment request: The proposed amendment will change the required surveillance interval for cycling the steam valves in the turbine overspeed protection system from monthly to quarterly. The license requirement is documented in the St. Lucie, Unit 2 Updated Final Safety Analysis Report (UFSAR) Section 13.7.1.6.2, and the proposed change does not satisfy the 10 CFR 50.59 standards for a change that can be made by the licensee without prior Commission approval.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The small increase in turbine missile ejection frequency resulting from extending the test interval for turbine valves is acceptable with respect to the NRC probabilistic acceptance criterion and supports quarterly testing. In addition, there are no physical changes to plant equipment or changes in plant operation that could initiate or adversely affect the mitigation or

consequences of an accident previously evaluated. Turbine disk integrity remains unchanged since the turbine rotor inspection cycle is not affected by the change in valve testing frequency. Further, there are no changes to protective barriers or changes in separation of equipment important to safety. Therefore, safety related structures, systems, and components remain adequately protected against potential turbine missiles and the potential for turbine missile generation has not significantly increased. The change to extend the turbine valve test interval maintains the intent and design basis function being verified by the surveillance requirement. Therefore, operation of the facility in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

There are no physical changes to plant equipment or changes in plant operation that could create a new or different kind of accident. This proposed change does not result in any plant configuration changes or create new failure modes. The small increase in turbine missile ejection frequency resulting from extending the test interval for turbine valves is acceptable with respect to the NRC probabilistic acceptance criterion and supports quarterly testing. New types of turbine missiles or strike probabilities are not created by extending the turbine valve test interval. No new or different kind of accident is created. In addition, turbine disk integrity remains unchanged since the turbine rotor inspection cycle is not affected by the change in valve testing frequency. Further, there are no changes to protective barriers or changes in the separation of equipment important to safety. Safety related structures, systems, and components remain adequately protected against potential turbine missiles, the potential for turbine missile generation has not significantly increased, and new or different kinds of accidents are not created. Therefore, operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

This proposed surveillance change extends the turbine overspeed protection system turbine valve test frequency from monthly to quarterly. The results of turbine missile ejection frequency remain within NRC acceptance criterion and therefore supports quarterly testing. There are no physical changes to plant equipment or changes in plant operation that involve a significant reduction in the margin of safety. Turbine disk integrity remains unchanged since the turbine rotor inspection cycle is not affected by the change in valve testing frequency. There are no changes to protective barriers or changes in separation of equipment important to safety. Therefore, safety related structures, systems, and components remain adequately protected against potential turbine missiles and the potential for turbine missile generation has not significantly increased. The change in turbine valve test interval maintains the intent and design basis function being verified by the surveillance requirement. As such, the assumptions and conclusions of the accident analyses in the UFSAR remain valid and associated safety limits will continue to be met. Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954–9003.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Sheri R. Peterson.

GPU Nuclear Inc., Docket No. 50–320, Three Mile Island—Unit 2 (TMI–2), Dauphin County, Pennsylvania

Date of amendment request: June 29, 1999, as supplemented August 27, 1999 (LAR No. 77).

Description of amendment request: The proposed amendment would grant authority for the licensee to possess limited amounts and types of radioactive materials without unit distinction so that after the sale and transfer of the Three Mile Island—Unit 1 (TMI–1) license to AmerGen, radioactive materials may continue to be moved between the TMI–1 and TMI–2 units. After the license transfer, GPU Nuclear will need to access the waste handling and processing facilities at TMI–1 (currently common facilities) for its normal post-defueling monitored storage (PDMS) activities. Similarly, AmerGen as the TMI–1 licensee and PDMS contractor, will need to move radioactive apparatus and materials between units, principally during TMI–1 outages. The amendment would not authorize receipt or possession of radioactive material or waste from other sites.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes would not involve a significant increase in the probability of an accident previously evaluated because no accident initiators or assumptions are affected. The proposed changes have no effect on any plant systems. All Limiting Conditions for PDMS and Safety Limits specified in the Technical Specifications will remain unchanged.

[The proposed changes would] not involve a significant increase in the consequences of an accident previously evaluated because no accident conditions or assumptions are affected. The proposed changes do not alter the source term, containment isolation, or allowable radiological consequences. The staging of radioactive materials such as the contaminated reactor coolant pump and motor components will not result in a source term, that if released, would exceed that previously analyzed in the PDMS SAR [safety analysis report] in terms of off-site dose consequences. The proposed changes have no adverse effect on any plant system.

2. [The proposed changes would] not create the possibility of a new or different kind of accident from any previously evaluated because no new accident initiators or assumptions are introduced by the proposed changes. The proposed changes have no direct effect on any plant system. The changes do not affect any system functional requirements, plant maintenance, or operability requirements.

3. [The proposed changes would] not involve a significant reduction in the margin of safety because the proposed changes do not involve significant changes to the initial conditions contributing to accident severity or consequences. The proposed changes have no direct effect on any plant systems.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Law/Government Publications Section, State Library of Pennsylvania, (Regional Depository) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Michael T. Masnik.

Illinois Power Company, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois

Date of amendment request: August 23, 1999.

Description of amendment request: The proposed amendment would delete certain license conditions that are obsolete and no longer apply.

Basis for proposed no significant hazards consideration determination:

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) The proposed activity does not involve a significant increase in the probability or consequences of any accident previously evaluated.

The proposed changes delete various license-conditions each of which has been fulfilled and no longer warrants a license condition. As such, the changes are purely administrative in nature, and involve no physical or operational changes to the facility. The initial conditions and methodologies used in the accident analyses consequently remain unchanged. Further, the proposed changes do not change or alter the design assumptions for the systems or components used to mitigate the consequences of an accident. Therefore, accident analyses results are not impacted. On this basis, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The proposed activity does not create the possibility of a new or different kind of accident from any accident previously evaluated.

As noted above, the proposed changes are purely administrative and involve no physical or operational changes to the facility. As such, the proposed changes do not affect the design or operation of any system, structure, or component in the plant. The safety functions of the related structures, systems, or components are not changed in any manner, nor is the reliability or[f] any structures, systems or components reduced. No new or different type of equipment will be installed, and consequently, no new failure modes are introduced. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

(3) The proposed activity does not involve a significant reduction in the margin of safety.

The proposed changes are administrative in nature and have no impact on the margin of safety of any Technical Specification. There is no impact on safety limits or limiting safety system settings. The changes do not affect any plant safety parameters or setpoints. All active/applicable license conditions set forth in the CPS Operating License will remain in effect, and no physical or operational changes to the facility will result from these changes. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, IL 61727.

Attorney for licensee: Leah Manning Stetzner, Vice President, General Counsel, and Corporate Secretary, 500 South 27th Street, Decatur, IL 62525.

NRC Section Chief: Anthony J. Mendiola.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station Unit No. 1, Oswego County, New York

Date of amendment request: August 26, 1999.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to reflect the proposed implementation of Noble Metal Chemical Addition (NMCA) so as to enhance the effectiveness of Hydrogen Water Chemistry (HWC) in mitigating Intergranular Stress Corrosion Cracking (IGSCC) in reactor vessel internal components. Specifically, the proposed amendment would raise the reactor water conductivity limit in TS 3.2.3.a from 1.0 micromho/cm to 20 micromho/cm and in TS 3.2.3.c.1 from 5.0 micromho/cm to 20.0 micromho/cm during NMCA application. The proposed amendment will also raise the limit in TS 3.2.3.a and 3.2.3.b from 1 micromho/cm to 2 micromho/cm for up to a 5-month period at power operation following NMCA application. The reactor water conductivity would be restored to within the limit currently specified in TS 3.2.3 after the NMCA process is complete. The Bases for TS 3.2.3 and 4.2.3, "Coolant Chemistry," would be supplemented to explain the changes resulting from NMCA.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment to TS 3.2.3 will raise the reactor water conductivity limit during and following NMCA application. This change will allow the application of a layer of noble metals to the reactor vessel internals to enhance the effectiveness of HWC in mitigating IGSCC. An increased conductivity is expected both during and following NMCA. However, during NMCA, this increase is caused principally by residual ionic species which do not contribute to IGSCC. Following NMCA application, the increased conductivity is expected to be due to soluble iron and increased pH which has no adverse affect on crack growth. Accordingly, the proposed change will not adversely affect reactor vessel internals or reactor fuel such that the probability of an accident is increased. The proposed change will not alter the current TS requirements concerning equipment needed to mitigate the consequences of an accident nor affect the performance of this equipment. Therefore, operation in accordance with the proposed amendment will not create an increase in the probability or consequences of an accident previously evaluated.

The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment to TS 3.2.3 will raise the reactor water conductivity limit during and following NMCA application. This change will allow the application of a layer of noble metals to the reactor vessel internals to enhance the effectiveness of HWC in mitigating IGSCC. Except for these temporary exceptions to the existing reactor coolant chemistry specification, no new plant or system operating modes are being introduced and plant equipment will continue to perform their intended function. An increased conductivity is expected both during and following NMCA. However, during NMCA, this increase is caused by ionic species which do not contribute to IGSCC. Following NMCA application, the increased conductivity is due to soluble iron and increased pH which has no adverse affect on crack growth. Accordingly, the proposed changes will not affect plant equipment in a way to create a new or different kind of accident. Therefore, operation in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

The proposed amendment to TS 3.2.3 will raise the reactor water conductivity limit during and following the application of NMCA. During NMCA, the proposed change will raise the reactor water conductivity limit in TS 3.2.3a and 3.2.3c.1 to 20 [micromho/cm]. However, the expected increase in coolant conductivity is caused principally by ionic species which do not contribute to IGSCC and, therefore, will not adversely affect reactor vessel internals or reactor fuel.

Following NMCA application, industry experience indicates that there may be an elevated conductivity approaching the 1 [micromho/cm] conductivity limit delineated in TS 3.2.3a and 3.2.3b. To provide operating margin, NMPC proposes to raise this limit to 2 [micromho/cm] for up to 5 months of power operation following application. The expected increase in the conductivity is attributed to an increase in soluble iron and pH in the reactor coolant which results from the application of the noble metals and its affect on the deposits on the fuel. Soluble iron nor increased pH contribute to IGSCC crack growth. The existing 1 [micromho/cm] limit is based on EPRI [Electric Power Research Institute] guidelines action Level 2 for power operation, which assumes normal

conductivity below .3 [micromho/cm]. Increasing the limit to 2 [micromho/cm] during the period when soluble iron levels are high provides an equivalent operating margin consistent with the chloride and sulfate limits. Accordingly, this temporary ([less than] 5 months) elevated conductivity is expected, acceptable, and not considered "abnormal" as discussed in TS 4.2.3 and associated Bases. Daily samples of coolant for conductivity, chlorides and sulfates will continue to be performed to assure water quality.

Therefore, operation in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: S. Singh Bajwa.

Public Service Electric & Gas Company, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: August 26, 1999

Description of amendment request: The proposed amendment would raise the condensate storage tank (CST) low level setpoint and the corresponding allowable value in Technical Specification (TS) Tables 3.3.3–2 and 3.3.5–2. The subject setpoint is associated with the automatic transfer of the High Pressure Coolant Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) pump suctions from the CST to the suppression pool in the event of low CST level. These changes are being made to address concerns regarding potential vortexing in the HPCI and RCIC suction flowpaths.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The systems affected by the proposed change provide accident mitigation functions. Neither the proposed increase in level setpoint nor the reliance on operator action to maintain the required 135,000 gallon reserve volume in the condensate storage tank (CST) can affect initiation of a design basis accident.

Raising the CST low level setpoint to account for potential vortexing in the HPCI and RCIC suction flowpaths provides assurance that the functions of these systems can be properly carried out. There will no longer be a possibility of air entrainment into the RCIC and HPCI pumps suction at low levels in the CST. Initiation of RCIC or HPCI flow is unaffected by this modification. Execution of the suction line transfer to the suppression pool remains an entirely automatic function, utilizing the same safety related instrument signals as previously.

Reliance on level alarms and operator action to maintain the 135,000-gallon minimum reserve water volume in the CST, in lieu of internal standpipes, cannot increase the consequences of an accident. This is an operational condition that establishes initial conditions prior to an accident occurring. Operators would have sufficient time to respond to a CST level decrease under non-accident conditions. Manually transferring HPCI and RCIC suction to the safety related suppression pool should CST level decline below 203,000 gallons (the 135,000 gallons required inventory, plus 68,000 gallons unusable) ensures HPCI and RCIC remain fully capable of performing their design basis functions.

All parameters pertaining to the accident analysis, including pump initiation time, flowrate, volume and duration of flow delivered to the reactor vessel remain satisfied following implementation of this proposed change. Therefore, no accident scenario evaluated in the SAR [Safety Analysis Report] will be affected, and the radiological consequences of accidents previously evaluated in the SAR are not increased.

These changes, therefore, do not modify or add any initiating parameters that would significantly increase the probability or consequences of any previously analyzed accident.

(2) The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Implementation of these proposed changes cannot create the possibility of a different type of accident from any previously considered. First, the affected systems only perform mitigation functions, so postulated failures of any of these systems would not initiate a design basis accident. The function credited in the safety analysis is automatic transfer of the HPCI and RCIC suction lines from the CST to the suppression pool. This automatic transfer will still occur as required, with the only difference being execution earlier at a higher CST water level. Any considerations associated with maintaining the required minimum CST water level, including reliance on an alarm and operator action in lieu of a passive design feature, cannot lead to an accident of a different type since the CST itself is explicitly excluded from consideration in the accident analysis. Although the preference is to provide shutdown cooling with the reactor grade water of the CST, failure to do so will neither impact the ability to achieve shutdown cooling nor create a new type of accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed change does not involve a significant reduction in a margin of safety.

The margin of safety of the affected TS is maintained. RCIC is provided to assure adequate core cooling in the event of reactor isolation from its primary heat sink and concurrent loss of feedwater flow to the reactor vessel without requiring actuation of ECCS [Emergency Core Cooling System] equipment. This function will be accomplished. HPCI provides a backup to RCIC for safe shutdown and the ECCS function of ensuring the reactor core is adequately cooled to limit fuel clad temperature during a small break loss of coolant accident. The safety analysis does not credit CST water. Since the automatic transfer to the suppression pool is assured with the same high quality and reliability as before, the ECCS function is not affected. Should CST level decline below the required minimum volume, operators would align HPCI and RCIC suction to the suppression pool. System design functions, including containment isolation, continue to be maintained in this alignment.

The CST also provides a source of water for shutdown during station blackout (SBO) scenarios. The proposed changes do not affect the ability to recover from a SBO scenario.

Core spray is provided to assure that the core is adequately cooled following a LOCA [Loss of Coolant Accident] and provides core cooling capacity for all break sizes. Core spray is a primary cooling source after the reactor vessel is depressurized and a source for flooding in case of accidental draining. In Operational Conditions 4 or 5, the CST is relied upon as the cooling water source if the suppression pool is drained below its minimum level. Operator actions in response to a CST alarm ensure sufficient condensate inventory is available to accomplish this function.

ECCS instrumentation (HPCI) is provided to initiate actions to mitigate the consequences of accidents that are beyond the ability of the operator to control. RCIC instrumentation is provided to initiate actions to assure adequate core cooling in the event of reactor isolation from its primary heat sink and the loss of feedwater flow to the reactor vessel. The HPCI and RCIC level instruments continue to provide their automatic function thereby preserving the design requirements of these systems. Remote shutdown instrumentation and controls ensure that sufficient capability is available to permit shutdown and maintenance of Hot Shutdown of the unit from locations outside the control room in the event control room habitability is lost. RCIC continues to satisfy this function.

All design basis requirements of HPCI, RCIC, core spray and the CST continue to be satisfied to ensure safe shutdown and

mitigate a LOCA. Required water volumes remain available for core cooling, as is the automatic transfer to the safety related suppression pool source.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, NJ 08070.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: July 29, 1999.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) Surveillance Requirement 4.6.1.1 to clarify when verification of primary containment integrity may be performed by administrative means and to change the surveillance interval for verification of manual valves and blind flanges inside of containment.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. The operation of Salem Nuclear Generating Station, Unit Nos. 1 and 2, in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The licensee has determined that the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change revises means for verification of containment integrity in certain cases by allowing the verification to be conducted by administrative means such as tagging requests, other TS surveillance procedures and previously performed valve alignments. Although the current Salem TSs allow the use of administrative means to verify valve position, its application is limited to valves that are open under administrative controls.

The proposed amendment does not change the position of containment isolation valves or otherwise modify the containment integrity. Thus, the assumptions made in evaluating the occurrence and radiological consequences of accidents described in the Safety Analysis Report (SAR) have not been changed. The proposed change to use administrative means continues to ensure that the release of radioactive materials from the containment atmosphere will be restricted to those leakage paths and associated leak rates assumed in the accident analysis. Allowing the use of administrative means to verify compliance with the surveillance requirement for these valves is acceptable based on the limited access to these areas in Modes 1 through 4 (power operation through hot shutdown). The probability of misalignment of these containment isolation valves, once they have been verified in the proper position is small. The probability of occurrence of any previously evaluated accident is independent of valve position verification.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated in the SAR.

2. The operation of Salem Nuclear Generating Station, Unit Nos. 1 and 2, in accordance with the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The licensee has determined that the proposed amendment does not physically alter the facility or change the operation of the facility. The proposed change does not affect the current operation and response of any systems, structures or components assumed to function in the accident analysis. Additionally, the proposed change does not increase the consequences of a malfunction of equipment important to safety. The proposed change to use administrative means in lieu of field verification continues to ensure that the release of radioactive materials from the containment atmosphere will be restricted to those leakage paths and associated leak rates assumed in the accident analysis.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Salem Nuclear Generating Station, Unit Nos. 1 and 2, in accordance with the proposed amendment does not involve a significant reduction in a margin of safety.

The licensee has determined that the proposed amendment does not involve a significant reduction in a margin of safety. The proposed change involves a revision of certain TSs surveillance requirements and frequency of performance. The proposed change does not modify hardware or plant operation, and the accident analyses are unchanged. The proposed amendment will continue to ensure that the proper valves are identified and tested in accordance with the TS requirements. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, NJ 08079

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038

NRC Section Chief: James W. Clifford

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: August 25, 1999.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) Appendix C, "Additional Conditions," to authorize the performance of single cell charging of operable safety-related batteries by using non-Class 1E single cell battery chargers, with proper electrical isolation. The single cell chargers would be used to restore individual cell float voltage to the normal TS limit.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change permits the use of an industry accepted method to restore a battery cell to its design basis from an OPERABLE but degraded condition or to prevent a cell from becoming degraded. IEEE Std [Institute of Electrical and Electronics Engineers Standard] 450–1995, "IEEE Recommended Practice for Maintenance, Testing, and Replacement of Vented Lead Storage Batteries for Stationary Applications," states that single cell charging is an acceptable method of correcting low cell voltage or low specific gravity conditions for a single cell or for a small number of cells.

At least two class 1E fuses in series will be used on both the positive and negative leads between the battery and the charger to protect the battery if a fault should develop in the charger. The battery charger design includes diodes, a power transformer and control circuitry to prevent draining the connected cells in the event of a short circuit in the 120 Volt ac source or a loss of charger input or output voltage. Charger output is controlled automatically to prevent overcharging the connected cells.

In the event of a controller failure resulting in charger overvoltage, procedural controls

governing the use of the charger ensure the condition is detected and corrected before failure of a connected cell occurs. While the single cell charger is connected, procedures will require periodic checks to verify proper charger operation and to measure electrolyte level, temperature and specific gravity for the cells being charged. Monitoring will be performed at least once every eight hours, a frequency sufficient to ensure compliance with the requirements of the Technical Specifications.

An insulating material will be used to minimize the possibility of shorting leads or clips at the battery. Administrative controls governing the use and storage of transient loads are sufficient to ensure the use of single cell battery chargers does not create a potential missile hazard to safety related systems, structures and components.

The Class 1E DC system is not an accident initiator. The Class 1E DC system supports the operation of safety related equipment required for the safe shutdown of the plant and for the mitigation of accident conditions. Therefore, the proposed change does not increase the probability of an accident previously evaluated.

The station's dc systems will be operable to mitigate the consequences of an accident previously evaluated. Single cell charging would be limited to one OPERABLE class 1E battery bank at a time for either the 28 VDC or 125 VDC systems. Therefore, failure of a class 1E battery as a result of single cell charging would be limited to a single channel and would not reduce the number of OPERABLE dc sources below that required to safely shutdown the plant. Administrative controls would also prohibit the use of single cell charging for an OPERABLE class 1E battery if less than the minimum number of class 1E batteries required by Technical Specifications are OPERABLE.

The proposed change does not cause the capability of the class 1E DC system to be degraded below the level assumed for any accident described in the SAR [Safety Analysis Report]. It would enhance the availability of safety related equipment required for the safe shutdown of the plant and for the mitigation of accident conditions. Therefore the radiological consequences of an accident will remain inside the design basis while single cell charging is performed on an OPERABLE battery.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The potential to adversely affect the Class 1E batteries is minimized by the use of Class 1E fuses and by appropriate administrative controls. Failure modes associated with the proposed change are bounded by the loss of a Class 1E battery bank which was previously evaluated. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change permits the use of non-Class 1E single cell battery chargers, with proper electrical isolation, for charging connected cells in OPERABLE class 1E batteries. This would allow parameters for an individual cell or for a small number of cells to be restored to the normal values specified in Technical Specifications without affecting the remainder of the cells in the battery. Increased cell monitoring after single cell charging, together with PSE&G's corrective action program which requires degraded and non-conforming conditions to be documented and evaluated, provides assurance that the use of single cell charging will not cause long-term cell degradation to go undetected. Since all battery cells are required to be maintained within the allowable values specified in Technical Specifications, and since the use of the single cell charger will not adversely affect battery capacity or capability, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, NJ 08079.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Previously Published Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Commonwealth Edison Company, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois

Date of amendment request: July 30, 1999.

Description of amendment request: The proposed amendments would temporarily change the Technical Specifications (TS) to increase the upper temperature limit for the Ultimate Heat Sink (UHS) from 98 degrees Fahrenheit to 100 degrees Fahrenheit. The proposed temporary change would be in effect until September 30, 1999.

Date of publication of individual notice in **Federal Register**: August 18, 1999 (64 FR 44962).

Expiration date of individual notice: September 17, 1999.

Local Public Document Room location: Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: November 30, 1998, as supplemented May 25, 1999.

Brief description of amendments: The amendments revise the appropriate Technical Specifications to permit the use of leak-limiting Alloy 800 repair sleeves developed by AAB—Combustion Engineering (ABB-CE) to be used at Calvert Cliffs.

Date of issuance: September 1, 1999.

Effective date: As of the date of issuance to be implemented during the spring 2000.

Amendment Nos.: 231 and 207.

Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: January 13, 1999 (64 FR 2244).

The May 25, 1999, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated September 1, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: January 28, 1999.

Brief description of amendment: The amendment revises Technical Specification (TS) 5.6.5, "Core Operating Limits Report (COLR)," to add two references to the list of approved topical reports.

Date of issuance: September 1, 1999.

Effective date: September 1, 1999.

Amendment No.: 185.

Facility Operating License No. DPR–23. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: February 24, 1999 (64 FR 9184).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 1, 1999.

Local Public Document Room location: Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: January 22, 1999.

Brief description of amendment: The amendment revises Technical Specifications 4.3.a and 4.3.b and Basis Section 4.3 to permit reactor coolant system leak test to be performed at normal operating pressure following each refueling outage according to the requirement of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section XI, and implemented in accordance with 10 CFR 50.55a(g).

Date of issuance: September 2, 1999.

Effective date: As of the date of issuance to be implemented within 60 days.

Amendment No.: 203.

Facility Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: April 7, 1999 (64 FR 17023).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 2, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: June 17, 1998, as supplemented June 23 and December 2, 1998, and March 18, 1999.

Brief description of amendment: The amendment revises the Technical Specifications to reduce the minimum reactor vessel flow rate requirement and revise the units of measurement for consistency with the flow measurement procedure.

Date of issuance: September 3, 1999.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 187.

Facility Operating License No. DPR–20. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: July 2, 1998 (63 FR 36271).

The December 2, 1998, letter provided additional clarifying information and the March 18, 1999, letter requested a 60-day allowance for implementation of the amendment. The additional information and proposed change to the implementation period were within the scope of the original **Federal Register** notice and did not change the staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 3, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Van Wylen Library, Hope College, Holland, Michigan 49423–3698.

Duquesne Light Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of application for amendments: December 24, 1998, as supplemented June 15, June 17, and July 7, 1999.

Brief description of amendments: The amendments revise the Technical Specification (TS) requirements for the axial flux difference (AFD) monitor, quadrant power tilt ratio (QPTR) monitor, rod position deviation monitor, and rod insertion limit (RIL) monitor. Specifically, the changes (1) relocate requirements for the AFD monitor and the QPTR monitor to the Licensing Requirements Manual; (2) delete requirements for the rod position deviation monitor and RIL monitor from the TSs; (3) modify Unit 1 surveillance requirements (SR) 4.1.3.5 and 4.1.3.6 by incorporating the Unit 2 wording to provide surveillances more consistent with the Limiting Condition for Operation; (4) change Unit 1 SR 4.1.3.2.2, SR 4.1.3.5, SR 4.1.3.6 and Unit 2 SR 4.1.3.5 from 24-hour surveillance frequencies to 12-hour frequencies; and (5) delete Unit 1 SR 4.1.3.2.3.

Date of issuance: August 30, 1999.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 225 and 102.

Facility Operating License Nos. DPR–66 and NPF–73: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: January 27, 1999 (64 FR 4155) The June 15, June 17, and July 7, 1999, letters provided additional information but did not change the initial proposed no significant hazards consideration determination or expand the amendment beyond the scope of the initial notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 30, 1999.

No significant hazards consideration comments received: No

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: April 9, 1999, as supplemented by letter dated July 14, 1999.

Brief description of amendment: Revises requirements affecting the surveillance methods for the containment tendons, the conduct of containment visual inspections, and the reporting methods employed in disseminating the results of these inspections to the NRC.

Date of issuance: September 9, 1999.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 199.

Facility Operating License No. DPR–51: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: May 19, 1999 (64 FR 27320).

The July 14, 1999, letter provided clarifying information that did not change the scope of the April 9, 1999, application and the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 9, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Ohio

Date of application for amendment: March 17, 1999.

Brief description of amendment: This amendment approves a proposed modification that changes the Perry facility as described in the Updated Safety Analysis Report. The change incorporates a leak-off line in the residual heat removal system. The leak-off line is designed to eliminate an operator work around, which will significantly reduce the collective dose to operations personnel.

Date of issuance: August 31, 1999.

Effective date: August 31, 1999.

Amendment No.: 106.

Facility Operating License No. NPF–58: This amendment authorizes the revision of the Updated Safety Analysis Report.

Date of initial notice in **Federal Register**: May 19, 1999 (64 FR 27322)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 31, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Perry Public Library, 3753 Main Street, Perry, OH 44081

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Nuclear Generating Plant, Unit 3, Citrus County, Florida

Date of application for amendment: May 10, 1999.

Brief description of amendment: The amendment corrects an invalid reference in Section 5.8, "High Radiation Area," of the Crystal River Unit 3 Improved Technical Specifications (ITS).

Date of issuance: September 3, 1999.

Effective date: September 3, 1999.

Amendment No.: 186.

Facility Operating License No. DPR–72: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: July 14, 1999 (64 FR 38026)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 3, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 34428.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: May 17, 1999.

Brief description of amendment: The amendment revises Technical Specification (TS) section 4.4.6.2.2.e to replace the reference to American Society of Mechanical Engineers (ASME) Code paragraph IWV–3472(b) which pertains to the frequency of leakage rate testing for 6-inch, nominal pipe size valves and larger with the requirement that the surveillance interval and frequency of surveillance leakage rate testing for these valves be performed pursuant to the requirements of TS 4.0.5, "Operations and Surveillance Requirements."

Date of issuance: September 10, 1999.

Effective date: As of the date of issuance.

Amendment No.: 174.

Facility Operating License No. NPF–49: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: July 14, 1999 (64 FR 38033).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 10, 1999.

No significant hazards consideration comments received: No

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of application for amendments: May 13, 1999.

Brief description of amendments: The amendments revise Technical Specifications 6.2.A.2, "Onsite and Offsite Organizations," to reflect a change in the plant organizational structure that was implemented on March 1, 1999.

Date of issuance: August 26, 1999.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 146 and 137.

Facility Operating License Nos. DPR–42 and DPR–60: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: July 14, 1999 (64 FR 38034).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 26, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Power Authority of The State of New York, Docket No. 50–286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of application for amendment: April 12, 1999.

Brief description of amendment: The amendment removes from the Technical Specifications a footnote regarding departure from nucleate boiling analysis.

Date of issuance: September 2, 1999.

Effective date: September 2, 1999.

Amendment No.: 191.

Facility Operating License No. DPR–64: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: May 19, 1999 (64 FR 27324).

No significant hazards consideration comments received: No.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 2, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Power Authority of the State of New York, Docket No. 50–286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of application for amendment: January 28, 1999, as supplemented May 4, 1999

Brief description of amendment: The amendment changes the reactor trip on turbine trip from at or above 10 percent rated power to at or above the P–8 setpoint.

Date of issuance: September 8, 1999.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 192.

Facility Operating License No. DPR–64: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register**: April 21, 1999 (64 FR 19563).

The May 4, 1999, letter provided additional information that did not change the staff's proposed finding of no significant hazards consideration.

No significant hazards consideration comments received: No.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 8, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Public Service Electric & Gas Company, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: March 29, 1999, as supplemented June 21, 1999.

Brief description of amendment: This amendment revises the Technical Specifications (TSs) by relocating the procedural details of the Radiological Effluent Technical Specifications (RETS) to the Offsite Dose Calculation Manual. The TSs were also revised to relocate procedural details associated with solid radioactive wastes to the Process Control Program. In addition, the Administrative Controls section of the TSs was revised to incorporate programmatic controls for radioactive effluents and environmental monitoring.

These changes are consistent with the guidance provided in Generic Letter 89–01, "Implementation of Programmatic Controls for Radiological Effluent Technical Specifications in the Administrative Controls Section of the Technical Specifications and the Relocation of Procedural Details of RETS to the Offsite Dose Calculation Manual or to the Process Control Program."

Date of issuance: September 8, 1999.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 121.

Facility Operating License No. NPF–57: This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: May 19, 1999 (64 FR 27324).

The June 21, 1999, supplement provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 8, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, NJ 08070.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: June 7, 1999, as supplemented by letters dated June 24 and August 24, 1999.

Brief description of amendments: The amendments revised Technical Specification (TS) 2.0, "Safety Limits and Limiting Safety System Settings," TS 3.2.5, "DNB [Departure from Nucleate Boiling] Parameters," and the associated Bases, and Administrative Controls Section 6.9.1.6, "Core Operating Limits Report [(COLR)]," by relocating cycle-specific reactor coolant system-related parameter limits from the TSs to the COLR.

Date of issuance: September 2, 1999.

Effective date: September 2, 1999, to be implemented within 30 days.

Amendment Nos.: Unit 1—115; Unit 2—103.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: July 14, 1999 (64 FR 38036).

The August 24, 1999, supplement provided revised TS pages and clarifying information that was within the scope of the original **Federal Register** notice and did not change the staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 2, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488.

Tennessee Valley Authority, Docket Nos. 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 2 and 3, Limestone County, Alabama

Date of application for amendments: September 4, 1998, as supplemented by letter dated November 25, 1998.

Brief description of amendments: Revises the licensing basis to credit containment pressure in excess of atmospheric pressure in the analysis for Emergency Core Cooling Systems pump.

Date of issuance: September 3, 1999.

Effective date: As of date of issuance, to be incorporated into the Final Safety Analysis Report (FSAR) with the next update.

Amendment Nos.: 261 and 220.

Facility Operating License Nos. DPR–52 and DPR–68: Amendments approves changes to the FSAR.

Date of initial notice in **Federal Register**: September 23, 1998 (63 FR 5093). The November 25, 1998 supplemental letter did not change the original proposed no significant hazards determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 3, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Athens Public Library, 405 E. South Street, Athens, Alabama 35611.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: January 15, 1999 (TS 98–09).

Brief description of amendments: The amendments relocate seismic instrumentation requirements from the Technical Specifications to the Technical Requirements Manual.

Date of issuance: September 7, 1999.

Effective date: As of the date of issuance to be implemented no later than 45 days after issuance.

Amendment Nos.: Unit 1—245; Unit 2—236.

Facility Operating License Nos. DPR–77 and DPR–79: Amendments revise the technical specifications.

Date of initial notice in **Federal Register**: February 10, 1999 (64 FR 6712).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 7, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: May 24, 1999, as supplemented by letter dated July 9, 1999.

Brief description of amendments: The amendments remove several cycle-specific parameter limits from the Technical Specifications (TSs). These parameter limits are added to the Core Operating Limits Report (COLR). Appropriate references to the COLR are inserted in the affected TSs. In addition, the core safety limit curves are replaced with safety limits more directly applicable to the fuel and fuel cladding fission product barriers.

The affected TSs are: (1) TS 2.0, "Safety Limits (Sls)," (2) TS 3.3.1, "Reactor Trip System Instrumentation Setpoints," (3) TS 3.4.1, "RCS Pressure, Temperature, and Flow Departure from Nucleate Boiling (DNB) Limits," and (4) TS 5.6.5, "Core Operating Limits Report."

Date of issuance: August 30, 1999.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 67 and 67.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: June 30, 1999 (64 FR 35213) and July 28, 1999, (64 FR 40908).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 30, 1999.

No significant hazards consideration comments received: No

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, Texas 76019.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station (CPSES), Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: May 14, 1999.

Brief description of amendments: The amendments change the licenses to accurately reflect the new corporate name of the current licensee, "TXU Electric Company" in Facility Operating Licenses NPF–87 and NPF–89 for CPSES, Units 1 and 2, respectively.

Date of issuance: August 31, 1999.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: Unit 1—Amendment No. 68; Unit 2—Amendment No. 68.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments change the Operating Licenses.

Date of initial notice in **Federal Register**: June 30, 1999 (64 FR 35213).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 31, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, Texas 76019.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: May 26, 1999.

Brief description of amendment: The amendment revises the suppression pool water temperature surveillance requirements to specify monitoring the temperature every 5 minutes when performing testing that adds heat to the suppression pool. In addition, the amendment revises the requirement to check the suppression chamber water level and temperature from "once per shift" to "daily" and specifies that it is the average temperature that is checked.

Date of Issuance: August 30, 1999.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 174.

Facility Operating License No. DPR–28.: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: July 28, 1999 (64 FR 40909).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated August 30, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301.

Yankee Atomic Electric Co., Docket No. 50–29, Yankee Nuclear Power Station (YNPS) Franklin County, Massachusetts

Date of application for amendment: March 17, 1999.

Brief description of amendment: Revises the Possession Only License by deleting License Condition 2.C.(10) related to the Fitness-For-Duty program.

Date of issuance: August 27, 1999.

Effective date: August 27, 1999.

Amendment No.: 152.

Facility Operating License No. DPR–3. Amendment revises the license.

Date of initial notice in **Federal Register**: June 2, 1999 (64 FR 29717).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 27, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was

not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By October 22, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any

hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 15th day of September, 1999.

Elinor G. Adensam,

Acting Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24573 Filed 9–21–99; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24016; 812–11502]

Franklin Gold Fund, et al., Notice of Application

September 16, 1999.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under the Investment Company Act of 1949 (the "Act") under (i) section 6(c) of the Act granting an exemption from sections 18(f) and 21(b) of the Act; (ii) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (iii) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a) (1) and 17(a)(3) of the Act; and (iv) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

SUMMARY OF APPLICATION: Applicants request an order that would permit certain registered investment companies to participate in a joint lending and borrowing facility.

APPLICANTS: Franklin Gold fund, Franklin Asset Allocation Fund, Franklin Equity Fund, Franklin High Income Trust, Franklin Custodian Funds, Inc., Franklin California Tax-Free Income Fund, Inc., Franklin New York Tax-Free Income Fund, Franklin Federal Tax-Free Income Fund, Franklin Tax-Free Trust, Franklin California Tax-Free Trust, Franklin New York Tax-Free Trust, Franklin Investors Securities Trust, Institutional Fiduciary Trust, Franklin Value Investors Trust, Franklin Strategic Mortgage Portfolio, Franklin Municipal Securities Trust, Franklin Managed Trust, Franklin Strategic Series, Adjustable Rate Securities Portfolios, Franklin Templeton International Trust, Franklin Real Estate Securities Trust, Franklin Templeton Global Trust, Franklin Valuemark Funds, Franklin Universal Trust, Franklin Multi-income Trust, Franklin Templeton Fund Allocator Series, Franklin Money Fund, Franklin Money Fund Trust, Franklin Federal Money Fund, Franklin Tax-Exempt Money Fund, Franklin Mutual Series Fund Inc., Franklin Floating Rate Trust, The Money Market Portfolios, Templeton Growth Fund, Inc., Templeton Funds, Inc., Templeton Global Smaller Companies Fund, Inc., Templeton Income Trust, Templeton Global Real Estate Fund, Templeton Capital Accumulator Fund, Inc., Templeton Global Opportunities Trust, Templeton Institutional Funds, Inc., Templeton Developing Markets Trust, Templeton Global Investment Trust, Templeton Emerging Markets Fund, Inc., Templeton Emerging Markets Appreciation Fund, Inc., Templeton Global Income Fund, Inc., Templeton Global Governments Income Trust, Templeton Emerging Markets Income Fund, Inc., Templeton China World Fund, Inc., Templeton Dragon Fund, Inc., Templeton Vietnam and Southeast Asia Fund, Inc., Templeton Russia Fund, Inc., Templeton Variable Products Series Fund (collectively, the "Franklin Templeton Funds"), Franklin Advisers, Inc., Franklin Advisory Services, LLC, Franklin Investment Advisory Services, Inc., Templeton Asset Management, Ltd., Templeton Global Advisors Limited, Franklin Mutual Advisers, LLC, Templeton Investment Counsel, Inc., (collectively, the Franklin Templeton Advisers"), and any future registered management investment company advised by the Franklin Templeton Advisers or an entity controlling, controlled by, or under common control with one of the Franklin Templeton Advisers (together with the Franklin Templeton Funds, the "Funds").[1]

Filing Dates: The application was filed on February 5. 1999 and amended on July 6, 1999 and on September 2, 1999.

Hearing or Notification of Hearing. An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 12, 1999 and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers a certificate or service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, 777 Mariners Island Boulevard, San Mateo, California, 94404.

FOR FURTHER INFORMATION, CONTACT: Janet M. Grossnickle, Attorney-Adviser, (202) 942–0526, or Mary Kay Frech, Branch Chief, (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTAL INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. Each Franklin Templeton Fund is registered under the Act as a management investment company and organized as a Massachusetts business trust, a Delaware business trust, a Maryland corporation, or a California corporation. Each Franklin Templeton Adviser is or will be registered as an investment adviser under the Investment Advisers Act of 1940 and serves as an investment adviser to the Funds.

2. Some Funds may lend money to banks or other entities by entering into repurchase agreements or purchasing other short-term instruments, either directly or through a joint account. Certain of the Funds and Franklin

[1] All existing funds that currently intend to rely on the order are named as applicants. Any other existing Fund and any future Fund will rely on the order only in accordance with the terms and conditions of the application.

Templeton Advisers obtained an order to permit them to deposit uninvested cash balances that remain at the end of a trading day in one or more joint trading accounts (each a "Joint Account") to be used to enter into short-term investments.[2] The Funds and the Franklin Templeton Advisers obtained an order to permit them to invest their cash balances in one or more of the Funds that are money market funds that comply with rule 2a-7 under the Act ("Money market Funds").[3] Other Funds may borrow money from the same or other banks for temporary purposes to satisfy redemption requests or to cover unanticipated cash shortfalls such as a trade "fail" in which cash payment for a portfolio security sold by a Fund has been delayed.

3. If the Funds were to borrow money under credit arrangements with a bank, the Funds would pay interest on the borrowed cash at a rate which would be significantly higher than the rate would be earned by other (non-borrowing) Funds on investments in repurchase agreements and other short-term instruments of the same maturity as the bank loan. Applicants state that this differential represents the bank's profit for serving as a middleman between a borrower and lender. Other bank loan arrangements, such as committed lines of credit would require the Funds to pay substantial commitment fees in addition to the interest rate to be paid by the borrowing Fund.

4. Applicants request an order that would permit the Funds to enter into lending agreements ("Interfund Lending Agreements") under which the Funds would lend money directly to and borrow money directly from each other through a credit facility for temporary purposes ("Interfund Loan"). Applicants believe that the proposed credit facility would substantially reduce the Funds' potential borrowing costs and enhance their ability to earn higher rates of interest on short-term lendings. Although the proposed credit facility would substantially reduce the Funds' need to borrow from banks, the Funds would be free to establish committed lines of credit or other borrowing arrangements with banks. The Funds also would continue to maintain overdraft protection, if any, currently provided by their custodians. Applicants state that closed-end Funds will participate in the credit facility only as lenders.

5. Applicants anticipate that the credit facility would provide a borrowing Fund with significant savings when the cash position of the Fund is insufficient to meet temporary cash requirements. This situation could arise when redemptions exceed anticipated volumes and the Funds have insufficient cash on hand to satisfy such redemptions. When the Funds liquidate portfolio securities to meet redemption requests, which normally are effected immediately, they often do not receive payment in settlement for up to three days (or longer for certain foreign transactions). The credit facility would provide a source of immediate, short-term liquidity pending settlement of the sale of portfolio securities.

6. Applicants also propose using the credit facility when a sale of securities "fails" due to circumstances such as a delay in the delivery of cash to the Fund's custodian or improper delivery instructions by the broker effecting the transaction. "Sales fails" may present a cash shortfall if the Fund has undertaken to purchase a security with the proceeds from securities sold. When the Fund experiences a cash shortfall due to a sales fail, the custodian typically extends temporary credit to cover the shortfall and the Fund incurs overdraft charges. Alternatively, the Fund could fail on its intended purchase due to lack of funds from the previous sale, resulting in additional cost to the Fund, or sell a security on a same day settlement basis, earning a lower return on the investment. Use of the credit facility under these circumstances would enable the Fund to have access to immediate short-term liquidity without incurring custodian overdraft or other charges.

7. While borrowing arrangements with banks could generally supply needed cash to cover unanticipated redemptions and sales fails, applicants state that under the proposed credit facility a borrowing Fund would pay lower interest rates than those offered by banks on short term loans. In addition, Funds making loans to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash through the Joint Account in repurchase agreements or in the Money Market Funds. Thus, applicants believe that the proposed credit facility would benefit both borrowing and lending Funds.

8. The interest rate charged to the Funds on any Interfund Loan would be the average of the Repo Rate and the Bank Loan Rate, as defined below. The Repo Rate for any day would be the highest rate available to the Joint Account participants from investments in overnight repurchase agreements. The Bank Loan Rate for any day would be calculated by the Franklin Templeton Advisers each day an Interfund Loan is made according to a formula established by the directors or trustees of the Funds (the "Trustees") designed to approximate the lowest interest rate at which bank short-term loans would be available to the Funds. The formula would be based upon a publicly available rate (*e.g.*, Federal Funds plus 25 basis points) and would vary with this rate so as to reflect changing bank loan rates. Each Fund's Trustees periodically would review the continuing appropriateness of using the publicly available rate, as well as the relationship between the Bank Loan Rate and current bank rates that would be available to the Funds. The initial formula and any subsequent modifications to the formula would be subject to the approval of each Fund's Trustees.

9. The credit facility would be administered by the Franklin Templeton Advisers' money market investment professionals (including the portfolio manager(s) for the Money Market Funds) and fund accounting department (collectively, the "Cash Management Team"). Under the proposed credit facility, the portfolio managers for each participating Fund may provide standing instructions to participate daily as a borrower or lender. The Franklin Templeton Advisers on each business day would collect data on the uninvested cash and borrowing requirements of all participating Funds from the Funds' custodians. Applicants expect far more available uninvested cash each day than borrowing demand. Once it had determined the aggregate amount of cash available for loans and borrowing demand, the Cash Management Team would allocate loans among borrowing Funds without any further communication from portfolio managers (other than the Money Market Fund portfolio managers on the Cash Management Team). All allocations will require approval of at least one member of the Cash Management Team who is not a Money Market Fund's portfolio manager. After the Cash Management Team has allocated cash for Interfund Loans, the Franklin Templeton Advisers will invest any remaining cash in accordance with the standing instructions from portfolio managers or return remaining amounts for investment to the Funds. The Money Market Funds typically would not participate as borrowers because they rarely need to borrow cash to meet redemptions.

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[2] AGE High Income Fund, Investment Company Act Release Nos. 15485 (Dec. 17, 1986) (notice) and 15534 (Jan. 13, 1987) (order).

[3] Franklin Gold Fund, Investment Company Act Release Nos. 23633 (Jan. 5, 1999) (notice) and 23675 (Feb. 2, 1999) (order.)

10. The Cash Management Team would allocate borrowing demand and cash available for lending among the Funds on what the Cash Management Team believed to be an equitable basis, subject to certain administrative procedures applicable to all Funds, such as the time of filing requests to participate, minimum loan lot sizes, and the need to minimize the number of transactions and associated administrative costs. To reduce transaction costs, each loan normally would be allocated in a manner intended to minimize the number of Funds necessary to complete the loan transaction. The method of allocation and related administrative procedures would be approved by each Fund's Trustees, including a majority of Trustees who are not "interested persons" of the Funds, as defined in section 2(a)(19) of the Act ("Independent Trustees"), to ensure that the borrowing and lending Funds participate on an equitable basis.

11. The Franklin Templeton Advisers would (i) monitor the interest rates charged and the other terms and conditions of the Interfund Loans, (ii) ensure compliance with each Fund's investment policies and limitations, (iii) ensure equitable treatment of each Fund, and (iv) make quarterly reports to the Trustees concerning any transactions by the Funds under the credit facility and the interest rates charged.

12. The Franklin Templeton Advisers would administer the credit facility as part of their duties under existing contracts with each Fund and would receive no additional fee as compensation for their services. The Franklin Templeton Advisers or companies affiliated with them may collect standard pricing, recordkeeping, bookkeeping and accounting fees applicable to repurchase and lending transactions generally, including transactions effected through the credit facility. Fees would be no higher than those applicable for comparable bank loan transactions.

13. Each Fund's participation in the proposed credit facility will be consistent with its organizational documents and its investment policies and limitations. The prospectus of each Fund discloses the individual borrowing and lending limitations of the Fund. Each Fund will notify shareholders of its intended participation in the proposed credit facility prior to relying upon any relief granted pursuant to the application. The Statement of Additional Information ("SAI") of each Fund will disclose all material facts about the Fund's intended participation in the credit facility.

14. In connection with the credit facility, applicants request an order under (i) section 6(c) of the Act granting relief from sections 18(f) and 21(b) of the Act; (ii) section 12(d)(1)(J) of the Act granting relief from section 12(d)(1) of the Act; (iii) sections 6(c) and 17(b) of the Act granting relief from sections 17(a)(1) and 17(a)(3) of the Act; and (iv) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

Applicant's Legal Analysis

1. Section 17(a)(3) generally prohibits any affiliated person, or affiliated person of an affiliated person, from borrowing money or other property from a registered investment company. Section 21(b) generally prohibits any registered management investment company from lending money or other property to any person if that person controls or is under common control with the company. Section 2(a)(3)(C) of the Act defines an "affiliated person" of another person, in part, to by any person directly or indirectly controlling, controlled by, or under common control with, the other person. Applicants state that the Funds may be under common control by virtue of having the Franklin Templeton Advisers as their common investment advisers.

2. Section 6(c) provides that an exemptive order may be granted where an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) authorizes the SEC to exempt a proposed transaction from section 17(a) provided that the terms of the transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policy of the investment company as recited in its registration statement and with the general purposes of the Act. Applicants believe that the proposed arrangements satisfy these standards for the reasons discussed below.

3. Applicants submit that sections 17(a)(3) and 21(b) of the Act were intended to prevent a party with potential adverse interests to and influence over the investment decisions of a registered investment company from causing or inducing the investment company to engage in lending transactions that unfairly inure to the benefit of such party and that are detrimental to the best interests of the investment company and its shareholders. Applicants assert that the proposed credit facility transactions do not raise these concerns because (i) the Franklin Templeton Advisers would administer the program as disinterested fiduciaries; (ii) all Interfund Loans would consist only of uninvested cash reserves that the Fund otherwise would invest in short-term repurchase agreements or other short-term instruments either directly or through the Joint Account or in the Money Market Funds; (iii) the Interfund Loans would not involve a greater risk than such other investments; (iv) the lending Fund would receive interest at a rate higher than it could obtain through such other investments; and (v) the borrowing Fund would pay interest at a rate lower than otherwise available to it under any bank loan agreements and avoid the up-front commitment fees associated with committed lines of credit. Moreover, applicants believe that the other conditions in the application would effectively preclude the possibility of any Fund obtaining an undue advantage over any other Fund.

4. Section 17(a)(1) generally prohibits an affiliated person of a registered investment company, or an affiliated person of an affiliated person, from selling any securities or other property to the company. Section 12(d)(1) of the Act generally makes it unlawful for a registered investment company to purchase or otherwise acquire any security issued by any other investment company except in accordance with the limitations set forth in that section. Applicants believe that the obligation of a borrowing Fund to repay an Interfund Loan may constitute a security under sections 17(a)(1) and 12(d)(1). Section 12(d)(1)(J) provides that the SEC may exempt persons or transactions from any provision of section 12(d)(1) if and to the extent such exception is consistent with the public interest and the protection of investors. Applicants contend that the standards under sections 6(c), 17(b) and 12(d)(1) are satisfied for all the reasons set forth above in support of their request for relief from sections 17(a)(3) and 21(b) and for the reasons discussed below.

5. Applicants state that section 12(d)(1) was intended to prevent the pyramiding of investment companies in order to avoid duplicative costs and fees attendant upon multiple layers of investment companies. Applicants submit that the proposed credit facility does not involve these abuses. Applicants note that there would be no duplicative costs or fees to the Funds or shareholders, and that the Franklin Templeton Advisers would receive no

additional compensation for their services in administering the credit facility. Applicants also note that the purpose of the proposed credit facility is to provide economic benefits for all the participating Funds.

6. Section 18(f)(1) prohibits open-end investment companies from issuing any senior security except that a company is permitted to borrow from any bank; provided, that immediately after any such borrowing there is an asset coverage of at least 300 per centum for all borrowings of the company. Under section 18(g) of the Act, the term "senior security" includes any bond, debenture, note, or similar obligation or instrument constituting a security and evidencing indebtedness. Applicants request relief from section 18(f)(1) to the limited extent necessary to implement the credit facility (because the lending Funds are not banks).

7. Applicants believe that granting relief under section 6(c) is appropriate because the Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of the Fund, including combined credit facility and bank borrowings, have at least 300% asset coverage. Based on the conditions and safeguards described in the application, applicants also submit that to allow the Funds to borrow from other Funds pursuant to the proposed credit facility is consistent with the purposes and policies of section 18(f)(1).

8. Section 17(d) and rule 17d–1 generally prohibit any affiliated person of a registered investment company, or affiliated person of an affiliated person, when acting as principal, from effecting any joint transaction in which the company participates unless the transaction is approved by the SEC. Rule 17d–1 provides that in passing upon applications for exemptive relief from section 17(d), the SEC will consider whether the participation of a registered investment company in a joint enterprise on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which the company's participation is on a basis different from or less advantageous than that of other participants.

9. Applicants submit that the purpose of section 17(d) is to avoid overreaching by and unfair advantage to investment company insiders. Applicants believe that the credit facility is consistent with the provisions, policies and purposes of the Act in that it offers both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and their shareholders. Applicants note that each Fund would have an equal opportunity to borrow and lend on equal terms consistent with its investment policies and fundamental investment limitations. Applicants therefore believe that each fund's participation in the credit facility will be on terms which are no different from or less advantageous than that of other participating Funds.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. The interest rates to be charged to the Funds under the credit facility will be the average of the Repo Rate and the Bank Loan Rate.

2. On each business day, the Franklin Templeton Advisers will compare the Bank Loan Rate with the Repo Rate and will make cash available for Interfund Loans only if the Interfund Loan Rate is (i) more favorable to the lending Fund than the Repo Rate; (ii) more favorable to the lending Fund than the yield on the Money Market Funds ("MMF Yield") (for those Funds that invest in the Money Market Funds); and (iii) more favorable to the borrowing Fund than the Bank Loan Rate.

3. If a Fund has outstanding borrowings, any Interfund Loans to the Fund: (a) Will be at an interest rate equal to or lower than any outstanding bank loan, (b) will be secured at least on an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding bank loan that requires collateral, (c) will have a maturity no longer than any outstanding bank loan (and in any event not over seven days), and (d) will provide that, if an event of default occurs under any agreement evidencing an outstanding bank loan to the Fund, that event of default will automatically (without need for action or notice by the lending Fund) constitute an immediate event of default under the Interfund Lending Agreement entitling the lending Fund to call the Interfund Loan (and exercise all rights with respect to any collateral) and that such call will be made if the lending bank exercises its right to call its loan under its agreement with the borrowing Fund.

4. A Fund may make an unsecured borrowing through the credit facility if its outstanding borrowings from all sources immediately after the interfund borrowing total less than 10% of its total assets, provided that if the Fund has a secured loan outstanding from any other lender, including but not limited to another fund, the Fund's interfund borrowing will be secured on at least an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding loan that requires collateral. If a Fund's total outstanding borrowings immediately after interfund borrowing would be greater than 10% of its total assets, the Fund may borrow through the credit facility on a secured basis only. A Fund may not borrow through the credit facility or from any other source if its total outstanding borrowings immediately after the interfund borrowing would be more than 33⅓% of its total assets.

5. Before any Fund that has outstanding interfund borrowings may, through additional borrowings, cause its outstanding borrowings from all sources to exceed 10% of its total assets, the Fund must first secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan. If the total outstanding borrowings of a Fund with outstanding Interfund Loans exceeds 10% of its total assets for any other reason (such as decline in net asset value or because of shareholder redemptions), the Fund will within one business day thereafter: (a) Repay all its outstanding Interfund Loans, (b) reduce its outstanding indebtedness to 10% or less of its total assets, or (c) secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan until the Fund's total outstanding borrowings cease to exceed 10% of its total assets, at which time the collateral called for by this condition (5) shall no longer be required. Until each Interfund Loan that is outstanding at any time that a Fund's total outstanding borrowings exceeds 10% is repaid or the Fund's total outstanding borrowings cease to exceed 10% of its total assets, the Fund will mark the value of the collateral to market each day and will pledge such additional collateral as is necessary to maintain the market value of the collateral that secures each outstanding Interfund Loan at least equal to 102% of the outstanding principal value of the loan.

6. No equity, taxable bond or Money Market Fund may lend to another Fund through the credit facility if the loan would cause its aggregate outstanding loans through the credit facility to exceed 5%, 7.5% or 10%, respectively, of its net assets at the time of the loan.

7. A Fund's Interfund Loans to any one Fund shall not exceed 5% of the lending Fund's net assets.

8. The duration of Interfund Loans will be limited to the time required to receive payment for securities sold, but in no event more than seven days. Loans effected within seven days of each other

will be treated as separate loan transactions for purposes of this condition.

9. A Fund's borrowings through the credit facility, as measured on the day the most recent loan was made, will not exceed the greater of 125% of the Fund's total net cash redemptions and 102% of sales fails for the preceding seven calendar days.

10. Each Interfund Loan may be called on one business day's notice by the lending Fund and may be repaid on any day by the borrowing Fund.

11. A Fund's participation in the credit facility must be consistent with its investment policies and limitations and organizational documents.

12. The Cash Management Team will calculate total Fund borrowing and lending demand through the credit facility, and allocate loans on an equitable basis among the Funds without intervention of the portfolio manager of a Fund (except a portfolio manager of the Money Market Funds acting in his or her capacity as a member of the Cash Management Team). All allocations will require approval of at least one member of the Cash Management Team who is not a portfolio manager of the Money Market Funds. The Cash Management Team will not solicit cash for the credit facility from any Fund or prospectively publish or disseminate loan demand data to portfolio managers (except to the extent that the portfolio managers of the Money Market Funds on the Cash Management Team have access to loan demand data). The Franklin Templeton Advisers will invest any amounts remaining after satisfaction of borrowing demand in accordance with the standing instructions from portfolio managers or return remaining amounts for investment to the Funds.

13. The Franklin Templeton Advisers will monitor the interest rates charged and the other terms and conditions of the Interfund Loans and will make a quarterly report to the Trustees concerning the participation of the Funds in the credit facility and the terms and other conditions of any extensions of credit thereunder.

14. The Trustees of each Fund, including a majority of the Independent Trustees: (a) will review no less frequently than quarterly the Fund's participation in the credit facility during the preceding quarter for compliance with the conditions of any order permitting such transactions; (b) will establish the Bank Loan Rate formula used to determine the interest rate on Interfund Loans and review no less frequently than annually the continuing appropriateness of the Bank Loan Rate formula; and (c) will review no less frequently than annually the continuing appropriateness of the Fund's participation in the credit facility.

15. In the event an Interfund Loan is not paid according to its terms and such default is not cured within two business days from its maturity or from the time the lending Fund makes a demand for payment under the provisions of the Interfund Lending Agreement, the Franklin Templeton Advisers will promptly refer such loan for arbitration to an independent arbitrator selected by the Trustees of any Fund involved in the loan who will serve as arbitrator of disputes concerning Interfund Loans.[4] The arbitrator will resolve any problem promptly, and the arbitrator's decision will be binding on both Funds. The arbitrator will submit, at least annually, a written report to the Trustees setting forth a description of the nature of any dispute and the actions taken by the Funds to resolve the dispute.

16. Each Fund will maintain had preserve for a period of not less than six years from the end of the fiscal year in which any transaction under the credit facility occurred, the first two years in an easily accessible place, written records of all such transactions setting forth a description of the terms of the transaction, including the amount, the maturity, and the rate of interest on the loan, the rate of interest available at the time on short-term repurchase agreements and bank borrowings, the MMF Yield, and such other information presented to the Trustees in connection with the review required by conditions 13 and 14 above.

17. The Franklin Templeton Advisers will prepare and submit to the Trustees for review an initial report describing the operations of the credit facility and the procedures to be implemented to ensure that all Funds are treated fairly. After the credit facility commences operations, the Franklin Templeton Advisers will report on the operations of the credit facility at the Trustees' quarterly meetings. in addition, for two years following the commencement of the credit facility, the independent public accountant for each Fund shall prepare an annual report that evaluates the Franklin Templeton Adviser's assertion that it has established procedures reasonably designed to achieve compliance with the conditions of the order. The report shall be prepared in accordance with the Statements on Standards for Attestation Engagements No. 3 and it shall be filed pursuant to Item 77Q3 of Form N–SAR. In particular, the report shall address procedures designed to achieve the following objectives: (a) that the Interfund Rate will be higher than the Repo Rate, and than the MMF Yield, but lower than the Bank Loan Rate; (b) compliance with the collateral requirements as set forth in the application; (c) compliance with the percentage limitations on interfund borrowing and lending; (d) allocation of interfund borrowing and lending demand in an equitable manner and in accordance with procedures established by the Trustees; and (e) that the interest rate on any Interfund Loan does not exceed the interest rate on any third party borrowings of a borrowing Fund at the time of the Interfund Loan. After the final report is filed, the Fund's external auditors, in connection with their Fund audit examinations, will continue to review the operation of the credit facility for compliance with the conditions of the application and their review will form the basis, in part, of the auditor's report on internal accounting controls in Form N–SAR.

18. No fund will participate in the credit facility upon receipt of requisite regulatory approval unless it has fully disclosed in its SAI all material facts about its intended participation.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24602 Filed 9–21–99; 8:45 am]

BILLING CODE 8010–01–M

[4] If the dispute involves Funds with separate boards of Trustees, the Trustees of each Fund will select an independent arbitrator that is satisfactory to each party.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41879; File No. SR–DTC–99–15]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving a Proposed Rule Change Relating to Procedures When Settling Banks Fail To Settle

September 15, 1999.

On June 11, 1999, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR–DTC–99–15) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **FEDERAL REGISTER** on August 6, 1999.[2] No comment letters were received. For

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 41678 (July 30, 1999), 64 FR 43004.

the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

Under the rule change, DTC is restating its procedures for a settling bank's failure to settle.[3] DTC has revised its procedures for when a settling bank fails to settle with DTC due to a financial or operational problem to state in additional detail the procedures that DTC will follow if a settling bank fails to settle with DTC. For example, the restated procedures (1) state the specific time by which settling banks must acknowledge settlement balances each day, (2) provide for notice by DTC of a settling bank's failure to settle to the participants that settle through the bank, and (3) set forth DTC's rights with respect to payment of credit balances to and retention of collateral of each participant that settles through the bank.[4]

II. Discussion

Section 17A(b)(3)(F) of the Act[5] requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody and control of the clearing agency or for which it is responsible. The Commission believes that the proposed rule change is consistent with DTC's obligations under Section 17A(b)(3)(C) because it should facilitate completion of the daily settlement process at DTC in the event that a settlement bank fails to settle with DTC.

III. Conclusion

On the basis of the foregoing, the Commission finds that DTC's proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–99–15) be and hereby is approved.

[3] DTC's current procedures were established in 1994 in connection with DTC's conversion to a same-day settlement system. The procedures were set forth in a memorandum which was issued jointly with the National Securities Clearing Corporation and which described the planned conversion of DTC's money settlement system from an oversight funds system to a same-day funds system to an entirely same day funds settlement system (July 29, 1994).

[4] A copy of DTC's procedures is attached as Exhibit 2 to DTC's filing, which is available for inspection and copying in the Commission's Public Reference Room and through DTC.

[5] 15 U.S.C. 78q–1(b)(3)(F).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24603 Filed 9–21–99; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3211]

State of North Carolina

As a result of the President's major disaster declaration on September 9, 1999, and an amendment thereto on September 11, I find that the Counties of Beaufort, Carteret, Craven, Dare, Hyde, and Pamlico in the State of North Carolina constitute a disaster area due to damages caused by Hurricane Dennis beginning on August 29, 1999, and continuing through September 11, 1999. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 7, 1999, and for loans for economic injury until the close of business on June 9, 2000 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the contiguous Counties of Jones, Lenoir, Martin, Onslow, Pitt, Tyrrell, and Washington in North Carolina may be filed until the specified date at the above location.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.250
Homeowners without credit available elsewhere	3.625
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.000
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster are 321108 for physical damage and 9E5100 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

[6] 17 CFR 200.30–3(a)(12).

Dated: September 14, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–24670 Filed 9–21–99; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

[License No. 02/72–0575]

East River Ventures, L.P.; Notice of Surrender of License

Notice is hereby given that East River Ventures, L. P., 645 Madison Avenue, New York, NY 10022, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). East River Ventures, L. P. was licensed by the Small Business Administration on September 26, 1997.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on this date, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: September 15, 1999.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 99–24673 Filed 9–21–99; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the District of New Jersey, entered August 4, 1999, the United States Small Business Administration hereby revokes the license of Japanese American Capital Corp., a New Jersey corporation, to function as a small business investment company under the Small Business Investment Company License No. 02/02–5367 issued to Japanese American Capital Corp. on August 7, 1979 and said license is hereby declared null and void as of September 14, 1999.

Dated: September 14, 1999.

United States Small Business Administration.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 99–24671 Filed 9–21–99; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the Southern District of Texas, Houston Division, entered July 28, 1999, the United States Small Business Administration hereby revokes the license of Southern Orient Capital Corporation, a Texas corporation, to function as a small business investment company under the Small Business Investment Company License No. 06/06–5240 issued to Southern Orient Capital Corporation on December 29, 1980 and said license is hereby declared null and void as of September 14, 1999.

Dated: September 14, 1999.

United States Small Business Administration.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 99–24672 Filed 9–21–99; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

[Public Notice 3126]

Fine Arts Committee; Notice of Meeting

The Fine Arts Committee of the Department of State will meet on Saturday, October 16, 1999 at 9:30 a.m. in the John Quincy Adams State Drawing Room. The meeting will last until approximately 11:00 a.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in March 1999 and the announcement of gifts of furnishings as well as financial contributions from January 1 through September 30, 1999. Public access to the Department of State is strictly controlled. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office by Monday, October 11, 1999, telephone (202) 647–1990 to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

September 16, 1999.

Gail F. Serfaty,

Vice Chairman, Fine Arts Committee.

[FR Doc. 99–24679 Filed 9–21–99; 8:45 am]

BILLING CODE 4710–38–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1999–6236]

National Boating Safety Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The National Boating Safety Advisory Council (NBSAC) and its subcommittees on boat occupant protection, navigation lights, personal flotation device-life saving index, and prevention through people will meet to discuss various issues relating to recreational boating safety. All meetings will be open to the public.

DATES: NBSAC will meet on Monday, October 25, 1999, from 8:30 a.m. to 5 p.m. and Tuesday, October 26 from 8:30 a.m. to noon. The Personal Flotation Device-Life Saving Index Subcommittee will meet on Saturday, October 23, 1999, from 1:30 p.m. to 5 p.m. The Prevention Through People Subcommittee will meet on Sunday, October 24, 1999, from 8:30 a.m. to 11:30 a.m.; the Boat Occupant Protection Subcommittee will meet from 12:30 p.m. to 3 p.m.; and the Navigation Light Subcommittee will meet from 3 p.m. to 5 p.m. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before October 15, 1999. Requests to have a copy of your material distributed to each member of the committee or subcommittees should reach the Coast Guard on or before October 8, 1999.

ADDRESSES: NBSAC will meet at the Four Points Riverwalk North Hotel, 110 Lexington Avenue, San Antonio, Texas. The subcommittee meetings will be held at the same address. Send written material and requests to make oral presentations to Mr. Albert J. Marmo, Commandant (G–OPB–1), US Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593–0001. You may obtain a copy of this notice by calling the US Coast Guard Infoline at 1–800–368–5647. This notice is available on the Internet at http://dms.dot.gov or at the Web Site for the Office of Boating Safety at URL address www.uscgboating.org/.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Albert J. Marmo, Executive Director of NBSAC, telephone 202–267–0950, fax 202–267–4285.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agendas of Meetings

National Boating Safety Advisory Council (NBSAC). The agenda includes the following:

(1) Executive Director's report.
(2) Chairman's session.
(3) Personal Flotation Device-Life Saving Index Subcommittee report.
(4) Prevention Through People Subcommittee report.
(5) Boat Occupant Protection Subcommittee report.
(6) Navigation Light Subcommittee report.
(7) Recreational Boating Safety Program report.
(8) U.S. Coast Guard Auxiliary report.
(9) National Association of State Boating Law Administrators report.
(10) Update on fire extinguisher carton labeling.
(11) Presentation on the Global Maritime Distress and Safety System and the National Distress System Modernization Project.
(12) Report on the national recreational boating survey.
(13) Presentation on technical seminars on boating safety standards and compliance.
(14) Discussion of personal watercraft safety issues.
(15) Report on the utilization of grant project results in voluntary standards development.
(16) Recreational boating safety outreach report.
(17) Report on fiscal year 1999 national nonprofit public service organization grants.

Personal Flotation Device-Life Saving Index Subcommittee. The agenda includes the following:

(1) Discuss the status of development of the life saving index.
(2) Discuss manual/automatic inflatable personal flotation device (PFD) approval.
(3) Review PFD label criteria.
(4) Discuss issues concerning consumer PFD awareness and Coast Guard sponsored PFD research projects.

Boat Occupant Protection Subcommittee. The agenda includes the following:

(1) Discuss actions to develop a performance standard to prevent and minimize the occurrence of propeller strikes.
(2) Discuss ongoing risk management and human factors initiatives.
(3) Discuss personal watercraft off-throttle steering test and evaluation.
(4) Discuss boat engine weight table issues.

Prevention Through People Subcommittee. The agenda includes the following:

(1) Initiate the process for continuing subcommittee guidance and advice concerning public safety awareness campaigns and materials dealing with boating under the influence, PFD wear, and other boating safety issues.
(2) Discuss strategies for reaching the operators of small boats, particularly non-powered craft such as canoes and kayaks, not required to be registered in most states.
(3) Discuss development of a national boating safety education standard and education delivery mechanisms.

Navigation Light Subcommittee. The agenda includes the following:

(1) Discuss status of navigation light certification rulemaking.

(2) Discuss the navigation light lens size grant study.

(3) Review the Navigation Rules regarding the use of innovative navigation light units.

(4) Discuss marking to indicate certification of navigation lights.

Procedural

All meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chairs' discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director no later than October 15, 1999. Written material for distribution at a meeting should reach the Coast Guard no later than October 15, 1999. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of a meeting, please submit 25 copies to the Executive Director no later than October 8, 1999.

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: September 15, 1999.

Terry M. Cross,

Rear Admiral, US Coast Guard, Assistant Commandant for Operations, Acting.

[FR Doc. 99–24701 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aging Transport Systems Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aging Transport Systems Rulemaking Advisory Committee.

DATES: The meeting will be held October 13–14, 1999, beginning at 9 a.m. on October 13. Arrange for oral presentations by October 6.

ADDRESSES: The meeting will be at the Bessie Coleman Conference Center, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Effie M. Upshaw, Office of Rulemaking, ARM–209, FAA, 800 Independence Avenue, SW, Washington, DC 20591, Telephone (202) 267–7626, FAX (202) 267–5075.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a meeting of the Aging Transport Systems Rulemaking Advisory Committee in the Bessie Coleman Conference Center, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, DC.

The agenda will include:

- Opening remarks.
- Discussion of working group activities including reports on the noninstrusive inspections and progress on development of intrusive inspections.
- Presentation on ATA Chapter wire codes.
- Presentation on the potential effects of aging on high energy radiated fields and lightning protection systems.
- Presentation on the International Maintenance Review Board.

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by October 6, 1999, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 20 copies to the Executive Director, or by bringing the copies to him at the meeting. Public statements will only be considered if time permits. In addition, sign and oral interpretation as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC on September 14, 1999.

Anthony F. Fazio,

Director, Office of Rulemaking.

[FR Doc. 99–24646 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application (99–03–C–00–RDM) to Impose and use the revenue from a passenger facility charge (PFC) at Roberts Field-Redmond Municipal Airport, submitted by the City of Redmond, Redmond, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at Roberts Field-Redmond Municipal Airport under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR 158).

DATES: Comments must be received on or before October 22, 1999.

ADDRESS: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: J. Wade Bryant, Manager; Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue SW, Suite 250; Renton, Washington 98055–4056.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Carolyn S. Novick, A.A.E., Airport Manager, at the following address: City of Redmond, P.O. Box 726, Redmond, OR 97756.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to Roberts Field-Redmond Municipal Airport, under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Vargas, (425) 227–2660; Seattle Airports District Office, SEA–ADO; 1601 Lind Avenue SW, Suite 250; Renton, Washington 98055–4056. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application (99–03–C–00–RDM) to impose and use PFC revenue at Roberts Field-Redmond Municipal Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On September 15, 1999, the FAA determined that the application to impose and use the revenue from a PFC submitted by City of Redmond, Redmond, Oregon, was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 17, 1999.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: December 1, 2000.

Proposed charge expiration date: April 1, 2004.

Total requested for use approval: $1,021,900.

Brief description of proposed project: Impose and Use: Reconstruct taxiway "F" North and construct exit taxiway and holding apron; Installation of Distance-to-go signs on runway 10/28 & REILS on runway 4; Construct Building for storage & Maintenance of Airport Snow & Ice Control Equipment & Materials; Reconstruct taxiway "F" South & Relocate taxiway "H."

Class or classes of air carriers which the public agency has requested not be

required to collect PFC's: Air taxi/commercial operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue SW., Suite 315, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Roberts Field-Redmond Municipal Airport.

Issued in Renton, Washington on September 15, 1999.

Warren D. Ferrell,

Acting Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 99–24647 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

PA 23 Subcorridor: Lancaster County, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the PA 23 Subcorridor in Earl Township, East Earl Township, East Lampeter Township, Manheim Township, Upper Leacock Township, and New Holland Borough, Lancaster County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Deborah Suciu Smith, Environmental Specialist, Federal Highway Administration, 228 Walnut Street, Room 536, Harrisburg, Pennsylvania 17101–1720, Telephone: 717–221–3785, or Mark Malhenzie, Project Manager, Pennsylvania Department of Transportation 2140 Herr Street, Harrisburg, Pennsylvania, 17103, Telephone 717–783–5080.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation (PennDOT) and the Lancaster County Planning Office, will prepare an environmental impact statement (EIS) to identify and evaluate alternatives which address transportation problems within the PA 23 Subcorridor. The proposed project would involve improvements to transportation conditions in the PA 23 Subcorridor from the PA 23/U.S. Route 30 interchange on the west to U.S. Route 322 on the east.

A Notice of Intent was previously published in the **Federal Register** on February 27, 1987, to advise the public that an EIS would be prepared to identify and evaluate alternatives to provide a viable means of relieving traffic congestion on PA 23 and U.S. Route 30 in Lancaster County. Public concerns redirected the scope of the project and a revised Notice of Intent was published on June 16, 1988. The intent of the second Notice was to advise the public that separate EIS's would be prepared to identify and evaluate alternatives to relieve traffic congestion on PA 23 and U.S. Route 30 independently.

In 1997, the Lancaster County Transportation Coordinating Committee (Lancaster County MPO) was the lead agency for the PA 23 Corridor Major Investment Study (MIS), consistent with the requirements of the Intermodal Surface Transportation Efficiency Act of 1991. The PA 23 Corridor Study MIS gathered various types of data which resulted in the identification of transportation needs and will lead to the development of alternatives. Typical areas of concern identified by various members of the public and resource agencies during the MIS studies include, but are not limited to, the following: socioeconomic and land use impacts; the unique social sub-groups; effects on cultural, and natural resources; agricultural preservation; roadway safety; business-industry; tourism; and economic stability.

The PA 23 Corridor Study MIS demonstrated present and future transportation problems in the PA 23 Subcorridor from U.S. Route 30 to the U.S. Route 322 intersection east of New Holland, a distance of approximately 21.5 km (13.4 miles). Transportation needs in the PA 23 Subcorridor include congestion, decreasing levels of service, traffic diversion from PA 23 to local roads, uncontrolled access to adjacent driveways and connecting roads, and a mix of motorized and non-motorized means of travel. Improvements to the corridor are considered necessary to provide for the existing and projected transportation demands.

A range of transportation alternatives, including No-Build, Transportation Systems Management (TSM), Traffic Control Measures (TCM), and Travel Demand Management (TDM), Transit, Widening, and Relocation alternatives will be developed consistent with land use strategies to address the identified transportation needs. The development of alternatives will be based on traffic demands, engineering requirements, environmental and socioeconomic constraints, the county's growth management plan, and public input. Public involvement and inter-agency coordination will be maintained throughout the development of the EIS.

To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments and suggestions are invited from interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the addresses listed above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: September 14, 1999.

Deborah Suciu Smith,

Environmental Specialist, Federal Highway Administration, Harrisburg, Pennsylvania.

[FR Doc. 99–24612 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Morrison County, Minnesota

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for the proposed reconstruction of Trunk Highway 371 (TH 371) in Morrison County, Minnesota.

FOR FURTHER INFORMATION CONTACT: Cheryl Martin, Federal Highway Administration, Galtier Plaza, Box 75, 175 East Fifth Street, Suite 500, St. Paul, Minnesota 55101–2904, Telephone (651) 291–6120; or Roger Risser, Project Manager, Minnesota Department of Transportation—District 3, 1991 Industrial Park Road, Baxter, Minnesota 56425, Telephone (218) 828–22482 V, (651) 296–9930 TTY.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Minnesota Department of Transportation, will prepare an EIS on a proposal to improve TH 371 between County State Aid Highway (CSAH) 46 north of Little Falls to 0.8 kilometer north of CSAH 48 in Morrison County,

Minnesota, a distance of approximately 9.5 kilometers. Improvements to the corridor are considered necessary to provide for existing and projected traffic demands, correct an existing safety problem and address deteriorating pavement and bridge conditions.

Alternatives under consideration include:

- No Build
- Several variations of "Build" alternatives involving reconstruction and/or realignment and new construction of TH 371 into a four-lane highway (divided or undivided).

The "Trunk Highway 371—Reconstruction, Scoping Document/ Draft Scoping Decision Document" will be published in the Fall of 1999. A press release will be published to inform the public of the document's availability. Copies of the scoping document will be distributed to agencies, interested persons and libraries for review to aid in identifying issues and analyses to be contained in the EIS. A 30-day comment period for review of the document will be provided. A public scoping meeting will also be held during the comment period to afford an opportunity for all interested persons, agencies and groups to comment on the proposed action. Public notice will be given for the time and place of the meeting.

Coordination has been initiated and will continue with appropriate Federal, State and local agencies and private organizations and citizens who have previously expressed or are known to have an interest in the proposed action. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: September 14, 1999.

Stanley M. Graczyk,

Project Development Engineer, Federal Highway Administration, St. Paul, Minnesota.

[FR Doc. 99–24681 Filed 9–21–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 7, 1999, [64 FR 36738].

DATES: Comments must be submitted on or before October 22, 1999.

FOR FURTHER INFORMATION CONTACT: Taylor E. Jones, Director, Office of Maritime Labor, Training and Safety, Maritime Administration, MAR–250, Room 7302, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–5755 or FAX 202–493–2288. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD).

Title: U.S. Merchant Marine Academy Application for Admission.

OMB Control Number: 2133–0010.

Type of Request: Extension of currently approved collection.

Affected Public: Individuals desirous of becoming students at the U.S. Merchant Marine Academy.

Form(s): KP 2–65.

Abstract: The collection consists of Parts I, II, and III of Form KP 2–65 (U.S. Merchant Marine Academy Application for Admission. These items are completed by individuals wishing to be admitted as students to the U.S. Merchant Marine Academy and are reviewed by staff members of the Academy. The collection is necessary to select the best qualified candidates for the U.S. Merchant Marine Academy.

Annual Estimated Burden Hours: 5 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention MARAD Desk Officer.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, DC on September 17, 1999.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99–24680 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Applications for Modification of Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before (15 days after publication).

ADDRESS COMMENTS TO: Records Center, Research and Special Programs,

Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW, Washington, DC or at http://dms.dot.gov.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 16, 1999.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Docket No.	Applicant	Modification of exemption
8556–M		Gardner Cryogenics, Lehigh Valley, PA [1]	8556
10798–M		Matheson Tri-Gas, Parsippany, NJ [2]	10798
10928–M		MathesonTri-Gas, Parsippany, NJ [3]	10928
11432–M		Baker Atlas, Houston, TX [4]	11432
11506–M		OEA, Inc., Denver, CO [5]	11506
11880–M	RSPA–1997–2463	International Catalyst Corporation, Lloydminister, Alberta, CA [6]	11880
11914–M	RSPA–1997–2738	Dae Ryuk Can Co., Ltd., Seoul, KR [7]	11914
12245–M	RSPA–1999–5489	BetzDearborn, Inc., Trevose, PA [8]	12245

[1] To modify the exemption to provide for design changes of the non-DOT specification portable tank manufactured in accordance with ASME Code criteria; add a new 4830 gallon liquid helium tank design.

[2] To modify the exemption to allow for the transportation of an additional Division 2.3 material in tank cars.

[3] To modify the exemption to allow for the transportation of an additional Division 2.3 material in tank cars.

[4] To modify the exemption to allow for an alternate lining and relief from certain marking/shipping paper entry requirements for the transportation of Division 1.4 igniters mix-packed with Division 1.4 detonators transported with Class 1 explosives.

[5] To modify the exemption to include passenger-carrying aircraft as an authorized mode of transportation.

[6] To modify the exemption to allow for a valve design change in the unloading system of the non-specification steel covered hopper railcars for the transportation of Division 4.2 materials.

[7] To modify the exemption to allow for a design change for an additional non-DOT specification container with a maximum capacity not to exceed 15 cubic inches for the transportation of a Division 2.3 material.

[8] To reissue the exemption originally issued on an emergency basis for the unloading of hazardous materials from IBCs without removal from a motor vehicle.

[FR Doc. 99–24703 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before October 22, 1999.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT: Copies of the application (See Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, DC 20590 or at http://dms.dot.gov.

This notice of receipt of applications for new exemptions is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 16, 1999.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulations(s) affected	Nature of Exemption Thereof
12332–N	RSPA–1999–6176	Automotive Occupant, Restraints Council, Lexington, KY.	49 CFR 173.166 (c) & (e).	To authorize the transportation in commerce of air bag modules or seat belt pre-tensioners that have been removed from motor vehicles for disposal to be transported without required markings. (mode 1)
12333–N	RSPA–1999–6174	BFI, Atlanta, GA	49 CFR 173.28(b)(4)(i)	To authorize the transportation in commerce of non-DOT specification open-head plastic drums for use in transporting regulated Medical waste, Division 6.2 (mode 1)

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulations(s) affected	Nature of Exemption Thereof
12334–N	RSPA–1999–6177	Autoclave Engineers, Erie, PA.	49 CFR 178.36	To authorize the manufacture, marking and sale of non-DOT specification cylinders comparable to 3A or 3AX seamless steel cylinder for use in transporting compressed hydrogen, Division 2.1. (mode 1)
12335–N	RSPA–1999–6178	Baker Hughes, Houston, TX.	49 CFR 173.62(c), PM E–139, PPR 1.	To authorize an alternative packaging method for use in transporting Cord, detonating, Division 1.1D and 1.4D. (modes 1, 3)
12336–N	RSPA–1999–6179	AC Plastiques Canada (1992) Inc., Les Cedres, Quebec, CA.	49 CFR 172.102(c), 178.345–2, 4, 7, 14(b) –15, 178.348–1 & 2.	To authorize the manufacture, marking and sale of fiber reinforced plastic highway cargo tanks for use in transporting Class 8 material. (mode 1)
12338–N	RSPA–1999–6180	Aeronex, Inc., San Diego, CA.	49 CFR 173.212	To authorize the transportation in commerce of non-DOT specification seamless steel cylinders comparable to DOT–3A cylinders for use in transporting Self-heating solid, inorganic, n.o.s., Division 4.2. (mode 1)
12339–N	RSPA–1999–6201	BOC Gases, Murray Hill, NJ.	49 CFR, 173.192(a)(3), 173.302(a)(5), 173.302(f), 173.304(a)(4), 173.304(d)(3)(i).	To authorize the transportation in commerce of various Division 2.1 and 2.3 gases in DOT Specification 3AL aluminum cylinders, overpacked in freight containers. (mode 3)
12340–N	RSPA–1999–6199	General Chemical Corp., Parsippany, NJ.	49 CFR 178.605	To authorize the transportation in commerce of Class 8 material in DOT 3H1 HDPE square jerricans with a lower pressure rating, equipped with or without diptubes (modes 1, 2, 3)
12341–N	RSPA–1999–6200	Space Systems/Loral, Palo Alto, CA.	49 CFR 173.301, 178.46.	To authorize the transportation in commerce of non-DOT Specification cylinders pressurized to a low storage pressure with Division 2.2 material. (modes 1, 4)
12342–N	RSPA–1999–6196	Elliot 1 Day Surgery, Center, Manchester, NH.	49 CFR 172.101 Col. 8(c), 173.197.	To authorize the transportation in commerce of regulated medical waste in poly bags overpacked in non-DOT specification bulk bins. (mode 1)
12343–N	RSPA–1999–6198	City Machine & Welding, Inc. of Amarillo, Amarillo, TX.	49 CFR 173.302(c)(2), (c)(3), (c)(4), 173.34(e)(6)(i)(D), 173.34(e)(6)(i)(D), 173.34(e)(7)(i), 173.34(e), (e)(2), (e)(4).	To authorize acoustic emission retesting of DOD–3AAX and 3T cylinders for use in transporting various hazardous materials classed in Division 2.1, 2.2 and 2.3. (mode 1)

[FR Doc. 99–24704 Filed 9–21–99; 8:45 am]

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federal register

Wednesday
September 22, 1999

Part II

Nuclear Regulatory Commission

10 CFR Part 50

Industry Codes and Standards; Amended Requirements; Final Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150–AE26

Industry Codes and Standards; Amended Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to incorporate by reference more recent editions and addenda of the ASME Boiler and Pressure Vessel Code and the ASME Code for Operation and Maintenance of Nuclear Power Plants for construction, inservice inspection, and inservice testing. These provisions provide updated rules for the construction of components of light-water-cooled nuclear power plants, and for the inservice inspection and inservice testing of those components. This final rule permits the use of improved methods for construction, inservice inspection, and inservice testing of nuclear power plant components.

DATES: Effective November 22, 1999. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 22, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas G. Scarbrough, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–2794, or Robert A. Hermann, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–2768.

SUPPLEMENTARY INFORMATION:

1. Background
2. Summary of Comments
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2.3.1 Section XI
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2.3.1.2.2 Quality Assurance
2.3.1.2.3 Class 1 Piping
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2.4.1.1.2 Appendix VIII Specimen Set and Qualification Requirements
2.4.1.1.3 Appendix VIII Single Side Ferritic Vessel and Piping and Stainless Steel Piping Examination
2.4.2 Generic Letter on Appendix VIII
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2.5 Voluntary Implementation
2.5.1 Section III
2.5.1.1 Limitations:
2.5.1.1.1 Engineering Judgement (Deleted)
2.5.1.1.2 Section III Materials
2.5.1.1.3 Weld Leg Dimensions
2.5.1.1.4 Seismic Design
2.5.1.1.5 Quality Assurance
2.5.1.1.6 Independence of Inspection
2.5.1.2 Modification:
2.5.1.2.1 Applicable Code Version for New Construction
2.5.2 Section XI (Voluntary Implementation)
2.5.2.1 Subsection IWE and Subsection IWL
2.5.2.2 Flaws in Class 3 Piping; Mechanical Clamping Devices
2.5.2.3 Application of Subparagraph IWB–3740, Appendix L
2.5.3 OM Code (Voluntary Implementation)
2.5.3.1 Code Case OMN–1
2.5.3.2 Appendix II
2.5.3.3 Subsection ISTD
2.5.3.4 Containment Isolation Valves
2.6 ASME Code Interpretations
2.7 Direction Setting Issue 13
2.8 Steam Generators
2.9 Future Revisions of Regulatory Guides Endorsing Code Cases
3. Voluntary Consensus Standards
4. Finding of No Significant Environmental Impact
5. Paperwork Reduction Act Statement
6. Regulatory Analysis
7. Regulatory Flexibility Certification
8. Backfit Analysis
9. Small Business Regulatory Enforcement Fairness Act

1. Background

The Nuclear Regulatory Commission (NRC) is amending its regulations to incorporate by reference the 1989 Addenda, 1990 Addenda, 1991 Addenda, 1992 Edition, 1992 Addenda, 1993 Addenda, 1994 Addenda, 1995 Edition, 1995 Addenda, and 1996 Addenda of Section III, Division 1, of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPV Code) with five limitations; the 1989 Addenda, 1990 Addenda, 1991 Addenda, 1992 Edition, 1992 Addenda, 1993 Addenda, 1994 Addenda, 1995 Edition, 1995 Addenda, and 1996 Addenda of Section XI, Division 1, of the ASME BPV Code with three limitations; and the 1995 Edition and 1996 Addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code) with one limitation and one modification. The final rule imposes an expedited implementation of performance demonstration methods for ultrasonic examination systems. The final rule permits the optional implementation of the ASME Code, Section XI, provisions for surface examinations of High Pressure Safety Injection Class 1 piping welds. The final rule also permits the use of evaluation criteria for temporary acceptance of flaws in ASME Code Class 3 piping (Code Case N–523–1); mechanical clamping devices for ASME Code Class 2 and 3 piping (Code Case N–513); the 1992 Edition including the 1992 Addenda of Subsections IWE and IWL in lieu of updating to the 1995 Edition and 1996 Addenda; alternative rules for preservice and inservice testing of certain motor-operated valve assemblies (OMN–1) in lieu of stroke-time testing; a check valve monitoring program in lieu of certain requirements in Subsection ISTC of the ASME OM Code (Appendix II to the OM Code); and guidance in Subsection ISTD of the OM Code as part of meeting the ISI requirements of Section XI for snubbers. This final rule deletes a previous modification for inservice testing of containment isolation valves.

On December 3, 1997 (62 FR 63892), the NRC published a proposed rule in the **Federal Register** that presented an amendment to 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," that would revise the requirements for construction, inservice inspection (ISI), and inservice testing (IST) of nuclear power plant components. For construction, the proposed amendment would have permitted the use of Section III, Division 1, of the ASME BPV Code, 1989 Addenda through the 1996 Addenda, for Class 1, Class 2, and Class 3 components with six proposed limitations and a modification.

For ISI, the proposed amendment would have required licensees to implement Section XI, Division 1, of the ASME BPV Code, 1995 Edition up to and including the 1996 Addenda for Class 1, Class 2, and Class 3 components with five proposed limitations. The proposed amendment included permission for licensees to implement Code Cases N–513, "Evaluation Criteria for Temporary Acceptance of Flaws in Class 3 Piping," and N–523, "Mechanical Clamping Devices for Class 2 and 3 Piping." The proposed

amendment also would allow licensees to use the 1992 Edition including the 1992 Addenda of Subsections IWE and IWL in lieu of updating to the 1995 Edition and the 1996 Addenda. The proposed rule included expedited implementation of Appendix VIII, "Performance Demonstration for Ultrasonic Examination Systems," to Section XI, Division 1, with three proposed modifications. An expedited examination schedule would also have been required for a proposed modification to Section XI which addresses volumetric examination of Class 1 high pressure safety injection (HPSI) piping systems in pressurized water reactors (PWRs).

For IST, the proposed amendment would have required licensees to implement the 1995 Edition up to and including the 1996 Addenda of the ASME OM Code for Class 1, Class 2, and Class 3 pumps and valves with one limitation and one modification. The proposed amendment included permission for licensees to implement Code Case OMN–1 in lieu of stroke-time testing for motor-operated valves; Appendix II which provides a check valve condition monitoring program as an alternative to certain check valve testing requirements in Subsection ISTC of the OM Code; and Subsection ISTD of the OM Code as part of meeting the ISI requirements in Section XI for snubbers. Finally, the proposed rule would delete the modification presently in § 50.55a(b) for IST of containment isolation valves.

The NRC regulations currently require licensees to update their ISI and IST programs every 120 months to meet the version of Section XI incorporated by reference into 10 CFR 50.55a and in effect 12 months prior to the start of a new 120-month interval. The NRC published a supplement to the proposed rule on April 27, 1999 (64 FR 22580), that would eliminate the requirement for licensees to update their ISI and IST programs beyond a baseline edition and addenda of the ASME BPV Code. Under that proposed rule, licensees would continue to be allowed to update their ISI and IST programs on a voluntary basis to more recent editions and addenda of the ASME Code incorporated by reference in the regulations. Upon further review, the Commission decided to issue this final rule to incorporate by reference the 1995 Edition with the 1996 Addenda of the ASME BPV Code and the ASME OM Code with appropriate limitations and modifications. The Commission also decided to consider the proposal to eliminate the requirement to update ISI and IST programs every 120 months as a separate rulemaking effort. Following consideration of the public comments on the April 27, 1999, proposed rule, the NRC may prepare a final rule addressing the continued need for the requirement to update periodically ISI and IST programs and, if necessary, establishing an appropriate baseline edition of the ASME Code.

2. Summary of Comments

Interested parties were invited to submit written comments for consideration on the proposed rule published on December 3, 1997. Comments were received from 65 separate sources on the proposed rule. These sources consisted of 27 utilities and service organizations, the Nuclear Energy Institute (NEI), the Nuclear Utility Backfitting and Reform Group (NUBARG) represented by the firm of Winston & Strawn, the ASME Board on Nuclear Codes and Standards, the Electric Power Research Institute (EPRI), the Performance Demonstration Initiative (PDI), the Nuclear Industry Check Valve Group, the State of Illinois Department of Nuclear Safety, Oak Ridge National Laboratory, the Southwest Research Institute, three consulting firms (one firm submitted three separate letters), and 24 individuals. The commenters' concerns related principally to one or more of the proposed limitations and modifications included in the proposed rule. Many of these limitations and modifications have been renumbered in the final rule because some limitations and modifications that were contained in the proposed rule were deleted.

The proposed rule divided the proposed revisions to 10 CFR 50.55a into three groups based on the implementation schedule (i.e., 120-month update, expedited, and voluntary). These groupings have been retained in the discussion of the final rule. For each of these groups, it is indicated below in parentheses whether or not particular items are considered a backfit under 10 CFR 50.109 as discussed in Section 8, Backfit Analysis. This section provides a list of each revision and its implementation schedule, followed by a brief summary of the comments and their resolution. The summary and resolution of public comments and all of the verbatim comments which were received (grouped by subject area) are contained in Resolution of Public Comments. This document is available for inspection and copying for a fee in the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC.

2.1 List of Each Revision, Implementation Schedule, and Backfit Status.

- 120-Month Update [in accordance with §§ 50.55a(f)(4)(i) and 50.55a(g)(4)(i)]
- Section XI (Not A Backfit)

2.3.1.1 Class 1, 2, and 3 Components, Including Supports
2.3.1.2.1 Engineering Judgement (Deleted)
2.3.1.2.2 Quality Assurance
2.3.1.2.3 Class 1 Piping
2.3.1.2.4 Class 2 Piping (Deleted)
2.3.1.2.5 Reconciliation of Quality Requirements

- OM Code (Not A Backfit)

2.3.2.1 Class 1, 2, and 3 Pumps and Valves
2.3.2.3 Clarification of Scope of Safety-Related Valves Subject to IST
2.3.2.4.2 Quality Assurance
2.3.2.5.1 Motor-Operated Valve Stroke-Time Testing

- Expedited Implementation [after 6 months from the date of the final rule—Backfit]

2.4.1 Appendix VIII
2.4.1.1.1 Appendix VIII Personnel Qualification
2.4.1.1.2 Appendix VIII Specimen Set and Qualification Requirements
2.4.1.1.3 Appendix VIII Single Side Ferritic Vessel and Piping and Stainless Steel Piping Examination
2.4.3 Class 1 Piping Volumetric Examination (Deferred)

- Voluntary Implementation [may be used when final rule published—Not A Backfit]
- Section III

2.5.1.1.1 Engineering Judgement (Deleted)
2.5.1.1.2 Section III Materials
2.5.1.1.3 Weld Leg Dimensions
2.5.1.1.4 Seismic Design
2.5.1.1.5 Quality Assurance
2.5.1.1.6 Independence of Inspection
2.5.1.2.1 Applicable Code Version for New Construction

- Section XI

2.5.2.1 Subsection IWE and Subsection IWL
2.5.2.2 Flaws in Class 3 Piping; Mechanical Clamping Devices
2.5.2.3 Application of Subparagraph IWB–3740, Appendix L

- OM Code

2.5.3.1 Code Case OMN–1
2.5.3.2 Appendix II
2.5.3.3 Subsection ISTD
2.5.3.4 Containment Isolation Valves
2.2 Discussion
2.3 120-Month Update
2.3.1 Section XI
2.3.1.1 Class 1, 2, and 3 Components, Including Supports

Section 50.55a(b)(2) endorses the 1995 Edition with the 1996 Addenda of

Section XI, Division 1, for Class 1, Class 2, and Class 3 components and their supports. The proposed rule contained five limitations to address NRC positions on the use of Section XI: engineering judgment, quality assurance, Class 1 piping, Class 2 piping, and reconciliation of quality requirements. As a result of public comment, the NRC has reconsidered its positions on the use of engineering judgment and Class 2 piping. These two limitations have been eliminated from the final rule. In addition, the NRC has modified the scope of the limitation related to reconciliation of quality requirements. A discussion of each of the five proposed limitations and their comment resolution follows.

2.3.1. Limitations.

2.3.1.2.1 Engineering Judgement.

The first proposed limitation to the implementation of Section XI (§ 50.55a(b)(2)(xi) in the proposed rule) addressed an NRC position with regard to the Foreword in the 1992 Addenda through the 1996 Addenda of the BPV Code. That Foreword addresses the use of "engineering judgement" for ISI activities not specifically considered by the Code. The December 3, 1997, proposed rule contained a limitation which would have specified that licensees receive NRC approval for those activities prior to implementation.

Twenty-three commenters provided 30 separate comments on the proposed limitation to the use of engineering judgment with regard to Section XI activities. After reviewing the comments, it is apparent that the proposed rule did not accurately communicate the NRC's concerns with regard to the use of engineering judgment for Section XI activities. All of the commenters construed the limitation to prohibit the use of engineering judgment for all activities. The NRC understands that the use of engineering judgement is routinely exercised on a daily basis at each plant. It was not the NRC's intent to interject itself in this process by requiring prior approval as suggested by most commenters. The limitation was added to the proposed rule to address specific situations where engineering judgment was used and a regulatory requirement was not observed. Upon reconsideration of this issue and after reviewing all of the comments, the NRC has deleted this limitation from the final rule. The summary and the detailed discussions provided in the responses to the public comments should adequately address NRC concerns with regard to past applications of engineering judgment.

The NRC acknowledges that the use of engineering judgment is a valid and necessary part of engineering activities. However, in applying such judgment, licensees must remain cognizant of the need to assure continued compliance with regulatory requirements. Specific examples of cases where application of engineering judgment resulted in failure to satisfy regulatory requirements are discussed in detail in the Response to Public Comments, Section 2.3.1.2.1, Engineering Judgment, and Section 2.6, ASME Code Interpretations. Questions were raised by the industry regarding Interpretations, the use of engineering judgment, and related enforcement actions. At NEI's request, the NRC staff met with NEI on January 11, 1995, to discuss the use of engineering judgment and Code interpretations. On November 12, 1996, a meeting was held between representatives from the NRC and the ASME to discuss the same issues as well as the related enforcement actions. NRC Inspection Manual Part 9900, "Technical Guidance," which had been developed in response to industry questions was also discussed. The ASME representatives agreed that the NRC guidance with respect to engineering judgment was consistent with their understanding of the relationship between the ASME Code and federal regulations. The ASME stated that the NRC should not establish a formal method for reviewing ASME Code interpretations. This position was based primarily on the understanding that it would be tantamount to NRC becoming the interpreter of the Code.

It is apparent from the comments received on the proposed limitation that there is continuing confusion regarding the relationship between ASME Code requirements and NRC regulations. The NRC incorporates the ASME Code by reference into 10 CFR 50.55a. Upon adoption, the Code provisions become a part of NRC regulations as modified by other provisions in the regulations. Several commenters argued that a modification or limitation in the regulations cannot replace or overrule a Code provision or Interpretation. They also argued that, because the NRC did not accept all ASME Interpretations, the NRC was reinterpreting the Code. The NRC recognizes that the ASME is the official interpreter of the Code. However, only the NRC can determine whether the ASME Interpretation is acceptable such that it constitutes compliance with the NRC's regulations and does not adversely affect safety. The NRC cannot a priori approve Code Interpretations. While it is true that the ASME is the official interpreter of the Code, if the ASME interprets the Code in a manner which the NRC finds unacceptable (e.g., results in non-compliance with NRC regulatory requirements, a license condition, or technical specifications), the NRC can take exception to the Interpretation and is not bound by the ASME Interpretation. To put it another way, only the ASME can provide an Interpretation of the Code, but the NRC may make the determination whether that Interpretation constitutes compliance with NRC regulations. Hence, licensees need to consider the guidance on the use of Interpretations contained in the NRC Inspection Manual Part 9900, "Technical Guidance."

2.3.1.2.2 Quality Assurance.

The second proposed limitation to the implementation of Section XI [§ 50.55a(b)(2)(xii) in the proposed rule] pertained to the use of ASME Standard NQA–1, "Quality Assurance Requirements for Nuclear Facilities," with Section XI. Six comments were received and all were considered in arriving at the NRC's decision to retain the limitation as contained in the proposed rule. This limitation has been renumbered as § 50.55a(b)(2)(x) in the final rule.

As part of the licensing basis for nuclear power plants, NRC licensees have committed to certain quality assurance program provisions that are identified in both their Technical Specifications and Quality Assurance Programs. These provisions, as explained below, are taken from several sources (e.g., ASME, ANSI) and together, they constitute an acceptable Quality Assurance Program. The licensee quality assurance program commitments describe how the requirements of Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Processing Plants," to 10 CFR part 50 will be satisfied by referencing applicable industry standards and the NRC Regulatory Guides (RGs) that endorsed the industry standards (e.g., the ANSI N45 series standards and applicable regulatory guides or NQA–1–1983 as endorsed by RG 1.28 (Revision 3), "Quality Assurance Program Requirements (Design and Construction)," and by prescriptive text contained in the program. Further, owners of operating nuclear power plants have committed to the additional operational phase quality assurance and administrative provisions contained in ANSI N18.7 as endorsed by RG 1.33, "Quality Assurance Program Requirements (Operations)."

Section XI references the use of either NQA–1 or the owner's Appendix B Quality Assurance Program (10 CFR part 50, Appendix B) as part of its individual provisions for a QA program. However, NQA–1 (any version) does not contain some of the quality assurance provisions and administrative controls governing operational phase activities that are contained in the ANSI standards as well as other documents which, as a group, constitute an acceptable program. When the NRC originally endorsed NQA–1, it did so with the knowledge that NQA–1 was not entirely adequate and must be supplemented by other commitments such as the ANSI standards. The later versions of NQA–1 also, by themselves, would not constitute an acceptable Quality Assurance Program. Hence, NQA–1 is not acceptable for use without the other quality assurance program provisions identified in Technical Specifications and licensee Quality Assurance Programs. The NRC staff has received questions regarding the relationship between commitments made relative to the Appendix B QA Program and Section XI as endorsed by 10 CFR 50.55a. It is apparent from public comments that there is confusion with regard to Section XI permitting the use of either NQA–1 or the owner's QA Program. The proposed limitation clarified that, when performing Section XI activities, licensees must meet other applicable NRC regulations. The limitation has been retained in the final rule to provide emphasis that licensees must comply with other applicable NRC regulations in addition to the quality assurance provisions contained in Section XI. As further clarification, the following discussion is provided.

Although not discussed in the proposed amendment to 10 CFR 50.55a, the requirements of §§ 50.34(b)(6)(ii) and 50.54(a) for establishing and revising QA Program descriptions during the operational phase are required to be followed and are not superseded or usurped by any of the requirements presently contained in 10 CFR 50.55a. Therefore, even though the present text of 10 CFR 50.55a does not take exception to applying the quality assurance provisions of NQA–1–1979 to ASME Section XI work activities, licensees of commercial nuclear power plants are required to comply not only with the QA provisions included in the Codes referenced in 10 CFR 50.55a, but also the quality assurance program developed to satisfy the requirements contained in § 50.34(b)(6)(ii). This means that, regardless of the specific quality assurance controls delineated in Section XI as referenced in 10 CFR 50.55a, licensees must meet the additional quality assurance provisions of their NRC approved quality assurance program description and other administrative controls governing operational phase activities.

2.3.1.2.3 Class 1 Piping.

The third proposed limitation to the implementation of Section XI [§ 50.55a(b)(2)(xiii) in the proposed rule] pertained to the use of Section XI, IWB–1220, "Components Exempt from Examination," that are contained in the 1989 Edition in lieu of the rules in the 1989 Addenda through the 1996 Addenda. Subparagraph IWB–1220 in these later Code addenda contain provisions from three Codes Cases: N–198–1, "Exemption from Examination for ASME Class 1 and Class 2 Piping Located at Containment Penetrations;" N–322, "Examination Requirements for Integrally Welded or Forged Attachments to Class 1 Piping at Containment Penetrations;" and N–334, "Examination Requirements for Integrally Welded or Forged Attachments to Class 2 Piping at Containment Penetrations," which the NRC found to be unacceptable. The provisions of Code Case N–198–1 were determined by the NRC to be unacceptable because industry experience has shown that welds in service-sensitive boiling water reactor (BWR) stainless steel piping, many of which are located in containment penetrations, are subjected to an aggressive environment (BWR water at reactor operating temperatures) and will experience Intergranular Stress Corrosion Cracking. Exempting these welds from examination could result in conditions which reduce the required margins to failure to unacceptable levels. The provisions of Code Cases N–322 and N–334 were determined to be unacceptable because some important piping in PWRs and BWRs was exempted from inspection. Access difficulty was the basis in the Code cases for exempting these areas from examination. However, the NRC developed the break exclusion zone design and examination criteria utilized for most containment penetration piping expecting not only that Section XI inspections would be performed but that augmented inspections would be performed. These design and examination criteria are contained in Branch Technical Position MEB 3–1, an attachment of NRC Standard Review Plan 3.6.2, "Determination of Rupture Locations and Dynamic Effects Associated with the Postulated Rupture of Piping."

Twenty-one comments were received on this limitation. Some commenters understood the bases for the limitation and did not believe that significant hardship would result. Many of the commenters argued that the Code cases were developed because these configurations are generally inaccessible and cannot be examined. Some argued that the piping in question is not safety significant and, thus, the examinations are unwarranted and the repairs which will be required are unnecessary.

The NRC disagrees with these comments. The provisions of § 50.55a(g)(2) require that facilities who received their construction permit on or after January 1, 1971, for Class 1 and 2 systems be designed with provisions for access for preservice inspections and inservice inspections. Several early plants with limited access have been granted plant specific relief for certain configurations. These exemptions were granted on the basis that the examinations were impractical because these plants were not designed with access to these areas. Modifications to the plant would have been required at great expense to permit examination. Therefore, narrow exceptions were granted to these early plants. For later plants, however, § 50.55a(g)(2) required that plants be constructed to provide access. The rationale for granting exemptions to early plants is not applicable to these later plants. In addition, there have been improvements in technology for the performance of examination using remote automated equipment. In designs where these welds are truly inaccessible, relief will continue to be granted when appropriate bases are provided by the licensee per § 50.55a(g)(5). With regard to the safety significance of this piping, failure of Class 1 piping within a containment penetration may lead to loss of containment integrity and an unisolable pipe break. These areas were considered break exclusion zones as part of their initial design, in part, due to the augmented examinations performed on this portion of the piping system. Further, this issue could affect the large early release frequency (LERF). For these reasons, the limitation has been retained in the final rule (§ 50.55a(b)(2)(xi)) to require licensees to use the rules for IWB–1220 that are contained in the 1989 Edition in lieu of the rules in the 1989 Addenda through the 1996 Addenda.

2.3.1.2.4 Class 2 Piping.

The fourth proposed limitation to the implementation of Section XI (§ 50.55a(b)(2)(xiv) in the proposed rule) would have confined implementation of

Section XI, IWC–1220, "Components Exempt from Examination;" IWC–1221, "Components Within RHR (Residual Heat Removal), ECC (Emergency Cool Cooling), and CHR (Containment Heat Removal) Systems or Portions of Systems;" and IWC–1222, "Components Within Systems or Portions of Systems Other Than RHR, ECC, and CHR Systems," to the 1989 Edition (i.e., it was determined that the 1989 Addenda through the 1996 Addenda were unacceptable). The provisions of Code Case N–408–3, "Alternative Rules for Examination of Class 2 Piping," were incorporated into Subsection IWC in the 1989 Addenda. These provisions contain rules for determining which Class 2 components are subject to volumetric and surface examination. The NRC limitation on the use of the Code case and its revisions has consistently been that an "applicant for an operating license should define the Class 2 piping subject to volumetric and surface examination in the Preservice Inspection for determination of acceptability by the NRC staff." Approval was required to ensure that safety significant components in the Residual Heat Removal, Emergency Core Cooling, and Containment Heat Removal systems are not exempted from appropriate examination requirements. The limitation in the proposed rule would have extended the approval required for preservice examination to inservice examination. Twenty comments were received, all disagreeing with the need for this limitation. Commenters pointed out that the information of interest is contained in the ISI program plan which is required by the Code to be submitted to the NRC. In addition, the intent of the limitation is current practice, and suitable controls are presently in place to ensure that adequate inspections of this piping are being performed. The NRC has reconsidered its bases for this limitation and agrees with the comments. Hence, the limitation has been eliminated from the final rule.

2.3.1.2.5 Reconciliation of Quality Requirements.

The fifth proposed limitation to the implementation of Section XI (§ 50.55a(b)(2)(xx) in the proposed rule) addressed reconciliation of quality requirements when implementing Section XI, IWA–4200, 1995 Addenda through the 1996 Addenda. Specifically, there were two provisions addressing the reconciliation of replacement items (§ 50.55a(b)(2)(xx)(A)) and the definition of Construction Code (§ 50.55a(b)(2)(xx)(B)). The limitation was included in the proposed rule to address the concern that, due to changes made to IWA–4200, "Items for Repair/Replacement Activities," in the 1995 Addenda, and IWA–9000, "Glossary," definition of Construction Code in the 1993 Addenda, a Section III component could be replaced with a non-Section III component, or that Construction Codes earlier than the Code of record might be used to procure components.

Twelve comments were received on the limitation. Most of the commenters stated that the limitation was too extensive; i.e., rather than taking exception to Subparagraph IWA–4200, the limitation should specifically address Subparagraph IWA–4222, "Reconciliation of Code and Owner's Requirements." Several comments suggested that the limitation be simplified to require only that "Code items shall be procured with Appendix B requirements." Additional comments were provided relating to the need to remove the limitation on the definition of Construction Code, the use of the quality provisions contained in the Construction Code, and the historical provisions contained in Section XI for reconciling of technical requirements.

The NRC has carefully reviewed the comments and agrees with the conclusions that: (1) A non-Section III item cannot be used to replace a Section III item; (2) only the same or later editions of the same Construction Code, or one that is higher in the evolutionary scale of the Code may be used; and (3) when using an earlier Construction Code, licensees must remain within the same Construction Code. The limitation has been revised in the final rule to address the reconciliation requirements contained in IWA–4222. However, changes to IWA–4222 in the 1995 Addenda specifically exempt quality assurance requirements from the reconciliation process. The various changes implemented in the 1995 Addenda, including the new definition of Construction Code, the identification of new Construction Codes, and the specific exemption to reconcile quality assurance requirements, could result in codes and standards being utilized which do not contain any quality assurance requirements, or contain quality assurance requirements which do not fully comply with Appendix B to 10 CFR part 50. Thus, the NRC has adopted the commenters' suggestion to clarify that Code items shall be procured in accordance with Appendix B requirements. Hence, when implementing the 1995 Addenda through the 1996 Addenda, the limitation (§ 50.55a(b)(2)(xvii) in the final rule) will require, in addition to the reconciliation provisions of IWA–4200, that the replacement items be purchased to the extent necessary to comply with the owner's quality assurance program description required by 10 CFR 50.34(b)(6)(ii). The rewording of the limitation addresses the NRC's concerns with regard to definitions. That portion of the proposed limitation has been eliminated from the final rule.

2.3.2 OM Code (120-Month Update).

2.3.2.1 Class 1, 2, and 3 Pumps and Valves.

This rule incorporates by reference for the first time into 10 CFR 50.55a the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code).

2.3.2.2 Background—OM Code.

Until 1990, the ASME Code requirements addressing IST of pumps and valves were contained in Section XI, Subsections IWP (pumps) and IWV (valves). The provisions of Subsections IWP and IWV were last incorporated by reference into 10 CFR 50.55a in a final rulemaking published on August 6, 1992 (57 FR 34666). In 1990, the ASME published the initial edition of the OM Code which provides rules for IST of pumps and valves. The requirements contained in the 1990 Edition are identical to the requirements contained in the 1989 Edition of Section XI, Subsections IWP (pumps) and IWV (valves). Subsequent to the publication of the 1990 OM Code, the ASME Board on Nuclear Codes and Standards (BNCS) transferred responsibility for maintenance of these rules on IST from Section XI to the OM Committee. As such, the Section XI rules for inservice testing of pumps and valves that are presently incorporated by reference into NRC regulations are no longer being updated by Section XI.

The 1990 Edition of the ASME OM Code consists of one section (Section IST) entitled "Rules for Inservice Testing of Light-Water Reactor Power Plants." This section is divided into four subsections: ISTA, "General Requirements," ISTB, "Inservice Testing of Pumps in Light-Water Reactor Power Plants," ISTC, "Inservice Testing of Valves in Light-Water Reactor Power Plants," and ISTD, "Examination and Performance Testing of Nuclear Power Plant Dynamic Restraints (Snubbers)." The testing of snubbers is governed by the ISI requirements of Section XI of the ASME BPV Code. Therefore, the rule only requires implementation of Subsections ISTA, ISTB, and ISTC. Because this final rule for the first time incorporates by reference the OM Code, the NRC has determined that the latest

endorsed Edition and Addenda of the OM Code (i.e., 1995 Edition up to and including the 1996 Addenda) should be used. Therefore, there is no need to incorporate by reference earlier Editions and Addenda of the OM Code (e.g., 1990 Edition or 1992 Edition).

2.3.2.2.1 Comments on the OM Code.

There were four commenters addressing the proposed endorsement of the OM Code. The ASME BNCS (commenter one) agreed that the action was appropriate based on the ASME moving the responsibility for developing and maintaining IST program requirements from Section XI to the OM Code. A utility (commenter two) requested clarification as to when licensees would be required to begin using the 1995 Edition with the 1996 Addenda for the OM Code. Licensees are presently required by Section XI to perform IST of pumps and valves. The regulations in 10 CFR 50.55a currently require licensees to update their IST (and ISI) programs to the latest Code incorporated by reference in § 50.55a(b) every 120 months. Hence, there is not a need to accelerate the transition to the OM Code.

A utility (commenter three) stated that changes to the OM Code that appear in the 1995 Edition with the 1996 Addenda would require their facilities to modify the test loop piping for demonstrating pump design flow rate. The NRC is aware that some licensees may have difficulty fully implementing these tests and in certain cases, due to the impracticality of implementation, a request for relief under § 50.55a(f)(5) would be appropriate. However, the OM committees developed these provisions in an effort to improve functional testing of pumps because present pump testing programs may not be capable of fully demonstrating that pumps are performing as designed. Some licensees have preoperational test loops which may be used to demonstrate full flow for this testing. Hence, the NRC has concluded that current regulatory requirements address this issue and a modification to the final rule in response to this comment is not required.

The fourth commenter (an individual) stated that the NRC was primarily responsible for the changes in the 1994 Addenda (referred to as the Comprehensive Pump Test) which will result in additional pump testing. Further, the commenter believes that the changes were more the result of pressure by the NRC than actions determined prudent by the OM committees. Hence, the conclusion is drawn that, because the changes were not instituted exclusively by the OM committees, a backfit analysis is appropriate. With respect to the addition of the Comprehensive Pump Test, the OM Code committees had decided to pursue new approaches to pump testing for a long time before its actual development. In some cases, the changes resulted in less stringent requirements or in the deletion of certain requirements. The NRC staff raised concerns with certain changes and discussed these concerns with the ASME/OM representatives in ASME/OM committee meetings. As a result, the ASME/OM decided to develop an approach to pump testing that would include a nominal "bump" test (i.e., a more frequent, but less rigorous test) complemented by a biennial "comprehensive" test (i.e., a less frequent, but more rigorous test). Subsequent changes to the 1990 OM Code were developed and adopted through a consensus process in which members of the nuclear industry are the primary participants. The NRC's position on the backfit issue is discussed in Section 8, Backfit Analysis, of the final rule, and in the response to public comments on the proposed rule. The NRC does not regard the development of the Comprehensive Pump Test to be an example of "coercion" by the NRC; rather it is an example of a properly functioning consensus process.

2.3.2.3 Clarification of Scope of Safety-Related Valves Subject to IST.

The previous language in § 50.55a(f)(1) had been interpreted by some licensees as a requirement to include all safety-related pumps and valves regardless of ASME Code Class (or equivalent) in the IST program of plants whose construction permits were issued before January 1, 1971. The NRC proposed to revise this paragraph in the draft rule amendment to clarify which safety-related pumps and valves are addressed by 10 CFR 50.55a. The intent of the revision was to ensure that the IST scope of pumps and valves for these earlier-licensed plants was similar to the scope for plants licensed after January 1, 1971. A corresponding revision was also proposed for § 50.55a(g)(1) for ISI requirements.

Fifteen separate commenters responded to the proposed clarification to § 50.55a(f)(1). During consideration of their comments, it became apparent that the proposed language in § 50.55a(f)(1) for IST did not fully accomplish its intended purpose. Instead of narrowing the IST scope of earlier-licensed plants to be consistent with the scope of later plants as intended, the proposed language inadvertently expanded the scope to include all pumps and valves in safety-related steam, water, air, and liquid-radioactive waste systems. The scope of pumps and valves to be included in IST should be dependent on the safety-related function of the component rather than the function of the system. That is, a safety-related system might include many pumps and valves. However, not all of the pumps and valves might have a safety-related function. For example, some valves in a safety-related system might be used for maintenance purposes only although they might be classified as safety-related because they are part of the safety-related system pressure boundary. Accordingly, these valves would not need to be tested under the IST program, but the welds connecting the valve to the piping might be required to be examined under the ISI program. For this reason, the NRC further concluded that, unlike the scope issue that arose in § 50.55a(f)(1) for IST, the scope issue did not apply to ISI, and a modification to the language of § 50.55a(g)(1) pertaining to ISI is not appropriate. Therefore, the existing language of § 50.55a(g)(1) will remain unchanged.

However, the need to modify the language for IST requirements exists. The final rule revises § 50.55a(f)(1) to ensure that the scope of inservice testing of pumps and valves in earlier plants is consistent with the scope applicable to later plants. This was accomplished by making the language of § 50.55a(f)(1) consistent with the scope of Paragraph 1.1 in Subsections ISTB and ISTC of the OM Code. Hence, § 50.55a(f)(1) in the final rule specifies that those pumps and valves that perform a specific function to shut down the reactor or maintain the reactor in a safe shutdown condition, mitigate the consequences of an accident, or provide overpressure protection for safety-related systems must meet the test requirements applicable to components which are classified as ASME Code Class 2 and Class 3 to the extent practical. The new language establishes the scope of pumps and valves that are to be included in an IST program based on the safety-related function of the pump or valve. The requirements for pumps and valves that are part of the reactor coolant pressure boundary have not been changed. This change in the regulation will clarify the scope of IST for earlier-licensed plants resulting in a more consistent scope in pump and valve IST programs for all nuclear power plants.

2.3.2.4 Limitation.

2.3.2.4.1 Quality Assurance.

The proposed rule contained one limitation (§ 50.55a(b)(3)(i)) to implementation of the OM Code addressing quality assurance (QA). This limitation pertained to the use of ASME Standard NQA–1, "Quality Assurance Requirements for Nuclear Facilities," with the OM Code. Three comments were received and all were considered in arriving at the NRC's decision to retain the limitation as contained in the proposed rule.

As part of the licensing basis for nuclear power plants, NRC licensees have committed to certain quality assurance program provisions which are identified in both their Technical Specifications and Quality Assurance Programs. These provisions are taken from several sources (e.g., ASME, ANSI) and together, they constitute an acceptable Quality Assurance Program. The licensee quality assurance program commitments describe how the requirements of appendix B to 10 CFR part 50 will be satisfied by referencing applicable industry standards and the NRC Regulatory Guides (RGs) which endorsed the industry standards (e.g., the ANSI N45 series standards and applicable regulatory guides or NQA–1–1983 as endorsed by RG 1.28, Revision 3) and by prescriptive text contained in the program. Further, owners operating nuclear power plants have committed to the additional operational phase quality assurance and administrative provisions contained in ANSI N18.7 as endorsed by RG 1.33.

The OM Code references the use of either NQA–1 or the owner's Appendix B Quality Assurance Program (10 CFR part 50, appendix B) as part of its individual provisions for a QA program. However, NQA–1 (any version) does not contain some of the quality assurance provisions and administrative controls governing operational phase activities which would be required in order to use NQA–1 in lieu of an owner's Appendix B QA Program Description. When the NRC originally endorsed NQA–1, it did so with the knowledge that NQA–1 was not entirely adequate and must be supplemented by other commitments such as the ANSI standards. The later versions of NQA–1 also, by themselves, would not constitute an acceptable Quality Assurance Program. Hence, NQA–1 is not acceptable for use without the other quality assurance program provisions identified in Technical Specifications and licensee Quality Assurance Programs. The NRC staff has received questions regarding the relationship between commitments made relative to the Appendix B QA Program and the proposed endorsement of the OM Code by 10 CFR 50.55a. It is apparent from the public comments that there is confusion with regard to the OM Code permitting the use of either NQA–1 or the owner's QA Program. The proposed limitation clarified that, when performing Section XI activities, licensees must meet other applicable NRC regulations. The limitation (§ 50.55a(b)(3)(i)) is retained in the final rule to provide emphasis that owners must comply with other applicable NRC regulations in addition to the quality provisions contained in the OM Code. The following discussion provides further clarification.

Although not discussed in the proposed amendment to 10 CFR 50.55a, the requirements of §§ 50.34(b)(6)(ii) and 50.54(a) for establishing and revising QA Program descriptions during the operational phase are required to be followed and are not superseded or usurped by any of the requirements presently contained in 10 CFR 50.55a. Therefore, even though the present text of 10 CFR 50.55a does not take exception to applying the quality provisions of NQA–1–1979 to ASME OM Code work activities, owners of commercial nuclear power plants are required to comply not only with the QA provisions included in the Codes referenced in 10 CFR 50.55a, but also the quality assurance program developed to satisfy the requirements contained in § 50.34(b)(6)(ii). This means that, regardless of the specific quality assurance controls delineated in the OM Code as referenced in 10 CFR 50.55a, owners must meet the additional quality assurance provisions of their NRC approved quality assurance program description and other administrative controls governing operational phase activities.

2.3.2.5 Modification.

2.3.2.5.1 Motor-Operated Valve Stroke-Time Testing.

The proposed rule contained a modification (§ 50.55a(b)(3)(ii)) pertaining to supplementing the stroke-time testing requirement of Subsection ISTC of the OM Code applicable for motor-operated valves (MOVs) with programs that licensees have previously committed to perform, prior to issuance of this amendment to 10 CFR 50.55a, for demonstrating the design-basis capability of MOVs. Stroke-time testing of MOVs is also specified in ASME Section XI. Seven commenters responded to the proposed change. The primary concern raised was that licensees would be required to comply with the provisions on stroke-time testing in the OM Code as well as the programs developed under their licensing commitments for demonstrating MOV design-basis capability. This might result in a duplication of activities associated with inservice testing of safety-related MOVs and the periodic verification of the design-basis capability of safety-related MOVs at nuclear power plants.

Since 1989, it has been recognized that the quarterly stroke-time testing requirements for MOVs in the Code are not sufficient to provide assurance of MOV operability under design-basis conditions. For example, in Generic Letter (GL) 89–10, "Safety-Related Motor-Operated Valve Testing and Surveillance," the NRC stated that ASME Section XI testing alone is not sufficient to provide assurance of MOV operability under design-basis conditions. Therefore, in GL 89–10, the NRC staff requested licensees to verify the design-basis capability of their safety-related MOVs and to establish long-term MOV programs. The NRC subsequently issued GL 96–05, "Periodic Verification of Design-Basis Capability of Safety-Related Motor-Operated Valves," to provide updated guidance for establishing long-term MOV programs. Licensees have made licensing commitments pursuant to GL 96–05 that are being reviewed by the NRC staff. Most licensees have voluntarily committed to participate in an industry-wide Joint Owners Group (JOG) Program on MOV Periodic Verification. This program will help provide consistency among the individual plant long-term MOV programs.

At this time, the OM Code committees are working to update the Code with respect to its provisions for quarterly MOV stroke-time testing. For example, the ASME is considering incorporating Code Case OMN–1, "Alternative Rules for Preservice and Inservice Testing of Certain Electric Motor-Operated Valve Assemblies in Light-Water Reactor Power Plants," into the OM Code. These provisions would allow users to replace quarterly MOV stroke-time testing with a combination of MOV exercising at least every refueling outage and MOV diagnostic testing on a longer interval. (The NRC has determined that, for MOVs, Code Case OMN–1 is acceptable in lieu of Subsection ISTC, with a modification. See Section 2.5.3.1 for further information.)

In light of the present weakness in the information provided by quarterly MOV stroke-time testing, this modification has been retained in the final rule. However, the NRC agrees with the

public comment that the language in the proposed rule referring to licensing commitments was cumbersome and the language has been clarified. The final rule supplements the Code requirements for MOV stroke-time testing with a provision that licensees periodically verify MOV design-basis capability. The changes to § 50.55a(b)(3)(ii) do not alter expectations regarding existing licensee commitments relating to MOV design-basis capability. Without being overly prescriptive, the final rule allows licensees to implement the regulatory requirements in a manner that best suits their particular application. The rulemaking does not require licensees to implement the JOG program on MOV periodic verification. The final rule in § 50.55a(b)(3)(iii) allows licensees the option of using ASME Code Case OMN–1 to meet the requirements of § 50.55a(b)(3)(ii).

2.4 Expedited Implementation.

2.4.1 Appendix VIII.

The proposed rule contained a requirement (§ 50.55a(g)(6)(ii)(C)) that licensees expedite implementation of mandatory Appendix VIII, "Performance Demonstration for Ultrasonic Examination Systems," to Section XI, 1995 Edition with the 1996 Addenda. Three proposed modifications were included to address NRC positions on the use of Appendix VIII. The proposed rule would have required licensees to implement Appendix VIII for all examinations of the pressure vessel, piping, nozzles, and bolts and studs which occur after 6 months from the date of the final rule. The proposed rule would not have required any change to a licensee's ISI schedule for examination of these components, but would have required that the provisions of Appendix VIII be used for all examinations after that date.

The 1989 Addenda to Section XI added mandatory Appendix VIII to enhance the requirements for performance demonstration for ultrasonic examination (UT) procedures. In 1991, the Performance Demonstration Initiative (PDI) was organized and funded. PDI is an organization of all U. S. nuclear utilities formed for the express purpose of developing efficient, cost-effective, and technically sound implementation of the performance demonstration requirements described in the ASME Code Section XI, Appendix VIII. The EPRI NDE Center provides technical support and administration for this program on behalf of the utilities. The PDI program has been evolving. Changes to the program were being made as difficulties in implementing some Code provisions were discovered. Other changes resulted when agreements were reached on issues such as training. Finally, the program has evolved as programs were developed for each Appendix VIII supplement.

Sixty comments were received related to the proposed expedited implementation of Appendix VIII to Section XI. The issues raised by the commenters were generally uniform and narrow in scope; i.e., in agreement with the principles behind the development of Appendix VIII, but opposed to the manner in which the proposed rule would implement performance demonstration. In addition, commenters argued that implementation of Appendix VIII within 6 months from the date of the final rule was not possible because:

(1) Some Appendix VIII supplements have not yet been implemented by PDI;

(2) The number of qualified individuals is not yet sufficient;

(3) The rule would require UT personnel to requalify; and

(4) PDI's implementation of Appendix VIII differs from the Code.

The NRC staff met four times with representatives from PDI, EPRI, and NEI between the dates of May 12, 1998, and November 19, 1998, to discuss items such as the current status of the PDI program, and Appendix VIII of Section XI as modified by PDI during the development of the program. Piping, bolting, and RPV samples, for the initial phase of the program, were completed in 1994. Procedure and personnel demonstrations were initiated in April of 1994. Since that time, a large number of personnel and procedures have been qualified. However, additional time and effort will be required to complete the industry qualification process for the remaining supplements of Appendix VIII.

Subsequent to these meetings and consideration of the public comments, the NRC has reviewed the latest version of the PDI program for examination of vessels, piping, and bolting. The NRC agrees that this version will provide reasonable assurance of detecting the flaws of concern in ferritic vessels and piping. In addition, adoption in the final rule of Appendix VIII as modified by PDI during the development of the program means that the present test specimens are acceptable. The PDI program requires scanning the examination volume from both sides of the same surface of piping welds when it is accessible. Examinations performed from one side of a pipe weld may be conducted with procedures and personnel demonstrated at PDI; i.e., confirmed proficiency with single sided examinations. For the vessel weld, the volume must be examined in 4 directions from the clad-to-basemetal interface to a depth of 15 percent through-wall. Examinations performed from one side of a vessel weld may be conducted on the remaining portion of the weld volume provided the procedure shows the ability to detect flaws at angles up to 45 degrees from normal. In addition, to demonstrate equivalency to two sided examinations, the NRC staff and PDI agree that the demonstration be performed with specimens containing flaws with non-optimum sound energy reflecting characteristics or flaws similar to those in the vessel or pipe being examined. Because Appendix VIII supplements were designed for two-sided examinations, given the uniqueness in some instances of single side examinations, requalification may be necessary to demonstrate proficiency for these special cases. Single side examinations are not permitted for 15 percent of the vessel volume adjacent to the cladding, and thus cannot be used for Supplement 4 performance demonstration.

Evidence indicates that there are shortcomings in the qualifications of personnel and procedures in ensuring the reliability of nondestructive examination of the reactor vessel and other components of the reactor coolant system, the emergency core cooling systems, and portions of the steam and feedwater systems. Imposition of performance demonstration will greatly enhance the overall level of assurance of the reliability of ultrasonic examination techniques in detecting and sizing flaws. Hence, the final rule will expedite the implementation of these safety significant performance demonstration programs. The final rule will permit licensees to implement either Appendix VIII, "Performance Demonstration for Ultrasonic Examination Systems," to Section XI, Division 1, 1995 Edition with the 1996 Addenda, or Appendix VIII as executed by PDI. Because PDI is not a consensus standards body, its program document cannot be referenced in the final rule. Thus, the PDI requirements are directly contained in the final rule in § 50.55a(b)(2)(xv).

In § 50.55a(g)(6)(ii)(C), the final rule incorporates a phased implementation of Appendix VIII over a three-year period. Licensees are required to implement the supplements to Appendix VIII according to the following schedule:

(1) Six months after the effective date of the final rule: Supplement 1,

"Evaluating Electronic Characteristics of Ultrasonic Systems," Supplement 2, "Qualification Requirements for Wrought Austenitic Piping Welds," Supplement 3, "Qualification Requirements for Ferritic Piping Welds," and Supplement 8, "Qualification Requirements for Bolts and Studs;"

(2) One year after the effective date of the final rule: Supplement 4, "Qualification Requirements for the Clad/Base Metal Interface of Reactor Vessel," and Supplement 6, "Qualification Requirements for Reactor Vessel Welds Other Than Clad/Base Metal Interface;"

(3) Two years after the effective date of the final rule: Supplement 11, "Qualification Requirements for Full Structural Overlaid Wrought Austenitic Piping Welds;" and

(4) Three years after the effective date of the final rule: Supplement 5, "Qualification Requirements for Nozzle Inside Radius Section," Supplement 7, "Qualification Requirements for Nozzle-to-Vessel Weld," Supplement 10, "Qualification Requirements for Dissimilar Metal Piping Welds," Supplement 12, "Requirements for Coordinated Implementation of Selected Aspects of Supplements 2, 3, 10, and 11," and Supplement 13, "Requirements for Coordinated Implementation of Selected Aspects of Supplements 4, 5, 6, and 7."

Performance demonstration requirements for Supplement 9, "Qualification Requirements for Cast Austenitic Piping Welds," have not yet been initiated pending completion of the other supplements. Hence, the final rule does not address Supplement 9.

The final rule has been structured so that the equipment and procedures previously qualified under the PDI program are acceptable. Personnel previously qualified by PDI will remain qualified with the exception of a small population of individuals qualified for Supplements 4 and 6.

2.4.1.1 Modifications.

2.4.1.1.1 Appendix VIII Personnel Qualification.

The first proposed modification of Appendix VIII (§ 50.55a(b)(2)(xvii) in the proposed rule) related to its requirement that ultrasonic examination personnel meet the requirements of Appendix VII, "Qualification of Nondestructive Examination Personnel for Ultrasonic Examination," to Section XI. Appendix VII–4240 contains a requirement for personnel to receive a minimum of 10 hours of training on an annual basis. The NRC had determined that this requirement was inadequate for two reasons. The first reason was that the training does not require laboratory work and examination of flawed specimens. Signals can be difficult to interpret and, as detailed in the regulatory analysis for this rulemaking, experience and studies indicate that the examiner must practice on a frequent basis to maintain the capability for proper interpretation. The second reason is related to the length of training and its frequency. Studies have shown that an examiner's capability begins to diminish within approximately 6 months if skills are not maintained. Thus, the NRC had determined that 10 hours of annual training is not sufficient practice to maintain skills, and that an examiner must practice on a more frequent basis to maintain proper skill level. The modification in the proposed rule would have required 40 hours of annual training including laboratory work and examination of flawed specimens.

Thirty-five comments were received on this proposed modification to Appendix VIII. Many of the commenters stated that 40 hours of required training were excessive because:

(1) The EPRI NDE Center did not have the facilities which would be required to satisfy this requirement;

(2) An ample supply of training specimens would cost each site $75,000; and

(3) The requirement would result in administrative as well as cost burdens for both the utility and the vendor.

Based on the public comments and the meetings with PDI and EPRI, the NRC has reconsidered its position. The PDI program has adopted a requirement for 8 hours of training, but it is required to be hands-on practice. In addition, the training must be taken no earlier than 6 months prior to performing examinations at a licensee's facility. PDI believes that 8 hours will be acceptable relative to an examiner's abilities in this highly specialized skill area because personnel can gain knowledge of new developments, material failure modes, and other pertinent technical topics through other means. Thus, the NRC has decided to adopt in the final rule the PDI position on this matter. These changes are reflected in §-50.55a(b)(2)(xiv) of the final rule.

2.4.1.1.2 Appendix VIII Specimen Set and Qualification Requirements.

The second proposed modification of Appendix VIII (§ 50.55a(b)(2)(xviii) in the proposed rule) would have required that all flaws in the specimen sets used for performance demonstration for piping, vessels, and nozzles be cracks. For piping, Appendix VIII requires that all of the flaws in a specimen set be cracks. However, for vessels and nozzles, Appendix VIII would allow as many as 50 percent of the flaws to be notches. The NRC had previously believed that, for the purpose of demonstrating nondestructive examination (NDE) capabilities, notches are not realistic representations of service induced cracks. The flaws in the specimen sets utilized for piping by EPRI for the PDI are all cracks.

Thirty-two comments were received on this proposed modification to Appendix VIII. A majority of the commenters stated that this modification should be deleted from the rule because it would require the manufacture of new specimens and that the majority of procedure and examiner qualifications performed to date would be nullified. Many commenters argued that notches are realistic representations of cracks. Another comment was that fabrication defects should be permitted in order to test an examiner's ability to discriminate between real flaws and innocuous reflectors.

The NRC believes that flaws in test specimens used for UT should be representative of the flaws normally found or expected to be found in operating plants. Based on the public comments, the final rule in § 50.55a(b)(2)(xv) permits a population of notches and fabrication flaws on a limited basis for vessel and nozzle test specimen sets (Supplements 4, 5, 6, and 7). For these components, the NRC has concluded that a mix of cracks and notches is acceptable as long as they provide a similar detection and sizing challenge to that seen in actual service induced degradation. These types of notches will ensure that the qualification demonstration tests the ability of an examiner to discriminate between real flaws and innocuous reflectors. In addition, a mix of cracks and notches means that the present specimens can continue to be used for qualification. For wrought austenitic, ferritic, and dissimilar metal welds, however, these flaws can best be represented with cracks. Cracks span the ultrasonic spectra of flaw surface conditions from rough to smooth, jagged to straight, single to multiple tip, and tight to wide tip. Notches generally have smooth surfaces that reflect a narrow ultrasonic spectrum that represents a small population of flaws contained in components. Some variations in UT examination techniques may be more challenged with a notch located in specific locations, whereas other variations in UT examination techniques may not. With respect to

bolting, the NRC believed it would be clear that bolting was not addressed by the proposed modification. The NRC does not consider it necessary to use cracks for performance qualification for Supplement 8 as notches are appropriate reflectors in the specimen test sets.

2.4.1.1.3 Appendix VIII Single Side Ferritic Vessel and Piping and Stainless Steel Piping Examination.

The third proposed modification of Appendix VIII (§ 50.55a(b)(2)(xix) in the proposed rule) would have required that all specimens for single-side tests contain microstructures like the components to be inspected and flaws with non-optimum characteristics consistent with field experience that provide realistic challenges to the UT technique. The industry would have been required to develop specimen sets that contain microstructures similar to the types found in the components to be inspected and flaws with non-optimum characteristics (such as skew, tilt, and roughness) consistent with field experience that provide realistic challenges for single-sided performance demonstration. Appendix VIII does not distinguish specimens for two-sided examinations from those used for single-sided examination since Appendix VIII was originally developed using UT lessons learned from two-sided examinations of welds.

Thirty comments were received on this proposed modification to Appendix VIII. Many commenters stated that the NRC should delete this modification because it would invalidate the current PDI test specimens and the procedures and examiners already qualified. Another prevalent comment was that the flaws being used by PDI in vessel and piping specimens represent the microstructure and flaw orientation of postulated in-service flaws in vessel welds and, therefore, ferritic vessels should be exempted from the proposed requirement.

Based on the consideration of public comments, the final rule permits either Appendix VIII, as contained in the 1995 Edition with the 1996 Addenda, or Appendix VIII, as modified by PDI during development of the program, to be implemented. The PDI program requirements are contained in § 50.55a(b)(2)(xv). The NRC agrees that the latest version of the PDI program will provide reasonable assurance of detecting the flaws of concern in ferritic vessels and piping. In addition, adoption in the final rule of Appendix VIII as modified by PDI during the development of the PDI program means that the present test specimens are acceptable. The PDI program requires scanning the examination volume from both sides of the piping weld on the same surface when it is accessible. Examinations performed from one side of a vessel weld may be conducted with procedures and personnel demonstrated at PDI; i.e., confirmed proficiency with single sided examinations by a procedure that shows the ability to detect flaws at angles up to 45 degrees from the normal. The equipment, procedures, and personnel must demonstrate proficiency with single side examination. In addition, to demonstrate equivalency to two sided examinations, PDI requires that the demonstration be performed with specimens containing flaws with non-optimum sound energy reflecting characteristics or flaws similar to those in the ferritic vessel or pipe being examined. Because Appendix VIII supplements were designed for two-sided examinations, given the uniqueness in some instances of single side examinations, requalification may be necessary to demonstrate proficiency for these special cases. Single side examinations are not permitted for 15 percent of the vessel volume adjacent to the cladding, and thus cannot be used for Supplement 4 performance demonstration.

The final rule recognizes the difficulties of performance demonstration for two sided examination of austenitic stainless steel. However, PDI does not endorse single side inspection of austenitic welds because current technology cannot consistently satisfy Appendix VIII criteria. Thus, for certain situations, the final rule in § 50.55a(b)(2)(xvi) contains criteria for demonstrating equivalency to two sided examinations.

Single side examination of wrought-to-cast stainless steel is outside the scope of the current qualification program for austenitic piping. Current technology is not reliable for detecting flaws on the opposite side of wrought-to-cast stainless steel welds. Given these shortcomings, single side examination of stainless steel piping is considered "best effort." The results of best-effort examination on the cast side of these welds is, in the NRC's view, marginal at best.

2.4.2 Generic Letter on Appendix VIII.

The proposed rule contained a summary of a draft generic letter published in the **Federal Register** for public comment on December 31, 1996 (61 FR 69120). The purpose of the generic letter was to alert the industry to the importance of using equipment, procedures, and examiners capable of reliably detecting and sizing flaws in the performance of comprehensive examinations of reactor vessels and piping. The NRC received 16 comment letters on the generic letter.

Eighteen comments were received on the summary. Many of the comments reiterated comments submitted on Appendix VIII (i.e., Section 2.4.1). Some commenters stated that the summary in the proposed rule inappropriately categorized and consolidated comments providing generalized responses to the industry's detailed comments. One commenter stated that an alternative to the proposed rule would be to mandate the use of PDI through a generic letter.

The NRC disagrees with the characterization of its consideration of the comments submitted on the generic letter. The NRC thoroughly considered each comment. Commenters generally were not in agreement with the proposed NRC action and a determination was made to withdraw the generic letter pending rulemaking. Thus, the NRC's action to withdraw the generic letter was consistent with the commenters' recommendations. The summary of the comments in the Statement of Considerations for the proposed rule was not intended to provide a detailed response to every comment received on the generic letter. The purpose of the summary was to provide some history and background related to the proposed Appendix VIII action and to alert the industry that it was the NRC's intent to withdraw the generic letter. Implementation of Appendix VIII was included in the proposed and final rules partly as a result of public comment that a generic letter should not be used to mandate new examination requirements.

2.4.3 Class 1 Piping Volumetric Examination (Deferred).

A proposed modification of Section XI (§ 50.55a(b)(2)(xv) in the proposed rule) would have required licensees of pressurized water reactor (PWR) plants to supplement the surface examination of Class 1 High Pressure Safety Injection (HPSI) system piping as required by Examination Category B–J of Table IWB–2500–1 for nominal pipe sizes (NPS) between 4 (inches) and 1+ (inches), with a volumetric (ultrasonic) examination. This requirement was proposed because:

(1) Inside diameter cracking of HPSI piping in the subject size range has been previously discovered (as detailed in NRC Generic Letter 85–20, "High Pressure Injection/Make-Up Nozzle Cracking in Babcock and Wilcox Plants," and in NRC Information Notice

97–46, "Unisolable Crack in High-Pressure Injection Piping");

(2) Failure of this line could result in a small break loss of coolant accident while directly affecting the system designed to mitigate such an event;

(3) Volumetric examinations are already required by the Code for Class 2 portions of this system (Table IWC–2500–1, Examination Category C–F–1) within the same NPS range; and

(4) Surface examinations are not highly effective in identifying cracks and flaws in piping as evidenced by events at nuclear power plants and comparisons to other examination techniques.

Implementation of this requirement was proposed to be performed during any ISI program inspection of the HPSI system performed after 6 months from the date of the final rule. Using a licensee's existing ISI schedules would result in the volumetric examinations being implemented in a reasonable period of time while not impacting lengths of outages or requiring facility shutdown solely for performance of these examinations. In light of recent industry initiatives to address Class 1 piping volumetric examination, the NRC is deferring rulemaking in this area at this time.

Fifteen comments were received on this modification to Section XI. Several concerns were raised in the comments.

(1) Volumetric examination of piping components in this size range is not very effective.

(2) Given the general ineffectiveness of volumetric examination for this piping, the occupational exposure which would be incurred outweighs the perceived need.

(3) The expedited implementation does not allow sufficient time to prepare specimen sets to comply with Appendix VIII.

(4) There was no evidence that this problem would occur in all PWRs (i.e., the concern should be limited to Babcock & Wilcox (B&W) plants which have already addressed this problem).

(5) The ASME Section XI Subcommittee on Inservice Inspection has initiated an action to address Class 1 piping.

These five concerns are addressed in order below.

As detailed in the regulatory analysis for the proposed rule, the initiation and propagation of pipe cracks at several plants have shown that surface examinations alone are not sufficient to detect the types of cracks which have occurred. It is agreed that these examinations for certain configurations may be difficult. The basic thermohydraulic phenomenon which caused the thermal fatigue cracking in the piping is well understood. However, current modeling limitations make it difficult to predict when this phenomenon will occur and at what locations. At this time, the most reliable means of detection is volumetric examination of the entire system in accordance with Section XI provisions for other Class 1 piping systems. In addition, experience has shown that, after initially discovering a section of degraded HPSI piping via leakage detection at one unit, it was possible to successfully identify similar degradation in the HPSI lines at sister units during subsequent ultrasonic examinations (in locations considered difficult to inspect). Therefore, it is the NRC's view that the usefulness of ultrasonic examinations in discovering thermal fatigue cracking in these lines has already been demonstrated in practice. Additionally, it is not clear to the NRC that the integrity of this piping can be assured in the presence of a through-wall flaw under all normal, emergency, upset, and faulted operating conditions for all PWR facilities. In short, the NRC does not believe that visual walkdowns should be the principal means of detecting leakage from pipes in these safety systems.

The NRC is aware that the imposition of any additional inspections of the reactor coolant pressure boundary may result in additional cost and/or additional worker radiation exposure depending on the plant. Some units have already implemented these examinations in response to occurrences of thermal fatigue cracking at that unit. Given the safety significance of the HPSI system (i.e., failure of this line could result in a small break loss of coolant accident while directly affecting the system designed to mitigate such an event) and the number of failures reported to date (failures have occurred in the U.S. and several foreign countries), the NRC concludes that the burden associated with such examinations is minimal.

The provisions of Appendix VIII are applicable to these examinations. The NRC staff has had several meetings with representatives from the industry's Performance Demonstration Initiative (PDI) group to discuss the status of the performance demonstration program. It is the NRC's understanding that the PDI program for piping is complete and can be implemented as soon as the administrative procedures have been developed.

The NRC does not concur that the absence of piping failures for certain portions of the HPSI system in other reactor designs precludes the need for attention to this issue in those systems at those facilities. Thermal fatigue damage attributed to diverse initiating phenomena has been reported at several facilities in the U.S. and in Europe. As discussed, it is difficult to predict when and where this phenomenon might occur. Until data consistent with the failures that occurred are determined, and the thermohydraulic phenomenon which caused the failures is reproducible by analytical means, there is limited assurance that a given analytical method will provide a reliable assessment under all potential cyclic stratification circumstances, except in special cases where the technique is obviously conservative with respect to known data. At this time, the most reliable means of detection is volumetric examination.

General Design Criterion (GDC) 14, "Reactor coolant pressure boundary," of 10 CFR part 50, appendix A, or similar provisions in the licensing basis, requires that the reactor coolant pressure boundary (of which the unisolable portions of the HPSI system are a part) be tested so as to have an extremely low probability of abnormal leakage, of propagating failure, and of gross rupture. The ASME Section XI Subcommittee on Inservice Inspection is considering the need for volumetric examination of Class 1 HPSI systems. Further, the nuclear industry has initiated a voluntary effort being coordinated by the Nuclear Energy Institute to address the issue of thermal fatigue of nuclear power plant piping. The NRC has decided to defer regulatory action on the volumetric examination of Class 1 HPSI system piping while evaluating the industry initiative and determining the need for interim action during performance of the initiative. The NRC does not believe that deferral of regulatory action in this rulemaking while evaluating the need for interim action for HPSI Class 1 weld examinations will significantly affect plant safety, because staff evaluations indicate that a minimal increase in core damage frequency would result from potentially undiscovered flaws in HPSI Class 1 piping welds over this short time period. In light of the limited benefit of surface examinations of Class 1 HPSI system piping and concerns regarding occupational radiation exposure in the performance of those examinations, this rule in § 50.55a(g)(4)(iii) endorses but does not mandate the provision in the ASME Code for surface weld examinations of Class 1 HPSI system piping.

2.5 Voluntary Implementation.

2.5.1 Section III.

The proposed rule stated that the NRC had reviewed the 1989 Addenda, 1990 Addenda, 1991 Addenda, 1992 Edition, 1992 Addenda, 1993 Addenda, 1994 Addenda, 1995 Edition, 1995 Addenda, and 1996 Addenda of Section III, Division 1, for Class 1, Class 2, and Class 3 components, and had determined that they were acceptable for voluntary use with six proposed limitations. The final rule contains five limitations to the implementation of Section III. The proposed limitation on the use of engineering judgment during Section III activities has been deleted from the rule. In addition, the proposed rule stated that 10 CFR 50.55a would be modified to ensure consistency between 10 CFR 50.55a and NCA–1140. The ASME initiated an action to address this issue and requested that the NRC delete this modification from the final rule. The NRC agrees in principle with the ASME action and has deleted the modification.

The version of Section III utilized by applicants and licensees is established prior to construction as required by § 50.55a(b), (c), and (d). For operating plants, § 50.55a permits licensees to use the original construction code during the operational phase or voluntarily update to a later version which has been endorsed by 10 CFR 50.55a. Accordingly, the limitations to Section III apply to design and construction of new nuclear plants and become applicable to operating plants only if a licensee voluntarily updates to a later version.

2.5.1.1 Limitations.

2.5.1.1.1 Engineering Judgment (Deleted).

The first proposed limitation to the implementation of Section III (§ 50.55a(b)(1)(i) in the proposed rule) addressed an NRC position with regard to the Foreword in the 1992 Addenda through the 1996 Addenda of the ASME BPV Code. That Foreword addresses the use of "engineering judgement" for ISI activities not specifically considered by the Code. The proposed rule would have required licensees to receive NRC approval for those activities prior to implementation.

Twenty-three commenters provided 26 separate comments on the proposed limitation to the use of engineering judgment with regard to Section III activities. This proposed limitation has been dealt with in the same manner as the proposed limitation on the use of engineering judgment for Section XI activities. The NRC has deleted this limitation from the final rule as discussed in Section 2.3.1.2.1. The response to public comments in Section 2.3.1.2.1 addresses all of the comments which were received and provides specific examples of cases where application of engineering judgment resulted in failure to satisfy regulatory requirements.

2.5.1.1.2 Section III Materials.

The second proposed limitation to the implementation of Section III (§ 50.55a(b)(1)(ii) in the proposed rule) pertained to a reference to Part D, "Properties," of Section II, "Materials." Section II, Part D, contained many printing errors in the 1992 Edition. These errors were corrected in the 1992 Addenda. The limitation would require that Section II, 1992 Addenda, be applied when using the 1992 Edition of Section III to ensure that the design stresses intended by the ASME Code are used.

Four comments were received on the proposed limitation. One commenter agreed with the proposed action. The second commenter disagreed with the severity of the errors but had no objection to the proposed action. The third commenter stated that alerting users of the Code to such errors in a rulemaking was inappropriate. The fourth commenter argued that every version of Section II contains errors and that the NRC should recommend the use of the latest version because it contains the fewest number of errors. The limitation was not included in the proposed rule to initiate a debate over how conservative the errors were or whether the errors could cause faulty designs. There were over 160 Errata in the 1992 Edition (as identified in the 1992 Addenda) apparently because of a printing error. By comparison, there were only 16 Errata in the 1993 Addenda. The NRC was simply attempting to alert users of the Code to that fact. This limitation has been retained in the final rule to ensure that these particular design stress tables will not be used. This limitation is contained in § 50.55a(b)(1)(i) in the final rule.

2.5.1.1.3 Weld Leg Dimensions.

The third proposed limitation to the implementation of Section III [§ 50.55a(b)(1)(iii) in the proposed rule] would correct a conflict in the design and construction requirements in Subsection NB (Class 1), Subsection NC (Class 2), and Subsection ND (Class 3) of Section III, 1989 Addenda through the 1996 Addenda of the BPV Code. Two equations in NB–3683.4(c)(1), Footnote 11 to Figure NC–3673.2(b)–1, and Figure ND–3673.2(b)–1 were modified in the 1989 Addenda and are no longer in agreement with Figures NB–4427–1, NC–4427–1, and ND–4427–1. This change results in a different weld leg dimension depending on whether the dimension is derived from the text or calculated from the figures. Thus, the proposed limitation was included to ensure consistency by specifying use of the 1989 Edition for the above referenced paragraphs and figures in lieu of the 1989 Addenda through the 1996 Addenda.

Four comments were received on this proposed limitation. One commenter believed that the limitation was necessary. A second commenter believed that it was inappropriate to address Code errors in a rulemaking and this action should be accomplished through an information notice. The third commenter agreed that there appears to be a conflict, but they did not believe that the conflict would result in designs which do not satisfy the requirements and recommended deletion of the limitation. The fourth commenter stated that a conflict did not exist as a result of the changes made in the 1989 Addenda; i.e., the changes were deliberate to permit the designer an option on determining the proper weld size. However, this commenter did state that a printing error had been made in another change to the 1994 Addenda which has been corrected in the 1998 Edition.

The NRC disagrees that the limitation should be deleted from the final rule. The weld size requirements that were used in the majority of U.S. operating nuclear power plant piping systems were provided by ANSI B31.7, Nuclear Power Piping Code, ANSI B31.1, Power Piping Code, and early editions of the ASME Code, Section III. Specifically, these standards required that the minimum socket weld size equal 1.25 t but not less than ⅛ inch, where t is the nominal pipe wall thickness. The same weld size requirements as those specified in the above listed codes are also required by other nationally recognized codes and standards such as ANSI B31.3, Petroleum Refinery Piping Code. Those sizes were established as a result of many years of experience associated with the design and construction of piping systems, piping equipment, and components. In 1981, Code Case N–316, "Alternative Rules for Fillet Weld Dimensions for Socket Welded Fittings," was published permitting a reduction in socket weld sizes to 1.09 t. In essence, the Code case was developed to provide relief for certain utilities having difficulty complying with the minimum socket weld size requirement of 1.25 t. The

provisions contained in the Code case were incorporated into the 1989 Edition of the ASME Code. The NRC accepted this reduction because the new weld size was still greater than the pipe. In the 1989 Addenda of Section III of the ASME Code, the requirements for the size of socket welds were further reduced to 0.75 t which would permit welds smaller than the thickness of the pipe. The NRC is concerned with the structural integrity of a joint with a weld size which is less than the pipe wall thickness. The reduction to 0.75 t was not supported with test results or operating experience. Thus, a good technical basis has not been provided for reducing minimum socket weld sizes in nuclear power plant piping. It should be noted that the petrochemical industry has not made a corresponding change to the standards governing weld sizes in refinery piping. Hence, this limitation has been retained in § 50.55a(b)(1)(ii).

2.5.1.1.4 Seismic Design.

The fourth proposed limitation to the implementation of Section III (§ 50.55a(b)(1)(iv) in the proposed rule) pertained to new requirements for piping design evaluation contained in the 1994 Addenda through the 1996 Addenda of the ASME BPV Code. The NRC had determined that changes to articles NB–3200, "Design by Analysis," NB–3600, "Piping Design," NC–3600, "Piping Design," and ND–3600, "Piping Design," of Section III for Class 1, 2, and 3 piping design evaluation for reversing dynamic loads (e.g., earthquake and other similar type dynamic loads which cycle about a mean value) were unacceptable. The new requirements are based, in part, on industry evaluations of the test data performed under sponsorship of the EPRI and the NRC. NRC evaluations of the data do not support the changes and indicate lower margins than those estimated in earlier evaluations. The ASME has established a special working group to reevaluate the bases for the seismic design for piping.

Six comments were received on this proposed limitation to Section III. None of the commenters agreed with the proposed limitation and recommended its deletion from the final rule. The primary argument was that present seismic design of safety related piping is "overly conservative both as it relates to the seismic capacity of structures which house or support such piping as well as the potential for a reduction in overall piping safety and reliability." Several commenters stated that, while it is true that there is an ongoing review within the ASME concerning the revised criteria, the data support the revised rules.

An extensive discussion of this issue is provided in both the regulatory analysis and the response to public comments. In summary, in 1993 prior to publication of the new ASME Code rules, the NRC initiated a research program at the U.S. Department of Energy (DOE) Energy Technology Engineering Center (ETEC) to evaluate the technical basis for the Code changes, and to assess the impact of the Code changes. In December 1994, the NRC informed the ASME that there were technical concerns regarding the new criteria, and the NRC would not endorse the criteria changes in the 1994 Addenda pending the results from the research program. By letter dated May 24, 1995, the NRC restated its technical concerns, and transmitted preliminary findings from those ETEC studies which had been completed to date along with the peer review comments. After receiving comments and input from other members of the ASME BPV Code as well as representatives from other countries, the ASME established a Special Working Group—Seismic Rule (SWG–SR) in September 1995 to assess the concerns identified by the NRC and others regarding the new piping design rules, and provide a proposed resolution to address these concerns.

The ETEC efforts are now complete, and the results of the research indicate that the technical bases for the new piping design rules as published in the 1994 Addenda were incomplete. The results of the research are contained in NUREG/CR–5361, "Seismic Analysis of Piping," which was published in May 1998. The SWG–SR is considering ETEC's recommendations and is conducting some additional studies.

The NRC has concluded that additional technical bases need to be developed before the new rules could be found to be acceptable and will continue to interact via normal NRC staff participation with the Code committees. Thus, this limitation has been retained in § 50.55a(b)(1)(iii). Licensees will be permitted to use articles NB–3200, NB–3600, NC–3600, and ND–3600, in the 1989 Addenda through the 1993 Addenda, but are prohibited from using these articles as contained in the 1994 Addenda through the 1996 Addenda.

2.5.1.1.5 Quality Assurance.

The fifth proposed limitation to the implementation of Section III [§ 50.55a(b)(1)(v) in the proposed rule] pertained to the use of ASME Standard NQA–1, "Quality Assurance Requirements for Nuclear Facilities." Section III references NQA–1 as part of its individual requirements for a QA program by integrating portions of NQA–1 into the QA program defined in NCA–4000, "Quality Assurance," rather than permitting NQA–1 as a stand alone document similar to Section XI and the OM Code. Hence, even though NQA–1 by itself does not adequately describe how to satisfy the requirements of 10 CFR part 50, appendix B, the same concern does not exist regarding Section III and the use of NQA–1 as exists with Section XI. However, the limitation has been included in the final rule to provide consistency between the requirements of Section III, Section XI, and the OM Code, and to eliminate any possible confusion which could be created by not addressing the use of NQA–1 under each circumstance. The NRC had reviewed the requirements of NQA–1, 1986 Addenda through the 1992 Addenda, that are part of the incorporation by reference of Section III, and had determined that the provisions of NQA–1 are acceptable for use in the context of Section III activities. Portions of NQA–1 are integrated into Section III administrative, quality, and technical provisions which provide a complete QA program for design and construction. The additional criteria contained in Section III, such as nuclear accreditation, audits, and third party inspection, establishes a complete program and satisfies the requirements of 10 CFR part 50, appendix B (i.e., the provisions of Section III integrated with NQA–1). Licensees may voluntarily choose to apply later provisions of Section III. Hence, a limitation was included in the proposed rule which would require that the edition and addenda of NQA–1 specified by NCA–4000 of Section III be used in conjunction with the administrative, quality, and technical provisions contained in the edition of Section III being utilized.

Five comments were received on this proposed limitation. One commenter stated that the limitation was reasonable. The other commenters found the limitation confusing given that the NRC had determined that the provisions of NQA–1 were acceptable.

Section III is a design and construction code used by the manufacturers and suppliers of new Code items. However, Section III is also used for controlling the construction of replacement Code items during the operational phase at nuclear power plants. The basis for the limitation in the proposed rule was that the quality provisions contained in NQA–1 (any version) are not adequate to describe how to satisfy the applicable 10 CFR

requirements for these activities. The NRC has not taken any exceptions to the quality or administrative provisions contained in Section III. However, in the proposed limitation for Section III, the NRC emphasized that the quality provisions of NQA–1 are acceptable for use in the context of Section III activities for the construction of new and replacement Code items. Therefore, the NRC has concluded that the quality provisions contained in Section III are acceptable for the construction of new and replacement items; i.e., NQA–1 is not adequate by itself. Thus, the limitation has been retained in § 50.55a(b)(1)(iv).

2.5.1.1.6 Independence of Inspection.

The sixth proposed limitation to the implementation of Section III [§ 50.55a(b)(1)(vi) in the proposed rule] related to prohibiting licensees from using subparagraph NCA–4134.10(a), "Inspection," in the 1995 Edition through the 1996 Addenda. Before this edition and addenda, inspection personnel were prohibited from reporting directly to the immediate supervisors responsible for performing the work being inspected. However, in the 1995 Edition, NCA–4134.10(a) was modified so that independence of inspection was no longer required. This could result in noncompliance with Criterion I, "Organization," of 10 CFR part 50, appendix B. This criterion requires that persons performing QA functions report to a management level such that authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations, are provided.

Four comments were received on this limitation. One commenter stated that the proposed limitation was reasonable. The second commenter stated that this position is consistent with NRC's previous positions. The third commenter stated the change in the Code provisions had been made because the previous Code requirements exceeded the requirements of appendix B. The fourth commenter stated that there has never been a provision in appendix B that prohibited inspectors from reporting to the supervisor responsible for the work being inspected.

The NRC disagrees with both the third and fourth commenters. Criterion I, "Organization," of 10 CFR part 50, appendix B requires the establishment and execution of a quality assurance program which includes establishing and delineating in writing the authority and duties of persons and organizations performing activities affecting the safety-related functions of structures, systems, and components. In particular, Criterion I states: "These activities include both the performing functions of attaining quality objectives and the quality assurance functions. The quality assurance functions are those of (a) assuring that an appropriate quality assurance program is established and effectively executed and (b) verifying, such as by checking, auditing, and inspection, that activities affecting safety-related functions have been correctly performed." Criterion I continues by stating that "[t]he persons and organizations performing quality assurance functions shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. Such persons and organizations performing quality assurance functions shall report to a management level such that this required authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations, are provided." Criterion X, "Inspection," of Appendix B requires "[s]uch inspection shall be performed by individuals other than those who performed the activity being inspected."

The requirements of 10 CFR part 50, appendix B could not be met for persons performing the quality function of inspection if those persons were reporting to the individual directly responsible for meeting cost, schedule, etc. (e.g., the requirement that personnel performing quality functions, such as inspection and auditing, shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions).

As discussed in the first paragraph in this section, earlier versions of Section III contained a requirement for reporting independence. The requirement was contained in Supplement 10S–1, "Supplementary Requirements for Inspection." Supplement 10S–1, paragraph 2.1 states that, "Inspection personnel shall not report directly to the immediate supervisors who are responsible for performing the work being inspected." The Code change substitutes the more general wording in Basic Requirement 1 that applies to the overall organization. Applying this general requirement for the more specific requirements applied to independence of inspectors could promote noncompliance with established licensee QA program commitments in the absence of compensating measures. Thus, the limitation has been retained in § 50.55a(b)(1)(v). Licensees will be permitted to use the provisions contained in NCA–4134.10(a) in the 1989 Addenda through the 1994 Addenda, but will be prohibited from using these provisions as contained in the 1995 Edition through the 1996 Addenda.

2.5.1.2 Modification.

2.5.1.2.1 Applicable Code Version for New Construction.

The modification of Section III contained in the proposed rule addressed a possible conflict between NCA–1140, "Use of Code Editions, Addenda, and Cases," and 10 CFR 50.55a for new construction. NCA–1140 of Section III requires that the length of time between the date of the edition and addenda used for new construction and the docket date of the construction permit application for a nuclear power plant be no greater than three years. Section 50.55a(b)(1) requires that the edition and addenda utilized be incorporated by reference into the regulations. The possibility exists that the edition and addenda required by the ASME Code to be used for new construction would not be incorporated by reference into 10 CFR 50.55a. In order to resolve this possible discrepancy, the NRC proposed to modify existing §§ 50.55a(c)(3)(i), 50.55a(d)(2)(i), and 50.55a(e)(2)(i), to permit an applicant for a construction permit to use the latest edition and addenda which has been incorporated by reference into § 50.55a(b)(1) if the requirements of the ASME Code and the regulations cannot simultaneously be satisfied.

Three comments were received regarding this proposed modification to Section III. The ASME Board on Nuclear Codes and Standards (BNCS) agreed that there would be a conflict for new construction, but stated that the modification would preclude a Section III requirement for stamping. The BNCS recommendation was to delete this modification. The ASME is considering a Code case to resolve this by providing an alternative to NCA–1140(a)(2) which would allow an exception to this requirement when permitted by the enforcement authority. The NRC agrees with the suggested comment. The NRC, through its normal participation in the ASME committee process, will work with the appropriate ASME committees to provide an alternative when the requirements of the ASME Code and the regulations cannot simultaneously be satisfied. Hence, the proposed

modification has been deleted from the final rule.

2.5.2 Section XI (Voluntary Implementation).

The proposed rule contained provisions intended to permit licensees to voluntarily implement specific portions of the Code. One provision related to Subsection IWE and Subsection IWL of the 1995 Edition with the 1996 Addenda. Another provision related to Code Case N–513, "Evaluation Criteria for Temporary Acceptance of Flaws in Class 3 Piping," and Code Case N–523–1, "Mechanical Clamping Devices for Class 2 and 3 Piping."

2.5.2.1 Subsection IWE and Subsection IWL.

A final rule was published on August 8, 1996 (61 FR 41303), which incorporated by reference for the first time the 1992 Edition with the 1992 Addenda of Subsection IWE, "Requirements for Class MC and Metallic Liners of Class CC Components of Light-Water Cooled Power Plants," and Subsection IWL, "Requirements for Class CC Concrete Components of Light-Water Cooled Power Plants." The final containment rule contained a requirement for licensees to develop and implement a containment ISI program within 5 years. Some licensees have begun the development of this program. However, other licensees have expressed an interest in using later versions of the Code for this program. During review of the 1995 Edition with the 1996 Addenda, the NRC determined that the provisions contained in Subsection IWE and Subsection IWL would be acceptable when used in conjunction with the modifications contained in the final rule published on August 8, 1996 (61 FR 41303). Thus, the proposed rule contained a provision [§ 50.55a(b)(2)(vi)] to permit licensees to implement either the presently required 1992 Edition with the 1992 Addenda, or the 1995 Edition with the 1996 Addenda.

Twenty comments were received related to this provision. One commenter agreed with the action as proposed, and another did not object to the action but expressed a preference for the 1998 Edition. Three commenters stated that the NRC should give consideration to deferring action on this proposed amendment so that the 1998 Edition for containment ISI can be incorporated into this rulemaking. There are several provisions in Subsections IWE and IWL, 1992 Edition with the 1992 Addenda, that licensees are finding cumbersome to implement. The commenters indicated that relief requests relative to these provisions will be submitted. Because these implementation difficulties have been addressed in the 1998 Edition, incorporation of the 1998 Edition would preclude the need to seek relief. Five commenters believe that the NRC did not perform the mandatory backfit analysis for the August 8, 1996 (61 FR 41303), final rule; and, therefore, did not adequately justify its implementation. Further, the commenters believe that the NRC responses to the public comments were inadequately substantiated. Based on this, the comments argued that the proposed rule should be revised to make these subsections voluntary. Finally, one commenter believes that these subsections should be used on a trial basis before they are mandated.

The NRC has made a determination to go forward with the final rule. Given the high priority of some of the items contained in the rule, deferral of the final rule to consider the 1998 Edition for containment ISI would result in an unacceptable delay. Approval of the 1998 Edition for containment ISI would involve not only review of Subsections IWE and IWL but review of the related Code requirements such as Subsection IWA, "General Requirements," Section V, "Nondestructive Examination," and Section IX, "Welding and Brazing Qualifications." In addition, incorporation by reference of these additional Code requirements would result in the renoticing of the rule in the **Federal Register** for public comment. The NRC staff has met with NEI, EPRI, and utility representatives to discuss several industry concerns with regard to implementation of a containment ISI program. It is the NRC's understanding that these concerns can be addressed through the use of alternative examination requirements provided by an ASME Code case or the submittal of a relief request (e.g., some containment designs cannot meet Code access for examination requirements).

The NRC performed the mandatory backfit analysis for the August 8, 1996, rulemaking. Twelve commenters including NUBARG submitted comments on the documented evaluation which was performed in accordance with § 50.109(a)(4). The industry developed examination rules for containments in response to a perceived need. The reported occurrences of containment degradation and the potential for additional serious occurrences was well documented in the final rule. No technical basis has been provided for the comment that this rule should be used to revise the implementation status of Subsections IWE and IWL from mandatory to voluntary. Therefore, the provision has not been changed in the final rule. However, the proposed provision (§ 50.55a(b)(2)(ix) in the proposed rule) containing supplemental requirements for the examination of concrete containments has been renumbered as § 50.55a(b)(2)(viii) in the final rule. The proposed provision (§ 50.55a(b)(2)(x) in the proposed rule) containing supplemental requirements for the examination of metal containments and liners of concrete containments has been renumbered as § 50.55a(b)(2)(ix) in the final rule.

As licensees have begun developing their containment ISI programs, the NRC has received requests to clarify the implementation schedule for ISI of concrete containments and their post-tensioning systems. The current wording of § 50.55a(g)(6)(ii)(B)(2) requiring licensees to implement "the inservice examinations which correspond to the number of years of operation which are specified in Subsection IWL" has created confusion regarding whether the first examination of concrete is required to meet the examination schedule in Section XI, Subsection IWL, IWL–2410, which is based on the date of the Structural Integrity Test (SIT), or may be performed at any time between September 9, 1996, and September 9, 2001. In addition, the examination schedule for post-tensioning systems relative to the examination schedule for concrete was not clear. According to § 50.55a(g)(6)(ii)(B)(2) of the final rulemaking of August 8, 1996, the first examination of concrete may be performed at any time between September 9, 1996, and September 9, 2001. The intent of the rule was that, for operating plants, the date of the first examination of concrete not be linked to the date of the SIT. The first examination of concrete will set the schedule for subsequent concrete examinations. With regard to examination of the post-tensioning system, operating plants are to maintain their present 5-year schedule as they transition to Subsection IWL. For operating reactors, there is no need to repeat the 1, 3, 5-year implementation cycle.

Section 50.55a(g)(6)(ii)(B)(2) also stated that the first examination performed shall serve the same purpose for operating plants as the preservice examination specified for plants not yet in operation. The affected plants are presently operating, but they will be performing the examination of concrete under Subsection IWL for the first time.

Because the plants are operating, a Section XI preservice examination cannot be performed. Therefore, the first concrete examination is to be an inservice examination which will serve as the baseline (the same purpose for operating plants as the preservice examination specified for plants not yet in operation). With completion of this first examination of concrete, the second 5-year ISI interval would begin. Likewise, examinations of the post-tensioning system at the nth year (e.g., the 15th year post-tensioning system examination), if performed to the requirements of Subsection IWL, are to be performed to the ISI requirements, not the preservice requirements.

The NRC has also been requested to clarify the schedule for future examinations of concrete and their post-tensioning systems at both operating and new plants. There is no requirement in Subsection IWL to perform the examination of the concrete and the examination of the post-tensioning system at the same time. The examination of the concrete under Subsection IWL and the examination of the liner plates of concrete containments under Subsection IWE may be performed at any time during the 5-year expedited implementation. This examination of the concrete and liner plate provides the baseline for comparison with future containment ISI. Coordination of these schedules in future examinations is left to each licensee. New plants would be required to follow all of the provisions contained in Subsection IWL, i.e., satisfy the preservice examination requirements and adopt the 1, 3, 5-year examination schedule linked to the Structural Integrity Test. The final rule has been clarified in § 50.55a(g)(6)(ii)(B)(*2*) with respect to the examination schedules.

The NRC has also received a request to clarify § 50.55a(g)(4)(v)(C) regarding the replacement requirements of Subsection IWL–7000 for concrete and the post-tensioning systems. Section 50.55a(g)(4)(v)(A) and (B) each state the inservice inspection, repair, and replacement requirements must be met for metal containments and metallic shell and penetration liners, respectively. However, § 50.55a(g)(4)(v)(C) states only that the inservice inspection and repair requirements applicable to concrete and the post-tensioning systems be met. This raised a question regarding whether the omission of the word "replacement" was intentional.

The intent of the rule was to require implementation of all the Articles of Subsection IWL. The failure to include "replacements" was an oversight. Section 50.55a(g)(4) requires that "* * * components which are classified as Class CC pressure retaining components and their integral attachments must meet the requirements, except for design and access provisions and preservice examination requirements, set forth in Section XI of the ASME Boiler and Pressure Vessel Code and Addenda that are incorporated by reference in paragraph (b)." Section 50.55a(g)(4)(v)(C) has been clarified in this final rule by including "replacement" in order to eliminate any further confusion.

2.5.2.2 Flaws in Class 3 Piping.

Section 50.55a(b)(2)(xvi) in the proposed rule pertained to use of ASME Code Case N–513, "Evaluation Criteria for Temporary Acceptance of Flaws in Class 3 Piping," and Code Case N–523–1, "Mechanical Clamping Devices for Class 2 and 3 Piping." These Code cases were developed to address criteria for temporary acceptance of flaws (including through-wall leaking) of moderate energy Class 3 piping where a Section XI Code repair may be impractical for a flaw detected during plant operation (i.e., a plant shutdown would be required to perform the Code repair). In the past, licensees had to request NRC staff approval to defer Section XI Code repair for these Class 3 moderate energy (200 °F, 275 psig) piping systems. The NRC had determined that Code Case N–513 is acceptable except for the scope and Section 4.0. Code Case N–523–1 is acceptable without limitation. When using Code Case N–523–1, it should be noted that the Code case erroneously references Table NC–3321–2, rather than Table NC–3321–1 for pressure-retaining clamping devices designed by stress analysis. The use of Code Case N–513, with the limitations, and Code Case N–523–1 will obviate the need for licensees to request approval for deferring repairs; thus saving NRC and licensee resources.

Section 1.0(a) of the Scope to Code Case N–513 limits the use of the requirements to Class 3 piping. However, Section 1.0(c) would allow the flaw evaluation criteria to be applied to all sizes of ferritic steel and austenitic stainless steel pipe and tube. Without some limitation on the scope of the Code case, the flaw evaluation criteria could be applied to components such as pumps and valves, and pressure boundary leakage; applications for which the criteria should not be utilized. Thus, paragraph (B) of the proposed provision limited the use of Code Case N–513 to those applications for which it was developed.

The first paragraph of Section 4.0 of Code Case N–513 contains the flaw acceptance criteria. The criteria provide a safety margin based on service loading conditions. The second paragraph of Section 4.0, however, would permit a reduction of the safety factors based on a detailed engineering evaluation. Criteria and guidance are not provided for justifying a reduction, or limiting the amount of reduction. The NRC had determined that this provision was unacceptable because the second paragraph could permit available margins to become unacceptably low. Hence, § 50.55a(b)(2)(xvi)(A) of the proposed provision required that, when implementing Code Case N–513, the specific safety factors in the first paragraph of Section 4.0 must be satisfied.

There were seven commenters on the proposed use of these Code cases. One commenter agreed with the proposed action. Five commenters believed that the endorsement of these Code cases in a rulemaking is not appropriate. Five commenters disagreed with the limitations to Code Case N–513.

The reason for incorporating the Code cases in the proposed rule was that § 50.55a(g)(4) requires the application of Section XI during all phases of plant operation. Under Section XI structural and operability requirements, piping containing indications greater than 75 percent of the pipe thickness are deemed unsatisfactory for continued service. A limitation must be included in the rulemaking to modify the above mentioned Section XI regulatory requirements. Because regulatory guides are not mandatory, inclusion of the Code cases in Regulatory Guide 1.147 would not modify the Section XI repair requirements. In addition, the preparation of these relief requests consumes considerable industry resources, and the review and issuance consume considerable NRC staff resources. Therefore, the NRC is implementing this limited use of these Code cases through the final rule.

With regard to the limitations on the use of Code Case N–513, some commenters questioned the restrictions and believe that the Code case should be permitted in other applications such as socket welded connections. The Code case has been approved for use on moderate energy Class 3 piping and tubing (which is the ASME scope of the Code case). The NRC does not believe that the criteria are applicable to socket welds because NDE methods are not available for adequate flaw characterization. In addition, the NRC

does not agree that the level of reduction of safety margins which would be permitted by the Code case is appropriate. The margins available in an unflawed component are expected to be higher than for a degraded component. Margins less than the minimums specified for Level A, B, C, and D loading conditions are not acceptable. Hence, these restrictions have been maintained in the final rule except for the limitation related to original construction. The NRC agrees with commenters that any defects remaining from construction that have been determined by evaluation to be permissible are acceptable and has removed this limitation from the final rule. Code Cases N–513 and N–523–1 are addressed in § 50.55a(b)(2)(xiii) of the final rule.

2.5.2.3 Application of Subparagraph IWB–3740, Appendix L.

Appendix L of Subparagraph IWB–3740 permits a licensee to demonstrate that a component is acceptable with regard to cumulative fatigue effects by performing a flaw tolerance evaluation of the component as an alternative to meeting the fatigue requirements of Section III. The NRC has reviewed Appendix L and determined that its use is generally acceptable. However, licensees should be aware of the following two items, which have been under consideration by certain ASME committees and may affect future revisions of Appendix L. The first item is that the assumption of a postulated flaw with a fixed aspect ratio of 6 may not be conservative depending on the extent of cumulative usage factor (CUF) criteria exceedance along the surface of the component. The assumption of a fixed aspect ratio can have an impact on crack growth rates and projected remaining fatigue life in a component. The second item pertains to the influence of environmental effects on both fatigue usage and crack growth evaluations in Appendix L. Environmental crack growth data from laboratory studies indicate the potential for a growth rate which is different from that currently reflected in a draft Section XI Code case which has been under ASME consideration. In addition, some environmental effects data on fatigue usage are available that may be considered for a revision to Section III.

2.5.3 OM Code (Voluntary Implementation).

The proposed rule contained three provisions [§§ 50.55a(b)(3)(iii), 50.55a(b)(3)(iv), and 50.55a(b)(3)(v)] pertaining to voluntary implementation of alternatives to specific OM Code requirements. The first provision involved implementation of ASME Code Case OMN–1, "Alternative Rules for Preservice and Inservice Testing of Certain Electric Motor-Operated Valve Assemblies in Light-Water Reactor Power Plants," in lieu of stroke time testing as required in Subsection ISTC, with a modification. The second provision involved implementation of a check valve condition monitoring program under Appendix II as an alternative to the testing or examination provisions contained in Subsection ISTC, with three modifications. The third provision involved use of Subsection ISTD to satisfy certain ISI requirements for snubbers provided in ASME BPV Code, Section XI. Each of these provisions is discussed separately below.

2.5.3.1 Code Case OMN–1.

Section 50.55a(b)(3)(iii) of the proposed rule addressed the voluntary implementation of Code Case OMN–1 in lieu of stroke time testing as required for motor-operated valves (MOVs) in Subsection ISTC. In particular, Code Case OMN–1 permits licensees to replace quarterly stroke-time testing of MOVs with a program of exercising on intervals of one year or one refueling outage (whichever is longer) and diagnostic testing on longer intervals. As indicated in Attachment 1 to GL 96–05, the Code case meets the intent of the generic letter, but with certain limitations which were discussed in the generic letter. For MOVs, Code Case OMN–1 is acceptable in lieu of Subsection ISTC, except for leakage rate testing (ISTC 4.3) which must continue to be performed. In addition, OMN–1 contains a maximum MOV test interval of 10 years, which the NRC supports. However, the NRC believed it prudent to include the modification requiring licensees to evaluate the information obtained for each MOV, during the first 5 years or three refueling outages (whichever is longer) of use of the Code case, to validate assumptions made in justifying a longer test interval. These conditions on the use of OMN–1 were included in the rule as a modification [§ 50.55a(b)(3)(iii)(A) in the final rule].

Paragraph 3.7 of OMN–1 discusses the use of risk insights in implementing the provisions of the Code case such as those involving MOV grouping, acceptance criteria, exercising requirements, and testing frequency. For example, Paragraph 3.6.2 of OMN–1 states that exercising more frequently than once per refueling cycle shall be considered for MOVs with high risk significance. Since the proposed rule was issued, the NRC has reviewed plant-specific requests to use OMN–1 and has determined that a clarification of the rule is appropriate regarding the provision in the Code case for the consideration of risk insights if extending the exercising frequencies for MOVs with high risk significance beyond the quarterly frequency specified in the ASME Code. In particular, licensees should ensure that increases in core damage frequency and/or risk associated with the increased exercise interval for high-risk MOVs are small and consistent with the intent of the Commission's Safety Goal Policy Statement (51 FR 30028; August 21, 1986). The NRC also considers it important for licensees to have sufficient information from the specific MOV, or similar MOVs, to demonstrate that exercising on a refueling outage frequency does not significantly affect component performance. The information may be obtained by grouping similar MOVs and staggering the exercising of MOVs in the group equally over the refueling interval. This clarification is provided in § 50.55a(b)(3)(iii)(B) of the final rule.

Thus, Code Case OMN–1 is acceptable as an optional alternative to MOV stroke-time test requirements with

(1) The modification that, at 5 years or three refueling outages (whichever is longer) from initial implementation of Code Case OMN–1, the adequacy of the test interval for each MOV must be evaluated and adjusted as necessary; and

(2) The clarification of the provision in OMN–1 for the establishment of exercise intervals for high risk MOVs in that the licensee will be expected to ensure that the potential increase in core damage frequency and risk associated with extending exercise intervals beyond a quarterly frequency is small and consistent with the intent of the Commission's Safety Goal Policy Statement.

In addition, as noted in GL 96–05, licensees are cautioned that, when implementing Code Case OMN–1, the benefits of performing a particular test should be balanced against the potential adverse effects placed on the valves or systems caused by this testing. Code Case OMN–1 specifies that an IST program should consist of a mixture of static and dynamic testing. While there may be benefits to performing dynamic testing, there are also potential detriments to its use (i.e., valve damage). Licensees should be cognizant of this for each MOV when selecting the appropriate method or combination of methods for the IST program.

Seven commenters responded to the proposed voluntary use of Code Case

OMN–1. All of the commenters agreed with the action to permit use of the Code case. However, four of the commenters did not believe that it was appropriate to do so in a rulemaking. Two commenters believe that the rule codifies individual licensee responses to Generic Letters 89–10 and 96–05 which is unnecessary. Two commenters did not believe that the NRC had adequately justified limits on the test intervals.

The proposed rule referenced Code Case OMN–1 as one method for developing a long-term MOV program that satisfies the recommendations of GL 96–05. This issue is closely related to Section 2.3.2.5.1. The amendment does not require the use of Code Case OMN–1. Licensees will be allowed the option of using the Code case as an alternative to the Code-required provisions for MOV stroke-time testing with the specified limitation and clarification. The voluntary use of Code Case OMN–1 by a licensee (in accordance with the rule and GL 96–05) would resolve weaknesses in the Code requirements for quarterly MOV stroke-time testing, and would also address the need to establish a long-term MOV program in response to GL 96–05.

With regard to the concerns that the rule would require licensees to comply with the provisions on stroke-time testing in the OM Code and also with the programs developed under their licensing commitments for demonstrating MOV design-basis capability, it has been recognized since 1989 that the quarterly stroke-time testing requirements for MOVs in the ASME Code are not sufficient to provide assurance of MOV operability under design-basis conditions. For example, in GL 89–10, the NRC stated that ASME BPV Code, Section XI, testing alone is not sufficient to provide assurance of MOV operability under design-basis conditions. Therefore, in GL 89–10, the NRC requested licensees to verify the design-basis capability of their safety-related MOVs and to establish long-term MOV programs. The NRC subsequently issued GL 96–05 to provide updated guidance for establishing long-term MOV programs. However, the NRC agrees with the public comment that the language in the proposed rulemaking referring to licensing commitments is cumbersome. The paragraph has been revised in the final rule to be performance-based to focus on maintaining MOV design-basis capability.

With regard to the question of limits on test intervals, the amendment does not limit the diagnostic test interval in Code Case OMN–1 for MOVs to 5 years or three refueling outages. In endorsing the allowable use of Code Case OMN–1, the amendment states that the adequacy of the test interval for each MOV shall be evaluated and adjusted as necessary but not later than 5 years or three refueling outages (whichever is longer) from initial implementation of Code Case OMN–1. In other words, the amendment requires when applying Code Case OMN–1, prior to extending diagnostic test intervals for a specific MOV beyond 5 years (or three refueling outages), that the licensee evaluate test information on similar MOVs to ensure that the aging mechanisms are sufficiently understood such that the MOV will remain capable of performing its safety function over the entire diagnostic test interval. After evaluating the test information on similar MOVs, a licensee can extend the diagnostic test interval on other MOVs beyond 5 years or three refueling outages up to 10-year limit specified in Code Case OMN–1.

2.5.3.2 Appendix II.

Paragraph ISTC 4.5.5 of Subsection ISTC permits the owner to use Appendix II, "Check Valve Condition Monitoring Program," of the OM Code as an alternative to the testing or examination provisions of ISTC 4.5.1 through ISTC 4.5.4. If an owner elects to use Appendix II, the provisions of Appendix II become mandatory per OM Code requirements. However, upon reviewing the appendix, the NRC determined that the requirements in Appendix II must be supplemented in three areas. The first area is testing or examination of the check valve obturator movement to both the open and closed positions to assess its condition and confirm acceptable valve performance. Bi-directional testing of check valves was approved by the ASME OM Main Committee for inclusion in the 1996 Addenda to the Code. The NRC agrees with the need for a required demonstration of bi-directional exercising movement of the check valve disc. Single direction flow testing of check valves, as an interpreted requirement, will not always detect degradation of the valve. The classic example of this faulty testing strategy is that the departure of the disc would not be detected during forward flow tests. The departed disc could be lying in the valve bottom or another part of the system, and could move to block flow or disable another valve. Although the ASME's Working Group on Check Valves (OM Part 22) is considering Code rules for bi-directional testing of check valves, Appendix II does not presently require it. Hence, the modification in § 50.55a(b)(3)(iv)(A) was included so that an Appendix II condition monitoring program includes bi-directional testing of check valves to assess their condition and confirm acceptable valve performance (as is presently required by the OM Code).

The second area needing supplementation is the length of test interval. Appendix II would permit a licensee to extend check valve test intervals without limit. Under the current check valve IST program, most valves are tested quarterly during plant operation. The interval for certain valves has been extended to refueling outages. The NRC has concluded that operating experience exists at this time to support longer test intervals for the condition monitoring concept. A policy of prudent and safe interval extension dictates that any additional interval extension must be limited to one fuel cycle, and this extension must be based on sufficient experience to justify the additional time. Condition monitoring and current experience may qualify some valves for an initial extension to every other fuel cycle, while trending and evaluation of the data may dictate that the testing interval for some valves be reduced. Extensions of IST intervals must consider plant safety and be supported by trending and evaluating both generic and plant-specific performance data to ensure the component is capable of performing its intended function over the entire IST interval. Thus, the modification (§ 50.55a(b)(3)(iv)(B)) limits the time between the initial test or examination and second test or examination to two fuel cycles or three years (whichever is longer), with additional extensions limited to one fuel cycle. The total interval is limited to a maximum of 10 years. An extension or reduction in the interval between tests or examinations would have to be supported by trending and evaluation of performance data.

The third area in Appendix II which the NRC determined should be supplemented is the requirement applicable to a licensee who discontinues a condition monitoring program. A licensee who discontinues use of Appendix II, under Subsection ISTC 4.5.5, is required to return to the requirements of Subsection ISTC 4.5.4. However, the NRC has concluded that the requirements of ISTC 4.5.1 through ISTC 4.5.4 must be also met. Hence, if the monitoring program is discontinued, the modification [§ 50.55a(b)(3)(iv)(C)] specifies that licensees implement the provisions of ISTC 4.5.1 through ISTC 4.5.4.

Thirty-four comments were received relative to the proposed voluntary implementation of Appendix II. There were seven comments supporting the

option to utilize the requirements of Appendix II. Most of the commenters did not agree with the limitations on the use of Appendix II. However, during its June 1997 meeting, the ASME's Working Group on Check Valves (OM Part 22) identified the following issues related to Condition Monitoring (as reported in the December 1, 1997, meeting minutes) that still needed to be resolved: consideration of safety significance; trending; interval limits; step-wise interval limits; and bi-directional testing. The proposed modifications addressed these issues. Based on its interaction with OM–22, the NRC believes the ASME will address these issues in future updates of the Code.

Condition Monitoring, as described in Appendix II, is a program consisting of a general process without specified requirements, interval extension limits, and criteria. Condition Monitoring is a new Code approach with a promise of better detection of check valve degradation, improved valve performance, and maintaining reliable component capability over extended intervals, while adjusting test and examination intervals. The Condition Monitoring approach has not yet been implemented. Therefore, the nuclear industry lacks sufficient experience upon which to provide confidence of a uniform industry application of the process, or that equivalent requirements and interval extension limits will be applied, or assurance that components are capable of maintaining safe and reliable performance over extended intervals. Failure to ensure proper implementation of the process without specified requirements, interval extension limits, and criteria could result in inadvertent degradation in safety. Ensuring proper implementation could present an unwieldy compliance and inspection process for the NRC and licensees. The modifications to Appendix II contained in the rule provide for a safe and prudent progression of extending test and examination intervals consistent with historical experience and performance expectations. In addition, the modifications allow the licensee to conduct self-compliance inspections and minimize the expenditure of owner and NRC resources. Hence, the NRC has concluded that the modifications are justified and they have been retained in the final rule.

The NRC considers the Condition Monitoring approach of Appendix II for check valves to be a significant improvement over present Code requirements, and encourages licensees to implement Appendix II. Where a licensee's Code of record is an earlier edition or addenda of the ASME Code, the regulations in § 50.55a(f)(4)(iv) allow the licensee to implement portions of subsequent Code editions and addenda that are incorporated by reference in the regulations subject to the limitations and modifications listed in the rule, and subject to Commission approval. The NRC staff will favorably consider a request by a licensee under § 50.55a(f)(4)(iv) to apply Appendix II, in advance of incorporating the 1995 Edition with the 1996 Addenda of the ASME OM Code as its Code of record, if the licensee justifies the following in its submitted request:

(1) The modifications to Appendix II contained in the rule have been satisfied; and

(2) All portions of the 1995 Edition with the 1996 Addenda of the OM Code that apply to check valves are implemented for the remaining check valves not included in the Appendix II program.

2.5.3.3 Subsection ISTD.

Article IWF–5000, "Inservice Inspection Requirements for Snubbers," of the ASME BPV Code, Section XI, 1996 Addenda, requires examinations and tests of snubbers at nuclear power plants as part of the licensee's ISI program in accordance with ASME/ANSI OM, Part 4. Some licensees control testing of snubbers through plant technical specifications. Although the ASME BPV Code, Section XI, establishes ISI requirements for examination and tests of snubbers, the ASME OM Code also provides guidance on snubber examination and testing in Subsection ISTD, "Inservice Testing of Dynamic Restraints (Snubbers) in Light-Water Reactor Power Plants." The proposed rule (§ 50.55a(b)(3)(v)) stated that licensees may use the guidance in Subsection ISTD, OM Code, 1995 Edition with the 1996 Addenda, for testing snubbers. The final rule (§ 50.55a(b)(3)(v)) clarifies that Subsection ISTD, OM Code, 1995 Edition, up to and including the 1996 Addenda may be used to meet certain ISI requirements for snubbers provided in IWF–5000 of the ASME BPV Code, Section XI. The licensee must still meet those requirements of IWF–5000, Section XI, not included in or addressed by Subsection ISTD. Consistent with IWF–5000, the rule specifies that preservice and inservice examinations must be performed using the VT–3 visual examination method in IWA–2213.

Eleven comments were received on the endorsement of Subsection ISTD of the ASME OM Code. Seven commenters indicated that some owners have modified their Technical Specifications Snubber Surveillance Requirements to follow the provisions of GL 90–09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions," to move the specific visual inspection and functional testing requirements to a Technical Requirements Manual. The NRC has addressed these comments in the final rule by referencing technical specifications or licensee-controlled documents for snubber test or examination requirements.

One commenter noted that Article IWF–5000, Section XI, requires examination of snubbers be performed in accordance with ASME OM–1987, Part 4. Licensees of plants with a large number of snubbers have found the required visual inspection schedule in Part 4 to be excessively restrictive. As a result, some licensees have expended a significant amount of resources and have subjected plant personnel to unnecessary radiological exposure to comply with the visual examination requirements. Many licensees have been granted relief based on application of the snubber visual inspection intervals contained in GL 90–09. The final rule allows licensees to use the snubber visual inspection interval contained in Table ISTD 6.5.2–1, "Refueling Outage-Based Visual Examination Table," Subsection ISTD, OM Code, as an alternative to the Table in OM–1987, Part 4. Table ISTD 6.5.2–1 is substantially similar to the guidance provided in GL 90–09 for snubber visual inspection intervals. The final rule should help resolve the concerns regarding the visual inspection schedule in OM–1987, Part 4.

Some commenters proposed Subsection ISTD as an acceptable alternative to the preservice and inservice examination requirements in IWF–5000, Section XI. The NRC has not accepted this suggestion because some preservice and inservice examinations for snubbers are not included in the OM Code. For example, Subsection ISTD does not address inspection of integral and non-integral attachments, such as lugs, bolting, pins, and clamps. Further, Subsection ISTD does not address snubbers in systems required to maintain the integrity of reactor coolant pressure boundary.

Section 2.5.3.3, "Subsection ISTD," of the Statement of Considerations for the proposed rule (62 FR 63903; December 3, 1997) stated that inservice testing of dynamic restraints or snubbers is governed by plant technical specifications and, thus, has never been included in 10 CFR 50.55a. It was apparent from comments received on

this section that this statement was confusing and needed to be clarified. First, it is true that 10 CFR 50.55a never directly required inservice testing of snubbers although the language in the current rule would appear to indicate otherwise. The language in the current rule states in § 50.55a(f)(4), "Throughout the service life of a boiling or pressurized water-cooled nuclear power facility, components (including supports) which are classified as ASME Code Class 1, Class 2, and Class 3 must meet the requirements * * * set forth in section XI of editions of the ASME Boiler and Pressure Vessel Code and Addenda * * *" (emphasis added). Although the language clearly states that "components (including supports)" are within the scope of inservice testing, and it appears that inservice testing of snubbers is included under this statement, this statement was an editorial error. In the 1992 final rule amending 10 CFR 50.55a to more clearly distinguish the requirements for inservice testing from those for inservice inspection (57 FR 34666; August 6, 1992), paragraph (g) was split into two separate paragraphs—paragraph (f) for inservice testing and paragraph (g) was retained for inservice inspection. In the 1992 final rule, similar requirements that applied to both inservice inspection and inservice testing were carried over from paragraph (f) to paragraph (g). The terminology, "components (including supports)," which existed in paragraph (g) was changed in paragraph (f) to read, "pumps and valves," except in this one instance. Therefore, the Commission views this error as an editorial oversight. In the final rule, the language in paragraph (f)(4) has been corrected to read, "pumps and valves," instead of "components (including supports)."

Based on this discussion, § 50.55a never directly required inservice testing of snubbers. However, confusion resulted because some licensees interpreted this to mean that the NRC was implying that inservice testing of snubbers was never a regulatory requirement. Inservice testing of snubbers is a regulatory requirement and has been for many years. Section 50.55a(g)(4) requires that ASME Code Class 1, 2, and 3 components (including supports) must meet the inservice inspection requirements of ASME Code, Section XI. Article IWF–5000 of Section XI, "Inservice Inspection Requirements for Snubbers," provides requirements for the examination and testing of snubbers in nuclear power plants. Therefore, inservice testing of snubbers is required by 10 CFR 50.55a because it incorporates by reference Section XI requirements including Article IWF–5000. Inservice testing of snubbers has been a requirement in IWF–5000 since Subsection IWF was first issued in the Winter 1978 Addenda of the ASME Code, Section XI.

2.5.3.4 Containment Isolation Valves.

The proposed rule contained a provision to delete the existing modification in § 50.55a(b)(2)(vii) for IST of containment isolation valves (CIVs), which was added to the regulations in a rulemaking published on August 6, 1992 (57 FR 34666). That rulemaking incorporated by reference, among other things, the 1989 Edition of ASME Section XI, Subsection IWV that endorsed part 10 of ASME/ANSI OMa–1988 for valve inservice testing. A modification to the testing requirements of part 10 related to CIVs was included in the rulemaking indicating that paragraphs 4.2.2.3(e) and 4.2.2.3(f) of part 10 were to be applied to CIVs. Since that time, the ASME OM Committee has performed a comprehensive review of OM Part 10 CIV testing requirements and acceptance standards, and has developed a basis document supporting removal of the requirements for analysis of leakage rates and corrective actions in Part 10 for those CIVs that do not provide a reactor coolant system pressure isolation function. The NRC reviewed this OM Committee basis document and determined that the modification addressing CIVs could be removed from the regulation. The requirements of 10 CFR part 50, Appendix J, ensure adequate identification analysis, and corrective actions for leakage monitoring of CIVs. There were four separate commenters on the proposed deletion of this modification and all were in agreement with the action. The final rule deletes this requirement.

2.6 ASME Code Interpretations.

The ASME issues "Interpretations" to clarify provisions of the ASME BPV and OM Codes. Requests for interpretation are submitted by users and, after appropriate committee deliberations and balloting, responses are issued by the ASME. Generally, the NRC agrees with these interpretations. However, in a few cases interpretations have been issued which conflicted with or were inconsistent with NRC requirements. Following the guidance in these interpretations resulted in noncompliance with the regulations. Some cases were discussed earlier on engineering judgment. Additional discussion is provided on the use of interpretations in the Response to Public Comments. The proposed rule contained a discussion of NRC concerns related to ASME Code Interpretations, and referenced part 9900, Technical Guidance, of the NRC Inspection Manual. Part 9900 provides that licensees should exercise caution when applying Interpretations as they are not specifically part of the incorporation by reference into 10 CFR 50.55a and have not received NRC approval.

Twenty-two comments were submitted by 21 separate commenters. Interpretations were also discussed in Sections 2.3.1.2.1 and 2.5.1.1.1 as the use of engineering judgment and interpretations is intrinsically linked. Many of the commenters believe that the NRC position on ASME Code Interpretations is inconsistent. The NRC recognizes that the ASME is the official interpreter of the Code, but the NRC will not accept ASME interpretations that, in NRC's opinion, are contrary to NRC requirements or may adversely impact facility operations. It should be noted that, considering the large number of Code interpretations that are issued, there have been very few cases where the NRC has taken exception to an ASME interpretation. Interpretations have been of great benefit in clarifying the Code. The NRC is not restricting the use of ASME Code interpretations. A proposed limitation on their use was not placed in 10 CFR 50.55a; the discussion being limited to the Statement of Considerations. The purpose of the discussion was to merely alert Code users to be prudent when applying interpretations.

As discussed in Section 2.3.1.2.1, a meeting was held on November 12, 1996, between representatives from the ASME and the NRC (in part because of the continuing questions from the industry regarding ASME interpretations). The guidance given in NRC Inspection Manual, Part 9900, regarding ASME Code interpretations was discussed. ASME representatives stated that the guidance is consistent with the ASME's understanding of the relationship between the ASME Code and NRC regulations. There were discussions regarding the mechanism for the NRC to inform the ASME of Code interpretations to which the NRC takes exception. It was agreed that the NRC should not establish a formal method for reviewing ASME Code interpretations for acceptance. This conclusion was based primarily on the understanding that it would be tantamount to the NRC becoming the interpreter of the Code. It was agreed that any concerns the NRC has regarding specific ASME Code interpretations would be brought to the ASME's attention through the NRC

staff's normal interaction with the Code. This has been routine practice for many years.

Many commenters suggested that the NRC should adopt all interpretations because the ASME is the official interpreter of the Code. The NRC cannot a priori approve interpretations as suggested. This would delegate the NRC's statutory oversight responsibility to the ASME. In addition, the NRC cannot accept an interpretation when it conflicts with regulatory requirements. Finally, an interpretation may not be accepted that changes the requirements of the Code subsequent to the NRC endorsement of a particular edition or addenda in 10 CFR 50.55a. Several commenters stated that the NRC should accept interpretations because, interpretations do not change the Code, they clarify it. As discussed in the responses to the public comments, there is evidence in a few cases to the contrary.

2.7 Direction Setting Issue 13.

The proposed rule contained a discussion of issues under consideration relative to the Commission's endorsement of ASME Codes. The first item discussed was an October 21, 1993, Cost Beneficial Licensing Action (CBLA) submittal from Entergy Operations, Inc., requesting relief from the requirement to update ISI and IST programs to the latest ASME Code edition and addenda incorporated by reference into 10 CFR 50.55a. The underlying premise of the request was that a licensee should not be required to upgrade its ISI and IST programs without considering whether the costs of the upgrade are warranted in light of the increased safety afforded by the updated Code edition and addenda. The second item discussed was the National Technology Transfer and Advancement Act of 1995, Public Law 104–113. The Act directs Federal agencies to achieve greater reliance on technical standards developed by voluntary consensus standards development organizations. The third item was Direction Setting Issue (DSI) 13, which is part of an NRC Commission Strategic Assessment and Rebaselining Initiative. The Commission has directed the NRC staff to address how industry initiatives should be evaluated, and to evaluate several issues related to NRC endorsement of industry codes and standards. As part of this evaluation, the NRC staff is addressing issues relevant to the NRC's endorsement of the ASME Code, including periodic updating, the impact of 10 CFR 50.109 (the Backfit Rule), and streamlining the process for NRC review and endorsement of the ASME Code.

Thirty-five comments were received from 21 commenters. Eight of the commenters supported NRC endorsement of the ASME Code, but submitted comments encouraging more timely endorsement. The Nuclear Energy Institute (NEI), the ASME Board on Nuclear Codes and Standards, and one utility requested that the NRC hold public meetings regarding the proposed rule. The reasons cited were: (1) Difficulties in implementing Appendix VIII as modified by the NRC; (2) concerns with the number of modifications and limitations and their content; and (3) licensee use of ASME Code editions later than 1989 should be voluntary and NRC staff endorsement need not be reflected in revisions to 10 CFR 50.55a.

With regard to the comments related to difficulties in implementing Appendix VIII as modified by the NRC, as discussed under Section 2.4.1, the NRC staff met with representatives from PDI, EPRI, and NEI on May 12, 1998, and again on June 18, 1998, to discuss items such as the current status of the PDI program, and Appendix VIII as modified during the development of the PDI program. The final rule endorses the latest version of Appendix VIII as modified by PDI during the development of the PDI program which, the NRC believes, satisfies the industry's concerns relative to this issue.

Nine commenters stated that the modifications and limitations in the proposed rule violate or are contrary to the spirit of the National Technology Transfer and Advancement Act of 1995, Pub. L. 104–113, which codified OMB Circular A–119. However, the NRC disagrees that Pub. L. 104–113 requires, without exception, the use of industry consensus standards. Section 12(d)(3) clearly allows agencies to decline to adopt voluntary consensus standards if they are inconsistent with applicable law or otherwise impractical. Furthermore, the Commission believes that it is in keeping with the intent of the Act if industry consensus standards are endorsed with limitations, rather than failing to endorse them in their entirety because of a few objectionable provisions. Ten commenters suggested that the modifications and limitations, in effect, reject the ASME consensus process. Some further suggested that many of the issues had not previously been brought to the ASME's attention. The NRC disagrees that the limitations and modifications exemplify NRC's failure to accept the consensus process of standards development. There are several examples, such as the new Section III piping seismic design criteria, which illustrate that the consensus process failed to consider the NRC representatives' comments that the bases for some of the criteria were flawed. This has been conclusively confirmed through additional testing performed by ETEC. Nearly all of the issues had previously been brought to the attention of committee members directly or as a result of public issuances such as NUREGs and generic communications.

On April 27, 1999 (64 FR 22580), the NRC published a supplement to the proposed rule dated December 3, 1997 (63 FR 63892), that would eliminate the requirement for licensees to update their ISI and IST programs beyond a baseline edition and addenda of the ASME BPV Code. Under the proposed rule, licensees would continue to be allowed to update their ISI and IST programs to more recent editions and addenda of the ASME Code incorporated by reference in the regulations. In a Staff Requirements Memorandum dated June 24, 1999, the Commission directed the NRC staff to complete expeditiously the issuance of the final rule to incorporate by reference the 1995 Edition with the 1996 Addenda of the ASME BPV Code and the ASME OM Code with appropriate limitations and modifications, and to consider the elimination of the requirement to update ISI and IST programs every 120 months as a separate rulemaking effort. The NRC is currently reviewing the public comments received on the proposed rule dated April 27, 1999. The NRC will indicate the decision regarding the need for periodic updating of ISI and IST programs and, if necessary, an appropriate baseline edition of the ASME Code following the review of public comments.

2.8 Steam Generators.

ASME Code requirements for repair of heat exchanger tubes by sleeving were added to Section XI in the 1989 Addenda. This portion of the Code contains requirements for sleeving of heat exchanger tubes by several methods (e.g., explosion welding, fusion welding, expansion, etc.). The NRC has reviewed the Code requirements for sleeving and determined that they are acceptable. However, it should be recognized that, typically, there are other relevant requirements that need to be addressed for the application of sleeving to steam generator tubing. Some of the other requirements are as follows: periodic inservice inspections, repair of sleeves containing flaws exceeding the plugging limit (i.e., tube repair criteria), structural design and operational leakage limits. All of these sleeving requirements (ASME Code and

otherwise) would need to be addressed in the technical specifications sleeving license amendment request. Thus, the NRC determination that the ASME Code sleeving requirements are acceptable should be kept in perspective.

2.9 Future Revisions of Regulatory Guides Endorsing Code Cases.

Section 50.55a indicates the ASME Code edition and addenda which have been approved for use by the NRC. In addition, Footnote 6 to 10 CFR 50.55a references NRC Regulatory Guide 1.84, "Design and Code Case Acceptability—ASME Section III Division 1," NRC Regulatory Guide 1.85, "Materials Code Case Acceptability—ASME Section III Division 1," and NRC Regulatory Guide 1.147, "Inservice Inspection Code Case Acceptability—ASME Section XI Division 1," which list the ASME Code cases that have been determined suitable by the NRC for use and may be applied to: (1) The design and construction of a particular component; or (2) the performance of inservice examination of systems and components. A determination has been made that the regulatory guide process must change in order to assure that the Code cases endorsed in the Regulatory Guides are incorporated by reference into the regulations and constitute legally-binding alternatives to the existing requirements in § 50.55a. Draft Revision 31 to Regulatory Guide 1.84, draft Revision 31 to Regulatory Guide 1.85, and draft Revision 12 to Regulatory Guide 1.147 were published for public comment in May 1997. The final regulatory guides were published in May 1999, in accordance with the present process. Future revisions to these regulatory guides, however, will be accompanied by rulemaking which will change the footnote reference to indicate the acceptable regulatory guide revisions, and to reflect approval for incorporation by reference of the endorsed Code cases by the Office of the Federal Register.

3. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104–113, requires that agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC is amending its regulations to incorporate by reference more recent editions and addenda of the ASME Boiler and Pressure Vessel Code and the ASME Code for Operation and Maintenance of Nuclear Power Plants for construction, inservice inspection, and inservice testing as identified in the **SUPPLEMENTARY INFORMATION** of this document.

4. Finding of No Significant Environmental Impact

Based upon an environmental assessment, the Commission has determined, under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule will not have a significant effect on the quality of the human environment and therefore an environmental impact statement is not required.

The final rule is one part of a regulatory framework directed to ensuring pressure boundary integrity and the operational readiness of pumps and valves. The final rule incorporates provisions contained in the ASME BPV Code and the OM Code for the construction, inservice inspection, and inservice testing of components used in nuclear power plants. These provisions have been updated to incorporate improved technology and methodology. Therefore, in the general sense, the final rule would have a positive impact on the environment.

The final rule endorses ASME BPV Code, Section XI, 1995 Edition with the 1996 Addenda. As most of the technical changes to this edition/addenda merely incorporate improved technology and methodology, imposition of these requirements is not expected to either increase or decrease occupational exposure. However, imposition of paragraphs IWF–2510, Table IWF–2500–1, Examination Category F–A, and IWF–2430, will result in fewer supports being examined which will decrease the occupational exposure compared to present support inspection plans. It is estimated that an examiner receives approximately 100 millirems for every 25 supports examined. Adoption of the new provisions is expected to decrease the total number of supports to be examined by approximately 115 per unit per interval. Thus, the reduction in occupational exposure is estimated to be 460 millirems per unit each inspection interval or 50.14 rems for 109 units.

The final rule endorses the 1995 Edition with the 1996 Addenda of the ASME OM Code. The provisions of the OM Code are not expected to either increase or decrease occupational exposure. The types of testing associated with the 1995 Edition with the 1996 Addenda of the OM Code are essentially the same as the OM standards contained in the 1989 Edition of Section XI referenced in a final rule published on August 6, 1992 (57 FR 34666).

Actions by applicants and licensees in response to the final rule are of the same nature as those applicants and licensees have been performing for many years. Therefore, this action should not increase the potential for a negative environmental impact.

The Commission has determined, in accordance with the National Environmental Policy Act of 1969, as amended and the Commission's regulations in subpart A of 10 CFR part 51, that this rulemaking is not a major action significantly affecting the quality of the human environment, and, therefore, an environmental impact statement is not required. This final rule amends the NRC regulations pertaining to ISI and IST requirements for nuclear power plant components. The current regulations in 10 CFR 50.55a incorporates by reference the 1989 Edition of the ASME BPV Code, Section III, Division 1; the 1989 Edition of the ASME BPV Code, Section XI, Division 1, for Class 1, Class 2, and Class 3 components; the 1992 Edition with the 1992 Addenda of the ASME BPV Code, Section XI, Division 1, for Class MC and Class CC components; and the 1989 Edition of the ASME BPV Code, Section XI, Division 1, for Class 1, Class 2, and Class 3 pumps and valves. The Commission is amending its regulations to incorporate by reference the 1989 Addenda, 1990 Addenda, 1991 Addenda, 1992 Edition, 1992 Addenda, 1993 Addenda, 1994 Addenda, 1995 Edition, 1995 Addenda, and 1996 Addenda of Section III, Division 1, of the ASME BPV Code with five limitations; the 1989 Addenda, 1990 Addenda, 1991 Addenda, 1992 Edition, 1992 Addenda, 1993 Addenda, 1994 Addenda, 1995 Edition, 1995 Addenda, and 1996 Addenda of Section XI, Division 1, of the ASME BPV Code with three limitations; and the 1995 Edition and 1996 Addenda of the ASME OM Code with one limitation and one modification. The final rule imposes an expedited implementation of performance demonstration methods for ultrasonic examination systems. The final rule permits the optional implementation of the ASME Code, Section XI, provisions for surface examinations of High Pressure Safety Injection Class 1 piping welds. The final rule also permits the use of evaluation criteria for temporary acceptance of flaws in ASME Code Class 3 piping (Code Case N–523–1); mechanical clamping devices for ASME Code Class 2 and 3 piping (Code Case N–513); the 1992 Edition including the 1992 Addenda of Subsections IWE and IWL

in lieu of updating to the 1995 Edition and 1996 Addenda; alternative rules for preservice and inservice testing of certain motor-operated valve assemblies (OMN–1) in lieu of stroke-time testing; a check valve monitoring program in lieu of certain requirements in Subsection ISTC of the ASME OM Code (Appendix II to the OM Code); and guidance in Subsection ISTD of the OM Code as part of meeting the ISI requirements of Section XI for snubbers. This final rule deletes a previous modification for inservice testing of containment isolation valves. The editions and addenda of the ASME BPV Code and OM Code incorporated by reference provide updated rules for the construction of components of light-water-cooled nuclear power plants, and for the inservice inspection and inservice testing of those components. This final rule permits the use of improved methods for construction, inservice inspection, and inservice testing of nuclear power plant components. For these reasons, the Commission concludes that this rule should have no significant adverse impact on the operation of any licensed facility or the environment surrounding these facilities.

The conclusion of this environmental assessment is that there will be no significant offsite impact to the general public from this action. However, the general public should note that the NRC has also committed to comply with Executive Order (EO) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994, in all its actions. Therefore, the NRC has also determined that there is no disproportionately high adverse impacts on minority and low-income populations. In the letter and spirit of EO 12898, the NRC is requesting public comment on any environmental justice considerations or questions that the public thinks may be related to this final rule. The NRC uses the following working definition of "environmental justice': the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Comments on any aspect of the environmental assessment, including environmental justice may be submitted to the NRC.

The NRC will send a copy of this final rule including the foregoing Environmental Assessment to every State Liaison Officer.

The environmental assessment is available for inspection at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC. Single copies of the environmental assessment are available from Thomas G. Scarbrough, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–2794, or Robert A. Hermann, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–2768.

5. Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These requirements were approved by the Office of Management and Budget approval number 3150–0011.

The public reporting burden for this information collection is estimated to average 85 person-hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

6. Regulatory Analysis

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington DC. Single copies of the analysis may be obtained from Thomas G. Scarbrough, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–2794, or Robert A. Hermann, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–2768.

7. Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. This final rule involves the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121. Public comment received on this section suggested that the implementation of Appendix VIII of ASME BPV Code, Section XI, on performance qualification for ultrasonic testing might negatively impact small entities that contract their examination personnel to nuclear power plants. However, the final rule permits licensees to implement either Appendix VIII as contained in the 1995 Edition with the 1996 Addenda of the ASME Code, or Appendix VIII as implemented by the industry's PDI program. As a result, the NRC is unaware of any small entities in this area of expertise that are adversely affected such that they cannot satisfy either Appendix VIII as written or as implemented by PDI and endorsed in the rule.

8. Backfit Analysis

The NRC regulations in 10 CFR 50.55a require that nuclear power plant owners—

(1) Construct Class 1, Class 2, and Class 3 components in accordance with the rules provided in Section III, Division 1, "Requirements for Construction of Nuclear Power Plant Components," of the ASME BPV Code;

(2) Inspect Class 1, Class 2, Class 3, Class MC (metal containment) and Class CC (concrete containment) components in accordance with the rules provided in Section XI, Division 1, "Requirements for Inservice Inspection of Nuclear Power Plant Components," of the BPV Code; and

(3) Test Class 1, Class 2, and Class 3 pumps and valves in accordance with the rules provided in Section XI, Division 1.

The amendment to 10 CFR 50.55a endorses the 1995 Edition with the 1996 Addenda of Section XI, Division 1, of the ASME BPV Code for ISI of Class 1, Class 2, Class 3, Class MC, and Class CC components; and the 1995 Edition with the 1996 Addenda of the ASME OM Code for IST of Class 1, Class 2, and Class 3 pumps and valves. The final rule requires licensees to implement Appendix VIII, "Performance Demonstration for Ultrasonic Examination Systems," to Section XI, Division 1, as contained in the 1995 Edition with the 1996 Addenda of the ASME BPV Code, or Appendix VIII as

modified during the development of the PDI program.

Under § 50.55a(a)(3), licensees may voluntarily update to the 1989 Addenda through the 1996 Addenda of Section III of the BPV Code, with limitations. In addition, the modification for containment isolation valve inservice testing that applied to the 1989 Edition of the BPV Code has been deleted.

The NRC regulations currently require licensees to update their ISI and IST programs every 120 months to the version of Section XI incorporated by reference into 10 CFR 50.55a 12 months prior to the start of a new 10-year interval. In the past, the NRC position has consistently been that 10 CFR 50.109 does not ordinarily require a backfit analysis of the routine 120-month update to 10 CFR 50.55a. The basis for the NRC position is that

(1) Section III, Division 1, update applies only to new construction (i.e., the edition and addenda to be used in the construction of a plant are selected based upon the date of the construction permit and are not changed thereafter, except voluntarily by the licensee);

(2) Licensees understand that 10 CFR 50.55a requires that they update their ISI and IST programs every 10 years to the latest edition and addenda of the ASME Code that were incorporated by reference in 10 CFR 50.55a and in effect 12 months before the start of the next inspection interval; and

(3) The ASME Code is a national consensus standard developed by participants with broad and varied interests where all interested parties (including the NRC and utilities) participate; the consensus process includes an examination of the cost and benefits of proposed Code revisions.

This consideration is consistent with both the intent and spirit of the backfit rule (i.e., NRC provides for the protection of the public health and safety, and does not unilaterally impose undue burden on applicants or licensees). Finally, to ensure that any interested member of the public that may not have had an opportunity to participate in the national consensus standard process is able to communicate with the NRC, proposed rules are published in the **Federal Register**. However, it should be noted that the Commission's initial endorsement of new subsections or appendices which would expand the scope of 10 CFR 50.55a to, *e.g.*, include components that are not presently considered by the regulation (e.g., containment structures under Subsection IWE and Subsection IWL) would be subject to the Backfit Rule, unless one or more of the exceptions to 10 CFR 50.109(a)(4) apply.

The Nuclear Utility Backfitting and Reform Group (NUBARG) and the Nuclear Energy Institute (NEI) each raised a concern with regard to the NRC's position on routine updates to 10 CFR 50.55a. Both NUBARG and NEI believe that, contrary to the NRC's determination, the routine updating of 10 CFR 50.55a to incorporate by reference new ASME Code provisions for ISI and IST constitutes a backfit for which a backfit analysis is required. The NRC has reviewed all of NUBARG's and NEI's comments in detail and has concluded that neither NUBARG nor NEI raise legal concerns which would alter the previous legal conclusion that the Backfit Rule does not require a backfit analysis of routine updates to 10 CFR 50.55a to incorporate new ASME Code ISI and IST requirements. Based on the historical evolution of the ISI requirements in 10 CFR 50.55a, the NRC believes it manifest that the "automatic update" of ISI programs under § 50.55a(g) exists in tandem with the periodic updating and endorsement of new Code editions and addenda for ISI under § 50.55a(b), and that the Commission intended that they be treated as an integrated regulatory structure for ISI which should not be subject to the Backfit Rule except in limited circumstances as discussed above. However, even though the NRC has determined that updating and endorsement of new Code editions and addenda are not subject to the Backfit Rule, the NRC is still considering these issues in the context of DSI 13. In particular, on April 27, 1999 (64 FR 22580), the NRC published a supplement to the proposed rule dated December 3, 1997 (62 FR 63892), to eliminate the requirement for licensees to update their ISI and IST programs beyond a baseline edition and addenda of the ASME BPV Code. Under that proposed rule, licensees would continue to be allowed to update their ISI and IST programs to more recent editions and addenda of the ASME Code incorporated by reference in the regulations. Upon further review, the Commission decided to complete the issuance of this final rule endorsing the 1995 Edition with the 1996 Addenda of the ASME BPV Code and the ASME OM Code with appropriate limitations and modifications and to consider the elimination of the requirement to update ISI and IST programs every 120 months as a separate rulemaking effort. Following consideration of the public comments on the April 27, 1999, proposed rule, the NRC may prepare a final rule addressing the continued need for the requirement to update periodically ISI and IST programs and, if necessary, establishing an appropriate baseline edition of the ASME Code.

The provisions for IST of pumps and valves were originally contained in Section XI Subsections IWP and IWV of the ASME BPV Code, but have now been moved by ASME to a new OM Code. Section XI, 1989 Edition was incorporated by reference in the August 6, 1992, rulemaking (57 FR 34666). The 1990 OM Code standards, Parts 1, 6, and 10 of ASME/ANSI–OM–1987, are identical to Section XI, 1989 Edition. This amendment is an administrative change simply referencing the 1995 Edition with the 1996 Addenda of the OM Code. Therefore, imposition of the 1995 Edition with the 1996 Addenda of the OM Code is not a backfit.

Appendix VIII to ASME BPV Code, Section XI, or Appendix VIII as modified during the development of the PDI program will be used to demonstrate the qualification of personnel and procedures for performing nondestructive examination of welds in components of systems that include the reactor coolant system and the emergency core cooling systems in nuclear power facilities. These performance demonstration programs will greatly increase the reliability of detection and sizing of cracks and flaws. Current requirements have been demonstrated not to be able to consistently and accurately identify and size cracks and flaws and thus are not effective. The Appendix delineates a method for qualification of the personnel and procedures. Appendix VIII changes the Code rules from a prescriptive set of requirements to a performance based approach that allows for implementation of improved technology without changes to the regulations. Performance demonstration would normally be imposed by the 120-month update requirement but, because of its importance, implementation of Appendix VIII is being expedited by the rulemaking. Because of the fundamental change in the nature of the qualification requirements, Appendix VIII is being considered a backfit. The proposed rule would have required licensees to implement Appendix VIII, including the modifications, for all examinations of the pressure vessel, piping, nozzles, and bolts and studs which occur after 6 months from the date of the final rule. However, based on public comment, the final rule adopts a phased implementation approach for Appendix VIII, ranging from 6 months to 3 years, depending on the supplement. The final rule will not require any change to a licensee's ISI schedule for examination of these components, but will require

that the provisions of Appendix VIII as contained in the 1995 Edition with the 1996 Addenda (as supplemented by the final rule) or Appendix VIII as modified during the development of the PDI program (as supplemented by the final rule) be used for all examinations after that date rather than the UT procedures and personnel requirements presently being utilized by licensees.

On the basis of the documented evaluation required by § 50.109(a)(4), the NRC has concluded that imposition of Appendix VIII is necessary to bring the facilities described into compliance with GDC 14, 10 CFR Part 50, Appendix A, or similar provisions in the licensing basis for these facilities, and Criterion II, "Quality Assurance Program," and Criterion XVI, "Corrective Actions," of appendix B to 10 CFR part 50. Criterion II requires, in part, that a QA program shall take into account the need for special controls, processes, test equipment, tools, and skills to attain the required quality and the need for verification of quality by inspection and test. Evidence indicates that there are shortcomings in the qualifications of personnel and procedures in ensuring the reliability of the examinations. These safety significant revisions to the Code include specific requirements for UT performance demonstration, with statistically based acceptance criteria for blind testing of UT systems (procedures, equipment, and personnel) used to detect and size flaws. Criterion XVI requires that measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances, are promptly identified and corrected. Because of the serious degradation which has occurred, and the belief that additional occurrences of noncompliance with GDC 14, and Criteria II and XVI will occur, the NRC has determined that imposition of Appendix VIII beginning 6 months after the final rule has been published under the compliance exception to § 50.109(a)(4)(i) is appropriate. Therefore, a backfit analysis is not required and the cost-benefit standards of § 50.109(a)(3) do not apply. A complete discussion is contained in the documented evaluation.

The rationale for application of the backfit rule and the backfit justification for the various items contained in this final rule are contained in the regulatory analysis and documented evaluation. The regulatory analysis and documented evaluation are available for inspection at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC. Single copies of the regulatory analysis and documented evaluation are available from Thomas G. Scarbrough, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–2794, or Robert A. Hermann, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–2768.

9. Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Sections 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955 as amended (42 U.S.C. 2131, 2235), sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

2. Section 50.55a is amended as follows:

a. By removing paragraph (b)(2)(vii);

b. By redesignating and revising paragraphs (b)(2)(viii), (b)(2)(ix), and (b)(2)(x) as (b)(2)(vii), (b)(2)(viii), and (b)(2)(ix), respectively;

c. By adding paragraphs (b)(1)(i) through (b)(1)(v), (b)(2)(x) through (b)(2)(xvii), (b)(3), (g)(4)(iii), and (g)(6)(ii)(C); and

d. By revising the introductory paragraph, the introductory text of paragraph (b), paragraph (b)(1), the introductory text of paragraph (b)(2), paragraph (b)(2)(vi), the introductory text of paragraph (f), paragraphs (f)(1), the introductory text of paragraph (f)(3), paragraphs (f)(3)(iii), (f)(3)(iv), the introductory text of paragraph (f)(4), paragraph (g)(1), the introductory text of paragraph (g)(3), paragraph (g)(3)(i), the introductory paragraph of (g)(4), and paragraphs (g)(4)(v)(C), (g)(6)(ii)(B)(*1*), and (g)(6)(ii)(B)(*2*), to read as follows:

§ 50.55a Codes and standards.

Each operating license for a boiling or pressurized water-cooled nuclear power facility is subject to the conditions in paragraphs (f) and (g) of this section and each construction permit for a utilization facility is subject to the following conditions in addition to those specified in § 50.55.

* * * * *

(b) The ASME Boiler and Pressure Vessel Code, and the ASME Code for Operation and Maintenance of Nuclear Power Plants, which are referenced in the following paragraphs, were approved for incorporation by reference by the Director of the Federal Register. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register**. Copies of the ASME Boiler and Pressure Vessel Code and the ASME Code for Operation and Maintenance of Nuclear Power Plants may be purchased from the American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016. They are also available for inspection at the NRC Library, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852–2738.

Copies are also available at the Office of the Federal Register, 800 N. Capitol Street, Suite 700, Washington, DC.

(1) As used in this section, references to Section III of the ASME Boiler and Pressure Vessel Code refer to Section III, Division 1, and include editions through the 1995 Edition and addenda through the 1996 Addenda, subject to the following limitations and modifications:

(i) *Section III Materials.* When applying the 1992 Edition of Section III, licensees must apply the 1992 Edition with the 1992 Addenda of Section II of the ASME Boiler and Pressure Vessel Code.

(ii) *Weld leg dimensions.* When applying the 1989 Addenda through the 1996 Addenda of Section III, licensees may not apply paragraph NB–3683.4(c)(1), Footnote 11 to Figure NC–3673.2(b)–1, and Figure ND–3673.2(b)–1.

(iii) *Seismic design.* Licensees may use Articles NB–3200, NB–3600, NC–3600, and ND–3600 up to and including the 1993 Addenda, subject to the limitation specified in paragraph (b)(1)(ii) of this section. Licensees shall not use these Articles in the 1994 Addenda through the 1996 Addenda.

(iv) *Quality assurance.* When applying editions and addenda later than the 1989 Edition of Section III, the requirements of NQA–1, "Quality Assurance Requirements for Nuclear Facilities," 1986 Edition through the 1992 Edition, are acceptable for use provided that the edition and addenda of NQA–1 specified in NCA–4000 is used in conjunction with the administrative, quality, and technical provisions contained in the edition and addenda of Section III being used.

(v) *Independence of inspection.* Licensees may not apply NCA–4134.10(a) of Section III, 1995 Edition with the 1996 Addenda.

(2) As used in this section, references to Section XI of the ASME Boiler and Pressure Vessel Code refer to Section XI, Division 1, and include editions through the 1995 Edition and addenda through the 1996 Addenda, subject to the following limitations and modifications:

* * * * *

(vi) *Effective edition and addenda of Subsection IWE and Subsection IWL, Section XI.* Licensees may use either the 1992 Edition with the 1992 Addenda or the 1995 Edition with the 1996 Addenda of Subsection IWE and Subsection IWL as modified and supplemented by the requirements in § 50.55a(b)(2)(viii) and § 50.55a(b)(2)(ix) when implementing the containment inservice inspection requirements of this section.

(vii) *Section XI References to OM Part 4, OM Part 6 and OM Part 10 (Table IWA–1600–1).* When using Table IWA–1600–1, "Referenced Standards and Specifications," in the Section XI, Division 1, 1987 Addenda, 1988 Addenda, or 1989 Edition, the specified "Revision Date or Indicator" for ASME/ANSI OM Part 4, ASME/ANSI Part 6, and ASME/ANSI Part 10 must be the OMa–1988 Addenda to the OM–1987 Edition. These requirements have been incorporated into the OM Code which is incorporated by reference in paragraph (b)(3) of this section.

(viii) *Examination of concrete containments.* Licensees applying Subsection IWL, 1992 Edition with the 1992 Addenda, shall apply all of the modifications in this paragraph. Licensees choosing to apply the 1995 Edition with the 1996 Addenda shall apply paragraphs (b)(2)(viii)(A), (viii)(D)(*3*), and (viii)(E) of this section.

(A) Grease caps that are accessible must be visually examined to detect grease leakage or grease cap deformations. Grease caps must be removed for this examination when there is evidence of grease cap deformation that indicates deterioration of anchorage hardware.

(B) When evaluation of consecutive surveillances of prestressing forces for the same tendon or tendons in a group indicates a trend of prestress loss such that the tendon force(s) would be less than the minimum design prestress requirements before the next inspection interval, an evaluation must be performed and reported in the Engineering Evaluation Report as prescribed in IWL–3300.

(C) When the elongation corresponding to a specific load (adjusted for effective wires or strands) during retensioning of tendons differs by more than 10 percent from that recorded during the last measurement, an evaluation must be performed to determine whether the difference is related to wire failures or slip of wires in anchorage. A difference of more than 10 percent must be identified in the ISI Summary Report required by IWA–6000.

(D) The licensee shall report the following conditions, if they occur, in the ISI Summary Report required by IWA–6000:

(*1*) The sampled sheathing filler grease contains chemically combined water exceeding 10 percent by weight or the presence of free water;

(*2*) The absolute difference between the amount removed and the amount replaced exceeds 10 percent of the tendon net duct volume;

(*3*) Grease leakage is detected during general visual examination of the containment surface.

(E) For Class CC applications, the licensee shall evaluate the acceptability of inaccessible areas when conditions exist in accessible areas that could indicate the presence of or result in degradation to such inaccessible areas. For each inaccessible area identified, the licensee shall provide the following in the ISI Summary Report required by IWA–6000:

(*1*) A description of the type and estimated extent of degradation, and the conditions that led to the degradation;

(*2*) An evaluation of each area, and the result of the evaluation, and;

(*3*) A description of necessary corrective actions.

(ix) *Examination of metal containments and the liners of concrete containments.*

(A) For Class MC applications, the licensee shall evaluate the acceptability of inaccessible areas when conditions exist in accessible areas that could indicate the presence of or result in degradation to such inaccessible areas. For each inaccessible area identified, the licensee shall provide the following in the ISI Summary Report as required by IWA–6000:

(*1*) A description of the type and estimated extent of degradation, and the conditions that led to the degradation;

(*2*) An evaluation of each area, and the result of the evaluation, and;

(*3*) A description of necessary corrective actions.

(B) When performing remotely the visual examinations required by Subsection IWE, the maximum direct examination distance specified in Table IWA–2210–1 may be extended and the minimum illumination requirements specified in Table IWA–2210–1 may be decreased provided that the conditions or indications for which the visual examination is performed can be detected at the chosen distance and illumination.

(C) The examinations specified in Examination Category E–B, Pressure Retaining Welds, and Examination Category E–F, Pressure Retaining Dissimilar Metal Welds, are optional.

(D) Section 50.55a(b)(2)(ix)(D) may be used as an alternative to the requirements of IWE–2430.

(*1*) If the examinations reveal flaws or areas of degradation exceeding the acceptance standards of Table IWE–3410–1, an evaluation must be performed to determine whether additional component examinations are required. For each flaw or area of degradation identified which exceeds acceptance standards, the licensee shall

provide the following in the ISI Summary Report required by IWA–6000:

(*i*) A description of each flaw or area, including the extent of degradation, and the conditions that led to the degradation;

(*ii*) The acceptability of each flaw or area, and the need for additional examinations to verify that similar degradation does not exist in similar components, and;

(*iii*) A description of necessary corrective actions.

(*2*) The number and type of additional examinations to ensure detection of similar degradation in similar components.

(E) A general visual examination as required by Subsection IWE must be performed once each period.

(x) *Quality Assurance.* When applying Section XI editions and addenda later than the 1989 Edition, the requirements of NQA–1, "Quality Assurance Requirements for Nuclear Facilities," 1979 Addenda through the 1989 Edition, are acceptable as permitted by IWA–1400 of Section XI, if the licensee uses its 10 CFR Part 50, Appendix B, quality assurance program, in conjunction with Section XI requirements. Commitments contained in the licensee's quality assurance program description that are more stringent than those contained in NQA–1 must govern Section XI activities. Further, where NQA–1 and Section XI do not address the commitments contained in the licensee's Appendix B quality assurance program description, the commitments must be applied to Section XI activities.

(xi) *Class 1 piping.* Licensees may not apply IWB–1220, "Components Exempt from Examination," of Section XI, 1989 Addenda through the 1996 Addenda, and shall apply IWB–1220, 1989 Edition.

(xii) Reserved.

(xiii) *Flaws in Class 3 Piping.* Licensees may use the provisions of Code Case N–513, "Evaluation Criteria for Temporary Acceptance of Flaws in Class 3 Piping," Revision 0, and Code Case N–523–1, "Mechanical Clamping Devices for Class 2 and 3 Piping." Licensees choosing to apply Code Case N–523–1 shall apply all of its provisions. Licensees choosing to apply Code Case N–513 shall apply all of its provisions subject to the following:

(A) When implementing Code Case N–513, the specific safety factors in paragraph 4.0 must be satisfied.

(B) Code Case N–513 may not be applied to:

(*1*) Components other than pipe and tube, such as pumps, valves, expansion joints, and heat exchangers;

(*2*) Leakage through a flange gasket;

(*3*) Threaded connections employing nonstructural seal welds for leakage prevention (through seal weld leakage is not a structural flaw, thread integrity must be maintained); and

(*4*) Degraded socket welds.

(xiv) *Appendix VIII personnel qualification.* All personnel qualified for performing ultrasonic examinations in accordance with Appendix VIII shall receive 8 hours of annual hands-on training on specimens that contain cracks. This training must be completed no earlier than 6 months prior to performing ultrasonic examinations at a licensee's facility.

(xv) *Appendix VIII specimen set and qualification requirements.* The following provisions may be used to modify implementation of Appendix VIII of Section XI, 1995 Edition with the 1996 Addenda. Licensees choosing to apply these provisions shall apply all of the provisions except for those in § 50.55a(b)(2)(xv)(F) which are optional.

(A) When applying Supplements 2 and 3 to Appendix VIII, the following examination coverage criteria requirements must be used:

(*1*) Piping must be examined in two axial directions and when examination in the circumferential direction is required, the circumferential examination must be performed in two directions, provided access is available.

(*2*) Where examination from both sides is not possible, full coverage credit may be claimed from a single side for ferritic welds. Where examination from both sides is not possible on austenitic welds, full coverage credit from a single side may be claimed only after completing a successful single sided Appendix VIII demonstration using flaws on the opposite side of the weld.

(B) The following provisions must be used in addition to the requirements of Supplement 4 to Appendix VIII:

(*1*) Paragraph 3.1, Detection acceptance criteria—Personnel are qualified for detection if the results of the performance demonstration satisfy the detection requirements of ASME Section XI, Appendix VIII, Table VIII–S4–1 and no flaw greater than 0.25 inch through wall dimension is missed.

(*2*) Paragraph 1.1(c), Detection test matrix—Flaws smaller than the 50 percent of allowable flaw size, as defined in IWB–3500, need not be included as detection flaws. For procedures applied from the inside surface, use the minimum thickness specified in the scope of the procedure to calculate a/t. For procedures applied from the outside surface, the actual thickness of the test specimen is to be used to calculate a/t.

(C) When applying Supplement 4 to Appendix VIII, the following provisions must be used:

(*1*) A depth sizing requirement of 0.15 inch RMS shall be used in lieu of the requirements in Subparagraphs 3.2(a) and 3.2(b).

(*2*) In lieu of the location acceptance criteria requirements of Subparagraph 2.1(b), a flaw will be considered detected when reported within 1.0 inch or 10 percent of the metal path to the flaw, whichever is greater, of its true location in the X and Y directions.

(*3*) In lieu of the flaw type requirements of Subparagraph 1.1(e)(1), a minimum of 70 percent of the flaws in the detection and sizing tests shall be cracks. Notches, if used, must be limited by the following:

(*i*) Notches must be limited to the case where examinations are performed from the clad surface.

(*ii*) Notches must be semielliptical with a tip width of less than or equal to 0.010 inches.

(*iii*) Notches must be perpendicular to the surface within ± 2 degrees.

(*4*) In lieu of the detection test matrix requirements in paragraphs 1.1(e)(2) and 1.1(e)(3), personnel demonstration test sets must contain a representative distribution of flaw orientations, sizes, and locations.

(D) The following provisions must be used in addition to the requirements of Supplement 6 to Appendix VIII:

(*1*) Paragraph 3.1, Detection Acceptance Criteria—Personnel are qualified for detection if:

(*i*) No surface connected flaw greater than 0.25 inch through wall has been missed.

(*ii*) No embedded flaw greater than 0.50 inch through wall has been missed.

(*2*) Paragraph 3.1, Detection Acceptance Criteria—For procedure qualification, all flaws within the scope of the procedure are detected.

(*3*) Paragraph 1.1(b) for detection and sizing test flaws and locations—Flaws smaller than the 50 percent of allowable flaw size, as defined in IWB–3500, need not be included as detection flaws. Flaws which are less than the allowable flaw size, as defined in IWB–3500, may be used as detection and sizing flaws.

(*4*) Notches are not permitted.

(E) When applying Supplement 6 to Appendix VIII, the following provisions must be used:

(*1*) A depth sizing requirement of 0.25 inch RMS must be used in lieu of the requirements of subparagraphs 3.2(a), 3.2(c)(2), and 3.2(c)(3).

(*2*) In lieu of the location acceptance criteria requirements in Subparagraph

2.1(b), a flaw will be considered detected when reported within 1.0 inch or 10 percent of the metal path to the flaw, whichever is greater, of its true location in the X and Y directions.

(*3*) In lieu of the length sizing criteria requirements of Subparagraph 3.2(b), a length sizing acceptance criteria of 0.75 inch RMS must be used.

(*4*) In lieu of the detection specimen requirements in Subparagraph 1.1(e)(1), a minimum of 55 percent of the flaws must be cracks. The remaining flaws may be cracks or fabrication type flaws, such as slag and lack of fusion. The use of notches is not allowed.

(*5*) In lieu of paragraphs 1.1(e)(2) and 1.1(e)(3) detection test matrix, personnel demonstration test sets must contain a representative distribution of flaw orientations, sizes, and locations.

(F) The following provisions may be used for personnel qualification for combined Supplement 4 to Appendix VIII and Supplement 6 to Appendix VIII qualification. Licensees choosing to apply this combined qualification shall apply all of the provisions of Supplements 4 and 6 including the following provisions:

(*1*) For detection and sizing, the total number of flaws must be at least 10. A minimum of 5 flaws shall be from Supplement 4, and a minimum of 50 percent of the flaws must be from Supplement 6. At least 50 percent of the flaws in any sizing must be cracks. Notches are not acceptable for Supplement 6.

(*2*) Examination personnel are qualified for detection and length sizing when the results of any combined performance demonstration satisfy the acceptance criteria of Supplement 4 to Appendix VIII.

(*3*) Examination personnel are qualified for depth sizing when Supplement 4 to Appendix VIII and Supplement 6 to Appendix VIII flaws are sized within the respective acceptance criteria of those supplements.

(G) When applying Supplement 4 to Appendix VIII, Supplement 6 to Appendix VIII, or combined Supplement 4 and Supplement 6 qualification, the following additional provisions must be used, and examination coverage must include:

(*1*) The clad to base metal interface, including a minimum of 15 percent T (measured from the clad to base metal interface), shall be examined from four orthogonal directions using procedures and personnel qualified in accordance with Supplement 4 to Appendix VIII.

(*2*) If the clad-to-base-metal-interface procedure demonstrates detectability of flaws with a tilt angle relative to the weld centerline of at least 45 degrees, the remainder of the examination volume is considered fully examined if coverage is obtained in one parallel and one perpendicular direction. This must be accomplished using a procedure and personnel qualified for single-side examination in accordance with Supplement 6. Subsequent examinations of this volume may be performed using examination techniques qualified for a tilt angle of at least 10 degrees.

(*3*) The examination volume not addressed by § 50.55a(b)(2)(xv)(G)(*1*) is considered fully examined if coverage is obtained in one parallel and one perpendicular direction, using a procedure and personnel qualified for single sided examination when the provisions of § 50.55a(b)(2)(xv)(G)(*2*) are met.

(*4*) Where applications are limited by design to single side access, credit may be taken for the full volume provided the examination volume is covered from a single direction perpendicular to the weld and the weld volume is examined from at least one direction parallel to the weld.

(H) When applying Supplement 5 to Appendix VIII, at least 50 percent of the flaws in the demonstration test set must be cracks and the maximum misorientation shall be demonstrated with cracks. Flaws in nozzles with bore diameters equal to or less than 4 inches may be notches.

(I) When applying Supplement 5, Paragraph (a), to Appendix VIII, the following provision must be used in calculating the number of permissible false calls:

(*1*) The number of false calls allowed must be D/10, with a maximum of 3, where D is the diameter of the nozzle.

(J) When applying the requirements of Supplement 5 to Appendix VIII, qualifications for the nozzle inside radius performed from the outside surface may be performed in accordance with Code Case N–552, "Qualification for Nozzle Inside Radius Section from the Outside Surface," provided that 10 CFR 50.55a(b)(2)(xv)(I)(*1*) is also satisfied.

(K) When performing nozzle-to-vessel weld examinations, the following provisions must be used when the requirements contained in Supplement 7 to Appendix VIII are applied for nozzle-to-vessel welds in conjunction with Supplement 4 to Appendix VIII, Supplement 6 to Appendix VIII, or combined Supplement 4 and Supplement 6 qualification.

(*1*) For examination of nozzle-to-vessel welds conducted from the bore, the following provisions are required to qualify the procedures, equipment, and personnel:

(*i*) For detection, a minimum of four flaws in one or more full-scale nozzle mock-ups must be added to the test set. The specimens must comply with Supplement 6, Paragraph 1.1, to Appendix VIII, except for flaw locations specified in Table VIII S6–1. Flaws may be either notches, fabrication flaws or cracks. Seventy five percent of the flaws must be cracks or fabrication flaws. Flaw locations and orientations must be selected from the choices shown in § 50.55a(b)(2)(xv)(K)(*4*), Table VIII–S7–1—Modified, except flaws perpendicular to the weld are not required. There may be no more than two flaws from each category, and at least one subsurface flaw must be included.

(*ii*) For length sizing, a minimum of four flaws as in § 50.55a(b)(2)(xv)(K)(*1*)(*i*) must be included in the test set. The length sizing results must be added to the results of combined Supplement 4 to Appendix VIII and Supplement 6 to Appendix VIII. The combined results must meet the acceptance standards contained in § 50.55a(b)(2)(xv)(E)(*3*

(*iii*) For depth sizing, a minimum of four flaws as in § 50.55a(b)(2)(xv)(K)(*1*)(*i*) must be included in the test set. Their depths must be distributed over the ranges of Supplement 4, Paragraph 1.1, to Appendix VIII, for the inner 15 percent of the wall thickness and Supplement 6, Paragraph 1.1, to Appendix VIII, for the remainder of the wall thickness. The depth sizing results must be combined with the sizing results from Supplement 4 to Appendix VIII for the inner 15 percent and to Supplement 6 to Appendix VIII for the remainder of the wall thickness. The combined results must meet the depth sizing acceptance criteria contained in §§ 50.55a(b)(2)(xv)(C)(*1*), 50.55a(b)(2)(xv)(E)(*1*), and 50.55a(b)(2)(xv)(F)(*3*).

(*2*) For examination of reactor pressure vessel nozzle-to-vessel welds conducted from the inside of the vessel,

(*i*) The clad to base metal interface and the adjacent examination volume to a minimum depth of 15 percent T (measured from the clad to base metal interface) must be examined from four orthogonal directions using a procedure and personnel qualified in accordance with Supplement 4 to Appendix VIII as modified by §§ 50.55a(b)(2)(xv)(B) and 50.55a(b)(2)(xv)(C).

(*ii*) When the examination volume defined in § 50.55a(b)(2)(xv)(K)(*2*)(*i*) cannot be effectively examined in all four directions, the examination must be

augmented by examination from the nozzle bore using a procedure and personnel qualified in accordance with § 50.55a(b)(2)(xv)(K)(*1*).

(*iii*) The remainder of the examination volume not covered by § 50.55a(b)(*2*)(xv)(K)(*2*)(*ii*) or a combination of § 50.55a(b)(2)(xv)(K)(*2*)(i) and § 50.55a(b)(2)(xv)(K)(*2*)(*ii*), must be examined from the nozzle bore using a procedure and personnel qualified in accordance with § 50.55a(b)(2)(xv)(K)(*1*), or from the vessel shell using a procedure and personnel qualified for single sided examination in accordance with Supplement 6 to Appendix VIII, as modified by §§ 50.55a(b)(2)(xv)(D), 50.55a(b)(2)(xv)(E), 50.55a(b)(2)(xv)(F), and 50.55a(b)(2)(xv)(G).

(*3*) For examination of reactor pressure vessel nozzle-to-shell welds conducted from the outside of the vessel,

(*i*) The clad to base metal interface and the adjacent metal to a depth of 15 percent T, (measured from the clad to base metal interface) must be examined from one radial and two opposing circumferential directions using a procedure and personnel qualified in accordance with Supplement 4 to Appendix VIII, as modified by §§ 50.55a(b)(2)(xv)(B) and 50.55a(b)(2)(xv)(C), for examinations performed in the radial direction, and Supplement 5 to Appendix VIII, as modified by § 50.55a(b)(2)(xv)(J), for examinations performed in the circumferential direction.

(*ii*) The examination volume not addressed by § 50.55a(b)(2)(xv)(K)(*3*)(*i*) must be examined in a minimum of one radial direction using a procedure and personnel qualified for single sided examination in accordance with Supplement 6 to Appendix VIII, as modified by §§ 50.55a(b)(2)(xv)(D), 50.55a(b)(2)(xv)(E), 50.55a(b)(2)(xv)(F), and 50.55a(b)(2)(xv)(G).

(*4*) Table VIII–S7–1, "Flaw Locations and Orientations," Supplement 7 to Appendix VIII, is modified as follows:

TABLE VIII–S7–1—MODIFIED

Flaw Locations and Orientations		
	Parallel to weld	Perpendicular to weld
Inner 15 percent	X	X
OD Surface	X	
Subsurface	X	

(L) As a modification to the requirements of Supplement 8, Subparagraph 1.1(c), to Appendix VIII, notches may be located within one diameter of each end of the bolt or stud.

(xvi) *Appendix VIII single side ferritic vessel and piping and stainless steel piping examination.*

(A) Examinations performed from one side of a ferritic vessel weld must be conducted with equipment, procedures, and personnel that have demonstrated proficiency with single side examinations. To demonstrate equivalency to two sided examinations, the demonstration must be performed to the requirements of Appendix VIII as modified by this paragraph and §§ 50.55a(b)(2)(xv) (B) through (G), on specimens containing flaws with non-optimum sound energy reflecting characteristics or flaws similar to those in the vessel being examined.

(B) Examinations performed from one side of a ferritic or stainless steel pipe weld must be conducted with equipment, procedures, and personnel that have demonstrated proficiency with single side examinations. To demonstrate equivalency to two sided examinations, the demonstration must be performed to the requirements of Appendix VIII as modified by this paragraph and § 50.55a(b)(2)(xv)(A).

(xvii) *Reconciliation of Quality Requirements.* When purchasing replacement items, in addition to the reconciliation provisions of IWA–4200, 1995 Edition with the 1996 Addenda, the replacement items must be purchased, to the extent necessary, in accordance with the owner's quality assurance program description required by 10 CFR 50.34(b)(6)(ii).

(3) As used in this section, references to the OM Code refer to the ASME Code for Operation and Maintenance of Nuclear Power Plants, and include the 1995 Edition and the 1996 Addenda subject to the following limitations and modifications:

(i) *Quality Assurance.* When applying editions and addenda of the OM Code, the requirements of NQA–1, "Quality Assurance Requirements for Nuclear Facilities," 1979 Addenda, are acceptable as permitted by ISTA 1.4 of the OM Code, provided the licensee uses its 10 CFR part 50, Appendix B, quality assurance program in conjunction with the OM Code requirements. Commitments contained in the licensee's quality assurance program description that are more stringent than those contained in NQA–1 govern OM Code activities. If NQA–1 and the OM Code do not address the commitments contained in the licensee's Appendix B quality assurance program description, the commitments must be applied to OM Code activities.

(ii) *Motor-Operated Valve stroke-time testing.* Licensees shall comply with the provisions on stroke time testing in OM Code ISTC 4.2, 1995 Edition with the 1996 Addenda, and shall establish a program to ensure that motor-operated valves continue to be capable of performing their design basis safety functions.

(iii) *Code Case OMN–1.* As an alternative to § 50.55a(b)(3)(ii), licensees may use Code Case OMN–1, "Alternative Rules for Preservice and Inservice Testing of Certain Electric Motor-Operated Valve Assemblies in Light Water Reactor Power Plants," Revision 0, 1995 Edition with the 1996 Addenda, in conjunction with ISTC 4.3, 1995 Edition with the 1996 Addenda. Licensees choosing to apply the Code case shall apply all of its provisions.

(A) The adequacy of the diagnostic test interval for each valve must be evaluated and adjusted as necessary but not later than 5 years or three refueling outages (whichever is longer) from initial implementation of ASME Code Case OMN–1.

(B) When extending exercise test intervals for high risk motor-operated valves beyond a quarterly frequency, licensees shall ensure that the potential increase in core damage frequency and risk associated with the extension is small and consistent with the intent of the Commission's Safety Goal Policy Statement.

(iv) *Appendix II.* The following modifications apply when implementing Appendix II, "Check Valve Condition Monitoring Program," of the OM Code, 1995 Edition with the 1996 Addenda:

(A) Valve opening and closing functions must be demonstrated when flow testing or examination methods (nonintrusive, or disassembly and inspection) are used;

(B) The initial interval for tests and associated examinations may not exceed two fuel cycles or 3 years, whichever is longer; any extension of this interval may not exceed one fuel cycle per extension with the maximum interval not to exceed 10 years; trending and evaluation of existing data must be used to reduce or extend the time interval between tests.

(C) If the Appendix II condition monitoring program is discontinued, then the requirements of ISTC 4.5.1 through 4.5.4 must be implemented.

(v) *Subsection ISTD.* Article IWF–5000, "Inservice Inspection Requirements for Snubbers," of the ASME BPV Code, Section XI, provides inservice inspection requirements for examinations and tests of snubbers at nuclear power plants. Licensees may

use Subsection ISTD, "Inservice Testing of Dynamic Restraints (Snubbers) in Light-Water Reactor Power Plants," ASME OM Code, 1995 Edition up to and including the 1996 Addenda, in lieu of the requirements for snubbers in Section XI, IWF–5200(a) and (b) and IWF–5300(a) and (b), by making appropriate changes to their technical specifications or licensee controlled documents. Preservice and inservice examinations shall be performed using the VT–3 visual examination method described in IWA–2213.

* * * * *

(f) *Inservice testing requirements.* Requirements for inservice inspection of Class 1, Class 2, Class 3, Class MC, and Class CC components (including their supports) are located in § 50.55a(g).

(1) For a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued prior to January 1, 1971, pumps and valves must meet the test requirements of paragraphs (f)(4) and (f)(5) of this section to the extent practical. Pumps and valves which are part of the reactor coolant pressure boundary must meet the requirements applicable to components which are classified as ASME Code Class 1. Other pumps and valves that perform a function to shut down the reactor or maintain the reactor in a safe shutdown condition, mitigate the consequences of an accident, or provide overpressure protection for safety-related systems (in meeting the requirements of the 1986 Edition, or later, of the Boiler and Pressure Vessel or OM Code) must meet the test requirements applicable to components which are classified as ASME Code Class 2 or Class 3.

* * * * *

(3) For a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued on or after July 1, 1974:

* * * * *

(iii)(A) Pumps and valves, in facilities whose construction permit was issued before November 22, 1999, which are classified as ASME Code Class 1 must be designed and be provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in Section XI of editions of the ASME Boiler and Pressure Vessel Code and Addenda [6] applied to the construction of the particular pump or valve or the Summer 1973 Addenda, whichever is later.

(B) Pumps and valves, in facilities whose construction permit is issued on or after November 22, 1999, which are classified as ASME Code Class 1 must be designed and be provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in editions and addenda of the ASME OM Code referenced in paragraph (b)(3) of this section at the time the construction permit is issued.

(iv)(A) Pumps and valves, in facilities whose construction permit was issued before November 22, 1999, which are classified as ASME Code Class 2 and Class 3 must be designed and be provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in Section XI of editions of the ASME Boiler and Pressure Vessel Code and Addenda [6] applied to the construction of the particular pump or valve or the Summer 1973 Addenda, whichever is later.

(B) Pumps and valves, in facilities whose construction permit is issued on or after November 22, 1999, which are classified as ASME Code Class 2 and 3 must be designed and be provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in editions and addenda of the ASME OM Code referenced in paragraph (b)(3) of this section at the time the construction permit is issued.

* * * * *

(4) Throughout the service life of a boiling or pressurized water-cooled nuclear power facility, pumps and valves which are classified as ASME Code Class 1, Class 2 and Class 3 must meet the inservice test requirements, except design and access provisions, set forth in the ASME OM Code and addenda that become effective subsequent to editions and addenda specified in paragraphs (f)(2) and (f)(3) of this section and that are incorporated by reference in paragraph (b) of this section, to the extent practical within the limitations of design, geometry and materials of construction of the components.

* * * * *

(g) * * *

(1) For a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued before January 1, 1971, components (including supports) must meet the requirements of paragraphs (g)(4) and (g)(5) of this section to the extent practical. Components which are part of the reactor coolant pressure boundary and their supports must meet the requirements applicable to components which are classified as ASME Code Class 1. Other safety-related pressure vessels, piping, pumps and valves, and their supports must meet the requirements applicable to components which are classified as ASME Code Class 2 or Class 3.

* * * * *

(3) For a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued on or after July 1, 1974:

(i) Components (including supports) which are classified as ASME Code Class 1 must be designed and be provided with access to enable the performance of inservice examination of such components and must meet the preservice examination requirements set forth in Section XI of editions of the ASME Boiler and Pressure Vessel Code and Addenda [6] applied to the construction of the particular component.

* * * * *

(4) Throughout the service life of a boiling or pressurized water-cooled nuclear power facility, components (including supports) which are classified as ASME Code Class 1, Class 2 and Class 3 must meet the requirements, except design and access provisions and preservice examination requirements, set forth in Section XI of editions of the ASME Boiler and Pressure Vessel Code and Addenda that become effective subsequent to editions specified in paragraphs (g)(2) and (g)(3) of this section and that are incorporated by reference in paragraph (b) of this section, to the extent practical within the limitations of design, geometry and materials of construction of the components. Components which are classified as Class MC pressure retaining components and their integral attachments, and components which are classified as Class CC pressure retaining components and their integral attachments must meet the requirements, except design and access provisions and preservice examination requirements, set forth in Section XI of the ASME Boiler and Pressure Vessel Code and Addenda that are incorporated by reference in paragraph (b) of this section, subject to the limitation listed in paragraph (b)(2)(vi) of this section and the modifications listed in paragraphs (b)(2)(viii) and (b)(2)(ix) of this section, to the extent practical within the limitation of design, geometry and materials of construction of the components.

* * * * *

(iii) Licensees may, but are not required to, perform the surface examinations of High Pressure Safety

Injection Systems specified in Table IWB–2500–1, Examination Category B–J, Item Numbers B9.20, B9.21, and B9.22.

* * * * *

(v) * * *

(C) Concrete containment pressure retaining components and their integral attachments, and the post-tensioning systems of concrete containments must meet the inservice inspection, repair, and replacement requirements applicable to components which are classified as ASME Code Class CC.

* * * * *

(6) * * *

(ii) * * *

(B) *Expedited examination of containment.*

(*1*) Licensees of all operating nuclear power plants shall implement the inservice examinations specified for the first period of the first inspection interval in Subsection IWE of the 1992 Edition with the 1992 Addenda in conjunction with the modifications specified in § 50.55a(b)(2)(ix) by September 9, 2001. The examination performed during the first period of the first inspection interval must serve the same purpose for operating plants as the preservice examination specified for plants not yet in operation.

(*2*) Licensees of all operating nuclear power plants shall implement the inservice examinations which correspond to the number of years of operation which are specified in Subsection IWL of the 1992 Edition with the 1992 Addenda in conjunction with the modifications specified in § 50.55a(b)(2)(viii) by September 9, 2001. The first examination performed must serve the same purpose for operating plants as the preservice examination specified for plants not yet in operation. The first examination of concrete must be performed prior to September 10, 2001, and the date of the examination need not comply with the requirements of IWL–2410(a) or IWL–2410(b). The date of the first examination of concrete must be used to determine the 5-year schedule for subsequent examinations subject to the provisions of IWL–2410(c).

* * * * *

(C) *Implementation of Appendix VIII to Section XI.* (*1*) The Supplements to Appendix VIII of Section XI, Division 1, 1995 Edition with the 1996 Addenda of the ASME Boiler and Pressure Vessel Code must be implemented in accordance with the following schedule: Supplements 1, 2, 3, and 8—May 22, 2000; Supplements 4 and 6—November 22, 2000; Supplement 11—November 22, 2001; and Supplements 5, 7, 10, 12, and 13—November 22, 2002.

* * * * *

Dated at Rockville, MD this 26th day of August, 1999.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 99–24256 Filed 9–21–99; 8:45 am]

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Wednesday
September 22, 1999

Part III

Environmental Protection Agency

Solicitation Notice; Environmental Education Grants Program

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6441–9]

Solicitation Notice; Environmental Education Grants Program; Fiscal Year 2000

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Section I. Overview and Deadlines

A. Purpose of Solicitation

This document solicits grant proposals from education institutions, environmental and educational public agencies, and not-for-profit organizations to support environmental education projects, as defined in this document. This solicitation notice contains all the information and forms necessary to prepare a proposal. If your project is selected as a finalist after the evaluation process is concluded, EPA will provide you with additional Federal forms needed to process your proposal. These grants require non-federal matching funds for at least 25% of the total cost of the project.

Please Note: EPA has a new agencywide policy in effect this year to streamline the grant application process. Consequently, a number of changes have been incorporated into this grant program, including brevity in the workplans of proposals submitted to Headquarters.

The Environmental Education Grants Program provides financial support for projects which design, demonstrate, or disseminate environmental education practices, methods, or techniques, including assessing environmental and ecological conditions or specific environmental issues or problems. This program is authorized under Section 6 of the National Environmental Education Act of 1990 (the Act) (Public Law 101–619).

B. Environmental Education versus Environmental Information

Environmental Education

Increases public awareness and knowledge about environmental issues and provides the skills to make informed decisions and take responsible actions. It does not advocate a particular viewpoint or course of action. It teaches individuals how to weigh various sides of an issue through critical thinking and it enhances their own problem-solving skills.

Environmental Information

Proposals that simply disseminate "information" will not be funded. These would be projects that provide facts or opinions about environmental issues or problems, but may not enhance critical-thinking, problem solving or decision-making skills. Although information is an essential element of any educational effort, environmental information is not, by itself, environmental education.

C. Due Date and Grant Schedule

An original proposal signed by an authorized representative *plus one copy*, must be mailed to EPA *postmarked* no later than *November 22, 1999*. Proposals postmarked after that date will not be considered for funding. EPA expects to announce the grant awards in the early Summer of 2000. Applicants should anticipate project start dates for next Summer and, for planning purposes, may use July 1, 2000, as the earliest start date.

D. Addresses for Mailing Proposals

Proposals requesting over $25,000 in *Federal* environmental education grant funds must be mailed to EPA Headquarters in Washington, DC; proposals requesting $25,000 or less must be mailed to the EPA Regional Office where the project takes place. The Headquarters address and the list of Regional Office mailing addresses by state is included at the end of this notice.

E. Funding Limits Per Proposal

EPA anticipates funding of less than $3 million for this annual grant cycle, subject to appropriations and the availability of funds. Since implementation of this grants program in 1992, there has been a great deal of public enthusiasm for developing environmental education projects. Consequently, EPA has consistently received many more applications for these grants than can be supported with available funds. The competition for grants is intense, especially at Headquarters which usually receives about 300 proposals and is able to fund less than 5% of the applicants. Regional offices generally fund about 15% of proposals seeking over $5,000 and more than 30% of proposals for $5,000 or less.

Grants in excess of $150,000 have seldom been awarded through this program. Although the Act sets a maximum limit of $250,000 in environmental education grant funds for any one project, because of limited funds, EPA prefers to award smaller grants to more recipients. Also, Congress requires that at least 25% of available funds go to small grants of $5,000 or less. In summary, you will significantly increase your chance of being funded if you request $5,000 or less from a Regional Office or $100,000 or less from Headquarters.

Section II. Eligible Applicants and Activities

F. Eligible Applicants

Any local education agency, state education or environmental agency, college or university, not-for-profit organization as described in section 501(C)(3) of the Internal Revenue Code, or noncommercial educational broadcasting entity may submit a proposal. "Tribal education agencies" which may also apply include a school or community college which is controlled by an Indian tribe, band, or nation, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and which is not administered by the Bureau of Indian Affairs. These terms are defined in section 3 of the Act and 40 CFR 47.105.

Applicant organizations must be located in the United States and the majority of the educational activities must take place in the United States, Canada and/or Mexico. A teacher's school district, an educator's nonprofit organization, or a faculty member's college or university may apply, but an individual teacher, educator, or faculty member *may not*. Tribal organizations also do not qualify unless they meet the criteria listed above.

G. Multiple or Repeat Proposals

An organization may submit more than one proposal if the proposals are for different projects. No organization will be awarded more than one grant for the same project during the same fiscal year. Applicants who received one of these grants in the past may submit a new proposal to expand a previously funded project or to fund an entirely different one. Each new proposal will be

evaluated based upon the specific criteria set forth in this solicitation and in relation to the other proposals received in this fiscal year. Due to limited resources, EPA does not generally sustain projects beyond the initial grant period. This grant program is geared toward providing seed money to initiate new projects or to advance existing projects that are "new" in some way, such as reaching new audiences or new locations. If you have received a grant from this program in the past, it is essential that you explain how your current proposal is "new."

H. Restrictions on Curriculum Development

EPA strongly encourages applicants to demonstrate or disseminate existing environmental education materials (curricula, training materials, activity books, etc.) rather than designing new materials, because experts indicate that a significant amount of quality educational materials have already been developed and are under-utilized. EPA will consider funding new materials *only* where the applicant demonstrates that there is a need, e.g., that existing educational materials cannot be adapted well to a particular local environmental concern or audience, or existing materials are not otherwise accessible. The applicant must specify what steps they have taken to determine this need, e.g., you may cite a conference where this need was discussed, the results of inquiries made within your community or with various educational institutions, or a research paper or other published document. Further, EPA recommends the use of a publication entitled *Environmental Education Materials: Guidelines for Excellence* which was developed in part with EPA funding. These guidelines contain recommendations for developing and selecting quality environmental education materials. Please visit our website at "www.epa.gov/enviroed/resources.html" for viewing these guidelines and for information about ordering copies.

I. Ineligible Activities

Environmental education funds cannot be used for:

1. Technical training of environmental management professionals;
2. Non-educational research and development;
3. Environmental "information" projects that have no educational component, as described in section I(B); and/or
4. Construction projects—EPA will not fund construction activities such as the acquisition of real property (e.g., buildings) or the construction or modification of any building. EPA may, however, fund activities such as creating a nature trail or building a bird watching station as long as these items are an integral part of the environmental education project, and the cost is a relatively small percentage of the total amount of federal funds requested.

Section III. Funding Priorities

J. Educational Priorities

All proposals must satisfy the definition of "environmental education" under Section I(B) and also address one of the following educational priorities. Headquarters will fund the proposals for larger grants (over $25,000 in Federal funds) that address any of the top three categories listed below; and regional offices will fund grants in any of seven categories listed below. The order of the list is random and does not indicate a ranking. Please read the definitions that are included in this section to prevent your application from being rejected for failure to correctly address a priority, especially "Capacity Building" which has been completely redefined this year.

Headquarters Priorities (Federal funds in excess of $25,000)

(1) *Capacity Building:* Increasing capacity to develop and deliver coordinated environmental education programs across a state or across multiple states.

(2) *Education Reform:* Utilizing environmental education as a catalyst to advance state, local, or tribal education reform goals.

(3) *Community Issues:* Designing and implementing model projects to educate the public about environmental issues and/or health issues in their communities through community-based organizations or through print, film, broadcast, or other media.

Regional Office Priorities ($25,000 or less in Federal funds)

(1–3) *All of the Above.*

(4) *Health:* Educating teachers, students, parents, community leaders, or the public about human-health threats from environmental pollution, *especially as it affects children.*

(5) *Teaching Skills:* Educating teachers, faculty, or nonformal educators about environmental issues to improve their environmental education teaching skills, e.g., through workshops.

(6) *Career Development:* Educating students in formal or nonformal settings about environmental issues to encourage environmental careers.

(7) *Environmental Justice:* Educating low-income or culturally-diverse audiences about environmental issues, thereby advancing environmental justice.

Definitions

The terms used above and in section IV are defined as follows:

Wide application pertains to a project that targets a large and diverse audience in terms of numbers or demographics; or that can serve as a model program elsewhere.

Environmental issue is one of importance to the community, state, or region being targeted by the project, e.g., one community may have significant air pollution problems which makes teaching about human health effects from it and solutions to air pollution important, while rapid development in another community may threaten a nearby wildlife habitat, thus making habitat or ecosystem protection a high priority issue.

Partnerships refers to the forming of a collaborative working relationship between two or more organizations such as governmental agencies, not-for-profit organizations, educational institutions, and/or the private sector. It may also refer to intra-organizational unions such as the science and art departments within a university collaborating on a project.

Capacity Building refers to developing effective leaders and organizations that design, implement, and link environmental education programs across a state or states to promote long-term sustainability of the programs. Effective efforts address both leadership and organizational needs, as well as coordination to decrease fragmentation of effort and duplication across programs. Coordination should involve all major education and environmental education providers (e.g., state education and natural resource agencies, tribal education agencies, schools and school districts, professional education associations, and nonprofit education and environmental education organizations). Examples of capacity building activities include identifying and assessing needs and setting priorities; identifying, evaluating and linking programs; developing and implementing strategic plans; identifying funding sources and resources; facilitating communication and networking; promoting sustained professional development; and sponsoring leadership seminars. For purposes of this definition, States and tribal lands are equivalent and thus capacity building can take place "across" either or both.

Note: *Proposals must identify existing capacity building efforts, if any, and discuss*

how the proposed project will support these efforts.

Education Reform refers to state, local, or tribal efforts to improve student academic achievement. Where feasible, collaboration with private sector providers of technology and equipment is recommended. Education reform efforts often focus on changes in curriculum, instruction, assessment or how schools are organized. Curriculum and instructional changes may include inquiry and problem solving, real-world learning experiences, project-based learning, team building and group decision-making, and interdisciplinary study. Assessment changes may include developing content and performance standards and realigning curriculum and instruction to the new standards and new assessments. School site changes may include creating magnet schools or encouraging parental and community involvement.

Note: *All proposals must identify existing educational improvement needs and goals and discuss how the proposed project will address these needs and goals.*

Human health threats from environmental pollution as used here is intended to address recommended actions stated in EPA's "National Agenda to Protect Children's Health from Environmental Threats." The agenda reads as follows: "An informed, involved local community does a better job of making environmental decisions than a distant bureaucracy—and never more so than when it comes to our children. Parents, teachers and community leaders can and should play a vital, day-to-day role in learning about the particular environmental hazards their children face in their own communities, and then use that knowledge to make more informed decisions that prevent environmental health problems and protect children." Therefore, EPA encourages environmental education projects to educate the public about environmental hazards and how to minimize human exposure to preserve good health.

Environmental Justice refers to EPA's goal to encourage applicants to submit proposals that include efforts to target low-income and culturally-diverse populations, thereby promoting environmental justice. The term environmental justice refers to the fair treatment of people of all races, cultures, and income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. Fair treatment means that no racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences that might result from the operation of industrial, municipal, and commercial enterprises and from the execution of federal, state, local, and tribal programs and policies. An example would be an education project directed at an environmental problem with a disproportionately high and adverse human health or environmental impact on a low-income or culturally-diverse community.

Section IV. Requirements for Proposals and Matching Funds

K. Contents of Proposal and Scoring

The proposal must contain *two* standard federal forms, a work plan with budget, and appendices, as described below. Please follow instructions and do not submit additional items.

Federal Forms

Application for Federal Assistance (SF–424) and Budget Information (SF–424A): The SF–424 and SF–424A are required for all federal grants and must be submitted as part of your proposal. These two forms, along with instructions and samples, are included at the end of this notice. Only finalists will be asked to submit additional federal forms needed to process their proposal. EPA will make copies of your proposal for use by grant reviewers. Unnecessary forms create a paperwork burden for the reviewers.

Work Plan and Appendices

A work plan describes your proposed project, and your appendices, establishes your timeline, your qualifications, and your partnerships with other organizations, where applicable. Include all five sections described below which will be evaluated and scored by reviewers. The total number of points possible for each proposal is 100. Each of the following five sections of the work plan are assigned points which add up to 90. Reviewers will be given the flexibility to provide up to 10 bonus points for exceptional projects based upon the overall quality of the proposal, evidence that educational priorities will be effectively advanced by the project, and that it will provide a good return on the investment. Examples of factors for bonus points include strong partnerships, creative use of resources, innovation, and sustainability of the project.

(1) *Project Summary:* Provide the following overview of your entire project in this format and on *one page only*:

(a) *Organization:* Describe: (1) Your organization, and (2) list your key partners for this grant, if applicable. Partnerships are encouraged and considered to be a major factor in the success of projects.

(b) *Summary Statement:* Provide an overview of your project that explains the concept and your goals and objectives. This should be a very basic explanation in layman's terms to provide a reviewer with an understanding of the purpose and expected outcome of your educational project.

(c) *Educational Priority:* Identify which priority listed in section III you will address, such as education reform. Proposals may address several educational priorities, however, EPA cautions against losing focus on projects. Evaluation panels often select projects with a clearly defined purpose, rather than projects that attempt to address multiple priorities at the expense of a quality outcome.

(d) *Delivery Method:* Explain how you will reach your audience, such as workshops, conferences, interactive programs, etc.

(e) *Audience:* Describe the demographics of your target audience including the number and types you expect to reach, such as, teachers, students, specific grade levels, ethnic composition, members of the general public, etc.

(f) *Costs:* List the types of activities for which the EPA portion of grant funds will be spent.

The project summary will be scored on how well you provide an overview of your entire project using the topics stated above.

Project Summary Maximum Score: 10 points

(2) *Project Description:* Describe precisely what your project will achieve—why, how, when, with what, and who will benefit. Explain each aspect of your proposal in enough detail to answer a grant reviewer's questions. This section is intended to provide you with the flexibility to be creative and does not require any specific format for describing your project. However, you should address the following to ensure that grant reviewers can fully comprehend and score your project. Address each criteria in any sequence that best demonstrates the strengths of your project.

This subsection will be scored on how well you design and describe your project and how effectively your project meets the following criteria:

(a) *Why:* Explain the purpose of your project and how it will address an educational priority listed in section III, such as education reform or children's

health; and address an environmental issue, such as clean air, ecosystem protection, or cross-cutting issues; and explain the importance to your community, state, or region;

(b) *Who:* Explain who will conduct the project and identify the target audience and demonstrate an understanding of the needs of that audience (including cultural diversity where appropriate); and specify if it has the potential for wide application, and/or can serve as a model for use in other locations with a similar audience;

(c) *How:* Explain your strategy, objectives, activities, delivery methods, and outcomes to establish for reviewers that you have realistic goals and objectives and will use effective methods for reaching the target audience; and

(d) *With What:* Demonstrate that the project uses or produces quality educational products or methods that teach critical-thinking, problem-solving, and decision-making skills. (Please note restrictions on the development of curriculum and educational materials in section H.)

Project Description Maximum Score: 40 points (10 points for each of (a) through (d))

(3) *Project Evaluation:* Explain how you will ensure that you are meeting the goals and objectives of your project. Evaluation plans may be quantitative and/or qualitative and may include, for example, evaluation tools, observation, or outside consultation.

The project evaluation will be scored on how well your plan will: (a) measure the project's effectiveness; and (b) apply evaluation data gathered during your project to strengthen it.

Project Evaluation Maximum Score: 10 points (5 points for each of (a) and (b))

(4) *Budget:* Clarify how EPA funds and non-federal matching funds will be used for specific items or activities, such as personnel/salaries, fringe benefits, travel, equipment, supplies, contract costs, and indirect costs. Include a table which lists each major proposed activity, and the amount of EPA funds and/or matching funds that will be spent on each activity. Smaller grants with uncomplicated budgets may have a table that lists only a few activities. Budget periods not to exceed *one-year* are preferred by EPA for all grants and are mandatory for small grants of $5,000 or less. Budget periods for larger grants cannot exceed two-years. PLEASE NOTE the following funding restrictions:

—Indirect costs may be requested *only* if your organization has already prepared an indirect cost rate proposal and has it on file, subject to audit.

—Funds for salaries and fringe benefits may be requested *only* for those personnel who are directly involved in implementing the proposed project and whose salaries and fringe benefits are directly related to specific products or outcomes of the proposed project. EPA strongly encourages applicants to request reasonable amounts of funding for salaries and fringe benefits to ensure that your proposal is competitive.

—EPA will *not* fund the acquisition of real property (including buildings) or the construction or modification of any building.

Matching Funds Requirement: Non-federal matching funds of *at least* 25% of the *total cost* of the project are required, and EPA encourages matching funds of greater than 25%. The 25% match may be provided by the applicant or a partner organization or institution, and may be provided in cash or by in-kind contributions and other non-cash support. In-kind contributions often include salaries or other verifiable costs and this value must be carefully documented. In the case of salaries, applicants may use either minimum wage or fair market value.

IMPORTANT: The matching non-federal share is a percentage of the *entire cost* of the project. For example, if the 75% federal portion is $10,000, then the entire project should, at a minimum, have a budget of $13,333, with the recipient providing a contribution of $3,333. To assure that your match is sufficient, simply divide the Federally requested amount by three. Your match must be at least one-third of the requested amount to be sufficient. For a $5,000 EPA grant your match cannot be less than $1,667. All grants are subject to Federal audit.

Other Federal Funds: You may use other Federal funds in addition to those provided by this program, but not for activities that EPA is funding. You may not use any federal funds to meet any part of the required 25% match described above, unless it is specifically authorized by statute. If you have already been awarded federal funds for a project for which you are seeking additional support from this program, you must indicate those funds in the budget section of the work plan. You must also identify the project officer, agency, office, address, phone number, and the amount of the federal funds.

This subsection will be scored on: (a) How well the budget information clearly and accurately shows how funds will be used; *and* (b) whether the funding request is reasonable given the activities proposed.

Budget Maximum Score: 15 points ((a) 5 points and (b) 10 points)

(5) Appendices:

(a) *Timeline*—Include a "time line" to link your activities to a clear project schedule and indicate at what point over the months of your budget period each action, event, product, development, etc. occurs.

(b) *Key Personnel*—Attach a one page resume for the key personnel conducting the project (Maximum of three resumes please).

(c) *Letters of Commitment*—If there are partners, include one page letters of commitment from partners *explaining their role* in the proposed project. Do *not* include letters of endorsement or recommendation or have them mailed in later; they will *not* be considered in evaluating proposals.

Please do not submit other appendices or attachments such as video tapes or sample curricula. EPA may request such items if your proposal is among the finalists under consideration for funding.

This subsection will be scored based upon: (1) Whether the timeline clarifies the workplan and allows reviewers to determine that the project is well thought out and feasible as planned; (2) whether the key personnel are qualified to implement the proposed project; and (3) whether letters of commitment are included (if partners are used) and the extent to which a firm commitment is made.

Appendices Maximum Score: 15 points (5 points for each of (a) through (c))

L. Page Limits

The Work Plan should not exceed 5 pages. "One page" refers to one side of a single-spaced typed page. The pages must be letter sized (8 ½ × 11 inches), with margins at least one-half inch wide and with normal type size, rather than extremely small type. This page limit applies to parts 1, 2, and 3 of the Work Plan, (i.e., the Summary, Project Description, and Project Evaluation). Parts 4 and 5 (i.e. Budget and Appendices) are not included in these page limits.

M. Submission Requirements and Copies

The applicant must submit one original and *one* copy of the proposal (a signed SF–424, an SF–424A, a work plan, a budget, and the appendices listed above). Do *not* include other attachments such as cover letters, tables

of contents, additional Federal forms or appendices other than those listed above. Grant reviewers often lower scores on proposals for failure to follow instructions. The SF–424 should be the first page of your proposal and *must be signed* by a person authorized to receive funds. Blue ink for signatures is preferred. Proposals must be reproducible; they should not be bound. They should be stapled or clipped once in the upper left hand corner, on white paper, and with page numbers. Mailing addresses for submission of proposals are listed at the end of this document.

N. Regulatory References

The Environmental Education Grant Program Regulations, published in the **Federal Register** on March 9, 1992, provide additional information on EPA's administration of this program (57 FR 8390; Title 40 CFR, part 47 or 40 CFR part 47). Also, EPA's general assistance regulations at 40 CFR part 31 applies to state, local, and Indian tribal governments and 40 CFR part 30 applies to all other applicants such as nonprofit organizations.

Section V. Review and Selection Process

O. Proposal Review

Proposals submitted to EPA headquarters and regional offices will be evaluated using the same criteria, as defined in sections IV and V of this solicitation. Proposals will be reviewed in two phases—the screening phase and the evaluation phase. During the screening phase, proposals will be reviewed to determine whether they meet the basic requirements of this document. Only those proposals which meet all of the basic requirements will enter the full evaluation phase of the review process. During the evaluation phase, proposals will be evaluated based upon the quality of their work plans. Reviewers conducting the screening and evaluation phases of the review process will include EPA officials and external environmental educators approved by EPA. At the conclusion of the evaluation phase, the reviewers will score work plans based upon the scoring system described in more detail in section IV. In summary, the maximum score of 100 points can be reached as follows:

(1) Project Summary—10 Points
(2) Project Description—40 Points
(3) Project Evaluation—10 Points
(4) Budget—15 Points
(5) Appendices—15 Points
(6) Bonus Points—10 Points (Reviewers grant these for outstanding proposals)

P. Final Selections

After individual projects are evaluated and scored by reviewers, as described under section IV, EPA officials in the regions and at headquarters will select a diverse range of finalists from the highest ranking proposals. In making the final selections, EPA will take into account the following:

(1) Effectiveness of collaborative activities and partnerships, as needed to successfully develop or implement the project;
(2) Environmental and educational importance of the activity or product;
(3) Effectiveness of the delivery mechanism (i.e., workshop, conference, etc.);
(4) Cost effectiveness of the proposal; and
(5) Geographic distribution of projects.

Q. Notification to Applicants

Applicants will receive a confirmation that EPA has received their proposal once EPA has received all proposals and entered them into a computerized database, usually within two months of receipt. EPA will notify applicants about the outcome of their proposal when grant awards are announced in early summer.

Section VI. Grantees Responsibilities

R. Responsible Officials

The Act requires that projects be performed by the applicant or by a person satisfactory to the applicant and EPA. All proposals must identify any person other than the applicant who will assist in carrying out the project. These individuals are responsible for receiving the grant award agreement from EPA and ensuring that all grant conditions are satisfied. Recipients are responsible for the successful completion of the project.

S. Incurring Costs

Grant recipients may begin incurring costs on the start date identified in the EPA grant award agreement. Activities must be completed and funds spent within the time frames specified in the document.

T. Reports and Work Products

Specific reporting requirements will be identified in the EPA grant award agreement. Grant recipients with a federal environmental education grant greater than $100,000 will be required to submit formal semi-annual progress reports; and grantees for less may be required to submit brief semi-annual reports. Grant recipients will submit two copies of their final report and two copies of all work products to the EPA project officer within 90 days after the expiration of the budget period. This report will be accepted as the final report unless the EPA project officer notifies you that changes must be made.

Section VII. Resource Information and Mailing List

U. Internet Access—www.epa.gov/enviroed

Please visit our website where you can view and download this solicitation notice, a list of EPA environmental education contacts, tips for developing successful grant applications, descriptions of past projects funded under this program, and other education links and resource materials, such as *Excellence in EE—Guidelines for Learning (K–12)* which, among other things, will help you channel your environmental education efforts towards education reform goals. In addition, a tutorial for grant applicants is available at: http://www.epa.gov/seahome/grants/src/grant.htm

If you receive this solicitation electronically and if the standard federal forms for Application (SF–424) and Budget (SF–424A) cannot be printed by your equipment, you may locate them the following ways (but please read our instructions which have been modified somewhat for this grant program): the **Federal Register** in which this document is published contains the forms and is available to be copied at many public libraries; many federal offices use the forms and have copies available; or you may call or write the appropriate EPA office listed at the end of this document.

V. Other Funding

Please note that this is a very competitive grants program. Limited funding is available and many grant applications are expected to be received. Therefore, the Agency cannot fund all applications. If your project is not funded, you may wish to review a listing of other EPA grant programs in the *Catalog of Federal Domestic Assistance*. This publication is available at local libraries, colleges, and universities.

W. Classification of Notice

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting

Office prior to publication of this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this solicitation under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and has assigned OMB control number 2030–0006.

X. Mailing List for Year 2001 Environmental Education Grants

EPA develops an entirely new mailing list for the grants program each year. The Fiscal Year 2001 mailing list will automatically include all applicants who submit proposals for a FY 2000 grant and anyone who specifically requests the next Solicitation Notice. If you do not submit a proposal for the year 2000 and wish to be added to our future mailing list, mail your request—please do not telephone—along with your name, organization, address, and phone number to: Enviro Education Grant Program (Year 2001), EPA Office of Environmental Education, (1704), 401 M Street, SW, Washington, D.C. 20460.

Dated: September 16, 1999.

David L. Cohen,

Acting Associate Administrator, Office of Communications, Education, and Media Relations.

Mailing Addresses and Information

Applicants who need more information about this grant program or clarification about specific requirements in this Solicitation Notice, may contact the EPA Environmental Education Division in Washington, D.C. for grant requests of more than $25,000 or their EPA regional office for grant requests of $25,000 or less.

U.S. EPA HEADQUARTERS—For Proposals Requesting More than $25,000

Mail proposals to:
Environmental Education Grant Program, Office of Enviro Education (1704), 401 M Street, S.W., Room 364 WT, Washington, D.C. 20460
Information:
Diane Berger and Sheri Jojokian (202) 260–8619

U.S. EPA REGIONAL OFFICES—For Proposals Requesting $25,000 or Less

Mail the proposal to the Regional Office where the project will take place, rather than where the applicant is located, if these locations are different.

EPA Region I—CT, ME, MA, NH, RI, VT

Mail proposals to:
U.S. EPA, Region I
Enviro Education Grants (MGM)
1 Congress Street, Suite 1100
Boston, MA 02114
Hand-Deliver to:
10th Floor Mail Room
Boston, MA (M–F 8am–4pm)
Information:
Kristen Conroy, (617) 918–1069

EPA Region II—NJ, NY, PR, VI

Mail proposals to:
U.S. EPA, Region II
Enviro Education Grants
Grants and Contracts Management Branch
290 Broadway, 27th Floor
New York, NY 10007–1866
Information:
Teresa Ippolito
(212) 637–3671

EPA Region III—DC, DE, MD, PA, VA, WV

Mail proposals to:
U.S. EPA, Region III
Enviro Education Grants
Grants Management Section (3PM70)
1650 Arch Street
Philadelphia, PA 19103–2029
Information:
Nan Ides
(215) 814–5546

EPA Region IV—AL, FL, GA, KY, MS, NC, SC, TN

Mail proposals to:
U.S. EPA, Region IV
Enviro Education Grants
Office of External Affairs
61 Forsyth Street, S.W.
Atlanta, GA 30303
Information:
Janie Foy
(404) 562–8432

EPA Region V—IL, IN, MI, MN, OH, WI

Mail proposals to:
U.S. EPA, Region V
Enviro Education Grants
Grants Management Section (MC–10J),
77 West Jackson Boulevard
Chicago, IL 60604
Information:
Suzanne Saric
(312) 353–3209

Region VI—AR, LA, NM, OK, TX

Mail proposals to:
U.S. EPA, Region VI
Enviro Education Grants (6XA)
1445 Ross Avenue
Dallas, TX 75202
Information:
Jo Taylor,
(214) 665–2204

Region VII—IA, KS, MO, NE

Mail proposal to:
U.S. EPA, Region VII
Enviro Education Grants
Office of External Programs
901 N. 5th Street
Kansas City, KS 66101
Information:
Rowena Michaels
(913) 551–7003

Region VIII—CO, MT, ND, SD, UT, WY

Mail proposals to:
U.S. EPA, Region VIII
Enviro Education Grants
999 18th Street (80C)
Denver, CO 80202–2466
Information:
Cece Forget
(303) 312–6605

Region IX—AZ, CA, HI, NV, American Samoa, Guam, Northern Marianas

Mail proposals to:
U.S. EPA, Region IX
Enviro Education Grants
Communications & Gov't Relations (CGR–3)
75 Hawthorne Street
San Francisco, CA 94105
Information:
Matt Gaffney
(415) 744–1166

Region X—AK, ID, OR, WA

Mail proposals to:
U.S. EPA, Region X
Enviro. Education Grants
Public Environmental Resource Center
1200 Sixth Avenue (EXA–124)
Seattle, WA 98101
Information:
Sally Hanft
(800) 424–4372
(206) 553–1207

Instructions for the SF 424-Application

This is a standard Federal form to be used by applicants as a required face sheet for the Environmental Education Grants Program. These instructions have been modified for this program only and do *not* apply to any other Federal program.

1. Check the box marked "Non-Construction" under "Application."

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If you are currently funded for a related project, enter present Federal identifier number. If not, leave blank.

5. Legal name of applicant organization, name of primary organizational unit which will undertake the grant activity, complete address of the applicant organization, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. You can obtain this number from your payroll office. It is the same Federal Identification Number which appears on W–2 forms. If your organization does not have a number, you may obtain one by calling the Taxpayer Services number for the IRS.

7. Enter the appropriate letter in the space provided.

8. Check the box marked "new" since all proposals must be for new projects.

9. Enter U.S. Environmental Protection Agency.

10. Enter 66.951 Environmental Education Grants Program

11. Enter a brief descriptive title of the project.

12. List only the largest areas affected by the project (e.g., State, counties, cities).

13. Self-explanatory (see section IV, K4 in Solicitation Notice).

14. In (a) list the Congressional District where the applicant organization is located; and in (b) any District(s) affected by the program or project. If your project covers many areas, several congressional districts

will be listed. If it covers the entire state, simply put in STATEWIDE. If you are not sure about the congressional district, call the County Voter Registration Department.

15. Amount requested or to be contributed during the funding/budget period by each contributor. Line (a) is for the amount of money you are requesting from EPA. Lines (b-e) are for the amounts either you or another organization are providing for this project. Line (f) is for any program income which you expect will be generated by this project. Examples of program income are fees for services performed, income generated from the sale of a brochure produced with the grant funds, or admission fees to a conference financed by the grant funds. The total of lines (b-e) must be at least 25% of line (g), as this grant has a match requirement of 25% of the TOTAL ALLOWABLE PROJECT COSTS. Value of in-kind contributions should be included on appropriate lines as applicable. If both basic and supplemental amounts are included, show breakdown on an attached Budget sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Check (b) (NO) since your application does not have to be sent through the state clearinghouse for review.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. The authorized representative is the person who is able to contract or obligate your agency to the terms and conditions of the grant. (Please sign with blue ink.) A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

Instructions for the SF–424A—Budget

This is a standard Federal form used by applicants as a basic budget. These instructions *have* been modified for this grant program only and do *not* apply to any other Federal Program.

Do NOT fill in section A—Budget Summary.

Complete Section B—Budget Categories—Columns (1), (2) and (5).

For each major program, function or activity, fill in the total requirements for funds by object class categories. Please round figures to the nearest dollar.

All applications should contain a breakdown by the relevant object class categories shown in Lines (a–h): columns (1), (2), and (5) of section B. Include Federal funds in column (1) and non-Federal (matching) funds in column (2), and put the totals in column (5). Many applications will not have entries in all object class categories.

Line 6(i)—Show the totals of lines 6(a) through 6(h) in each column.

Line 6(j)—Show the amount of indirect costs, but ONLY if your organization has already prepared an "indirect cost rate" proposal and has it on file, subject to audit.

Line 6(k)—Enter the total of amounts of Lines 6(i) and 6(j).

Line 7—Program Income—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Describe the nature and source of income in the detailed budget description.

Detailed Itemization of Costs

The proposal must also contain a detailed budget description as specified in the Notice in section IV, K4, and should conform to the following:

Personnel: List all participants in the project by position title. Give the percentage of the budget period for which they will be fully employed on the project (e.g., half-time for half the budget period equals 25%, full-time for half the budget period equals 50%, etc.). Give the annual salary and the total cost over the budget period for all personnel listed.

Travel: If travel is budgeted, show destination and purpose of travel as well as costs.

Equipment: Identify all equipment to be purchased and for what purpose it will be used.

Supplies: If the supply budget is less than 2% of total costs, you do not need to itemize.

Contractual: Specify the nature and cost of such services. EPA may require review of contracts for personal services prior to their execution to assure that all costs are reasonable and necessary to the project.

Construction: Not allowable for this program.

Other: Specify all other costs under this category.

Indirect Costs: Provide an explanation of how indirect charges were calculated for this project.

BILLING CODE 6560–50–P

Appendices—Federal Forms and Instructions

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

SAMPLE

2 DATE SUBMITTED: 11/1/99	Applicant Identifier
3 DATE RECEIVED BY STATE	State Application Identifier
4 DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1 TYPE OF SUBMISSION:
Application: ☐ Construction ☒ Non-Construction
Preapplication: ☐ Construction ☐ Non-Construction

5 APPLICANT INFORMATION

Legal Name: Wythe County School System
Organizational Unit: Office of Teacher Training
Address (give city, county, state, and zip code): 219 Main Street, Wytheville, VA 12345 (Wythe County)
Name and telephone number of the person to be contacted on matters involving this application (give area code): Janet Jones (TEL) (540)223-4567 (FAX) (540)223-7890

6 EMPLOYER IDENTIFICATION NUMBER (EIN): 12-3456789

7 TYPE OF APPLICANT: (enter appropriate letter in box) H
A State; B County; C Municipal; D Township; E Interstate; F Intermunicipal; G Special District; H Independent School Dist.; I State Controlled Institution of Higher Learning; J Private University; K Indian Tribe; L Individual; M Profit Organization; N Non-Profit; O Other (Specify)

8 TYPE OF APPLICATION:
☒ New ☐ Continuation ☐ Revision
If Revision, enter appropriate letter(s) in box(es): ☐ ☐
A Increase Award; B Decrease Award; C Increase Duration; D Decrease Duration; Other (specify):

9 NAME OF FEDERAL AGENCY: U.S. ENVIRONMENTAL PROTECTION AGENCY

10 CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 66.951
TITLE: ENVIRONMENTAL EDUCATION GRANT

11 DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
"Eco-Blue"
Teacher Training re: Ecosystems in the Blue Ridge Mountains

12 AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):
3 Counties: Wythe, Smith, Green

13 PROPOSED PROJECT: Start Date 7/1/00; Ending Date 6/30/01
14 CONGRESSIONAL DISTRICTS OF: a Applicant 02; b Project 02, 04, 12

15 ESTIMATED FUNDING:

a Federal	$ 10,000 .00
b Applicant	$ 3,000 .00
c State	$ .00
d Local	$ .00
e Other	$ 334. .00
f Program Income	$ .00
g TOTAL	$ 13,334. .00

16 IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____
b NO ☒ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17 IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes," attach an explanation. ☐ No

18 TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a Typed Name of Authorized Representative: John Smith	b Title: Superintendent of Schools	c Telephone number: (540)223-4231
d Signature of Authorized Representative: John Smith		e Date Signed: 11/1/99

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SAMPLE

SECTION B — BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Federal Funds	(2) Non-Federal Match			
a. Personnel	$ 4,200	$ 1,600			$ 5,800
b. Fringe Benefits	400	200			600
c. Travel	500	200			700
d. Equipment					
e. Supplies	2,300	1,000			3,300
f. Contractual	1,200				1,200
g. Construction	XXXXXXXXXXX	XXXXXXXXXXX			XXXXXXXXXXX
h. Other	1,400	334			1,734
i. Total Direct Charges (sum of 6a - 6h)	10,000	3,334			13,334
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$ 10,000	$ 3,334			$ 13,334
7. Program Income	$	$			$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. DATE SUBMITTED	Applicant Identifier
2. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:
Application: ☐ Construction ☒ Non-Construction
Preapplication: ☐ Construction ☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address (give city, county, state, and zip code):

Name and telephone number of the person to be contacted on matters involving this application (give area code)
(TEL)
(FAX)

6. EMPLOYER IDENTIFICATION NUMBER (EIN):
[ ][ ] – [ ][ ][ ][ ][ ][ ][ ]

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐
A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Non-Profit
O. Other (Specify)

8. TYPE OF APPLICATION:
☒ New ☐ Continuation ☐ Revision
If Revision, enter appropriate letter(s) in box(es): ☐ ☐
A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

9. NAME OF FEDERAL AGENCY:
U.S. ENVIRONMENTAL PROTECTION AGENCY

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 6 6 . 9 5 1
TITLE: ENVIRONMENTAL EDUCATION GRANT

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON
DATE _____
b. NO ☒ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

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BUDGET INFORMATION — Non-Construction Programs

[redacted]

SECTION B — BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY		[redacted]	Total (5)
	(1) Federal Funds	(2) Non-Federal Match		
a. Personnel	$	$		$
b. Fringe Benefits				
c. Travel				
d. Equipment				
e. Supplies				
f. Contractual				
g. Construction	XXXXXXXXXXX	XXXXXXXXXXX		XXXXXXXXXXX
h. Other				
i. Total Direct Charges (sum of 6a - 6h)				
j. Indirect Charges				
k. TOTALS (sum of 6i and 6j)	$	$		$
[redacted]				
7. Program Income	$	$		$

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Prescribed by OMB Circular A-102

[FR Doc. 99-24691 Filed 9-21-99; 8:45 am]
BILLING CODE 6560-50-C

Wednesday
September 22, 1999

Part IV

The President

Proclamation 7224—National Farm Safety and Health Week, 1999

Proclamation 7225—National Historically Black Colleges and Universities Week, 1999

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Title 3—

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Presidential Documents

Title 3—

The President

Proclamation 7224 of September 17, 1999

National Farm Safety and Health Week, 1999

By the President of the United States of America

A Proclamation

President Franklin Roosevelt once called America's farmers and ranchers "the source from which the reservoirs of our nation's strength are constantly renewed." It was during his Administration, in the critical years of World War II, that Americans began to realize that thousands of agricultural workers and their families suffered disabling and fatal injuries each year in their work of producing food for our Nation and the world. The tragic statistics were so troubling that President Roosevelt, with the encouragement of his Secretary of Agriculture and the President of the National Safety Council, signed the initial proclamation for National Farm Safety Week in 1944.

We have achieved substantial progress in the decades since that first proclamation. Farm equipment manufacturers have engineered safety features into their machinery that have decreased the likelihood of severe injuries among operators. Chemical manufacturers have reformulated pest control products to reduce the potential for poisoning incidents. Personal protective equipment is now available to protect farm and ranch workers. And safety and health professionals have made great strides in the development and implementation of educational initiatives that raise awareness among agricultural workers of measures and equipment they can use to reduce on-the-job injuries and health risks.

But we cannot afford to become complacent. Children continue to be the most vulnerable members of farming and ranching families. Those who work with livestock and around farm machinery should be carefully supervised and should be assigned chores that are commensurate with their level of awareness, knowledge, and ability to perform the job safely. Older Americans working in agriculture also are at risk; farmers and ranchers often work well past retirement age in a determined effort to maintain the farming heritage of their families and to continue contributing to the vocation they love. Many of these older men and women have suffered work-related hearing impairment over the years, and many also have limited mobility due to previous injuries or arthritis. Their families and coworkers should be vigilant in overseeing the activities of these older workers to help ensure their safety as they carry out their daily responsibilities.

America's farmers and ranchers are the backbone of our economy and the lifeblood of our land, and their skill, effort, and determination provide food and fiber for our country and the world. Our farming and ranching families stand for the values that have kept America strong for more than 220 years—hard work, faith and family, perseverance and patience. We all have a vital interest in their success, and we can all play an important role in ensuring their continued well-being. As we observe this year's theme of "Protecting Agriculture in the Next Century," I urge all Americans to show their appreciation for the dedication and sacrifices of our Nation's farmers and ranchers by renewing our efforts to protect their safety and health. Together, we can ensure that the time-honored traditions of American farming and ranching will flourish in the new century.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 19 through September 25, 1999, as National Farm Safety and Health Week. I call upon government agencies, businesses, and professional associations that serve our agricultural sector to strengthen their efforts to promote safety and health programs among our Nation's farm and ranch workers. I ask agricultural workers to take advantage of the many diverse education and training programs and technical advancements that can help them avoid injury and illness. I also call upon our Nation to recognize Wednesday, September 22, 1999, as a day to focus on the risks facing young people on farms and ranches. Finally, I call upon the citizens of our Nation to reflect on the bounty we enjoy thanks to the labor and dedication of agricultural workers across our land.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.

William J. Clinton

[FR Doc. 99–24888
Filed 9–21–99; 9:16 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7225 of September 17, 1999

National Historically Black Colleges and Universities Week, 1999

By the President of the United States of America

A Proclamation

America's Historically Black Colleges and Universities (HBCUs) have provided a crucial avenue to educational and economic advancement for African American youth for more than 150 years. These institutions, dedicated to equality and excellence in higher education, have their roots in a segregated society; their survival in the face of limited financial resources or outside support stood as a beacon of hope for generations of African Americans.

While our society has changed in the intervening decades, the need for these institutions has not. Our Nation's HBCUs have assisted African American and other students from low-income communities in achieving their educational goals and reaching their full potential, while keeping tuition costs affordable. The vast majority of African Americans with bachelor's degrees in engineering, computer science, life science, business, and mathematics have graduated from one of the 105 Historically Black Colleges and Universities. According to the Department of Education's National Center for Educational Statistics, HBCUs conferred 28 percent of all bachelor's degrees awarded to African American graduates in 1996, although enrollment at HBCUs constituted only 16 percent of all African American college students.

In addition to giving students the knowledge and skills they need to succeed in today's challenging global economy, HBCUs also offer students leadership opportunities that build self-confidence, a nurturing learning and social environment, and networks of successful alumni who serve as positive role models and mentors for graduates. Cultural programs and educational outreach to minority- and low-income areas in our Nation help preserve African American heritage and make HBCUs a source of pride and knowledge for the communities they serve.

By serving the African American community, HBCUs serve all Americans. These institutions embody many of our most deeply cherished values—equality, diversity, opportunity, and hard work. HBCUs prepare talented young men and women to succeed in every sector of our economy. And the alumni of HBCUs have contributed immeasurably to our Nation's success—as scientists, businesspeople, educators, public servants, and so much more. As education and diversity become increasingly important in the 21st century, graduates of HBCUs will continue to be at the vanguard of America's progress.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 19 through 25, 1999, as National Historically Black Colleges and Universities Week. I call upon the people of the United States, including government officials, educators, and administrators, to observe this week with appropriate programs, ceremonies, and activities honoring America's Historically Black Colleges and Universities and their graduates.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.

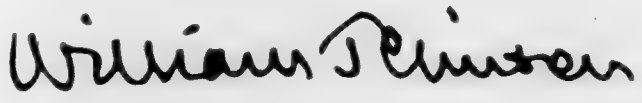

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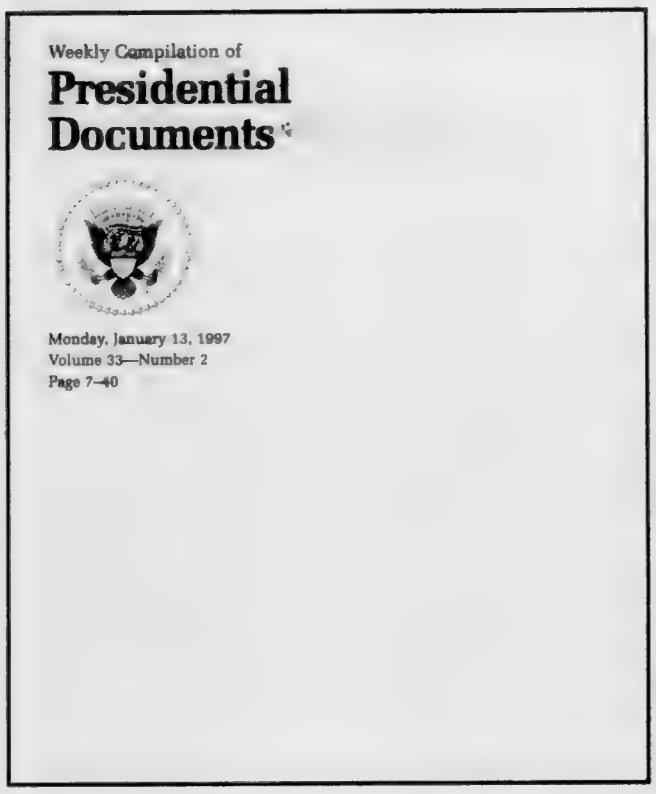

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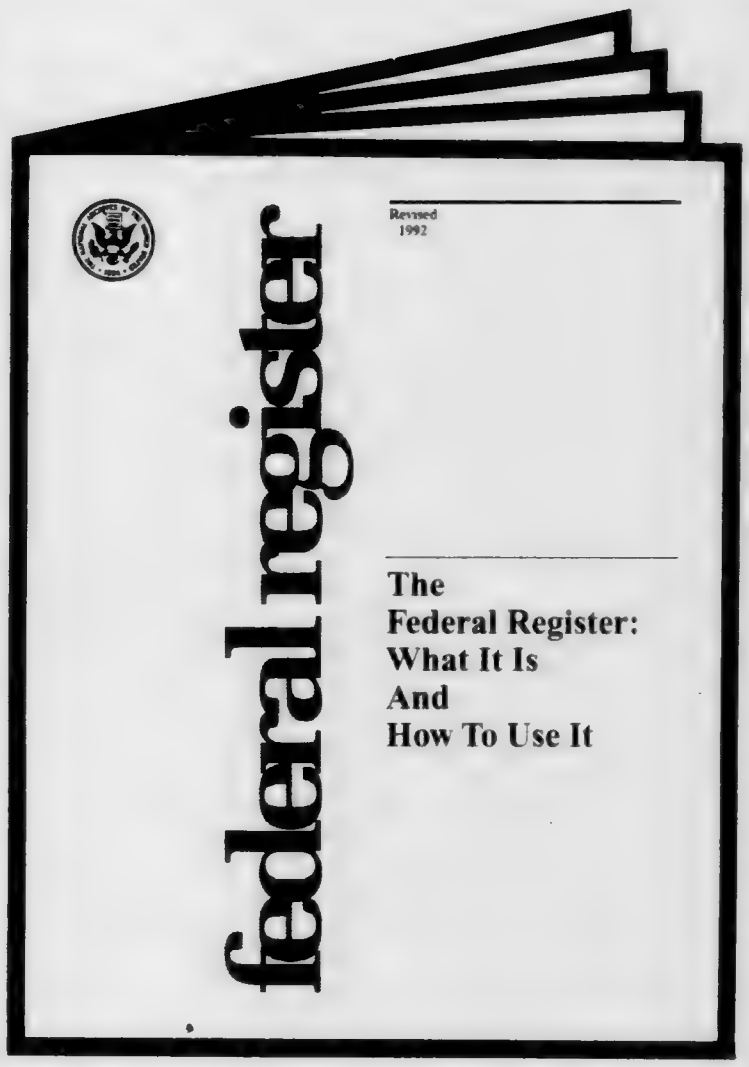

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Federal Register
Vol. 64, No. 184
Thursday, September 23, 1999

Presidential Documents

Title 3—

The President

Notice of September 21, 1999

Continuation of Emergency With Respect to UNITA

On September 26, 1993, by Executive Order 12865, I declared a national emergency to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of the National Union for the Total Independence of Angola (UNITA), prohibiting the sale or supply by United States persons or from the United States, or using U.S. registered vessels or aircraft, or arms, related materiel of all types, petroleum, and petroleum products to the territory of Angola, other than through designated points of entry. The order also prohibits the sale or supply of such commodities to UNITA. On December 12, 1997, in order to take additional steps with respect to the national emergency declared in Executive Order 12865, I issued Executive Order 13069, closing all UNITA offices in the United States and imposing additional sanctions with regard to the sale or supply of aircraft or aircraft parts, the granting of take-off, landing and overflight permission, and the provision of certain aircraft-related services. On August 18, 1998, in order to take further steps with respect to the national emergency declared in Executive Order 12865, I issued Executive Order 13098, blocking all property and interests in property of UNITA and designated UNITA officials and adult members of their immediate families, prohibiting the importation of certain diamonds exported from Angola, and imposing additional sanctions with regard to the sale or supply of equipment used in mining, motorized vehicles, watercraft, spare parts for motorized vehicles or watercraft, mining services, and ground or waterborne transportation services.

Because of our continuing international obligations and because of the prejudicial effect that discontinuation of the sanctions would have on prospects for peace in Angola, the national emergency declared on September 26, 1993, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond September 26, 1999. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to UNITA.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

William J. Clinton

THE WHITE HOUSE,
September 21, 1999.

[FR Doc. 99–24973
Filed 9–22–99; 8:45 am]
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Rules

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DEPARTM

**Animal an
Service**

9 CFR Par

[Docket No

**Veterinary
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AGENCY: A
Inspection

ACTION: Fi

SUMMARY:
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Rules and Regulations

Federal Register
Vol. 64, No. 184
Thursday, September 23, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 98–006–2]

Veterinary Services User Fees; Import or Entry Services at Ports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending existing user fees for import- or entry-related services provided for animals presented at airports, ocean ports, and rail ports. User fees for these services were set at a flat rate. We are replacing the flat rate user fee with hourly rate user fees. This action will ensure that the user fees collected are adequate for the services that are provided.

EFFECTIVE DATE: October 25, 1999.

FOR FURTHER INFORMATION CONTACT: For information concerning services provided for live animals, contact Dr. Morley Cook, Senior Staff Veterinarian, National Animal Programs Staff, Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–8364.

For information concerning rate development of the user fees, contact Ms. Donna Ford, Section Head, Financial Systems and Services Branch, Budget and Accounting Service Enhancement Unit, MRPBS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–8351.

SUPPLEMENTARY INFORMATION:

Background

User fees to reimburse the Animal and Plant Health Inspection Service (APHS) for the costs of providing import- and entry-related services for animals, birds, and animal products are contained in 9 CFR part 130 (referred to below as the regulations).

Section 130.6 lists the user fees for import- or entry-related services provided at land borders ports along the United States-Mexico border. The services provided at these ports include inspecting and processing imported animals and authorizing services for animals transiting the United States. Section 130.7 lists the user fees charged for import- or entry-belted services for animals presented at any port of entry other than a land border port along the United States-Mexico border. These ports of entry include airports, ocean ports, and rail ports and land border ports along the United States-Canada border. Section 130.9 lists the hourly rate user fees for miscellaneous import or entry services.

The flat rate user fees listed in §§ 130.6 and 130.7 of the regulations were based on our experience with activities at land border ports along the United States-Canada and United States-Mexico borders. These flat rate user fees were calculated as a nationwide average for the costs involved in performing import- or entry-related services for animals. We believe that these user fees are still appropriate for import- or entry-related services for animals. We believe that these user fees are still appropriate for import- or entry-related services for animals at land border ports along the United States-Canada and United States-Mexico borders.

On May 28, 1999, we published a proposal in the **Federal Register** (64 FR 28942–28944, Docket No. 98–006–1) to amend existing user fees for import- or entry-related services provided for animals presented at air, ocean, and rail ports by charging our current hourly rate user fee of $50 per hour ($14 per quarter hour, with a minimum fee of $16.50) as listed in § 130.9 of the regulations. However, we proposed that our premium rate user fee, as set forth in the § 130.50, would apply for services provided by an APHIS employee on Sunday, holidays, or any time outside the normal tour of duty of the employee. The proposed action was taken to ensure that the user fees collected at airport, ocean ports, and rail ports are adequate for the services provided.

We solicited comments concerning our proposal for 60 days ending July 27, 1999. We received one comment by that date. The comment was from an exporter. The commenter did not object to the proposal; however, the commenter stated that we should consider changing, reducing, or eliminating export user fees. This comment is beyond the scope of this rulemaking; therefore, we are not amending the rule based on the comment. However, if we decide to make any changes to our regulations concerning export user fees, we will publish another document in the **Federal Register** for public comment.

Miscellaneous

We have made a minor, nonsubstantive change by changing all references to "air, ocean, and rail ports" to "airports, ocean ports, and rail ports." We believe this change will clearly indicate that hourly rate user fees apply for import- or entry-related services provided for animals presented at any airport, ocean port, or rail port.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the change discussed in this document Executive Order 12866 and Regulatory Flexibility Act.

This rule has been reviewed under Executive Order 12866. This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We are amending existing user fees for import- or entry-related services provided for animals presented at airports, ocean ports, and rail ports. User fees for these ports were set at a flat rate. We are replacing the flat user fee with hourly rate user fees.

Based on this rule, the user fees for shipments that involve large numbers of animals could decline because the user fees will be based on the time necessary to provide the services rather than the size of the shipment. For shipments that involve small numbers of animals, the user fees could increase or decrease, depending upon the type of animals, the number of animals in the shipment, the amount of time required to provide the required services, and the time of arrival. In the past, after-hours arrivals at airports, ocean ports, and rail ports were subject to reimbursable overtime in addition to the flat rate user fee. However, under this rule, after-hours arrivals will be subject to the premium hourly rate user fee.

Any entity that uses APHIS' services that are subject to user fees may be affected by this rule. The entities who will be most affected by this rule are importers. The Small Business Administration's criteria for a small entity engaged in importing and exporting live animals, poultry, and birds is one whose total sales are less than $5 million annually. However, the number of entities who specifically trade in live animals and who would qualify as a small entity under this definition cannot be determined. Data from the Bureau of Census show that in 1995 the majority of agricultural entities who dealt in grade animals can be considered small, except those entities who dealt exclusively in purebred or registered animals.

The degree to which an entity could be affected by changes in user fees depends on its market power or the ability to which costs could be absorbed or passed on to buyers. Without information on either profit margins or operational expenses of the affected entities [1] or the supply responsiveness of the affected industry,[2] the scale of economic effects cannot be precisely predicted.

This rule should have a minimal effect on large and small importers. As previously indicated, the total hourly user fees collected should not be significantly different from the total flat rate user fees that have been previously collected for the same services. For those entities who do experience a change in the fee amount, the economic effect should be minimal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has not retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This final rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we are amending 9 CFR part 130 as follows:

PART 130—USER FEES

1. The authority citation for part 130 will read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 130.7, the section heading and the introductory text in paragraph (a) are revised to read as follows:

§ 130.7 User fees for import or entry services for live animals at land border ports along the United States-Canada border.

(a) User fees, with a minimum fee of $16.50, for live animals presented for importation into or entry into the United States through a land border port along the United States-Canada border, are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment for these user fees in accordance with §§ 130.50 and 130.51.

* * * * *

3. Section 130.9 is revised to read as follows:

§ 130.9 Hourly user fees for import or entry services.

(a) User fees for import and entry services listed in paragraphs (a)(1) through (a)(5) of this section will be calculated at $56.00 per hour, or $14.00 per quarter hour, with a minimum fee for $16.50, for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

(1) Services provided to live animals for import or entry at airports, ocean ports, and rail ports;

(2) Conducting inspections, including laboratory and facility inspections, required to obtain permits either to import animal products, organisms and vectors, or to maintain compliance with import permits;

(3) Obtaining samples required to be tested either to obtain import permits or to ensure compliance with import permits;

(4) Supervising the opening of in-bond shipments; and

(5) Other import or entry services not specified elsewhere in this part.

(b) [*Reserved*]

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

Done in Washington, DC, this 17th day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–24817 Filed 9–22–99; 8:45 am]

BILLING CODE 3410–34–M

[1] Profits of sales of small entities are proprietary in nature and are not a part of the public record.

[2] The measurement of supply responsiveness would provide information on the likely effect on an entity's production due to changes in operating costs.

FEDERAL ELECTION COMMISSION

11 CFR Part 9034

[Notice 1999–18]

Matching Credit Card and Debit Card Contributions in Presidential Campaigns

AGENCY: Federal Election Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: On June 17, 1999, the Commission published the text of revised regulations that would allow contributions made by credit or debit card, including contributions made over the Internet, to be matched under the Presidential Primary Matching Payment Account Act. The Commission announces that these rules are effective retroactive to January 1, 1999.

EFFECTIVE DATE: January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary C. Smith, Acting Assistant General Counsel, or Ms. Rita A. Reimer, Attorney, 999 E Street, NW, Washington, DC 20463, (202) 694–1650 or toll free (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Commission is announcing the effective date of new regulations at 11 CFR 9034.2 and 9034.3 that allow certain contributions made by credit or debit card, including contributions made over the Internet, to be matched under the Presidential Primary Matching Payment Account Act ("Matching Payment Act"), 26 U.S.C. 9031 *et seq.* "Matchable contributions" are those which, when received by candidates who qualify for payments under the Matching Payment Act, are matched by the Federal Government.

Section 9039(c) of Title 26, United States Code, requires that any rules or regulations prescribed by the Commission to implement Title 26 of the United States Code be transmitted to the Speaker of the House of

Representatives and the President of the Senate thirty legislative days prior to final promulgation. The revisions to 11 CFR 9034.2 and 9034.3 were transmitted to Congress on June 11, 1999. Thirty legislative days expired in the Senate and the House of Representatives on September 9, 1999.

In the Explanation and Justification that accompanied the final rules, the Commission explained that, since many presidential campaigns will have engaged in substantial fundraising by the time these rules take effect, it would retroactively match credit and debit card contributions made on January 1, 1999 and thereafter. 64 FR at 32397. Accordingly, these new rules are effective retroactive to January 1, 1999.

Also, on June 10, 1999, the Commission approved Advisory Opinion ("AO") 1999–9 on this same topic, but stated that this approval would be of no effect if Congress and the President disapproved these final rules. Since this did not occur, the contingency has been removed, and AO 1999–9 is now in effect.

Announcement of Effective Date: The amendments to 11 CFR 9034.2 and 9034.3, as published at 64 FR 32394 (June 17, 1999), are effective retroactive to January 1, 1999.

Dated: September 17, 1999.

Scott E. Thomas,

Chairman, Federal Election Commission.

[FR Doc. 99–24773 Filed 9–22–99; 8:45 am]

BILLING CODE 6715–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM157; Special Conditions No. 25–149–SC]

Special Conditions: Boeing Model 767–400ER; Sudden Engine Stoppage

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Boeing Model 767–400ER airplane. This airplane will have a novel or unusual design feature(s) associated with sudden engine stoppage. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425)227–2011; facsimile (425)227–1149.

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1997, Boeing Commercial Airplane Group applied for an amendment to Type Certificate No. A1NM to include the new Model 767–400ER. The Model 767–400ER, which is a derivative of the Model 767–200/–300 series airplanes currently approved under Type Certificate No. A1NM, is a swept wing, conventional-tail twin engine, turbofan-powered transport. The airframe has been strengthened to accommodate the increased design loads and weights. The airplane has a seating capacity of up to 375, and a maximum takeoff weight of 450,000 pounds (204,120 Kg). Each engine will be capable of delivering 62,000 pounds of thrust. The flight controls are unchanged beyond those changes deemed necessary to accommodate the stretched configuration.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Boeing must show that the Model 767–400ER airplane meets the applicable provisions of the regulations incorporated by reference in Type Certificate No. A1NM, or the applicable regulations in effect on the date of application for the change to the Model 767–400ER. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations incorporated by reference in Type Certificate No. A1NM include 14 CFR part 25, as amended by Amendments 25–1 through 25–45 with a few exceptions, and certain other later amended sections of part 25 that are not relevant to these special conditions. In addition, Boeing has chosen to comply with the applicable regulations in effect on January 14, 1997; specifically part 25 as amended by Amendments 25–1 through 25–89 and certain other earlier amended sections of part 25 that are not relevant to these special conditions. Three exemptions have been granted. These special conditions form an additional part of the type certification basis.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, part 25, as amended) do not contain adequate or appropriate safety standards for the Boeing Model 767–400ER airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model 767–400ER airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34, effective September 10, 1990, plus any amendments in effect at the time of certification; and the noise certification requirements of 14 CFR part 36, effective December 1, 1969, as amended by Amendment 36–1 through the amendment in effect at the time of certification.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49 after public notice, as required by 11.28 and 11.29(b), and become part of the type certification basis in accordance with 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of 21.101(a)(1).

Novel or Unusual Design Features

The engine proposed for the Boeing Model 767–400ER airplane will incorporate the unusual design feature of a high-bypass ratio fan jet engine that will not necessarily seize and produce transient engine loads in the same manner that is envisioned by current § 25.361(b)(1) related to "sudden engine stoppage."

Discussion of Comments

Notice of Proposed Special Conditions No. 25–99–05–SC for the Boeing Model 767–400ER airplanes was published in the **Federal Register** on May 20, 1999 (64 FR 27478). Two comments were received. One commenter objects to the proposed special condition because it allows engine support structures to be subjected to loads beyond limit loads in the event of sudden engine stoppage. The commenter further states that such a reduction in the robustness of the engine support structure without hard data to justify it is not appropriate. The FAA has reviewed the notice, and has concluded that it was not put forth in a manner that fully reflected the

improvement in safety that was intended. The existing 25.361(b) requires the consideration of a pure torque condition with no consideration of other combined loads (e.g. lateral loads) that are associated with engine failures. Furthermore, this pure torque load is treated as a simple static limit load condition without regard to any dynamic amplification. Then, the ultimate design load is determined by using a safety factor of 1.5 on the static torque load. In the past, the engine manufacturers estimated the pure limit torque load condition based on typical failure loads and provided them to the airframe manufacturer. These design limit loads did not necessarily reflect the worst possible failure condition and did not include the possible effects of dynamic amplification. The FAA considers that engines have evolved to a point that such a simplified approach, developed over 40 years ago for the first turbojet engines, is no longer appropriate for modern high bypass turbofan engines. The FAA and the industry (including both the engine and airframe manufacturers) have continued to address this issue, and to refine the necessary design approach, since the first special conditions were issued on this subject for other similar airplane types. The design approach now contains a more rational treatment of sudden engine stoppage events. The airframe manufacturers had already begun to employ the improved criteria, even though the FAA had not updated the special condition at the time that Notice No. 25–99–05–SC was published.

Another commenter, who is familiar with the more rational approach developed by the FAA and industry, was also concerned that it was not reflected in Notice No. 25–99–05–SC. This could allow an interpretation that would result in an inadequate level of safety. This commenter believes the special condition should be modified to reflect the more comprehensive approach that is already in practice in the industry.

The FAA concurs with these commenters. The special condition is modified to reflect the more comprehensive approach associated with determination of the load and the method of applying it to the airplane. Phrases have been added to the special condition to reflect the transient dynamic nature of the loads and the specific types of failures that must be included.

The safety factors associated with these loads remain the same as proposed in Notice No. 25–99–05–SC. This is justified because every effort is being made to develop the true ultimate transient load time history from actual tests of the most extreme conditions of operation and with the most severe failures, such as the blade failure tests required under 14 CFR 33.94 "Blade containment and rotor unbalance tests." The derived loads include all aspects of the transient load, including torque and lateral load time histories. This transient loading is then applied to the engine mounts, pylon, and airframe structure in a comprehensive dynamic analysis.

The application of this revised special condition will not be an undue burden for Boeing since, on their own initiative, they have used the more rational criteria in designing the Model 767–400ER.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 767–400ER. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**; however, as the certification date for the Boeing Model 767–400ER is imminent, the FAA finds that good cause exists to make these special conditions effective upon issuance.

Conclusion

This action affects only certain novel or unusual design features on one airplane model. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

list of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 767–400ER airplanes.

1. *Engine Failure Loads.* In lieu of compliance with § 25.361(b), the following special condition applies:

a. For turbine engine installations, the engine mounts, pylons and adjacent supporting airframe structure must be designed to withstand 1g level flight loads acting simultaneously with the maximum limit torque loads imposed by each of the following:

(1) Sudden engine deceleration due to a malfunction which could result in a temporary loss of power or thrust,

(2) The maximum acceleration of the engine.

b. For auxiliary power unit installations, the power unit mounts and adjacent supporting airframe structure must be designed to withstand 1g level flight loads acting simultaneously with the maximum limit torque loads imposed by each of the following:

(1) Sudden auxiliary power unit deceleration due to malfunction or structural failure; and

(2) The maximum acceleration of the power unit.

c. For engine supporting structure, an ultimate loading condition must be considered that combines 1g flight loads with the transient dynamic loads resulting from:

(1) The loss of any fan, compressor, or turbine blade; and separately

(2) Where applicable to a specific engine design, any other engine structural failure that results in higher loads.

d. The ultimate loads developed from the conditions specified in paragraphs (c)(1) and (c)(2) are to be multiplied by a factor of 1.0 when applied to engine mounts and pylons and multiplied by a factor of 1.25 when applied to adjacent supporting airframe structure.

Issued in Renton, Washington on September 16, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 99–24793 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM155; Special Conditions No. 25–148–SC]

Special Conditions: Boeing Model 767–300 Series Airplanes; Seats with Inflatable Lapbelts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Boeing Model 767–300 series airplanes. These airplanes as modified by Am-Safe, Inc. will have novel and

unusual design features associated with seats with inflatable lapbelts. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: October 25, 1999.

FOR FURTHER INFORMATION CONTACT: Jeff Gardlin, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, FAA, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2136; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Background

On March 8, 1999, Am-Safe Inc. 240 North 48th Avenue, Phoenix, Arizona, 85043, applied for a supplemental type certificate to install inflatable lapbelts for head injury protection on certain seats in Boeing Model 767–300 series airplanes. The Model 767–300 series airplane is a swept-wing, conventional-tail, twin-engine, turbofan-powered transport. The inflatable lapbelt is designed to limit occupant forward excursion in the event of an accident. This will reduce the potential for head injury, thereby reducing the Head Injury Criteria (HIC) measurement. The inflatable lapbelt behaves similarly to the fixed mounted airbag, but in this case the airbag is integrated into the lapbelt, and deploys away from the seated occupant. While airbags are now standard in the automotive industry, the use of an inflatable lapbelt is novel for commercial aviation.

Title 14 Code of Federal Regulations (14 CFR) 25.785 requires that occupants be protected from head injury by either the elimination of any injurious object within the striking radius of the head, or by padding. Traditionally, this has required a set back of 35" from any bulkhead or other rigid interior feature or, where not practical, specified types of padding. The relative effectiveness of these means of injury protection was not quantified. With the adoption of Amendment 25–64 to 14 CFR part 25, a new standard that quantifies required head injury protection was created.

Title 14 CFR 25.562 specifies that dynamic tests must be conducted for each seat type installed in the airplane. In particular, the regulations require that persons not suffer serious head injury under the conditions specified in the tests, and that a HIC measurement of not more than 1,000 units be recorded, should contact with the cabin interior occur. While the test conditions described in this section are specific, it is the intent of the requirement that an adequate level of head injury protection be provided for crash severity up to and including that specified.

While Amendment 25–64 is not part of the Model 767–300 certification basis, it is recognized that the installation of inflatable lapbelts will eventually be proposed for airplanes that do include this requirement. In addition HIC is the only available quantifiable measure of head injury protection. Therefore, the FAA will require that a HIC of less than 1,000 be demonstrated for occupants of seats incorporating the inflatable lapbelt.

Because 25.562 and associated guidance do not adequately address seats with inflatable lapbelts, the FAA recognizes that appropriate pass/fail criteria need to be developed that do fully address the safety concerns specific to occupants of these seats.

The inflatable lapbelt has two potential advantages over other means of head impact protection. First, it can provide significantly greater protection than would be expected with energy absorbing pads, for example, and second, it can provide essentially equivalent protection for occupants of all stature. These are significant advantages from a safety standpoint, since such devices will likely provide a level of safety that exceeds the minimum standards of the Federal Aviation Regulations (FAR). Conversely, airbags in general are active systems, and must be relied upon to activate properly when needed, as opposed to an energy absorbing pad or upper torso restraint that is passive, and always available. These potential advantages must be balanced against the potential disadvantages in order to develop standards that will provide an equivalent level of safety to that intended by the regulations.

The FAA has considered the installation of inflatable lapbelts to have two primary safety concerns: First, that they perform properly under foreseeable operating conditions, and second, that they do not perform in a manner or at such times as would constitute a hazard to the airplane or occupants. This latter point has the potential to be the more rigorous of the requirements, owing to the active nature of the system. With this philosophy in mind, the FAA has considered the following as a basis for the special conditions.

The inflatable lapbelt will rely on electronic sensors for signaling and pyrotechnic charges for activation so that it is available when needed. These same devices could be susceptible to inadvertent activation, causing deployment in a potentially unsafe manner. The consequences of such deployment must be considered in establishing the reliability of the system. Am-Safe, Inc. must substantiate that the effects of an inadvertent deployment in flight are either not a hazard to the airplane, or that such deployment is an extremely improbable occurrence (less than 10^{-9} per flight hour). The effect of an inadvertent deployment on a passenger or crewmember that might be positioned close to the airbag should also be considered. The person could be either standing or sitting. A minimum reliability level will have to be established for this case, depending upon the consequences, even if the effect on the airplane is negligible.

The potential for an inadvertent deployment could be increased as a result of conditions in service. The installation must take into account wear and tear so that the likelihood of an inadvertent deployment is not increased to an unacceptable level. In this context, an appropriate inspection interval and self-test capability are considered necessary. Other outside influences are lightning and high intensity electromagnetic fields (HIRF). Since the sensors that trigger deployment are electronic, they must be protected from the effects of these threats. Existing Special Conditions No. 25–ANM–18 regarding lightning and HIRF are therefore applicable. For the purposes of compliance with those special conditions, if inadvertent deployment could cause a hazard to the airplane, the airbag is considered a critical system; if inadvertent deployment could cause injuries to persons, the airbag should be considered an essential system. Finally, the airbag installation should be protected from the effects of fire, so that an additional hazard is not created by, for example, a rupture of the pyrotechnic squib.

In order to be an effective safety system, the airbag must function properly and must not introduce any additional hazards to occupants as a result of its functioning. There are several areas where the airbag differs from traditional occupant protection systems, and requires special conditions to ensure adequate performance.

Because the airbag is essentially a single use device, there is the potential that it could deploy under crash conditions that are not sufficiently severe as to require head injury protection from the airbag. Since an actual crash is frequently composed of a series of impacts before the airplane

comes to rest, this could render the airbag useless if a larger impact follows the initial impact. This situation does not exist with energy absorbing pads or upper torso restraints, which tend to provide protection according to the severity of the impact. Therefore, the airbag installation should be such that the airbag will provide protection when it is required, and will not expend its protection when it is not needed. There is no requirement for the airbag to provide protection for multiple impacts, where more than one impact would require protection.

Since each occupant's restraint system provides protection for that occupant only, the installation must address seats that are unoccupied. It will be necessary to show that the required protection is provided for each occupant regardless of the number of occupied seats, and considering that unoccupied seats may have lapbelts that are buckled.

Since a wide range of occupants could occupy a seat, the inflatable lapbelt should be effective for a wide range of occupants. The FAA has historically considered the range from the fifth percentile female to the ninety-fifth percentile male as the range of occupants that must be taken into account. In this case, the FAA is proposing consideration of a larger range of occupants, due to the nature of the lapbelt installation and its close proximity to the occupant. In a similar vein, these persons could have assumed the brace position, for those accidents where an impact is anticipated. Test data indicate that occupants in the brace position may not require supplemental protection, and so it would not be necessary to show that the inflatable lapbelt will enhance the brace position. However, the inflatable lapbelt must not introduce a hazard in that case if it deploys into the seated, braced occupant.

Another area of concern is the use of seats so equipped by children whether lap-held, in approved child safety seats, or occupying the seat directly. The installation needs to address the use of the inflatable lapbelt by children, either by demonstrating that it will function properly, or by adding appropriate limitation on usage.

Since the inflatable lapbelt will be electrically powered, there is the possibility that the system could fail due to a separation in the fuselage. Since this system is intended as crash/post-crash protection means, failure due to fuselage separation is not acceptable. As with emergency lighting, the system should function properly if such a separation occurs at any point in the fuselage. A separation that occurs at the location of the inflatable lapbelt would not have to be considered.

Since the inflatable lapbelt is likely to have a large volume displacement, the inflated bag could potentially impede egress of passengers. Since the bag deflates to absorb energy, it is likely that an inflatable lapbelt would be deflated at the time that persons would be trying to leave their seats. Nonetheless, it is considered appropriate to specify a time interval after which the inflatable lapbelt may not impede rapid egress. Ten seconds has been chosen as a reasonable time since this corresponds to the maximum time allowed for an exit to be openable. In actuality, it is unlikely that an exit would be prepared this quickly in an accident severe enough to warrant deployment of the inflatable lapbelt, and the inflatable lapbelt will likely deflate much quicker than ten seconds.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Am-Safe, Inc. must show that the Model 767–300 series airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A1NM or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations incorporated by reference in Type Certificate No. A1NM are as follows: Amendments 25–1 through 25–45 with exceptions. The U.S. type certification basis for the Model 767–300 is established in accordance with 14 CFR 21.29 and 21.17 and the type certification application date. The U.S. type certification basis is listed in Type Certificate Data Sheet No. A1NM.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 25 as amended) do not contain adequate or appropriate safety standards for the Boeing Model 767–300 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of 14 CFR 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 767–300 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49 after public notice, as required by 14 CFR 11.28 and 11.29(b), and become part of the type certification basis in accordance with 14 CFR 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of 21.101(a)(1).

Novel or Unusual Design Features

The Model 767–300 series airplanes will incorporate the following novel or unusual design features: Am-Safe, Inc. is proposing to install an inflatable lapbelt on certain seats of Boeing Model 767–300 series airplanes, in order to reduce the potential for head injury in the event of an accident. The inflatable lapbelt works similarly to a fixed mounted airbag, except that the airbag is integrated with the lap belt of the restraint system.

The CFR states the performance criteria for head injury protection in objective terms. However, none of these criteria are adequate to address the specific issues raised concerning seats with inflatable lapbelts. The FAA has therefore determined that, in addition to the requirements of 14 CFR part 25, special conditions are needed to address requirements particular to installation of seats with inflatable lapbelts.

Accordingly, in addition to the passenger injury criteria specified in 14 CFR 25.785, these special conditions are adopted for the Boeing Model 767–300 series airplanes equipped with inflatable lapbelts. Other conditions may be developed, as needed, based on further FAA review and discussions with the manufacturer and civil aviation authorities.

Discussion

From the standpoint of a passenger safety system, the airbag is unique in that it is both an active and entirely autonomous device. While the automotive industry has good experience with airbags, the conditions of use and reliance on the airbag as the sole means of injury protection are quite different. In automobile installations, the airbag is a supplemental system and works in conjunction with an upper torso restraint. In addition, the crash event is more definable and of typically shorter duration, which can simplify the activation logic. The airplane-operating environment is also quite different from automobiles and includes the potential for greater wear and tear, and unanticipated abuse conditions (due to galley loading, passenger baggage, etc.);

airplanes also operate where exposure to high intensity electromagnetic fields could affect the activation system.

The following special conditions can be characterized as addressing either the safety performance of the system, or the system's integrity against inadvertent activation. Because a crash requiring use of the airbags is a relatively rare event, and because the consequences of an inadvertent activation are potentially quite severe, these latter requirements are probably the more rigorous from a design standpoint.

Discussion of Comments

Notice of proposed special conditions, Notice No. 25–99–03–SC, for the Boeing Model 767–300 series airplanes; equipped with inflatable lapbelts was published in the **Federal Register** on May 13, 1999 (64 FR 2581). Eight commenters responded to the Notice.

Six commenters addressed special condition #1, concerning the range of occupants and conditions of occupancy that must be considered when qualifying the inflatable lapbelt. One commenter felt that pregnant women should be added to the occupants considered. Other commenters stated that the range of occupant statures specified was not substantiated, and that there were existing accepted ranges that were applicable to this installation that should be used. Some commenters inferred from the wording of condition #1 that "consideration" of the scenarios specified meant that occupant protection must be demonstrated for those scenarios. Another commenter pointed out that occupant stature was very important to the performance of the inflatable lapbelt, considering that the occupant's lap and lower limbs were likely to provide the bearing surface for the airbag. A commenter also noted that, once deployed, the airbag will absorb energy based upon its size, pressure and vent area, and to require a "consistent" level of energy absorption for all occupant sizes is virtually impossible.

After further consideration, the FAA has concluded that the established range of occupant stature, inclusive of the ninety-fifth percentile male is sufficient to address the performance of the inflatable lapbelt. Consideration of larger occupants, while desirable, is not specifically unique to this installation, and therefore should not be made an additional criterion by special condition. The FAA does, however, continue to maintain that small children should be accommodated by the inflatable lapbelt, and should not be subject to any hazards associated with its deployment. There were no adverse comments to this aspect of the proposal.

With respect to consideration of occupancy conditions given in conditions #1.a., b., and c., it was not the FAA's intent that the lapbelt be shown to accommodate all of these conditions. The intent of the condition was to cause each case to be addressed, and either demonstrated to be acceptable, or prohibited from occurring by operational limitations. Thus, if the inflatable lapbelt cannot accommodate a child restraint device, it would be acceptable to prohibit use of child restraint devices in seats so equipped. The same is true for the other conditions.

With respect to the requirement that the inflatable lapbelt provide a "consistent level of energy absorption" the FAA agrees that the amount of energy absorbed is dependent on the amount of energy input, and that will vary according to occupant size. The use of the word consistent may be confusing in this case. The intent of the requirement is to ensure that the range of occupants under consideration is presented with a consistent approach to injury protection, such that all occupants are afforded protection by the same mechanisms. This requirement has the effect of both establishing a consistent approach to injury protection for the range of occupants, as well as permitting demonstration with the fiftieth percentile anthropomorphic test dummy (ATD) to show compliance for the extremes of the ranges.

With respect to pregnant women, the FAA agrees that there should be some instruction provided regarding use of the seat with an inflatable lapbelt. This requirement is added as condition #1.d., which would enable the applicant to either demonstrate or restrict such occupancy.

It is clear that the performance of the inflatable lapbelt will depend to a large extent on the bearing surface, whether it is the person occupying the seat themselves or it is the airplane interior structure. The FAA considers this to be part of the basic qualification of the system, and however the system performs, it must be shown to do so reliably and consistently for the range of occupants.

Two commenters addressed condition #2 regarding the number of seated occupants to be considered. Both commenters stated that the wording of the condition implies that the buckles must have switches, and that a buckle is required for firing. Both commenters request clarification of the term "adequate protection". One commenter suggested alternative wording.

In this case, the design incorporates switches in the buckle assembly, and so the special condition addresses that design. Other designs might be addressed differently, but the main issue is to consider the effect on occupants of a partially occupied seat assembly, if all of the airbags activate. In that instance, the inflatable lapbelt should still perform its safety function for each occupant, and there should be no hazard (either as a result of the deployment, or to egress) from inflatable lapbelts that might activate in unoccupied seat places. In order to account for possible design changes, the wording is adjusted slightly to remove the word "buckled" and simply state that the unoccupied seats may have "active" inflatable lapbelts.

One commenter stated that condition #3 is subjective, and the stiffness of the belt should suffice to satisfy the requirement. Another commenter pointed out that a person could properly fasten the belt, and then twist the whole assembly so as to invert the buckle with respect to its proper position. The same commenter also noted that a loosely fastened belt should be considered.

The intent of this requirement is to make improper use of the belt unlikely. While there may be some subjectivity in this determination, there are practical design measures that will effectively eliminate the chance that a person would inadvertently misuse the lapbelt. The situation where a person deliberately inverts the buckle is different, and the intent of the special condition was not to account for such situations. Nonetheless, the measures taken to address inadvertent misuse will also likely be effective in preventing or minimizing deliberate misuse. With respect to a loosely fastened belt, this is something that no doubt occurs on standard seatbelts and reduces their effectiveness. The FAA agrees that a loosely fastened belt should not result in any greater risk to the occupant than on a standard belt, but cannot require that the inflatable belt be demonstrated to perform as well in this condition as when it is properly fastened. This provision is added to condition #5, which addresses occupants in the brace position.

Four commenters felt that the requirement of condition #4 was vague, and that "wear and tear" needed further definition. Some commenters felt that this requirement could be linked to inspection and instructions for continued airworthiness, which are required anyway. One commenter indicated that the condition is directed at pyrotechnic devices, which may not be typical.

The FAA agrees that the term "wear and tear" is not particularly specific,

and this was intentional. Depending on where certain components of the system are installed, their susceptibility to in-service wear and tear will vary. It is the intent of this requirement that the inflatable lapbelt will not deploy as a result of foreseeable in-service conditions, including interaction with passengers, if applicable, use of service carts, if applicable, and so on. There are regulatory requirements for instructions for continued airworthiness, which continue to apply and are not a substitute for these special conditions. The device in question is pyrotechnically activated and, therefore, this condition was written with that in mind. Other designs that might require a different condition, or might not require a similar consideration, are not the subject of this special condition. No change is made to the special condition.

Four commenters felt that the requirement of condition #5 was impractical as stated, since no injury severity level was specified. One commenter pointed out that a bruise could be considered an injury under the current wording, and would therefore make the inflatable lapbelt unacceptable. Commenters point out that a person sitting in a fully compliant standard seat is likely to suffer some injuries as a result of an accident of the severity addressed by the regulations, and that the requirement should be that their ability to egress the airplane not be adversely affected.

The FAA agrees that the proposed wording could have unintended consequences. The intent of the requirement is to prevent the introduction of injury mechanisms that did not exist previously, or would not be present on a seat that complied with the regulations directly. In this regard, injuries that would affect rapid egress are certainly of concern. However, there could be other injury mechanisms that might not have a direct impact on rapid egress, but could still be debilitating. In order to clarify the requirement, the wording is changed to require that the inflatable lapbelt not introduce injury mechanisms and that rapid egress not be affected.

Three commenters addressed the issue of brace position. Comments concerned establishing what is an acceptable brace position and on what basis an injury assessment should be made.

For the purposes of this special condition, the brace position is considered to be that shown on the operators' safety information card. The FAA does not expect that different approaches to the brace positions are feasible for seats with and without the inflatable lapbelt (for example considering the seated, upright position as the "brace" position for these seats). It is recognized that the current approach to brace position does result in a different position for seats that are closely spaced, versus those that aren't. In both of those cases, however, the approach is to assume a position bending as far forward as possible. Considering the modifications made to condition #5, this requirement will be combined with that one as a consideration to be addressed when determining injury potential. (Note: The special conditions are renumbered due to the combining of Notice conditions #5 and #6).

There was one comment regarding condition #6 (condition #7 of Notice), the need to demonstrate that inadvertent deployment that could cause injury to a sitting or standing person is improbable (10^{-5}/flt-hour). The commenter felt that this requirement could be open-ended unless inadvertent deployment was shown to be extremely improbable (10^{-9}/flt-hour). The FAA does not agree. Demonstration of reliability at the improbable level is sufficient to satisfy the objective of the requirement.

Two commenters addressed the requirement that an inadvertent deployment that could cause a hazard to continued safe flight and landing be extremely improbable. Both commenters agree with the requirement, however, one commenter believes it is unnecessary, since the commenter feels the inflatable lapbelt cannot cause such a hazard. While the FAA agrees that the design as it is currently understood is unlikely to constitute a direct hazard to safe flight, this requirement is fundamental to the acceptability of such a system. Thus, while the system may, in practice, not constitute a hazard, the possibility cannot be ruled out, and criteria are needed in that event.

Four commenters questioned the proposed requirement addressing impediment to rapid egress. One commenter stated that some ground rules are necessary to make an objective assessment. Another commenter questioned the origin of the 10 second standard proposed, and whether that standard applied equally to accidents that consisted of single and multiple impacts. One commenter stated that the deflated airbag should also be considered. Another commenter noted that the deflation of the airbag is dependent on vent size and the impact occuring to the bag itself. If there is no impact, the bag will vent naturally, and typically more slowly than if it were impacted.

The requirement as written was intended to address both the inflated and deflated conditions, as well as a representative accident scenario, from initial impact until the airplane comes to rest. The reason that a specific time interval was chosen was in consideration of the fact that an evacuation cannot take place simultaneously with the accident. The 10 second interval was established based on FAA review of both test and accident data concerning the time from impact until an airplane comes to rest, coupled with the time needed to prepare exits and escape slides for evacuation. Therefore, 10 seconds after the device deploys, it should not impede rapid egress of occupants. This includes occupants of seats adjacent to deployed devices, as well as occupants of the seat in which the device deploys. No change is made to this provision.

One commenter questioned the need to address lightning and high intensity radiated fields (HIRF), considering the potential hazard. The FAA regards this as a necessary requirement since the failure to address it potentially increases the hazards present. If the inflatable lapbelt were not protected from HIRF and lightning effects the potential for inadvertent deployment increases dramatically, and the associated risk would increase accordingly. Therefore, the requirement remains as written.

One commenter noted that, in the preamble discussion regarding condition #10 (condition #11 of Notice), a transverse separation occurring at the location of the inflatable lapbelt is excluded from consideration. The commenter suggests that this provision be included in condition #10 (condition #11 of Notice) itself. This has been done.

Two commenters believe that condition #11 (condition #12 of Notice) is too vague, and that no standards are provided to determine what constitutes a "hazardous quantity" of gas. One commenter questions whether the hazard extends to the effect on visibility from release of any gases.

This requirement was left intentionally general, since there are so many different approaches to inflation systems and the gases used. Since the bag is vented to the cabin, it is assumed that occupants will be exposed to the gases used. To large extent, then, this requirement will dictate the gases that are used. The FAA considers it appropriate to allow the applicant to demonstrate that that the gases released do not pose a safety hazard, and there are several options for doing this. There was no intent to address visibility as part of this condition, although it theoretically could be an issue as part of

condition #8 (condition #9 of Notice). This isn't expected to be the case, however.

Two commenters responded to the requirement that the inflatable lapbelt be protected from the effects of fire. Both commenters agree with the intent of the requirement. One commenter proposes alternative wording to clarify that the effects of the fire are applicable to the most critical component of the system, and the other commenter proposes that the standards currently used for chemical oxygen generators should be adequate.

Again, this requirement was intentionally general, since the system design and installation will dictate the fire threat, as well as the consequences of the threat. For example, an installation that isolated any pyrotechnic devices or pressure vessels from the occupants might not be as critical as one where those items are inside the passenger cabin. In terms of the standards to be used, there are existing standards for pressure vessels, gas generators and other components that could be applied to this device/installation. The FAA expects the applicant to propose standards that are applicable in this case.

There was one comment regarding the provisions of condition #13 (condition #14 of Notice). This condition requires that there be means to enable a crewmember to determine whether the system is operable, or that the system has been shown to be reliable over a specified inspection interval. The commenter notes that readiness indicators can add complexity to the system and actually reduce reliability. The commenter clarifies the understanding that an inspection interval based on reliability data is an acceptable method of compliance.

As noted above, the special condition allows more than one method of verifying system integrity. Either of the approaches is acceptable, but the FAA considers it necessary to minimize the possibility that the system could experience an undetected failure.

One commenter had several general comments regarding the wisdom of incorporating such a device on an airplane, considering the potential for inadvertent deployments or misuse, versus the probability of having an accident in the first place. The commenter contends that the risk of the former outweighs the risk of the latter. The FAA agrees that this could be an issue, considering the very low accident rate, however, this is one of the main issues of the special conditions. The special conditions are written to prevent the inadvertent deployments or show that such deployments are not a hazard. If the special conditions are met, the FAA considers that this is not an issue.

Applicability

As discussed above, these special conditions are applicable to the Model 767–300 series airplanes. Should Am-Safe, Inc. apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A1NM to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on the Boeing Model 767–300 series airplanes. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Boeing Model 767–300 series airplanes modified by Am-Safe, Inc. by installing inflatable lapbelts.

1. *Seats With Inflatable Lapbelts.* It must be shown that the inflatable lapbelt will deploy and provide protection under crash conditions where it is necessary to prevent serious head injury. The means of protection must take into consideration a range of stature from a two-year-old child to a ninety-fifth percentile male. The inflatable lapbelt must provide a consistent approach to energy absorption throughout that range. In addition, the following situations must be considered:

a. The seat occupant is holding an infant.

b. The seat occupant is a child in a child restraint device.

c. The seat occupant is a child not using a child restraint device.

d. The seat occupant is a pregnant woman.

2. The inflatable lapbelt must provide adequate protection for each occupant regardless of the number of occupants of the seat assembly, considering that unoccupied seats may have active seatbelts.

3. The design must prevent the inflatable lapbelt from being either incorrectly buckled or incorrectly installed such that the airbag would not properly deploy. Alternatively, it must be shown that such deployment is not hazardous to the occupant, and will provide the required head injury protection.

4. It must be shown that the inflatable lapbelt system is not susceptible to inadvertent deployment as a result of wear and tear, or inertial loads resulting from in-flight or ground maneuvers (including gusts and hard landings), likely to be experienced in service.

5. Deployment of the inflatable lapbelt must not introduce injury mechanisms to the seated occupant, or result in injuries that could impede rapid egress. This assessment should include an occupant who is in the brace position when it deploys and occupants whose belt is loosely fastened.

6. It must be shown that an inadvertent deployment, that could cause injury to a standing or sitting person, is improbable.

7. It must be shown that inadvertent deployment of the inflatable lapbelt, during the most critical part of the flight, will either not cause a hazard to the airplane or is extremely improbable.

8. It must be shown that the inflatable lapbelt will not impede rapid egress of occupants 10 seconds after its deployment.

9. The system must be protected from lightning and HIRF. The threats specified in Special Condition No. 25–ANM–18 are incorporated by reference for the purpose of measuring lightning and HIRF protection. For the purposes of complying with HIRF requirements, the inflatable lapbelt system is considered a "critical system" if its deployment could have a hazardous effect on the airplane; otherwise it is considered an "essential" system.

10. The inflatable lapbelt must function properly after loss of normal aircraft electrical power, and after a transverse separation of the fuselage at the most critical location. A separation at the location of the lapbelt does not have to be considered.

11. It must be shown that the inflatable lapbelt will not release hazardous quantities of gas or particulate matter into the cabin.

12. The inflatable lapbelt installation must be protected from the effects of fire such that no hazard to occupants will result.

13. There must be a means for a crewmember to verify the integrity of

the inflatable lapbelt activation system prior to each flight or it must be demonstrated to reliably operate between inspection intervals.

Issued in Renton, Washington, on September 15, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 99–24792 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–11]

Revision of Class E Airspace; Raton, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule which revises Class E airspace at Raton, NM.

EFFECTIVE DATE: The direct final rule published at 64 FR 38822 is effective 0901 UTC, November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: 817–222–5793.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on July 20, 1999, (64 FR 38822). The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on November 4, 1999. No adverse comments were received, and, thus, this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on September 14, 1999.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 99–24650 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–14]

Revision of Class E Airspace; Center, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule which revises Class E airspace at Center, TX.

EFFECTIVE DATE: The direct final rule published at 64 FR 39012 is effective 0901 UTC, November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: 817–222–5793.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on July 21, 1999, (64 FR 39012). The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on November 4, 1999. No adverse comments were received, and, thus, this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on September 14, 1999.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 99–24649 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–15]

Revision of Class E Airspace; Perry, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct Final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule which revises Class E airspace at Perry, OK.

EFFECTIVE DATE: The direct final rule published at 64 FR 39011 is effective 0901 UTC, November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: 817–222–5793.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on July 21, 1999, (64 FR 39011). The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on November 4, 1999. No adverse comments were received, and, thus, this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on September 14, 1999.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 99–24648 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

Noise Transition Regulations; Approach of Final Compliance Date

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of approach of final compliance date.

SUMMARY: This document serves as a reminder to operators of all jet airplanes over 75,000 pounds of the limits on these airplanes after the final compliance date, December 31, 1999. This document is intended to assist operators of these airplanes in planning their actions toward complete compliance with the upcoming prohibition on operations of Stage 2

airplanes in the contiguous United States.

FOR FURTHER INFORMATION CONTACT: Thomas Connor, Manager, Noise Division, AEE–100, Office of Environment and Energy, FAA, 800 Independence Avenue, SW., Washington, DC 20591; telephone 202–267–8933, fax 202–267–5594.

SUPPLEMENTARY INFORMATION:

Background

In the Airport Noise and Capacity Act of 1990, 49 U.S.C. 47501 *et seq.* (ANCA), Congress prohibited the operation of Stage 2 aircraft over 75,000 pounds in the contiguous United States after December 31, 1999. The law also required the Federal Aviation Administration (FAA) to establish by regulation a schedule of phased compliance that would eliminate Stage 2 operations by the final compliance date.

Those regulations were promulgated in 1991, and codified at 14 CFR §§ 91.851–91.877. In general, the regulations require each operator of Stage 2 airplanes to progressively reduce the number of Stage 2 airplanes it operates by 25% by the end of 1994, 1996, and 1998. In the alternative, operators may choose to operate a fleet of airplanes that is increasingly Stage 3—55% after 1994, 65% after 1996, and 75% after 1998. In either case, except as provided in the law, no Stage 2 airplanes may operate in the contiguous United States after December 31, 1999.

Waivers From Final Compliance

Congress provided the authority to grant limited waivers from the final compliance date in ANCA. The waiver provision, codified at 49 U.S.C. 47528(b) and 14 CFR § 91.873, is limited in both scope and application. Only U.S. air carriers (part 121 operators) were eligible to apply for the waiver, and applications had to have been filed by January 1, 1999. The FAA received 10 applications for waivers, and decisions on those applications are pending.

Effect of Final Compliance Date on Agency Actions

When the FAA promulgated the regulations, it warned all affected operators that they should plan for *full* compliance by the end of 1999 (56 FR 48839, Sept. 25, 1991). However, the FAA has received several inquiries regarding operations of Stage 2 airplanes after December 31, 1999, indicating that some operators are uncertain about what Stage 2 operations might be allowed after the final compliance date.

After December 31, 1999, by action of law, the FAA will no longer have the authority to allow certain operations of large airplanes that have come to be viewed as routine. For example, SFAR 64, Special Flight Authorizations for Noise Restricted Aircraft, will expire on December 31, 1999. That regulation allows operators of Stage 1 and Stage 2 airplanes to request special flight authorizations to move noise-related airplanes in and out of the United States under the circumstances listed in the regulation. After December 31, 1999, such operations will not be allowed. This is not a matter of FAA discretion or policy—the statue that prohibits Stage 2 operation in the contiguous United States after that date removes the FAA's authority to allow such airplane movement, except as may be authorized under the statutory waiver described above.

Operating Limitations After December 31, 1999

Therefore, after December 31, 1999, *no person may operate a Stage 1 or Stage 2 airplane over 75,000 pounds to, from, or within the contiguous United States for any purpose, unless that person is a part 121 operator that has a valid waiver obtained from the FAA under § 91.873.* Operation of a Stage 1 or Stage 2 airplane for any of the following purposes is *prohibited:* obtaining noise modifications, maintenance, scrapping, repositioning, exportation, sale, lease, or storage. This prohibition applies to any Stage 1 or Stage 2 airplane over 75,000 pounds in the contiguous United States, including airplanes normally operated by a U.S. air carrier outside the contiguous United States that are occasionally brought into the contiguous United States for maintenance. An airplane scheduled to be modified after December 31, 1999, should be located at the modification facility on or before that date. After December 31, 1999, the FAA will have no authority to allow operation of Stage 1 or Stage 2 airplanes for any purpose.

Operation of any Stage 1 or Stage 2 airplane after December 31, 1999, except as granted pursuant to the statutory waiver, will be subject to the penalties prescribed by law (49 U.S.C. 47531). The FAA has determined compliance with the noise transition regulations by counting the Stage 2 and Stage 3 airplanes appearing on an operator's operations specifications (or their equivalent). Accordingly, the FAA recommends that operators make arrangements to remove all Stage 2 airplanes from their operations specifications (or restrict their operation as to areas outside the contiguous United States) on or before December 31, 1999, to prevent any confusion.

The provision of the nonaddition rule that allows special flight authorizations to be granted to otherwise restricted airplanes for the purpose of hushkitting, codified at 49 U.S.C. 47529(b) and § 91.857(b), will no longer be effective after December 31, 1999. The FAA has determined that, as a matter of law, the provisions of the statutory nonaddition rule, which is limited in scope to imported airplanes, does not overcome the general statutory prohibition on Stage 2 airplane operations. Similarly, the FAA's regulation allowing Stage 2 airplanes into the contiguous United States for maintenance purposes, § 91.857(a), is also subject to the statutory prohibition after December 31, 1999. Essentially, §§ 91.855 and 91.857 can no longer be used after December 31, 1999. Operators should plan their airplane movements accordingly to prevent airplanes from being "stuck" in the United States after midnight December 31, 1999, since the FAA will have no authority to allow any further operation, and any operation will be considered a violation of ANCA.

In addition, the FAA specifically warns operators of airplanes over 75,000 pounds operated under an *experiemental airworthiness certificate* (or any other type of airworthiness certificate) that their operations are also prohibited after December 31, 1999. The FAA gave notice in 1991 and 1995 that *all* operators of jet airplanes over 75,000 pounds, regardless of airworthiness certificate type, were subject to the law and the implementing regulations. Until recently, however, operators of airplanes used for research and development purposes mistakenly presumed that their airplanes were not covered by ANCA or the regulations, or that the FAA would exempt them. The FAA has no authority to exempt operators of these airplanes, regardless of their operating purpose.

In short, any Stage 1 or Stage 2 airplane in the contiguous United States after December 31, 1999, may not be operated for any purpose. Operators of these airplanes are warned to plan accordingly.

The FAA restates that these circumstances are not within the agency's discretion, but come about by the action of law. This is not a request for comment on a proposed rule. The FAA has no authority to consider exceptions of any kind from these circumstances, and any requests for permission to operate, other than under the statutory waiver authority, will be returned to the petitioner without action.

The FAA has requested that ANCA be amended to extend the agency's

authority to allow limited operation of Stage 2 airplanes under certain circumstances. If such authority is granted, the agency will publish document in the **Federal Register** detailing the scope of that authority and the means by which it will be implemented. Operators are cautioned not to rely on this possible change of authority when planning their year-end operations.

Issued in Washington, DC on September 17, 1999.

Paul R. Dykeman,

Deputy Director of Environment and Energy.

[FR Doc. 99–24798 Filed 8–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29753; Amdt. No. 1950]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Indivdiual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on September 17, 1999.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing,

amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By Amending: § 97.23, VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

Effective October 7, 1999

Rutland, VT, Rutland State, LOC/DME 1 RWY 19, Amdt 2

Effective November 4, 1999

Anchorage, AK, Anchorage, Intl, GPS RWY 6R, Orig

Eagle, CO, Eagle County Regional, LOC/DME–C, Amdt 2

Madison, GA, Madison Muni, GPS RWY 14, Amdt 1

Madison, GA, Madison Muni, VOR/DME or GPS–A, Amdt 7

Toccoa, GA, Toccoa RG Letourneau Field, VOR/DME RWY 2, Amdt 1

Pikeville, KY, Pike Co.-Hatcher Field, GPS RWY 8, Orig

Pikeville, KY, Pike Co.-Hatcher Field, GPS RWY 26, Orig

Austin, MN, Austin Muni, VOR or GPS RWY 18, Amdt 1

Austin, MN, Austin Muni, VOR or GPS RWY 36, Amdt 1

Southport, NC, Brunswick County, GPS RWY 23, Amdt 1

Chesapeake, VA, Chesapeake Muni, GPS RWY 5, Amdt 1

[FR Doc. 99–24795 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29754; Amdt. No. 1951]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purpose—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51 and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conservation to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All

SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAP's contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on September 17, 1999.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is reviewed to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MSL/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

Effective Upon Publication

FDC date	State and city	Airport	FDC No.	SIAP
08/31/99	OR—North Bend	North Bend Muni	9/6635	ILS RWY 4 AMDT 5...
08/31/99	WY—Big Piney	Big Piney-Marbleton	9/6616	GPS RWY 31, ORIG...
08/31/99	WY—Big Piney	Piney-Marbleton	9/6615	VOR RWY 31 AMDT 3...
09/01/99	MI—Detroit	Detroit Metropolitan Wayne County	9/6667	ILS RWY 21L AMDT 8A...
09/01/99	NJ—Morristown	Morristown Muni	9/6662	NDB or GPS RWY 23 AMDT 6B...
09/01/99	NJ—Teterboro	Teterboro	9/6663	VOR/DME RWY 6 ORIG–A...
09/01/99	NY—Newburgh	Stewart Intl	9/6658	VOR RWY 27 AMDT 4...
09/02/99	FL—Fort Pierce	St. Lucie County Intl	9/6727	GPS RWY 9 ORIG...
09/02/99	FL—Orlando	Kissimmee Muni	9/6689	NDB RWY 15, ORIG...
09/02/99	MI—Detroit	Detroit Metropolitan Wayne County	9/6720	ILS RWY 27R AMDT 10B...

FDC date	State and city	Airport	FDC No.	SIAP
09/02/99	SC—Rock Hill	Rock Hill/York County/Bryant Field	9/6691	ILS RWY 2, ORIG...
09/02/99	SC—Rock Hill	Rock Hill/York County Bryant Field	9/6692	VOR/DME RNAV RWY 2, AMDT 4D...
09/02/99	SC—Rock Hill	Rock Hill/York County/Bryant Field	9/6693	VOR or GPS–A, AMDT 9B...
09/02/99	SC—Rock Hill	Rock Hill/York County/Bryant Field	9/6674	GPS RWY 2, ORIG–B...
09/02/99	SC—Rock Hill	Rock Hill/York County/Bryant Field	9/6695	NDB RWY 2, ORIG–C...
09/02/99	SC—Rock Hill	Rock Hill/York County/Bryant Field	9/6696	GPS RWY 20, ORIG–B...
09/02/99	VA—Newport News	Newport News/Williamsburg Intl	9/6708	NDb or GPS RWY 20, AMDT 3C...
09/07/99	CA—Oxnard	Oxnard	9/6755	GPS RWY 7 ORIG...
09/07/99	CA—Palm Springs	Desert Resorts Regional	9/6752	VOR/DME or GPS RWY 30 ORIG...
09/07/99	CA—Santa Ana	John Wayne Airport-Orange County	9/6754	LOC BC RWY 1L AMDT 10A...
09/07/99	CA—Santa Ana	John Wayne Airport-Orange County	9/6764	NDB or GPS RWY 1L AMDT 1...
09/07/99	CA—Santa Barbara	Santa Barbara Muni	9/6760	VOR or GPS RWY 25 AMDT 6A...
09/07/99	IN—Rochester	Fulton County	9/6765	GPS RWY 29 ORIG...
09/07/99	MI—Grayling	Grayling AAF	9/6757	VOR RWY 14 AMDT 1...
09/07/99	WV—Martinsburg	Eastern West Virginia Regional/Shepherd Field.	9/6761	LOC/DME BC RWY 8 AMDT 5A...
09/08/99	MT—Great Falls	Great Falls Intl	9/6839	VOR or GPS RWY 21 AMDT 9...
09/08/99	MT—Great Falls	Great Falls Intl	9/6843	NDB or GPS RWY 34 AMDT 16...
09/08/99	MT—Kalispell	Glacier Park Intl	9/6840	VOR or GPS RWY 30 AMDT 9...
09/09/99	CA—Arcata-Eureka	Arcata	9/6972	GPS RWY 2 ORIG...
09/09/99	CA—Colusa	Colusa County	9/6918	GPS RWY 31 ORIG...
09/09/99	CA—Palmdale	Palmdale Production FLT/TEST INSTLN AF Plant 42.	9/6948	ILS RWY 25 AMDT 8...
09/09/99	CA—Palmdale	Palmdale Production FLT/TEST INSTLN AF Plant 42.	9/6949	VOR/DME or TACAN or GPS RWY 25 AMDT 6...
09/09/99	FL—Destin	Destin-Fort Walton Beach	9/6865	Radar–1 AMDT 7A...
09/09/99	IA—Cresco	Ellen Church Field	9/6915	GPS RWY 33, ORIG...
09/09/99	IA—Cresco	Ellen Church Field	9/6916	GPS RWY 15, ORIG...
09/09/99	KS—Olathe	Johnson County Executive	9/6894	GPS RWY 36, ORIG–A...
09/09/99	KS—Olathe	Johnson County Executve	9/6895	NDB RWY 36, ORIG...
09/09/99	KS—Olathe	Johnson County Executive	9/6897	NDB or GPS RWY 18, AMDT 3B...
09/09/99	KS—Olathe	Johnson County Executive	9/6898	LOC RWY 18, AMDT 6A...
09/09/99	KS—Olathe	Johnson County Executive	9/6899	LOC RWY 36, ORIG–A...
09/09/99	KS—Olathe	Johnson County Executive	9/6901	NDB or
09/09/99	MO—Kansas City	Kansas City Downtown	9/6923	NDB RWY 19, AMDT 16C...
09/09/99	MO—Kansas City	Kansas City Downtown	9/6927	VOR or GPS RWY 19, AMDT 18A...

FDC date	State and city	Airport	FDC No.	SIAP
09/09/99	MO—Mosby	Clay County Regional	9/6913	NDB RWY 18, ORIG...
09/09/99	MO—Mosby	Clay County Regional	9/6914	GPS RWY 18, ORIG–A...
09/09/99	TN—Jackson	McKeller-Sipes Regional	9/6873	GPS RWY 20 ORIG...
09/09/99	VA—Newport News	Newport News/Williamsburg Intl	9/6946	NDB or GPS RWY 2 AMDT 4A...
09/09/99	WY—Casper	Natrona County Intl	9/6875	VOR/DME or TACAN or GPS RWY 21 AMDT 7...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7020	Hi-LOC DME BC RWY 28L AMDT 2...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7021	Hi-VOR/DME or TACAN RWY 10R ORIG...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7025	ILS RWY 10R AMDT 8B...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7026	MLS RWY 28L, ORIG...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7027	NDB RWY 10R AMDT 27...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7029	VOR RWY 10R ORIG...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7030	VOR/DME or GPS RWY 10R ORIG...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7031	GPS RWY 10L ORIG...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7032	HI-VOR/DME or TACAN RWY 28L, AMDT 2...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7033	NDB RWY 10L ORIG...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7036	LOC BC RWY 28L, ORIG...
09/10/99	ID—Boise	Boise Air Terminal (Gowen Field)	9/7037	VOR/DME or TACAN RWY 10L AMDT 1...
09/10/99	IL—Lacon	Marshall County	9/7061	VOR RWY 13 AMDT 2...
09/10/99	KS—Topeka	Forbes Field	9/7006	ILS RWY 31, AMDT 9...
09/10/99	ME—Bangor	Bangor Intl	9/7011	VOR/DME RWY 33 AMDT 6...
09/10/99	VA—Orange	Orange County	9/7057	NDB RWY 7 AMDT 1...
09/10/99	WY—Pinedale	Ralph Wenz Field	9/7009	NDB or GPS RWY 29 ORIG...
09/13/99	MO—Kansas City	Kansas City Downtown	9/7134	ILS RWY 19, AMDT 20C...
09/13/99	MO—Kansas City	Richards-Gebaur Memorial	9/7129	ILS RWY 1, AMDT 5...
09/13/99	MO—Kansas City	Richards-Gebaur Memorial	9/7130	NDB RWY 1, ORIG...
09/13/99	OH—Ashtabula	Ashtabula County	9/7154	GPS RWY 26 ORIG...
09/13/99	OH—Ashtabula	Ashtabula County	9/7155	GPS RWY 8 AMDT 1...
09/13/99	OH—Ashtabula	Ashtabula County	9/7156	VOR RWY 8, ORIG...
09/13/99	OH—Ashtabula	Ashtabula County	9/7157	VOR/DME RWY 26 AMDT 6...

Palm Springs

DESERT RESORTS REGIONAL
California
VOR/DME OR GPS RWY 30 ORIG...
FDC Date: 09/07/99

FDC 9/6752/TRM/FI/P DESERT RESORTS REGIONAL, PALM SPRINGS, CA. VOR/DME OR GPS RWY 30 ORIG...ADD NOTE...MECA/TRM 6.40 DME TO RWY 30/TRM .40 DME 3.59 DEGREES, TCH 40. THIS IS VOR/DME OR GPS RWY 30 ORIG–A.

Santa Ana

JOHN WAYNE AIRPORT—ORANGE COUNTY
California
LOC BC RWY 1L AMDT 10A...
FDC Date: 09/07/99

FDC 9/6754/SNA/FI/P JOHN WAYNE AIRPORT—ORANGE COUNTY, SANTA ANA, CA. LOC BC RWY IL AMDT 10A...ADD NOTE... NEWPO INT SNA 4.50 DME TO RWY 1L 3.21 DEGREES, TCH 51. CHART PROFILE NOTE... VGSI AND DESCENT ANGLES NOT COINCIDENT. THIS IS LOC BC RWY 1L AMDT 10B.

Oxnard

OXNARD
California
GPS RWY 7 ORIG...
FDC Date: 09/07/99

FDC 9/6755/OXR/FI/P OXNARD, OXNARD, CA. GPS RWY 7 ORIG...ADD...FROM PEWKIWP TO RWY 73.31 DEGREES, TCH 40. CHART PROFILE NOTE... VGSI AND DESCENT ANGELES NOT COINCIDENT. DELETE... CAMARILLO ALTIMETER SETTING MINIMUMS. THIS IS GPS RWY 7 ORIG–A.

Santa Barbara

SANTA BARBARA MUNI
California
VOR OR GPS RWY 25 AMDT 6A...
FDC Date: 09/07/99

FDC 9/6760/SBA/FI/P SANTA BARBARA MUNI, SANTA BARBARA, CA. VOR OR GPS RWY 25 AMDT 6A... ADD...FROM ZACKS INT GVO 20.70 DME TO RWY 25 2.96 DEGREES, TCH 45. DELETE ALTN MNMS NOTE...NA WHEN CONTROL ZONE NOT IN EFFECT EXCEPT FOR OPERATIONS WITH APPROVED WEATHER REPORTING SERVICE. THIS IS VOR OR GPS RWY 25 AMDT 6B.

Santa Ana

JOHN WAYNE AIRPORT—ORANGE COUNTY
California
NDB OR GPS RWY 1L AMDT 1...
FDC Date: 09/07/99

FDC 9/6764/SNA/FI/P JOHN WAYNE AIRPORT—ORANGE COUNTY, SANTA ANA, CA. NDB OR GPS RWY 1L AMDT 10A...ADD NOTE...NEWPO INT TO RWY 1L 3.21 DEGREES, TCH 51. CHART PROFILE NOTE...VGSI AND DESCENT ANGLES NOT COINCIDENT. THIS IS NDB OR GPS RWY 1L AMDT 1A.

Colusa

COLUSA COUNTY
California
GPS RWY 31 ORIG...
FDC Date: 09/09/99

FDC 9/6918/0O8/FI/P COLUSA COUNTY, COLUSA, CA. GPS RWY 31 ORIG...MISSED APPROACH... CLIMBING RIGHT TURN TO 4000 DIRECT TO KYILE WP AND HOLD. THIS IS GPS RWY 31 ORIG–A.

Palmdale

PALMDALE PRODUCTION FLT/TEST INSTLN AF PLANT 42
California
ILS RWY 25 AMDT 8...
FDC Date: 09/09/99

FDC 9/6948/PMD/FI/P PALMDALE PRODUCTION FLT/TEST INSTLN AF PLANT 42, PALMDALE, CA. ILS RWY 25 AMDT 8...DELETE NOTE... WHEN CONTROL ZONE NOT IN EFFECT, USE GENERAL WILLIAM J. FOX ALTIMETER SETTING AND INCREASE ALL DH'S AND MDA'S 40 FT. ALTN MNMS... STANDARD. THIS IS ILS RWY 25 AMDT 8A.

Palmdale

PALMDALE PRODUCTION FLT/TEST INSTLN AF PLANT 42
California
VOR/DME OR TACAN OR GPS RWY 25 AMDT6...
FDC Date: 09/09/99

FDC 9/6949/PMF/FI/P PALMDALE PRODUCTION FLT/TEST INSTLN AF PLANT 42, PALMDALE, CA. VOR/DME OR TACAN OR GPS RWY 25 AMDT 6.. .DELETE NOTE... WHEN CONTROL ZONE NOT IN EFFECT, USE GENERAL WILLIAM J. FOX ALTIMETER SETTING AND INCREASE ALL DH'S AND MDA'S 40 FT. ALTN MNMS... STANDARD. THIS VOR/DME OR TACAN OR GPS RWY 25 AMDT 6A.

Arcata-Eureka

ARCATA
California
GPS RWY 2 ORIG...
FDC Date: 09/09/99

FDC 9/6972/ACV/FI/P ARCATA, ARCATA-EUREKA, CA. GPS RWY 2 ORIG... CHANGE DESCENT ANGLE TO 3.16 DEGREES. THIS IS GPS RWY 2 ORIG–A.

Orlando

KISSIMMEE MUNI
Florida
NDB RWY 15, ORIG...
FDC Date: 09–02–99

FDC 9/6689/ISM/FI/P KISSIMMEE MUNI, ORLANDO, FL, NDB RWY 15... ORIG...VINEL FIX MINIMUMS...S–15 MDA 580/HAT 498 ALL CATS. CIRCLING CAT AMDA 680/HAA 598. THIS IS NDB RWY 15, ORIG–A.

Fort Pierce

ST. LUCIE COUNTY INTL
Florida
GPS RWY 9 ORIG...
FDC Date: 09/02/99

FDC 9/6727/FPR/FI/P ST. LUCIE COUNTY INTL. FORT PIERCE, FL. GPS RWY 9 ORIG...RAISE FAF ALT TIKIY WP MIN ALT 1700. S–9... HAT 357 ALL CATS. CIRCLING...CAT A HAARE7. CAT B/C HAA 457. CAT D HAA 437. DELETE VERO BEACH MUNI ALSTG. MINIMU—S. DELETE NOTE... WHEN LOCAL ALSTG NOT RECEIVED USE VERO BEACH MUNI ALSTG DELETE PROFILE NOTE...1000 WHEN USING VERO BEACH ALSTG. ADD TIKIY WP TO RWY9...3.09 DEGREES/TCH 35. CHART VDP 1.02 ATD TO RWY 9. ASOS AVAILABLE ON ATIS 134.825. ARPT ELEV 23 FEET. RWY 9 TDZE 23 FEET. THIS IS GPS RWY 9 ORIG–A

Destin

Destin-Fort Walton Beach
Florida
RADAR–1 AMDT 7A...
FDC Date: 09/09/99

FDC 9/6865/DTS/FI/P DDESTIN-FORT WALTON BEACH, DESTIN, FL. RADAR–1 AMDT 7A...S–32 MDA 540/HAT 518 ALL CATS, VIS CAT C 1–½, CAT D 1–¾. THIS IS RADAR–1 AMDT 7B.

Cresco

ELLEN CHURCH FIELD
Iowa
GPS RWY 33, ORIG...
FDC Date: 09/09/99

FDC 9/6915/CJJ/FI/P ELLEN CHURCH FIELD, CRESCO, IA. GPW RWY 33, ORIG...ADD... FROM JEJAW WP TO RW33, 3.01 DEGREES, TCH 40. THIS IS GPS RWY 33, ORIG–A.

Cresco

ELLEN CHURCH FIELD
Iowa
GPS RWY 15, ORIG...
FDC Date: 09/09/99

FDC 9/6916/CJJ/FI/P ELLEN CHURCH FIELD, CRESCO, IA. GPW RWY 15, ORIG...ADD... FROM FOGFI WP TO RW33, 3.17 DEGREES, TCH 40. THIS IS GPS RWY 15, ORIG–A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
HI–LOC DME BC RWY 28L AMDT 2...
FDC Date: 09/10/99

FDC 9/7020/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. HI–LOC DME BC RWY 28L AMDT 2...ARPT ELEV 2868. TDZE RWY 28L 2855. S–28L MDA 3300/HAT 445 CAT C/D/E, CAT C RVR 4000, CAT D/E RVR 5000. DELETE SIDESTEP RWY 28R MINIMUMS. CIRCLING CAT C MDA 3320/HAA 452, CAT D MDA 3420/HAA 552, CAT E MDA 3680/HAA 812. ADD NOTE... WHEN MALSR INOP, INCREASE S–28L VIS ½ MILE. THIS IS HI–LOC BC RWY 28L AMDT 2A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
HI–VOR/DME OR TACAN RWY 10R ORIG...
FDC Date: 09/10/99

FDC 9/7021/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. HI–VOR/DME OR TACAN RWY 10R ORIG...ARPT ELEV 2868. TDZE 2833. S–10R MDA 3160/HAA 327 CAT C/D/E. CIRCLING CAT C MDA 3320/HAA 452, CAT D MDA 3420/HAA 552, CAT E MDA 368880/HAA 812. ADD NOTE... WHEN MALSR INOP, INCREASE S–10R CAT C RVR TO 5000. INCREASE S–10R CAT E RVR TO 6000. THIS IS HI–VOR/DME OR TACAN RWY 10R ORIG–A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
ILS RWY 10R AMDT 8B...
FDC Date: 09/10/99

FDC 9/7025/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. ILS RWY 10R AMDT 8B... TDZE 2833. S–ILS 10R... DH 3033/HAT 200 ALL CATS. CAT A/B/C/D RVR 1800. S–LOC 10R... MDA 3120/HAT 287 ALL CATS. CIRCLING... MDA 3300/HAA 432 CAT A. MDA 3320/HAA 452 CAT B/C. MDA 3420/HAA 552 CAT D. MDA 3680/HAA 812 CAT E. CHANGE INOP TABLE NOTE TO READ... WHEN MALSR INOP INCREASE S–LOC 10R CAT D/E RVR TO 5000. MISSED APPROACH... CLIMB TO 3900 VIA BOI R–113 THEN CLIMBING RIGHT TURN TO 6000 DIRECT BOI VORTAC AND HOLD. THIS IS ILS RWY 10R AMDT 8C.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
MLS RWY 28L, ORIG...
FDC Date: 09/10/99

FDC 9/7026/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. MLS RWY 28L, ORIG... TDZE RWY 28L 2855. S–MLS 28L DH 3055/HAT 200, CAT A/B/C/D RVR 1800, CAT E RVR 2400. S–AZ 28L MDA 3360/HAT 505 ALL CATS, CAT A/B/C RVR 2400 CAT D/E RVR 4000. CIRCLING... CAT A/B/C/ MDA 3360/HAA 492, CAT D MDA 3420/HAA 552, CAT E MDA 3680/HAA 812. THIS IS MLS RWY 28L ORIG–A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
NDB RWY 10R AMDT 27...
FDC Date: 09/10/99

FDC 9/7027/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. NDB RWY 10R AMDT 27... TDZE 2833. S–10R... MDA 3220/HAT 387 ALL CATS. CIRCLING... MDA 3300/HAA 432 CAT A. MDA 3320/HAA 452 CAT B/C. MDA 3420/HAA 552 CAT D. MISSED APPROACH... CLIMB TO 3900 VIA 105 BEARING FROM BO LOM THEN CLIMBING RIGHT TURN TO 4200 DIRECT BO LOM AND HOLD. THIS IS NDB RWY 10R AMDT 27A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
VOR RWY 10R ORIG...
FDC Date: 09/10/99

FDC 9/7029/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. VOR RWY 10R ORIG... TDZE 2833. S–10R... MDA 3300/HAT 467 ALL CATS. CIRCLING... MDA 3300/HAA 432 CAT A. MDA 3320/HAA 452 CAT B/C. MDA 3420/HAA 552 CAT D. THIS IS VOR RWY 10R ORIG–A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
VOR/DME OR GPS RWY 10R ORIG...
FDC Date: 09/10/99

FDC 9/7030/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. VOR/DME OR GPS RWY 10R ORIG... TDZE 2833. S–10R... MDA 3160/HAA 327 ALL CATS. CIRCLING... MDA 3300/HAA 432 CAT A. MDA 3320/HAA 452 CAT B/C. MDA 3420/HAA 552 CAT D. THIS IS VOR/DME OR GPS RWY 10R ORIG–A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
GPS RWY 10L ORIG...
FDC Date: 09/10/99

FDC 9/7031/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. GPS RWY 10L ORIG... TERMINAL ROUTE... ATTOL WP TO BUXZE WP MINIMUM ALTITUDE 4500. MINIMUM ALTITUDE AT BUXZE WP 4500. ADD... BUXZE WP TO RWY 10L 3.05

DEGREES TCH53. CIRCLING... MDA 3300/HAA 432 CAT A. MDA 3320/HAA 452 CAT B/C. MDA 3420/HAA 552 CAT D. THIS IS GPS RWY 10L ORIG–A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
HI–VOR/DME OR TACAN RWY 28L, AMDT 2...
FDC Date: 09/10/99

FDC 9/7032/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. HI–VOR/DME OR TACAN RWY 28L, AMDT 2... ARPT ELEV 2868. TDZE RWY 28L 2855. TDZE RWY 28R 2868. S–28L MDA 3360/HAT 505 CAT C/D/E, CAT C/D RVR 5000, CAT E RVR 6000. SIDESTEP RWY 28R MDA 3360/HAA 492 CAT C/D/E, CAT C VIS 1¾, CAT D/E VIS 2¼. CIRCLING CAT C MDA 3360/HAA 492, CAT D MDA 3420/HAA 552, CAT E MDA 3680/HAA 812. ADD NOTE... WHEN MALSR INOP, INCREASE S–28L VIS ½ MILE. THIS IS HI–VOR/DME OR TACAN RWY 28L AMDT 2A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
NDB RWY 10L ORIG...
FDC Date: 09/10/99

FDC 9/7033/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. NDB RWY 10L ORIG... CIRCLING... MDA 3320/HAA 452 CAT C. CHART... BO LOM TO RWY 10L 3.04/53. MISSED APPROACH... CLIMB TO 3900 VIA 105 BEARING FROM BO LOM THEN CLIMBING RIGHT TURN TO 4200 DIRECT BO LOM AND HOLD. THIS IS NDB RWY 10L ORIG–A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
LOC BC RWY 28L, ORIG...
FDC Date: 09/10/99

FDC 9/7036/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. LOC BC RWY 28L, ORIG... TDZE RWY 28L 2855. S–28L MDA 3300/HAT 445 ALL CATS. CAT A/B RVR 2400. CAT C RVR 4000, CAT D/E RVR 5000. DELETE SIDESTEP RWY 28R MINIMUMS. CIRCLING... CAT A MDA 3300/HAA 432, CAT B/C MDA 3320/HAA 452, CAT D MDA 3420/HAA 552, CAT E MDA 3680/HAA 812. THIS IS LOC BC RWY 28L ORIG–A.

Boise

BOISE AIR TERMINAL (GOWEN FIELD)
Idaho
VOR/DME OR TACAN RWY 10L AMDT 1...
FDC Date: 09/10/99

FDC 9/7037/BOI/FI/P BOISE AIR TERMINAL (GOWEN FIELD), BOISE, ID. VOR/DME OR TACAN RWY 10L AMDT 1... CIRCLING... MDA 3320/HAA 452 CAT C. THIS IS VOR/DME OR TACAN RWY 10L AMDT 1A.

Lacon

MARSHALL COUNTY
Illinois
VOR RWY 13 AMDT 2...
FDC Date: 09/10/99

FDC 9/7061 /C75/ FI/P MARSHALL COUNTY, LACON, IL. VOR RWY 13 AMDT 2...S–13 VIS CAT C1–1/2. THIS IS VOR RWY 13 ADMT 2A.

Rochester

Fulton County
Indiana
GPS RWY 29 ORIG...
FDC Date: 09/07/99

FDC 9/6765 /RCR/ FI/P FULTON COUNTY, ROCHESTER, IN. GPS RWY 29 ORIG...CIRCLING MDA 1420/HAA 630 ALL CATS. THIS IS GPS RWY 29 ORIG–A.

Olathe

JOHNSON COUNTY EXECUTIVE
Kansas
GPS RWY 36, ORIG–A...
FDC Date: 09/09/99

FDC 9/6894 /OJC/ FI/P JOHNSON COUNTY EXECUTIVE, OLATHE, KS. GPS RWY, 36, ORIG–A...DLT NOTE...WHEN CONTROL TOWER CLOSED, USE KANSAS CITY DOWNTOWN ALSTG. DLT KANSAS CITY DOWNTOWN ALSTG MNMS. CHG ALL TERMINAL ROUTES/FAF ALTITUDES FROM 2600 TO 2700. ADD... FROM HERBB WP TO RWY 36 2.85 DEGREES, TCH 40. THIS IS GPS RWY 36, ORIG–B.

Olathe

JOHNSON COUNTY EXECUTIVE
Kansas
NDB RWY 36, ORIG...
FDC Date: 09/09/99

FDC 9/6895 /OJC/ FI/P JOHNSON COUNTY EXECUTIVE, OLATHE, KS. NDB RWY 36, ORIG...DLT NOTE... WHEN CONTROL TOWER CLOSED, USE KANSAS CITY DOWNTOWN ALSTG. DLT KANSAS CITY DOWNTOWN ALSTG MNMS. ADD... PKLOM TO RW36 2.85 DEGREES, TCH 40. THIS IS NDB RWY 36, ORIG–A.

Olathe

JOHNSON COUNTY EXECUTIVE
Kansas
NBD OR GPS RWY 18, AMDT 3B...
FDC Date: 09/09/99

FDC 9/6897 /OJC/ FI/P JOHNSON COUNTY EXECUTIVE, OLATHE, KS. NDB OR GPS RWY 178 AMDT 3B...CIRCLING MDA 1540/HAA 444 CAT A. DLT NOTE... WHEN CONTROL TOWER CLOSED, USE KANSAS CITY DOWNTOWN ALSTD. DLT KANSAS CITY DOWNTOWN ALSTG MNMS. DLT ALL REFERENCE TO KANSAS CITY VORTAC (MKC). DLT TRML RTE FROM MKC VORTAC TO OJ LOM. ADD... FROM FUROR LOM TO RW18 3.00 DEGREES, TCH 40, CHART PROFILE NOTE... VGSI AND DESCENT ANGLE NOT COINCIDENT. THIS IS NDB OR GPS RWY 18, AMDT 3C.

Olathe

JOHNSON COUNTY EXECUTIVE
Kansas
LOC RWY 18, AMDT 6A...
FDC Date: 09/09/99

FDC 9/6898 /OJC/ FI/P JOHNSON COUNTY EXECUTIVE, OLATHE, KS. LOC RWY 18, AMDT 6A...CIRCLING MDA 1540/HAA 444 CAT A. DLT NOTE... WHEN CONTROL TOWER CLOED, USE KANSAS CITY DOWNTOWN ALSTG. DLT KANSAS CITY DOWNTOWN ALSTG MNMS. DLT ALL REFERENCE TO KANSAS CITY VORTAC (MKC). DLT TRML RTE FROM MKC VORTAC TO OJ LOM. ADD... FROM FUROR LOM TO RW18 3.00 DEGREES, TCH 40. CHART PROFILE NOTE...VGSI AND DESCENT ANGLE NOT COINCIDENT. THIS IS LOC RWY 18, AMDT 6B.

Olathe

JOHNSON COUNTY EXECUTIVE
Kansas
LOC RWY 36, ORIG–A...
FDC Date: 09/09/99

FDC 9/6899 /OJC/ FI/P JOHNSON COUNTY EXECUTIVE, OLATHE, KS. LOC RWY 36, ORIG–A...DLT NOTE... WHEN CONTROL TOWER CLOSED, USE KANSAS CITY DOWNTOWN ALSTG. DLT KANSAS CITY DOWNTOWN ALSTG MNMS. DLT ALL REFERENCE TO KANSAS CITY VORTAC (MKC). DLT TRML RTE FROM MKC VORTAC TO PK LOM. ADD... FROM HERBB LOM TO RW36 2.85 DEGREES, TCH 40. THIS IS LOC RWY 36, ORIG–B.

Olathe

JOHNSON COUNTY EXECUTIVE
Kansas
NDB OR
GPS–B AMDT 2A...
FDC Date: 09/09/99

FDC 9/6901 /OJC/ FI/P JOHNSON COUNTY EXECUTIVE, OLATHE, KS.

NDB OR GPS–B, AMDT 2A...DLT NOTE... WHEN CONTROL TOWER CLOSED, USE KANSAS CITY DOWNTOWN ALSTG. DLT KANSAS CITY DOWNTOWN ALSTG MNMS. THIS IS NDB OR GPS–B, AMDT 2B.

Topeka

FORBES FIELD
Kansas
ILS RWY 31, AMDT 9...
FDC Date: 09/10/99

FDC 9/7006 /FOE/ FI/P FORBES FIELD, TOPEKA, KS. ILS RWY 31, AMDT 9...CHART.., I–FOE 6.80 DME AT RIPLY LOM. CHART NOTE... ADF OR DME REQUIRED. THIS IS ILS RWY 31, AMDT 9A.

Olathe

JOHNSON COUNTY EXECUTIVE
Kansas
VOR RWY 36, AMDT 10A...
FDC Date: 09/13/99

FDC 7173 /OJC/ FI/P JOHNSON COUNTY EXECUTIVE, OLATHE, KS. VOR RWY 36, AMDT 10A... CIRCLING MDA 1540/HAA 444 CAT A. DLT TRML RTE FROM MKC VORTAC TO OJC VOR/DME. DLT ALL REFERENCE TO DESOT INT. DLT NOTE... WHEN CONTROL TOWER CLOSED, USE KANSAS CITY DOWNTOWN ALSTG AND INCR ALL MDAS 80 FEET AND ALL VSBYS ¼ MILE. DLT NOTE...*1620 WITH KANSAS CITY DOWNTOWN ALSTG ALT MNMS STANDARD. CHG MISSED APPROACH TO READ... CLIMB TO 3100 VIA RUNWAY HEADING, EXPECT RADAR VECTORS. THIS IS VOR RWY 36, AMDT 10B.

Bangor

BANGOR INTL
Maine
VOR/DME RWY 33 AMDT 6...
FDC Date: 09/10/99

FDC 9/701, /BGR/ FI/P BANGOR INTL, BANGOR, ME. VOR/DME RWY 33 AMDT 6...MNM ALTITUDE AT TOTTE/BGR 9.70 DME (FAF) 2100. ADD FROM TOTTE TO RW33 2.99 DEGREES TCH 57. THIS IS VOR/DME RWY 33 AMDT 6A.

Detroit

DETROIT METROPOLITAN WAYNE COUNTY
Michigan
ILS RWY 21L AMDT 8A...
FDC Date: 09/01/99

FDC 9/6667 /DTW/ FI/P DETROIT METROPOLITAN WAYNE COUNTY, DETROIT, MI. ILS RWY 21L AMDT 8A... GLIDESLOPE ALT AT OMM 2509, TCH 62. DIST GLIDESLOPE ANTENNA TO THLD... 1190 FT. THIS IS ILS RWY 21L AMDT 8B.

Detroit

DETROIT METROPOLITAN WAYNE COUNTY
Michigan
ILS RWY 27R AMDT 10B...
FDC Date: 09/02/99

FDC 9/6720/DTW/FI/P DETROIT METROPOLITAN WAYNE COUNTY, DETROIT, MI. ILS RWY 27R AMDT 10B...GLIDESLOPE ALT AT OM 2528 TCH 50. DIST GLIDESLOPE ANTENNA TO THLD... 1000 FT. THIS IS ILS RWY 27R AMDT 10C.

Grayling

GRAYLING AAF
Michigan
VOR RWY 14 AMDT 1...
FDC Date: 09/07/99

FDC 9/6757/55D/FI/P GRAYLING AAF, GRAYLING, MI. VOR RWY 14 AMDT 1...S–R14 MDA 1880/HAT 727 ALL CATS. CIRCLING MDA 1880/HAA 772 ALL CATS. MNM ALT AT GORDN INT 1880 (SEE ASTERISK). THIS IS VOR RWY 14 AMDT 1A.

Mosby

CLAY COUNTY REGIONAL
Missouri
NDB RWY 18, ORIG...
FDC Date: 09/09/99

FDC 9/6913 /GPH/ FI/P CLAY COUNTY REGIONAL, MOSBY, MO, NDB RWY 18, ORIG...DLT ALL REFERENCE TO IRHEF INT. DLT IRHEF FIX MINIMUMS. DLT ALL REFERENCE TO KANSAS CITY VORTAC, MKC. DLT TRML RTE FROM MKC VORTAC TO GPH NDB. THIS IS NDB RWY 18, ORIG–A.

Mosby

CLAY COUNTY REGIONAL
Missouri
GPS RWY 18, ORIG–A
FDC Date: 09/09/99

FDC 9/6914 /GPH/ FI/P CLAY COUNTY REGIONAL, MOSBY, MO GPS RWY 18, ORIG–A...DLT ALL REFERENCE TO KANSAS CITY VORTAC MKC. DLT TRML RTE FROM MKC VORTAC TO OSRAF WP. THIS IS GPS RWY 18, ORIG–B.

Kansas City

KANSAS CITY DOWNTOWN
Missouri
NDB RWY 19, AMDT 16C...
FDC Date: 09/09/99

FDC 9/6923 /MKC/ FI/P KANSAS CITY DOWNTOWN, KANSAS CITY, MO, NDB RWY 19, AMDT 16C...DELETE ALL REFERENCE TO KANSAS CITY VORTAC MKC. DELETE TERMINAL ROUTE FROM MKC TO KENZY LOM. THIS IS NDB RWY 19, AMDT 16D.

Kansas City

KANSAS CITY DOWNTOWN
Missouri
VOR OR GPS RWY 19, AMDT 18A...
FDC Date: 09/09/99

FDC 9/6927 /MKC/FI/P KANSAS CITY DOWNTOWN, KANSAS CITY, MO. VOR OR GPS RWY 19, AMDT 18A...DELETE ALL REFERENCE TO KANSAS CITY VORTAC MKC. DELETE TERMINAL ROUTE FROM MKC TO JAMES INT. THIS IS VOR OR GPS RWY 19, AMDT 18B.

Kansas City

RICHARDS–GEBAUR MEMORIAL
Missouri
ILS RWY 1, AMDT 5...
FDC Date: 09/13/99

FDC 9/7129/GVW/ FI/P RICHARDS–GEBAUR MEMORIAL, KANSAS CITY, MO. ILS RWY 1, AMDT 5...DLT ALL REFERENCE TO KANSAS CITY VORTAC MKC. DLT TERMINAL ROUTE FROM MKC TO TAAPS LOM. THIS IS ILS RWY 1, AMDT 5A.

Kansas City

RICHARDS–GEBAUR MEMORIAL
Missouri
NDB RWY 1, ORIG...
FDC Date: 09/13/99

FDC 9/7130 /GVW/ FI/P RICHARDS–GEBAUR MEMORIAL, KANSAS CITY, MO. NDB RWY 1, ORIG...DLT ALL REFERENCE TO KANSAS CITY VORTAC MKC.DLT TERMINAL ROUTE FROM MKC TO TAAPS LOM. THIS IS NDB RWY 1, ORIG–A.

Kansas City

KANSAS CITY DOWNTOWN
Missouri
ILS RWY 19, AMDT 20C...
FDC Date: 09/13/99

FDC 9/7134/MKC/FI/P KANSAS CITY DOWNTOWN, KANSAS CITY, MO. ILS RWY 19, AMDT 20C...DLT ALL REFERENCE TO KANSAS CITY VORTAC MKC. DLT TERMINAL ROUTE FROM MKC TO KENZY LOM. DLT ALL REFERENCE TO MIDDLE MARKER. THIS IS ILS RWY 19, AMDT 20D.

Great Falls

GREAT FALLS INTL
Montana
VOR OR GPS RWY 21 AMDT 9...
FDC Date: 09/08/99

FDC 9/6839/GTF/FI/P GREAT FALLS INTL, GREAT FALLS, MT. VOR OR GPS RWY 21 AMDT 9...ADD...FROM TRIGG TO RW21 2.81 DEGREES TCH 59. THIS IS VOR OR GPS RWY 21 AMDT 9A.

Kalispell

GLACIER PARK INTL

Montana
VOR OR GPS RWY 30 AMDT 9...
FDC Date: 09/08/99

FDC 9/6840 /FCA/FI/P GLACIER PARK INTL. KALISPELL, MT. VOR OR GPS RWY 30 AMDT 9...ADD...FROM FCA VOR/DME TO RW30 3.60 DEGREES, TCH 50. CHART PROFILE NOTE... VGSI AND DESCENT ANGLES NOT COINCIDENT. THIS IS VOR OR GPS RWY 30 AMDT 9A.

Great Falls

GREAT FALLS INTL
Montana
NDB OR GPS RWY 34 AMDT 16...
FDC Date: 09/08/99

FDC 9/6843 /GTF/ FI/P GREAT FALLS INTL, GREAT FALLS, MT. NDB OR GPS RWY 34 AMDT 16...ADD... FROM ITU NDB TO RW34 2.96 DEGREES TCH 50. THIS IS NDB OR GPS RWY 34 AMDT 16A.

Morristown

MORRISTOWN MUNI
New Jersey
NDB OR GPS RWY 23 AMDT 6B...
FDC Date: 09/01/99

FDC 9/6662 /MMU/ FI/P MORRISTOWN MUNI, MORRISTOWN, NJ. NDB OR GPS RWY 23 AMDT 6B...ADD... FROM MOREE (MM) LOM TO RW23 3.01 DEGREES, TCH 60. THIS IS NDB OR GPS RWY 23 AMDT 6C.

Teterboro

TETERBORO
New Jersey
VOR/DME RWY 6 ORIG–A...
FDC Date: 09/01/99

FDC 9/6663 /TEB/ FI/P TETERBORO, TETERBORO, NJ. VOR/DME RWY 6 ORIG–A...ADD... FROM SKILL/TEB 5.00 DME TO RW06 3.13 DEGREES, TCH 53. THIS IS VOR/DME RWY 6 ORIG–B.

Newburgh

STEWART INTL
New York
VOR RWY 27 AMDT 4...
FDC Date: 09/01/99

FDC 9/6658 /SWF/ FI/P STEWART INTL, NEWBURGH, NY. VOR RWY 27 AMDT 4...ADD... FROM SCRUG INT/ IGN 11.50 DME TO RW27 2.97 DEGREES, TCH 50. THIS IS VOR RWY 27 AMDT 4A.

Ashtabula

ASHTABULA COUNTY
Ohio
GPS RWY 26 ORIG...
FDC Date: 09/13/99

FDC 9/7154 /HZY/ FI/P ASHTABULA COUNTY, ASHTABULA, OH. GPS RWY 26 ORIG...DELETE ERIE ALTIMETER SETTING MINIMUMS. DELETE NOTE... OBTAIN LOCAL...THRU...ERIE ALTIMETER SETTING. ADD... FROM CUNYE TO RW26... 3.08 DEGREES, TCH 45. CHART PROFILE NOTE... VGSI AND DESCENT ANGLES NOT COINCIDENT. THIS IS GPS RWY 26 ORIG–A.

Ashtabula

ASHTABULA COUNTY
Ohio
GPS RWY 8 AMDT 1...
FDC Date: 09/13/99

FDC 9/7155 /HZY/ FI/P ASHTABULA COUNTY, ASHTABULA, OH. GPS RWY 8 AMDT 1...DELETE ERIE ALTIMETER SETTING MINIMUMS. DELETE NOTE... OBTAIN LOCAL...THRU...ERIE ALTIMETER SETTING. ADD... FROM DIGAW TO RW08... 2.92 DEGREES, TCH 45. CHART PROFILE NOTE... VGSI AND DESCENT ANGLES NOT COINCIDENT. THIS IS GPS RWY 8 AMDT 1A.

Ashtabula

ASHTABULA COUNTY
Ohio
VOR RWY 8, ORIG...
FDC Date: 09/13/99

FDC 9/7156 /HZY/ FI/P ASHTABULA COUNTY, ASHTABULA, OH. VOR RWY 8, ORIG...DELETE ERIE ALTIMETER SETTING MINIMUMS. DELETE NOTE... OBTAIN LOCAL...THRU...ERIE ALTIMETER SETTING. ADD... FROM JFN VOR/DME TO RW26... 3.23 DEGREES, TCH 45. CHART PROFILE NOTE... VGSI AND DESCENT ANGLES NOT COINCIDENT. THIS IS VOR RWY 8 ORIG–A.

Ashtabula

ASHTABULA COUNTY
Ohio
VOR/DME RWY 26 AMDT 6...
FDC Date: 09/13/99

FDC 9/7157 /HZY/FI/P ASHTABULA COUNTY, ASHTABULA, OH. VOR/ DME RWY 26 AMDT 6...DELETE ERIE ALTIMETER SETTING MINIMUMS. DELETE NOTE... OBTAIN LOCAL...THRU...ERIE ALTIMETER SETTING. ADD... FROM ARETT TO RW26... 3.08 DEGREES, TCH 45. CHART PROFILE NOTE... VGSI AND DESCENT ANGLES NOT COINCIDENT. THIS IS VOR/DME RWY 26 AMDT 6A.

North Bend

NORTH BEND MUNI
Oregon
ILS RWY 4 AMDT 5...
FDC Date: 08/31/99

FDC 9/6635 /OTH/ FI/P NORTH BEND MUNI, NORTH BEND, OR. ILS RWY 4 AMDT 5...CHART PLANVIEW NOTE... ADF REQUIRED. DELETE ALL REFERENCES TO MIDDLE MARKER. THIS IS ILS RWY 4 AMDT 5A.

Rock Hill

ROCK HILL/YORK COUNTY/BRYANT FIELD
South Carolina
ILS RWY 2, ORIG...
FDC Date: 09/02/99

FDC 9/6691 /UZA/ FI/P ROCK HILL/ YORK COUNTY/BRYANT FIELD, ROCK HILL, SC. ILS RWY 2, ORIG...S–ILS VIS 1/2 ALL CATS. S–LOC VIS CAT A/B 1/2, CAT C/D 3/4. DELETE NOTE... 'INOPERATIVE TABLE DOES NOT APPLY TO S–LOC 2 CAT C'. THIS IS ILS RWY 2, ORIG–A.

Rock Hill

ROCK HILL/YORK COUNTY/BRYANT FIELD
South Carolina
VOR/DME RNAV RWY 2, AMDT 4D...
FDC Date: 09/02/99

FDC 9/6692 /UZA/ FI/P ROCK HILL/ YORK COUNTY/BRYANT FIELD, ROCK HILL, SC. VOR/DME RNAV RWY 2, AMDT 4D...S–2 ALL CATS HAT 453. CAT A/B VIS 1/2, CAT C VIS 3/4, CAT D VIS 1. TDZE... 667; RWY 2 THLD ELEV 667. CIRCLING CAT C MDA 1200/HAA 533. DELETE NOTE... 'INOPERATIVE TABLE DOES NOT APPLY TO CAT C'. ADD... FROM 5 NM FROM MAP WP TO RWY 02 2.82 DEGREES, TCH 35. THIS IS VOR/DME RNAV RWY 2, AMDT 4E.

Rock Hill

ROCK HILL/YORK COUNTY/BRYANT FIELD
South Carolina
VOR OR GPS–A, AMDT 9B...
FDC Date: 09/02/99

FDC 9/6693 /UZA/ FI/P ROCK HILL/ YORK COUNTY/BRYANT FIELD, ROCK HILL, SC. VOR OR GPS–A, AMDT 9B...CIRCLING CAT C MDA 1200/HAA 533. THIS IS VOR OR GPS–A, AMDT 9C.

Rock Hill

ROCK HILL/YORK COUNTY/BRYANT FIELD
South Carolina
GPS RWY 2, ORIG–B...
FDC Date: 09/02/99

FDC 9/6694 /UZA/ FI/P ROCK HILL/ YORK COUNTY/BRYANT FIELD, ROCK HILL, SC. GPS RWY 2, ORIG–B...S–2 VIS A/B 1/2, CAT C VIS 1, CAT D 1 1/4. CIRCLING CAT C MDA 1200/ HAA 533. DELETE NOTE... 'INOPERATIVE TABLE DOES NOT APPLY TO CAT C/' ADD... FROM AZAKAWP TO RWY 023.01 DEGREES, TCH 35. THIS IS GPS RWY 2, ORIG–C.

Rock Hill

ROCK HILL/YORK COUNTY/BRYANT FIELD
South Carolina
NDB RWY 2, ORIG–C...
FDC Date: 09/02/99

FDC 9/6695 /UZA/ FI/P ROCK HILL/YORK COUNTY/BRYANT FIELD, ROCK HILL, SC. NDB RWY 2, ORIG–C...S–2HAA513 ALL CATS. VIS CAT C1. CIRCLING CAT C MDA 1200/HAA533. TDZE... 667; RWY 2 THLD ELEV... 677. MIN ALTITUDE AT RALLY LOM 2500. PT MIN ALT 2500. MISSED APPROACH... CLIMB TO 1500 THEN CLIMBING LEFT TURN TO 2500 DIRECT UZLOM AND HOLD. TERMINAL ROUTE FROM FML VORTAC TO RALLY LOM MIN ALT 2500. TERMINAL ROUTE FROM RICHE INT TO RALLY LOM MIN ALT 2500. DELETE NOTE... 'INOPERATIVE TABLE DOES NOT APPLY TO CAT C'. ADD... FROM UZ LOM TO RWY02 3.08 DEGREES, TCH 35. THIS IS NDB RWY 2, ORIG–D.

Rock Hill

ROCK HILL/YORK COUNTY/BRYANT FIELD
South Carolina
GPS RWY 20, ORIG–B...
FDC Date: 09/02/99

FDC 9/6696 /UZA/ FI/P ROCK HILL/YORK COUNTY/BRYANT FIELD, ROCK HILL, SC. GPS RWY 20, ORIG–B...S–20 HAT 438 ALL CATS. TDZE... 662; RWY 20 THLD ELEV... 661. CIRCLING CAT C MDA 1200/HAA 533. ADD... FROM TIPDY WP TO RY20 3.01 DEGREES, TCH 39. THIS IS GPS RWY 20, ORIG–C.

Jackson

MCKELLER-SIPES REGIONAL
Tennessee
GPS RWY 20 ORIG...
FDC Date: 09/09/99

FDC 9/6873 /MKL/ FI/P MCKELLER-SIPES REGIONAL, JACKSON, TN. GPS RWY 20 ORIG...S–20 CAT D VIS 1–1/4. THIS IS GPS RWY 20 ORIG–A.

Newport News

NEWPORT NEWS/WILLIAMSBURG INTL
Virginia
NBD OR GPS RWY 20, AMDT 3C...
FDC Date: 09/02/99
THIS REPLACES NOTAM 9/6472

FDC 9/6708/PHF/FI/P NEWPORT NEWS/WILLIAMSBURG INTL, NEWPORT NEWS, VA. NDB OR GPS RWY 20, AMDT 3C...DISTANCE FAF TO THLD... 3.31NM. ADD... FROM FLAWS INT TO RW20 2.89 DEGREES, TCH 42. THIS IS NDB OR GPS RWY 20, AMDT 3D.

Newport News

NEWPORT/NEWS/WILLIAMSBURG INTL
Virginia
NDB OR GPS RWY 2 AMDT 4A...
FDC Date: 09/09/99

FDC 9/6946/PHF/FI/P NEWPORT NEWS/WILLIAMSBURG INTL, NEWPORT NEWS, VA. NDB OR GPS RWY 2 AMDT 4A...S–2... MDA 660/HAT 620 ALL CATS. CIRCLING... MDA 660/HAA 617 ALL CATS. VIS CAT C 1 ¾. MSA FROM HENRY (PJS) NDB 090 TO 270 2300, 270 TO 090 1800. THIS IS NDB OR GPS RWY 2 AMDT 4B.

Orange

ORANGE COUNTY
Virginia
NDB RWY 7 AMDT 1...
FDC Date: 09/10/99

FDC 9/7057/OMH/FI/P ORANGE COUNTY, ORANGE, VA. NDB RWY 7 AMDT 1...TERMINAL ROUTE...PT L SIDE OF CRS 265.00 OUTBOUND 3000 FT WITHIN 10 MILES OF COG NDB. CHART BEARING FROM COG NDB TO RWY 7, 079 DEGREES, THIS IS NDB RWY 7 AMDT 1A.

Martinsburg

EASTERN WEST VIRGINIA REGIONAL/SHEPHERD FIELD
West Virginia
LOC/DME BC RWY 8 AMDT 5A...
FDC Date: 09/07/99
THIS REPLACES FDC 9/6639

FDC 9/6761/MRB/FI/P EASTERN WEST VIRGINIA REGIONAL/SHEPHERD FIELD, MARTINSBURG, WV. LOC/DME BC RWY 8 AMDT 5A...ADD... FROM GERRA/MRB 12.50 DME TO RWY 82.99 DEGREES TCH 45. PROFILE/PLAN VIEW... CHANGE NAME BITTO BCM TO BIITO BCM. THIS IS LOC/DME BC RWY 8 AMDT 5B.

Big Piney

PINEY-MARBLETON
Wyoming
VOR RWY 31 AMDT 3...
FDC Date: 08/31/99

FDC 9/6615/BPI/FI/P PINEY-MARBLETON, BIG PINEY, WY. VOR RWY 31 ADMT 3...DELETE NOTE... OBTAIN LOCAL ALSTG ON UNICOM. PROC NA WHEN BIG PINEY WYOMING ALSTG NOT AVBL. THIS IS VOR RWY 31 AMDT 3A.

Big Piney

BIG PINEY-MARBLETON
Wyoming
GPS RWY 31, ORIG...
FDC Date: 08/31/99

FDC 9/6616 /BPI/FI/P BIG PINEY-MARBLETON, BIG PINEY, WY. GPS RWY 31, ORIG...DELETE NOTE... OBTAIN LOCAL ALSTG ON CTAF. WHEN NOT RECEIVED PROC NA. ADD... FROM HICDE WP TO RWY 31 2.69 DEGREES TCH 30. CHART NOTE... VGSI AND DESCENT ANGLES NOT COINCIDENT. THIS IS GPS RWY 31 ORIG–A.

Casper

NATRONA COUNTY INTL
Wyoming
VOR/DME OR TACAN OR GPS RWY 21 ADMT 7...
FDC Date: 09/09/99

FDC 9/6875/CPR/FI/P NATRONA COUNTY INTL, CASPER, WY. VOR/DME OR TACAN OR GPS RWY 21 AMDT 7...ADD... FROM ANNVA TO RW21 3.55 DEGREES TCH 55, CHART PROFILE NOTE...VGSI AND SESCENT ANGLES NOT COINCIDENT. THIS IS VOR/DME OR TACAN OR GPS RWY 21 AMDT 7A.

Pinedale

RALPH WENZ FIELD
Wyoming
NDB OR GPS RWY 29 ORIG...
FDC Date: 09/10/99

FDC 9/7009/PNA/FI/P RALPH WENZ FIELD, PINEDALE, WY. NDB OR GPS RWY 29 ORIG...DELETE NOTE... OBTAIN LOCAL ALTIMETER ON CTAF; WHEN NOT AVAILABLE PROCEDURE NOT AUTHORIZED. THIS IS NDB OR GPS RWY 29 ORIG–A.

[FR Doc. 99–24794 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. 99N–4027]

Medical Devices; Gastroenterology and Urology Devices; Classification of the Electrogastrography System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying the electrogastrography system (EGG) into class II (special controls). The special controls that will apply to the EGG system are restriction to prescription use, certain labeling requirements, design requirements, and data collection requirements. The agency is taking this action in response to a petition submitted under the Federal Food, Drug, and Cosmetic Act (the act) as

amended by the Medical Device Amendments of 1976, the Safe Medical Devices Act of 1990, and the Food and Drug Administration Modernization Act of 1997. The agency is classifying the EGG system into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This rule becomes effective October 25, 1999. The reclassification was effective August 20, 1999.

FOR FURTHER INFORMATION CONTACT: Carolyn Y. Neuland, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1220

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976 (the amendments), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously marketed devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of FDA's regulations.

Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification.

In accordance with section 513(f)(1) of the act, FDA issued an order on July 2, 1999, classifying the 3CPM EGG Machine in class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device which was subsequently reclassified into class I or class II. On July 12, 1999, the 3CPM Co., Inc., submitted a petition requesting classification of the 3CPM EGG Machine under section 513(f)(2) of the act. The manufacturer recommended that the device be classified into class II.

In accordance with 513(f)(2) of the act, FDA reviewed the petition in order to classify the device under the criteria for classification set forth in 513(a)(1) of the act. Devices are to be classified into class II if general controls, by themselves, are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the petition and the medical literature, FDA determined that the EGG system can be classified in class II with the establishment of special controls. FDA believes these special controls will provide reasonable assurance of safety and effectiveness of the device.

The device is assigned the generic name "electrogastrography system," and it is identified as a device used to measure gastric myoelectrical activity as an aid in the diagnosis of gastric motility disorders. The device system includes the external recorder, amplifier, skin electrodes, strip chart, cables, analytical software, and other accessories.

FDA has identified the following risks to health associated specifically with this type of device: (1) Misdiagnosis due to erroneous data output and (2) misuse of the device and misinterpretation of the system results by an untrained individual.

FDA believes that the special controls described below address these risks and provide reasonable assurance of the safety and effectiveness of the device. Therefore, on August 20, 1999, FDA issued an order to the petitioner classifying the device as described previously into class II subject to the special controls described below. Additionally, FDA is codifying the classification of this device by adding § 876.1735.

In addition to the general controls of the act, the 3CPM EGG Machine is subject to the following special controls: (1) The sale, distribution and use of this device are restricted to prescription use in accordance with 21 CFR 801.109. (2) The labeling must include specific instructions: (a) To describe proper patient set-up prior to the start of the test, including the proper placement of electrodes; (b) to describe how background data should be gathered and used to eliminate artifact in the data signal; (c) to describe the test protocol (including the measurement of baseline data) that may be followed to obtain the EGG signal; and (d) to explain how data results may be interpreted. (3) The device design should ensure that the EGG signal is distinguishable from background noise that may interfere with the true gastric myoelectric signal. (4) Data should be collected to demonstrate that the device has adequate precision and the EGG signal is reproducible and is interpretable.

Section 510(m) of the act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. FDA has determined premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of this type of device and, therefore, the type of device is not exempt from premarket notification requirements. Thus, persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the EGG system they intend to market.

II. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the

final rule is not a significant regulatory action as defined by the Executive Order and so it is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of these devices from class III to class II will relieve manufacturers of the device of the cost of complying with the premarket approval requirements of section 515 of the act (21 U.S.C. 360e), and may permit small potential competitors to enter the marketplace by lowering their costs. The agency, therefore, certifies that the final rule will not have a significant impact on a substantial number of small entities. In addition, this final rule will not impose costs of $100 million or more on either the private sector or State, local, and tribal governments in the aggregate and, therefore, a summary statement of analysis under section 202(a) of the Unfunded Mandates Reform Act is not required.

IV. Paperwork Reduction Act of 1995

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

V. Reference

The following reference has been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Petition from 3CPM Co., Inc., dated July 12, 1999.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 876 is amended as follows:

List of Subjects in 21 CFR Part 876

Medical devices.

PART 876—GASTROENTEROLOGY–UROLOGY DEVICES

1. The authority citation for 21 CFR part 876 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

2. Section 876.1735 is added to subpart B to read as follows:

§ 876.1735 Electrogastrography system.

(a) *Identification.* An electrogastrography system (EGG) is a device used to measure gastric myoelectrical activity as an aid in the diagnosis of gastric motility disorders. The device system includes the external recorder, amplifier, skin electrodes, strip chart, cables, analytical software, and other accessories.

(b) *Classification.* Class II (Special Controls). The special controls are as follows:

(1) The sale, distribution and use of this device are restricted to prescription use in accordance with § 801.109 of this chapter.

(2) The labeling must include specific instructions:

(i) To describe proper patient set-up prior to the start of the test, including the proper placement of electrodes;

(ii) To describe how background data should be gathered and used to eliminate artifact in the data signal;

(iii) To describe the test protocol (including the measurement of baseline data) that may be followed to obtain the EGG signal; and

(iv) To explain how data results may be interpreted.

(3) The device design should ensure that the EGG signal is distinguishable from background noise that may interfere with the true gastric myoelectric signal.

(4) Data should be collected to demonstrate that the device has adequate precision and the EGG signal is reproducible and is interpretable.

Dated: September 16, 1999.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 99–24791 Filed 9–22–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–162]

Drawbridge Operation Regulations: Hackensack River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Portal Bridge, mile 5.0, across the Hackensack River in Little Snake Hill, New Jersey. This deviation allows the bridge owner to keep the bridge in the closed position from 9 p.m. on September 24, 1999, to 9 a.m. on September 25, 1999, and from 9 p.m. on September 25, 1999, to 9 a.m. on September 26, 1999. This deviation is necessary to facilitate the rehabilitation of the signal and switch system at the bridge.

DATES: This deviation is effective from September 24, 1999, to September 26, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Yee, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION: The Portal Bridge, mile 5.0, across the Hackensack River has vertical clearances of 23 feet at mean high water, and 28 feet at mean low water in the closed position. The current operating regulations listed at 33 CFR 117.723(c) require the bridge to open on signal; except that, from Monday through Friday, except federal holidays, the draw need not open from 7:20 a.m. to 9:20 a.m. and from 4:30 p.m. to 6:50 p.m. At all other times, an opening may not be delayed for more than ten minutes, unless the drawtender and the vessel operator agree to a longer delay.

The bridge owner, AMTRAK, requested a temporary deviation from the operating regulations for the Portal Bridge in order to rehabilitate the signal and switch system at the bridge. This work will require the Portal Bridge to remain in the closed position from 9 p.m. on September 24, 1999, to 9 a.m. on September 25, 1999, and from 9 p.m. on September 25, 1999, to 9 a.m. on September 26, 1999. Vessels that can pass under the bridge without an opening may do so at all times during the closed periods. This work is essential for public safety and the continued operation of the bridge.

Thirty days notice to the Coast Guard for approval of this maintenance repair was not given by the bridge owner and was not required because this work involves vital, unscheduled maintenance that must be performed without undue delay.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: September 14, 1999.

Robert F. Duncan,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 99–24800 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD069–3031a and MD070–3031a; FRL–6440–6]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds From Vinegar Generators and Leather Coating Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving two State Implementation Plan (SIP) revisions submitted by the State of Maryland. These revisions include new regulations which establish and require volatile organic compound (VOC) emission control requirements for vinegar generators and leather coating operations. The intended effect of this action is to approve two new regulations to control VOCs into the Maryland SIP in accordance with the Clean Air Act.

DATES: This direct final rule is effective on November 22, 1999 without further notice, unless EPA receives adverse written comment by October 25, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Kathleen Henry, Chief, Permits and Technical Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by e-mail at powers.marilyn@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above EPA Region III address.

SUPPLEMENTARY INFORMATION: On April 7, 1998, the State of Maryland submitted two formal revisions to its State Implementation Plan (SIP). The SIP revisions consist of amendments to existing Maryland state regulation COMAR 26.11.19, "Control of Volatile Organic Compounds from Specific Sources". The purpose of the amendments to COMAR 26.11.19 is to establish new regulations for VOC emission control requirements for two source categories: Vinegar Generators and Leather Coating Operations. This revision was submitted to satisfy the requirements of sections 182 and 184 of the Clean Air Act to implement reasonably available control technology (RACT) on major sources of VOCS.

A. Summary of the SIP Revisions

Existing SIP-approved COMAR 26.11.19 establishes control requirements of VOC emissions from specific sources. The amendments to COMAR 26.11.19 establish new regulations for vinegar generators and leather coating operations, which are sources of VOC emissions. The new regulations require RACT for these specific source categories. COMAR 26.11.19.22 (Regulation .22) establishes VOC emission control requirements for vinegar generators and COMAR 26.11.19.24 (Regulation .24) establishes VOC emission control requirements for leather coating operations. COMAR 26.11.19.22 and 26.11.19.24 apply statewide to facilities with a total VOC emission rate of 20 pounds or more per day. A summary of the provisions of each regulation is provided below.

Requirements for Vinegar Generators—COMAR 26.11.19.22

Installation of a scrubber-absorber system with an overall control efficiency of 85 percent or more is required. After initial stack testing, a stack test to demonstrate compliance must be completed every five years, or upon request of the Maryland Department of the Environment (MDE). Stack test results must be submitted to MDE within 60 days after completion of each test. A water flow meter must be installed on each scrubber-absorber system, with continuous monitoring of the water flow. The water flow rate to the scrubber-absorber shall be as prescribed in the source's operating permit. Water flow data must be recorded and maintained for at least three years and made available to the MDE on request.

Requirements for Leather Coating Operations—COMAR 26.11.19.24

One of the following two methods must be used to reduce emissions:

The use of coatings not exceeding 3.5 pounds of VOC per gallon of coating applied minus water and exempt solvents, or installation of a control device that reduces overall facility VOC emissions by 85 percent or more. If compliance is achieved through the use of low VOC coatings, a list of all coatings used to achieve compliance must be submitted to MDE. Monthly records must be maintained showing the total volume of each coating used and the total facility VOC emissions. If compliance is achieved through the use of a control device, an initial stack test must be performed followed by stack testing every three years to demonstrate compliance. Stack test results must be submitted to MDE within 60 days after completion of each test. For each method, records must be maintained on site for at least three years, and made available to MDE upon request.

B. EPA's Evaluation of the SIP Revisions

EPA has determined that the control requirements of COMAR 26.11.19.22 and 26.11.19.24 constitute an acceptable level of RACT on vinegar generators and leather coating operations, respectively.

EPA is approving this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 22, 1999 without further notice unless the Agency receives adverse comments by October 25, 1999. If EPA receives such comments, then EPA will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this rule. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 22, 1999 and no further action will be taken on the proposed rule.

I. Final Action

EPA is approving the new regulations COMAR 26.11.19.22 Control of VOCs from Vinegar Generators and COMAR 26.11.19.24 Control of VOCs from Leather Operations submitted by the State of Maryland on April 7, 1998, as revisions to the Maryland SIP.

II. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is "economically significant," as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve revisions to Maryland's SIP to control VOCs from two source categories (vinegar generators and leather coating

operations) must be filed in the United States Court of Appeals for the appropriate circuit by November 22, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: September 3, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52, subpart V of chapter I, title 40 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraphs (c) (137) and (138) as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(137) Revision to the Maryland State Implementation Plan submitted on April 7, 1998 by the Maryland Department of the Environment establishing reasonably available control technology (RACT) for two additional VOC source category under COMAR 26.11.19, "Volatile Organic Compounds from Specific Processes."

(i) Incorporation by reference.

(A) Letter dated April 7, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's air quality regulation COMAR 26.11.19, adopted by the Secretary of the Environment on July 15, 1997 and effective August 11, 1997.

(B) New regulations COMAR 26.11.19.22 "Control of Volatile Organic Compounds from Vinegar Generators".

(ii) Additional Material—Remainder of Maryland Department of the Environment's April 7, 1998 submittals pertaining to Vinegar Generators.

(138) Revision to the Maryland State Implementation Plan submitted on April 7, 1998 by the Maryland Department of the Environment establishing reasonably available control technology (RACT) for an additional VOC source category under COMAR 26.11.19, "Volatile Organic Compounds from Specific Processes."

(i) Incorporation by reference.

(A) Letter dated April 7, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's air quality regulation COMAR 26.11.19, adopted by the Secretary of the Environment on July 15, 1997 and effective August 11, 1997.

(B) New regulation COMAR 26.11.19.24 "Control of Volatile Organic Compounds from Leather Coating Operations".

(ii) Additional Material—Remainder of Maryland Department of the Environment's April 7, 1998 submittals pertaining to Leather Coating Operations.

[FR Doc. 99–24686 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[CA 013–MSWa; FRL–6439–9]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the California State Plan for implementing the emissions guidelines (EG) applicable to existing municipal solid waste (MSW) landfills. The Plan was submitted by the California Air Resources Board (CARB) for the State of California to satisfy requirements of section 111(d) of the Clean Air Act (the Act).

DATES: This direct final rule is effective on November 22, 1999 without further notice, unless EPA receives relevant adverse comments by October 25, 1999. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the submitted Plan and EPA's evaluation report are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted Plan are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1188.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 111(d) of the Act, EPA has established procedures whereby States submit plans to control certain existing sources of "designated pollutants." Designated pollutants are defined as pollutants for which a standard of performance for new sources applies under section 111 but which are not "criteria pollutants" (i.e., pollutants for which National Ambient Air Quality Standards (NAAQS) are set pursuant to sections 108 and 109 of the Act) or hazardous air pollutants (HAPs) regulated under section 112 of the Act. As required by section 111(d) of the Act, EPA established a process at 40 CFR part 60, subpart B, which States must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates new source performance standards (NSPS) that control a designated pollutant, EPA establishes EG in accordance with 40 CFR 60.22 which contain information pertinent to the control of the designated pollutant from that NSPS source category (i.e., the "designated facility" as defined at 40 CFR 60.21(b)). Thus, a State's section 111(d) plan for a designated facility must comply with the EG for that source category as well as 40 CFR part 60, subpart B (40 CFR 60.23 through 60.26).

On March 12, 1996, EPA promulgated NSPS for new MSW landfills at 40 CFR part 60, subpart WWW (Standards of Performance for Municipal Solid Waste Landfills) and EG for existing MSW landfills at 40 CFR part 60, subpart Cc (Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills) (see 61 FR 9905). The pollutants regulated by the NSPS and EG are MSW landfill emissions, which contain a mixture of volatile organic compounds (VOC), other organic compounds, methane, and HAPs. VOC emissions contribute to ozone formation which can result in adverse effects to

human health and vegetation. The health effects of HAPs include cancer, respiratory irritation, and damage to the nervous system. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site. To determine whether control is required, nonmethane organic compounds (NMOC) are measured as a surrogate for MSW landfill emissions. Thus, NMOC is considered the designated pollutant. The designated facility which is subject to the EG is each existing MSW landfill (as defined in 40 CFR 60.32c) for which construction, reconstruction or modification was commenced before May 30, 1991.

Pursuant to 40 CFR 60.23(a), States were required within nine months after promulgation of subpart Cc (by December 12, 1996) to submit either a plan to implement and enforce the EG or, if there are no existing MSW landfills subject to the EG in the State, a negative declaration letter.

EPA published a direct final rulemaking on June 16, 1998, in which EPA amended 40 CFR part 60, subpart Cc (and subpart WWW) to add clarifying language, make editorial amendments, and to correct typographical errors (see 63 FR 32743). EPA published additional technical amendments and corrections on February 24, 1999 (see 64 FR 9258). These amendments did not change the submittal date or the requirements for State plans for existing MSW landfills.

On September 26, 1997, CARB submitted to EPA the California State Plan for implementing subpart Cc. CARB submitted amendments to the California State Plan on June 26, 1998; November 9, 1998; and July 14, 1999.

The submitted Plan controls existing MSW landfills in the following sixteen (16) air districts: Amador County Air Pollution Control District (APCD), Butte County Air Quality Management District (AQMD), Feather River AQMD, Glenn County APCD, Kern County APCD, Lake County AQMD, Monterey Bay Unified APCD, Placer County APCD, Sacramento Metropolitan AQMD, San Diego County APCD, Santa Barbara County APCD, Shasta County AQMD, South Coast AQMD, Tehama County APCD, Ventura County APCD, and Yolo-Solano AQMD.

Each of the following nine (9) districts submitted a negative declaration letter to CARB certifying that there are no existing MSW landfills in the district that are subject to the control requirements of the emission guidelines: Colusa County APCD, El Dorado County APCD, Great Basin Unified APCD, Lassen County APCD, Mariposa County APCD, North Coast Unified AQMD, Northern Sierra AQMD, Northern Sonoma County APCD, and Tuolumne County APCD. Because these districts have no existing MSW landfills, they are not required to develop enforceable mechanisms to implement the EG.

The California State Plan, as submitted, does not apply to landfills in the following ten (10) air districts: Antelope Valley APCD, Bay Area AQMD, Calaveras County APCD, Imperial County APCD, Mendocino County AQMD, Modoc County APCD, Mojave Desert AQMD, San Joaquin Valley Unified APCD, San Luis Obispo County APCD, and Siskiyou County APCD. Existing landfills in these districts will be subject to the requirements of the Federal Plan upon its promulgation until EPA receives and approves each district's portion of the California State Plan.

The following provides a brief discussion of the requirements for an approvable State plan for existing MSW landfills and EPA's review of the California State Plan with respect to those requirements. A detailed discussion of the State Plan and EPA's evaluation can be found in the Technical Support Document for the California Plan (8/99).

II. Review of the California MSW Landfill Plan

EPA has reviewed the California section 111(d) plan for existing MSW landfills against the requirements of 40 CFR part 60, subparts B and Cc, as follows:

A. Identification of Enforceable State Mechanism for Implementing the EG

Subpart B at 40 CFR 60.24(a) requires that the section 111(d) plan include emissions standards, defined in 40 CFR 60.21(f) as "a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions." In the State of California, local air quality management and air pollution control districts (districts) have primary responsibility for control of stationary air pollution sources, such as MSW landfills. Therefore, each district with designated facilities is required to develop a regulation or other enforceable mechanism to implement the EG. The districts in the following table have adopted local rules to control air emissions from existing landfills in their jurisdictions and thus, have met the requirement of 40 CFR 60.24(a) to have legally enforceable emission standards:

District name	Rule No.	Date of adoption
Amador County APCD	1000	February 25, 1997.
Butte County AQMD	246	January 15, 1998.
Feather River AQMD	3.18	June 2, 1997.
Glenn County APCD	104	May 18, 1999.
Kern County APCD	422.1	January 8, 1998.
Lake County AQMD	411	October 15, 1996.
Monterey Bay Unified APCD	437	October 16, 1996.
Placer County APCD	237	August 14, 1997.
Sacramento Metropolitan AQMD	485	November 6, 1997.
San Diego County APCD	59.1	June 17, 1998.
Santa Barbara County APCD	341	September 18, 1997.
Shasta County AQMD	3.29	February 25, 1997.
South Coast AQMD	1150.1	April 10, 1998.
Tehama County APCD	4.33	June 3, 1997.
Ventura County APCD	74.17.1	March 10, 1998.
Yolo-Solano AQMD	2.38	March 12, 1997.

B. Demonstration of Legal Authority

Subpart B at 40 CFR 60.26 requires that the section 111(d) plan demonstrate that the State has legal authority to adopt and implement the emission standards and compliance schedules. The State's Attorney General has certified that the districts have sufficient legal authority to adopt and enforce rules governing MSW landfills and that CARB has sufficient legal authority to develop this MSW landfill plan. The State statutes providing such authority are contained in the California Health and Safety Code (H&SC).

C. Inventory of Existing MSW Landfills in the State Affected by the State Plan

Subpart B at 40 CFR 60.25(a) requires that the section 111(d) plan include a complete source inventory of all designated facilities regulated by the EG: existing MSW landfills (i.e., those MSW landfills that constructed, reconstructed, or modified prior to May 30, 1991) that have accepted waste since November 8, 1987 or have additional capacity for future waste deposition (see 40 CFR 60.32c(a)(1)). CARB has submitted an inventory of all existing MSW landfills in California as part of the State Plan.

D. Inventory of Emissions From Existing MSW Landfills in the State

Subpart B at 40 CFR 60.25(a) requires that the 111(d) plan include an emissions inventory that estimates emissions of the designated pollutant regulated by the EG: NMOC. CARB has submitted an estimate of annual NMOC emissions from the landfills in the source inventory as part of the State Plan. CARB used the Landfill Air Emissions Estimation Model and AP–42 emission factors to estimate the NMOC emissions.

E. Emission Standards for MSW Landfills

Subpart B at 40 CFR 60.24(c) specifies that the State plan must include emission standards that are no less stringent than the EG (except as specified in 40 CFR 60.24(f) which allows for less stringent emission limitations on a case-by-case basis if certain conditions are met). In general, the districts' regulations require existing MSW landfills to comply with the same equipment design criteria and level of control as prescribed in subpart Cc. In some cases, district rules contain emission standards that are more stringent than subpart Cc, as allowed by 40 CFR 60.24(g). These requirements are discussed in more detail in EPA's evaluation report.

In addition, most of the rules in the California State Plan incorporate the wording in 40 CFR 60.33c(a)(2) as published on March 16, 1996 and, therefore, may be construed as more stringent than Subpart Cc, as amended. The June 16, 1998 amendments changed the wording "or" in 40 CFR 60.33c(a)(2) to "and" to clarify that if a landfill design capacity is less than either 2.5 million Mg or 2.5 million cubic meters, the landfill is exempt from all provisions of subpart Cc except the requirement to submit a design capacity report. This issue is discussed in more detail in EPA's evaluation report.

Because the California State Plan contains emission standards that are no less stringent than the EG, EPA has determined that the Plan meets the requirements of 60.24(c).

F. A Process for State Review and Approval of Site-Specific Gas Collection and Control System Design Plans

Subpart Cc at 40 CFR 60.33c(b) requires State plans to include a process for State review and approval of site-specific design plans for required gas collection and control systems. The process for district review and approval of site-specific gas collection and control systems is specified in the State Plan. Thus, California's section 111(d) plan adequately addresses this requirement.

G. Compliance Schedules

The State's section 111(d) plan must include a compliance schedule that owners and operators of affected MSW landfills must meet in complying with the requirements of the plan. Subpart Cc at 40 CFR 60.36c provides that planning, awarding of contracts, and installation of air emission collection and control equipment capable of meeting the EG must be accomplished within 30 months of the date on which the NMOC emission rate equals or exceeds 50 megagrams per year. The district regulations contain the same compliance schedule as subpart Cc.

H. Testing, Monitoring, Recordkeeping and Reporting Requirements

Subpart Cc at 40 CFR 60.34c specifies the testing and monitoring provisions that State plans must include (60.34c specifically refers to the requirements found in 40 CFR 60.754 to 60.756), and 40 CFR 60.35c specifies the reporting and recordkeeping requirements (60.35c refers to the requirements found in 40 CFR 60.757 and 60.758). The California district landfill regulations incorporate by reference the requirements found in 40 CFR 60.754 to 60.758. Thus, the State Plan satisfies the requirements of 40 CFR 60.34c and 60.35c.

I. A Record of Public Hearings on the State Plan

Subpart B at 40 CFR 60.23 contains the requirements for public hearings that must be met by the State in adopting a section 111(d) plan. California fulfilled the public process requirements for section 111(d) State Plans through the district rulemaking procedures. CARB included documents in the Plan submittal demonstrating that the districts complied with these requirements, as well as the State's administrative procedures. Therefore, EPA finds that California has met this requirement.

J. Submittal of Annual State Progress Reports to EPA

Subpart B at 40 CFR 60.25(e) and (f) requires States to submit to EPA annual reports on the progress of plan enforcement. The first progress report must be submitted by the State one year after EPA approval of the State plan. California committed in its section 111(d) plan to submit annual progress reports to EPA through the reporting of data to CEIDARS-II and AIRS/AFS. Therefore, EPA finds that California has adequately met this requirement.

In summary, EPA finds that the California State Plan meets all of the requirements applicable to such plans in 40 CFR part 60, subparts B and Cc.

III. Final Action

Based on the rationale discussed above, EPA is approving the State of California section 111(d) plan for the control of landfill gas emissions from existing MSW landfills.[1] As provided by 40 CFR 60.28(c), any revisions to the California State Plan or associated regulations will not be considered part of the applicable plan until submitted by the CARB in accordance with 40 CFR 60.28 (a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the 111(d) plan should relevant adverse or critical comments be filed. This rule will be effective November 22, 1999 without

[1] The State did not submit evidence of authority to regulate existing MSW landfills in Indian Country; therefore, EPA is not approving this Plan as it relates to those sources.

further notice unless the Agency receives relevant adverse comments by October 25, 1999.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on November 22, 1999 and no further action will be taken on the proposed rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any section 111(d) plan. Each request for revision to the section 111(d) plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because State Plan approvals under section 111(d) of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal State Plan approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning State Plans on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal

governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 22, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Non-methane organic compounds, Methane, Municipal solid waste landfills, Reporting and recordkeeping requirements.

Dated: September 10, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.

40 CFR part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. The heading of subpart F is revised to read as follows:

Subpart F—California

3. Subpart F is amended by adding a new undesignated center heading preceding § 62.1100 to read as follows:

Plan for the Control of Designated Pollutants From Existing Facilities (Section 111(d) Plan)

4. Section 62.1100 is amended by adding and reserving paragraphs (b)(4) and (c)(4) and by adding paragraphs (b)(5) and (c)(5) to read as follows:

§ 62.1100 Identification of plan.

* * * * *

(b) * * *

(4) [Reserved]

(5) State of California's Section 111(d) Plan For Existing Municipal Solid Waste Landfills, submitted on September 26, 1997, June 26, 1998, November 9, 1998, and July 14, 1999 by the California Air Resources Board.

(c) * * *

(4) [Reserved]

(5) Existing municipal solid waste landfills.

5. Subpart F is amended by adding a new undesignated center heading and § 62.1115 to read as follows:

Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

§ 62.1115 Identification of sources.

The plan applies to existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, as described in 40 CFR part 60, subpart Cc.

[FR Doc. 99–24257 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300920; FRL–6381–9]

RIN 2070–AB78

Spinosad; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of spinosad in or on succulent shelled pea and bean legumes at 0.02 parts per million (ppm), dried shell pea and bean (except soybean) legumes at 0.02 ppm, and wheat (flour, bran, middlings, and shorts, only) at 0.15 ppm; cucurbit vegetables at 0.30 ppm; edible-podded legume vegetables at 0.30 ppm; soybeans at 0.02 ppm; stone fruits at 0.20 ppm; corn, grain, including field, and pop at 0.020 ppm; sorghum, grain at 1.0 ppm; wheat, grain at 0.020 ppm; forage, fodder, hay, stover, and straw of cereal grains at 1.0 ppm; aspirated grain fractions at 20 ppm; poultry, fat at 0.20 ppm; and poultry, meat, meat byproducts, and eggs at 0.020 ppm. This regulation increases current livestock residue tolerances as follows: meat of cattle, goats, hogs, horses and sheep from 0.04 to 0.15 ppm, meat by-products of cattle, goats, hogs, horses and sheep from 0.20 ppm to 1.0 ppm; fat of cattle, goats, hogs, horses and sheep from 0.6 ppm to 3.5 ppm; milk, whole from 0.04 ppm to 0.50 ppm and milk fat from 0.5 ppm to 5 ppm. This regulation also removes time limitations for residues of spinosad on corn, sweet; kernel plus cob with husk removed, stover and forage, which expire on June 20, 2001 and raises the tolerance on corn, sweet, forage to 1.0 ppm. Dow AgroSciences requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 23, 1999. Objections and requests for hearings, identified by docket control number OPP–300920, must be received by EPA on or before November 22, 1999.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300920 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: William Sproat, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: 703-308-8587; and e-mail address: sproat.william@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing

Categories	NAICS	Examples of Potentially Affected Entities
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register--Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300920. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of September 16, 1998 (63 FR 49568) (FRL–6025–8), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104–170) announcing the filing of a pesticide petition (PP) for tolerance by Dow AgroSciences, 9330 Zionsville Road, Indianapolis, IN 46254. This notice included a summary of the petition prepared by Dow AgroSciences, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.495 be amended by establishing tolerances for residues of the insecticide spinosad, in or on cucurbit vegetables at 0.30 parts per million (ppm); legume vegetables (succulent including soybeans) at 0.30 ppm; stone fruits at 0.20 ppm; corn, grain, including field, sweet (K+CHWR), and pop at 0.020 ppm; sorghum grain at 1.0 ppm; sorghum aspirated grain fractions at 3.0 ppm; wheat, grain at 0.020 ppm; forage, fodder, hay, stover, and straw of cereal grains at 1.0 ppm; poultry, fat at 0.20 ppm; and poultry, meat, meat byproducts at 0.020 ppm; and eggs at 0.020 ppm. The petition further requested that the following increases in livestock residue tolerances be established: livestock, meat residue tolerance of 0.10 ppm; livestock, meat byproduct residue tolerance of 0.40 ppm; livestock, fat residue tolerance of 1.50 ppm; a milk residue tolerance of 0.10 ppm; and a milk fat residue tolerance of 1.50 ppm.

The proposal for tolerances for legume vegetables (succulent including soybeans) was revised by the petitioner at EPA's request to reflect separate listings for Crop Subgroup 6A - Edible-podded legume vegetables at 0.30 ppm; Crop Subgroup 6B - Succulent shelled pea and bean at 0.02 ppm; Crop Subgroup 6C Dried shelled pea and bean at 0.02 ppm; and soybeans at 0.02 ppm. Based upon EPA's review of data, the proposal for tolerances in aspirated grain fractions and livestock community need to be revised as follows: aspirated grain fractions (20ppm); meat (0.15 ppm), meat by-products (1 ppm), and fat (3.5 ppm) of cattle, goats, hogs, horses, and sheep; whole milk (0.50 ppm); and milk fat (5 ppm). In addition, tolerances processed wheat commodities need to be added as follows; wheat bran, flour, middlings, and shorts (0.15 ppm).

Spinosad (CAS Reg. No. 131929-60-7) is a fermentation product of Saccharopolyspora spinosa. Spinosad consists of two related spinosyn compounds, Factor A and Factor D, both of which serve as active ingredients. They are typically present at an 85:15 A:D ratio. Spinosad is currently proposed for use on cucurbit crops including cucumber, summer and winter squash, muskmelons (cantaloupe, honeydew, etc.), pumpkin, edible gourds, and watermelon to control cabbage looper, armyworms, melon worms, pickleworm, rindworms, leafminers, and thrips; stone fruit including peaches, plums, cherries, nectarines, prunes and apricots to control peach twig borer, oriental fruit moth, leafminers, leafrollers, green fruitworm, cherry fruit fly, and western cherry fruit fly; succulent beans and peas to control European corn borers, armyworms, corn earworms, loopers, thrips, and leafminers; field corn, including popcorn, to control European corn borer larvae, armyworms, corn earworm, southeastern corn borer, and western bean cutworms; sorghum, including milo and grain, to control sorghum midge, armyworms, corn earworm, southwestern corn borer, and web worms; soybeans to control soybean looper, velvet bean caterpillar, green clover worm, armyworms, and corn earworms; and wheat to control armyworms and grasshoppers.

Time-limited tolerances were established for residues of spinosad on corn, sweet; kernel plus cob with husk removed, stover and forage, based on a preliminary risk assessment. After complete evaluation, the Agency has determined that time limitations on sweet corn are unnecessary and has established permanent tolerances for spinosad residues on sweet corn: kernel plus cob with husk removed, stover and forage.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information" This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate

exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for residues of spinosad on cucurbit vegetables at 0.30 parts per million (ppm); edible-podded legume vegetables at 0.30 ppm; succulent shelled pea and bean legumes at 0.02 ppm; dried shell pea and bean (except soybean) legumes at 0.02 ppm; soybeans at 0.02 ppm; stone fruits at 0.20 ppm; corn, grain, including field, and pop at 0.020 ppm; corn, sweet at 1.0 ppm; sorghum, grain at 1.0 ppm; wheat, grain at 0.020 ppm; forage, fodder, hay, stover, and straw of cereal grains at 1.0 ppm; aspirated grain fractions at 20 ppm; poultry, fat, at 0.20 ppm; and poultry, meat, meat byproducts and eggs at 0.020 ppm; and wheat (flour, bran, middlings, and shorts, only) at 0.15 ppm. This regulation increases the current livestock residue tolerances as follows: meat, meat by-products, and fat of cattle, goats, hogs, horses and sheep from 0.04 to 0.15 ppm, 0.20 ppm to 1.0 ppm; and 0.6 ppm to 3.5, respectively; and increases milk, whole and milk fat from 0.04 ppm to 0.50 ppm and 0.5 ppm to 5 ppm, respectively. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows:

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by are discussed in this unit.

1. Acute toxicity studies with technical grade active ingredient spinosad (88 - 90.4%) product: Oral LD_{50} in the rat is > 5,000 mg/kg for males and females - Toxicity Category IV; dermal LD_{50} in the rat is > 2,800 mg/kg for males and females - Toxicity Category III; inhalation LC_{50} in the rat is > 5.18 mg/L - Toxicity Category IV; primary eye irritation in the rabbit (slight conjunctival irritation) - Toxicity Category IV; primary dermal irritation in the rabbit (no erythema and edema) - Toxicity Category IV. Spinosad is not a sensitizer.

2. Acute toxicity studies with the end-use (44% formulation) product for spinosad: Oral LD_{50} in the rat is > 5,000 mg/kg for males and females - Toxicity Category IV; dermal LD_{50} in the rat is > 2,800 mg/kg for males and females - Toxicity Category III; inhalation LC_{50} in the rat is > 5.0 mg/L - Toxicity Category IV; primary eye irritation in the rabbit (slight conjunctival irritation) - Toxicity Category IV; primary dermal irritation in the rabbit (slight transient erythema and edema) - Toxicity Category IV. Spinosad is not a sensitizer.

3. In a subchronic feeding study in rats, the no-observed adverse effect level (NOAEL) was 33.9 and 38.8 mg/kg/day for males and females, respectively. The lowest observed adverse effect level (LOAEL) was 68.5 and 78.1 mg/kg/day for males and females, respectively, based on decreased body weight gain, anemia, vacuolation in multiple organs (kidney, liver, heart, spleen, adrenals, thyroid).

4. In a subchronic feeding study in mice, the NOAEL was 7.5 mg/kg/day and the LOAEL was 22.5 mg/kg/day, based on cytoplasmic vacuolation in multiple organs (kidney, liver, heart, stomach, lymphoid organs, ovary).

5. In a subchronic feeding study in dogs, the NOAEL was 4.89 mg/kg/day for males and 5.38 mg/kg/day for females, respectively. The LOAEL was 9.73 mg/kg/day for males and 10.5 mg/kg/day for females, respectively, based on decreased mean body weights & food consumption, and anemia.

6. In a 21-day dermal study in rats, the NOAEL for systemic effects was > 1,000mg/kg/day (limit dose). No systemic toxicity was observed at any dose tested.

7. In a chronic feeding study in dogs, the NOAEL was 2.68 mg/kg/day and the LOAEL was 8.22 mg/kg/day, based on increased liver enzymes (ALT, AST), triglycerides; vaculated cells (parathyroid), and arteritis.

8. In a chronic feeding carcinogenicity study in mice, the NOAEL was 11.4 mg/kg/day for males and 13.8 mg/kg/day for females, respectively. The LOAEL was 50.9 mg/kg/day for males and 67.0 mg/kg/day for females, respectively, based on decreased body weight gains, increased mortality, hematologic effects, increased thickening of the gastric mucosa, and histologic changes in the stomach of males.

9. In a chronic feeding/carcinogenicity study in rats, the NOAEL was 9.5 mg/kg/day for males and 12.0 mg/kg/day for females, respectively. The LOAEL was 24.1 mg/kg/day for males and 30.3 mg/kg/day for females, respectively, based on thyroid follicular cell vacuolation (males & females); thyroiditis (females); and increased relative and absolute thyroid weights (females).

10. In a developmental study in rabbits, the maternal NOAEL was ≥50 mg/kg/day. The maternal LOAEL was not established. The developmental NOAEL was ≥50 mg/kg/day. The developmental LOAEL was not established. No maternal or developmental effects were observed at the highest dose tested (HDT) (50 mg/kg/day).

11. In a developmental study in rats, the maternal NOAEL was ≥200 mg/kg/day. The maternal LOAEL was not established. The developmental NOAEL was ≥200 mg/kg/day. The developmental LOAEL was not established. No maternal or developmental effects were observed at the (HDT) (200 mg/kg/day).

12. In a 2-generation reproduction toxicity study in rats, the systemic NOAEL was 10 mg/kg/day. The systemic LOAEL was 100 mg/kg/day based on increased organ weights (heart, liver, kidney, spleen, thyroid), histopath lesions in the lungs and mesenteric lymph nodes, stomach (female), and prostate. The reproductive NOAEL was 10 mg/kg/day. The reproductive LOAEL was 100 mg/kg/day based on decreased litter size, decreased pup survival, decreased body weight, increased incidence of dystocia and/or vaginal bleeding post-partum with associated increased mortality of dams.

13. Studies on gene mutation and other genotoxic effects: in a Gene Mutation Assay (Ames Test), there was no appreciable increase in the reversion to histidine protrophy of 4 *S. typhimurium* strains at 1 to 10,000 µg/plate with & without S-9 activation. In a Gene Mutation Assay, there was no forward mutation in mouse lymphoma L5178Y Tk +/- cells with and without metabolic activation up to 50 µg/ml. In a Structural Chromosomal Aberration Assay In vitro, there was no increase in the number of Chinese Hamster Ovary cells with chromosome aberrations with (20, 26, or 35 µg/ml) or without (100, 250, or 500 µg/ml) activation. In a Micronuclei Test, there was no increase

in the frequency of micronuclei with bone marrow cells from mice treated at 0, 500, 100, or 2,000 mg/kg/day for 2 consecutive days. In Other Genotoxicty Assays, unscheduled DNA synthesis was not induced up to the cytotoxic dose (0.01-1,000 µg/ml tested).

14. In rat metabolism studies, there were no major differences between the bioavailability, routes of excretion, or metabolism of 14C-XDE-105 (Factor A) & 14C-XDE-105 (Factor D) in Fischer 344 rats following oral administration as a suspension of 100 mg/kg bwt. The major elimination route was fecal excretion for both factors. About 80% (Factor A) and 66% (Factor D) was absorbed with about 20% (Factor A) and 34% (Factor D) of the dose eliminated unabsorbed in the feces. By 48 hr post-dosing, >60% (Factor A) & >80% (Factor D) had been recovered in the urine and the feces. Based on the terminal half-lives for fecal and urinary excretion, the elimination half-life for Factor A ranged from 25-42 hr and the half-life for Factor D ranged from 29-33 hr. The tissues and carcass contained very low levels of radioactivity at 168 hr post-dosing, < 0.1% of the administered dose/gram tissue. The primary fecal, urinary, and the biliary metabolites were identified as the glutathione conjugates of the parent and and O-demethylated XDE-105. The absorption, distribution, metabolism, and elimination of 14C-XDE-105 were similar for Factors A & D.

15. In an acute neurotoxicity study in rats, the NOAEL was ≥ 2,000 mg/kg/day. In a subchronic neurotoxicity study in rats, the NOAEL was ≥ 42.7 mg/kg/day in males and 52.1 mg/kg/day in females, respectively. In chronic neurotoxicity study in rats, the NOAEL was ≥ 46 mg/kg/day in males and 57 mg/kg/day in females, respectively.

B. Toxicological Endpoints

1. *Acute toxicity.* EPA did not select a dose and endpoint for acute dietary risk assessment due to a lack of toxicological effects attributable to a single exposure (dose) in studies available in the data base including oral developmental toxicity studies in rats and rabbits. In the acute neurotoxicity study, the NOAEL was ≥ 2,000 mg/kg/day.

2. *Short- and intermediate-term toxicity.* EPA did not select a dose or end-point for short, intermediate and long-term dermal risk assessments because (i) lack of appropriate endpoints; (ii) the combination of molecular structure and size as well as the lack of dermal or systemic toxicity at 2,000 mg/kg/day in a 21-day dermal toxicity study in rats which indicates the lack of dermal absorption; and (iii) the lack of long- term exposure based on the current use pattern. Therefore, a dermal risk assessment is not required. EPA also determined that based on the current use pattern and exposure scenario, an inhalation risk assessment is not required.

3. *Chronic toxicity.* EPA has established the RfD for spinosad at 0.027 mg/kg/day. This Reference Dose (RfD) is based on a chronic toxicity study in dogs using a NOAEL of 2.7 mg/kg/day. The LOAEL was 8.46 mg/kg/day based on the occurrence of vacuolation in glandular cells (parathyroid) and lymphatic tissues, arteritis, and increases in serum enzymes such as alanine aminotranferase, and aspartate aminotransferase, and triglyceride levels in dogs fed spinosad in the diet at dose levels of 1.44, 2.7, 8.46 mg/kg/day for 52 weeks. A hundredfold uncertainty factor (UF) was applied to the NOAEL of 2.7 mg/kg/day to account for inter- and intra- species variation resulting in an RfD of 0.027mg/kg/day.

4. *Carcinogenicity.* There is no evidence of carcinogenicity in studies in either the mouse or rat. Therefore, a carcinogenic risk assessment is not required.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.495) for the residues of spinosad, in or on a variety of raw agricultural commodities. Spinosad is registered for use on a number of agricultural commodities, including apples, Brassica vegetables, leafy vegetables, tuberous and corm vegetables, and fruiting vegetables (excluding cucurbits). Additionally, spinosad is registered for pest control in turfgrass and ornamental plants. Registered formulations of spinosad are Success, SpinTor, Tracer, and Conserve. These formulations vary from 1 to 4 lb ai/gallon and may be broadcast, band, or aerially applied. Application rates range from 0.023 to 0.156 lb ai/A, depending on the target pest and the crop. The maximum seasonal application rate is 0.45 lb ai/A. Application intervals are specified as being dependent on the pest populations or as a set number of days, ranging from 3 to 14, depending on the crop. There are label restrictions against too many applications per season and/or pest generation, to avoid development of pest resistance. Pre-harvest intervals range from 1 to 28 days, depending on the crop. For most of the commodities in this petition, the application rate ranges from 0.023 to 0.094 lb ai/A, with total seasonal application not to exceed 0.45 lb ai/acre. Risk assessments were conducted by EPA to assess dietary exposures from spinosad as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No acute toxicological endpoints were identified for spinosad due to the lack of toxicological effects attributable to a single exposure (dose). Therefore, the Agency concludes that there is a reasonable certainty of no harm from acute dietary exposure.

ii. *Chronic exposure and risk.* Adequate field trials were completed with cucumber, muskmelon, and squash (cucurbit vegetables); snap beans, snow peas, and soybean (legume vegetables); cherries, peaches, plums, and prunes (stone fruits); and sweet corn, field corn, sorghum, and wheat (cereal crops). The field trials and a poultry feeding study support the establishment of tolerances on the raw agricultural commodities.

Processing studies for wheat commodities were not submitted with the petition and were noted as a data deficiency in the residue chemistry review. In the absence of processed commodity data, EPA has used the maximum theoretical concentration factor of 8X for wheat, as listed in OPPTS Guideline 860.1520, to estimate residues in processed wheat commodities. A value of 0.8 ppm has been used for all processed wheat commodities for this risk assessment. Additionally, the residue chemistry review notes that the tolerance for aspirated grain fractions, and hence ruminant commodities, need to be revised.

EPA performed a chronic dietary (food only) exposure analysis using the Dietary Exposure Evaluation Model (DEEM). This model incorporates 3-day average 1989- 1992 food consumption data from USDA's Continuing Survey of Food Intake by Individuals and accumulates exposure to the chemical for each commodity. Each analysis assumes uniform distribution of spinosad in the commodity supply. As spinosad has been shown to partition into milk fat, EPA used data from the previously submitted animal feeding study to calculate a spinosad residue for skim milk. This value was used to set the residue level for milk-based water. The chronic dietary (food only) analysis represents a highly conservative estimate of dietary exposure to spinosad. EPA has taken this into consideration as part of this human health risk assessment. The Tier 1 exposure analysis from DEEM estimates that chronic dietary (food only)

exposure will occupy 74% of the cPAD for children ages 1-6 years (the highest-exposed population subgroup). Exposure estimates for all adult populations are less than 39% of the cPAD. The primary contributor to chronic dietary exposure is milk, which alone occupies 30% of the cPAD for children 1-6 yrs.

Exposure estimates for all population subgroups except those specific to infants and children were similar to that of the general U.S. population (0.0092 mg/kg/day, 34% cPAD), ranging from 0.0073 mg/kg/day (27% cPAD) for seniors 55+ years to 0.0105 mg/kg/day (39% cPAD) for peoples of non-Hispanic/non-white/non-black origins. The similarity of the exposure estimates across these subgroups indicates that exposure to spinosad is not heavily affected by ethnic, seasonal, or regional dietary influences (note that since the FQPA Safety Factor was reduced to 1x, the cPAD and the RfD are equal).

2. *From drinking water.* Monitoring data depicting residue levels of spinosad in drinking water are not available. Therefore, EPA cannot perform a quantitative risk assessment for drinking water exposure. Instead, EPA had used modeled estimated environmental concentrations (EECs), and back-calculated drinking water levels of comparison (DWLOCs) to determine whether exposure to spinosad via drinking water is likely to be of concern.

EPA concludes that the available data on spinosad show that the compound is not mobile or persistent, and therefore has little potential to leach to ground water. Spinosad may however contaminate surface water upon the release of water from flooded fields to the environment. Additionally, EPA's Metabolism Assessment Review Committee determined that the spinosyn Factors A and D are not expected to reach groundwater (2/10/98). In order to assess drinking water exposures, EPA used the screening models PRZM (Pesticide Root Zone Model) and EXAMS (Exposure Analysis Modeling Systems) to generate surface water EECs associated with application of spinosad to various crops. Modeled scenarios were selected because they are expected to represent roughly the upper 90th percentile for surface water vulnerability, given the chemical's geographic use range. The Tier 2 chronic surface water EEC for spinosad is 0.092 µg/L and is based on application of the insecticide to cole crops (0.13 lb ai/A/application, 0.45 lb ai/A/season). The EEC value is over 500 times less than the lowest DWLOC . Based on these studies, the Agency concludes that drinking water is not expected to be a significant source of exposure to spinosad.

i. *Acute exposure and risk.* No acute toxicity endpoints were determined from testing and the Agency concludes that there is reasonable certainty of no harm from acute risk from drinking water. No acute risk is expected.

ii. *Chronic exposure and risk.* Based on dietary (food only) exposures EPA has back-calculated Drinking Water Levels of Comparison (DWLOCs) for spinosad. The DWLOCs range from 70 µg/L to 620 µg/L; these values are well above the chronic Tier II estimated environmental concentration of 0.092 µg/L. Although exposure to spinosad via drinking water may occur, exposure is not expected to exceed the calculated DWLOCs for any population subgroup.

3. *From non-dietary exposure.* No acute dietary, cancer, or short-, intermediate-, or chronic-term dermal or inhalation endpoints were identified by the Agency. Spinosad is registered on turf grass, creating a potential for non-dietary oral exposure to children who ingest grass. To calculate a quantitative dietary risk from a potential ingestion of grass (in the absence of acute-, short-, or intermediate-term oral endpoints), EPA would need to default to the chronic dietary endpoint. This scenario would represent a child eating grass for > 6 months continuously. Based on the low application rate for spinosad on turf (0.41 lbs. ai./A.), its non-systemic nature, its short half life (especially in sunlight), and the rapid incorporation of spinosad metabolites into the general carbon pool, EPA believes that residues of spinosad on turf grass after application would be low and decrease rapidly over time. EPA believes that it is inappropriate to perform a quantitative dietary risk representing a chronic scenario from children eating turf grass. Qualitatively, the risk from children eating turf grass does not exceed the Agency's level of concern.

Another registered product contains spinosad for use on structural lumber may have residential exposure potential, however, the product is injected into drilled holes which are sealed after treatment. The product can only be applied by commercial applicators with very minimal potential risk to the public. Due to the lack of toxicity endpoints (hazard) and minimal contact with the active ingredient during and after application, exposure to residential occupants is not expected. The Agency concludes that there is a reasonable certainty of no harm from non-dietary exposure.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether spinosad has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, spinosad does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that spinosad has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

Conservative assumptions have been made throughout this risk assessment. Residue estimates used in the dietary assessment are at published, proposed, or suggested tolerance levels. The two exceptions to this are wheat processed commodities, which are based on a highly conservative maximum theoretical concentration factor, and milk-based water, which is conservatively based on a theoretical maximum residue concentration calculated for skim milk. Estimated concentration of spinosad in drinking water is also quite conservative. Because of the nature of the spinosad molecule, the low application rate, and need to use a chronic oral toxicological endpoint, EPA does not believe it appropriate to aggregate the potential residential exposure to spinosad via turf grass with other oral (dietary + drinking water) exposures. As drinking water is not expected to be a significant route of exposure to spinosad, dietary (food only) exposure is the only route of concern. Thus, exposures to spinosad from its proposed uses on cucurbit vegetables, legume vegetables, stone fruits, corn, sorghum, and wheat, taken in conjunction with other registered and pending uses of spinosad, are below the Agency's level of concern.

1. *Acute risk.* Because no acute dietary endpoint was determined from

toxicity testing, the Agency concludes that there is a reasonable certainty of no harm from acute aggregate risk.

2. *Chronic risk.* Using the TMRC exposure assumptions described in this unit, EPA has concluded that aggregate exposure to spinosad from food will utilize 34% of the cPAD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is children ages 1-6 with 74% of the cPAD. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health.. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to spinosad residues.

3. *Short- and intermediate-term risk.* Short- and intermediate- term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure.

No dermal or inhalation endpoints were identified by EPA. Due to the nature of the non-dietary use, the Agency believes that the use of spinosad in treating timbers will not result in any exposure through the oral route. Therefore. the chronic aggregate risk solely is the sum of food + water.

4. *Aggregate cancer risk for U.S. population.* The Agency has determined that there is no evidence of carcinogenicity in studies in either the mouse or rat.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to spinosad residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of spinosad , EPA considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined inter- and intra-species variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies.* In a prenatal developmental toxicity study, groups of pregnant Sprague-Dawley rats (30/group) received oral (gavage) administration of Spinosad (88.6%) in aqueous 0.5% methylcellulose at dose levels of 0, 10, 50, or 200 mg/kg/day during gestation days 6 through 17. For maternal toxicity, the NOEL was >200 mg/kg/day (HDT); a LOEL was not established. Marginal maternal toxicity was reported at this dose level (decreased body weight gain). Based upon the results of a range-finding study, which showed maternal toxicity (body weight and food consumption decreases at 100 and 300 mg/kg/day), the dose level of 200 mg/kg/day in the main study was considered adequate. For developmental toxicity, the NOEL was >200 mg/kg/day; a LOEL was not established. In the range-finding study, fetal body weight decrements occurred at 300 mg/kg/day.

In a prenatal developmental toxicity study, groups of pregnant New Zealand White rabbits (20/group) received oral (gavage) administration of Spinosad (88.6%) in 0.5% aqueous methyl cellulose at doses of 0, 2.5, 10, or 50 mg/kg/day during gestation days 7 through 19. For maternal toxicity, the NOEL was ≥50 mg/kg/day (HDT); a LOEL was not established. At this dose, slight body weight loss was observed in the first few days of dosing, but this finding was not supported by other signs. In the range-finding study, inanition was observed at doses of 100, 200, and 400 mg/kg/day, with significant decreases in body weight gain during dosing. All does at these dose levels were sacrificed prior to scheduled termination; no fetal data were available. No evidence of developmental toxicity was noted. For developmental toxicity, the NOEL was ≥50 mg/kg/day; a LOEL was not established. (No fetal effects were noted for fetuses of the range-finding study at doses up to 50 mg/kg/day).

iii. *Reproductive toxicity study.* In a 2-generation reproduction study, groups of Sprague-Dawley rats (30/sex/group) received diets containing Spinosad (88.0%) at dose levels of 0, 0.005, 0.02, or 0.2% (3, 10, or 100 mg/kg/day, respectively) for two successive generations. For parental systemic toxicity, the NOEL was 0.02% (10 mg/kg/day) and the LOEL was 0.2% (100 mg/kg/day), based on increased heart, kidney, liver, spleen, and thyroid weights (both sexes), histopathology in the spleen and thyroid (both sexes), heart and kidney (males), and histopathologic lesions in the lungs and mesenteric lymph nodes (both sexes), stomach (females), and prostate. For offspring toxicity, the NOEL was 0.02% (10 mg/kg/day) and the LOEL was 0.2% (100 mg/kg/day) based on decreased litter size, survival (F2), and body weights. Reproductive effects at that dose level included increased incidence of dystocia and/or vaginal bleeding after parturition with associated increase in mortality of dams.

iv. *Neurotoxicity.* In an acute neurotoxicity study, groups of Fischer 344 rats (10/sex/dose) received a single oral (gavage) administration of Spinosad (87.9%) at dose levels of 0, 200, 630, or 2,000 mg/kg. There were no effects on neurobehavioral endpoints or histopathology of the nervous system. For neurotoxicity, the NOEL was >2,000 mg/kg (HDT); a LOEL was not established.

In a subchronic neurotoxicity study, groups of Fischer 344 rats (10/sex/dose) were administered diets containing Spinosad at levels of 0, 0.003, 0.006, 0.012, or 0.06%(0, 2.2, 4.3, 8.6, or 42.7 mg/kg/day for males and 2.6, 5.2, 10.4, or 52.1 mg/kg/day for females, respectively). There were no effects on neurobehavioral endpoints or histopathology of the nervous system. For neurotoxicity, the NOEL was ≥42.7 for males and ≥52.1 mg/kg/day for females (HDT).

In the 2-year chronic toxicity study, groups of Fischer 344 rats (65/sex/dose) received diets containing Spinosad at dose levels of 0, 0.005, 0.02, 0.05, or 0.1% (0, 2.4, 9.5, 24.1, or 49.4 mg/kg/day for males and 0, 3.0, 12.0, 30.3, or 62.2 mg/kg/day for females, respectively). Neurobehavioral testing performed at 3, 6, 9, and 12 months of study was negative, and histopathological evaluation of perfused tissues at study termination did not identify pathology of the central or peripheral nervous system. There was

no evidence of neurotoxicity. For neuropathology, the NOEL was 0.1% (>49.4 mg/kg/day for males and /62.8 mg/kg/day for females).

Based upon a review of the currently available data base for Spinosad, a developmental neurotoxicity study in rats is not required. This determination was based upon the following evidence:

a. The oral LD_{50} in rats is >5,000 mg/kg.

b. No indication of abnormalities in the development of the fetal nervous system, were observed in the prenatal developmental toxicity studies in either rats or rabbits, at minimally toxic maternal oral doses up to 200 or 50 mg/kg/day, respectively.

c. There was no evidence of neurobehavioral toxicity in the acute or subchronic neurotoxicity studies in rats, nor in the chronic toxicity study in rats.

d. There was no evidence of neuropathology of the central or peripheral nervous system following perfusion of tissues in the acute, subchronic, or chronic neurotoxicity studies in rats.

v. *Pre- and post-natal sensitivity.* There was no increased susceptibility to rats or rabbits following in utero and/or postnatal exposure to spinosad.

vi. *Conclusion.* The data provided no indication of increased susceptibility of rats or rabbits to in utero and/or postnatal exposure to spinosad. In the prenatal developmental toxicity studies in rats and rabbits and the two-generation reproduction study in rats, effects in the offspring were observed only at or below treatment levels which resulted in evidence of parental toxicity. In addition, all neurotoxicity studies were negative for effects on the central or peripheral nervous system.

EPA determined that the 10X factor to protect infants and children (as required by FQPA) should be removed. The FQPA factor is removed because:

(i) The data provided no indication of increased susceptibility of rats or rabbits to in utero and/or post natal exposure to spinosad. In the prenatal developmental toxicity studies in rats and rabbits and the 2-generation reproduction study in rats, effects in the offspring were observed only at or below treatment levels which resulted in evidence of parental toxicity.

(ii) No neurotoxic signs have been observed in any of the standard required studies conducted.

(iii) The toxicology data base is complete and there are no data gaps. There is a complete toxicity database for spinosad and exposure data is complete or is estimated based on data that reasonably accounts for potential exposures.

2. *Acute risk.* An acute risk assessment is not required because no acute toxicological endpoints were identified for spinosad. The Agency concludes that there is a reasonable certainty of no harm to infants and children from aggregate exposure.

3. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to spinosad from food will utilize 74% of the cPAD for infants and children. EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health.

4. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to residues.

IV. Other Considerations

A. Metabolism in Plants and Animals

EPA has reviewed the results of plant metabolism studies (apples, cabbage, cotton, tomatoes, turnips) and livestock metabolism studies (goat and hen). The metabolism of spinosad in plants and animals is adequately understood for the purposes of these tolerances. Based on structure/activity relationships, EPA concluded that the spinosad metabolites/fermentation impurities (spinosyns Factor B, Factor B or D, Factor K, and other related Factors) were of no more toxicological concern than the two parent compounds (spinosyns Factor A and Factor D).

EPA focused on the following data/information: the overall low toxicity of spinosad; the low levels of metabolites/fermentation impurities present; and that spinosad appears to photodegrade rapidly and become incorporated into the general carbon pool. EPA concluded that only 2 parent compounds (spinosyns Factor A and Factor D) need to be included in the tolerance expression and used for dietary risk assessment purposes.

B. Analytical Enforcement Methodology

Method GRM 94.02 (method for determination of spinosad residues in cottonseed and related commodities using HPLC/UV) underwent successful independent lab validation and EPA lab validation and has been submitted to FDA for inclusion in PAM II as Method I. Additional methods have been submitted for other crop matrices leafy vegetables - GRM 95.17; citrus - GRM 96.09; tree nuts - GRM 96.14; fruiting vegetables - GRM 95.04; and cotton gin byproducts - GRM 94.02.S1. All of these methods are essentially similar to GRM 94.02 and have been submitted to FDA for inclusion in PAM II as letter methods. Method GRM 94.02 is adequate for regulation of the tolerance expression.

Method GRM 95.03.R1 (method for determination of spinosad residues in ruminant commodities using HPLC/UV) underwent successful validation by EPA's lab. The method was forwarded to FDA for inclusion in PAM II as a Roman numeral method.

Method RES 95114 (method for determination of spinosad residues in ruminant commodities using immunoassay) has also successfully passed validation by EPA's lab. The method was forwarded to FDA for inclusion in PAM II as a Roman numeral method.

Multi residue Methods (GLN 860.1360) - The results of subjecting spinosad to FDA Multi residue testing were previously reviewed . Spinosyns Factor A and D were not recovered from any of the protocols. The results have been sent to FDA.

Adequate enforcement methodology (example - gas chromotography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov..

C. Magnitude of Residues

The residue of concern for spinosad is parent spinosad (as specified in 40 CFR 180.495), which is made up of Spinosyn Factors A and D. Because of the non-systemic nature of spinosad, these residues are primarily found on the surfaces of treated commodities.

Adequate field trials were completed with cucumber, muskmelon, and squash (cucurbit vegetables); snap beans, snow peas, and soybean (legume vegetables); cherries, peaches, plums, and prunes (stone fruits); and sweet corn, field corn, sorghum, and wheat (cereal crops). The field trials and a poultry feeding study support the establishment of tolerances.

Field trials for the legume vegetables did not include representative commodities from Crop Subgroups 6B (succulent shelled pea and bean) and 6C (dried shelled pea and bean). Tolerance-level residues of 0.02 ppm were assumed for these subgroups in the risk assessment.

Processing studies for wheat commodities were not submitted with the petition. In the absence of processed

commodity data, EPA has used the maximum theoretical concentration factor of 8X for wheat, as listed in Office of Prevention, Pesticides, and Toxic Substances (OPPTS) Guideline 860.1520, to estimate residues in processed wheat commodities. A value of 0.15 ppm has been used for all processed wheat commodities for this risk assessment. Additionally, because of the amount of spinosad residue found in corn, sorghum, and wheat products, as well as those commodities with existing residue tolerances that are potentially used in animal rations , the tolerances for aspirated grain fractions, and hence ruminant commodities, need to be revised as indicated under "SUPPLEMENARY INFORMATION" of this document.

D. International Residue Limits

No CODEX, Canadian, or Mexican maximum residue levels (MRLs) have been established for residues of spinosad on any crops.

V. Conclusion

Therefore, tolerances are established for residues of spinosad in or on succulent shelled pea and bean legumes at 0.02 parts per million (ppm), dried shell pea and bean (except soybean) legumes at 0.02 ppm, and wheat (flour, bran, middlings, and shorts, only) at 0.15 ppm; cucurbit vegetables at 0.30 ppm; edible-podded legume vegetables at 0.30 ppm; soybeans at 0.02 ppm; stone fruits at 0.20 ppm; corn, grain, including field, and pop at 0.020 ppm; sorghum, grain at 1.0 ppm; wheat, grain at 0.020 ppm; forage, fodder, hay, stover, and straw of cereal grains at 1.0 ppm; aspirated grain fractions at 20 ppm; poultry, fat at 0.20 ppm; and poultry, meat, meat byproducts, and eggs at 0.020 ppm. This regulation increases current livestock residue tolerances as follows: meat of cattle, goats, hogs, horses and sheep from 0.04 to 0.15 ppm, meat by-products of cattle, goats, hogs, horses and sheep from 0.20 ppm to 1.0 ppm; fat of cattle, goats, hogs, horses and sheep from 0.6 ppm to 3.5 ppm; milk, whole from 0.04 ppm to 0.50 ppm and milk fat from 0.5 ppm to 5 ppm. This regulation also removes time limitations for residues of spinosad on corn, sweet; kernel plus cob with husk removed, stover and forage, which expire on June 20, 2001 and raises the tolerance on corn, sweet, forage to 1.0 ppm. As a condition of registration, field trials on representative commodities from Crop Subgroups 6B (succulent shelled pea and bean) and 6C (dried shelled pea and bean), and processing studies for wheat commodities are required.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300920 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 22, 1999.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Room M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." (cite). For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at *tompkins.jim@epa.gov* , or bymailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A. of this preamble, you should also send a copy of your request to the PIRB for its inclusion in the official record that is described in Unit I.B.2. of this preamble. Mail your copies, identified by docket number OPP–300920, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PRIB described in Unit I.B.2. of this preamble. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. Do not include any CBI in your electronic copy. You may

also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(b)(4).. This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 9, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a), and 371.

2. In § 180.495, by revising paragraph (a) to read as follows:

§ 180.495 Spinosad; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide spinosad in or on the food commodities in the table to this paragraph. Spinosad is a fermentation product of *Saccharopolyspora spinosa*. The product consists of two related active ingredients: Spinosyn A (Factor A; CAS# 131929-60-7) or 2-[(6-deoxy-2,3,4-tri-*O*- methyl-α-*L*-manno-pyranosyl)oxy]-13-[[5-(dimethylamino)-tetrahydro-6-methyl-2H-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11,12,13,14,16a,16b-tetradecahydro-14-methyl-1H-as-Indaceno[3,2-d]oxacyclododecin-7,15-dione; and Spinosyn D (Factor D; CAS# 131929-63-0) or 2-[(6-deoxy-2,3,4-tri-*O*-methyl-α-*L*-manno-pyranosyl)oxy]-13-[[5-(dimethyl-amino)- tetrahydro-6-methyl-2H-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11,12,13,14,16a, 16b-tetradecahydro-4,14-methyl-1H-as-Indaceno[3,2-d]oxacyclododecin-7,15-dione. Typically, the two factors are present at an 85:15 (A:D) ratio.

Commodity	Parts per million	Expiration/ Revocation Date
Almonds	0.020	None
Almond Hulls	2.0	None
Apples	0.2	None
Apple pomace	0.5	None
Aspirated grain fractions.	20	None
Brassica (cole), leafy vegetables, greens subgroup.	10	None
Brassica (cole), leafy vegetables, head and stem subgroup.	2.0	None
Cattle, fat	3.5	None
Cattle, meat by-products.	1.0	None
Cattle, meat	.15	None
Citrus fruits group.	.3	None
Citrus oil	3.0	None
Citrus pulp, dried.	0.5	None
Coffee	0.02	8/28/00
Corn, field	0.02	None
Corn, fodder	1.0	None
Corn, forage	1.0	None
Corn, grain	0.02	None
Corn, hay	1.0	None
Corn, pop	0.02	None
Corn, stover	1.0	None
Corn, straw	1.0	None
Corn, sweet (K+CWHR).	0.02	None

Commodity	Parts per million	Expiration/ Revocation Date
Cotton gin by-products.	1.5	None
Cottonseed	0.02	None
Cucurbit vegetables (cucumbers, melons, squashes) group.	0.3	None
Fruiting vegetables (except cucurbits) group.	0.4	None
Goat, fat	3.5	None
Goat, meat by-products.	1.0	None
Goat, meat	.15	None
Hogs, fat	3.5	None
Hogs, meat by-products.	1.0	None
Hogs, meat	.15	None
Horses, fat	3.5	None
Horses, meat byproducts.	1.0	None
Horses, meat ...	.15	None
Leafy vegetables (except Brassica vegetables group.	8.0	None
Legume vegetables, edible podded (Crop Subgroup 6A.	0.30	None
Legume vegetables, dried shell pea and bean (Crop Subgroup 6C.	0.02	None
Legume vegetables, succulent shelled pea and bean (Crop Subgroup 6B).	0.02	None
Milk, fat	5.0	None
Milk, whole	0.50	None
Poultry, eggs ...	0.02	None
Poultry, fat	0.20	None
Poultry, meat byproducts.	0.02	None
Poultry, meat ...	0.02	None
Sheep, fat	3.5	None
Sheep, meat byproducts.	1.0	None
Sheep, meat	.15	None
Sorghum, fodder.	1.0	None
Sorghum, forage.	1.0	None
Sorghum, grain	1.0	None
Sorghum, hay ..	1.0	None
Sorghum, stover.	1.0	None
Sorghum, straw	1.00	None
Soybeans	0.02	None
Stone fruits (cherries, peaches, plums, prunes) group.	0.20	None
Tuberous and corm vegetables (crop subgroup 1C).	0.02	None
Wheat, bran	.15	None
Wheat, flour	.15	None
Wheat, fodder ..	1.0	None
Wheat, forage ..	1.0	None
Wheat, grain	0.02	None
Wheat, hay	1.0	None
Wheat, middlings.	0.15	None
Wheat, shorts ..	0.15	None
Wheat, stover ..	1.0	None
Wheat, straw ...	1.0	None

* * * * *

[FR Doc. 99–24696 Filed 9–22–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6441–8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Smuggler Mountain Superfund site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Smuggler Mountain Superfund Site located in northeastern Aspen, Pitkin County, Colorado, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Colorado Department of Public Health and Environment (CDPHE) have determined that the Site poses no significant threat to public health or the environment as long as Operation and Maintenance (O&M) measures and institutional controls are in force and working. Therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: September 23, 1999.

FOR FURTHER INFORMATION CONTACT: Armando Saenz, Remedial Project Manager, U.S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Mail Stop 8EPR–SR, Denver, Colorado 80202–2466, (303) 312–6559.

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is: Smuggler Mountain Superfund Site, Aspen, Pitkin County, Colorado.

A Notice of Intent to Delete for this site was published on August 9, 1999 (64 FR 43129). The closing date for comments on the Notice of Intent to Delete was September 8, 1999. EPA received no comments.

EPA identifies sites that appear to present significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future. 40 CFR 300.425(e)(3) of the NCP. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Hazardous substances, Hazardous waste, Intergovernmental relations, Superfund.

Dated: September 15, 1999.

Patricia D. Hull,

Acting Regional Administrator, Region 8.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the Site "Smuggler Mountain, Pitkin County, Colorado."

[FR Doc. 99–24692 Filed 9–22–99; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 72

RIN 3067–AC88

National Flood Insurance Programs; Procedures and Fees for Processing Map Changes

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule revises the National Flood Insurance program (NFIP) regulations concerning the procedures and fees for processing changes to NFIP maps by removing the fee payment requirements for processing certain changes. Under this rule, map change requests based on flood hazard information meant to improve upon that shown on the flood map or within the flood study will be exempt from review and processing fees. Improvements to flood maps or studies, which partially or wholly incorporate man-made modifications within the special flood hazard area, will not be exempt from review and processing fees.

EFFECTIVE DATE: This rule is effective on September 23, 1999.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, by telephone at (202) 646–3461, by facsimile at (202) 646–4596 (not toll-free calls), or by e-mail at matthew.miller@fema.gov.

SUPPLEMENTARY INFORMATION: This final rule revises the NFIP regulation governing fee requirements for processing certain changes to NFIP maps. We established the current fee requirements under a final rule published in the **Federal Register** on February 6, 1997, 62 FR 5734.

Under current standards, request are exempt from submitting review and processing fees for:

(a) Requests for map changes based on mapping or study analysis errors;

(b) Requests for map changes based on the effects of natural changes within Special Flood Hazard Areas (SFHAs);

(c) Request for a Letter of Map Amendment (LOMA);

(d) Requests for map changes based on federally sponsored flood-control projects where 50 percent or more of the project's costs are federally funded;

(e) Requests for map changes based on detailed hydrologic and hydraulic studies conducted by Federal, State, or local agencies to replace approximate studies conducted by FEMA and shown on the effective Flood Insurance Rate Map (FIRM).

This rule maintains the fee exemptions for map change requests in Items (a) through (e) above, and adds a new exemption in subsection 72.5(f), which exempts requesters from paying review and processing fees when the aim of the request is to improve flood hazard information shown on the flood map or within the flood study. Proposed improvements to the flood hazard information that partially or wholly incorporate man-made modifications within the special flood hazard area will not be exempt from review and processing fees.

These final revisions to the NFIP regulations are a result of our continuing reappraisal of the NFIP in order to achieve greater administrative and fiscal effectiveness and to encourage sound floodplain management.

Administrative Procedure Act Determination.

We are publishing this final rule without opportunity for prior public comment under the Administrative Procedure act, having determined that it is a rule of agency procedure or practice excepted under 5 U.S.C. 553(b)(A). We are further making this rule effective immediately upon publication in the **Federal Register** under 5 U.S.C. 553(d)(1), for substantive rules that grant or recognize an exemption.

National Environmental Policy Act

44 CFR Part 10, Environmental Consideration categorically excludes this final rule from its requirements. We have not prepared an environmental impact assessment.

Regulatory Flexibility Act

As Director, I certify that this final rule does not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. *et seq.*, because it is not expected (1) *to* have significant secondary or incidental effects on a substantial number of small entities, nor (2) to create any additional burden on small entities. We have not prepared a regulatory flexibility analysis.

Paperwork Reduction Act.

This rule does not involve any collection of information for the purposes of the Paperwork Reduction Act.

Executive Order 12866, Regulatory Planning and Review

42 U.S.C. 4014(f), Promulgation of this final rule is required by statute, which also specifies the regulatory approach taken in the final rule. To the extent possible under the statutory requirements of 42 U.S.C. 4014(f), this final rule adheres to the principles of regulation as set forth in Executive Order 12866, Regulatory Planning and Review.

Congressional Review of Agency Rulemaking.

We have sent this final rule to the U.S. Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 801 *et seq.* The rule is not a "major rule" within the meaning of that Act. It does not result in, nor is it likely to result in an annual effect on the economy of $100,000,000 or more. It will not result in a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not have "significant adverse effects" on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

This final rule is exempt (1) From the requirements of the Regulatory Flexibility Act, as certified previously, and (2) from the Paperwork Reduction Act.

This rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4. The rule does not meet the $100,000,000 threshold of that Act, and any enforceable duties are imposed as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Part 72

Administrative practice and procedure, Flood insurance, Floodplains, and Reporting and recordkeeping requirements.

Accordingly, we amend Part 72 as follows:

PART 72—PROCEDURES AND FEES FOR PROCESSING MAP CHANGES

1. The authority citation for part 72 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. We revise section 72.5 to read as follows:

§ 72.5 Exemptions.

Requesters are exempt from submitting review and processing fees for:

(a) Requests for map changes based on mapping or study analysis errors;

(b) Requests for map changes based on the effects of natural changes within SFHAs;

(c) Requests for a Letter of Map Amendment (LOMA);

(d) Requests for map changes based on federally sponsored flood-control projects where 50 percent or more of the project's costs are federally funded;

(e) Requests for map changes based on detailed hydrologic and hydraulic studies conducted by Federal, State, or local agencies to replace approximate studies conducted by FEMA and shown on the effective FIRM; and

(f) Requests for map changes based on flood hazard information meant to improve upon that shown on the flood map or within the flood study will be exempt from review and processing fees. Improvements to flood maps or studies that partially or wholly incorporate man-made modifications within the special flood hazard area will not be exempt from review and processing fees.

Dated: September 9, 1999.

James L. Witt,

Director.

[FR Doc. 99–24559 Filed 9–22–99; 8:45 am]

BILLING CODE 6718–21–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 97–213; FCC 99–11]

Implementation of the Communications Assistance for Law Enforcement Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document establishes limited rules to ensure that carriers have policies and procedures in place that require the affirmative intervention by and knowledge of, their employees in effectuating any interception through their switching premises, and that such interception is done lawfully and documented carefully. The decision mandates that this be done by appointment of a designated senior officer or employee by each carrier company who is responsible for maintaining such security procedures. The decision also establishes reporting and recordkeeping requirements for informing law enforcement officials of all acts of unauthorized electronic surveillance that occur on the carriers' premises, as well as any compromises of the carriers' systems security and integrity procedures that involve the execution of electronic surveillance. Finally, the decision adopts filing requirements for large and small carriers. This document contains modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, and has been submitted to the Office of Management and Budget (OMB) for review under the section 3507 of the PRA.

DATES: Effective December 22, 1999 except for §§ 64.2103, 64.2104, and 64.2105, which contain information collection requirements that have not been approved by the Office of Management and Budget. The FCC will publish a document in the **Federal Register** announcing the effective date for those sections. Public comment on the information collections are due November 22, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Wasilewski, 202–418–1310. For further information concerning the information collections contained in this Report and Order, contact Les Smith, Federal Communications Commission, Room 1A–804, 445 12th Street, S.W., Washington, DC 20054, or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* (R&O) in CC Docket No. 97–213; FCC 99–11, adopted January 29, 1999, and released March 15, 1999. The complete text of this R&O is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, S.W., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY–B400, 445 12th Street, S.W., Washington, DC.

Synopsis of the Report and Order

1. The Commission adopts a Report and Order (R&O) in CC Docket No. 97–213, regarding implementation of the Communications Assistance for Law Enforcement Act (CALEA).[1] The R&O establishes systems security and integrity regulations that all telecommunications carriers must follow to comply with section 105 of CALEA. The regulations were proposed in the Notice of Proposed Rule Making (NPRM) in this proceeding, which can be found at 62 FR 63302, November 11, 1997. The R&O adopts these regulations pursuant to the authority granted to the Commission under section 105 of CALEA and section 229 of the Communications Act of 1934, as amended. Accordingly, the R&O finds that telecommunications carriers must ensure that "any interception of communications or access to call-identifying information effected within its switching premises can be activated only in accordance with a court order or other lawful authorization and with the affirmative intervention of an individual officer or employee of the carrier"[2] acting in accordance with the regulations adopted in the R&O and sections 229(b) and (c) of the Communications Act.

2. While recognizing that certain carriers currently have existing policies and procedures in place to secure and protect their telecommunications systems in a manner that would comply with section 105 of CALEA and sections 229(b) and (c) of the Communications Act, the R&O finds that the void created by those carriers without such policies and procedures demands adoption of minimum set of requirements that will ensure compliance with section 105 of CALEA and sections 229(b) and (c) of the Communications Act. The R&O declines, however, to adopt specific or detailed policies and procedures that telecommunications carriers must include within their internal operating practices to ensure compliance, because, as the R&O further finds, it is not the Commission's responsibility to "micro-manage" telecommunications carriers' corporate policies. The rules adopted in the R&O are intended to provide carriers with guidance as to the minimum requirements necessary to achieve compliance with section 105 of CALEA and sections 229(b) and (c) of the Communications Act in the least burdensome manner possible.

3. The R&O mandates that carriers, as part of their policies and procedures, must appoint the senior authorized officer(s) or employee(s) whose job function includes being a point of contact for law enforcement on a daily, around-the-clock basis. Carriers must include in their policies and procedures a description of the job functions of such points of contact and a method to enable law enforcement authorities to contact these individuals.

4. Although the Commission declines to adopt a proposal to require carriers to

[1] Public Law 103414, 108 Stat. 4279 (1994).

[2] 47 U.S.C. 1004.

respond to an interception request within a specific time frame, the R&O encourages carriers to respond promptly and comply with any other relevant statutes concerning their duty to assist law enforcement authorities in performing an interception of communications or facilitating access to call-identifying information.

5. The R&O next clarifies the term "appropriate authorization," as used in section 229(b)(1)(A) of the Communications Act, which requires that common carriers establish appropriate personnel supervision and control policies and procedures "to require appropriate authorization to activate interception of communications or access to call-identifying information(.)"[3] The R&O, based on the explicit language of section 105 of CALEA and section 229(b) of the Communications Act, concludes that "appropriate authorization" refers both to the legal authorization that law enforcement must present to a carrier in the form of an order, warrant, or other authorization issued by a judge or magistrate pursuant to federal or state statutory authority (appropriate legal authorization), and to the authorization a carrier's employee must receive from the carrier to assist law enforcement (appropriate carrier authorization) to engage in the interception of communication or the access to call-identifying information. The R&O concludes that a carrier satisfies the requirement for appropriate authorization only when a carrier's employee implements the interception of communications or access to call-identifying information in accordance with appropriate carrier authorization after having received legal authorizations.

6. The R&O also requires carriers to state in their internal policies and procedures that carrier personnel must receive both appropriate legal authorization and appropriate carrier authorization before taking any action to affirmatively implement the interception of communications or access to call-identifying information. Carriers must also, upon receipt of a proffered authorization by law enforcement, determine that such authorization is what it purports to be, and that it can be implemented technically, including that it is sufficiently and accurately detailed to enable the carrier to comply with its terms. The Commission notes, however, that its determination in the R&O under section 105 of CALEA and section 229 of the Communications Act regarding the level of scrunity applicable to a carrier's review of a court order or certification is in no way intended to alter or replace any standard or level of scrutiny imposed under any other state or federal statute. Accordingly, the R&O requires that, as part of their policies and procedures, carriers should also comply with appropriate authorization requirements contained in any other relevant state or federal statute when reviewing an authorization, and must ensure that their designated senior officer(s) or employee(s) responsible for affirmatively intervening to activate the interception of communications or access to call-identifying information is fully apprised of any additional relevant federal and state statutory provisions.

7. The R&O further provides that carriers must report all acts of unauthorized electronic surveillance that occur on their premises, as well as any compromises of the carrier's system security and integrity procedures that involve the execution of electronic surveillance, to the appropriate law enforcement agency. The R&O does not, however, impose a specific time frame within which a carrier must report a security breach. Rather, the R&O requires that carriers report such breaches within a reasonable period of time and in compliance with any other relevant statutes.

8. Additionally, in order to comply with section 229(b)(2), the carrier must maintain secure and accurate records of each interception of communication or access to call-identifying information, made with or without appropriate authorization, in the form of single certification. This certification must include, at a minimum: (1) The telephone number(s) and/or circuit identification numbers involved; (2) the start date and time of the opening of the circuit for law enforcement; (3) the identity of the law enforcement officer presenting the authorization; (4) the name of the judge or prosecuting attorney signing the authorization; (5) the type of interception of communications or access to call-identifying information; and (6) the name of the telecommunications carrier's personnel who is responsible for overseeing the interception of communication or access to call-identifying information and who is acting in accordance with the carrier's policies established under section 229(b)(1). The designated employee must sign each record, to certify the record is complete and accurate. The Order mandates that carriers maintain these records for ten years and keep records relating to the content of authorized interception for a period of time determined by individual carriers in accordance with policies and procedures established under section 229(b)(1) of the Communications Act and applicable state and federal statutes of limitation.[4]

9. The R&O adopts filing requirements in accordance with section 229(b)(3) of the Communications Act. In this regard, the R&O finds that all telecommunications carriers must submit to the Commission the policies and procedures adopted to comply with the requirements established under sections 229(b)(1) and (2), regardless of carrier size. The Commission will review carriers' policies procedures to determine whether they comply with the Commission's Rules. If the Commission determines that a carrier's policies and procedures are non-compliant, the carrier shall modify its policies and procedures in accordance with an order released by the Commission. Moreover, the Commission shall conduct investigations as may be necessary to ensure compliance by telecommunications carriers with the requirements of rules established by the Commission under section 229 of the Communications Act and section 105 of CALEA.

10. The R&O mandates that all carriers file their policies and procedures within 90 days from the effective date of the rules adopted in this R&O, and they must further file their policies and procedures with the Commission no later than 90 days after the effective date of a merger or divestiture in which a carrier becomes the surviving or divested entity. This 90 day filing requirement also applies to carriers who amend existing policies and procedures already filed with the Commission.

11. Finally, the R&O does not adopt any rules (in addition to the liabilities established by Congress in CALEA) that extend criminal and/or civil liability, vicarious or otherwise, to a carrier for the violations of section 105 of CALEA and section 229 of the Communications Act. Instead, if a carrier violates the Commission's rules implementing section 105 of CALEA, the Commission shall enforce, pursuant to section 229(d), the penalties articulated in

[3] 47 U.S.C. 229(b)(1)(A).

[4] On July 16, 1999, the Commission adopted an Order on Reconsideration (Order) in this proceeding (FCC 99–184), which revises the recordkeeping and maintenance requirements adopted in the R&O. The Order eliminates the requirement that telecommunications carriers retain the content or call-identifying information of any interceptions of communications and the 10 year record retention requirement. Instead, carriers must retain the certification for a "reasonable period of time."

sections 503(b) of the Communications Act and 1.80 of the Commission's Rules.

Paperwork Reduction Act of 1995 Analysis

12. The actions contained in this R&O have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose modified reporting and recordkeeping requirements or burdens on the public. Implementation of these modified reporting and recordkeeping requirements will be subject to approval by the Office of Management and Budget, as prescribed by the Act. The new or modified paperwork requirements contained in the Report and Order will go into effect December 22, 1999, dependent on OMB approval.

Final Regulatory Flexibility Analysis

13. As required by section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the NPRM. The Commission sought written public comments on the proposals in the NPRM, including the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in this Report and Order conforms to the RFA, as amended by the Contract With America Advancement Act of 1996 (CWAAA), Public Law 104–121, 110 Stat. 847 (1996).[5]

(1) Need for and Purpose of this Action

14. This Report and Order responds to the legislative mandate contained in the Communications Assistance for Law Enforcement Act, Public Law 103–414, 108 Stat. 4279 (1994). The Commission, in compliance with 47 U.S.C. 229, promulgated rules in this Report and Order to ensure the prompt implementation of section 105 of CALEA. In enacting CALEA, Congress sought to "make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes. . . ."[6] Specifically, Congress sought to balance three key policies with CALEA: "(1) to preserve a narrowly focused capability for law enforcement agencies to carry out properly authorized intercepts; (2) to protect privacy in the face of increasingly powerful and personally revealing technologies; and (3) to avoid impeding the development of new communications services and technologies."[7]

15. The rules adopted in this Report and Order implement Congress's goal to clarify a telecommunications carrier's duty to cooperate with law enforcement agencies that request lawful electronic surveillance, and to balance the three key policies, enumerated in this decision. The objective of the rules adopted in this Report and Order is to implement, as quickly and effectively as possible, the national telecommunications policy for telecommunications carriers to support the lawful electronic surveillance needs of law enforcement agencies.

(2) Summary of the Issues Raised by Public Comments Made in Response to the IRFA

Summary of Initial Regulatory Flexibility Analysis (IRFA)

16. In the NPRM, the Commission performed an IRFA and asked for comments that specifically addressed issues raised in the IRFA. In the IRFA, the Commission found that the rules it proposed to adopt in this proceeding may have a significant impact on a substantial number of small businesses as defined by section 601(3) of the RFA.

17. In the IRFA, the Commission reiterated its proposed rules in the NPRM requiring telecommunications carriers to establish policies and procedures governing the conduct of officers and employees who are engaged in surveillance activity. The proposed rules required telecommunications carriers to maintain records of all interceptions of communications and call identification information. Additionally, the proposed rules required telecommunications carriers to execute an affidavit for, and maintain a separate record of, each electronic surveillance. Furthermore, the Commission sought comment on the length of time telecommunications carriers should retain electronic surveillance records, noting that 18 U.S.C. 2518(8)(a) calls for a retention period of ten years for intercepted communications. The proposed rules also required telecommunications carriers to report security breaches (compromises to lawful electronic surveillance and illegal electronic surveillance) to both the Commission and the affected law enforcement agency.

18. In the IRFA, the Commission reiterated that our proposed rules require telecommunications carriers classified as Class A companies pursuant to 47 U.S.C. 32.11 to file individually with the Commission a statement of its processes and procedures used to comply with the systems security rules promulgated by the Commission. Telecommunications carriers classified as Class B companies pursuant to 47 U.S.C. 32.11 could elect either to file a statement describing their security processes and procedures or to certify that they observed procedures consistent with the security rules promulgated by the Commission. The Commission noted that because electronic surveillance capacity and capability requirements are still being developed it is not possible to predict with certainty whether the costs of compliance will be proportionate with regard to both small and large telecommunications carriers.

19. In the IRFA, the Commission tentatively concluded that a substantial number of telecommunications carriers who have been subjected to demands from law enforcement personnel to provide lawful interceptions and call-identifying information for a period time preceding CALEA already have in place practices for proper employee conduct and recordkeeping. The Commission noted that, as a practical matter, telecommunications carriers need such practices to protect themselves from suit by persons who claim they were the victims of illegal surveillance. By providing general guidance regarding the conduct of carrier personnel and the content of records in the proposed regulations, the Commission intended telecommunications carriers to use their existing practices to the maximum extent possible. Thus, in the IRFA, the Commission tentatively concluded that the additional cost to most telecommunications carriers for conforming to the Commission's proposed regulations, should be minimal.

20. *Comments.* Only one party filed comments in response to the IRFA, but many parties commented on the Commission's proposed system security and integrity regulations in response to the NPRM. The record provided by all of these commenting parties clearly disfavors the amount of recordkeeping proposed by the Commission in the NPRM, and includes numerous suggestions to reduce the amount of paperwork required by the proposed regulations without jeopardizing statutory compliance. Thus, the final regulations reduce significantly the amount of paperwork required of telecommunications carriers. Other parties commented that the Commission should not promulgate any new rules to

[5] Subtitle II of the CWAAA is "The Small Business Regulatory Enforcement Fairness Act of 1996" (SBREFA), codified at 5 U.S.C. 601 *et. seq.*

[6] CALEA, *supra*, at preamble.

[7] H. Rep. No. 103–837 at 23, *reprinted* in 1994 U.S.C.C.A.N. 3489.

implement CALEA. A plain reading of 47 U.S.C. 229(b) shows that Congress requires the Commission to promulgate regulations that ensure the systems security and integrity of carriers, by compelling carriers to submit their CALEA systems security and integrity policies and procedures to the Commission and provide records that prove to the Commission how each telecommunications carrier is complying with the requirements of CALEA section 105. Thus, commentary against any new regulations contradicts the plain language of 47 U.S.C. 229.

(3) Description and Estimates of the Number of Entities Affected by This Report and Order

21. Consistent with prior practice, the Commission shall continue to exclude small incumbent LECs from the definition of a small entity for the purpose of this FRFA. Nevertheless, as mentioned above, the Commission includes small incumbent LECs in the FRFA. Accordingly, the Commission's use of the terms "small entities" and "small businesses" does not encompass "small incumbent LECs." The Commission uses the term "small incumbent LECs" to refer to any incumbent LECs that arguably might be defined by SBA as "small business concerns."

22. *Total Number of Telephone Companies Affected.* Many of the decisions and rules adopted in the R&O may have a significant effect on a substantial number of the small telephone companies identified by SBA. The United States Bureau of the Census ("the Census Bureau") reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year.[8] This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, PCS providers, covered SMR providers, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not "independently owned and operated."[9] For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It seems reasonable to conclude, therefore, that fewer than 3,497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by this Report and Order.

23. *Wireline Carriers and Service Providers.* SBA has developed a definition of small entities for telephone communications companies other than radiotelephone (wireless) companies. The Census Bureau reports that, there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to SBA's definition, a small business telephone company other than a radiotelephone company is one employing fewer than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent LECs. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 2,295 small entity telephone communications companies other than radiotelephone companies that may be affected by the decisions and rules adopted in this Report and Order.

24. *Local Exchange Carriers.* Neither the Commission nor SBA has developed a definition of small providers of local exchange services (LECs). The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of LECs nationwide of which the Commission is aware appears to be the data that we collect annually in connection with the Telecommunications Relay Service (TRS). According to the most recent data, 1,347 companies reported that they were engaged in the provision of local exchange services.[10] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, The Commission is unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 1,347 small incumbent LECs that may be affected by the decisions and rules adopted in this Report and Order.

25. *Interexchange Carriers.* Neither the Commission nor SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of IXCs nationwide of which the Commission is aware appears to be the data collected annually in connection with the TRS Worksheet. According to the most recent data, 130 companies reported that they were engaged in the provision of interexchange services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, the Commission is unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 130 small entity IXCs that may be affected by the decisions and rules adopted in this Report and Order.

26. *Competitive Access Providers.* Neither the Commission nor SBA has developed a definition of small entities specifically applicable to providers of competitive access services (CAPs). The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of CAPs nationwide of which the Commission is aware appears to be the data that we collect annually in connection with the TRS Worksheet. According to the most recent data, 57 companies reported that they were engaged in the provision of competitive access services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, the Commission is unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 57 small entity CAPs that may be affected by the decisions and rules adopted in this Report and Order.

[8] United States Department of Commerce, Bureau of the Census, *1992 Census of Transportation, Communications, and Utilities: Establishment and Firm Size*, at Firm Size 1–123 (1995) (1992 Census).

[9] 15 U.S.C. 632(a)(1).

[10] Federal Communications Commission, CCB, Industry Analysis Division, *Telecommunications Industry Revenue: TRS Fund Worksheet Data*, Tbl. 1 (Average Total Telecommunications Revenue Reported by Class of Carrier) (Dec. 1996) (TRS Worksheet).

27. *Operator Service Providers.* Neither the Commission nor SBA has developed a definition of small entities specifically applicable to providers of operator services. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of operator service providers nationwide of which the Commission is aware appears to be the data collected annually in connection with the TRS Worksheet. According to the most recent data, 25 companies reported that they were engaged in the provision of operator services. Although it seems certain that some of these companies are not independently owned and operated, or have more than 1,500 employees, the Commission is unable at this time to estimate with greater precision the number of operator service providers that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 25 small entity operator service providers that may be affected by the decisions and rules adopted in this Report and Order.

28. *Wireless (Radiotelephone) Carriers.* SBA has developed a definition of small entities for radiotelephone (wireless) companies. The Census Bureau reports that there were 1,176 such companies in operation for at least one year at the end of 1992. According to SBA's definition, a small business radiotelephone company is one employing fewer than 1,500 persons.[11] The Census Bureau also reported that 1,164 of those radiotelephone companies had fewer than 1,000 employees. Thus, even if all of the remaining 12 companies had more than 1,500 employees, there would still be 1,164 radiotelephone companies that might qualify as small entities if they are independently owned are operated. Although it seems certain that some of these carriers are not independently owned and operated, the Commission is unable at this time to estimate with greater precision the number of radiotelephone carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 1,164 small entity radiotelephone companies that may be affected by the decisions and rules adopted in this Report and Order.

[11] 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4812.

29. *Cellular Service Carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to Cellular Service Carriers and to Mobile Service Carriers. The closest applicable definition under SBA rules for both services is for telephone companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of Cellular Service Carriers and Mobile Service Carriers nationwide of which the Commission is aware appears to be the data collected annually in connection with the TRS Worksheet. According to the most recent data, 792 companies reported that they are engaged in the provision of cellular services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, the Commission is unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 792 small entity cellular service carriers that might be affected by the actions and rules adopted in this Report and Order.

30. *Mobile Service Carriers.* Neither the Commission or the SBA has developed a definition of small entities specifically applicable to mobile service carriers, such as paging companies. The closest applicable definition under SBA rules is for radiotelephone (wireless) companies. The most reliable source of information regarding the number of mobile service carriers nationwide of which the Commission is aware appears to be the data collected annually in connection with the TRS Worksheet. According to the most recent data, 138 companies reported that they were engaged in the provision of mobile services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, the Commission is unable at this time to estimate with greater precision the number of mobile service carriers that would qualify under SBA's definition. Consequently, the Commission estimates that there are fewer than 138 small entity mobile service carriers that may be affected by the decision and rules adopted in this Report and Order.

31. *Broadband Personal Communications Service.* The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined "small entity" for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years. For Block F, an additional classification for "very small business" was added, and is defined as an entity that, together with its affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These regulations defining "small entity" in the context of broadband PCS auctions have been approved by SBA. No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40% of the 1,479 licenses for Blocks D, E, and F. However, licenses for Blocks C through F have not been awarded fully, therefore there are few, if any, small businesses currently providing PCS services. Based on this information, the Commission concludes that the number of small broadband PCS licenses will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, for a total of 183 small PCS providers as defined by the SBA and the Commission's auction rules.

32. *SMR Licensees.* Pursuant to 47 CFR 90.814(b)(1), the Commission has defined "small entity" in auctions for geographic area 800 MHz and 900 MHz SMR licenses as a firm that had average annual gross revenues of less than $15 million in the three previous calendar years. This definition of a "small entity" in the context of 800 MHz and 900 MHz SMR has been approved by the SBA. The rules adopted in this Report and Order may apply to SMR providers in the 800 MHz and 900 MHz bands that either hold geographic area licenses or have obtained extended implementation authorizations. The Commission does not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of less than $15 million. The Commission assumes, for purposes of this FRFA, that all of the extended implementation authorizations may be held by small entities, which may be affected by the decisions and rules adopted in this Report and Order.

33. The Commission recently held auctions for geographic area licenses in the 900 MHz SMR band. There were 60 winning bidders who qualified as small entities in the 900 MHz auction. Based on this information, the Commission concludes that the number of geographic area SMR licensees affected

by the rule adopted in this Report and Order includes these 60 small entities. No auctions have been held for 800 MHz geographic area SMR licenses. Therefore, no small entities currently hold these licenses. A total of 525 licenses will be awarded for the upper 200 channels in the 800 MHz geographic area SMR auction. The Commission, however, has not yet determined how many licenses will be awarded for the lower 230 channels in the 800 MHz geographic area SMR auction. There is no basis, moreover, on which to estimate how many small entities will win these licenses. Given that nearly all radiotelephone companies have fewer than 1,000 employees and that no reliable estimate of the number of prospective 800 MHz licensees can be made, we assume, for purposes of this FRFA, that all of the licenses may be awarded to small entities who, thus, may be affected by the decisions adopted in this Report and Order.

34. *Resellers.* Neither the Commission nor SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable definition under SBA rules is for all telephone communications companies. The most reliable source of information regarding the number of resellers nationwide of which the Commission is aware appears to be the data collected annually in connection with the TRS. According to the most recent data, 260 companies reported that they were engaged in the resale of telephone services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, the Commission is unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 260 small entity resellers that may be affected by the decisions and rules adopted in this Report and Order.

35. *Pay Telephone Operators.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to pay telephone operators. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of pay telephone operators nationwide of which the Commission is aware appears to be the data collected annually with the TRS Worksheet. According to the most recent data, 271 companies reported that they were engaged in the provision of pay telephone services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, the Commission is unable at this time to estimate with greater precision the number of pay telephone operators that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 271 small entity pay telephone operators that may be affected by the decisions and rules adopted in this Report and Order.

36. *Cable Services or Systems.* SBA has developed a definition of small entities for cable and other pay television services, which includes all such companies generating $11 million or less in revenue annually.[12] This definition includes cable systems operators, closed circuit television services, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems and subscription television services. According to the Census Bureau, there were 1,788 such cable and other pay television services and 1,439 had less than $11 million in revenues.[13]

37. The Commission has developed its own definition of a small cable system operator for the purposes of rate regulation. Under the Commission's Rules, a "small cable company" is one serving fewer than 400,000 subscribers nationwide.[14] Based on the most recent information, the Commission estimates that there were 1,439 cable operators that qualified as small cable system operators at the end of 1995. Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, the Commission estimates that there are fewer than 1,439 small entity cable system operators that may be affected by the decisions and rules adopted in this Report and Order.

38. The Communications Act also contains a definition of a small cable system operator, which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000." [15] The Commission has determined that there are 61,700,000 subscribers in the United States. Therefore, the Commission found that an operator serving fewer than 617,000 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate.[16] Based on available data, the Commission finds that the number of cable operators serving 617,000 subscribers or less totals 1,450. The Commission does not request nor do we collect information concerning whether cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, and thus are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act. The Commission further notes that recent industry estimates project that there will be a total of 65,000,000 subscribers, and the Commission has based our fee revenue estimates on that figure.

39. *Other Pay Services.* In the IRFA, the Commission included a category entitled "other pay services." Other pay services are also classified under SIC 4841, which include cable operators, closed circuit television services, direct broadcast satellite services (DBS), multipoint distribution systems (MDS), satellite master antenna systems (SMATV), and subscription television services. The Commission received no comments regarding service providers in this category in response to either the IRFA or the NPRM at large. Accordingly, the Commission cannot determine at this time the number of service providers in this category that intend to offer services to the public as telecommunications carriers, and become subject to CALEA's requirements.

(4) Summary Analysis of the Projected Reporting, Recordkeeping and Other Compliance Requirements and Steps Taken to Minimize the Significant Economic Impact of this Report and Order on Small Entities, Including Significant Alternatives Considered and Rejected.

40. In this section of the FRFA, the Commission analyzes the projected reporting, recordkeeping, and other compliance requirements that may apply to small entities as a result of this Report and Order. The Commission also

[12] 13 CFR 121.201, SIC Code 4841.

[13] 1992 *Economic Census Industry and Enterprise Receipts Size Report*, Table 2D, SIC 4841 (U.S. Bureau of the Census data under contract to the Office of Advocacy of the U.S. Small Business Administration).

[14] 47 CFR 76.901(e).

[15] 47 U.S.C. 543(m)(2).

[16] 47 CFR 76.1403(b).

describes the steps taken to minimize the economic impact of our decisions on small entities, including the significant alternatives considered and rejected.

41. In the final regulations, the Commission affirms the proposal in the NPRM to establish regulations that are general in nature and provide as guidance, so that telecommunications carriers may utilize their existing policies and procedures to the greatest extent possible. In addition, the Commission eliminated all references to proposed rules and tentative conclusions relating to vicarious liability arising out of a telecommunications carrier's failure to accomplish either of CALEA section 105's two objectives.

42. In the final regulations, the Commission eliminated all regulations originally proposed pursuant to 47 U.S.C. 229(b)(1) that appeared to go beyond the scope of CALEA section 105, overlapped other proposed regulations, were unnecessarily cumbersome, or otherwise unnecessary. Accordingly, carriers must: (1) Appoint a senior officer or employee as point of contact responsible for affirmatively intervening to ensure that interception of communications or access to call-identifying information can be activated only in accordance with the appropriate legal authorization; (2) include a description of the job function of the appointed point of contact for law enforcement to reach on a daily, around-the-clock basis in their policies and procedures; (3) effectuate a requested interception promptly; (4) incorporate our interpretation of the phrase "appropriate authorization" in their policies and procedures; (5) state in their policies and procedures that carrier personnel must receive appropriate legal authorization, before enabling law enforcement officials to implement the interception of communications or access to call-identifying information; (6) require the appointed senior point of contact to be apprised of all relevant federal and state statutory provisions concerning the lawful interception of communications or access to call-identifying information; (7) report security compromises and unlawful interception of communications or access to call-identifying information to the appropriate law enforcement authorities within a reasonable length of time after discovery; (8) maintain a secure and accurate record of each interception of communications or access to call-identifying information, made with or without appropriate authorization, in the form of single certification; (9) maintain secure and records of call-identifying information and unauthorized interceptions (including the content of the unauthorized interception) for ten years; [17] 10) maintain secure and accurate records of the content of each authorized interception of communications for a period of time determined by them in accordance with the policies and procedures that they establish under section 229(b)(1) of the Communications Act and applicable state and federal statutes of limitation; (11) provide a detailed description of how long it will maintain its records of intercept content; and (12) file with the Commission, within 90 days of the effective date of these rules, the policies and procedures it uses to comply with the requirements of this subchapter, and thereafter, within 90 days of a carrier's merger or divestiture or a carrier's amendment of its existing policies and procedures.

43. The Commission eliminated the requirement of "designated employees," and the requirement for telecommunications carriers to provide updated lists of designated employees that included personal information about them, to law enforcement agencies. Instead, telecommunications carriers, as part of their policies and procedures, should only appoint a senior authorized officer or employee as a point of contact for law enforcement to reach on a daily, around-the-clock basis. Telecommunications carriers will include a description of the job function of the designated point of contact and a method to enable law enforcement authorities to contact the individual employed in this capacity in their polices and procedures.

44. The Commission eliminated the proposed regulation requiring a separate affidavit and a separate record for each surveillance. Instead, the final regulation requires that telecommunications carriers compile and maintain a single record of each intercepted communications or access to call-identifying information, certified by a carrier employee in charge of that electronic surveillance, that contains the following information: (1) The telephone number(s) and/or circuit identification number(s) involved; (2) the start date and time of the opening of the circuit for law enforcement; (3) the identity of the law enforcement officer presenting the authorization; (4) the name of the judge or prosecuting attorney who signed the authorization; (5) the type of intercepted communications or access to call-identifying information; (6) the name(s) of the telecommunications carriers' personnel who are responsible for overseeing the interception of communications or access to call-identifying information and who are acting in accordance with the carriers' policies and procedures established under 47 U.S.C. 229(b)(1). This record shall be signed by the individual who is responsible for overseeing the interception of communications or access to call-identifying information and who is acting in accordance with the carriers' policies and procedures established under 47 U.S.C. 229(b)(1). To avoid duplicating the existing ten year record retention requirement for records of authorized interception content in 18 U.S.C. 2518(8)(a), the Commission allows telecommunications carriers to retain records of the content of authorized interceptions for a period of time that they find reasonably necessary. However, because 18 U.S.C. 2518(8)(a) does not encompass records of call-identifying information and records of unauthorized interceptions, the Commission requires carriers to maintain secure and records of call-identifying information and unauthorized interceptions (including the content of the unauthorized interception) for ten years.[18]

In the final regulations, the Commission did not affirm our proposal to provide a lessened reporting requirement for carriers that fell below the gross annual revenue threshold established in 47 CFR 32.9000 of the Commission's Rules. The Commission concludes that 47 U.S.C. 229(b)(3) requires all telecommunications carriers to submit their policies and procedures to the Commission established under 47 U.S.C. 229(b)(1) and (2). The statute makes no distinction between classes of telecommunications carriers for the purpose of lessening the regulatory burden for smaller carriers. Accordingly, the Commission's final regulations contain the requirement that all telecommunications carriers must file their systems security and integrity policies and procedures with the Commission, within 90 days of this Report and Order's effective date. The Commission notes, however, that since the proposed regulations have been drastically reduced, the burden imposed by the regulations adopted herein is also significantly reduced for all telecommunications carriers, including the smaller ones.

[17] See footnote 4 of this summary.

[18] *See* Order on Reconsideration which revises this regulation, and which will be published shortly in the **Federal Register**.

(5) Report to Congress

46. The Commission shall send a copy of this FRFA, along with this Report and Order, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). A copy of this FRFA will also be published in the **Federal Register**.

Ordering Clauses

47. Accordingly, it is ordered that, pursuant to sections 4(i), 4(j), and 229 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 229, and section 105 of the Communications Assistance for Law Enforcement Act, 47 U.S.C. 1004, the rules are adopted.

48. It is further ordered that the rules will become effective December 22, 1999 except for §§ 64.2103, 64.2104, and 64.2105, which contain information collection requirements that have not been approved by the Office of Management and Budget. The FCC will publish a document in the **Federal Register** announcing the effective date for those sections.

49. It is further ordered that the Regulatory Flexibility Analysis, as required by Section 604 of the Regulatory Flexibility Act, and as set forth above is adopted.

50. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Paperwork Reduction Act

52. This Report and Order contains a modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this Report and Order, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due November 22, 1999; OMB comments are due 90 days from date of publication of this Report and Order in the **Federal Register**. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–0809.

Title: Communications Assistance for Law Enforcement Act, Report and Order.

Form No.: N/A.

Type of Review: Revision of existing collection.

Respondents: Business or other for profit.

Number of Respondents: 5000.

Estimated Time Per Response: 53 hours.

Total Annual Cost Burden: $11,850,000.

Total Annual Burden: 265,000 hours.

Needs and Uses: The information submitted to the Commission by telecommunications Carriers will be used to determine whether or not the telecommunications carriers are in conformance with CALEA's requirements, and the information maintained by telecommunications carriers will be used by law enforcement officials to determine the accountability and accuracy of telecommunications carriers' compliance with lawful electronic surveillance orders.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the resaons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for Part 64 is revised to read as follows:

Authority: 47 U.S.C. 151, 154, 201, 202, 205, 218–220, and 332 unless otherwise noted. Interpret or apply §§ 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended. 47 U.S.C. 201–204, 218, 225, 226, 227, 229, 332, 501 and 503 unless otherwise noted.

2. Part 64 is amended to add Subpart V to read as follows:

Subpart V—Telecommunications Carrier Systems Security and Integrity Pursuant to the Communications Assistance for Law Enforcement Act (CALEA)

Sec.

64.2100 Purpose.
64.2101 Scope.
64.2102 Definitions.
64.2103 Policies and procedures for employee supervision and control.
64.2104 Maintaining secure and accurate records.
64.2105 Submission of policies and procedures and commission review.
64.2106 Penalties.

§ 64.2100 Purpose.

Pursuant to the Communications Assistance for Law Enforcement Act, Public Law 103–414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.), this subpart contains rules that require a telecommunications carrier to ensure that any interception of communications or access to call-identifying information effected within its switching premises can be activated only in accordance with appropriate legal authorization, appropriate carrier authorization, and with the affirmative intervention of an individual officer or employee of the carrier acting in accordance with regulations prescribed by the Commission.

§ 64.2101 Scope.

The definitions included in this subchapter shall be used solely for the purpose of implementing CALEA requirements.

§ 64.2102 Definitions.

(a) *Appropriate legal authorization.* The term *appropriate legal authorization* means:

(1) A court order signed by a judge or magistrate authorizing or approving interception of wire or electronic communications; or

(2) Other authorization, pursuant to 18 U.S.C. 2518(7), or any other relevant federal or state statute.

(b) *Appropriate carrier authorization.* The term *appropriate carrier authorization* means the policies and procedures adopted by telecommunications carriers to supervise and control officers and employees authorized to assist law enforcement in conducting any interception of communications or access to call-identifying information.

(c) *Appropriate authorization.* The term *appropriate authorization* means both appropriate legal authorization and appropriate carrier authorization.

§ 64.2103 Policies and procedures for employee supervision and control.

A telecommunications carrier shall:

(a) Establish policies and procedures to ensure the supervision and control of its officers and employees;

(b) Appoint a senior officer or employee as a point of contact responsible for affirmatively intervening to ensure that interception of communications or access to call-identifying information can be activated only in accordance with appropriate legal authorization, and include, in its policies and procedures, a description of the job function of the appointed point of contact for law enforcement to reach on a seven days a week, 24 hours a day basis;

(c) Incorporate, in its polices and procedures, an interpretation of the phrase *appropriate authorization* that encompasses the definitions of *appropriate legal authorization* and appropriate carrier authorization, as stated above;

(d) State, in its policies and procedures, that carrier personnel must receive appropriate legal authorization and appropriate carrier authorization before enabling law enforcement officials and carrier personnel to implement the interception of communications or access to call-identifying information;

(e) Report to the affected law enforcement agencies, within a reasonable time upon discovery:

(1) Any act of compromise of a lawful interception of communications or access to call-identifying information to unauthorized persons or entities; and

(2) Any act of unlawful electronic surveillance that occurred on its premises.

(f) Include, in its policies and procedures, a detailed description of how long it will maintain its records of the content of an interception.

§ 64.2104 Maintaining secure and accurate records.

(a) A telecommunications carrier shall maintain a secure and accurate record of each interception of communications or access to call-identifying information, made with or without appropriate authorization, in the form of single certification.

(1) This certification must include, at a minimum, the following information:

(i) The telephone number(s) and/or circuit identification numbers involved;

(ii) The start date and time of the opening of the circuit for law enforcement;

(iii) The identity of the law enforcement officer presenting the authorization;

(iv) The name of the person signing the appropriate legal authorization;

(v) The type of interception of communications or access to call-identifying information (e.g., pen register, trap and trace, Title III, FISA); and

(vi) The name of the telecommunications carriers' personnel who is responsible for overseeing the interception of communication or access to call-identifying information and who is acting in accordance with the carriers' policies established under § 64.2103.

(2) This certification must be signed by the individual who is responsible for overseeing the interception of communications or access to call-identifying information and who is acting in accordance with the telecommunications carrier's policies established under § 64.2103. This individual will, by his/her signature, certify that the record is complete and accurate.

(3) This certification must be compiled either contemporaneously with, or within a reasonable period of time after the initiation of the interception of the communications or access to call-identifying information.

(4) A telecommunications carrier may satisfy the obligations of paragraph (a) of this section by requiring the individual who is responsible for overseeing the interception of communication or access to call-identifying information and who is acting in accordance with the carriers' policies established under § 64.2103 to sign the certification and append the appropriate legal authorization and any extensions that have been granted. This form of certification must at a minimum include all of the information listed in paragraph (a) of this section.

(b) A telecommunications carrier shall maintain secure and accurate records of:

(1) Call-identifying information and unauthorized interceptions (including the content of the unauthorized interception) for ten years;

(2) The content of each authorized interception of communications for a reasonable period of time as determined by the carrier.

(c) It is the telecommunications carrier's responsibility to ensure its records are complete and accurate.

(d) Violation of this rule is subject to the penalties of § 64.2106.

§ 64.2105 Submission of policies and procedures and commission review.

(a) Each telecommunications carrier shall file with the Commission the policies and procedures it uses to comply with the requirements of this subchapter. These policies and procedures shall be filed with the Federal Communications Commission within 90 days of the effective date of these rules, and thereafter, within 90 days of a carrier's merger or divestiture or a carrier's amendment of its existing policies and procedures.

(b) The Commission shall review each telecommunications carrier's policies and procedures to determine whether they comply with the requirements of § 64.2103 and § 64.2104.

(1) If, upon review, the Commission determines that a telecommunications carrier's policies and procedures do not comply with the requirements established under § 64.2103 and § 64.2104, the telecommunications carrier shall modify its policies and procedures in accordance with an order released by the Commission.

(2) The Commission shall review and order modification of a telecommunications carrier's policies and procedures as may be necessary to insure compliance by telecommunications carriers with the requirements of the regulations prescribed under § 64.2103 and § 64.2104.

§ 64.2106 Penalties.

In the event of a telecommunications carrier's violation of § 64.2103 or § 64.2104 of this subchapter, the Commission shall enforce the penalties articulated in 47 U.S.C. 503(b) of the Communications Act of 1934 and 47 CFR 1.8.

[FR Doc. 99–24853 Filed 9–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 99–1792; MM Docket No. 99–79; RM–9488]

Radio Broadcasting Services; Broadview, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document denies a petition for rule making filed by Windy Valley Broadcasting requesting the allotment of Channel 290C3 at Broadview, Montana. *See* 64 FR 14419, March 25, 1999. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 23, 1999.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report

and Order, MM Docket No. 99–79, adopted August 25, 1999, and released September 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24757 Filed 9–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[WT Docket No. 97–12; FCC 99–234]

Greater Use of Spread Spectrum Communication Technologies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action revises the Amateur Radio Service rules applicable to Spread Spectrum (SS) emission types that an amateur station may transmit. The rule amendments are necessary so that amateur stations may transmit SS emission types that have been developed and become available since the original rules permitting amateur stations to transmit SS emission types were adopted in 1985. The effect of this action is to allow amateur stations greater flexibility in experimenting and communicating with SS emission types, to eliminate unnecessary restrictions in the amateur service rules and to simplify the rules applicable to stations that choose to transmit SS emission types.

DATES: Effective November 1, 1999.

FOR FURTHER INFORMATION CONTACT: William T. Cross, Federal Communications Commission, Washington, DC 20554, (202) 418–0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, adopted August 31, 1999, and released September 3, 1999. The complete text of this Commission action, including the rule amendments, is available for inspection and copying at the Federal Communications Commission, 445 12th Street SW, Washington, DC. The complete text of this *Report and Order* may also be obtained from the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, DC 20037, telephone (202) 857–3800, and from the FCC's internet World Wide Web home page, >http://www.fcc.gov<.

Summary of Report and Order

1. By this action, we are amending the amateur service rules to allow amateur radio stations to transmit additional SS emission types. We conclude that the public interest would be served by removing the restriction in the amateur service rules that limit the SS emission types that amateur stations may transmit. Moreover, we believe that this change will (1) allow amateur service licensees to experiment with additional SS emission types; (2) allow amateur radio operators to develop innovations and improvements to communications products and develop new communications technologies; and (3) facilitate the ability of the amateur service to contribute to the development of SS communications by allowing amateur stations to transmit and experiment with SS technologies currently used in consumer and commercial products.

2. Also, by this action, we are also amending the amateur service rules adopt a requirement that amateur stations use automatic transmitter power control to limit transmitter power to the minimum power necessary to maintain communications when an amateur station transmits an SS emission type with more than 1 watt of power and we amend our rules to remove now-unnecessary recordkeeping and station identification requirements that presently apply only to stations transmitting SS emissions.

3. We also are amending the amateur service rules to insert numbers, which were inadvertently removed December 14, 1998, in 63 FR 68904, in front of each defined term in Section 97.3, thereby facilitating use of the rules by licensees.

4. The amended rules are set forth below, effective November 1, 1999.

5. This *Report and Order* and the rule amendments are issued under the authority contained in 47 U.S.C. 154(i) and (j), 303(r) and 403.

List of Subjects in 47 CFR Part 97

Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 97 as follows:

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

2. Sections 97.3(a), (b), and (c) are amended by adding numbers in front of each defined term in the definitions, and revising paragraph (c)(8) to read as follows:

§ 97.3 Definitions.

* * * * *

(c) * * *

(8) SS. Spread spectrum emissions using bandwidth-expansion modulation emissions having designators with A, C, D, F, G, H, J or R as the first symbol; X as the second symbol; X as the third symbol.

* * * * *

3. Section 97.119(b)(5) is removed and the semicolon and the word "or" is removed from the end of paragraph (b)(4).

4. Section 97.305(b) is revised to read as follows:

§ 97.305 Authorized emission types.

* * * * *

(b) A station may transmit a test emission on any frequency authorized to the control operator for brief periods for experimental purposes, except that no pulse modulation emission may be transmitted on any frequency where pulse is not specifically authorized and no SS modulation emission may be transmitted on any frequency where SS is not specifically authorized.

* * * * *

5. Section 97.311 is revised to read as follows:

§ 97.311 SS emission types.

(a) SS emission transmissions by an amateur station are authorized only for communications between points within areas where the amateur service is regulated by the FCC and between an area where the amateur service is regulated by the FCC and an amateur station in another country that permits such communications. SS emission transmissions must not be used for the

purpose of obscuring the meaning of any communication.

(b) A station transmitting SS emissions must not cause harmful interference to stations employing other authorized emissions, and must accept all interference caused by stations employing other authorized emissions.

(c) When deemed necessary by a District Director to assure compliance with this part, a station licensee must:

(1) Cease SS emission transmissions;

(2) Restrict SS emission transmissions to the extent instructed; and

(3) Maintain a record, convertible to the original information (voice, text, image, etc.) of all spread spectrum communications transmitted.

(d) The transmitter power must not exceed 100 W under any circumstances. If more than 1 W is used, automatic transmitter control shall limit output power to that which is required for the communication. This shall be determined by the use of the ratio, measured at the receiver, of the received energy per user data bit (Eb) to the sum of the received power spectral densities of noise (N_0) and co-channel interference (I_0). Average transmitter power over 1 W shall be automatically adjusted to maintain an Eb/ ($N_0 + I_0$) ratio of no more than 23 dB at the intended receiver.

[FR Doc. 99–24372 Filed 9–22–99; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1815

NASA Structured Approach for Profit or Fee Objective

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule revises the agency's structured approach for developing a profit or fee objective. This rule eliminates the element of cost approach currently prescribed for establishing profit and fee objectives and focuses on performance risk analysis which requires the evaluation of specific technical, management and cost risk factors; provides a new method for determining contract type risk and introduces a working capital adjustment provision; retains with modification the Other Considerations factor contained in the structured approach currently prescribed; and establishes a ceiling for facilities capital cost of money offset.

EFFECTIVE DATE: September 23, 1999.

FOR FURTHER INFORMATION CONTACT: Donna Fortunat, NASA Headquarters, Code HC, Washington, DC 20546, telephone: (202) 358–0426; email: donna.fortunat@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

Background

A proposed rule was published in the **Federal Register** on June 8, 1999 (64 FR 30468–30472). Comments were received from one respondent, an industry association. All comments were considered in the development of this final rule. This final rule includes changes to adjust the specified values under Contract Type Risk to preclude a situation where the calculated profit objective would be greater for a fixed price contract with progress payments than it would for a similar contract without government financing. Other Consideration values for both Corporate Capital Investment and Unusual Request for GFP are adjusted. The facilities capital cost of money offset was changed to establish a ceiling of one percent. This final rule also includes changes made for clarification purposes.

FAR 15.404–4(b)(1)(i) requires agencies to use a structured approach for determining profit or fee prenegotiation objectives. This revision to the NASA structured approach method uses a performance risk method for calculating profit and fee objectives instead of the currently used cost element approach. The revised approach is expected to provide more appropriate emphasis on the nature of the goods and services being acquired and on the risks inherent in delivering those goods and services and thereby prove to be more effective in motivating and rewarding contractor performance. In addition, the revised policy provides a common framework for NASA and industry to evaluate potential risk and profitability in a way that is relevant to both parties. FAR 15.404–4(b)(2) permits agencies to use another agency's structured approach and the changes in this revised policy represent an Agency adaptation of DoD's alternate structured approach.

Impact

Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because most small entities receive contracts based on competition and are not subject to the structured fee process.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose any recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 1815

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Part 1815 is amended as follows:

1. The authority citation for 48 CFR Part 1815 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1815—CONTRACTING BY NEGOTIATION

2. Sections 1815.404–4, 1815.404–470, and 1815.404–471 are revised and sections 1815.404–471–1, 1815.404–471–2, 1815.404–471–3, 1815.404–471–4, and 1815.404–471–5 are added to read as follows:

§ 1815.404–4 Profit. (NASA supplements paragraphs (b) and (c))

(b)(1)(i)(*a*) The NASA structured approach for determining profit or fee objectives, described in 1815.404–471 shall be used to determine profit or fee objectives in the negotiation of contracts greater than or equal to $100,000 that use cost analysis and are:

(*1*) Awarded on the basis of other than full and open competition (see FAR 6.3);

(*2*) Awarded under NASA Research Announcements (NRAs) and Announcements of Opportunity (AO's); or

(3) Awarded under the Small Business Innovative Research (SBIR) or the Small Business Technology Transfer Research (STTR) programs.

(b) The rate calculated for the basic contract may only be used on actions under a negotiated contract when the conditions affecting profit or fee do not change.

(c) Although specific agreement on the applied weights or values for individual profit or fee factors shall not be attempted, the contracting officer may encourage the contractor to—

(1) Present the details of its proposed profit amounts in the structured approach format or similar structured approach; and

(2) Use the structured approach method in developing profit or fee objectives for negotiated subcontracts.

(ii) The use of the NASA structured approach for profit or fee is not required for:

(a) Architect-engineer contracts;

(b) Management contracts for operation and/or maintenance of Government facilities;

(c) Construction contracts;

(d) Contracts primarily requiring delivery of materials supplied by subcontractors;

(e) Termination settlements; and

(f) Contracts having unusual pricing situations when the procurement officer determines in writing that the structured approach is unsuitable.

(c)(2) Contracting officers shall document the profit or fee analysis in the contract file.

§ 1815.404–470 NASA Form 634.

NASA Form (NF) 634 shall be used in performing the analysis necessary to develop profit or fee objectives.

§ 1815.404–471 NASA structured approach for profit or fee objective.

§ 1815.404–471–1 General.

(a) The structured approach for determining profit or fee objectives (NF 634) focuses on three profit factors:

(1) Performance risk;

(2) Contract type risk including working capital adjustment; and

(3) Other Considerations which may be considered by the contracting officer to account for special circumstances that are not adequately addressed in the performance risk and contract type risk factors.

(b) The contracting officer assigns values to each profit or fee factor; the value multiplied by the base results in the profit/fee objective for that factor. Each factor has a normal value and a designated range of values. The normal value is representative of average conditions on the prospective contract when compared to all goods and services acquired by NASA. The designated range provides values based on above normal or below normal conditions. In the negotiation documentation, the contracting officer need not explain assignment of the normal value, but must address conditions that justify assignment of other than the normal value.

§ 1815.404–471–2 Performance risk.

(a) *Risk factors.* Performance risk addresses the contractor's degree of risk in fulfilling the contract requirements. It consists of three risk factors:

(1) Technical—the technical uncertainties of performance;

(2) Management—the degree of management effort necessary to ensure that contract requirements are met; and

(3) Cost control—the contractor's efforts to reduce and control costs.

(b) *Risk factor weighting, values and calculations.* A weighting and value is assigned to each of the risk factors to determine a profit/fee objective.

(c) *Values.* The normal value is 6 percent and the designated range is 4 percent to 8 percent.

(d) *Evaluation criteria for technical risk factor.* (1) In determining the appropriate value for the technical risk factor, the contracting officer shall review the contract requirements and focus on the critical performance elements in the statement of work or specifications. Contracting officers shall consider the—

(i) Technology being applied or developed by the contractor;

(ii) Technical complexity;

(iii) Program maturity;

(iv) Performance specifications and tolerances;

(v) Delivery schedule; and

(vi) Extent of a warranty or guarantee.

(2) *Above normal conditions indicating substantial technical risk.* (i) The contracting officer may assign a higher than normal value in those cases where there is a substantial technical risk, such as when—

(A) The contractor is either developing or applying advanced technologies;

(B) Items are being manufactured using specifications with stringent tolerance limits;

(C) The efforts require highly skilled personnel or require the use of state-of-the-art machinery;

(D) The services or analytical efforts are extremely important to the government and must be performed to exacting standards;

(E) The contractor's independent development and investment has reduced the Government's risk or cost;

(F) The contractor has accepted an accelerated delivery schedule to meet the Government's requirements; or

(G) The contractor has assumed additional risk through warranty provisions.

(ii) The contracting officer may assign a value significantly above normal. A maximum value may be assigned when the effort involves—

(A) Extremely complex, vital efforts to overcome difficult technical obstacles that require personnel with exceptional abilities, experience, and professional credentials;

(B) Development or initial production of a new item, particularly if performance or quality specifications are tight; or

(C) A high degree of development or production concurrency.

(3) *Below normal conditions indicating lower than normal technical risk.* (i) The contracting officer may assign a lower than normal value in those cases where the technical risk is low, such as when the—

(A) Acquisition is for off-the-shelf items;

(B) Requirements are relatively simple;

(C) Technology is not complex;

(D) Efforts do not require highly skilled personnel;

(E) Efforts are routine; or

(F) Acquisition is a follow-on effort or a repetitive type acquisition.

(ii) The contracting officer may assign a value significantly below normal. A minimum value may be justified when the effort involves—

(A) Routine services;

(B) Production of simple items;

(C) Rote entry or routine integration of Government-furnished information; or

(D) Simple operations with Government-furnished property.

(e) *Evaluation criteria for management risk factor.* (1) In determining the appropriate value for the management risk factor, the contracting officer shall review the contract requirements and focus on the critical performance elements in the statement of work or specifications. Contracting officers shall—

(i) Assess the contractor's management and internal control systems using contracting office information and reviews made by contract administration offices;

(ii) Assess the management involvement expected on the prospective contract action; and

(iii) Consider the degree of cost mix as an indication of the types of resources applied and value added by the contractor.

(2) *Above normal conditions indicating substantial management risk.* (i) The contracting officer may assign a higher than normal value when the management effort is intense, such as when—

(A) The contractor's value added is both considerable and reasonably difficult; or

(B) The effort involves a high degree of integration and coordination.

(ii) The contracting officer may justify a maximum value when the effort—

(A) Requires large-scale integration of the most complex nature;

(B) Involves major international activities with significant management coordination; or

(C) Has critically important milestones.

(3) *Below normal conditions indicating lower than normal*

management risk. (i) The contracting officer may assign a lower than normal value when the management effort is minimal, such as when—

(A) The program is mature and many end item deliveries have been made;

(B) The contractor adds minimum value to an item;

(C) The efforts are routine and require minimal supervision;

(D) The contractor fails to provide an adequate analysis of subcontractor costs; or

(E) The contractor does not cooperate in the evaluation and negotiation of the proposal.

(ii) The contracting officer may assign a value significantly below normal. A minimum value may be assigned when—

(A) Reviews performed by the field administration offices disclose unsatisfactory management and internal control systems (e.g., quality assurance, property control, safety, security); or

(B) The effort requires an unusually low degree of management involvement.

(f) *Evaluation criteria for cost control risk factor.* (1) In determining the appropriate value for the cost control risk factor, the contracting officer shall—

(i) Evaluate the expected reliability of the contractor's cost estimates (including the contractor's cost estimating system);

(ii) Evaluate the contractor's cost reduction initiatives (e.g., competition advocacy programs);

(iii) Assess the adequacy of the contractor's management approach to controlling cost and schedule; and

(iv) Evaluate any other factors that affect the contractor's ability to meet the cost targets (e.g., foreign currency exchange rates and inflation rates).

(2) *Above normal conditions indicating substantial cost control risk.* (i) The contracting officer may assign a value higher than normal value if the contractor can demonstrate a highly effective cost control program, such as when—

(A) The contractor has an aggressive cost reduction program that has demonstrable benefits;

(B) The contractor uses a high degree of subcontract competition; or

(C) The contractor has a proven record of cost tracking and control.

(3) *Below normal conditions indicating lower than normal cost control risk.* (i) The contracting officer may assign a lower than normal value in those cases where the contractor demonstrates minimal concern for cost control, such as when—

(A) The contractor's cost estimating system is marginal;

(B) The contractor has made minimal effort to initiate cost reduction programs;

(C) The contractor's cost proposal is inadequate; or

(D) The contractor has a record of cost overruns or the indication of unreliable cost estimates and lack of cost control.

1815.404–471–3 Contract type risk and working capital adjustment.

(a) *Risk factors.* The contract type risk factor focuses on the degree of cost risk accepted by the contractor under varying contract types. The working capital adjustment is an adjustment added to the profit objective for contract type risk. It applies to fixed-price type contracts that provide for progress payments. Though it uses a formula approach, it is not intended to be an exact calculation of the cost of working capital. Its purpose is to give general recognition to the contractor's cost of working capital under varying contract circumstances, financing policies, and the economic environment. This adjustment is limited to a maximum of 2 percent.

(b) *Risk factor values and calculations.* A risk value is assigned to calculate the profit or fee objective for contract type. A contract length factor is assigned and applied to costs financed when a working capital adjustment is appropriate. This calculation is only performed when the prospective contract is a fixed-price contract containing provisions for progress payments.

(c) *Values: Normal and designated ranges.*

Contract Type	Note	Normal value (Percent)	Designated range (Percent)
Firm-fixed-price, no financing	(1)	5	4 to 6
Firm-fixed-price with performance-based payments	(6)	4	2.5 to 5.5
Firm-fixed-price with progress payments	(2)	3	2 to 4
Fixed-price-incentive, no financing	(1)	3	2 to 4
Fixed-price-incentive, with performance-based payments	(6)	2	.5 to 3.5
Fixed-price, redeterminable	(3)		
Fixed-price-incentive, with progress payments	(2)	1	0 to 2
Cost-plus-incentive-fee	(4)	1	0 to 2
Cost-plus-award fee	(4)	.75	.5 to 1.5
Cost-plus-fixed fee	(4)	.5	0 to 1
Time-and-materials	(5)	.5	0 to 1
Labor-hour	(5)	.5	0 to 1
Firm-fixed-price, level-of-effort, term	(5)	.5	0 to 1

(1) "No financing," means that the contract either does not provide progress or performance based payments, or provides them only on a limited basis. Do not compute a working capital adjustment.

(2) When progress payments are present, compute a working capital adjustment.

(3) For purposes of assigning profit values, treat a fixed-price redeterminable contract as if it were a fixed-price-incentive contract with below normal provisions.

(4) Cost-plus contracts shall not receive the working capital adjustment.

(5) These types of contracts are considered cost-plus-fixed-fee contracts for the purposes of assigning profit values. Do not compute the working capital adjustment. However, higher than normal values may be assigned within the designated range to the extent that portions of cost are fixed.

(6) When performance-based payments are used, do not compute a working capital adjustment.

(d) *Evaluation criteria.* (1) *General.* The contracting officer shall consider elements that affect contract type risk such as—

(i) Length of contract;

(ii) Adequacy of cost projection data;

(iii) Economic environment;

(iv) Nature and extent of subcontracted activity;

(v) Protection provided to the contractor under contract provisions (e.g., economic price adjustment clauses);

(vi) The ceilings and share lines contained in the incentive provisions; and

(vii) The rate, frequency, and risk to the contractor of performance-based payments, if provided.

(2) *Mandatory.* The contracting officer shall assess the extent to which costs have been incurred prior to definitization of the contract. When costs have been incurred prior to definitization, generally regard the contract type risk to be in the low end of the designated range. If a substantial portion of the costs have been incurred prior to definitization, the contracting officer may assign a value as low as 0 percent regardless of contract type.

(3) *Above normal conditions.* The contracting officer may assign a higher than normal value when there is substantial contract type risk. Conditions indicating higher than normal contract type risk are—

(i) Efforts where there is minimal cost history;

(ii) Long-term contracts without provisions protecting the contractor, particularly when there is considerable economic uncertainty;

(iii) Incentive provisions that place a high degree of risk on the contractor;

(iv) Performance-based payments totaling less than the maximum allowable amount(s) specified at FAR 32.1004(b)(2); or

(v) An aggressive performance-based payment schedule that increases risk.

(4) *Below normal conditions.* The contracting officer may assign a lower than normal value when the contract type risk is low. Conditions indicating lower than normal contract type risk are:

(i) Very mature product line with extensive cost history;

(ii) Relatively short-term contracts;

(iii) Contractual provisions that substantially reduce the contractor's risk, e.g. economic price adjustment provisions; and

(iv) Incentive provisions that place a low amount of risk on the contractor.

(v) A performance-based payment schedule that is routine with minimal risk.

(e) *Costs financed.* (1) Costs financed equal the total costs multiplied by the percent of costs financed by the contractor.

(2) Total costs may be reduced as appropriate when—

(i) The contractor has little cash investment (e.g., subcontractor progress payments are liquidated late in the period of performance);

(ii) Some costs are covered by special funding arrangements, such as advance payments;

(3) The portion financed by the contractor is generally the portion not covered by progress payments. (i.e.—for progress payments: 100 percent minus the customary progress payments rate. For example, if a contractor receives progress payments at 75 percent, the portion financed by the contractor is 25 percent. On contracts that provide progress payments to small business, use the customary progress payment rate for large businesses.)

(f) *Contract length factor.* (1) This is the period of time that the contractor has a working capital investment in the contract. It—

(i) Is based on the time necessary for the contractor to complete the substantive portion of the work;

(ii) Is not necessarily the period of time between contract award and final delivery, as periods of minimal effort should be excluded;

(iii) Should not include periods of performance contained in option provisions when calculating the objective for the base period; and

(iv) Should not, for multiyear contracts, include periods of performance beyond that required to complete the initial year's requirements.

(2) The contracting officer—

(i) Should use the following to select the contract length factor:

Period to perform substantive portion (in months)	Contract length factor
21 or less	.40
22 to 27	.65
28 to 33	.90
34 to 39	1.15
40 or more	1.40

(ii) Should develop a weighted average contract length when the contract has multiple deliveries; and

(iii) May use sampling techniques provided they produce a representative result.

(3) Example: A prospective contract has a performance period of 40 months with end items being delivered in the 34th, 36th, 38th and 40th months of the contract. The average period is 37 months and the contract length factor is 1.15.

1815.404–471–4 Other considerations.

(a) Other Considerations may be included by the contracting officer to account for special circumstances, such as contractor efficiencies or unusual acceptance of contractual or program risks that are not adequately addressed in the structured approach calculations described in 1815.404–471–2 or 1815.404–4713. The total adjustment resulting from Other Considerations may be positive or negative but in no case should the total adjustment exceed +/−5 percent.

(b) The contracting officer shall analyze and verify information provided by the contractor that demonstrates that the special circumstances being recognized under this section—

(1) Provide substantial benefits to the Government under the contract and/or overall program;

(2) Have not been recognized in the structured approach calculations; and

(3) Represent unusual and innovative actions or acceptance of risk by the contractor.

(c) Examples of special circumstances include, but are not limited to the following:

(1) Consistent demonstration by the contractor of excellent past performance within the last three years, with a special emphasis on excellence in safety, may merit an upward adjustment of as much as 1 percent. Similarly, an assessment of poor past performance, especially in the area of safety, may merit a downward adjustment of as much -1 percent. This consideration is especially important when negotiating modifications or changes to an ongoing contract.

(2) Extraordinary steps to achieve the Government's socioeconomic goals, environmental goals, and public policy goals established by law or regulation that are sufficiently unique or unusual may merit an upward adjustment of as much as .5 percent. Similarly, for non-participation in or violation of Federal programs, the contracting officer may adjust the objective by as much as -.5 percent. However, this consideration does not apply to the utilization of small disadvantaged businesses. Incentives for use of these firms may only be structured according to FAR 19.1203 and 19.1204(c).

(3) Consideration of up to 1 percent should be given when contract performance requires the expenditure of significant corporate capital resources.

(4) Unusual requests for use of government facilities and property may merit a downward adjustment of as much as—1 percent.

(5) Cost efficiencies arising from innovative product design, process improvements, or integration of a life cycle cost approach for the design and development of systems that minimize maintenance and operations costs, that have not been recognized in Performance Risk or Contract Type Risk, may merit an upward adjustment. This factor is intended to recognize and

reward improvements resulting from better ideas and management that will benefit the Government in the contract and/or program.

(d) Other considerations need not be limited to situations that increase profit/fee levels. A negative consideration may be appropriate when there is a significant expectation of near-term spin-off benefits as a direct result of the contract.

1815.404–471–5 Facilities capital cost of money.

(a) When facilities capital cost of money is included as an item of cost in the contractor's proposal, it shall not be included in the cost base for calculating profit/fee. In addition, a reduction in the profit/fee objective shall be made in the amount equal to the facilities capital cost of money allowed in accordance with FAR 31.205–10(a)(2) or 1 percent of the cost base, whichever is less.

(b) CAS 417, cost of money as an element of the cost of capital assets under construction, should not appear in contract proposals. These costs are included in the initial value of a facility for purposes of calculating depreciation under CAS 414.

[FR Doc. 99–24852 Filed 9–22–99; 8:45 am]
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Animal
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9 CFR P

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Proposed Rules

Federal Register
Vol. 64, No. 184
Thursday, September 23, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 98–003–1]

Veterinary Services User Fees; Export Certificate Endorsements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to establish a maximum user fee for the endorsement of export certificates for a single shipment of animals or birds that require verification of tests or vaccinations. Existing user fees for these endorsements are based on the number of animals or birds listed on the certificate and the number of tests or vaccinations that the importing country requires for those animals or birds. We are taking this action in response to requests from industry organizations and from our field and port employees to reconsider the fairness of the current user fees for large export shipments of animals. The proposed maximum user fee would result in lower user fees for large shipments, yet still recover the full cost of providing this service.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by November 22, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 98–003–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 98–003–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Ford, Section Head, Financial Systems and Services Branch, BASE, MRPBS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–8351.

SUPPLEMENTARY INFORMATION:

Background

User fees to reimburse the Animal and Plant Health Inspection Service (APHIS) for the costs of providing veterinary diagnostic services and import- and export-related services for live animals and birds and animal products are contained in 9 CFR part 130 (referred to below as the regulations). Section 130.20 lists user fees we charge for endorsing certificates for animals and birds exported from the United States. Importing countries often require these certificates to show that an animal or bird has tested negative to specific animal diseases or that an animal or bird has not been exposed to specific animal diseases. The endorsement indicates that APHIS has reviewed a certificate and believes it to be accurate and reliable. The steps associated with endorsing an export certificate may include reviewing supporting documentation; confirming that the importing country's requriements have been met; verifying laboratory test results for each animal if tests are required; reviewing any certification statements required by the importing country; and endorsing, or signing, the certificates. Our user fees are intended to cover all of the costs associated with endorsing the certificates.

Currently, under § 130.20(b), APHIS charges different user fees to endorse export certificates that require us to verify tests or vaccinations. The user fee varies according to the number of animals or birds listed on the certificate and the number of tests or vaccinations. Currently, there is no maximum user fee; for each additional animal or bird listed on the certificate the user fee increases.

We propose to set a maximum user fee to cover the cost of APHIS endorsement of export certificates that require us to verify tests or vaccinations for a single shipment of animals or birds. We are taking this action based on a review of our user fees for endorsing export certificates for large shipments. We reviewed our fees at the request of the Livestock Exporters Association. The Livestock Exporters Association suggested that our current user fees were too high for large shipments of animals when the export certificates require verification of tests or vaccinations.

Currently, the flat rate user fee set out in § 130.20(b)(1) for endorsing export certificates is $52.50, $64.75, or $75.75 per endorsement for the first animal or bird on the certificate plus $3.00, $5.00, or $6.00 for each additional animal or bird covered by the certificate. The user fees vary based on the number of tests or vaccinations that we are required to verify. When the importing country requires one or two tests, the user fee is $52.50 for the first animal or bird and $3.00 for each additional animal or bird. For example, if we must verify one or two tests or vaccinations per animal or bird for a shipment of 600 animals or birds, the user fee would be $1,849.50 ($52.50 + ($3.00 × 599)). Using the hourly rate user fee of $56.00 per hour, the flat rate user fee of $1,849.50 would cover over 31 hours of time for one employee to provide this service during normal work hours. Based on surveys of the veterinary medical officers who commonly do this work, we have determined that it rarely takes more than 12 hours. Therefore, we propose a maximum charge of 12 times the hourly rate user fee. The result would be a maximum user fee of $672. In the example above, the proposed maximum user fee would apply as it is lower than the calculated user fee charge of $1,849.50.

In general, we calculate our user fees to recover the average cost of providing our services. When we originally calculated the export certificate user fees, we based them on small export shipments, as there were very few large shipments, and we did not consider maximum charges. Due to changes in international trade, U.S. exporters have

begun exporting large shipments of animals.

There are both fixed and variable costs involved with endorsing export certificates. The current user fee structure takes these fixed and variable costs into consideration. However, the marginal costs per animal or bird decreases as the number of animals or birds increases. Current user fees for endorsing export certificates that require us to verify tests and vaccinations do not take into consideration economies of scale. Based on our review of the services required to endorse export certificates for large shipments, we have determined that a maximum user fee, based on 12 times the hourly rate user fee listed in § 130.21 of the regulations, would recover our costs for services provided to endorse export health certificates requiring the verification of tests or vaccinations for large shipments. The total charge to the customer would be significantly less than the charge under our current user fee for large shipments of animals or birds.

We considered several alternatives, including setting a different maximum charge for each of the three user fees listed in § 130.20(b)(1). Having one maximum charge for this section appeared to be adequate to recover the costs for our services and be less burdensome administratively.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We propose to revise our user fees to implement a maximum user fee for the endorsement of export certificates that require the verification of tests or vaccinations for the animals or birds on the certificate. The proposed maximum user fee would be 12 times the hourly rate user fee listed in § 130.21 of the regulations.

User fees for the endorsement of export certificates would continue to be calculated based on the current user fees. The proposed maximum user fee would be used whenever the calculated user fee was higher than the proposed maximum user fee. This would benefit exporters with large shipments. The following table compares the proposed maximum user fee to the charges for endorsing export certificates for large shipments based on current user fees.

Number of tests or vaccinations	Current user fee	Current charge for large shipment (300 animals)	Proposed maximum user fee [1]
1 or 2	$52.50 (first animal) $3.00 (each additional)	$949.50	$672
3 to 6	64.75 (first animal) 5.00 (each additional)	1,559.75	672
7 or more	75.75 (first animal) 6.00 (each additional)	1,869.75	672

[1] Based on 12 times $56 (the current hourly rate user fee).

In fiscal year 1998, APHIS issued 6,245 export certificates that required the verification of tests or vaccinations. Of these, only 80 (1.28 percent) would have benefitted from the proposed maximum user fee. Using the proposed maximum user fee would cost less than the current user fees for any export certificates for a single shipment of:

- 208 or more animals with 1 or 2 tests,
- 123 or more animals with 3 to 6 tests, or
- 101 or more animals with 7 or more tests.

The proposed maximum user fee could affect some exporters of live animals or birds. Any exporters of live animals or birds whose total sales are less than $5 million annually is a small entity according to the Small Business Administration's criteria. The number of entities exporting live animals or birds that would qualify as small entities under this definition cannot be determined. Data from the 1995 Bureau of the Census indicates the majority of agricultural entities that deal in less valuable animals, such as grade animals, can be considered small entities. This may not be the case for entities dealing exclusively in more valuable animals, such as purebred or registered animals.

Adopting the proposed rule should have a minimal effect on exporters, whether small or large. Only 1.28 percent of the export certificates requiring the verification of tests or vaccinations that APHIS issued in FY 1998 would have been covered by the maximum user fee for those endorsements. For those entities that do experience a change in the amount, the difference would be a lower charge for the endorsement.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we propose to amend 9 CFR part 130 as follows:

PART 130—USER FEES

1. The authority citation for part 130 would be revised to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 130.20, paragraph (b)(1) introductory text would be revised to read as follows:

§ 130.20 User fees for endorsing export health certificates.

* * * * *

(b)(1) User fees for the endorsement of export health certificates that require the verification of tests or vaccinations are listed in the following table. The user fees apply to each export health certificate [6] endorsed for animals and birds depending on the number of animals or birds covered by the certificate and the number of tests required. However, there will be a maximum user fee of 12 times the hourly rate user fee listed in § 130.21(a) of this part for any single shipment. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with the provisions in §§ 130.50 and 130.51.

* * * * *

Done in Washington, DC, this 17th day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–24816 Filed 9–22–99; 8:45 am]

BILLING CODE 3410–34–P

[6] An export health certificate may need to be endorsed for an animal being exported from the United States if the country to which the animal is being shipped requires one. APHIS endorses export health certificates as a service.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–84–AD]

RIN 2120–AA64

Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise Airworthiness Directive (AD) 98–19–15, which currently requires incorporating information into the Limitations Section of the airplane flight manual (AFM) that imposes a speed restriction and a minimum pilot requirement for Fairchild Aircraft, Inc. (Fairchild) SA226 and SA227 series airplanes equipped with Barber-Colman pitch trim actuators, part number (P/N) 27–19008–001/–004 or P/N 27–19008–002/–005. Since AD 98–19–15 became effective, improved design pitch trim actuators have been developed that, when installed, would eliminate the speed restriction and minimum pilot requirements of the current AD. The proposed AD would incorporate these installations as a method of complying with the current AD. The actions specified by the proposed AD are intended to lessen the possibility of airplane pitch up caused by mechanical failure of the pitch trim actuator, which could result in a pitch upset and structural failure of the airplane.

DATES: Comments must be received on or before November 24, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–84–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Fairchild Aircraft, Inc., P.O. Box 790490, San Antonio, Texas 78279–0490; telephone: (800) 577–7273; facsimile: (210) 824–3869. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Werner G. Koch, Aerospace Engineer, FAA, Aircraft Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5133; facsimile: (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98–CE–84–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–84–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 98–19–15, Amendment 39–10794 (63 FR 50983, September 24, 1998), currently requires incorporating the following information into the applicable AFM on Fairchild SA226 and SA227 airplanes that are equipped with Barber-Colman pitch trim actuators, P/N 27–19008–001/–004 or P/N 27–19008–002/–005:

- "Limit the maximum indicated airspeed to maneuvering airspeed (Va) as shown in the appropriate airplane flight manual (AFM)." and
- "The minimum crew required is two pilots."

The following service information describes the AFM requirements:

—Fairchild Service Letter 226–SL–017, FAA Approved: August 26, 1998; Revised: September 2, 1998;
—Fairchild Service Letter 227–SL–033, FAA Approved: August 26, 1998; —Revised: September 2, 1998; and
—Fairchild Service Letter CC7–SL–023, FAA Approved: August 26, 1998; Revised: September 2, 1998.

AD 98–19–15 was the result of reports of two incidents of abrupt movement of the horizontal stabilizer to or near to the full airplane nose-up position. These two incidents involved mechanical failure of these Barber-Colman pitch trim actuators.

The actions specified in AD 98–19–15 are intended to lessen the possibility of airplane pitch up caused by mechanical failure of the pitch trim actuator, which could result in a pitch upset and structural failure of the airplane.

Actions Since Issuance of Previous Rule

At the time the FAA issued AD 98–19–15, there was a design alternative to

the Barber-Colman pitch trim actuators for all of the affected airplanes, except for the Models SA227–CC and SA227–DC airplanes. Since that time, a design alternative for all affected airplanes has been developed. These design alternatives are:

—Barber-Colman P/N 27–19008–006 or P/N 27–19008–007 pitch trim actuators. Procedures to install these pitch trim actuators are contained in Fairchild Service Bulletin 226–27–064 , Fairchild Service Bulletin 227–27–046, and Fairchild Service Bulletin CC7–27–015. All airplane models are eligible for this installation and airplane models vary by service bulletin;

—Simmonds-Precision P/N DL5040M5 or P/N DL5040M6 pitch trim actuators. All airplane models are eligible for this installation. Procedures to install these pitch trim actuators for the Models SA227–CC and SA227–DC airplanes are contained in Fairchild Service Bulletin CC7–27–014, and are contained in engineering data for all other models (contact Fairchild); and

—Simmonds-Precision P/N DL5040M8 pitch trim actuators. Procedures to install these pitch trim actuators are contained in Fairchild Service Bulletin 227–27–045, Fairchild Service Bulletin 226–27–063, and Fairchild Service Bulletin CC7–27–013. All airplane models are eligible for this installation and airplane models vary by service bulletin.

These pitch trim actuators, when installed, would eliminate the need for the requirements of AD 98–19–15.

The FAA's Determination

After examining the circumstances and reviewing all available information related to this subject, including the above-referenced service information, the FAA has determined that:

—Accomplishing one of the installations referenced above should be considered as an alternative method of compliance with AD 98–19–15; and

—AD action should be taken to incorporate these options into the current AD and to lessen the possibility of airplane pitch up caused by mechanical failure of the pitch trim actuator, which could result in a pitch upset and structural failure of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Fairchild SA226 and SA227 airplanes of the same type design that have one of the affected pitch trim actuators installed, the FAA is proposing AD action to revise AD 98–19–15. The proposed AD would retain the requirements of the existing AD, and would provide the option of incorporating one of the replacements (installations) referenced earlier in this document as a method of accomplishing the AD.

Cost Impact

The FAA estimates that 508 airplanes in the U.S. registry could have the affected pitch trim actuators installed and, therefore, could be affected by the AFM requirements of the proposed AD. Since an owner/operator who holds at least a private pilot's certificate as authorized by sections 43.7 and 43.9 of the Federal Aviation Regulations (14 CFR 43.7 and 43.9) may accomplish the proposed AFM insertions, the only cost impact upon the public would be the approximately 30 minutes it would take each owner/operator to incorporate the information into the AFM.

The FAA has no way of determining the number of airplanes that have the design alternative pitch trim actuators installed, and would therefore not be affected by the proposed AD.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13, is amended by removing Airworthiness Directive (AD) 98–19–15, Amendment 39–10794, and adding a new AD to read as follows:

Fairchild Aircraft, Inc.: Docket No. 98–CE–84–AD; Revises AD 98–19–15, Amendment 39–10794.

Applicability: Models SA226–T, SA226–T(B), SA226–AT, SA226–TC, SA227–TT, SA227–AT, SA227–AC, SA227–BC, SA227–CC, and SA227–DC airplanes, all serial numbers, certificated in any category; that are equipped with Barber-Colman pitch trim actuators, part number (P/N) 27–19008–001/–004 or P/N 27–19008–002/–005.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished or made unnecessary by replacement of the P/N 27–19008–001/–004 or P/N 27–19008–002/–005 Barber-Colman pitch trim actuator with a Simmonds-Precision actuator, P/N DL5040M5, P/N DL5040M6, or P/N DL5040M8; or a Barber-Colman actuator, P/N 27–19008–006 or P/N 27–19008–007.

To lessen the possibility of airplane pitch up caused by mechanical failure of the pitch trim actuator, which could result in a pitch upset and structural failure of the airplane, accomplish the following:

(a) Prior to further flight after September 25, 1998 (the effective date of AD 98–19–15), revise the FAA-approved Airplane Flight Manual (AFM) by incorporating the following into the Limitations Section of the AFM. This may be accomplished by inserting a copy of this AD into the AFM:

• "Limit the maximum indicated airspeed to maneuvering airspeed (Va) as shown in the appropriate airplane flight manual (AFM)."

and

• "The minimum crew required is two pilots."

Note 2: Fairchild Service Letter 226–SL–017, Fairchild Service Letter 227–SL–033, and Fairchild Service Letter CC7–SL–023, all FAA Approved: August 26, 1998; Revised: September 2, 1998; address the subject matter of this AD.

Note 3: The prior to further flight compliance time of paragraph (a) of this AD is being retained from AD 98–19–15. The only substantive difference between this AD and AD 98–19–15 is the addition of the alternative method of compliance referenced in paragraph (c) of this AD.

(b) Incorporating the AFM revision, as specified in paragraph (a) of this AD, may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

Note 4: This AD does not affect AD 97–23–01, Amendment 39–10188 (62 FR 5922, November 3, 1997). AD 97–23–01 still applies to all SA226 and SA227 series airplanes equipped with either Barber-Colman or Simmonds-Precision pitch trim actuators. AD 97–23–01 will be superseded to cover the improved design pitch trim actuators referenced in paragraphs (c)(1), (c)(2), and (c)(3) of this AD. AD 97–23–01 requires the following:

—repetitively measuring the freeplay of the pitch trim actuator and repetitively inspecting the actuator for rod slippage or ratcheting;

—immediately replacing any actuator if certain freeplay limitations are exceeded or rod slippage or ratcheting is evident; and

—eventually replacing the Simmonds-Precision actuators regardless of the inspection results.

(c) As an alternative method of compliance to the requirements of this AD, replace each of the P/N 27–19008–001/–004 or P/N 27–19008–002/–005 Barber-Colman pitch trim actuators with one of the following, or FAA-approved equivalent part number:

(1) Barber-Colman P/N 27–19008–006 or P/N 27–19008–007 pitch trim actuators. Procedures to install these pitch trim actuators are contained in Fairchild Service Bulletin 226–27–064 , Fairchild Service Bulletin 227–27–046, and Fairchild Service Bulletin CC7–27–015. All airplane models are eligible for this installation and airplane models vary by service bulletin;

(2) Simmonds-Precision P/N DL5040M5 or P/N DL5040M6 pitch trim actuators. All airplane models are eligible for this installation. Procedures to install these pitch trim actuators for the Models SA227–CC and SA227–DC airplanes are contained in Fairchild Service Bulletin CC7–27–014, and are contained in engineering data for all other models (contact Fairchild); or

(3) Simmonds-Precision P/N DL5040M8 pitch trim actuators. Procedures to install these pitch trim actuators are contained in Fairchild Service Bulletin 227–27–045, Fairchild Service Bulletin 226–27–063, and Fairchild Service Bulletin CC7–27–013. All airplane models are eligible for this installation and airplane models vary by service bulletin.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Fort Worth Airplane Certification Office (ACO), FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

(2) Alternative methods of compliance approved in accordance with AD 98–19–15 are considered approved as alternative methods of compliance for this AD.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

(f) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279–0490; or may examine these documents at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment revises AD 98–19–15, Amendment 39–10794.

Issued in Kansas City, Missouri, on September 15, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24767 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–80–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT8D–209, –217, –217A, –217C, and –219 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Pratt & Whitney (PW) JT8D–209, –217, –217A, –217C, and –219 series turbofan engines. The proposed AD would require inspection of the 3rd stage and 4th stage low pressure turbine (LPT) blades for shroud notch wear and replacement of the blade if wear limits are exceeded. This proposal is prompted by a report of an uncontained blade failure. The actions specified by the proposed AD are intended to prevent an uncontained blade failure that could result in damage to the airplane.

DATES: Comments must be received by November 22, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–80–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov." Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770, fax (860) 565–4503. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7175, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before

and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98–ANE–80–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–80–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Background Information

The Federal Aviation Administration (FAA) has received numerous reports of JT8D 3rd and 4th stage low pressure turbine (LPT) blade failures. In one instance, the debris from the failure was not contained within the engine case. The primary cause of the 3rd and 4th stage LPT blade failures is metal fatigue, which occurs when the blade shroud notches wear. The FAA is aware of several approaches to managing LPT shroud notch wear that are currently incorporated into operators' approved maintenance plans and offer an equivalent level of safety to the inspections of service bulletin (SB) 6224. It is not the intent of this AD to change successful blade management programs but to institute blade management programs where they do not exist. Operators, who have determined that their current blade management program offers a level of safety that is equivalent to SB 6224, are encouraged to submit their current blade management program to the FAA for approval under the provisions of paragraph (c) of this AD. The actions proposed for this AD are to inspect the LPT blades for shroud wear and to remove excessively worn blades prior the onset of fatigue. This condition, if not corrected, could result in an uncontained blade failure that could result in damage to the airplane.

Service Information

The FAA has reviewed and approved the technical contents of Pratt & Whitney (PW) SB 6224, Revision 2, dated August 27, 1998, that describes procedures for visual inspection of the 3rd stage and 4th stage LPT blades for shroud notch wear.

Proposed Requirements

Since an unsafe condition has been identified that is likely to exist or develop on other JT8D–209, –217, –217A, –217C and –219 model engines of the same type design, the proposed AD would require inspection of the 3rd stage and 4th stage LPT blades on JT8D–209, –217, and –217A model engines and 4th stage LPT blades on JT8D–217C and –219 model engines for premature notch wear. The actions must be accomplished in accordance with the SB described previously.

Cost Impact

There are approximately 2631 PW JT8D–209, –217, –217A, –217C, and –219 series turbofan engines of the affected design in the worldwide fleet. The FAA estimates that 1,279 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per engine to accomplish the proposed actions, and that the average labor rate is $60 per work hour. There are no required parts. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $76,740.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Pratt & Whitney: Docket No. 98–ANE–80–AD.

Applicability: Pratt & Whitney JT8D–209, –217, –217A, –217C, and –219 series turbofan engines installed on, but not limited to McDonnell Douglas MD–80 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent an uncontained blade failure that could result in damage to the airplane, accomplish the following:

Inspection

(a) For JT8D–209, –217, and –217A engines, perform the 3rd and 4th stage low pressure turbine (LPT) blade torque inspections in accordance with the intervals and procedures described in PW service bulletin (SB) 6224, Revision 2, dated August 27, 1998, Accomplishment Instructions, Part 1, A(1) through B(3).

(b) For JT8D–217C and –219 engines, perform the 4th stage LPT blade torque inspection in accordance with the intervals and procedures described in PW SB 6224, Revision 2, dated August 27, 1998, Accomplishment Instructions, Part 2, C(1) through C(3).

Alternate Method of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on September 16, 1999.

Donald E. Plouffe,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–24789 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–32–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Pratt & Whitney JT8D–200 series turbofan engines. This proposal would require initial and repetitive fluorescent magnetic particle inspections or fluorescent penetrant inspections of the combustion chamber outer case (CCOC) for cracks, and, if necessary, replacement with serviceable parts. Also, this AD would require a one-time boss material verification, and, if necessary, replacement with serviceable parts. Finally, this AD would require replacement of CCOCs with welded-on bosses with improved, one-piece CCOCs. Installation of the one-piece CCOC would constitute terminating action to the inspection requirements of this AD. This proposal is prompted by reports of fatigue cracks originating at the weld joining the drain boss to the CCOC. The actions specified by the proposed AD are intended to prevent CCOC cracks, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by November 22, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–32–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9__ane__adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Chris Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7175, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NE–32–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–32–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Federal Aviation Administration (FAA) has received reports of combustion chamber outer case (CCOC) cracks on Pratt & Whitney (PW) JT8D–209, –217, –217A, –217C, and –219 series turbofan engines. In one incident, a PW JT8D–219 engine installed on a McDonnell Douglas MD–80 series aircraft suffered an uncontained engine failure soon after takeoff, sustaining substantial damage to the engine cowl with some minor damage to the fuselage. The investigation revealed fatigue cracks originating at the weld joining a drain boss to the combustion chamber outer case (CCOC), which subsequently ruptured. This condition, if not corrected, could result in CCOC cracks, which could result in an uncontained engine failure and damage to the airplane.

Service Documents

The FAA has reviewed and approved the technical contents of: PW Alert Service Bulletin (ASB) No. A6359, Revision 1, dated July 30, 1999, that describes procedures for fluorescent magnetic particle inspections (FMPI) or fluorescent penetrant inspections (FPI) of certain CCOC bosses for cracks, and a one-time boss material verification of certain CCOCs identified by serial number (S/N); and PW Service Bulletin (SB) No. 6291, dated July 9, 1997, that describes procedures for replacement of CCOCs with welded-on bosses with improved, one-piece CCOCs.

Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, the proposed AD would require initial and repetitive FMPI or FPI of the certain CCOC bosses for cracks, and, if necessary, replacement with serviceable parts. Also, this AD would require a one-time boss material

verification of certain CCOCs identified by S/N, and, if necessary, replacement with serviceable parts. Finally, this AD would require replacement of CCOCs with welded-on bosses with improved, one-piece CCOCs. Installation of the one-piece CCOC would constitute terminating action to the inspection requirements of this AD. The actions would be required to be accomplished in accordance with the service documents described previously.

Economic Analysis

There are approximately 2,624 engines of the affected design in the worldwide fleet. The FAA estimates that 1,280 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 2.5 work hours per engine to accomplish the proposed inspections and that the average labor rate is $60 per work hour. Required parts would cost approximately $42,320 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to $54,361,600.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Pratt & Whitney: Docket No. 99–NE–32–AD.

Applicability: Pratt & Whitney (PW) JT8D–209, –217, –217A, –217C, and –219 series turbofan engines with combustion chamber outer case (CCOC), part numbers (P/Ns) 5000238–01, 797707, 807684, and 815830 installed. These engines are installed on but not limited to McDonnell Douglas MD–80 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent CCOC cracks, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

Inspections

(a) Perform initial and repetitive fluorescent magnetic particle inspections (FMPI) or fluorescent penetrant inspections (FPI) of drain bosses and Ps4 bosses of the CCOC for cracks, and, if necessary replace with serviceable parts, in accordance with the procedures and intervals specified in paragraph 1.A. of the Accomplishment Instructions of PW Alert Service Bulletin (ASB) No. A6359, Revision 1, dated July 30, 1999.

(b) For CCOCs listed by serial number (S/N) in Table 3 of PW ASB No. A6359, Revision 1, dated July 30, 1999, inspect for proper Ps4 and drain boss material, and replace, if necessary, with serviceable parts, in accordance with the procedures and intervals specified in paragraph 1.B. of the Accomplishment Instructions of PW ASB No. A6359, Revision 1, dated July 30, 1999.

Terminating Action

(c) At the next part accessibility after the effective date of this AD when the CCOC has accumulated cycles-in-service greater than the initial inspection threshold specified in table 1 of PW ASB A6359, Revision 1, dated July 30, 1999, replace the CCOC with a one-piece machined CCOC assembly, part number (P/N) 815556, in accordance with PW Service Bulletin (SB) No. 6291, dated July 9, 1997. Installation of an improved, one-piece CCOC, P/N 815556, constitutes terminating action to the inspections required by this AD.

Definition

(d) For the purpose of this AD, part accessibility is defined as an engine disassembly in which the CCOC is removed from the engine.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on September 16, 1999.

Donald E. Plouffe,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–24788 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–69–AD]

RIN 2120–AA64

Airworthiness Directives; CFE Company Model CFE738–1–1B Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This notice revises an earlier proposed airworthiness directive (AD), applicable to CFE Company model CFE738–1–1B turbofan engines, that would have required a one-time dimensional inspection of the curvic coupling tooth profile of certain high pressure compressor (HPC) rotor

components to check for machining mismatches in the curvic coupling in specific engines and, if necessary, replacement with serviceable parts. That proposal was prompted by reports of machining mismatches in certain HPC rotor components that may decrease the service life of these HPC parts. This action, based on subsequent material stress testing and analysis by CFE Company, revises the proposed rule by eliminating the dimensional inspection requirement and imposing new, reduced life limits for certain HPC rotor components in all engines. The actions specified by this proposed AD are intended to prevent failure of certain HPC rotor components, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by November 22, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–69–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from CFE Company, Data Distribution, M/S 64–03/2101–201, PO Box 52170, Phoenix, AZ 85072–2170; telephone (602) 365–2493, fax (602) 365–5577. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Keith Mead, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7744, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98–ANE–69–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–69–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to CFE Company model CFE738–1–1B turbofan engines, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on December 14, 1998 (63 FR 68707). That NPRM would have required a one-time dimensional inspection of the curvic coupling tooth profile of certain high pressure compressor (HPC) rotor components installed on specific engines to check for machining mismatches in the curvic coupling, and, if necessary, replacement with serviceable parts. That NPRM was prompted by the determination that certain stage 4 and 5 blisks, impeller aft shafts, and impellers in specified engines may have machining mismatches in the curvic coupling tooth profiles. That condition, if not corrected, could result in failure of certain HPC rotor components, which could result in an uncontained engine failure and damage to the airplane.

Events Since Issuance of the NPRM

Since the issuance of that NPRM, additional material stress testing indicates that the machining mismatch does not reduce cyclic life, as previously predicted by analysis. Therefore, the requirement for dimensional inspection of the curvic coupling tooth profile of the stage 4 and 5 blisk, impeller, and impeller aft shaft to check for machining mismatch can be removed. However, the additional testing indicates that for certain 4th and 5th stage blisks and impeller aft shafts the cyclic lives, for reasons not yet fully understood, are below previously predicted cyclic lives, independent of the presence of curvic coupling machining mismatches. Therefore, this proposal would reduce the cyclic life limits on certain stage 4 and 5 blisks and the impeller aft shafts.

Proposed Actions

This AD would require removal from service of certain stage 4 and 5 blisks and impeller aft shafts prior to exceeding new, reduced cyclic life limits, and replacement with serviceable parts. No parts in service at this time are near the reduced cyclic life limits. The manufacturer anticipates that the reduced limits may be increased based upon further testing and analysis.

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Economic Analysis

There are approximately 245 engines of the affected design in the worldwide fleet. The FAA estimates that 156 engines would be affected by this proposed AD, that it would take approximately 10 work hours per engine if performed at a scheduled inspection, and 450 work hours if not performed at a scheduled inspection (applicable for 2 engines only). The average labor rate is $60 per work hour. Required parts, on a pro-rated basis, would cost approximately $13,613 per engine. Based on these figures, the total cost impact of the proposed AD on US operators is estimated to be $2,159,665.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

CFE Company: Docket No. 98–ANE–69–AD.

Applicability: CFE Company Model CFE738–1–1B turbofan engines, installed on but not limited to the Dassault Aviation Falcon 2000 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of certain high pressure compressor (HPC) rotor components, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Remove from service certain stage 4 and 5 blisks and impeller aft shafts prior to exceeding the new reduced cyclic life limits as follows, and replace with serviceable parts:

Nomenclature	Part No. (P/N)	Cyclic Life Limit (cycles since new)
Stage 4 and 5 Blisk.	6079T74P07	2,370
	6079T74P08	3,450
	6079T74P09	3,790
Impeller Aft Shaft	6079T80P04	5,100
	6079T80P05	2,160
	6079T80P06	7,100
	6079T80P07	7,100

(b) Except for the provisions of paragraph (c) of this AD, no parts, identified by P/N in paragraph (a) of this AD, may be installed that exceed the new life limits.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Issued in Burlington, Massachusetts, on September 16, 1999.

Donald E. Plouffe,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–24787 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–197–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Saab Model SAAB 2000 series airplanes. This proposal would require modification of the airplane by coldworking fastener holes at the front and rear wing spars and by installing modified support angles for the lower trailing edge panel of the wing. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent fatigue cracking in the lower spar cap of the wing rear spar and in the lower skin at the wing front spar, just outside the nacelle, on the left-hand and right-hand side of the airplane, which could result in fuel leakage and consequent fire in or around the wing.

DATES: Comments must be received by October 25, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–197–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact

concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NM–197–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–197–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, recently notified the FAA that an unsafe condition may exist on certain Saab Model SAAB 2000 series airplanes. The LFV advises that, during full-scale fatigue testing of the airplane, cracks were detected at some fastener holes in the lower spar cap of the wing rear spar and in the lower skin at the wing front spar, just outside the nacelle, on the left-hand and right-hand sides of the airplane. This condition, if not corrected, could result in fuel leakage and consequent fire in or around the wing.

Explanation of Relevant Service Information

Saab has issued Service Bulletin 2000–57–029, dated June 4, 1999, which describes procedures for modification of the airplane by coldworking fastener holes at the front and rear wing spars and by installing modified support angles for the lower trailing edge panel of the wing. The modification also involves nondestructive test (NDT) and detailed visual inspections of holes for discrepancies, and repairs, if necessary. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The LFV classified this service bulletin as mandatory and issued Swedish airworthiness directive SAD 1–142, dated June 4, 1999, in order to assure the continued airworthiness of these airplanes in Sweden.

FAA's Conclusions

This airplane model is manufactured in Sweden and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for repair instructions for certain damage conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by either the FAA, or the LFV (or its delegated agent). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or the LFV would be acceptable for compliance with this proposed AD.

Cost Impact

The FAA estimates that 3 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 180 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. The manufacturer states that necessary parts would be provided at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $32,400, or $10,800 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Saab Aircraft AB: Docket 99–NM–197–AD.

Applicability: Model SAAB 2000 series airplanes, as listed in Saab Service Bulletin 2000–57–029, dated June 4, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or

repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking in the lower spar cap of the wing rear spar and in the lower skin at the wing front spar, just outside the nacelle, on the left-hand and right-hand side of the airplane, which could result in fuel leakage and consequent fire in or around the wing, accomplish the following:

(a) Prior to the accumulation of 13,000 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later, modify the airplane by coldworking the fastener holes at the front and rear wing spar (including all applicable nondestructive test and detailed visual inspections and repairs of holes) and installing modified support angles for the lower trailing edge panel of the wing, in accordance with the instructions of Saab Service Bulletin SAAB 2000–57–029, dated June 4, 1999.

(b) Where Saab Service Bulletin 2000–57–029, dated June 4, 1999, specifies that Saab be contacted for repair instructions for certain damage conditions, this AD requires that such damage conditions must be repaired in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Luftfartsverket (LFV) (or its delegated agent). For a repair method to be approved by the Manager, International Branch, ANM–116, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in Swedish airworthiness directive SAD 1–142, dated June 4, 1999.

Issued in Renton, Washington, on September 17, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24848 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–P

PRESIDIO TRUST

36 CFR Part 1010

RIN 3212–AA02

Management of the Presidio: Environmental Quality

AGENCY: The Presidio Trust.

ACTION: Extension of public comment period.

SUMMARY: This action extends until October 5, 1999 the period for public comment on the proposed rule published in the **Federal Register** (64 FR 39951–39963) on July 23, 1999 (proposed 36 CFR Part 1010). This proposed rule would implement the National Environmental Policy Act (NEPA) and replace the Presidio Trust's interim procedures and guidelines implementing NEPA, the availability of which was noticed in the **Federal Register** on September 14, 1998 (63 FR 49142).

DATES: Comments on the proposed rule must be received by October 5, 1999.

ADDRESSES: Written comments on the proposed rule must be sent to Karen A. Cook, General Counsel, Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129–0052.

FOR FURTHER INFORMATION CONTACT: Karen A. Cook, General Counsel, Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129–0052. Telephone: 415–561–5300.

Dated: September 17, 1999.

Karen A. Cook,

General Counsel.

[FR Doc. 99–24785 Filed 9–22–99; 8:45 am]

BILLING CODE 4310–4R–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD069–3031b and MD070–3031b; FRL–6440–7]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds From Vinegar Generators and Leather Coating Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Maryland for the purpose of establishing volatile organic compound control requirements on vinegar generators and leather coating operations. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by October 25, 1999.

ADDRESSES: Written comments should be addressed to Kathleen Henry, Chief, Permits and Technical Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, at the EPA Region III address above, or by e-mail at powers.marilyn@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final action, with the same title, that is located in the Rules and Regulations section of this **Federal Register**.

Dated: September 3, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 99–24687 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 179–0178; FRL–6442–7]

Approval and Promulgation of Implementation Plans; California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval of rules submitted to EPA as revisions to the California State Implementation Plan (SIP) which concern the control of particulate matter (PM–10) emissions from fugitive dust sources in the San Joaquin Valley.

The intended effect of proposing limited approval and limited disapproval of these rules is to regulate PM–10 emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this proposed rule will incorporate these rules into the federally approved SIP. EPA has evaluated the rules and is proposing this action under provisions of the CAA regarding EPA action on SIP submittals and general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas.

DATES: Comments must be received on or before November 8, 1999.

ADDRESSES: Comments may be mailed to: Andrew Steckel, Rulemaking Office AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules and EPA's evaluation report of the rules are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

San Joaquin Valley Unified Air Pollution Control District, 1990 E. Gettysburg Ave., Fresno, CA 93726

FOR FURTHER INFORMATION CONTACT: Karen Irwin, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901 Telephone: (415) 744–1903.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being proposed for incorporation into the California SIP include the following San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Regulation VIII rules: Rule 8010, Fugitive Dust Administrative Requirements for Control of Fine Particulate Matter (PM–10); Rule 8020, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM–10) from Construction, Demolition, Excavation, Extraction Activities; Rule 8030, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM–10) from Handling and Storage of Bulk Materials; Rule 8040, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM–10) from Landfill Disposal Sites; Rule 8060, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM–10) from Paved and Unpaved Roads and; Rule 8070, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM–10) from Vehicle and/or Equipment Parking, Shipping, Receiving, Transfer, Fueling, and Service Areas. These rules were submitted by the California Air Resources Board (CARB) to EPA on July 23, 1996.

II. Background

On March 3, 1978, EPA promulgated a list of total suspended particulate (TSP) nonattainment areas under the provisions of the 1977 Clean Air Act, as amended in 1977, that included the San Joaquin Valley Air Basin (43 FR 8964; 40 CFR 81.305). On July 1, 1987 (52 FR 24672) EPA replaced the TSP standards with new PM standards applying only to PM up to 10 microns in diameter (PM–10).[1] On November 15, 1990, amendments to the CAA were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. On the date of enactment of the 1990 CAA Amendments, PM–10 areas meeting the qualifications of section 107(d)(4)(B) of the Act, including the San Joaquin Valley Air Basin,[2] were designated nonattainment by operation of law and classified as moderate pursuant to section 188(a). Under section 189(a) of the CAA, moderate PM–10 nonattainment areas must implement by December 10, 1993 Reasonably Available Control Measures (RACM) rules for PM–10.

On February 8, 1993, EPA reclassified five moderate nonattainment areas, including the San Joaquin Valley Air Basin, to serious nonattainment pursuant to section 188(b)(58 FR 3334). Section 189(b) requires serious nonattainment areas to implement Best Available Control Measures (BACM) by February 8, 1997, four years after reclassification.[3]

In response to section 110(a) and part D of the Act, local California air pollution control districts have adopted and the State of California has submitted many PM–10 rules to EPA for incorporation into the California SIP on July 23, 1996, including the rules referenced above that are proposed for action in this document. These rules were adopted by the SJVUAPCD on April 25, 1996 and were found to be

[1] On July 18, 1997 EPA promulgated revised and new standards for PM–10 and PM–2.5 (62 FR 38651). The U.S. Court of Appeals for the D.C. Circuit in *American Trucking Assoc., Inc., et al.* v. *USEPA*, No. 97–1440 (May 14, 1999) issued an opinion that, among other things, vacated the new standards for PM–10 that were published on July 18, 1997 and became effective September 16, 1997. However, the PM–10 standards promulgated on July 1, 1987 were not an issue in this litigation, and the Court's decision does not affect the applicability of those standards in this area. Codification of those standards continue to be recorded at 40 CFR 50.6. In the notice promulgating the new PM–10 standards, the EPA Administrator decided that the previous PM–10 standards that were promulgated on July 1, 1987, and provisions associated with them, would continue to apply in areas subject to the 1987 PM–10 standards until certain conditions specified in 40 CFR 50.6(d) are met. See 62 FR at 38701. EPA has not taken any action under 40 CFR 50.6(d) for this area. Today's proposed action relates only to the CAA requirements concerning the PM–10 standards as originally promulgated in 1987.

[2] San Joaquin Valley Air Basin is under the jurisdiction of the SJVUAPCD.

[3] Because the statutory RACM and BACM implementation deadlines have passed, RACM and BACM must be implemented "as soon as possible." *Delaney* v. *EPA*, 898 F.2d 687, 691 (9th Cir. 1990) EPA has interpreted this requirement to be "as soon as practicable." 55 FR 36458, 36505 (September 9, 1990). States are required to develop RACM and BACM that address both the annual and 24-hour PM–10 standards. *Ober* v. *EPA*, 84 F.3d 304, 308–311 (9th Cir. 1996).

complete on October 30, 1996 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V.[4] Rule 8010, Rule 8020, Rule 8030, Rule 8040, Rule 8060 and Rule 8070 control particulate emissions from fugitive dust sources and are being proposed for limited approval and limited disapproval. These rules were adopted and submitted to EPA as part of SJVUAPCD's efforts to meet the RACM requirements of CAA 189(a) for moderate PM–10 nonattainment areas.[5] PM–10 emissions can harm human health and the environment. The following is EPA's evaluation of and proposed action on the rules.

III. EPA Evaluation and Proposed Action

In determining the approvability of a PM–10 rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). EPA must also ensure that rules are enforceable and strengthen or maintain the SIP's control strategy.

Finally, in order for EPA to approve the SIP revision, EPA must determine that the SIP submittal complies with CAA section 110(l). Section 110(l) states that the "Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress * * * or any other applicable requirement of (the Clean Air) Act."

The statutory provisions relating to RACM and BACM are found in CAA section 189(a) and (b) and are discussed in EPA's "General Preamble," which gives the Agency's preliminary views on how EPA intends to act on SIPs submitted under Title I of the CAA. See 57 FR 13498 (April 16, 1992), 57 FR 18070 (April 28, 1992), and 59 FR 41998 (August 16, 1994). In this proposed action, EPA is applying these policies to this submittal, taking into consideration the specific factual issues presented.

For moderate PM–10 areas reclassified as serious, the nonattainment control requirements (*i.e.*, RACM) are carried over and elevated to a higher level of stringency (*i.e.*, BACM). 59 FR 42009. Thus, generally, if a control measure meets the statutory requirements for BACM, it will also meet those for RACM.[6] Moreover, since these fugitive dust rules were adopted, the area has been reclassified to serious and the BACM implementation deadline has passed. The reader should consult the General Preamble documents for detailed discussions of both the RACM and BACM requirements.

EPA defines BACM as "the maximum degree of emissions reduction of PM–10 and PM–10 precursors from a source * * * which is determined on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, to be achievable for such source through application of production processes and available methods, systems, and techniques for control of each such pollutant." 59 FR 42010. EPA exempts from the BACM requirement de minimis source categories, which do not contribute significantly to nonattainment. 59 FR 42011.

For the purpose of assisting state and local agencies in developing RACM and BACM rules, EPA has prepared a series of guidance documents on PM–10 source categories (See CAA section 190). The technical guidance document applicable to Rules 8010, 8020, 8030, 8040, 8060 and 8070 is entitled "Fugitive Dust Background Document and Technical Information Document for Best Available Control Measures' (EPA–450/2–92–004).

There are currently no versions of SJVUAPCD Rules 8010, 8020, 8030, 8040, 8060 and 8070 in the SIP. Earlier versions of these rules were adopted on October 21, 1993 and September 14, 1994 (Rule 8010) and submitted to EPA. However, before EPA acted on these versions, the State submitted the rules that are the subject of today's proposed action. While these later rules supersede the earlier versions, EPA reviewed relevant materials associated with the superseded versions. SJVUAPCD's Rules 8010, 8020, 8030, 8040, 8060 and 8070 would, if approved, incorporate the following significant provisions into the SIP:

- *Definitions and Requirements:* Rule 8010 establishes definitions that apply to the fugitive dust sources covered under Regulation VIII rules and places requirements on dust suppressants.
- *Construction/Demolition Site Disturbances:* Rule 8020 requires watering or pre-soaking for land clearing and other operations which disturb the soil surface, stabilization of inactive disturbed areas, stabilization of unpaved on-site roads and off-site unpaved access roads, the removal or limitation of mud or dirt track-out onto public paved roads, and use of a dust suppressant or gravel on vehicle and material storage areas per Rule 8070.
- *Bulk Material Handling and Storage:* Rule 8030 requires enclosure or wetting of material on chutes or conveyor devices, fugitive dust controls for transport of bulk materials in open vehicles, trailers, rail cars or containers, cleanup of track-out from transport of bulk materials onto public adjacent paved roads, and stabilization of outdoor storage piles.
- *Landfill Disposal Sites:* Rule 8040 requires cleanup of mud or dirt track-out onto public adjacent paved roads, paving and cleaning a portion of interior landfill site roads to limit track-out, and use of a dust suppressant or gravel on vehicle and material storage areas per Rule 8070.
- *New Paved Roads:* Rule 8060 establishes specific paving or chemical stabilization requirements for curbs and medians of paved roads or road segments 3 miles or more in length that are constructed or modified after December 10, 1993 and experience average daily trips of 500 vehicles or more.
- *New Unpaved Roads:* Rule 8060 establishes surface stabilization requirements that affect at least a portion of the length of unpaved roads or road segments greater than ½ mile in length constructed or modified after December 10, 1993.
- *Unpaved Vehicle and Equipment Parking Areas:* Rule 8070 requires the application of a dust suppressant or gravel on all unpaved parking areas that are 1 acre or larger in size on days they are used, and the removal or limitation of mud or dirt track-out onto public paved roads.

EPA has evaluated SJVUAPCD's Rules 8010, 8020, 8030, 8040, 8060, and 8070 for consistency with the CAA, EPA regulations, and EPA policy and has found that although they will strengthen the SIP, the rules contain a number of deficiencies, the most significant of

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[4] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[5] See, *e.g.*, Memorandum from David L. Crow, Executive Director/APCO, to SJVUAPCD Governing Board, dated April 25, 1996. This document was an enclosure in the submittal of the rules that are the subject of this proposed action. See also letter from Michael H. Scheible, CARB, to Felicia Marcus, EPA, dated July 23, 1996; Rule 8010, section 1.0: "The Rules in this Regulation [VIII] have been developed pursuant to United States Environmental Protection Agency guidance for *Moderate* Nonattainment Areas." Emphasis added.

[6] The General Preamble suggests as the starting point for specifying RACM for fugitive dust sources, the list of available control measures in appendix C1 and those put forth during the public period. 57 FR 13540, 18073. If it can be shown that a particular measure is unreasonable because emissions from affected sources are de minimis, it may be excluded from further consideration. The remaining available measures are then evaluated for reasonableness, considering their technological feasibility and the cost of control in the area. 57 FR 13540.

which are discussed below. A detailed discussion of rule deficiencies and recommended rule improvements can be found in the Technical Support Document (TSD) associated with this rulemaking.

- The Regulation VIII rules containing capacity limits define Visible Dust Emissions (VDE) as 40% opacity for an aggregate period of 3 minutes or more in any one hour. This is the primary standard upon which the Regulation VIII rules are based. However, considerable PM–10 fugitive dust can be released into the ambient air without exceeding a 40% opacity reading. Moreover, EPA believes, based on the precedent established in other PM–10 nonattainment areas, that this standard does not represent RACM or BACM.
- The Regulation VIII rules lack appropriate standards and/or test methods that would ensure a level of control consistent with RACM or BACM.
- The exemptions (including the thresholds of source coverage selected by SJVUAPCD to represent RACM) found in the Regulation VIII rules are not supported. In order to address this deficiency, either a sufficient demonstration per EPA's BACM guidance [7] justifying the exemption is required, or the source coverage needs to be revised to reflect a BACM level of control. Some of the more significant exemptions from rule coverage are listed below; all of the exemptions are discussed in the TSD.
- Rule 8060 requirements only apply to paved and unpaved roads that were constructed or modified after December 10, 1993. Also, the rule exempts paved roads/road segments less than 3 miles in length and unpaved roads/road segments less than ½ mile in length.
- For unpaved roads that are covered under Rule 8060, control measures are only required on 50% or less of the road length.
- Rule 8030 lacks requirements to control fugitive dust from the loading and unloading of bulk materials, the addition of bulk materials to storage piles, and the removal of bulk materials from storage piles.
- Rule 8070 only applies to unpaved parking lots greater than one (1) acre.
- Rule 8010, sections 3.23 and 3.27, and Rule 8060, section 5.1.4 contain inappropriate Executive Officer discretion which could result in enforceability problems and is therefore inconsistent with the Clean Air Act section 110.
- Rule 8010, section 4.2 and Rule 8020, section 4.2 exempt sources with existing permits or approved PM–10 mitigation programs, respectively, that provide equally stringent control of fugitive PM–10 emissions. There is no means to ensure that the level of control in the permit is as stringent as in Regulation VIII.
- Because the sources subject to Rule 8020 are temporary in nature, there must be a method, *e.g.*, a dust control permit or comparable mechanism, to identify sources so that the rule can be enforced.
- EPA lacks information to evaluate under EPA's BACM guidance the rule's allowance of a 7-day period in which inactive storage piles can remain uncontrolled. A 7-day period does not appear to be warranted, as during this time significant wind erosion emissions can occur and temporary stabilization can be achieved through watering or covering/enclosure of piles. Also, Rule 8020 lacks a definition of storage piles.
- In numerous sections of the Regulation VIII rules, the term "limit" is used. This word does not establish a firm threshold upon which to base compliance with the rules' requirements.
- Rule 8020, section 5.4.3 strongly encourages, but does not require, the use of paved access aprons, gravel strips, wheel washers, or other measures designed to limit mud and dirt deposits on public paved roads. A requirement would better ensure that track-out is prevented. Similar measures for track-out are required in other serious PM–10 nonattainment areas, which suggests that this measure is feasible as a best available practice in SJVUAPCD.
- Rule 8020, section 5.5 and Rule 8040, section 5.4 require that all areas used for storage of construction vehicles, equipment, and materials comply with Rule 8070. The term "storage" needs to be defined in order to clarify the circumstances under which Rule 8070 requirements apply to the parking activities of sources covered under Rules 8020 and 8040. The rules should also clarify whether the 1 acre unpaved parking lot compliance threshold in Rule 8070, below which sources are exempt, also applies to sources covered under Rules 8020 and 8040.
- Rule 8060, section 5.2.2 allows watering the entire length of a new unpaved road surface at least once a week as a control measure option. Rule 8070, section 4.1.1 allows watering unpaved parking lots once a day as a control measure option. EPA believes these control measures are too temporal to represent RACM or BACM on unpaved surfaces that receive regular vehicle use.
- The Regulation VIII rules lack recordkeeping requirements for sources subject to controls, with the exception of Rule 8060 coverage of new paved roads. Recordkeeping is needed in order to verify compliance with the requirements or limits established by the rules.

These deficiencies may lead to enforceability problems and/or are not supported as representing RACM and BACM and are, therefore, not consistent with sections 172(c)(6), 189(a)(1)(C), and 189(b)(1)(B) of the CAA. Moreover, to the extent that the rules do not represent RACM and BACM, under section 110(l), EPA cannot fully approve them.

As a result, EPA cannot grant full approval of these rules under section 110(k)(3) and part D. Also, because the submitted rules are not composed of separable parts that meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rules under section 110(k)(3). However, EPA may grant a limited approval of the submitted rules under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In order to strengthen the SIP, EPA is proposing a limited approval of SJVUAPCD's submitted Regulation VIII Rules 8010, 8020, 8030, 8040, 8060 and 8070 under sections 110(k)(3) and 301(a) of the CAA.

At the same time, EPA is also proposing a limited disapproval of these rules because they contain deficiencies and, as such, the rules do not fully meet the requirements of part D of the Act. Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and offsets. The 18 month period referred to in section 179(a) will begin on the effective date of EPA's final limited disapproval. Moreover, the final disapproval triggers the Federal implementation plan (FIP) requirement under section 110(c). It should be noted that the rules covered by this action have been adopted by the SJVUAPCD and are currently in effect in the SJVUAPCD. EPA's final limited

[7] 59 FR 41998–42017, August 16, 1994.

disapproval action will not prevent SJVUAPCD or EPA from enforcing the rules.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EFA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 10, 1999.

David P. Howekamp,

Acting Regional Administrator, Region 9.

[FR Doc. 99–24843 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 217–0180; FRL–6442–8]

Clean Air Act Approval and Promulgation of California State Implementation Plan for the San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revise the California State Implementation Plan (SIP) by approving rules from the San Joaquin Valley Unified Air Pollution Control District (District). EPA is proposing to approve these rules to meet new source review (NSR) requirements of the Clean Air Act, as amended in 1990 (CAA or Act), for areas that have not attained the National Ambient Air Quality Standards (NAAQS). The State submitted Rules 2020 and 2201 to satisfy these Federal requirements for an approvable NSR SIP. EPA evaluated Rules 2020 and 2201 based on CAA guidelines for EPA action on SIP submittals and general rulemaking authority.

DATES: Comments on this proposed action must be received in writing by October 25, 1999.

ADDRESSES: Comments must be submitted in writing to Ed Pike at the Region IX mailing address listed below. Copies of the rules and EPA's evaluation report are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Permits Office (AIR–3), Air Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

San Joaquin Valley Unified Air Pollution Control District, Central Region, 1990 E. Gettysburg Avenue, Fresno CA 93726

FOR FURTHER INFORMATION CONTACT: Ed Pike, (telephone 415/744–1211), Air Division (Air–3), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, or pike.ed@epa.gov.

SUPPLEMENTARY INFORMATION:

I. EPA Is Proposing to Approve District Rules 2020 and 2201

EPA is proposing to approve District Rules 2020 and 2201 into the California SIP. Rule 2020 was adopted by the District on September 17, 1998, and submitted to EPA by the California Air Resources Board (CARB) on October 27, 1998. Rule 2201 was adopted by the District on August 20, 1998 and submitted to EPA by CARB on September 29, 1998. This proposed approval does not include §§ 5.9 and 6.0 of Rule 2201, which specify requirements for title V operating permits. The title V requirements in Rule 2201 were addressed in EPA's April 24, 1996 rulemaking on the District's title V operating permits program (see 60 FR 55517 and 61 FR 18083), and the District has not submitted substantive changes to these sections of Rule 2201 since that approval.

The District is composed of Fresno County, a portion of Kern County [1], Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, and Tulare County. The eight former County air pollution management agencies merged to form the unified Valley-wide District in 1992. The District is designated as a serious nonattainment area for ozone and particulate matter less than ten microns in diameter (PM_{10}). The District is designated attainment for the nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and carbon monoxide (CO) NAAQS, although nitrogen oxides (NO_x) and sulfur oxide (SO_x) are regulated as precursors to other nonattainment pollutants. For the detailed area designations that apply to the District, please refer to 40 CFR 81.305. The CAA air quality planning requirements for nonattainment NSR are set out in part D of Title I of the Act, with implementing regulations at 40 CFR 51.160 through 51.165.

The District submitted Rule 2020, Permit Exemptions, and Rule 2201, New Source Review, to replace existing rules in the following SIPs: Fresno County, Kern County, Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, and Tulare County. As explained below, EPA has evaluated Rule 2020 and 2201 and has determined that they are consistent with the CAA, EPA regulations and EPA policy. Therefore, EPA is proposing to approve Rule 2020 and Rule 2201 under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), and part D of Title I of the Act. Please see the Technical Support Document for a complete list of the SIP NSR and Exemption rules that would be replaced.

This proposed approval will also supercede an obsolete requirement (see 40 CFR 52.232(a)(5), (6), (10), and (11)) to submit regulations meeting the EPA NSR requirements that existed at the time that these sub-sections were established in the 1980s. EPA is proposing to delete these requirements.

The air quality planning requirements for nonattainment NSR are set out in part D of title I of the Clean Air Act. EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under part D, including those State submittals containing nonattainment NSR SIP requirements (see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion. EPA has also proposed regulations to implement the changes under the 1990 Amendments in the NSR provisions in part D of Title I of the Act. (See 61 FR 38249 (July 23, 1996)). Upon final promulgation of those regulations, EPA will review those NSR SIP submittals on which it has already taken final action to determine whether additional SIP revisions are necessary.

II. Summary of New Source Review Issues

A. Lowest Achievable Emission Rate

District rule 2201 (section 4) requires that sources meet the Lowest Achievable Emission Rate (LAER) as defined at 40 CFR 51.165(a)(1)(xiii) for: (1) Any new emission unit with the potential to emit two pounds or more per day; and (2) any existing unit with an increase in permitted emissions of two pounds or more per day. EPA has determined that the two lb/day requirement for LAER is as stringent as the source-wide applicability triggers in title I part D of the CAA. The CAA triggers range from 15 to 70 tons per year for non-attainment pollutants depending on the pollutant and whether the increase occurs at an existing major source.

[1] This District includes the portion of Kern County described in District rule 1020 § 3.44 (adopted November 13, 1996).

District Rule 2201 uses the term "Best Available Control Technology" or "BACT" (rather than LAER) to define the emission limits required for new and modified emission units that exceed these District thresholds. Section 3.9 of District Rule 2201 defines BACT to require installation of all controls "achieved in practice" (section 3.9.1) or contained in a SIP unless the SIP limits are technologically infeasible (section 3.9.2). Therefore, the District's "BACT" definition is as stringent as the federal LAER definition at 40 CFR 51.165(a)(1)(xiii). The District confirmed, in a letter dated January 21, 1999, that the District BACT definition requires emissions controls as stringent as EPA's LAER definition.

B. Offset Equivalency Tracking System

The District has committed to demonstrate that its NSR rules will require offsets that are, in the aggregate, equivalent to federal non-attainment NSR program requirements. The District Governing Board adopted a resolution on August 20, 1998 that requires the District to show program-wide equivalency with federal offset requirements. As part of this demonstration, the District must calculate the quantity of offsets that would be required under federal non-attainment NSR regulations. The District must also calculate the quantity of offsets that meet all Clean Air Act requirements and are required under the District program. The resolution requires that the Air Pollution Control Officer propose amendments to the District NSR rule to correct any shortfall if the total quantity (as an annual aggregate) of offsets that meet all federal requirements is less than the total quantity required by federal regulation. EPA is proposing to approve the offset provisions of the District's NSR regulations based on this commitment and the District's August 24, 1999 agreement on implementing this offset equivalency tracking system. Failure to achieve equivalent offset reductions, or failure to implement the tracking system, would constitute grounds for future EPA rulemaking to require corrective rule amendments.

There are several differences between the District's program and federal offset requirements (offsets are generally referred to as "Emission Reduction Credits" in the District rules). The District rules require offsets for some new sources that do not exceed the federal major source thresholds for offsets (section 4.5 of Rule 2201). Once the potential to emit a source exceeds the District offset applicability thresholds, the source must provide offsets for both non-major and major emission increases. In addition, ten percent of each credit issued under Rule 2201 is deducted for air quality improvement.

Rule 2201 also differs from federal requirements because it does not ensure that sources provide offsets that are surplus of all regulatory requirements at the time of use. The District rule only requires establishing that credits are surplus when they are generated. In addition, Rule 2201 allows some sources to determine offset applicability and quantities based on potential to emit. It also does not require that new major sources offset their full permitted emissions, as they are required to offset only the quantity of emissions that exceed the District offset trigger. Please see EPA's Technical Support Document (TSD) for additional information on the offset requirements of the District regulation.

EPA has determined that Rule 2201 is equivalent to federal offset requirements because the District's program will, overall, require that sources provide as many offsets meeting federal requirements as are required under federal regulations. The federal requirements for a valid offset program include ensuring that the reductions used to generate the credit are surplus (*i.e.* are not required by the Clean Air Act or otherwise relied on, such as in an attainment plan); are based on real reductions of actual emissions; and are quantifiable and permanent. The District has guaranteed that the tracking system will demonstrate equivalency each year.

EPA believes that it has discretion to approve this program based on the statutory language set forth in section 182(d)(2) of the Act, 42 U.S.C. 7511a(d)(2). The Act provides for offset program approval upon showing that the "the ratio of total emission reductions of VOCs to total increased emissions of such air pollutants shall be at least 1.3 to 1 * * *." The Act, therefore, allows EPA to approve a SIP program that is based on demonstrating that the total annual aggregated emissions offsets are equivalent to the federal offset requirement.

C. Interpollutant Trading

Rule 2201 allows for interpollutant trading to meet offset requirements (section 4.13.3). EPA expects that only trades between pollutants (including precursors) contributing to the same NAAQS will be allowed by the District. For instance, the rule states that interpollutant offsets between NO_X and VOC may be allowed (section 4.13.3.4). The rule does not contain an interpollutant offset ratio, but states that the Air Pollution Control Officer shall impose appropriate ratios based on an air quality analysis. The District submitted a letter on January 21, 1999 that commits to following EPA guidelines for setting appropriate trading ratios. In addition, the rule requires that the applicant demonstrate that the new or modified source will not cause or contribute to a violation of an Ambient Air Quality Standard (which is defined to include all NAAQS; see sections 3.6 and 4.13.3). Therefore, EPA is proposing to approve this provision of the District rule.

D. Pollution Control Project Exemption

District Rule 2201 contains an exemption from BACT (*i.e.* EPA LAER) and offsets for "an emission control technique performed solely for the purpose of compliance with the requirements of District, State or Federal air pollution control laws, regulations, or orders" if certain additional qualifications listed in sections 4.2.3 and 4.6.8 are met. EPA's July 1, 1994 guidance entitled "Pollution Control Projects and New Source Review (NSR) Applicability" allows the District to exempt qualifying pollution control projects from certain NSR requirements, including BACT or LAER. The District rule states that the project cannot cause or contribute to a violation of a NAAQS, PSD increment, or an Air Quality Related Value, as required by EPA's policy. The District submitted a letter on January 21, 1999 confirming that the District Rule also excludes replacement or reconstruction of an emission unit as required by EPA's policy. In addition, the District's exemption excludes projects that would result in a significant emission increase of collateral pollutants to ensure that all significant emission increases are mitigated. Therefore, EPA has determined that District rule 2201 is consistent with the requirements of EPA's 1994 guidance and is proposing to approve this exemption. If the District implements Rule 2201 in a manner inconsistent with the 1994 guidance and January 21 letter, EPA may require compliance with the NSR requirements of the SIP and conduct rulemaking to require corrective rule amendments.

E. Removing Conditions Established by Prior NSR SIP Approvals

In addition to our proposed approval of District Rules 2020 and 2201, we also propose to delete the special SIP obligations listed in the table below. These conditions required the prior County agencies to submit regulations consistent with the EPA regulations that

were current at the time these conditions were established in 1981, 1982, and 1985. These conditions are moot today because the District has submitted revised NSR rules that comply with EPA's current regulations and the 1990 CAA amendments.

County	Date of EPA action	Regulatory citation
Kern County	November 19, 1981	40 CFR 52.232(a)(5)(i)(A).
SJV Air Basin (all Counties)	October 30, 1985	40 CFR 52.232(a)(6)(i)(A).
Kings, Madera, Merced, Stanislaus, and Tulare Counties.	September 7, 1982	40 CFR 52.232(a)(10)(i)(A).
Fresno County	November 1, 1982	40 CFR 52.232(a)(11)(i)(A).

F. Additional Information

For additional description of how District Rules 2020 and 2201 meet the Act's applicable requirements, please refer to EPA's Technical Support Document for this action.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that

achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, New source review, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 15, 1999.

Keith Takata,

Acting Regional Administrator, Region 9.

[FR Doc. 99–24841 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[CA 013–MSWb; FRL–6440–1]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the California State Plan for implementing the emissions guidelines applicable to existing municipal solid waste (MSW) landfills. The Plan was submitted by the California Air Resources Board (CARB) for the State of California to satisfy requirements of section 111(d) of the Federal Clean Air Act. In the Final Rules section of this **Federal Register**, EPA is approving the California State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this action, no further activity is contemplated in relation to this proposed rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

DATES: Comments must be received in writing by October 25, 1999.

ADDRESSES: Written comments should be addressed to Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the documents relevant to this proposed rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted State Plan are also available for inspection at the following location: California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1188.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules section of this **Federal Register**.

Dated: September 10, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.

[FR Doc. 99–24258 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6441–4]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Baxter/Union Pacific Railroad Tie Treating Plant Superfund Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region VIII announces its intent to delete the Baxter/Union Pacific Railroad Tie Treating Plant (the Site) located in Laramie, Wyoming from the National Priorities List (NPL), and requests public comment on this action.

The NPL, a list of sites EPA evaluates for priority clean up of hazardous wastes, is found in appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances and Pollutant Contingency Plan (NCP). EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

EPA and the State of Wyoming Department of Environmental Quality (the State) propose this deletion under the terms of EPA's policy entitled "The National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion Policy for Resource Conservation and Recovery Act Facilities." In this policy EPA announced that, consistent with the NCP criteria for deletion of sites from the NPL, the Agency would delete sites if corrective actions proceed under the Resource Conservation and Recovery Act (RCRA). The EPA, in consultation with the State, has determined that all appropriate RCRA response activities conducted at the site to date and scheduled in the future are enforceable and have been and will remain protective of human health and the environment, and that this deferral to RCRA corrective authorities is appropriate.

DATES: Comments concerning the proposed deletion of the site may be submitted to EPA on or before October 25, 1999.

ADDRESSES: Comments should be mailed to: Mr. Dennis Jaramillo, US Environmental Protection Agency, Region VIII, Mail Code: ENF–T, 999 18th Street, Suite 500, Denver, CO 80202–2466.

Comprehensive information on this site is available at the EPA Region VIII Superfund Records Center and is available for viewing from 8:00 am to 4:30 PM, Monday through Friday excluding holidays. Requests for documents should be directed to the EPA, Region VIII Superfund Records Center. Documents pertaining to this proposed deletion can be found in the deletion docket for the site, located at the Superfund record repository.

The address for the Region VIII Superfund Records Center is: Superfund Records Center, U.S. Environmental Protection Agency, 999 18th Street, 5th

Floor, Denver, CO 80202, Telephone: (303) 312–6473.

Background information from the Regional public docket and Deletion Docket is also available for viewing at the following RCRA repositories:

The University of Wyoming, Science Library PO Box 3262, Bio-Sciences building, Laramie WY 82071, For Library Hours call (307) 766–6539, Attn: Lori Phillips

or

Wyoming Department of Environmental Quality, 122 W. 25th Street, Cheyenne, WY 82002, Attn: Marisa Latady, To make an appointment call (307) 777–7752

FOR FURTHER INFORMATION CONTACT: Dennis Jaramillo at (303) 312–6203.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion
V. Conclusion

I. Introduction

The Environmental Protection Agency (EPA), Region VIII announces its intent to delete the Baxter/Union Pacific Railroad Tie Treating Site (the Site) from the National Priorities List (NPL), 40 CFR part 300, appendix B, and requests comments on this deletion.

The NPL is a list of sites that EPA evaluates for priority clean up of hazardous wastes under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Deletion of this Site from the NPL results from deferral of the Site from CERCLA to the Wyoming Department of Environmental Quality, Resources Conservation and Recovery Act (RCRA) Program. RCRA holds responsibility for ensuring that the site is properly remediated. Nevertheless, pursuant to the NCP at 40 CFR 300.425(e)(3), any site deleted from the NPL remains eligible for future relisting and Fund-financed response actions if conditions at the site ever warrant such action.

EPA will accept comments on this proposed action for the thirty days following publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL; section III, the procedures EPA uses for this action; section IV, how the Site meets the deletion criteria; and section V, EPA's conclusion.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making a determination to delete a site EPA considers, in consultation with the State, whether any of the following criteria have been met:

—Responsible parties or other persons have implemented all appropriate response actions required; or

—All appropriate Fund-financed responses under CERCLA have been implemented and no further action by responsible parties is appropriate; or

—The remedial investigation shows that the release poses no significant threat to public health or the environment and, therefore, taking remedial measures is not appropriate.

Consistent with § 300.425(e) of the NCP, EPA proposes deletion of this Site because no further response action is appropriate under CERCLA, as laid out in EPA's policy entitled "The National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion Policy for Resource Conservation and Recovery Act Facilities." Published in the **Federal Register** on March 20, 1995 (60 FR 14641), this policy sets forth the following criteria, all of which should be met, and their general application for deleting RCRA facilities from the NPL:

—If evaluated under EPA's current RCRA/NPL deferral policy the site would be eligible for deferral from listing on the NPL;

—The CERCLA site is currently being addressed by RCRA corrective action authorities under an existing enforceable order or permit containing corrective action provisions;

—Response under RCRA is progressing adequately; and

—Deletion would not disrupt an ongoing CERCLA response action.

Under this policy EPA has determined that the site is eligible for deletion from the NPL.

III. Deletion Procedures

The following procedures were followed for the proposed deletion of this Site:

1. EPA determined no further response under CERCLA is necessary due to the RCRA response;

2. The State concurred with EPA's deletion proposal;

3. EPA published a notice in a local newspaper announcing the commencement of a 30-day public comment period on EPA's intent to delete, and distributed this notice to appropriate Federal, State and local officials, and other interested parties; and

4. EPA made available all relevant documents in the regional and local site information repositories.

Comments received during the comment period will be evaluated by EPA before making a final decision whether to delete the site. EPA will prepare a Responsiveness Summary addressing significant comments received during the public comment period. Copies of the Responsiveness Summary will be made available to interested parties by EPA.

Deletion, in the event it occurs, takes place when EPA publishes a final notice in the **Federal Register**. Following publication in the **Federal Register** of the Site's final notice of deletion, the NPL reflects site deletion in the next NPL update. EPA then places the final NPL deletion package in the local and regional repositories.

IV. Basis for Intended Site Deletion

The following provides a summary of the site and EPA's rationale for proposing deletion of the Site from the NPL.

A. Site Background

The Site borders the Laramie River just south of the city of Laramie, Wyoming. Union Pacific Railroad (UPRR) treated wood railroad ties and performed other wood-preserving operations at the site intermittently from 1886 to 1983. Creosote was the principal wood-preserving agent used and is the primary source of the site contamination; pentachlorophenol (PCP) was also used for a limited time, but in smaller amounts. Creosote and PCP were combined with carrier oils. Treated ties and wood products were allowed to drip onto the ground. Originally, wastewater generated in the wood treating process was discharged to low-lying areas via a shallow ditch system. In the later years of operation, wastewater was discharged to a series of unlined surface impoundments. These waste management practices resulted in soil and groundwater contamination at the site and contaminant seepage into the Laramie River. The mixtures of creosote and PCP and the carrier oils formed a dense nonaqueous liquids (DNAPL) or a mixture that is more dense than water.

In 1980, UPRR submitted a notification and Part A application to EPA as required under section 3005(e) and 3010 of RCRA. Through this process four interim status surface impoundments were identified for regulation under RCRA.

In 1981, ground water monitoring required under the RCRA interim status discovered contamination outside the

four interim status surface impoundments. Also in 1981, the State of Wyoming filed suit against UPRR under the Wyoming Environmental Quality Act Statute 35–11–301(a)(i), (ii), and (iii). One year later the parties settled by agreeing to an "Investigative Research and Remedial Action Plan" under a Litigation Suspension Agreement which consisted of a phased program of site investigation and remediation.

In September 1983, EPA placed on the NPL those portions of the site not regulated by RCRA, due to contamination extending beyond the four interim status surface impoundments.

In November 1983, EPA and UPRR entered into an Administrative Order on Consent under CERCLA section 106 (CERCLA VIII–83–05). This order required that UPRR conduct a Remedial Investigation and Feasibility Study consistent with the Remedial Action Plan between the State and UPRR.

Concurrently with the CERCLA order, EPA and UPRR also entered into an Administrative Order on Consent under RCRA section 3008 (RCRA (3008) VIII–83–25) requiring closure of the surface impoundments and any necessary post-closure care of RCRA-regulated wastes.

On November 8, 1984 the Hazardous and Solid Waste Amendments of 1984 to RCRA went into effect. This new statute effectively extended RCRA authority to address the entire site.

In 1986 EPA signed a CERCLA Record of Decision (ROD) calling for an interim remedy. This interim remedy involved the installation of a Contaminant Isolation System to prevent migration of contaminants off site. The Contaminant Isolation System consists of relocation of the Laramie River to an uncontaminated channel; construction of a cutoff wall; installation of a water management system to maintain an inward gradient, construction of a water treatment plant to remove dissolved contaminates and implementation of a monitoring program, to ensure the effectiveness of the Contaminant Isolation System. The ROD also provided for additional study and remedial action under the RCRA program, in the form of subsequent RCRA permit for corrective actions.

In 1988, through a new RCRA section 3008(h) Administrative Order on Consent, (RCRA section 3008 (88–12)) UPRR and EPA agreed on requirements for ongoing site management. The order established RCRA as the framework for implementation and oversight of ongoing site activities. The order also required UPRR design and implement a laboratory and field pilot testing program, known as In Situ Treatment Process Development Program to determine the effectiveness of the surface and subsurface treatment technologies and to report the results of the pilot testing in various reports.

In 1991 and again in 1993, modifications were made to the RCRA section 3008(h) order (RCRA section 3008(88–12)) in which UPRR agreed to complete the In Situ Treatment Development Program, conduct a Corrective Measures Study (CMS) and implement waterflood oil recovery operations. The modification also stated that EPA would choose, the final site remedy based on the alternatives contained in the CMS following public input.

In 1994, under RCRA EPA issued the Final Decision and Response to Comments specifying the final site remedy. EPA determined that it was technically impracticable, given existing technologies, to clean up the groundwater underlying the Site to drinking water standards, however through implementation of the final site remedy human health and the environment would be protected.

This document also stated that the existing RCRA order would be modified to require implementation of the final site remedy through the RCRA post-closure permit process.

In June 1995, EPA approved the designation of a Corrective Action Management Unit within the former surface impoundments area for the placement of contaminated soil excavated from an area south of the facility as well as consolidation of contaminated soil and debris from other areas of the Site. The designation of a Corrective Action Management Units did not change the design or the implementation of the final site remedy, but did allow UPRR to maintain progress in remediation of the site consistent with the overall site management and remediation strategy described in the CMS.

Also in 1995 the RCRA order was amended, requiring submittal of an application for a RCRA Permit for post-closure care and corrective action. UPRR subsequently submitted a RCRA Post-Closure Permit Application for Post Closure Care and Corrective Action to the State and EPA in September 1995. Also in October 1995, the State of Wyoming received final authorization of its RCRA hazardous waste management program.

In 1999 the State of Wyoming issued the RCRA Permit for the Laramie Tie Plant site under the authority of the Wyoming Environmental Quality Act (Wyoming Statute 35–11503(d)). The permit was effective July 18, 1999. The permit incorporates previous requirements as well as specifies the additional actions and requirements for completion of corrective action at the site.

Corrective actions taken at the site under the preceding actions include the following:

1. 1983—Construction of a flood control dike protecting the site from a 100-year flood, and installation of sheet pile cutoff walls to curtail the discharge of DNAPL into the Laramie River along preferential subsurface seepage pathways;

2. 1984—Partial closure of the surface impoundments by removing for reuse more than 700,000 gallons of DNAPL and, for disposal, nearly 6,000 cubic yards of sludges and contaminated soil;

3. 1985—Realignment of the Laramie River to the west of the site for subsequent containment actions;

4. 1986—Construction of the Contaminant Isolation System consisting of a 10,000 foot-long soil bentonite wall encircling the site and a groundwater extraction and treatment system that provides hydraulic containment of the site. This containment system prevents contaminant migration from the site, particularly the seepage of DNAPL and contaminated groundwater to the adjacent Laramie River as described in the ROD of 1986;

5. 1988—Installation and start-up of an additional groundwater extraction system to address a small zone of bedrock groundwater contamination located outside the Contaminant Isolation System. This system is called the Morrison Contaminant Withdrawal System;

6. 1988 to 1990—A technology research and demonstration program to develop cost-effective in situ treatment technologies known as the In Situ Treatment Process Development Program;

7. 1991 to present—Ongoing removal of DNAPL from the subsurface using a waterflood oil recovery technologies. Use of waterflood oil recovery methods has recovered approximately 1.8 million gallons of DNAPL; and

8. 1999—Initiation of the approved Integrate Phytoremediation/Greenbelt Project which uses an innovative technologies called phytoremediation to treat residual contamination. Phytoremediation uses plants to contain, degrade or exact contaminants form soil and groundwater.

B. Documentation That the Site Meets the Four Criteria of the RCRA Deferral Policy Set Forth in EPA's March 20, 1995 Policy

1. Under EPA's Current RCRA/NPL Deferral Policy the Site Would be Eligible for Deferral From Listing on the NPL

The site was not appropriate for RCRA deferral under the initial deferral policy (48 FR 40662, September 8, 1983) because the CERCLA releases extended beyond RCRA regulated units. Since that time, however, RCRA was amended to expand its authorities and the deferral policy consequently modified, such that the site now fits within the general policy for deferral of RCRA-regulated sites from listing on the NPL.

2. The CERCLA Site is Currently Being Addressed by RCRA Subtitle C Corrective Action Authorities Under an Existing Enforceable Order or Permit Containing Corrective Action Provisions

Under the second criteria, a corrective action order or permit must be in place and must address all CERCLA releases including any extending beyond the bounds of the RCRA facility. As noted above, several RCRA orders and a permit are in place. They address all site-related contamination.

3. Response Under RCRA is Progressing Adequately

For purposes of deferral and delisting of RCRA sites, adequate progress is demonstrated through compliance with corrective action permits or orders. UPRR is in compliance with its permits and orders, and has no history of protracted negotiations with EPA.

4. Deletion Would Not Disrupt an Ongoing CERCLA Response Action

CERCLA response was discontinued at this site. As specified in the 1986 ROD, actions beyond the interim remedy selected in the ROD were taken under RCRA. Therefore there is no ongoing CERCLA response action.

V. Conclusion

EPA sought and received concurrence from the State on this proposal to delete the Site from the NPL. The State indicated its concurrence in a letter to EPA dated August 25, 1999.

Deletion of this site from the NPL and deferral to RCRA subtitle C corrective action authorities avoids confusion and duplication of effort. Response and corrective actions conducted at the site to date and scheduled in the future have been and will appropriate for protection of public health and the environment.

Consequently, EPA proposes deletion of this site from the NPL.

Dated: September 8, 1999.

William P. Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 99–24507 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-day Finding on Petition to Reclassify the Straight-horned Markhor Population of the Torghar Region of Balochistan, Pakistan from Endangered to Threatened and Initiation of Status Review for Markhor

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the 90-day finding that a petition to change the classification of the straight-horned markhor population of the Torghar Hills region of Balochistan Province, Pakistan from endangered to threatened has presented substantial information indicating that the action may be warranted. We also find that there is substantial information indicating that other subspecies of markhor may warrant listing as threatened or endangered under the Act. A status review of the entire species *Capra falconeri* is initiated.

DATES: This finding was made on September 16, 1999. Comments and information may be submitted until January 21, 2000.

ADDRESSES: Submit comments, information, and questions to the Chief, Office of Scientific Authority; Mail Stop: Room 750, Arlington Square; US Fish and Wildlife Service; Washington, DC 20240 (Fax number: 703–358–2276; E-mail address: r9osa@fws.gov). Address express and messenger-delivered mail to the Office of Scientific Authority; Room 750, 4401 North Fairfax Drive; Arlington, Virginia 22203. You may inspect the petition finding, supporting data, and comments, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Susan S. Lieberman, Chief, Office of Scientific Authority, at the above address (Telephone number: 703–358–1708; E-mail address: susan__lieberman@fws.gov).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973 as amended (16 U.S.C. 1531 *et seq.*), requires us to make a finding on whether a petition to list, delist, or reclassify a species presents substantial information indicating that the requested action may be warranted. To the maximum extent practicable, we make this finding within 90 days following receipt of the petition, and we promptly publish a Notice in the **Federal Register**. If the finding is positive, section 4(b)(3)(A) of the Act also requires us to commence a status review of the species. We now announce a 90-day finding on a recently received petition.

On March 4, 1999, we received a petition from Sardar Naseer A. Tareen (Head, Society for Torghar Environmental Protection, 94-Regal Plaza, 3rd Floor, Circular Road, Quetta, Balochistan, Pakistan), on behalf of the Society for Torghar Environmental Protection and the IUCN Central Asia Sustainable Use Specialist Group, requesting that the Suleiman markhor (*Capra falconeri jerdoni* or *C. f. megaceros*) population of the Torghar Hills region of Balochistan Province, Pakistan be reclassified from endangered to threatened. Under the Act, the Suleiman markhor of Torghar is listed as *C. f. jerdoni*, straight-horned markhor.

The markhor is a species of wild goat that occurs in small, isolated populations in rugged, arid mountain habitats in Afghanistan, India, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan. Markhor populations have generally declined as a result of hunting, habitat modification (including logging and overgrazing), and competition with domestic livestock.

In 1975, when markhor were first listed under the Act, seven subspecies were generally recognized: *C. f. jerdoni* (Suleiman or straight-horned markhor), *C. f. megaceros* (Kabul or Kabal markhor), *C. f. cashmirensis* (Pir Panjal or Kashmir markhor), *C. f. falconeri* (Astor markhor), *C. f. ognevi* (Uzbek markhor), *C. f. heptneri* (Tajik markhor), and *C. f. chialtanensis* (Chiltan markhor). *C. f. jerdoni*, *C. f. megaceros*, and *C. f. chialtanensis* were classified as Endangered throughout their respective ranges in the **Federal Register** of September 26, 1975 (40 FR 44329). At present, many authorities recognize only three subspecies of markhor (Shackleton 1997). *C. f. jerdoni* and *C. f. megaceros* are now generally considered to be the single subspecies *C. f. megaceros* (straight-horned

markhor). *C. f. cashmirensis* and *C. f. falconeri* are now generally considered to be the single subspecies *C. f. falconeri* (flare-horned markhor). *C. f. ognevi* and *C. f. heptneri* are now generally considered to be the single subspecies *C. f. heptneri* (Heptner's markhor). In addition, *C. f. chiltanensis* is now considered by many authorities to be *Capra aegagrus chialtanensis* (Chiltan wild goat). This is the nomenclature that we will use in this and subsequent documents related to review of the markhor for listing under the Act.

The range of straight-horned markhor formerly included the major mountain ranges in northeastern Balochistan Province, southern North West Frontier Province, and, possibly, southwestern Punjab Province in Pakistan, and small areas in northeastern Afghanistan. The present range of straight-horned markhor is much reduced, owing to the extirpation of some local populations by indiscriminate hunting, habitat degradation, and competition with domestic livestock. The known distribution of populations within the present range is restricted to small, isolated areas in Balochistan Province, a small area in North West Frontier Province, and one unconfirmed occurrence in Punjab Province. The present range within Afghanistan is unknown but is likely to be extremely limited.

Although comprehensive population data are lacking, recent estimates suggest that 1,500–2,500 straight-horned markhor may survive throughout the subspecies' entire range. Most areas that have been surveyed on more than one occasion have experienced downward trends in straight-horned markhor population. The one exception is the Torghar Hills. Results of field surveys conducted in 1985, 1994 and 1997 indicate that the Torghar Hills population of straight-horned markhor has increased substantially since the mid-1980s when fewer than 100 animals were thought to be present. In 1994 the markhor population was estimated to be approximately 700 animals (Johnson 1997), and in 1997 the population was estimated to be approximately 1,300 animals (Frisina *et al.* 1998). This population increase has been due to a virtual elimination of unauthorized hunting that has been accomplished through a private conservation initiative, the Torghar Conservation Project (the Project), which was started in 1985.

The Project is administered by a local non-governmental organization, the Society for Torghar Environmental Protection (the petitioner). Because the Torghar Hills are within the Pathan tribal belt of northern Balochistan Province, the Project employs local Pathan tribesmen as game guards to protect straight-horned markhor and Afghan urial (*Ovis vignei cycloceros*) from unauthorized hunting in the Project Area (an area of approximately 1,500 square kilometers (sq. km.)). Many of the game guards are former hunters who stopped killing markhor and urial at the behest of the local Pathan tribal chieftain. The markhor population has responded to this protection by increasing substantially in numbers since the mid-1980s. The Project has been largely self-sufficient since its inception, depending primarily on revenues derived from trophy hunting fees from international hunters. The Project is recognized as a valid conservation program for markhor and urial by both provincial and Federal authorities in Pakistan, as evidenced by the granting of two Appendix I export permits to the Project, pursuant to Resolution Conf. 10.15 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Resolution Conf. 10.15 approved an export quota of six hunting trophies of markhor from Pakistan per calendar year).

We find that the petition presents substantial information indicating that the requested action may be warranted. This finding is based on the overall size and documented growth of the Torghar Hills population of straight-horned markhor over the past 14 years, the management program called the Torghar Conservation Project, whose game guards have virtually eliminated unauthorized hunting within the 1,500 sq. km. Project area, and the relative security of markhor habitat in the Torghar Hills. In addition, the discreteness and significance of the Torghar Hills population of straight-horned markhor indicate that it qualifies as a distinct vertebrate population segment under our February 7, 1996 policy (61 FR 4722).

As a result of the review of available literature related to this petition, we also find that there is substantial information to indicate that other subspecies of markhor may warrant listing as threatened or endangered. The flare-horned markhor (*C. f. falconeri*) is not currently listed under the Act. This subspecies occurs in North West Frontier Province and the Northern Areas in Pakistan, in southwestern Jammu and Kashmir, and in Nuristan and Laghman in northeastern Afghanistan. Current population estimates are less than 2,500 to 3,000 in Pakistan (Hess *et al.* 1997), and an estimated 200 to 300 animals in India (Fox and Johnsingh 1997). No recent population figures are available for Afghanistan, but it is likely that few markhor remain in that country (Habibi 1997). Flare-horned markhor populations have declined as a result of indiscriminate hunting, habitat degradation and loss, and direct competition with domestic livestock (Fox and Johnsingh 1997, Hess *et al.* 1997).

Heptner's markhor (*C. f. heptneri*) is not currently listed under the Act. This subspecies is restricted to three populations: one straddling the border between Turkmenistan and Uzbekistan, a second occurring along the southern border of Uzbekistan and Tajikistan, and a third in southeastern Tajikistan with a possible extension into Afghanistan. The current estimated total population of Heptner's markhor is about 700 animals (Weinberg *et al.* 1997). Populations of Heptner's markhor have declined as a result of indiscriminate hunting, habitat degradation and loss, and direct competition with domestic livestock (Weinberg *et al.* 1997).

Pursuant to section 4(b)(3)(A), we hereby commence a review of the status of the entire species *Capra falconeri*. We encourage the submission of appropriate data, opinions, and publications regarding the subject petition or other populations or subspecies of *Capra falconeri*. In accordance with section 4(b)(3), within 12 months of receipt of the petition, we will make another finding as to whether the requested action is warranted, not warranted, or warranted but precluded by other listing measures.

References Cited

You may request a complete list of references cited in this Notice from the Office of Scientific Authority (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531–1544.

Dated: September 16, 1999.

Marshall P. Jones,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 99–24760 Filed 9–22–99; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 64, No. 184
Thursday, September 23, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board Meeting

AGENCY: Research, Education, and Economics, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., the United States Department of Agriculture announces a meeting of the National Agricultural Research, Extension, Education, and Economics Advisory Board.

FOR FURTHER INFORMATION CONTACT: Deborah Hanfman, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, Research, Education, and Economics Advisory Board Office, Room 3918 South Building, U.S. Department of Agriculture, STOP: 2255, 1400 Independence Avenue, SW, Washington, DC 20250–2255. Telephone: 202–720–3684. Fax: 202–720–6199, or e-mail: lshea@reeusda.gov.

SUPPLEMENTARY INFORMATION: The National Agricultural Research, Extension, Education, and Economics Advisory Board, which represents 30 constituent categories, as specified in section 802 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. No. 104–127), has scheduled a National Agricultural Research, Extension, Education, and Economics Advisory Board Meeting, October 18–19, 1999.

An orientation for New Advisory Board members will begin at 8 a.m. on Monday, October 18. The full Advisory Board meeting will be held 10:30 a.m.–7:30 p.m., October 18, and 8 a.m.–4:30 p.m. on Tuesday, October 19. During this time, the Advisory Board will (1) Elect the new officers and members of the Executive Committee; (2) discuss the draft report on Small Farms Research; (3) review highlights from the FY 99 Northeast and Southern Regional listening sessions and other stakeholder input on agricultural research and education opportunities; (4) conduct a focus session on "Agricultural Biotechnology in the Public Interest: Impact on Farms, Food, Fiber and the Environment" to hear experts on a variety of topics regarding agricultural biotechnology, including: (a) Highlights, status, and potential of biotechnology for the public good; (b) public education, communication and dialogue; (c) enhancement, safety and security of the food systems; (d) environmental issues; (e) USDA-related activities; and (f) economic and structural implications. Time will be allotted for general Advisory Board discussion and public comments. USDA and the Office of Management and Budget will provide perspectives on the REE budget outlook.

Dates

October 18—8 a.m. to 9:30 a.m.
Orientation for new Advisory Board Members
October 18—10:30 a.m. to 5:30 p.m.—Advisory Board General Meeting and Focus Session on Agricultural Biotechnology
October 18—5:30 p.m. to 7:30 p.m.—Special Session on Biotechnology with a Guest Speaker
October 19—8 a.m. to 5 p.m.—Continuation of Biotechnology Focus Session

Place: 8th Floor Conference Room (Please check in with guard, Identification is needed.), USDA, CSREES, Aerospace Building, 901 D Street SW, Washington, DC.

(**Note:** Meeting location may vary. Locations for special sessions will be announced at the meeting.)

Type of Meeting: Open to the public.

Comments: The public may file written comments to the USDA Advisory Board Office contact person before or within a reasonable time following after the meeting. All statements will become a part of the official records of the National Agricultural Research, Extension, Education, and Economics Advisory Board and will be kept on file for public review in the Office of the Advisory Board; Research, Education, and Economics; U.S. Department of Agriculture; Washington, DC 20250–2255.

Done at Washington, D.C. this 1st day of September, 1999.

Eileen Kennedy,

Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 99–24770 Filed 9–22–99; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[No. LS–99–09]

United States Standards for Grades of Feeder Cattle

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is soliciting comments on a proposal to revise the United States Standards for Grades of Feeder Cattle. Specifically, USDA is proposing to adjust the minimum requirements for the three thickness grades to accommodate thicker muscled cattle and reflect current marketing practices. Additionally, the Department is proposing to adjust the frame size parameters to reflect the genetic changes that have taken place in the cattle population since 1979 when the current standards were adopted. Industry and other groups, including States' Departments of Agriculture that officially grade feeder cattle for marketing programs, requested that these changes be made. All other grade aspects of the current standards will remain unchanged.

DATES: Comments must be submitted on or before November 22, 1999.

ADDRESSES: Written comments may be submitted to Herbert C. Abraham, Chief, Standardization Branch, Livestock and Seed Program, Agricultural Marketing Service, US Department of Agriculture, Room 2603 South Building, STOP 0254, PO Box 96456, Washington, D.C. 20090–6456; faxed to (202) 720–1112; or e-mailed to Herbert.Abraham@usda.gov.

Comments should reference the date and page number of this issue of the **Federal Register**. All comments received will be made available for

public inspection at the above address during regular business hours (8:00 a.m.–4:30 p.m.).

The current US grade Standards for feeder cattle, along with the proposed changes, are available either through the above addresses or by accessing AMS's Home Page on the Internet at www.ams.usda.gov/standards/stanls.htm.

FOR FURTHER INFORMATION CONTACT: Herbert C. Abraham, Chief, on (202) 720–4486.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture "to develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *" AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Feeder Cattle do not appear in the Code of Federal Regulations but are maintained by USDA.

AMS is proposing to change the United States Standards for Grades of Feeder Cattle using the procedures it published in the August 13, 1997, **Federal Register** and that appear in part 36 of Title 7 of the Code of Federal Regulations (7 CFR part 36).

The current United States Standards for Grades of Feeder Cattle were adopted September 2, 1979. These grade standards were originally used more extensively in the Eastern United States where marketing feeder cattle by commingling ownership and packaging by grade and weight is popular due to the small average cow herd size. Nevertheless, the feeder cattle standards have become the descriptive standards of choice by most of the feeder cattle industry nationwide. More importantly, these standards have served to educate the industry about the importance of frame size in feeder cattle and how frame size relates to an animal's predetermined, market ready weight. Additionally, the standards have emphasized the importance of muscle thickness as it relates to the beef cattle industry.

Significant changes (genetic and management) have taken place in the feeder cattle segment of the beef industry since the current grade standards were adopted. The industry has moved from essentially four basic breeds in the 1950's to nearly 100 in the 1990's, resulting in a dramatic effect on the basic genetics of the beef cattle population. Consequently, feeder cattle type—as it relates to mature size—has also changed dramatically. This, linked with changes that have occurred during the same time period in feeder cattle management practices, has caused a growing concern by USDA that the current feeder cattle standards have become outdated since their adoption 20 years ago.

The feeder cattle grades are based on differences in frame size and muscle thickness—two of the most important genetic factors affecting merit (value) in feeder cattle. Frame size refers to the animal's skeletal size—its height and body length—in relation to its age. Frame size relates to the weight at which, under normal feeding and management practices, an animal will produce a carcass of a given grade. Large framed animals require a longer time in the feedlot to reach a given grade and will weigh more than a small framed animal would weigh at the same grade. Muscle thickness is related to muscle-to-bone ratio at a given degree of fatness and hence to carcass yield grade. Thicker muscled animals produce a higher percentage yield of lean meat. The current grades recognize three frame size grades and three muscle thickness grades. The three frame sizes are Small Frame, Medium Frame and Large Frame. The three muscle thickness grades from the thickest to the thinnest are No. 1, No. 2 and No. 3.

USDA entered into a project with Colorado State University funded by the USDA, AMS, Federal/State Market Improvement Program to determine: (1) The live weights at which the current population of Large, Medium, and Small framed feeder steers and heifers attain a degree of finish associated with a carcass quality grade of low Choice, and; (2) an effective approach for stratification of feeder cattle into muscle thickness categories that reflect eventual differences in carcass muscularity and ultimate USDA Yield Grade. Results of this project indicated that the current standards could be improved by increasing the minimum weights specified for frame size grades to more accurately reflect today's beef cattle population. Also, the project indicated that the proposed adjustments in the muscling grades may distribute feeder cattle numbers more evenly among the No. 1, No. 2, and No. 3 grades and would more effectively identify carcass USDA Yield Grade differences among feeder cattle.

Based on these findings, and the feeder cattle industries' request, AMS proposes the frame size parameters be changed:

	Small frame	Medium frame	Large frame
Steers:			
From (current)	<1000 #	1000–1200 #	>1200 #
To (proposed)	<1100 #	1100–1250 #	>1250 #
Heifers:			
From (current)	<850 #	850–1000 #	>1000 #
To (proposed)	<1000 #	1000–1150 #	>1150 #

The Department also proposes to change the muscle grades:

Upper ⅔ of current #1 muscling grade = proposed #1

Upper ⅓ of current #2 and lower ⅓ of current # 1 = proposed #2

Lower ⅔ of current #2 = proposed #3

Less than current requirements for #2 = proposed #4

AMS is publishing this notice with a 60-day comment period which will provide a sufficient amount of time for interested persons to comment on the proposed revision to the standards.

Authority: 7 U.S.C. 1621–1627.

Dated: September 17, 1999.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 99–24771 Filed 9–22–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Request for Comments; Advertised Timber for Sale

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the

Forest Service announces its intention to reinstate the form, FS–2400–14–Bid For Advertised Timber, and to combine it with the form, FS–2400–42a National Forest Timber For Sale (Advertisement and Short-Form Bid). FS–2400–14 is currently approved under Office of Management and Budget (OMB) authorization number 0596–0114. It is our intention to combine FS–2400–14 and FS–2400–42a under OMB authorization number 0596–0066. The burden associated with FS–2400–14 will be removed from 0596–0114 and placed under 0596–0066.

The agency uses the collected information to ensure that National Forest System timber is sold at not less than appraised value, that bidders meet specific criteria when submitting a bid, and that anti-trust violations do not occur during the bidding process.

DATES: Comments must be received in writing on or before November 22, 1999.

ADDRESSES: All comments should be addressed to: Director, Forest Management Staff, Mail Stop 1105, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

Comments also may be submitted via facimile to (202) 205–1045 or by email to: fm/wo@fs.fed.us.

The public may inspect comments received at the Office of the Director of Forest Management, 201 14th Street, SW, Washington, DC. Callers are urged to call ahead to facilitate entrance into the building.

FOR FURTHER INFORMATION CONTACT: Jim Naylor, Forest Management Staff, at (202) 205–0858.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to statutory requirements at 16 U.S.C. 472a, the Secretary of Agriculture must advertise sales of all National Forest System timber or forest products exceeding $10,000 in appraised value, unless (1) extraordinary conditions exist as defined by regulation; (2) select bidding methods ensure open and fair competition; (3) select bidding methods ensure that the Federal Government receives not less than appraised value of the timber or forest product; and (4) bidding patterns are monitored for evidence of unlawful bidding practices.

Pursuant to the Forest Service Small Business Timber Sale Set-Aside Program, developed in cooperation with the Small Business Administration, Forest Service regulations at § 223.84 of Title 36 of the Code of Federal Regulations require that the Forest Service bid form used by potential timber sale bidders include provisions for small concerns, such as (1) electing road construction by the Forest Service; (2) certifying as to their small business status; and (3) being informed of other road construction requirements in the bid and/or contract.

Respondents are bidders on National Forest System timber sales. Forest Service sale officers mail bid forms to potential bidders, and bidders return the completed forms, dated and signed, to the Forest Service sale officer. The data collected are used by the agency to ensure that National Forest System timber is sold at not less than appraised value, that bidders meet specific criteria when submitting a bid, and that anti-trust violations do not occur during the bidding process.

FS–2400–14–Bid for Advertised Timber (currently OMB No. 0596–0114) and FS–2400–42a—National Forest Timber Sale (OMB No. 0596–0066) implement the same statutes, policies, and regulations and collect similar information from the same applicant. Therefore, the Forest Service intends to reinstate and combine FS–2400–14 with FS–2400–42a and extend FS–2400–42a under 0596–0066, which expires February 28, 2000.

Data gathered in these information collections are not available from other sources.

Description of Information Collection

The following describes the information collection to be extended.

Title: FS–2400–42a—National Forest Timber For Sale (Advertisement and Short-Form Bid).

OMB Number: 0596–0066.

Expiration Date of Approval: February 28, 2000.

Type of Request: Extension of a currently approved information collection.

Abstract: The data collected are used by the agency to ensure that National Forest System timber is sold at not less than appraised value, that bidders meet specific criteria when submitting a bid, and that anti-trust violations do not occur during the bidding process.

Form FS–2400–42a—National Forest Timber For Sale is used to solicit and receive bids on short-notice advertised timber sales of less than 30 days and less than $10,000 in advertised value.

Respondents are bidders on National Forest System timber sales. Forest Service sale officers mail bid forms to potential bidders, and bidders return the completed forms, dated and signed, to the Forest Service sale officer.

Before submitting a bid, the bidder usually, but is not required to, inspect the sale area, review the requirements of the sample contract, and take other steps as may be reasonably necessary to ascertain the location, estimated volumes, and operating costs of the offered timber or forest product. Each bidder must include the following information: the price bid for the timber; the bidder's name, address, and signature; the bidder's tax identification number; certification that the bidder is not debarred, suspended, proposed for debarment, or voluntarily excluded from bidding on Government contracts; and that the bidder has not defaulted on any contracts within the last 3 years.

The tax identification number of each bidder is entered into an automated bid monitoring system, which is used to determine if speculative bidding or unlawful bidding practices are occurring. The tax identification number also is used to facilitate electronic payments to the purchaser.

Data gathered in this information collection are not available from other sources.

Estimate of Burden: 130 minutes.

Type of Respondents: Individuals, large and small businesses, and corporations bidding on National Forest timber sales.

Estimated Number of Respondents: 5,000.

Estimated Number of Responses per Respondent: 3.

Estimated Total Annual Burden on Respondents: 32,500 hours.

Description of Information Collection

The following describes the information collection to be reinstated but combined with FS–2400–42a—National Forest Timber For Sale under OMB authorization number 0596–0066:

Title: FS–2400–14–Bid For Advertised Timber.

OMB Number: 0596–0114.

Expiration Date of Approval: May 31, 1999.

Type of Request: Reinstatement of a previously approved information collection to be combined with FS–2400–42a—National Forest Timber for Sale under 0596–0066.

Abstract: The data collected will be used by the agency to ensure that National Forest System timber will be sold at not less than appraised value, that bidders will meet specific criteria when submitting a bid, and that anti-trust violations will not occur during the bidding process. This form will be used for soliciting and receiving bids on advertised sales that are 30 days or longer and on sales greater than $10,000 in advertised value.

Respondents will be bidders on National Forest System timber sales. Forest Service sale officers will mail bid forms to potential bidders, and bidders

will return the completed forms, dated and signed, to the Forest Service sale officer. Before submitting the bid, the bidder usually will inspect the sale area, review the requirements of the sample contract, and take other steps as may be reasonably necessary to ascertain the location, estimated volumes, and operating costs of the offered timber or forest product.

Each bidder will have to include the following information: the price bid for the timber; the bidder's name, address, and signature; the bidder's tax identification number; the amount and type of the bid guarantee; certification that the bidder has not paid a contingent fee to someone to obtain the contract for him or her, or retained any person or company to secure the contract; certification that the bidder will meet the responsibility requirements at Title 36 of the Code of Federal Regulations (CFR), § 223.101; certification that the bidder will complete the consideration requirements of the contract; certification that the bidder has not been debarred, suspended, proposed for debarment, or voluntarily excluded from conducting business with the government; certification that the bidder has not been indicted or has not had a criminal or civil conviction within a 3-year period; certification that the bidder has not defaulted on a public contract or agreement in the last 3 years; information on whether the bidder has participated in a previous contract covered by section 202 of Executive Order 11246, Non-discrimination in Employment; certification that the bidder has independently determined the bid price; selection of the road construction option; certification of a firm offer; certification that the bidder has expressly adopted the terms of the bid and sample contact; certification that the bidder has inspected the sale area and certifies that he or she understands that the Forest Service does not guarantee the amount or quality of the timber or forest product; certification that the bidder will comply with the Forest Resources Conservation and Shortage Relief Act of 1990 as required by 36 CFR § 223.87; certification that the bidder has not been or will not be affiliated with the original purchaser of a contract on a timber sale that is being re-offered, when the original contract was terminated for breach or failure to cut; and the bidder will have to list affiliates that control or have the power to control the bidder's company.

The tax identification number of each bidder will be entered into a computerized bid monitoring system. This system will be used to determine if speculative bidding or if unlawful bidding practices are occurring. The tax identification number also will be used to facilitate electronic payments to the purchaser.

Data gathered in this information collection are not available from other sources.

Estimate of Burden: 370 minutes.

Type of Respondents: Individuals, large and small businesses, and corporations bidding on National Forest timber sales.

Estimated Number of Respondents: 500.

Estimated Number of Responses per Respondent: 2.0.

Estimated Total Annual Burden on Respondents: 6,167 hours.

Comment is Invited

The agency invites comments on the following: (a) Whether the proposed collection of information is necessary for the stated purposes or the proper performance of the functions of the agency, including whether the information shall have practical or scientific utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comments

All comments received in response to this notice, including name and address when provided, will be summarized and included in the request for Office of Management and Budget approval. All comments also will become a matter of public record.

Dated: September 16, 1999.

Paul Bfouha,

Associate Deputy Chief, National Forest System.

[FR Doc. 99–24827 Filed 9–22–99; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plan; San Juan National Forest, Colorado

AGENCY: USDA Forest Service.

ACTION: Notice of intent to prepare an Environmental Impact Statement in conjunction with revision of the land and resource management plan for the San Juan National Forest, located in Archuleta, Conejos, Dolores, Hinsdale, La Plata, Mineral, Montezuma, Rio Grande, and San Juan Counties, Colorado.

SUMMARY: The Forest Service will prepare an environmental impact statement in conjunction with the revision of its Land and Resource Management Plan (hereafter referred to as Forest Plan or Plan) for the San Juan National Forest.

This notice describes the specific portions of the current Forest Plan to be revised, environmental issues considered in the revision, estimated dates for filing the environmental impact statement, information concerning public and tribal participation, and the names and addresses of the agency officials who can provide additional information.

DATES: Comments concerning the scope of the analysis should be received in writing by January 31, 2000. The agency expects to file a draft environmental impact statement with the Environmental Protection Agency (EPA) and make it available for public, agency, and tribal government comment in the spring of 2001. A final environmental impact statement is expected to be filed in the fall of 2002.

ADDRESSES: Send written comments to: Thurman Wilson, Team Leader, Forest Plan Revision Team, San Juan National Forest, 15 Burnett Court, Durango, CO 81301.

FOR FURTHER INFORMATION CONTACT: Thurman Wilson, Planning Team Leader, (970) 385–1246.

Responsible Official: Lyle Laverty, Rocky Mountain Regional Forester at P.O. Box 25127, Lakewood, CO 80225–0127.

SUPPLEMENTARY INFORMATION: Pursuant to Part 36 Code of Federal Regulations (CFR) 219.10(g), the Regional Forester for the Rocky Mountain Region gives notice of the agency's intent to prepare an environmental impact statement for the revision effort described above. According to 36 CFR 219.10(g), land and resource management plans are ordinarily revised on a 10- to 15-year cycle. The existing Forest Plan was approved on September 29, 1983, with a significant amendment on May 15, 1992.

The Regional Forester gives notice that the Forest is beginning an environmental-analysis and decision-making process for this proposed action

so that interested or affected people can participate in the analysis and contribute to the final decision.

Opportunities will be provided to discuss the Forest Plan revision process openly with the public. The public is invited to help identify issues and define the range of alternatives to be considered in the environmental impact statement. Forest Service personnel and/or neutral facilitators will lead these discussions, helping to describe issues and the preliminary alternatives. They will also explain the environmental analysis process and the disclosures of that analysis, which will be available for public review. Written comments identifying issues for analysis and the range of alternatives will be encouraged.

The United States has a unique legal relationship with Indian tribal governments, as set forth in the Constitution of the United States, treaties, statutes, Executive orders, and court decisions. As part of the overall effort to uphold the federal trust responsibility to tribal sovereign nations, the Forest Service will establish regular and meaningful consultation and collaboration with tribal nations on a government-to-government basis. The Forest Service will work with tribal governments to address issues concerning Indian tribal self-government and sovereignty, natural and cultural resources held in trust, Indian tribal treaty and Executive order rights, and any issues that significantly or uniquely affect their communities.

The public and tribal governments have already identified a number of issues. Additional issue identification (scoping) and alternative-development meetings will be held in early 2000. Specific dates, times, and locations for the meetings will be posted on the San Juan National Forest's web site: http://www.fs.fed.us/r2/srnf/ and announced in mailings to those on the forest plan revision mailing list. Requests to be on the mailing list should be sent to: Forest Plan Revision Team, San Juan National Forest, 15 Burnett Court, Durango, CO 81301.

Forest plans describe the intended management of National Forests. Agency decisions in these plans do the following:

- Establish multiple-use goals and objectives (36 CFR 219.11).
- Establish forestwide management requirements (standards and guidelines) to fulfill the requirements of 16 U.S.C. 1604 applying to future activities (resource integration requirements, 36 CFR 219.13 to 219.27).
- Establish management areas and management area direction (management area prescriptions) applying to future activities in that management area (resource integration and minimum specific management requirements) 36 CFR 219.11(c).
- Establish monitoring and evaluation requirements (36 CFR 219.11(d)).
- Determine suitability and potential capability of lands for resource production. This includes designation of suitable timberland and establishment of allowable timber sale quantity (36 CFR 219.14 through 219.26).
- Where applicable, recommend designations of special areas such as Wilderness and Wild and Scenic Rivers to Congress.

The authorization of project-level activities on the Forest occurs through project decisionmaking, the second stage of forest land management planning. Project-level decisions must comply with National Environmental Policy Act (NEPA) procedures and must include a determination that the project is consistent with the Forest Plan.

In addition to the programmatic decisions described above, the Forest is considering:

- Making site-specific decisions on travel management through identification of specific management for individual roads and trails, and
- Analyzing currently vacant range allotments for potential closures.

Any site-specific decisions made from the analysis in the Forest Plan would be in a separate decision document and the responsible official would be the Forest Supervisor.

Need for Changes in the Current Forest Plan

It's been approximately fifteen years since the current Forest Plan was approved and almost seven years since the completion of a significant amendment. Experience and monitoring have shown the need for changes in management direction for some resources or programs. Several sources have highlighted needed changes in the current Forest Plan. These sources include:

- Public involvement that has identified new information and public values.
- Tribal government involvement that has identified new information and American Indian values.
- Monitoring and scientific research that have identified new information and knowledge gained.
- Implementation of the current Forest Plan, which has identified management concerns to find better ways for accomplishing desired conditions.
- Changes in law, regulations, and policies.

Major Revision Topics

Based on the information sources identified above, the combined effect on the needed changes demands attention through plan revision. The revision topics that have been identified so far are described below.

Biological Diversity

How should ecosystems comprising the San Juan National Forest be managed in order to ensure biological diversity, long-term productivity, and ecosystems health? Humans and human activity are integral parts of ecosystems and will be considered in the analysis of this topics.

Questions To Address

- How should the full variety of life in an area including the ecosystems, plants, and animal communities' species and genes, and the processes through which organisms interact with one another and their environment be maintained?
- Should the forest be managed within the historical range of variability for characteristics such as fire size and frequency, size and distribution of openings and mix of plants and animals?
- Is the relative health and vigor of vegetation declining compared to historic levels? If so, should anything be done?
- Have ponderosa pine and mixed conifer stands changed significantly in proportion of species, tree size, and ecosystems processes?
- Is there a desired condition of the forest that management activities should focus on attaining?
- Are some species, such as cottonwood and aspen, declining significantly?
- Are there ways to affect forest health in areas with steep slopes or isolated areas?
- How much of the forest should be maintained in old-growth conditions and how should it be distributed in time and space?
- Are large, relatively undisturbed areas needed to provide adequate habitat for some species? If so, how large should they be and what conditions are needed? What human activities would be appropriate? Should reserves, core areas, and corridors be provided for wildlife? If so, what size, shape, and distribution are needed?
- Are some types of ecosystems found on the San Juan National Forest at risk of not being maintained over time?

• What threatened, endangered, and sensitive species are found on the San Juan National Forest?

• What management direction is needed to preserve viable populations of these species? What are the effects of activities such as timber harvesting, grazing, mining, and recreation on threatened, endangered, and sensitive species?

• What role should non-native species play in the San Juan's ecosystems? How is the spread of noxious weeds affected by activities such as road construction and use, livestock grazing, timber harvest, mineral development, fire, recreation, and hunting? What should be done about noxious weeds or other non-desired, non-native species?

• What management direction is needed to identify, protect, and make available the traditional forest plant and animal products that Native American people expect through exercising their treaty rights, or rights provided to them through Executive order? How do various activities occurring on the National Forest, such as prescribed fire, noxious-weed elimination, logging, grazing, recreation, road construction, mining, and oil and gas extraction, affect the availability of traditional forest products?

Timber Management

How should forested areas of the San Juan National Forest be managed to maintain or improve ecological conditions with providing a sustainable and predictable supply of wood products? Developing a balance between cutting and removing trees to provide raw materials for wood products and protecting a wide variety of other resource values is critical. People's needs for wood products, other uses of the forest, and the ecological well being of the forest must all be considered.

Questions To Address

• What lands are suitable for timber harvesting? How much should be cut? Can the Forest Service ensure a predictable supply of timber for use? What logging methods should be use? What tree species and sizes should be cut? Should old-growth forests be harvested?

• How should timber harvesting be balanced with other considerations, such as scenery, heritage resources, water quality, soil productivity, wildlife and fisheries habitat, biological diversity, and ecosystem health (composition, structure, and function) and sustainability? What are the effects of logging and associated road construction on these desired forest conditions and uses?

• Should logging occur in unloaded areas?

• Are new roads needed for harvesting? If so, to what standards should they be built? Should roads be maintained or obliterated after logging sue? Should logging roads be open or closed to the general public?

• What are the appropriate specifications and constraints (standards and guidelines) for logging? What kinds of restoration practices should occur after logging and road building?

• What are the economic impacts (jobs and income) of timber sales in the local community? Can the Forest Service offer timber sales that are financially efficient (revenues exceed costs), financially viable to prospective purchasers, and supportive of locally owned mills and contractors?

Grazing

How should the San Juan National Forest's rangelands be managed to maintain or improve ecological conditions, while providing a sustainable supply of forage of both domestic and wild animals? Allowing any opportunity for ranchers to graze their herds on the forest for part of the year must be balanced with supplying habitat and food or wild animals, maintaining water quality, safeguarding heritage resources, allowing other uses, and preserving the ecological health of the forest. The potential for change in the amount, timing, and practices of National Forest grazing may effect private land development, open space, and traditional lifestyles.

Questions To Address

• What lands are capable and suitable for livestock grazing? How much grazing should be allowed? What types of grazing systems and practices should be used? Should these vary between wilderness and the rest of the forest?

• What are the appropriate specifications and constraints (standards and guidelines) for grazing? What grazing activities and levels are appropriate in riparian areas? What kinds of restoration practices should accompanying grazing? What types of range improvements are appropriate?

• How should livestock grazing be balanced with other desired forest conditions or uses, such as recreation, scenic quality, heritage resources, water quality, wildlife and fisheries habitat, timber management, and ecosystem health and sustainability? What are the effects of grazing on other uses of the forest?

• What are the relationships between domestic livestock and elk and deer? How should forage be allocated between them? What are the relationships between livestock grazing and the southwest willow flycatcher? Should domestic sheep be excluded from areas to reduce the likelihood of spreading diseases to wild sheep?

• What types of vegetation should grazing lands be managed to produce or maintain? What are the effects of grazing on the spread of noxious weeds? How can noxious weeds associated with grazing be controlled? What are the relationships between livestock grazing and fire? Has grazing altered the role of fire in the forest's ecosystems?

• What are the economic impacts in the local community of livestock grazing? Can the Forest Service provide grazing that is financial efficient (revenues exceed costs) and financially viable to ranchers and still maintain desirable conditions for other uses of the San Juan National Forest?

• What are the relationships between grazing on National Forest and private lands? What are the potential impacts on open space and private land development of changes in National Forest grazing policies?

Minerals and Energy

How can ecological conditions and other uses of the forest be balanced with providing mineral and energy products? Most of the forest is available for (hard rock) mineral exploration and development under the Mining Law of 1872, unless areas are specifically withdrawn. The Forest Service needs to determine what areas are suitable and available for oil and gas leasing and what stipulations should be placed on exploration and development.

Questions To Address

• What lands are suitable for oil and gas leasing? What stipulations should be included in leases? What lands should be withdrawn from mineral entry because of conflicts with other National Forest uses?

• What types of activities or practices are suitable? What mitigation measures are needed? What kinds of restoration practices should occur after mining and oil and gas exploration or development?

• How should mineral and energy exploration and development be balanced with other considerations, such as heritage resources, aesthetics, water quality, wildlife and fisheries habitat, human health, and ecosystem health and sustainability? What are the effects of exploration, development, and associated road construction on other uses of the forest?

- What are the effects of mining and oil and gas activities on people outside the local area?
- What kind of direction is needed for recreational panning or dredging?
- What special considerations are needed in wilderness?
- Is mining financial efficient (revenues exceed costs) for the government? Can the Forest allow mining that is financially viable to prospective purchasers? What are the economic impacts in the local community of mining and oil and gas exploration and development?

Watershed

How can protecting watershed values, including soil resources, be balanced with the need for activities that potentially disturb the ground? What is the condition or riparian areas on the National Forest? San Juan National Forest lands are important watersheds that contribute greatly to both the quantity and quality of downstream water.

Questions To Address

- How do various activities occurring on the forest affect water quality and quantity, soil resources, and riparian areas?
- What is the appropriate balance between watershed protection and activities that can disturb the ground, such as road construction, logging, fire, grazing, recreation use, mining, and oil and gas extraction?
- What are the appropriate specifications and constraints (standards and guidelines) for activities that disturb the ground? What kinds of mitigation measures are needed for these activities? What kinds of restoration practices should occur after ground-disturbing activities?
- How can we identify our most valuable riparian resources? How can we protect their integrity?
- Are these areas of the forest, such as abandoned mines, needing reclamation? If so, what should be done? What are the effects of wildfires on watershed conditions? Are any special strategies needed for the prevention or control of wildfires to protest watersheds?
- Where is it appropriate to manage for consumptive uses versus non-consumptive uses? To what extent should water development occur on the San Juan National Forest?
- What are the effects of water diversion on the ecosystem? What are the effects of water storage (reservoirs, ponds, and water tanks) on the ecosystem?
- What is the importance of water produced from the San Juan National Forest in surrounding and downstream communities, including tribal communities?

Wildlife

How can the habitat needs of a wide spectrum of fish and animals be balanced with a variety of other forest uses? National Forest lands are important habitat for many types of wildlife and fish, including some threatened, endangered, or sensitive species. The National Forest habitat is becoming increasingly important due to loss of habitat on private lands. Fish and wildlife, and their habitat, are affected by a variety of forest uses, such as timber harvesting, grazing, and recreation, and by natural events, such as wildfire.

Questions To Address

- How do various activities occurring on the National Forest, such as logging, grazing, and prescribed fire, affect wildlife and fish habitats? What is the appropriate balance between providing adequate habitats and allowing activities that can affect habitats, such as road construction, logging, fire, grazing, recreation, mining, and oil and gas extraction?
- What are the appropriate specifications and constraints (standards and guidelines) for activities that affect habitat? What kinds of mitigation measures are needed for activities that affect habitat? What kinds of restoration practices should occur after habitat-disturbing activities?
- What is the connection between forest and private land in providing habitat and migration corridors? What are the implications of private land development for management of National Forest lands? What kinds of cooperation are needed between the Forest Service, other agencies, and private landowners to maintain adequate habitat?
- How do wildlife affect the ecosystem? Should anything be done to affect population sizes?
- What areas are important for big-game winter range? How should they be managed? How is winter range changing? What areas are used as wildlife migration routes? How should these areas be managed? What are the implications of increased development of private lands on big-game winter range and migration corridors?
- How should neotropical birds habitat be managed and monitored? Do National Forest activities affect neotropical birds?
- How should conflicts between different species be handled (for example, rainbow versus Colorado River cutthroat trout)?
- How should roads be managed to maintain or improve wildlife and fish habitat? How does burning logging slash affect wildlife habitat?
- Should portions of the forest be closed to hunting, either to maintain a sanctuary for wildlife or to reduce conflicts with other recreations?
- Should non-native species (for examples, ruffed grouse and rainbow trout) be stocked on the forest?
- Should predator species be protected?
- Do wildlife-harassing dogs pose a significant problem? If so, what should be done about it?
- Are any changes needed in water rights to protect or enhance fisheries?
- Should fish stocking take place in wilderness, especially pristine areas? If so, how?
- What is the connection between tourism and wildlife and fish? What are the economic impacts to wildlife and fish?
- What is the role of education in solving human-wildlife conflicts'?

Fire

How should the Forest Service react to natural wildfires and what types of prescribed (controlled) fires should be initiated? The role of fire in the ecosystem has changed over the past century. The Forest Service's attitudes about fire have been changing over the last decade. Whereas in the past, fire was considered an undesirable occurrence to be controlled, it is now increasingly seen as having a natural role in the ecosystem which management can seek to emulate or guide.

Questions To Address

- What was the historic role of fire in the forest's ecosystem? How has that changed? What effect has changes in fire occurrence had on the composition, structure, and functions of the San Juan National Forest's ecosystems? Should anything be done to adjust for these changes?
- Can a mix of logging and fire be used to maintain and restore ecosystem conditions? Can fire be used as a tool to establish a desired structure and composition of vegetation? How much fire is appropriate? What conditions are needed for successful prescribed burning?
- What are the relationships between:

—Fire, insects, and disease?
—Grazing and fire?
—Thinning trees, slash burning, and wildfire potential?

• How does fire affect air quality, soil stability and productivity, water quality, threatened, endangered, or sensitive plant and animal species, heritage resources, and other forest resources?

• Should anything be done to reduce the potential for large wildfires? What kinds of wildfire suppression or control strategies should be used? How aggressively should fires be fought?

What level of expense is appropriate for fire suppression? Is fire suppression economically efficient?

• How should National Forest lands near private land development be managed in regard to fire risks? What kind of cooperation is needed between the Forest Service, other agencies, private landowners, and the public? What kind of access is needed for fire protection?

• What areas and timeframes are most appropriate for using prescribed fire? What specific techniques are most appropriate for prescribed fire? What should be done to prepare an area before prescribed fire?

• How does smoke from prescribed fires affect tourism?

• How can the San Juan National Forest best work with the public to implement an effective fire management program?

Heritage Resources

How can heritage resources best be protected? Heritage resources provide a major source of public education, recreation, and cultural identity in this country. Nine concentrations of very unique and significant archaeological regions exist among thousands of cultural resources located Forestwide. Five of the nine concentration areas are already designated as archaeological districts listed on the National Register of Historic Places. The remaining four areas are proposed additions to the already existing National Register districts. Only two of the nine areas are managed to emphasize the preservation or conservation of the individual cultural properties and the surrounding landscape, whereas the other seven areas are managed to emphasize other resources.

Questions To Address

• Should the landscape containing cultural resource properties defining an archaeological district that is eligible for, or already listed on, the National Register of Historic Places be designated as a heritage area with a land management prescription that emphasizes the properties' unique and nonrenewable character?

• What is the appropriate balance between providing for site preservation or conservation and recreational enjoyment, and allowing other activities that can affect the use of the cultural site and its setting, such as logging, fire, mining, oil and gas extraction, grazing, and dispersed recreation? What are the appropriate specifications, and constraints (standard and guidelines) for activities affecting cultural properties and their setting?

• Should each of the nine heritage areas share one common land management prescription, or should there be greater flexibility in these prescription to facilitate management of other resource types and use types?

• Does heritage-area designation increase the risk of loss of cultural materials from these nine cultural landscapes?

• What kinds of cooperation are needed between the Forest Service, the tribes, other agencies, and private individuals to protect these areas?

• Since each of the proposed heritage areas is defined by resources that are prehistoric Native American, what kinds of social values need to be emphasized at each of the nine heritage areas? If there are conflicting values to be managed at specific sites or areas, how do conflicts in multiple cultural values get resolved?

• If the heritage areas are identified as appropriate for meeting heritage tourism goals, what types of recreational and interpretive opportunities or experiences should be developed at the heritage areas? Should fees be charged for the recreational use of heritage areas?

Recreation

What levels of various types of recreation can be maintained while sustaining a healthy and diverse ecosystem? How can wildness be provided to sustain the human need for solitude, retreat, and renewal? Although uses of the San Juan National Forest have historically emphasized commodity activities, recent social, economic, and demographic transformations have significantly increased the demand for recreational uses.

Questions To Address

• What mix and emphasis of recreation opportunities on the National Forest accommodates a wide variety of users while ensuring resource protection? What areas are appropriate for various recreation uses?

• What is the carrying capacity of the forest? How much recreation use can be sustained from both an ecological standpoint and a visitor enjoyment perspective? Do any limits need to be placed on certain areas or types or use? Should fees be charged for recreation use?

• How do various recreation uses affect each other, ecosystems, and other forest uses?

• What are appropriate levels of use for different kinds of recreation activities? How must of available capacity for each type of recreation should be allocated to commercial (outfitter-guides), and institutional users versus individual users?

• What should the Forest Service do to interpret recreation, as well as other resources and opportunities?

How can National Forest and private sector recreation opportunities best fit with each other?

How should major recreation corridors like the Dolores River, West Dolores River, Lone Dome, Highway 550, and the designated All-American Road, the San Juan Skyway, be managed? What kinds of opportunities do we want to provide there?

• What are appropriate development levels for campgrounds, picnic areas, trailheads, etc.? How many facilities (campgrounds, road, etc.) can be maintained under reasonable budget expectations?

• How can quality and quantity of recreation experiences be balanced?

• What are the impacts of demographic changes and new and future technologies on recreation?

• How accessible is the forest and how accessible should it be? How should facilities be upgraded to accommodate all users (including disabled)?

• Should potentially conflicting recreation uses, such as mountain biking and horse riding, occur in the same areas or be segregated?

• Should hunting be allowed everywhere or should it be restricted?

• What are recreation's economic impacts on local economies?

• How much opportunity for backcountry recreation should be provided outside wilderness?

• What are the effects of motorized use in the backcountry and how much is appropriate?

• What are the effects of dogs in the backcountry and wilderness? Should they be restricted?

• What is the role of education in resolving recreation and wilderness problems?

• How can recreation opportunities be provided in a way that limits conflicts with heritage resources?

Travel Management

What degree and types of access should be developed through the trail

and road system of the San Juan National Forest, and how can travel conflicts be minimized? Under what conditions should motorized travel be allowed off of existing road and trails? What are the effects of various means of travel on wildlife and erosion? Increasing recreational use has resulted in more travel by diverse user groups. Education needed by users is also part of this issue.

While no single solution will fit the entire National Forest, some travel areas may be shared by mixed uses, while other uses because of their unique impacts, may need to be separated. Human activities can impact wildlife corridors and habitats.

Questions To Address

- What are the appropriate methods of travel for each part of the forest? Should some methods of travel be segregated?
- Should any areas (as opposed to roads and trails) have travel restrictions? Should weather affect travel restrictions?
- What are the implications of rapidly changing technology for travel management?
- Can a travel management policy be developed that is understandable and enforceable? Can better travel maps be produced? How should the Forest Service designate allowable travel methods and inform the public?
- How do various methods of travel affect the forest's ecosystems? How do various methods of travel affect other forest visitors?
- How do methods of travel affect the spread of noxious weeds?
- Are there any pack animals (horses, mules, pack goats, llamas) that aren't appropriate uses in the forest?
- To what levels or standards should roads and trails be maintained? How can roads and trails be maintained to an adequate level with declining budgets and fewer timber sales that include road maintenance by the purchaser?
- What can be done about road damage during hunting seasons?
- Are ATV's causing conflicts, especially during hunting seasons?
- How much access to the forest is needed, and what types? How should the Forest Service deal with increased pressure to access private inholdings? How can the increasing demands for access to remote sites for electronic sites be best addressed?
- Can some balance be found between people wanting to plow snow from roads to their property (within the National Forest) and people wanting to ski and snowmobile on those roads?
- How can the Forest Service provide a wide range of recreational opportunities to people that are physically restricted from traveling far other than by motorized means?
- How many roads does the forest need? What is the appropriate road density? What are the appropriate road standards? How many areas should have unroaded versus roaded characteristics?
- Should any existing roads or trails be closed (permanently or seasonally)? Should any existing roads or trails be obliterated? What rationale should be used in making these determinations?
- How should roads and trails be managed? What are the effects of roads and trails on fish and wildlife, soil and water, heritage resources, recreation, and other forest resources?
- How do the Forest Service's travel management policies affect private property within the forest boundary?
- How much signing should be provided and what types?

Scenery

How can scenic attributes guide the appropriate and sensitive management of the San Juan National Forest? Everyone experiences forest lands in a visual sense. For some people the San Juan National Forest is a scenic backdrop to daily, community life. It is part of most local residents' and visitors' quality of life. It is also the reason that many have sought residence in the area. For some, visual indications are evidence of either a dynamic, healthy ecosystem, or of an overworked, overused landscape.

Questions To Address

- What human activities and natural events affect scenic quality? Which are short-term versus long-term impacts? How much weight should be given to short-term versus long-term effects?
- How does scenic quality change naturally over time? What ecosystem dynamics affect it? Does this have any management implications?
- What is the relationship between air quality and scenic quality? What is the role of fire in this relationship? Should the Forest Service have a role in setting air-quality guidelines?
- How can scenic and cultural attractions, such as historic mines, cabins, and cultural sites, be preserved?
- Should scenic quality be maintained or enhanced, especially along major travel routes and the designated scenic byway? If so, where and how?
- What is the appropriate amount and type of signing? Should it vary depending on an area's management emphasis?
- Should some activities have buffer zones around them so that they are visually less evident?
- How can littering and trash be controlled in the forest?
- How does timber harvesting and slash treatment affect scenic quality? What types of timber harvesting and slash treatment are best from a visual standpoint?

Stewardship, Volunteerism, and Education

What is the role of stewardship, volunteerism, and education in managing public lands? This issue is woven throughout most of the other issues and considerations. Increasingly, community members and groups are interested and involved in voluntary, forest-stewardship opportunities. Public education has also been suggested as a means of improving the management of ecosystem resources, through increased awareness of impacts and reduction in conflicting uses. Volunteerism reinforces the small-town community ethic, gives people ownership in the forest, and is becoming an essential way of achieving community resource-conservation objectives.

Questions To Address

- What is sustainable stewardship?
- What is the role of partnerships in forest management?
- How can people feel more ownership in the forest?
- What can people do to help the forest?
- Can local people be educational links between the forest and tourists?
- What is the role of volunteers in forest management?
- What role should the forest play in environmental education?
- Should the National Forest have environmental education centers or other facilities?
- What are the implications of the demographic shift from a rural to an increasingly urban society on environmental education?
- What kinds of interpretive signing are needed:
- Can signs be used to help protect fragile resources?
- What types of conflict management or resolution are needed to build long-term positive relationships?

Social Values

What is the appropriate balance between various uses of the National Forest? People value the San Juan for a variety of reasons, including as a scenic backdrop, a place to recreate and to find spiritual renewal, and as a source of livelihood.

Questions To Address

- How can the local quality of life best be sustained?
- How can the cultural relationships people have with the forest best be sustained?
- How can traditional cultural places and sacred sites important to Native Americans best be identified and managed?
- What role should the Forest Service have in addressing social issues that are community and regional in scope (for example, affordable housing and the homeless)?
- How responsive should the Forest Service be to the social, political, and economic environment of this region? What is the appropriate balance between National and more local interests?
- How should the Forest Service work with state and local governments in addressing local social problems?
- Can the Forest Service provide a stable management program?
- What role does the San Juan NF play in the local economy?

Sense of Place

How should unique or special areas of the San Juan National Forest be designated and managed, and how should their outstanding values be preserved for future generations?

Questions To Address

- How should areas that are currently unroaded and undeveloped be managed in the future?
- What areas should be recommended for addition to the National Wilderness Preservation system?
- What additional areas should be given a scenic byway designation?
- What areas are eligible for inclusion in the National Wild and Scenic Rivers?
- What kinds of designations should be applied to special and unique areas of the forest?
- What special management considerations apply to urban interface areas?
- Which, if any, additional areas should be considered for Research Natural Area (RNA) status?
- How should the newly designated Piedra Special Area be managed?
- Does the Purgatory Ski Area prescription need boundary adjustments?
- Should the Wolf Creek Ski Area boundary be adjusted to include lands within the San Juan National Forest?
- How should lands designated as potential ski areas in the current Forest Plan be managed with the Wolf Creek Valley and East Fork areas no longer proposed for ski area development?

What To Do With This Information

This revision effort is being undertaken to develop management direction to:

- Provide goods and services to people, and
- Sustain ecosystem functions.

The Forest Plan revision for the San Juan National Forest will be done using a concept that has locally been labeled "community-ecosystem stewardship" and is more broadly known as "collaborative stewardship." Community-ecosystem stewardship is a style of land management characterized by:

- Sharing power and accepting mutual responsibility.
- Sustaining long-term interdependencies of communities, economies, public lands, and cultures.
- Facilitating an appropriate integration of desired community and ecological futures.
- Integrating scientific information with community knowledge.
- Adapting to the future based on past experiences.

Framework for Alternatives To Be Considered

A range of alternatives will be considered when revising the Forest Plan. The alternatives will address different options to resolve concerns raised as the revision topics listed above. A reasonable range of alternatives will be evaluated and reasons given for eliminating some alternatives from detailed study. A "no-action alternative" is required, meaning that management would continue under the existing Plan. Alternatives will provide different ways to address and respond to public issues, management concerns, and resource opportunities identified during the scoping process. In describing alternatives, desired vegetation and resource conditions will be defined. Resource outputs will be estimated in the Forest Plan based on achieving desired conditions. Preliminary information is available to develop alternatives; however, there will be additional public, agency, and tribal government involvement and collaboration for alternative development.

Consulting and Collaborating With Tribal Governments

The Forest Service will establish regular and meaningful consultation and collaboration with tribal nations on a government-to-government basis. The Forest Service will work with tribal governments to address issues concerning Indian tribal self-government and sovereignty, natural and cultural resources held in trust, Indian tribal treaty and Executive order rights, and any issues that significantly or uniquely affect their communities. Correspondence, meetings, and field trips will be used in this effort. The Forest Service hopes to assemble a group composed of tribal representatives to also work in a collaborative manner.

Involving the Public

An atmosphere of openness is one of the objectives of the public-involvement process, in which all members of the public feel free to share information with the Forest Service regularly. All parts of this process will be structured to maintain this openness.

The Forest Service is seeking information, comments, and assistance from individuals, organizations, tribal governments, and federal, state, and local agencies who are interested in or may be affected by the proposed action (36 CFR 219.6). The Forest Service is also looking for collaborative approaches with members of the public who are interested in forest management. Federal and state agencies and some private organizations have been cooperating in the development of assessments of current biological, physical, and economic conditions. This information will be used to prepare the Draft Environmental Impact Statement (DEIS). The range of alternatives to be considered in the DEIS will be based on public issues, management concerns, resource management opportunities, and specific decisions to be made.

Public participation will be solicited by notifying in person and/or by mail known interested and affected publics. News releases will be used to give the public general notice, and public-scoping opportunities will be offered in numerous locations. Public-participation activities will include (but will not be limited to) requests for written comments, open houses, focus groups, field trips, and collaborative forums.

Public participation will be sought throughout the revision process and will be especially important at several points along the way. The first formal opportunity to comment is during the scoping process (40 CFR 1501.7). Scoping includes (1) identifying potential issues, (2) from these, identifying significant issues or those that have been covered by prior environmental review, (3) exploring alternatives in addition to No Action, and (4) identifying the potential environmental effects of the proposed action and alternatives.

Release and Review of the EIS

We expect the DEIS to be filed with the Environmental Protection Agency (EPA) and to be available for public, agency, and tribal government comment in the spring of 2001. At that time, the EPA will publish a notice of availability for the DEIS in the **Federal Register**. The comment period on the DEIS will be 90 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the DEIS must participate in the environmental review of the proposal in such a way that their participation is meaningful and alerts an agency to the reviewer's position and contentions; *Vermont Yankee Nuclear Power Corp.* v. *NRDC.* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but are not raised until after completion of the Final Environmental Impact Statement (FEIS) may be waived or dismissed by the courts; *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.*, v. *Harris*, 490 F.Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the three-month comment period, so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

To assist the Forest Service in identifying and considering issues and concerns relating to the proposed actions, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statements. In addressing these points, reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3.

After the comment period on the DEIS ends, comments will be analyzed, considered, and responded to by the Forest Service in preparing the Final EIS. The FEIS is scheduled to be completed in the summer of 2002. The responsible official will consider the comments, responses, environmental consequences discussed in the FEIS, and applicable laws, regulations and policies in making decisions regarding these revisions. The responsible official will document the decisions and reasons for the decisions in a Record of Decision for the revised Plan. The decision will be subject to appeal in accordance with 36 CFR 217.

Dated: September 15, 1999.

Lyle Laverty,

Regional Forester, Rocky Mountain Region, USDA Forest Service.

[FR Doc. 99–24758 Filed 9–22–99; 8:45 am]

BILLING CODE 3410–DS–M

DEPARTMENT OF AGRICULTURE

Notice of Transfer of Jurisdiction

AGENCY: USDA—Forest Service.

ACTION: Transfer of jurisdiction of certain lands within the boundaries of Dutch John, UT, to the United States Postal Service.

SUMMARY: On June 24, 1999, Jeanne A. Evenden, Director of Lands, Regional Office, Intermountain Region, signed a Transfer Order transferring jurisdiction of 0.36 acre of land within the Townsite of Dutch John, Utah, Ashley National Forest, to the United States Postal Service.

This action is in compliance with Section 6 of the Dutch John Federal Property Disposition and Assistance Act of 1998 (Pub. L. 105–326).

Copies of the Transfer Order are available for public inspection at the Chief's Office, Forest Service, U.S. Department of Agriculture, Auditors Building, 201 14th Street, SW at Independence Ave., SW, Washington, DC 20250, or the Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078.

Dated: September 15, 1999.

Jack A. Blackwell,

Regional Forester, Intermountain Region, USDA Forest Service, 324 25th Street, Ogden, UT 84401, (801) 625–5605.

[FR Doc. 99–24824 Filed 9–22–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Performance Review Board; Membership

The following individuals are eligible to serve on the Performance Review Board in accordance with the Economic Development Administration's Senior Executive Service Performance Appraisal System.

William Day
Pedro Garza
Michael Levitt
Ella Rusinko
Robert Sawyer

Vicki G. Brooks,

Executive Secretary, Economic Development Administration, Performance Review Board.

[FR Doc. 99–24832 Filed 9–22–99; 8:45 am]

BILLING CODE 3510–BS–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

Submission of Comments; Change of Address

Submission of comments to the Foreign-Trade Zones Board should hereafter be directed to Room 4008, rather than to Room 3716, as indicated in previous notices. The Foreign-Trade Zones Board office has moved from Room 3716 to Room 4008, and all comments and other correspondence to the FTZ Board should be submitted to: Foreign-Trade Zones Board, U.S. Department of Commerce, 14th & Pennsylvania Avenue NW, Room 4008, Washington, D.C. 20230.

Dated: September 17, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–24831 Filed 9–22–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–602]

Preliminary Results of Full Sunset Review: Industrial Phosphoric Acid From Belgium

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of full sunset review: Industrial phosphoric acid from Belgium.

SUMMARY: On March 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on industrial phosphoric acid from Belgium (64 FR 9970) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate filed on behalf of domestic interested parties and adequate substantive comments filed on behalf of domestic and respondent

interested parties, the Department determined to conduct a full review. As a result of this review, the Department preliminarily finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels indicated in the Preliminary Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Darla D. Brown or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–3207 or (202) 482–1560, respectively.

EFFECTIVE DATE: September 23, 1999.

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*") and 19 CFR Part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Scope

The merchandise subject to this antidumping duty order is industrial phosphoric acid ("IPA") from Belgium. IPA is currently classifiable under item number 2809.20.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description remains dispositive.

History of the Order

The Department published its final determination of sales at less than fair value ("LTFV") with respect to IPA from Belgium on July 7, 1987 (52 FR 25436). In this determination, the Department published a weighted-average dumping margin for one company as well as an "all others" rate. On August 20, 1987, the Department issued the antidumping duty order on IPA from Belgium (52 FR 31439). Since the order, four administrative reviews have been conducted.[1] In each of these reviews, the Department published one company-specific weighted-average dumping margin, as well as an "all others" rate. The order remains in effect for the sole known exporter of IPA from Belgium. We note that, to date, the Department has not issued any duty absorption findings in this case.

Background

On March 1, 1999, the Department initiated a sunset review of the antidumping order on IPA from Belgium (64 FR 9970), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate from Albright and Wilson Americas Inc., Solutia Inc. (formerly part of the Monsanto Company), and FMC Corporation (collectively, the "domestic interested parties") on March 15, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. Pursuant to 19 U.S.C. 1677(9)(C), the domestic interested parties claimed interested party status as domestic producers of IPA. Moreover, the domestic interested parties stated that FMC and Monsanto were petitioners in the original antidumping investigation. The Department received a complete substantive response from the domestic interested parties on March 31, 1999, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i).

The Department also received a complete substantive response on behalf of Societe Chimique Prayon-Rupel, S.A. ("Prayon") on March 31, 1999, within the deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). Prayon claimed interested party status under 19 U.S.C. 1677(9)(A) as a manufacturer and exporter of IPA to the United States. In its substantive response, Prayon stated that it participated in the original investigation and all of the subsequent administrative reviews. The Department determined that Prayon's response constituted an adequate response to the notice of initiation. As a result, the Department determined, in accordance with section 351.218(e)(2) of the *Sunset Regulations*, to conduct a full (240 day) review.

On April 8, 1999, the Department received rebuttal comments from the domestic interested parties.[2]

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a sunset review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). On June 25, 1999, the Department determined that the sunset review of the antidumping duty order on IPA from Belgium is extraordinarily complicated pursuant to section 751(c)(5)(C)(v) of the Act, and extended the time limit for completion of the preliminary results of this review until not later than September 17, 1999, in accordance with section 751(c)(5)(B) of the Act.[3]

Determination

In accordance with section 751(c)(1) of the Act, the Department is conducting this review to determine whether revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping. Section 752(c) of the Act provides that, in making this determination, the Department shall consider the weighted-average dumping margins determined in the investigation and subsequent reviews and the volume of imports of the subject merchandise for the period before and the period after the issuance of the antidumping order, and shall provide to the International Trade Commission ("the Commission") the magnitude of the margin of dumping likely to prevail if the order was revoked.

The Department's determinations concerning continuation or recurrence of dumping and the magnitude of the margin are discussed below. In addition, parties' comments with respect to continuation or recurrence of dumping and the magnitude of the margin are addressed within the respective sections below.

Continuation or Recurrence of Dumping

Interested Parties' Comments

In their substantive response, the domestic interested parties argue that

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[1] *See Final Results of Antidumping Administrative Review; Industrial Phosphoric Acid from Belgium*, 61 FR 20227 (May 6, 1996); *Final Results of Antidumping Administrative Review; Industrial Phosphoric Acid from Belgium*, 61 FR 51424 (October 2, 1996); *Final Results of Antidumping Administrative Review; Industrial Phosphoric Acid from Belgium*, 62 FR 41359 (August 1, 1997); and *Final Results of Antidumping Administrative Review; Industrial Phosphoric Acid from Belgium*, 63 FR 55087 (October 14, 1998).

[2] On April 1, 1999, the Department received and granted a request from the domestic interested parties for a three working-day extension of the deadline for filing rebuttal comments in this sunset review. This extension was granted for all participants eligible to file rebuttal comments in this review. The deadline for filing rebuttals to the substantive comments therefore became April 8, 1999.

[3] *See Industrial Phosphoric Acid from Israel (C–508–605) and Industrial Phosphoric Acid from Belgium (A–423–602): Extension of Time Limit for Final [sic] Results of Five-Year Reviews*, 64 FR 34189 (June 25, 1999).

revocation of the antidumping duty order would likely result in the continuation or recurrence of dumping of IPA (*see* March 31, 1999, Substantive Response of the domestic interested parties at 6). They maintain that historical experience clearly supports a decision to continue the current order. More specifically, the domestic interested parties assert that the behavior of Prayon before and after the issuance of the order indicates that were the order revoked, dumping would likely continue. For example, they argue that imports fell sharply in 1987, the year the order was issued. In 1988, imports again declined, followed by a complete cessation in 1989 (*see id.* at 9 and Attachment C). Moreover, the domestic interested parties state that Prayon essentially remained outside of the U.S. market until 1994; even upon returning to the market, Prayon's imports have remained significantly below pre-order shipment levels (*see id.* at 11). As a result, the domestic interested parties conclude that, consistent with the *Sunset Policy Bulletin*, it is reasonable to assume that Prayon could not sell in the U.S. market without dumping. Further, citing a letter written by Prayon to its U.S. customers, the domestic interested parties argue that the cessation in imports was the result of a decision made by Prayon because it could not continue shipments in the face of the burden of the antidumping duty order (*see id.* at 9 and Attachment A).

In its substantive response, Prayon argues that revocation of the antidumping duty order would not be likely to lead to continuation or recurrence of dumping of IPA (*see* March 31, 1999, Substantive Response of Prayon at 3). Prayon bases this argument, in part, on the fact that dumping margins have declined steadily throughout the life of the order. Prayon explains its declining margins as follows. First, Prayon states that it suspended sales to the United States shortly after the imposition of the order because of declining IPA prices. Five years later, after price trends reversed, Prayon states that it reentered the U.S. market with sales of IPA. At that time, margins were zero (1993–94 administrative review). Subsequently, relative prices temporarily changed again as the value of the Belgian franc rose sharply vis-a-vis the dollar, and a company-specific margin of 11.36% therefore reappeared in the 1994–1995 administrative review. Since that review, margins have declined for the subsequent two administrative reviews. Moreover, Prayon states that it anticipates that margins will decline still further when the Department completes its review for the 1997–1998 administrative review (*see id.* at 4).

Moreover, Prayon argues that it has never held more than a very small share of the U.S. market for IPA. Therefore, Prayon argues, whether its sales have been at LTFV has been determined by prevailing prices in the U.S. and Belgian markets for IPA, and relative currency values (*see id.* at 3).

Prayon also maintains that there have been significant changes in the United States IPA market. As a result of these changes, pricing in the market has firmed, argues Prayon. Therefore, Prayon maintains that since the 14.67 percent margin found the in the original investigation predates these changes in the market and the industry, it does not provide a reasonable basis on which to predict the future (*see id.* at 5).

Prayon further argues that although the *Policy Bulletin* states that declining margins alone normally do not qualify as grounds for a determination of no likelihood, the recent declining value of the Belgian franc vis-a-vis the U.S. dollar provides additional evidence for such a determination as well as reason for considering that, in the circumstances of this case, the declining margins indicate that revocation is not likely to lead to continuation or recurrence of dumping (*see id.* at 4). In other words, Prayon appears to be arguing that differences in the dumping margins found in administrative reviews were primarily the result of fluctuations in currency exchange rates. Therefore, since the Belgian franc has weakened against the dollar in recent years, Prayon expects margins to decline. Quoting the Statement of Administrative Action ("the SAA"), H.R. Doc. No. 103–316, vol. 1 (1994), at 889–90, Prayon also argues that its declining dumping margins accompanied by steady or increasing imports may indicate that foreign companies do not have to dump to maintain market share in the United States and that dumping is less likely to continue or recur if the order is revoked (*see id.* at 5–6). In sum, Prayon asserts that both of these conditions (*i.e.*, declining margins and steady or increasing imports) are satisfied in this case.

In their rebuttal comments, the domestic interested parties argue that the volume of imports of IPA subject to the order has not remained steady or increased over the life of the order. On the contrary, argue the domestic interested parties, Prayon's volume of sales decreased after the issuance of the order and have not regained pre-order levels (*see* April 8, 1999, rebuttal comments of the domestic interested parties at 4–5). Moreover, the domestic interested parties address Prayon's comments regarding the changes in the United States IPA market. They argue that it is precisely because those changes have occurred that the Department should recommend the original dumping margin as the margin likely to prevail if the order is revoked. They assert that many of the changes in the United States IPA market since the time of the original investigation are the direct result of the order and would not have occurred without the protection from unfair imports that the order has provided (*see id.* at 6).

Therefore, the conclusion drawn by the domestic interested parties is that Prayon cannot sell IPA in the U.S. market without dumping, and, were the antidumping order on IPA from Belgium revoked, Prayon would be likely to continue and expand sales to the United States at less than fair value. Moreover, they conclude that the dumping margin of 14.67 percent found in original investigation is the only margin available that reflects Prayon's behavior without the discipline of the order in place (*see id.* at 5, 7).

Department's Determination

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act ("URAA"), specifically the SAA, the House Report, H.R. Rep. No. 103–826, pt. 1 (1994), and the Senate Report, S. Rep. No. 103–412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the basis for likelihood determinations. The Department clarified that determinations of likelihood will be made on an order-wide basis (*see* section II.A.2 of the *Sunset Policy Bulletin*). In addition, the Department indicated that it will normally determine that revocation of an antidumping order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly (*see* section II.A.3).

Consistent with section 752(c) of the Act, the Department considered whether dumping continued at any level above *de minimis* after the issuance of the order. In the 1993–94 review (the first administrative review) the Department

determined that the dumping margin for Prayon was zero (61 FR 20227). In the subsequent three administrative reviews conducted, however, the Department calculated dumping margins above *de minimis* for Prayon. As for Prayon's assertion that it expects dumping margins to decline in the future based on the weakened Belgian franc vis-a-vis the dollar, the Department cannot anticipate future exchange rates, and therefore, cannot rely on Prayon's statement in making a determination.

In addition, consistent with section 752(c) of the Act, the Department also considered whether imports of the subject merchandise ceased after the issuance of the order. Utilizing U.S. Census data, the Department agrees with the domestic interested parties that imports of IPA decreased sharply following the issuance of the order and have only occurred in intermittent years, and even then, at levels significantly below pre-order levels. However, imports of the subject merchandise from Belgium have continued throughout the life of the order.[4]

Therefore, given that dumping has continued over the life of the order and import volumes declined significantly following the imposition of the order, the Department preliminarily determines that dumping is likely to continue were the order revoked.

Magnitude of the Margin

Interested Parties' Comments

The domestic interested parties argue that the Department should adhere to its normal procedure and report to the Commission the dumping margin of 14.67 percent calculated in the original investigation since that is the only calculated rate that reflects the behavior of exporters without the discipline of the order in place. They argue that the most recent margin calculated for Prayon, 4.35 percent, is not a true indication of Prayon's actions as it reflects Prayon's pricing practices with the antidumping order in place (*see* March 31, 1999, Substantive Response of the domestic interested parties at 13). Moreover, they argue, that the 4.35 percent margin is for a period in which imports from Prayon were less than half of what they had been prior to the issuance of the order. Therefore, they argue, the 4.35 percent margin clearly should not be used (*see id.*).

Prayon argues that should the Department determine that, were the order revoked, dumping is likely to continue or recur, the Department should find that a dumping margin no higher than the margin found in the current review is likely to prevail (*see* March 31, 1999, Substantive Response of Prayon at 6). Here, Prayon is apparently referring to the dumping margin of 4.35 percent calculated in the 1996–97 administrative review.[5]

Department's Determination

In the *Sunset Policy Bulletin*, the Department stated that it normally will provide to the Commission the margin that was determined in the final determination in the original investigation. Further, for companies not specifically investigated or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the "all others" rate from the investigation. (*See* section II.B.1 of the *Sunset Policy Bulletin*.) Exceptions to this policy include the use of a more recently calculated margin, where appropriate, and consideration of duty absorption determinations. (*See* sections II.B.2 and 3 of the *Sunset Policy Bulletin*.)

The Department agrees with the domestic interested parties. Section II.B.2 of the *Sunset Policy Bulletin* states that if dumping margins have declined over the life of an order and imports have remained steady or increased, the Department may conclude that exporters are likely to continue dumping at the lower rates found in a more recent review. However, in this case, imports of the subject merchandise from Belgium have fluctuated over the life of the order but have never regained their pre-order levels. Therefore, we preliminarily determine that the margin from the Department's original investigation is probative of the behavior of Belgian producers and exporters of industrial phosphoric acid if the order were revoked because that is the only calculated rate which reflects the behavior of exporters without the discipline of the order in place. We will report to the Commission the company-specific and "all others" rates from the original investigation contained in the Preliminary Results of Review section of this notice.

Preliminary Results of Review

As a result of this review, the Department preliminarily finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the margins listed below:

Manufacturer/exporter	Margin (percent)
Prayon	14.67
All Others	14.67

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held on November 17, 1999. Interested parties may submit case briefs no later than November 8, 1999, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than November 15, 1999. The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such comments, no later than January 25, 2000.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: September 17, 1999.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24828 Filed 9–22–99; 8:45 am]

BILLING CODE 3510–DS–P

[4] The Department bases this determination on information submitted by the domestic interested parties in their March 31, 1999, submission, as well as U.S. IM146 Reports, U.S. Department of Commerce statistics, U.S. Department of Treasury statistics, and information obtained from the U.S. International Trade Commission.

[5] *See Industrial Phosphoric Acid from Belgium; Final Results of Antidumping Duty Administrative Review*, 63 FR 55087 (October 14, 1998).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–504]

Continuation of Antidumping Duty Order: Petroleum Wax Candles From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of continuation of antidumping duty order: Petroleum wax candles the People's Republic of China.

SUMMARY: On June 17, 1999, the Department of Commerce ("the Department"), pursuant to sections 751(c) and 752 of the Tariff Act from 1930, as amended ("the Act"), determined that revocation of the antidumping duty order on petroleum wax candles from the People's Republic of China ("China") would be likely to lead to continuation or recurrence of dumping (64 FR 32481 (June 17, 1999)). On September 8, 1999, the International Trade Commission ("the Commission"), pursuant to section 751(c) of the Act,

determined that revocation of the antidumping duty order on petroleum wax candles from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (64 FR 48851 (September 8, 1999). Therefore, pursuant to 19 CFR 351.218(f)(4) the Department is publishing notice of the continuation of the antidumping duty order on petroleum wax candles from China.

FOR FURTHER INFORMATION CONTACT: Scott G. Smith or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482–6397 or (202) 482–1560, respectively.

EFFECTIVE DATE: September 23, 1999.

Background

On January 4, 1999, the Department initiated, and the Commission instituted, a sunset review (64 FR 364 and 64 FR 365, respectively) of the antidumping duty order on petroleum wax candles from China pursuant to section 751(c) of the Act. As a result of this review, the Department found that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the order to be revoked (*see Final Results of Expedited Sunset Review: Petroleum Wax Candles from the People's Republic of China*, 64 FR 32481 (June 17, 1999)).

On September 8, 1999, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on petroleum wax candles from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (*see Petroleum Wax Candles from the People's Republic of China*, 64 FR 48851 (September 8, 1999) and USITC Pub. 3226 , Inv. No. 731–TA–282 (Review) (August 1999)).

Scope

The products covered by this order are certain scented or unscented petroleum wax candles made from petroleum wax and having fiber or paper-cored wicks. They are sold in the following shapes: tapers, spirals and straight-sided dinner candles; rounds, columns, pillars, votives; and various wax-filled containers. The products were classified under the Tariff Schedules of the United States (TSUS) item 755.25, Candles and Tapers. The products are currently classified under the Harmonized Tariff Schedule ("HTS") item number 3406.00.00. The written description remains dispositive.

For a complete description of scope clarifications *see* Appendix A to the Department's final results of sunset review.

Determination

As a result of the determinations by the Department and the Commission that revocation of this antidumping duty order would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on petroleum wax candles from China. The Department will instruct the U.S. Customs Service to continue to collect antidumping duty deposits at the rate in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of this order will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to sections 751(c)(2) and 751(c)(6)(A) of the Act, the Department intends to initiate the next five-year review of this order not later than August 2004.

Dated: September 19, 1999.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24829 Filed 9–22–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–059]

Continuation of Antidumping Finding: Pressure Sensitive Plastic Tape From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of continuation of antidumping finding: Pressure sensitive plastic tape from Italy.

SUMMARY: On January 6, 1999, the Department of Commerce ("the Department"), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended ("the Act"), determined that revocation of the antidumping finding on pressure sensitive plastic tape from Italy would likely lead to continuation or recurrence of dumping (64 FR 853 (January 6, 1999)). On February 10, 1999, the International Trade Commission ("the Commission"), pursuant to section 751(c) of the Act, determined that revocation of the antidumping finding on pressure sensitive plastic tape from Italy would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (64 FR 6681 (February 10, 1999)). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of the continuation of the antidumping finding on pressure sensitive plastic tape from Italy.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW, Washington, D.C. 20230; telephone: (202) 482–5050 or (202) 482–1560, respectively.

EFFECTIVE DATE: February 17, 1999.

Background

On September 1, 1998, the Department initiated, and the Commission instituted, a sunset review (63 FR 46410 and 63 FR 46475, respectively) of the antidumping finding on pressure sensitive plastic tape from Italy pursuant to section 751(c) of the Act. As a result of its review, the Department found that revocation of the antidumping finding would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the finding to be revoked (*see Final Results of Expedited Sunset Review: Pressure Sensitive Plastic Tape from Italy*, 64 FR 853 (January 6, 1999)).

On February 10, 1999, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping finding on pressure sensitive plastic tape from Italy would likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (*see Pressure Sensitive Plastic Tape from Italy*, 64 FR 6681 (February 10, 1999) and USITC Pub. 3157, Inv. No. AA1921–167 (Review) (February 1999)).

Scope

The merchandise covered by this antidumping finding is shipments of pressure sensitive plastic tape ("PSPT") measuring over 1 3/8 inches in width and not exceeding 4 mils in thickness from Italy. The above described PSPT is classified under HTS subheadings 3919.90.20 and 3919.90.50. The HTS

subheadings are provided for convenience and for U.S. Customs purposes. The written description remains dispositive.

Determination

As a result of the determinations by the Department and the Commission that revocation of this antidumping finding would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping finding on pressure sensitive plastic tape from Italy. The Department will instruct the U.S. Customs Service to continue to collect antidumping duty deposits at the rate in effect at the time of entry for all imports of subject merchandise. Pursuant to section 751(c)(6)(A)(iii) of the Act, any subsequent five-year review of this finding will be initiated not later than the fifth anniversary of the effective date of continuation of this finding.

Normally, the effective date of continuation of a finding, order, or suspension agreement will be the date of publication in the **Federal Register** of the Notice of Continuation. As provided in 19 CFR 351.218(f)(4), the Department normally will issue its determination to continue a finding, order, or suspended investigation not later than seven days after the date of publication in the **Federal Register** of the Commission's determination concluding the sunset review and immediately thereafter will publish its notice of continuation in the **Federal Register**. In the instant case, however, the Department's publication of the Notice of Continuation was delayed. The Department has explicitly indicated that the effective date of continuation of this finding is February 17, 1999, seven days after the date of publication in the **Federal Register** of the Commission's determination. As a result, pursuant to sections 751(c)(2) and 751(c)(6)(A) of the Act, the Department intends to initiate the next five-year review of this finding not later than January 2004.

Dated: September 17, 1999.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24830 Filed 9–22–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of revocation of Export Trade Certificate of Review No. 88–00011.

SUMMARY: The Secretary of Commerce issued an export trade certificate of review to Abdullah Diversified Marketing, Inc. ("ADMI"). Because this certificate holder has failed to file an annual report as required by law, the Secretary is revoking the certificate. This notice summarizes the notification letter sent to ADMI.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97–290, 15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325 (1999). Pursuant to this authority, a certificate of review was issued on October 19, 1988 to ADMI.

A certificate holder is required by law to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate (Section 308 of the Act, 15 U.S.C. 4018, Section 325.14(a) of the Regulations, 15 CFR 325.14(a)). The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (Section 325.14(b) of the Regulations, 15 CFR 325.14(b)). Failure to submit a complete annual report may be the basis for revocation (Sections 325.10(a)(3) and 325.14(c) of the Regulations, 15 CFR 325.10(a)(3) and 325.14(c)).

On October 9, 1998, the Department of Commerce sent to ADMI a letter containing annual report questions with a reminder that its annual report was due on December 3, 1998. Additional reminders were sent on February 10, 1999 and on March 16, 1999. The Department has received no written response from ADMI to any of these letters.

On August 11, 1999, and in accordance with Section 325.10(c)(1) of the Regulations, (15 CFR 325.10 (c)(1)), the Department of Commerce sent a letter by certified mail to notify ADMI that the Department was formally initiating the process to revoke its certificate for failure to file an annual report. In addition, a summary of this letter allowing ADMI thirty days to respond was published in the **Federal Register** on August 17, 1999 at 64 FR 44689. Pursuant to section 325.10(c)(2) of the Regulations (15 CFR 325.10 (c)(2)), the Department considers the failure of ADMI to respond to be an admission of the statements contained in the notification letter.

The Department has determined to revoke the certificate issued to ADMI for its failure to file an annual report. The Department has sent a letter, dated September 17, 1999, to notify ADMI of its determination. The revocation is effective thirty (30) days from the date of publication of this notice. Any person aggrieved by this decision may appeal to an appropriate U.S. district court within 30 days from the date on which this notice is published in the **Federal Register** (325.10(c)(4) and 325.11 of the Regulations, 15 CFR 324.10(c)(4) and 325.11 of the Regulations, 15 CFR 325.10(c)(4) and 325.11).

Dated: September 17, 1999.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 99–24774 Filed 9–22–99; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[I.D. 091799D]

Notice of Intent To Prepare an Environmental Impact Statement To Allow Incidental Take of Multiple Species by Non-Industrial Private Forest Landowners in Lewis County, Washington

AGENCIES: National Marine Fisheries Service, NOAA, Commerce; U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of intent to conduct public scoping and prepare an environmental document.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services) are providing notice that they intend to gather information necessary

for the preparation of an Environmental Impact Statement (EIS). The EIS will analyze options for issuing permits to numerous landowners to potentially take federally listed species, under the provisions of section 10(a)(1)(B) and/or 10(a)(1)(A) of the Endangered Species Act (ESA). The EIS will address the impacts associated with the proposed action, and other alternatives for forest management by nonindustrial private landowners.

The Services are furnishing this notice to advise other agencies and the public of our intentions and to announce the scheduling of public meetings for scoping. The public is encouraged to attend a public meeting or provide written comments on the scope of the issues and potential alternatives to be included in the EIS.

DATES: Written comments regarding the scope of the EIS should be received on or before October 25, 1999. Public meetings will be held on September 22, and 23, 1999.

ADDRESSES: Written comments should be addressed to Mark Ostwald, FWS Habitat Conservation Planning Program, 510 Desmond Drive SE, Suite 101, Lacey, Washington 98503. Comments received will be available for public inspection by appointment during normal business hours (8 a.m. to 5 p.m., Monday through Friday) at the address above. Public meetings are scheduled to be held at the following locations and times: Lacey, Washington, on September 22, 1999, at the FWS/NMFS office on the St. Martins Campus at 510 Desmond Dr. SE (Sawyer Hall) from 3:00–5:00 pm and 6:30–8:30 pm; and in Chehalis, Washington on September 23, 1999, at Meeting Room #2, Lewis County Courthouse Annex, 345 West Main Street from 3:00–5:00 pm and 6:30–8:30 pm.

FOR FURTHER INFORMATION CONTACT: Mark Ostwald, FWS Habitat Conservation Planning Program, (360) 534–9330.

SUPPLEMENTARY INFORMATION: This multi-party planning effort would result in one Habitat Conservation Plan (Plan) and an EIS that addresses effects of issuing numerous permits to landowners engaged in forest management activities. The Plan is expected to include several options available for landowners toward achieving a specified desired future condition in Lewis County. It is expected that the Plan and the EIS would address these actions within the constraints of: (1) A specified portion of Lewis County; (2) a restricted number of individual permits; (3) a limited amount of total acreage included under each permit; (4) a limited time frame; and (5) addressing a biologically based number of listed and unlisted species.

The Plan will evaluate the potential incidental take of several listed species, such as the northern spotted owl (*occidentalis caurina*) and bald eagle (*Haliaeetus leucocephalus*), which could occur as a result of timber harvest and related activities. The Plan will also likely address other unlisted fish and wildlife species. This effort is considered to be a pilot project to test the feasibility of addressing long term forest management practices and alternatives for many small landowners in Lewis County, relative to ESA regulations.

The Services are considering the use of incidental take permits under section 10(a)(1)(B) of the ESA, as well as potential use of Safe Harbor and/or Candidate Conservation Agreements under section 10(a)(1)(A). Options to link the Federal permit to State forest practices permitting processes will be explored. It is also intended that this Plan could be used in association with other incentives to encourage and retain sound stewardship of forest land for the long term.

This notice is provided pursuant to ESA and NEPA regulations. Through development of a joint EIS, this process would comply with the requirements of the Washington State Environmental Policy Act. The Services are soliciting public comments on this proposal and a full range of alternatives. As a further opportunity for interested persons to comment on these and other issues associated with this planning effort, scoping workshops have been scheduled (see **DATES** and **ADDRESSES**). Interested parties may contact FWS at the address listed to receive additional information, including maps for the workshop locations.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S. C. 4321 *et seq.*), National Environmental Policy Act Regulations (40 CFR 1500–1508), other appropriate Federal laws and regulations, and policies and procedures of the Services for compliance with those regulations.

Dated: August 27, 1999.

Thomas Dwyer,

Acting Regional Director, Fish and Wildlife Service.

Dated: September 17, 1999.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–24737 Filed 9–17–99; 5:07 pm]

BILLING CODE 3510–22–P, 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service

[I.D. 091799E]

Notice of Intent to Prepare an Environmental Impact Statement Regarding Proposed Issuance of an Incidental Take Permit to the Washington Department of Fish and Wildlife for All Activities in the State of Washington Associated with Their Hydraulic Project Approval Program.

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce; Fish and Wildlife Service, Interior.

ACTION: Notice of Intent to Conduct Public Scoping and Prepare an Environmental Impact Statement.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) (collectively, the Services) intend to prepare an Environmental Impact Statement (EIS) related to the proposed issuance of an Incidental Take Permit (Permit) to the Washington Department of Fish and Wildlife (WDFW) for all activities in the State of Washington associated with their Hydraulic Project Approval (HPA) program. The proposed Permit would authorize take of Federally listed fish and shellfish species in accordance with the Endangered Species Act of 1973, as amended (ESA) and certain other unlisted fish and shellfish species should they be listed in the future. As required by the ESA, the applicant is preparing a Habitat Conservation Plan (Plan). The Permit application is related to the state-wide issuance of HPAs for activities that will alter the natural flow or bed of any salt or fresh waters of the State. The Services, with WDFW, are preparing the EIS as a joint document in

accordance with NEPA and the Washington State Environmental Policy Act.

The Services are furnishing this notice to advise other agencies and the public of our intentions and to announce the initiation of a 60-day public scoping period during which other agencies and the public are invited to provide written comments on the scope of issues and potential alternatives to be included in the EIS.

DATES: Written comments must be received on or before November 22, 1999. Public hearings have been scheduled (see **SUPPLEMENTARY INFORMATION** for dates, times, and locations).

ADDRESSES: Comments and requests for additional information should be sent to the HPA HCP Project, WDFW Habitat Program, 600 Capitol Way North, MS 43200, Olympia, Washington 98501–1091, E-mailed to HPAHCPComments@dfw.wa.gov or submitted on-line via the WDFW web site, http://www.wa.gov/wdfw/. From this site, click on "Habitat Sciences," then to the HPA/HCP Project under "Permits and Regulations." Select the draft document to which your comments refer, then follow the directions to complete and send the on-screen response form.

FOR FURTHER INFORMATION CONTACT: Tim Romanski, FWS, 510 Desmond Drive, SE, Suite 102, Lacey, Washington 98503–1273, telephone (360) 753–5823, facsimile (360) 534–9331; or Gordon Zillges, NMFS, 510 Desmond Drive, SE, Suite 103, Lacey, Washington 98503–1273, telephone (360) 753–9090, facsimile (360) 453–9517.

SUPPLEMENTARY INFORMATION: WDFW is responsible under State law for the protection of Washington State's fish and wildlife resources. Chapter 75.20 Revised Code of Washington directs WDFW to review, and approve as appropriate, hydraulic projects or other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the State, to ensure the proper protection of fish and shellfish life. The authority under which HPAs are written only applies to fish and shellfish. Standards for fish protection by specific project type are set in Chapter 220–110 Washington Administrative Code. WDFW issues 6,000 to 8,000 HPAs in a typical year.

Each project conducted pursuant to a HPA has the potential to impact fish or shellfish species that are subject to protection under the ESA. Section 10(a)(2)(B) of the ESA contains provisions for the issuance of permits to non-Federal entities for the take of endangered and threatened species, provided the take is incidental to otherwise lawful activities and will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. An applicant for a permit under Section 10 of the ESA must prepare and submit to the Services for approval a Plan containing a strategy for minimizing and mitigating, to the maximum extent practicable, all take associated with the proposed activities. The applicant must also ensure that adequate funding for the proposed Plan will be provided.

WDFW has initiated discussions with the Services regarding the possibility of a permit and associated programmatic Plan for the activities associated with HPA issuance throughout the State. The proposed Plan is expected to encompass all HPA types and forms issued by WDFW and will address impacts to all Federal proposed or listed fish or shellfish species in Washington State waters.

The Services will conduct an environmental review of the Plan and prepare an EIS. The environmental review will analyze the proposal as well as a full range of reasonable alternatives and the associated impacts of each. The Services and WDFW are currently in the process of developing alternatives for analysis. Alternatives thus far include a No Action Alternative and one Plan Alternative. Under the No Action Alternative, WDFW would not have incidental take coverage for HPAs issued. The applicant's Plan Alternative proposes that WDFW implement the proposed Plan throughout the State and the Services issue incidental take permits. The scoping process will be used to develop additional alternatives.

Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to these proposed actions are addressed and that all significant issues are identified. Comments, questions or requests for additional information concerning this proposed action and the environmental review should be directed to the HPA HCP Project, WDFW (see **ADDRESSES**).

Public meetings are scheduled to be held at the following times and locations: October 6, 1999, from 7:00–9:30 p.m., Washington State Capitol Campus, General Administration Building Auditorium, 210 11th Avenue South, Olympia, Washington; October 7, 1999, from 7:00–9:30 p.m.,Central Washington University Student Union Building, Yakima Room, Ellensburg, Washington; October 12, 1999 from 7:00–9:30 p.m., at the Cowlitz County Public Utility District, 961 12th Avenue, Longview, Washington; October 14, 1999, from 7:00–9:30 p.m., at the Everett Community College, Jackson Center, JCR Room, 801 Wetmore Avenue, Everett, Washington; October 19, 1999, from 7:00–9:30 p.m., at the Spokane Falls Community College, Student Union Building in Lounge Rooms A and B, 3410 West Fort George Wright Drive, Spokane, Washington; and October 20, 1999, from 7:00–9:30 p.m., Okanogan Public Utility District, 1331 2nd Avenue North, Okanogan, Washington.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality Regulations (40 CFR 1500–1508), the requirements of the Washington State Environmental Policy Act (Chapter 197–11 WAC and Chapter 43.21C RCW) and of other appropriate Federal laws and regulations and policies and procedures of the Services for compliance with those regulations. We estimate the draft Environmental Impact Statement will be available for public review during December of 2000.

Dated: September 16, 1999.

Cynthia U. Barry,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service, Portland, Oregon.

Dated: September 17, 1999.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–24764 Filed 9–22–99; 8:45 am]

BILLING CODE 3510–22–F, 4310–55–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091399E]

Marine Mammals; File No. 987 (File No. P598)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that Dr. Jim Darling, Box 384, Tofino, B.C., Canada VO4 2Z0, has requested an amendment to scientific research Permit No. 987.

DATES: Written or telefaxed comments must be received on or before October 25, 1999.

ADDRESSES: The amendment request and related documents are available for

review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (562/980–4001); and

Protected Resources Program Manager, Pacific Islands Area Office, NMFS, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814–4700 (808/973–2937).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak or Trevor Spradlin, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 987, issued on January 18, 1996 (61 FR 2232) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 987 authorizes the permit holder to take (i.e., harass) annually up to 1000 humpback whales and 500 humpback whales in Hawaii and Alaska, respectively, during the course of behavioral, photo-identification, and genetic studies, of which up to 200 animals may be biopsy sampled annually. The permittee is now requesting that the permit, including the annual take authorization, be extended for an additional year.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 17, 1999.

Ann Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–24762 Filed 9–22–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091599B]

Marine Mammals; Scientific Research Permit (PHF# 522–1527–00)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Randall S. Wells, Ph.D., Mote Marine Laboratory, 1600 Ken Thompson Parkway, Sarasota, Florida 34236, has applied in due form for a permit to take (*i.e.*, harass) Atlantic bottlenose dolphins (*Tursiops truncatus*)for purposes of scientific research.

DATES: Written comments must be received on or before October 25, 1999.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Southeast Region, 9721 Executive Center Drive, St. Petersburg, FL 33702–2432 (813/570–5312).

Written data or views, or requests for a public hearing on this request, should be submitted to the Director, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this application would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The application requests authorization to harass up to 100 Atlantic bottlenose dolphins (*Tursiops truncatus*) annually in Florida waters during the conduct of photo-identification and biopsy sampling activities. The research will be carried out over a 5-year period.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: Septenber 17, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–24763 Filed 9–22–99; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, October 1, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE DISCUSSED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–24925 Filed 9–21–99; 2:15 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, October 8, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.
STATUS: Closed.
MATTERS TO BE DISCUSSED: Surveillance Matters.
CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 99–24926 Filed 9–21–99; 2:15 pm]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.
TIME AND DATE: 11:00 a.m., Friday, October 15, 1999.
PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.
STATUS: Closed.
MATTERS TO BE DISCUSSED: Surveillance Matters.
CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 99–24927 Filed 9–21–99; 2:15 pm]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.
TIME AND DATE: 11:00 a.m., Friday, October 22, 1999.
PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.
STATUS: Closed.
MATTERS TO BE DISCUSSED: Surveillance Matters.
CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 99–24928 Filed 9–21–99; 2:15 pm]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.
TIME AND DATE: 11:00 a.m., Friday, October 29, 1999.
PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.
STATUS: Closed.
MATTERS TO BE DISCUSSED: Surveillance Matters.
CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 99–24929 Filed 9–21–99; 2:15 pm]
BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 99–29]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.
ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of P.L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 99–29 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 17, 1999.

Patricia L. Toppings,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

Honorable J. Dennis Hastert
Speaker of the House of Representatives, Washington, D.C. 20515–6501.

Dear Mr. Speaker: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 99–29, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services estimated to cost $33 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Michael S. Davison, Jr.,
Lieutenant General, USA, Director.

Attachments

Same ltr to: House Committee on International Relations, Senate Committee on Appropriations, Senate Committee on Foreign Relations, House Committee on National Security, Senate Committee on Armed Services, House Committee on Appropriations.

BILLING CODE 5001–10–M

Transmittal No. 99-29

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Republic of Korea**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 30 million
Other	$ 3 million
TOTAL	$ 33 million

(iii) **Description of Articles or Services Offered: Sixty-four MK 44 Guided Missile Round Pack (GMRP) with Tactical MK 116 BLOCK I Rolling Airframe Missiles (RAM), canisters, spare and repair parts, support and test equipment, U.S. Government and contractor engineering and logistics support services, technical assistance and support, personnel training and training equipment, publications, and other related elements of program support.**

(iv) **Military Department: Navy (AHV)**

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None**

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached**

(vii) **Date Report Delivered to Congress: 8 Sep 1999**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Republic of Korea - MK 44 Guided Missile Round Pack with Tactical MK 116 BLOCK I Rolling Airframe Missiles

The Republic of Korea (ROK) has requested a possible sale of 64 MK 44 Guided Missile Round Pack (GMRP) with Tactical MK 116 BLOCK I Rolling Airframe Missiles (RAM), canisters, spare and repair parts, support and test equipment, U.S. Government and contractor engineering and logistics support services, technical assistance and support, personnel training and training equipment, publications, and other related elements of program support. The estimated cost is $33 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Pacific region.

The ROK will use the RAM for anti-surface self protection on board their KDX-II class ships. The RAM is a purely defensive, short range weapon system intended to protect surface ships against cruise missile attack. The ROK Navy has significant previous and current experience with a variety of modern weapon systems of similar complexity and capability and will have no difficulty absorbing these new missiles into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Raytheon Systems Company, Tucson, Arizona. One or more proposed offset agreements may be related to this proposed sale.

Implementation of this proposed sale will require the assignment of three U.S. Government representatives for approximately nine months in-country during the preparation, equipment installation and equipment test and checkout.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 99-29

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The MK 44 Guided Missile Round Pack (GMRP) Tactical Missiles consists of a MK 116 BLOCK I Rolling Airframe Missiles (RAM) within a MK 8 Launching Canister. The MK 44 GMRP containing the RAM is Unclassified but considered sensitive. If the missile is removed from its sealed launching canister, the missile is considered Confidential. The GMRP is transported in a tri-pack shipping and storage container and is loaded as an All-Up-Round into the launcher. Only in extreme cases would a missile be removed from its canister. Some Secret software is loaded into the missile. Extraction of the Secret software would be difficult. Training, technical services, and documentation are not considered sensitive and are Unclassified.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Korea can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 99–24768 Filed 9–22–99; 8:45 am]
BILLING CODE 5001–01–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 99–33]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of P.L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 99–33 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 17, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Honorable J. Dennis Hastert,
Speaker of the House of Representatives,
Washington, D.C. 20515–6501

Dear Mr. Speaker: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 99–33, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services estimated to cost $80 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Michael S. Davison, Jr.,

Lieutenant General, USA Director.

Attachments

Same ltr to: House Committee on International Relations, Senate Committee on Appropriations, Senate Committee on Foreign Relations, House Committee on National Security, Senate Committee on Armed Services, House Committee on Appropriations

BILLING CODE 5001–10–M

Transmittal No. 99-33

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Kuwait**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 49 million
Other	$ 31 million
TOTAL	$ 80 million

(iii) **Description of Articles or Services Offered: Seven hundred twenty-eight TOW-2B anti-armor guided missiles, 11 lot acceptance missiles, publications, test equipment and other related elements of logistics support.**

(iv) **Military Department: Army (UKH)**

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None**

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached**

(vii) **Date Report Delivered to Congress: 8 Sep 1999**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Kuwait - TOW-2B Anti-Armor Guided Missiles

The Government of Kuwait has requested a possible sale of 728 TOW-2B anti-armor guided missiles, 11 lot acceptance missiles, publications, test equipment and other related elements of logistics support. The estimated cost is $80 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

Kuwait will augment their land forces with these TOW-2B anti-armor guided missiles. This weapon sale will greatly enhance the coalition efforts within the region. Kuwait, which already has TOW-2B missiles in its inventory, will have no difficulty absorbing these additional missiles.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Raytheon Corporation, Mesa, Arizona. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 99-33

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The TOW-2B anti-armor guided missile is a top attack anti-tank missiles. The warhead contains two each tantallum explosively formed penetrators (EFPs). The EFPs provide a much greater amount of behind armor debris than the standard copper shaped charge warheads of the TOW and TOW 2A. The combination of the EFPs characteristics and softer impact points via top attack, result in increased missile lethality.

2. The weapon system detects targets using two sensors, optical and magnetic. The optical sensor contains specific software information which analyzes a target based on known parameters. These parameters must be met before the weapons system will arm. Working in coordination with the optical system is a magnetic sensor which senses the magnetic signature of a target also based on known parameters.

3. The system hardware provided with the sale is Unclassified. However, sensitive technology is contained within the missile system software programs, especially the embedded software in the profilometers and those which instruct the system how to operate in the presence of countermeasures. Sale of the system implies the release of classified Secret information in the area of operating performance of the TOW 2B missile.

4. A determination has been made that Kuwait can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 99–24769 Filed 9–22–99 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).
Date of Meeting: 4–6 October 1999.
Time of Meeting: 0800–1800.
Place: Ft. Sill, Oklahoma.
Agenda: The Army Science Board's (ASB) membership will receive briefings on ongoing studies, plan forthcoming studies and will receive presentations regarding major Army initiatives and issues. These meetings will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please contact Wayne Joyner at (703) 604–7490.

Wayne Joyner,
Program Support Specialist, Army Science Board.

[FR Doc. 99–24825 Filed 9–22–99; 8:45 am]
BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 25, 1999.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 17, 1999.

William E. Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Vocational and Adult Education

Type of Review: Reinstatement.
Title: Grants to States for Training Incarcerated Youth Offenders—State Plan, Data Collection.
Frequency: Three-year plan.
Affected Public: State, local or Tribal Gov't. SEAs and LEAs.
Reporting and Recordkeeping Hour Burden:
Responses: 56.
Burden Hours: 5,040.
Abstract: To receive an award under the Youth Offenders Program, a State Correctional Agency must submit a State plan describing how the program will operate. The data requested from the State is necessary to run the allocation formula.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *OCIO_IMG_Issues@ed.gov* or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Sheila Carey at 202–708–6287 or electronically at her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–24775 Filed 9–22–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education; Notice Establishing Deadlines for the Submission of Request for Waivers That Would Directly Affect School-Level Activities

AGENCY: Department of Education.

ACTION: Notice establishing deadlines for the submission of requests for waivers that would directly affect school-level activities.

SUMMARY: In this notice, the Assistant Secretary for Elementary and Secondary Education establishes deadlines for the submission of waiver requests under sections 14401 and 1113(a)(7) of the Elementary and Secondary Education Act of 1965 (ESEA), section 311(a) of the Goals 2000: Educate America Act, and section 502 of the School-to-Work Opportunities Act of 1994.

DATES: Except in extraordinary circumstances, the following deadlines apply to requests for waivers affecting school-level activities:

Requests for waivers that would be implemented in the semester immediately following January 1, 2000 must be submitted no later than October 15, 1999.

Requests for waivers that would be implemented in the beginning of the 2000–2001 school year must be submitted no later than April 1, 2000.

Applicability

These deadlines apply only to waivers that would directly affect school-level activities. For example, the deadlines would apply to requests for waivers of the Title I targeting provisions or of the minimum poverty threshold required for implementation of a schoolwide program. However, the deadlines would not apply to waivers of requirements relating to the consolidation of administrative funds.

Submission of Waiver Request

Waiver applicants are encouraged to submit their requests as early as possible and not wait until the deadlines to seek waivers. The requests will be reviewed upon receipt.

For purposes of this notice, the submission date is the date that the waiver request is received by the U.S. Department of Education (Department) in substantially approvable form. A waiver request is considered to be in substantially approvable form when it has adequately addressed the applicable statutory criteria governing waivers.

During the period a waiver request is under review by the Department, a waiver applicant must continue to comply with the requirement that is the subject of the waiver request.

ADDRESS FOR SUBMISSION OF REQUESTS: All request for waivers should be submitted to the following address: Assistant Secretary for Elementary and Secondary Education, Attention: Waiver Staff, 400 Maryland Avenue, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Information on waivers may be obtained from the Department's Waiver Assistance Line, (202) 401–7801. Copies of the Department's updated waiver guidance, which provide examples of waivers and describe how to apply for a waiver, are available at this number. The guidance, along with other information on flexibility, is also available at the Department's World Wide Web site at *http://www.ed.gov/flexibility*

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
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To use the PDF you must have the Adobe Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498, or in the Washington, DC areas at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Dated: September 19, 1999.

Judith Johnson,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 99–24719 Filed 9–22–99; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Nationally Recognized Accrediting Agencies and State Approval Agencies

AGENCY: Department of Education.

ACTION: List of Nationally Recognized Accrediting Agencies and State Approval Agencies.

SUMMARY: The U.S. Secretary of Education is required by statute to publish a list of nationally recognized accrediting agencies and State approval agencies (1) whose accreditation or approval is a required element in enabling accredited or approved institutions, programs, or both to establish eligibility to participate in Federal programs and (2) whom the Secretary has determined to be reliable authorities regarding the quality of education or training provided by the institutions or programs these agencies accredit or approve. This document contains the current list of nationally recognized agencies and supersedes any previously published lists of these types of agencies.

FOR FURTHER INFORMATION CONTACT: Karen W. Kershenstein, Director, Accreditation and Eligibility Determination Division, U.S. Department of Education, 400 Maryland Avenue, SW, Room 3012, ROB 3, Washington, DC. 20202–5244. Telephone: (202) 708–7417. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: As required by statute,[1] the Secretary issues the following list of nationally recognized accrediting agencies and State approval agencies that the Secretary has determined to be reliable authorities concerning the quality of education or training provided by the institutions, programs, or both that these agencies accredit or approve. The criteria the Secretary uses in determining whether a particular agency should be listed as a nationally recognized accrediting agency are in 34 CFR Part 602, while the criteria for State approval agencies are in 34 CFR Part 603. The dates in parentheses for each agency are the date of initial listing as a nationally recognized agency, the date of the Secretary's most recent grant of recognition to the agency, and the date of the agency's next scheduled review for continued recognition. The geographical scope of recognition of each accrediting agency is the United States, unless stated otherwise. If the Secretary has placed a limitation on the scope of an agency's recognition for purposes of Title IV of the Higher Education Act of 1965, as amended, that limitation is noted in a "Title IV Note" for that agency.

[1] 20 U.S.C. 1094(c)(4), 1141(a), 1145(c)(3), 1401(a)(11)(E), 2471(25)(D), 4351(3), 25 U.S.C. 1813; 38 U.S.C. 3675(a); 42 U.S.C. 298b(6).

I. Regional Institutional Accrediting Agencies

Middle States Association of Colleges and Schools, Commission on Higher Education (1952/1996/2001). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of institutions of higher education in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, the U.S. Virgin Islands, the Republic of Panama and a limited number of freestanding American-style institutions abroad that are chartered or licensed by an appropriate agency within the Middle States region.

New England Association of Schools and Colleges, Commission on Institutions of Higher Education (1952/1997/2002). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of institutions of higher education in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont that award bachelor's, master's, and/or doctoral degrees as well as associate degree-granting institutions in those states that include degrees in liberal arts or general studies among their offerings. This recognition extends to the Board of Trustees of the Association jointly with the Commission for decisions involving preaccreditation, initial accreditation, and adverse actions.

New England Association of Schools and Colleges, Commission on Technical and Career Institutions (1952/1997/2002). Scope of recognition: the accreditation and preaccreditation ("Candidacy") of secondary institutions with vocational-technical programs at the 13th and 14th level, postsecondary institutions, and institutions of higher education that provide primarily vocational-technical education at the certificate, associate, and baccalaureate degree levels in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. This recognition extends to the Board of Trustees of the Association jointly with the Commission for decisions involving preaccreditation, initial accreditation, and adverse actions. Title IV Note: Any public vocational/technical schools accredited by this agency that offer non-degree, postsecondary education and that wish to use that accreditation to establish eligibility to participate in Title IV programs must be accredited by the agency as offering education through the 13th and/or 14th grade level.

North Central Association of Colleges and Schools, Commission on Institutions of Higher Education (1952/1997/2002). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of degree-granting institutions of higher education in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, Wyoming, and the Navajo Nation.

North Central Association of Colleges and Schools, Commission on Schools (1974/1998/2000). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of schools offering non-degree, postsecondary education in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, Wyoming, and the Navajo Nation. Title IV Note: Only those public vocational/technical schools accredited by this agency that offer non-degree, postsecondary education may use that accreditation to establish eligibility to participate in Title IV programs.

Northwest Association of Schools and Colleges, Commission on Colleges (1952/1997/2002). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of institutions of higher education in Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

Southern Association of Colleges and Schools, Commission on Colleges (1952/1995/2000). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges (1952/1997/2002). Scope of recognition: the accreditation and preaccreditation

("Candidate for Accreditation") of community and junior colleges in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Marianna Islands, and the Republic of the Marshall Islands.

Western Association of Schools and Colleges, Accrediting Commission for Schools (1974/1999/2003). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of adult and postsecondary schools that offer programs below the degree level in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Marianna Islands, and the Republic of the Marshall Islands. Title IV Note: Only adult and postsecondary schools accredited by this agency that offer postsecondary programs below the degree level may use accreditation by this agency to establish eligibility to participate in Title IV programs.

Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities (1952/1995/2000). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of senior colleges and universities in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Marianna Islands, and the Republic of the Marshall Islands.

II. National Institutional and Specialized Accrediting Agencies

Accreditation Board for Engineering and Technology, Inc. (1952/1997/2001). Scope of recognition: the accreditation of basic (baccalaureate) and advanced (master's) level programs in engineering, associate and baccalaureate degree programs in engineering technology, and engineering-related programs at the baccalaureate and master's degree level. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

Accreditation Commission for Acupuncture and Oriental Medicine (1988/1995/2000). Scope of recognition: the accreditation of first-professional master's degree and professional master's level certificate and diploma programs in acupuncture and Oriental medicine. Title IV Note: Only freestanding schools or colleges of acupuncture or Oriental medicine may use accreditation by this agency to establish eligibility to participate in Title IV programs.

Accrediting Association of Bible Colleges, Commission on Accreditation (1952/1996/2001). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of Bible colleges and institutes offering undergraduate programs.

Accrediting Bureau of Health Education Schools (1982/1998/2002). Scope of recognition: the accreditation of private, postsecondary allied health education institutions, private medical assistant programs, public and private medical laboratory technician programs, and allied health programs leading to certificates, diplomas, and the Associate of Applied Science and the Associate of Occupational Science degrees. Title IV Note: Only freestanding allied health education schools may use accreditation by this agency to establish eligibility to participate in Title IV programs.

Accrediting Commission of Career Schools and Colleges of Technology (1967/1995/1999). Scope of recognition: the accreditation of private, postsecondary, non-degree-granting institutions and degree-granting institutions, including those granting associate and baccalaureate degrees, that are predominantly organized to educate students for occupational, trade and technical careers.

Accrediting Commission on Education for Health Services Administration (1970/1995/2000). Scope of recognition: the accreditation of graduate programs in health services administration. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

Accrediting Council for Continuing Education and Training (1978/1997/2002). Scope of recognition: the accreditation of institutions of higher education that offer non-collegiate continuing education programs. Title IV Note: Only those institutions classified by this agency as "vocational" may use accreditation by the agency to establish eligibility to participate in Title IV programs.

Accrediting Council for Independent Colleges and Schools (1956/1995/2000). Scope of recognition: the accreditation of private postsecondary institutions offering business and business-related programs and the accreditation and preaccreditation ("Recognized Candidate") of junior and senior colleges of business (including senior colleges with master's degree programs), as well as independent, freestanding institutions offering only graduate business and business-related programs at the master's degree level. Title IV Note: The only institutions preaccredited by this agency that may use that preaccreditation to establish eligibility to participate in Title IV programs are private, non-profit junior and senior colleges of business and private, non-profit freestanding institutions offering only graduate business and business-related programs at the master's degree level.

Accrediting Council on Education in Journalism and Mass Communications (1952/1996/2001). Scope of recognition: the accreditation of units within institutions offering professional undergraduate and graduate (master's) degree programs in journalism and mass communications. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

American Academy for Liberal Education (1995/1997/2001). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of institutions of higher education and programs within institutions of higher education that offer liberal arts degrees at the baccalaureate level or a documented equivalency. Title IV Note: Only institutions of higher education accredited by this agency may use that accreditation to establish eligibility to participate in Title IV programs.

American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education (1978/1995/2000). Scope of recognition: the accreditation of clinical training programs in marriage and family therapy at the master's, doctoral, and postgraduate levels. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

American Association of Nurse Anesthetists, Council on Accreditation of Nurse Anesthesia Educational Programs (1955/1996/2001). Scope of recognition: the accreditation of institutions and programs of nurse anesthesia at the certificate, master's, or doctoral degree levels. Title IV Note: Only hospital-based nurse anesthesia programs and freestanding nurse anesthesia institutions may use accreditation by this agency to establish eligibility to participate in Title IV programs.

American Bar Association, Council of the Section of Legal Education and Admissions to the Bar (1952/1997/2000). Scope of recognition: the

accreditation of law schools. Title IV Note: Only freestanding law schools may use accreditation by this agency to establish eligibility to participate in Title IV programs.

American Board of Funeral Service Education, Committee on Accreditation (1972/1997/2002). Scope of recognition: the accreditation of institutions and programs awarding diplomas, associate degrees and bachelor's degrees in funeral service or mortuary science. Title IV Note: Only freestanding schools or colleges of funeral service or mortuary science may use accreditation by this agency to establish eligibility to participate in Title IV programs.

American College of Nurse-Midwives, Division of Accreditation (1982/1995/2000). Scope of recognition: the accreditation and preaccreditation ("Preaccreditation") of basic certificate and graduate nurse-midwifery education programs for registered nurses, as well as the accreditation and preaccreditation of pre-certification nurse-midwifery education programs. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

American Council on Pharmaceutical Education (1952/1995/2000). Scope of recognition: the accreditation and preaccreditation ("Precandidate" and "Candidate") of professional degree programs in pharmacy leading to the degrees of Baccalaureate in Pharmacy and Doctor of Pharmacy. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

American Dental Association, Commission on Dental Accreditation (1952/1995/2000). Scope of recognition: the accreditation of predoctoral dental education programs (programs leading to the D.D.S of D.M.D degree); dental auxiliary education programs (dental assisting, dental hygiene and dental laboratory technology); and advanced dental educational programs (general practices residency, advanced general dentistry, and the specialties of dental public health, endodontics, oral pathology, orthodontics, oral and maxillofacial surgery, pedodontics, periodontics, and prosthodontics). Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

The American Dietetic Association, Commission on Accreditation/Approval for Dietetics Education (1974/1996/2001). Scope of recognition: the accreditation of coordinated programs in dietetics at both the undergraduate and graduate level, postbaccalaureate dietetic internships, and dietetic technician programs at the associate degree level. Title IV Note: Only postbaccalaureate dietetic internship programs may use accreditation by this agency to establish eligibility to participate in Title IV programs.

American Occupational Therapy Association, Accreditation Council for Occupational Therapy Education (1952/1995/2000). Scope of recognition: the accreditation of entry-level professional occupational therapy educational programs awarding baccalaureate degrees, post-baccalaureate certificates, professional master's degrees, and combined baccalaureate/master's degrees, and also for the accreditation of occupational therapy assistant programs leading to an associate degree or certificate. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

American Optometric Association, Council on Optometric Education (1952/1997/2001). Scope of recognition: the accreditation and preaccreditation ("Reasonable Assurance" and "Preliminary Approval" {for professional degree programs} and "Candidacy Pending" {for optometric residency programs in Veterans' Administration facilities}) of professional optometric degree programs, optometric residency programs, and optometric technician (associate degree) programs. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

American Osteopathic Association, Bureau of Professional Education (1952/1995/2000). Scope of recognition: the accreditation and preaccreditation ("Provisional Accreditation") of freestanding institutions of osteopathic medicine and programs leading to the degree of Doctor of Osteopathy or Doctor of Osteopathic Medicine. Title IV Note: Only freestanding schools or colleges of osteopathic medicine may use accreditation by this agency to establish eligibility to participate in Title IV programs.

American Physical Therapy Association, Commission on Accreditation in Physical Therapy Education (1977/1996/2001). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation" status) of programs for the preparation of physical therapists and physical therapist assistants. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

American Podiatric Medical Association, Council on Podiatric Medical Education (1952/1995/2000). Scope of recognition: the accreditation and preaccreditation ("Candidate Status") of freestanding colleges of podiatric medicine and programs of podiatric medicine, including first professional programs leading to the degree of Doctor of Podiatric Medicine. Title IV Note: Only freestanding schools or colleges of podiatric medicine may use accreditation by this agency to establish eligibility to participate in Title IV programs.

American Psychological Association, Committee on Accreditation (1970/1997/1999). Scope of recognition: the accreditation of doctoral programs in clinical, counseling, school and combined professional-scientific psychology, predoctoral internship programs in professional psychology, and postdoctoral residency programs in professional psychology. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

American Speech-Language Hearing Association, Council on Academic Accreditation (1967/1997/2002). Scope of recognition: the accreditation and preaccreditation ("Candidacy Status") of Master's and doctoral-level degree programs in speech-language pathology and audiology. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

American Veterinary Medical Association, Council on Education (1952/1997/2001). Scope of recognition: the accreditation and preaccreditation ("Reasonable Assurance") of programs leading to professional degrees (D.V.M. or D.M.V.) in veterinary medicine. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

Association for Clinical Pastoral Education, Inc., Accreditation Commission (1969/1998/2001). Scope of recognition: the accreditation and preaccreditation ("Candidacy for Accredited Membership") of clinical pastoral education (CPE) centers and CPE and supervisory CPE programs. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission (1974/1997/2002). Scope of

recognition: the accreditation and preaccreditation ("Correspondent" and "Candidate") of advanced rabbinical and Talmudic schools.

Association of Theological Schools in the United States and Canada, Commission on Accrediting (1952/1999/2003). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accredited Status") of freestanding institutions, as well as programs affiliated with larger institutions, that offer graduate professional education for ministry and graduate study of theology. Title IV Note: Only freestanding institutions, colleges, or seminaries of theology may use accreditation by this agency to establish eligibility to participate in Title IV programs.

Commission on Opticianry Accreditation (1985/1998/2001). Scope of recognition: the accreditation of two-year programs for the ophthalmic dispenser and one-year programs for the ophthalmic laboratory technician. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

The Council on Chiropractic Education, Commission on Accreditation (1974/1997/2001). Scope of recognition: the accreditation of Doctor of Chiropractic programs and single-purpose institutions offering the Doctor of Chiropractic program. Title IV Note: Only freestanding schools or colleges of chiropractic may use accreditation by this agency to establish eligibility to participate in Title IV programs.

Council on Education for Public Health (1974/1997/2001). Scope of recognition: the accreditation and preaccreditation ("Preaccreditation") of graduate schools of public health, graduate programs in community health education outside schools of public health, and graduate programs in community health/preventive medicine outside schools of public health. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

Council on Naturopathic Medical Education (1987/1995/1999). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of institutions and graduate programs in Naturopathy that lead to the degree of Doctor of Naturopathy (N.D.) or Doctor of Naturopathic Medicine (N.M.D.). Title IV Note: Only freestanding schools or colleges of naturopathic medicine or naturopathy may use accreditation by this agency to establish eligibility to participate in Title IV programs.

Council on Occupational Education (1969/1997/2000). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of non-degree granting postsecondary occupational/vocational institutions and those postsecondary occupational/vocational education institutions that grant the applied associate degree in specific vocational/occupational fields.

Distance Education and Training Council, Accrediting Commission (1959/1996/2001). Scope of recognition: the accreditation of private and non-private distance education institutions offering non-degree and associate, baccalaureate, and master's degree programs primarily through the distance learning method. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

Joint Review Committee on Educational Programs in Nuclear Medicine Technology (1974/1995/2000). Scope of recognition: the accreditation of higher education programs for the nuclear medicine technologist. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

Joint Review Committee on Education in Radiologic Technology (1957/1995/2000). Scope of recognition: the accreditation of educational programs for radiographers and radiation therapists. Title IV Note: Only hospital-based radiologic technology programs and freestanding radiologic technology institutions may use accreditation by this agency to establish eligibility to participate in Title IV programs.

Liaison Committee on Medical Education (1952/1997/2002). Scope of recognition: the accreditation of medical education programs leading to the M.D. degree. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

Montessori Accreditation Council for Teacher Education, Commission on Accreditation (1995/1999/2003). Scope of recognition: the accreditation of Montessori teacher education institutions and programs evaluated by the following review committees: the American Montessori Society Review Committee and the Independent Review Committee. Title IV Note: Only freestanding Montessori teacher education schools may use accreditation by this agency to establish eligibility to participate in Title IV programs. Further, that accreditation must have been granted in conjunction with the accrediting activities of the review committees listed above.

National Accrediting Agency for Clinical Laboratory Sciences (1974/1996/2001). Scope of recognition: the accreditation of programs in Clinical Laboratory Science/Medical Technology, Clinical Laboratory Technician/Medical Laboratory Technician-Associate Degree, Clinical Laboratory Technician/Medical Laboratory Technician-Certificate, Histologic Technician/Histotechnologist, and Pathologists' Assistant. Title IV Note: Only hospital-based clinical laboratory science programs and freestanding laboratory science institutions may use accreditation by this agency to establish eligibility to participate in Title IV programs.

National Accrediting Commission of Cosmetology Arts and Sciences (1970/1996/1999). Scope of recognition: the accreditation of postsecondary schools and departments of cosmetology arts and sciences.

National Association of Nurse Practitioners in Reproductive Health, Council on Accreditation (1996/1998/2002). Scope of recognition: the accreditation of women's health nurse practitioner programs. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

National Association of Schools of Art and Design, Commission on Accreditation (1966/1997/2002). Scope of recognition: the accreditation of institutions and units within institutions offering degree-granting and non-degree-granting programs in art, design, or art/design-related disciplines. Title IV Note: Only freestanding schools or colleges of art and design may use accreditation by this agency to establish eligibility to participate in Title IV programs.

National Association of Schools of Dance, Commission on Accreditation (1983/1997/2002). Scope of recognition: the accreditation of institutions and units within institutions offering degree-granting and non-degree-granting programs in dance and dance-related disciplines. Title IV Note: Only freestanding schools or colleges of dance may use accreditation by this agency to establish eligibility to participate in Title IV programs.

National Association of Schools of Music, Commission on Accreditation, Commission on Non-Degree-Granting Accreditation, Commission on Community/Junior College Accreditation (1952/1997/2002). Scope

of recognition: the accreditation of institutions and units within institutions offering degree-granting and non-degree-granting programs in music and music-related disciplines, including community/junior colleges and independent degree-granting and non-degree-granting institutions. Title IV Note: Only freestanding schools or colleges of music may use accreditation by this agency to establish eligibility to participate in Title IV programs.

National Association of Schools of Theatre, Commission on Accreditation (1982/1997/2002). Scope of recognition: the accreditation of institutions and units within institutions offering degree-granting and non-degree-granting programs in theatre and theatre-related disciplines. Title IV Note: Only freestanding schools or colleges of theatre may use accreditation by this agency to establish eligibility to participate in Title IV programs.

National Council for Accreditation of Teacher Education (1952/1995/2000). Scope of recognition: the accreditation of professional education units providing baccalaureate and graduate degree programs for the preparation of teachers and other professional personnel for elementary and secondary schools. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

National Environmental Health Science and Protection Accreditation Council (1995/1998/2001). Scope of recognition: the accreditation and preaccreditation ("Preaccreditation") of baccalaureate programs in environmental health science and protection. Title IV Note: Accreditation by this agency does not enable the entities it accredits to establish eligibility to participate in Title IV programs.

National League for Nursing Accrediting Commission (1952/1998/2001). Scope of recognition: the accreditation of programs in practical nursing, and diploma, associate, baccalaureate and higher degree nurse education programs. Title IV Note: Only diploma programs and practical nursing programs not located in a regionally accredited college or university may use accreditation by this agency to establish eligibility to participate in Title IV programs.

New York State Board of Regents (1952/1995/2000). Scope of recognition: the accreditation (registration) of collegiate degree-granting programs or curricula offered by institutions of higher education located in the state of New York and of credit-bearing certificate and diploma programs offered by degree-granting institutions of higher education located in the state of New York.

Transnational Association of Christian Colleges and Schools, Accrediting Commission (1991/1996/1999). Scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of postsecondary institutions that offer certificates, diplomas, and associate, baccalaureate, and graduate degrees.

III. State Approval Agencies for Public Postsecondary Vocational Education

Kansas State Board of Education (1975/1998/2002)
Missouri State Board of Education (1974/1999/2003)
New York State Board of Regents (1974/1998/2002)

Oklahoma State Board of Vocational and Technical Education (1976/1998/2002). Scope of recognition: the approval of public postsecondary vocational education offered at institutions in the State of Oklahoma that are not under the jurisdiction of the Oklahoma State Regents for Higher Education.

Oklahoma State Regents for Higher Education (1976/1996/2000). Scope of recognition: the approval of public postsecondary vocational education in the state of Oklahoma for which credit earned is applied toward a degree, diploma, or other postsecondary academic or collegiate award given at State institutions comprising the Oklahoma State System of Higher Education.

Puerto Rico Human Resources and Occupational Development Council (1983/1996/2000).

Utah State Board for Applied Technology Education (1976/1998/2002).

IV. State Approval Agencies for Nurse Education

Iowa Board of Nursing (1969/1998/2002)
Maryland Board of Nursing (1985/1998/2002)
Missouri State Board of Nursing (1970/1999/2003)
Montana Board of Nursing (1969/1996/2000)
New Hampshire Board of Nursing (1969/1999/2003)
New York State Board of Regents (1969/1998/2002)

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Program Authority: 20 U.S.C. 1094(c)(4), 1141(a), 1145(c)(3), 1401(a)(11)(E), 2471(25)(D), 4351(3), 25 U.S.C. 1813; 38 U.S.C. 3675(a); 42 U.S.C. 298b(6).

Dated: September 20, 1999.

Richard W. Riley,

Secretary of Education.

[FR Doc. 99–24835 Filed 9–22–99; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–441–001]

CNG Transmission Corporation; Notice of Proposed Change in FERC Gas Tariff

September 17, 1999.

Take notice that on September 14, 1999, CNG Transmission Corporation (CNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with an effective date of August 1, 1999:

Second Revised Sheet No. 254A
Second Revised Sheet No. 260
Substitute Third Revised Sheet No. 386A

CNG states that the purpose of this filing is to comply with the August 10, 1999, letter order in this docket. Consistent with the order, CNG has revised Sheet Nos. 254A and 260 to reflect the metric measurements set forth in GISB Standard 2.3.9. On Sheet No. 386A CNG has added a reference to GISB Standard 1.2.5 and has inserted a comma between the references to GISB Standards 4.2.8–35 and 5.2.1, both as directed by the Commission in its letter order.

CNG states that copies of the filing are being mailed to its customers and to interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests

will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–24808 Filed 9–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–616–000]

Columbia Gas Transmission Corporation; Notice of Application

September 17, 1999.

Take Notice that on September 10, 1999, Columbia Gas Transmission Corporation (Columbia), 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–0146, filed an application pursuant to Section 7(b) of the Natural Gas Act to abandon by sale Gatherco, Inc. (Gatherco), certain pipeline facilities, known as the Gatherco II facilities, located in Ohio and abandonment approval for the various services provided through the subject facilities to be sold, all as more full set forth in the application may be viewed on the web at ww.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance.

Specifically, Columbia proposes to abandon by sale to Gatherco approximately 200 miles of pipeline ranging from 2–12 inches in diameter and from 0.0022 to 29.6809 miles in length, and ancillary facilities. Columbia proposes to sell the Gatherco II facilities for negotiated amount of $3,750,000, the payment associated with the certificated facilities is $3,355,000. The net book cost of the certificated facilities is $3,723,000. According to Columbia, Gatherco will assume the obligation to operate the Gatherco II facilities to gather the natural gas produced by Columbia's existing customers. Also, Gatherco has further agreed to provide services to Columbia's existing customers on terms and conditions acceptable to both Gatherco and the customers. Columbia Gas of Ohio, Inc. (COH) has agreed, according to Columbia, to the abandonment of the service currently being provided COH for service to mainline tap consumers. Columbia contends that Gatherco will continue service to COH, so that COH can continue to serve those consumers.

In addition to the subject facilities, Columbia states that it plans to sell to Gatherco various non-jurisdictional facilities consisting of 0.13 miles of 2-inch and 3-inch pipeline located in Ohio. Columbia notes that concurrently with this application, Gatherco is filing a Petition for a Declaratory Order requesting that the Commission find that the facilities, upon their transfer to Gatherco, will constitute non-jurisdictional gathering facilities exempt from the Commission's jurisdiction pursuant to NAG Section 1(b).

Any person desiring to be heard or to make a protest with reference to said application should, on or before October 8, 1999, file with the Federal Energy Regulatory Commission (888 First Street, NE., Washington, DC 20426) a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission if filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 99–24809 Filed 9–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7918–003]

Robert R. Conner; Notice of Site Visit to Walker Mill Hydroelectric Project

September 17, 1999.

Take notice that Commission staff will hold a site visit with Robert R. Conner, exemptee for the constructed Walker Mill Hydroelectric Project, FERC No. 7918–003. The project is located on the West Prong Little Pigeon River off Highway 441, approximately three miles south of Sevierville, in Sevier County, TN. The site visit will be held on Tuesday, October 19, 1999, from approximately 2:30 P.M. to 4:30 P.M.

The purpose of the visit is to enable Commission staff responsible for preparing the environmental assessment (EA) of the proposed surrender of exemption to view the existing dam, reservoir, and nearby areas. All interested individuals, organizations, and agencies are invited to attend the site visit.

Participants will meet at the parking lot adjacent to the project powerhouse, located near the trailer park on Park Road. Participants should provide their own transportation to and from the site.

If you have any questions concerning this matter, please contact Jim Haimes, EA Coordinator for the Commission, at (202) 219–2780.

David P. Boergers,

Secretary.

[FR Doc. 99–24807 Filed 9–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–617–000]

Gatherco, Inc.; Notice of Petition for Declaratory Order

September 17, 1999.

Take notice that on September 10, 1999, Gatherco, Inc. (Gatherco), 6273 Frank Avenue, North Canton, Ohio 44720, filed a petition pursuant to Section 207(a)(2) of the Commission's Regulations requesting that the Commission issue an order disclaiming jurisdiction under Section 1(b) of the Natural Gas Act for the subject facilities to be acquired from Columbia Gas Transmission Corporation (Columbia), known as the Gatherco II facilities, located in Ohio, all as more fully set forth in the application which is on file

with the Commission and open to public inspection. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance.

Concurrently with this filing, Columbia, in Docket No. CP99–616–000, filed an application to abandon by sale certain facilities known as the Gatherco II facilities. The Gatherco II facilities consist of approximately 200 miles of pipeline ranging from 2–12 inches in diameter and from 0.0022 to 29.6809 miles in length, and ancillary facilities. Gatherco states that of the approximately 200 miles of lines of the subject petition, only 11.6708 miles, or less than 6% are greater than six inches in diameter. With the exception of four slightly longer lines, all of the lines are less than 7.5 miles in length.

Gatherco asserts that the pressure of the lines is extremely low with no line having a pressure greater than 140 psig. Additionally, Gatherco states that there are no processing plants on the facilities or connected to the facilities. According to Gatherco, the subject certificated facilities are part of a web-type configuration of uncertificated gathering lines and facilities, many of which were sold to Gatherco by Columbia on October 31, 1997, in Docket NO. CP97–127–000. Gatherco claims that the transfer of these additional facilities will simplify and enhance the existing interconnection between Gatherco and Columbia. Gatherco and Columbia have concluded that the Gatherco II facilities belong with the other 1,800 miles of gathering facilities in Ohio operated by Gatherco. Gatherco contends that the facilities are generally located upstream of processing facilities and gather gas from the production area for delivery to Columbia's transmission lines or to other points of delivery on the facilities.[1] Gatherco contends that upon their transfer, the facilities will primarily perform a non-jurisdictional gathering function. Gatherco notes that it was established in 1997 to acquire and operate gathering facilities in Ohio. Further, Gatherco states that it is not a natural gas company, it does not own any jurisdictional facilities, nor is it affiliated with a jurisdictional pipeline. Gatherco claims that it will operate the facilities to gather natural gas produced by Columbia's existing customers. Gatherco contends that it has agreed to provide service to Columbia's existing customers on terms and conditions acceptable to both Gatherco and the customers.

Any questions regarding this petition should be directed to Tony Kovacevich, Gatherco, Inc., 6273 Frank Avenue, N.W., North Canton, Ohio 44720 at (330) 498–9553, or W. Jonathan Airey, Gregory D. Russell, or Joseph C. Blasko, Attorneys for Gatherco, Vorys, Sater, Seymour and Pease LLP, 52 East Gay Street, P.O. Box 1008, Columbus, Ohio 43216–1008 at (614) 464–6400.

Any person desiring to be heard or to make a protest with reference to said application should, on or about October 8, 1999, file with the Federal Energy Regulatory Commission (888 First Street, NE., Washington, DC 20426) a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 99–24810 Filed 9–22–99; 8:45 am]

BILLING CODE 6717–01–M

[1] Certain of these facilities are also used to deliver gas to local distribution companies such as Columbia Gas of Ohio, Inc. (COH) at town border stations and directly to COH mainline tap consumers.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–69–000]

Koch Gateway Pipeline Company; Notice of Refund Report

September 17, 1999.

Take notice that on September 14, 1999, Koch Gateway Pipeline Company (Koch) tendered for filing a Refund Report reflecting the amounts credited to certain Koch customers eligible for a portion of the 1998 Gas Research institute (GRI) refund.

Koch states that copies of this filing have been served upon Koch's affected customers and state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 24, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–24805 Filed 9–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 597–003–Utah]

PacifiCorp Power Company; Notice of Availability of Final Environmental Assessment

September 17, 1999.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new license for the Stairs Hydroelectric Project. The project

is located on the Big Cottonwood Creek in Big Cottonwood Canyon, Salt Lake County, near the town of Sandy, about 15 miles southeast of Salt Lake City, Utah. The project occupies about 8.7 acres of land within the Wasatch-Cache National Forest, administered by the U.S. Forest Service.

On August 16, 1999, the Commission staff issued a draft environmental assessment (DEA) for the project and requested that comments be filed with the Commission within 15 days. Comments on the DEA were filed by one entity and are addressed in the final environmental assessment (FEA) for the project.

The FEA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

Copies of the FEA are available for review in the Public Reference Room, Room 2A, of the Commission's offices at 888 First Street, NE, Washington, DC 20426. The FEA may also be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–24806 Filed 9–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP99–61–000, CP99–62–000, CP99–63–000, CP99–64–000]

TriState Pipeline, L.L.C.; Notice of Availability of the Draft Environmental Impact Statement for the Proposed TriState Pipeline Project

September 17, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (DEIS) on the natural gas pipeline facilities proposed by TriState Pipeline, L.L.C. (TriState) in the above-referenced dockets.

The DEIS was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures as recommended, would have limited adverse environmental impact. The DEIS also evaluates alternatives to the proposal, including system alternatives; route alternatives; and minor route variations, and requests comments on them.

The DEIS addresses the potential environmental effects of the construction and operation of the following facilities in Illinois, Indiana, and Michigan:

- About 2.8 miles of new 30-inch-diameter interconnect pipeline for the Alliance Interconnect (1.5 miles) and the Northern Border Interconnect (1.3 miles) in Will County, Illinois;
- About 146.8 miles of new 30-inch-diameter pipeline in Illinois, Indiana, and Michigan extending from Joliet, Illinois in Will County to White Pigeon, Michigan in St. Joseph County. About 32.6 miles would be in Illinois, 108.0 miles would be in Indiana, and 6.2 miles would be in Michigan;
- About 66.0 miles of 36-inch-diameter pipeline looping the existing Consumers Energy Company (Consumers Energy) and Michigan Gas Storage (MGS) systems in Michigan in three segments: the Branch County Loop (24.0 miles), the Oakland County Loop (23.4 miles), and the Macomb County Loop (18.6 miles);
- About 12.1 miles of 24-inch-diameter pipeline from Consumers Energy's existing St. Clair Compressor Station in St. Clair County, Michigan, to the United States (U.S.)-Canadian International Boundary in the St. Clair River;
- One new compressor station (Joliet Compressor Station) with 30,000 horsepower (hp) in Joliet, Illinois and upgrade Consumers Energy's existing St. Clair Compressor Station with 18,570 hp of additional compression;
- Four new meter/regulating stations including two in Will County, Illinois, one in St. Joseph County, Michigan, and one in St. Clair County, Michigan;
- 23 new mainline and crossover valves; and
- Lease of 450 thousand decatherms per day (Mdth/d) of firm pipeline capacity on the Consumers Energy and MGS systems between White Pigeon, Michigan and Consumers Energy's existing St. Clair Compressor Station.

In addition, TriState requests in Docket No. CP99–64–000 a Presidential Permit to construct, operate, and maintain facilities at the International Border between the U.S.-Canadian International Boundary in the St. Clair River near Marine City, Michigan. TriState's border facilities would connect TriState's proposed U.S. facilities with Canadian facilities owned by TriState's Canadian affiliate, TriState-Canada.

The purpose of the proposed project would be to transport 650 Mdth/d of natural gas from the Chicago Hub near Joliet, Illinois to points in Michigan and Canada. Of the 650 Mdth/d, 200 Mdth/d would be delivered to Consumers Energy's White Pigeon delivery point in Michigan. The remaining 450 Mdth/d would be transported to the Dawn Hub in Ontario, Canada.

Comment Procedures and Public Meetings

Any person wishing to comment on the DEIS may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., NE, Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.1;
- Reference Docket No. CP99–61–000; and
- Mail your comments so that they will be received in Washington, DC on or before November 8, 1999.

In addition to written comments, we will hold four public meetings in the project area to receive comments on the DEIS. All meetings will begin at 7:00 p.m., and are scheduled as follows:

October 20, 1999—University Park, Illinois, Engbretson Hall, Governors State University, Governors Highway and Stuenkel Rd., (708) 534–4515.

October 21, 1999—Walkerton, Indiana, Urey Middle School Cafeteria, 407 Washington Street, (219) 586–3184.

October 20, 1999—Pontiac, Michigan, Pontiac Northern High School, Little Theater (S. Parking Lot), 1051 Arlene Avenue, (248) 857–8460.

October 21, 1999—Sturgis, Michigan, Sturgis Young Civic Center, 201 N. Nottawa, (800) 778–7437.

Interested groups and individuals are encouraged to attend and present oral comments on the environmental impact described in the DEIS. Transcripts of the meetings will be prepared.

After these comments are reviewed, any significant new issues are investigated, and modifications are made to the DEIS, a Final Environmental Impact Statement (FEIS) will be published and distributed by the staff. The FEIS will contain the staff's responses to timely comments filed on the DEIS.

Comments will be considered by the Commission but will not serve to make the commentor a party to the

proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

Anyone may intervene in this proceeding based on this DEIS. You must file your request to intervene as specified above. You do not need intervenor status to have your comments considered.

The DEIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, (202) 208–1371.

A limited number of copies are available from the Public Reference and Files Maintenance Branch identified above. In addition, copies of the DEIS have been mailed to Federal, state, and local agencies, public interest groups, individuals who have requested the DEIS, newspapers, and parties to this proceeding.

Additional information about the proposed project is available from Paul McKee in the Commission's Office of External Affairs, at (202) 208–1088 or on the FERC Internet website (*www.ferc.fed.us*) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 99–24803 Filed 9–22–99; 8:45 am]

BILLING CODE 6717–01–N

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–599–000]

Paiute Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Carson Lateral Project, Request for Comments on Environmental Issues, and Notice of Site Visit

September 17, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Carson Lateral Project, involving the abandonment, construction, and operation of facilities by Paiute Pipeline Company (Paiute) in Storey, Lyon, and Douglas Counties, Nevada.[1] The facilities proposed for construction would consist of a total of about 9.7 miles of various diameter pipeline. The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.[2]

Summary of the Proposed Project

Paiute wants to increase system reliability by replacing a deteriorating segment of pipeline along its Carson Lateral, and to expand the capacity of its facilities by looping[3] portions of its Carson Lateral and South Tahoe Lateral. The project would allow Paiute to transport an additional 10,800 decatherms per day of natural gas to meet future growth demands of its shippers. Paiute seeks authority to:

- Abandon in place 5.5 miles of existing 10.75-inch-diameter pipeline between milepost (MP) 31.85 and MP 37.34 on its Carson Lateral in Lyon County, Nevada;
- construct and operate 5.5 miles of 20-inch-diameter replacement pipeline between MP 31.85 and MP 37.34 on its Carson Lateral, adjacent to U.S. Highway 50, in Lyon County, Nevada (Highway 50 Replacement);
- construct and operate 2.3 miles of 20-inch-diameter loop between MP 2.95 and MP 5.25 on its Carson Lateral near Fernley, in Storey and Lyon Counties, Nevada (Fernley Loop); and
- construct and operate 1.9 miles of 12.75-inch-diameter loop between MP 14l28 and MP 16.18 on its South Tahoe Lateral, adjacent to U.S. Highway 395, in Douglas County, Nevada (Highway 395 Loop).

The locations of these proposed facilities are shown in appendix 2.

Land Requirements for Construction

Construction of the proposed facilities would require about 117.5 acres of land. Following construction, about 61.0 acres would be retained as permanent right-of-way. The remaining 56.5 acres of temporary work space would be restored and allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[4] to discover and address concerns the public may have about proposals. We call this "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent (NOI), the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA.

State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment

[1] Paiute's application was filed with the Commission on August 11, 1999, under section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] A loop is a segment of pipeline that is installed adjacent to an existing pipeline and connected to it on both ends. The loop allows more gas to be moved through the pipeline system.

[4] "Us," "we," and "our" refer to the environment staff of the FERC's Office of Pipeline Regulation.

on their areas of concern. Additionally, with this NOI we are asking Federal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EA. These agencies may choose to participate in the NEPA process once they have evaluated Paiute's proposal relative to their agencies' responsibilities.

The EA will discuss impacts that could occur as a result of the abandonment, construction, and operation of the proposed facilities under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Land use
- Cultural resources
- Air quality and noise
- Public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Paiute. This preliminary list of issues may be changed based on your comments and our analysis.

- About 2 miles of land along the Highway 50 Replacement and Fernley Loop, combined, is administered by the U.S. Department of the Interior, Bureau of Land Management, most of which is open range.
- Nine residences and 11 commercial structure are within 50 feet of the construction right-of-way along the Highway 50 Replacement.
- Fourteen wells are within 150 feet of the construction rights-of-way for the Highway 50 Replacement and Highway 395 Loop, combined.
- There is the potential for shallow groundwater and soil liquefaction as a result of an earthquake along the Highway 395 Loop.
- About 0.9 mile of soils along the Highway 50 Replacement may contain elevated levels of mercury contamination as a result of historic mining activities in Sixmile Canyon.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations or routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE, Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.1;
- Reference Docket No. CP99–599–000; and
- Mail your comments so that they will be received in Washington, DC on or before October 18, 1999.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 4). If you do not return the Information Request, you may be removed from the environmental mailing list.

Notice of Site Visit

On October 21, 1999, we will be conducting a site visit to the project area. Anyone interested in participating in the site visit may contact the Commission's Office of External Affairs identified at the end of this NOI for more details, and must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor." Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing timely motions to intervene in this proceeding passed on September 9, 1999. Therefore, parties now seeking to file late interventions must show good cause, as required by § 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention.

You do not need intervenor status to have your environmental comments considered. Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 99–24804 Filed 9–22–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6442–5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Pretreatment Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Information Collection Request for the National Pretreatment Program (40 CFR part 403), EPA ICR No. 0002.09 (expires October 31, 1999), OMB Control Number 2040–0009. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 25, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy@epa.gov, or download a copy of the ICR off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 0002.09.

SUPPLEMENTARY INFORMATION:

Title: Information Collection Request for the National Pretreatment Program (40 CFR part 403), EPA ICR No. 0002.09 (expires October 31, 1999), OMB Control No. 2040–0009. This is a request for review of an extension of a currently approved collection.

Abstract: This ICR calculates the burden and costs associated with managing the National Pretreatment Program mandated by sections 402(a) and (b) and 307(b) of the Clean Water Act. This ICR is a renewal of the Revision of the Information Collection Request for the National Pretreatment Program (OMB Control No. 2040–0009, EPA ICR No. 0002.08).

Management of the pretreatment program is the responsibility of the Office of Wastewater Management (OWM) in the Office of Water (OW), Environmental Protection Agency (EPA). The Clean Water Act requires EPA to develop national pretreatment standards to control discharges from Industrial Users (IUs) into Publicly Owned Treatment Works (POTWs). These standards limit the level of certain pollutants in IU wastewaters. EPA administers the pretreatment program through the National Pollutant Discharge Elimination System (NPDES) permit program. Under the NPDES permit program, EPA may approve State or individual POTW implementation of the pretreatment standards at their respective levels. OWM uses the data collected under the pretreatment program to monitor and enforce compliance with the regulations, as well as to authorize program administration at the State or local (POTW) level. The data collected from IUs includes the mass, frequency, and content of their discharges, their schedules for installing pretreatment equipment, and actual or anticipated discharges of wastes that violate pretreatment standards, have the potential to cause problems at the POTW, or are considered hazardous under the Resource Conservation and Recovery Act (RCRA). States and POTWs applying for approval of pretreatment programs submit data concerning their legal, procedural, and administrative bases for establishing such programs. This information may include surveys of IUs, local limits for pollutant concentration, and schedules for completion of major project requirements. IUs and POTWs submit written reports. These data may then be entered into the NPDES databases by the approved State or EPA.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on April 12, 1999 (64 FR 17660); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 6.5 hours per response and to require 7.16 hours per respondent for recordkeeping. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: State and local governments and regulated industrial users.

Estimated Number of Respondents: 29,517.

Frequency of Response: Annually, semi-annually, and on occasion.

Estimated Total Annual Hour Burden: 1,347,018 hours.

Estimated Total Annualized Cost Burden (non-labor costs): $40,076,913.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0002.09 and OMB Control No. 2040–0009 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460;

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: September 16, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–24839 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6442–4]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Voluntary Customer Service Satisfaction Surveys

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Voluntary Customer Service Satisfaction Surveys, EPA ICR Number

1711.03, OMB Control Number 2090–0019, expiring on 10/31/99. The ICR describes the nature of the information collection, and its expected burden and cost.

DATES: Comments must be submitted on or before October 25, 1999. They may be sent via e-mail to *bonner.patricia@epa.gov* or via fax to 202–260–4968.

ADDRESSES: USEPA, Policy & Reinvention, Mail Code 2161, 401 M Street SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone: (202) 260–2740; by *e-mail:farmer.sandy@epamail.epa.gov* or download a copy of the ICR off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1711.03.

SUPPLEMENTARY INFORMATION:

Title: Voluntary Customer Service Satisfaction Surveys, OMB Control No. 2090–0019, EPA ICR Number 1711.03, expiring 10/31/99. This is a request for extension of a currently approved collection of a generic clearance for customer satisfaction surveys directed under Executive Order 12862 "Setting Customer Service Standards" (9/11/93).

Abstract: EPA uses voluntary surveys to learn how satisfied EPA customers are, and how we can improve services, products and processes. EPA surveys individuals who use services, products or processes. During the next three years, EPA plans up to 712 surveys, and will use results to target/measure service delivery improvements. The Agency plans to use: comment cards, evaluation forms and web-based feedback; telephone and written (mail) surveys; and focus groups and in-person interviews. No Agency may conduct or sponsor, and a person is not required to respond to, a collection of information unless it has a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 5/10/99 (64 FR 25037); one inquiry and no comments were received.

Burden Statement: Response ranges from seconds to 6 hours/person; the average annual public reporting and recordkeeping burden for this information collection is 13.7 minutes/response. Labor costs are based on median earnings reported ($543/week) by the Bureau of Labor Statistics in July 1999. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Any person or entity that uses EPA services.

Estimated Number of Respondents: 68,740 annual average.

Frequency of Response: Generally, 1 time; however, people can comment many times to Internet screens.

Estimated Total Annual Hour Burden: 15,536.

Estimated Total Annualized Capital, Operating, and Maintenance Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the following addresses. Please refer to EPA ICR No.1711.03 and OMB Control No. 2090–0019 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460;

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: September 17, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–24840 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6442–9]

Land Disposal Restrictions: Notice of Intent To Grant a Site-Specific Determination of Equivalent Treatment to Pioneer Chlor-Alkali, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to grant petition.

SUMMARY: The United States Environmental Protection Agency is announcing our intent to grant the petition of Pioneer Chlor-Alkali, Inc. in St. Gabriel, Louisiana for a site-specific determination of equivalent treatment (DET). This DET would address Pioneer's Remerc process for treating K106 mercury wastes under the Resource Conservation and Recovery Act (RCRA).

The proposed DET would recognize Remerc, a hydrometallurgical process, as an equivalent technology to roasting or retorting with recovery of mercury for reuse, our current land disposal restrictions (LDR) hazardous waste treatment standard for high mercury K106 waste (wastewater treatment sludge from the mercury cell process used in chlorine production). If we grant this DET, Pioneer will be allowed to use Remerc to treat high mercury K106 wastes, and the treatment residuals will be subject to a mercury limit of 0.20 mg/L TCLP.

DATES: This DET is effective on October 25, 1999, unless we receive relevant adverse comment by October 14, 1999. If we receive such comment(s), we will publish a timely notice in the **Federal Register** informing the public that this DET will not be automatically granted and indicating the further steps that will be taken.

ADDRESSES: Commenters must send an original and two copies of their comments referencing Docket Number F–99–PCAP–FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW, Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address below. Comments may also be submitted electronically through the Internet to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F–99–PCAP–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC),

located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15/page. The index and some supporting materials are available electronically. See the **SUPPLEMENTARY INFORMATION** section for information on accessing them.

Background information for this document is available on the Internet. Follow the instructions below to access these materials electronically:

WWW: http://www.epa.gov/epaoswer/hazwaste/ldr
FTP: ftp.epa.gov
Login: anonymous
Password: your Internet address

Files are located in /pub/epaoswer

The official record for this action will be kept in paper form. Accordingly, we will transfer all comments received electronically to paper form and place them in the official record.

The official record also will include all comments submitted in writing.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at 800 424–9346 or TDD 800 553–7672 (hearing impaired). In the Washington, DC, metropolitan area, call (703) 412–9810 or TDD (703) 412–3323. For more detailed information on specific aspects of this document, contact Josh Lewis at (703) 308–7877 or lewis.josh@epa.gov, Office of Solid Waste (5302 W), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Overview of Today's Action

In this document, EPA is informing the public of its intent to grant the petition of Pioneer Chlor-Alkali, Inc. ("Pioneer") for a site-specific determination of equivalent treatment (DET) for its Remerc process, a nonthermal mercury recovery process. Pioneer uses the Remerc process to treat its K106 waste, which is a wastewater treatment sludge from the mercury cell process used in chlorine production. Under current Resource Conservation and Recovery Act (RCRA) waste treatment regulations, the residuals from the Remerc process must be at or below 0.025 mg/L, as measured by the toxicity characteristic leaching procedure (TCLP), because these residuals, as generated, usually do not contain the 260 mg/kg total mercury necessary for effective use of roasting or retorting. If the wastes exceed 0.025 mg/L TCLP, Pioneer must retreat the residuals until they meet the standard. However, Pioneer may not retreat any of its Remerc residuals that have concentrated the mercury to a concentration above 260 mg/kg total mercury, because they are now high mercury subcategory wastes, for which the standards require the use of roasting or retorting ("RMERC"), a thermal process.[1]

If we grant this DET, we would recognize Remerc at Pioneer's facility as equivalent to RMERC. Pioneer would then be allowed to use Remerc to retreat its K106 high mercury residuals. Also, by virtue of this DET, Remerc residuals will be subject to 0.20 mg/L TCLP, which is the level that RMERC treatment residuals must meet.

We intend to grant this DET because Pioneer has adequately demonstrated that Remerc is equivalent to RMERC for the treatment of K106 wastes. This demonstration is based primarily on the following key factors: (1) Remerc has a comparable mercury recovery rate; (2) Remerc residuals are consistent with retort residuals, both in terms of total mercury content and mercury TCLP concentration; and (3) Remerc releases negligible amounts of mercury to the air and water.

Although we have not typically published DETs in the **Federal Register** for comment in the past, EPA wants to encourage the maximum amount of public involvement in our decision making. Therefore, we are publishing this document with a 21-day comment period. If we do not receive any adverse comments on this proposed DET, the DET will automatically take effect 30 days after the date of this document. However, if we do receive adverse comment(s), we will publish a timely notice in the **Federal Register** informing the public that this DET will not be automatically granted and indicating the further steps that will be taken.

II. What Is a Determination of Equivalent Treatment (DET)?

Under section 3004(m) of RCRA, EPA is required to set "levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized." EPA implements section 3004(m) by establishing treatment standards based on the performance of best demonstrated available technology (BDAT). This approach was upheld by the DC Circuit in Hazardous Waste Treatment Council v. EPA, 886 F.2d 355 (D.C. Cir. 1989).

When setting LDR treatment standards, we have generally established two types: (1) a numerical, concentration-based treatment limit for each constituent of concern, or (2) a method of treatment that must be used to treat a particular constituent or constituent(s). In either case, the treatment standard is based on the BDAT.

Under the second approach where a technology is specified as the treatment standard, EPA allows facilities to submit petitions (or applications) demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by the EPA-specified method. This demonstration of equivalency, known as a Determination of Equivalent Treatment (DET) if approved, is typically both waste-specific and site-specific. Our approval is based on: (1) Demonstrations of equivalence for an alternative method of treatment based on a statistical comparison of technologies, including a comparison of specific design and operating parameters; (2) the development of a concentration-based standard that utilizes a surrogate or indicator compound that guarantees effective treatment of the hazardous constituents; and (3) the development of a new analytical method for quantifying the hazardous constituents.[2] Thus, in determining whether a technology is equivalent to the specified technology, EPA carefully evaluates the treatment process, including examining the characteristics of the residuals that are generated, and compares the performance of this alternative treatment process to the specified method of treatment. We also look at any other potential adverse environmental impacts, including releases to air and water. See Chemical Waste Management v. EPA, 976 F.2d 2, 17 (D.C. Cir. 1992), explaining the

[1] Because the Remerc process is situated between the wastewater collection tank and the Shriver filter press, the waste initially being treated by the Remerc system is not actually K106 waste, because there is no point of generation until after the filter press. See section IV of this document for a complete description of Pioneer's treatment system. After the Shriver filter press, the waste is usually low mercury subcategory K106 waste, for which the mercury treatment standard is a TCLP of 0.025 mg/L. Occasionally, the residuals from Remerc treatment are above 260 mg/kg total mercury. In this case, at the point of generation, the waste is high mercury subcategory, which requires RMERC.

[2] See 40 CFR 268.42(b) and the preamble for the Third Third Scheduled Wastes; Final Rule (55 FR 22536, June 1, 1990) for more information.

relevance of assessing releases to media other than land in determining whether treatment is minimizing threats, as required by RCRA section 3004 (m).

III. What Is the Current Treatment Standard for K106 Mercury Wastes?

EPA established treatment standards for K106 waste (wastewater treatment sludge from the mercury cell process used in chlorine production) as part of the LDR Third Third final rule (55 FR 22569, June 1, 1990). In this rule, EPA established two treatment subcategories for all mercury waste codes: a high mercury subcategory for wastes with a total mercury concentration greater than or equal to 260 mg/kg; and a low mercury subcategory for wastes with a total mercury concentration less than 260 mg/kg.

High mercury subcategory K106 wastes are required to be treated by roasting or retorting with recovery of mercury for reuse ("RMERC"). RMERC residues must then meet a numerical mercury treatment standard of 0.20 mg/L TCLP. Low mercury subcategory K106 wastes (that are themselves not RMERC residues) are not subject to a specific treatment technology and must only meet a numerical treatment standard of 0.025 mg/L mercury TCLP.

IV. Analysis of the Pioneer Application

A. The Grounds Presented by Pioneer

1. Description of Pioneer's K106 Waste and the Remerc process

The subject wastes are classified as K106 nonwastewaters, treatment sludges from wastewater systems that are part of the mercury cell process in chlorine production. Pioneer generates between 176 and 244 tons of these K106 wastes per year when manufacturing chlorine and caustic soda. In its application for a DET, Pioneer provides the following description of its Remerc process.[3]

"Mercury containing wastewater from various areas of the St. Gabriel plant is generated at a rate of approximately 65 million gallons per year. This wastewater is collected in an equalization tank. The wastewater is pumped from the equalization tank to a series of treatment tanks where sodium hydrosulfide (NaHS) is added and the pH adjusted to form a mercury sulfide precipitate. The wastewater is then directed to a Lamella settler, where the mercury sulfide particles concentrate toward the bottom while nearly particle-free water flows to the filter (called the sluicing filter) where remaining particles are removed. The wastewater then flows through a carbon tower for final treatment before being discharged to the Mississippi River under the plant's NPDES/LPDES water discharge permit. The entire system consists of tank units connected by a pipe.

"Prior to 1996, the bottoms of the Lamella settler were pumped to a collection tank, as were solids (principally diatomaceous earth filter aid) back-flushed from the sluicing filters. The combined wastewater stream, containing approximately 10–15% solids, was then pumped to a Shriver filter press (a pressure leaf filter) for solids removal. The solids were then removed from the Shriver filter as a wastewater treatment sludge. The sludge generated at the Shriver filter was a high mercury K106 hazardous waste containing approximately 1.5–2% mercury. * * *.

"In upgrading the wastewater treatment system in 1996, the Remerc system was added between the wastewater collection tank and the Shriver filter press. The combined wastewater from the bottom of the Lamella settler and the back-flushing of the sluicing filters is now pumped to a leach tank, where a counter-current leaching solution removes a large percentage of the mercury. The leach solution then flows to a cementation stage, where metallic mercury is recovered and returned to the manufacturing process. The wastewater containing suspended solids continues to a thickener, which increases the solids content from approximately 2% to 6–10%. This stream then continues through a second leach tank, where more mercury is removed, and a second thickener. The stream then proceeds to a surge tank where NaHS is added to bind any remaining mercury, then to the Shriver filter press for solids removal and washing."[4] The Shriver filter press sludge is K106 waste.

2. Description of Test Results

As part of its application, Pioneer submitted data on Remerc-treated waste from February 4 to March 31, 1999. Excluding data gathered during a process upset from March 15–18, 1999, the average total mercury content in the Remerc residuals is about 150 mg/kg, with an average TCLP concentration of 0.021 mg/L. Using the BDAT methodology,[5] we find that RMERC residuals could meet a treatment standard of 0.046 mg/L TCLP.[6]

To calculate the mercury recovery rate, we looked at Pioneer's historical data showing the mercury concentrations in the untreated wastes,[7] and we compared these data to data from Remerc-treated waste that were presented in Pioneer's DET application. Pioneer's historical data are from samples taken in 1993, 1994 and 1995, before the insertion of the Remerc process in 1996, and from 1997 when Pioneer had to bypass the Remerc process after it had been installed.[8] The data show that Pioneer's untreated K106 waste is relatively consistent in terms of its total mercury content. The average mercury removal rate of the Remerc process is about 99%. During the worst case scenario (*i.e.*, when the untreated K106 waste had a mercury content of 9100 mg/kg), the Remerc process removes about 98.4% of the mercury.

3. Pioneer's Request for Relief

In its application, Pioneer asserts that its K106 Remerc residual is analogous to the K106 retort residue in that both wastes have similar total mercury and TCLP mercury levels, and both wastes are residues from processes designed to recover mercury for reuse. Furthermore, Pioneer notes that mercury emissions from Remerc to other media, including air and water, are negligible. However, Remerc residues are currently subject to an LDR standard of 0.025 mg/L TCLP, while retort residues have to meet a less stringent mercury TCLP of 0.20 mg/L. Furthermore, Remerc residues that are above 260 mg/kg total mercury are considered high mercury wastes, for which the current treatment standard is retorting, and not Remerc.

Pioneer requests a Hazardous Waste Determination of Equivalent Treatment

[1] See Pioneer's Application for a Determination of Equivalent Treatment, which is in the docket to today's document, for more information on the Remerc process, including a flow diagram.

[4] Mercury sulfide is the most insoluble of the mercury complexes. However, it can become soluble if two conditions are present: the surrounding environment is alkaline, and excess sulfide is present. The washing step at the end of the treatment process removes any excess sulfide from the K106 waste prior to disposal.

[5] BDAT Background Document for Quality Assurance/Quality Control Procedures and Methodology, October 23, 1991.

[6] See Memo from Josh Lewis, USEPA, to the Record, June 23, 1999 for the calculation of the Remerc residual standard using data submitted by Pioneer.

[7] As explained above, the Remerc process is situated between the wastewater collection tank and the Shriver filter press. Because of this set-up, Pioneer does not generate a K106 waste until the majority of the mercury is already removed from the waste (in contrast, at chlor-alkali facilities with on-site retort units, the K106 waste that will be generated after the filter press will still have all of the mercury in it). Taking this into account, we believe the best way to calculate the mercury recovery rate is to look at historical data showing the mercury concentrations in the untreated K106 wastes, and compare them to the mercury concentrations in the treated waste from the Pioneer DET application.

[8] See the August 11, 1999 letter from Dana Oliver, Pioneer, to Josh Lewis, USEPA for all of Pioneer's untreated K106 waste data.

(DET) that: (1) Recognizes its Remerc process as equivalent to RMERC, so that Remerc can treat high mercury K106 wastes; and (2) subjects Remerc residues to a standard of 0.20 mg/L TCLP, the same as retorting residues. The Remerc residues will continue to be disposed in a subtitle C landfill because they remain a listed hazardous waste.

See Pioneer's Application for Determination of Equivalent Treatment, which can be found in the docket to today's document, for more details on Pioneer's request.

B. How Does Pioneer Satisfy the Criteria?

After careful review of the data and application submitted by Pioneer, we conclude that Pioneer has adequately demonstrated that its Remerc process is an equivalent treatment method to RMERC. We therefore propose to grant Pioneer's petition for the following reasons:

(1) Remerc removes comparable amounts of mercury from its K106 wastes. As mentioned above, Pioneer's Remerc process reduces the mercury content from about 15,000 mg/kg to about 150 mg/kg, which is a removal rate of about 99%. Both the mercury concentration in the untreated K106 and the mercury recovery rate are similar to the information presented in the "Final Best Demonstrated Available Treatment (BDAT) Background Document for Mercury-Containing Wastes D009, K106, P065, P092, and U151" (May 1990) and the Third Third final rule preamble (55 *FR* 22570, June 1, 1990). The BDAT Background Document states that K106 generated by sulfide precipitation contains approximately 4.4% mercury on average as mercury sulfide, with a range of 0.5% to 16% mercury. The Third Third final rule preamble states that, based on data from the thermal processing of cinnabar ores and the retorting or roasting of a mixture of K071 and K106 wastes, mercury retorting can recover 98–99% of mercury contained in the feed material.

(2) Remerc residues are consistent with RMERC residues. The Remerc residual's average mercury content of 150 mg/kg and its average TCLP of 0.021 mg/L are consistent with the data from the roasting and retorting of mercury-containing wastes in four processes examined during our BDAT evaluation.[9] The BDAT Background Document presents data from a thermal recovery system that processes mercuric sulfide ores for mercury recovery, a retorter treating K106 hydrazine sludge, a retorter treating a combined K071/K106 waste, and a retorter treating a K106 waste generated by sodium borohydride reduction and filtration. Furthermore, because Remerc residuals consistently have a total mercury content below 260 mg/kg and can achieve a TCLP well below the 0.20 mg/L limit, Remerc is operating in a manner consistent with the four BDAT retort units.

(3) Remerc does not release mercury to other environmental media. With regard to other possible environmental releases of mercury, air emissions from Remerc are negligible, as the entire Remerc system is enclosed and vented to a scrubber system, and the process is nonthermal. Stack sampling conducted in 1999 confirmed that less than 0.033 grams of mercury are released from the scrubber to the air per day.[10] Furthermore, the Remerc system does not appear to adversely affect surrounding water bodies. Total mercury emissions to surrounding water bodies were 18 pounds both in 1995, the last full year before start-up of the Remerc process, and again in 1998, with the Remerc system in place.

(4) Other factors. In addition, Pioneer has also taken advantage of pollution prevention opportunities where possible. For example, the Remerc system uses spent sulfuric acid and hypochlorite solution from the tail gas neutralizer as reagents, which is beneficial use of byproduct materials from the main process.

C. Conditions of the Proposed DET

If we grant this DET, the following conditions would apply: (1) Remerc residuals at Pioneer's facility would have to meet a TCLP of 0.20 mg/L; (2) if Pioneer generates a high mercury subcategory K106 waste, it can be treated using the Remerc process; (3) after treatment to a mercury concentration of 0.20 mg/L TCLP, Pioneer may dispose of the treated K106 wastes in a RCRA subtitle C landfill assuming they meet any other applicable LDR treatment standards; (4) compliance with these standards would not relieve the facility from compliance with any other applicable treatment standards associated with this waste, including other applicable federal, state, or local requirements as specified in the facility's waste analysis plan; and (5) this DET would have no expiration date.

With regard to condition #5, one option we considered was whether to have this DET expire after a certain time period because we are currently reevaluating all of the mercury LDR treatment standards, including the standards for RMERC and other treatment residuals.[11] We do not feel this expiration date is necessary because we will be examining the residuals from all mercury recycling technologies (*e.g.*, RMERC and Remerc). If we change the residual treatment standard for some or all of these technologies, we will address the appropriate standard for Pioneer's Remerc residuals as well.

Dated: September 9, 1999.

Elizabeth A. Cotsworth,

Director, Office of Solid Waste.

[FR Doc. 99–24842 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–P

[9] See the BDAT Background Document, which can be found in the docket supporting today's document, for the complete data sets from the roasting and retorting of these mercury-containing wastes.

[10] See appendix IV of Pioneer's Application for a Determination of Equivalent Treatment, which contains the hypochlorite scrubber stack sampling report.

[11] See our ANPRM for a description of the issues we have with the current standards (64 *FR* 28949, May 28, 1999).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6443–3]

Clean Air Act Advisory Committee; Mobile Sources Technical Review Subcommittee; Notification of Public Advisory Subcommittee Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Mobile Sources Technical Review Subcommittee of the Clean Air Act Advisory Committee will meet on: Wednesday, October 13, 1999 from 9:00 a.m. to 3:00 p.m.; Eastern Standard Time (registration starts at 8:30 a.m.) at: Holiday Inn Washington—On The Hill, 415 New Jersey Avenue, NW, Washington, DC 20001, Ph: (800) 638–1166 or 202/638–1616, Fax: (202) 638–0707.

This is an open meeting and seating is on a first-come basis. During this meeting, the subcommittee may hear progress reports from some of its workgroups, updates and announcements on activities of general interest such as the Clean Air Act Advisory Committee, the future of the Subcommittee, key regulations, schedule for the MOBILE6 model, and presentations on the following subjects: toxicity of exhaust from diesel engines, ultra-fine particulate matter in the exhaust from diesel and gasoline-powered mobile sources, and recent developments in diesel after-treatment technology.

The preliminary agenda and draft minutes from the previous meeting are available from the subcommittee's website at:

http://transaq.co.gatech.edu/epatac

Subcommittee members and interested parties requesting further technical information should contact: Mr. John T. White, Alternate Designated Federal Officer, Assessment and Modeling Division, U.S. EPA, 2000 Traverwood Drive, Ann Arbor, MI 48105, Ph: 734/214–4353, Fax: 734/214–4821, email: white.johnt@epa.gov.

Subcommittee members and interested parties requesting administrative or logistics information should contact: Ms. Jennifer Criss, FACA Management Officer, Assessment and Modeling Division, U.S. EPA, 2000 Traverwood Drive, Ann Arbor, MI 48105, FACA Helpline: 734/214–4518, Ph: 734/214–4029, Fax: 734/214–4821, email: criss.jennifer@epa.gov.

Individuals or organizations wishing to provide comments to the subcommittee should submit them to Mr. John T. White, Alternate Designated Officer, at the address above by October 5, 1999.

The Mobile Sources Technical Review Subcommittee expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

Margo T. Oge,

Director, Office of Mobile Sources.

[FR Doc. 99–24837 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6444–1]

Science Advisory Board; Emergency Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Science Advisory Board's (SAB) Environmental Engineering Committee (EEC) will conduct a public teleconference meeting on Thursday, October 7, 1999, between the hours of 1 and 3 p.m. Eastern Time.

The meeting will be coordinated through a conference call connection in room 6450E Ariel Rios North (6th Floor), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC. The public is encouraged to attend the meeting through a telephonic link, but may attend physically. Additional instructions about how to participate in the conference call can be obtained by calling Ms. Mary Winston at (202) 564–4538, and via e-mail at: winston.mary@epa.gov by noon Tuesday, October 5.

During this meeting the Environmental Engineering Committee plans to: (1) Summarize the Committee's FY99 activities and the Agency's responses, (2) introduce new members, (3) consider potential FY00 activities, and possibly (4) decide which activities to undertake in FY00. The Committee will not be conducting a review on October 7, nor will it be considering any subcommittee reports.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning the meeting or wishing to submit written comments should contact Kathleen White Conway, Designated Federal Officer for the Environmental Engineering Committee, Science Advisory Board, (1400A), U.S. Environmental Protection Agency, Washington DC 20460; telephone (202) 564–4559; and via e-mail at: conway.kathleen@epa.gov. Oral comments will not be taken at this meeting as no reviews are taking place. For this meeting, written comments will be accepted for an additional 15 calendar days following the meeting. Please address such comments to Ms. Conway. There will be opportunity for oral or written comment on issues of interest at formal review meetings planned for later dates (these will be announced in the **Federal Register**, or information can be obtained from Ms. Conway).

Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (*http://www.epa.gov/sab*) and in *The Annual Report of the Staff Director* which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256.

MEETING ACCESS: Individuals requiring special accommodation at this teleconference meeting, including wheelchair access to the conference room, should contact Ms. Winston at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: September 21, 1999.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 99–24924 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6442–6]

Proposed CERCLA Prospective Operator Agreement for the Bofors Nobel Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposal of CERCLA Prospective Operator Agreement for the Bofors Nobel Site.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, ("CERCLA"), 42 U.S.C. 9601 *et seq.*, as amended, notice is hereby given that EPA proposes to enter into a prospective operator agreement ("POA") for the Bofors Nobel Site ("the Site") located in Muskegon, Michigan, that has been executed by Camus Water Technologies LLC ("Camus"). The proposed POA has been submitted to the Attorney General for approval. The proposed POA would resolve certain potential claims of the United States under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, against Camus. Under the proposed POA, Camus would receive access to operate the groundwater treatment plant located at this NPL Site. Camus will treat contaminated groundwater that is extracted as part of the remedial action EPA has selected for the site. Camus may also make treated groundwater available to Sun Chemical of Michigan LLC ("Sun") and Lomac LLC ("Lomac") for use as process water. Sun and Lomac are located in the immediate vicinity of the groundwater treatment plant. The proposed POA would protect Camus from CERCLA liability for already existing contamination at the Site as long as Camus does not exacerbate such contamination.

DATES: Comments on the proposed POA must be received by EPA on or before October 25, 1999.

ADDRESSES: Comments on the proposed POA should be addressed to Thomas J. Krueger, Office of Regional Counsel (C–14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Thomas J. Krueger, Associate Regional Counsel, at (312) 886–0562. A 30 day period, commencing on the date of publication of this document, is open for comments on the proposed POA. Comments should be sent to the addressee identified in this document. A copy of the proposed POA is available for review at U.S. EPA Region 5, 77

West Jackson Boulevard, Chicago, Illinois 60604. Please contact Thomas Krueger (312) 886–0562, prior to visiting the Region 5 office.

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 99–24838 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6443–4]

Davis Drum Burial Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Settlement; request for comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative order on consent for a removal action which includes an agreement for recovery of past and future response costs concerning the Davis Drum Burial Site in Shubuta, Clarke County, Mississippi with the following Settling Party: Mr. Ronald U. Davis. The settlement includes a covenant not to sue the settling party pursuant to 42 U.S.C. 9607(a). EPA may withdraw from or modify the proposed settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, Waste Management Division, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, 404/562–8887.

Written comments may be submitted to Ms. Batchelor at the above address on or before October 25, 1999.

Dated: September 7, 1999.

Franklin E. Hill,

Chief, Program Services Branch, Waste Management Division.

[FR Doc. 99–24836 Filed 9–22–99; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

Previously Announced Date and Time: Thursday, September, 23, 1999, 10:00 a.m., Meeting Open to the Public

The following items were added to the agenda:

Pending SEC Rulemaking.

Status of PricewaterhouseCoopers (PwC) Recommendations.

Date and Time: Thursday, September 30, 1999, at the Conclusion of the Open Meeting

PLACE: 999 E Street, NW, Washington, DC.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, September 30, 1999 at 10:00 a.m.

PLACE: 999 E Street, NW, Washington, DC (Ninth Floor).

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion (1999–20: Equitable Companies, Inc. Political Action Committee ("EQUI–PAC") and Equitable Life Assurance Society of the United States by counsel, Evan Migdail.

Proposed Implementation of 2 U.S.C. 439(c): Waiver of State Office Filings.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron. Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary of the Commission.

[FR Doc. 99–24972 Filed 9–21–99; 8:45 am]

BILLING CODE 6715–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Notice of Meetings

In accordance with section 10(d) of the Federal Advisory Committee Act as amended (5 U.S.C. Appendix 2) Agency for Health Care Policy and Research (AHCPR) announces meetings of scientific peer review groups. The subcommittees listed below are part of the Agency's Health Services Research Initial Review Group.

The subcommittee meetings will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6). Grant applications are to be reviewed and discussed at these meetings. These discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited statutes.

1. *Name of Subcommittee:* Health Research Dissemination and Implementation.

Date: October 18–19, 1999 (Open from 8:00 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: Ramada Inn, 1775 Rockville Pike, Georgetown Room, Rockville, Maryland 20852.

2. *Name of Subcommittee:* Health Care Technology & Decision Sciences.

Date: October 22, 1999 (Open from 8:00 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: AHCPR Executive Office Center, 6010 Executive Boulevard, 4th Floor Conference Center, Rockville, Maryland 20852.

3. *Name of Subcommittee:* Health Care Quality and Effectiveness Research.

Date: October 25–26, 1999 (Open from 8:00 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: AHCPR Executive Office Center, 6010 Executive Boulevard, 4th Floor Conference Center, Rockville, Maryland 20852.

4. *Name of Subcommittee:* Health Systems Research, October 28–29, 1999 (Open from 8:00 a.m. to 8:15 a.m. and closed for remainder of the meeting); Parklawn Building, 5600 Fishers Lane, Conference Center, Potomac Room, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members or minutes of the meetings should contact Ms. Jenny Griffith, Committee Management Officer, Office of Research Review, Education and Policy, AHCPR, 2101 East Jefferson Street, Suite 400, Rockville, Maryland 20852, Telephone (301) 594–1847.

Agenda items for these meetings are subject to change as priorities dictate.

Dated: September 16, 1999.

John M. Eisenberg,

Administrator.

[FR Doc. 99–24722 Filed 9–22–99; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–99–41]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments Are Invited on

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Collaborative US–Mexico Border Diabetes Prevention and Control Project—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP)—The Pan American Health Organization (PAHO), El Paso field office, and the United States-Mexico Border Health Association (USMBHA) in collaboration with the United States/Mexico Border Diabetes Prevention and Control Project Work Group (USMBDPCP) is requesting funds for a binational diabetes prevention and control project on the United States-Mexico border that begins with an evaluation of the burden of diabetes on the border (Phase 1) and expands into a program implementation (Phase 2), using the results from Phase 1. This proposed project is responding to President Clinton's Initiative on Racial and Ethnic Health Disparities, as well as the Mexican Secretariat Adult and Elderly Health Program strategy in which diabetes is a national health priority. Diabetes has also been declared a binational border priority by the USMBHA General Assembly in a resolution to develop diabetes control infrastructure on the border.

The purpose of the project is to diminish the impact of diabetes on the border population by conducting activities in two related and chronological phases (prevalence study and intervention program). Phase 1 will assess the prevalence of diabetes, related behavioral risk factors, and assess the health services for the border population. The information collected through this household survey will serve as a guide for the development of diabetes education and training activities in Phase 2. These programs will be culturally appropriate and will include the participation of community health workers (promotores) and primary healthcare providers. Initial planning and promotional activities needed for Phase 2 will take place concurrent with Phase 1.

Activities for years two through five will include implementation of community interventions, capacity building, and program evaluation. The household survey will be repeated in the fifth year of the project.

The PAHO/USMBHA and the USMBDPCP Work Group have obtained considerable financial support for this proposed project. The total cost to CDC is estimated at: $735,630.

Respondents	Number. of respondents	Number of responses/respondent	Average burden of response (hours)	Total burden (hours)
Individual within Household	3,770	1	0.40	1508

Dated: September 17, 1999.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–24784 Filed 9–22–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–4006]

Beecham Laboratories et al.; Withdrawal of Approval of 44 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 44 abbreviated new drug applications (ANDA's). The holders of the applications notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: September 23, 1999.

FOR FURTHER INFORMATION CONTACT: Olivia A. Pritzlaff, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The holders of the applications listed in the table in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their request, waived their opportunity for a hearing.

ANDA No.

60–680
60–922
61–598
61–599
61–934
61–935
62–425
62–595
62–600
62–608
62–609
71–497
72–374
80–414
80–415
80–570
80–982
81–274
84–059
84–438
84–463
84–573
84–662
84–663
84–664
84–693
84–707
84–709
84–991
84–992
84–993
85–024
85–134
85–685
85–893
85–999
86–296
86–462
87–213
87–228
87–566
87–608
88–376
89–913

ANDA No.	Drug	Applicant
60–680	Ampicillin for Oral Suspension, 125 milligrams (mg)/5 milliliters (mL) and 250 mg/5 mL.	Beecham Laboratories, 1 Franklin Plaza, P.O. Box 7929, Philadelphia, PA 19101–7929.
60–922	Neomycin Sulfate-Hydrocortisone Topical Ointment.	Teva Pharmaceuticals, USA, 1510 Delp Dr., Kulpsville, PA 19443.
61–598	Ampicillin Trihydrate Capsules USP, 250 mg and 500 mg.	Pharmacia & Upjohn, 7000 Portage Rd., Kalamazoo, MI 49001–0199.
61–599	Ampicillin Trihydrate for Oral Suspension USP, 125 mg/5 mL and 250 mg/5 mL.	Do.
61–934	Sterile Ampicillin Sodium USP.	Bristol-Myers Squibb Pharmaceutical Research Institute, P.O. Box 4000, Princeton, NJ 08543–4000.
61–935	Penicillin G Sodium for Injection USP, 5,000,000 units per vial.	Do.
62–425	Bacitracin-Polymyxin B Sulfate-Neomycin Sulfate Topical Ointment.	Blistex Inc., 1800 Swift Dr., Oak Brook, IL 60532–1574.
62–595	Neomycin Sulfate-Triamcinolone Acetonide Cream.	Pharmaderm, Division of Altana Inc., 60 Baylis Rd., Melville, NY 11747.
62–600	Neomycin Sulfate-Triamcinolone Acetonide Cream.	E. Fougers & Co., Division of Altana Inc., 60 Baylis Rd., Melville, NY 11747.
62–608	Neomycin Sulfate-Tramcinolone Acetonide Ointment.	Do.
62–609	Neomycin B Sulfate and Triamcinolone Acetonide Ointment.	Savage Laboratories, Inc., Division of Altana Inc., 60 Baylis Rd., Melville, NY 11747.
71–497	Anticoagulant Citrate Dextrose Solution USP.	Miles, Inc., 800 Dwight Way, Berkeley, CA 94701–1986.
72–374	PORTALAC (Lactulose Solution USP) 10 g/15 mL.	Solvay Pharmaceuticals, Inc., 901 Sawyer Rd., Marietta, GA 30062.
80–414	Lidocaine Hydrochloride Injection USP, 1% and 2%.	Miles, Inc.
80–415	Procaine Hydrochloride Injection USP, 1% and 2%.	Do.
80–570	Cyanocobalamin Injection USP, 1,000 micrograms (mcg)/mL.	Savage Laboratories, Inc.
80–982	Ergocalciferol Capsules USP.	Pharmacia & Upjohn.
81–274	Hydrocortisone Acetate Cream 1%.	Able Laboratories Inc., 6 Hollywood Ct., South Plainfield, NJ 07080.
84–059	Hydrocortisone Cream 1%	G&W Laboratories, Inc., 111 Coolidge St., South Plainfield, NJ 07080–3895.
84–438	Meprobamate Tablets USP, 400 mg.	Pharmavite Corp., 15451 San Fernando Mission Blvd., P.O. Box 9606, Mission Hills, CA 91346–9606.
84–463	Ethchlorvynol Capsules USP, 100, 200, 500, and 750 mg.	Banner Gelatine Products Corp., 4125 Premier Dr., P.O. Box 2210, High Point, NC 27261–2210.
84–573	DERMACORT (Hydrocortisone Lotion USP) 0.5%.	Solvay Pharmaceuticals, Inc.
84–662	Prednisone Tablets USP, 5 mg.	Pharmavite Corp.
84–663	Reserpine Tablets USP, 0.25 mg.	Do.
84–664	Prednisolone Tablets USP, 5 mg.	Do.
84–693	Prophoxyphene Hydrochloride Capsules USP, 32 mg and 65 mg.	Do.
84–707	Triamcinolone Tablets, 8 mg.	Roxane Laboratories, Inc., P.O. 16532, Columbus, OH 43216–6532.
84–709	Triamcinolone Tablets, 4 mg.	Do.
84–991	DEXONE (Dexamethasone Tablets USP) 0.5 mg.	Solvay Pharmaceuticals, Inc.
84–992	DEXONE (Dexamethasone Tablets USP) 4 mg.	Do.
84–993	DEXONE (Dexamethasone Tablets USP) 0.75 mg.	Do.
85–024	Triproldine Hydrochloride and Pseudophedrine Hydrochloride Tablets, 2.5 mg/60 mg.	MD Pharmaceuticals, Inc., 3501 W. Garry Ave., Santa Ana, CA 92704.
85–134	Acetaminophen Tablets, 325 mg and Oxycodone/Acetaminophen Tablets (Oxycodone Hydrochloride 4.5 mg, Oxycodone Terephthalate 0.38 mg, Acetaminophen 325 mg).	Bristol-Myers Squibb Co., Pharmaceutical Group, P.O. Box 4755, Syracuse, NY 13221–4755.
85–685	PROVAL #3 (Acetaminophen and Codeine Phosphate) Capsules, 325 mg/30 mg.	Solvay Pharmaceuticals, Inc.
85–893	UNIPRES (Reserpine, Hydralazine Hydrochloride, and Hydrochlorothiazine) Tablets (peach) 0.1/25/15 mg.	Do.
85–999	ORASONE (Prednisone Tablets USP) 50 mg.	Do.
86–296	Folic Acid 1 mg.	Vintage Pharmaceuticals, Inc., 3241 Woodpark Blvd., Charlotte, NC 28206.
86–462	DERMACORT (Hydrocortisone Lotion USP) 1%.	Solvay Pharmaceuticals, Inc.
87–213	Hydralazine Hydrochloride and Hydrochlorothiazide Capsules, 50 mg/50 mg.	Do.
87–228	Chloroquine Phosphate Tablets.	MD Pharmaceuticals, Inc.
87–566	Cyproheptadine Hydrochloride Tablets, 4 mg.	Do.
87–608	Hydralazine Hydrochloride and Hydrochlorothiazide Capsules 25 mg/25 mg.	Solvay Pharmaceuticals, Inc.
88–376	Reserpine, Hydralazine Hydrochloride, and Hydrochlorothiazide Tablets USP, 0.1 mg/25 mg/15 mg.	Do.
89–913	Triamcinolone Acetonide Ointment USP, 0.5%.	Alpharma, U.S. Pharmaceuticals Division, 333 Cassell Dr., suite 3500, Baltimore, MD 21224.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82), approval of the applications listed in the table in this document, and all amendments and supplements thereto, is hereby withdrawn, effective September 23, 1999.

Dated: September 8, 1999.

Janet Woodcock

Director, Center for Drug Evaluation and Research.

[FR Doc. 99–24720 Filed 9–22–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Workshop on Standards for Inactivation and Clearance of Infectious Agents in the Manufacture of Plasma Derivatives from Nonhuman Sources for Human Injectable Use; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA) is announcing a public workshop entitled "Standards for Inactivation and Clearance of Infectious Agents in the Manufacture of Plasma Derivatives from Nonhuman Sources for Human Injectable Use." The purpose of the public workshop is to discuss whether infectious agent inactivation and clearance steps should become standard industry practice in the manufacture of human injectable products from nonhuman source plasma.

Date and Time: The public workshop will be held on Monday, October 25, 1999, from 9 a.m. to 3:30 p.m.

Location: The public workshop will be held at the National Institutes of Health (NIH), NIH Clinical Center, Bldg. 10, Jack Masur Auditorium, 9000 Rockville Pike, Bethesda, MD.

Contact:

For information regarding the public workshop and registration: Therese Burke, Laurel Consulting Group, 1815 Fort Meyer Dr., suite 300, Arlington, VA 22209, 703–351–7676, FAX 703–528–0716, e-mail: tburke@lcgnet.com.

For information regarding this document: Nathaniel L. Geary, Center for Biologics Evaluation and Research (CBER) (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210, FAX 301–594–1944.

SUPPLEMENTARY INFORMATION:

FDA is considering the requirement of inclusion of steps for the inactivation and clearance of infectious agents in the manufacture of products from nonhuman source plasma. This is an effort to level the regulatory requirements for all plasma derivatives regardless of their source and to continue to ensure high levels of safety for injectable blood products.

Many plasma derivatives represent product lines that are of critical use to a limited number of patients. Some of these products are used chronically, some acutely. For those products that utilize human plasma as a raw material, standards have been set that require inactivation procedures to be included in the manufacturing process. The risk of plasma derivatives manufactured from nonhuman raw materials has been more difficult to define. With the development of gene therapy, somatic cell therapy, and xenotransplantation, concerns are growing regarding the effect of xenobiotics on patients. Concerns have also been expressed about the use of plasma derivatives manufactured from nonhuman source plasma.

In an effort to address the needs of patients to have safe and effective blood products and to set realistic requirements for blood derivative manufacturers, FDA is sponsoring a public workshop to discuss these issues. Specifically, blood products manufactured from equine (horse), lapine (rabbit), ovine (sheep), caprine (goat), and porcine (pig) plasma and formulated into injectable products will be discussed.

Registration: Mail or fax registration information (including name, title, firm name, address, telephone, and fax number) to Therese Burke (address above) by Friday, October 8, 1999. Onsite registration will be done on a space available basis on the day of the public workshop, beginning at 7:30 a.m. There is no registration fee for the public workshop. Space is limited, therefore, interested parties are encouraged to register early.

If you need special accommodations due to a disability, please contact Therese Burke at least 7 days in advance.

Transcripts: Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page. The meeting transcript will be available on CBER's website at "http://www.fda.gov/cber/minutes/workshop-min.htm".

Dated: September 16, 1999.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 99–24721 Filed 9–22–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request the NIH Consultant Information File System

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Scientific Review (CSR), National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on May 24, 1999, page 28001 (Volume 64, Number 99) and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, and information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: The NIH Consultant Information File System.

Type of Information Collection Request: Extension.

Form Number: OMB 0925–0358 (expiration 10/31/99) NIH 2668–1; 2668–3.

Need and Use of Information Collection: This system directly supports the recruitment and appointment of scientific experts. These experts provide evaluative advice on the merit and program relevance of the research grant applications and research contract proposals submitted to the NIH. The primary objective of this system is to support the NIH Peer Review system, but other PHS review administrative staff use the system to identify experts to support their advisory committees.

Frequency of Response: Intake established record on file, candidate can

initiate the updating of their information at any time, formal information update requested every 24 months.

Affected Public: Individuals or household; Not-for-profit institutions; business or other for-profit; Federal Government.

Type of Respondents: Adult scientific professionals, Individuals or household.

The annual reporting burden is as follows:

Estimated Number of Respondents: 9,741;

Estimated Number of Responses per Respondent: 1;

Average Burden Hours Per Response: 0.308; and

Estimated Total Annual Burden Hours Requested: 2,998.

The estimated annualized cost to respondents is $148,665 (using a $55 physician/professor hourly wage rate). There are not Capital Costs, Operating Costs, or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact CAPT Edward C. Farley, USPHS, Project Clearance Liaison Officer, CSR, NIH, Rockledge II Building, Room 2216, 6701 Rockledge Drive, Bethesda, MD 20892–7740, or call non-toll-free number (301) 435–0601 or E-mail your request, including your address to: farleye@csr.nih.gov

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before October 25, 1999.

Dated: September 15, 1999.

Chris Wisdom,

Executive Officer, CSR.

[FR Doc. 99–24723 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Advisory Committee on Research on Minority Health.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee on Research on Minority Health.

Date: September 24, 1999.

Time: 8:30 AM to adjournment.

Agenda: Agenda items include: (1) a report by the Associate Director, ORMH; (2) FY '99 minority health initiatives; (3) review of the ORMH research and training portfolio; and (4) other business of the Committee.

Place: Holiday Inn, Bethesda, Washington Room, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jean L. Flagg-Newton, PHD, Special Assistant to the Associate Director, Office of Research on Minority Health, National Institutes of Health, Building 1, Room 256, 9000 Rockville Pike, Bethesda, MD 20892, (301) 402–2518.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program from Individuals for Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936; NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: September 16, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24735 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patnetable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel.

Date: September 29–30, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John C. Chah, PHD, Scientific Review Administrator, National Institues of Health, NCCAM, Building 31, Room 5B50, 9000 Rockville Pike, Bethesda, MD 20892, 301–402–4334, johnc@od.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Dated: September 16, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24732 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel

Date: September 28, 1999.

Time: 10:00 AM to 12:00 PM.

Agenda: To review and evaluate cooperative agreement applications.

Place: 9000 Rockville Pike, Bldg. 31, Room 5B50, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Eugene G. Hayunga, PHD, Scientific Review Administrator, National Institutes of Health, NCCAM, Building 31, Room 5B50, 9000 Rockville Pike, Bethesda, MD 20892, 301–594–2014, hayungae@od.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Dated: September 16, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24733 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Sleep Disorders Research Advisory Board.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sleep Disorders Research Advisory Board.

Date: November 4, 1999.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To discuss sleep research education priorities and programs.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20982.

Contact Person: James P. Kiley, PHD., Director, National Center on Sleep Disorders Research, National Heart Lung, and Blood Institute, NIH, Rockledge Building II, Room 10038, Bethesda, MD 20892, 301/435–0199.

(Cataglogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Reseasrch; 93.838; Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 16, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24731 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Genetics of Coronary Artery Disease in Alaskan Natives (GOCADAN).

Date: October 8, 1999.

Time: 11:00 AM TO 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Drive, Room 4212, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Valerie L. Prenger, PHD, Health Science Administrator, NIH, NLBI, DEA, Review Branch, Rockledge Center II, 6701 Rockledge Drive, Suite 7198, Bethesda, MD 20892–7924, (301) 435–0297.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Cardiovascular Benefits of Soy Phytoestrogens.

Date: October 19–20, 1999.

Time: 6:00 pm to 10:00 am.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Anthony M. Coelho, PHD, Leader, Clinical Studies SRG, NIH, NHLBI, DEA, Review Branch, 6701 Rockledge Drive, Room 7194, Bethesda, MD 20892–7924, (301) 435–0288.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 15, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24734 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group Clinical and Treatment Subcommittee.

Date: October 28–29, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Bethesda, MD 20814.

Contact Person: Elsie Taylor, MS, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., Bethesda, MD 20892–7003, 301–443–9787, etaylor@niaaa.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: September 15, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24724 Filed 9–22–99; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: October 7–8, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Robert H. Stretch, PHD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–4728.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: November 3–5, 1999.

Time: 8:30 AM to 6:00 PM.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle, 1 Washington Circle, NW, Washington, DC 20037.

Contact Person: Lawrence E. Chaitkin, PHD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, MSC 9606, Bethesda, MD 20892–9606, 301–443–6470.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: September 15, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24725 Filed 9–22–99; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institutes of Allergy and Infectious Diseases Special Emphasis Panel Analytical Chemistry Evaluation.

Date: October 7, 1999

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn Bethesda, Connecticut Room, 8120 Wisconsin Avenue, Bethesda, MD 20892–7610.

Contact Person: Vassil S. Georgiev, PHD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC, 7610, Bethesda, MD 20892–7610, 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology, and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 15, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–24726 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel SuperFund Basic Research Program (Panel-1, RFA 99–001).

Date: October 17–20, 1999.

Time: 7:30 PM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Sheraton Imperial Hotel and Convention Center, 4700 Emperor Boulevard, Durham, NC 27703.

Contact Person: David P. Brown, MPH, Scientific Review Administrator, Nat'l Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–4964.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel SuperFund Basic Research Program (Panel-3, RFA 99–001).

Date: October 24–27, 1999.

Time: 7:30 PM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Sheraton Imperial Hotel and Convention Center, 4700 Emperor Boulevard, Durham, NC 27703.

Contact Person: David P. Brown, MPH, Scientific Review Administrator, Nat'l Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–4964.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: September 15, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24727 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Environmental Justice: Partnerships for Communication (RFA 99–005).

Date: October 12–14, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Hawthorn Suites Hotel, 300 Meredith Drive, Durham, NC 27713.

Contact Person: J. Patrick Mastin, PhD, Scientific Review Administrator, NIEHS, P.O. Box 12233 MD EC–24, Research Triangle Park, NC 27709, (919) 541–1446.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS).

Dated: September 15, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24728 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 99–C3, Site Visit Review.

Date: September 20–21, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate contract proposals.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: H. George Hausch, PhD, Chief, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 99–03, P01 Review.

Date: October 14–15, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00–04, P01 Review.

Date: November 3, 1999.

Time: 1:30 PM to 3:30 PM.

Agenda: To review and evaluate grant applications.

Place: 45 Natcher Bldg, Rm 5As.25u, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yasaman Shirazi, PhD, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institute of Dental & Craniofacial Res., Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00–12, R44 Review.

Date: November 5, 1999.

Time: 1:00 PM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 4500 Center Drive, Natcher Building, Rm 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00–09, R44 Review.

Date: November 11, 1999.

Time: 11:00 AM to 12:30 PM.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00–02, P01 Review.

Date: November 18–19, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Yasaman Shirazi, PhD, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institute of Dental & Craniofacial Res., Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS).

Dated: September 15, 1999.

LaVerne Y. Stringfield,

Director, Officer of Federal Advisory Committee Policy.

[FR Doc. 99–24730 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Surgery, Radiology and Bioengineering Initial Review Group Surgery and Bioengineering Study Section.

Date: October 4–5, 1999.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Teresa Nesbitt, DVM, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892, (301) 435–1172.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 4, 1999.

Time: 2:00 pm to 3:00 pm.

Agenda: to review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone.Conference Call).

Contact Person: Lee Rosen, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 5, 1999.

Time: 1:00 pm to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Anita Corman Weinblatt, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7778, Bethesda, MD 20892 (301) 435–1124.

Name of Committee: Oncological Sciences Initial Review Group Pathology B Study Section.

Date: October 6–8, 1999.

Time: 8:00 am to 6:00 pm.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, Kaleidoscope Room, 2101 Wisconsin Ave. NW, Washington, DC 20007.

Contact Person: Martin L. Padarathsingh, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7804, Bethesda, MD 20892, (301) 435–1717.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 6–7, 1999.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: The Governor's House Hotel, 1615 Rhode Island Avenue, NW, Washington, DC 20036.

Contact Person: Daniel R. Kenshalo, PHD, Scientific Review Administrator, Integrative, Functional & Cognitive Neuroscience, & Cognitive Neuroscience Study Section 4, Center For Scientific Review, National Institutes Of Health, 6701 Rockledge Dr., Room 5176, MSC 7844, Bethesda, MD 20892, (301) 435–1255.

Name of Committee: Cell Development and Function Initial Review Group Cell Development and Function 4.

Date: October 6–7, 1999.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Sheraton Reston Hotel, 11810 Sunrise Valley Drive, Reston, VA 20191.

Contact Person: Marcia Steinberg, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, MSC 7840, Bethesda, MD 20892, (301) 435–1023.

Name of Committee: Cell Development and Function Initial Review Group Cell Development Function 2.

Date: October 7–8, 1999.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton Hotel, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Ramesh K.Nayak, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5146, MSC 7840, Bethesda, MD 20892, (301) 435–1026.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.33, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 15, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24729 Filed 9–22–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1820–01, GP9–0215; OR–53642]

Public Land Order No. 7412; Withdrawal for Leslie Gulch Area of Critical Environmental Concern; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 12,426.43 acres from surface entry and mining for a period of 20 years to protect the Leslie Gulch Area of Critical Environmental Concern. The land has been and will remain open to mineral leasing. An additional 40 acres of non-Federal land, if acquired by the United States, would become subject to the withdrawal.

EFFECTIVE DATE: September 23, 1999.

FOR FURTHER INFORMATION CONTACT: Michael L. Barnes, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from surface entry and mining under the general land laws, including the United States mining laws (30 U.S.C. Ch 2 (1994)), but not the mineral leasing laws, to protect the Leslie Gulch Area of Critical Environmental Concern.

Willamette Meridian

T. 26 S., R. 44 E.,
- Sec. 1, lots 3 to 6, inclusive, lots 11 to 15, inclusive, and S½;
- Sec. 2, lots 9, 10, 14, 15, and 16, NE¼SW¼, S½NW¼SW¼, S½SW¼, and SE¼;
- Sec. 3, S½NE¼SE¼ and SE¼SE¼;
- Sec. 9, SE¼SE¼;
- Sec. 10, NE¼ and S½;
- Secs. 11 to 14, inclusive;
- Sec. 15, NE¼, NE¼NW¼, E½SE¼NW¼, NE¼SE¼, N½NW¼SE¼, and NE¼SE¼SE¼;
- Sec. 23, NE¼, E½NW¼, E½W½NW¼, NE¼SW¼, E½NW¼SW¼, SE¼SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼, and SW¼SE¼SE¼;
- Sec. 24, N½, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, and SE¼;
- Sec. 25, NE¼, E½NW¼, and E½NW¼NW¼.

T. 26 S., R. 45 E.,
- Sec. 7, lots 1 to 4, inclusive, W½NW¼NE¼, SE¼NW¼NE¼, SW¼NE¼, NE¼SE¼NE¼, S½SE¼NE¼, E½W½, and SE¼;

Sec. 8, SE¼NE¼NE¼, NE¼SE¼NE¼, S½SE¼NE¼, W½SW¼NW¼, SE¼SW¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, W½SW¼, SE¼SW¼, NE¼SE¼, SE¼NW¼SE¼, and S½SE¼;
Sec. 9, NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, S½NE¼, SW¼NW¼NW¼, S½NW¼, and S½;
Sec. 10, W½SW¼NE¼, SE¼SW¼NE¼, SW¼SE¼NE¼, W½NW¼NW¼, S½NW¼, and S½;
Sec. 15, NW¼NE¼NE¼, NW¼NE¼, N½NW¼, N½SW¼NW¼, SW¼SW¼NW¼, and N½SE¼NW¼;
Sec. 16, N½, SW¼, N½NW¼SE¼, SW¼NW¼SE¼, W½SW¼SE¼, and SE¼SW¼SE¼;
Sec. 17;
Sec. 18, lots 1 to 8, inclusive, E½W½, N½SE¼, and SE¼SE¼;
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 20;
Sec. 21, NW¼NE¼, N½SW¼NE¼, SW¼SW¼NE¼, W½, and W½NW¼SE¼;
Sec. 28, NW¼NW¼;
Sec. 29, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 30, lots 5, 6, and 7, and E½NE¼.

The area described contains 12,426.43 acres in Malheur County.

2. The following described non-Federal land is located within the Leslie Gulch Area of Critical Environmental Concern. In the event this land returns to public ownership, it will become subject to the terms and conditions of this withdrawal:

Willamette Meridian

T. 26 S., R. 45 E.,
Sec. 18, SW¼SE¼.

The area described contains 40 acres in Malheur County.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than the mining laws.

4. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f)(1994), the Secretary determines that the withdrawal shall be extended.

Kevin Gover,

Assistant Secretary of the Interior.

[FR Doc. 99–24904 Filed 9–22–99; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–010–99–1050–01; AZA–30909]

Application for Conveyance of Land, Coconino County, Arizona

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of Realty Action.

SUMMARY: The following described public lands located adjacent to Badger Creek Subdivision in House Rock Valley, Coconino County, Arizona, have been examined and found suitable for classification for conveyance pursuant to Section 3 of the Act of June 14, 1926, as amended by the Recreation and Public Purposes (R&PP) Amendment Act of 1988.

Gila and Salt River Meridian, Arizona

T. 39 N., R. 7 E.,
Sec. 7, E½S½N½E½SE¼SE¼SE¼SW¼;
E½W½S½N½E½SE¼SE¼SE¼SW¼;
E½W½S½E½SE¼SE¼SE¼SW¼;
E½S½N½E½SE¼SE¼SE¼SW¼.

Containing .697 acre, more or less.

Coconino County has made application for the above described public lands for residential solid waste collection purposes. The lands are not needed for Federal purposes. Conveyance would be in the public interest and is consistent with the Arizona Strip District Resource Management Plan, dated January 1992. Conveyancewould be in compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371) and any other Federal and State laws and regulations applicable to the collection of solid wastes and hazardous substances.

Publication of this notice in the **Federal Register**, will segregate and make the lands unavailable to all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, except for conveyance under the R&PP Act, as amended. Segregation shall terminate upon publication in the **Federal Register** of an opening order or upon issuance of a patent or deed, which ever occurs first.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for solid waste collection. Comments on the classification are restricted to whether the land is physically suited for solid waste collection, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for solid waste disposal.

DATES: For a period of 45 days from the date of this publication in the **Federal Register**, interested parties may submit comments to the Field Manager, Bureau of Land Management, Arizona Strip Field Office, 345 East Riverside Drive, St. George, UT 84790. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Laurie Ford, Realty Specialist, Arizona Strip Field Office, 345 East Riverside Drive, St. George, UT 84790, phone (435) 688–3271.

Dated: September 13, 1999.

Roger G. Taylor,

Arizona Strip Field Manager.

[FR Doc. 99–24820 Filed 9–22–99; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–070–1430–01; NMNM102473]

Notice of Realty Action: Notice of Termination of Recreation and Public Purpose Classification and Opening Order and Direct Sale of Public Land, New Mexico

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice.

SUMMARY: The notice terminates Recreation and Public Purpose Classification NMNM030132 in its entirety and opens the land to entry for direct sale pursuant to Section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1713).

DATES: *Effective Date:* Termination of the Classification is effective upon publication of notice. The land will be open to entry at 9:00 a.m. on November 8, 1999.

Comment Dates: All comments must be received by November 8, 1999. Interested parties may submit comments regarding the proposed direct sale/conveyance or classification of the land to the Bureau of Land Management. Any adverse comments will be reviewed by

the Bureau of Land Management, Farmington Field Manager, 1235 LaPlata Highway, Farmington, NM 87401, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action becomes the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this action, including the environmental assessment, is available for review at the Bureau of Land Management, Farmington Field Office, 1235 LaPlata Highway, Farmington, NM 87401.

SUPPLEMENTARY INFORMATION: The Recreation & Public Purpose Patent, 1215015, was issued on December 6, 1960 to the San Juan County and the lands will be conveyed back to the United States prior to the direct sale. The public lands have been found suitable for disposal for direct sale and will be sold to San Juan County pursuant to Section 203 of FLPMA, at no less than fair market value. The land is described as follows:

New Mexico Principal Meridian
T. 29 N., R. 12 W.,
Sec. 38, lots 24 to 30, inclusive.
Containing 30.58 acres more or less.

The sale will be for the purpose of making the use of this land more compatible with the existing fairgrounds and racing track. The disposal is deemed necessary to allow the County consistent use of the property. The disposal is consistent with the Bureau's planning efforts, State and local government programs, and applicable regulations. The land has been examined and is suitable for disposal by direct sale pursuant to Section 203 of the FLPMA of 1976 (43 U.S.C. 1713). The direct sale will be subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with the Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to mine and to remove the minerals, under applicable laws and regulations to be established by the Secretary of the Interior. A more detailed description of this reservation, which will be incorporated in the document of conveyance.

3. Subject to such rights for pipeline purposes as the El Paso Natural Gas Company may have under Section 28 of the Act of February 25, 1920 (41 Stat. 437) as amended by the Act of August 21, 1935 (49 Stat. 674).

4. Subject to reservation for a Federal Aid Highway under the Act of November 9, 1921 (42 Stat. 212).

Publication of this notice in the **Federal Register** will terminate the R&PP Classification and open the land to entry for direct sale and segregate the public land from appropriation under the public land laws including the mining laws but not the mineral leasing laws. This segregation will terminate upon the issuance of a conveyance document, 270 days from date of publication of this notice in the **Federal Register** or upon publication of a Notice of Termination, whichever occurs first.

Dated: September 17, 1999.

Lee Otteni,

Field Manger.

[FR Doc. 99–24844 Filed 9–22–99; 8:45 am]

BILLING CODE 4310–FB–M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–424]

Certain Cigarettes and Packaging Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 17, 1999, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Brown & Williamson Tobacco Corp., 1500 Brown & Williamson Tower, Louisville, Kentucky 40202. A supplement to the complaint was filed on September 8, 1999. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cigarettes and packaging thereof by reason of (a) infringement of U.S. Trademark Registration Nos. 118,372, 311,961, 335,113, 366,744, 404,302, 508,538, 747,482, 747,490, 2,055,297, 2,174,493, and 2,218,589, (b) unfair competition under the Lanham Act, (c) improper importation of products under the Lanham Act, and (d) dilution of the registered trademarks. The complaint further alleges that there exists an industry in the United States with respect to the asserted trademarks. The complaint further alleges that the threat or effect of the proposed respondents' unfair acts is to destroy or substantially injure that domestic industry.

The complainant requests that the Commission institute an investigation and, after a hearing, issue a permanent general exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone 202–205–2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

FOR FURTHER INFORMATION CONTACT: Smith R. Brittingham IV, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2576. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*).

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (1999).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on September 16, 1999, *ordered that*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) Whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain cigarettes and packaging thereof by reason of infringement of U.S. Trademark Registration Nos. 118,372, 311,961, 335,113, 366,744, 404,302, 508,538, 747,482, 747,490, 2,055,297, 2,174,493, or 2,218,589, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337; and

(b) Whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain cigarettes and packaging thereof by reason of (I) dilution of U.S. Trademark Registration Nos. 118,372, 311,961, 335,113, 366,744, 404,302, 508,538, 747,482, 747,490, 2,055,297, 2,174,493, or 2,218,589, and (ii) false representation of source, or (iii) false

advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Brown & Williamson Tobacco Corp., 1500 Brown & Williamson Tower, Louisville, Kentucky 40202.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Allstate Cigarette Distributers, Inc., 6795 N.W. 87th Avenue, Miami, FL 33178
Prestige Storage & Distribution, Inc., 3400 McIntosh Road, A–3, Ft. Lauderdale, FL 33316
R.E. Tobacco Sales, Inc., 782 N.W. 42nd Avenue #534, Miami, FL 33126
Dood Enterprises, Inc., 830 S. Hill Street #850, Los Angeles, CA 90014

(c) Smith R. Brittingham IV, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401–M, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Debra Morriss is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a) of the Commission's Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

By order of the Commission.

Issued: September 17, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–24716 Filed 9–22–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation 332–407]

Foundry Coke: a Review of the Industries in the United States and China

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

SUMMARY: Following receipt of a request on August 25, 1999, from the Committee on Ways and Means of the US House of Representatives (the Committee), the Commission instituted investigation No. 332–407, Foundry Coke: A Review of the Industries in the United States and China, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

EFFECTIVE DATE: September 15, 1999.

As requested by the Committee, the Commission will review the foundry coke industries in the United States and China and provide information for the most recent five-year period, to the extent possible, regarding the following:

(1) Production, consumption, and trade trends;

(2) Prices;

(3) Significant developments in foundry coke market practices such as coke quality specifications, cost recovery, pricing policies, and by-product valuation;

(4) Market factors affecting the availability of foundry coke and purchasing decisions by coke-consuming industries;

(5) Costs related to compliance with environmental laws and policies;

(6) Transportation costs to U.S. markets for Chinese and domestic foundry coke; and

(7) Other significant factors as may be identified during the study.

As requested by the Committee, the Commission will transmit its report to the Committee no later than August 25, 2000.

FOR FURTHER INFORMATION CONTACT: Information may be obtained from Edmund Cappuccilli, Project Leader (202–205–3368), or Christopher Robinson, Deputy Project Leader (202–205–2334), Office of Industries, US International Trade Commission, Washington, DC, 20436. For information on the legal aspects of this investigation, contact William Gearhart of the Office of the General Counsel (202–205–3091). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202) 205–1810.

PUBLIC HEARING: A public hearing in connection with the investigation will be held at the US International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on February 29, 2000. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., February 1, 2000. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., February 15, 2000; the deadline for filing posthearing briefs or statements is 5:15 p.m., March 14, 2000. In the event that, as of the close of business on February 1, 2000, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202–205–1806) after February 7, 2000, to determine whether the hearing will be held.

WRITTEN SUBMISSIONS: In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on March 14, 2000. All submissions should be addressed to the

Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

Issued: September 16, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–24715 Filed 9–22–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA–384 (Review)]

Nitrile Rubber From Japan

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on nitrile rubber from Japan would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on April 1, 1999 (64 FR 15788, April 1, 1999) and determined on July 2, 1999 that it would conduct an expedited review (64 FR 38475, July 16, 1999).

The Commission transmitted its determination in this investigation to the Secretary of Commerce on September 10, 1999. The views of the Commission are contained in USITC Publication 3233 (September 1999), entitled Nitrile Rubber from Japan: Investigation No. 731–TA–384 (Review).

Issued: September 14, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–24714 Filed 9–22–99; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

DEPARTMENT OF JUSTICE

[AAG/A Order No. 175–99]

Privacy Act of 1974; System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget Circular No. A–130, the Executive Office for United States Trustees (EOUST), U.S. Department of Justice, has reviewed its Privacy Act systems of records and identified changes that will clarify, update, and more accurately describe their systems of records.

As a result, the EOUST is reporting modifications to systems of records: JUSTICE/UST–001 Bankruptcy Case Files and Associated Records; JUSTICE/UST–002 Panel Trustee Application File; and JUSTICE/UST–004 United States Trustee Program Case Referral System.

The EOUST updated JUSTICE/UST–001 Bankruptcy Case Files and Associated Records to reflect a new systems manager, the inclusion of chapter 12 (family farmer) bankruptcy cases, a new routine use disclosure to civil or criminal law enforcement authorities, a new routine use disclosure to licensing agencies, and new records disposition information.

The EOUST updated JUSTICE/UST–002 Panel Trustee Application File to reflect a new systems manager, the inclusion of chapter 12 (family farmer) bankruptcy cases, a new routine use disclosure to courts, a new routine use disclosure to licensing agencies, and new records disposition information. The EOUST has also changed the name of JUSTICE/UST–002 Panel Trustee Application File to "Trustee File" because the system contains additional records used to determine the trustee's suitability for the initial appointment, reappointment, and removal.

The EOUST updated JUSTICE/UST–004 United States Trustee Program Case Referral System to reflect new systems managers, the inclusion of chapter 12 (family farmer) bankruptcy cases, a new routine use disclosure to licensing agencies, and new records disposition information.

Any comments may be addressed to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Suite 1400, National Place Building).

Dated: September 8, 1999.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/UST–001

SYSTEM NAME:

Bankruptcy Case Files and Associated Records.

SYSTEM LOCATION;

The Executive Office for United States Trustees (EOUST) and various offices of the United States Trustees depending upon the judicial district where a case is pending or was administered. (Field offices can be located on the Internet at http://www.usdoj.gov/ust.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in bankruptcy proceedings (under Chapters 7, 11, 12 and 13 of 11 U.S.C.) subsequent to September 30, 1979, including but not limited to debtors, creditors, bankruptcy trustees, agents representing debtors, creditors, and trustees.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Petitions/orders for relief, (b)schedules of assets and liabilities of debtors, (c) lists of creditors, (d) statements of debtors' financial affairs, (e) operating or status reports, (f) alphabetical cross-reference index cards, (g) general correspondence regarding cases, (h) miscellaneous investigative records, (i) copies of certain pleadings or other papers filed with the court, including those filed by the United States Trustee, (j) appraisal reports, (k) names of bank depositories and amounts of funds deposited therein, (1) names of sureties and amounts of trustees' bonds, (m) tape or other recordings of creditors meetings called pursuant to Section 341 of Title 11, U.S.C., for the purpose of examination of debtors by creditors, trustee and others, (n) plans filed under Chapter 11, 12 or 13, (o) names of persons serving as counsel, trustee, or other functionaries in bankruptcy cases, including compensation earned or sought by each.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 28 U.S.C. 586 and Title 11 U.S.C.

PURPOSE(S):

The records are used by personnel of the Executive Office and the United States Trustee field offices to determine the existence of a case, to ascertain the status of actions with respect to a case, and to ensure that timely action is taken

as appropriate, and to determine the involvement by agents or other representatives of parties in such cases.

As provided in 11 U.S.C. 107, a paper filed in a case and the dockets of the bankruptcy court are public records and open to examination except when the court acts to protect an entity with respect to a trade secret or confidential research, development, or commercial information; or to protect a person with respect to scandalous or defamatory matter contained in a paper filed in a case under Title 11. If the court enters such a protective order, that portion of the record is only available upon the consent of the entity, so protected.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of Information to Courts:

These records may be disclosed, except when the bankruptcy court has moved to protect an entity as provided in 11 U.S.C. 107, in a proceeding before a court or adjudicative body or any proceeding relevant to the administration of a case filed under Title 11 in which the U.S. Trustee is authorized to appear when (a) the U.S. Trustee, or (b) any employee of the U.S. Trustee in his or her official capacity, or (c) any employee of the U.S. Trustee in his or her individual capacity, where the Department of Justice has agreed to represent the employee, or (d) the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the U.S. Trustee to be arguably relevant to the litigation.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 *et seq.*, may be made available to a Member of Congress or staff acting upon the Member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records Administration (NARA) and the General Services Administration (GSA):

A record from the system of records may be disclosed to the NARA and GSA for records management inspections conducted under the authority of 44 U.S.C. Secs. 2904 and 2906.

Release of Information to Law Enforcement or Regulatory Agencies:

Information obtained by the U.S. Trustees may be disclosed to any civil or criminal law enforcement authority, whether Federal, State, local, or foreign, when it is relevant to a civil or criminal investigation.

Release of Information to Federal, State, and Local Licensing Agencies:

Information obtained by the U.S. Trustees may be disclosed to Federal, State, and local licensing agencies or associations when it concerns the eligibility or suitability of an individual for a license or permit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information, except that specified below in this paragraph is recorded on basic paper/cardboard material and maintained within metal file boxes, file cabinets, electric file/card retrievers or safes. Certain information from the documents, forms, lists and reports described under "categories of records in the system" will be entered into an automated information system and stored on magnetic disks for reproduction in report form at various times. This includes the case number, debtor's names, case status, type of case, assets of estate, dates of reports filed, trustee bonds, debtor's attorney's name and fees, calendar of meetings and hearings, creditor's committee status, plan and schedule due dates, and trustee/examiner names and dates appointed.

RETRIEVABILITY:

In field offices bankruptcy case files are retrieved by bankruptcy court case numbers, cross-referenced alphabetically by names of debtors. Files pertaining to case trustees, sureties, depository banks and to agents representing parties are maintained and retrieved alphabetically. Files maintained in the Executive Office are maintained and retrieved alphabetically by name of the debtor, or the particular person involved. Automated information is retrieved by a variety of key words, including names of individuals.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing the handling of office records and computerized information. During duty hours access to this system is monitored and controlled by U.S.-Trustee office personnel. During nonduty hours offices are locked.

RETENTION AND DISPOSAL:

Chapter 7 no-asset files may be destroyed six months after the case is closed. Section 341 meeting tapes may be destroyed two years after the date of the 341 meeting. Chapter 7 asset files may be destroyed three years after the case is closed. Chapter 11 files may be destroyed three years after the case is dismissed or closed. Chapter 12 and chapter 13 cases may be destroyed six months after the case is dismissed or closed. 180 Day Semi-Annual Reports may be destroyed after five years. To prevent unauthorized disclosure, records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the U.S. Trustee and in the Executive Office, the General Counsel. (Field offices can be located on the Internet at http://www.usdoj.gov/ust.)

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case is pending, or was administered. (Field offices can be located on the Internet at http://ww.usdoj.gov/ust.)

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in person at the U.S. Trustee office in which the case is filed.

CONTESTING RECORD PROCEDURES:

Indiviudals desiring to contest or amend information maintained in the system should direct their request to the System Manager (Field offices can be located on the Internet at http://www.usdoj.gov/ust.) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this record are generally limited to debtors, creditors, trustees, examiners, attorneys, and other agents participating in the administration of a case, judges

of the bankruptcy courts and employees of the U.S. Trustee offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/UST–002

SYSTEM NAME:

Trustee Files.

SYSTEM LOCATION:

The Executive Office for United States Trustees (EOUST) and various offices of the United States Trustees depending upon the judicial district where the trustee serves or has made application to serve. (Field offices can be located on the Internet at http://www.usdoj.gov/ust.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All trustees and applicants to serve as trustees in bankruptcy cases filed under Chapter 7, 11, 12, and 13 of title 11, U.S.C.

CATEGORIES OF RECORDS IN THE SYSTEM:

Trustee Files (UST–002), may include resumes, applications, letters of recommendation, notes, correspondence, audits, reviews, evaluations, financial records, transcripts, security clearance information and other information provided by trustees, applicants, and third parties or developed by the U.S. Trustee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The systems are established and maintained pursuant to 28 U.S.C. 586 and Title 11, U.S.C.

PURPOSE(S):

These records are used by the U.S. Trustee offices for determining and reassessing the qualifications and eligibility of persons serving or applying to serve as trustees in bankruptcy cases. The records are also reviewed and maintained by the Executive Office for U.S. Trustees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of Information to Courts:

These records may be disclosed, except when the bankruptcy court has moved to protect an entity as provided in 11 U.S.C. 107, in a proceeding before a court or adjudicative body or any proceeding relevant to the administration of a case filed under Title 11 in which the U.S. Trustee is authorized to appear when (a) the U.S. Trustee, or (b) any employee of the U.S. Trustee in his or her official capacity, or (c) any employee of the U.S. Trustee in his or her individual capacity, where the Department of Justice has agreed to represent the employee, or (d) the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the U.S. Trustee to be arguably relevant to the litigation.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records Administration (NARA) and the General Services Administration (GSA):

A record from the system of records may be disclosed to the NARA and GSA for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of Information to Law Enforcement or Regulatory Agencies:

Information obtained by the U.S. Trustees may be disclosed to any civil or criminal law enforcement authorities, whether Federal, State, local, or foreign, which require information relevant to a civil or criminal investigation.

Release of Information To Federal State, and Local Licensing Agencies:

Information obtained by the U.S. Trustees may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the eligibility or suitability of an individual for a license or permit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are filed in paper folders in metal filing cabinets and stored on computer disks.

RETRIEVABILITY:

In the field offices, folders are filed alphabetically by the trustee's or applicant's name. In the Executive Office, duplicate records are maintained alphabetically, organized by region. Automated information is retrieved by a variety of key words, including names of individuals.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing the handling of official records. During duty hours access to this system is monitored and controlled by U.S. Trustee and Executive Office personnel. During nonduty hours offices are locked.

RETENTION AND DISPOSAL:

Trustee files may be destroyed after ten years except in the following circumstances. If the trustee dies, the files may be destroyed after one year. If the trustee resigns the appointment, the files may be destroyed seven years after all cases administered by that trustee are closed. To prevent unauthorized disclosure, records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the System in each office, is the U.S. Trustee and in the Executive Office, the Assistant Director, Office of Review and Oversight. (Field offices can be located on the Internet at http://www.usdoj.gov/ust.)

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request".

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Information contained in the system is provided by the applicant, the applicant's references, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/UST–004

SYSTEM NAME:

United States Trustee Program Case Referral System, JUSTICE/UST–004.

SYSTEM LOCATION:

Executive Office for United States Trustees (EOUST), United States Department of Justice, Room 780, 901 E St. NW., Washington, DC 20530.

Records may also be located in the various field offices. (Field offices can be located on the Internet at http://www.usdoj.gov/ust.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system encompasses entities and individuals involved in the bankruptcy process who are suspected of having engaged in criminal conduct or of having violated other Federal laws, and whose activities have been reported by the U.S. Trustees or EOUST to a U.S. Attorney pursuant to 28 U.S.C. 586 and 18 U.S.C. 3057, or to other law enforcement authorities for investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of any information about a case filed under Title 11 of the U.S. Code which is the subject of, or is associated with, a referral to law enforcement authorities. Records will consist of any information pertaining to the subject of the referral who may be the debtor himself, or any other individual associated with the bankruptcy case who is suspected of having engaged in criminal conduct or having violated other Federal laws. The information may include the subject's name, address, date of birth, or social security number; a chronological account of the incident(s); the source of the information; names and addresses of witnesses; the law enforcement agency to whom the referral is made; and the status or final disposition of the referral. The system may also contain information about the bankruptcy case with which the subject of the referral is associated. Such information may include the debtor's name, address, social security number; case number and case chapter; the trustee's name, address and phone number; the judge assigned to the case; and such other case data as may be filed in the records of the court or of the U.S. Trustee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 586, 18 U.S.C. 3057.

PURPOSE(S):

The purposes of this system are to assist the U.S. Trustees: (1) In supervising the administration of cases and trustees in cases filed under Chapters 7, 11, 12 and 13 of Title 11, U.S. Code, as codified by title I of the Bankruptcy Reform Act of 1978 (11 U.S.C. 101, *et seq.*); (2) in carrying out their congressional mandate "to serve as bankruptcy watch-dogs to prevent fraud, dishonesty, and overreaching in the bankruptcy arena" (H.R. Rep. No. 595, 95th Cong., 2d Sess. 88 (1978)); and (3) in complying with 18 U.S.C. 3057 which directs trustees to report for investigation any instance where there are reasonable grounds for believing that there has been a violation of Federal laws relating to insolvent debtors or reorganization plans. The U.S. Trustees and EOUST will inform the appropriate law enforcement authorities when fraud or other violations of Federal law are suspected or discovered in a bankruptcy case and will maintain records thereof described under "Categories of Records in the System." The data will be used for program-wide evaluation purposes, for statistical purposes, and to track the number, type, and outcome of cases referred for investigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

These records may be disclosed to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of privacy or would impede an ongoing law enforcement procedding.

These records may be disclosed to a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual to whom the records pertain.

These records may be disclosed to members of the judicial branch of the Federal Government where disclosure appears relevant to the authorized function of the recipient judicial office or court system.

These records may be disclosed to any Federal, State, and local licensing agencies or associations when it concerns the eligibility or suitability of an individual for a license or permit.

These records may be disclosed to any civil or criminal law enforcement authorities, whether Federal, State, local or foreign, for investigation of suspected violations of Federal or State laws. Records may also be disclosed to these law enforcement authorities to assist in ongoing investigations.

These records may be disclosed to the National Archives and Records Administration (NARA) and the General Services Administration (GSA) in records management inspections conducted under the authority of Title 44 of the U.S. Code.

These records may be disclosed to a trustee in a case filed under Chapter 7, 11, 12 or 13 of Title, 11, U.S. Code, when the U.S. Trustee determines that the release of information is necessary to enable the trustee to properly administer the case and to perform the duties and responsibilities of a case trustee set forth in Title 11 and in 18 U.S.C. 3057.

These records may be disclosed, except when the bankructy court has moved to protect an entity as provided in 11 U.S.C. 107, in a proceeding before a court or adjudicative body or any proceeding relevant to the administration of a case filed under Title 11 in which the U.S. Trustee is authorized to appear when (a) the U.S. Trustee, or (b) any employee of the U.S. Trustee in his or her official capacity, or (c) any employee of the U.S. Trustee in his or her individual capacity, where the Department of Justice has agreed to represent the employee, or (d) the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the U.S. Trustee to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored in paper folders in cabinets. All records are also stored on computer disks.

RETRIEVABILITY:

Computerized records will be retrievable by using any one or various combinations of the assigned case referral number, the judicial district or U.S. Trustee's field office from which the referral is generated, the date of the referral, the doctor's name, the case chapter, the name, social security or employer identification number and date of birth of the individual who is the subject of the referral, the subject's relationship to the debtor, the general nature of the charges and/or the status of the referral. Records stored in paper folders will be filed chronologically by the case referral number.

SAFEGUARDS:

Paper folders are stored in a file cabinet which is located inside a room with a bolt lock. The computer disks are located in the same room. Only those persons with a need to know have access to the records.

RETENTION AND DISPOSAL:

Criminal referral files may be destroyed by shredding or burning five years from the date of the finding of insufficient evidence, declination of prosecution, or the voting of a No True Bill by a Grand Jury.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Executive Office for United States Trustees, United States

Department of Justice, Room 780, 901 E Street NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the system manager.

RECORDS ACCESS PROCEDURE:

Make all requests for access to records from this system in writing to the system manager and clearly mark both the letter and the envelope "Privacy Act Request." Provide the full name and notarized signature of the individual who is the subject of the request, and a return address.

CONTESTING RECORD PROCEDURES:

Make all requests to correct a record in writing to the system manager. The request must identify the particular record in question, state the correction sought and set forth the justification for correcting or contesting it. These procedures are in accordance with Department regulations (28 CFR 16.46 Requests For Amendment or Correction of Records) **Federal Register**, June 1, 1998, Volume 63, page 29603.

RECORD SOURCE CATEGORIES:

The records will contain information obtained by or furnished to the U.S. Trustee or EQUST (1) from Federal or State court records; (2) from debtors or debtors' principals, agents or representatives; and (3) from informants and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8); (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

[FR Doc. 99–24759 Filed 9–22–99; 8:45 am]

BILLING CODE 4410–CJ–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–116]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Microgravity Research Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Microgravity Research Advisory Subcommittee.

DATES: Wednesday, October 20, 1999, from 8:00 a.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room MIC–6 (Room 6H46), 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Robey, Code UG, National Aeronautics and Space Administration, Washington, DC 20546, 202–358–0813.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Status of the Microgravity Research Advisory Subcommittee Recommendations
—Microgravity Program Status Report
—International Space Station Program Status Report
—Developments in Fundamental Physics
—Developments in Biotechnology
—Microgravity Initiatives for 2002
—Informal Discussion

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: September 15, 1999.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–24801 Filed 9–22–99; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–313]

Entergy Operations, Inc., Arkansas Nuclear One, Unit No. 1; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DRP–51, issued to Entergy Operations, Inc. (the licensee), for operation of Arkansas Nuclear One, Unit 1 (ANO–1) located in Pope County, Arkansas.

This proposed change would amend Technical Specification (TS) 4.18.5.a.9 and its associated Bases to allow the use of steam generator repair roll technology (re-roll) as a repair method for tube defects identified in the steam generator upper tubesheet region. Tubes repaired by this proposed amendment would be allowed to remain in-service for one fuel cycle of operation through the end of fuel Cycle 16. This repair method would credit both the re-roll mechanical joint and the tube-to-tubesheet weld in demonstrating the pressure boundary capabilities and the structural integrity of the repair.

The Commission issued Amendment 190 to Operating License No. DRP–51 on April 10, 1998. This amendment provided the initial approval to use the re-roll methodology as an alternative to either sleeving or plugging steam generator tubes found during inservice inspections to have defects that exceed the stated repair criteria. The allowance to apply re-roll technology was based on Revision 00 to the Framatome Technologies Topical Report BAW–10232P, "OTSG [Once Through Steam Generator] Repair Roll Qualification Report (Including Hydraulic Expansion Evaluation)," dated January 1998. This report evaluated the acceptability of repairing a steam generator tube with a defect in the upper tubesheet region by mechanically rolling the tube into the upper tubesheet below the defect location. The repair roll provides a mechanical joint within the tubesheet bore creating a new pressure boundary, which removes the defect from service. The repair roll was qualified to provide a leakage barrier and structural integrity under worst case design conditions without crediting the original tube roll or the tube-to-tubesheet weld. The Commission's approval of Amendment 190 was based, in part, on the design criteria that the structural integrity of the repair roll was sufficient to carry the worst case design loading without relative motion between the tube and tubesheet.

On September 2, 1999, Framatome Technologies informed the licensee that Topical Report BAW–10232P, Revision 00 did not consider the small break loss-of-coolant accident (SMLOCA) as a limiting event. Further consideration has demonstrated that the SMLOCA is the limiting condition for structural integrity for tube-to-tubesheet re-rolls located in the outer periphery of the tubsesheet. Framatome Technologies has indicated that the re-roll is sufficient to adequately perform its design function to maintain pressure boundary and structural integrity. However, the re-roll joint is not

sufficiently robust to prevent relative movement between the tube and tubesheet during the SBLOCA for all locations in the tubesheet. Framatome Technologies is currently developing an addendum to the topical report to address this condition. The licensee has evaluated the existing condition for tubes that have been repaired with the re-roll methodology using the guidance provided in Generic Letter No. 91–18, "Information to Licensees Regarding NRC Inspection Manual Section on Resolution of Degraded and Nonconforming Conditions." However, based on this information, the licensee cannot use the repair method approved in Amendment 190 to perform any new repairs. Therefore, the licensee submitted an application for an amendment to TS 4.18.5.a.9 to allow the use of a re-roll repair methodology that would credit both the re-roll joint and the tube-to-tubesheet weld in demonstrating the structural integrity and pressure boundary capabilities of the repair. This repair method would maintain the design criteria of no relative movement between the tube and tubesheet under worst case design loading. In addition, the licensee has provided criteria limiting the types and sizes of defects that this repair method can be used to ensure that the tube-to-tubesheet weld can be credited.

The licensee requested that this proposed amendment be processed as an exigent request, pursuant to Section 50.91(a)(6) of Title 10 of the Code of Federal Regulations (10 CFR). The exigency is created by the close proximity between the Framatome Technologies notification of the nonconservative design assumption in Topical Report BAW–10232P, Revision 00 and the ANO–1 refueling outage, which started on September 10, 1999. The failure of the Commission to act in a timely manner could result in the delayed restart of ANO–1 from its current refueling outage and/or cause unnecessary plugging of steam generator tubes.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

An evaluation of the proposed change has been performed in accordance with 10 CFR 50.91(a)(1) regarding no significant hazards considerations using the standards in 10 CFR 50.92(c). A discussion of these standards as they relate to this amendment request follows:

Criterion 1—Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

Topical Report BAW–10232P, "OTSG Repair Roll Qualification Report (Including Hydraulic Expansion Evaluation)," Revision 00 was approved by the NRC in Amendment 190 to the ANO–1 operating license. This amendment allowed using the re-roll technology in the upper tubesheet region of the once through steam generators (OTSG) for the repair of defects in this region of the OTSG tubing. The re-roll established a new pressure boundary for ensuring leakage is within the design limits. The main steam line break (MSLB) was originally concluded to be the limiting accident with respect to tube structural integrity and leakage for the re-rolled tube joints. Subsequent to the approval of the report, the worst case accident for structural integrity of the re-roll joint was reevaluated to be the small break loss of coolant accident (SBLOCA). The leakage conclusions of Revision 00 of the topical report are conservative for the SBLOCA.

Given the identified condition, to ensure the structural integrity of the joint for installation of new re-roll repairs during the current ANO–1 1R15 refueling outage, Entergy Operations will credit the tube to tubesheet weld and the OTSG tube above the re-roll. Sufficient structural margin will be provided to ensure that the tube will not sever within the tubesheet. Inspections of the tube area above the planned re-roll joint will be performed to ensure that defects that could affect the structural integrity of the tube will be removed from service by plugging. The potential offsite dose consequences due to MSLB leakage as discussed in BAW–10232P bound the SBLOCA event whereby the consequences of an accident are unchanged from that previously considered. By ensuring the load carrying capability of the tube above the re-roll and the tube to tubesheet weld, the probability of an accident is not increased.

Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2—Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The limiting event for structural evaluation of the re-roll tube joint is now a SBLOCA. The additional differential dilation effects from reduced pressure in the steam generator tubes due to the SBLOCA can reduce the interface fit of the new joint. This could allow some potential displacement of the re-roll joint within the tubesheet. For ANO–1 Cycle 16 operations, the structural integrity of the tube will be ensured by crediting the load carrying capability of the OTSG tube above the re-roll and the tube to tubesheet weld.

Even though the limiting event for structural integrity of the re-roll joint was changed from a MSLB to a SBLOCA event, the effects on ANO–1 OTSG tube integrity and the adjacent tubes are not impacted. The re-roll joint will remain intact and will not create any new adverse conditions or accidents.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—Does Not Involve a Significant Reduction in the Margin of Safety.

The design requirement contained in BAW–10232P, Revision 00 for the re-roll repair joint was based on the joint carrying any normal operating or accident loads and any primary to secondary leakage through the joint is within design limits. The leakage considerations of the re-roll joint are not affected by the SBLOCA event and for this design criteria the MSLB is still the limiting event. Allowing credit for the existing weld and tube above the new re-roll repair, the design margin of the re-roll joint is not reduced and the safety margin for structural integrity is still maintained. There is no severance of the tube within the tubesheet and adjacent steam generator tubes are unaffected.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final

determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 25, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 19, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas.

Dated at Rockville, Maryland, this 20th day of September, 1999.

For the Nuclear Regulatory Commission.

M. Christopher Nolan,

Project Manager, Section 1, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24897 Filed 9–22–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302; License No. DPR–72]

In the Matter of Florida Power Corporation (Crystal River Unit 3); Confirmatory Order Modifying Post-Three Mile Island Requirements Pertaining to Containment Hydrogen Monitors

I

Florida Power Corporation (the Licensee), is the holder of Facility Operating License No. DPR–72 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 50. The license authorizes the operation of Crystal River Unit 3 (CR–3), located in Citrus County, Florida.

II

As a result of the accident at Three Mile Island, Unit 2 (TMI–2), the NRC issued NUREG–0737, "Clarification of TMI Action Plan Requirements" (November 1980). Generic Letters 82–05 and 82–10, issued on March 17 and May 5, 1982, respectively, requested licensees of operating power reactors to furnish information pertaining to their implementation of specific TMI Action Plan items described in NUREG–0737. Orders were issued to licensees confirming their commitments made in response to the generic letters. The Order to the Licensee issued on March 14, 1983, requires the Licensee to implement and maintain the various TMI Action Plan items, including Item II.F.1, Attachment 6, pertaining to monitoring of hydrogen concentration in containment.

Significant improvements have been achieved since the TMI accident in the areas of understanding risks associated with nuclear plant operations and developing better strategies for managing the response to potentially severe accidents at nuclear plants. Recent insights pertaining to plant risks and alternate severe accident assessment tools have led the NRC staff to conclude that some TMI Action Plan items can be revised without reducing, and perhaps enhancing, the ability of licensees to respond to severe accidents. The NRC's efforts to oversee the risks associated with nuclear technology more effectively and to eliminate undue regulatory costs to licensees and the public have prompted the NRC's decision to revise the post-TMI requirement related to establishing indication of hydrogen concentration in containment.

The Confirmatory Order of March 14, 1983 imposed requirements upon the Licensee for having continuous indication of hydrogen concentration in the containment atmosphere provided in the control room, as described by TMI Action Plan Item II.F.1, Attachment 6. Subsequently, by letter dated January 18, 1984, the NRC approved an exception to this requirement which allowed the containment hydrogen monitor system (CHMS) indicator and the CHMS indicator-recorder to be located in the CR–3 emergency feedwater initiation and control room. Information about hydrogen concentration supports the Licensee's assessments of the degree of core damage and whether a threat to the integrity of the containment may be posed by combustion of the hydrogen gas. TMI Action Item II.F.1, Attachment 6 states:

> If an indication is not available at all times, continuous indication and recording shall be functioning within 30 minutes of the initiation of safety injection.

This requirement to have indication of the hydrogen concentration in containment within 30 minutes following the start of an accident has defined both design and operating characteristics for hydrogen monitoring systems at nuclear power plants since the implementation of NUREG–0737. In addition, the technical specifications of most nuclear power plants and NRC regulations at 10 CFR 50.44, "standards for combustible gas control system in light-water-cooled power reactors," require availability of hydrogen monitors.

By letter dated April 14, 1999, Florida Power Corporation requested relief for CR–3 from the requirement to have indication of hydrogen concentration in containment within 30 minutes of the initiation of safety injection. Specifically, the Licensee requested a risk-informed functional requirement for providing indication of hydrogen concentration in containment. The technical basis for this request was that a delay in providing indication of hydrogen concentration in containment would provide more margin for the operators to complete accident assessment and mitigation duties, before redirecting their attention to longer-term recovery actions. The licensee indicated that the delay would have a positive effect on the ability of operators to respond to an event by enabling them to concentrate on important immediate action steps. The licensee further indicated that there would be no negative effect, since the actions for which hydrogen monitoring would be used were not needed for more than 24 hours after an accident, and in addition, other indications would be available to the operators for use in recognizing and classifying emergencies and issuing protective action recommendations to offsite authorities.

On the basis of the NRC staff's review of information provided by the Licensee, consideration of the lessons learned since the TMI–2 accident pertaining to severe accident management and emergency planning, and in order to make NRC licensing and regulatory oversight more efficient, the staff concludes that the Licensee should have the flexibility and assume the responsibility for determining the appropriate time limit for indication of hydrogen concentration in containment, such that control room personnel are not distracted from more important tasks in the early phases of accident mitigation, and decisionmakers, mostly outside the control room, are able to benefit from having useful information on hydrogen concentration. Because the appropriate balance between control room activities and longer term management of the response to severe accidents can be best determined by the Licensee, the NRC staff has determined that the Licensee may elect to adopt a risk-informed functional requirement in lieu of the current 30-minute time limit for indication of hydrogen concentration as imposed by the Order dated March 14, 1983, and as described by TMI Action Item II.F.1, Attachment 6 in NUREG–0737. Other exceptions to Item II.F.6, recognizing the location of the CHMS indicator and indicator-recorder and phone used to initiate contact with the control room, shall remain part of the CR–3 licensing basis. The applicable functional requirement is as follows:

> Procedures have been established for ensuring that indication of hydrogen concentration in the containment atmosphere is available in a sufficiently timely manner to support the role of the information in the Crystal River Unit 3 Emergency Plan (and related procedures) and related activities. Hydrogen monitoring will be initiated based on the appropriate priority for establishing indication of hydrogen concentration within containment in relation to other activities in the control room. Affected licensing basis documents and other related documents will be appropriately revised and/or updated in accordance with applicable NRC regulations.

III

Accordingly, pursuant to Sections 103, 104b, 161b, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 50, it is herby ordered that:

NRC License No. DPR–72 is modified as follows:

The Licensee may elect to either maintain the 30-minute time limit for indication of hydrogen in containment, as described by TMI Action Plan Item II.F.1, Attachment 6, in NUREG–0737 and required by the Confirmatory Order of March 14, 1983, or modify the time limit in the manner specified in Section II of this Order.

The Director, Office of Nuclear Reactor Regulation, may, in writing, relax or rescind the above condition upon demonstration by the Licensee of good cause.

IV

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications Staff, Washington, DC 20555–0001. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; to the Deputy Assistant General Counsel for Hearings and Enforcement at the same address; to the Regional Administrator, NRC Region II, 61 Forsyth Street, SW., Suite 23T85, Atlanta, Georgia 30303; and to R. Alexander Glenn, General Counsel, Florida Power Corporation, MAC–A5A, P.O. Box 14042, St. Petersburg, Florida 33733–4042, attorney for the Licensee. If such a person requests a hearing, that person will set forth with particularity the manner in which his interest is adversely affected by this Order and will address the criteria set forth in 10 CFR 2.714(d).

If the hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing will be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section III above will be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section III will be final when the extension expires if a hearing request has not been received.

Dated at Rockville, Maryland this 16th day of September, 1999.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24815 Filed 9–22–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket 72–1025]

NAC International, Inc.; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Requirements of 10 CFR Part 72

By letter dated August 2, 1999, NAC International, Inc. (NAC or applicant) requested an exemption, pursuant to 10 CFR 72.7, from the requirements of 10 CFR 72.234(c). NAC, located in Norcross, Georgia, is seeking Nuclear Regulatory Commission (NRC or the Commission) approval to procure materials for and fabricate 15 transportable storage canisters (TSCs), 15 vertical concrete casks (VCCs), and 1 transfer cask prior to receipt of the Certificate of Compliance (CoC) for the NAC Multi-Purpose Canister (MPC). The MPC TSC, VCC, and transfer cask are basic components of the MPC system, a cask system designed for the dry storage and transportation of spent fuel. The MPC system is intended for use under the general license provisions of Subpart K of 10 CFR part 72 by Yankee Atomic Power Company (YAPC) at the Yankee Rowe Atomic Power Station (Yankee Rowe), located in Bolton, MA. The application for the CoC was submitted by NAC to the Commission on April 29, 1997, as supplemented.

Environmental Assessment (EA)

Identification of Proposed Action

NAC is seeking Commission approval to procure materials and fabricate 15 TSCs, 15 VCCs, and 1 transfer cask prior to receiving the CoC. The applicant is requesting an exemption from the requirements of 10 CFR 72.234(c), which states that "Fabrication of casks under the Certificate of Compliance must not start prior to receipt of the Certificate of Compliance for the cask model." The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

Need for the Proposed Action

NAC requested the exemption from 10 CFR 72.234(c) to ensure the availability of storage casks so that Yankee Rowe can decommission as scheduled. Yankee Rowe's decommissioning schedule is based on initiating spent fuel loading operations in October 2000 using the MPC system. The MPC CoC application is under consideration by the Commission. A draft CoC and safety evaluation report (SER) have been prepared. It is anticipated that the final COC and SER, if approved, would not be issued before February 2000.

To support training and dry run operations, NAC indicated that the first of the MPC TSCs, VCCs and the transfer cask are required by October 2000. NAC stated that procurement of the TSCs, VCCs, and transfer cask material must begin by September 1999 to meet the Yankee Rowe decommissioning schedule; that delivery times for these materials are on the order of four to six months; and that upon receipt of the materials, the fabrication and acceptance schedule is approximately six to eight months. Thus, NAC could need to commence fabrication of the casks prior to receipt of the COC.

The proposed fabrication exemption will not authorize use of the MPC system to store spent fuel. That will occur only when, and if, a CoC is issued. NRC approval of the fabrication exemption request should not be construed as an NRC commitment to favorably consider NAC's application for a CoC. NAC will bear the risk of all activities conducted under the exemption, including the risk that the 15 TSCs, 15 VCCs , and 1 transfer cask that NAC plans to construct may not be usab'e as a result of not meeting specifications or conditions delineated in a CoC that the NRC may ultimately approve.

Environmental Impacts of the Proposed Action

The Environmental Assessment for the final rule, "Storage of Spent Nuclear Fuel in NRC–Approved Storage Casks at Nuclear Power Reactor Sites" (55 FR 29181 (1990)), considered the potential environmental impacts of casks which are used to store spent fuel under a CoC and concluded that there would not be significant environmental impacts. The proposed action now under consideration would not permit use of the MPC system, only fabrication. There are no radiological environmental impacts from fabrication since the TSC, VCC, and transfer cask fabrications do not involve radioactive materials. The major non-radiological environmental

impacts involve use of natural resources due to fabrication. Each TSC weighs approximately 24,130 pounds and consists mainly of steel. Each VCC weighs approximately 155,000 pounds and is made primarily of concrete. The transfer cask weighs approximately 80,800 pounds and consists mainly of steel.

The amount of steel required for the TSCs and transfer casks is expected to have an insignificant impact on the steel industry. Fabrication of the TSCs and transfer cask would be at a metal fabrication facility and is insignificant compared to the amount of metal fabrication performed annually in the United States. If the TSCs and transfer cask are not usable, they could be disposed of or recycled. The amount of material disposed of would be insignificant compared to the amount of steel that is disposed of annually in the United States. Based upon this information, the fabrication of the canisters and transfer cask will have no significant impact on the environment since no radioactive materials are involved and the amount of natural resources used is minimal.

The amount of concrete required for the VCCs is expected to have an insignificant impact on the concrete industry. Fabrication of the VCCs would be in the vicinity of the reactor site and is insignificant compared to the amount of concrete fabrication performed annually in the United States. If the VCCs are not usable, they could be disposed of or recycled. The amount of material disposed of would be insignificant compared to the amount of concrete that is disposed of annually in the United States. Based upon this information, the fabrication of the VCCs will have no significant impact on the environment since no radioactive materials are involved and the amount of natural resources used is minimal.

Alternative to the Proposed Action

Since there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption and, therefore, not allow fabrication of the TSCs, VCCs, and transfer cask until a CoC is issued. This alternative would have the same environmental impact.

Given that there are no significant differences in environmental impacts between the proposed action and the alternative considered and that the applicant has a legitimate need to procure materials and fabricate prior to certification and is willing to assume the risk that any TSC, VCC, or transfer cask fabricated may not be approved or may require modification, the Commission concludes that the preferred alternative is to approve the fabrication request and grant the exemption from the prohibition on fabrication prior to receipt of a CoC.

Agencies and Persons Contacted

Mr. James Muckerheide from the Massachusetts Emergency Management Agency was contacted about the EA for the proposed action and had no comments.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based on the forgoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.234(c) so that NAC may fabricate 15 TSCs, 15 VCCs, and 1 transfer cask prior to issuance of a CoC for the MPC system will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

The request for the exemption from 10 CFR 72.234(c) was filed by NAC on August 2, 1999. For further details with respect to this action, see the application for a CoC for the MPC system dated April 29, 1997, as supplemented. The exemption request and CoC application are docketed under 10 CFR part 72, Docket 72–1025. The exemption request and the non-proprietary version of the CoC application are available for public inspection at the Commissions's Public Document Room, 2120 L Street, NW, Washington, DC 20555.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 13th day of September, 1999.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99–24814 Filed 9–22–99; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41877; File No. SR–Amex–99–32]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Amending MOC and LOC Order Entry and Cancellation Procedures During Regulatory Halts

September 14, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 13, 1999, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. On September 13, 1999, the Exchange submitted Amendment No. 1.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend its market-on-close ("MOC") and limit-on-close ("LOC") order entry and cancellation procedures in the event of a regulatory trading halt and procedures relating to the publication of order imbalances following *any* type of trading halt.[4] The text of the proposed rule change is available at the Office of the Secretary, the Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Michael Cavalier, Associate General Counsel, Legal & Regulatory Policy, Amex, to Richard Strasser, Assistant Director, Division of Market Regulation, SEC, dated September 9, 1999 ("Amendment No. 1"). In Amendment No. 1, the Exchange clarified the purpose of the proposed rule change and provided a definition of regulatory trading halt.

[4] The changes proposed in this filing are identical to those the Commission recently approved for the New York Stock Exchange. *See* Exchange Act Release No. 41497 (June 9, 1999), 64 FR 32595 (June 17, 1999) (SR–NYSE–99–42).

rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's current MOC/LOC procedures require that MOC/LOC orders in all common stocks, other than those that trade in units of less than 100 shares be entered by 3:40 p.m. (New York time).[5] After 3:40 p.m., MOC and LOC orders are accepted only to offset published imbalances. In addition, after 3:40 p.m. MOC/LOC orders are irrevocable except to correct an error.

Order imbalances must be published on the tape as soon as practicable after 3:40 p.m. If there is an imbalance of 5,000 shares or more. An order imbalance below 25,000 shares may also be published by a specialist, with the concurrence of a Floor Official, if the specialist anticipates that the execution prices of MOC or LOC orders on the book will exceed the price change parameters of Amex Rule 154, Commentary .08,[6] or if the specialist believes that an order imbalance should otherwise be published.

The exchange proposes to modify existing procedures relating to the handling of MOC and LOC orders and the publication of order imbalances in connection with trading halts, as described herein.

a. MOC/LOC Order Cancellation Procedures

The Exchanges proposes to modify MOC/LOC order cancellation procedures if a regulatory halt[7] is in effect at or after 3:40 p.m. Current procedures prohibit cancellation of MOC/LOC orders under these circumstances.

A stock may reopen following a regulatory halt at a price significantly away from the last sale at the time such regulatory halt took effect, which could potentially subject market participants to significant market risk if they are unable to cancel previously entered MOC or LOC orders. The Exchange believes it is appropriate, if a regulatory halt is in effect at 3:40 p.m. or later, to permit Exchange members to cancel MOC/LOC orders until 3:50 p.m. or the reopening of the stock, whichever occurs first. The Exchange believes that the proposed rule change will permit market participants to respond to information not available before 3:40 p.m. This policy, however, does not apply to non-regulatory (*e.g.*, order imbalance or equipment changeover) halts and cancellation of MOC/LOC orders after 3:40 p.m. will not be permitted under such circumstances except to correct an error.

b. MOC/LOC Order Entry Procedures

If a regulatory halt is in effect at 3:40 p.m. or occurs after that time, the Exchange proposes to permit members to enter buy or sell MOC/LOC orders until 3:50 p.m. or until the security reopens, whichever occurs first. If an order imbalance is published following a regulatory halt, entry of MOC/LOC orders would be permitted only to offset the published imbalance.[8] The proposed procedure addresses the situation where a regulatory halt is in effect at or after 3:40 p.m., and market conditions change significantly after the regulatory halt is imposed. As with the proposed cancellation procedures, the Exchange believes that these proposed entry procedures should reduce unnecessary market risk which market participants are currently subject to as a result of their inability to enter MOC/LOC orders after 3:40 p.m.

c. Order Imbalance Publication Procedures

The Exchange proposes to require specialists to publish order imbalances of 25,000 shares or more, if practicable, in the event a security reopens after 3:50 p.m. following a trading halt of *any* type. Imbalances of less than 25,000 shares may be published, with the concurrence of a Floor Official, if the specialist anticipates that the execution of MOC/LOC orders on the book will exceed the price change parameters of Amex Rule 154, Commentary .08,[9] or if the specialist believes that an order imbalance should otherwise be published.

Trading would not reopen in the event a trading halt in a stock occurs after 3:50 p.m., or 3:55 p.m. in the case of an equipment changeover halt, and MOC/LOC orders will not be executed. As a practical matter, trading cannot reopen by 4:00 p.m. after these times because as noted above (*see supra* note 8), a minimum time period of ten minutes is required between the first indication disseminated after a trading halt, or five minutes for an equipment changeover halt, and the opening or reopening.

The Exchange will issue an Information Circular to members and member organizations discussing these changes.

2. Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)[10] of the Act, in general, and furthers the objectives of Section 6(b)(5),[11] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the Act.

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[5] The Commission approved this policy in Exchange Act Release No. 40123 (June 24, 1998), 63 FR 36280 (June 2, 1998) (SR–Amex–98–10). This policy, which is also described in Amex Information Circular 98–761 (June 26, 1998), as well as the policy changes proposed herein, do not apply to any security the pricing of which is based on another security or an index, such as derivatives, warrants and convertible securities.

[6] Rule 154, Commentary .08 provides that no transaction in a stock at a price of $20 or more a share may be made at two points or more away from the last previous sale, no transaction in a stock at a price of $10 or more (but less than $20) a share may be made at one point or more away from the last previous sale, and no transaction in a stock at a price of less than $10 a share maybe made at ½ point or more away from the last previous sale, without the prior approval of a Floor Official.

[7] A regulatory halt may be instituted in a security if the Exchange determines that matters relating to the security or its issuer have not been adequately disclosed to the public, or if there are regulatory problems relating to such security that should be clarified before trading is permitted to continue. The Exchange follows the procedures set forth in Section XI(a) of the Consolidated Tape Association ("CTA") Plan when instituting regulatory halts. *See* Exchange Act Release No. 10787 (May 10, 1974), 39 FR 17799; and Exchange Act Release No. 16983 (July 16, 1980), 45 FR 49414 (July 24, 1980).

[8] Amex specialists are required to disseminate indications on Tape B prior to reopening trading following a trading halt. A minimum time period of ten minutes (five minutes in the case of an equipment changeover halt) between the first indication and the opening or reopening of a stock is required. For purposes of the mandatory indications policy, the Exchange defines "Regulatory Halt" as having the meaning assigned to it in the CTA Plan. *See* Exchange Act Release No. 38549 (April 28, 1997), 62 FR 24519 (May 5, 1997) (SR–Amex–97–13).

[9] *See supra* note 6.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; (3) does not become operative for 30 days from August 13, 1999, the date on which it is filed, and because the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date, it has become effective pursuant to Section 19(b)(3)(A) [12] of the Act and Rule 19b–4(b)(6) [13] thereunder.[14] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of Act.[15]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–99–32 and should be submitted by October 14, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24802 Filed 9–22–99; 8:45 am]

BILLING CODE 8010–01–M

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] The Commission notes that it recently approved identical procedures for the New York Stock Exchange. *See supra* note 4.

[15] 15 U.S.C. 78s(b)(3)(C).

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Air Carrier and General Aviation Maintenance Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting cancellation.

SUMMARY: The FAA is issuing this notice to advise the public that the October 5th meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee, scheduled to discuss Air Carrier and General Aviation Maintenance Issues (64 FR 50318; September 16, 1999) has been cancelled.

FOR FURTHER INFORMATION CONTACT: Carolina E. Forrester, (202) 267–9690, Office of Rulemaking (ARM–200), 800 Independence Avenue, SW, Washington, DC 20591.

Issued in Washington, DC, on September 20, 1999.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 99–24799 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–99–5578]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of final disposition.

SUMMARY: The FHWA announces its decision to exempt 32 individuals from the vision requirement in 49 CFR 391.41(b)(10).

DATES: September 23, 1999.

FOR FURTHER INFORMATION CONTACT: For information about the vision exemptions in this notice, Ms. Sandra Zywokarte, Office of Motor Carrier Research and Standards, (202) 366–2987; for information about legal issues related to this notice, Ms. Judith Rutledge, Office of the Chief Counsel, (202) 366–0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov.* It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register**'s home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's web page at: *http://www.access.gpo.gov/nara.*

Background

Thirty-two individuals petitioned the FHWA for a waiver of the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of commercial motor vehicles (CMVs) in interstate commerce. They are Grady Lee Black, Jr., Marvin E. Brock, Roosevelt Bryant, Jr., John Alex Chizmar, Billy M. Coker, Cliff Dovel, George T. Ellis, Jr., Weldon R. Evans, Richard L. Gagnebin, James P. Guth, James J. Hewitt, Paul M. Hoerner, Carroll Joseph Ledet, Charles L. Lovern, Craig M. Mahaffey, Michael S. Maki, Gerald Wayne McGuire, Eldon Miles, Craig W. Miller, Walter F. Moniowczak, Howard R. Payne, Kenneth Adam Reddick, Leonard Rice, Jr., Willard L. Riggle, John A. Sortman, James Archie Strickland, James Terry Sullivan, Edward A. Vanderhei, Buford C. Varnadore, Kevin P. Weinhold, Thomas A. Wise, and Rayford R. Harper. Under 49 U.S.C. 31315 and 31136(e), the FHWA may grant an exemption for a renewable 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." Accordingly the FHWA evaluated the petitions on their merits and made a preliminary determination that the waivers should be granted. On May 18, 1999, the agency

published notice of its preliminary determination and requested comments from the public (64 FR 27027). The comment period closed on June 17, 1999. Two comments were received, and their contents were carefully considered by the FHWA in reaching the final decision to grant the petitions.

Vision and Driving Experience of the Applicants

The vision requirement in 49 CFR 391.41(b)(10) provides: A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

Since 1992, the FHWA has undertaken studies to determine if this vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70° to 120°, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Paul Aiello, M.D., and James W. Rosenberg, M.D., "Visual Requirements and Commercial Drivers," October 16, 1998, filed in the docket). The panel's conclusion supports the FHWA's view that the present standard is reasonable and necessary as a general standard to ensure highway safety. The FHWA also recognizes that some drivers do not meet the vision standard but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 32 applicants fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, retinal and corneal scars, and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but nine applicants were either born with their vision impairments or have had them since childhood. The nine individuals who sustained their vision conditions as adults have had them for periods ranging from 6 to 43 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye and, in a doctor's opinion, can perform all the tasks necessary to operate a CMV. The doctors' opinions are supported by the applicants' possession of a valid commercial driver's license (CDL). Before issuing a CDL, States subject drivers to knowledge and performance tests designed to evaluate their qualifications to operate the CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State. The Federal interstate qualification standards, however, require more.

While possessing a valid CDL, these 32 drivers have been authorized to drive a CMV in intrastate commerce even though their vision disqualifies them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 4 to 42 years. In the past 3 years, the 32 drivers had a total of four moving violations among them. Three drivers were involved in minor accidents in their CMVs, but there were no injuries and none of the CMV drivers received a citation.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in 64 FR 27027, May 18, 1999. Since the docket comments did not focus on the qualifications of a specific applicant, we have not repeated the individual profiles here. Our summary analysis of the applicants as a group, however, is supported by the information published in 64 FR 27027.

Basis for Exemption Determination

Under revised 49 U.S.C. 31315 and 31136(e), the FHWA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting these drivers to drive in interstate commerce as opposed to restricting them to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, the FHWA considered not only the medical reports about the applicants' vision but also their driving records and experience with the vision deficiency. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of accidents and traffic violations. Copies of the studies have been added to the docket.

We believe we can properly apply the principle to monocular drivers because data from the vision waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, 13345, March 26, 1996). That experienced monocular drivers with good driving records in the waiver study program demonstrated their ability to drive safely supports a conclusion that other monocular drivers, meeting the same qualifying conditions to those required by the waiver study program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that accident rates for the same individual exposed to certain risks for two different time periods vary only slightly. (See Bates and Neyman, University of California Publications in Statistics, April 1952.) Other studies demonstrated theories of predicting accident proneness from accident history coupled with other factors. These factors, such as age, sex, geographic location, mileage driven and conviction history, are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future accidents. (See Weber, Donald C., "Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process," Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall accident predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 32 applicants, we note that cumulatively the applicants have had only three minor accidents and four traffic violations in the last 3 years. None of the violations represented a serious traffic violation as defined in 49 CFR 383.5, and neither of the accidents involved bodily injury or resulted in a

citation. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' driving histories with their vision deficiencies are predictors of future performance, the FHWA concludes their ability to drive safely can be projected into the future.

We believe applicants' intrastate driving experience provides an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrians and vehicle traffic than exist on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances are more compact than on highways. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated a CMV safely under those conditions for at least 4 years, most for much longer. Their experience and driving records lead us to believe the applicants are capable of operating in interstate commerce as safely as they have in intrastate commerce. Consequently, the FHWA finds that exempting applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the agency will grant the exemptions for the 2-year period allowed by 49 U.S.C. 31315 and 31136(e).

We recognize that the vision of an applicant may change and affect his/her ability to operate a commercial vehicle as safely as in the past. As a condition of the exemption, therefore, the FHWA will impose requirements on the 32 individuals consistent with the grandfathering provisions applied to drivers who participated in the agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in its driver qualification file, or keep a copy in his/her driver qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving so it may be presented to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

The FHWA received two comments in this proceeding. Each comment was considered and is discussed below.

Ms. Felicia Harrison of Pahokee, Florida, supported the FHWA's determination to grant the exemptions. She believes, like the FHWA, that past driving records are good indicators of future performance and that the 32 applicants for vision exemptions have demonstrated their ability to operate CMVs safely.

In the other comment, Advocates for Highway and Auto Safety (AHAS) expresses continued opposition to the FHWA's policy to grant exemptions from the FMCSRs including the driver qualification standards. Specifically, the AHAS questions the agency's reliance on conclusions drawn from the vision waiver program, suggests that the criteria used by the FHWA for considering exemptions is flawed, raises procedural objections to this proceeding and finally, claims the agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31315 and 31136(e)).

On the first issue regarding what inferences can be drawn from the results of the waiver study program, the AHAS suggests that the FHWA cannot base the present proceedings on the results generated by the waiver study program because a valid research model was not used. In response to this concern, we note that the validity of research designs is a quality with many dimensions which cannot be accepted or dismissed in a blanket, simplistic statement. The approach used by the FHWA for the assessment of risk is a valid design that has been used in epidemiology for studies of occupational health. These observational studies compare a treated or exposed group of finite size to a control group that is large and represents outcomes for the nation as a whole (e.g., national mortality rates or truck accident rates). This design has been used to investigate risk relative to the hazards of asbestos and benzene with regulatory decisions based on the outcomes.

The strength of the design is that it provides a high level of external validity. Being able to compare outcomes to a national norm places the focus in proper perspective for regulatory matters. This, of course, is the strength relative to the waiver program where the General Estimates System (GES) accident rates represent a national safety norm. While the design has been successfully used in critical risk areas, its application has not been without challenges. Most of the criticism has focused on the data used in the models. It has been correctly argued that exposure to hazards has not always been clearly measured because recordkeeping is not accurate or complete. Criticism has also focused on the poor measurement of health outcomes. Vagueness in the assessment of outcomes was due to poor recordkeeping or exposed individuals not being examined. Threats to the validity of measurement do not appear to be as large an issue in the waiver program's risk assessment. Exposure, for example, in the assessment is manifested by participation in the waiver program (as exposure to a treatment) and through vehicle miles traveled (as exposure to risk). The measurement of participation in the program had no vagueness by virtue of the required recordkeeping. Exposure to risk by vehicle miles traveled was measured by self-report and could, of course, contain errors. However, since reports were made on a monthly basis, it was not expected that the reporting for these short periods would contain significant systematic error over the life of the program. Risk outcomes in this assessment were determined through accident occurrence. Accident occurrence was verified in multiple ways through self-report (a program requirement), the Commercial Driver License Information System, State driving records, and police accident reports. As a result it is believed that the research approach used in the waiver program did not suffer serious flaws relative to the validity of measurement.

Criticism of the approach taken by the waiver program relative to internal validity could have some merit. Even the original design proposed for the waiver study received concern for its internal validity. That design proposed to use a sample of commercial motor vehicle (CMV) operators without vision deficiencies as a comparison group. While the design was appealing, it had potential for flaws relative to internal validity. Due to the nature of the vision deficiencies examined, the drivers could not be randomly assigned to the waiver and comparison groups as is done in clinical trials. As the desirable paradigm

for science, clinical trials go to great length to guarantee internal validity. But, as is being increasingly pointed out in medical research where randomized trials are seen as the basis of good science, even these studies can have flaws which undermine their external validity (U.S. General Accounting Office, "Cross Design Synthesis; A New Strategy for Medical Effectiveness Research," March 1992, GAO/PEMD–92–18).

In the GAO report cited above, it was suggested that the results obtained through randomized clinical trials be adjusted to apply to a patient population which was not represented in the trial, and, thereby, enhanced external validity. Moreover, it was also suggested that the results from other observational (*i.e.* non-random) studies be used to support the evidence provided by clinical trials. Of course, these studies would have to be assessed to determine the degree of bias present relative to internal validity. If it existed, adjustments would be required. As is more often being recognized, all aspects of scientific endeavor contain flaws; design, measurement, and even the research questions asked (Cook, J.D. "Postpositivist Critical Multiplism" in L. Shortland and H.M. Mark (eds.) *Social Science and Social Policy*. Newbury Park, CA: Sage 1985). The necessary approach to obtaining valid results is to thoroughly examine a study for bias and make adjustments where possible. If the original waiver study comparative design had been implemented, it probably would have required adjustments related to both internal and external validity.

The waiver program and its research design were reviewed on several occasions. Most of the critical discussion concerned analytic methodology given the nature of the GES comparison group. The risk monitoring aspect of the design was largely endorsed. However, one researcher correctly criticized the comparison with the national GES data because it would not be possible to assess the potential for comparison bias as a threat to internal validity. This criticism was correct because such potential confounding factors as age and driving patterns are not available in the GES data to determine if a lack of balance exists between the waiver group and the comparison data. If the factors were not balanced, adjustments could not be made. The bias, if it existed, would therefore be hidden. This has been a concern to the FHWA. To address this, a sensitivity analysis was performed to assess the impact of possible hidden bias (Rosenbaum, P.R. *Observational Studies*, New York, Springer-Verlag 1995). The analysis examined outcomes under various levels of hidden bias and the results showed that the comparison with GES accident rates is largely insensitive to hidden bias. The results of this sensitivity analysis, filed in this docket, provide evidence to support the internal validity of the comparison to GES data.

Based on the various assessments, it would appear that the results of the waiver program risk analysis are basically valid. The measurement of exposure and risk outcomes was conducted with virtually no error. The external validity is ensured because a national norm is the focus of comparison and, based on the sensitivity analysis, the degree of internal validity is strengthened. To obtain valid results that point to a clear causal connection between an action and an outcome basically rests on ruling out other influences on the outcome. While these appear to be largely accomplished based on an examination of the various types of validity, there remains an additional threat to the validity of the results. Relative to this, it has been argued that the drivers in the various waiver programs have lower accident rates because they are aware of being monitored, and monitoring is a strong motivation to exercise care. Given the possible threat, the FHWA conducted a follow up assessment after the waived drivers were given grandfather rights in March 1996. Conducted in June 1998, an assessment of the drivers' accident experience was made for the period to December 1996. The results, on file in this docket, showed that the drivers who had been in the program continued to have an accident rate that was lower than the national norm.

Based on the arguments given above, it is reasonable to conclude that the results generated by the waiver program have a high degree of validity. It then remains to determine how these results can be used, *i.e.*, what inferences can be drawn from results and what are the boundaries on these inferences? The AHAS states categorically that "the agency cannot extrapolate from the experience of the drivers in the vision waiver program to other vision impaired drivers who did not participate in the program." To some degree this statement is correct. Based on the design, data collection and analysis associated with the waiver program, the FHWA does not wish to generalize the results of the study to other drivers with vision deficiencies. That is, drivers are not the focus of inference. They are associated with the inference but are not necessarily the subject of inference. Nor are the vision standards the focus of inference from the results. As the AHAS pointed out, "the FHWA recognizes that there were weaknesses in the waiver study design and believes that the waiver study has not produced, by itself, sufficient evidence upon which to develop new vision and diabetes standards." This statement by the FHWA merely recognizes that the study design did not ask questions concerning whether there are vision characteristics other than those in standards that could permit safe operating of a CMV. The FHWA conducted a feasibility assessment to determine if such a study could be designed and implemented. It was concluded that resources were not available to do this.

The target of inference in the waiver study is suggested in another quotation offered by the AHAS. The AHAS points out that the FHWA has stated "that monocular drivers in the waiver program demonstrated their ability to drive safely supports a conclusion that other monocular drivers, with qualifications similar to those required by the waiver program, can also adapt to their vision deficiency and operate safely." This statement captures the focus of inference while being somewhat restrictive relative to the type of vision deficiency involved. The target of the test in the research design was the process of granting waivers. That is, it can be inferred that drivers with vision deficiencies who are approved by the screening process in the waiver program will be able to operate CMVs in a manner that is as safe or safer than the prevailing national safety norm. The inference is not being made to screening processes in general. It is only being inferred for the single process in the waiver program and that this process is viable for the purpose intended. That the AHAS has stated such a conclusion is not tenable because a valid research design was not used is, in itself, a proposition that does not enjoy support. The discussion of the validity of the approach clarifies the value of results. If the inferences drawn from these results focus on the process tested, the conclusions are valid. It follows that the application of the waiver process to future screening should also produce valid results.

In its second point, that there is an important flaw in the criteria used by the agency, the AHAS contends the agency "ignores" regulatory provisions that would require reliance upon a ten-year driving history. This is based on CDL disqualifications that apply upon the repeat convictions for certain violations committed in a ten-year

period. Because the exemption criteria includes consideration of an applicant's driving record for a three-year period, the AHAS concludes: "Thus, while drivers who are not granted exemptions are subject to the 10-year requirement for second and third disqualifying offenses, drivers who are granted exemptions from the federal vision standard are also exempt from reporting convictions for disqualifying offenses that took place more than 3 years prior to the application for exemption." There is absolutely no basis for this conclusion. The previous discussion explains why a 3-year driving history was chosen as a criterion for determining whether the applicant has successfully adjusted to the vision deficiency. The exemption granted to these petitioners applies only to the qualification standard in 49 CFR 391.41(b)(10) (vision). The drivers receiving the exemptions are subject to all other regulations, including all of the CDL and other qualification standards. In fact, as noted above, all these applicants possess a valid CDL.

In its third point, the AHAS objects to the procedure employed in processing these petitions for exemptions, contending that there is no statutory basis for making a "preliminary" determination, which tends to pre-judge the outcome. The AHAS makes an analogy to an interim final rule where an agency "has already made its decision * * * (and) predetermined its view of the merits prior to soliciting and evaluating public comments on the petition." This analogy is misplaced. The agency's "preliminary determination" is much more akin to a notice of proposed rulemaking, where the agency analyzes the basis upon which a new or amended regulation has been considered, and then proposes that the new rule take effect. The agency then considers the information obtained in response to the NPRM and issues a final rule. This is no different. The agency analyzes the information provided in the completed application. Some applications are denied outright. It is only when the agency proposes to grant a petition that it publishes that proposal, together with its analysis of the information submitted in support of the petition, for public comment. After consideration of public comment, a final decision is published. The denials will be summarized periodically, consistent with the statute, and published in the **Federal Register**. Quoting from 49 U.S.C. 31315(b)(4)(A), the AHAS ignores that part of the quotation that is entirely consistent with the FHWA's approach: "* * * (the (FHWA) shall publish in the **Federal Register** a *notice* explaining the request that has been filed and shall give the public an opportunity *to inspect the safety analysis and any other relevant information known to the (FHWA)* and to comment on the request." Obviously, the public is entitled to know how the agency treated the information it received, including whether it intended to grant the application. The AHAS could not seriously argue that the statute requires the agency to conduct a plebiscite on every application it receives.

The AHAS' final point, as it readily admits, is not even relevant to this action, and merely reargues its position that the agency misinterpreted the current law on exemptions by considering them slightly more lenient than the previous law. This was unquestionably the intention of Congress in drafting section 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, (See 63 FR 67601, quoting from H.R. Conf. Rep. No. 105–550, at 489–490), and the FHWA sees no benefit in addressing this point again in this document.

Notwithstanding the FHWA's ongoing review of the vision standard, as evidenced by the medical panel's report dated October 16, 1998, and filed in this docket, however, the FHWA must comply with *Rauenhorst* versus *United States Department of Transportation, Federal Highway Administration*, 95 F.3d 715 (8th Cir. 1996), and grant individual exemptions under standards that are consistent with public safety. Meeting those standards, the 32 veteran drivers in this case have demonstrated to our satisfaction that they can operate a CMV with their current vision as safely in interstate commerce as they have in intrastate commerce. Accordingly, they qualify for an exemption under 49 U.S.C. 31315 and 31136(e).

Conclusion

After considering the comments to the docket and based upon its evaluation of the 32 waiver applications in accordance with *Rauenhorst* versus *United States Department of Transportation, Federal Highway Administration, supra*, the FHWA exempts Grady Lee Black, Jr., Marvin E. Brock, Roosevelt Bryant, Jr., John Alex Chizmar, Billy M. Coker, Cliff Dovel, George T. Ellis, Jr., Weldon R. Evans, Richard L. Gagnebin, James P. Guth, James J. Hewitt, Paul M. Hoerner, Carroll Joseph Ledet, Charles L. Lovern, Craig M. Mahaffey, Michael S. Maki, Gerald Wayne McGuire, Eldon Miles, Craig W. Miller, Walter F. Moniowczak, Howard R. Payne, Kenneth Adam Reddick, Leonard Rice, Jr., Willard L. Riggle, John A. Sortman, James Archie Strickland, James Terry Sullivan, Edward A. Vanderhei, Buford C. Varnadore, Kevin P. Weinhold, Thomas A. Wise, and Rayford R. Harper from the vision requirement in 49 CFR 391.41(b)(10), subject to the following conditions: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in its driver qualification file, or keep a copy in his/her driver qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving so it may be presented to a duly authorized Federal, State, or local enforcement official.

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for 2 years unless revoked earlier by the FHWA. The exemption will be revoked if (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is still effective at the end of the 2-year period, the person may apply to the FHWA for a renewal under procedures in effect at that time.

Authority: 49 U.S.C. 31315 and 31136; 23 U.S.C. 315; 49 CFR 1.48.

Issued on: September 16, 1999.

Kenneth R Wykle,

Federal Highway Administrator.

[FR Doc. 99–24718 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 5) (99–4)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the fourth quarter 1999 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 1999 RCAF (Unadjusted) is 1.011. The fourth quarter 1999 RCAF (Adjusted) is 0.584. The fourth quarter 1999 RCAF–5 is 0.571.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: H. Jeff Warren, (202) 565–1533. TDD for the hearing impaired: (202) 565–1695.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Suite 210, 1925 K Street, NW, Washington, DC 20423–0001, telephone (202) 289–4357. [Assistance for the hearing impaired is available through TDD services (202) 565–1695.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Decided: September 17, 1999.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24849 Filed 9–22–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33797]

Keystone Railroad, Inc. d/b/a Lake Michigan and Indiana Railroad Company—Lease and Operation Exemption—Bethlehem Steel Corporation

Keystone Railroad, Inc. (Keystone) d/b/a Lake Michigan and Indiana Railroad Company (LMIC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate approximately 66 miles of rail line (rail line)[1] in the State of Indiana owned by Bethlehem Steel Corporation (BSC).[2] The rail line is comprised of former yard and switching tracks and does not have assigned mileposts.[3]

The transaction is scheduled to be consummated on or about October 1, 1999.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33797, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Eric M. Hockey, Esq., Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381–0796.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: September 15, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24577 Filed 9–22–99; 8:45 am]

BILLING CODE 4915–00–P

[1] Keystone was formerly known as the Philadelphia, Bethlehem and New England Railroad Company (PBNE). PBNE changed its corporate name to Keystone, but it will continue to operate lines in the State of Pennsylvania under the PBNE name. LMIC, a newly established division of Keystone, will operate the rail line.

[2] BSC is a noncarrier holding company that controls, directly and indirectly, eight subsidiary railroads, including Keystone.

[3] According to Keystone, the rail line has been leased to, and operated by, Norfolk Southern Railway Company, as the successor to Consolidated Rail Corporation. Keystone states its belief that the rail line has been operated as exempt switching and/or yard tracks.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 16, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 25, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1210.

Form Number: IRS Form 8379.

Type of Review: Extension.

Title: Injured Spouse Claim and Allocation.

Description: A non-obligated spouse may file Form 8379 to request the non-obligated spouse's share of a joint income tax refund that would otherwise be applied to the past-due obligation owed to a state or federal agency by the other spouse.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 300,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—13 min.
Learning about the law or the form—8 min.
Preparing the form—58 min.
Copying, assembling, and sending the form to the IRS—31 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 549,000 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 99–24765 Filed 9–22–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 16, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 25, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1027.
Form Number: IRS Form 1120–PC.
Type of Review: Revision.
Title: U.S. Property and Casualty Insurance Company Income Tax Return.
Description: Property and casualty insurance companies are required to file an annual return of income and pay the tax due. The data is used to insure that companies have correctly reported income and paid the correct tax.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 2,200.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—98 hr., 3 min.
Learning about the law or the form—32 hr., 58 min.
Preparing the form—55 hr., 34 min.
Copying, assembling, and sending the form to the Payer—5 hr., 38 min.
Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 422,840 hours.
Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 99–24766 Filed 9–22–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service

AGENCY: Department Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date, time, and location for the third meeting of the sixth two-year term of the Committee and the provisional agenda for consideration by the Committee.

DATES: The third meeting of the current term of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will be held on Friday, October 8,1999, at 8:30 a.m. at the Governor Hotel, 611 S.W. 10th Street (at Alder) Portland, Oregon, (503) 224–3400]. The duration of the meeting will be approximately three and a half hours.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Director, Office of Tariff and Trade Affairs, Office of the Under Secretary (Enforcement), Room 4004, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, DC 20220. Tel. (202) 622–0220. Final meeting details, including the final agenda, can be confirmed by contacting the above number one week prior to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda

At the October 8, 1999 session, the Committee is expected to pursue the following agenda. This provisional agenda may be modified prior to the meeting.

1. Welcome and introductions: Chairperson Elisabeth A. Bresee, Assistant Secretary (Enforcement)
2. Remarks. Commissioner Raymond W. Kelly
3. Subcommittee reports and status
   a. Subcommittee on the Merchandise Processing Fee (MPF)
   b. Subcommittee on Compliance Audit Team (CAT) methodology
   c. Subcommittee on adequacy of staffing and resources for the Office of Regulations and Rulings (OR&R)
4. Customs Budget
5. Northern border issues
6. Other business

The meeting is open to the public; however, participation in the Committee's deliberations is limited to Committee members and Customs and Treasury Department staff. A person other than an Advisory Committee member who wishes to attend the meeting should give advance notice by contacting Theresa Manning (202) 622–0220 no later than October 1, 1999.

Dated: September 17, 1999.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff, and Trade Enforcement).

[FR Doc. 99–24753 Filed 9–22–99; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

Notice of Receipt of Cultural Property Request From the Government of the Republic of Italy

The Government of the Republic of Italy, concerned that its cultural heritage is in jeopardy from pillage, made a request to the Government of the United States under Article 9 of the 1970 UNESCO Convention. The request was received on September 16, 1999, by the United States Information Agency. It seeks U.S. import restrictions on categories of archaeological material in stone, metal, ceramic, bone, and glass, and wall paintings from the 5th millennium B.C. to the 5th c. A.D. In accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2602 and 2603), the request will be reviewed by the Cultural Property Advisory Committee which will report on its findings and recommendations thereunder. Information about the Act and U.S. implementation of the 1970 UNESCO Convention can be found at http://e.usia.gov/education/culprop.

Dated: September 16, 1999.

William B. Bader,

Associated Director for Educational and Cultural Affairs, United States Information Agency.

[FR Doc. 99–24754 Filed 9–22–99; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges; Exchanges and Training Programs for the New Independent States: Russia, Belarus, Moldova, Ukraine, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Uzbekistan

SUMMARY: The United States Information Agency, Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges, Europe/Eurasia Division, announces an open competition for an assistance award. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501C may apply to develop exchanges and training programs. Grants are subject to the availability of funds.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program cited above is provided

through the Fulbright-Hays Act and the FREEDOM Support Act.

On October 1, 1999, the Bureau of Educational and Cultural Affairs of the United States Information Agency will become part of the U.S. Department of State. The integration will not affect the content of this announcement or the nature of the programs described. Programs and projects must conform with U.S. Department of State requirements and guidelines outlined in the Solicitation Package.

Announcement Title and Number

All communications with the Bureau concerning this Request for Proposals (RFP) should refer to the announcement title and reference number E/PN–00–09.

Deadline for Proposals

All copies must be received at the U.S. Department of State, Bureau of Educational and Cultural Affairs, by 5 p.m. Washington, D.C. time on Wednesday, December 22, 1999. Faxed documents will not be accepted at any time. Absolutely no late submissions will be accepted. Documents postmarked by December 22, 1999, but received at a later date, will not be accepted.

FOR FURTHER INFORMATION CONTACT: The United States Information Agency, Bureau of Educational and Cultural Affairs (the Bureau) Office of Citizen Exchanges, attn: Thomas Driscoll, program coordinator, tel: 202–260–6230 and fax: 202–619–4350, or Internet address: tdriscol@usia.gov, to request Application Package which includes: the RFP and the Proposal Submission Instructions (PSI).

Please specify Program Coordinator Thomas Driscoll on all inquiries and correspondence. Interested applicants should read the complete **Federal Register** announcement before sending inquiries or submitting proposals.

To Download an Application Package via the Internet

The entire Application Package may be downloaded from the Bureau's website at http://e.usia.gov/education/rfps/.

Submissions

Applications must follow all instructions given in the Application Package. The applicant's original proposal and ten (10) copies (unbound) should be sent to: U.S. Department of State, Ref.: E/PN–00–99, Office of Program Management, ECA/EX/PM, Room 336, 301 4th Street, S.W., Washington, DC 20547.

Once the RFP deadline has passed, Bureau staff may not discuss this competition in any way with applicants until the proposal review process has been completed.

Diversity, Freedom, and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of U.S. political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that "in carrying out programs for educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," The U.S. Department of State "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Proposals should account for advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with USIA. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

USIA therefore requires that all organizations use Y2K compliant systems including hardware, software and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Service Administration's Office of Information Technology website at <http://www.itpolicy.gsa.gov>.

Overview

The Bureau of Educational and Cultural Affairs (the Bureau) is interested in proposals that encourage the growth of democratic institutions in Russia, Belarus, Moldova, Ukraine, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Uzbekistan. Exchanges and training programs supported by the institutional grants from the Bureau should operate at two levels: they should enhance institutional partnerships, and they should offer practical information to individuals and groups to assist them with their professional and volunteer responsibilities. Strong proposals usually have the following characteristics: a strong existing partnership between a U.S. organization and an in-country institution; a proven track record of conducting program activity; cost-sharing from U.S. and/or in-country sources, including donations of air fares, hotel and/or housing costs, ground transportation, interpreters, etc.; experienced staff with language facility; a clear, convincing plan showing how permanent results will be accomplished as a result of the activity funded by the grant; and a follow-on plan beyond the scope of the Bureau grant. The Bureau wants to see tangible forms of time and money contributed to the project by the prospective grantee institution, as well as funding from third party sources.

Unless otherwise specified below, program activity may include: internships; study tours; short-term training; consultations; and extended, intensive workshops. Programming may take place in the United States and/or in Russia, Belarus, Moldova, Ukraine, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Uzbekistan. Proposals should reflect an understanding of the political, economic, and social environment in which the program activity will take place. The Bureau encourages applicants to design exchange programs for non-English speakers.

Applicants should identify the local organizations and individuals in the New Independent States (NIS) with whom they are proposing to collaborate and describe in detail previous cooperative programming and contacts. Specific information about the NIS organizations' activities and accomplishments is required and should be included in the section on "Institutional Capacity."

The Bureau seeks exchange programs that address the following themes:

- Women's Leadership Programs (Russia, Belarus, Moldova, Ukraine, Armenia, Azerbaijan, Georgia,

Kazakhstan, Kyrgyzstan and Uzbekistan)
- Women's Political Leadership Programs (Russia, Moldova, Ukraine and Kazakhstan)
- Professional and Business Associations Programs (Russia, Moldova, Ukraine, Armenia, Azerbaijan and Georgia)
- Content-Based Internet Training (West NIS Regional and Caucasus Regional)
- Post-election Training for Duma Staffers (Russia)
- Prevention of Trafficking in Women and Girls (Russia, Belarus, Moldova, Ukraine and Uzbekistan)
- Distance Learning in the field of Business Management (Ukraine)
- Public Library Reform (Ukraine)
- Caucasus Regional Cooperation—NGO Management, Women's Leadership Programs, Professional and Business Associations, and Content-Based Internet Training

The Bureau is interested in proposals whose designs take into account the need for ongoing sharing of information and training. Examples include: a "train the trainers" model (a program that includes practice presentation sessions, followed by activities coordinated and implemented by the original NIS participants in their home countries); support for in-country training/resource centers; plans to create professional networks or professional associations; regularly published newsletters and ongoing Internet communication.

Women's Leadership Training

Overview

Over the past decade women and women's groups in many countries of the NIS have become a force for social change and democratic development. Women's groups have shown their willingness to cooperate and coordinate with organizations both in the NIS and the West. Women have begun to take their place in the political arena, in nongovernmental (NGO) development and in advocacy groups. The dedication and commitment of women's groups have contributed to democratic and civic values taking root in the NIS.

The Bureau recognizes that women's organizations throughout the NIS are at various stages of development. In some cases, women's groups are still being established and thus need basic organizational and leadership training. In some regions, however, women's organizations could benefit from more sophisticated programs.

The Bureau is looking for proposals that offer leadership training to women who are already active in their communities. In each country or region, the program should target women in outlying cities, towns and villages and not capital cities. Training should emphasize development of management skills in order to: identify priorities and needs, create organizational efficiency; develop networks and coalitions with other NGOs; and implement advocacy programs for specific issues pertinent to each local community and region. Proposals are not limited to a one-country focus and may include a plan for building regional associations and networks among women's organizations in specific regions.

Program activity may take place in the NIS countries and/or in the United States. These programs are intended to provide NIS women and women's groups opportunities to increase their visibility and effectiveness in the political, social and democratic spheres. There are various possibilities for acceptable training programs. The following guidelines may be useful in designing programs, but the Bureau welcomes other programming ideas that applicants may have.

Women's Leadership Program for Russia, Belarus, Moldova and Ukraine

- Single-country or regional programs focusing on women's leadership. The Bureau encourages programs that are built around a specific theme or target audience. Target audiences could include, but are not limited to: Women in business, NGO leaders, professional women, special interest groups (i.e. ethnic minorities, women with disabilities, economically disadvantaged women). Priority will be given to programs that will result in the creation of a sustainable professional association or coalition with activities continuing after the grant period.
- Regional Programs between Russia and the Baltic countries as follow-up participation in the Vital Voices conference in October, 1999, in Reykjavik, Iceland. Please visit http://www.usia.gov/vitalvoices/
- For projects with Belarusan, Moldovan and Ukrainian women's organizations, the Bureau encourages programs that build bridges between women's groups in Central European countries, particularly Poland, Romania and Hungary.
- Program plans may include a component for a Small Grants Competition. This requires a detailed plan for recruitment and advertising; sample application; description of the proposal review and award mechanism; a plan for how the grantee would monitor and evaluate small grant activity; and a proposed amount for an average grant. Funds for the Small Grants Competition should be no more than 25% of the total requested from the Bureau.

Women's Leadership Program for Armenia, Azerbaijan and Georgia

- Single-country or regional programs focusing on women's leadership. The Bureau encourages programs that are built around a specific theme or target audience. Target audiences may include, but are not limited to: women in business, NGO leaders, professional women, special interest groups (i.e. ethnic minorities, women with disabilities, economically dissadvantaged women). The Bureau is looking for programs that will result in the creation of a sustainable professional association or coalition with activities continuing after the grant period. In addition, the Bureau is interested in women's leadership programs that include programming to help promote inter-ethnic tolerance in the Caucasus region.
- Program plans may include a component for a Small Grants Competition. This requires a detailed plan for recruitment and advertising; sample application; description of the proposal review and award mechanism; a plan for how the grantee would monitor and evaluate small grant activity; and a proposed amount for an average grant. Funds for the Small Grants Competition should be no more than 25% of the total requested from the Bureau.

Women's Leadership Programs for Kazakhstan, Kyrgzstan and Uzbekistan

- Single-country or regional programs focusing on women's leadership. The Bureau encourages programs that are built around a specific theme or target audience. Target audiences may include, but are not limited to: women in business, NGO leaders, professional women, special interest groups (i.e. ethnic minorities, women with disabilities, economically disadvantaged women). The Bureau is looking for programs that will result in the creation of a sustainable professional association or coalition with activities continuing after the grant period.
- Program plans may include a component for a Small Grants Competition. This requires a detailed plan for recruitment and advertising; sample application; description of the proposal review and award mechanism; a plan for how the grantee would monitor and evaluate small grant activity; and a proposed amount for an average grant. Funds for the Small Grants Competition should be no more

than 25% of the total requested from the Bureau.

Women's Political Leadership Programs for Russia, Moldova, Ukraine and Kazakhstan

• Single-country programs with a focus on political leadership for women. Applicants should plan a training program that provides a political context for leadership training. Specifically, the program should combine elements such as leadership fundamentals, the introduction or improvement of skills associated with campaign management, accountability to constituencies, lobbying, surveying, polling, advocacy, voter outreach, networking, message development, working with the media and fundraising. Proposals must indicate a practical and sophisticated knowledge of the political and legislative environment in the target NIS country.

Professional and Business Associations

Professional and Business Associations for Russia, Moldova, Ukraine, Armenia, Azerbaijan and Georgia

Business and Professional Associations have the potential to stimulate economic growth, policy development and advancement in various professional fields. Functioning democracies need mediating structures such as associations that allow for a free flow of information among peer groups and provide channels for citizens to work with government. Associations that are based on democratic principles can provide a forum in which professional sand businespeople can explore opportunities and development within communities. The Bureau wishes to help establish and sustain associations that are committed to community advancement and professional growth in Russia, Moldova, Ukraine and the Caucasus region. Proposals should include plans to adopt a model that is sensitive to regional needs. The Bureau is interested in supporting programs that will establish or enhance professional and business associations (i.e. chambers of commerce; legal, environment, education or trade associations; women's business associations; and associations whose membership represents an organized minority group or that is devoted to minority issues). Applicants may award individual small grants to support work relevant to association-building. Funds for small grants should be no more than 30% of the total requested from the Bureau.

Content-Based Internet Training

Content-Based Internet Training for the West NIS Region (Belarus, Moldova, Ukraine) and Content-Based Internet Training for the Caucasus Region (Armenia, Azerbaijan, Georgia)

In the recent past, content-based Internet training has been a valuable tool to promote democracy and encourage cross-border cooperation throughout the NIS. The Bureau is seeking programs that will use the Internet to provide content-based training to a wide variety of audiences in the Caucasus region. The purpose of the training is not to instruct in Internet technology and use, but to encourage citizen participation in workshops, fora, chats, and/or discussions via the Internet that will stimulate communication and information sharing on relevant topics. (For example, a U.S.-based institution sponsors 12 Internet chats focused on civic education throughout the region and then provides follow-on mini-workshops to engaged audiences in the three target countries. Subsequently, the U.S. organization invites three individuals who participated in the in-country training to the U.S. to learn technical and facilitation skills. Upon return to their home countries, they jointly facilitate further programming.) Topics may include but are not limited to: civic education, community development; corruption, conflict resolution, curriculum development; tolerance and peace education; refugee issues; youth issues; human and legal rights; family health issues; volunteerism; voter education and outreach. U.S. institutions must demonstrate their ability to coordinate a complex program with U.S. Government-funded Internet Access Training Program (IATP) Center, Internet centers sponsored by organizations such as Soros Internet Centers, and other locations with computer access operating simultaneously. Applicants must provide innovative plans to advertise, recruit and conduct outreach to diverse audiences in major cities and outlying regions in the Caucasus.

Post-Election Training for Duma Staffers

Post-Election Training for Duma Staffers for Russia

With Duma national elections scheduled for December 19, 1999, the Bureau is interested in programs that will enhance Duma staffers' management skills. Applicants must demonstrate expertise and knowledge of the Russian political landscape and how the Duma functions. Programs may include a combination of U.S.-based internships, in-country workshops, roundtables, panel discussions, case studies and specially tailored projects. Training topics may address accountability to and communication with constituencies; working with the press; negotiation skills; conflict resolution; consensus building; coalition building (particularly related to bloc or partisan communications); ethics in government; working with diverse populations; conducting issue-related casework; drafting legislation and implementing policy.

Prevention of Trafficking in Women and Girls

Prevention of Trafficking in Women and Girls for Russia, Belarus, Moldova, Ukraine and Uzbekistan

Trafficking of women and girls from the NIS has grown at an alarming rate. The Bureau is seeking to assist NIS governments and NGOs in the region to address the problem by (1) educating young women, girls and their families about trafficking so that they will not fall victim to traffickers' tactics of coercion, fraud and deceit and (2) providing victim assistance.

Applicants are encouraged to submit proposals that show a strong knowledge of existing educational and assistance efforts and that demonstrate an ability to integrate existing materials and human resources. Proposals must outline a concrete plan for innovative programming and must reach populations in outlying regions. The Bureau is particularly interested in proposals that will build on local capacity to address trafficking. Applicants must have proven experience on the ground with this issue.

Distance Learning in the Field of Business Management

Distance Learning in the Field of Business Management for Ukraine

The Bureau is interested in proposals that establish or expand distance learning programs in business and management at Ukrainian universities or institutes throughout Ukraine. Specific programs should include the delivery of management and business content through low-end technologies such as e-mail, CD-Rom, video or Internet, so that the model may be replicated in other regions. The target audience for the end product should be students and/or businesspeople. A two-way exchange by the U.S. and Ukrainian development teams is essential. Proposals should include: (1) A

statement of need for the proposed courses and training; (2) content of courses that will be developed; (3) technical requirements for course delivery; (4) training requirements for instructors and faculty in distance learning technology; (5) practical training in course presentation; and (6) a plan for adapting courses and training into the target language(s). Proposals must include letters of support from Ukrainian institutional partners that demonstrate their commitment to the program. In addition, Ukrainian partners should provide cost-sharing of program expenses such as classroom space, security, salaries, and support for visiting Americans such as local housing and transportation. Given the complex nature of distance learning programming, the Bureau discourages short-term visits. Grantee institutions are expected to consult closely with the U.S. Embassy in Kyiv on the development of distance learning programs.

The Bureau will consider funding proposals in the $150,000–$200,000 range for distance learning programs. See Project Funding section below for additional guidance on funding levels.

Public Library Reform

Public Library Reform for Ukraine

The Bureau is seeking proposals that will provide program support to public libraries in Ukraine to modernize systems and reform library management. Applicants may propose activities in any region of the country in a minimum of three oblasts. Effective library management and training in technology-based information management are encouraged. Training may also include building effective library support networks (i.e. fund-raising, acquisitions such as books and equipment, interlibrary cooperation); engaging the community (summer reading programs, children's activities, bookmobiles, exhibitions, presentations). The Bureau seeks sustainable U.S.-Ukraine library partnering through this program.

Caucasus Regional Cooperation

Joint Programs for Armenia, Azerbaijan and Georgia

The Bureau is particularly interested in programs that include all three Caucasus countries. In addition to the program themes previously mentioned, the Bureau encourages submissions addressing the theme of NGO Management for the countries of the Caucasus Region.

NGO Management

NGOs in the Caucasus region are eager for innovative strategies to increase their effectiveness and visibility on local, regional, and national levels, as well as throughout the Caucasus region. The Bureau is interested in programs that will bring NGO leaders from the three Caucasus countries together to share ideas regarding NGO management. Successful proposals will expose NGO leaders to democratic, team-centered approaches to organizational management appropriate to democratic societies. Training topics may include working with the media, advocacy, networking, coalition building, conducting research, fundraising and legal issues affecting NGOs. The Bureau welcomes proposals that include component(s) that will sustain cross-cultural cooperation among NGOs in the three target countries.

Women's Leadership Program

Please see "Women's Leadership Programs for Armenia, Azerbaijan and Georgia," as stated above.

Professional and Business Associations

Please see "Professional and Business Associations for Russia, Moldova, Ukraine and the Caucasus," as stated above.

Content-Based Internet Training

Please see description for Caucasus regional programs under "Content-Based Internet Training," as stated above.

Selection of Participants

Successful applications should include a description of an open, merit-based selection process, including advertising, recruitment and selection. A sample application should be submitted with the proposal. Applicants should expect to carry out the selection process, but the Bureau and U.S. Embassies abroad retain the right to nominate participants and to approve or reject participants recommended by the grantee institution. Priority must be given to foreign participants who have not traveled to the United States.

Visa Regulations

Foreign participants on programs sponsored by the Bureau are granted J–1 Exchange Visitor visas by the U.S. Embassy in the sending country. All programs must comply with J–1 visa regulations. Please refer to the Proposal Submission Instructions (PSI) for further information.

Project Funding

Although no set funding limit exists, applicants are encouraged to submit proposals not to exceed $130,000. Distance Learning programs may be funded up to $200,000. Organizations with less than four years of experience in managing international exchange programs are limited to $60,000. Applicants are invited to provide both an all-inclusive budget as well as separate sub-budgets for each program component, location or activity in order to facilitate the Bureau decisions on funding. While a comprehensive line item budget based on the model in the Application Package must be submitted, separate component budgets are optional.

Since the Bureau grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other sources of financial and in-kind support. Proposals with substantial private sector support from foundations, corporations, and other institutions will be considered highly competitive.

The following program costs are eligible for funding consideration:

1. International and domestic air fares (per the Fly America Act); visas; transit costs; ground transportation costs.

2. Per Diem. For U.S.-based programming, organizations should use the published Federal per diem rates for individual U.S. cities. For activities in the NIS and Central Europe, the Bureau strongly encourages applicants to budget realistic costs that reflect the local economy. Per diem rates may be accessed at http://www.policyworks.gov/.

3. Interpreters. If needed, interpreters for the U.S. program are provided by the U.S. Department of State Language Services Division. Typically, one interpreter is provided for every four visitors who require interpreting. The Bureau grants do not pay for foreign interpreters to accompany delegations from their home country. Grant proposal budgets should contain a flat $160/day per diem for each U.S. Department of State interpreter, as well as home-program-home air transportation of $400 per interpreter plus any U.S. travel expenses during the program. Salary expenses are covered centrally and should not be part of an applicant's proposed budget. Locally-arranged interpreters with adequate skills and experience may be used by the grantee in lieu of State Department interpreters, with the same 1:4 interpreter/participant ratio. If the applicant chooses to use local interpreters, salary costs must be included in the budget.

Costs associated with using their services may not exceed rates for U.S. Department of State interpreters.

4. Book and cultural allowance. Foreign participants are entitled to a one-time cultural allowance of $150 per person, plus a book allowance of $50. Interpreters should be reimbursed up to $150 for expenses when they escort participants to cultural events. U.S. program staff is not eligible to receive these benefits.

5. Consultants. Consultants may be used to provide specialized expertise or to make presentations. Daily honoraria cannot exceed $250 per day. Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal. Subcontracts should be itemized in the budget.

6. Room rental. Room rental may not exceed $250 per day.

7. Materials development. Proposals may contain costs to purchase, develop and translate materials for participants.

8. Equipment. Proposals may contain costs to purchase equipment for NIS-based programming such as computers, fax machines and copy machines. Costs for furniture are not allowed. Equipment costs must be kept to a minimum.

9. Working meal. Only one working meal may be provided during the program. Per capita costs may not exceed $5–8 for a lunch and $14–20 for a dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one. Interpreters must be included as participants.

10. Return travel allowance. A return travel allowance of $70 for each foreign participant may be included in the budget. The allowance may be used for incidental expenses incurred during international travel.

11. Health Insurance. Foreign participants will be covered under the terms of a U.S. Department of State-sponsored health insurance policy. The premium is paid by the U.S. Department of State directly to the insurance company. Applicants are permitted to include costs for travel insurance for U.S. participants in the budget.

12. Administrative Costs. Costs necessary for the effective administration of the program may include salaries for grant organization employees, benefits, and other direct and indirect costs per detailed instructions in the Application Package. While this announcement does not proscribe a rigid ratio of administrative to program costs, priority will be given to proposals whose administrative costs are less than twenty-five (25) per cent of the total requested from the Bureau. Proposals should show cost-sharing contributions from the applicant, the NIS partner and other sources.

Please refer to the Proposal Submission Instructions (PSI) for complete budget guidelines.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be considered ineligible if they do not fully adhere to the guidelines stated herein and in the Proposed Submission Instructions (PSI). Eligible proposals will be forwarded to panels of U.S. Department of State officers for advisory review. Funding decisions are at the discretion of the Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the U.S. Department of State grants officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. Proposals should adequately address each area of review. These criteria are not rank ordered.

1. Program Planning and Ability To Achieve Objectives

Program objectives should be stated clearly and precisely and should reflect the applicant's expertise in the subject area and the region. Objectives should respond to the priority topics in this announcement and should relate to the current conditions in the included countries. Objectives should be reasonable and attainable. A detailed work plan should explain step-by-step how objectives will be achieved and should include a timetable for completion of major tasks. The substance of workshops, internships, seminars, presentations and/or consulting should be described in detail. Sample training schedules should be outlined. Responsibilities of in-country partners should be clearly described.

2. Institutional Capacity

The proposal should include: (1) The U.S. institution's mission and date of establishment; (2) detailed information about the NIS partner institution's capacity and the history of the U.S. and NIS partnership; (3) an outline of prior awards—U.S. government and private support received for the target theme/region; (4) description of experienced staff members who will implement the program. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals. The narrative should demonstrate proven ability to handle logistics. The proposal should reflect the institution's expertise in the subject area and knowledge of the conditions in the target country/region(s).

3. Cost Effectiveness and Cost Sharing

Overhead and administrative costs for the proposal, including salaries, honoraria and subcontracts for services, should be kept to a minimum. Administrative costs should be less than twenty-five (25) per cent of the total funds requested from the Bureau. Applicants are encouraged to cost share a portion of overhead and administrative expenses. Cost-sharing, including contributions from the applicant, the NIS partner, and other sources should be included in the budget.

4. Program Evaluation

Proposals must include a plan and methodology to evaluate the program's successes, both as the activities unfold and at the programs conclusion. The Bureau recommends that the proposal include a draft survey questionnaire or other technique (such as a series of questions for a focus group) to link outcomes to original program objectives.

5. Multiplier Effect/Impact

Proposals should show how the program will strengthen long-term mutual understanding and institutionalization of program goals. Applicants should describe how responsibility and ownership of the program will be transferred to the NIS participants to ensure continued activity and impact. Programs that include convincing plans for sustainability will be given top priority.

6. Follow-on Activities

Proposals should provide a plan for continued follow-on activity (beyond the Bureau grant period) ensuring that the Bureau-supported programs are not isolated events. Follow-on activities should be clearly outlined.

7. Support of Diversity

Proposals should demonstrate substantive support of the Bureau's policy on diversity. Program content (orientation, evaluation, program sessions, resource materials, follow-on activities) and program administration (selection process, orientation, evaluation) should address diversity in a comprehensive and innovative manner. Applicants should refer to the Bureau's Diversity, Freedom and

Democracy Guidelines on page four of the Proposal Submission Instructions (PSI).

Notice

The terms and conditions published in this RFEP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau or program officers that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements. Organizations will be expected to cooperate with the Bureau in evaluating their programs under the principles of the Government Performance and Results Act of 1993, which requires Federal agencies to measure and report on the results of their programs and activities.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal U.S. Department of State procedures.

Dated: September 14, 1999.

William P. Kiehl,

Acting Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 99–24490 Filed 9–22–99; 8:45 am]

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UNITED STATES INFORMATION AGENCY

Summer Institutes in American Studies for Foreign University Teachers; Request for Proposals

SUMMARY: The Study of the U.S. Branch, Office of Academic Exchange Programs, Bureau of Educational and Cultural Affairs announces an open competition for three (3) assistance awards. For applicants' information, on October 1, 1999, the Bureau will become part of the U.S. Department of State without affecting the content of this announcement or the nature of the program described. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(C) may apply to develop and implement one of the following three post-graduate level American Studies programs designed for multinational groups of 18 experienced foreign university faculty:

1. Summer Institute on the U.S. Political System: Origin, Structure and Contemporary Issues
2. Summer Institute on the Cultural Geography of the United States: American Regions
3. Summer Institute on the United States Through Literature: Content and Method in American Studies

These programs are intended to provide participants with a deeper understanding of American life and institutions, past and present, in order to strengthen curricula and to improve the quality of teaching about the United States at universities abroad.

Programs are six weeks in length and will be conducted during the Summer of 2000.

The Bureau is seeking detailed proposals from colleges, universities, consortia of colleges and universities, and other not-for-profit academic organizations that have an established reputation in one or more of the following fields: political science, international relations, law, history, sociology, literature, American studies, and/or other disciplines or sub-disciplines related to the program theme. Applicant institutions must demonstrate expertise in conducting post-graduate programs for foreign educators, and *must have a minimum of four years experience in conducting international exchange programs.* The project director or one of the key program staff responsible for the academic program must have an advanced degree in one of the fields listed above. Staff escorts traveling under the cooperative agreement must have demonstrated qualifications for this service.

Programs must conform with Bureau requirements and guidelines outlined in the Solicitation Package. Bureau programs are subject to the availability of funds.

Program Information

Overview and Objectives

The "Summer Institutes in American Studies" are intended to offer foreign scholars and teachers whose professional work focuses on the United States the opportunity to deepen their understanding of American institutions and culture. Their ultimate goal is to strengthen curricula and to improve the quality of teaching about the U.S. in universities abroad.

Programs should be six weeks in length, and must include an academic residency segment of at least four weeks duration at a U.S. college or university campus (or other appropriate location). A study tour segment of not more than two weeks should also be planned. It must directly complement the academic residency segment and should include visits to one or two additional regions of the United States.

All institutes should be designed as intensive, academically rigorous seminars intended for an experienced group of fellow scholars from outside the United States. The institutes should be organized through an integrated series of lectures, readings, seminar discussions, regional travel, site visits, and should also include some opportunity for limited but well-directed independent research.

Institutions submitting proposals are encouraged to design thematically coherent programs in ways that draw upon the particular strengths and resources of their institutions as well as upon the nationally recognized expertise of scholars and other experts throughout the United States. Within the limits of the program's thematic focus and organizing framework, proposals should also be designed to:

A. Provide participants with a survey of contemporary scholarship within the institute's governing academic discipline, delineating the current scholarly debate within the field. In this regard, the seminar should indicate how prevailing academic practice in the discipline represents both a continuation of and a departure from past scholarly trends and practices. A variety of scholarly viewpoints should be included;

B. Bring an interdisciplinary or multi-disciplinary focus to bear on the program content when appropriate;

C. Give participants a multi-dimensional view of U.S. society and institutions that includes a broad and balanced range of perspectives. Programs should include the views not only of scholars, cultural critics and public intellectuals, but also those of other professionals outside the university such as government officials, journalists and others who can substantively contribute to the topics at issue; and,

D. Insure access to library and material resources that will enable grantees to continue their research, study and curriculum development upon returning to their home institutions.

Program Description

1. The U.S. Political System: Origin, Structure and Contemporary Issues

This institute seeks to provide grantees with an overview of the U.S. political system—its Constitutional roots, its Federal structure, the role of

political parties, media, and public opinion—and, at the same time, to demonstrate how the institutions of the American government at the local, state and national levels address particular political and social issues confronting Americans at the beginning of the 21st century. The program thus aims to provide a seminar on both the structure and organization of the American political system and how that system responds to and, in turn, is influenced by the shifting social currents in contemporary American life. Issues that relate to contemporary debates in such areas as the competing roles of Federal, state and local government, voting and electoral reform issues, urban and regional development, race relations, immigration, multi-culturalism and ethnicity, the environment, crime, and education represent some of the areas that would be suitable topics for investigation. The strongest proposals will be imaginatively integrated in such a way that the structure of the American political system and the contemporary debates within American society serve to illuminate each other, thus providing insights into the nature of American institutions and values, broadly defined.

2. The Cultural Geography of the United States: American Regions

This institute seeks to acquaint foreign scholars with the diversity of the American landscape and the complexity of American society and culture through the lens of cultural geography. The program's aim is to examine at least three separate and distinct regions of the United States with reference to each region's respective history and culture, political experience, economic development, social and ethnic composition, artistic and literary heritage. An overriding purpose of the program will be to explore how particular geographic regions of the United States are representative of the national experience, taken as a whole, and, at the same time, how they reflect a separate and distinct identity that differs from the whole in significant ways. For each region, the program should thus explore the competing claims of regional and national identity through an approach that provides a balance between contemporary issues and their historical antecedents; and it should do so through a variety of disciplinary perspectives. Overall, proposals should offer a scholarly program whose various elements serve to give participants an understanding of the complexity, the unity, and the diversity of the American experience.

3. The United States Through Literature: Content and Method in American Studies

This program on the literature, history and society of the United States is designed to assist faculty from overseas colleges and universities who are seeking to establish or enhance programs that focus on American literature and civilization at their home institutions. Some grantees will have limited experience in the teaching of U.S. subjects. Because most participants will come from departments of language and literature, the institute should explore themes in American civilization using literature and literary studies as the primary disciplinary vehicle. At the same time, the program's literary focus should be sufficiently interdisciplinary or multi-disciplinary in scope to allow grantees to explore broad themes in the history, society and culture of the United States. Primary works of literature should thus be supplemented not only by background readings in literary history and criticism, but also by the writings of historians, political scientists, and sociologists, as they relate to the overarching themes of the program. While the broad sweep of the U.S. experience should be considered, proportionately more time should be given to 20th century literature, including contemporary writers. Finally, proposals should address curricular issues of how overseas institutions might choose to organize an American studies program outside the United States in terms of both content and organization. This aspect of the proposal should present a variety of curricular models that can be employed to study the United States, ranging from traditional disciplinary approaches to the study of the U.S., to interdisciplinary and multi-disciplinary approaches, to foreign area studies models. The best proposals will offer a program that in its overall design and scope is itself a model of how to pursue interdisciplinary or multi-disciplinary scholarly investigation into American life and institutions, past and present.

Program Dates: Ideally, the program will begin in mid to late June. The Bureau is willing to consider other dates, based on the needs of the host institution. However, the institute must be 42 program days in length and should take place sometime between June 1 and August 27, 2000.

Participants: Programs should be designed for a total of 18 highly-motivated and experienced foreign university faculty who are interested in participating in an intensive seminar on aspects of U.S. civilization as a means to develop or improve courses and teaching about the United States at their home institutions. Most participants can be expected to come from educational institutions where the study of the U.S. is relatively well-developed. Thus, while they may not have in-depth knowledge of the particular institute program theme, most will have had some experience in teaching about the United States. Many will have had sustained professional contact with American scholars and American scholarship, and some may have had substantial prior experience studying in the U.S. Participants will be drawn from all regions of the world and will be fluent in English.

Participants will be nominated by Fulbright Commissions and by U.S. Embassies abroad. Nominations will be reviewed by the Branch for the Study of the U.S. Final selection of grantees will be made by the Fulbright Scholarship Board.

Program Guidelines

While the conception and structure of the institute program is the responsibility of the organizers, it is critically important that proposals provide a full, detailed and comprehensive narrative describing the objectives of the institute, the subject of each session, and how each individual session relates to the overall institute theme. The syllabus must therefore indicate the subject matter for each lecture or panel discussion, confirm or provisionally identify proposed lecturers and discussants, and clearly show how assigned readings will support each session. A calendar of all activities for the program must also be included. Overall, proposals will be reviewed on the basis of their fullness, coherence, clarity, and attention to detail.

Programs must comply with J–1 visa regulations. Please refer to the Solicitation Package for further details on program design and implementation, as well as additional information on all other requirements.

Budget Guidelines

Unless special circumstances warrant, based on a group of 18 participants, the total Bureau-funded budget (program and administrative) should not exceed $172,000, and Bureau-funded administrative costs as defined in the budget details section of the solicitation package should not exceed $51,000. Justifications for any costs above these amounts must be clearly indicated in the proposal submission. Any grants awarded to eligible organizations with less than four years of experience in

conducting international exchange programs will be limited to $60,000. Applicant proposals should try to maximize cost-sharing in all facets of the program and to stimulate U.S. private sector, including foundation and corporate, support. Applicants must submit a comprehensive budget for the entire program. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program, and availability of U.S. government funding.

Please refer to the "POGI" in the Solicitation Package for complete institute budget guidelines and formatting instructions.

Announcement Name and Number

All communications with the Bureau concerning this announcement should refer to the following titles and reference numbers:

1. Summer Institute on the U.S. Political System: Origin, Structure and Contemporary Issues, (E/AES–00–01–Dardeli)
2. Summer Institute on the Cultural Geography of the United States: American Regions, (E/AES–00–02–Dardeli)
3. Summer Institute on the United States Through Literature: Content and Method in American Studies, (E/AES–00–03–Taylor)

FOR FURTHER INFORMATION: To request a Solicitation Package containing more detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation, applicants should contact: U.S. Department of State, Bureau of Educational and Cultural Affairs, Office of Academic Exchange Programs, Study of the U.S. Branch, E/AES—Room 252, 301 4th Street, SW, Washington, DC 20547, Attention: Richard Taylor, Telephone number: (202) 619–4557, Fax number: (202) 619–6790, Internet address: rtaylor@usia.gov.

Please specify Senior Program Officer Richard Taylor on all inquiries and correspondence. Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the office listed above or submitting their proposals. Once the RFP deadline has passed, Bureau staff may not discuss this competition in any way with applicants until after the proposal review process has been completed.

To Download a Solicitation Package via Internet: The entire Solicitation Package may be downloaded from the Bureau's website at http://e.usia.gov/education/rfps/. Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5:00 p.m. Washington, DC time on Friday, January 14, 2000. Faxed documents will not be accepted, not will documents postmarked January 14, 2000 but received at a later date. It is the responsibility of each applicant to ensure that proposal submissions arrive by the deadline.

Submissions: Applicants must follow all instructions in the Solicitation Package. The original and 13 copies of the complete application should be sent to: U.S. Department of State, Bureau of Educational and Cultural Affairs, Reference: (insert appropriate reference number from above, *e.g.* E/AES–00–xx–xxxxxx) Program Management Staff, ECA/EX/PM, Room 336, 301 4th Street, SW, Washington, DC 20547.

Applicants should also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5" diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," USIA "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organization from processing information in accordance with Federal management and program-specific requirements, including data exchange with the Bureau. The inability to process information in accordance with Federal requirements could result in grant recipients being required to return funds that have not been accounted for properly.

The Bureau therefore requires that all organizations use Y2K compliant systems, including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correcting adjust for leap years.

Additionally information addressing the Y2K issued may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office. Eligible proposals will then be forwarded to panels to senior Bureau officers for advisory review. Proposals may also be reviewed by the Office of the Legal Advisor or by other Bureau elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grant Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. Particular weight will be given to items one and two.

1. Overall Quality

Proposals should exhibit originality and substance, consonant with the highest standards of American teaching and scholarship. Program design should reflect the main currents as well as the debates within the subject discipline of each institute. Program should reflect an overall design whose various elements are coherently and thoughtfully integrated. Lectures, panels, field visits

and readings, taken as a whole, should offer a balanced presentation of issues, reflecting both the continuity of the American experience as well as the diversity and dynamism inherent in it.

2. Program Planning and Administration

Proposals should demonstrate careful planning. The organization and structure of the institute should be clearly delineated and be fully responsive to all program objectives. A program syllabus (noting specific sessions and topical readings supporting each academic unit) should be included, as should a calendar of activities. The travel component should not simply be a tour, but should be an integral and substantive part of the program, reinforcing and complementing the academic segment. Proposals should provide evidence of continuous administrative and managerial capacity as well as the means by which program activities and logistical matters will be implemented.

3. Institutional Capacity

Proposed personnel, including faculty and administrative staff as well as outside presenters, should be fully qualified to achieve the project's goals. Library and meeting facilities, housing, meals, transportation and other logistical arrangements should fully meet the needs of the participants.

4. Support for Diversity

Substantive support of the Bureau's policy on diversity should be demonstrated. This can be accomplished through documentation, such as a written statement, summarizing past and/or on-going activities and efforts that further the principle of diversity within the organization and its activities. Program activities that address this issue should be highlighted.

5. Experience

Proposals should demonstrate an institutional record of successful exchange program activity, indicating the experience that the organization and its professional staff have had in working with foreign educators.

6. Evaluation and Follow-up

A plan for evaluating activities during the Institute and at its conclusion should be included. Proposals should discuss provisions made for follow-up with returned grantees as a means of establishing longer-term individual and institutional linkages.

7. Cost Effectiveness

Proposals should maximize cost-sharing through direct institutional contributions, in-kind support, and other private sector support. Overhead and administrative components, including salaries and honoraria, should be kept as low as possible.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of this RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, and allocated and committed through internal Bureau procedures.

Dated: September 17, 1999.

William P. Kiehl,

Acting Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 99–24790 Filed 9–22–99; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

Notice of Meeting of the Cultural Property Advisory Committee

The Cultural Property Advisory Committee will meet on Tuesday, October 12, 1999, from approximately 8:30 a.m. to 6:00 p.m., and on Wednesday, October 13, from approximately 8:30 a.m. to 11:00 a.m. at the United States Information Agency building (after October 1, 1999, renamed Department of State, Annex 44), Room 840, 301 4th St., S.W., Washington, D.C., to review a request from the Government of the Republic of Italy to the Government of the United States seeking import restrictions on archaeological materials. A portion of the meeting, from approximately 1:00 p.m. to 3:00 p.m. on October 12, will be open to interested parties wishing to provide comment on this request. The request, submitted under Article 9 of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership on Cultural Property, will be considered in accordance with the provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*). Since review of this matter by the Committee will involve information the premature disclosure of which would be likely to significantly frustrate implementation of proposed action, the meeting from approximately 8:30 a.m. to 12 noon, and from approximately 3:00 p.m. to 6:00 p.m. on October 12, and from approximately 8:30 a.m. to approximately 11:00 a.m. on October 13, will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) to 19 U.S.C. 2605(h). Persons wishing to attend the open portion of the meeting on October 12, approximately 1:00 p.m. to 3:00 p.m., must call the cultural property office at (202) 619–6612 no later than 5:00 p.m. (EDT) Thursday, October 7, 1999, to arrange for admission. Written comments may be sent to Cultural Property, USIA, 301 4th Street, S.W., Rm. 247, Washington, D.C. 20547. Information about U.S. implementation of the 1970 Convention may be found at http://e.usia.gov/education/culprop.

Dated: September 16, 1999.

William B. Bader,

Associate Director for Educational and Cultural Affairs, United States Information Agency.

[FR Doc. 99–24755 Filed 9–22–99; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

Determination To Close Portions of the Meeting of the Cultural Property Advisory Committee, October 12 and 13, 1999

In accordance with 5 U.S.C. 552b(c)(9)(B), and 19 U.S.C. 2605(h), I hereby determine that portions of the cultural Property Advisory Committee meeting on October 12, 1999, from approximately 8:30 a.m. to 12 noon and from approximately 3:00 p.m. to 6:00 p.m., and on October 13, 1999, from approximately 8:30 a.m. to approximately 11:00 a.m., at which there will be deliberation of information the premature disclosure of which would be likely to significantly frustrate implementation of proposed actions, will be closed.

Dated September 16, 1999.

William B. Bader,

Associate Director for Educational and Cultural Affairs, United States Information Agency.

[FR Doc. 99–24756 Filed 9–22–99; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed in reviewing credentials of chaplain applicants. The form determines the faith group constituency and whether it is lay, and who may sign the endorsements.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 22, 1999.

ADDRESSES: Submit written comments on the collection of information to Ann W. Bickoff (193B1), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–NEW" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann W. Bickoff at (202) 273–8310 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Ecclesiastical Endorsing Organization Verification/Reverification Information, VA Form 10–0379.

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: This notice solicits comments for information needed in reviewing credentials of chaplain applicants. The form determines the faith group constituency and whether it is lay, and who may sign the endorsements.

Affected Public: Not-for-profit Institutions.

Estimated Annual Burden: 3 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 11.

Dated: August 5, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–24776 Filed 9–22–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0004]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the spouse's and children's eligibility, dependency and income, as applicable, for the death benefits sought.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 22, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0004" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the

quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Dependency and Indemnity Compensation, Death Pension and Accrued Benefits by a Surviving Spouse or Child (Including Death Compensation if Applicable), VA Form 21–534.

OMB Control Number: 2900–0004.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: This notice solicits comments for information needed to determine the spouse's and children's eligibility, dependency and income, as applicable, for the death benefits sought.

Affected Public: Individuals or households.

Estimated Annual Burden: 79,125 hours.

Estimated Average Burden Per Respondent: 1 hour and 15 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 63,300.

Dated: August 5, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–24777 Filed 9–22–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0016]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information used to determine the insured's eligibility for disability insurance benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 22, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0016" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Claim for Disability Insurance Benefits, Government Life Insurance, VA Form 29–357.

OMB Control Number: 2900–0016.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by the insurance activity to determine the insured's eligibility for disability insurance benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 14,175 hours.

Estimated Average Burden Per Respondent: 1 hour and 45 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 8,100.

Dated: August 6, 1999.

By direction of the Secretary.

Sandra S. McIntyre,

Management and Program Analyst, Information Management Service.

[FR Doc. 99–24778 Filed 9–22–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0119]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the insured?s eligibility for disability insurance benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 22, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0119" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites

comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA?s functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Report of Treatment in Hospital, VA FL 29–551.

OMB Control Number: 2900–0119.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: This form letter is used to collect information from hospitals to determine the insured's eligibility for disability insurance benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 4,055 hours.

Estimated Average Burden Per Respondent: 12 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 20,277.

Dated: August 12, 1999.

By direction of the Secretary.

Sandra McIntyre,

Management and Program Analyst, Information Management Service.

[FR Doc. 99–24779 Filed 9–22–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0120]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine insured's eligibility for disability insurance benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 22, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0120" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Report of Treatment by Attending Physician, VA FL 29–551a.

OMB Control Number: 2900–0120.

Type of Review: Extension of a currently approved collection.

Abstract: This form letter is used to collect information from attending physician to determine the insured's eligibility for disability insurance benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 5,069 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 20,277.

Dated: August 12, 1999.

By direction of the Secretary.

Sandra McIntyre,

Management and Program Analyst, Information Management Service.

[FR Doc. 99–24780 Filed 9–22–99; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 64, No. 184

Thursday, September 23, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

48 CFR Part 213

[DFARS Case 98-D027]

Defense Federal Acquisition Regulation Supplement;Taxpayer Identification Numbers and Commercial and Government Entity Codes

Correction

In rule document 99–20283, beginning on page 43098, in the issue of Monday, August 9, 1999, make the following correction:

PART 213 [CORRECTED]

On page 43101, in the first column, under amendatory instruction 9., the subpart heading "Subpart 231.1—Procedures" should read "Subpart 213.1—Procedures".

[FR Doc. C9–20283 Filed 9-22-99; 8:45 am]

BILLING CODE 1505–01–D

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

Correction

In rule document 99–23849 beginning on page 49986 in the issue of Wednesday, September 15, 1999, make the following corrections:

1. On page 49986, in the first column, in **SUPPLEMENTARY INFORMATION**, the first sentence is corrected to read as follows:

The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

2. On page 49986, in the second column, in the second paragraph, in the fourth line, "benefit" should read "benefits". And in the third paragraph, in the eleventh line, "benefits" should read "benefit".

[FR Doc. C9–23849 Filed 9-22-99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–46]

Modification of Class E Airspace; Fort Wayne, IN; Correction

Correction

In proposed rule document 99–23943 appearing on page 49754, in issue of Tuesday, September 14, 1999, in the third column, in the seventh line from the bottom, "26" should read "36".

[FR Doc. C9–23943 Filed 9–22–99; 8:45 am]

BILLING CODE 1505–01–D

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federal register

Thursday
September 23, 1999

Part II

Department of Health and Human Services

Centers for Disease Control and Prevention

Notice of Specific List for Categorization of Laboratory Test Systems, Assays, and Examinations by Complexity; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Specific List for Categorization of Laboratory Test Systems, Assays, and Examinations by Complexity

AGENCY: Centers for Disease Control and Prevention (CDC),Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: Regulations at 42 CFR 493.15 and 493.17, implementing the Clinical Laboratory Improvement Amendments of 1988 (CLIA), Pub. L. 100–578 (codified at 42 U.S.C. 263a), require that the Secretary provide for the categorization of specific laboratory test systems, assays, and examinations by level of complexity. The criteria for such categorizations also are set forth in those regulations.

This Notice announces the addition of approximately 5,700 test systems, assays, and examinations that have been categorized with categorization notification to manufacturers between January 1, 1997 and September 3, 1999. These categorizations were effective on the issue date of the notification letter sent to the manufacturer. CDC invites comments on the tests initially categorized in this Notice and reserves the right to reevaluate and recategorize tests based on the comments received in response to this Notice.

CDC, The Food and Drug Administration (FDA) and the Health Care Financing Administration have agreed to the transfer of the test categorization responsibility to the FDA, and the transfer is in process. When the transfer is completed, manufacturers will be able to submit premarket applications for products and requests for complexity categorization of these products under CLIA to one agency. FDA is expected to assume test categorization responsibilities on or about January 31, 2000. Until FDA assumes responsibility for test categorization, CDC will continue to perform complexity determinations and categorization requests should be sent to the CDC.

DATES: Effective date: All categorizations in this Notice were effective on the date of the test categorization notification letter sent to the manufacturer. Written comments on the tests initially categorized in this Notice will be considered if they are received at the address indicated below, by no later than 5 p.m. on October 25, 1999. CDC reserves the right to reevaluate and recategorize tests based on the comments received in response to this Notice.

ADDRESSES: Comments on the categorization of tests in this Notice should be addressed to CLIA **Federal Register** Notice, Centers for Disease Control and Prevention, Public Health Practice Program Office, Mail Stop F–11, 4770 Buford Highway, NE, Atlanta, Georgia 30341–3724.

Requests for test complexity categorization should be submitted to: Attention: Test Categorization/CLIA, Centers for Disease Control and Prevention, Public Health Practice Program Office, Mail Stop F–11, 4770 Buford Highway, NE, Atlanta, Georgia 30341–3724.

Requests for waiver status should be submitted to: Attention: Request for Waiver Status/CLIA, Centers for Disease Control and Prevention, Public Health Practice Program Office, Mail Stop F–11, 4770 Buford Highway, NE, Atlanta, GA 30341–3724.

Due to staffing and resource limitations, we cannot accept facsimile (FAX) copies of comments. Nor can we accept comments by telephone.

FOR FURTHER INFORMATION CONTACT: Sharon Granade, (770) 488–8155.

SUPPLEMENTARY INFORMATION: All requests for test categorization should be submitted to CDC. Manufacturers are requested to submit the package insert and/or an Operator's Manual along with the 510(k) or Pre-Market Approval (PMA) number for the product, if applicable, to CDC when requesting categorization. Although some products may now be exempt from FDA's 510(k) review process, they continue to need evaluation for complexity categorization under CLIA. For products undergoing the 510(k) or PMA review process, CDC will not be able to issue the test categorization until the FDA has completed its review process and has notified CDC of the clearance date. Test categorizations are effective as of the date of notification by CDC to the applicant. Updates and revisions to the CLIA test categorization list are periodically published in the **Federal Register** with an opportunity for public comment. CDC also maintains an electronic list of categorized tests which is available via the Internet (http://www.phppo.cdc.gov/DLS/clia/testcat.asp).

Effect of Waiver on Tests Already in Use

For test systems in use prior to waiver approval, any modifications to the device or instructions that were required for waiver approval must be incorporated into those existing test systems for use of such test systems to be considered waived. (Pending such modifications, the particular test system already in use by a laboratory will retain its prior test categorization.)

Waived Tests Marketed Under Alternate Product Names

Frequently, products which have been granted waived status are later repackaged and marketed under alternate product names. In these cases, it is the responsibility of the manufacturer to notify CDC and to send the package insert demonstrating the new labeling along with *all* sets of instructions that apply (*e.g.*, if separate instructions for home use and for professional use exist, send a copy of both sets of instructions). Even though a test may be waived under one product name, it is not considered waived under an alternate name until it is reviewed by CDC and the manufacturer is notified of the waived status.

Comments and Responses

On April 11, 1997, a test list of approximately 1,300 additional test systems, assays, and examinations categorized by level of complexity was published in the **Federal Register** (62 FR 17832) with a 30 day comment period. CDC received no comment letters in regard to this Notice.

Analyte Clarification

A new analyte name, "D-Dimer" (Analyte code 1320), was created for the measurement of this specific fibrin degradation product. Test systems measuring D-Dimer, but previously categorized under the broader analyte name (1904) Fibrin(ogen) Split/Degradation Products (FSP/FDP), are now listed under the new analyte name. The analyte name Fibrin(ogen) Split/Degradation Products (FSP/FDP) will continue to be used for measurements not specific to a particular degradation product.

The analyte (5828) Streptococcus, group A (from throat only) was deleted and the test systems categorized for this analyte are now listed under the analyte (5810) Streptococcus, group A. The test system qualifier "Direct Antigen/Visual", associated with this analyte, was replaced with "Direct from throat swab."

For consistency with the listing of other autoantibodies, the analyte (6135) Thyroid Peroxidase Autoantibodies (TPO) was replaced with (0527) Anti-Thyroid Peroxidase (TPO) Antibodies.

The analyte (0708) "Blood gases with pH" was modified to accommodate the

technological advances that allow direct measurement of analytes that previously were calculated. The analyte code (0708) now refers to the analyte name "Blood gases" and the analytes for pH, pCO2, and pO2 were assigned individual analyte codes: (4982) pH, (4983) pCO2, (4984) pO2. To avoid confusion, the analyte (0731) All Body Fluids (other than blood) pH was deleted, and the test system (04542) All Qualitative Dipstick Color Comparison pH Testing, categorized under the deleted analyte, was reassigned to the new analyte (4982) pH.

For clarity and consistency and to reflect current nomenclature, the following analyte names and codes were changed:

From (0735) B1 positive Lymphocytes to (3758) Lymphocytes, CD20;
From (0736) B4 positive Lymphocytes to (3759) Lymphocytes, CD19;
From (1111) CD3(IgG1)positive Lymphocytes, (1110) CD3 positive Lymphocytes, and (6149) T3 positive Lymphocytes to (3760) Lymphocytes, CD3;
From (1116) CD4 positive Lymphocytes and (6150) T4 positive Lymphocytes to (3761) Lymphocytes, CD4;
From (4033) MY4 positive Lymphocytes to (4040) Monocytes, CD14(MY4);
From (4034) Mo2 positive Lymphocytes to (4041) Monocytes, CD14(Mo2);
From (6145 and 6157) T1 positive Lymphocytes (duplication of codes) to (3762) Lymphocytes, CD5;
From (6146) T11 positive Lymphocytes to (3763) Lymphocytes, CD2;
From (6152) T8 positive Lymphocytes and (1118) CD8 positive Lymphocytes to (3764) Lymphocytes, CD8;
From (1112) CD3(IgG1)/B4 positive Lymphocytes to (3765) Lymphocytes, CD3/CD19;
From (1113) CD3(IgG1)/T4 positive Lymphocytes and (1117) CD4/CD3 positive Lymphocytes to (3766) Lymphocytes, CD3/CD4;
From (1114) CD3(IgG1)/T8 positive Lymphocytes and (1119) CD8/CD3 positive Lymphocytes to (3767) Lymphocytes, CD3/CD8;
From (1120) CD3/CD19/CD45 positive Lymphocytes to (3768) Lymphocytes, CD3/CD19/CD45;
From (1121) CD3/CD4/CD45 positive Lymphocytes to (3769) Lymphocytes, CD3/CD4/CD45;
From (1115) CD3/HLA–DR positive Lymphocytes to (3770) Lymphocytes, CD3/HLA–DR;
From (1122) CD3/T4/T8 positive Lymphocytes to (3771) Lymphocytes, CD3/CD4/CD8;
From (6147) T11/B1 positive Lymphocytes to (3772) Lymphocytes, CD2/CD20;
From (6148) T11/B4 positive Lymphocytes to (3773) Lymphocytes, CD2/CD19;
From (6151) T4/T8 positive Lymphocytes to (3774) Lymphocytes, CD4/CD8.

Manufacturer Listing

For data entry reasons, the manufacturer Reference Diagnostics, Inc. is now denoted in the Test Categorization list as RDI and the manufacturer International Technidyne Corp. is denoted as ITC.

Correction

Due to a data entry error, an incorrect categorization for the analyte (6404) Uric Acid on the test system (04036) Abbott Bichromatic ABA 200 was published as moderate complexity in the April 11, 1997 **Federal Register** (62 FR 17832). The correct categorization for Uric Acid on this instrument is high complexity.

Dated: September 16, 1999.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention.

List of Previously Unpublished Categorizations

The test categorization scoring scheme was based on an assessment of the complexity of the operation of the test procedure and not on an evaluation of data documenting the procedure's performance over time. Therefore, the categorization of a test system, assay, or examination as moderate or high complexity should not be interpreted as an indication of the acceptability or unacceptability of the accuracy, precision, or overall performance of the procedure.

COMPLEXITY: MODERATE

SPECIALTY/SUBSPECIALTY: BACTERIOLOGY

ANALYTE: Aerobic &/or Anaerobic Organisms-unlimited sources (0412)

Test System, Assay, Examination:
Organon Teknika BacT/ALERT 3D (46292)

ANALYTE: Aerobic Organisms from urine specimens only (0468)

Test System, Assay, Examination:
Sanofi Pasteur UriSelect 3 (colony count only) (58540)
Wyeth-Ayerst Laboratories Testuria Screen (colony count only) (70207)
bioMerieux Vitek CPS ID 2 (colony count only) (07930)

ANALYTE: Aerobic organisms from salivary specimens only (0543)

Test System, Assay, Examination:
Orion Diagnostica Dentocult LB Culture Paddles (46299)

ANALYTE: Clostridium difficile (1022)

Test System, Assay, Examination:
Becton Dickinson ColorPAC Toxin A Test (direct Ag/visual) (08170)
Biosite Triage Clostridium difficile Panel (08111)

ANALYTE: Escherichia coli (1604)

Test System, Assay, Examination:
Universal HealthWatch Quix Rapid E. coli 0157 Strip Test (64043)

ANALYTE: Gardnerella vaginalis (2212)

Test System, Assay, Examination:
Becton Dickinson Affirm VPIII Microbial Identification Test (07852)
Litmus Concepts Indicard Test (from vaginal swab) (37110)

ANALYTE: Helicobacter pylori (2512)

Test System, Assay, Examination:
Medical Instruments Pronto Dry (40331)
Remel Selective Rapid Urea (55238)

ANALYTE: Salmonella (5802)

Test System, Assay, Examination:
The Binding Site Salmonella typhi Vi Suspension (61434)

ANALYTE: Streptococcus, group A (5810)

Test System, Assay, Examination:
Abbott TestPack Plus Strep A with OBC II (direct from throat swab) (04810)
BioStar Strep A OIA MAX (direct from throat swab) (07826)
Excel Scientific Strep A-OneStep Group A Antigen Module Test (direct from throat swab) (16135)
LifeSign UniStep Strep A (direct from throat swab) (37123)
Princeton BioMeditech BioSign Strep A (direct from throat swab) (49120)
Trinity Biotech Uni-Gold Strep A (direct from throat swab) (61393)

ANALYTE: Vibrio cholerae (6716)

Test System, Assay, Examination:
Universal HealthWatch Quix Rapid Cholera Strip Test (64044)

SPECIALTY/SUBSPECIALTY: ENDOCRINOLOGY

ANALYTE: Adrenocorticotropic Hormone (ACTH) (0458)

Test System, Assay, Examination:
Cirrus Diagnostics Immulite 2000 (10418)
Nichols Institute Advantage Chemiluminescence System (43122)

ANALYTE: Calcitonin (1041)

Test System, Assay, Examination:

Nichols Institute Advantage Chemiluminescence System (43122)

ANALYTE: Collagen Type I Crosslink, Deoxypyridinoline (Dpd) (1127)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Cirrus Diagnostics Immulite (10159)
Cirrus Diagnostics Immulite 2000 (10418)

ANALYTE: Collagen Type I Crosslink, N-telopeptides (NTx) (1125)

Test System, Assay, Examination:
Ortho-Clinical Diagnostics Vitros ECi (46279)

ANALYTE: Cortisol (1032)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Chiron Diagnostics ACS: Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Nichols Institute Advantage Chemiluminescence System (43122)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 914 (55549)
TOSOH AIA NexIA (61295)

ANALYTE: Cortisol, Urine (direct procedure) (1033)

Test System, Assay, Examination:
Beckman ACCESS Immunoassay System (07914)
Chiron Diagnostics ACS: Centaur (10440)

ANALYTE: Dehydroepiandrosterone Sulfate (DHEA–SO_4) (1310)

Test System, Assay, Examination:
Cirrus Diagnostics Immulite 2000 (10418)
Nichols Institute Advantage Chemiluminescence System (43122)

ANALYTE: Estradiol (1605)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS: Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
Sanofi Pasteur Access Immunoassay System (58257)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Estriol, unconjugated (1607)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)

ANALYTE: Follicle Stimulating Hormone (FSH) (1908)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS: Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring aca IV (with aca plus Immunoassay System) (13527)
Dade Behring aca Star (with aca plus Immunoassay System) (13523)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: HCG Beta Serum, Quantitative—Extended Range (ER) (2566)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)

ANALYTE: HCG, Beta, Serum, Quantitative (2502)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring aca IV (with aca plus Immunoassay System) (13527)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: HCG, Intact, Serum, Quantitative (2567)

Test System, Assay, Examination:
Dade Behring Dimension RxL (13519)
Dade Behring aca Star (with aca plus Immunoassay System) (13523)
Dade Dimension RxL (13436)
TOSOH A1A–1200 (61040)
TOSOH A1A–1200DX (61154)
TOSOH A1A–600 (61039)
TOSOH AIA NexIA (61295)

ANALYTE: HCG, Serum, Qualitative (2501)

Test System, Assay, Examination:
ACON hCG Urine/Serum One Step Pregnancy Test Strip (04791)
Abbott TestPack +Plus hCG COMBO with OBC (04724)
Alfa Scientific Designs Instant-View Pregnancy Combo Test (Cassette) (04846)
Alfa Scientific Designs Instant-View Pregnancy Combo Test (Dip-Strip) (04847)
AmeriTek One Step dBest Pregnancy Test Disk (04788)
AmeriTek One Step dBest Pregnancy Test Strip (04787)
Applied Biotech SureStep hCG Combo (II) Pregnancy Test (04869)
Arlington Scientific ProPhase Combo S/U OneStep hCG (04697)
Bionike A/Q Pregnancy Test (07779)
Germaine Laboratories AimStep Combo Pregnancy (22246)
Germaine Laboratories AimStick PBD

Combo Pregnancy (22248)
Global Medika PregnaStrip S/U HCG (22227)
Global Medika PregnaTest S/U hCG Cassette Pregnancy Test (22237)
Jant Pharmacal accutest RAPID URINE/SERUM Pregnancy Test (31084)
LifeSign UniStep hCG (37124)
Medika Bio-Tech PregnaTest S/U (cassette) (40322)
Meridian Diagnostics ImmunoCard STAT hCG Combo (40328)
Orion Diagnostica UniStep hCG II (46224)
Quidel CARDS Q.S. hCG Serum/Urine (52062)
Quidel Concise Performance Plus hCG-Combo (52063)
Quidel QuickVue One-Step hCG-Combo (52061)
Quidel QuickVue Semi-Q hCG -Combo (52068)
Roche Diagnostics AccuStat hCG/ Diluent Reagent (55328)
Simex Medical DiagnoStrip hCG-Combo (58511)
Simex Medical DiagnoStrip hCG-Serum (58433)
SmithKline ICON Fx hCG Urine/ Serum Test (58514)
TECO Diagnostics One-Step Combo Pregnancy Card Test (61281)
TECO Diagnostics One-Step Combo Pregnancy Dipstick Test (61282)
TECO Diagnostics Visual HCG Pregnancy Test (61430)

ANALYTE: HCG, Total, Serum, Quantitative (2555)

Test System, Assay, Examination:
AlfaBioTech AuraFlex (04772)
Chiron Diagnostics ACS:Centaur (10440)
Serono Baker SR1/ BioChem SR1 hCG (58471)

ANALYTE: HCG, Urine (2503)

Test System, Assay, Examination:
AlfaBioTech AuraFlex (04772)
Arlington Scientific Pregnancy Latex Slide Test (04702)
Bayer CLINITEK 100 Urine Chemistry Analyzer (07918)
Immunostics PREGNACOL (28512)
TECO Diagnostics Direct Pregnancy Test (61431)

ANALYTE: Human Growth Hormone (GH) (2547)

Test System, Assay, Examination:
Cirrus Diagnostics Immulite 2000 (10418)
Nichols Institute Advantage Chemiluminescence System (43122)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Human Placental Lactogen (hPL) (2533)

Test System, Assay, Examination:
Cirrus Diagnostics Immulite 2000 (10418)

ANALYTE: Insulin (2812)

Test System, Assay, Examination:
Beckman ACCESS Immunoassay System (07914)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Insulin-like Growth Factor-1 (IGF–1) (2818)

Test System, Assay, Examination:
Nichols Institute Advantage Chemiluminescence System (43122)

ANALYTE: Luteinizing Hormone (LH) (3713)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring aca IV (with aca plus Immunoassay System) (13527)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Parathyroid Hormone—Intact (4924)

Test System, Assay, Examination:
Cirrus Diagnostics Immulite 2000 (10418)
Nichols Institute Advantage Chemiluminescence System (43122)

ANALYTE: Progesterone (4914)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Behring OPUS (07793)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)
bioMerieux Vitek VIDAS (07806)

ANALYTE: Prolactin (4915)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring aca IV (with aca plus Immunoassay System) (13527)
Dade Behring aca Star (with aca plus Immunoassay System) (13523)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Sex Hormone Binding Globulin (5819)

Test System, Assay, Examination:
Cirrus Diagnostics Immulite 2000 (10418)

ANALYTE: T Uptake (TU) (6156)

Test System, Assay, Examination:
AlfaBioTech AuraFlex (04772)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)

Chiron Diagnostics ACS: Centaur (10440)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca Star (13521)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Testosterone (6102)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS: Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Organon Teknika AuraFlex (46152)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)

ANALYTE: Thyroid Stimulating Hormone (TSH) (6106)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Chiron Diagnostics ACS: Centaur (10440)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (with aca plus Immunoassay System) (13527)
Dade Behring aca Star (with aca plus Immunoassay System) (13523)
Dade Dimension RxL (13436)
Dade Stratus (13485)
Johnson & Johnson Vitros ECi (31076)
Little Nell Labs ThyroChek (37147)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Thyroid Stimulating Hormone (TSH) (Neonatal) (6107)

Test System, Assay, Examination:
Wallac Oy AutoDELFIA (70167)

ANALYTE: Thyroid Stimulating Hormone (TSH) Third Generation (6155)

Test System, Assay, Examination:
Abbott AxSYM (04532)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Cirrus Diagnostics Immulite 2000 (10418)
Nichols Institute Advantage Chemiluminescence System (43122)
TOSOH AIA NexIA (61295)

ANALYTE: Thyroid Stimulating Hormone—high sens. (TSH–HS) (6108)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)

ANALYTE: Thyroxine (T4) (6109)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Thyroxine Binding Globulin (TBG) (6110)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Cirrus Diagnostics Immulite 2000 (10418)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)

ANALYTE: Thyroxine, Free (FT4) (6111)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Biocircuits IOS (07745)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (with aca plus Immunoassay System) (13527)
Dade Dimension RxL (13436)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Nichols Institute Advantage Chemiluminescence System (43122)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)

TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Triiodothyronine (T3) (6119)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH AIA NexIA (61295)

ANALYTE: Triiodothyronine Uptake (T-Uptake) (TU) (6120)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 902 (55598)

ANALYTE: Triiodothyronine Uptake (T3U) (TU) (6120)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring Dimension AR (13517)
Dade Behring aca IV (13525)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 914 (55549)

ANALYTE: Triiodothyronine, Free (FT3) (6121)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
Abbott AxSYM (04532)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim ES 300 (07160)
Boehringer Mannheim ES 300 AL (07524)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite (10159)
Johnson & Johnson Vitros ECi (31076)
Nichols Institute Advantage Chemiluminescence System (43122)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH AIA NexIA (61295)

SPECIALTY/SUBSPECIALTY: GENERAL CHEMISTRY

ANALYTE: 5'Nucleotidase (0105)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)

ANALYTE: Acid Phosphatase (0407)

Test System, Assay, Examination:
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)

ANALYTE: Alanine Aminotransferase (ALT) (SGPT) (0404)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550

(46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Albumin (0414)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Synermed IR 200 (58460)

ANALYTE: Albumin, Urinary (0516)

Test System, Assay, Examination:
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)

ANALYTE: Albumin/Globulin (A/G) Ratio (0539)

Test System, Assay, Examination:
CARESIDE CareSide Analyzer (10445)

ANALYTE: Aldolase (0415)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 914 (55549)

ANALYTE: Alkaline Phosphatase (ALP) (0416)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Synermed IR 200 (58460)

ANALYTE: Alkaline Phosphatase Bone Specific (BAP) (0518)

Test System, Assay, Examination:
Behring OPUS (07793)
Behring OPUS Magnum (07794)

Behring OPUS Plus (07795)

ANALYTE: Alpha-Hydroxybutyrate Dehydrogenase (HBDH) (0419)

Test System, Assay, Examination:
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)

ANALYTE: Ammonia, Plasma/Serum (0427)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Amylase (0429)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Amylase, pancreatic isoenzymes (p-Amylase) (0500)

Test System, Assay, Examination:
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Angiotensin Converting Enzyme (ACE) (0481)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)

ANALYTE: Apolipoprotein A1 (0462)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Beckman Synchron LX System

(08076)
Boehringer Mannheim Hitachi 704 {Crestat N-Assay TIA APO A1} (08027)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {Crestat N-Assay TIA APO A1} (55377)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)

ANALYTE: Apolipoprotein B (0457)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Beckman Synchron LX System (08076)
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA APO B} (08044)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA APO B} (55412)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)

ANALYTE: Aspartate Aminotransferase (AST) (SGOT) (0405)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Beta-Hydroxybutyrate (0722)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 747 (55480)

ANALYTE: Bile Acids (0747)

Test System, Assay, Examination:
BioAutoMed ASCA {TECO Bile Acids} (07917)
Roche Cobas Mira Plus {TECO Bile Acids} (55237)
Roche Diagnostics Hitachi 911 {Marukin Shoyu UBAS Assay} (55597)

ANALYTE: Bilirubin, Direct (0704)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

Synermed IR 200 (58460)

ANALYTE: Bilirubin, Neonatal (0705)

Test System, Assay, Examination:
Abbott Aeroset (04798)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory IL Synthesis (28466)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Bilirubin, Total (0706)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Bilirubin, Urine (0738)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 717 {Chimera UA PERFECT} (55410)

ANALYTE: Blood Gases (0708)

Test System, Assay, Examination:
AVL OPTI Critical Care Analyzer (04778)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Multi-use Cartridge} (13493)
Medica EasyBloodGas Analyzer (40291)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Nova Stat Profile pHOx (43123)
Radiometer ABL 555 (55277)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 600 (55231)
Radiometer ABL System 610 (55230)
Radiometer ABL System 620 (55229)

ANALYTE: C-Peptide (1040)

Test System, Assay, Examination:
Cirrus Diagnostics Immulite 2000 (10418)
TOSOH AIA NexIA (61295)

ANALYTE: Calcium, Ionized (1004)

Test System, Assay, Examination:
AVL 9181 (04739)
AVL OPTI Critical Care Analyzer (04778)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Chem 6 Cartridge} (13492)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Multi-use Cartridge} (13493)
Medica EasyLyte Ca/Cl (40260)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Radiometer ABL 555 (55277)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 600 (55231)
Radiometer ABL System 610 (55230)
Radiometer ABL System 620 (55229)

ANALYTE: Calcium, Total (1005)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC

Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Synermed IR 200 (58460)

ANALYTE: Cancer Antigen 125 (CA 125) (1049)

Test System, Assay, Examination:
Abbott AxSYM (04532)
Abbott IMX (04056)
Bayer Immuno 1 System (08123)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics Hitachi 717 (55401)
TOSOH A1A–1200 (61040)
TOSOH A1A–1200DX (61154)
TOSOH A1A–600 (61039)
TOSOH AIA NexIA (61295)

ANALYTE: Cancer Antigen 15–3 (CA 15–3) (1068)

Test System, Assay, Examination:
Abbott AxSYM (04532)
Abbott IMX (04056)
Bayer Immuno 1 System (08123)
Ortho-Clinical Diagnostics Vitros ECi (46279)

ANALYTE: Cancer Antigen 27.29 (CA 27.29) (1132)

Test System, Assay, Examination:
Chiron Diagnostics ACS 180 {Chiron ACS:180 BR} (10434)
Chiron Diagnostics ACS 180 Plus {Chiron ACS:180 BR} (10435)
Chiron Diagnostics ACS:Centaur {Chiron ACS:180 BR} (10440)

ANALYTE: Carbon Dioxide, Total (CO2) (1003)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Synermed IR 200 (58460)

ANALYTE: Carcinoembryonic Antigen (CEA) (1013)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS 180 (10375)
Chiron Diagnostics ACS 180 Plus (10376)
Chiron Diagnostics ACS: Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH A1A–1200 (61040)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)
Technicon Immuno 1 System (61042)

ANALYTE: Cerebrospinal Fluid (CSF) Protein (1014)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950

IRC (46276)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Ceruloplasmin (1015)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Chloride (1018)

Test System, Assay, Examination:
AVL 9181 (04739)
AVL OPTI Critical Care Analyzer (04778)
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Chem 6 Cartridge} (13492)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Medica EasyLyte Ca/Cl (40260)
Medica EasyLyte Na/K/Cl/Li (40259)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Radiometer ABL 555 (55277)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 600 (55231)
Radiometer ABL System 610 (55230)
Radiometer ABL System 620 (55229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
SenDx 100 pH, Blood Gas and Electrolyte Analysis System (58390)

ANALYTE: Cholesterol (1020)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Polymer Technology Systems MTM BioScanner 1000 (49196)
Roche Diagnostics Accutrend GC Cholesterol Test (55330)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics ProAct System (55578)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Cholinesterase (1021)

Test System, Assay, Examination:
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500

Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (plasma/serum/CSF) (55599)
Roche Diagnostics Hitachi 902 (whole blood) (55600)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (plasma/serum/CSF) (55626)
Roche Diagnostics Hitachi 912 (whole blood) (55625)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (plasma/serum/CSF) (55620)
Roche Diagnostics Hitachi Modular Analytics (whole blood) (55621)

ANALYTE: Cholyglycine (1053)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)

ANALYTE: Creatine Kinase (CK) (1034)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
First Medical Alpha Dx System (19034)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Creatine Kinase MB Fraction (CKMB) (1002)

Test System, Assay, Examination:
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Biosite Triage Meter {Biosite Triage Cardiac Panel} (08057)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
CARESIDE CareSide Analyzer (10445)
Chiron Diagnostics ACS:Centaur (10440)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring Stratus CS STAT (13498)
Dade Behring aca IV (13525)
Dade Behring aca IV (with aca plus Immunoassay System) (13527)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
First Medical Alpha Dx System (19034)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Johnson & Johnson Vitros ECi (31076)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Princeton BioMeditech Cardiac STATus CK–MB/Myoglobin/

Troponin I Rapid Test (49214)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Spectral Cardiac STATus CK–MB/Myoglobin (58581)
Spectral Cardiac STATus CK–MB/Myoglobin/Troponin I (58580)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Creatinine (1035)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Bayer CLINITEK 100 Urine Chemistry Analyzer (07918)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
I-STAT i-STAT 200 System (28344)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Cystine (1106)

Test System, Assay, Examination:
Mission Pharmacal Urocystine (40263)

ANALYTE: Deoxyhemoglobin (Reduced Hemoglobin) (1318)

Test System, Assay, Examination:
Radiometer ABL 700 Series (55298)
Radiometer ABL System 620 (55229)

ANALYTE: Ferritin (1902)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Beckman IMMAGE Immunochemistry System (07816)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Boehringer Mannheim Hitachi 704 {BM TinaQuant Ferritin} (08045)
Boehringer Mannheim Hitachi 717 {BM TinaQuant Ferritin} (08046)
Boehringer Mannheim Hitachi 911 {BM TinaQuant Ferritin} (08047)
Boehringer Mannheim Hitachi 912 {BM TinaQuant Ferritin} (08048)
Boehringer Mannheim Hitachi 914 {BM TinaQuant Ferritin} (08049)
Boehringer Mannheim Hitachi 917 {BM TinaQuant Ferritin} (08050)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring aca IV (with aca plus Immunoassay System) (13527)
Dade Behring aca Star (with aca plus Immunoassay System) (13523)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Johnson & Johnson Vitros ECi (31076)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Olympus AU 800 (46110)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
Roche Diagnostics Hitachi 704 {TinaQuant Ferritin} (55372)
Roche Diagnostics Hitachi 717 {TinaQuant Ferritin} (55406)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 {TinaQuant Ferritin} (55518)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 912 {TinaQuant Ferritin} (55547)
Roche Diagnostics Hitachi 914 {TinaQuant Ferritin} (55553)
Roche Diagnostics Hitachi 917 {TinaQuant Ferritin} (55564)
Roche Diagnostics Hitachi Modular Analytics (55619)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Fetal Fibronectin (1934)

Test System, Assay, Examination:
Adeza Biomedical TLi System {Rapid fFN Cassette} (04830)

ANALYTE: Folate (Folic acid) (1907)

Test System, Assay, Examination:
Abbott AxSYM (04532)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)

Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
TOSOH AIA NexIA (auto pretreatment) (61366)
TOSOH AIA NexIA (manual pretreatment) (61367)

ANALYTE: Folate, Red Blood Cell (RBC Folate) (1930)

Test System, Assay, Examination:
Bayer Immuno 1 System (with UIW) (08121)
Beckman ACCESS Immunoassay System (07914)
Chiron Diagnostics ACS:Centaur (10440)

ANALYTE: Fructosamine (1914)

Test System, Assay, Examination:
Beckman Synchron CX 4 {RAIChem Fructosamine} (08014)
Beckman Synchron CX 4 CE {RAIChem Fructosamine} (08015)
Beckman Synchron CX 5 {RAIChem Fructosamine} (08016)
Beckman Synchron CX 5 CE {RAIChem Fructosamine} (08017)
Beckman Synchron CX 7 {RAIChem Fructosamine} (08018)
Bio-Chem Laboratory Systems ATAC 6000 {RAIChem Fructosamine} (08019)
Chiron Diagnostics 550 Express {RAIChem Fructosamine} (10424)
Chiron Diagnostics 550 Express Plus {RAIChem Fructosamine} (10425)
Olympus AU 600 (46229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Gamma Glutamyl Transferase (GGT) (2201)

Test System, Assay, Examination:
Abaxis Piccolo Portable Blood Analyzer (04608)
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Glucose (2203)

Test System, Assay, Examination:
AVL OMNI Combi Analyzer (04609)
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Firehouse Medical Safestrip Blood Glucose *Test System (19027)*
GDS Diagnostics Stat-Site Meter (22126)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)

Ortho-Clinical Diagnostics Vitros DTII (46278)
Radiometer ABL 555 (55277)
Radiometer ABL 700 Series (55298)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Glucose, Urine (2225)

Test System, Assay, Examination:
Boehringer Mannheim Hitachi 747 {STC Auto-Lyte Urine Glucose} (07850)
Roche Diagnostics Hitachi 717 {Chimera UA PERFECT} (55410)
Roche Diagnostics Hitachi 747 {STC Auto-Lyte Urine Glucose} (55502)

ANALYTE: Glucose-6-Phosphate Dehydrogenase (G–6-PDH) (2208)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)

ANALYTE: Glutaraldehyde (2224)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 717 (55401)

ANALYTE: Glycated Hemoglobin, Total (2221)

Test System, Assay, Examination:
Bio-Rad VARIANT Express Glycohemoglobin Program (08026)
Primus CLC 330 (49211)

ANALYTE: Glycosylated Hemoglobin (Hgb A1C) (2204)

Test System, Assay, Examination:
Beckman Synchron LX System (manual pretreatment) (08079)
Bio-Rad VARIANT Express Glycohemoglobin Program (08026)
Bio-Rad VARIANT II (08186)
Roche Cobas Mira {Roche Unimate HbA1C} (55252)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
TOSOH A1c 2.2 Plus Glycohemoglobin Analyzer (61297)

ANALYTE: HDL Cholesterol (2550)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer {Abbott Direct HDL} (04800)
Abbott Aeroset {Abbott Direct HDL} (04799)
Abbott Spectrum {Trace HDL Cholesterol} (auto pretreatment) (04721)
Abbott Spectrum EPX {Sigma Diagnostics EZ HDL Cholesterol} (04684)
Abbott Spectrum EPX {Trace HDL Cholesterol} (auto pretreatment) (04723)
Abbott Spectrum Series II {Sigma Diagnostics EZ HDL Cholesterol} (04685)
Abbott Spectrum Series II {Sigma Diagnostics ISOSPIN} (04681)
Abbott Spectrum Series II {Trace HDL Cholesterol} (auto pretreatment) (04722)
Baxter Paramax {Sigma Diagnostics EZ HDL Cholesterol} (07868)
Beckman Synchron CX 4 {Genzyme Liquid N-geneous HDL} (07975)
Beckman Synchron CX 4 {Randox Direct HDL} (08101)
Beckman Synchron CX 4 {SYNCHRON HDLD} (08210)
Beckman Synchron CX 4 {Sigma Diagnostics EZ HDL Cholesterol} (07841)
Beckman Synchron CX 4 {Wako Direct HDL-C} (07831)
Beckman Synchron CX 4 CE {Genzyme Liquid N-geneous HDL} (07974)
Beckman Synchron CX 4 CE {SYNCHRON HDLD} (08211)
Beckman Synchron CX 4 DELTA {Genzyme Liquid N-geneous HDL} (07973)
Beckman Synchron CX 4 DELTA {SYNCHRON HDLD} (08212)
Beckman Synchron CX 5 {Genzyme Liquid N-geneous HDL} (07972)
Beckman Synchron CX 5 {RDI LipiDirect HDL} (08093)
Beckman Synchron CX 5 {Randox Direct HDL} (08102)
Beckman Synchron CX 5 {SYNCHRON HDLD} (08213)
Beckman Synchron CX 5 {Sigma Diagnostics EZ HDL Cholesterol} (07842)
Beckman Synchron CX 5 {Trace HDL Cholesterol} (auto pretreatment) (07864)
Beckman Synchron CX 5 {Wako Direct HDL-C} (07832)
Beckman Synchron CX 5 CE {Genzyme Liquid N-geneous HDL} (07971)
Beckman Synchron CX 5 CE {SYNCHRON HDLD} (08214)
Beckman Synchron CX 5 DELTA {Genzyme Liquid N-geneous HDL} (07970)
Beckman Synchron CX 5 DELTA {SYNCHRON HDLD} (08215)
Beckman Synchron CX 7 {Genzyme Liquid N-geneous HDL} (07969)
Beckman Synchron CX 7 {RDI LipiDirect HDL} (08094)
Beckman Synchron CX 7 {Randox Direct HDL} (08103)
Beckman Synchron CX 7 {SYNCHRON HDLD} (08216)
Beckman Synchron CX 7 {Sigma Diagnostics EZ HDL Cholesterol} (07843)
Beckman Synchron CX 7 {Trace HDL Cholesterol} (auto pretreatment) (07865)
Beckman Synchron CX 7 {Wako Direct HDL–C} (07833)
Beckman Synchron CX 7 DELTA {Genzyme Liquid N-geneous HDL} (07968)
Beckman Synchron CX 7 DELTA {RDI LipiDirect HDL} (08195)
Beckman Synchron CX 7 DELTA {SYNCHRON HDLD} (08217)
Beckman Synchron CX 9 ALX {Genzyme Liquid N-geneous HDL} (07967)
Beckman Synchron CX 9 ALX System {SYNCHRON HDLD} (08218)
Beckman Synchron LX System {DMA One Shots} (08082)
Beckman Synchron LX System {Genzyme Liquid N-geneous HDL} (08083)
Beckman Synchron LX System {MHS SPINPRO} (08084)
Beckman Synchron LX System {RDI Unitized Magnetic HDL} (08085)
Beckman Synchron LX System {SYNCHRON HDLD} (08219)
Beckman Synchron LX System {Sigma Diagnostics EZ HDL

Cholesterol} (08086)
Beckman Synchron LX System {Trace America Singles} (08087)
Beckman Synchron LX System {Trace HDL Cholesterol} (auto pretreatment) (08088)
Beckman Synchron LX System {Wako Direct HDL–C} (08089)
Bio-Chem Laboratory Systems ATAC 6000 {Elan Diagnostics Direct HDL} (08208)
Bio-Chem Laboratory Systems ATAC 8000 {Elan Diagnostics Direct HDL} (08207)
Boehringer Mannheim Hitachi 704 {Randox Direct HDL} (07997)
Boehringer Mannheim Hitachi 704 {Sigma Diagnostics EZ HDL Cholesterol} (07844)
Boehringer Mannheim Hitachi 704 {Wako Direct HDL–C} (07834)
Boehringer Mannheim Hitachi 705 {Wako Direct HDL–C} (07835)
Boehringer Mannheim Hitachi 717 {EQual HDL Direct} (07926)
Boehringer Mannheim Hitachi 717 {Genzyme Liquid N-geneous HDL} (07979)
Boehringer Mannheim Hitachi 717 {Randox Direct HDL} (07998)
Boehringer Mannheim Hitachi 717 {Sigma Diagnostics EZ HDL Cholesterol} (07845)
Boehringer Mannheim Hitachi 717 {Trace HDL Cholesterol} (auto pretreatment) (07866)
Boehringer Mannheim Hitachi 717 {Wako Direct HDL–C} (07836)
Boehringer Mannheim Hitachi 736 {Genzyme Liquid N-geneous HDL} (07978)
Boehringer Mannheim Hitachi 736 {Sigma Diagnostics EZ HDL Cholesterol} (07846)
Boehringer Mannheim Hitachi 737 {Randox Direct HDL} (08098)
Boehringer Mannheim Hitachi 737 {Sigma Diagnostics EZ HDL Cholesterol} (07847)
Boehringer Mannheim Hitachi 747 {Genzyme Liquid N-geneous HDL} (07980)
Boehringer Mannheim Hitachi 747 {RDI LipiDirect HDL} (08090)
Boehringer Mannheim Hitachi 747 {Randox Direct HDL} (07999)
Boehringer Mannheim Hitachi 747 {Sigma Diagnostics EZ HDL Cholesterol} (07848)
Boehrjnger Mannheim Hitachi 747 {Trace HDL Cholesterol} (auto pretreatment) (07867)
Boehringer Mannheim Hitachi 747 {Wako Direct HDL–C} (07837)
Boehringer Mannheim Hitachi 911 {Genzyme Liquid N-geneous HDL} (07977)
Boehringer Mannheim Hitachi 911 {RDI LipiDirect HDL} (08091)
Boehringer Mannheim Hitachi 911 {Randox Direct HDL} (08000)
Boehringer Mannheim Hitachi 911 {Sigma Diagnostics EZ HDL Cholesterol} (07849)
Boehringer Mannheim Hitachi 911 {Wako Direct HDL–C} (07838)
Boehringer Mannheim Hitachi 914 {Randox Direct HDL} (08001)
Boehringer Mannheim Hitachi 917 {Genzyme Liquid N-geneous HDL} (07976)
Boehringer Mannheim Hitachi 917 {RDI LipiDirect HDL} (08092)
Boehringer Mannheim Hitachi 917 {Randox Direct HDL} (08002)
Boehringer Mannheim Hitachi 917 {Sigma Diagnostics EZ HDL Cholesterol} (07869)
Boehringer Mannheim Hitachi 917 {Wako Direct HDL–C} (07839)
CARESIDE CareSide Analyzer (10445)
Chiron Diagnostics 550 Express {Genzyme Liquid N-geneous HDL} (10452)
Chiron Diagnostics 550 Express {RDI LipiDirect HDL} (10468)
Chiron Diagnostics 550 Express Plus {Genzyme Liquid N-geneous HDL} (10451)
Ciba Corning 550 Express {Sigma Diagnostics EZ HDL Cholesterol} (10391)
Ciba Corning 550 Express {Trace HDL Cholesterol} (auto pretreatment) (10400)
Ciba Corning 550 Express Plus {Trace HDL Cholesterol} (auto pretreatment) (10401)
Coulter Optichem 120 {Sigma Diagnostics ISOSPIN} (10448)
Dade Behring Dimension AR {Dimension AHDL} (13545)
Dade Behring Dimension AR {Sigma Diagnostics EZ HDL Cholesterol} (13518)
Dade Behring Dimension RxL {Dimension AHDL} (13546)
Dade Behring Dimension RxL {RDI LipiDirect HDL} (13520)
Dade Behring aca IV {DMA One Shots} (13529)
Dade Behring aca IV {MHS SPINPRO} (13530)
Dade Dimension {Trace HDL Cholesterol} (auto pretreatment) (13444)
Dade Dimension AR {Sigma Diagnostics EZ HDL Cholesterol} (13445)
Dade Dimension ES {RDI LipiDirect HDL} (13484)
Dade Dimension RxL {RDI LipiDirect HDL} (13483)
Dade Dimension XL {Dimension AHDL} (13547)
Dade Dimension XL {Genzyme Liquid N-geneous HDL} (13467)
Instrumentation Laboratory IL Monarch {Sigma Diagnostics EZ HDL Cholesterol} (28476)
Instrumentation Laboratory IL Monarch {Trace HDL Cholesterol} (auto pretreatment) (28480)
Instrumentation Laboratory ILAB 1800 {Sigma Diagnostics EZ HDL Cholesterol} (28475)
Instrumentation Laboratory ILAB 1800 {Wako Direct HDL–C} (28471)
Instrumentation Laboratory ILAB 900 {Sigma Diagnostics EZ HDL Cholesterol} (28474)
Instrumentation Laboratory ILAB 900 {Wako Direct HDL–C} (28470)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 5000 {Sigma Diagnostics EZ HDL Cholesterol} (46231)
Olympus AU 5200 {Genzyme Liquid N-geneous HDL} (46250)
Olympus AU 5200 {RDI LipiDirect HDL} (46320)
Olympus AU 5200 {Sigma Diagnostics EZ HDL Cholesterol} (46232)
Olympus AU 5200 {Wako Direct HDL–C} (46227)
Olympus AU 600 {Genzyme Liquid N-geneous HDL} (46291)
Olympus AU 600 {RDI LipiDirect HDL} (46318)
Olympus AU 600 {Sigma Diagnostics EZ HDL Cholesterol} (46239)
Olympus AU 800 {Genzyme Liquid N-geneous HDL} (46249)
Olympus AU 800 {RDI LipiDirect HDL} (46319)
Olympus AU 800 {Sigma Diagnostics EZ HDL Cholesterol} (46233)
Olympus AU 800 {Wako Direct HDL–C} (46226)
Olympus Reply {Sigma Diagnostics EZ HDL Cholesterol} (46234)
Olympus Reply {Wako Direct HDL–C} (46228)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)

Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Cobas Bio {Sigma Diagnostics EZ HDL Cholesterol} (55226)
Roche Cobas Bio {Wako Direct HDL–C} (55220)
Roche Cobas FARA {RDI LipiDirect HDL} (55617)
Roche Cobas FARA {Sigma Diagnostics EZ HDL Cholesterol} (55227)
Roche Cobas FARA {Wako Direct HDL–C} (55221)
Roche Cobas FARA II {Sigma Diagnostics EZ HDL Cholesterol} (55228)
Roche Cobas FARA II {Wako Direct HDL–C} (55222)
Roche Cobas INTEGRA {COBAS INTEGRA HDL-Cholesterol Direct} (55292)
Roche Cobas Mira {EQual HDL Direct} (55247)
Roche Cobas Mira {Genzyme Liquid N-geneous HDL} (55260)
Roche Cobas Mira {RDI LipiDirect HDL} (55289)
Roche Cobas Mira {Randox Direct HDL} (55293)
Roche Cobas Mira {Roche Unimate HDL Direct} (55243)
Roche Cobas Mira {Sigma Diagnostics EZ HDL Cholesterol} (55225)
Roche Cobas Mira {Trace HDL Cholesterol} (auto pretreatment) (55234)
Roche Cobas Mira {Wako Direct HDL–C} (55223)
Roche Cobas Mira Plus {RDI LipiDirect HDL} (55290)
Roche Cobas Mira Plus {Randox Direct HDL} (55295)
Roche Cobas Mira Plus {Roche Unimate HDL Direct} (55245)
Roche Cobas Mira Plus {Wako Direct HDL–C} (55224)
Roche Cobas Mira S {RDI LipiDirect HDL} (55291)
Roche Cobas Mira S {Randox Direct HDL} (55294)
Roche Cobas Mira S {Roche Unimate HDL Direct} (55244)
Roche Diagnostics Hitachi 704 {DMA One Shots} (55380)
Roche Diagnostics Hitachi 704 {MHS SPINPRO} (55389)
Roche Diagnostics Hitachi 704 {RDI Unitized Magnetic HDL} (55391)
Roche Diagnostics Hitachi 704 {Randox Direct HDL} (55394)
Roche Diagnostics Hitachi 704 {Roche Direct HDL} (55371)
Roche Diagnostics Hitachi 704 {Sigma Diagnostics EZ HDL Cholesterol} (55396)
Roche Diagnostics Hitachi 704 {Sigma Diagnostics ISOSPIN} (55397)
Roche Diagnostics Hitachi 704 {Trace America Singles} (55398)
Roche Diagnostics Hitachi 704 {Wako Direct HDL–C} (55399)
Roche Diagnostics Hitachi 717 {DMA One Shots} (55426)
Roche Diagnostics Hitachi 717 {EQual HDL Direct} (55432)
Roche Diagnostics Hitachi 717 {Genzyme Liquid N-geneous HDL} (55434)
Roche Diagnostics Hitachi 717 {Genzyme N-geneous HDL} (55435)
Roche Diagnostics Hitachi 717 {MHS SPINPRO} (55438)
Roche Diagnostics Hitachi 717 {RDI LipiDirect HDL} (55618)
Roche Diagnostics Hitachi 717 {RDI Unitized Magnetic HDL} (55440)
Roche Diagnostics Hitachi 717 {Randox Direct HDL} (55443)
Roche Diagnostics Hitachi 717 {Roche Direct HDL} (55405)
Roche Diagnostics Hitachi 717 {Sigma Diagnostics EZ HDL Cholesterol} (55445)
Roche Diagnostics Hitachi 717 {Sigma Diagnostics ISOSPIN} (55446)
Roche Diagnostics Hitachi 717 {Trace America Singles} (55447)
Roche Diagnostics Hitachi 717 {Trace HDL Cholesterol} (auto pretreatment) (55448)
Roche Diagnostics Hitachi 717 {Wako Direct HDL–C} (55449)
Roche Diagnostics Hitachi 736 {DMA One Shots} (55452)
Roche Diagnostics Hitachi 736 {Genzyme Liquid N-geneous HDL} (55453)
Roche Diagnostics Hitachi 736 {Genzyme N-geneous HDL} (55454)
Roche Diagnostics Hitachi 736 {MHS SPINPRO} (55457)
Roche Diagnostics Hitachi 736 {RDI Unitized Magnetic HDL} (55459)
Roche Diagnostics Hitachi 736 {Sigma Diagnostics EZ HDL Cholesterol} (55461)
Roche Diagnostics Hitachi 736 {Sigma Diagnostics ISOSPIN} (55462)
Roche Diagnostics Hitachi 736 {Trace America Singles} (55463)
Roche Diagnostics Hitachi 737 {DMA One Shots} (55468)
Roche Diagnostics Hitachi 737 {MHS SPINPRO} (55472)
Roche Diagnostics Hitachi 737 {RDI Unitized Magnetic HDL} (55474)
Roche Diagnostics Hitachi 737 {Randox Direct HDL-Cholesterol} (55476)
Roche Diagnostics Hitachi 737 {Sigma Diagnostics EZ HDL Cholesterol} (55477)
Roche Diagnostics Hitachi 737 {Sigma Diagnostics ISOSPIN} (55478)
Roche Diagnostics Hitachi 737 {Trace America Singles} (55479)
Roche Diagnostics Hitachi 747 {DMA One Shots} (55485)
Roche Diagnostics Hitachi 747 {Genzyme Liquid N-geneous HDL} (55491)
Roche Diagnostics Hitachi 747 {Genzyme N-geneous HDL} (55492)
Roche Diagnostics Hitachi 747 {MHS SPINPRO} (55495)
Roche Diagnostics Hitachi 747 {RDI LipiDirect HDL} (55496)
Roche Diagnostics Hitachi 747 {RDI Unitized Magnetic HDL} (55498)
Roche Diagnostics Hitachi 747 {Randox Direct HDL} (55501)
Roche Diagnostics Hitachi 747 {Roche Direct HDL} (55482)
Roche Diagnostics Hitachi 747 {Sigma Diagnostics EZ HDL Cholesterol} (55506)
Roche Diagnostics Hitachi 747 {Sigma Diagnostics ISOSPIN} (55507)
Roche Diagnostics Hitachi 747 {Trace America Singles} (55508)
Roche Diagnostics Hitachi 747 {Trace HDL Cholesterol} (auto pretreatment) (55509)
Roche Diagnostics Hitachi 747 {Wako Direct HDL–C} (55510)
Roche Diagnostics Hitachi 902 {Roche Direct HDL} (55601)
Roche Diagnostics Hitachi 911 {Genzyme Liquid N-geneous HDL} (55529)
Roche Diagnostics Hitachi 911 {Genzyme N-geneous HDL} (55530)
Roche Diagnostics Hitachi 911 {MHS SPINPRO} (55533)
Roche Diagnostics Hitachi 911 {RDI LipiDirect HDL} (55534)
Roche Diagnostics Hitachi 911 {RDI Unitized Magnetic HDL} (55536)
Roche Diagnostics Hitachi 911 {Randox Direct HDL} (55539)
Roche Diagnostics Hitachi 911 {Roche Direct HDL} (55517)
Roche Diagnostics Hitachi 911 {Sigma Diagnostics EZ HDL Cholesterol} (55541)
Roche Diagnostics Hitachi 911 {Sigma Diagnostics ISOSPIN} (55542)
Roche Diagnostics Hitachi 911 {Wako Direct HDL–C} (55543)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 {RDI Unitized Magnetic HDL} (55557)
Roche Diagnostics Hitachi 914 {Randox Direct HDL} (55559)
Roche Diagnostics Hitachi 914 {Roche Direct HDL} (55552)
Roche Diagnostics Hitachi 917 {Genzyme Liquid N-geneous HDL} (55569)
Roche Diagnostics Hitachi 917

{Genzyme N-geneous HDL} (55570)
Roche Diagnostics Hitachi 917 {RDI LipiDirect HDL} (55572)
Roche Diagnostics Hitachi 917 {Randox Direct HDL} (55573)
Roche Diagnostics Hitachi 917 {Roche Direct HDL} (55563)
Roche Diagnostics Hitachi 917 {Sigma Diagnostics EZ HDL Cholesterol} (55574)
Roche Diagnostics Hitachi 917 {Wako Direct HDL–C} (55575)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Schiapparelli Biosystems ACE {Trace HDL Cholesterol} (auto pretreatment) (58444)
Technicon AXON {Sigma Diagnostics EZ HDL Cholesterol} (61270)
Technicon AXON {Wako Direct HDL–C} (61264)
Technicon DAX {Sigma Diagnostics EZ HDL Cholesterol} (61271)
Technicon DAX 24 {Wako Direct HDL–C} (61265)
Technicon DAX 48 {Wako Direct HDL–C} (61266)
Technicon DAX 72 {Wako Direct HDL–C} (61267)
Technicon DAX 96 {Wako Direct HDL–C} (61268)
Technicon RA 1000 {Sigma Diagnostics EZ HDL Cholesterol} (61273)
Technicon RA 1000 {Trace HDL Cholesterol} (auto pretreatment) (61284)
Technicon RA 500 {Sigma Diagnostics EZ HDL Cholesterol} (61272)
Technicon RA 500 {Trace HDL Cholesterol} (auto pretreatment) (61285)
Technicon RA XT {Sigma Diagnostics EZ HDL Cholesterol} (61274)
Technicon RA XT {Trace HDL Cholesterol} (auto pretreatment) (61286)
Technicon opeRA {Sigma Diagnostics EZ HDL Cholesterol} (61275)
Wako Diagnostics 30R {Sigma Diagnostics EZ HDL Cholesterol} (70193)
Wako Diagnostics 30R {Wako Direct HDL–C} (70192)

ANALYTE: Haptoglobin (2511)

Test System, Assay, Examination:
Beckman QM 300 Protein System (07915)
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA Haptoglobin} (08036)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA Haptoglobin} (55420)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 912 (55624)

ANALYTE: Hemoglobin F (2516)

Test System, Assay, Examination:
Radiometer ABL System 620 (55229)

ANALYTE: Hemoglobin S (2536)

Test System, Assay, Examination:
Medicus Technologies SICKLE–2000 (40309)

ANALYTE: Homocysteine (2574)

Test System, Assay, Examination:
Abbott IMX (04056)

ANALYTE: Iron (2814)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Iron Binding Capacity, Unsat. (UIBC) no pretreat. (2823)

Test System, Assay, Examination:
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Dimension XL (13422)
Instrumentation Laboratory ILAB 1800 (28323)
Instrumentation Laboratory ILAB 900 (28322)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Olympus Reply/AU560 (46129)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Technicon AXON (61001)
Wako Diagnostics 30R (70002)

ANALYTE: Ketone, Urine (3404)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 717 {Chimera UA PERFECT} (55410)

NALYTE: LDL Cholesterol (3748)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset {Wako L–Type LDL–C} (04801)
Abbott EPX {RDI Unitized LipiDirect

Magnetic LDL} (04760)
Abbott Series II {RDI Unitized LipiDirect Magnetic LDL} (04761)
Abbott Spectrum {DMA One Shots} (04598)
Abbott Spectrum {RDI Unitized LipiDirect Magnetic LDL} (04759)
Abbott Spectrum {RDI Unitized Precipitating Reagent} (04749)
Abbott Spectrum EPX {DMA One Shots} (04600)
Abbott Spectrum EPX {RDI Unitized Precipitating Reagent} (04750)
Abbott Spectrum Series II {DMA One Shots} (04601)
Abbott Spectrum Series II {RDI Unitized Precipitating Reagent} (04751)
Abbott Spectrum Series II {Sigma Diagnostics EZ LDL} (04817)
Abbott VP {DMA One Shots} (auto calculations) (04756)
Abbott VP {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (04763)
Abbott VP {RDI Unitized Precipitating Reagent} (auto calculations) (04754)
Baxter Paramax {Sigma Diagnostics EZ LDL} (08185)
Beckman Synchron CX 4 {Genzyme N-geneous LDL} (07940)
Beckman Synchron CX 4 {Sigma Diagnostics EZ LDL} (08173)
Beckman Synchron CX 4 {Wako L–Type LDL–C} (08135)
Beckman Synchron CX 4 CE {Genzyme N-geneous LDL} (07943)
Beckman Synchron CX 4 DELTA {Genzyme N-geneous LDL} (07945)
Beckman Synchron CX 5 {Genzyme N-geneous LDL} (07941)
Beckman Synchron CX 5 {Sigma Diagnostics EZ LDL} (08174)
Beckman Synchron CX 5 {Wako L–Type LDL–C} (08136)
Beckman Synchron CX 5 CE {Genzyme N-geneous LDL} (07944)
Beckman Synchron CX 5 DELTA {Genzyme N-geneous LDL} (07946)
Beckman Synchron CX 7 {Genzyme N-geneous LDL} (07942)
Beckman Synchron CX 7 {RDI Direct LDL} (08194)
Beckman Synchron CX 7 {Sigma Diagnostics EZ LDL} (08175)
Beckman Synchron CX 7 {Wako L–Type LDL–C} (08137)
Beckman Synchron CX 7 DELTA {Genzyme N-geneous LDL} (07947)
Beckman Synchron CX 9 ALX System {Genzyme N-geneous LDL} (07948)
Beckman Synchron CX Systems {DMA One Shots} (07996)
Beckman Synchron CX Systems {RDI Unitized LipiDirect Magnetic LDL} (08011)
Beckman Synchron CX Systems {RDI Unitized Precipitating Reagent} (07990)
Beckman Synchron LX System {Sigma Diagnostics EZ LDL} (08176)
Boehringer Mannheim Hitachi 704 {DMA One Shots} (07627)
Boehringer Mannheim Hitachi 704 {RDI Unitized LipiDirect Magnetic LDL} (08003)
Boehringer Mannheim Hitachi 704 {RDI Unitized Precipitating Reagent} (07982)
Boehringer Mannheim Hitachi 704 {Sigma Diagnostics EZ LDL} (08182)
Boehringer Mannheim Hitachi 704 {Wako L–Type LDL–C} (08130)
Boehringer Mannheim Hitachi 705 {DMA One Shots} (07628)
Boehringer Mannheim Hitachi 705 {RDI Unitized LipiDirect Magnetic LDL} (08004)
Boehringer Mannheim Hitachi 705 {RDI Unitized Precipitating Reagent} (07983)
Boehringer Mannheim Hitachi 717 {DMA One Shots} (07629)
Boehringer Mannheim Hitachi 717 {Genzyme N-geneous LDL} (07936)
Boehringer Mannheim Hitachi 717 {RDI Unitized LipiDirect Magnetic LDL} (08005)
Boehringer Mannheim Hitachi 717 {RDI Unitized Precipitating Reagent} (07984)
Boehringer Mannheim Hitachi 717 {Sigma Diagnostics EZ LDL} (08177)
Boehringer Mannheim Hitachi 717 {Wako L–Type LDL–C} (08131)
Boehringer Mannheim Hitachi 736 {DMA One Shots} (07630)
Boehringer Mannheim Hitachi 736 {Genzyme N-geneous LDL} (07937)
Boehringer Mannheim Hitachi 736 {RDI Unitized LipiDirect Magnetic LDL} (08006)
Boehringer Mannheim Hitachi 736 {RDI Unitized Precipitating Reagent} (07985)
Boehringer Mannheim Hitachi 736 {Sigma Diagnostics EZ LDL} (08183)
Boehringer Mannheim Hitachi 737 {DMA One Shots} (07631)
Boehringer Mannheim Hitachi 737 {RDI Unitized LipiDirect Magnetic LDL} (08007)
Boehringer Mannheim Hitachi 737 {RDI Unitized Precipitating Reagent} (07986)
Boehringer Mannheim Hitachi 737 {Sigma Diagnostics EZ LDL} (08184)
Boehringer Mannheim Hitachi 747 {DMA One Shots} (07632)
Boehringer Mannheim Hitachi 747 {Genzyme N-geneous LDL} (07935)
Boehringer Mannheim Hitachi 747 {RDI Unitized LipiDirect Magnetic LDL} (08008)
Boehringer Mannheim Hitachi 747 {RDI Unitized Precipitating Reagent} (07987)
Boehringer Mannheim Hitachi 747 {Sigma Diagnostics EZ LDL} (08178)
Boehringer Mannheim Hitachi 747 {Wako L–Type LDL–C} (08132)
Boehringer Mannheim Hitachi 911 {DMA One Shots} (07994)
Boehringer Mannheim Hitachi 911 {Genzyme N-geneous LDL} (07939)
Boehringer Mannheim Hitachi 911 {RDI Unitized LipiDirect Magnetic LDL} (08009)
Boehringer Mannheim Hitachi 911 {RDI Unitized Precipitating Reagent} (07988)
Boehringer Mannheim Hitachi 911 {Sigma Diagnostics EZ LDL} (08179)
Boehringer Mannheim Hitachi 911 {Wako L–Type LDL–C} (08133)
Boehringer Mannheim Hitachi 912 {Sigma Diagnostics EZ LDL} (08180)
Boehringer Mannheim Hitachi 914 {DMA One Shots} (07995)
Boehringer Mannheim Hitachi 914 {RDI Unitized LipiDirect Magnetic LDL} (08010)
Boehringer Mannheim Hitachi 914 {RDI Unitized Precipitating Reagent} (07989)
Boehringer Mannheim Hitachi 917 {Genzyme N-geneous LDL} (07938)
Boehringer Mannheim Hitachi 917 {Sigma Diagnostics EZ LDL} (08181)
Boehringer Mannheim Hitachi 917 {Wako L–Type LDL–C} (08134)
Chiron Diagnostics 550 Express {DMA One Shots} (10353)
Chiron Diagnostics 550 Express {Genzyme N-geneous LDL} (10449)
Chiron Diagnostics 550 Express {RDI Direct LDL} (10467)
Chiron Diagnostics 550 Express {RDI Unitized LipiDirect Magnetic LDL} (10421)
Chiron Diagnostics 550 Express {RDI Unitized Precipitating Reagent} (10414)
Chiron Diagnostics 550 Express {Sigma Diagnostics EZ LDL} (10463)
Chiron Diagnostics 550 Express {Wako L–Type LDL–C} (10453)
Chiron Diagnostics 550 Express Plus {Genzyme N-geneous LDL} (10450)
Coulter Optichem {DMA One Shots} (auto calculations) (10420)
Coulter Optichem {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (10423)
Coulter Optichem {RDI Unitized Precipitating Reagent} (auto calculations) (10417)

Dade Behring Dimension AR {Sigma Diagnostics EZ LDL} (13550)
Dade Behring Dimension RxL {Sigma Diagnostics EZ LDL} (13552)
Dade Dimension {DMA One Shots} (auto calculations) (13471)
Dade Dimension {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (13473)
Dade Dimension {RDI Unitized Precipitating Reagent} (auto calculations) (13469)
Dade Dimension XL {Genzyme N-geneous LDL} (13531)
Dade Dimension XL {Sigma Diagnostics EZ LDL} (13551)
EM Diagnostic Systems EPOS {DMA One Shots} (auto calculations) (16171)
EM Diagnostic Systems EPOS {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (16179)
EM Diagnostic Systems EPOS {RDI Unitized Precipitating Reagent} (auto calculations) (16163)
Electronucleonics Gemini {DMA One Shots} (auto calculations) (16165)
Electronucleonics Gemini {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (16173)
Electronucleonics Gemini {RDI Unitized Precipitating Reagent} (auto calculations) (16157)
Electronucleonics Gemprofiler {DMA One Shots} (auto calculations) (16167)
Electronucleonics Gemprofiler {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (16175)
Electronucleonics Gemprofiler {RDI Unitized Precipitating Reagent} (auto calculations) (16159)
Electronucleonics Gemstar {DMA One Shots} (auto calculations) (16169)
Electronucleonics Gemstar {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (16177)
Electronucleonics Gemstar {RDI Unitized Precipitating Reagent} (auto calculations) (16161)
Instrumentation Laboratory IL Genesis 21 {DMA One Shots} (auto calculations) (28503)
Instrumentation Laboratory IL Genesis 21 {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (28507)
Instrumentation Laboratory IL Genesis 21 {RDI Unitized Precipitating Reagent} (auto calculations) (28498)
Instrumentation Laboratory IL Monarch (auto calculations) (28496)
Instrumentation Laboratory IL Monarch {DMA One Shots} (auto calculations) (28501)
Instrumentation Laboratory IL Monarch {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (28505)
Instrumentation Laboratory ILAB 1800 {Sigma Diagnostics EZ LDL} (28557)
Instrumentation Laboratory ILAB 1800 {Wako L-Type LDL–C} (28535)
Instrumentation Laboratory ILAB 900 {Sigma Diagnostics EZ LDL} (28556)
Instrumentation Laboratory ILAB 900 {Wako L-Type LDL–C} (28534)
Johnson & Johnson Vitros {DMA One Shots} (auto calculations) (31080)
Johnson & Johnson Vitros {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (31082)
Johnson & Johnson Vitros {RDI Unitized Precipitating Reagent} (auto calculations) (31078)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 {Wako L-Type LDL–C} (46294)
Olympus AU 5200 {DMA One Shots} (46180)
Olympus AU 5200 {RDI Unitized LipiDirect Magnetic LDL} (46262)
Olympus AU 5200 {RDI Unitized Precipitating Reagent} (46252)
Olympus AU 5200 {Sigma Diagnostics EZ LDL} (46310)
Olympus AU 5200 {Wako L-Type LDL–C} (46295)
Olympus AU 600 {RDI Direct LDL} (46317)
Olympus AU 600 {Sigma Diagnostics EZ LDL} (46312)
Olympus AU 800 {DMA One Shots} (46185)
Olympus AU 800 {RDI Unitized LipiDirect Magnetic LDL} (46261)
Olympus AU 800 {RDI Unitized Precipitating Reagent} (46251)
Olympus AU 800 {Sigma Diagnostics EZ LDL} (46311)
Olympus AU 800 {Wako L-Type LDL–C} (46293)
Olympus Demand {DMA One Shots} (auto calculations) (46258)
Olympus Demand {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (46264)
Olympus Demand {RDI Unitized Precipitating Reagent} (auto calculations) (46254)
Olympus Reply {DMA One Shots} (auto calculations) (46260)
Olympus Reply {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (46266)
Olympus Reply {RDI Unitized Precipitating Reagent} (auto calculations) (46256)
Olympus Reply {Wako L-Type LDL–C} (46296)
Ortho-Clinical Diagnostics Vitros {DMA One Shots} (auto calculations) (46282)
Ortho-Clinical Diagnostics Vitros {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (46284)
Ortho-Clinical Diagnostics Vitros {RDI Unitized Precipitating Reagent} (auto calculations) (46280)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Cobas Bio {DMA One Shots} (auto calculations) (55268)
Roche Cobas Bio {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (55274)
Roche Cobas Bio {RDI Unitized Precipitating Reagent} (auto calculations) (55264)
Roche Cobas Bio {Sigma Diagnostics EZ LDL} (55594)
Roche Cobas FARA {DMA One Shots} (auto calculations) (55270)
Roche Cobas FARA {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (55276)
Roche Cobas FARA {RDI Unitized Precipitating Reagent} (auto calculations) (55266)
Roche Cobas FARA {Sigma Diagnostics EZ LDL} (55590)
Roche Cobas FARA {Wako L-Type LDL–C} (55306)
Roche Cobas FARA II {Sigma Diagnostics EZ LDL} (55595)
Roche Cobas INTEGRA (55179)
Roche Cobas Mira {DMA One Shots} (55155)
Roche Cobas Mira {Genzyme N-geneous LDL} (55254)
Roche Cobas Mira {RDI Direct LDL} (55613)
Roche Cobas Mira {RDI Unitized LipiDirect Magnetic LDL} (55272)
Roche Cobas Mira {RDI Unitized Precipitating Reagent} (55262)
Roche Cobas Mira {Sigma Diagnostics EZ LDL} (55591)
Roche Cobas Mira {Wako L-Type LDL–C} (55304)
Roche Cobas Mira Plus {Sigma Diagnostics EZ LDL} (55593)
Roche Cobas Mira Plus {Wako L-Type LDL–C} (55305)
Roche Cobas Mira S {Sigma Diagnostics EZ LDL} (55592)
Roche Diagnostics Hitachi 704 {DMA One Shots} (55380)
Roche Diagnostics Hitachi 704 {Genzyme immunoseparation tube} (55388)
Roche Diagnostics Hitachi 704 {RDI Unitized LipiDirect Magnetic LDL} (55390)
Roche Diagnostics Hitachi 704 {RDI Unitized Precipitating Reagent} (55392)
Roche Diagnostics Hitachi 704 {Wako L-Type LDL–C} (55400)
Roche Diagnostics Hitachi 717 {DMA One Shots} (55426)
Roche Diagnostics Hitachi 717 {Genzyme N-geneous LDL} (55436)

Roche Diagnostics Hitachi 717 {Genzyme immunoseparation tube} (55437)
Roche Diagnostics Hitachi 717 {RDI Direct LDL} (55614)
Roche Diagnostics Hitachi 717 {RDI Unitized LipiDirect Magnetic LDL} (55439)
Roche Diagnostics Hitachi 717 {RDI Unitized Precipitating Reagent} (55441)
Roche Diagnostics Hitachi 717 {Wako L-Type LDL–C} (55450)
Roche Diagnostics Hitachi 736 {DMA One Shots} (55452)
Roche Diagnostics Hitachi 736 {Genzyme N-geneous LDL} (55455)
Roche Diagnostics Hitachi 736 {Genzyme immunoseparation tube} (55456)
Roche Diagnostics Hitachi 736 {RDI Unitized LipiDirect Magnetic LDL} (55458)
Roche Diagnostics Hitachi 736 {RDI Unitized Precipitating Reagent} (55460)
Roche Diagnostics Hitachi 737 {DMA One Shots} (55468)
Roche Diagnostics Hitachi 737 {Genzyme immunoseparation tube} (55471)
Roche Diagnostics Hitachi 737 {RDI Unitized LipiDirect Magnetic LDL} (55473)
Roche Diagnostics Hitachi 737 {RDI Unitized Precipitating Reagent} (55475)
Roche Diagnostics Hitachi 747 {DMA One Shots} (55485)
Roche Diagnostics Hitachi 747 {Genzyme N-geneous LDL} (55493)
Roche Diagnostics Hitachi 747 {Genzyme immunoseparation tube} (55494)
Roche Diagnostics Hitachi 747 {RDI Unitized LipiDirect Magnetic LDL} (55497)
Roche Diagnostics Hitachi 747 {RDI Unitized Precipitating Reagent} (55499)
Roche Diagnostics Hitachi 747 {Wako L-Type LDL-C} (55511)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 {DMA One Shots} (55522)
Roche Diagnostics Hitachi 911 {Genzyme N-geneous LDL} (55531)
Roche Diagnostics Hitachi 911 {Genzyme immunoseparation tube} (55532)
Roche Diagnostics Hitachi 911 {RDI Direct LDL} (55615)
Roche Diagnostics Hitachi 911 {RDI Unitized LipiDirect Magnetic LDL} (55535)
Roche Diagnostics Hitachi 911 {RDI Unitized Precipitating Reagent} (55537)
Roche Diagnostics Hitachi 911 {Wako L-Type LDL-C} (55544)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 {DMA One Shots} (55555)
Roche Diagnostics Hitachi 914 {RDI Unitized LipiDirect Magnetic LDL} (55556)
Roche Diagnostics Hitachi 914 {RDI Unitized Precipitating Reagent} (55558)
Roche Diagnostics Hitachi 917 {Genzyme N-geneous LDL} (55571)
Roche Diagnostics Hitachi 917 {RDI Direct LDL} (55616)
Roche Diagnostics Hitachi 917 {Wako L-Type LDL-C} (55576)
Roche Diagnostics Hitachi Modular Analytics (55619)
Schiapparelli Biosystems ACE {DMA One Shots} (auto calculations) (58477)
Schiapparelli Biosystems ACE {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (58479)
Schiapparelli Biosystems ACE {RDI Unitized Precipitating Reagent} (auto calculations) (58475)
Technicon AXON {Wako L-Type LDL-C} (61369)
Technicon Assist {DMA One Shots} (auto calculations) (61329)
Technicon Assist {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (61343)
Technicon Assist {RDI Unitized Precipitating Reagent} (auto calculations) (61315)
Technicon DAX {Wako L-Type LDL-C} (61370)
Technicon DAX 24 {Sigma Diagnostics EZ LDL} (61439)
Technicon DAX 24 {Wako L-Type LDL-C} (61371)
Technicon DAX 48 {Sigma Diagnostics EZ LDL} (61440)
Technicon DAX 48 {Wako L-Type LDL-C} (61372)
Technicon DAX 72 {Sigma Diagnostics EZ LDL} (61441)
Technicon DAX 72 {Wako L-Type LDL-C} (61373)
Technicon DAX 96 {Sigma Diagnostics EZ LDL} (61442)
Technicon DAX 96 {Wako L-Type LDL-C} (61374)
Technicon RA 100 {DMA One Shots} (auto calculations) (61327)
Technicon RA 100 {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (61341)
Technicon RA 100 {RDI Unitized Precipitating Reagent} (auto calculations) (61313)
Technicon RA 1000 {DMA One Shots} (auto calculations) (61323)
Technicon RA 1000 {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (61337)
Technicon RA 1000 {RDI Unitized Precipitating Reagent} (auto calculations) (61309)
Technicon RA 1000 {Sigma Diagnostics EZ LDL} (61436)
Technicon RA 1000 {Wako L-Type LDL-C} (61368)
Technicon RA 2000 {DMA One Shots} (auto calculations) (61319)
Technicon RA 2000 {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (61333)
Technicon RA 2000 {RDI Unitized Precipitating Reagent} (auto calculations) (61305)
Technicon RA 500 {DMA One Shots} (auto calculations) (61325)
Technicon RA 500 {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (61339)
Technicon RA 500 {RDI Unitized Precipitating Reagent} (auto calculations) (61311)
Technicon RA 500 {Sigma Diagnostics EZ LDL} (61435)
Technicon RA XT {DMA One Shots} (auto calculations) (61321)
Technicon RA XT {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (61335)
Technicon RA XT {RDI Unitized Precipitating Reagent} (auto calculations) (61307)
Technicon RA XT {Sigma Diagnostics EZ LDL} (61437)
Technicon opeRA {DMA One Shots} (auto calculations) (61317)
Technicon opeRA {RDI Unitized LipiDirect Magnetic LDL} (auto calculations) (61331)
Technicon opeRA {RDI Unitized Precipitating Reagent} (auto calculations) (61303)
Technicon opeRA {Sigma Diagnostics EZ LDL} (61438)
Wako Diagnostics 30R {RDI Direct LDL} (70234)
Wako Diagnostics 30R {Wako L-Type LDL-C} (70229)

ANALYTE: Lactate Dehydrogenase (LDH) (3701)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250

Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Synermed IR 200 (58460)

ANALYTE: Lactate Dehydrogenase Heart Fraction (LDH–1) (3702)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Lactate Dehydrogenase Liver Fraction (LLDH) (3703)

Test System, Assay, Examination:
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)

ANALYTE: Lactic Acid (Lactate) (3704)

Test System, Assay, Examination:
AVL OMNI Combi Analyzer (04609)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
KDK Corporation Lactate Pro System (34114)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Radiometer ABL 555 (55277)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 605 (55196)
Radiometer ABL System 615 (55197)
Radiometer ABL System 625 (55198)
Radiometer EML 105 (55187)
Roche Diagnostics Accusport Lactate Monitoring System (55329)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (plasma/serum/CSF) (55599)
Roche Diagnostics Hitachi 902 (whole blood) (55600)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (plasma/serum/CSF) (55626)
Roche Diagnostics Hitachi 912 (whole blood) (55625)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi Modular Analytics (plasma/serum/CSF) (55620)
Roche Diagnostics Hitachi Modular Analytics (whole blood) (55621)

ANALYTE: Leucine Aminopeptidase (LAP) (3709)

Test System, Assay, Examination:
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)

ANALYTE: Lipase (3711)

Test System, Assay, Examination:
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)

Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Lipoprotein(a) (Lp(a)) (3755)

Test System, Assay, Examination:
Instrumentation Laboratory ILAB 1800 {Wako Autokit Lp(a)} (28560)
Instrumentation Laboratory ILAB 900 {Wako Autokit Lp(a)} (28561)
Olympus AU 600 {Wako Autokit Lp(a)} (46314)
Olympus AU 800 {Wako Autokit Lp(a)} (46315)
Olympus Reply/AU560 {Wako Autokit Lp(a)} (46316)
Roche Cobas FARA II {DiaSorin SPQ Ab Rgt Set for Lp(a)} (55622)
Roche Cobas Mira {Wako Autokit Lp(a)} (55611)
Roche Cobas Mira Plus {Wako Autokit Lp(a)} (55612)
Roche Diagnostics Hitachi 704 {Wako Autokit Lp(a)} (55606)
Roche Diagnostics Hitachi 717 {Wako Autokit Lp(a)} (55607)
Roche Diagnostics Hitachi 902 {Wako Autokit Lp(a)} (55610)
Roche Diagnostics Hitachi 911 {Wako Autokit Lp(a)} (55608)
Roche Diagnostics Hitachi 917 {Wako Autokit Lp(a)} (55609)
Technicon AXON {Wako Autokit Lp(a)} (61444)
Wako Diagnostics 30R {Wako Autokit Lp(a)} (70233)

ANALYTE: Magnesium (4002)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Synermed IR 200 (58460)

ANALYTE: Magnesium, Ionized (4018)

Test System, Assay, Examination:
Nova Stat Profile Ultra M (43125)

ANALYTE: Methemoglobin (4032)

Test System, Assay, Examination:
Radiometer ABL 700 Series (55298)
Radiometer ABL System 620 (55229)

ANALYTE: Microalbumin (4019)

Test System, Assay, Examination:
Bayer CLINITEK 100 Urine Chemistry Analyzer (07918)
Beckman IMMAGE Immunochemistry System (07816)
Boehringer Mannheim Hitachi 704 {Diagnostic Specialties EnZIP Immunoturbidimetric Urinary Microalbumin} (08109)
Diagnostic Chemicals ImmunoDip (13476)
Roche Cobas Mira Plus {RAIChem Microalbumin} (55250)
Roche Cobas Mira S {RAIChem Microalbumin} (55251)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {Diagnostic Specialties EnZIP Immunoturbidimetric Urinary Microalbumin} (55386)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Schiapparelli Biosystems ACE {RAIChem Microalbumin} (58575)

ANALYTE: Microprotein, CSF (4026)

Test System, Assay, Examination:
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 914 (55549)

ANALYTE: Microprotein, Urine (4027)

Test System, Assay, Examination:

Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 914 (55549)

ANALYTE: Myoglobin (4023)

Test System, Assay, Examination:
Abbott AxSYM (04532)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Biosite Triage Meter {Biosite Triage Cardiac Panel} (08057)
Boehringer Mannheim Hitachi 704 {BM TinaQuant Myoglobin} (08051)
Boehringer Mannheim Hitachi 717 {BM TinaQuant Myoglobin} (08052)
Boehringer Mannheim Hitachi 911 {BM TinaQuant Myoglobin} (08053)
Boehringer Mannheim Hitachi 912 {BM TinaQuant Myoglobin} (08054)
Boehringer Mannheim Hitachi 914 {BM TinaQuant Myoglobin} (08055)
Boehringer Mannheim Hitachi 917 {BM TinaQuant Myoglobin} (08056)
Chiron Diagnostics ACS 180 (10375)
Chiron Diagnostics ACS 180 Plus (10376)
Dade Behring Dimension RxL (13519)
Dade Behring Stratus CS STAT (13498)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
First Medical Alpha Dx System (19034)
Princeton BioMeditech Cardiac STATus CK–MB/Myoglobin/Troponin I Rapid Test (49214)
Roche Diagnostics Hitachi 704 {TinaQuant Myoglobin} (55373)
Roche Diagnostics Hitachi 717 {TinaQuant Myoglobin} (55407)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 {TinaQuant Myoglobin} (55519)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 912 {TinaQuant Myoglobin} (55548)
Roche Diagnostics Hitachi 914 {TinaQuant Myoglobin} (55554)
Roche Diagnostics Hitachi 917 {TinaQuant Myoglobin} (55565)
Roche Diagnostics Hitachi Modular Analytics (55619)
Spectral Cardiac STATus CK–MB/Myoglobin (58581)
Spectral Cardiac STATus CK–MB/Myoglobin/Troponin I (58580)
TOSOH AIA NexIA (61295)

ANALYTE: Nitrite, Urine (4318)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 717 {Chimera UA PERFECT} (55410)

ANALYTE: Osmolality, Serum (4602)

Test System, Assay, Examination:
Advanced Instruments Model 3900 Osmometer (04727)

ANALYTE: Osmolality, Urine (4603)

Test System, Assay, Examination:
Advanced Instruments Model 3900 Osmometer (04727)

ANALYTE: Oxyhemoglobin/Oxygen Saturation (4604)

Test System, Assay, Examination:
AVL OPTI Critical Care Analyzer (04778)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Nova Stat Profile pHOx (43123)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 610 (55230)
Radiometer ABL System 620 (55229)

ANALYTE: PCO2 (4983)

Test System, Assay, Examination:
AVL OPTI Critical Care Analyzer (04778)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Multi-use Cartridge} (13493)
Medica EasyBloodGas Analyzer (40291)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Nova Stat Profile pHOx (43123)
Radiometer ABL 555 (55277)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 600 (55231)
Radiometer ABL System 610 (55230)
Radiometer ABL System 620 (55229)

ANALYTE: PO2 (4984)

Test System, Assay, Examination:
AVL OPTI Critical Care Analyzer (04778)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Multi-use Cartridge} (13493)
Medica EasyBloodGas Analyzer (40291)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Nova Stat Profile pHOx (43123)
Radiometer ABL 555 (55277)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 600 (55231)
Radiometer ABL System 610 (55230)
Radiometer ABL System 620 (55229)

ANALYTE: Phosphorus (4906)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747

(55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Synermed IR 200 (58460)

ANALYTE: Potassium (4910)

Test System, Assay, Examination:
AVL 9181 (04739)
AVL OPTI Critical Care Analyzer (04778)
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Chem 6 Cartridge} (13492)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Multi-use Cartridge} (13493)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Medica EasyLyte Na/K/Cl/Li (40259)
Medica EasyStat Na/K/Li (40256)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Radiometer ABL 555 (55277)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 600 (55231)
Radiometer ABL System 610 (55230)
Radiometer ABL System 620 (55229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)

ANALYTE: Prealbumin (4911)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Dimension ES (13420)
Dade Dimension XL (13422)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Prostatic Acid Phosphatase (PAP) (4918)

Test System, Assay, Examination:
Cirrus Diagnostics Immulite 2000 (10418)
Dade Stratus (13485)
Dade Stratus II (13486)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Cobas INTEGRA (55179)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Prostatic Specific Antigen (PSA) (4919)

Test System, Assay, Examination:
Abbott AxSYM (04532)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Behring OPUS (07793)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Boehringer Mannheim ES 300 (07160)
Boehringer Mannheim ES 300 AL (07524)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS 180 (10375)
Chiron Diagnostics ACS 180 {Chiron ACS:180 PSA2} (10436)
Chiron Diagnostics ACS 180 Plus (10376)
Chiron Diagnostics ACS 180 Plus {Chiron ACS:180 PSA2} (10437)
Chiron Diagnostics ACS:Centaur {Chiron ACS:180 PSA2} (10440)
Cirrus Diagnostics Immulite {Immulite 3rd Generation PSA} (10426)
Cirrus Diagnostics Immulite 2000 {Immulite 3rd Generation PSA} (10427)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (with aca plus Immunoassay System) (13527)
Dade Behring aca Star (with aca plus Immunoassay System) (13523)
Dade Dimension RxL (13436)
Dade Stratus (13485)
Dade Stratus II (13486)
Nichols Institute Advantage Chemiluminescence System (43122)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH A1A–1200DX (61154)
TOSOH A1A–600 (61039)
TOSOH AIA NexIA (61295)
Technicon Immuno 1 System (61042)

ANALYTE: Prostatic Specific Antigen, complexed (cPSA) (4987)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)

ANALYTE: Protein Fractions (4920)

Test System, Assay, Examination:
Bio-Rad BioFocus Capillary Electrophoresis (w/o reanalysis) (07933)

ANALYTE: Protein, Glycated (4963)

Test System, Assay, Examination:
Primus CLC 330 (49211)
Roche Cobas Mira {Genzyme GlyPro Reagent} (55587)
Roche Cobas Mira Plus {Genzyme

GlyPro Reagent} (55588)
Roche Cobas Mira S {Genzyme GlyPro Reagent} (55589)
ANALYTE: Protein, Total (4921)
Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Synermed IR 200 (58460)

ANALYTE: Protein, Total (urine) (4972)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca Star (13521)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Roche Diagnostics Hitachi 717 {Chimera UA PERFECT} (55410)
Roche Diagnostics Hitachi 747 {STC Auto-Lyte} (55503)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Pseudocholinesterase (4923)

Test System, Assay, Examination:
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)

ANALYTE: Sodium (5805)

Test System, Assay, Examination:
AVL 9181 (04739)
AVL OPTI Critical Care Analyzer (04778)
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Chem 6 Cartridge} (13492)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Multi-use Cartridge} (13493)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Medica EasyLyte Na/K/Cl/Li (40259)
Medica EasyStat Na/K/Li (40256)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Radiometer ABL 555 (55277)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 600 (55231)
Radiometer ABL System 610 (55230)
Radiometer ABL System 620 (55229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911

(55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)

ANALYTE: Sorbital Dehydrogenase (SDH) (5823)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)

ANALYTE: Transferrin (6114)

Test System, Assay, Examination:
Beckman QM 300 Protein System (07915)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA Transferrin} (08029)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Cobas Mira {DiaSorin Transferrin SPQ III Ab Rgt Set} (55623)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA Transferrin} (55423)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Triglyceride (6118)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Troponin T (Tn T) (6140)

Test System, Assay, Examination:
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)

ANALYTE: Troponin T, Cardiac (cTnT) (6154)

Test System, Assay, Examination:
Boehringer Mannheim CARDIAC T ultra sensitive Rapid Assay (07870)
Roche Diagnostics CARDIAC T Rapid Assay (55334)
Roche Diagnostics CARDIAC T ultra sensitive Rapid Assay (55335)

ANALYTE: Urea (BUN) (6403)

Test System, Assay, Examination:
AVL OMNI Combi Analyzer (04609)
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Chem 6 Cartridge} (13492)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Nova Stat Profile Ultra M (43125)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704

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Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Synermed IR 200 (58460)

ANALYTE: Uric Acid (6404)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
CARESIDE CareSide Analyzer (10445)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)

ANALYTE: Urobilinogen, Urine (6413)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 717 {Chimera UA PERFECT} (55410)

ANALYTE: Vitamin B12 (6707)

Test System, Assay, Examination:
Abbott ARCHITECT i System (04831)
Abbott AxSYM (04532)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite (10159)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
TOSOH A1A–1200 (61040)
TOSOH A1A–1200DX (61154)
TOSOH A1A–600 (61039)
TOSOH AIA NexIA (auto pretreatment) (61366)
TOSOH AIA NexIA (manual pretreatment) (61367)

ANALYTE: pH (4982)

Test System, Assay, Examination:
AVL OPTI Critical Care Analyzer (04778)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Multi-use Cartridge} (13493)
Medica EasyBloodGas Analyzer (40291)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Nova Stat Profile pHOx (43123)
Radiometer ABL 555 (55277)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 600 (55231)
Radiometer ABL System 610 (55230)
Radiometer ABL System 620 (55229)

ANALYTE: pH, Urine (4978)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 {DRI pH-Detect} (55385)
Roche Diagnostics Hitachi 717 {Chimera UA PERFECT} (55410)
Roche Diagnostics Hitachi 717 {DRI pH-Detect} (55431)
Roche Diagnostics Hitachi 747 {DRI pH-Detect} (55490)
Roche Diagnostics Hitachi 747 {STC Auto-Lyte} (55503)
Roche Diagnostics Hitachi 911 {DRI pH-Detect} (55527)

SPECIALTY/SUBSPECIALTY: GENERAL IMMUNOLOGY

ANALYTE: Allergen specific IgE (0417)

Test System, Assay, Examination:
Beckman ACCESS Immunoassay System (07914)
Cirrus Diagnostics Immulite {Immulite Cat-Specific IgE} (10430)
Cirrus Diagnostics Immulite {Immulite Dog-Specific IgE} (10428)
Cirrus Diagnostics Immulite {Immulite Mite-Specific IgE} (10432)
Cirrus Diagnostics Immulite {Latex Specific IgE} (10390)
Cirrus Diagnostics Immulite 2000 (10418)
Cirrus Diagnostics Immulite 2000 {Immulite Cat-Specific IgE} (10431)
Cirrus Diagnostics Immulite 2000 {Immulite Dog-Specific IgE} (10429)
Cirrus Diagnostics Immulite 2000 {Immulite Mite-Specific IgE} (10433)
Pharmacia & Upjohn UniCAP 100 Phadiotop FEIA (49180)

ANALYTE: Alpha-1 Microglobin (0470)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry

System (07816)

ANALYTE: Alpha-1-Acid Glycoprotein (orosomucoid) (0420)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA Alpha-1-Acid Glycoprotein} (08038)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA Alpha-1-Acid Glycoprotein} (55413)

ANALYTE: Alpha-1-Antitrypsin (0421)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA Alpha-1-Antitrypsin} (08033)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA Alpha-1-Antitrypsin} (55414)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 912 (55624)

ANALYTE: Alpha-2-Macroglobulin (0422)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)

ANALYTE: Alpha-Fetoprotein—Tumor Marker (0424)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Chiron Diagnostics ACS 180 (10375)
Chiron Diagnostics ACS 180 Plus (10376)
Chiron Diagnostics ACS:Centaur (10440)
Ortho-Clinical Diagnostics Vitros ECi (46279)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)

ANALYTE: Anti-Cardiolipin Antibodies (0434)

Test System, Assay, Examination:
Sigma Diagnostics APTUS {Anti-Cardiolipin IgA} (58547)
Sigma Diagnostics APTUS {Anti-Cardiolipin IgG} (58548)
Sigma Diagnostics APTUS {Anti-Cardiolipin IgM} (58549)

ANALYTE: Anti-DNA Antibodies (0435)

Test System, Assay, Examination:
Diamedix MAGO {Diamedix Immunosimplicity (Is)-dsDNA} (13479)
GenBio ImmunoDOT Autoimmunity Screening Panel (22191)
Quest International SeraQuest Anti-dsDNA {Hyperion HyPrep Plus} (auto calculations) (52079)
Sigma Diagnostics APTUS (58546)

ANALYTE: Anti-DNP Antibodies (0436)

Test System, Assay, Examination:
Arlington Scientific SLE—Slide Latex *Test (04699)*

ANALYTE: Anti-ENA Antibodies (0507)

Test System, Assay, Examination:
Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)–ENA–6 (Sm,Sm/RNP,SSA,SSB,Scl-70,Jo-1)} (13505)
Sigma Diagnostics APTUS (58546)

ANALYTE: Anti-Gliadin Antibodies (0528)

Test System, Assay, Examination:
Pharmacia & Upjohn UniCAP 100 {UniCAP Gliadin IgA Assay} (49201)
Pharmacia & Upjohn UniCAP 100 {UniCAP Gliadin IgG Assay} (49202)

ANALYTE: Anti-Jo-1 (0438)

Test System, Assay, Examination:
Diamedix MAGO {Diamedix Immunosimplicity (Is)-anti Jo-1} (13440)
Sigma Diagnostics APTUS (58546)

ANALYTE: Anti-Myeloperoxidase (MPO) Antibodies (0505)

Test System, Assay, Examination:
Sigma Diagnostics APTUS {Myeloperoxidase IgG} (58561)

ANALYTE: Anti-Neutrophil Cytoplasm Antibodies (ANCA) (0440)

Test System, Assay, Examination:
Sigma Diagnostics APTUS (58546)

ANALYTE: Anti-Nuclear Antibodies (ANA) (0441)

Test System, Assay, Examination:
Diamedix MAGO {Diamedix Immunosimplicity (Is) ANA Screen} (13542)
GenBio ImmunoDOT Autoimmunity Screening Panel (22191)
Sigma Diagnostics APTUS (58546)

ANALYTE: Anti-Proteinase-3 (PR–3) Antibodies (0525)

Test System, Assay, Examination:
Hycor HY-TEC Automated EIA System {Anti-PR–3 c-ANCA (IgG) ELISA} (25292)
Sigma Diagnostics APTUS {Proteinase-3 IgG} (58562)

ANALYTE: Anti-RNP (Ribonucleoprotein) (0443)

Test System, Assay, Examination:
GenBio ImmunoDOT Autoimmunity Screening Panel (22191)

ANALYTE: Anti-RNP-Sm Antibodies (0502)

Test System, Assay, Examination:
Diamedix MAGO {Diamedix Immunosimplicity (Is)-anti Sm/RNP} (13442)
Quest International SeraQuest Anti-Sm/RNP {Hyperion HyPrep Plus} (auto calculations) (52095)
Sigma Diagnostics APTUS (58546)

ANALYTE: Anti-SS-A/Ro (0446)

Test System, Assay, Examination:
Diamedix MAGO {Diamedix Immunosimplicity (Is)-anti SSA} (13438)
GenBio ImmunoDOT Autoimmunity Screening Panel (22191)
Quest International SeraQuest Anti-SSA {Hyperion HyPrep Plus} (auto calculations) (52091)
Sigma Diagnostics APTUS (58546)

ANALYTE: Anti-SS-B/La (0447)

Test System, Assay, Examination:
Diamedix MAGO {Diamedix Immunosimplicity (Is)-anti SSB} (13441)
GenBio ImmunoDOT Autoimmunity Screening Panel (22191)
Quest International SeraQuest Anti-SSB {Hyperion HyPrep Plus} (auto calculations) (52081)
Sigma Diagnostics APTUS (58546)

ANALYTE: Anti-Scl-70 (0448)

Test System, Assay, Examination:
Diamedix MAGO {Diamedix Immunosimplicity (Is)-anti Scl/70} (13443)
Sigma Diagnostics APTUS (58546)

ANALYTE: Anti-Sm (Smith) (0450)

Test System, Assay, Examination:
Diamedix MAGO {Diamedix Immunosimplicity (Is)-anti Sm} (13439)
GenBio ImmunoDOT Autoimmunity Screening Panel (22191)

Quest International SeraQuest Anti-Sm {Hyperion HyPrep Plus} (auto calculations) (52087)
Sigma Diagnostics APTUS (58546)

ANALYTE: Anti-Streptolysin O (ASO) (0452)

Test System, Assay, Examination:
Arlington Scientific ASO Slide Test (04700)
Beckman QM 300 Protein System (07915)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Biokit Sure-Vue ASO (08203)
Biokit rheumajet ASO (08206)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Polymedco BioSystems Anti-Streptolysin O (ASO) Latex Aggutination (49175)
Randox Laboratories ASO Latex Test (55256)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 912 (55624)
TECO Diagnostics Antistreptolysin O (ASO) Reagent Set (61424)

ANALYTE: Anti-Thyroglobulin Antibodies (0453)

Test System, Assay, Examination:
AlfaBioTech AuraFlex (04772)
Cirrus Diagnostics Immulite (10159)
Cirrus Diagnostics Immulite 2000 (10418)
GenBio ImmunoDOT Thyroid Autoimmunity Panel (22196)
Hycor HY–TEC Automated EIA System {Thyroglobulin (TG) Antibodies} (25268)
Pharmacia & Upjohn UniCAP 100 {UniCAP Thyroglobulin IgG Assay} (49194)
TOSOH A1A–600 (61039)
TOSOH AIA NexIA (61295)

ANALYTE: Anti-Thyroid Microsomal Antibodies (AMA) (0455)

Test System, Assay, Examination:
GenBio ImmunoDOT Thyroid Autoimmunity Panel (22196)

ANALYTE: Anti-Thyroid Peroxidase (TPO) Antibodies (0527)

Test System, Assay, Examination:
AlfaBioTech AuraFlex (04772)
Cirrus Diagnostics Immulite (10159)
Cirrus Diagnostics Immulite 2000 (10418)
Hycor HY–TEC Automated EIA System {Thyroid Microsomal (TPO) Antibodies} (25270)
Nichols Institute Advantage Chemiluminescence System (43122)
Pharmacia & Upjohn UniCAP 100 {UniCAP Thyroid Peroxidase IgG Assay} (49195)
TOSOH A1A–600 (61039)
TOSOH AIA NexIA (61295)

ANALYTE: Beta-2 microglobulin (0703)

Test System, Assay, Examination:
AlfaBioTech AuraFlex (04772)
Bayer Immuno 1 System (08123)
Beckman IMMAGE Immunochemistry System (07816)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Roche Diagnostics Hitachi 912 (55624)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)
Technicon Immuno 1 System (61042)

ANALYTE: C-Reactive Protein (CRP) (1001)

Test System, Assay, Examination:
Arlington Scientific CRP Slide Test (04701)
Beckman QM 300 Protein System (07915)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Biokit Sure-Vue CRP (08202)
Biokit rheumajet CRP (08204)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
HCL Laboratory Systems 200 Biochemistry Analyzer (25266)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Polymedco BioSystems C-Reactive Protein (CRP) Latex Aggutination (49171)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
TECO Diagnostics C-Reactive Protein (CRP) Latex Slide Test (61278)

ANALYTE: Complement C1 inhibitor (1026)

Test System, Assay, Examination:
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA C1 Inactivator} (08034)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA C1 Inactivator} (55416)

ANALYTE: Complement C3 (1029)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA C3} (08037)
Olympus AU 1000 (46230)
Olympus AU 5000 (46001)
Olympus AU 5021 (46084)
Olympus AU 5031 (46085)
Olympus AU 5041 (46145)
Olympus AU 5061 (46086)
Olympus AU 5121 (46087)
Olympus AU 5131 (46088)
Olympus AU 5200 (46143)
Olympus AU 5211 (46106)
Olympus AU 5221 (46107)
Olympus AU 5223 (46108)
Olympus AU 5231 (46109)
Olympus AU 600 (46229)
Olympus AU 800 (46110)
Olympus Demand (46002)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA C3} (55417)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Complement C4 (1030)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA C4} (08028)
Olympus AU 1000 (46230)
Olympus AU 5000 (46001)
Olympus AU 5021 (46084)
Olympus AU 5031 (46085)
Olympus AU 5041 (46145)
Olympus AU 5061 (46086)
Olympus AU 5121 (46087)

Olympus AU 5131 (46088)
Olympus AU 5200 (46143)
Olympus AU 5211 (46106)
Olympus AU 5221 (46107)
Olympus AU 5223 (46108)
Olympus AU 5231 (46109)
Olympus AU 600 (46229)
Olympus AU 800 (46110)
Olympus Demand (46002)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA C4} (55418)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Complement, Total (1046)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 917 (55560)

ANALYTE: Cytomegalovirus Antibodies (1039)

Test System, Assay, Examination:
Biokit SA CMVgen (08043)
Cirrus Diagnostics Immulite 2000 (10418)
DiaSorin Copalis One Immunoassay System {CMV Total Ab} (13494)
DiaSorin Copalis One Immunoassay System {ToRC Total Ab} (13496)
Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-CMV IgG} (13513)
GenBio ImmunoDOT Infectious Mono Syndrome Panel (22192)
GenBio ImmunoDOT Mono-G (22253)
GenBio ImmunoDOT Mono-M (22252)
GenBio ImmunoDOT T.E.C.H. Test (22205)
GenBio ImmunoDOT TORCH Test (22194)
Quest International SeraQuest CMV IgM {Hyperion HyPrep Plus} (auto calculations) (52109)
Sigma Diagnostics APTUS {CMV IgG} (58550)
Sigma Diagnostics APTUS {CMV IgM} (58551)

ANALYTE: Epstein-Barr virus Antibodies (1603)

Test System, Assay, Examination:
DiaSorin Copalis One ImmunoAssay System {EBV-M Antibody} (13561)
DiaSorin Copalis One ImmunoAssay System {Multiplex EBV Antibody} (13560)
Diamedix MAGO {Diamedix Immunosimplicity (Is)-EBNA–1 IgG} (13559)
Diamedix MAGO {Diamedix Immunosimplicity (Is)-EBV-VCA IgG} (13557)
GenBio ImmunoDOT Infectious Mono Syndrome Panel (22192)
GenBio ImmunoDOT Mono-G (22253)
GenBio ImmunoDOT Mono-M (22252)
GenBio ImmunoDOT T.E.C.H. Test (22205)
Sigma Diagnostics APTUS {EBNA IgG} (58552)
Sigma Diagnostics APTUS {EBV-EA IgG} (58553)
Sigma Diagnostics APTUS {EBV-VCA IgG} (58554)
Sigma Diagnostics APTUS {EBV-VCA IgM} (58555)

ANALYTE: Febrile Agglutinins (1901)

Test System, Assay, Examination:
Lee Laboratories VISTA Febrile Antigen (slide test) (37111)
Lee Laboratories VISTA Febrile Antigen (tube test) (37112)
The Binding Site Stained Bacterial Suspensions (61443)

ANALYTE: Globulin, Total (2214)

Test System, Assay, Examination:
CARESIDE CareSide Analyzer (10445)

ANALYTE: Helicobacter pylori Antibodies (2513)

Test System, Assay, Examination:
Applied Biotech SureStep H. pylori Test (04835)
Applied Biotech SureStep H. pylori WB Test (04834)
Becton Dickinson LINK2 H. pylori Rapid Test (for serum) (08145)
Boehringer Mannheim AccuStat H. pylori OneStep (for serum) (08095)
ChemTrak AccuMeter H. pylori Test (for serum) (10407)
Quidel QuickVue One-Step H. pylori II Test (for Serum/Plasma) (52113)
Roche Diagnostics AccuStat H. pylori OneStep (for serum) (55324)
Saliva Diagnostic Systems Stat Simple pylori (58534)
Sigma Diagnostics APTUS (58546)

ANALYTE: Herpes simplex I and/or II Antibodies (2530)

Test System, Assay, Examination:
Cirrus Diagnostics Immulite 2000 (10418)
Diagnology POCkit HSV–2 Rapid Test (13549)
Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-HSV 1 & 2 IgG} (13501)
GenBio ImmunoDOT T.E.C.H. Test (22205)
GenBio ImmunoDOT TORCH Test (22194)
Gull Laboratories DUET {Gull Laboratories Herpes Simplex Virus 1&2 IgG ELISA} (22260)
Quest International SeraQuest HSV IgG {Hyperion HyPrep Plus} (auto calculations) (52052)

ANALYTE: Immunoglobulins IgA (2803)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Immunoglobulins IgA subclasses (2827)

Test System, Assay, Examination:
Behring Nephelometer II {The Binding Site Human IgA Subclass Liquid Latex Reagent} (08119)

ANALYTE: Immunoglobulins IgE (2805)

Test System, Assay, Examination:
Beckman ACCESS Immunoassay System (07914)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Pharmacia UniCAP 100 {UniCAP Total IgE Fluoroimmunoassay} (49165)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
TOSOH A1A–1200DX (61154)
TOSOH AIA NexIA (61295)
Touch Scientific Touch Tear IgE

MicroAssay System (61445)

ANALYTE: Immunoglobulins IgG (2806)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Immunoglobulins IgG subclasses (2807)

Test System, Assay, Examination:
Beckman Array {Inova Diagnostics Peliclass human IgG subclass} (automated calculations) (08141)
Beckman Array {The Binding Site IgG Subclasses} (automated calculations) (07922)
Roche Cobas Mira {The Binding Site IgG Subclasses} (55239)
Roche Cobas Mira Plus {The Binding Site IgG Subclasses} (55240)
Roche Cobas Mira S {The Binding Site IgG Subclasses} (55241)

ANALYTE: Immunoglobulins IgM (2808)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Infectious Mononucleosis Antibodies (Mono) (2809)

Test System, Assay, Examination:
Applied Biotech SureStep Mono Test (serum/plasma) (04782)
Arlington Scientific Infectious Mononucleosis Test (04703)
BioStar Acceava Mono Test (serum/plasma) (08039)
Biokit Sure-Vue Color Mono (08199)
Biokit Sure-Vue Mono (08200)
GenBio ImmunoDOT Infectious Mono Syndrome Panel (22192)
GenBio ImmunoDOT Mono-M (22252)
Genzyme Contrast Mono (serum/plasma) (22183)
Genzyme Rapid Mono (serum/plasma) (22184)
Immunostics MONOCOL/LEX (28510)
LifeSign UniStep Mono (serum/plasma) (37122)
Mainline Technology Mainline Confirms Mono Dots Test (40308)
Quidel CARDS O.S. Mono (serum/plasma) (52074)
Seradyn Color Q Mono (serum/plasma) (58447)
Wyntek Diagnostics OSOM Mono Test (serum/plasma) (70200)

ANALYTE: Kappa Light Chains (3402)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)

ANALYTE: Lambda Light Chains (3705)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Beckman QM 300 Protein System (07915)

ANALYTE: Legionella Antibodies (3707)

Test System, Assay, Examination:
Sigma Diagnostics APTUS {Legionella IgG/IgM/IgA} (58558)

ANALYTE: Legionella pneumophilia Serogroup 1 Antigen (3778)

Test System, Assay, Examination:
Binax NOW Legionella Urinary Antigen Test (08062)

ANALYTE: Lyme Disease Antibodies (Borrelia burgdorferi Abs) (3714)

Test System, Assay, Examination:
GenBio ImmunoDOT Borrelia DotBlot G Test (22221)
GenBio ImmunoDOT Borrelia DotBlot M Test (22220)
GenBio ImmunoDOT Borrelia w/ Recombinant Protein (22204)
GenBio ImmunoDOT Lyme Test (22193)
Sigma Diagnostics APTUS {Lyme IgG & IgM} (58559)
Wampole PreVue B. burgdorferi (70232)

ANALYTE: Lymphocytes, CD4 (3761)

Test System, Assay, Examination:
Coulter STKS (10093)

ANALYTE: Lymphocytes, CD8 (3764)

Test System, Assay, Examination:
Coulter STKS (10093)

ANALYTE: Mumps Antibodies (4007)

Test System, Assay, Examination:
Gull Laboratories DUET {Gull Laboratories Mumps IgG ELISA} (22233)
Quest International SeraQuest Mumps IgG {Hyperion HyPrep Plus} (auto calculations) (52099)
Sigma Diagnostics APTUS {Mumps IgG} (58569)

ANALYTE: Mycoplasma pneumoniae Antibodies (4016)

Test System, Assay, Examination:
Sigma Diagnostics APTUS {Mycoplasma IgM} (58560)

ANALYTE: Orientia tsutsugamushi Antibodies (Scrub typhus) (4609)

Test System, Assay, Examination:
Integrated Diagnostics INDX Dip-S-Ticks Scrub Typhus Test (28548)

ANALYTE: Properdin Factor B (4916)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)

ANALYTE: Rheumatoid Factor (RF) (5508)

Test System, Assay, Examination:
Arlington Scientific RA Latex Test (04704)
Beckman QM 300 Protein System (07915)
Beckman Synchron CX 4 (07071)
Beckman Synchron CX 4 CE (07174)
Beckman Synchron CX 4 DELTA (07762)
Beckman Synchron CX 5 (07072)
Beckman Synchron CX 5 CE (07491)
Beckman Synchron CX 5 DELTA (07763)
Beckman Synchron CX 7 (07073)
Beckman Synchron CX 7 DELTA (07764)
Beckman Synchron CX 9 ALX System (07932)

Beckman Synchron LX System (08076)
Biokit Sure-Vue RF (08201)
Biokit rheumajet RF (08205)
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA Rheumatoid Factor} (08035)
Diamedix MAGO {Diamedix Immunosimplicity (Is)-RF} (13477)
GenBio ImmunoDOT Autoimmunity Screening Panel (22191)
Immunostics RHEUMACOL (28511)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA Rheumatoid Factor} (55422)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi Modular Analytics (55619)
Seradyn Color Slide RF (58524)
Sigma Diagnostics APTUS (58546)
TECO Diagnostics Rheumatoid Factor (RF) Latex Slide Test (61279)

ANALYTE: Rubella Antibodies (5510)

Test System, Assay, Examination:
Bayer Immuno 1 System {Immuno 1 Rubella IgG} (08122)
Beckman ACCESS Immunoassay System (07914)
Biokit Sure-Vue Rubella (08197)
Cirrus Diagnostics Immulite (10159)
Cirrus Diagnostics Immulite 2000 (10418)
DiaSorin Copalis One Immunoassay System {Rubella Total Ab} (13495)
DiaSorin Copalis One Immunoassay System {ToRC Total Ab} (13496)
Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-Rubella IgG} (13510)
GenBio ImmunoDOT Quantitative Rubella (22195)
GenBio ImmunoDOT TORCH Test (22194)
Quest International SeraQuest Rubella IgM {Hyperion HyPrep Plus} (auto calculations) (52105)
Sigma Diagnostics APTUS {Rubella IgM} (58564)

ANALYTE: Rubeola Antibodies (measles) (5511)

Test System, Assay, Examination:
Diamedix MAGO {Diamedix Immunosimplicity (Is)-Measles IgG} (13478)
Quest International SeraQuest Measles IgG {Hyperion HyPrep Plus} (auto calculations) (52071)
Sigma Diagnostics APTUS {Measles IgG} (58568)

ANALYTE: Toxoplasma gondii Antibodies (6113)

Test System, Assay, Examination:
Bayer Immuno 1 System {Immuno 1 Toxoplasma IgG} (08126)
Bayer Immuno 1 System {Immuno 1 Toxoplasma IgM} (08125)
Beckman ACCESS Immunoassay System (07914)
Beckman ACCESS Immunoassay System {Access TOXO IgM} (08160)
Biokit SA Toxogen (08117)
Cirrus Diagnostics Immulite {Toxoplasma Quantitative IgG} (10394)
Cirrus Diagnostics Immulite 2000 (10418)
DiaSorin Copalis One Immunoassay System {ToRC Total Ab} (13496)
DiaSorin Copalis One Immunoassay System {Toxo Total Ab} (13497)
Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-Toxoplasma IgG} (13507)
GenBio ImmunoDOT Infectious Mono Syndrome Panel (22192)
GenBio ImmunoDOT Mono-G (22253)
GenBio ImmunoDOT T.E.C.H. Test (22205)
GenBio ImmunoDOT TORCH Test (22194)
Quest International SeraQuest Toxo IgM {Hyperion HyPrep Plus} (auto calculations) (52060)
Sigma Diagnostics APTUS {Toxoplasma IgG} (58565)
Sigma Diagnostics APTUS {Toxoplasma IgM} (58566)

ANALYTE: Treponema pallidum Antibodies (includes Reagin) (6115)

Test System, Assay, Examination:
Arlington Scientific RPR Card Test (manual) (04705)
Biokit Sure-Vue RPR (08198)
TECO Diagnostics Rapid Plasmin Reagin (RPR) Reagent Set (61425)
Universal HealthWatch TRUST Test (64045)

ANALYTE: Troponin-I (Cardiac) (6153)

Test System, Assay, Examination:
Abbott AxSYM (04532)
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Biosite Triage Meter {Biosite Triage Cardiac Panel} (08057)
Chiron Diagnostics ACS 180 (10375)
Chiron Diagnostics ACS 180 Plus (10376)
Chiron Diagnostics ACS:Centaur (10440)
Dade Behring Dimension RxL (13519)
Dade Behring Stratus CS STAT (13498)
Dade Dimension RxL (13436)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
First Medical Alpha Dx System (19034)
Princeton BioMeditech Cardiac STATus CK–MB/Myoglobin/Troponin I Rapid Test (49214)
Princeton BioMeditech Cardiac STATus Troponin I (49172)
Sanofi Pasteur Access Immunoassay System (58257)
Spectral Cardiac STATus CK–MB/Myoglobin/Troponin I (58580)
Spectral Cardiac STATus Troponin I (58582)
TOSOH AIA NexIA (61295)

ANALYTE: Varicella-Zoster Virus Antibodies (6704)

Test System, Assay, Examination:
Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)–VZV IgG} (13503)
Quest International SeraQuest VZV IgG {Hyperion HyPrep Plus} (auto calculations) (52067)
Sigma Diagnostics APTUS {VZV IgG} (58567)

SPECIALTY/SUBSPECIALTY: HEMATOLOGY

ANALYTE: APTT Factor Substitution (0517)

Test System, Assay, Examination:
Medical Laboratory MLA Electra 1800C (40282)

ANALYTE: Activated Clotting Time (ACT) (0461)

Test System, Assay, Examination:
Array Medical Actalyke System (04720)
Cardiovascular Diagnostics TAS Analyzer HMT (10279)
ITC HEMOCHRON Jr. Signature Microcoagulation System (28550)

ANALYTE: Activated Partial Thromboplastin Time (APTT) (0409)

Test System, Assay, Examination:
American Bioproducts ST4 BIO (04728)
Dade Behring Sysmex CA–500 Series (13548)
Helena Laboratories THOR (25267)
ITC HEMOCHRON Jr. Signature Microcoagulation System (28550)
Instrumentation Laboratory IL ACL 7000 (28487)
Medical Laboratory MLA Electra 1800C (40282)
Organon Teknika Coag-A-Mate MTX (46269)
Roche Diagnostics CoaguChek Pro DM System (55627)
Sigma Diagnostics Amelung CS–400 (auto dilution) (58517)
TOA Medical Electronics CA–6000

(61283)

ANALYTE: Activated Protein C (APC) Resistance (0526)

Test System, Assay, Examination:
Medical Laboratory MLA Electra 1800C (40282)

ANALYTE: Antithrombin III (ATIII) (0456)

Test System, Assay, Examination:
Beckman IMMAGE Immunochemistry System (07816)
Boehringer Mannheim Hitachi 704 {Sigma Diagnostics ACCUCOLOR Antithrombin III} (08114)
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA Antithrombin III} (08031)
Boehringer Mannheim Hitachi 717 {Sigma Diagnostics ACCUCOLOR Antithrombin III} (08113)
Boehringer Mannheim Hitachi 911 {Sigma Diagnostics ACCUCOLOR Antithrombin III} (08115)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Roche Cobas Mira {Sigma Diagnostics ACCUCOLOR Antithrombin III} (55299)
Roche Cobas Mira S {Sigma Diagnostics ACCUCOLOR Antithrombin III} (55300)
Roche Diagnostics Hitachi 704 {Sigma Diagnostics ACCUCOLOR Antithrombin III} (55395)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA Antithrombin III} (55415)
Roche Diagnostics Hitachi 717 {Sigma Diagnostics ACCUCOLOR Antithrombin III} (55444)
Roche Diagnostics Hitachi 911 {Sigma Diagnostics ACCUCOLOR Antithrombin III} (55540)

ANALYTE: Bleeding Time (0714)

Test System, Assay, Examination:
Array Medical Triplett Bleeding Time Test Device (04812)

ANALYTE: Body Fluid Microscopic Elements (0716)

Test System, Assay, Examination:
IRIS The Yellow IRIS Model 300 (28518)
IRIS The Yellow IRIS Model 500 (28519)

ANALYTE: D-dimer (1320)

Test System, Assay, Examination:
AGEN Biomedical Dimertest Latex Assay (04823)
American Bioproducts STA {STA-Liatest D-di} (04767)
American Bioproducts STA Compact {STA-Liatest D-di} (04768)
Behring OPUS {OPUS D-Dimer} (07949)
Behring OPUS Magnum {OPUS D-Dimer} (07950)
Behring OPUS Plus {OPUS D-Dimer} (07951)
Dade Diagnostic Dimertest Latex Assay (13489)
Instrumentation Laboratory IL ACL 6000 (28454)
Instrumentation Laboratory IL ACL 7000 (28487)
Instrumentation Laboratory IL ACL Futura System (28395)
Murex D-Dimer Wellcotest (40265)
Organon Teknika Multi Channel Discrete Analyzer (MDA–180) (46144)
bioMerieux Vitek VIDAS (07806)

ANALYTE Erythrocyte Sedimentation Rate (non-waived proced) (1613)

Test System, Assay, Examination:
AI AnalysInstrument AB ESR–8 (04796)
Elan Diagnostics Mini-Ves (16192)
Elan Diagnostics Ves-Matic 20 (16193)

ANALYTE Fibrin(ogen) Split/ Degradation Products (FSP/FDP) (1904)

Test System, Assay, Examination:
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Diagnostic FDP Detection Set (13490)
Dade aca Star (13423)
Murex Thrombo-Wellcotest (40266)
PerImmune AuraTek FDP (49176)

ANALYTE Fibrinogen (1905)

Test System, Assay, Examination:
American Bioproducts ST4 BIO (04728)
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA Fibrinogen} (08030)
Dade Behring Sysmex CA–500 Series (13548)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Helena Laboratories THOR (25267)
Instrumentation Laboratory IL ACL 7000 (28487)
Medical Laboratory MLA Electra 1800C (40282)
Organon Teknika Coag-A-Mate MTX (46269)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA Fibrinogen} (55419)
Sigma Diagnostics Amelung CS–400 (auto dilution) (58517)
Sigma Diagnostics Amelung CS–400 (manual dilution) (58516)
TOA Medical Electronics CA–6000 (61283)

ANALYTE Hematocrit (2514)

Test System, Assay, Examination:
Abbott CELL–DYN 1200 (04856)
Abbott CELL–DYN 3700 System (04827)
Abbott Cell-Dyn 3200 (04747)
Abbott Cell-Dyn 4000 (04734)
Bayer ADVIA 120 (08129)
BioChem ImmunoSystems Spirit (07862)
CDC Technologies Mascot MD 700 (10458)
CDC Technologies Mascot MD 800 (10405)
Coulter Ac.T 10 (10393)
Coulter Ac.T 8 (10392)
Coulter Ac.T diff 2 Analyzer (10469)
Coulter Ac.T diff Analyzer (10413)
Coulter HmX Hematology Analyzer (10480)
Danam EXCELL 22 (13562)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Chem 6 Cartridge} (13492)
Diametrics Medical IRMA SL Series 2000 {Diametrics Medical Multi-use Cartridge} (13493)
Infolab EXCELL 22 (28566)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Nova Stat Profile pHOx (43123)
Radiometer ABL 555 (55277)
Sysmex KX–21 (58536)
Sysmex SE–9500/R (58496)
Sysmex SE–AVANTE (58440)

ANALYTE Hemoglobin (2515)

Test System, Assay, Examination:
AVL OPTI Critical Care Analyzer (04778)
Abbott CELL–DYN 1200 (04856)
Abbott CELL–DYN 3700 System (04827)
Abbott Cell-Dyn 3200 (04747)
Abbott Cell-Dyn 4000 (04734)
Bayer ADVIA 120 (08129)
BioChem ImmunoSystems Spirit (07862)
CDC Technologies Mascot MD 700 (10458)
CDC Technologies Mascot MD 800 (10405)
Coulter Ac.T 10 (10393)
Coulter Ac.T 8 (10392)
Coulter Ac.T diff 2 Analyzer (10469)
Coulter Ac.T diff Analyzer (10413)
Coulter HmX Hematology Analyzer (10480)
Danam EXCELL 22 (13562)
GDS Diagnostics Stat-Site Meter (22126)
Infolab EXCELL 22 (28566)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Micro Diagnostics Spuncrit Model DRC–40 Infared Analyzer (40258)
Nova Stat Profile Ultra A (43108)
Nova Stat Profile Ultra B (43109)
Nova Stat Profile Ultra C (43110)
Nova Stat Profile Ultra D (43111)
Nova Stat Profile Ultra E (43112)

Nova Stat Profile Ultra F (43115)
Nova Stat Profile Ultra G (43116)
Nova Stat Profile Ultra H (43117)
Nova Stat Profile Ultra I (43118)
Nova Stat Profile Ultra J (43119)
Nova Stat Profile Ultra K (43120)
Nova Stat Profile Ultra L (43124)
Nova Stat Profile Ultra M (43125)
Nova Stat Profile pHOx (43123)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Radiometer ABL 700 Series (55298)
Radiometer ABL System 610 (55230)
Radiometer ABL System 620 (55229)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Reflotron (55580)
Roche Diagnostics Reflotron Plus (55582)
Sysmex KX–21 (58536)
Sysmex SE–9500/R (58496)
Sysmex SE-AVANTE (58440)

ANALYTE: Heparin (2518)

Test System, Assay, Examination:
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)

ANALYTE: Plasminogen (4907)

Test System, Assay, Examination:
Boehringer Mannheim Hitachi 717 {Crestat N-Assay TIA Plasminogen} (08032)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Roche Diagnostics Hitachi 717 {Crestat N-Assay TIA Plasminogen} (55421)

ANALYTE: Platelet Count (4908)

Test System, Assay, Examination:
Abbott CELL-DYN 1200 (04856)
Abbott CELL-DYN 3700 System (04827)
Abbott Cell-Dyn 3200 (04747)
Abbott Cell-Dyn 4000 (04734)
Bayer ADVIA 120 (08129)
BioChem ImmunoSystems Spirit (07862)
CDC Technologies Mascot MD 700 (10458)
CDC Technologies Mascot MD 800 (10405)
Coulter Ac.T 10 (10393)
Coulter Ac.T 8 (10392)
Coulter Ac.T diff 2 Analyzer (10469)
Coulter Ac.T diff Analyzer (10413)
Coulter HmX Hematology Analyzer (10480)
Danam EXCELL 22 (13562)
Infolab EXCELL 22 (28566)
Sysmex KX–21 (58536)
Sysmex SE–9500/R (58496)
Sysmex SE–AVANTE (58440)

ANALYTE: Platelet Function Time (4985)

Test System, Assay, Examination:
Dade PFA–100 Platelet Function Analyzer (13474)

ANALYTE: Prothrombin Time (PT) (4922)

Test System, Assay, Examination:
American Bioproducts ST4 BIO (04728)
Avocet PT–Pro System (04816)
CARESIDE CareSide Analyzer (10445)
Dade Behring Sysmex CA–500 Series (13548)
Helena Laboratories THOR (25267)
ITC HEMOCHRON Jr. Signature Microcoagulation System (28550)
Instrumentation Laboratory IL ACL 7000 (28487)
Medical Laboratory MLA Electra 1800C (40282)
Organon Teknika Coag-A-Mate MTX (46269)
Sigma Diagnostics Amelung CS–400 (auto dilution) (58517)
TOA Medical Electronics CA–6000 (61283)
ANALYTE: Prothrombin Time Factor Substitution (4976)

Test System, Assay, Examination:
Medical Laboratory MLA Electra 1800C (40282)

ANALYTE: Red Blood Cell Count (Erythrocyte Count) (RBC) (5502)

Test System, Assay, Examination:
Abbott CELL–DYN 1200 (04856)
Abbott CELL–DYN 3700 System (04827)
Abbott Cell-Dyn 3200 (04747)
Abbott Cell-Dyn 4000 (04734)
Bayer ADVIA 120 (08129)
BioChem ImmunoSystems Spirit (07862)
CDC Technologies Mascot MD 700 (10458)
CDC Technologies Mascot MD 800 (10405)
Coulter Ac.T 10 (10393)
Coulter Ac.T 8 (10392)
Coulter Ac.T diff 2 Analyzer (10469)
Coulter Ac.T diff Analyzer (10413)
Coulter HmX Hematology Analyzer (10480)
Danam EXCELL 22 (13562)
Infolab EXCELL 22 (28566)
Sysmex KX–21 (58536)
Sysmex SE–9500/R (58496)
Sysmex SE–AVANTE (58440)

ANALYTE: Reptilase Time (5521)

Test System, Assay, Examination:
Medical Laboratory MLA Electra 1800C (40282)

ANALYTE: Reticulocyte Count (5506)

Test System, Assay, Examination:
Abbott CELL–DYN 3700 System (04827)
Abbott Cell-Dyn 4000 (04734)
Bayer ADVIA 120 (08129)
Coulter HmX Hematology Analyzer (10480)
Sysmex SE–9500/R (58496)
Sysmex SE–AVANTE (58440)

ANALYTE: Reticulocyte, Immature fraction (5525)

Test System, Assay, Examination:
Abbott CELL–DYN 3500 System (04287)
Abbott CELL–DYN 3700 System (04827)
Abbott Cell-Dyn 4000 (04734)
Sysmex R–1000 (58081)
Sysmex R–3000 (58129)
Sysmex SE–9500/R (58496)

ANALYTE: Sperm-Vaginal fluid/ Cervical Mucus Interaction (5844)

Test System, Assay, Examination:
Post-coital dir qualitative examination of Vag fld/Cerv Mucus (Huhner Test) (49204)

ANALYTE: Thrombin Time (6105)

Test System, Assay, Examination:
American Bioproducts ST4 BIO (04728)
Helena Laboratories THOR (25267)
Medical Laboratory MLA Electra 1800C (40282)
Organon Teknika Coag-A-Mate MTX (46269)
TOA Medical Electronics CA–6000 (61283)

ANALYTE: White Blood Cell Count (Leukocyte Count) (WBC) (7002)

Test System, Assay, Examination:
Abbott CELL–DYN 1200 (04856)
Abbott CELL–DYN 3700 System (04827)
Abbott Cell-Dyn 3200 (04747)
Abbott Cell-Dyn 4000 (04734)
Bayer ADVIA 120 (08129)
BioChem ImmunoSystems Spirit (07862)
CDC Technologies Mascot MD 700 (10458)
CDC Technologies Mascot MD 800 (10405)
Coulter Ac.T 10 (10393)
Coulter Ac.T 8 (10392)
Coulter Ac.T diff 2 Analyzer (10469)
Coulter Ac.T diff Analyzer (10413)
Coulter HmX Hematology Analyzer (10480)
Danam EXCELL 22 (13562)
Infolab EXCELL 22 (28566)
Sysmex KX–21 (58536)
Sysmex SE–9500/R (58496)
Sysmex SE–AVANTE (58440)

ANALYTE: White Blood Cell Count (WBC), Estimated (7004)

Test System, Assay, Examination:
IMI MICRO21 {with WBC Estimate} (28520)

ANALYTE: White Blood Cell Differential (WBC Diff) (7001)

Test System, Assay, Examination:

Abbott CELL–DYN 1200 (04856)
Abbott CELL–DYN 3700 System (04827)
Abbott Cell-Dyn 3200 (04747)
Abbott Cell-Dyn 4000 (04734)
Bayer ADVIA 120 (08129)
BioChem ImmunoSystems Spirit (07862)
CDC Technologies Mascot MD 700 (10458)
CDC Technologies Mascot MD 800 (10405)
Coulter Ac.T 10 (10393)
Coulter Ac.T diff 2 Analyzer (10469)
Coulter Ac.T diff Analyzer (10413)
Coulter HmX Hematology Analyzer (10480)
Danam EXCELL 22 (13562)
IMI MICRO21 {with WBC Estimate} (no interpretation of abnormal/immature cells) (28516)
Infolab EXCELL 22 (28566)
Sysmex KX–21 (58536)
Sysmex SE–9500/R (58496)
Sysmex SE–AVANTE (58440)

SPECIALTY/SUBSPECIALTY: MYCOLOGY

ANALYTE: Yeast (7601)

Test System, Assay, Examination:
Empyrean Diagnostics Trichomonas and Candida Culture System (16180)
Orion Diagnostica Oricult-N Culture Paddles (46298)

ANALYTE: Yeast, Candida only (7603)

Test System, Assay, Examination:
Becton Dickinson Affirm VPIII Microbial Identification Test (07852)

SPECIALTY/SUBSPECIALTY: PARASITOLOGY

ANALYTE: Cryptosporidium (1109)

Test System, Assay, Examination:
Becton Dickinson ColorPAC Giardia/Cryptosporidium Rapid Assay (08172)
Biosite Triage Parasite Panel (08191)
Genzyme Contrast Giardia/Cryptosporidium Combo Rapid Assay (22251)

ANALYTE: Entamoeba histolytica (1631)

Test System, Assay, Examination:
Biosite Triage Parasite Panel (08191)

ANALYTE: Giardia lamblia (2222)

Test System, Assay, Examination:
Becton Dickinson ColorPAC Giardia/Cryptosporidium Rapid Assay (08172)
Biosite Triage Parasite Panel (08191)
Genzyme Contrast Giardia/Cryptosporidium Combo Rapid Assay (22251)

ANALYTE: Trichomonas (6116)

Test System, Assay, Examination:
Becton Dickinson Affirm VPIII Microbial Identification Test (07852)
Empyrean Diagnostics Trichomonas and Candida Culture System (16180)

SPECIALTY/SUBSPECIALTY: TOXICOLOGY/TDM

ANALYTE: Acetaminophen (0406)

Test System, Assay, Examination:
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)

ANALYTE: Amikacin (0425)

Test System, Assay, Examination:
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Roche Diagnostics Hitachi 704 (55367)

ANALYTE: Amphetamines (0428)

Test System, Assay, Examination:
AmeriTek dBest One Step AMP Test (04808)
American BioMedica Rapid Drug Screen (04732)
American BioMedica Rapid Drug Screen 5-Panel with Methamphetamine (04864)
American BioMedica Rapid Drug Screen 8 Panel (04829)
American BioMedica Rapid Drug Screen 8 Panel-Low Volume (04826)
Applied Biotech SureStep Drug Screen Multi Test (PCP/BAR/THC/AMP/COC) (04853)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Beckman Synchron LX System {CEDIA DAU} (automated curve) (08077)
Biosite ExpressTest 5 Test Panel (08059)
Biosite ExpressTest 7 Test Panel (08061)
Biosite Triage Intervention Panel for Drugs of Abuse (08058)
Biosite Triage Panel for Drugs of Abuse plus Methadone (08060)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
EDITEK EZ-SCREEN PROFILE (16150)
EDITEK EZ-SCREEN: Amphetamines (16147)
Forefront Diagnostics InstaCheck Drug Screen Amphetamine (19031)
LifeSign Status-DS AMP (37128)
LifeSign Status-DS THC/OPI/COC/AMP (37139)
LifeSign Status-DS THC/OPI/COC/AMP/PCP (37141)
MEDTOX Diagnostics PROFILE-II (40307)
MEDTOX Diagnostics VERDICT-II Amphetamines (40327)
Microdiagnostics MICRO-STRIP FOR AMPHETAMINE METABOLITES (40300)
Olympus AU 1000 {Roche Abuscreen OnLine Amphetmn with Periodate} (46268)
Olympus AU 800 {Roche Abuscreen OnLine Amphetmn with Periodate} (46267)
Phamatech QuickScreen One-Step Amphetamine (49186)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9145) (49208)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9151) (49205)
Point of Care Technologies Fingerprint DrugScreening Device (49179)
Point of Care Technologies Genie Cup Integrated Screening Device (49197)
Princeton BioMeditech AccuSign DOA5 (THC/OP/COC/MET–AMP/

PCP) (49166)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (automated curve) (55374)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (automated curve) (55408)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (automated curve) (55483)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics OnTrak TesTcup M2K (55605)
Roche Diagnostics OnTrak TesTcup-er M2K (55603)
Roche OnTrak TesTcup-5 M2K (55596)
Roche OnTrak TesTstik for Amphetamines (55278)
Syntron Bioresearch QuikPac II One Step Amphetamine (58488)
Syntron Bioresearch QuikStrip DipScan X Multidrug Screening Device (58576)
Syntron Bioresearch QuikStrip One Step Amphetamine (58483)
TCPI One Step Urine DoA Amphetamine (61210)

ANALYTE: Barbiturates (0701)

Test System, Assay, Examination:
American BioMedica Rapid Drug Screen 8 Panel (04829)
American BioMedica Rapid Drug Screen 8 Panel-Low Volume (04826)
Applied Biotech SureStep Drug Screen BAR (04764)
Applied Biotech SureStep Drug Screen Multi Test (PCP/BAR/THC/AMP/COC) (04853)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Beckman Synchron LX System {CEDIA DAU} (automated curve) (08077)
Bionike AQ Barbiturate Test (08196)
Biosite ExpressTest 7 Test Panel (08061)
Biosite Triage Panel for Drugs of Abuse plus Methadone (08060)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
EDITEK EZ-SCREEN: Barbiturates (16146)
EDITEK VERDICT BARBITURATES (16151)
Forefront Diagnostics InstaCheck Drug Screen Barbiturates (19036)
LifeSign Status-DS BAR (37130)
LifeSign Status-DS BZO/BAR/PCP (37137)
Phamatech QuickScreen One Step Barbiturates Screening Test (cassette) (49210)
Phamatech QuickScreen One Step Barbiturates Screening Test (dipstick) (49209)
Princeton BioMeditech AccuSign BAR (49167)
Princeton BioMeditech AccuSign DOA 2 (BAR/BZO) (49188)
Princeton BioMeditech AccuSign DOA 3 (BAR/BZO/MTD) (49170)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (automated curve) (55374)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (automated curve) (55408)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (automated curve) (55483)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics OnTrak TesTcup-er M2K (55603)
Syntron Bioresearch QuikPac II One Step Barbiturate (58500)
Syntron Bioresearch QuikStrip DipScan X Multidrug Screening Device (58576)
Syntron Bioresearch QuikStrip One Step Barbiturate (58497)
TCPI One Step Urine DoA Barbiturate (61344)

ANALYTE: Benzodiazepines (0702)

Test System, Assay, Examination:
American BioMedica Rapid Drug Screen 8 Panel (04829)
American BioMedica Rapid Drug Screen 8 Panel-Low Volume (04826)
Applied Biotech SureStep Drug Screen BZO (04695)
Applied Biotech SureStep Drug Screen Multi Test (THC/COC/MOR/TCA/BZO) (04833)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Beckman Synchron LX System {CEDIA DAU} (automated curve) (08077)
Biosite ExpressTest 7 Test Panel (08061)
Biosite Triage Panel for Drugs of Abuse plus Methadone (08060)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Forefront Diagnostics InstaCheck Drug Screen Benzodiazepines (19037)
LifeSign Status-DS BZO (37131)
LifeSign Status-DS BZO/BAR/PCP (37137)
Phamatech QuickScreen One Step Benzodiazepines Screening Test (cassette) (49207)
Phamatech QuickScreen One Step Benzodiazepines Screening Test (dipstick) (49206)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9151) (49205)
Princeton BioMeditech AccuSign BZO (49169)
Princeton BioMeditech AccuSign DOA 2 (BAR/BZO) (49188)
Princeton BioMeditech AccuSign DOA 3 (BAR/BZO/MTD) (49170)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (automated curve) (55374)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (automated curve) (55408)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (automated curve) (55483)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)

Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics OnTrak TesTcup-er M2K (55603)
Sun Biomedical Laboratories SunLine Benzodiazepines (58529)
Syntron Bioresearch QuikPac II One Step Benzodiazepine (58498)
Syntron Bioresearch QuikStrip DipScan X Multidrug Screening Device (58576)
Syntron Bioresearcn QuikStrip One Step Benzodiazapine (58499)
TCPI One Step Urine DoA Benzodiazepine (61351)

ANALYTE: Blood Lead (0709)

Test System, Assay, Examination:
esa LeadCare Blood Lead Testing System (16148)

ANALYTE: Caffeine (1058)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)

ANALYTE: Cannabinoids (THC) (1009)

Test System, Assay, Examination:
AmeriTek dBest One Step THC Test (04805)
American BioMedica Rapid Drug Screen (04732)
American BioMedica Rapid Drug Screen 5-Panel with Methamphetamine (04864)
American BioMedica Rapid Drug Screen 8 Panel (04829)
American BioMedica Rapid Drug Screen 8 Panel-Low Volume (04826)
Applied Biotech SureStep Drug Screen Multi Test (COC/M–AMP/MOR/THC) (04771)
Applied Biotech SureStep Drug Screen Multi Test (PCP/BAR/THC/AMP/COC) (04853)
Applied Biotech SureStep Drug Screen Multi Test (THC/COC/MOR/TCA/BZO) (04833)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Beckman Synchron LX System {CEDIA DAU} (automated curve) (08077)
Bionike AQ One Step Cannabinoid (THC) Test (08013)
Biosite ExpressTest 5 Test Panel (08059)
Biosite ExpressTest 7 Test Panel (08061)
Biosite Triage Intervention Panel for Drugs of Abuse (08058)
Biosite Triage Panel for Drugs of Abuse plus Methadone (08060)
Cirrus Diagnostics Immulite (10159)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
EDITEK EZ-SCREEN PROFILE (16150)
EDITEK EZ-SCREEN: Cannabinoid (16143)
EDITEK EZ-SCREEN: Cannabinoid/Cocaine (16144)
EDITEK VERDICT THC (16152)
Forefront Diagnostics InstaCheck Drug Screen THC (19028)
LifeSign Status-DS THC (37126)
LifeSign Status-DS THC/COC (37135)
LifeSign Status-DS THC/OPI/COC (37138)
LifeSign Status-DS THC/OPI/COC/AMP (37139)
LifeSign Status-DS THC/OPI/COC/AMP/PCP (37141)
LifeSign Status-DS THC/OPI/COC/MET (37140)
LifeSign Status-DS THC/OPI/COC/MET/PCP (37142)
MEDTOX Diagnostics PROFILE–II (40307)
MEDTOX Diagnostics VERDICT–II THC (40323)
MEDTOX Diagnostics VERDICT–II THC/Cocaine (40324)
Phamatech QuickScreen One-Step THC (49187)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9145) (49208)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9151) (49205)
Point of Care Technologies Fingerprint DrugScreening Device (49179)
Point of Care Technologies Genie Cup Integrated Screening Device (49197)
Princeton BioMeditech AccuSign DOA5 (THC/OP/COC/MET–AMP/PCP) (49166)
Redwood Biotech Redi-Test THC (55629)
Roche Diagnostics FRONTLINE CANNABIS (55363)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (automated curve) (55374)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (automated curve) (55408)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (automated curve) (55483)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics OnTrak TesTcup M2K (55605)
Roche OnTrak TesTcup-5 M2K (55596)
Roche OnTrak TesTstik for THC (55282)
Sun Biomedical Laboratories SunLine Cannabinoids (58530)
Sun Biomedical Laboratories Visualine Combo V (Cocaine/THC) (58442)
Syntron Bioresearch QuikPac II One Step Marijuana (THC) (58484)
Syntron Bioresearch QuikStrip DipScan X Multidrug Screening Device (58576)
TECO Diagnostics OneStep Marijuana Card Test (61347)

ANALYTE: Carbamazepine (1010)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman IMMAGE Immunochemistry System (07816)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Chiron Diagnostics ACS 180 (10375)
Chiron Diagnostics ACS 180 Plus (10376)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917

(55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Schiapparelli Biosystems ACE (58288)
Technicon Immuno 1 System (61042)

ANALYTE: Carboxyhemoglobin (1012)

Test System, Assay, Examination:
Radiometer ABL 700 Series (55298)
Radiometer ABL System 620 (55229)

ANALYTE: Chloramphenicol (1063)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)

ANALYTE: Cocaine Metabolites (1023)

Test System, Assay, Examination:
AmeriTek dBest One Step COC Test (04807)
American BioMedica Rapid Drug Screen (04732)
American BioMedica Rapid Drug Screen 5-Panel with Methamphetamine (04864)
American BioMedica Rapid Drug Screen 8 Panel (04829)
American BioMedica Rapid Drug Screen 8 Panel-Low Volume (04826)
American BioMedica RapidOne-Cocaine Test (04854)
Applied Biotech SureStep Drug Screen Multi Test (COC/M-AMP/MOR/THC) (04771)
Applied Biotech SureStep Drug Screen Multi Test (PCP/BAR/THC/AMP/COC) (04853)
Applied Biotech SureStep Drug Screen Multi Test (THC/COC/MOR/TCA/BZO) (04833)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Beckman Synchron LX System {CEDIA DAU} (automated curve) (08077)
Bionike AQ One Step Cocaine Metabolite Test (08110)
Biosite ExpressTest 5 Test Panel (08059)
Biosite ExpressTest 7 Test Panel (08061)
Biosite Triage Intervention Panel for Drugs of Abuse (08058)
Biosite Triage Panel for Drugs of Abuse plus Methadone (08060)
Cirrus Diagnostics Immulite (10159)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
EDITEK EZ-SCREEN PROFILE (16150)
EDITEK EZ-SCREEN: Cannabinoid/Cocaine (16144)
Forefront Diagnostics InstaCheck Drug Screen Cocaine (19030)
LifeSign Status-DS COC (37125)
LifeSign Status-DS THC/COC (37135)
LifeSign Status-DS THC/OPI/COC (37138)
LifeSign Status-DS THC/OPI/COC/AMP (37139)
LifeSign Status-DS THC/OPI/COC/AMP/PCP (37141)
LifeSign Status-DS THC/OPI/COC/MET (37140)
LifeSign Status-DS THC/OPI/COC/MET/PCP (37142)
MEDTOX Diagnostics PROFILE-II (40307)
MEDTOX Diagnostics VERDICT-II Cocaine (40325)
MEDTOX Diagnostics VERDICT-II THC/Cocaine (40324)
Microdiagnostics MICRO-STRIP FOR COCAINE METABOLITES (40298)
Phamatech QuickScreen One-Step Cocaine (49183)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9145) (49208)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9151) (49205)
Point of Care Technologies Fingerprint DrugScreening Device (49179)
Point of Care Technologies Genie Cup Integrated Screening Device (49197)
Princeton BioMeditech AccuSign DOA5 (THC/OP/COC/MET-AMP/PCP) (49166)
Roche Diagnostics FRONTLINE COCAINE (55364)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (automated curve) (55374)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (automated curve) (55408)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (automated curve) (55483)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics OnTrak TesTcup M2K (55605)
Roche Diagnostics OnTrak TesTcup-er M2K (55603)
Roche OnTrak TesTcup-5 M2K (55596)
Roche OnTrak TesTstik for Cocaine (55279)
Sun Biomedical Laboratories SunLine Cocaine (58531)
Sun Biomedical Laboratories Visualine Combo V (Cocaine/THC) (58442)
Syntron Bioresearch QuikPac II One Step Cocaine (58487)
Syntron Bioresearch QuikStrip DipScan X Multidrug Screening Device (58576)
Syntron Bioresearch QuikStrip One Step Cocaine (58482)

ANALYTE: Cotinine (1042)

Test System, Assay, Examination:
Boehringer Mannheim Hitachi 747 {STC Auto-Lyte} (automated curve) (08020)
Roche Diagnostics Hitachi 747 {STC Auto-Lyte} (automated curve) (55504)

ANALYTE: Digitoxin (1303)

Test System, Assay, Examination:
Chiron Diagnostics ACS 180 (10375)
Chiron Diagnostics ACS 180 Plus (10376)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 747 (55480)

ANALYTE: Digoxin (1304)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Beckman Synchron CX {DRI Digoxin EIA} (07857)
Beckman Synchron CX 4 CE {DRI Digoxin EIA} (07858)
Beckman Synchron CX 5 {DRI Digoxin EIA} (07859)
Beckman Synchron CX 5 CE {DRI Digoxin EIA} (07860)
Beckman Synchron CX 7 {DRI Digoxin EIA} (07861)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (manual pretreatment) (08079)
Beckman Synchron LX System {DRI Digoxin EIA} (08080)

Beckman Synchron LX System {Emit 2000} (08081)
Boehringer Mannheim Elecsys 1010 Analyzer (07916)
Boehringer Mannheim Elecsys 2010 Analyzer (07810)
Boehringer Mannheim Hitachi 704 {BM CEDIA Digoxin} (08066)
Boehringer Mannheim Hitachi 704 {DRI Digoxin EIA} (07853)
Boehringer Mannheim Hitachi 717 {BM CEDIA Digoxin} (08067)
Boehringer Mannheim Hitachi 717 {DRI Digoxin EIA} (07854)
Boehringer Mannheim Hitachi 747 {DRI Digoxin EIA} (07855)
Boehringer Mannheim Hitachi 911 {BM CEDIA Digoxin II} (08063)
Boehringer Mannheim Hitachi 911 {BM CEDIA Digoxin} (08068)
Boehringer Mannheim Hitachi 911 {DRI Digoxin EIA} (07856)
Boehringer Mannheim Hitachi 912 {BM CEDIA Digoxin II} (08064)
Boehringer Mannheim Hitachi 912 {BM CEDIA Digoxin} (08069)
Boehringer Mannheim Hitachi 914 {BM CEDIA Digoxin} (08070)
Boehringer Mannheim Hitachi 917 {BM CEDIA Digoxin II} (08065)
Boehringer Mannheim Hitachi 917 {BM CEDIA Digoxin} (08071)
Chiron Diagnostics ACS:Centaur (10440)
Ciba Corning 550 Express {DRI Digoxin EIA} (10398)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (manual pretreatment) (13526)
Dade Behring aca IV {DGN A} (13528)
Dade Behring aca Star (manual pretreatment) (13522)
Dade Behring aca Star {DGN A} (13524)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Instrumentation Laboratory IL Monarch 1000 {DRI Digoxin EIA} (28478)
Instrumentation Laboratory IL Monarch 2000 {DRI Digoxin EIA} (28479)
Instrumentation Laboratory ILAB 1800 {DRI Digoxin Immunoassay} (28547)
Instrumentation Laboratory ILAB 600 (28538)
Instrumentation Laboratory ILAB 600 {DRI Digoxin Immunoassay} (28545)
Instrumentation Laboratory ILAB 900 {DRI Digoxin Immunoassay} (28546)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Olympus AU 5000 {DRI Digoxin EIA} (46235)
Olympus AU 5200 {DRI Digoxin EIA} (46236)
Olympus AU 600 {DRI Digoxin Immunoassay} (46297)
Olympus AU 800 {DRI Digoxin EIA} (46237)
Olympus Reply {DRI Digoxin EIA} (46238)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Roche Cobas FARA {DRI Digoxin EIA} (55233)
Roche Cobas Mira {DRI Digoxin EIA} (55232)
Roche Diagnostics ES 300 (55358)
Roche Diagnostics ES 300 AL (55359)
Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
Roche Diagnostics Hitachi 704 (manual pretreatment) (55368)
Roche Diagnostics Hitachi 704 {CEDIA Digoxin} (55370)
Roche Diagnostics Hitachi 704 {DRI Digoxin EIA} (55381)
Roche Diagnostics Hitachi 704 {Emit 2000} (55387)
Roche Diagnostics Hitachi 717 (manual pretreatment) (55402)
Roche Diagnostics Hitachi 717 {CEDIA Digoxin} (55404)
Roche Diagnostics Hitachi 717 {DRI Digoxin EIA} (55427)
Roche Diagnostics Hitachi 717 {Emit 2000} (55433)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 {DRI Digoxin EIA} (55486)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (manual pretreatment) (55513)
Roche Diagnostics Hitachi 911 {CEDIA Digoxin II} (55515)
Roche Diagnostics Hitachi 911 {CEDIA Digoxin} (55516)
Roche Diagnostics Hitachi 911 {DRI Digoxin EIA} (55523)
Roche Diagnostics Hitachi 911 {Emit 2000} (55528)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 912 {CEDIA Digoxin II} (55545)
Roche Diagnostics Hitachi 912 {CEDIA Digoxin} (55546)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 914 {CEDIA Digoxin} (55551)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi 917 {CEDIA Digoxin II} (55561)
Roche Diagnostics Hitachi 917 {CEDIA Digoxin} (55562)
Roche Diagnostics Hitachi Modular Analytics (55619)
Schiapparelli Biosystems ACE {DRI Digoxin Immunoassay} (58544)

ANALYTE: Disopyramide (1305)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)

ANALYTE: EDDP (methadone metabolite) (1636)

Test System, Assay, Examination:
Boehringer Mannheim Hitachi 704 {CEDIA DAU} (automated curve) (07757)
Boehringer Mannheim Hitachi 717 {CEDIA DAU} (automated curve) (07758)
Boehringer Mannheim Hitachi 747 {CEDIA DAU} (automated curve) (07759)
Boehringer Mannheim Hitachi 904 {CEDIA DAU} (automated curve) (08150)
Boehringer Mannheim Hitachi 911 {CEDIA DAU} (automated curve) (07760)
Boehringer Mannheim Hitachi 914 {CEDIA DAU} (automated curve) (08151)
Boehringer Mannheim Hitachi 917 {CEDIA DAU} (automated curve) (07769)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (automated curve) (55374)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (automated curve) (55408)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (automated curve) (55483)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)
Roche Diagnostics Hitachi 917 {CEDIA DAU} (automated curve) (55566)

ANALYTE: Ethanol (Alcohol) (1608)

Test System, Assay, Examination:
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Behring OPUS (07793)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)

Dade Behring aca Star (13521)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 (whole blood) (55369)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 (whole blood) (55403)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 737 (whole blood) (55465)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 (whole blood) (55481)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 911 (whole blood) (55514)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 912 (whole blood) (55625)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 914 (whole blood) (55550)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Ethanol (Alcohol), Whole Blood (1632)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Ethosuximide (1609)

Test System, Assay, Examination:
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)

ANALYTE: Gentamicin (2202)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman IMMAGE Immunochemistry System (07816)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Instrumentation Laboratory ILAB 600 (28538)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Lidocaine (3710)

Test System, Assay, Examination:
Beckman Synchron CX 4 {DRI Lidocaine EIA} (07957)
Beckman Synchron CX 4 CE {DRI Lidocaine EIA} (07958)
Beckman Synchron CX 5 {DRI Lidocaine EIA} (07959)
Beckman Synchron CX 5 CE {DRI Lidocaine EIA} (07960)
Beckman Synchron CX 7 {DRI Lidocaine EIA} (07961)
Boehringer Mannheim Hitachi 704 {DRI Lidocaine EIA} (07952)
Boehringer Mannheim Hitachi 717 {DRI Lidocaine EIA} (07953)
Boehringer Mannheim Hitachi 737 {DRI Lidocaine EIA} (07954)
Boehringer Mannheim Hitachi 747 {DRI Lidocaine EIA} (07955)
Boehringer Mannheim Hitachi 911 {DRI Lidocaine EIA} (07956)
Chiron Diagnostics 550 Express {DRI Lidocaine EIA} (10406)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Olympus AU 5000 {DRI Lidocaine EIA} (46240)
Olympus AU 5200 {DRI Lidocaine EIA} (46241)
Olympus AU 800 {DRI Lidocaine EIA} (46242)
Olympus Reply {DRI Lidocaine EIA} (46243)
Roche Cobas FARA {DRI Lidocaine EIA} (55255)
Roche Diagnostics Hitachi 704 {DRI Lidocaine EIA} (55383)
Roche Diagnostics Hitachi 717 {DRI Lidocaine EIA} (55429)
Roche Diagnostics Hitachi 737 {DRI Lidocaine EIA} (55470)
Roche Diagnostics Hitachi 747 {DRI Lidocaine EIA} (55488)
Roche Diagnostics Hitachi 911 {DRI Lidocaine EIA} (55525)
Schiapparelli Biosystems ACE {DRI Lidocaine EIA} (58462)

ANALYTE: Lithium (3712)

Test System, Assay, Examination:
AVL 9181 (04739)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DT60 Chemistry System (31074)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Medica EasyLyte Na/K/Cl/Li (40259)
Medica EasyStat Na/K/Li (40256)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DT60 (46277)
Ortho-Clinical Diagnostics Vitros DTII (46278)

ANALYTE: Lysergic Acid Diethylamide (LSD) (3715)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)

ANALYTE: Methadone (4003)

Test System, Assay, Examination:
Applied Biotech SureStep Drug Screen MTD (04765)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Biosite Triage Panel for Drugs of Abuse plus Methadone (08060)
Boehringer Mannheim Hitachi 704 {DRI Methadone EIA} (08104)

Boehringer Mannheim Hitachi 717 {DRI Methadone EIA} (08105)
Boehringer Mannheim Hitachi 747 {DRI Methadone EIA} (08106)
Boehringer Mannheim Hitachi 911 {DRI Methadone EIA} (08107)
Boehringer Mannheim Hitachi 917 {DRI Methadone EIA} (08108)
Chiron Diagnostics 550 Express {DRI Methadone EIA} (10441)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Instrumentation Laboratory IL Monarch 1000 {DRI Methadone EIA} (28526)
Instrumentation Laboratory IL Monarch 2000 {DRI Methadone EIA} (28525)
LifeSign Status-DS MTD (37132)
Olympus AU 5000 {DRI Methadone EIA} (46286)
Olympus AU 5200 {DRI Methadone EIA} (46287)
Olympus AU 600 {DRI Methadone EIA} (46288)
Olympus AU 800 {DRI Methadone EIA} (46289)
Olympus Reply {DRI Methadone EIA} (46290)
Princeton BioMeditech AccuSign DOA 3 (BAR/BZO/MTD) (49170)
Princeton BioMeditech AccuSign MTD (49168)
Roche Cobas FARA {DRI Methadone EIA} (55297)
Roche Cobas Mira {DRI Methadone EIA} (55296)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (automated curve) (55374)
Roche Diagnostics Hitachi 704 {DRI Methadone EIA} (55384)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (automated curve) (55408)
Roche Diagnostics Hitachi 717 {DRI Methadone EIA} (55430)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (automated curve) (55483)
Roche Diagnostics Hitachi 747 {DRI Methadone EIA} (55489)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)
Roche Diagnostics Hitachi 911 {DRI Methadone EIA} (55526)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi 917 {CEDIA DAU} (automated curve) (55566)
Roche Diagnostics Hitachi 917 {DRI Methadone EIA} (55568)
Sun Biomedical Laboratories SunLine Methadone (58528)
Sun Biomedical Laboratories Visualine II Methadone (58527)
Technicon RA 1000 {DRI Methadone EIA} (61354)
Technicon RA 2000 {DRI Methadone EIA} (61355)
Technicon RA–XT {DRI Methadone EIA} (61353)
Technicon opeRA {DRI Methadone EIA} (61352)

ANALYTE: Methamphetamines (4004)

Test System, Assay, Examination:
AmeriTek dBest One Step MET Test (04809)
American BioMedica Rapid Drug Screen 5-Panel with Methamphetamine (04864)
American BioMedica Rapid Drug Screen 8 Panel (04829)
American BioMedica Rapid Drug Screen 8 Panel-Low Volume (04826)
Applied Biotech SureStep Drug Screen M–AMP II (04766)
Applied Biotech SureStep Drug Screen Multi Test (COC/M–AMP/MOR/THC) (04771)
Forefront Diagnostics InstaCheck Drug Screen Metamphetamine (19026)
LifeSign Status-DS MET (37127)
LifeSign Status-DS OPI/MET (37136)
LifeSign Status-DS THC/OPI/COC/MET (37140)
LifeSign Status-DS THC/OPI/COC/MET/PCP (37142)
Phamatech QuickScreen One-Step Methamphetamine (49185)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9151) (49205)
Point of Care Technologies Genie Cup Integrated Screening Device (49197)
Princeton BioMeditech AccuSign DOA5 (THC/OP/COC/MET–AMP/PCP) (49166)
Redwood Biotech Redi-Test Methamphetamine (55628)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Sun Biomedical Laboratories SunLine Methamphetamine (58532)
Sun Biomedical Laboratories Visualine II Methamphetamine (58493)
Syntron Bioresearch QuikPac II One Step Methamphetamine (58480)
Syntron Bioresearch QuikStrip DipScan X Multidrug Screening Device (58576)
Syntron Bioresearch QuikStrip One Step Methamphetamine (58481)
TCPI One Step Urine DoA Methamphetamine (61209)

ANALYTE: Methaqualone (4005)

Test System, Assay, Examination:
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 914 (55549)

ANALYTE: Methotrexate (4006)

Test System, Assay, Examination:
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)

ANALYTE: Morphine (4020)

Test System, Assay, Examination:
Applied Biotech SureStep Drug Screen Morphine II (04803)
Applied Biotech SureStep Drug Screen Multi Test (COC/M–AMP/MOR/THC) (04771)
Applied Biotech SureStep Drug Screen Multi Test (THC/COC/MOR/TCA/BZO) (04833)
Forefront Diagnostics InstaCheck Drug Screen Morphine (19029)
Roche Diagnostics OnTrak TesTcup M2K (55605)
Roche Diagnostics OnTrak TesTcup-er M2K (55603)
Roche Diagnostics OnTrak TesTstik for Morphine 2000 (M2K) (55604)
Roche OnTrak TesTcup-5 M2K (55596)
Roche OnTrak TesTstik for Morphine (55280)
Sun Biomedical Laboratories SunLine Morphine (58533)
TECO Diagnostics OneStep Morphine Card Test (61348)

ANALYTE: N-Acetylprocainamide (NAPA) (4301)

Test System, Assay, Examination:

Bayer Immuno 1 System (08123)
Beckman Synchron CX 5 CE {DRI NAPA EIA} (08165)
Beckman Synchron LX {DRI NAPA EIA} (08169)
Boehringer Mannheim Hitachi 747 {DRI NAPA EIA} (08166)
Boehringer Mannheim Hitachi 911 {DRI NAPA EIA} (08167)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Olympus AU 5000 {DRI NAPA EIA} (46309)
Olympus AU 5200 {DRI NAPA EIA} (46308)
Olympus AU 600 {DRI NAPA EIA} (46307)
Olympus AU 800 {DRI NAPA EIA} (46306)
Olympus Reply {DRI NAPA EIA} (46305)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 912 (55624)
Schiapparelli Biosystems ACE {DRI NAPA EIA} (58572)

ANALYTE: Opiates (4601)

Test System, Assay, Examination:
AmeriTek dBest One Step OPI Test (04806)
American BioMedica Rapid Drug Screen (04732)
American BioMedica Rapid Drug Screen 5-Panel with Methamphetamine (04864)
American BioMedica Rapid Drug Screen 8 Panel (04829)
American BioMedica Rapid Drug Screen 8 Panel-Low Volume (04826)
American BioMedica RapidOne-Opiates Test (04855)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Beckman Synchron LX System {CEDIA DAU} (automated curve) (08077)
Bionike AQ One Step Opiate (Morphine) Test (08012)
Biosite ExpressTest 5 Test Panel (08059)
Biosite ExpressTest 7 Test Panel (08061)
Biosite Triage Intervention Panel for Drugs of Abuse (08058)
Biosite Triage Panel for Drugs of Abuse plus Methadone (08060)
Boehringer Mannheim Hitachi 704 {CEDIA DAU Opiate 2K} (08155)
Boehringer Mannheim Hitachi 717 {CEDIA DAU Opiate 2K} (08156)
Boehringer Mannheim Hitachi 736 {CEDIA DAU Opiate 2K} (08157)
Boehringer Mannheim Hitachi 737 {CEDIA DAU Opiate 2K} (08158)
Boehringer Mannheim Hitachi 747 {CEDIA DAU Opiate 2K} (08159)
Boehringer Mannheim Hitachi 911 {CEDIA DAU Opiate 2K} (08152)
Boehringer Mannheim Hitachi 914 {CEDIA DAU Opiate 2K} (08153)
Boehringer Mannheim Hitachi 917 {CEDIA DAU Opiate 2K} (08154)
Cirrus Diagnostics Immulite (10159)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
EDITEK EZ–SCREEN PROFILE (16150)
EDITEK EZ–SCREEN: Opiates (16145)
LifeSign Status-DS OPI (37129)
LifeSign Status-DS OPI/MET (37136)
LifeSign Status-DS THC/OPI/COC (37138)
LifeSign Status-DS THC/OPI/COC/AMP (37139)
LifeSign Status-DS THC/OPI/COC/AMP/PCP (37141)
LifeSign Status-DS THC/OPI/COC/MET (37140)
LifeSign Status-DS THC/OPI/COC/MET/PCP (37142)
MEDTOX Diagnostics PROFILE–II (40307)
MEDTOX Diagnostics VERDICT–II Opiates (40326)
Microdiagnostics MICRO–STRIP FOR OPIATE METABOLITES (40299)
Phamatech QuickScreen One-Step Opiate (49184)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9145) (49208)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9151) (49205)
Point of Care Technologies Fingerprint DrugScreening Device (49179)
Point of Care Technologies Genie Cup Integrated Screening Device (49197)
Princeton BioMeditech AccuSign DOA5 (THC/OP/COC/MET–AMP/PCP) (49166)
Roche Diagnostics FRONTLINE OPIATES (55365)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (automated curve) (55374)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (automated curve) (55408)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (automated curve) (55483)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Syntron Bioresearch QuikPac II One Step Opiates (58486)
Syntron Bioresearch QuikStrip DipScan X Multidrug Screening Device (58576)
Syntron Bioresearch QuikStrip One Step Opiates (58485)
Syva 30R {Behring Emit II Opiates 300/2000} (58459)

ANALYTE: Phencyclidine (PCP) (4901)

Test System, Assay, Examination:
American BioMedica Rapid Drug Screen (04732)
American BioMedica Rapid Drug Screen 8 Panel (04829)
American BioMedica Rapid Drug Screen 8 Panel-Low Volume (04826)
Applied Biotech SureStep Drug Screen Multi Test (PCP/BAR/THC/AMP/COC) (04853)
Applied Biotech SureStep Drug Screen PCP (04694)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Beckman Synchron LX System {CEDIA DAU} (automated curve) (08077)
Biosite ExpressTest 5 Test Panel (08059)
Biosite ExpressTest 7 Test Panel (08061)
Biosite Triage Intervention Panel for Drugs of Abuse (08058)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
EDITEK EZ-SCREEN PROFILE (16150)
EDITEK VERDICT PCP (16149)
Forefront Diagnostics InstaCheck Drug Screen PCP (19035)
LifeSign Status-DS BZO/BAR/PCP (37137)
LifeSign Status-DS PCP (37133)

LifeSign Status-DS THC/OPI/COC/AMP/PCP (37141)
LifeSign Status-DS THC/OPI/COC/MET/PCP (37142)
MEDTOX Diagnostics PROFILE–II (40307)
Phamatech QuickScreen One Step Phencyclidine (49193)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9145) (49208)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9151) (49205)
Point of Care Technologies Fingerprint DrugScreening Device (49179)
Point of Care Technologies Genie Cup Integrated Screening Device (49197)
Princeton BioMeditech AccuSign DOA5 (THC/OP/COC/MET–AMP/PCP) (49166)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (automated curve) (55374)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (automated curve) (55408)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (automated curve) (55483)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche OnTrak TESTCUP (55146)
Roche OnTrak TesTcup-5 M2K (55596)
Roche OnTrak TesTstik for PCP (55281)
Sun Biomedical Laboratories SunLine Phencyclidine (58579)
Sun Biomedical Laboratories Visualine II Phencyclidine (58578)
Syntron Bioresearch QuikPac II One Step Phencyclidine (58505)
Syntron Bioresearch QuikStrip DipScan X Multidrug Screening Device (58576)
Syntron Bioresearch QuikStrip One Step Phencyclidine (58523)

ANALYTE: Phenobarbital (4902)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman IMMAGE Immunochemistry System (07816)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Instrumentation Laboratory ILAB 600 (28538)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Phenytoin (4903)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman IMMAGE Immunochemistry System (07816)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Roche Cobas Mira {CEDIA} (automated curve) (55235)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Primidone (4912)

Test System, Assay, Examination:
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus IIntellect (13487)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 914 (55549)
Schiapparelli Biosystems ACE (58288)

ANALYTE: Procainamide (4913)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Boehringer Mannheim Hitachi 914 (07546)
Boehringer Mannheim Hitachi 917 (07765)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Roche Cobas Mira {CEDIA} (automated curve) (55235)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)

Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Propoxyphene (4917)

Test System, Assay, Examination:
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Beckman Synchron LX System {CEDIA DAU} (automated curve) (08077)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (automated curve) (55374)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (automated curve) (55408)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (automated curve) (55483)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (automated curve) (55520)
Roche Diagnostics Hitachi 917 (55560)

ANALYTE: Quinidine (5202)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman Synchron CX 4 (07071)
Beckman Synchron CX 5 CE (07491)
Boehringer Mannheim Hitachi 747 (07166)
Boehringer Mannheim Hitachi 911 (07377)
Ciba Corning 550 Express (10038)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Olympus AU 5000 (46001)
Olympus AU 5200 (46143)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 914 (55549)
Technicon Immuno 1 System (61042)

ANALYTE: Salicylates (5801)

Test System, Assay, Examination:
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Theophylline (6104)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman ACCESS Immunoassay System (07914)
Beckman IMMAGE Immunochemistry System (07816)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
ChemTrak AccuMeter Theophylline (10438)
Chiron Diagnostics ACS:Centaur (10440)
Cirrus Diagnostics Immulite 2000 (10418)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Instrumentation Laboratory ILAB 600 (28538)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Johnson & Johnson Vitros DTII Chemistry System (31075)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Ortho-Clinical Diagnostics Vitros DTII (46278)
Roche Cobas Mira {CEDIA} (automated curve) (55235)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Tobramycin (6112)

Test System, Assay, Examination:

Bayer Immuno 1 System (08123)
Beckman IMMAGE Immunochemistry System (07816)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Chiron Diagnostics ACS 180 (10375)
Chiron Diagnostics ACS 180 Plus (10376)
Chiron Diagnostics ACS:Centaur (10440)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Dade Stratus (13485)
Dade Stratus II (13486)
Dade Stratus IIntellect (13487)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)

ANALYTE: Topiramate (6159)

Test System, Assay, Examination:
Abbott TDX {OXIS Int'l INNOFLUOR Topiramate} (04737)
Abbott TDX FLx {OXIS Int'l INNOFLUOR Topiramate} (04738)

ANALYTE: Tricyclic Antidepressants (6117)

Test System, Assay, Examination:
Applied Biotech SureStep Drug Screen Multi Test (THC/COC/MOR/TCA/BZO) (04833)
Applied Biotech SureStep Drug Screen TCA (04794)
Biosite ExpressTest 7 Test Panel (08061)
Biosite Triage Panel for Drugs of Abuse plus Methadone (08060)
Chiron Diagnostics 550 Express {DRI Tricyclics Serum Tox EIA} (10459)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
LifeSign Status-DS TCA (37134)
Princeton BioMeditech AccuSign TCA (49198)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Schiapparelli Biosystems ACE {DRI Tricyclics Serum Tox EIA} (58545)

ANALYTE: Valproic Acid (6701)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman IMMAGE Immunochemistry System (07816)
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Roche Diagnostics Hitachi Modular Analytics (55619)
Schiapparelli Biosystems ACE (58288)
Technicon Immuno 1 System (61042)

ANALYTE: Vancomycin (6703)

Test System, Assay, Examination:
Bayer Immuno 1 System (08123)
Beckman Synchron CX 5 CE {DRI Vancomycin EIA} (08164)
Beckman Synchron LX {DRI Vancomycin EIA} (08168)
Boehringer Mannheim Hitachi 747 {DRI Vancomycin EIA} (08162)
Boehringer Mannheim Hitachi 911 {DRI Vancomycin EIA} (08163)
Chiron Diagnostics 550 Express {DRI Vancomycin EIA} (10462)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Olympus AU 5000 {DRI Vancomycin EIA} (46300)
Olympus AU 5200 {DRI Vancomycin EIA} (46301)
Olympus AU 600 {DRI Vancomycin EIA} (46302)
Olympus AU 800 {DRI Vancomycin EIA} (46303)
Olympus Reply {DRI Vancomycin EIA} (46304)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Schiapparelli Biosystems ACE {DRI Vancomycin EIA} (58571)
Technicon Immuno 1 System (61042)

SPECIALTY/SUBSPECIALTY: URINALYSIS

ANALYTE: Hemoglobin, Urine (2564)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 717 {Chimera UA PERFECT} (55410)
Roche Diagnostics Hitachi 747 {STC Auto-Lyte} (55503)

ANALYTE: Leukocyte Esterase, Urinary (3757)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 717 {Chimera UA PERFECT} (55410)
Roche Diagnostics Hitachi 747 {STC Auto-Lyte} (55503)

ANALYTE: Total Solids (Specific Gravity) (6125)

Test System, Assay, Examination:
IRIS The Yellow IRIS Model 300 (28518)
IRIS The Yellow IRIS Model 500 (28519)
MISCO Digital Probe Refractometer (40330)
Roche Diagnostics Hitachi 704 {DRI Gravity-Detect} (55382)
Roche Diagnostics Hitachi 717 {Chimera UA PERFECT} (55410)
Roche Diagnostics Hitachi 717 {DRI Gravity-Detect} (55428)
Roche Diagnostics Hitachi 737 {DRI Gravity-Detect} (55469)
Roche Diagnostics Hitachi 747 {DRI Gravity-Detect} (55487)
Roche Diagnostics Hitachi 911 {DRI Gravity-Detect} (55524)

ANALYTE: Urinary Sediment Microscopic Elements (6405)

Test System, Assay, Examination:
DiaSys R/S 2003 (13553)
IMI MICRO21 {with Urine Sediment Analysis} (28532)
IRIS The Yellow IRIS Model 300 (28518)
IRIS The Yellow IRIS Model 500 (28519)

ANALYTE: Urine Qualitative Dipstick Chemistries (6406)

Test System, Assay, Examination:
Bayer Clinitek 500 Urine Chemistry Analyzer (08147)
IRIS The Yellow IRIS Model 300 (28518)
IRIS The Yellow IRIS Model 500 (28519)
Roche Diagnostics Chemstrip Criterion II Urine Analyzer (55602)
Roche Diagnostics Chemstrip Criterion Urine Analyzer (55345)

Roche Diagnostics Chemstrip Super UA (55350)
Roche Diagnostics Chemstrip Urine Analyzer (55351)
Yeongdong UriScan S–300 (76008)

SPECIALTY/SUBSPECIALTY: VIROLOGY

ANALYTE: Influenza A/B (2835)

Test System, Assay, Examination:
BioStar AB FLU OIA (08138)
ZymeTx ZstatFlu Test for Influenza Types A and B Viruses (79053)

ANALYTE: Rotavirus (5509)

Test System, Assay, Examination:
Meridian Diagnostics ImmunoCard STAT Rotavirus (40283)

COMPLEXITY: HIGH

SPECIALTY/SUBSPECIALTY: BACTERIOLOGY

ANALYTE: Aerobic &/or Anaerobic Organisms-unlimited sources (0412)

Test System, Assay, Examination:
Becton Dickinson BBL CRYSTAL GP ID System (including culture) (07919)
Becton Dickinson BBL CRYSTAL Rapid GP ID Sys (including culture) (07920)

ANALYTE: Aerobic Organisms from urine specimens only (0468)

Test System, Assay, Examination:
Combact Cellenium-160US (10442)
Sanofi Pasteur UriSelect 3 (organism ID) (58541)
bioMerieux Vitek CPS ID 2 (non-confirmatory ID) (07931)

ANALYTE: Campylobacter (1006)

Test System, Assay, Examination:
Alexon-Trend ProSpecT Campylobacter Microplate Assay (spectrophotometric) (04814)
Alexon-Trend ProSpecT Campylobacter Microplate Assay (visual) (04815)

ANALYTE: Chlamydia (1016)

Test System, Assay, Examination:
Beckman ACCESS Immunoassay System (07914)
Gen-Probe Amplified Chlamydia Trachomatis Assay (22186)
Roche COBAS AMPLICOR (55253)

ANALYTE: Clostridium difficile (1022)

Test System, Assay, Examination:
Alexon-Trend ProspecT II C.difficile Toxin A (spectrophotometric) (04683)
Alexon-Trend ProspecT II C.difficile Toxin A (visual) (04682)
Becton Dickinson ColorPAC Toxin A Test (including culture) (08171)
TechLab C. difficle TOX A/B TEST (spectrophotometric) (61294)
TechLab C. difficle TOX A/B TEST (visual) (61293)

ANALYTE: Escherichia coli (1604)

Test System, Assay, Examination:
Alexon-Trend ProSpecT Shiga Toxin E. coli (STEC) Microplate Assay (spectrophotometric) (04793)
Alexon-Trend ProSpecT Shiga Toxin E. coli (STEC) Microplate Assay (visual) (04792)
Murex Wellcolex E. coli 0157 Rapid Latex (including culture) (40262)
Murex Wellcolex E. coli 0157:H7 Rapid Latex (including culture) (40268)
Shared Systems Chromalex E. coli 0157 Latex Agglutination Test System (58510)

ANALYTE: Helicobacter pylori (2512)

Test System, Assay, Examination:
Meridian Diagnostics Premier Platinum HpSA (spectrophotometric) (40311)
Meridian Diagnostics Premier Platinum HpSA (visual) (40310)

ANALYTE: Legionella (3706)

Test System, Assay, Examination:
Scimedx Legionella Test Kit/DFA (including culture) (58454)

ANALYTE: Staphylococcus (5807)

Test System, Assay, Examination:
Arlington Scientific Staphslide (including culture) (04698)
Murex Staphaurex Gold (40320)
The Binding Site Staphylococcus Latex Kit (61391)

ANALYTE: Streptococcus, group A (5810)

Test System, Assay, Examination:
Abbott Signify Strep A (including culture) (04736)
Abbott TestPack Plus Strep A with OBC II (including culture) (04811)
BioStar Acceava Strep A Test (including culture) (07925)
The Binding Site Streptococcus Grouping Reagents (61390)
Trinity Biotech Uni-Gold Strep A (including culture) (61394)
Wyntek Diagnostics OSOM Strep A Test (including culture) (70196)

ANALYTE: Streptococcus, group B (5811)

Test System, Assay, Examination:
The Binding Site Streptococcus Grouping Reagents (61390)

ANALYTE: Streptococcus, group C (5812)

Test System, Assay, Examination:
The Binding Site Streptococcus Grouping Reagents (61390)

ANALYTE: Streptococcus, group D (5813)

Test System, Assay, Examination:
The Binding Site Streptococcus Grouping Reagents (61390)

ANALYTE: Streptococcus, group F (5814)

Test System, Assay, Examination:
The Binding Site Streptococcus Grouping Reagents (61390)

ANALYTE: Streptococcus, group G (5815)

Test System, Assay, Examination:
The Binding Site Streptococcus Grouping Reagents (61390)

SPECIALTY/SUBSPECIALTY: CYTOLOGY

ANALYTE: Epithelial cells-cervical/vaginal (Papanicolaou) (1637)

Test System, Assay, Examination:
NEOPATH AutoPap Primary Screening System (43128)

SPECIALTY/SUBSPECIALTY: ENDOCRINOLOGY

ANALYTE: 17 alpha-OH Progesterone (0109)

Test System, Assay, Examination:
Bio-Rad Microplate 17-Hydroxyprogesterone (08127)
KMI Diagnostics 17-alpha-Hydroxyprogesteron(e) ELISA (34101)

ANALYTE: Adrenocorticotropic Hormone (ACTH) (0458)

Test System, Assay, Examination:
Alfa Scientific Designs ACTH ELISA (04839)
Sangui BioTech ACTH ELISA (58537)

ANALYTE: Androstenedione (0460)

Test System, Assay, Examination:
KMI Diagnostics Androstenedione ELISA (34094)

ANALYTE: Calcitonin (1041)

Test System, Assay, Examination:
Alfa Scientific Designs Calcitonin ELISA (04838)
Sangui BioTech Calcitonin ELISA (58538)

ANALYTE: Catecholamines, Plasma (1056)

Test System, Assay, Examination:
Bioanalytical Systems BAS Plasma Catecholamine Kit (08023)

ANALYTE. Collagen Type I, C-telopeptides (1131)

Test System, Assay, Examination:
Osteometer Biotech A/S Crosslaps ELISA (46313)

ANALYTE: Cortisol, Urine (extraction procedure) (1095)

Test System, Assay, Examination:
- Beckman ACCESS Immunoassay System (07914)
- Chiron Diagnostics ACS:Centaur (10440)
- Ortho-Clinical Diagnostics Vitros ECi (46279)

ANALYTE: Dehydroepiandrosterone Sulfate (DHEA-SO4) (1310)

Test System, Assay, Examination:
- KMI Diagnostics DHEA-S ELISA (34102)

ANALYTE: Dopamine (1322)

Test System, Assay, Examination:
- KMI Diagnostics TriCat (34109)

ANALYTE: Epinephrine (Adrenalin) (1638)

Test System, Assay, Examination:
- KMI Diagnostics 125 I-Adrenalin (125 I-Epinephrine) RIA (34107)
- KMI Diagnostics Adrenalin (Epinephrine) ELISA (34108)
- KMI Diagnostics KatCombi (34106)
- KMI Diagnostics TriCat (34109)

ANALYTE: Estradiol (1605)

Test System, Assay, Examination:
- Alfa Scientific Designs Estradiol (E2) EIA (04862)
- KMI Diagnostics 17 Beta-Estradiol ELISA (34104)

ANALYTE: Estriol, Total (1606)

Test System, Assay, Examination:
- KMI Diagnostics Estriol RIA (34095)

ANALYTE: Estriol, unconjugated (1607)

Test System, Assay, Examination:
- KMI Diagnostics Estriol unconjugated (uE3) ELISA (34099)

ANALYTE: Estrone Sulfate (1633)

Test System, Assay, Examination:
- Diagnostic Systems DSL–5400 Estrone-Sulfate RIA (13461)

ANALYTE: Follicle Stimulating Hormone (FSH) (1908)

Test System, Assay, Examination:
- Alfa Scientific Designs Follicle Stimulating Hormone (FSH) EIA (04844)
- Monobind Follicle Stimulating Hormone (FSH) ELISA (40284)
- SeaLite Sciences AquaLite FSH (computer calculations) (58437)

ANALYTE: HCG, Beta, Serum, Quantitative (2502)

Test System, Assay, Examination:
- Applied Biotech hCGColor hCG Test (04824)

ANALYTE: HCG, Total, Serum, Quantitative (2555)

Test System, Assay, Examination:
- BioCheck hCG EIA (08209)

ANALYTE: HCG, Urine, Quantitative (2534)

Test System, Assay, Examination:
- Applied Biotech hCGColor hCG Test (04824)

ANALYTE: Human Growth Hormone (GH) (2547)

Test System, Assay, Examination:
- Alfa Scientific Designs Human Growth Hormone (HGH) EIA (04859)
- Diagnostic Systems DSL–1900 ACTIVE Human Growth Hormone IRMA (13460)
- KMI Diagnostics hGH ELISA (34098)
- KMI Diagnostics hGH-IRMA (34097)
- SeaLite Sciences AquaLite hGH (computer calculations) (58463)

ANALYTE: Insulin-like Growth Factor-1 (IGF–1) (2818)

Test System, Assay, Examination:
- Diagnostic Systems DSL–10–2800 ACTIVE Non-Extraction IGF–1 (13465)

ANALYTE: Luteinizing Hormone (LH) (3713)

Test System, Assay, Examination:
- Alfa Scientific Designs Luteinizing Hormone (LH) EIA (04861)
- KMI Diagnostics LH ELISA (34096)
- SeaLite Sciences AquaLite LH (computer calculations) (58439)

ANALYTE: Metanephrines (4025)

Test System, Assay, Examination:
- KMI Diagnostics 125 I-METCOMBI RIA (34111)

ANALYTE: Norepinephrine (Noradrenalin) (4323)

Test System, Assay, Examination:
- KMI Diagnostics 125 I-Noradrenalin (125 I-Norepinephrine) RIA (34110)
- KMI Diagnostics KatCombi (34106)
- KMI Diagnostics Noradrenalin (Norepinephrine) ELISA (34112)
- KMI Diagnostics TriCat (34109)

ANALYTE: Parathyroid Hormone—Intact (4924)

Test System, Assay, Examination:
- Alfa Scientific Designs Intact-PTH (Parathyroid Hormone) ELISA (04860)
- SeaLite Sciences AquaLite Intact PTH (58446)

ANALYTE: Progesterone (4914)

Test System, Assay, Examination:
- Alfa Scientific Designs Microwell Progesterone EIA (04865)
- KMI Diagnostics Progesterone ELISA (34103)

ANALYTE: Prolactin (4915)

Test System, Assay, Examination:
- Alfa Scientific Designs Prolactin Hormone (PRL) ELISA (04867)
- Monobind Prolactin Hormone (PRL) Microplate ELISA (40288)
- SeaLite Sciences AquaLite Prolactin (computer calculations) (58438)

ANALYTE: Serotonin (5820)

Test System, Assay, Examination:
- KMI Diagnostics Serotonin ELISA (34113)

ANALYTE: T Uptake (TU) (6156)

Test System, Assay, Examination:
- Alfa Scientific Designs T-Uptake Microplate EIA (04837)

ANALYTE: Testosterone (6102)

Test System, Assay, Examination:
- Alfa Scientific Designs Microwell Testosterone EIA (04863)
- BioChem Immunosystems Biodata Testosterone MAIA (07829)
- Diagnostic Systems DSL–10–4000 ACTIVE Testosterone EIA (13462)
- KMI Diagnostics Testosterone ELISA (34105)

ANALYTE: Thyroid Stimulating Hormone (TSH) (6106)

Test System, Assay, Examination:
- Alfa Scientific Designs Thyrotropin (TSH) Coated Tube IRMA (04866)
- Alfa Scientific Designs Thyrotropin (TSH) ELISA (04868)
- Biomerica TSH Microwell ELISA (07840)
- Monobind Thyrotropin (TSH) ELISA (40289)
- TECO Diagnostics TSH EIA Set (Bead Assay) (61426)

ANALYTE: Thyroxine (T4) (6109)

Test System, Assay, Examination:
- Alfa Scientific Designs Thyroxine (T4) Coated Tube RIA (04858)
- Alfa Scientific Designs Total Thyroxine (T4) Direct ELISA (04843)
- Diagnostic Systems DSL–10–3200 ACTIVE Thyroxine (T4) EIA (13463)
- Monobind Total Thyroxine (T4) Microplate EIA (40286)
- TECO Diagnostics T4 EIA Set (Bead Assay) (61428)

ANALYTE: Thyroxine (T4), Neonatal (6123)

Test System, Assay, Examination:
- Isolab Fluoroscan II Neonatal Chemistry System (28367)
- Neometrics Accuwell T4 EIA (43127)

ANALYTE: Thyroxine, Free (FT4) (6111)

Test System, Assay, Examination:
- Biomerica Free T4 Microwell EIA (08148)
- Biostride Free T4 EIA (08118)

SeaLite Sciences AquaLite Free T4 (computer calculations) (58489)
SeaLite Sciences AquaLite Free T4 (manual curve) (58490)

ANALYTE: Triiodothyronine (T3) (6119)

Test System, Assay, Examination:
Alfa Scientific Designs Total Triiodothyronine (T3) Direct ELISA (04841)
Alfa Scientific Designs Triiodothyronine (T3) Coated Tube RIA (04845)
Biotecx OptiCoat T3 (08161)
Diagnostic Systems DSL–10–3200 ACTIVE Triiodothyronine EIA (13464)
Monobind Total Triiodothyronine (T3) Microplate EIA (40285)
TECO Diagnostics T3 EIA Set (Bead Assay) (61427)

ANALYTE: Triiodothyronine Uptake (T-Uptake) (TU) (6120)

Test System, Assay, Examination:
Monobind T-Uptake Microplate EIA (40306)

SPECIALTY/SUBSPECIALTY: General Chemistry

ANALYTE: Acid Phosphatase (0407)

Test System, Assay, Examination:
TECO Diagnostics Acid Phosphatase Reagent Set (manual) (61395)
TECO Diagnostics TC 84 (61377)

ANALYTE: Alanine Aminotransferase (ALT) (SGPT) (0404)

Test System, Assay, Examination:
TECO Diagnostics Alanine Aminotransferase (ALT) Reagent Set (manual) (61398)
TECO Diagnostics TC 84 (61377)

ANALYTE: Albumin (0414)

Test System, Assay, Examination:
TECO Diagnostics Albumin Reagent Set (manual) (61396)
TECO Diagnostics TC 84 (61377)

ANALYTE: Alkaline Phosphatase (ALP) (0416)

Test System, Assay, Examination:
TECO Diagnostics Alkaline Phosphatase Reagent Set (manual) (61397)
TECO Diagnostics TC 84 (61377)

ANALYTE: Alkaline Phosphatase Bone Specific (BAP) (0518)

Test System, Assay, Examination:
Hybritech Tandem-MP Ostase (automated curve) (25281)
Hybritech Tandem-MP Ostase (manual curve) (25280)

ANALYTE: Alpha-Fetoprotein—Amniotic Fluid (0484)

Test System, Assay, Examination:
Chiron Diagnostics ACS 180 (10375)
Chiron Diagnostics ACS 180 Plus (10376)
Chiron Diagnostics ACS:Centaur (10440)

ANALYTE: Alpha-Fetoprotein—Maternal Serum (0423)

Test System, Assay, Examination:
Chiron Diagnostics ACS 180 (10375)
Chiron Diagnostics ACS 180 Plus (10376)
Chiron Diagnostics ACS:Centaur (10440)

ANALYTE: Ammonia, Plasma/Serum (0427)

Test System, Assay, Examination:
Roche Diagnostics Ammonia (manual) (55332)
TECO Diagnostics Ammonia Reagent Set (manual) (61399)

ANALYTE: Amylase (0429)

Test System, Assay, Examination:
TECO Diagnostics TC 84 (61377)

ANALYTE: Aspartate Aminotransferase (AST) (SGOT) (0405)

Test System, Assay, Examination:
TECO Diagnostics AST (SGOT) Reagent Set (manual) (61400)
TECO Diagnostics TC 84 (61377)

ANALYTE: Bile Acids (0747)

Test System, Assay, Examination:
Marukin Shoyu UBAS Assay (manual) (40329)
TECO Diagnostics Bile Acids Reagent Set (manual) (61289)

ANALYTE: Bilirubin, Direct (0704)

Test System, Assay, Examination:
Synermed Direct Bilirubin (manual) (58443)
TECO Diagnostics Direct Bilirubin Reagent Set (manual) (61401)
TECO Diagnostics TC 84 (61377)

ANALYTE: Bilirubin, Total (0706)

Test System, Assay, Examination:
TECO Diagnostics TC 84 (61377)
TECO Diagnostics Total Bilirubin Reagent Set (manual) (61402)

ANALYTE: C-Peptide (1040)

Test System, Assay, Examination:
KMI Diagnostics C-Peptid(e) ELISA (34100)

ANALYTE: Calcium, Total (1005)

Test System, Assay, Examination:
TECO Diagnostics Calcium Reagent Set (manual) (61404)
TECO Diagnostics TC 84 (61377)

ANALYTE: Cancer Antigen 27.29 (CA 27.29) (1132)

Test System, Assay, Examination:
BIOMIRA Diagnostics TRUQUANT BR RIA (08025)

ANALYTE: Carbon Dioxide, Total (CO2) (1003)

Test System, Assay, Examination:
TECO Diagnostics TC 84 (61377)

ANALYTE: Chloride (1018)

Test System, Assay, Examination:
TECO Diagnostics Chloride Reagent Set (manual) (61405)
TECO Diagnostics TC 84 (61377)

ANALYTE: Cholesterol (1020)

Test System, Assay, Examination:
TECO Diagnostics Cholesterol Reagent Set (manual) (61406)
TECO Diagnostics TC 84 (61377)

ANALYTE: Cholinesterase (1021)

Test System, Assay, Examination:
TECO Diagnostics Cholinesterase (PTC) Reagent Set (manual) (61407)

ANALYTE: Chromosome 12 (1146)

Test System, Assay, Examination:
Vysis CEP 12 SpectrumOrange DNA Probe Kit for FISH (67105)

ANALYTE: Chromosome 13 (1140)

Test System, Assay, Examination:
Vysis AneuVysion Multicolor DNA Probe (CEP18/X/Y,LSI 13/21) (67103)

ANALYTE: Chromosome 18 (1141)

Test System, Assay, Examination:
Vysis AneuVysion Multicolor DNA Probe (CEP18/X/Y,LSI 13/21) (67103)

ANALYTE: Chromosome 21 (1142)

Test System, Assay, Examination:
Vysis AneuVysion Multicolor DNA Probe (CEP18/X/Y,LSI 13/21) (67103)

ANALYTE: Chromosome 8 (1145)

Test System, Assay, Examination:
Vysis CEP 8 SpectrumOrange DNA Probe Kit for FISH (67104)

ANALYTE: Chromosome X (1143)

Test System, Assay, Examination:
Vysis AneuVysion Multicolor DNA Probe (CEP18/X/Y,LSI 13/21) (67103)
Vysis CEP X SpectrumOrange/Y SpectrumGreen DNA Probe Kit for FISH (67106)

ANALYTE: Chromosome Y (1144)

Test System, Assay, Examination:
Vysis AneuVysion Multicolor DNA Probe (CEP18/X/Y,LSI 13/21) (67103)
Vysis CEP X SpectrumOrange/Y SpectrumGreen DNA Probe Kit for FISH (67106)

ANALYTE: Creatine Kinase (CK) (1034)

Test System, Assay, Examination:

TECO Diagnostics Creatine Kinase (CK) Reagent Set (manual) (61408)
TECO Diagnostics TC 84 (61377)

ANALYTE: Creatine Kinase MB Fraction (CKMB) (1002)

Test System, Assay, Examination:
TECO Diagnostics Creatine Kinase-MB (CK-MB) Reagent Set (manual) (61409)

ANALYTE: Creatinine (1035)

Test System, Assay, Examination:
TECO Diagnostics Creatinine Reagent Set (manual) (61410)
TECO Diagnostics TC 84 (61377)

ANALYTE: Ferritin (1902)

Test System, Assay, Examination:
SeaLite Sciences AquaLite Ferritin (computer calculations) (58451)

ANALYTE: Folate, Red Blood Cell (RBC Folate) (1930)

Test System, Assay, Examination:
Abbott AxSYM (04532)
Bayer Immuno 1 System (manual calculations) (08120)
Ortho-Clinical Diagnostics Vitros ECi (46279)

ANALYTE: Galactose, Total (2223)

Test System, Assay, Examination:
Astoria-Pacific API 300 SPOTCHECK System (04696)
Astoria-Pacific SPOTCHECK Analyzer (04781)
Quantase Phe/Gal (Newborn) Screening Assay (52111)

ANALYTE: Galactose-1-Phosphate Uridyl Transferase (2215)

Test System, Assay, Examination:
Astoria-Pacific API 300 SPOTCHECK System (04696)
Astoria-Pacific SPOTCHECK Analyzer (04781)
Bio-Rad Microplate Neonatal GALT (08190)

ANALYTE: Gamma Glutamyl Transferase (GGT) (2201)

Test System, Assay, Examination:
TECO Diagnostics Gamma Glutamyl Transferase (GGT) Reagent Set (manual) (61411)
TECO Diagnostics TC 84 (61377)

ANALYTE: Glucose (2203)

Test System, Assay, Examination:
TECO Diagnostics Glucose Reagent Set (manual) (61412)
TECO Diagnostics TC 84 (61377)

ANALYTE: Glucose-6-Phosphate Dehydrogenase (G–6–PDH) (2208)

Test System, Assay, Examination:
Astoria-Pacific SPOTCHECK Analyzer (04781)

ANALYTE: Glycated LDL (2229)

Test System, Assay, Examination:
Exocell GLYCACOR ELISA (16191)

ANALYTE: Glycosylated Hemoglobin (Hgb A1C) (2204)

Test System, Assay, Examination:
Sebia HYDRASYS {Hydragel 15 Hb A1c} (58428)

ANALYTE: HDL Cholesterol (2550)

Test System, Assay, Examination:
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Olympus AU 1000 (46230)
Olympus AU 600 (46229)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)
Sebia HYDRASYS {Hydragel (7,15/30) CHOL–HDL} (58457)
Sebia Hydragel CHOL–HDL (manual) (58456)
TECO Diagnostics HDL-Cholesterol Reagent Set (manual) (61429)
TECO Diagnostics TC 84 (61377)

ANALYTE: HER–2/neu Gene (2572)

Test System, Assay, Examination:
Oncor INFORM HER–2/neu Gene Detection System (46285)

ANALYTE: Homocysteine (2574)

Test System, Assay, Examination:
Axis Homocysteine EIA (04828)

ANALYTE: Iron (2814)

Test System, Assay, Examination:
TECO Diagnostics Iron/TIBC Reagent Set (manual) (61423)

ANALYTE: Iron Binding Capacity (post saturation/separation) (2815)

Test System, Assay, Examination:
Abbott ALCYON 300/300i Analyzer (04797)
Abbott Aeroset (04798).
Beckman Synchron CX 9 ALX System (07932)
Beckman Synchron LX System (08076)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Behring aca IV (13525)
Dade Behring aca Star (13521)
Johnson & Johnson Vitros 250 Chemistry System (31068)
Johnson & Johnson Vitros 500 Chemistry System (31069)
Johnson & Johnson Vitros 550 Chemistry System (31070)
Johnson & Johnson Vitros 700 Chemistry System (31071)
Johnson & Johnson Vitros 750 XRC Chemistry System (31072)
Johnson & Johnson Vitros 950 IRC Chemistry System (31073)
Ortho-Clinical Diagnostics Vitros 250 (46271)
Ortho-Clinical Diagnostics Vitros 500 (46272)
Ortho-Clinical Diagnostics Vitros 550 (46273)
Ortho-Clinical Diagnostics Vitros 700 (46274)
Ortho-Clinical Diagnostics Vitros 750 XRC (46275)
Ortho-Clinical Diagnostics Vitros 950 IRC (46276)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)
Roche Diagnostics Hitachi 737 (55464)
Roche Diagnostics Hitachi 747 (55480)
Roche Diagnostics Hitachi 902 (55598)
Roche Diagnostics Hitachi 911 (55512)
Roche Diagnostics Hitachi 914 (55549)
Roche Diagnostics Hitachi 917 (55560)

ANALYTE: Iron Binding Capacity, Unsat. (UIBC) no pretreat. (2823)

Test System, Assay, Examination:
TECO Diagnostics Iron/TIBC Reagent Set (manual) (61423)

ANALYTE: LDL Cholesterol (3748)

Test System, Assay, Examination:
Abbott Bichromatic ABA 100 {DMA One Shots} (04757)
Abbott Bichromatic ABA 100 {RDI LDL Precipitating Reagent} (04752)
Abbott Bichromatic ABA 100 {RDI LipiDirect Magnetic LDL} (04758)
Abbott VP {DMA One Shots} (manual calculations) (04755)
Abbott VP {RDI Precipitating Reagent} (manual calculations) (04753)
Abbott VP {RDI Unitized LipiDirect Magnetic LDL} (manual

calculations) (04762)
Coulter Optichem {DMA One Shots} (manual calculations) (10419)
Coulter Optichem {RDI Precipitating Reagent} (manual calculations) (10416)
Coulter Optichem {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (10422)
Dade Dimension {DMA One Shots} (manual calculations) (13470)
Dade Dimension {RDI Precipitating Reagent} (manual calculations) (13468)
Dade Dimension {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (13472)
EM Diagnostic Systems EPOS {DMA One Shots} (manual calculations) (16170)
EM Diagnostic Systems EPOS {RDI Precipitating Reagent} (manual calculations) (16162)
EM Diagnostic Systems EPOS {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (16178)
Electronucleonics Gemini {DMA One Shots} (manual calculations) (16164)
Electronucleonics Gemini {RDI Precipitating Reagent} (manual calculations) (16156)
Electronucleonics Gemini {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (16172)
Electronucleonics Gemprofiler {DMA One Shots} (manual calculations) (16166)
Electronucleonics Gemprofiler {RDI Precipitating Reagent} (manual calculations) (16158)
Electronucleonics Gemprofiler {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (16174)
Electronucleonics Gemstar {DMA One Shots} (manual calculations) (16168)
Electronucleonics Gemstar {RDI Precipitating Reagent} (manual calculations) (16160)
Electronucleonics Gemstar {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (16176)
Instrumentation Laboratory IL Gen.21 {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (28506)
Instrumentation Laboratory IL Genesis 21 {DMA One Shots} (manual calculations) (28502)
Instrumentation Laboratory IL Genesis 21 {RDI Precipitating Reagent} (manual calculations) (28497)
Instrumentation Laboratory IL Monarch {DMA One Shots} (manual calculations) (28500)
Instrumentation Laboratory IL Monarch {RDI Precipitating Reagent} (manual calculations) (28495)
Instrumentation Laboratory IL Monarch {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (28504)
Johnson & Johnson Vitros {DMA One Shots} (manual calculations) (31079)
Johnson & Johnson Vitros {RDI Precipitating Reagent} (manual calculations) (31077)
Johnson & Johnson Vitros {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (31081)
Olympus Demand {DMA One Shots} (manual calculations) (46257)
Olympus Demand {RDI Precipitating Reagent} (manual calculations) (46253)
Olympus Demand {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (46263)
Olympus Reply {DMA One Shots} (manual calculations) (46259)
Olympus Reply {RDI Precipitating Reagent} (manual calculations) (46255)
Olympus Reply {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (46265)
Ortho-Clinical Diagnostics Vitros {DMA One Shots} (manual calculations) (46281)
Ortho-Clinical Diagnostics Vitros {RDI Precipitating Reagent} (manual calculations) (46270)
Ortho-Clinical Diagnostics Vitros {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (46283)
RDI LDL Cholesterol Precipitating Reagent (manual) (55261)
RDI LipiDirect Magnetic LDL (manual) (55271)
Roche Cobas Bio {DMA One Shots} (manual calculations) (55267)
Roche Cobas Bio {RDI Precipitating Reagent} (manual calculations) (55263)
Roche Cobas Bio {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (55273)
Roche Cobas FARA {DMA One Shots} (manual calculations) (55269)
Roche Cobas FARA {RDI Precipitating Reagent} (manual calculations) (55265)
Roche Cobas FARA {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (55275)
Schiapparelli Biosystems ACE {DMA One Shots} (manual calculations) (58476)
Schiapparelli Biosystems ACE {RDI Precipitating Reagent} (manual calculations) (58474)
Schiapparelli Biosystems ACE {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (58478)
Technicon Assist {DMA One Shots} (manual calculations) (61328)
Technicon Assist {RDI Precipitating Reagent} (manual calculations) (61314)
Technicon Assist {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (61342)
Technicon RA 100 {DMA One Shots} (manual calculations) (61326)
Technicon RA 100 {RDI Precipitating Reagent} (manual calculations) (61312)
Technicon RA 100 {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (61340)
Technicon RA 1000 {DMA One Shots} (manual calculations) (61322)
Technicon RA 1000 {RDI Precipitating Reagent} (manual calculations) (61308)
Technicon RA 1000 {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (61336)
Technicon RA 2000 {DMA One Shots} (manual calculations) (61318)
Technicon RA 2000 {RDI Precipitating Reagent} (manual calculations) (61304)
Technicon RA 2000 {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (61332)
Technicon RA 500 {DMA One Shots} (manual calculations) (61324)
Technicon RA 500 {RDI Precipitating Reagent} (manual calculations) (61310)
Technicon RA 500 {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (61338)
Technicon RA XT {DMA One Shots} (manual calculations) (61320)
Technicon RA XT {RDI Precipitating Reagent} (manual calculations) (61306)
Technicon RA XT {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (61334)
Technicon opeRA {DMA One Shots} (manual calculations) (61316)
Technicon opeRA {RDI Precipitating Reagent} (manual calculations) (61302)
Technicon opeRA {RDI Unitized LipiDirect Magnetic LDL} (manual calculations) (61330)

ANALYTE: Lactate Dehydrogenase (LDH) (3701)

Test System, Assay, Examination:
TECO Diagnostics LDH–L Reagent Set (manual) (61415)
TECO Diagnostics TC 84 (61377)

ANALYTE: Lactate Dehydrogenase Isoenzymes (3721)

Test System, Assay, Examination:
Sebia HYDRASYS {Hydragel 15 ISO–LDH} (58436)

Sebia Hydragel ISO–LDH (manual) (58435)

ANALYTE: Lipase (3711)

Test System, Assay, Examination:
TECO Diagnostics Lipase Reagent Set (manual) (61416)

ANALYTE: Lipoprotein Fractions (3720)

Test System, Assay, Examination:
Helena Laboratories REP 3 Auto-Flur Cholesterol-30 (25273)
Helena Laboratories REP/REP 3 Flur Cholesterol-60 (25272)

ANALYTE: Lipoprotein(a) (Lp(a)) (3755)

Test System, Assay, Examination:
PerImmune Apo-Tek Lp(a) ELISA (49174)
Strategic Diagnostics MACRA Lp(a) ELISA (58515)

ANALYTE: Magnesium (4002)

Test System, Assay, Examination:
TECO Diagnostics Magnesium Reagent Set (manual) (61417)
TECO Diagnostics TC 84 (61377)

ANALYTE: Microalbumin (4019)

Test System, Assay, Examination:
ALPCO ORGenTec Micro-Albumin EIA (04731)
RAIChem Microalbumin Reagent (manual) (55248)

ANALYTE: Microprotein, CSF (4026)

Test System, Assay, Examination:
TECO Diagnostics CSF/Urine Total Protein (manual) (61280)

ANALYTE: Microprotein, Urine (4027)

Test System, Assay, Examination:
TECO Diagnostics CSF/Urine Total Protein (manual) (61280)

ANALYTE: Nuclear Matrix Protein 22 (NMP22) (4322)

Test System, Assay, Examination:
Matritech NMP22 Test (auto calculations) (40305)
Matritech NMP22 Test (manual calculations) (40303)

ANALYTE: Oxalate (4605)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)
Roche Diagnostics Hitachi 736 (55451)

ANALYTE: Phenylalanine (4942)

Test System, Assay, Examination:
Astoria-Pacific API 300 SPOTCHECK System (04696)
Astoria-Pacific SPOTCHECK Analyzer (04781)
Neometrics Accuwell Phenylalanine Assay (43126)
Quantase Phe/Gal (Newborn) Screening Assay (52111)

ANALYTE: Phosphorus (4906)

Test System, Assay, Examination:
TECO Diagnostics Inorganic Phosphorus Reagent Set (manual) (61414)
TECO Diagnostics TC 84 (61377)

ANALYTE: Porphobilinogen (4939)

Test System, Assay, Examination:
Trace America Porphobilinogen (PBG) Test Kit (61276)

ANALYTE: Potassium (4910)

Test System, Assay, Examination:
Roche Diagnostics LyteTek Flame Photometer (55577)
TECO Diagnostics Potassium Reagent Set (manual) (61418)
TECO Diagnostics TC 84 (61377)

ANALYTE: Prealbumin (4911)

Test System, Assay, Examination:
RAIChem Prealbumin SPIA (55284)

ANALYTE: Prostatic Acid Phosphatase (PAP) (4918)

Test System, Assay, Examination:
United Biotech UBI MAGIWEL ELISA for PAP (64049)
Wano-Tech WANO-ASSAY IIA PAP (manual) (70199)

ANALYTE: Protein Fractions (4920)

Test System, Assay, Examination:
Bio-Rad BioFocus Capillary Electrophoresis (with reanalysis) (07934)
Helena Laboratories REP 3 Flur SPE–60 (25274)
Helena Laboratories REP SPE Vis (25286)
Helena Laboratories SPIFE SPE Vis-60 (25287)
Sebia HYDRASYS {Hydragel 7/15/30 B1–B2} (58512)
The Binding Site Serum Protein Electropheresis (SPE) Kit (61389)
The Binding Site Urine Protein Electropheresis (UPE) Kit (61392)

ANALYTE: Protein, Total (4921)

Test System, Assay, Examination:
TECO Diagnostics TC 84 (61377)
TECO Diagnostics Total Protein Reagent Set (manual) (61420)

ANALYTE: Retinol binding protein (RBP) (5507)

Test System, Assay, Examination:
The Binding Site Human Retinol Binding Protein NANORID for Urine (61292)

ANALYTE: Sodium (5805)

Test System, Assay, Examination:
Roche Diagnostics LyteTek Flame Photometer (55577)
TECO Diagnostics Sodium Reagent Set (manual) (61419)
TECO Diagnostics TC 84 (61377)

ANALYTE: Thyroglobulin (6124)

Test System, Assay, Examination:
ALPCO ORGenTec Thyroglobulin ELISA (04773)

ANALYTE: Transferrin Receptor (TfR) (6158)

Test System, Assay, Examination:
R & D Systems Quantikine IVD human sTfR ELISA (55246)
Ramco Laboratories Human Transferrin Receptor (TfR) (55585)

ANALYTE: Triglyceride (6118)

Test System, Assay, Examination:
TECO Diagnostics TC 84 (61377)
TECO Diagnostics Triglyceride Reagent Set (manual) (61421)

ANALYTE: Tyrosine (6143)

Test System, Assay, Examination:
Astoria-Pacific API 300 SPOTCHECK System (04696)
Astoria-Pacific SPOTCHECK Analyzer (04781)

ANALYTE: Urea (BUN) (6403)

Test System, Assay, Examination:
TECO Diagnostics TC 84 (61377)
TECO Diagnostics Urea Nitrogen (BUN) Reagent Set (manual) (61403)

ANALYTE: Uric Acid (6404)

Test System, Assay, Examination:
TECO Diagnostics TC 84 (61377)
TECO Diagnostics Uric Acid Reagent Set (manual) (61422)

SPECIALTY/SUBSPECIALTY: GENERAL IMMUNOLOGY

ANALYTE: Anti-B2 Glycoprotein I (apolipoprotein H) (B2 GPI) (0529)

Test System, Assay, Examination:
INOVA Diagnostics QUANTA Lite B2 GPI IgA (28493)
INOVA Diagnostics QUANTA Lite B2 GPI IgG (28484)
INOVA Diagnostics QUANTA Lite B2 GPI IgM (28494)
INOVA Diagnostics QUANTA Lite B2 GPI Screen (28524)
Shield Diagnostics DIASTAT Anti-Beta 2 Glycoprotein 1 IgG (qualitative) (58542)
Shield Diagnostics DIASTAT Anti-Beta 2 Glycoprotein 1 IgG (semi-quantitative) (58543)
TheraTest Laboratories EL–B2GP1 (IgM, IgG, IgA) (61346)
TheraTest Laboratories EL–B2GP1scr (61345)

ANALYTE: Anti-Cardiolipin Antibodies (0434)

Test System, Assay, Examination:

ALPCO ORGenTec Anti-Cardiolipin (IgG/IgM/IgA) ELISA (screen) (04688)
ALPCO ORGenTec Anti-Cardiolipin (IgG/IgM/IgA) ELISA (semi-quantitative) (04689)
Arlington Scientific Cardiolipin ELISA (04706)
GenBio ImmunoWELL Cardiolipin Ab (IgG) Test (22208)
GenBio ImmunoWELL Cardiolipin Ab (IgM) Test (22207)
Hemagen antiCardiolipin Screen Kit (25276)
IMMCO Diagnostics ImmuLisa Anti-Cardiolipin Ab (ACA) Screen (28515)
The Binding Site BINDAZYME Anticardiolipin IgA EIA (61384)
The Binding Site BINDAZYME Anticardiolipin IgG EIA (61383)
The Binding Site BINDAZYME Anticardiolipin IgGAM Screen EIA (61381)
The Binding Site BINDAZYME Anticardiolipin IgM EIA (61382)
Zeus Scientific Cardiolipin IgA ELISA (79060)
Zeus Scientific Cardiolipin IgG ELISA (79062)
Zeus Scientific Cardiolipin IgG/IgM ELISA (79063)
Zeus Scientific Cardiolipin IgM ELISA (79061)

ANALYTE: Anti-Chromatin Antibodies (0542)

Test System, Assay, Examination:
INOVA Diagnostics QUANTA Lite Chromatin ELISA (28537)

ANALYTE: Anti-DNA Antibodies (0435)

Test System, Assay, Examination:
Arlington Scientific dsDNA ELISA (04707)
Cogent Diagnostics AUTOSTAT II Anti-dsDNA IgG (quantitative) (10320)
Cogent Diagnostics AUTOSTAT II Anti-dsDNA IgG (semi-quantitative) (10321)
Diamedix Immunosimplicity (Is)-dsDNA (manual) (13534)
GenBio ImmunoWELL dsDNA Ab Test (22213)
Hemagen DNA Kit (EIA method) (25265)
IMI MICRO21 {Immuno Concepts Colorzyme nDNA} (28477)
Quest International SeraQuest Anti-dsDNA (manual/qualitative) (52077)
Quest International SeraQuest Anti-dsDNA (manual/semi-quantitative) (52078)
Quest International SeraQuest Anti-dsDNA {Hyperion HyPrep Plus} (manual calculations) (52080)

ANALYTE: Anti-ENA Antibodies (0507)

Test System, Assay, Examination:
Cogent Diagnostics Autostat II Anti-ENA–6 Screen (IgG) ELISA (SS–A/Ro,SS–B/La,Sm,Sm/RNP,Jo-1,Scl-70) (10478)
Diamedix Immunosimplicity (Is)-ENA–6 (Sm,Sm/RNP,SSA,SSB,Scl-70,Jo-1) (manual) (13506)
TheraTest Laboratories EL–ANA PROFILES: EL–ENA/4 (Sm, RNP, SS–A, SS–B) (61376)
TheraTest Laboratories EL–ANA PROFILES: EL–ENA/5 (Sm, RNP, SS–A, SS–B, Scl-70) (61375)
Wampole ENA EIA (Sm,RNP,Ro,La,Scl-70,Jo-1) (70226)

ANALYTE: Anti-Endomysial Antibodies (EMA) (0497)

Test System, Assay, Examination:
INOVA Diagnostics NOVA Lite Endomysial Antibody (28527)
INOVA Diagnostics QUANTA Lite tTG (tissue transglutaminase) ELISA (28533)
The Binding Site Monkey Oesophagus IFA (61358)

ANALYTE: Anti-Gliadin Antibodies (0528)

Test System, Assay, Examination:
Genesis Diagnostics Anti-Gliadin Antibodies (AGA) ELISA (qualitative) (22258)
Genesis Diagnostics Anti-Gliadin Antibodies (AGA) ELISA (semi-quantitative) (22257)
IMMCO Diagnostics ImmuLisa Anti-Gliadin Ab (AGA) (qualitative) (28513)
IMMCO Diagnostics ImmuLisa Anti-Gliadin Ab (AGA) (semi-quantitative) (28514)
INOVA Diagnostics QUANTA Lite IgA Gliadin ELISA (28482)
INOVA Diagnostics QUANTA Lite IgG Gliadin ELISA (28481)
The Binding Site BINDAZYME Antigliadin IgA (61360)
The Binding Site BINDAZYME Antigliadin IgG (61359)
The Binding Site BINDAZYME Antigliadin IgG/IgA Combi (61361)

ANALYTE: Anti-Gliadin/Tissue Transglutaminase (tTG) (0544)

Test System, Assay, Examination:
INOVA Diagnostics QUANTA Lite Celiac Screen ELISA (IgA) (28555)

ANALYTE: Anti-Glomerular Basement Membrane (GBM) Antibodies (0524)

Test System, Assay, Examination:
Euro-Diagnostica Immunoscan Anti-GMB (16190)
INOVA Diagnostics QUANTA Lite GBM ELISA (IgG) (28554)
The Binding Site BINDAZYME Anti-GMB EIA (qualitative) (61385)
The Binding Site BINDAZYME Anti-GMB EIA (quantitative) (61386)
Wieslab AB Wielisa anti-GBM Test (70221)
Wieslab AB Wielisa anti-GBM, ANCA Screening Kit (70227)

ANALYTE: Anti-Histone Antibodies (0437)

Test System, Assay, Examination:
Arlington Scientific Histone ELISA (04709)
Wampole Histone EIA (70224)

ANALYTE: Anti-Jo-1 (0438)

Test System, Assay, Examination:
ALPCO ORGenTec Anti-Jo-1 ELISA (04687)
Arlington Scientific Jo-1 ELISA (04710)
Cogent Diagnostics Autostat II Anti-Jo-1 (IgG) ELISA (10474)
Diamedix Immunosimplicity (Is)-anti-Jo-1 (manual) (13537)
MarDx ENA IgG MARSTRIPE Immunostripe System (40267)

ANALYTE: Anti-Mitochondrial Antibodies (AMTA) (0439)

Test System, Assay, Examination:
Arlington Scientific Mitochondrial ELISA (04708)
Hemagen VIRGO AMA EIA (25275)
The Binding Site Mouse Liver, Kidney, Stomach IFA (61290)
Wampole Mitochondria EIA (70225)

ANALYTE: Anti-Myeloperoxidase (MPO) Antibodies (0505)

Test System, Assay, Examination:
ALPCO ORGenTec Anti-MPO (p-ANCA) ELISA (04790)
Euro-Diagnostica Immunoscan MPO-ANCA (16188)
Hemagen VIRGO pANCA EIA (25284)
INOVA Diagnostics QUANTA Lite MPO IgG ELISA (28530)
The Binding Site BINDAZYME Anti-MPO EIA (61350)
Wieslab AB Wielisa ANCA Screening Kit (70228)
Wieslab AB Wielisa MPO ANCA Test (70223)
Wieslab AB Wielisa anti-GBM, ANCA Screening Kit (70227)
Zeus Scientific Myeloperoxidase IgG ELISA (79057)

ANALYTE: Anti-Neutrophil Cytoplasm Antibodies (ANCA) (0440)

Test System, Assay, Examination:
Hemagen VIRGO ANCA Screen EIA (25282)
Immco Diagnostics ImmuGlo Anti-Neutrophil Cytoplasmic Antibody (ANCA) (28549)
The Binding Site ANCA Combi Kit (61291)
Zeus Scientific ANCA Screen ELISA (79058)

ANALYTE: Anti-Nuclear Antibodies (ANA) (0441)

Test System, Assay, Examination:
- Cogent Diagnostics Autostat II ANA Screen (IgG) ELISA (10476)
- Diamedix Immunosimplicity (Is) ANA Screen (manual) (13541)
- Helix Diagnostics Antinuclear Antibody Screen EIA (dsDNA, Histone, SSA, SSB, Sm, SmRNP, Scl-70, Jo-1, Centromere) (25294) INOVA Diagnostics QUANTA Lite ANA ELISA (dsDNA, Histone, Sm/RNP, SSA, SSB, Scl-70, Centromere, PCNA, Jo-1, M–2, Ribosomal-P) (28564)
- Immuno Concepts RELISA ANA Screening Test (28565)
- Reaads Medical Products Antinuclear Antibody (ANA) Test Kit (55302)
- Scimedx HEp2 ANA IFA (58453)
- The Binding Site HEp2 Cell ANA (61296)
- The Binding Site Mouse Liver, Kidney, Stomach IFA (61290) elias usa ANA HEp-2 (16141)

ANALYTE: Anti-Parietal Cell Antibodies (0442)

Test System, Assay, Examination:
- The Binding Site Mouse Liver, Kidney, Stomach IFA (61290)

ANALYTE: Anti-Phosphatidylserine Antibodies (0521)

Test System, Assay, Examination:
- Reaads Medical Products Anti-Phosphatidylserine Semi-Quantitative Test Kit (55186)

ANALYTE: Anti-Platelet Factor IV complex Antibodies (0545)

Test System, Assay, Examination:
- Genetic Testing Institute GTI–PF4 ELISA (22261)

ANALYTE: Anti-Proteinase-3 (PR–3) Antibodies (0525)

Test System, Assay, Examination:
- ALPCO ORGenTec Anti-PR3 (c-ANCA) ELISA (04789)
- Cogent Diagnostics Autostat II Anti-PR-3 c-ANCA (IgG) ELISA (10477)
- Euro-Diagnostica Immunoscan PR3–ANCA (anti-PR3 specific) (16189)
- Hemagen VIRGO cANCA EIA (25283)
- Hycor HY–TEC Anti-PR–3 c-ANCA (IgG) ELISA (manual) (25293)
- The Binding Site BINDAZYME Anti-PR3 EIA (61349)
- Wieslab AB Wielisa ANCA Screening Kit (70228)
- Wieslab AB Wielisa PR–3 ANCA Test (70222)
- Wieslab AB Wielisa anti-GBM, ANCA Screening Kit (70227)
- Zeus Scientific Proteinase-3 IgG ELISA (79054)

ANALYTE: Anti-RNP (Ribonucleoprotein) (0443)

Test System, Assay, Examination:
- Arlington Scientific ANA Profile I ELISA (04711)
- Arlington Scientific ENA Profile ELISA (04712)
- Arlington Scientific Sm/RNP ELISA (04713)
- Cogent Diagnostics Autostat II Anti-Sm/RNP (IgG) ELISA (10471)
- GenBio ImmunoWELL RNP/Sm Ab Test (22206)
- MarDx ENA IgG MARSTRIPE Immunostripe System (40267)

ANALYTE: Anti-RNP-Sm Antibodies (0502)

Test System, Assay, Examination:
- ALPCO ORGenTec Anti-RNP/Sm ELISA (04686)
- Diamedix Immunosimplicity (Is)-anti-Sm/RNP (manual) (13535)
- Quest International SeraQuest Anti-Sm/RNP (manual/qualitative) (52093)
- Quest International SeraQuest Anti-Sm/RNP (manual/semi-quantitative) (52094)
- Quest International SeraQuest Anti-Sm/RNP {Hyperion HyPrep Plus} (manual calculations) (52096) elias usa Varelisa ANA Profile (4) I EIA (Sm,RNP–Sm,SS–A,SS–B) (16134)

ANALYTE: Anti-Ribosomal P Antibodies (0445)

Test System, Assay, Examination:
- INOVA Diagnostics QUANTA Lite Ribosome P ELISA (28528)

ANALYTE: Anti-SS-A/Ro (0446)

Test System, Assay, Examination:
- ALPCO ORGenTec Anti-SS-A(Ro) ELISA (04691)
- Arlington Scientific ANA Profile I ELISA (04711)
- Arlington Scientific ENA Profile ELISA (04712)
- Arlington Scientific SS–A ELISA (04714)
- Cogent Diagnostics Autostat II Anti-SS–A/Ro (IgG) ELISA (10475)
- Diamedix Immunosimplicity (Is)-anti-SSA (manual) (13540)
- GenBio ImmunoWELL SS–A (Ro) Antibody Test (22199)
- MarDx ENA IgG MARSTRIPE Immunostripe System (40267)
- Quest International SeraQuest Anti-SSA (manual/qualitative) (52089)
- Quest International SeraQuest Anti-SSA (manual/semi-quantitative) (52090)
- Quest International SeraQuest Anti-SSA {Hyperion HyPrep Plus} (manual calculations) (52092)
- elias usa Varelisa ANA Profile (4) I EIA (Sm,RNP–Sm,SS–A,SS–B) (16134)

ANALYTE: Anti-SS–B/La (0447)

Test System, Assay, Examination:
- ALPCO ORGenTec Anti-SS–B(La) ELISA (04690)
- Arlington Scientific ANA Profile I ELISA (04711)
- Arlington Scientific ENA Profile ELISA (04712)
- Arlington Scientific SS–B ELISA (04715)
- Cogent Diagnostics Autostat II Anti-SS–B/La (IgG) ELISA (10473)
- Diamedix Immunosimplicity (Is)-anti-SSB (manual) (13539)
- GenBio ImmunoWELL SS–B (La) Antibody Test (22200)
- MarDx ENA IgG MARSTRIPE Immunostripe System (40267)
- Quest International SeraQuest Anti-SSB (manual/qualitative) (52083)
- Quest International SeraQuest Anti-SSB (manual/semi-quantitative) (52084)
- Quest International SeraQuest Anti-SSB {Hyperion HyPrep Plus} (manual calculations) (52082)
- elias usa Varelisa ANA Profile (4) I EIA (Sm,RNP–Sm,SS–A,SS–B) (16134)

ANALYTE: Anti-Scl-70 (0448)

Test System, Assay, Examination:
- ALPCO ORGenTec Anti-SCL 70 ELISA (04693)
- Arlington Scientific Scl-70 ELISA (04716)
- Cogent Diagnostics Autostat II Anti-Scl-70 (IgG) ELISA (10470)
- Diamedix Immunosimplicity (Is)-anti-Scl-70 (manual) (13536)
- MarDx ENA IgG MARSTRIPE Immunostripe System (40267)

ANALYTE: Anti-Serine Protease 3 (PR3) Antibodies (0522)

Test System, Assay, Examination:
- INOVA Diagnostics QUANTA Lite PR3 IgG ELISA (28529)

ANALYTE: Anti-Skin (Epidermal) Antibodies (0449)

Test System, Assay, Examination:
- The Binding Site Monkey Oesophagus IFA (61358)

ANALYTE: Anti-Sm (Smith) (0450)

Test System, Assay, Examination:
- ALPCO ORGenTec Anti-Sm(Smith) ELISA (04692)
- Arlington Scientific ANA Profile I ELISA (04711)
- Arlington Scientific ENA Profile ELISA (04712)
- Arlington Scientific Sm ELISA (04717)
- Arlington Scientific Sm/RNP ELISA (04713)

Cogent Diagnostics Autostat II Anti-Sm (IgG) ELISA (10472)
Cogent Diagnostics Autostat II Anti-Sm/RNP (IgG) ELISA (10471)
Diamedix Immunosimplicity (Is)-anti-Sm (manual) (13538)
GenBio ImmunoWELL RNP/Sm Ab Test (22206)
GenBio ImmunoWELL Sm Antibody Test (22201)
MarDx ENA IgG MARSTRIPE Immunostripe System (40267)
Quest International SeraQuest Anti-Sm (manual/qualitative) (52085)
Quest International SeraQuest Anti-Sm (manual/semi-quantitative) (52086)
Quest International SeraQuest Anti-Sm {Hyperion HyPrep Plus} (manual calculations) (52088)
elias usa Varelisa ANA Profile (4) I EIA (Sm,RNP–Sm,SS–A,SS–B) (16134)

ANALYTE: Anti-Smooth Muscle Antibodies (ASMA) (0451)

Test System, Assay, Examination:
The Binding Site Mouse Liver, Kidney, Stomach IFA (61290)

ANALYTE: Anti-Thyroglobulin Antibodies (0453)

Test System, Assay, Examination:
Alfa Scientific Designs Anti-Thyroglobulin (Anti-Tg) Microplate ELISA (04842)
GenBio ImmunoWELL Thyroglobulin Ab Test (22211)
Hycor HY–TEC Thyroglobulin (TG) Antibodies (manual) (25269)
Monobind Anti-Thyroglobulin (Anti-Tg) Microplate ELISA (40287)
The Binding Site BINDAZYME Anti-Thyroglobulin EIA (61387)
Zeus Scientific Thyroglobulin IgG ELISA (79067)

ANALYTE: Anti-Thyroid Microsomal Antibodies (AMA) (0455)

Test System, Assay, Examination:
GenBio ImmunoWELL Microsomal(Recomb.TPO)Ab Test (22198)
GenBio ImmunoWELL Microsome (TPO) Ab Test (22212)

ANALYTE: Anti-Thyroid Peroxidase (TPO) Antibodies (0527)

Test System, Assay, Examination:
Alfa Scientific Designs Anti-Thyroid Peroxidase (Anti-TPO) Microplate ELISA (04840)
Hycor HY–TEC Thyroid Microsomal (TPO) Antibodies (manual) (25271)
INOVA Diagnostics QUANTA Lite TPO ELISA (28531)
Immco Diagnostics ImmuLisa Anti-Thyroid Peroxidase (TPO) Ab (28442)
Monobind Anti-Thyroid Peroxidase (Anti-TPO) Microplate ELISA (40290)
The Binding Site BINDAZYME Anti-TPO EIA (61388)

ANALYTE: Beta-2 microglobulin (0703)

Test System, Assay, Examination:
R & D Systems Quantikine IVD B–2 Microglobin EIA (55242)

ANALYTE: C-Reactive Protein (CRP) (1001)

Test System, Assay, Examination:
Diagnostic Systems Active C-Reactive Protein ELISA (13555)
United Biotech UBI MAGIWEL CRP Quantitative (64039)

ANALYTE: Chlamydia Antibodies, species non-specific (1139)

Test System, Assay, Examination:
Wampole Chlamydia IgG ELISA (70212)

ANALYTE: Complement, Total (1046)

Test System, Assay, Examination:
Quidel CH50 Eq EIA (52102)

ANALYTE: Cytomegalovirus Antibodies (1039)

Test System, Assay, Examination:
Diamedix Immunosimplicity (Is)-CMV IgG (manual/qualitative) (13514)
Diamedix Immunosimplicity (Is)-CMV IgG (manual/semi-quantitative) (13515)
GenBio Cytomegalovirus IgG IFA Test (22218)
GenBio Cytomegalovirus IgM IFA Test (22219)
Hemagen CMV IgG ELISA (qualitative) (25181)
Hemagen CMV IgG ELISA (semi-quantitative) (25177)
INOVA Diagnostics QUANTA Lite CMV IgG ELISA (28509)
Quest International SeraQuest CMV IgM (manual/qualitative) (52107)
Quest International SeraQuest CMV IgM (manual/semi-quantitative) (52108)
Quest International SeraQuest CMV IgM {Hyperion HyPrep Plus} (manual calculations) (52110)

ANALYTE: Epstein-Barr virus Antibodies (1603)

Test System, Assay, Examination:
Diamedix Immunosimplicity (Is)-EBNA–1 IgG (manual) (13558)
Diamedix Immunosimplicity (Is)-EBV-VCA IgG (manual) (13556)
Zeus Scientific Epstein-Barr Virus (EBV) Early Antigen (EA) IgG ELISA (79065)

ANALYTE: HIV Antibodies (2506)

Test System, Assay, Examination:
Calypte HIV–1 Urine EIA (10481)

ANALYTE: Helicobacter pylori Antibodies (2513)

Test System, Assay, Examination:
AMDL PyloriProbe ELISA (04795)
Alfa Scientific Designs Helicobacter pylori IgG ELISA (04836)
INOVA Diagnostics QUANTA Lite H. Pylori IgG ELISA (28553)
Micro Detect PYLORI DETECT IgG (40297)
Shield Diagnostics Helico G2 (58506)
Wampole H. Pylori IgG ELISA (70198)
Zeus Scientific Helicobactor pylori ELISA (79064)

ANALYTE: Herpes simplex I and/or II Antibodies (2530)

Test System, Assay, Examination:
Diamedix Immunosimplicity (Is)-HSV 1 & 2 IgG (manual) (13502)
GenBio Herpes simplex Virus IgG IFA Test (22214)
GenBio Herpes simplex Virus IgM IFA Test (22215)
Gull Laboratories Herpes Simplex Virus 1&2 IgG ELISA (manual/qualitative) (22259)
Quest International SeraQuest HSV IgG (manual/qualitative) (52049)
Quest International SeraQuest HSV IgG (manual/semi-quantitative) (52050)
Quest International SeraQuest HSV IgG {Hyperion HyPrep Plus} (manual calculations) (52051)
Wampole Herpes Group IgG ELISA (70210)

ANALYTE: Human Anti-Mouse Antibodies (HAMA) (2573)

Test System, Assay, Examination:
Scimedx ImmuSTRIP HAMA IgG ELISA (58539)

ANALYTE: Human Anti-Rabbit Antibodies (2575)

Test System, Assay, Examination:
Sangstat ThymoStat ELISA (58574)

ANALYTE: Immunoglobulins—monoclonal/polyclonal (2802)

Test System, Assay, Examination:
Helena laboratories SPIFE Immunofix-6 (25288)
Sebia HYDRASYS {Hydragel 2/4 Bence Jones} (58525)
Sebia Hydragel Bence Jones (manual) (58526)

ANALYTE: Immunoglobulins IgG subclasses (2807)

Test System, Assay, Examination:
Beckman Array {Inova Diagnostics Peliclass human IgG subclass} (manual curve) (08142)
Beckman Array {The Binding Site IgG Subclasses} (manual curve) (07921)

ANALYTE: Legionella Antibodies (3707)

Test System, Assay, Examination:
- Scimedx Legionella Indirect Ab Fluorescent Test System (58455)
- Wampole Legionella pneumophilia IgG/IgM ELISA (70211)
- Zeus Scientific Legionella (IgG/IgM/IgA) ELISA (79055)

ANALYTE: Lyme Disease Antibodies (Borrelia burgdorferi Abs) (3714)

Test System, Assay, Examination:
- Boston Biomedica BBI-Biotech B. burgdorferi IgM Western Blot (08193)
- Cambridge Biotech Human Lyme B. burgdorferi IgG Western Blot (10443)
- Cambridge Biotech Human Lyme B. burgdorferi IgM Western Blot (10444)
- Cambridge Diagnostics Ireland Human Lyme B. burgdorferi IgG Western Blot (10446)
- Cambridge Diagnostics Ireland Human Lyme B. burgdorferi IgM Western Blot (10447)
- GenBio ImmunoWELL Borrelia (Lyme) Test (22197)
- GenBio ImmunoWELL Recombinant P39 (Lyme) Test (22203)
- INOVA Diagnostics QUANTA Lite Lyme B. burgdorferi IgG ELISA (28559)
- INOVA Diagnostics QUANTA Lite Lyme B. burgdorferi IgM ELISA (28558)
- Wampole Borrelia burgdorferi IgG/IgM ELISA (70218)
- Wampole Borrelia burgdorferi IgM ELISA (70217)

ANALYTE: Lymphocytes, CD3 (3760)

Test System, Assay, Examination:
- Coulter EPICS XL System {CYTO–STAT CD3–FITC/CD56–RD1} (10466)

ANALYTE: Lymphocytes, CD3/CD4/CD45 (3769)

Test System, Assay, Examination:
- Coulter EPICS XL System {CYTO-COMP/ImmunoPrep} (10396)
- Coulter Profile System {CYTO-COMP/ImmunoPrep} (10397)

ANALYTE: Lymphocytes, CD3/CD4/CD8 (3771)

Test System, Assay, Examination:
- Coulter EPICS XL System {CYTO-COMP/ImmunoPrep} (10396)
- Coulter Profile System {CYTO-COMP/ImmunoPrep} (10397)

ANALYTE: Lymphocytes, CD3/CD4/CD8/CD45 (3775)

Test System, Assay, Examination:
- Coulter EPICS XL/tetraONE System {CYTO–COMP/ImmunoPrep} (10395)

ANALYTE: Lymphocytes, CD3/CD8/CD45 (3776)

Test System, Assay, Examination:
- Coulter EPICS XL System {CYTO-COMP/ImmunoPrep} (10396)
- Coulter Profile System {CYTO-COMP/ImmunoPrep} (10397)

ANALYTE: Lymphocytes, CD45/CD19 (3782)

Test System, Assay, Examination:
- Coulter EPICS XL System {CYTO-STAT triCHROME CD45–FITC/CD19–RD1/CD3–PC5} (10465)

ANALYTE: Lymphocytes, CD45/CD3 (3780)

Test System, Assay, Examination:
- Coulter EPICS XL System {CYTO-STAT triCHROME CD45–FITC/CD19–RD1/CD3–PC5} (10465)
- Coulter EPICS XL System {CYTO-STAT triCHROME CD45–FITC/CD56–RD1/CD3–PC5} (10464)

ANALYTE: Lymphocytes, CD45/CD56 (3781)

Test System, Assay, Examination:
- Coulter EPICS XL System {CYTO-STAT triCHROME CD45–FITC/CD56–RD1/CD3–PC5} (10464)

ANALYTE: Lymphocytes, CD56 (3779)

Test System, Assay, Examination:
- Coulter EPICS XL System {CYTO-STAT CD3–FITC/CD56–RD1} (10466)

ANALYTE: Mumps Antibodies (4007)

Test System, Assay, Examination:
- Gull Laboratories Mumps IgG ELISA (manual/qualitative) (22232)
- Gull Laboratories Mumps IgG ELISA (manual/semi-quantitative) (22231)
- Quest International SeraQuest Mumps IgG (manual/qualitative) (52097)
- Quest International SeraQuest Mumps IgG (manual/semi-quantitative) (52098)
- Quest International SeraQuest Mumps IgG {Hyperion HyPrep Plus} (manual calculations) (52100)

ANALYTE: Mycoplasma pneumoniae Antibodies (4016)

Test System, Assay, Examination:
- GenBio ImmunoWELL Mycoplasma Pneumoniae Antibody (IgG) (22190)
- GenBio ImmunoWELL Mycoplasma Pneumoniae Antibody (IgM) (22189)
- Wampole Mycoplasma IgG ELISA (70220)
- Zeus Scientific Mycoplasma IgG ELISA (79056)
- Zeus Scientific Mycoplasma IgM ELISA (79059)

ANALYTE: Rheumatoid Factor (RF) (5508)

Test System, Assay, Examination:
- Diamedix Immunosimplicity (Is)-RF (manual) (13533)
- INOVA Diagnostics QUANTA Lite RF IgA ELISA (28551)
- INOVA Diagnostics QUANTA Lite RF IgG ELISA (28552)
- INOVA Diagnostics QUANTA Lite RF IgM (28483)
- RAIChem RF SPIA (55283)
- TheraTest Laboratories EL–RFscr (61269)

ANALYTE: Rubella Antibodies (5510)

Test System, Assay, Examination:
- Diamedix Immunosimplicity (Is)-Rubella IgG (manual/qualitative) (13511)
- Diamedix Immunosimplicity (Is)-Rubella IgG (manual/quantitative) (13512)
- INOVA Diagnostics QUANTA Lite Rubella IgG ELISA (Arbitrary Unit (SRU) Assay) (28522)
- INOVA Diagnostics QUANTA Lite Rubella IgG ELISA (Quantitative Assay) (28523)
- Incstar Rubella IgG "fast" ELISA Kit (28472)
- Incstar Rubella IgG ELISA Kit (28473)
- Quest International SeraQuest Rubella IgM (manual/qualitative) (52103)
- Quest International SeraQuest Rubella IgM (manual/semi-quantitative) (52104)
- Quest International SeraQuest Rubella IgM {Hyperion HyPrep Plus} (manual calculations) (52106)

ANALYTE: Rubeola Antibodies (measles) (5511)

Test System, Assay, Examination:
- Diamedix Immunosimplicity (Is)-Measles IgG (manual) (13532)
- INOVA Diagnostics QUANTA Lite Rubeola (Measles) IgG ELISA (28485)
- Quest International SeraQuest Measles IgG (manual/qualitative) (52069)
- Quest International SeraQuest Measles IgG (manual/semi-quantitative) (52070)
- Quest International SeraQuest Measles IgG {Hyperion HyPrep Plus} (manual calculations) (52072)

ANALYTE: Tissue (Cell) Antigens (6163)

Test System, Assay, Examination:
- DAKO Envision System, HRP (13499)
- DAKO LSAB 2 Kit, HRP (13500)
- Ventana AEC Detection Kit (67081)
- Ventana Blue Alkaline Phosphatase Blue Detection Kit (67099)
- Ventana DAB Detection Kit (tissue specimen) (67083)
- Ventana Red, Alkaline Phosphatase

Fast Red Detection Kit (tissue specimen) (67082)

ANALYTE: Toxoplasma gondii Antibodies (6113)

Test System, Assay, Examination:
Diamedix Immunosimplicity (Is)-Toxoplasma IgG (manual/qualitative) (13508)
Diamedix Immunosimplicity (Is)-Toxoplasma IgG (manual/quantitative) (13509)
GenBio Toxoplasmosis IgG IFA Test (22217)
GenBio Toxoplasmosis IgM IFA Test (22216)
Gull Laboratories Toxo IgG ELISA (qualitative) (22188)
Gull Laboratories Toxo IgG ELISA (quantitative) (22187)
INOVA Diagnostics QUANTA Lite Toxoplasma IgG ELISA (28508)
Incstar Toxoplasma IgG "fast" ELISA Kit (28468)
Incstar Toxoplasma IgG ELISA Kit (28469)
Quest International SeraQuest Toxo IgM (manual/qualitative) (52057)
Quest International SeraQuest Toxo IgM (manual/semi-quantitative) (52058)
Quest International SeraQuest Toxo IgM {Hyperion HyPrep Plus} (manual calculations) (52059)

ANALYTE: Treponema pallidum Antibodies (includes Reagin) (6115)

Test System, Assay, Examination:
Fujirebio Serodia-TP.PA (19033)
Lee Laboratories VDRL (37113)

ANALYTE: Varicella-Zoster Virus Antibodies (6704)

Test System, Assay, Examination:
Diamedix Immunosimplicity (Is)-VZV IgG (manual) (13504)
Quest International SeraQuest VZV IgG (manual/qualitative) (52064)
Quest International SeraQuest VZV IgG (manual/semi-quantitative) (52065)
Quest International SeraQuest VZV IgG {Hyperion HyPrep Plus} (manual calculations) (52066)

SPECIALTY/SUBSPECIALTY: HEMATOLOGY

ANALYTE: Activated Factor XII (FXIIa) (0541)

Test System, Assay, Examination:
Shield Diagnostics Activated Factor XII (FXIIa) ELISA (58535)

ANALYTE: Activated Protein C (APC) Resistance (0526)

Test System, Assay, Examination:
Behring ProC APC (manual) (07828)
Chromogenix COATEST APC Resistance V (manual) (10388)
Chromogenix COATEST APC Resistance V–S (manual) (10389)

ANALYTE: Alpha-2–Antiplasmin (0463)

Test System, Assay, Examination:
Chromogenix Coamatic Plasmin Inhibitor (manual) (10456)
Instrumentation Laboratory IL ACL 100 (28073)
Instrumentation Laboratory IL ACL 1000 (28074)
Instrumentation Laboratory IL ACL 200 {Chromogenix Coamatic Plasmin Inhibitor} (28543)
Instrumentation Laboratory IL ACL 300 {Chromogenix Coamatic Plasmin Inhibitor} (28544)
Instrumentation Laboratory IL ACL 7000 (28487)
Instrumentation Laboratory IL ACL Futura System (28395)
Medical Laboratory MLA Electra 1000C {Chromogenix Coamatic Plasmin Inhibitor} (40317)
Medical Laboratory MLA Electra 1400C {Chromogenix Coamatic Plasmin Inhibitor} (40318)
Medical Laboratory MLA Electra 1600C {Chromogenix Coamatic Plasmin Inhibitor} (40319)
Medical Laboratory MLA Electra 1800C (40282)
Medical Laboratory MLA Electra 900C {Chromogenix Coamatic Plasmin Inhibitor} (40316)
Roche Cobas Mira {Chromogenix Coamatic Plasmin Inhibitor} (55313)

ANALYTE: Antithrombin III (ATIII) (0456)

Test System, Assay, Examination:
Biopool Spectrolyse Antithrombin III (anti-Xa) (07929)
Dade Antithrombin III Chromogenic Assay (13488)
Dade Behring Sysmex CA–500 Series (13548)
Instrumentation Laboratory IL ACL 100 (28073)
Instrumentation Laboratory IL ACL 1000 (28074)
Instrumentation Laboratory IL ACL 7000 (28487)
Medical Laboratory MLA Electra 1000C {Sigma Diagnostics ACCUCOLOR Antithrombin III} (40302)
Medical Laboratory MLA Electra 1800C (40282)
Medical Laboratory MLA Electra 900C {Sigma Diagnostics ACCUCOLOR Antithrombin III} (40301)
Organon Teknika Coag-A-Mate MTX (46269)
Sigma Diagnostics Amelung CS–400 (auto dilution) (58517)
Sigma Diagnostics Amelung CS–400 (manual dilution) (58516)
TOA Medical Electronics CA–6000 (61283)

ANALYTE: Cerebrospinal Fluid Microscopic Elements (1061)

Test System, Assay, Examination:
IMI MICRO21 {CSF Microscopic Cytoanalysis} (with cytospin) (28499)

ANALYTE: Coagulation Factors (1044)

Test System, Assay, Examination:
American Bioproducts ST4 BIO (04728)
Boehringer Mannheim Hitachi 704 {Chromogenix Coamatic Factor VIII} (08143)
Boehringer Mannheim Hitachi 717 {Chromogenix Coamatic Factor VIII} (08144)
Chromogenix Coamatic Factor VIII (manual) (10457)
Helena Laboratories THOR (25267)
Instrumentation Laboratory IL ACL 200 {Chromogenix Coamatic Factor VIII} (28541)
Instrumentation Laboratory IL ACL 300 {Chromogenix Coamatic Factor VIII} (28542)
Instrumentation Laboratory IL ACL 7000 (28487)
Medical Laboratory MLA Electra 1000C {Chromogenix Coamatic Factor VIII} (40315)
Medical Laboratory MLA Electra 1800C (40282)
Medical Laboratory MLA Electra 900C {Chromogenix Coamatic Factor VIII} (40314)
Organon Teknika Coag-A-Mate MTX (46269)
Roche Cobas Bio {Chromogenix Coamatic Factor VIII} (55311)
Roche Cobas FARA {Chromogenix Coamatic Factor VIII} (55310)
Roche Cobas Mira {Chromogenix Coamatic Factor VIII} (55312)
Roche Diagnostics Hitachi 704 {Chromogenix Coamatic Factor VIII} (55376)
Roche Diagnostics Hitachi 717 {Chromogenix Coamatic Factor VIII} (55411)
Sigma Diagnostics Amelung CS–400 (auto dilution) (58517)
Sigma Diagnostics Amelung CS–400 (manual dilution) (58516)
TOA Medical Electronics CA–6000 (61283)
Technicon RA–XT {Chromogenix Coamatic Factor VIII} (61379)
Technicon RA 1000 {Chromogenix Coamatic Factor VIII} (61378)
Technicon RA 2000 {Chromogenix Coamatic Factor VIII} (61380)

ANALYTE: Fibrin(ogen) Split/ Degradation Products (FSP/FDP) (1904)

Test System, Assay, Examination:

Organon Teknika Fibrinostika FgDP Microelisa System (46225)

ANALYTE: Fibrinogen (1905)

Test System, Assay, Examination:
American Biogenetic Sciences FiF Test (04775)

ANALYTE: Hemoglobin (2515)

Test System, Assay, Examination:
TECO Diagnostics Hemoglobin Reagent Set (manual) (61413)
TECO Diagnostics TC 84 (61377)

ANALYTE: Heparin (2518)

Test System, Assay, Examination:
American Bioproducts ST4 BIO (04728)
Biopool Spectrolyse Heparin (anti-IIa) (08022)
Instrumentation Laboratory IL ACL 7000 (28487)
Medical Laboratory MLA Electra 1800C (40282)
Organon Teknika Multi Channel Discrete Analyzer (MDA–180) (46144)

ANALYTE: Heparin, Low Molecular Weight (LMWH) (2558)

Test System, Assay, Examination:
Organon Teknika Multi Channel Discrete Analyzer (MDA–180) (46144)

ANALYTE: Leukocyte Alkaline Phosphatase (LAP) (3777)

Test System, Assay, Examination:
ChromaVision MDx 2000 Digital Analyzer (10404)

ANALYTE: Plasminogen (4907)

Test System, Assay, Examination:
Chromogenix Coamatic Plasminogen (manual) (10454)
Instrumentation Laboratory IL ACL 100 (28073)
Instrumentation Laboratory IL ACL 1000 (28074)
Instrumentation Laboratory IL ACL 200 {Chromogenix Coamatic Plasminogen} (28539)
Instrumentation Laboratory IL ACL 300 {Chromogenix Coamatic Plasminogen} (28540)
Instrumentation Laboratory IL ACL 7000 (28487)
Instrumentation Laboratory IL ACL Futura System (28395)
Medical Laboratory MLA Electra 1000C {Chromogenix Coamatic Plasminogen} (40313)
Medical Laboratory MLA Electra 1800C (40282)
Medical Laboratory MLA Electra 900C {Chromogenix Coamatic Plasminogen} (40312)
Roche Cobas Bio {Chromogenix Coamatic Plasminogen} (55308)
Roche Cobas FARA {Chromogenix Coamatic Plasminogen} (55309)
Roche Cobas Mira {Chromogenix Coamatic Plasminogen} (55307)
TOA Medical Electronics CA–6000 (61283)

ANALYTE: Plasminogen Activator Inhibitor (PAI) (4936)

Test System, Assay, Examination:
Biopool Chromolize PAI–1 (07927)
Dade Plasminogen Activator Inhibitor-1 (PAI) (13491)
Medical Laboratory MLA Electra 1800C (40282)

ANALYTE: Platelet Count (4908)

Test System, Assay, Examination:
Coulter Z2 Analyzer (10479)

ANALYTE: Protein C (4929)

Test System, Assay, Examination:
American Bioproducts ST4 BIO (04728)
Instrumentation Laboratory IL ACL 7000 (28487)
Instrumentation Laboratory IL ACL Futura System (28395)
Medical Laboratory MLA Electra 1800C (40282)
Reaads Medical Products Protein C Antigen Test Kit (55288)
Roche Diagnostics Hitachi 704 (55367)
Roche Diagnostics Hitachi 717 (55401)

ANALYTE: Protein S (4930)

Test System, Assay, Examination:
American Bioproducts ST4 BIO (04728)
Instrumentation Laboratory IL ACL 7000 (28487)
Reaads Medical Products Protein S Antigen Test Kit (55286)
The Binding Site Human Protein S 'NL' NANORID RID (61228)

ANALYTE: Red Blood Cell Count (Erythrocyte Count) (RBC) (5502)

Test System, Assay, Examination:
Coulter Z2 Analyzer (10479)

ANALYTE: Thrombus precursor Protein (TpP) (6162)

Test System, Assay, Examination:
American Biogenetic Sciences TpP EIA (04774)

ANALYTE: Tissue Plasminogen Activator (t-PA) (6130)

Test System, Assay, Examination:
Biopool Chromolize tPA Assay Kit (07928)
Diagnostica Stago ASSERACHROM tPA (13475)

ANALYTE: White Blood Cell Count (Leukocyte Count) (WBC) (7002)

Test System, Assay, Examination:
Coulter Z2 Analyzer (10479)

ANALYTE: White Blood Cell Differential (WBC Diff) (7001)

Test System, Assay, Examination:
IMI MICRO21 {with WBC Estimate} (with interpretation of abnormal/immature cells) (28517)

ANALYTE: von Willebrand Factor (6708)

Test System, Assay, Examination:
Ramco Laboratories VFE (55586)
Reaads Medical Products von Willebrand Factor Antigen Test Kit (55287)
Shield Diagnostics von Willebrand Factor Activity Kit (58445)

ANALYTE: von Willebrand Factor (Ristocetin Cofactor) (6711)

Test System, Assay, Examination:
Behring Coagulation Timer (BCT) (07824)

SPECIALTY/SUBSPECIALTY: IMMUNOHEMATOLOGY

ANALYTE: Fetal RBCs—Maternal Blood (fetal-maternal bleed) (1903)

Test System, Assay, Examination:
BCA Fetal D Tection Kit (08124)

SPECIALTY/SUBSPECIALTY: MYCOBACTERIOLOGY

ANALYTE: Mycobacteria (4024)

Test System, Assay, Examination:
Becton Dickinson BACTEC MGIT 960 System (08189)
Organon Teknika BacT/ALERT 3D (46292)

SPECIALTY/SUBSPECIALTY: PARASITOLOGY

ANALYTE: Cryptosporidium (1109)

Test System, Assay, Examination:
TechLab Cryptosporidium TEST (direct Ag/spectrophotometric) (61356)
TechLab Cryptosporidium TEST (direct Ag/visual) (61357)

ANALYTE: Giardia lamblia (2222)

Test System, Assay, Examination:
TechLab GIARDIA TEST (61277)

SPECIALTY/SUBSPECIALTY: TOXICOLOGY / TDM

ANALYTE: Amphetamines (0428)

Test System, Assay, Examination:
Beckman Synchron LX System {CEDIA DAU} (manual curve) (08078)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (manual curve) (55375)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (manual curve)

(55409)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (manual curve) (55484)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (manual curve) (55521)
United Biotech UBI MAGIWEL ELISA for Amphetamine Metabolites (64040)

ANALYTE: Barbiturates (0701)

Test System, Assay, Examination:
Beckman Synchron LX System {CEDIA DAU} (manual curve) (08078)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (manual curve) (55375)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (manual curve) (55409)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (manual curve) (55484)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (manual curve) (55521)

ANALYTE: Benzodiazepines (0702)

Test System, Assay, Examination:
Beckman Synchron LX System {CEDIA DAU} (manual curve) (08078)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (manual curve) (55375)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (manual curve) (55409)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (manual curve) (55484)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (manual curve) (55521)

ANALYTE: Cannabinoids (THC) (1009)

Test System, Assay, Examination:
Beckman Synchron LX System {CEDIA DAU} (manual curve) (08078)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (manual curve) (55375)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (manual curve) (55409)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (manual curve) (55484)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (manual curve) (55521)
STC Technologies Cocaine Metabolite Micro-Plate EIA {EpiScreen Oral Fluid Specimens} (58502)
United Biotech UBI MAGIWEL ELISA for Cocaine Metabolites (64041)

ANALYTE: Cotinine (1042)

Test System, Assay, Examination:
Boehringer Mannheim Hitachi 747 {STC Auto-Lyte} (manual curve) (08021)
Roche Diagnostics Hitachi 747 {STC Auto-Lyte} (manual curve) (55505)
STC Technologies Cotinine Micro-Plate EIA (qualitative) (58518)
STC Technologies Cotinine Micro-Plate EIA (semi-quantitative) (58519)
STC Technologies Cotinine Micro-Plate EIA {EpiScreen Oral Fluid Specimens} (qualitative) (58520)
STC Technologies Cotinine Micro-Plate EIA {EpiScreen Oral Fluid Specimens} (semi-quantitative) (58521)

ANALYTE: Digoxin (1304)

Test System, Assay, Examination:
Alfa Scientific Designs Digoxin Coated Tube RIA (04857)

ANALYTE: Lysergic Acid Diethylamide (LSD) (3715)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 911 {CEDIA DAU} (manual curve) (55521)

ANALYTE: Methadone (4003)

Test System, Assay, Examination:
Roche Diagnostics Hitachi 704 {CEDIA DAU} (manual curve) (55375)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (manual curve) (55409)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (manual curve) (55484)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (manual curve) (55521)
Roche Diagnostics Hitachi 917 {CEDIA DAU} (manual curve) (55567)

ANALYTE: Methamphetamines (4004)

Test System, Assay, Examination:
STC Technologies Methamphetamine Micro-Plate EIA {EpiScreen Oral Fluid Specimens} (58503)

ANALYTE: Opiates (4601)

Test System, Assay, Examination:
Beckman Synchron LX System {CEDIA DAU} (manual curve) (08078)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (manual curve) (55375)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (manual curve) (55409)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (manual curve) (55484)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (manual curve) (55521)
STC Technologies Opiates Micro-Plate EIA {EpiScreen Oral Fluid Specimens} (58522)
United Biotech UBI MAGIWEL ELISA for Opiate Metabolites (64042)

ANALYTE: Phencyclidine (PCP) (4901)

Test System, Assay, Examination:
Beckman Synchron LX System {CEDIA DAU} (manual curve) (08078)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (manual curve) (55375)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (manual curve) (55409)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (manual curve) (55484)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (manual curve) (55521)

ANALYTE: Phenytoin (4903)

Test System, Assay, Examination:
Roche Cobas Mira {CEDIA} (manual curve) (55236)

ANALYTE: Procainamide (4913)

Test System, Assay, Examination:
Roche Cobas Mira {CEDIA} (manual curve) (55236)

ANALYTE: Propoxyphene (4917)

Test System, Assay, Examination:
Beckman Synchron LX System {CEDIA DAU} (manual curve) (08078)
Roche Diagnostics Hitachi 704 {CEDIA DAU} (manual curve) (55375)
Roche Diagnostics Hitachi 717 {CEDIA DAU} (manual curve) (55409)
Roche Diagnostics Hitachi 747 {CEDIA DAU} (manual curve) (55484)
Roche Diagnostics Hitachi 911 {CEDIA DAU} (manual curve) (55521)

ANALYTE: Tacrolimus (6164)

Test System, Assay, Examination:
Abbott IMX (04056)

ANALYTE: Theophylline (6104)

Test System, Assay, Examination:
Roche Cobas Mira {CEDIA} (manual curve) (55236)

SPECIALTY/SUBSPECIALTY: VIROLOGY

ANALYTE: Adenovirus (0410)

Test System, Assay, Examination:

DAKO IMAGEN Adenovirus (direct specimen) (13456)
DAKO IMAGEN Adenovirus (including cell culture) (13457)
Wampole Adenovirus Ag Detection ELISA (70219)

ANALYTE: Cytomegalovirus (1038)

Test System, Assay, Examination:
Digene Hybrid Capture CMV DNA Assay (13543)

ANALYTE: Herpes simplex (2529)

Test System, Assay, Examination:
Diagnostic Hybrids ELVIS HSV ID/Typing (including cell culture) (13481)

ANALYTE: Influenza A (2828)

Test System, Assay, Examination:
Light Diagnostics SimulFluor Flu A/Flu B (direct Ag) (37144)
Light Diagnostics SimulFluor Flu A/Flu B (including culture) (37145)
ZymeTx ViraSTAT FITC-Labeled Anti-Influenza Types A and B (including cell culture) (79066)

ANALYTE: Influenza A/B (2835)

Test System, Assay, Examination:
ZymeTx ViraSTAT FITC-Labeled Anti-Influenza Types A and B (including cell culture) (79066)

ANALYTE: Influenza B (2829)

Test System, Assay, Examination:
Light Diagnostics SimulFluor Flu A/Flu B (direct Ag) (37144)
Light Diagnostics SimulFluor Flu A/Flu B (including culture) (37145)
ZymeTx ViraSTAT FITC-Labeled Anti-Influenza Types A and B (including cell culture) (79066)

ANALYTE: Respiratory viruses (5505)

Test System, Assay, Examination:
DAKO IMAGEN Respiratory Screen (direct specimen) (13458)
DAKO IMAGEN Respiratory Screen (including cell culture) (13459)

ANALYTE: Rotavirus (5509)

Test System, Assay, Examination:
Trinity Biotech Rotavirus Ag Detection ELISA (direct Ag/spectrophotometric) (61301)

COMPLEXITY: WAIVED

SPECIALTY/SUBSPECIALTY: BACTERIOLOGY

ANALYTE: Catalase, Urine (1149)

Test System, Assay, Examination:
Diatech Diagnostics Uriscreen (for OTC use) (13544)

ANALYTE: Helicobacter pylori (2512)

Test System, Assay, Examination:
Delta West CLOtest (13252)
GI Supply HP-FAST (22175)

ANALYTE: Streptococcus, group A (5810)

Test System, Assay, Examination:
Abbott Signify Strep A Test (direct from throat swab) (04740)
Applied Biotech SureStep Strep A (II) (direct from throat swab) (04769)
Becton Dickinson LINK 2 Strep A Rapid Test (direct from throat swab) (08116)
Binax NOW Strep A Test (direct from throat swab) (07830)
BioStar Acceava Strep A Test (direct from throat swab) (07924)
Genzyme Contrast Strep A (direct from throat swab) (22250)
Jant Pharmacal AccuStrip Strep A (II) (direct from throat swab) (31083)
Mainline Technology Mainline Confirms Strep A Dots Test (direct from throat swab) (40304)
Meridian Diagnostics ImmunoCard STAT Strep A (direct from throat swab) (40293)
SmithKline ICON Fx Strep A Test (direct from throat swab) (58461)
Wyntek Diagnostics OSOM Strep A Test (direct from throat swab) (70197)

SPECIALTY/SUBSPECIALTY: ENDOCRINOLOGY

ANALYTE: HCG, Urine (2503)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)

ANALYTE: Ovulation Test (LH) by Visual Color Comparison (9461)

Test System, Assay, Examination:
Alfa Scientific Designs Instant-View LH Ovulation Predicting Test (Cassette) (04850)
Alfa Scientific Designs Instant-View LH Ovulation Predicting Test (Dip-Stick) (04851)
AmeriTek One Step dBest Dipstick Test Strip (04785)
AmeriTek One Step dBest Midstream Test Stick (04784) AmeriTek One Step dBest Ovulation Test Disk (04783)
Carter Products First Response 1–Step Ovulation Predictor (10319)
Excel Scientific EZ Sure OneStep Ovulation Predictor Home Test (16140)
Inverness Medical Early Ovulation Predictor (cassette) (28563)
Inverness Medical Early Ovulation Predictor (stick) (28562)
Princeton BioMeditech OvuSign One-Step Home Ovulation Prediction (49173)
Syntron Bioresearch BeSure Plus OneStep Ovulation Predictor Kit (58577)
TECO Diagnostics Ovulation Prediction Test (61432)

ANALYTE: Urine HCG by Visual Color Comparison Tests (9642)

Test System, Assay, Examination:
A-Fem Medical Affirm One-Step Professional Pregnancy Test (04729)
A-Fem Medical Affirm One-Step home pregnancy test (04730)
ACON Midstream Pregnancy Test (04820)
ACON hCG Urine/Serum One Step Pregnancy Test Strip (04791)
Abbott Advisor One-Step Pregnancy Test (04725)
Abbott Fact plus One Step Pregnancy Test (04822)
Abbott SIGNIFY One-Step hCG LabStrips (04726)
Abbott TestPack +Plus hCG COMBO with OBC (04724)
Alfa Scientific Designs Instant-View Pregnancy Combo Test (Cassette) (04846)
Alfa Scientific Designs Instant-View Pregnancy Combo Test (Dip-Strip) (04847)
Alfa Scientific Designs Instant-View Pregnancy Urine Mid-Stream Test (04849)
Alfa Scientific Designs Instant-View Pregnancy Urine Test (Dip-Strip) (04821)
Alfa Scientific Designs Instant-View Pregnancy Urine Test (cassette) (04825)
AmeriTek One Step dBest Pregnancy Test Disk (04788)
AmeriTek One Step dBest Pregnancy Test Strip (04787)
Applied Biotech SureStep hCG 500 Pregnancy Test (04770)
Applied Biotech SureStep hCG Combo (II) Pregnancy Test (04869)
Arlington Scientific ProPhase Combo S/U OneStep hCG (04697)
Arlington Scientific ProPhase Plus (04718)
Arlington Scientific ProStrip hCG (04719)
Beckman Coulter FlexSure DS hCG (08192)
BioStar Acceava hCG Urine Basic Test (08074)
BioStar Acceava hCG-Urine Test (07923)
Biomerica NIMBUS Quick Strip Pregnancy Test (08128)
Bionike A/Q Pregnancy Test (07779)
Bionike ADVANCED QUALITY Pregnancy Test (07851)
Excel Scientific EZ Sure Midstream Early Pregnancy Home Test (16142)
Excel Scientific EZ Sure OneStep Early Pregnancy Test (16136)
Excel Scientific EZ Sure Urine DipStick Pregnancy Home Test (16138)
Excel Scientific OneStep Urine hCG

Pregnancy DipStick Test (16139)
Excel Scientific hCG-OneStep Urine Pregnancy Module (16137)
Genix Biotek AccuLine Pregnancy Test (22222)
Genix Biotek AccuPack 1–Step hCG Test (22223)
Germaine Laboratories AimStep Combo Pregnancy (22246)
Germaine Laboratories AimStep Pregnancy (22247)
Germaine Laboratories AimStick PBD Combo Pregnancy (22248)
Germaine Laboratories AimStick PBD Pregnancy (22245)
Germaine Laboratories Midstream Home Pregnancy Test (22244)
Global Medika PregnaStrip HCG (22228)
Global Medika PregnaStrip S/U HCG (22227)
Global Medika PregnaTest S/U hCG Cassette Pregnancy Test (22237)
Jant Pharmacal AccuStrip One-Step hCG Pregnancy Test Strip (31086)
Jant Pharmacal accutest RAPID Pregnancy Test (31085)
Jant Pharmacal accutest RAPID URINE/SERUM Pregnancy Test (31084)
LifeSign UniStep hCG (37124)
Medika Bio-Tech PregnaStrip HCG (40321)
Medika Bio-Tech PregnaTest S/U (cassette) (40322)
Meridian Diagnostics ImmunoCard STAT hCG Combo (40328)
Mizuho USA Naturale One-Step Pregnancy Test (40261)
Orion Diagnostica UniStep hCG II (46224)
Phamatech QuickCard One-Step HCG Urine Test (49182)
Phamatech QuickCard Pro HCG Test (49203)
Phamatech QuickStick Pro HCG Test (49192)
Phamatech QuickStream One Step Pregnancy Test (49191)
Phamatech Quickstick One Step HCG Pregnancy Test (49181)
Princeton BioMeditech BioSign hCG 1-One Step Pregnancy Test (49200)
Quidel Bluetest Pregnancy Test (52076)
Quidel CARDS Q.S. hCG Serum/Urine (52062)
Quidel CARDS Q.S. hCG-Urine (52053)
Quidel Concise Performance Plus hCG-Combo (52063)
Quidel Concise Performance Plus hCG-Urine (52054)
Quidel QuickVue One-Step hCG-Combo (52061)
Quidel QuickVue One-Step hCG-Urine (52055)
Quidel QuickVue Semi-Q hCG-Combo (52068)
Quidel RapidVue Pregnancy Test (52075)
Rapid Diagnostics RapidHCG Pregnancy Test (55303)
Roche Diagnostics Accu-Stat hCG (55322)
Roche Diagnostics Bmit EVATEST Test Strip (55333)
Roche Diagnostics EVENT test strip hCG (55360)
SA Scientific CHOICE accu-test One Step Pregnancy Test (58491)
SA Scientific Signal Pregnancy Test (58492)
San Diego Biotech HCG Pregnancy Urine Cassette Test (58508)
San Diego Biotech HCG Pregnancy Urine Dipstick Test (58507)
Scripps Laboratories hCG One-Step (58452)
Simex Medical DiagnoStrip hCG-Combo (58511)
SmithKline ICON Fx hCG Urine Test (58513)
SmithKline ICON Fx hCG Urine/Serum Test (58514)
Sun Biomedical Laboratories SunLine HCG (58573)
Sun Biomedical Laboratories Visualine D HCG (58441)
TECO Diagnostics One-Step Combo Pregnancy Card Test (61281)
TECO Diagnostics One-Step Combo Pregnancy Dipstick Test (61282)
TECO Diagnostics One-Step Dipstick Pregnancy Test (61287)
TECO Diagnostics Visual HCG Pregnancy Test (61430)
Universal Diagnostics Evidence Pregnancy Test (64036)
Universal HealthWatch Quix Rapid Pregnancy Strip Test (64046)
Unotech Diagnostics AccuStrip hCG-Urine (64047)
Unotech Diagnostics AccuTest hCG-Urine (64037)
Wyntek Diagnostics OSOM Card II hCG-Urine Test (70230)
Wyntek Diagnostics OSOM Card Pregnancy Test (70231)
Wyntek Diagnostics OSOM Card hCG-Urine Test (70209)
Wyntek Diagnostics OSOM Classic hCG Urine Test (70194)
Wyntek Diagnostics Perfecta Pregnancy Test (70195)

SPECIALTY/SUBSPECIALTY: GENERAL CHEMISTRY

ANALYTE: Amines (0530)

Test System, Assay, Examination:
Litmus Concepts FemExam TestCard (from vaginal swab) (37109)

ANALYTE: Cholesterol (1020)

Test System, Assay, Examination:
ActiMed Laboratories ENA.C.T Total Cholesterol Test (PDU) (04802)
Actimed Laboratories ENA.C.T Total Cholesterol Test (04573)
Lifestream Technologies Cholesterol Monitor (37146)
Roche Diagnostics Accu-Chek InstantPlus Cholesterol (55321)

ANALYTE: Creatinine (1035)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)

ANALYTE: Fecal Occult Blood (9191)

Test System, Assay, Examination:
Aerscher HemaPrompt (for OTC) (04819)
Alfa Scientific Designs Instant-View Fecal Occult Blood Test (Cassette) (04848)
AmeriTek dBest Sensitive Fecal Occult Blood Test (04832)
Bayer HEMA-CHEK Fecal Occult Blood Test (07898)
Bayer HEMATEST Reagent Tablets (07897)
Helena Laboratories ColoScreen-ES (25291)
SmithKline FlexSure OBT (58434)

ANALYTE: Fructosamine (1914)

Test System, Assay, Examination:
LXN Duet Glucose Control Monitoring System (37119)
LXN Fructosamine Test System (37106)

ANALYTE: Glucose Monitoring Devices (FDA Cleared/Home Use) (9221)

Test System, Assay, Examination:
AMD Home Health Glucose Monitoring System (04733)
Amira Medical ATLAST Blood Glucose Monitoring System (04852)
Bayer DEXTROSTIX Reagent Strips (07904)
Bayer GLUCOFILM Test Strips (07905)
Bayer GLUCOMETER 3 Blood Glucose Meter (07907)
Bayer GLUCOMETER Blood Glucose Meter (07913)
Bayer GLUCOMETER DEX (07863)
Bayer GLUCOMETER ELITE Test Strips (07903)
Bayer GLUCOMETER ENCORE Blood Glucose Meter (07899)
Bayer GLUCOMETER ENCORE QA Blood Glucose Meter (07901)
Bayer GLUCOMETER ENCORE Test Strips (07900)
Bayer GLUCOMETER GX Blood Glucose Meter (07912)
Bayer GLUCOMETER II Blood Glucose Meter (07908)
Bayer GLUCOMETER M Blood Glucose Meter (07909)
Bayer GLUCOMETER M+ Blood Glucose Meter (07910)
Bayer GLUCOMETER QA Blood

Glucose Meter (07911)
Bayer GLUCOSTIX Test Strips (07906)
Bayer Glucometer Elite XL (08187)
Boehringer Mannheim Accu-Chek Complete System (08024)
Boehringer Mannheim AccuChek Simplicity (08140)
Boehringer Mannheim Glucotrend (07993)
Chronimed Assure Blood Glucose Monitoring System (10455)
Chronimed Supreme II Blood Glucose Meter (10399)
Diametrics Medical IRMA Blood Analysis System (13362)
Home Diagnostics PRESTIGE Blood Glucose Monitoring Meter (25264)
LXN Duet Glucose Control Monitoring System (37119)
LifeScan SureStep Pro (37108)
Lifescan FastTake Compact Blood Glucose Monitoring System (37149)
Lifescan ONE TOUCH II Hospital Blood Glucose Monitoring System {with DATA DOCK} (37121)
MediSense ExacTech Sensor {SelfCare Excel Test Strips} (40280)
MediSense Precision G Blood Glucose Testing System (40264)
Polymer Technology Systems MTM BioScanner 1000 (49196)
Roche Diagnostics Accu-Chek Advantage (55314)
Roche Diagnostics Accu-Chek Complete System (55315)
Roche Diagnostics Accu-Chek EASY (55316)
Roche Diagnostics Accu-Chek III (55317)
Roche Diagnostics Accu-Chek Instant (55318)
Roche Diagnostics Accu-Chek Instant DM (55319)
Roche Diagnostics Accu-Chek InstantPlus (55320)
Roche Diagnostics AccuChek Simplicity (55323)
Roche Diagnostics Chemstrip bG (55352)
Roche Diagnostics EASY Test Strips (55357)
Roche Diagnostics Glucotrend (55366)
Roche Diagnostics Tracer bG Test Strips (55584)
Selfcare Elect II Compact Blood Glucose Monitoring System (58464)
Selfcare Elect II Complete Blood Glucose Monitoring System (58465)

ANALYTE: Glycosylated Hemoglobin (Hgb A1C) (2204)

Test System, Assay, Examination:
Ames DCA 2000 (04303)
Bayer DCA 2000 (07981)
Bayer DCA 2000+ Analyzer (07827)

ANALYTE: Microalbumin (4019)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Roche Diagnostics Chemstrip Micral (urine dipstick) (55348)

ANALYTE: Vaginal pH (6719)

Test System, Assay, Examination:
Litmus Concepts FemExam TestCard (from vaginal swab) (37109)

SPECIALTY/SUBSPECIALTY: GENERAL IMMUNOLOGY

ANALYTE: Bladder Tumor Associated Antigen (0737)

Test System, Assay, Examination:
Bion Diagnostic Sciences BTA stat Test (for home use) (08146)

ANALYTE: Helicobacter pylori Antibodies (2513)

Test System, Assay, Examination:
Abbott FlexPack HP Test (for whole blood) (04735)
Abbott TestPack Plus H. pylori (for whole blood) (04818)
Becton Dickinson LINK2 H. pylori Rapid Test (for whole blood) (08149)
Boehringer Mannheim AccuStat H. pylori OneStep (for whole blood) (08139)
ChemTrak AccuMeter H. pylori Test (for whole blood) (10403)
LifeSign H. pylori WB (for whole blood) (37148)
Princeton BioMeditech BioSign H. pylori WB (for whole blood (49212)
Quidel QuickVue One-Step H. pylori II Test (for whole blood) (52112)
Roche Diagnostics AccuStat H. pylori OneStep (for whole blood) (55325)
SmithKline FlexSure HP Test (for whole blood) (58458)

ANALYTE: Infectious Mononucleosis Antibodies (Mono) (2809)

Test System, Assay, Examination:
Applied Biotech SureStep Mono Test (whole blood) (04804)
BioStar Acceava Mono Test (for whole blood) (08112)
Genzyme Contrast Mono (for whole blood) (22229)
Genzyme Rapid Mono (for whole blood) (22230)
Jant Pharmacal Accutest Infectious Mononucleosis Test (for whole blood) (31087)
LifeSign UniStep Mono (for whole blood) (37143)
Princeton BioMeditech BioSign Mono WB (for whole blood) (49189)
Quidel CARDS O.S. Mono (for whole blood) (52101)
Seradyn Color Q Mono (for whole blood) (58501)
Wampole Mono-Plus WB (70208)
Wyntek Diagnostics OSOM Mono Test (for whole blood) (70214)

SPECIALTY/SUBSPECIALTY: HEMATOLOGY

ANALYTE: Hematocrit (2514)

Test System, Assay, Examination:
Micro Diagnostics Spuncrit Model DRC–40 Infared Analyzer (40258)
Wampole STAT–CRIT Hct (70164)

*ANALYTE: Hgb, single analyte inst. w/ self-cont * * * (2554)*

Test System, Assay, Examination:
GDS Diagnostics HemoSite Meter (22249)

ANALYTE: Prothrombin Time (PT) (4922)

Test System, Assay, Examination:
Boehringer Mannheim CoaguChek (for Professional Use) (07496)
Boehringer Mannheim CoaguChek PST (07962)
ITC ProTIME Microcoagulation System (28387)
Roche Diagnostics CoaguChek (for Professional Use) (55355)
Roche Diagnostics CoaguChek PST (55356)

SPECIALTY/SUBSPECIALTY: TOXICOLOGY/TDM

ANALYTE: Ethanol (Alcohol) (1608)

Test System, Assay, Examination:
STC Technologies Q.E.D. A150 Saliva Alcohol Test (58494)
STC Technologies Q.E.D. A350 Saliva Alcohol Test (58495)

ANALYTE: Nicotine and/or Metabolites (4319)

Test System, Assay, Examination:
DynaGen NicCheck I Test Strips (13437)

SPECIALTY/SUBSPECIALTY: URINALYSIS

ANALYTE: Urine Dipstick or Tablet Analytes, nonautomated (9641)

Test System, Assay, Examination:
AmeriTek dBest Urinalysis Test Strips (04786)
Bayer ACETEST Reagent Tablets (07871)
Bayer ALBUSTIX Reagent Strips (07872)
Bayer BILI-LABSTIX Reagent Strips (07873)
Bayer CLINISTIX Reagent Strips (07874)
Bayer CLINITEST Reagent Tablets (07875)
Bayer COMBISTIX Reagent Strips (07876)
Bayer DIASTIX Reagent Strips (07877)
Bayer HEMA-COMBISTIX Reagent Strips (07878)
Bayer HEMASTIX Reagent Strips (07879)

Bayer ICTOTEST Reagent Tablets (07880)
Bayer KETO-DIASTIX Reagent Strips (07881)
Bayer KETOSTIX Reagent Strips (07882)
Bayer LABSTIX Reagent Strips (07883)
Bayer MICRO-BUMINTEST Reagent Tablets (07884)
Bayer MULTISTIX 10 SG Reagent Strips (07885)
Bayer MULTISTIX 2 Reagent Strips (07890)
Bayer MULTISTIX 7 Reagent Strips (07889)
Bayer MULTISTIX 8 SG Reagent Strips (07888)
Bayer MULTISTIX 9 Reagent Strips (07886)
Bayer MULTISTIX 9 SG Reagent Strips (07887)
Bayer MULTISTIX Reagent Strips (07891)
Bayer MULTISTIX SG Reagent Strips (07892)
Bayer N-MULTISTIX Reagent Strips (07893)
Bayer N-MULTISTIX SG Reagent Strips (07894)
Bayer URISTIX 4 Reagent Strips (07895)
Bayer URISTIX Reagent Strips (07896)
DIASCREEN 3 (13446)
DIASCREEN 4 (13447)
DIASCREEN 5 (13448)
DIASCREEN 6 (13449)
DIASCREEN 7 (13450)
DIASCREEN 8 (13451)
DIASCREEN GP (13455)
DIASCREEN Glucose (13453)
DIASCREEN Ketone (13454)
DIASCREEN Ketone/Glucose (13452)
Henry Schein 9–Way (25290)
Henry Schein GP+A (25289)
Roche Diagnostics Chemstrip 10 S–UA (55336)
Roche Diagnostics Chemstrip 10 UA (55337)
Roche Diagnostics Chemstrip 10 with SG (55338)
Roche Diagnostics Chemstrip 2 GP (55339)
Roche Diagnostics Chemstrip 2 LN (55340)
Roche Diagnostics Chemstrip 4 The OB (55341)
Roche Diagnostics Chemstrip 6 (55342)
Roche Diagnostics Chemstrip 7 (55343)
Roche Diagnostics Chemstrip 9 (55344)
Roche Diagnostics Chemstrip K (55346)
Roche Diagnostics Chemstrip Micral (55347)
Roche Diagnostics Chemstrip uG (55353)
Roche Diagnostics Chemstrip uGK (55354)
Symcon International Dia Strips System (58509)
TECO Diagnostics Clinistrip 10 SGL (61288)
TECO Diagnostics Urine Reagent Strips 2 (61433)
Yeongdong UriScan Reagent Strips (76009)

ANALYTE: Urine Qualitative Dipstick Bilirubin (6415)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Boehringer Mannheim Chemstrip Mini UA (07565)
Roche Diagnostics Chemstrip Mini UA (55349)
Roche/Boehringer Mannheim Chemstrip 101 Urine Analyzer (55301)

ANALYTE: Urine Qualitative Dipstick Blood (6418)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Boehringer Mannheim Chemstrip Mini UA (07565)
Roche Diagnostics Chemstrip Mini UA (55349)
Roche/Boehringer Mannheim Chemstrip 101 Urine Analyzer (55301)

ANALYTE: Urine Qualitative Dipstick Glucose (6414)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Boehringer Mannheim Chemstrip Mini UA (07565)
Roche Diagnostics Chemstrip Mini UA (55349)
Roche/Boehringer Mannheim Chemstrip 101 Urine Analyzer (55301)

ANALYTE: Urine Qualitative Dipstick Ketone (6416)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Boehringer Mannheim Chemstrip Mini UA (07565)
Roche Diagnostics Chemstrip Mini UA (55349)
Roche/Boehringer Mannheim Chemstrip 101 Urine Analyzer (55301)

ANALYTE: Urine Qualitative Dipstick Leukocytes (6423)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Boehringer Mannheim Chemstrip Mini UA (07565)
Roche Diagnostics Chemstrip Mini UA (55349)
Roche/Boehringer Mannheim Chemstrip 101 Urine Analyzer (55301)

ANALYTE: Urine Qualitative Dipstick Nitrite (6422)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Boehringer Mannheim Chemstrip Mini UA (07565)
Roche Diagnostics Chemstrip Mini UA (55349)
Roche/Boehringer Mannheim Chemstrip 101 Urine Analyzer (55301)

ANALYTE: Urine Qualitative Dipstick Protein (6420)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Boehringer Mannheim Chemstrip Mini UA (07565)
Roche Diagnostics Chemstrip Mini UA (55349)
Roche/Boehringer Mannheim Chemstrip 101 Urine Analyzer (55301)

ANALYTE: Urine Qualitative Dipstick Specific Gravity (6417)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Boehringer Mannheim Chemstrip Mini UA (07565)
Roche Diagnostics Chemstrip Mini UA (55349)
Roche/Boehringer Mannheim Chemstrip 101 Urine Analyzer (55301)

ANALYTE: Urine Qualitative Dipstick Urobilinogen (6421)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Boehringer Mannheim Chemstrip Mini UA (07565)
Roche Diagnostics Chemstrip Mini UA (55349)
Roche/Boehringer Mannheim Chemstrip 101 Urine Analyzer (55301)

ANALYTE: Urine Qualitative Dipstick pH (6419)

Test System, Assay, Examination:
Bayer CLINITEK 50 Urine Chemistry Analyzer (07788)
Boehringer Mannheim Chemstrip Mini UA (07565)
Roche Diagnostics Chemstrip Mini UA (55349)

Roche/Boehringer Mannheim
Chemstrip 101 Urine Analyzer
(55301)

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federal register

Thursday
September 23, 1999

Part III

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 2 and 4, et al.
Federal Acquisition Regulation; Requirements Supporting Procurement of Recycled Products and Environmentally Preferable Services; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 4, 7, 11, 13, 23, and 52

[FAR Case 98–015]

RIN 9000–AI49

Federal Acquisition Regulation; Requirements Supporting Procurement of Recycled Products and Environmentally Preferable Services

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13101 dated September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition. The amendments also would reorganize and revise existing FAR text. FAR changes to implement E.O. 13123 dated June 3, 1999, Greening the Government through Efficient Energy Management, are the subject of a separate FAR case.

DATES: Interested parties should submit comments to the FAR Secretariat at the address shown below on or before November 22, 1999 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4035, ATTN: Laurie Duarte, Washington, DC 20405. Address e-mail comments submitted via the Internet to: farcase.98–015@gsa.gov. Please submit comments only and cite FAR case 98–015 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Mr. Paul Linfield, Procurement Analyst, at (202) 501–1757. Please cite FAR case 98–015.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule amends the FAR to implement E.O. 13101. The proposed rule amends FAR Subpart 2.1 to add definitions of terms used in the FAR to implement environmental policies. In most cases, these terms previously were defined in FAR Part 23, Environment, Conservation, Occupational Safety, and Drug-Free Workplace. These terms are used in other FAR parts. The relocation of these definitions to Subpart 2.1 should make them easier to find and is intended to facilitate understanding the FAR when the terms are used in these other FAR parts. Other amendments include—

1. Reorganizing and revising Subpart 4.3;

2. Revising Subpart 7.1 to emphasize requirements in the E.O. that agency requirements for printing and writing paper must meet minimum content standards specified in section 505 of E.O. 13101;

3. Removing the definition of "recovered material" from Part 11, since it is the same as the definition relocated to Subpart 2.1 and making editorial changes;

4. Revising Subpart 11.3 to add definitions and special requirements that the E.O. and Environmental Protection Agency (EPA) use to implement policies concerning minimum content standards for agency purchases of printing and writing paper; and

5. Clarifying the application to purchases at or below the micro-purchase threshold ($2,500) of statutory requirements for buying products containing recovered material.

Furthermore, the proposed rule rewrites Subparts 23.4 and 23.7. While this rewrite does not change fundamental environmental policies, the intent is to describe the policies and procedures in a more easily understood manner, substitute reference to E.O. 13101 and remove reference to the revoked E.O. 12873, and define "biobased product," a term defined in E.O. 13101. The proposed rule also contains a new reference to an electronic address that provides Internet access to EPA policy and requirements for acquiring products containing recovered material. Finally, the rule revises the prescriptions for using clauses prescribed in Subparts 4.3, 23.4, and 23.7 and the text of the clauses implementing statutory requirements of the Resource Conservation Recovery Act and requirements in E.O. 13101.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This proposed rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule amends two clauses and their applicability to small business concerns. Small business concerns must certify minimum recovered materials content for EPA-designated products when the percentage can be verified. In addition, the rule will require small business concerns that are awarded contracts for support services at Government-owned or -operated facilities to comply with requirements of E.O. 13101 and develop programs promoting and implementing cost-effective waste reduction and affirmative procurement programs for EPA-designated products. Therefore, the Councils performed an Initial Regulatory Flexibility Analysis (IRFA), and it is summarized as follows:

The objective of this rule is to expand markets for products that contain recovered material and to improve the Government's use of products containing recovered material or environmentally preferable products and services. The Resource Conservation Recovery Act (RCRA) defines a "procuring agency" as "any Federal agency, or any State agency or agency of a political subdivision of a State which is using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract." RCRA applies to both large and small businesses. RCRA's requirements for Federal procurement apply to all purchases of an EPA-designated product after the Federal agency purchases more than $10,000 of the product or functionally equivalent products in a fiscal year. However, certain statutory reporting requirements only apply to acquisitions exceeding $100,000.

The proposed revision to FAR 52.223–9 removes the requirement that a contractor provide at contract completion a certification of minimum recovered material content actually utilized in contract performance, except when the contracting officer believes the percentage can be verified. We estimate that this reduced reporting requirement will affect approximately 35,000 small entities that perform contracts that utilize recovered materials.

Section 701 of E.O. 13101 requires that agency contracts for contractor operation of a Government-owned or -leased facility and contracts for support services at a Government-owned or -leased facility include provisions obligating the contractor to comply with requirements of the order. Compliance includes developing programs to promote and implement cost-effective waste reduction and affirmative procurement

programs required by RCRA. In fiscal year 1998, we estimate that Federal agencies awarded approximately 1,000 contracts to small entities for support services that would be covered by the requirements in section 701 of E.O. 13101.

The FAR Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. Interested parties may obtain a copy from the FAR Secretariat. The Councils invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR subparts in accordance with 5 U.S.C. 610. Interested parties must submit such comments and should cite 5 U.S.C. 601, *et seq.* (FAR Case 98–015), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the proposed changes to the FAR reduce information collection requirements that have been approved by the Office of Management and Budget (OMB) under OMB Control Number 9000-0134. The annual reporting burden for OMB Control Number 9000–0134 is estimated to apply to 64,350 respondents and the preparation time is estimated at .5 hours per response for a total burden hour of 32,175 hours. We estimate that removal of the certification requirement will affect more than one-half of the respondents and reduce preparation time for those respondents by one-third.

Annual Reporting Burden: We estimate the revised total burden hours as follows:

Respondents: 64,350;

Responses per respondent: 1;

Total annual responses: 64,350;

Preparation hours per response: 25 minutes;

Total response burden hours: 26,800.

D. Request for Comments Regarding Paperwork Burden

We invite interested parties to comment on the information collection requirements set forth above. Please send comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Mr. Peter N. Weiss, FAR Desk Officer, New Executive Office Building, Room 10102, 725 17th Street, NW, Washington, DC 20503.

Also send a copy of any comments to the FAR Secretariat at the address shown under **ADDRESSES.** Please cite the OMB Clearance Number 9000–0134 in all correspondence related to the estimate.

List of Subjects in 48 CFR Parts 2, 4, 7, 11, 13, 23, and 52

Government procurement.

Dated: September 17, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA propose that 48 CFR parts 2, 4, 7, 11, 13, 23, and 52 be amended as set forth below:

1. The authority citation for 48 CFR parts 2, 4, 7, 11, 13, 23, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 2—DEFINITIONS OF WORDS AND TERMS

2. Amend section 2.101 by adding, in alphabetical order, the definitions "Energy-efficient product", "Environmentally preferable", "Pollution prevention", "Recovered material", "Virgin material", and "Waste reduction" to read as follows:

2.101 Definitions.

* * * * *

Energy-efficient product means a product in the upper 25 percent of efficiency for all similar products or if there are applicable Federal appliance or equipment efficiency standards, a product that is at least 10 percent more efficient than the minimum Federal standard.

Environmentally preferable means products or services that have a lesser or reduced negative effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

* * * * *

Pollution prevention means any practice that

(1) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal, and reduces the hazards to public health and the environment associated with the release of such substances, pollutants, and contaminants;

(2) Reduces or eliminates the creation of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources; or

(3) Protects natural resources by conservation.

* * * * *

Recovered material means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process. For use in subpart 11.3 for paper and paper products, see the definition at 11.301.

* * * * *

Virgin material means previously unused raw material, including previously unused copper, aluminum, lead, zinc, iron, other metal or metal ore, or any undeveloped resource that is, or with new technology will become, a source of raw materials.

Waste reduction means preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

PART 4—ADMINISTRATIVE MATTERS

3. Amend Subpart 4.3 by removing section 4.301 and redesignating sections 4.302 through 4.304 as sections 4.301 through 4.303, respectively; and by revising the newly designated sections to read as follows:

Subpart 4.3—Paper Documents

* * * * *

4.301 Definition.

Printed or copied double-sided, as used in this subpart, means printing or reproducing a document so that information is on both sides of a sheet of paper.

4.302 Policy.

It is the policy of the Government that, when electronic commerce methods (see 4.502) are not being used, a contractor should submit paper documents to the Government relating to an acquisition printed or copied double-sided on recycled paper whenever practicable. If the contractor cannot print or copy double-sided, it should print or copy single-sided on recycled paper.

4.303 Contract clause.

Insert the clause at 52.204–4, Printed or Copied Double-Sided on Recycled Paper, in solicitations and contracts that exceed the simplified acquisition threshold.

PART 7—ACQUISITION PLANNING

4. Amend section 7.103 by revising paragraph (n) to read as follows:

7.103 Agency-head responsibilities.

* * * * *

(n) Ensuring that agency planners—

(1) Specify needs for printing and writing paper consistent with the minimum content standards specified in section 505 of Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition (see 11.303); and

(2) Comply with the policy in 11.002(d) regarding procurement of products containing recovered materials and environmentally preferable and energy-efficient products and services.

* * * * *

PART 11—DESCRIBING AGENCY NEEDS

11.001 [Amended]

5. Amend section 11.001 by removing the definitions "Recovered material" and "Virgin material."

6. Amend section 11.002 by revising paragraph (d) to read as follows:

11.002 Policy.

* * * * *

(d) The Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, *et seq.*), Executive Order 12902 of March 8, 1994, Energy Efficiency and Water Conservation at Federal Facilities, and Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, establish requirements for the procurement of products containing recovered materials, and environmentally preferable and energy-efficient products and services. Executive agencies must consider use of recovered materials, environmentally preferable purchasing criteria developed by the EPA, and environmental objectives (see 23.704(b)) when—

(1) Developing, reviewing, or revising Federal and military specifications, product descriptions including commercial item descriptions) and standards;

(2) Describing Government requirements for supplies and services; and

(3) Developing source selection factors.

* * * * *

7. Revise Subpart 11.3 to read as follows:

Subpart 11.3—Acceptable Material

Sec.

11.301 Definitions.
11.302 Policy.
11.303 Special requirements for printing and writing paper.
11.304 Contract clause.

11.301 Definitions.

As used in this subpart—

Postconsumer material means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of "recovered material." For paper and paper products, postconsumer material means "postconsumer fiber" defined by the U.S. Environmental Protection Agency (EPA) as—

(1) Paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage;

(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; and

(3) Postconsumer fiber does not include fiber derived from printers' over-runs, converters' scrap, and over-issue publications.

Recovered material for paper and paper products, is defined by EPA in its Comprehensive Procurement Guideline as "recovered fiber" and means the following materials:

(1) Postconsumer fiber.

(2) Manufacturing wastes such as—

(i) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including: envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

(ii) Repulped finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

11.302 Policy.

(a) Agencies must not require virgin material or supplies composed of or manufactured using virgin material unless compelled by law or regulation or unless virgin material is vital for safety or meeting performance requirements of the contract.

(b) Except when acquiring commercial items, agencies must require offerors to identify used, reconditioned, or remanufactured supplies, or unused former Government surplus property, proposed for use under the contract. These supplies or property may not be used in contract performance unless authorized by the contracting officer.

(c) The contracting officer may require offerors to—

(1) Provide information on used, reconditioned, or remanufactured supplies, or unused former Government surplus property, proposed for use under the contract; or

(2) Meet minimum recovered material standards stated in the solicitation. Information requested on recovered material standards specified in a solicitation, to the maximum practicable extent, must be limited to information or standards consistent with normal commercial practices.

11.303 Special requirements for printing and writing paper.

(a) Section 505 of Executive Order 13101, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, establishes minimum recovered material content standards for agency purchases of printing and writing paper. Section 505 requires that 100 percent of an agency's purchases of printing and writing paper must meet or exceed one of the minimum content standards specified in paragraph (b) of this section.

(b) For high-speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock, the minimum content standard must be no less than 30 percent postconsumer materials. If paper containing 30 percent postconsumer material is not reasonably available, does not meet reasonable performance requirements, or is only available at an unreasonable price, then the agency must purchase paper containing no less than 20 percent postconsumer material.

11.304 Contract clause.

Insert the clause at 52.211–5, Material Requirements, in solicitations and contracts for supplies that are not commercial items.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

8. Amend section 13.006 by revising paragraph (g) to read as follows:

13.006 Inapplicable provisions and clauses.

* * * * *

(g) 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products.

9. Amend section 13.201 by adding paragraph (f) to read as follows:

13.201 General.

* * * * *

(f) The procurement requirements in the Resource Conservation Recovery Act (42 U.S.C. 6962) and Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, apply to purchases at or below the micro-purchase threshold (see subpart 23.4).

PART 23—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

10. Revise section 23.400 to read as follows:

23.400 Scope of subpart.

This subpart prescribes policies and procedures for acquiring Environmental Protection Agency (EPA)-designated products through affirmative procurement programs required by the Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C. 6962) and Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition.

23.401 [23.402 revised]

11. Revise 23.402 to read as follows:

23.402 Authorities.

(a) The Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6962, requires agencies responsible for drafting or reviewing specifications used in agency acquisitions to—

(1) Eliminate from those specifications any requirement excluding the use of recovered materials or requiring products to be manufactured from virgin materials; and

(2) Require, for EPA-designated products, using recovered materials to the maximum extent practicable without jeopardizing the intended end use of the item.

(b) RCRA also requires—

(1) EPA to prepare guidelines on the availability, sources, and potential uses of recovered materials and associated products, including solid waste management services; and

(2) Agencies to develop and implement affirmative procurement programs for EPA-designated products within one year after EPA's designation.

(c) Executive Order 13101 requires that the agency head—

(1) Work to increase and expand markets for recovered materials through greater Government preference and demand for such products consistent with the demands of efficiency and cost-effectiveness; and

(2) Develop and implement affirmative procurement programs in accordance with direction in RCRA and the Executive Order.

23.402 [23.401 revised]

12. Revise 23.401 to read as follows:

23.401 Definition.

EPA-designated product, as used in this subpart, means a product—

(1) That is or can be made with recovered material;

(2) That is listed by EPA in a procurement guideline (40 CFR part 247); and

(3) For which EPA has provided purchasing recommendations in a related Recovered Materials Advisory Notice (RMAN).

13. Revise section 23.403 to read as follows:

23.403 Policy.

Government policy on the use of recovered materials considers cost, availability of competition, and performance. The objective is to acquire competitively, in a cost-effective manner, products that meet performance requirements and that are composed of the highest percentage of recovered materials practicable.

14. Redesignate sections 23.404 and 23.405 as 23.405 and 23.406, respectively, revise them, and add a new section 23.404 to read as follows:

23.404 Agency Affirmative Procurement Programs.

(a) For EPA-designated products, an agency must establish an affirmative procurement program, if the agency's purchases meet the threshold in 23.405(a). Technical or requirements personnel and procurement personnel are responsible for the preparation, implementation, and monitoring of affirmative procurement programs. Agency affirmative procurement programs must include—

(1) A recovered materials preference program;

(2) An agency promotion program;

(3) A program for requiring reasonable estimates, certification, and verification of recovered material used in the performance of contracts; and

(4) Annual review and monitoring of the effectiveness of the program.

(b) Agency affirmative procurement programs must require that 100 percent of purchases of EPA-designated products contain recovered material, unless the item cannot be acquired—

(1) Competitively within a reasonable time frame;

(2) Meeting appropriate performance standards; or

(3) At a reasonable price.

(c) Agency affirmative procurement programs must provide guidance for purchases of EPA-designated products at or below the micro-purchase threshold.

23.405 Procedures.

(a) These procedures apply to all agency acquisitions of EPA-designated products, including micro-purchases, if—

(1) The price of the product exceeds $10,000; or

(2) The aggregate amount paid for products, or for functionally equivalent products, in the preceding fiscal year was $10,000 or more. RCRA requires that an agency include micro-purchases in determining if the aggregate amount paid was $10,000 or more. However, it is not recommended that an agency track micro-purchases unless it intends to claim an exemption from the requirement to establish an affirmative procurement program in the following fiscal year.

(b) Contracting officers should refer to EPA's list of EPA-designated products (available via the Internet at *http://www.epa.gov/cpg/*) and to their agencies' affirmative procurement program when purchasing supplies that contain recovered material or services that could include incidental supplies that contain recovered material.

(c) The contracting officer must place in the contract file a written justification if an acquisition of EPA-designated products above the micro-purchase threshold does not contain recovered material. If the agency has designated an Environmental Executive, the contracting officer must give a copy of the written justification to that official. The contracting officer must base the justification on the inability to acquire the product—

(1) Competitively within a reasonable period of time;

(2) At reasonable prices; or

(3) To reasonable performance standards in the specifications, provided written determination by technical or requirements personnel is included with the justification. The contracting officer must base the justification on National Institute of Standards and Technology guidelines, if available.

(d) Agencies must establish procedures for consolidating and reporting contractor estimates required by the clause at 52.223–9.

23.406 Solicitation provision and contract clause.

(a) Insert the provision at 52.223–4, Recovered Material Certification, in solicitations that are for, or specify the use of, recovered materials.

(b) Insert the clause at 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products, in solicitations and contracts exceeding $100,000 that include the provision at 52.223–4. If it is practical to verify the estimate, use the clause with its Alternate I.

15. Revise Subpart 23.7 to read as follows:

Subpart 23.7—Contracting for Environmentally Preferable and Energy-Efficient Products and Services

Sec.
23.700 Scope.
23.701 Definition.
23.702 Authorities.
23.703 [Reserved]
23.704 Policy.
23.705 Application to Government-owned or -leased facilities.
23.706 Contract clause.

23.700 Scope.

This subpart prescribes policies for obtaining environmentally preferable and energy-efficient products and services.

23.701 Definition.

Biobased product, as used in this subpart, means a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials.

23.702 Authorities.

(a) Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901, *et seq.*).

(b) National Energy Conservation Policy Act (42 U.S.C. 8262g).

(c) Pollution Prevention Act of 1990 (42 U.S.C. 13101, *et seq.*).

(d) Executive Order 12856 of August 3, 1993, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements.

(e) Executive Order 12902 of March 8, 1994, Energy Efficiency and Water Conservation at Federal Facilities.

(f) Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition.

23.703 [Reserved]

23.704 Policy

Agencies must—

(a) Implement cost-effective contracting preference programs favoring the acquisition of environmentally preferable and energy-efficient products and services; and

(b) Employ acquisition strategies that affirmatively implement the following environmental objectives:

(1) Maximize the utilization of environmentally preferable products and services (based on EPA-issued guidance).

(2) Maximize the utilization of energy-efficient products.

(3) Eliminate or reduce the generation of hazardous waste and the need for special material processing (including special handling, storage, treatment, and disposal).

(4) Promote the use of nonhazardous and recovered materials.

(5) Realize life-cycle cost savings.

(6) Promote cost-effective waste reduction when creating plans, drawings, specifications, standards, and other product descriptions authorizing material substitutions, extensions of shelf-life, and process improvements.

(7) Consider the use of biobased products.

23.705 Application to Government-owned or -leased facilities

Executive Order 13101, section 701, requires that contracts for contractor operation of a Government-owned or -leased facility and contracts for support services at a Government-owned or -operated facility include provisions that obligate the contractor to comply with the requirements of the order. Compliance includes developing programs to promote and implement cost-effective waste reduction and affirmative procurement programs required by 42 U.S.C. 6962 for all products designated in EPA's Comprehensive Procurement Guideline (40 CFR part 247).

23.706 Contract clause

Insert the clause at 52.223–10, Waste Reduction Program, in all solicitations and contracts for contractor operation of Government-owned or -leased facilities and all solicitations and contracts for support services at Government-owned or -operated facilities.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

16. Revise the section heading and text of 52.204–4 to read as follows:

52.204–4 Printed or Copied Double-Sided on Recycled Paper

As prescribed in 4.303, insert the following clause:

Printed or Copied Double-Sided on Recycled Paper (Date)

(a) *Definitions.* As used in this clause—

Postconsumer material means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of "recovered material." For paper and paper products, postconsumer material means "postconsumer fiber" defined by the U.S. Environmental Protection Agency (EPA) as—

(1) Paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage;

(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; and

(3) Postconsumer fiber does not include fiber derived from printers' over-runs, converters' scrap, and over-issue publications.

Printed or copied double-sided means printing or reproducing a document so that information is on both sides of a sheet of paper.

Recovered material, for paper and paper products, is defined by EPA in its Comprehensive Procurement Guideline as "recovered fiber" and means the following materials:

(1) Postconsumer fiber.

(2) Manufacturing wastes such as—

(i) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including: envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

(ii) Repulped finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

(b) In accordance with section 101 of Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, the Contractor is encouraged to submit paper documents, such as offers, letters, or reports, that are printed or copied double-sided on recycled paper that meet minimum content standards specified in section 505 of Executive Order 13101, when not using electronic commerce methods to submit information or data to the Government.

(c) If the Contractor cannot purchase high-speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock meeting the 30 percent postconsumer material standard for

use in submitting paper documents to the Government, it should use paper containing no less than 20 percent postconsumer material. This lesser standard should be used only when paper meeting the 30-percent postconsumer material standard is not obtainable at a reasonable price or does not meet performance standards.

(End of clause)

17. Amend section 52.211–5 by revising the introductory text, the date of the clause, and the definition "Recovered material" in paragraph (a) to read as follows:

52.211–5 Material Requirements

As prescribed in 11.304, insert the following clause:

Material Requirements (Date)

(a) * * *

Recovered material means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

* * * * *

18. Amend section 52.212–5 by revising the date of the clause; removing paragraph (b)(18) and redesignating paragraphs (b)(16) and (b)(17) as (b)(17) and (b)(18), respectively; and adding a new paragraph (b)(16) to read as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (Date)

* * * * *

(b) * * *

____ (16)(i) 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (42 U.S.C. 6962(c)(3)(A)(ii)).

____ (ii) Alternate I of 52.223–9 (42 U.S.C. 6962(i)(2)(C)).

* * * * *

52.223–4 [Amended]

19. Amend the introductory text of section 52.223–4 by revising the citation "23.405(a)" to read "23.406(a)".

20. Revise the section heading and text of 52.223–9 to read as follows:

52.223–9 Estimate of Percentage of Recovered Material Content for EPA-Designated Products.

As prescribed in 23.406(b), insert the following clause:

Estimate of Percentage of Recovered Material Content for EPA-Designated Products (Date)

(a) *Definitions.* As used in this clause—

Postconsumer material means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of "recovered material."

Recovered material means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

(b) The Contractor, on completion of this contract, shall—

(1) Estimate the percentage of the total recovered material used in contract performance, including, if applicable, the percentage of postconsumer material content; and

(2) Submit this estimate to _____ [*Contracting Officer complete*] in accordance with agency procedures.

Alternate I (Date). As prescribed in 23.406(b), redesignate paragraph (b) of the basic clause as paragraph (c) and add the following paragraph (b) to the basic clause:

(b) The Contractor shall execute the following certification required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(i)(2)(C):

Certification

I, _____ (name of certifier), am an officer or employee responsible for the performance of this contract and hereby certify that the percentage of recovered material content for EPA-designated products met the applicable contract specifications.

_____

(Signature of the Officer or Employee)

_____

(Typed Name of the Officer or Employee)

_____

(Title)

_____

(Name of Company, Firm, or Organization)

_____

(Date)

(End of certification)

21. Revise section 52.223–10 to read as follows:

52.223–10 Waste Reduction Program.

As prescribed in 23.706, insert the following clause:

Waste Reduction Program (Date)

(a) *Definitions.* As used in this clause—

Recycling means the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of products other than fuel for producing heat or power by combustion.

Waste prevention means any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.

Waste reduction means preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

(b) Consistent with the requirements of Section 701 of Executive Order 13101. the Contractor shall establish a program to promote cost-effective waste reduction in all operations and facilities covered by this contract. The Contractor's programs shall comply with applicable Federal, State, and local requirements, specifically including Section 6002 of the Resource Conservation and Recovery Act (42 U.S.C. 6962, *et seq.*) and implementing regulations (40 CFR part 247).

(End of clause)

[FR Doc. 99–24685 Filed 9–22–99; 8:45 am]

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Thursday
September 23, 1999

Part IV

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999–2000 Late Season; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AF24

Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999–2000 Late Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes special late season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands and ceded lands. This responds to tribal requests for U.S. Fish and Wildlife Service (hereinafter Service or we) recognition of their authority to regulate hunting under established guidelines. This rule allows the establishment of season bag limits and, thus, harvest at levels compatible with populations and habitat conditions.

DATES: This rule takes effect on October 1, 1999.

ADDRESSES: You may inspect comments received, if any, on the special hunting regulations and tribal proposals during normal business hours in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. You should send communications regarding the documents to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, ms 634–ARLSQ, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, Office of Migratory Bird Management, U.S. Fish and Wildlife Service (703) 358–1714.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Department of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

In the August 13, 1999, **Federal Register** (64 FR 44384), we proposed special migratory bird hunting regulations for the 1999–2000 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). The guidelines respond to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal members and nonmembers, with hunting by non-tribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10–September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada.

In the May 3, 1999, **Federal Register** (64 FR 23742), we requested that tribes desiring special hunting regulations in the 1999–2000 hunting season submit a proposal including details on:

(a) Harvest anticipated under the requested regulations;

(b) Methods that would be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.);

(c) Steps that would be taken to limit level of harvest, where it could be shown that failure to limit such harvest would adversely impact the migratory bird resource; and

(d) Tribal capabilities to establish and enforce migratory bird hunting regulations.

No action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which an Indian reservation is located. We have successfully used the guidelines since the 1985–86 hunting season. We finalized the guidelines beginning with the 1988–89 hunting season (August 18, 1988, **Federal Register** (53 FR 31612)).

Although the proposed rule included generalized regulations for both early- and late-season hunting, this rule addresses only late-seasons. Early-season hunting was addressed in the August 30, 1999, **Federal Register** (64 FR 47134). As a general rule, early seasons begin during September each year and have a primary emphasis on such species as mourning dove. Late seasons begin about October 1 or later each year and have a primary emphasis on waterfowl.

Tribal Proposals and Comments and Issues Concerning Tribal Proposals

For the 1999–2000 migratory bird hunting season, we proposed regulations for 22 tribes and/or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. Some of the proposals submitted by the tribes had both early- and late-season elements. However, as noted earlier, only those with late-season proposals are included in this final rulemaking; 14 tribes have proposals with late seasons. The comment period for the August 13 proposed rule closed on August 23, 1999.

We received two comments regarding the notice of intent published on May 3, 1999, which announced rulemaking on regulations for migratory bird hunting by American Indian tribal members. Both of these comments were addressed in the August 13 proposed rule.

NEPA Consideration

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES–75–74)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975, (40 FR 25241). A supplement to the final environmental statement, the "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS 88–14)" was filed on June 9, 1988, and notice of availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582), and June 17, 1988 (53 FR 22727). Copies of these documents are available from us at the address indicated under the caption **ADDRESSES**. In addition, an August 1985 Environmental Assessment titled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the same address.

Endangered Species Act Considerations

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531–1543; 87 Stat. 884), provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes

of this Act" (and) shall "insure that any action authorized, funded or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat * * *" Consequently, we conducted consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and may have caused modification of some regulatory measures previously proposed. The final frameworks reflect any modifications. Our biological opinions resulting from its Section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and MBMO, at the address indicated under the caption **ADDRESSES**.

Regulatory Flexibility Act

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail and issued a Small Entity Flexibility Analysis (Analysis) in 1998. The Analysis documented the significant beneficial economic effect on a substantial number of small entities. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis was based on the 1996 National Hunting and Fishing Survey and the US Department of Commerce's County Business Patterns from which it was estimated that migratory bird hunters would spend between $429 and $1,084 million at small businesses in 1998. Copies of the Analysis are available upon request.

Executive Order (E.O.) 12866

Collectively, the rules covering the overall frameworks for migratory bird hunting are economically significant and have been reviewed by the Office of Management and Budget (OMB) under E.O. 12866. This rule is a small portion of the overall migratory bird hunting frameworks and was not individually submitted and reviewed by OMB under E.O. 12866.

Small Business Regulatory Enforcement Fairness Act

This annual migratory bird hunting regulations are a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, these rules have an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1) and this rule will be effective immediately.

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995. We utilize the various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 9/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 et seq., that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—E.O. 12988

The Department, in promulgating this rule, has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of E.O. 12988.

Takings Implication Assessment—E.O. 12630

In accordance with E.O. 12630, these rules, authorized by the Migratory Bird Treaty Act, do not have significant takings implications and do not affect any constitutionally protected property rights. These rules will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise privileges that would be otherwise unavailable; and, therefore, reduce restrictions on the use of private and public property.

Federalism Effects—E.O. 12612

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with E.O. 12612, these regulations do not have significant federalism effects nor sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Government-to-Government Relationship with Tribes

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. Thus, in accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, by virtue of the tribal proposals received in response to the May 3 request for proposals and the August 13 proposed rule, we have consulted with all the tribes affected by this rule.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, we

established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the tribes would have insufficient time to communicate these seasons to their member and non-tribal hunters and to establish and publicize the necessary regulations and procedures to implement their decisions.

We therefore find that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will, therefore, take effect immediately upon publication.

Therefore, under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 *et seq.*), we prescribe final hunting regulations for certain tribes on Federal Indian reservations (including off-reservation trust lands), and ceded lands. The regulations specify the species to be hunted and establish season dates, bag and possession limits, season length, and shooting hours for migratory game birds.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Accordingly, the Service amends part 20, subchapter B, chapter I of Title 50 of the Code of Federal Regulations as follows:

PART 20—[AMENDED]

1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

(**Editorial Note:** The following annual hunting regulations provided for by § 20.110 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.)

2. Amend Section 20.110 by revising paragraphs (a), (b), (d), (f), (h), (k), (m) and (o); and by adding paragraphs (p), (q), (r), (s), (t), (u), and (v) to read as follows:

§ 20.110 Seasons, limits and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.

(a) Colorado River Indian Tribes, Parker, Arizona (Tribal Members and Non-tribal Hunters)

Doves

Season Dates: Open September 1, close September 15, 1999; then open November 19, 1999, close January 3, 2000.

Daily Bag and Possession Limits: For the early season, daily bag limit is 10 mourning or 10 white-winged doves, singly, or in the aggregate. For the late season, the daily bag limit is 10 mourning doves. Possession limits are twice the daily bag limits.

Ducks (including mergansers)

Season Dates: Begin October 2, 1999, close January 16, 2000.

Daily Bag and Possession Limits: 7 ducks, including no more than 1 pintail, 2 redheads, 2 Mexican ducks, 2 hen mallards, 4 scaup, and 1 canvasback. The possession limit is twice the daily bag limit.

Coots and Common Moorhens

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots and common moorhens, singly or in the aggregate.

Geese

Season Dates: Begin November 20, 1999, end January 16, 2000.

Daily Bag and Possession Limits: 4 geese, including no more than 2 dark (Ganada) geese and 3 white (snow, blue, Ross's) geese. The possession limit is 8.

General Conditions: A valid Colorado River Indian Reservation hunting permit is required for all persons 14 years and older and must be in possession before taking any wildlife on tribal lands. Any person transporting game birds off the Colorado River Indian Reservation must have a valid transport declaration form. Other tribal regulations apply, and may be obtained at the Fish and Game Office in Parker, Arizona.

(b) Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota (Tribal Members and Non-tribal Hunters)

Sandhill Cranes

Season Dates: Open September 18, close October 24, 1999.

Daily Bag Limit: 3 sandhill cranes.

Permits: Each person participating in the sandhill crane season must have a valid Federal sandhill crane hunting permit in their possession while hunting.

Ducks

Season Dates: Begin October 9, end December 21, 1999.

Daily Bag and Possession Limits: 6 ducks, including no more than 5 mallards (including no more than 2 female mallards), 1 mottled duck, 1 canvasback, 2 redheads, 1 pintail, 3 scaup, and 2 wood ducks.

The possession limit is twice the daily bag limit.

Mergansers

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 5 mergansers, including no more than 1 hooded merganser. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Begin October 9, 1999, end January 9, 2000.

Daily Bag and Possession Limits: 3 and 6, respectively.

White-fronted Geese

Season Dates: Begin October 2, end December 12, 1999.

Daily Bag and Possession Limits: 2 and 4, respectively.

Light Geese

Season Dates: Begin October 2, close December 25, 1999, then open February 19, close March 10, 2000.

Daily Bag and Possession Limits: 20 geese daily, no possession limit.

General Conditions: The waterfowl hunting regulations established by this final rule apply only to tribal and trust lands within the external boundaries of the reservation. Tribal and non-tribal hunters must comply with basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Crow Creek Sioux Tribe also apply on the reservation.

* * * * *

(d) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)

All seasons in Michigan, 1836 Treaty Zone:

Ducks

Season Dates: Open September 20, 1999, close January 20, 2000.

Daily Bag Limit: 10 ducks, which may include no more than 1 pintail, 1 canvasback, 2 black ducks, 1 hooded merganser, 2 wood ducks, 2 redheads,

and 5 mallards (only 2 of which may be hens).

Canada Geese

Season Dates: Open September 1, close November 30, 1999, and open January 1, 2000, close February 8, 2000.
Daily Bag Limit: 5 geese.

Other Geese (Brant, Blue, Snow, and White-fronted)

Season Dates: Begin October 1, end November 30, 1999.
Daily Bag Limit: 5 geese.

Sora Rails, Common Snipe, and Woodcock

Season Dates: Open September 1, close November 14, 1999.
Daily Bag Limit: 5 rails, 5 snipe, and 5 woodcock.
General Conditions: A valid Grand Traverse Band Tribal license is required for all persons 12 years and older and must be in possession before taking any wildlife. All other basic regulations contained in 50 CFR part 20 are valid. Other tribal regulations apply, and may be obtained at the tribal office in Suttons Bay, Michigan.

* * * * *

(f) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Non-tribal Hunters).

Tribal Members Only

Ducks

Season Dates: Open September 15, 1999, close January 31, 2000.
Daily Bag and Possession Limits: 7 ducks, including no more than 1 pintail, 2 hen mallards, 4 scaup, and 1 canvasback.

Geese

Season Dates: Open September 1, 1999, close January 31, 2000.
Daily Bag and Possession Limits: 4 geese, including 4 dark geese but not more than 3 light geese.
The possession limit is twice the daily bag limit.
General: Tribal members must possess a validated Migratory Bird Hunting and Conservation Stamp and a tribal ceded lands permit.

Non-tribal Hunters

Ducks

Season Dates: Open October 2, 1999, close January 16, 2000. During this period, days to be hunted are specified by the Kalispel Tribe as weekends, holidays and for a continuous period in the months of December and January. Non-tribal hunters should contact the tribe for more detail on hunting days.
Daily Bag and Possession Limits: 7 ducks, including no more than 1 pintail, 2 hen mallards, 2 redheads, 4 scaup, and 1 canvasback.

Geese

Season Dates: Begin October 2, 1999, close January 9, 2000.
Daily Bag and Possession Limits: 4 geese, including 4 dark geese but not more than 3 light geese. The possession limit is twice the daily bag limit.
General: Hunters must observe all State and Federal regulations, such as those contained in 50 CFR part 20 and including the possession of a validated Migratory Bird Hunting and Conservation Stamp.

* * * * *

(h) Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Non-tribal Hunters)

Band-tailed Pigeons

Season Dates: Open September 1, close September 30, 1999.
Daily Bag and Possession Limits: 5 and 10 pigeons, respectively.

Mourning Doves

Season Dates: Open September 1, close September 30, 1999.
Daily Bag and Possession Limits: 10 and 20 doves, respectively.

Ducks (Including Mergansers)

Season Dates: Begin October 2, 1999, close January 16, 2000.
Daily Bag and Possession Limits: 7 ducks, including no more than 2 female mallards, 1 pintail, 1 canvasback, 4 scaup, and 2 redheads. The possession limit is twice the daily bag limit.

Dark Geese

Season Dates: Begin October 2, 1999, end January 9, 2000.
Daily Bag and Possession Limits: 2 and 4 geese, respectively.

Coots and Common Moorhens

Season Dates: Same as ducks.
Daily Bag and Possession Limits: 25 coots and moorhens, singly or in the aggregate.
General Conditions: Tribal and non-tribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20, regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

* * * * *

(k) Seminole Tribe of Florida, Big Cypress Seminole Reservation, Clewiston, Florida (Tribal Members and Non-tribal Hunters)

Mourning Dove

Season Dates: September 19, 1999, through January 20, 2000.
Daily Bag Limit: 15 doves.
General Conditions: Hunting is on Sundays only. All other Federal regulations contained in 50 CFR part 20 apply.

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(m) Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members and Non-tribal Hunters)

Tribal Members

Ducks/Coot

Season Dates: Open September 15, 1999, and close February 1, 2000.
Daily Bag and Possession Limits: 6 and 12 ducks, respectively; including no more than 1 pintail and 1 canvasback.

Geese

Season Dates: Open September 15, 1999, and close February 1, 2000.
Daily Bag and Possession Limits: 6 and 12 geese, respectively; including no more than 2 brant and 4 dark geese (cackling and dusky Canada geese). The tribes also set a maximum annual bag limit on ducks and geese for those tribal members who engage in subsistence hunting.

Non-tribal Hunters

Ducks

Season Dates: Begin October 9, 1999, end January 23, 2000.
Daily Bag and Possession Limits: 7 ducks, including no more than 2 female mallards, 1 pintail, 1 canvasback, 4 scaup, and 2 redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.
Daily Bag and Possession Limits: 25 coots.

Geese

Season Dates: Begin October 16, 1999, end January 23, 2000.
Daily Bag and Possession Limits: 4 geese, including 4 dark geese but no more than 3 light geese. The possession limit is twice the daily bag limit.

Brant

Season Dates: Begin January 8, end January 23, 2000.
Daily Bag and Possession Limits: 2 and 4 brant, respectively.
General Conditions: All waterfowl hunters, members and non-members,

must obtain and possess while hunting a valid hunting permit from the Tulalip tribes. Also, non-tribal members sixteen years of age and older, hunting pursuant to Tulalip Tribes' Ordinance No. 67, must possess a validated Federal Migratory Bird Hunting and Conservation Stamp and a validated State of Washington Migratory Waterfowl Stamp. All Tulalip tribal members must have in their possession while hunting, or accompanying another, their valid tribal identification card. All hunters are required to adhere to a number of other special regulations enforced by the tribes and available at the tribal office.

* * * * *

(o) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Non-tribal Hunters)

Band-tailed Pigeons

Season Dates: Open September 1, close September 12, 1999.

Daily Bag and Possession Limits: 3 and 6 pigeons, respectively.

Mourning Doves

Season Dates: Open September 1, close September 12, 1999.

Daily Bag and Possession Limits: 8 and 16 doves, respectively.

Ducks (Including Mergansers)

Season Dates: Begin October 23, 1999, end January 17, 2000.

Daily Bag and Possession Limits: 4 ducks, including no more than 3 mallards (including no more than 1 female mallard), 2 redheads or 1 canvasback and 1 redhead, and 1 pintail. The possession limit is twice the daily bag limit.

Coots, Moorhens and Gallinules

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots, moorhens, and gallinules, singly or in the aggregate. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Same as ducks.

Bag and Possession Limits: 3 and 6, respectively.

General Conditions: All non-tribal hunters hunting band-tailed pigeons and mourning doves on Reservation lands shall have in their possession a valid White Mountain Apache Daily or Yearly Small Game Permit. In addition to a small game permit, all non-tribal hunters hunting band-tailed pigeons must have in their possession a White Mountain Special Band-tailed Pigeon Permit. Other special regulations established by the White Mountain Apache Tribe apply on the reservation. Tribal and non-tribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition:

(1) The area open to waterfowl hunting in the above seasons consists of: the lower portion of the Black River, beginning at the confluence of Big Bonito Creek and the Black River, and the entire length of the Salt River forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 6 and 7. Tanks located below the Mongollon Rim, within Wildlife Management Units 2 and 3 will be open to waterfowl hunting. The remaining reservation waters are closed to waterfowl hunting during the 1999–2000 hunting season.

(2) Tribal and non-tribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking.

(3) See other special regulations established by the White Mountain Apache Tribe that apply on the reservation, available from the reservation Game and Fish Department.

(p) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Non-tribal Hunters)

Ducks (including mergansers)

Season Dates: Begin October 2, 1999, end January 16, 2000.

Daily Bag and Possession Limits: 7 ducks, including no more than 2 female mallards, 1 pintail, 1 canvasback, 4 scaup, and 2 redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: The daily bag and possession limit is 25.

Geese

Dark Geese

Season Dates: Begin October 2, 1999, end January 9, 2000.

Daily Bag and Possession Limits: 4 and 8 geese, respectively.

Light Geese

Season Dates: Begin October 2, 1999, end January 9, 2000.

Daily Bag and Possession Limits: 3 and 6 geese, respectively.

General Conditions: Non-tribal hunters must comply with all basic Federal migratory bird hunting regulations contained in 50 CFR part 20 regarding manner of taking. In addition, shooting hours are sunrise to sunset and each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Confederated Salish and Kootenai Tribes also apply on the reservation.

(q) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Non-tribal Hunters)

Ducks (including mergansers)

Season Dates: Begin October 2, end November 30, 1999.

Daily Bag and Possession Limits: The daily bag limit is 7, including no more than 2 female mallards, 1 pintail, 2 redheads, 4 scaup, and 1 canvasback. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Begin October 2, 1999, end November 30, 1999.

Daily Bag and Possession Limits: 2 and 4, respectively.

General Conditions: Tribal and non-tribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Jicarilla Tribe also apply on the reservation.

(r) Klamath Tribe, Chiloquin, Oregon (Tribal Members Only)

Ducks

Season Dates: Begin October 1, 1999, end January 31, 2000.

Daily Bag and Possession Limits: 9 and 18 ducks, respectively.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 6 and 12 geese, respectively.

General: The Klamath Tribe provides regulations enforcement authority in its game management officers, biologists and wildlife technicians, and has a court system with judges that hear cases and set fines.

(s) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Non-tribal Hunters)

Ducks (including mergansers)

Season Dates: Begin October 2, 1999, end January 6, 2000.

Daily Bag and Possession Limits: 6 ducks, including no more than 5 mallards (only 1 of which may be a hen), 1 pintail, 3 scaup, 1 mottled duck, 2 redheads, 1 canvasback, 2 wood ducks, and 1 hooded merganser. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Begin October 16, 1999, end January 16, 2000.

Daily Bag and Possession Limits: 3 geese. The possession limit is twice the daily bag limit.

White-fronted Geese

Season Dates: Begin October 16, end December 26, 2000.

Daily Bag and Possession Limits: 2 geese. The possession limit is twice the daily bag limit.

Light Geese

Season Dates: Begin October 16, 1999, end January 16, 2000, begin February 25, end March 10, 2000.

Daily Bag Limit: 20 geese.

General Conditions: All hunters must comply with the basic Federal migratory bird hunting regulations in 50 CFR part 20, including the use of steel shot. Non-tribal hunters must possess a validated Migratory Waterfowl Hunting and Conservation Stamp. The Lower Brule Sioux Tribe has an official Conservation Code that hunters must adhere to when hunting in areas subject to control by the tribe.

(t) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Non-tribal Hunters)

Ducks (including Mergansers)

Season Dates: Begin October 2, 1999, end January 16, 2000.

Daily Bag and Possession Limits: 7 ducks, including no more than 2 female mallards, 1 pintail, 1 canvasback, 4 scaup, and 2 redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 10 and 20 coots, respectively.

Geese

Season Dates: Begin October 2, 1999, end January 9, 2000.

Daily Bag and Possession Limits: 4 geese, including not more than 3 light geese. The possession limit is twice the daily bag limit.

Common Snipe

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 8 and 16 snipe, respectively.

General Conditions: Non-tribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must possess a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Other regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

(u) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)

Ducks (Including Mergansers)

Season Dates: Begin October 2, 1999, end February 23, 2000.

Daily Bag and Possession Limits: 10 ducks, including no more than 2 female mallards, 1 pintail, 1 canvasback, 4 scaup, and 2 redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 7 geese, including 7 dark geese but no more than 6 light geese. The possession limit is twice the daily bag limit.

Brant

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 5 and 10 brant, respectively.

General Conditions: The Swinomish Tribal Community has established additional special regulations for on-reservation hunting. Tribal hunters should consult the tribal office for additional information.

(v) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Non-tribal Hunters)

Ducks (including Mergansers)

Season Dates: Begin October 9, end December 21, 1999.

Daily Bag and Possession Limits: 6 ducks, including no more than 5 mallards (no more than 2 female mallards), 2 redheads, 1 pintail, 1 hooded merganser, 1 canvasback, 3 scaup, and 2 wood ducks. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 15 and 30 coots, respectively.

Dark Geese

Season Dates: Begin October 30, 1999, end January 31, 2000.

Daily Bag and Possession Limits: 3 geese, including no more than 1 white-fronted goose (or brant). The possession limit is twice the daily bag limit.

Light Geese

Season Dates: Begin October 30, 1999, end January 23, 2000.

Daily Bag and Possession Limits: 20 geese, no possession limit.

General Conditions:

(1) The waterfowl hunting regulations established by this final rule apply to tribal and trust lands within the external boundaries of the reservation.

(2) Tribal and non-tribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

Dated: September 15, 1999.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 99–24811 Filed 9–22–99; 8:45 am]

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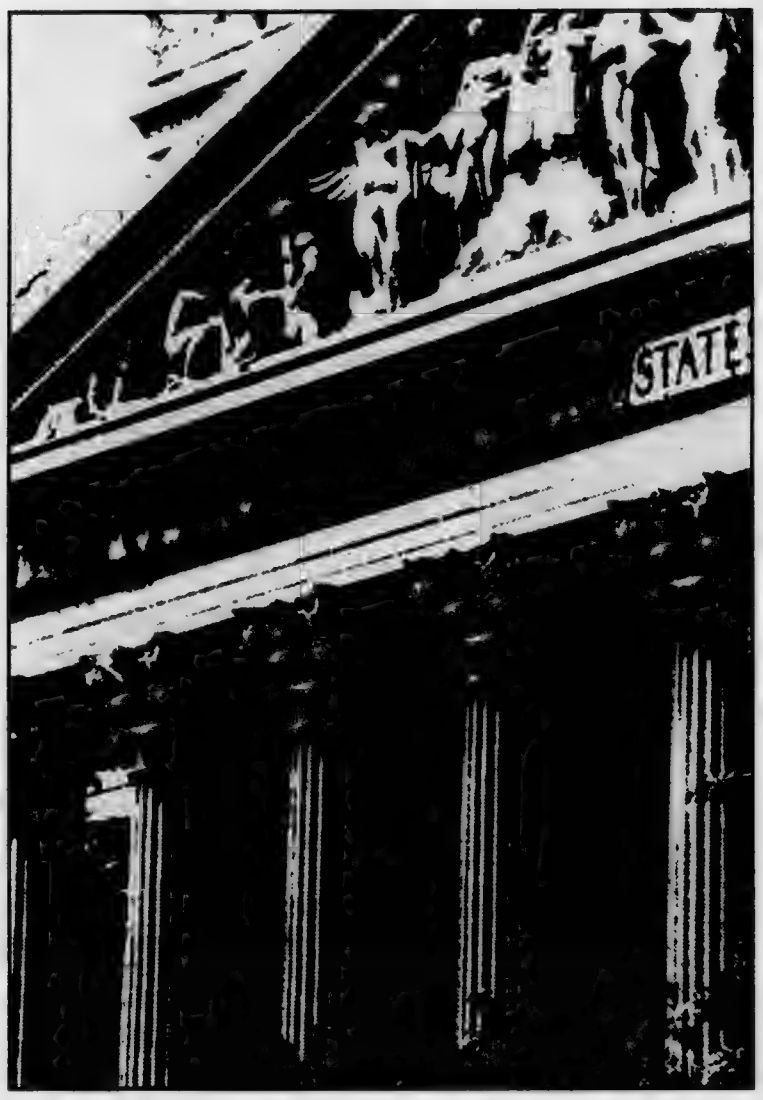

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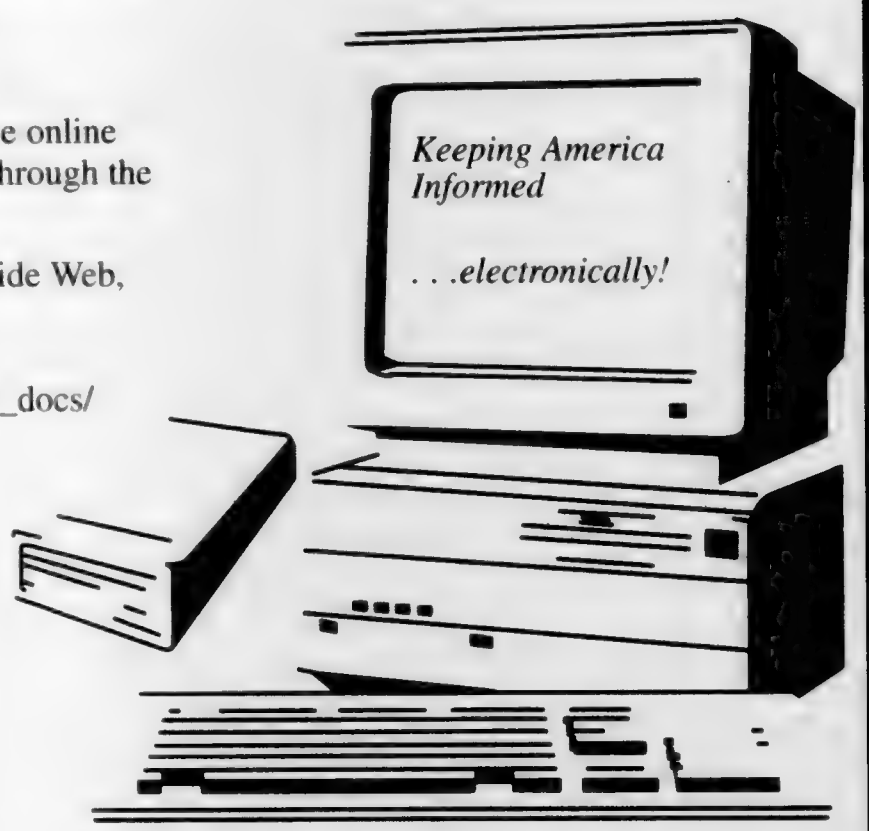

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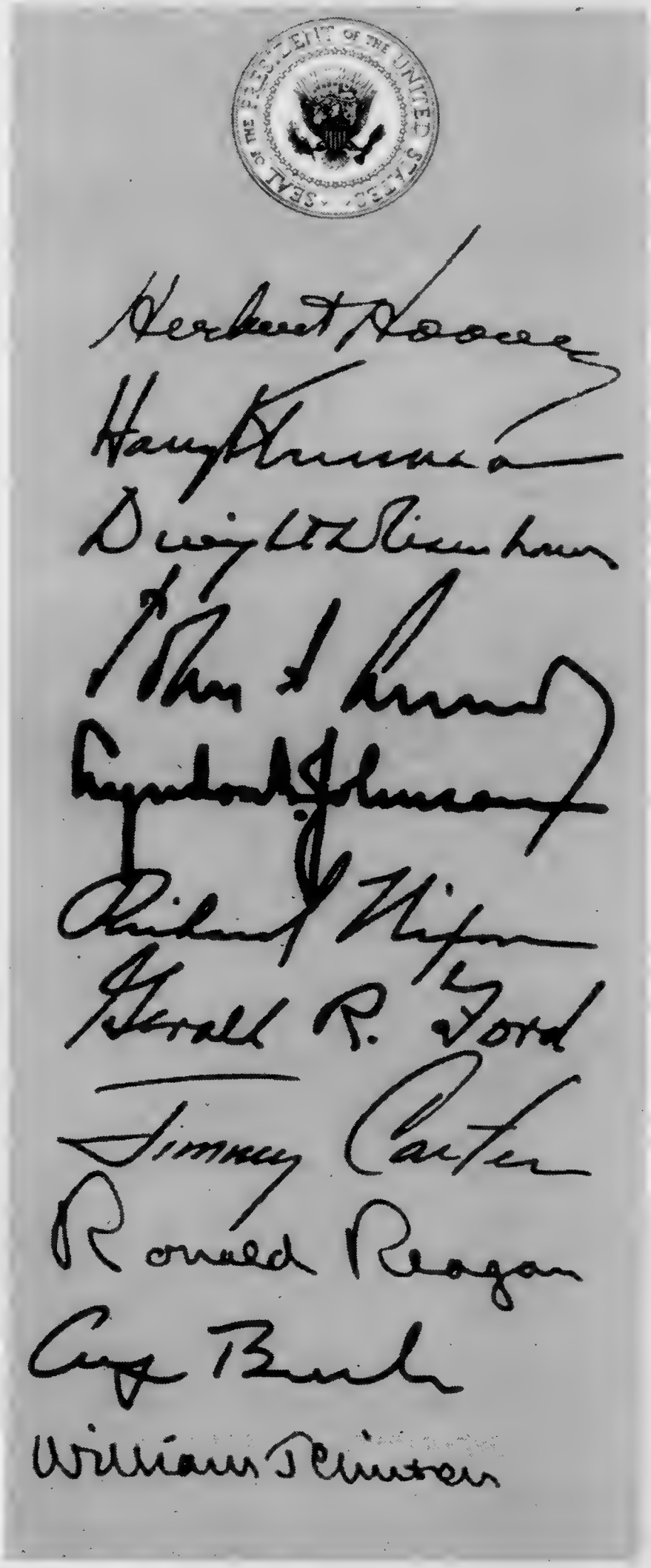

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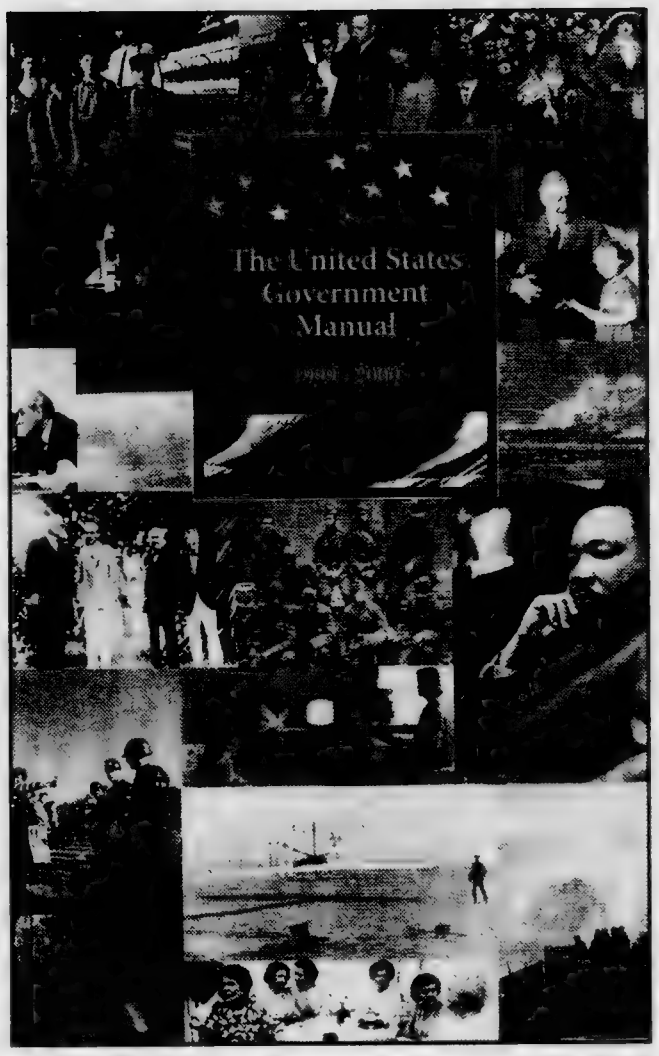

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7 CFR Part

[Docket No.

RIN 0581–AE

Increase in
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AGENCY: Ag
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ACTION: Fin

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Federal Register
Vol. 64, No. 185
Friday, September 24, 1999

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 56 and 70

[Docket No. PY–99–004]

RIN 0581–AB 54

Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is increasing the fees and charges for Federal voluntary egg, poultry, and rabbit grading. These fees and charges are increased to cover the increase in salaries of Federal employees, salary increases of State employees cooperatively utilized in administering the programs, and other increased Agency costs.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Douglas C. Bailey, Chief, Standardization Branch, (202) 720–3506.

SUPPLEMENTARY INFORMATION:

A. Executive Order 12866

This action has been determined to be not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget (OMB).

B. Regulatory Flexibility

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the AMS has considered the economic impact of this action on small entities. It is determined that its provisions would not have a significant economic impact on a substantial number of small entities.

There are about 400 users of Poultry Programs' grading services. These official plants can pack eggs, poultry, and rabbits in packages bearing the USDA grade shield when AMS graders are present to certify that the products meet the grade requirements as labeled. Many of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.201). These entities are under no obligation to use grading services as authorized under the Agricultural Marketing Act of 1946.

The AMS regularly reviews its user fee financed programs to determine if the fees are adequate. The most recent review determined that the existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. Without a fee increase, FY 2000 revenues for grading services are projected at $22.0 million, costs are projected at $23.4 million, and trust fund balances would be $9.3 million. With a fee increase, FY 2000 revenues are projected at $23.1 million, costs are projected at $23.4 million, and trust fund balances would be $10.5 million.

This action would raise the fees charged to users of grading services. The AMS estimates that overall, this rule would yield an additional $1.1 million during FY 2000. The hourly resident rate for grading services will increase by approximately 4.2 percent, while the hourly rates for fee (nonresident) and appeal grading services will increase by approximately 8.0 percent. The costs to entities will be proportional to their use of service, so that costs are shared equitably by all users. The impact of these rate changes in a poultry plant would range from less than 0.003 to 0.05 cents per pound of poultry handled. In a shell egg plant, the range would be less than 0.04 to 0.4 cents per dozen eggs handled.

C. Civil Justice Reform

This action has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

D. Paperwork Reduction

The information collection requirements that appear in the sections to be amended by this action have been previously approved by OMB and assigned OMB Control Numbers under the Paperwork Reduction Act (44 U.S.C. Chapter 35) as follows: § 56.52(a)(4)—No. 0581–0128; and § 70.77(a)(4)—No. 0581–0127.

Background and Proposed Changes

The Agricultural Marketing Act (AMA) of 1946 authorizes official voluntary grading and certification on a user-fee basis of eggs, poultry, and rabbits. The AMA provides that reasonable fees be collected from users of the program services to cover, as nearly as practicable, the costs of services rendered.

The AMS regularly reviews these programs to determine if fees are adequate and if costs are reasonable. This rule will amend the schedule for fees and charges for grading services rendered to the egg, poultry, and rabbit industries to reflect the costs currently associated with them.

A recent review of the current fee schedule, effective October 1, 1998, revealed that anticipated revenue will not adequately cover increasing program costs. Without a fee increase, FY 2000 revenues for grading services are projected at $22.0 million, costs are projected at $23.4 million, and trust fund balances would be $9.3 million. With a fee increase, FY 2000 revenues are projected at $23.1 million, costs are projected at $23.4 million, and trust fund balances would be $10.5 million.

Employee salaries and benefits account for approximately 81 percent of the total operating budget. A general and locality salary increase for Federal employees, ranging from 3.54 to 4.02 percent, depending on locality, became effective in January 1999 and has materially affected program costs. Another general and locality salary increase estimated at 4.4 percent is expected in January 2000. Also, from October 1998 through September 2000, salaries and fringe benefits of federally licensed State employees will have increased by about 6 percent.

The impact of these cost increases was separately determined for resident grading service and fee grading service. To offset projected cost increases for resident grading service, the resident

hourly rate will be increased by approximately 4.2 percent. This hourly rate covers graders' salaries and benefits. Administrative volume charges that cover the cost of supervision for this service will also be increased as shown in the table below. To offset projected cost increases for fee and appeal grading services, those rates will be increased by approximately 8.0 percent. The rate for fee service covers graders' salaries and benefits, and the cost of travel and supervision. The rate for an appeal grading or review of a grader's decision covers the time required to perform such service. Appeal gradings are only done occasionally and account for less than $5,000 revenue annually.

The following table compares current fees and charges with proposed fees and charges for egg, poultry, and rabbit grading as found in 7 CFR parts 56 and 70:

Service	Current	Proposed
Resident Service (egg, poultry, rabbit grading)		
Inauguration of service	310	310
Hourly charges:		
Regular hours	27.64	28.80
Administrative charges—Poultry grading:		
Per pound of poultry	.00034	.00035
Minimum per month	225	225
Maximum per month	2,500	2,625
Administrative charges—Shell egg grading:		
Per 30-dozen case of shell eggs	.040	.044
Minimum per month	225	225
Maximum per month	2,500	2,625
Administrative charges—Rabbit grading:		
Based on 25% of grader's salary, minimum per month	250	260
Nonresident Service (egg, poultry, grading)		
Hourly charges:		
Regular hours	27.64	28.80
Administrative charges:		
Based on 25 of grader's salary, Minimum per month	250	260
Fee and Appeal Service (egg, poultry, rabbit grading)		
Hourly charges:		
Regular hours	44.80	48.40
Weekend and holiday hours	51.60	55.76

Comments

Based on an analysis of costs to provide these services, a proposed rule to increase the fees for these services was published in the **Federal Register** (64 FR 37886) on July 14, 1999. Comments on the proposed rule were solicited from interested parties until August 13, 1999. No comments were received during the 30-day comment period.

Pursuant to 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of the action until 30 days after publication in the **Federal Register** because the proposed fees need to be implemented on an expedited basis in order to avoid further financial losses in the grading program and the effective date of the fee increase will be set to coincide with the next billing cycle which is October 1, 1999.

List of Subjects

7 CFR Part 56

Eggs and egg products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

7 CFR Part 70

Food grades and standards, Food labeling, Poultry and poultry products, Rabbits and rabbit products, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, Title 7, Code of Federal Regulations, parts 56 and 70 are amended as follows:

PART 56—GRADING OF SHELL EGGS

1. The authority citation for part 56 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. Section 56.46 is revised to read as follows:

§ 56.46 On a fee basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in this section.

(b) Fees for grading services will be based on the time required to perform the services. The hourly charge shall be $48.40 and shall include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $55.76 per hour. Information on legal holidays is available from the Supervisor.

3. In § 56.52, paragraph (a)(4) is revised to read as follows:

§ 56.52 Continuous grading performed on resident basis.

* * * * *

(a) * * *

(4) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per billing period multiplied by $0.044, except that the minimum charge per billing period shall be $225 and the maximum charge shall be $2,625. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

4. In § 56.54, paragraph (a)(2) is revised to read as follows:

§ 56.54 Charges for continuous grading performed on a nonresident basis.

* * * * *

(a) * * *

(2) An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $260 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

5. The authority citation for part 70 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

6. Section 70.71 is revised to read as follows:

§ 70.71 On a fee basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in this section.

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether ready-to-cook poultry, ready-to-cook rabbits, or specified poultry food products are involved. The hourly charge shall be $48.40 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $55.76 per hour. Information on legal holidays is available from the Supervisor.

7. In § 70.76, paragraph (a)(2) is revised to read as follows:

§ 70.76 Charges for continuous poultry grading performed on a nonresident basis.

* * * * *

(a) * * *

(2) An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $260 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

8. In § 70.77, paragraphs (a)(4) and (a)(5) are revised to read as follows:

§ 70.77 Charges for continuous poultry or rabbit grading performed on a resident basis.

* * * * *

(a) * * *

(4) For poultry grading: An administrative service charge based upon the aggregate weight of the total volume of all live and ready-to-cook poultry handled in the plant per billing period computed in accordance with the following: Total pounds per billing period multiplied by $0.00035, except that the minimum charge per billing period shall be $225 and the maximum charge shall be $2,625. The minimum charge also applies where an approved application is in effect and no product is handled.

(5) For rabbit grading: An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $260 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

Dated: September 20, 1999.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

[FR Doc. 99–24923 Filed 9–23–99; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 26

[Docket No. 99–11]

RIN 1557–AB60

FEDERAL RESERVE BOARD

12 CFR Part 212

[Docket No. R–0907]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

RIN 3064–AC08

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 563f

[Docket No. 99–36]

RIN 1550–AB07

Management Official Interlocks

AGENCIES: Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; Office of Thrift Supervision, Treasury.

ACTION: Joint final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), and Office of Thrift Supervision (OTS) (the Agencies) are revising their rules regarding management interlocks. The final rule conforms the interlocks rules to recent statutory changes, modernizes and clarifies the rules, and reduces unnecessary regulatory burdens where feasible, consistent with statutory requirements.

EFFECTIVE DATE: This joint rule is effective January 1, 2000.

FOR FURTHER INFORMATION CONTACT: OCC: Emily R. McNaughton, National Bank Examiner, Senior Policy Analyst, Core Policy Development (202) 874–5190; Jackie Durham, Senior Licensing Policy Analyst, Bank Organization and Structure (202) 874–5060; Sue E. Auerbach, Senior Attorney, Bank Activities and Structure (202) 874–5300; or Mark Tenhundfeld, Assistant Director, Legislative and Regulatory Activities (202) 874–5090. Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

Board: Thomas M. Corsi, Senior Counsel (202) 452–3275, or Andrew Baer, Attorney (202) 452–2246, Legal Division, Board of Governors of the Federal Reserve System. For the hearing impaired only, Telecommunication Device for Deaf (TDD), Dorothea Thompson (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551.

FDIC: Curtis Vaughn, Examination Specialist, Division of Supervision, (202) 898–6759; or Mark Mellon, Counsel, Regulation and Legislation Section, Legal Division, (202) 898–3854, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429.

OTS: David Bristol, Senior Attorney, Business Transactions Division, Chief Counsel's Office (202) 906–6461; or Joseph M. Casey, Supervision Policy, (202) 906–5741, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

The Depository Institution Management Interlocks Act (12 U.S.C. 3201–3208) (the Interlocks Act or Act) generally prohibits bank management officials from serving simultaneously with two unaffiliated depository institutions or their holding companies (depository organizations). The scope of the prohibition depends on the size and location of the organizations involved. For instance, the Act prohibits

interlocks between unaffiliated depository organizations, regardless of size, if each organization has an office [1] in the same community (the community prohibition). Interlocks are also prohibited between unaffiliated depository organizations if each organization has total assets of $20 million or more and has an office in the same relevant metropolitan statistical area (RMSA) (the RMSA prohibition). The Interlocks Act also prohibits interlocks between unaffiliated depository organizations, regardless of location, if each organization has total assets exceeding specified thresholds (the major assets prohibition).

Summary of Statutory Changes

Section 2210 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (Pub. L. 104–208, 110 Stat. 3009–409) (the EGRPR Act) amended sections 204, 206 and 209 of the Interlocks Act (12 U.S.C. 3203, 3205 and 3207). Section 2210(a) of the EGRPR Act amended the Interlocks Act by changing the thresholds for the major assets prohibition under 12 U.S.C. 3203. Prior to the EGRPR Act, management officials of depository organizations with total assets exceeding $1 billion were prohibited from serving as management officials of unaffiliated depository organizations with assets exceeding $500 million, regardless of the location of the organizations.[2] The EGRPR Act raised the thresholds to $2.5 billion and $1.5 billion, respectively. The amendment also authorized the Agencies to adjust the thresholds by regulation, as necessary to allow for inflation or market conditions.

Section 2210(b) of the EGRPR Act permanently extended the grandfather exemptions for management officials whose service began before November 10, 1978, which appear at 12 U.S.C. 3205(a) and (b) which were due to expire in 1998. The EGRPR Act repealed section 3205(c) which mandated Agency review of these grandfathered interlocks before March 1995.

The EGRPR Act also amended 12 U.S.C. 3207 to provide that the Agencies may adopt regulations that permit service by a management official that would otherwise be prohibited by the Interlocks Act, if such service would not result in a monopoly or substantial lessening of competition. This change repealed the specific "regulatory standards" and "management consignment" exemptions added by the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRI Act),[3] and restored the Agencies' broad authority to create regulatory exemptions to the statutory prohibitions on interlocks.

II. The Proposal

On August 11, 1998, the Agencies published a joint notice of proposed rulemaking (the Proposal) (63 FR 43052) to implement the statutory changes made by the EGRPR Act. In addition, the Proposal renewed an earlier proposal for a small market share exemption that the Board, OCC, and FDIC had advanced before enactment of the CDRI Act.

III. The Final Rule and Comments Received

The Agencies received a total of seven comments,[4] some of which were sent to more than one agency. Commenters generally supported the Proposal. A few commenters, while supporting the Proposal, suggested that the Agencies make additional changes as discussed later in this preamble. Most of the proposed changes received either no comments or uniformly favorable comments. Accordingly, except where noted in the text that follows, the Agencies have adopted the Proposal without change. The following discussion summarizes the amendments to the Agencies' management interlocks rules and the comments received.

A. Definitions

The Agencies' regulations define key terms implementing the Interlocks Act. The Agencies added or revised a number of these definitions in 1996 to implement the CDRI Act.[5] With the repeal of the specific exemptive standards in the CDRI Act, two of these definitions became unnecessary, specifically, "anticompetitive effect" and "critical". The Agencies therefore proposed that they be removed.

The Agencies received only one comment on the proposed elimination of these terms. The commenter agreed that these definitions should be removed. The Agencies therefore adopt this provision without any changes.

B. Major Assets Prohibition

Prior to the EGRPR Act, if a depository institution or depository holding company had total assets exceeding $1 billion, a management official of the institution or any of its affiliates could not serve as a management official of any other nonaffiliated depository institution or depository holding company having total assets exceeding $500 million or as a management official of any affiliates of the other institution, regardless of location. The EGRPR Act revised the asset thresholds for the major assets prohibition from $1 billion and $500 million to $2.5 billion and $1.5 billion, respectively. The legislation also authorized the Agencies to adjust the threshold from time to time to reflect inflation or market changes.

The Agencies proposed to amend the regulations to reflect the new threshold amounts, and to add a mechanism providing for periodic adjustments of the thresholds. The adjustment would be based on changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers (the Consumer Price Index). In those years when changes in the Consumer Price Index would change the thresholds by more than $100 million, the Agencies will adjust the threshold and announce the change by a final rule without notice and opportunity for comment published in the **Federal Register**. For those years in which changes in the Consumer Price Index would not change the thresholds by more than $100 million, the Agencies will not adjust the threshold. The Agencies invited comment on other types of market changes that may warrant subsequent adjustments to the major assets prohibition. The Agencies, however, wish to clarify that if they do not adjust the threshold to reflect a Consumer Price Index change in any given year, they will consider the change for that year in computing adjustments to the threshold in subsequent years.

Two commenters supported the proposed adjustment of the major asset thresholds based on the Consumer Price Index. One commenter, however, suggested that the Agencies notify financial institutions of threshold amounts at least annually even if they are not adjusted.

The Agencies believe that the $100 million benchmark will make it easy for the banking industry to keep track of the thresholds while preserving the flexibility to reflect changes in the economy that are significant enough to

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[1] Each of the Agencies' regulations generally define "office" as a home or branch office. *See* 12 CFR 26.2 (OCC), 212.2 (Board), 348.2 (FDIC), and 563f.2 (OTS).

[2] The Agencies define "total assets" of diversified savings and loan holding companies and bank holding companies exempt from section 4 of the Bank Holding Company Act (12 U.S.C. 1843) to include only the assets of their depository institution affiliates. *See* 12 CFR 26.2(r) (OCC), 212.2(q) (Board), 348.2(q) (FDIC), and 563f.2(r) (OTS).

[3] The Agencies adopted final regulations implementing the management interlocks provisions of the CDRI Act, effective October 1, 1996. *See* 61 FR 40293 (August 2, 1996).

[4] The Board received 4 comments from the public, while the OCC, FDIC, and OTS received 4, 6, and 5 respectively.

[5] See 61 FR 40293 (August 2, 1996).

warrant changing the asset thresholds. Accordingly, the Agencies adopt the mechanism providing for periodic adjustments of the thresholds set forth in the Proposal without any changes.

C. Regulatory Standards and Management Consignment Exemptions

The current regulations contain Regulatory Standards and Management Consignment exemptions which were predicated on section 3207 of the Interlocks Act. The EGRPR Act removed the specific exemptions from the Interlocks Act and substituted a general authority for the Agencies to create exemptions by regulation. Accordingly, the Proposal recommended removal of these regulatory exemptions.

The Agencies received only one comment on this provision. The commenter supported removal of the Regulatory Standards and Management Consignment exemptions. The Agencies find the removal of the exemptions appropriate in light of their statutory repeal and therefore adopt this provision as set forth in the Proposal without any changes.

D. General Exemptive Authority

Section 2210(c) of the EGRPR Act authorizes the Agencies to adopt regulations permitting service by a management official that would otherwise be prohibited by the Interlocks Act, if that official's service would not result in "a monopoly or substantial lessening of competition." To implement this authority, the Agencies proposed to exempt otherwise prohibited management interlocks where the dual service would not result in a monopoly or substantial lessening of competition, and would not otherwise threaten safety and soundness. As noted in the preamble to the Proposal, the process for obtaining such exemptions will be set out in each Agency's procedural regulations or, in the case of the OCC, in the Management Interlocks booklet of the Comptroller's Corporate Manual.

The Agencies also proposed to create a rebuttable presumption that an interlock would not result in a monopoly or substantial lessening of competition, if: (1) The depository organization primarily serves low-or moderate-income areas; (2) the depository organization is controlled or managed by members of a minority group or women; (3) the depository institution has been chartered for less than two years; or (4) the depository organization is deemed to be in a troubled condition" under regulations implementing section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1831i).

Under the proposal, interlocks granted in reliance on one of these presumptions may continue for three years unless the Agency granting the interlock provides otherwise in writing.

Three commenters supported the general exemption. One commenter suggested that the rebuttable presumption be extended to depository institutions that have been chartered for less than five years rather than the two-year limit suggested in the Proposal. The commenter argued that the time period should be extended to take into consideration the challenges facing a *de novo* depository institution in its first or second market cycle. Another commenter, however, cautioned against allowing an interlock to continue when the original reason for granting the interlock in the first place no longer applies. For example, the commenter noted that if an interlock is granted to strengthen an institution in a troubled condition and the bank is still in that status at the end of the three-year time period, the appropriate supervisory agency should consider other courses of action instead of allowing the interlock to continue.

A fourth commenter stated that the justification offered by the Agencies was insufficient to establish a rebuttable presumption for a depository organization controlled or managed by members of a minority group or women or for a newly chartered depository institution. The commenter further questioned the reason for presuming that interlocks in these conditions automatically would not result in a monopoly or reduction of competition. The commenter argued that proper management should be addressed in the chartering process and that the burden of management oversight rests there. The commenter therefore recommended that these two categories be dropped from the list of those eligible for the rebuttable presumption.

In response, the Agencies note that when the regulatory exceptions for these two categories of interlocks were created in 1979, the Agencies found the exceptions were appropriate for the promotion of competition over the long term and to encourage the development and preservation of these depository organizations, thereby contributing to the convenience and needs of the public and the well-being of the financial community. The Agencies continue to believe that the exception for a depository organization controlled or managed by members of a minority group or women does not create an unfair advantage but instead recognizes that it has historically been more difficult for institutions controlled by women and minorities to recruit seasoned management and that, accordingly, competition to serve traditionally underserved markets may have suffered. By permitting interlocks that improve the quality of management in minority and women-owned institutions, the Agencies believe that these institutions are better able to compete with other institutions in the relevant market to serve traditionally underserved customers and markets. Similarly, because *de novo* entrants into a market are presumed to enhance competition in that market, the Agencies believe that an interlock that improves the management of newly chartered institutions also enhances competition.

For these reasons, the Agencies have retained the two categories of rebuttable presumptions. As noted by the Agencies in the Proposal, however, a claim that factors exist giving rise to a presumption does not preclude an Agency from denying a request for an exemption if the Agency finds that the interlock nevertheless would result in a monopoly or substantial lessening of competition. *See* 63 FR 43054.

The Proposal stated that these presumptions would be applied in a manner consistent with the Agencies' past analysis of the factors to meet the legitimate needs of the institutions and organizations involved for qualified and skilled management. The Proposal further stated that the definitions of "area median income" and "low-and moderate-income areas" added to the regulations in 1996 to implement the CDRI Act amendments would be retained to provide guidance as to when an organization would qualify for one of the presumptions. Under the Proposal, interlocks based on a rebuttable presumption would be allowed to continue for three years, unless otherwise provided in the approval order. The Proposal would not prevent an organization from applying for an extension of an interlock exemption if the factors continued to apply. The organization would also be free under the Proposal to utilize any other exemption that may be available. The Agencies proposed that any interlock approved under this section may continue so long as it would not result in a monopoly or a substantial lessening of competition, becomes unsafe or unsound, or is subject to a condition requiring termination at a specific time. The Agencies are adopting the proposed section without any changes.

The Agencies also decline to extend the eligibility period for the rebuttable

presumption to depository institutions that have been chartered for less than five years rather than the two-year limit as suggested by another commenter. The Agencies believe that extending the rebuttable presumption to depository institutions that have been chartered for less than five years would cause *de novo* depository organizations to rely on interlocking service, rather than to obtain independent management from other more appropriate sources. Once a *de novo* depository institution is granted a general exemption, the exemption would continue for a period of three years.

E. Small Market Share Exemption

The Proposal sought comment on an exemption for interlocks involving institutions that, on a combined basis, control less than 20 percent of the deposits in a community or relevant MSA. The Agencies proposed the small market share exemption to enlarge the pool of management talent upon which depository institutions may draw, thereby resulting in more competitive, better managed institutions without causing significant anticompetitive effects. As stated in the Proposal, financial institutions seeking to form an interlock pursuant to the small market share exemption must determine their eligibility by using deposit share data published by the FDIC in its Summary of Deposits.

All seven commenters supported the small market share exemption. In addition, five commenters found the FDIC Summary of Deposits to be the best available database for determining eligibility for the exception (with the other two commenters expressing no opinion on this question). Four commenters did not believe that institutions would abuse this exception by developing webs of interlocking relationships (hub and spoke interlocks). One of these four commenters urged the Agencies to approach such interlocks on a case-by-case basis.

Four commenters stated that 20 percent of deposits was an appropriate threshold to determine eligibility for the exception. One commenter in this group recommended, however, that the Agencies periodically reexamine the appropriateness of the 20 percent limit in light of the declining market shares of banks generally. Another commenter argued that the Agencies should increase the threshold to 30 percent due to a shortage of talent in some small towns. A second commenter suggested that the Agencies adopt a higher percentage for depository organizations in small communities. This commenter noted that depository organizations in sparsely populated areas often control a large share of deposits and that there would be no benefit in depriving small or rural banks of eligibility for this exemption. Two commenters suggested that credit union deposits should be taken into account when ascertaining the total amount of deposits in a particular community.

The Agencies agree with the majority of commenters that 20 percent of deposits within the relevant community is the appropriate threshold to determine eligibility for the small market share exemption. While there will be highly concentrated markets where this threshold will not affect institutions' ability to form interlocks, the Agencies believe that interlocks between unaffiliated institutions that together control more than 20 percent of the deposits in a market create the risk that the interlocked institutions will be able to adversely affect the availability or terms of credit in that market. The Agencies note, however, that the rule permits institutions that do not qualify for the small market share exemption to apply for a general exemption. The general exemption is available even to institutions that control more than 20 percent of the deposits in the relevant market if the institutions are able to demonstrate that the interlock will not result in a monopoly or substantial lessening of competition and would not present safety and soundness concerns.

The Agencies do not agree with the commenters' suggestion of including data on credit union deposits along with depository institution deposits when determining the total amount of deposits in a given market. The Agencies continue to believe[6] that the deposit data maintained in the FDIC's Summary of Deposits, which does not include credit union data, provides a reliable approximation of the market for a given location. To the extent that credit unions hold a significant amount of the total deposits in a given market, this information may be used to demonstrate that an interlock will not result in a monopoly or substantial lessening of competition under the general exemption. This approach is consistent with the Agencies' treatment of credit union deposits in the merger context, where the Agencies consider credit union deposits as one of many mitigating factors if a merger transaction exceeds a specified threshold.[7]

The small market share exemption criteria remain as outlined in the Proposal. Organizations claiming the exemption must determine the market share in each RMSA and community in which both depository organizations (or their depository institution affiliates) have offices. The relevant market used for the small market share exception (that is, the RMSAs or communities in which both depository organizations or their depository institution affiliates have offices) are the same markets described in the community and RMSA prohibitions. The small market share exemption is not available for interlocks subject to the major assets prohibition.

The exemptions continue to apply as long as the organizations meet the applicable conditions. Any event, such as an expansion or merger, that causes the level of deposits controlled to exceed 20 percent of deposits in any RMSA or community is considered a change in circumstances. Accordingly, the depository organizations have 15 months (or such shorter period as directed by the appropriate Agency) to address the prohibited interlock. Conforming changes relating to termination have been made to the Agencies' change of circumstances provisions.

No prior Agency approval is required in order to claim the proposed small market share exemption. Management is responsible for complying with the terms of a small market share exemption and for maintaining sufficient supporting documentation. Each depository organization must maintain records sufficient to support its determination of eligibility for the exemption and must reconfirm that determination on an annual basis.

IV. Effective Date of Final Rule

Subject to certain exceptions, 12 U.S.C. 4802(b) provides that new regulations and amendments to regulations prescribed by a federal banking agency which impose additional reporting, disclosures, or other new requirements on an insured depository institution shall take effect on the first day of a calendar quarter which begins on or after the date on which the regulations are published in final form. In addition, the Administrative Procedure Act generally provides that rules will become effective 30 days after publication. 5 U.S.C. 553. Accordingly, compliance with the final rule is not mandatory until the effective

[6] The Agencies' small market share exemption proposal in 1994 also did not include credit union deposit data in the determination of the market.

[7] The National Credit Union Administration in its proposed rulemaking to revise its management interlocks regulation, however, considers credit union deposits when determining the total amount of deposits in a given market. *See* 63 FR 57947 (October 29, 1998).

date provided earlier in this document. Section 4802(b), however, also permits any person subject to the regulation to comply with the regulation voluntarily, prior to the effective date. Consequently, affected insured depository institutions may elect to comply voluntarily with the final rule immediately. If an insured depository institution or foreign bank elects to comply voluntarily with any section of the management interlocks rules, the institution or bank must comply with the entire part.

V. Paperwork Reduction Act

The Agencies may not conduct or sponsor, and an organization is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OMB control numbers are listed below.

OCC: 1557–0196
Board: 7100–0134
FDIC: 3604–0118
OTS: 1550–0051

The Agencies sought comment on the burden estimates for the information collections listed below and received no comments that specifically addressed the burden stemming from these information collections.

OCC: The collection of information requirements contained in this final rule have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). Persons interested in commenting on these requirements should send comments to the Office of Management and Budget, Paperwork Reduction Project (1557–0196), Washington, D.C. 20503, with copies to the Communications Division, Third Floor, Attention: 1557–0196, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

The collection of information requirements in this final rule are found in 12 CFR 26.4(h)(1)(i), 26.6(b), and 26.6(c). This information is required to evidence compliance with the requirements of the Interlocks Act by national banks and District banks.

Estimated average annual burden hours per respondent: 4 hours.

Estimated number of respondents: 7.

Estimated total annual reporting burden: 29 hours.

Start-up costs to correspondents: None.

Board: In accordance with section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 35; 5 CFR 1320 Appendix A.1), the Board reviewed the rule under the authority delegated to the Board by the Office of Management and Budget.

The collection of information requirements in the final rule are found in 12 CFR 212.4(h)(1)(i), 212.5(a)(2), 212.6(b), and 212.6(c). This information is required to evidence compliance with the Interlocks Act. The respondents are state member banks and subsidiary depository institutions of bank holding companies (for-profit financial institutions, including small businesses).

Estimated number of respondents: 6 applicants per year.

Estimated average annual burden per respondent: 4 hours.

Estimated annual frequency of reporting: One-time application.

Estimated total annual reporting burden: 24 hours.

Start-up costs to respondents: None.

The Board has a continued interest in the public's opinions of Federal Reserve collections of information. At any time, comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, may be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551; and to the Office of Management and Budget, Paperwork Reduction Project (7100–0134), Washington, DC 20503.

FDIC: The collections of information contained in this final rule have been reviewed and approved by the Office of Management and Budget under control number 3604–0118 in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). Comments on the collections of information should be sent to the Office of Management and Budget, Paperwork Reduction Project (3604–0118), Washington, D.C. 20503, with copies of such comments to be sent to Steven F. Hanft, Office of the Executive Secretary, Room F–453, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

OTS: The collection of information requirements in this rule have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) under OMB control number 1550–0051.

Persons interested in commenting on these requirements should send comments to the Office of Management and Budget, Paperwork Reduction Project (1550–0051), Washington, DC 20503, with copies to the Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G St., NW., Washington, DC 20552.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a currently valid OMB control number. The valid OMB control number assigned to the collection of information in this final rule is displayed at 12 CFR 506.1.

The collection of information requirements are found in 12 CFR 563f.4(h)(1)(i), 563f.6(b) and 563f.6(c). OTS requires this information to evidence compliance with the Management Interlocks Act by savings associations. The likely respondents are savings associations and their holding companies.

VI. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)), the regulatory flexibility analysis otherwise required under section 603 of the RFA (5 U.S.C. 603) is not required if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and the agency publishes such certification and a statement explaining the factual basis for such certification in the **Federal Register** along with its final rule.

Pursuant to section 605(b) of the RFA, the Agencies hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. The Agencies expect that this rule will not create any additional burden on small entities. The rule relaxes the criteria for obtaining an exemption from the interlocks prohibitions, and specifically addresses the needs of small entities by creating the small market share exemption. Accordingly, a regulatory flexibility analysis is not required.

VII. Small Business Regulatory Enforcement Fairness Act

Title II of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)[8] provides generally for agencies to report rules to Congress and the General Accounting Office for review. The reporting requirement is triggered when a Federal agency issues a final rule. The Agencies will file the appropriate reports with Congress and the GAO as required by SBREFA. The Office of Management and Budget has determined that the rules promulgated by the Agencies do not constitute "major rules" as defined by SBREFA.

[8] Pub. L. 104–121, 110 Stat. 857.

VIII. Executive Order 12866

The OCC and OTS have determined that this Proposal is not a significant regulatory action under Executive Order 12866.

IX. Unfunded Mandates Act of 1995

OCC and OTS: Section 202 of the Unfunded Mandates Act of 1995 (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating a rule likely to result in a Federal mandate that may result in the annual expenditure of $100 million or more in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act requires an agency to identify and consider a reasonable number of alternatives before promulgating the rule.

The OCC and OTS have determined that this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of more than $100 million in any one year. Accordingly, neither the OCC nor the OTS has prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

X. Assessment of Impact of Federal Regulation on Families

The Agencies have determined that this amendment will not affect family well-being within the meaning of section 654 of the Treasury Department Appropriations Act, 1999, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L. 105–277, 112 Stat. 2681).

List of Subjects

12 CFR Part 26

Antitrust, Banks, banking, Holding companies, Management official interlocks, National banks, Reporting and recordkeeping requirements.

12 CFR Part 212

Antitrust, Banks, banking, Holding companies, Management official interlocks, Reporting and recordkeeping requirements.

12 CFR Part 348

Antitrust, Banks, banking, Holding companies, Reporting and recordkeeping requirements.

12 CFR Part 563f

Antitrust, Holding companies, Reporting and recordkeeping requirements, Savings associations.

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons set out in the joint preamble, the OCC amends chapter I of title 12 of the Code of Federal Regulations as follows:

PART 26—MANAGEMENT OFFICIAL INTERLOCKS

1. The authority citation for part 26 continues to read as follows:

Authority: 12 U.S.C. 93a and 3201–3208.

§ 26.2 [Amended]

2. Section 26.2 is amended by removing paragraphs (b) and (f) and redesignating paragraphs (c) through (s) as paragraphs (b) through (q), respectively.

3. Section 26.3 is amended by revising paragraph (c) to read as follows:

§ 26.3 Prohibitions.

* * * * *

(c) *Major assets.* A management official of a depository organization with total assets exceeding $2.5 billion (or any affiliate of such an organization) may not serve at the same time as a management official of an unaffiliated depository organization with total assets exceeding $1.5 billion (or any affiliate of such an organization), regardless of the location of the two depository organizations. The OCC will adjust these thresholds, as necessary, based on the year-to-year change in the average of the Consumer Price Index for the Urban Wage Earners and Clerical Workers, not seasonally adjusted, with rounding to the nearest $100 million. The OCC will announce the revised thresholds by publishing a final rule without notice and comment in the **Federal Register**.

4. Section 26.5 is revised to read as follows:

§ 26.5 Small market share exemption.

(a) *Exemption.* A management interlock that is prohibited by § 26.3 is permissible, if:

(1) The interlock is not prohibited by § 26.3(c); and

(2) The depository organizations (and their depository institution affiliates) hold, in the aggregate, no more than 20 percent of the deposits in each RMSA or community in which both depository organizations (or their depository institution affiliates) have offices. The amount of deposits shall be determined by reference to the most recent annual Summary of Deposits published by the FDIC for the RMSA or community.

(b) *Confirmation and records.* Each depository organization must maintain records sufficient to support its determination of eligibility for the exemption under paragraph (a) of this section, and must reconfirm that determination on an annual basis.

5. Section 26.6 is revised to read as follows:

§ 26.6 General exemption.

(a) *Exemption.* The OCC may by order issued following receipt of an application, exempt an interlock from the prohibitions in § 26.3 if the OCC finds that the interlock would not result in a monopoly or substantial lessening of competition and would not present safety and soundness concerns.

(b) *Presumptions.* In reviewing an application for an exemption under this section, the OCC will apply a rebuttable presumption that an interlock will not result in a monopoly or substantial lessening of competition if the depository organization seeking to add a management official:

(1) Primarily serves low-and moderate-income areas;

(2) Is controlled or managed by persons who are members of a minority group, or women;

(3) Is a depository institution that has been chartered for less than two years; or

(4) Is deemed to be in "troubled condition" as defined in 12 CFR 5.51(c)(6).

(c) *Duration.* Unless a specific expiration period is provided in the OCC approval, an exemption permitted by paragraph (a) of this section may continue so long as it does not result in a monopoly or substantial lessening of competition, or is unsafe or unsound. If the OCC grants an interlock exemption in reliance upon a presumption under paragraph (b) of this section, the interlock may continue for three years, unless otherwise provided by the OCC in writing.

6. Section 26.7 is amended by revising paragraph (a) to read as follows:

§ 26.7 Change in circumstances.

(a) *Termination.* A management official shall terminate his or her service or apply for an exemption if a change in circumstances causes the service to become prohibited. A change in circumstances may include an increase in asset size of an organization, a change in the delineation of the RMSA or community, the establishment of an office, an increase in the aggregate deposits of the depository organization, or an acquisition, merger, consolidation, or any reorganization of the ownership structure of a depository organization

that causes a previously permissible interlock to become prohibited.

* * * * *

Dated: July 12, 1999.

John D. Hawke, Jr.,

Comptroller of the Currency.

Federal Reserve System

12 CFR Chapter II

Authority and Issuance

For the reasons set out in the joint preamble, the Board amends chapter II of title 12 of the Code of Federal Regulations as follows:

PART 212—MANAGEMENT OFFICIAL INTERLOCKS

1. The authority citation for part 212 continues to read as follows:

Authority: 12 U.S.C. and 3201–3208; 15 U.S.C. 19.

§ 212.2 [Amended]

2. Section 212.2 is amended by removing paragraphs (b) and (f) and redesignating paragraphs (c) through (r) as paragraphs (b) through (p), respectively.

3. Section 212.3 is amended by revising paragraphs (b) and (c) to read as follows:

§ 212.3 Prohibitions.

* * * * *

(b) *RMSA.* A management official of a depository organization may not serve at the same time as a management official of an unaffiliated depository organization if the depository organizations in question (or a depository institution affiliate thereof) have offices in the same RMSA and, in the case of depository institutions, each depository organization has total assets of $20 million or more.

(c) *Major assets.* A management official of a depository organization with total assets exceeding $2.5 billion (or any affiliate of such an organization) may not serve at the same time as a management official of an unaffiliated depository organization with total assets exceeding $1.5 billion (or any affiliate of such an organization), regardless of the location of the two depository organizations. The Board will adjust these thresholds, as necessary, based on the year-to-year change in the average of the Consumer Price Index for the Urban Wage Earners and Clerical Workers, not seasonally adjusted, with rounding to the nearest $100 million. The Board will announce the revised thresholds by publishing a final rule without notice and comment in the **Federal Register**.

4. Section 212.5 is revised to read as follows:

§ 212.5 Small market share exemption.

(a) *Exemption.* A management interlock that is prohibited by § 212.3 is permissible, if:

(1) The interlock is not prohibited by § 212.3(c); and

(2) The depository organizations (and their depository institution affiliates) hold, in the aggregate, no more than 20 percent of the deposits in each RMSA or community in which both depository organizations (or their depository institution affiliates) have offices. The amount of deposits shall be determined by reference to the most recent annual Summary of Deposits published by the FDIC for the RMSA or community.

(b) *Confirmation and records.* Each depository organization must maintain records sufficient to support its determination of eligibility for the exemption under paragraph (a) of this section, and must reconfirm that determination on an annual basis.

5. Section 212.6 is revised to read as follows:

§ 212.6 General exemption.

(a) *Exemption.* The Board may, by agency order, exempt an interlock from the prohibitions in § 212.3, if the Board finds that the interlock would not result in a monopoly or substantial lessening of competition, and would not present safety and soundness concerns.

(b) *Presumptions.* In reviewing an application for an exemption under this section, the Board will apply a rebuttable presumption that an interlock will not result in a monopoly or substantial lessening of competition if the depository organization seeking to add a management official:

(1) Primarily serves low- and moderate-income areas;

(2) Is controlled or managed by persons who are members of a minority group, or women;

(3) Is a depository institution that has been chartered for less than two years; or

(4) Is deemed to be in "troubled condition" as defined in 12 CFR 225.71.

(c) *Duration.* Unless a shorter expiration period is provided in the Board approval, an exemption permitted by paragraph (a) of this section may continue so long as it does not result in a monopoly or substantial lessening of competition, or is unsafe or unsound. If the Board grants an interlock exemption in reliance upon a presumption under paragraph (b) of this section, the interlock may continue for three years, unless otherwise provided by the Board in writing.

6. Section 212.7 is amended by revising paragraph (a) to read as follows:

§ 212.7 Change in circumstances.

(a) *Termination.* A management official shall terminate his or her service or apply for an exemption if a change in circumstances causes the service to become prohibited. A change in circumstances may include an increase in asset size of an organization, a change in the delineation of the RMSA or community, the establishment of an office, an increase in the aggregate deposits of the depository organization, or an acquisition, merger, consolidation, or reorganization of the ownership structure of a depository organization that causes a previously permissible interlock to become prohibited.

* * * * *

By order of the Board of Governors of the Federal Reserve System.

Dated at Washington, DC, this 13th day of September, 1999.

Board of Governors of the Federal Reserve System.

Jennifer J. Johnson,

Secretary of the Board.

Federal Deposit Insurance Corporation

12 CFR Chapter III

Authority and Issuance

For the reasons set forth in the joint preamble, the Board of Directors of the FDIC amends chapter III of title 12 of the Code of Federal Regulations as follows:

PART 348—MANAGEMENT OFFICIAL INTERLOCKS

1. The authority citation for part 348 continues to read as follows:

Authority: 12 U.S.C. 1823(k), 3207.

§ 348.2 [Amended]

2. Section 348.2 is amended by removing paragraphs (b) and (f) and redesignating paragraphs (c) through (r) as paragraphs (b) through (p), respectively.

3. Section 348.3 is amended by revising paragraph (c) to read as follows:

§ 348.3 Prohibitions.

* * * * *

(c) *Major assets.* A management official of a depository organization with total assets exceeding $2.5 billion (or any affiliate of such an organization) may not serve at the same time as a management official of an unaffiliated depository organization with total assets exceeding $1.5 billion (or any affiliate of such an organization), regardless of the location of the two depository organizations. The FDIC will adjust these thresholds, as necessary, based on the year-to-year change in the average of the Consumer Price Index for the Urban

Wage Earners and Clerical Workers, not seasonally adjusted, with rounding to the nearest $100 million. The FDIC will announce the revised thresholds by publishing a final rule without notice and comment in the **Federal Register**.

4. Section 348.5 is revised to read as follows:

§ 348.5 Small market share exemption.

(a) *Exemption.* A management interlock that is prohibited by § 348.3 is permissible, if:

(1) The interlock is not prohibited by § 348.3(c); and

(2) The depository organizations (and their depository institution affiliates) hold, in the aggregate, no more than 20 percent of the deposits in each RMSA or community in which both depository organizations (or their depository institution affiliates) have offices. The amount of deposits shall be determined by reference to the most recent annual Summary of Deposits published by the FDIC for the RMSA or community.

(b) *Confirmation and records.* Each depository organization must maintain records sufficient to support its determination of eligibility for the exemption under paragraph (a) of this section, and must reconfirm that determination on an annual basis.

5. Section 348.6 is revised to read as follows:

§ 348.6 General exemption.

(a) *Exemption.* The FDIC may by agency order exempt an interlock from the prohibitions in § 348.3 if the FDIC finds that the interlock would not result in a monopoly or substantial lessening of competition and would not present safety and soundness concerns.

(b) *Presumptions.* In reviewing an application for an exemption under this section, the FDIC will apply a rebuttable presumption that an interlock will not result in a monopoly or substantial lessening of competition if the depository organization seeking to add a management official:

(1) Primarily serves low-and moderate-income areas;

(2) Is controlled or managed by persons who are members of a minority group, or women;

(3) Is a depository institution that has been chartered for less than two years; or

(4) Is deemed to be in "troubled condition" as defined in § 303.101(c).

(c) *Duration.* Unless a shorter expiration period is provided in the FDIC approval, an exemption permitted by paragraph (a) of this section may continue so long as it does not result in a monopoly or substantial lessening of competition, or is unsafe or unsound. If the FDIC grants an interlock exemption in reliance upon a presumption under paragraph (b) of this section, the interlock may continue for three years, unless otherwise provided by the FDIC in writing.

(d) *Procedures.* Procedures for applying for an exemption under this section are set forth in 12 CFR 303.250.

6. Section 348.7 is amended by revising paragraph (a) to read as follows:

§ 348.7 Change in circumstances.

(a) *Termination.* A management official shall terminate his or her service or apply for an exemption if a change in circumstances causes the service to become prohibited. A change in circumstances may include an increase in asset size of an organization, a change in the delineation of the RMSA or community, the establishment of an office, an increase in the aggregate deposits of the depository organization, or an acquisition, merger, consolidation, or reorganization of the ownership structure of a depository organization that causes a previously permissible interlock to become prohibited.

* * * * *

By order of the Board of Directors.

Dated at Washington, DC, this 31st day of August, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

Office of Thrift Supervision

12 CFR Chapter V

Authority and Issuance

For the reasons set out in the joint preamble, the OTS amends chapter V of title 12 of the Code of Federal Regulations as follows:

PART 563f—MANAGEMENT OFFICIAL INTERLOCKS

1. The authority citation for part 563f continues to read as follows:

Authority: 12 U.S.C. 3201–3208.

§ 563f.2 [Amended]

2. Section 563f.2 is amended by removing paragraphs (b) and (f) and redesignating paragraphs (c) through (s) as paragraphs (b) through (q), respectively.

3. Section 563f.3 is amended by revising paragraph (c) to read as follows:

§ 563f.3 Prohibitions.

* * * * *

(c) *Major assets.* A management official of a depository organization with total assets exceeding $2.5 billion (or any affiliate of such an organization) may not serve at the same time as a management official of an unaffiliated depository organization with total assets exceeding $1.5 billion (or any affiliate of such an organization), regardless of the location of the two depository organizations. The OTS will adjust these thresholds, as necessary, based on the year-to-year change in the average of the Consumer Price Index for the Urban Wage Earners and Clerical Workers, not seasonally adjusted, with rounding to the nearest $100 million. The OTS will announce the revised thresholds by publishing a final rule without notice and comment in the **Federal Register**.

4. Section 563f.5 is revised to read as follows:

§ 563f.5 Small market share exemption.

(a) *Exemption.* A management interlock that is prohibited by § 563f.3 is permissible, if:

(1) The interlock is not prohibited by § 563f.3(c); and

(2) The depository organizations (and their depository institution affiliates) hold, in the aggregate, no more than 20 percent of the deposits in each RMSA or community in which both depository organizations (or their depository institution affiliates) have offices. The amount of deposits shall be determined by reference to the most recent annual Summary of Deposits published by the FDIC for the RMSA or community.

(b) *Confirmation and records.* Each depository organization must maintain records sufficient to support its determination of eligibility for the exemption under paragraph (a) of this section, and must reconfirm that determination on an annual basis.

5. Section 563f.6 is revised to read as follows:

§ 563f.6 General exemption.

(a) *Exemption.* The OTS may by agency order exempt an interlock from the prohibitions in § 563f.3 if the OTS finds that the interlock would not result in a monopoly or substantial lessening of competition and would not present safety and soundness concerns. A depository organization may apply to the OTS for an exemption as provided by § 516.2 of this chapter.

(b) *Presumptions.* In reviewing an application for an exemption under this section, the OTS will apply a rebuttable presumption that an interlock will not result in a monopoly or substantial lessening of competition if the depository organization seeking to add a management official:

(1) Primarily serves low- and moderate-income areas;

(2) Is controlled or managed by persons who are members of a minority group, or women;

(3) Is a depository institution that or has been chartered for less than two years; or

(4) Is deemed to be in "troubled condition" as defined in § 563.555 of this chapter.

(c) *Duration.* Unless a shorter expiration period is provided in the OTS approval, an exemption permitted by paragraph (a) of this section may continue so long as it does not result in a monopoly or substantial lessening of competition, or is unsafe or unsound. If the OTS grants an interlock exemption in reliance upon a presumption under paragraph (b) of this section, the interlock may continue for three years, unless otherwise provided by the OTS in writing.

6. Section 563f.7 is amended by revising paragraph (a) to read as follows:

§ 563f.7 Change in circumstances.

(a) *Termination.* A management official shall terminate his or her service or apply for an exemption if a change in circumstances causes the service to become prohibited. A change in circumstances may include an increase in asset size of an organization, a change in the delineation of the RMSA or community, the establishment of an office, an increase in the aggregate deposits of the depository organization, or an acquisition, merger, consolidation, or reorganization of the ownership structure of a depository organization that causes a previously permissible interlock to become prohibited.

* * * * *

Dated: June 30, 1999.

Ellen Seidman,

Director.

[FR Doc. 99–24881 Filed 9–23–99; 8:45 am]

BILLING CODE 4810–33–P, 6210–01–P, 6714–01–P, 6720–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–02–AD; Amendment 39–11333; AD 99–20–03]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Pratt & Whitney (PW) PW2000 series turbofan engines, that requires initial and repetitive inspections of certain High Pressure Turbine (HPT) stage 1 and stage 2 disks utilizing an improved ultrasonic inspection method performed at an approved facility when the disk is exposed during a shop visit, and if a crack indicating a subsurface anomaly is found, removal from service and replacement with a serviceable part. This amendment is prompted by the results of a stage 1 HPT disk fracture investigation, which has identified a population of HPT stage 1 and 2 disks that may have subsurface anomalies formed during a forging process. The actions specified by this AD are intended to prevent HPT disk fracture, which could result in an uncontained engine failure, and damage to the aircraft.

DATES: Effective November 23, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 23, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770, fax (860) 565-4503. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Peter White, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7128, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Pratt & Whitney (PW) PW2037, PW2040, PW2037M, PW2240, and PW2337 series turbofan engines was published in the **Federal Register** on March 23, 1999 (64 FR 13932). That action proposed to require initial and repetitive inspections of certain stage 1 and stage 2 high pressure turbine (HPT) disks using an improved ultrasonic method whenever the disk is exposed during a shop visit. The inspection must be performed at an approved facility listed in PW Service Bulletin (SB) PW2000 72–628, dated January 4, 1999. If a crack indicating a subsurface anomaly is found, the disk must be removed from service and replaced with a serviceable part.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Two commenters note that the proposed rule is more restrictive than the PW SB, which addresses the same issue. The PW SB is a Category 6 SB (perform upon piece-part exposure). The proposed rule requires inspection upon disk separation from the module. One of the commenters estimates that 25% of the HPT modules entering its shop that get separated do not have the disks debladed. That commenter does not perform a "heavy" maintenance on HPTs upon each exposure. Approximately 25% of its HPT shop visits are for repair only. Due to the additional labor cost to perform the increased requirements of the proposed rule and the potential for increased scrap, that commenter suggests that the rule be modified to the requirements of the PW SB.

The FAA does not concur. The change from the PW SB compliance requirements to the requirements of the proposed rule were intentional, and were predicated by the fact that the risk factor for this problem was relatively high at 0.485 disk fractures predicted over the remaining life of the program. The affected engines generally contain two suspect disks each. The FAA therefore determined to increase the compliance requirements over the PW SB. Furthermore, the FAA has determined that only four additional engines would likely require inspection upon disk separation from the module as opposed to the SB's compliance time of piece-part exposure. The impact of this change is predicted to be a small burden economically on operators, and increases operational safety.

One commenter expresses concern that only one inspection source is available for the requirements of the proposed rule, and that this one source would limit shop timing and capacity. The commenter recommends that the issuance of the AD be no sooner than 90 days after the end of the comment period or July 20, 1999. The FAA does not concur. Discussions with PW indicate that shop capacity and timing will not be a factor with the vendors and the timing in the proposed rule. The manufacturer believes that adequate shop capacity to handle the inspection requirements exists now. A second inspection source is being developed at this time, however, which should ease shop capacity concerns.

One commenter states that the impact to their operation will be minor. They have 20 disks affected by the proposed rule, and most are approaching their life limits and will be scrapped at the next shop visit. The commenter has no objections to the rule as proposed.

One commenter concurs with the rule as proposed.

The AD was edited to clarify the shipping requirements discussed in the financial assessment in the compliance section. Due to the complexity of the ultrasonic inspection, the compliance plan requires that the disks be inspected at an approved facility to ensure that the inspections meet the intent. As the inspection requires using a complex process and unique equipment, the AD requires that only approved facilities perform the inspection. This is not a change from the original proposed rule, but paragraph (a) of the compliance section has been edited to make this requirement more clear.

In addition, to simplify the AD, the definition of HPT disk piece part accessibility of paragraph (c) was deleted and incorporated into paragraph (a).

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 332 affected disks installed in engines in the worldwide fleet. The FAA estimates that 166 engines installed on aircraft of US registry would be affected by this proposed AD, that the shipping cost per disk to the facility which will inspect the disk and its return will be approximately $210 per disk, that no engines will require an unplanned HPT module disassembly/assembly, that the inspection will take approximately 12 work hours per disk to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Some disks will require multiple inspections during their service life. Based on these figures, the total cost impact of the AD on US operators is estimated to be $450,000. The manufacturer has advised the FAA that the all costs relative to the inspection will be reimbursed to the operator.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–20–03 Pratt & Whitney: Amendment 39–11333. Docket 99–NE–02–AD.

Applicability: Pratt & Whitney PW2037, PW2040, PW2037M, PW2240, and PW2337 series turbofan engines, installed on but not limited to Boeing 757 and Ilyushin IL–96T series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent high pressure turbine (HPT) disk fracture, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

(a) For engines with a HPT stage 1 or stage 2 disk installed that has a serial number listed in the Accomplishment Instructions section of PW Service Bulletin (SB) PW2000 72–628, dated January 4, 1999, perform initial and repetitive ultrasonic inspections in accordance with PW SB PW2000 72–628, dated January 4, 1999 at each separation of the HPT disk from the HPT module after the effective date of this AD. The disk must be sent to an approved facility listed in the Vendor Services or Special Components/Materials section of PW SB PW2000 72–628, dated January 4, 1999, for ultrasonic inspection.

(b) Remove from service those HPT disks found with a crack indicating a subsurface anomaly and replace with a serviceable part.

(c) For engines that do not have a HPT stage 1 or stage 2 disk installed that has a serial number listed in the Accomplishment Instructions section of PW SB PW2000 72–628, dated January 4, 1999, no inspections are required.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(f) The actions required by this AD shall be done in accordance with the following PW SB:

Document No.	Pages	Date
PW2000 72–628 ..	1–13	January 4, 1999.

Total Pages: 13.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770, fax (860) 565–4503. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800

North Capitol Street, NW, suite 700, Washington, DC.

(g) This amendment becomes effective on November 23, 1999.

Issued in Burlington, Massachusetts, on September 16, 1999.

Donald E. Plouffe,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–24699 Filed 9–23–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–06–AD; Amendment 39–11334; AD 99–20–04]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT9D–7R4 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Pratt & Whitney JT9D–7R4 series turbofan engines, that requires an initial and repetitive inspections of certain High Pressure Turbine (HPT) stage 1 and stage 2 disks utilizing an improved ultrasonic inspection method performed at an approved facility when the disks are exposed during a shop visit, and if a crack indicating a subsurface anomaly is found, removal from service and replacement with a serviceable part. This amendment is prompted by the results of a stage 1 HPT disk fracture investigation which has identified a population of HPT stage 1 and 2 disks that may have subsurface anomalies formed during the forging process. The actions specified by this AD are intended to prevent an HPC disk fracture, which could result in an uncontained engine failure, damage to the airplane, and an in-flight engine shutdown.

DATES: Effective date October 29, 1999. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 29, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770, fax (860) 565–4503. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Peter White, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7128, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Pratt & Whitney (PW) JT9D–7R4 series turbofan engines was published in the **Federal Register** on June 4, 1999 (64 FR 29965). That action proposed to require initial and repetitive inspections of certain stage 1 and stage 2 high pressure turbine (HPT) disks using an improved ultrasonic method whenever the disk is exposed during a shop visit. The inspection must be performed at an approved facility listed in PW Service Bulletin (SB) JT9D–7R4–72–553, Revision 1, dated February 17, 1999. If a crack indicating a subsurface anomaly is found, the disk must be removed from service and replaced with a serviceable part.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

Request To Shorten the Inspection Intervals

One commenter requests that the initial and repetitive inspection intervals be shortened to six to nine months. The commenter maintains that the proposed interval for inspections (exposure during a shop visit) could permit flawed disks to remain on an airplane for a year or more before detection. The FAA does not agree. The compliance interval selected yields an extremely low risk level. The corrected risk is extremely low and a small fraction of the risk allowed by FAA guidelines. Shortening the compliance interval to the recommended level will place an unnecessary burden on the airline industry with little impact on fleet safety. The FAA feels that the current compliance plan is sufficient to maintain flight safety.

The AD was edited to clarify the shipping requirements discussed in the financial assessment in the compliance section. Due to the complexity of the ultrasonic inspection, the compliance plan requires that the disks be inspected at an approved facility to ensure that the inspections meet the intent. As the inspection requires using a complex process and unique equipment, the AD requires that only approved facilities perform the inspection. This is not a change from the original proposed rule, but paragraph (a) of the compliance section has been edited to make this requirement more clear.

In addition, to simplify the AD, the definition of HPT disk piece part accessibility of paragraph (c) was deleted and incorporated into paragraph (a).

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 131 Pratt & Whitney JT9D–7R4 series turbofan engines of the affected design in the worldwide fleet. The FAA estimates that 25 engines installed on airplanes of U.S. registry will be affected by this AD. The FAA estimates that the shipping cost per disk to the facility which will inspect the disk and its return will be approximately $250 per disk, that no engines will require an unplanned HPT module disassembly/assembly, that the inspection would take approximately 8 work hours per disk to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Some disks will require multiple inspections during their service life. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $88,000. The manufacturer has advised the FAA that the all costs relative to the inspection may be reimbursed to the operator.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under

Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–20–04: Amendment 39–11334; Docket 99–NE–06–AD.

Applicability: Pratt & Whitney JT9D–7R4 series turbofan engines, installed on but not limited to Boeing 747, Airbus A300 and Airbus A310 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously. To prevent a high pressure compressor (HPC) disk fracture, which could result in an uncontained engine failure, damage to the airplane, and an in-flight engine shutdown, accomplish the following:

(a) For engines with a HPT stage 1 or stage 2 disk installed that has a serial number listed in the Accomplishment Instructions section of PW Service Bulletin (SB) JT9D–7R4–72–553, Revision 1, dated February 17, 1999, perform initial and repetitive ultrasonic inspections in accordance with PW SB JT9D–7R4–72–552, Revision 1, dated February 17, 1999 at each separation of the HPT disk from the HPT module after the effective date of this AD. The disk must be sent to an approved facility listed in the Vendor Services or Special Components/Materials section of PW SB JT9D–7R4–72–553, dated February 17, 1999, for ultrasonic inspection.

(b) Remove from service those HPT disks found with a crack indicating a subsurface anomaly and replace with a serviceable part.

(c) For engines that do not have a HPT stage 1 or Stage 2 disk installed that has a serial number listed in the Accomplishment Instructions section of PW SB JT9D–7R4–72–553, Revision 1, dated February 17, 1999, no inspections are required.

Alternate Method of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) The inspection shall be done in accordance with of PW SB JT9D–7R4–72–553, Revision 1, dated February 17, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770, fax (860) 565–4503. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(g) This amendment becomes effective on October 29, 1999.

Issued in Burlington, Massachusetts, on September 16, 1999.

Donald E. Plouffe,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–24786 Filed 9–23–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–270–AD; Amendment 39–11335; AD 99–20–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A319, A320, and A321 series airplanes, that requires modification of the 90VU electronics rack umbrellas, the 91VU upper shelf assembly, the cockpit drain circuit, and the electrical wire routing above the 90VU electronics rack. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent damage to computer electrical connectors due to ingress of water into the avionics bay, which could result in malfunctioning of the avionics computers.

DATES: Effective October 29, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 29, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A319, A320, and A321 series airplanes was published in the **Federal Register** on June 2, 1999 (64 FR 29607).

That action proposed to require modification of the 90VU electronics rack umbrellas, the 91VU upper shelf assembly, the cockpit drain circuit, and the electrical wire routing above the 90VU electronics rack.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposal. Another commenter states that it has no objection to the requirements of the proposed rule or the compliance period.

Later Revision of Service Bulletin

One commenter, an operator, states that it plans to accomplish removal of shelves to improve access to the area in accordance with Airbus Service Bulletin A320–25–1186, Revision 02, dated April 27, 1999. Revision 01 of this service bulletin, dated September 23, 1998, was cited in the proposed AD as the appropriate source of service information. The FAA has reviewed Revision 02 of the service bulletin and has determined that it is essentially the same as the previous revision except in allowing for removal of certain shelves to allow easier access to the area. The FAA has revised paragraph (a) of the AD to require accomplishment of the modification in accordance with Revision 02 of the service bulletin, and has revised NOTE 2 to give credit to operators who may have previously accomplished the modification in accordance with Revision 01.

Request To Revise Compliance Time

One commenter, an operator, requests that the compliance time for modification of the moisture shroud (umbrella) in accordance with Airbus Service Bulletin A320–25–1186, which is "two years after the effective date of this AD," be revised to have the same compliance deadline as that specified in FAA AD 99–02–03, amendment 39–10992 (64 FR 2552, January 15, 1999). Accomplishment of A320–24–1054 is required by AD 99–02–03 within three years after the effective date of that AD, resulting in a compliance date of February 19, 2002. The commenter notes that it is necessary to install the moisture shroud as described in Airbus Service Bulletin A320–24–1054, on airplanes delivered without the shroud, prior to accomplishing the modification of the shroud described in A320–25–1186.

The FAA concurs. The FAA has determined that the compliance time in this AD for modification of the moisture shroud as described in Airbus Service Bulletin A320–25–1186, Revision 02, dated April 27, 1999, should be revised to allow for prior or concurrent accomplishment of the actions specified in Airbus Service Bulletin A320–24–1054, Revision 02, dated September 22, 1993. The FAA has extended the compliance time for modification of the shroud as required by this AD by 6 months, which will provide operators with adequate time to schedule and accomplish the requirements of AD 99–02–03 prior to or concurrent with the requirements of this AD. The FAA has determined that such an extension will have no adverse effect on safety. Paragraph (a) of this AD has been revised to specify the extended compliance time of 30 months.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 140 airplanes of U.S. registry will be affected by this AD, that it will take approximately 19 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $159,600, or $1,140 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–20–05 Airbus Industrie: Amendment 39–11335. Docket 98–NM–270–AD.

Applicability: Model A319, A320, and A321 series airplanes, certificated in any category, on which Airbus Modification 25995 has not been accomplished.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to computer electrical connectors due to ingress of water into the avionics bay, which could result in malfunctioning of the avionics computers, accomplish the following:

Modification

(a) Within 30 months after the effective date of this AD, modify the 90VU electronics rack umbrellas, the 91VU upper shelf assembly, the cockpit drain circuit, and the electrical wire routing above the 90VU electronics rack; in accordance with Airbus Service Bulletin A320–25–1186, Revision 02, dated April 27, 1999.

Note 2: Accomplishment of the modification required by paragraph (a) of this AD in accordance with Airbus Service Bulletin A320–25–1186, dated December 1, 1997, or Revision 01, dated September 23, 1998, prior to the effective date of this AD, is considered acceptable for compliance with the requirements of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with Airbus Service Bulletin

A320–25–1186, Revision 02, dated April 27, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 98–178–115(B), dated May 6, 1998.

(e) This amendment becomes effective on October 29, 1999.

Issued in Renton, Washington, on September 17, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24847 Filed 9–23–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–48–AD; Amendment 39–11336; AD 99–20–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A320 series airplanes, that requires replacement of the disc valve and spring in the low pressure non-return valve of the airborne ground check module (AGCM) of the ram air turbine (RAT). This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent malfunction of the low pressure non-return valve in the AGCM. If the RAT is being used due to the loss of other systems, a malfunction of the valve could result in loss of the blue hydraulic system, and consequent loss of certain flight control and electrical systems of the airplane.

DATES: Effective October 29, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 29, 1999.

ADDRESSES: The Airbus Industrie service bulletin referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. The Sundstrand service bulletin referenced in this AD may be obtained from Sundstrand Aerospace, 4747 Harrison Avenue, P.O. Box 7002, Rockford, Illinois 61125–7002. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A320 series airplanes was published in the **Federal Register** on June 28, 1999 (64 FR 34588). That action proposed to require replacement of the disc valve and spring in the low pressure non-return valve of the airborne ground check module (AGCM) of the ram air turbine (RAT).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

Three commenters support the proposed rule.

Request To Revise Cost Impact Information

One commenter states that the FAA has underestimated the cost impact of the proposed AD. The commenter indicates that the proposed service bulletins will require a total of 4.25 work hours per airplane to accomplish, and requests that the cost estimate of the proposed rule be revised to reflect that work-hour total.

The FAA does not concur with the request to revise the cost impact information of this final rule, which describes only the "direct" costs of the specific actions required by this AD. The number of work hours necessary to accomplish the required actions (1 work hour) was provided to the FAA by the manufacturer based on the best data available to date. This number represents the time necessary to perform only the actions actually required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur "incidental" costs in addition to the "direct" costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate.

Request for Revision of Applicability

One commenter does not agree that the proposed AD should be applicable to its fleet since its airplanes were equipped with Airbus Modification 27189 at production, which allows installation of a new Sundstrand RAT, and deletes the requirement for an airborne ground check module (AGCM).

The commenter adds that Airbus Service Bulletin A320–29–1086 (which was cited as the appropriate source of service information for accomplishment of the actions in the proposed AD) erroneously lists its airplanes as being affected.

The FAA concurs with the request to revise the applicability of the final rule. The discrepancy involving those misidentified airplanes has been clarified with Airbus Industrie as a typographical error and will be corrected in the next revision to the service bulletin. The FAA notes that the applicability of the proposed rule does not specifically reference airplanes listed in the effectivity of the service bulletin. However, the applicability of the final rule has been revised to exclude those airplanes on which Airbus Modification 27189 was installed in production.

Request To Allow Later Revisions of Service Bulletins

This same commenter requests that later revision levels of Airbus Service Bulletin A320–29–1086 be reflected in the applicability of the proposed AD. As support, the commenter indicates that, if its airplanes are removed from the effectivity in subsequent revisions of the service bulletin, those airplanes would not be included in the applicability of the proposed AD.

Although the FAA agrees that the service bulletin revision proposed by Airbus would in effect remove those certain airplanes from the applicability of the final rule, the FAA does not concur with the request to revise the AD to reflect later service bulletin revisions. Where a specific service bulletin is referenced in an AD, the use of the phrase, "or later FAA-appproved revisions," violates Office of the Federal Register regulations regarding approval of materials that are incorporated by reference. However, as stated previously, the FAA has revised the applicability of the final rule to exclude airplanes on which Airbus Modification 27189 has been accomplished; therefore, further revision of the applicability will not be necessary.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 165 Model A320 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required replacement, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $9,900, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–20–06 Airbus Industrie: Amendment 39–11336. Docket 99–NM–48–AD.

Applicability: Model A320 series airplanes, certificated in any category; except those airplanes on which Airbus Industrie Modification 27728 or 27189 has been installed in production, or on which Airbus Industrie Service Bulletin A320–29–1086 has been accomplished.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent malfunction of the low pressure non-return valve in the airborne ground check module (AGCM) of the ram air turbine (RAT), which could result in loss of the blue hydraulic system, and consequent loss of certain flight control and electrical systems, accomplish the following:

Replacement

(a) Within 12 months after the effective date of this AD, replace the disc valve and spring in the low pressure non-return valve in the AGCM with a new poppet, and re-identify the AGCM name plate, in accordance with Airbus Industrie Service Bulletin A320–29–1086, dated October 19, 1998, or Revision 01, dated March 9, 1999; and Sundstrand Service Bulletin ERPS13GCM–29–3, dated June 24, 1998.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be

obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with Airbus Industrie Service Bulletin A320–29–1086, dated October 19, 1998, or Airbus Industrie Service Bulletin A320–29–1086, Revision 01, dated March 9, 1999; and Sundstrand Service Bulletin ERPS13GCM–29–3, dated June 24, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the Airbus Industrie service bulletin may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies of the Sundstrand service bulletin may be obtained from Sundstrand Aerospace, 4747 Harrison Avenue, P.O. Box 7002, Rockford, Illinois 61125–7002. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 98–537–124(B), dated December 30, 1998.

(e) This amendment becomes effective on October 29, 1999.

Issued in Renton, Washington, on September 17, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24846 Filed 9–23–99; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA201–169a; FRL–6436–2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Santa Barbara County Air Pollution Control District; Kern County Air Pollution Control District; and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). The revisions concern, Santa Barbara County Air Pollution Control District (SBCAPCD), Rule 342; Kern County Air Pollution Control District (KCAPCD), Rule 425.2; and Ventura County Air Pollution District (VCAPCD), Rule 74.11. The rules control emissions of oxides of nitrogen (NO_X) from boilers, steam generators, process heaters and natural gas-fired residential water heaters.

This approval action will incorporate the rules into the Federally approved SIP. The intended effect of approving of the rules is to regulate NO_X emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Thus, EPA is finalizing the approval of this revision into the California SIP under provisions of the CAA regarding EPA actions on SIP submittals, SIPs for national primary and secondary ambient air quality standards (NAAQS), and plan requirements for nonattainment areas.

DATES: The rule is effective on November 23, 1999 without further notice, unless EPA receives adverse comments by October 25, 1999. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rule and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted respective rules are also available for inspection at the following locations:

Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Environmental Protection Agency, Air Docket (6102) 401 "M" Street, SW, Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

Santa Barbara County Air Pollution Control District 26 Castilian Drive, Suite B–23, Goleta, CA 93117–3027

Kern County Air Pollution Control District 2700 "M" Street, Suite 302, Bakersfield, CA 93301–2370

Ventura County Air Pollution Control District 669 County Square Drive, 2nd Floor, Ventura, CA 93003–5417

FOR FURTHER INFORMATION CONTACT: Sam Agpawa, Air Planning Office, AIR–2, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1228.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP are: (1) SBCAPCD Rule 342; (2) KCAPCD Rule 425.2 and (3) VCAPCD Rule 74.11. Rule 342 and 425.2 apply to boilers, steam generators, process heaters, and, Rule 74.11 applies to natural gas-fired residential water heaters. The rules were submitted by the State of California to EPA on: (1) SBCAPCD Rule 342—March 10, 1998; (2) KCAPCD Rule 425.2—September 8, 1997; and (3) VCAPCD Rule 74.11—October 16, 1985.

II. Background

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The air quality planning requirements for the reduction of NO_X emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA.

On November 25, 1992, EPA published a proposed rule entitled, "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," (the NO_X Supplement) which describes and provides preliminary guidance on the requirements of section 182(f). The November 25, 1992, action should be referred to for further information on the NO_X requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_X ("major" as defined in section 302 and sections 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. SBCAPCD and KCAPCD are designated and classified as non-attainment-serious for ozone; VCAPCD is designated and classified as nonatttainment-severe;[1] therefore, the jurisdictional areas of SBCAPCD; KCAPCD and VCAPCD are subject to the RACT requirements of section 182(b)(2) cited below and the November 15, 1992 deadline.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC (and NO_X) emissions (not covered by a pre-enactment control

[1] Santa Barbara, Kern and Ventura Counties retained their designation(s) of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

technologies guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There are no major stationary sources covered by VCAPCD's rule and RACT requirements do not apply; however, this rule is expected to achieve substantial reductions of NO_X because it applies to a large number of small sources.

This document addresses EPA's direct final action for SBCAPCD Rule 342; KCAPCD Rule 425.2; and VCAPCD Rule 74.11 applying to boilers, steam generators and process heaters and natural gas-fired residential water heaters. The rules were adopted on: (1) SBCAPCD Rule 342—April 17, 1997; (2) KCAPCD Rule 425.2—July 10, 1997 and (3) VCAPCD Rule 74.11—April 9, 1985.

The State of California submitted the rules to EPA for incorporation into its SIP on: (1) SBCAPCD Rule 342—March 10, 1998; (2) KCAPCD Rule 425.2—September 8, 1997; and (3) VCAPCD Rule 74.11—October 16, 1985. SBCAPCD Rule 342 was found complete on May 21, 1998; KCAPCD Rule 425.2 was found complete on October 20, 1997 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V[2] and are being finalized for approval into the SIP. VCAPCD Rule 74.11 was submitted prior to the implementation of the completeness criteria and its requirements. Therefore, the criteria as set forth in 40 CFR part 51 does not apply to VCAPCD Rule 74.11. This rule is also being finalized for approval into the SIP.

NO_X emissions contribute to the production of ground level ozone and smog. All the rules specify exhaust emission standards for NO_X from various combustion devices. The rules were originally adopted as part of each applicable district's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone, and in response to the CAA requirements cited above. The following is EPA's evaluation and final action for these rules.

III. EPA Evaluation and Proposed Action

In determining the approvability of a NO_X rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the NO_X Supplement (57 FR 55620) and various other EPA policy guidance documents.[3] Among these provisions is the requirement that a NO_X rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_X emissions.

For the purposes of assisting State and local agencies in developing NO_X RACT rules, EPA prepared the NO_X Supplement to the General Preamble, cited above (57 FR 55620). In the NO_X Supplement, EPA provides guidance on how RACT will be determined for stationary sources of NO_X emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_X (see section 4.5 of the NO_X Supplement). In addition, pursuant to section 183(c), EPA is issuing alternative control technique documents (ACTs), that identify alternative controls for categories of stationary sources of NO_X. The ACT documents will provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_X. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary sources of NO_X. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_X RACT rules meet Federal RACT requirements and are fully enforceable and strengthen or maintain the SIP.

The submitted SBCAPCD Rule 342 corrects a minor discrepancy in the version of the rule approved into the SIP by EPA on December 13, 1994. The submitted KCAPCD Rule 425.2 deleted superfluous language (e.g., "the") from various sections of the version of the rule approved into the SIP by EPA on July 24, 1995. Both of these rules establish emission limits and monitoring, reporting and record keeping requirements for boilers, steam generators and process heaters. VCAPCD Rule 74.11 prohibits the sale and installation of residential water heaters within Ventura County that exceed the Rules's specified emission rates. There is currently no version in the SIP of VCAPCD Rule 74.11. Similar rules, however, from South Coast and other areas have been approved into the SIP and are being successfully implemented locally.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations and EPA policy. Therefore, SBCAPCD Rule 342 and KCAPCD Rule 425.2, Control of Oxides of Nitrogen (NO_X) From Boilers, Steam Generators and Process Heater; and VCAPCD Rule 74.11, Natural Gas-fired Residential Water Heaters; are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), section 182(b)(2), section 182(f) and the NO_X Supplement to the General Preamble.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rules do not create a mandate on State, local or tribal governments. The rules do not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to these rules.

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2 EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

3 Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988).

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. These rules are not subject to Executive Order 13045 because they do not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rules do not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to these rules.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. These final rules will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. These rules are not "major" rules as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 1999. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these rules for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rules or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 1, 1999.

Felicia Marcus,

Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(164)(i)(C)(*4*), (c)(249)(i)(B), and (c)(254)(i)(C)(*4*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(164) * * *

(i) * * *

(C) * * *

(*4*) Rule 74.11 adopted on April 9, 1985.

* * * * *

(249) * * *

(i) * * *

(B) Kern County Air Pollution Control District.

(*1*) Rule 425.2 adopted on October 13, 1994 and amended on July 10, 1997.

* * * * *

(254) * * *

(i) * * *

(C) * * *

(*4*) Rule 342 amended on April 17, 1997.

* * * * *

[FR Doc. 99–24449 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NM–35–1–7428; FRL–6441–3]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: The EPA is updating the materials submitted by New Mexico that are incorporated by reference (IBR) into the State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the State agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, D.C., and the Regional Office.

EFFECTIVE DATE: This action is effective September 24, 1999.

ADDRESSES: The SIP materials, which are incorporated by reference into 40 CFR part 52, are available for inspection at the following locations:

Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733;

Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and

Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Scoggins at the above Region 6 address or at (214)–665–7354.

SUPPLEMENTARY INFORMATION: The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968) EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and OFR. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

On July 13, 1998, EPA published a document in the **Federal Register** (63 FR 37493) beginning the new IBR procedure for New Mexico. In this document EPA is doing the first update to the material being IBRed. On September 9, 1998, (63 FR 48106), EPA published a final rule conditionally approving a revision to the New Mexico SIP that contained regulations for implementing and enforcing the general conformity rules which the EPA promulgated on November 30, 1993 (58 FR 63214). On June 1, 1999 (64 FR 29235), EPA published a direct final approval document approving revisions to the New Mexico SIP of Board composition and conflict of interest disclosure requirements for the State of New Mexico and for Albuquerque/Bernalillo County, NM. The rule became effective August 2, 1999. In both documents EPA also updated the Identification of plan section for the Code of Federal Regulations.

In this document EPA is updating the SIP compilation that is incorporated by reference. Table (d) is being added to identify permitted sources in the SIP and table (e) is being revised to include more identification of plan information that was not included in the original July 13, 1998, **Federal Register** document.

The EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is unnecessary and contrary to the public interest since the codification only reflects existing law. Immediate notice in the CFR benefits the public by updating citations.

Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria,

the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. The EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation.

This action is not subject to E.O. 13045 because it approves a state rule implementing a previously promulgated health or safety-based Federal standard, and preserves the existing level of pollution control for the affected areas.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." This rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act (Act) do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

The EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the New Mexico SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 2, 1999.

Jerry Clifford,

Acting Regional Administrator, Region 6.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority for citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart GG—New Mexico

2. Section 52.1620 is amended by:

A. Revising paragraph (b);

B. Adding paragraph (d); and

C. Adding a new table at the end of paragraph (e).

The revisions and additions read as follows:

§ 52.1620 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1999, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1

CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 1999, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of July 1, 1999.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202–2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460; or at the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

* * * * *

(d) EPA-approved State Source-specific requirements.

EPA-APPROVED NEW MEXICO SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State approval/effective date	EPA approval date	Explanation
None				

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
State Attorney Generals Opinion.	Statewide	09/04/72	04/09/79, 44 FR 21020	Ref 52.1640(c)(4).
Revisions to New Source Review and Source Surveillance.	Statewide	01/03/73	04/09/79, 44 FR 21020	Ref 52.1640(c)(5).
Clarification of State permit and Source Surveillance.	Statewide	01/18/73	04/09/79, 44 FR 21020	Ref 52.1640(c)(6).
Revision for Attainment of Standards.	PM in Albuquerque, Grant, Eddy and Lea counties; Ozone in Albuquerque; SO2 in San Juan and Grant counties; and CO in Las Cruces, Farmington, and Santa Fe counties.	01/23/79	04/10/80, 45 FR 24468 and 03/26/81, 46 FR 18694.	Ref 52.1640(c)(11).
Ordinance for Motor Vehicle Emission I/M program.	Albuquerque	07/02/79	04/10/80, 45 FR 24468	Ref 52.1640(c)(12).
TSP Plan, RFP, and Transportation Commitments.	Albuquerque	08/02/79	04/10/80, 45 FR 24468	Ref 52.1640(c)(13).
Schedule for Albuquerque TSP plan, revising permit regulations, and extension request.	Albuquerque and Grant county.	09/25/79	04/10/80, 45 FR 24468	Ref 52.1640(c)(14).
CO Strategies	Farmington and Santa Fe counties.	01/23/79	04/10/80, 45 FR 24468	Ref 52.1640(c)(15).
Compliance schedules for several industries.	Eddy, Lea, and Grant counties.	07/25/79	12/24/80, 45 FR 85006	Ref 52.1640(c)(16).
Revision for attainment of CO standard.	Bernalillo county	03/17/80	03/26/81, 46 FR 18694	Ref 52.1640(c)(17).
Commitment to not issue permits to stationary sources.	Nonattainment areas	05/20/80	03/26/81, 46 FR 18694	Ref 52.1640(c)(18).
Commitment to submit I/M enforcement plan.	Albuquerque, Bernalillo county.	10/10/80	03/26/81, 46 FR 18694	Ref 52.1640(c)(19).
Revision to ambient monitoring plan.	Statewide	12/12/79	08/06/81, 46 FR 40006	Ref 52.1640(c)(20).
Variance to regulation 506 for Phelps Dodge Corp.	Hidalgo Smelter in Playas, NM.	02/04/80	08/19/81, 46 FR 42065	Ref 52.1640(c)(21).
Revised SO2 control strategy.	San Juan county	02/12/81	08/27/81, 46 FR 43153	Ref 52.1640(c)(22).
Memorandum of understanding between the State and Arizona Public Service Company.	Statewide	04/16/81	08/27/81, 46 FR 43153	Ref 52.1640(c)(22).
Compliance schedule for units 4 and 5 of the Arizona Public Service.	Four Corners Power plant	03/31/80	03/30/82, 47 FR 13339	Ref 52.1640(c)(23).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
Variance to regulation 603 for units 3, 4, and 5 of the Arizona Public Service.	Four Corners Power plant	07/31/80	03/30/82, 47 FR 13339	Ref 52.1640(c)(25).
New Mexico plan for Lead	Statewide	05/19/80	05/05/82, 47 FR 19334 and 08/14/84, 49 FR 32184.	Ref 52.1640(c)(27).
Revision to SO2 control strategy.	Grant county	05/12/81 and 08/13/81	05/05/82, 47 FR 19333	Ref 52.1640(c)(28).
Intergovernmental Consultation program.	N/A	03/28/80	03/08/84, 49 FR 08610	Ref 52.1640(c)(31).
Public Information and Participation program.	Statewide	12/20/79	08/24/83, 48 FR 38467	Ref 52.1640(c)(33).
Revision for attainment of CO standard.	Bernalillo county	06/28/82 and 01/26/83	07/01/83, 48 FR 30366	Ref 52.1640(c)(34).
Variance to regulation 603.B for units 3, 4, and 5 of the Arizona Public Service.	Four Corners Power Plant	02/04/87, 10/26/87, and 02/16/88.	10/27/89, 54 FR 43814	Ref 52.1640(c)(38).
Revision to SIP for moderate PM10 nonattainment areas.	Anthony area; Dona Ana county.	11/08/91	09/09/93, 58 FR 47383	Ref 52.1640(c)(50).
Narrative plan addressing CO nonattainment areas.	Albuquerque, Bernalillo county.	11/05/92	11/29/93, 58 FR 62535	Ref 52.1640(c)(52).
CO continency measures and proposed Clean Fuel Vehicle fleet demonstration.	Albuquerque, Bernalillo county.	11/12/93	05/05/94, 59 FR 23167	Ref 52.1640(c)(57).
Update to supplement to control air pollution.	Bernalillo county	11/09/94	06/24/96, 61 FR 32339	Ref 52.1640(c)(61).
Revision approving request for redesignation, a vehicle I/M program, and required maintenance plan.	Albuquerque, Bernalillo nonattainment area.	05/11/95	06/13/96, 61 FR 29970	Ref 52.1640(c)(63).

[FR Doc. 99–24688 Filed 9–23–99; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CO–001–0034a; FRL–6441–6]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Longmont Carbon Monoxide Redesignation to Attainment and Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On August 19, 1998, the Governor of Colorado submitted a request to redesignate the Longmont "moderate" carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The Governor also submitted a CO maintenance plan. In this action, EPA is approving the Longmont CO redesignation request and the maintenance plan.

DATES: This direct final rule is effective on November 23, 1999 without further notice, unless EPA receives adverse comments by October 25, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices:

United States Environmental Protection Agency, Region VIII, Air and Radiation Program, 999 18th Street, Suite 500, Denver, Colorado 80202–2466; and,

United States Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

Copies of the State documents relevant to this action are available for public inspection at: Colorado Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado, 80246–1530.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466. Telephone number: (303) 312–6479.

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we", "us", or "our" are used, we mean the Environmental Protection Agency.

I. What Is the Purpose of This Action?

In this action, we are approving a change in the legal designation of the Longmont area from nonattainment for CO to attainment, and we're approving the maintenance plan that is designed to keep the area in attainment for CO for the next 16 years.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Under section 107(d)(4)(A)(i)–(ii) of the Clean Air Act (CAA), we designated the Longmont area as nonattainment for CO because quality-assured ambient air quality data for 1988–1989 indicated that the Longmont area was violating the CO NAAQS. Longmont was classified as a "moderate" CO nonattainment area with a design value of less than or equal to 12.7 parts per million (ppm). See 56 FR 56694, November 6, 1991. Further information regarding this classification and the accompanying requirements are described in the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990." See 57 FR 13498, April 16, 1992, and sections 186 and 187 of the CAA.

Under the CAA, we can change area designations if acceptable data are available and if certain other requirements are met. See CAA section 107(d)(3)(D). Section 107(d)(3)(E) of the CAA provides that the Administrator may not promulgate a redesignation of a nonattainment area to attainment unless:

(i) The Administrator determines that the area has attained the national ambient air quality standard;

(ii) The Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k);

(iii) The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(iv) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and,

(v) The State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA.

II. What Is the State's Process To Submit These Materials to EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA also requires States to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur before the State submits the revision to us.

The Colorado Air Quality Control Commission (AQCC) held a public hearing for the Carbon Monoxide (CO) Redesignation Request and Maintenance Plan for Longmont, on December 18, 1997. The AQCC adopted the redesignation request and maintenance plan directly after the hearing. The SIP revision became State effective March 2, 1998, and the Governor submitted the redesignation request and maintenance plan to us on August 19, 1998.

We have evaluated the Governor's submittal and have determined that the State met the procedural requirements of section 110(a)(2) of the CAA. The Governor's August 19, 1998, submittal became complete on February 19, 1999, by operation of law under section 110(k)(1)(B) of the CAA.

III. EPA's Evaluation of the Redesignation Request and Maintenance Plan

EPA has reviewed the State's redesignation request and maintenance plan and believes that approval of the request is warranted, consistent with the requirements of CAA section 107(d)(3)(E). The following are descriptions of how the section 107(d)(3)(E) requirements have been met.

(a) Redesignation Criterion: The Area Must Have Attained the Carbon Monoxide (CO) NAAQS

Section 107(d)(3)(E)(i) of the CAA states that for an area to be redesignated to attainment, the Administrator must determine that the area has attained the applicable NAAQS. As described in 40 CFR § 50.8, the national primary ambient air quality standard for carbon monoxide is 9 parts per million (10 milligrams per cubic meter) for an 8-hour average concentration not to be exceeded more than once per year. 40 CFR § 50.8 continues by stating that the levels of CO in the ambient air shall be measured by a reference method based on 40 CFR part 50, Appendix C, and designated in accordance with 40 CFR part 53, or an equivalent method designated in accordance with 40 CFR part 53. Attainment of the CO standard is not a momentary phenomenon based on short-term data. Instead, we consider an area to be in attainment if each of the CO ambient air quality monitors in the area doesn't have more than one exceedance of the CO standard over a one-year period. 40 CFR § 50.8 and 40 CFR part 50, Appendix C. If any monitor in the area's CO monitoring network records more than one exceedance of the CO standard during a one-year calendar period, then the area is in violation of the CO NAAQS. In addition, our interpretation of the CAA and EPA national policy [1] has been that an area seeking redesignation to attainment must show attainment of the CO NAAQS for at least a continuous two-year calendar period. In addition, the area must continue to show attainment through the date that we promulgate the redesignation in the **Federal Register**.

Colorado's CO redesignation request for the Longmont area is based on an analysis of quality assured ambient air quality monitoring data that are relevant to the redesignation request. As presented in Section III of the State's maintenance plan, ambient air quality monitoring data for consecutive calendar years 1989 through 1996 show a measured exceedance rate of the CO NAAQS of 1.0 or less per year, per monitor, in the Longmont nonattainment area. Data are also available for calendar years 1997 and 1998 that show no exceedances of the CO NAAQS. All of these data were collected and analyzed as required by EPA (see 40 CFR § 50.8 and 40 CFR part 50, Appendix C) and have been archived by the State in our Aerometric Information and Retrieval System (AIRS) national database. Further information on CO monitoring is presented in Section III of the maintenance plan and in the State's TSD.

We have evaluated the ambient air quality data and have determined that the Longmont area has not violated the CO standard and continues to demonstrate attainment. Therefore, the Longmont area has met the first component for redesignation: demonstration of attainment of the CO NAAQS. We note too that the State of Colorado has committed, in the maintenance plan, to continue the necessary operation of the CO monitors in compliance with all applicable federal regulations and guidelines.

(b) Redesignation Criterion: The Area Must Have Met All Applicable Requirements Under Section 110 and Part D of the CAA

To be redesignated to attainment, section 107(d)(3)(E)(v) requires that an area must meet all applicable requirements under section 110 and part D of the CAA. We interpret section 107(d)(3)(E)(v) to mean that for a redesignation to be approved by us, the State must meet all requirements that

[1] Refer to EPA's September 4, 1992, John Calcagni policy memorandum entitled "Procedures for Processing Requests to Redesignate Areas to Attainment."

applied to the subject area prior to or at the time of the submission of a complete redesignation request. In our evaluation of a redesignation request, we don't need to consider other requirements of the CAA that became due after the submission of a complete redesignation request.

1. CAA Section 110 Requirements

The Longmont CO element of the Colorado SIP was adopted by the AQCC on June 16, 1994, submitted by the Governor on July 13, 1994 and was approved by the EPA on March 10, 1997 (62 FR 10690). The 1994 SIP element's emission control plan was based on emission reductions from the Federal Motor Vehicle Control Program (FMVCP), the Colorado Enhanced Inspection and Maintenance (EI/M) program for vehicles model year 1982 and newer (Colorado Regulation No. 11), an oxygenated fuels program (Colorado Regulation No. 13), and emission standards for wood-burning stoves and fireplace inserts (Colorado Regulation No. 4).

By virtue of our March 10, 1997, approval of the Longmont CO SIP, the State has met the applicable requirements of section 110 of the CAA.

2. Part D Requirements

Before the Longmont CO nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D of the CAA. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, whether the area was classified or nonclassifiable for CO.

The relevant Subpart 1 requirements are contained in sections 172(c) and 176. Our General Preamble (see 57 FR 13498, April 16, 1992) provides EPA's interpretations of the CAA requirements for moderate CO areas with design values of less than 12.7 ppm.

Under section 172(b), the applicable section 172(c) requirements, as determined by the Administrator, were due November 15, 1992, for the Longmont nonattainment area. As the Longmont CO redesignation request and maintenance plan were not submitted by the Governor until well after November 15, 1992, (actually, August 19, 1998), the General Preamble (see 57 FR 13529) provides that the applicable requirements of CAA section 172 were 172(c)(3) (emissions inventory), 172(c)(5)(new source review permitting program), 172(c)(7)(the section 110(a)(2) air quality monitoring requirements)), and contingency measures (CAA section 172(c)(9)). It is also worth noting that we interpret the requirements of sections 172(c)(1) (reasonable available control measures—RACM), 172(c)(2) (reasonable further progress—RFP), and 172(c)(6)(other measures), as being irrelevant to a redesignation request because they only have meaning for an area that is not attaining the standard. See EPA's September 4, 1992, John Calcagni memorandum entitled, "Procedures for Processing Requests to Redesignate Areas to Attainment", and the General Preamble, 57 FR at 13564, dated April 16, 1992. Finally, the State has not sought to exercise the options that would trigger sections 172(c)(4)(identification of certain emissions increases) and 172(c)(8)(equivalent techniques). Thus, these provisions are also not relevant to this redesignation request.

Section 176 of the CAA contains requirements related to conformity. Although EPA's regulations (see 40 CFR § 51.396) require that states adopt transportation conformity provisions in their SIPs for areas designated nonattainment or subject to an EPA-approved maintenance plan, we have decided that a transportation conformity SIP is not an applicable requirement for purposes of evaluating a redesignation request under section 107(d) of the CAA. This decision is reflected in EPA's 1996 approval of the Boston carbon monoxide redesignation. (See 61 FR 2918, January 30, 1996.)

The applicable requirements of CAA section 172 are discussed below.

A. Section 172(c)(3)—Emissions Inventory. Section 172(c)(3) of the CAA requires a comprehensive, accurate, current inventory of all actual emissions from all sources in the Longmont nonattainment area. The Governor submitted a 1990 base year emissions inventory for Longmont on December 31, 1992, with subsequent revisions being submitted on July 11, 1994, and October 21, 1994. We approved this 1990 base year CO emissions inventory on December 23, 1996 (see 61 FR 67466). In addition to meeting the requirements of section 172(c)(3) of the CAA, this inventory also fulfilled the CAA section 187(a)(1) requirement noted below.

B. Section 172(c)(5) New Source Review (NSR). The CAA requires all nonattainment areas to meet several requirements regarding NSR, including provisions to ensure that increased emissions will not result from any new or modified stationary major sources and a general offset rule. The State of Colorado has a fully-approved NSR program (59 FR 42500, August 18, 1994) that meets the requirements of CAA section 172(c)(5). The State also has a fully approved Prevention of Significant Deterioration (PSD) program (59 FR 42500, August 18, 1994) that will apply after the redesignation to attainment is approved by us.

C. Section 172(c)(7)—Compliance With CAA section 110(a)(2): Air Quality Monitoring Requirements. According to our interpretations presented in the General Preamble (57 FR 13498), CO nonattainment areas are to meet the "applicable" air quality monitoring requirements of section 110(a)(2) of the CAA as explicitly referenced by sections 172(b) and (c) of the CAA. With respect to this requirement, the State indicates in Section III. ("Air Quality") of the maintenance plan, that ambient CO monitoring data have been properly collected and uploaded to EPA's Aerometric Information and Retrieval System (AIRS) for the Longmont area. Air quality data through 1996 are included in Section III. of the maintenance plan and in the State's TSD. We recently polled the AIRS database and verified that the State has uploaded additional ambient CO data through 1998. The data in AIRS indicate that the Longmont area has shown, and continues to show, attainment of the CO NAAQS. Information concerning CO monitoring in Colorado is included in the Monitoring Network Review (MNR) prepared by the State and submitted to EPA. Our personnel have concurred with Colorado's annual network reviews and have agreed that the Longmont network remains adequate. Finally, in Section VI. B. of the maintenance plan, the State commits to the continued operation of the existing CO monitoring network, according to all applicable Federal regulations and guidelines, even after the Longmont area is redesignated to attainment for CO.

D. Section 172(c)(9) Contingency Measures. According to our interpretations presented in the General Preamble (see 56 FR 13532), moderate CO nonattainment areas, such as Longmont, were required to submit contingency measures to address the requirements of section 172(c)(9) of the CAA. These contingency measures were to become effective, without further action by the State or us, upon a determination by us that an area had failed to achieve reasonable further progress (RFP) or to attain the CO NAAQS by December 31, 1995. To address this CAA requirement, the Governor submitted a contingency measure to EPA on July 13, 1994. We approved this submittal on March 10, 1997 (see 62 FR 10690).

In addition to the above, subpart 3 of the November 15, 1990, CAA amendments required the Longmont CO SIP to include a 1990 base year emissions inventory (CAA section 187(a)(1)), corrections to existing motor vehicle inspection and maintenance(I/M) programs (CAA section 187(a)(4)), periodic emission inventories (CAA section 187(a)(5)), and an oxygenated fuels program (CAA section 211(m)(1)). How the State met these additional requirements and our approvals, are described as follows:

E. 1990 base year emissions inventory (CAA section 187(a)(1)). The Governor submitted a 1990 base year emissions inventory for Longmont on December 31, 1992, with subsequent revisions being submitted on July 11, 1994, and October 21, 1994. We approved this 1990 base year CO emissions inventory on December 23, 1996 (see 61 FR 67466).

F. Corrections to the Longmont basic I/M program (CAA section 187(a)(4)). A July 14, 1994, Governor's submittal for Longmont provided that the area was included in the metro-Denver nonattainment area's motor vehicle enhanced inspection and maintenance (EI/M) program. We approved Colorado's EI/M program March 10, 1997 (see 62 FR 10690).

G. Periodic emissions inventories (CAA section 187(a)(5)). A periodic emission inventory (for calendar year 1993) was required for Longmont because the Governor did not submit a complete redesignation request and maintenance plan before September 30, 1995. On September 16, 1997, the Governor submitted a SIP revision for a 1993 periodic emission inventory for Longmont. We approved this revision on July 15, 1998 (see 63 FR 38087).

H. Oxygenated fuels program (CAA section 211(m)). Section 211(m) of the CAA requires any CO nonattainment area with a design value of 9.5 ppm CO or greater to implement an oxygenated fuels program. The Governor submitted a revision to Colorado's Regulation No. 13, on November 27, 1992, to address the oxygenated fuels requirement of the CAA for all applicable areas in Colorado, including Longmont. We approved this revision on July 24, 1994 (see 59 FR 37698). Regulation No. 13 was revised, to shorten the oxygenated fuels program season (first shortening) by deleting the last two weeks of February from the program. The Governor submitted this revision to Regulation No. 13 on September 29, 1995, and December 22, 1995. We approved this revision on March 10, 1997 (see 62 FR 10690). Regulation No. 13 was further revised, to again shorten the oxygenated fuels program season (second shortening) by deleting the second week of February and to reduce the fuel oxygen content for the first week of November. The Governor submitted these revisions on October 1, 1998, and we published a direct final approval of them on August 25, 1999 (64 FR 46279).

(c) Redesignation Criterion: The Area Must Have a Fully Approved SIP Under Section 110(k) of the CAA

Section 107(d)(3)(E)(ii) of the CAA provides that for an area to be redesignated to attainment, we must have fully approved the applicable implementation plan for the area under section 110(k).

As noted above, we previously approved the Longmont CO nonattainment area SIP revisions. In this action, we are approving the State's commitment to maintain an adequate monitoring network (contained in the maintenance plan). Thus, we have fully approved the Longmont CO SIP under section 110(k) of the CAA.

(d) Redesignation Criterion: The Area Must Show That The Improvement In Air Quality Is Due To Permanent And Enforceable Emissions Reductions

Section 107(d)(3)(E)(iii) of the CAA provides that for an area to be redesignated to attainment, the Administrator must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan, implementation of applicable Federal air pollutant control regulations, and other permanent and enforceable reductions.

The CO emissions reductions for Longmont, that are further described in Section IV. of the August 19, 1998, Longmont maintenance plan, were achieved primarily through the Federal Motor Vehicle Control Program (FMVCP), Colorado's Regulation No. 11, which defines a decentralized basic motor vehicle inspection and maintenance program (for vehicles model year 1981 and older) and an enhanced motor vehicle inspection and maintenance (EI/M) program (for vehicles model year 1982 and newer), the oxygenated fuels program (Colorado Regulation No. 13), and emission standards for wood-burning stoves and fireplace inserts (Colorado Regulation No. 4).

In general, the FMVCP provisions require vehicle manufacturers to meet more stringent vehicle emission limitations for new vehicles in future years. These emission limitations are phased in (as a percentage of new vehicles manufactured) over a period of years. As new, lower emitting vehicles replace older, higher emitting vehicles ("fleet turnover"), emission reductions are realized for a particular area such as Longmont. For example, EPA promulgated lower hydrocarbon (HC) and CO exhaust emission standards in 1991, known as Tier I standards for new motor vehicles (light-duty vehicles and light-duty trucks) in response to the 1990 CAA amendments. These Tier I emissions standards were phased in with 40% of the 1994 model year fleet, 80% of the 1995 model year fleet, and 100% of the 1996 model year fleet.

In addition, significant emission reductions were realized for Longmont due to the implementation of both the basic I/M program and, beginning in January of 1995, Colorado's enhanced I/M program. Colorado's Regulation No. 11, "Motor Vehicle Emissions Inspection Program", contains a full description of the I/M requirements applicable for Longmont.

Oxygenated fuels are gasolines that are blended with additives that increase the level of oxygen in the fuel and, consequently, reduce CO tailpipe emissions. Colorado's Regulation 13, "Oxygenated Fuels Program", contains the oxygenated fuels provisions for the Longmont nonattainment area. Regulation 13 specifies the minimum oxygen content (by weight) that all Longmont-area gas stations' fuels must comply with during the wintertime CO high pollution season. The use of oxygenated fuels has significantly reduced CO emissions and contributed to the area's attainment of the CO NAAQS.

Colorado's Regulation No. 4 contains emission standards (which comply with Federal standards) for all new woodburning stoves and fireplace inserts sold in Colorado. These emission standards have reduced, and will continue to reduce, the growth in CO emissions and other pollutants from woodburning devices. Regulation No. 4, with its most recent revisions, was approved by us into the Colorado SIP on April 17, 1997 (62 FR 18716).

We have evaluated the various State and Federal control measures, the original 1990 base year emission inventory (see 61 FR 67466, December 23, 1996), and the 1993 attainment year emission inventory, and have concluded that the improvement in air quality in the Longmont nonattainment area has resulted from emission reductions that are permanent and enforceable.

(e) Redesignation Criterion: The Area Must Have a Fully Approved Maintenance Plan Under CAA Section 175A

Section 107(d)(3)(E)(iv) of the CAA provides that for an area to be redesignated to attainment, the Administrator must have fully approved a maintenance plan for the area meeting the requirements of section 175A of the CAA.

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the promulgation of the redesignation, the State must submit a revised maintenance plan that demonstrates continued attainment for the subsequent ten-year period following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for adoption and implementation, that are adequate to assure prompt correction of a violation. In addition, we issued further maintenance plan interpretations in the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (57 FR 13498, April 16, 1992), "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Supplemental" (57 FR 18070, April 28, 1992), and the EPA guidance memorandum entitled "Procedures for Processing Requests to Redesignate Areas to Attainment" from John Calcagni, Director, Air Quality Management Division, Office of Air Quality and Planning Standards, to Regional Air Division Directors, dated September 4, 1992. In this **Federal Register** action, EPA is approving the maintenance plan for the Longmont nonattainment area because we have determined, as detailed below, that the State's maintenance plan submittal meets the requirements of section 175A and is consistent with the documents referenced above. Our analysis of the pertinent maintenance plan requirements, with reference to the Governor's August 19, 1998, submittal, is provided as follows:

1. Emissions Inventories—Attainment Year and Projections

EPA's interpretations of the CAA section 175A maintenance plan requirements are generally provided in the General Preamble and the September 4, 1992, policy memorandum referenced above. Under our interpretations, areas seeking to redesignate to attainment for CO may demonstrate future maintenance of the CO NAAQS either by showing that future CO emissions will be equal to or less than the attainment year emissions or by providing a modeling demonstration. For the Longmont area, the State selected the emissions inventory approach for demonstrating maintenance of the CO NAAQS.

The maintenance plan that the Governor submitted on August 19, 1998, included comprehensive inventories of CO emissions for the Longmont area. These inventories include emissions from stationary point sources, area sources, non-road mobile sources, and on-road mobile sources. The State selected 1993 as the year from which to develop the attainment year inventory and included interim-year projections out to 2015. More detailed descriptions of the 1993 attainment year inventory and the projected inventories are documented in the maintenance plan in Section V. and in the State's TSD. The State's submittal contains detailed emission inventory information that was prepared in accordance with EPA guidance. Summary emission figures from the 1993 attainment year and the interim projected years are provided in Table III.—1 below.

TABLE III.–1.—SUMMARY OF CO EMISSIONS IN TONS PER DAY FOR LONGMONT

	1993	2000	2005	2010	2015
Point Sources	0.18	0.21	0.23	0.25	0.27
Area Sources	2.35	2.02	1.79	1.60	1.42
Non-Road Mobile Sources	5.63	6.49	7.11	7.72	8.33
On-Road Mobile Sources	26.59	15.49	14.66	16.11	16.76
Total	34.76	24.21	23.79	25.68	26.78

2. Demonstration of Maintenance—Projected Inventories

As noted above, the State projected total CO emissions for the years 2000, 2005, 2010, and 2015. The State prepared these projected inventories in accordance with our guidance (further information is provided in Section V. of the maintenance plan). The projected inventories show that CO emissions are not estimated to exceed the 1993 attainment level during the time period 1993 through 2015 and, therefore, the Longmont area has satisfactorily demonstrated maintenance.

3. Monitoring Network and Verification of Continued Attainment

Continued attainment of the CO NAAQS in the Longmont area depends, in part, on the State's efforts to track indicators throughout the maintenance period. This requirement is met in Section VI.B. of the maintenance plan. In Section VI.B., the State commits to continue the operation of the CO monitors in the Longmont area and to annually review this monitoring network and make changes as appropriate. Also, in Section VI.B., the State commits to prepare a periodic emission inventory of CO emissions every three years after the maintenance plan is approved by EPA. The above commitments by the State, which will be enforceable by us following the final approval of the Longmont maintenance plan SIP revision, are deemed adequate by EPA.

4. Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions. To meet this requirement, the State has identified appropriate contingency measures along with a schedule for the development and implementation of such measures. As stated in Section VI. of the maintenance plan, the contingency measures for the Longmont area will be initially triggered by an exceedance of the CO NAAQS. Upon an exceedance of the CO NAAQS, the State and Longmont will convene a committee to recommend for adoption appropriate local contingency measures to correct a potential violation of the CO NAAQS (i.e., a second non-overlapping 8-hour average ambient CO measurement that

exceeds 9.4 ppm at a single monitoring site during a calendar year is a violation of the 8-hour CO NAAQS). This process will take approximately six months. The Colorado AQCC will review the local contingency measures and if the AQCC concurs, the AQCC may endorse or approve the local measures without adopting State requirements. If, however, the AQCC finds that locally adopted contingency measures are inadequate, the AQCC will adopt State enforceable measures as deemed necessary to prevent additional exceedances or a violation. The maintenance plan further states that contingency measures will be adopted and fully implemented within one year of a CO NAAQS violation. The potential contingency measures that are identified in Section VI.D. of the Longmont maintenance plan include increasing the required 2.7 percent minimum oxygen content of gasoline to a level above the actual oxygen content of gasolines at the time of the violation, improvements to Longmont's basic I/M program, increase enforcement of the woodburning curtailment program, establish a two for one buy-down program for installation of woodburning devices and/or pellet stoves in new homes and/or buildings in excess of one device, prohibit the installation of any woodburning device and/or pellet stove in new housing and/or building construction projects, establish voluntary no-drive days on high pollution days, and other measures that may be considered appropriate. A more complete description of the triggering mechanism and these contingency measures can be found in Section VI of the maintenance plan.

Based on the above, we find that the contingency measures provided in the State's maintenance plan are sufficient and meet the requirements of section 175A(d) of the CAA.

5. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, Colorado has committed to submit a revised maintenance plan SIP revision eight years after the approval of the redesignation. This provision for revising the maintenance plan is contained in Section VI.E. of the Longmont maintenance plan.

IV. EPA's Evaluation of the Transportation Conformity Requirements

One key provision of our conformity regulation requires a demonstration that emissions from the transportation plan and Transportation Improvement Program are consistent with the emissions budgets in the SIP (40 CFR sections 93.118 and 93.124). The emissions budget is defined as the level of mobile source emissions relied upon in the attainment or maintenance demonstration to maintain compliance with the NAAQS in the nonattainment or maintenance area. The rule's requirements and EPA's policy on emissions budgets are found in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62193–96) and in the sections of the rule referenced above.

Section IV.C.3.c.1 of the Longmont maintenance plan describes an emissions budget for on-road mobile sources for the years 1998 and beyond as being 27 tons per day (TPD) of CO. The Denver Regional Council of Governments (DRCOG), which is the area's Metropolitan Planning Organization (MPO), and the State derived the 27 TPD number for 1998 and beyond from the 2015 maintenance year inventory value for on-road mobile sources along with a safety margin calculated based on a 1995 inventory. We cannot approve this 27 TPD value as a budget for conformity purposes because the budget is not consistent with maintenance of the CO NAAQS.[2] See 40 CFR 93.118(e)(4)(iv). The attainment year's mobile source budget of 27 TPD does not provide for maintenance of the CO NAAQS when combined with the increasing emissions levels from non-mobile sources during the 1998–2014 period (i.e., use of the 27 TPD budget for any year after 1998 would push total emissions over the maintenance plan's attainment year level of 34.76 TPD)[3]. Thus, we are taking no action on language in section IV.C.3.c. of the maintenance plan in which the State established an emissions budget for 1998 and beyond of 27 TPD of CO. The effect of this is that DRCOG and the State may not use 27 TPD as the budget for conformity purposes.

Instead, consistent with our conformity regulations and the preamble to the November 24, 1993, transportation conformity rule (58 FR 62193–96), we are approving the 2015 mobile source emissions inventory value of 16.76 TPD of CO as the emissions budget. This 16.76 TPD budget will apply for 2015 and beyond. See 40 CFR 93.118(b)(2)(ii). For the years prior to 2015, conformity determinations must be conducted in accordance with 40 CFR 93.118(b)(2)(i).

Finally, based on the discussion above, the emissions budget definition in the Colorado Ambient Air Quality Standards regulation (5 CCR 1001–14) is incorrect as it applies the 27 TPD figure to 1998 and beyond. As indicated above, we cannot approve the 27 TPD budget and it cannot be used for conformity determinations.

V. Final Action

In this action, EPA is approving the Longmont carbon monoxide redesignation request and the maintenance plan.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 23, 1999 without further notice unless the Agency receives adverse comments by October 25, 1999.

If EPA receives such comments, then we will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 23, 1999 and no further action will be taken on the proposed rule.

Administrative Requirements

(a) Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866.

[2] Pursuant to Section 93.118(e)(4) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), we previously reviewed the adequacy of the maintenance plan's carbon monoxide emissions budgets for purposes of coformity. In a May 14, 1999 letter, from Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, to Margie Perkins, Director, Air Pollution Control Divison, Colorado Department of Public Health and Environment, we determined that the emissions budget for 1998 and beyond (27 tons per day) was inadequate for conformity purposes. Although this action is consistent with our prior adequacy determination, it should be noted that, in taking final action on the maintenance plan, we are not bound by our pror adequacy determination. See 62 FR 43782, August 15, 1997.

[3] The State used a 1995 inventory to determine the amount of the safety margin for establishing an emissions budget. The maintenance demonstration is based on a 1993 inventory. It is not appropriate to use one inventory for purposes of demonstrating maintenance and another inventory for purposes of calculating the safety margin for a motor vehicle emissions budget.

entitled "Regulatory Planning and Review."

(b) Executive Orders on Federalism

(1) Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local, or tribal governments. The rule does not impose any enforceable duties on state, local, or tribal governments. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

(2) Executive Order 12612: Executive Order on Federalism

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132 (64 FR 43255, August 10, 1999), which will take effect on November 2, 1999. In the interim, Executive Order 12612 (52 FR 41685, October 30, 1987) on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only one State and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

(c) Executive Order 13045

Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health and safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

(d) Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

(e) Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2). Redesignation of an area to attainment under sections 107(d)(3)(D) and (E) of the Clean Air Act does not impose any new requirements on small entities. Redesignation to attainment is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Therefore, I certify that the approval of the redesignation request will not affect a substantial number of small entities.

(f) Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves a redesignation to attainment and pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no

additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

(g) Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to the publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

(h) National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical. The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conductive to the use of VCS.

(i) Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Nothing in this action should be construed as making any determination or expressing any position regarding Colorado's audit privilege and penalty immunity law, sections 13–25–126.5, 13–90–107, and 25–1–114.5, Colorado Revised Statutes (Colorado Senate Bill 94–139, effective June 1, 1994), or its impact upon any approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act program resulting from the effect of Colorado's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211, or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon Monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: September 10, 1999.

William P. Yellowtail,

Regional Administrator Region VIII.

Chapter I, title 40, parts 52 and 81 of the Code of Federal Regulations are amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart G—COLORADO

2. Section 52.349 is amended by adding paragraph (d) to read as follows:

§ 52.349 Control strategy: Carbon monoxide.

* * * * *

(d) Revisions to the Colorado State Implementation Plan, Carbon Monoxide Redesignation Request and Maintenance Plan for Longmont, as adopted by the Colorado Air Quality Control Commission on December 18, 1997, State effective March 2, 1998, and submitted by the Governor on August 19, 1998.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-et seq.

2. In § 81.306, the table entitled "Colorado-Carbon Monoxide" is amended by revising the entry for "Longmont Area" to read as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—CARBON MONOXIDE

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * * *	*	*	*	*
Longmont Area	November 23, 1999	Attainment.		
Hwy 52 west from the Boulder/Weld County line to 95th Street/Hoover Road, then north on 95th Street/Hoover Road to the intersection of Plateau Road and SH 119, then west on Plateau Road to the intersection of Hygiene Road, then due north to the Boulder/Larimer County line, then due east to the intersection of the Boulder/Larimer/Weld County lines, then south along the Boulder/Weld County line to Hwy 52, plus the portion of the City of Longmont east of the Boulder/Weld County line in Weld County.				
Boulder County (part):				
Weld County (part):				

COLORADO—CARBON MONOXIDE—Continued

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * * *	*	*		*

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 99–24906 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL 6443–5]

Vermont: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Vermont has applied to EPA for Final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize Vermont's changes to their hazardous waste program will take effect as provided below. If we get comments that oppose this action, EPA will withdraw this immediate final rule and it will not take effect. EPA will then address public comments in a later final rule. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action, must do so at this time.

DATES: This final authorization will become effective on November 23, 1999, without further notice, unless EPA receives adverse comments by October 25, 1999. Should EPA receive such comments, the Agency will publish a timely document in the **Federal Register** withdrawing this rule.

ADDRESSES: Send written comments to Geri Mannion, EPA Region I, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023; Phone Number: (617) 918–1648. You can view and copy Vermont's application at the following addresses: The Agency of Natural Resources, Vermont Department of Environmental Conservation, Waste Management Division, 103 South Main Street—West Office Building, Waterbury, VT 05671–0404; Phone number: (802) 241–3888; Business Hours: 7:45 A.M. to 4:30 P.M., Monday through Friday and EPA Region I Library, One Congress Street, Suite 1100 (LIB), Boston, MA, 02114–2023; Phone number: (617) 918–1990; Business Hours: 8:30 A.M. to 5:00 P.M., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Geri Mannion, EPA Region I, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023; Phone Number: (617) 918–1648.

SUPPLEMENTARY INFORMATION:

Technical Corrections

In addition to authorizing the changes to Vermont's hazardous waste program, EPA is making technical corrections to provisions referenced in its immediate final rule published in the **Federal Register** on May 3, 1993 (58 FR 26242) and effective August 6, 1993 (58 FR 31911) which authorized the State for other earlier revisions to its hazardous waste program.

A. Why Are Revisions to State Programs Necessary?

States which have received Final authorization from EPA under RCRA Section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) Parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We conclude that Vermont's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Vermont Final authorization to operate its hazardous waste program with the changes described in the authorization application. Vermont has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. However, when today's approval takes effect, Vermont will be authorized to administer almost all of these HSWA requirements, as well as being authorized for almost all the pre-HSWA requirements.

C. What is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in Vermont subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent federal requirements in order to comply with RCRA. Vermont has enforcement responsibilities under its state hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports
- Full authority to enforce RCRA requirements and suspend or revoke permits

This action does not impose additional requirements on the regulated community because the regulations for which Vermont is being authorized by today's action are already effective, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. Vermont has already addressed any comments raised during the State rulemaking public comment period, prior to adopting these rules on September 30, 1998. We are providing an opportunity for public comment now. In the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the state program changes. If we receive comments which oppose this authorization, that document will serve as a proposal to authorize the changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register**. We then will address all public comments in a **Federal Register** notice. You may not have another opportunity to comment. If you want to comment on this action, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we may withdraw only that part of today's authorization rule. The authorization of the program changes that are not opposed by any comments may become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has Vermont Previously Been Authorized For?

Vermont initially received final authorization on January 7, 1985, effective January 21, 1985 (50 FR 775) to implement its base hazardous waste management program. The Region published an immediate final rule for Vermont's revisions to its program on May 3, 1993 (58 FR 26242) and reopened the comment period for those revisions June 7, 1993 (58 FR 31911). The authorization became effective August 6, 1993 (58 FR 31911).

G. What Changes Are We Authorizing With Today's Action?

On September 15, 1999 Vermont submitted a final complete program revision application, seeking authorization for their changes in accordance with 40 CFR 271.21. These revisions address federal regulatory provisions promulgated in the following rule clusters ("cluster" is the term used to designate a time frame, usually a year, during which multiple federal regulatory changes occurred): Non-HSWA Cluster V and VI, HSWA Cluster II, RCRA Clusters I through VIII. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Vermont's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we grant Vermont final authorization for the following program:

Description of Federal requirement	Analogous State authority [1]
Non-HSWA V	
(58) Standards for Generators of Hazardous Waste: 53 FR 45089–45093, 11/8/88.	7–109, Vermont Uniform Hazardous Waste Manifest.
Non-HSWA VI	
(64) Delay of Closure Period for Hazardous Waste Management Facilities: 54 FR 33376–33398, 8/14/89.	7–504, 7–510, 7–507.
(67) Testing and Monitoring Activities: 54 FR 40260–40269, 9/29/89	7–219, 7–210.
(70) Changes to Part 124 Not Accounted for by Present Checklists: 48 FR 14146–14295, 4/1/83, 48 FR 30113–30115, 6/30/83, 53 FR 28118–28157, 7/26/88, 53 FR 37396–37414, 9/26/88, 54 FR 246–258, 1/4/89.	7–504, 7–505, 7–507, 7–508, 7–509, 7–506, 7–506.
(72) Modification of F019 Listing: 55 FR 5340–5342, 2/14/90	7–210
(73) Testing and Monitoring Activities; Technical Corrections: 55 FR 8948–8950, 3/9/90.	7–219.
(76) Criteria for Listing Toxic Wastes; Technical Amendment: 55 FR 18726, 5/4/90.	7–213, 7–216.
(78N) Land Disposal Restrictions for Third Third Scheduled Wastes: 55 FR 22520–22720, 6/1/90.	See Table IV, Special Consolidated Checklist for Land Disposal Restrictions.
HSWA II	
(42) Exception Reporting for Small Quantity Generators of Hazardous Waste: 52 FR 35894–35899, 9/23/87.	7–707.
(44A–G) HSWA Codification Rule 2: 52 FR 45788–45799, 12/1/87:	
44A—Permit Application Requirements Regarding Corrective Action.	7–505.
44B—Corrective Action Beyond Facility Boundary	7–504.
44C—Corrective Action for Injection Wells	13.UIC.23(c).
44D—Permit Modification	Checklist eliminated by Revision Checklist 54.
44E—Permit as a Shield Provision	No State Analog, more stringent.
44F—Permit Conditions to Protect Human Health and the Environment.	10 VSA § 6606(b)(9).
44G—Post Closure Permits	7–504.
(47) Identification and Listing of Hazardous Waste; Technical Correction: 53 FR 27162–27163, 7/19/88.	7–306.
(48) Farmer Exemptions; Technical Corrections: 53 FR 27164–27165, 7/19/88.	7–203, 7–502.
(68) Reportable Quantity Adjustment Methyl Bromide Production Wastes: 54 FR 41402–41408, 10/6/89.	7–212, 7–219, Appendix I, Appendix IX.
(69) Reportable Quantity Adjustment: 54 FR 50968–50979, 12/11/89 ...	7–210, Appendix IX, Appendix II.
(75) Listing of 1,1-Dimethylhydrazine Production Wastes: 55 FR 18496–18506, 5/2/90.	7–212, 7–219, Appendix I, Appendix IX.

Description of Federal requirement	Analogous State authority [1]
(77) HSWA Codification Rule, Double Liners, Correction: 55 FR 19262–19264, 5/9/90.	Superceded by Checklist 100 listed below.
(79) Organic Air Emission Standards for Process Vents and Equipment Leaks: 55 FR 25454–25519, 6/21/90.	7–219, 7–502, 7–504, 7–505, 7–510, 7–604, 7–604, 6–605, 6–606, 6–606.
RCRA I	
(81) Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038): 55 FR 46354–46397 11/2/90, as amended on 12/17/90, at 55 FR 51707.	7–210, Appendix IX.
(87) Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment: 56 FR 19290, 4/26/91.	7–504, 7–504, 7–504, 7–510, 7–505.
(88) Administrative Stay for K069 Listing: 56 FR 19951, 5/1/91	7–212, Appendix I.
(89) Revision to the Petroleum Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038): 56 FR 21955–21960, 5/13/91.	7–210.
RCRA II	
(97) Exports of Hazardous Waste; Technical Correction: 56 FR 43704–43705, 9/4/91.	7–705, 7–708.
(99) Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations: 56 FR 66365–66369, 12/23/91.	7–103, 7–504, 7–510, 7–504.
(100) Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units: 57 FR 3462–3497, 1/29/92.	7–103, 7–504, 7–505, 7–507, 7–510.
(104) Used Oil Filter Exclusion: 57 FR 21524–21534, 5/20/92	7–203.
RCRA III	
(107) Used Oil Filter Exclusion; Technical Correction: 57 FR 29220, 7/1/92.	7–203.
(113) Consolidated Liability Requirements: 53 FR 33938–33960, 9/1/88; 56 FR 30200, 7/1/91; 57 FR 42832–42844, 9/16/92.	7–504, 7–510.
(115) Chlorinated Toluenes Production Waste Listing: 57 FR 47376–47386, 10/15/92.	7–212, Appendix I, Appendix IX.
(118) Liquids in Landfills II: 57 FR 54452–54461, 11/18/92	7–103, 7–504, 7–504, 7–504, 7–510.
(121) Corrective Action Management Units and Temporary Units: 58 FR 8658–8685, 2/16/93.	7–103, 7–510, 7–504, 7–504, 7–504, 7–510, 7–106, 7–507.
RCRA IV	
(126) Testing and Monitoring Activities: 58 FR 46040–46050, 8/31/93, as amended at 59 FR 47980–47982, 9/19/94.	7–219, 7–217, 7–206, 7–219, 7–206, 7–208, 7–504, 7–504, 7–504, 7–510, 7–106, 7–505, 7–511, 7–511.
(128) Wastes From the Use of Chlorophenolic Formulations in Wood Surface Protection: 59 FR 458–469, 1/4/94.	7–219, Appendix II.
(129) Revision of Conditional Exemption for Small Scale Treatability Studies: 59 FR 8362–8366, 2/18/94.	7–203.
(131) Recordkeeping Instructions; Technical Amendment: 59 FR 13891–13893, 3/24/94.	7–504, 7–504, 7–504, 7–510, 7–504.
(132) Wood Surface Protection; Correction: 59 FR 28484, 6/2/94	7–219.
(133) Letter of Credit Revision: 59 FR 29958–29960, 6/10/94	7–504, 7–504.
(134) Correction of Beryllium Powder (P015) Listing: 59 FR 31551–31552, 6/20/94.	7–215, Appendix IV, Appendix II, 7–106.
RCRA V	
(135) Recovered Oil Exclusion: 59 FR 38536–38545, 7/28/94	7–512.
(139) Testing and Monitoring Activities Amendment I: 60 FR 3089–3095, 1/13/95.	7–219.
(141) Testing and Monitoring Activities Amendment II: 60 FR 17001–17004, 4/4/95.	7–219.
(142A) Universal Waste; General Provisions: 60 FR 25492–25551, 5/11/95.	7–103, 7–911, 7–305, 7–204, 7–306, 7–203, 7–202, 7–502, 7–106, 7–901, 7–910, 7–910, 7–305, 7–912, 7–912, 7–912, 7–912, 7–913, 7–914. 7–915, 7–915.
(142B) Universal Waste Rule; Specific Provisions for Batteries: 60 FR 25492–25551, 5/11/95.	7–911, 7–203, 7–502, 7–204, 7–106, 7–901, 7–902.
(142C) Universal Waste Rule; Specific Provisions for Pesticides: 60 FR 25492–25551, 5/11/95.	7–911, 7–203, 7–502, 7–106, 7–901, 7–903, 7–912.
(142D) Universal Waste Rule; Specific Provisions for Thermostats: 60 FR 25492–25551, 5/11/95.	7–911, 7–2030, 7–502, 7–106, 7–901, 7–904, 7–912.
(142E) Universal Waste Rule; Petition Provisions to Add a New Universal Waste: 60 FR 25492–25551, 5/11/95.	7–916.
(144) Removal of Legally Obsolete Rules: 60 FR 33912–33915, 6/29/95.	7–210, 7–512, 7–109, 7–103, 7–510, 7–504, 7–505.
RCRA VI	
(145) Liquids in Landfills III: 60 FR 35703–35706, 7/11/95	7–504, 7–510.
(150) Amendments to the Definition of Solid Waste: 61 FR 13103–13106, 3/26/96.	No State Analog, more stringent.

Description of Federal requirement	Analogous State authority [1]
(151) Land Disposal Restriction Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners: 61 FR 15566–15660, 4/8/96 as amended 4/8/96 at 61 FR 15660–15668; as amended 4/30/96 at 61 FR 19117; as amended 6/28/96 at 61 FR 33680–33690; as amended 7/10/96 at 61 FR 36419–36421; as amended 8/26/96 at 61 FR 43924–43931; as amended 2/19/97 at 62 FR 7502–7600.	7–106.
RCRA VII	
(153) Conditionally Exempt Small Quantity Generator Disposal Options under Subtitle D: 61 FR 34252–34278, 7/1/96.	7–306.
(154) Consolidated Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers: 59 FR 62896–62953, 12/6/94, as amended by 60 FR 26828–26829, 5/19/95, 60 FR 50426–50430, 9/29/95, 60 FR 56952–56954, 11/13/95, 61 FR 4903–4916, 2/9/96, 61 FR 28508–28511, 6/5/96, 61 FR 59932–59997, 11/25/96.	7–1090, 7–219, 7–604, 7–307, 7–308, 7–504, 7–504, 7–504, 7–510, 7–505(b).
(155) Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance: 62 FR 1992–1997, 1/14/97.	7–106.
(157) Land Disposal Restrictions Phase IV—Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions from RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions: 62 FR 25998–26040, 5/12/97.	7–106, 7–204.
(158) Testing and Monitoring Activities Amendment III: 62 FR 32452–32463, 6/13/97.	7–219, 7–504, 7–510, 7–512.
RCRA VIII	
(163) Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment: 62 FR 64636–64671, 12/8/97.	7–109, .7–505, 7–604. VT did not submit a checklist for this because the rules listed therein have been incorporated by reference at 7–505 and 7–604.
Special Consolidated Checklists	
Consolidated Checklist for the Burning of Hazardous Waste in Boilers and Industrial Furnaces as of 6/30/97:	
(85) Burning of Hazardous Wastes in Boilers and Industrial Furnaces: 56 FR 7134, 2/21/91;	7–103, 7–219, 3 Vermont Statutes Annotated (VSA) 801 *et seq.*, 7–106, 7–216, 7–217, 7–203, 7–204, 7–212, Appendix I, Appendix IX, 7–504, 7–510, 7–512, 7–504, 7–510, 7–505, 7–507, 7–511.
(94) Burning of Hazardous Wastes in Boilers and Industrial Furnaces; Corrections and Technical Amendments: 56 FR 32688, 7/17/91;	
(96) Burning of Hazardous Wastes in Boilers and Industrial Furnaces; Technical Amendments II: 56 FR 42504 8/27/91;	
(98) Coke Ovens Administrative Stay: 56 FR 43874 9/5/91;	
(105) Recycled Coke By-Product Exclusion: 57 FR 27880 6/22/92;	
(110) Coke By-Products Listing: 57 FR 37284 8/18/92;	
(111) Boilers and Industrial Furnaces; Technical Amendment III: 57 FR 38558, 8/25/92;	
(114) Boilers and Industrial Furnaces: Technical Amendment IV: 57 FR 44999, 9/30/92;	
(125) Boilers and Industrial Furnaces; Changes for Consistency with New Air Regulations: 58 FR 38816, 7/20/93 and	
(127) Boilers and Industrial Furnaces: Administrative Stay and Interim Standards for Bevill Residues: 58 FR 59598, 11/9/93.	
Consolidated Checklist for the Land Disposal Restrictions as of 6/30/95:	
(34) Land Disposal Restrictions: 51 FR 40572, 11/7/86 as amended on 6/4/87 at 52 FR 21010 (authorized 1993);	1 VSA Ch. 5, Subchapter 3, 7–109, 7–103, 7–106, 3 VSA 801 *et seq.*, 7–217, 7–218, 1 VSA 316(3), 7–109, 7–219, 7–608, Recycle and Reuse Form/Oct. '97. , 7–201, 7–203, 7–204, 7–306, 7–306, 7–305, 7–202, 7–205, 7–206, 7–207, 7–208, 7–202, 7–210, 7–214, 7–202, Appendix IX, 7–303, 7–204, 7–307, 7–307, 7–311, 7–311, 7–308, 7–308, 7–307, 7–203, 7–404, 7–502, 7–501, 7–504, 7–510, 7–607, 7–512, 7–510.
(39) California List Waste Restrictions: 52 FR 25760, 7/8/87 as amended on 10/27/87 at 52 FR 41295;	
(50) Land Disposal Restrictions for First Third Scheduled Wastes: 53 FR 31138, 8/17/88 as amended on 2/27/89 at 54 FR 8264;	
(62) Land Disposal Restriction Amendments to First Third Scheduled Wastes: 54 FR 18836, 5/2/89);	
(63) Land Disposal Restrictions for Second Third Schedules Wastes: 54 FR 26594, 6/23/89;	
(66) Land Disposal Restrictions: Correction to the First Third Scheduled Wastes: 54 FR 36967, 9/6/89 as amended on 6/13/90 at 55 FR 23935;	
(78H) Land Disposal Restrictions for Third Third Scheduled Wastes: 55 FR 22520, 6/1/90;	
(83) Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendment: 56 FR 3864, 1/31/91;	
(95) Land Disposal Restrictions for Electric Arc Furnace Dust (K061): 56 FR 41164, 8/19/91;	
(102) Second Correction to the Third Third Land Disposal Restrictions: 57 FR 8086, 3/6/92	
(103) Hazardous Debris Case-by-Case Capacity Variance: 57 FR 20766, 5/15/92;	

Description of Federal requirement	Analogous State authority [1]
(106) Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance: 57 FR 28628, 6/26/92; (109) Land Disposal Restrictions for Newly Listed Waste and Hazardous Debris: 57 FR 37194, 8/18/92; (116) Hazardous Soil Case-by-Case Capacity Variance: 57 FR 47772, 10/20/92; (123) Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance: 58 FR 28506, 5/14/93; (124) Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated; 58 FR 29860, 5/24/93; (136) Removal of the Conditional Exemption for Certain Slag Residues: 59 FR 43496, 8/24/94.	
Consolidated Checklist for the Bevill Exclusion for Mining Wastes as of 6/30/97: (53) Identification and Listing of Hazardous Waste: and Designation, Reportable Quantities, and Notification: 53 FR 35412, 9/13/88 (authorized 1993); (65) Mining Waste Exclusion I: 54 FR 36592, 9/1/89; (71) Mining Waste Exclusion II: 55 FR 2322, 1/23/90; and (90) Mining Exclusion III: 56 FR 27300, 6/13/91.	7–103, 7–202, 7–203, 7–203, 7–212, Appendix I, Appendix IX, 7–202.
Consolidated Checklist for the Toxicity Characteristics Revisions as of 6/30/97: (74) Toxicity Characteristic Revisions: 55 FR 11748, 3/29/90 as amended on 6/29/90 at 55 FR 26986 (authorized 1993); (80) Toxicity characteristic; Hydrocarbon: 55 FR 40834 10/5/90, 56 *FR* 3978 as amended on 2/1/91 at 56 FR 13406, 4/2/91; (84) Toxicity Characteristic; Chlorofluorocarbon Refrigerants: 56 FR 5910, 2/13/91; (108) Toxicity Characteristic Revisions: 57 FR 30657, 7/10/92; (117 B) Toxicity Characteristic Amendment: 57 FR 23062, 6/1/92; and (119) Toxicity Characteristic Revision; TCLP Correction: 57 FR 55114, 11/24/92.	7–202, 7–203, 7–204, 7–208, 7–209, 7–208, 7–219, 7–504, 7–510, 7–106.
Consolidated Checklist for Recycled Used Oil Management Standards as of 6/30/97: (112) Recycled Used Oil Management Standards: 57 FR 41566, 9/10/92; (122) Recycled Used Oil Management Standards; Technical Amendments and Corrections: 58 FR 26420, 5/3/93 as amended on 6/17/93 at 58 FR 33341; and (130) Recycled Used Oil Management Standards; Technical Amendments and Corrections II: 59 FR 10550, 3/4/94.	7–103, 7–802, 7–805, 7–203, 7–204, 7–502, 7–512, 7–801, 7–803, 7–805, 7–804, 7–812, 7–807, 7–806, 7–810, 7–808, 7–809, 7–811, 7–813, 7–812.
Consolidated Checklist for the Wood Preserving Listings as of 6/30/97: (82) Wood Preserving Listings: 55 FR 50450, 12/6/90; (91) Wood Preserving Listings: 56 FR 27332, 6/13/91; (92) Wood Preserving Listings; Technical Corrections: 56 FR 30192, 7/1/91; (101) Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable: 57 FR 5859, 2/18/92; (120) Wood Preserving; Revisions to Listings and Technical Requirements: 57 FR 61492, 12/24/92.	7–103, 7–204, 7–210, 7–219, Appendix IX, Appendix II, 7–307, 7–308, 7–311, 7–504, 7–510, 7–505.

[1] Hazardous Waste Management Regulations, effective 9/30/98; Water Pollution Control Regulations, Subchapter 13, effective 6/21/84; Vermont Statutes Annotated 1998.

EPA cannot delegate the Federal requirements at 40 CFR 268.5, 268.6, and 268.42(b). At 7–106 Vermont's rules stipulate that these sections are not incorporated by reference and that authority for implementing these requirements remains with EPA.

In addition to updating its program, Vermont has reformatted and renumbered its Waste Management Regulations and, therefore, some rule numbers for previously authorized rules have been changed. As part of this application, Vermont submitted updated base program checklists and revision checklists for which the State received authorization in 1993. These checklists list the current state analogs to federal base program requirements and are available for inspection and copying at the locations listed above.

H. Where Are the Revised State Rules Different From the Federal Rules?

The State rules are more stringent than the minimum requirements set forth in the federal regulations in various respects including those discussed below. Vermont also has some requirements which are different from the federal requirements, but which we have determined are equally stringent.

We consider the following updated State requirements to be more stringent than the Federal requirements: Vermont does not permit disposal in underground injection wells, therefore it does not have analogous provisions to 40 CFR144.1(h), 144.31(g)(1), (2), and (3); 40 CFR 265.2(c)(2) and 40 CFR 270.60(b)(3)(i) and (ii) which are the

requirements for Corrective Action for Injection Wells listed in Revision checklist 44C. Vermont does not permit the use of a permit as shield, therefore it does not have an analog for 40 CFR 260.4(a) listed in Revision Checklist 44E. Vermont does not grant the exclusion at 40 CFR 261.4(a)(12) for recovered used oil listed on revision checklist 150. Vermont used Checklist 153 to restate that it does not allow the wastes generated by conditionally exempt small quantity generators to be disposed of in Subtitle D landfills. These requirements are part of Vermont's authorized program and are federally enforceable.

In this revision Vermont modified its regulations for satellite accumulation and for storage prior to the recycling of recyclable materials. EPA's Satellite Accumulation rule promulgated on December 20, 1984 (40 FR 49571) allows generators to accumulate up to 55 gallons of hazardous waste or one quart of acutely hazardous waste in a satellite area at or near the point of generation, so long as specified requirements are met. The Vermont program allows one 55-gallon drum or one quart of acutely hazardous waste per waste stream to be accumulated in central storage areas subject to full hazardous waste requirements, or at the point of generation. Although this is not identical to the EPA regulation, EPA has determined that these rules for managing wastes are protective of human health and the environment and are equivalent to the federal regulation.

Vermont modified its recycling regulations in Subchapter 6. Specifically, their rule will allow recyclers to temporarily place incoming recyclable materials in a staging area for up to three days without a storage permit. In case-by-case instances EPA has previously agreed that States administering the RCRA program have some discretion to determine that short periods of accumulation by recyclers of incoming material do not constitute storage and thus would not trigger the RCRA storage permitting requirements. Following these precedents, the Region has determined that Vermont's staging regulation is equivalent to the federal program and thus federally approvable.

I. Who Handles Permits After This Authorization Takes Effect?

Vermont will issue permits for all the provisions for which it is authorized and will administer the permits it issues. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to implement and issue permits for any HSWA requirements for which Vermont is not yet authorized.

J. What Technical Corrections Is EPA Making Today?

At 58 FR 26243, May 3, 1993, Region 1 noted in the preamble that Vermont was not seeking to delist federally listed wastes since Section 7–216(3) (now at 7–217(c)) provides that any delisting of a hazardous waste which is listed as hazardous under 40 CFR Part 261 shall be conducted by EPA. However, the crosswalk at 58 FR 26250 (May 3, 1993) incorrectly listed this rule on checklist 17B as authorized. The Region is correcting this error today to note that Vermont did not seek authorization for this rule. Also, on that crosswalk in the **Federal Register** the titles for the rules addressed by checklists 19 and 34 were incomplete. These omissions are being corrected today and the complete titles are as listed below. The title information for Checklist 19 is: Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces, 50 *FR* 49164–49211, November 29, 1985 as amended on April 13, 1987, at 52 FR 11819–11822. The title information for Checklist 34 is: Land Disposal Restrictions, 51 FR 40572–40654, November 7, 1986 as amended on June 4, 1987, at 52 FR 21010–21018. Finally, in 1993 Vermont sought authorization for four rules for which EPA does not use checklists. Inadvertently, these rules were omitted from the May 3, 1993 (58 FR 2642) crosswalk. The rules SR1, concerning existing and newly regulated surface impoundments regulated under HSWA § 3005(j)(1) & (6); SR2, concerning variances under § 3005(j)(2)–(9) and (13) regulated under HSWA § 3005(j)(2)–(9); CP, concerning hazardous and used oil fuel criminal penalties regulated under HSWA § 3006(h), 3008(d), and 3014 and SI, concerning sharing of information with the Agency for Toxic Substances and Disease Registry were addressed in Vermont's Attorney General Statement dated October 4, 1990. These omissions are being corrected today to state that Vermont is authorized for these rules.

K. What Is Codification and Is EPA Codifying Vermont's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations, as federal regulations. We do this by referencing the authorized State rules in 40 CFR Part 272. EPA is authorizing but not codifying Vermont's updated program at this time. We reserve the amendment of 40 CFR Part 272, Subpart UU for this authorization of Vermont's program until a later date.

L. Regulatory Analysis and Notices

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year.

Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that section 202 and 205 requirements do not apply to today's action because this rule does not contain a Federal mandate that may result in annual expenditures of $100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Vermont program, and today's action does not impose any additional obligations on regulated entities. In fact,

EPA's approval of State programs generally may reduce, not increase, compliance costs for the private sector. Further, as it applies to the State, this action does not impose a Federal intergovernmental mandate because UMRA does not include duties arising from participation in a voluntary federal program.

The requirements of section 203 of UMRA also do not apply to today's action because this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under the existing State laws that are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary, however, if the agency's administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the regulatory requirements under the existing State laws that are now being authorized by EPA.

The EPA's authorization does not impose any significant additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Pursuant to the provision at 5 U.S.C. 605(b), the Agency hereby certifies that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866.

Compliance With Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies with consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

This rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. The State administers its hazardous waste program voluntarily, and any duties on other State, local or tribal governmental entities arise from that program, not from this action. Accordingly, the requirements of Executive Order 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612 (52 FR 41685 (October 30, 1987)), on federalism still applies. This rule will not have substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612 because this rule affects only one State. In addition, this rule simply approves the State's proposal to be authorized for updated requirements in the hazardous waste program that the state has voluntarily chosen to operate. Finally, as a result of this action, for provisions enacted pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA), those newly authorized provisions of the State's program now apply in Vermont in lieu of the equivalent Federal program provisions. Affected parties are subject only to those authorized state program provisions, as opposed to being subject both to the Federal and State program provisions.

Compliance With Executive Order 13045

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks," applies to any rule that: (1) The Office of Management and Budget determines is "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve federal decisions based on environmental health or safety risks, but rather involves approval of a state program.

Compliance With Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies with consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

This rule is not subject to Executive Order 13084 because it does not significantly or uniquely affect the communities of Indian tribal governments as there are no Federally recognized Indian Tribes in Vermont.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any additional information requirements upon the regulated community, as the State regulations being approved already are in effect under State law.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104–113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve adopting new federal technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and record keeping requirements, Water pollution control, Water supply.

Authority: This action is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: September 17, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–24908 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6442–1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of Munisport Landfill Superfund site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region IV announces the deletion of the Munisport Landfill Superfund (Site) in North Miami, Dade County, Florida, from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. EPA and the Florida Department of Environmental Protection (FDEP) have determined that all appropriate response actions under CERCLA have been implemented by the Potentially Responsible Party, the City of North Miami, and that no further response actions under CERCLA are needed. Moreover, EPA and the FDEP have determined that the remedial actions conducted at the Site to date are protective of human health and the environment, such that further federal response under CERCLA is not warranted.

EFFECTIVE DATE: September 24, 1999.

FOR FURTHER INFORMATION CONTACT: Kevin Misenheimer, Remedial Project Manager, EPA Region IV, 61 Forsyth St. SW, Atlanta, Georgia, 30303, (404) 562–8922. Comprehensive information on this Site is available through the EPA Region IV public docket located at two locations. Locations and phone numbers are: USEPA Region IV Record Center, 61 Forsyth St. SW, Atlanta, Georgia, 30303, (404) 562–8862 and Florida International University, North Campus Library, 3000 NE 151st St., North Miami, Florida, 33181–3601, (305) 919–5726.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Munisport Landfill, North Miami, Dade County, Florida.

A Notice of Intent to Delete for this site was published on June 25, 1999 (64 FR 34180). The closing date for comments on the Notice of Intent to Delete was July 27, 1999. EPA addressed significant comments in a Responsiveness Summary which is included in the public docket.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-financed) remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 8, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region IV.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site "Munisport Landfill, North Miami, Florida."

[FR Doc. 99–24689 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 22, 24, and 64

[CC Docket No. 97–213, FCC 99–230]

Communications Assistance for Law Enforcement Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts technical requirements for wireline, cellular, and broadband Personal Communications Services (PCS) carriers to comply with the assistance capability requirements prescribed by the Communications Assistance for Law Enforcement Act of 1994 (CALEA, or the Act). Specifically, the Commission requires that all capabilities of J–STD–025 (interim standard) and six of nine "punch list" capabilities requested by the Department of Justice (DoJ)/Federal Bureau of Investigation (FBI) be implemented by wireline, cellular, and broadband PCS carriers.

DATES: Effective December 23, 1999.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Office of Engineering and Technology, (202) 418–2452; internet: rsmall@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Report and Order* (Third R&O) adopted August 26, 1999, and released August 31, 1999. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, N.W., Washington, D.C. 20036.

Summary of Third R&O

1. CALEA, enacted in October 1994, was intended to preserve the ability of law enforcement officials to conduct electronic surveillance effectively and efficiently in the face of rapid advances in telecommunications technology. In enacting this statute, however, Congress recognized the need to protect privacy interests within the context of court-authorized electronic surveillance. Thus, in defining the terms and requirements of the Act, Congress sought to balance three important policies: (1) To preserve a narrowly focused capability for law enforcement agencies to carry out properly authorized intercepts; (2) to protect privacy in the face of increasingly powerful and personally revealing technologies; and (3) to avoid impeding the development of new communications services and technologies.

2. Section 103 of CALEA establishes four general "assistance capability requirements" that carriers must meet to achieve compliance with CALEA. Specifically, section 103 requires a telecommunications carrier to ensure that its equipment, facilities, and services are capable of:

(1) Isolating and enabling the government, pursuant to a lawful authorization, to intercept all wire and electronic communications;

(2) Providing to the government access to call-identifying information that is "reasonably available" to the carrier;

(3) Delivering to the government call content and call-identifying information in an acceptable form and at a remote location; and,

(4) Facilitating government access unobtrusively and in a manner that protects privacy and security.

3. CALEA does not specify how these four requirements are to be met, but section 107(a) specifies a "safe harbor" provision, whereby carriers and manufacturers are deemed CALEA-compliant if they meet publicly available standards adopted by industry. Between 1995 and 1997, Subcommittee TR45.2 of the Telecommunications Industry Association (TIA) developed an interim standard, J–STD–025, to serve as a safe harbor for wireline, cellular, and broadband PCS carriers and manufacturers under section 107(a). That standard defines services and features required by wireline, cellular, and broadband PCS carriers to support lawfully authorized electronic surveillance, and specifies interfaces necessary to deliver intercepted communications and call-identifying information to a law enforcement agency (LEA). However, two parties filed petitions for rulemaking with the Commission, pursuant to section 107(b) of CALEA, contending that the interim standard was either overinclusive or underinclusive. Specifically, DoJ/FBI argue that the interim standard does not satisfy CALEA requirements because it fails to include the nine essential punch list capabilities, and the Center for Democracy and Technology argues that the standard is overinclusive because it includes packet-mode communications and location information.

4. The *Further Notice of Proposed Rule Making* (Further NPRM), 63 FR 63639, November 16, 1998, in this proceeding addressed these alleged deficiencies in the interim standard. In the *Further NPRM*, the Commission stated that it did not intend to reexamine any of the uncontested technical requirements of the interim standard, but would make determinations only regarding whether the 11 disputed capabilities met the assistance capability requirements specified in section 103 of CALEA.

5. The *Further NPRM* tentatively concluded that the provision by carriers to LEAs of location information and five punch list capabilities is necessary to meet the assistance capability requirements under section 103(a). Those five punch list capabilities are subject-initiated conference calls; party hold, join, drop on conference calls; subject-initiated dialing and signaling information; timing information; and dialed digit extraction (post-cut-through digits). The *Further NPRM* also tentatively concluded that the provision by carriers to LEAs of three punch list capabilities is not necessary to meet the assistance capability requirements under section 103(a). Those capabilities are surveillance status messages, continuity check tones, and feature status messages. Finally, the *Further NPRM* requested comment on the remaining punch list item—in-band and out-of-band signaling—and packet-mode communications issues.

6. The Commission emphasized in the *Further NPRM* that it was directed by the Act to take into account five factors that must be considered under section 107(b) of CALEA. Those factors are: (1) Meeting the assistance capability requirements of section 103 by cost-effective methods; (2) protecting the privacy and security of communications

not authorized to be intercepted; (3) minimizing the cost of CALEA compliance on residential ratepayers; (4) serving the policy of the United States to encourage the provision of new technologies and services to the public; and, (5) providing a reasonable time and conditions for CALEA compliance.

7. The Commission also tentatively concluded in the *Further NPRM* that, if any additional technical requirements were adopted, they could be most efficiently implemented by permitting TIA to modify J–STD–025 in accord with the Commission's determinations. The Commission stated that although TIA may have to undertake additional work to implement those additional requirements, TIA has the experience and resources to develop technical specifications and implement CALEA's requirements most rapidly. Finally, with respect to those additional requirements, the *Further NPRM* stated that the Commission would set a deadline for carrier compliance later than the June 30, 2000 CALEA compliance deadline specified in the *Memorandum Opinion and Order* in this proceeding.

8. In the *Third R&O*, the Commission found no need to reexamine the entire interim standard. The Commission stated that no deficiencies in the interim standard were identified other than with respect to location information, packet-mode communications, and the punch list. Since section 107(b) requires the Commission to resolve specific disputes raised by petition regarding alleged deficiencies in the industry standard, the Commission declined to consider other aspects of that standard not challenged in this proceeding. Moreover, by focusing only on those specific technical issues properly raised before it, the Commission stated that it will achieve greater efficiency and will permit telecommunications manufacturers and carriers to deploy CALEA solutions on a more expedited basis. Accordingly, the Commission found that wireline, cellular, and broadband PCS carriers must comply with all uncontested requirements of the interim standard by June 30, 2000.

9. In the *Third R&O*, the Commission decided that location information must be provided to law enforcement under CALEA's assistance capability requirements for "call-identifying information." CALEA defines call-identifying information as "dialing or signaling information that identifies the origin, direction, destination, or termination of each communication generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier." The *Third R&O* concluded that location information identifies the "origin" or "destination" of a communication and thus is covered by CALEA. The *Third R&O*, however, did not adopt a location tracking capability. Rather, it permitted LEAs that have the proper legal authorization to receive from wireline, cellular, and broadband PCS carriers only the location of a cell site at the beginning and termination of a mobile call.

10. With respect to a packet-mode capability, the *Third R&O* decided that no specific technical requirement should be adopted because the approach taken to packet-switching technology in J–STD–025 raises significant privacy concerns, and the record is not sufficiently developed to support proposing any particular technical requirement for packet-mode communications. Under J–STD–025, LEAs would be provided with both call-identifying information and call content even in cases where a LEA is authorized only to receive call-identifying information (*i.e.*, under a pen register). Accordingly, the *Third R&O* invited TIA to study CALEA solutions for packet-mode technology and report to the Commission by September 30, 2000 on steps that can be taken, including amendments to J–STD–025, that will better address privacy concerns. In the interim, the *Third R&O* permitted packet-mode communications, including call-identifying information and call content, to be delivered to LEAs under the interim standard. Further, the *Third R&O* required that packet-mode communications be delivered to LEAs under the interim standard no later than September 30, 2001.

11. With respect to the nine punch list items, the *Third R&O* added to J–STD–025 the five items that were proposed in the *Further NPRM* as capabilities mandated by CALEA, and excluded from the final industry standard the three items that the *Further NPRM* tentatively found were not capabilities mandated by CALEA. The *Further NPRM* also added to J–STD–025 the item on which the Commission requested comment.

12. Specifically, the following punch list items were included in the final industry standard:

(1) Content of subject-initiated conference calls—Would enable law enforcement to access the content of conference calls supported by the subject's service (including the call content of parties on hold).

13. The *Third R&O* found that CALEA permits law enforcement to access the content of subject-initiated conference calls. With appropriate lawful authorization, the LEA is entitled to "all wire and electronic communications carried by the carrier within a service area to or from equipment, facilities, or services of a subscriber." When a subject is a participant in a conference call using facilities that have been placed under surveillance pursuant to a court order, the *Third R&O* concluded that CALEA requires delivery to law enforcement of all portions of a call to the extent the carrier's system architecture permits. However, as the Commission noted in the *Further NPRM*, different carriers provide conference calling features in various ways and not all carriers' system architecture is the same. Conference calling features include various types of multi-party calls, such as three-way calling where a bridge is established in the subscriber's serving switch, as well as "meet me" or conference bridge services where a bridge is established at a remote switch of another carrier. In the case of the latter type of bridge calls, when the subject terminates his circuit connection to the conference call, the communication between other participants no longer is to or from the subscriber's equipment, facilities, and services, and may no longer even be carried by the carrier within a service area to or from the subscriber of the carrier. The *Third R&O* concluded that it is not reasonable in such circumstances to require the carrier to provide the communications of other parties continuing on the conference call because to do so would not be a cost-effective method of implementing the conference call intercept and may not protect the privacy and security of communications not authorized to be intercepted.

Finally, the *Third R&O* concluded that the anticipated costs to carriers of adding a conference call capability are not so exorbitant as to require automatic exclusion of the capability. In percentage terms, based on revenue data submitted by five manufacturers, these costs would be 4% of the core J–STD–025 and 9% of the total punch list.

(2) Party hold, join, drop on conference calls—Messages would be sent to law enforcement that identify the active parties of a call. Specifically, on a conference call, these messages would indicate whether a party is on hold, has joined or has been dropped from the conference call.

14. The *Third R&O* concluded that party hold/join/drop information falls within CALEA's definition of "call-

identifying information" because it is "signaling information that identifies the origin, direction, destination, or termination of each communication generated or received" by the subscriber. Party join information appears to identify the origin of a communication; party drop, the termination of a communication; and party hold, the temporary origin, temporary termination, or re-direction of a communication. This capability also appears to be necessary to enable law enforcement to isolate call-identifying and content information because, without it, a LEA would be unable to determine who is talking to whom, and, more accurately, to focus on the subject's role in the conversation. Further, the important privacy objectives set forth by CALEA are enhanced if law enforcement can better ascertain and isolate communications involving the subject from those involving only innocent third parties.

15. Finally, the *Third R&O* concluded that party hold/join/drop information is reasonably available to the carrier in those cases where the carrier's facilities, equipment or services are involved in providing the service, and that the anticipated costs to carriers of adding this capability are not so exorbitant as to require automatic exclusion of the capability. In percentage terms, based on the manufacturers' aggregate revenue estimates, these costs would be 7% of the core J–STD–025 and 15% of the total punch list. To the extent that customer premises equipment (CPE) is used to provide party hold/join/drop information, the *Third R&O* concluded that such information is not reasonably available to the LEA since no network signal would be generated.

(3) Subject-initiated dialing and signaling information—Access to all dialing and signaling information available from the subject would inform law enforcement of a subject's use of features (such as the use of flash-hook and other feature keys).

16. The *Third R&O* concluded that subject-initiated dialing and signaling information fits within the definition of call-identifying information contained in section 102(2) of CALEA. Call-forwarding signaling information identifies the direction and destination of a call, and call-waiting signaling information identifies the origin and termination of each communication. The *Third R&O* also concluded that access to subject-initiated dialing and signaling information may be necessary in order for the LEA to isolate and correlate call-identifying and call content information. Knowing what features a subject is using will ensure that the LEA receives information "in a manner that allows it to be associated with the communication to which it pertains." For example, without knowing that a subject has switched over to a call on call-waiting, the LEA may not be able to associate the call-identifying information with the call content to which it pertains and thus could be more likely to mistake one call for another. Finally, the *Third R&O* concluded that the anticipated costs to carriers of adding this capability are not so exorbitant as to require automatic exclusion of the capability. In percentage terms, based on the manufacturers' aggregate revenue estimates, these costs would be 4% of the core J/STD–025 and 8% of the total punch list. To the extent CPE is used to perform the signaling and no network signal is generated, that information is not reasonably available to a carrier, and thus, is not required to be provided.

(4) In-band and out-of-band signaling (notification message)—A message would be sent to law enforcement whenever a subject's *service* sends a tone or other network message to the subject or associate (*e.g.*, notification that a line is ringing or busy, call waiting signal).

17. The *Third R&O* stated that modern networks are capable of using many types of in-band and out-of band signals. Certain types of signals, such as ringing and busy signals, clearly fall within the scope of call-identifying information because they indicate information about the termination of a call. Other types of signals, however, may simply be used by carriers for supervision or control of certain functions and features of the network and do not trigger any audible or visual message to the subscriber and, thus, would not be call-identifying information. The *Third R&O* thus concluded that in-band and out-of-band signals that are generated at the intercept access point (IAP) toward the subscriber (*e.g.*, call waiting or stutter dial tone) and that are being used for call processing purposes are call identifying information that is reasonably available to the carrier. Other signals that provide call identifying information (*e.g.*, busy, fast busy, audible ringing tone), although generated elsewhere in the carrier's network, pass through the IAP on their way to the subject even if they are not used for call processing and can be made available without excessive modifications to the network and thus are reasonably available to the carrier. Finally, the *Third R&O* concluded that the anticipated costs to carriers of adding this capability are not so exorbitant as to require automatic exclusion of the capability. In percentage terms, based on the manufacturers' aggregate revenue estimates, these costs would be 6% of the core J–STD–025 and 14% of the total punch list. To the extent CPE is used to perform the signaling and no network signal is generated, that information is not reasonably available to a carrier, and thus, is not required to be provided.

(5) Timing information—Information would be sent to a LEA permitting it to correlate call-identifying information with the call content of a communications interception.

18. The *Third R&O* concluded that a timing information requirement is an assistance capability requirement of section 103 of CALEA. First, the *Third R&O* found that time stamping is call-identifying information as defined in section 102(2) of CALEA. This information is needed to distinguish among several calls occurring at approximately the same time. In other words, time stamp information is needed to identify "the origin, direction, destination, or termination" of any given call and, thus, fits within the statutory definition of section 102(2). Second, the *Third R&O* found that delivery of time stamp information to the LEA must, pursuant to section 103(a)(2), be provided in such a timely manner to allow that information "to be associated with the communication to which it pertains." Finally, the *Third R&O* found that the anticipated costs to carriers of adding this capability are not so exorbitant as to require automatic exclusion of the capability. In percentage terms, based on the manufacturers' aggregate revenue estimates, these costs would be 2% of the core J–STD–025 and 5% of the total punch list.

(6) Dialed digit extraction—A carrier would provide to a LEA on the call data channel any digits dialed by the subject after connecting to another carrier's service.

19. The *Third R&O* found that some digits dialed by a subject after connecting to a carrier other than the originating carrier are call-identifying information. While a subject may dial digits after the initial call set-up that are not call-identifying—*e.g.*, a bank account number to access his/her bank statement—some digits dialed after connecting to an interexchange carrier identify the "origin, direction, destination or termination" of communications. With respect to

whether this call-identifying information is "reasonably available" to the originating carrier, under the interim standard's definition of "reasonably available call-identifying information" it would not be, because call-identifying information is "reasonably available" only if it is present at an IAP for call processing purposes. However, the *Third R&O* found that this definition should be modified. Specifically, the *Third R&O* found that if call-identifying information is present at an IAP and can be made available without the carrier being unduly burdened with network modifications, that information should be deemed "reasonably available." The record indicates that digits dialed by a subject after connecting to another carrier can be obtained from the originating carrier without that carrier being unduly burdened with network modifications.

20. Additionally, the *Third R&O* noted that there appears to be a consensus that LEAs should be permitted to obtain in some fashion digits dialed by the subject after connecting to another carrier's service. The Personal Communications Industry Association, Ameritech, and BellSouth have proposed alternative methods of extracting such digits, and these methods would minimize the expense to originating carriers. However, each alternative method would shift the cost burden to LEAs, and each would also raise significant privacy concerns.

21. Accordingly, the *Third R&O* found that adopting the *Further NPRM* proposal rather than one of the three alternatives suggested in the comments will best balance the directives of section 107(b) of CALEA that the capability requirements of section 103 be met by cost-effective methods and that the privacy and security of communications not authorized to be intercepted be protected. The *Third R&O* noted that the manufacturers' revenue data indicate that the cost of a dialed digit extraction capability would exceed the cost of any other punch list capability. In percentage terms, based on the manufacturers' aggregate revenue estimates, this cost would be 13% of the core interim standard and 29% of the total punch list. Based on the manufacturers' wireless revenue estimates, this cost would be 17% of the core J–STD–025 and 26% of the total punch list. However, in balancing these costs against other statutory requirements, the *Third R&O* found them not to be so exorbitant as to require automatic exclusion of the capability. Further, it is unclear whether any of the alternative methods proposed would be significantly less expensive; rather, they would simply shift the cost burden from carriers to LEAs.

22. The following punch list items were excluded from the final industry standard:

(1) Surveillance status—This capability would require the carrier to send a message to law enforcement to verify that a wiretap has been established and is still functioning correctly.

23. The *Third R&O* concluded that providing surveillance status information does not constitute a technical requirement necessary for meeting CALEA's assistance capability requirements. Although CALEA requires carriers to ensure that authorized wiretaps can be performed in an expeditious manner—and the *Third R&O* found that a surveillance status message could assist carriers and law enforcement in determining the status of such wiretaps—the *Third R&O* also found that this feature does not fall within any of the assistance capability requirements expressly set forth in CALEA. This feature does not appear to be call-identifying information as defined by CALEA, since the information that such a feature would provide would not identify "the origin, direction, destination, or termination of each communication." The FBI's contrary interpretation is that this feature fits within CALEA's requirement that a carrier "shall ensure" that its system is capable of meeting the section 103(a) requirements. The *Third R&O* noted, however, that the plain language of the Act—"a telecommunications carrier shall ensure that its equipment, facilities, or services * * * are capable of" intercepting communications and allowing law enforcement access to call identifying information—appears to mandate compliance with the assistance capability requirements but not to require that such capability be proven or verified on a continual basis.

(2) Continuity check tone (C-tone)—Electronic signal that would alert law enforcement if the facility used for delivery of call content interception has failed or lost continuity.

24. The *Third R&O* concluded that providing a C-tone does not constitute a CALEA technical requirement. As with the case of surveillance status, above, the *Third R&O* found that this feature could assist law enforcement to determine the status of a wiretap, but it does not fit within the assistance capability requirements expressly set forth in CALEA because the information such a feature would provide would not identify "the origin, direction, destination, or termination of each communication." Nor does it appear to be required under section 103(a)(1), since it is not a wire or electronic communications carried on a carrier's system. The plain language of the statute mandates compliance with the capability requirements of section 103(a), but does not require that such capability be proven or verified on a continual basis. Ensuring that a wiretap is operational can be done in either a technical or non-technical manner, and section 103(a) does not include "ensurance" itself as a capability. Thus, the *Third R&O* concluded that the continuity tone punch list item is not an assistance capability requirement under section 103.

(3) Feature status—Would affirmatively notify law enforcement when, for the facilities under surveillance, specific subscription-based calling services are added or deleted, even when the subject modifies capabilities remotely through another phone or through an operator.

25. The *Third R&O* concluded that provision of feature status messages does not constitute a CALEA technical requirement. As with the cases of surveillance status messages and continuity tones, the *Third R&O* found that feature status messages could be useful to an LEA, but that provision of these messages from a carrier to an LEA does not fit within the assistance capability requirements expressly set forth in CALEA. First, *Third R&O* stated that it is clear that feature status messages do not constitute call-identifying information because they do not pertain to the actual placement or receipt of calls. Further, feature status messages do not appear to be necessary to intercept either wire or electronic communications carried on a carrier's system. Rather, they would simply aid an LEA in determining how much capacity is required to implement and maintain effective electronic surveillance of a target facility, information that could be useful in assuring that an interception is fully effectuated and the intercepted material delivered as authorized. However, the information that would be provided by feature status messages can be provided by other means, such as a subpoena to the carrier. In any event, the plain language of the Act appears to mandate compliance with the assistance capability requirements, but does not appear to require carriers to implement any specific quality control capabilities to assist law enforcement.

26. Finally, the *Third R&O* found that the new required capabilities can be most efficiently implemented by permitting TIA Subcommittee 45.2 to make the modifications. LEAs, carriers, and manufacturers are voting members of the Subcommittee, and the Subcommittee has the experience and resources in place to resolve these issues quickly. Regarding the specific timing requirements, *Third R&O* found that seven months; *i.e.*, by March 30, 2000, is a reasonable period of time for TIA to complete the necessary changes to J–STD–025. Commission staff will closely monitor the development of the revised standard, but will not participate directly so that the Commission can maintain its impartiality in the event of disputes relative to the revised standard.

27. The *Third R&O* specified that wireline, cellular, and broadband PCS carriers make the six punch list capabilities available to LEAs in the same timeframe as packet-mode communications; *i.e.*, by September 30, 2001. Relative to implementation of the core J–STD–025, this will provide carriers an additional 15 months to implement these capabilities. Because manufacturers have had development of these capabilities under consideration for several years, the *Third R&O* found that this additional time will prove sufficient for the development process to be completed and for carriers to implement these capabilities.

Ordering Clauses

28. Accordingly, *it is ordered* that, pursuant to sections 1, 4, 229, 301, 303, and 332 of the Communications Act of 1934, as amended, and 107(b) of the Communications Assistance for Law Enforcement Act, 47 U.S.C. 151, 154, 229, 301, 303, 332, and 1006(b), the *Third Report and Order* and the rules specified herein *are adopted*.

Final Regulatory Flexibility Analysis

29. As required by the Regulatory Flexibility Act (RFA),[1] an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Further NPRM*.[2] The Commission sought written public comments on the proposals in the *Further NPRM*, including the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.[3]

[1] See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 *et. seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

[2] 63 FR 63639, November 16, 1998, 13 FCC Rcd 22632 (1998).

[3] See 5 U.S.C. 604.

(A) Need for and Purpose of This Action

30. The *Third Report and Order* responds to the legislative mandate contained in the Communications Assistance for Law Enforcement Act, Public Law 103–414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.). The Commission, in compliance with 47 U.S.C. 229, promulgates rules in the *Third Report and Order* to ensure the prompt implementation of section 103 of CALEA. In enacting CALEA, Congress sought to balance three key policies with CALEA: "(1) To preserve a narrowly focused capability for law enforcement agencies to carry out properly authorized intercepts; (2) to protect privacy in the face of increasingly powerful and personally revealing technologies; and (3) to avoid impeding the development of new communications services and technologies."

31. The rules adopted in this *Third Report and Order* implement Congress's goal to balance the three key policies enumerated above. The objective of the rules is to implement as quickly and effectively as possible the national telecommunications policy for wireline, cellular, and broadband PCS telecommunications carriers to support the lawful electronic surveillance needs of law enforcement agencies.

(B) Summary of the Issues Raised by Public Comments Made in Response to the IRFA

32. Summary of Initial Regulatory Flexibility Analysis (IRFA). In the *Further NPRM*, the Commission performed an IRFA and asked for comments that specifically addressed issues raised in the IRFA. No parties filed comments directly in response to the IRFA. In response to non-IFRA comments to the *Further NPRM*, we have modified several of the Commission's proposals, particularly regarding packet switching, conference call content, in-band and out-of-band signaling, and timing information, as discussed above.

(C) Description and Estimates of the Number of Entities Affected by This Third Report and Order

33. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the action taken.[4] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[5] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[6] A small business concern is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[7] A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."[8] Nationwide, as of 1992, there were approximately 275,801 small organizations.[9] And finally, "small governmental jurisdiction" generally means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000."[10] As of 1992, there were approximately 85,006 such jurisdictions in the United States.[11] This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000.[12] The United States Bureau of the Census (Census Bureau) estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities. We further describe and estimate the number of small business concerns that may be affected by the actions taken in the *Third Report and Order*.

34. As noted, under the Small Business Act, a "small business concern" is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the SBA.[13] The SBA has defined a small business for Standard Industrial

[4] 5 U.S.C. 603(b)(3).

[5] *Id.* 601(6).

[6] 5 U.S.C. 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**." 5 U.S.C. 601(3).

[7] Small Business Act, 15 U.S.C. 632.

[8] 5 U.S.C. 601(4).

[9] 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

[10] 5 U.S.C. 601(5).

[11] U.S. Dept. of Commerce, Bureau of the Census, "1992 Census of Governments."

[12] *Id.*

[13] 15 U.S.C. 632. See, *e.g.*, *Brown Transport Truckload, Inc.* v. *Southern Wipers, Inc.*, 176 B.R. 82 (N.D. Ga. 1994).

Classification (SIC) categories 4812 (Radiotelephone Communications) and 4813 (Telephone Communications, Except Radiotelephone) to be small entities when they have no more than 1,500 employees.[14] We first discuss the number of small telecommunications entities falling within these SIC categories, then attempt to refine further those estimates to correspond with the categories of telecommunications companies that are commonly used under our rules.

35. Total Number of Telecommunications Entities Affected. The Census Bureau reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year.[15] This number contains a variety of different categories of entities, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, PCS providers, covered SMR providers, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not "independently owned and operated."[16] For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It seems reasonable to conclude, therefore, that fewer than 3,497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by the actions taken in this Third Report and Order.

36. The most reliable source of current information regarding the total numbers of common carrier and related providers nationwide, including the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its *Carrier Locator* report, derived from filings made in connection with the Telecommunications Relay Service (TRS).[17] According to data in the most recent report, there are 3,604 interstate carriers.[18] These include, *inter alia*, local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone toll service, providers of telephone exchange service, and resellers.

37. We have included small incumbent local exchange carriers (LECs) in this RFA analysis. As noted above, a "small business" under the RFA is one that, *inter alia*, meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation."[19] The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in scope.[20] We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

38. Wireline Carriers and Service Providers (SIC 4813). The Census Bureau reports that there were 2,321 telephone communications companies other than radiotelephone companies in operation for at least one year at the end of 1992.[21] All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent LECs. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 2,295 small entity telephone communications companies other than radiotelephone companies that may be affected by the actions taken in this Third Report and Order.

39. Local Exchange Carriers, Interexchange Carriers, Competitive Access Providers, and Resellers. Neither the Commission nor SBA has developed a definition of small LECs, interexchange carriers (IXCs), competitive access providers (CAPs), or resellers. The closest applicable definition for these carrier-types under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies.[22] The most reliable source of information regarding the number of these carriers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS.[23] According to our most recent data, there are 1,410 LECs, 151 IXCs, 129 CAPs, and 351 resellers.[24] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of these carriers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 1,410 small entity LECs or small incumbent LECs, 151 IXCs, 129 CAPs, and 351 resellers that may be affected by the actions taken in the *Third Report and Order*.

40. Wireless Carriers (SIC 4812). The Census Bureau reports that there were 1,176 radiotelephone (wireless) companies in operation for at least one year at the end of 1992, of which 1,164 had fewer than 1,000 employees.[25] Even if all of the remaining 12 companies had more than 1,500 employees, there would still be 1,164 radiotelephone companies that might qualify as small entities if they are independently owned are operated. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of radiotelephone carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 1,164 small

[14] 13 CFR 121.201.

[15] United States Department of Commerce, Bureau of the Census, 1992 Census of Transportation, Communications, and Utilities: Establishment and Firm Size, at Firm Size 1–123 (1995) ("1992 Census").

[16] 15 U.S.C. 632(a)(1).

[17] FCC, Carrier Locator: Interstate Service Providers, Figure 1 (Jan. 1999) (Carrier Locator). See also 47 CFR 64.601–.608.

[18] Carrier Locator at Fig. 1.

[19] 5 U.S.C. 601(3).

[20] Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC (May 27, 1999). The Small Business Act contains a definition of "small business concern," which the RFA incorporates into its own definition of "small business." See 15 U.S.C. 632(a) (Small Business Act); 5 U.S.C. 601(3) (RFA). SBA regulations interpret "small business concern" to include the concept of dominance on a national basis. 13 CFR 121.102(b). Since 1996, out of an abundance of caution, the Commission has included small incumbent LECs in its regulatory flexibility analyses. Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket, 96–98, First Report and Order, 11 FCC Rcd 15499 (1996), 61 FR 45476, August 29, 1996.

[21] 1992 Census, *supra*, at Firm Size 1–123.

[22] 13 CFR 121.210, SIC Code 4813.

[23] See 47 CFR 64.601 *et seq.*; Carrier Locator at Fig. 1.

[24] Carrier Locator at Fig. 1. The total for resellers includes both toll resellers and local resellers. The TRS category for CAPs also includes competitive local exchange carriers (CLECs) (total of 129 for both).

[25] United States Department of Commerce, Bureau of the Census, 1992 Census of Transportation, Communications, and Utilities: Establishment and Firm Size, at Firm Size 1–123 (1995) ("1992 Census").

entity radiotelephone companies that may be affected by the actions taken in this Third Report and Order.

41. Cellular, PCS, SMR and Other Mobile Service Providers. In an effort to further refine our calculation of the number of radiotelephone companies that may be affected by the actions taken in this Second Report and Order, we consider the data that we collect annually in connection with the TRS for the subcategories Wireless Telephony (which includes PCS, Cellular, and SMR) and Other Mobile Service Providers. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to these broad subcategories, so we will utilize the closest applicable definition under SBA rules, which is for radiotelephone communications companies.[26] According to our most recent TRS data, 732 companies reported that they are engaged in the provision of Wireless Telephony services and 23 companies reported that they are engaged in the provision of Other Mobile Services.[27] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of Wireless Telephony Providers and Other Mobile Service Providers, except as described below, that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 732 small entity Wireless Telephony Providers and fewer than 23 small entity Other Mobile Service Providers that might be affected by the actions taken in this Second Report and Order.

42. Broadband PCS Licensees. The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined "small business" for Blocks C and F as an entity that has average gross revenues of not more than $40 million in the three previous calendar years.[28] These regulations defining "small business" in the context of broadband PCS auctions have been approved by SBA.[29] No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There have been 237 winning bidders that qualified as small entities in the four auctions that have been held for licenses in Blocks C, D, E and F, all of which may be affected by the actions taken in this Second Report and Order.

43. Cellular Licensees. According to the Bureau of the Census, only twelve radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, we note that there are 1,758 cellular licenses; however, a cellular licensee may own several licenses. In addition, according to the most recent Carrier Locator data, 732 carriers reported that they were engaged in the provision of either cellular service or PCS services, which are placed together in the data. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 732 small cellular service carriers that may be affected by the actions taken in this Second Report and Order.

(D) Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

44. No reporting and recordkeeping requirements are imposed on telecommunications carriers, thus burdens on carriers, including small carriers, are not increased as a result of actions taken herein. Telecommunications carriers, including small carriers, will have to upgrade their network facilities to provide to law enforcement the assistance capability requirements adopted herein. Although compliance with the technical requirements will impose costs on carriers, the record was not sufficient to analyze thoroughly the costs to carriers, including small carriers.

(E) Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

45. The need for the regulations adopted herein is mandated by Federal legislation. In the final regulations, we affirm our proposals in the *Further NPRM* to establish regulations for wireline, cellular, and broadband PCS telecommunications carriers. Costs to telecommunications carriers will be mitigated in several ways. For example, the final regulations will require telecommunications carrier's to make available to law enforcement call identifying information when it can be done without unduly burdening the carrier with network modifications, thus allowing cost to be a consideration in determining whether the information is reasonably available to the carrier and can be provided to law enforcement . Thus, compliance with the assistance capability requirements of CALEA will be reasonable for all carriers, including small carriers. Also, under CALEA some carriers will be able to request reimbursement from the Department of Justice for network upgrades to comply with the technical requirements adopted herein, and others may be able to defer network upgrades to their normal business cycle under a plan being developed by the Department of Justice.

Report to Congress

46. The Commission will send a copy of this FRFA, along with this *Third Report and Order*, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of this *Third Report and Order*, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 22

Public mobile services.

47 CFR Part 24

Personal communications services.

47 CFR Part 64

Miscellaneous rules relating to common carriers.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble parts 22, 24 and 64 of the Code of Federal Regulations is revised as follows:

PART 22—PUBLIC MOBILE SERVICES

1. The authority citation for part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 222, 303, 309 and 332.

2. Part 22 is amended to add subpart J to read as follows:

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[26] *Id.* To the extent that the Commission has adopted definitions for small entities in connection with the auction of particular wireless licenses, we discuss those definitions below.

[27] Carrier Locator at Fig. 1.

[28] 47 CFR 24.720(b)(1).

[29] Implementation of Section 309(j) of the Communications Act—Competitive Bidding, PP Docket No. 93–253, Fifth Report and Order, 9 FCC Rcd 5532 (1994). 59 FR 37566, July 22, 1994.

Subpart J—Required New Capabilities Pursuant to the Communications Assistance for Law Enforcement Act (CALEA)

Sec.
22.1100 Purpose.
22.1101 Scope.
22.1102 Definitions.
22.1103 Capabilities that must be provided by a cellular telecommunications carrier.

§ 22.1100 Purpose.

Pursuant to the Communications Assistance for Law Enforcement Act (CALEA), Public Law 103–414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.), this subpart contains rules that require a cellular telecommunications carrier to implement certain capabilities to ensure law enforcement access to authorized communications or call-identifying information.

§ 22.1101 Scope.

The definitions included in this subpart shall be used solely for the purpose of implementing CALEA requirements.

§ 22.1102 Definitions.

Call identifying information. Call identifying information means dialing or signaling information that identifies the origin, direction, destination, or termination of each communication generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier. Call identifying information is "reasonably available" to a carrier if it is present at an intercept access point and can be made available without the carrier being unduly burdened with network modifications.

Collection function. The location where lawfully authorized intercepted communications and call-identifying information is collected by a law enforcement agency (LEA).

Content of subject-initiated conference calls. Capability that permits a LEA to monitor the content of conversations by all parties connected via a conference call when the facilities under surveillance maintain a circuit connection to the call.

Dialed digit extraction. Capability that permits a LEA to receive on the call data channel digits dialed by a subject when a call is connected to another carrier's service for processing and routing.

In-band and out-of-band signaling. Capability that permits a LEA to be informed when a network message that provides call identifying information (*e.g.*, ringing, busy, call waiting signal, message light) is generated or sent by the IAP switch to a subject using the facilities under surveillance. Excludes signals generated by customer premises equipment when no network signal is generated.

Intercept Access Point (IAP). Intercept access point is a point within a carrier's system where some of the communications or call-identifying information of an intercept subject's equipment, facilities, and services are accessed.

J–STD–025. The interim standard developed by the Telecommunications Industry Association and the Alliance for Telecommunications Industry Solutions for wireline, cellular, and broadband PCS carriers. This standard defines services and features to support lawfully authorized electronic surveillance, and specifies interfaces necessary to deliver intercepted communications and call-identifying information to a LEA.

LEA. Law enforcement agency; *e.g.*, the Federal Bureau of Investigation or a local police department.

Party hold, join, drop on conference calls. Capability that permits a LEA to identify the parties to a conference call conversation at all times.

Subject-initiated dialing and signaling information. Capability that permits a LEA to be informed when a subject using the facilities under surveillance uses services that provide call identifying information, such as call forwarding, call waiting, call hold, and three-way calling. Excludes signals generated by customer premises equipment when no network signal is generated.

Timing information. Capability that permits a LEA to associate call-identifying information with the content of a call. A call-identifying message must be sent from the carrier's IAP to the LEA's Collection Function within eight seconds of receipt of that message by the IAP at least 95% of the time, and with the call event time-stamped to an accuracy of at least 200 milliseconds.

§ 22.1103 Capabilities that must be provided by a cellular telecommunications carrier.

(a) Except as provided under paragraph (b) of this section, as of June 30, 2000, a cellular telecommunications carrier shall provide to a LEA the assistance capability requirements of CALEA, *see* 47 U.S.C. 1002. A carrier may satisfy these requirements by complying with publicly available technical requirements or standards adopted by an industry association or standard-setting organization, such as J–STD–025.

(b) As of September 30, 2001, a cellular telecommunications carrier shall provide to a LEA communications and call-identifying information transported by packet-mode communications and the following capabilities:

(1) Content of subject-initiated conference calls;
(2) Party hold, join, drop on conference calls;
(3) Subject-initiated dialing and signaling information ;
(4) In-band and out-of-band signaling;
(5) Timing information;
(6) Dialed digit extraction.

PART 24—PERSONAL COMMUNICATIONS SERVICES

3. The authority citation for part 24 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 309 and 332.

4. Part 24 is amended to add subpart J to read as follows:

Subpart J—Required New Capabilities Pursuant to the Communications Assistance for Law Enforcement Act (CALEA)

Sec.
24.900 Purpose.
24.901 Scope.
24.902 Definitions.
24.903 Capabilities that must be provided by a broadcast PCS telecommunications carrier.

§ 24.900 Purpose.

Pursuant to the Communications Assistance for Law Enforcement Act (CALEA), Public Law 103–414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.), this subpart contains rules that require a broadband PCS telecommunications carrier to implement certain capabilities to ensure law enforcement access to authorized communications or call-identifying information.

§ 24.901 Scope.

The definitions included in this subpart shall be used solely for the purpose of implementing CALEA requirements.

§ 24.902 Definitions.

Call identifying information. Call identifying information means dialing or signaling information that identifies the origin, direction, destination, or termination of each communication generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier. Call identifying information is "reasonably available" to a carrier if it is present at an intercept access point and can be made available without the

carrier being unduly burdened with network modifications.

Collection function. The location where lawfully authorized intercepted communications and call-identifying information is collected by a law enforcement agency (LEA).

Content of subject-initiated conference calls. Capability that permits a LEA to monitor the content of conversations by all parties connected via a conference call when the facilities under surveillance maintain a circuit connection to the call.

Dialed digit extraction. Capability that permits a LEA to receive on the call data channel a digits dialed by a subject after a call is connected to another carrier's service for processing and routing.

IAP. Intercept access point is a point within a carrier's system where some of the communications or call-identifying information of an intercept subject's equipment, facilities, and services are accessed.

In-band and out-of-band signaling. Capability that permits a LEA to be informed when a network message that provides call identifying information (*e.g.,* ringing, busy, call waiting signal, message light) is generated or sent by the IAP switch to a subject using the facilities under surveillance. Excludes signals generated by customer premises equipment when no network signal is generated.

J–STD–025. The interim standard developed by the Telecommunications Industry Association and the Alliance for Telecommunications Industry Solutions for wireline, cellular, and broadband PCS carriers. This standard defines services and features to support lawfully authorized electronic surveillance, and specifies interfaces necessary to deliver intercepted communications and call-identifying information to a LEA.

LEA. Law enforcement agency; *e.g.,* the Federal Bureau of Investigation or a local police department.

Party hold, join, drop on conference calls. Capability that permits a LEA to identify the parties to a conference call conversation at all times.

Subject-initiated dialing and signaling information. Capability that permits a LEA to be informed when a subject using the facilities under surveillance uses services that provide call identifying information, such as call forwarding, call waiting, call hold, and three-way calling. Excludes signals generated by customer premises equipment when no network signal is generated.

Timing information. Capability that permits a LEA to associate call-identifying information with the content of a call. A call-identifying message must be sent from the carrier's IAP to the LEA's Collection Function within eight seconds of receipt of that message by the IAP at least 95% of the time, and with the call event time-stamped to an accuracy of at least 200 milliseconds.

§ 24.903 Capabilities that must be provided by a broadband PCS telecommunications carrier.

(a) Except as provided under paragraph (b) of this section, as of June 30, 2000, a cellular telecommunications carrier shall provide to a LEA the assistance capability requirements of CALEA, *see* 47 U.S.C. 1002. A carrier may satisfy these requirements by complying with publicly available technical requirements or standards adopted by an industry association or standard-setting organization, such as J–STD–025.

(b) As of September 30, 2001, a cellular telecommunications carrier shall provide to a LEA communications and call-identifying information transported by packet-mode communications and the following capabilities:

(1) Content of subject-initiated conference calls;
(2) Party hold, join, drop on conference calls;
(3) Subject-initiated dialing and signaling information ;
(4) In-band and out-of-band signaling;
(5) Timing information;
(6) Dialed digit extraction.

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

5. The authority citation for part 64 is amended to read as follows:

Authority: 47 U.S.C. 151, 154, 201, 202, 205, 218–220, and 332 unless otherwise noted. Interpret or apply sections 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended. 47 U.S.C. 201–204, 208, 225, 226, 227, 229, 332, 501 and 503 unless otherwise noted.

6. Part 64 is amended to add Subpart W to read as follows:

Subpart W—Required New Capabilities Pursuant to the Communications Assistance for Law Enforcement Act (CALEA)

Sec.
64.2200 Purpose.
64.2201 Scope.
64.2202 Definitions.
64.2203 Capabilities that must be provided by a wireline telecommunications carrier.

§ 64.2200 Purpose.

Pursuant to the Communications Assistance for Law Enforcement Act (CALEA), Public Law 103–414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.), this subpart contains rules that require a wireline telecommunications carrier to implement certain capabilities to ensure law enforcement access to authorized communications or call-identifying information.

§ 64.2201 Scope.

The definitions included in this subpart shall be used solely for the purpose of implementing CALEA requirements.

§ 64.2202 Definitions.

Call identifying information. Call identifying information means dialing or signaling information that identifies the origin, direction, destination, or termination of each communication generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier. Call identifying information is "reasonably available" to a carrier if it is present at an intercept access point and can be made available without the carrier being unduly burdened with network modifications.

Collection function. The location where lawfully authorized intercepted communications and call-identifying information is collected by a law enforcement agency (LEA).

Content of subject-initiated conference calls. Capability that permits a LEA to monitor the content of conversations by all parties connected via a conference call when the facilities under surveillance maintain a circuit connection to the call.

Dialed digit extraction. Capability that permits a LEA to receive on the call data channel a digits dialed by a subject after a call is connected to another carrier's service for processing and routing.

IAP. Intercept access point is a point within a carrier's system where some of the communications or call-identifying information of an intercept subject's equipment, facilities, and services are accessed.

In-band and out-of-band signaling. Capability that permits a LEA to be informed when a network message that provides call identifying information (*e.g.,* ringing, busy, call waiting signal, message light) is generated or sent by the IAP switch to a subject using the facilities under surveillance. Excludes signals generated by customer premises equipment when no network signal is generated.

J–STD–025. The interim standard developed by the Telecommunications Industry Association and the Alliance for Telecommunications Industry

Solutions for wireline, cellular, and broadband PCS carriers. This standard defines services and features to support lawfully authorized electronic surveillance, and specifies interfaces necessary to deliver intercepted communications and call-identifying information to a LEA.

LEA. Law enforcement agency; *e.g.*, the Federal Bureau of Investigation or a local police department.

Party hold, join, drop on conference calls. Capability that permits a LEA to identify the parties to a conference call conversation at all times.

Subject-initiated dialing and signaling information. Capability that permits a LEA to be informed when a subject using the facilities under surveillance uses services that provide call identifying information, such as call forwarding, call waiting, call hold, and three-way calling. Excludes signals generated by customer premises equipment when no network signal is generated.

Timing information. Capability that permits a LEA to associate call-identifying information with the content of a call. A call-identifying message must be sent from the carrier's IAP to the LEA's Collection Function within eight seconds of receipt of that message by the IAP at least 95% of the time, and with the call event time-stamped to an accuracy of at least 200 milliseconds.

§ 64.2203 Capabilities that must be provided by a wireline telecommunications carrier.

(a) Except as provided under paragraph (b) of this section, as of June 30, 2000, a cellular telecommunications carrier shall provide to a LEA the assistance capability requirements of CALEA, *see* 47 U.S.C. 1002. A carrier may satisfy these requirements by complying with publicly available technical requirements or standards adopted by an industry association or standard-setting organization, such as J–STD–025.

(b) As of September 30, 2001, a cellular telecommunications carrier shall provide to a LEA communications and call-identifying information transported by packet-mode communications and the following capabilities:

(1) Content of subject-initiated conference calls;

(2) Party hold, join, drop on conference calls;

(3) Subject-initiated dialing and signaling information ;

(4) In-band and out-of-band signaling;

(5) Timing information;

(6) Dialed digit extraction.

[FR Doc. 99–24896 Filed 9–23–99; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[RSPA–99–6195 (Docket No. HM–206D)]

RIN 2137–AD37

Hazardous Materials: Limited Extension of Requirements for Labeling Materials Poisonous by Inhalation (PIH); Corrections

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Interim final rule; corrections.

SUMMARY: On September 16, 1999, RSPA published an interim final rule which provided a limited exception, until October 1, 2001, from requirements to place the new POISON INHALATION HAZARD or POISON GAS labels on packages that are intended for transportation in international commerce. The exception applies only to Division 2.3 materials and Division 6.1 liquids in Hazard Zone A or B that are loaded into a freight container or closed transport vehicle that is placarded and marked with the identification number, as currently required for those materials. This final rule corrects an inadvertent error in the section on Canadian shipments and packagings which, as published, would only provide relief for shipments of PIH materials transported from Canada.

As modified in this correction, the September 16, 1999 interim final rule is revised to provide for the transportation of packages containing PIH materials between the U.S. and Canada in conformance with the TDG labeling requirements.

DATES: *Effective Dates:* This final rule correction is effective on October 1, 1999. The effective date of the interim final rule remains October 1, 1999.

Comment Date: Comments must be received by November 15, 1999.

ADDRESSES: Address written comments to the Dockets Management System, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. Comments may also be submitted to the docket electronically by logging onto the Dockets Management System website at http://dms.dot.gov. See September 16 interim final rule for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Helen L. Engrum, Office of Hazardous Materials Standards, (202) 366–8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: On September 16, 1999, RSPA published an interim final rule providing a limited exception, until October 1, 2001, from requirements to place the new POISON INHALATION HAZARD or POISON GAS labels on packages containing PIH materials when transported in international commerce in accordance with the requirements prescribed in 49 CFR 171.12 or 49 CFR 171.12a. (64 FR 50260). In the preamble, RSPA stated that the exception would provide for the transportation of PIH materials to and from Canada. RSPA inadvertently did not include a necessary change to 49 CFR 171.12a(a) to provide for shipments transported from the U.S. to Canada. That section is amended to correct the error. In addition, 49 CFR 171.12a(b)(5)(iv), as added at 64 FR 50263, is amended to clarify that packages of PIH materials from or to the U.S. may be transported using this exception.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This interim final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. A regulatory evaluation prepared for the January 8, 1997 final rule is available in the Docket (HM–206). Implementation of this labeling exception for PIH materials provided by this rulemaking should not result in any additional costs. Any savings associated with avoiding delay or frustration of shipments is considered so minimal as to not warrant revision of the regulatory evaluation.

B. Executive Order 12612

The final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism"). Federal hazardous materials transportation law, 49 U.S.C. 5101–5127 contains express preemption provisions at 49 U.S.C. 5125 and expressly preempts State, local, and Indian tribe requirements applicable to the transportation of hazardous materials that cover certain subjects and are not substantively the same as Federal requirements. These subjects are:

(A) The designation, description, and classification of hazardous material.

(B) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials.

(C) The preparation, execution, and use of shipping documents related to hazardous material and requirements respecting the number, content, and placement of those documents.

(D) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material.

(E) The design, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing of a package or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This final rule preempts State, local, or Indian tribe requirements concerning these subjects unless the non-Federal requirements are "substantively the same" (see 49 CFR 107.202(d)) as the Federal requirements. RSPA lacks discretion in this area, and preparation of a federalism assessment is not warranted.

Federal law 49 U.S.C. 5125(b)(2) provides that if DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. RSPA has determined that the effective date of Federal preemption for these requirements will be December 15, 1999.

C. Executive Order 13084

RSPA believes this change will not significantly or uniquely affect the communities of Indian tribal governments under the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Therefore, the funding and consultation requirements of this Executive Order would not apply.

D. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), RSPA must consider whether this interim final rule would have a significant economic impact on a substantial number of small entities. This rule provides limited relief to certain shippers and carriers of materials poisonous by inhalation and will have no significant economic impacts. I certify that this final rule will not have a significant economic impact on a substantial number of small entities.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. This rule does not contain any new information collection requirements.

F. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading of this document to cross-reference this action with the Unified Agenda.

G. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

H. Impact on Business Processes and Computer Systems

Many computers that use two digits to keep track of dates will, on January 1, 2000, recognize "double zero" not as 2000 but as 1900. This glitch, Year 2000 problem, could cause computers to stop running or to start generating erroneous data. The year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 Conversion, Federal agencies are reaching out to increase awareness of the problem and to offer support. RSPA does not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 problem.

This final rule does not contain business process changes and does not require modifications to computer systems for computer generated labels. The rule does not affect organizations' ability to respond to the Year 2000 problem and provides some relief to the international regulated community, until October 1, 2001, when mandatory compliance with the new PIH labeling is required.

List of Subjects in 49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 171 is amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 171.12a [Amended]

2. In § 171.12a(a), the second sentence is amended by removing the phrase "The provisions" and adding the phrase "Except as provided in paragraph (b)(5)(iv) of this section, the provisions" in its place.

3. In § 171.12a(b)(5)(iv), as added at 64 FR 50263, remove the phrase "the package may be" and add the phrase "the package may be transported to or from the U.S. while" in its place.

Issued in Washington, DC, on September 17, 1999, under the authority delegated in 49 CFR part 1.

Stephen D. Van Beek,

Deputy Administrator.

[FR Doc. 99–24752 Filed 9–23–99; 8:45 am]

BILLING CODE 4910–60–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062–9062–01; I.D. 091799B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1999 total allowable catch (TAC) in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 20, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907–481–1780 or tom.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels is in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1999 TAC of pollock in Statistical Area 610 of the GOA was established by the Final 1999 Harvest Specifications for Groundfish (64 FR 12094, March 11, 1999) as 23,120 metric tons (mt), determined in accordance with § 679.20(c)(3)(ii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1999 TAC for pollock in Statistical Area 610 will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 23,020 mt, and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1999 TAC pollock in Statistical Area 610 of the GOA. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 17, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24877 Filed 9–20–99; 4:50 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 185
Friday, September 24, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S–206C]

RIN 1218–AB62

Safety Standards for Fall Protection in the Construction Industry; Extension of Written Comment Period

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Advance Notice of Proposed Rulemaking; extension of written comment period.

SUMMARY: On July 14, 1999, OSHA published an Advance Notice of Proposed Rulemaking (ANPR) titled, "Safety Standards for Fall Protection in the Construction Industry." The period for submitting written comments is being extended to allow information and data to be collected by those industries affected by the rule.

DATES: Comments must be received by January 24, 2000.

ADDRESSES: Two copies of comments must be submitted to the OSHA Docket Office, Docket S206C, Room N2625, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, D.C. 20210, 202–693–2350. Comments consisting of 10 pages or less may be faxed to the Docket Office at the following FAX number: 202–693–1648. However, two hard copies must be mailed to us within two days. Electronic comments can be submitted on the Internet at *http://www.osha-slc.gov/e-comments/e-comments-fallprotection.html.*

FOR FURTHER INFORMATION CONTACT: Ms. Bonnie Friedman, Occupational Safety and Health Administration, Office of Public Affairs, Room N3647, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, Telephone: (202) 693–1999. Anyone with questions regarding this document or the July 14 ANPR, should contact Ms. Jule Jones at (202) 693–2345.

SUPPLEMENTARY INFORMATION: On July 14, 1999, at 64 FR 38078, OSHA published an Advance Notice of Proposed Rulemaking (ANPR) titled "Safety Standards for Fall Protection in the Construction Industry." In that document, OSHA requested comments and information on fall protection for workers engaged in certain construction activities currently covered by OSHA's standards. The comment period for submitting written responses to OSHA's questions was to expire on October 22, 1999. However, the following associations have requested a ninety-day extension for submitting written comments and information: National Association of Home Builders, Associated General Contractors of America, Associated Builders and Contractors, National Roofing Contractors Association, Mechanical Contractors Association of American, Sheet Metal and Air Conditioning Contractors National Association and the National Electrical Contractors Association. OSHA believes that this request is reasonable and that an extension will allow the regulated community time to gather information and data to assist the Agency.

Authority: This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, D.C. this 15 day of September, 1999.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 99–24941 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–26–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA201–169b; FRL–6436–3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Santa Barbara County Air Pollution Control District; Kern County Air Pollution Control District; and Ventura County Air Pollution Control District

ACTION: Proposed rule.

AGENCY: Environmental Protection Agency (EPA).

SUMMARY: EPA is approving revisions to the California State Implementation Plan (SIP) which concern the control of oxides of nitrogen (NO_x) emissions from boilers, steam generators and process heaters and natural gas-fired residential water heaters.

The intended effect of this action is to regulate emissions of nitrogen oxides in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views these as noncontroversial revisions and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on these proposed rules. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by October 25, 1999.

ADDRESSES: Comments should be addressed to: Andy Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW, Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

Santa Barbara County Air Pollution Control District, 26 Castilian Drive, Suite B–23, Goleta, CA 93117–3027
Kern County Air Pollution Control District, 2700 "M" Street, Suite 302, Bakersfield, CA 93301–2370
Ventura County Air Pollution Control District, 669 County Square Drive, 2nd Floor, Ventura, CA 93003–5417

FOR FURTHER INFORMATION CONTACT: Sam Agpawa, Rulemaking Office [Air-4], Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1228.

SUPPLEMENTARY INFORMATION: This document concerns (1) Santa Barbara Air Pollution Control District Rule 342, Control of Oxides of Nitrogen (NO_X) From Boilers, Steam Generators and Process Heaters; (2) Kern County Air Pollution Control District Rule 425.2 Boilers, Steam Generators and Process Heaters (Oxides of Nitrogen) and (3) Ventura County Air Pollution District Rule 74.11, Natural Gas-Fired Residential Water Heaters. The rules were submitted to EPA on March 10, 1998; September 8, 1997 and October 16, 1985 respectively by the California Air Resources Board. For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

Dated: September 1, 1999.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 99–24450 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CO–001–0034b; FRL–6441–7]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Longmont Carbon Monoxide Redesignation to Attainment and Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of the Longmont carbon monoxide redesignation request and maintenance plan. The redesignation request and maintenance plan were submitted by the Governor on August 19, 1998. In the Final Rules Section of this **Federal Register**, EPA is approving the State's redesignation request and maintenance plan State Implementation Plan (SIP) revision, as a direct final rule without prior proposal because the Agency views the redesignation and SIP revision as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by October 25, 1999.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region VIII, Air Program, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, Telephone number (303) 312–6479.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules Section of this **Federal Register**.

Dated: September 10, 1999.

William P. Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 99–24907 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–30115A; FRL–6382–1]

RIN 2070–AD23

Pesticide Tolerance Processing Fees; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Reopening of comment period.

SUMMARY: On June 9, 1999, EPA issued a proposed rule to revise and update its current tolerance processing fee regulation and provided 90 days for public comment. The comment period would have ended September 7, 1999. Due to the economic complexity of the proposal and the associated issues the Agency has decided to reopen the comment period for an additional 45–day period. In addition, the Agency is announcing in this notice the placement in the public docket for this proposed rule of two additional documents. It is EPA's hope that these documents will help the public better understand the calculations that went into deriving the proposed fees, and how the Agency percieves the waiver process working.

DATES: Comments on the proposed rule, identified by docket control number OPP–30115A, must be received on or before November 8, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30115A in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Carol Peterson, Office of Pesticide Programs, Environmental Protection Agency (7506), 401 M St., SW., Washington, DC 20460; telephone number: (703) 305–6598; e-mail: peterson.carol@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This notice may directly affect any person who might petition the Agency for new tolerances, hold a pesticide registration with existing tolerances, or anyone who is interested in obtaining or retaining a tolerance in the absence of a registration. This group can include

pesticide manufacturers or formulators, companies that manufacture inert ingredients, importers of food, grower groups, or any person who seeks a tolerance. Federal, State, local, territorial, or tribal government agencies that petition for, or hold, emergency exemption tolerances are exempt from this rule. The vast majority of potentially affected categories and entities may include, but are not limited to:

Category	NAICS	SIC	Examples of Potentially Affected Entities
Chemical Industry	32532, 115, 112	0286, 0287	Pesticide chemical manufacturers, formulators, chemical manufacturers of inert ingredients

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action affects certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select "Laws and Regulations" and then look up the entry for this document under "**Federal Register**— Environmental Documents." You can go directly to the **Federal Register** listings http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–30115A. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

As described in Unit I.C. of the June 9, 1999, **Federal Register** notice (64 FR 31039) (FRL–6028–2), you may submit comments through the mail, in person, or electronically. Please follow the instructions that are provided in the June 9, 1999, notice. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30115A in the subject line on the first page of your response.

II. What Action is the Agency Taking?

The Agency issued a proposed rule to revise its tolerance fees and solicited comments from the public. The background on the proposal can be found in the previous **Federal Register** Notice published on June 9, 1999. The comment period is being reopened for an additional 45 days. The comment period will now end on November 8, 1999.

In addition, due to numerous questions received relating to the proposed rule, the Agency has placed several additional documents in the public docket. The first document, entitled "Supplemental Tables," contains easier to read tables than those contained in the Economic Analysis, along with a table of Full Time Equivalents (FTEs) for each division and a detail explanation of the derivation of the overhead factors. The second document, entitled "DRAFT DOCUMENT: Pesticide Registration (PR) Notice 99–X" outlines draft criteria for the submission of waiver requests that are based on economic hardship or public interest. Many people have expressed the need for this criteria to fully examine how the tolerance fee rule may affect them. Please do not submit comments on this Draft PR notice. Once the Agency has determined the course of the final tolerance fee rule, it will issue a Notice of Availability of the PR Notice and solicit comments at that time.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 7, 1999.

Marcia E. Mulkey,

Director, Office of Pesticide Programs, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–24910 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6443–6]

Vermont: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to grant final authorization to hazardous waste program revisions submitted by Vermont. In the "Rules and Regulations" section of this **Federal Register**, EPA is authorizing the State's program revisions as an immediate final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. The Agency has explained the reasons for this authorization in the preamble to the immediate final rule. If EPA does not receive adverse written comments, the immediate final rule will become effective and the Agency will not take further action on this proposal. If EPA receives adverse written comments, EPA will withdraw the immediate final rule and it will not take effect. EPA will then address public comments in a later final rule based on this proposal. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action must do so at this time.

DATES: Written comments must be received on or before October 25, 1999.

ADDRESSES: Mail written comments to Geri Mannion, Vermont Authorization Coordinator, Hazardous Waste Program Unit, Office of Ecosystem Protection, EPA Region I, One Congress Street, Suite 1100 (CHW), Boston, MA, 02114–2023; Phone Number: (617) 918–1648. Copies of the Vermont program revision application are available for inspection and copying at the following addresses: EPA Region I Library, One Congress Street, Suite 1100 (LIB), Boston, MA, 02114–2023; Phone number: (617) 918–1990; Business Hours: 8:30 A.M. to 5:00 P.M. and the Agency of Natural Resources, Vermont Department of Environmental Conservation, Waste Management Division, 103 South Main Street—West Office Building, Waterbury, VT 05671–0404; Phone: (802) 241–3888; Business Hours: 7:45 A.M. to 4:30 P.M.

FOR FURTHER INFORMATION CONTACT: Geri Mannion at the above address and phone number.

SUPPLEMENTARY INFORMATION: In addition to proposing the authorization for changes to Vermont's hazardous waste program, EPA is making technical corrections to provisions referenced in its immediate final rule published in the **Federal Register** on May 3, 1993 (58 FR 26242) and effective August 6, 1993 (58 FR 31911) which authorized the State for revisions to its hazardous waste program. This proposed rule relates only to the immediate final rule to authorize the State's program changes and not to the technical corrections to the 1993 **Federal Register**.

For additional information, please see the immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

Dated: September 16, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–24909 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1602; MM Docket No. 99–73; RM–9348]

Radio Broadcasting Services; Gulf Hammock, FL

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document denies the proposal allotment of Channel 257A at Gulf Hammock, Florida, in response to a petition filed by Levy County Broadcasting. See 64 FR 12922, March 16, 1999. The Notice of proposed rulemakiing summarized at 64 FR 12922 questioned community status and requested additional information. Based on the information supplied by petitioner, it was determined that Gulf Hammock did not qualify as a community for allotment purposes.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–73, adopted August 11, 1999, and released August 13, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–24664 Filed 9–23–99; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223 and 224

[Docket No. 990910253–9253–01; I.D. 073099D]

RIN 0648–AM90

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition to List White Abalone (Haliotis sorenseni) as Endangered

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of petition finding; request for information and comments.

SUMMARY: NMFS has received a petition to list white abalone (*Haliotis sorenseni*) as an endangered species on an emergency basis and to designate critical habitat under the Endangered Species Act (ESA). NMFS finds that the petition presents substantial scientific and commercial information indicating that the request for listing may be warranted. Therefore, NMFS is conducting a status review to determine whether the petitioned action is warranted. To assure that the review is comprehensive, NMFS is soliciting information and data regarding this species and potential critical habitat from any interested party. We will use information received during the comment period, and other information, in our review of the status of white abalone. The petition does not present substantial evidence to warrant the listing of white abalone on an emergency basis at this time.

DATES: Comments and information must be received by November 23, 1999.

ADDRESSES: Requests for copies of the petition and comments regarding white abalone should be submitted to Irma Lagomarsino, Division Manager for Protected Resources, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA, 90802–4213. The petition and supporting data are available for public inspection, by appointment, Monday through Friday at the address above.

FOR FURTHER INFORMATION CONTACT: Irma Lagomarsino, NMFS Southwest Region, 562/980–4016; Marta Nammack, NMFS Office of Protected Resources, 301/713–1401.

SUPPLEMENTARY INFORMATION:

Background

Based on information indicating major declines in the abundance of white abalone, NMFS designated the white abalone, a marine invertebrate, as a candidate species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) on July 14, 1997 (62 FR 37560). In August 1998, NMFS contracted with Scripps Institution of Oceanography for a review of the biological status of white abalone and current and historical impacts to the species. NMFS received this status review on April 21, 1999. In order to obtain an independent peer review of the contracted status review, NMFS requested three non-federal scientists to review and report on the scientific merits of the document. The scientists will submit their anonymous reviews by the end of August 1999.

Section 4 of the ESA contains provisions allowing interested persons to petition the Secretary of the Interior or the Secretary of Commerce (Secretary) to add a species to or remove a species from the List of Endangered and Threatened Wildlife and to

designate critical habitat. On April 29, 1999, NMFS received a petition from the Center for Biological Diversity and the Southwest Center for Biological Diversity to list white abalone as an endangered species on an emergency basis and designate critical habitat under the ESA.

On May 17, 1999, NMFS received a second petition to list white abalone as an endangered species throughout its range and to designate critical habitat under the ESA from the Marine Conservation Biology Institute, Abalone and Marine Resources Council, Sonoma County Abalone Network, Asociacion Interamericana para la Defensa del Ambiente, Channnel Islands Marine Resource Institute, Proteus SeaFarms International, Environmental Defense Fund and Natural Resources Defense Council. NMFS will treat this second request as supplemental information to the first petition. Section 4(b)(3)(A) of the Endangered Species Act (16 U.S.C. 1531–1544) requires that the NMFS make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. In determining whether substantial information exists for a petition to list a species, NMFS will take into account information submitted with and referenced in the petition and all other information readily available in NMFS' files. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the *Federal Register*. If NMFS finds that a petition presents substantial information indicating that the requested action may be warranted, section 4(b)(3)(B) of the ESA requires NMFS to make a finding as to whether or not the petitioned action is warranted within 1 year of the receipt of the petition.

The definition of "species" in section 3(16) of the ESA does not provide for distinct population segments of invertebrate species to be listed under the ESA. As a result, the white abalone would have to be listed throughout its entire range, including Mexico, if the listing is found to be warranted. In contrast, pursuant to 50 CFR 424.12(h), any critical habitat designated for white abalone may not include Mexico.

The Secretary may, at any time, issue a regulation adding a species to the list regarding to any emergency that poses a significant risk to the well-being of a species under section 4(b)(7) of the ESA. Such rules will, at the discretion of the Secretary, take effect immediately on publication in the **Federal Register** and detail the reasons for an emergency listing.

Finding

NMFS finds that the petitioners and comments on the petition present substantial scientific and commercial information indicating that a listing may be warranted, based on the criteria specified in 50 CFR 424.14(b)(2). Although a positive 90-day finding is not a decision to list a species, under section 4(b)(3)(A) of the ESA, this finding requires that a review of the status of white abalone be completed within 12 months of receiving the petition (by April 28, 2000) to determine whether the petitioned action is warranted.

Emergency Listing

The petitioners express concern about the decline of white abalone from its original abundance and believe that this decline constitutes an emergency posing a significant risk to the well-being of the species. Consequently, the petitioners conclude that white abalone will go extinct within 10 years unless immediate measures are taken to restore the species. For these reasons, the petitioners request that white abalone be listed as an endangered species on an emergency basis under the ESA.

NMFS finds that there is not substantial evidence to warrant listing white abalone on an emergency basis under the ESA and believes that the normal rulemaking procedures are sufficient and appropriate for the protection of white abalone. Based on NMFS' review of the petition and on other available information, we believe the decline of white abalone is primarily the result of over-harvesting in the early 1970s. Regulations limiting abalone harvest were instituted by California as early as the 1880s and later included restrictions on minimum size, harvest rate, and timing of harvest. The State of California closed its commercial and recreational white abalone fisheries in March 1996 and the best available information indicates that white abalone habitat is not currently at risk from destruction or modification.

Because fishery-independent assessment surveys of white abalone abundance have been limited in number and spatial coverage, a peer review of the NMFS-funded status review is necessary to determine whether previous sampling adequately represents the current density of white abalone. Since 80 percent of the historical white abalone landings in California were taken from San Clemente Island, the northern Channel Islands may never have supported high densities of white abalone. Thus, the estimate of white abalone abundance throughout its range using density estimates only from the surveys in the northern Channel Islands may not provide representative estimates of current abundance.

Thus, NMFS concludes that there is no emergency posing a significant risk to the well-being of the species. For these reasons, NMFS is not publishing a regulation to list white abalone as an endangered species on an emergency basis at this time.

Listing Factors and Basis for Determinations

Under section 4(a)(1) of the ESA, a species can be determined to be endangered or threatened for any of the following reasons: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Listing determinations are made solely on the best scientific and commercial data available, after conducting a review of the status of the species and taking into account efforts made by the State or foreign nations to protect such species.

Information Solicited

To ensure that the white abalone status review is complete and based on the best available scientific and commercial data, NMFS is soliciting information and comments on whether the white abalone is endangered or threatened based on the above listing criteria. Specifically, NMFS is soliciting information in the following areas: historical and current abundance of white abalone, current spatial distribution, trends in abundance, historic harvest levels, and possible threats to genetic integrity or demography due to reduced numbers of white abalone individuals. NMFS is also soliciting information regarding factors that have contributed to the decline of white abalone and any efforts being made to protect the species. This information should address white abalone throughout its range, from Point Conception, California, U.S.A., to between Punta Tortugas and Punta Abreojos, Baja California, Mexico.

Critical Habitat

NMFS is also requesting information on areas that may qualify as critical habitat for white abalone in California. Areas that include the physical and

biological features essential to the recovery of the species should be identified. Areas outside the present range should also be identified if such areas are essential to the recovery of the species. Essential features should include, but are not limited to: (1) Space for individual growth and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for reproduction and development of offspring; and (5) habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distributions of the species.

For areas potentially qualifying as critical habitat, NMFS is requesting the following information describing: (1) The activities that affect the area or could be affected by the designation and (2) the economic costs and benefits of additional requirements of management measures likely to result from the designation.

The economic cost to be considered in the critical habitat designation under the ESA is the probable economic impact of the critical habitat designation upon proposed or ongoing activities (50 CFR 424.19). NMFS considers the incremental costs specifically resulting from a critical habitat designation that are above the economic effects attributable to listing the species. Economic effects attributable to listing include actions resulting from section 7 consultations under the ESA to avoid jeopardy to the species and from the taking prohibitions under section 9 of the ESA. Comments concerning economic impacts should distinguish the costs of listing from the incremental costs that can be directly attributed to the designation of specific areas as critical habitat.

Data, information, and comments should include: (1) Supporting documentation, such as maps, bibliographic references, or reprints of pertinent publications, and (2) the person's name, address, and association, institution, or business.

Authority: 16 U.S.C. 1531 *et seq.*; 16 U.S.C. 742a *et seq.*; 31 U.S.C. 9701; 16 U.S.C. 1361 *et seq.*

Dated: September 21, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24961 Filed 9–23–99; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 64, No. 185
Friday, September 24, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

East Face Ecosystem Management Project, Beaverhead-Deerlodge National Forest, Beaverhead County, Montana

AGENCY: Forest Service, USD.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement to document the analysis and disclose the environmental impacts of a proposed action to manipulate forest, shrubland, and grassland vegetation on about 16,000 acres. This area lies in the southeast corner of the Pioneer Mountains, about 17 miles northwest of Dillon, Montana.

The proposed action would commercially thin about 1,659 acres of Douglas-fir forest, thin another 6,602 acres of Douglas-fir forest using prescribed fire, release about 628 acres of aspen/shrub communities, release about 1,688 acres of mountain mahogany, restore about 5,200 acres of shrub/grass habitat that has been lost to conifer succession, and release riparian shrub communities form overstory conifers on about 448 acres.

DATES: Initial comments concerning the scope of the analysis should be received in writing no later than October 15, 1999.

ADDRESSES: The responsible official is the Forest Supervisor, Beaverhead-Deerlodge National Forest, 420 Barrett Street, Dillon, MT 59725. Send written comments to the responsible official, Acting Forest Supervisor Lawrence A. Timchak.

FOR FURTHER INFORMATION CONTACT: Ben Conard, Interdisciplinary Team Leader, Dillon Ranger District, or phone: (406) 683–3900.

SUPPLEMENTARY INFORMATION: About 80% of the Douglas-fir thinning would be done using slashing and prescribed fire, and 20% using wood product removal and prescribed fire. Aspen restoration would be done by slashing or removing conifers, some stands would be burned after slashing. Mountain mahogany restoration would be done by slashing and piling, then burning the piles. Shrub/grass restoration would be done using slashing and prescribed fire. Riparian shrub communities would be released using harvest, felling and/or slashing. Some slash may be piled and burned. Low standard temporary roads may be built to reach some treatment areas.

The project area lies in that portion of the East Pioneer Mountains between Rock Creek and Black Mountain in Townships 3, 4, and 5 South, Range 10 West; Township 5 South, Range 11 West; and Township 6 South, Range 10 and 11 West. The scope of this proposal is limited to specific prescribed burning, timber harvest, and associated temporary road building, slashing, lopping, or otherwise disposing of debris within the affected area.

Public participation is important to this analysis. Part of the goal of public involvement is to identify additional issues and to refine the general, tentative issues. A scoping notice describing the project was mailed to those who requested information on timber harvest and burning activities on the Beaverhead-Deerlodge National Forest. Montana Fish, Wildlife and Parks has been involved in the development of this proposal and will be consulted throughout the analysis and decision making process. The United States Fish and Wildlife Service will be consulted concerning effects to threatened and endangered species.

Preliminary issues identified by the Forest Service include effects to vegetation, wildlife habitats, and maintaining the existing character of inventoried roadless areas. Slashing and prescribed fire are proposed in Inventoried Roadless Areas 1–800D and 1–009. No road building is proposed in inventoried roadless area. The analysis will consider all reasonably foreseeable activities, including proposed actions on adjacent BLM lands.

People may visit with Forest Service officials at any time during the analysis and prior to the decision. Two periods are specifically designated for comments on the analysis: (1) During the scoping process and (2) during the draft EIS period.

During the scoping process, the Forest Service is seeking additional information and comments from individuals or organization who may be interested in or affected by the proposed action, Federal, State and local agencies. The Forest Service invites written comments and suggestions on this action, particularly in terms of identification of issues and alternative development.

The draft EIS should be available for review in February 2000. The final EIS is scheduled for completion in July, 2000.

The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

It is very important those interested in this proposed action participate by the close of the 45 day comment period so substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at CFR 1503.3 in addressing these points.

The responsible official will make the decision on this proposal after considering comments and responses, environmental consequences discussed in the final EIS, applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

Dated: September 7, 1999.

Jack de Golia,

Acting Forest Supervisor.

[FR Doc. 99–24826 Filed 9–23–99; 8:45 am]
BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Triangle Land Exchange; Malheur, Umatilla, and Wallowa-Whitman National Forests; Baker, Grant, Harney, and Wallowa Counties, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, USDA, will prepare and environmental impact statement (EIS) on a proposal to exchange lands with Clearwater Land Exchange-Oregon (Clearwater). Clearwater is acting as a third party facilitator for multiple non-federal landowners. The proposal is to exchange about 5,700 acres of non-federal land for approximately 3,939 acres of federal lands in the Blue Mountains of Northeastern Oregon. The proposed exchange will be in compliance with the 1990 National Forest Land and Management Plans (Forest Plans) for the Malheur, Umatilla, and Wallowa-Whitman National Forests, as amended, which provide overall guidance for management of this area. The federal and non-federal lands are located in Baker, Grant, Harney, and Wallowa Counties of eastern Oregon; and on eight Ranger Districts of the three Pacific Northwest Forests. Ranger Districts involved are Bear Valley, Burns, and Long Creek Districts on the Malheur National Forest; Pomeroy, North Fork John Day, and Walla Walla Districts on the Umatilla National Forest; and Baker and Unity Districts on the Wallowa-Whitman National Forest. Implementation of proposed exchange is scheduled for January 2001. The Malheur National Forest invites written comments and suggestions on the scope of the analysis. The agency gives notice of full environmental analysis and decision making process that will occur on the proposal so interested and affected members of the public may become aware of how they can participate in the process and contribute in the final decision.

DATES: Comments concerning the scope of the analysis should be received in writing on or before October 29, 1999.

ADDRESSES: Send site specific written comments and suggestions concerning this proposal to Gary W. Lieuallen, Lands Officer, Malheur National Forest, PO Box 909, John Day, Oregon 97845.

FOR FURTHER INFORMATION CONTACT: Bob Miles, Resource Planner, PO Box 909, John Day, Oregon 97845, phone 541–575–3000.

SUPPLEMENTARY INFORMATION: An environmental assessment (EA) on an original proposal entitled the Triangle Land Exchange was released for public comment on October 22, 1998. After this comment period, it was determined that Clearwater could not acquire mineral ownership on about 1,630 acres of the non-federal land, and this land was dropped from the exchange. The EA was revised and released for public comment on April 14, 1999. The revised EA could not make a Finding of No Significant Impact (FONSI). It was determined that an EIS should be completed for this proposal.

The purpose and need of the proposed exchange is to enhance natural resource management and improve management efficiency of federal lands through ownership consolidation. Consolidation (1) reduces boundaries requiring survey and maintenance (2) reduces numbers of permits for join-use roads, and (3) eliminates easements and agreements necessary to access in-holdings.

Other federal goals and objectives are (1) to protect habitat for threatened, endangered , or sensitive species, (2) to acquire private land in-holdings within the Wenaha Wild and Scenic River Corridor, (3) to acquire private land in-holdings adjacent to the North Fork John Day Wilderness, (4) to improve public access to federal lands, (5) to improve efficiency in resource management by focusing limited dollars and staff in consolidated areas, and (6) to improve public service.

All the federal lands proposed for exchange are on the Malheur National Forest. They were included in the land ownership adjustment schedule of the 1990 Malheur National Forest Land and Resources Management Plan (LRMP) (Appendix M of the Plan) as lands available for exchange. These federal parcels are not within the interior of the Forest. Public access on National Forest System (NFS) lands adjacent to or near the federal parcels will be maintained.

All the parcels proposed to be acquired meet Oregon State Forest Practices Act standards and no reforestation or restoration activities have been identified. There are no anticipated rehabilitation costs to the federal government.

All the parcels for exchange are within the geographic area of ceded lands and/or area of interest of the Confederated Tribes of the Umatilla Reservation, Confederated Tribes of the Warm Springs Reservation, Confederated Tribes of the Nez Perce, or the Burns Paiute Tribes.

No Congressionally Designated Areas (i.e., Wilderness, Wild and Scenic Rivers) are proposed to change from USDA jurisdiction. The regulations for land exchanges (36 CFR 254.3(f)) state: "Lands acquired by exchange that are located within areas having an administrative designation established throught the land management planning process shall automatically become part of the area within which they are located without further action by the Forest Service, and shall be managed in accordance with the laws, rules, and regulations, and land and resource management plan applicable to such area."

The Clearwater exchange lands are suitable and desirable for inclusion in NFS, because consolidated ownership of these lands with NFS would enhance the Forest Service's ability to implement ecosystem management, and would increase the amount of Wild and Scenic River in the NFS.

The exchange meets the pubic interest requirements in 36 CFR 254.3(b): (1) The resource values and the public objectives served by the non-federal lands and interests to be acquired are equal or exceed the resource values and the public objectives served by the federal lands to be disposed; and (2) The intended use of the disposed federal land will not substantially conflict with established management objectives on adjacent federal lands, including Indian Trust lands.

Lands will be exchanged on a value for value basis, based on current fair market value appraisals. The appraisal is prepared in accordance with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisition. The appraisal prepared for the land exchange is reviewed by a qualified review appraiser to ensure that it is fair and complies with the appropriate standards. Under the Federal Land Policy and Management Act of 1976, all exchanges must be equal in value. Forest Service regulations at 36 CFR 254.3(c) require that exchanges must be of equal value or equalized pursuant to 35 CFR 254.12 by cash payment after making all reasonable efforts to equalize values by adding or deleting lands. If lands proposed for exchange are not equal in value, either party may make them equal by cash payment not to exceed 25 percent of the federal land value.

Five of the non-federal parcels proposed for exchange are identified as having floodplains; however, preliminary analysis indicates that implementation of any action alternative meets the intent of Executive Order 11988, Floodplain Management.

Preliminary issues identified will include effects on threatened, endangered, and proposed species; and exchanging federal lands which contain late and old structure stands (LOS).

One of the purposes of this notice of intent is to solicit input and encourage members of the public, interested organizations, federal, state and county agencies, and local tribal governments to take part in planning this project. Public participation will be especially important at several points during the analysis, beginning with this scoping process. Scoping will include listing this EIS in the Malheur National Forest's Schedule of Proposed Activities; letters to agencies, organizations, and individuals who have already indicated their interest in land exchanges; and news releases in the Blue Mountain Eagle, Baker City Herald, and Eastern Oregonian. Information received will be used in preparation of the draft EIS. The scoping process will include: (1) Identifying additional potential issues; (2) identifying issues to be analyzed in depth; (3) eliminating non-significant issues or those which have been covered by a previous environmental analysis; (4) exploring additional alternatives; and (5) identifying potential environmental effects of the proposed action and alternatives (*i.e.* direct, indirect, and cumulative effects and connected actions).

No public meetings are contemplated; however, an open house in John Day, Oregon, is anticipated to occur following issuance of the draft EIS. This open house will be announced in the Malheur National Forest's newspaper of record, the Blue Mountain Eagle; the Umatilla National Forest's newspaper of record, the Eastern Oregonian; and the Wallowa-Whitman National Forest's newspaper of record, the Baker City Herald.

A full range of alternatives will be considered, including a no action alternative. The no action alternative will serve as a baseline for comparison of alternatives. This alternative will be no change from the current management of the Forests and will be fully analyzed. The proposed action will be considered and additional alternatives developed around the proposed action to address significant issues identified during the scoping and public involvement process. Issues gathered may vary action alternatives in the number, location, and which parcels to exchange.

Comments received in response to this notice, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available to public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR 215 and 251. Additionally, pursuant to 7 CFR 1.27(d); any person may request the agency to withhold a submission from the public record by showing how the freedom of information act (FOIA) permits such confidentiality, however, they should be aware that, under FOIA, confidentiality may be granted in only limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days.

The Forest Service is seeking information and comments from other Federal, State, and Local agencies; tribes, organizations; and individuals who may be interested in or affected by the proposed action. This input will be used in the preparation of the draft EIS.

The draft EIS will be filed with the Environmental Protection Agency (EPA) and is anticipated to be available for public review by March 2000. The comment period on the draft EIS will be 45 days from the date of EPA's Notice of Availability in the **Federal Register**. At that time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, tribes, and members of the public for their review and comments. It is important that those interested in the management of the Malheur, Umatilla, and Wallowa-Whitman National Forests participate at that time.

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stag, but that are not raised until completion of the final EIS, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F. 2d 1016, 1002 (9th Cir, 1986), and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1335, 1338 (E.D. Wis. 1980). Because of these court rulings, it is important that those interested in this proposed action participate by the close of the 45 day comment period so substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is helpful if comments refer to specific page or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points).

After the 45 days comment period ends on the draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final EIS. The final EIS is scheduled to be completed by September 2000. In the final EIS, the Forest Service is required to respond to substantive comments received during the public comment period. The Responsible Official is the Forest Supervisor for the Malheur National Forest. She will consider the comments, responses, environmental consequences discussed in the EIS and applicable laws, regulations, and policies in making a decision regarding this land exchange. The Responsible Official will document the Triangle Land Exchange EIS decision and rationale for the decision in a Record of Decision. That decision will be subject to Forest Service Appeal Regulations (36 CFR part 215).

Dated: September 17, 1999.

Bonnie J. Wood,

Acting Forest Supervisor, Malheur National Forest.

[FR Doc. 99–24891 Filed 9–23–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Upper North Fork 25 Fire Restoration, Wenatchee National Forest, Chelan County, WA

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service will prepare an environmental impact

statement (EIS) to analyze and disclose the environmental impacts of a site specific proposal for the Upper North 25 Fire Restoration. The proposed action is approximately 20 miles northwest of the town of Chelan, Washington on approximately 800 acres of National Forest System Land in the North Fork 25 Mile Creek drainage on the Chelan Ranger District of the Wenatchee National Forest. It includes part of an area identified in Appendix C of the 1990 Wenatchee National Forest Land and Resource Management Plan as the Stormy Mountain Inventoried Roadless Area. It excludes the portion of that area allocated by the plan to roadless recreation. The purpose of the EIS will be to develop and evaluate a range of alternatives for ecosystem restoration activities within the area of upper North Fork 25 Mile Creek that was burned by the 1998 North 25 Fire. The objectives include: (1) Protecting/restoring existing late-successional habitat; (2) creating heterogeneity in the distribution of woody fuel and snags; (3) salvaging fire killed/injured trees; (4) maintaining site productivity; and (5) promoting recovery of riparian areas. To achieve these objectives, the alternatives may include the following actions: Snag/tree removal, snag falling, and prescribed fire.

The alternatives will include a no action alternative and at least one alternative that proposes no action within the Stormy Mountain Inventoried Roadless Area. The proposed project will be consistent with direction given in the Wenatchee National Forest Land and Resource Management Plan, as amended by the April 1994 Record of Decision for Amendments to the Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl. This Forest Service proposal is scheduled for implementation between the years 2000 and 2005. The agency invites written comments on the scope of this project. In addition, the agency gives notice of this analysis so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope and analysis of this proposal must be post-marked by October 22, 1999.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Al Murphy, District Ranger, Chelan Ranger District, 428 West Woodin Avenue, Chelan, Washington 98816.

FOR FURTHER INFORMATION CONTACT: Questions and comments about this EIS should be directed to Matt Dahlgreen, Interdisciplinary Team Leader, Entiat Ranger District, PO Box 476, Entiat, Washington 98822; phone 509–784–1511, extension 524.

SUPPLEMENTARY INFORMATION: This analysis was prompted by the North 25 Fire Restoration Environmental Analysis which was conducted in response to the North 25 Fire of 1998. During that analysis, vegetation treatments within the Stormy Mountain Inventoried Roadless Area and adjacent unroaded areas were dropped in response to public concern about roadless area issues. The Upper North 25 Fire EIS analysis will re-evaluate the effects of alternative treatments, designed to meet the objectives summarized above, within these unroaded areas.

The proposed action is to treat approximately 855 acres within the upper watershed of the North Fork 25 Mile Creek. The area proposed for treatment within the Inventoried Roadless Area was allocated to Late Successional Reserves by the amended Wenatchee National Forest Land and Resource Management Plan. The objective of this allocation is to maintain and enhance late-successional forest ecosystems and protect them from loss due to large-scale fire, insect and disease epidemics, and major human impacts. Treatments would include replanting of a portion of the burned area and commercial or noncommercial salvage of trees killed directly by the fire or indirectly by Douglas-fir bark beetles using both helicopter and skyline logging methods. No new roads would be constructed.

To date, the following key issues have been identified: ecosystem sustainability and biodiversity; roadless character; and scenic quality.

The decision to be made through this analysis is whether restoration treatments should be implemented within the Upper 25 Mile Fire Analysis Area, and if so, where, how, and to what extent.

A range of alternatives will be considered, including a no action alternative, and at least one alternative that proposes no action within the Stormy Mountain Inventoried Roadless Area. Other alternatives will be developed in response to relevant issues received during scoping. All alternatives will need to respond to specific conditions in the Upper North Fork 25 Mile Creek Analysis Area.

Public participation will be especially important at several points during the analysis. The Forest Service will be seeking information, comments, and assistance from Federal, State, tribes, and local agencies, as well as individuals or organizations who may be interested in or affected by the proposed actions. This information will be used in preparation of the draft EIS. The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating non-significant issues or those which have been covered by a relevant previous environmental process.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (*i.e.*, direct, indirect, and cumulative effects and connected actions).
6. Determining potential cooperating agencies and task assignments.

Comments received in response to this notice, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review in December 1999. The comment period on the draft EIS will be 45 days from the date the EPA's Notice of Availability appears in the **Federal Register**. Copies of the draft EIS will be distributed to interested and affected agencies, organizations, tribes and members of the public for their review and comment. It is very important that those interested in the management of the Wenatchee National Forest participate at that time.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

At this early stage, the Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions (*Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978)). Also environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. (*City of Angoon v. Hodel*, 803 f. 24d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

The final EIS is scheduled to be completed in March 2000. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making the decision regarding this proposal. The Forest Service is the lead agency for this environmental analysis. The responsible official is the Chelan District Ranger. The responsible official will document the Upper North Fork 25 Fire Restoration decision and reasons for the decision in a Record of Decision. That decision will be subject to Forest Service Appeal Regulations (36 CFR part 215).

Dated: September 14, 1999.

Al Murphy,

Chelan District Ranger.

[FR Doc. 99–24890 Filed 9–23–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Transfer of Jurisdiction

AGENCY: USDA—Forest Service.

ACTION: Transfer of jurisdiction of the Townsite of Dutch John, Utah, to the Bureau of Reclamation, Department of the Interior.

SUMMARY: On June 24, 1999, Jeanne A. Evenden, Director of Lands, Regional Office, Intermountain Region, signed a Transfer Order transferring jurisdiction of 2,432.73 acres of land within the Townsite of Dutch John, Utah, Ashley National Forest, to the USDI Bureau of Reclamation.

This action is in compliance with Section 6 of the Dutch John Federal Property Disposition and Assistance Act of 1998 (Pub. L. 105–326).

Copies of the Transfer Order are available for public inspection at the Chief's Office, Forest Service, U.S. Department of Agriculture, Auditors Building, 210 14th Street, SW at Independence Ave., SW, Washington, DC 20250, or the Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078.

Dated: September 10, 1999.

Jack A. Blackwell,

Regional Forester, Intermountain Region, USDA Forest Service, 324 25th Street, Ogden, UT 84401, (801) 625–5605.

[FR Doc. 99–24878 Filed 9–23–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Olympic Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of field trip and meeting.

SUMMARY: The Olympic PIEC Advisory Committee will meet on October 20 & 21, 1999. The meeting will begin at 11:00 AM on Wednesday, October 20 which will be spent in the field visiting Special Forest Product's facilities and sites. The committee will assemble at the Forest's Headquarters office in Olympia before traveling to the field. The field trip will conclude approximately 4:00 PM. On Thursday the 21st, the meeting will be held in the Olympic National Forest Headquarter's office at 1835 Black Lake Blvd. SW, Olympia, Washington. The meeting will be in the Willaby Conference room and will begin at 8:00 AM and end at approximately 2:30 PM. Agenda topics are: (1) Update on Survey & Manage; (2) Bull trout listing: (3) Regional Ecosystems Office update; (4) Topics for future committee discussion; (5) Open forum; and (8) Public comments.

All Olympic Province Advisory Committee Meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Ken Eldredge, Province Liaison, USDA, Olympic National Forest Headquarters, 1835 Black Lake Blvd. Olympia, WA 98512–5623, (360) 956–2323 or Dale Hom, Forest Supervisor, at (360) 956–2301.

Dated: September 17, 1999.

Dale Hom,

Forest Supervisor, Olympic National Forest.

[FR Doc. 99–24874 Filed 9–23–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Notice of Request for New Information Collection

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Grain Inspection, Packers and Stockyards Administration's (GIPSA) intent to request approval for a new information collection related to the delivery of services conducted under the official inspection, grading, and weighing programs authorized under the United States Grain Standards Act and the Agricultural Marketing Act of 1946. This voluntary survey would give customers of the official inspection, grading, and weighing programs, who are primarily in the grain, oilseed, rice, lentil, dry pea, edible bean, and related agricultural commodity markets, an opportunity to provide feedback on the quality of services they receive and will provide information on new services that they would like to receive. This feedback would assist GIPSA's Federal Grain Inspection Service (FGIS) to

improve services and service delivery provided by the official inspection, grading, and weighing system.

DATES: Written comments must be submitted on or before November 23, 1999.

ADDRESSES: Written comments must be submitted to Sharon Vassiliades, USDA, GIPSA, ART, 1400 Independence Avenue, SW, Stop 3649, Washington, DC 20250–3649, or faxed to (202) 720–4628. Comments may also be sent by electronic mail or Internet to: comments@gipsadc.usda.gov. All comments received will be made available for public inspection during regular business hours in Room 0623, South Building, USDA, 1400 Independence Avenue, SW, Washington, DC 20250–3649 (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT: Marianne Plaus at (202) 720–0292.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71–87) (USGSA), and the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) (AMA), authorize the Secretary of the United States Department of Agriculture to establish official inspection, grading, and weighing programs for grains and other agricultural commodities. Under the USGSA and AMA, GIPSA's FGIS offers inspecting, weighing, grading, quality assurance, and certification services for a user-fee, to facilitate the efficient marketing of grain, oilseeds, rice, lentils, dry peas, edible beans, and related agricultural commodities in the global marketplace. Under FGIS oversight, the official inspection, grading, and weighing programs is a public-private partnership including Federal, State, and private agencies and provides official inspection, grading, and weighing services to the domestic and export trade.

There are approximately 2,500 current users of the official inspection, grading, and weighing programs. These customers are located nationwide and represent a diverse mixture of small, medium, and large producers, merchandisers, processors, exporters, and other financially interested parties. These customers request official services from an FGIS Field Office; delegated, designated, or cooperating State office; or designated private agency office.

The goal of FGIS and the official inspection, grading, and weighing system is to provide timely, high-quality, accurate, consistent, and professional service that facilitates the orderly marketing of grain and related commodities. To accomplish this goal and in accordance with E.O. 12862, FGIS is seeking feedback from customers to evaluate the services provided by the official inspection, grading, and weighing programs.

Title: Survey of Customers of the Official Inspection, Grading, and Weighing Programs (Grain and Related Commodities).

OMB Number: New collection, a number will be assigned after approval.

Expiration Date of Approval: New collection.

Type of Request: New information collection.

Abstract: The collection of information using a voluntary customer service survey will provide all paying customers of FGIS and the official inspection, grading, and weighing programs an opportunity to evaluate, on a scale of one to five, the timeliness, cost-effectiveness, accuracy, consistency, and usefulness of services and results, and the professionalism of employees. Customers will also have an opportunity to indicate what new or existing services they would use if such services were offered or available.

FGIS needs to have a more formal means of determining customers' expectations or the quality of service that is delivered. To collect this information, FGIS proposes to distribute, over a 3-year period, a voluntary customer service survey. The initial survey instrument will consist of nine questions. Subsequent survey instruments will be tailored to earlier responses. The information collected from the survey will allow FGIS to ascertain customers' satisfaction with existing services, compare results from year to year, and determine what new services customers desire.

The customer service survey consists of one document comprised of nine questions where customers assess the timeliness, cost-effectiveness, accuracy, consistency, and usefulness of services and results, and the professionalism of employees. Some examples of survey questions include the following: "I receive results in a timely manner," "Official results are accurate," and "Inspection personnel are knowledgeable." These survey questions will be assessed using a rating scale ranging from "strongly disagrees" to "strongly agrees" or "no opinion." Customers are also asked for which product they primarily request service, and what percentage of their product is officially inspected. There is also space available on the survey for the customer to provide a response to the following statement: "I would use the following new/existing service if they were offered/available."

By obtaining information from customers through a voluntary customer service survey, FGIS could continue to improve services and service delivery provided by the official inspection, grading, and weighing programs in order to meet or exceed customer expectations.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 10 minutes (*i.e.*, 0.167 hours) per response.

Respondents: The primary respondents will be the direct paying customers of FGIS and the official inspection, grading, and weighing programs.

FY 2000: Estimated Number of Respondents: 1,874 (*i.e.*, 2,498 total customers × 75% response rate = 1,874).

Frequency of Responses: 1.

Estimated Annual Burden: 313 hours (1,874 responses × 0.167 hours/response = 313 hours).

FY 2001: Estimated Number of Respondents: 1,874.

Frequency of Responses: 1.

Estimated Annual Burden: 313 hours.

FY 2002: Estimated Number of Respondents: 1,874.

Frequency of Responses: 1.

Estimated Annual Burden: 313 hours.

Copies of this information collection can be obtained from Sharon Vassiliades, Grain Inspection, Packers and Stockyards Administration, FGIS, at (202) 720–1738.

Comments: Comments are invited on: (a) Whether the collection of the information is necessary for the proper performance of the functions of FGIS, including whether the information will have a practical utility; (b) the accuracy of FGIS' estimate of the burden, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques, or other forms of information technology. Comments should be addressed to Sharon Vassiliades, as referenced above. All responses to this notice will be summarized and include in the request for OMB approval. All comments will also become a matter of public record.

Dated: September 20, 1999.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 99–24949 Filed 9–23–99; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following committee meeting:

Name: Grain Inspection Advisory Committee.

Dates: October 21–22, 1999.

Place: Omni Royal Orleans Hotel, 621 St. Louis Street, New Orleans, Louisiana.

Time: 8:00 a.m.–11:30 a.m. on October 21 and October 22, 1999.

Purpose: To provide advice to the Administrator of the Grain Inspection, Packers and Stockyards Administration (GIPSA) with respect to the implementation of the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*).

The agenda includes a review and discussion of GIPSA's financial status and fee proposals, reauthorization, biotechnology, deoxynivalenol testing in barley, feed wheat, wheat cleanliness, and other related issues concerning the delivery of grain inspection and weighing services to American agriculture.

The meeting will be open to the public. Public participation will be limited to written statements, unless permission is received from the Committee Chairman to orally address the Committee. Persons, other than members, who wish to address the Committee or submit written statements before or after the meeting, should contact the Administrator, GIPSA, U.S. Department of Agriculture, 1400 Independence Avenue, SW, STOP 3601, Washington, DC 20250–3601, telephone (202) 720–0219 or FAX (202) 205–9237.

Dated: September 20, 1999.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 99–24950 Filed 9–23–99; 8:45 am]

BILLING CODE 3410–EN–U

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Posting of Stockyards

Pursuant to the authority provided under section 302 of the Packers and Stockyards Act (7 U.S.C. 202), it was ascertained that the livestock markets named below were stockyards as defined by Section 302 (a). Notice was given to the stockyard owners and to the public as required by Section 302 (b), by posting notices at the stockyards on the dates specified below, that the stockyards were subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

Facility No., name, and location of stockyard		Date of posting
AR–174	Crawford County Livestock Auction, Mountainburg, Arkansas	December 19, 1998.
GA–223	Holland's Livestock Sales, Reidsville, Georgia	April 11, 1998.
NJ–108	Camelot Auction Company, Cranbury, New Jersey	July 1, 1998.
SC–156	Greer Horse & Pony Auction, Greer, South Carolina	June 18, 1998.
SC–157	Rocking R, Inc., Laurens, South Carolina	December 21, 1998.
TN–192	Morris Brothers Auction, Pikesville, Tennessee	February 12, 1999.

Done at Washington, D.C., this 20th day of September, 1999.

Andrea Giberson,

Acting Director, Office of Policy/Litigation Support, Packers and Stockyards Programs.

[FR Doc. 99–24951 Filed 9–23–99; 8:45 am]

BILLING CODE 3410–EN–U

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: October 25, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On June 18, August 6 and 13, 1999, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (64 FR 32844, 42902 and 44198) of proposed additions to the Procurement List.

The Following Comments Pertain to Full Food and Dining Facility Attendant, Fort Polk, Louisiana

Comments were received from an organization which represents blind vendors under the Randolph-Sheppard Act, 20 U.S.C. 107, and from the State agency responsible for licensing blind vendors in Louisiana. Both commenters stated that addition of this food service to the Procurement List would be a direct violation of the Randolph-Sheppard Act, which they believe affords blind vendors a paramount priority in the operation of military troop dining facilities. Both commenters requested that the Committee withdraw the proposed addition of this food service to the Procurement List so that the service might be performed by a licensed blind vendor under the Randolph-Sheppard Act.

It is the Committee's longstanding position that the Randolph-Sheppard Act, which by its terms applies to "concession vending opportunities" (20 U.S.C. 107a(a)(2)), is not applicable to Government food service contracts financed by appropriated funds, such as military troop dining facilities. Consequently, the Randolph-Sheppard Act is no bar to the addition of this food service to the Procurement List, and the Committee declines to withdraw its proposal to add the service to the List.

The State licensing agency cited an authority added to the Randolph-Sheppard Act in 1974, which permits the Department of Education to establish a priority "for the operation of cafeterias on Federal property by blind licensees," 20 U.S.C. 107d–3(e), as a basis for the establishment of Randolph-Sheppard jurisdiction over the food service being added to the Procurement List. The Committee is familiar with this authority and its legislative history, and does not agree with the State licensing agency's conclusion for several reasons. First, "cafeteria" as used in the Randolph-Sheppard Act is defined as a subset of "vending facility," 20 U.S.C. 107(e)(7), and Randolph-Sheppard vending facilities are concession operations, as noted in the preceding

paragraph. Second, the nonprofit agency will not be operating this facility, as it will be performing its functions under the oversight and management of Army personnel. Accordingly, the Committee rejects the State licensing agency's argument that "operation" in this Randolph-Sheppard authority is equivalent to "provide food services."

The State licensing agency also noted that the purpose of the Randolph-Sheppard Act is to increase opportunities for the blind. "Operation," as used in the Randolph-Sheppard Act, is thus to be construed broadly, according to the State licensing agency, to promote this statutory purpose. However, the Javits-Wagner-O'Day (JWOD) Act, 41 U.S.C. 46–48c, under which this food service is being added to the Procurement List, is also intended to increase employment opportunities for people who are blind, as well as people with other severe disabilities. The Committee believes that it should also be construed broadly and, as it is intended to apply to Federal procurements of supplies and services, normally done with appropriated funds as is the case for this food service, that the JWOD Act is the statute which was intended to have paramount priority in this situation, not the Randolph-Sheppard Act.

The Following Comments Pertain to Laundry Service, Bangor Naval Subase BOQ & BEQ, and Miscellaneous Sites To Include Ships in Port, Bremerton, Washington

Comments were received from the current contractor for a portion of the service requirement which was proposed for addition to the Procurement List. The Committee received these comments both directly and through a Member of Congress. This contractor provides laundry service at the Bangor Submarine Base but not for the ships included in the service requirement. The contractor claimed that loss of its contract for the base, along with two Procurement List additions in 1994 and a loss earlier this year of a major commercial contract, would severely impact the contractor's business. The contractor also noted that the nationwide chain laundries operating in the Puget Sound area have practically quit doing commercial laundry work, so if the contractor ceases operations there will be no backup to the nonprofit agency designated to perform this service requirement if it is unable to perform.

According to Committee records, the contractor held the Government contract for only one of the two 1994 services added to the Procurement List which the contractor mentioned. The contractor's continued commercial existence since that time suggests that the 1994 addition did not have a severe adverse impact on the contractor. If its competitors are leaving the local commercial laundry market, it would appear likely that the contractor will be able to recoup its loss of a major customer. However, the Committee has decided to lessen the impact on this customer by limiting its addition of the base's laundry service to the Procurement List to two buildings, which are the bachelor officers and enlisted quarters for the base. The contractor has told the Committee that these two buildings generate very little sales. Consequently, the Committee does not believe that the revised Procurement List addition will have a severe adverse impact on the contractor, and that the contractor will remain in business to serve, among other things, as a backup for the nonprofit agency, although this will be unlikely as the nonprofit agency has been found fully capable of performing the service requirement being added to the Procurement List.

The following Material Pertains to All of the Services Being Added to the Procurement List

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Full Food & Dining Facility Attendant, Fort Polk, Louisiana

Janitorial/Custodial

Denver Federal Center, Building 95, Denver, Colorado

Kennesaw National Battlefield Park Visitor Center, Kennesaw, Georgia

Laundry Service

Bangor Naval Subase BOQ & BEQ and Miscellaneous Sites to include ships in port, Bremerton, Washington

Mail and Messenger Service

Naval Engineering Field Activity Chesapeake, Atlantic Division, Washington Navy Yard, Naval Facilities Engineering Command (NAVFACENGCOM), 851 Sicard Street, SE, Washington, DC

Mail and Messenger Service

Headquarters, Naval Facilities Engineering Command (NAVFACENGCOM), 1322 Patterson Avenue, SE, Washington, DC

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 99–24944 Filed 9–23–99; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 25, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons

an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Line, Multi-Loop
1670–01–062–6310
NPA: Industrial Opportunities, Inc., Marble, North Carolina
Cup, Paper, Disposable, Hot
7350–00–162–3006
NPA: The Lighthouse f/t Blind in New Orleans, New Orleans, Louisiana
Cheesecloth
8305–00–205–3495
8305–00–205–3496
8305–00–262–3321
8305–01–125–0725
NPA: Lions Services, Inc., Charlotte, North Carolina

Services

Base Supply Center, Wright-Patterson Air Force Base, Ohio
NPA: Cincinnati Association for the Blind, Cincinnati, Ohio

Duplicating Service

(GPO Program C285–S)
Federal Bureau of Investigation, Criminal Justice Information Services Complex, Clarksburg, West Virginia
NPA: Job Squad, Inc., Clarksburg, West Virginia

Grounds Maintenance

Keyport Naval Undersea Warfare Center, Keyport, Washington
NPA: Peninsula Services, Bremerton, Washington

Janitorial/Custodial

Naval Reserve Center, 7401 W. Roosevelt Road, Forrest Park, Illinois
NPA: Lester and Rosalie ANIXTER CENTER, Chicago, Illinois

Janitorial/Custodial

Gamelin USARC, Bristol, Rhode Island
NPA: Newport County Chapter of Retarded Citizens, Inc., Middletown, Rhode Island

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 99–24945 Filed 9–23–99; 8:45 am]

BILLING CODE 5353–01–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: U.S. Commission on Civil Rights.

DATES AND TIME: Friday, October 1, 1999, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, N.W., Room 540, Washington, DC 20425.

STATUS:

Agenda

I. Approval of Agenda
II. Approval of Minutes of September 17, 1999 Meeting
III. Announcements
IV. Staff Director's Report
V. Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination, Volume II: The Mississippi Delta Report
VI. State Advisory Committee Report
- Employment Opportunities for Minorities in Montgomery, County, Ohio (Ohio)

VII. Future Agenda Items

CONTACT PERSON FOR FURTHER INFORMATION: David Aronson, Press and Communications (202) 376–8312.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 99–25057 Filed 9–22–99; 2:30 pm]

BILLING CODE 6335–00–M

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 990831240–9240–01]

Service Annual Survey

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of consideration.

SUMMARY: The U.S. Census Bureau is considering a proposal to conduct the 1999 Service Annual Survey (SAS). The results of the service annual program currently are published on a Standard Industrial Classification basis. Beginning with the survey year 1999, we will publish data using the new North American Industry Classification System (NAICS). With NAICS implementation, SAS will incorporate the previous Transportation Annual Survey and the Annual Survey of Communication Services into one service program. There will be an additional 149 new and emerging industries added to the Service Annual Survey, including Air Couriers, Publishing, Sound Recording, Waste Management and Remediation Services, and selected Financial Services. An Information Sector also will be added to the survey.

DATES: Written comments must be submitted on or before October 25, 1999.

ADDRESSES: Direct all written comments to the Director, U.S. Census Bureau, Room 2049, Federal Building 3, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: Ruth Bramblett, Chief, Current Services Branch, Service Sector Statistics Division, on (301) 457–2766.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to conduct surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, United States Code, Sections 182, 224, and 225. The SAS will provide continuing and timely national statistical data for the period between the economic censuses. The next Economic Census will occur in the year 2002. Data collected in this survey will be within the general scope, type, and character of those inquiries covered in the Economic Census.

Beginning with the survey year 1999, we will publish SAS data using NAICS. The structure of NAICS was developed in a series of meetings between the United States, Canada, and Mexico in the early to mid-1990s. NAICS recognizes the rapid changes in both the U.S. and world economies by providing a means to classify new and emerging

industries. The system was constructed on a production-oriented, or supply-based, conceptual framework.

Effective with the 1999 survey, the Census Bureau proposes to change the SAS survey questionnaires to reflect the many changes brought about by NAICS. We are expanding the number of form types and are developing these forms to be more tailored to the industries they survey. The goal is to maximize industry coverage within our available resources.

The revision to the SAS will increase industry coverage. Previously, a single summary report was produced for each of the three surveys. We will now produce multiple data products and reports by various sectors.

The SAS will produce estimates of total receipts for all industries covered and source of receipts and other expanded data items for the following sectors:

- Trucking (484).
- Information (51).
- Selected industries in Finance and Insurance (52).
- Computer Systems Design and Related Services Industry (5415).
- Health and Social Assistance Sector (62) except subsector 624 (Social Assistance).

The SAS will provide dollar volume estimates for specific industries in the following NAICS sectors:

- Transportation and Warehousing (48–49).
- Information (51).
- Finance and Insurance (52).
- Real Estate and Rental and Leasing (53).
- Professional Scientific and Technical Services (54).
- Administrative and Support, Waste Management and Remediation Services (56).
- Educational Services (61).
- Health and Social Assistance (62).
- Arts, Entertainment and Recreation (71).
- Other Services (81).

The Census Bureau need report only from a limited sample of service sector firms in the United States. The probability of a firm's selection is based on its revenue size (estimated from payroll). We will mail report forms to the firms covered by this survey and require their submission within thirty days after receipt.

Preliminary information and recommendations received by the Census Bureau indicate that the data have significant application to the informational needs of government agencies, the public, and the service, transportation, information, finance, and other service industries. The data are not publicly available from nongovernmental or other governmental sources on a timely and continuing basis.

This survey will be submitted to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the proposed forms are available upon request to the Director of the Census Bureau (see **ADDRESSES** section).

Dated: August 27, 1999.

Kenneth Prewitt,

Director, Bureau of the Census.

[FR Doc. 99–24862 Filed 9–23–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904; NAFTA Panel Reviews; Notice of Completion of Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of Panel Review of the final remand determination made by the U.S. International Trade Administration, in the matter of Porcelain-on-Steel Cookware from Mexico, Secretariat File No. USA–97–1904–07.

SUMMARY: Pursuant to the Order of the Binational Panel dated July 9, 1999, affirming the final remand described above was completed on July 20, 1999.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: On July 9, 1999, the Binational Panel issued an order which affirmed the final remand determination of the United States International Trade Administration ("ITA") concerning Porcelain-on-Steel Cookware from Mexico. The Secretariat was instructed to issue a Notice of Completion of Panel Review on the 31st day following the issuance of the Notice of Final Panel Action, if no request for an Extraordinary Challenge was filed. No such request was filed. Therefore, on the basis of the Panel Order and Rule 80 of the *Article 1904 Panel Rules*, the Panel Review was completed and the panelists discharged from their duties effective August 20, 1999.

Dated: September 20, 1999.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

[FR Doc. 99–24858 Filed 9–23–99; 8:45 am]

BILLING CODE 3510–GT–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 083199B]

Fisheries Off West Coast States and in the Western Pacific; Availability of a Limited Access Permit

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Availability of a limited access permit.

SUMMARY: The Acting Regional Administrator (Regional Administrator), Southwest Region, notifies all potential applicants that one permit is available for the Ho'omalu Zone limited access bottomfish fishery in the Northwestern Hawaiian Islands (NWHI). Applications are being accepted and NMFS will issue a Ho'omalu permit to a qualifying vessel owner in accordance with the Fishery Management Plan for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP).

DATES: Applications must be filed no later than November 8, 1999.

ADDRESSES: Applications may be obtained from, and completed applications must be sent to, the Pacific Islands Area Office, Southwest Region, NMFS, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, NMFS, (808) 973–2935 ext 207.

SUPPLEMENTARY INFORMATION: At the Western Pacific Fishery Management Council (Council) meeting held on July 15 - 18, 1999, the Administrator of the Pacific Islands Area Office, NMFS, (PIAO Administrator) informed the Council that a Ho'omalu Zone permit holder was determined to be ineligible for permit renewal during calendar year 1999. The permit was lost under the Ho'omalu Zone's limited access program "use it or lose it" requirement when the permit holder's vessel failed to make the minimum number of annual bottomfish landings to be eligible for permit renewal. The Regional Administrator, in consultation with the Council, has determined that the Ho'omalu Zone fishery can still support seven bottomfishing vessels at this time.

The Regional Administrator will issue one permit to an eligible applicant to maintain the current total.

Any prospective applicant may file an application for a Ho'omalu Zone permit. Forms will be provided by the Pacific Islands Area Office, Southwest Region, NMFS (See ADDRESSES). In accordance with 50 CFR 660.61 (g)(1) a permit will be awarded based on a point system as follows:

(1) Two points will be assigned for each year in which the applicant was owner or captain of a vessel that made three or more qualifying landings of bottomfish in the NWHI. A qualifying landing is: (a) Any amount of bottomfish management unit species, regardless of weight, if made on or before August 7, 1985; (b) At least 2,500 lb (1,134 kg) of bottomfish management unit species, if made after August 7, 1985; or (c) At least 2,500 lb (1,134 kg) of any fish legally harvested from the NWHI, of which at least 50 percent by weight was bottomfish, if made after August 7, 1985.

(2) One point will be assigned for each year in which the applicant was owner or captain of a vessel that landed at least 6,000 lb (2,722 kg) of bottomfish from the main Hawaiian Islands.

(3) For any one year, points will be assigned for bottomfish landed from either the NWHI or the main Hawaiian Islands, but not for a combination of both areas.

Applicants must maintain their own files or valid documentation verifying claims of accrued points. Copies of these documents must accompany all permit applications. A permit shall be awarded to a qualifying applicant in descending order, starting with the applicant with the largest number of points. If two or more persons have an equal number of points, and there are insufficient new permits for all such applicants, the new permit shall be awarded by the Regional Administrator through a lottery. An applicant must own at least a 25–percent share in the vessel that the permit would cover, and only one permit will be assigned to any vessel. No additional permits will be issued to any vessel owner who already has a Ho'omalu Zone bottomfish permit or to a vessel owner whose permit was not renewed for the 1999 permit year. Also, in considering applications for a Ho'omalu Zone permit the Regional Administrator will follow the guidance recommended by the Council at its 91st meeting, November 18–21, 1996: (1) No State of Hawaii fish catch reports used to document eligibility points will be accepted that are more than 1 year delinquent; (2) only State of Hawaii fish catch reports will be accepted by NMFS to validate accrued qualifying points demonstrating historical participation in the Hawaiian Islands bottomfish fishery; (3) the cutoff date for applications is 45 days after publication of this notice of availability in the **Federal Register**; (4) relief captains and vessel owners must provide vessel insurance records or legal certificates of documentation demonstrating the minimum 25 percent ownership in the vessel; and (5) only records of bottomfish management unit species will be used for assigning qualifying points.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 17, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24879 Filed 9–23–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.090999B]

Marine Fisheries Advisory Committee; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC) from October 25–28, 1999.

DATES: The meetings are scheduled as follows:

October 25, 1999, 9:30 a.m. - 5:00 p.m.
October 26, 1999, 9:00 a.m. - 5:00 p.m.
October 27, 1999, 8:30 a.m. - 5:30 p.m.
October 28, 1999, 8:30 a.m. - 3:30 p.m.

ADDRESSES: The meetings will be held at NOAA Fisheries, 1315 East-West Highway, Silver Spring, at the Department of Commerce, Herbert C. Hoover Building, 14th and Constitution Avenue, NW, Washington, D.C., and at the Hotel Washington, 515 15th Street, NW, Washington, D.C. Requests for special accommodations may be directed to MAFAC, Office of Operations, Management and Information, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Elizabeth Lu Cano, Designated Federal Officer; telephone: (301) 713–2252.

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of meetings of MAFAC and MAFAC Subcommittees. MAFAC was established by the Secretary of Commerce (Secretary) on February 17, 1971, to advise the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of the Nation are adequate to meet the needs of commercial and recreational fisheries, and of environmental, state, consumer, academic, and other national interests.

Matters to Be Considered

October 25, 1999

Orientation and program briefings for new MAFAC members

October 26, 1999

Legislative, Budget, Fisheries Overcapacity, and Multi-Disciplinary Science Subcommittee Meetings

October 27, 1999

Legislative Subcommittee Report and Recommendations, Budget Subcommittee Report and Recommendations, Multi-Disciplinary Science Subcommittee Report and Recommendations, and Fisheries Overcapacity Subcommittee Report and Recommendations

October 28, 1999

Constituent Outreach and Communication Presentation and Recommendations, Vessel Monitoring Systems Presentation and Recommendations, Steering Committee Report, and Full Committee

Discussion and Recommendations

Time will be set aside for public comment on agenda items.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to MAFAC (see **ADDRESSES**).

Dated: September 20, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator, National Marine Fisheries Service.

[FR Doc. 99–24962 Filed 9–23–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091599D]

Marine Mammals; File No. 707–1531–00

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that the University of Hawaii at Manoa, College of Social Sciences, Hawaii Hall 105, Honolulu, Hawaii 96822, has applied in due form for a permit to take North Pacific humpback whales (*Megaptera novaeangliae*) for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before October 25, 1999.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222–226).

The applicant is requesting authorization to harass up to 750 North Pacific humpback whales (*Megaptera novaeangliae*) annually during the course of tracking and photographing/filming the animals for purposes of behavioral observation, individual identification, gender identification, size measurement, documentation of group membership and affiliations, and recording of vocalizations. The research will be carried out over a five-year period in waters of the North Pacific Ocean, with primary emphasis on the whales' Hawaiian winter grounds.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0070 (206/526–6426);

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (562/980–4027);

Protected Species Program Manager, Pacific Islands Area Office, NMFS, 2570 Dole Street, Room 106, Honolulu, HI 96822–2941 (808/973–2987); and

Regional Administrator, Alaska Region, NMFS, 709 W. 9th Street, Federal Building, Room 461, P.O. Box 21668, Juneau, AK 99802 (907/586–7235).

Dated: September 15, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–24761 Filed 9–23–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0139]

Submission for OMB Review; Comment Request Entitled Federal Acquisition and Community Right-to-Know

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0139).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Federal Acquisition and Community Right-to-Know. A request for public comments was published at 64 FR 38896, July 20, 1999. No comments were received.

DATES: Comments may be submitted on or before October 25, 1999.

ADDRESSES: Comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Federal Acquisition Policy Division, GSA (202) 501–1757.

SUPPLEMENTARY INFORMATION:

A. Purpose

FAR Subpart 23.9 and its associate solicitation provision and contract clause implement the requirements of E.O. 12969 of August 8, 1995 (60 FR 40989, August 10, 1995), "Federal Acquisition and Community Right-to-Know," and the Environmental Protection Agency's "Guidance Implementing E.O. 12969; Federal Acquisition Community Right-to-Know; Toxic Chemical Release Reporting" (60 FR 50738, September 29, 1995). The FAR coverage requires offerors in competitive acquisitions over $100,000 (including options) to certify that they will comply with applicable toxic chemical release reporting requirements of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001–11050) and the Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109).

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *30* minutes per response, including the time for reviewing instructions, searching existing data

sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *167,487;* responses per respondent, *1;* total annual responses, *167,487,* preparation hours per response, *0.50;* and total response burden hours, *83,744.*

OBTAINING COPIES OF PROPOSALS: Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4035, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control No. 9000–0139, Federal Acquisition and Community Right-to-Know, in all correspondence.

Dated: September 21, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 99–24952 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the United States Commission on National Security/21st Century

AGENCY: Department of Defense, Office of the Undersecretary of Defense (Policy).

ACTION: Notice of closed meeting.

SUMMARY: The United States Commission on National Security/21st Century will meet in closed session on October 4, 1999. The Commission was originally chartered by the Secretary of Defense on 1 July 1998 (charter revised on 18 August 1999) to conduct a comprehensive review of the early twenty-first century global security environment; develop appropriate national security objectives and a strategy to attain these objectives; and recommend concomitant changes to the national security apparatus as necessary.

The Commission will meet in closed session on October 4, 1999, to give guidance on the methodology and approach to follow for the development of its Phase Two report. By Charter, the Phase Two report is to be delivered to the Secretary of Defense no later than April 14, 2000. The report will be based on classified material concerning U.S. interests, objectives and a proposed national strategy to achieve those interests and objectives. The Commissioners also will meet with Secretary of State Madeline Albright and U.S. Ambassador to the United Nations Richard Holbrooke.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended [5 U.S.C., Appendix II], it is anticipated that matters affecting national security, as covered by 5 U.S.C. 552b(c)(1) (1988), will be presented throughout the meeting, and that, accordingly, the meeting will be closed to the public.

DATES: Monday, 4 October, 8:30 a.m.–5:00 p.m.

ADDRESSES: Crystal City Marriott, 1999 Jefferson Davis Hwy, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Contact Dr. Keith A. Dunn, National Security Study Group, Suite 532, Crystal Mall 3, 1931 Jefferson Davis Highway, Arlington, VA 22202–3805. Telephone 703–602–4175.

Dated: September 20, 1999.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–24854 Filed 9–23–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Scientific Advisory Board

AGENCY: Armed Forces Institute of Pathology (AFIP), DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act Public Law (92–463), announcement is made of the following open meeting.

Name of Committee: Scientific Advisory Board (SAB).

Dates of Meeting: 15–16 November 1999.

Place: Armed Forces Institute of Pathology, Building 54, 14th St. and Alaska Ave., NW, Washington, DC 20306–6000.

Time: 8:30 a.m.–4:30 p.m. (15 November 1999). 8:00 a.m.–12:00 p.m. (16 November 1999).

FOR FURTHER INFORMATION CONTACT: Mr. Ridgely Rabold, Center for Advanced Pathology (CAP), AFIP, Building 54, Washington, DC 20306–6000, phone (202) 782–2553.

SUPPLEMENTARY INFORMATION: *General function of the board:* The Scientific Advisory Board provides scientific and professional advice and guidance on programs, policies and procedures of the AFIP.

Agenda: The Board will hear status reports from the AFIP Deputy Director, Center for Advanced Pathology Director, the National Museum of Health and Medicine, and each of the pathology departments which the Board members will visit during the meeting.

Open board discussions: Reports will be given on all visited departments. The reports will consist of findings, recommended areas of further research, and suggested solutions. New trends and/or technologies will be discussed and goals established. The meeting is open to the public.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–24956 Filed 9–23–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Supplement to the 1992 Final Environmental Impact Statement on Modified Water Deliveries to Everglades National Park (Mod Waters Project) To Address a Change in Design of the Levee 67 and Levee 29 Water Conveyance Features Within Water Conservation Area 3 (WCA 3)

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The congressionally authorized Mod Waters project consists of structural modifications and additions to the existing C&SF Project required to improve water deliveries for ecosystem restoration of Everglades National Park (Park). The authorized plan calls for construction of six water control structures in Levee 67 (L–67) and its adjacent canal, which partition WCA 3 into two basins, WCA 3A and WCA 3B and two recently constructed structures in L–29. At the request of the local sponsor, the South Florida Water Management District (SFWMD), the Corps will be revaluating the design of the water conveyance features and addressing the need for water seepage control for WCA 3B.

FOR FURTHER INFORMATION CONTACT: U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232; Attn: Mr. Elmar Kurzbach, 904–232–2325.

SUPPLEMENTARY INFORMATION:

1. Alternatives to be evaluated involve combinations of gated water control structures, passive structures (fixed-crest weirs), levee removal, and canal filling to convey water from WCA 3A into WCA 3B and from WCA 3B into Northeast Shark River Slough. Seepage

control alternatives involve combinations of new operational and structural elements such as pump stations.

2. A Scoping letter and public Scoping Meeting will be used to invite comments on alternatives and issues from Federal, State, and local agencies, affected Indian tribes, and other interested private organizations and individuals.

3. The Draft EIS will analyze issues related to recreational fishing access, WCA 3B tree island flooding, introduction of poor quality water, and Everglades National Park ecosystem restoration.

4. The alternative plans will be reviewed under provisions of appropriate laws and regulations, including the Endangered Species Act, Fish and Wildlife Coordination Act, Clean Water Act, and Farmland Protection Policy Act.

5. The Draft EIS is expected to be available for public review in the 4th quarter CY 2000.

Dated: September 10, 1999.

James C. Duck,

Chief, Planning Division.

[FR Doc. 99–24955 Filed 9–23–99; 8:45 am]

BILLING CODE 3710–AJ–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Coastal Engineering Research Board (CERB); Meeting

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Dates of Meeting: October 26–27, 1999.

Place: Dauphin Island Sea Lab, Dauphin Island, Alabama.

Time: 8:15 a.m. to 12:00 p.m.

FOR FURTHER INFORMATION CONTACT: Inquiries and notice of intent to attend the meeting may be addressed to Colonel Robin R. Cababa, Executive Secretary, Coastal Engineering Research Board, U.S. Army Engineer Research and Development Center, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199.

SUPPLEMENTARY INFORMATION: *Proposed Agenda:* On October 26, 1999, the members of the Board will be briefed on the Regional Sediment Management Demonstration conducted by the Mobile District and tour the demonstration site along the coasts of Alabama and the Florida Panhandle.

On Wednesday morning, October 27, 1999, the Board will travel to the Dauphin Island Sea Lab and hear discussions concerning the demonstration, its budget, monitoring, legal constraints, and guidance. Following the meeting the Board will hold an Executive Session.

This meeting is open to the public, but since seating is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

Robin R. Cababa,

Colonel, Corps of Engineers, Executive Secretary.

[FR Doc. 99–24954 Filed 9–23–99; 8:45 am]

BILLING CODE 3710–61–M

DEPARTMENT OF ENERGY

[Docket No. EA–116–A]

Applications To Export Electric Energy; Calpine Power Services Company

AGENCY: Office of Fossil Energy, DOE

ACTION: Notice of application.

SUMMARY: Calpine Power Services Company (CPSC) has applied for renewal of its authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before October 25, 1999.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On October 8, 1996, the Office of Fossil Energy (FE) of the Department of Energy (DOE) authorized CPSC to transmit electric energy from the United States to Mexico as a power marketer using the international electric transmission facilities of San Diego Gas and Electric Company, El Paso Electric Company, Central Power and Light Company and Comision Federal de Electricidad, the national electric utility of Mexico (Order No. EA–116). That two-year authorization expired on October 8, 1998. On August 31, 1999, CPSC filed an application with FE for a new two-year authorization to export electric energy to Mexico. DOE is treating this new application as a request for an amendment to the original authorization.

CPSC, a California corporation with its principal place of business in San Jose, is a power marketer and does not own or control any facilities for the generation or transmission of electricity, nor does it have a franchised service area. CPSC proposes to transmit to Mexico electric energy purchased from electric utilities and other suppliers within the U.S.

In FE Docket EA–116–A, CPSC proposes to arrange for the delivery of electric energy to Mexico over the international transmission facilities previously authorized by Presidential permits issued pursuant to Executive Order 10485 and owned by Arizona Public Service Company, San Diego Gas and Electric Company, El Paso Electric Company, Central Power and Light Company, Imperial Irrigation District, and Comision Federal de Electricidad, the national electric utility of Mexico. CPSC also requests authority to export over the international transmission facilities proposed by Public Service Company of New Mexico and NRG Energy, Inc. DOE presently is processing Presidential permit applications filed by these two companies.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the CPSC application to export electric energy to Mexico should be clearly marked with Docket EA–215. Additional copies are to be filed directly with Cheryl Feik Ryan, Esq., Van Ness Feldman, P.C., 1050 Thomas Jefferson St. NW, Seventh Floor, Washington, DC

20007–3877; Joseph E. Ronan, Jr. Esq., Vice President, Regulatory Affairs, Calpine Corporation, 50 West San Fernando, 5th Floor, San Jose, CA 95113 *AND* Mr. James Glotfelty, Manager, Government Affairs, Calpine Corporation, 700 Louisiana Street, Suite 2350, Houston, Texas 77002.

A final decision will be made on these applications after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA) and a determination is made by the DOE that the proposed actions will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of these applications will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select "Regulatory", then "Electricity", then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on September 20, 1999.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy

[FR Doc. 99–24921 Filed 9–23–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-specific Advisory Board (EM SSAB) Oak Ridge. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATE: Wednesday, October 6, 1999: 6:00–9:30 p.m. Board Meeting.

ADDRESS: Oak Ridge Mall, Club Room, Main Street, Oak Ridge, TN 37830.

FOR FURTHER INFORMATION CONTACT: Marianne Heiskell, Federal Coordinator/Ex-Officio Officer, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831, (423) 576–0314.

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. "Oak Ridge Operations outlook" presented by Ms. Dever, Oak Ridge Operations Manager

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Marianne Heiskell at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at the end of the meeting. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved prior to publication.

Minutes: Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 7:30 a.m. and 5:30 p.m. Monday through Friday, or by writing to Marianne Heiskell, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831, or by calling her at (423) 576–0314.

Issued at Washington, DC on September 21, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–24918 Filed 9–23–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada Test Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, October 6, 1999: 6:00 p.m.–9:00 p.m.

ADDRESS: DOE/Nevada Big Basin Room, 232 Energy Way, North Las Vegas, NV.

FOR FURTHER INFORMATION CONTACT: Kevin Rohrer, U.S. Department of Energy, Office of Environmental Management, P.O. Box 98518, Las Vegas, Nevada 89193–8513, phone: 702–295–0197.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

- Long-term Stewardship at the Nevada Test Site
- Oak Ridge SSAB proposal to exchange wastes with the Nevada Test Site

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kevin Rohrer, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Kevin Rohrer at the address listed above.

Issued at Washington, DC on September 20, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–24919 Filed 9–23–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

State Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of change in meeting location.

SUMMARY: The meeting scheduled for September 30—October 1, 1999 in Wrightsville Beach, North Carolina has been moved due to structural damage. The new location for the meeting is in Virginia at the Hyatt Arlington, 1325 Wilson Blvd., Arlington, Va., (703) 525–1234. This meeting was announced in the **Federal Register** on August 18, 1999, 64 FR 44912.

Issued in Washington, DC on September 21, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–24920 Filed 9–23–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–621–000]

Texas Eastern Transmission Corporation; Notice of Application

September 20, 1999.

Take notice that on September 14, 1999, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed in Docket No. CP99–621–000 an application pursuant to Section 7 of the Natural Gas Act (NGA) and the Commission's Regulations thereunder, for a certificate of public convenience and necessity authorizing Texas Eastern to construct, own, operate and maintain certain facilities to render a firm lateral transportation service for up to 120,000 dekatherms per day (Dth/d) of natural gas to Williams Energy Marketing & Trading Company (Williams), all as more fully set forth in the application on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).*

Any questions regarding the application should be directed to Steven E. Tillman, Director of Regulatory Affairs, Texas Eastern Transmission Corporation, PO Box 1642, Houston, Texas 77251–1642, (713) 627–5113 & (713) 627–5947 (FAX).

The facilities will comprise 3.6 miles of 16-inch pipeline lateral extending from points on Texas Eastern's existing two 30-inch main lines in Lebanon County, Pennsylvania to a proposed tie-in with the Ironwood Electric Generating Plant, located near Lebanon, Pennsylvania and currently under construction. Texas Eastern proposes to commence construction of the facilities in June, 2000 to meet its September 1, 2000 in service date for test gas deliveries to the Ironwood Plant. The cost of the facilities is estimated to be approximately $5.725 million based on year of construction dollars. Texas Eastern states that firm lateral transportation service of up to 120,000 Dth/d will be rendered to Williams.

Texas Eastern requests authorization to charge a NGA Section 7(c) initial rate, as a separately stated market area lateral charge consisting of an incremental reservation charge rate under Texas Eastern's Rate Schedule FT–1, which includes both a Peak and Off-Peak reservation charge rate. The initial reservation charge rates are designed to recover sixty percent (60%) of the annual reservation charge obligation of Williams during the period beginning May 1, through September 30 of each service year, and forty percent (40%) of the annual reservation charge obligation of Williams during the period beginning October 1 through April 30 of each service year. Texas Eastern states that the rates are designed on an incremental basis, using Texas Eastern's cost-of-service factors approved in Docket No. RP90–119, *et al.*

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before October 12, 1999, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protesters provide copies of their protests to the party or parties directly involved. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order.

However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for Texas Eastern to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 99–24867 Filed 9–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL99–93–000]

Turlock Irrigation District and Modesto Irrigation District v. California Independent System Operator Corporation; Notice of Filing

September 20, 1999.

Take notice that on September 17, 1999, the Turlock Irrigation District and the Modesto Irrigation District (collectively, Districts), tendered for filing a Complaint And Request For Investigation Of Discriminatory Application Of Tariff (Complaint) against the California Independent System Operator Corporation (CAISO). The Districts' Complaint alleges that the AISO has unduly discriminated in establishing standards for procuring certain Ancillary Services and Supplemental Energy.

Copies of the Complaint were served, simultaneous with filing with the Commission, on the CAISO and on the California Public Utilities Commission.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 7, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Answers to the complaint shall be due on or before October 7, 1999.

David P. Boergers,

Secretary.

[FR Doc. 99–24962 Filed 9–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–3289–001 et al.]

California Independent System Operator Corporation, et al.; Electric Rate and Corporate Regulation Filings

September 20, 1999.

Take notice that the following filings have been made with the Commission:

1. California Independent System Operator

[Docket No. ER99–3289–001]

Take notice that on September 15, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a compliance filing in the above-referenced docket which included a number of revisions to the ISO Tariff and a revision to the *pro forma* Participating Load Agreement. The ISO states that this filing was submitted to comply with the Commission's August 16, 1999 Order, 88 FERC ¶ 61,182 (1999), in the above-referenced docket.

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: October 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Select Energy, Inc.

[Docket No. ER99–3658–000]

Take notice that on September 14, 1999, Select Energy, Inc. (Select), tendered for filing, under Section 205 of the Federal Power Act, revisions to the proposed market-based tariff and to the amended version of its existing market-based rate tariff filed in the above-captioned docket on July 21, 1999. The revisions would specify the ancillary services that Select offers for sale at market-based rates in markets where the Commission has authorized sales of certain ancillary services at market-based rates.

Copies of the filing were served on purchasers under Select's existing market-based rate tariff and on the Connecticut, Massachusetts and New Hampshire commissions.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Consumers Energy Company

[Docket No. ER99–4434–000]

Take notice that on September 14, 1999, Consumers Energy Company (Consumers), tendered for filing an executed service agreement for Firm Point-to-Point Transmission Service with Consumers Energy Company—Electric Sourcing and Trading. The agreement is pursuant to the Joint Open Access Transmission Service Tariff filed on December 31, 1996 by Consumers and The Detroit Edison Company (Detroit Edison) and has an effective date of September 9, 1999.

Copies of the filing were served upon the Michigan Public Service Commission, Detroit Edison and the customer listed above.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Cinergy Services, Inc.

[Docket No. ER99–4438–000]

Take notice that on September 14, 1999, Cinergy Services, Inc. (Cinergy) and American Energy Trading, Inc. (AET), tendered for filing Notice of Assignment that AET will replace American Energy Solutions, Inc., of Cinergy's Market-Based Power Sales Tariff Original Volume No. 7–MB, Service Agreement No. 135, dated October 25, 1998.

Cinergy and AET are requesting an effective date of one day after filing.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Cinergy Services, Inc.

[Docket No. ER99–4439–000]

Take notice that on September 14 1999, Cinergy Services, Inc. (Cinergy) and American Energy Trading, Inc. (AET), tendered for filing Notice of Assignment that AET will replace American Energy Solutions, Inc., of Cinergy's Cost-Based Power Sales Tariff Original Volume No. 6–CB, Service Agreement No. 135, dated October 25, 1997.

Cinergy and NYSEG are requesting an effective date of one day after filing.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Wisconsin Public Service Corporation

[Docket No. ER99–4440–000]

Take notice that on September 14, 1999, Wisconsin Public Service Corporation tendered for filing an executed service agreement with North Central Power Co., Inc. under its Market-Based Rate Tariff.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Wisconsin Public Service Corporation

[Docket No. ER99–4441–000]

Take notice that on September 14, 1999, Wisconsin Public Service Corporation tendered for filing an executed service agreement with Northwestern Wisconsin Electric Co., under its Market-Based Rate Tariff.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. PP&L, Inc.

[Docket No. ER99–4442–000]

Take notice that on September 14, 1999, PP&L, Inc. (PP&L), tendered for filing a Service Agreement dated August 24, 1999 with NRG Power Marketing Inc. (NRG), under PP&L's Market-Based Rate and Resale of Transmission Rights Tariff, FERC Electric Tariff, Revised Volume No. 5. The Service Agreement adds NRG as an eligible customer under the Tariff.

PP&L requests an effective date of September 14, 1999, for the Service Agreement.

PP&L states that copies of this filing have been supplied to NRG and to the Pennsylvania Public Utility Commission.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. FirstEnergy System

[Docket No. ER99–4435–000]

Take notice that on September 14, 1999, FirstEnergy System tendered for filing a Service Agreement to provide Firm Point-to-Point Transmission Service for Northern States Power Company, the Transmission Customer. Services are being provided under the FirstEnergy System Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER97–412–000.

The proposed effective date under this Service Agreement is September 9, 1999, for the above mentioned Service Agreement in this filing.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Duke Energy St. Francis LLC

[Docket No. ER99–4436–000]

Take notice that on September 14, 1999, Duke Energy St. Francis LLC (DESF), tendered for filing a Long Term Service Agreement with Duke Energy Trading and Marketing Trading, LLC (DETM). Under the Long Term Service Agreement, DESF will make available to DETM the power to which DESF is entitled from the St. Francis units and DESF, as a power marketer for the Duke Energy Companies, will resell such power and remit associated revenue to DESF.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. FirstEnergy System

[Docket No. ER99–4437–000]

Take notice that on September 14, 1999, FirstEnergy System tendered for filing a Service Agreement to provide Non-Firm Point-to-Point Transmission Service for: Northern States Power Company, the Transmission Customer. Services are being provided under the FirstEnergy System Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER97–412–000.

The proposed effective date under this Service Agreement is September 9, 1999.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. PJM Interconnection, L.L.C.

[Docket No. ER99–4444–000]

Take notice that on September 14, 1999, PJM Interconnection, L.L.C. (PJM), tendered for filing 6 executed service agreements for transmission service under the PJM Open Access Transmission Tariff. The agreements are as follows: 3 umbrella agreements for firm point-to-point transmission service agreements with Citizens Power Sales, CNG Power Services Corporation, and CNG Retail Services Corporation; 2 umbrella non-firm point-to-point transmission service agreements with CNG Power Services Corporation and CNG Retail Services Corporation; and 1 umbrella agreement for network integration transmission service under state required retail access programs with CNG Retail Services Corporation.

Copies of this filing were served upon the parties to the service agreements.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Indeck-Olean Limited Partnership

[Docket No. ER99–4445–000]

Take notice that on September 14, 1999, Indeck-Olean Limited Partnership tendered for filing pursuant to Section 205 of the Federal Power Act, and Part 35 of the Commission's Regulations, its short-term agreements with Niagara Mohawk Energy Marketing, Inc.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Indeck-Olean Limited Partnership

[Docket No. ER99–4446–000]

Take notice that on September 14, 1999, Indeck-Olean Limited Partnership tendered for filing pursuant to Section 205 of the Federal Power Act, and Part 35 of the Commission's Regulations, its long-term agreements with Niagara Mohawk Energy Marketing, Inc.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Rochester Gas and Electric Corporation

[Docket No. ER99–4447–000]

Take notice that on September 15, 1999, Rochester Gas and Electric Corporation (RG&E), tendered for filing with the Federal Energy Regulatory Commission (Commission) an executed Service Agreement between RG&E and DukeSolutions, Inc., for service pursuant to RG&E's Market-Based Power Sales Tariff and its retail access program.

RG&E requests waiver of the Commission's notice requirements for good cause shown and an effective date of August 30, 1999.

A copy of this application has been served on the Customer and the New York Public Service Commission.

Comment date: October 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Rochester Gas and Electric Corporation

[Docket No. ER99–4448–000]

Take notice that on September 15, 1999, Rochester Gas and Electric Corporation (RG&E), tendered for filing with the Federal Energy Regulatory Commission an executed Service Agreement between RG&E and DukeSolutions, Inc., for service pursuant to RG&E's Market-Based Power Sales Tariff and its retail access program.

RG&E requests waiver of the Commission's notice requirements for good cause shown and an effective date of September 2, 1999.

A copy of this application has been served on the Customer and the New York Public Service Commission.

Comment date: October 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Public Service Electric and Gas Company

[Docket No. ER99–4449–000]

Take notice that on September 15, 1999, Public Service Electric and Gas Company (PSE&G), tendered for filing tariff sheets regarding calculations of

peak and hourly loads used in the determination of capacity, transmission and energy interchange obligations of suppliers authorized to conduct business in PSE&G's service territory pursuant to New Jersey's state mandated retail electric choice program.

PSE&G has requested an effective date of November 14, 1999.

Copies of the filing were served upon members of the PJM Interconnection, L.L.C. and the New Jersey Board of Public Utilities.

Comment date: October 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Georgia Power Company

[Docket No. ER99–4450–000]

Take notice that on September 15, 1999, Georgia Power Company (Georgia Power), tendered for filing the Interconnection Agreement by and between Monroe Power Company (Monroe Power) and Georgia Power (the Agreement). The Agreement permits Monroe Power to interconnect and operate in parallel with the Georgia Power electric system. The Agreement was executed on August 25, 1999 and terminates in 30 years.

Comment date: October 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. California Independent System Operator Corporation

[Docket No. ER99–4451–000]

Take notice that on September 15, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for Scheduling Coordinators between the ISO and Coral Power, L.L.C. (Coral Power), for acceptance by the Commission.

The ISO states that this filing has been served on Coral Power and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement to be made effective as of September 2, 1999.

Comment date: October 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Tampa Electric Company

[Docket No. ER99–4452–000]

Take notice that on September 15, 1999, Tampa Electric Company (Tampa Electric), tendered for filing a service agreement with the City of Lakeland, Florida (Lakeland) under Tampa Electric's market-based sales tariff.

Tampa Electric proposes that the service agreement be made effective on August 17, 1999.

Copies of the filing have been served on Lakeland and the Florida Public Service Commission.

Comment date: October 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. Hardee Power Partners Limited

[Docket No. ER99–4453–000]

Take notice that on September 15, 1999, Hardee Power Partners Limited (HPP), tendered for filing an abbreviated rate filing in connection with amendments (Fourth Amendments) to two power sales agreements providing for the sale of electric capacity and associated energy to Seminole Electric Cooperative, Inc. (Seminole) and Tampa Electric Company (Tampa Electric), the rates under which were previously accepted by the Commission. The Fourth Amendments implement the provisions of the original agreements which contemplate the construction by HPP of additional generation at the HPP site and reflect certain related changes in the rates under the power sales agreements pursuant to the terms of those agreements.

HPP requests waiver of the Commission's sixty (60) day notice requirements and an effective date of November 1, 1999.

HPP has served copies of the filing on Seminole and Tampa Electric and the Florida Public Service Commission.

Comment date: October 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Hardee Power Partners Limited

[Docket No. ER99–4454–000]

Take notice that on September 15, 1999, Hardee Power Partners Limited (HPP), tendered for filing an abbreviated rate filing in connection with amendments (Third Amendments) to two power sales agreements providing for the sale of electric capacity and associated energy to Seminole Electric Cooperative, Inc. (Seminole) and Tampa Electric Company (Tampa Electric), the rates under which were previously accepted by the Commission. The Third Amendments implement the provisions of the original agreements which contemplate the construction by Seminole of additional generation at the HPP site and reflect certain related changes in the rates under the power sale agreements pursuant to the term of those agreements.

HPP requests waiver of the Commission's sixty (60) day notice requirements and an effective date of November 1, 1999.

HPP has served copies of the filing on Seminole and Tampa Electric and the Florida Public Service Commission.

Comment date: October 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. Sierra Pacific Power Company

[Docket No. ER99–4455–000]

Take notice that on September 15, 1999, Sierra Pacific Power Company (Sierra), tendered for filing pursuant to Section 205 of the Federal Power Act, an executed Network Integrated Transmission Service Agreement (Service Agreement) between Sierra and the Truckee Donner Public Utility District. The Service Agreement is being filed in compliance with the June 3, 1998, Stipulation and Agreement filed in Docket No. ER97-3593–000 and approved by the Commission on April 15, 1999 (87 FERC ¶ 61,066).

Sierra has requested that the Commission accept the Service Agreement as of September 15, 1999.

Comment date: October 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. New York State Electric & Gas Corporation

[Docket No. ER99–4467–000]

Take notice that on September 15, 1999, New York State Electric & Gas Corporation (NYSEG), tendered for filing Service Agreements between NYSEG and Engage Energy US, L.P. This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of the NYSEG open access transmission tariff filed July 9, 1997 and effective on November 27, 1997, in Docket No. ER97–2353–000.

NYSEG requests waiver of the Commission's sixty-day notice requirements and an effective date of July 26, 1999, for the Service Agreements.

NYSEG has served copies of the filing on The New York State Public Service Commission and on the Customer.

Comment date: Oct 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–24863 Filed 9–23–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–224–000, et al.]

Midwest Generation, LLC et al; Electric Rate and Corporate Regulation Filings

September 17, 1999.

Take notice that the following filings have been made with the Commission:

1. Midwest Generation, LLC

[Docket No. EG99–224–000]

Take notice that on September 10, 1999, Midwest Generation, LLC filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a limited liability company organized under the laws of the State of Delaware that will be engaged directly and exclusively in owning and/or operating 9,287 MW of generating capacity in Illinois being acquired from Commonwealth Edision Company.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Collins Trust I

[Docket No. EG99–225–000]

Take notice that on September 10, 1999, Collins Trust I filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in a 2,698 MW dual-fired eligible facility in Morris, Illinois. The facility will be leased by applicant and other owners to Collins Holdings EME, LLC, which in turn will lease the facility to Midwest Generation, LLC, which will operate the facility as an exempt wholesale generator.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Collins Trust II

[Docket No. EG99–226–000]

Take notice that on September 10, 1999, Collins Trust II filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in a 2,698 MW dual-fired eligible facility in Morris, Illinois. The facility will be leased by applicant and other owners to Collins Holdings EME, LLC, which in turn will lease the facility to Midwest Generation, LLC, which will operate the facility as an exempt wholesale generator.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Collins Trust III

[Docket No. EG99–227–000]

Take notice that on September 10, 1999, Collins Trust III filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in a 2,698 MW dual-fired eligible facility in Morris, Illinois. The facility will be leased by applicant and other owners to Collins Holding EME, LLC, which in turn will lease the facility to Midwest Generation, LLC, which will operate the facility as an exempt wholesale generator.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. Collins Trust IV

[Docket No. EG99–228–000]

Take notice that on September 10, 1999, Collins Trust IV filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in a 2,698 MW dual-fired eligible facility in Morris, Illinois. The facility will be leased by applicant and other owners to Collins Holdings EME, LLC, which in turn will lease the facility in Midwest Generation, LLC, which will operate the facility as an exempt wholesale generator.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. JPower Inc. and Fortistar Power Marketing LLC

[Docket Nos. ER95–1421–013 and ER98–3393–003]

Take notice that on September 10, 1999, the above-mentioned power marketers filed a quarterly report with the Commission in the above-mentioned proceedings for information only.

7. Amerada Hess Corporation and Advantage Energy, Inc.

[Docket Nos. ER97–2153–009 and ER97–2758–007]

Take notice that on September 17, 1999, the above-mentioned power marketers filed filing quarterly reports with the Commission in above-referenced proceedings for information only.

8. Mobile Energy LLC

[Docket No. QF96–103–002]

Take notice that on September 10, 1999, Mobil Energy LLC filed an amendment to their application filed on August 31, 1999.

Comment date: October 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. AES Placerita

[Docket No. EG99–231–000]

Take notice that on September 15, 1999, AES Placerita, Inc., 20885 Placerita Canyon Road, Newhall, CA 91321 (AESPL), filed with the Federal Energy Regulatory Commission (Commission) an application for

determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

AESPL states that it is a corporation organized and existing under the laws of the State of Delaware. AESPL indicates that it is engaged directly and exclusively in the business of owning and operating all or part of three cogeneration facilities located in the City of Santa Clarita, California and selling electric energy at wholesale.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

10. AES Red Oak, L.L.C.

[Docket No. EG99–229–000]

Take notice that on September 13, 1999, AES Red Oak, L.L.C. which is developing a generating facility in Sayerville, New Jersey filed with the Federal Energy Regulatory Commission an application for a determination of Exempt Wholesale Generator status pursuant to Part 365 of the Commission's regulations.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

11. Northbrook New York, LLC

[Docket No. EG99–230–000]

Take notice that on September 14, 1999, Northbrook New York, LLC (Applicant), with its principal office at 225 West Wacker Driver, Chicago, Illinois 60606, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Section 32 of the Public Utility Holding Company Act of 1935 and Part 365 of the Commission's regulations.

Applicant states that it will own and operate the approximately 35 megawatt (net) Glen Park Hydroelectric Project, FERC Project No. 4796, located in the Village of Glen Park, Jefferson County, New York, and will sell electric energy exclusively at wholesale.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

12. South Carolina Electric & Gas Company

[Docket No. ER99–4422–00]

Take notice that on September 10, 1999, South Carolina Electric & Gas Company (SGE&G), tendered for filing proposed changes to its Pro Forma Open Access Transmission Tariff. The filing would change the tariff to include language required by the Commission's Order No. 888–A, to reflect current addresses on certain forms, and to amend provisions appearing in Schedules 7 and 8.

Comment date: September 30, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Northern Indiana Public Service Company

[Docket No. ER99–4416–000]

Take notice that on September 10, 1999, Northern Indiana Public Service Company (Northern Indiana), tendered for filing a Service Agreement pursuant to its Power Sales Tariff with Transalta Energy Marketing (U.S.) Inc. (Transalta).

Northern Indiana has requested an effective date of July 13, 1999.

Copies of this filing have been sent to Transalta, to the Indiana Utility Regulatory Commission, and to the Indiana Office opf Utility Consumer Counselor.

Comment date: September 30, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Allegency Power

[Docket No. ER99–1141–001]

Take notice that on September 13, 1999, Allegheny Power on behalf of Monongahela Power Company tendered for filing a summary of refunds to West Virginia Wholesale Customers.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Entergy Services, Inc.

[Docket No. ER99–2854–000]

Take notice that on September 13, 1999, Entergy Services, Inc. (Entergy Services), as agent for Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing certain corrections to the 1999 annual rate redetermination for Entergy Services' Open Access Transmission Tariff.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Niagra Mohawk Power Corporation and Rochester Gas & Electric Corporation

[Docket No. ER99–3539–000]

Take notice that on September 13, 1999, Niagara Mohawk Power Corporation and Rochester Gas and Electric Corporation tendered for filing, under Sections 205 and 206 of the Federal Power Act, an Amendment to their July 9, 1999 filing amending Niagra Mohawk's Rate Schedule No. 176. This America Filing is designed to respond to the Deficiency Letter which the Commission issued in this docket on August 12, 1999, in response to the original July 9, filing.

A copy of this filing has been served upon the Public Service Commission of the State of New York.

Comment date: October 1, 1999, in accordance with Standard Paragrah E at the end of this notice.

17. InPower Marketing Group

[Docket No. ER99–3964–000]

Take notice that on September 13, 1999, InPower Marketing Corp. (InPower), tendered for filing proposed changes in its FERC No. 1 Rate Schedule. The proposed changes would clarify the business activities of InPower, the ownership of InPower, affiliates of InPower, and the business activities of InPower owners and affiliates. The proposed changes are the result of a deficient submittal of the original filing.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Virginia Electric and Power Company

[Docket No. ER99–4154–000]

Take notice that on August 20, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing an unexecuted Service Agreement for Firm Point-to-Point Transmission Service with Coral Power L.L.C., under the Company's Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreement, Virginia Power will provide Firm Point-to-Point Transmission Service to the Transmission Customer ' under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of July 23, 1999, the date service was first provided.

Copies of the filing were served upon Coral Power L.L.C., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. California Independent System Operator Corporation

[Docket No. ER99–4417–000]

Take notice that on September 10, 1999, the California Independent

System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and AES Placerita, Inc., for acceptance by the Commission.

The ISO states that this filing has been served on AES Placerita, Inc. and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement for ISO Metered Entities to be made effective August 31, 1999.

Comment date: September 30, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. California Independent System Operator Corporation

[Docket No. ER99–4418–000]

Take notice that on September 10, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Participating Generator Agreement between the ISO and AES Placerita, Inc., for acceptance by the Commission.

The ISO states that this filing has been served on AES Placerita, Inc., and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective August 31, 1999.

Comment date: September 30, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. Portland General Electric Company

[Docket No. ER99–4419–000]

Take notice that on September 10, 1999, Portland General Electric Company (PGE), tendered for filing under PGE's Final Rule pro forma tariff (FERC Electric Tariff First Revised Volume No. 8, Docket No. OA96–137–000), executed Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with Chelan County PUD.

Pursuant to 18 CFR Section 35.11, and the Commission's Order in Docket No. PL93–2–002 issued July 30, 1993, PGE respectfully requests that the Commission grant a waiver of the notice requirements of 18 CFR Section 35.3 to allow the Service Agreement to become effective August 15, 1999.

A copy of this filing was caused to be served upon Chelan County PUD, as noted in the filing letter.

Comment date: September 30, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Duquesne Light Company

[Docket No. ER99–4423–000]

Take notice that on September 13, 1999, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) executed Service Agreement at Market-Based Rates with TransAlta Energy Marketing, Inc., (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of September 10, 1999.

Copies of this filing were served upon Customer.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. Portland General Electric Company

[Docket No. ER99–4425–000]

Take notice that on September 13, 1999, Portland General Electric Company (PGE), tendered for filing under PGE's Final Rule pro forma tariff (FERC Electric Tariff First Revised Volume No. 8, Docket No. OA96–137–000), executed Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with City of Tacoma Department of Public Utilities.

Pursuant to 18 CFR Section 35.11, and the Commission's Order in Docket No. PL93–2–002 issued July 30, 1993, PGE respectfully requests that the Commission grant a waiver of the notice requirements of 18 CFR Section 35.3 to allow the Service Agreement to become effective August 15, 1999.

A copy of this filing was caused to be served upon City of Tacoma Department of Public Utilities, as noted in the filing letter.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. Portland General Electric Company

[Docket No. ER99–4426–000]

Take notice that on September 13, 1999, Portland General Electric Company (PGE), tendered for filing under PGE's Final Rule pro forma tariff (FERC Electric Tariff First Revised Volume No. 8, Docket No. OA96–137–000), executed Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with Seattle City Light.

Pursuant to 18 CFR 35.11, and the Commission's Order in Docket No. PL93–2–002 issued July 30, 1993, PGE respectfully requests that the Commission grant a waiver of the notice requirements of 18 CFR Section 35.3 to allow the Service Agreement to become effective August 23, 1999.

A copy of this filing was caused to be served upon Seattle City Light, as noted in the filing letter.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

25. Consumers Energy Company

[Docket No. ER99–4433–000]

Take notice that on September 13, 1999, Consumers Energy Company (Consumers), tendered for filing an executed service agreement for unbundled wholesale power service with Wisconsin Electric Power Company, TransAlta Energy Marketing (U.S.) Inc. and Carolina Power & Light Company pursuant to Consumers' Market Based Power Sales Tariff accepted for filing in Docket No. ER98–4421–000.

Copies of the filing have been served on the Michigan Public Service Commission and the customers under the respective service agreements.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

26. Duquesne Light Company

[Docket No. ER99–4424–000]

Take notice that on September 13, 1999, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) executed Service Agreement at Market-Based Rates with New Energy Partners, L.L.C. (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of September 10, 1999.

Copies of this filing were served upon Customer.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

27. Florida Power & Light Company

[Docket No. ER99–4427–000]

Take notice that on September 13, 1999, Florida Power & Light Company (FPL), tendered for filing a Service Agreement with The Legacy Energy Group, LLC for service pursuant to Tariff No. 1 for Sales of Power and Energy by Florida Power & Light and a Service Agreement with The Legacy Energy Group, LLC for service pursuant to FPL's Market Based Rates Tariff.

FPL requests that the Service Agreements be made effective on August 18, 1999.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

28. American Electric Power Service Corporation

[Docket No. ER99–4428–000]

Take notice that on September 13, 1999, the American Electric Power Service Corporation (AEPSC), tendered for filing blanket service agreements by the AEP Companies under the Wholesale Market Tariff of the AEP Operating Companies (Power Sales Tariff) and letters of assignment under the Power Sales Tariff. The Power Sales Tariff was accepted for filing effective October 10, 1997 and has been designated AEP Operating Companies' FERC Electric Tariff Original Volume No. 5.

AEPSC respectfully requests waiver of notice to permit the service agreements and assignments to be made effective as specified in the submittal letter to the Commission with this filing.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

29. Entergy Services, Inc.

[Docket No. ER99–4429–000]

Take notice that on September 13, 1999, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc. (Entergy Arkansas), tendered for filing the Sixth Amendment to the Power Agreement between Entergy Arkansas and the City of North Little Rock, Arkansas (City) dated August 26, 1999 which establishes a new point of delivery at the City's Dixie Substation.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

30. Entergy Services, Inc.

[Docket No. ER99–4430–000]

Take notice that on September 13, 1999, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc. (Entergy Arkansas), tendered for filing the Sixth Amendment to the Power Agreement between Entergy Arkansas and the City of North Little Rock, Arkansas (City) dated August 26, 1999 which establishes a new point of delivery at the City's Dixie Substation.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

31. Cinergy Services, Inc.

[Docket No. ER99–4431–000]

Take notice that on September 10, 1999, Cinergy Services, Inc., collectively as agent for and on behalf of its utility operating company affiliates, The Cincinnati Gas & Electric Company and PSI Energy, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Resale, Assignment or Transfer of Transmission Rights and Ancillary Service Rights Tariff (the Tariff) entered into between Cinergy and TransAlta Energy Marketing (U.S.) Inc. (TEMUS).

Cinergy and TEMUS are requesting an effective date of one day after the filing.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

32. Illinois Power Company

[Docket No. ER99–4432–000]

Take notice that on September 13, 1999, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62522, tendered for filing a Netting Agreement between Louisville Electric & Gas Company/Kentucky Utilities Company (LG&E/KU) and Illinois Power. The Netting Agreement principally provides that, during each month in which payments for wholesale power services are due, Illinois Power and LG&E/KU will net the amounts owed by each party to the other, such that the only payment to be made will be by the party owing the difference between the two amounts.

Illinois Power has requested an effective date of September 1, 1999.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

33. AG–Energy, L.P., Seneca Power Partners, L.P., Sterling Power Partners, L.P. and Power City Partners, L.P.

[Docket No. ER99–4443–000]

Take notice that on September 13, 1999, AG–Energy, L.P. (AG–Energy), Seneca Power Partners, L.P. (Seneca Power Partners), Sterling Power Partners, L.P. (Sterling Power Partners), and Power City Partners, L.P. (Power City Partners) (collectively, the Applicants), petitioned the Commission for acceptance of the Applicants proposed FERC Rate Schedules No. 2. Applicants request certain authority to make sales of ancillary services for resale at market-based rates within the markets administered by the New York Independent System Operator (New York ISO). Applicants also request certain blanket authorizations, and waiver of certain of the Commission's Regulations.

Comment date: October 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–24901 Filed 9–23–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

September 20, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Application Type: Amendment of Licenses.

b. Project Nos.: 1869–037, 2188–044, 2301–015.

c. Date Filed: August 31, 1999.

d. Applicants: The Montana Power Company (MPC) and PP&L Montana, L.L.C. (PPLM).

e. Names of Projects: Thompson Falls, Missouri Madison, and Mystic Lake.

f. Location: The Thompson Falls project is located on the Clark Fork River in Sander County, Montana. The Missouri-Madison project is on the Missouri and Madison Rivers in Cascade, Gallatin, Lewis and Clark and Madison Counties, Montana. The Mystic Lake project is on West Rosebud Creek in Custer National Forest and Stillwater County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant's Contacts: For MPC, Michael P. Manion, 40 East Broadway, Butte, MT 59701, (406) 497–2456; for

PPLM, David R. Poe, LeBoeuf, Lamb, Green & MacRae LLP, 1875 Connecticut Avenue, NW, Washington, DC 20009, (202) 986–8039.

i. FERC Contact; Any questions on this notice should be addressed to Doan Pham at (202) 219–2851 or e-mail address *doan.pham@ferc.fed.us.*

j. Deadline for filing comments, motions to intervene, or protests: 45 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Please include the Project Numbers (1869–037, 2188–037, and 2301–015) on any comments, protests, or motions filed.

k. Description of Amendment: MPC, present licensee of the above captioned hydroelectric projects, and PPLM, prospective licensee of these same projects, have filed an application requesting: (1) Commission authorization to amend the license for project No. 2188 in order to (a) remove certain transmission facilities from the project and (b) to specify new Generation Point of Receipt (GPOR), as points of interconnection between developments in the project that will be conveyed to PPLM transmission facilities of MPC; (2) Commission authorization to amend the license for Project No. 2301 in order to specify a new GPOR similar to that being proposed for Project No. 2188; (3) for Project Nos. 2188, 2301 and 1869, Commission approval of and, as necessary, waivers for exercise of land use provisions in the respective project licenses to permit MPC to reserve certain land uses for itself. All of these changes in project licenses are being requested prior to the transfer of the project licenses and associated assets to PPLM, a transaction that has already received approval by Commission Order 88 FERC ¶ 62,018.

l. Locations of the Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the addresses in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representative.

David P. Boergers,

Secretary.

[FR Doc. 99–24864 Filed 9–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Scoping Meetings and Site Visits and Soliciting Scoping Comments

September 20, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New Major License.

b. *Project No.:* 2566–010.

c. *Date Filed:* March 30, 1999.

d. *Applicant:* Consumers Energy Company.

e. *Name of Project:* Webber Hydroelectric Project.

f. *Location:* On the Grand River, in Ionia County, near the City of Portland, Michigan. The project would not utilize federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David Battige, Consumers Energy Company, Hydro Operations, 330 Chestnut Street, Cadillac, MI 49601, (616) 779–5506.

i. *FERC Contact:* Tom Dean, thomas.dean@ferc.fed.us, (202) 219–2778.

j. *Deadline for filing scoping comments:* November 22, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenors files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Status of environmental analysis: This application is not ready for environmental analysis at this time.

l. Description of the Project: The project consists of the following existing facilities: (1) a 32-foot-high, 1,200-foot-long dam comprising: (a) a 157-foot-long concrete powerhouse section, (b) a 313-foot-long concrete spillway with 10 Taintor gates and one hydraulic flap gate, and (c) two earth embankment sections having a combined total length of 730 feet; (2) a 7-mile-long reservoir having a 660-acre surface area at a normal pool elevation of 684.4 feet USGS; (3) a powerhouse containing two generating units with a total installed capacity of 3,250 kW; and (4) other appurtenances.

m. Locations of the application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20246, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call

(202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

The Commission intends to prepare a Multiple Project Environmental Assessment (MPEA) for the relicensing of the Webber Project and the licensing of the Portland Municipal Project No. 11616, in accordance with the National Environmental Policy Act of 1969. The MPEA will consider both site-specific and cumulative environmental effects, if any, of the proposed action and reasonable alternatives, and will include an economic, financial, and engineering analysis.

Scoping Meetings

The Commission will hold two scoping meetings, one in the daytime and one in the evening, to help us identify the scope of issues to be addressed in the MPEA. The daytime scoping meeting will focus on resource agency concerns, while the evening scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the environmental issues that should be addressed in the MPEA.

The evening meeting will be on Wednesday, October 20, 1999, beginning at 7:00 p.m. in the Portland High School auditorium, located at 1100 Ionia Road, Portland, Michigan. The morning meeting will be held on Thursday, October 21, 1999 beginning at 9:00 a.m. at the Lansing Center, Room 202, located at 333 East Michigan Avenue, Lansing, Michigan.

To help focus discussions, we will distribute a Scoping Document (SD1) outlining the subject areas to be addressed in the MPEA to parties on the Commission's mailing list. Copies of the SD1 also will be available at the scoping meetings.

Site Visit

The applicant and the Commission staff will conduct project site visits on Wednesday, October 20, 1999, starting at 10:00 a.m. We will meet at the parking lot next to the Portland Dam powerhouse and fish ladder off Lyons Road. If you plan to attend the site visit, please call David Battige, Consumers Energy Company, at (616) 779– 5506, no later than October 13, 1999.

Objectives

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the MPEA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the MPEA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the MPEA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission's proceeding on the project. Individuals presenting statements at the meetings will be asked to sign in before the meeting starts and to clearly identify themselves for the record.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist the staff in defining and clarifying the issues to be addressed in the MPEA.

David P. Boergers,

Secretary.

[FR Doc. 99–24865 Filed 9–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Scoping Meetings and Site Visits and Soliciting Scoping Comments

September 20, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Original Minor License.

b. *Project No.:* 11616–000.

c. *Date Filed:* June 1, 1998.

d. *Applicant:* City of Portland, Michigan.

e. *Name of Project:* Portland Municipal Hydroelectric Project.

f. *Location:* On the Grand River, near the City of Portland, in Ionia County, Michigan. The project would not utilize federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:* Glen Hendrix, Earth Tech, Inc., 555 Glenwood Hills Pkwy., Grand Rapids, MI 49588, (616) 940–4406.

i. *FERC Contact:* Tom Dean, thomas.dean@ferc.fed.us, (202) 219–2778.

j. *Deadline for filing scoping comments:* November 22, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Status of environmental analysis:* This application is not ready for environmental analysis at this time.

1. *Description of the Project:* The project consists of the following existing facilities: (1) a 13-foot-high, 325-foot-long dam with a concrete spillway; (2) a reservoir with a surface area of 90 acres, and a storage area of 140 acre-feet; (3) a powerhouse with a forebay containing two generating units with a total installed capacity of 375 kW; and (4) other appurtenances.

m. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20246, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

The Commission intends to prepare a Multiple Project Environmental Assessment (MPEA) for the licensing of the Portland Municipal Project and the relicensing of the Webber Project No. 2566, in accordance with the National Environmental Policy Act of 1969. The MPEA will consider both site-specific and cumulative environmental effects, if any, of the proposed action and reasonable alternatives, and will include an economic, financial, and engineering analysis.

Scoping Meetings

The Commission will hold two scoping meetings, one in the daytime and one in the evening, to help us identify the scope of issues to be addressed in the MPEA. The daytime scoping meeting will focus on resource agency concerns, while the evening scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited

to attend one or both of the meetings, and to assist the staff in identifying the environmental issues that should be addressed in the MPEA.

The evening meeting will be on Wednesday, October 20, 1999, beginning at 7:00 p.m. in the Portland High School auditorium, located at 1100 Ionia Road, Portland, Michigan. The morning meeting will be held on Thursday, October 21, 1999, beginning at 9:00 a.m. at the Lansing Center, Room 202, located at 333 East Michigan Avenue, Lansing, Michigan.

To help focus discussions, we will distribute a Scoping Document (SDI) outlining the subject areas to be addressed in the MPEA to parties on the Commission's mailing list. Copies of the SDI also will be available at the scoping meetings.

Site Visit

The applicant and the Commission staff will conduct project site visits on Wednesday, October 20, 1999, starting at 10:00 a.m. We will meet at the parking lot next to the Portland Dam powerhouse and fish ladder off Lyons Road. If you plan to attend the site visit, please call Glen Hendix, Earth Tech, Inc. at (616) 940–4406, no later than October 13, 1999.

Objectives

At the scoping meetings, the staff will: (1) summarize the environmental issues tentatively identified for analysis in the MPEA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the MPEA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the MPEA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission's proceeding on the project. Individuals presenting statements at the meetings will be asked to sign in before the meeting starts and to clearly identify themselves for the record.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist the staff in defining and clarifying the issues to be addressed in the MPEA.

David P. Boergers,

Secretary.

[FR Doc. 99–24866 Filed 9–23–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6246–4]

Environmental Impact Statements; Notice of Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 564–7167 or (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed September 13, 1999 Through September 17, 1999 Pursuant to 40 CFR 1506.9.

EIS No. 990330, Draft EIS, AFS, UT, Monroe Mountain Ecosystem Restoration Project, Implementation, Fishlake National Forest, Richfield Ranger District, Sevier and Piute Counties, UT, Due: November 08, 1999, Contact: Don Okerlund (435) 896–9233.

EIS No. 990331, Final EIS, FHW, WV, Elkins Bypass Project, Construction, Relocation of US–33 between Aggregates and Canfield, Funding NPDES Permit and COE Section 404 Permit, Randolph County, WV, Due: October 29, 1999, Contact: Thomas J. Smith (304) 347–5928.

EIS No. 990332, Draft EIS, FRC, IL, MI, IN, TriState Pipeline Project, Construction and Operation of Natural Gas Pipeline Facilities, Docket Nos.: CP99–61–000, CP99–62–000, CP99–63–000 and CP99–64–000, Presidential Permit, IL, IN and MI, Due: November 08, 1999, Contact: Paul McKee (202) 208–1088.

EIS No. 990333, Final EIS, NOA, ME, Atlantic Herring (Clupea harengus harengus) Fishery Management Plan (FWP), Management Measures, Exclusive Ecosystem Zone (EEZ), Gulf of Maine, George Bank, ME, Due: October 25, 1999, Contact: Hannah Goodale (978) 281–9300.

EIS No. 990334, Final EIS, FHW, MD, MD–331—Dover Bridge, Construction, Right-of-Way Grant, US Coast Guard Bridge Permit and COE Section 404 Permit, Easton, Talbot and Caroline County, MD, Due: October 25, 1999, Contact: Pam Stephenson (410) 962–4342.

Amended Notices

EIS No. 990226, Draft EIS, COE, FL, Southwest Florida Improvement to the Regulatory Process for Rapid Growth and Development, Alternatives Development Group (ADG), Lee and Collier Counties, FL, Due: November 02, 1999, Contact: Kenneth R. Dugger (904) 232–1686. Published FR 07–09–99—Review Period extended from 08–23–99 to 11–02–99.

EIS No. 990292, Draft EIS, BIA, AZ, NM, Programmatic EIS—Navajo Ten Year Forest Management Plan Alternatives, Implementation and Funding, AZ and NM, Due: October 20, 1999, Contact: Harold D. Russell (520) 729–7228. Published FR 08–20–99—Review Period Extended—from 10–04–99 to 10–20–99.

EIS No. 990312, Final EIS, COE, OR, WA and Lower Willamette River Federal Navigation Channel, Improvement Channel Deepening, OR and WA, Due: October 25, 1999, Contact: Steven J. Stevens (503) 808–4768. Published FR 09–10–99—Review Period Extended from 10–12–99 to 10–25–99.

Dated: September 21, 1999.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99–24966 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6246–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared August 16, 1999 Through August 20, 1999 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 9, 1999 (64 FR 17362).

Draft EISs

ERP No. D–BLM–L67037–ID Rating EO2, Dry Valley Mine—South Extension Project, Construction of two New Open Pit Mine, Special-Use-Permit, COE Section 404 Permit, Public and Private Land Used, Caribou County, ID.

Summary: EPA expressed the following objections: an inadequate discussion of the fate, transport, and speciation of selenium; an abridged

range of alternatives; a monitoring plan that lacks sufficient detail; concerns about selenium contamination of ground and surface waters; and proposed wetland mitigation at a site that is currently contaminated and one that could attract and subsequently harm wildlife.

ERP No. D–FHW–B40089–CT Rating EO2, CT–2/2A/32 Transportation Improvement Study, Construction, Funding, Coast Guard Bridge Permit, NPDES Permit, COE Section 10 and 404 Permit, New London County, CT.

Summary: EPA expressed environmental objections regarding impacts to the wetlands, air quality, and ground/surface waters and the level of information provided in the DEIS. EPA also requested additional analysis of community sensitive alternatives that may resolve the identified transportation problem.

ERP No. D–USN–B11024–ME Rating EO2, South Weymouth Naval Air Station, Disposal and Reuse, Norfolk and Plymouth Counties, ME.

Summary: EPA expressed concerns regarding potential direct and indirect impacts of the project related to traffic/air quality, water supply, wastewater treatment, and the potential for other growth related secondary and cumulative impacts. EPA requested that the Navy provide information to fully characterize the impacts of the project and to demonstrate that significant adverse impacts can be effectively mitigated.

ERP No. DS–AFS–J65287–SD Rating EC2, Veteran/Boulder Area Project, Updated Information on Additional Analysis for the Forbes Gulch Portion within the Beaver Park Roadless Area, Implementation, Black Hills National Forest, Spearfish and Nemo Ranger District, Lawrence and Meade Counties, SD.

Summary: EPA suggested that the analysis be expanded to include disclosure of future steps that would be required should the proposed treatments fail to control the pine beetle outbreak in the Beaver Park Roadless Area or should the outbreak spread to the Spearfish source-water watershed.

Final EISs

ERP No. F–FHW–B40071–CT I–95 at New Haven Harbor Crossing (Quinnipiac River Bridge) Improvement, from Interchange 43 southwest to Interchange 53 northeast, Funding, COE Section 10 and 404 Permits, U.S. Coast Guard Bridge Permit, New Haven, East and West Haven, CT.

Summary: EPA expressed concerns that the rationale for selecting a preferred alternative was not clear. EPA requested the FHWA/CTDOT to provide supplemental information which would further explain the basis for selection of one action over another and why certain transit measure were eliminated.

ERP No. F–FRC–B05192–MA Holyoke Hydroelectric Relicensing Project, (FERC Nos. 2004–073 and 11607–000), Construction, Operation and Maintenance, Located on the Connecticut River, Hampshire, Hampden and Franklin Counties, MA.

Summary: EPA remains concerned about fish passage, bypass flow, and alternative issues which remain largely unaddressed in the FEIS. EPA encouraged FERC to provide additional information concerning these issues prior to the conclusion of the NEPA process.

ERP No. F–USA–B11023–CT Stratford Army Engine Plant (SAEP) Disposal and Reuse, Implementation, City of Stratford, Fairfield and New Haven Counties, CT.

Summary: EPA had no outstanding objections to the proposal and continues to support the transfer of intertidal land to the USFWS.

Dated: September 21, 1999.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99–24967 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6443–8]

Clean Air Act Advisory Committee; Notice of Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) established the Clean Air Act Advisory Committee (CAAAC) on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical scientific, and enforcement policy issues.

OPEN MEETING NOTICE: Pursuant to 5 U.S.C. App. 2 section 10(a)(2), notice is hereby given that the Clear Air Act Advisory Committee will hold its next meeting on Wednesday October 13, 1999, from approximately 8:30 a.m. to 3:30 p.m. at the Georgetown University Conference Center, 3800 Reservoir Road, NW, Washington, DC Seating will be available on a first come, first served basis. Three of the CAAAC's four Subcommittees (Linking Energy, Land Use, Transportation, and Air Quality Concerns Subcommittee; the Permits/NSR/Toxics Integration Subcommittee; and the Economic Incentives and Regulatory Innovations Subcommittee) will hold meetings on October 12, 1999. The Climate Change Subcommittee will not meet on this date. The Linking Transportation Land Use and Air Quality Subcommittee is scheduled to meet from 5 p.m. to 7:30 p.m.; the Economic Incentives and Regulatory Innovations Subcommittee is scheduled to meet from 5:30 p.m. to 7:30 p.m.; and the Permits/NSR/Toxics Subcommittee is scheduled to meet from 5:30 p.m. to 7:00 p.m.; All subcommittee meetings will be held at the Georgetown University Conference Center, the same location as the full Committee.

INSPECTION OF COMMITTEE DOCUMENTS: The Committee agenda and any documents prepared for the meeting will be publicly available at the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will be available by contacting the Office of Air and Radiation Docket and requesting information under docket item A–94–34 (CAAAC). The Docket office can be reached by telephoning 202–260–7548; FAX 202–260–4400.

FOR FURTHER INFORMATION CONTACT: Concerning this meeting of the full CAAAC, please contact Paul Rasmussen, Office of Air and Radiation, US EPA (202) 564–1306, FAX (202) 564–1352 or by mail at US EPA, Office of Air and Radiation (Mail code 6102 A), 401 M. St. SW, Washington, DC 20460. For information on the Subcommittee meetings, please contact the following individuals: (1) Permits/NSR/Toxics Integration—Debbie Stackhouse, 919–541–5354; (2) Economic Incentives and Regulatory Innovations—Carey Fitzmaurice, 202–260–7433; and (3) Linking Transportation, Land Use and Air Quality Concerns—Gay MacGregor, 734–668–4438. Additional information on these meetings and the CAAAC and its Subcommittees can be found on the CAAAC Web Site:www.epa.gov/oar/caaac/.

Dated: September 15, 1999.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 99–24905 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34148A; FRL–6385–2]

Organophosphate Pesticide: Availability of Revised Risk Assessments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notices announces the availability of the revised risk assessments and related documents for one organophosphate pesticide, tribuphos. In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management ideas or proposals. These actions are in response to a joint initiative between EPA and the Department of Agriculture (USDA) to increase transparency in the tolerance reassessment process for organophosphate pesticides.

DATES: Comments, identified by docket control number OPP–34148A, must be received by EPA on or before November 23, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34148A in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–8004; e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the revised risk assessments and submitting risk management comments on tribuphos, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. As such, the Agency has not attempted to specifically describe all the entities potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

A. *Electronically*. You may obtain electronic copies of this document and other related documents from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

To access information about organophosphate pesticides and obtain electronic copies of the revised risk assessments and related documents mentioned in this notice, you can also go directly to the Home Page for the Office of Pesticide Programs (OPP) at http://www.epa.gov/pesticides/op/.

B. *In Person*. The Agency has established an official record for this action under docket control number OPP–34148A. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as CBI. This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. How Can I Respond to this Action?

A. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34148A in the subject line on the first page of your response.

1. *By mail*. Submit comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier*. Deliver comments to: Public Information and Records Integrity Branch, Information Resources and Services Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. Submit electronic comments by e-mail to: "opp-docket@epa.gov," or you can submit a computer disk as described in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by the docket control number OPP–34148A. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI Information that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

IV. What Action is EPA Taking in this Notice?

EPA is making available for public viewing the revised risk assessments and related documents for one organophosphate, tribuphos. These documents have been developed as part of the pilot public participation process that EPA and USDA are now using for

involving the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual organophosphate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The pilot public participation process was developed as part of the EPA-USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of organophosphate risk assessments and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, to increase transparency and opportunities for stakeholder consultation. The documents being released to the public through this notice provide information on the revisions that were made to the tribuphos preliminary risk assessments, which where released to the public on September 9, 1998 (63 FR 48213) (FRL–6030–2), through a notice in the **Federal Register**.

In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management proposals or otherwise comment on risk management for tribuphos. The Agency is providing an opportunity, through this notice, for interested parties to provide written risk management proposals or ideas to the Agency on the chemical specified in this notice. Such comments and proposals could address ideas about how to manage dietary, occupational, or ecological risks on specific tribuphos use sites or crops across the United States or in a particular geographic region of the country. To address dietary risk, for example, commenters may choose to discuss the feasibility of lower application rates, increasing the time interval between application and harvest ("pre-harvest intervals"), modifications in use, or suggest alternative measures to reduce residues contributing to dietary exposure. For occupational risks, for example, commenters may suggest personal protective equipment or technologies to reduce exposure to workers and pesticide handlers. EPA will provide other opportunities for public participation and comment on issues associated with the organophosphate tolerance reassessment program. Failure to participate or comment as part of this opportunity will in no way prejudice or limit a commenter's opportunity to participate fully in later notice and comment processes. All comments and proposals must be received by EPA on or before November 23, 1999 at the addresses given under the **ADDRESSES** section. Comments and proposals will become part of the Agency record for the organophosphate specified in this notice.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: September 17, 1999.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 99–24911 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51933; FRL–6381–2]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of the Toxic Substances Control Act (TSCA), EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from August 1, 1999 to August 13, 1999, consists of the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

FOR FURTHER INFORMATION CONTACT: Christine M. Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone numbers: (202) 554–1404 and TDD: (202) 554–0551; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

A. *Electronically.* You may obtain copies of this document and certain other available documents from the EPA Internet Home Page at *http://www.epa.gov/*. On the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register** -- Environmental Documents." You can also go directly to the "**Federal Register**" listings at *http://www.epa.gov/fedrgstr/*.

B. *In person.* The Agency has established an official record for this action under docket control number OPPTS–51933. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

III. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and

comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from August 1, 1999 to August 13, 1999, consists of the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

IV. Receipt and Status Report for PMNs

This status report identifies the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II above to access additional non-CBI information that may be available.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 42 Premanufacture Notices Received From: 08/01/99 to 08/13/99

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–99–1164	08/02/99	10/31/99	CBI	(G) Agricultural inert	(G) Polyethoxylated polyarylphenol sulfate, polyethoxylated alkylammonium salt
P–99–1165	08/02/99	10/31/99	Fabricolor, Inc.	(S) Dispersion aid for offset & gravure inks & solvent based paints	(G) Quaternary salt of a copper phthalocyanine derivative
P–99–1166	08/02/99	10/31/99	CBI	(S) Fluorescence quencher for pulp and paper	(G) Stilbene disulfonic acid triazine derivative
P–99–1168	08/02/99	10/31/99	CBI	(G) Thickening compound for aqueous systems	(G) Acrylic emulsion copolymer
P–99–1169	08/02/99	10/31/99	CBI	(G) Thickening compound for aqueous systems	(G) Acrylic emulsion copolymer
P–99–1170	08/02/99	10/31/99	CBI	(G) Thickening compound for aqueous systems	(G) Acrylic emulsion copolymer
P–99–1171	08/02/99	10/31/99	CBI	(G) Thickening compound for aqueous systems	(G) Acrylic emulsion copolymer
P–99–1172	08/02/99	10/31/99	CBI	(G) Contained use	(G) Imidazoline
P–99–1173	08/02/99	10/31/99	CBI	(G) Contained use	(G) Imidazoline
P–99–1174	08/02/99	10/31/99	CBI	(G) Contained use	(G) Imidazoline
P–99–1176	08/03/99	11/01/99	Eastman Chemical Company	(S) Chemical intermediate	(S) Hexanoic acid, 2-bromo-, methyl ester*
P–99–1177	08/03/99	11/01/99	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acylonitrile and butadadiene extended epoxy resin
P–99–1178	08/03/99	11/01/99	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acylonitrile and butadadiene extended epoxy resin
P–99–1179	08/04/99	11/02/99	CBI	(G) This material will principally be used as an uv stabilizer for automotive coatings	(G) Dialkylphenol
P–99–1180	08/03/99	11/01/99	CBI	(G) Pigment dispersant	(G) High molecular polymer with amino group
P–99–1181	08/04/99	11/02/99	Neste Resins Corporation	(G) Cross linking agent	(S) Morpholine, sulfate (2:1)*
P–99–1182	08/04/99	11/02/99	CBI	(G) Lubricant/corrosion inhibitor	(G) Tall oil fatty acid ester
P–99–1183	08/04/99	11/02/99	CBI	(G) Lubricant/corrosion inhibitor	(G) Tall oil fatty acid ester
P–99–1184	08/04/99	11/02/99	CBI	(G) Binder dor printing ink	(G) Polyacrylic resin
P–99–1185	08/06/99	11/04/99	CBI	(G) Open, non-dispersive use	(G) Amine soap
P–99–1186	08/06/99	11/04/99	Aceto Corporation	(S) Photopolymerisation sensitizer for uv radiation curing system	(S) Poly[oxy(methyl-1,2-ethanediyl)], α-[4-(dimethylamino)benzoyl-omega-butoxy-*
P–99–1187	08/05/99	11/03/99	CIBA Specialty Chemicals Corporation USA - performance polymers	(S) Resin for reinforced structural composites for aircraft interiors	(G) Substituted bisphenol, cyanate ester
P–99–1188	08/05/99	11/03/99	CIBA Specialty Chemicals Corporation USA - performance polymers	(S) Resin for structural composites; resin for electronic laminates	(G) Substituted 6,6′-(1-methylethylidene) bis [3,4-dihydro-3-phenyl,1,3-benzoxazine]
P–99–1189	08/05/99	11/03/99	CBI	(S) Ingredient monomer for casting/automotive parts adhesive	(G) Isoalkyl methacrylate ester
P–99–1190	08/06/99	11/04/99	BASF Corporation	(S) polymerization catalyst	(G) Metal organic compound
P–99–1191	08/09/99	11/07/99	CBI	(G) Phosphor	(G) Rare earth phosphate
P–99–1192	08/09/99	11/07/99	CBI	(G) Phosphor	(G) Rare earth phosphate
P–99–1193	08/09/99	11/07/99	CBI	(S) Moisture curing adhesive or coating for window glazing	(G) Isocyanate terminated urethane polymer

I. 42 Premanufacture Notices Received From: 08/01/99 to 08/13/99—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–99–1194	08/09/99	11/07/99	Dainippon Ink and Chemicals, Inc.	(S) Waterborne paint binder	(G) Fluroolefin polymer
P–99–1195	08/10/99	11/08/99	CIBA Specialty Chemicals Corp.	(S) Pigment dispersant for coatings	(G) Acrylic copolymer
P–99–1196	08/10/99	11/08/99	CBI	(G) Coating component	(G) Acrylic acid, polymer with acrylate esters and substituted ethene
P–99–1197	08/10/99	11/08/99	CBI	(G) Hardener for epoxy-resins	(G) Methylated dicyclopentadiene
P–99–1198	08/11/99	11/09/99	Reichhold, Inc.	(G) Hot melt polyurethane adhesive	(G) Hot melt polyurethane adhesive
P–99–1199	08/10/99	11/08/99	CBI	(S) Base coat binder	(G) Polymonomeric polyurethane
P–99–1200	08/11/99	11/09/99	Champion Technologies, Inc.	(S) Used as coalbed dewatering agent.	(S) Alcohols, C_{11-14}-isoalkyl, c_{13}-rich, butoxylated ethoxylated*
P–99–1201	08/11/99	11/09/99	Champion Technologies, Inc.	(S) Corrosion inhibitor for oil and gas production in north sea	(S) 2-propenoic acid, reaction products with chloroacetic acid and 4,5-dihydro-1h-imidazole-1-ethanamine 2-nortall-oil alkyl derivs., sodium salts*
P–99–1202	08/11/99	11/09/99	The Dow Chemical Company	(G) Reactive additive for polymers	(G) Sulfonyl azide intermediate
P–99–1203	08/10/99	11/08/99	CBI	(G) Dye for cotton	(G) Bis-arylazo substituted sulfonated naphthalene compound
P–99–1204	08/12/99	11/10/99	MG Generon	(G) Membrane material	(S) Carbonic dichloride, polymer with 4,4′-(9h-fluoren-9-ylidene)bis[2,6-dibromophenol]*
P–99–1205	08/12/99	11/10/99	MG Generon	(G) Source or starting point for polymeric material	(S) 4,4′-(9a-fluoren-9-ylidene) bis[2,6-dibromo]phenol*
P–99–1206	08/12/99	11/10/99	CBI	(G) Additive for manufacture of articles	(G) Modified polyurethane emulsion
P–99–1207	08/13/99	11/11/99	CBI	(G) Destructive use	(G) Zinc alkaryl dithiophosphate

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 24 Notice of Commencement From: 08/01/99 to 08/13/99

Case No.	Received Date	Commencement/ Import Date	Chemical
P–93–0605	08/09/99	07/24/99	(G) Substituted polyoxyalkylene-*m*-toluidine
P–95–0524	08/10/99	01/22/99	(G) Polyurethane elastomer
P–97–0551	08/09/99	07/27/99	(G) Alkyl phosphites
P–97–0617	08/13/99	08/10/99	(G) Polyol ester
P–98–0756	08/09/99	07/26/99	(S) Siloxanes & silicones, ethoxy pr ethoxy vinyl, ethoxy-teminated*
P–98–0760	08/02/99	02/16/99	(S) 2-propenoic acid, 2-methyl-, polymer with butyl 2-propenoate, 2-hydroxyethyl 2-methyl-2-propenoate, 2-hydroxyethyl 2-propenoate, methyl 2-methyl-2-propenoate, and 2-propenamide*
P–98–0816	08/06/99	07/20/99	(G) Alkane, 1-3-bis(bis(substituted aryl)phosphino)
P–98–0967	08/02/99	07/22/99	(G) Fluoroalkyl vinyl ether
P–98–1046	08/02/99	07/14/99	(G) Fluoroalkyl diester
P–99–0023	08/12/99	08/05/99	(S) Poly[oxy(methyl-1,2-ethanediyl)], alpha-(1,3-dioxobutyl)-omega-(1,3-dioxobutoxy)-*
P–99–0187	08/04/99	02/22/99	(S) Glycine, *n,n*-dimethyl-*
P–99–0294	08/03/99	07/22/99	(S) Phenol, 4,4′-(1-methylethylidene)bis-, polymer with (chloromethyl) oxirane and ar, ar-diethyl-ar-methylbenzenediamine*
P–99–0317	08/09/99	07/07/99	(G) Organometallic sulfide complex
P–99–0412	08/09/99	07/29/99	(G) Methacrylate graft copolymer
P–99–0454	08/10/99	07/23/99	(S) Benzene, [2-(cyclopentyloxy)ethyl]-*
P–99–0616	08/03/99	07/26/99	(G) Fatty alcohol alkoxylate
P–99–0654	08/02/99	07/15/99	(G) Thiocarbonate
P–99–0658	08/02/99	07/14/99	(G) Isothiocyanate
P–99–0667	08/02/99	07/22/99	(G) Triazolinone
P–99–0683	08/02/99	07/15/99	(G) Triazolinone
P–99–0684	08/10/99	08/04/99	(G) Fluorinated polyurethane
P–99–0692	08/02/99	07/19/99	(G) Modified polyacrylic acid, partial sodium salt
P–99–0693	08/02/99	07/19/99	(G) Modified polyacrylic acid, partial sodium salt
P–99–0726	08/09/99	07/29/99	(G) Naphthoquinone diazide sulfonate ester
P–99–0755	08/03/99	07/29/99	(G) Alkyne

List of Subjects

Environmental protection, Premanufacture notices.

Dated: September 10, 1999.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 99–24912 Filed 9–23–99; 8:45 am]
BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 14, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 25, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0526.

Title: Density Pricing Zone Plans, Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91–141.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 13.

Estimate Time Per Response: 48 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 624.

Total Annual Costs: None.

Needs and Uses: The Commission requires Tier 1 LECs to provide expanded opportunities for third-party interconnection with their interstate special access facilities. The LECs are permitted to establish a number of rate zones within study areas in which expanded interconnection is operational. In the Fifth Report and Order in CC Docket No. 96–262, the Commission allows price cap LECs to define the scope and number of zones within a study area. These LECs must file and obtain approval of their pricing plans, which will be used by FCC staff to ensure that the rates are just, reasonable, and nondiscriminatory.

OMB Control Number: 3060–0770.

Title: Price Cap Performance Review for Local Exchange Carriers, CC Docket No. 94–1 (New Services).

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 13.

Estimate Time Per Response: 10 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 130 hours.

Total Annual Costs: None.

Needs and Uses: In the Fifth Report and Order, the Commission permits price cap LECs to introduce new services on a streamlined basis, without prior approval. The Commission modified the rules to eliminate the public interest showing required by Section 69.4(g) and to eliminate the new services test (except in the case of loop-based new services) required under Sections 61.49(f) and (g). The information is needed by the Commission to carry out its mandate.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–24893 Filed 9–23–99; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

September 17, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 25, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0760.

Title: Access Charge Reform—CC Docket No. 96–262 (First Report and Order), Second Order on Reconsideration and Memorandum Opinion and Order, Third Report and Order, and Fifth Report and Order.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 14.

Estimated Time Per Response: 8–2,117 hours per respondent.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement, and other specific date requirements.

Total Annual Burden: 58,319 hours.

Total Annual Cost: $8,000.

Needs and Uses: The Commission provides detailed rules for implementing the market-based approach, pursuant to which price cap LECs would receive pricing flexibility in the provision of interstate access services as competition for those services develops. The Order grants immediate pricing flexibility to price cap LECs in the form of streamlined introduction of new services, geographic deaveraging of rates for services in the trunking basket, and removal of certain interstate interexchange services from price cap regulation and provides for additional pricing flexibility upon showings.

The information to be collected would be submitted to the FCC by incumbent LECs for use in determining whether the incumbent LECs should receive regulatory relief proposed in the Orders. The information collected under the Second Order on Reconsideration and Memorandum Opinion and Order would be submitted by the LECs to the interexchange carriers (IXCs) for use in developing the most cost-efficient rates and rate structures.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–24894 Filed 9–23–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 15, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 25, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0185.

Title: Section 73.3613, Filing of Contracts.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 3,270.

Estimate Time Per Response: 0.25–0.5 hours.

Frequency of Response: Recordkeeping; On occasion reporting requirements.

Total Annual Burden: 1,428 hours.

Total Annual Costs: $83,000.

Needs and Uses: Section 73.3613 requires licensees of TV and low power TV broadcast stations to file network affiliation contracts with the FCC. All broadcast stations are required to file contracts relating to ownership or control and personnel. Radio licensees are required to file time brokerage agreements, which result in arrangement being counted in compliance with local and national radio multiple ownership rules. Certain contracts must be retained at the station. Data are used by the FCC staff to assure a licensee maintains full control over the station.

OMB Control Number: 3060–0214.

Title: Section 73.3526, Local Public Inspection File of Commercial Stations.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 11,588.

Estimate Time Per Response: 1–2.5 hours.

Frequency of Response: Recordkeeping; Third party disclosure.

Total Annual Burden: 1,297,492 hours.

Total Annual Costs: None.

Needs and Uses: Section 73.3526 requires each licensee/permittee of a commercial AM, FM, or TV broadcast station to maintain a file for public inspection. The contents of the file vary according to the type of service and status. The data are used by the public and FCC staff to evaluate information about the station's performance.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–24895 Filed 9–23–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 8, 1999.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. Cape Cod Five Cents Savings Bank, Orleans, Massachusetts; to acquire voting shares of Falmouth Bancorp, Inc., Falmouth, Massachusetts, and thereby acquire voting shares of Falmouth Cooperative Bank, Falmouth, Massachusetts.

B. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. Jeffrey P. Orleans, Bryn Mawr, Pennsylvania; to acquire voting shares of Sterling Bank, Mount Laurel, New Jersey.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Samuel Mark Saunders, Gillette, Wyoming; to acquire voting shares of First National Bank of Gillette Holding Company, Gillette, Wyoming, and thereby indirectly acquire voting shares of First National Bank, Gillette, Wyoming.

Board of Governors of the Federal Reserve System, September 20, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24884 Filed 9–23–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 18, 1999.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. Regal Bancorp, Inc., Owings Mills, Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of Regal Bank & Trust (successor to Regal Savings Bank, F.S.B.), Owings Mills, Maryland.

B. Federal Reserve Bank of Atlanta (Cynthia Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Charter Banking Corp., Tampa, Florida; to acquire 100 percent of the voting shares of Columbia Bank, Tampa, Florida.

2. First Capital Bancorp, Inc., Norcross, Georgia; to become a bank holding company by acquiring at least 25 percent of the voting shares of First Capital Bank, Norcross, Georgia.

C. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Farmers and Merchants Bancshares, Inc., Burlington, Iowa; to acquire 100 percent of the voting shares of Farmers and Merchants Bank and Trust, Mount Pleasant, Iowa (in organization).

D. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. National Bank of Commerce in Superior, Superior, Wisconsin; and NATCOM Bancshares, Inc., Superior, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of New National Bank of Commerce in Superior, Superior, Wisconsin, a *de novo* bank.

E. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Norton Bankshares, Inc., Norton, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Consolidated Insurance, Inc., Hill City, Kansas, and thereby indirectly acquire Consolidated State Bank, Hill City, Kansas.

Board of Governors of the Federal Reserve System, September 20, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24885 Filed 9–23–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities; Correction

This notice corrects a notice (FR Doc. 99-23843) published on page 49805 of the issue for Tuesday, September 14, 1999.

Under the Federal Reserve Bank of Boston heading, the entry for BostonFed Bancorp, Inc., Burlington, Massachusetts, is revised to read as follows:

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. BostonFed Bancorp, Inc., Burlington, Massachusetts; to acquire Diversified Ventures, Inc. (d/b/a Forward Financial Company), Northborough, Massachusetts, and thereby engage in the origination of consumer installment loans, pursuant to §§ 225.28(b)(1) and (b)(2) of Regulation Y, and in collection and leasing activities, pursuant to § 225.28(b)(3) of Regulation Y.

Comments on this application must be received by September 28, 1999.

Board of Governors of the Federal Peserve System, September 20, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24883 Filed 9–23–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225), to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation

Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 8, 1999.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Wintrust Financial Corporation, Lake Forest, Illinois; to acquire Tricom, Inc., Milwaukee, Wisconsin, and thereby engage in extending and servicing loans, pursuant to § 225.28(b)(1) of Regulation Y, and data processing activities, pursuant to § 225.28(b)(14) of Regulation Y.

Board of Governors of the Federal Reserve System, September 20, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24886 Filed 9–23–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Wednesday, September 29, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: September 22, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–25015 Filed 9–22–99; 10:36 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Policy Statement on Delayed Disbursement

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy statement.

SUMMARY: The Board is issuing a consolidated and updated version of its three policy statements on delayed disbursement. The Board has eliminated obsolete provisions and combined the three policy statements into one. No new policies are included in this revised version.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Jack K. Walton II, Manager, 202/452–2660, or Larry Taft, Senior Financial Services Analyst, 202/530–6248, Division of Reserve Bank Operations and Payment Systems; or Stephanie Martin, Managing Senior Counsel, Legal Division, 202/452–3198; for users of Telecommunications Device for the Deaf (TDD) *only*, contact Diane Jenkins, at 202/452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Delayed disbursement is the practice of delaying payment of a check by drawing the check on a bank located in an area that is remote from the payee. Delayed disbursement practices are designed to increase the time it takes to clear a check, resulting in float benefits for paying banks and their customers. These practices reduce the efficiency of the check collection system and increase float and transportation costs for depositary banks.

The Board has issued three policy statements intended to discourage delayed disbursement practices. The Board issued general policy statements in 1979 and 1984 and a policy statement directed specifically at delayed disbursement of cashier's checks and teller's checks in 1989. (*See*, Statement of January 11, 1979, 1979 Fed. Res. Bull. 140; Statement of February 23, 1984, 1984 Fed. Res. Bull. 217; and Statement of March 31, 1989, 54 FR 13839 (April 6, 1989).) Since 1989, parts of the Board's 1979 and 1984 policy statements have become obsolete, due to changes in the check collection and return system and the implementation of the Expedited Funds Availability Act (12 U.S.C. 4001 *et seq.*) and the Board's Regulation CC (12 CFR part 229). The Board is removing obsolete provisions and consolidating the three policy statements into one policy statement. No new policies are included in this consolidation. The policy statement is set out below:

Policy Statement on Delayed Disbursement

General policy. Delayed disbursement (sometimes referred to as "remote" disbursement) is the practice of issuing checks that are payable by, through, or at a bank [1] located in a geographic area such that collection of the checks is generally delayed. For example, these arrangements may be designed to delay the collection and payment of checks by drawing checks on banks located substantial distances from the payee or outside of Federal Reserve cities when alternate and more efficient payment arrangements are available.

The Board is concerned that delayed disbursement practices reduce the efficiency of the check collection system. Drawing a check on a bank remote from the payee often increases the costs of handling the check. More institutions are likely to handle the check before it is finally paid, increasing processing costs, and higher transportation costs are incurred to move checks greater distances. In addition, delays in collection time can impose float costs on depositary banks. Furthermore, delayed disbursement practices delay the return of unpaid checks, increasing the possibilities for check fraud and other losses.

The Board believes the banking industry has a public responsibility not to design, offer, promote, or otherwise encourage the use of a service that is intended to delay payment and that exposes payment recipients and depositary banks to greater-than-ordinary risks. The Board urges the nation's banks and check-related service providers to eliminate delayed disbursement practices intended to obtain extended float.

There is no intention to discourage corporate disbursement arrangements with banks that provide for improved control over daily cash requirements, provided that these arrangements do not result in the undesirable effects noted above. Banks should provide the cash management services needed by their customers through the use of payments methods that facilitate prompt funds availability to payment recipients and that protect banks from unnecessary risk.

Delayed disbursement of teller's checks and cashier's checks. Although many classes

[1] As used in this policy statement, the term "bank" includes all depository institutions, such as commercial banks, savings and loan associations, and credit unions. A depositary bank is the first bank to which a check is transferred. A paying bank is a bank by, at, or through which a check is payable and to which it is sent for collection.

of checks are subject to delayed disbursement, the effects of delayed disbursement are particularly significant in the case of teller's checks and cashier's checks.[2] In addition to increased transportation costs, the delayed disbursement of teller's checks and cashier's checks imposes float costs on the depositary bank, which must generally make the proceeds of these checks available for withdrawal on the business day following deposit.

The Expedited Funds Availability Act and Regulation CC require a depositary bank to provide customers with next-day availability, under specified conditions, for certain checks deposited in transaction accounts, including cashier's checks and teller's checks. Depending on the location of the paying bank, a depositary bank may not receive credit for the check by the time funds must be made available to the customer for withdrawal. Thus, the practice of delayed disbursement permits a bank issuing such checks to impose costs, in terms of lost interest, on other banks and to benefit from interest or earnings credits earned on outstanding checks until the checks are presented for payment.

The Board recognizes that many banks that issue teller's checks benefit from the specialization and economies of scale of certain banks and other service providers that can perform the tracking, reconciliation, and payment services associated with teller's checks at a lower cost than the issuing bank would incur by issuing and paying cashier's checks. In addressing the delayed disbursement problem, the Board believes that it is desirable to reduce the float created by the issuance of these checks while minimizing the disruption of efficient teller's check services.

As a general matter, the Board believes that a depositary bank located in the same community as the bank that issues a teller's check should be able to receive next-day credit for the teller's check. The Board has determined, after review of Federal Reserve collection patterns and deposit deadlines across the country, that depositary banks in most areas generally can receive next-day credit for checks that are encoded with a nonlocal city routing number[3] and presented in a nonlocal Federal Reserve city. For checks that are encoded with a nonlocal RCPC or country routing number and presented in a nonlocal check processing region, credit is generally deferred by one or two days. The Board recognizes, however, that depositary banks located on the west coast generally may not be able to receive next-day availability for checks presented in most nonlocal cities. In addition, in other isolated areas of the country, next-day credit is generally not available for any check payable by a nonlocal paying bank. The Board recognizes that banks in these areas may benefit by having access to a centralized teller's check service provider.

The Board believes that banks issuing teller's checks and teller's check service providers should take steps to ensure that delays in the collection and return of teller's checks are kept to a minimum. First, the Board believes that any disbursement practice designed to extend the time needed to collect a teller's check is inappropriate. Although the Board believes that centralized disbursement is economically efficient in some cases, the location of the paying bank should be chosen so as to minimize collection time.

Second, the Board has determined that depositary banks can generally receive credit faster for checks payable by a bank with a city routing number than for checks payable by a bank with an RCPC or country routing number. The Board believes that teller's check service providers that serve issuing banks in check processing regions that are nonlocal to the paying bank should help speed the collection and return of teller's checks by use of a city presentment point and a city routing number in the MICR line of its teller's checks.

Some teller's check service providers confine the scope of their services to a state or other limited geographic area. Because the state or area may be divided into more than one check processing region, such service providers may use a paying bank that is nonlocal to many of their customer banks. In addition, the state or area may contain no Federal Reserve city. The Board recognizes that it may be impractical for such service providers to use a city presentment point.

Third, the Board believes that those teller's check service providers that serve banks nationwide should accept teller's checks at more than one presentment point, particularly those providers that serve west coast banks. For example, a teller's check service provider that uses an east coast paying bank could shorten collection and return times for its California customers by also providing a west coast presentment point for teller's checks.

The Board recognizes that similar delayed disbursement problems arise in connection with cashier's checks, issued by a bank with multistate branches, that depositary banks must send to a central location for payment. The Board believes that the same general guidelines should apply to the disbursement of cashier's checks as apply to teller's checks and will take further action regarding cashier's checks should abusive delayed disbursement practices occur.

The Board will monitor the industry's adherence to the policy statement and delayed disbursement practices in general and, should abuses continue, will consider appropriate further action.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, September 20, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–24887 Filed 9–23–99; 8:45 am]

BILLING CODE 6210–01–P

[2] A "teller's check" is a check provided to a customer of a bank, or acquired from a bank for remittance purposes, that is drawn by the bank and drawn on another bank or payable through or at another bank. For the purposes of this policy statement, "teller's check" includes checks drawn on a Federal Reserve Bank or a Federal Home Loan Bank. A "cashier's check" is a check provided to a customer of a bank, or acquired from a bank for remittance purposes, that is drawn on the bank, is signed by an officer or employee of the bank on behalf of the bank as drawer, and is a direct obligation of the bank.

[3] These checks are payable by banks located in the same city as a Federal Reserve office. RCPC ("Regional Check Processing Center") checks are payable by banks outside Federal Reserve cities. Certain Federal Reserve regions also contain country zones, which are generally more remote from Federal Reserve cities than are RCPC zones.

FEDERAL TRADE COMMISSION

Premerger Notification: Reporting and Waiting Period Requirements

AGENCY: Federal Trade Commission.

ACTION: Notice of the issuance of Formal Interpretation 16 changing the policy of the Premerger Notification office to require filing persons to submit only one original affidavit and certification with their filings.

SUMMARY: The Premerger Notification Office ("PNO") of the Federal Trade Commission ("FTC"), with the concurrence of the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice ("DOJ," collectively, "the enforcement agencies"), is issuing Formal Interpretation 16 addressing the number of original affidavits and certification pages which must accompany Premerger Notification filings. Section 803.5 of the Premerger Notification rules ("the rules") requires all acquiring persons in transactions falling under § 801.30 and all parties to non-§ 801.30 transactions to submit certain affidavits with their premerger notification filings. Section 803.6 of the rules requires a notarized certification for such filings. The PNO has required that each copy of the form be submitted with an original affidavit and certification. Pursuant to Formal Interpretation 16, from now on the PNO will require that one original affidavit and one original certification page accompany one of the two copies of the form submitted to the FTC. The other affidavits and certification pages may be duplicates. Only the originals need be separately notarized.

DATES: Formal Interpretation 16 is effective on September 24, 1999.

FOR FURTHER INFORMATION CONTACT: Marian R. Bruno, Assistant Director, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580. Telephone: (202) 326–2846, Thomas F. Hancock, Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580. Telephone: (202) 326–2946.

SUPPLEMENTARY INFORMATION: The text of Formal Interpretation Number 16 is set out below:

Formal Interpretation Number 16

Formal Interpretation Pursuant to § 803.30 of the Premerger Notification Rules, 16 CFR § 803.30, Concerning the Number of Original Affidavits and Certification Pages Which Must Accompany a Premerger Notification Filing.

This is a Formal Interpretation pursuant to § 803.30 of the Premerger Notification Rules ("the rules"). The rules implement section 7A of the Clayton Act, 15 U.S.C. 18a, which was added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 ("the act"). The act requires the parties to certain acquisitions of voting securities or assets to notify the FTC and the DOJ and to wait a specified period of time before consummating the transaction. The purpose of the act and the rules is to ensure that such transactions receive meaningful scrutiny under the antitrust laws, with the possibility of an effective remedy for violations, before consummation.

The act states that "no person shall acquire * * * any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules under subsection (d)(1) of this section * * *." Section 803.1(a) of the rules states that the notification required by the act is the completed Antitrust Improvements Act Notification and Report For for Certain Mergers and Acquisitions ("the form"), 16 CFR part 803—Appendix.

Section 803.5(a) of the rules requires that "* * * (f)or acquisitions to which § 801.30 applies, the notification required by the act from each acquiring person shall contain an affidavit, attached to the front of the notification, attesting (that the acquired person has been notified of certain facts about the proposed transaction, that the reporting person has a good faith intention to make the acquisition, and, in the case of a tender offer, that the intention to make a tender offer has been publicly announced)." Section 803.5(b) requires that "* * * (f)or acquisitions to which Section 801.30 does not apply, the notification required by the act shall contain an affidavit * * * attesting that a contract, agreement in principal or letter of intent to merge or acquire has been executed, and * * * to the good faith intention of the person filing notification to complete the transaction." Section 803.6(a) of the rules states that "The notification required by the act shall be certified * * *."

One of the primary purposes of these requirements—particularly that of certification—is to preserve the evidentiary value of the filing. The Statement of Basis and Purpose ("SBP") for § 803.6 states that "* * * the certification is intended to estop the person on whose behalf the report is filed from later denying the completeness or accuracy of the information provided on the form in the event that either enforcement agency seeks to introduce any such information into evidence in any proceeding." 43 FR 33511 (July 31, 1978). The certification requirement is also intended to place responsibility on an individual to ensure that information reported is true, correct, and complete and that the form is filled out in accordance with the act and the rules. *Id.*

The affidavit requirement is intended to ensure that several important prerequisites are met before the review process begins. Thus the acquiring person must attest that it has made certain disclosures about the proposed transaction to the acquired person so the acquired person has knowledge of its obligation to file. Id. at 33510. In consensual transactions, the parties must also attest that a contract, letter of intent, or agreement in principal has been executed. Id. Its contents also ensure that the parties intend to consummate the acquisition and are not using the notification process to vet a purely hypothetical transaction with the agencies. *Id.* at 33511.

The Instructions to the form state that each person filing notification must "(c)omplete and return two notarized copies (with one set of documentary attachments) of (the form) to (the PNO) * * * and three notarized copies (with two sets of documentary attachments) to (the DOJ) * * *." The PNO has interpreted the instructions to require that each certification be originally signed and notarized and that each of the required affidavits also be originally signed and notarized. This has resulted in each party's submission to the enforcement agencies in a non-§ 801.30 transaction and acquiring persons' filings in non-§ 801.30 transactions having ten original signatures and ten original notarizations (five on the affidavits and five on the certifications). Acquired persons' filings in § 801.30 transactions must have five originally signed and notarized certifications.

The PNO has determined that multiple original signatures and notarizations, while not a great burden, is not a negligible one. Accordingly, the PNO has decided to modify its position on the necessity for original signatures and notarizations with permerger notification filings. From now on, filing persons need supply only one original signed and notarized affidavit (if required) and one original signed and notarized certification with one of the two copies of the form submitted to the FTC. The affidavits and certifications accompanying the other copies of the form may be copies of these originals. A copy is acceptable if the signature and notarization (including the embossed notary seal, if required in the jurisdiction of notarization) are clearly visible. Likewise, a person required to re-certify an amended filing because the original was deficient may submit one original certification and four copies with the new information.

This Formal Interpretation affects only the number of original signatures and notarizations which must accompany premerger notification filings. It does not change the affidavit or certification requirements themselves, who may sign the affidavit and certification, or the number of copies of the form and documentary attachments which must be provided. It also remains the case that any filing person, United States of foreign, can swear or affirm under penalty of perjury under the laws of the United States pursuant to 28 U.S.C. 1746 in lieu of notarization.

Donald S. Clark,

Secretary.

[FR Doc 99–24903 Filed 9–23–99; 8:45 am]

BILLING CODE 6750–01–M

GENERAL ACCOUNTING OFFICE

Advisory Council on Government Auditing Standards; Notice of Meeting

The Advisory Council on Government Auditing Standards will meet Monday, October 18, 1999, from 8:30 a.m. to 4:30 p.m. and Tuesday, October 19, 1999, from 8:30 a.m. to 11:30 a.m., in room 7C13 of the General Accounting Office building, 441 G Street, NW., Washington, DC.

The Advisory Council on Government Auditing Standards will hold a meeting to discuss issues that may impact government auditing standards. Any interested person may attend the meeting as an observer. Council discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Marcia Buchanan, Assistant Director,

Government Auditing Standards, AIMD, 202–512–9321.

Marcia B. Buchanan,

Assistant Director.

[FR Doc. 99–24965 Filed 9–23–99; 8:45 am]

BILLING CODE 1610–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACF/ACYF/HS–FY 2000–01]

Fiscal Year 2000 Discretionary Announcement for Select Areas of Early Head Start; Availability of Funds and Request for Applications

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), DHHS.

ACTION: Notice.

SUMMARY: The Administration on Children, Youth and Families announces financial assistance to be competitively awarded to local public and private entities—including Early Head Start and Head Start grantees—to provide child and family development services for low-income families with children under age three and pregnant women. Early Head Start programs provide early, continuous, intensive and comprehensive child development and family support services on a year-round basis to low-income families. The purpose of the Early Head Start program is to enhance children's physical, social, emotional, and intellectual development; to support parents' efforts to fulfill their parental roles; and to help parents move toward self-sufficiency.

The funds available will be competitively awarded to eligible applicants to operate Early Head Start programs in select service areas.

Grants will be competitively awarded to eligible applicants, including current Head Start and Early Head Start grantees, to operate Early Head Start programs in geographic areas currently served by existing Early Head Start grantees which were first funded in fiscal year 1995 (see list below for the geographic areas). In awarding these grants, ACYF is interested in assuring that communities currently served by these existing grantees will have an opportunity to continue receiving services to low-income families with infants and toddlers and pregnant women through Early Head Start. Applicants in each geographic area will compete for funds against other applicants wishing to serve the same geographic area. There are 49 such competitive areas.

DATES: The closing date and time for receipt of applications is 5:00 p.m. EDT on November 23, 1999.

FOR FURTHER INFORMATION CONTACT: A copy of the program announcement and necessary application forms can be obtained by contacting: Early Head Start, ACYF Operations Center, 1815 North Fort Myer Drive, Suite 300, Arlington, Virginia 22209, The telephone number is 1–800–351–2293. Copies of the program announcement can be downloaded from the Head Start web site at: www.acf.dhhs.gov/programs/hsb.

SUPPLEMENTARY INFORMATION:

Eligible Applicants

Applicants eligible to apply to become an Early Head Start program are local public and local non-profit and for-profit private entities. Local Early Head Start and Head Start grantees are eligible to apply.

Project Duration

The competitive awards made through this announcement will be for one-year budget periods and an indefinite project period. Subsequent year budget awards will be made non-competitively, subject to availability of funds and the continued satisfactory performance of the applicant.

Federal Share of Project Costs

Grantees that operate Early Head Start programs must, in most instances, provide a non-Federal contribution of at least 20 percent of the total approved costs of the project.

Available Funds

See the list below for the approximate amount of funds available for each geographic area.

Anticipated Number of Projects To Be Funded

It is estimated that there will be at least one award for each geographic area (49 geographic areas).

Statutory Authority: The Head Start Act, as amended, 42 U.S.C. 9831 *et seq.*

Catalog of Federal Domestic Assistance: Number 93.600, Head Start.

Dated: September 20, 1999.

Patricia Montoya,

Commissioner, Administration on Children, Youth and Families.

Early Head Start Select Service Areas

The following are general descriptions of the service areas (geographic areas) to be competed with approximated boundaries. The approximate funds available for each competition are indicated in parentheses.

Region I

1. Belknap County in New Hampshire ($465,000)
2. Strafford County in New Hampshire ($361,000)
3. Washington, Lamoille & Orange Counties in Vermont ($658,000)

Region II

4. In Newark, New Jersey: Central Ward; West Ward; North Ward (Verona Avenue to Orange Street and Lake Street to McCarter Highway); and Bakery Village ($1,022,000)
5. Warren and Sussex Counties in New Jersey ($655,000)
6. Chautauqua County in New York ($729,000)
7. Fort Greene in Brooklyn in New York ($1,329,000)
8. Dutchess County in New York ($795,000)
9. City of Syracuse and surrounding areas in New York ($1,352,000)
10. Cantera in Municipality of San Juan; Cucharillas in Municipality of Catano; Las Flores in Municipality of Coamo; Brenas, Muachauchal and Santa Ana in Municipality of Vega Alta in Puerto Rico ($1,384,000)
11. The Municipalities of Canovanas, Rio Grande, Loiza, Ceiba and Junco in Puerto Rico ($2,514,000)

Region III

12. In Washington, DC: In Ward One an area bounded on the Northeast by Spring Road, on the Northwest by Piney Branch Parkway, on the East by Michigan Avenue and Florida Avenue, on the Southeast by S Street, and on the West by Rock Creek; in Ward Two an area bounded on the Northeast by New Jersey Avenue, Florida Avenue and S Street, on the Northwest by Florida Avenue, on the East by Florida Avenue and Southwest Freeway, on the Southeast by the Anacostia River, and on the West by the Potomac River; in Ward Four an area bounded on the Northeast by Eastern Avenue, on the Northwest by Western Avenue, on the Southeast by Michigan Avenue, and on the Southwest by Rock Creek; and in Ward Five an area bounded on the Northeast by Eastern Avenue, on the Northwest by South Dakota, on the Southeast by the Anacostia River, on the Southwest by Florida Avenue and on the West by Harewood Road ($1,101,000)

13. In Southeast Baltimore, Maryland: An area bounded on the North by Monument Street, on the South by the Waterfront, on the East by the City Line and on the West by Broadway Street; Caroline County; and Southern Anne Arundel County, including the towns of Harwood, West River, Galesville, Lothian, Churchton, Deale, Shady Side and Traceys Landing ($1,614,000)
14. Northern Montgomery County, including Gaithersburg and Germantown, in Maryland ($706,000)
15. In North Philadelphia, Pennsylvania: an area bounded on the North by Allegheny Avenue, on the South by Norris Street, on the East by 5th Street and on the West by 17th Street, excluding the North Philadelphia Empowerment Zone area which is served by another EHS grantee ($865,000)
16. Monagalia County in West Virginia ($707,000)

Region IV

17. Grayson and Breckinridge Counties in Kentucky ($593,000)
18. In Kentucky: The Counties of Calloway, Fulton, Marshall, Hickman, Ballard and Carlisle; the towns of Mayfield, Fancy Farm, Lowes, Sedalia, Symsonia and Wingo in Graves County; the towns of Bowling Green, Rockfield, Albaton, Rich Panel, and Plano in Warren County; and the towns of Paducah, Concord, Farley, Heath, Hendron and Loneoak in McCracken County ($1,114,000)
19. City of Asheville, and towns of Woodson, Emma and Johnstown in North Carolina ($779,000)
20. In Greenville, South Carolina: The neighborhoods of Nicholtown (including the Jesse Jackson Town Homes), Woodland-Pierce Homes, and Parker District (including Monaghan, San Souci) ($462,000)
21. Communities of Soddy-Daisy, and Cedar Hill in Hamilton County in Tennessee ($581,000)
22. Counties of Henry, Weakley, and Gibson in Tennessee ($982,000)
23. City of Homestead and towns of Brownsville, Scott Carver, Liberty City, Winwood, Goulds, Leisure City, Carol City and OpaLocka in Dade County in Florida ($1,768,000)
24. Communities of Majestic Oaks, Sugarfoot Oaks, Tower Oaks, Cedar Ridge, Clayton Estates, Magnolia Plantation in Alachua County in Florida ($715,000)
25. Chattooga County in Georgia ($616,000)
26. City of Laurel and Towns of Ellisville and Soso in Jones County; Walnut Grove in Leake County; and Job Corps site in Crystal Springs in Copiah County in Mississippi ($1,121,000)

Region V

27. Counties of Columbia, Adams, Dodge, Juneau and Sauk in Wisconsin ($717,000)
28. Community area of Grand Boulevard in Chicago, Illinois ($731,000)
29. In Chicago, Illinois, the community areas* of: ($2,126,000)
    - 29a. Oakland
    - 29b. Albany Park
    - 29c. North Lawndale
    - 29d. Gage Park,
    - 29e. Fuller Park
    - 29f. Near West Side
    - 29g. Roseland
    - 29h. West Town
    - 29i. Austin
    - 29j. Logan Square
    - 29k. West Pullman
    - 29l. Chatham
    - 29m. Woodlawn
    - 29n. Washington Heights
    - 29o. Near North Side
    - 29p. Garfield Park
    - 29q. Douglas

* Applicants may apply to serve one or more community areas in Chicago.

30. Counties of Edwards, Gallatin, Hamilton, Saline, Wabash, Wayne and White in Illinois. ($1,035,000)
31. Vigo County in Indiana ($646,000)
32. Clermont County in Ohio ($729,000)
33. Communities of Over-the-Rhine and Mount Auburn in Central Cincinatti in Ohio ($564,000)

Region VI

34. In Westside of San Antonio, Texas: An area bounded by Woodlawn on the North, U.S. Highway 90 on the South, by Interstate 35 on the East and by Callahan on the West ($1,119,000)
35. In Dallas, Texas: The communities of Pleasant Grove (this community generally consists of an area bounded by I–635 on the North and East, I–45 on the South and I–30 on the West); and South Oak Cliff (this community generally consists of an area bounded by I–35 on the North, I–20 on the South, I–45 on the East and I–30 on the West) ($978,000)
36. In San Antonio, Texas: In general, the communities of Fredericksburg II, Circle North, New Westwood, Terrell Plaza, Fort Sam and Mount Zion ($1,215,000)

Region VII

37. Counties of Clay, Buena Vista, Dickinson, Emmet, O'Brien, Osceola, Pala Alto, and Pocahontas in Iowa ($648,000)
38. In Southeast area of Witchita, Kansas: An area bounded by Murdock Street on the North, 47th South Street on the South, Woodlawn Street on the East and Main Street on the West ($790,000)
39. Counties of Saline, Dickinson and Elsworth in Kansas ($587,000)
40. Counties of Platte, Holt, Valley, Garfield, Sherman, Howard, Greeley, and Colfax in Nebraska ($939,000)

Region VIII

41. School District 2 and 11 in El Paso County in Colorado ($1,139,000)

Region IX

42. In Phoenix, Arizona: The area bounded by Camelback Road on the North, Elliot Road on the South, 40th Street on the East, and 43rd Avenue on the West ($1,381,000)
43. In Humboldt County, California: The cities of Arcata, Eureka, Fortuna, Rio Dell, and McKinleyville and surrounding areas; and in Del Norte County the cities of Crescent City, Fort Dick and Smith River and surrounding areas ($957,000)
44. In the city of Sacramento, California: The communities of Del Paso Heights, North Sacramento/ Gardenland, Midtown, Oak Park, South Sacramento, Meadowview, Natomas, Land Park and Arden/ Howe; and in Sacramento County the cities of Citrus Heights and Galt and the towns of Rio Linda/Everta, North Highlands, Foothill Farms, Orangevale, Carmichael, Fair Oaks, Rancho Cordova, South Sacramento, Franklin/Laguna, Elk Grove, and Antelope ($2,537,000)

Region X

45. The villages of Pilot Station and St. Mary's in the Lower Yukon area and the villages of Nunapitchuk and Akiak in the Kuskokwin Delta area in Alaska ($623,000)
46. The city of Medford and metropolitan area; and the Illinois Valley in Oregon ($813,000)
47. The City of Spokane and surrounding areas in Washington ($969,000)

American Indian Programs

48. Spirit Lake Reservation in Benson County in North Dakota ($993,000)
49. Port [illegible] in Kit[illegible] ($285,

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DEPARTM HUMAN S

Food and

[Docket No.

Internatio Harmonis Group in C

AGENCY: F HHS.

ACTION: No

SUMMARY: Administra draft guida Control Gr draft guida auspices o on Harmon Requireme Pharmaceu The draft g principles controlled pertinent t intended t biological guidance d of control appropriat The draft g sponsors a of control

DATES: Wri 23, 1999.

ADDRESSES on the draf Manageme and Drug A Lane, rm. 1 Copies of t available fr Branch (HF Evaluation Drug Admi Lane, Rock 4573. Singl be obtained Communic Manufactu Center for Research ((Voice Infor 835–4709 c be obtained Informatio FAX or 301

FOR FURTHE Regardin

49. Port Gamble S'Klallam Reservation in Kitsap County in Washington ($285,000)

[FR Doc. 99–24880 Filed 9–23–99; 8:45 am]
BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–3082]

International Conference on Harmonisation; Choice of Control Group in Clinical Trials

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a draft guidance entitled "E10 Choice of Control Group in Clinical Trials." The draft guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The draft guidance sets forth general principles that are relevant to all controlled trials and are especially pertinent to the major clinical trials intended to demonstrate drug (including biological drug) efficacy. The draft guidance describes the principal types of control groups and discusses their appropriateness in particular situations. The draft guidance is intended to assist sponsors and investigators in the choice of control groups for clinical trials.

DATES: Written comments by December 23, 1999.

ADDRESSES: Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Copies of the draft guidance are available from the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4573. Single copies of the guidance may be obtained by mail from the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), or by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800. Copies may be obtained from CBER's FAX Information System at 1–888–CBER–FAX or 301–827–3844.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Robert Temple, Center for Drug Evaluation and Research (HFD–4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–6758.

Regarding the ICH: Janet J. Showalter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0864.

SUPPLEMENTARY INFORMATION: In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, the Canadian Health Protection Branch, and the European Free Trade Area.

In May 1998, the ICH Steering Committee agreed that a draft guidance entitled "E10 Choice of Control Group in Clinical Trials" should be made available for public comment. The draft guidance is the product of the Efficacy Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the Efficacy Expert Working Group.

In accordance with FDA's good guidance practices (62 FR 8961, February 27, 1997), this document is now being called a guidance, rather than a guideline.

The draft guidance sets forth general principles that are relevant to all controlled trials and are especially pertinent to the major clinical trials intended to demonstrate drug (including biological drug) efficacy. The draft guidance includes a description of the five principal types of controls, a discussion of two important purposes of clinical trials, and an exploration of the critical issue of assay sensitivity, i.e., whether a trial could have detected a difference between treatments when there was a difference, a particularly important issue in noninferiority/equivalence trials. In addition, the draft guidance presents a detailed description of each type of control and considers, for each: (1) Its ability to minimize bias, (2) ethical and practical issues associated with its use, (3) its usefulness and the quality of inference in particular situations, (4) modifications of study design or combinations with other controls that can resolve ethical, practical, or inferential concerns, and (5) its overall advantages and disadvantages.

This draft guidance represents the agency's current thinking on the choice of control group in clinical trials. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulations, or both.

Interested persons may, on or before December 23, 1999, submit to the Dockets Management Branch (address above) written comments on the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. An electronic version of this guidance is available on the Internet at "http://www.fda.gov/cder/guidance/index.htm" or at CBER's World Wide Web site at "http://www.fda.gov/cber/publications.htm".

The text of the draft guidance follows:

E10 Choice of Control Group in Clinical Trials[1]

1.0 Introduction

The choice of control-group is always a critical decision in designing a clinical trial. That choice affects the inferences that can be drawn from the trial, the degree to which bias in conducting and analyzing the study can be minimized, the types of subjects that can be recruited and the pace of recruitment, the kind of endpoints that can be studied, the public credibility of the results, the acceptability of the results by regulating authorities, and many other features of the study, its conduct, and its interpretation.

1.1 General Scheme and Purpose of Guidance

The general principles considered in this guidance are relevant to all controlled trials. They are of especially critical importance to the major clinical trials carried out during drug development to demonstrate efficacy. This guidance does not address the regulatory requirements in any region, but describes what studies using each design can demonstrate. Although any of the control groups described and discussed below may be useful and acceptable in studies serving as the basis for registration in at least some circumstances, they are not equally appropriate or useful in particular cases. After a brief description of the five principal kinds of controls (see section 1.3), a discussion of two important purposes of clinical trials (see section 1.4), and an exploration of the critical issue of whether a trial could have detected a difference between treatments when there was a difference in noninferiority/equivalence trials (see section 1.5), the guidance will describe each kind of control group in more detail (see section 2.0–2.5.7) and consider, for each:

- Its ability to minimize bias
- Ethical and practical issues associated with its use
- Its usefulness and the quality of inference in particular situations
- Modifications of study design or combinations with other controls that can resolve ethical, practical, or inferential concerns
- Its overall advantages and disadvantages

Several other ICH guidances are particularly relevant to the choice of control group:

- E3: Structure and Content of Clinical Study Reports
- E4: Dose–Response Information to Support Drug Registration
- E6: Good Clinical Practice: Consolidated Guideline
- E8: General Considerations for Clinical Trials
- E9: Statistical Principles for Clinical Trials

In this guidance, the drug terms "test drug," "study drug," and "investigational drug" are considered synonymous and are used interchangeably; similarly, "active control" and "positive control," "clinical trial" and "clinical study," "control" and "control group;" and "treatment" and "drug" are essentially equivalent terms.

1.2 Purpose of Control Group

Control groups have one major purpose: to allow discrimination of patient outcomes (changes in symptoms, signs, or other morbidity) caused by the test drug from outcomes caused by other factors, such as the natural progression of the disease, observer or patient expectations, or other treatment. The control group experience tells us what would have happened to patients if they had not received the test treatment (or what would have happened with a different treatment known to be effective).

If the course of a disease were uniform in a given patient population, or predictable from patient characteristics such that outcome could be predicted reliably for any given subject or group of subjects, results of treatment could simply be compared with the known outcome without treatment. For example, one could assume that pain would have persisted for a defined time, blood pressure would not have changed, depression would have lasted for a defined time, tumors would have progressed, the mortality after an acute infarction would have been the same as previously seen. In unusual cases, the course of illness is in fact predictable in a defined population and it may be possible to use a similar group of patients previously studied as a "historical control" (see section 1.3.5). In most situations, however, a concurrent control group is needed because it is not possible to predict outcome with adequate accuracy.

A concurrent control group is one chosen from the same population as the test group and treated in a defined way as part of the same trial that studies the test drug. The test and control groups should be similar with regard to all baseline and on-treatment variables that could influence outcome other than the study treatment. Failure to achieve this similarity can introduce a bias into the study. Bias here (and as used in ICH E9) means the systematic tendency of any aspects of the design, conduct, analysis, and interpretation of the results of clinical trials to make the estimate of a treatment effect deviate from its true value. Randomization and blinding are the two techniques usually used to prevent such bias and to ensure that the test treatment and control groups are similar at the start of the study and are treated similarly in the course of the study (see ICH E9). Whether a trial design includes these features is a critical determinant of its quality and persuasiveness.

1.2.1 Randomization

Assurance that subject populations are similar in test and control groups is best attained by randomly dividing a single sample population into groups that receive the test or control treatments. Randomization avoids systematic differences between groups with respect to variables that could affect outcome. The inability to eliminate systematic differences is the principal problem of studies without a concurrent randomized control (see external control trials, section 1.3.5). Randomization also provides a sound basis for statistical inference.

1.2.2 Blinding

The groups should not only be similar at baseline, but should be treated and observed similarly during the trial, except for receiving the test and control drug. Clinical trials are often "double-blind" (or "double-masked"), meaning that both subjects and investigators (including analysts of data, sponsors, other clinical trial personnel) are unaware of each subject's assigned treatment, to minimize the potential biases resulting from differences in management, treatment, or assessment of patients, or interpretation of results that could arise as a result of subject or investigator knowledge of the assigned treatment. For example:

- Subjects on active drug might report more favorable outcomes because they expect a benefit or might be more likely to stay in a study if they knew they were on active drug.
- Observers might be less likely to identify and report treatment responses in a no-treatment group or might be more sensitive to a favorable outcome or adverse event in patients receiving active drug.
- Knowledge of treatment assignment could affect vigor of attempts to obtain on-study or followup data.
- Knowledge of treatment assignment could affect decisions about whether a subject should remain on treatment or receive concomitant medications or other ancillary therapy.
- Knowledge of treatment assignment could affect decisions as to whether a given subject's results should be included in an analysis.
- Knowledge of treatment assignment could affect choice of statistical analysis.

Double-blinding is intended to ensure that subjective assessments and decisions are not affected by knowledge of treatment assignment.

1.3 Types of Controls

Control groups in clinical trials can be classified on the basis of two critical attributes: (1) The type of treatment received and (2) the method of determining who will be in the control group. The type of treatment may be any of the following four: (1) Placebo, (2) no treatment, (3) different dose or regimen of the study treatment, or (4) different active treatment. The principal methods of determining who will be in the control group are by randomization or by selection of a control population separate from the population treated in the trial (external or historical control). This document categorizes control groups into five types. The first four are concurrently controlled (the control group and test groups are chosen from the same population and treated concurrently), usually with random assignment to treatment, and are distinguished by which of the types of control treatments listed above are received. External (historical) control groups, regardless of the comparator treatment, are considered together as the fifth type because

[1] This draft guidance represents the agency's current thinking on the choice of control group in clincal trials. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An altenative approach may be used if such approach satisfies the requirements of the applicable statute, regulations, or both.

of serious concerns about the ability to ensure comparability of test and control groups in such trials and the ability to minimize important biases, making this design usable only in exceptional circumstances.

It is increasingly common to carry out studies that have more than one kind of control group. Each kind of control is appropriate in some circumstances, but none is usable or adequate in every situation. The five kinds of control are:

1.3.1 Placebo Concurrent Control

In a placebo-controlled study, subjects are randomly assigned to a test treatment or to an identical-appearing inactive treatment. The treatments may be titrated to effect or tolerance, or may be given at one or more fixed doses. Such trials are almost always double-blind, with both subjects and investigator unaware of treatment assignment. The name of the control suggests that its purpose is to control for "placebo" effect (improvement in a subject resulting from knowing that he or she is taking a drug), but that is not its only or major benefit. Rather, the placebo concurrent control design, by allowing blinding and randomization and including a group that receives no treatment, controls for all potential influences on the actual or apparent course of the disease other than those arising from the pharmacologic action of the test drug. These influences include spontaneous change (natural history of the disease), subject or investigator expectations, use of other therapy, and subjective elements of diagnosis or assessment. Placebo-controlled trials seek to show a difference between treatments when they are studying effectiveness, but may also seek to show lack of difference (of specified size) in evaluating a safety measurement.

1.3.2 No-Treatment Concurrent Control

In a no-treatment controlled study, subjects are randomly assigned to test treatment or to no (i.e., absence of) test or control therapy. The principal difference between this design and a placebo-controlled trial is that subjects and investigators are not blind to treatment assignment. Because of the advantages of double-blind designs, this design is likely to be needed and suitable only when it is difficult or impossible to double-blind (e.g., medical versus surgical treatment, treatments with easily recognized toxicity) and only when there is reasonable confidence that study endpoints are objective and that the results of the study are unlikely to be influenced by the factors listed in section 1.2.2. Note that it is often possible to blind endpoint assessment, even if the overall trial is not double-blind. This is a valuable approach and should always be considered in studies that cannot be blinded, but it does not solve the other problems associated with knowing the treatment assignment (see section 1.2.2).

1.3.3 Dose-Response Concurrent Control

In a randomized, fixed-dose, dose-response study, subjects are randomized to one of several fixed-dose groups. Subjects may either be placed on their fixed dose initially or be raised to that dose gradually, but the intended comparison is between the groups on their final dose. Dose-response studies are usually double-blind. They may include a placebo (zero dose) and/or active control. In a concentration-controlled trial, treatment groups are titrated to several fixed-concentration windows; this type of trial is conceptually similar to a fixed-dose, dose-response trial.

1.3.4 Active (Positive) Concurrent Control

In an active-control (or positive control) study, subjects are randomly assigned to the test treatment or to an active-control drug. Such trials are usually double-blind, but this is not always possible; many oncology studies, for example, are considered impossible to blind because of different regimens, different routes of administration (see section 1.3.2) and different toxicities. Active-control trials can have two distinct objectives with respect to showing efficacy: (1) To show efficacy of the test drug by showing it is as good as (equivalent, not inferior to) a known effective agent or (2) to show efficacy by showing superiority of the test drug to the active control. They may also be used with the primary objective of comparing the efficacy/safety of the two drugs (see section 1.4). When this design is used to show equivalence/noninferiority or to compare the drugs, it raises the critical question of whether the trial was capable of distinguishing active from inactive treatments (see section 1.5).

1.3.5 External Control (Including Historical Control)

An externally controlled study compares a group of subjects receiving the test treatment with a group of patients external to the study, rather than to an internal control group consisting of patients from the same population assigned to a different treatment. External controls can be a group of patients treated at an earlier time (historical control) or during the same time period but in another setting. The external control may be defined (a specific group of patients) or nondefined (a comparator group based on general medical knowledge of outcome). Use of this latter comparator is particularly treacherous (such trials are sometimes called uncontrolled) because general impressions are so often inaccurate. Baseline-controlled studies, in which subjects' status on therapy is compared with status before therapy (e.g., blood pressure, tumor size), are a variation of this type of control. In this case, the changes from baseline are often compared to a general impression of what would have happened without intervention, rather than to a specific historical experience, although a more defined experience can also be used.

1.3.6 Multiple-Control Groups

As will be described further below (see section 1.5.1), it is often possible and advantageous to use more than one kind of control in a single study, e.g., use of both active drug and placebo. Similarly, trials can use several doses of test drug and several doses of active control, with or without placebo. This design may be useful for active drug comparisons where the relative potency of the two drugs is not well established, or where the purpose of the trial is to establish relative potency.

1.4 Purposes of Clinical Trials

Two purposes of clinical trials should be distinguished: (1) Assessment of the efficacy and/or safety of a treatment and (2) assessment of the relative (comparative) efficacy, safety, benefit/risk relationship or utility of two treatments.

1.4.1 Evidence of Efficacy

In some cases, the purpose of a trial is to demonstrate that a test drug has any clinical effect (or an effect of some specified size). A study using any of the control types may demonstrate efficacy of the test drug by showing that it is superior to the control (placebo, low dose, active drug). An active-control trial may, in addition, demonstrate efficacy in some cases by showing the new drug to be similar in efficacy to a known effective therapy. The known efficacy of the control is then attributed to the new drug. Clinical studies designed to demonstrate efficacy of a new drug by showing that it is similar in efficacy to a standard agent have been called "equivalence" trials. Because in this case the finding of interest is one-sided, these are actually noninferiority trials, attempting to show that the new drug is not less effective than the control by more than a defined amount. As the fundamental assumption of such studies is that showing noninferiority is evidence of efficacy, the decision to utilize this trial design necessitates attention to the question of whether the active control can be relied upon to have an effect in the setting of the trial and whether, as a result, the trial can be relied on not to find a truly inferior drug to be noninferior (see section 1.5).

1.4.2 Comparative Efficacy and Safety

In some cases, the focus of the trial is the comparison with another agent, not the efficacy of the test drug per se. Depending on the therapeutic area, these trials may be seen as providing information needed for relative benefit-risk assessment. The active comparator(s) should be acceptable to the region for which the data are meant. Depending on the situation, it may not be necessary to show equivalence or noninferiority; for example, a less effective drug could have safety advantages and thus be considered useful.

Even though the primary focus of such a trial is the comparison of treatments rather than demonstration of efficacy, the cautions described for conducting and interpreting noninferiority trials need to be taken into account (see section 1.5). The ability of the comparative trial to detect a difference between treatments when one exists needs to be established because a trial incapable of distinguishing between treatments that are in fact different cannot provide useful comparative information.

In addition, for the comparative trial to be informative concerning relative benefit and risk, the trial needs to be fair, i.e., each drug should have an opportunity to perform well. In practice, an active-control equivalence/noninferiority trial offered as evidence of efficacy also almost always should provide a fair comparison with the control, because any

doubt as to whether the control in the study had its usual effect would undermine assurance that the trial had assay sensitivity (see section 1.5). Note that fairness is not an issue when the purpose of the trial is to show efficacy by demonstrating superiority to the control (i.e., the trial will show such efficacy even if the comparator is poorly used; such a trial will not, however, show an advantage over the control).

Among aspects of study design that could unfairly favor one treatment group are choice of dose or patient population and selection and timing of endpoints.

1.4.2.1 *Dose.* In comparing the test drug with an active control for the purpose of assessing relative benefit/risk, it is important to choose an appropriate dose and dose regimen of the control. In examining the results of a comparison of two drugs, it is important to consider whether an apparently less effective control drug has been used at too low a dose or whether the apparently less well tolerated control drug has been used at too high a dose. In some cases, to show superior efficacy or safety convincingly it will be necessary to study several doses of the control and perhaps of the test agent, unless the dose of test agent chosen is superior to any dose (or the only recommended dose) of the control and at least as well tolerated.

1.4.2.2 *Patient population.* Selection of subjects for an active-control trial can affect outcome; the population studied should be carefully considered in evaluating what the trial has shown. For example, if subjects are drawn from a population of nonresponders to the standard agents, there would be a bias in favor of the new agent. The results of such a study could not be generalized to the entire population of previously untreated patients. The result is, however, still good evidence of the efficacy of the new drug. Moreover, a formal study of a new drug in nonresponders to other therapy, in which treatment failures are randomized to either the new or failed therapy (so long as this does not place the patients at risk), can provide an excellent demonstration of the value of the new agent in such nonresponders, a clinically valuable observation (see appendix).

Similarly, it is sometimes possible to identify patient subsets more or less likely to have a favorable response or to have an adverse response to a particular drug. For example, blacks respond poorly to the blood pressure effects of beta blockers and angiotensin-converting enzyme inhibitors, so that a comparison of a new antihypertensive with these drugs in these patients would tend to show superiority of the new drug. It would not be appropriate to conclude that the new drug is generally superior. Again, however, a planned study in a subgroup, with recognition of its limitations and of what conclusion can properly be drawn, could be informative. See the appendix for a general discussion of "enrichment" study designs, studies that choose a subset of the overall population to increase sensitivity of the study or to answer a specific, but narrow, question.

1.4.2.3 *Selection and timing of endpoints.* When two treatments are used for the same disease or condition, they may differentially affect various outcomes of interest in that disease, particularly if they represent different classes or modalities of therapy. Therefore, when comparing them in a clinical trial, the choice and timing of endpoints may favor one therapy or the other. For example, thrombolytics in patients with acute myocardial infarction can reduce mortality but increase stroke risk. If a new, more active thrombolytic were compared with an older thrombolytic, the more active drug might look better if the endpoint were mortality, but worse if the endpoint were a composite of mortality and disabling stroke. Similarly, in comparing two analgesics in the management of dental pain, assigning a particularly heavy weight to pain at early time-points would favor the agent with more rapid onset over an agent that provides greater or longer lasting relief.

1.5 Sensitivity-to-Drug-Effects and Assay Sensitivity of Studies Intended to Show Noninferiority/Equivalence

As noted in section 1.4.1, use of an active-control noninferiority/equivalence design to demonstrate efficacy poses a particular problem, one not found in trials intended to show a difference between treatments. A demonstration of efficacy by showing noninferiority/equivalence of the new therapy to the established effective treatment or, more accurately, by showing that the difference between them is no larger than a specified size (margin), rests on a critical assumption: that if there is a true difference between the treatments, i.e., if the new drug has a much smaller effect or no effect, the study would not have concluded there was no such difference. This assumption, in turn, rests on the assumption that the active-control drug will have had an effect of a defined size in the study. If these assumptions are incorrect, an erroneous conclusion that a drug is effective may be reached because a trial seeming to support noninferiority will not in fact have done so.

The ability of a specific trial to detect differences between treatments if they exist has been called, and is here termed, "assay sensitivity." In the noninferiority trial setting, assay sensitivity requires that there be an effect of the control drug in the trial of at least a specified size and that, because of the presence of that effect, the trial has an ability not to declare noninferiority of a new drug when the new drug is in fact inferior. As noted, because the actual effect size of the control in the trial is not measured, the presence of assay sensitivity must be deduced. In this document, the term assay sensitivity, a property of a particular trial, is distinguished from sensitivity-to-drug-effects. Sensitivity-to-drug-effects is defined as the ability of appropriately designed and conducted trials in a specific therapeutic area, using a specific active drug (or other drugs with similar effects), to reliably show a drug effect of at least a minimum size under the conditions of the trial. Sensitivity-to-drug-effects is determined from historical experience; it will usually be established by a determination that such trials, when adequately powered, regularly distinguish active drugs from placebo. Sensitivity-to-drug-effects, established in this way, will imply that, in a similarly well-designed and conducted noninferiority trial, there will be an ability not to find an ineffective agent to be noninferior. Assay sensitivity, in contrast, applies to a specific trial and requires the actual presence of a control drug effect and thus the actual ability of the trial not to declare an inferior drug noninferior. This ability depends on the details of the design and conduct of a specific trial, as well as the presence of sensitivity-to-drug-effects.

1.5.1 Need to Ensure Assay Sensitivity in Noninferiority (Equivalence) Trials; Difference–Showing Versus Noninferiority Studies

When designing a noninferiority study, study designers need to consider the fundamental distinction between two kinds of clinical trials: (1) Those that seek to demonstrate efficacy by showing superiority of a treatment to a control (superiority trials) and (2) those that seek to show efficacy by demonstrating that a new treatment is as good as (not inferior by some specified amount to) a treatment known to be effective. In the difference-showing trial, the finding of a difference itself documents the assay sensitivity of the trial and documents the efficacy of the superior treatment, so long as the inferior treatment, if an active drug, is known to be no worse than a placebo. In the noninferiority situation, in contrast, a finding of noninferiority leaves unanswered the question: Would the study have led to a conclusion of noninferiority even if the study drug were inferior? In a noninferiority trial without a placebo group, there is no internal standard (that is, a showing of an active drug-placebo difference) to measure/ensure assay sensitivity. The existence of assay sensitivity of the trial therefore needs to be deduced or assumed based on past experience ("historically") with the control drug, generally from placebo-controlled trials, establishing the sensitivity-to-drug-effects of well-designed and conducted trials, together with evidence that the trial was in fact well conducted.

The question of assay sensitivity, although particularly critical in noninferiority studies, actually arises in any trial that fails to detect a difference between treatments, including a placebo-controlled trial. If a drug fails to show superiority to placebo, for example, it means either that the drug was ineffective or that the study was not capable of detecting the effect of the drug. A straightforward solution to the problem of assay sensitivity is the three-arm study, including both placebo and a known active treatment, a study design with several advantages. Such a study measures effect size (test drug versus placebo) and allows comparison of test drug and active control in a setting where assay sensitivity is established by the active control-placebo comparison. The design is also particularly informative when the test drug and placebo give similar results in the study. In that case, if the active control is superior to placebo, the study did have assay sensitivity and the study provides some evidence that the test drug has little or no efficacy. On the other hand, if neither drug, including the known effective active control, can be distinguished from placebo with

respect to efficacy, the clinical study lacks assay sensitivity and does not provide evidence that the drug is ineffective.

1.5.2 Choosing the Noninferiority Margin

As noted earlier, most active-control "equivalence" trials are really noninferiority trials intended to establish the efficacy of a new drug. Analysis of the results of noninferiority trials is discussed in the ICH guidances E9 and E3. Briefly, in such a trial, new and established therapies are compared. Prior to the trial, an equivalence or noninferiority margin, sometimes called a "delta," is selected. This margin is the degree of inferiority of the test drug compared to the control that the trial will attempt to exclude statistically. If the confidence interval for the difference between the test and control treatments excludes a degree of inferiority of the test drug as large as, or larger than, the margin, the test drug can be declared noninferior and thus effective; if the confidence interval includes a difference as large as the margin, the test drug cannot be declared noninferior and cannot be considered effective.

The margin chosen for a noninferiority trial cannot be greater than the smallest effect size that the active drug would be reliably expected to have compared with placebo in the setting of the planned trial, but may be smaller based on clinical judgment. If a difference between active control and new drug favors the control by as much as or more than that amount, the new drug might have no effect at all. The margin generally is identified based on past experience in placebo-controlled trials of adequate design under conditions similar to those planned for the new trial. Note that exactly how to calculate the margin is not described in this document, and there is little published experience on how to do this. The determination of the margin is based on both statistical reasoning and clinical judgment, should reflect uncertainties in the evidence on which the choice is based, and should be suitably conservative. If this is done properly, a finding that the confidence interval for the difference between new drug and the active control excludes a suitably chosen margin could provide assurance that the drug has an effect greater than zero. In practice, the margin chosen usually will be smaller than that suggested by the smallest expected effect size of the active control because of interest in ensuring that some particular clinically acceptable effect size (or fraction of the control drug effect) was maintained. This would also be true in a trial whose primary focus is the therapeutic equivalence of a test drug and active control (see section 1.4.2), where it would be usual to seek assurance that the test and control drug were quite similar, not simply that the new drug had any effect at all.

The fact that the choice of the margin to be excluded can only be based on past experience gives the noninferiority trial an element in common with a historically controlled (externally controlled) study. This study design is appropriate and reliable only when the historical estimate of an expected drug effect can be well supported by reference to the results of previous studies of the control drug. These studies should lead to the conclusion that the active control can consistently be distinguished from placebo in trials of design similar to the proposed trial (patient population, study size, study endpoints, dose, concomitant therapy, etc.) and should identify an effect size that represents the smallest effect that the control can reliably be expected to have. If placebo-controlled trials of a design similar to the one proposed more than occasionally show no difference between the proposed active control and placebo, and this cannot be explained by some characteristic of the study, only superiority of the test drug would be interpretable. Note that it is the estimated difference from placebo, not the total change from baseline, that needs to be used to calculate the expected effect of the control.

1.5.3 Sensitivity-to-Drug-Effects Is Difficult to Support in Many Situations

Whether the historically based assurance of sensitivity-to-drug-effects of a trial is supported in any given case is to some degree a matter of judgment. There are many conditions, however, in which drugs considered effective cannot regularly be shown superior to placebo in well-controlled studies, and one therefore cannot reliably determine a minimum effect the drug will have in the setting of a specific trial. Such conditions tend to include those in which there is substantial improvement and variability in placebo groups, and/or in which the effects of therapy are small, or variable, such as depression, anxiety, dementia, angina, symptomatic congestive heart failure, seasonal allergies, and symptomatic gastroesophageal reflux disease.

In all these cases, there is no doubt that the standard treatments are effective because there are many well-controlled studies of each of these drugs that have shown an effect. Based on available experience, however, it would be difficult to describe study conditions in which the drug would reliably have at least a minimum effect (i.e., conditions in which there is sensitivity-to-drug-effects) and that, therefore, could be used to identify an appropriate margin. In some cases, the experience on which the expectation of sensitivity-to-drug-effects is based may be of questionable relevance, e.g., if standards of treatment and diagnosis have changed substantially over time. If someone proposing to use an active-control noninferiority design cannot provide acceptable support for the sensitivity-to-drug-effects of the study with the chosen inferiority margin, a finding of noninferiority cannot be considered informative with respect to efficacy or to a showing of clinical comparability/equivalence.

1.5.4 Assay Sensitivity and Study Quality in Noninferiority Designs

Even where historical experience indicates that studies in a particular therapeutic area are likely to have sensitivity-to-drug-effects, this likelihood can be undermined by the particular circumstances under which the study was conducted. Great attention therefore needs to be paid to how the trial was designed and conducted to determine whether it actually did have assay sensitivity. There are many factors that can reduce a trial's assay sensitivity, such as:

1. Poor compliance with therapy
2. Poor responsiveness of the study population to drug effects
3. Use of concomitant medication or other treatment that interferes with the test drug or that reduces the extent of the potential response
4. A population that tends to improve spontaneously, leaving no room for further drug-induced improvement
5. Poor diagnostic criteria (patients lacking the disease to be studied)
6. Inappropriate (insensitive) measures of drug effect
7. Excessive variability of measurements
8. Biased assessment of endpoint because of knowledge that all patients are receiving a potentially active drug, e.g., a tendency to read blood pressure responses as greater than they actually are, reducing the difference between test drug and control

Clinical researchers and trial sponsors intend to perform high quality studies, and the publication of the Good Clinical Practices guidance will enhance study quality. Nonetheless, it should be appreciated that in trials intended to show a difference between treatments there is a strong imperative to utilize a good study design and minimize study errors, because trial imperfections increase the likelihood of failing to show a difference between treatments when one exists. In placebo-controlled trials, for example, there is often a withdrawal period to be sure study subjects actually have the disease for which treatment is intended, and great care is taken in defining entry criteria to be sure patients have an appropriate stage of the disease. It is common to have a single-blind placebo run-in period to discover and eliminate subjects who recover spontaneously, whose measurements are too variable, or who are likely to comply poorly with the protocol. There is close attention to trial conduct, including administration of the correct treatments to patients, encouraging compliance with medication use, controlling (or at least recording) concomitant drug use and other concomitant illness, and use of standard procedures for measurement (technique, timing, training periods). All of these efforts will help ensure that an effective drug will be distinguished from placebo. Nonetheless, in many clinical settings, despite the strong stimulus and extensive efforts to ensure study excellence and assay sensitivity, clinical studies are often unable to reliably distinguish effective drugs from placebo.

In contrast, in trials intended to show that there is not a difference of a particular size (noninferiority) between two treatments, there is a much weaker stimulus to engage in many of these efforts, which help ensure that differences will be detected, i.e., ensure sensitivity, because failure to show a difference greater than the margin is the desired outcome of the study. Although some kinds of study error diminish observed differences between treatments, it is noted that some kinds of study errors can increase variance, which would decrease the likelihood of showing noninferiority by widening the confidence interval so that a

test drug control difference greater than the margin cannot be excluded. There would therefore be a strong stimulus in these trials to reduce variance, which might be caused, for example, by poor measurement technique. Many errors of the kind described, however, reduce the observed difference between treatments (and thus assay) without necessarily increasing variance. They therefore increase the likelihood that an inferior drug will be found noninferior.

When a noninferiority study is offered as evidence of effectiveness of a new drug, both the sponsor and regulatory authority need to pay particularly close attention to study quality. Whether a given study has assay sensitivity often cannot be determined, but the known reasons for failure to have such sensitivity should be monitored. The design and conduct of the study need to be shown to be similar to studies of the active control that were successful in the past. To ensure that sensitivity-to-drug-effects seen in past studies is likely to be present in the new study, there should be close attention to critical design characteristics such as the entry criteria and characteristics of the study population (severity of medical condition, method of diagnosis), the specific endpoint measured and timing of assessments, and the use of washout periods to exclude patients without disease or to exclude patients with spontaneous improvement. Similarly, aspects of study conduct that could decrease assay sensitivity should also be examined, including such characteristics as compliance with therapy, monitoring of concomitant therapy, enforcement of entry criteria, and prevention of study dropouts.

One other possibility should be considered. Even where a study seems likely to have sensitivity-to-drug-effects based on prior studies, the population studied or other aspects of study design or conduct in a noninferiority study may be so different that results with the active-control treatment are visibly atypical (e.g., cure rate in an antibiotic trial that is unusually high or low). In that case, the results of a noninferiority trial may not be persuasive.

2.0 Detailed Consideration of Types of Control

2.1 Placebo Control

2.1.1 Description (See Section 1.3.1)

In a placebo-controlled study, subjects are assigned, almost always by randomization, to either a test drug or to a placebo. A placebo is a "dummy" medication that appears as identical as possible to the investigational or test drug with respect to physical characteristics such as color, weight, taste and smell, but that does not contain the test drug. Some trials may study more than one dose of the test drug or include both an active control and placebo. In these cases, it may be easier for the investigator to use more than one placebo ("double-dummy") than to try to make all treatments look the same. The use of placebo facilitates, and is almost always accompanied by, double-blinding (or double-masking). The difference in measured outcome between the active drug and placebo groups is the measure of drug effect under the conditions of the study. Within this general description there is a wide variety of designs that can be used successfully: Parallel or cross-over designs (see ICH E9), single fixed dose or titration in the active drug group, several fixed doses. Several designs meriting special attention will be described below. Note that not every study that includes a placebo is a placebo-controlled study. For example, an active-control study could use a placebo for each drug (double-dummy) to facilitate blinding; this is still an active-control trial, not a placebo-controlled trial. A placebo-controlled trial is one in which treatment with a placebo is compared with treatment with an active drug.

2.1.2 Ability to Minimize Bias

The placebo-controlled trial, using randomization and blinding, generally reduces subject and investigator bias maximally, but such trials are not impervious to blind-breaking through recognition of pharmacologic effects of one treatment (perhaps a greater concern in cross-over designs); blinded outcome assessment can enhance bias reduction in such cases.

2.1.3 Ethical Issues

When a new agent is tested for a condition for which no effective treatment is known, there is usually no ethical problem with a study comparing the new agent to placebo. Use of a placebo control may raise problems of ethics, acceptability, and feasibility, however, when an effective treatment is available for the condition under study in a proposed trial. In cases where an available treatment is known to prevent serious harm, such as death or irreversible morbidity in the study population, it is generally inappropriate to use a placebo control. There are occasional exceptions, however, such as cases in which standard therapy has toxicity so severe that many patients will refuse therapy.

In other situations, when there is no major health risk associated with withholding or delay of effective therapy, it is considered ethical to ask patients to participate in a placebo-controlled trial, even if they may experience discomfort as a result, provided the setting is noncoercive and they are fully informed about available therapies and the consequences of delaying treatment. Such trials, however, may pose important practical problems. For example, deferred treatment of pain or other symptoms may be unacceptable to patients or physicians and they may not want to participate in such a study. Whether a particular placebo-controlled trial of a new agent will be acceptable to subjects and investigators when there is known effective therapy is a matter of investigator, patient, and institutional review board (IRB)/independent ethics committee (IEC) judgment, and acceptability may differ among ICH regions. Acceptability could depend on the specific design of the study and the patient population chosen, as will be discussed below (see section 2.1.5).

Whether a particular placebo-controlled trial is ethical may, in some cases, depend on what is believed to have been clinically demonstrated and on the particular circumstances of the trial. For example, a short term placebo-controlled study of a new antihypertensive agent in patients with mild essential hypertension and no end-organ disease might be considered generally acceptable, while a longer study, or one that included sicker patients, probably would not be.

It should be noted that use of a placebo or no-treatment control does not imply that the patient does not get any treatment at all. For instance, in an oncology trial, when no active drug is approved, patients in both the placebo/no-treatment group and the test drug group will receive needed palliative treatment, such as analgesics.

2.1.4 Usefulness of Placebo–Controlled Trials and Quality/Validity of Inference in Particular Situations

When used to show effectiveness of a treatment, the placebo-controlled trial is as free of assumptions and need for external (extra-study) information as it is possible to be. Most trial design problems and careless errors result in failure to demonstrate a treatment difference (and thereby establish efficacy), so that the trial contains built-in incentives for study excellence. Even when the primary purpose of a trial is comparison of two active agents or assessment of dose-response, the addition of a placebo provides an internal standard that enhances the inferences that can be drawn from the other comparisons.

Placebo-controlled trials also provide the maximum ability to distinguish adverse effects due to drug from those due to underlying disease or intercurrent illness. Note that where they are used to show similarity, for example, to show the absence of an adverse effect, placebo-controlled trials have the same assay sensitivity problem as any equivalence or noninferiority trial (see section 1.5.1). To interpret the result, one must know that if the study drug caused an adverse event, it would have been observed.

2.1.5 Modifications of Design and Combinations With Other Controls That Can Resolve Ethical, Practical, or Inferential Issues

It is often possible to address the ethical or practical limitations of placebo-controlled trials by using modified study designs that still retain the inferential advantages of these trials. In addition, placebo-controlled trials can be made more informative by inclusion of additional treatment groups, such as multiple doses of the test agent or a known active-control treatment.

2.1.5.1 *Additional control groups.*

2.1.5.1.1 *Three-arm study; placebo and active control.* As noted in section 1.5.1, three-arm studies including an active-control as well as a placebo-control group can readily assess whether a failure to distinguish test drug from placebo implies ineffectiveness of the test drug or simply a study that lacked the ability to identify an active drug. The placebo-standard drug comparison in such a trial provides internal evidence of assay sensitivity. It is possible to make the active groups larger than the placebo group in order to improve the precision of the active drug comparison, if this is considered important. This may also make the study more

appealing to patients, as there is less chance of being randomized to placebo.

2.1.5.1.2 *Additional doses.* Randomization among several fixed doses of the test drug in addition to placebo allows assessment of dose-response and may be particularly useful in a comparative trial to ensure a fair comparison of treatments (see ICH E4: Dose–Response Information to Support Drug Registration).

2.1.5.1.3 *Factorial/combination studies.* Factorial/ combination (response-surface) designs may be used to explore several doses of the investigational drug as monotherapy and in combination with several doses of another agent proposed for use in combination with it. A single study of this type can define the properties of a wide array of combinations. Such studies are common in the evaluation of new antihypertensive therapies, but can be considered in a variety of settings where more than one treatment is used simultaneously. For example, the independent additive effects of aspirin and streptokinase in preventing mortality after a heart attack were shown in such a trial.

2.1.5.2 *Changes in study design.*

2.1.5.2.1 *Add-on study, placebo-controlled; replacement study.* An "add-on" study is a placebo-controlled trial of a new agent conducted in people also receiving standard therapy. Such studies are useful when standard therapy is known to decrease mortality or irreversible morbidity, so that the therapy cannot be withheld from a patient population known to benefit from it, and when a noninferiority trial with standard treatment as the active control cannot be carried out or would be difficult to interpret (see section 1.5). It is common to study anticancer, antiepileptic, and anti-heart-failure drugs this way. This design is useful only when standard therapy is not fully effective (which, however, is almost always the case), and it has the advantage of providing evidence of improved clinical outcomes (rather than "mere" noninferiority). Efficacy is, of course, established by such studies only for combination therapy, and the dose in a monotherapy situation might be different from the dose found to be effective in combination. In general, this approach is likely to succeed only when the new and standard therapies utilize different pharmacologic mechanisms, although there are exceptions. For example, AIDS combination therapies may show a beneficial effect of pharmacologically-related drugs because of delays in development of resistance.

A variation of this design that can sometimes give information on monotherapy and that is particularly applicable in the setting of chronic disease, is the replacement study, in which the new drug or placebo is added by random assignment to conventional treatment given at an effective dose and the conventional treatment is then withdrawn, usually by tapering. The ability to maintain the subjects' baseline status is then observed in the drug and placebo groups using predefined success criteria. This approach has been used to study steroid-sparing substitutions in steroid-dependent patients without need for initial steroid withdrawal and recrudescence of symptoms in a wash-out period, and has also been used to study antiepileptic drug monotherapy.

2.1.5.2.2 *"Early escape"; rescue medication.* It is possible to design a study to plan for "early escape" from ineffective therapy. Early escape refers to prompt removal of subjects whose clinical status worsens or fails to improve to a defined level (blood pressure not controlled by a prespecified time, seizure rate greater than some prescribed value, blood pressure rising to a certain level, angina frequency above a defined level, liver enzymes failing to normalize by a preset time in patients with hepatitis), who have a single event that treatment was intended to prevent (first recurrence of unstable angina, grand mal seizure, paroxysmal supraventricular arrhythmia), or who otherwise require added therapy. In such cases, the need to change therapy becomes a study endpoint. The criteria for deciding whether these endpoints have occurred should be well specified, and the timing of measurements should ensure that patients will not remain untreated with an active drug while their disease is poorly controlled. The primary difficulty with this trial design is that it may give information only on short-term effectiveness. The randomized withdrawal trial (see section 2.1.5.2.4), however, which can also incorporate early-escape features, can give information on long-term effectiveness. It should be noted that formal use of rescue medication in response to clinical deterioration could be utilized similarly.

2.1.5.2.3 *Limited placebo period.* In a longer term active-control trial, the addition of a placebo group treated for a short period may establish assay sensitivity (at least for short-term effects). The trial would then continue without the placebo group.

2.1.5.2.4 *Randomized withdrawal.* In a randomized withdrawal study, subjects receiving an investigational therapy for a specified time are randomly assigned to continued treatment with the investigational therapy or to placebo (i.e., withdrawal of active therapy). Subjects for such a trial could be derived from an organized open single-arm study, from an existing clinical cohort (but usually with a formal "wash-in" phase to establish the initial on-therapy baseline), from the active arm of a controlled trial, or from one or both arms of an active-control trial. Any difference that emerges between groups receiving continued treatment and placebo would demonstrate the effect of the active treatment. The prerandomization observation period on drug can be of any length; this approach can therefore be used to study long-term persistence of effectiveness when long-term placebo treatment would not be acceptable. The postwithdrawal observation period could be of fixed duration or could use early escape or time to event (e.g., relapse of depression) approaches. As with the early-escape design, procedures for monitoring patients and assessing study endpoints need careful attention to ensure that patients failing on an assigned treatment are identified rapidly.

The randomized withdrawal approach is suitable in several situations. First, it may be suitable for drugs that appear to resolve an episode of recurring illness (e.g., antidepressants), in which case the withdrawal study is in effect a relapse-prevention study. Second, it may be used for drugs that suppress a symptom or sign (chronic pain, hypertension, angina), but where a long-term placebo-controlled trial would be difficult; in this case, the study can establish long-term efficacy. Third, the design can be used to determine how long a therapy should be continued (e.g., postinfarction treatments with a beta-blocker).

The general advantage of randomized withdrawal designs, when used with an early-escape endpoint, such as return of symptoms, is that the period of placebo exposure with poor response that a patient would have to undergo is short.

Dosing issues can be addressed by this type of design. After all patients had received an initial fixed dose, they could be randomly assigned in the "withdrawal" phase to several different doses (as well as placebo), a particularly useful approach when there is reason to think the initial and maintenance doses might be different, either on pharmacodynamic grounds or because there is substantial accumulation of active drug resulting from a long half life of parent drug or active metabolite. Note that the randomized withdrawal design could be used to assess dose-response after an initial placebo-controlled titration study. The titration study is an efficient design for establishing effectiveness, but does not give good dose-response information. The randomized withdrawal phase, with responders randomly assigned to several fixed doses and placebo, will study dose-response rigorously while allowing the efficiency of the titration design.

In utilizing randomized withdrawal designs, it is important to appreciate the possibility of withdrawal phenomena, suggesting the wisdom of relatively slow tapering. A patient may develop tolerance to a drug such that no benefit is being accrued, but the drug's withdrawal may lead to disease exacerbation, resulting in an erroneous conclusion of persisting efficacy. It is also important to realize that treatment effects observed in these studies may be larger than those seen in the general population because randomized withdrawal studies are "enriched" with responders (see appendix). This phenomenon results when the study explicitly includes only subjects who appear to have responded to the drug or includes only people who have completed a previous phase of study (which is often an indicator of a good response).

2.1.5.2.5 *Other design considerations.* In any placebo-controlled study, unbalanced randomization (e.g., 2:1, study drug to placebo) may enhance the safety data base and may also make the study more attractive to patients and/or investigators.

2.1.6 Advantages of Placebo-Controlled Trials

2.1.6.1 *Ability to demonstrate efficacy credibly.* Like other difference-showing trials, the interpretation of the placebo-controlled study relies on no externally based

assumptions of sensitivity-to-drug-effects nor an assessment of assay sensitivity. These may be the only credible study designs in situations where it is not possible to conclude that noninferiority studies would have assay sensitivity (see section 1.5).

2.1.6.2 *Measures "absolute" effectiveness and safety.* The placebo-controlled trial measures the absolute effect of treatment and allows a distinction between adverse events due to the drug and those due to the underlying disease or "background noise." The absolute effect size information is valuable in a three-group trial (test, placebo, active), even if the primary purpose of the trial is the test versus active control comparison.

2.1.6.3 *Efficiency.* Placebo-controlled trials are efficient in that they can detect treatment effects with a smaller sample size than any other type of concurrently controlled study. Active-control trials intended to show superiority of the new treatment are generally seeking smaller differences than the active-placebo difference sought in a placebo-controlled trial, resulting in need for a larger sample size. Noninferiority active-control trials also need larger sample sizes because they must use conservative assumptions about the effect size of the control drug to ensure that noninferiority of the test drug would in fact demonstrate efficacy. Designers of dose-response studies need to guess at the shape and position of the dose-response curve and may wastefully assign some subjects to several doses that have no effect or are on a response plateau.

2.1.6.4 *Minimizing the effect of subject and investigator expectations.* Use of a blinded placebo control may decrease the amount of improvement resulting from subject or investigator expectations because both are aware that some subjects will receive no active drug. This may increase the ability of the study to detect true drug effects.

2.1.7 Disadvantages of Placebo-Controlled Trials

2.1.7.1 *Ethical concerns (see sections 2.1.3 and 2.1.4).* When effective therapy that is known to prevent harm exists for a particular population, that population cannot usually be ethically studied in placebo-controlled trials; the particular conditions and populations for which this is true may be controversial. Ethical concerns may also direct studies toward less ill subjects or cause studies to examine short-term endpoints when long-term outcomes are of greater interest. Where a placebo-controlled trial is unethical and an active-control trial would not be credible, it may be very difficult to study new drugs at all. For example, it would not be considered ethical to carry out a placebo-controlled trial of a beta blocker in postinfarction patients; yet it would be difficult to conclude that a noninferiority trial would have sensitivity-to-drug-effects. The designs described in section 2.1.5 may be useful in some of these cases.

2.1.7.2 *Patient and physician practical concerns.* Physicians and/or patients may be reluctant to accept the possibility that the patient will be assigned to the placebo treatment, even if there is general agreement that withholding or delaying treatment will not result in harm. Subjects who sense they are not improving may drop out of trials because they attribute lack of effect to having been treated with placebo, complicating the analysis of the study. With care, however, drop-out for lack of effectiveness can sometimes be used as a study endpoint. Although this may provide some information on drug effectiveness, such information is less precise than actual information on clinical status in subjects receiving their assigned treatment.

2.1.7.3 *Generalizability.* It is sometimes argued that any controlled trial, but especially a placebo-controlled trial, represents an artificial environment that gives results different from true "real world" effectiveness. If study populations are unrepresentative in placebo-controlled trials because of ethical or practical concerns, questions about the generalizability of study results can arise. For example, patients with more serious disease may be excluded by protocol, investigator, or patient choice from placebo-controlled trials. In some cases, only a limited member of patients or centers may be willing to participate in studies. Whether these concerns actually (as opposed to theoretically) limit generalizability has not been established.

2.1.7.4 *No comparative information.* Placebo-controlled trials lacking an active control give little useful information about comparative effectiveness, information that is of interest and importance in many circumstances. Such information cannot reliably be obtained from cross-study comparisons, as the conditions of the studies may have been quite different.

2.2 No-Treatment Concurrent Control (See Section 1.3.2)

The randomized no-treatment control is similar in its general properties and its advantages and disadvantages to the placebo-controlled trial. Unlike the placebo-controlled trial, however, it cannot be fully blinded, and this can affect all aspects of the trial, including subject retention, patient management, and all aspects of observation (see section 1.2.2). This design is appropriate in circumstances where a placebo-controlled trial would be performed, except that blinding is not feasible because the treatments themselves are so different, e.g. radiation therapy versus surgery, or because the treatment side effects are so different. When this design is used, it is desirable to have critical decisions, such as eligibility and endpoint determination or changes in management, made by an observer blinded to treatment assignment. Decisions related to data analysis, such as inclusion of patients in analysis sets, should also be made by individuals without access to treatment assignment (See ICH E9 for further discussion).

2.3 Dose-Response Concurrent Control (See Section 1.3.3)

2.3.1 Description

A dose-response study is one in which subjects are randomly assigned to one of several dosing groups, with or without a placebo group. Dose-response studies are carried out to establish the relation between dose and efficacy/adverse effects and/or to demonstrate efficacy. The first use is considered in ICH E4; the latter is the subject of this guidance. Evidence of efficacy could be based on significant differences in pair-wise comparisons between dosing groups or between dosing groups and placebo, or on evidence of a significant positive trend with increasing dose, even if no two groups are significantly different. In the latter case, however, further study may be needed to assess the effectiveness of the low doses. As noted in ICH E9, the particular approach for the primary efficacy analysis should be prespecified.

There are several advantages to inclusion of a placebo (zero-dose) group in a dose-response study. First, it avoids studies that are uninterpretable because all doses produce similar effects so that one cannot assess whether all doses are equally effective or equally ineffective. Second, the placebo group permits an estimate of absolute size of effect, although the estimate may not be very precise if the dosing groups are relatively small. Third, as the drug-placebo difference is generally larger than inter-dose differences, use of placebo may permit smaller sample sizes. The size of various dose groups need not be identical; e.g., larger samples could be used to give more precise information about the effect of smaller doses or be used to increase the power of the study to show a clear effect of what is expected to be the optimal dose. Dose-response studies can include one or more doses of an active-control agent. Randomized withdrawal designs can also assign subjects to multiple dosage levels.

2.3.2 Ability to Minimize Bias

If the dose-response study is blinded, it shares with other blinded designs an ability to minimize subject and investigator bias. When a drug has pharmacologic effects that could break the blind for some patients or investigators, it may be easier to preserve blinding in a dose-response study than in a placebo-controlled trial. Masking treatments may necessitate multiple dummies or preparation of several different doses that look alike.

2.3.3 Ethical Issues

The ethical and practical concerns related to a dose-response study are similar to those affecting placebo-controlled trials. Where there is therapy known to be effective in preventing death or irreversible morbidity, it is no more ethically acceptable to randomize deliberately to subeffective therapy than it is to randomize to placebo. Where therapy is directed at less serious conditions or where the toxicity of the therapy is substantial relative to its benefits, dose-response studies that use low, potentially subeffective doses or placebo may be acceptable to patients and investigators.

2.3.4 Usefulness of Dose-Response Studies and Quality/Validity of Inference in Particular Situations

In general, a blinded dose-response study is useful for the determination of efficacy and safety in situations where a placebo-controlled trial would be useful and has similar credibility (see section 2.1.4).

2.3.5 Modifications of Design and Combinations With Other Controls That Can Resolve Ethical, Practical, or Inferential Problems

In general, the sorts of modification made to placebo-controlled studies to mitigate ethical, practical, or inferential problems are also applicable to dose-response studies (see section 2.1.5).

2.3.6 Advantages of Dose-response Trials, Other Than Those Related to Any Difference-Showing Study

2.3.6.1 *Efficiency.* Although a comparison of a large, fully effective dose to placebo is maximally efficient for showing efficacy, this design may produce unacceptable toxicity and gives no dose-response information. When the dose-response is monotonic, the dose-response trial is reasonably efficient in showing efficacy and also yields dose-response information. If the optimally effective dose is not known, it may be more prudent to study a range of doses than to choose a single dose that may prove to be suboptimal or toxic.

2.3.6.2 *Possible ethical advantage.* In some cases, notably those in which there is likely to be dose-related efficacy and dose-related important toxicity, the dose-response study may represent a difference-showing trial that can be ethically or practically conducted even where a placebo-controlled trial could not be, because there is reason for patients and investigators to accept lesser effectiveness in return for greater safety.

2.3.7 Disadvantages of Dose-Response Study

A potential problem that needs to be recognized is that a positive dose-response trend (i.e., a significant correlation between the dose and the efficacy outcome), without significant pair-wise differences, can establish efficacy, but may leave uncertainty as to which doses (other than the largest) are actually effective. But, of course, a single-dose study poses a similar problem with respect to doses below the one studied, giving no information at all about such doses.

It should also be appreciated that it is not uncommon to show no difference between doses in a dose-response study; if there is no placebo group to provide a clear demonstration of an effect, this is a very costly "no test" outcome.

If the therapeutic range is not known at all, the design may be inefficient, as many patients may be assigned to sub-therapeutic or supratherapeutic doses.

Dose-response designs may be less efficient than placebo-controlled titration designs for showing the presence of a drug effect; they do, however, in most cases provide better dose-response information (see ICH E4).

2.4 Active Control

2.4.1 Description (See Section 1.3.4)

An active-control (positive-control) trial is one in which an investigational drug is compared with a known active drug. Such trials are usually randomized and usually double-blind. The most crucial design question is whether the trial is intended to show a difference between the two drugs or to show noninferiority/equivalence. A sponsor intending to demonstrate effectiveness by means of a trial showing noninferiority of the test drug to a standard agent needs to address the issue of the sensitivity-to-drug-effects and assay sensitivity of the trial, as discussed in section 1.5. In a noninferiority/equivalence trial, the active-control agent needs to be of established efficacy at the dose used and under the conditions of the study (see ICH E9: Statistical Principles for Clinical Trials). In general, this means it should be an agent acceptable in the region to which the studies will be submitted for the same indication at the dose being studied. A superiority study favoring the test drug, on the other hand, is readily interpretable as evidence of efficacy, even if the dose of active control is too low or the active control is of uncertain benefit (but not if it could be harmful). Such a result, however--superiority in the trial of the test agent to the control--is interpretable as actual superiority of the test drug to the control treatment only when the active control is used in appropriate patients at an optimal dose and schedule (see section 1.4.2). Lack of appropriate use of the control drug would also make the study unusable as a noninferiority study if superiority of the test drug is not shown, because assay sensitivity of the study would not be ensured (see section 1.5.4).

2.4.2 Ability to Minimize Bias

A randomized and blinded active-control trial generally minimizes subject and investigator bias, but a note of caution is warranted. In a noninferiority trial, investigators and subjects know that all subjects are getting active drug, although they do not know which one. This could lead to a biased interpretation of results in the form of a tendency toward categorizing borderline cases as successes in partially subjective evaluations, e.g., in an antidepressant study. Such biases may decrease variance and/or treatment differences and thus can increase the likelihood of an incorrect finding of equivalence.

2.4.3 Ethical Issues

Active-control trials are generally considered to pose fewer ethical and practical problems than placebo-controlled trials because all subjects receive active treatment. It should be appreciated, however, that subjects getting a new agent are not getting standard therapy (just as a placebo group is not) and may be receiving an ineffective or harmful drug. This is an important matter if the active-control therapy is known to improve survival or decrease the occurrence of irreversible morbidity. There should therefore be a sound rationale for the investigational agent. If there is not strong reason to expect the new drug to be at least as good as the standard, an add-on study (see section 2.1.5.2.1) may be more appropriate, if the conditions allow such a design.

Using a very low dose, either of the active control or of the test drug, may provide a de facto placebo that can be shown inferior to the full dose of the test drug. This, however, is only considered ethical where a placebo would also be ethical, unless there is a legitimate reason to study such low doses.

2.4.4 Usefulness of Active-Control Trials and Quality/Validity of Inference in Particular Situations

When a new drug shows an advantage over an active control, the study has inferential properties regarding the presence of efficacy equivalent to any other difference-showing trial, assuming that the active control is not actually harmful. When an active-control trial is used to show noninferiority/equivalence, there is the special consideration of sensitivity-to-drug-effects and assay sensitivity, which are considered above in section 1.5. If assay sensitivity is established, either historically (by reference to past experience with the control drug) or by including a placebo control as well as active control, the active-control trial can assess comparative efficacy.

2.4.5 Modifications of Design and Combinations With Other Controls That Can Resolve Ethical, Practical, or Inferential Issues

As discussed earlier (section 2.1.5), active-control studies can include a placebo group, multiple-dose groups of the test drug, and/or other dose groups of the active control. Comparative dose-response studies, in which there are several doses of both test and active control, are typical in analgesic trials. The doses in active-control trials can be fixed or titrated, and both cross-over and parallel designs can be used. The assay sensitivity of a noninferiority trial can sometimes be supported by a randomized placebo-controlled withdrawal phase at the end (see section 2.1.5.2.4). Active-control superiority studies in selected populations (nonresponders to other therapy) can be very useful and are generally easy to interpret (see appendix), although the results may not be generalizable.

2.4.6 Advantages of Active-Control Trials

2.4.6.1 *Ethical/practical advantages.* The active-control design, whether intended to show noninferiority/equivalence or superiority, reduces ethical concerns that arise from failure to use drugs with documented important health benefits. It also addresses patient and physician concerns about failure to use documented effective therapy. Recruitment and IRB/IEC approval may be facilitated, and it may be possible to study larger samples. There may be fewer dropouts due to lack of effectiveness.

2.4.6.2 *Information content.* Where superiority to an active treatment is shown, active-control studies are readily interpretable regarding evidence of efficacy. The larger sample sizes needed are sometimes more achievable and acceptable in active-control trials and can provide more safety information. Active-control trials also can, if properly designed, provide information about relative efficacy.

2.4.7 Disadvantages of Active-Control Trials

2.4.7.1 *Information content.* See section 1.5 for discussion of the problem of assay sensitivity and the ability of the trial to support an efficacy conclusion in noninferiority/equivalence trials. Even when assay sensitivity is supported and the study is suitable for detecting efficacy, there is no

direct assessment of absolute effect size and greater difficulty in quantitating safety outcomes as well.

2.4.7.2 *Large sample size.* Generally, in noninferiority trials, the margin of difference that needs to be excluded is chosen conservatively, first, because the smallest effect of the active control expected in trials will ordinarily be used as the estimate of its effect and, second, because there will usually be an intent to rule out loss of more than some reasonable fraction (see section 1.5.2) of the control drug effect, leading to a still smaller margin. Because of the need for conservative assumptions about control drug effect size, sample sizes may be very large. In a difference-showing active-control trial, the difference between two drugs is always smaller, often much smaller, than the expected difference between drug and placebo, again leading to large sample sizes.

2.5 External Control (Historical Control)

2.5.1 Description

An externally controlled trial is one in which the control group consists of patients who are not part of the same randomized study as the group receiving the investigational agent, i.e., there is no concurrently randomized comparative group. The control group is thus not derived from exactly the same population as the treated population. Usually, the control group is a well-documented population of patients observed at an earlier time (historical control) at another institution, or even at the same institution but outside the study. An external-control study could be a superiority study or an equivalence study. Sometimes certain patients from a larger experience are selected as a control group on the basis of particular characteristics that make them similar to the treatment group; there may even be an attempt to "match" particular control and treated patients.

So-called "baseline-controlled studies" are a variety of externally controlled trials; these are sometimes thought to use "the patient as his own control," but that is logically incorrect. In fact, the comparator group is an estimate of what would have happened in the absence of therapy to the patients. Both baseline-controlled trials and studies that use a more complicated on-off-on (cross-over) design, but that do not include a concurrently randomized control group, are of this type. As noted, in these studies the observed changes from baseline or between study periods are always compared, at least implicitly, to some estimate of what would have happened without the intervention. Such estimates are generally made on the basis of "general knowledge," without reference to a specific control population. Although in some cases this is plainly reasonable, e.g., when the effect is dramatic, occurs rapidly following treatment, and is unlikely to have occurred spontaneously (e.g., general anesthesia, cardioversion, measurable tumor shrinkage), in most cases it is not so obvious and a specific historical experience should be sought. Designers and analysts of such trials need to be aware of the risks of this type of control and should be prepared to support its use.

2.5.2 Ability to Minimize Bias

Inability to control bias is the major and well-recognized limitation of externally controlled trials and is sufficient in many cases to make the design unsuitable. It is always difficult, in many cases impossible, to establish comparability of the treatment and control groups and thus to fulfill the major purpose of a control group (see section 1.2). The groups can be dissimilar with respect to a wide range of factors, other than the study drug, that could affect outcome, including demographic characteristics, diagnostic criteria, stage or duration of disease, concomitant treatments, and observational conditions (such as methods of assessing outcome, investigator expectations). Blinding and randomization are not available to minimize bias when external controls are used. It is well documented that untreated historical-control groups tend to have worse outcomes than an apparently similar control group in a randomized study, primarily because of selection bias. Control groups in a randomized study should meet certain criteria to be entered into the study, criteria that are generally more stringent and identify a less sick population than is typical of external-control groups. The group is often identified retrospectively, leading to potential bias in its selection. A consequence of the recognized inability to control bias is that the persuasiveness of findings from externally controlled trials depends on obtaining much more extreme levels of statistical significance and much larger estimated differences between treatments than would be considered persuasive in concurrently controlled trials.

The inability to control bias restricts use of the external-control design to situations in which the effect of treatment is dramatic and the usual course of the disease highly predictable. In addition, use of external controls should be limited to cases in which the endpoints are objective and the impact of baseline and treatment variables on the endpoint is well characterized.

As noted, the lack of randomization and blinding, and the resultant problems with lack of assurance of comparability of test group and control group, make the likelihood of substantial bias inherent in this design and impossible to quantitate. Nonetheless, some approaches to design and conduct of externally controlled trials could lead them to be more persuasive and potentially less biased. A control group should be chosen for which there is detailed information, including, where needed, individual patient data regarding demographics, baseline status, concomitant therapy, and course on study. The control patients should be as similar as possible to the population expected to receive the test drug in the study and should have been treated in a similar setting and in a similar manner, except with respect to the study therapy. Study observations should utilize timing and methodology similar to those used in the control patients. To reduce selection bias, selection of the control group should be made before performing comparative analyses; this may not always be feasible, as outcomes from these control groups may have been published. Any matching on selection criteria or adjustments made to account for population differences should be specified prior to selection of the control and performance of the study. Where no obvious single "optimal" external control exists, it may be advisable to study multiple external controls, providing that the analytic plan specifies conservatively how each will be utilized in drawing inferences (e.g., study group should be substantially superior to the most favorable control to conclude efficacy). In some cases, it may be useful to have an independent set of reviewers reassess endpoints in the control group and in the test group in a blinded manner according to common criteria.

2.5.3 Ethical Issues

When a drug is intended to treat a serious illness for which there is no satisfactory treatment, especially if the new drug is seen as promising on the basis of theoretical considerations, animal data, or early human experience, there may be understandable reluctance to perform a comparative study with a concurrent control group of patients who would not receive the new treatment. At the same time, it is not responsible or ethical to carry out studies that have no realistic chance of credibly showing the efficacy of the treatment. It should be appreciated that many promising therapies have had less dramatic effects than expected or have shown no efficacy at all when tested in controlled trials. Investigators may, in these situations, be faced with very difficult judgments. It may be tempting in exceptional cases to initiate an externally controlled trial, hoping for a convincingly dramatic effect, with a prompt switch to randomized trials if this does not materialize.

Alternatively, and generally preferably, in dealing with serious illnesses for which there is no satisfactory treatment, but where the course of the disease cannot be reliably predicted, even the earliest studies should be randomized. This is usually possible when studies are carried out before there is an impression that the therapy is effective. Studies can be monitored by independent data monitoring committees so that dramatic benefit can be detected early. Despite the use of a single-treatment group in an externally controlled trial, a placebo-controlled trial is usually a more efficient design (needing fewer subjects) in such cases, as the estimate of control group outcome generally needs to be made conservatively, causing need for a larger sample size. Great caution (e.g., applying a more stringent significance level) is called for because there are likely to be both identified and unidentified or unmeasurable differences between the treatment and control groups, often favoring treatment. The concurrently controlled trial can detect extreme effects very rapidly and, in addition, can detect modest, but still valuable, effects that would not be credibly demonstrated by an externally controlled trial.

2.5.4 Usefulness of Externally Controlled Trials and Quality/Validity of Inference in Particular Situations

An externally controlled trial should generally be considered only when prior belief in the superiority of the test therapy to

all available alternatives is so strong that alternative designs appear unacceptable and the disease or condition to be treated has a well-documented, highly predictable course. It is often possible, even in these cases, to utilize alternative, randomized, concurrently controlled designs (see section 2.1.5 and appendix).

Externally controlled trials are most likely to be persuasive when the study endpoint is objective, when the outcome on treatment is markedly different from that of the external control and a high level of statistical significance for the treatment-control comparison is attained, when the covariates influencing outcome of the disease are well characterized, and when the control closely resembles the study group in all known relevant baseline, treatment (other than study drug), and observational variables. Even in such cases, however, there are documented examples of erroneous conclusions arising from such trials.

When an external-control trial is considered, appropriate attention to design and conduct may help reduce bias (see section 2.5.2).

2.5.5 Modifications of Design and Combinations With Other Controls That Can Resolve Ethical, Practical or Inferential Problems

The external-control design can incorporate elements of randomization and blinding through use of a randomized placebo-controlled withdrawal phase, often with early-escape provisions, as described earlier (see section 2.1.5.2.4). The results of the initial period of treatment, in which subjects who appear to respond are identified and maintained on therapy, are thus "validated" by a rigorous, largely assumption- and bias-free study.

2.5.6 Advantages of Externally Controlled Trials

The main advantage of an externally controlled trial is that all patients can receive a promising drug, making the study more attractive to patients and physicians.

The design has some potential efficiencies (smaller sample size) because all patients are exposed to test drug, of particular importance in rare diseases.

2.5.7 Disadvantages of Externally Controlled Trials

The externally controlled study cannot be blinded and is subject to patient, observer, and analyst bias, major disadvantages. It is possible to mitigate these problems to a degree, but even the steps suggested in section 2.5.2 cannot resolve such problems fully, as treatment assignment is not randomized and comparability of control and treatment groups at the start of treatment, and comparability of treatment of patients during the trial, cannot be ensured or well assessed. It is well documented that externally controlled trials tend to overestimate efficacy of test therapies.

3.0 Choosing the Control Group

Figure 1 and Table 1 provide a decision tree for choosing among different types of control groups. Although the table and figure focus on the choice of control to demonstrate efficacy, some designs also allow comparisons of test and control agents. The choice of control can be affected by the availability of therapies and by medical practices in specific regions.The potential usefulness of the principal types of control (placebo, active, and dose-response) in specific situations and for specific purposes is shown in Table 1. The table should be used with the text describing the details of specific circumstances in which potential usefulness can be realized. In all cases, it is presumed that studies are appropriately designed. External controls are so distinct a case that they are not included in the table. In the table, a P notation refers to the need to make a convincing case that the study has assay sensitivity.

In general, evidence of efficacy is most convincingly demonstrated by showing superiority to a concurrent control treatment. If a superiority trial is not feasible or is inappropriate for ethical or practical reasons, and if a defined treatment effect of the active control is regularly seen (e.g., as it is for antibiotics in most situations), a noninferiority/equivalence study can be utilized and can be persuasive. Use of this design calls for close attention to the issue of sensitivity to drug effects in active-control noninferiority trials of the condition being studied and to the assay sensitivity of the particular study carried out (see section 1.5).

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Table 1.--Usefulness of Specific Control Types in Various Situations

	Type of Control							
Trial Objective	Placebo	Active non-inferiority	Active Superiority	Dose Response (D/R)	Placebo + Active	Placebo + D/R	Active + D/R	Placebo + Active + D/R
Measure absolute effect size	Y	N	N	N	Y	Y	N	Y
Show existence of effect	Y	P	Y	Y	Y	Y	Y	Y
Show Dose Response relationship	N	N	N	Y	N	Y	Y	Y
Compare therapy (show superiority, show non-inferiority)	N	P	Y	N	Y	N	P	Y
Show assay sensitivity[1]	Y	N	Y	Y	Y	Y	Y	Y

Y=Yes, N=No, P=Possible, depending on a showing that this type of trial will have sensitivity-to-drug-effect.
[1] Through the direct demonstration within the trial of the ability to demonstrate differences between treatments.

Figure 1 Choosing the Concurrent Control for Demonstrating Efficacy

This figure shows the basic logic for choosing the control group; the decision may depend on the available drugs or medical practices in the specific region.

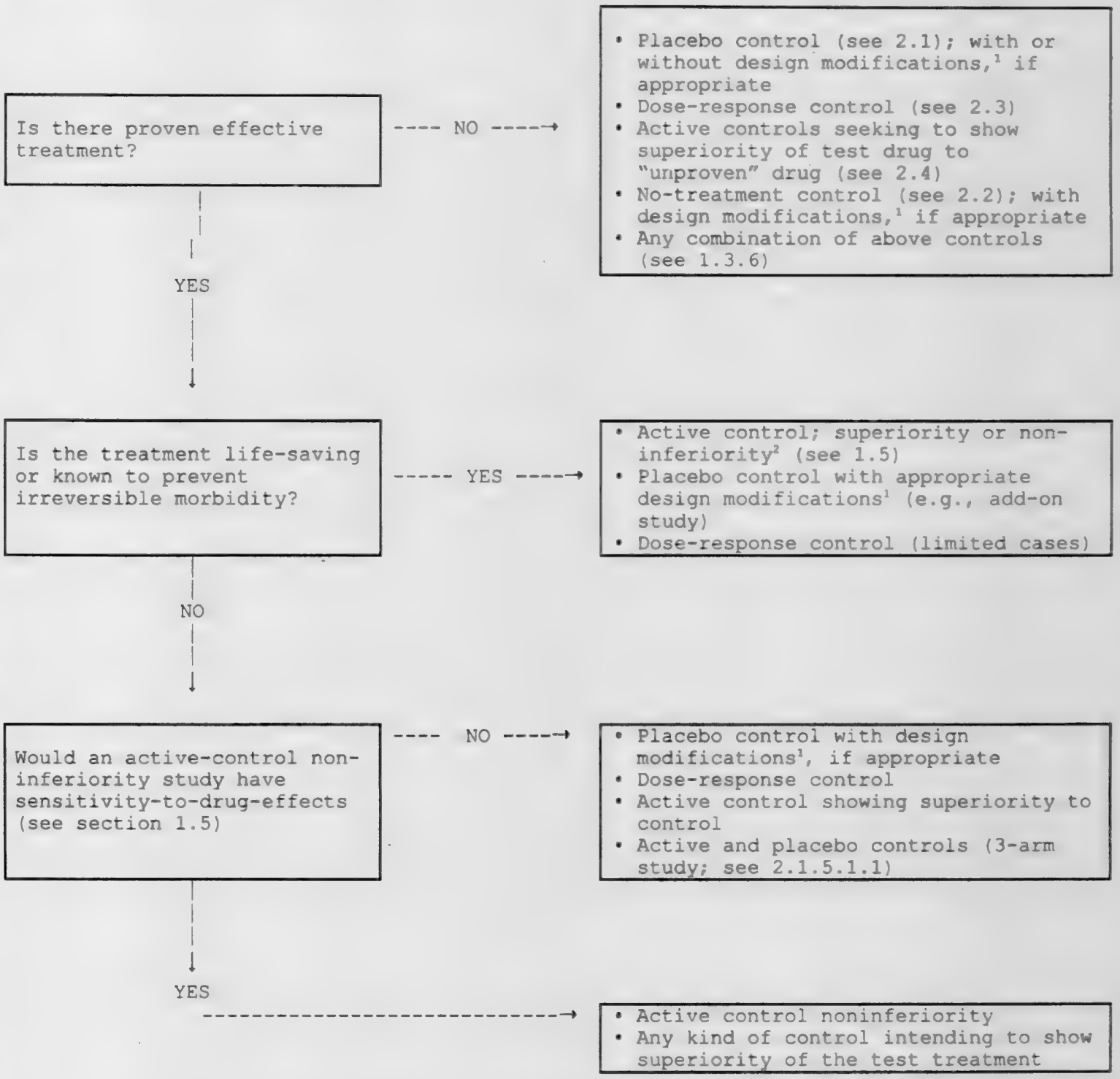

[1] Add-on, replacement, early escape, brief placebo period, and randomized withdrawal (see section 2.1.5.2).
[2] If known sensitivity-to-drug-effects (see section 1.5).

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APPENDIX

Studies of Efficacy in Subsets of the Whole Population; Enrichment

1.0 Introduction

Ideally, the effect of a drug should be known in general and in relevant demographic and other subsets of the population, such as those defined by disease severity or other disease characteristics. To the extent study patients are not a random sample of the patients who will be treated with the drug once it is marketed, the generalizability of the results can be questioned. Even if the overall result is obtained in a representative sample, however, that does not suggest the result is the same in all people. If subject selection criteria can identify people more likely to respond to therapy (e.g., high renin hypertensives to beta blockers), we consider therapy more rational and the drug more useful.

Subjects entering clinical studies are in fact almost never a random sample of the potential treatment population, and they are not treated exactly as a nonstudy patient would be treated. They must give informed consent, be able to follow instructions, and be able to get to the clinic. They are sometimes assessed for likelihood of complying with treatment. They are usually not very debilitated and generally are without complicated or life-threatening illness, unless those conditions are being studied. They are usually selected using particularly stringent diagnostic criteria that make it very certain they actually have the disease to be treated (more likely than in clinical practice). Lead-in periods are often used to exclude subjects who improve spontaneously or whose relevant functional measures (blood pressure, exercise tolerance) are too variable. Of course, the entire setting of trials is artificial in varying degrees, generally directed toward reducing unwanted variability and increasing study efficiency.

All of these departures from a truly unselected population of people likely to receive the drug are directed at identifying and including subjects likely to make a "good assay population." They can be considered methods of "enrichment" of the population, modifications of a truly random sample of potential users to produce a population of subjects more likely to discriminate between an active and an inactive therapy. The kinds of enrichment described above are widely accepted and "benign," i.e., it seems likely that results in such a population will be of general applicability, at least to patients with good compliance. There is a view, however, that in-use "effectiveness" may often be different from the artificial "efficacy" established in these enriched "efficacy" trials.

There are other kinds of enrichment that could also be useful but that would more clearly alter the inference that could be drawn from the results. This should not discourage their use but should encourage attention to what such studies do, and do not, show. Some enrichments of potential value include:

1.1 Studies of Patients Nonresponsive to, or Intolerant of, Other Therapy

In this kind of study, patients failing therapy on a drug, or failing to tolerate it acceptably, are randomized to the failed or poorly tolerated therapy or to the investigational treatment. Greater efficacy (or better tolerance) of the new therapy shows that the drug is useful in failures on the other therapy. This is a valuable showing if, e.g., the drug is relatively toxic and intended for a "second-line" use, but it does not show that the new therapy is superior in general, and such studies need to be carefully interpreted. By selecting study patients who will only infrequently respond to the control agent or who are very likely to have a particular adverse effect of the control drug, the design facilitates showing the second drug's advantage in that circumstance. A direct comparison of the two drugs in an unselected population that could contain responders to both drugs would need to be much larger to show a difference between the treatments, even if there was an overall advantage of the new drug. Moreover, it could be that each drug has a similar rate of nonresponders (but the other drug works in some of these), so that no difference could be seen in a direct comparison in unselected subjects.

In this design, it is usually critical to randomize the nonresponders or intolerants to both the new agent and the failed agent, rather than simply place the failures on the new drug. Patients who failed previously may "respond" to the failed drug when it is readministered in a clinical trial, or may tolerate the previously poorly tolerated drug in the new circumstance. This can present a problem. In the "intolerance" case, although subjects can be randomized to a drug that has caused certain kinds of intolerance, they cannot be randomized to a drug that would endanger them if administered (e.g., if the intolerance was anaphylaxis, liver necrosis). Similarly, in the nonresponder case, patients cannot be restudied on the failed drug if failure would lead to harm. In some cases, the prior experience may be an adequate control (e.g., failure of a tumor to respond), a baseline-controlled study design.

1.2 Studies in Likely or Known Responders

If patients cannot respond to the main pharmacologic effect of the drug, they cannot be expected to show a clinical response. Thus, subjects with no blood pressure response to sublingual nitroglycerin have been excluded from trials of organic nitrates, as they show no ability to respond to the mechanism of action of these drugs and including them would only dilute the drug effect. A similar approach was used in Cardiac Arrhythmia Suppression Trial (CAST). Only subjects responding to encainide or flecainide with a 70 percent reduction in ventricular premature beats (VPB's) were randomized to the mortality phase of the study because there was no reason to include people who could not possibly benefit (i.e., people with no VPB reduction). It is important in such cases to record the number of subjects screened in order to construct the study population so that users of the drug will have a reasonable expectation of what they will encounter. It will often be appropriate to incorporate similar selection criteria in labeling the drug for use.

The nitroglycerin and CAST enrichment approaches were generally accepted. A potentially more controversial enrichment procedure would be to identify responders in an initial open phase, withdraw treatment, then carry out a randomized study in the responders. This could be a useful approach when efficacy has proved difficult to demonstrate. For example, it has been difficult to obtain evidence that gut motility-modifying agents are effective in gastroesophageal reflux disease, perhaps because there are unrecognized pathophysiologic subsets of patients, some of which can respond and some of which cannot. It seems possible that identifying apparent responders clinically, then randomizing the apparent responders to drug and placebo treatments, would best utilize both clinical observation and rigorous design.

In seeking dose-response information, little is to be learned from studying the drug in a population of nonresponders (although one would want to know the proportion of the population that is nonreponsive). Such studies might better be carried out in known responders to the drug. Similarly, in evaluating a drug of a particular class, studies including only known responders to the class might be more likely to detect an effect of the drug or to show differences between members of the class.

Finally, it should be appreciated that randomized withdrawal studies (see section 2.1.5.2.4), and studies of maintenance treatment in general, are often studies in known responders and can therefore be expected to show greater effect than studies in an unselected population.

Dated: September 16, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy

[FR Doc. 99–24855 Filed 9–23–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4442–N–12]

Notice of Proposed Information Collection for Public Comment; Housing Condition Assessment (Pilot Study)

AGENCY: Office of the Assistant Secretary for Policy Development and Research.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* November 23, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW., Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: William E. Freeborne, Program Analyst, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8134, Washington, DC 20410–6000, telephone (202) 708–4370 ext. 5725. (This is not a toll-free number). A copy of the proposed forms and other available documents to be submitted to OMB may be obtained from Mr. Freeborne.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). This notice is soliciting comments from members of the public concerning proposed collection information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology; e.g. permitting electronic submission of responses.

Title of Proposal: Housing Condition Assessment (Pilot Study).

Description of the Need for Information and Proposed Use: Housing is the most basic and important part of the infrastructure in the United States and worldwide. Its direct and indirect impact on the economy and public welfare is far reaching. While increasing homeownership opportunities has benefits, it presents certain challenges to the future of housing in the United States. For example, housing production and resource utilization is stretched to meet the housing demand of a diverse and growing population. To continue to meet this demand, conventional methods need to be improved while innovative materials and methods need to rise to meet the challenge in a responsible, but competitive manner. This challenge can only be effectively met by better understanding the performance of the existing housing stock and developing improved technologies, including both design and construction practices that lead to better and more affordable homes for all Americans.

This study will help fill critical knowledge gaps to develop more durable products for single-family home construction. The work will help to establish a baseline of housing performance from which defects can be rationally identified and future improvements and innovations can be cost-effectively directed. The objectives are as follows:

(1) Pilot test and define the data collection methodology for potential use as a national housing condition assessment instrument.

(2) Establish a baseline of housing condition (durability), based on the pilot test data.

(3) Evaluate the housing condition assessment data to identify trends related to durability performance.

The housing performance assessment protocol will be implemented on a pilot scale. The focus will be on documenting conditions including products, homeowner maintenance, history of any damage, etc. The study will obtain a random selection (representative sample) of about 200 homes for site inspections and occupant/owner interviews in a pilot study region (Anne Arundel County, MD). Homes will be single-family detached, selected from property tax records according to the following age brackets: 5 to 10 years old and 25–30 years old. A data collection form will be created with detailed information to be collected from the sampled homes by field inspectors operating under contract to HUD.

Assessment teams will contact owners or occupants prior to site visits to conduct a phone interview and to arrange for an on-site assessment. The data will be recorded on field survey forms and then transcribed to a computer database. Homes not receiving voluntary homeowner participation will be subject only to a visual survey from the street.

Agency Form Numbers, if Applicable: None.

Members of Affected Public: A randomly selected group of 200 homeowners will be affected by the information collection.

Estimation of the Total Number of Hours Needed to Prepare the Information Collection Including Number of Respondents, Frequency of Response, and Hours of Response: Information will be collected by a telephone and a voluntary personal interview with a maximum of 200 randomly selected homeowners in the Mid-Atlantic Region. Each survey will take approximately 30 minutes or less to complete. This means a total of 200 hours of response time for the information collection.

Status of the Proposed Information Collection: Pending submission to the Office of Management and Budget (OMB) for review and clearance.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: September 10, 1999.

Lawrence L. Thompson,

Deputy Assistant Secretary for Policy Development.

[FR Doc. 99–24947 Filed 9–23–99; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4432–N–38]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: September 24, 1999.

FOR FURTHER INFORMATION CONTACT: Cliffort Taffet, Department of Housing and Urban Development, Room 7262 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings, and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: September 16, 1999.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 99–24601 Filed 9–23–99; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Invasive Species Advisory Committee

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of intent to establish; request for nominations and comments.

SUMMARY: Pursuant to Executive Order 13112, the U.S. Department of the Interior, on behalf of the new interdepartmental Invasive Species Council, proposes to establish the Invasive Species Advisory Committee (ISAC). The Secretary of the Interior, acting as administrative lead, is requesting nominations for qualified persons to serve as members of the ISAC.

DATES: Written nominations must be received within 30 days of the date of publication, October 25, 1999.

ADDRESSES: Nominations should be sent to Gordon Brown, Invasive Species Coordinator, Department of the Interior, Office of the Secretary, 1849 C Street, NW, room 6635, Washington DC, 20240.

FOR FURTHER INFORMATION CONTACT: Gordon Brown, Invasive Species Coordinator, telephone (202) 208–6336; fax (202) 208–2219; e-mail a_gordon_brown@ios.doi.gov.

SUPPLEMENTARY INFORMATION:

Advisory Committee Scope and Objectives

The purpose and role of the ISAC are to provide advice to the Invasive Species Council (Council), as authorized by Executive Order 13112, on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause. The Council is Co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The duty of the Council is to provide national leadership regarding invasive species issues. The Council will coordinate Federal agency activities concerning invasive species; prepare and issue a national Invasive Species Management Plan; encourage planning and action at local, tribal, State, regional and ecosystem-based levels to achieve the goals and objectives of the management plan; develop recommendations for international cooperation in addressing invasive species; develop, in consultation with the Council on Environmental Quality, guidance to Federal agencies pursuant to the National Environmental Policy Act on invasive species matters; facilitate development of a coordinated network to document, evaluate, and monitor impacts from invasive species; facilitate establishment of an information-sharing system on invasive species that utilizes, to the greatest extent practicable, the Internet; support long-term continuance and effective implementation of the Management Plan.

The ISAC will maintain an intensive and regular dialogue to actively explore these issues and will draw on the expertise of its members and other sources to provide advice in order to help the Council fulfill these goals. The ISAC will provide advice in cooperation with stakeholders and existing organizations addressing invasive species. The ISAC will meet up to four (4) times per year.

The ISAC will be made up of United States citizens. It will consist of no more than 25 voting members. Members will be appointed by the Secretary of Interior, in consultation with the other members of the Council. Members of ISAC will be knowledgeable in and represent one or more of the following communities of interests: weed science; fisheries science; rangeland management; forest science; entomology; nematology; plant pathology; veterinary medicine; the broad range of farming or agricultural practices; biodiversity issues; applicable laws and regulations relevant to invasive species policy; risk assessment; biological control of invasive species; public health/epidemiology; industry activities, structure, and international trade; environmental education; ecosystem monitoring; natural resource database design and integration; internet-based management of conservation issues.

Members should also have practical experience in one or more of the following areas: representing sectors of the national economy that are significantly threatened by biological invasions (*e.g.* agriculture, fisheries, public utilities, recreational users, tourism, etc.); representing sectors of the national economy whose routine operations may pose risks of new or expanded biological invasions (*e.g.* shipping, forestry, horticulture, aquaculture, pet trade, etc.); developing natural resource management plans on regional or ecosystem-level scales; addressing invasive species issues, including prevention, control and monitoring, in multiple ecosystems and on multiple scales; integrating science and the human dimension in creating effective solutions to complex conservation issues; coordinating diverse groups of stakeholders to resolve complex environmental issues and conflicts; complying with NEPA and other federal requirements for public involvement in major conservation plans. Members will be selected in order to achieve a balanced representation of viewpoints to effectively address invasive species issues under consideration. No member may serve on the ISAC for more than three (3) consecutive terms of two years. Reappointment terms will be staggered within stakeholder groups (2 or 3 years) to avoid turnover.

Members of the ISAC and its subcommittees will serve without pay. However, while away from their homes or regular places of business in the performance of services of the ISAC, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the government service, as authorized by section 5703 of Title 5, United States Code.

Submitting Nominations

Nominations should be typed and should include the following:

1. A brief summary of no more than two (2) pages explaining the nominee's suitability to serve on the ISAC.

2. A resume or curriculum vitae.

3. Letters of reference.

Nominations should be sent, no later than September 24, 1999, to Gordon Brown, Department of the Interior, Office of the Secretary, 1849 C Street, NW, Room 6635, Washington DC, 20240.

To ensure that recommendations of the ISAC take into account the needs of the diverse groups served, Department of the Interior is actively soliciting nominations of qualified minorities, women, persons with disabilities and members of low income populations.

Dated: September 21, 1999.

William Y. Brown,

Science Advisor to the Secretary of the Interior.

[FR Doc. 99–25012 Filed 9–23–99; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–650–1430–01; CACA–37102]

Modification of Classification

AGENCY: Bureau of Land Management, Interior.

ACTION: Modification of Recreation and Public Purposes Classification, Kern County, CA.

SUMMARY: This notice modifies the existing Recreation and Public Purposes Classification published 62 FR 45267, August 26, 1997.

EFFECTIVE DATE: September 24, 1999.

FOR FURTHER INFORMATION CONTACT: Peter Graves, Ridgecrest Field Office, BLM, 300 So. Richmond Road, Ridgecrest, CA 93555, (760) 384–5429.

SUPPLEMENTARY INFORMATION: On August 26, 1997, the land described below was classified as suitable for sale pursuant to the Recreation and Public Purposes (R&PP). The publication and classification are hereby modified to conform the buffer zone description to aliquot parts and to correctly state the segregative effect. The following lands listed in B. 2. Buffer Zone are conformed to aliquot parts as follows:

Mount Diablo Meridian, California

T. 27 S., R. 39 E.,
Sec. 1, S½SW¼SW¼, SW¼SE¼SW¼;
Sec. 2, SE¼SE¼SE¼;
Sec. 11, E½ E½NE¼, E½NE¼SE¼, NE¼SE¼SE¼;
Sec. 12, W½E½NW¼, W½NE¼SW¼, N½SW¼SW¼, NW¼SE¼SW¼.

Containing 200.00 acres.

The paragraph immediately following the total acreage statement is corrected as follows:

In accordance with the regulations at 43 CFR 2741.5(h)(2), said lands are hereby segregated from appropriation under the public land laws, including the mining laws. This segregation will not terminate until a termination order is issued and published in the **Federal Register**.

Dated: September 15, 1999.

Linn Gum,

Acting Field Manager.

[FR Doc. 99–24823 Filed 9–23–99; 8:45 am]

BILLING CODE 4310–40–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 930–1430–01; NMNM 92938]

Order Providing for the Opening of Public Land in Catron County, NM; Correction

In the notice document 99–20740 appearing on page 43712 in the issue of Wednesday, August 11, 1999, make the following correction:

On page 43712, in the second column, in the land description, in "T. 10 N., R. 13 W.,", should read "T. 1 N., R. 13 W".

Dated: September 13, 1999.

Stephen A. Jordan,

Acting State Director.

[FR Doc. 99–24871 Filed 9–23–99; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–010–1430–00; WYW–50280–02]

Realty Action; Sale for Recreation and Public Purposes; Washakie County, Worland Field Office, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public lands in Washakie County, Wyoming have been examined and found suitable for classification for conveyance to the city of Worland under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The city of Worland proposes to continue to use the lands for a public shooting range.

Sixth Principal Meridian

T. 47 N. R. 93 W.
Section 14, S½ SW¼NE¼, E½E½SW¼, W½SE¼, W½E½SE¼; Section 23, W½NE¼NE¼, NW¼NE¼.

Containing 240 acres more or less.

The lands are not needed for federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Worland Field Office, 101 South 23rd Street, Worland, Wyoming.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed conveyance or classification of the lands to the Field Manager, Worland Field Office, P.O. Box 119, Worland WY 82401.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a public shooting range. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a public shooting range.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

SUPPLEMENTARY INFORMATION: Comments, including names and street addresses of respondents will be available for public review at the Worland District Office, 101 South 23rd Street, Worland, Wyoming during regular business hours (7:30 a.m. to 4:30 p.m.) Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent

allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: September 15, 1999.

Robert B. Ross,

Acting Worland Field Manager.

[FR Doc. 99–24876 Filed 9–23–99; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service has filed an application to withdraw approximately 27,299.50 acres of National Forest System land to protect the Guadalupe Cave Resource Protection Area. This notice segregates the land for 2 years from location and entry under the United States mining laws, and from mineral leasing, subject to valid existing rights. The land will remain open to all other uses which may by law be made of National Forest System land. This application replaces withdrawal application NMNM 92089 which has been canceled.

DATES: Comments should be received on or before December 23, 1999.

ADDRESSES: Comments and meeting requests should be sent to the Forest Supervisor, Lincoln National Forest, 1101 New York Avenue, Alamogordo, NM 88310.

FOR FURTHER INFORMATION CONTACT: Johnny Wilson, Lincoln National Forest, (505) 434–7230.

SUPPLEMENTARY INFORMATION: On August 31, 1999, the United States Department of Agriculture filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws, and from mineral leasing, subject to valid existing rights:

New Mexico Principal Meridian

T. 25 S., R. 21 E.,
  Sec. 36, lot 4, S½SW¼ and SW¼SE¼.
T. 26 S., R. 21 E.,
  Sec. 1, all;
  Sec. 2, E½;
  Sec. 10, SE¼SE¼;
  Sec. 11, E½ and SW¼;
  Sec. 12, all;
  Sec. 13, all;
  Sec. 14, all;
  Sec. 15, E½, S½NW¼, and SW¼;
  Sec. 16, S½SE¼;
  Sec. 20, SE¼;
  Sec. 21, all;
  Sec. 22, all;
  Sec. 23, all;
  Sec. 24, all;
  Sec. 25, all;
  Sec. 26, all;
  Sec. 27, all;
  Sec. 28, all;
  Sec. 29, E½;
  Sec. 32, lots 1, 2, and N½NE¼;
  Sec. 33, lots 1 to 4, inclusive, and N½N½;
  Sec. 34, lots 1 to 4, inclusive, and N½N½;
  Sec. 35, lots 1 to 4, inclusive, and N½N½;
  Sec. 36, lots 1 to 4, inclusive, and N½N½.
T. 25 S., R. 22 E.,
  Sec. 13, S½;
  Sec. 14, S½;
  Sec. 15, S½ and NW¼;
  Sec. 16, S½ and NE¼;
  Sec. 20, SE¼SW¼ and SE¼;
  Sec. 21, all;
  Sec. 22, all;
  Sec. 23, all;
  Sec. 26, all;
  Sec. 27, all;
  Sec. 28, all;
  Sec. 29, all;
  Sec. 31, E½, E½W½, and SW¼SW¼;
  Sec. 32, all;
  Sec. 33, all;
  Sec. 34, all.
T. 26 S., R. 22 E.,
  Sec. 3, all;
  Sec. 4, all;
  Sec. 5, all;
  Sec. 6, lots 1 to 4, inclusive, E½, and E½ W½;
  Sec. 7, lots 1 to 4, inclusive, E½, and E½ W½;
  Sec. 8, all;
  Sec. 9, all;
  Sec. 10, all;
  Sec. 15, all;
  Sec. 16, all;
  Sec. 17, all;
  Sec. 18, lots 1 to 4, inclusive, E½, and E½ W½.

The area described contains approximately 27,299.50 acres in Eddy County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections, in connection with the proposed withdrawal may present their views in writing to the Forest Supervisor, Lincoln National Forest, at the above address.

Notice is hereby given that a public meeting in connection with the proposed withdrawal will be held at a later date. A notice of time and place will be published in the **Federal Register** and a newspaper in the general vicinity of the lands to be withdrawn at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date.

The application, NMNM 92089 published in **Federal Register**, 59 FR 4096, of January 28, 1994, has been canceled.

Dated: September 14, 1999.

Stephen A. Jordan,

State Director.

[FR Doc. 99–24872 Filed 9–23–99; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1820–01; GP9–0324; OR–55334]

Proposed Withdrawal and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw 40 acres of National Forest System lands to protect the rehabilitation work being performed on the White King/Lucky Lass uranium mines in the Fremont National Forest. This notice closes the land for up to 2 years from mining. The land has been and will remain open to such forms of disposition as may by law be made of National Forest System lands and to mineral leasing.

DATES: Comments and requests for a public meeting must be received by December 23, 1999.

ADDRESSES: Comments and meeting requests should be sent to the Oregon/Washington State Director, BLM, P.O. Box 2965, Portland, Oregon 97208–2965.

FOR FURTHER INFORMATION CONTACT: Michael Barnes, 503–952–6155.

SUPPLEMENTARY INFORMATION: On August 11, 1999, the Forest Service, filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1994)) but not the mineral leasing laws subject to valid existing rights:

Willamette Meridian

Fremont National Forest

T. 37 S., R. 19 E.,
  Sec. 30, NW¼NE¼.

The area described contains 40.00 acres in Lake County, Oregon.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director at the address indicated above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard with respect to the proposed withdrawal must submit a written request to the State Director at the address indicated above within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set fourth in 43 CFR 2300. For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary land uses which may be permitted during the segregative period include licenses, permits, rights-of-way, and disposal of vegetative resources other than under the mining law.

Dated: September 17, 1999.

Robert D. DeViney, Jr.,

Chief, Branch of Realty and Record Services.

[FR Doc. 99–24873 Filed 9–23–99; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and an Associated Funerary Object from Dry Lagoon State Park, CA in the Possession of the Anthropological Studies Center, Archeological Collections Facility, Sonoma State University, Rohnert Park, CA; and in the Control of the California Department of Parks and Recreation, Sacramento, CA

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and an associated funerary object in the possession of the Anthropological Studies Center (ASC), Archeological Collections Facility (ACF), Sonoma State University, Rohnert Park, CA; and in the control of the California Department of Parks and Recreation, Sacramento, CA.

A detailed assessment of the human remains was made by ASC and California Department of Parks and Recreation professional staff in consultation with representatives of the Yurok Tribe of California.

In 1976, human remains representing four individuals were recovered from site CA-HUM-129 in Stone Lagoon, Dry Lagoon State Park, CA during salvage excavations conducted for bluff stabilization by Dr. David A. Fredrickson, Sonoma State University. These human remains were accessioned into the collections of the Archaeological Colletions Facility at Sonoma State University. No known individuals were identified. The one associated funerary object is an acorn.

In 1978, human remains representing five individuals were recovered from site CA-HUM-129 in Stone Lagoon, Dry Lagoon State Park, CA during salvage excavations conducted for bluff stabilization by Dr. David A. Fredrickson, Sonoma State University. These human remains were accessioned into the collections of the Archaeological Collections Facility at Sonoma State University. No known individuals were identified. No associated funerary objects were present.

Based on material culture and $\overline{C14}$ dates, these human remains have been identified as Native American dating to between 1490 and 215 B.P. Geographical, ethnographical, linguistic, and historical evidence indicates that this archeological site is located within the traditional Coast Yurok territory. Based on archeological evidence, continuity of occupation, ethnographic accounts, and consultation with representatives of the Yurok Tribe of California, site CA-HUM-129 has been affiliated with the present-day Yurok Tribe of California.

Based on the above mentioned information, officials of Somoma State University and the California Department of Parks and Recreation have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of nine individuals of Native American ancestry. Officials of Somoma State University and the California Department of Parks and Recreation have also determined that, pursuant to 43 CFR 10.2 (d)(2), the one object listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of Somoma State University and the California Department of Parks and Recreation have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary object and the Yurok Tribe of California.

This notice has been sent to officials of the Yurok Tribe of California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Paulette Hennum, NAGPRA Coordinator, California Department of Parks and Recreation, 1416- 9th Street, Room 1431, Sacramento, CA 95814; telephone: (916) 653-7976, before October 25, 1999. Repatriation of the human remains and associated funerary object to the Yurok Tribe of California may begin after that date if no additional claimants come forward.

Dated: September 14, 1999.

Veletta Canouts,

Acting Departmental Consulting Archeologist.

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 99–24857 Filed 9–23–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of The Children's Museum, Boston, MA

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of The Children's Museum, Boston, MA which meet the definition of "sacred objects" under Section 2 of the Act.

The four cultural items are Hopi Katsina kwatsi (masks): Cloud, Spruce Boy, Chaqwina, and Mudhead.

In 1966, two of the kwatsi were purchased by The Children's Museum from McGee's Art Gallery in Keams Canyon, AZ. In 1970, the other two

kwatsi were purchased by The Children's Museum from William Bailey of New Mexico.

Museum records indicate these cultural items are all Katsina kwatsi (masks). Museum documentation indicates two of the kwatsi are Zuni. However, consultation with representatives of the Zuni Tribe of the Zuni Reservation in 1982 indicated that the two kwatsi are not Zuni. Museum documentation for the remaining two kwatsi indicates they are Hopi. Consultation with representatives of the Hopi Tribe indicate that all four Katsina kwatsi are Hopi; and the kwatsi are regarded as sacred objects needed by the Katsinmomngwit (Katsina Chiefs) of the Hopi Tribe in the Hopi villages for the practice of traditional Hopi religion.

Based on the above-mentioned information, officials of The Children's Museum have determined that, pursuant to 43 CFR 10.2 (d)(3), these four cultural items are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the The Children's Museum have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Hopi Tribe.

This notice has been sent to officials of the Hopi Tribe and the Zuni Tribe of the Zuni Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Joan Lester, Native American Curator, The Children's Museum, 300 Congress Street, Boston, MA 02210-1034; telephone: (617) 426-6500 before October 25, 1999. Repatriation of these objects to the Hopi Tribe may begin after that date if no additional claimants come forward.

Dated: September 14, 1999.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 99–24856 Filed 9–23–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[FES 99–31]

Contra Costa Water District's Future Use and Operation of Contra Loma Reservoir Project, Contra Costa County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of the final environmental impact report/final environmental impact statement (FEIR/FEIS).

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (as amended) and the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation) and Contra Costa Water District (CCWD) prepared a joint FEIR/FEIS for CCWD's Future Use and Operation of Contra Loma Reservoir Project. In 1997, the California State Department of Health Services (DOHS) issued a compliance order to CCWD requiring either that recreational body contact activities in Contra Loma Reservoir (Reservoir) cease, or that CCWD stop using the Reservoir for domestic water supply storage. The proposed action is to continue to use the Reservoir for its historic domestic water supply purposes and to construct a separate swimming lagoon within the existing Reservoir footprint to allow swimming and wading to continue. Action taken by Reclamation would allow CCWD to construct the swimming lagoon on lands owned by the United States at the Reservoir.

DATES: Reclamation will not make a decision on the proposed action until 30 days after release of the FEIR/FEIS. After the 30-day waiting period, Reclamation will complete a Record of Decision (ROD). The ROD will state the action that will be implemented and will discuss all factors leading to the decision.

ADDRESSES: Copies of the FEIR/FEIS may be requested from Ms. Frances I. Garland, Principal Planner, CCWD, 2300 Stanwell Drive, Concord CA 94524; telephone: (925) 688–8312.

Copies of the FEIR/FEIS are available for public inspection and review. These locations are listed in the "Supplementary Information" section.

FOR FURTHER INFORMATION CONTACT: Ms. Frances I. Garland, CCWD, 2300 Stanwell Drive, Concord CA 94524; telephone: (925) 688–8312; or Mr. Robert B. Eckart, Environmental Specialist, Bureau of Reclamation, 2800 Cottage Way, Sacramento CA 95825; telephone: (916) 978–5051.

SUPPLEMENTARY INFORMATION: The proposed action is to continue to use the Reservoir for its historic domestic water supply purposes and to construct a separate swimming lagoon within the existing Reservoir footprint to allow swimming and wading to continue. A concrete-covered earthen berm would physically separate the lagoon from the main portion of the 80-acre reservoir. Water in the lagoon would be pumped, filtered and treated to appropriate water quality standards for recreation use. This project would allow existing drinking water and swimming uses to continue at the Reservoir. The proposed action does not affect other existing recreation uses at the Reservoir such as fishing, boating, hiking, and picnicking.

Contra Loma Reservoir was built as part of the Contra Costa Canal unit of the Central Valley Project in 1967. The purpose of the Reservoir was to provide peaking and stand-by storage. CCWD has used the Reservoir for these purposes since 1967. A secondary purpose of the Reservoir is recreation. Recreation facilities at the Reservoir are operated by the East Bay Regional Park District under an agreement with Reclamation.

The FEIR/FEIS evaluates in detail five alternatives, including two no-action alternatives, and also describes the existing environment and environmental consequences of the proposed action. The FEIR/FEIS considers the environmental effects of the five alternatives in all topical areas required under NEPA and CEQA. Of particular importance for this project are the following topics: public health, surface-water quality, recreation, biological resources, aesthetics, socioeconomic environment, and cumulative impacts. Both Reclamation and CCWD have selected the proposed action as their preferred alternative. The proposed action was determined to provide a public health benefit and to minimize the impacts on recreation of complying with the DOHS order.

Notice of the draft environmental impact report/draft environmental impact statement (DEIR/DEIS) was published in the **Federal Register** on January 26, 1999 (64 FR 3974). A public hearing was held on February 18, 1999. The written comment period closed on March 25, 1999. The FEIR/FEIS contains responses to all comments received and changes made to the text of the DEIR/DEIS as a result of those comments.

Locations for Inspecting/Reviewing the FEIR/FEIS

- Bureau of Reclamation, Office of Policy, Room 7456, 1849 C Street, NW, Washington DC 20240; telephone: (202) 208–4662.
- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, at the Denver Federal Center, 6th and Kipling in Denver CO 80225; telephone: (303) 445–2064.
- Bureau of Reclamation, Public Affairs Office, 2800 Cottage Way in Sacramento CA 95825–1898; telephone: (916) 978–5100.
- Contra Costa Water District, Public Reading Room at 1331 Concord Ave in Concord CA 94524; telephone: (925) 688–8312.
- Antioch Branch Library at 501 W. 18th Street in Antioch CA 94509.
- Bay Point Branch Library at 205 Pacifica Avenue in Pittsburg CA 94565.
- Pittsburg Branch Library at 80 Power Avenue in Pittsburg CA 94565.
- Oakley Branch Library at 118 East Ruby in Oakley CA 94561.
- Concord Branch Library at 2900 Salvio in Concord CA 94519.
- Contra Costa County Public Library at 1750 Oak Park Boulevard in Pleasant Hill CA 94523.

Dated: September 9, 1999.

Kirk C. Rodgers,

Acting Regional Director.

[FR Doc. 99–24963 Filed 9–23–99; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[DES 99–37]

Draft Environmental Impact Statement for Elephant Butte/Caballo New Mexico Reservoirs Resource Management Plan

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of Draft Environmental Impact Statement.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 (NEPA) as amended, the Bureau of Reclamation (Reclamation) announces the availability of the Draft Environmental Impact Statement (DEIS) for the Elephant Butte/Caballo Resource Management Plan (RMP). The DEIS analyzes the environmental consequences of proposed management activities through a conceptual framework of conservation, protection, development, use, and resource enhancement. The project area encompasses approximately 78,000 acres of Federal lands and water and is located near the towns of Truth or Consequences and Williamsburg, in south-central New Mexico. Elephant Butte Reservoir was constructed primarily for irrigation and flood control with power generation added later, and Caballo Reservoir for flood control and re-regulation of water releases from Elephant Butte Dam. Activities such as fishing, camping, boating and other recreational activities have become important secondary uses of the available resources. Public hearings will be held to receive comments from interested individuals and organizations on the environmental impact of the proposal.

DATES: A 60-day public review period will commence with the publication of this notice. The Public hearings are scheduled as follows:

Date: October 26.
Time: 7:00 p.m.
Location: NM Farm & Ranch, Heritage Museum, 4100 Dripping Springs Road, Las Cruces, NM.

Date: October 27.
Time: 7:00 p.m.
Location: Civic Center, 400 West 4th Street, Truth or Consequences, NM.

ADDRESSES: Written comments may be sent to Bureau of Reclamation, Attn: ALB–156, Albuquerque Area Office, 505 Marquette NW, Suite 1313, Albuquerque, NM 87102–2162. If you wish to have your name and/or home address withheld from public documents related to the DEIS, please indicate that with your written comments and we will honor your request to the extent allowable by law. For a complete copy of the DEIS, contact Ms. Rosemary Romero, Public Involvement Specialist, Western Network, 811 St. Michaels Drive, Suite 106, Santa Fe, NM 87505, telephone 1–800–326–9805. A summary of the DEIS is also available to download or view online at http://uc.usbr.gov. The DEIS may be inspected and reviewed at the at the following locations:

- Santa Fe Public Library, 145 Washington Ave., Santa Fe, NM 87501.
- Rio Grande Valley Library, 501 Cooper Ave. NW, Albuquerque, NM 87102.
- Socorro Public Library, 401 Park Street, Socorro, NM 87801.
- Truth or Consequences Public Library, 325 Library Lane, Truth or Consequences, NM 87901.
- Las Cruces Public Library, 200 East Picacho, Las Cruces, NM 88001.
- El Paso Public Library, 501 North Oregon Street, El Paso, Texas 79901.
- Bureau of Reclamation, Elephant Butte Field Division, HC–32, Box 312, Truth or Consequences, NM 87901, Telephone 505–894–6661.
- Bureau of Reclamation, El Paso Field Division, 700 E. San Antonio Ave., Room B318, El Paso, TX 79901, Telephone 915–534–6300.
- Bureau of Reclamation, Albuquerque Area Office, 505 Marquette NW, Suite 1313, Albuquerque, NM 87102, Telephone 505–248–5357.

FOR FURTHER INFORMATION CONTACT: Clay McDermeit, telephone (505) 248–5391.

SUPPLEMENTARY INFORMATION: In recent years, the project area has experienced a sharp increase in recreation-oriented visitation and adjacent private land development that has subsequently increased demands on Project Area recreational and natural resources. The DEIS project proposes management guidelines and analyzes the impacts of such actions through the identification of the following alternatives: (A) No Action—Existing facilities maintained without expansion and with minimal improvement; (B) Resource Conservation Emphasis—Significant emphasis placed on conservation, protection, and enhancement of natural and cultural resources; (C) Multi-Purpose Emphasis—Allows for a variety of uses including expanded developed recreation areas, improved primitive recreation areas, adjustment of grazing, and establishment of wildlife management areas; and (D) Recreation Development Emphasis—Expansion of recreation opportunities by maximizing development on Project Area.

Based upon issues and concerns identified during the scoping process, this DEIS includes an assessment of lease lots, grazing, recreation development, wildlife and endangered species, cultural resources, socioeconomics, and other related concerns. The preferred alternative identifies a course of action with minimal environmental impact, increased resource protection, and an acceptable level of recreational use.

Dated: August 31, 1999.

Charles A. Calhoun,

Regional Director.

[FR Doc. 99–24964 Filed 9–23–99; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 16, 1999.

The Department of Labor (DOL) has submitted the following public

information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ((202) 219–5096 ext. 143) or by E-Mail to Mills-Ira@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Bureau of Labor Statistics.

Title: Local Area Unemployment Statistics (LAUS) Program.

OMB Number: 1220–0017.

Freqency: Monthly; Annually.

Affected Public: State, Local or Tribal Government.

Form No.	Annual frequency	Number of respondents	Average time per response (hours)
LAUS 3040	12	52	1.6
LAUS 8	15	52	1
LAUS 15	0.5	52	2
LAUS 16	2	52	1
LAUS 17	4	52	0.5

Total Burden Hours: 131,600.

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: The Local Area Unemployment Statistics (LAUS) manual provides the theoretical basis and essential technical instructions and guidance which States require to prepare State and area labor force estimates, while the reports ensure and/or measure the timeliness, quality, consistency, and adherence to LAUS program directives and research.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99–24935 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 16, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ({202} 219–5096 ext. 143) or by E–Mail to Mills-Ira@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Employment and Training Administration.

Title: Unemployment Insurance Quality Benefits Accuracy Measurement Program (formerly Benefits Quality Control).

OMB Number: 1205–0245.

Frequency: Weekly.

Affected Public: Individuals or household; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local, or Tribal govt.

Number of Respondents: 52.

Estimated Time Per Respondent: 3.17 hours.

Total Burden Hours: 75,319.

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $22 million.

Description: The Benefits Accuracy Measurement (BAM) program provides reliable estimates of the accuracy of the benefit payments in the UI program and identifies the sources of mispayments so that their causes can be eliminated. This proposes extending BAM program for 3 years while reducing average samples sizes and permitting States more flexibility in how they verify information pertinent to the sampled payments.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99–24936 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 20, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ((202) 219–5096 ext. 143) or by E-Mail to Mills-Ira@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Employment Standards Administration.

Title: Request for Examination and/or Treatment.

OMB Number: 1215–0066.

Frequency: On occasion.

Affected Public: Individuals or households.

Number of Respondents: 16,500.

Estimated Time Per respondent: 1.08.

Total Burden Hours: 124,740.

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $42,000.

Description: This form is used by employers to authorize medical treatment for injured workers and by physicians to report findings of physical examinations and treatment recommended.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99–24937 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 20, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ({292} 219–5096 ext. 143) or by E-Mail to Mills-Ira@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Employment and Training.

Title: Application for Alien Employment Certification.

OMB Number: 1205–0015.

Frequency: On occasion.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local, or Tribal govt.

Form No.	Respondents	Frequency	Average time per response (hours)	Total manhours
Permanent	67,500	Quarterly	2.8	189,000
H–2A	3,500	Quarterly	1	3,500
H–2B	2,500	Quarterly	1.4	3,500

Total Burden Hours: 196,000 hours.

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: The information provided on the labor certification application by employers seeking to employ foreign workers for permanent or temporary employment in the U.S. will permit the Department to meet federal responsibilities for program administration, management, and oversight.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99–24938 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,240 and NAFTS–3145]

Consolidated Papers, Inc., Niagara Division, Niagara, WI; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated July 27, 1999, the company requested administrative reconsideration of the Department's negative determination regarding worker eligibility to apply for trade adjustment assistance (TAA) and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA). The denial notices applicable to workers of the subject firm located in Niagara, Wisconsin, were signed on June 7, 1999 and published in the **Federal Register** on June 30, 1999 (64 FR 35183) and (64 FR 35185), respectively.

The company has provided a list of additional declining customers.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 10th day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24930 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,817]

Dynegy, Inc., Houston, TX; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 23, 1999 in response to a worker petition which was dated June 14, 1999, and filed on behalf of workers at Dynegy, Inc., Houston, Texas.

Further review of the petition shows that it does not comply with the requirements of 29 CFR 90.11. In summary, 29 CFR 90.11 specifies that a petition may be signed by at least three individuals of the petitioning worker group. In this case, the three petitioners were employed in different subdivisions of Dynegy and are therefore members of separate worker groups. Only a union representative or a company official may file a petition on behalf of all workers of a firm.

Therefore, this petition is deemed invalid, and the investigation has been terminated.

Signed in Washington, DC, this 10th day of September 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24934 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 4, 1999.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 4, 1999.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, DC, this 16th day of August, 1999.

Edward A. Tomchick,

Program Manager, Office of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 08/16/1999]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
36,680	Fairfield Machine (Co.)	Columbiana, OH	08/04/1999	Capital Equipment for Tube Industry.
36,681	Ganes Chemicals (Wkrs)	Carlstadt, NJ	08/03/1999	Chemicals.
36,682	S. Schwab Co (Wkrs)	Cumberland, MD	07/21/1999	Infants Wear.
36,683	Honeywell (CO.)	Phoenix, AZ	07/12/1999	Digital Control Systems.
36,684	Pacific Scientific (Wkrs)	Yorba Linda, CA	08/03/1999	Safety Equipment of Aircrafts.
36,685	AMP, Inc (CO.)	Lowell, NC	07/27/1999	Electronic Connectors.
36,686	CTI Communications (Wkrs)	Piqua, OH	08/03/1999	Antennas.
36,687	Fahnes Apparel, Inc (Co.)	El Paso, TX	07/28/1999	Men's, Ladies' & Children's Jeans.
36,688	Flynt Fabrics (Wkrs)	Wadesboro, NC	08/04/1999	Fabric Dyeing, Printing & Finishing.
36,689	Magliano Pants (UNITE)	Cincinnati, OH	07/30/1999	Tailored Men's Trousers.
36,690	Globe Tailoring (UNITE)	Cincinnati, OH	07/30/1999	Men's Tailored Suit Jackets.
36,691	Hirsch Company (Wkrs)	Skokie, IL	07/29/1999	Metal and Wood Shelving Products.

APPENDIX—Continued

[Petitions instituted on 08/16/1999]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
36,692	Smith Tool, Inc (Co.)	Ponca City, OK	07/26/1999	Drill Bits—Petroleum and Mining.
36,693	Rexell Industries (Wkrs)	Gaylord, MI	07/29/1999	Permanent Molds and Dies.
36,694	Weathervane Windows (Wkrs)	Brighton, MI	07/21/1999	Residential Windows and Doors.
36,695	Karina (Wkrs)	Wayne, NJ	07/27/1999	Hair Ornaments.
36,696	Kesu Systems & Services (Wkrs)	Tempe, AZ	08/05/1999	Burn-In Service for Semi Conductors.
36,697	Henry Silverman Jewlers (Wkrs)	El Paso, TX	08/07/1999	Fine Jewelry.
36,698	Contract Apparel Inc (Co.)	El Paso, TX	07/12/1999	Clothing.
36,699	Talismon Sugar Corp. (Wkrs)	Belle Glade, FL	08/03/1999	Sugar Cane.
36,700	Downing Wellhead Equip. (Co.)	Oklahoma City, OK	08/04/1999	Oilfield Equipment.
36,701	Monark Egg—Michael Food (IBT)	Kansas City, MO	07/30/1999	Dried Powdered Egg.
36,702	Biltrite Corp. (The) (Co.)	Ripley, MS	08/04/1999	Rubber Molded Heels and Soles.
36,703	Fabrico Manufacturing (Wkrs)	Chicago, IL	08/03/1999	Flexible and Synthetic Fabrics.
36,704	Logos Neckwear (Co.)	Paulsboro, NJ	07/26/1999	Neckwear.
36,705	Getchell Gold Corp. (Co.)	Golconda, NV	08/03/1999	Gold Bars.
36,706	J and J Flock Products (Co.)	Easton, PA	08/04/1999	Textile Fabrics.
36,707	Consolidation Coal (UMW)	Fairview, WV	08/04/1999	Bituminous Coal.
36,708	Invensys Appliance (Co.)	New Stanton, PA	07/23/1999	Appliance Controls.
36,709	AMP, Inc (Wkrs)	Loganville, PA	08/04/1999	Terminals and Connectors.
36,710	American Eagle Well (Co.)	Wichita Falls, TX	08/02/1999	Analysis of Oil and Gas Wells.
36,711	Petroplex Aadizung (Wkrs)	Midland, TX	07/28/1999	Oil and Gas Well Services.
36,712	Harken Engery Corp. (Wkrs.)	Houston, TX	08/01/1999	Oil and Gas.
36,713	Ranger Oil Co. (Co.)	Houston, TX	07/29/1999	Oil and Gas Exploration.

[FR Doc. 99–24931 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,142]

Voyager Apparel Tallmadge, Ohio; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 3, 1999 in response to a worker petition which was filed by the company behalf of workers at Voyager Apparel, Tallmadge, Ohio.

The petitioner is a company official who has refused to provide information and has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 13th day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24933 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–03224 and 03224A]

Lincoln Automotive Company, Jonesboro, AR and St. Louis, MO; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on July 14, 1999, applicable to workers of Lincoln Automotive Company, including leased workers of Staffmark and Manpower, Jonesboro, Arkansas. The notice was published in the **Federal Register** on August 11, 1999 (62 FR 43725).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New findings show that worker separations are occurring at the St. Louis, Missouri location of Lincoln Automotive Company and will continue until its closing in October, 1999. The St. Louis, Missouri location is the headquarters office, where workers provide sales, marketing and customer service to support the production of 4 ton service jacks, 10 ton service jacks, ¾ ton wheel dolly, ½ ton transmission jacks and 1 ton transmission jacks at the Jonesboro, Arkansas facility of Lincoln Automotive Company.

Accordingly, the Department is amending the certification to cover workers at Lincoln Automotive Company, St. Louis, Missouri.

The intent of the Department's certification is to include all workers of Lincoln Automotive Company adversely affected by imports from Mexico.

The amended notice applicable to NAFTA–03224 is hereby issued as follows:

All workers of Lincoln Automotive Company including leased workers of Staffmark and Manpower, Jonesboro, Arkansas producing 4 ton service jacks, 10 ton service jacks, ¾ ton wheel dolly, ½ ton transmission jacks and 1 ton transmission jacks for Lincoln Automotive Company, Jonesboro, Arkansas (NAFTA–03224) and all workers of Lincoln Automotive Company, St. Louis, Missouri who became totally or partially separated from employment on or after May 17, 1998 through July 14, 2001 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC, this 7th day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24932 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decision shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW, Room S–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I:

New York
- NY990002 (Mar. 12, 1999)
- NY990008 (Mar. 12, 1999)
- NY990040 (Mar. 12, 1999)
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General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual

edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 16th day of September, 1999.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 99–24643 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Approval, Exhaust Gas Monitoring, and Safety Requirements for the Use of Diesel-Powered Equipment in Underground Coal

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to the Approval, Exhaust Gas Monitoring, and Safety Requirements for the Use of Diesel-Powered Equipment in Underground coal. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

DATES: Submit comments on or before November 23, 1999.

ADDRESSES: Send comments to Theresa M. O'Malley, Program Analysis Officer, Office of Program Evaluation and Information Resources, 4015 Wilson Boulevard, Room 715, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to tomalley@msha.gov, along with an original printed copy. Ms. O'Malley can be reached at (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Theresa M. O'Malley, Program Analysis Officer, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 719, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mrs. O'Malley can be reached at TOMalley@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

The rule addresses three major areas: Diesel engine design and testing requirements; safety standards for the maintenance and use of this equipment; and exhaust gas sampling provisions to protect miners' health.

First, the rule requires that diesel engines and their critical components meet design specifications and tests to show that they are explosion-proof and will not cause a fire in a mine. Second, the safety requirements for diesel equipment include many proven features required in existing standards for electric-powered equipment. The rule also sets safety requirements for fuel handling and storage and fire suppression. Finally, the rule requires sampling of diesel exhaust emissions to protect miners from overexposure to carbon monoxide and nitrogen dioxide contained in diesel exhaust.

II. Current Actions

The recordkeeping requirements contained in the rule are the minimum necessary to ensure the safe and healthful operation of diesel-powered equipment in underground coal mines; to verify compliance with the regulations, and provide important information to mine operators and miners' representatives about safety and health conditions in miners' workplaces. Reduction of these recordkeeping requirements increase the likelihood that unsafe and unhealthy conditions would go undetected and uncorrected in underground coal mines.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Approval, Exhaust Gas Monitoring, and Safety Requirements for the Use of Diesel-Powered Equipment in Underground coal.

OMB Number: 1219–0119.

Recordkeeping: Indefinitely.

Affected Public: Business or other for-profit.

Total Respondents: 199.

Frequency: On occasion.

Total Responses: 234,308.

Average Time per Response: 0.24 hours.

Estimated Total Burden Hours: 56,339.

Total Burden Cost (capital/startup): $45,094.

Total Burden Cost (operating/maintaining): $617,238.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 20, 1999.

Theresa M. O'Malley,

Chief, Records Management Group.

[FR Doc. 99–24957 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D–10688, et al.]

Proposed Exemptions; Bankers Trust Company (BTC)

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the

prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Attention: Application No. _____, stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5507, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Bankers Trust Company (BTC), Located in New York, New York

[Application Nos. D–10688 through D–10691]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the proposed execution by certain employee benefit plans (the Plans) investing in Transwestern Office Partners II, L.P. (the LP) of a partner agreement and estoppel (the Estoppel) under which the Plans agree to honor capital calls made to the Plans by BTC as the representative of certain lenders (the Lenders) that will fund a so-called "credit facility" providing credit to the LP in connection with the Plans" capital commitments to the LP where the LP has granted to BTC security interests in the capital commitments, and where the Lenders are parties in interest with respect to the Plans; provided that (a) the proposed grants and agreements are on terms no less favorable to the Plans than those which the Plans could obtain in arm's-length transactions with unrelated parties; (b) the decisions on behalf of each Plan to invest in the LP and to execute such grants and agreements in favor of BTC are made by a fiduciary which is not included among, and is independent of and unaffiliated with, the Lenders and BTC; (c) with respect to Plans that have invested or may invest in the LP in the future, such Plans have or will have assets of not less than $100 million and not more than 5% of the assets of any such Plan are or will be invested in the LP. For purposes of this condition (c), in the case of multiple plans maintained by a single employer or single controlled group of employers, the assets of which are invested on a commingled basis, (e.g., through a master trust), this $100 million threshold will be applied to the aggregate assets of all such plans; and d) the general partner of the LP must be independent of BTC, the Lenders and the Plans.

Summary of Facts and Representations

1. The LP is a Delaware limited partnership, the sole general partner of which is Transwestern Office GP II, L.L.C. (the General Partner), a Delaware limited liability company. The General Partner is a separate affiliate of Transwestern Investment Company, L.L.C. (TWIC), a Delaware limited liability company. The General Partner is an entity unrelated to BTC, the Lenders and the Plans. The LP shall exist for five years from the end of its acquisition period (which is expected to last up to 30 months), but may be extended for an additional three years. The LP was formed by the General Partner (as sole General Partner), with the intent of seeking capital commitments from a limited number of prospective investors who would become limited partners (the Partners) of the LP. There are 17 current and prospective Partners having, in the aggregate, irrevocable, unconditional capital commitments of at least $150,000,000.

2. The LP has been organized to establish an integrated, self-administered and self-managed real estate operating company (see paragraph 11, below) to acquire real property assets primarily used for office purposes. The LP will make acquisitions and provide leasing and property management services. As described in the Private Placement Memorandum, the LP believes that significant opportunities exist to achieve superior risk-adjusted returns on its investments in excess of 15% over a five-year period. The LP will identify and commit to all investments within thirty months of closing (the Acquisition Period). Strategies to maximize proceeds and create liquidity for the LP include single asset sales, portfolio transactions, formation and exchange of assets for equity and a public market offering.

3. The LP will distribute to the Partners any revenue that exceeds current and anticipated cash needs as determined by the General Partner. Proceeds from the sale or financing of properties will generally be distributed in this manner. However, invested capital returned from investments sold or financed by the LP within 30 months

of the final closing date will be subject to reinvestment, provided that such amounts do not exceed a Partner's capital commitment (as discussed below).

4. The agreement dated May 1, 1997, under which the LP is organized (the Agreement) requires each Partner to execute a subscription agreement that obligates the Partner to make contributions of capital up to a specified maximum. The Agreement requires Partners to make capital contributions to fulfill this obligation upon receipt of notice from the General Partner. Under the Agreement, the General Partner may make calls for cash contributions (Capital Calls) up to the total amount of a Partner's capital commitment upon 10 business days' notice, subject to certain limitations. The Partners' capital commitments are structured as unconditional, binding commitments to contribute capital when Capital Calls are made by the General Partner. In the event of a default by a Partner, the LP may exercise any of a number of specific remedies.

The Partners constituting over 90% of the equity interests and their investments in the LP are:

Name of partner	Capital commitment (millions)
The General Partner	$7.175
The Northwestern Mutual Life Ins. Co.	10
ERI Trans Inc.	15
Allstate Insurance Company	30
State Street Bank and Trust as Master Trustee of the Northrop Employees Benefit Plans Master Trust	20
Mayo Foundation	5
Mayo Foundation Pension Fund	5
Greenwood Properties, Inc.	7.5
New York Life Insurance Company	15
Pew Memorial Trusts	10.5
J.H. Pew Freedom Trust	2.1
J.N. Pew, Jr. Trust	1.05
Mabel Pew Myrin Trust	1.35
Northwestern Memorial Hospital	1.5
Northwestern Memorial Hospital Employees' Pension Plan Trust	1.5
Fruit of the Loom Pension Trust, for the Benefit of Union Underwear Pension Plan	3
Northwestern University	15

5. The applicant states that the LP will incur indebtedness in connection with many of its investments. In addition to mortgage indebtedness, the LP will incur short-term indebtedness for the acquisition of particular investments. The indebtedness for the LP will be no more than 75% of the acquisition cost of the investments and no more than 70%, on a portfolio basis, of the aggregate book value of all properties of the LP. This indebtedness will be non-recourse except in connection with a Credit Facility, described in representation 6, below, secured by, among other things, a pledge and assignment of each Partner's capital commitment. This type of facility will allow the LP to consummate investments quickly without having to finalize the debt/equity structure for an investment or having to arrange for interim or permanent financing prior to making an investment, and will have additional advantages to the Partners and the LP. Under the Agreement, the General Partner may encumber Partners' capital commitments, including the right to call for capital contributions, to one or more financial institutions as security for the Credit Facility. Each of the Partners has appointed the General Partner as its attorney-in-fact to execute all documents and instruments of transfer necessary to implement the provisions of the Agreement. In connection with this Credit Facility, each of the Partners is required to execute documents customarily required in secured financings, including an agreement to honor Capital Calls unconditionally.

6. BTC will become agent for a group of Lenders providing a 37 revolving Credit Facility to the LP. BTC will also be a participating Lender. Some of the Lenders may be parties in interest with respect to some of the Plans that invest in the LP by virtue of such Lenders' (or their affiliates') provisions of fiduciary or other services to such Plans with respect to assets other than the Plans' interests in the LP. BTC is requesting an exemption to permit the Plans to enter into security agreements with BTC, as the representative of the Lenders, whereby such Plans' capital commitments to the LP will be used as collateral for loans made under the Credit Facility to the LP, when such loans are funded by Lenders who are parties in interest to one or more of the Plans. However, BTC represents that neither it nor any Lender will act in any fiduciary capacity for the decision made by any of the Plans to invest in the LP (as discussed in Paragraph 13, below).

The Credit Facility will be used to provide immediate funds for real estate acquisitions made by the LP, as well as for the payment of LP expenses. Repayments will be secured generally by the LP from the Partners' capital contributions, and Capital Calls on the Partners' capital commitments. The Credit Facility is intended to be available until November 1, 1999. The LP can use its credit under the Credit Facility either by direct or indirect borrowings or by requesting that letters of credit be issued. All Lenders will participate on a pro rata basis with respect to all cash loans and letters of credit up to the maximum of the Lenders' respective commitments. All such loans and letters of credit will be issued to the LP or an entity in which the LP owns a direct or indirect interest (a Qualified Borrower), and not to any individual Partner. All payments of principal and interest made by the LP or a Qualified Borrower will be allocated pro rata among all Lenders.

7. The Credit Facility will be a recourse obligation of the LP, the repayment of which is secured primarily by the grant of a security interest to BTC, as agent under the Credit Facility for the benefit of the Lenders, from the LP, in both: (a) The Partners' capital commitments and (b) a collateral account (the Borrower Collateral Account) under which the LP must deposit all Partners' capital contributions when paid. In addition, the LP and the General Partner will grant BTC, as agent under the Credit Facility for the benefit of the Lenders, a security interest in: (a) The right to call capital under the Agreement; (b) Capital Call notices; and (c) the Partners' capital commitments. The Borrower Collateral Account will be assigned to BTC to secure repayment of the indebtedness incurred under the Credit Facility. BTC has the right to apply any or all funds in the Borrower Collateral Account toward payment of the indebtedness in any manner it may elect. The capital commitments are fully recourse to all the Partners and to the General Partner. In the event of default under the Credit Facility, the agent (i.e., BTC) has the right to make capital calls unilaterally on the Partners to pay their unfunded capital commitments, and will apply cash received from such capital calls to any outstanding debt.

8. Under the Credit Facility, each Partner that is a Plan will execute an Estoppel pursuant to which it acknowledges that the LP and the General Partner have pledged and assigned to BTC, for the benefit of each Lender which may be a party in interest (as defined in Act section 3(14)) of such Partner, all of their rights under the Agreement relating to capital commitments and Capital Call notices. The Estoppel will include an acknowledgment and covenant by the Plan that, if an event of default exists, such Plan will unconditionally honor

any capital call made by BTC in accordance with the Agreement up to the unfunded capital commitment of such Plan to the LP.

9. BTC is requesting an exemption to permit each trust to enter into an Estoppel under the terms and conditions described herein. The trusts which hold assets of the Plans (the Trusts) are Partners in the LP and therefore own limited partnership interests. Some of the Lenders are parties in interest with respect to some of the Plans in the Trusts by virtue of such Lenders' (or their affiliates') provisions of fiduciary (or other) services to such Plans. These services are provided with respect to Trust assets other than the LP interests. Thus, BTC states that there is an immediate need for each Trust to enter into the Estoppel under the terms and conditions described herein. The Trusts owning limited partnership interests in the LP and the extent of their respective capital commitments to the LP are described as follows:

(a) The Northrop Employee Benefit Plans Master Trust (the Northrop Trust), Located in New York, New York; State Street Bank and Trust as Master Trustee. This Trust holds the assets of nine defined benefit plans sponsored by the Northrop Grumman Corporation and two defined benefit plans sponsored by Northrop Grumman Norden Systems, Inc. (the Northrop Plans), which own interests in the LP. The total number of participants in the eleven Northrop Plans is approximately 122,976, and the approximate fair market value of the total assets of the Northrop Plans held in the Northrop Trust as of December 31, 1997 was $10.25 billion. The Northrop Trust has made a capital commitment of $20 million to the LP. The fiduciary responsible for reviewing and authorizing the investment in the LP by the Northrop Trust is Forstmann-Leff International, Inc. (FLI). FLI was organized in 1968 as an investment counseling firm. It is a multi-asset class, global investment management firm. FLI manages approximately $7 billion in domestic and international equity, fixed income and private markets' accounts.

(b) The Fruit of the Loom Pension Trust (the Fruit of the Loom Trust), Located in Chicago, Illinois; The Northern Trust Company, Trustee. This Trust holds the assets of one defined benefit plan (the Union Underwear Plan), which owns interests in the LP. The total number of participants in the Union Underwear Plan is approximately 20,935, and the approximate fair market value of the total assets of the Union Underwear Plan held in the Fruit of the Loom Trust as of December 31, 1997 is $161 million. The Fruit of the Loom Trust has made a capital commitment of $3 million to the LP. The fiduciary responsible for reviewing and authorizing the investment in the LP by the Fruit of the Loom Trust is William Farley, Pension Investment Committee of the Fruit of the Loom, Inc. Board of Directors.

(c) The Mayo Foundation Master Retirement Trust (the Mayo Trust), Located in New York, New York; BTC, Trustee. This Trust holds the assets of one defined benefit plan (the Mayo Plan), which owns interests in the LP. The total number of participants in the Mayo Plan is approximately 25,028, and the approximate fair market value of the total assets of the Mayo Plan held in the Mayo Trust as of December 31, 1997 is $1.283 billion. The Mayo Trust has made a capital commitment of $5 million to the LP. The fiduciary responsible for reviewing and authorizing the investment in the LP by the Mayo Plan is John H. Herrell, Vice President of the Mayo Foundation.

(d) The Northwestern Memorial Hospital Employees Pension Plan Trust (The Memorial Hospital Trust) holds the assets of one defined benefit plan, the Northwestern Memorial Hospital Employees Pension Plan (the Memorial Hospital Plan), which owns interests in the LP. The total number of participants in the Memorial Hospital Plan is approximately 7,804, and the approximate fair market value of the total assets of the Memorial Hospital Plan held in the Memorial Hospital Trust as of December 31, 1997 is $213 million. The Memorial Hospital Trust has made a capital commitment of $1.5 million to the LP. The fiduciary responsible for reviewing and authorizing the investment in the LP by the Memorial Hospital Trust is Thomas M. Satkus, Jr., Assistant Treasurer, Northwestern Memorial Hospital.

10. The applicant represents that the Northrop Plans, the Union Underwear Plan, the Mayo Plan and the Memorial Hospital Plan are currently the only employee benefit plans subject to the Act that are Partners of the LP. However, the applicant states that it is possible that one or more other Plans will become Partners of the LP in the future. Thus, the applicant requests relief for any such Plan under this proposed exemption, provided the Plan meets the standards and conditions set forth herein. In this regard, such Plan must be represented by a fiduciary independent of the General Partner, the Lenders and BTC. Furthermore, the General Partner, who also must be independent of the Lenders and BTC, must receive from the Plan one of the following:

(1) A representation letter from the applicable fiduciary with respect to such Plan substantially identical to the representation letter submitted by the fiduciaries of the Northrop, Fruit of the Loom, Mayo and Memorial Hospital Trusts, in which case this proposed exemption, if granted, will apply to the investments made by such Plan if the conditions required herein are met; or

(2) Evidence that such Plan and its responsible fiduciaries are eligible for relief under Prohibited Transaction Exemption 96–23 (PTE 96–23, 61 FR 15975, April 10, 1996), the class exemption for transactions by a plan with certain parties in interest where such plan's assets are managed by an in-house asset manager (INHAM) that has total assets under its management, attributable to plans maintained by its affiliates, in excess of $50 million (see Part IV(a) of PTE 96–23); or

(3) Evidence that an insurance company which is investing general account funds is eligible for relief under Prohibited Transaction Exemption 95–60 (PTE 95–60, 60 FR 35925, July 12, 1995), the class exemption for insurance companies; or

(4) Evidence that such Plan is eligible for another class exemption [1] or has obtained an individual exemption from the Department covering the potential prohibited transactions which are the subject of this proposed exemption.

11. BTC represents that the LP will obtain an opinion of counsel that the LP will constitute an "operating company" under the Department's plan asset regulations [see 29 CFR 2510.3–101(c)] if the LP is operated in accordance with the Agreement and the private placement memorandum distributed in connection with the private placement of the LP Partnership interests.[2]

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[1] For example, PTE 84–14 (49 FR 9497, March 13, 1984) permits, under certain conditions, parties in interest to engage in various transactions with plans whose assets are managed by a "qualified professional asset manager" (QPAM) who is independent of the parties in interest (with certain limited exceptions) and meets specified financial standards.

[2] The Department notes that the term "operating company" as used in the Department's plan asset regulation cited above includes an entity that is considered a "real estate operating company" as described therein (see 29 CFR 2510.3–101(e)). However, the Department expresses no opinion in this proposed exemption regarding whether the LP would be considered either an operating company or a real estate operating company under such regulations. In this regard, the Department notes that it is providing no relief for either internal transactions involving the operation of the LP or for transactions involving third parties other than the specific relief proposed herein. In addition, the Department encourages potential Plan investors and their independent fiduciaries to carefully examine

12. BTC represents that the Estoppel constitutes a form of credit security which is customary among financing arrangements for real estate limited partnerships or limited liability companies, wherein the financing institutions do not obtain security interests in the real property assets of the partnership or limited liability companies. BTC also represents that the obligatory execution of the Estoppel by the Partners for the benefit of the Lenders was fully disclosed in the Private Placement Memorandum as a requisite condition of investment in the LP during the private placement of the Partnership interests. BTC represents that the only direct relationship with respect to the LP between any of the Partners and any of the Lenders is the execution of the Estoppel. All other aspects of the transaction, including the negotiation of all terms of the Credit Facility, are exclusively between the Lenders and the LP. BTC represents that the proposed execution of the Estoppel will not affect the abilities of the Trusts to withdraw from investment and participation in the LP.[3] The only Plan assets to be affected by the proposed transactions are any funds which must be contributed to the LP in accordance with requirements under the Agreement to make Capital Calls to honor a Partner's capital commitments.

13. BTC represents that neither it nor any Lender acts or has acted in any fiduciary capacity with respect to any of the Trusts' investments in the LP and that BTC is independent of and unrelated to those fiduciaries (the Fiduciaries) responsible for authorizing and overseeing the Trusts' investments in the LP. Each of the Fiduciaries represents independently that its authorization of Trust investments in the LP was free of any influence, authority or control by the Lenders, including BTC. Each of the Fiduciaries represents that the Trust's investments in and capital commitments to the LP were made with the knowledge that each Partner would be required subsequently to grant a security interest in Capital Calls and capital commitments to the Lenders and to honor requests for cash contributions, also known as "drawdowns", made on behalf of the Lenders without recourse to any defenses against the General Partner. Each of the Trust Fiduciaries individually represents that it is independent of and unrelated to BTC and the Lenders and that the investment by the Trust for which that Fiduciary is responsible continues to constitute a favorable investment for the Plan(s) participating in that Trust and that the execution of the Estoppel is in the best interests and protective of the participants and beneficiaries of such Plan(s). In the event another Plan proposes to become a Partner, the applicant represents that it will require similar representations to be made by such Plan's independent fiduciary. Any Plan proposing to become a Partner in the future and needing to avail itself of the exemption proposed herein will have assets of not less than $100 million[4], and not more than 5% of the assets of such Plan will be invested in the LP. As noted in paragraph 9 above, the Northrop Plans, the Union Underwear Plan, the Mayo Plan and the Memorial Hospital Plan all have total assets which exceed $100 million and have committed amounts to the LP which are less than 5% of their total assets.

14. In summary, the applicant represents that the proposed transactions satisfy the criteria of section 408(a) of the Act for the following reasons: (1) The Plans' investments in the LP were authorized and are overseen by the Fiduciaries, which are independent of the Lenders and BTC, and other Plan investments in the LP from other employee benefit plans subject to the Act will be authorized and monitored by independent Plan fiduciaries; (2) None of the Lenders (including BTC) has any influence, authority or control with respect to any of the Trusts' investment in the LP or the Trusts' execution of the Estoppel; (3) Each Fiduciary invested in the LP on behalf of a Plan with the knowledge that the Estoppel is required of all Partners investing in the LP, and all other Plan fiduciaries that invest their Plan's assets in the LP will be treated the same as other Partners are currently treated with regard to the Estoppel; (4) Any Plan which has invested or may invest in the LP in the future, which needs to avail itself of the exemption proposed herein, has or will have assets of not less than $100 million,[5] and not more than 5% of the assets of any such Plan are or will be invested in the LP; and (5) the General Partner of the LP is independent of BTC, the Lenders and the Plans.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Donaldson, Lufkin & Jenrette Securities Corporation (DLJ), Located in New York, NY

[Exemption Application No. D–10772]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).[6]

Section I. Covered Transactions

A. The restrictions of section 406(a)(1))(A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to any purchase or sale of a security between certain affiliates of DLJ which are foreign broker-dealers (the Foreign Affiliates, as defined below) and employee benefit plans (the Plans) with respect to which the Foreign Affiliates are parties in interest, including options written by a Plan, DLJ or a Foreign Affiliate provided that the following conditions and the General Conditions of Section II, are satisfied:

(1) The Foreign Affiliate customarily purchases and sells securities for its own account in the ordinary course of its business as a broker-dealer;

(2) The terms of any transaction are at least as favorable to the Plan as those which the Plan could obtain in a comparable arm's length transaction with an unrelated party; and

(3) Neither the Foreign Affiliate nor an affiliate thereof has discretionary authority or control with respect to the investment of the Plan assets involved in the transaction, or renders investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to those assets, and the Foreign Affiliate is a party in interest or disqualified person with respect to the Plan assets involved in the transaction solely by reason of section 3(14)(B) of the Act or section 4975(e)(2)(B) of the Code, or by reason

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all aspects of the LP's proposed real estate investment program in order to determine whether the requirements of the Department's regulations will be met.

[3] In this regard, the Department cautions Plan fiduciaries to fully understand all aspects of the Agreement, including the terms of the Estoppel, prior to making any capital commitments to the LP. The Department notes that section 404(a) of the Act requires, among other things, that a fiduciary of a plan act prudently when making investment decisions for the plan.

[4] In the case of multiple plans maintained by a single employer or single controlled group of employers, the assets of which are invested on a commingled basis, (e.g., through a master trust), this $100 million threshold will be applied to the aggregate assets of all such plans.

[5] See footnote 4, *ibid.*

[6] For purposes of this proposed exemption, reference to provisions of Title I of the Act, unless otherwise specified, refer also to corresponding provisions of the Code.

of a relationship to a person described in such sections. For purposes of this paragraph, the Foreign Affiliate shall not be deemed to be a fiduciary with respect to Plan assets solely by reason of providing securities custodial services for a Plan.

B. The restrictions of sections 406(a)(1)(A) through (D) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to any extension of credit to the Plans by the Foreign Affiliates to permit the settlement of securities transactions, regardless of whether they are effected on an agency or a principal basis, or in connection with the writing of options contracts, provided that the following conditions and the General Conditions of Section II are satisfied:

(1) The Foreign Affiliate is not a fiduciary with respect to any Plan assets involved in the transaction, unless no interest or other consideration is received by the Foreign Affiliate or an affiliate thereof, in connection with such extension of credit; and

(2) Any extension of credit would be lawful under the Securities Exchange Act of 1934 (the 1934 Act) and any rules or regulations thereunder if such Act, rules or regulations were applicable.

C. The restrictions of section 406(a)(1)(A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the lending of securities to the Foreign Affiliates by the Plans, provided that the following conditions and the General Conditions of Section II are satisfied:

(1) Neither the Foreign Affiliate nor an affiliate thereof has discretionary authority or control with respect to the investment of Plan assets involved in the transaction, or renders investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to those assets;

(2) The Plan receives from the Foreign Affiliate (by physical delivery or by book entry in a securities depository, wire transfer, or similar means) by the close of business on the day on which the loaned securities are delivered to the Foreign Affiliate, collateral consisting of cash, securities issued or guaranteed by the U.S. Government or its agencies or instrumentalities, or irrevocable U.S. bank letters of credit issued by persons other than the Foreign Affiliate or an affiliate of the Foreign Affiliate, or any combination thereof. All collateral shall be in U.S. dollars, or dollar-denominated securities or bank letters of credit, and shall be held in the United States;

(3) The collateral has, as of the close of business on the preceding business day, a market value equal to at least 100 percent of the then market value of the loaned securities (or, in the case of letters of credit, a stated amount equal to same);

(4) The loan is made pursuant to a written loan agreement (the Loan Agreement), which may be in the form of a master agreement covering a series of securities lending transactions, and which contains terms at least as favorable to the Plan as those the Plan could obtain in an arm's length transaction with an unrelated party;

(5) In return for lending securities, the Plan either (a) receives a reasonable fee, which is related to the value of the borrowed securities and the duration of the loan, or (b) has the opportunity to derive compensation through the investment of cash collateral. In the latter case, the Plan may pay a loan rebate or similar fee to the Foreign Affiliate, if such fee is not greater than the Plan would pay an unrelated party in a comparable arm's length transaction with an unrelated party;

(6) The Plan receives at least the equivalent of all distributions on the borrowed securities made during the term of the loan, including, but not limited to, cash dividends, interest payments, shares of stock as a result of stock splits and rights to purchase additional securities that the Plan would have received (net of tax withholdings)[7] had it remained the record owner of such securities.

(7) If the market value of the collateral as of the close of trading on a business day falls below 100 percent of the market value of the borrowed securities as of the close of trading on that day, the Foreign Affiliate delivers additional collateral, by the close of the Plan's business on the following business day, to bring the level of the collateral back to at least 100 percent. However, if the market value of the collateral exceeds 100 percent of the market value of the borrowed securities, the Foreign Affiliate may require the Plan to return part of the collateral to reduce the level of the collateral to 100 percent;

(8) Before entering into a Loan Agreement, the Foreign Affiliate furnishes to the independent Plan fiduciary (a) the most recent available audited statement of the Foreign Affiliate's financial condition, (b) the most recent available unaudited statement of its financial condition (if more recent than the audited statement), and (c) a representation that, at the time the loan is negotiated, there has been no material adverse change in its financial condition that has not been disclosed since the date of the most recent financial statement furnished to the independent Plan fiduciary. Such representation may be made by the Foreign Affiliate's agreeing that each loan of securities shall constitute a representation that there has been no such material adverse change;

(9) The Loan Agreement and/or any securities loan outstanding may be terminated by the Plan at any time, whereupon the Foreign Affiliate shall deliver certificates for securities identical to the borrowed securities (or the equivalent thereof in the event of reorganization, recapitalization or merger of the issuer of the borrowed securities) to the Plan within (a) the customary delivery period for such securities, (b) five business days, or (c) the time negotiated for such delivery by the Plan and the Foreign Affiliate, whichever is least, or, alternatively such period as permitted by Prohibited Transaction Class Exemption (PTCE) 81–6 (46 FR 7527, January 23, 1981, as amended at 52 FR 18754, May 19, 1987), as it may be amended or superseded.[8]

(10) In the event that the loan is terminated and the Foreign Affiliate fails to return the borrowed securities or the equivalent thereof within the time described in paragraph (9), the Plan may purchase securities identical to the borrowed securities (or their equivalent as described above) and may apply the collateral to the payment of the purchase price, any other obligations of the Foreign Affiliate under the Loan Agreement, and any expenses associated with the sale and/or purchase. The Foreign Affiliate is obligated to pay, under the terms of the Loan Agreement, and does pay, to the Plan, the amount of any remaining obligations and expenses not covered by the collateral, plus interest at a reasonable rate. Notwithstanding the foregoing, the Foreign Affiliate may, in the event it fails to return borrowed securities as

[7] The Department notes the applicant's representation that dividends and other distributions on foreign securities payable to a lending Plan may be subject to foreign tax withholdings and that the Foreign Affiliate will always put the Plan back in at least as good a position as it would have been in had it not lent the securities.

[8] PTCE 81–6 provides an exemption under certain conditions from section 406(a)(1)(A) through (D) of the Act and the corresponding provisions of section 4975(c) of the Code for the lending of securities that are assets of an employee benefit plan to a U.S. broker-dealer registered under the 1934 Act (or exempted from registration under the 1934 Act as a dealer in exempt Government securities, as defined therein).

described above, replace non-cash collateral with an amount of cash not less than the then current market value of the collateral, provided that such replacement is approved by the independent Plan fiduciary; and

(11) The independent Plan fiduciary maintains the situs of the Loan Agreement in accordance with the indicia of ownership requirements under section 404(b) of the Act and the regulations promulgated under 29 CFR 2550.404b–1. However, in the event that the independent Plan fiduciary does not maintain the situs of the Loan Agreement in accordance with the indicia of ownership requirements of section 404(b) of the Act, the Foreign Affiliate shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act, or the taxes imposed by section 4975(a) and (b) of the Code.

If the Foreign Affiliate fails to comply with any condition of this exemption in the course of engaging in a securities lending transaction, the Plan fiduciary which caused the Plan to engage in such transaction shall not be deemed to have caused the Plan to engage in a transaction prohibited by section 406(a)(1)(A) through (D) of the Act solely by reason of the Foreign Affiliate's failure to comply with the conditions of the exemption.

Section II. *General Conditions*

A. The Foreign Affiliate is a registered broker-dealer subject to regulation by a governmental agency, as described in Section III. B., and is in compliance with all applicable rules and regulations thereof in connection with any transactions covered by this exemption;

B. The Foreign Affiliate, in connection with any transactions covered by this exemption, is in compliance with the requirements of Rule 15a–6 (17 CFR 240.15a–6) of the 1934 Act, and Securities and Exchange Commission (the SEC) interpretations thereof, providing for foreign affiliates a limited exemption from U.S. broker-dealer registration requirements.

C. Prior to the transaction, the Foreign Affiliate enters into a written agreement with the Plan in which the Foreign Affiliate consents to the jurisdiction of the courts of the United States for any civil action or proceeding brought in respect of the subject transactions.

D. The Foreign Affiliate maintains, or causes to be maintained, within the United States for a period of six years from the date of any transaction such records as are necessary to enable the persons described in paragraph E, to determine whether the conditions of this exemption have been met except that—

(1) A party in interest with respect to a Plan, other than the Foreign Affiliate, shall not be subject to a civil penalty under section 502(i) of the Act or the taxes imposed by section 4975(a) or (b) of the Code, if such records are not maintained, or are not available for examination, as required by paragraph E.; and

(2) A prohibited transaction shall not be deemed to have occurred if, due to circumstances beyond the control of the Foreign Affiliate, such records are lost or destroyed prior to the end of such six year period;

E. Notwithstanding the provisions of subsections (a)(2) and (b) of section 504 of the Act, the Foreign Affiliate makes the records referred to above in paragraph D., unconditionally available for examination during normal business hours at their customary location to the following persons or an authorized representative thereof:

(1) The Department, the Internal Revenue Service or the SEC;

(2) Any fiduciary of a Plan;

(3) Any contributing employer to a Plan;

(4) Any employee organization any of whose members are covered by a Plan; and

(5) Any participant or beneficiary of a Plan. However, none of the persons described above in paragraphs (2)–(5) of this paragraph E. shall be authorized to examine trade secrets of the Foreign Affiliate, or any commercial or financial information which is privileged or confidential.

F. Prior to any Plan's approval of any transaction with a Foreign Affiliate, the Plan is provided copies of the proposed and final exemption with respect to the exemptive relief granted herein.

Section III. Definitions

For purposes of this proposed exemption,

A. The term "DLJ" as referred to in Parts A., B., and C. of Section I., means Donaldson, Lufkin & Jenrette Securities Corporation.

B. The term "affiliate" of another person shall include:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(2) Any officer, director, or partner, employee or relative (as defined in section 3(15) of the Act) of such other person; and

(3) Any corporation or partnership of which such other person is an officer, director or partner. (For purposes of this definition, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.)

C. The term "Foreign Affiliate," shall mean a current or future affiliate of DLJ that is subject to regulation as a broker-dealer by—

(1) The Securities and Futures Authority (the SFA), in the United Kingdom; or

(2) The Australian Securities & Investments Commission (ASIC) in Australia.

C. The term "security" shall include equities, fixed income securities, options on equity and on fixed income securities, government obligations, and any other instrument that constitutes a security under U.S. securities laws. The term "security" does not include swap agreements or other notional principal contracts.

Summary of Facts and Representations

1. DLJ is a broker-dealer registered with the SEC, a full-line investment services firm which is a member of the New York Stock Exchange and other principal securities exchanges in the United States, and a member of the National Association of Securities Dealers. DLJ is one of the largest investment services firms in the United States. DLJ is the principal operating subsidiary of Donaldson, Lufkin & Jenrette, Inc. (DLJ, Inc.) which is currently owned by The Equitable Companies Incorporated as well as public shareholders. As of March 31, 1999, DLJ, Inc. had total assets of $90,254,264,000 and $3,069,124,000 in stockholders' equity.

DLJ has several foreign affiliates that are broker-dealers or banks. The proposed exemption would cover the Foreign Affiliates listed below, any current or future affiliates that meet the requirements of the exemption and their respective regulating entities as follows:

(a) *London Global Securities*, located in London, England, is subject to regulation in the United Kingdom by the SFA; and

(b) *DLJ Australia Pty. Ltd.*, located in Melbourne, Victoria, Australia will be subject to regulation by ASIC.

DLJ requests an individual exemption to permit the Foreign Affiliates identified above, as well as those others which, in the future, may be subject to governmental regulation in the United Kingdom and Australia,[9] to engage in

[9] For a description of the SFA, see Representations 5 and 6 of the Notice of Proposed Exemption for Barclays Bank PLC (63 FR 53714,

Continued

the securities transactions described below with Plans. The proposed exemption is necessary because the Foreign Affiliates may be parties in interest with respect to the Plans under the Act, by virtue of being a fiduciary (for assets of the Plans other than those involved in the transactions) or a service provider to such Plans, or by virtue of a relationship to such fiduciary or service provider.

2. DLJ represents that the Foreign Affiliates are subject to regulation by a governmental agency in the foreign country. DLJ further represents that registration of a foreign broker-dealer with the governmental agency in these cases addresses regulatory concerns similar to those concerns addressed by registration of a broker-dealer with the SEC under the 1934 Act. The rules and regulations set forth by the above-referenced agencies and the SEC share a common objective: the protection of the investor by the regulation of the securities market.

The United Kingdom and Australia both have comprehensive financial resource and reporting/disclosure rules concerning broker-dealers. Broker-dealers are required to demonstrate their capital adequacy. The reporting/disclosure rules impose requirements on broker-dealers with respect to risk management, internal controls and records relating to counterparties. All such records must be produced at the request of the agency at any time. The agencies' registration requirements for broker-dealers are enforced by fines and penalties and thus constitute a comprehensive disciplinary system for the violation of such rules.

DLJ represents that in connection with the transactions covered by this proposed exemption, the Foreign Affiliates' compliance with any applicable requirements of Rule 15a–6 (17 CFR 240.15a–6) of the 1934 Act (as discussed further in Representation 6, below), and SEC interpretations thereof, providing for foreign affiliates a limited exemption from U.S. registration requirements, will offer additional protections to the Plans.

Principal Transactions

3. DLJ represents that the Foreign Affiliates operate as traders in dealers' markets wherein they customarily purchase and sell securities for their own account in the ordinary course of their business as broker-dealers and engage in purchases and sales of securities, including options on securities, with their clients. Such trades are referred to as principal transactions. DLJ represents that the role of a broker-dealer in a principal transaction in the subject foreign countries is virtually identical to that of a broker-dealer in a principal transaction in the United States.

DLJ requests an individual exemption to permit the Foreign Affiliates to engage in principal transactions with the Plans under terms and conditions equivalent to those required in PTCE 75–1 (40 FR 50845, October 31, 1975), Part II.[10] DLJ states that because PTCE 75–1 provides an exemption only for U.S. registered broker-dealers, the principal transactions at issue would fall outside the scope of relief provided by PTCE 75–1.[11]

4. DLJ represents that like the U.S. dealer markets, international equity and debt markets, including the options markets, are not less dependent on a willingness of dealers to trade as principals. Over the past decade, Plans have increasingly invested in foreign equity and debt securities, including debt securities issued by foreign governments. Thus, Plans seeking to enter into such investments may wish to increase the number of trading partners available to them by trading with the Foreign Affiliates.

5. Under the conditions of this proposed exemption, as in PTCE 75–1, Part II, the Foreign Affiliate must customarily purchase and sell securities for its own account in the ordinary course of its business as a broker-dealer. The terms of any principal transaction will be at least as favorable to the Plan as those the Plan could obtain in a comparable arm' length transaction with an unrelated party. Neither the Foreign Affiliate nor an affiliate thereof will have discretionary authority or control with respect to the investment of the Plan assets involved in the principal transaction or render investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to those assets. In addition, the Foreign Affiliate will be a party in interest or disqualified person with respect to the Plan assets involved in a principal transaction solely by reason of section 3(14)(B) of the Act or section 4975(e)(2)(B) of the Code (i.e., a service provider to the Plan), or by reason of a relationship to such a person as described in such sections.

6. DLJ represents that Rule 15a–6 of the 1934 Act provides an exemption from U.S. registration requirements for a foreign broker-dealer that induces or attempts to induce the purchase or sale of any security (including over-the-counter equity and debt options) by a "U.S. institutional investor" or a "major U.S. institutional investor," provided that the foreign broker dealer, among other things, enters into these transactions through a U.S. registered broker or dealer intermediary.

The term "U.S. institutional investor," as defined in Rule 15a–6(b)(7), includes an employee benefit plan within the meaning of the Act if:

(a) The investment decision is made by a plan fiduciary, as defined in section 3(21) of the Act, which is either a bank, savings and loan association, insurance company or registered investment adviser, or

(b) The employee benefit plan has total assets in excess of $5 million, or

(c) The employee benefit plan is a self-directed plan with investment decisions made solely by persons that are "accredited investors" as defined in Rule 501(a)(1) of Regulation D of the Securities Act of 1933, as amended.

The term "major U.S. institutional investor," as defined in Rule 15a–6(b)(4), includes a U.S. institutional investor that has total assets in excess of $100 million.[12] DLJ represents that the intermediation of the U.S. registered broker-dealer imposes upon the foreign broker-dealer the requirement that the securities transaction be effected in accordance with a number of U.S. securities laws and regulations applicable to U.S. registered broker-dealers.

DLJ represents that under Rule 15a-6, a foreign broker-dealer that induces or attempts to induce the purchase or sale of any security by a U.S. institutional or major institutional investor in accordance with Rule 15a-6 must, among other things:

(a) Provide written consent to service of process for any civil action brought by or proceeding before the SEC or a self-regulatory organization;

(b) Provide the SEC with any information or documents within its possession, custody

53717, October 6, 1998). Similarly, for a description of ASIC, see Representation 2 of the Notice of Proposed Exemption for Citibank, N.A. and Salomon Smith Barney, Inc. (64 FR 10493, 10496, March 4, 1999).

[10] PTCE 75–1, Part II, provides an exemption, under certain conditions, from section 406(a) of the Act and section 4975(c)(1)(A) through (D) of the Code, for principal transactions between employee benefit plans and U.S. registered broker-dealers or U.S. banks that are parties in interest with respect to such plans.

[11] The Department notes that the proposed principal transactions are subject to the general fiduciary responsibility provisions of Part 4 of Title I of the Act. Section 404(a) of the Act requires, among other things, that a fiduciary of a plan act prudently and solely in the interest of the plan and its participants and beneficiaries, when making investment decisions on behalf of the plan.

[12] Note that a SEC No-Action Letter has expanded the categories of entities that qualify as "major U.S. institutional investors." See SEC No-Action letter issued to Cleary, Gottlieb, Steen & Hamilton on April 9, 1997 (the April 9, 1997 No-Action Letter).

or control, any testimony of any such foreign associated persons, and any assistance in taking the evidence of other persons, wherever located, that the SEC requests and that relates to transactions effected pursuant to the Rule;

(c) Rely on the U.S. registered broker or dealer through which the principal transactions with the U.S. institutional and major U.S. institutional investors are effected to (among other things):

(1) Effecting the transactions, other than negotiating their terms;

(2) Issuing all required confirmations and statements;

(3) As between the foreign broker-dealer and the U.S. registered broker-dealer, extending or arranging for the extension of credit in connection with the transactions;

(4) Maintaining required books and records relating to the transactions, including those required by Rules 17a-3 (Records to be Made by Certain Exchange Members) and 17a-4 (Records to be Preserved by Certain Exchange Members, Brokers and Dealers) of the 1934 Act; [13]

(5) Receiving, delivering, and safeguarding funds and securities in connection with the transactions on behalf of the U.S. institutional investor or the major U.S. institutional investor in compliance with Rule 15c3–3 of the 1934 Act (Customer Protection—Reserves and Custody of Securities); [14] and

(6) Participating in certain oral communications (e.g., telephone calls) between the foreign associated person and the U.S. institutional investor (not the major U.S. institutional investor) and accompanying the foreign associated person on certain visits with both U.S. institutional and major U.S. institutional investors. Under certain circumstances, the foreign associated person may have direct communications and contact with the U.S. institutional investor. (See the April 9, 1997 No-Action Letter). [15]

Extensions of Credit

7. DLJ represents that a normal part of the execution of securities transactions by broker-dealers on behalf of clients, including Plans, is the extension of credit to clients so as to permit the settlement of transactions in the customary settlement period. Such extensions of credit are customary in connection with the buying and writing of option contracts.

DLJ requests that the proposed exemption include relief for extensions of credit to the Plans by the Foreign Affiliates in the ordinary course of their purchases or sales of securities, regardless of whether they are effected on an agency or a principal basis, or in connection with the writing of options contracts. In this regard, an exemption for such extensions of credit is provided under PTCE 75–1, Part V, only for transactions between Plans and U.S. registered broker-dealers and banks. [16]

8. Under the conditions of this proposed exemption, as in PTCE 75–1, Part V, the Foreign Affiliate may not be a fiduciary with respect to Plan assets involved in the transaction. However, an exception to such condition would be provided herein, as in PTCE 75–1, if no interest or other consideration were received by the Foreign Affiliate or an affiliate thereof, in connection with any such extension of credit. In addition, the extension of credit must be lawful under the 1934 Act and any rules or regulations thereunder, if the 1934 Act rules or regulations were applicable. If the 1934 Act would not be applicable, the extension of credit must still be lawful under applicable foreign law, in the country where the particular Foreign Affiliate is domiciled.

Securities Lending

9. The Foreign Affiliates, acting as principals, actively engage in the borrowing and lending of securities, typically foreign securities, from various institutional investors, including employee benefit plans.

DLJ requests an exemption for securities lending transactions between the Foreign Affiliates and the Plans under terms and conditions equivalent to those required in PTCE 81–6 (46 FR 7527, January 23, 1981, as amended at 52 FR 18754, May 19, 1987). [17] Because PTCE 81–6 provides an exemption only for U.S. registered broker-dealers and U.S. banks, the securities lending transactions at issue would fall outside the scope of relief provided by PTCE 81–6.

10. The Foreign Affiliates utilize borrowed securities either to satisfy their own trading requirements or to re-lend to other broker-dealers and entities that need a particular security for a certain period of time. As described in the Federal Reserve Board's Regulation T, borrowed securities are often used to meet delivery obligations in the case of short sales or the failure to receive securities that a broker-dealer is required to deliver. DLJ represents that foreign broker-dealers are those broker-dealers most likely to seek to borrow foreign securities. Thus, the requested exemption will increase the lending demand for such securities, providing the Plans with increased securities lending opportunities, which will earn such Plans additional rates of return on the borrowed securities (as discussed below).

11. An institutional investor, such as a pension plan, lends securities in its portfolio to a broker-dealer in order to earn a fee while continuing to enjoy the benefits of owning securities (e.g., from the receipt of any interest, dividends or other distributions due on those securities and from any appreciation in the value of the securities). The lender generally requires that the securities loan be fully collateralized, and the collateral usually is in the form of cash, irrevocable U.S. bank letters of credit issued by a bank other than a Foreign Affiliate, or high quality liquid securities such as U.S. Government or Federal Agency obligations.

12. With respect to the subject securities lending transactions, neither the Foreign Affiliate nor an affiliate of the Foreign Affiliate will have discretionary authority or control with respect to the investment of Plan assets involved in the transaction, or render investment advice, within the meaning of 29 CFR 2510.3–21(c) with respect to those assets.

13. By the close of business on the day the loaned securities are delivered, the Plan will receive from the Foreign Affiliate (by physical delivery, book entry in a U.S. securities depository, wire transfer or similar means) collateral consisting of cash, securities issued or guaranteed by the U.S. Government or its agencies, irrevocable U.S. bank letters of credit issued by persons other than the Foreign Affiliate or an affiliate of the Foreign Affiliate, or any combination thereof. All collateral will be in U.S. dollars, or dollar-denominated securities or bank letters of credit, and will be held in the United States. The collateral will have, as of the close of business on the business day

[13] DLJ represents that all such requirements relating to recordkeeping of principal transactions would be applicable to any Foreign Affiliate in a transaction that would be covered by this proposed exemption.

[14] Under certain circumstances described in the April 9, 1997 No-Action Letter (e.g., clearance and settlement transactions), there may be direct transfers of funds and securities between a Plan and a Foreign Affiliate. Please note that in such situations (as in other situations covered by Rule 15a-6), the U.S. registered broker-dealer will not be acting as a principal with respect to any duties it is required to undertake pursuant to Rule 15a-6.

[15] Under certain circumstances described in the April 9, 1997 No-Action Letter (e.g., clearance and settlement transactions), there may be direct transfers of funds and securities between a Plan and a Foreign Affiliate. Please note that in such situations (as in other situations covered by Rule 15a-6), the U.S. broker-dealer will not be acting as a principal with respect to any duties it is required to undertake pursuant to Rule 15a-6.

[16] PTCE 75–1, Part V, provides an exemption, under certain conditions, from section 406 of the Act and section 4975(c)(1) of the Code, for extensions of credit, in connection with the purchase or sale of securities, between employee benefit plans and U.S. registered broker-dealers that are parties in interest with respect to such plans.

[17] PTCE 81–6 provides an exemption under certain conditions from section 406(a)(1)(A) through (D) of the Act and the corresponding provisions of section 4975(c) of the Code for the lending of securities that are assets of an employee benefit plan to U.S. registered broker-dealers that are parties in interest with respect to such plans.

preceding the day it is posted by the Foreign Affiliate, a market value equal to at least 100 percent of the then market value of the loaned securities (or, in the case of letters of credit, a stated amount equal to same).

14. The loan will be made pursuant to a written Loan Agreement, which may be in the form of a master agreement covering a series of securities lending transactions between the Plan and the Foreign Affiliate. The terms of the Loan Agreement will be at least as favorable to the Plan as those the Plan could obtain in a comparable arm's length transaction with an unrelated party. The Loan Agreement will also contain a requirement that the Foreign Affiliate pay all transfer fees and transfer taxes relating to the securities loans.

15. In return for lending securities, the Plan will either (a) receive a reasonable fee, which is related to the value of the borrowed securities and the duration of the loan, or (b) have the opportunity to derive compensation through the investment of cash collateral. In the latter case, the Plan may pay a loan rebate or similar fee to the Foreign Affiliate if such fee is not greater than what the Plan would pay in a comparable arm's length transaction with an unrelated party.

Earnings generated by non-cash collateral will be returned to the Foreign Affiliate. The Plan will be entitled to at least the equivalent of all distributions on the borrowed securities made during the term of the loan. Such distributions will include cash dividends, interest payments, shares of stock as a result of stock splits, and rights to purchase additional securities, that the Plan would have received (net of tax withholdings) had it remained the record owner of such securities.

16. If the market value of the collateral as of the close of trading on a business day falls below 100 percent of the market value of the borrowed securities as of the close of trading on that day, the Foreign Affiliate will deliver additional collateral, by the close of business on the following business day, to bring the level of the collateral back to at least 100 percent. However, if the market value of the collateral exceeds 100 percent of the market value of the borrowed securities, the Foreign Affiliate may require the Plan to return part of the collateral to reduce the level of the collateral to 100 percent.

17. Before entering a Loan Agreement, the Foreign Affiliate will furnish to the independent Plan fiduciary (a) the most recent available audited statement of the Foreign Affiliate's financial condition, (b) the most recent available unaudited statement of its financial condition (if more recent than the audited statement), and (c) a representation that, at the time the loan is negotiated, there has been no material adverse change in its financial condition since the date of the most recent financial statement furnished to the independent Plan fiduciary. Such representation may be made by the Foreign Affiliate's agreeing that each loan of securities shall constitute a representation that there has been no such material adverse change.

18. The Loan Agreement and/or any securities loan outstanding may be terminated by the Plan at any time, whereupon the Foreign Affiliate will deliver certificates for securities identical to the borrowed securities (or the equivalent thereof in the event of a reorganization, recapitalization or merger of the issuer of the borrowed securities) to the Plan within (a) the customary delivery period for such securities, (b) five business days, or (c) the time negotiated for such delivery by the Plan and the Foreign Affiliate, whichever is least, or alternatively, such period as permitted by PTCE 81–6, as it may be amended or superseded. In the event the Foreign Affiliate fails to return the borrowed securities, or the equivalent thereof, within the designated time, the Plan will have certain rights under the Loan Agreement to realize upon the collateral. The Plan may purchase securities identical to the borrowed securities, or the equivalent thereof, and may apply the collateral to the payment of the purchase price, any other obligations of the Foreign Affiliate under the Loan Agreement, and any expenses associated with replacing the borrowed securities. The Foreign Affiliate is obligated to pay to the Plan the amount of any remaining obligations and expenses not covered by the collateral, plus interest at a reasonable rate as determined in accordance with an independent market source. Notwithstanding the foregoing, the Foreign Affiliate may, in the event it fails to return borrowed securities as described above, replace non-cash collateral with an amount of cash not less than the then current market value of the collateral, provided that such replacement is approved by the independent Plan fiduciary.

19. The independent Plan fiduciary will maintain the situs of the Loan Agreement in accordance with the indicia of ownership requirements of section 404(b) of the Act and the regulations promulgated under 29 CFR 2550.404b–1.[18]

20. In summary, it is represented that the proposed transactions will satisfy the statutory criteria for an exemption under section 408(a) of the Act for the following reasons:

(a) With respect to principal transactions effected by the Foreign Affiliates, the proposed exemption will enable Plans to realize the same benefits of efficiency and convenience which such Plans could derive from principal transactions with U.S. registered broker-dealers pursuant to PTCE 75–1, Part II;

(b) With respect to extensions of credit in connection with purchases or sales of securities, the proposed exemption will enable the Foreign Affiliates and the Plans to extend credit in the ordinary course of the Foreign Affiliate's business to effect agency or principal transactions within the customary settlement period, or in connection with the writing of options contracts, for transactions between plans and broker-dealers, as is possible for U.S. registered broker-dealers pursuant to PTCE 75–1, Part V;

(c) With respect to securities lending transactions effected by the Foreign Affiliates, the proposed exemption will enable the Plans to realize a low-risk return on securities that otherwise would remain idle, as in securities lending transactions executed by Plans and U.S. registered broker-dealers or U.S. banks, pursuant to PTCE 81–6; and

(d) The proposed exemption will provide Plans with virtually the same protections and benefits as those provided by PTCE 75–1 and PTCE 81–6.

Notice to Interested Persons

The applicant represents that because those Plans that will be potentially interested in the transactions cannot be identified at this time, the only practical means of notifying Plan fiduciaries is by the publication of the notice of proposed exemption in the **Federal Register**. Therefore, comments and requests for a hearing must be received by the Department not later than 30 days from the date of the publication of this proposed exemption in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section

[18] Section 404(b) of the Act states that no fiduciary may maintain the indicia of ownership of any assets of a plan outside the jurisdiction of the district courts of the United States, except as authorized by regulation by the Secretary of Labor.

408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 21st day of September 1999.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 99–24940 Filed 9–23–99; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–117]

Notice of Prospective Copyright License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective copyright license.

SUMMARY: NASA hereby gives notice that Vanguard Integrity Professionals of Orange, CA has applied for an exclusive copyright license described and claimed in NASA Software entitled "Enforcer" Version 5.0 and "CERU" Version 2.0, which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Johnson Space Center.

DATE: Responses to this notice must be received by November 23, 1999.

FOR FURTHER INFORMATION CONTACT: Hardie Barr, National Aeronautics and Space Administration, Johnson Space Center, Mail Stop HA, Houston, TX 77058–8452, telephone (281) 483–1002.

Dated: September 16, 1999.

Edward A. Frankle,

General Counsel.

[FR Doc. 99–24942 Filed 9–23–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–118]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that TechConsulting, of South Pasadena, California, has applied for an exclusive license to practice the invention disclosed in U.S. Patent No. 4,975,704 entitled "Method for Detecting Surface Motions and Mapping Small Terrestrial or Planetary Surface Deformations with Synthetic Aperture Radar," which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to the NASA Management Office at the Jet Propulsion Laboratory.

DATES: Responses to this notice must be received by November 23, 1999.

FOR FURTHER INFORMATION CONTACT: John H. Kusmiss, Assistant Patent Counsel, NASA Management Office, Jet Propulsion Laboratory, 4800 Oak Grove Drive, Mail Station 180–801, Pasadena, CA 91109–8099; (818) 354–7770.

Dated: September 16, 1999.

Edward A. Frankle,

General Counsel.

[FR Doc. 99–24943 Filed 9–23–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Change of Subject of Meetings, Sunshine Act Notice

The National Credit Union Administration Board determined that its business requires the deletion of the following items from the previously announced open meeting (**Federal Register**, Vol. 64, No. 177, Page 49823, Tuesday, September 14, 1999) scheduled for Thursday, September 16, 1999.

6. Proposed Rule: Amendments to Parts 724 and 745, NCUA's Rules and Regulations, Individual Retirement Accounts in Puerto Rico Federal Credit Unions.

7. Board Resolution to Clarify Board Policy and Agency Procedures on Community Charter Conversions as per IRPS 99–1.

The Board voted unanimously that agency business requires that these items be deleted from the open agenda and that no earlier announcement of this change was possible.

The National Credit Union Administration Board also determined that its business requires the deletion of the following item from the previously announced closed meeting.

2. One (1) Personnel Matter. Closed pursuant to exemptions (2) and (6).

The Board voted unanimously that agency business requires that this item be deleted from the closed agenda and that no earlier announcement of this change was possible.

The previously announced agenda was:

TIME AND DATE: 2:30 p.m., Thursday, September 16, 1999.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, Virginia 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed Amendment to IRPS 99–1: Establishing Low-Income Member Service Requirement.

2. Two (2) Requests from Federal Credit Unions to Convert to Community Charters.

3. Request from a Corporate Federal Credit Union for a National Field of Membership Amendment.

4. Request for a Merger of Two Corporate Federal Credit Unions.

5. Proposed Rule: Amendment to Part 701, NCUA's Rules and Regulations, Share Overdraft Accounts.

6. Proposed Rule: Amendments to Parts 724 and 745, NCUA's Rules and Regulations, Individual Retirement Accounts in Puerto Rico Federal Credit Unions.

7. Board Resolution to Clarify Board Policy and Agency Procedures on Community Charter Conversions as per IRPS 99–1.

RECESS: 3:45 p.m.

TIME AND DATE: 4:00 p.m., Thursday, September 16, 1999.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, Virginia 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Part 704 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).

2. Two (2) Personnel Matters. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 99–25039 Filed 9–22–99; 1:01 pm]

BILLING CODE 7535–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Intent to Seek Approval to Extend without Revision an Expired Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and Request for Comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request reinstatement of this collection. In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by November 23, 1999, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR ADDITIONAL INFORMATION OR COMMENTS: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230; telephone (703) 306–1125 x 2017; or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday. You also may obtain a copy of the data collection instrument and instructions from Ms. Plimpton.

SUPPLEMENTARY INFORMATION:

Title of Collection

An Evaluation of Awards Made under the NSF Design and Manufacturing Research Programs.

OMB Approval Number: 3145–0167.

Expiration Date of Approval: Not applicable.

Type of Request: Intent to seek approval to reinstate without revision an information collection for three years.

Abstract: An Evaluation of the Outcomes and Impacts of awards made in the Division of Design, Manufacture, and Industrial Innovation (DMII) in FYs 1989–90. The ability of the National Science Foundation to continue a high level of support for university-based research is becoming increasingly dependent on the ability of NSF and its research partners to explain the impact of funded research on the lives of the U.S. citizens who provide those funds. The Foundation has no systematic evidence regarding the frequency of such events among awards made in 1989 and 1990, some of which were from unsolicited proposals and others were from proposals in three special initiative areas: Strategic Manufacturing, Technology Management, and Industrial Internships. Furthermore, nothing is known about the process by which any outcomes may have occurred. A pilot study of DMII research program awards from 1986 using the same instruments was conducted several years ago. To assist DMII in reporting accurately about the results from more recent awards, especially those made in three initiatives areas—Technology Management, Strategic Manufacturing, and Industrial Internships—and managing its present research programs, the Division woud like to reinstate without change data collection 3145–0167.

Some 250 Principal Investigators(PIs) and co-Principal Investigators (co-PIs) who were recipients of DMII research program awards in FY 1989–90 will be asked to provide via e-mail:

(1) A brief one-page narrative regarding the outcomes and impacts of the project;

(2) Citations to 3 to 5 key journal articles, books or patents that resulted from the project, or in which the project played an important role;

(3) the names, addresses and telephone numbers of between 3 and 5 other individuals who are familiar with the work carried out under the project, and who could provide additional insights as to its outcomes and impacts; and

With regard to the narrative materials, the following information will be requested:

(A) Complete project title.

(B) Key project participants and their institutional affiliations.

(C) Time frame during which project was conducted.

(D) Principal outputs or results of the project.

(E) Longer term outcomes and follow-on impacts of the project.

(F) The researcher's best assessment of the impact of this NSF-funded research on the current (1999) state of design and manufacturing technology relevant to the award, including any known commercial implementations.

(G) Any other observations that the researcher wishes to make (e.g., regarding the promotion of a significant discovery, creation of a significant research capability, promotion of new knowledge flowing to society).

The narratives, citations, and names of others knowledgeable about the project may be submitted using the Internet or regular mail.

Technical experts will review and assess the narratives submitted by the awardees, then select a total of examples of awards with outstanding results and awards with limited results. A total of 30 brief case studies will be prepared by the contractor—15 about awards with outstanding results and 15 about awards with limited results—in order to understand better what occurred and factors contributing to or limiting impacts.

DMII has contracted with Abt Associates, Inc. of Cambridge, Massachusetts, to conduct the study and prepare reports following the methodology they used in the pilot project.

Use of Information: The information collected will be used to assist DMII in the evaluation of these programs, and in considering various programs priorities

and selection procedures for future projects in this area. NSF also will use the results to satisfy requirements of the Government Performance and Results Act (GPRA).

Confidentiality: No sensitive information is being requested in the collection.

Estimate of Burden: The Foundation estimates that, on average, two hours will be required to prepare the narratives, or a total of 500 hours for all 250 PIs and co-PIs. In addition, it anticipates 4 hours of interviews of an average of four people for each of 30 case studies, or 120 hours. Thus, total burden is estimated at 620 hours.

Respondents: Individuals.

Estimated Number of Responses: 370.

Estimated Total Annual Burden on Respondents: 620 hours.

Frequency of Responses: Once.

Comments

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: September 20, 1999.

Suzanne H. Plimpton,

Reports Clearance Officer.

[FR Doc. 99–24892 Filed 9–23–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Design, Manufacturing, and Industrial Innovation, Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture and Industrial Innovation (1194).

Date & Time: October 6, 7, 8, 14, 15, 18, 19, and 22, 1999. 8:30 a.m.–5:00 p.m.

Place: Rooms 340, 360, 375 and 390, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Joseph Hennessey, Program Manager, Small Business Innovation Research and Small Business Technology Transfer Programs, Room 590, Division of Design, Manufacture and Industrial Innovation, National Science Foundation, 4201 Wilson Boulevard, VA 22230, Telephone (703) 306–1395, x 5283.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 21, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–25005 Filed 9–23–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Duke Energy Corporation; (McGuire Nuclear Station, Units 1 and 2); Exemption

[Docket Nos. 50–369 and 50–370]

I

Duke Energy Corporation et al. (the licensee) is the holder of Facility Operating License Nos. NPF–9 and NPF–17, for the McGuire Nuclear Station (MNS), Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

These facilities consist of two pressurized water reactors located at the licensee's site in Mecklenberg County, North Carolina.

II

Title 10 of the Code of Federal Regulations (10 CFR) part 50, appendix A, specifies general design criteria for nuclear power plants. General Design Criterion (GDC) 57, regarding closed system isolation valves, states:

> Each line that penetrates primary reactor containment and is neither part of the reactor coolant pressure boundary nor connected directly to the containment atmosphere shall have at least one containment isolation valve which shall be either automatic, or locked closed, or capable of remote manual operation. This valve shall be outside containment and located as close to the containment as practical. A simple check valve may not be used as the automatic isolation valve.

The Commission may grant an exemption from the requirements of the regulations pursuant to 10 CFR 50.12 if the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are considered to be present under 10 CFR 50.12(a)(2) where application of the regulation in the particular circumstances conflicts with other rules or requirements of the Commission or where application of the regulation would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

III

By letter dated April 20, 1999, the licensee requested an exemption from GDC–57 for Containment Penetrations M261 and M393, which are main steam penetrations. These lines penetrate the containment and are not part of the reactor coolant pressure boundary, nor are they connected directly to the containment atmosphere. Outside of the containment, these lines branch into various separate, individual lines before reaching the respective main steam isolation valves. From each of these main steam lines, one branch supplies main steam to the turbine-driven auxiliary feedwater (TDCA, using the licensee's abbreviation) pump.

Valves SA–1, SA–2, SA–77, and SA–78 are manual gate valves located in the Interior Doghouse immediately downstream of the respective main steam piping, in the branch lines that supply main steam to the TDCA. These valves are locked open and can only be operated by local manual operation. These valves are required to be open by the Technical Specifications (TS) in order to supply steam to the TDCA, which is part of the engineered safety features. From a probabilistic risk assessment (PRA) perspective, the TDCA is one of the most risk-significant safety system components. Adding motor operators to valves SA–1, SA–2, SA–77, and SA–78, so that they become automatic or capable of remote operation (i.e., meeting GDC–57) would degrade the reliability of the TDCA to mitigate an accident because the motor operators would introduce a new failure mode. Keeping SA–1, SA–2, SA–77, and SA–78 closed (i.e., meeting GDC–57)

during plant operation would violate a TS requirement.

Valves SA–1, SA–2, SA–77, and SA–78 can be manually closed, as needed during certain accidents, to isolate the steam lines they serve. If SA–1, SA–2, SA–77, and SA–78 are inaccessible due to post-accident environmental conditions, the associated stop check valves can be used to isolate these steam lines. The licensee stated that the amount of time needed by operators to isolate steam using SA–1, SA–2, SA–77, and SA–78, or their associated stop check valves SA–5 and SA–6, has been factored into the accident analyses and resultant dose calculations in the Updated Final Safety Analysis Report.

Thus, as stated in the staff's safety evaluation, modifying valves SA–1, SA–2, SA–77, and SA–78 so that they can meet the operational requirement specified by GDC–57 would reduce the reliability of the TDCA and violate an existing TS. The time needed by operators to manually close SA–1, SA–2, SA–77, and SA–78 or their associated stop check valves SA–5 and SA–6, during an accident, has been factored into accident analyses. The applicable design-basis accident scenarios and consequences continue to be bounding. On such bases, the staff concludes that literal compliance with the operational aspect of GDC–57 is not desirable and the proposed exemption is acceptable.

IV

Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). Specifically, the Commission finds that application of GDC–57 with respect to valves SA–1, SA–2, SA–77, and SA–78 conflicts with existing TS and is not necessary to achieve the underlying purpose of the rule. The underlying purpose of GDC–57 is to ensure that reliable means exist to isolate this type of line when isolation is needed. As discussed above, valves SA–1, SA–2, SA–77, and SA–78, or SA–5 and SA–6, can be manually closed to isolate their respective steam lines. Thus, the design of these valves and the existence of appropriate procedures for manually closing these valves provide a reliable method of isolating the steam lines when needed. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR part 50, appendix A, GDC–57. Specifically, this exempts the licensee from having to lock close valves SA–1, SA–2, SA–77, and SA–78 against TS requirements, or having to so modify them that they become automatic, or are capable of remote manual operation.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 50839).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of September 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24900 Filed 9–23–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: SF 3104 and SF 3104B

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. SF 3104, Application for Death Benefits/Federal Employees Retirement, is used by persons applying for benefits which may be payable under the Federal Employees Retirement System (FERS) because of the death of an employee, former employee, or retiree who was covered by FERS at the time of his/her death or separation from Federal Service. SF 3104B, Documentation and Elections in Support of Application for Death Benefits when Deceased was an Employee at the Time of Death, is used by applicants for death benefits under FERS if the deceased was a Federal employee at the time of death.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

It is estimated that approximately 4,873 SF 3104s will be processed annually. This form requires approximately 60 minutes to complete. An annual burden of 4,873 hours is estimated. Approximately 3,188 SF 3104Bs are expected to be processed annually. It is estimated that the form requires approximately 60 minutes to complete. An annual burden of 3,188 hours is estimated. The total annual burden is 8,061.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov

DATES: Comments on this proposal should be received on or before November 23, 1999.

ADDRESSES: Send or deliver comments to—John C. Crawford, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3313, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Phyllis R. Pinkney, Management Analyst, Budget & Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 99–24859 Filed 9–23–99; 8:45 am]

BILLING CODE 6325–01–P

OFFICE OF PERSONNEL MANAGEMENT

[RI 92–19]

Proposed Collection; Comment Request for Review of a Revised Information Collection

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. RI 92–19, Application for Deferred or Postponed Retirement: Federal Employees Retirement System (FERS), is used by separated employees to apply for either a deferred or a postponed FERS annuity benefit.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the

public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 1,272 forms are completed annually. We estimate it takes approximately 60 minutes to complete the form. The annual estimated burden is 1,272 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before November 23, 1999.

ADDRESSES: Send or deliver comments to—John Crawford, Chief FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3313, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Phyllis R. Pinkney, Management Analyst Budget & Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 99–24860 Filed 9–23–99; 8:45 am]

BILLING CODE 6325–01–U

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Amendment to a System of Records

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice to amend two systems of records.

SUMMARY: OPM proposes to amend two systems of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of record systems maintained by the agency (5 U.S.C. 552a(e)(4)).

DATES: The changes will be effective without further notice on November 3, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send written comments to Office of Personnel Management, ATTN: Mary Beth Smith-Toomey, Office of the Chief Information Officer, 1900 E Street NW., Room 5415, Washington, DC 20415–7900.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606–8358.

SUPPLEMENTARY INFORMATION: This notice covers OPM/INTERNAL–4 and OPM/INTERNAL–9. The location and manager for OPM/INTERNAL–4 have been updated to reflect the realignment of the Health Unit from the Office of Contracting and Administration Services to the Office of Human Resources and EEO. OPM/INTERNAL–9 has been amended to reflect the agency's current organizational structure and to delete references to obsolete internal publications.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

OPM/INTERNAL–4

SYSTEM NAME:

Health Program Records.

SYSTEM LOCATION:

Office of Human Resources and EEO, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 for individuals receiving health services at the central office. Other OPM employees receive health services from other agencies, such as the Public Health Service or the General Services Administration.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have received health services from OPM's Health Unit at 1900 E Street NW.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is comprised of records developed as a result of an individual's utilization of services provided by the OPM Health Unit. These records contain the following information:

a. Medical history and other biographical data on those individuals requesting employee health maintenance physical examinations.

b. Test reports and medical diagnoses based on employee health maintenance physical examinations or health screening programs (tests for medical conditions or diseases).

c. History of complaint(s), assessment, and treatment of injuries and illness presented to Health Unit staff.

d. Immunization records.

e. Medication administered by Health Unit staff.

f. Referrals to other health care providers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Includes the following with any revisions or amendments:

5 U.S.C. 7901, as further defined in OMB Circular No. A–72.

PURPOSE(S):

These records document utilization of health services provided by OPM's Health Unit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses 3, 4, and 7 of the Prefatory Statement at the beginning of OPM's system notices (60 FR 63075, effective January 17, 1996) apply to the records maintained within this system. The routine uses listed below are specific to this system of records only:

a. To refer information required by applicable law to be disclosed to a Federal, State, or local public health service agency, concerning individuals who have contracted certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition.

b. To disclose information to the appropriate Federal, State, or local agency responsible for investigation of an accident, disease, medical condition, or injury as required by pertinent legal authority.

c. To disclose to the Office of Workers' Compensation Programs in connection with a claim for benefits filed by an employee.

Note: Disclosure of these records beyond officials of OPM having a bona fide need for them or to the person to whom they pertain, is rarely made, as disclosures of information pertaining to an individual with a history of alcohol or drug abuse must be limited in compliance with the restriction of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations 42 CFR part 2. Records pertaining to the physical and mental fitness of employees are, as a matter of OPM policy, afforded the same degree of confidentiality and are generally not disclosed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained as hard copy records.

RETRIEVABILITY:

These records are retrieved by the name, date of birth, or Social Security Number of the individual to whom they pertain.

SAFEGUARDS:

These records are maintained in lockable file cabinets in a room with access limited to Health Unit personnel whose duties require access.

RETENTION AND DISPOSAL:

Records of the central office Health Unit are maintained up to six years from the date of the last entry. Employees are given their records on request upon separation. Otherwise, the records are burned approximately three months after separation.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health Unit, Office of Human Resources and EEO, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager. Individuals must furnish the following information for their records to be located and identified:

a. Full Name.
b. Any former name.
c. Date of birth.
d. Social Security Number.

RECORD ACCESS PROCEDURE:

Individuals wishing to request access to records about them should contact the system manager. Individuals must furnish the following information for their records to be located and identified:

a. Full name.
b. Any former name.
c. Date of birth.
d. Social Security Number.

Any individual requesting access must also follow OPM's Privacy Act regulation regarding verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records should contact the system manager. Individuals must furnish the following information for their records to be located and identified:

a. Full name.
b. Any former name.
c. Date of birth.
d. Social Security Number.

An individual requesting amendment must also follow OPM's Privacy Act regulation verification of identity and amendment of records (5 CFR part 297).

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from:

a. The individual to whom the information pertains.
b. Laboratory reports and test results.
c. OPM Health Unit physicians, nurses and other medical technicians who have examined, tested, or treated the individual.
d. The individual's coworkers or supervisors.
e. The individual's personal physician.
f. Other Federal employee health units.

OPM/INTERNAL–9

SYSTEM NAME:

Employee Locator Card Files.

SYSTEM LOCATION:

Office of Human Resources and EEO, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of OPM.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information regarding the organizational location and telephone extension of individual OPM employees. The system also contains the home address and telephone number of the employee and the name, address, and telephone number of an individual to contact in the event of a medical or other emergency involving the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Includes the following with any revisions or amendments:

5 U.S.C. 301.

PURPOSE(S):

Information is collected for this system in order to identify an individual for OPM officials to contact, should an emergency of a medical or other nature involving the employee occur while the employee is on the job. These records may be used to locate individuals for personnel research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses 1 through 11 of the Prefatory Statement at the beginning of OPM's system notices apply to the records maintained within this system. There are no routine uses unique to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on cards or in an automated format.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained.

SAFEGUARDS:

Records are maintained in secured areas and are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Records are maintained as long as the individual is an employee of OPM. Expired records are destroyed by burning, shredding, or erasure of tapes/disks.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Human Resources and EEO, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

NOTIFICATION PROCEDURE:

OPM employees wishing to inquire whether this system contains information about them should contact the system manager.

Individuals must furnish the following information for their records to be located and identified:

a. Full name.

RECORD ACCESS PROCEDURE:

OPM employees wishing to request access to records about them should contact the system manager. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

Individuals requesting access must also comply with OPM's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

OPM employees may amend information in these records at any time by resubmitting updated information. Individuals wishing to request amendment of their records under the provisions of the Privacy Act should contact the system manager. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

Individuals requesting amendment must also follow OPM's Privacy Act regulations regarding verification of identity and amendment of records (5 CFR part 297).

RECORD SOURCE CATEGORIES:

Information is provided by the individual who is the subject of the record.

[FR Doc. 99–24861 Filed 9–23–99; 8:45 am]
BILLING CODE 6325–01–P

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

TIMES AND DATES: 12:30 p.m., Monday, October 4, 1999; 8:30 a.m., Tuesday, October 5, 1999.

PLACE: Kansas City, Missouri, at the Ritz-Carlton Hotel, 401 Ward Parkway, in Salon III Room.

STATUS: October 4 (Closed); October 5 (Open).

MATTERS TO BE CONSIDERED:

Monday, October 4–12:30 p.m. (Closed)

1. Financial Performance.
2. Rate Case Briefing.
3. Los Angeles, California, Terminal Annex.
4. Fiscal Year 2000 EVA Program.
5. Compensation Issues.
6. Personnel Matters.

Tuesday, October 5–8:30 p.m. (Open)

1. Minutes of the Previous Meeting, August 30–31, 1999.
2. remarks of the Postmaster General/Chief Executive Officer.
3. Board of Governors Year 2000 Meeting Schedule.
4. Office of the Governors FY 2000 Budget.
5. Report on the Mid-America Performance Cluster.
6. Tentative Agenda for the November 1–2, meeting in Washington, D.C.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Koerber, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260–1000. Telephone: (202) 268–4800.

Thomas J. Koerber,

Secretary.

[FR Doc. 99–25056 Filed 9–22–99; 2:24 pm]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Request for Review of Part B Medicare Claim.

(2) *Form(s) submitted:* G–790, G–791.

(3) *OMB Number:* 3220–0100.

(4) *Expiration date of current OMB clearance:* 11/30/1999.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or Households.

(7) *Estimated annual number of respondents:* 4,000.

(8) *Total annual responses:* 4,100.

(9) *Total annual reporting hours:* 1,025.

(10) *Collection description:* The Railroad Retirement Board administers the Medicare program for persons covered by the Railroad Retirement system. The request provides the means for obtaining reviews by the UnitedHealthcare Insurance company on claims for Part B Medicare benefits.

Additional Information or Comments

Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 and the OMB reviewer, Laurie Schack (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 99–24870 Filed 9–23–99; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27076]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

September 20, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transactions(s) summarized below. The application(s) and/or declarations(s) and any amendments is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the applications(s) and/or declaration(s) should submit their views in writing by October 12, 1999, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After October 12, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Columbia Energy Group, et.al. (70–9491)

Columbia Energy Group ("Columbia"), 13880 Dulles Corner Lane, Herndon, Virginia 20171–4600, a registered holding company, and its nonutility subsidiary companies, Columbia Energy Group Service Corporation ("CES"), Columbia LNG Corporation, CLNG Corporation, Cove Point LNG Limited Partnership, Columbia Atlantic Trading Corporation, Columbia Energy Services Corporation, Columbia Energy Retail Corporation ("CRC"), Columbia Energy Power Marketing Corporation ("CPM"), Columbia Energy Marketing Corporation ("CEM"), Energy.Com Corporation ("Energy.Com"), Columbia Service Partners, Inc. ("CSP"), Columbia Assurance Agency, Inc. ("CAA"), Columbia Energy Group Capital Corporation, Columbia Transmission Communications Corporation, Tristar Gas Technologies, Inc., Enertek Partners, L.P., Columbia Pipeline Corporation, Columbia Deep Water Services Corporation, Columbia Finance Corporation, Columbia Accounts Receivable Corporation, Columbia Electric Corporation, Columbia Electric Pedrick Limited Corporation, Columbia Electric Pedrick General Corporation, Columbia Electric Binghamton Limited Corporation, Columbia Electric Binghamton General Corporation, Columbia Electric Vineland Limited Corporation, Columbia Electric Vineland General Corporation, Columbia Electric Rumford Limited Corporation, Columbia Electric Limited Holdings Corporation, Columbia Electric Liberty Corporation, Columbia Electric Gregory Remington Corporation, and Columbia Electric Gregory General Corporation, all located at 13880 Dulles Corner Lane, Herndon, Virginia 20171–4600; Columbia Energy Resources, Inc., Columbia Natural Resources, Inc., Alamco-Delaware, Inc., Hawg Hauling & Disposal, Inc., Phoenix-Alamco Ventures, L.L.C., and Columbia Natural Resources Canada, Ltd., all

located c/o 900 Pennsylvania Avenue, Charleston, West Virginia 25302; Columbia Gas Transmission Corporation and Millennium Pipeline, L.P., both located at 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–0146; Columbia Gulf Transmission Company, Trailblazer Pipeline Company, and CGT Trailblazer, L.L.C., all located at 2603 Augusta, Suite 125, Houston, Texas 77057; Columbia Network Services Corporation, CNS Microwave, Inc., and Energynet, L.L.C., all located at 1600 Dublin Road, Columbus, Ohio 43215–1082; Columbia Propane Corporation and Atlantic Energy, Inc., both located at 9200 Arboretum Parkway, Suite 140, Richmond, Virginia 23236; and Columbia Insurance Corporation, Ltd., Craig Appin House, 8 Wesley Street, Hamilton HM EX, Bermuda, have filed an application-declaration under sections 6(a), 7, 9(a), 10 and 12(c) of the Act and rules 42, 43, 45, and 54 under the Act.

In summary, applicants seek increased flexibility to restructure Columbia's nonutility holdings from time to time as may be necessary or appropriate in the furtherance of its authorized nonutility activities. The restructuring could involve the formation of one or more new special-purpose subsidiaries to hold direct or indirect interests in any or all of the Columbia system's existing or future authorized nonutility businesses. The restructuring could also involve the transfer of existing subsidiaries, or portions of existing businesses, among Columbia associates and/or the reincorporation of existing subsidiaries in a different state.[1] This flexibility would enable the Columbia system to consolidate similar businesses and to participate effectively in authorized nonutility activities, without the need to apply for or receive additional Commission approval.

These direct or indirect subsidiaries might be corporations, partnerships, limited liability companies or other entities in which Columbia, directly or indirectly, might have a 100% interest, a majority equity or debt position, or a minority debt or equity position. These subsidiaries would engage only in businesses to the extent the Columbia system is authorized, whether by statute, rule regulation or order.

As an example, Columbia intends to restructure the interests held by its wholly-owned gas marketing subsidiary, CES. Currently, CES has several subsidiaries engaged in various nonutility businesses. These subsidiaries include CEM, CPM,[2] CRC, CSP, CAA, and Energy.Com. CEM is engaged in the marketing of gas produced by its associate company Columbia Energy Resources, Inc. (formerly named Columbia Natural Resources, Inc.). CPM is an energy products company that markets and brokers various forms of energy, including electric energy, natural gas, manufactured gas, propane, natural gas liquids, oil, refined petroleum and petroleum products, coal and/or wood products and emissions allowances. CRC is engaged in retail electric and gas marketing activities within the United States. CSP provides energy-related services to industrial commercial and residential customers nationwide. CAA, a wholly-owned subsidiary of CSP, was formed to comply with the requirements of state law in connection with bill insurance activities. Energy.Com is an exempt telecommunications company that provides energy consumers access to information on products of affiliated and non-affiliated companies offering energy and energy related products and services, as well as educational information on the energy industry in general.

Specifically, Columbia would reorganize CES and its subsidiaries under a new, first-tier subsidiary ("CES Holdings"). Applicants currently contemplate that CES Holding will own all of the outstanding voting securities of CES, CEM, CPM, CRC, CSP, CAA, and through CES, Energy.COM. Applicants state that each of CES Holdings' subsidiaries will continue to engage in their current activities. CAA will serve as a licensed broker in connection with authorized bill insurance activities.

The proposed restructuring would be accomplished by CEG contributing the stock of CES to a newly-formed, special-purpose subsidiary, CES Holdings, followed by the sale by CES of all the outstanding stock of its subsidiaries, other than Energy.Com, to CES Holdings.[3] However Columbia may, under the proposed authority, adopt a different structure or employ a different method of reorganization, to accomplish the reorganization of CES' nonutility interests.

Columbia will obtain funds for initial and subsequent investments in its new subsidiaries from internally generated funds and/or the proceeds of otherwise authorized financing transactions. Should Columbia provide funds to its new subsidiaries which are then applied to investments in exempt wholesale generators, foreign utility companies, or companies formed in accordance with rule 58, the amount of such funds will be included in the investment limitations imposed by rule 53 or rule 58, as applicable.

For the Commission by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24913 Filed 9–23–99; 8:45 am]

BILLING CODE 8010–01–M

[1] This reincorporation could take place by merging an existing subsidiary with a new successor incorporated in the desired state.

[2] Columbia announced its intention to sell its wholesale gas and electric trading operations in an August 30, 1999 press release.

[3] Columbia also intends, under the requested authority, to reincorporate CES in the state of Delaware.

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24017; 812–11508]

Pacific Select Fund, et al.; Notice of Application

September 17, 1999.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application under section 6(c) of the Investment Company Act of 1940 (the 'Act") for an exemption from section 15(a) of the Act and rule 18f–2 under the Act.

SUMMARY OF APPLICATION: The order would permit applicants to enter into and materially amend investment subadvisory agreements without obtaining shareholder approval.

APPLICANTS: Pacific Select Fund (the "Fund") and Pacific Life Insurance Company ("Pacific Life").

FILING DATES: The application was filed on February 9, 1999, and amended on May 26, 1999 and on September 15, 1999.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 12, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, Pacific Life Insurance

Company, 700 Newport Center Drive, Newport Beach, CA 92660.

FOR FURTHER INFORMATION CONTACT: Janet M. Grossnickle, Attorney-Adviser, at (202) 942–0526, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. The Fund, a Massachusetts business trust, is registered under the Act as an open-end management investment company. Currently, the Fund has eighteen separate portfolios ("Portfolios). The Fund currently serves only as an investment medium for variable life insurance policies and variable annuity contracts issued or administered by Pacific Life, and its affiliates, but may, in the future, sell shares directly to qualified retirement plans.

2. Pacific Life serves as the investment adviser for each of the Portfolios and is registered under the Investment Advisers Act of 1940 ("Advisers Act"). Pacific Life provides investment advisory services and administrative services to the Fund under an Investment Advisory Agreement with the Fund (the "Advisory Contract"). In its capacity as investment adviser to the Fund, Pacific Life recommends the selection or termination of sub-advisers ("Managers") to the Fund's board of trustees ("Board"). In addition, Pacific Life oversees and monitors the performance of the Managers and may reallocate a Portfolio's assets among Managers. Each Manager recommended by Pacific Life is approved by the Board, including a majority of the trustees who are not "interested persons," as defined in section 2(a)(19) of the Act, of the Fund ("Independent Trustees"). Each Portfolio pays Pacific Life a fee for its services based on the Portfolio's average daily net assets.

3. Pacific Life has entered into subadvisory agreements ("Subadvisory Agreements") with eleven Managers, each of which is registered or exempt from registration as an investment adviser under the Advisers Act. One of the Managers, Pacific Investment Management Company, is an affiliate of Pacific Life. Currently, two Portfolios of the Fund are advised by Pacific Life and sixteen Portfolios of the Fund each are advised by one Manager. Subject to general supervision by Pacific Life and the Board, each Manager is responsible for the day-to-day management of the portion of the Portfolio it advises. The Manager's duties consist of making discretionary investment decisions on behalf of its Portfolio and conducting any research that may be necessary to formulate investment decisions. Pacific Life pays the Managers' fees out of the fees Pacific Life receives from each Portfolio.

4. Applicants request an order to permit Pacific Life to enter into Subadvisory Agreements without obtaining shareholder approval.[1] The requested relief will not extend to a Subadvisory Agreement with a Manager that is an "affiliated person" (as defined in section 2(a)(3) of the Act) of either the Fund or Pacific Life other than by reason of serving as a Manager to one or more of the Portfolios ("Affiliated Manager").[2]

Applicants' Legal Analysis

1. Section 15(a) of the Act makes it unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by a majority of the investment company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series company affected by a matter must approve the matter if the Act requires shareholder approval.

2. Section 6(c) of the Act authorizes the SEC to exempt persons or transactions from the provisions of the Act to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request relief under section 6(c) from section 15(a) of the Act and rule 18f–2 under the Act. For the reasons discussed below, applicants state that the requested relief meets the standard of section 6(c).

3. Applicants assert that the Fund's Shareholders, in effect, hire Pacific Life to manage a Portfolio's assets by using external Managers, rather than using Pacific Life's own employees to manage assets directly. Applicants believe that Shareholders expect that Pacific Life, under the overall authority of the Board, will take responsibility for overseeing the Managers and for recommending their hiring, termination, and replacement. Applicants argue that the requested relief will reduce Portfolio expenses associated with Shareholder meetings and proxy solicitations, and enable the Portfolios to operate more efficiently. Applicants also not that the Advisory Contract will remain fully subject to the requirements of section 15 of the Act and rule 18f–2 under the Act, including the requirements for Shareholder approval.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. Before applicants may rely on the requested order as to any Portfolio, the operation of the Fund and each Portfolio in the manner described in the application will be approved by a majority of its Shareholders or by its initial shareholder, provided that, in the case of approval by the initial shareholder, the pertinent Portfolio's Shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below. Similarly, before a Future Fund may rely on the order requested in the application, the operation of the Future Fund in the manner described in the application will be approved by its initial shareholder before a public offering of shares of such Future Fund, provided that Shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below.

2. The prospectus for the Fund and for each Portfolio will disclose the existence, substance, and effect of any order granted pursuant to the application. In addition, the Fund and each Portfolio will hold itself out as employing the management structure described in the application. The prospectus for the Fund and each Portfolio will prominently disclose that Pacific Life, subject to review of the Board, has ultimate responsibility to oversee the Managers and recommend their hiring, termination, and replacement.

[1] The term "Shareholders" includes variable life and annuity contract owners having the voting interest in a separate account for which the Portfolio serves as a funding medium.

[2] Applicants also request relief for (a) any series of the Fund, now existing or organized in the future; and (6) any registered open-end management investment companies, including those that serve as funding vehicles for variable insurance products offered by Pacific Life and its affiliates, that in the future are (i) advised by Pacific Life or any entity controlling, controlled by, or under common control (as defined in section 2(a)(9) of the Act) with Pacific Life, (ii) use the manager of managers' strategy as described in the application, and (iii) comply with the terms and conditions contained in the application ("Future Funds"). The Fund is the only existing investment company that currently intends to rely on the order.

3. Within 90 days of the hiring of any new Manager, Shareholders of the affected Portfolio will be sent all information about the new Manager that would be included in a proxy statement. Pacific Life will meet this condition by sending to such Shareholders an information statement meeting the requirements of Regulation 14C, Schedule 14C, and Item 22 of Schedule 14A under the Securities Exchange Act of 1934. The Fund will send the information statement to contract owners with contract assets allocated to any subaccount of a registered separate account which invests its assets in the Portfolio undergoing the change in Manager.

4. Pacific Life will not enter into a Subadvisory Agreement with any Affiliated Manager without such agreement, including the compensation to be paid under it, being approved by the Shareholders of the applicable Portfolio.

5. At all times, a majority of the Board of each Fund shall consist of Independent Trustees. The nomination of new or additional Independent Trustees will be at the discretion of the then-existing Independent Trustees.

6. Pacific Life will provide general management and administrative services to the Fund and its Portfolios, including overall supervisory responsibility for the general management and investment of each Portfolio's securities portfolio and, subject to Board review and approval, will (i) set the Portfolio's overall investment strategies; (ii) recommend and select Managers; (iii) when appropriate, allocate and reallocate the Portfolio's assets among multiple Mangers; (iv) monitor and evaluate the performance of Managers; and (v) implement procedures reasonably designed to ensure that the Managers comply with the Portfolio's investment objectives, policies, and restrictions.

7. No trustee or officer of the Fund or director or officer of Pacific Life who participates directly in Pacific Life's investment advisory activities (including the management or administration of the Fund) or otherwise is able to influence the selection of Mangers, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by that director or officer) any interest in a Manager except for (i) ownership of interests in Pacific Life or any entity that controls, is controlled by, or is under common control with Pacific Life; or (ii) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly-traded company that is either a Manger or an entity that controls, is controlled by or is under common control with a Manger.

8. When a Manager change is proposed for a Portfolio with an Affiliated Manger, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board minutes, that the change is in the best interests of the Portfolio and its Shareholders, and does not involve a conflict of interest from which Pacific Life, its affiliates or the Affiliated Manger derives an inappropriate advantage.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24868 Filed 9–23–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24018; File No. 812–11698]

Templeton Variable Products Series Fund, et al.

September 17, 1999.

AGENCY: Securities and Exchange Commission (the "Commission" or "SEC").

ACTION: Notice of application for an amended order of exemption pursuant to Section 6(c) of the Investment Company Act of 1940 (the "1940 Act") from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

SUMMARY OF APPLICATION: Templeton Variable Products Series Fund (the "Templeton Trust"), Franklin Templeton Variable Insurance Products Trust (formerly Franklin Valuemark Funds) (the "VIP Trust," and together with the Templeton Trust, the "Funds"), Templeton Funds Annuity Company ("TFAC") or any successor to TFAC, and any future open-end investment company for which TFAC or any affiliate is the administrator, sub-administrator, investment manager, adviser, principal underwriter, or sponsor ("Future Funds") seek amended order of the Commission to (1) add as parties to that order the VIP Trust and any Future Funds and (2) permit shares of the Funds and Future Funds to be issued to and held by qualified pension and retirement plans outside the separate account context.

APPLICANTS: Templeton Variable Products Series Fund, Franklin Templeton Variable Insurance Products Trust, Templeton Funds Annuity Company or any successor to TFAC, and any future open-end investment company for which TFAC or any affiliate is the administrator, sub-administrator, investment manager, adviser, principal underwriter, or sponsor (collectively, the "Applicants").

FILING DATE: The application was filed on July 14, 1999, and amended and restated on September 17, 1999.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m., on October 12, 1999, and should be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, D.C. 20549–0609. Applicants: Templeton Variable Products Series Fund and Franklin Templeton Variable Insurance Products Trust, 777 Mariners Island Boulevard, San Mateo, California 94404, Attn: Karen L. Skidmore, Esq.

FOR FURTHER INFORMATION CONTACT: Kevin P. McEnery, Senior Counsel, or Susan M. Olson, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0690.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. Each of the Funds is registered under the 1940 Act as an open-end management investment company and was organized as a Massachusetts business trust. The Templeton Trust currently consists of eight separate series, and the VIP Trust consists of twenty-five separate series. Each Fund's Declaration of Trust permits the Trustees to create additional series of shares at any time. The Funds currently serve as the underlying investment medium for variable annuity contracts

and variable life insurance policies issued by various insurance companies. The Funds have entered into investment management agreements with certain investment managers ("Investment Managers") directly or indirectly owned by Franklin Resources, Inc. ("Resources"), a publicly owned company engaged in the financial services industry through its subsidiaries.

2. TFAC is an indirect, wholly owned subsidiary of Resources. TFAC is the sole insurance company in the Franklin Templeton organization, and specializes in the writing of variable annuity contracts. The Templeton Trust has entered into a Fund Administration Agreement with Franklin Templeton Services, Inc. ("FT Services"), which replaced TFAC in 1998 as administrator, and FT Services subcontracts certain services to TFAC. FT Services also serves as administrator to all series of the VIP Trust. TFAC and FT Services provide certain administrative facilities and services for the VIP and Templeton Trusts.

3. On November 16, 1993, the Commission issued an order granting exemptive relief to permit shares of the Templeton Trust to be sold to and held by variable annuity and variable life insurance separate accounts of both affiliated and unaffiliated life insurance companies (Investment Company Act Release No. 19879, File No. 812–8546) (the "Original Order"). Applicants incorporate by reference into the application the Application for the Original Order and each amendment thereto, the Notice of Application for the Original Order, and the Original Order, to the extent necessary, to supplement the representations made in the application in support of the requested relief. Applicants represent that all of the facts asserted in the Application for the Original Order and any amendments thereto remain true and accurate in all material respects to the extent that such facts are relevant to any relief on which Applicants continue to rely. The Original Order allows the Templeton Trust to offer its shares to insurance companies as the investment vehicle for their separate accounts supporting variable annuity contracts and variable life insurance contracts (collectively, the "Variable Contracts"). Applicants state that the Original Order does not (i) include the VIP Trust or Future Funds as parties, nor (ii) expressly address the sale of shares of the Funds or any Future Funds to qualified pension and retirement plans outside the separate account context including, without limitation, those trusts, plans, accounts, contracts or annuities described in Sections 401(a), 403(a), 403(b), 408(b), 408(k), 414(d), 457(b), 501(c)(18) of the Internal Revenue Code of 1986, as amended (the "Code"), and any other trust, plan, contract, account or annuity that is determined to be within the scope of Treasury Regulation 1.817.5(f)(3)(iii) ("Qualified Plans").

4. Separate accounts owning shares of the Funds and their insurance company depositors are referred to in the application as "Participating Separate Accounts" and "Participating Insurance Companies," respectively. The use of a common management investment company as the underlying investment medium for both variable annuity and variable life insurance separate accounts of a single insurance company (or of two or more affiliated insurance companies) is referred to as "mixed funding." The use of a common management investment company as the underlying investment medium for variable annuity and/or variable life insurance separate accounts of unaffiliated insurance companies is referred to as "shared funding."

Applicants' Legal Analysis

1. Applicants request that the Commission issue an amended order pursuant to Section 6(c) of the 1940 Act, adding the VIP Trust and Future Funds to the Original Order and exempting scheduled premium variable life insurance separate accounts and flexible premium variable life insurance separate accounts of Participating Insurance Companies (and, to the extent necessary, any principal underwriter and depositor of such an account) and the Applicants from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act, and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) (and any comparable rule) thereunder, respectively, to the extent necessary to permit shares of the Funds and any Future Funds to be sold to and held by qualified Plans. Applicants submit that the exemptions requested are appropriate in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the 1940 Act.

2. The Original Order does not include the VIP Trust or Future Funds as parties nor expressly address the sale of shares of the Funds or any Future Funds to Qualified Plans. Applicants propose that the VIP Trust and Future Funds be added as parties to the Original Order and the Funds and any Future Funds be permitted to offer and sell their shares to Qualified Plans.

3. Section 6(c) of the 1940 Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provisions of the 1940 Act or the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

4. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a unit investment trust ("UIT"), Rule 6e–2(b)(15) provides partial exemptions from various provisions of the 1940 Act, including the following: (1) Section 9(a), which makes it unlawful for certain individuals to act in the capacity of employee, officer, or director for a UIT, by limiting the application of the eligibility restrictions in Section 9(a) to affiliated persons directly participating in the management of a registered management investment company; and (2) Sections 13(a), 15(a) and 15(b) of the 1940 Act to the extent that those sections might be deemed to require "pass-through" voting with respect to an underlying fund's shares, by allowing an insurance company to disregard the voting instructions of contractowners in certain circumstances.

5. These exemptions are available, however, only where the management investment company underlying the separate account (the "underlying fund") offers its shares "exclusively to variable life insurance separate accounts of the life insurer, or of any affiliated life insurance company." Therefore, Rule 6e–2 does not permit either mixed funding or shared funding because the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers it shares to a variable annuity or a flexible premium variable life insurance separate account of the same company or of any affiliated life insurance company. Rule 6e–2(b)(15) also does not permit the sale of shares of the underlying fund to Qualified Plans.

6. In connection with flexible premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a UIT, Rule 6e–3(T)(b)(15) also provides partial exemptions from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act. These exemptions,

however, are available only where the separate account's underlying fund offers its shares "exclusively to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled contracts or flexible contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company." Therefore, Rule 6e–3(T) permits mixed funding but does not permit shared funding and also does not permit the sale of shares of the underlying fund to Qualified Plans. As noted above, the Original Order granted the Templeton Trust exemptive relief to permit mixed and shared funding, but did not expressly address the sale of its shares to Qualified Plans.

7. Applicants note that if the Funds were to sell their shares only to Qualified Plans, exemptive relief under Rule 6e–2 and Rule 6e–3(T) would not be necessary. Applicants state that the relief provided for under Rule 6e–2(b)(15) and Rule 6e–3(T)(b)(15) does not relate to qualified pension and retirement plans or to a registered investment company's ability to sell its shares to such plans.

8. Applicants state that changes in the federal tax law have created the opportunity for each of the Funds to increase its asset base through the sale of its shares to Qualified Plans. Applicants state that Section 817(h) of the Internal Revenue Code of 1986, as amended (the "Code"), imposes certain diversification standards on the assets underlying Variable Contracts. Treasury Regulations generally require that, to meet the diversification requirements, all of the beneficial interests in the underlying investment company must be held by the segregated asset accounts of one or more life insurance companies. Notwithstanding this, Applicants note that the Treasury Regulations also contain an exception to this requirement that permits trustees of a Qualified Plan to hold shares of an investment company, the shares of which are also held by insurance company segregated asset accounts, without adversely affecting the status of the investment company as an adequately diversified underlying investment of Variable Contracts issued through such segregated asset accounts (Treas. Reg. 1.817–5(f)(3)(iii)).

9. Applicants state that the promulgation of Rules 6e–2(b)(15) and 6e–3(T)(b)(15) under the 1940 Act preceded the issuance of these Treasury Regulations. Thus, Applicants assert that the sale of shares of the same investment company to both separate accounts and Qualified Plans was not contemplated at the time of the adoption of Rules 6e–2(b)(15) and 6e–3(T)(b)(15).

10. Section 9(a) provides that it is unlawful for any company to serve as investment adviser or principal underwrite of any registered open-end investment company if any affiliated person of that company is subject to a disqualification enumerated in Sections 9(a)(1) or (2). Rules 6e–2(b)(15) and 6e–3(T)(b)(15) provide exemptions from Section 9(a) under certain circumstances, subject to the limitations on mixed and shared funding. These exemptions limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in the management of the underlying portfolio investment company.

11. Applicants state that the relief granted in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) from the requirements of Section 9 limits, in effect, the amount of monitoring of an insurer's personnel that would otherwise be necessary to ensure compliance with Section 9 to that which is appropriate in light of the policy and purposes of Section 9. Applicants submit that those Rules recognize that it is not necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the 1940 Act to apply the provisions of Section 9(a) to the many individuals involved in an insurance company complex, most of whom typically will have no involvement in matters pertaining to investment companies funding the separate accounts.

12. Applicants to the Original Order previously requested and received relief from Section 9(a) and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) to the extent necessary to permit mixed and shared funding. Applicants maintain the relief previously granted from Section 9(a) will in way be affected by the proposed sale of shares of the Funds to Qualified Plans. Those individuals who participate in the management or administration of the Funds will remain the same regardless of which Qualified Plans use such Funds. Applicants maintain that more broadly applying the requirements of Section 9(a) because of investment by Qualified Plans would not serve any regulatory purpose. Moreover, Qualified Plans, unlike separate accounts, are not themselves investment companies and therefore are not subject to Section 9 of the 1940 Act.

13. Applicants state that Rule 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) provide exemptions from the pass-through voting requirement with respect to several significant matters, assuming the limitations on mixed and shared funding are observed. Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(15)(iii)(A) provide that the insurance company may disregard the voting instructions of its contractowners with respect to the investments of an underlying fund or any contract between a fund and its investment adviser, when required to do so by an insurance regulatory authority (subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of the Rules). Rules 6e–2(b)(15)(iii)(B) and 6e–3(T)(b)(15)(iii)(A)(*2*) provide that the insurance company may disregard contractowners' voting instructions if the contractowners initiate any change in such company's investment policies, principal underwriter, or any investment adviser (provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(5)(ii) and (b)(7)(ii)(B) and (C) of the Rules).

14. Applicants assert that Qualified Plans, which are not registered as investment companies under the 1940 Act, have no requirement to pass-through the voting rights to plan participants. Applicants state that applicable law expressly reserves voting rights to certain specified persons. Under Section 403(a) of the Employment Retirement Income Security Act ("ERISA"), shares of a fund sold to a Qualified Plan must be held by the trustees of the Qualified Plan. Section 403(a) also provides that the trustee(s) must have exclusive authority and discretion to manage and control the Qualified Plan with two exceptions: (1) When the Qualified Plan expressly provides that the trustee(s) are subject to the direction of a named fiduciary who is not a trustee, in which case the trustees are subject to proper directions made in accordance with the terms of the Qualified Plan and not contrary to ERISA; and (2) when the authority to manage, acquire or dispose of assets of the Qualified Plan is delegated to one or more investment managers pursuant to Section 402(c)(3) of ERISA. Unless one of the two above exceptions stated in Section 403(a) applies, Qualified Plan trustees have the exclusive authority and responsibility for voting proxies. Where a named fiduciary to a Qualified Plan appoints an investment manager, the investment manager has the responsibility to vote the shares held unless the right to vote such shares is reserved to the trustees or the named fiduciary. Where a Qualified Plan does not provide participants with the right to give voting instructions, Applications do not see any potential for material irreconcilable conflicts of interest

between or among variable contract holders and Qualified Plan investors with respect to voting of the respective Fund's shares. According, Applicants state that, unlike the case with insurance company separate accounts, the issue of the resolution of material irreconcilable conflicts with respect to voting is not present with respect to such Qualified Plans since the Qualified Plans are not entitled to pass-through voting privileges.

15. Even if a Qualified Plan were to hold a controlling interest in one of the Funds, Applicants believe that such control would not disadvantage other investors in such Fund to any greater extent than is the case when any institutional shareholder holds a majority of the voting securities of any open-end management investment company. In this regard, Applicants submit that investment in a Fund by a Qualified Plan will not create any of the voting complications occasioned by mixed funding or shared funding. Unlike mixed or shared funding, Qualified Plan investor voting rights cannot be frustrated by veto rights of insurers or state regulators.

16. Applicants state that some of the Qualified Plans, however, may provide for the trustee(s), an investment adviser (or advisers), or another named fiduciary to exercise voting rights in accordance with instructions from participants. Where a Qualified Plan provides participants with the right to give voting instructions, Applicants see no reason to believe that participants in Qualified Plans generally or those in a particular Qualified Plan, either as a single group or in combination with participants in other Qualified Plans, would vote in a manner that would disadvantage Variable Contract holders. In sum, Applicants maintain that the purchase of shares of the Funds by Qualified Plans that provide voting rights does not present any complications not otherwise occasioned by mixed or shared funding.

17. Applicants do not believe that the sale of the shares of Funds to Qualified Plans will increase the potential for material irreconcilable conflicts of interest between or among different types of investors. In particular, Applicants see very little potential for such conflicts beyond that which would otherwise exist between variable annuity and variable life insurance contractowners.

18. As noted above, Section 817(h) of the Code imposes certain diversification standards on the underlying assets of variable contracts held in an underlying mutual fund. The Code provides that a variable contract shall not be treated as an annuity contract or life insurance, as applicable, for any period (and any subsequent period) for which the investments are not, in accordance with regulations prescribed by the Treasury Department, adequately diversified.

19. Treasury Department Regulations issued under Section 817(h) provide that, in order to meet the statutory diversification requirements, all of the beneficial interests in the investment company must be held by the segregated asset accounts of one or more insurance companies. However, the Regulations contain certain exceptions to this requirement, one of which allows shares in an underlying mutual fund to be held by the trustees of a qualified pension or retirement plan without adversely affecting the ability of shares in the underlying fund also to be held by separate accounts of insurance companies in connection with their variable contracts (Treas. Reg. 1.817–5(f)(3)(iii). Thus, Applicants believe that the Treasury Regulations specifically permit "qualified pension or retirement plans" and separate accounts to invest in the same underlying fund. For this reason, Applicants have concluded that neither the Code nor the Treasury Regulations or revenue rulings thereunder presents any inherent conflict of interest.

20. Applicants note that while there are differences in the manner in which distributions from Variable Contracts and Qualified Plans are taxed, these differences will have no impact on the Funds. When distributions are to be made, and a Separate Account or Qualified Plan is unable to net purchase payments to make the distributions, the Separate Account and Qualified Plan will redeem shares of the Funds at their respective net asset value in conformity with Rule 22c–1 under the 1940 Act (without the imposition of any sales charge) to provide proceeds to meet distribution needs. A Qualified Plan will make distributions in accordance with the terms of the Qualified Plan.

21. Applicants maintain that it is possible to provide an equitable means of giving voting rights to Participating Separate Account contractowners and to Qualified Plans. In connection with any meeting of shareholders, the Funds will inform each shareholder, including each Participating Insurance Company and Qualified Plan, of information necessary for the meeting, including their respective share of ownership in the relevant Fund. Each Participating Insurance Company will then solicit voting instructions in accordance with Rules 6e–2 and 6e–3(T), as applicable, and its participation agreement with the relevant Fund. Shares held by Qualified Plans will be voted in accordance with applicable law. The voting rights provided to Qualified Plans with respect to shares of the Funds would be no different from the voting rights that are provided to Qualified Plans with respect to shares of funds sold to the general public.

22. Applicants have concluded that even if there should arise issues with respect to a state insurance commissioner's veto powers over investment objectives where the interests of contractowners and the interests of Qualified Plans are in conflict, the issues can be almost immediately resolved since the trustees of (or participants in) the Qualified Plans can, on their own, redeem the shares out of the Funds. Applicants note that state insurance commissioners have been given the veto power in recognition of the fact that insurance companies usually cannot simply redeem their separate accounts out of one fund and invest in another. Generally, time-consuming, complex transactions must be undertaken to accomplish such redemptions and transfers. Conversely, the trustees of Qualified Plans or the participants in participant-directed Qualified Plans can make the decision quickly and redeem their interest in the Funds and reinvest in another funding vehicle without the same regulatory impediments faced by separate accounts or, as is the case with most Qualified Plans, even hold cash pending suitable investment.

23. Applicants also state that they do not see any greater potential for material irreconcilable conflicts arising between the interests of participants under Qualified Plans and contractowners of Participating Separate Accounts from possible future changes in the federal tax laws that that which already exist between variable annuity contractowners and variable life insurance contractowners.

24. Applicants state that the sale of shares of the Funds to Qualified Plans in addition to separate accounts of Participating Insurance Companies will result in an increased amount of assets available for investment by the Funds. This may benefit variable contractowners by promoting economies of scale, by permitting increased safety of investments through greater diversification, and by making the addition of new portfolios more feasible.

25. Applicants assert that, regardless of the type of shareholders in each Fund, each Fund's Investment Manager is or would be contractually and otherwise obligated to manage the Fund solely and exclusively in accordance with that Fund's investment objectives,

policies and restrictions as well as any guidelines established by the Board of Trustees of such Fund (the "Board"). The Investment Manager works with a pool of money and (except in a few instances where this may be required in order to comply with state insurance laws) does not take into account the identify of the shareholders. Thus, each Fund will be managed in the same manner as any other mutual fund. Applicants therefore see no significant legal impediment to permitting the sale of shares of the Funds to Qualified Plans.

26. Applicants state that the Commission has permitted the amendment of a substantially similar original order for the purpose of adding a party to the original order and has permitted open-end management investment companies to offer their shares directly to Qualified Plans in addition to separate accounts of affiliated or unaffiliated insurance companies which issue either or both variable annuity contracts or variable life insurance contracts. Applicants state that the amended order sought in the application is identical to precedent with respect to the conditions Applicants propose should be imposed on Qualified Plans in connection with investment in the Funds.

Applicants' Conditions

If the requested amended order is granted, Applicants consent to the following conditions:

1. A majority of the Board of each Fund shall consists of persons who are not "interested persons" thereof, as defined by Section 2(a)(19) of the 1940 Act, and the rules thereunder and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of the death, disqualification or bona fide resignation of any Board Member or Members, then the operation of this condition shall be suspended: (a) for a period of 45 days if the vacancy or vacancies may be filled by the remaining Board Members; (b) for a period of 60 days if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. The Board will monitor their respective Fund for the existence of any material irreconcilable conflict among the interests of the Variable Contract owners of all Separate Accounts investing in the Funds and of the Qualified Plan participants investing in the Funds. The Board will determine what action, if any, shall be taken in response to such conflicts. A material irreconcilable conflict may arise for a variety of reasons, including: (a) An action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive letter, or any similar action by insurance, tax or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of the Funds are being managed; (e) a difference in voting instructions given by variable annuity contract owners, variable life insurance contract owners, and trustees of Qualified Plans; (f) a decision by an insurer to disregard the voting instructions of Variable Contract owners; or (g) if applicable, a decision by a Qualified Plan to disregard the voting instructions to Qualified Plan participants.

3. Participating Insurance Companies, the Investment Managers, and any Qualified Plan that executes a fund participation agreement upon becoming an owner of 10 percent or more of the assets of a Fund (a "Participating Qualified Plan"), will report any potential or existing conflicts of which it becomes aware to the Board of any relevant Fund. Participating Insurance Companies, the Investment Managers and the Participating Qualified Plans will be responsible for assisting the Board in carrying out its responsibilities under these conditions by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each Participating Insurance Company to inform the Board whenever voting instructions of Contract owners are disregarded and, if pass-through voting is applicable, an obligation by each Participating Qualified Plan to inform the Board whenever it has determined to disregard Qualified Plan participant voting instructions. The responsibility to report such information and conflicts, and to assist the Board, will be contractual obligations of all Participating Insurance Companies investing in the Funds under their agreements governing participation in the Funds, and such agreements shall provide that these responsibilities will be carried out with a view only to the interests of the Variable Contract owners. The responsibility to report such information and conflicts, and to assist the Board, will be contractual obligations of all Participating Qualified Plans under their agreements governing participation in the Funds, and such agreements will provide their responsibilities will be carried out with a view only to the interests of Qualified Plan participants.

4. If it is determined by a majority of the Board of a Fund, or by a majority of the disinterested Board Members, that a material irreconcilable conflict exists, the relevant Participating Insurance Companies and Participating Qualified Plans will, at their own expense and to the extent reasonably practicable as determined by a majority of the disinterested Board Members, take whatever steps are necessary to remedy or eliminate the material irreconcilable conflict, which steps could include: (a) In the case of Participating Insurance Companies, withdrawing the assets allocable to some or all of the Separate Accounts from the Fund or any portfolio thereof ad reinvesting such assets in a different investment medium, including another portfolio of an Fund or another Fund, or submitting the question as to whether such segregation should be implemented to a vote of all affected Variable Contract owners and, as appropriate, segregating the assets of any appropriate group (*i.e.*, Variable annuity contract owners or variable life insurance contract owners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected Variable Contract owners the option of making such a change; (b) in the case of Participating Qualified Plans, withdrawing the assets allocable to some or all of the Qualified Plans from the Fund and reinvesting such assets in a different investment medium; and (c) establishing a new registered management investment company or managed Separate Account. If a material irreconcilable conflict arises because of a decision by a Participating Insurance Company to disregard Variable Contract owner voting instructions, and that decision represents a minority position or would preclude a majority vote, then the insurer may be required, at the Fund's election, to withdraw the insurer's Separate Account investment in such Fund, and no charge or penalty will be imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a Participating Qualified Plan's decision to disregard Qualified Plan participant voting instructions, if applicable, and that decision represents minority position or would preclude a majority vote, the Participating Qualified Plan may be required, at the Fund's election, to withdraw its investment in such Fund, and no charge or penalty will be

imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a determination by a Board of a material irreconcilable conflict and to bear the cost of such remedial action will be a contractual obligation of all Participating Insurance Companies and Participating Qualified Plans under their agreements governing participation in the Funds, and these responsibilities will be carried out with a view only to the interest of Variable Contract owners and Qualified Plan participants.

5. For purposes of Condition 4, a majority of the disinterested Board Members of the applicable Board will determine whether or not any proposed action adequately remedies any material irreconcilable conflict, but in no event will the relevant Fund or the Investment Managers be required to establish a new funding medium for any Contract. No Participating Insurance Company shall be required by Condition 4 to establish a new funding medium for any Variable Contract if any offer to do so has been declined by vote of a majority of the Variable Contract owners materially and adversely affected by the material irreconcilable conflict. Further, no Participating Qualified Plan shall be required by Condition 4 to establish a new funding medium for any Participating Qualified Plan if (a) a majority of Qualified Plan participants materially and adversely affected by the irreconcilable material conflict vote to decline such offer, or (b) pursuant to governing Qualified Plan documents and applicable law, the Participating Qualified Plan makes such decision without a Qualified Plan participant vote.

6. The determination of the Board of the existence of a material irreconcilable conflict and its implications will be made known in writing promptly to all Participating Insurance Companies and Participating Qualified Plans.

7. Participating Insurance Companies will provide pass-through voting privileges to Variable Contract owners who invest in registered Separate Accounts so long as and to the extent that the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for Variable Contract owners. As to Variable Contracts issued by unregistered Separate Accounts, pass-through voting privileges will be extended to participants to the extent granted by issuing issuance companies. Each Participating Insurance Company will also vote shares of the Funds held in its Separate Accounts for which no voting instructions from Contract owners are timely received, as well as shares of the Funds which the Participating Insurance Company itself owns, in the same proportion as those shares of the Funds for which voting instructions from contract owners are timely received. Participating Insurance Companies will be responsible for assuring that each of their registered Separate Accounts participating in the Funds calculates voting privileges in a manner consistent with other Participating Insurance Companies. The obligation to calculate voting privileges in a manner consistent with other registered Separate Accounts investing in the Funds will be a contractual obligation of all Participating Insurance Companies under their agreements governing their participation in the Funds. Each Participating Qualified Plan will vote as required by applicable law and governing Qualified Plan documents.

8. All reports of potential of existing conflicts received by the Board of a Fund and all action by such Board with regard to determining the existence of conflict, notifying Participating Insurance Companies and Participating Qualified Plans of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the meetings of such Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

9. Each Fund will notify all Participating Insurance Companies that separate disclosure in their respective Separate Account prospectuses may be appropriate to advise accounts regarding the potential risks of mixed and shared funding. Each Fund shall disclose in its prospectus that (a) the Fund is intended to be a funding vehicle for variable annuity and variable life insurance contracts offered by various insurance companies and for qualified pension and retirement plans; (b) to differences to tax treatment and other considerations, the interests of various Contract owners participating in the Fund and/or the interests of Qualified Plans investing in the Fund may at some time be in conflict; and (c) the Board of such Fund will monitor events in order to identify the existence of any material irreconcilable conflicts and to determine what action, if any, should be taken in response to any such conflict.

10. Each Fund will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, will be the persons having a voting interest in the shares of the Funds), and, in particular, the Funds will either provide for annual shareholder meetings (except insofar as the Commission may interpret Section 16 of the 1940 Act not to require such meetings) or comply with Section 16(c) of the 1940 Act, although the Funds are not the type of trust described in Section 16(c) of the 1940 Act, as well as with Section 16(a) of the 1940 Act and, if and when applicable, Section 16(b) of the 1940 Act. Further, each Fund will act in accordance with the Commission's interpretation of the requirements of Section 16(a) with respect to periodic elections of Board Members and with whatever rules the Commission may promulgate with respect thereto.

11. If and to the extent Rules 6e-2 or 6e-3(T) under the 1940 Act is amended, or proposed Rule 6e-3 under the 1940 Act is adopted, to provide exemptive relief from any provision of the 1940 Act or the rules promulgated thereunder, with respect to mixed or shared funding on terms and conditions materially different from any exemptions granted in the order requested in the application, then the Funds and/or Participating Insurance Companies and Participating Qualified Plans, as appropriate, shall take such steps as may be necessary to comply with such Rules 6e-2 and 6e-3(T), as amended, or proposed Rule 6e-3, as adopted, to the extent that such Rules are applicable.

12. The Participating Insurance Companies and Participating Qualified Plans and/or the Investment Managers, at least annually, will submit to the Board such reports, materials or data as the Board may reasonably request so that the Board may fully carry out obligations imposed upon it by the conditions contained in the application. Such reports, materials and data will be submitted more frequently if deemed appropriate by the Board. The obligations of the Participating Insurance Companies and Participating Qualified Plans to provide these reports, materials and data to the Board, when the Board so reasonably requests, shall be a contractual obligation of all Participating Insurance Companies and Participating Qualified Plans under their agreements governing participation in the Funds.

13. If a Qualified Plan should ever become a holder of ten percent or more of the assets of a Fund, such Qualified Plan will execute a participation agreement with the Fund that includes the conditions set forth herein to the extent applicable. A Qualified Plan will execute an application containing an acknowledgment of this condition upon such Qualified Plan's initial purchase of the shares of any Fund.

Conclusion

Applicants assert that, for the reasons summarized above, the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41882; File No. SR–CBOE–99–54]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated To Revise the Component Selection and Weighting Guidelines That Govern the GSTI Composite Index and Sub-Indexes

September 17, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 9, 1999, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to revise the component selection and weighting guidelines that currently govern the Goldman Sachs Technology Composite Index ("GSTI ™ Composite Index") and GSTI Sub-Indexes ("Sub-Indexes") (collectively, the "GSTI Indexes"). The proposed revisions are based on new criteria that Goldman, Sachs & Co. will use to maintain the GSTI Indexes. The Exchange seeks approval to continue to list and trade options on the GSTI Indexes after the proposed revisions become effective following the close of trading on September 17, 1999.

The text of the proposed rule change is available at the Office of the Secretary, the Exchange, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. *Purpose*

The Exchange currently lists and trades European-style, cash-settled options on the GSTI Indexes pursuant to prior Commission approval.[3] The GSTI Composite Index is a modified capitalization-weighted index that reflects the universe of technology-related company stocks meeting certain objective criteria. The Sub-Indexes are likewise calculated using a modified capitalization-weighting methodology. The components for each of the six Sub-Indexes are selected exclusively from the GSTI Composite Index.[4]

Goldman Sachs recently informed the Exchange that following the close of trading on September 17, 1999, certain guidelines governing the selection of stocks included in the GSTI Composite Index will be modified to clarify the definition of "technology-related" and explicitly include Internet-related companies. Specifically, Goldman Sachs intends to introduce a supplemental sector/industry classification method to better identify the universe of technology and Internet-related stocks eligible for inclusion in the GSTI Composite Index. This supplemental classification method, developed and maintained by Goldman Sachs Investment Research, will supplement the current use of SIC and Russell codes to identify technology stocks.[5] Goldman Sachs believes that the supplemental sector/industry classification method will capture those stocks that are commonly considered to be part of the universe of technology-related companies, but lack the appropriate SIC or Russell code. Goldman Sachs expects that the revised GSTI Composite Index will more accurately reflect the technology sector and will be better suited to track future changes in the industry.

In addition, Goldman Sachs informed the Exchange that following the close of trading on September 17, 1999, the weighting criteria for the Sub-Indexes will be revised. Currently, the component weightings for each of the six Sub-Indexes are capped such that the largest stock in a Sub-Index may account for no more than 25% of the index by weight, the second-largest stock may account for no more than 20%, and the third through fifth largest stocks may account for no more than 15% each. Goldman Sachs will revise the weighting criteria for the Sub-Indexes so that all components will be subject to a maximum weight cap of 12.5%. Goldman Sachs expects that this revised weighting methodology will promote portfolio weight diversification and prevent concentration of weighting in the Sub-Indexes in a few large stocks. In particular, Goldman Sachs notes that the revised weighting methodology requires each of the Sub-Indexes to be comprised of at least eight components. Goldman Sachs intends to implement the new weighting criteria after the close of trading on September 17, 1999, rather than at the next semi-annual rebalancing in January 2000.

The Exchange proposes no other changes to the GSTI Indexes at this time and represents that the GSTI Indexes will continue to conform to all conditions and restrictions set forth in the relevant approval orders.[6]

On the Monday following September 17, 1999, the Exchange will introduce a new series of options overlying the GSTI Composite Index and the Sub-Indexes; these new option series will be listed under the ticker symbols currently assigned to options overlying the GSTI Indexes. Those options overlying the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 37693 (Sept. 17, 1996), 61 FR 50362 (Sept. 25, 1996); and 37696 (Sept. 17, 1996), 61 FR 50358 (Sept. 25, 1996).

[4] The six Sub-Indexes include: GSTI Hardware Index, GSTI Internet Index, GSTI Semiconductor Index, GSTI Software Index, GSTI Services Index, and GSTI Multimedia Networking Index.

[5] The Exchange represents that Goldman Sachs will not have any informational advantage concerning modifications to the composition of the GSTI Composite Index and the Sub-Indexes due to Goldman Sachs' role in maintaining such indexes, including the classification of stocks. Goldman Sachs has separately represented that it will make its list of the technology and Internet-related stocks available to interested parties upon request.

[6] *See* note 3 *supra*.

GSTI Indexes that are still outstanding as of the close of trading on September 17, 1999, will continue to settle based on the present guidelines and calculation methodology, but will be listed under new ticker symbols.

The Exchange will notify market participants of the revisions to the GSTI Indexes through a notice to members and member firms, which notice will be disseminated in advance of a changeover. Because the Exchange will provide advance notice of the revisions, and the outstanding option series contracts will not be materially changed (*i.e.*, the outstanding option series contracts will continue to trade and settle under the old methodology, albeit under a new ticker symbol), the Exchange believes that transition problems should not arise. Moreover, the Exchange has successfully used the same procedures for new option series introduced after revisions to index settlement and weighting methodologies.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act[8] in that it is designed to perfect the mechanisms of a free and open market, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed rule Change Received From Members, Participants or Others

The Exchange did not solicit or receive comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date; the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6)[10] thereunder.

A proposed rule change filed under rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[11] permits the Commission to designate such shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission designate such shorter time period so that the proposed rule change may become operative on September 17, 1999. By accelerating the operative date of the proposal to September 17, 1999, the Commission will enable the Exchange to promptly offer market participants options based on the revised GSTI Composite Index and the Sub-Indexes.

The Commission, consistent with the protection of investors and the public interest, has determined to make the proposed rule change operative on September 17, 1999, for the following reasons. The Commission believes that the revisions to the component selection guidelines governing the GSTI Composite Index and Sub-Indexes will strengthen the GSTI Indexes by including components that better reflect the current state of technology. In addition, the changes will help the GSTI Composite Index and Sub-Indexes to better track future changes in the technology industry. Finally, the changes in the component weighting guidelines will ensure greater weight diversification among the component stocks of the Sub-Indexes and will eliminate concentrations in weighting that might cause the Sub-Indexes to be dominated by a few highly-capitalized stocks. The Commission believes that these improvements to the GSTI Composite Index and Sub-Indexes are important and that investors should be permitted to trade options on the improved GSTI Indexes as soon as practicable.

For all of the reasons set forth above, the Commission finds that it is consistent with the protection of investors and the public interest for the proposed rule change to become operative on September 17, 1999. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CBOE–99–54 and should be submitted by October 15, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24916 Filed 9–23–99; 8:45 am]

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[7] *See* Securities Exchange Act Release Nos. 30944 (July 21, 1992), 57 FR 33376 (July 28, 1992) (order permitting the continued listing and trading of Nasdaq 100 options after a change in the exercise settlement value for the Nasdaq 100 index); and 40642 (Nov. 9, 1998), 63 FR 63759 (Nov. 16, 1998) (order permitting the continued listing and trading of Nasdaq 100 options after a change in the weighting methodology for the Nasdaq 100 index).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41883; File No. SR–OCC–99–04]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to Amendments to the Pledge Program

September 17, 1999.

On March 5, 1999, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR–OCC–99–04) pursuant to Section 19(b)(1) of the Securities Exchange Act

of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on June 17, 1999.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The rule change permits OCC clearing members to pledge long positions in non-proprietary cross margin accounts through OCC's pledge program. In addition, the rule change updates OCC's rules to reflect the way that the pledge program currently operates.

OCC designed its market maker pledge program to allow its clearing members to finance their positions by permitting them to pledge excess long market maker options as collateral to obtain loans from banks or from other clearing members.[3] Current eligible account types include, among others, a combined market-makers' account and a separate market-maker's account.

The rule change amends OCC rule 614 to add non-proprietary cross margin accounts to the list of accounts that are eligible for the pledge program.[4] The rule change also revises Rule 614 to reflect the current operation of the pledge program because some of the practices described in the rule are no longer used. For example, OCC's system does not "transfer" pledged cleared securities into a separate "pledge account" as suggested by the rules. Rather, OCC identifies within the "primary" account those long positions in a cleared security that a clearing member has instructed OCC that it desires to pledge. In addition, certain instructions and reports are not submitted or distributed in hard copy form but are electronically inputted or disseminated through OCC's C/MACS system. (Hard copy forms are used as acceptable backups should C/MACS be unavailable.) As a result, the rule change eliminates references to "transfers," "Transfer Day," "Primary Accounts," and certain "forms," and substitutes where appropriate terms like "identifying" cleared securities to be pledged. "Activity Day," "Eligible Account," "pledged and unpledged cleared securities," and "instructions." The rule change further amends Rule 614 to reflect that clearing member designations among pledgees can be carried out electronically or through use of the pledgee designation form.

The rule change eliminates references to lock box distribution of reports. Clearing members receive OCC reports electronically through C/MACS, and other pledges receive reports by electronic format from OCC or have other arrangements with OCC for purposes of receiving reports. Under the rule change, report distribution will be accomplished in accordance with procedure agreed to between OCC and each pledge.

Finally, under the rule change OCC is changing the time at which the release of a pledged cleared security is effective. Previously, Rule 614 provided that the release was deemed to be effective as of 9:00 a.m. (central time) on the transfer day and that all rights of a pledgee as to such released cleared security were terminated at that time. However, this effective time comes after OCC nightly processing is completed. During nightly processing, the long positions in cleared securities are released from pledge, included in marginable positions, and used to offset short positions as described in Rules 601 and 602. Pledgee banks have the understanding that when they execute the instructions to release pledged positions, they release their rights in the long positions and take appropriate measures to ensure that the loan is repaid or otherwise secured. As a result, the rule change provides that when a pledgee releases a pledged position, the position is deemed to be released as of the cutoff time for submitting the instructions to release the positions on the day that the instructions are received.

In addition to the amendments described above, the rule change makes conforming changes to Rules 601, 602, 1105, and 1106 and to the pledge account agreement.[5]

II. Discussion

Section 17A(b)(3)(F) of the Act[6] requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody and control of the clearing agency or for which it is responsible. The Commission believes that the proposed rule change is consistent with OCC's obligations under Section 17A(b)(3)(F) because the rule change should increase the ability of OCC's clearing members to finance their positions through the use of OCC's pledge program without impairing OCC's overall protection against member default.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. OCC–99–04) be and hereby is approved.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24914 Filed 9–23–99; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 41507 (June 10, 1999) 64 FR 32600.

[3] For a detailed description of the pledge program, refer to Securities Exchange Act Release No. 19956 (July 19, 1983), 48 FR 33956 [File No. SR–OCC–82–25] (order approving proposed rule change).

[4] Market-makers, specialists, and registered traders are the categories of market professionals that re eligible to have their positions included in a clearing members' non-proprietary cross margin account, and many such market professionals participate in cross margining.

[5] OCC attached a copy of the amended pledge account agreement as Exhibit A to its filing, which is available for inspection and copying in the Commission's public reference room and through OCC.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41884; File No. SR–OCC–99–06]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to the Purchase of OCC Stock by Participant Exchanges and the Rights of Participant Exchanges on Liquidation of OCC

September 17, 1999.

On March 15, 1999, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR–OCC–99–06) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on May 26, 1999.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The rule change updates the provisions of OCC's Certificate of Incorporation, By-Laws, and Stockholders Agreement that relate to the purchase of OCC stock by participant exchanges and the rights of

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 41422 (May 18, 1999) 64 FR 28543.

those exchanges in the event of OCC's liquidation. The rule change makes two substantive changes. First, it increases the maximum purchase price for OCC stock from $333,333 to $1,000,00 per exchange. Second, in the event of OCC's liquidation, it limits distributions to exchanges that first became stockholders after December 31, 1998, to the amounts that such exchanges paid for their stock plus a pro rata share of any increase in OCC's retained earnings after December 31, 1998.

Increase in Maximum Purchase Price

Article VII, Section 2 of OCC's By-Laws provides that an options exchange that wishes to become a participant in OCC must purchase 5,000 shares of Class A Common Stock and 5,000 shares of Class B Common Stock of OCC.[3] Previously, the price was an amount equal to book value as of the close of the preceding month but not less than $250,000 nor more than $333,333. As of December 31, 1998, the book value of 10,000 shares of OCC stock was $6,365,100, so the effective purchase price is the maximum price of $333,333.

The $333,333 maximum dates from 1975, when OCC (then named Chicago Board Options Exchange Clearing Corporation) became the common clearing facility for listed options. Recently, OCC engaged Deloitte & Touche, LLP ("Deloitte") to recommend a fair price for participation in OCC in view of the length of time that had elapsed since the maximum was fixed and the prospect of new options markets becoming participant exchanges of OCC.[4] Deloitte arrived at a value of $1,080,000 for a 20% interest in OCC.

The rule change increases the maximum price for an interest in OCC to $1,00,000, which approximates the amount recommended by Deloitte. According to OCC, the $1,000,000 amount also approximates the value in 1999 dollars of $333,333 in 1975.[5] Therefore, OCC believes that increasing the maximum price to $1,000,000 would tend to equalize the investment required of new exchanges with the investments expressed in 1999 dollars made by OCC's present participant exchanges in the mid-1970's.[6]

In addition, OCC's rules previously specified a minimum purchase price of $250,00 if the book value of a proportionate interest in OCC would be less than that amount. The rule change eliminates the minimum price because OCC believes that the book value of a proportionate interest in OCC greatly exceeds $250,000 today and is likely to continue to do so.

Change in Liquidation Rights

The rule change establishes a new scheme for the distribution of OCC's net assets if OCC were to liquidate. Under the new scheme, holders of Class A Common Stock and Class B Common Stock would first be paid the par value of their shares ($10.00 per share). Next, each holder of Class B Common Stock would receive a distribution of $1,000,000, allowing it to recover the value of its investment in 1998 dollars. Next, an amount equal to OCC's stockholders' equity at December 31, 1998, minus the distributions described in the two preceding sentences would be distributed to those exchanges that acquired their Class B Common Stock before December 31, 1998. Finally, any excess assets (*i.e.* post-1998 retained earnings) would be distributed equally to all holders of Class B Common Stock. OCC's intention is to allow each exchange to recover its investment but to reserve OCC's present retained earnings for those participant exchanges that were stockholders during the period when the retained earnings were being accumulated.

Technical and Conforming Changes

The rule change revises the last sentence of Article VII, Section 2 of the By-Laws. Previously, that provision stated that if OCC fails or is unable to purchase a stockholder's shares when required under the Stockholders Agreement, the stockholder may sell its shares "to a person who is qualified under Section 1 of this Article VII for participation in [OCC] as an 'Exchange' and who is not then a stockholder of [OCC]." However, Section 1 of Article VII provides that in order to be qualified for participation in OCC as an exchange, a securities exchange or securities association must already have purchased stock in OCC. The rule change eliminates the circularity of the provision by allowing the stockholder to sell its shares to any national securities exchange or national association that has effective rules for the trading of options and who is not then a stockholder in OCC. The rule change also makes conforming changes to the Stockholders Agreement.

Article VII, Section 3 is amended to reflect previous rule changes providing for public directors and to eliminate an obsolete requirement that the stockholders renew their voting agreement every ten years. Article VII, Section 4 is amended to reflect the fact that the Participant Exchange Agreement between OCC and its participant exchanges now specifically refers to options disclosure documents required under Exchange Act Rule 9b–1.[7]

Section 10(a) of the Stockholders Agreement is amended to increase proportionately with the increase in the purchase price of OCC stock the dollar discounts that OCC will apply if it repurchases a participant exchange's stock within six years of the date when the stock was acquired. Section 12 of the Stockholders Agreement, which governs contributions to capital by the American Stock Exchange and the Chicago Board Options Exchange if another OCC stockholder sells its stock to OCC, is deleted in its entirety because it is obsolete.

II. Discussion

Section 17A(b)(3)(D) of the Act[8] requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. The Commission believes that the proposed rule change is consistent with OCC's obligations under Section 17A(b)(3)(D) because the rule change should ensure that the price that participant exchanges are required to pay for OCC stock reflects the value of those shares and that participant exchanges all pay equal amounts for OCC stock after purchase prices are adjusted for inflation. In addition, the rule change should provide for an equitable distribution of assets to OCC's participant exchanges if OCC were to liquidate.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with Section 17A of the Act and the rules and regulations thereunder.

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[3] Class A Common Stock is voted to elect OCC's nine member directors. Class B Common Stock is voted, as a class, to elect OCC's public and management directors. Each participant exchange holds a separate series of Class B Common Stock that entitles it to elect one exchange director.

[4] *See, e.g.*, Securities Exchange Act Release No. 41439 (May 24, 1999), 64 FR 29367 (notice of filing of application for registration as a national securities exchange by the International Securities Exchange LLP).

[5] OCC has informed the Commission that based on the All Urban Consumer CPI, $333,333 on January 1, 1975, would amount of $1,009,932 in 1999, and that using the General Consumer Price Index, $333,333 on January 1, 1975, would amount to $1,056,518 in 1999.

[6] OCC's current participant exchanges (which include the American Stock Exchange, the Chicago Board Options Exchange, the Pacific Exchange, and the Philadelphia Stock Exchange) acquired their stock in OCC between 1973 and 1976.

[7] 17 CFR 240.9b–1.

[8] 15 U.S.C. 78q–1(b)(3)(D).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. OCC–99–06) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24915 Filed 9–23–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41881; File No. SR–PCX–99–16]

Self-Regulatory Organizations; Pacific Exchange, Inc. ("PCX"); Order Approving Proposed Rule Change and Notice of Filing and Order granting Accelerated Approval of Amendment No. 1 to the Proposed Rule Change Requiring Qualified Off-Floor Traders for Which PCX is the Designated Examining Authority To Successfully Complete the General Securities Registered Representative Examination, Test Series 7

September 17, 1999.

On June 1, 1999, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act" or "Act")[1] and Rule 19b–4 thereunder.[2] The proposed rule change would amend PCX Rule 1.7(b)(9), Denial of and Conditions to Membership, to require off-floor traders[3] of member organizations for which the Exchange is the Designated Examining Authority ("DEA") to successfully complete the General Securities Registered Representative Examination, Test Series 7 ("Series 7 Exam"), if the primary business of the member organization involves the trading of securities that is unrelated to the performance of the functions of a registered specialist, a registered market maker or a registered floor broker.

Notice of the proposed rule change was published in the **Federal Register** on July 2, 1999.[4] The Commission received no comment letters on the proposal. On September 16, 1999, the Exchange filed Amendment No. 1 with the Commission, which revised the rule text and made technical changes to the proposal.[5] This order approves the proposed rule change, as amended.

I. Background and Summary

PCX Rule 1.7(b)(9) currently provides that the Exchange may deny (or may condition) membership, or may prevent a natural person from becoming associated (or may condition an association) with a member, when an applicant, directly or indirectly, does not successfully complete such written proficiency examinations as required by the Exchange to enable it to examine and verify the applicant's qualifications to function in one or more of the capacities applied for. The Exchange proposes to amend PCX Rule 1.7(b)(9) to expressly require off-floor traders to successfully complete the Series 7 Exam. Specifically, the proposal provides that traders of member organizations for which the Exchange is the DEA must successfully complete the Series 7 Exam if the primary business of the member organization involves the trading of securities which is unrelated to the performance of the functions of a registered specialist, a registered market maker or a registered floor broker. The proposal further provides that the following are exempt from the requirement to successfully complete the Series 7 Exam: Exchange members who perform the function of a registered specialist, registered market maker, or registered floor broker (pursuant to PCX Rules 5.27(a), 6.33 or 6.44, respectively), and associated persons of member firms who facilitate the execution of stock transactions for the accounts of options market makers.[6]

For purposes of PCX Rule 1.7(b)(9), the term "trader" is defined as a person who is directly or indirectly compensated by an Exchange member organization or who is any other associated person of an Exchange member organization, and who trades, makes trading decisions with respect to, or otherwise engages in the proprietary or agency trading of securities.[7] In addition, the term "primary business" is defined as greater than 50% of the member organization's business.

The proposed rule change further provides that each member organization for which the Exchange is the DEA must complete on an annual basis and on a form prescribed by the Exchange a written attestation as to whether the member organization's primary business is performing the function of a registered specialist, a registered market maker, or a registered floor broker (pursuant to PCX Rules 5.27(a), 6.33 or 6.47, respectively).

The proposed rule change also states that the requirement to complete the Series 7 Exam will apply to current traders of member organizations that meet the specified criteria as well as to future traders of member organizations that meet the specified criteria at a later date. It further provides that traders of member organizations that meet the specified criteria at the time of the Commission's approval of the proposed rule must successfully complete the Series 7 Exam within six months of the date of notification by the Exchange.

II. Discussion

Under Section 19(b)(2) of the Act,[8] the Commission is required to approve a proposed rule change if it finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the self-regulatory organization ("SRO"). Under the Act, SROs are assigned rulemaking and enforcement responsibilities for regulating the securities industry for the protection of investors and for related purposes. A key requirement for SROs is to assure that associated persons[9] of their members satisfy prescribed standards of

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[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] According to the Exchange, the proposed rule change is intended to cover persons who are trading from off the trading floor and who are not exempt from having to pass the Series 7 examination under the proposed rule. *See* Letter from Michael D. Pierson, Director, Regulatory Policy, PCX, to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), SEC (Sept. 15, 1999) ("Amendment No. 1").

[4] Securities Exchange Act Release No. 41555 (June 24, 1999), 64 FR 36063.

[5] *See supra* n. 3, Amendment No. 1.

[6] The Exchange has represented that no person may perform the function of a registered specialist, registered market maker or registered floor broker on the Exchange trading floors without first passing a specified examination. Specifically, Equity floor members must pass the Equity Member Test and Options floor members must pass the Options Floor Qualification Examination. There are two Equity Member Tests, one for specialists and one for floor brokers. While there is only one Options Floor Qualification Examination, there are separate sections of the exam: one for floor brokers, one for market makers, and one for both floor brokers and market makers. *See supra* n. 3, Amendment No. 1. According to the Exchange, there are a small number of off-floor traders, primarily associated with Options floor members, who will be exempt from the examination requirement. Telephone conversation among Michael D. Pierson, Director, Regulatory Policy, PCX, Nancy Sanow, Senior Special Counsel, Division, SEC and Joseph Morra, Attorney, Division, SEC, September 15, 1999.

[7] *Id.*

[8] 15 U.S.C. 78s(b)(2).

[9] As defined in Section 3(a)(21) of the Act, an associated person of a member is "any partner, officer, director, or branch manager of such member (or any person occupying a similar status or performing similar functions), any persons directly or indirectly controlling, controlled by, or under common control with such member, or any employee of such member." 15 U.S.C. 78c(a)(21). The off-floor traders covered by the Exchange's proposed rule change are associated persons of the member firm.

training, experience, and competence as a condition to membership.[10]

The Commission finds that the Exchange's proposal is consistent with the requirements of Section 6 of the Act, and particularly Sections 6(b)(5)[11] and 6(c)(3) (A) and (B)[12] thereunder, for the reasons discussed below.

A review of the Act and its legislative history, as well as subsequent amendments, reveals that one of the Act's most important objectives is to maintain the integrity and competency of securities industry personnel. To this end, Congress has authorized the Commission to comprehensively regulate the securities activities of member firms and their associated persons by, among other things, ensuring that all natural persons associated with a broker-dealer meet such standards of training, experience, competence, and such other qualifications as the Commission finds necessary or appropriate in the public interest or for the protection of investors.[13]

Moreover, Section 15(b)(7)(C) of the Act[14] provides that the Commission may rely on the registered securities associations and national securities exchanges to "require registered brokers and dealers and persons associated with such brokers and dealers to pass tests administered by or on behalf of any such association or exchange." To further the goals of Section 15(b)(7) of the Act,[15] the Commission in 1993 adopted Rule 15b7–1, which prohibits registered broker-dealers from effecting any transaction in, or inducing the purchase or sale of, any security unless any natural person associated with such broker or dealer who effects or is involved in effecting such transaction is registered or approved in accordance with the standards of training, experience, competence, and other qualification standards (including but not limited to submitting and maintaining all required forms, paying all required fees and passing any required examinations) established by the rules of any national securities exchange of which such broker or dealer is a member.[16]

In addition, Section 6(c)(3)(A) of the Act[17] provides that a national securities exchange may deny membership to, or condition the membership of, a registered broker-dealer if any natural persons associated with such broker or dealer do not meet such standards of training, experience and competence as are prescribed by the rules of the exchange.[18] Also, under Section 6(c)(3)(B) of the Act,[19] a national securities exchange may bar a natural person from becoming associated with a member if the person does not meet the exchange's standards of training, experience, or competence, or if the person has engaged and there is a reasonable likelihood the person will engage again in acts or practices inconsistent with just and equitable principles of trade. Under these statutory provisions, the various national securities exchanges, including PCX, are empowered to implement rules establishing the prerequisites to qualify and approve persons associated with member organizations to engage in securities activities.

The Act's legislative history also demonstrates the strong concerns of Congress regarding the expertise and competency of persons associated with the brokerage industry. One of the primary objectives of Congress in amending the Act in 1964 was "to strengthen the standards of entrance into the securities business, enlarge the scope of self-regulation, and strengthen Commission disciplinary controls over brokers, dealers, and their employees."[20] The Senate Report further noted that "[o]ne of the basic purposes of the Securities Exchange Act of 1934 is to regulate the conduct of broker-dealers and persons associated with them, both through direct Commission controls and through self-regulation by industry groups, with appropriate Commission oversight."[21] The Senate Report emphasized the importance of screening the integrity and competence of those persons involved in the securities industry.[22]

The Commission finds that the Exchange's proposal is a well-established and accepted practice in the securities industry and is directly related to one of the most important objectives of the Exchange Act—maintaining the integrity and competency of securities industry personnel.

Off-floor traders of member organizations of the PCX are participants in the securities industry. As associated persons of members of PCX, they are required to comply with the Commission's and the Exchange's rules pertaining to broker-dealers and their associated personnel, including qualification requirements established to assure that they maintain the degree of integrity and competency expected of securities industry personnel. Requiring these off-floor traders to pass the Series 7 Exam will further the objectives of Sections 6(c)(3)(A) and (B)[23] of the Act, which are intended to assure that associated persons are sufficiently familiar with Commission and SRO requirements and procedures when they are closely connected to the securities industry.

The proper education of securities industry personnel is but one component of a carefully considered statutory and regulatory framework designed to promote the integrity of securities markets and protect investors. By successfully completing the Series 7 Exam, these off-floor traders should develop a greater understanding of securities products, risks, and regulations appropriate for associated persons.

Moreover, the proposed rule change is consistent with the provisions of Section 6(b)(5)[24] of the Act requiring, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and, in general, to protect investors and the public interest. The Series 7 Exam test for proficiency in a broad range of securities matters, including anti-fraud and anti-manipulation regulation. Without proper training, these associated persons may inadvertently engage in transactions that are improper under the federal securities laws and regulations

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[10] *See* 15 U.S.C. 78f(c)(3)(B).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(c)(3) (A) and (B).

[13] *See* Section 15(b)(7) of the Act, 15 U.S.C. 78*o*(b)(7).

[14] 15 U.S.C. 78*o*(b)(7)(C).

[15] 15 U.S.C. 78*o*(b)(7).

[16] 17 CFR 240.15b7–1.

[17] 15U.S.C. 78f(c)(3)(A).

[18] Under Section 15(b)(8) of the Act, all registered brokers or dealers must be members of an SRO—either a securities association or a national securities exchange. 15 U.S.C. 78*o*(b)(8).

[19] 15 U.S.C. 78f(c)(3)(B).

[20] S. Rep. No. 379, 88th Cong. 1st Sess. 1 (1963) ("Senate Report").

[21] *Id.* at 38.

[22] The Senate Report noted the following:

The findings of the Special Study show that—because of the complex nature of the securities markets, the reliance which the investing public necessarily places upon the competence and character of professionals in those markets, and the responsibilities which are assumed—the existing ease of entry for inexperienced and unqualified persons subjects the investing public to undue hazards and unnecessarily complicates the task of regulation.

Id. at 43–44. In this regard, the national securities exchanges and associations were specifically charged to enhance their regulation of associated persons: "Development and administration of such standards is a matter which is peculiarly appropriate for self-regulation under Commission supervision; and the establishment of such requirements, in conjunction with the requirement of membership in a regulatory body, should significantly simplify regulation and improve investor protection." *Id.* at 44.

[23] 15 U.S.C. 78f(c)(3)(A) and (B).

[24] 15 U.S.C. 78f(b)(5).

or rules of the SROs. In the Commission's opinion, the proposed rule revision satisfies the objectives of Section 6(b)(5)[25] of the Act because, by satisfactorily completing the Series 7 Exam, off-floor traders will gain a greater understanding of the regulations, procedures and principles governing the securities industry.

The Commission also finds that the proposal will bring the Exchange's qualification requirements in line with those of other securities exchanges by adding testing requirements for off-floor traders who are not covered by the current qualification requirements for traders on the floor of the Exchange.[26] The Series 7 Exam was adopted as an industry-wide qualification examination in 1974. Other securities exchanges currently require traders off the floor of the exchange to pass the Series 7 Exam.[27] The examination requirement for off-floor traders at PCX will enhance the consistency of exam requirements across the exchanges and prevent traders off the floor of the Exchange from associating with members of PCX solely to avoid the examination requirements of other SROs.

The Commission also finds good cause for approving proposed Amendment No. 1 prior to the thirtieth day after the date of publication of notice of filing in the **Federal Register**. Amendment No. 1 conforms the proposal to similar rules of other self-regulatory organizations.[28] For these reasons, the Commission finds good cause for accelerating approval of the proposed rule change, as amended.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal offices of the PCX. All submissions should refer to File No. SR–PCX–99–16 and should be submitted by October 15, 1999.

IV. Conclusion

The Commission finds that the proposed rule change, as amended, is consistent with the Act, and in particular, with Sections 6(b)(5) and 6(c)(3)(A) and (B).[29]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[30] that the proposal, SR–PCX–99–16, as amended, be and hereby is approved.[31]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[32]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24917 Filed 9–23–99; 8:45 am]

BILLING CODE 8010–01–M

[25] *Id.*

[26] The Exchange notes that no person may perform the function of a registered specialist, registered market maker or registered floor broker on the PCX trading floors without first passing a specified examination. *See supra* n. 3, Amendment No. 1.

[27] *See* New York Stock Exchange Rule 345; American Stock Exchange Rule 341; Chicago Stock Exchange Article VI, Rule 3; and Philadelphia Stock Exchange Rule 604.

[28] *Id.*

[29] 15 U.S.C. 78f(b)(5), 15 U.S.C. 78f(c)(3)(A) and (B).

[30] 15 U.S.C. 78s(b)(2).

[31] In approving the proposal, the Commission has considered the rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[32] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–99–5143; Notice No. 99–6]

Safety Advisory: Use of Aluminum Pressure Relief Valves on Portable Tanks and Cargo Tanks in Anhydrous Ammonia Service

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Safety advisory notice.

SUMMARY: RSPA was recently advised of the use of aluminum pressure relief valves on portable tanks and cargo tanks that are used for the transportation of anhydrous ammonia which is not authorized by the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). The intent of this notice is to ensure safety and facilitate compliance with the HMR by clarifying applicable regulatory requirements pertaining to aluminum pressure relief valves.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Karim, Office of Hazardous Materials Standards, telephone (202) 366–8553, Research and Special Programs Administration, Mr. Ronald Kirkpatrick, Office of Hazardous Materials Technology, telephone (202) 366–4545, Research and Special Programs Administration, or Mr. Danny Shelton, Office of Safety and Technology, telephone (202) 366–6121, Federal Highway Administration (FHWA).

SUPPLEMENTARY INFORMATION: The Research and Special Programs Administration (RSPA; "we") has been advised of the use of aluminum pressure relief valves on specification DOT 51 portable tanks, MC 330 and MC 331 cargo tanks, and certain non-specification cargo tanks used in anhydrous ammonia service. The purpose of this advisory guidance is to remind persons who offer for transportation or transport anhydrous ammonia of their responsibility for meeting the applicable specification requirements of part 178, and the provisions for the use of portable tanks in § 173.32(m), cargo tanks in § 173.33(b), and general requirements for packaging and packages contained in § 173.24(e)(1) and (2). The use of aluminum valves in anhydrous ammonia service may present a potential safety hazard due to the severe chemical attack/corrosion that may occur as a result of contact with anhydrous ammonia. The purpose of a pressure relief device is to discharge pressure to protect a tank from being over-pressurized. A corroded pressure relief device is not likely to perform its required function and may fail with a resulting release of anhydrous ammonia.

The general compatibility requirement in § 173.24(e) states that "packaging materials and contents must be such that there will be no significant chemical or galvanic reaction between the materials and contents of the package." We believe significant corrosion of aluminum pressure relief devices is a result of a chemical reaction with the anhydrous ammonia. This is particularly true when water has been added to anhydrous ammonia for carriage in quenched and tempered ("QT") steel tanks as specified in § 173.315(l).

The use of aluminum valves on MC 330, MC 331 cargo tanks, and DOT 51 portable tanks is specifically prohibited by Note 12 of the § 173.315 Table. This is true also of non-specification tanks authorized by Note 17 of the § 173.315 Table. For nurse tanks, § 173.315 (m) provides an exception, but that

exception applies to part 178 provisions in regard to specification cargo tanks. It does not waive the requirements of § 173.24(e) that are stated above.

Persons who offer for transportation and transport anhydrous ammonia in cargo tanks and portable tanks should take immediate steps to ascertain if their safety relief devices comply with the HMR.

Issued in Washington, D.C. on September 21, 1999, under authority delegated in 49 CFR part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 99–24899 Filed 9–23–99; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33800]

Vermont Railway, Inc.—Modified Rail Certificate

On September 14, 1999, Vermont Railway, Inc. (VTR), a Class III rail carrier, filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150, subpart C, *Modified Certificate of Public Convenience and Necessity,* to operate a 14-mile rail line owned by the State of Vermont (the line).

The line was approved for abandonment by Montpelier and Barre Railroad Company in *Montpelier and Barre Railroad Company—Entire Line Abandonment—From Graniteville to Montpelier Junction in Washington County, VT,* Docket No. AB–202 F (ICC served Mar. 12, 1980), and acquired by the State of Vermont on November 21, 1980. The Washington County Railroad Corporation (WACR) filed a notice for a modified certificate of public convenience and necessity on November 17, 1980, and a modified rail certificate was issued to WACR authorizing it to operate the line as of November 17, 1980.[1] On February 2, 1999, WACR agreed to assign its lease of the line to New England Central Railroad, Inc. (NECR).[2] NECR accepted the assignment on February 9, 1999, and operated the line through the close of business on September 8, 1999, when it terminated operations over the line. VTR indicates that VTR and the State of Vermont have reached an interim agreement that would provide for immediate operation of the line. During the term of the interim agreement, VTR and the State of Vermont intend to negotiate and enter into a lease and operating agreement that will govern future operations of the line by VTR or a subsidiary of VTR.

The line extends from the interchange with NECR, at Montpelier Junction, VT, to Graniteville, VT. Approximately the last two miles of the line, from a point near the Bombardier rail car assembly plant in Websterville, VT, to Graniteville are out of service. VTR will operate the segment of the line presently in service, providing at least three round trips per week (except when no service is required by the line's customers).

The rail segment qualifies for a modified certificate of public convenience and necessity. *See Common Carrier Status of States, State Agencies and Instrumentalities and Political Subdivisions,* Finance Docket No. 28990F (ICC served July 16, 1981).

A subsidy is involved. Under the letter agreement, the State of Vermont's Agency of Transportation (VAOT) agrees to pay VTR (or a VTR subsidiary) a subsidy of $2,000 per week to provide service over the line. The letter agreement further provides that VTR (or a VTR subsidiary) will be entitled to the line's share of freight revenues collected from customers.[3] VTR represents that it has extensive insurance coverage for property damage and personal injury. There are no preconditions for shippers to meet in order to receive rail service.

This notice will be served on the Association of American Railroads (Car Service Division) as agent for all railroads subscribing to the car-service and car-hire agreement: Association of American Railroads, 50 F Street, NW, Washington, DC 20001; and on the American Short Line and Regional Railroad Association: American Short Line and Regional Railroad Association, 1120 G Street, NW, Suite 520, Washington, DC 20005.

Decided: September 20, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24948 Filed 9–23–99; 8:45 am]

BILLING CODE 4915–00–P

[1] *See Washington County Railroad Corporation—Operations—From Montpelier Junction to Graniteville, VT,* Finance Docket No. 29536F (ICC served Jan. 2, 1981).

[2] *See New England Central Railroad, Inc.—Modified Rail Certificate,* STB Finance Docket No. 33715 (STB served Feb. 26, 1999).

[3] VAOT states that it is authorized under 5 V.S.A. 3401–3409 to administer State-owned railroad properties and to take necessary action to ensure continuity of service over such properties.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209040–88]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, REG–209040–88, Qualified Electing Fund Elections (§ 1.1295–2).

DATES: Written comments should be received on or before November 23, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Qualified Electing Fund Elections.

OMB Number: 1545–1514.

Regulation Project Number: REG–209040–88.

Abstract: This regulation permits certain shareholders to make a special election under Internal Revenue Code section 1295 with respect to certain preferred shares of a passive foreign investment company. This special election operates in lieu of the regular section 1295 election and requires less annual reporting. Electing preferred shareholders must account for dividend income under the special income inclusion rules of the regulation, rather than under the general income inclusion rules of section 1293.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals.

Estimated Number of Respondents: 1,030.

Estimated Time Per Respondent: Varies.

Estimated Total Annual Burden Hours: 600.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 20, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–24969 Filed 9–23–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of the General Counsel

Appointment of Members of the Legal Division to the Performance Review Board, Internal Revenue Service

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 4), and pursuant to the Civil Service Reform Act, I hereby appoint the following persons to the Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, Marlene Gross, Deputy Chief Counsel (Operations);
2. Kenneth Schmalzbach, Acting Deputy General Counsel;
3. Michael Danilack, III, Associate Chief Counsel (International);
4. Nancy J. Marks, Deputy Associate Chief Counsel (Employee Benefits and Exempt Organizations);
5. Gary D. Gray, Assistant Chief Counsel (General Litigation);
6. William F. Hammack, Midstates Regional Counsel; and
7. H. Stephen Kesselman, Pennsylvania District Counsel.

This publication is required by 5 U.S.C. 4314(c)(4).

Dated: September 10, 1999.

Stuart L. Brown,

Chief Counsel, Internal Revenue Service.

[FR Doc. 99–24968 Filed 9–23–99; 8:45 am]

BILLING CODE 4830–01–U

federal register

Friday
September 24, 1999

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Chapter 1 and Parts 1, 5, 6, et al.
Federal Acquisition Regulation; Federal Acquisition Circular 97–14 and Small Entity Compliance Guide; Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Circular 97–14; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final and interim rules, and technical amendments.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules issued by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 97–14. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at http://www.arnet.gov/far.

DATES: For effective dates and comment dates, see separate documents that follow.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact the analyst whose name appears in the table below in relation to each FAR case or subject area. Please cite FAC 97–14 and specific FAR case number(s). Interested parties may also visit our website at http://www.arnet.gov/far.

Item	Subject	FAR case	Analyst
I	Very Small Business Concerns	98–013	Moss.
II	Historically Underutilized Business Zone (HUBZone) Empowerment Contracting Program	97–307	Moss.
III	Use of Competitive Proposals	99–001	DeStefano.
IV	Javits-Wagner-O'Day Proposed Revisions	98–602	DeStefano.
V	OMB Circular A–119	98–004	Moss.
VI	Determination of Price Reasonableness and Commerciality (Interim)	98–300	Olson.
VII	Conforming Late Offer Treatment	97–030	DeStefano.
VIII	Evaluation of Proposals for Professional Services	97–038	Olson.
IX	Option Clause Consistency	98–606	DeStefano.
X	Compensation for Senior Executives	98–301	Nelson.
XI	Interest and Other Financial Costs	98–006	Nelson.
XII	Cost-Reimbursement Architect-Engineer Contracts	97–043	O'Neill.
XIII	Conditionally Accepted Items	98–002	Klein.
XIV	Value Engineering Change Proposals/PAT	97–031	Klein.
XV	Cost Accounting Standards Post-Award Notification	98–003	Nelson.
XVI	Technical Amendments.		

SUPPLEMENTARY INFORMATION:
Summaries for each FAR rule follow. For the actual revisions and/or amendments to these FAR cases, refer to the specific item number and subject set forth in the documents following these item summaries.

Federal Acquisition Circular 97–14 amends the FAR as specified below:

Item I—Very Small Business Concerns (FAR Case 98–013)

This final rule converts the interim rule published as Item II of FAC 97–11 to a final rule with changes. The interim rule amended FAR 5.207, 8.404, 12.303, 19.000, 19.001, 19.102, 19.502–2, 19.901 through 19.904, 52.212–5, and 52.219–5, to implement the Small Business Administration's Very Small Business Pilot Program (13 CFR Parts 121 and 125). This program became effective on January 4, 1999.

Item II—Historically Underutilized Business Zone (HUBZone) Empowerment Contracting Program (FAR Case 97–307)

This final rule converts the interim rule published as Item I of FAC 97–10 to a final rule with amendments at FAR 6.201, 19.306, 19.307, 19.800, 19.1303, and the provision at 52.219–1. This final rule amends the FAR to implement the Small Business Administration's Historically Underutilized Business (HUBZone) Program. The purpose of the program is to provide Federal contracting assistance for qualified small business concerns located in historically underutilized business zones in an effort to increase employment opportunities, investment, and economic development in these areas. The program provides for set-asides, sole source awards, and price evaluation preferences for HUBZone small business concerns and establishes goals for awards to such concerns.

Item III—Use of Competitive Proposals (FAR Case 99–001)

This final rule amends FAR 6.401 to delete the requirement for contracting officers to explain in writing their rationale for choosing to use competitive proposals rather than sealed bidding.

Item IV—Javits-Wagner-O'Day Proposed Revisions (FAR Case 98–602)

This final rule adds a new section, FAR 8.716, and amends paragraph (a) of FAR 42.1203 to provide procedures for recognizing a name change or a successor in interest for a Javits-Wagner-O'Day Act participating nonprofit agency providing supplies or services on the Procurement List maintained by the Committee for Purchase From People Who Are Blind or Severely Disabled.

Item V—OMB Circular A–119 (FAR Case 98–004)

This final rule amends FAR 11.101, 11.107, 11.201, and adds a provision at 52.211–7 to address the use of voluntary consensus standards in accordance with the requirements of Office of Management and Budget (OMB) Circular A–119.

Item VI—Determination of Price Reasonableness and Commerciality (FAR Case 98–300)

This interim rule revises FAR 12.209, 13.106–3(a)(2), and amends Subpart 15.4 to implement Section 803 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261). Section 803 requires amending the FAR to provide specific guidance concerning—

- The appropriate application and precedence of various price analysis tools;
- The circumstances under which contracting officers should require

offerors of exempt commercial items to provide information other than cost or pricing data; and

- The role and responsibility of support organizations in determining price reasonableness.

This interim rule also revises FAR 15.403–3(a) to implement Section 808 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261). Section 808 requires amending the FAR to—

- Clarify procedures associated with obtaining information other than cost or pricing data when acquiring commercial items;
- Establish that offerors who fail to comply with requirements to provide the information shall be ineligible for award; and
- Establish exceptions, as appropriate.

Item VII—Conforming Late Offer Treatment (FAR Case 97–030)

This final rule amends FAR 14.201–6, 14.304, and 15.208, the provisions at 52.212–1, 52.214–7, 52.214–23, and 52.215–1, and removes 52.214–32 and 52.214–33 to provide uniform guidance regarding receipt of late offers for commercial, sealed bid, and negotiated acquisitions.

Item VIII—Evaluation of Proposals for Professional Services (FAR Case 97–038)

This final rule amends FAR 15.305(a)(1) and 37.115–2(c) to provide guidance on the evaluation of proposals that include uncompensated overtime hours.

Item IX—Option Clause Consistency (FAR Case 98–606)

This final rule amends FAR 17.208(g) to clarify that the time period for providing a preliminary notice of the Government's intent to exercise a contract option in the clause at FAR 52.217–9 may be tailored and amends the clause at FAR 52.217–8 to make the format of the Option to Extend Services clause consistent with the format of other option clauses in the FAR.

Item X—Compensation for Senior Executives (FAR Case 98–301)

This final rule coverts the interim rule published as Item VIII of FAC 97–11 to a final rule without change. The rule amends FAR Part 31 to implement Section 804 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261). Section 804 revises the definition of "senior executive" at 10 U.S.C. 2324(1)(5) and at 41 U.S.C. 256(m)(2) to be "the five most highly compensated employees in management positions at each home office and each segment of the contractor" even though the home office or segment might not report directly to the contractor's headquarters.

Item XI—Interest and Other Financial Costs (FAR Case 98–006)

This final rule amends FAR 31.205–20 to make minor changes to the cost principle concerning "interest and other financial costs."

Item XII—Cost-Reimbursement Architect-Engineer Contracts (FAR Case 97–043)

This final rule amends the clause prescriptions at FAR 36.609, 44.204, 49.503, and the clause preface at 52.236–25, Requirements for Registration of Designers, to include application of certain clauses to cost-reimbursement architect-engineer contracts.

Item XIII—Conditionally Accepted Items (FAR Case 98–002)

This final rule amends FAR 46.101 to add a definition of conditional acceptance; and FAR 46.407 to require that, when conditionally accepting nonconforming items, amounts withheld from payments should be at least sufficient to cover the cost and related profit to correct deficiencies and complete unfinished work. FAR 46.407 has also been revised to require that the basis for the amounts withheld be documented in the contract file.

Item XIV—Value Engineering Change Proposals/PAT (FAR Case 97–031)

This final rule amends the value engineering change proposal (VECP) guidance in FAR 48.001, 48.102, 48.104, 48.201, and the FAR clause at 52.248–1 to allow the contracting officer to increase the sharing period from 36 to a range of 36 to 60 months; increase the contractor's share of instant, concurrent and future savings under the incentive/voluntary sharing arrangement from 50 to a range of 50 to 75 percent; and increase the contractor's share of collateral savings from 20 to a range of 20 to 100 percent on a case-by-case basis for each VECP.

Item XV—Cost Accounting Standards Post-Award Notification (FAR Case 98–003)

This final rule revises paragraph (e) of the clause at FAR 52.230–6, Administration of Cost Accounting Standards, to reduce the subcontractor information that a contractor is required to provide to its cognizant contract administration office (CAO) when requesting the CAO to perform administration for Cost Accounting Standards matters.

Item XVI—Technical Amendments

Amendments are being made at 1.106, 15.305, 19.102, 52.211–6, and 52.219–18 in order to update references and make editorial changes.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 97–14 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 97–14 are effective November 23, 1999, except for Items VI and XVI, which are effective September 24, 1999. Sections 19.102 and 52.219–18, which are included in Item XVI, are effective November 23, 1999.

Dated: September 10, 1999.

Eleanor R. Spector,

Director, Defense Procurement.

Dated: September 13, 1999.

J. Les Davison,

Acting Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration.

Dated: September 13, 1999.

Tom Luedtke,

Associate Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 99–24409 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 5, 8, 12, 19, and 52

[FAC 97–14; FAR Case 98–013; Item I]

RIN 9000–AI29

Federal Acquisition Regulation; Very Small Business Concerns

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to implement the Small Business Administration's (SBA) Very Small Business Pilot Program. This program became effective on January 4, 1999.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405 (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Victoria Moss, Procurement Analyst, at (202) 501–4764. Please cite FAC 97–14, FAR case 98–013.

SUPPLEMENTARY INFORMATION:

A. Background

Section 304 of the Small Business Administration Reauthorization and Amendments Act of 1994 (Pub. L. 103–403) authorized the SBA Administrator to establish and carry out a pilot program for very small business (VSB) concerns. The Small Business Administration (SBA) published a final rule in the **Federal Register** on September 2, 1998, (63 FR 46640), amending 13 CFR Parts 121 and 125 to establish a pilot program for VSB business concerns. The purpose of the program is to improve access to Government contract opportunities for concerns that are substantially below SBA's size standards by reserving certain acquisitions for competition among VSB concerns. Implementation of the program is limited to geographic areas served by 10 SBA district offices. A VSB concern is defined as a small business that has 15 or fewer employees together with average annual receipts that do not exceed $1 million. Any procurement that has an anticipated dollar value exceeding $2,500 but not greater than $50,000 may be set aside for VSB concerns. A contracting officer must set aside for VSB concerns any such service or construction requirement that will be performed within the geographical boundaries served by a designated SBA district office if there is a reasonable expectation of obtaining fair and reasonable offers from two or more responsible VSB concerns headquartered within the geographical area served by that designated SBA district, and there is a reasonable expectation of obtaining fair and reasonable offers from two or more responsible VSB concerns headquartered within the geographical area served by that designated SBA district. The program will expire on September 30, 2000.

The Councils published an interim rule in the **Federal Register** on March 4, 1999, (64 FR 10535). Five respondents submitted comments in response to the interim rule. The Councils considered all comments in the development of the final rule.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule does not impose any new requirements on large or small contractors. The Small Business Administration has certified that the revisions to 13 CFR Parts 121 and 125 being implemented by this rule will not have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 5, 8, 12, 19, and 52

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Interim Rule Adopted as Final With Changes

Accordingly, DoD, GSA, and NASA adopt the interim rule amending 48 CFR Parts 5, 8, 12, 19, and 52, which was published in the **Federal Register** on March 4, 1999, (64 FR 10535), as a final rule with the following changes:

PART 19—SMALL BUSINESS PROGRAMS

1. The authority citation for 48 CFR Part 19, and continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

19.904 [Amended]

2. In section 19.904, remove from paragraphs (a) introductory text, (b), (c), and (d) "shall" and insert "must", in their places.

19.905 [Amended]

3. In section 19.905, remove from the introductory text, paragraph (a) introductory text, and paragraph (b) "The contracting officer shall use" and insert "Insert", in their places.

[FR Doc. 99–24410 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 5, 6, 7, 8, 12, 13, 14, 15, 19, 26, 52, and 53

[FAC 97–14; FAR Case 97–307; Item II]

RIN 9000–AI20

Federal Acquisition Regulation; Historically Underutilized Business Zone (HUBZone) Empowerment Contracting Program

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt the interim rule published in the **Federal Register** as Item I of Federal Acquisition Circular 97–10 at 63 FR 70265, December 18, 1998, and the correcting amendment published at 64 FR 3196, January 20, 1999, as a final rule with changes. The rule amends the Federal Acquisition Regulation (FAR) to implement revisions made to Small Business Administration (SBA) regulations covering the Historically Underutilized Business Zone (HUBZone) Program.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Victoria Moss, Procurement Analyst, at (202) 501–4764. Please cite FAC 97–14, FAR case 97–307.

SUPPLEMENTARY INFORMATION:

A. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 63 FR 70265, December 18, 1998, and a correcting amendment at 64 FR 3196, January 20, 1999. This final rule amends FAR Parts 6, 19, and 52 to comply with revisions made to the SBA's HUBZone Program contained in 13 CFR Parts 121, 125, and 126 (63 FR 31896, June 11, 1998), and to make editorial revisions. The purpose of the HUBZone Program is to provide Federal contracting assistance for qualified small business concerns located in distressed communities in an effort to increase employment opportunities, investment, and economic development in these communities. The program provides for set-asides for firms that meet the definition of a HUBZone small business concern (SBC), sole source awards to HUBZone SBCs, and price evaluation preferences for HUBZone SBCs in acquisitions conducted using full and open competition, and establishes a Governmentwide goal for HUBZone awards. Until September 30, 2000, ten Government agencies are required to comply with the prime contract HUBZone Program. After that date, the program will apply to all Federal agencies employing one or more contracting officers.

Seven respondents submitted comments in response to the interim rule. The Councils considered all comments in the development of the final rule.

This rule was subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, applies to this final rule. Therefore, the Councils completed a Final Regulatory Flexibility Analysis (FRFA). Interested parties may obtain a copy of the FRFA from the FAR Secretariat. It is summarized as follows:

The purpose of the HUBZone Program is to provide Federal contracting assistance for qualified small business concerns (SBCs) located in historically underutilized business zones in an effort to increase employment opportunities, investment, and economic development in such areas. The HUBZone Program will benefit SBCs by increasing the number of Federal Government contracts awarded to them. There is a statutory goal for HUBZone SBCs to receive 3 percent of contract dollars by fiscal year 2003. The HUBZone Act of 1997, Title VI of Public Law 105–135, 111 Stat. 2592 (December 2, 1997), created the HUBZone Program and directed the Administrator of the Small Business Administration to promulgate implementing regulations. On June 11, 1998, the SBA issued a final rule setting forth the program requirements for qualification as a HUBZone SBC, the Federal contracting assistance available to qualified HUBZone SBCs, and other aspects of this program. This Federal Acquisition Regulation (FAR) rule further implements the SBA rule. There were no public comments received in response to the Initial Regulatory Flexibility Analysis. The small entities affected by this rule are those who fit within the definition of a small business concern as defined by SBA in 13 CFR Part 121 and new Part 126 and who participate in Government contracting. Because the program is new, we cannot estimate precisely the number or classes of small entities that this rule will affect. However, SBA estimates that more than 30,000 SBCs will apply for certification as qualified HUBZone SBCs. These 30,000 HUBZone SBCs will be spread over about 7,000 census tracts, about 900 non-metropolitan counties, 310 Indian reservations, and 217 Alaska Native villages. With respect to projected reporting and recordkeeping requirements, this FAR rule requires that Government prime contractors with contracts that require subcontracting plans to seek out HUBZone SBCs as subcontractors, as well as to maintain records and report on those subcontracts awarded to HUBZone SBCs. These requirements do not apply to small businesses. We selected alternatives that would minimize any adverse economic impact on small business. In general, we modeled the rule's procurement mechanisms, to the extent permitted by the SBA rule, on those already in use within the Government. This approach should make the requirements of the rules immediately familiar to many small businesses that already have extensive experience in dealing with Government contracting offices. Moreover, we structured each individual mechanism to strike an appropriate balance between the interests of HUBZone and non-HUBZone small businesses, and to minimize the overall burden of compliance on small business. For example, we did not make the price evaluation adjustment applicable to all competitive procurements, but rather only to acquisitions that are not reserved or set aside for small business concerns, or where a small business would not be displaced.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the final rule contains information collection requirements currently approved under OMB Control Numbers 9000–0006 and 9000–0007.

List of Subjects in 48 CFR Parts 5, 6, 7, 8, 12, 13, 14, 15, 19, 26, 52, and 53

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Interim Rule Adopted as Final With Changes

Accordingly, DoD, GSA, and NASA adopt the interim rule amending 48 CFR parts 5, 6, 7, 8, 12, 13, 14, 15, 19, 26, 52, and 53 that was published at 63 FR 70265, December 18, 1998, and the correcting amendment published at 64 FR 3196, January 20, 1999, as a final rule with the following changes:

1. The authority citation for 48 CFR parts 6, 19, and 52, continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 6—COMPETITION REQUIREMENTS

2. Revise section 6.201 to read as follows:

6.201 Policy.

Acquisitions made under this subpart require use of the competitive procedures prescribed in 6.102.

PART 19—SMALL BUSINESS PROGRAMS

3. Amend section 19.306 to revise paragraphs (c), (e), and (k) to read as follows:

19.306 Protesting a firm's status as a HUBZone small business concern.

* * * * *

(c) All protests must be in writing and must state all specific grounds for the protest. Assertions that a protested concern is not a qualified HUBZone small business concern, without setting forth specific facts or allegations, are insufficient. An offeror must submit its protest to the contracting officer. The contracting officer and the SBA must submit protests to SBA's Associate Administrator for the HUBZone Program (AA/HUB).

* * * * *

(e) Except for premature protests, the contracting officer must forward any protest received, notwithstanding whether the contracting officer believes that the protest is insufficiently specific or untimely, to: AA/HUB, U.S. Small Business Administration, 409 3rd Street, SW, Washington, DC 20416. The AA/HUB will notify the protester and the contracting officer of the date the protest was received and whether the protest

will be processed or dismissed for lack of timeliness or specificity.

* * * * *

(k) The ADA/GC&8(a)BD will make its decision within 5 business days of the receipt of the appeal, if practicable, and will base its decision only on the information and documentation in the protest record as supplemented by the appeal. SBA will provide a copy of the decision to the contracting officer, the protester, and the protested HUBZone small business concern. The SBA decision, if received before award, will apply to the pending acquisition. SBA rulings received after award will not apply to that acquisition. The ADA/GC&8(a)BD's decision is the final decision.

4. Revise section 19.307 to read as follows:

19.307 Solicitation provisions.

(a)(1) Insert the provision at 52.219–1, Small Business Program Representations, in solicitations exceeding the micro-purchase threshold when the contractor will perform the contract inside the United States, its territories or possessions, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia.

(2)(i) Use the provision with its Alternate I in solicitations issued by the following agencies on or before September 30, 2000:

(A) Department of Agriculture.

(B) Department of Defense.

(C) Department of Energy.

(D) Department of Health and Human Services.

(E) Department of Housing and Urban Development.

(F) Department of Transportation.

(G) Department of Veterans Affairs.

(H) Environmental Protection Agency.

(I) General Services Administration.

(J) National Aeronautics and Space Administration.

(ii) Use the provision with its Alternate I in solicitations issued by all Federal agencies after September 30, 2000.

(3) Use the provision with its Alternate II in solicitations issued by DoD, NASA, or the Coast Guard that the contracting officer expects will exceed the threshold at 4.601(a).

(b) Insert the provision at 52.219–22, Small Disadvantaged Business Status, in solicitations that include the clause at 52.219–23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns, or 52.219–25, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting. Use the provision with its Alternate I in solicitations for acquisitions for which a price evaluation adjustment for small disadvantaged business concerns is authorized on a regional basis.

(c) When contracting by sealed bidding, insert the provision at 52.219–2, Equal Low Bids, in solicitations and contracts when the contractor will perform the contract inside the United States, its territories or possessions, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia.

5. Amend section 19.800 to revise paragraph (e) to read as follows:

19.800 General.

* * * * *

(e) Before deciding to set aside an acquisition in accordance with Subpart 19.5 or 19.13, the contracting officer should review the acquisition for offering under the 8(a) Program. If the acquisition is offered to the SBA, SBA regulations (13 CFR 126.607(b)) give first priority to HUBZone 8(a) concerns.

* * * * *

6. Amend section 19.1303 to revise paragraph (b) to read as follows:

19.1303 Status as a qualified HUBZone small business concern.

* * * * *

(b) If the SBA determines that a concern is a qualified HUBZone small business concern, it will issue a certification to that effect and will add the concern to the List of Qualified HUBZone Small Business Concerns on its Internet website at http://www.sba.gov/hubzone. A firm on the list is eligible for HUBZone program preferences without regard to the place of performance. The concern must appear on the list to be a HUBZone small business concern.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. Amend section 52.219–1 to revise Alternates I and II to read as follows:

52.219–1 Small Business Program Representations.

* * * * *

Alternate I (Nov 1999). As prescribed in 19.307(a)(2), add the following paragraph (b)(4) to the basic provision:

(4) [*Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.*] The offeror represents, as part of its offer, that—

(i) It____is, ____is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and

(ii) It ____ is, ____ is not a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (b)(4)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [*The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture:* _____.] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

Alternate II (Nov 1999). As prescribed in 19.307(a)(3), add the following paragraph (b)(5) to the basic provision:

(5) [*Complete if offeror represented itself as disadvantaged in paragraph (b)(2) of this provision.*] The offeror shall check the category in which its ownership falls:

____ Black American.

____ Hispanic American.

____ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

____ Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

____ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

____ Individual/concern, other than one of the preceding.

[FR Doc. 99–24411 Filed 9–23–99; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 6

[FAC 97–14; FAR Case 99–001; Item III]

RIN 9000–AI44

Federal Acquisition Regulation; Use of Competitive Proposals

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council

(Councils) have agreed to a final rule amending the Federal Acquisition Regulation (FAR) to delete the requirement for contracting officers to explain in writing their rationale for choosing to use competitive proposals rather than sealed bidding.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Ralph DeStefano, Procurement Analyst, at (202) 501–1758. Please cite FAC 97–14, FAR case 99–001.

SUPPLEMENTARY INFORMATION:

A. Background

This change streamlines the acquisition process by eliminating a nonstatutory requirement. It should be noted that the Competition in Contracting Act (Pub. L. 98–369), dated July 18, 1984, contains no requirement for written documentation.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98–577, and publication for public comments is not required. However, the Councils will consider comments from small entities concerning the affected FAR subpart in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 97–14, FAR case 99–001), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 6

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Part 6 as set forth below:

PART 6—COMPETITION REQUIREMENTS

1. The authority citation for 48 CFR Part 6 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. In section 6.401, revise the introductory text to read as follows:

6.401 Sealed bidding and competitive proposals.

Sealed bidding and competitive proposals, as described in Parts 14 and 15, are both acceptable procedures for use under Subparts 6.1, 6.2; and, when appropriate, under Subpart 6.3.

* * * * *

[FR Doc. 99–24412 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 8 and 42

[FAC 97–14; FAR Case 98–602; Item IV]

RIN 9000–AI16

Federal Acquisition Regulation; Javits-Wagner-O'Day Proposed Revisions

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to provide procedures for recognizing a name change or a successor in interest for Javits-Wagner-O'Day Act (JWOD) participating nonprofit agencies.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Ralph De Stefano, Procurement Analyst, at (202) 501–1758. Please cite FAC 97–14, FAR case 98–602.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule adds a new section, FAR 8.716, to provide procedures for recognizing a name change or a successor in interest for a JWOD participating nonprofit agency providing supplies or services on the Procurement List maintained by the Committee For Purchase From People Who Are Blind or Severely Disabled, and amends paragraph (a) of FAR 42.1203 to exempt JWOD participating nonprofit agencies from requirements of that section pertaining to the processing of a name change or a successor in interest.

The rule is consistent with 41 U.S.C. 48, which pertains to the requirement (with certain exceptions) to procure supplies and services that are on the Procurement List issued by the Committee For Purchase From People Who Are Blind or Severely Disabled (Committee). The rule does not change the relationship between the Committee and JWOD participating nonprofit agencies concerning the compliance with State and local law before and during contract performance. The rule also does not change the Committee's obligation to insure that only responsible contractors provide supplies and services that are included on the Procurement List.

This rule is not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely sets forth an existing practice and clarifies that certain administrative procedures pertaining to a name change or a successor in interest do not apply to JWOD participating nonprofit agencies.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 8 and 42

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 8 and 42 as set forth below:

1. The authority citation for 48 CFR Parts 8 and 42 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

2. Add a new section 8.716 to read as follows:

8.716 Change-of-name and successor in interest procedures.

When the Committee recognizes a name change or a successor in interest for a JWOD participating nonprofit agency providing supplies or services on the Procurement List—

(a) The Committee will provide a notice of a change to the Procurement List to the cognizant contracting officers; and

(b) Upon receipt of a notice of a change to the Procurement List from the Committee, the contracting officer must—

(1) Prepare a Standard Form (SF) 30, Amendment of Solicitation/Modification of Contract, incorporating a summary of the notice and attaching a list of contracts affected; and

(2) Distribute the SF 30, including a copy to the Committee.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

3. Amend section 42.1203 to revise paragraph (a) to read as follows:

42.1203 Processing agreements.

(a) If a contractor wishes the Government to recognize a successor in interest to its contracts or a name change, the contractor must submit a written request to the responsible contracting officer (see 42.1202). If the contractor received its contract under Subpart 8.7 under the Javits-Wagner-O'Day Act, use the procedures at 8.716 instead.

* * * * *

[FR Doc. 99–24413 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 11 and 52

[FAC 97–14; FAR Case 98–004; Item V]

RIN 9000–AI12

Federal Acquisition Regulation; OMB Circular A–119

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to address the use of voluntary consensus standards in accordance with the requirements of Office of Management and Budget (OMB) Circular A–119.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Victoria Moss, Procurement Analyst, at (202) 501–4764. Please cite FAC 97–14, FAR case 98–004.

SUPPLEMENTARY INFORMATION:

A. Background

The Office of Management and Budget published a revised OMB Circular A–119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities," in the **Federal Register** at 63 FR 8545, February 19, 1998. This rule revises FAR Subparts 11.1 and 11.2 and adds a new solicitation provision at 52.211–7 to implement the revised OMB circular.

A proposed rule was published in the **Federal Register** at 63 FR 68344, December 10, 1998. All comments were considered in the development of this final rule.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely amends the FAR to reflect the Government's preference for the use of voluntary consensus standards in accordance with OMB Circular A–119. The rule permits, but does not require, offerors to propose alternatives to Government-unique standards when responding to Government solicitations.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) applies because the final rule contains information collection requirements.

The Office of Management and Budget approved the information collection under clearance number 9000–0153 through February 28, 2002. This final rule does not affect those previously approved information collection requirements.

List of Subjects in 48 CFR Parts 11 and 52

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 11 and 52 as set forth below:

1. The authority citation for 48 CFR Parts 11 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 11—DESCRIBING AGENCY NEEDS

2. In section 11.101, add paragraph (c) to read as follows:

§ 11.101 Order of precedence for requirements documents.

* * * * *

(c) In accordance with OMB Circular A–119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities," agencies must use voluntary consensus standards, when they exist, in lieu of Government-unique standards, except where inconsistent with law or otherwise impractical. The private sector manages and administers voluntary consensus standards. Such standards are not

mandated by law (*e.g.*, industry standards such as ISO 9000).

3. Revise section 11.107 to read as follows:

§ 11.107 Solicitation provision.

(a) Insert the provision at 52.211–6, Brand Name or Equal, when brand name or equal purchase descriptions are included in a solicitation.

(b) Insert the provision at 52.211–7, Alternatives to Government-Unique Standards, in solicitations that use Government-unique standards when the agency uses the transaction-based reporting method to report its use of voluntary consensus standards to the National Institute of Standards and Technology (see OMB Circular A–119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities"). Use of the provision is optional for agencies that report their use of voluntary consensus standards to the National Institute of Standards and Technology using the categorical reporting method. Agencies that manage their specifications on a contract-by-contract basis use the transaction-based method of reporting. Agencies that manage their specifications centrally use the categorical method of reporting. Agency regulations regarding specification management describe which method is used.

4. Revise paragraph (e) in section 11.201 to read as follows:

§ 11.201 Identification and availability of specifications.

* * * * *

(e) Agencies may purchase some nongovernment standards, including voluntary consensus standards, from the National Technical Information Service's Fedworld Information Network. Agencies may also obtain nongovernment standards from the standards developing organization responsible for the preparation, publication, or maintenance of the standard, or from an authorized document reseller. The National Institute of Standards and Technology can assist agencies in identifying sources for, and content of, nongovernment standards. DoD activities may obtain from the DoDSSP those nongovernment standards, including voluntary consensus standards, adopted for use by defense activities.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Add section 52.211–7 to read as follows:

§ 52.211–7 Alternatives to Government-unique standards.

As prescribed in 11.107(b), insert the following provision:

Alternatives to Government-Unique Standards (Nov 1999)

(a) This solicitation includes Government-unique standards. The offeror may propose voluntary consensus standards that meet the Government's requirements as alternatives to the Government-unique standards. The Government will accept use of the voluntary consensus standard instead of the Government-unique standard if it meets the Government's requirements unless inconsistent with law or otherwise impractical.

(b) If an alternative standard is proposed, the offeror must furnish data and/or information regarding the alternative in sufficient detail for the Government to determine if it meets the Government's requirements. Acceptance of the alternative standard is a unilateral decision made solely at the discretion of the Government.

(c) Offers that do not comply with the Government-unique standards specified in this solicitation may be determined to be nonresponsive or unacceptable. The offeror may submit an offer that complies with the Government-unique standards specified in this solicitation, in addition to any proposed alternative standard(s).

(End of provision)

[FR Doc. 99–24414 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 12, 13, and 15

[FAC 97–14; FAR Case 98–300; Item VI]

RIN 9000–AI45

Federal Acquisition Regulation; Determination of Price Reasonableness and Commerciality

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement Sections 803 and 808 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261).

EFFECTIVE DATE: September 24, 1999.

Comment Date: Interested parties should submit comments to the FAR Secretariat at the address shown below on or before November 23, 1999 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVR), 1800 F Street, NW, Room 4035, Attn: Ms. Laurie Duarte, Washington, DC 20405.

Address e-mail comments submitted via the Internet to:

farcase.98–300@gsa.gov

Please submit comments only and cite FAC 97–14, FAR case 98–300 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405 (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Jeremy Olson at (202) 501–0692. Please cite FAC 97–14, FAR case 98–300.

SUPPLEMENTARY INFORMATION:

A. Background

The Councils initiated this case to implement Sections 803 and 808 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261) as follows:

(a) *Section 803 of Public Law 105–261.* (1) Paragraphs (a)(2)(A) through (a)(2)(C) of Section 803 of Public Law 105–261 require that the FAR provide specific guidance concerning—

(i) The appropriate application and precedence of various price analysis tools;

(ii) The circumstances under which contracting officers should require offerors of exempt commercial items to provide information other than cost or pricing data; and

(iii) The role and responsibility of support organizations in determining price reasonableness.

(2) Paragraph (a)(2)(D) of Section 803 is not implemented under this case.

(b) *Section 808 of Public Law 105–261.* Section 808 of Public Law 105–261 requires amending the FAR to—

(1) Clarify procedures associated with obtaining information other than cost or pricing data;

(2) Establish that offerors who fail to comply with requirements to provide the information shall be ineligible for award; and

(3) Establish exceptions, as appropriate.

This is not a significant regulatory action and, therefore, was not subject to Office of Management and Budget

review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This interim rule may have a significant cost or administrative impact on contractors or offerors within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because offerors may be ineligible for award if they fail to provide the required information other than cost or pricing data. We have prepared an Initial Regulatory Flexibility Analysis (IRFA) that is summarized as follows:

The rule will apply to all offerors, large or small, that respond to solicitations for commercial items which require submission of information other than cost or pricing data. We expect few, if any, offerors to fail to comply with the requirements to provide information other than cost or pricing data.

The FAR Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. Interested parties may obtain a copy from the FAR Secretariat. The Councils will consider comments from small entities concerning the affected FAR subpart in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 601, *et seq.* (FAC 97–14, FAR case 98–300), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because this rule implements Section 808 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261), which required implementation in the FAR by April 15, 1999. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 12, 13, and 15

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 12, 13, and 15 as set forth below:

1. The authority citation for 48 CFR Parts 12, 13, and 15 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 12—ACQUISITION OF COMMERCIAL ITEMS

2. Revise section 12.209 read as follows:

12.209 Determination of price reasonableness.

When contracting for commercial items, the contracting officer must establish price reasonableness in accordance with 13.106–3, 14.408–2, or Subpart 15.4, as applicable.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

3. Amend section 13.106–3 in the introductory text of paragraph (a) by removing "shall" and adding "must" in its place, and by revising paragraph (a)(2) to read as follows:

13.106–3 Award and documentation.

(a) * * *

(2) If only one response is received, include a statement of price reasonableness in the contract file. The contracting officer may base the statement on—

(i) Market research;

(ii) Comparison of the proposed price with prices found reasonable on previous purchases;

(iii) Current price lists, catalogs, or advertisements. However, inclusion of a price in a price list, catalog, or advertisement does not, in and of itself, establish fairness and reasonableness of the price;

(iv) A comparison with similar items in a related industry;

(v) The contracting officer's personal knowledge of the item being purchased;

(vi) Comparison to an independent Government estimate; or

(vii) Any other reasonable basis.

* * * * *

PART 15—CONTRACTING BY NEGOTIATION

4. Amend section 15.403–1 to add a sentence to the end of paragraph (c)(3) to read as follows:

15.403–1 Prohibition on obtaining cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. 254b).

* * * * *

(c) * * *

(3) * * * If the contracting officer determines that an item claimed to be commercial is, in fact, not commercial and that no other exception or waiver applies, the contracting officer must require submission of cost or pricing data.

* * * * *

5. Amend section 15.403–3 to revise paragraphs (a) and (c) to read as follows:

15.403–3 Requiring information other than cost or pricing data.

(a) *General.* (1) The contracting officer is responsible for obtaining information that is adequate for evaluating the reasonableness of the price or determining cost realism, but the contracting officer should not obtain more information than is necessary (see 15.402(a)). If the contracting officer cannot obtain adequate information from sources other than the offeror, the contracting officer must require submission of information other than cost or pricing data from the offeror that is adequate to determine a fair and reasonable price (10 U.S.C. 2306a(d)(1) and 41 U.S.C. 254b(d)(1)). Unless an exception under 15.403–1(b) (1) or (2) applies, the contracting officer must require that the information submitted by the offeror include, at a minimum, appropriate information on the prices at which the same item or similar items have previously been sold, adequate for determining the reasonableness of the price. To determine the information an offeror should be required to submit, the contracting officer should consider the guidance in Section 3.3, Chapter 3, Volume I, of the Contract Pricing Reference Guide cited at 15.404–1(a)(7).

(2) The contractor's format for submitting the information should be used (see 15.403–5(b)(2)).

(3) The contracting officer must ensure that information used to support price negotiations is sufficiently current to permit negotiation of a fair and reasonable price. Requests for updated offeror information should be limited to information that affects the adequacy of the proposal for negotiations, such as changes in price lists.

(4) As specified in Section 808 of Public Law 105–261, an offeror who

does not comply with a requirement to submit information for a contract or subcontract in accordance with paragraph (a)(1) of this subsection is ineligible for award unless the HCA determines that it is in the best interest of the Government to make the award to that offeror, based on consideration of the following:

(i) The effort made to obtain the data.

(ii) The need for the item or service.

(iii) Increased cost or significant harm to the Government if award is not made.

* * * * *

(c) *Commercial items.* (1) At a minimum, the contracting officer must use price analysis to determine whether the price is fair and reasonable whenever the contracting officer acquires a commercial item (see 15.404–1(b)). The fact that a price is included in a catalog does not, in and of itself, make it fair and reasonable. If the contracting officer cannot determine whether an offered price is fair and reasonable, even after obtaining additional information from sources other than the offeror, then the contracting officer must require the offeror to submit information other than cost or pricing data to support further analysis (see 15.403–3(a)(1)).

(2) *Limitations relating to commercial items (10 U.S.C. 2306a(d)(2) and 41 U.S.C. 254b(d)).* (i) The contracting officer must limit requests for sales data relating to commercial items to data for the same or similar items during a relevant time period.

(ii) The contracting officer must, to the maximum extent practicable, limit the scope of the request for information relating to commercial items to include only information that is in the form regularly maintained by the offeror as part of its commercial operations.

(iii) The Government must not disclose outside the Government information obtained relating to commercial items that is exempt from disclosure under 24.202(a) or the Freedom of Information Act (5 U.S.C. 552(b)).

6. Amend section 15.404–1 to revise paragraph (b)(2) introductory text, (b)(2)(i) and (b)(2)(ii); and to add (b)(2)(vii), (b)(3) and (b)(4) to read as follows:

15.404–1 Proposal analysis techniques.

* * * * *

(b) * * *

(2) The Government may use various price analysis techniques and procedures to ensure a fair and reasonable price. Examples of such techniques include, but are not limited to, the following:

(i) Comparison of proposed prices received in response to the solicitation. Normally, adequate price competition establishes price reasonableness (see 15.403–1(c)(1)).

(ii) Comparison of previously proposed prices and previous Government and commercial contract prices with current proposed prices for the same or similar items, if both the validity of the comparison and the reasonableness of the previous price(s) can be established.

* * * * *

(vii) Analysis of pricing information provided by the offeror.

(3) The first two techniques at 15.404–1(b)(2) are the preferred techniques. However, if the contracting officer determines that information on competitive proposed prices or previous contract prices is not available or is insufficient to determine that the price is fair and reasonable, the contracting officer may use any of the remaining techniques as appropriate to the circumstances applicable to the acquisition.

(4) Value analysis can give insight into the relative worth of a product and the Government may use it in conjunction with the price analysis techniques listed in paragraph (b)(2) of this section.

* * * * *

7. Amend section 15.404–2 to revise paragraphs (a)(1) and (a)(2) to read as follows:

15.404–2 Information to support proposal analysis.

(a) *Field pricing assistance.* (1) The contracting officer should request field pricing assistance when the information available at the buying activity is inadequate to determine a fair and reasonable price. The contracting officer must tailor requests to reflect the minimum essential supplementary information needed to conduct a technical or cost or pricing analysis.

(2) The contracting officer must tailor the type of information and level of detail requested in accordance with the specialized resources available at the buying activity and the magnitude and complexity of the required analysis. Field pricing assistance is generally available to provide—

(i) Technical, audit, and special reports associated with the cost elements of a proposal, including subcontracts;

(ii) Information on related pricing practices and history;

(iii) Information to help contracting officers determine commerciality and price reasonableness, including—

(A) Verifying sales history to source documents;

(B) Identifying special terms and conditions;

(C) Identifying customarily granted or offered discounts for the item;

(D) Verifying the item to an existing catalog or price list;

(E) Verifying historical data for an item previously not determined commercial that the offeror is now trying to qualify as a commercial item; and

(F) Identifying general market conditions affecting determinations of commerciality and price reasonableness.

(iv) Information relative to the business, technical, production, or other capabilities and practices of an offeror.

* * * * *

[FR Doc. 99–24415 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 14, 15, 22, and 52

[FAC 97–14; FAR Case 97–030; Item VII]

RIN 9000–AI25

Federal Acquisition Regulation; Conforming Late Offer Treatment

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to provide uniform guidance regarding receipt of late offers for commercial, sealed bid, and negotiated acquisitions.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Ralph De Stefano, Procurement Analyst, at (202) 501–1758. Please cite FAC 97–14, FAR case 97–030.

SUPPLEMENTARY INFORMATION:

A. Background

The Councils published a proposed rule in the **Federal Register** on January

27, 1999 (64 FR 4248), amending the FAR to provide a single standard for receipt of late offers under commercial, sealed bid, and negotiated acquisitions. The final rule makes additional revisions to the proposed rule.

The rule amends paragraph (f) of the clause at FAR 52.212–1, Instructions to Offerors—Commercial Items, to permit consideration of late offers if the Government mishandled the offer. This rule also amends guidance on receipt of late offers in FAR 14.304 and 15.208 and associated FAR solicitation provisions at 52.214–7, Late Submissions, Modifications, and Withdrawals of Bids; 52.214–23, Late Submissions, Modifications, and Withdrawals of Technical Proposals under Two-Step Bidding; and paragraph (c)(3) at 52.215–1, Instruction to Offerors—Competitive Acquisitions, to provide uniform guidance for sealed bids and negotiated acquisitions. The rule also deletes the solicitation provisions at 52.214–32, Late Submissions, Modifications, and Withdrawals of Bids (Overseas), and 52.214–33, Late Submissions, Modifications, and Withdrawals of Technical Proposals under Two-Step Sealed Bidding (Overseas), since the revisions to 52.214–7 and 52.214–23 eliminate the need for separate provisions, respectively.

Six respondents provided comments on the proposed rule. The Government considered the comments in finalizing the rule.

This action is not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule will affect when an offer is considered late; and, although no statistics regarding the number of late proposals exist, we expect that less than 1 percent of the offers will be received late. Under the rule, the Government will consider late offers, including late offers under commercial acquisitions that are late because of Government mishandling.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 14, 15, 22, and 52

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 14, 15, 22, and 52 as set forth below:

1. The authority citation for 48 CFR Parts 14, 15, 22, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 14—SEALED BIDDING

2. Amend section 14.201–6 to revise paragraph (c)(3), remove paragraph (c)(4), revise paragraphs (g)(2), (o)(2)(i), (o)(2)(ii), and (r), remove paragraph (v), redesignate paragraphs (w) through (y) as (v) through (x), respectively, and revise newly designated paragraphs (w) and (x) to read as follows:

14.201–6 Solicitation provisions.

* * * * *

(c) * * *

(3) 52.214–7, Late Submissions, Modifications, and Withdrawals of Bids.

* * * * *

(g) * * *

(2) Use the provision with its Alternate I in invitations for bids that are for perishable subsistence, and when the contracting officer considers that offerors will be unwilling to provide acceptance periods long enough to allow written confirmation.

* * * * *

(o) * * *

(2) * * *

(i) If the nature of the required product does not necessitate limiting the grant of a waiver to a product produced at the same plant in which the product previously acquired or tested was produced, use the provision with its Alternate I; or

(ii) If the nature of the required product necessitates limiting the grant of a waiver to a product produced at the same plant in which the product previously acquired or tested was produced, use the provision with its Alternate II.

* * * * *

(r) Insert the provision at 52.214–23, Late Submissions, Modifications, and Withdrawals of Technical Proposals under Two-Step Sealed Bidding, in solicitations for technical proposals in step one of two-step sealed bidding.

* * * * *

(w) Insert the provision at 52.214–34, Submission of Offers in the English Language, in solicitations subject to the Trade Agreements Act or the North American Free Trade Agreement Implementation Act (see 25.408(d)). It may be included in other solicitations when the contracting officer decides that it is necessary.

(x) Insert the provision at 52.214–35, Submission of Offers in U.S. Currency, in solicitations subject to the Trade Agreements Act or the North American Free Trade Agreement Implementation Act (see 25.408(d)). It may be included in other solicitations when the contracting officer decides that it is necessary.

2a. In addition to the amendments set forth above, in section 14.201–6, remove the words "The contracting officer shall insert" and add, in their place, the word "Insert" in the following places:

a. The introductory text of paragraphs 14.201–6(b), (c), and (e);

b. Paragraphs (f), (g)(1), and (h);

c. Paragraph (i);

d. Paragraphs (j), (l), (m), and (o)(1);

e. Paragraph (p)(1); and

f. Paragraphs (q), (s), (t), (u), and newly redesignated paragraph (v).

14.202–7 [Amended]

3. Amend section 14.202–7 in the introductory text of paragraph (a) by removing "(see 14.201–6(w))" and adding "(see 14.201–6(v))" in its place.

14.303 [Amended]

4. Amend section 14.303 in the fourth sentence of paragraph (a) by removing "14.201–6(w)" and adding "14.201–6(v)" in its place.

5. Section 14.304, consisting of sections 14.304–1 through 14.304–4, is revised to read as follows:

14.304 Submission, modification, and withdrawal of bids.

(a) Bidders are responsible for submitting bids, and any modifications or withdrawals, so as to reach the Government office designated in the invitation for bid (IFB) by the time specified in the IFB. They may use any transmission method authorized by the IFB (*i.e.*, regular mail, electronic commerce, or facsimile). If no time is specified in the IFB, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that bids are due.

(b)(1) Any bid, modification, or withdrawal of a bid received at the

Government office designated in the IFB after the exact time specified for receipt of bids is "late" and will not be considered unless it is received before award is made, the contracting officer determines that accepting the late bid would not unduly delay the acquisition; and—

(i) If it was transmitted through an electronic commerce method authorized by the IFB, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of bids; or

(ii) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of bids and was under the Government's control prior to the time set for receipt of bids.

(2) However, a late modification of an otherwise successful bid, that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(c) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the bid wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(d) If an emergency or unanticipated event interrupts normal Government processes so that bids cannot be received at the Government office designated for receipt of bids by the exact time specified in the IFB, and urgent Government requirements preclude amendment of the bid opening date, the time specified for receipt of bids will be deemed to be extended to the same time of day specified in the IFB on the first work day on which normal Government processes resume.

(e) Bids may be withdrawn by written notice received at any time before the exact time set for receipt of bids. If the IFB authorizes facsimile bids, bids may be withdrawn via facsimile received at any time before the exact time set for receipt of bids, subject to the conditions specified in the provision at 52.214–31, Facsimile Bids. A bid may be withdrawn in person by a bidder or its authorized representative if, before the exact time set for receipt of bids, the identity of the person requesting withdrawal is established and the person signs a receipt for the bid. Upon withdrawal of an electronically transmitted bid, the data received must not be viewed and, where practicable, must be purged from primary and backup data storage systems.

(f) The contracting officer must promptly notify any bidder if its bid, modification, or withdrawal was received late, and must inform the bidder whether its bid will be considered, unless contract award is imminent and the notices prescribed in 14.409 would suffice.

(g) Late bids and modifications that are not considered must be held unopened, unless opened for identification, until after award and then retained with other unsuccessful bids. However, any bid bond or guarantee must be returned.

(h) If available, the following must be included in the contract files for each late bid, modification, or withdrawal:

(1) The date and hour of receipt.

(2) A statement, with supporting rationale, regarding whether the bid was considered for award.

(3) The envelope, wrapper, or other evidence of the date of receipt.

6. Amend section 14.503–1 by revising paragraph (h) to read as follows:

14.503–1 Step one.

* * * * *

(h) Late technical proposals are governed by 15.208 (b), (c), and (f).

* * * * *

PART 15—CONTRACTING BY NEGOTIATION

7. Revise section 15.208 to read as follows:

15.208 Submission, modification, revision, and withdrawal of proposals.

(a) Offerors are responsible for submitting proposals, and any revisions, and modifications, or withdrawals, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. Offerors may use any transmission method authorized by the solicitation (*i.e.*, regular mail, electronic commerce, or facsimile). If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that proposals are due.

(b)(1) Any proposal, modification, revision, or withdrawal that is received at the designated Government office after the exact time specified for receipt of proposals is "late" and will not be considered unless it is received before award is made, the contracting officer determines that accepting the late proposal would not unduly delay the acquisition; and—

(i) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(ii) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of proposals and was under the Government's control prior to the time set for receipt of proposals; or

(iii) It was the only proposal received.

(2) However, a late modification of an otherwise successful proposal, that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(c) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(d) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the Government office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation closing date, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(e) Proposals may be withdrawn by written notice at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. The contracting officer must document the contract file when oral withdrawals are made. One copy of withdrawn proposals should be retained in the contract file (see 4.803(a)(10)). Extra copies of the withdrawn proposals may be destroyed or returned to the offeror at the offerors request. Where practicable, electronically transmitted proposals that are withdrawn must be purged from primary and backup data storage systems after a copy is made for the file. Extremely bulky proposals must only be returned at the offeror's request and expense.

(f) The contracting officer must promptly notify any offeror if its proposal, modification, or revision was received late, and must inform the offeror whether its proposal will be considered, unless contract award is imminent and the notice prescribed in 15.503(b) would suffice.

(g) Late proposals and modifications that are not considered must be held unopened, unless opened for identification, until after award and then retained with other unsuccessful proposals.

(h) If available, the following must be included in the contracting office files for each late proposal, modification, revision, or withdrawal:

(1) The date and hour of receipt.

(2) A statement regarding whether the proposal was considered for award, with supporting rationale.

(3) The envelope, wrapper, or other evidence of date of receipt.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.1009–4 [Amended]

8. Amend section 22.1009–4 in the first sentence of paragraph (d) by removing "14.304–1" and adding "14.304" in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

9. Amend section 52.212–1 to revise the date of the provision and paragraph (f) to read as follows:

52.212–1 Instructions to Offerors—Commercial Items.

* * * * *

Instructions to Offerors—Commercial Items (Nov 1999)

* * * * *

(f) *Late submissions, modifications, revisions, and withdrawals of offers.* (1) Offerors are responsible for submitting offers, and any modifications, revisions, or withdrawals, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that offers or revisions are due.

(2)(i) Any offer, modification, revision, or withdrawal of an offer received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and—

(A) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of offers; or

(B) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

(C) If this solicitation is a request for proposals, it was the only proposal received.

(ii) However, a late modification of an otherwise successful offer, that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(3) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the offer wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(4) If an emergency or unanticipated event interrupts normal Government processes so that offers cannot be received at the Government office designated for receipt of offers by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation or other notice of an extension of the closing date, the time specified for receipt of offers will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(5) Offers may be withdrawn by written notice received at any time before the exact time set for receipt of offers. Oral offers in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile offers, offers may be withdrawn via facsimile received at any time before the exact time set for receipt of offers, subject to the conditions specified in the solicitation concerning facsimile offers. An offer may be withdrawn in person by an offeror or its authorized representative if, before the exact time set for receipt of offers, the identity of the person requesting withdrawal is established and the person signs a receipt for the offer.

* * * * *

10. Revise section 52.214–7 to read as follows:

52.214–7 Late submissions, modifications, and withdrawals of bids.

As prescribed in 14.201–6(c)(3), insert the following provision:

Late Submissions, Modifications, and Withdrawals of Bids (Nov 1999)

(a) Bidders are responsible for submitting bids, and any modifications or withdrawals, so as to reach the Government office designated in the invitation for bids (IFB) by the time specified in the IFB. If no time is specified in the IFB, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that bids are due.

(b)(1) Any bid, modification, or withdrawal received at the Government office designated in the IFB after the exact time specified for receipt of bids is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late bid would not unduly delay the acquisition; and—

(i) If it was transmitted through an electronic commerce method authorized by the IFB, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of bids; or

(ii) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of bids and was under the Government's control prior to the time set for receipt of bids.

(2) However, a late modification of an otherwise successful bid that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(c) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the bid wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(d) If an emergency or unanticipated event interrupts normal Government processes so that bids cannot be received at the Government office designated for receipt of bids by the exact time specified in the IFB and urgent Government requirements preclude amendment of the IFB, the time specified for receipt of bids will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(e) Bids may be withdrawn by written notice received at any time before the exact time set for receipt of bids. If the IFB authorizes facsimile bids, bids may be withdrawn via facsimile received at any time before the exact time set for receipt of bids, subject to the conditions specified in the provision at 52.214–31, Facsimile Bids. A bid may be withdrawn in person by a bidder or its authorized representative if, before the exact time set for receipt of bids, the identity of the person requesting withdrawal is established and the person signs a receipt for the bid.

(End of provision)

11. Revise section 52.214–23 to read as follows:

52.214–23 Late submissions, modifications, revisions, and withdrawals of technical proposals under two-step sealed bidding.

As prescribed in 14.201–6(r), insert the following provision:

Late Submissions, Modifications, Revisions, and Withdrawals of Technical Proposals Under Two-Step Sealed Bidding (Nov 1999)

(a) Bidders are responsible for submitting technical proposals, and any modifications or revisions, so as to reach the Government office designated in the request for technical proposals by the time specified in the invitation for bids (IFB). If no time is specified in the IFB, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that bids or revisions are due.

(b)(1) Any technical proposal under step one of two-step sealed bidding or modification, revision, or withdrawal of such proposal received at the Government office designated in the request for technical proposals after the exact time specified for receipt will not be considered unless the Contracting Officer determines that accepting the late technical proposal would not unduly delay the acquisition; and—

(i) If it was transmitted through an electronic commerce method authorized by the request for technical proposals, it was

received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(ii) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt; or

(iii) It is the only proposal received and it is negotiated under part 15 of the Federal Acquisition Regulation.

(2) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(c) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the technical proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(d) If an emergency or unanticipated event interrupts normal Government processes so that technical proposals cannot be received at the Government office designated for receipt of technical proposals by the exact time specified in the request for technical proposals, and urgent Government requirements preclude amendment of the request for technical proposals, the time specified for receipt of technical proposals will be deemed to be extended to the same time of day specified in the request for technical proposals on the first work day on which normal Government processes resume.

(e) Technical proposals may be withdrawn by written notice received at any time before the exact time set for receipt of technical proposals. If the request for technical proposals authorizes facsimile technical proposals, they may be withdrawn via facsimile received at any time before the exact time set for receipt of proposals, subject to the conditions specified in the provision at 52.214–31, Facsimile Bids. A technical proposal may be withdrawn in person by a bidder or its authorized representative if, before the exact time set for receipt of technical proposals, the identity of the person requesting withdrawal is established and the person signs a receipt for the technical proposal.

(End of provision)

52.214–31 [Amended]

12. Amend section 52.214–31 in the introductory text of the provision by removing "14.201–6(w)" and adding "14.201-6(v)" in its place.

52.214–32 and 52.214–33 [Removed and Reserved]

13. Remove and reserve sections 52.214–32 and 52.214–33.

52.214–34 [Amended]

14. Amend section 52.214–34 in the introductory paragraph of the provision by removing "14.201–6(x)" and adding "14.201–6(w)" in its place.

52.214–35 [Amended]

15. Amend section 52.214–35 in the introductory paragraph of the provision by removing "14.201–6(y)" and adding "14.201–6(x)" in its place.

16. Amend section 52.215–1 to revise the date of the provision and paragraph (c)(3) to read as follows:

52.215–1 Instructions to Offerors—Competitive Acquisition.

* * * * *

Instructions to Offerors—Competitive Acquisition (Nov 1999)

* * * * *

(c) * * *

(3) *Submission, modification, revision, and withdrawal of proposals.* (i) Offerors are responsible for submitting proposals, and any modifications, revisions, or withdrawals, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that proposal or revision is due.

(ii)(A) Any proposal, modification, revision, or withdrawal received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and—

(*1*) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(*2*) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

(*3*) It is the only proposal received.

(B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(iii) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(iv) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215–5, Facsimile Proposals. Proposals may be withdrawn in person by an offeror or an authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.

* * * * *

[FR Doc. 99–24416 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 15 and 37

[FAC 97–14; FAR Case 97–038; Item VIII]

RIN 9000–AI07

Federal Acquisition Regulation; Evaluation of Proposals for Professional Services

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to provide guidance on the evaluation of proposals that include uncompensated overtime hours.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Jeremy F. Olson, Procurement Analyst, at (202) 501–3221. Please cite FAC 97–14, FAR case 97–038.

SUPPLEMENTARY INFORMATION:

A. Background

A final rule published as Item VII of Federal Acquisition Circular (FAC) 97–01 in the **Federal Register** on August 22, 1997 (62 FR 44813) elevated guidance regarding uncompensated overtime from the Defense Federal Acquisition Regulation Supplement (DFARS) Part

237 to FAR Part 37, and elevated a DFARS solicitation provision to FAR 52.237–10, Identification of Uncompensated Overtime. However, the FAR rule in FAC 97–01 did not address the evaluation of proposals that include uncompensated overtime.

Therefore, a proposed FAR rule was published in the **Federal Register** on August 24, 1998 (63 FR 45112), to add guidance at FAR 15.305(a)(1) and FAR 37.115–2(c) on the evaluation of proposed uncompensated overtime hours. One respondent submitted comments in response to the proposed rule. The Councils considered the respondent's comments in the development of the final rule and converted the proposed rule to a final rule without change.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the guidance added to FAR Parts 15 and 37 is consistent with the existing policy pertaining to uncompensated overtime at FAR 37.115 and 52.237–10.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 15 and 37

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 15 and 37 as set forth below:

1. The authority citation for 48 CFR Parts 15 and 37 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 15—CONTRACTING BY NEGOTIATION

2. In section 15.305, amend paragraph (a)(1) by adding a parenthetical as the penultimate sentence to read as follows:

15.305 Proposal evaluation.

(a) * * *

(1) * * * (See 37.115 for uncompensated overtime evaluation.)

* * *

* * * * *

PART 37—SERVICE CONTRACTING

3. In section 37.115–2, add paragraph (c) to read as follows:

37.115–2 General policy.

* * * * *

(c) Contracting officers must ensure that the use of uncompensated overtime in contracts to acquire services on the basis of the number of hours provided will not degrade the level of technical expertise required to fulfill the Government's requirements (see 15.305 for competitive negotiations and 15.404–1(d) for cost realism analysis). When acquiring these services, contracting officers must conduct a risk assessment and evaluate, for award on that basis, any proposals received that reflect factors such as:

(1) Unrealistically low labor rates or other costs that may result in quality or service shortfalls; and

(2) Unbalanced distribution of uncompensated overtime among skill levels and its use in key technical positions.

[FR Doc. 99–24417 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 17 and 52

[FAC 97–14; FAR Case 98–606; Item IX]

RIN 9000–AI26

Federal Acquisition Regulation; Option Clause Consistency

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt the amendments of the proposed rule without change into the CFR. The rule amends the Federal Acquisition Regulation (FAR) to make the format of all option clauses consistent and to clarify that contracting officers may tailor the time period for providing a preliminary notice of the Government's intent to exercise an option.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Ralph DeStefano, Procurement Analyst, at (202) 501–1758. Please cite FAC 97–14, FAR case 98–606.

SUPPLEMENTARY INFORMATION:

A. Background

The Councils published a proposed rule in the **Federal Register** at 64 FR 3618, January 22, 1999, to amend FAR 17.208(g) to clarify that the time period for providing a preliminary notice of the Government's intent to exercise a contract option in the clause at FAR 52.217–9, Option to Extend the Term of the Contract, may be tailored, and amend the clause at FAR 52.217–8 to make the format of the Option to Extend Services clause consistent with the format of other option clauses in the FAR.

Two respondents submitted public comments. The Councils considered the comments in finalizing the rule.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely clarifies an existing practice.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 17 and 52:

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 17 and 52 as set forth below:

1. The authority citation for 48 CFR Parts 17 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 17—SPECIAL CONTRACTING METHODS

2. In section 17.208, amend paragraphs (a), (b), (c) introductory text, (d), (e), and (f) by removing "The contracting officer shall insert" and add "Insert" in its place; and revise paragraph (g) to read as follows:

17.208 Solicitation provisions and contract clauses.

* * * * *

(g) Insert a clause substantially the same as the clause at 52.217–9, Option to Extend the Term of the Contract, in solicitations and contracts when the inclusion of an option is appropriate (see 17.200 and 17.202) and it is necessary to include in the contract any or all of the following:

(1) A requirement that the Government must give the contractor a preliminary written notice of its intent to extend the contract.

(2) A statement that an extension of the contract includes an extension of the option.

(3) A specified limitation on the total duration of the contract.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. In section 52.217–8, revise the date of the clause and the last sentence to read as follows:

52.217–8 Option to Extend Services.

* * * * *

Option to Extend Services (Nov 1999)

* * * The Contracting Officer may exercise the option by written notice to the Contractor within__ [insert the period of time within which the Contracting Officer may exercise the option].

(End of clause)

3. In section 52.217–9, revise the date of the clause and paragraph (a) to read as follows:

52.217–9 Option to Extend the Term of the Contract.

* * * * *

Option to Extend the Term of the Contract (Nov 1999)

(a) The Government may extend the term of this contract by written notice to the Contractor within __ [insert the period of time within which the Contracting Officer may exercise the option]; provided that the Government gives the Contractor a preliminary written notice of its intent to extend at least __ days [60 days unless a different number of days is inserted] before the contract expires. The preliminary notice does not commit the Government to an extension.

* * * * *

(End of clause)

[FR Doc. 99–24418 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 31

[FAC 97–14; FAR Case 98–301; Item X]

RIN 9000–AI32

Federal Acquisition Regulation; Compensation for Senior Executives

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule to implement Section 804 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261). Section 804 revises the definition of "senior executive" at 10 U.S.C. 2324(l)(5) and at 41 U.S.C. 256(m)(2).

EFFECTIVE DATE: September 24, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Nelson, Procurement Analyst, at (202) 501–1900. Please cite FAC 97–14, FAR case 98–301.

SUPPLEMENTARY INFORMATION:

A. Background

The Councils published an interim rule in the **Federal Register** on March 4, 1999 (64 FR 10547). The rule revised FAR 31.205–6(p) to implement Section 804 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261). Section 804 revises the definition of "senior executive" at 10 U.S.C. 2324(l)(5) and at 41 U.S.C. 256(m)(2) to be "the five most highly compensated employees in management positions at each home office and each segment of the contractor" even though the home office or segment might not report directly to the contractor's headquarters.

There were no public comments submitted in response to the interim rule. Therefore, the Councils have agreed to convert the interim rule to a final rule without change.

This regulatory action was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive, fixed-price basis, and do not require application of the cost principle contained in this rule.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 31:

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Interim Rule Adopted as Final Without Change

Accordingly, DoD, GSA, and NASA adopt the interim rule amending 48 CFR Part 31, which was published in the **Federal Register** on March 4, 1999 (64 FR 10547), as a final rule without change.

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

[FR Doc. 99–24419 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 31

[FAC 97–14; FAR Case 98–006; Item XI]

RIN 9000–AI24

Federal Acquisition Regulation; Interest and Other Financial Costs

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to make minor changes to the cost principle concerning "interest and other financial costs."

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Nelson, Procurement Analyst, at (202) 501–1900. Please cite FAC 97–14, FAR case 98–006.

SUPPLEMENTARY INFORMATION:

A. Background

The Councils published a proposed rule in the **Federal Register** on January 29, 1999 (64 FR 4760). The rule proposed amending FAR 31.205–20, Interest and Other Financial Costs, to add "interest charges and other amounts paid as a consequence of late contractor payments" to the list of unallowable costs. In addition, the rule proposed several minor revisions, including the deletion of "and directly associated costs." This phrase is unnecessary since FAR 31.201–6(a) indicates that when "an unallowable cost is incurred, its directly associated costs are also unallowable."

Fifteen respondents submitted public comments to the proposed rule. Many of the respondents expressed the following concerns:

- The ruling by the Court of Appeals for the Federal Circuit (*Lockheed Corporation* v. *Secretary of the Air Force*, 113 F.3d 1225 (Fed. Cir. 1997)) did not involve interest charges paid "as a consequence of late contractor payments," but rather as a consequence of an inadvertent tax deficiency.
- The term "late contractor payments" is overly broad and may result in confusion regarding interest allowability.

The rule is inequitable since it proposes to disallow Government reimbursement of interest costs incurred by a contractor for the underpayment of State taxes while FAR 31.201–5, Credits, requires the contractor to credit the Government the applicable portion of any State tax refunds it receives, together with interest.

- The rule incentivizes contractors to be overly conservative in computing State tax liability.
- The rule substantially increases administrative burdens on the Government and contractors.

While the Councils do not agree with all of the concerns expressed by the respondents, the Councils have decided not to add "interest charges and other amounts paid as a consequence of late contractor payments" to the list of unallowable costs in FAR 31.205–20, pending further study on the issue of interest allowability. Therefore, this final rule only makes minor changes to the interest cost principle.

This is not a significant regulatory action and, therefore, was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this rule only makes nonsubstantive changes to the cost principle concerning "interest and other financial costs." In addition, most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive, fixed-price basis, and do not require application of the cost principle contained in this rule.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 31

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Part 31 as set forth below:

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

1. The authority citation for 48 CFR Part 31 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Revise section 31.205–20 to read as follows:

31.205–20 Interest and other financial costs.

Interest on borrowings (however represented), bond discounts, costs of financing and refinancing capital (net worth plus long-term liabilities), legal and professional fees paid in connection with preparing prospectuses, and costs of preparing and issuing stock rights are unallowable (but see 31.205–28). However, interest assessed by State or local taxing authorities under the conditions specified in 31.205–41(a)(3) is allowable.

[FR Doc. 99–24420 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 36, 44, 49, and 52

[FAC 97–14; FAR Case 97–043; Item XII]

RIN 9000–AI22

Federal Acquisition Regulation; Cost-Reimbursement Architect-Engineer Contracts

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to provide guidance

on the applicability of certain clauses to cost-reimbursement architect-engineer (A–E) contracts.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Jack O'Neill, Procurement Analyst, at (202) 501–3856. Please cite FAC 97–14, FAR case 97–043.

SUPPLEMENTARY INFORMATION:

A. Background

The Councils published a proposed rule in the **Federal Register** at 63 FR 71710, December 29, 1998, with comments requested by March 1, 1999. Only one respondent submitted comments, and those comments were not substantive. This final rule is unchanged from the proposed rule. The rule amends the prescriptions for use of the following FAR clauses to include cost-reimbursement architect-engineer services contracts:

52.236–24 Work Oversight in Architect-Engineer Contracts
52.236–25 Requirements for Registration of Designers
52.244–4 Subcontractors and Outside Associates and Consultants (Architect-Engineer Services)
52.249–6 Termination (Cost-Reimbursement)

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule only corrects certain clause prescriptions, and this correction will not bring about any increased costs to be borne by the contractor.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the final rule requires use of the clause at FAR 52.249–6, Termination (Cost-Reimbursement), in cost-reimbursement contracts for architect-engineer services. The information collection requirements relating to termination clauses are approved and covered by OMB Control No. 9000–0028.

List of Subjects in 48 CFR Parts 36, 44, 49, and 52

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 36, 44, 49, and 52 as set forth below:

1. The authority citation for 48 CFR Parts 36, 44, 49, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

36.609–3 [Amended]

2. In section 36.609–3, remove "fixed-price" and add "all" in its place.

36.609–4 [Amended]

3. In section 36.609–4, remove "fixed-price".

PART 44—SUBCONTRACTING POLICIES AND PROCEDURES

44.204 [Amended]

4. In section 44.204, amend paragraph (b) by removing the words "fixed-price".

PART 49—TERMINATION OF CONTRACTS

5. In section 49.503, revise paragraphs (a)(1) and (b) to read as follows:

49.503 Termination for convenience of the Government and default.

(a) *Cost-reimbursement contracts*—(1) *General use.* Insert the clause at 52.249–6, Termination (Cost-Reimbursement), in solicitations and contracts when a cost-reimbursement contract is contemplated, except contracts for research and development with an educational or nonprofit institution on a no-fee basis.

* * * * *

(b) Insert the clause at 52.249–7, Termination (Fixed-Price Architect-Engineer), in solicitations and contracts for architect-engineer services, when a fixed-price contract is contemplated.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. In section 52.236–25, revise the introductory text of the clause to read as follows:

52.236–25 Requirements for Registration of Designers.

As prescribed in 36.609–4, insert the following clause:

* * * * *

[FR Doc. 99–24421 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 46

[FAC 97–14; FAR Case 98–002; Item XIII]

RIN 9000–AI17

Federal Acquisition Regulation; Conditionally Accepted Items

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to require that, when conditionally accepting nonconforming items, amounts withheld from payments should be at least sufficient to cover the cost and related profit to correct deficiencies and complete unfinished work; and that the contracting officer must document the basis for the amounts withheld in the contract file.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Klein, Procurement Analyst, at (202) 501–3775. Please cite FAC 97–14, FAR case 98–002.

SUPPLEMENTARY INFORMATION:

A. Background

The Councils published a proposed rule in the **Federal Register** on October 28, 1998, (63 FR 57878). This final rule implements the recommendation of General Accounting Office Report GAO/NSIAD–98–20 Defense Acquisition, Guidance Is Needed On Payments For Conditionally Accepted Items, dated December 12, 1997. The rule amends FAR 46.101 to add a definition of "conditional acceptance," and amends

FAR 46.407 to provide procedures for the conditional acceptance of supplies and services.

The Councils received public comments from two respondents and considered them in finalizing the rule.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the use of conditional acceptance is not widespread. No additional requirements are imposed on small businesses.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 46

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Part 46 as set forth below:

PART 46—QUALITY ASSURANCE

1. The authority citation for 48 CFR Part 46 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Amend section 46.101 by adding, in alphabetical order, the definition "Conditional acceptance" to read as follows:

46.101 Definitions.

* * * * *

Conditional acceptance, as used in this part, means acceptance of supplies or services that do not conform to contract quality requirements, or are otherwise incomplete, that the contractor is required to correct or otherwise complete by a specified date.

* * * * *

3. Amend section 46.407 as follows:

a. Remove from paragraph (a) "Contracting officers" and insert "The contracting officer", in its place;

b. Remove from the first sentence of paragraph (b) "Contractors ordinarily shall be given" and from the second sentence "shall" and insert "The contracting officer ordinarily must give the contractor", and "must", respectively;

c. Revise paragraph (c)(1);

d. Remove from the first and second sentences of paragraph (c)(2) "shall" and insert "must," in their places;

e. Remove from paragraph (e) "Contracting officers shall" and insert "The contracting officer must";

f. Revise paragraph (f); and

g. Remove from the first and last sentences of the introductory text of paragraph (g) "shall" and insert "must," in their places;

Revised text read as follows:

46.407 Nonconforming supplies or services.

* * * * *

(c)(1) In situations not covered by paragraph (b) of this section, the contracting officer ordinarily must reject supplies or services when the nonconformance is critical or major or the supplies or services are otherwise incomplete. However, there may be circumstances (*e.g.*, reasons of economy or urgency) when the contracting officer determines acceptance or conditional acceptance of supplies or services is in the best interest of the Government. The contracting officer must make this determination based upon—

(i) Advice of the technical activity that the item is safe to use and will perform its intended purpose;

(ii) Information regarding the nature and extent of the nonconformance or otherwise incomplete supplies or services;

(iii) A request from the contractor for acceptance of the nonconforming or otherwise incomplete supplies or services (if feasible);

(iv) A recommendation for acceptance, conditional acceptance, or rejection, with supporting rationale; and

(v) The contract adjustment considered appropriate, including any adjustment offered by the contractor.

* * * * *

(f) When supplies or services are accepted with critical or major nonconformances as authorized in paragraph (c) of this section, the contracting officer must modify the contract to provide for an equitable price reduction or other consideration. In the case of conditional acceptance, amounts withheld from payments generally should be at least sufficient to cover the estimated cost and related profit to correct deficiencies and complete unfinished work. The contracting officer must document in the contract file the basis for the amounts withheld. For services, the contracting officer can consider identifying the value of the individual work requirements or tasks (subdivisions) that may be subject to price or fee reduction. This value may be used to determine an equitable adjustment for nonconforming services. However, when supplies or services involving minor nonconformances are accepted, the contract need not be modified unless it appears that the savings to the contractor in fabricating the nonconforming supplies or performing the nonconforming services will exceed the cost to the Government of processing the modification.

* * * * *

[FR Doc. 99–24422 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 48 and 52

[FAC 97–14; FAR Case 97–031; Item XIV]

RIN 9000–AH84

Federal Acquisition Regulation; Value Engineering Change Proposals/PAT

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to change the sharing periods and rates that contracting officers may establish for individual value engineering change proposals.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Klein, Procurement Analyst, at (202) 501–3775. Please cite FAC 97–14, FAR case 97–031.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends the value engineering change proposal (VECP) guidance in FAR Parts 48 and 52 to allow the contracting officer to increase the sharing period from 36 to a range of 36 to 60 months; increase the contractor's share of instant, concurrent and future savings under the incentive/voluntary sharing arrangement from 50 to a range of 50 to 75 percent; and increase the contractor's share of collateral savings from 20 to a range of 20 to 100 percent on a case-by-case basis for each VECP. The contracting officer's unilateral decision on each of these aspects is final. This revision is intended to incentivize contractors to submit more value engineering change proposals, by allowing contracting officers to unilaterally increase both the share percentage and the sharing period, so that contractors with meritorious proposals may be adequately compensated for the effort required to prepare and negotiate individual change proposals.

The Councils published a proposed rule in the **Federal Register** at 63 FR 43236, August 12, 1998. Nine respondents submitted comments on the proposed rule. The Councils considered all comments in the development of the final rule.

The Councils are addressing the changes concerning the Contract Disputes Act under FAR Case 98–017, Review of Award Fee Determinations (Burnside-Ott). The Councils published this case in the **Federal Register** at 64 FR 24472, May 6, 1999 as a proposed rule with a request for comments.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* applies to this final rule. Interested parties may obtain a copy of the FRFA from the FAR Secretariat.

The Councils prepared a Final Regulatory Flexibility Analysis (FRFA) and it is summarized as follows:

The objective of the rule is to change the sharing periods and rates that contracting officers may establish for individual VECPs. By allowing longer sharing periods and allowing increased contractor sharing rates for collateral and concurrent savings, more contractors may find it feasible to submit VECPs. The rule may increase the number of VECP settlements negotiated between the Government and private entities, as the additional flexibility in sharing periods and contractor sharing rates it provides should incentivize contractors to submit more VECPs. The rule will apply to all entities, large and small, that propose VECPs under Government contracts.

The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 48 and 52

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 48 and 52 as set forth below:

1. The authority citation for 48 CFR Parts 48 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 48—VALUE ENGINEERING

2. In section 48.001, revise paragraph (c) of the definition "Acquisition savings" and revise the definition "Sharing period" to read as follows:

48.001 Definitions.

Acquisition savings, * * *

(c) Future contract savings, which are the product of the future unit cost reduction multiplied by the number of future contract units in the sharing base. On an instant contract, future contract savings include savings on increases in quantities after VECP acceptance that are due to contract modifications, exercise of options, additional orders, and funding of subsequent year requirements on a multiyear contract.

* * * * *

Sharing period, as used in this part, means the period beginning with acceptance of the first unit incorporating the VECP and ending at a calendar date or event determined by the contracting officer for each VECP.

* * * * *

3. In section 48.102, revise paragraphs (g) and (h) to read as follows:

48.102 Policies.

* * * * *

(g) The contracting officer determines the sharing periods and sharing rates on a case-by-case basis using the guidelines in 48.104–1 and 48.104–2, respectively. In establishing a sharing period and sharing rate, the contracting officer must consider the following, as appropriate, and must insert supporting rationale in the contract file:

(1) Extent of the change.

(2) Complexity of the change.

(3) Development risk (*e.g.,* contractor's financial risk).

(4) Development cost.

(5) Performance and/or reliability impact.

(6) Production period remaining at the time of VECP acceptance.

(7) Number of units affected.

(h) Contracts for architect-engineer services must require a mandatory value engineering program to reduce total ownership cost in accordance with 48.101(b)(2). However, there must be no sharing of value engineering savings in contracts for architect-engineer services.

* * * * *

48.104–1 through 104–3 [Redesignated as 48.104–2 through 48.104–4]

4. Redesignate sections 48.104–1 through 48.104–3 as 48.104–2 through 48.104–4, respectively;

5. Add new section 48.104–1 to read as follows:

48.104–1 Determining sharing period.

(a) Contracting officers must determine discrete sharing periods for each VECP. If more than one VECP is incorporated into a contract, the sharing period for each VECP need not be identical.

(b) The sharing period begins with acceptance of the first unit incorporating the VECP. Except as provided in paragraph (c) of this section, the end of the sharing period is a specific calendar date that is the later of—

(1) 36 to 60 consecutive months (set at the discretion of the contracting officer for each VECP) after the first unit affected by the VECP is accepted; or

(2) The last scheduled delivery date of an item affected by the VECP under the instant contract delivery schedule in effect at the time the VECP is accepted.

(c) For engineering-development contracts and contracts containing low-rate-initial-production or early production units, the end of the sharing period is based not on a calendar date, but on acceptance of a specified quantity of future contract units. This quantity is the number of units affected by the VECP that are scheduled to be delivered over a period of between 36 and 60 consecutive months (set at the discretion of the contracting officer for each VECP) that spans the highest

planned production, based on planning and programming or production documentation at the time the VECP is accepted. The specified quantity begins with the first future contract unit affected by the VECP and continues over consecutive deliveries until the sharing period ends at acceptance of the last of the specified quantity of units.

(d) For contracts (other than those in paragraph (c) of this subsection) for items requiring a prolonged production schedule (*e.g.*, ship construction, major system acquisition), the end of the sharing period is determined according to paragraph (b) of this subsection. Agencies may prescribe sharing of future contract savings on all future contract units to be delivered under contracts awarded within the sharing period for essentially the same item, even if the scheduled delivery date is outside the sharing period.

6. In the newly designated section 48.104–2—

a. Remove from the first sentence of paragraph (a)(1) "normally";

b. Revise the table in paragraph (a)(1);

c. Remove from the second sentence in paragraph (a)(2) "subparagraph (1) above" and insert "paragraph (a)(1) of this section", in its place;

d. Remove from the first sentence of paragraph (a)(3) "(but see 48.102(g))"; and

e. Remove paragraph (c).

The revised text reads as follows:

48.104–2 Sharing acquisition savings.

(a) * * *

(1) * * *

GOVERNMENT/CONTRACTOR SHARES OF NET ACQUISITION SAVINGS

[Figures in percent]

Contract type	Sharing arrangement			
	Incentive (voluntary)		Program requirement (mandatory)	
	Instant contract rate	Concurrent and future contract rate	Instant contract rate	Concurrent and future contract rate
Fixed-price (includes fixed-price-award-fee; excludes other fixed-price incentive contracts)	[1] 50/50	[1] 50/50	75/25	75/25
Incentive (fixed-price or cost) (other than award fee)	[2]	[1] 50/50	[2]	75/25
Cost-reimbursement (includes cost-plus-award-fee; excludes other cost-type incentive contracts)	[3] 75/25	[3] 75/25	85/15	85/15

[1] The contracting officer may increase the contractor's sharing rate to as high as 75 percent for each VECP. (See 48.102(g) (1) through (7).)
[2] Same sharing arrangement as the contract's profit or fee adjustment formula.
[3] The contracting officer may increase the contractor's sharing rate to as high as 50 percent for each VECP. (See 48.102(g) (1) through (7).)

* * * * *

7. Revise designated section 48.104–3 to read as follows:

§ 48.104–3 Sharing collateral savings.

(a) The Government shares collateral savings with the contractor, unless the head of the contracting activity has determined that the cost of calculating and tracking collateral savings will exceed the benefits to be derived (see 48.201(e)).

(b) The contractor's share of collateral savings may range from 20 to 100 percent of the estimated savings to be realized during a typical year of use but must not exceed the greater of—

(1) The contract's firm-fixed-price, target price, target cost, or estimated cost, at the time the VECP is accepted; or

(2) $100,000.

(c) The contracting officer must determine the sharing rate for each VECP.

(d) In determining collateral savings, the contracting officer must consider any degradation of performance, service life, or capability.

8. In section 48.201, add paragraphs (g) and (h) to read as follows:

§ 48.201 Clauses for supply or service contracts.

* * * * *

(g) *Engineering-development solicitations and contracts.* For engineering-development solicitations and contracts, and solicitations and contracts containing low-rate-initial-production or early production units, the contracting officer must modify the clause at 52.248–1, Value Engineering, by—

(1) Revising paragraph (i)(3)(i) of the clause by substituting "a number equal to the quantity required to be delivered over a period of between 36 and 60 consecutive months (set at the discretion of the Contracting Officer for each VECP) that spans the highest planned production, based on planning and programming or production documentation at the time the VECP is accepted;" for "the number of future contract units scheduled for delivery during the sharing period;" and

(2) Revising the first sentence under paragraph (3) of the definition of "acquisition savings" by substituting "a number equal to the quantity to be delivered over a period of between 36 and 60 consecutive months (set at the discretion of the Contracting Officer for each VECP) that spans the highest planned production, based on planning and programming or production documentation at the time the VECP is accepted." for "the number of future contract units in the sharing base."

(h) *Extended production period solicitations and contracts.* In solicitations and contracts for items requiring an extended period for production (*e.g.*, ship construction, major system acquisition), if agency procedures prescribe sharing of future contract savings on all units to be delivered under contracts awarded during the sharing period (see 48.104–1(c)), the contracting officer must modify the clause at 52.248–1, Value Engineering, by revising paragraph (i)(3)(i) of the clause and the first sentence under paragraph (3) of the definition of "acquisition savings" by substituting "under contracts awarded during the sharing period" for "during the sharing period."

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

9. In section 52.248–1, revise the introductory text, the date of the clause, in paragraph (b) paragraph (3) of the definition "Acquisition savings", and the definition "Sharing period", revise the table in (f); amend paragraph (i)(5) introductory text by removing "48.104–3" and adding "48.104–4", and revise

the first sentence in paragraph (j). The revised text reads as follows:

52.248–1 Value Engineering.

As prescribed in 48.201, insert the following clause:

Value Engineering (Nov 1999)

* * * * *

(b) *Definitions.*

Acquisition savings, * * *

(3) Future contract savings, which are the product of the future unit cost reduction multiplied by the number of future contract units in the sharing base. On an instant contract, future contract savings include savings on increases in quantities after VECP acceptance that are due to contract modifications, exercise of options, additional orders, and funding of subsequent year requirements on a multiyear contract.

* * * * *

Sharing period, as used in this clause, means the period beginning with acceptance of the first unit incorporating the VECP and ending at a calendar date or event determined by the contracting officer for each VECP.

* * * * *

(f) * * *

CONTRACTOR'S SHARE OF NET ACQUISITION SAVINGS

[Figures in Percent]

Contract type	Sharing arrangement			
	Incentive (voluntary)		Program requirement (mandatory)	
	Instant contract rate	Con-current and future contract rate	Instant contract rate	Con-current and future contract rate
Fixed-price (includes fixed-price-award-fee; excludes other fixed-price incentive contracts)	[1] 50	[1] 50	25	25
Incentive (fixed-price or cost) (other than award fee)	([2])	[1] 50	([2])	25
Cost-reimbursement (includes cost-plus-award-fee; excludes other cost-type incentive contracts)	[3] 25	[3] 25	15	15

[1] The Contracting Officer may increase the Contractor's sharing rate to as high as 75 percent for each VECP.
[2] Same sharing arrangement as the contract's profit or fee adjustment formula.
[3] The Contracting Officer may increase the Contractor's sharing rate to as high as 50 percent for each VECP.

* * * * *

(j) *Collateral savings.* If a VECP is accepted, the instant contract amount must be increased, as specified in paragraph (h)(5) of this clause, by a rate from 20 to 100 percent, as determined by the Contracting Officer, of any projected collateral savings determined to be realized in a typical year of use after subtracting any Government costs not previously offset. * * *

* * * * *

[FR Doc. 99–24423 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 52

[FAC 97–14; FAR Case 98–003; Item XV]

RIN 9000–AI23

Federal Acquisition Regulation; Cost Accounting Standards Post-Award Notification

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to reduce the subcontractor information that the FAR requires a contractor to provide to its cognizant contract administration office (CAO) when requesting the CAO to perform administration for Cost Accounting Standards (CAS) matters.

EFFECTIVE DATE: November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Nelson, Procurement Analyst, at (202) 501–1900. Please cite FAC 97–14, FAR case 98–003.

SUPPLEMENTARY INFORMATION:

A. Background

The Councils published a proposed rule in the **Federal Register** on January 25, 1999 (64 FR 3786). The proposed rule revised the clause at FAR 52.230–6(e)(2) to reduce the subcontractor information that a contractor is required to provide to its cognizant contract administration office (CAO) when requesting the CAO to perform administration for CAS matters.

Two respondents submitted public comments to the proposed rule. The Councils considered all comments and converted the proposed rule to a final rule without change.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because contracts and subcontracts with small businesses are exempt from all CAS requirements in accordance with 48 CFR 9903.201–1(b)(3).

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the final rule contains information collection requirements. Accordingly, the FAR Secretariat will forward a request for a revised paperwork burden under OMB Control Number 9000–0129 reflecting a slight decrease to the hours to the Office of Management and Budget under 44

U.S.C. 3501, *et seq.* The **Federal Register** notice published on January 25, 1999, invited public comment concerning this decrease. The FAR Secretariat received no comments.

List of Subjects in 48 CFR Part 52

Government procurement.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Part 52 as set forth below:

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1. The authority citation for 48 CFR Part 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Amend section 52.230–6 to revise the date of the clause and paragraph (e) of the clause to read as follows:

52.230–6 Administration of Cost Accounting Standards.

* * * * *

Administration of Cost Accounting Standards (Nov 1999)

* * * * *

(e) For all subcontracts subject to the clauses at FAR 52.230–2, 52.230–3, or 52.230–5—

(1) So state in the body of the subcontract, in the letter of award, or in both (self-deleting clauses shall not be used);

(2) Include the substance of this clause in all negotiated subcontracts; and

(3) Within 30 days after award of the subcontract, submit the following information to the Contractor's cognizant contract administration office for transmittal to the contract administration office cognizant of the subcontractor's facility:

(i) Subcontractor's name and subcontract number.

(ii) Dollar amount and date of award.

(iii) Name of Contractor making the award.

* * * * *

[FR Doc. 99–24424 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 15, 19, and 52

[FAC 97–14; Item XVI]

Federal Acquisition Regulation; Technical Amendments

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Technical amendments.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation in order to update references and make editorial changes.

EFFECTIVE DATE: September 24, 1999, except for sections 19.102 and 52.219–18 which are effective November 23, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755.

List of Subjects in 48 CFR Parts 1, 15, 19, and 52

Government procurement.

Dated: September 14, 1999

Edward C. Loeb

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 1, 15, 19, and 52 as set forth below:

1. The authority citation for 48 CFR Parts 1, 15, 19, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. Amend section 1.106 in the table following the introductory paragraph by adding entries to read as follows:

1.106 OMB approval under the Paperwork Reduction Act.

* * * * *

FAR segment	OMB control number
* * * * *	
52.232–1	9000–0070
52.232–2	9000–0070
52.232–3	9000–0070
52.232–4	9000–0070
* * * * *	
52.232–6	9000–0070
* * * * *	
52.232–8	9000–0070
52.232–9	9000–0070
* * * * *	
52.232–11	9000–0070
* * * * *	

PART 15—CONTRACTING BY NEGOTIATION

15.305 [Amended]

3. Amend section 15.305 in paragraph (a)(2)(i) by removing "(41 U.S.C. 401)".

PART 19—SMALL BUSINESS PROGRAMS

4. Amend section 19.102 by revising the first sentence of paragraph (h); and by removing the size standards table that follows, which consists of Division A through Division K, and Footnotes 1 through 13, to read as follows:

19.102 Size standards.

* * * * *

(h) The industry size standards are published by the Small Business Administration on the Internet at http://www.sba.gov/regulations/siccodes.

* * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.211–6 [Amended]

5. Remove from the introductory text "11.107" and insert "11.107(a).

52.219–18 [Amended]

6. In section 52.219–18 in paragraph (d)(2) of the clause, remove the last sentence in parentheses.

[FR Doc. 99–24425 Filed 9–23–99; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Regulation; Small Entity Compliance Guide

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121). It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 97–14 which amend the FAR. The rules marked with an asterisk (*) indicate that a regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604. Interested parties may obtain further information regarding these rules by referring to FAC 97–14 which precedes this document. These documents are also available via the Internet at http://www.arnet.gov/far.

FOR FURTHER INFORMATION CONTACT: Laurie Duarte, FAR Secretariat, (202) 501–4225. For clarification of content, contact the analyst whose name appears in the table below.

LIST OF RULES IN FAC 97–14

Item and Subject	FAR case	Analyst
I—Very Small Business Concerns	98–013	Moss
II—* Historically Underutilized Business Zone (HUBZone) Empowerment Contracting Program	97–307	Moss
III—Use of Competitive Proposals	99–001	DeStefano
IV—Javits-Wagner-O'Day Proposed Revisions	98–602	DeStefano
V—OMB Circular A–119	98–004	Moss
VI—* Determination of Price Reasonableness and Commerciality (Interim)	98–300	Olson
VII—Conforming Late Offer Treatment	97–030	DeStefano
VIII—Evaluation of Proposals for Professional Services	97–038	Olson
IX—Option Clause Consistency	98–606	DeStefano
X—Compensation for Senior Executives	98–301	Nelson
XI—Interest and Other Financial Costs	98–006	Nelson
XII—Cost-Reimbursement Architect-Engineer Contracts	97–043	O'Neill
XIII Conditionally Accepted Items	98–002	Klein
XIV—* Value Engineering Change Proposals/PAT	97–031	Klein
XV—Cost Accounting Standards Post-Award Notification	98–003	Nelson

Item I—Very Small Business Concerns (FAR Case 98–013)

This final rule converts the interim rule published as Item II of FAC 97–11 to a final rule with changes. The interim rule amended FAR 5.207, 8.404, 12.303, 19.000, 19.001, 19.102, 19.502–2, 19.901 through 19.904, 52.212–5, and 52.219–5, to implement the Small Business Administration's Very Small Business Pilot Program (13 CFR Parts 121 and 125). This program became effective on January 4, 1999.

Item II—Historically Underutilized Business Zone (HUBZone) Empowerment Contracting Program (FAR Case 97–307)

This final rule converts the interim rule published as Item I of FAC 97–10 to a final rule with amendments at FAR 6.201, 19.306, 19.307, 19.800, 19.1303, and the provision at 52.219–1. This final rule amends the FAR to implement the Small Business Administration's Historically Underutilized Business (HUBZone) Program. The purpose of the program is to provide Federal contracting assistance for qualified small business concerns located in historically underutilized business zones in an effort to increase employment opportunities, investment, and economic development in these areas. The program provides for set-asides, sole source awards, and price evaluation preferences for HUBZone small business concerns and establishes goals for awards to such concerns.

Item III—Use of Competitive Proposals (FAR Case 99–001)

This final rule amends FAR 6.401 to delete the requirement for contracting officers to explain in writing their rationale for choosing to use competitive proposals rather than sealed bidding.

Item IV—Javits-Wagner-O'Day Proposed Revisions (FAR Case 98–602)

This final rule adds a new section, FAR 8.716, and amends paragraph (a) of FAR 42.1203 to provide procedures for recognizing a name change or a successor in interest for a Javits-Wagner-O'Day Act participating nonprofit agency providing supplies or services on the Procurement List maintained by the Committee for Purchase From People Who Are Blind or Severely Disabled.

Item V—OMB Circular A–119 (FAR Case 98–004)

This final rule amends FAR 11.101, 11.107, 11.201, and adds a provision at 52.211–7 to address the use of voluntary consensus standards in accordance with the requirements of Office of Management and Budget (OMB) Circular A–119.

Item VI—Determination of Price Reasonableness and Commerciality (FAR Case 98–300)

This interim rule revises FAR 12.209, 13.106–3(a)(2), and amends Subpart 15.4 to implement Section 803 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261). Section 803 requires amending the FAR to provide specific guidance concerning—

- The appropriate application and precedence of various price analysis tools;
- The circumstances under which contracting officers should require offerors of exempt commercial items to provide information other than cost or pricing data; and
- The role and responsibility of support organizations in determining price reasonableness.

This interim rule also revises FAR 15.403–3(a) to implement Section 808 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261). Section 808 requires amending the FAR to—

- Clarify procedures associated with obtaining information other than cost or pricing data when acquiring commercial items;
- Establish that offerors who fail to comply with requirements to provide the information shall be ineligible for award; and
- Establish exceptions, as appropriate.

Item VII—Conforming Late Offer Treatment (FAR Case 97–030)

This final rule amends FAR 14.201–6, 14.304, and 15.208, the provisions at 52.212–1, 52.214–7, 52.214–23, and 52.215–1, and removes 52.214–32 and 52.214–33 to provide uniform guidance regarding receipt of late offers for commercial, sealed bid, and negotiated acquisitions.

Item VIII—Evaluation of Proposals for Professional Services (FAR Case 97–038)

This final rule amends FAR 15.305(a)(1) and 37.115–2(c) to provide guidance on the evaluation of proposals that include uncompensated overtime hours.

Item IX—Option Clause Consistency (FAR Case 98–606)

This final rule amends FAR 17.208(g) to clarify that the time period for providing a preliminary notice of the Government's intent to exercise a contract option in the clause at FAR 52.217–9 may be tailored and amends the clause at FAR 52.217–8 to make the format of the Option to Extend Services clause consistent with the format of other option clauses in the FAR.

Item X—Compensation for Senior Executives (FAR Case 98–301)

This final rule coverts the interim rule published as Item VIII of FAC 97–11 to a final rule without change. The rule amends FAR Part 31 to implement Section 804 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261). Section 804 revises the definition of "senior executive" at 10 U.S.C. 2324(1)(5) and at 41 U.S.C. 256(m)(2) to be "the five most highly compensated employees in management positions at each home office and each segment of the contractor" even though the home office or segment might not report directly to the contractor's headquarters.

Item XI—Interest and Other Financial Costs (FAR Case 98–006)

This final rule amends FAR 31.205–20 to make minor changes to the cost principle concerning "interest and other financial costs."

Item XII—Cost-Reimbursement Architect-Engineer Contracts (FAR Case 97–043)

This final rule amends the clause prescriptions at FAR 36.609, 44.204, 49.503, and the clause preface at 52.236–25, Requirements for Registration of Designers, to include application of certain clauses to cost-reimbursement architect-engineer contracts.

Item XIII—Conditionally Accepted Items (FAR Case 98–002)

This final rule amends FAR 46.101 to add a definition of conditional acceptance; and FAR 46.407 to require that, when conditionally accepting nonconforming items, amounts withheld from payments should be at least sufficient to cover the cost and related profit to correct deficiencies and complete unfinished work. FAR 46.407 has also been revised to require that the basis for the amounts withheld be documented in the contract file.

Item XIV—Value Engineering Change Proposals/PAT (FAR Case 97–031)

This final rule amends the value engineering change proposal (VECP) guidance in FAR 48.001, 48.102, 48.104, 48.201, and the FAR clause at 52.248–1 to allow the contracting officer to increase the sharing period from 36 to a range of 36 to 60 months; increase the contractor's share of instant, concurrent and future savings under the incentive/voluntary sharing arrangement from 50 to a range of 50 to 75 percent; and increase the contractor's share of collateral savings from 20 to a range of 20 to 100 percent on a case-by-case basis for each VECP.

Item XV—Cost Accounting Standards Post-Award Notification (FAR Case 98–003)

This final rule revises paragraph (e) of the clause at FAR 52.230–6, Administration of Cost Accounting Standards, to reduce the subcontractor information that a contractor is required to provide to its cognizant contract administration office (CAO) when requesting the CAO to perform administration for Cost Accounting Standards matters.

Dated: September 14, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

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Friday
September 24, 1999

Part III

National Archives and Records Administration

Information Security Oversight Office

32 CFR Part 2004

Safeguarding Classified National Security Information; Final Rule

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

32 CFR Part 2004

RIN 3095–AA95

Safeguarding Classified National Security Information

AGENCY: Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: This final rule promulgates a new Directive on Safeguarding Classified National Security Information, which applies to Federal agencies. It implements provisions of Executive Order 12958, Classified National Security Information, that pertain to the handling, storage, distribution, transmittal, destruction of, and accounting for classified information.

EFFECTIVE DATE: October 25, 1999.

FOR FURTHER INFORMATION CONTACT: Dan L. Jacobson, Staff Director, United States Security Policy Board, telephone 703–602–1030; or Steven Garfinkel, Director, ISOO, telephone 202–219–5250.

SUPPLEMENTARY INFORMATION: In accordance with section 5(c) of Executive Order 12958, "Classified National Security Information," the President has approved the Directive for safeguarding classified information contained in this final rule. On behalf of the United States Security Policy Board, which prepared the Directive, and at the direction of the Executive Office of the President, NARA/ISOO is publishing this Directive as Part 2004 of Title 32, Code of Federal Regulations. This Directive complements and supplements the ISOO regulations in 32 CFR Chapter XX, which also implement particular provisions of E.O. 12958. Most specifically, this Directive should be read in conjunction with the Directive contained in 32 CFR part 2001 and with E.O. 12958.

This rule is being issued as a final rule without prior notice of proposed rulemaking as allowed by the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A) for rules of agency procedure. This rule is not a significant regulatory action for the purposes of Executive Order 12866. This rule is not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking. As required by the Regulatory Flexibility Act, we certify that this rule will not have a significant impact on a substantial number of small entities because it applies only to Federal agencies.

List of Subjects in 32 CFR Part 2004

Archives and records, Authority delegations (Government agencies), Classified information, Executive orders, Freedom of information, Information, Intelligence, National defense, National security information, Presidential document, Security information, Security measures.

For the reasons set forth in the preamble, NARA adds new part 2004 to Chapter XX of title 32, Code of Federal Regulations, as follows:

PART 2004—DIRECTIVE ON SAFEGUARDING CLASSIFIED NATIONAL SECURITY INFORMATION:

Sec.

2004.1 Authority.
2004.2 General.
2004.3 Definitions.
2004.4 Responsibilities of holders.
2004.5 Standards for security equipment.
2004.6 Storage.
2004.7 Information controls.
2004.8 Transmission.
2004.9 Destruction.
2004.10 Loss, possible compromise or unauthorized disclosure.
2004.11 Special access programs.
2004.12 Telecommunications, automated information systems and network security.
2004.13 Technical security.
2004.14 Emergency authority.

Appendix A to Part 2004—Open Storage Areas.

Appendix B to Part 2004—Foreign Government Information.

Authority: E.O. 12958, 60 FR 19825, 3 CFR, 1995 Comp., p. 333.

§ 2004.1 Authority.

This Directive is issued pursuant to Section 5.2 (c) of Executive Order (E.O.) 12958, "Classified National Security Information." The E.O. and this Directive set forth the requirements for the safeguarding of classified national security information (hereinafter classified information) and are applicable to all U.S. Government agencies.

§ 2004.2 General.

(a) Classified information, regardless of its form, shall be afforded a level of protection against loss or unauthorized disclosure commensurate with its level of classification.

(b) Except for NATO and other foreign government information, agency heads or their designee(s) (hereinafter referred to as agency heads) may adopt alternative measures, using risk management principles, to protect against loss or unauthorized disclosure when necessary to meet operational requirements. When alternative measures are used for other than temporary, unique situations, the alternative measures shall be documented and provided to the Director, Information Security Oversight Office (ISOO), to facilitate that office's oversight responsibility. Upon request, the description shall be provided to any other agency with which classified information or secure facilities are shared. In all cases, the alternative measures shall provide protection sufficient to reasonably deter and detect loss or unauthorized disclosure. Risk management factors considered will include sensitivity, value and crucial nature of the information; analysis of known and anticipated threats; vulnerability; and countermeasures benefits versus cost.

(c) NATO classified information shall be safeguarded in compliance with U.S. Security Authority for NATO Instructions I–69 and I–70. Other foreign government information shall be safeguarded as described herein for U.S. information except as required by an existing treaty, agreement or other obligation (hereinafter, obligation). When the information is to be safeguarded pursuant to an existing obligation, the additional requirements at Appendix B may apply to the extent they were required in the obligation as originally negotiated or are agreed upon during amendment. Negotiations on new obligations or amendments to existing obligations shall strive to bring provisions for safeguarding foreign government information into accord with standards for safeguarding U.S. information as described in this Directive.

(d) An agency head who originates or handles classified information shall refer any matter pertaining to the implementation of this Directive that he or she cannot resolve to the Director, ISOO for resolution.

§ 2004.3 Definitions.

(a) *Open storage area.* An area, constructed in accordance with Appendix A and authorized by the agency head for open storage of classified information.

(b) *Authorized person.* A person who has a favorable determination of eligibility for access to classified information, has signed an approved nondisclosure agreement, and has a need-to-know for the specific classified information in the performance of official duties.

(c) *Cleared commercial carrier.* A carrier that is authorized by law, regulatory body, or regulation, to transport SECRET and CONFIDENTIAL

material and has been granted a SECRET facility clearance in accordance with the National Industrial Security Program.

(d) *Security-in-depth.* A determination by the agency head that a facility's security program consists of layered and complementary security controls sufficient to deter and detect unauthorized entry and movement within the facility. Examples include, but are not limited to, use of perimeter fences, employee and visitor access controls, use of an Intrusion Detection System (IDS), random guard patrols throughout the facility during non-working hours, closed circuit video monitoring or other safeguards that mitigate the vulnerability of open storage areas without alarms and security storage cabinets during non-working hours.

(e) *Vault.* An area approved by the agency head which is designed and constructed of masonry units or steel lined construction to provide protection against forced entry. A modular vault approved by the General Services Administration (GSA) may be used in lieu of a vault as prescribed in the first sentence of this paragraph (e). Vaults shall be equipped with a GSA-approved vault door and lock.

§ 2004.4 Responsibilities of holders.

Authorized persons who have access to classified information are responsible for:

(a) Protecting it from persons without authorized access to that information, to include securing it in approved equipment or facilities whenever it is not under the direct control of an authorized person;

(b) Meeting safeguarding requirements prescribed by the agency head; and

(c) Ensuring that classified information is not communicated over unsecured voice or data circuits, in public conveyances or places, or in any other manner that permits interception by unauthorized persons.

§ 2004.5 Standards for security equipment.

The Administrator of General Services shall, in coordination with agency heads originating classified information, establish and publish uniform standards, specifications and supply schedules for security equipment designed to provide secure storage for and destruction of classified information. Whenever new security equipment is procured, it shall be in conformance with the standards and specifications established by the Administratior of General Services, and shall, to the maximum extent possible, be of the type available through the Federal Supply System.

§ 2004.6 Storage.

(a) *General.* Classified information shall be stored only under conditions designed to deter and detect unauthorized access to the information. Storage at overseas locations shall be at U.S. Government controlled facilities unless otherwise stipulated in treaties or international agreements. Overseas storage standards for facilities under a Chief of Mission are promulgated under the authority of the Overseas Security Policy Board.

(b) *Requirements for physical protection.* (1) *Top Secret.* Top Secret information shall be stored by *one* of the following methods:

(i) In a GSA-approved security container with one of the following supplemental controls:

(A) Continuous protection by cleared guard or duty personnel;

(B) Inspection of the security container every two hours by cleared guard or duty personnel;

(C) An Intrusion Detection System (IDS) with the personnel responding to the alarm arriving within 15 minutes of the alarm annunciation [Acceptability of Intrusion Detection Equipment (IDE): All IDE must be UL-listed (or equivalent as defined by the agency head) and approved by the agency head. Government and proprietary installed, maintained, or furnished systems are subject to approval only by the agency head.]; or

(D) Security-In-Depth conditions, provided the GSA-approved container is equipped with a lock meeting Federal Specification FF–L–2740.

(ii) An open storage area constructed in accordance with Appendix A, which is equipped with an IDS with the personnel responding to the alarm arriving within 15 minutes of the alarm annunciation if the area is covered by Security-In-Depth or a five minute alarm response if it is not.

(iii) An IDS-equipped vault with the personnel responding to the alarm arriving within 15 minutes of the alarm annunciation.

(2) *Secret.* Secret information shall be stored by one of the following methods:

(i) In the same manner as prescribed for Top Secret information;

(ii) In a GSA-approved security container or vault without supplemental controls; or

(iii) In either of the following:

(A) Until October 1, 2012, in a non-GSA-approved container having a built-in combination lock or in a non-GSA approved container secured with a rigid metal lockbar and an agency head approved padlock; or

(B) An open storage area. In either case, one of the following supplemental controls is required:

(*1*) The location that houses the container or open storage area shall be subject to continuous protection by cleared guard or duty personnel;

(*2*) Cleared guard or duty personnel shall inspect the security container or open storage area once every four hours; or

(*3*) An IDS (per paragraph (b)(1)(i)(C) of this section) with the personnel responding to the alarm arriving within 30 minutes of the alarm annunciation. [In addition to one of these supplemental controls specified in paragraphs (b)(2)(iii)(B)(*1*) through (*3*), security-in-depth as determined by the agency head is required as part of the supplemental controls for a non-GSA approved container or open storage area storing Secret information.]

(3) *Confidential.* Confidential information shall be stored in the same manner as prescribed for Top Secret or Secret information except that supplemental controls are not required.

(c) *Combinations.* Use and maintenance of dial-type locks and other changeable combination locks.

(1) Equipment in service. The classification of the combination shall be the same as the highest level of classified information that is protected by the lock. Combinations to dial-type locks shall be changed only by persons having a favorable determination of eligibility for access to classified information and authorized access to the level of information protected unless other sufficient controls exist to prevent access to the lock or knowledge of the combination. Combinations shall be changed under the following conditions:

(i) Whenever such equipment is placed into use;

(ii) Whenever a person knowing the combination no longer requires access to it unless other sufficient controls exist to prevent access to the lock; or

(iii) Whenever a combination has been subject to possible unauthorized disclosure.

(2) Equipment out of service. When security equipment is taken out of service, it shall be inspected to ensure that no classified information remains and the built-in combination lock shall be reset to a standard combination.

(d) *Key operated locks.* When special circumstances exist, an agency head may approve the use of key operated locks for the storage of Secret and Confidential information. Whenever such locks are used, administrative procedures for the control and accounting of keys and locks shall be established.

§ 2004.7 Information controls.

(a) *General.* Agency heads shall establish a system of control measures which assure that access to classified information is limited to authorized persons. The control measures shall be appropriate to the environment in which the access occurs and the nature and volume of the information. The system shall include technical, physical, and personnel control measures. Administrative control measures which may include records of internal distribution, access, generation, inventory, reproduction, and disposition of classified information shall be required when technical, physical and personnel control measures are insufficient to deter and detect access by unauthorized persons.

(b) *Reproduction.* Reproduction of classified information shall be held to the minimum consistent with operational requirements. The following additional control measures shall be taken:

(1) Reproduction shall be accomplished by authorized persons knowledgeable of the procedures for classified reproduction;

(2) Unless restricted by the originating Agency, Top Secret, Secret, and Confidential information may be reproduced to the extent required by operational needs, or to facilitate review for declassification;

(3) Copies of classified information shall be subject to the same controls as the original information; and

(4) The use of technology that prevents, discourages, or detects the unauthorized reproduction of classified information is encouraged.

§ 2004.8 Transmission.

(a) *General.* Classified information shall be transmitted and received in an authorized manner which ensures that evidence of tampering can be detected, that inadvertent access can be precluded, and that provides a method which assures timely delivery to the intended recipient. Persons transmitting classified information are responsible for ensuring that intended recipients are authorized persons with the capability to store classified information in accordance with this Directive.

(b) *Dispatch.* Agency heads shall establish procedures which ensure that:

(1) All classified information physically transmitted outside facilities shall be enclosed in two layers, both of which provide reasonable evidence of tampering and which conceal the contents. The inner enclosure shall clearly identify the address of both the sender and the intended recipient, the highest classification level of the contents, and any appropriate warning notices. The outer enclosure shall be the same except that no markings to indicate that the contents are classified shall be visible. Intended recipients shall be identified by name only as part of an attention line. The following exceptions apply:

(i) If the classified information is an internal component of a packable item of equipment, the outside shell or body may be considered as the inner enclosure provided it does not reveal classified information;

(ii) If the classified information is an inaccessible internal component of a bulky item of equipment, the outside or body of the item may be considered to be a sufficient enclosure provided observation of it does not reveal classified information;

(iii) If the classified information is an item of equipment that is not reasonably packable and the shell or body is classified, it shall be concealed with an opaque enclosure that will hide all classified features;

(iv) Specialized shipping containers, including closed cargo transporters or diplomatic pouch, may be considered the outer enclosure when used; and

(v) When classified information is hand-carried outside a facility, a locked briefcase may serve as the outer enclosure.

(2) Couriers and authorized persons designated to hand-carry classified information shall ensure that the information remains under their constant and continuous protection and that direct point-to-point delivery is made. As an exception, agency heads may approve, as a substitute for a courier on direct flights, the use of specialized shipping containers that are of sufficient construction to provide evidence of forced entry, are secured with a high security padlock, are equipped with an electronic seal that would provide evidence of surreptitious entry and are handled by the carrier in a manner to ensure that the container is protected until its delivery is completed.

(c) *Transmission methods within and between the U.S., Puerto Rico, or a U.S. possession or trust territory.* (1) *Top Secret.* Top Secret information shall be transmitted by direct contact between authorized persons; the Defense Courier Service or an authorized government agency courier service; a designated courier or escort with Top Secret clearance; electronic means over approved communications systems. Under no circumstances will Top Secret information be transmitted via the U.S. Postal Service.

(2) *Secret.* Secret information shall be transmitted by:

(i) Any of the methods established for Top Secret; U.S. Postal Service Express Mail and U.S. Postal Service Registered Mail, as long as the Waiver of Signature and Indemnity block, item 11–B, on the U.S. Postal Service Express Mail Label shall not be completed; and cleared commercial carriers or cleared commercial messenger services. The use of street-side mail collection boxes is strictly prohibited; and

(ii) Agency heads may, on an exceptional basis and when an urgent requirement exists for overnight delivery within the U.S. and its Territories, authorize the use of the current holder of the General Services Administration contract for overnight delivery of information for the Executive Branch as long as applicable postal regulations (39 CFR chapter I) are met. Any such delivery service shall be U.S. owned and operated, provide automated in-transit tracking of the classified information, and ensure package integrity during transit. The contract shall require cooperation with government inquiries in the event of a loss, theft, or possible unauthorized disclosure of classified information. The sender is responsible for ensuring that an authorized person will be available to receive the delivery and verification of the correct mailing address. The package may be addressed to the recipient by name. The release signature block on the receipt label shall not be executed under any circumstances. The use of external (street side) collection boxes is prohibited. Classified Communications Security Information, NATO, and foreign government information shall not be transmitted in this manner.

(3) *Confidential.* Confidential information shall be transmitted by any of the methods established for Secret information or U.S. Postal Service Certified Mail. In addition, when the recipient is a U.S. Government facility, the confidential information may be transmitted via U.S. First Class Mail. However, confidential information shall not be transmitted to government contractor facilities via first class mail. When first class mail is used, the envelope or outer wrapper shall be marked to indicate that the information is not to be forwarded, but is to be returned to sender. The use of street-side mail collection boxes is prohibited.

(d) *Transmission methods to a U.S. Government facility located outside the U.S.* The transmission of classified information to a U.S. Government facility located outside the 50 states, the District of Columbia, the

Commonwealth of Puerto Rico, or a U.S. possession or trust territory, shall be by methods specified above for Top Secret information or by the Department of State Courier Service. U.S. Registered Mail through Military Postal Service facilities may be used to transmit Secret and Confidential information provided that the information does not at any time pass out of U.S. citizen control nor pass through a foreign postal system.

(e) *Transmission of U.S. classified information to foreign governments.* Such transmission shall take place between designated government representatives using the transmission methods described in paragraph (d) of this section. When classified information is transferred to a foreign government or its representative a signed receipt is required.

(f) *Receipt of classified information.* Agency heads shall establish procedures which ensure that classified information is received in a manner which precludes unauthorized access, provides for inspection of all classified information received for evidence of tampering and confirmation of contents, and ensures timely acknowledgment of the receipt of Top Secret and Secret information by an authorized recipient. As noted in paragraph (e) of this section, a receipt acknowledgment of all classified material transmitted to a foreign government or its representative is required.

§ 2004.9 Destruction.

(a) *General.* Classified information identified for destruction shall be destroyed completely to preclude recognition or reconstruction of the classified information in accordance with procedures and methods prescribed by agency heads. The methods and equipment used to routinely destroy classified information include burning, cross-cut shredding, wet-pulping, melting, mutilation, chemical decomposition or pulverizing.

(b) *Technical guidance.* Technical guidance concerning appropriate methods, equipment, and standards for the destruction of classified electronic media and processing equipment components may be obtained by submitting all pertinent information to the National Security Agency/Central Security Service, Directorate for Information Systems Security, Fort Meade, MD 20755. Specifications concerning appropriate equipment and standards for the destruction of other storage media may be obtained from the GSA.

§ 2004.10 Loss, possible compromise or unauthorized disclosure.

(a) *General.* Any person who has knowledge that classified information has been or may have been lost, possibly compromised or disclosed to an unauthorized person(s) shall immediately report the circumstances to an official designated for this purpose.

(b) *Cases involving information originated by a foreign government or another U.S. government agency.* Whenever a loss or possible unauthorized disclosure involves the classified information or interests of a foreign government agency, or another government agency, the department or agency in which the compromise occurred shall advise the other government agency or foreign government of the circumstances and findings that affect their information or interests. However, foreign governments normally will not be advised of any security system vulnerabilities that contributed to the compromise.

(c) *Inquiry/investigation and corrective actions.* Agency heads shall establish appropriate procedures to conduct an inquiry/investigation of a loss, possible compromise or unauthorized disclosure of classified information, in order to implement appropriate corrective actions, which may include disciplinary sanctions, and to ascertain the degree of damage to national security.

(d) *Department of Justice and legal counsel coordination.* Agency heads shall establish procedures to ensure coordination with legal counsel whenever a formal action, beyond a reprimand, is contemplated against any person believed responsible for the unauthorized disclosure of classified information. Whenever a criminal violation appears to have occurred and a criminal prosecution is contemplated, agency heads shall use established procedures to ensure coordination with—

(1) The Department of Justice, and

(2) The legal counsel of the agency where the individual responsible is assigned or employed.

§ 2004.11 Special access programs.

(a) *General.* The safeguarding requirements of this Directive may be enhanced for information in Special Access Programs (SAP), established under the provisions of Section 4.4 of E.O. 12958, by the agency head responsible for creating the SAP. Agency heads shall ensure that the enhanced controls are based on an assessment of the value, critical nature, and vulnerability of the information.

(b) *Significant interagency support requirements.* Agency heads must ensure that a Memorandum of Agreement/Understanding (MOA/MOU) is established for each Special Access Program that has significant interagency support requirements, to appropriately and fully address support requirements and supporting agency oversight responsibilities for that SAP.

§ 2004.12 Telecommunications, automated information systems and network security.

Each agency head shall ensure that classified information electronically accessed, processed, stored or transmitted is protected in accordance with applicable national policy issuances identified in the Index of National Security Telecommunications and Information Systems Security Issuances (NSTISSI) and Director of Central Intelligence Directive (DCID) 6/3.

§ 2004.13 Technical security.

Based upon the risk management factors referenced in § 2004.2 of this directive agency heads shall determine the requirement for technical countermeasures such as Technical Surveillance Countermeasures (TSCM) and TEMPEST necessary to detect or deter exploitation of classified information through technical collection methods and may apply countermeasures in accordance with NSTISSI 7000, entitled Tempest Countermeasures for Facilities, and SPB Issuance 6–97, entitled National Policy on Technical Surveillance Countermeasures.

§ 2004.14 Emergency authority.

Agency heads may prescribe special provisions for the dissemination, transmittal, destruction, and safeguarding of classified information during military operations or other emergency situations.

Appendix A to Part 2004—Open Storage Areas

This Appendix describes the construction standards for open storage areas.

1. *Construction.* The perimeter walls, floors, and ceiling will be permanently constructed and attached to each other. All construction must be done in a manner as to provide visual evidence of unauthorized penetration.

2. *Doors.* Doors shall be constructed of wood, metal, or other solid material. Entrance doors shall be secured with a built-in GSA-approved three-position combination lock. When special circumstances exist, the agency head may authorize other locks on entrance doors for Secret and Confidential storage. Doors other than those secured with the aforementioned locks shall be secured from the inside with either deadbolt

emergency egress hardware, a deadbolt, or a rigid wood or metal bar which extends across the width of the door, or by other means approved by the agency head.

3. *Vents, ducts, and miscellaneous openings.* All vents, ducts, and similar openings in excess of 96 square inches (and over 6 inches in its smallest dimension) that enter or pass through an open storage area shall be protected with either bars, expanded metal grills, commercial metal sound baffles, or an intrusion detection system.

4. *Windows.*

a. All windows which might reasonably afford visual observation of classified activities within the facility shall be made opaque or equipped with blinds, drapes, or other coverings.

b. Windows at ground level will be constructed from or covered with materials which provide protection from forced entry. The protection provided to the windows need be no stronger than the strength of the contiguous walls. Open storage areas which are located within a controlled compound or equivalent may eliminate the requirement for forced entry protection if the windows are made inoperable either by permanently sealing them or equipping them on the inside with a locking mechanism and they are covered by an IDS (either independently or by the motion detection sensors within the area.)

Appendix B to Part 2004—Foreign Government Information

The requirements described below are additional baseline safeguarding standards that may be necessary for foreign government information, other than NATO information, that requires protection pursuant to an existing treaty, agreement, or other obligation. NATO classified information shall be safeguarded in compliance with United States Security Authority for NATO Instructions I–69 and I–70. To the extent practical, and to facilitate its control, foreign government information should be stored separately from other classified information. To avoid additional costs, separate storage may be accomplished by methods such as separate drawers of a container. The safeguarding standards described below may be modified if required or permitted by treaties or agreements, or for other obligations, with the prior written consent of the National Security Authority of the originating government.

1. *Top Secret.* Records shall be maintained of the receipt, internal distribution, destruction, access, reproduction, and transmittal of foreign government Top Secret information. Reproduction requires the consent of the originating government. Destruction will be witnessed.

2. *Secret.* Records shall be maintained of the receipt, external dispatch and destruction of foreign government Secret information. Other records may be necessary if required by the originator. Secret foreign government information may be reproduced to meet mission requirements unless prohibited by the originator. Reproduction shall be recorded unless this requirement is waived by the originator.

3. *Confidential.* Records need not be maintained for foreign government Confidential information unless required by the originator.

4. *Restricted and other foreign government information provided in confidence.* In order to assure the protection of other foreign government information provided in confidence (e.g., foreign government "Restricted," "Designated," or unclassified provided in confidence), such information must be classified under E.O. 12958. The receiving agency, or a receiving U.S. contractor, licensee, grantee, or certificate holder acting in accordance with instructions received from the U.S. Government, shall provide a degree of protection to the foreign government information at least equivalent to that required by the government or international organization that provided the information. When adequate to achieve equivalency, these standards may be less restrictive than the safeguarding standards that ordinarily apply to US CONFIDENTIAL information. If the foreign protection requirement is lower than the protection required for US CONFIDENTIAL information, the following requirements shall be met:

a. Documents may retain their original foreign markings if the responsible agency determines that these markings are adequate to meet the purposes served by U.S. classification markings. Otherwise, documents shall be marked, "This document contains (insert name of country) (insert classification level) information to be treated as US (insert classification level)." The notation, "Modified Handling Authorized," may be added to either the foreign or U.S. markings authorized for foreign government information. If remarking foreign originated documents or matter is impractical, an approved cover sheet is an authorized option;

b. Documents shall be provided only to those who have an established need-to-know, and where access is required by official duties;

c. Individuals being given access shall be notified of applicable handling instructions. This may be accomplished by a briefing, written instructions, or by applying specific handling requirements to an approved cover sheet;

d. Documents shall be stored in such a manner so as to prevent unauthorized access;

e. Documents shall be transmitted in a method approved for classified information, unless this method is waived by the originating government.

5. *Third-country transfers.* The release or disclosure of foreign government information to any third-country entity must have the prior consent of the originating government if required by a treaty, agreement, bilateral exchange, or other obligation.

Dated: September 17, 1999.

John W. Carlin,

Archivist of the United States.

[FR Doc. 99–24813 Filed 9–23–99; 8:45 am]

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federal register

Friday
September 24, 1999

Part IV

Department of Housing and Urban Development

24 CFR Part 888

Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors, Fiscal Years 2000; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 888

[Docket No. FR–4528–N–01]

Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors, Fiscal Year 2000

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Revised Contract Rent Annual Adjustment Factors.

SUMMARY: This notice announces revised Annual Adjustment Factors (AAFs) for adjustment of Section 8 contract rents on housing assistance payment contract anniversaries from October 1, 1999. The AAFs are based on a formula using data on residential rent and utilities cost changes from the most current Bureau of Labor Statistics Consumer Price Index (CPI) survey and from HUD's Random Digit Dialing (RDD) rent change surveys.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Rental Assistance Division, Office of Public and Indian Housing [(202) 708–0477], for questions relating to the Section 8 Voucher, Certificate, and Moderate Rehabilitation programs; Allison Manning, Office of Special Needs Assistance Programs, Office of Community Planning and Development, [(202) 708–1234] for questions regarding the Single Room Occupancy Moderate Rehabilitation program; Frank M. Malone, Acting Director, Office of Asset Management and Disposition, Office of Housing [(202) 708–3730], for questions relating to all other Section 8 programs; and Alan Fox, Economic and Market Analysis Division, Office of Policy Development and Research [(202) 708–0590; e-mail alan__fox@hud.gov], for technical information regarding the development of the schedules for specific areas or the methods used for calculating the AAFs. Mailing address for above persons: Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Hearing- or speech-impaired persons may contact the Federal Information Relay Service at 1–800–877–8339 (TTY). (Other than the "800" TTY number, the above-listed telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

This Notice explains how AAFs are applied. The first section identifies to which programs and under what circumstances AAFs apply. The second section provides an explanation of when and how the statutory 1 percent reduction to AAFs should be applied. The third section describes the actual adjustment procedures. For this purpose, Section 8 programs affected by AAFs are grouped into three categories, each of which uses AAFs differently:

Category 1.—The Section 8 new construction and substantial rehabilitation programs and the moderate rehabilitation program.

Category 2.—The Section 8 loan management (LM) and property disposition (PD) programs.

Category 3.—The Section 8 certificate program and the project-based voucher program.

Next the Notice explains the content and applicability of the two AAF tables included in this Notice and provides detailed information on the geographical coverage of each AAF area. The Notice then explains how to apply AAFs to manufactured home space rentals in the Section 8 tenant-based certificate program.

The Notice closes with a brief explanation of how HUD calculates AAFs.

I. Applicability of AAFs to Various Section 8 Programs

AAFs established by this Notice are used to adjust contract rents for units assisted in certain Section 8 housing assistance payments programs, during the term of the HAP contract. However, the specific application of the AAFs is determined by the law, the HAP contract, and appropriate program regulations or requirements.

AAFs are not used for the Section 8 tenant-based voucher program.

AAFs are not used for budget-based rent adjustments. Contract rents for projects receiving Section 8 subsidies under the loan management program (24 CFR part 886, subpart A) and for projects receiving Section 8 subsidies under the property disposition program (24 CFR part 886, subpart C) are adjusted, at HUD's option, either by applying the AAFs or by budget-based adjustments in accordance with 24 CFR 207.19(e). Budget-based adjustments are used for most Section 8/202 projects.

Under the Section 8 moderate rehabilitation program (both the regular program and the single room occupancy program), the public housing agency (PHA) applies the AAF to the base rent component of the contract rent, not the full contract rent.

II. Use of Reduced AAF

In accordance with Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)), the AAF is reduced by .01:

—For regular tenancy in the Section 8 certificate program, for all units.

—In other Section 8 programs, for a unit occupied by the same family at the time of the last annual rent adjustment (and where the rent is not reduced by application of comparability (rent reasonableness)).

The law provides that:

> Except for assistance under the certificate program, for any unit occupied by the same family at the time of the last annual rental adjustment, where the assistance contract provides for the adjustment of the maximum monthly rent by applying an annual adjustment factor and where the rent for a unit is otherwise eligible for an adjustment based on the full amount of the factor, 0.01 shall be subtracted from the amount of the factor, except that the factor shall not be reduced to less than 1.0. In the case of assistance under the certificate program, 0.01 shall be subtracted from the amount of the annual adjustment factor (except that the factor shall not be reduced to less than 1.0), and the adjusted rent shall not exceed the rent for a comparable unassisted unit of similar quality, type, and age in the market area. 42 U.S.C. 1437f(c)(2)(A).

This statutory language is now permanent law. Section 2004 of the Balanced Budget Act of 1997 provides that these provisions are in effect through fiscal year 2000 and thereafter (Pub. L. 105–33, approved August 5, 1997).

To implement the law, HUD is again publishing two separate AAF Tables, contained in Schedule C, Tables 1 and 2 of this notice. Each AAF in Table 2 is computed by subtracting 0.01 from the annual adjustment factor in Table 1.

III. Adjustment Procedures

The discussion in this **Federal Register** Notice is intended to provide a broad orientation on adjustment procedures. Technical details and requirements will be described in HUD notices (issued by the Office of Housing and the Office of Public and Indian Housing).

Because of statutory and structural distinctions among the various Section 8 programs, there are separate rent adjustment procedures for three program categories:

—The Section 8 new construction and substantial rehabilitation programs (including the Section 8 state agency program); and the moderate rehabilitation programs (including the moderate rehabilitation single room occupancy program).

—The Section 8 loan management (LM) Program (Part 886, Subpart A) and property disposition (PD) Program (Part 886 Subpart C).

—The Section 8 certificate program (including the project-based

certificate [PBC] program) and the project-based voucher program.

Category 1: Section 8 New Construction, Substantial Rehabilitation and Moderate Rehabilitation Programs

In the Section 8 New Construction and Substantial Rehabilitation programs, the published AAF factor is applied to the pre-adjustment contract rent. In the Section 8 Moderate Rehabilitation program, the published AAF is applied to the pre-adjustment base rent.

For category 1 programs, the Table 1 AAF factor is applied before determining comparability (rent reasonableness). Comparability applies if the pre-adjustment gross rent (pre-adjustment contract rent plus any allowance for tenant-paid utilities) is above the published FMR.

If the comparable rent level (plus any initial difference) is lower than the contract rent as adjusted by application of the Table 1 AAF, the comparable rent level (plus any initial difference) will be the new contract rent. However, the pre-adjustment contract rent will not be decreased by application of comparability.

In all other cases (i.e., unless contract rent is reduced by comparability):

—The Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.

—The Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

Category 2: The Loan Management Program (LM; Part 886, Subpart A) and Property Disposition Program (PD; Part 886 Subpart C)

At this time, rent adjustment by the AAF in the Category 2 programs is not subject to comparability. (Comparability will again apply if HUD establishes regulations for conducting comparability studies under 42 U.S.C. 1437f(c)(2)(C).) Rents are adjusted by applying the full amount of the applicable AAF under this notice.

The applicable AAF is determined as follows:

—The Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.

—The Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

Category 3: Section 8 Certificate Program

The same adjustment procedure is used for rent adjustment in the tenant-based certificate program, in the project-based certificate program, and the project-based voucher program. The following procedures are used:

—The Table 2 AAF is always used; the Table 1 AAF is not used.

—The Table 2 AAF is always applied before determining comparability (rent reasonableness).

—Comparability always applies. If the comparable rent level is lower than the rent to owner (contract rent) as adjusted by application of the Table 2 AAF, the comparable rent level will be the new rent to owner.

AAF Tables

The AAFs are contained in Schedule C, Tables 1 and 2 of this notice. There are two columns in each table. The first column is used to adjust contract rent for units where the highest cost utility is included in the contract rent. The second column is used where the highest cost utility is not included in the contract rent—i.e., where the tenant pays for the highest cost utility.

AAF Areas

Each AAF applies to a specified geographic area and to units of all bedroom sizes. AAFs are provided:

—For the metropolitan parts of the ten HUD regions exclusive of CPI areas;

—For the nonmetropolitan parts of these regions; and

—For 96 separate metropolitan AAF areas for which local CPI survey data are available.

With the exceptions discussed below, the AAFs shown in Schedule C use the Office of Management and Budget's (OMB) most current definitions of metropolitan areas. HUD uses the OMB Metropolitan Statistical Area (MSA) and Primary Metropolitan Statistical Area (PMSA) definitions for AAF areas because of their close correspondence to housing market area definitions.

The exceptions are for certain large metropolitan areas, where HUD considers the area covered by the OMB definition to be larger than appropriate for use as a housing market area definition. In those areas, HUD has deleted some of the counties that OMB had added to its revised definitions. The following counties are deleted from the HUD definitions of AAF areas:

Metropolitan area	Deleted counties
Chicago, IL:	DeKalb, Grundy and Kendall Counties.
Cincinnati-Hamilton, OH–KY–IN:	Brown County, Ohio; Gallatin, Grant and Pendleton Counties in Kentucky; and Ohio County, Indiana.
Dallas, TX:	Henderson County.
Flagstaff, AZ–UT:	Kane County, UT.
New Orleans, LA:	St. James Parish.
Washington, DC–VA–MD–WV:	Berkeley and Jefferson Counties in West Virginia; and Clarke, Culpeper, King George and Warren counties in Virginia.

Separate AAFs are listed in this publication for the above counties. They and the metropolitan area of which they are a part are identified with an asterisk (*) next to the area name. The asterisk indicates that there is a difference between the OMB metropolitan area and the HUD AAF area definition for these areas.

To make certain that they are using the correct AAFs, users should refer to the area definitions section at the end of Schedule C. For units located in metropolitan areas with a local CPI survey, AAFs are listed separately. For units located in areas without a local CPI survey, the appropriate HUD regional Metropolitan or Nonmetropolitan AAFs are used.

The AAF area definitions shown in Schedule C are listed in alphabetical order by State. The associated HUD region is shown next to each State name. Areas whose AAFs are determined by local CPI surveys are listed first. All metropolitan CPI areas have separate AAF schedules and are shown with their corresponding county definitions or as metropolitan counties. Listed after the metropolitan CPI areas (in those states that have such areas) are the non-CPI metropolitan and nonmetropolitan counties of each State. In the six New England States, the listings are for counties or parts of counties as defined by towns or cities.

Puerto Rico and the Virgin Islands use the Southeast AAFs. All areas in Hawaii use the AAFs identified in the Table as "STATE: Hawaii," which are based on the CPI survey for the Honolulu metropolitan area. The Pacific Islands use the Pacific/Hawaii Nonmetropolitan AAFs. The Anchorage metropolitan area uses the AAFs based on the local CPI survey; all other areas in Alaska use the Northwest/Alaska Nonmetropolitan AAFs.

Section 8 Certificate Program AAFs for Manufactured Home Spaces

For a manufactured home space rental in the Section 8 tenant-based certificate program, the AAFs in this publication identified as "Highest Cost Utility Excluded" are to be used to adjust the rent to owner for the manufactured home space. The applicable AAF is determined by reference to the geographic listings contained in Schedule C, as described in the preceding section.

How Factors Are Calculated

For Areas With CPI Surveys

(1) Changes in the shelter rent and utilities components were calculated based on the most recent CPI annual average change data.

(2) The "Highest Cost Utility Included" column in Schedule C was calculated by weighting the rent and utility components with the corresponding components from the 1990 Census.

(3) The "Highest Cost Utility Excluded" column in Schedule C was calculated by eliminating the effect of heating costs that are included in the rent of some of the units in the CPI surveys.

For Areas Without CPI Surveys

(1) HUD used random digit dialing (RDD) regional surveys to calculate AAFs. The RDD survey method is based on a sampling procedure that uses computers to select a statistically random sample of rental housing, dial and keep track of the telephone calls, and process the responses. RDD surveys are conducted to determine the rent change factors for the metropolitan parts (exclusive of CPI areas) and nonmetropolitan parts of the 10 HUD regions, a total of 20 surveys.

(2) The change in rent with the highest cost utility included in the rent was calculated using the average of the ratios of gross rent in the current year RDD survey divided by the previous year's for the respective metropolitan or nonmetropolitan parts of the HUD region.

(3) The change in rent with the highest cost utility excluded (i.e., paid separately by the tenant) was calculated in the same manner, after subtracting the median values of utilities costs from the gross rents in the two years. The median cost of utilities was determined from the units in the RDD sample which reported that all utilities were paid by the tenant.

Other Matters

Environmental Impact

An environmental assessment is unnecessary, since revising Annual Adjustment Factors is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.19(c)(6).

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this Notice do not have federalism implications and, thus, are not subject to review under the Order. The Notice merely announces the adjustment factors to be used to adjust contract rents in the Section 8 Housing Assistance Payment programs, as required by the United States Housing Act of 1937.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program number for Lower Income Housing Assistance programs (Section 8) is 14.156.

Accordingly, the Department publishes these Annual Adjustment Factors for the Section 8 Housing Assistance Payments Programs as set forth in the following Tables:

Dated: September 17, 1999.

Andrew Cuomo,

Secretary.

BILLING CODE 4210–32–P

SCHEDULE C - TABLE 1 - CONTRACT RENT AAFS

PREPARED ON 031099

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED		HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
New England Metropolitan	1.008	1.013	New England Nonmetropolitan	1.007	1.014
New York/New Jersey Metropolitan	1.005	1.012	New York/New Jersey Nonmetropolitan	1.002	1.009
Mid-Atlantic Metropolitan	1.008	1.018	Mid-Atlantic Nonmetropolitan	1.005	1.018
Southeast Metropolitan	1.006	1.020	Southeast Nonmetropolitan	1.000	1.010
Midwest Metropolitan	1.013	1.019	Midwest Nonmetropolitan	1.005	1.011
Southwest Metropolitan	1.002	1.016	Southwest Nonmetropolitan	1.000	1.017
Great Plains Metropolitan	1.012	1.018	Great Plains Nonmetropolitan	1.005	1.012
Rocky Mountain Metropolitan	1.018	1.022	Rocky Mountain Nonmetropolitan	1.009	1.015
Pacific/Hawaii Metropolitan	1.013	1.018	Pacific/Hawaii Nonmetropolitan	1.004	1.009
Northwest/Alaska Metropolitan	1.005	1.010	Northwest/Alaska Nonmetropolitan	1.008	1.013
STATE Hawaii	1.000	1.000	PMSA Akron, OH	1.043	1.051
MSA Anchorage, AK	1.014	1.013	PMSA Ann Arbor, MI	1.027	1.033
MSA Atlanta, GA	1.036	1.038	PMSA Atlantic-Cape May, NJ	1.023	1.027
PMSA Baltimore, MD	1.024	1.026	PMSA Bergen-Passaic, NJ	1.032	1.039
*COUNTY Berkeley, WV	1.023	1.027	PMSA Boston, MA-NH	1.040	1.053
PMSA Boulder-Longmont, CO	1.052	1.056	PMSA Brazoria, TX	1.031	1.037
PMSA Bremerton, WA	1.046	1.054	PMSA Bridgeport, CT	1.030	1.041
PMSA Brockton, MA	1.038	1.054	*COUNTY Brown, OH	1.025	1.020
*Chicago, IL	1.034	1.045	*Cincinnati, OH-KY-IN	1.024	1.021
*COUNTY Clarke, VA	1.023	1.027	PMSA Cleveland-Lorain-Elyria, OH	1.043	1.051
*COUNTY Culpeper, VA	1.024	1.027	*Dallas, TX	1.043	1.050

SCHEDULE C - TABLE 1 - CONTRACT RENT AAFS

PREPARED ON 031099

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
PMSA Danbury, CT	1.031	1.040
PMSA Denver, CO	1.051	1.056
PMSA Dutchess County, NY	1.031	1.039
PMSA Flint, MI	1.024	1.034
PMSA Fort Worth-Arlington, TX	1.042	1.050
PMSA Galveston-Texas City, TX	1.031	1.037
*COUNTY Grant, KY	1.025	1.020
*COUNTY Grundy, IL	1.030	1.049
PMSA Hamilton-Middletown, OH	1.024	1.021
PMSA Houston, TX	1.032	1.037
PMSA Jersey City, NJ	1.032	1.038
MSA Kansas City, MO-KS	1.040	1.048
PMSA Kenosha, WI	1.032	1.047
PMSA Lawrence, MA-NH	1.038	1.054
PMSA Lowell, MA-NH	1.039	1.053
PMSA Miami, FL	1.014	1.018
PMSA Milwaukee-Waukesha, WI	1.023	1.020
PMSA Monmouth-Ocean, NJ	1.031	1.040
PMSA Nassau-Suffolk, NY	1.031	1.039
PMSA New Haven-Meriden, CT	1.031	1.039
*COUNTY Westchester, NY	1.033	1.037
*COUNTY De Kalb, IL	1.032	1.047
PMSA Detroit, MI	1.025	1.034
PMSA Fitchburg-Leominster, MA	1.039	1.054
PMSA Fort Lauderdale, FL	1.014	1.018
*COUNTY Gallatin, KY	1.026	1.020
PMSA Gary, IN	1.029	1.050
PMSA Greeley, CO	1.052	1.056
PMSA Hagerstown, MD	1.024	1.027
*COUNTY Henderson, TX	1.037	1.051
*COUNTY Jefferson, WV	1.023	1.027
PMSA Kankakee, IL	1.028	1.051
*COUNTY Kendall, Il	1.032	1.046
*COUNTY King George, VA	1.023	1.027
PMSA Los Angeles-Long Beach, CA	1.022	1.029
PMSA Manchester, NH	1.039	1.054
PMSA Middlesex-Somerset-Hunterdon, NJ	1.032	1.038
MSA Minneapolis-St. Paul, MN-WI	1.027	1.031
PMSA Nashua, NH	1.039	1.053
PMSA New Bedford, MA	1.039	1.054
PMSA New York, NY	1.032	1.037
PMSA Newark, NJ	1.031	1.039

SCHEDULE C - TABLE 1 - CONTRACT RENT AAFS

PREPARED ON 031099

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED		HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
PMSA Newburgh, NY-PA	1.031	1.039	PMSA Oakland, CA	1.070	1.080
*COUNTY Ohio, IN	1.025	1.020	PMSA Olympia, WA	1.046	1.054
PMSA Orange County, CA	1.023	1.029	*COUNTY Pendleton, KY	1.025	1.020
PMSA Philadelphia, PA-NJ	1.023	1.027	PMSA Pittsburgh, PA	1.028	1.040
PMSA Portland-Vancouver, OR-WA	1.039	1.036	PMSA Portsmouth-Rochester, NH-ME	1.039	1.054
PMSA Racine, WI	1.024	1.020	PMSA Riverside-San Bernardino, CA	1.020	1.029
MSA St. Louis, MO-IL	1.018	1.023	PMSA Salem, OR	1.040	1.036
MSA San Diego, CA	1.043	1.050	PMSA San Francisco, CA	1.072	1.080
PMSA San Jose, CA	1.072	1.080	PMSA Santa Cruz-Watsonville, CA	1.070	1.080
PMSA Santa Rosa, CA	1.068	1.080	PMSA Seattle-Bellevue-Everett, WA	1.048	1.054
PMSA Stamford-Norwalk, CT	1.032	1.038	PMSA Tacoma, WA	1.047	1.054
MSA Tampa-St. Petersburg-Clearwater, FL	1.030	1.035	PMSA Trenton, NJ	1.031	1.039
PMSA Vallejo-Fairfield-Napa, CA	1.068	1.080	PMSA Ventura, CA	1.023	1.029
PMSA Vineland-Millville-Bridgeton, NJ	1.022	1.027	*COUNTY Warren, VA	1.024	1.027
*Washington, DC-MD-VA	1.024	1.026	PMSA Waterbury, CT	1.031	1.039
PMSA Wilmington-Newark, DE-MD	1.023	1.027	PMSA Worcester, MA-CT	1.039	1.054

SCHEDULE C - TABLE 2 - CONTRACT RENT AAFS

PREPARED ON 031099

	HIGHEST COST UTILITY			HIGHEST COST UTILITY	
	INCLUDED	EXCLUDED		INCLUDED	EXCLUDED
New England Metropolitan	1.000	1.003	New England Nonmetropolitan	1.000	1.004
New York/New Jersey Metropolitan	1.000	1.002	New York/New Jersey Nonmetropolitan	1.000	1.000
Mid-Atlantic Metropolitan	1.000	1.008	Mid-Atlantic Nonmetropolitan	1.000	1.008
Southeast Metropolitan	1.000	1.010	Southeast Nonmetropolitan	1.000	1.000
Midwest Metropolitan	1.003	1.009	Midwest Nonmetropolitan	1.000	1.001
Southwest Metropolitan	1.000	1.006	Southwest Nonmetropolitan	1.000	1.007
Great Plains Metropolitan	1.002	1.008	Great Plains Nonmetropolitan	1.000	1.002
Rocky Mountain Metropolitan	1.008	1.012	Rocky Mountain Nonmetropolitan	1.000	1.005
Pacific/Hawaii Metropolitan	1.003	1.008	Pacific/Hawaii Nonmetropolitan	1.000	1.000
Northwest/Alaska Metropolitan	1.000	1.000	Northwest/Alaska Nonmetropolitan	1.000	1.003
STATE Hawaii	1.000	1.000	PMSA Akron, OH	1.033	1.041
MSA Anchorage, AK	1.004	1.003	PMSA Ann Arbor, MI	1.017	1.023
MSA Atlanta, GA	1.026	1.028	PMSA Atlantic-Cape May, NJ	1.013	1.017
PMSA Baltimore, MD	1.014	1.016	PMSA Bergen-Passaic, NJ	1.022	1.029
*COUNTY Berkeley, WV	1.013	1.017	PMSA Boston, MA-NH	1.030	1.043
PMSA Boulder-Longmont, CO	1.042	1.046	PMSA Brazoria, TX	1.021	1.027
PMSA Bremerton, WA	1.036	1.044	PMSA Bridgeport, CT	1.020	1.031
PMSA Brockton, MA	1.029	1.044	*COUNTY Brown, OH	1.015	1.010
*Chicago, IL	1.024	1.035	*Cincinnati, OH-KY-IN	1.014	1.011
*COUNTY Clarke, VA	1.014	1.017	PMSA Cleveland-Lorain-Elyria, OH	1.033	1.041
*COUNTY Culpeper, VA	1.014	1.017	*Dallas, TX	1.033	1.040

SCHEDULE C - TABLE 2 - CONTRACT RENT AAFS

PREPARED ON 031099

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
PMSA Danbury, CT	1.021	1.030
PMSA Denver, CO	1.042	1.046
PMSA Dutchess County, NY	1.022	1.029
PMSA Flint, MI	1.014	1.024
PMSA Fort Worth-Arlington, TX	1.032	1.040
PMSA Galveston-Texas City, TX	1.021	1.027
*COUNTY Grant, KY	1.016	1.010
*COUNTY Grundy, IL	1.020	1.039
PMSA Hamilton-Middletown, OH	1.014	1.011
PMSA Houston, TX	1.022	1.027
PMSA Jersey City, NJ	1.022	1.028
MSA Kansas City, MO-KS	1.030	1.038
PMSA Kenosha, WI	1.022	1.037
PMSA Lawrence, MA-NH	1.028	1.044
PMSA Lowell, MA-NH	1.029	1.043
PMSA Miami, FL	1.004	1.008
PMSA Milwaukee-Waukesha, WI	1.013	1.010
PMSA Monmouth-Ocean, NJ	1.021	1.030
PMSA Nassau-Suffolk, NY	1.021	1.030
PMSA New Haven-Meriden, CT	1.021	1.030
*COUNTY Westchester, NY	1.023	1.027
*COUNTY De Kalb, IL	1.022	1.037
PMSA Detroit, MI	1.015	1.024
PMSA Fitchburg-Leominster, MA	1.029	1.044
PMSA Fort Lauderdale, FL	1.004	1.008
*COUNTY Gallatin, KY	1.016	1.010
PMSA Gary, IN	1.019	1.040
PMSA Greeley, CO	1.042	1.046
PMSA Hagerstown, MD	1.014	1.017
*COUNTY Henderson, TX	1.027	1.041
*COUNTY Jefferson, WV	1.013	1.017
PMSA Kankakee, IL	1.018	1.041
*COUNTY Kendall, Il	1.022	1.036
*COUNTY King George, VA	1.013	1.017
PMSA Los Angeles-Long Beach, CA	1.012	1.019
PMSA Manchester, NH	1.029	1.044
PMSA Middlesex-Somerset-Hunterdon, NJ	1.022	1.028
MSA Minneapolis-St. Paul, MN-WI	1.017	1.021
PMSA Nashua, NH	1.029	1.044
PMSA New Bedford, MA	1.029	1.044
PMSA New York, NY	1.022	1.027
PMSA Newark, NJ	1.022	1.029

SCHEDULE C - TABLE 2 - CONTRACT RENT AAFS

PREPARED ON 031099

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED		HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
PMSA Newburgh, NY-PA	1.022	1.029	PMSA Oakland, CA	1.060	1.070
*COUNTY Ohio, IN	1.015	1.010	PMSA Olympia, WA	1.036	1.044
PMSA Orange County, CA	1.013	1.019	*COUNTY Pendleton, KY	1.015	1.010
PMSA Philadelphia, PA-NJ	1.013	1.017	PMSA Pittsburgh, PA	1.018	1.030
PMSA Portland-Vancouver, OR-WA	1.030	1.026	PMSA Portsmouth-Rochester, NH-ME	1.029	1.044
PMSA Racine, WI	1.014	1.010	PMSA Riverside-San Bernardino, CA	1.010	1.019
MSA St. Louis, MO-IL	1.008	1.013	PMSA Salem, OR	1.030	1.026
MSA San Diego, CA	1.033	1.040	PMSA San Francisco, CA	1.062	1.070
PMSA San Jose, CA	1.062	1.070	PMSA Santa Cruz-Watsonville, CA	1.060	1.070
PMSA Santa Rosa, CA	1.058	1.070	PMSA Seattle-Bellevue-Everett, WA	1.038	1.044
PMSA Stamford-Norwalk, CT	1.022	1.028	PMSA Tacoma, WA	1.037	1.044
MSA Tampa-St. Petersburg-Clearwater, FL	1.020	1.025	PMSA Trenton, NJ	1.022	1.029
PMSA Vallejo-Fairfield-Napa, CA	1.058	1.070	PMSA Ventura, CA	1.013	1.019
PMSA Vineland-Millville-Bridgeton, NJ	1.012	1.017	*COUNTY Warren, VA	1.014	1.017
*Washington, DC-MD-VA	1.014	1.016	PMSA Waterbury, CT	1.021	1.030
PMSA Wilmington-Newark, DE-MD	1.013	1.017	PMSA Worcester, MA-CT	1.029	1.044

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

ALABAMA (SOUTHEAST)

METROPOLITAN COUNTIES
Autauga, Baldwin, Blount, Calhoun, Colbert, Dale, Elmore, Etowah, Houston, Jefferson, Lauderdale, Lawrence, Limestone, Madison, Mobile, Montgomery, Morgan, Russell, Shelby, St. Clair, Tuscaloosa

NONMETROPOLITAN COUNTIES
Barbour, Bibb, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, Dekalb, Escambia, Fayette, Franklin, Geneva, Greene, Hale, Henry, Jackson, Lamar, Lee, Lowndes, Macon, Marengo, Marion, Marshall, Monroe, Perry, Pickens, Pike, Randolph, Sumter, Talladega, Tallapoosa, Walker, Washington, Wilcox, Winston

ALASKA (NORTHWEST/ALASKA)

CPI AREAS: COUNTIES
MSA Anchorage, AK: Anchorage

NONMETROPOLITAN COUNTIES
Aleutian East, Aleutian West, Bethel, Dillingham, Lake & Peninsula, Northwest Arctic, Nome, Pr. Wales-Outer Ketchikan, Skagway-Yakutat-Angoon, Southeast Fairbanks, Valdez-Cordova, Wade Hampton, Wrangell-Petersburg, Yukon-Koyukuk, Bristol Bay, Fairbanks North Star, Haines, Juneau, Kenai Peninsula, Ketchikan Gateway, Kodiak Island, Matanuska-Susitna, North Slope, Sitka

ARIZONA (PACIFIC/HAWAII)

METROPOLITAN COUNTIES
Maricopa, Mohave, Pima, Pinal, Yuma

NONMETROPOLITAN COUNTIES
Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Navajo, Santa Cruz, Yavapai

ARKANSAS (SOUTHWEST)

METROPOLITAN COUNTIES
Benton, Crawford, Craighead, Crittenden, Faulkner, Jefferson, Lonoke, Miller, Pulaski, Saline, Sebastian, Washington

NONMETROPOLITAN COUNTIES
Arkansas, Ashley, Baxter, Boone, Bradley, Calhoun, Carroll, Chicot, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Cross, Dallas, Desha, Drew, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Madison, Marion, Mississippi, Monroe, Montgomery, Nevada, Newton Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Randolph, Scott, Searcy, Sevier, Sharp, St. Francis, Stone, Union, Van Buren, White, Woodruff, Yell

CALIFORNIA (PACIFIC/HAWAII)

CPI AREAS: COUNTIES

PMSA Los Angeles-Long Beach, CA:	Los Angeles
PMSA Oakland, CA:	Alameda, Contra Costa
PMSA Orange County, CA:	Orange
PMSA Riverside-San Bernardino, CA:	Riverside, San Bernardino
MSA San Diego, CA:	San Diego
PMSA San Francisco, CA:	Marin, San Francisco, San Mateo
PMSA San Jose, CA:	Santa Clara
PMSA Santa Cruz-Watsonville, CA:	Santa Cruz
PMSA Santa Rosa, CA:	Sonoma
PMSA Vallejo-Fairfield-Napa, CA:	Napa, Solano
PMSA Ventura, CA:	Ventura

METROPOLITAN COUNTIES
Butte, El Dorado, Fresno, Kern, Madera, Merced, Monterey, Placer, Sacramento, San Joaquin, San Luis Obispo, Santa Barbara, Shasta, Stanislaus, Sutter, Tulare, Yolo, Yuba

NONMETROPOLITAN COUNTIES
Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Imperial, Inyo, Kings, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, San Benito, Sierra, Siskiyou, Tehama, Trinity, Tuolumne

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

COLORADO (ROCKY MOUNTAIN)

CPI AREAS: COUNTIES
PMSA Boulder-Longmont, CO: Boulder
PMSA Denver, CO: Adams, Arapahoe, Denver, Douglas, Jefferson
PMSA Greeley, CO: Weld

METROPOLITAN COUNTIES
El Paso, Larimer, Pueblo

NONMETROPOLITAN COUNTIES
Alamosa, Archuleta, Baca, Bent, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Dolores, Eagle, Elbert, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Kiowa, Kit Carson, La Plata, Lake, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Yuma

CONNECTICUT (NEW ENGLAND)

CPI AREAS: COUNTIES
PMSA Bridgeport, CT
Fairfield County part: Bridgeport town, Easton town, Fairfield town, Monroe town, Shelton town, Stratford town, Trumbull town
New Haven County part: Ansonia town, Beacon Falls town, Derby town, Milford town, Oxford town, Seymour town

PMSA Danbury, CT
Fairfield County part: Bethel town, Brookfield town, Danbury town, New Fairfield town, Newtown town, Redding town, Ridgefield town, Sherman town
Litchfield County part: Bridgewater town, New Milford town, Roxbury town, Washington town

PMSA New Haven-Meriden, CT
Middlesex County part: Clinton town, Killingworth town
New Haven County part: Bethany town, Branford town, Cheshire town, East Haven town, Guilford town, Hamden town, Madison town, Meriden town, New Haven town, North Branford town, North Haven town, Orange town, Wallingford town, North Haven town, Woodbridge town

PMSA Stamford-Norwalk, CT
Fairfield County part: Darien town, Greenwich town, New Canaan town, Norwalk town, Stamford town, Weston town, Westport town, Wilton town

PMSA Waterbury, CT
Litchfield County part: Bethlehem town, Thomaston town, Watertown town, Woodbury town
New Haven County part: Middlebury town, Naugatuck town, Prospect town, Southbury town, Waterbury town, Wolcott town

PMSA Worcester, MA-CT
Windham County part: Thompson town

METROPOLITAN COUNTIES
Hartford County part: Avon town, Berlin town, Bloomfield town, Bristol town, Burlington town, Canton town, East Granby town, East Hartford town, East Windsor town,Enfield town, Farmington town, Glastonbury town, Granby town, Hartford town, Manchester town, Marlborough town, New Britain town, Rocky Hill town, Simsbury town, Southington town, South Windsor town, Suffield town, West Hartford town, Wethersfield town, Windsor town, Windsor Locks town
Litchfield County part: Barkhamsted town, Harwinton town, New Hartford town, Plymouth town, Winchester town
Middlesex County part: Cromwell town, Durham town, East Haddam town, East Hampton town, Haddam town, Middlefield town, Middletown town, Portland town, Old Saybrook town
New London County part: Bozrah town, East Lyme town, Franklin town, Griswold town, Groton town, Ledyard town, Lisbon town, Montville town, New London town, North Stonington town, Norwich town, Old Lyme town, Preston town, Salem town, Sprague town, Stonington town, Waterford town, Colchester town, Lebanon town
Tolland County part: Andover town, Bolton town, Columbia town, Coventry town, Ellington town, Hebron town, Mansfield town, Somers town, Stafford town, Tolland town, Vernon town, Willington town
Windham County part: Ashford town, Chaplin town, Windham town, Canterbury town, Plainfield town

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

NONMETROPOLITAN COUNTIES

Hartford County part:	Hartland town
Litchfield County part:	Canaan town, Colebrook town, Cornwall town, Goshen town, Kent town, Litchfield town, Morris town, Norfolk town, North Canaan town, Salisbury town, Sharon town, Torrington town, Warren town
Middlesex County part:	Chester town, Deep River town, Essex town, Westbrook town
New London County part:	Lyme town, Voluntown town
Tolland County part:	Union town
Windham County part:	Brooklyn town, Eastford town, Hampton town, Killingly town, Pomfret town, Putnam town, Scotland town, Sterling town, Woodstock town

DELAWARE (MID-ATLANTIC)

CPI AREAS: COUNTIES

PMSA Wilmington-Newark, DE-MD:	New Castle

METROPOLITAN COUNTIES

Kent

NONMETROPOLITAN COUNTIES

Sussex

DIST. OF COLUMBIA (MID-ATLANTIC)

CPI AREAS: COUNTIES

District of Columbia

FLORIDA (SOUTHEAST)

CPI AREAS: COUNTIES

PMSA Fort Lauderdale, FL:	Broward
PMSA Miami, FL:	Dade
MSA Tampa-St. Petersburg-Clearwater, FL:	Hernando, Hillsborough, Pasco, Pinellas

METROPOLITAN COUNTIES

Alachua, Bay, Brevard, Charlotte, Clay, Collier, Duval, Escambia, Flagler, Gadsden, Lake, Lee, Leon, Manatee, Marion, Martin, Nassau, Okaloosa, Orange, Osceola, Palm Beach, Polk, Santa Rosa, Sarasota, Seminole, St. Johns, St. Lucie, Volusia

NONMETROPOLITAN COUNTIES

Baker, Bradford, Calhoun, Citrus, Columbia, Desoto, Dixie, Franklin, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Indian River, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Monroe, Okeechobee, Putnam, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, Washington

GEORGIA (SOUTHEAST)

CPI AREAS: COUNTIES

*Atlanta, GA:	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Pickens, Rockdale, Spalding, Walton

METROPOLITAN COUNTIES

Bibb, Bryan, Catoosa, Chatham, Chattahoochee, Clarke, Columbia, Dade, Dougherty, Effingham, Harris, Houston, Jones, Lee, Madison, Mcduffie, Muscogee, Oconee, Peach, Richmond, Twiggs, Walker

NONMETROPOLITAN COUNTIES

Appling, Atkinson, Bacon, Baker, Baldwin, Banks, Ben Hill, Berrien, Bleckley, Brantley, Brooks, Bulloch, Burke, Butts, Calhoun, Camden, Candler, Charlton, Chattooga, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Dawson, Decatur, Dodge, Dooly, Early, Echols, Elbert, Emanuel, Evans, Fannin, Floyd, Franklin, Gilmer, Glascock, Glynn, Gordon, Grady, Greene, Habersham, Hall, Hancock, Haralson, Hart, Heard, Irwin, Jackson, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Lamar, Lanier, Laurens, Liberty, Lincoln, Long, Lowndes, Lumpkin, Macon, Marion, Mcintosh, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Murray, Oglethorpe, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Rabun, Randolph, Schley, Screven, Seminole, Stephens, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Towns, Treutlen, Troup, Turner, Union, Upson, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox,Wilkes, Wilkinson, Worth

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

HAWAII (PACIFIC/HAWAII)

CPI AREAS: COUNTIES

STATE Hawaii:	Hawaii, Honolulu, Kauai, Maui

IDAHO (NORTHWEST/ALASKA)

METROPOLITAN COUNTIES
Ada, Canyon

NONMETROPOLITAN COUNTIES
Adams, Bannock, Bear Lake, Benewah, Bingham, Blaine, Boise, Bonner, Bonneville, Boundary, Butte, Camas, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington

ILLINOIS (MIDWEST)

CPI AREAS: COUNTIES

*Chicago, IL:	Cook, Dupage, Kane, Lake, Mchenry, Will
*COUNTY De Kalb, IL:	Dekalb
*COUNTY Grundy, IL:	Grundy
PMSA Kankakee, IL:	Kankakee
*COUNTY Kendall, Il:	Kendall
MSA St. Louis, MO-IL:	Clinton, Jersey, Madison, Monroe, St. Clair

METROPOLITAN COUNTIES
Boone, Champaign, Henry, Macon, Mclean, Menard, Ogle, Peoria, Rock Island, Sangamon, Tazewell, Winnebago, Woodford

NONMETROPOLITAN COUNTIES
Adams, Alexander, Bond, Brown, Bureau, Calhoun, Carroll, Cass, Christian, Clark, Clay, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Knox, La Salle, Lawrence, Lee, Livingston, Logan, Macoupin, Marion, Marshall, Mason, Massac, Mcdonough, Mercer, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Saline, Schuyler, Scott, Shelby, Stark, Stephenson, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Williamson

INDIANA (MIDWEST)

CPI AREAS: COUNTIES

*Cincinnati, OH-KY-IN:	Dearborn
PMSA Gary, IN:	Lake, Porter
*COUNTY Ohio, IN:	Ohio

METROPOLITAN COUNTIES
Adams, Allen, Boone, Clark, Clay, Clinton, De Kalb, Delaware, Elkhart, Floyd, Hamilton, Hancock, Harrison, Hendricks, Howard, Huntington, Johnson, Madison, Marion, Monroe, Morgan, Posey, Scott, Shelby, St. Joseph, Tippecanoe, Tipton, Vanderburgh, Vermillion, Vigo, Warrick, Wells, Whitley

NONMETROPOLITAN COUNTIES
Bartholomew, Benton, Blackford, Brown, Carroll, Cass, Crawford, Daviess, Decatur, Dubois, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Henry, Jackson, Jasper, Jay, Jefferson, Jennings, Knox, Kosciusko, La Porte, Lagrange, Lawrence, Marshall, Martin, Miami, Montgomery, Newton, Noble, Orange, Owen, Parke, Perry, Pike, Pulaski, Putnam, Randolph, Ripley, Rush, Spencer, Starke, Steuben, Sullivan, Switzerland, Union, Wabash, Warren, Washington, Wayne, White

IOWA (GREAT PLAINS)

METROPOLITAN COUNTIES
Black Hawk, Dallas, Dubuque, Johnson, Linn, Polk, Pottawattamie, Scott, Warren, Woodbury

NONMETROPOLITAN COUNTIES
Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Davis, Decatur, Delaware, Des Moines, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont,

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

IOWA (Cont.)

Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold, Sac, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Wayne, Webster, Winnebago, Winneshiek, Worth, Wright

KANSAS (GREAT PLAINS)

CPI AREAS: COUNTIES

MSA Kansas City, MO-KS: Johnson, Leavenworth, Miami, Wyandotte

METROPOLITAN COUNTIES

Butler, Douglas, Harvey, Sedgwick, Shawnee

NONMETROPOLITAN COUNTIES

Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Decatur, Dickinson, Doniphan, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Franklin, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn, Logan, Lyon, Marion, Marshall, Mcpherson, Meade, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, Wichita, Wilson, Woodson

KENTUCKY (SOUTHEAST)

CPI AREAS: COUNTIES

*Cincinnati, OH-KY-IN:	Boone, Campbell, Kenton
*COUNTY Gallatin, KY:	Gallatin
*COUNTY Grant, KY:	Grant
*COUNTY Pendleton, KY:	Pendleton

METROPOLITAN COUNTIES

Bourbon, Boyd, Bullitt, Carter, Christian, Clark, Daviess, Fayette, Greenup, Henderson, Jefferson, Jessamine, Madison, Oldham, Scott, Woodford

NONMETROPOLITAN COUNTIES

Adair, Allen, Anderson, Ballard, Barren, Bath, Bell, Boyle, Bracken, Breathitt, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Clay, Clinton, Crittenden, Cumberland, Edmonson, Elliott, Estill, Fleming, Floyd, Franklin, Fulton, Garrard, Graves, Grayson, Green, Hancock, Hardin, Harlan, Harrison, Hart, Henry, Hickman, Hopkins, Jackson, Johnson, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Livingston, Logan, Lyon, Magoffin, Marion, Marshall, Martin, Mason, Mccracken, Mccreary, Mclean, Meade, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Muhlenberg, Nelson, Nicholas, Ohio, Owen, Owsley, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley, Wolfe

LOUISIANA (SOUTHWEST)

METROPOLITAN COUNTIES

Acadia, Ascension, Bossier, Caddo, Calcasieu, East Baton Rouge, Jefferson, Lafayette, Lafourche, Livingston, Orleans, Ouachita, Plaquemines, Rapides, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Terrebonne, Webster, West Baton Rouge

NONMETROPOLITAN COUNTIES

Allen, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson Davis, La Salle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Red River, Richland, Sabine, St. Helena, St. Mary, Tangipahoa, Tensas, Union, Vermilion, Vernon, Washington, West Carroll, West Feliciana, Winn

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

MAINE (NEW ENGLAND)

CPI AREAS: COUNTIES
PMSA Portsmouth-Rochester, NH-ME
York County part: Berwick town, Eliot town, Kittery town, South Berwick town, York town

METROPOLITAN COUNTIES
Androscoggin County part: Auburn city, Greene town, Lewiston city, Lisbon town, Mechanic Falls town, Poland town, Sabattus town, Turner town, Wales town
Cumberland County part: Cape Elizabeth town, Casco town, Cumberland town, Falmouth town, Freeport town, Gorham town, Gray town, North Yarmouth town, Portland city, Raymond town, Scarborough town, South Portland city, Standish town, Westbrook city, Windham town, Yarmouth town
Penobscot County part: Bangor city, Brewer city, Eddington town, Glenburn town, Hampden town, Hermon town, Holden town, Kenduskeag town, Milford town, Old Town city, Orono town, Orrington town, Penobscot Indian Island, Veazie town
Waldo County part: Winterport town
York County part: Buxton town, Hollis town, Limington town, Old Orchard Beach

NONMETROPOLITAN COUNTIES
Aroostook
Franklin
Hancock
Kennebec
Knox
Lincoln
Oxford
Piscataquis
Sagadahoc
Somerset
Washington
Androscoggin County part: Durham town, Leeds town, Livermore town, Livermore Falls town, Minot town
Cumberland County part: Harpswell town, Harrison town, Naples town, New Gloucester town, Pownal town, Sebago town
Penobscot County part: Alton town, Argyle unorg., Bradford town, Bradley town, Burlington town, Charleston town, Chester town, Clifton town, Corinna town, Corinth town, Dexter town, Dixmont town, Drew plantation, East Central Penob, East Millinocket town, Edinburg town, Enfield town, Etna town, Exeter town, Garland town, Greenbush town, Greenfield town, Howland town, Hudson town, Kingman unorg., Lagrange town, Lakeville town, Lee town, Levant town, Lincoln town, Lowell town, Mattawamkeag town, Maxfield town, Medway town, Millinocket town, Mount Chase town, Newburgh town, Penobscot unorg., Passadumkeag town, Patten town, Plymouth town, Prentiss plantation, Seboeis plantation, Springfield town, Stacyville town, Stetson town, Twombly unorg., Webster plantation, Whitney unorg., Winn town, Woodville town
Waldo County part: Belfast city, Belmont town, Brooks town, Burnham town, Frankfort town, Freedom town, Islesboro town, Jackson town, Knox town, Liberty town, Lincolnville town, Monroe town, Montville town, Morrill town, Northport town, Palermo town, Prospect town, Searsmont town, Searsport town, Stockton Springs, Swanville town, Thorndike town, Troy town, Unity town, Waldo town
York County part: Acton town, Alfred town, Arundel town, Biddeford city, Cornish town, Dayton town, Kennebunk town, Kennebunkport town, Lebanon town, Limerick town, Lyman town, Newfield town, North Berwick town, Ogunquit town, Parsonsfield town, Saco city, Sanford town, Shapleigh town, Waterboro town, Wells town

MARYLAND (MID-ATLANTIC)

CPI AREAS: COUNTIES
PMSA Baltimore, MD: Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's, Baltimore city, Columbia city
PMSA Hagerstown, MD: Washington
*Washington, DC-MD-VA: Calvert, Charles, Frederick, Montgomery, Prince George's
PMSA Wilmington-Newark, DE-MD: Cecil

METROPOLITAN COUNTIES
Allegany

NONMETROPOLITAN COUNTIES
Caroline, Dorchester, Garrett, Kent, Somerset, St. Mary's, Talbot, Wicomico, Worcester

MASSACHUSETTS (NEW ENGLAND)

CPI AREAS: COUNTIES

PMSA Boston, MA-NH

Bristol County part:	Berkley town, Dighton town, Mansfield town, Norton town, Taunton city
Essex County part:	Amesbury town, Beverly city, Danvers town, Essex town, Gloucester city, Hamilton town, Ipswich town, Lynn city, Lynnfield town, Manchester town, Marblehead town, Middleton town, Nahant town, Newbury town, Newburyport city, Peabody city, Rockport town, Rowley town, Salem city, Salisbury town, Saugus town, Swampscott town, Topsfield town, Wenham town
Middlesex County part:	Acton town, Arlington town, Ashland town, Ayer town, Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Holliston town, Hopkinton town, Hudson town, Lexington town, Lincoln town, Littleton town, Malden city, Marlborough city, Maynard town, Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town, Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown town, Wayland town, Weston town, Wilmington town, Winchester town, Woburn city
Norfolk County part:	Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin town, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Plainville town, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, Wrentham town
Plymouth County part:	Carver town, Duxbury town, Hanover town, Hingham town, Hull town, Kingston town, Marshfield town, Norwell town, Pembroke town, Plymouth town, Rockland town, Scituate town, Wareham town
Suffolk county part:	Boston city, Chelsea city, Revere city, Winthrop town
Worcester County part:	Berlin town, Blackstone town, Bolton town, Harvard town, Hopedale town, Lancaster town, Mendon town, Milford town, Millville town, Southborough town, Upton town

PMSA Brockton, MA

Bristol County part:	Easton town, Raynham town
Norfolk County part:	Avon town
Plymouth County part:	Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, Hanson town, Lakeville town, Middleborough town, Plympton town, West Bridgewater town, Whitman town

PMSA Fitchburg-Leominster, MA

Middlesex County part:	Ashby town
Worcester County part:	Ashburnham town, Fitchburg city, Gardner city, Leominster city, Lunenburg town, Templeton town, Westminster town, Winchendon town

PMSA Lawrence, MA-NH

Essex County part:	Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen town, North Andover town, West Newbury town

PMSA Lowell, MA-NH

Middlesex County part:	Billerica town, Chelmsford town, Dracut town, Dunstable town, Groton town, Lowell city, Pepperell town, Tewksbury town, Tyngsborough town, Westford town

PMSA New Bedford, MA

Bristol County part:	Acushnet town, Dartmouth town, Fairhaven town, Freetown town, New Bedford city
Plymouth County part:	Marion town, Mattapoisett town, Rochester town

PMSA Worcester, MA-CT

Hampden County part:	Holland town
Worcester County part:	Auburn town, Barre town, Boylston town, Brookfield town, Charlton town, Clinton town, Douglas town, Dudley town, East Brookfield town, Grafton town, Holden town, Leicester town, Millbury town, Northborough town, Northbridge town, North Brookfield town, Oakham town, Oxford town, Paxton town, Princeton town, Rutland town, Shrewsbury town, Southbridge town, Spencer town, Sterling town, Sturbridge town, Sutton town, Uxbridge town, Webster town, Westboroughtown, West Boylston town, West Brookfield town, Worcester city

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

MASSACHUSETTS (NEW ENGLAND) cont.

METROPOLITAN COUNTIES

Barnstable County part:	Barnstable town, Brewster town, Chatham town, Dennis town, Eastham town, Harwich town, Mashpee town, Orleans town, Sandwich town, Yarmouth town
Berkshire County part:	Adams town, Cheshire town, Dalton town, Hinsdale town, Lanesborough town, Lee town, Lenox town, Pittsfield city, Richmond town, Stockbridge town
Bristol County part:	Attleboro city, Fall River city, North Attleborough, Rehoboth town, Seekonk town,Somerset town, Swansea town, Westport town
Franklin County part:	Sunderland town
Hampden County part:	Agawam town, Chicopee city, East Longmeadow town, Hampden town, Holyoke city, Longmeadow town, Ludlow town, Monson town, Montgomery town, Palmer town, Russell town, Southwick town, Springfield city, Westfield city, West Springfield town, Wilbraham town
Hampshire County part:	Amherst town, Belchertown town, Easthampton town, Granby town, Hadley town, Hatfield town, Huntington town, Northampton city, Southampton town, South Hadley town, Ware town, Williamsburg town

NONMETROPOLITAN COUNTIES

Dukes	
Nantucket	
Barnstable County part:	Bourne town, Falmouth town, Provincetown town, Truro town, Wellfleet town
Berkshire County part:	Alford town, Becket town, Clarksburg town, Egremont town, Florida town, Great Barrington town, Hancock town, Monterey town, Mount Washington town, New Ashford town, New Marlborough town, North Adams city, Otis town, Peru town, Sandisfield town, Savoy town, Sheffield town, Tyringham town, Washington town, West Stockbridge town, Williamstown town, Windsor town
Franklin County part:	Ashfield town, Bernardston town, Buckland town, Charlemont town, Colrain town, Conway town, Deerfield town, Erving town, Gill town, Greenfield town, Hawley town, Heath town, Leverett town, Leyden town, Monroe town, Montague town, New Salem town, Northfield town, Orange town, Rowe town, Shelburne town, Shutesbury town, Warwick town, Wendell town, Whately town
Hampden County part:	Blandford town, Brimfield town, Chester town, Granville town, Tolland town, Wales town
Hampshire County part:	Chesterfield town, Cummington town, Goshen town, Middlefield town, Pelham town, Plainfield town, Westhampton town, Worthington town
Worcester County part:	Athol town, Hardwick town, Hubbardston town, New Braintree town, Petersham town, Phillipston town, Royalston town, Warren town

MICHIGAN (MIDWEST)

CPI AREAS: COUNTIES

PMSA Ann Arbor, MI:	Lenawee, Livingston, Washtenaw
PMSA Detroit, MI:	Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne
PMSA Flint, MI:	Genesee

METROPOLITAN COUNTIES

Allegan, Bay, Berrien, Calhoun, Clinton, Eaton, Ingham, Jackson, Kalamazoo, Kent, Midland, Muskegon, Ottawa, Saginaw, Van Buren

NONMETROPOLITAN COUNTIES

Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Barry, Benzie, Branch, Cass, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Gratiot, Hillsdale, Houghton, Huron, Ionia, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Missaukee, Montcalm, Montmorency, Newaygo, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Sanilac, Schoolcraft, Shiawassee, St. Joseph, Tuscola, Wexford

MINNESOTA (MIDWEST)

CPI AREAS: COUNTIES

MSA Minneapolis-St. Paul, MN-WI:	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright

METROPOLITAN COUNTIES

Benton, Clay, Houston, Olmsted, Polk, St. Louis, Stearns

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

NONMETROPOLITAN COUNTIES

Aitkin, Becker, Beltrami, Big Stone, Blue Earth, Brown, Carlton, Cass, Chippewa, Clearwater, Cook, Cottonwood, Crow Wing, Dodge, Douglas, Faribault, Fillmore, Freeborn, Goodhue, Grant, Hubbard, Itasca, Jackson, Kanabec, Kandiyohi, Kittson, Koochiching, Lac qui Parle, Lake, Lake of the Woods, Le Sueur, Lincoln, Lyon, Mahnomen, Marshall, Martin, Mcleod, Meeker, Mille Lacs, Morrison, Mower, Murray, Nicollet, Nobles, Norman, Otter Tail, Pennington, Pine, Pipestone, Pope, Red Lake, Redwood, Renville, Rice, Rock, Roseau, Sibley, Steele, Stevens, Swift, Todd, Traverse, Wabasha, Wadena, Waseca, Watonwan, Wilkin, Winona, Yellow Medicine

MISSISSIPPI (SOUTHEAST)

METROPOLITAN COUNTIES

Desoto, Hancock, Harrison, Hinds, Jackson, Madison, Rankin

NONMETROPOLITAN COUNTIES

Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, Forrest, Franklin, George, Greene, Grenada, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Scott, Sharkey, Simpson, Smith, Stone, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo

MISSOURI (GREAT PLAINS)

CPI AREAS: COUNTIES

MSA Kansas City, MO-KS: Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
MSA St. Louis, MO-IL: Franklin, Jefferson, Lincoln, St. Charles, St. Louis, Warren, St. Louis city, Crawford-Sullivan (part)

METROPOLITAN COUNTIES

Andrew, Boone, Buchanan, Christian, Greene, Jasper, Newton, Webster

NONMETROPOLITAN COUNTIES

Adair, Atchison, Audrain, Barry, Barton, Bates, Benton, Bollinger, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Clark, Cole, Cooper, Crawford, Dade, Dallas, Daviess, Dekalb, Dent, Douglas, Dunklin, Gasconade, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard,Howell, Iron, Johnson, Knox, Laclede, Lawrence, Lewis, Linn, Livingston, Macon, Madison, Maries, Marion, Mcdonald, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Nodaway, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, St. Clair, St. Francois, Ste. Genevieve, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Washington, Wayne, Worth, Wright

MONTANA (ROCKY MOUNTAIN)

METROPOLITAN COUNTIES

Cascade, Missoula, Yellowstone

NONMETROPOLITAN COUNTIES

Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Mccone, Meagher, Mineral, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux

NEBRASKA (GREAT PLAINS)

METROPOLITAN COUNTIES

Cass, Dakota, Douglas, Lancaster, Sarpy, Washington

NONMETROPOLITAN COUNTIES

Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dawes, Dawson, Deuel, Dixon, Dodge, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lincoln, Logan, Loup, Madison, Mcpherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Wayne, Webster, Wheeler, York

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

NEVADA (PACIFIC/HAWAII)

METROPOLITAN COUNTIES
Clark, Nye, Washoe

NONMETROPOLITAN COUNTIES
Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Pershing, Storey, White Pine, Carson City

NEW HAMPSHIRE (NEW ENGLAND)

CPI AREAS: COUNTIES

PMSA Lawrence, MA-NH	
Rockingham County part:	Atkinson town, Chester town, Danville town, Derry town, Fremont town,Hampstead town, Kingston town, Newton town, Plaistow town, Raymond town, Salem town, Sandown town, Windham town
PMSA Lowell, MA-NH	
Hillsborough county part:	Pelham town
PMSA Manchester, NH	
Hillsborough county part:	Bedford town, Goffstown town, Manchester city, Weare town
Merrimack county part:	Allenstown town, Hooksett town
Rockingham county part:	Auburn town, Candia town, Londonderry town
PMSA Nashua, NH	
Hillsborough county part:	Amherst town, Brookline town, Greenville town, Hollis town, Hudson town, Litchfield town, Mason town, Merrimack town, Milford town, Mont Vernon town, Nashua city, New Ipswich town, Wilton town
PMSA Portsmouth-Rochester, NH-ME	
Rockingham County part:	Brentwood town, East Kingston town, Epping town, Exeter town, Greenland town, Hampton town, Hampton Falls town, Kensington town, New Castle town, Newfields town, Newington town, Newmarket town, North Hampton town, Portsmouth city, Rye town, Stratham town
Strafford County part:	Barrington town, Dover city, Durham town, Farmington town, Lee town, Madbury town, Milton town, Rochester city, Rollinsford town, Somersworth city

NONMETROPOLITAN COUNTIES

Belknap	
Carroll	
Cheshire	
Coos	
Grafton	
Sullivan	
Hillsborough County part:	Antrim town, Bennington town, Deering town, Francestown town, Greenfield town, Hancock town, Hillsborough town, Lyndeborough town, New Boston town, Peterborough town, Sharon town, Temple town, Windsor town
Merrimack County part:	Andover town, Boscawen town, Bow town, Bradford town, Canterbury town, Chichester town, Concord city, Danbury town, Dunbarton town, Epsom town, Franklin city, Henniker town, Hill town, Hopkinton town, Loudon town, Newbury town, New London town, Northfield town, Pembroke town, Pittsfield town, Salisbury town, Sutton town, Warner town, Webster town, Wilmot town
Rockingham County part:	Deerfield town, Northwood town, Nottingham town,
Strafford County part:	Middleton town, New Durham town, Strafford town

NEW JERSEY (NEW YORK/NEW JERSEY)

CPI AREAS: COUNTIES

PMSA Atlantic-Cape May, NJ:	Atlantic, Cape May
PMSA Bergen-Passaic, NJ:	Bergen, Passaic
PMSA Jersey City, NJ:	Hudson
PMSA Middlesex-Somerset-Hunterdon, NJ:	Hunterdon, Middlesex, Somerset
PMSA Monmouth-Ocean, NJ:	Monmouth, Ocean
PMSA Newark, NJ:	Essex, Morris, Sussex, Union, Warren
PMSA Philadelphia, PA-NJ:	Burlington, Camden, Gloucester, Salem
PMSA Trenton, NJ:	Mercer

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

NEW JERSEY (Cont.)

PMSA Vineland-Millville-Bridgeton, NJ: Cumberland

NEW MEXICO (SOUTHWEST)

METROPOLITAN COUNTIES
Bernalillo, Dona Ana, Los Alamos, Sandoval, Santa Fe, Valencia

NONMETROPOLITAN COUNTIES
Catron, Chaves, Cibola, Colfax, Curry, Debaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Luna, Mckinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Sierra, Socorro, Taos, Torrance, Union

NEW YORK (NEW YORK/NEW JERSEY)

CPI AREAS: COUNTIES

PMSA Buffalo-Niagara Falls, NY:	Erie, Niagara
PMSA Dutchess County, NY :	Dutchess
PMSA Nassau-Suffolk, NY:	Nassau, Suffolk
PMSA New York, NY:	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland
*COUNTY Westchester, NY:	Westchester
PMSA Newburgh, NY-PA:	Orange

METROPOLITAN COUNTIES
Albany, Broome, Cayuga, Chautauqua, Chemung, Genesee, Herkimer, Livingston, Madison, Monroe, Montgomery, Oneida, Onondaga, Ontario, Orleans, Oswego, Rensselaer, Saratoga, Schenectady, Schoharie, Tioga, Warren, Washington, Wayne

NONMETROPOLITAN COUNTIES
Allegany, Cattaraugus, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Jefferson, Lewis, Otsego, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tompkins, Ulster, Wyoming, Yates

NORTH CAROLINA (SOUTHEAST)

METROPOLITAN COUNTIES
Alamance, Alexander, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cumberland, Currituck, Davidson, Davie, Durham, Edgecombe, Forsyth, Franklin, Gaston, Guilford, Johnston, Lincoln, Madison, Mecklenburg, Nash, New Hanover, Onslow, Orange, Pitt, Randolph, Rowan, Stokes, Union, Wake, Wayne, Yadkin

NONMETROPOLITAN COUNTIES
Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Camden, Carteret, Caswell, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Dare, Duplin, Gates, Graham, Granville, Greene, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Jones, Lee, Lenoir, Macon, Martin, Mcdowell, Mitchell, Montgomery, Moore, Northampton, Pamlico, Pasquotank, Pender, Perquimans, Person, Polk, Richmond, Robeson, Rockingham, Rutherford, Sampson, Scotland, Stanly, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Watauga, Wilkes, Wilson, Yancey

NORTH DAKOTA (ROCKY MOUNTAIN)

METROPOLITAN COUNTIES
Burleigh, Cass, Grand Forks, Morton

NONMETROPOLITAN COUNTIES
Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cavalier, Dickey, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, Lamoure, Logan, Mchenry, Mcintosh, Mckenzie, Mclean, Mercer, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, Williams

OHIO (MIDWEST)

CPI AREAS: COUNTIES

PMSA Akron, OH:	Portage, Summit
*COUNTY Brown, OH:	Brown
*Cincinnati, OH-KY-IN:	Clermont, Hamilton, Warren
PMSA Cleveland-Lorain-Elyria, OH:	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina
PMSA Hamilton-Middletown, OH:	Butler

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

OHIO (MIDWEST) cont.

METROPOLITAN COUNTIES
Allen, Auglaize, Belmont, Carroll, Clark, Columbiana, Crawford, Delaware, Fairfield, Franklin, Fulton, Greene, Jefferson, Lawrence, Licking, Lucas, Madison, Mahoning, Miami, Montgomery, Pickaway, Richland, Stark, Trumbull, Washington, Wood

NONMETROPOLITAN COUNTIES
Adams, Ashland, Athens, Champaign, Clinton, Coshocton, Darke, Defiance, Erie, Fayette, Gallia, Guernsey, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Knox, Logan, Marion, Meigs, Mercer, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pike, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Tuscarawas, Union, Van Wert, Vinton, Wayne, Williams, Wyandot

OKLAHOMA (SOUTHWEST)

METROPOLITAN COUNTIES
Canadian, Cleveland, Comanche, Creek, Garfield, Logan, Mcclain, Oklahoma, Osage, Pottawatomie, Rogers, Sequoyah, Tulsa, Wagoner

NONMETROPOLITAN COUNTIES
Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Carter, Cherokee, Choctaw, Cimarron, Coal, Cotton, Craig, Custer, Delaware, Dewey, Ellis, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Love, Major, Marshall, Mayes, Mccurtain, Mcintosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Seminole, Stephens, Texas, Tillman, Washington, Washita, Woods, Woodward

OREGON (NORTHWEST/ALASKA)

CPI AREAS: COUNTIES
PMSA Portland-Vancouver, OR-WA: Clackamas, Columbia, Multnomah, Washington, Yamhill
PMSA Salem, OR: Marion, Polk

METROPOLITAN COUNTIES
Jackson, Lane

NONMETROPOLITAN COUNTIES
Baker, Benton, Clatsop, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jefferson, Josephine, Klamath, Lake, Lincoln, Linn, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler

PENNSYLVANIA (MID-ATLANTIC)

CPI AREAS: COUNTIES
PMSA Newburgh, NY-PA: Pike
PMSA Philadelphia, PA-NJ: Bucks, Chester, Delaware, Montgomery, Philadelphia
PMSA Pittsburgh, PA: Allegheny, Beaver, Butler, Fayette, Washington, Westmoreland

METROPOLITAN COUNTIES
Berks, Blair, Cambria, Carbon, Centre, Columbia, Cumberland, Dauphin, Erie, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mercer, Northampton, Perry, Somerset, Wyoming, York

NONMETROPOLITAN COUNTIES
Adams, Armstrong, Bedford, Bradford, Cameron, Clarion, Clearfield, Clinton, Crawford, Elk, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Mc Kean, Mifflin, Monroe, Montour, Northumberland, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne

RHODE ISLAND (NEW ENGLAND)

METROPOLITAN COUNTIES
Bristol County part: Barrington town, Bristol town, Warren town
Kent County part: Coventry town, East Greenwich town, Warwick city, West Greenwich town, West Warwick town
Providence County part: Burrillville town, Central Falls city, Cranston city, Cumberland town, East Providence city, Foster town, Glocester town, Johnston town, Lincoln town, North Providence town, North Smithfield town, Pawtucket city, Providence city, Scituate town, Smithfield town, Woonsocket city
Newport County part: Jamestown town, Little Compton town, Tiverton town

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

RHODE ISLANE (CONT.)

Washington County part:	Charlestown town, Exeter town, Narragansett town, North Kingstown town, Richmond town, South Kingstown town
Washington County part:	Hopkinton town, Westerly town

NONMETROPOLITAN COUNTIES

Newport County part:	Middletown town, Newport city, Portsmouth town
Washington County part:	New Shoreham town

SOUTH CAROLINA (SOUTHEAST)

METROPOLITAN COUNTIES

Aiken, Anderson, Berkeley, Charleston, Cherokee, Dorchester, Edgefield, Florence, Greenville, Horry, Lexington, Pickens, Richland, Spartanburg, Sumter, York

NONMETROPOLITAN COUNTIES

Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Calhoun, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Fairfield, Georgetown, Greenwood, Hampton, Jasper, Kershaw, Lancaster, Laurens, Lee, Marion, Marlboro, Mccormick, Newberry, Oconee, Orangeburg, Saluda, Union, Williamsburg

SOUTH DAKOTA (ROCKY MOUNTAIN)

METROPOLITAN COUNTIES

Lincoln, Minnehaha, Pennington

NONMETROPOLITAN COUNTIES

Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lyman Marshall, Mccook, Mcpherson, Meade, Mellette, Miner, Moody, Perkins,Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Sully, Todd, Tripp, Turner, Union, Walworth, Yankton, Ziebach

TENNESSEE (SOUTHEAST)

METROPOLITAN COUNTIES

Anderson, Blount, Carter, Cheatham, Davidson, Dickson, Fayette, Hamilton, Hawkins, Knox, Loudon, Madison, Marion, Montgomery, Robertson, Rutherford, Sevier, Shelby, Sullivan, Sumner, Tipton, Unicoi, Union, Washington, Williamson, Wilson

NONMETROPOLITAN COUNTIES

Bedford, Benton, Bledsoe, Bradley, Campbell, Cannon, Carroll, Chester, Claiborne, Clay, Cocke, Coffee, Crockett, Cumberland, Dekalb, Decatur, Dyer, Fentress, Franklin, Gibson, Giles, Grainger, Greene, Grundy, Hamblen, Hancock, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Johnson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Mcminn, Mcnairy, Meigs, Monroe, Moore, Morgan, Obion, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Smith, Stewart, Trousdale, Van Buren, Warren, Wayne, Weakley, White

TEXAS (SOUTHWEST)

CPI AREAS: COUNTIES

PMSA Brazoria, TX:	Brazoria
*Dallas, TX:	Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall
PMSA Fort Worth-Arlington, TX:	Hood, Johnson, Parker, Tarrant
PMSA Galveston-Texas City, TX:	Galveston
*COUNTY Henderson, TX:	Henderson
PMSA Houston, TX:	Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller

METROPOLITAN COUNTIES

Archer, Bastrop, Bell, Bexar, Bowie, Brazos, Caldwell, Cameron, Comal, Coryell, Ector, El Paso, Grayson, Gregg, Guadalupe, Hardin, Harrison, Hays, Hidalgo, Jefferson, Lubbock, Mclennan, Midland, Nueces, Orange, Potter, Randall, San Patricio, Smith, Taylor, Tom Green, Travis, Upshur, Victoria, Webb, Wichita, Williamson, Wilson

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

TEXAS (Cont.)

NONMETROPOLITAN COUNTIES

Anderson, Andrews, Angelina, Aransas, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Calhoun, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comanche, Concho, Cooke, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Dewitt, Deaf Smith, Delta, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hill, Hockley, Hopkins, Houston, Howard, Hudspeth, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, La Salle, Lamar, Lamb, Lampasas, Lavaca, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lynn, Madison, Marion, Martin, Mason, Matagorda, Maverick, Mcculloch, Mcmullen, Medina, Menard, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parmer, Pecos, Polk, Presidio, Rains, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Terrell, Terry, Throckmorton, Titus, Trinity, Tyler, Upton, Uvalde, Val Verde, Van Zandt, Walker, Ward, Washington, Wharton, Wheeler, Wilbarger, Willacy, Winkler, Wise, Wood, Yoakum, Young, Zapata, Zavala

UTAH (ROCKY MOUNTAIN)

METROPOLITAN COUNTIES

Davis, Salt Lake, Utah, Weber

NONMETROPOLITAN COUNTIES

Beaver, Box Elder, Cache, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Wasatch, Washington, Wayne

VERMONT (NEW ENGLAND)

METROPOLITAN COUNTIES

Chittenden County part:	Burlington city, Charlotte town, Colchester town, Essex town, Hinesburg town, Jericho town, Milton town, Richmond town, St. George town, Shelburne town, South Burlington city, Williston town, Winooski city
Franklin County part:	Fairfax town, Georgia town, St. Albans city, St. Albans town, Swanton town
Grand Isle County part:	Grand Isle town, South Hero town

NONMETROPOLITAN COUNTIES

Addison
Bennington
Caledonia
Essex
Lamoille
Orange
Orleans
Rutland
Washington
Windham
Windsor

Chittenden County part:	Bolton town, Buels gore, Huntington town, Underhill town, Westford town
Franklin County part:	Bakersfield town, Berkshire town, Enosburg town, Fairfield town, Fletcher town, Franklin, Highgate town, Montgomery town, Richford town, Sheldon town
Grand Isle County part:	Alburg town, Isle La Motte town, North Hero town

VIRGINIA (MID-ATLANTIC)

CPI AREAS: COUNTIES

*COUNTY Clarke, VA:	Clarke
*COUNTY Culpeper, VA:	Culpeper
*COUNTY King George, VA:	King George
*COUNTY Warren, VA:	Warren

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

VIRGINIA (MID-ATLANTIC) cont.

CPI AREAS: COUNTIES

*Washington, DC-MD-VA:	Arlington, Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, Alexandria city, Fairfax city, Falls Church city, Fredericksburg city, Manassas Park city, Manassas city

METROPOLITAN COUNTIES

Albemarle, Amherst, Bedford, Botetourt, Campbell, Charles City, Chesterfield, Dinwiddie, Fluvanna, Gloucester, Goochland, Greene, Hanover, Henrico, Isle of Wight, James City, Mathews, New Kent, Pittsylvania, Powhatan, Prince George, Roanoke, Scott, Washington, York, Bedford city, Bristol city, Charlottesville city, Chesapeake city, Colonial Heights city, Danville city, Hampton city, Hopewell city, Lynchburg city, Newport News city, Norfolk city, Petersburg city, Poquoson city, Portsmouth city, Richmond city, Roanoke city, Salem city, Suffolk city, Virginia Beach city, Williamsburg city

NONMETROPOLITAN COUNTIES

Accomack, Alleghany, Amelia, Appomattox, Augusta, Bath, Bland, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charlotte, Craig, Cumberland, Dickenson, Essex, Floyd, Franklin, Frederick, Giles, Grayson, Greensville, Halifax, Henry, Highland, King William, King and Queen, Lancaster, Lee, Louisa, Lunenburg, Madison, Mecklenburg, Middlesex, Montgomery, Nelson, Northampton Northumberland, Nottoway, Orange, Page, Patrick, Prince Edward, Pulaski, Rappahannock, Richmond, Rockbridge, Rockingham, Russell Shenandoah, Smyth, Southampton, Surry, Sussex, Tazewell, Westmoreland, Wise, Wythe

WASHINGTON (NORTHWEST/ALASKA)

CPI AREAS: COUNTIES

PMSA Bremerton, WA:	Kitsap
PMSA Olympia, WA:	Thurston
PMSA Portland-Vancouver, OR-WA:	Clark
PMSA Seattle-Bellevue-Everett, WA:	Island, King, Snohomish
PMSA Tacoma, WA:	Pierce

METROPOLITAN COUNTIES

Benton, Franklin, Spokane, Whatcom, Yakima

NONMETROPOLITAN COUNTIES

Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Oreille, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla, Whitman

WEST VIRGINIA (MID-ATLANTIC)

CPI AREAS: COUNTIES

*COUNTY Berkeley, WV:	Berkeley
*COUNTY Jefferson, WV:	Jefferson

METROPOLITAN COUNTIES

Brooke, Cabell, Hancock, Kanawha, Marshall, Mineral, Ohio, Putnam, Wayne, Wood

NONMETROPOLITAN COUNTIES

Barbour, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Lewis, Lincoln, Logan, Marion, Mason, Mcdowell, Mercer, Mingo, Monongalia, Monroe, Morgan, Nicholas, Pendleton, Pleasants, Pocahontas, Preston, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, Wyoming

WISCONSIN (MIDWEST)

CPI AREAS: COUNTIES

PMSA Kenosha, WI:	Kenosha
PMSA Milwaukee-Waukesha, WI:	Milwaukee, Ozaukee, Washington, Waukesha
MSA Minneapolis-St. Paul, MN-WI:	Pierce, St. Croix
PMSA Racine, WI:	Racine

METROPOLITAN COUNTIES

Brown, Calumet, Chippewa, Dane, Douglas, Eau Claire, La Crosse, Marathon, Outagamie, Rock, Sheboygan, Winnebago

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - **AREA DEFINITIONS**

WISCONSIN (Cont.)

NONMETROPOLITAN COUNTIES
Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Clark, Columbia, Crawford, Dodge, Door, Dunn, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Iron, Jackson, Jefferson, Juneau, Kewaunee, Lafayette, Langlade, Lincoln, Manitowoc, Marinette, Marquette, Menominee, Monroe, Oconto, Oneida, Pepin, Polk, Portage, Price, Richland, Rusk, Sauk, Sawyer, Shawano, Taylor, Trempealeau, Vernon, Vilas, Walworth, Washburn, Waupaca, Waushara, Wood

WYOMING (ROCKY MOUNTAIN)

METROPOLITAN COUNTIES
Laramie, Natrona

NONMETROPOLITAN COUNTIES
Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Lincoln, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston

PACIFIC ISLANDS (PACIFIC/HAWAII)

NONMETROPOLITAN COUNTIES
American Samoa, Guam, Northern Mariana Islands, Palau

PUERTO RICO (SOUTHEAST)

METROPOLITAN COUNTIES
Aguada, Aguadilla, Aguas Buenas, Anasco, Arecibo, Barceloneta, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas, Carolina, Catano, Cayey, Ceiba, Cidra, Comerio, Corozal, Dorado, Fajardo, Florida, Guayanilla, Guaynabo, Gurabo, Hatillo, Hormigueros, Humacao, Juana Diaz, Juncos, Las Piedras, Loiza, Luquillo, Manati, Mayaguez, Moca, Morovis, Naguabo, Naranjito, Penuelas, Ponce, Rio Grande, Sabana Grand, San German, San Juan, San Lorenzo, Toa Alta, Toa Baja, Trujillo Alt, Vega Alta, Vega Baja, Villalba, Yabucoa, Yauco

NONMETROPOLITAN COUNTIES
Aibonito, Arroyo, Adjuntas, Barranquitas, Ciales, Coamo, Culerbra, Guanica, Guayama, Isabela, Jayuya, Lajas, Lares, Las Marias, Maricao, Maunabo, Orocovis, Patillas, Quebradillas, Rincon, Salinas, San Sebastia, Santa Isabel, Utuado, Vieques

VIRGIN ISLANDS (SOUTHEAST)

NONMETROPOLITAN COUNTIES
Virgin Island

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- Compensation for senior executives; published 9-24-99
- Price reasonableness and commerciality determination; published 9-24-99
- Technical amendments; published 9-24-99

ENVIRONMENTAL PROTECTION AGENCY
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- Indian; published 7-26-99
- New Mexico; published 9-24-99

Superfund program:
- National oil and hazardous substances contingency plan—
  - National priorities list update; published 9-24-99

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- Compensation for senior executives; published 9-24-99
- Price reasonableness and commerciality determination; published 9-24-99
- Technical amendments; published 9-24-99

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Federal Acquisition Regulation (FAR):
- Compensation for senior executives; published 9-24-99
- Price reasonableness and commerciality determination; published 9-24-99
- Technical amendments; published 9-24-99

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- General Electric Co.; published 9-3-99
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- Michigan et al.; comments due by 9-27-99; published 7-27-99

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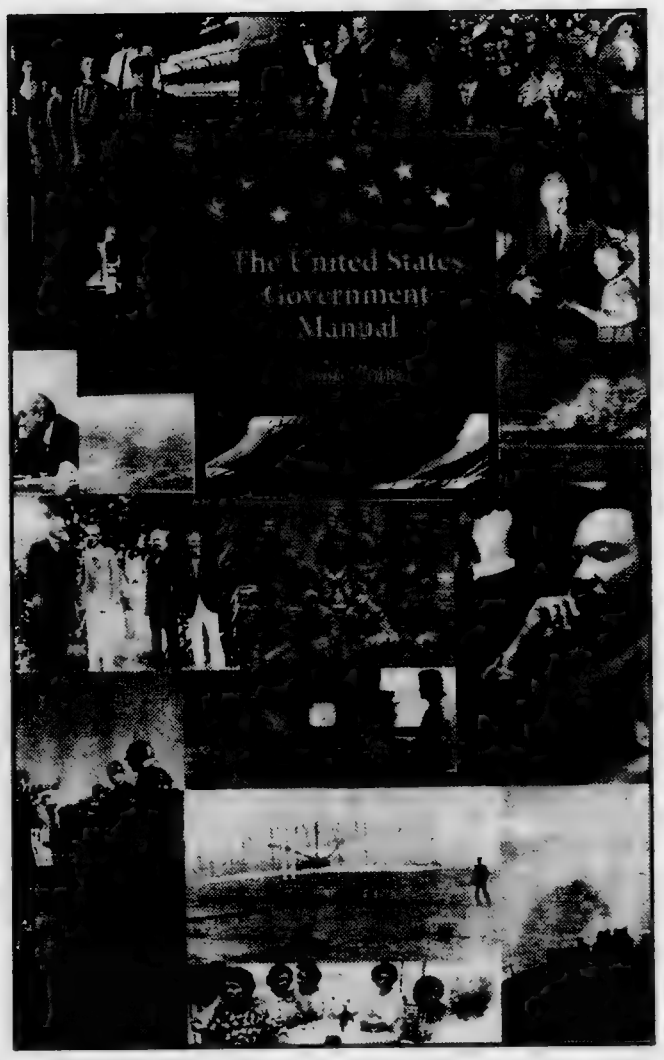

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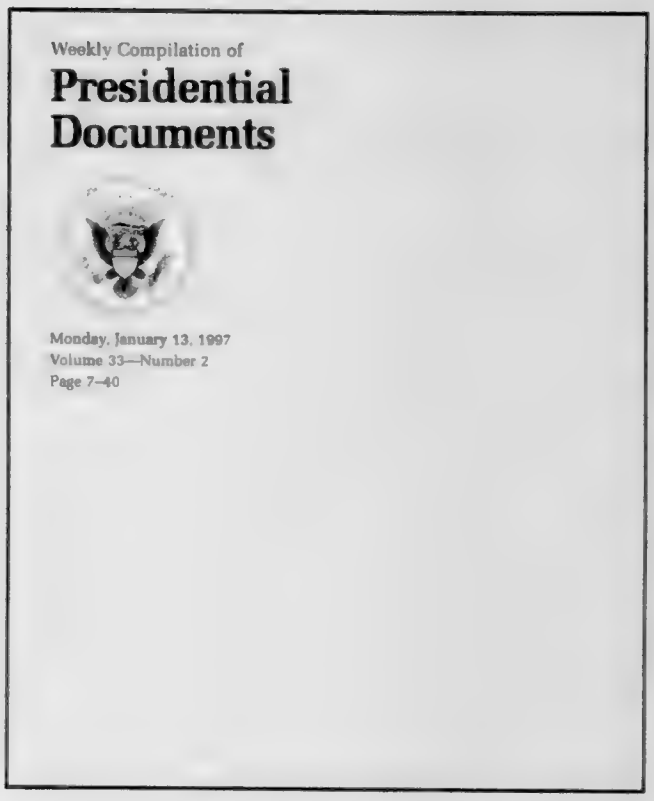

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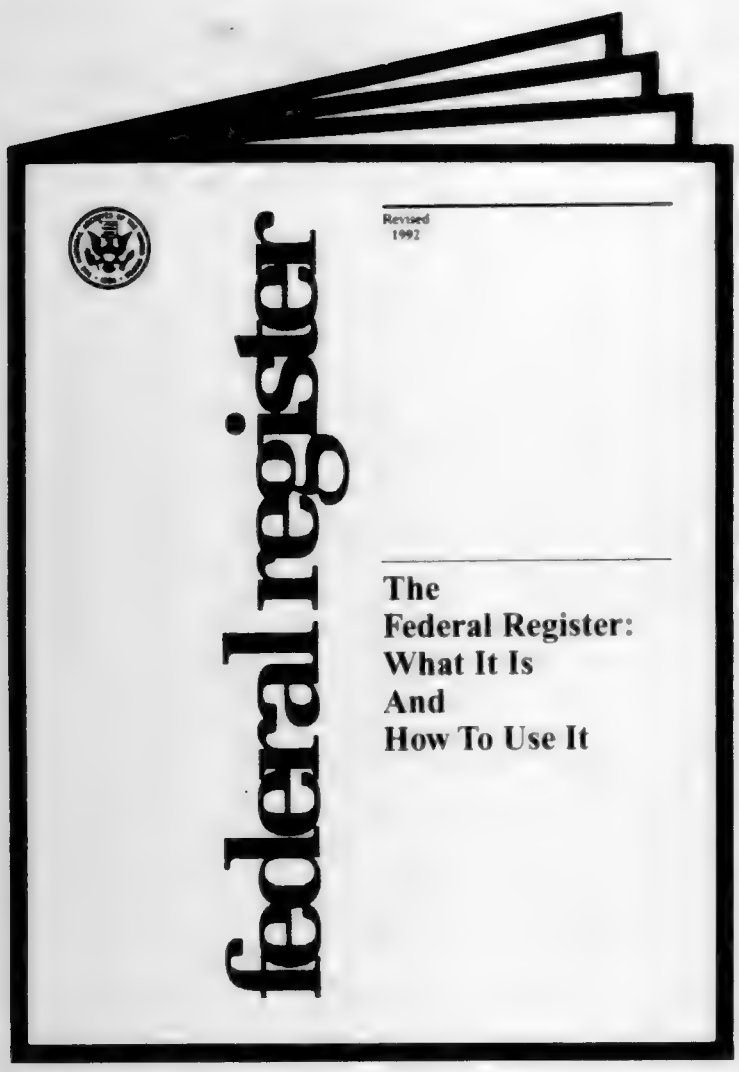

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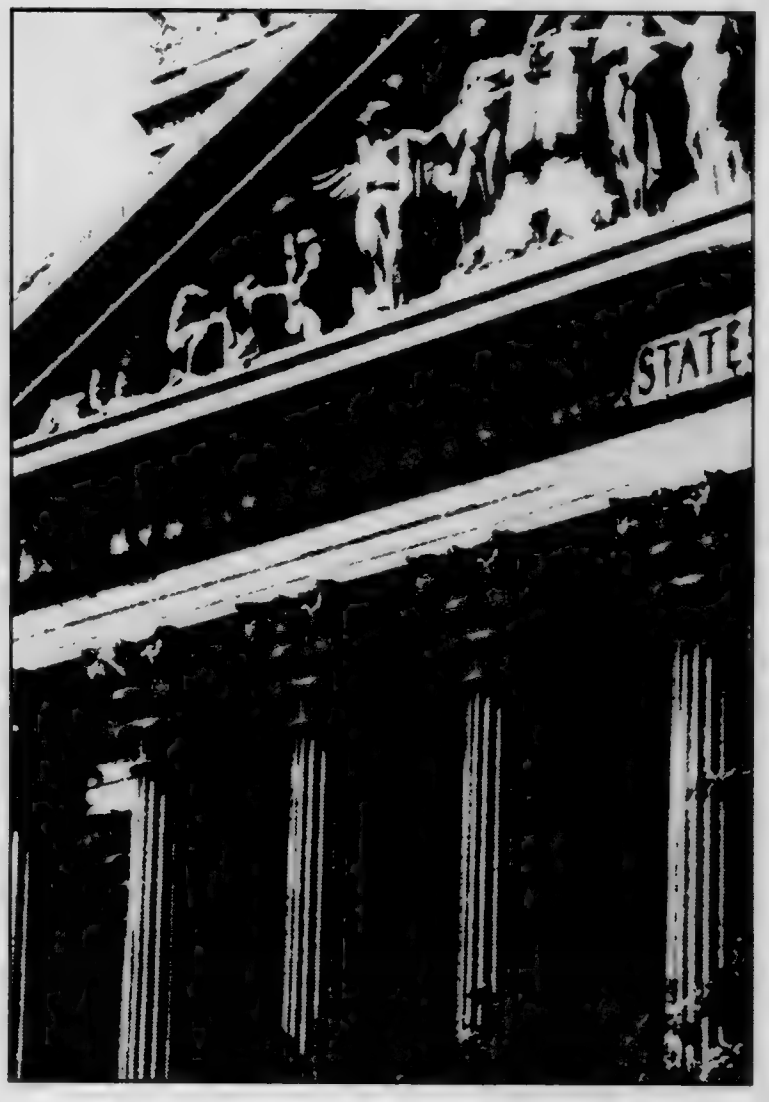

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Federal Register
Vol. 64, No. 186
Monday, September 27, 1999

Presidential Documents

Title 3—

The President

Presidential Determination No. 99–36 of September 10, 1999

Presidential Determination on Continuation of the Exercise of Certain Authorities Under the Trading With the Enemy Act

Memorandum for the Secretary of State [and] the Secretary of the Treasury

Under section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), and a previous determination made by me on September 11, 1998 (63 *Fed. Reg.* 50455), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 1999.

I hereby determine that the continuation for 1 year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, pursuant to the authority vested in me by section 101(b) of Public Law 95–223, I continue for 1 year, until September 14, 2000, the exercise of those authorities with respect to countries affected by:

(1) the Foreign Assets Control Regulations, 31 CFR part 500;

(2) the Transaction Control Regulations, 31 CFR part 505; and

(3) the Cuban Assets Control Regulations, 31 CFR part 515.

The Secretary of the Treasury is authorized and directed to publish this determination in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
September 10, 1999.

[FR Doc. 99–25230
Filed 9–24–99; 8:45 am]
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Federal Register
Vol. 64, No. 186
Monday, September 27, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[Docket No. TB–99–07]

Tobacco Inspection; Subpart B—Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: The Agricultural Marketing Service is amending the regulations governing the mandatory inspection of tobacco by adding the term "purchaser" to specifically include in the regulatory text this segment of the industry from attempting to influence, impeding, or discussing any matter relating to grading while the tobacco inspectors are grading tobacco on the auction warehouse floor, and removing the language allowing the producer to discuss the grading of their tobacco with the inspector at the time grading is being performed. This rule will incorporate recommendations made by the Flue-Cured Tobacco Advisory Committee, the Five-State Flue-Cured Tobacco Committee, and industry representatives that clarification of this regulation is necessary to eliminate interference, distraction, and outside influence on the grading of tobacco. These amendments will revise the regulation to better eliminate interference, distraction, and outside influence on the grading of tobacco.

DATES: Effective September 28, 1999; comments received by November 26, 1999 will be considered prior to issuance of a final rule.

ADDRESSES: Send comments to John P. Duncan III, Deputy Administrator, Tobacco Programs, Agricultural Marketing Service (AMS), United States Department of Agriculture (USDA), Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090–6456; or Fax: (202) 205–0235. Comments will be made available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: John P. Duncan III, Deputy Administrator, Tobacco Programs, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 205–0567, Fax: (202) 205–0235.

SUPPLEMENTARY INFORMATION: This rule is amending the regulations governing the mandatory inspection of tobacco pursuant to the provisions of the Tobacco Inspection Act (49 Stat. 741, 7 U.S.C. 511 *et seq.*).

The Department has received recommendations from all segments of the tobacco industry, the Flue-Cured Tobacco Advisory Committee, and the Five-State Flue-Cured Tobacco Committee that changes to the regulation in subpart B, section 29.81(a), Interference with inspectors, is necessary to better eliminate interference, distraction, and outside influence on the grading of tobacco.

The current regulation specifies that, no person, including the owner, producer, warehouseman, agent, or employee thereof shall attempt to influence, impede, or discuss any matter relating to grading while the tobacco inspectors are grading tobacco on the auction warehouse floor. The regulatory change will not allow any member of the industry, including tobacco purchasers, to discuss any matter pertaining to grading while the tobacco inspectors are grading tobacco on the auction warehouse floor. This action also will remove language allowing a producer to discuss the grading of their tobacco with the inspector at the time grading is performed. While producers will be allowed to be present when their tobacco is being graded, they cannot discuss the grade or attempt to influence or intimidate the inspector during the performance of grading duties. This will not preclude the producer from appealing the decision of the inspector after a grade has been assigned.

Accordingly, this rule will add the term "purchaser" to include this segment of the industry from attempting to influence, impeding, or discussing any matter relating to grading while the tobacco inspectors are grading tobacco on the auction warehouse floor, and the language allowing the producer to discuss the grading of their tobacco with the inspector at the time grading is being performed will be removed. This action will incorporate recommendations made by industry representatives, the Flue-Cured Tobacco Advisory Committee, and the Five-State Flue-Cured Tobacco Committee that no one be allowed to discuss any matter while tobacco grading activities are being performed on the auction warehouse floor.

This rule has been determined to be "not significant" for purposes of Executive Order 12866, and therefore, has not been reviewed by the Office of Management and Budget.

This rule has been reviewed under Executive Order 12866, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), full consideration has been given to the potential economic impact upon small business. All tobacco warehouses and producers fall within the confines of "small business" which are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000 and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. There are approximately 190 tobacco warehouses and approximately 30,000 producers and most warehouses and producers may be classified as small entities. The Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities. This rule amends the regulations governing the mandatory inspection of tobacco by (1) Adding to the terms "purchaser" to specifically include in the regulatory text this segment of the industry from attempting to influence, impeding, or discussing any matter relating to grading while tobacco inspectors are grading tobacco on the auction floor and (2) removing language allowing a producer from discussing grading of their tobacco with the

inspector at the time grading is being performed. Specifying the term "purchaser" in the text of the regulation merely identifies a segment of the industry already prohibited from these actions. Further, removal of language allowing producers to discuss with inspectors their tobacco, would have minimal impact on producers since producers would not be precluded from appealing the decision of an inspector after a grade had been assigned.

It is hereby found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 1999 flue-cured marketing season is currently underway and this action is needed, as soon as possible, to provide clarification when it is allowable for someone to communicate with the grading personnel while they are performing their duties; and (2) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

Lists of Subject in 7 CFR Part 29

Administrative practice and procedure, Advisory committees, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping requirements, Tobacco.

For the reasons set forth in the preamble, 7 CFR Part 29 is amended as follows:

PART 29—TOBACCO INSPECTION

Subpart B—Regulations

1. The authority citation for Part 29, subpart B continues to read as follows:

Authority: 7 U.S.C. 511m and 511r.

2. In § 29.81, paragraph (a) is revised to read as follows:

§ 29.81 Interference with inspectors.

(a) No person, including the owner, producer, warehouseman, agent, or employee thereof shall attempt, in any manner, to influence an inspector with respect to the grade designation of tobacco, or impede, in any manner, an inspector while the inspector is in the process of grading tobacco on the warehouse auction floor, or ask any question or discuss any matter pertaining to the grading of tobacco while the inspector is grading any tobacco on the warehouse auction floor. While inspectors are engaged in grading the day's sale, all requests for information concerning the grade designation on or requests to review the grade of any lot of tobacco shall be made only to the head grader or to the market supervisor grader.

* * * * *

Dated: September 17, 1999.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

[FR Doc. 99–24772 Filed 9–24–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV99–905–4 IFR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modification of Procedures for Limiting the Volume of Small Red Seedless Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule and request for written comments.

SUMMARY: This interim final rule modifies procedures used in limiting the volume of small red seedless grapefruit currently prescribed under the marketing order for oranges, grapefruit, tangerines, and tangelos grown in Florida. The marketing order is administered locally by the Citrus Administrative Committee (committee). The changes will help the committee better monitor handler compliance with any percentage size regulations in effect. The rule changes handler reporting requirements on shipments of size 48 and/or 56 red seedless grapefruit to standardize and assure continuity of reporting. Provisions on new handlers also are added to assure equitable application of the percentage size regulation to new and established handlers. These modifications are expected to help the committee better administer the percentage size regulations, when such regulations are effective.

DATES: Effective September 28, 1999; comments received by October 27, 1999 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698 or E-mail: moab.docketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: William G. Pimental, Southeast Marketing Field Office, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883–2276; telephone: (941) 299–4770, Fax: (941) 299–5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 690–3919, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698 or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement No. 84 and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect, and will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the

district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Section 905.52 of the order provides authority to limit shipments of any grade or size, or both, of any variety of Florida citrus. Such limitations may restrict the shipment of a portion of a specified grade or size of a variety.

Section 905.153 of the regulations provides procedures for limiting the volume of small red seedless grapefruit entering the fresh market. Under the procedures, the committee may recommend that only a certain percentage of size 48 (3$^{9}/_{16}$ minimum diameter in inches) and/or size 56 (3$^{5}/_{16}$ minimum diameter in inches) red seedless grapefruit be made available for shipment into fresh market channels for any week or weeks during the regulation period. The regulation period is 11 weeks long and begins the third Monday in September. Under such a limitation, the quantity of sizes 48 and/or 56 red seedless grapefruit that may be shipped by a handler during a regulated week is calculated using the recommended percentage. By taking the recommended weekly percentage times the average weekly volume of red seedless grapefruit handled by such handler in the previous five seasons, handlers can calculate the volume of sizes 48 and/or 56 they may ship in a regulated week. Provisions also are included in paragraph (a) for handlers with less than five previous seasons of shipments and new handlers with no record of shipments. The committee performs the specified calculations when regulation is established by the Secretary for a given week, and provides the calculations to each handler.

Section 905.153 contains a variety of provisions designed to provide handlers with some marketing flexibility. Paragraphs (d) and (e) of that section provide allowances for overshipments, loans, and transfers of allotment. These allowances allow handlers the opportunity to supply their markets while limiting the impact of small sizes on a weekly basis.

Pursuant to paragraph (d) of § 905.153, during any week for which the Secretary fixes the percentage of sizes 48 and/or 56 red seedless grapefruit, any handler can handle an amount of sizes 48 and/or 56 red seedless grapefruit not to exceed 110 percent of their allotment for that week. The quantity of overshipments (the amount shipped in excess of a handler's weekly allotment) is deducted from the handler's allotment for the following week.

If handlers fail to use their entire allotments in a given week, the amounts undershipped cannot be carried forward to the following week. However, pursuant to paragraph (e) of § 905.153, a handler to whom an allotment has been issued can lend or transfer all or part of such allotment (excluding the overshipment allowance) to another handler. In the event of a loan, each party, prior to the completion of the loan agreement, notifies the committee of the proposed loan and date of repayment. If a transfer of allotment is desired, each party promptly notifies the committee so that proper adjustments of the records can be made. In each case, the committee confirms in writing all such transactions prior to the following week. Under these provisions, the committee can act on behalf of handlers wanting to arrange allotment loans or participate in the transfer of allotment.

The committee computes each handler's allotment by multiplying the handler's average week by the percentage established by regulation for that week. The committee notifies each handler prior to that particular week of the quantity of sizes 48 and 56 red seedless grapefruit such handler could handle during a particular week, making the necessary adjustments for overshipments and loan repayments.

This interim final rule modifies reporting procedures in paragraphs (d) and (e) of § 905.153, and adds a new paragraph (f) on new handler participation. The changes were recommended unanimously by the committee at its meeting on April 6, 1999.

This interim final rule does not establish any volume regulation. A proposed rule to establish volume regulation during the 1999–2000 season was published in the **Federal Register** on August 26, 1999 (64 FR 46603). The period for the receipt of written comments on that proposal ends September 10, 1999.

The changes implemented by this rule are intended to standardize and foster uniformity of reporting, help the committee better monitor compliance with any percentage size regulations in effect, and improve overall administration of the program. The provisions on "new handler" registration are intended to ensure that the shipment calculations for such handlers are correct and that the shipment allotments are appropriately applied.

This action revises paragraph (d) of § 905.153 to require handlers to report red seedless grapefruit shipments to interstate and export markets by day for each regulation week. The report is required to be completed and received by the committee no later than 2 p.m. of the business day following the shipments. The committee now obtains shipment information from daily manifest reports from the Florida Department of Agriculture and Consumer Services' Fruit and Vegetable Division, but the information needs to be reformatted by the committee for use in checking handler compliance with the weekly percentage size regulation, and in arranging loans or transfers of excess allotments among handlers. This has been costly and time consuming for the committee.

When percentage size regulations were applied last season, most handlers voluntarily supplied (electronically or by fax) the committee with daily shipment information on their size 48 and/or 56 size red seedless grapefruit. This helped the committee expedite the compilation and dissemination of shipment information on the small-sized red seedless grapefruit. The more timely information helped the handlers make marketing plans to service their customers better, and enabled the committee to verify handler compliance in a more timely and less burdensome manner.

The information provided by handlers shipping 48 and/or 56 size red seedless grapefruit is maintained by them as part of their regular business operations so the burden in supplying this information has been minimal. Thus, the addition of this reporting requirement to the procedures in § 905.153(d) merely standardizes the collection of information which handlers maintain as part of their regular business operations. The report will ensure that the daily shipment information is received in the same format from all handlers shipping 48 and/or 56 size red seedless grapefruit.

Paragraph (e) of § 905.153 specifies, among other things, that each handler party to a transfer or loan of any or all of their shipping allotment (excluding the overshipment allowance) shall promptly notify the committee so the proper adjustment of records may be made. To provide uniformity in reporting and help the committee confirm such transactions prior to the following week to the handlers involved, the committee recommended that the notification be made no later than noon on the Wednesday following the regulation week.

With a precise reporting deadline, the committee will be able to adjust its records in a more timely manner and more easily confirm the transactions in writing to the handlers involved prior to the following week. It will also be able to do a more effective job when acting on behalf of handlers in arranging allotment loans or transfers. This change will not be unduly burdensome on handlers because most are already filing their reports by the specified deadline.

The committee also recommended precluding sales agents of handlers from filing weekly cumulative handler reports on transfers or loans for all of the handlers they represent, rather than reports for each handler involved in such transactions. The current provisions require individual reports to be filed and the individual handlers involved are required to certify that the information on the reports submitted to the committee is accurate. Thus, no change in § 905.153 is needed to require sales agents to submit individual handler reports on such transactions for each of the participating handlers for which they act as sales agents.

A new paragraph (f) will be added to § 905.153 covering new handler registration. The new paragraph specifies that new handlers without a shipment history shall register with the committee for their red seedless grapefruit allotments prior to the regulation period. On a form provided by the committee, each new handler will indicate its name, address, telephone and fax number, its Florida citrus dealer's license number, the packinghouse registration number issued by the Florida Department of Agriculture and Consumer Services' Fruit and Vegetable Division, and the physical location of the packinghouse where the red seedless grapefruit will be prepared for market. New handler registrations will allow the committee to place the handler on its mailing list to assure that the handler receives needed information.

The addition of these registration procedures for new handlers will assure that these handlers receive the shipment allocations to which they are entitled during the regulation period, and help the committee with its handler audits and compliance checks.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are contained in this rule have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0094. Also, pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 80 grapefruit handlers subject to regulation under the order and approximately 11,000 growers of citrus in the regulated area. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (SBA) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000 (13 CFR 121.601).

Based on industry and committee data, the average annual f.o.b. price for fresh Florida red grapefruit during the 1998–99 season was around $7.20 per 4/5 bushel carton, and total fresh shipments for the 1998–99 season are estimated at 14.6 million cartons of red grapefruit. Approximately 20 percent of all handlers handled 60 percent of Florida grapefruit shipments. In addition, many of these handlers ship other citrus fruit and products which are not included in committee data but would contribute further to handler receipts. Using the average f.o.b. price, about 80 percent of grapefruit handlers could be considered small businesses under SBA's definition, and about 20 percent of the handlers could be considered large businesses. The majority of Florida grapefruit handlers and growers may be classified as small entities.

Section 905.52 of the order provides authority to limit shipments of any grade or size, or both, of any variety of Florida citrus. Such limitations may restrict the shipment of a portion of a specified grade or size of a variety.

Section 905.153 of the regulations provides procedures for limiting the volume of small red seedless grapefruit entering the fresh market. Under the procedures, the committee may recommend that only a certain percentage of size 48 (3 9/16 minimum diameter in inches) and/or size 56 (3 5/16 minimum diameter in inches) red seedless grapefruit be made available for shipment into fresh market channels for any week or weeks during the regulation period. The regulation period is 11 weeks long and begins the third Monday in September. Under such a limitation, the quantity of sizes 48 and/or 56 red seedless grapefruit that may be shipped by a handler during a regulated week is calculated using the recommended percentage. By taking the recommended weekly percentage times the average weekly volume of red seedless grapefruit handled by such handler in the previous five seasons, handlers can calculate the volume of sizes 48 and/or 56 they may ship in a regulated week. Provisions also are included in paragraph (a) for handlers with less than five previous seasons of shipments and new handlers with no record of shipments. The committee staff performs the specified calculations when regulation is established by the Secretary for a given week, and provides the calculations to each handler.

Section 905.153 contains a variety of provisions designed to provide handlers with some marketing flexibility. Paragraphs (d) and (e) of that section provide allowances for overshipments, loans, and transfers of allotment. These allowances allow handlers the opportunity to supply their markets while limiting the impact of small sizes on a weekly basis.

Pursuant to paragraph (d) of § 905.153, during any week for which the Secretary fixes the percentage of sizes 48 and/or 56 red seedless grapefruit, any handler can handle an amount of sizes 48 and/or 56 red seedless grapefruit not to exceed 110 percent of their allotment for that week. The quantity of overshipments (the amount shipped in excess of a handler's weekly allotment) is deducted from the handler's allotment for the following week.

If handlers fail to use their entire allotments in a given week, the amounts undershipped cannot be carried forward to the following week. However, pursuant to paragraph (e) of § 905.153 a handler to whom an allotment has been issued can lend or transfer all or part of such allotment (excluding the over shipment allowance) to another handler. In the event of a loan, each party, prior to the completion of the loan agreement, notifies the committee of the proposed loan and date of repayment. If a transfer of allotment is desired, each party promptly notifies the committee so that proper adjustments of the records can be made. In each case, the committee confirms in writing all such transactions prior to the following week. Under these provisions, the committee can act on behalf of handlers wanting to arrange allotment loans or participate in the transfer of allotment.

The committee computes each handler's allotment by multiplying the handler's average week by the percentage established by regulation for that week. The committee notifies each handler prior to that particular week of the quantity of sizes 48 and 56 red seedless grapefruit such handler could handle during a particular week, making the necessary adjustments for overshipments and loan repayments.

This interim final rule modifies reporting procedures in paragraphs (d) and (e) of § 905.153, and adds a new paragraph (f) on new handler participation. The changes were recommended unanimously by the committee at its meeting on April 6, 1999.

This interim final rule does not establish any volume regulation. A proposed rule to establish volume regulation during the 1999–2000 season was published in the **Federal Register** on August 26, 1999 (64 FR 46603). The period for the receipt of written comments on that proposal ends September 10, 1999.

The changes implemented by this rule are intended to standardize and foster uniformity of reporting, help the committee better monitor compliance with any percentage size regulations in effect, and improve overall administration of the program. The provisions on "new handler" registration are intended to ensure that new handlers receive shipment allotments, that the shipment calculations for such handlers are correct, and that the shipment allotments are appropriately applied.

This action revises paragraph (d) of § 905.153 to require handlers to report red seedless grapefruit shipments to interstate and export markets by day for each regulation week. The report is required to be completed and received by the committee no later than 2 p.m. of the business day following the shipments. The committee now obtains shipment information from daily manifest reports from the Florida Department of Agriculture's Division of Fruit and Vegetable, but the information needs to be reformatted by the committee for use in checking handler compliance with the weekly percentage size regulation, and in arranging loans or transfers of excess allotment among handlers. This has proven to be costly and time consuming for the committee.

When percentage size regulations were applied last season, most handlers voluntarily supplied (electronically or by fax) the committee daily shipment information on their size 48 and/or 56 size red seedless grapefruit to help the committee expedite the compilation and dissemination of shipment information on the small-sized red seedless grapefruit. The more timely information helped the handlers make marketing plans, and enabled the committee to verify handler compliance in a more timely and less burdensome manner.

The information provided by handlers shipping 48 and/or 56 size red seedless grapefruit is maintained by them as part of their regular business operations so the burden in supplying this information has been minimal. Thus, the addition of this reporting requirement to the procedures in § 905.153(d) merely standardizes the collection of information which handlers maintain as part of their regular business operations.

Paragraph (e) of § 905.153 specifies, among other things, that each handler party to a transfer or loan of any or all of their shipping allotment (excluding the over shipment allowance) shall promptly notify the committee so the proper adjustment of records may be made. To provide uniformity in reporting and help the committee confirm such transactions prior to the following week to the handlers involved, the committee recommended that the notification be made no later than noon on the Wednesday following the regulation week.

With a precise reporting deadline, the committee will be able to adjust its records in a more timely manner and more easily confirm the transactions in writing to the handlers involved prior to the following week. It will also be able to do a more effective job when acting on behalf of handlers in arranging allotment loans or transfers. This change will not be unduly burdensome on handlers because most are already filing their reports by the specified deadline.

The committee also recommended precluding sales agents of handlers from filing weekly cumulative handler reports on transfers or loans for all of the handlers they represent, rather than reports for each handler involved in such transactions. The current provisions require individual reports to be filed and the individual handlers involved are required to certify that the information on the reports submitted to the committee is accurate. Thus, no change is required to the procedures in § 905.153 to require sales agents to report information on an individual handler basis.

Regarding the provisions on new handler registration, a new paragraph (f) will be added to § 905.153. The new paragraph specifies that new handlers without a shipment history shall register for their red seedless grapefruit allotments prior to the regulation period. On a form provided by the committee, each new handler will indicate its name, address, telephone and fax number, its Florida citrus dealer's license number, the packinghouse registration number issued by the Florida Department of Agriculture and Consumer Services' Fruit and Vegetable Division, and the physical location of the packinghouse where the red seedless grapefruit will be prepared for market.

The addition of these registration procedures for new handlers will assure that these handlers receive the shipment allocations to which they are entitled during the regulation period, and help the committee with its handler audits and compliance checks.

Handlers will be required to submit a form to the committee on their daily shipments of size 48 and/or 56 red seedless grapefruit, and new handlers also will have to submit a registration form to ship fruit pursuant to any allotment percentage established by the Secretary. The rule will increase the reporting burden on approximately 80 handlers of red seedless grapefruit who will take about 0.05 of an hour to complete each report regarding allotment loans or transfers, and shipments. New handlers without a record of shipments registering with the committee will take about 0.03 of an hour to complete the "new handler" registration form. The information collection requirements contained in § 905.153 have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and assigned OMB number 0581–0094.

The committee considers the changes made by this rule the most viable ways to improve the percentage size volume regulation procedures.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule. However, red seedless grapefruit must meet the requirements as specified in the U.S. Standards for Grades of Florida Grapefruit (7 CFR 51.750 through 51.784) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627).

In addition, the committee's meeting was widely publicized throughout the citrus industry and all interested persons were invited to attend the meeting and participate in committee

deliberations on all issues. Like all committee meetings, the April 6, 1999, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following web site: http://www.ams.usda.gov/fv/moab/.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendations submitted by the committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This rule invites comments on changes to the percentage size regulation procedures under the Florida citrus marketing order. Any comments received will be considered before this rule is finalized.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule needs to be in place as soon as possible since any percentage size regulation implemented for the current season would begin on September 20 and all handlers planning to ship size 48 and 56 red seedless grapefruit need to plan accordingly; (2) the industry has been discussing this issue for some time, and the committee has kept the industry well informed; (3) the changes made have been widely discussed at various industry and association meetings; and (4) all written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 905.153 [Amended]

2. In § 905.153, paragraphs (d) and (e) are revised and a new paragraph (f) is added to read as follows:

§ 905.153 Procedure for determining handlers' permitted quantities of red seedless grapefruit when a portion of sizes 48 and 56 of such variety is restricted.

* * * * *

(d) During any regulation week for which the Secretary has fixed the percentage of sizes 48 and 56 red seedless grapefruit, any person who has received an allotment may handle, in addition to their total allotment available, an amount of size 48 and 56 red seedless grapefruit up to 10 percent greater than their allotment. The quantity of the overshipment shall be deducted from the handler's allotment for the following week. Overshipments will not be allowed during week 11. If the handler fails to use his or her entire allotment, the undershipment is not carried forward to the following week. Each handler shipping size 48 and/or 56 red seedless grapefruit during the regulation period shall complete and submit to the committee, no later than 2 p.m. of the business day following the shipment, a report of red seedless grapefruit shipments by day for each regulation week.

(e) Any handler may transfer or loan any or all of their shipping allotment (excluding the overshipment allowance) of size 48 and 56 red seedless grapefruit to any other handler. Each handler party to such transfer or loan shall no later than noon on the Wednesday following the regulation week notify the committee so the proper adjustment of records may be made. In each case, the committee shall confirm in writing all such transactions, prior to the following week, to the handlers involved. The committee may act on behalf of handlers wanting to arrange allotment loans or participate in the transfer of allotments.

(f) New handlers with no record of shipments planning to ship red seedless grapefruit covered by any percentage size regulation shall register with the committee prior to the regulation period so their allotments can be properly calculated. Each new handler shall provide on a form furnished by the committee their Florida citrus fruit dealer's license number, their Florida Department of Agriculture and Consumer Services' Fruit and Vegetable Division packinghouse registration number, and the physical location of the packinghouse where the red seedless grapefruit is to be prepared for market. The committee shall notify any new handlers of their allotments prior to the regulation period.

Dated: September 21, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–25093 Filed 9–24–99; 8:45 am]

BILLING CODE 3410–02–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

RIN 0960–AF07

Administrative Review Process; Prehearing Proceedings and Decisions by Attorney Advisors; Extension of Expiration Dates

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: These final rules extend the time period set out in our regulations during which attorney advisors in our Office of Hearings and Appeals (OHA) may conduct certain prehearing proceedings. When the documentary record developed as a result of these proceedings warrants, they may issue decisions that are wholly favorable to the parties to the hearing in claims for Social Security or Supplemental Security Income (SSI) benefits based on disability. We are extending the date at which these rules will no longer be effective from April 1, 2000, until April 2, 2001. We are making no other changes to the substance of the rules.

EFFECTIVE DATE: October 27, 1999.

FOR FURTHER INFORMATION CONTACT: Lynn Hollway, Office of Disability and Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–0167 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION: On June 30, 1995, in an action undertaken to reduce the record numbers of requests for an administrative law judge (ALJ) hearing pending in our OHA hearing offices, we published final rules in the **Federal Register** (60 FR 34126) that authorize OHA's attorney advisors to conduct certain prehearing proceedings. If a decision that is wholly favorable to the parties to the hearing may be issued

at the completion of these proceedings, they may issue such a decision. These regulations, which are codified at 20 CFR § 404.942 and 416.1442, included a provision stating that the rules would no longer be effective on June 30, 1997, unless the Commissioner of Social Security extended the expiration date of the provisions by publication of a final rule in the **Federal Register**. We subsequently published final rules in the **Federal Register** on June 30, 1997 (62 FR 35073), June 30, 1998 (63 FR 35515), and March 22, 1999 (64 FR 13677) extending the date on which §§ 404.942 and 416.1442 would no longer be effective to July 1, 1998, to April 1, 1999, and then to April 1, 2000.

In order to continue to maximize our ability to meet our hearings production goals, we have decided to extend the date on which these rules will no longer be effective from April 1, 2000, to April 2, 2001. These final rules amend the sunset provisions in §§ 404.942 and 416.1442, which expressly provide for extending the expiration date of those sections. In both sections, we are extending the provisions authorizing prehearing proceedings and decisions by attorney advisors, so that such actions will no longer be effective on April 2, 2001. For the reasons explained below, we will not extend these rules beyond April 2, 2001. We are removing from the regulations the provision allowing us to further extend the rules.

The authorization for attorney advisors to conduct certain prehearing proceedings and to issue a wholly favorable decision arising from those proceedings was established as a temporary measure, and accordingly included a sunset provision. We used this authority to maximize our ability to meet our hearings production goals while we developed a comprehensive plan to improve the hearings process. The comprehensive plan is now ready to be implemented.

We published the plan, called the "Hearings Process Improvement Initiative" (SSA Pub. No. 01–016) in August 1999. The Report is available on SSA's website at *www.ssa.gov*, or by calling the Process Action Team at (410) 966–3972. Implementation of the plan will begin in 10 States in January 2000. By early 2001, the new procedures covered under the plan will be put into effect in all hearings offices across the country.

As a result, we are establishing a definite date when the authorization for attorney advisors to conduct certain prehearing proceedings and to issue a wholly favorable decision will end—no later than April 2, 2001. We expect the plan, once fully implemented, to result in an overall 21% reduction in processing time for hearings, a 16% increase in productivity per workyear and better service to the public.

The attorney advisor procedure has contributed significantly in raising the number of dispositions of hearings cases we have been able to achieve. Last year, attorney advisors were responsible for disposing of 41,109 hearings. Therefore, we believe it is in the public interest to continue the procedure, subject to the sunset provision, until the Hearings Process Improvement Initiative is fully in place. We will begin phasing out the use of the attorney advisor procedure as implementation occurs, beginning in January 2000, and will cease using the procedure before April 2, 2001.

Regulatory Procedures

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), SSA follows the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the notice and public comment procedures in this case. Good cause exists because these rules only extend the date on which the regulatory provisions concerning prehearing proceedings and decisions by attorney advisors will no longer be effective. We believe these rules make no substantive change to those provisions. The current regulations expressly provide that the provisions may be extended. Therefore, opportunity for prior comment is unnecessary, and we are issuing these regulations as final rules.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, the rules are not subject to OMB review.

Regulatory Flexibility Act

We certify that these rules will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

These rules impose no reporting or recordkeeping requirements which need to be cleared by OMB.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.006, Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI), Reporting and recordkeeping requirements.

Dated: August 26, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

For the reasons set out in the preamble, subpart J of part 404 and subpart N of part 416 of chapter III of title 20 of the Code of Federal Regulations are amended as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart J—[Amended]

1. The authority citation for subpart J of part 404 continues to read as follows:

Authority: Secs. 201(j), 204(f), 205(a), (b), (d)–(h), and (j), 221, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 401(j), 404(f), 405(a), (b), (d)–(h), and (j), 421, 425, and 902(a)(5)); 31 U.S.C. 3720A; sec. 5, Pub. L. 97–455, 96 Stat. 2500 (42 U.S.C. 405 note); secs. 5, 6(c)–(e), and 15, Pub. L. 98–460, 98 Stat. 1802 (42 U.S.C. 421 note).

2. Section 404.942 is amended by revising paragraph (g), to read as follows:

§ 404.942 Prehearing proceedings and decisions by attorney advisors.

* * * * *

(g) *Sunset provision.* The provisions of this section will no longer be effective on April 2, 2001.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N—[Amended]

1. The authority citation for subpart N continues to read as follows:

Authority: Sec. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b); 31 U.S.C. 3720A.

2. Section 416.1442 is amended by revising paragraph (g), to read as follows:

§ 416.1442 Prehearing proceedings and decisions by attorney advisors.

* * * * *

(g) *Sunset provision.* The provisions of this section will no longer be effective on April 2, 2001.

[FR Doc. 99–25037 Filed 9–24–99; 8:45 am]
BILLING CODE 4190–29–P

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Interim final rule.

SUMMARY: The Agency is issuing regulation on the adoption of a fee sufficient for it to recover the full cost of its administrative processing of requests by program participants for an extension, change of category, or reinstatement of their program status. The Agency is also issuing regulation on the adoption of fees to recoup the cost of its administrative processing of requests for program designation and non-routine requests for the Form IAP–66 submitted by designated sponsors on an urgent or expedited basis.

EFFECTIVE DATES: This interim rule is effective January 1, 2000. The specified fee will be assessed for all extension, change of category, reinstatement, or program designation requests and non-routine requests for the Form IAP–66 post-marked after January 1, 2000. Written comments regarding this interim rule must be submitted on or before November 30, 1999.

ADDRESSES: Written comments should be submitted to: Public Comment Clerk, Office of General Counsel, United States Information Agency, 301 4th Street SW, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Sally Lawrence, Branch Chief, Program Designation Branch, Exchange Visitor Program Services, 301 4th Street, SW, Washington, DC 20547; telephone (202) 401–9800.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Fulbright-Hays Act of 1961 (Pub. L. 87–256) the Agency administers the Exchange Visitor Program by facilitating the entry of over 200,000 program participants each year. The Exchange Visitor Program is a component of the public diplomacy efforts of the United States Government and fosters mutual understanding and peaceful relations between the United States and other countries through educational and cultural exchange activities. Program participants enter the United States in nonimmigrant J-visa status pursuant to sponsorship by an Agency-designated sponsoring organization.

Program participants are admitted into the United States to pursue specific program objectives such as training, undergraduate and post-graduate study, and medical residency programs. In order to maintain valid program status and thereby valid non-immigrant status, it is often necessary for program participants to request an extension of their program, a change of category for continued program participation, or reinstatement to valid program status. An organization that wishes to conduct and oversee an exchange visitor program and thereby obtain administrative authority to sponsor a non-immigrant alien's entry into the United States for the purpose of participation in such exchange program must request a designation from the Agency to do so.

Based upon the statutory and administrative authorities set forth below, the Agency has determined that its review of requests for an extension of program, change of category participation, or reinstatement to program status confers a specific benefit to the requesting individual. In similar fashion, a request for Agency designation as an exchange visitor program sponsor confers a specific benefit upon the requesting organization. Accordingly, a fee sufficient to recoup the costs of conferring these specific benefits is appropriate.

Legislative Authority

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (Pub. L. 105–119) authorizes the Agency to collect fees related to its provision of Exchange Visitor Program services. Specifically, this appropriations statute authorizes the Agency to charge a fee and recycle such monies by providing "* * * That not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from educational advising and counseling, and exchange visitor program services * * *."

In adopting a fee for exchange visitor program services provided to the public, the Agency is also guided by the provisions of the Independent Offices Appropriations Act of 1952 (Pub. L. 82–137), 31 U.S.C. 9701. This statute permits an agency to prescribe regulations establishing the charge for a service or thing of value provided by the agency. Such regulations so adopted are subject to policies prescribed by the President. The statute directs that any charge adopted shall be (i) fair; and (ii) based on the costs to the Government, the value of the service to the recipient, the public policy or interest served, and other relevant facts. The Agency has determined that an application to the Agency for a waiver recommendation is a request for a service within the meaning of these statutes that confers a specific benefit upon an identifiable beneficiary. Further, the Agency also relies upon the decisions in *Auyda, Inc.* v. *Attorney General,* 661 F. Supp. 33 (1987); and *Engine Manufacturers Association* v. *E.P.A.,* 20 F.3d 1177 (1994) in adopting a fee for the review of such applications.

Finally, the Agency's adoption and implementation of a fee for review of requests for extensions, change of category, reinstatement, or program designation will be subject to the provisions of the Chief Financial Officers Act of 1990 (Pub. L. 101–576.) Section 205(a)(8) of this Act requires the Agency's Chief Financial Officer to "review, on a biennial basis, the fee, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value." (31 U.S.C. 902(a)(8))

Office of Management and Budget Circular No. A–25

Pursuant to Circular No. A–25, The Office of Management and Budget (OMB) has established the Federal policy governing fees assessed for Government services and for the sale or use of Government goods or resources. OMB Circular No. A–25 sets forth the general policy that a "user charge * * *

will be assessed against each identifiable recipient for special benefits derived from Federal activities beyond those received by the general public." To determine whether a "special benefit" has accrued, Circular No. A–25 offers the following guidance:

"For example, a special benefit will be considered to accrue and a user charge will be imposed when a Government service: (a) (E)nables the beneficiary to obtain more immediate or substantial gains or values (which may or may not be measurable in monetary terms) than those that accrue to the general public (*e.g.*, receiving a patent, insurance, or guarantee provision, or a license to carry on a specific activity or business or various kinds of public land use); or (b) (P)rovides business stability or contributes to public confidence in the business activity of the beneficiary (*e.g.*, insuring deposits in commercial banks); or (c) (I)s performed at the request of or for the convenience of the recipient, and is beyond the services regularly received by other members of the same industry or group or by the general public (*e.g.*, receiving a passport, visa, airman's certificate, or a Customs inspection after regular duty hours.)"

(OMB Circular A–25, section 6.a.(a))

In calculating the amount of the fee to be charged for the Agency's review of a request for extension, change of category, reinstatement, or program designation, the Agency will rely upon the guidance set forth in OMB Circular A–25. Agencies are directed to recoup the "full cost" of providing a service or specific benefit. Full cost is defined as including all direct and indirect costs to any part of the Federal Government of providing a good, resource, or service. These costs include, but are not limited to, an appropriate share of:

(a) Direct and indirect personnel costs, including salaries and fringe benefits such as medical insurance and retirement. Retirement costs should include all (funded or unfunded) accrued costs not covered by employee contributions as specified in Circular No. A–11.

(b) Physical overhead, consulting, and other indirect costs including material and supply costs, utilities, insurance, travel, and rents or imputed rents on land, buildings, and equipment. If imputed rental costs are applied, they should include:

(i) Depreciation of structures and equipment, based on official Internal Revenue Service depreciation guidelines unless better estimates are available; and

(ii) An annual rate of return (equal to the average long-term Treasury bond rate) on land, structures, equipment and other capital resources used.

(c) The management and supervisory costs.

(d) The costs of enforcement, collection, research, establishment of standards, and regulation, including any required environmental statements.

(e) Full cost shall be determined or estimated from the best available records of the agency, and new cost accounting systems need not be established solely for this purpose.

(OMB Circular A–25 Section 6.d)

Circular A–25 further directs the federal agencies to adopt user charges by promulgating regulations, to ensure that proper internal control systems and appropriate audit standards are in place, and to review user charges biennially to ensure adjustment of such charges to reflect unanticipated changes in costs or market values.

Fee Calculation

Having determined that imposition of a user fee for Agency review of extension, change of category, reinstatement, or program designation requests is a lawful exercise of Agency authority, the amount of such fees must be calculated. In calculating the amount of these fees, the Agency is guided by the provisions of OMB Circular No. A–25, User Charges and the Federal Accounting Standards Advisory Board of Federal Financial Accounting Standards No. 4: Managerial Cost Accounting Concepts and Standards for the Federal Government. These standards direct that an agency identify and recoup the full cost of providing a benefit or service. Full cost is defined to mean both the direct and indirect costs of providing said service or benefit. The Agency's organizational structure facilitates the calculation of the full cost associated with its review of requests for extension, change of category, reinstatement, or program designation as performance of these functions are centralized in the Agency's Office of General Counsel, Program Designation Branch (Program Designation.)

The Program Designation Branch is headed by a branch chief who supervises seven program officers, two program assistants and two support staff. These eleven employees process some 786 requests for extensions, change of category, and reinstatement and 126 requests for program designation each year. This processing is broken down along subject matter lines with each officer responsible for specific areas of program participation with the program assistants providing necessary support services. In addition, the Program Designation Branch receives general management oversight from the Agency's General Counsel and Deputy General Counsel and legal oversight and assistance from an Agency Assistant General Counsel.

In processing extension, change of category, reinstatement, and program designation requests, the Program Designation Branch unit is required to perform the following tasks:

Receive extension, change of category, reinstatement, and program designation requests, which includes the tasks of receiving, opening, sorting, and screening applications;

Record fee, which includes, in cooperation with the Agency's Management Bureau, the task of receipting fees, reconciling registers, preparing and making deposits, and recording information into program and financial systems;

Input request data, which includes the tasks of entering data from requests into program systems, verifying data, and printing system data;

Manage records, which includes the tasks of creating files; connecting requested information and documents with request files; pulling, storing, and moving files; and archiving inactive files;

Adjudicate request, which includes the tasks of distributing workload; reviewing, examining, and adjudicating applications; making and recording adjudicative decisions; requesting and reviewing additional information as needed; and consulting with supervisors and legal counsel on non-routine adjudications;

Prepare outgoing correspondence, which includes the tasks of preparing decision letters, copying, logging, filing, faxing, and mailing;

Respond to inquiries, which includes the tasks of receiving and responding to inquiries on the status of an extension, change of category, reinstatement, or program designation request. These inquiries may be from applicants, legal representatives, or members of Congress and are received by both telephone and in writing.

The Agency has examined the number of man-hours devoted to the performance of these activities and has determined that 135% of one full time equivalent position at the program officer and 100% of one full time equivalent position at the program assistant level is allocable to the processing of extension, change of category, and reinstatement requests. This same analysis reveals that 70% of one full time equivalent position at the program officer and program assistant level is also allocable to the processing of program designation requests. Further, this analysis reveals that 127.5% of a full time equivalent position at the program staff assistant level is required to fill "expedited" or "urgent" requests for the Form IAP–66 submitted by designated sponsors. Through application of FASAB Federal financial standards No. 4: Managerial Cost Accounting Concepts and Standards for the Federal Government,

the Agency has identified $146,336 in direct costs arising from salary and benefits and an additional $9,180 in allocable indirect costs attributable to the processing of extension, change of category, and reinstatement requests. Based upon direct and indirect costs of $155,516 and 786 extension, change of category, and reinstatement requests per year, the Agency has determined that the per unit cost of processing such requests is $198 and adopts this amount as the fee to be collected for the future processing of extension, change of category, and reinstatement requests. The Agency has also identified that $92,402 in direct costs from salary and benefits and $5,760 in allocable indirect costs are allocable to its processing of program designation requests. Based upon direct and indirect costs of $98,162 and 126 requests for program designation, the agency has determined that the per unit cost of processing a program designation request is $779 and adopts this amount as the fee to be collected for future processing of program designation requests. Finally, the agency has examined the number of man-hours devoted to the processing of non-routine "expedited" or "urgent" requests for the Form IAP–66 and has determined that 127.5% of one full time equivalent position at the program staff assistant level is allocable to the processing of such requests. The Agency has determined that $57,775 in direct costs from salary and benefits and $4,950 in indirect costs are allocable to the processing of non-routine "expedited" or "urgent" requests for the Form IAP–66 submitted by designated sponsors. Based upon direct and indirect costs of $62,725 and 1,461 such requests, the Agency has determined that the per unit cost of processing a non-routine request for the Form IAP–66 is $43 and adopts this amount as the fee to be collected for future processing of non-routine requests for the Form IAP–66 submitted by designated sponsors. All fees are non-refundable.

Public Comment

The Agency invites comments from the public on this interim final rule notwithstanding the fact that it is under no legal requirement to do so. The designation of exchange visitor sponsors and the administration of the Exchange Visitor Program are deemed to be foreign affairs functions of the United States Government. The Administrative Procedures Act, 5 U.S.C. 553(a)(1)(1989) specifically exempts such functions from the rulemaking requirements of the Act.

The Agency will accept comments regarding this rule until November 30, 1999. In accordance with 5 U.S.C. 605(b), the Agency certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of section 1(b) of E.O. 12291, nor does it have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. This rule is not a major rule as defined by the Small Business Regulatory Enforcement Act of 1996 nor is it considered an economically significant regulatory action as defined by E.O. 12866. This rule does not impose any new reporting or record keeping requirements.

List of Subjects in 22 CFR Part 514

Cultural exchange programs.

Dated: September 21, 1999.

Les Jin,

General Counsel.

Accordingly, 22 CFR part 514 is amended as follows:

PART 514—EXCHANGE VISITOR PROGRAM

1. The authority citation for part 514 continues to read as follows:

Authority: 8 U.S.C. 1101(a)(15(j), 1182, 1258; 22 U.S.C. 1431–1442, 2451–2460; Reorganization Plan No.2 of 1977, 42 FR 62461, 3 CFR 1977 Comp. p. 200; E.O. 12048 43 FR 13361, 3 CFR, 1978 Comp. p. 168; USIA Delegation Order no. 85–5 (50 FR 27393).

Subpart H—Fees

2. Section 514.90 is revised to read as follows:

§ 514.90 Fees.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 9701 shall be submitted as directed by the Agency and shall be in the amount prescribed by law or regulation. Remittances must be drawn on a bank or other institution located in the United States and be payable in United States currency and shall be made payable to the "United States Information Agency." A charge of $25.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. If an applicant is residing outside the United States at the time of application, remittance may be made by bank international money order or foreign draft drawn on an institution in the United States and payable to the United States information Agency in United States currency.

(b) *Amounts of fees.* The following fees are prescribed:

Request for waiver review and recommendation—$136
Request for program extension—$198
Request for change of program category—$198
Request for reinstatement—$198
Request for program designation—$779
Request for non-routine handling of an IAP–66 Form request—$43.

[FR Doc. 99–24960 Filed 9–24–99; 8:45 am]
BILLING CODE 8230–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 24

[T.D. ATF–418 Re: T.D. ATF—398, Notice No. 859 and Notice No. 869]

RIN 1512–AB71

Hard Cider; Postponement of Labeling Compliance Date (97–2523)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Temporary rule (Treasury decision).

SUMMARY: This temporary rule postpones the mandatory date for the labeling of hard cider. In the Proposed Rules section of this **Federal Register**, ATF is also issuing a notice of proposed rulemaking inviting comments on proposed changes to the label requirements for hard cider for a 60-day period following the publication of the notice.

DATES: *Effective date*: This document is effective retroactive to February 17, 1999.

Compliance date: Compliance with the hard cider labeling requirements in 27 CFR 4.21 and 24.257 is not mandatory until September 27, 2000.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Regulations Division, 650 Massachusetts Avenue, NW, Washington, DC 20226; (202) 927–8230; or mdruhf@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

Background

On August 21, 1998, the Bureau of Alcohol, Tobacco and Firearms (ATF) issued a temporary rule to implement various sections of the Taxpayer Relief Act of 1997, Public Law 105–34 ("the Act"). Section 908 of the Act amended the Internal Revenue Code of 1986 (IRC) to create a new excise tax category for hard cider. The temporary rule, T.D. ATF–398 (63 FR 44779) included rules for labeling hard cider. On the same

day, ATF issued a notice of proposed rulemaking, Notice No. 859 (63 FR 44819), inviting comments on this temporary rule for a 60 day period. In response to requests from the industry, ATF reopened the comment period for an additional 30 days on November 6, 1998, by Notice No. 869 (63 FR 59921).

ATF received 45 comments in response to these notices. Two comments addressed the issue of semi-generic wine designations (also covered in the temporary rule and notices), and all the rest concerned the hard cider rules. All the comments will be discussed in a future final rule, but ATF has identified one area, labeling of hard cider, where comments indicate the temporary rule as originally issued imposes an unintended and unnecessary burden. By this document, we are postponing the compliance date for the hard cider labeling rules (originally February 17, 1999), so that we can develop alternative labeling rules. The temporary rule and the specific comments are discussed in detail in the notice of proposed rulemaking published in this issue of the **Federal Register**.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) relating to a final regulatory flexibility analysis do not apply to this rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Pursuant to 26 U.S.C. 7805(f), this temporary rule will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no new collection of information is contained in this Treasury decision.

Administrative Procedure Act

This document merely defers a compliance date for labeling rules for hard cider while ATF considers alternative labeling requirements. In view of the immediate need to inform the industry of this action, it is found to be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

Drafting Information: The principal author of this document is Marjorie Ruhf, of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 24

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavoring, Surety bonds, Taxpaid wine bottling house, Transportation, Vinegar, Warehouses, Wine.

Therefore, pursuant to the authority set forth in 26 U.S.C. 5368 and 27 U.S.C. 205(e), ATF is postponing the compliance date with respect to the use of the term "hard cider" set forth in 27 CFR 4.21(e)(5) and 24.257(a)(3)(iii) and (iv) to September 27, 2000.

Dated: June 16, 1999.

John W. Magaw,

Director.

Dated: August 13, 1999.

John P. Simpson,

Assistant Secretary, (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 99–24833 Filed 9–24–99; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–167]

RIN 2115–AA97

Security Zone: Presidential Visit and United Nations General Assembly, East River, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary security zones in the waters of the East River, New York. This action is necessary to protect the Port of New York/New Jersey, President Clinton, and approximately 80 visiting Heads of State, against terrorism, sabotage or other subversive acts and incidents of a similar nature during the President's visit to New York City and the United Nations General Assembly meeting. This action is intended to restrict vessel traffic in a portion of the East River.

DATES: This rule is effective from 9 a.m. on Monday, September 20, 1999, until 7 p.m. on Friday, October 1, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354–4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4193. .

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date that specific information on the President's visit to New York City and Secret Service requirements for the United Nations General Assembly meeting were made available to the Coast Guard, there was insufficient time to draft and publish an NPRM and publish the final rule 30 days before its effective date. Any delay encountered in this regulation's effective date would be contrary to the public interest as immediate action is needed to protect the Port of New York/New Jersey, the President, and visiting Heads of State.

Background and Purpose

These security zones, requested by the United States Secret Service, are needed to ensure the security of the Port of New York/New Jersey, the President, and visiting Heads of State, while attending the annual United Nations General Assembly meeting in midtown Manhattan, New York. The General Assembly meeting will be held at the United Nations building on East 43rd Street. There is a significant national security interest in protecting the President and safeguarding the international relations of the United States and the visiting Heads of State. These security zones will safeguard the

Port of New York/New Jersey, the President, and visiting Heads of State during the United Nations General Assembly meeting against terrorism, sabotage or other subversive acts and incidents of a similar nature. These security zones provide for an exclusion area during the General Assembly meeting. These zones include all waters of the East River within the following boundaries (all nautical positions are based on North American Datum of 1983):

Security Zone A

All waters of the East River bound by the following points: 40°44′37″N, 073°58′16.5″W (the base of East 35th Street Manhattan), then east to 40°44′34.5″N, 073°58′10.5″W (approximately 175 yards offshore of Manhattan), then northeasterly to 40°45′29″N, 073°57′26.5″W (approximately 125 yards offshore of Manhattan at the Queensboro Bridge), then northwesterly to 40°45′31″N, 073°57′30.5″W (Manhattan shoreline at the Queensboro Bridge), then southerly to the starting point at 40°44′37″N, 073°58′16.5″W. This security zone is in effect from 9 a.m. until 7 p.m. each day from Monday, September 20, 1999, through Saturday, September 25, 1999, and from Monday, September 27, 1999, through Friday, October 1, 1999. The security zone prevents vessels from transiting a portion of the East River. Marine traffic will still be able to transit through the eastern 100 yards of the western channel of the East River and through the entire eastern channel of the East River during this security zone.

Security Zone B

All waters of the East river north of a line drawn from approximate position 40°44′37″N, 073°58′16.5″W, at the base of East 35th Street in Manhattan, to approximate position 40°44′23″N, 073°57′44.5″W at Hunters Point in Long Island City, and south of the Queensboro Bridge. This security zone is in effect from 9 a.m. until 11:30 a.m., and from 12:30 p.m. until 3:30 p.m., on Tuesday, September 21, 1999. Marine traffic will not be able to transit through this portion of the East River during this time while the President is addressing the United Nations General Assembly because the zone extends bank to bank and there are no alternate routes available in the river to go around the zone.

These security zones have been narrowly tailored, in consultation with the United States Secret Service and the maritime industry to impose the least impact on maritime interests yet provide the level of security deemed necessary. Entry into or movement within these security zones is prohibited unless authorized by the Coast Guard Captain of the Port, New York. Public notifications will be made prior to the event via facsimile, marine information broadcasts, and the Local Notice to Mariners.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a) (3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Although this regulation prevents traffic from transiting the security zone areas, the effect of this regulation will not be significant for several reasons. The minimal time that vessels will be prohibited from entering the zones, and the limited recreational traffic in the area. Marine traffic will still be able to transit to the east of the security zone except from 9 a.m. until 11:30 a.m., and from 12:30 p.m. until 3:30 p.m., on Tuesday, September 21, 1999. Extensive advance notifications will be made to the maritime community via facsimile, marine information broadcasts, and the Local Notice to Mariners.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain *Federal mandates.* A Federal mandate is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, $100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subject in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01–167 to read as follows:

§ 165.T01–167 Security Zones; Presidential Visit and United Nations General Assembly, East River, New York.

(a) *Security Zones.* The following areas are designated security zones:

(1) *Security Zone A:*

(i) *Location:* All waters of the East River bound by the following points: 40°44′37″N, 073°58′16.5″W (the base of East 35th Street Manhattan), then east to 40°44′34.5″N, 073°58′10.5″W (approximately 175 yards offshore of Manhattan), then northeasterly to 40°45′29″N, 073°57′26.5″W (approximately 125 yards offshore of Manhattan at the Queensboro Bridge), then northwesterly to 40°45′31″N, 073°57′30.5″W (Manhattan shoreline at the Queensboro Bridge), then southerly to the starting point at 40°44′37″N, 073°58′16.5″W. All nautical positions are based on North American Datum of 1983.

(ii) *Effective period.* Paragraph (a)(1) applies from 9 a.m. until 7 p.m., each day from Monday, September 20, 1999, through Saturday, September 25, 1999, and from Monday, September 27, 1999, through Friday, October 1, 1999.

(2) *Security Zone B:*

(i) *Location.* All waters of the East River north of a line drawn from approximate position 40°44′37″N, 073°58′16.5″W, at the base of East 35th Street in Manhattan to approximate position 40°44′23″N, 073°57′44.5″W at Hunters Point in Long Island City, and south of the Queensboro Bridge. All nautical positions are based on North American Datum of 1983.

(ii) *Effective period.* Paragraph (a)(2) applies from 9 a.m. until 11:30 a.m., and from 12:30 p.m. until 3:30 p.m. on Tuesday, September 21, 1999.

(b) *Effective period.* This section is effective from 9 a.m. on September 20, 1999, until 7 p.m. on October 1, 1999.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.33 apply to this section.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: September 17, 1999.

R.E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99–25061 Filed 9–24–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach, CA; 99–005]

RIN 2115–AA97

Safety Zone; Santa Barbara Channel, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard is extending the effective period of an existing temporary Safety Zone in the navigable waters of the United States around the Stearns Wharf pier complex located in Santa Barbara, California. This safety zone is necessary to ensure the safety of the public during the demolition and reconstruction of the pier and will be in effect from 12 p.m. (PST) on August 31, 1999 to 12 p.m. on October 31, 1999. Entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This rule is effective from 12 p.m. (PST) on August 31, 1999, until 12 p.m. on October 31, 1999. If the need for this safety zone terminates before October 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners. Comments should be received by October 15, 1999.

ADDRESSES: Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Avenue, Long Beach, CA 90802. Comments received will be available for inspection and copying in the Port Safety Division of Coast Guard Marine Safety Office Los Angeles-Long Beach from 9 a.m. to 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Yuri V. Graves, Marine Safety Detachment Santa Barbara, 111 Harbor Way, Santa Barbara, CA 93109; (805) 962–7430.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, there is good cause why a notice of proposed rule making (NPRM) was not published for this regulation and good cause exists for making it effective less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying the effective date would be contrary to the public interest since the details concerning the construction of the pier and the completion date were not known until a date fewer than 30 days prior to the continuation of the construction.

Although this rule is published as a temporary final rule without prior notice, an opportunity for public comment is desirable to ensure the rule is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed in **ADDRESSES** in this preamble. Comments must be received by October 15, 1999. Those providing comments should identify the docket number for the regulation (COTP Los Angeles-Long Beach 99–005) and also include their name, address, and reason(s) for each comment presented. Based upon the comments received, the regulation may be changed.

The Coast Guard plans no public meeting. Persons may request a public meeting by writing the Marine Safety Office Los Angeles-Long Beach at the address listed in **ADDRESSES** in this preamble.

Discussion of Regulation

A prior temporary final rule was promulgated imposing an identical safety zone for the period December 9, 1998 through March 31, 1999 (64 FR 8001), and then was extended for the period March 31, 1999 through August 31, 1999 (64 FR 18814). The Coast Guard has recently been notified that the pier demolition and reconstruction project will not be completed as originally scheduled. It is thus necessary to extend the effective period of the safety zone through October 31, 1999. Due to the continuing need for the safety zone, a new safety zone and public comment period has been established.

This safety zone is necessary to safeguard all personnel and property during the extensive repairs and reconstruction of Stearns Wharf. The activities surrounding the demolition and construction pose a direct threat to the safety of surrounding vessels, persons, and property, and create an imminent navigational hazard. This safety zone is necessary to prevent spectators, recreational and commercial craft from the hazards associated with the reconstruction. Persons and vessels are prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port Los Angeles-Long Beach or a designated representative.

Regulatory Evaluation

This temporary regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under Paragraph 10(e) of the regulatory policies and procedures of the Department of Transportation is unnecessary.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include small businesses and not-for-profit organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule is not expected to have a significant economic impact on any substantial number of entities, regardless of their size.

Assistance for Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Yuri V. Graves, Coast Guard Marine Safety Detachment, Santa Barbara, CA, at (805) 962–7430.

Federalism

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this temporary regulation and concluded that under Chapter 2.B.2. of Commandant Instruction M16475.1C, Figure 2–1, paragraph (34)(g), it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis checklist is available for inspection and copying and the docket is to be maintained at the address listed in **ADDRESSES** in the preamble.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local, or tribal government entities will be affected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this Interim Rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This Rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This Rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This Rule meets applicable standards in section 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This Rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for 33 CFR Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. From 12 p.m. (PST) on August 31, 1999, through 12 p.m. (PDT) on October 31, 1999, a new § 165.T11–066 is added to read as follows:

§ 165.T11–066 Safety Zone: Santa Barbara Channel, CA.

(a) *Location*. The following area is established as a safety zone: all navigable waters falling within a rectangular box extending 100 feet from the outer limits of all sides of Stearns Wharf, beginning at the seaward end of the wharf and extending back along the wharf 600 feet towards shore. For reference purposes, the seaward end of the wharf is located at 34°24′30″ N, longitude: 119°41′10″ W.

(b) *Regulations*. In accordance with the general regulations in § 165.23, entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port.

(c) *Effective Dates*. This section is effective from 12 p.m. (PST) on August 31, 1999 through 12 p.m. on October 31, 1999. If the need for this safety zone terminates before October 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

Dated: August 30, 1999.

G.F. Wright,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach.

[FR Doc. 99–25060 Filed 9–24–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AJ70

Veterans Education: Montgomery GI Bill—Active Duty; Administrative Error

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance and education benefit regulations of the Department of Veterans Affairs (VA). The amendment clarifies these provisions by stating that when VA, the Department of Defense (DOD), or the Department of Transportation (DOT) makes an administrative error or error in judgment that is the sole cause of an erroneous award under the Montgomery GI Bill—Active Duty, VA must reduce or terminate the award effective the date of last payment.

DATES: *Effective Date:* September 27, 1999.

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Advisor, Education Service, Veterans Benefits Administration, 202–273–7187.

SUPPLEMENTARY INFORMATION: This document amends the educational assistance and education benefit regulations. VA, DOD, and DOT may occasionally make an administrative error or error in judgment that causes an overpayment of educational assistance under the Montgomery GI Bill—Active Duty (MGIB). Currently, 38 CFR 21.7135(v) provides that when an administrative error or error in judgment results in an erroneous award of educational assistance under the MGIB, the award will be reduced or terminated effective the date of last payment. This document clarifies these provisions by stating that the regulations cover administrative errors or errors in judgment made by VA, DOD, or DOT when the error is the sole cause of the erroneous award. This interprets statutory authority at 38 U.S.C. 5112(b) and 5113.

Administrative Procedure Act

This document sets forth interpretive provisions. Accordingly, there is a basis for dispensing with notice-and-comment and a delayed effective date under 5 U.S.C. 553.

Executive Order 12866

This final rule has been reviewed by OMB under Executive Order 12866.

Regulatory Flexibility Act

The Secretary of Veterans Affairs hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule will affect individuals, but it will not affect small entities. Pursuant to 5 U.S.C. 605(b), this rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance number for the program affected by this rule is 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health programs, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 13, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 21 (subpart K) is amended as set forth below:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

1. The authority citation for part 21, subpart K, continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

2. In § 21.7135, paragraph (v)(2) is revised to read as follows:

§ 21.7135 Discontinuance dates.

* * * * *

(v) * * *

(2) When VA, the Department of Defense, or the Department of Transportation makes an administrative error or an error in judgment that is the sole cause of an erroneous award, VA must reduce or terminate the award effective the date of last payment.

(Authority: 38 U.S.C. 5112(b), 5113)

* * * * *

[FR Doc. 99–25010 Filed 9–24–99; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300922; FRL–6382–5]

RIN 2070–AB78

Trifloxystrobin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for trifloxystrobin regulated as trifloxystrobin and the free form of its acid metabolite CGA–321113 in or on pome fruit, cucurbit vegetables, grapes, raisins, peanuts, peanut hay, wet apple pomace, milk, meat, fat and meat by-products of cattle, goats, hogs, horses and sheep and bananas. Novartis Crop Protection, Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 27, 1999. Objections and requests for hearings, identified by docket control number OPP-300922, must be received by EPA on or before November 26, 1999.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-300922 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305-7740 and e-mail address: giles-parker.cynthia@epa.gov

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing

Categories	NAICS	Examples of Potentially Affected Entities
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**--Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300922. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of August 17, 1998 (63 FR 43937) (FRL–6018–2), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerances by Novartis Crop Protection, Inc. This notice included a summary of the petition prepared by Novartis Crop Protection, Inc.the registrant. An amendment to the notice of filing was published in the **Federal Register** of August 26, 1999 (64 FR 46680) which revised proposed tolerance levels and added the metabolite CGA–321113. No comments were received in response to the amendment.

The petition requested that 40 CFR 180 be amended by establishing a tolerance for combined residues of the fungicide trifloxystrobin and the free form of its acid metabolite CGA–321113, in or on bananas at 0.10 parts per million (ppm), cucurbit vegetables at 0.50 ppm, grapes at 2.0 ppm, raisins at 5.0 ppm, peanuts at 0.05 ppm, peanut hay at 4.0 ppm, pome fruit at 0.50 ppm, wet apple pomace at 5.0 ppm, milk at 0.02 ppm, and meat, fat and meat by products of cattle, goats, hogs, horses and sheep at 0.05 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of trifloxystrobin and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for combined residues of trifloxystrobin and the free form of its acid metabolite CGA–321113 on bananas at 0.10 parts per million (ppm), cucurbit vegetables at 0.50 ppm, grapes at 2.0 ppm, raisins at 5.0 ppm, peanuts at 0.05 ppm, peanut hay at 4.0 ppm, pome fruit at 0.50 ppm, wet apple pomace at 5.0 ppm, milk at 0.02 ppm, and meat, fat and meat by products of cattle, goats, hogs, horses and sheep at 0.05 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The results of toxicity studies for trifloxystrobin are listed below:

1. *Subchronic-Feeding Study— Rat.* The No Observed Adverse Effects Level (NOAEL) was 500 ppm (30.6–32.8 mg/kg/day). Decreased body weight, hypertrophy of hepatocytes and pancreatic atrophy were observed at the Lowest Observed Adverse Effects Level (LOAEL) of 2,000 ppm (127–133 mg/kg/day).

2. *Subchronic-Feeding Study— Mouse.* The NOAEL was 500 ppm (76.9–110 mg/kg/day). Increased liver weights and necrosis of hepatocytes were observed at the LOAEL of 2,000 ppm (315–425 mg/kg/day).

3. *Subchronic-Feeding Study— Dog.* The NOAEL was 30 mg/kg/day. Increased liver weight and hepatocyte hypertrophy in males were observed at the LOAEL of 150 mg/kg/day.

4. *28–Day Dermal Toxicity Study— Rat.* The NOAEL was 100 mg/kg/day. Increased liver and kidney weight were observed at the LOAEL of 1,000 mg/kg/day.

5. *Developmental Toxicity Study— Rat.* The maternal NOAEL was 10 mg/kg/day. Decreased body weight gain and

food consumption were observed at the maternal LOAEL of 100 mg/kg/day. The developmental NOAEL was 1,000 mg/kg/day. No developmental effects were observed. The developmental LOAEL was equal to or greater than 1,000 mg/kg/day.

6. *Developmental Toxicity Study— Rabbit.* The maternal NOAEL was 10 mg/kg/day. Decreased body weights and body weight gain, food consumption and efficiency were observed at the maternal LOAEL of 50 mg/kg/day. The developmental NOAEL was 250 mg/kg/day. Skeletal anomolies were observed at the Developmental LOAEL of 500 mg/kg/day.

7. *Reproductive Toxicity Study— Rat.* The parental NOAEL was 50 ppm (3.8 mg/kg/day). Decreased body weight and weight gain, decreased food consumption, liver, kidney and spleen effects were observed at the parental LOAEL of 750 ppm (55.3 mg/kg/day). The reproductive NOAEL was 1,500 ppm (110.6 mg/kg/day). The reproductive LOAEL was greater than 1,500 ppm (110.6 mg/kg/day).

8. *Chronic-Feeding Study— Dog.* The NOAEL was 5 mg/kg/day. Increased clinical signs, increased liver weight and hepatocellular hypertrophy were observed at the LOAEL of 50 mg/kg/day.

9. *Carcinogenicity Study— Mouse.* The NOAEL was 300 ppm (39.4 mg/kg/day). Liver effects were observed at the LOAEL of 1,000 ppm (131.1 mg/kg/day).

10. *Chronic Toxicity/Carcinogenicity Study— Rat.* The NOAEL was 250 ppm (9.81–11.37 mg/kg/day). Decreased body weight and body weight gain were observed at the LOAEL of 750 ppm (29.7–34.5 mg/kg/day).

11. *Gene Mutation Study— Salmonella.* Negative.

12. *Gene Mutation study— Chinese Hamster Cultured V–79.* Positive.

13. *Structural Chromosome Aberration-Micronucleus study— Mouse.* Negative.

14. *Structural Chromosome Aberration-Cytogenetics study— Chinese Hamster.* Negative.

15. *DNA Repair study-hepatocytes— Rat.* Negative.

16. *Acute Oral Neurotoxicity study— Rat.* The NOAEL and LOAEL could not be determined.

17. *Metabolism study—Rat.* The tissue half-lives ranged from 13 to 42 hours. The highest residues were found in liver, kidneys, spleen and blood. The parent compound was extensively metabolized to approximately 35 metabolites.

B. Toxicological Endpoints

The following endpoints were used in the the risk assessments for trifloxystrobin.

1. *Acute toxicity—Developmental Toxicity Study— Rabbits.* The developmental NOAEL was 250 mg/kg/day. The endpoint was an increase in fetal incidence of fused sternebrae #3 and #4 at a LOAEL of 500 mg/kg/day. The uncertainty factor (UF) was 100 based on intra species and interspecies variation. The acute reference dose (RfD) was 2.5 mg/kg/day; the acute population adjusted dose (aPAD) was 2.5 mg/kg/day. In the study selected, the developmental effects were presumed to occur after a single exposure since this is an *in utero* effect it is applicable only to the population subgroup, females 13+ years.

2. *Short- and intermediate-term toxicity— 28–Day Dermal Toxicity Study— Rats.* The systemic NOAEL was 100 mg/kg/day. The endpoint was an increase in liver and kidney weights at a LOAEL of 1,000 mg/kg/day.

3. *Long-term toxicity.* Long-term dermal exposure is not expected based on the proposed use pattern. Therefore, a long term dermal risk assessment was not performed.

4. *Chronic toxicity—Chronic Toxicity Study— Dogs.* The NOAEL was 5 mg/kg/day. The endpoint was an increased incidence of clinical signs, increased mean liver weight and hepatocellular hypertrophy at a LOAEL of 50 mg/kg/day. The UF was 100 for intraspecies and intraspecies variation. The chronic RfD was 0.05 mg/kg/day; the chronic PAD was 0.05 mg/kg/day. The chronic toxicity study in dogs was chosen for the chronic dietary risk assessment because the study is chronic and the systemic NOAEL is lower than that in the chronic rat study. Also, the toxic effects observed were seen in the chronic rat study and the multi-generation reproduction study in rats.

5. *Carcinogenicity.* Trifloxystrobin has been classified as a "not likely human carcinogen".

C. Exposures and Risks

1. *From food and feed uses.* Tolerances are being established for the combined residues of trifloxystrobin and the free form of its acid metabolite CGA–321113 on the following commodities: bananas at 0.10 parts per million (ppm), cucurbit vegetables at 0.50 ppm, grapes at 2.0 ppm, raisins at 5.0 ppm, peanuts at 0.05 ppm, peanut hay at 4.0 ppm, wet apple pomace at 5.0 ppm, pome fruit at 0.50 ppm, milk at 0.02 ppm, and meat, fat and meat by products of cattle, goats, hogs, horses and sheep at 0.05 ppm. Risk assessments were conducted by EPA to assess dietary exposures as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. The Dietary Exposure Evaluation Model (DEEM) detailed acute analysis estimates the distribution of single exposures for the overall U.S. population and certain subgroups. For this assessment, the only population subgroup of concern for acute dietary risk is Females 13 years and older. The analysis evaluates individual food consumption as reported by respondents in the USDA 1989–1992 Continuing Survey of Food Intake by Individuals (CSFII) and accumulates exposure to the chemical for each commodity. Each analysis assumes uniform distribution of trifloxystrobin in the commodity supply. In conducting the acute dietary risk assessment, the Agency made highly conservative assumptions. One hundred percent of proposed crops are assumed to be treated with trifloxystrobin, and this is expected to result in an overestimate of dietary risk. Therefore, this acute dietary (food only) risk assessment should be viewed as a highly conservative risk estimate. Further refinement using anticipated residues or percent of crop treated data in conjunction with a Monte Carlo analysis would result in a lower dietary exposure estimate. In the DEEM acute analysis the proposed tolerances for combined residues of trifloxystrobin and CGA–321113 utilized 1% of the aPAD for females 13 + years old, nursing.

ii. *Chronic exposure and risk.* In conducting the chronic dietary risk assessment, the Agency made highly conservative assumptions which resulted in an overestimate of human dietary exposure. One hundred percent of proposed crops are assumed to be treated with trifloxystrobin, and this is expected to result in an overestimate of dietary risk. Therefore, this chronic dietary (food only) risk assessment should be viewed as a highly conservative risk estimate. Further refinement using anticipated residues or percent of crop treated data would result in a lower dietary exposure estimate. Thus, in making a safety determination for these tolerances, EPA takes into account this highly conservative exposure assessment. The Agency is generally concerned with chronic exposures that exceed 100% of the chronic PAD (cPAD) or chronic RfD. The proposed trifloxystrobin tolerances

were used to calculate the the exposure and risk estimate. The percentages cPAD utilized were 17% for non-nursing infants, 16% for children 1–6 years old, 14% for all infants (<1year), and 9% or lower for other population subgroups.

iii. *Cancer Dietary Risk from Food Sources.* Trifloxystrobin was classified as a "not likely human carcinogen." Therefore, a cancer risk assessment was not conducted.

2. *From drinking water.* EPA does not have monitoring data available to perform a quantitative drinking water risk assessment for trifloxystrobin and the free form of its acid metabolite. In the absence of reliable, available monitoring data, EPA uses models to estimate concentrations of pesticides in ground and surface water. Drinking water estimates for the parent, trifloxystrobin, plus the free form of its acid metabolite CGA–321113, were generated by the SCI-GROW model. Conservative assumptions were built into the ground water scenario used by the Screening Concentration in Ground Water (SCI-GROW) model, such as assuming shallow ground water, coarse soils and high levels of irrigation. The estimate from SCI-GROW represents an upper bound on the concentration of trifloxystrobin in ground waters as a result of agricultural use.

The estimate for the parent, trifloxystrobin, using the SCI-GROW model is 0.006 part per billion (ppb). For the primary metabolite CGA–321113, the estimated value is 4.9 ppb. For risk assessment purposes, EPA used the estimates for the primary metabolite (and not a sum of parent plus metabolite) because the SCI-GROW model assumes 100% conversion from parent to CGA–321113.

Estimates of concentrations of trifloxystrobin and its metabolite in surface water were made using the generic expected environmental concentration (GEENEC) model. The peak estimate for the parent, trifloxystrobin, using the GENEEC model, ranges from 5.29 to 5.56 ppb. The 56–day average for the parent ranges from 0.64 to 2.97. For the primary metabolite, the peak estimate is 47.98 ppb, and the 56–day average estimate is 47.31 ppb. For risk assessment purposes, EPA used the estimates for the primary metabolite (and not a sum of parent plus metabolite) because the GENEEC model assumes 100% conversion from parent to CGA–321113.

A Drinking Water Level of Comparison (DWLOC) is a theoretical upper limit of a pesticide's concentration in drinking water in light of total aggregate exposure to that pesticide in food and through residential uses. A DWLOC will vary depending on the toxic endpoint, consumption and body weight. Different populations will have different DWLOCs. EPA uses DWLOCs internally in the risk assessment process as a surrogate measure of potential exposure associated with pesticide exposure through drinking water. In the absence of monitoring data for pesticides, the DWLOC is used as a point of comparison against conservative model estimates of potential pesticide concentration in water. DWLOC values are not regulatory standards for drinking water. EPA has calculated DWLOCs for acute and chronic (non-cancer) exposure to trifloxystrobin and the primary metabolite CGA–321113 for the U.S. population and selected subgroups.

The DWLOC for acute risk is 72,600 µg/l for females 13+ years (nursing). The DWLOCs for chronic exposure are 1,680 µg/l for the U.S. population, 420 µg/l for non-nursing infants and 1,380 µg/l for females 13+ years (nursing). The estimated concentrations of trifloxystrobin in ground water, 4.9 µg/l and surface water, 47.98 µg/l, are less than the DWLOCs as a contribution to acute and chronic exposure. The estimated concentrations of trifloxystrobin and its primary metabolite in ground and surface water are considered conservative estimates. Therefore, EPA concludes with reasonable certainty that residues of trifloxystrobin in food and drinking water would not result in an unacceptable estimate of acute or chronic (non-cancer) aggregate human health risk.

3. *From non-dietary exposure.* Trifloxystrobin, is proposed for use on the following residential non-food sites: turfgrass and ornamentals. There are no homeowner uses of trifloxystrobin proposed, but residential lawns are listed on the label as sites which may be treated by a professional pesticide applicator. Therefore, risk assessments (dermal and oral) were conducted for adults and children who may be exposed to trifloxystrobin after application by a professional pesticide applicator. Short and intermediate-term post-application residential risk estimates do not exceed EPA's level of concern, Margins Of Exposure (MOE) range from 430 to 15 million. Acute and chronic aggregate risk (food plus water) estimates do not exceed EPA's level of concern. Short- and intermediate-term aggregate risk estimates also do not exceed EPA's level of concern.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity." Trifloxystrobin belongs to a new class of fungicides, the MAEs (beta-methoxyacryl esters), which are synthetic analogs of strobilurin A, an antifungal secondary metabolite of the fungus *Strobilurus tenacellus.* Trifloxystrobin works by interfering with respiration in plant pathogenic fungi. The site of action of strobilurin compounds is located in the mitochondrial respiration pathway between cytochromes b and c1 at the level of the hydroquinone binding site. As a result of this mode of action, trifloxystrobin is a potent inhibitor of fungal spore germination and mycelial growth. Trifloxystrobin can be referred to more specifically as an oximinoacetate.

EPA does not have, at this time, available data to determine whether trifloxystrobin has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, trifloxystrobin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that trifloxystrobin has a common mechanism of toxicity with other substances. For information regarding EPA efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

5. *Endocrine disrupter effects.* EPA is required to develop a screening program to determine whether certain substances (including all pesticides and inerts) "may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect..." The Agency is currently working with interested stakeholders, including other government agencies, public interest groups, industry and research scientists in developing a screening and testing program and a priority setting scheme to implement this program.

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* To calculate acute aggregate risk, high-end exposures from food and drinking water sources are compared to the acute PAD. Exposure to trifloxystrobin residues and the free form of its acid metabolite, CGA–321113 in food will occupy no more than 1% of the acute PAD for females 13+ years old (nursing). Acute dietary risk was calculated for females 13+ years old because the endpoint upon which the acute PAD is based is on developmental effects. Residue levels used for food-source dietary risk assessments were very conservative: proposed tolerance levels were used, and 100% crop treated was assumed, with no refinements. Acute dietary exposure estimates were calculated for the 95th percentile. Estimated drinking water levels were calculated using drinking water models (SCI-GROW and GENEEC), and the values are considered overestimates due to the conservative assumptions built into the models. Estimated concentrations of trifloxystrobin residues in surface and ground water are lower than EPA's DWLOCs. Therefore, EPA does not expect acute aggregate risk to trifloxystrobin residues from acute food and drinking water sources to exceed EPA's level of concern for acute aggregate risk.

2. *Chronic risk.* Exposure to trifloxystrobin and the free form of its acid metabolite, CGA–321113 residues in food will occupy no more than 7% of the chronic PAD for adult population subgroups (females 13+/nursing) and no more than 17% of the chronic PAD for infant/children subgroups (highest subgroup: non-nursing infants). Residue levels used for food-source dietary risk assessments were not refined and did not incorporate percent of crop treated. Estimated concentrations of trifloxystrobin residues in surface and ground water are lower than EPA's DWLOCs. Estimated drinking water levels were calculated using drinking water models, and the values are considered overestimates due to the conservative assumptions built into the models. Chronic residential exposure of trifloxystrobin is not expected. EPA does not expect chronic aggregate risk to trifloxystrobin residues from food, water and residential sources to exceed EPA's level of concern for chronic aggregate risk.

3. *Short-term risk.* To calculate short-term aggregate risk, high-end residential risk (oral) is combined with chronic food and drinking water risks. Since trifloxystrobin causes the same toxic effects but different NOAELs were found across different routes, risks for food, drinking water and residential exposure paths are combined to estimate short-term risk. Based on EPA's short-term aggregate risk calculation, EPA does not expect short-term aggregate risk to trifloxystrobin residues from food, water and residential sources to exceed EPA's level of concern for short-term aggregate risk.

4. *Intermediate-term risk.* To calculate intermediate-term aggregate risk, high-end residential risk (oral) are combined with chronic food and drinking water risks. Since trifloxystrobin causes the same toxic effects but different NOAELs were found across different routes, risks for food, drinking water and residential exposure paths are combined to estimate intermediate-term risk. Based on EPA's intermediate term aggregate risk calculation, EPA does not expect intermediate-term aggregate risk to trifloxystrobin residues from food, water and residential sources to exceed the EPA's level of concern for intermediate-term aggregate risk.

5. *Aggregate cancer risk for U.S. population.* Not applicable. There is no evidence of carcinogenicity.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children.* On June 21, 1999, the FQPA Safety Factor Committee determined the 10x safety factor for the protection of infants and children should be removed. The Committee's rationale for removing the FQPA Safety Factor is as follows:

i. The toxicology database is complete for FQPA assessment.

ii. There is no indication of increased susceptibility of rat or rabbits to trifloxystrobin. In the developmental and reproductive toxicity studies, effects in the fetuses/offspring were observed only at or above treatment levels which resulted in evidence of parental toxicity;

iii. It was determined that a developmental neurotoxicity study in rats is not required.

iv. The exposure assessments will not underestimate the potential dietary (food and drinking water) or nondietary exposures for infants and children from the use of trifloxystrobin.

IV. Other Considerations

A. Metabolism in Plants and Animals

For plants. EPA determined that the qualitative nature of the residue in plants is adequately understood for fruits, fruiting vegetables, cucurbit vegetables and peanuts, based on acceptable studies conducted on apples, cucumbers, peanuts, and a supplementary study on wheat. EPA concluded that additional metabolism studies would be needed to support possible future uses. It was further determined that the total toxic residues of concern for plants, both for regulatory and risk assessment purposes, is trifloxystrobin and the free form of its acid metabolite CGA–321113.

For animals. The EPA determined that the qualitative nature of the residue in animals is adequately understood based on acceptable studies conducted in goats and laying hens. It was determined that the total toxic residues for animals, both for regulatory and risk assessment purposes, is trifloxystrobin and the free form of its acid metabolite CGA–321113. Additionally, the liver contribution for metabolite L7a (taurine conjugate of trifloxystrobin) is to be included for risk assessment purposes, assuming equal toxicity as trifloxystrobin.

B. Analytical Enforcement Methodology

The GC/NPD method AG–659A is proposed for tolerance enforcement purposes for residues of trifloxystrobin and the free form of its acid metabolite CGA–321113 in plant and animal matrices. Method validation recoveries indicate that this method adequately recovers residues of trifloxystrobin and CGA–321113, usually with a limit of quantitation (LOQ) of 0.02 ppm. A variant (AG–659) of the method has been independently validated. A method validation trial of AG–659A has been requested of EPA for trifloxystrobin and the free form of its acid metabolite, CGA–321113. In the interim, based on its pre-trial review, EPA has provisionally concluded that method 659A appears to be suitable for tolerance enforcement.

C. Magnitude of Residue

1. *Crop field trials.* The field trials were adequate in number, geographically representative, and reasonably reflected the proposed use patterns. In all cases, the tolerances EPA recommended were for combined residues of trifloxystrobin and the free form of its acid metabolite CGA–321113.

i. *Bananas.* EPA recommended for a 0.1 ppm tolerance for whole bananas.

ii. *Cucurbit vegetables.* EPA recommended for a 0.5 ppm tolerance.

iii. *Grapes.* EPA recommended for a 2.0 ppm tolerance.

iv. *Peanuts.* EPA recommended for a tolerance of 0.05 ppm (based on LOQs) for peanuts and 4.0 ppm for peanut hay.

v. *Pome fruits.* EPA recommended for a 0.5 ppm tolerance.

2. *Processed commodities.* In all cases, the tolerances EPA recommended were for combined residues of trifloxystrobin and the free form of its acid metabolite CGA–321113.

i. *Grape processed commodities.* No concentration of residues occurred in grape juice; no tolerance is required. Residues concentrated in raisins in one of two studies; based on the positive study, EPA recommended a 5.0 ppm tolerance.

ii. *Peanut processed commodities.* Residues did not concentrate in meal or refined oil; no tolerances are required.

iii. *Apple processed commodities.* Residues did not concentrate in juice; no tolerance is required. Residues concentrated in wet pomace; based on the highest average field trial (HAFT) value and the average concentration factor, EPA recommended a tolerance of 5.0 ppm.

3. *Residues in poultry and eggs.* Based on the poultry metabolism study, EPA concluded that finite residues of trifloxystrobin are not expected in poultry commodities. Thus, poultry feeding data and tolerances for poultry commodities are not required at this time.

4. *Residues in meat and milk.* A dairy cattle feeding study was conducted at levels equivalent to 2, 6, and 20 ppm in the diet (mg/kg diet on a dry weight basis). Because the highest feeding level was only 3–4x the calculated maximum theoretical dietary burden (6.2 ppm, beef cattle; 4.9 ppm, dairy cattle) and because residues of trifloxystrobin and the acid metabolite CGA–321113 were detected in fat at this feeding level, EPA concluded that animal commodity tolerances were needed. Based on LOQs each for parent and CGA–321113 of 0.01 ppm for milk and 0.02 ppm for other animal commodities, EPA recommended for a 0.02 ppm LOQ tolerance for combined residues of trifloxystrobin and the free form of its acid metabolite CGA–321113 in milk and a 0.05 ppm combined residue tolerance for the meat, fat and meat byproducts of cattle, goats, hogs, horses and sheep. For risk assessment purposes only, 0.1 ppm trifloxystrobin-equivalent residue is used for liver. This value is based on the sum of the liver contribution of metabolite L7a (estimated at ca 0.05 ppm trifloxystrobin equivalent, adjusted to a 1x feeding level from the goat metabolism study, TFMP–^{14}C label) plus that of the recommended 0.05 ppm tolerance for the combined residues of trifloxystrobin and CGA–321113 in meat byproducts.

D. International Residue Limits

There are no Codex, Canadian, or Mexican maximum residue limits (MRLs) established for trifloxystrobin. Harmonization is thus not an issue at this time.

E. Rotational Crop Restrictions

An acceptable confined rotational crop study was submitted. The predominant metabolite, trifluoroacetic acid, is not of concern at the (≤ 0.2 ppm) levels reported. Quantifiable residues (≧ 0.02 ppm) of trifloxystrobin and CGA–321113 are not expected in/on crops rotated at a 30–day plantback interval. Proposed plantback restrictions for the Flint™ 50WDG label (immediate plantback of any crop listed on the label; 30–day plantback of all other crops) and the Stratego twin-pack label (immediate plantback of peanuts; 30–105 day plantback of other crops, to accommodate the propiconazole co-active ingredient in the product) are adequate for trifloxystrobin uses. No rotational crop tolerances must be proposed at this time.

V. Conclusion

Therefore, tolerances are established EPA for combined residues of trifloxystrobin and the free form of its acid metabolite CGA–321113 in/on bananas at 0.10 ppm, cucurbit vegetables at 0.50 ppm, grapes at 2.0 ppm, raisins at 5.0 ppm, peanuts at 0.05 ppm, peanut hay at 4.0 ppm, pome fruit at 0.50 ppm, wet apple pomace at 5.0 ppm, milk at 0.02 ppm, and meat, fat and meat by products of cattle, goats, hogs, horses and sheep at 0.05 ppm. There are no U.S. registrations for trifloxystrobin on bananas.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need To Do To File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300922 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 26, 1999.

1. *Filing the request* . Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Room M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission be labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to

the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at *tompkins.jim@epa.gov*, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A. of this preamble, you should also send a copy of your request to the PIRB for its inclusion in the official record that is described in Unit I.B.2. of this preamble. Mail your copies, identified by docket number OPP–300922, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PRIB described in Unit I.B.2. of this preamble. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established EPA, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes tolerances under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(b)(4). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since tolerances and exemptions that are established by EPA on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 20, 1999.

Susan B. Hazen,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a), and 371.

2. Section 180.555 is added to read as follows:

§ 180.555 Trifloxystrobin; tolerances for residues.

(a) *General.* Tolerances are established for combined residues of trifloxystrobin (Benzeneacetic acid, (*E*,*E*)-α-(methoxyimino)-2-[[[[1-[3-(trifluoromethyl) phenyl]ethylidene]amino]oxy]methyl]-, methyl ester) and the free form of its acid metabolite CGA–321113 ((*E*,*E*)-methoxyimino-[2-[1-(3-trifluoromethyl-phenyl)-ethylideneaminooxymethyl]-phenyl]acetic acid in or on the following commodities.

Commodity	Parts per million
Apple pomace (wet)	5.0
Bananas[1]	0.10
Cattle, fat	0.05
Cattle, meat	0.05
Cattle, meat by product	0.05
Cucurbit vegetables	0.50
Goats, fat	0.05
Goats, meat	0.05
Goats, meat by product	0.05
Grapes	2.0
Hogs, fat	0.05
Hogs, meat,	0.05
Hogs, meat by product	0.05
Horses, fat	0.05
Horses, meat	0.05
Horses, meat by product	0.05
Milk	0.02
Peanut hay	4.0
Peanuts	0.05
Pome fruit	0.5
Raisins	5.0
Sheep, fat	0.05
Sheep, meat	0.05
Sheep, meat by product	0.05

[1] There are no U.S. registrations as of September 27, 1999 for use on bananas.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 99–25050 Filed 9–24–99; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 413

[HCFA–1876–F]

RIN 0938–AH61

Medicare Program; Revision to Accrual Basis of Accounting Policy

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: Medicare policy provides that payroll taxes that a provider becomes obligated to remit to governmental agencies are included in allowable costs only in the cost reporting period in which payment (upon which the payroll taxes are based) is actually made to an employee. Therefore, for payroll accrued in 1 year but not paid until the next year, the associated payroll taxes are not an allowable cost until the next year. This final rule provides for an exception when payment would be made to the employee in the current year but for the fact the regularly scheduled payment date is after the end of the year. In that case, the rule requires allowance in the current year of accrued taxes on payroll that is accrued through the end of the year but not paid until the beginning of the next year, thus allowing accrued taxes on end-of-the year payroll in the same year that the accrual of the payroll itself is allowed. The effect of this rule is not on the allowability of cost but rather only on the timing of payment; that is, the cost of payroll taxes on end-of-the-year payroll is allowable in the current period rather than in the following period.

DATES: These regulations are effective November 26, 1999.

FOR FURTHER INFORMATION CONTACT: John Eppinger, (410) 786–4518.

SUPPLEMENTARY INFORMATION:

I. Background

Generally, under the Medicare program, health care providers who are not subject to a prospective payment or other non cost based payment system are paid for the reasonable costs of covered services furnished to Medicare beneficiaries. Notable exceptions to payment on a reasonable cost basis are for inpatient hospital services furnished in acute care hospitals (section 1886(d) of the Social Security Act (the Act)) and for inpatient services furnished by skilled nursing facilities for cost reporting periods beginning on or after July 1, 1998 (section 1888(e) of the Act). Additionally, there are other limited services not paid on a reasonable cost basis, to which Medicare policy concerning accrued costs, including the revision in this final rule, does not apply.

Section 1861(v)(1)(A) of the Act defines reasonable cost and provides that reasonable cost shall be determined in accordance with implementing regulations. Section 413.24 establishes the methods to be used and the adequacy of data needed to determine reasonable costs for various types or classes of institutions, agencies, and services. Section 413.24(a) requires providers receiving payment on the basis of reasonable cost to maintain financial records and statistical data sufficient for the proper determination of costs payable under the program and for verification of costs by qualified auditors. The cost data are required to be based on an approved method of cost finding and on the accrual basis of accounting. Section 413.24(b)(2) provides that under the accrual basis of accounting, revenue is reported in the period in which it is earned, regardless of when it is collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

Section 413.100 provides for special treatment of certain accrued costs, including Federal Insurance Contribution Act (FICA) and other payroll taxes claimed by providers on their cost reports. Before this final rule, § 413.100(c)(2)(vi) provided, without exception, that a provider's share of FICA and other payroll taxes that the provider becomes obligated to remit to governmental agencies is included in allowable costs only during the cost reporting period in which payment (upon which the payroll taxes are based) is actually made to the employee. When an employee is paid by a provider as part of a provider payroll, whether the payment is for time worked during the payroll period or for benefits (for example, vacation benefits) earned in an earlier period, the provider's share of FICA and other payroll taxes is an allowable cost during the cost reporting period in which payment is made to the employee. The policy is based on the fact that a provider becomes obligated to governmental agencies for payroll taxes only at the time that the salary or benefits, upon which the payroll taxes are based, are actually paid to the provider's employee. Further, until the salary or benefits are actually paid, it cannot be known for certain whether there will be a payroll tax or taxes, what the amount of the tax(es) will be, or whether a particular employee will be liable for the tax(es).

II. Provisions of the Proposed Rule

On May 18, 1998, we published in the **Federal Register** (63 FR 27251) a proposed rule that would revise regulations governing the FICA and other payroll taxes. We proposed to revise § 413.100(c)(2)(vi) to make one exception to the general rule. We proposed to provide that if payment would be made to an employee during a cost reporting period but for the fact that the regularly scheduled payment date is after the end of the period, costs of accrued payroll taxes related to the portion of payroll accrued through the end of the period, but paid to the employee after the beginning of the new period, are allowable costs in the year of accrual, subject to the liquidation requirements specified in the regulations (§ 413.100(c)(2)(i)). Under the proposed rule, accrued taxes on end-of-the-year payroll would be allowed in the same year that the accrual of the payroll itself is allowed, just as Medicare, in other than end-of-the-year

payroll situations, allows accrued taxes on payroll in the same year that the accrual of the payroll is allowed. The proposal was based on the notion that the insignificant amount of time passing between the accrual of the end-of-the-year payroll and the payment of the payroll in the following year does not give rise to the same concerns described in section I. above.

We also proposed to change the example in § 413.100(c)(2)(vi) to emphasize, as discussed above, that payroll taxes applicable to benefits accrued, such as vacation benefits, are not allowable until the period in which the employee uses the benefits, that is, takes the vacation. Finally, we proposed to change payroll tax from singular to plural throughout the section to clarify that there can be more than one payroll tax.

III. Comments on the Proposed Rule

We received one letter of comment that favored the proposed rule. The commenter supported the proposal noting that the proposed policy matched revenues and expenses consistent with generally accepted accounting principles and normal business practice.

IV. Provision of the Final Rule

Based on our position that the proposed rule published May 18, 1998 would implement an appropriate exception to the current policy in § 413.100(c)(2)(vi), and in the light of the fact that the comment received supported our proposal, we are adopting the proposed rule as final.

V. Regulatory Impact Analysis

We have examined the impact of this rule as required by Executive Order 12866. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). This final rule, which permits allowance of accrued taxes on end-of-the-year payroll in the same year that the accrual of the payroll itself is allowed, does not make any significant changes in program payments. The final rule is limited in nature, as it affects only accrued payroll taxes for payroll accrued at the end of one cost reporting period that is not actually paid to employees until the beginning of the next period. Furthermore, in this situation, the effect of the final rule is only on the timing of payment; that is, it does not allow an additional cost of payroll taxes but rather allows the cost in the current period instead of in the following period. The final rule should not involve changes in provider accounting systems and, in fact, will free providers or intermediaries from making cost report adjustments, under the current policy, to postpone reimbursement of the cost on the current cost report to the subsequent cost report. We do not expect any significant costs or savings due to this change.

We have also examined the impact of the final rule as required by the Regulatory Flexibility Act (RFA) (Public Law No. 96–354), and by section 1102(b) of the Act. The RFA requires agencies to analyze options for regulatory relief for small businesses. For purposes of the RFA, most hospitals, and most other providers, physicians, and health care suppliers are small entities, either by nonprofit status or by having revenues of $5 million or less annually. In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

We are not preparing analyses for either the RFA or section 1102(b) of the Act since we have determined, and we certify, that this final rule will not result in a significant economic impact on a substantial number of small entities and will not have a significant impact on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of Executive Order 12866, this final rule was reviewed by the Office of Management and Budget.

We have reviewed this final rule under the threshold criteria of Executive Order 13132, Federalism, published in the **Federal Register** on August 10, 1999 (64 FR 43255). We have determined that it does not significantly affect the rights, roles, and responsibilities of States.

VI. Paperwork Reduction Act

This document does not impose information collection and recordkeeping requirements. Consequently, it will not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

List of Subjects in 42 CFR Part 413

Health facilities, Kidney disease, Medicare, Puerto Rico, Reporting and recordkeeping requirements.

42 CFR part 413 is amended as follows:

PART 413—PRINCIPLES OF REASONABLE COST REIMBURSEMENT; PAYMENT FOR END-STAGE RENAL DISEASE SERVICES; OPTIONAL PROSPECTIVELY DETERMINED PAYMENT RATES FOR SKILLED NURSING FACILITIES

A. The authority citation for part 413 continues to read as follows:

Authority: Secs. 1102, 1861(v)(1)(A), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395x(v)(1)(A), and 1395hh).

Subpart F—Specific Categories of Costs

B. In 413.100, paragraph (c)(2)(vi) is revised to read as follows:

§ 413.100 Special treatment of certain accrued costs.

* * * * *

(c) *Recognition of accrued costs.* * * *

(2) *Requirements for liquidation of liabilities.* * * *

(vi) *FICA and other payroll taxes.*

(A) *General rule.* The provider's share of FICA and other payroll taxes that the provider becomes obligated to remit to governmental agencies is included in allowable costs only during the cost reporting period in which payment (upon which the payroll taxes are based) is actually made to the employee. For example, payroll taxes applicable to vacation benefits are not to be accrued in the period in which the vacation benefits themselves are accrued but rather are allowable only in the period in which the employee takes the vacation.

(B) *Exception.* If payment would be made to an employee during a cost reporting period but for the fact the regularly scheduled payment date is after the end of the period, costs of accrued payroll taxes related to the portion of payroll accrued through the end of the period, but paid to the employee after the beginning of the new period, are allowable costs in the year of accrual, subject to the liquidation requirements specified in paragraph (c)(2)(i) of this section.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: March 24, 1999.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Dated: June 8, 1999.

Donna E. Shalala,

Secretary.

[FR Doc. 99–24995 Filed 9–24–99; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 96–98; FCC 99–227]

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule; reconsideration and clarification.

SUMMARY: This document resolves and clarifies specific issues regarding the nondiscriminatory access obligations of local exchange carriers (LECs). The intended effect is to further Congress' goal of preventing unfair local exchange carrier practices and encouraging the development of competition in directory assistance.

DATES: Effective October 27, 1999, except for § 51.217(c)(3) which contains information collection requirements that are contingent on approval by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date.

ADDRESSES: 445 12th Street, S.W., Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Gregory Cooke, Senior Attorney, Common Carrier Bureau, Network Services Division, (202) 418–2351 or via the Internet at gcooke@fcc.gov. Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202–418–0484. For additional information concerning the information collections contained in this Order contact Judy Boley at (202) 418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's *Second Order on Reconsideration* adopted August 23, 1999, and released September 9, 1999. The *Second Order on Reconsideration* clarifies rules adopted in the *Local Competition Second Report and Order* and resolves issues relating to nondiscriminatory access. The full text of this *Second Order on Reconsideration* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Room CY–A257, Washington, D.C. The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc99227.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th St., N.W., Washington, D.C. 20036. This Order contains information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. The general public and other federal agencies are invited to comment on the information collections contained in this proceeding.

Paperwork Reduction Act

This Order contains modified information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collections contained in this Order, as required by the Paperwork Reduction Act of 1995, Public Law 104–12. Persons wishing to comment on the information collections should submit comments on or before October 27, 1999. Comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–0741.

Title: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996—CC Docket No. 96–98.

Form No.: N/A.

Type of Review: Revised collection

Information collection	Number of respondents (approx.)	Estimated time per response	Total annual burden
Sharing of Directory Listings	500	36 hours (per respondent per year)	18,000
Notification Regarding Format	50	1 hour (per respondent per year)	50

Total Annual Burden: 18,050 hours.

Respondents: Businesses or other for-profit.

Estimated costs per respondent: $0.

Needs and Uses: The Commission, in compliance with section 251(b)(3) of the 1996 Act, clarifies and affirms rules in this Order to further Congress' goals of preventing unfair LEC practices in relation to nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listings. Our clarification and particularization of the obligations imposed on carriers by section 251(b)(3) is necessary to achieve Congress' goals in relation to nondiscriminatory access. This approach should reduce confusion and potential controversy with minimal burdens on carriers and new entrants, many of whom are small businesses.

Synopsis

The Commission promulgated rules pursuant to section 251(b)(3) of the Act in the *Local Competition Second Report and Order.* In the *Second Order on Reconsideration,* first, the Commission affirms its requirements that LECs offer access to telephone numbers, operator services, directory assistance, and directory listings that is equal to the access that the LEC provides to itself and that the providing LEC shall continue to bear the burden of proof that it is offering nondiscriminatory access. Second, the Commission affirms its requirement that each LEC provide access to adjunct features related to the provision of operator services and directory assistance services, and precludes LECs from negotiating exclusive contracts with third party vendors of such adjunct features that would prevent competing providers from negotiating licensing agreements with the vendors for access to their services. Third, the Commission declines to change its branding requirements concerning LECs' obligations to rebrand the traffic of

interconnecting carriers and resellers, and, further, reaffirms that the benefits of this obligation are to be extended to all "competing providers of telephone exchange service and telephone toll service," including resellers. The Commission concludes that any failure to rebrand the competitor's traffic is presumptively discriminatory and that the burden will be on the providing LEC to demonstrate that it is technically infeasible for it to arrange its network architecture to allow it to brand competitor's traffic. Fourth, the Commission clarifies that, upon request, a LEC shall provide access to its directory assistance services, including directory assistance databases, and to its directory listings in any format the competing provider specifies, if the LEC's internal systems can accommodate that format. In addition, LECs must supply updates to the requesting LEC in the same manner as the original transfer and at the same time that it provides updates to itself. Finally, the Commission deletes as redundant its definition of "directory listings," and concludes that names and addresses of subscribers with unlisted information must be shared among LECs.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act, the Order contains a Supplemental Final Regulatory Flexibility Analysis which is set forth in an Appendix to the Order. A brief description of the analysis follows. Pursuant to section 604 of the Regulatory Flexibility Act, the Commission performed a comprehensive analysis of the Order with regard to small entities. This analysis includes: (1) A succinct statement of the need for, and objectives of, the Commission's decisions in the Order; (2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the Commission's assessment of these issues, and a statement of any changes made in the Order as a result of the comments; (3) a description of and an estimate of the number of small entities to which the Order will apply; (4) a description of the projected reporting, recordkeeping and other compliance requirements of the Order, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for compliance with the requirement; (5) a description of the steps the Commission has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the Order and why each one of the other significant alternatives to each of the Commission's decisions which affect small entities was rejected.

List of Subjects in 47 CFR Part 51

Local exchange carriers, Nondiscriminatory access, Telecommunications.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends Part 51 of the Code of Federal Regulations to read as follows:

PART 51—INTERCONNECTION

1. The authority citation for Part 51 continues to read as follows:

Authority: Sections 1–5, 7, 201–05, 207–09, 218, 225–27, 251–54, 271, 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151–155, 154, 157, 201–05, 207–09, 218, 225–27, 251–54, 271, 332, unless otherwise noted.

2. Revise § 51.217(c)(3) to read as follows:

§ 51.217 Nondiscriminatory access: telephone numbers, operator services, directory assistance services, and directory listings.

* * * * *

(c) * * *

(3) *Directory assistance services and directory listings*—(i) *Access to directory assistance.* A LEC shall permit competing providers to have access to its directory assistance services, including directory assistance databases, so that any customer of a competing provider can obtain directory listings, except as provided in paragraph (c)(3)(iv) of this section, on a nondiscriminatory basis, notwithstanding the identity of the customer's local service provider, or the identity of the provider for the customer whose listing is requested. A LEC must supply access to directory assistance in the manner specified by the competing provider, including transfer of the LECs' directory assistance databases in readily accessible magnetic tape, electronic or other convenient format, as provided in paragraph (c)(3)(iii) of this section. Updates to the directory assistance database shall be made in the same format as the initial transfer (unless the requesting LEC requests otherwise), and shall be performed in a timely manner, taking no longer than those made to the providing LEC's own database. A LEC shall accept the listings of those customers served by competing providers for inclusion in its directory assistance/operator services databases.

(ii) *Access to directory listings.* A LEC that compiles directory listings shall share directory listings with competing providers in the manner specified by the competing provider, including readily accessible tape or electronic formats, as provided in paragraph (c)(3)(iii) of this section. Such data shall be provided in a timely fashion.

(iii) *Format.* A LEC shall provide access to its directory assistance services, including directory assistance databases, and to its directory listings in any format the competing provider specifies, if the LEC's internal systems can accommodate that format.

(A) If a LEC's internal systems do not permit it provide directory assistance or directory listings in the format the specified by the competing provider, the LEC shall:

(*1*) Within thirty days of receiving the request, inform the competing provider that the requested format cannot be accommodated and tell the requesting provider which formats can be accommodated; and

(*2*) Provide the requested directory assistance or directory listings in the format the competing provider chooses from among the available formats.

(B) [Reserved]

(iv) *Unlisted numbers.* A LEC shall not provide access to unlisted telephone numbers, or other information that its customer has asked the LEC not to make available, with the exception of customer name and address. The LEC shall ensure that access is permitted to the same directory information, including customer name and address, that is available to its own directory assistance customers.

(v) *Adjuncts to services.* Operator services and directory assistance services must be made available to competing providers in their entirety, including access to any adjunct features (*e.g.*, rating tables or customer information databases) necessary to allow competing providers full use of these services.

* * * * *

[FR Doc. 99–25013 Filed 9–24–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 171, 172, 173, 174, 175, 178, and 179

[Docket No. RSPA–99–6212 (HM–189P)]

RIN 2137–AD38

Hazardous Materials Regulations: Editorial Corrections and Clarifications

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule corrects editorial errors, makes minor regulatory changes, and in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the HMR. The amendments contained in this rule are minor editorial changes and do not impose new requirements.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Michael G. Stevens, Office of Hazardous Materials Standards, (202) 366–8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

RSPA annually reviews the HMR to identify errors which may confuse readers. Inaccuracies corrected in this final rule include typographical errors, incorrect references to other rules and regulations in the CFR, inconsistent use of terminology, and misstatements of certain regulatory requirements. In response to inquiries RSPA received concerning the clarity of particular requirements specified in the HMR, certain other changes are made to reduce uncertainties.

Because these amendments do not impose new requirements, notice and public procedure are unnecessary. In addition, making these amendments effective without the customary 30-day delay following publication will allow the changes to appear in the next revision of 49 CFR.

The following is a section-by-section summary of the amendments made under this final rule. It does not discuss all minor editorial corrections (*e.g.*, typographical, capitalization and punctuation errors), changes to legal authority citations and certain other minor adjustments to enhance the clarity of the HMR.

Section-by-Section Review

Part 107

Section 107.14

Paragraph (a)(1) is revised to update operating hours of RSPA's hazardous materials telephone information line and to provide the correct internet address for the Hazardous Materials Safety website.

Section 107.117

In paragraph (d)(4), the telephone number for emergency exemption processing under the Federal Railroad Administration is updated.

Part 171

Section 171.6

In paragraph (b)(2), the table of OMB control numbers is revised to reflect current control numbers, report titles, and affected sections for collections of information.

Section 171.7

The International Organization for Standardization (ISO) entry "ISO 780–1985(E), Packaging Pictoral Marking and Handling of Goods", is removed for simplification of the regulations. Package orientation arrows, as illustrated in § 172.312, need only to conform pictorially to the ISO standard. Because the illustration shown in § 172.312 and the ISO standard are identical, reference to the standard is unnecessary.

Section 171.8

In the definition for "hazardous substance", a reference in paragraph (3)(i) to the requirements for determining whether a mixture of radionuclides exceeds the reportable quantity (RQ) is corrected to read "paragraph 7 of Appendix A to § 172.101".

Section 171.14

Paragraph (c), as amended in a final rule published October 1, 1998 (Docket HM–189O; 63 FR 52844), is revised to correct the inadvertent removal of the authorization to offer and transport liquid hazardous materials in non-specification fiber drums after October 1,1999. This authorization remains valid until funds are authorized by Congress to be appropriated to carry out chapter 51 of title 49, United States Code (related to transportation of hazardous materials). Paragraph (c)(2) containing an expired compliance date is removed.

Part 172

Section 172.101

Minor changes are made to three proper shipping names. The entry "2-Bromopropanes", UN2344, PG II, is revised to read "Bromopropanes" for consistency with the PG III entry and the UN Recommendations. In the entry "Dichlorofluoromethane *or* Refrigerant gas R212", UN1029, "R212" is revised to read "R21" to correct a printing error. The entry "2-ethylbutyl acetate", UN1177, is revised to read "ethylbutyl acetate" for consistency with the UN Recommendations. Stocks of preprinted shipping papers and package markings showing these old proper shipping names may be continued in use for a period up to one-year from the effective date of this final rule, as currently provided by § 172.101(l).

For the entry "*Nitrogen dioxide, see* Dinitrogen tetroxide", UN1067, the wording "*Nitrogen dioxide*" is corrected from italicized to Roman type. The use of either name is acceptable as a proper shipping name.

For the entry "Nitrous oxide, refrigerated liquid, UN2201", in column (6), the label code "2.2" is revised to read "2.2, 5.1". This revision aligns the entry with the UN Recommendations. Currently, § 172.402(f) requires any Division 2.2 material that also meets the definition for an oxidizing gas to be labeled OXIDIZER.

For the entry "Organic peroxide type C, liquid", UN3103, in column (6), the "5.1" label code is revised to read "5.2" to correct a typographical error. The division number for the material, in column 3, is correctly shown as "5.2".

For the entries, "Paint *or* Paint related material", UN3066, Packing groups II and III, in column (8B), the reference "202" and "203" respectively are removed and the reference "173" is added in their place. The packagings prescribed in § 173.173 are the same as those prescribed in §§ 173.202 and 173.203.

For the entry "Sulfur, 4.1, UN1350", Special provision N20 is removed. Special provision N20 authorizes the use of a 5M1 non-bulk multi-wall paper bag; whereas, sulfur is not regulated when packaged in non-bulk packagings. In addition, for the entries "Sulfur, 4.1, UN1350" and "Sulfur, 9, NA1350", Special provision A1 is removed. Special provision A1 prohibits non-bulk single packagings on passenger aircraft.

For the entry "Uranyl nitrate hexahydrate solution", UN2980, the packaging exception reference in column 8A, "421, 425", is corrected to read "421, 427". The packaging exceptions for low specific activity

(LSA) radioactive materials were moved from § 173.425 to § 173.427 in a final rule published September 28,1995 (60 FR 50307).

Appendix A to Section 172.101

The second footnote following Table 2, identified as "EEE†", is corrected to read "†".

The third and fourth footnotes following Table 2, identified as "**" and "***" respectively, are revised to correctly reference paragraph 7 of this appendix, which describes a method for determining the reportable quantities for radionuclide mixtures or solutions.

Section 172.102

In paragraph (c)(3), the second sentence of Special Provision B7 is revised to clarify that the requirement applies to multi-unit tank car tanks only.

In paragraph (c)(5), the following changes are made: Special Provision N20 is removed. Special Provision N71, which is applicable only to the entries "Paint" and "Paint related material", is redundant with the packaging requirements prescribed in § 173.173 and, therefore, is removed.

In paragraph (c)(7), Special Provision T38, the last sentence containing an expired compliance date is removed.

Section 172.312

In paragraph (a)(2), the reference to ISO Standard 780–1985 is removed. Referencing this ISO standard is unnecessary because the package orientation arrows shown in the standard are depicted Illustratively in this section.

Section 172.400

In paragraph (b), in column 1 of the table, the entry "7 (empty packages, see § 173.427) is corrected to read "7 (empty packages, see § 173.428)". The requirements for empty radioactive packages were moved to § 173.428 in a final rule published September 28, 1995 (60 FR 50307).

Part 173

Section 173.52

In paragraph (b), in the first column of Table 1, the fifth and sixth entries for compatibility groups E and F, in the parenthetical expression, the wording "flammable liquid gel" is corrected to read "flammable liquid or gel'.

Section 173.57

In paragraph (a), the introductory text is revised to update the description of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, and to correct a punctuation error.

Section 173.62

In paragraph (a), the reference to paragraph "(e)" is corrected to read paragraph "(d)". In addition, in the Table of Packing Methods in paragraph (c), the entries "133" and "137" are revised to correct a format printing error.

Section 173.121

In the table in paragraph (a), the last two entries in column 3 are corrected by adding the appropriate temperature in Celsius.

Section 173.150

In paragraph (c), a grammatical error is corrected to clarify shipping paper exceptions do not apply to ORM–D materials offered for transportation and transported by aircraft.

Section 173.197

Paragraph (b) containing an expired compliance date is removed. The paragraph designation "(a)" is removed from the introductory text and paragraphs (1) through (7) are redesignated as paragraphs (a) through (g) respectively.

Section 173.314

In the third sentence in paragraph (e), the word "monomethylamine" is corrected to read "methylamine anhydrous".

Section 173.315

In the paragraph (a) table, the entry for "Liquefied petroleum gas" is revised to reference new note 26 in column 4. This note is added to alert readers that LPG is authorized for transportation in non-specification cargo tanks subject to the conditions prescribed in the current paragraph (k) of this section.

Section 173.318

In paragraph (a)(3)(i), the reference "§ 176.76(h)(1)" is corrected to reference the cryogenic liquids requirements in § 176.76(g).

Section 173.410

In paragraph (h), the semicolon at the end of the sentence is replaced with a period.

Section 173.428

The introductory paragraph is editorially revised to correct a misconception that empty radioactive materials packagings are excepted from labeling. As prescribed in paragraph (d) of this section, the "Empty" label is required to be affixed to the packaging.

Section 173.469

In the formula in paragraph (a)(4)(i), the expression "$1.3 \pm 10^{-}4$" is corrected to read "$1.3 \times 10^{-}4$".

Part 174

Section 174.85

In the explanatory notes following the table in paragraph (d), in the line entry which begins with "Group 3", the wording "PG I" after the wording "2.3" is removed. Compressed gases are not assigned to packing groups.

Part 175

Section 175.700

Paragraph (a)(1) is removed and the remaining paragraphs are renumbered. Packages requiring a Radioactive Yellow-II label do not have a transport index exceeding 1.0; therefore, this paragraph is unnecessary.

Part 178

Section 178.61

In paragraph (f)(2), the reference to "paragraph (m)" is corrected to read "paragraph (j)".

Section 178.245–4

Paragraph (e) is revised to correctly reference the definition of a "container" in the Coast Guard regulations at § 450.3(a)(2), not § 450.3(a)(3).

Section 178.803

The table is revised to correct the footnote applicable to the hydrostatic testing of metal intermediate bulk containers (IBC) intended to contain liquids or solids loaded or discharged under pressure.

Part 179

Section 179.15

Paragraph (f)(1) is amended to remove an obsolete compliance date and to correct the wording "tank pressure" to read "tank test pressure".

Section 179.300–15

Paragraph (a) is revised to remove a reference to § 179.302. This section appears in the HMR as "reserved".

Section 179.400–8

In paragraph (d), a reference to "§ 179.100–23(a)(1)" is revised to read "§ 179.16(c)". Section 179.100–23 was removed from the HMR in a final rule published June 5, 1996 (Docket HM–216; 61 FR 28666).

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted.

B. Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism"). Federal hazardous material transportation law, (49 U.S.C. 5101–5127) contains express preemption provisions at 49 U.S.C. 5125.

RSPA is not aware of any State, local, or Indian tribe requirements that would be preempted by correcting editorial errors and making minor regulatory changes. This final rule does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

C. Executive Order 13084

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this rule would not significantly or uniquely affect the communities of the Indian tribal governments, the funding and consultation requirements of this Executive Order do not apply.

D. Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule makes minor editorial changes which will not impose any new requirements on persons subject to the HMR; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses or other organizations.

E. Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

F. Impact on Business Processes and Computer Systems (Year 2000)

Many computers that use two digits to keep track of dates may, on January 1, 2000, recognize "double zero" not as 2000 but as 1900. The Year 2000 problem could cause computers to stop running or to start generating erroneous data. The Year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 conversion, Federal agencies are reaching out to increase awareness of the problem and to offer support. We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 problem.

This final rule does not impose business process changes or require modification to computer systems. Because the final rule does not affect organizations' ability to respond to the Year 2000 problem, we do not intend to delay the effectiveness of the requirements in the final rule.

G. Paperwork Reduction Act

There are no new information collection requirements in this final rule.

H. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; Sec. 212–213, Pub. L. 104–121, 110 Stat. 857; 49 CFR 1.45, 1.53.

§ 107.14 [Amended]

2. In § 107.14, the following changes are made:

a. In paragraph (a)(1), second sentence, the time "4:00 p.m." is removed and "5:00 p.m." is added in its place.

b. In paragraph (a)(1), last sentence, the internet website "http://ohm.volpe.dot.gov/ohm" is removed and "http://hazmat.dot.gov" is added in its place.

§ 107.117 [Amended]

3. In § 107.117, in paragraph (d)(4), the wording "202–366–0509 or 366–0523" is removed and the wording "202–493–6247 or 202–493–6244" is added in its place.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

4. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

5. In § 171.6, paragraph (b)(2) is revised to read as follows:

§ 171.6 Control numbers under the Paperwork Reduction Act.

* * * * *

(b) * * *

(2) Table.

Current OMB control No.	Title	Title 49 CFR part or section where identified and described
2137–0014	Cargo Tank Specification Requirements	§§ 107.503, 107.504, 178.320, 178.337, 178.338, 178.345, 178.346, 178.347, 178.348, 180.409, 180.417.
2137–0018	Inspection and Testing of Portable Tank and IBC's.	§§ 173.24, 173.32, 173.32 (b) (e), 173.32a, 173.32b, 173.32c, 178.3, 178.245, 178.245–1 (a), 178.245–6, 178.255, 178.255–1, 178.270, 178.271, 178.272, 178.702, 178.703, 178.801, 178.810, 178.813, 180.352.
2137–0022	Testing, Inspection, and Marking Requirements for Cylinders.	§§ 173.34 (c), 173.34 (e) (10), 173.302 (c) (3), (c) (5), 173.302 (e), 173.303 (d), 173.309, 178.2, 178.3, 178.35(f) (g) (h), 178.36 (e), 178.37 (e), 178.38 (e), 178.44 (s), 178.45 (n), 178.46 (m), 178.47 (p), 178.57(q), 178.59 (n), 178.60 (r), 178.61 (p), 178.68(n), 178.337, 178.338, 178.345.
2137–0034	Hazardous Materials Shipping Papers and Emergency Response Information.	Part 172, §§ 173.6, 173.7 (a) (1), 173.8, 173.22 (a) (1), 173.56 (b) (1), (d) (1), (e) (2), 173.150 (f) (3) (i), 174.24, 174.26 (b), 174.114, 175.30, 175.35, 175.703, 176.9, 176.24, 176.27, 176.30, 176.31, 176.36, 176.89, 176.90, 176.95, 177.817.
2137–0039	Hazardous Materials Incident Report	§§ 171.15, 171.16.
2137–0051	Rulemaking and Exemptions Petitions	Part 106, Subpart B, Part 107, Subpart B, §§ 106.31, 106.33, 107.3, 107.5, 107.7, 107.103, 107.105, 107.107, 107.109, 107.113, 107.117, 107.121, 107.123, 107.125, 107.201, 107.202, 107.203, 107.205, 107.209, 107.211, 107.215, 107.217, 107.219, 107.221, 107.223.
2137–0510	RAM Transportation Requirements	Part 173, Subpart I, §§ 173.22 (c), 173.411, 173.415 (a), 173.416 (b), 173.417 (a) (5), (b) (3), (4), 173.457 (b), 173.471 (a), (d), 173.472, 173.473 (a), (d), 173.476 (a), (b), (c).
2137–0542	Cryogenic Liquids Requirements	§§ 173.318, 177.816, 177.840, 180.405.
2137–0557	Approvals for Hazardous Materials	§§ 107.401, 107.402, 107.403, 107.404, 107.405, 172.101 (l) (2), 172.102 (c) (1) (60), (c) (3) (B69), 173.2a (c) (4), 173.4 (c), 173.7 (a) (1), 173.21(f)(3)(h)(2)(i), 173.24 (e) (3) (iii), 173.51 (a),(b), 173.56 (a) (2), (b) (1), (2), (4), (c), (f), (g), (i), (j) (3), 173.124 (a) (1) (iii) (b), (a) (2) (iii) (d), 173.128 (d), 173.159 (f), 173.166, 173.171 (a), (c), 173.185 (d) (9), (ii), (iii), i, 173.214, 173.224 (d), 173.225 (b) (4), (c), 173.245 (a) (b), 173.300a, 173.300b, 173.305 (c) (1), 173.315 (i) (12), 173.334 (d), 173.340 (a), (b), (c) (4), 176.340 (c), 178.270–3 (f), 178.270–13 (d), 178.601 (e) (g) (7), (h), (k), 178.603 (b), 178.604 (b) (2), 178.605 (b), 178.606 (b), (c), 178.608 (b) (5), 178.801 (e) (2), (h), (i), 178.813 (c).
2137–0559	Rail Carriers and Tank Car Tank Requirements.	§§ 172.102 (c) (3) (B45), (B46), (B55), (B61), (B69), (B77), (B78), (B81), 173.10 (b) (1), 173.31 (a) (2), (b) (6) (ii), 173.247 (a), 174.9, 174.20 (b), 174.50, 174.61, 174.63 (d), 174.81 Table note b, 174.104 (c), (e), (f), 174.114, 174.204 (a) (1), 179.3, 179.5, 179.7(b)(2), (5)(d), 179.22, 180.505, 180.509, 180.515, 180.517 (a), (b), 180.519 (d).
2137–0572	Testing Requirements for Non-Bulk Packaging.	§§ 178.2 (c), 178.601 (1).
2137–0582	Container Certification Statement	§§ 176.27 (c), 176.172 (c).
2137–0586	Hazardous Materials Public Sector Training and Planning Grants.	Part 110.
2137–0595	Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service.	§§ 173.315 (h) (2), 178.337, 178.337–8, 178.337–9, 180.405, 180.416 (b) (d) (f) (h) (1).

§ 171.7 [Amended]

6. In § 171.7, in paragraph (a)(3) table, under "International Organization for Standardization", the entry "ISO 780–1985(E), Packaging-Pictoral Marking and Handling of Goods....172.312" is removed.

§ 171.8 [Amended]

7. In § 171.8, in paragraph (3)(i) of the definition for "Hazardous substance", the wording "paragraph 6" is removed and "paragraph 7" is added in its place.

§ 171.12a [Amended]

8. In § 171.12a, in the first sentence in paragraph (b) introductory text, the word "Transportion" is removed and the word "Transportation" is added in its place.

9. In § 171.14, paragraph (c) is revised to read as follows:

§ 171.14 Transitional provisions for implementing certain requirements.

* * * * *

(c) *Non-specification fiber drums.* A non-specification fiber drum with a removable head is authorized for a liquid hazardous material in Packing Group III that is not poisonous by inhalation for which the packaging was authorized under the requirements of part 172 or part 173 of this subchapter in effect on September 30, 1991. This authorization expires on the date on which funds are authorized to be appropriated to carry out chapter 51 of title 49, United States Code (related to transportation of hazardous materials), for fiscal years beginning after September 30, 1997. Information concerning this funding authorization date may be obtained by contacting the Office of the Associate Administrator for Hazardous Materials Safety.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

10. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

11. In § 172.101, the Hazardous Materials Table is amended by removing, adding, in appropriate alphabetical sequence, and revising, the following entries to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

§ 172.101 HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions	(8) Packaging (§ 173.* * *)	(9) Quantity limitations		(10) Vessel stowage	
								Passenger	Cargo		

§ 172.101 HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions	(8) Packaging (§ 173.* * *)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo air-craft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[REMOVE:].												
	2-Bromopropanes.												
	Dichlorofluoromethane *or* Refrigerant gas R212.												
	2-Ethylbutyl acetate.												
	Nitrogen dioxide, see Dinitrogen tetroxide.												
	[ADD:].												
	Bromopropanes	3	UN2344	II	3	T7	150	202	242	5 L	60 L	B	40
	Dichlorofluoromethane or refrigerant gas R21	2.2	UN1029		2.2		306	304	314, 315	75 kg	150 kg	A	
	Ethylbutyl acetate	3	UN1177	III	3	B1, T1	150	203	242	60 L	220 L	A	
	Nitrogen dioxide, *see* Dinitrogen tetroxide												
	[REVISED:].												
	Nitrous oxide, refrigerated liquid	2.2	UN2201			2.2, 5.1 B6	None	304	314, 315	75 kg	150 kg	B	40
	Organic peroxide type C, liquid	5.2	UN3103	II	5.2		152	225	None	5 L	10 L	D	12, 40
	Paint *or* Paint related material	8	UN3066	II	8	B2, T14	154	173	242	1 L	30 L	A	
				III	8	B52, T7	154	173	241	5 L	60 L	A	
D	Sulfur	9	NA1350	III	9	30	None	None	240	No limit	No limit	A	19, 74
I	Sulfur	4.1	UN1350	III	9	30, T1	None	None	240	No limit	No limit	A	19, 74
	Uranyl nitrate hexahydrate solution	7	UN2980		7, 8		421, 427	415, 416, 417	415, 416, 417			D	

§ 172.101, Appendix A [Amended]

12. In Appendix A to § 172.101 the following changes are made:

a. In the second footnote of Table 2, the symbol "EEE†" is removed and "†" is added in its place.

b. In the third footnote of Table 2, the wording "paragraph 6" is removed and "paragraph 7" is added in its place.

c. In the fourth footnote of Table 2, in the second sentence, the wording "paragraph 6" is removed and "paragraph 7" is added in its place.

§ 172.102 [Amended]

13. In § 172.102, the following changes are made:

a. In paragraph (c)(3), in Special Provision B7, in the second sentence, insert the wording "on multi-unit tank car tanks" between the words "devices" and "shall".

b. In paragraph (c)(5), Special Provision N20 is removed.

c. In paragraph (c)(5), Special Provision N71 is removed.

d. In paragraph (c)(7)(ii), in Special Provision T38, the last sentence is removed.

§ 172.312 [Amended]

14. In § 172.312, in paragraph (a)(2), the wording "ISO Standard 780–1985," is removed and the wording "the illustration shown in this paragraph," is added in its place.

§ 172.400 [Amended]

15. In § 172.400, in paragraph (b), in column 1 of the table, the entry "7 (empty packages, see § 173.427)" is removed and the entry "7 (empty packages, see § 173.428 of this subchapter)" is added in its place.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

16. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.45, 1.53.

17. In § 173.52, in paragraph (b), in Table 1, the fifth and sixth entries are removed and new entries are added in their place to read as follows:

§ 173.52 Classification codes and compatibility groups of explosives.

* * * * *

(b) * * *

TABLE 1.—CLASSIFICATION CODES

Description of substances or article to be classified	Compatibility group	Classification code
* * * * * *		*
Article containing a secondary detonating explosive substance, without means of initiation, with a propelling charge (other than one containing flammable liquid or gel or hypergolic liquid)	E	1.1E 1.2E 1.4E
Article containing a secondary detonating explosive substance with its means of initiation, with a propelling charge (other than one containing flammable liquid or gel or hypergolic liquid) or without a propelling charge	F	1.1F 1.2F 1.3F 1.4F
* * * * * * *		

* * * * *

§ 173.57 [Amended]

18. In § 173.57, in paragraph (a) introductory text, the parenthetical wording "(UN Recommendations on the Transport of Dangerous Goods, Tests and Criteria, Part I, Second Edition (see § 171.7 of this subchapter)" is removed and the parenthetical wording "(UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria (see § 171.7 of this subchapter))" is added in its place.

§ 173.62 [Amended]

19. In § 173.62, the following changes are made:

a. In paragraph (a), at the beginning of the first sentence, the reference "paragraph (e)" is revised to read "paragraph (d)".

b. In paragraph (c), in the Table of Packing Methods, in the entry "133", in column 1 "Packing instruction", the text under the wording "2. Intermediate packagings are only required when trays are used as inner packagings" is moved to column 2 "Inner packagings", under the word "Receptacles".

c. In paragraph (c), in the Table of Packing Methods, in the entry 137, under column 1 "Packing instruction", the text under the wording "When the shaped charges are packed in pairs, the conical cavities must face inwards to minimize the jetting effect in the event of accidental initiation" is moved to column 2 "Inner packagings", under the word "Bags".

20. In § 173.121, the table in paragraph (a) is revised to read as follows:

§ 173.121 Class 3—Assignment of packing group.

(a) * * *

Packing group	Flash point (closed-cup)	Initial boiling point
I		≤35°C (95°F)
II	<23°C (73°F)	>35°C (95°F)
III	≥23°C, ≤60.5°C (≥73°F, ≤141°F)	>35°C (95°F)

* * * * *

21. In § 173.150, the last sentence in paragraph (c) is revised to read as follows:

§ 173.150 Exceptions for Class 3 (flammable) and combustible liquids.

* * * * *

(c) *Consumer commodities.* * * * In addition to the exceptions provided by paragraph (b) of this section, shipments of ORM-D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or are offered for transportation and transported by aircraft, and are eligible for the exceptions provided in § 173.156.

* * * * *

§ 173.197 [Amended]

22. In § 173.197, paragraph (b) is removed and paragraph (a) introductory text and paragraphs (a)(1) through (a)(7) are redesignated as introductory text and paragraphs (a) through (g), respectively.

§ 173.314 [Amended]

23. In § 173.314, in paragraph (e), the word "monomethylamine" is removed and "methylamine anhydrous" is added in its place.

24. In § 173.315(a) table, the entry for "Liquefied petroleum gas" is revised and a new note 26 is added at the end of the table to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

(a) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
* * *	*	* *	*	*
Liquefied petroleum gas (see Note 15) ..	See par. (b) of this section.	See par. (b) of this section.	DOT–51, MC–330, MC–331; See Note 26.	See par. (c) of this section.
* * *	*	* *	*	*

* * * * * * *

Note 26: Non-specification cargo tanks may be used for the transportation of liquefied petroleum gas, subject to the conditions prescribed in paragraph (k) of this section.

* * * * *

§ 173.318 [Amended]

25. In § 173.318, paragraph (a)(3)(i) is amended by removing the section reference "§ 176.76(h)(1)" and adding "176.76(g)" in its place.

§ 173.410 [Amended]

26. In § 173.410, in paragraph (h) introductory text, the wording "unauthorized operation;" is removed and the wording "unauthorized operation." is added in its place.

27. In § 173.428, the introductory text is revised to read as follows:

§ 173.428 Empty Class 7 (radioactive) materials packaging.

A packaging which previously contained Class 7 (radioactive) materials and has been emptied of contents as far as practical, is excepted from the shipping paper, certification, and marking requirements of this subchapter, and from requirements of this chapter, provided that—

* * * * *

§ 173.469 [Amended]

28. In § 173.469, in paragraph (a)(4)(i), the formula "10^{-4} torr-1/s (1.3 ± 10^{-4} atm-cm^3/s)" is removed and "10^{-4} torr-1/s (1.3×10^{-4} atm-cm^3/s)" is added in its place.

PART 174—CARRIAGE BY RAIL

29. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 174.85 [Amended]

30. In § 174.85, in paragraph (d) introductory text, in the notes following the table, in the Group 3 entry, the parenthetical wording "(PG I, Zone A; poisonous gas)" is removed and "(Zone A; poisonous gas)" is added in its place.

PART 175—CARRIAGE BY AIRCRAFT

31. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 175.700 [Amended]

32. In § 175.700, paragraph (a)(1) is removed and paragraphs (a)(2) through (a)(4) are redesignated as paragraphs (a)(1) through (a)(3), respectively.

PART 178—SPECIFICATIONS FOR PACKAGINGS

33. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 178.61 [Amended]

34. In § 178.61, make the following changes:

a. In paragraph (f)(2), the wording "paragraph (m)" is removed and "paragraph (j)" is added in its place.

b. In paragraph (f)(4), in the formula, the last expression "(D^2 . d^2)" is removed and "($D^2 - d^2$)" is added in its place.

§ 178.245–4 [Amended]

35. In § 178.245–4, in paragraph (e), the reference to "§ 450.3(a)(3)" is removed and "§ 450.3(a)(2)" is added in its place.

§ 178.803 [Amended]

36. In § 178.803, in the table, in column 2 under "Metal IBCs", the expression "^{4}X" corresponding to the column 1 entry "Hydrostatic" is removed and the expression "^{3}X" is added in its place.

PART 179—SPECIFICATIONS FOR TANK CARS

37. The authority citation for part 179 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

38. In § 179.15, paragraph (f)(1) is revised to read as follows:

§ 179.15 Pressure relief devices.

* * * * *

(f) * * *

(1) A nonreclosing pressure relief device must incorporate a rupture disc designed to burst at a pressure equal to the greater of 100% of the tank test pressure, or 33% of the tank burst pressure.

* * * * *

§ 179.300–15 [Amended]

39. In § 179.300–15, in paragraph (a), at the beginning of the first sentence, the wording "in § 179.302, or" is removed.

§ 179.400–8 [Amended]

40. In § 179.400–8, in paragraph (d), in the second sentence, the reference to "§ 179.100–23(a)(1)" is removed and "§ 179.16(c)" is added in its place.

Issued in Washington, DC, on September 21, 1999, under authority delegated in 49 CFR part 1.

Stephen D. Van Beek,

Deputy Administrator.

[FR Doc. 99–24898 Filed 9–24–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. NHTSA–99–6019]

RIN 2127–AH82

Consumer Information Regulations; Uniform Tire Quality Grading Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Response to Petitions for Reconsideration, Technical Amendment; Final Rule.

SUMMARY: On May 24, 1999, NHTSA published a final rule rescinding the requirement that passenger car manufacturers provide general Uniform Tire Quality Grading Standards (UTQGS) information to purchasers and potential purchasers at the point of sale of new motor vehicles, requiring instead that such information be included in owner's manuals. In addition, the rule removed the requirement that motor vehicle manufacturers supply copies of UTQGS information to the agency. In response to two petitions for reconsideration of that final rule, NHTSA is staying the requirement for the inclusion of UTQGS information into the owner's manual for one year until September 1, 2000. The agency is also clarifying an intended change in the May 24, 1999 final rule.

DATES: This rule is effective September 27, 1999, except Sections 575.6(a)(3) and 575.104(d)(1)(iv) are effective from September 27, 1999, through August 31, 2000. Sections 575.6(a)(1) and 575.104(d)(1)(iii) published May 24, 1999 (64 FR 27921) are stayed effective September 27, 1999 until September 1, 2000. Optional early compliance with those amendments is permitted.

Petitions for Reconsideration: Petitions for reconsideration must be received not later than 45 calendar days after publication in the **Federal Register**.

ADDRESSES: Petitions for Reconsideration should refer to the docket and notice number of this final rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: *For technical issues,* Mr. P.L. Moore, Safety Standards Engineer, Office of Planning and Consumer Programs, Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; Telephone (202) 366–5222.

For legal issues: Mr. Stephen Wood, Attorney, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; Telephone (202) 366–2992.

SUPPLEMENTARY INFORMATION: On May 24, 1999, NHTSA published a final rule rescinding the requirement that passenger car manufacturers provide general Uniform Tire Quality Grading Standards (UTQGS) information to purchasers and potential purchasers at the point of sale of new motor vehicles, requiring instead that such information be included in owner's manuals. In addition, the rule removed the requirement that motor vehicle manufacturers supply copies of UTQGS information to the agency, and removed a number of obsolete definitions. Finally, the rule amended the exclusion of tires with nominal rim diameters of 10–12 inches from the UTQGS to now exclude tires with nominal rim diameters of 12 inches or less.

The agency received two petitions for reconsideration: one from the Alliance of Automobile Manufacturers (the Alliance) and one from Volkswagen of America, Inc. Both petitions asked for an extension of the effective date to include UTQGS information into the owner's manual because a substantial number of owner's manuals have already been printed for the MY 2000 vehicles and the publication of the final rule on May 24, 1999 did not provide enough lead time to meet the published effective date of September 1, 1999.

The petition from the Alliance also asked that the words "each manufacturer of motor vehicles" be deleted from Section 575.6 paragraphs (c) and (d)(2).

The agency agrees that there might not have been sufficient leadtime to make the changes to the owner's manual for MY 2000 since some manufacturers have already printed the owners manuals for MY 2000 vehicles. Because manufacturers generally print all the owner's manuals for each model year at one time, we are staying the requirements for one year to September 1, 2000. Because this rule is not being published until after the September 1, 1999 effective date, NHTSA is staying the amended sections in the May 24, 1999 final rule which deal with the owner's manual. NHTSA is also republishing (with new section numbers) the original language of these sections. This will continue the requirements in effect prior to the May 24, 1999 final rule until the new effective date. However, optional early compliance with the new owner's manual requirements is permitted. Should a manufacturer not opt for early compliance, then existing requirements remain in effect.

With regard to 49 CFR 575.6(c), the agency is not making the requested change. This paragraph specifies requirements for providing "information specified in Subpart B of this part that is applicable to each of the vehicles." Since the changes made in the May 24 final rule to § 575.104(d)(1)(B)(ii) made the requirement that information be provided to prospective purchasers no longer applicable to vehicle manufacturers, 49 CFR § 575.6(c) does not impose any requirements relative to this information on vehicle manufacturers.

With regard to the requested changes to 49 CFR 575.6(d)(2), NHTSA acknowledges that the May 24 final rule did not change the regulatory text to reflect the decision that manufacturers need not submit the UTQGS information to NHTSA. However, this section applies to requirements in addition to those in 49 CFR 575.104. Therefore, NHTSA cannot simply delete the phrase "each manufacturer of motor vehicles" as the petitioner requested. However, NHTSA is amending that section to implement the intended change.

Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This document was not reviewed under Executive Order 12866, Regulatory Planning and Review. NHTSA has analyzed the impact of this rulemaking action and has determined that it is not "significant" under DOT's regulatory policies and procedures. This final rule delays the effective date for manufacturers of vehicles equipped with passenger car tires to include

UTQGS information in the owner's manual. As noted in the May 24 final rule, NHTSA believes that the cost of adding UTQGS information to owner's manuals, which vehicle manufacturers are already required to provide, will be minimal and in any case, less than the cost of preparing and providing separate UTQGS information at new vehicle dealerships. Many vehicle manufacturers already include UTQGS information in their owner's manuals. Providing greater lead time should only serve to further minimize any costs. NHTSA believes, therefore, that implementation of this rulemaking action will result in an undetermined net overall cost savings to vehicle manufacturers. The agency believes, however, that any net cost savings will be minimal, therefore not warranting preparation of a full regulatory evaluation.

B. Regulatory Flexibility Act

NHTSA has considered the impacts of this rule under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As explained above, NHTSA believes this rule will have minimal economic impact.

C. Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

D. National Environmental Policy Act

NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that implementation of this rulemaking action will not have any significant impact on the quality of the human environment.

E. Paperwork Reduction Act

The provisions of this final rule requiring manufacturers to provide information in owners' manuals explaining the UTQGS tire quality grades for the benefit of consumers are considered to be third party information collection requirements as defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. The information collection requirement for 49 CFR part 575 have been submitted to and approved by OMB pursuant to the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* This collection of information authority has been assigned control numbers 2127—0049 for part 575, excluding the UTQGS; and 2127—0519, Uniform Tire Quality Grading Standards, 49 CFR 575.104, and has been approved for use through September 30, 2001.

F. Civil Justice Reform

This rule will not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

G. Executive Order 13045

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This rule is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866, and does not have a disproportionate effect on children.

H. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the cost, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. This final rule does not meet the definition of Federal mandate because this rule involves very little, if any, additional cost to vehicle or tire manufacturers and in no case will annual expenditures exceed the $100 million threshold.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 575 is amended as follows:

PART 575—CONSUMER INFORMATION REGULATIONS

1. The authority citation for part 575 continues to read:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30116; delegation of authority at 49 CFR 1.50.

2. Section 575.6 is amended by revising paragraph (d)(2) and by adding paragraph (a)(3) to read as follows:

§ 575.6 Requirements.

(a) * * *

(3) For vehicles manufactured prior to September 1, 2000, at the time a motor vehicle is delivered to the first purchaser for purposes other than resale, the manufacturer of that vehicle shall provide the purchaser, in writing and in the English language, the information specified in §§ 575.103 and 575.104 of this part that is applicable to that vehicle and its tires. The document provided with a vehicle may contain more than one table, but the document must either clearly and unconditionally indicate which of the tables apply to the vehicle with which it is provided, or contain a statement on its cover referring the reader to the vehicle certification label for specific information concerning which of the tables apply to that vehicle. If the manufacturer chooses option (a)(2) of this section, the vehicle certification label shall include such specific information.

Example 1. Manufacturer X furnishes a document containing several tables, which apply to various groups of vehicles that it produces. The document contains the following notation on its front page: "The information that applies to this vehicle is contained in Table 5." The notation satisfies the requirement.

Example 2. Manufacturer Y furnishes a document containing several tables as in Example 1, with the following notation on its front page: Information applies as follows:

Model P, 6-cylinder engine—Table 1.
Model P, 8-cylinder engine—Table 2.
Model Q—Table 3.

This notation does not satisfy the requirement, since it is conditioned on the model or the equipment of the vehicle with which the document is furnished, and therefore additional information is required to select the proper table.

* * * * *

(d) * * *

(2)(i) In the case of § 575.104, each brand name owner of tires, and each

manufacturer of tires for which there is no brand name owner shall submit to the Administrator 2 copies of the information specified in Subpart B of this part that is applicable to the tires offered for sale, at least 30 days before it is first provided for examination by prospective purchasers pursuant to paragraph (c) of this section.

(ii) In the case of all other sections of Subpart B of this Part as they apply to post-introduction changes in information submitted for the current model year, each manufacturer of motor vehicles, each brand name owner of tires, and each manufacturer of tires for which there is no brand name owner shall submit to the Administrator 2 copies of the information specified in Subpart B of this part that is applicable to the vehicles or tires offered for sale, at least 30 days before it is first provided for examination by prospective purchasers pursuant to paragraph (c) of this section.

* * * * *

3. Section 575.104 is amended by adding paragraph (d)(1)(iv) to read as follows:

§ 575.104 Uniform tire quality grading standards.

* * * * *

(d) * * *

(1) * * *

(iv) In the case of information required in accordance with § 575.6(a) to be furnished to the first purchaser of a new motor vehicle, each manufacturer of motor vehicles shall, as part of the required information, list all possible grades for traction and temperature resistance and restate verbatim the explanation for each performance area specified in Figure 2 to this section. The information need not be in the format of Figure 2 to this section, but it must contain a statement referring the reader to the tire sidewall for the specific tire grades for the tires with which the vehicle is equipped.

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Issued on: September 21, 1999.

Frank Seales, Jr.,

Acting Administrator.

[FR Doc. 99–24970 Filed 9–22–99; 11:51 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 593

[Docket No. NHTSA–99–6239]

RIN 2127–AH88

List of Nonconforming Vehicles Decided To Be Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This document revises the list of vehicles not originally manufactured to conform to the Federal motor vehicle safety standards that NHTSA has decided to be eligible for importation. This list is contained in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The revised list includes all vehicles that NHTSA has decided to be eligible for importation since October 1, 1998. NHTSA is required by statute to publish this list annually in the **Federal Register**.

DATES: Effective: September 27, 1999.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as the Secretary of Transportation decides to be adequate.

Under 49 U.S.C. 30141(a)(1), import eligibility decisions may be made "on the initiative of the Secretary of Transportation or on petition of a manufacturer or importer registered under (49 U.S.C. 30141(c))." The Secretary's authority to make these decisions has been delegated to NHTSA. The agency publishes notice of eligibility decisions as they are made.

Under 49 U.S.C. 30141(b)(2), a list of all vehicles for which import eligibility decisions have been made must be published annually in the **Federal Register**. On October 1, 1996, NHTSA added the list as an appendix to 49 CFR part 593, the regulations that establish procedures for import eligibility decisions (61 FR 51242). As described in the notice, NHTSA took that action to ensure that the list is more widely disseminated to government personnel who oversee vehicle imports and to interested members of the public. See 61 FR 51242–43. In the notice, NHTSA expressed its intention to annually revise the list as published in the appendix to include any additional vehicles decided by the agency to be eligible for importation since the list was last published. See 61 FR 51243. The agency stated that issuance of the document announcing these revisions will fulfill the annual publication requirements of 49 U.S.C. 30141(b)(2). *Ibid.*

Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This rulemaking action was not reviewed under E.O. 12866. NHTSA has analyzed this rulemaking action and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the revisions resulting from this rulemaking will not have a significant economic impact on a substantial number of small entities. Accordingly, the agency has not prepared a regulatory flexibility analysis.

Because this rulemaking does not impose any regulatory requirements, but merely furnishes information by revising the list in the Code of Federal Regulations of vehicles for which import eligibility decisions have been made, it has no economic impact.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order

12612, and it has been determined that this rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws will be affected.

4. National Environmental Policy Act

The agency has considered the environmental implications of this rule in accordance with the National Environmental Policy Act of 1969 and determined that it will not significantly affect the human environment.

5. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, Pub. L. 96–511, the agency notes that there are no information collection requirements associated with this rulemaking action.

6. Civil Justice Reform

This rule does not have any retroactive effect. It does not repeal or modify any existing Federal regulations. A petition for reconsideration or other administrative proceeding will not be a prerequisite to an action seeking judicial review of this rule. This rule does not preempt the states from adopting laws or regulations on the same subject, except that it will preempt a state regulation that is in actual conflict with the Federal regulation or makes compliance with the Federal regulation impossible or interferes with the implementation of the Federal statute.

7. Notice and Comment

NHTSA finds that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B) because this action does not impose any regulatory requirements, but merely revises the list of vehicles not originally manufactured to conform to the Federal motor vehicle safety standards that NHTSA has decided to be eligible for importation into the United States to include all vehicles for which such decisions have been made since October 1, 1998.

In addition, so that the list of vehicles for which import eligibility decisions have been made may be included in the next edition of 49 CFR parts 400 to 999, which is due for revision on October 1, 1999, good cause exists to dispense with the requirement in 5 U.S.C. 553(d) for the effective date of the rule to be delayed for at least 30 days following its publication.

List of Subjects in 49 CFR Part 593

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, part 593 of Title 49 of the Code of Federal Regulations, *Determinations that a vehicle not originally manufactured to conform to the Federal Motor Vehicle Safety Standards is eligible for importation*, is amended as follows:

PART 593—[AMENDED]

1. The authority citation for part 593 continues to read as follows:

Authority: 49 U.S.C. 322 and 30141(b); delegation of authority at 49 CFR 1.50.

2. Appendix A to part 593 is revised to read as follows:

Appendix A to Part 593—List of Vehicles Determined To Be Eligible for Importation

Each vehicle on the following list is preceded by a vehicle eligibility number. The importer of a vehicle admissible under any eligibility decision must enter that number on the HS–7 Declaration Form accompanying entry to indicate that the vehicle is eligible for importation.

"VSA" eligibility numbers are assigned to all vehicles that are decided to be eligible for importation on the initiative of the Administrator under § 593.8.

"VSP" eligibility numbers are assigned to vehicles that are decided to be eligible under § 593.7(f), based on a petition from a manufacturer or registered importer submitted under Sec. 593.5(a)(1), which establishes that a substantially similar U.S.-certified vehicle exists.

"VCP" eligibility numbers are assigned to vehicles that are decided to be eligible under § 593.7(f), based on a petition from a manufacturer or registered importer submitted under § 593.5(a)(2), which establishes that the vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Vehicles for which eligibility decisions have been made are listed alphabetically by make, with the exception of Mercedes-Benz vehicles, which appear at the end of the list. Eligible models within each make are listed numerically by "VSA," "VSP," or "VCP" number.

All hyphens used in the Model Year column mean "through" (for example, "1973–1989" means "1973 through 1989").

The initials "MC" used in the Manufacturer column mean "motorcycle."

The initials "SWB" used in the Model Type column mean "Short Wheel Base."

The initials "LWB" used in the Model Type column mean "Long Wheel Base."

VEHICLES CERTIFIED BY THEIR ORIGINAL MANUFACTURER AS COMPLYING WITH ALL APPLICABLE CANADIAN MOTOR VEHICLE SAFETY STANDARDS

Number	Vehicles
VSA–80 ..	(a) All passenger cars less than 25 years old that were manufactured before September 1, 1989; (b) All passenger cars manufactured on or after September 1, 1989, and before September 1, 1996, that, as originally manufactured, are equipped with an automatic restraint system that complies with Federal Motor Vehicle Safety Standard (FMVSS) No. 208; (c) All passenger cars manufactured on or after September 1, 1996 and before September 1, 2002, that, as originally manufactured, are equipped with an automatic restraint system that complies with FMVSS Nos. 208, and that comply with FMVSS No. 214.
VSA–81 ..	(a) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4536 kg. (10,000 lbs.) or less that are less than 25 years old and that were manufactured before September 1, 1991; (b) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4536 kg. (10,0000 lbs.) or less that were manufactured on and after September 1, 1991, and before September 1, 1993, and that, as originally manufactured, comply with FMVSS Nos. 202 and 208; (c) All multipurpose passenger vehicles, trucks and buses with a GVWR of 4536 kg. (10,000 lbs.) or less that were manufactured on or after September 1, 1993, and before September 1, 1998, and that, as originally manufactured, comply with FMVSS Nos. 202, 208, and 216; (d) All multipurpose passenger vehicles, trucks and buses with a GVWR of 4536 kg. (10,000 lbs.) or less, that were manufactured on or after September 1, 1998, and before September 1, 2002, and that, as originally manufactured, comply with the requirements of FMVSS Nos. 202, 208, 214, and 216.
VSA–82 ..	All multipurpose passenger vehicles, trucks and buses with a GVWR greater than 4536 kg. (10,000 lbs.) that are less than 25 years old.
VSA–83 ..	All trailers, and all motorcycles that are less than 25 years old.

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET

Manufacturer	VSP	VSA	VCP	Model type	Model ID	Model year
Acura	51			Legend		1988
Acura	77			Legend		1989
Acura	305			Legend		1990–1992
Alfa Romeo	196			164		1989
Alfa Romeo	76			164		1991
Alfa Romeo	156			164		1994
Alfa Romeo	124			GTV		1985
Alfa Romeo	70			Spider		1987
Audi	93			100		1989
Audi	244			100		1993
Audi	160			200 Quattro		1987
Audi	223			80		1988–1989
Audi	238			Avant Quattro		1996
Bentley	291			Turbo R		1992–1993
BMW		3		2002		1975–1976
BMW		7		2002A		1975–1976
BMW	248			3 Series		1995–1997
BMW		14		3.0Si and 3.0SiA		1975
BMW		66		316		1978–1982
BMW	25			316		1986
BMW		23		318i and 318iA		1981–1989
BMW		16		320, 320i, and 320iA		1976–1985
BMW	283			320I		1990–1991
BMW		67		323i		1978–1985
BMW		30		325, 325i, 325iA, and 325E		1985–1989
BMW		31		325is and 325isA		1987–1989
BMW		24		325e and 325eA		1984–1987
BMW	96			325i		1991
BMW	197			325i		1992–1996
BMW	205			325iX		1990
BMW		33		325iX and 325iXA		1988–1989
BMW	194			5 Series		1990–1995
BMW	249			5 Series		1996–1997
BMW	314			5 Series		1998–1999
BMW	4			518i		1986
BMW		68		520 and 520i		1978–1983
BMW	9			520iA		1989
BMW		26		524tdA		1985–1986
BMW		69		525 and 525i		1979–1982
BMW	5			525i		1989
BMW		21		528e and 528eA		1982–1988
BMW		20		528i and 528iA		1979–1984
BMW		15		530i and 530iA		1975–1978
BMW		22		533i and 533iA		1983–1984
BMW		25		535i and 535iA		1985–1989
BMW	15			625CSi		1981
BMW	32			628CSi		1980
BMW		17		630CSi and 630CSiA		1977
BMW		18		633CSi and 633CSiA		1977–1984
BMW		27		635, 635CSi, and 635CSiA		1979–1989
BMW	299			7 Series		1990–1991
BMW	232			7 Series		1992
BMW	299			7 Series		1993–1994
BMW	313			7 Series		1995–1999
BMW		70		728 and 728i		1977–1985
BMW	14			728i		1986
BMW		71		730, 730i, and 730iA		1978–1980
BMW	24			730i		1991
BMW	57			730i		1993
BMW	131			730i		1994–1995
BMW	6			730iA		1988
BMW		72		732i		1980–1984
BMW		19		733i and 733iA		1977–1984
BMW		28		735, 735i, and 735iA		1980–1989
BMW	146			735iL		1991
BMW		73		745i		1980–1986
BMW	91			750iL		1990
BMW	81			750iL		1991
BMW	221			750iL		1992
BMW	41			750iL		1993
BMW	221			750iL		1994–1997
BMW	99			840Ci		1993

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type	Model ID	Model year
BMW	10			850i		1991
BMW	55			850i		1993
BMW		78		All other models except those in the M1 and Z1 series		1975–1989
BMW		29		L7		1986–1987
BMW		35		M3		1988–1989
BMW		34		M5		1988
BMW		32		M6		1987–1988
BMW	260			Z3		1996–1998
BMW MC	228			K1		1990–1993
BMW MC	285			K100		1984–1992
BMW MC	303			K1100, K1200		1993–1998
BMW MC	229			K75S		1987–1995
BMW MC	58			R100S		1977
BMW MC	231			R1100		1994–1997
BMW MC	177			R1100RS		1994
BMW MC	295			R80, R100		1986–1995
Bristol Bus			10	VRT Bus—Double Decker		1975–1976
Bristol Bus			4	VRT Bus—Double Decker		1977
Bristol Bus			2	VRT Bus—Double Decker		1978–1981
Cadillac	300			DeVille		1994–1999
Chevrolet	150			400SS		1995
Chevrolet	298			Astro Van		1997
Chevrolet	242			Suburban		1989–1991
Chrysler	276			LHS		1996
Chrysler	216			Shadow		1989
Chrysler	273			Town and Country		1993
Citroen			1	XM		1990–1992
Dodge	135			Ram		1994–1995
Ducati MC	241			600SS		1992–1996
Ducati MC	220			748 Biposto		1996–1997
Ducati MC	201			900SS		1990–1996
Ferrari		76		208, 208 Turbo (all models)		1975–1988
Ferrari		36		308 (all models)		1975–1985
Ferrari		37		328 (except GTS)		1985, 1988–1989
Ferrari		37		328 GTS		1985–1989
Ferrari	86			348 TB		1992
Ferrari	161			348 TS		1992
Ferrari	256			456		1995
Ferrari	173			512 TR		1993
Ferrari	259			F355		1995
Ferrari	226			F50		1995
Ferrari		38		GTO		1985
Ferrari	292			Marinello		1997–1999
Ferrari		74		Mondial (all models)		1980–1989
Ferrari		39		Testarossa		1987–1989
Ford	265			Bronco		1995–1996
Ford			9	Escort RS		1994–1995
Ford	268			Explorer		1991–1998
Ford	250			Windstar		1995–1998
Freightliner	179			FLD12064ST		1991–1996
Freightliner	178			FTLD112064SD		1991–1996
GMC	134			Suburban		1992–1994
Harley Davidson	202			FX, FL, XL series		1975–1997
Harley Davidson	253			FX, FL, XL series		1998
Harley Davidson	281			FX, FL, XL Series		1999
Hobson			8	Horse Trailer		1985
Honda	280			Accord		1991
Honda	128			Civic DX		1989
Honda	191			Prelude		1989
Honda	309			Prelude		1994–1997
Honda MC	106			CB1000F		1988
Honda MC	174			CP450SC		1986
Honda MC	290			VF750		1994–1998
Honda MC	34			VFR750		1990
Honda MC	315			VFR750		1991–1997
Honda MC	315			VFR800		1998–1999
Honda MC	294			VT600		1991–1998
Hyundai	269			Elantra		1992–1995
Jaguar	78			Sovereign		1993
Jaguar		41		XJ6		1975–1986
Jaguar	47			XJ6		1987

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type	Model ID	Model year
Jaguar	215	.....	.....	XJ6 Sovereign	.....	1988
Jaguar	.....	40	.....	XJS	.....	1980–1987
Jaguar	175	.....	.....	XJS	.....	1991
Jaguar	129	.....	.....	XJS	.....	1992
Jaguar	195	.....	.....	XJS	.....	1994–1996
Jaguar Daimler	12	.....	.....	Limousine	.....	1985
Jeep	211	.....	.....	Cherokee	.....	1991
Jeep	164	.....	.....	Cherokee	.....	1992
Jeep	254	.....	.....	Cherokee	.....	1993
Jeep	180	.....	.....	Cherokee	.....	1995
Jeep	224	.....	.....	CJ–7	.....	1979
Jeep	217	.....	.....	Wrangler	.....	1993
Jeep	255	.....	.....	Wrangler	.....	1995
Kawasaki MC	233	.....	.....	EL250	.....	1992–1994
Kawasaki MC	190	.....	.....	KZ550B	.....	1982
Kawasaki MC	182	.....	.....	ZX1000–B1	.....	1988
Kawasaki MC	222	.....	.....	ZX400	.....	1987–1997
Kawasaki MC	312	.....	.....	ZX6, ZX7, ZX9, ZX10, ZX11	.....	1987–1999
Kawasaki MC	288	.....	.....	ZX600	.....	1985–1998
Kawasaki MC	247	.....	.....	ZZR1100	.....	1993–1998
Ken-Mex	187	.....	.....	T800	.....	1990–1996
Kenworth	115	.....	.....	T800	.....	1992
Land Rover	212	.....	.....	Defender 110	.....	1993
Laverda MC	37	.....	.....	1000	.....	1975
Lexus	293	.....	.....	GS300	.....	1993–1996
Lexus	307	.....	.....	RX300	.....	1998–1999
Lexus	225	.....	.....	SC300, SC400	.....	1991–1996
Lincoln	144	.....	.....	Mark VII	.....	1992
Magni MC	264	.....	.....	Australia, Sfida	.....	1996–1998
Maserati	155	.....	.....	Bi-Turbo	.....	1985
Mazda	184	.....	.....	MX–5 Miata	.....	1990–1993
Mazda	199	.....	.....	RX–7	.....	1986
Mazda	42	.....	.....	RX–7	.....	1978–1981
Mazda	279	.....	.....	RX–7	.....	1987–1995
Mercedes Benz	.....	54	.....	190	201.022	1984
Mercedes Benz	.....	54	.....	190 D (2.2)	201.122	1984–1989
Mercedes Benz	.....	54	.....	190 D	201.126	1984–1989
Mercedes Benz	.....	54	.....	190 E (2.3)	201.024	1983–1989
Mercedes Benz	.....	54	.....	190 E 2.3 16	201.034	1984–1989
Mercedes Benz	.....	54	.....	190 E	201.028	1986–1989
Mercedes Benz	.....	54	.....	190 E (2.6)	201.029	1986–1989
Mercedes Benz	22	.....	.....	190 E	201.024	1990
Mercedes Benz	45	.....	.....	190 E	201.024	1991
Mercedes Benz	126	.....	.....	190 E	201.018	1992
Mercedes Benz	71	.....	.....	190 E	201.028	1992
Mercedes Benz	.....	50	.....	200	115.015	1975–1976
Mercedes Benz	.....	52	.....	200	123.020	1976–1980
Mercedes Benz	.....	52	.....	200	123.220	1979–1985
Mercedes Benz	.....	55	.....	200	124.020	1985
Mercedes Benz	.....	52	.....	200 D	123.120	1980–1982
Mercedes Benz	17	.....	.....	200 D	124.120	1986
Mercedes Benz	11	.....	.....	200 E	124.021	1989
Mercedes Benz	109	.....	.....	200 E	124.012	1991
Mercedes Benz	75	.....	.....	200 E	124.019	1993
Mercedes Benz	3	.....	.....	200 TE	124.081	1989
Mercedes Benz	.....	50	.....	220 D	115.110	1975–1976
Mercedes Benz	168	.....	.....	220 E	.....	1993
Mercedes Benz	167	.....	.....	220 TE Station Wagon	.....	1993–1996
Mercedes Benz	.....	52	.....	230	123.023	1976–1985
Mercedes Benz	.....	52	.....	230 C	123.043	1978–1980
Mercedes Benz	.....	52	.....	230 CE	123.243	1980–1984
Mercedes Benz	84	.....	.....	230 CE	124.043	1991
Mercedes Benz	203	.....	.....	230 CE	.....	1992
Mercedes Benz	.....	52	.....	230 E	123.223	1977–1985
Mercedes Benz	.....	55	.....	230 E	124.023	1985–1987
Mercedes Benz	1	.....	.....	230 E	124.023	1988
Mercedes Benz	20	.....	.....	230 E	124.023	1989
Mercedes Benz	19	.....	.....	230 E	124.023	1990
Mercedes Benz	74	.....	.....	230 E	124.023	1991
Mercedes Benz	127	.....	.....	230 E	124.023	1993
Mercedes Benz	.....	52	.....	230 T	123.083	1977–1985
Mercedes Benz	.....	52	.....	230 TE	123.283	1977–1985

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type	Model ID	Model year
Mercedes Benz	.....	55	.....	230 TE	124.083	1985
Mercedes Benz	2	.....	.....	230 TE	124.083	1989
Mercedes Benz	.....	50	.....	230.4	115.017	1975–1976
Mercedes Benz	.....	49	.....	230.6	114.015	1975–1976
Mercedes Benz	.....	50	.....	240 D (3.0)	115.114	1975–1976
Mercedes Benz	.....	50	.....	240 D	115.117	1975–1976
Mercedes Benz	.....	52	.....	240 D	123.123	1977–1985
Mercedes Benz	.....	52	.....	240 TD	123.183	1977–1985
Mercedes Benz	.....	49	.....	250	114.010	1975–1976
Mercedes Benz	.....	49	.....	250	114.011	1975–1976
Mercedes Benz	.....	52	.....	250	123.026	1976–1985
Mercedes Benz	.....	49	.....	250 C	114.023	1975–1976
Mercedes Benz	.....	49	.....	250 CE	114.022	1975–1976
Mercedes Benz	172	.....	.....	250 D	.....	1992
Mercedes Benz	245	.....	.....	250 E	.....	1990–1993
Mercedes Benz	.....	55	.....	260 E	124.026	1985–1989
Mercedes Benz	105	.....	.....	260 E	124.026	1992
Mercedes Benz	18	.....	.....	260 SE	126.020	1986
Mercedes Benz	28	.....	.....	260 SE	126.020	1989
Mercedes Benz	.....	49	.....	280	114.060	1975–1976
Mercedes Benz	.....	52	.....	280	123.030	1976–1985
Mercedes Benz	.....	49	.....	280 C	114.073	1975–1976
Mercedes Benz	.....	52	.....	280 C	123.050	1977–1980
Mercedes Benz	.....	49	.....	280 CE	114.072	1975–1976
Mercedes Benz	.....	52	.....	280 CE	123.053	1977–1985
Mercedes Benz	.....	49	.....	280 E	114.062	1975–1976
Mercedes Benz	.....	52	.....	280 E	123.033	1976–1985
Mercedes Benz	166	.....	.....	280 E	.....	1993
Mercedes Benz	.....	51	.....	280 S	116.020	1975–1980
Mercedes Benz	.....	53	.....	280 S	126.021	1980–1983
Mercedes Benz	.....	44	.....	280 SC	107.022	1975–1981
Mercedes Benz	.....	51	.....	280 SE	116.024	1975–1988
Mercedes Benz	.....	53	.....	280 SE	126.022	1980–1985
Mercedes Benz	.....	51	.....	280 SEL	116.025	1975–1980
Mercedes Benz	.....	53	.....	280 SEL	126.023	1980–1985
Mercedes Benz	.....	44	.....	280 SL	107.042	1975–1985
Mercedes Benz	.....	52	.....	280 TE	123.093	1977–1985
Mercedes Benz	.....	52	.....	300 CD	123.150	1978–1985
Mercedes Benz	.....	55	.....	300 CE	124.050	1988–1989
Mercedes Benz	64	.....	.....	300 CE	124.051	1990
Mercedes Benz	83	.....	.....	300 CE	124.051	1991
Mercedes Benz	117	.....	.....	300 CE	124.050	1992
Mercedes Benz	.....	52	.....	300 D	123.130	1976–1985
Mercedes Benz	.....	52	.....	300 D	123.133	1977–1985
Mercedes Benz	.....	55	.....	300 D Turbo	124.133	1985–1989
Mercedes Benz	.....	55	.....	300 D	124.130	1985–1986
Mercedes Benz	.....	55	.....	300 E	124.030	1985–1989
Mercedes Benz	192	.....	.....	300 E 4-Matic	.....	1990–1993
Mercedes Benz	114	.....	.....	300 E	124.031	1992
Mercedes Benz	.....	.....	5	300 GE	463.228	1990–1992
Mercedes Benz	.....	.....	3	300 GE	463.228	1993
Mercedes Benz	.....	.....	5	300 GE	463.228	1994
Mercedes Benz	.....	53	.....	300 SD	126.120	1981–1989
Mercedes Benz	.....	53	.....	300 SE	126.024	1985–1989
Mercedes Benz	68	.....	.....	300 SE	126.024	1990
Mercedes Benz	69	.....	.....	300 SE	140.032	1992
Mercedes Benz	67	.....	.....	300 SE	140.032	1993
Mercedes Benz	.....	53	.....	300 SEL	126.025	1986–1989
Mercedes Benz	21	.....	.....	300 SEL	126.025	1990
Mercedes Benz	123	.....	.....	300 SEL	.....	1992
Mercedes Benz	.....	44	.....	300 SL	107.041	1986–1988
Mercedes Benz	7	.....	.....	300 SL	107.041	1989
Mercedes Benz	54	.....	.....	300 SL	129.006	1992
Mercedes Benz	.....	52	.....	300 TD	123.193	1977–1985
Mercedes Benz	.....	55	.....	300 TD Turbo	124.193	1986–1989
Mercedes Benz	.....	55	.....	300 TE	124.090	1986–1989
Mercedes Benz	40	.....	.....	300 TE	124.090	1990
Mercedes Benz	193	.....	.....	300 TE	.....	1992
Mercedes Benz	142	.....	.....	320 SL	.....	1992–1993
Mercedes Benz	310	.....	.....	320CE	.....	1993
Mercedes Benz	.....	44	.....	350 SC	107.023	1975–1979
Mercedes Benz	.....	51	.....	350 SE	116.028	1975–1980

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type	Model ID	Model year
Mercedes Benz		51		350 SEL	116.029	1975–1980
Mercedes Benz		44		350 SL	107.043	1975–1978
Mercedes Benz		44		380 SC	107.025	1981–1989
Mercedes Benz		53		380 SE	126.032	1979–1989
Mercedes Benz		53		380 SE	126.043	1982–1989
Mercedes Benz		53		380 SEL	126.033	1980–1989
Mercedes Benz		44		380 SL	107.045	1980–1989
Mercedes Benz	296			400 SE		1992–1994
Mercedes Benz	169			420 E		1993
Mercedes Benz		53		420 SE	126.034	1985–1989
Mercedes Benz	230			420 SE		1990–1991
Mercedes Benz	209			420 SEC		1990
Mercedes Benz		53		420 SEL	126.035	1986–1989
Mercedes Benz	48			420 SEL	126.035	1990
Mercedes Benz		44		420 SL	107.047	1986
Mercedes Benz		44		450 SC	107.024	1975–1989
Mercedes Benz		51		450 SE	116.032	1975–1980
Mercedes Benz		51		450 SEL (6.9)	116.036	1975–1988
Mercedes Benz		51		450 SEL	116.033	1975–1988
Mercedes Benz		44		450 SL	107.044	1975–1989
Mercedes Benz			11	463		1996
Mercedes Benz			15	463		1997
Mercedes Benz			16	463		1998
Mercedes Benz			13	463 LWB V–8		1992–1996
Mercedes Benz			14	463 SWB		1990–1996
Mercedes Benz	56			500 E	124.036	1991
Mercedes Benz		44		500 SC	107.026	1978–1981
Mercedes Benz		53		500 SE	126.036	1980–1986
Mercedes Benz	35			500 SE	126.036	1988
Mercedes Benz	154			500 SE		1990
Mercedes Benz	26			500 SE	140.050	1991
Mercedes Benz	50			500 SE	140.050	1992
Mercedes Benz		53		500 SEC	126.044	1981–1989
Mercedes Benz	66			500 SEC	126.044	1990
Mercedes Benz		53		500 SEL	126.037	1980–1989
Mercedes Benz	23			500 SEL	129.066	1989
Mercedes Benz	153			500 SEL		1990
Mercedes Benz	63			500 SEL	126.037	1991
Mercedes Benz	147			500 SEL		1992–1993
Mercedes Benz		44		500 SL	107.046	1980–1989
Mercedes Benz	33			500 SL	129.066	1991
Mercedes Benz	60			500 SL	129.006	1992
Mercedes Benz	140			500 SL	129.067	1993–1995
Mercedes Benz		53		560 SEC	126.045	1986–1989
Mercedes Benz	141			560 SEC	126.045	1990
Mercedes Benz		53		560 SEL	126.039	1986–1989
Mercedes Benz	89			560 SEL	126.039	1990
Mercedes Benz		44		560 SL	107.048	1986–1989
Mercedes Benz		43		600	100.012	1975–1981
Mercedes Benz		43		600 Landaulet	100.015	1975–1981
Mercedes Benz		43		600 Long 4dr	100.014	1975–1981
Mercedes Benz		43		600 Long 6dr	100.016	1975–1981
Mercedes Benz	185			600 SEC Coupe		1993
Mercedes Benz	27			600 SEL	140.057	1992
Mercedes Benz	271			600 SEL		1993–1998
Mercedes Benz	121			600 SL	129.076	1992
Mercedes Benz	130			600 SL	129.076	1993
Mercedes Benz		77		All other models except Model ID 114 and 115 with sales designations "long," "station wagon," or "ambulance."		1975–1989
Mercedes Benz	289			C190		1994–1998
Mercedes Benz	246			C220		1994
Mercedes Benz	157			C220		1995
Mercedes Benz	204			C280		1994
Mercedes Benz	262			C280		1995
Mercedes Benz	277			CL500		1998
Mercedes Benz	207			E200		1994
Mercedes Benz	278			E200		1995–1998
Mercedes Benz	168			E220		1994–1996
Mercedes Benz	245			E250		1994–1995
Mercedes Benz	166			E280		1994–1996
Mercedes Benz	240			E320		1994–1998
Mercedes Benz	169			E420		1994–1996

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type	Model ID	Model year
Mercedes Benz	163			E500		1994
Mercedes Benz	304			E500		1995–1997
Mercedes Benz			6	G320		1995
Mercedes Benz	85			S280	140.028	1994
Mercedes Benz	236			S320		1994–1998
Mercedes Benz	120			S320	140.033	1994
Mercedes Benz	267			S420		1994–1997
Mercedes Benz	235			S500		1994–1997
Mercedes Benz	297			S600		1995–1999
Mercedes Benz	185			S600 Coupe		1994–1996
Mercedes Benz	214			S600L		1994
Mercedes Benz	282			SL320		1995
Mercedes Benz	130			SL600		1994–1995
Mercedes Benz	257			SLK		1997–1998
Mitsubishi	13			Galant SUP		1989
Mitsubishi	8			Galant VX		1988
Mitsubishi	170			Pajero		1984
Moto Guzzi MC	118			Daytona		1993
Moto Guzzi MC	264			Daytona RS		1996–1998
Nissan	162			240SX		1988
Nissan	198			300ZX		1984
Nissan		75		Fairlady and Fairlady Z		1975–1979
Nissan	138			Maxima		1989
Nissan	139			Stanza		1987
Nissan		75		Z and 280Z		1975–1981
Peugeot		65		405		1989
Pontiac	189			Transport MPV		1993
Porsche	29			911 C4		1990
Porsche		56		911 Cabriolet		1984–1989
Porsche		56		911 Carrera		1975–1989
Porsche	52			911 Carrera		1992
Porsche	165			911 Carrera		1993
Porsche	103			911 Carrera		1994
Porsche	165			911 Carrera		1995–1996
Porsche		56		911 Coupe		1975–1989
Porsche		56		911 Targa		1975–1989
Porsche		56		911 Turbo		1976–1989
Porsche	125			911 Turbo		1992
Porsche		58		914		1975–1976
Porsche		59		924 Coupe		1976–1989
Porsche		59		924 S		1987–1989
Porsche		59		924 Turbo Coupe		1979–1989
Porsche	266			928		1991–1996
Porsche	272			928		1993–1998
Porsche		60		928 Coupe		1976–1989
Porsche		60		928 GT		1979–1989
Porsche		60		928 S Coupe		1983–1989
Porsche		60		928 S4		1979–1989
Porsche	210			928 S4		1990
Porsche	97			944		1990
Porsche		61		944 Coupe		1982–1989
Porsche		61		944 S Coupe		1987–1989
Porsche	152			944 S2 2 door Hatchback		1990
Porsche		61		944 Turbo Coupe		1985–1989
Porsche	116			946		1994
Porsche		79		All other models except Model 959		1975–1989
Porsche	261			Boxster		1997
Rolls Royce	16			Bentley		1989
Rolls Royce	186			Bentley Brooklands		1993
Rolls Royce	258			Bentley Continental R		1990–1993
Rolls Royce	53			Bentley Turbo		1986
Rolls Royce	243			Bentley Turbo R		1995
Rolls Royce	122			Camargue		1984–1985
Rolls Royce		62		Silver Shadow		1975–1979
Rolls Royce	188			Silver Spur		1984
Saab	158			900		1983
Saab	270			900 S		1987–1989
Saab	219			900 SE		1990–1994
Saab	219			900 SE		1996–1997
Saab	213			900 SE		1995
Saab	59			9000		1988
Sprite			12	Musketeer Trailer		1980

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type	Model ID	Model year
Suzuki MC	111			GS850		1985
Suzuki MC	287			GSF 750		1996–1998
Suzuki MC	208			GSX750		1983
Suzuki MC	275			GSXR 750		1986–1998
Suzuki MC	227			GSXR1100		1986–1997
Toyota	308			Avalon		1995–1998
Toyota		63		Camry		1987–1988
Toyota	39			Camry		1989
Toyota		64		Celica		1987–1988
Toyota		65		Corolla		1987–1988
Toyota	252			Land Cruiser		1981–1988
Toyota	101			Land Cruiser		1989
Toyota	218			Land Cruiser		1990–1996
Toyota	302			Previa		1993–1997
Toyota	200			Van		1987–1988
Triumph MC	263			Bonneville		1976
Triumph MC	311			Thunderbird		1995–1999
Volkswagen	237			Beetle Convertible		1975–1979
Volkswagen	237			Beetle Sedan		1975–1977
Volkswagen	306			Eurovan		1993–1995
Volkswagen	159			Golf		1987
Volkswagen	80			Golf		1988
Volkswagen	92			Golf		1993
Volkswagen	73			Golf Rally		1988
Volkswagen	149			GTI (Canadian)		1991
Volkswagen	274			Jetta		1994–1996
Volkswagen	148			Passat 4 door Sedan		1992
Volkswagen		42		Scirocco		1986
Volkswagen	284			Transporter		1988–1989
Volkswagen	251			Transporter		1990
Volkswagen	239			Type 181 (The Thing)		1975
Volvo	43			262C		1981
Volvo	87			740 Sedan		1988
Volvo	286			850 Turbo		1995–1998
Volvo	95			940GL		1993
Volvo	132			945GL		1994
Volvo	176			960 Sedan & Wagon		1994
Yamaha MC	113			FJ1200		1991
Yamaha MC	171			RD–350		1983
Yamaha MC	301			Virago		1990–1998

Issued on: September 17, 1999.

Kenneth N. Weinstein,

Associate Administrator for Safety Assurance.

[FR Doc. 99–24975 Filed 9–24–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 990422103–9209–02; I.D. 090799A]

Fisheries of the Northeastern United States; Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of waiver of annual Federal summer flounder recreational measures.

SUMMARY: NMFS announces a determination by the Atlantic States Marine Fisheries Commission (Commission) of conservation equivalent state management measures for the recreational summer flounder fishery. Regulations governing the summer flounder fishery require publication of this notification to waive the annual Federal summer flounder recreational measures and to advise vessel permit holders of the equivalent recreational measures approved by the Commission for each state involved. The intent of this action is to conserve summer flounder, while providing the states the ability to tailor their regulations to the fisheries within their respective states.

DATES: Effective 0001 hours, September 27, 1999, through December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, (978) 281–9273.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. Interim regulations are in effect for the period September 9, 1999, through March 9, 2000. (See the correction to 50 CFR part 648, Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 1999 Fisheries published elsewhere in this issue.) These regulations allow states to implement, on an annual basis, recreational measures that conserve summer flounder to the same extent as the annual Federal measures specified under § 648.100(c) to achieve the recreational harvest limit. The Summer Flounder Technical Committee of the Commission makes a determination of equivalency annually for any state proposing alternative recreational

measures. Any state may implement conservation equivalent measures without a determination of equivalency by the Summer Flounder Technical Committee review, if the state uses the state-specific tables provided by the Commission and maintains a 15–inch (38–cm) or greater total length minimum fish size.

Once a state receives a determination of equivalency from the Summer Flounder Technical Committee or a state implements conservation equivalent measures contained in the state-specific table provided by the Commission, the Commission is required to recommend to the Administrator, Northeast Region (Regional Administrator) that a notification be published in the *Federal Register* to waive the annual Federal recreational summer flounder measures and to notify vessel permit holders of the equivalent recreational measures approved by the Commission for each state involved.

The Regional Administrator received a determination from the Commission on July 12, 1999, stating that all states included in the Summer Flounder, Scup, and Black Sea Bass Interstate Fishery Management Plan have implemented conservation equivalent recreational management measures using a combination of fish sizes, possession limits, and closed seasons that achieve the required 40–percent reduction in fishing effort for 1999. Therefore, effective 0001 hours, September 27, 1999, through December 31, 1999, the annual Federal recreational summer flounder management measures are waived and the following conservation equivalent recreational measures are approved for each state affected.

	Minimum Size inches (See note)	Possession Limit/ Person	Open Season
Massachusetts	15	8-fish	May 29-Sept.11
Rhode Island	15	8-fish	May 29-Sept.11
Connecticut	15	8-fish	May 29-Sept.11
New York	16	8-fish	Jan.1-Dec.31
New Jersey	15.5	8-fish	May 15-Oct.11
Delaware	15	8-fish	Aug.8-July 15
Maryland			
Bay	15	8-fish	May 8- Dec.31
Coast	15.5	8-fish	Apr. 15-Nov.30
Potomac River Fisheries Comm.	15	4-fish	May 1-Dec. 31
Virginia	16	8-fish	Aug.1-July 24
North Carolina	15	8-fish	Jan.1-Dec.31

Note: Metric equivalents are 16 in = 41 cm, 15.5 in = 39 cm, and 15 in = 38 cm.

Vessels fishing in the EEZ are subject to the regulations of the state where the vessel is registered or homeported or where the fish are landed, whichever is more restrictive.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 21, 1999.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25071 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 990422103–9209–02; I.D. 031099B]

RIN 0648–AL75

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 1999 Fisheries; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Correction.

SUMMARY: This document contains corrections to the effective dates of the recreational measures for the 1999 fisheries that was published on September 9, 1999, and adds an appropriate justification for the change in date in the Classification section.

DATES: Effective September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fisheries Policy Analyst, (978) 281–9273.

SUPPLEMENTARY INFORMATION:

Background

NMFS published a final rule and interim provisions for the 1999 recreational fisheries for summer flounder, scup, and black sea bass in the **Federal Register** on September 9, 1999 (64 FR 48965). The rule delayed the effectiveness of the conservation equivalent measures for the summer flounder fishery (§ 648.107) until October 12, 1999. However, the states have already complied with the requirements of the section and the Atlantic States Marine Fisheries Commission has certified that the states have implemented conservation equivalent measures. Delaying the effectiveness of this regulation would preclude the states from tailoring their regulations to meet the needs of their individual fisheries and potentially place unnecessary restrictions on fishermen.

Corrections

In FR Doc. 99–23444, published in the **Federal Register** issue of September 9,

1999, on page 48965, in column 2, correct the "**DATES**" caption to read as follows:

DATES: Effective September 9, 1999.

On page 48966, in column 2, under the heading, "Classification," in the second paragraph, insert between the third and fourth sentences, the following:

A 30-day delay in the effective date of the conservation equivalent measures for the summer flounder fishery would reduce the flexibility of the states to tailor their fisheries for the most effective management and could place unnecessary restrictions on fishermen.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

Authority 16 U.S.C. 1801 *et seq.*

Dated: September 21, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25068 Filed 9–27–99; 8:45 am]

BILLING CODE 3510–22–F

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DEPARTM

Federal En Commissi

18 CFR Pa

[Docket No.

Regional T Notice of P

September 2

AGENCY: Fe Commissio

ACTION: No Extension

SUMMARY: Commissio Proposed R June 10, 19 regulations (FPA) to fa Regional Tr (RTOs). Th comments request of t

DATES: Rep or before O

ADDRESSES: the Secreta Commissio Washingto

FOR FURTHE David P. Bo

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Proposed Rules

Federal Register
Vol. 64, No. 186
Monday, September 27, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM99–2–000]

Regional Transmission Organizations, Notice of Proposed Rulemaking

September 21, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking: Extension of Reply Comment Date.

SUMMARY: On May 13, 1999, the Commission issued a Notice of Proposed Rulemaking (64 FR 31390, June 10, 1999) proposing to amend its regulations under the Federal Power Act (FPA) to facilitate the formation of Regional Transmission Organizations (RTOs). The deadline for filing reply comments is being extended at the request of the Edison Electric Institute.

DATES: Reply comments shall be filed on or before October 6, 1999.

ADDRESSES: Send comments to: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: David P. Boergers Secretary.

On August 9, 1999, the Edison Electric Institute (EEI) filed a motion for a further extension of time to file reply comments in response to the Commission's Notice of Proposed Rulemaking issued May 13, 1999, in the above-docketed proceeding. In its motion, EEI states that additional time to is needed to obtain and review the large number of initial comments filed in this docket and to prepare an adequate response.

Upon consideration, notice is hereby given that further extension of time for filing reply comments is granted to and including October 6, 1999.

David P. Boergers,

Secretary.

[FR Doc. 99–25084 Filed 9–24–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 24

[Notice No. 881 Re: T.D. ATF—398, Notice No. 859 and Notice No. 869]

RIN 1512–AB71

Labeling of Hard Cider (97–2523)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing amendments to the labeling rules for hard cider. We are doing so in response to comments on our temporary rule and notice of proposed rulemaking on this subject. We are postponing the label compliance date for that temporary rule by a Treasury decision published in the Rules section of today's **Federal Register**.

DATES: Written comments must be received on or before November 26, 1999.

ADDRESSES: Address written comments to the Chief, Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, P.O. Box 50221, Washington, DC 20091–0221. See the Public Participation section of this notice for ways to send comments. See the Disclosure section of this notice for the location of our Reading Room.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Regulations Division, 650 Massachusetts Avenue, NW, Washington, DC 20226; (202) 927–8202; or mdruhf@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

Background

On August 21, 1998, ATF issued a temporary rule, T.D. ATF–398 (63 FR 44779), to implement various sections of the Taxpayer Relief Act of 1997, Public Law 105–34 ("the Act"). On the same day, ATF issued a notice of proposed rulemaking, Notice No. 859 (63 FR 44819), inviting comments on this temporary rule for a 60 day period. In response to requests from the industry, ATF reopened the comment period for an additional 30 days on November 6, 1998, by Notice No. 869 (63 FR 59921).

ATF's Temporary Rule on Labeling of Hard Cider

Section 908 of the Act amended the Internal Revenue Code of 1986 (IRC) to create a new excise tax category for hard cider. The temporary rule, T.D. ATF–398, implemented this section, including establishing temporary rules for labeling hard cider. We changed both the IRC and the Federal Alcohol Administration (FAA) Act labeling rules. We explained the changes this way:

> Since the term "hard cider" now has tax significance, no wine may be designated as "hard cider" unless it conforms to the definition of hard cider in § 24.10 and is eligible for the tax category of hard cider. The reference to cider in the FAA [Act] labeling regulations at § 4.21(e)(5) is amended to show that the term "hard cider" is reserved for use in wine eligible for the tax category of hard cider. A new § 24.257(a)(3)(iv) has been added to the IRC wine labeling requirements for wine under 7 percent alcohol by volume to show that wine eligible for the tax category of hard cider will be marked "hard cider" rather than simply "wine" under that section.

We set a compliance date of February 17, 1999, for this change, to allow time for producers to change labels to conform with the temporary rule.

Basis of Our Temporary Rule

ATF (as a delegate of the Secretary of the Treasury) has general authority to issue labeling regulations under the IRC, 26 U.S.C 5368(b), which states,

> Wine shall be removed in such containers * * * bearing such marks and labels, evidencing compliance with this chapter, as the Secretary may by regulations prescribe.

We also have authority under the FAA Act, 27 U.S.C. 205(e), to prescribe regulations that insure that alcohol beverages are labeled or marked to "* * * provide the consumer with adequate information as to the identity and quality of the products. * * *"

When the new wine tax category was created and named "hard cider," we revised the IRC labeling provisions to allow hard cider to be labeled as such

without further indication that it is taxed as a wine. Before that amendment, wines with less than 7 percent alcohol by volume had to be marked with the word "wine" and an appropriate modifier to identify the tax class. We also amended the FAA Act labeling regulations to provide that no product could be called "hard cider" if it was not eligible for the tax category of "hard cider." Before the amendment, the FAA Act regulations had allowed the use of the term "cider" for apple wines in certain circumstances. The term "hard cider" was not addressed.

In short, we required the phrase "hard cider" on containers of wine eligible for the hard cider tax rate and prohibited its use elsewhere. We believed this would evidence compliance with tax law and provide the consumer with adequate information as to the identity of the product.

Public Comments on the Temporary Rule

We received 48 comments in response to the temporary rule and the notice of proposed rulemaking. Two comments addressed the issue of semi-generic wine designations (also covered in the temporary rule and notice), and all the rest concerned the hard cider rules. All the comments will be discussed in a future final rule. In this document, we will discuss only the comments concerning labeling of hard cider. Based on comments we received, we find the temporary rule as originally issued imposes an unintended and unnecessary burden.

Comments on Labeling of Ciders Not Eligible for the New Tax Rate

Producers who make ciders that are not eligible for the new tax rate, but who have been using the term "hard cider" to describe their product, wrote to ask us to change our temporary labeling regulations. Their products include apple wines containing 7 percent or more alcohol by volume, ciders that contain less than 7 percent alcohol by volume with other fruit flavors, and ciders that contain 50 percent or less apple juice. Under the temporary rule, each of these products is excluded from the definition of cider, and therefore is not entitled to use the name "hard cider" on labels. The producers and other interested persons submitted the following comments:

Senators Patrick J. Leahy and James M. Jeffords of Vermont, the principal authors of the provision that reduced the tax on "hard cider," wrote to ATF to express concern at ATF's interpretation of the statute. They said:

> Prohibiting producers from using this term if their cider contains more than seven percent alcohol runs counter to this common understanding of the term. Further the change is somewhat anomalous; ciders with more than seven percent are, by most people's thinking, even "harder" than those products that you will allow to be labeled as "hard cider." The rule change will cause consumer confusion, and could well affect sales of the affected products. We urge that you not adopt this proposed rule.

Richard G. Burge of Wyder's Cider noted that they will be "prohibited from calling [their] products 'hard cider', which will be reserved for the handful of apple only fermented ciders that comply. However, Wyder's ciders have been accepted by the discriminating consumer and industry professional alike as a high quality cider alternative to the heavier English styles. Our number two ranking in the California cider market attests to this fact and to the fine quality of the product and its legitimacy as a hard cider. We fail to understand how it is that our hard ciders will not only be unable to enjoy the lower tax rate, but will also be completely shut out of the very product category that we helped to establish.* * * We believe the rules should promote the category, not choke it, and at the very least should allow non-conforming producers to sell their products as hard cider."

Mr. Edward C. Metcalfe, founder and former owner of North River Winery in Vermont, wrote to give historical information on hard cider. He said, "even in the earliest days of cider making, sugar, molasses or other sweetener was often added to raise the alcohol content to give the product more kick and to help it keep better under crude storage conditions. The 'harder' a cider was, the higher the alcohol content. These traditional hard ciders have been made for many years, often with an alcohol content as high as 12%–14%." Mr. Metcalfe expressed concern that "the new labeling requirements would make some current commercial products unsaleable." He enclosed labels from the North River winery, which makes a cider that is 9% alcohol by volume under the brand name "Metcalfe's Hard Cider," a brand name that would be prohibited under the new rules.

The current owners of North River Winery, Annmary T. Block-Reed and Clyde A. Reed, also submitted comments on the history of the term "hard cider" and noted our regulations "would be denying what has been commonly agreed to as the understanding of hard cider for generations, all over the world." They further noted the regulations, as written, would impose a financial hardship, since they are a small winery and would need to replace several years' supply of labels.

Finally, several consumers wrote to express concern about ATF's rules for labeling hard cider. One consumer wrote that "changing the definition of the words 'hard cider' to only mean ciders which are under 7% alcohol would be misleading to consumers and would cause widespread confusion in the marketplace." Another said "I believe that the general public would not be served well in changing the words 'hard cider' to mean something other than their traditional meaning."

Comments on Labeling Cider Eligible for the New Tax Rate

Producers of wines eligible for the hard cider tax rate stated they prefer to use a phrase like "apple cider" or "draft cider" in their marketing:

Brian t of Black ısesas Fagan Cider Co, L.L.C. asked a question in his comment: "Our product label currently says 'Goldfinch Cider'. Does it have to say 'Goldfinch Hard Cider' as the main product name designation, or can we retain 'Goldfinch Cider' and note "hard cider" elsewhere on the label?

Paul Thorpe of E&J Gallo Winery ("Gallo") commented that the regulations should be amended to allow designation of products in the hard cider category "by an equivalent phrase, such as 'hard apple cider' or 'hard draft cider.' "Gallo further suggested that we state a minimum standard for location and legibility of this required information. Gallo suggested" on the label in legible type and lettering no smaller than 2 millimeters in height." They noted this requirement would be consistent with the general requirements for mandatory information under the FAA Act regulations for labeling of wine and beer.

Stephen Swift of Matthew Clark Brands, Ltd., makers of Blackthorn Fermented Cider, noted they have been describing their product as "fermented cider" on labels and in advertising for over 12 years. He said the term "hard cider" "implies that the product is distilled (as in hard liquor)."

Roger Daniels of Green Mountain Cidery, makers of Woodchuck Draft Cider, advocated that ATF should take the following positions: "(a) that there are no new regulatory standards or restrictions on the use of the labeling designation "hard cider," (b) that there are no new regulatory standards or restrictions with respect to container or packaging sizes for "hard cider," and (c)

that the FAA Act regulations do not apply to "hard cider."

Discussion of Comments

When we drafted the hard cider labeling sections of the temporary rule, we did not intend to cause a hardship for the industry or consumers. We intended to maintain the current system of identifying the tax class of wine by information on the label. The function of ATF's marking requirement is to insure proper identification of the wine for tax purposes, and to inform consumers of the identity of the product. From the comments, we see that the term "hard cider" has broader meaning in the industry and among consumers than the definition given in the regulations.

In light of these comments, we reviewed our need for tax identification on the labels of wines. Although much of our work takes place on wine premises where supplemental information is available to establish the tax rate of a given lot of wine, we believe there are times when we must be able to tell the tax rate from looking at the label alone. For example, we use this information in processing disaster loss claims, conducting market sampling, and verifying import and export documentation. Therefore, we will maintain the requirement that the label must contain sufficient information to establish the tax rate, but we request comments on ways to provide this information with the greatest flexibility for the industry.

We note there is some confusion in the industry on whether the wine labeling rules and standards of fill in 27 CFR part 4 apply to hard cider less than 7 percent alcohol by volume. They do not. The rules in part 4 implement the FAA Act, and apply only to wine which contains "not less than 7 percent and not more than 24 percent of alcohol by volume." That is why hard cider under 7% alcohol by volume is exempt from ATF's label approval requirements and metric standards of fill. Instead, wine under 7 percent alcohol is subject to Food and Drug Administration labeling rules. However, ATF has some wine labeling jurisdiction under the IRC, which applies to all beverage wine containing 0.5 percent or more alcohol by volume. The IRC wine labeling rules are in 27 CFR part 24. These rules do apply to hard cider under 7 percent alcohol by volume.

New Proposed Rule

In this document, we are proposing alternative labeling rules and requesting public comments. In the Rules section of this issue of the **Federal Register**, we are publishing a Treasury decision postponing the compliance date for the hard cider labeling rules (originally February 17, 1999).

First, we propose to remove the amendment we made to § 4.21(e)(5) of the Federal Alcohol Administration Act wine labeling regulations. Part 4 only applies to wines that contain 7%–24% alcohol by volume. As amended, that section prohibited the use of the term "hard cider" on any wine with 7% or more alcohol by volume. We intended to avoid confusion between these higher alcohol wines and wines in the new hard cider tax class by this prohibition. After reviewing the comments, we find this precaution unnecessary. We believe the required statement of the alcohol content will distinguish the product from other products properly identified as "hard cider" under the IRC. Since the hard cider tax rate is limited to wines under 7% alcohol by volume, it will be clear that a product with, say, a 9% alcohol content is not "hard cider" within the meaning of the IRC.

Second, we are proposing to amend the IRC marking requirements in part 24. When the new tax class of hard cider was established, we amended the labeling rules to substitute the phrase "hard cider" for the word "wine" to identify the tax class. On IRC wine labels, no single item of information gives the tax class. On conventional wines, the word "wine" and the alcohol content (modified by the word "carbonated" or "sparkling" if either applies) identify the tax class.

For products under 7% alcohol by volume, we want to differentiate between ciders which are eligible for the hard cider tax rate and those which are taxable as still wine containing not more than 14% alcohol by volume. Some producers have marketed eligible products as "draft cider," "fermented cider" or "apple cider" and do not wish to use the term "hard cider" on labels. Some producers have marketed mixed-fruit ciders or low-alcohol ciders that are otherwise excluded from the current definition of hard cider under the name "hard cider" and do not wish to rename their products.

To address these concerns, we propose several changes to 27 CFR 24.257. First, we propose to adopt the minimum and maximum type size requirements of 27 CFR 4.38. Several commenters asked about the minimum size for required information under the IRC, because the part 24 regulations are silent on this point. We propose to use the FAA Act type size requirements because they are already in use by the wine industry for higher alcohol products. We do not specify placement of information required in § 24.257, and we do not propose to add any placement requirement as part of this rulemaking. Products with 7 percent or more alcohol by volume will still be subject to the FAA Act rules covering placement.

We propose to remove the requirement that the word "wine" or the words "carbonated wine" must be "part of the brand name or in a phrase in direct conjunction with the brand name." Information on the kind of wine may be anywhere on the label. We also propose to add some alternative labeling terms to reflect the industry practice of calling products "cider" instead of wine on these labels. In our proposed regulation, we do not require or restrict the use of words such as "draft", "fermented" or "hard" to identify products in the tax class of hard cider. We propose, where the words on the label leave doubt as to the tax class, cider makers must include a reference to the tax class by section of the law. For example, the temporary rule has a requirement that hard cider must contain more than 50 percent apple juice. If a cider contains less than 50 percent apple juice, it is taxed as a still wine under 14 percent alcohol by volume, but it may still be called cider. In order to make it clear that this cider is taxed at $1.07 instead of $0.226, we propose to require that the label show "tax class 5041(b)(1) IRC" or an equivalent phrase. This wording is adapted from 27 CFR 25.242, on marking nontaxable cereal beverages. We request industry and consumer suggestions for the best way to show this information on the container. We also request suggestions for other ways to differentiate between ciders eligible for the hard cider tax rate and those which belong in other tax categories without restricting the use of the name "hard cider."

Paperwork Reduction Act

The regulatory sections we propose to amend by this notice contain collections of information which were previously approved by the Office of Management and Budget (OMB). Although we propose amending these sections, the changes are not substantive or material.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) relating to a final regulatory flexibility analysis do not apply to this proposed rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Pursuant to 26 U.S.C. 7805(f), ATF will send a copy of this proposed rule to the Chief Counsel

for Advocacy of the Small Business Administration for comment on its impact on small business.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

Public Participation

ATF requests comments on the proposed regulations from all interested persons. We specifically request comments on the clarity of the proposed rule and how it may be made easier to understand.

Please include the following in all comments:

ATTN: Notice No. 8

Your name,
Your company affiliation, if it is pertinent to your comment,
Your reason for interest in the project (are you a consumer, grower, producer?),
Your signature on paper comments sent by mail or facsimile transmission (FAX).

Address written comments to the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221.

Fax comments to (202) 927–8525. Be sure fax comments are legible, on 8½" × 11" paper, and they are 3 pages or less.

E-mail comments to nprm@atfhq.atf.treas.gov. E-mail comments must contain no attachments, special characters or encryption.

ATF will treat all comments as original written comments. We do not acknowledge receipt of comments. We will carefully consider all comments received on or before the closing date. We will also consider comments received after that date if it is practical to do so, but we cannot guarantee consideration of comments received after the comment period closes.

During the comment period, you may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

Disclosure

Comments, including the name of the commenter, will be disclosed to the public. Do not include any material in your comment if you consider it to be confidential or inappropriate for disclosure to the public.

You may view and copy written comments on this project during normal business hours in the ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW, Washington. DC.

Drafting Information: Marjorie D. Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms drafted this document.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 24

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavoring, Surety bonds, Taxpaid wine bottling house, Transportation, Vinegar, Warehouses, Wine.

Authority and Issuance

Accordingly, we propose to amend chapter I of title 27, Code of Federal Regulations as follows:

PART 4—LABELING AND ADVERTISING OF WINE

Par. 1. The authority citation for 27 CFR part 4 continues to read as follows:

Authority: 27 U.S.C. 205, unless otherwise noted.

Par. 2. Section 4.21 is amended by revising the third sentence of paragraph (e)(5) to read as follows:

§ 4.21 The standards of identity.

* * * * *

(e) Class 5; fruit wine

* * * * *

(5) * * * Fruit wines which are derived wholly (except for sugar, water, or added alcohol) from apples or pears may be designated "cider" and "perry," respectively, and shall be so designated if lacking in vinous taste, aroma, and characteristics. * * *

* * * * *

PART 24—WINE

Par. 3. The authority citation for 27 CFR part 24 continues to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5001, 5008, 5041, 5042, 5044, 5061, 5062, 5081, 5111–5113, 5121, 5122, 5142, 5143, 5173, 5206, 5214, 5215, 5351, 5353, 5354, 5356, 5357, 5361, 5362, 5364–5373, 5381–5388, 5391, 5392, 5511, 5551, 5552, 5661, 5662, 5684, 6065, 6091, 6109, 6301, 6302, 6311, 6651, 6676, 7011, 7302, 7342, 7502, 7503, 7606, 7805, 7851; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 4. Section 24.257 is amended by revising paragraph (a) to read as follows:

§ 24.257 Labeling wine containers.

(a) The proprietor must label each bottle or other container of beverage wine prior to removal for consumption or sale. The minimum type size for information required by this section is: 2 millimeters for containers of more than 187 milliliters and 1 millimeter for containers of 187 milliliters or less. The maximum type size for alcohol content statements is 3 millimeters unless the container is larger than 5 liters. The label must be securely affixed and show:

(1) The name and address of the wine premises where bottled or packed;

(2) The brand name, if different from above;

(3) The alcohol content as percent by volume or the alcohol content stated in accordance with 27 CFR part 4. For wine with less than 7 percent alcohol by volume stated on the label there is allowed an alcohol content tolerance of plus or minus .75 percent by volume; and

(4) The kind of wine, shown as follows:

(i) If the wine contains 7 percent or more alcohol by volume and must have label approval under 27 CFR part 4, the kind of wine is the class, type, or other designation provided in that part.

(ii) If the wine has an exemption from label approval or contains less than 7 percent alcohol by volume, an adequate statement of composition may be used instead of the class and type in 27 CFR part 4. The statement of composition must include enough information to identify the tax class when viewed with the alcohol content. First, the wine should be identified by the word "wine," "mead," "sake," "cider" or "perry," as applicable. If the wine contains more than 0.392 grams of carbon dioxide per 100 milliliters, the word "sparkling" or "carbonated," as applicable, must be included in the statement of composition. If the statement of composition leaves doubt as to the tax class of the wine, the wine must be marked "tax class 5041(b)(1) IRC" or an equivalent phrase. For example, a still wine marked "wine" showing an alcohol content of 16 percent alcohol by volume would be considered as adequately marked to identify its tax class as 5041(b)(2). A wine marked "hard cider" showing an alcohol content of 9 percent by volume would be considered as adequately marked to identify its tax class as 5041(b)(1). However, a wine with an alcohol content under 7 percent marked

"hard cider" and the alcohol content would not be adequately marked to identify its tax class, so the tax class must be shown.

(5) The net content of the container unless the net content is permanently marked on the container as provided in 27 CFR part 4.

* * * * *

Dated: June 16, 1999.

John W. Magaw,

Director.

Dated: August 13, 1999.

John P. Simpson,

Deputy Assistant Secretary,

(Regulatory, Tariff and Trade Enforcement).

[FR Doc. 99–24834 Filed 9–24–99; 8:45 am]

BILLING CODE 4810–31–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA–014–7195C; FRL–6444–2]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts: Enhanced Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision establishes and requires the implementation of a statewide enhanced motor vehicle inspection and maintenance program (I/M). The intended effect of this action is to propose approval of a program which meets the EPA requirements for I/M. This action is being taken under the Clean Air Act. 42 U.S.C. 7401, et seq. (CAA).

DATES: Comments must be received on or before October 27, 1999. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Susan E. Studlien, Deputy Director, Office of Ecosystem Protection (Mail Code-CAA), United States Environmental Protection Agency, Region I, One Congress St., Suite 1100, Boston, MA 02114–2023 and Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108. Copies of the documents relevant to this action are available for public inspection by appointment during normal business hours at the U.S. EPA, One Congress Street, Boston MA 02114–2023.

FOR FURTHER INFORMATION CONTACT: Peter X. Hagerty, (617) 918–1049.

SUPPLEMENTARY INFORMATION: On May 14, 1999 Massachusetts submitted a SIP revision for a motor vehicle I/M program. This submittal is a supplement to an I/M plan originally submitted on March 27, 1997 to meet the requirements of the Clean Air Act and the National Highway Systems Designation Act (NHSDA). Although the original NHSDA SIP submittal was disapproved on November 15, 1997, because the state failed to start up the program, elements of the 1997 submittal are still in effect as a matter of Massachusetts law and the Commonwealth is now relying on certain of those previously adopted measures as well as the newly submitted plan to meet EPA's I/M requirements.

I. Background

This action is being taken under the authority of section 110 and 182 of the CAA. EPA believes that proposing this action now under section 110 of the CAA is appropriate because this submittal includes adopted regulations to implement the program, a signed contract to start the program on October 1, 1999, and a description of all elements of the program. The deficiencies delineated below are plans and written procedures which must be developed and delivered by the contractor. For the purposes of this program, "startup" is defined as a fully operational program which has begun regular, mandatory inspections and repairs, using the final test strategy and covering each of a state's required areas. Given the fact that the contract was not signed until late January 1999, and the magnitude of the Massachusetts program, it is not reasonable to expect startup before October 1, 1999.

EPA believes it is reasonable to propose approval and commence public comment now on the Massachusetts I/M program based on the combination of the authorizing statute and regulations plus a signed contract providing for actual implementation of the program. The contract represents a legally binding commitment to implement an approvable program that the public can evaluate as the basis for this proposal. As discussed further below, EPA will not grant final approval to the program until it has commenced operation and all the program elements discussed in the notice are completely documented as provided in the contract. However, issuing this proposal today will allow EPA to complete the public comment process so that we can proceed to final approval of the program once operation has commenced.

II. EPA's Analysis of Massachusetts's Submittal

On May 14, 1999, Massachusetts Department of Environmental Protection (DEP) submitted a revision to its SIP for an enhanced I/M program. This submittal is a revision to the March 27, 1997 I/M submittal. The revision consists of enabling legislation, Chapter 210 of The Acts of 1997, that will allow the Commonwealth to implement the I/M program, adopted regulations, and other required elements, including a signed contract for operating the program statewide, as described more fully below.

The program calls for biennial transient testing in test-and-repair or test-only facilities, however, most facilities are expected to be test-and-repair. The test equipment will be NYTEST (New York State) specifications connected to a contractor operated central computer. The program evaluation year is 2002. Massachusetts will have a systems contractor operating the central computer network and database. This contractor will have the ability to disconnect facilities which are conducting improper testing. The Commonwealth believes that having numerous dynamometers in the field in test-and-repair facilities available for diagnostic work and repair confirmation will significantly improve the quality of repairs and emission reductions from the program.

Massachusetts will rely heavily on a systems contractor to run the central computer system, monitor all emission testing facilities, conduct audits and take action to correct problems. The contractor will also conduct a public awareness program, develop much of the documentation and prepare many of the reports needed for the program. A contract, hereafter referred to as the contract, was signed with Keating Technologies on January 28, 1999 to be the systems contractor for the program for seven years. References in this notice to the contract will generally be to Articles or Schedules in the Scope of Services signed on January 28, 1999 that is part of the contract. Massachusetts will start transient emission testing as required in the contract on October 1, 1999. Massachusetts regulations call for IM240 testing with NYTEST equipment which has been determined to give equivalent emission reductions to

IM240 based on information submitted by NY state.

Based upon EPA's review of Massachusetts' submittal, EPA believes the Commonwealth has complied with many aspects of the CAA and the I/M Rule. For those sections of the I/M Rule or of the CAA identified below with which the Commonwealth has not yet fully complied, the Commonwealth must correct those elements before EPA takes final action on the plan. The elements required are documentation and plan elements which must be developed and submitted by the contractor. In the alternative, if Massachusetts fails to submit corrections for the program elements described below, or fails to start the program on time, as discussed above, EPA proposes to issue a limited approval and limited disapproval of the I/M Plan. This would approve the program for its effect in strengthening the SIP but disapprove it for purposes of meeting the CAA I/M requirements. Final action on the I/M SIP is expected to be in the Fall of 1999.

Applicability—40 CFR 51.350

Sections 182(c)(3) and 184(b)(1)(A) of the Act and 40 CFR 51.350(a) require all states in the Ozone Transport Region (OTR) which contain Metropolitan Statistical Areas (MSAs) or parts thereof with a population of 100,000 or more to implement an enhanced I/M program. Massachusetts is part of the OTR and contains the following MSAs or parts thereof with a population of 100,000 or more: Boston-Lawrence-Salem, MA–NH CMSA, Providence-Pawtucket-Fall River, RI–MA CMSA, New Bedford, MSA, Springfield, MSA and Worcester, MSA.

The Western Massachusetts ozone nonattainment area is classified as a serious ozone nonattainment area and is also required to implement an enhanced I/M program per section 182(c)(3) of the CAA and 40 CFR 51.350(a)(2). In addition, Boston is a maintenance area for carbon monoxide (CO). A basic I/M program is already included as a permanent and enforceable measure in the approved maintenance plan, 61 FR 2918 (January 30, 1996). An enhanced I/M program is included as a contingency measure of the plan.

Under the requirements of the Clean Air Act, all counties in Massachusetts would be subject to I/M program requirements. The Massachusetts I/M regulation requires that the enhanced I/M program be implemented statewide. In the Commonwealth's submittal, the Massachusetts I/M legislative authority in M.G.L. c.111, section 142M provides the legal authority to establish a statewide enhanced program. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for this proposed approval of the Massachusetts I/M SIP.

The federal I/M rule requires that the state program not terminate until it is no longer necessary. EPA interprets the federal rule as stating that a SIP which does not sunset prior to the attainment deadline for each applicable area satisfies this requirement. The Massachusetts submittal does not address the length of time the program will be in effect. The program must continue past the attainment dates for all applicable nonattainment areas in Massachusetts. In the absence of a sunset date, EPA interprets the SIP submittal as requiring the I/M program to continue indefinitely, and proposes to approve the program on this basis. Once approved, this unlimited term of the program will be federally enforceable as a requirement of the SIP.

Enhanced I/M Performance Standard—40 CFR 51.351

The enhanced I/M program must be designed and implemented to meet or exceed a minimum performance standard, which is expressed as emission levels in area-wide average grams per mile (gpm) for certain pollutants. The performance standard shall be established using local characteristics, such as vehicle age mix and local fuel controls, and the following model I/M program parameters: network type, start date, test frequency, model year, vehicle type coverage, exhaust emission test type, emission standards, emission control device inspection, evaporative system function checks, stringency, waiver rate, compliance rate and evaluation date. The emission levels achieved by the state's program design shall be calculated using the most current version, at the time of submittal, of the EPA mobile source emission factor model. At the time of the Massachusetts submittal the most current version was MOBILE5ah. Areas shall meet the performance standard for the pollutants which cause them to be subject to enhanced I/M requirements. In the case of ozone nonattainment areas or areas in the Ozone Transport Region, the performance standard must be met for both nitrogen oxides (NO_X) and hydrocarbons (HC). As required in the maintenance plan for carbon monoxide, the basic performance standard must be met for CO. This Massachusetts submittal must meet the enhanced I/M performance standard for HC and NO_X throughout the state and meet the basic standard for CO in the Boston area. The program also meets the enhanced performance standard for CO which could be used as a contingency measure if needed.

The 15% rate of progress (ROP) plan and the 9% ROP plan that Massachusetts is currently required to implement for ozone are being proposed for approval elsewhere in today's **Federal Register**. This allows the Commonwealth to meet the low enhanced I/M performance standard at a minimum rather than the high enhanced performance standard provided EPA proceeds to final action on those proposals. EPA intends to take final approval action on the 15% and 9% plans simultaneously with its final approval of the I/M program.

The Massachusetts submittal includes the following program design parameters:

Network type—Hybrid (test only credit claim)
Start date—1999
Test frequency—biennial
Model year/vehicle type coverage—1984+, light and heavy duty, gasoline
Exhaust emission test type—transient
Emission standards—1.2 HC, 20.0 CO, 2.5 NO_X
Emission control device check—yes
Evaporative system function checks—81+
Stringency (pre-1981 failure rate)—N/A
Waiver rate—1%
Compliance rate—96%
Evaluation date(s)—2002

Massachusetts has submitted modeling demonstrations using the EPA computer model MOBILE5ah showing that the enhanced performance standard reductions will be met in 2002. This demonstration assumed a 96% compliance rate, 1% waiver rate, and IM 240 credits. The 1% waiver rate is supported by a description of a program which would not allow waivers for high emitters but only for marginal emitters and only after repairs have been done. This estimate is acceptable to EPA.

The Commonwealth's modeling shows that the program meets the "low enhanced I/M performance standard" for HC, NOx, and CO by 2002. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Network Type and Program Evaluation—40 CFR 51.353

The enhanced program shall include an ongoing evaluation to quantify the emission reduction benefits of the program, and to determine if the

program is meeting the requirements of the Act and the federal I/M regulation. The SIP shall include details on the program evaluation and shall include a schedule for submittal of biennial evaluation reports, data from a state monitored or administered mass emission test of at least 0.1% of the vehicles subject to inspection each year, description of the sampling methodology, the data collection and analysis system and the legal authority enabling the evaluation program.

The Commonwealth has designed a hybrid network. Massachusetts has committed to meet the program evaluation requirements in the SIP submittal but failed to provide a detailed description of this part of the program. The contract in Article XXVII(E) requires development of a program evaluation plan to be developed in concert with the Commonwealth to meet the requirements of the CAA. The contract conditions this program element on the Commonwealth making additional funds available for developing a program evaluation plan. This element must be corrected through development of a program evaluation plan that meets the requirements of section 51.353 and the element must be fully funded prior to final action on the Massachusetts I/M SIP.

Adequate Tools and Resources—40 CFR 51.354

The federal regulation requires the Commonwealth to demonstrate that adequate funding of the program is available. A portion of the test fee or separately assessed per vehicle fee shall be collected, placed in a dedicated fund and used to finance the program. Alternative funding approaches are acceptable if it is demonstrated that the funding can be maintained. Reliance on funding from the state or local General Fund is not acceptable unless doing otherwise would be a violation of the state's constitution. The SIP shall include a detailed budget plan which describes the source of funds for personnel, program administration, program enforcement, and purchase of equipment. The SIP shall also detail the number of personnel dedicated to the quality assurance program, data analysis, program administration, enforcement, public education and assistance and other necessary functions.

The Commonwealth has provided for a dedicated fund (M.G.L. c.10, section 61) to provide the resources needed to implement the program. A portion of the fee goes to the contractor ($4.85) and part of it goes to the state ($2.49) to support the program. The Commonwealth submitted a breakdown of funds and FTE's for the Registry of Motor Vehicles (RMV) and DEP to operate the program in the May 14, 1999 Response to Comments submitted as part of the SIP revision. These resources along with the contractor resources appear to be adequate to meet these needs. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Test Frequency and Convenience—40 CFR 51.355

The enhanced I/M performance standard assumes an annual test frequency; however, other schedules may be approved if the performance standard is achieved. The SIP shall describe the test year selection scheme, how the test frequency is integrated into the enforcement process and shall include the legal authority, regulations or contract provisions to implement and enforce the test frequency. The program shall be designed to provide convenient service to the motorist by ensuring short wait times, short driving distances and regular testing hours.

The Massachusetts program will provide biennial testing in a hybrid network. The primarily test-and-repair structure is expected to provide customer convenience. The contractor has criteria to meet to provide convenient locations throughout the state. Legal authority is provided in M.G.L. c.111, section 142M, and the Massachusetts regulations at 310 CMR 60.02(4) Scheduling of Emissions Inspections. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Vehicle Coverage—40 CFR 51.356

The performance standard for enhanced I/M programs assumes coverage of all 1968 and later model year light duty vehicles and light duty trucks up to 8,500 pounds GVWR, and includes vehicles operating on all fuel types. Other levels of coverage may be approved if the necessary emission reductions are achieved. Vehicles registered or required to be registered within the I/M program area boundaries and fleets primarily operated within the I/M program area boundaries and belonging to the covered model years and vehicle classes comprise the subject vehicles. Fleets may be officially inspected outside of the normal I/M program test facilities, if such alternatives are approved by the program administration, but shall be subject to the same test requirements using the same quality control standards as non-fleet vehicles and shall be inspected in the same type of test network as other vehicles in the state, according to the requirements of 40 CFR 51.353(a).

The federal I/M regulation requires that the SIP shall include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement, a detailed description of the number and types of vehicles to be covered by the program and a plan for how those vehicles are to be identified, including vehicles that are routinely operated in the area but may not be registered in the area, and a description of any special exemptions, including the percentage and number of vehicles to be impacted by the exemption. Such exemptions shall be accounted for in the emissions reduction analysis.

The Commonwealth program proposes to test 1984 and newer light and heavy duty gasoline vehicles. The mobile modeling contains a model year profile provided by the state for the Massachusetts vehicles included in the program. Legal authority is provided in M.G.L. c.111, section 142M, and the Massachusetts regulations at 310 CMR 60.02(3). Exemptions have been addressed in the modeling. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Federally owned vehicles operated in Massachusetts are required to meet the same requirements as Massachusetts registered vehicles. EPA is not requiring states to implement section 40 CFR 51.356(a)(4) dealing with federal installations within I/M areas at this time. The Department of Justice has recommended to EPA that this regulation be revised since it appears to grant states authority to regulate federal installations in circumstances where the federal government has not waived sovereign immunity. It would not be appropriate to require compliance with this regulation if it is not constitutionally authorized. EPA will be revising this provision in the future and will review state I/M SIPs with respect to this issue when this new rule is final. EPA is not proposing approval or disapproval of the specific requirements which apply to federal facilities at this time.

Test Procedures and Standards—40 CFR 51.357

Written test procedures and pass/fail standards shall be established and followed for each model year and vehicle type included in the program. Test procedures and standards are detailed in 40 CFR 51.357 and in the EPA documents entitled "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications," EPA–AA–EPSD–IM–93–1, dated April 1994 and "Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications," EPA–AA–RSPD–IM–96–2, dated July 1996. The federal I/M regulation also requires vehicles that have been altered from their original certified configuration (i.e. engine or fuel switching) to be subject to the requirements of section 51.357(d).

Massachusetts will use an IM240 test with NYTEST equipment but detailed test procedure has not been submitted by the State. The contractor is required to develop inspection protocols for all test procedures. This element must be corrected through development of protocols that meet the requirements of section 51.357 prior to final action on the Massachusetts SIP.

Test Equipment—40 CFR 51.358

Computerized test systems are required for performing any measurement on subject vehicles. The federal I/M regulation requires that the state SIP submittal include written technical specifications for all test equipment used in the program. The specifications shall describe the emission analysis process, the necessary test equipment, the required features, and written acceptance testing criteria and procedures.

Although the Massachusetts submittal does not contain the written technical specifications for test equipment to be used in the program, it does state in the May 14, 1999 Response to Comments that the NYTEST system will be used. The contractor is required in Article XXVI of the contract to develop equipment specifications and acceptance testing criteria. This element must be corrected through the development of specifications and criteria that meet the requirements of section 51.358 prior to final action on the Massachusetts SIP.

Quality Control—40 CFR 51.359

Quality control measures shall insure that emission measurement equipment is calibrated and maintained properly, and that inspection, calibration records, and control charts are accurately created, recorded and maintained.

The Massachusetts submittal does not include provisions which describe and establish quality control measures for the emission measurement equipment, and record keeping requirements. The contractor is required in Schedule 10 and Articles IV, XXVI and XXVII to develop plans to address these areas. This element must be corrected through development of quality control plans that meet the requirements of section 51.359 prior to final action on this submittal.

Waivers and Compliance Via Diagnostic Inspection—40 CFR 51.360

The federal I/M regulation allows for the issuance of a waiver, which is a form of compliance with the program requirements that allows a motorist to comply without meeting the applicable test standards. For enhanced I/M programs, an expenditure of at least $450 in repairs, adjusted annually to reflect the change in the Consumer Price Index (CPI) as compared to the CPI for 1989, is required in order to qualify for a waiver. Waivers can only be issued after a vehicle has failed a retest performed after all qualifying repairs have been made. Any available warranty coverage must be used to obtain repairs before expenditures can be counted toward the cost limit. Tampering related repairs shall not be applied toward the cost limit. Repairs must be appropriate to the cause of the test failure. Repairs for 1980 and newer model year vehicles must be performed by a recognized repair technician. The federal regulation allows for compliance via a diagnostic inspection after failing a retest on emissions and requires quality control of waiver issuance. The SIP must set a maximum waiver rate and must describe corrective action that would be taken if the waiver rate exceeds that committed to in the SIP.

Massachusetts has chosen to allow cost waivers and compliance via diagnostic inspection. The Commonwealth waiver procedure as set forth at 310 CMR 60.02(11) provides for waivers of vehicles up to five years old after spending $400, five up to 10 year old vehicles after spending $300 and for vehicles ten years old and older $200. Only repairs performed by a registered repair technician can be credited toward a waiver. The Commonwealth regulation establishes a program which accomplishes the same end as the EPA program, which is to get very high emitting vehicles off the road. The Massachusetts waiver regulation provides that if the vehicle is not within five times the standard for the first two years, no waiver will be issued. After the first two years, this drops to three times the standard. 310 CMR 60.02(11)(c)(2). The Commonwealth estimates that this program will allow no more than the equivalent of a 1% waiver rate. This element of the submittal is part of the basis for proposed approval of the Massachusetts I/M SIP.

Motorist Compliance Enforcement—40 CFR 51.361

The federal regulation requires that compliance shall be ensured through the denial of motor vehicle registration in enhanced I/M programs unless an exception for use of an existing alternative is approved. An enhanced I/M area may use either sticker-based enforcement programs or computer-matching programs if either of these programs were used in the existing program, which was operating prior to passage of the 1990 Clean Air Act Amendments, and it can be demonstrated that the alternative has been more effective than registration denial. The SIP shall provide information concerning the enforcement process, legal authority to implement and enforce the program, and a commitment to a compliance rate to be used for modeling purposes and to be maintained in practice.

The Commonwealth is planning on utilizing a sticker system for visible evidence of compliance, but registration will be suspended or not renewed for noncompliance as specified in 310 CMR 60.02(16) Enforcement and 540 CMR 4.07(4). The data base will be maintained by the contractor and tied in with the Registry of Motor Vehicles database. The Commonwealth has specified a 96% compliance rate to be monitored in practice. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Motorist Compliance Enforcement Program Oversight—40 CFR 51.362

The federal I/M regulation requires that the enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary. The SIP shall include quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system. An information management system shall be established which will characterize, evaluate and enforce the program.

The contract Schedule 5, Database Plan details the coordination of data between the workstation and ALARS (the Registry database) to enforce, audit and evaluate this requirement. The details of this element of the program are addressed in the scope of services, evaluation, and management portions of the contract. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Quality Assurance—40 CFR 51.363

An ongoing quality assurance program shall be implemented to discover, correct and prevent fraud, waste, and abuse in the program. The program shall include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all state I/M enforcement officials and auditors. A description of the quality assurance program which includes written procedure manuals on the above discussed items must be submitted as part of the SIP.

The quality assurance program is included as part of Schedule 7 of the Contract to be supplied which is designed to meet the auditing requirements of the federal I/M rule. Written procedures have not yet been developed and are required to be developed by the Contractor. This is an element which the Commonwealth must correct through development of a quality assurance program meeting the requirements of section 51.363 prior to final action on this submittal.

Enforcement Against Contractors, Stations and Inspectors—40 CFR 51.364

Enforcement against licensed stations, contractors and inspectors shall include swift, sure, effective, and consistent penalties for violation of program requirements. The federal I/M regulation requires the establishment of minimum penalties for violations of program rules and procedures which can be imposed against stations, contractors and inspectors. The legal authority for establishing and imposing penalties, civil fines, license suspensions and revocations must be included in the SIP. State quality assurance officials shall have the authority to temporarily suspend station and/or inspector licenses immediately upon finding a violation that directly affects emission reduction benefits, unless constitutionally prohibited. An official opinion explaining any state constitutional impediments to immediate suspension authority must be included in the submittal. The SIP shall describe the administrative and judicial procedures and responsibilities relevant to the enforcement process, including which agencies, courts and jurisdictions are involved, who will prosecute and adjudicate cases and the resources and sources of those resources which will support this function.

Regulation 310 CMR 60.02(16) and 540 CMR 4.08 provide for enforcement against stations and inspectors. The Registrar can enforce these regulations after a hearing with a 14 day notice required. There is an appeal board within the Registry structure to which appeals of the Registrar's or Commissioners decisions can be made. Sufficient resources have been provided to enforce the program and are addressed in the resources section. The contractor may disconnect inspection stations from the computer system without a prior hearing if there is a problem with calibration or if the station is suspected of conducting improper inspections. The contract terms provide for penalties against the contractor. In addition M.G.L. c. 111, section 142M(f) provides for fines and civil penalties of up to $25,000 per day or imprisonment for up to a year for falsely issuing or denying an inspection sticker or tampering with any emissions control device. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Data Collection—40 CFR 51.365

Accurate data collection is essential to the management, evaluation and enforcement of an I/M program. The federal I/M regulation requires data to be gathered on each individual test conducted and on the results of the quality control checks of test equipment required under 40 CFR 51.359.

The Massachusetts SIP provides a commitment to meet all of the data collection requirements and has listed all the required data which will be collected in Schedule 5 of the Contact. Data collection for quality control is addressed in Article IV(E) and Schedule 7 of the contract. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Data Analysis and Reporting—40 CFR 51.366

Data analysis and reporting are required to allow for monitoring and evaluation of the program by the state and EPA. The federal I/M regulation requires annual reports to be submitted which provide information and statistics and summarize activities performed for each of the following programs: testing, quality assurance, quality control and enforcement. These reports are to be submitted by July and shall provide statistics for the period of January to December of the previous year. A biennial report shall be submitted to EPA which addresses changes in program design, regulations, legal authority, program procedures and any weaknesses in the program found during the two year period and how these problems will be or were corrected.

The Massachusetts data analysis and reporting procedures are required in many parts of the contract including the Scope of Services and Schedule 5 Database Plan. In the May 14, 1999 Response to Comments, the Commonwealth reiterated its commitment to meet these requirements for both annual and biennial reporting. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Inspector Training and Licensing or Certification—40 CFR 51 367

The federal I/M regulation requires all inspectors to be formally trained and licensed or certified to perform inspections.

The Massachusetts proposed regulation at 310 CMR 60.02(14) requires training and certification of inspectors. Article XXVII(C) requires the contractor to train and test up to 4000 inspectors with the appropriate curriculum as specified in the federal I/M rule. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Public Information and Consumer Protection—40 CFR 51.368

The federal I/M regulation requires the SIP to include public information and consumer protection programs.

The Massachusetts SIP submittal contains a detailed public awareness plan in Schedule 9 of the Contract. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Improving Repair Effectiveness—40 CFR 51.369

Effective repairs are the key to achieving program goals. The federal regulation requires states to take steps to ensure that the capability exists in the

repair industry to repair vehicles. The SIP must include a description of the technical assistance program to be implemented, a description of the procedures and criteria to be used in meeting the performance monitoring requirements required in the federal regulation, and a description of the repair technician training resources available in the community.

Article XXVII(L) of the contract provides for adequate training, technical assistance and performance monitoring of mechanics. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for proposed approval of the Massachusetts I/M SIP.

Compliance With Recall Notices—40 CFR 51.370

The federal regulation requires the states to establish methods to ensure that vehicles that are subject to enhanced I/M and are included in a emission related recall receive the required repairs prior to completing the emission test and/or renewing the vehicle registration.

EPA will adopt regulations to require submittal of this information by manufacturers to develop a database to support this requirement. This part of the I/M rule will be reevaluated after EPA adopts the needed rule.

On-Road Testing—40 CFR 51.371

On-road testing is required in enhanced I/M areas. The use of either remote sensing devices (RSD) or roadside pullovers including tailpipe emission testing can be used to meet the federal regulations. The program must include on-road testing of 0.5% of the subject fleet or 20,000 vehicles, whichever is less, in the nonattainment area or the I/M program area. Motorists that have passed an emission test and are found to be high emitters as a result of an on-road test shall be required to pass an out-of-cycle test.

The Massachusetts SIP submittal describes an on-road testing program in Article XXVII(F) of the Contract which meets the testing requirements of the federal I/M rule. DEP and RMV are authorized to use on-road testing for "inspection and enforcement purposes." M.G.L. c. 111, section 142M(c). In addition, a statute governing the RMV provides that it is illegal to permit to escape from a motor vehicle smoke or pollutants in such amounts or at such levels as may violate motor vehicle air pollution control regulations, including the I/M program authorized in chapter 111 of the Massachusetts General Laws. M.G.L. c. 90, section 16. Motor vehicles can be immediately removed from the road for violation of this section. As a matter of courtesy, the state can issue a repair ticket which requires repair of the vehicle and passing a reinspection (out-of-cycle test) of the vehicle within a specified number of days. In addition, on August 20, 1999, EPA proposed in the **Federal Register** at 64 FR 45491 additional flexibility for I/M programs. One of these proposed revisions would allow approval of on-road testing programs not having mandated off-cycle testing for high emitting vehicles. The Massachusetts program would also meet this revised requirement if it is finalized prior to final action on the Massachusetts I/M SIP. Generally the RSD program elements would be approvable, but for a condition included in Article XXVII(F)(1) of the Contract. The condition provides that if the parties cannot agree on a price for remote sensing services, all or a portion of the RSD services may be eliminated. The parties must reach an agreement on RSD pricing that provides for a program consistent with EPA's requirements prior to final action on the Massachusetts I/M SIP.

State Implementation Plan Submissions/Implementation Deadlines—40 CFR 51.372–51.373

The Massachusetts program provides for mandatory testing to begin on October 1, 1999 in accordance with the terms of the Contract Schedule 6. EPA believes that this date, is as soon as practicable for Massachusetts given the current stage of development of the Commonwealths program.

III. Discussion for Rulemaking Action

In order for EPA to approve the Massachusetts I/M SIP, the state must submit approvable plans for the following elements of the SIP prior to final EPA action on this submittal. These elements are: Network Type and Program Evaluation—40 CFR 51.353, Test Procedures and Standards—40 CFR 51.357, Test Equipment—40 CFR 51.358, Quality Control—40 CFR 51.359, Quality Assurance—40 CFR 51.363, and On-road Testing—40 CFR 51.371.

EPA expects that the Commonwealth will, by October 1, 1999, submit the required elements as identified in this document and also startup the program. If the Commonwealth does not submit the required elements and startup the I/M program by October 1, 1999, EPA proposes in the alternative to issue a limited approval and limited disapproval of the program. This would approve the program for its effect in strengthening the SIP but disapprove it for purposes of meeting the CAA I/M requirements.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

IV. Proposed Action

EPA is proposing to approve this revision to the Massachusetts SIP for an enhanced I/M program. EPA will not take final action on this submittal until after the date Massachusetts is scheduled to start the I/M program and submit the items listed above which are required work outputs of the contract. If Massachusetts fails, EPA will instead issue a limited approval and limited disapproval of the program.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

The action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation.

B. Executive Orders on Federalism

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation

with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987)), on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only 1 State, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not economically significant within the meaning of EO 12866 and it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 17, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–25042 Filed 9–24–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA–25–7197c; A–1–FRL–6444–3]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Rate-of-Progress Emission Reduction Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the

Commonwealth of Massachusetts. This revision establishes 15 percent and post-1996 rate-of-progress plans for the Springfield Massachusetts serious ozone nonattainment area. The intended effect of this action is to propose approval of this SIP revision as meeting the requirements of the Clean Air Act (42 U.S.C. 7401, *et seq.*)

DATES: Written comments must be received on or before October 27, 1999. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100–CAQ, Boston, MA 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, and at the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Robert McConnell, (617) 918–1046.

SUPPLEMENTARY INFORMATION:

This **SUPPLEMENTARY INFORMATION** section is organized as follows:

A. What action is EPA taking today?
B. Why was Massachusetts required to reduce its emissions of ozone forming pollutants?
C. Which specific air pollutants are targeted by the Commonwealth's plan?
D. What are the sources of these pollutants?
E. What harmful effects can these pollutants produce?
F. Should I be concerned if I live near an industry that emits a significant amount of these pollutants?
G. To what degree do the Commonwealth's plans reduce emissions?
H. Why didn't EPA approve the Commonwealth's prior versions of these plans?
I. How will the Commonwealth achieve these emission reductions?
J. The Commonwealth was supposed to achieve a portion of these emission reductions by 1996, and the remainder by 1999. Has that happened?
K. Why is EPA approving a plan that only covers the western part of the State?
L. Have these emission reductions improved air quality in Massachusetts?
M. Massachusetts is downwind of many large metropolitan areas. Do pollutants emitted in other states affect air quality in Massachusetts?
N. EPA recently required 22 eastern states, including Massachusetts, to develop plans that will significantly reduce nitrogen oxide emissions. Given that requirement, why is approval of these plans needed?
O. Has Massachusetts met its contingency measure obligation?
P. Are conformity budgets contained in these plans?

A. What Action is EPA Taking Today?

EPA is proposing approval of rate-of-progress (ROP) emission reduction plans submitted by the Commonwealth of Massachusetts for the Springfield serious ozone nonattainment area as revisions to the Commonwealth's SIP. The ROP plans document how Massachusetts complied with the provisions of sections 182 (b)(1) and (c)(2) of the Federal Clean Air Act (the Act). These sections of the Act require states containing certain ozone nonattainment areas to develop strategies to reduce emissions of the pollutants that react to form ground level ozone.

B. Why Was Massachusetts Required To Reduce Its Emissions of Ozone Forming Pollutants?

Massachusetts was required to develop plans to reduce ozone precursor emissions because it contains a serious ozone nonattainment area. A final rule published by EPA on November 6, 1991 (56 FR 56694) designated four counties in the western part of the State a serious ozone nonattainment area. The four counties included are Berkshire, Franklin, Hampden, and Hampshire counties, and the area is referred to as the Springfield, Massachusetts serious ozone nonattainment area. Sections 182 (b)(1) and (c)(2) of the Act require that serious ozone nonattainment areas develop ROP plans to reduce ozone forming pollutant emissions in the nonattainment area.

As stated above, two provisions of the Act make achieving these emission reductions necessary. Under section 182(b)(1), Massachusetts needed to develop a plan to reduce volatile organic compound (VOC) emissions by 15 percent by 1996. These plans are referred to as "15 percent ROP" plans. Requirements in section 182(c)(2) of the Act instruct Massachusetts to achieve additional emission reductions. These additional reductions must lower ozone precursor emissions (VOC or nitrogen oxides) by 9 percent by 1999. These plans are referred to as "post 1996 ROP" plans.

C. Which Specific Air Pollutants Are Targeted by the Commonwealth's Plan?

The Commonwealth's plans are geared toward reducing emissions of VOCs and nitrogen oxides (NO_X). These compounds react in the presence of heat and sunlight to form ozone, which is a primary ingredient of smog.

D. What Are the Sources of These Pollutants?

VOCs are emitted from a variety of sources, including motor vehicles, a variety of consumer and commercial products such as paints and solvents, chemical plants, gasoline stations, and other industrial sources. NO_X is emitted from motor vehicles, power plants, and other sources that burn fossil fuels.

E. What Harmful Effects Can These Pollutants Produce?

VOCs and NO_X react in the atmosphere to form ozone, the prime ingredient of smog in our cities and many rural areas of the country. Though it occurs naturally at elevated levels in our atmosphere, at ground level it is the prime ingredient of smog. When inhaled, even at very low levels, ozone can:

Cause acute respiratory problems;
Aggravate asthma;
Cause significant temporary decreases in lung capacity in some healthy adults;
Cause inflammation of lung tissue;
Lead to hospital admissions and emergency room visits; and
Impair the body's immune system defenses.

F. Should I Be Concerned if I Live Near an Industry That Emits a Significant Amount of These Pollutants?

Industrial facilities that emit large amounts of these pollutants are monitored by the Commonwealth's environmental agency, the Department of Environmental Protection (DEP). Many facilities are required to emit air pollutants through tall stacks to ensure that high concentrations of pollutants do not exist at ground level. Permits issued to these facilities include information on which pollutants are being released, how much may be released, and what steps the source's owner or operator is taking to reduce pollution. The Massachusetts DEP makes permit applications and permits readily available to the public for review. You can contact the Massachusetts DEP for more information about air pollution emitted by industrial facilities in your neighborhood.

G. To What Degree Do the Commonwealth's Plans Reduce Emissions?

By 1999, the Commonwealth's plans will reduce VOC emissions in the Springfield area by 20 percent and NO_X emissions by 8 percent compared to 1990 emission levels.

H. Why Didn't EPA Approve the Commonwealth's Prior Versions of These Plans?

EPA proposed to approve a prior version of the Massachusetts 15 percent plan submitted to EPA in 1997 (see July 14, 1997 **Federal Register**, 62 FR 37527). EPA did not grant final approval because the Commonwealth did not meet the conditions EPA listed in that proposal. Specifically, the Commonwealth did not meet its commitment to begin an automobile emission "inspection and maintenance" (I/M) program. EPA did not propose action on the Commonwealth's post 1996 ROP plan in the July 14, 1999 document.

On April 1, 1999, June 25, 1999, and September 9, 1999, Massachusetts submitted revisions to its 15 percent and post 1996 ROP plans (the "revised ROP plans".) These revisions contain a new start-up date for the Commonwealth's automobile I/M program, and revised emission reduction estimates for this program.

I. How Will the Commonwealth Achieve These Emission Reductions?

The Commonwealth will achieve emission reductions using essentially the same control strategy outlined in a previous submittal that was dated March 31, 1997. EPA's July 14, 1997 proposed approval of that version of the Massachusetts 15 percent plan noted that EPA had not approved the Commonwealth's VOC reasonably available control technology (RACT) rules , but would by the time final approval was granted to the 15 percent plan. EPA approved the referenced Massachusetts VOC RACT rules in a document published in the **Federal Register** on September 3, 1999 (64 FR 48297).

One notable difference between the Commonwealth's prior 15 percent ROP plan and the revised ROP plans is the amount of emission reductions claimed from the I/M program. Massachusetts still assumes emission reductions from its I/M program, but over a much shorter time-frame due to the anticipated October 1, 1999 start date. The 15 percent plan submitted by the Commonwealth in 1997 had assumed that the I/M program would begin no later than January 1, 1998.

EPA is also proposing approval of the Massachusetts I/M program in the proposed rules section of today's **Federal Register**. EPA notes that there are minor differences between the characteristics of the I/M program submitted by the Commonwealth and the parameters of the I/M program that Massachusetts used to determine emission reduction credit for its ROP plans. The primary difference is that the State's I/M SIP includes provisions for a remote sensing program. This characteristic was not accounted for when the State determined emission reductions from I/M for use in its ROP plans. Inclusion of the new remote sensing program in the Commonwealth's I/M strategy slightly lowers the amount of emission reductions that I/M will achieve. However, the DEP has supplied documentation that illustrates this impact is minimal, particularly in light of the small amount of emission reduction credit claimed due to the October 1, 1999 projected start date. EPA agrees with Massachusetts' assessment that the remote sensing program will not hinder the Commonwealth's ability to meet its ROP emission targets.

As mentioned above, the Massachusetts ROP plans contain a demonstration that the amount of emission reductions required of 15 percent and post-96 plans can be achieved despite lessening the emission reductions attributable to the I/M program. The Commonwealth accomplished this primarily by changing the way that emission increases due to growth were determined, and by considering November 15, 1999 the evaluation date for achievement of the overall required reduction. The Commonwealth's revised growth estimates are based upon 1996 emission estimates, calculated using the same emission estimation procedures as the base year emissions, projected to 1999. This methodology should yield a more accurate projection of 1999 emission levels than the prior estimates, which were projected from the 1990 base year.

EPA's July 14, 1997 proposed approval of the Massachusetts 15 percent ROP plan outlines the control strategy used by the Commonwealth to generate emission reductions for that plan. Since the EPA's July 14, 1997 document only dealt with the Massachusetts 15 percent plan, that notice does not describe measures included in the Commonwealth's post-1996 plan. The Massachusetts post-1996 plan is described below.

Massachusetts used the appropriate EPA guidance to calculate the 1999 VOC and NO_X emission target levels, and the amount of reductions needed to achieve its emission target levels. Table 1 illustrates the steps used by Massachusetts to derive its 1999 emission target levels for VOC and NO_X. The ROP plans indicate that 1999 projected, controlled emissions are below the target levels for the Springfield nonattainment area.

Target level calculations Springfield, MA nonattainment area	VOC Emissions (tpsd)	NO_X Emissions (tpsd)
1990 Base Year Inventory	436	115
Rate-of Progress Inventory (biogenics and non-reactives subtracted)	153	115
non-creditable reductions [1]	13	10
Calculate required reduction (State will use 2% VOC and 7% NO_X for 1996 to 1999 ROP)	2%*153=3	7%*115=8
Calculate Total Expected Reductions (sum of FMVCP and required 9% reduction.) [2]	6	18
Set Target Level for 1999 [3]	115	97
Incorporate growth and controls to determine 1999 emission levels	115	97

[1] States cannot take credit for reductions achieved by Federal Motor Vehicle Control Program (FMVCP) measures (new car emission standards) promulgated prior to 1990 or for reductions resulting from requirements to lower the Reid Vapor Pressure (RVP) of gasoline promulgated prior to 1990.

[2] For VOC, 10 of the 13 tpsd non-creditable FMVCP reduction occurs between 1990 and 1996, and is accounted for in the determination of the State's 1996 emission target level.

[3] The 1999 VOC target level is obtained by subtracting FMVCP reductions that accrue between 1996 to 1999 (3 tpsd) and the reductions need for ROP (also 3 tpsd), from the 1996 target.

The Commonwealth's post-1996 control strategy matches the control strategy described in the EPA's July 14, 1997 proposed approval of the Massachusetts 15 percent plan, and also includes emission reductions from the

Commonwealth's NO_X RACT rule, and emission reductions from federal measures limiting emissions from non-road engines promulgated between 1996 and 1999. Reductions from the NO_X RACT rule and from the federal non-road standards are described further below.

NO_X RACT

Massachusetts has adopted a NO_X RACT regulation, the citation for which is 310 Code of Massachusetts Regulations 7.19. The regulation applies to facilities with potential emissions of 50 tons per year or greater. Facilities covered by the rule needed to comply by May 31, 1995. Massachusetts submitted the rule to EPA on July 15, 1994, as a revision to the Commonwealth's SIP. EPA approved the Commonwealth's NO_X RACT rule on September 2, 1999 (64 FR 48095). The rule will reduce NO_X emissions from point sources by 6 tons per day in the Springfield area.

Federal Non-Road Standards

In the July 3, 1995 **Federal Register** (60 FR 34581), EPA promulgated the first phase of the regulations to control emissions from new non-road spark-ignition engines. The regulation is found at 40 CFR part 90, and is titled, "Control of Emissions From Non-road Spark-Ignition Engines." EPA has determined that the first phase of the new non-road standards will cause a reduction of VOC emissions of 23.9 percent by 1999. Massachusetts applied this reduction percentage to its non-road inventory. The sale of reformulated gasoline in Massachusetts also reduces non-road emissions in the Commonwealth. The combined effect of reformulated gasoline and the new non-road standards will lower non-road VOC emissions by 7 tpsd in the Springfield area.

Table 2 summarizes the emission reductions contained within the Massachusetts ROP plans.

TABLE 2.—SUMMARY OF EMISSION REDUCTIONS: SPRINGFIELD, MASSACHUSETTS SERIOUS OZONE NONATTAINMENT AREA

[tons/day]

Control measure	VOC reduction (tpsd)	NO_X reduction (tpsd)
Point Source RACT	5	6
Auto Refinishing	2	0
Commercial and Consumer Products	1	0
Architectural Coatings	1	0
On-road Control Measures: Reformulated gas, I/M, Tier 1, CA–LEV, Stage II	23	16
Non-road Control Measures: Reformulated gas, federal non-road engine standards	7	(2 tpsd increase)

The Massachusetts ROP plans demonstrate that the VOC and NO_X emission reductions from the control strategy will achieve sufficient emission reductions to lower 1999 emission levels below the target levels calculated for each pollutant.

EPA believes that the Commonwealth's analysis of the reductions that its adopted control measures will achieve is generally valid. Some uncertainty exists in the amount of emission reductions that are occurring from the Massachusetts stage II gasoline vapor recovery regulation.[4] But any shortfall in emissions reductions from that program that might occur due to poor rule effectiveness will be more than compensated for by excess emissions reductions from the reformulated gasoline (RFG) program. EPA's survey of the actual content of RFG in the Commonwealth indicates that the program is consistently achieving greater VOC emissions reductions than required under the RFG program.

J. The Commonwealth Was Supposed To Achieve a Portion of These Emission Reductions by 1996, and the Remainder by 1999. Has That Happened?

Although Massachusetts did not reduce its hydrocarbon emissions by 15 percent by November 15, 1996, the Commonwealth has shown that all of the emission reductions required of 15 percent plans by 1996, and post-1996 plans by 1999, will occur by November 15, 1999. EPA believes it can approve both of these plans for the reasons provided below.

It is not possible for Massachusetts to demonstrate a 15 percent emission reduction by November 15, 1996, as that date has passed. Once a statutory deadline has passed and has not been replaced by a later one, the deadline then becomes "as soon as possible." *Delaney* v. *EPA*, 898 F.2d 687, 691 (9th Cir. 1990). EPA has interpreted this requirement to be "as soon as practicable."

The EPA examined other potentially available SIP measures to determine if they were practicable for the Springfield nonattainment area, and if they would meaningfully accelerate the date by which the area achieves emission reductions. EPA believes that the Commonwealth's SIP submittal contains the appropriate measures. The rationale for this determination is that although several area source measures exist which the Commonwealth could implement, these measures would not achieve the same level of emission reductions expected from the Commonwealth's I/M program, and additionally, would not meaningfully accelerate the achievement of the required reductions, as the Commonwealth would have to go through its rule adoption process to implement these measures. Therefore, EPA believes that the ROP plans for the Springfield area as resubmitted to EPA on April 1, 1999, June 25, 1999, and September 9, 1999, meet the as soon as practicable requirement.

EPA has determined that it will approve Massachusetts' ROP plans if these plans demonstrate that by November 15, 1999, ozone precursor emissions are lowered by 24 percent. A 24 percent emission reduction represents the combined total emission reduction that the 15 percent and post-96 ROP plans must achieve by November 15, 1999. Under section 182(c)(2)(C) of the act, NO_X emission reductions can only be used after November 15, 1996, and therefore can only represent 9 percent of the 24 percent reduction required by November 15, 1999. EPA believes it is appropriate to approve the plans

[4] There is evidence that suggests Massachusetts stage II rule may not be as effective as DEP has assumed. Recent DEP and EPA inspections have revealed substantial noncompliance at service stations across the Commonwealth. In its July 27, 1998 one hour ozone attainment demonstration submittal, Massachusetts committed to address this poor compliance rate for its Stage II program by modifying the regulation to enhance the compliance assurance mechanisms designed into the rule. When EPA acts on the attainment demonstration, we will evaluate whether Massachusetts has adequately addressed these compliance issues.

because although the 15 percent plan portion of the emission reduction did not occur on time, the Massachusetts' plan accomplishes the required amount of emission reductions as soon as is practicable. Ultimately the overall environmental benefit required of sections 182(b) and (c)(2) of the Act will be achieved if ozone precursor emissions are 24 percent lower than baseline levels by November 15, 1999.

K. Why Is EPA Approving a Plan That Only Covers the Western Part of the State?

A plan is not needed for the Eastern Massachusetts serious area because that area recently met the one-hour National Ambient Air Quality Standard (NAAQS) for ozone. This determination is based upon three years of complete, quality assured ambient air monitoring data for the years 1996–98 that demonstrate that the one hour ozone NAAQS has been attained in this area. On the basis of this determination, EPA is also determining that certain ROP and attainment demonstration requirements, along with certain other related requirements, of part D of Title 1 of the Clean Air Act are not applicable to this area for so long as the area continues to attain the one hour ozone NAAQS. The Springfield nonattainment area in western Massachusetts continues to monitor violations of the one hour ozone standard, and therefore continues to be subject to ROP requirements.

L. Have These Emission Reductions Improved Air Quality in Massachusetts?

Ozone levels have decreased in the Springfield area during the 1990's, due in part to emission reductions achieved by the Commonwealth's plans. Pollution control measures implemented by States upwind of Massachusetts have also helped ozone levels decline in this area of the State.

M. Massachusetts Is Downwind of Many Large Metropolitan Areas. Do Pollutants Emitted in Other States Affect Air Quality in Massachusetts?

The pollutants that form ground level ozone can be transported hundreds of miles, and so pollutants emitted in other States can adversely impact air quality in Massachusetts. Air pollution emitted from sources in Massachusetts contributes to the Commonwealth's air quality problems, and can also negatively impact air quality in areas downwind of Massachusetts. Air quality modeling performed by the New England States and by the Ozone Transport Assessment Group (OTAG) indicates that ozone levels in Massachusetts are highest when winds are from the south-west, which supports the conclusion that air quality in the Commonwealth is negatively impacted by the large metropolitan areas downwind of the state.

N. EPA Recently Required 22 Eastern States, Including Massachusetts, To Develop Plans That Will Significantly reduce Nitrogen Oxide Emissions. Given That Requirement, Why Is Approval of These Plans Needed?

The rate-of-progress plans prepared by Massachusetts and other states with ozone nonattainment areas have helped lower ozone levels. Approval of these plans by EPA, and the pollution control measures associated with them, will ensure that improvements made in air quality are maintained. Additionally, approval of the regulations associated with them make the rules enforceable by EPA.

Despite the emission reductions achieved through implementation of rate-of-progress plans, many areas of the country still do not meet the one hour ozone standard. The modeling done by the OTAG for the eastern half of the United States indicates that the long distance transport of nitrogen oxides across state borders will prevent many areas from attaining this standard by relying solely on emission reductions from within their borders. The NO_X SIP call, which was published as a final rule on October 27, 1998 (63 FR 57356), will require large NO_X emission reductions across the eastern half of the United States. However, the U.S. Court of Appeals for the District of Columbia ordered on May 26, 1999 that the EPA suspend implementation of the NO_X SIP call pending consideration of a lawsuit that has challenged its requirements. In any case, these ROP plans are required by the CAA. Combined with the NO_X emission reductions EPA hopes to achieve in up-wind states, these ROP plans should assure progress toward attaining the one hour ozone standard.

O. Has Massachusetts Met its Contingency Measure Obligation?

Ozone nonattainment areas classified as serious or above must submit to the EPA, pursuant to sections 172(c)(9) and 182(c)(9) of the Act, contingency measures to be implemented if an area misses an ozone SIP milestone or does not attain the national ambient air quality standard by the applicable date.

On September 9, 1999, the Commonwealth submitted an amendment to its ROP plan for Western Massachusetts. The amendment included revised 1999 NO_X emission estimates that were higher than the Commonwealth's prior submittal, and is essence erased the NO_X emission reduction surplus the State had previously forecast. Since Massachusetts had intended to use the surplus NO_X reductions to meet its contingency obligation, the September 9, 1999 amended submittal from Massachusetts no longer contains a contingency plan. The Commonwealth's September 9, 1999 submittal contains a commitment to submit a revised contingency plan shortly, and indicates that phase II of the reformulated gasoline program is likely to be cited as the control measure that will achieve the necessary reductions. EPA agrees that this control measure is likely to provide the necessary reductions, and will take action on the Commonwealth's contingency plan after it is revised and submitted as a SIP revision.

P. Are Conformity Budgets Contained in These Plans?

Section 176(c) of the Act, and 40 CFR 51.452(b) of the Federal transportation conformity rule require states to establish motor vehicle emissions budgets in any control strategy SIP that is submitted for attainment and maintenance of the NAAQS. Massachusetts will use these budgets to determine whether proposed projects that attract traffic will "conform" to the emissions assumptions in the SIP.

The Commonwealth's revised ROP plans contain motor vehicle emission budgets for the year 1999. However, the Massachusetts DEP submitted an ozone attainment demonstration plan to EPA in 1998 that contains mobile source emission budgets for Western Massachusetts for 2003. Since the year 2003 budgets are more restrictive, cover a time frame later than the ROP plans (which include the current transportation analyses milestone years), and are based on the attainment plan, these 2003 VOC and NO_X budgets take precedence over motor vehicle emission budgets for earlier years. The specific 2003 budgets for the Springfield area are 23.770 tpsd for VOC, and 49.110 tpsd for NO_X.

EPA's review of this material indicates that the Commonwealth has met the ROP requirements of the Act. EPA is proposing to approve the ROP plans that Massachusetts submitted as a SIP revision on April 1, 1999 and June 25, 1999. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional

office listed in the **ADDRESSES** section of this document.

II. Proposed Action

EPA is proposing to approve the rate-of-progress SIP revision submitted by Massachusetts on April 1, 1999 and June 25, 1999 as a revision to the SIP.

EPA is soliciting public comments on the issues discussed in this proposal or on other relevant matters. These comments will be considered before EPA takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this action.

EPA is proposing approval of the Massachusetts I/M program elsewhere in today's **Federal Register**. EPA intends to publish final rules for the ROP and I/M SIPs simultaneously at the completion of the public comment period, unless persuaded by comments that final approval of either of these actions is inappropriate.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

B. Executive Orders on Federalism

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any new enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987)), on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only Massachusetts, and does not alter the relationship or the distribution of power established in the Clean Air Act.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not "economically significant" as defined under E.O. 12866, and it implements a previously promulgated health or safety-based Federal standard.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule will not have a significant impact on a substantial number of small entities because approvals of SIP submittals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 17, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–25043 Filed 9–24–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 51 and 64

[CC Docket No. 96–115; 96–98; 99–273; FCC 99–227]

Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Provision of Directory Listing Information Under the Telecommunications Act of 1934

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document seeks comment on issues arising out of developments in, and the convergence of, directory publishing and directory assistance. The intended effect is to further Congress' goal of preventing unfair local exchange carrier (LEC) practices and encouraging the development of competition in directory assistance.

DATES: Comments are due on or before October 13, 1999. Reply comments are due on or before October 28, 1999. Written comments by the public on the proposed information collections are due on or before October 13, 1999. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collections on or before November 26, 1999.

ADDRESSES: 445 12th Street, S.W., Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Virginia Huth, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503 or via the Internet to huth__v@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Gregory Cooke, Senior Attorney, Common Carrier Bureau, Network Services Division, (202) 418–2351 or via the Internet at gcooke@fcc.gov. Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202–418–0484. For additional information concerning the information collections contained in this Notice contact Judy Boley at (202) 418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Notice adopted August 23, 1999, and released September 9, 1999. The Notice addresses issues arising out of developments in, and the convergence of directory publishing and directory assistance. The full text of this Notice is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Room CY–A257, Washington, D.C. The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc99227.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th St., N.W., Washington, D.C. 20036.

Synopsis

In the Notice, the Commission addresses issues arising out of developments in, and the convergence of directory publishing and directory assistance. In particular, the Commission invites comment on issues relating to the development of Internet directories, including whether section 222(e) entitles directory publishers to obtain subscriber list information for use in those directories. The Commission also invites comment on whether and how it may extend nondiscriminatory access to listing information to directory assistance providers that are neither telephone exchange service providers or telephone toll service providers. Finally, the Commission invites comment on issues relating to the development of national directory assistance, including whether all LECs providing that service must provide nondiscriminatory access to nonlocal listings pursuant to section 251(b)(3).

Paperwork Reduction Act

The Notice contains either a proposed or modified information collection. As part of its continuing effort to reduce paperwork burdens, the Commission invites the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this Notice, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due on or before October 13, 1999; OMB comments are due November 26, 1999. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–0741

Title: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996—CC Docket No. 96–98.

Form No.: N/A.

Type of Review: Revised collection.

Proposed information collections	No. of respondents (approx.)	Estimated time per respondent (hrs.)	Total annual burden (hrs.)
Subscriber List Information for Internet Directories	2000	[1] 8	16,000
Provision of access to nonlocal listings	20	[1] 36	720
Listing Information to non-telephone exchange or toll service directory assistance providers	250	[1] 36	9,000

[1] Hours per year.

Total Annual Burden: 25,720 hours

Respondents: Businesses or other for-profit.

Estimated costs per respondent: $0.

Needs and Uses: The new information collections proposed in this Notice will be used to ensure that affected telecommunications carriers fulfill their obligations under the Communications Act, as amended.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act, *see* 5 U.S.C. 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible impact on small entities of the proposals suggested in this document. The IRFA is set forth in the Appendix. Written public comments are requested with respect to the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the rest of the Notice, but they must have a separate and distinct heading, designating the comments as responses to the IRFA. The Office of Public Affairs, Reference Operations Division, will send a copy of this NPRM , including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–25014 Filed 9–24–99; 8:45 am]

BILLING CODE 6712–01–P

Notic

This section contains doc proposed rul public. Notic committee m rulings, dele petitions and statements o examples of section.

DEPARTM

Farm Servi

National Dr

AGENCY: Fa

ACTION: No hearing and

SUMMARY: T Act of 1998 Drought Po (Commissio Agency (FS support to t Commissio study and s President a drought pol public hear 1999, in El comments c Commissio recommend should cons public heari

DATES: The public heari from 1:30 p. Daylight Tim Hotel, 101 S Texas.

Anyone w presentation public heari Executive D writing (by later than 12 Time, Octob included on be approved basis. The re name and af who will ma outline of th Thirty-five c presentation the Executiv no later than presentation Commission

Notices

Federal Register
Vol. 64, No. 186
Monday, September 27, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farm Service Agency

National Drought Policy Commission

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of Commission public hearing and request for comments.

SUMMARY: The National Drought Policy Act of 1998 established the National Drought Policy Commission (Commission). The Farm Service Agency (FSA) was identified to provide support to the Commission. The Commission shall conduct a thorough study and submit a report to the President and Congress on national drought policy. This notice announces a public hearing to be held on October 13, 1999, in El Paso, Texas, and seeks comments on issues that the Commission should address and recommendations that the Commission should consider as part of its report. The public hearing is open to the public.

DATES: The Commission will conduct a public hearing on October 13, 1999, from 1:30 p.m. to 5 p.m. (Mountain Daylight Time) at the Camino Real Hotel, 101 S. El Paso Street, El Paso, Texas.

Anyone wishing to make an oral presentation to the Commission at the public hearing, must contact the Executive Director, Leona Dittus, in writing (by letter, fax or internet) no later than 12 noon Eastern Daylight Time, October 8, 1999, in order to be included on the agenda. Presenters will be approved on a first-come, first-served basis. The request should identify the name and affiliation of the individual who will make the presentation and an outline of the issues to be addressed. Thirty-five copies of any written presentation material shall be given to the Executive Director by all presenters no later than the time of the presentation for distribution to the Commission and the interested public. Those wishing to testify, but who are unable to notify the Commission office by October 8, 1999, will be able to sign up as a presenter the day of the hearing (October 13) between 1:30 p.m. and 2:30 p.m. (Mountain Daylight Time). These presenters will testify on a first-come, first-served basis and comments will be limited based on the time available and the number of presenters. Written statements will be accepted at the meeting, or may be mailed or faxed to the Commission office.

ADDRESSES: Comments and statements should be sent to Leona Dittus, Executive Director, National Drought Policy Commission, US Department of Agriculture, 1400 Independence Avenue, SW, Room 6701–S, STOP 0501, Washington, D.C. 20250–0501.

FOR FURTHER INFORMATION CONTACT: Leona Dittus (202) 720–3168; FAX (202) 720–4293; internet Leona—Dittus@WDC.FSA.USDA.GOV.

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to provide advice and recommendations to the President and Congress on the creation of an integrated, coordinated Federal policy, designed to prepare for and respond to serious drought emergencies. Tasks for the Commission include developing recommendations that will (a) Better integrate Federal laws and programs with ongoing State, local, and tribal programs (b) improve public awareness of the need for drought mitigation, prevention, and response and (c) determine whether all Federal drought preparation and response programs should be consolidated under one existing Federal agency, and, if so, identify the agency. The Commission will be chaired by the Secretary of Agriculture or his designee, and a Vice Chair shall be selected from among the members who are not Federal officers or employees. In the absence of the Chair, the Vice Chair will act in his stead. Administrative staff support essential to the execution of the Commission's responsibilities shall be provided by USDA, FSA.

Commission members specifically cited in Public Law 105–199, include the Secretaries of Agriculture, Interior, Army, and Commerce, the Director of the Federal Emergency Management Agency, and the Administrator of the Small Business Administration; two persons nominated by the National Governors' Association, a person nominated by the National Association of Counties, and a person nominated by the Conference of Mayors. Those four members are to be appointed by the President. Six additional Commission members have been appointed by the Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of the Army. The six at-large members represent groups acutely affected by drought emergencies, such as the agricultural production community, the credit community, rural and urban water associations, Native Americans, and fishing and environmental interests.

If special accommodations are required, please contact Leona Dittus, at the address specified above, by COB October 6, 1999.

Signed at Washington, DC, on September 17, 1999.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 99–24990 Filed 9–24–99; 8:45 am]
BILLING CODE 3410–05–P

ARTIC RESEARCH COMMISSION

Notice of Meeting

September 19, 1999.

Notice is hereby given that the U.S. Arctic Research Commission will hold its 55th Meeting in Arlington, VA on October 18 and 19, 1999.

The Meeting will be held at the National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Topics for the meeting include Federal and State Agency reports, Congressional liaison reports and a visit to the NOAA National Oceanographic Data Center. Cdr. Robert Perry, Commander, USS HAWKBILL, will brief the Commission on the recent SCICEX mission to the Arctic.

Any person planning to attend the meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters must inform the Commission in advance of those needs.

Contact Person for More Information: Dr. Garrett W. Brass, Executive Director, Arctic Research Commission, 703–525–0111 or TDD 703–306–0090.

Garrett W. Brass,

Executive Director.

[FR Doc. 99–24985 Filed 9–24–99; 8:45 am]
BILLING CODE 7555–01–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Commercial Encryption Items Under the Jurisdiction of DOC.

Agency Form Number: BXA 748–P.

OMB Control Number: 0694–0104.

Type of Request: Extension of a currently approved collection.

Burden: 650 hours.

Average Time Per Response: Ranges between 1 and 4 hours depending on the requirement.

Number of Respondents: 200.

Needs and Uses: Encryption items can be used to maintain the secrecy of information, and thereby may be used by persons to harm national security, foreign policy and law enforcement interests. For those items controlled, licenses are required for exports and reexports of encryption items. The Export Administration Regulations set forth the licensing policy for exports and reexports of encryption commodities and software to U.S. subsidiaries, insurance companies, health and medical end-users, on-line merchants and foreign commercial firms. The information is used in making licensing decisions.

Affected Public: Businesses or other for-profit organizations.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Roster, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, N.W., Washington, D.C. 20230.

Dated: September 20, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–25022 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Chemical Weapons Convention (Notifications, Annual Reports, and End-User Certificates).

Agency Form Number(s): None.

OMB Approval Number: 0694–0117.

Type of Request: Extension of a currently approved collection.

Burden: 176 hours.

Average Time Per Response: 30 minutes each.

Number of Respondents: 134 (multiple responses).

Needs and Uses: The Chemical Weapons Convention (CWC) is a multilateral arms control treaty that seeks to achieve an international ban on chemical weapons. The U.S. is under obligation by this treaty to impose certain trade controls since the CWC prohibits the use, development, production, acquisition, stockpiling, retention, and direct or indirect transfer of chemical weapons. Under the Treaty, States Parties may only export Schedule 1 chemicals to other States Parties, must provide advance notification of exports of any quantity of Schedule 1 chemicals, and must submit annual reports of exports of such chemicals during the previous calendar year. The Convention also requires that prior to the export of Schedule 2 or Schedule 3 chemicals to a non-States Party, the exporter must obtain an End-Use Certificate issued by the government of the importing country. This information is used to ensure that export transactions are in compliance with obligations under the Convention and is shared, as appropriate, with the Organization for the Prohibition of Chemical Weapons.

Affected Public: Businesses or other for-profit organizations, not-for-profit institutions.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, N.W., Washington, D.C. 20230.

Dated: September 20, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–25023 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Company Organization Survey.

Form Number(s): NC–9901.

Agency Approval Number: 0607–0444.

Type of Request: Revision of a currently approved collection.

Burden: 140,000 hours.

Number of Respondents: 90,000.

Avg Hours Per Response: 1 hour and 33 minutes.

Needs and Uses: The Census Bureau conducts the annual Company Organization Survey (COS) in order to update and maintain a central, multipurpose business register, known as the Standard Statistical Establishment List (SSEL). In particular, the COS supplies critical information to the SSEL concerning the establishment composition, organizational structure, and operating characteristics of multiestablishment enterprises. The SSEL serves two fundamental purposes:

First and most important, it provides sampling populations and enumeration lists for the Census Bureau's economic surveys and censuses, and it serves as an integral part of the statistical foundation underlying those programs.

Second, it provides establishment data that serve as the basis for the annual County Business Patterns (CBP) statistical series.

The COS is typically conducted as a detailed inquiry sent to a sample of multiestablishment companies. In years ending in 2 & 7, the COS is conducted in conjunction with the economic censuses and is sent to the universe of multiestablishment companies but requests much less detailed information. This is done to coordinate the COS with the quinquinnial economic census and

minimize burden for both collections. This request is for clearance of the 1999—2001 COS collections which will take place in a non-census environment. The information collection form is largely unchanged from previous years except for our plan to pilot certain questions in the 2000—2001 COS. We will include a question on the number of leased employees working in the company and evaluate an alternative method for collecting the inventory of Federal Identification Numbers (EINs) belonging to the company. These additional questions will be directed to less than 500 companies.

Affected Public: Businesses or other for-profit organizations, farms, not-for-profit institutions, State, local or Tribal governments.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 USC, Sections 182, 195, 224, & 225.

OMB Desk Officer: Susan Schechter, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Linda Hutton, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: September 21, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–25024 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2000 Panel of the Survey of Income and Program Participation, Core and Wave 1 Topical Modules.

Form Number(s): SIPP–20105(L) Director's Letter, SIPP/CAPI Automated Survey Instrument.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 25,467 hours.

Number of Respondents: 26,250.

Avg Hours Per Response: 30 minutes.

Needs and Uses: The Census Bureau conducts the Survey of Income and Program Participation (SIPP) to collect information from a sample of households concerning the distribution of income received directly as money or indirectly as in-kind benefits. SIPP data are use by economic policymakers, the Congress, state and local governments, and Federal agencies that administer social welfare and transfer payment programs such as the Department of Health and Human Services, the Department of Housing and Urban Development, and the Department of Agriculture.

The SIPP is a longitudinal survey, in that households in the panel are interviewed at 4-month intervals or waves over the life of the panel. The duration of a panel is typically 3 to 4 years. The length of the 2000 SIPP Panel is subject to the approval of budget initiatives but is currently scheduled for one year and will include three waves of interviews.

The survey is molded around a central core of labor force and income questions, health insurance questions, and questions concerning government program participation that remain fixed throughout the life of the panel. The core questions are asked at Wave 1 and are updated during subsequent interviews. The core is supplemented with additional questions or topical modules designed to answer specific needs.

This request is for clearance of the core survey questions and topical modules to be asked during Wave 1 of the 2000 SIPP Panel. The topical modules for Wave 1 are: Recipiency History and Employment History. Wave 1 interviews will be conducted from February through May 2000. Additionally, a reinterview for quality control purposes will be conducted with a small sub-sample of respondents throughout the life of the panel. We also seek approval to use the Wave 1 survey instrument as part of an experimental panel designed to deliver an improved and less burdensome instrument for use in the 2004 SIPP Panel. Testing of monetary incentives to encourage non-respondents is planned for all waves of the 2000 SIPP Panel.

Affected Public: Individuals or households.

Frequency: Every 4 months.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 USC, Section 182.

OMB Desk Officer: Susan Schechter, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Linda Hutton, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: September 21, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–25025 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1052]

Grant of Authority; Establishment of a Foreign-Trade Zone Terre Haute, Indiana

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for "* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Terre Haute International Airport Authority (the Grantee), has made application to the Board (FTZ Docket 57–98, filed 12/14/98), requesting the establishment of a foreign-trade zone at sites in the Terre Haute, Indiana area, at and adjacent to the Terre Haute International Airport, which has been designated as a Customs user fee airport facility; and,

Whereas, notice inviting public comment has been given in the **Federal Register** (63 FR 71447, 12/28/98); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby grants to the Grantee the privilege of

establishing a foreign-trade zone, designated on the records of the Board as Foreign-Trade Zone No. 239, at the sites described in the application, subject to the Act and the Board's regulations, including Section 400.28, and subject to the standard 2,000-acre activation limit.

Signed at Washington, DC, this 15th day of September, 1999.

Foreign-Trade Zones Board.

William M. Daley,

Secretary of Commerce, Chairman and Executive Officer.

Attest: Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–25074 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–508–605]

Preliminary Results of Full Sunset Review: Industrial Phosphoric Acid From Israel

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of full sunset review: industrial phosphoric acid from Israel.

SUMMARY: On March 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the countervailing duty order on industrial phosphoric acid from Israel (64 FR 9970) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of the notices of intent to participate and adequate substantive responses filed on behalf of the domestic and respondent interested parties, the Department is conducting a full (240 day) review. In conducting this sunset review, the Department preliminarily finds that termination of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the "Preliminary Results of Review" section of this notice.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–1698 or (202) 482–1560, respectively.

EFFECTIVE DATE: September 27, 1999.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*") and 19 CFR Part 351(1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Scope

This order covers shipments of Israeli industrial phosphoric acid ("IPA"). The subject merchandise was originally classifiable under item number 416.30 of the Tariff Schedules of the United States Annotated ("TSUSA"); currently, it is classifiable under item number 2809.20.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the TSUSA and HTSUS item numbers are provided for convenience and customs purposes, the written description remains dispositive.

This review covers all producers and exporters of industrial phosphoric acid from Israel.

History of the Order

The Department published its final affirmative countervailing duty determination on industrial phosphoric acid from Israel in the **Federal Register** on July 7, 1987 (52 FR 25447) and issued the countervailing duty order on August 19, 1987 (52 FR 31057). The Department found the following programs to confer subsidies:

(1) Encouragement of Capital Investments Law Grants

(2) Long-Term Industrial Development Loans

(3) Bank of Israel Export Production, Shipment, and Import-for Export Fund Loans

(4) Exchange Rate Risk Insurance Scheme

(5) Encouragement of Research and Development Law Grants

The Department determined the estimated net subsidy to be 19.46 percent for Haifa Chemicals Ltd.("Haifa") and 6.02 percent for all other producers and exporters of IPA from Israel. In this case, the Government of Israel ("GOI") provided to eligible exporters preferential short-term financing in local and foreign currencies through the Bank of Israel Export Production, Shipment, and Import-for Export Fund Loans programs. However, the Department verified that, since 1985, the loans under these funds were provided only in foreign currencies and were no longer at preferential terms. In cases in which program-wide changes have occurred prior to a preliminary determination and where the changes are verifiable, the Department's practice is to adjust the duty deposit rate to correspond to the eventual duty liability. Accordingly, the Department did not include the BOI export loan benefits in the duty deposit rate, for which the final results were 15.11 for Haifa and 5.36 percent for all others. [1]

The Department has conducted the following administrative reviews since the issuance of the order:

Period of review	Citation	Net subsidy (percent)
(1) 5 Feb 87–31 Dec 87	56 FR 2751	5.96
(2) 1 Jan 88–31 Dec 88	56 FR 50854	9.18
(3) 1 Jan 89–31 Dec 89	56 FR 50854	11.26
(4) 1 Jan 90–31 Dec 90	57 FR 39391	12.11
(5) 1 Jan 91–31 Dec 91	59 FR 5176	6.98
(6) 1 Jan 92–31 Dec 92	61 FR 28841	3.84
(7) 1 Jan 93–31 Dec 93	61 FR 28841	5.49
(8) 1 Jan 94–31 Dec 94	61 FR 53351	8.06

[1] *See Final Affirmative Countervailing Duty Determination: Industrial Phosphoric Acid from Israel*, 52 FR 25447, 25449 (July 7, 1987).

Period of review	Citation	Net subsidy (percent)
(7) 1 Jan 95–31 Dec 95	63 FR 20612	8.77
(9) 1 Jan 96–31 Dec 96	64 FR 2879	5.89
(10) 1 Jan 97–31 Dec 97	64 FR 49460	5.65

In the first administrative review (56 FR 2751), the Department determined that Israeli producers of IPA benefitted from the following countervailable subsidy programs: (1) Encouragement of Capital Investments Law ("ECIL") Grants; (2) Long-Term Industrial Development ("LTID") Loans; (3) the Exchange Rate Risk Insurance Scheme ("ERIS"); and (4) Encouragement of Research and Development Law ("EIRD") Grants. The Department continued to find net subsidies from ECIL and ERIS Grants, and LTID Loans in the administrative reviews from 1988 through 1991.[2]

In the 1992 period of review, the Department found benefits flowing from (1) ECIL Grants, (2) LTID Loans, and (3) EIRD Grants; in 1993, the programs (1) ECIL Grants, (2) LTID Loans, and (3) ERIS, were found to confer subsidies (61 FR 28841).

In the administrative reviews of periods after 1993,[3] the Department found no further benefits from the ERIS; however, continued net subsidies were found under the ECIL Grants program and the resumption of net subsidies under the EIRD program. In 1999, the Department completed its administrative review (64 FR 2879) for the 1996 period of review, and again, net subsidies were found under the ECIL and EIRD Grants programs. Additionally, the Department found net subsidies from two new programs: the Infrastructure and Environmental Grants programs (*id.*).

[1] (Haifa: 19.46).

[2] *See Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Reviews*, 56 FR 50854 (October 9, 1991); *Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Reviews*, 57 FR 39391(August 31, 1992); *Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Reviews*, 59 FR 5176 (February 3, 1994).

[3] *See Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Reviews*, 61 FR 53351 (October 11, 1996); Industrial Phosphoric Acid from Israel; Amended Final Results of Countervailing Duty Administrative Reviews, 63 FR 20612 (April 27, 1998); *Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Reviews*, 64 FR 2879 (January 19, 1999); *Industrial Phosphoric Acid from Israel; Final Results and Partial Recission of Countervailing Duty Administrative Review*, 64 49460 (September 13, 1999).

Background

On March 1, 1999, the Department published a notice of initiation of a sunset review of the countervailing duty order on IPA from Israel (64 FR 9970), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate on the behalf of domestic producers Albright and Wilson Americas Inc. ("A&W"), FMC Corporation ("FMC"), and Solutia Inc. ("Solutia") (hereinafter, collectively "domestic interested parties") and respondent interested parties, the Government of Israel ("GOI") and Rotem Amfert Negeve Ltd. ("Rotem"), an exporter of industrial phosphoric acid, on March 15, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. The domestic interested parties claimed interested party status under sections 771(9)(C) of the Act, as domestic producers of IPA. The GOI is an interested party pursuant to section 771(9)(B) of the Act as the government of a country in which IPA is produced and exported; Rotem is an interested party pursuant to section 771(9)(A) of the Act as a foreign producer and exporter of subject merchandise.

The GOI has participated in every segment of the proceeding before the Department related to the subject merchandise. Rotem, the 1992 successor to Negev Phosphates Ltd. ("Negev"),[4] the initial respondent interested party, has participated in every administrative review after 1990.

Of the domestic interested parties, FMC and Monsanto Company ("Monsanto") were the petitioners in the original countervailing duty investigation,[5] and they requested and participated in each administrative review through 1994. A&W joined with FMC in requesting and participating in each review thereafter.

We received adequate substantive responses from the domestic and respondent interested parties on March 31, 1999, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). As a result, pursuant to 19 CFR 351.218(e)(2), the Department determined to conduct a full review.

In accordance with 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). Therefore, on June 21, 1999, the Department determined that the sunset review of the countervailing duty order on IPA from Israel is extraordinarily complicated, and extended the time limit for completion of the final results of this review until not later than January 25, 2000, in accordance with section 751(c)(5)(B) of the Act.[6]

Determination

In accordance with section 751(c)(1) of the Act, the Department is conducting this review to determine whether termination of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. Section 752(b) of the Act provides that, in making this determination, the Department shall consider the net countervailable subsidy determined in the investigation and subsequent reviews, and whether any change in the program which gave rise to the net countervailable subsidy has occurred and is likely to affect that net countervailable subsidy. Pursuant to section 752(b)(3) of the Act, the Department shall provide to the International Trade Commission ("the Commission") the net countervailable subsidy likely to prevail if the order is revoked. In addition, consistent with section 752(a)(6), the Department shall provide to the Commission information concerning the nature of the subsidy and whether it is a subsidy described in Article 3 or Article 6.1 of the 1994 WTO Agreement on Subsidies and Countervailing Measures ("Subsidies Agreement").

The Department's preliminary determinations concerning continuation or recurrence of a countervailable subsidy, the net countervailable subsidy likely to prevail if the order is revoked,

[4] *See Industrial Phosphoric Acid from Israel; Final Results of Antidumping Changed Circumstances Review*, 59 FR 6944 (February 14,1994).

[5] In the United States, there is a newly created company, Solutia, that is now responsible for the IPA business previously operated by Monsanto (*see* March 31, 1999 Substantive Response of domestic interested parties at 3).

[6] *See* Industrial Phosphoric Acid from Israel (C–508–605) and Industrial Phosphoric Acid from Belgium (A–423–602): Extension of Time Limit for Final Results of Five-Year Reviews, 64 FR 34189 (June 25, 1999).

and nature of the subsidy are discussed below. In addition, parties' comments with respect to each of these issues are addressed within the respective sections.

Continuation or Recurrence of a Countervailable Subsidy

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act ("URAA"), specifically the SAA, H.R. Doc. No. 103–316, vol. 1 (1994), the House Report, H.R. Rep. No. 103–826, pt. 1 (1994), and the Senate Report, S. Rep. No. 103–412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the basis for likelihood determinations. The Department clarified that determinations of likelihood will be made on an order-wide basis (*see* section III.A.2 of the Sunset Policy Bulletin). Additionally, the Department normally will determine that revocation of a countervailing duty order is likely to lead to continuation or recurrence of a countervailable subsidy where (a) a subsidy program continues, (b) a subsidy program has been only temporarily suspended, or (c) a subsidy program has been only partially terminated (*see* section III.A.3.a of the *Sunset Policy Bulletin*). Exceptions to this policy are provided where a company has a long record of not using a program (*see* section III.A.3.b of the *Sunset Policy Bulletin*).

Interested Party Comments

The domestic interested parties assert that the history of the order and the nature and extent of the subsidies show that revocation of the countervailing duty order on IPA from Israel will result in the continuation or recurrence of a countervailable subsidy. They assert that, in the last ten years following the issuance of the order, Rotem has continued to receive significant benefits under a variety of countervailable subsidy programs (*see* March 31, 1999 Substantive Response of domestic interested parties at 12). As noted earlier, in the 1996 administrative review, the Infrastructure and Environmental Grant programs were two new programs found to confer subsidies on Israel producers of IPA.

The GOI and Rotem (Negev) do not argue that there is no likelihood that revocation of the order will lead to continuation of a countervailable subsidy. Rather, they argue that revocation of the countervailing duty order will have no effect on the U.S. producers of industrial phosphoric acid (*see* March 31, 1999 Substantive Response of respondent interested parties at 3–5).

In their rebuttal comments the domestic interested parties argue that the respondents failed to address the question of likelihood and, therefore, the Department should conduct an expedited review on the basis of facts available and find that revocation of the countervailing duty order would result in continuation of a countervailable subsidy.[7]

Department's Determination

Although the Department found that the Exchange Rate Risk Insurance Scheme was terminated and provides no current benefits,[8] and that the Long-Term Industrial Development Loans Program was not used during the 1996 review period (64 FR 2879 (January 19, 1999)), the Department did find evidence of programs that continued to confer countervailable subsidies on Israeli producers of IPA. The programs include the Encouragement of Capital Investments Law and the Encouragement of Industrial Research and Development Grants. In addition, the Department found new programs determined to confer subsidies: the Infrastructure Grant Program and the Environmental Grant Program. Therefore, it is reasonable to assume that these programs continue to exist and are utilized. Pursuant to the SAA at 888, the Department concludes that continuation of these programs are highly probative of the likelihood of continuation or recurrence of countervailable subsidies.[9]

Net Countervailable Subsidy

In the *Sunset Policy Bulletin*, the Department stated that, consistent with the SAA and House Report, the Department normally will select a rate from the investigation as the net countervailable subsidy likely to prevail if the order is revoked, because that is the only calculated rate that reflects the behavior of exporters and foreign governments without the discipline of an order or suspension agreement in place. The Department noted that this rate may not be the most appropriate rate if, for example, the rate was derived from subsidy programs which were found in subsequent reviews to be terminated, there has been a program-wide change, or the rate ignores a program found to be countervailable in a subsequent administrative review.[10]

Interested Party Comments

The domestic interested parties assert that the Department should use the net subsidy rates determined in the original investigation as the rates likely to prevail if the countervailing duty order were revoked. As noted above, the net subsidy rate determined in the original investigation was 19.46 percent for Haifa, and 6.02 percent for all other imports of IPA from Israel. The domestic interested parties argue that the original duty deposit rate of 15.11 percent is appropriate for Haifa in light of its lack of cooperation and the Department's authority to use an adverse inference (*see* March 31 Substantive Response of domestic interested parties at 19). Further, the domestic interested parties suggest that the Department could use for Rotem the 12.11 percent rate from the 1990 review, since it indicates that subsidies have been and can be made available to Israeli producers (*id.*). However, the domestic interested parties argue that the Department should not adopt for Rotem any rate lower than 5.89 percent, the rate determined by the Department in the administrative review of the 1996 period (*id.*).

The respondent interested parties assert that the countervailing duty rate that is likely to prevail is the current rate of 5.89 percent or less. They note that, in the last several reviews, the Department has determined that (1) Rotem has been the only exporter of the subject merchandise to the United States and that (2) there is only one subsidy program providing benefits to Rotem's production of the subject merchandise: the Encouragement of Capital Investment Law (ECIL) program, under which Rotem received infrastructure grants, some of which have been found to benefit subject merchandise (*see* March 31, 1999 Substantive Response of respondent interested parties at 7). Of the 5.89 percent subsidy found in the last review, 5.58 percent of that amount was from ECIL grants (*id.*).

The respondent interested parties argue that ECIL grants are domestic subsidies not contingent upon exports or exporting, and therefore, do not provide an incentive to export (*id.*). Further, since they are non-recurring grants, under the Department's grant methodology, grants given in earlier years provide diminishing benefits throughout the benefit stream, and

[7] *See* April 8, 1999 *Industrial Phosphoric Acid from Israel; Comments Submitted in Rebuttal to the Substantive Responses of the Government of Israel and Rotem Amfert Negev Ltd.* at 2.

[8] *See Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Reviews*, 61 FR 28841, 28844 (June 6, 1996).

[9] *See Industrial Phosphoric Acid from Israel; Final Results of Countervailing Administrative Reviews*, 64 FR 2879, 2881 (January 19, 1999).

[10] *See* section III.B.3 of the *Sunset Policy Bulletin*.

benefits afforded by these grants cannot increase if the countervailing duty order is eliminated. Moreover, the respondent interested parties argue that the subsidy from the grants has further diminished as a result of a series of privatizations of Rotem (*id.*).

Respondent interested parties assert that higher subsidy findings for Rotem's IPA were the result of the Department's finding that another program, the Exchange Rate Risk Insurance Program provided substantial export subsidies to Rotem. They argue that, since the latter program has been terminated, it should not be considered in the Department's determination of the countervailing duty rate that is likely to prevail (*see* April 8, 1999 Substantive Response of respondent interested parties). With respect to the Long-term Industrial Development Loans, the respondent interested parties note that this program provides no residual benefits (*id.* at 9). Further, the respondent interested parties argue, the Encouragement of Research and Development Grants, and Infrastructure and Environmental Grants were found to provide very minimal subsidies (*id.*).

The respondent interested parties assert that if the Department uses the rate from the original determination, the starting point should be the deposit rate of 5.36 percent adjusted for terminated programs. Likewise, with respect to Haifa Chemicals, Ltd., the respondent interested parties argue that the original deposit rate of 15.11 percent for Haifa should be adjusted for terminated programs (*id.* at 11).

In their rebuttal comments, the domestic interested parties disagree with the respondent interested parties' argument that Department should adjust the rates from the original investigation downward by subtracting the amount of the subsidy arising from the now-terminated Exchange Rate Risk Program.[11] The domestic interested parties argue that, if the Department were to exercise its discretion to adjust the net original net subsidy rates, then, in the interest of accuracy, the Department would also have to adjust for every change to every program found to provide a subsidy in the original investigation. Moreover, if the Department determines an adjusted rate, then actions, such as grant and loan deferrals, could be taken temporarily to lower that rate in order to have an impact on a scheduled or pending review.[12]

In their rebuttal comments, the respondent interested parties reiterate that the Department should use the original deposit rate as the starting point for determining the rate likely to prevail. They argue that, in determining the rate for Haifa, the Department should subtract from the original rate of 15.11 percent 8.87 percent represented by the Exchange Rate Risk Insurance Scheme, a program that has been terminated and provides no current benefits.[13] Thus, the deposit rate should be 6.24 percent. Further, the respondent interested parties argue that, on account of the termination of the Exchange Rate Risk Insurance Scheme, the Department should also adjust Rotem's original deposit rate. As such, 4.78 percent representing ERIS's benefits should be deducted from the original margin of 5.36 for all others, with a result of 0.58. However, respondent interested parties acknowledge that this rate is untenable in light of the most administrative review for the 1996 period, and that the Department should provide to the Commission the rate of 5.89, the rate from this review.[14]

Department's Determination

Consistent with the SAA and House Report, the Department normally will select a rate from the investigation as the net countervailable subsidy likely to prevail if the order is revoked, because that is the only calculated rate that reflects the behavior of exporters and foreign governments without the discipline of an order or suspension agreement in place. In some instances, however, the rate from the original investigation may not be the most appropriate rate if, for example, the rate was derived from subsidy programs which were found in subsequent reviews to be terminated, there has been a program-wide change, or the rate ignores a program found to be countervailable in a subsequent administrative review.[15]

As noted above, since the issuance of the order, the Department has determined that the Exchange Rate Risk Insurance Scheme was terminated (61 FR 28841, 28844 (June 6, 1996)). Furthermore, in the 1996 period of review, the Department determined that two new programs, the Infrastructure Grant Program and the Environmental Grant Program, confer countervailable subsidies on Rotem.[16] Therefore, consistent with section III.B.3 of the *Sunset Policy Bulletin*, the Department preliminarily determines that the rate from the original investigation is not probative of the net countervailable subsidy rate likely to prevail if the order were revoked.

Sections III.B.3.a and III.B.3.c of the *Sunset Policy Bulletin* provide that the Department may adjust the net countervailable subsidy where the Department has conducted an administrative review of the order and found that a program was terminated with no residual benefits and no likelihood of reinstatement, or where the Department found a new countervailable program. Additionally, section III.B.3.d of the *Sunset Policy Bulletin* provides that where the Department has conducted an administrative review of an order and determined to increase the net countervailable subsidy rate for any reason, the Department may adjust the net countervailable subsidy rate determined in the original investigation to reflect the increase of the rate.

The Department agrees with respondent interested parties that the deposit rates from the original investigation should be adjusted to reflect that, after 1993, the Exchange Rate Risk Insurance Scheme was terminated without residual benefits after 1993. Therefore, we are subtracting the rate from the investigation for this program. Additionally, the rates should be adjusted to reflect the identification of two new countervailable programs: the Infrastructure Grant Program and the and the Environmental Grant Program. Therefore, we are adding the rates from these programs as first identified in the 1996 review (64 FR 2879).

Finally, we agree with the interested parties that the countervailable subsidy rate from the Encouragement of Capital Investments Law Grants program has significantly increased since the original investigation. Over the life of this order, there has been a consistent pattern of increased usage of the grants provided under this program. Because of the continued increase in usage of this program, despite the existence of the order, we preliminarily determine that the rate for this program from the original investigation should be adjusted to reflect this increased usage of the program. Therefore, we are adding to the original investigation rate the rate from this program, as found in

[11] *See* April 8, 1999 *Industrial Phosphoric Acid from Israel; Comments Submitted in Rebuttal to the Substantive Responses of the Government of Israel and Rotem Amfert Negev Ltd* at 5.

[12] *Id.* at 6.

[13] *See* April 8, 1999 *Sunset Review of Countervailing Duty Order on Industrial Phosphoric Acid from Israel; Comments on U.S. Producers' Substantive Response* at 4.

[14] *Id.*

[15] *See* section III.B.3 of the *Sunset Policy Bulletin.*

[16] *See Industrial Phosphoric Acid From Israel: Final Results of Countervailing Duty Administrative Review*, 64 FR 2879 (January 19, 1999).

the 1996 review (*id.*). As a result, the Department preliminarily determines that the net countervailable subsidies that would be likely to prevail in the event of revocation of the order are 10.93 percent for Haifa and 5.97 percent for all others, including Rotem (*see* September 21, 1999, Memorandum to File Regarding Calculation of the Net Countervailable Subsidy).

Nature of the Subsidy

In the *Sunset Policy Bulletin*, the Department states that, consistent with section 752(a)(6) of the Act, the Department will provide to the Commission information concerning the nature of the subsidy, and whether the subsidy is a subsidy described in Article 3 or Article 6.1 of the Subsidies Agreement. The domestic and respondent interested parties did not address this issue in their substantive responses of March 31, 1999.

Because the receipt of benefit under the Bank of Israel Export Loans program is contingent on exports, this program falls within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement. The remaining programs, although not falling within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement, could be found to be inconsistent with Article 6 if the net countervailable subsidy exceeds five percent, as measured in accordance with Annex IV of the Subsidies Agreement. The Department, however, has no information with which to make such a calculation, nor do we believe it appropriate to attempt such a calculation in the course of a sunset review. Rather, we are providing the Commission with the following program descriptions.

The Encouragement of Capital Investments Law (ECIL) Grants. In the 1987 original investigation, the Department found that Negev Phosphates, Ltd. ("Negev") and Haifa Chemicals, Ltd. received countervailable subsidies from this program, the benefits of which depend on the geographic location of the eligible enterprises. ECIL Grants were found to confer subsidies in each subsequent administrative review.

Long-Term Industrial Development ("LTID") Loans. Funded by the GOI, this program enabled approved enterprises in a number of diverse industries to obtain LTID Loans. Like ECIL grants, these loans are project-specific and the interest rates charged on these loans depend on the Development Zone location of the borrower. The Department found LTID Loans to confer subsidies in the administrative reviews for the periods 1988 through 1993.

Exchange Rate Risk Insurance Scheme ("ERIS"). Operated by the Israeli Foreign Trade Risk Insurance Corporation ("IFTRIC"), ERIS insures exporters against losses which result when the rate of inflation exceeds the rate of devaluation and the new Israeli shekel value of an exporter's foreign currency receivable does not rise enough to cover increases in local costs. The ERIS is optional and open to any exporter willing to pay a premium to IFTRIC. The Department determined that subsidies from this program were terminated in 1993.[17]

Encouragement of Research and Development Law ("EIRD") Grants. Israeli manufacturers, producers or exporters of IPA may benefit from research and development grants under this program. With the exception of the 1988, 1989 and 1991 administrative reviews, the Department found the EIRD Law Grants to be countervailable in each yearly review since the issuance of the order.

Infrastructure Grant Program. In the administrative review of the 1996 period, the Department found that this program enables the GOI to establish new industrial areas by partially reimbursing companies for their costs of developing the infrastructure in certain geographical zones.

Environmental Grant Program. Additionally, in the 1996 administrative review, the Department found that the GOI administers this countervailable subsidy program to provide for companies financial assistance for the adaptation of existing industrial facilities to new environmental requirements.

Preliminary Results of Review

As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Manufacturer/exporter	Margin (percent)
Haifa, Ltd	10.93
All Others	5.97

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

[17] *See Industrial Phosphoric Acid from Israel: Final Results of Countervailing Duty Administrative Reviews*, 61 FR 28841, (June 6, 1996).

Dated: September 21, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–25073 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

[Certificate of Review No. 89–00015]

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Initiation of Process to Revoke Export Trade.

SUMMARY: The Secretary of Commerce issued an export trade certificate of review to Airborne Business Cargo, Inc. ("ABCI"). Because this certificate holder has failed to file an annual report as required by law, the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent to ABCI.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Exports Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325. Pursuant to this authority, a certificate of review was issued on December 12, 1989 to ABCI.

A certificate holder is required by law (Section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (Sections 325.14 (a) and (b) of the Regulations). Failure to submit a complete annual report may be the basis for revocation. (Sections 325.10(a) and 325.14(c) of the Regulations).

The Department of Commerce sent to ABCI on December 2, 1998, a letter containing annual report questions with a reminder that its annual report was due on January 26, 1999. Additional reminders were sent on February 10, 1999, and on March 17, 1999. The Department has received no written response to any of these letters.

On September 21, 1999, and in accordance with section 325.10(c)(1) of the Regulations, a letter was sent by certified mail to notify ABCI that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with Section 325.10(c)(2) of the Regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the **Federal Register**. For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained in the notification letter (Section 325.10(c)(2) of the Regulations).

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions (Section 325.10(c)(3) of the Regulations).

The Department shall publish a notice in the **Federal Register** of the revocation or modification or a decision not to revoke or modify (Section 325.10(c)(4) of the Regulations). If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** (Sections 325.10(c)(4) and 325.11 of the Regulations).

Dated: September 21, 1999.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 99–25009 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092199B]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of an application to modify scientific research permit 1134.

SUMMARY: Notice is hereby given that NMFS has received an application to modify scientific research permit 1134 from the Columbia River Inter-Tribal Fish Commission at Portland, OR (CRITFC).

DATES: Written comments or requests for a public hearing on this modification request must be received on or before October 27, 1999.

ADDRESSES: The application and related documents are available for review in the following office, by appointment:

Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401).

FOR FURTHER INFORMATION CONTACT: Leslie Schaeffer, Portland, OR (503–230–5433).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on the application listed in this notice should set out the specific reasons why a hearing on the application would be appropriate (see **ADDRESSES**). The holding of such hearings is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summary are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Lower Columbia River (LCR), Snake River (SnR) spring/summer, SnR fall, Upper Columbia River (UCR) spring.

Sockeye salmon (*Oncorhynchus nerka*): SnR

Steelhead trout (*Oncorhynchus mykiss*): LCR, SnR, UCR.

To date, protective regulations for threatened LCR steelhead under section 4(d) of the ESA have been not promulgated by NMFS. This notice of receipt of an application for a permit modification requesting take of LCR steelhead is issued as a precaution in the event that NMFS issues LCR steelhead protective regulations. The initiation of a 30-day public comment period on the application, including the proposed take of LCR steelhead, does not presuppose the contents of the eventual protective regulations.

Modification Request Received

CRITFC requests modifications to scientific research permit 1134. Permit 1134 authorizes CRITFC annual takes of juvenile, endangered, SnR sockeye salmon; adult and juvenile, threatened, SnR fall chinook salmon; adult and juvenile, threatened, naturally produced and artificially propagated, SnR spring/summer chinook salmon; and adult and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with 8 research projects in the Snake and Columbia River Basins in the Pacific Northwest. For the modifications, CRITFC proposes an increase in the annual take of ESA-listed adult and juvenile fish associated with the projects and with 3 new projects: (1) biological and chemical monitoring, and physical habitat assessment in steelhead waters; (2) tagging juvenile Hanford Reach upriver bright fall chinook salmon; and (3) SnR steelhead kelt identification study. CRITFC proposes to employ seines and electrofishing to capture ESA-listed juvenile fish, tag ESA-listed juvenile fish, and capture and handle post-spawned ESA-listed adult fish. An increase in take of ESA-listed juvenile fish indirect mortalities is also requested, as well as annual takes of adult and juvenile, endangered, naturally produced and artificially propagated UCR spring chinook salmon

and adult and juvenile, threatened, LCR chinook salmon associated with the research. The modifications are requested to be valid for the duration of the permit which expires on December 31, 2002.

Dated: September 21, 1999.

Barbara A. Schroeder,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–25070 Filed 9–27–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091499C]

Marine Mammals; Photography Permit (File No. 954–1517)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Mr. Michael Kundu, Project SeaWolf/Arcturus Adventure Communications, P.O. Box 987, Marysville, WA 98270–0987, has applied in due form for a permit to take several species of marine mammals for purposes of commercial photography.

DATES: Written comments must be received on or before October 27, 1999.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Alaska Region, NMFS, 709 W 9th Street, Federal Building, Room 461, P.O. Box 21668, Juneau, AK 99802 (907–586–7235);

Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Bin C15700, Building 1, Seattle, WA 98115–0070 (206–526–6150); and

Regional Administrator, Southwest Region, NMFS, 501West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (562–980–4015).

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of § 104(c)(6) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216). Section 104(c)(6) provides for photography for educational or commercial purposes involving non-endangered and non-threatened marine mammals in the wild. NMFS is currently working on proposed regulations to implement this provision. However, in the meantime, NMFS has received and is processing this request as a "pilot" application for Level B Harassment of non-listed and non-depleted marine mammals for photographic purposes.

The applicant seeks authorization to inadvertently harass up to: 89 killer whales (*Orcinus orca*); 20 Dall's porpoise (*Phocoenoides dalli*); 5 harbor porpoise (*Phocoena phocoena*); 30 gray whales (*Eschrichtius robustus*); 10 minke whales (*Balaenoptera acutorostrata*); 25 harbor seals (*Phoca vitulina*); 2 elephant seals (*Mirounga angustirostris*); and 50 California sea lions (*Zalophus californianus*) during the course of filming activities in Alaska, Washington, and California waters, over a 1-year period. In accordance with the October 13, 1997, Memorandum of Agreement between NOAA and the Makah Tribe, no permit issued will authorize photography activities involving gray whales in Washington state waters until NMFS has completed consultation with the Makah Tribal Council.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 21, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–25069 Filed 9–27–99; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton, Wool, Man-Made Fiber and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Jamaica

September 22, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits and Guaranteed Access Levels (GALs) for textile products, produced or manufactured in Jamaica and exported during the period January 1, 2000 through December 31, 2000 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits and guaranteed access levels for the period January 1, 2000 through December 31, 2000.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in

Federal Register notice 63 FR 16474, published on April 3, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 22, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2000, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Jamaica and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
331/631	816,085 dozen pairs.
338/339/638/639	1,609,106 dozen.
340/640	752,460 dozen of which not more than 636,697 dozen shall be in shirts made from fabrics with two or more colors in the warp and/or the filling in Categories 340–Y/640–Y [1].
341/641	944,859 dozen.
345/845	233,148 dozen.
347/348/647/648	1,736,829 dozen.
352/652	2,595,149 dozen.
445/446	54,835 dozen.

[1] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1999 shall be charged to the applicable category limits for that year (see directive dated November 3, 1998) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC; and under the terms of the Special Access Program, as set forth in 63 FR 16474 (April 3, 1998), you are directed to establish guaranteed access levels for properly certified cotton, wool, man-made fiber and other vegetable fiber textile products in the following categories which are assembled in Jamaica from fabric formed and cut in the United States and re-exported to the United States from Jamaica during the twelve-month period which begins on January 1, 2000 and extends through December 31, 2000:

Category	Guaranteed Access Level
331/631	1,320,000 dozen pairs.
336/636	125,000 dozen.
338/339/638/639	1,500,000 dozen.
340/640	300,000 dozen.
341/641	375,000 dozen.
342/642	200,000 dozen.
345/845	50,000 dozen.
347/348/647/648	2,000,000 dozen.
352/652	10,500,000 dozen.
447	30,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification in accordance with the provisions of the certification requirements established in the directive of February 19, 1987 (52 FR 6049) shall be denied entry unless the Government of Jamaica authorizes the entry and any charges to the appropriate specific limits. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–25067 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Wool Textile Products Produced or Manufactured in the Slovak Republic

September 21, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in the Slovak Republic and exported during the period January 1, 2000 through December 31, 2000 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2000 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 21, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2000, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in the following categories, produced or manufactured in the Slovak Republic and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000 in excess of the following limits:

Category	Twelve-month restraint limit
410	428,751 square meters.
433	11,975 dozen.
435	18,088 dozen.
443	100,042 numbers.

The limits set forth above are subject to adjustment pursuant to the provisions of the

ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1999 shall be charged to the applicable category limits for that year (see directive dated October 6, 1998) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–25066 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Bilateral Textile Consultations with the Government of Belarus

September 21, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the category for which consultations have been requested, call (202) 482–3740.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

On September 17, 1999, under Section 204 of the Agricultural Act of 1956, the Government of the United States requested consultations with the Government of Belarus with respect to glass fiber fabric in Category 622, produced or manufactured in Belarus.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with the Government of Belarus, the Government of the United States reserves its right to establish a twelve-month limit for the period beginning on September 17, 1999 and extending through September 16, 2000 of not less than 6,480,552 square meters for the entry and withdrawal from warehouse for consumption of glass fiber fabric in Category 622, produced or manufactured in Belarus.

A summary statement of serious damage, actual threat of serious damage or the exacerbation of serious damage concerning Category 622 follows this notice.

Anyone wishing to comment or provide data or information regarding Category 622 or to comment on domestic production or availability of products included in this category is invited to submit 10 copies of such comments or information to Troy H. Cribb, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Becky Geiger. The comments received will be considered in the context of the consultations with the Government of Belarus.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular commentary or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

This solicitation of comments is not a waiver in any respect of the exemption contained in 5 U.S.C.553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of Belarus, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Statement in Support of Request for Consultations Under Section 204 of the Agricultural Act of 1956

Belarus

Glass Fiber Fabric—Category 622

Import Situation and Conclusion

U.S. imports of glass fiber fabric, Category 622, from Belarus surged to 6,480,552 square meters during the year ending May 1999, over 14 times the 456,093 square meters imported during the year ending May 1998. During the first five months of 1999, Belarus shipped 4,864,218 square meters, nearly 20 times the January-May 1998 level and over two and a half times the total calendar year 1998 level. In 1999, Belarus became the second largest supplier of glass fiber fabric to the United States, accounting for 10 percent of total Category 622 imports. In calendar year 1997, Belarus was the seventh largest supplier and accounted for less than one percent of total Category 622 imports. Imports from Belarus were 1.3 percent of U.S. production of Category 622 in year ending March 1999 and only 0.1 percent in 1997.

U.S. imports of glass fiber fabric, Category 622, from Belarus entered the U.S. at an average landed duty-paid value of $0.81 per square meter during the first five months of 1999, 23 percent below the average landed duty-paid value for all glass fiber fabric imports into the U.S., and 39 percent below the average U.S. producers' price for glass fiber fabrics.

The sharp and substantial increase of low-valued Category 622 imports from Belarus threatens to cause disruption to the U.S. glass fiber fabric market and industry.

U.S. Production, Import Penetration, and Market Share

U.S. production of glass fiber fabric, Category 622, fell to 388,849,000 square meters in 1998, 6 percent below the 1997 production level. Production continued downward in 1999, falling to 92,555,000 square meters during January-March 1999,16 percent below the first quarter 1998 level. Imports of category 622 increased to 54,741,000 square meters in 1998, 15 percent above the 1997 level, and reached 65,657,000 square meters for the year ending May 1999, 38 percent higher than the level of imports for the same period a year earlier. Imports surged in 1999, increasing 52 percent during January-

May 1999 from the January-May 1998 level.

The ratio of imports to domestic production increased from 11 percent in 1997 to 14 percent in 1998 and reached 20 percent in the first quarter of 1999. The domestic manufacturers' share of the U.S. market for glass fiber fabrics fell two percentage points in 1998, dropping from 89 percent in 1997 to 87 percent in 1998 and fell an additional 4 percentage points to 83 percent in the first quarter 1999.

[FR Doc. 99–24983 Filed 9–24–99; 8:45 am]

BILLING CODE 3510–DR–F

CONSUMER PRODUCT SAFETY COMMISSION

Civil Penalties; Notice of Adjusted Maximum Amounts

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of adjusted maximum civil penalty amounts.

SUMMARY: In 1990 Congress enacted statutory amendments that provided for periodic adjustments to the maximum civil penalty amounts authorized under the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act. As calculated in accordance with the amendments, the new amounts are $7,000 for each violation and $1,650,000 for any related series of violations.

DATES: The new amounts will become effective on January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Alan Shakin, Assistant General Counsel, CPSC, Washington, DC 20207; telephone 301–504–0980; e-mail "ashakin@cpsc.gov.".

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Improvement Act of 1990 (Improvement Act), Public Law 101–608, 104 Stat. 3110 (November 16, 1990), amended the Consumer Product Safety Act (CPSA), the Federal Hazardous Substances Act (FHSA), and the Flammable Fabrics Act (FFA). First, the Improvement Act added civil penalty authority to the GHSA and FFA, which previously contained only criminal penalties. 15 U.S.C. §§ 1264(c) and 1194(e). Second, the Improvement Act increased the maximum civil penalty amounts applicable to civil penalties under the CPSA, and set the same maximum amounts for the newly-created FHSA and FFA civil penalties. 15 U.S.C. §§ 2069(a), 1264(c)(1), and 1194(e)(1)/

Third, the Improvement Act directed the Commission to adjust the maximum civil penalty amounts periodically for inflation:

(A) The maximum penalty amounts authorized in paragraph (1) shall be adjusted for inflation as provided in this paragraph.

(B) Not later than December 1, 1994, and December 1 of each fifth calendar year thereafter, the Commission shall prescribe and publish in the **Federal Register** a schedule of maximum authorized penalties that shall apply for violations that occur after January 1 of the year immediately following such publication.

(C) The schedule of maximum authorized penalties shall be prescribed by increasing each of the amounts referred to in paragraph 91) by the cost-of-living adjustment for the preceding five years. Any increase determined under the preceding sentence shall be rounded to—

(i) In the case of penalties greater than $1,000 but less than or equal to $10,000, the nearest multiple of $1,000;

(ii) In the case of penalties greater than $10,000 but less than or equal to $100,000, the nearest multiple of $5,000;

(iii) in the case of penalties greater than $100,000 but less than or equal to $200,000, the nearest multiple of $10,000; and

(iv) In the case of penalties greater than $200,000, the nearest multiple of $25,000.

(D) For purposes of this subsection:

(i) The term "Consumer Price Index" means the Consumer Price Index for all-urban consumers, published by the Department of Labor.

(ii) The term "cost-of-living adjustment for the preceding five years" means the percentage by which—

(I) the Consumer Price Index for the month of June of the calender year preceding the adjustment; exceeds

(II) the Consumer Price Index for the month of June preceding the date on which the maximum authorized penalty was last adjusted/

15 U.S.C. 2069(a)(3), 1264(c)(6), and 1194(e)(5).

The Commission's Directorate for Economics has calculated that the cost-of-living adjustment increases the maximum civil penalty amounts to $6,608 for each violation and to $1,652,027 for any related series of violations. Rounding off these numbers in accordance with the statutory directions, the adjusted maximum amounts are $7,000 for each violation and $1,650,000 for any related series of violations.

These new amounts will apply to violations that occur after January 1, 2000.

Dated: September 21, 1999.

Sadye D. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 99–24971 Filed 9–24–99; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 27, 1999.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 21, 1999.

William E. Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of the Under Secretary

Type of Review: New.

Title: 21st Century Community Learning Centers Annual Performance Report.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 233,877.

Burden Hours: 71,963.

Abstract: 21st Century Community Learning Centers grantees must annually submit the report so the Department can evaluate the performance of grantees prior to awarding continuation grants and to assess a grantee's prior experience at the end of each budget period. The Department will aggregate the data to provide descriptive information and analyze program impact. These data will also be used for annual Government Performance and Results Act (GPRA)-required reports.

Written comments and requests for copies of this proposed information collection request should be addressed to Vivian Reese, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the Internet address *OCIO__IMG__Issues@ed.gov* or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Kathy Axt at 703–426–9692 or electronically at her internet address Kathy__Axt@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Office of the Under Secretary

Type of Review: New.

Title: Early Implementation Survey of Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP) Grantees.

Frequency: One time.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 300.

Burden Hours: 300.

Abstract: This study will provide information necessary for selecting sites for the in-depth evaluation of Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) grantees and information on the early implementation of the grants.

Requests for copies of this information collection should be addressed to Vivian Reese, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the Internet address OCIO__IMG__Issues@ed.gov or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Joseph Schubart at 202–708–9266 or electronically at his internet address Joe__Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–25041 Filed 9–24–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board; Notice of Open Meeting

AGENCY: Department of Energy.

SUMMARY: This notice announces a meeting of the Secretary of Energy Advisory Board. The Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), requires that agencies publish these notices in the **Federal Register** to allow for public participation.

DATES AND TIMES: Wednesday, October 6, 1999, 9:00 am–3:15 pm.

ADDRESSES: Hilton Washington Embassy Row Hotel, Ambassador Room, 2015 Massachusetts Avenue, NW, Washington D.C., 20858.

FOR FURTHER INFORMATION CONTACT: Richard C. Burrow, Secretary of Energy Advisory Board (AB–1), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586–1709 or (202) 586–6279 (fax).

SUPPLEMENTARY INFORMATION: The purpose of the Secretary of Energy Advisory Board (The Board) is to provide the Secretary of Energy with essential independent advice and recommendations on issues of national importance. The Board and its subcommittees provide timely, balanced, and authoritative advice to the Secretary of Energy on the Department's management reforms, research, development, and technology activities, energy and national security responsibilities, environmental cleanup activities, and economic issues relating to energy.

Tentative Agenda

Wednesday, October 6, 1999

9:00 am–9:30 am Welcome & Opening Remarks—SEAB Chairman and Secretary Bill Richardson

9:30 am–9:40 am Introduction of New Board Members

9:40 am—10:25 am Reports on Recent Board Activities

10:25 am–10:45 am Break

10:45 am–11:20 am Reports on Recent Board Activities (Continued)

11:20 am–12:00 pm Briefing on DOE Security Reforms

12:00 pm–1:15 pm Lunch

1:15 pm–2:15 pm Briefing & Discussion of Health Issues at DOE Facilities

2:15 pm–2:45 pm Working Session on Future Board Activities

2:45 pm–3:15 pm Public Comment Period

3:15 pm Closing Remarks & Adjourn

This tentative agenda may change. We will have a final agenda available at the meeting.

Public Participation: The Chairman of the Secretary of Energy Advisory Board is empowered to conduct the meeting in a way that will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Washington D.C., the Board welcomes public comment. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Board will make every effort to hear the views of all interested parties. You may submit written comments to Betsy Mullins, Executive Director, Secretary of Energy Advisory Board, AB–1, US Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585. This notice is being published less than 15 days before the date of the meeting due to the programmatic issues that needed to be resolved prior to publication.

Minutes: We will make minutes and a transcript of the meeting available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between 9:00 AM and 4:00 PM, Monday through Friday except Federal holidays. You can find more information on the Secretary of Energy Advisory Board at the Board's web site, located at http://www.hr.doe.gov/seab

Issued at Washington, DC, on September 22, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–25076 Filed 9–24–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–3637–000, ER99–3643–000, ER99–3668–000, ER99–3677–000, ER99–3693–000, ER99–3822–000, ER99–3911–000 and ER99–4081–000 (Not consolidated)]

Oswego Harbor Power LLC, Okeechobee Generating Company, Duke Energy Merchants, LLC, CMS Generation Michigan Power, L.L.C., Midwest Generation, LLC, Casco Bay Energy Company, LLC, Northbrook New York, LLC and Bay State GPE, Inc.; Notice of Issuance of Order

September 21, 1999.

Oswego Harbor Power LLC, Okeechobee Generating Company, Duke Energy Merchants, LLC, CMS Generation Michigan Power, L.L.C., Midwest Generation, LLC, Casco Bay Energy Company, LLC, Northbrook New York, LLC, and Bay State GPE, Inc. (hereafter, "the Applicants") filed with the Commission rate schedules in the above-captioned proceedings, respectively, under which the Applicants will engage in wholesale electric power and energy transactions at market-based rates, and for certain waivers and authorizations. In particular, certain of the Applicants may also have requested in their respective applications that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by the Applicants. On September 15, 1999, the Commission issued an order that accepted the rate schedules for sales of capacity and energy at market-based rates (Order), in the above-docketed proceedings.

The Commission's September 15, 1999 Order granted, for those Applicants that sought such approval, their request for blanket approval under Part 34, subject to the conditions found in Appendix B in Ordering Paragraphs (2), (3), and (5):

(2) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by the Applicants should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(3) Absent a request to be heard within the period set forth in Ordering Paragraph (2) above, if the Applicants have requested such authorization, the Applicants are hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the Applicants, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(5) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of the Applicants' issuances of securities or assumptions of liabilities. * * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is October 15, 1999.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426. This issuance may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Acting Secretary.

[FR Doc. 99–25008 Filed 9–24–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission, Establishing a Deadline for Final Amendment, and Soliciting Additional Study Requests

September 21, 1999.

Take notice that the following hydroelectric application has been filed with the commission and is available for public inspection:

a. Type of Application: New Major License.

b. Project No.: 2090–003.

c. Date Filed: August 31, 1999.

d. Applicant: Green Mountain Power Corporation.

e. Name of Project: Waterbury Project.

f. Location: On Little River in Washington County, Vermont. No Federal Lands are used in this project.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C., 791(a)–825(r).

h. Applicant Contact: Mr. Craig T. Myotte, Assistant Vice President, Green Mountain Power Corporation, 163 Action Lane, Colchester, VT 05446, (802) 660–5830.

i. FERC Contact: Robert Bell, robert.bell@ferc.fed.us, 202–219–2806.

j. Deadline for Filing Final amendments: December 31, 1999.

k. Deadline for Filing Additional Study Requests: November 1, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's rules of practice and procedure require all intervenors filing documents with the commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. Status of Environmental Analysis: This application is not for environmental analysis at this time.

m. The existing project consists of: (1) 1,845-foot-long, 158-foot-high rolled earth embankment Waterbury Dam; (2) an impounding having a surface area of 1,330 acres, with a storage capacity of 64,700 acre-feet and a normal water surface elevation of 593.00 feet msl; (3) a submerged concrete intake structure; (4) two 205-foot-long, 54-inch-diameter steel penstocks which connects to a 79-inch-diameter penstock; (4) a powerhouse with a generating unit having an installed capacity of 5,520 kW: (5) a tailrace; (9) a four-mile-long, 33-kV transmission line; and (7) appurtenant facilities

The applicant does not propose any modifications to the project features or operation.

the project would have an annual generation of 16,223 MWh and would be used to provide energy to its customers.

n. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for

assistance). A copy is also available for inspection and reproduction at the address in item h above.

o. With this notice we are initiating consultation with the Vermont State Historic Preservation Officer as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

David P. Boergers,

Secretay.

[FR Doc. 99–25006 Filed 9–24–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License

September 21, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment to License.

b. *Project No.:* 1984–069.

c. *Date Filed:* August 26, 1999; supplemented September 16, 1999.

d. *Applicant:* Wisconsin River Power Company.

e. *Name of Project:* Castle Rock/ Petenwell Hydroelectric Project.

f. *Location:* The Castle Rock/ Petenwell hydroelectric project is on the Wisconsin River in Adams, Juneau, and Woods Counties, Wisconsin.

g. *Applicant Contact:* Mr. Richard L. Hilliker, Wisconsin River Power Company, P.O. Box 8050, Wisconsin Rapids, WI 54495; (715) 422–3722.

h. *FERC Contact:* Questions about this notice can be answered by Steve Hocking at (202) 219–2656 or e-mail address: *steve.hocking@ferc.fed.us.* The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

i. *Deadline for filing comments, recommendations, motions to intervene and protests:* November 3, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of the Application:* Wisconsin River Power Company (Wisconsin Power) filed an application to sell 2,380 acres of project lands to the Wisconsin Department of Natural Resources (WDNR) to expand the existing Buckhorn State Park and Wildlife Area. Another 841 acres of non-project lands would also be sold. Collectively, these lands are known as the "Yellow River Bottoms," a complex system of meandered river channels and islands that provide excellent wildlife habitat and recreational opportunities. The lands are on the Castle Rock Flowage, south of Necedah in Juneau County, Wisconsin. Wisconsin Power does not propose changing the project boundary. The lands to be sold would remain project lands; Wisconsin Power would retain flowage easements.

Contained in Wisconsin Power's application is a request to delete four existing recreation sites from its proposed recreation plan in its application for a new license pending before the Commission. This project is undergoing relicensing and Wisconsin Power requests deleting the four sites because the sites are within the area to be sold, they would become part of the expanded Buckhorn State Park and Wildlife Area and they would be maintained and operated by the WDNR after the sale. The four sites to be deleted are: Buckhorn Causeway West, Yellow River Boat Launch, 19th Avenue Beach Access and Buckhorn Causeway East.

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm.* Call (202) 208–2222 for assistance.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–25007 Filed 9–24–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

September 22, 1999.

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: September 29, 1999, 10:00 a.m.

PLACE: Room 2C, 888 First Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda; * Note—items listed on the agenda may be deleted without further notice.

CONTACT PERSONS FOR MORE INFORMATION: David P. Boergers, Secretary, Telephone (202) 208–0400, for a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

Consent Agenda—Hydro 726th Meeting—September 29, 1999 Regular Meeting (10:00 a.m.)

CAH–1.
DOCKET# P–2525, 022 WISCONSIN PUBLIC SERVICE CORPORATION
CAH–2.
DOCKET# P–2696, 012 NIAGARA MOHAWK POWER CORPORATION
CAH–3.
DOCKET# P–2232, 364, DUKE ENERGY CORPORATION
CAH–4.# P–11619, 000, MOKELUMNE RIVER WATER AND POWER AUTHORITY

Consent Agenda—Electric

CAE–1.
DOCKET# ER97–1523, 011, CENTRAL HUDSON GAS & ELECTRIC CORPORATION, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND LONG ISLAND LIGHTING COMPANY, ET AL.
OTHERS#S ER97–4234, 008, CENTRAL HUDSON GAS & ELECTRIC CORPORATION, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND LONG ISLAND LIGHTING COMPANY, ET AL.
OA97–470, 010, CENTRAL HUDSON GAS & ELECTRIC CORPORATION CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND LONG ISLAND LIGHTING COMPANY, ET AL.
CAE–2.
DOCKET# ER99–4019, 000, ISO NEW ENGLAND, INC.
CAE–3.
DOCKET# ER99–3960, 000, ENTERGY SERVICES, INC.
OTHERS#S ER99–3084 ET AL., 000, ENTERGY SERVICES, INC.
CAE–4.
OMMITTED
CAE–5.
DOCKET# EC99–79, 000, PUBLIC SERVICE ELECTRIC AND GAS COMPANY, PSEG FOSSIL LLC, PSEG NUCLEAR LLC AND PSEG ENERGY RESOURCES & TRADE LLC
OTHER#S ER99–3151, 000, PUBLIC SERVICE ELECTRIC AND GAS COMPANY, PSEG FOSSIL LLC, PSEG NUCLEAR LLC AND PSEG ENERGY RESOURCES & TRADE LLC
CAE–6.
DOCKET# ER99–3886, 000, COMMONWEALTH EDISON COMPANY AND COMMONWEALTH EDISON COMPANY OF INDIANA
CAE–7.
DOCKET# ER99–3872,000, NEW ENGLAND POWER POOL
CAE–8.
DOCKET# ER99–4002,000, ISO NEW ENGLAND, INC.
CAE–9.
DOCKET# ER99–4030,000, NEW ENGLAND POWER POOL
CAE–10.
DOCKET# ER99–4020,000, ALLEGHENY ENERGY SUPPLY COMPANY
CAE–11.
DOCKET# ER99–3887,000, MIDAMERICAN ENERGY COMPANY
OTHER#S EL99–92,000, MIDAMERICAN ENERGY COMPANY
CAE–12.
DOCKET# EC99–105,000, SOUTHERN CALIFORNIA EDISON COMPANY
OTHER#S ER99–4039,000, SOUTHERN CALIFORNIA EDISON COMPANY
CAE–13.
DOCKET# ER99–3158,000, CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION
CAE–14.
DOCKET# ER99–2340,002, PJM INTERCONNECTION, L.L.C.
CAE–15.
DOCKET# EC99–73,000, EL PASO ENERGY CORPORATION AND SONAT INC.
CAE–16.
DOCKET# ER95–1268,000, PUBLIC SERVICE COMPANY OF COLORADO
CAE–17.
DOCKET# EC99–70,000, NEW ENGLAND POWER COMPANY, MASSACHUSETTS ELECTRIC COMPANY AND THE NARRAGANSETT ELECTRIC COMPANY, ET AL.
OTHER#S ER99–2832,000, NEW ENGLAND POWER COMPANY, MASSACHUSETTS ELECTRIC COMPANY AND THE NARRAGANSETT ELECTRIC COMPANY, ET AL.
CAE–18.
OMITTED
CAE–19.
DOCKET# AC98–100,001, PECO ENERGY COMPANY
OTHERS# AC99–48,001, CONSUMERS ENERGY COMPANY
AC99–138,001, VIRGINIA ELECTRIC AND POWER COMPANY
AC99–141,001, SAVANNAH ELECTRIC AND POWER COMPANY
AC99–143,001, MISSISSIPPI POWER COMPANY
AC99–147,001, GULF POWER COMPANY
99–148,001, GEORGIA POWER COMPANY
AC99–150,001, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
AC99–157,001, SOUTHERN ELECTRIC GENERATING COMPANY
AC99–159,001, ALABAMA POWER COMPANY
AC99–160,001, FLORIDA POWER AND LIGHT COMPANY
AC99–165,001, FLORIDA POWER CORPORATION
CAE–20.
DOCKET# EC98–50,001, CAMBRIDGE ELECTRIC LIGHT COMPANY, CANAL ELECTRIC COMPANY, COMMONWEALTH ELECTRIC COMPANY AND MONTAUP ELECTRIC COMPANY
OTHER#S ER98–4088,002, CAMBRIDGE ELECTRIC LIGHT COMPANY, CANAL ELECTRIC COMPANY, COMMONWEALTH ELECTRIC COMPANY AND MONTAUP ELECTRIC COMPANY
ER98–4115,002, SOUTHERN ENERGY CANAL, L.L.C.
ER98–4116,002, SOUTHERN ENERGY KENDALL, L.L.C.
ER98–4118,002, SOUTHERN ENERGY NEW ENGLAND, L.L.C.
CAE–21.
DOCKET# EL98–38,001, JACKSONVILLE ELECTRIC AUTHORITY AND FLORIDA POWER & LIGHT COMPANY, ET AL. V. SOUTHERN COMPANY SERVICES, INC., ET AL.
CAE–22.
OMITTED
CAE–23.
DOCKET# EL99–9,000, OLD DOMINION ELECTRIC COOPERATIVE V. PJM INTERCONNECTION, L.L.C.
CAE–24.
DOCKET# EL98–48,000, TURLOCK IRRIGATION DISTRICT
CAE–25.
OMITTED
CAE–26.
DOCKET# OA97–456,004, BALTIMORE GAS & ELECTRIC COMPANY
OTHER#S OA97–158,008, NIAGARA MOHAWK POWER CORPORATION
OA97–312,004, WESTERN RESOURCES, INC.
OA97–450,005, DUKE POWER COMPANY AND NANTAHALA POWER AND LIGHT COMPANY
OA97–450,006, DUKE POWER COMPANY AND NANTAHALA POWER AND LIGHT COMPANY
OA99–2,000, CONSUMERS ENERGY COMPANY
CAE–27.
DOCKET# OA97–440,005, PECO ENERGY COMPANY
CAE–28.
DOCKET# OA97–287,004, CENTRAL POWER AND LIGHT COMPANY, PUBLIC SERVICE COMPANY OF OKLAHOMA, SOUTHWESTERN ELECTRIC POWER COMPANY AND WEST TEXAS UTILITIES COMPANY
OTHER#SOA97–422,005, CENTRAL MAINE POWER COMPANY
OA97–433,004, PUBLIC SERVICE COMPANY OF NEW MEXICO
OA97–452,005, ROCHESTER GAS AND ELECTRIC CORPORATION
OA97–458,004, ENTERGY SERVICES, INC., ENTERGY ARKANSAS, INC., ENTERGY GULF STATES, INC., ENTERGY LOUISIANA, INC. AND ENTERGY MISSISSIPPI, INC., ET AL.
OA97–462,005, MAINE ELECTRIC POWER COMPANY
OA97–464,004, SIERRA PACIFIC POWER COMPANY
OA97–720,004, PUBLIC SERVICE COMPANY OF NEW MEXICO
CAE–29.
DOCKET# RM95–9,003, OPEN ACCESS SAME-TIME INFORMATION SYSTEM AND STANDARDS OF CONDUCT

Consent Agenda—Miscellaneous

CAE–1.
DOCKET# RM98,13,002, COMPLAINT PROCEDURES

Consent Agenda—Gas and Oil

CAG–1.
DOCKET# GT99–68,000, TENNESSEE GAS PIPELINE COMPANY
OTHER#S GT99–68,001, TENNESSEE GAS PIPELINE COMPANY
CAG–2.
DOCKET# RP99–469,000, DESTIN PIPELINE COMPANY, L.L.C.
CAG–3.
DOCKET# RP99–472,000, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–4.
DOCKET# RP99–488,000, EAST TENNESSEE NATURAL GAS COMPANY
CAG–5.
DOCKET# RP99–491,000, SOUTH GEORGIA NATURAL GAS COMPANY
CAG–6.
DOCKET# RP99–493,000, SOUTHERN NATURAL GAS COMPANY
CAG–7.
DOCKET# RP99–496,000, SOUTHERN NATURAL GAS COMPANY
OTHER#S RP99–496,001, SOUTHERN NATURAL GAS COMPANY
CAG–8.
DOCKET# RP99–501,000, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–9.
DOCKET# RP99–502,000, NAUTILUS PIPELINE COMPANY, L.L.C.
CAG–10.
OMITTED
CAG–11.
DOCKET# RP99–474,000, NATURAL GAS PIPELINE COMPANY OF AMERICA
CAG–12.
DOCKET# RP99–478,000, WYOMING INTERSTATE COMPANY, LTD.
OTHER#S RP99–479,001, COLORADO INTERSTATE GAS COMPANY
CAG–13.
DOCKET# RP99–485,000, KANSAS PIPELINE COMPANY
CAG–14.
DOCKET# RP99–494,000, NORTHWEST PIPELINE CORPORATION
OTHER#S RP99–494,001, NORTHWEST PIPELINE CORPORATION
CAG–15.
OMITTED
CAG–16.
DOCKET# RP99–497,000, PANHANDLE EASTERN PIPE LINE COMPANY
CAG–17.
DOCKET# PP95–18,001, DUKE ENERGY INTRASTRATE NETWORK, L.L.C.
CAG–18.
DOCKET# GT99–38,000, DESTIN PIPELINE COMPANY, L.L.C.
CAG–19.
DOCKET# RP97–420,003, SOUTHERN NATURAL GAS COMPANY
CAG–20.
DOCKET# RP99–257,000, WILLIAMS GAS PIPELINES CENTRAL, INC.
OTHER#S RP89–183,094, WILLIAMS GAS PIPELINES CENTRAL, INC.
RP99–257,002, WILLIAMS GAS PIPELINES CENTRAL, INC.
CAG–21.
OMITTED
CAG–22.
DOCKET# RP97–126,014, IROQUOIS GAS TRANSMISSION SYSTEM, L.P.
CAG–23.
DOCKET# RP99–294,294, TEXAS EASTERN TRANSMISSION CORPORATION
CAG–24.
DOCKET# RP99–278,002, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–25.
DOCKET# RP99–301,002, ANR PIPELINE COMPANY
CAG–26.
OMITTED
CAG–27.
OMITTED
CAG–28.
DOCKET# RP95–364,006, WILLISTON BASIN INTERSTATE PIPELINE COMPANY
CAG–29.
DOCKET# RP93–5,032, NORTHWEST PIPELINE CORPORATION
OTHER#S RP93–96,011, NORTHWEST PIPELINE CORPORATION
CAG–30.
DOCKET# RP99–323,000, GAS RESEARCH INSTITUTE
CAG–31.
DOCKET# MG99–15,001, PG&E GAS TRANSMISSION, NORTHWEST CORPORATION
CAG–32.
DOCKET# CP98–236,001, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
OTHER#S CP98–242,001, WILLIAMS GAS PROCESSING-GULF COAST GATHERING COMPANY, L.P.
CAG–33.
DOCKET# RM98–9,001, REVISION OF EXISTING REGULATIONS UNDER PART 157 AND RELATED SECTIONS OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT
CAG–34.
DOCKET# CP99–61,000, TRISTATE PIPELINE, L.L.C.
OTHER#S CP99–62,000, TRISTATE PIPELINE, L.L.C.
CP99–63,000, TRISTATE PIPELINE, L.L.C.
CP99–64,000, TRISTATE PIPELINE, L.L.C.
CAG–35.
DOCKET# CP99–191,000, NORTHERN NATURAL GAS COMPANY
CAG–36.
DOCKET# CP99–607,000, CENTRAL NEW YORK OIL AND GAS COMPANY, LLC
CAG–37.
DOCKET# CP99–182,000, KOCH GATEWAY PIPELINE COMPANY
CAG–38.
DOCKET# CP96–152,015, KANSAS PIPELINE COMPANY
CAG–39.
DOCKET# CP97–256,003, K N WATTENBERG TRANSMISSION LIMITED LIABILITY COMPANY

Hydro Agenda

H–1.
RESERVED

Electric Agenda

E–1.
RESERVED

Oil and Gas Agenda

I. PIPELINE RATE MATTERS

PR–1.
RESERVED

II. PIPELINE CERTIFICATE MATTERS

PC–1.
DOCKET# RM 98–17,000, LANDOWNERS NOTIFICATION, EXPANDED CATEGORICAL EXCLUSIONS AND OTHER ENVIRONMENTAL FILING REQUIREMENTS, FINAL RULE.

David P. Boergers,

Secretary.

[FR Doc. 99–25144 Filed 9–23–99; 12:11 pm]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6444–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, New Source Performance Standards (NSPS) for Grain Elevators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: New Source Performance Standards (NSPS) Subpart DD, Grain Elevators, OMB No. 2060–0082, expires November 30, 1999. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 27, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download a copy of the ICR off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1130.06.

SUPPLEMENTARY INFORMATION:

Title: NSPS Subpart DD (OMB Control No. 2060–0082; EPA ICR No.1130.06) expiring 11/30/99. This is a request for extension of the expiration date of a currently approved collection.

Abstract: This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR 60.300, *et seq.*, subpart DD, New Source Performance

Standards for Grain Elevators. This information notifies EPA when a source becomes subject to the regulations, informs the Agency if a source is in compliance.

In the Administrator's judgment, particulate matter emissions from grain elevators cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, NSPS were promulgated for this source category, as required under Section 111 of the Clean Air Act.

Particulate emissions from grain elevators are the result of grain drying and grain handling operations, including loading and unloading. These standards rely on the proper operation of particulate control devices such as baghouses and equipment such as shed doors and spouts designed to reduce particulate emission during grain unloading and loading.

Owners or operators of the affected facilities subject to NSPS Subpart DD must make the following one-time-only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility that may increase the rate of emission of the regulated pollutant; notification of the date of the initial performance test; and the results of the initial performance test, including information necessary to determine the conditions of the performance test and performance test measurements and results, including particulate matter concentration and opacity.

Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, as well as the nature and cause of the malfunction (if known) and corrective measures taken. These notifications, reports and records are required, in general, of all sources subject to NSPS. Without such information, enforcement personnel would be unable to determine if the standards are being met.

Approximately 118 sources are currently subject to the standard. EPA estimates that three additional sources will become subject to the standard in each of the next three years.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on June 4, 1999 (64 FR 30011); no comments were received.

The required information consists of emissions data and other information that have been determined not to be private. However, any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B—Confidentiality of Business Information (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 1764, March 23, 1979).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2.1 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Entities potentially affected by this action are each truck unloading station, truck loading station, barge and ship unloading station, barge and ship loading station, railcar loading station, railcar unloading station, grain dryer, and all grain handling operations at any grain terminal elevator or any grain storage elevator subject to NSPS Subpart DD.

Estimated Number of Respondents: 121.

Frequency of Response: Initial.

Estimated Total Annual Hour Burden: 250.

Estimated Total Annualized Capital, O&M Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No 1130.06 and OMB Control No.2060–0082 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460;

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: September 21, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–25046 Filed 9–24–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6444–5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, New Source Performance Standards for Petroleum Dry Cleaners

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: New Source Performance Standard (NSPS) for Petroleum Dry Cleaners Subpart JJJ, OMB Control Number 2060–0079 expiring November 30, 1999. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 27, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download a copy of the ICR off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 0997.06.

SUPPLEMENTARY INFORMATION: *Title:* New Source Performance Standard (NSPS) for Petroleum Dry Cleaners Subpart JJJ, OMB Control No. 2060–0079; EPA ICR No.0997.06) expiring 11/30/99. This is a request for extension of a currently approved collection.

Abstract: The New Source Performance Standards (NSPS) for the

Petroleum Dry Cleaning industry (Subpart JJJ) were proposed on December 14, 1982 and promulgated on September 21, 1984. These standards apply to the owners or operators of petroleum dry cleaning facilities constructed, reconstructed, or modified after December 14, 1982 whose total manufacturer's rated dryer capacity is equal to or greater than 38 kilograms (84 pounds). Owners or operators of the affected facilities described must make one-time-only notifications. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Monitoring requirements and recordkeeping requirements specific to Subpart JJJ are related to the initial performance test. These notifications, reports, and records are essential in determining compliance; and are required, in general, of all sources subject to NSPS. Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least 2 years following the date of such records. This information is being collected to assure compliance with 40 CFR part 60 subpart JJJ. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 6/4/99 (64 FR 107); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 20 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners/Operators of Petroleum Dry Cleaners.

Estimated Number of Respondents: 18.

Frequency of Response: Initial.

Estimated Total Annual Hour Burden: 1,483 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $ 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No 0997.06 and OMB Control No. 2060–0079 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460;
and
Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: September 21, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–25047 Filed 9–24–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6444–6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, New Source Performance Standards (NSPS) Synthetic Fiber Production Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: New Source Performance Standards (NSPS) Subpart HHH Synthetic Fiber Production Facilities; OMB Control Number 2060–0059; expiration 10/31/99. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 27, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download a copy of the ICR off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1156.08.

SUPPLEMENTARY INFORMATION:

Title: NSPS Subpart HHH Synthetic Fiber Production Facilities; OMB Control Number 2060–0059; EPA ICR No. 1156.08; expiration 10/31/99. This is a request for extension of a currently approved collection.

Abstract: The New Source Performance Standards (NSPS) for synthetic fiber production facilities (Subpart HHH) were proposed on November 23, 1982 and promulgated on April 5, 1984. These standards apply to each solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year and that commenced construction or reconstruction after November 23, 1982. The provisions of this subpart do not apply to any facility that uses the reaction spinning process to produce spandex fiber or the viscose process to produce rayon fiber, nor to facilities that commence modification but not reconstruction after November 23, 1982. VOCs are the pollutants regulated under this Subpart.

Owners or operators of the affected facilities described must make one-time-only initial notifications and report on the results of the initial performance test. Owners or operators also are required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Monitoring requirements specific to synthetic fiber production facilities provide information on VOC emissions. Owners or operators of affected facilities are required to install, calibrate, maintain, and operate a continuous monitoring system for the measurement of makeup solvent and solvent feed. These values shall be used in calculating monthly VOC emissions. Section 60.603(b)(1) provides three options for determining solvent feed.

Each owner or operator calculates VOC emissions every month from the amount of solvent feed and makeup solvent used in each affected facility. These values are used to calculate compliance with the emission

limitations on a six-month rolling average basis.

Also required are semiannual reports, and quarterly reports of instances of excess emissions. The owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements. Responses to this collection of information are mandatory and are being collected to assure compliance with 40 CFR Part 60 subpart HHH. All reports are sent to the delegated State or Local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office. These notifications, reports, and records are essential in determining compliance.

Approximately 30 sources are currently subject to the standard, and it is estimated that an additional 1 source per year will become subject to the standard in the next three years

The required information consists of emissions data and other information that have been determined not to be private. However, any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on June 4, 1999 (64 FR 30011). No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 31 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners/Operators of Synthetic Fiber Production Facilities.

Estimated Number of Respondents: 31.

Frequency of Response: Initial, quarterly, semiannual

Estimated Total Annual Hour Burden: 2,696

Estimated Total Annualized Capital, O&M Cost Burden: $228,300

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1156.08 and OMB Control No. 2060–0059 in any correspondence. Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460; and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: September 21, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–25048 Filed 9–24–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6444–4]

Public Water System Supervision Program Revision for the State of North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of North Carolina is revising its approved Public Water System Supervision Program. North Carolina has adopted drinking water regulations establishing administrative penalty authority and defining a public water system. EPA has determined that the administrative penalty authority revisions meet all minimum federal requirements, and that the public water system definition revisions are no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

DATES: All interested parties may request a public hearing. A request for a public hearing must be submitted by October 27, 1999 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by October 27, 1999, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on October 27, 1999. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

North Carolina Department of Environment and Natural Resources, Public Water Supply Section, Parker-Lincoln Building, 2728 Capital Boulevard, Raleigh, North Carolina 27604.

Environmental Protection Agency, Region 4, Drinking Water Section, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Dale Froneberger, EPA Region 4, Drinking Water Section at the Atlanta address given above (telephone 404–562–9446).

Authority: (Section 1401 and section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142).

Dated: September 16, 1999.

A. Stanley Meiburg,

Acting for Regional Administrator, Region 4.

[FR Doc. 99–25049 Filed 9–24–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6443–9]

Sole Source Aquifer Designation of the Islesboro Island Aquifer System, Waldo County, Maine

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination.

SUMMARY: The Regional Administrator of Region I of the Environmental Protection Agency (EPA) has determined that the Islesboro Island aquifer system that underlies Islesboro Island, Maine (denominated as "Islesboro Island Aquifer System") is the sole or principal source of drinking water for this area and if the aquifer system were contaminated would create a significant hazard to public health. This determination is in response to a petition submitted by the State of Maine requesting that the Administrator of EPA make a determination under section 1424(e) of the Safe Drinking Water Act, 42 U.S.C. 300h–3(e), as amended, that the Islesboro Island Aquifer System is a sole or principal source of drinking water for the area. As a result of Sole Source Aquifer (SSA) designation, federal financially assisted projects over the designated aquifer area will be subject to EPA review to ensure that these projects are designed and constructed so that they do not contaminate this aquifer so as to create a significant hazard to public health.

EFFECTIVE DATE: This determination shall become effective October 27, 1999.

ADDRESSES: The data upon which these findings are based are available to the public and may be inspected during normal business hours at the U.S. Environmental Protection Agency—Region I, Office of Ecosystem Protection, Maine State Unit (CME), One Congress St, Suite 1100, Boston, MA 02114–2023.

FOR FURTHER INFORMATION CONTACT: Edward Lavery, U.S. EPA–I at the address above or at (617) 918–1683, e-mail: *lavery.ted@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1424(e) of the Safe Drinking Water Act, 42 U.S.C. 300h–3(e), states:

If the Administrator determines, on his own initiative or petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register**. After the publication of any such notice, no commitment for federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On June 15, 1990 EPA Region I received a petition from the State of Maine requesting the designation of the aquifer system underlying the Isleboro Island Aquifer as a sole source aquifer under section 1424(e) of the SDWA. The petition expressed several reasons for interest in a designation including the vulnerability of the bedrock aquifer due to limited capacity for attenuation of contaminants due to a thin soil cover as wells as the need to assess environmental impacts possible from federally-funded projects.

A detailed review of the petition was determined to meet all criteria on January 31, 1999. The Islesboro Ground Water Protection Committee also expressed support on January 13, 1999 for completing the determination.

EPA reviewed the petition and supporting documentation and began gathering available data to make a determination. EPA opened the official public comment period on the petition on May 17, 1999 and held a public meeting on May 17, 1999 at the Islesboro Municipal Building in Islesboro, Maine. The public comment period closed on June 17, 1999.

II. Basis for Determination

Among the factors considered by the Regional Administrator as part of the review and technical verification process for designating an area under section 1424(e) were:

1. The aquifer system underlying the Islesboro Island area supplies the service area population with 50% or more of its drinking water needs.

2. There are no economical alternative drinking water source or combination of sources to supply the designated service area.

3. The EPA has found that the State of Maine Department of Environmental Protection has appropriately delineated the boundaries of the aquifer project review and service area.

4. While the quality of the area's ground water is considered to be good, it is vulnerable to contamination due to the relatively thin soil cover and rapid movement of ground water in fractured rock, coupled with increasing development and other land uses. Recharge of the water supply is by infiltration of precipitation over the entire island. There are no public water supplies on the island and all homes are supplied by individual wells.

The designated area is underlain primarily by a fractured bedrock aquifer system. The aquifer system is overlain by areas of glacial till and silt deposits.

5. Definable Aquifer Boundaries: EPA guidance allows designations to be made for entire aquifers, hydrologically connected aquifers (aquifer systems), or part of an aquifer if that portion is hydrologically separated from the rest of the aquifer. The Islesboro Island Area Aquifer System boundary is based on the mean high tide line since this marks the freshwater-salt water boundary.

III. Description of the Islesboro Island Aquifer System That Underlies Islesboro Island

The Islesboro Island Aquifer System is a 14.23 square mile island located in the mid-coastal region of Maine, approximately 10 miles southeast of Belfast, Maine. The aquifer system is comprised of an interconnected bedrock aquifer. The aquifer material consists of two primary rock types: slate and limestone. The island has a relief of 195 feet with steep cliffs on the northwestern shores and a gentle slope along the eastern and southwestern portions of the island. All residents are supplied by individual wells, either drilled or dug wells. The aquifer is, therefore, the principal source of drinking water for the island.

For the Islesboro Island Aquifer System, the boundary of the aquifer is designated by the mean high tide line. The watershed boundary is the surface water divide based on topography, which corresponds with the ground water divide. The designated area, project review area and service area are conterminous, encompassing all of Islesboro Island.

IV. Information Utilized in Determination

The information utilized in this determination includes: the petition and supporting document submitted to the EPA Region I by the State of Maine, Department of Environmental Protection, the Island Institute, letters received during the public comment period, and public comments received during the public hearing. In addition, much of the information has been derived from published literature on the hydrogeology and water resources of the region. This information is available to the public and may be inspected at the

address listed above. The petition and support document and EPA's response summary to public comment are available at the Municipal Office in Islesboro, Maine.

V. Project Review

EPA Region I is working with the federal agencies most likely to provide financial assistance to projects in the project review area. Interagency procedures and Memoranda of Understanding will be developed through which EPA will be notified of proposed commitments by federal agencies to projects which could potentially impact the Islesboro Island Aquifer System. The EPA will evaluate such projects, and where necessary, conduct an in-depth review, including soliciting State and local government and public comments when appropriate. Should the Regional Administrator determine that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, no commitment for federal financial assistance may be entered into for that project. However, a commitment for federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to ensure that it will not contaminate the aquifer. Included in the review of any federal financially-assisted projects will be the coordination with state and local agencies and the project's developers. Their comments will be given full consideration and EPA's review will attempt to complement and support state and local ground water protection measures. Although the project review process cannot be delegated, EPA will rely to the maximum extent possible on any existing or future state and/or local control measures to protect the quality of ground water in the Islesboro Island Aquifer Review Area.

VI. Economic and Regulatory Impact

Pursuant to the provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), I hereby certify that this designation will not have a significant impact on a substantial number of small entities. For purposes of this Certification, the "small entity" shall have the same meaning as given in section 601 of the RFA. This action is only applicable to projects with the potential to impact the Islesboro Island Aquifer System SSA as designated.

The only affected entities will be those businesses, organizations or governmental jurisdictions that request federal financial assistance for projects which have the potential for contaminating the Sole Source Aquifer so as to create a significant hazard to public health. EPA does not expect to be reviewing small isolated commitments of financial assistance on an individual basis, unless a cumulative impact on the aquifer is anticipated; accordingly, the number of affected small entities will be minimal.

For those small entities which are subject to review, the impact to today's action will not be significant. Most projects subject to this review will be preceded by a ground water impact assessment required pursuant to other federal laws, such as the National Environmental Policy Act (NEPA) as amended 42 U.S.C. 4321, *et seq.* Integration of those related review procedures with sole source aquifer review will allow EPA and other Federal agencies to avoid delay or duplication of effort in approving financial assistance, thus minimizing any adverse effect on those small entities which are affected. Finally, today's action does not prevent grants of federal financial assistance which may be available to any affected small entity in order to pay for the redesign of the project to assure protection of the aquifer.

Under Executive Order 12866, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect of $100 million or more on the economy, will not cause any major increase in costs or prices and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States enterprises to compete in domestic or export markets. Today's action only affects the Islesboro Island Aquifer System in Islesboro, ME. It provides an additional review of ground water protection measures, incorporating state and local measures whenever possible, for only those projects which request federal financial assistance.

VII. Summary and Discussion of Public Comments

A letter of support from the Islesboro Ground Water Protection Committee in support of the designation was received. However, no additional written comments were received. No formal oral comments were received at the public meeting. However, a few questions about the project review requirements of the sole source aquifer program were raised. EPA representative, Edward Lavery explained that project review will not be concerned with small, isolated commitments of financial assistance such as Farmers Home Administration loans however, EPA may conduct reviews if a large number of such projects is of concern. For many project review environmental impacts assessed under the National Environmental Policy Act (NEPA) will be coordinated with project reviews required under section 1424(e) of the Safe Drinking Water Act.

This determination affects only the Islesboro Island Aquifer System located in Islesboro Island, ME. As a result of this Sole Source Aquifer determination, all federal financially-assisted projects proposed in the designated area will be subject to EPA review to ensure that they do not create a significant hazard to public health.

Authority: This action is issued under the authority of sections 1427 of the Safe Drinking Water Act as amended 42 U.S.C. 300h–3(e).

Dated: September 2, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–24953 Filed 9–24–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6381–8]

The Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: To assure that Federal agencies adhere to the requirements under various laws and Executive Orders, EPA has revised and reissued the 1988 Federal Facilities Compliance Strategy, commonly referred to as the "Yellow Book." The revised Yellow Book is titled *The Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities.* This notice is to inform the public that the revised Yellow Book is available.

FOR FURTHER INFORMATION CONTACT: Anissa M. McNeill, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Federal Facilities Enforcement Office (2261A), 401 M St., SW., Washington, DC 20460; telephone number: (202) 564–0013; fax: (202) 501–0644; e-mail: mcneill.anissa@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Notice Apply to Me?

The primary purpose of the Yellow Book is to provide field-level personnel that have environmental responsibilities at Federal facilities with a comprehensive informational tool to help them comply with environmental requirements and to understand the enforcement and compliance processes used by EPA and States at Federal facilities. The information contained in the Yellow Book may be of value to others within the environmental community such as Federal agency environmental managers, EPA Headquarters and Regional staff with Federal facility responsibilities; State, Tribal, and local environmental staff; and contractor (or subcontractor) operators of Federal facilities.

The above description is intended to provide examples of entities likely to find the Yellow Book useful. If you have any questions regarding the applicability of this announcement to you, consult the person listed under "FOR FURTHER INFORMATION CONTACT."

B. How Can I Get Additional Information or Copies of This Document?

1. *Electronically.* You may obtain electronic copies of this document at http://www.epa.gov/oeca/fedfac/yellowbk/, or by accessing the Federal Facilities Enforcement Office (FFEO) web page at http://www.epa.gov/oeca/fedfac/fflex/html.

2. *In person or by phone.* To purchase a copy of the Yellow Book, contact the U.S. Government Printing Office, 710 North Capitol St., NW., Washington, DC 20401; telephone: (202) 512–1800; fax: (202) 260–1800. Either the stock number 055–000–00624–5 or the publication number EPA 315–B–98–011 can be used when ordering the Yellow Book.

II. Background

Since its inception, EPA has relied on a strong, aggressive enforcement program as the centerpiece of its efforts to ensure compliance with national environmental laws. Federal agencies, just like private parties, are required to comply with all environmental requirements. To ensure that Federal agencies adhere to environmental requirements, EPA monitors Federal agency compliance, issues and assesses fines and penalties, and develops Federal agency enforcement and compliance policy and guidance.

In February 1999, EPA's Office of Enforcement and Compliance and Assurance, Federal Facilities and Enforcement Office revised and reissued *The Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities,* commonly referred to as the Yellow Book. The document supersedes the 1988 Yellow Book titled *Federal Facilities Compliance Strategy*. The Yellow Book is intended to assist Federal facility staff with achieving and maintaining compliance with environmental requirements as required by Executive Order 12088, Federal Compliance with Pollution Control Standards. In addition, by providing compliance assistance to Federal facilities, the Yellow Book will help EPA achieve it's goals--of Federal facility compliance equaling or surpassing the rest of the regulated community and of Federal facilities leading the way in minimizing environmental contamination.

The Yellow Book is a comprehensive informational tool that has been developed by FFEO to help Federal agencies comply with environmental requirements. It has been developed to:

- Provide a "roadmap" for Federal agency compliance with environmental requirements.
- Explain how, and by whom, Federal facility activities are monitored and tracked.
- Explain the enforcement tools and processes used by EPA, States, American Indian Tribes, and citizens to ensure compliance.

The Yellow Book is designed to function as a user-friendly guide that contains useful and easily accessed information and as a resource for obtaining additional information on specific environmental issues. The Yellow Book is not intended to ensure compliance with all regulations.

The revised Yellow Book contains many changes from the 1988 version. For example, the new Yellow Book:

- Includes new and revised policies and procedures.
- Includes new and reauthorized laws.
- Discusses more environmental laws.
- Broadens the scope of environmental statute descriptions by: Detailing the requirements of the law; tailoring the descriptions to highlight the law's application to Federal facilities; and describing the enforcement response that can be taken when a Federal facility is in violation of a law's requirements.
- Discusses more executive orders and broadens the scope of executive order descriptions by providing more detail regarding requirements.
- Provides the reader with sources of more information for each subject discussed in the Yellow Book. The Yellow Book contains a preface, seven chapters, and seven appendices.

III. Summary of Chapters

The chapters and appendices are listed below.

Chapters I through VII

Chapter I: Identifying Federal Facilities and Tracking Federal Facility Compliance

This chapter defines Federal facilities, describes the different types of Federal facilities, and identified how EPA tracks Federal facility activity. It provides answers to the following questions: What is a Federal facility? How are Federal facilities identified and tracked?

Chapter II: Environmental Statutes and Executive Orders

This chapter summarizes key provisions of environmental statutes and executive orders with which Federal facilities must comply. It addresses the need for Federal facilities to comply not only with Federal environmental requirements, but also with those of State, Tribal, and local governments. In addition, several other laws affecting Federal facilities (e.g., the Base Closure and Realignment Act) are discussed.

Chapter III: Crosscutting Environmental Issues

This chapter discusses several crosscutting environmental issues that affect Federal facilities. Included is a discussion of pollution prevention, Federal government environmental awards and challenge programs, environmental justice, American Indian Tribes, innovative technology, the Federal Facilities Environmental Restoration Dialogue Committee, formerly used defense sites, and environmentally beneficial landscaping requirements.

Chapter IV: Monitoring Federal Facility Compliance

Chapter IV discusses why and how EPA, States, and Tribes monitor Federal facility activities. It includes a discussion of the goals and objectives of EPA's Federal facility compliance program and identifies the tools frequently employed to monitor Federal agency compliance. Specific topics discussed in Chapter IV include coordination between EPA Regions and the States on Federal facility compliance; the reporting and recordkeeping activities that are required of Federal facilities; the Code of Environmental Management Principles; Environmental Management Systems; inspections of Federal facilities by EPA, States, and/or Tribes;

audits conducted by the facilities themselves; and Federal Agency Environmental Management Program Planning, commonly referred to as FEDPLAN.

Chapter V: Enforcement Response to Federal Facility Violations

Chapter V discusses EPA's Federal facility enforcement philosophy, summarizes key enforcement policies affecting Federal facilities, and provides an overview of enforcement authorities and the enforcement process. Also discussed is EPA's response to violations at Federal facilities operated by non-Federal parties (e.g., government-owned/contractor-operated facilities) and State/Tribal response to Federal facility violations. A chart depicting the EPA Federal facilities enforcement process is provided. In addition, an exhibit is presented that provides definitions for significant violators and significant noncompliers of environmental requirements.

Chapter VI: Compliance Assistance, Training, and Outreach

This chapter discusses EPA's role in providing compliance assistance to Federal facilities. Included in the discussion are training opportunities, available hotlines, and access to EPA publications.

Chapter VII: EPA Offices With Major Federal Facility Responsibilities

Chapter VII provides an overview of the major organizations and groups within EPA that are directly involved in activities affecting Federal facilities. The chapter discusses the roles and responsibilities of the Federal Facilities Enforcement Office, Federal Facilities Restoration and Reuse Office, Office of Site Remediation Enforcement, Office of Federal Activities, Federal Facilities Leadership Council, and Regional Federal Facility Coordinators.

Appendices A through F

Appendix A: Regional Federal Facility Coordinators

Appendix B: Administrative Assessment of Civil Penalties Against Facilities Under the Clean Air Act and Guidance on Implementation of EPA's Penalty/ Compliance Order Authority Against Federal Agencies Under the Clean Air Act (CAA)

Appendix C: Key Executive Orders

Appendix D: EPA/FFEO Compliance Assistance Tools for Federal Facilities

Appendix E: Hotlines

Appendix F: Web Pages

List of Subjects

Environmental protection.

Dated: September 17, 1999.

Craig E. Hooks,

Director, Federal Facilities Enforcement Office.

[FR Doc. 99–25051 Filed 9–24–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3143–EM]

Florida; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Florida (FEMA–3143–EM), dated September 14, 1999, and related determinations.

EFFECTIVE DATE: September 14, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 14, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of Florida, resulting from Hurricane Floyd on September 14, 1999, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of Florida.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the emergency. I have further authorized emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under the Stafford Act, as you may deem appropriate.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Paul Fay of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared emergency:

FEMA intends to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency. FEMA is further authorized to provide emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees.

This assistance is for the counties of Brevard, Broward, Dade, Duval, Flagler, Indian River, Martin, Nassau, Palm Beach, St. Johns, St. Lucie, and Volusia.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25033 Filed 9–24–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3143–EM]

Florida; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Florida, (FEMA–3143–EM), dated September 14, 1999, and related determinations.

EFFECTIVE DATE: September 14, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Florida is hereby amended to include debris removal (Category A), including direct Federal assistance, at 75 percent Federal funding for the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of September 14, 1999:

Brevard, Broward, Dade, Duval, Flagler, Indian River, Martin, Nassau, Palm Beach, St. Johns, St. Lucie, and Volusia counties for debris removal (Category A), including direct Federal assistance, at 75 percent Federal funding.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–25034 Filed 9–24–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3144–EM]

Georgia; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Georgia (FEMA–3144–EM), dated September 14, 1999, and related determinations.

EFFECTIVE DATE: September 14, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 14, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of Georgia, resulting from Hurricane Floyd on September 14, 1999, and continuing, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of Georgia.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the emergency. I have further authorized debris removal and emergency protective measures (Categories A and B) including direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under the Stafford Act, as you may deem appropriate.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Bryant Harrison of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of Georgia to have been affected adversely by this declared emergency:

FEMA intends to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency. FEMA is further authorized to provide debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding.

This assistance is for the counties of Bryan, Camden, Chatham, Glynn, Liberty, and McIntosh.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25035 Filed 9–24–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1286–DR]

State of Nebraska; Amendment No: 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Nebraska (FEMA–1286–DR), dated August 20, 1999, and related determinations.

EFFECTIVE DATE: September 10, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive

Order 12148, I hereby appoint Carlos N. Mitchell of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Charles E. Biggs as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25029 Filed 9–24–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1295–DR]

New Jersey; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New Jersey, (FEMA–1295–DR), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 18, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of New Jersey is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 1999:

The counties of Morris and Union for Individual Assistance and Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Laurence W. Zensinger,

Division Director, Response and Recovery Directorate.

[FR Doc. 99–25032 Filed 9–24–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3148–EM]

New Jersey; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of New Jersey, (FEMA–3148–EM), dated September 17, 1999, and related determinations.

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of New Jersey is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of September 17, 1999:

Atlantic, Burlington, Camden, Cape May, Cumberland, Glouscester, Hudson, Hunterdon, Monmouth, Ocean, Salem, and Warren counties for debris removal (Category A) and emergency protective measures (Category B), including direct Federal assistance at 75 percent Federal funding.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–25036 Filed 9–24–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1291–DR]

North Carolina; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Carolina (FEMA–1291–DR), dated September 9, 1999, and related determinations.

EFFECTIVE DATE: September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 9, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of North Carolina, resulting from Hurricane Dennis on August 29, 1999, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of North Carolina.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is later requested and warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Glenn C. Woodard, Jr. of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of North Carolina to have been affected adversely by this declared major disaster:

Beaufort, Carteret, Craven, Dare, Hyde, and Pamlico Counties for Individual Assistance.

All counties within the State of North Carolina are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25031 Filed 9–24–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1289–DR]

Pennsylvania; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Pennsylvania, (FEMA–1289–DR), dated September 1, 1999, and related determinations.

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Pennsylvania is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 1, 1999:

Juniata County for Individual Assistance

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–25030 Filed 9–24–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Compendium of Flood Map Changes

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This Notice provides listings of changes made to National Flood Insurance Program (NFIP) maps produced by FEMA effective during the first 6 months of 1999.

DATES: The listings include changes to NFIP maps that became effective January 1, 1999, through June 30, 1999.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Director, Technical Services Division, Mitigation Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202)646-2756.

SUPPLEMENTARY INFORMATION: In accordance with Section 1360(i) of the National Flood Insurance Reform Act of 1994, this Notice is provided to inform interested parties of changes made by FEMA to NFIP maps. The two listings provided show communities affected by map changes made by letter and communities affected by physical map changes. For each Letter of Map Change, the first listing provides the map panel(s) affected, effective (determination) date of the change, case number, and determination type. For each physical map change, the Map Revision listing provides the map panel(s) affected and the effective date of the change. The listing also identifies: (1) those panels on which the Special Flood Hazard Areas have not been changed or have been changed only to incorporate the Letters of Map Change issued before the effective date; and (2) those panels for which a Flood Insurance Rate Map is produced for the first time, resulting only in changes to flood insurance and floodplain management requirements in the affected community. Future notices of changes to NFIP maps will be published approximately every 6 months.

Dated: September 16, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

Two listings are provided below. The first listing includes all Letters of Map Change issued by FEMA from January 1 through June 30, 1999. The following types of letters are included in the listing:

Type	Description
01	Letter of Map Revision Based on Fill (218-65)
02	Letter of Map Amendment (218-70)
05	Letter of Map Revision With Base Flood Elevation Changes
06	Letter of Map Revision Without Base Flood Elevation Changes
08	Denial
12	Floodway Revision
17	Letter of Map Revision-inadvertent inclusion in floodway (218-65)
18	Letter of Map Revision-inadvertent inclusion in V zone (218-65)
19	Letter of Map Change Revalidation.

The second listing includes map panels that FEMA physically revised and republished from January 1 through June 30, 1999. For those map panels on which the Special Flood Hazard Areas have not been changed or have been changed only to incorporate Letters of Map Change issued before the effective date, two asterisks(**) are shown to the right of the map panel number. For those map panels for which a Flood Insurance Rate Map is produced for the first time, resulting only in changes to flood insurance and floodplain management requirements in the affected community, three asterisks(***) are shown to the right of the map panel number.

Region	State	Community	Map panel	Determination date	Case No.	Type
01	CT	BETHEL, TOWN OF	0900010005B	14-APR-1999	99-01-598A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
01	CT	BRANFORD, TOWN OF	0900730010C	21-APR-1999	99-01-512A	02
01	CT	BRISTOL, CITY OF	0900230009B	16-JUN-1999	99-01-718A	02
01	CT	CLINTON, TOWN OF	0900610006E	21-APR-1999	99-01-654A	02
01	CT	CROMWELL, TOWN OF	0901230010E	14-APR-1999	99-01-344A	02
01	CT	EAST GRANBY, TOWN OF	0900250005C	16-JUN-1999	99-01-528A	02
01	CT	EAST HAVEN, TOWN OF	0900760005C	14-MAY-1999	99-01-636A	02
01	CT	EAST HAVEN, TOWN OF	0900760008D	02-JUN-1999	99-01-698A	02
01	CT	EAST LYME, TOWN OF	0900960007C	21-FEB-1999	97-01-051P	05
01	CT	EAST LYME, TOWN OF	0900960012C	07-APR-1999	99-01-622A	02
01	CT	ELLINGTON, TOWN OF	0901580010C	21-APR-1999	99-01-274A	02
01	CT	ENFIELD, TOWN OF	0900280010B	29-JAN-1999	99-01-376A	02
01	CT	FAIRFIELD, TOWN OF	0900070008C	29-JAN-1999	99-01-332A	02
01	CT	FAIRFIELD, TOWN OF	0900070008C	14-APR-1999	99-01-444A	02
01	CT	FAIRFIELD, TOWN OF	0900070005C	03-MAR-1999	99-01-458A	02
01	CT	FAIRFIELD, TOWN OF	0900070008C	28-MAY-1999	99-01-472A	02
01	CT	FAIRFIELD, TOWN OF	0900070006C	23-JUN-1999	99-01-482A	02
01	CT	FAIRFIELD, TOWN OF	0900070009C	04-JUN-1999	99-01-490A	02
01	CT	FAIRFIELD, TOWN OF	0900070002C	07-MAY-1999	99-01-552A	02
01	CT	FAIRFIELD, TOWN OF	0900070005C	16-APR-1999	99-01-594A	02
01	CT	FAIRFIELD, TOWN OF	0900070008C	21-APR-1999	99-01-648A	02
01	CT	FAIRFIELD, TOWN OF	0900070009C	04-JUN-1999	99-01-842A	02
01	CT	FAIRFIELD, TOWN OF	0900070008C	04-JUN-1999	99-01-848A	02
01	CT	GLASTONBURY, TOWN OF	0901240010B	23-FEB-1999	99-01-438A	02
01	CT	GLASTONBURY, TOWN OF	0901240010B	24-FEB-1999	99-01-440A	02
01	CT	GRANBY, TOWN OF	0901250010C	05-MAY-1999	99-01-306A	02
01	CT	GREENWICH, TOWN OF	0900080019C	24-FEB-1999	99-01-316A	02
01	CT	GREENWICH, TOWN OF	0900080022C	11-JUN-1999	99-01-824A	02
01	CT	GREENWICH, TOWN OF	0900080019C	11-JUN-1999	99-01-868A	02
01	CT	GRISWOLD, TOWN OF	0901730016A	20-JAN-1999	98-01-1036A	02
01	CT	GROTON, TOWN OF	0900970010C	30-APR-1999	99-01-658A	02
01	CT	GUILFORD, TOWN OF	0900770017B	23-JUN-1999	99-01-784A	02
01	CT	HAMDEN, TOWN OF	0900780005B	05-FEB-1999	99-01-336A	02
01	CT	LYME, TOWN OF	0901270002A	28-APR-1999	99-01-650A	02
01	CT	LYME, TOWN OF	0901270002A	21-APR-1999	99-01-692A	02
01	CT	MADISON, TOWN OF	0900790011C	01-MAR-1999	98-01-029P	05
01	CT	MADISON, TOWN OF	0900790011C	26-MAR-1999	99-01-550A	02
01	CT	NEW BRITAIN, CITY OF	0900320001C	06-JAN-1999	99-01-126A	02
01	CT	NEW BRITAIN, CITY OF	0900320001C	13-JAN-1999	99-01-152A	02
01	CT	NEW BRITAIN, CITY OF	0900320001C	25-JUN-1999	99-01-902A	02
01	CT	NEW HARTFORD, TOWN OF	0900480006B	16-JUN-1999	99-01-750A	02
01	CT	NEWINGTON, TOWN OF	0900330005B	09-MAR-1999	99-01-474A	01
01	CT	NEWTOWN, TOWN OF	0900110005B	25-FEB-1999	99-01-280A	02
01	CT	NORWALK, CITY OF	0900120010D	12-FEB-1999	99-01-276A	01
01	CT	NORWALK, CITY OF	0900120005C	09-JUN-1999	99-01-736A	02
01	CT	OLD SAYBROOK, TOWN OF	0900690004D	14-APR-1999	99-01-666A	02
01	CT	PLYMOUTH, TOWN OF	0901380002C	04-JUN-1999	99-01-772A	02
01	CT	SOMERS, TOWN OF	0901120006B	24-FEB-1999	99-01-218A	01
01	CT	SOUTHINGTON, TOWN OF	0900370005D	31-MAR-1999	99-01-410A	02
01	CT	STAMFORD, CITY OF	0900150005C	17-FEB-1999	98-01-1078A	02
01	CT	STONINGTON, TOWN OF	0901060014E	26-MAR-1999	99-01-464A	02
01	CT	STRATFORD, TOWN OF	0900160003D	12-MAY-1999	99-01-566A	02
01	CT	STRATFORD, TOWN OF	0900160003D	02-APR-1999	99-01-706A	02
01	CT	STRATFORD, TOWN OF	0900160003D	23-JUN-1999	99-01-738A	02
01	CT	TRUMBULL, TOWN OF	0900170010C	01-MAR-1999	98-01-045P	[illegible]
01	CT	WEST HARTFORD,TOWN OF	0950820004C	16-JUN-1999	99-01-604A	02
01	CT	WEST HARTFORD,TOWN OF	0950820003C	11-JUN-1999	99-01-634A	02
01	CT	WEST HAVEN, CITY OF	0900920002C	19-MAR-1999	99-01-408A	02
01	CT	WESTBROOK, CITY OF	0900700005E	21-APR-1999	99-01-352A	02
01	CT	WESTON, TOWN OF	0900180003C	26-MAR-1999	99-01-530A	02
01	CT	WETHERSFIELD, TOWN OF	0900400002B	27-JAN-1999	98-01-994A	02
01	CT	WOODSTOCK, TOWN OF	0901200016B	13-JAN-1999	99-01-298A	02
01	MA	ADAMS, TOWN OF	2500160005B	21-APR-1999	99-01-011P	06
01	MA	AMESBURY, TOWN OF	2500750004C	06-JAN-1999	99-01-252A	02
01	MA	ANDOVER, TOWN OF	2500760005B	05-FEB-1999	99-01-268A	02
01	MA	BARNSTABLE, TOWN OF	2500010016D	06-JAN-1999	99-01-244A	01
01	MA	BOURNE, TOWN OF	2552100005D	16-JUN-1999	99-01-424A	02
01	MA	BOXFORD, TOWN OF	2500780012C	15-JAN-1999	99-01-310A	02
01	MA	BROCKTON, CITY OF	2502610005C	15-JAN-1999	98-01-1050A	02
01	MA	BURLINGTON, TOWN OF	2501850001B	08-JAN-1999	99-01-270A	02
01	MA	CHELMSFORD, TOWN OF	2501880010B	15-APR-1999	99-01-178A	02
01	MA	CHELMSFORD, TOWN OF	2501880010B	07-APR-1999	99-01-454A	02
01	MA	CONCORD, TOWN OF	2501890005B	15-JAN-1999	99-01-300A	02
01	MA	DEDHAM, TOWN OF	2502370005C	05-MAR-1999	99-01-360A	[illegible]

Region	State	Community	Map panel	Determination date	Case No.	Type
01	MA	EASTON, TOWN OF	2500530010D	21-MAY-1999	99-01-642A	02
01	MA	FALMOUTH, TOWN OF	2552110001G	22-JUN-1999	99-01-013P	05
01	MA	FRAMINGHAM, TOWN OF	2501930006B	28-MAY-1999	99-01-822A	02
01	MA	GEORGETOWN, TOWN OF	2500810005B	05-MAR-1999	99-01-372A	02
01	MA	GLOUCESTER, CITY OF	2500820006E	14-APR-1999	99-01-668A	02
01	MA	HATFIELD, TOWN OF	2501640010B	10-FEB-1999	99-01-392A	02
01	MA	LOWELL, CITY OF	2502010003D	12-MAR-1999	99-01-456A	02
01	MA	LOWELL, CITY OF	2502010006D	14-MAY-1999	99-01-798A	02
01	MA	LUDLOW, TOWN OF	2501440009C	21-MAY-1999	99-01-694A	02
01	MA	LYNNFIELD, TOWN OF	2500890005C	29-JAN-1999	99-01-308A	02
01	MA	MARBLEHEAD, TOWN OF	2500910002B	05-MAY-1999	99-01-632A	18
01	MA	MARSHFIELD, TOWN OF	2502730003D	19-MAR-1999	99-01-428A	02
01	MA	MASHPEE, TOWN OF	2500090007F	05-MAR-1999	99-01-514A	02
01	MA	MEDFIELD, TOWN OF	2502420005B	03-MAR-1999	99-01-446A	02
01	MA	METHUEN, TOWN OF	2500930010C	02-APR-1999	99-01-610A	02
01	MA	MILLBURY, TOWN OF	2503180005B	10-MAR-1999	99-01-418A	02
01	MA	NATICK, TOWN OF	2502070006B	13-JAN-1999	98-01-1024A	02
01	MA	NEWBURY, TOWN OF	2500960004B	31-MAR-1999	99-01-574A	02
01	MA	NORFOLK, TOWN OF	2552170005C	05-FEB-1999	99-01-412A	02
01	MA	NORFOLK, TOWN OF	2552170005C	02-APR-1999	99-01-500A	02
01	MA	NORTON, TOWN OF	2500600006C	13-JAN-1999	98-01-028A	02
01	MA	NORTON, TOWN OF	2500600002C	29-JAN-1999	99-01-172A	02
01	MA	NORTON, TOWN OF	2500600006C	15-JAN-1999	99-01-250A	02
01	MA	NORWOOD, TOWN OF	2502480005B	17-MAR-1999	99-01-380A	02
01	MA	PITTSFIELD, CITY OF	2500370020C	13-JAN-1999	99-01-318A	02
01	MA	PLYMPTON, TOWN OF	2502790002B	26-FEB-1999	99-01-400A	02
01	MA	QUINCY, CITY OF	2552190016B	10-FEB-1999	99-01-368A	02
01	MA	RANDOLPH, TOWN OF	2502510003C	21-MAY-1999	99-01-652A	01
01	MA	SAUGUS, TOWN OF	2501040003B	17-FEB-1999	99-01-342A	02
01	MA	SHREWSBURY, TOWN OF	2503320005B	26-FEB-1999	98-01-1004A	02
01	MA	STOUGHTON, TOWN OF	2502530001B	26-MAR-1999	99-01-452A	02
01	MA	SUDBURY, TOWN OF	2502170003C	15-MAR-1999	99-01-202A	02
01	MA	SUDBURY, TOWN OF	2502170004C	05-MAR-1999	99-01-546A	02
01	MA	SWAMPSCOTT, TOWN OF	2501050001C	13-APR-1999	99-01-582A	02
01	MA	TEWKSBURY, TOWN OF	2502180003B	30-APR-1999	99-01-390A	01
01	MA	TEWKSBURY, TOWN OF	2502180005B	18-JUN-1999	99-01-764A	02
01	MA	TOPSFIELD, TOWN OF	2501060001D	04-JUN-1999	99-01-618A	02
01	MA	TOPSFIELD, TOWN OF	2501060001D	25-JUN-1999	99-01-860A	02
01	MA	WAREHAM, TOWN OF	2552230011D	23-APR-1999	99-01-388A	02
01	MA	WESTWOOD, TOWN OF	2552250005C	18-JUN-1999	99-01-284A	02
01	MA	WESTWOOD, TOWN OF	2552250005C	19-FEB-1999	99-01-294A	01
01	MA	WESTWOOD, TOWN OF	2552250005C	26-MAR-1999	99-01-404A	02
01	MA	WILMINGTON, TOWN OF	2502270002B	12-MAY-1999	99-01-762A	02
01	MA	WINCHENDON, TOWN OF	2503480010B	20-JAN-1999	99-01-042A	02
01	ME	ACTON, TOWN OF	2301900001B	26-FEB-1999	99-01-450A	02
01	ME	BAR HARBOR, TOWN OF	2300640010B	16-JUN-1999	99-01-816A	02
01	ME	BELFAST, CITY OF	2301290008B	16-JUN-1999	99-01-832A	02
01	ME	BELGRADE, TOWN OF	2302320005B	31-MAR-1999	99-01-586A	02
01	ME	BLUE HILL, TOWN OF	2302740025A	20-JAN-1999	99-01-214A	02
01	ME	BLUE HILL, TOWN OF	2302740020A	03-FEB-1999	99-01-354A	02
01	ME	BLUE HILL, TOWN OF	2302740025A	02-APR-1999	99-01-520A	18
01	ME	BLUE HILL, TOWN OF	2302740020A	04-JUN-1999	99-01-794A	02
01	ME	BOOTHBAY, TOWN OF	2302120005B	25-JUN-1999	99-01-912A	02
01	ME	BOWDOINHAM,TOWN OF	2301190015C	02-APR-1999	99-01-188A	02
01	ME	BREWER, CITY OF	2301040005B	07-MAY-1999	99-01-488A	02
01	ME	BROOKLIN,TOWN OF	230275 A	23-JUN-1999	99-01-638A	02
01	ME	BRUNSWICK, TOWN OF	2300420027B	03-FEB-1999	99-01-364A	02
01	ME	BUCKFIELD, TOWN OF	2300900005C	06-JAN-1999	98-01-934A	02
01	ME	CAMDEN, TOWN OF	2300740014B	23-JUN-1999	99-01-800A	02
01	ME	CHINA, TOWN OF	2302350010B	05-MAY-1999	99-01-746A	02
01	ME	CUMBERLAND, TOWN OF	2301620018C	23-MAR-1999	99-01-542A	02
01	ME	DEER ISLE, TOWN OF	2302800015B	29-JAN-1999	99-01-328A	02
01	ME	DEER ISLE, TOWN OF	2302800020B	16-JUN-1999	99-01-854A	02
01	ME	DIXMONT,TOWN OF	230381 A	10-FEB-1999	99-01-340A	02
01	ME	ELIOT, TOWN OF	2301490010B	23-APR-1999	99-01-580A	02
01	ME	GOULDSBORO,TOWN OF	2302830020B	05-MAR-1999	99-01-264A	01
01	ME	GOULDSBORO,TOWN OF	2302830010B	23-APR-1999	99-01-616A	01
01	ME	HANCOCK, TOWN OF	2302840010A	23-APR-1999	99-01-470A	17
01	ME	HANCOCK, TOWN OF	2302840010A	12-MAY-1999	99-01-568A	18
01	ME	HANCOCK, TOWN OF	2302840015A	31-MAR-1999	99-01-590A	02
01	ME	HARPSWELL, TOWN OF	2301690014D	05-FEB-1999	99-01-356A	02
01	ME	HARPSWELL, TOWN OF	2301690006B	23-FEB-1999	99-01-468A	18
01	ME	HARPSWELL, TOWN OF	2301690014D	28-APR-1999	99-01-540A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
01	ME	HARPSWELL, TOWN OF	2301690011B	12-MAR-1999	99-01-544A	02
01	ME	HARPSWELL, TOWN OF	2301690005B	23-JUN-1999	99-01-726A	02
01	ME	HARPSWELL, TOWN OF	2301690014D	23-JUN-1999	99-01-886A	01
01	ME	KENNEBUNK, TOWN OF	2301510015C	12-FEB-1999	99-01-088A	02
01	ME	KITTERY, TOWN OF	2301710002C	29-JAN-1999	99-01-140A	02
01	ME	LAMOINE, TOWN OF	2302850010A	10-FEB-1999	99-01-130A	02
01	ME	LEVANT, TOWN OF	230912 B	05-MAR-1999	99-01-382A	02
01	ME	LINCOLNVILLE, TOWN OF	2301720015A	26-MAR-1999	99-01-578A	02
01	ME	LINCOLNVILLE, TOWN OF	2301720015A	16-JUN-1999	99-01-644A	02
01	ME	LINCOLNVILLE, TOWN OF	2301720015A	16-JUN-1999	99-01-814A	02
01	ME	LITCHFIELD, TOWN OF	2302380005B	04-JUN-1999	99-01-786A	02
01	ME	LOVELL, TOWN OF	2303360015B	10-FEB-1999	99-01-296A	01
01	ME	LUBEC, TOWN OF	2301390010C	19-MAR-1999	99-01-526A	18
01	ME	LYMAN, TOWN OF	2301950005A	07-APR-1999	99-01-504A	02
01	ME	MACHIAS, TOWN OF	2301400005B	27-APR-1999	99-01-722A	02
01	ME	MEXICO, TOWN OF	2300950003B	20-MAY-1999	99-01-804A	02
01	ME	NEW GLOUCESTER, TOWN OF	2302010020B	09-APR-1999	98-01-670A	02
01	ME	NORTHPORT, TOWN OF	2301790005A	23-JUN-1999	99-01-696A	01
01	ME	NORWAY, TOWN OF	2300960005B	02-APR-1999	99-01-066A	02
01	ME	NORWAY, TOWN OF	2300960005B	08-JAN-1999	99-01-108A	02
01	ME	NORWAY, TOWN OF	2300960005B	07-APR-1999	99-01-180A	02
01	ME	NORWAY, TOWN OF	2300960005B	08-JAN-1999	99-01-208A	02
01	ME	NORWAY, TOWN OF	2300960005B	05-MAR-1999	99-01-290A	02
01	ME	OLD TOWN, CITY OF	2301120003A	13-JAN-1999	99-01-288A	02
01	ME	ORRINGTON, TOWN OF	230180	05-JAN-1999	99-01-114A	02
01	ME	OWL'S HEAD, TOWN OF	2300750005B	09-APR-1999	99-01-478A	18
01	ME	OWL'S HEAD, TOWN OF	2300750005B	14-MAY-1999	99-01-562A	18
01	ME	PORTLAND, CITY OF	2300510007C	05-FEB-1999	99-01-320A	02
01	ME	PORTLAND, CITY OF	2300510007C	19-MAR-1999	99-01-506A	02
01	ME	PORTLAND, CITY OF	2300510007C	19-MAR-1999	99-01-554A	02
01	ME	PORTLAND, CITY OF	2300510007C	16-JUN-1999	99-01-908A	02
01	ME	PORTLAND, CITY OF	2300510007C	18-JUN-1999	99-01-922A	02
01	ME	RANGELEY, TOWN OF	230352 A	13-JAN-1999	99-01-266A	02
01	ME	RANGELEY, TOWN OF	230352 A	10-FEB-1999	99-01-378A	02
01	ME	RANGELEY, TOWN OF	230352 A	26-FEB-1999	99-01-432A	02
01	ME	RUMFORD, TOWN OF	2300990015B	02-APR-1999	99-01-164A	02
01	ME	SACO, CITY OF	2301550029C	24-FEB-1999	99-01-414A	02
01	ME	SANFORD, TOWN OF	2301560017E	16-JUN-1999	99-01-852A	02
01	ME	SCARBOROUGH, TOWN OF	2300520022D	03-FEB-1999	98-01-1038A	02
01	ME	SCARBOROUGH, TOWN OF	2300520021D	07-MAY-1999	99-01-712A	02
01	ME	SOUTH PORTLAND, CITY OF	2300530009D	19-MAR-1999	99-01-518A	18
01	ME	ST. ALBANS, TOWN OF	230369 A	19-FEB-1999	99-01-420A	02
01	ME	ST. ALBANS, TOWN OF	230369 A	26-FEB-1999	99-01-430A	02
01	ME	ST. ALBANS, TOWN OF	230369 A	26-MAY-1999	99-01-778A	02
01	ME	ST. GEORGE, TOWN OF	2302290015C	18-JUN-1999	99-01-836A	02
01	ME	STOCKTON SPRINGS, TOWN OF	2302660005B	25-JUN-1999	99-01-612A	02
01	ME	SWANS ISLAND,TOWN OF	230297 A	12-MAY-1999	99-01-576A	02
01	ME	T17 R05 WELS, TOWNSHIP OF	230454 A	14-APR-1999	99-01-522A	02
01	ME	TRENTON, TOWN OF	2302990010A	31-MAR-1999	99-01-626A	02
01	ME	TRENTON, TOWN OF	2302990010A	23-APR-1999	99-01-690A	02
01	ME	VINALHAVEN, TOWN OF	230230 A	18-JUN-1999	99-01-926A	02
01	ME	WALDOBORO, TOWN OF	2300860022B	02-APR-1999	99-01-314A	02
01	ME	WALDOBORO, TOWN OF	2300860030B	07-MAY-1999	99-01-720A	02
01	ME	WATERBORO, TOWN OF	2301990007C	27-JAN-1999	99-01-248A	02
01	ME	WATERBORO, TOWN OF	2301990009C	19-MAR-1999	99-01-532A	02
01	ME	WATERBORO, TOWN OF	2301990004C	30-JUN-1999	99-01-932A	02
01	ME	WEST PARIS, TOWN OF	2301000010B	18-JUN-1999	99-01-872A	02
01	ME	WINDHAM, TOWN OF	2301890035B	27-JAN-1999	99-01-086A	02
01	ME	YARMOUTH, TOWN OF	2300550005B	20-JAN-1999	99-01-350A	02
01	ME	YARMOUTH, TOWN OF	2300550006B	25-JUN-1999	99-01-812A	02
01	ME	YORK, TOWN OF	2301590024B	02-JUN-1999	99-01-572A	02
01	NH	BEDFORD, TOWN OF	3300830010C	28-MAY-1999	99-01-810A	02
01	NH	CONWAY, TOWN OF	3300110020B	04-JUN-1999	99-01-820A	02
01	NH	DANVILLE, TOWN OF	330199 A	03-MAR-1999	99-01-476A	02
01	NH	DERRY, TOWN OF	3301280008B	05-MAY-1999	99-01-748A	02
01	NH	KEENE, CITY OF	3300230005C	28-APR-1999	99-01-302A	01
01	NH	KEENE, CITY OF	3300230009C	03-MAR-1999	99-01-426A	02
01	NH	LOUDON, TOWN OF	3301170003B	16-MAR-1999	99-01-486A	02
01	NH	MANCHESTER, CITY OF	3301690020B	20-JAN-1999	99-01-322A	02
01	NH	MEREDITH, TOWN OF	3300060010B	08-JAN-1999	98-01-1118A	02
01	NH	MIDDLETON, TOWN OF	3302220001B	28-APR-1999	99-01-724A	02
01	NH	NASHUA, CITY OF	3300970010B	13-APR-1999	99-01-015P	05
01	NH	NEW DURHAM, TOWN OF	3302270010B	29-JAN-1999	99-01-394A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
01	NH	PELHAM, TOWN OF	3301000003B	13-JAN-1999	99-01-292A	02
01	NH	PELHAM, TOWN OF	3301000003B	12-MAY-1999	99-01-534A	02
01	NH	RAYMOND, TOWN OF	3301400005D	12-MAR-1999	99-01-508A	02
01	NH	SALEM, TOWN OF	3301420010C	02-MAR-1999	98-01-1122A	01
01	NH	SALEM, TOWN OF	3301420010C	12-FEB-1999	99-01-078A	01
01	NH	SALEM, TOWN OF	3301420010C	27-JAN-1999	99-01-272A	02
01	NH	SALEM, TOWN OF	3301420010C	14-APR-1999	99-01-564A	02
01	NH	SHELBURNE, TOWN OF	330037 A	12-MAR-1999	99-01-166A	02
01	NH	TUFTONBORO, TOWN OF	3302340005B	19-MAR-1999	99-01-524A	02
01	NH	WAKEFIELD, TOWN OF	3300190010A	21-APR-1999	99-01-672A	02
01	NH	WEARE, TOWN OF	3302350020B	03-FEB-1999	99-01-132A	02
01	NH	WILMOT, TOWN OF	330124 B	25-JUN-1999	99-01-766A	02
01	NH	WINDHAM, TOWN OF	3301440001B	26-FEB-1999	98-01-928A	02
01	RI	BARRINGTON, TOWN OF	44001C0002F	29-JAN-1999	99-01-236A	02
01	RI	BARRINGTON, TOWN OF	44001C0007F	23-APR-1999	99-01-516A	02
01	RI	CRANSTON, CITY OF	4453960009B	26-MAR-1999	99-01-304A	02
01	RI	EAST GREENWICH, TOWN OF	4453970002B	16-JUN-1999	99-01-558A	02
01	RI	FOSTER, TOWN OF	440033 B	25-JUN-1999	99-01-664A	02
01	RI	GLOCESTER, TOWN OF	4400340005C	29-JAN-1999	99-01-238A	02
01	RI	NARRAGANSETT, TOWN OF	4454020006C	24-MAR-1999	99-01-434A	02
01	RI	NORTH KINGSTOWN, TOWN OF	4454040005B	12-FEB-1999	99-01-338A	02
01	RI	NORTH PROVIDENCE, TOWN OF	4400200001B	19-FEB-1999	99-01-348A	02
01	RI	PORTSMOUTH, TOWN OF	4454050004D	02-JUN-1999	99-01-782A	02
01	RI	PROVIDENCE, CITY OF	4454060002E	02-APR-1999	99-01-630A	01
01	RI	WESTERLY, CITY OF	4454100005C	26-MAR-1999	99-01-556A	02
01	VT	BARNET, TOWN OF	5000240004C	20-JAN-1999	99-01-362A	02
01	VT	BARRE, CITY OF	5001050001B	27-JAN-1999	99-01-242A	02
01	VT	EAST MONTPELIER, TOWN OF	5001110015B	12-MAY-1999	99-01-770A	02
01	VT	ESSEX, TOWN OF	5000340011B	07-APR-1999	99-01-592A	02
01	VT	FAIR HAVEN, TOWN OF	5000940007C	03-MAR-1999	99-01-212A	02
01	VT	JERICHO, TOWN OF	5000370004B	26-MAY-1999	99-01-790A	02
01	VT	MORETOWN, TOWN OF	5001160001C	20-JAN-1999	99-01-044A	02
01	VT	NEWBURY, TOWN OF	5002370020B	09-FEB-1999	99-01-416A	02
01	VT	NORTHFIELD, TOWN OF	5001180002B	31-MAR-1999	99-01-608A	02
01	VT	NORTHFIELD, TOWN OF	5001180001B	16-JUN-1999	99-01-888A	02
01	VT	PAWLET, TOWN OF	5000970010C	23-APR-1999	99-01-620A	02
01	VT	READING, TOWN OF	5001520015B	12-FEB-1999	99-01-386A	02
01	VT	RICHMOND, TOWN OF	5000400008B	07-MAY-1999	99-01-674A	02
01	VT	ROYALTON, TOWN OF	5001530005C	25-JUN-1999	99-01-892A	02
01	VT	RUTLAND, TOWN OF	5002670005B	25-JUN-1999	99-01-704A	02
01	VT	SHEFFIELD, TOWN OF	500194 A	16-JUN-1999	99-01-780A	02
01	VT	SHREWSBURY, TOWN OF	5001020015B	03-MAR-1999	99-01-258A	02
01	VT	THETFORD, TOWN OF	5000750020B	02-APR-1999	99-01-624A	02
01	VT	WATERBURY, VILLAGE OF	5001220001C	30-JUN-1999	99-01-898A	02
02	NJ	ABERDEEN, TOWNSHIP OF	3403120010A	23-JUN-1999	99-02-850A	02
02	NJ	BERKELEY HEIGHTS, TOWNSHIP OF	3404590002D	31-MAR-1999	99-02-606A	02
02	NJ	BERKELEY HEIGHTS, TOWNSHIP OF	3404590001D	23-APR-1999	99-02-684A	02
02	NJ	BERKELEY HEIGHTS, TOWNSHIP OF	3404590002D	12-MAY-1999	99-02-768A	02
02	NJ	BERKELEY HEIGHTS, TOWNSHIP OF	3404590002D	14-MAY-1999	99-02-798A	02
02	NJ	BERKELEY HEIGHTS, TOWNSHIP OF	3404590001D	25-JUN-1999	99-02-890A	02
02	NJ	BERKELEY, TOWNSHIP OF	3403690025C	25-JAN-1999	98-02-033P	05
02	NJ	BERKELEY, TOWNSHIP OF	3403690030D	03-MAR-1999	99-02-406A	02
02	NJ	BERKELEY, TOWNSHIP OF	3403690004C	04-JUN-1999	99-02-688A	02
02	NJ	BERNARDS, TOWNSHIP OF	3404280010A	02-JUN-1999	99-02-470A	01
02	NJ	BERNARDS, TOWNSHIP OF	3404280010A	19-MAR-1999	99-02-584A	02
02	NJ	BLOOMINGDALE, BOROUGH OF	3452840005C	26-MAR-1999	99-02-268A	02
02	NJ	CARNEYS POINT, TOWNSHIP OF	3404240010B	19-FEB-1999	99-02-430A	02
02	NJ	CARNEYS POINT, TOWNSHIP OF	3404240005B	30-JUN-1999	99-02-898C	01
02	NJ	CHATHAM, BOROUGH OF	340338 A	06-APR-1999	99-02-204A	02
02	NJ	DOVER, TOWNSHIP OF	3452930003D	10-FEB-1999	99-02-236A	02
02	NJ	DOVER, TOWNSHIP OF	3452930008D	17-MAR-1999	99-02-506A	02
02	NJ	FAIR LAWN, BOROUGH OF	34003C0167F	05-MAR-1999	99-02-442A	02
02	NJ	FAIR LAWN, BOROUGH OF	34003C0178F	23-APR-1999	99-02-622A	02
02	NJ	FAIR LAWN, BOROUGH OF	34003C0159G	02-JUN-1999	99-02-730A	01
02	NJ	FAIRFIELD, BOROUGH OF	3452950002C	17-FEB-1999	99-02-146A	02
02	NJ	FAIRFIELD, BOROUGH OF	3452950003C	15-APR-1999	99-02-674A	02
02	NJ	FAIRFIELD, BOROUGH OF	3452950002C	23-JUN-1999	99-02-820A	02
02	NJ	FAIRFIELD, BOROUGH OF	3452950003C	12-MAY-1999	99-02-828A	02
02	NJ	FORT LEE, BOROUGH OF	34003C0276F	12-FEB-1999	99-02-400A	02
02	NJ	FRANKLIN LAKES, BOROUGH OF	34003C0152F	27-JAN-1999	98-02-1182A	02
02	NJ	GREEN, TOWNSHIP OF	3405290005D	31-MAR-1999	99-02-260A	02
02	NJ	HACKENSACK MEADOWLANDS COMMISSION	34003C0262F	03-MAR-1999	99-02-462A	02
02	NJ	HADDON, TOWNSHIP OF	3401340002B	05-FEB-1999	99-02-344A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
02	NJ	HAMILTON, TOWNSHIP OF	3402460015C	01-APR-1999	97-02-003P	05
02	NJ	HAMILTON, TOWNSHIP OF	3402460015C	18-MAY-1999	99-02-408A	02
02	NJ	HILLSBOROUGH, TOWNSHIP OF	3404360015B	04-JUN-1999	99-02-560A	02
02	NJ	HILLSIDE, TOWNSHIP OF	3404650001B	05-MAY-1999	99-02-576A	02
02	NJ	HOBOKEN, CITY OF	3402220001B	04-MAY-1999	99-02-738A	02
02	NJ	HOPE, TOWNSHIP OF	3404860004C	02-FEB-1999	99-02-428A	02
02	NJ	HOWELL, TOWNSHIP OF	3403010022B	19-MAY-1999	99-02-682A	02
02	NJ	LACEY, TOWNSHIP OF	340376 A	05-MAR-1999	99-02-468A	02
02	NJ	LACEY, TOWNSHIP OF	340376 A	02-APR-1999	99-02-612A	02
02	NJ	LINCOLN PARK, BOROUGH OF	3453000002B	14-MAY-1999	99-02-794A	02
02	NJ	LITTLE EGG HARBOR, TOWNSHIP OF	3403800019B	18-JUN-1999	99-02-598A	02
02	NJ	LITTLE EGG HARBOR, TOWNSHIP OF	3403800028C	21-MAY-1999	99-02-702A	02
02	NJ	LIVINGSTON, TOWNSHIP OF	3401850003D	15-JAN-1999	99-02-110A	02
02	NJ	LIVINGSTON, TOWNSHIP OF	3401850002D	20-JAN-1999	99-02-318A	02
02	NJ	MANASQUAN, BOROUGH OF	3453030001C	14-MAY-1999	99-02-780A	02
02	NJ	MANCHESTER, TOWNSHIP OF	3403820002B	04-JAN-1999	98-02-075P	05
02	NJ	MANVILLE, BOROUGH OF	3404370001B	05-MAR-1999	99-02-450A	02
02	NJ	MAPLE SHADE, TOWNSHIP OF	3401010005B	06-JAN-1999	99-02-238A	01
02	NJ	MARLBORO, TOWNSHIP OF	3403100010B	17-FEB-1999	99-02-198A	02
02	NJ	MEDFORD, TOWNSHIP OF	3401040010B	04-JUN-1999	99-02-330A	02
02	NJ	MILLSTONE, TOWNSHIP OF	3403140007B	02-JUN-1999	99-02-494A	01
02	NJ	MONROE, TOWNSHIP OF	3402690006C	24-MAR-1999	99-02-092A	02
02	NJ	MONTVALE, BOROUGH OF	34003C0091F	21-APR-1999	99-02-654A	02
02	NJ	NATIONAL PARK, BOROUGH OF	3402090001C	28-MAY-1999	99-02-426A	02
02	NJ	NATIONAL PARK, BOROUGH OF	3402090001C	12-MAR-1999	99-02-454A	02
02	NJ	NEPTUNE, TOWNSHIP OF	3403170003C	13-JAN-1999	99-02-200A	02
02	NJ	NEW MILFORD, BOROUGH OF	34003C0192F	12-MAR-1999	99-02-590A	02
02	NJ	NORTH PLAINFIELD, CITY OF	3453070001B	05-FEB-1999	99-02-282A	02
02	NJ	NORTHVALE, BOROUGH OF	34003C0114F	08-JUN-1999	99-02-019P	[illegible]
02	NJ	NORWOOD, BOROUGH OF	34003C0114F	08-JUN-1999	99-02-019P	06
02	NJ	OLD BRIDGE, TOWN OF	3402650004D	23-APR-1999	99-02-548A	02
02	NJ	PALMYRA, BOROUGH OF	3401100001C	03-FEB-1999	99-02-338A	01
02	NJ	PALMYRA, BOROUGH OF	3401100001C	05-MAY-1999	99-02-528A	02
02	NJ	PALMYRA, BOROUGH OF	3401100001C	14-APR-1999	99-02-718A	02
02	NJ	PALMYRA, BOROUGH OF	3401100001C	11-JUN-1999	99-02-858A	01
02	NJ	PENNSVILLE, TOWNSHIP OF	3405120001B	10-FEB-1999	99-02-440A	02
02	NJ	PEQUANNOCK, VILLAGE OF	3453110002B	31-MAR-1999	99-02-482A	02
02	NJ	PEQUANNOCK, VILLAGE OF	3453110001C	23-APR-1999	99-02-636A	02
02	NJ	RARITAN, TOWNSHIP OF	3402400003A	06-JAN-1999	99-02-062A	02
02	NJ	SADDLE RIVER, BOROUGH OF	34003C0086G	03-MAR-1999	99-02-396A	02
02	NJ	SCOTCH PLAINS, TOWNSHIP OF	3404740005B	23-APR-1999	99-02-540A	02
02	NJ	SPOTSWOOD, BOROUGH OF	3402820001D	24-MAR-1999	99-02-496A	02
02	NJ	SUMMIT, CITY OF	3404760001A	05-MAY-1999	99-02-586A	01
02	NJ	UNION BEACH, BOROUGH OF	3403310001D	05-MAR-1999	99-02-492A	02
02	NJ	UPPER SADDLE RIVER, BOROUGH OF	34003C0079G	14-MAY-1999	99-02-800A	02
02	NJ	VERNON, TOWNSHIP OF	3405610035A	19-FEB-1999	99-02-402A	02
02	NJ	VINELAND, CITY OF	3401760020B	10-MAR-1999	99-02-044A	01
02	NJ	WAYNE, TOWNSHIP OF	3453270002B	05-MAR-1999	99-02-138A	02
02	NJ	WEST DEPTFORD, TOWNSHIP OF	3402140003B	08-JAN-1999	99-02-160A	02
02	NJ	WEST ORANGE, TOWN OF	3401970005B	06-JAN-1999	99-02-242A	02
05	NJ	WESTVILLE, BOROUGH OF	3402150001B	03-MAR-1999	99-02-240A	02
02	NY	ADAMS, TOWN OF	360324 C	21-MAY-1999	99-02-704A	02
02	NY	ALBANY, CITY OF	3600010007C	19-MAR-1999	99-02-510A	02
01	NY	AMHERST, TOWN OF	3602260006E	22-JAN-1999	99-02-206A	02
02	NY	AMHERST, TOWN OF	3602260006E	08-JAN-1999	99-02-264A	02
02	NY	AMHERST, TOWN OF	3602260007E	13-JAN-1999	99-02-290A	02
02	NY	AMHERST, TOWN OF	3602260007E	19-MAR-1999	99-02-380A	02
01	NY	AMHERST, TOWN OF	3602260009E	31-MAR-1999	99-02-410A	02
02	NY	AMHERST, TOWN OF	3602260006E	26-MAR-1999	99-02-448A	02
02	NY	AMHERST, TOWN OF	3602260007E	05-MAR-1999	99-02-502A	02
02	NY	AMHERST, TOWN OF	3602260004D	30-APR-1999	99-02-538A	02
02	NY	AMHERST, TOWN OF	3602260007E	26-MAR-1999	99-02-564A	[illegible]
02	NY	AMHERST, TOWN OF	3602260004D	05-MAY-1999	99-02-580A	02
01	NY	AMHERST, TOWN OF	3602260003E	02-APR-1999	99-02-614A	02
02	NY	AMHERST, TOWN OF	3602260007E	16-APR-1999	99-02-698A	02
02	NY	AMHERST, TOWN OF	3602260004D	18-JUN-1999	99-02-864A	02
02	NY	AMHERST, TOWN OF	3602260004D	25-JUN-1999	99-02-886A	02
02	NY	BABYLON,TOWN OF	36103C0854G	15-JAN-1999	99-02-074A	02
02	NY	BATAVIA, CITY OF	3602790001B	17-FEB-1999	99-02-172A	02
02	NY	BROOKHAVEN,TOWN OF	36103C0694G	29-JAN-1999	99-02-246A	02
02	NY	BROOKHAVEN,TOWN OF	36103C0739G	14-APR-1999	99-02-484A	02
02	NY	BROOKHAVEN,TOWN OF	36103C0761G	28-MAY-1999	99-02-594A	02
02	NY	BUFFALO, CITY OF	3602300010B	08-JAN-1999	99-02-276A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
02	NY	BUFFALO, CITY OF	3602300010B	20-JAN-1999	99-02-300A	02
02	NY	BUFFALO, CITY OF	3602300010B	03-FEB-1999	99-02-336A	02
02	NY	BUFFALO, CITY OF	3602300010B	05-FEB-1999	99-02-382A	02
02	NY	BUFFALO, CITY OF	3602300010B	10-FEB-1999	99-02-420A	02
02	NY	BUFFALO, CITY OF	3602300010B	12-FEB-1999	99-02-444A	02
02	NY	BUFFALO, CITY OF	3602300010B	21-APR-1999	99-02-480A	02
02	NY	BUFFALO, CITY OF	3602300010B	24-MAR-1999	99-02-526A	02
02	NY	BUFFALO, CITY OF	3602300010B	28-APR-1999	99-02-602A	02
02	NY	BUFFALO, CITY OF	3602300010B	21-APR-1999	99-02-766A	02
02	NY	CAMBRIDGE, VILLAGE OF	3608830001C	14-APR-1999	99-02-532A	02
02	NY	CAMILLUS, TOWN OF		16-JUN-1999	99-02-776A	02
02	NY	CANANDAIGUA, TOWN OF	3605980015C	07-APR-1999	99-02-372A	02
02	NY	CAZENOVIA, TOWN OF	3612900006A	29-JAN-1999	99-02-116A	02
02	NY	CAZENOVIA, TOWN OF	3612900008A	14-MAY-1999	99-02-476A	02
02	NY	CHAMPLAIN, TOWN OF	3613110015A	17-FEB-1999	99-02-364A	02
02	NY	CHESTER, TOWN OF	3608700010B	15-JAN-1999	99-02-324A	02
02	NY	CHESTER, TOWN OF	3608700005B	05-MAY-1999	99-02-498A	02
02	NY	CICERO, TOWN OF	3605720004D	12-FEB-1999	99-02-418A	02
02	NY	CICERO, TOWN OF	3605720004D	17-MAR-1999	99-02-516A	17
02	NY	CICERO, TOWN OF	3605720006D	16-JUN-1999	99-02-618A	02
02	NY	CICERO, TOWN OF	3605720015D	02-APR-1999	99-02-638A	17
02	NY	CICERO, TOWN OF	3605720004D	07-MAY-1999	99-02-740A	17
02	NY	CICERO, TOWN OF	3605720006D	28-MAY-1999	99-02-790A	02
02	NY	CLARENCE, TOWN OF	3602320011C	06-JAN-1999	99-02-076A	02
02	NY	CLARENCE, TOWN OF	3602320005C	20-JAN-1999	99-02-292A	02
02	NY	CLARENCE, TOWN OF	3602320011C	17-MAR-1999	99-02-326A	02
02	NY	CLARENCE, TOWN OF	3602320005C	05-FEB-1999	99-02-356A	02
02	NY	CLARENCE, TOWN OF	3602320005C	17-FEB-1999	99-02-370A	02
02	NY	CLARENCE, TOWN OF	3602320005C	05-FEB-1999	99-02-398A	02
02	NY	CLARENCE, TOWN OF	3602320013C	03-MAR-1999	99-02-490A	02
02	NY	CLARENCE, TOWN OF	3602320011C	19-MAR-1999	99-02-588A	17
02	NY	CLARENCE, TOWN OF	3602320013C	07-APR-1999	99-02-650A	02
02	NY	CLARENCE, TOWN OF	3602320005C	30-APR-1999	99-02-700A	17
02	NY	CLARENCE, TOWN OF	3602320013C	25-JUN-1999	99-02-834A	02
02	NY	CLARENCE, TOWN OF	3602320005C	29-JUN-1999	99-02-924A	02
02	NY	CLARKSTOWN, TOWN OF	3606790014D	03-MAR-1999	99-02-508A	02
02	NY	CLERMONT, TOWNSHIP OF	3613150014B	05-FEB-1999	99-02-080A	02
02	NY	CLIFTON PARK, TOWN OF	36091C0561E	28-MAY-1999	99-02-656A	02
02	NY	CROGHAN, TOWN OF	360362 A	17-MAR-1999	99-02-452A	02
02	NY	EATON, TOWN OF	360398 B	19-MAY-1999	99-02-078A	02
02	NY	ENDICOTT, VILLAGE OF	3600450005B	20-JAN-1999	99-02-023P	06
02	NY	FISHKILL, TOWN OF	3613370003A	26-FEB-1999	99-02-136A	02
02	NY	FULTON, TOWN OF	361195 B	17-FEB-1999	99-02-038A	02
02	NY	GATES, TOWN OF	3604160003B	19-FEB-1999	99-02-376A	02
02	NY	GENESEO, TOWN OF	3603840040C	16-JUN-1999	99-02-866A	02
02	NY	GENESEO, VILLAGE OF	3614520001C	02-JUN-1999	99-02-836A	01
02	NY	GLENVILLE,TOWN OF	3607380041B	05-FEB-1999	99-02-360A	02
02	NY	GORHAM, TOWN OF	3606010003C	20-JAN-1999	99-02-256A	02
02	NY	GOSHEN, VILLAGE OF	3615710002B	21-APR-1999	98-02-908A	02
02	NY	GRANVILLE, TOWN OF	361232 A	16-APR-1999	99-02-678A	02
02	NY	GRANVILLE, VILLAGE OF	360886 B	21-APR-1999	99-02-542A	01
02	NY	GREECE, TOWN OF	3604170004E	10-FEB-1999	99-02-042A	01
02	NY	GREECE, TOWN OF	3604170001E	12-MAY-1999	99-02-666A	02
02	NY	GREECE, TOWN OF	3604170006E	12-MAY-1999	99-02-788A	02
02	NY	GREIG, TOWN OF	360365 B	29-JAN-1999	99-02-226A	02
02	NY	GREIG, TOWN OF	360365 B	24-MAR-1999	99-02-404A	02
02	NY	GREIG, TOWN OF	360365 B	30-APR-1999	99-02-570A	02
02	NY	HAMBURG, TOWN OF	3602440005B	25-FEB-1999	99-02-328A	02
02	NY	HAMBURG, TOWN OF	3602440005B	27-APR-1999	99-02-774A	02
02	NY	HARRIETSTOWN, TOWN OF	3611240019A	03-MAR-1999	99-02-190A	01
02	NY	HARRIETSTOWN, TOWN OF	3611240019A	09-MAR-1999	99-02-624A	17
02	NY	HEMPSTEAD, TOWN OF	36059C0244F	14-APR-1999	99-02-308A	02
02	NY	HEMPSTEAD, TOWN OF	36059C0243F	04-FEB-1999	99-02-456A	02
02	NY	HEMPSTEAD, TOWN OF	36059C0243F	17-FEB-1999	99-02-458A	02
02	NY	HEMPSTEAD, TOWN OF	36059C0214G	03-MAR-1999	99-02-512A	02
02	NY	HEMPSTEAD, TOWN OF	36059C0306F	12-MAY-1999	99-02-744A	02
02	NY	HENRIETTA, TOWN OF	3604190005E	06-JAN-1999	99-02-212A	02
02	NY	HENRIETTA, TOWN OF	3604190005E	02-APR-1999	99-02-630A	02
02	NY	HENRIETTA, TOWN OF	3604190005E	28-MAY-1999	99-02-692A	17
02	NY	HUNTINGTON, TOWN OF	36103C0377G	07-MAY-1999	99-02-670A	02
02	NY	ISLIP,TOWNSHIP OF	36103C0906G	30-JUN-1999	99-02-310A	01
02	NY	ISLIP,TOWNSHIP OF	36103C0670G	30-APR-1999	99-02-632A	02
02	NY	JERUSALEM, TOWN OF		27-JAN-1999	99-02-222A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
02	NY	JERUSALEM, TOWN OF	360959 C	10-FEB-1999	99-02-386A	02
02	NY	JERUSALEM, TOWN OF	360959 C	28-MAY-1999	99-02-648A	02
02	NY	JERUSALEM, TOWN OF	360959 C	16-JUN-1999	99-02-806A	02
02	NY	KINDERHOOK, TOWN OF	3613210015B	21-MAY-1999	99-02-660A	02
02	NY	LE ROY, TOWN OF	3602800002B	03-MAR-1999	99-02-294A	02
02	NY	LINDENHURST, VILLAGE OF	36103C0861G	25-JUN-1999	99-02-786A	02
02	NY	MAMARONECK, VILLAGE OF	3609160002D	16-JUN-1999	99-02-720A	02
02	NY	MANLIUS, TOWN OF	3605840010D	27-JAN-1999	99-02-040A	01
02	NY	MANLIUS, TOWN OF	3605840010D	12-MAY-1999	99-02-362A	01
02	NY	MANLIUS, TOWN OF	3605840020D	14-MAY-1999	99-02-726A	17
02	NY	MARSHALL, TOWN OF	3605340005B	05-MAR-1999	99-02-218A	02
02	NY	MENDON, TOWN OF	3604230012B	26-MAY-1999	99-02-642A	02
02	NY	MILO, TOWN OF	360961 C	26-FEB-1999	99-02-262A	02
02	NY	MONROE, VILLAGE OF	3606220001B	26-JAN-1999	99-02-011P	06
02	NY	MONTGOMERY, VILLAGE OF	3606240001B	12-FEB-1999	99-02-244A	02
02	NY	NEW YORK, CITY OF	3604970125D	02-MAY-1999	98-02-698P	05
02	NY	NEW YORK, CITY OF	3604970082C	17-MAR-1999	99-02-098A	02
02	NY	NEW YORK, CITY OF	3604970125D	26-MAR-1999	99-02-228A	02
02	NY	NEW YORK, CITY OF	3604970125D	13-JAN-1999	99-02-234A	02
02	NY	NEW YORK, CITY OF	3604970125D	05-FEB-1999	99-02-266A	02
02	NY	NEW YORK, CITY OF	3604970092C	02-FEB-1999	99-02-354A	02
02	NY	NEW YORK, CITY OF	3604970128D	23-APR-1999	99-02-368A	02
02	NY	NEW YORK, CITY OF	3604970126B	05-MAR-1999	99-02-438A	02
02	NY	NEW YORK, CITY OF	3604970129D	03-MAR-1999	99-02-464A	02
02	NY	NEW YORK, CITY OF	3604970092C	19-MAR-1999	99-02-524A	02
02	NY	NEW YORK, CITY OF	3604970115B	31-MAR-1999	99-02-578A	02
02	NY	NEW YORK, CITY OF	3604970115B	09-APR-1999	99-02-628A	02
02	NY	NEW YORK, CITY OF	3604970126B	28-MAY-1999	99-02-652A	02
02	NY	NEW YORK, CITY OF	3604970114D	21-APR-1999	99-02-668A	02
02	NY	NEW YORK, CITY OF	3604970125D	21-APR-1999	99-02-668A	02
02	NY	NEW YORK, CITY OF	3604970082C	22-JUN-1999	99-02-672A	02
02	NY	NEW YORK, CITY OF	3604970116B	22-JUN-1999	99-02-728A	02
02	NY	NEW YORK, CITY OF	3604970081C	09-JUN-1999	99-02-742A	02
02	NY	NEW YORK, CITY OF	3604970115B	26-MAY-1999	99-02-758A	02
02	NY	NEW YORK, CITY OF	3604970125D	12-MAY-1999	99-02-792A	02
02	NY	NEW YORK, CITY OF	3604970082C	11-JUN-1999	99-02-804A	02
02	NY	NEW YORK, CITY OF	3604970126B	11-JUN-1999	99-02-822A	02
02	NY	NEW YORK, CITY OF	3604970082C	25-JUN-1999	99-02-854A	02
02	NY	NEW YORK, CITY OF	3604970082C	25-MAY-1999	99-02-872A	02
02	NY	NIAGARA FALLS, CITY OF	3605060002B	15-JAN-1999	99-02-270A	02
06	NY	NIAGARA FALLS, CITY OF	3605060002B	12-MAY-1999	99-02-434A	02
02	NY	NIAGARA FALLS, CITY OF	3605060002B	07-APR-1999	99-02-610A	02
02	NY	NORTH HEMPSTEAD, TOWN OF	36059C0104F	12-MAY-1999	99-02-724A	02
02	NY	ONEIDA, CITY OF	3604080004B	24-MAR-1999	99-02-388A	17
02	NY	ONTARIO, TOWN OF	3608950010B	13-JAN-1999	99-02-046A	01
01	NY	OSWASCO, TOWN OF	3601200010C	06-JAN-1999	98-02-754A	01
02	NY	OYSTER BAY, TOWN OF	36059C0264F	05-MAR-1999	99-02-412A	02
02	NY	OYSTER BAY, TOWN OF	36059C0132F	16-JUN-1999	99-02-840A	02
02	NY	PARMA, TOWN OF	3604250005D	29-JAN-1999	99-02-182A	02
02	NY	PATCHOQUE, VILLAGE OF	36103C0694G	06-JAN-1999	99-02-214A	02
01	NY	PITTSFORD, TOWN OF	3604290010C	24-FEB-1999	99-02-340A	02
01	NY	PLEASANT VALLEY, TOWN OF	3602210010B	14-APR-1999	99-02-158A	02
02	NY	PORT JERVIS, CITY OF	3609760001B	20-JAN-1999	99-02-278A	02
02	NY	PORT JERVIS, CITY OF	3609760001B	20-JAN-1999	99-02-320A	02
02	NY	PORT JERVIS, CITY OF	3609760001B	05-MAR-1999	99-02-466A	02
02	NY	PORT JERVIS, CITY OF	3609760001B	07-MAY-1999	99-02-732A	02
02	NY	PORTLAND, TOWN OF	361079 A	14-APR-1999	99-02-574A	02
02	NY	POUGHKEEPSIE, TOWN OF	3611420015B	08-JAN-1999	98-02-1016A	02
02	NY	POUGHKEEPSIE, TOWN OF	3611420005B	10-FEB-1999	99-02-394A	02
01	NY	POUND RIDGE, TOWN OF	3609290009C	17-MAR-1999	99-02-258A	02
17	NY	PUTNAM, TOWN OF	3612360010B	13-JAN-1999	99-02-334A	02
02	NY	PUTNAM, TOWN OF	3612360010B	26-MAR-1999	99-02-566A	02
02	NY	RHINEBECK, VILLAGE OF	3619990001B	16-APR-1999	99-02-568A	01
02	NY	ROSENDALE, TOWN OF	3608620003B	16-JUN-1999	99-02-782A	02
02	NY	ROTTERDAM, TOWN OF	3607400012B	21-MAY-1999	99-02-556A	02
02	NY	RYE, CITY OF	3609310001E	05-MAR-1999	99-02-478A	02
02	NY	RYE, CITY OF	3609310001E	02-JUN-1999	99-02-796A	02
02	NY	SAG HARBOR, VILLAGE OF	36103C0531G	05-MAR-1999	99-02-486A	02
17	NY	SAG HARBOR, VILLAGE OF	36103C0532G	05-MAR-1999	99-02-486A	02
02	NY	SARANAC LAKE, VILLAGE OF	3602730001C	30-JUN-1999	99-02-472A	02
01	NY	SARATOGA, TOWN OF	36091C0461E	13-JAN-1999	99-02-224A	02
02	NY	SARATOGA, TOWN OF		27-APR-1999	99-02-772A	02
02	NY	SCHOHARIE, VILLAGE OF	3610610001C	26-MAR-1999	99-02-474A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
02	NY	SCHOHARIE, VILLAGE OF	3610610001C	31-MAR-1999	99-02-616A	02
02	NY	SCHUYLER FALLS, TOWN OF	3601720010C	05-MAY-1999	99-02-302A	02
02	NY	SHELTER ISLAND, TOWN OF	36103C0184G	08-JAN-1999	98-02-1234A	02
02	NY	SOUTHAMPTON, TOWN OF	36103C0782G	12-MAY-1999	99-02-694A	02
02	NY	SOUTHOLD,TOWN OF	36103C0166G	04-FEB-1999	99-02-460A	02
02	NY	SOUTHOLD,TOWN OF	36103C0482G	12-MAY-1999	99-02-722A	02
02	NY	TULLY, TOWN OF	361296 B	30-JUN-1999	99-02-634A	02
02	NY	WATERFORD, TOWN OF	36091C0691E	20-JAN-1999	99-02-252A	02
02	NY	WEBSTER, TOWN OF	3604360006C	14-APR-1999	99-02-500A	02
02	NY	WEST SENECA, TOWN OF	3602620001B	03-FEB-1999	99-02-316A	02
02	NY	WHEATFIELD, TOWN OF	3605130002D	25-JUN-1999	99-02-876A	02
02	NY	WILSON, TOWN OF	3605140020C	22-JAN-1999	99-02-314A	02
02	NY	WILSON, TOWN OF	3605140020C	04-JUN-1999	99-02-544A	01
02	NY	YONKERS, CITY OF	3609360010C	30-APR-1999	99-02-658A	02
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000045D	28-MAY-1999	97-02-035P	08
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000228C	10-FEB-1999	98-02-1142A	01
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000286C	10-FEB-1999	98-02-1142A	01
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000134D	05-MAR-1999	99-02-002A	01
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000046C	22-JAN-1999	99-02-148A	01
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000065F	05-MAR-1999	99-02-414A	01
03	DE	KENT COUNTY *	1000010090B	23-JUN-1999	99-03-1188A	02
03	DE	KENT COUNTY *	1000010075B	30-APR-1999	99-03-320A	02
03	DE	KENT COUNTY *	1000010110B	21-MAY-1999	99-03-440A	02
03	DE	KENT COUNTY *	1000010125B	17-MAR-1999	99-03-594A	02
03	DE	KENT COUNTY *	1000010200B	30-MAR-1999	99-03-686A	01
03	DE	NEW CASTLE COUNTY *	10003C0225F	04-FEB-1999	99-03-160A	02
03	DE	NEW CASTLE COUNTY *	10003C0066F	12-MAR-1999	99-03-424A	17
03	DE	NEW CASTLE COUNTY *	10003C0060F	28-MAY-1999	99-03-640A	02
03	DE	NEW CASTLE COUNTY *	10003C0067F	02-APR-1999	99-03-704A	17
03	DE	NEW CASTLE COUNTY *	10003C0069F	03-MAR-1999	R3-218-70-R	02
03	DE	NEWARK,CITY OF	10003C0130F	29-MAR-1999	98-03-173P	05
03	DE	SOUTH BETHANY, TOWN OF	10005C0520F	02-JUN-1999	99-03-1018A	02
03	DE	SUSSEX COUNTY*	10005C0100F	29-JUN-1999	99-03-1012A	02
03	DE	SUSSEX COUNTY*	10005C0275F	16-JUN-1999	99-03-1204A	02
03	DE	SUSSEX COUNTY*	10005C0425F	17-MAR-1999	99-03-532A	02
03	DE	SUSSEX COUNTY*	10005C0065F	01-APR-1999	99-03-586A	01
03	MD	ALLEGANY COUNTY *	2400010028A	23-MAR-1999	98-03-279P	05
03	MD	ANNE ARUNDEL COUNTY *	2400080015C	13-JAN-1999	99-03-128A	02
03	MD	ANNE ARUNDEL COUNTY *	2400080055C	14-APR-1999	99-03-618A	02
03	MD	BALTIMORE COUNTY*	2400100380B	20-JAN-1999	98-03-1554A	02
03	MD	BALTIMORE COUNTY*	2400100435B	06-JAN-1999	99-03-122A	02
03	MD	BALTIMORE COUNTY*	2400100410B	09-JUN-1999	99-03-204A	02
03	MD	BALTIMORE COUNTY*	2400100555B	10-FEB-1999	99-03-318A	02
03	MD	BALTIMORE COUNTY*	2400100255B	03-MAR-1999	99-03-428A	02
03	MD	BALTIMORE COUNTY*	2400100390B	02-JUN-1999	99-03-508A	17
03	MD	BALTIMORE COUNTY*	2400100220C	12-MAY-1999	99-03-674A	02
03	MD	BALTIMORE COUNTY*	2400100440C	25-JUN-1999	99-03-834A	02
03	MD	BALTIMORE COUNTY*	2400100245E	03-FEB-1999	99-10	02
03	MD	BALTIMORE COUNTY*	2400100390B	02-FEB-1999	R3-218-70-R	02
03	MD	BALTIMORE, CITY OF	2400870002D	28-MAY-1999	99-03-348A	02
03	MD	CAROLINE COUNTY *	2401300165B	12-FEB-1999	99-03-396A	02
03	MD	CARROLL COUNTY *	2400150100B	27-APR-1999	98-03-095P	06
03	MD	CECIL COUNTY*	2400190057A	27-JAN-1999	99-03-328A	02
03	MD	CECIL COUNTY*	2400190028A	24-FEB-1999	99-03-384A	02
03	MD	CECIL COUNTY*	2400190044A	12-MAY-1999	99-03-606A	02
03	MD	CHARLES COUNTY *	2400890027B	17-MAR-1999	99-03-270A	02
03	MD	CHARLES COUNTY *	2400890035B	17-MAR-1999	99-03-462A	02
03	MD	ELKTON, TOWN OF	2400220003C	05-MAR-1999	99-03-544A	02
03	MD	FREDERICK COUNTY *	2400270115B	26-MAR-1999	99-03-584A	02
03	MD	FREDERICK, CITY OF	2400300003C	16-JUN-1999	99-20	02
03	MD	HARFORD COUNTY *	2400400092A	29-JAN-1999	99-03-154A	02
03	MD	HARFORD COUNTY *	2400400147B	05-MAR-1999	99-03-408A	02
03	MD	HARFORD COUNTY *	2400400144B	26-MAY-1999	99-03-778A	02
03	MD	LOCH LYNN HEIGHTS, TOWN OF	2400370001C	04-JUN-1999	99-03-1114A	02
03	MD	MONTGOMERY COUNTY *	2400490175C	29-JAN-1999	98-03-1682A	02
03	MD	MONTGOMERY COUNTY *	2400490200C	15-JAN-1999	98-03-1808A	02
03	MD	MONTGOMERY COUNTY *	2400490175C	16-APR-1999	99-03-768A	02
03	MD	MONTGOMERY COUNTY *	2400490175C	12-MAY-1999	99-03-864A	17
03	MD	MONTGOMERY COUNTY *	2400490175C	11-JUN-1999	99-03-932A	17
03	MD	MONTGOMERY COUNTY *	2400490150B	03-MAR-1999	R3-218-70-R	02
03	MD	PRINCE GEORGES COUNTY *	2452080010C	16-JUN-1999	99-03-1006A	02
03	MD	PRINCE GEORGES COUNTY *	2452080080D	21-APR-1999	99-03-784A	02
03	MD	QUEEN ANNES COUNTY	2400540063C	11-JUN-1999	99-03-1104A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
03	MD	QUEEN ANNES COUNTY	2400540047B	30-JUN-1999	99-03-1174A	02
03	MD	QUEEN ANNES COUNTY	2400540038C	14-MAY-1999	99-03-608A	02
03	MD	SALISBURY, CITY OF	2400800002B	21-MAY-1999	99-03-846A	02
03	MD	SOMERSET COUNTY *	2400610150B	26-MAR-1999	99-03-634A	02
03	MD	SOMERSET COUNTY *	2400610275B	14-APR-1999	99-03-696A	02
03	MD	ST. MARYS COUNTY*	2400640041D	25-JUN-1999	99-03-1112A	02
03	MD	TALBOT COUNTY *	2400660031A	17-FEB-1999	99-03-452A	02
03	MD	TALBOT COUNTY *	2400660023A	17-MAR-1999	99-03-588A	02
03	MD	TALBOT COUNTY *	2400660031A	14-APR-1999	99-03-806A	02
03	MD	WICOMICO COUNTY *	2400780043C	29-JAN-1999	99-03-190A	02
03	PA	AMITY, TOWNSHIP OF	42011C0544E	05-MAY-1999	99-03-856A	02
03	PA	BARRETT, TOWNSHIP OF	4218840020B	21-MAY-1999	99-03-966A	02
03	PA	BEAVER, TOWNSHIP OF	421547 B	19-MAY-1999	99-03-854A	02
03	PA	BENSALEM TOWNSHIP OF	4201810005D	05-JAN-1999	99-03-310A	02
03	PA	BENSALEM TOWNSHIP OF	4201810005D	15-JAN-1999	99-03-362A	02
03	PA	BRISTOL, TOWNSHIP OF	4209840010D	08-FEB-1999	99-03-027P	05
03	PA	BRISTOL, TOWNSHIP OF		19-MAY-1999	99-03-820A	02
03	PA	BRISTOL, TOWNSHIP OF		02-JUN-1999	99-03-998A	02
03	PA	CATASAUQUA, BOROUGH OF	4205860001B	28-APR-1999	99-03-620A	02
03	PA	CONCORD, TOWNSHIP OF	42045C0040D	21-APR-1999	99-03-826A	02
03	PA	DOYLESTOWN TOWNSHIP OF	4201850005B	11-MAR-1999	99-03-560A	02
03	PA	DOYLESTOWN TOWNSHIP OF	4201850005B	21-APR-1999	99-03-590A	02
03	PA	DOYLESTOWN TOWNSHIP OF		26-MAY-1999	99-03-716A	17
03	PA	EAST BRANDYWINE, TOWNSHIP OF	42029C0167D	15-JAN-1999	99-03-400A	02
03	PA	EAST BRANDYWINE, TOWNSHIP OF	42029C0186D	04-MAR-1999	R3-218-70-R	02
03	PA	EAST DONEGAL, TOWNSHIP OF	4217680010B	16-APR-1999	98-03-113P	06
03	PA	EAST GOSHEN, TOWNSHIP OF	42029C0356D	15-JAN-1999	98-03-1246A	01
03	PA	EAST PIKELAND, TOWNSHIP OF	42029C0093D	17-FEB-1999	98-03-1250A	02
03	PA	ELIZABETHTOWN, BOROUGH OF	4205500001B	25-MAY-1999	99-19	08
03	PA	HOPEWELL, TOWNSHIP OF	421581 A	04-JUN-1999	99-03-708A	02
03	PA	JACKSON, TOWNSHIP OF	4214200002A	16-APR-1999	99-03-482A	02
03	PA	JOHNSTOWN, CITY OF	4202310010C	24-JUN-1999	99-03-1194A	02
03	PA	JOHNSTOWN, CITY OF	4202310010C	02-MAR-1999	99-03-464A	02
03	PA	JOHNSTOWN, CITY OF	4202310010C	13-APR-1999	99-03-660A	02
03	PA	KUTZTOWN, BOROUGH OF	42011C0194E	21-MAY-1999	99-03-828A	02
03	PA	LEACOCK, TOWNSHIP OF	4209580001B	24-MAR-1999	99-03-630A	02
03	PA	LOCK HAVEN, CITY OF	4203280001B	08-JAN-1999	99-03-290A	02
03	PA	LOCK HAVEN, CITY OF	4203280001B	23-APR-1999	99-03-818A	02
03	PA	LOWER HEIDELBERG, TOWNSHIP OF	42011C0479E	13-MAY-1999	99-03-1084A	02
03	PA	LOWER HEIDELBERG, TOWNSHIP OF	42011C0483E	11-JUN-1999	99-03-109P	05
03	PA	LOWER HEIDELBERG, TOWNSHIP OF	42011C0479E	04-FEB-1999	99-03-514A	02
03	PA	LOWER HEIDELBERG, TOWNSHIP OF	42011C0483E	19-APR-1999	99-03-862A	02
03	PA	LOWER HEIDELBERG, TOWNSHIP OF	42011C0483E	19-APR-1999	99-03-934A	02
03	PA	LOWER MAKEFIELD, TOWNSHIP OF		16-JUN-1999	99-03-1086A	02
03	PA	LOWER MERION, TOWNSHIP OF	42091C0369E	08-JAN-1999	99-03-288A	02
03	PA	LOWER MERION, TOWNSHIP OF	42091C0368E	03-MAR-1999	R3-218-70-R	02
03	PA	LOWER OXFORD, TOWNSHIP OF	42029C0445D	24-MAR-1999	99-03-476A	02
03	PA	LOWER PAXTON, TOWNSHIP OF	4203840006B	23-FEB-1999	97-03-840P	06
03	PA	LOWER SOUTHAMPTON, TOWNSHIP OF	4201920005D	25-FEB-1999	99-03-306A	01
03	PA	MANHEIM, TOWNSHIP OF	4205560010C	16-APR-1999	99-03-234A	02
03	PA	MATAMORAS, BOROUGH OF	4207580005A	23-JUN-1999	99-03-1134A	02
03	PA	MATAMORAS, BOROUGH OF	4207580005A	19-MAR-1999	99-03-494A	02
03	PA	MATAMORAS, BOROUGH OF	4207580005A	02-APR-1999	99-03-744A	02
03	PA	MEDIA, BOROUGH OF	42045C0032D	22-JAN-1999	99-03-076A	02
03	PA	MIDDLESEX, TOWNSHIP OF	4212290010B	15-JAN-1999	99-03-368A	02
03	PA	MIFFLINBURG, BOROUGHS OF	4208320001B	09-APR-1999	99-03-738A	02
03	PA	MUHLENBERG, TOWNSHIP OF	42011C0364E	28-JAN-1999	99-03-388A	02
03	PA	MUHLENBERG, TOWNSHIP OF	42011C0506E	02-JUN-1999	99-03-726A	02
03	PA	MUHLENBERG, TOWNSHIP OF	42011C0506E	10-JUN-1999	99-03-786A	02
03	PA	NETHER PROVIDENCE, TOWNSHIP OF	42045C0045D	22-JAN-1999	99-03-046A	02
03	PA	NETHER PROVIDENCE, TOWNSHIP OF	42045C0044D	23-FEB-1999	99-03-358A	02
03	PA	NETHER PROVIDENCE, TOWNSHIP OF	42045C0044D	19-MAR-1999	99-03-760A	02
03	PA	NEW LONDON, TOWNSHIP OF	42029C0585D	28-APR-1999	99-03-450A	02
03	PA	PINE, TOWNSHIP OF	4209540015B	21-MAY-1999	99-03-882A	02
03	PA	RADNOR, TOWNSHIP OF	42045C0002D	19-FEB-1999	99-03-422A	02
03	PA	RAPHO, TOWNSHIP OF	4217810015B	16-APR-1999	98-03-113P	06
03	PA	RIDLEY, TOWNSHIP OF	42045C0035D	28-APR-1999	98-03-1574A	02
03	PA	ROBESON, TOWNSHIP OF	42011C0631E	05-MAR-1999	99-03-604A	02
03	PA	SCOTT, TOWNSHIP OF	42003C0339E	30-JUN-1999	99-03-944A	02
03	PA	SELINSGROVE, BOROUGH OF	4253870001B	18-FEB-1999	99-03-017P	06
03	PA	SHELOCTA, BOROUGH OF	4205060001B	26-MAY-1999	99-03-794A	01
03	PA	SHENANGO, TOWNSHIP OF	4210290001B	26-MAR-1999	99-03-614A	02
03	PA	SOLEBURY, TOWNSHIP OF		27-MAY-1999	99-03-680A	02

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03	PA	SOMERSET, BOROUGH OF	4208030001C	12-FEB-1999	99-03-300A	02
03	PA	SOMERSET, BOROUGH OF	4208030001C	05-MAR-1999	99-03-496A	02
03	PA	SOUTH LEBANON, TOWNSHIP OF	4205810008C	19-FEB-1999	99-03-274A	02
03	PA	SOUTH STRABANE, TOWNSHIP OF	4221550005A	27-APR-1999	99-03-838A	02
03	PA	SOUTH WHITEHALL, TOWNSHIP OF	4205930002B	05-MAY-1999	99-03-526A	02
03	PA	SOUTH WILLIAMSPORT, BOROUGH OF	4206580001B	14-APR-1999	99-03-714A	02
03	PA	SPRING, TOWNSHIP OF	42011C0501E	11-FEB-1999	99-03-037P	06
03	PA	SPRING, TOWNSHIP OF	42011C0491E	09-JUN-1999	99-03-1236A	02
03	PA	SPRINGFIELD, TOWNSHIP OF	42045C0023D	21-MAY-1999	99-03-1108A	02
03	PA	SPRINGFIELD, TOWNSHIP OF	42045C0023D	27-APR-1999	99-03-878A	02
03	PA	SPRINGFIELD, TOWNSHIP OF	42091C0379E	31-MAR-1999	R3-218-70-O	02
03	PA	STONYCREEK, TOWNSHIP OF		24-MAR-1999	98-03-075P	05
03	PA	STROUD, TOWNSHIP OF	4206930010B	19-MAR-1999	99-03-776A	02
03	PA	TAYLOR, TOWNSHIP OF	4213940004A	05-MAR-1999	99-03-442A	02
03	PA	TERRY, TOWNSHIP OF	4211110005B	12-MAY-1999	99-03-742A	02
03	PA	THOMPSON, TOWNSHIP OF	4216640001B	22-JAN-1999	99-03-356A	02
03	PA	TINICUM, TOWNSHIP OF	4202050005B	22-JUN-1999	99-03-968A	02
03	PA	TRAFFORD, BOROUGH OF	42129C0169D	04-JUN-1999	99-03-988A	02
03	PA	UPPER FAIRFIELD, TOWNSHIP OF	4206600005B	28-APR-1999	99-03-672A	02
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	4202070010B	14-APR-1999	99-03-740A	02
03	PA	UPPER MILFORD, TOWNSHIP OF	4218150010B	04-JUN-1999	99-03-782A	02
03	PA	UPPER PROVIDENCE, TOWNSHIP OF	42045C0021D	14-APR-1999	99-03-654A	02
03	PA	UPPER PROVIDENCE, TOWNSHIP OF	42045C0020D	22-JAN-1999	R3-218-70-R	02
03	PA	UPPER UWCHLAN, TWP OF	42029C0180D	21-APR-1999	99-03-712A	02
03	PA	WARRINGTON, TOWNSHIP OF	4202080005B	05-FEB-1999	99-03-182A	02
03	PA	WARRINGTON, TOWNSHIP OF	4202080005B	26-MAR-1999	99-03-638A	02
03	PA	WEST GOSHEN, TOWNSHIP OF	42029C0354D	27-JAN-1999	99-03-025P	06
03	PA	WEST NORRITON, TOWNSHIP OF	42091C0263E	11-JUN-1999	99-03-954A	02
03	PA	WEST PROVIDENCE, TOWNSHIP OF	4213530005A	23-FEB-1999	99-03-576A	02
03	PA	WESTFALL, TOWNSHIP OF	4219700010B	02-APR-1999	99-03-764A	02
03	PA	WORCESTER, TOWNSHIP OF	42091C0254E	25-JUN-1999	99-03-1118A	01
03	PA	YORK, CITY OF	4209450002B	17-MAR-1999	99-03-176A	02
03	VA	ALBEMARLE COUNTY *	5100060330B	03-FEB-1999	97-03-1246P	06
03	VA	ALEXANDRIA, CITY OF	5155190005D	28-APR-1999	99-03-488A	01
03	VA	ARLINGTON COUNTY *	5155200010B	28-APR-1999	98-03-175P	06
03	VA	ARLINGTON COUNTY *	5155200021B	28-APR-1999	98-03-175P	06
03	VA	ARLINGTON COUNTY *	5155200010B	16-JUN-1999	99-03-1220A	02
03	VA	ARLINGTON COUNTY *	5155200022B	08-JAN-1999	99-03-316A	02
03	VA	ARLINGTON COUNTY *	5155200010B	22-JAN-1999	99-03-466A	01
03	VA	BEDFORD COUNTY *	5100160150A	29-JUN-1999	99-03-1202A	02
03	VA	BEDFORD COUNTY *	5100160175A	10-FEB-1999	99-03-174A	02
03	VA	BEDFORD COUNTY *	5100160100A	20-JAN-1999	99-03-286A	02
03	VA	BEDFORD COUNTY *	5100160175A	07-APR-1999	99-03-666A	02
03	VA	BRISTOL, CITY OF	5100220004C	24-MAR-1999	99-03-690A	17
03	VA	BUENA VISTA, CITY OF	5100270005A	10-MAY-1999	98-03-277P	05
03	VA	BUENA VISTA, CITY OF	5102050175B	10-MAY-1999	98-03-277P	05
03	VA	CHESAPEAKE, CITY OF		11-JUN-1999	99-03-1010A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	26-JAN-1999	99-03-392A	02
03	VA	CHESAPEAKE, CITY OF		18-MAY-1999	99-03-394A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	30-MAR-1999	99-03-402A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	05-MAR-1999	99-03-436A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	03-MAR-1999	99-03-484A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	05-MAR-1999	99-03-490A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	26-MAR-1999	99-03-542A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	17-MAR-1999	99-03-546A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	14-APR-1999	99-03-662A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	07-APR-1999	99-03-698A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	14-APR-1999	99-03-720A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	07-MAY-1999	99-03-722A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	07-APR-1999	99-03-762A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	14-APR-1999	99-03-802A	02
03	VA	CHESAPEAKE, CITY OF	510034 B	11-JUN-1999	99-03-832A	02
03	VA	CHESAPEAKE, CITY OF		23-JUN-1999	99-03-904A	02
03	VA	CLARKSVILLE, TOWN OF	5102090001B	11-JUN-1999	99-03-1068A	02
03	VA	CRAIGSVILLE, TOWN OF	5100140001C	05-MAR-1999	99-03-434A	02
03	VA	EMPORIA, CITY OF	5100470002B	07-MAY-1999	99-03-332A	02
03	VA	FAIRFAX COUNTY *	5155250100D	13-JAN-1999	98-03-1804A	02
03	VA	FAIRFAX COUNTY *	5155250075D	04-JAN-1999	98-03-209P	06
03	VA	FAIRFAX COUNTY *	5155250025D	21-MAY-1999	99-03-1002A	02
03	VA	FAIRFAX COUNTY *		22-FEB-1999	99-03-102A	02
03	VA	FAIRFAX COUNTY *	5155250150D	23-JUN-1999	99-03-1078A	02
03	VA	FAIRFAX COUNTY *	5155250100D	25-JUN-1999	99-03-1080A	02
03	VA	FAIRFAX COUNTY *	5155250025D	23-JUN-1999	99-03-1082A	02

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03	VA	FAIRFAX COUNTY *		22-JUN-1999	99-03-1126A	02
03	VA	FAIRFAX COUNTY *		16-JUN-1999	99-03-1128A	02
03	VA	FAIRFAX COUNTY *		24-JUN-1999	99-03-1226A	02
03	VA	FAIRFAX COUNTY *	5155250138D	27-JAN-1999	99-03-220A	01
03	VA	FAIRFAX COUNTY *	5155250125D	06-JAN-1999	99-03-280A	01
03	VA	FAIRFAX COUNTY *	5155250100D	08-MAR-1999	99-03-296A	02
03	VA	FAIRFAX COUNTY *	5155250150D	15-JAN-1999	99-03-334A	02
03	VA	FAIRFAX COUNTY *	5155250083D	08-JAN-1999	99-03-342A	02
03	VA	FAIRFAX COUNTY *	5155250025D	06-JAN-1999	99-03-372A	02
03	VA	FAIRFAX COUNTY *		08-MAR-1999	99-03-414A	02
03	VA	FAIRFAX COUNTY *	5155250100D	03-FEB-1999	99-03-432A	02
03	VA	FAIRFAX COUNTY *	5155250087D	10-FEB-1999	99-03-446A	02
03	VA	FAIRFAX COUNTY *	5155250100D	12-FEB-1999	99-03-460A	02
03	VA	FAIRFAX COUNTY *	5155250150D	19-FEB-1999	99-03-486A	02
03	VA	FAIRFAX COUNTY *	5155250150D	19-FEB-1999	99-03-506A	02
03	VA	FAIRFAX COUNTY *	5155250050D	12-MAR-1999	99-03-600A	02
03	VA	FAIRFAX COUNTY *	5155250025D	12-MAR-1999	99-03-602A	02
03	VA	FAIRFAX COUNTY *	5155250075D	05-MAR-1999	99-03-622A	02
03	VA	FAIRFAX COUNTY *	5155250075D	24-MAR-1999	99-03-624A	01
03	VA	FAIRFAX COUNTY *	5155250075D	17-MAR-1999	99-03-626A	02
03	VA	FAIRFAX COUNTY *	5155250075D	17-MAR-1999	99-03-628A	02
03	VA	FAIRFAX COUNTY *	5155250137D	05-MAR-1999	99-03-632A	02
03	VA	FAIRFAX COUNTY *	5155250100D	12-MAR-1999	99-03-652A	02
03	VA	FAIRFAX COUNTY *	5155250125D	01-APR-1999	99-03-688A	02
03	VA	FAIRFAX COUNTY *	5155250100D	24-MAR-1999	99-03-702A	02
03	VA	FAIRFAX COUNTY *	5155250089D	31-MAR-1999	99-03-772A	02
03	VA	FAIRFAX COUNTY *	5155250125D	31-MAR-1999	99-03-774A	02
03	VA	FAIRFAX COUNTY *	5155250083D	12-MAY-1999	99-03-796A	02
03	VA	FAIRFAX COUNTY *	5155250150D	05-MAY-1999	99-03-810A	02
03	VA	FAIRFAX COUNTY *	5155250075D	23-APR-1999	99-03-836A	02
03	VA	FAIRFAX COUNTY *	5155250100D	07-MAY-1999	99-03-852A	02
03	VA	FAIRFAX COUNTY *	5155250150D	19-MAY-1999	99-03-930A	02
03	VA	FAIRFAX COUNTY *	5155250083D	26-MAY-1999	99-03-936A	02
03	VA	FAIRFAX COUNTY *	5155250025D	16-JUN-1999	99-03-938A	02
03	VA	FAIRFAX COUNTY *	5155250075D	02-JUN-1999	99-03-952A	02
03	VA	FAIRFAX COUNTY *	5155250150D	04-JUN-1999	99-03-980A	02
03	VA	FAUQUIER COUNTY *	5100550075A	09-JUN-1999	99-03-410A	02
03	VA	FAUQUIER COUNTY *	5100550215A	11-FEB-1999	99-03-478A	02
03	VA	FAUQUIER COUNTY *	5100550305A	11-FEB-1999	99-03-478A	02
03	VA	FAUQUIER COUNTY *	5100550125A	28-JAN-1999	R3-218-70-R	02
03	VA	FAUQUIER COUNTY *	5100550125A	29-JAN-1999	R3-218-70-R	02
03	VA	FRANKLIN COUNTY *	5100610215A	14-APR-1999	99-03-766A	02
03	VA	FRANKLIN COUNTY *	5100610250A	02-JUN-1999	99-03-830A	02
03	VA	FREDERICK COUNTY *	5100630050B	09-APR-1999	99-03-420A	02
03	VA	FRONT ROYAL, TOWN OF	5101670003B	13-JAN-1999	99-03-060A	02
03	VA	GILES COUNTY *	5100670150B	16-JUN-1999	99-03-528A	02
03	VA	GRAYSON COUNTY *	5102430158B	07-APR-1999	99-03-558A	02
03	VA	GROTTOES, TOWN OF	5101380005B	13-JAN-1999	99-03-048A	02
03	VA	HAMPTON,CITY OF	5155270008D	08-JAN-1999	98-03-1400A	02
03	VA	HENRICO COUNTY *	5100770025B	17-MAY-1999	99-03-1120A	02
03	VA	HENRICO COUNTY *	5100770025B	20-JAN-1999	99-03-152A	02
03	VA	HENRICO COUNTY *	5100770050B	19-MAR-1999	99-03-244A	01
03	VA	HENRICO COUNTY *	5100770025B	09-FEB-1999	99-03-492A	02
03	VA	HENRICO COUNTY *	5100770025B	05-MAY-1999	99-03-636A	02
03	VA	HENRICO COUNTY *	5100770025B	24-MAR-1999	99-03-650A	02
03	VA	HENRICO COUNTY *	5100770025B	30-MAR-1999	99-03-678A	02
03	VA	HENRICO COUNTY *	5100770025B	11-JUN-1999	99-03-694A	02
03	VA	HENRICO COUNTY *	5100770025B	12-MAY-1999	99-03-750A	02
03	VA	HENRICO COUNTY *	5100770025B	16-APR-1999	99-03-752A	02
03	VA	HENRICO COUNTY *	5100770025B	16-APR-1999	99-03-754A	02
03	VA	JAMES CITY COUNTY *	5102010030B	24-MAR-1999	99-03-242A	02
03	VA	LEXINGTON, CITY OF	5100890001B	23-FEB-1999	98-03-1848A	02
03	VA	LOUDOUN COUNTY *	5100900120C	28-JUN-1999	99-03-093P	05
03	VA	LOUDOUN COUNTY *		22-FEB-1999	99-03-108A	02
03	VA	LOUDOUN COUNTY *		22-FEB-1999	99-03-210A	02
03	VA	LOUDOUN COUNTY *	5100900085C	20-MAY-1999	99-03-214A	01
03	VA	LOUDOUN COUNTY *	5100900110C	24-FEB-1999	99-03-382A	02
03	VA	LOUDOUN COUNTY *	5100900110C	07-APR-1999	99-03-724A	02
03	VA	LOUISA COUNTY *	51109C0125B	16-JUN-1999	99-03-1064A	02
03	VA	LOUISA COUNTY *	51109C0325B	03-MAR-1999	99-03-416A	02
03	VA	LOUISA COUNTY *	51109C0350B	03-MAR-1999	99-03-416A	02
03	VA	LOUISA COUNTY *	51109C0125B	24-MAR-1999	99-03-554A	02
03	VA	LOUISA COUNTY *	51109C0125B	16-JUN-1999	99-03-942A	02

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03	VA	LYNCHBURG, CITY OF	5100930020C	26-MAY-1999	99-03-580A	02
03	VA	MATHEWS COUNTY*	5100960009B	05-FEB-1999	99-03-370A	02
03	VA	MIDDLESEX COUNTY *	5100980025B	27-APR-1999	99-03-886A	02
03	VA	MT. CRAWFORD, TOWN OF	5101330095B	29-APR-1999	99-03-770A	02
03	VA	NELSON COUNTY *	5101020050A	25-FEB-1999	99-03-142A	02
03	VA	NEWPORT NEWS, CITY OF	5101030010C	27-JAN-1999	98-03-1744A	02
03	VA	NEWPORT NEWS, CITY OF	5101030014A	22-JAN-1999	99-03-344A	02
03	VA	NEWPORT NEWS, CITY OF	5101030010C	28-MAY-1999	99-03-858A	02
03	VA	NORFOLK, CITY OF	5101040017D	16-JUN-1999	99-03-1096A	02
03	VA	PORTSMOUTH, CITY OF	5155290060B	19-MAR-1999	99-03-448A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0060D	08-JAN-1999	99-03-326A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0088D	17-MAR-1999	99-03-426A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0089D	17-MAR-1999	99-03-426A	02
03	VA	PRINCE WILLIAM COUNTY *		08-MAR-1999	99-03-516A	02
03	VA	PRINCE WILLIAM COUNTY *		08-MAR-1999	99-03-518A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0193D	12-MAR-1999	99-03-538A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0204D	17-MAR-1999	99-03-540A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0204D	11-FEB-1999	99-03-550A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0306D	02-APR-1999	99-03-570A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0307D	02-APR-1999	99-03-570A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0301D	17-MAR-1999	99-03-574A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0238D	16-APR-1999	99-03-746A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0060D	21-APR-1999	99-03-788A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0078D	09-JUN-1999	99-03-960A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0086D	09-JUN-1999	99-03-960A	02
03	VA	PRINCE WILLIAM COUNTY *	51153C0060D	19-FEB-1999	r3-218-70-O	02
03	VA	RICHMOND, CITY OF	5101290010C	22-APR-1999	99-03-578A	02
03	VA	ROANOKE COUNTY *	51161C0059D	17-FEB-1999	99-03-232A	02
03	VA	ROANOKE COUNTY *	51161C0059D	24-MAR-1999	99-03-642A	02
03	VA	ROANOKE COUNTY *	51161C0038D	31-MAR-1999	99-03-710A	02
03	VA	ROCKINGHAM COUNTY*	5101330067B	05-FEB-1999	99-03-298A	02
03	VA	SALEM, CITY OF	51161C0037D	24-MAR-1999	99-03-404A	02
03	VA	SALEM, CITY OF	51161C0041D	26-FEB-1999	99-03-412A	02
03	VA	SALEM, CITY OF	5100900115C	20-MAY-1999	99-03-730A	01
03	VA	SALEM, CITY OF	51161C0043D	28-MAY-1999	99-03-940A	17
03	VA	SPOTSYLVANIA COUNTY*	5103080225C	13-JAN-1999	98-03-1662A	02
03	VA	SPOTSYLVANIA COUNTY*	5103080200C	06-JAN-1999	99-03-148A	02
03	VA	SPOTSYLVANIA COUNTY*	5103080200C	29-JAN-1999	99-03-166A	02
03	VA	SPOTSYLVANIA COUNTY*	5103080275C	13-JAN-1999	99-03-194A	02
03	VA	SPOTSYLVANIA COUNTY*	5103080200C	22-JAN-1999	99-03-304A	02
03	VA	SPOTSYLVANIA COUNTY*	5103080200C	26-MAY-1999	99-03-670A	02
03	VA	SPOTSYLVANIA COUNTY*	5103080075C	09-APR-1999	99-03-718A	02
03	VA	STAFFORD COUNTY *	5101540135D	13-JAN-1999	99-03-238A	02
03	VA	STAFFORD COUNTY *	5101540135D	09-APR-1999	99-03-568A	02
03	VA	STAFFORD COUNTY *	5101540205B	02-FEB-1999	R3-218-70-O	02
03	VA	SUFFOLK, CITY OF	5101560016B	12-MAR-1999	98-03-1670A	01
03	VA	TAZEWELL COUNTY *	5101600083B	26-MAR-1999	98-03-1714A	02
03	VA	VINTON, TOWN OF	51161C0046D	28-MAY-1999	99-03-910A	02
03	VA	VIRGINIA BEACH, CITY OF	5155310029E	31-MAR-1999	99-03-134A	02
03	VA	VIRGINIA BEACH, CITY OF	5155310032E	01-APR-1999	99-03-470A	01
03	VA	VIRGINIA BEACH, CITY OF	5155310051E	25-JUN-1999	99-03-530A	02
03	VA	VIRGINIA BEACH, CITY OF	5155310045E	05-MAR-1999	99-03-534A	02
03	VA	VIRGINIA BEACH, CITY OF	5155310049E	28-APR-1999	99-03-706A	01
03	VA	YORK COUNTY *	5101820036B	15-JUN-1999	99-03-468A	02
03	VA	YORK COUNTY *	5101820036B	31-MAR-1999	99-03-556A	02
03	WV	CABELL COUNTY*	5400160047A	14-MAY-1999	99-03-406A	02
03	WV	DODDRIDGE COUNTY *	54017C0095B	16-JUN-1999	99-03-1100A	02
03	WV	GILMER COUNTY *	54021C0085B	24-MAR-1999	99-03-664A	02
03	WV	GILMER COUNTY *	54021C0055B	21-MAY-1999	99-03-914A	02
03	WV	GRANT COUNTY*		04-MAR-1999	99-03-035P	05
03	WV	HARRISON COUNTY*	5400530039C	13-APR-1999	99-03-072A	02
03	WV	LINCOLN COUNTY*	5400880075B	12-MAR-1999	99-03-548A	02
03	WV	MASON COUNTY *	5401120285A	12-MAY-1999	99-03-902A	02
03	WV	MINERAL COUNTY *	5401290110B	17-FEB-1999	99-03-366A	02
03	WV	PETERSBURG, TOWN OF		04-MAR-1999	99-03-035P	05
03	WV	PUTNAM COUNTY*	5401640095B	27-APR-1999	99-03-866A	02
03	WV	ROANE COUNTY *	540183 A	30-JUN-1999	99-03-844A	02
03	WV	VIENNA, CITY OF	5402150002B	17-MAR-1999	99-03-524A	02
03	WV	WAYNE COUNTY*	5402000107B	05-FEB-1999	99-03-230A	02
03	WV	WAYNE COUNTY*	5402000025B	21-APR-1999	99-03-564A	02
03	WV	WAYNE COUNTY*	5402000107B	25-JUN-1999	99-03-876A	01
03	WV	WOOD COUNTY *	5402130101A	11-JUN-1999	99-03-896A	02
04	AL	ALABASTER, CITY OF	0101920001B	25-FEB-1999	99-04-1136A	01

Region	State	Community	Map panel	Determination date	Case No.	Type
04	AL	ALABASTER, CITY OF	0101920002B	12-FEB-1999	99-04-1620A	01
04	AL	AUTAUGA COUNTY *	0103140100B	21-APR-1999	99-04-1730A	02
04	AL	BALDWIN COUNTY*	0150000678J	19-MAY-1999	99-04-2570A	02
04	AL	BIBB COUNTY*	0102260001B	28-FEB-1999	98-04-247P	05
04	AL	BIBB COUNTY*	0102260002B	28-FEB-1999	98-04-247P	05
04	AL	BIRMINGHAM, CITY OF	01073C0486E	24-MAR-1999	99-04-1996A	17
04	AL	BIRMINGHAM, CITY OF	01073C0327E	11-JUN-1999	99-04-2522A	02
04	AL	BIRMINGHAM, CITY OF	01073C0338E	23-JUN-1999	99-04-3696A	02
04	AL	BIRMINGHAM, CITY OF	01073C0459E	03-MAR-1999	99-04-842A	02
04	AL	CALHOUN COUNTY *	0100130164C	28-MAY-1999	99-04-1748A	02
04	AL	CALHOUN COUNTY *	0100130164C	30-JUN-1999	99-04-2506A	02
04	AL	CHEROKEE COUNTY*	0102340175B	05-MAR-1999	99-04-798A	02
04	AL	CHICKASAW, CITY OF	01097C0439J	19-MAR-1999	99-04-1242A	02
04	AL	COLBERT COUNTY	0103180125B	03-FEB-1999	99-04-1290A	02
04	AL	COLBERT COUNTY	0103180125B	20-APR-1999	99-04-2408A	02
04	AL	COLBERT COUNTY	0103180125B	11-JUN-1999	99-04-3782A	02
04	AL	GADSDEN, CITY OF	0100800015C	03-MAR-1999	99-04-1746A	02
04	AL	GADSDEN, CITY OF	0100800015C	07-APR-1999	99-04-1828A	02
04	AL	HELENA, TOWN OF	0102940003B	02-APR-1999	99-04-1316A	01
04	AL	HOMEWOOD, CITY OF	01073C0483E	21-APR-1999	99-04-037P	05
04	AL	HOMEWOOD, CITY OF	01073C0484E	21-APR-1999	99-04-037P	05
04	AL	HOMEWOOD, CITY OF	01073C0483E	04-MAR-1999	99-04-1946A	01
04	AL	HOMEWOOD, CITY OF	01073C0483E	09-JUN-1999	99-04-3708A	02
04	AL	HOMEWOOD, CITY OF	0150060006C	19-JAN-1999	99-04-722A	01
04	AL	HOOVER, CITY OF	01073C0494E	19-FEB-1999	99-04-1522A	02
04	AL	HUNTSVILLE, CITY OF	01089C0333D	23-FEB-1999	98-04-331P	06
04	AL	HUNTSVILLE, CITY OF	01089C0341D	23-FEB-1999	98-04-331P	06
04	AL	HUNTSVILLE, CITY OF	01089C0456D	19-FEB-1999	99-04-1294A	02
04	AL	HUNTSVILLE, CITY OF	01089C0456D	12-FEB-1999	99-04-1410A	02
04	AL	HUNTSVILLE, CITY OF	01089C0362D	17-JUN-1999	99-04-1926A	01
04	AL	HUNTSVILLE, CITY OF	01089C0294D	29-JUN-1999	99-04-3008A	01
04	AL	HUNTSVILLE, CITY OF	01089C0331D	26-MAY-1999	99-04-3312A	02
04	AL	JEFFERSON COUNTY *	01073C0194E	19-FEB-1999	99-04-1654A	17
04	AL	JEFFERSON COUNTY *	01073C0183E	14-APR-1999	99-04-2724A	01
04	AL	JEFFERSON COUNTY *	01073C0494E	05-MAY-1999	99-04-2752A	01
04	AL	JEFFERSON COUNTY *	01073C0194E	02-JUN-1999	99-04-2912A	01
04	AL	JEFFERSON COUNTY *	01073C0444E	28-APR-1999	99-04-3020A	02
04	AL	JEFFERSON COUNTY *	01073C0183E	22-JUN-1999	99-04-4272A	01
04	AL	JEFFERSON COUNTY *	01073C0631E	22-JAN-1999	99-04-470A	01
04	AL	JEFFERSON COUNTY *	01073C0194E	20-JAN-1999	99-04-730A	02
04	AL	LAUDERDALE COUNTY *	0103230180C	06-JAN-1999	99-04-326A	02
04	AL	LAUDERDALE COUNTY *	0103230069C	27-JAN-1999	99-04-868A	02
04	AL	LEE COUNTY *	0102500140C	18-JUN-1999	99-04-2860A	17
04	AL	LIMESTONE COUNTY *	0103070150B	17-FEB-1999	98-04-2828A	02
04	AL	MADISON COUNTY *	01089C0354D	24-FEB-1999	99-04-098A	01
04	AL	MADISON COUNTY *	01089C0360D	24-FEB-1999	99-04-098A	01
04	AL	MADISON COUNTY *	01089C0362D	24-FEB-1999	99-04-098A	01
04	AL	MADISON COUNTY *	01089C0370D	24-FEB-1999	99-04-098A	01
04	AL	MADISON COUNTY *	01089C0211D	19-MAY-1999	99-04-2640A	02
04	AL	MADISON, CITY OF	01089C0282D	16-JUN-1999	99-04-2086A	02
04	AL	MADISON, CITY OF	01089C0282D	26-MAR-1999	99-04-2172A	01
04	AL	MARSHALL COUNTY *	0102750200B	16-APR-1999	98-04-2820A	01
04	AL	MOBILE, CITY OF	01097C0553J	05-MAY-1999	99-04-2342A	02
04	AL	MONTGOMERY COUNTY *	01101C0200F	22-APR-1999	99-04-1958A	02
04	AL	MONTGOMERY COUNTY *	01101C0060F	19-MAY-1999	99-04-2060A	01
04	AL	MONTGOMERY, CITY OF	01101C0070F	23-FEB-1999	99-04-1454A	02
04	AL	MONTGOMERY, CITY OF	01101C0070F	23-FEB-1999	99-04-1710A	01
04	AL	MONTGOMERY, CITY OF	01101C0060F	30-MAR-1999	99-04-2428A	02
04	AL	MONTGOMERY, CITY OF	01101C0070F	16-JUN-1999	99-04-2624A	01
04	AL	MONTGOMERY, CITY OF	01101C0070F	16-JUN-1999	99-04-2678A	01
04	AL	MONTGOMERY, CITY OF	01101C0060F	11-JUN-1999	99-04-2764A	02
04	AL	MONTGOMERY, CITY OF	01101C0060F	19-MAY-1999	99-04-2910A	17
04	AL	MONTGOMERY, CITY OF	01101C0065F	02-JUN-1999	99-04-3378A	02
04	AL	MONTGOMERY, CITY OF	01101C0060F	12-MAR-1999	99-04-822A	02
04	AL	MOODY, TOWN OF	0101870005E	21-MAY-1999	99-04-3346A	02
04	AL	MUSCLE SHOALS, CITY OF	0100470005C	28-APR-1999	99-04-2364A	02
04	AL	NORTHPORT, CITY OF	0102020006D	21-APR-1999	99-04-2562A	17
04	AL	PELHAM, TOWN OF	0101930001B	15-JUN-1999	99-04-2746A	01
04	AL	PELL CITY, CITY OF	0101890020B	09-APR-1999	99-04-1020A	02
04	AL	RAINSVILLE, CITY OF	0103680010A	26-FEB-1999	99-04-1234A	17
04	AL	SARALAND, CITY OF	01097C0429J	10-FEB-1999	99-04-1580A	02
04	AL	SARALAND, CITY OF	01097C0429J	10-JUN-1999	99-04-1910A	02
04	AL	SARALAND, CITY OF	01097C0428J	26-MAR-1999	99-04-942A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
04	AL	SHELBY COUNTY*	0101910025B	13-MAY-1999	98-04-3096A	02
04	AL	SHELBY COUNTY*	0101910195B	22-JAN-1999	99-04-1232A	02
04	AL	SHELBY COUNTY*	0101910145B	03-MAR-1999	99-04-1298A	02
04	AL	SHELBY COUNTY*	0101910045B	04-FEB-1999	99-04-1644A	02
04	AL	SHELBY COUNTY*	0101910150B	12-MAY-1999	99-04-2220A	02
04	AL	SHELBY COUNTY*	0101910150B	07-MAY-1999	99-04-2236A	02
04	AL	SHELBY COUNTY*	0101910040B	05-MAY-1999	99-04-2752A	01
04	AL	SHELBY COUNTY*	0101910050B	21-MAY-1999	99-04-2822A	02
04	AL	SHELBY COUNTY*	0101910080B	20-JAN-1999	99-04-838A	02
04	AL	SHELBY COUNTY*	0101910145B	05-FEB-1999	99-04-944A	02
04	AL	SHELBY COUNTY*	0101910195B	17-FEB-1999	99-04-978A	02
04	AL	ST. CLAIR COUNTY *	0102900225B	16-JUN-1999	99-04-3142A	02
04	AL	ST. CLAIR COUNTY *	0102900225B	14-APR-1999	99-04-506A	02
04	AL	TALLADEGA COUNTY *	0102970100B	23-APR-1999	99-04-2054A	02
04	AL	TUSCALOOSA COUNTY *	0102010375B	26-MAY-1999	99-04-3416A	02
04	AL	TUSCALOOSA COUNTY *	0102010375B	09-JUN-1999	99-04-3458A	02
04	AL	TUSCALOOSA COUNTY *	0102010375B	09-JUN-1999	99-04-3460A	02
04	AL	TUSCALOOSA COUNTY *	0102010375B	09-JUN-1999	99-04-3462A	02
04	AL	TUSCALOOSA COUNTY *	0102010265B	12-MAR-1999	99-04-708A	02
04	AL	TUSCALOOSA COUNTY *	0102010265B	19-MAY-1999	99-04-796A	01
04	AL	TUSCALOOSA, CITY OF	0102030045B	10-FEB-1999	99-04-1562A	02
04	AL	TUSCALOOSA, CITY OF	0102030040A	09-APR-1999	99-04-1664A	02
04	AL	WILSONVILLE, TOWN OF	0104040001B	24-JUN-1999	99-04-3600A	02
04	FL	ALACHUA COUNTY*	1200010425A	02-APR-1999	99-04-1662A	02
04	FL	ALACHUA COUNTY*	1200010268A	24-MAR-1999	99-04-1984A	02
04	FL	ALACHUA COUNTY*	1200010259A	25-MAR-1999	99-04-2016A	01
04	FL	ALACHUA COUNTY*	1200010280A	25-MAR-1999	99-04-2016A	01
04	FL	ALACHUA COUNTY*	1200010425A	20-APR-1999	99-04-2494A	02
04	FL	ALACHUA COUNTY*	1200010259A	24-MAR-1999	99-04-276A	02
04	FL	ALACHUA COUNTY*	1200010259A	26-MAY-1999	99-04-3168A	02
04	FL	ALACHUA COUNTY*	1200010259A	06-JAN-1999	99-04-870A	02
04	FL	ALTAMONTE SPRINGS, CITY OF	12117C0120E	17-FEB-1999	99-04-1218A	02
04	FL	ALTAMONTE SPRINGS, CITY OF	12117C0140E	16-JUN-1999	99-04-1702A	01
04	FL	APOPKA, CITY OF	1201790100B	25-FEB-1999	97-04-395P	05
04	FL	APOPKA, CITY OF	1201800005C	25-FEB-1999	97-04-395P	05
04	FL	BAY COUNTY*	1200040335D	17-MAR-1999	99-04-1898A	02
04	FL	BRADFORD COUNTY *	12007C0245D	16-APR-1999	99-04-2528A	02
04	FL	BREVARD COUNTY *	12009C0543F	06-JAN-1999	98-04-3110A	02
04	FL	BREVARD COUNTY *	12009C0025E	10-FEB-1999	99-04-1158A	02
04	FL	BREVARD COUNTY *	12009C0115E	05-MAR-1999	99-04-1208A	02
04	FL	BREVARD COUNTY *	12009C0607F	12-FEB-1999	99-04-1364A	01
04	FL	BREVARD COUNTY *	12009C0443E	12-FEB-1999	99-04-1440A	01
04	FL	BREVARD COUNTY *	12009C0443E	10-JUN-1999	99-04-1616A	01
04	FL	BREVARD COUNTY *	12009C0260E	30-APR-1999	99-04-1796A	02
04	FL	BREVARD COUNTY *	12009C0180E	17-MAR-1999	99-04-1956A	02
04	FL	BREVARD COUNTY *	12009C0615E	17-MAR-1999	99-04-1964A	02
04	FL	BREVARD COUNTY *	12009C0430E	04-MAY-1999	99-04-1992A	01
04	FL	BREVARD COUNTY *	12009C0605E	19-MAR-1999	99-04-2266A	02
04	FL	BREVARD COUNTY *	12009C0270E	28-APR-1999	99-04-2352A	02
04	FL	BREVARD COUNTY *	12009C0365E	09-APR-1999	99-04-2362A	02
04	FL	BREVARD COUNTY *	12009C0295E	04-JUN-1999	99-04-2374A	01
04	FL	BREVARD COUNTY *	12009C0260E	18-JUN-1999	99-04-2392A	02
04	FL	BREVARD COUNTY *	12009C0430E	15-JUN-1999	99-04-2424A	01
04	FL	BREVARD COUNTY *	12009C0615E	13-MAY-1999	99-04-2464A	02
04	FL	BREVARD COUNTY *	12009C0100E	07-APR-1999	99-04-2476A	02
04	FL	BREVARD COUNTY *	12009C0502E	14-APR-1999	99-04-2486A	02
04	FL	BREVARD COUNTY *	12009C0615E	19-MAY-1999	99-04-2966A	02
04	FL	BREVARD COUNTY *	12009C0430E	11-JUN-1999	99-04-3360A	01
04	FL	BREVARD COUNTY *	12009C0290E	29-JUN-1999	99-04-3608A	02
04	FL	BREVARD COUNTY *	12009C0430E	16-JUN-1999	99-04-3848A	01
04	FL	BREVARD COUNTY *	12009C0260E	05-FEB-1999	99-04-804A	01
04	FL	BROWARD COUNTY*	12011C0285F	13-JAN-1999	99-04-1062A	01
04	FL	BROWARD COUNTY*	12011C0190F	15-JAN-1999	99-04-1162A	02
04	FL	BROWARD COUNTY*	12011C0095F	26-JAN-1999	99-04-1498A	02
04	FL	BROWARD COUNTY*	12011C0285F	24-FEB-1999	99-04-1628A	01
04	FL	BROWARD COUNTY*	12011C0215F	05-MAY-1999	99-04-2808A	02
04	FL	BROWARD COUNTY*	12011C0215F	19-MAY-1999	99-04-2818A	02
04	FL	BROWARD COUNTY*	12011C0215F	24-JUN-1999	99-04-3730A	02
04	FL	CAPE CORAL, CITY OF	1250950030C	05-FEB-1999	99-04-1068A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	17-MAR-1999	99-04-1214A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	17-MAR-1999	99-04-1214A	01
04	FL	CAPE CORAL, CITY OF	1250950020C	10-FEB-1999	99-04-1330A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	10-FEB-1999	99-04-1330A	01

Region	State	Community	Map panel	Determination date	Case No.	Type
04	FL	CAPE CORAL, CITY OF	1250950030C	17-FEB-1999	99-04-1534A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	24-FEB-1999	99-04-1626A	01
04	FL	CAPE CORAL, CITY OF	1250950035C	26-MAR-1999	99-04-1738A	02
04	FL	CAPE CORAL, CITY OF	1250950035C	03-MAR-1999	99-04-1818A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	03-MAR-1999	99-04-1862A	02
04	FL	CAPE CORAL, CITY OF	1250950030C	03-MAR-1999	99-04-1864A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	03-MAR-1999	99-04-1864A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	12-MAR-1999	99-04-1986A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	12-MAR-1999	99-04-1994A	01
04	FL	CAPE CORAL, CITY OF	1250950035C	28-APR-1999	99-04-2018A	02
04	FL	CAPE CORAL, CITY OF	1250950020C	10-MAR-1999	99-04-2040A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	26-MAR-1999	99-04-2152A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	26-MAR-1999	99-04-2152A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	07-MAY-1999	99-04-2318A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	07-MAY-1999	99-04-2318A	01
04	FL	CAPE CORAL, CITY OF	1250950035C	09-APR-1999	99-04-2384A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	09-APR-1999	99-04-2384A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	14-APR-1999	99-04-2420A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	14-APR-1999	99-04-2420A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	02-APR-1999	99-04-2436A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	02-APR-1999	99-04-2442A	01
04	FL	CAPE CORAL, CITY OF	1250950035C	12-MAY-1999	99-04-2530A	02
04	FL	CAPE CORAL, CITY OF	1250950040C	23-APR-1999	99-04-2672A	01
04	FL	CAPE CORAL, CITY OF	1250950035C	28-APR-1999	99-04-2706A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	28-APR-1999	99-04-2708A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	05-MAY-1999	99-04-2814A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	05-MAY-1999	99-04-2816A	01
04	FL	CAPE CORAL, CITY OF	1250950035C	28-MAY-1999	99-04-2864A	01
04	FL	CAPE CORAL, CITY OF	1250950035C	05-MAY-1999	99-04-2900A	01
04	FL	CAPE CORAL, CITY OF	1250950035C	24-JUN-1999	99-04-3204A	01
04	FL	CAPE CORAL, CITY OF	1250950020C	28-MAY-1999	99-04-3422A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	28-MAY-1999	99-04-3422A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	25-JUN-1999	99-04-3586A	01
04	FL	CAPE CORAL, CITY OF	1250950035C	25-JUN-1999	99-04-3586A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	25-JUN-1999	99-04-3586A	01
04	FL	CAPE CORAL, CITY OF	1250950020C	08-JAN-1999	99-04-504A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	15-JAN-1999	99-04-598A	01
04	FL	CAPE CORAL, CITY OF	1250950040C	15-JAN-1999	99-04-598A	01
04	FL	CASSELBERRY, CITY OF	12117C0140E	29-JAN-1999	99-04-1532A	02
04	FL	CHARLOTTE COUNTY *	1200610101E	30-APR-1999	99-04-075P	05
04	FL	CHARLOTTE COUNTY *	1200610028E	23-FEB-1999	99-04-1684A	02
04	FL	CHARLOTTE COUNTY *	1200610028E	19-MAR-1999	99-04-2542A	02
04	FL	CHARLOTTE COUNTY *	1200610020D	20-JAN-1999	99-04-758A	01
04	FL	CITRUS COUNTY *	1200630260B	15-JAN-1999	99-04-1056A	02
04	FL	CITRUS COUNTY *	1200630270B	05-MAR-1999	99-04-1370A	02
04	FL	CITRUS COUNTY *	1200630260B	17-MAR-1999	99-04-2022A	02
04	FL	CITRUS COUNTY *	1200630175B	17-MAR-1999	99-04-2026A	02
04	FL	CITRUS COUNTY *	1200630260B	13-MAY-1999	99-04-2726A	02
04	FL	CITRUS COUNTY *	1200630205C	28-MAY-1999	99-04-3122A	02
04	FL	CITRUS COUNTY *	1200630260B	19-MAY-1999	99-04-3262A	02
04	FL	CLAY COUNTY *	1200640155D	22-JAN-1999	98-04-3078A	02
04	FL	CLAY COUNTY *	1200640325D	22-JAN-1999	99-04-1236A	02
04	FL	CLAY COUNTY *	1200640065D	10-MAR-1999	99-04-1436A	01
04	FL	CLAY COUNTY *	1200640155D	14-MAY-1999	99-04-1606A	01
04	FL	CLAY COUNTY *	1200640135D	16-APR-1999	99-04-1608A	01
04	FL	CLAY COUNTY *	1200640155D	17-FEB-1999	99-04-1650A	02
04	FL	CLAY COUNTY *	1200640135D	20-APR-1999	99-04-2422A	02
04	FL	CLAY COUNTY *	1200640065D	04-MAY-1999	99-04-2734A	02
04	FL	CLAY COUNTY *	1200640325D	16-JUN-1999	99-04-3028A	02
04	FL	CLAY COUNTY *	1200640065D	21-MAY-1999	99-04-3372A	02
04	FL	CLAY COUNTY *	1200640065D	07-APR-1999	99-04-376A	17
04	FL	CLAY COUNTY *	1200640130D	16-JUN-1999	99-04-3824A	02
04	FL	CLEARWATER, CITY OF	1250960008D	06-JAN-1999	98-04-3152A	02
04	FL	COCONUT CREEK, CITY OF	12011C0115F	03-MAR-1999	99-04-1526A	01
04	FL	COCONUT CREEK, CITY OF	12011C0115F	12-MAR-1999	99-04-1932A	01
04	FL	COLLIER COUNTY *	1200670195D	03-MAR-1999	99-04-1196A	01
04	FL	COLLIER COUNTY *	1200670394D	17-MAR-1999	99-04-1590A	01
04	FL	COLLIER COUNTY *	1200670582F	28-JAN-1999	99-04-1692A	01
04	FL	COLLIER COUNTY *	1200670615E	19-MAR-1999	99-04-2200A	02
04	FL	COLLIER COUNTY *	1200670605E	10-JUN-1999	99-04-2440A	01
04	FL	COLLIER COUNTY *	1200670605E	28-MAY-1999	99-04-3418A	02
04	FL	COLLIER COUNTY *	1200670605E	06-JAN-1999	99-04-778A	01
04	FL	COLLIER COUNTY *	1200670582F	13-JAN-1999	99-04-920A	01

Region	State	Community	Map panel	Determination date	Case No.	Type
04	FL	COLLIER COUNTY *	1200670605E	08-JAN-1999	99-04-922A	01
04	FL	COLUMBIA COUNTY*	1200700200B	05-MAY-1999	99-04-1812A	02
04	FL	COLUMBIA COUNTY*	1200700175B	19-MAR-1999	99-04-2188A	01
04	FL	CORAL GABLES, CITY OF	12025C0190J	04-JUN-1999	99-04-3720A	02
04	FL	CORAL SPRINGS, CITY OF	12011C0115F	23-JUN-1999	99-04-2350A	01
04	FL	CORAL SPRINGS, CITY OF	12011C0115F	08-JAN-1999	99-04-830A	02
04	FL	CORAL SPRINGS, CITY OF	12011C0095F	13-JAN-1999	99-04-964A	02
04	FL	DADE COUNTY*	12025C0081J	18-FEB-1999	99-04-1022A	02
04	FL	DADE COUNTY*	12025C0075J	23-FEB-1999	99-04-1042A	01
04	FL	DADE COUNTY*	12025C0356J	03-MAR-1999	99-04-1128A	01
04	FL	DADE COUNTY*	12025C0260J	03-MAR-1999	99-04-1146A	02
04	FL	DADE COUNTY*	12025C0265J	12-MAR-1999	99-04-1592A	01
04	FL	DADE COUNTY*	12025C0075J	03-MAR-1999	99-04-1736A	01
04	FL	DADE COUNTY*	12025C0265J	31-MAR-1999	99-04-1752A	01
04	FL	DADE COUNTY*	12025C0160J	16-APR-1999	99-04-1802A	01
04	FL	DADE COUNTY*	12025C0170J	17-MAR-1999	99-04-1970A	02
04	FL	DADE COUNTY*	12025C0160J	10-MAR-1999	99-04-1982A	01
04	FL	DADE COUNTY*	12025C0080J	23-APR-1999	99-04-2102A	02
04	FL	DADE COUNTY*	12025C0268J	26-MAR-1999	99-04-2198A	02
04	FL	DADE COUNTY*	12025C0265J	29-APR-1999	99-04-2310A	01
04	FL	DADE COUNTY*	12025C0265J	09-JUN-1999	99-04-2328A	01
04	FL	DADE COUNTY*	12025C0265J	13-MAY-1999	99-04-2380A	01
04	FL	DADE COUNTY*	12025C0265J	28-APR-1999	99-04-2502A	01
04	FL	DADE COUNTY*	12025C0080J	14-APR-1999	99-04-2592A	01
04	FL	DADE COUNTY*	12025C0260J	30-MAR-1999	99-04-2652A	02
04	FL	DADE COUNTY*	12025C0165J	07-MAY-1999	99-04-2748A	01
04	FL	DADE COUNTY*	12025C0260J	18-MAY-1999	99-04-2888A	02
04	FL	DADE COUNTY*	12025C0265J	14-MAY-1999	99-04-2898A	02
04	FL	DADE COUNTY*	12025C0265J	28-MAY-1999	99-04-2916A	01
04	FL	DADE COUNTY*	12025C0268J	21-MAY-1999	99-04-3162A	02
04	FL	DADE COUNTY*	12025C0265J	28-MAY-1999	99-04-3234A	01
04	FL	DADE COUNTY*	12025C0165J	06-JAN-1999	99-04-586A	01
04	FL	DADE COUNTY*	12025C0265J	08-JAN-1999	99-04-638A	01
04	FL	DADE COUNTY*	12025C0255J	03-FEB-1999	99-04-938A	01
04	FL	DADE COUNTY*	12025C0266J	03-MAR-1999	99-04-948A	02
04	FL	DANIA, CITY OF	12011C0307F	18-JUN-1999	99-04-2870A	02
04	FL	DAVIE, CITY OF	12011C0302F	17-MAR-1999	99-04-1952A	02
04	FL	DAVIE, CITY OF	12011C0305F	17-MAR-1999	99-04-1952A	02
04	FL	DAYTONA BEACH, CITY OF	1250990015D	22-JAN-1999	99-04-1280A	01
04	FL	DAYTONA BEACH, CITY OF	1250990015D	29-JUN-1999	99-04-3078A	01
04	FL	DEBARY, CITY OF	1206720001F	30-MAR-1999	99-04-2504A	02
04	FL	DEERFIELD BEACH, CITY OF	12011C0108F	23-APR-1999	99-04-2610A	02
04	FL	DELRAY BEACH, CITY OF	1251020001D	24-FEB-1999	99-04-1192A	02
04	FL	DELRAY BEACH, CITY OF	1251020005D	10-FEB-1999	99-04-1456A	02
04	FL	DELRAY BEACH, CITY OF	1251020006D	10-FEB-1999	99-04-1456A	02
04	FL	DESOTO COUNTY*	12027C0160B	31-MAR-1999	98-04-3016A	02
04	FL	DESTIN, CITY OF	1251580002F	09-APR-1999	99-04-2316A	18
04	FL	EUSTIS, CITY OF	1201340005B	07-APR-1999	99-04-2264A	02
04	FL	FORT PIERCE, CITY OF	12111C0187G	05-FEB-1999	99-04-020A	01
04	FL	FRANKLIN COUNTY *	1200880200B	20-JAN-1999	98-04-2478A	02
04	FL	FRANKLIN COUNTY *	1200880195B	26-MAY-1999	99-04-2760A	18
04	FL	GADSDEN COUNTY *	1200910300A	05-MAR-1999	99-04-1848A	02
04	FL	GAINESVILLE, CITY OF	1251070004B	23-MAR-1999	99-04-1808A	02
04	FL	GULF COUNTY *	1200980175D	24-MAR-1999	99-04-1244A	02
04	FL	HERNANDO COUNTY *	1201100280B	20-JAN-1999	98-04-3084A	02
04	FL	HERNANDO COUNTY *	1201100280B	29-JAN-1999	99-04-1116A	02
04	FL	HERNANDO COUNTY *	1201100280B	22-JAN-1999	99-04-1118A	02
04	FL	HIALEAH GARDENS, CITY OF	12025C0075J	06-JAN-1999	99-04-600A	01
04	FL	HIALEAH, CITY OF	12025C0075J	21-APR-1999	99-04-2736A	02
04	FL	HIGHLANDS COUNTY *	1201110150B	25-MAR-1999	99-04-2020A	02
04	FL	HILLSBOROUGH COUNTY*	1201120160C	13-JAN-1999	99-04-1002A	01
04	FL	HILLSBOROUGH COUNTY*	1201120045D	04-MAY-1999	99-04-1216A	02
04	FL	HILLSBOROUGH COUNTY*	1201120185F	29-JAN-1999	99-04-1266A	02
04	FL	HILLSBOROUGH COUNTY*	1201120190D	05-FEB-1999	99-04-1282A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	28-MAY-1999	99-04-1326A	01
04	FL	HILLSBOROUGH COUNTY*	1201120205D	26-JAN-1999	99-04-1462A	02
04	FL	HILLSBOROUGH COUNTY*	1201120045D	30-APR-1999	99-04-1610A	01
04	FL	HILLSBOROUGH COUNTY*	1201120160C	12-FEB-1999	99-04-1632A	01
04	FL	HILLSBOROUGH COUNTY*	1201120210E	03-MAR-1999	99-04-1708A	01
04	FL	HILLSBOROUGH COUNTY*	1201120494C	19-FEB-1999	99-04-1750A	01
04	FL	HILLSBOROUGH COUNTY*	1201120387E	19-FEB-1999	99-04-1772A	01
04	FL	HILLSBOROUGH COUNTY*	1201120395E	19-FEB-1999	99-04-1772A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	08-JAN-1999	99-04-192A	01

Region	State	Community	Map panel	Determination date	Case No.	Type
04	FL	HILLSBOROUGH COUNTY*	1201120167C	24-MAR-1999	99-04-194A	01
04	FL	HILLSBOROUGH COUNTY*	1201120065D	18-MAY-1999	99-04-2126A	02
04	FL	HILLSBOROUGH COUNTY*	1201120160C	24-MAR-1999	99-04-2136A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	09-MAR-1999	99-04-2192A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	21-APR-1999	99-04-2262A	02
04	FL	HILLSBOROUGH COUNTY*	1201120395E	16-APR-1999	99-04-2272A	01
04	FL	HILLSBOROUGH COUNTY*	1201120415C	16-JUN-1999	99-04-2558A	01
04	FL	HILLSBOROUGH COUNTY*	1201120395E	28-APR-1999	99-04-2572A	02
04	FL	HILLSBOROUGH COUNTY*	1201120160C	22-APR-1999	99-04-2630A	01
04	FL	HILLSBOROUGH COUNTY*	1201120045D	23-APR-1999	99-04-2650A	02
04	FL	HILLSBOROUGH COUNTY*	1201120190D	26-MAY-1999	99-04-2744A	01
04	FL	HILLSBOROUGH COUNTY*	1201120185F	12-MAY-1999	99-04-2780A	02
04	FL	HILLSBOROUGH COUNTY*	1201120385E	22-APR-1999	99-04-2812A	01
04	FL	HILLSBOROUGH COUNTY*	1201120530C	27-MAY-1999	99-04-2984A	01
04	FL	HILLSBOROUGH COUNTY*	1201120387E	20-MAY-1999	99-04-3006A	01
04	FL	HILLSBOROUGH COUNTY*	1201120395E	20-MAY-1999	99-04-3006A	01
04	FL	HILLSBOROUGH COUNTY*	1201120494C	29-APR-1999	99-04-3014A	01
04	FL	HILLSBOROUGH COUNTY*	1201120530C	22-JAN-1999	99-04-324A	01
04	FL	HILLSBOROUGH COUNTY*	1201120160C	02-JUN-1999	99-04-3272A	01
04	FL	HILLSBOROUGH COUNTY*	1201120395E	10-JUN-1999	99-04-3358A	01
04	FL	HILLSBOROUGH COUNTY*	1201120185F	11-JUN-1999	99-04-3430A	02
04	FL	HILLSBOROUGH COUNTY*	1201120065D	29-JUN-1999	99-04-3516A	02
04	FL	HILLSBOROUGH COUNTY*	1201120180F	17-JUN-1999	99-04-3518A	01
04	FL	HILLSBOROUGH COUNTY*	1201120395E	29-JUN-1999	99-04-3638A	01
04	FL	HILLSBOROUGH COUNTY*	1201120395E	18-JUN-1999	99-04-3684A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	29-JUN-1999	99-04-3766A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	29-JUN-1999	99-04-3812A	01
04	FL	HILLSBOROUGH COUNTY*	1201120494C	11-JUN-1999	99-04-3858A	01
04	FL	HILLSBOROUGH COUNTY*	1201120494C	30-JUN-1999	99-04-4154A	01
04	FL	HILLSBOROUGH COUNTY*	1201120185F	24-JUN-1999	99-04-4208A	02
04	FL	HILLSBOROUGH COUNTY*	1201120506C	23-FEB-1999	99-04-634A	01
04	FL	HILLSBOROUGH COUNTY*	1201120045D	06-JAN-1999	99-04-642A	01
04	FL	HILLSBOROUGH COUNTY*	1201120385E	21-APR-1999	99-04-650A	01
04	FL	HILLSBOROUGH COUNTY*	1201120167C	03-MAR-1999	99-04-860A	01
04	FL	HILLSBOROUGH COUNTY*	1201120205D	05-FEB-1999	99-04-952A	02
04	FL	HILLSBOROUGH COUNTY*	1201120367E	03-MAR-1999	99-04-986A	02
04	FL	HOLLY HILL, CITY OF	125112 C	03-MAR-1999	99-04-1720A	02
04	FL	INDIAN RIVER COUNTY *	12061C0168E	19-MAR-1999	99-04-1920A	01
04	FL	JACKSONVILLE BEACH, CITY OF	1200780001D	06-JAN-1999	98-04-2150A	02
04	FL	JACKSONVILLE, CITY OF	1200770232E	18-FEB-1999	99-04-1466A	01
04	FL	JACKSONVILLE, CITY OF	1200770241E	05-MAY-1999	99-04-1712A	02
04	FL	JACKSONVILLE, CITY OF	1200770241E	20-MAY-1999	99-04-2940A	02
04	FL	JACKSONVILLE, CITY OF	1200770241E	20-MAY-1999	99-04-2946A	02
04	FL	JACKSONVILLE, CITY OF	1200770218E	14-MAY-1999	99-04-3194A	02
04	FL	JACKSONVILLE, CITY OF	1200770239E	11-JUN-1999	99-04-3238A	01
04	FL	JACKSONVILLE, CITY OF	1200770243E	11-JUN-1999	99-04-3238A	01
04	FL	JACKSONVILLE, CITY OF	1200770143E	05-MAR-1999	99-04-894A	02
04	FL	JUPITER, TOWN OF	1251190002D	05-MAR-1999	99-04-1360A	02
04	FL	LAFAYETTE COUNTY*	1201310240B	05-FEB-1999	99-04-794A	17
04	FL	LAKE COUNTY *	1204210100B	14-APR-1999	98-04-1818A	01
04	FL	LAKE COUNTY *	1204210200B	14-APR-1999	98-04-1818A	01
04	FL	LAKE COUNTY *	1204210225B	15-JAN-1999	99-04-1026A	02
04	FL	LAKE COUNTY *	1204210150B	31-MAR-1999	99-04-1204A	01
04	FL	LAKE COUNTY *	1204210200B	05-MAR-1999	99-04-1250A	02
04	FL	LAKE COUNTY *	1204210150B	05-MAR-1999	99-04-1400A	02
04	FL	LAKE COUNTY *	1204210225B	28-APR-1999	99-04-1842A	02
04	FL	LAKE COUNTY *	1204210225B	24-MAR-1999	99-04-2210A	02
04	FL	LAKE COUNTY *	1204210200B	19-MAR-1999	99-04-2226A	02
04	FL	LAKE COUNTY *	1204210100B	02-APR-1999	99-04-2260A	02
04	FL	LAKE COUNTY *	1204210375B	30-APR-1999	99-04-2344A	02
04	FL	LAKE COUNTY *	1204210225B	23-APR-1999	99-04-2416A	02
04	FL	LAKE COUNTY *	1204210200B	14-MAY-1999	99-04-2782A	02
04	FL	LAKE COUNTY *	1204210200B	11-JUN-1999	99-04-2824A	02
04	FL	LAKE COUNTY *	1204210125B	14-MAY-1999	99-04-2894A	02
04	FL	LAKE COUNTY *	1204210150B	28-APR-1999	99-04-3040A	02
04	FL	LAKE COUNTY *	1204210200B	23-JUN-1999	99-04-3818A	02
04	FL	LAKE COUNTY *	1204210200B	06-JAN-1999	99-04-780A	02
04	FL	LAKE COUNTY *	1204210100B	15-JAN-1999	99-04-872A	02
04	FL	LAKE MARY, CITY OF	12117C0040E	31-MAR-1999	97-04-2112A	01
04	FL	LAKE MARY, CITY OF	12117C0040E	24-JUN-1999	99-04-3544A	01
04	FL	LAKE MARY, CITY OF	12117C0040E	20-JAN-1999	99-04-464A	01
04	FL	LAKE MARY, CITY OF	12117C0040E	19-FEB-1999	99-04-466A	01
04	FL	LAKELAND, CITY OF	1202670010B	15-JAN-1999	99-04-230A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
04	FL	LAUDERHILL, CITY OF	12011C0204F	19-MAR-1999	99-04-1754A	02
04	FL	LAUDERHILL, CITY OF	12011C0205F	24-JUN-1999	99-04-3622A	02
04	FL	LAUDERHILL, CITY OF	12011C0205F	24-JUN-1999	99-04-3624A	02
04	FL	LAUDERHILL, CITY OF	12011C0205F	09-JUN-1999	99-04-3682A	01
04	FL	LAUDERHILL, CITY OF	12011C0204F	20-JAN-1999	99-04-956A	02
04	FL	LEE COUNTY*	1251240225C	20-JAN-1999	99-04-1080A	01
04	FL	LEE COUNTY*	1251240325C	10-FEB-1999	99-04-1434A	01
04	FL	LEE COUNTY*	1251240225C	12-FEB-1999	99-04-1696A	01
04	FL	LEE COUNTY*	1251240250B	10-JUN-1999	99-04-3094A	02
04	FL	LEE COUNTY*	1251240225C	08-JAN-1999	99-04-444A	01
04	FL	LEE COUNTY*	1251240225C	05-MAR-1999	99-04-934A	01
04	FL	LEON COUNTY *	12073C0431D	28-APR-1999	99-04-2512A	02
04	FL	LONGWOOD, CITY OF	12117C0130E	07-MAY-1999	99-04-2712A	02
04	FL	MANATEE COUNTY *	1201530205C	05-FEB-1999	99-04-1358A	02
04	FL	MANATEE COUNTY *	1201530370C	18-MAY-1999	99-04-1600A	01
04	FL	MARGATE, CITY OF	12011C0115F	17-JUN-1999	99-04-3560A	02
04	FL	MARGATE, CITY OF	12011C0205F	08-JAN-1999	99-04-968A	02
04	FL	MARGATE, CITY OF	12011C0205F	08-JAN-1999	99-04-970A	02
04	FL	MARION COUNTY *	1201600335B	30-APR-1999	99-04-2368A	02
04	FL	MARION COUNTY *	1201600640B	21-MAY-1999	99-04-714A	02
04	FL	MARION COUNTY *	1201600650B	21-MAY-1999	99-04-714A	02
04	FL	MARION COUNTY *	1201600605B	13-JAN-1999	99-04-818A	02
04	FL	MIAMI, CITY OF	12025C0190J	28-APR-1999	99-04-2154A	02
04	FL	MIRAMAR, CITY OF	12011C0295F	15-JAN-1999	99-04-1016A	01
04	FL	MIRAMAR, CITY OF	12011C0315F	27-JAN-1999	99-04-1092A	01
04	FL	MIRAMAR, CITY OF	12011C0295F	03-FEB-1999	99-04-1224A	01
04	FL	MIRAMAR, CITY OF	12011C0295F	19-MAR-1999	99-04-1380A	01
04	FL	MIRAMAR, CITY OF	12011C0315F	22-JAN-1999	99-04-1430A	01
04	FL	MIRAMAR, CITY OF	12011C0295F	10-JUN-1999	99-04-1938A	01
04	FL	MIRAMAR, CITY OF	12011C0315F	10-JUN-1999	99-04-1938A	01
04	FL	MIRAMAR, CITY OF	12011C0295F	21-APR-1999	99-04-1940A	01
04	FL	MIRAMAR, CITY OF	12011C0315F	29-APR-1999	99-04-2670A	01
04	FL	MIRAMAR, CITY OF	12011C0315F	13-APR-1999	99-04-2742A	01
04	FL	MIRAMAR, CITY OF	12011C0295F	05-MAY-1999	99-04-2810A	01
04	FL	MIRAMAR, CITY OF	12011C0295F	15-JUN-1999	99-04-3524A	01
04	FL	MIRAMAR, CITY OF	12011C0315F	13-JAN-1999	99-04-762A	01
04	FL	MONROE COUNTY*		14-MAY-1999	99-04-157P	06
04	FL	MONROE COUNTY*	12087C1004G	26-MAY-1999	99-04-2820A	02
04	FL	MT. DORA, CITY OF	1204210250B	27-MAY-1999	97-04-377P	06
04	FL	NASSAU COUNTY*	1201700239C	30-APR-1999	99-04-2766A	02
04	FL	NORTH PORT, CITY OF	1202790005B	12-FEB-1999	99-04-1150A	02
04	FL	OCOEE, CITY OF	1201850005B	17-JUN-1999	99-04-031P	05
04	FL	OCOEE, CITY OF	1201850005B	09-JUN-1999	99-04-3246A	02
04	FL	OKALOOSA COUNTY *	1201730210E	03-MAR-1999	99-04-010A	01
04	FL	OKALOOSA COUNTY *	1201730195D	26-MAR-1999	99-04-1160A	02
04	FL	OKALOOSA COUNTY *	1201730235E	22-JAN-1999	99-04-1220A	02
04	FL	OKALOOSA COUNTY *	1201730205E	10-MAR-1999	99-04-1850A	01
04	FL	OKALOOSA COUNTY *	1201730205E	24-MAR-1999	99-04-2140A	01
04	FL	OKALOOSA COUNTY *	1201730195D	19-MAY-1999	99-04-2616A	18
04	FL	OKALOOSA COUNTY *	1201730195D	02-JUN-1999	99-04-2836A	18
04	FL	OKALOOSA COUNTY *	1201730210E	29-JAN-1999	99-04-604A	02
04	FL	OLDSMAR, CITY OF	1202500003B	06-JAN-1999	99-04-1004A	01
04	FL	OLDSMAR, CITY OF	1202500003B	19-MAR-1999	99-04-1642A	01
04	FL	OLDSMAR, CITY OF	1202500003B	02-JUN-1999	99-04-1678A	01
04	FL	OLDSMAR, CITY OF	1202500004B	26-MAR-1999	99-04-2138A	01
04	FL	OLDSMAR, CITY OF	1202500003B	18-MAY-1999	99-04-2942A	01
04	FL	OLDSMAR, CITY OF	1202500003B	10-JUN-1999	99-04-3268A	01
04	FL	OLDSMAR, CITY OF	1202500003B	28-MAY-1999	99-04-3270A	01
04	FL	OLDSMAR, CITY OF	1202500004B	28-MAY-1999	99-04-3270A	01
04	FL	OLDSMAR, CITY OF	1202500003B	10-JUN-1999	99-04-3278A	01
04	FL	ORANGE COUNTY *	1201790100B	25-FEB-1999	97-04-395P	05
04	FL	ORANGE COUNTY *	1201790125D	25-FEB-1999	97-04-395P	05
04	FL	ORANGE COUNTY *	1201800005C	25-FEB-1999	97-04-395P	05
04	FL	ORANGE COUNTY *	1201790250D	10-MAR-1999	98-04-2318A	01
04	FL	ORANGE COUNTY *	1201790250D	26-MAR-1999	98-04-2708A	01
04	FL	ORANGE COUNTY *	1201790175C	17-JUN-1999	99-04-031P	05
04	FL	ORANGE COUNTY *	1201790250D	09-APR-1999	99-04-1012A	01
04	FL	ORANGE COUNTY *	1201790400C	12-FEB-1999	99-04-1104A	02
04	FL	ORANGE COUNTY *	1201790200D	21-MAY-1999	99-04-1120A	02
04	FL	ORANGE COUNTY *	1201790200D	17-FEB-1999	99-04-1728A	02
04	FL	ORANGE COUNTY *	1201790525B	22-APR-1999	99-04-1888A	01
04	FL	ORANGE COUNTY *	1201790250D	17-MAR-1999	99-04-2070A	02
04	FL	ORANGE COUNTY *	1201790225C	02-MAR-1999	99-04-2166A	01

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04	FL	ORANGE COUNTY *	1201790200D	25-MAY-1999	99-04-2184A	01
04	FL	ORANGE COUNTY *	1201790175C	26-MAR-1999	99-04-2218A	02
04	FL	ORANGE COUNTY *	1201790250D	14-APR-1999	99-04-2370A	01
04	FL	ORANGE COUNTY *	1201790200D	23-APR-1999	99-04-2534A	02
04	FL	ORANGE COUNTY *	1201790400C	14-APR-1999	99-04-2538A	02
04	FL	ORANGE COUNTY *	1201790250D	01-JUN-1999	99-04-2636A	01
04	FL	ORANGE COUNTY *	1201790225C	28-APR-1999	99-04-2792A	01
04	FL	ORANGE COUNTY *	1201790250D	19-MAY-1999	99-04-2842A	02
04	FL	ORANGE COUNTY *	1201790175C	27-MAY-1999	99-04-3010A	02
04	FL	ORANGE COUNTY *	1201790225C	05-MAY-1999	99-04-3114A	02
04	FL	ORANGE COUNTY *	1201790350C	26-MAY-1999	99-04-3160A	02
04	FL	ORANGE COUNTY *	1201790525B	03-MAR-1999	99-04-316A	02
04	FL	ORANGE COUNTY *	1201790350C	16-JUN-1999	99-04-3310A	02
04	FL	ORANGE COUNTY *	1201790150B	23-JUN-1999	99-04-3478A	02
04	FL	ORANGE COUNTY *	1201790400C	16-JUN-1999	99-04-3710A	02
04	FL	ORANGE COUNTY *	1201790175C	15-JAN-1999	99-04-448A	01
04	FL	ORANGE COUNTY *	1201790350C	27-JAN-1999	99-04-840A	02
04	FL	ORANGE COUNTY *	1201790375D	27-JAN-1999	99-04-840A	02
04	FL	ORANGE COUNTY *	1201790250D	17-FEB-1999	99-04-976A	02
04	FL	ORLANDO, CITY OF	1201860005D	23-JUN-1999	99-04-2472A	02
04	FL	ORLANDO, CITY OF	1201860025D	05-FEB-1999	99-04-652A	01
04	FL	ORMOND BEACH, CITY OF	1251360007D	24-FEB-1999	98-04-2680A	01
04	FL	ORMOND BEACH, CITY OF	1251550165E	24-FEB-1999	98-04-2680A	01
04	FL	ORMOND BEACH, CITY OF	1251360003D	19-MAY-1999	99-04-2308A	01
04	FL	ORMOND BEACH, CITY OF	1251360007D	24-FEB-1999	99-04-574A	01
04	FL	OSCEOLA COUNTY *	1201890045C	26-MAR-1999	98-04-2398A	01
04	FL	OSCEOLA COUNTY *	1201890135C	24-FEB-1999	99-04-1176A	01
04	FL	OSCEOLA COUNTY *	1201890110B	20-JAN-1999	99-04-1178A	01
04	FL	OSCEOLA COUNTY *	1201890020C	05-MAY-1999	99-04-2798A	01
04	FL	OSCEOLA COUNTY *	1201890025C	12-MAY-1999	99-04-2920A	02
04	FL	OSCEOLA COUNTY *	1201890075C	17-MAR-1999	99-04-808A	02
04	FL	OVIEDO, CITY OF	12117C0170E	26-MAR-1999	99-04-1186A	02
04	FL	PALM BEACH COUNTY *	1201920220B	24-FEB-1999	99-04-1740A	02
04	FL	PALM BEACH COUNTY *	1201920165B	26-MAR-1999	99-04-2104A	02
04	FL	PALM BEACH COUNTY *	1201920220B	23-APR-1999	99-04-2176A	02
04	FL	PALM BEACH COUNTY *	1201920108B	22-JAN-1999	99-04-256A	01
04	FL	PALM BEACH GARDENS, CITY OF	1202210001C	21-APR-1999	99-04-2304A	02
04	FL	PANAMA CITY, CITY OF	1200120005D	13-JAN-1999	99-04-402A	02
04	FL	PASCO COUNTY *	1202300400D	24-MAR-1999	98-04-2218A	01
04	FL	PASCO COUNTY *	1202300352C	08-JAN-1999	98-04-2868A	01
04	FL	PASCO COUNTY *	1202300425E	06-JAN-1999	98-04-2908A	01
04	FL	PASCO COUNTY *	1202300450E	12-MAR-1999	99-04-012A	01
04	FL	PASCO COUNTY *	1202300450E	12-MAR-1999	99-04-024A	01
04	FL	PASCO COUNTY *	1202300410E	06-JAN-1999	99-04-1032A	01
04	FL	PASCO COUNTY *	1202300425E	14-MAY-1999	99-04-1052A	02
04	FL	PASCO COUNTY *	1202300450E	29-JAN-1999	99-04-1088A	01
04	FL	PASCO COUNTY *	1202300360D	05-MAR-1999	99-04-1246A	02
04	FL	PASCO COUNTY *	1202300352C	21-APR-1999	99-04-1278A	02
04	FL	PASCO COUNTY *	1202300425E	05-MAR-1999	99-04-1344A	02
04	FL	PASCO COUNTY *	1202300360D	10-FEB-1999	99-04-1446A	02
04	FL	PASCO COUNTY *	1202300450E	12-FEB-1999	99-04-1528A	01
04	FL	PASCO COUNTY *	1202300450E	12-FEB-1999	99-04-1530A	01
04	FL	PASCO COUNTY *	1202300450E	24-MAY-1999	99-04-1602A	01
04	FL	PASCO COUNTY *	1202300370D	03-MAR-1999	99-04-1618A	01
04	FL	PASCO COUNTY *	1202300352C	16-APR-1999	99-04-1868A	02
04	FL	PASCO COUNTY *	1202300450E	20-MAY-1999	99-04-1988A	01
04	FL	PASCO COUNTY *	1202300185D	17-MAR-1999	99-04-1998A	02
04	FL	PASCO COUNTY *	1202300195D	26-MAR-1999	99-04-2234A	02
04	FL	PASCO COUNTY *	1202300195D	26-MAR-1999	99-04-2244A	02
04	FL	PASCO COUNTY *	1202300189C	26-MAR-1999	99-04-2270A	02
04	FL	PASCO COUNTY *	1202300450E	31-MAR-1999	99-04-2274A	01
04	FL	PASCO COUNTY *	1202300450E	10-JUN-1999	99-04-2322A	01
04	FL	PASCO COUNTY *	1202300050C	24-JUN-1999	99-04-2430A	02
04	FL	PASCO COUNTY *	1202300425E	06-JAN-1999	99-04-264A	02
04	FL	PASCO COUNTY *	1202300360D	23-APR-1999	99-04-2662A	02
04	FL	PASCO COUNTY *	1202300425E	23-APR-1999	99-04-2684A	02
04	FL	PASCO COUNTY *	1202300360D	18-MAY-1999	99-04-2802A	01
04	FL	PASCO COUNTY *	1202300250E	14-MAY-1999	99-04-2958A	02
04	FL	PASCO COUNTY *	1202300410E	10-JUN-1999	99-04-3044A	01
04	FL	PASCO COUNTY *	1202300450E	19-MAY-1999	99-04-3116A	01
04	FL	PASCO COUNTY *	1202300450E	09-JUN-1999	99-04-3188A	02
04	FL	PASCO COUNTY *	1202300360D	26-MAY-1999	99-04-3192A	01
04	FL	PASCO COUNTY *	1202300275D	26-MAY-1999	99-04-3454A	02

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04	FL	PASCO COUNTY *	1202300410E	10-JUN-1999	99-04-3480A	02
04	FL	PASCO COUNTY *	1202300410E	10-JUN-1999	99-04-3482A	02
04	FL	PASCO COUNTY *	1202300195D	26-MAY-1999	99-04-3520A	01
04	FL	PASCO COUNTY *	1202300195D	30-JUN-1999	99-04-3728A	02
04	FL	PASCO COUNTY *	1202300425E	15-JAN-1999	99-04-482A	02
04	FL	PASCO COUNTY *	1202300425E	06-JAN-1999	99-04-858A	01
04	FL	PASCO COUNTY *	1202300410E	22-JAN-1999	99-04-864A	01
04	FL	PASCO COUNTY *	1202300425E	17-FEB-1999	99-04-926A	02
04	FL	PASCO COUNTY *	1202300360D	13-JAN-1999	99-04-932A	02
04	FL	PEMBROKE PINES, CITY OF	12011C0295F	20-JAN-1999	99-04-1284A	01
04	FL	PEMBROKE PINES, CITY OF	12011C0295F	24-FEB-1999	99-04-1786A	01
04	FL	PEMBROKE PINES, CITY OF	12011C0295F	29-APR-1999	99-04-1942A	01
04	FL	PEMBROKE PINES, CITY OF	12011C0295F	21-APR-1999	99-04-2674A	01
04	FL	PEMBROKE PINES, CITY OF	12011C0295F	12-MAY-1999	99-04-2904A	01
04	FL	PEMBROKE PINES, CITY OF	12011C0295F	09-JUN-1999	99-04-3420A	01
04	FL	PEMBROKE PINES, CITY OF	12011C0295F	22-JAN-1999	99-04-354A	01
04	FL	PINELLAS COUNTY *	1251390136C	27-JAN-1999	99-04-1184A	02
04	FL	PINELLAS COUNTY *	1251390077C	17-FEB-1999	99-04-1490A	02
04	FL	PINELLAS COUNTY *	1251390039C	10-MAR-1999	99-04-2066A	01
04	FL	PINELLAS COUNTY *	1251390203C	02-APR-1999	99-04-2372A	01
04	FL	PINELLAS COUNTY *	1251390079C	26-MAR-1999	99-04-2378A	01
04	FL	PINELLAS COUNTY *	1251390093C	08-JAN-1999	99-04-654A	01
04	FL	PLANTATION, CITY OF	12011C0215F	29-JUN-1999	99-04-3166A	02
04	FL	POLK COUNTY*	1202610310B	12-FEB-1999	99-04-1262A	02
04	FL	POLK COUNTY*	1202610345B	12-FEB-1999	99-04-1354A	02
04	FL	POLK COUNTY*	1202610500D	23-FEB-1999	99-04-1356A	02
04	FL	POLK COUNTY*	1202610375D	12-FEB-1999	99-04-1398A	02
04	FL	POLK COUNTY*	1202610225B	03-MAR-1999	99-04-1876A	02
04	FL	POLK COUNTY*	1202610525B	23-MAR-1999	99-04-2050A	02
04	FL	POLK COUNTY*	1202610350B	17-MAR-1999	99-04-2058A	02
04	FL	POLK COUNTY*	1202610550E	23-APR-1999	99-04-2212A	02
04	FL	POLK COUNTY*	1202610250B	09-FEB-1999	99-04-282A	02
04	FL	POLK COUNTY*	1202610425B	05-MAY-1999	99-04-2892A	02
04	FL	POLK COUNTY*	1202610725B	18-MAY-1999	99-04-3002A	02
04	FL	POLK COUNTY*	1202610305B	18-JUN-1999	99-04-3404A	01
04	FL	POLK COUNTY*	1202610475D	30-JUN-1999	99-04-3452A	02
04	FL	POLK COUNTY*	1202610750B	09-JUN-1999	99-04-3656A	02
04	FL	POLK COUNTY*	1202610320B	18-JUN-1999	99-04-3704A	02
04	FL	POMPANO BEACH, CITY OF	12011C0206F	03-FEB-1999	99-04-1024A	02
04	FL	POMPANO BEACH, CITY OF	12011C0120F	26-MAY-1999	99-04-1500A	01
04	FL	PORT ORANGE, CITY OF	1203130005C	05-FEB-1999	99-04-1140A	02
04	FL	PORT ORANGE, CITY OF	1251550408E	08-JAN-1999	99-04-734A	01
04	FL	PORT ORANGE, CITY OF	1251550409E	08-JAN-1999	99-04-734A	01
04	FL	PORT ORANGE, CITY OF	1251550408E	08-JAN-1999	99-04-736A	01
04	FL	PORT ORANGE, CITY OF	1251550409E	08-JAN-1999	99-04-736A	01
04	FL	PORT ORANGE, CITY OF	1251550416E	08-JAN-1999	99-04-736A	01
04	FL	PORT ORANGE, CITY OF	1251550425E	08-JAN-1999	99-04-736A	01
04	FL	PORT ST. LUCIE, CITY OF	12111C0280F	29-JAN-1999	99-04-1166A	02
04	FL	PUNTA GORDA, CITY OF		05-MAR-1999	99-04-005P	05
04	FL	PUNTA GORDA, CITY OF	1200620003B	19-MAY-1999	99-04-2390A	01
04	FL	PUTNAM COUNTY *	1202720215A	19-MAR-1999	99-04-1406A	02
04	FL	PUTNAM COUNTY *	1202720205A	03-MAR-1999	99-04-1884A	02
04	FL	ROCKLEDGE, CITY OF	12009C0350E	22-APR-1999	99-04-2484A	02
04	FL	ROCKLEDGE, CITY OF	12009C0355E	26-MAY-1999	99-04-3208A	01
04	FL	ROCKLEDGE, CITY OF	12009C0365E	26-MAY-1999	99-04-3208A	01
04	FL	SANFORD, CITY OF	12117C0045E	28-APR-1999	99-04-2704A	02
04	FL	SANTA ROSA COUNTY *	1202740335C	02-APR-1999	99-04-1492A	02
04	FL	SARASOTA COUNTY *	1251440152D	27-JAN-1999	98-04-2684A	01
04	FL	SARASOTA COUNTY *	1251440153E	10-FEB-1999	99-04-1200A	02
04	FL	SARASOTA COUNTY *	1251440239D	05-MAR-1999	99-04-1832A	02
04	FL	SARASOTA COUNTY *	1251440162E	30-JUN-1999	99-04-3036A	02
04	FL	SARASOTA COUNTY *	1251440432D	25-JUN-1999	99-04-3802A	02
04	FL	SARASOTA, CITY OF	1251500004B	17-MAR-1999	99-04-015P	06
04	FL	SEMINOLE COUNTY*	12117C0145E	15-JAN-1999	99-04-1114A	01
04	FL	SEMINOLE COUNTY*	12117C0170E	02-APR-1999	99-04-1180A	02
04	FL	SEMINOLE COUNTY*	12117C0145E	03-MAR-1999	99-04-1198A	02
04	FL	SEMINOLE COUNTY*	12117C0145E	26-MAR-1999	99-04-1472A	02
04	FL	SEMINOLE COUNTY*	12117C0040E	04-MAY-1999	99-04-1930A	01
04	FL	SEMINOLE COUNTY*	12117C0020E	26-MAY-1999	99-04-2196A	01
04	FL	SEMINOLE COUNTY*	12117C0040E	26-MAY-1999	99-04-2196A	01
04	FL	SEMINOLE COUNTY*	12117C0145E	14-MAY-1999	99-04-2896A	02
04	FL	SEMINOLE COUNTY*	12117C0145E	10-JUN-1999	99-04-3242A	01
04	FL	SEMINOLE COUNTY*	12117C0140E	10-JUN-1999	99-04-3248A	01

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04	FL	SEMINOLE COUNTY*	12117C0145E	09-JUN-1999	99-04-3338A	02
04	FL	SEMINOLE COUNTY*	12117C0145E	13-JAN-1999	99-04-996A	01
04	FL	ST. CLOUD, CITY OF	1201910005D	17-FEB-1999	99-04-026A	01
04	FL	ST. JOHNS COUNTY *	1251470090D	03-FEB-1999	99-04-1386A	01
04	FL	ST. JOHNS COUNTY *	1251470138D	23-JUN-1999	99-04-2980A	01
04	FL	ST. JOHNS COUNTY *	1251470090D	13-JAN-1999	99-04-756A	01
04	FL	ST. PETERSBURG, CITY OF		11-FEB-1999	98-04-323P	05
04	FL	SUNRISE, CITY OF	12011C0215F	13-JAN-1999	99-04-1070A	02
04	FL	SUNRISE, CITY OF	12011C0205F	17-MAR-1999	99-04-1978A	02
04	FL	SUNRISE, CITY OF	12011C0195F	18-JUN-1999	99-04-2334A	01
04	FL	SUNRISE, CITY OF	12011C0205F	10-JUN-1999	99-04-3320A	02
04	FL	SUNRISE, CITY OF	12011C0215F	10-JUN-1999	99-04-3320A	02
04	FL	SUNRISE, CITY OF	12011C0195F	12-FEB-1999	99-04-862A	01
04	FL	TALLAHASSEE, CITY OF	12073C0115D	15-APR-1999	99-04-2174A	01
04	FL	TALLAHASSEE, CITY OF	12073C0279D	24-MAR-1999	99-04-2488A	02
04	FL	TALLAHASSEE, CITY OF	12073C0279D	05-MAY-1999	99-04-2772A	02
04	FL	TALLAHASSEE, CITY OF	12073C0115D	19-MAY-1999	99-04-3128A	01
04	FL	TALLAHASSEE, CITY OF	12073C0115D	19-MAY-1999	99-04-3130A	01
04	FL	TAMARAC, CITY OF	12011C0205F	22-JAN-1999	99-04-1072A	02
04	FL	TAMARAC, CITY OF	12011C0205F	19-FEB-1999	99-04-1768A	02
04	FL	TAMARAC, CITY OF	12011C0205F	08-JAN-1999	99-04-532A	01
04	FL	TAMARAC, CITY OF	12011C0185F	15-JAN-1999	99-04-646A	01
04	FL	TAMPA, CITY OF	1201140003C	01-APR-1999	99-04-2400A	02
04	FL	TAMPA, CITY OF	1201140032C	05-MAY-1999	99-04-2444A	01
04	FL	TAMPA, CITY OF	1201140043C	20-MAY-1999	99-04-2906A	02
04	FL	TEMPLE TERRACE, CITY OF	1201150005E	30-JUN-1999	99-04-4518A	01
04	FL	VOLUSIA COUNTY*	1251550500E	17-MAR-1999	99-04-1582A	02
04	FL	VOLUSIA COUNTY*	1251550250E	26-FEB-1999	99-04-1890A	02
04	FL	VOLUSIA COUNTY*	1251550440E	26-MAR-1999	99-04-2078A	02
04	FL	VOLUSIA COUNTY*	1251550408E	25-JUN-1999	99-04-3322A	01
04	FL	VOLUSIA COUNTY*	1251550440E	06-JAN-1999	99-04-682A	01
04	FL	VOLUSIA COUNTY*	1251550445E	06-JAN-1999	99-04-682A	01
04	FL	VOLUSIA COUNTY*	1251550165E	15-JAN-1999	99-04-738A	01
04	FL	VOLUSIA COUNTY*	1251550500E	29-JAN-1999	99-04-786A	02
04	FL	WINTER SPRINGS, CITY OF	12117C0135E	24-APR-1999	99-04-081P	05
04	FL	WINTER SPRINGS, CITY OF	12117C0165E	16-JUN-1999	99-04-3672A	02
04	GA	ACWORTH, CITY OF	13067C0025F	26-FEB-1999	99-04-408A	02
04	GA	ALBANY, CITY OF	1300750010C	02-MAR-1999	99-04-1174A	02
04	GA	ALPHARETTA, CITY OF	13121C0058E	19-FEB-1999	99-04-1574A	02
04	GA	ALPHARETTA, CITY OF	13121C0078E	21-APR-1999	99-04-2524A	02
04	GA	ALPHARETTA, CITY OF	13121C0054E	24-JUN-1999	99-04-3022A	02
04	GA	ATLANTA, CITY OF	13121C0233E	08-JAN-1999	99-04-1046A	02
04	GA	ATLANTA, CITY OF	13121C0241E	04-FEB-1999	99-04-1318A	02
04	GA	ATLANTA, CITY OF	13121C0253E	19-FEB-1999	99-04-140A	01
04	GA	ATLANTA, CITY OF	13121C0233E	26-JAN-1999	99-04-1502A	02
04	GA	ATLANTA, CITY OF	13121C0232E	05-MAR-1999	99-04-1854A	02
04	GA	ATLANTA, CITY OF	13121C0233E	26-MAR-1999	99-04-1960A	02
04	GA	ATLANTA, CITY OF	13121C0233E	26-MAR-1999	99-04-2114A	02
04	GA	ATLANTA, CITY OF	13121C0261E	30-APR-1999	99-04-2716A	02
04	GA	ATLANTA, CITY OF	13121C0366E	07-MAY-1999	99-04-2964A	02
04	GA	ATLANTA, CITY OF	13121C0233E	30-JUN-1999	99-04-484A	02
04	GA	ATLANTA, CITY OF	13121C0229E	08-JAN-1999	99-04-844A	02
04	GA	ATLANTA, CITY OF	13121C0233E	06-JAN-1999	99-04-880A	02
04	GA	AUBURN, CITY OF	1304980005A	03-MAR-1999	99-04-1734A	02
04	GA	AUGUSTA, CITY OF	1301580060E	18-JUN-1999	99-04-115P	06
04	GA	BALDWIN COUNTY*	1300050050B	03-MAR-1999	99-04-1810A	02
04	GA	BALDWIN COUNTY*	1300050050B	12-FEB-1999	99-04-348A	02
04	GA	BARTOW COUNTY *	13015C0135F	23-APR-1999	99-04-2084A	02
04	GA	BRYAN COUNTY *	1300160250A	26-FEB-1999	98-04-2742A	02
04	GA	BRYAN COUNTY *	1300160305A	16-APR-1999	99-04-2740A	02
04	GA	CAMDEN COUNTY*	13039C0265C	13-MAY-1999	99-04-2774A	02
04	GA	CANTON, CITY OF	13057C0230C	10-JUN-1999	98-04-077P	05
04	GA	CARTERSVILLE, CITY OF	13015C0070F	17-MAR-1999	99-04-1774A	02
04	GA	CHAMBLEE, CITY OF	1300660001B	26-MAR-1999	98-04-2636A	02
04	GA	CHATHAM COUNTY*	1300300075C	12-MAR-1999	99-04-1648A	01
04	GA	CHATHAM COUNTY*	1300300020C	14-MAY-1999	99-04-2646A	01
04	GA	CHATHAM COUNTY*	1300300075C	14-MAY-1999	99-04-2646A	01
04	GA	CHEROKEE COUNTY*	13057C0175B	26-MAY-1999	99-04-1704A	02
04	GA	CHEROKEE COUNTY*	13057C0275B	15-JUN-1999	99-04-2934A	02
04	GA	CLAYTON COUNTY*	1300410055C	15-JAN-1999	99-04-1074A	02
04	GA	CLAYTON COUNTY*	1300410015D	05-MAY-1999	99-04-2014A	02
04	GA	CLAYTON COUNTY*	1300410015D	26-MAR-1999	99-04-760A	02
04	GA	COBB COUNTY*	13067C0045F	04-MAY-1999	99-04-1078A	17

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04	GA	COBB COUNTY*	13067C0065F	03-MAR-1999	99-04-1210A	02
04	GA	COBB COUNTY*	13067C0040F	05-MAR-1999	99-04-1268A	02
04	GA	COBB COUNTY*	13067C0015F	05-FEB-1999	99-04-1302A	02
04	GA	COBB COUNTY*	13067C0085F	24-MAR-1999	99-04-1378A	02
04	GA	COBB COUNTY*	13067C0015F	05-MAR-1999	99-04-1402A	02
04	GA	COBB COUNTY*	13067C0085F	05-MAY-1999	99-04-1432A	02
04	GA	COBB COUNTY*	13067C0055F	13-MAY-1999	99-04-1564A	02
04	GA	COBB COUNTY*	13067C0055F	16-APR-1999	99-04-1792A	02
04	GA	COBB COUNTY*	13067C0085F	05-MAR-1999	99-04-1844A	02
04	GA	COBB COUNTY*	13067C0070F	02-APR-1999	99-04-1858A	17
04	GA	COBB COUNTY*	13067C0040F	05-MAR-1999	99-04-1880A	02
04	GA	COBB COUNTY*	13067C0075F	12-MAR-1999	99-04-1900A	02
04	GA	COBB COUNTY*	13067C0035F	26-MAR-1999	99-04-1908A	02
04	GA	COBB COUNTY*	13067C0050F	07-MAY-1999	99-04-2082A	17
04	GA	COBB COUNTY*	13067C0025F	22-JUN-1999	99-04-2090A	02
04	GA	COBB COUNTY*	13067C0015F	05-MAY-1999	99-04-2108A	02
04	GA	COBB COUNTY*	13067C0040F	24-MAR-1999	99-04-2118A	02
04	GA	COBB COUNTY*	13067C0075F	26-MAY-1999	99-04-2290A	02
04	GA	COBB COUNTY*	13067C0060F	07-APR-1999	99-04-2540A	02
04	GA	COBB COUNTY*	13067C0065F	23-APR-1999	99-04-2568A	02
04	GA	COBB COUNTY*	13067C0035F	28-APR-1999	99-04-2730A	02
04	GA	COBB COUNTY*	13067C0045F	13-MAY-1999	99-04-2844A	02
04	GA	COBB COUNTY*	13067C0030F	27-APR-1999	99-04-2880A	02
04	GA	COBB COUNTY*	13067C0035F	19-MAY-1999	99-04-2952A	02
04	GA	COBB COUNTY*	13067C0040F	09-JUN-1999	99-04-2994A	02
04	GA	COBB COUNTY*	13067C0040F	22-JUN-1999	99-04-3098A	02
04	GA	COBB COUNTY*	13067C0085F	23-JUN-1999	99-04-3334A	02
04	GA	COBB COUNTY*	13067C0030F	19-MAY-1999	99-04-3444A	02
04	GA	COBB COUNTY*	13067C0030F	06-JAN-1999	99-04-510A	02
04	GA	COBB COUNTY*	13067C0035F	03-MAR-1999	99-04-806A	01
04	GA	COBB COUNTY*	13067C0035F	26-MAR-1999	99-04-812A	02
04	GA	COBB COUNTY*	13067C0035F	10-FEB-1999	99-04-906A	02
04	GA	COBB COUNTY*	13067C0070F	22-JAN-1999	99-04-984A	02
04	GA	COBB COUNTY*	13067C0035F	22-JAN-1999	99-04-990A	02
04	GA	COLUMBUS, CITY OF	1351580075D	11-JUN-1999	99-04-3754A	02
04	GA	COWETA COUNTY *	1302980205A	29-JUN-1999	99-04-3576A	02
04	GA	CUMMING, CITY OF	13117C0115C	15-JUN-1999	99-04-3426A	02
04	GA	DALTON, CITY OF	1301940005C	13-JAN-1999	98-04-2390A	01
04	GA	DECATUR, CITY OF	1351590001B	07-APR-1999	99-04-2360A	02
04	GA	DEKALB COUNTY *	1300650003E	26-JAN-1999	99-04-048A	02
04	GA	DEKALB COUNTY *	1300650003E	03-MAR-1999	99-04-1182A	02
04	GA	DEKALB COUNTY *	13121C0163E	19-FEB-1999	99-04-1550A	02
04	GA	DEKALB COUNTY *	1300650006D	02-APR-1999	99-04-1804A	02
04	GA	DEKALB COUNTY *	1300650006D	20-APR-1999	99-04-2298A	02
04	GA	DEKALB COUNTY *	1300650004E	26-MAY-1999	99-04-2606A	02
04	GA	DEKALB COUNTY *	1300650004E	14-MAY-1999	99-04-2922A	02
04	GA	DEKALB COUNTY *	1300650012C	21-MAY-1999	99-04-3102A	02
04	GA	DEKALB COUNTY *	1300650011F	04-JUN-1999	99-04-3394A	02
04	GA	DULUTH, CITY OF	1300980003C	19-MAR-1999	99-04-2134A	01
04	GA	DULUTH, CITY OF	1300980003C	24-MAR-1999	99-04-2204A	02
04	GA	FLOYD COUNTY*	1300790160A	28-APR-1999	99-04-908A	01
04	GA	FLOYD COUNTY*	1300790240A	05-MAR-1999	99-04-982A	02
04	GA	FORSYTH COUNTY *	13117C0115C	11-JUN-1999	99-04-1202A	02
04	GA	FORSYTH COUNTY *	13117C0075C	24-FEB-1999	99-04-1706A	02
04	GA	FORSYTH COUNTY *	13117C0075C	20-MAY-1999	99-04-2948A	02
04	GA	FORSYTH COUNTY *	13117C0125C	23-JUN-1999	99-04-3258A	02
04	GA	FORT OGLETHORPE, CITY OF	1302480001B	18-JUN-1999	99-04-3470A	02
04	GA	FULTON COUNTY *	13121C0161E	28-APR-1999	99-04-1226A	01
04	GA	FULTON COUNTY *	13121C0095E	12-FEB-1999	99-04-1412A	01
04	GA	FULTON COUNTY *	13121C0095E	03-MAR-1999	99-04-1460A	01
04	GA	FULTON COUNTY *	1300650003E	19-FEB-1999	99-04-1550A	02
04	GA	FULTON COUNTY *	13121C0089E	24-MAR-1999	99-04-1972A	17
04	GA	FULTON COUNTY *	13121C0095E	12-MAY-1999	99-04-2186A	01
04	GA	FULTON COUNTY *	13121C0160E	12-MAY-1999	99-04-2644A	02
04	GA	FULTON COUNTY *	13121C0478E	02-JUN-1999	99-04-3216A	02
04	GA	FULTON COUNTY *	13121C0053E	09-JUN-1999	99-04-3254A	02
04	GA	FULTON COUNTY *	13121C0478E	24-JUN-1999	99-04-3554A	17
04	GA	FULTON COUNTY *	13121C0478E	09-JUN-1999	99-04-3736A	02
04	GA	GWINNETT COUNTY *	1303220285C	31-MAR-1999	98-04-3164A	02
04	GA	GWINNETT COUNTY *	1303220160E	20-JAN-1999	99-04-1154A	02
04	GA	GWINNETT COUNTY *	1303220160E	05-MAR-1999	99-04-1396A	02
04	GA	GWINNETT COUNTY *	1303220170C	26-FEB-1999	99-04-1448A	02
04	GA	GWINNETT COUNTY *	1303220195C	10-JUN-1999	99-04-1514A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
04	GA	GWINNETT COUNTY *	1303220095C	05-MAR-1999	99-04-1822A	02
04	GA	HARRIS COUNTY*	1303380175A	05-MAR-1999	99-04-1904A	02
04	GA	HARRIS COUNTY*	1303380175A	12-MAR-1999	99-04-202A	02
04	GA	HARRIS COUNTY*	1303380150A	24-MAR-1999	99-04-2222A	02
04	GA	HARRIS COUNTY*	1303380150A	26-MAR-1999	99-04-2224A	02
04	GA	HARRIS COUNTY*	1303380175A	19-MAR-1999	99-04-318A	02
04	GA	HENRY COUNTY *	1304680055B	13-MAY-1999	99-04-1892A	02
04	GA	HENRY COUNTY *	1304680150B	28-APR-1999	99-04-2116A	02
04	GA	HENRY COUNTY *	1304680150B	19-MAY-1999	99-04-2338A	02
04	GA	KENNESAW, CITY OF	13067C0030F	24-JUN-1999	99-04-3698A	02
04	GA	LAFAYETTE, CITY OF	1301820001C	22-APR-1999	99-04-1974A	02
04	GA	LEE COUNTY *	1301220250B	20-JAN-1999	99-04-1044A	02
04	GA	LONG COUNTY *	1301270125B	05-MAR-1999	99-04-1584A	02
04	GA	MADISON, CITY OF	130224	06-JAN-1999	98-04-3208A	02
04	GA	MARIETTA, CITY OF	13067C0050F	18-MAR-1999	98-04-033P	05
04	GA	MARIETTA, CITY OF	13067C0055F	18-MAR-1999	98-04-033P	05
04	GA	MARIETTA, CITY OF	13067C0050F	12-FEB-1999	99-04-1576A	02
04	GA	MARIETTA, CITY OF	13067C0050F	26-MAR-1999	99-04-1744A	17
04	GA	MARIETTA, CITY OF	13067C0050F	04-MAR-1999	99-04-1976A	02
04	GA	MARIETTA, CITY OF	13067C0050F	12-MAR-1999	99-04-2004A	17
04	GA	MARIETTA, CITY OF	13067C0050F	23-APR-1999	99-04-2122A	02
04	GA	MARIETTA, CITY OF	13067C0055F	06-JAN-1999	99-04-412A	17
04	GA	MARIETTA, CITY OF	13067C0055F	17-FEB-1999	99-04-458A	02
04	GA	RABUN COUNTY *	1301560020B	14-APR-1999	99-04-1518A	02
04	GA	RICHMOND COUNTY*	1301580060B	18-MAY-1999	98-04-303P	05
04	GA	RICHMOND COUNTY*	1301580020B	22-JUN-1999	99-04-023P	06
04	GA	RICHMOND COUNTY*	1301580060E	18-MAY-1999	99-04-2874A	02
04	GA	ROME, CITY OF	1300810010C	14-MAY-1999	99-04-2876A	02
04	GA	ROSWELL, CITY OF	13121C0042E	10-FEB-1999	99-04-1124A	02
04	GA	ROSWELL, CITY OF	13121C0034E	26-MAR-1999	99-04-1658A	02
04	GA	ROSWELL, CITY OF	13121C0034E	17-MAR-1999	99-04-1966A	02
04	GA	ROSWELL, CITY OF	13121C0034E	20-JAN-1999	99-04-210A	02
04	GA	SAVANNAH, CITY OF	1351630045C	30-APR-1999	99-04-1560A	02
04	GA	SAVANNAH, CITY OF	1351630035C	04-JUN-1999	99-04-3252A	02
04	GA	SNELLVILLE, CITY OF	1301020001A	31-MAR-1999	98-04-3164A	02
04	GA	SNELLVILLE, CITY OF	1303220285C	31-MAR-1999	98-04-3164A	02
04	GA	TOWNS COUNTY*	13281C0035C	02-APR-1999	99-04-1790A	02
04	GA	UNION COUNTY*	1302540025C	17-MAR-1999	99-04-1408A	02
04	GA	WALTON COUNTY *	13297C0060B	10-FEB-1999	99-04-1194A	02
04	GA	WALTON COUNTY *	13297C0060B	24-JUN-1999	99-04-3734A	02
04	GA	WARNER ROBINS, CITY OF	1301110010D	23-APR-1999	99-04-2658A	02
04	KY	BELL COUNTY *	2100100175B	24-FEB-1999	99-04-216A	02
04	KY	BELLEVUE, CITY OF	2100350001B	17-FEB-1999	99-04-1630A	02
04	KY	BENTON, CITY OF	210163 B	28-MAY-1999	99-04-1230P	06
04	KY	BOWLING GREEN, CITY OF	21227C0092D	29-JAN-1999	99-04-1270A	02
04	KY	BOWLING GREEN, CITY OF	21227C0115D	14-APR-1999	99-04-2406A	02
04	KY	BOWLING GREEN, CITY OF	21227C0115D	15-JAN-1999	99-04-562A	02
04	KY	BRECKINRIDGE COUNTY	2100250007B	06-JAN-1999	99-04-550A	02
04	KY	BULLITT COUNTY*	210273 B	25-MAR-1999	99-04-1464A	02
04	KY	BULLITT COUNTY*	210273 B	15-JAN-1999	99-04-610A	01
04	KY	CALLOWAY COUNTY *	2103130005A	08-JAN-1999	98-04-2268A	02
04	KY	DAVIESS COUNTY *	21059C0280C	24-MAY-1999	99-04-025P	05
04	KY	DAVIESS COUNTY *	21059C0280C	02-JUN-1999	99-04-2924A	01
04	KY	FLOYD COUNTY *	2100690050C	01-APR-1999	99-04-2790A	02
04	KY	GEORGETOWN, CITY OF	2102080001B	24-FEB-1999	99-04-1110A	02
04	KY	GLASGOW, CITY OF	210007 B	24-APR-1999	97-04-347P	06
04	KY	GRAYSON, CITY OF	2100510001C	20-JAN-1999	99-04-428A	02
04	KY	HENDERSON, CITY OF	2101090005D	30-JUN-1999	99-04-3690A	02
04	KY	JEFFERSON COUNTY*	21111C0085D	22-JAN-1999	99-04-1090A	02
04	KY	JEFFERSON COUNTY*	21111C0095D	29-JAN-1999	99-04-1288A	02
04	KY	JEFFERSON COUNTY*	21111C0190D	03-FEB-1999	99-04-1314A	02
04	KY	JEFFERSON COUNTY*	21111C0115D	29-JAN-1999	99-04-1338A	02
04	KY	JEFFERSON COUNTY*	21111C0095D	29-JAN-1999	99-04-1438A	02
04	KY	JEFFERSON COUNTY*	21111C0135D	05-FEB-1999	99-04-1458A	02
04	KY	JEFFERSON COUNTY*	21111C0095D	02-MAR-1999	99-04-1934A	02
04	KY	JEFFERSON COUNTY*	21111C0090D	19-MAR-1999	99-04-2080A	02
04	KY	JEFFERSON COUNTY*	21111C0115D	14-APR-1999	99-04-2454A	02
04	KY	JEFFERSON COUNTY*	21111C0235D	04-MAY-1999	99-04-2554A	01
04	KY	JEFFERSON COUNTY*	21111C0020D	22-APR-1999	99-04-2594A	02
04	KY	JEFFERSON COUNTY*	21111C0095D	23-APR-1999	99-04-2728A	02
04	KY	JEFFERSON COUNTY*	21111C0095D	10-JUN-1999	99-04-2928A	02
04	KY	JEFFERSON COUNTY*	21111C0165D	29-JAN-1999	99-04-768A	02
04	KY	JEFFERSON COUNTY*	21111C0190D	09-APR-1999	99-04-958A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
04	KY	JEFFERSON COUNTY*	21111C0160D	29-JAN-1999	99-04-994A	02
04	KY	JEFFERSONTOWN, CITY OF	21111C0180D	21-APR-1999	99-04-1776A	02
04	KY	JEFFERSONTOWN, CITY OF	21111C0180D	19-FEB-1999	99-04-1794A	02
04	KY	JOHNSON COUNTY*	2103390059B	12-FEB-1999	99-04-1536A	02
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.	2100670080C	16-JUN-1999	98-04-221P	05
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.	2100670070C	29-JAN-1999	99-04-054A	02
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.	2100670090C	12-FEB-1999	99-04-1510A	02
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.	2100670070C	15-JUN-1999	99-04-1690A	02
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.	2100670070C	16-JUN-1999	99-04-1778A	02
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.	2100670060C	02-JUN-1999	99-04-1928A	02
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.	2100670060C	14-MAY-1999	99-04-2974A	02
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.	2100670070C	21-MAY-1999	99-04-3446A	02
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.	2100670070C	19-MAR-1999	99-04-782A	17
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.	2100670060C	15-JAN-1999	99-04-924A	02
04	KY	MIDDLESBORO, CITY OF	2151900005B	25-MAY-1999	99-04-2638A	02
04	KY	NICHOLASVILLE, CITY OF	2101260005B	30-APR-1999	99-04-1520A	02
04	KY	OWENSBORO, CITY OF	21059C0260C	02-APR-1999	98-04-2648A	02
04	KY	OWENSBORO, CITY OF	21059C0280C	24-MAY-1999	99-04-025P	05
04	KY	OWENSBORO, CITY OF	21059C0280C	27-JAN-1999	99-04-1222A	01
04	KY	OWENSBORO, CITY OF	21059C0260C	12-MAR-1999	99-04-1814A	02
04	KY	OWENSBORO, CITY OF	21059C0280C	23-JUN-1999	99-04-3650A	02
04	KY	OWENSBORO, CITY OF	21059C0280C	06-JAN-1999	99-04-538A	02
04	KY	SHEPHERDSVILLE, CITY OF	2100280005D	30-JUN-1999	99-04-2632A	02
04	KY	SHEPHERDSVILLE, CITY OF	2100280005D	10-FEB-1999	99-04-526A	02
04	KY	WILMOR, CITY OF	2103110001A	05-MAY-1999	99-04-2846A	02
04	KY	WINCHESTER, CITY OF	2100560002B	09-JUN-1999	99-04-3474A	02
04	MS	BOONEVILLE, CITY OF	280135 A	07-APR-1999	99-04-1726A	02
04	MS	CLARKE COUNTY *	2802200200B	05-MAY-1999	99-04-2282A	02
04	MS	COLUMBUS, CITY OF	28087C0105J	10-JUN-1999	99-04-3336A	02
04	MS	DESOTO COUNTY *	28033C0040E	08-JAN-1999	98-04-3228A	01
04	MS	DESOTO COUNTY *	28033C0041E	10-FEB-1999	99-04-1382A	01
04	MS	DESOTO COUNTY *	28033C0040E	12-MAR-1999	99-04-1594A	01
04	MS	DESOTO COUNTY *	28033C0040E	25-MAY-1999	99-04-328A	01
04	MS	FLOWOOD, TOWN OF	2802890010C	14-APR-1999	99-04-2132A	01
04	MS	FLOWOOD, TOWN OF	2802890010C	05-MAY-1999	99-04-2884A	01
04	MS	HANCOCK COUNTY*	2852540135C	14-APR-1999	99-04-2546A	02
04	MS	HINDS COUNTY*	2800700100C	19-MAY-1999	99-04-1906A	02
04	MS	JACKSON, CITY OF	2800720025F	14-APR-1999	98-04-195P	05
04	MS	JEFFERSON DAVIS COUNTY *	2803030002A	19-MAR-1999	99-04-1134A	02
04	MS	LAFAYETTE COUNTY *	2800930100B	15-JUN-1999	99-04-3352A	01
04	MS	LEE COUNTY *	2802270115A	05-MAR-1999	99-04-1784A	02
04	MS	LOWNDES COUNTY *	28087C0065J	02-APR-1999	99-04-2048A	02
04	MS	LOWNDES COUNTY *	28087C0055J	17-MAR-1999	99-04-2064A	02
04	MS	OLIVE BRANCH,TOWN OF	28033C0065D	07-APR-1999	99-04-656A	01
04	MS	PEARL RIVER VALLEY WATER SUPPLY DISTRICT	2803380055B	29-JAN-1999	99-04-1006A	02
04	MS	PEARL RIVER VALLEY WATER SUPPLY DISTRICT	2803380070B	14-APR-1999	99-04-2228A	02
04	MS	PEARL RIVER VALLEY WATER SUPPLY DISTRICT	2803380070B	19-MAY-1999	99-04-2960A	02
04	MS	PEARL, CITY OF	2801450005C	06-JAN-1999	98-04-3220A	02
04	MS	RIDGELAND, CITY OF	28089C0320D	16-JUN-1999	99-04-107P	06
04	MS	SOUTHHAVEN, CITY OF	28033C0040E	06-APR-1999	98-04-285P	05
04	MS	SOUTHHAVEN, CITY OF	28033C0041E	06-APR-1999	98-04-285P	05
04	MS	SOUTHHAVEN, CITY OF	28033C0043E	06-APR-1999	98-04-285P	05
04	MS	SOUTHHAVEN, CITY OF	28033C0040E	07-APR-1999	99-04-1598A	01
04	MS	SOUTHHAVEN, CITY OF	28033C0041E	02-JUN-1999	99-04-3328A	01
04	MS	WASHINGTON COUNTY*	2801770145B	05-MAR-1999	99-04-1098A	01
04	MS	YALOBUSHA COUNTY*	2802390275A	15-JUN-1999	99-04-4146A	02
04	NC	ALAMANCE COUNTY*	37001C0141E	29-JUN-1999	99-04-3086A	02
04	NC	ALAMANCE COUNTY*	37001C0084E	23-JUN-1999	99-04-3294A	02
04	NC	ALAMANCE COUNTY*	37001C0020E	16-JUN-1999	99-04-3316A	02
04	NC	ALAMANCE COUNTY*	37001C0038E	09-JUN-1999	99-04-3392A	02
04	NC	ASHEBORO, CITY OF	3701960008B	31-MAR-1999	99-04-1660A	01
04	NC	ASHEBORO, CITY OF	3701960012B	10-JUN-1999	99-04-2490A	02
04	NC	ATLANTIC BEACH, TOWN OF	3700440001D	24-JUN-1999	99-04-3572A	18

Region	State	Community	Map panel	Determination date	Case No.	Type
04	NC	BEAUFORT COUNTY*	3700130440B	30-MAR-1999	99-04-2076A	02
04	NC	BEAUFORT COUNTY*	3700130180B	24-MAR-1999	99-04-2092A	02
04	NC	BEAUFORT COUNTY*	3700130160B	28-MAY-1999	99-04-2858A	02
04	NC	BLADEN COUNTY *	3702930007B	23-APR-1999	99-04-2586A	02
04	NC	BOILING SPRING LAKES, CITY OF	3704530020B	19-MAY-1999	99-04-3030A	02
04	NC	BREVARD, CITY OF	37175C0201C	12-FEB-1999	99-04-1352A	02
04	NC	BRUNSWICK COUNTY*	3702950360E	27-JAN-1999	99-04-070A	02
04	NC	BRUNSWICK COUNTY*	3702950130C	23-MAR-1999	99-04-2034A	02
04	NC	BRUNSWICK COUNTY*	3702950135D	21-APR-1999	99-04-2588A	02
04	NC	BRUNSWICK COUNTY*	3702950360E	23-JUN-1999	99-04-3528A	02
04	NC	BUNCOMBE COUNTY *	37021C0282C	19-MAR-1999	98-04-2450A	01
04	NC	BUNCOMBE COUNTY *	37021C0301C	19-MAR-1999	98-04-2450A	01
04	NC	BURLINGTON, CITY OF	37001C0103E	15-JAN-1999	99-04-678A	02
04	NC	CABARRUS COUNTY *	37025C0115D	20-APR-1999	99-04-2434A	01
04	NC	CAMDEN COUNTY *	3700420215B	28-APR-1999	99-04-1066A	02
04	NC	CAMDEN COUNTY *	3700420215B	09-JUN-1999	99-04-1362A	02
04	NC	CAMDEN COUNTY *	3700420185B	11-MAR-1999	99-04-1756A	02
04	NC	CAMDEN COUNTY *	3700420125B	13-MAY-1999	99-04-2806A	02
04	NC	CARTERET COUNTY *	3700430440C	21-APR-1999	99-04-1516A	02
04	NC	CARTERET COUNTY *	3700430485C	19-MAY-1999	99-04-2996A	02
04	NC	CARTERET COUNTY *	3700430440C	18-JUN-1999	99-04-3694A	02
04	NC	CARTERET COUNTY *	3700430440C	23-JUN-1999	99-04-4000A	02
04	NC	CARY, TOWN OF	37183C0504E	22-JUN-1999	99-04-4490A	01
04	NC	CATAWBA COUNTY *	3700500350C	13-JAN-1999	99-04-1076A	02
04	NC	CATAWBA COUNTY *	3700500350C	20-JAN-1999	99-04-1082A	02
04	NC	CATAWBA COUNTY *	3700500040C	20-JAN-1999	99-04-1086A	02
04	NC	CATAWBA COUNTY *	3700500350C	15-JAN-1999	99-04-1126A	02
04	NC	CATAWBA COUNTY *	3700500350C	27-JAN-1999	99-04-1248A	02
04	NC	CATAWBA COUNTY *	3700500030C	16-APR-1999	99-04-1418A	02
04	NC	CATAWBA COUNTY *	3700500350C	24-MAR-1999	99-04-1426A	02
04	NC	CATAWBA COUNTY *	3700500200C	05-FEB-1999	99-04-1474A	02
04	NC	CATAWBA COUNTY *	3700500350C	03-FEB-1999	99-04-1622A	02
04	NC	CATAWBA COUNTY *	3700500350C	16-MAR-1999	99-04-1758A	02
04	NC	CATAWBA COUNTY *	3700500350C	02-MAR-1999	99-04-1834A	02
04	NC	CATAWBA COUNTY *	3700500030C	05-MAR-1999	99-04-1836A	02
04	NC	CATAWBA COUNTY *	3700500350C	18-FEB-1999	99-04-1874A	02
04	NC	CATAWBA COUNTY *	3700500350C	05-MAY-1999	99-04-1882A	02
04	NC	CATAWBA COUNTY *	3700500350C	17-MAR-1999	99-04-1896A	02
04	NC	CATAWBA COUNTY *	3700500350C	17-MAR-1999	99-04-1902A	02
04	NC	CATAWBA COUNTY *	3700500350C	26-MAR-1999	99-04-2112A	02
04	NC	CATAWBA COUNTY *	3700500350C	26-MAR-1999	99-04-2250A	02
04	NC	CATAWBA COUNTY *	3700500350C	23-APR-1999	99-04-2276A	02
04	NC	CATAWBA COUNTY *	3700500350C	05-MAY-1999	99-04-2296A	02
04	NC	CATAWBA COUNTY *	3700500350C	02-APR-1999	99-04-2300A	02
04	NC	CATAWBA COUNTY *	3700500350C	01-APR-1999	99-04-2396A	02
04	NC	CATAWBA COUNTY *	3700500350C	14-APR-1999	99-04-2482A	02
04	NC	CATAWBA COUNTY *	3700500350C	05-MAY-1999	99-04-2518A	02
04	NC	CATAWBA COUNTY *	3700500350C	23-APR-1999	99-04-2548A	02
04	NC	CATAWBA COUNTY *	3700500350C	15-JUN-1999	99-04-2574A	02
04	NC	CATAWBA COUNTY *	3700500200C	16-JUN-1999	99-04-2626A	02
04	NC	CATAWBA COUNTY *	3700500350C	26-MAY-1999	99-04-2758A	02
04	NC	CATAWBA COUNTY *	3700500350C	15-JUN-1999	99-04-2950A	02
04	NC	CATAWBA COUNTY *	3700500350C	12-MAY-1999	99-04-3134A	02
04	NC	CATAWBA COUNTY *	3700500350C	19-MAY-1999	99-04-3210A	02
04	NC	CATAWBA COUNTY *	3700500075C	04-JUN-1999	99-04-3390A	02
04	NC	CATAWBA COUNTY *	3700500200C	13-JAN-1999	99-04-612A	02
04	NC	CATAWBA COUNTY *	3700500350C	08-JAN-1999	99-04-896A	02
04	NC	CATAWBA COUNTY *	3700500325B	05-FEB-1999	99-04-988A	02
04	NC	CHAPEL HILL, TOWN OF	3701800003E	17-FEB-1999	98-04-255P	05
04	NC	CHAPEL HILL, TOWN OF	3701800002E	14-APR-1999	99-04-2302A	02
04	NC	CHARLOTTE, CITY OF	3701590024B	19-MAR-1999	98-04-2600A	01
04	NC	CHARLOTTE, CITY OF	3701590025B	20-JAN-1999	99-04-1008A	01
04	NC	CHARLOTTE, CITY OF	3701590029B	12-MAR-1999	99-04-1838A	02
04	NC	CHARLOTTE, CITY OF	3701590028B	12-MAY-1999	99-04-2930A	02
04	NC	CHARLOTTE, CITY OF	3701590020B	23-JUN-1999	99-04-3670A	02
04	NC	CHATHAM COUNTY	3702990225B	13-JAN-1999	99-04-754A	02
04	NC	CRAVEN COUNTY*	3700720510B	17-MAR-1999	99-04-1944A	02
04	NC	CRAVEN COUNTY*	3700720330B	28-APR-1999	99-04-2500A	02
04	NC	CRAVEN COUNTY*	3700720330B	21-MAY-1999	99-04-3450A	02
04	NC	CRAVEN COUNTY*	3700720330B	15-JAN-1999	99-04-724A	02
04	NC	DARE COUNTY*	3753480113D	05-MAR-1999	99-04-1916A	02
04	NC	DARE COUNTY*	3753480820D	16-JUN-1999	99-04-2938A	02
04	NC	DARE COUNTY*	3753480113D	02-JUN-1999	99-04-3436A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
04	NC	DAVIDSON COUNTY *	3703070150B	19-MAR-1999	99-04-1108A	02
04	NC	DAVIDSON COUNTY *	3703070150B	24-FEB-1999	99-04-1578A	02
04	NC	DAVIDSON COUNTY *	3703070150B	12-FEB-1999	99-04-1634A	02
04	NC	DAVIDSON COUNTY *	3703070150B	26-MAR-1999	99-04-2044A	02
04	NC	DUPLIN COUNTY *	3700830025B	20-JAN-1999	99-04-1014A	02
04	NC	DUPLIN COUNTY *	3700830025B	28-APR-1999	99-04-1924A	02
04	NC	DUPLIN COUNTY *	3700830100B	12-MAR-1999	99-04-2446A	02
04	NC	DURHAM COUNTY *	37063C0076G	16-JUN-1999	98-04-185P	06
04	NC	DURHAM COUNTY *	37063C0153G	26-FEB-1999	99-04-1724A	02
04	NC	DURHAM, CITY OF	37063C0156G	03-MAR-1999	99-04-1782A	02
04	NC	DURHAM, CITY OF	37063C0153G	17-FEB-1999	99-04-206A	01
04	NC	DURHAM, CITY OF	37063C0159G	24-MAR-1999	99-04-2432A	02
04	NC	DURHAM, CITY OF	37063C0167G	26-MAY-1999	99-04-3626A	02
04	NC	EMERALD ISLE, TOWN OF	3700470001D	22-APR-1999	99-04-2100A	02
04	NC	EMERALD ISLE, TOWN OF	3700470002D	02-JUN-1999	99-04-2576A	02
04	NC	EMERALD ISLE, TOWN OF	3700470002D	30-JUN-1999	99-04-3374A	02
04	NC	EMERALD ISLE, TOWN OF	3700470001D	17-JUN-1999	99-04-3546A	02
04	NC	FORSYTH COUNTY *	37067C0241H	20-JUN-1999	98-04-181P	06
04	NC	FORSYTH COUNTY *	37067C0242H	20-JUN-1999	98-04-181P	06
04	NC	FORSYTH COUNTY *	37067C0243H	20-JUN-1999	98-04-181P	06
04	NC	FORSYTH COUNTY *	37067C0244H	06-JAN-1999	99-04-540A	02
04	NC	GARNER, TOWN OF	37183C0543E	13-JAN-1999	99-04-1036A	02
04	NC	GASTON COUNTY *	3700990220B	26-MAR-1999	99-04-1780A	02
04	NC	GASTON COUNTY *	3700990230C	17-MAR-1999	99-04-2008A	02
04	NC	GASTON COUNTY *	3700990220B	23-APR-1999	99-04-2206A	02
04	NC	GOLDSBORO, CITY OF	3702550005D	16-APR-1999	99-04-1444A	01
04	NC	GOLDSBORO, CITY OF	3702550005D	12-MAR-1999	99-04-1830A	02
04	NC	GOLDSBORO, CITY OF	3702550010C	04-JUN-1999	99-04-2688A	01
04	NC	GOLDSBORO, CITY OF	3702550010C	11-JUN-1999	99-04-2776A	02
04	NC	GREENSBORO, CITY OF	3753510006C	27-APR-1999	97-04-185P	05
04	NC	GREENSBORO, CITY OF	3753510011C	27-APR-1999	97-04-185P	05
04	NC	GREENSBORO, CITY OF	3701110085C	17-MAY-1999	99-04-085P	05
04	NC	GREENSBORO, CITY OF	3753510006C	17-MAY-1999	99-04-085P	05
04	NC	GREENSBORO, CITY OF	3753510011C	17-MAY-1999	99-04-085P	05
04	NC	GREENSBORO, CITY OF	3753510009C	21-MAY-1999	99-04-2882A	02
04	NC	GREENVILLE, CITY OF	3701910010B	10-FEB-1999	99-04-1168A	02
04	NC	GREENVILLE, CITY OF	3701910010B	05-MAR-1999	99-04-1674A	02
04	NC	HICKORY, CITY OF	3700540010C	10-FEB-1999	99-04-1322A	02
04	NC	HICKORY, CITY OF	3700540010C	12-FEB-1999	99-04-1324A	02
04	NC	HICKORY, CITY OF	3700540010C	16-APR-1999	99-04-1962A	02
04	NC	HICKORY, CITY OF	3700540005B	26-MAR-1999	99-04-2256A	02
04	NC	HICKORY, CITY OF	3700540010C	18-JUN-1999	99-04-2648A	02
04	NC	INDIAN TRAIL, TOWN OF	37179C0080C	13-JAN-1999	99-04-854A	02
04	NC	IREDELL COUNTY *	3703130100C	02-APR-1999	99-04-2280A	02
04	NC	IREDELL COUNTY *	3703130150C	28-APR-1999	99-04-2410A	02
04	NC	IREDELL COUNTY *	3703130150C	05-JAN-1999	99-04-358A	02
04	NC	IREDELL COUNTY *	3703130150C	22-JAN-1999	99-04-940A	02
04	NC	JOHNSTON COUNTY *	3701380055B	05-FEB-1999	99-04-1034A	02
04	NC	KNIGHTDALE, TOWN OF	37183C0388E	15-JAN-1999	98-04-2890A	02
04	NC	LENOIR COUNTY *	3701440035B	08-JAN-1999	99-04-892A	02
04	NC	LENOIR COUNTY *	3701440060B	05-MAR-1999	99-04-918A	02
04	NC	LEXINGTON, CITY OF	3700810005B	23-APR-1999	99-04-1700A	02
04	NC	LUMBERTON, CITY OF	37155C0178D	24-MAR-1999	99-04-2254A	02
04	NC	LUMBERTON, CITY OF	37155C0179D	09-APR-1999	99-04-2340A	02
04	NC	LUMBERTON, CITY OF	37155C0179D	21-APR-1999	99-04-2480A	02
04	NC	LUMBERTON, CITY OF	37155C0178D	17-JUN-1999	99-04-3058A	01
04	NC	MADISON, TOWN OF	3702070001A	14-MAY-1999	99-04-3108A	02
04	NC	MECKLENBURG COUNTY *	3701580015C	11-MAR-1999	99-04-1468A	02
04	NC	MECKLENBURG COUNTY *	3701580005C	26-MAR-1999	99-04-1542A	02
04	NC	MECKLENBURG COUNTY *	3701580015C	24-MAR-1999	99-04-1646A	02
04	NC	MECKLENBURG COUNTY *	3701580010C	23-APR-1999	99-04-2412A	02
04	NC	MECKLENBURG COUNTY *	3701580045C	21-APR-1999	99-04-2536A	02
04	NC	MECKLENBURG COUNTY *	3701580015C	10-JUN-1999	99-04-2584A	02
04	NC	MECKLENBURG COUNTY *	3701580125B	28-APR-1999	99-04-2682A	02
04	NC	MECKLENBURG COUNTY *	3701580015C	28-APR-1999	99-04-2686A	02
04	NC	MECKLENBURG COUNTY *	3701580165B	09-APR-1999	99-04-2756A	02
04	NC	MECKLENBURG COUNTY *	3701580015C	30-APR-1999	99-04-2770A	02
04	NC	MECKLENBURG COUNTY *	3701580015C	21-MAY-1999	99-04-2862A	02
04	NC	MECKLENBURG COUNTY *	3701580015C	09-JUN-1999	99-04-3110A	02
04	NC	MECKLENBURG COUNTY *	3701580170C	14-MAY-1999	99-04-3298A	02
04	NC	MECKLENBURG COUNTY *	3701580015C	12-MAY-1999	99-04-3428A	02
04	NC	MONTGOMERY COUNTY	3703360025B	14-APR-1999	99-04-1206A	02
04	NC	MONTGOMERY COUNTY	3703360025B	12-MAR-1999	99-04-1846A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
04	NC	MONTGOMERY COUNTY	3703360025B	31-MAR-1999	99-04-2202A	02
04	NC	MONTGOMERY COUNTY	3703360025B	23-MAR-1999	99-04-2288A	02
04	NC	MONTGOMERY COUNTY	3703360025B	05-MAY-1999	99-04-2346A	02
04	NC	MONTGOMERY COUNTY	3703360025B	30-MAR-1999	99-04-2438A	02
04	NC	MONTGOMERY COUNTY	3703360025B	28-APR-1999	99-04-2516A	02
04	NC	MONTGOMERY COUNTY	3703360025B	06-APR-1999	99-04-2598A	02
04	NC	MONTGOMERY COUNTY	3703360025B	05-MAY-1999	99-04-2840A	02
04	NC	MONTGOMERY COUNTY	3703360025B	14-MAY-1999	99-04-2918A	02
04	NC	MONTGOMERY COUNTY	3703360025B	10-JUN-1999	99-04-2990A	02
04	NC	MONTGOMERY COUNTY	3703360025B	19-MAY-1999	99-04-3024A	02
04	NC	MONTGOMERY COUNTY	3703360025B	23-JUN-1999	99-04-3220A	02
04	NC	MONTGOMERY COUNTY	3703360025B	15-JUN-1999	99-04-3286A	02
04	NC	MONTGOMERY COUNTY	3703360025B	15-JUN-1999	99-04-3288A	02
04	NC	MONTGOMERY COUNTY	3703360025B	18-JUN-1999	99-04-3380A	02
04	NC	MONTGOMERY COUNTY	3703360025B	09-JUN-1999	99-04-3396A	02
04	NC	MONTGOMERY COUNTY	3703360025B	10-JUN-1999	99-04-3402A	02
04	NC	MONTGOMERY COUNTY	3703360025B	15-JUN-1999	99-04-3406A	02
04	NC	MONTGOMERY COUNTY	3703360025B	11-JUN-1999	99-04-3448A	02
04	NC	MONTGOMERY COUNTY	3703360025B	11-JUN-1999	99-04-3468A	02
04	NC	MONTGOMERY COUNTY	3703360025B	10-JUN-1999	99-04-3486A	02
04	NC	MONTGOMERY COUNTY	3703360025B	10-JUN-1999	99-04-3488A	02
04	NC	MONTGOMERY COUNTY	3703360025B	10-JUN-1999	99-04-3500A	02
04	NC	MONTGOMERY COUNTY	3703360025B	10-JUN-1999	99-04-3502A	02
04	NC	MONTGOMERY COUNTY	3703360025B	10-JUN-1999	99-04-3504A	02
04	NC	MONTGOMERY COUNTY	3703360025B	10-JUN-1999	99-04-3506A	02
04	NC	MONTGOMERY COUNTY	3703360025B	24-JUN-1999	99-04-3540A	02
04	NC	MONTGOMERY COUNTY	3703360025B	17-JUN-1999	99-04-3542A	02
04	NC	MONTGOMERY COUNTY	3703360025B	21-MAY-1999	99-04-3552A	02
04	NC	MONTGOMERY COUNTY	3703360025B	08-JAN-1999	99-04-360A	02
04	NC	MONTGOMERY COUNTY	3703360055B	17-JUN-1999	99-04-3644A	02
04	NC	MONTGOMERY COUNTY	3703360025B	18-JUN-1999	99-04-3668A	02
04	NC	MONTGOMERY COUNTY	3703360025B	16-JUN-1999	99-04-3722A	02
04	NC	MONTGOMERY COUNTY	3703360055B	24-JUN-1999	99-04-3808A	02
04	NC	MONTGOMERY COUNTY	3703360025B	29-JUN-1999	99-04-4034A	02
04	NC	NASH COUNTY *	3702780150B	14-APR-1999	99-04-2124A	02
04	NC	NEW HANOVER COUNTY*	3701680085E	08-JAN-1999	99-04-1064A	02
04	NC	NEW HANOVER COUNTY*	3701680085E	05-MAR-1999	99-04-1156A	02
04	NC	NEW HANOVER COUNTY*	3701680091E	23-JUN-1999	99-04-1260A	02
04	NC	NEW HANOVER COUNTY*	3701680045E	05-MAR-1999	99-04-1368A	02
04	NC	NEW HANOVER COUNTY*	3701680045E	17-MAR-1999	99-04-1878A	02
04	NC	NEW HANOVER COUNTY*	3701680091E	21-MAY-1999	99-04-3158A	02
04	NC	NEW HANOVER COUNTY*	3701680035D	16-JUN-1999	99-04-3612A	02
04	NC	NORTHAMPTON COUNTY*	3701730005C	17-JUN-1999	99-04-131P	05
04	NC	NORTHAMPTON COUNTY*	3701730010C	17-JUN-1999	99-04-131P	05
04	NC	ONSLOW COUNTY*	3703400366D	30-APR-1999	99-04-2096A	02
04	NC	PENDER COUNTY*	3703440215B	19-FEB-1999	99-04-1096A	02
04	NC	PENDER COUNTY*	3703440411B	10-FEB-1999	99-04-1450A	02
04	NC	PENDER COUNTY*	3703440528D	25-FEB-1999	99-04-2010A	02
04	NC	PENDER COUNTY*	3703440394B	10-JUN-1999	99-04-3370A	02
04	NC	PENDER COUNTY*	3703440215B	24-JUN-1999	99-04-3580A	02
04	NC	PENDER COUNTY*	3703440225B	24-JUN-1999	99-04-3580A	02
04	NC	PENDER COUNTY*	3703440035B	08-JAN-1999	99-04-966A	02
04	NC	PITT COUNTY *	3703720300C	19-MAY-1999	99-04-2498A	02
04	NC	PITT COUNTY *	3703720375B	07-MAY-1999	99-04-2656A	02
04	NC	PITT COUNTY *	3703720250C	05-MAY-1999	99-04-2666A	02
04	NC	PITT COUNTY *	3703720265B	05-MAY-1999	99-04-2666A	02
04	NC	PITT COUNTY *	3703720250C	26-FEB-1999	99-04-616A	02
04	NC	PLYMOUTH, TOWN OF	3702490003C	12-FEB-1999	99-04-1512A	02
04	NC	PLYMOUTH, TOWN OF	3702490003C	23-FEB-1999	99-04-1816A	02
04	NC	POLK COUNTY*	3701940003B	23-MAR-1999	99-04-1860A	02
04	NC	RALEIGH, CITY OF	37183C0352E	24-FEB-1999	99-04-1558A	01
04	NC	RALEIGH, CITY OF	37183C0353E	16-APR-1999	99-04-2470A	02
04	NC	RALEIGH, CITY OF	37183C0332E	21-MAY-1999	99-04-3150A	01
04	NC	RANDOLPH COUNTY *	3701950150B	22-JAN-1999	99-04-114A	02
04	NC	RIVER BEND, TOWN OF	3704320002B	13-JAN-1999	98-04-1760A	02
04	NC	ROCKY MOUNT, CITY OF	3700920004C	18-MAY-1999	99-04-2376A	01
04	NC	SANFORD, CITY OF	37105C0060B	19-MAY-1999	99-04-3092A	02
04	NC	SOUTHERN SHORES, TOWN OF	3704300001C	08-JAN-1999	99-04-674A	01
04	NC	SWANSBORO, CITY OF	3701790001B	03-MAR-1999	99-04-1788A	02
04	NC	TRENT WOODS, TOWNSHIP OF	3704340001A	15-JAN-1999	99-04-1030A	02
04	NC	UNION COUNTY *	37179C0080C	19-MAY-1999	99-04-120A	01
04	NC	WAYNE COUNTY*	3702540100D	09-FEB-1999	99-04-1374A	02
04	NC	WAYNE COUNTY*	3702540100D	21-MAY-1999	99-04-1624A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
04	NC	WILMINGTON, CITY OF	3701710005C	26-MAR-1999	99-04-602A	02
04	NC	WILMINGTON, CITY OF	3701710010B	13-JAN-1999	99-04-980A	02
04	NC	WINSTON-SALEM, CITY OF	37067C0252H	25-MAY-1999	99-04-3290A	02
04	SC	ANDERSON COUNTY *	4500130240B	23-FEB-1999	98-04-193P	06
04	SC	BERKELEY COUNTY *	4500290290C	29-APR-1999	99-04-2654A	02
04	SC	BERKELEY COUNTY *	4500290290C	22-JUN-1999	99-04-3532A	02
04	SC	CHARLESTON COUNTY*	4554130364I	24-FEB-1999	99-04-001P	05
04	SC	CHARLESTON COUNTY*	4554130407I	24-FEB-1999	99-04-001P	05
04	SC	CHARLESTON COUNTY*	4554130366H	06-JAN-1999	99-04-876A	02
04	SC	CLARENDON COUNTY *	4500510225B	05-FEB-1999	98-04-1804A	02
04	SC	CLARENDON COUNTY *	4500510250B	29-JUN-1999	99-04-2868A	02
04	SC	COLLETON COUNTY*		14-MAY-1999	99-04-159P	06
04	SC	DARLINGTON COUNTY *	4500600185B	19-MAY-1999	99-04-2418A	02
04	SC	DORCHESTER COUNTY *	4500680245C	17-FEB-1999	99-04-1698A	02
04	SC	DORCHESTER COUNTY *	4500680245C	07-MAY-1999	99-04-2710A	02
04	SC	FAIRFIELD COUNTY *	4500750135B	06-JAN-1999	99-04-950A	02
04	SC	FLORENCE COUNTY *	4500760085B	17-MAR-1999	99-04-1494A	02
04	SC	FLORENCE COUNTY *	4500760085B	17-FEB-1999	99-04-1566A	02
04	SC	FLORENCE COUNTY *	4500760085B	27-JAN-1999	99-04-520A	01
04	SC	FOREST ACRES, CITY OF	45079C0113G	25-JUN-1999	99-04-3292A	02
04	SC	GEORGETOWN COUNTY *	4500850164E	14-MAY-1999	99-04-155P	06
04	SC	GEORGETOWN COUNTY *	4500850095D	24-MAR-1999	99-04-1656A	02
04	SC	GREENVILLE COUNTY *	4500890155B	13-JAN-1999	99-04-1054A	02
04	SC	GREENVILLE COUNTY *	4500890165B	02-APR-1999	99-04-1478A	02
04	SC	HONEA PATH, TOWN OF	4500160001A	20-APR-1999	99-04-2460A	02
04	SC	HORRY COUNTY *	45051C0375E	05-FEB-1999	99-04-007A	02
04	SC	LEXINGTON COUNTY *	45063C0133F	05-JAN-1999	98-04-115P	05
04	SC	LEXINGTON COUNTY *	45063C0295F	15-APR-1999	99-04-1870A	02
04	SC	MOUNT PLEASANT, CITY OF	4554170004E	13-JAN-1999	99-04-474A	02
04	SC	NEWBERRY COUNTY*	4502240225B	03-MAR-1999	99-04-1172A	02
04	SC	NEWBERRY COUNTY*	4502240225B	13-JAN-1999	99-04-1238A	02
04	SC	NEWBERRY COUNTY*	4502240225B	10-FEB-1999	99-04-1372A	02
04	SC	NEWBERRY COUNTY*	4502240225B	21-APR-1999	99-04-2388A	02
04	SC	NEWBERRY COUNTY*	4502240225B	09-APR-1999	99-04-2620A	02
04	SC	PICKENS COUNTY *	4501660050B	05-MAY-1999	99-04-2700A	02
04	SC	RICHLAND COUNTY*	45079C0105G	05-MAR-1999	99-04-1084A	02
04	SC	RICHLAND COUNTY*	45079C0115G	05-MAR-1999	99-04-1272A	02
04	SC	RICHLAND COUNTY*	45079C0025G	07-MAY-1999	99-04-1470A	02
04	SC	RICHLAND COUNTY*	45079C0025G	05-FEB-1999	99-04-1568A	02
04	SC	RICHLAND COUNTY*	45079C0105G	07-APR-1999	99-04-2208A	02
04	SC	RICHLAND COUNTY*	45079C0025G	27-JAN-1999	99-04-416A	02
04	SC	RICHLAND COUNTY*	45079C0025G	05-FEB-1999	99-04-800A	02
04	SC	ROCK HILL, CITY OF	4501960007C	15-JAN-1999	99-04-1164A	02
04	SC	ROCK HILL, CITY OF	4501960008C	15-JAN-1999	99-04-1164A	02
04	SC	SALUDA COUNTY*	4502300002A	08-JAN-1999	99-04-1094A	02
04	SC	SALUDA COUNTY*	4502300002A	13-MAY-1999	99-04-2496A	02
04	SC	SUMMERVILLE, TOWN OF	4500730005D	20-MAY-1999	99-04-2046A	02
04	SC	SUMTER, CITY OF	4501840001C	30-JUN-1999	99-04-1918A	02
04	SC	YORK COUNTY *	4501930125C	05-MAR-1999	98-04-2978A	02
04	SC	YORK COUNTY *	4501930130D	10-FEB-1999	99-04-1346A	02
04	SC	YORK COUNTY *	4501930050B	12-FEB-1999	99-04-1546A	02
04	SC	YORK COUNTY *	4501930050B	09-JUN-1999	99-04-1652A	02
04	SC	YORK COUNTY *	4501930050B	16-JUN-1999	99-04-1760A	02
04	SC	YORK COUNTY *	4501930119C	17-MAR-1999	99-04-1936A	02
04	SC	YORK COUNTY *	4501930050B	28-APR-1999	99-04-2336A	02
04	SC	YORK COUNTY *	4501930050B	19-MAY-1999	99-04-3012A	02
04	SC	YORK COUNTY *	4501930050B	16-JUN-1999	99-04-3106A	02
04	TN	ARLINGTON, TOWNSHIP OF	47157C0120E	09-JUN-1999	99-04-1334A	02
04	TN	BRENTWOOD, CITY OF	4702050005C	26-FEB-1999	98-04-2256A	01
04	TN	BRENTWOOD, CITY OF	4702050005C	23-FEB-1999	99-04-1404A	02
04	TN	BRENTWOOD, CITY OF	4702050005C	02-APR-1999	99-04-2180A	01
04	TN	BRISTOL, CITY OF	4701820005B	14-MAY-1999	99-04-119P	05
04	TN	CHATTANOOGA, CITY OF	4700720017E	10-MAR-1999	99-04-1820A	01
04	TN	CHATTANOOGA, CITY OF	4700720029E	30-JUN-1999	99-04-2508A	01
04	TN	CHATTANOOGA, CITY OF	4700720017E	28-APR-1999	99-04-2582A	01
04	TN	CHATTANOOGA, CITY OF	4700720002D	29-JUN-1999	99-04-3508A	02
04	TN	CHATTANOOGA, CITY OF	4700720023E	15-JAN-1999	99-04-478A	01
04	TN	COCKE COUNTY*	47029C0045D	17-FEB-1999	98-04-1224A	01
04	TN	COCKE COUNTY*	47029C0130D	21-APR-1999	99-04-2278A	02
04	TN	COLLIERVILLE, CITY OF	47157C0245E	05-MAR-1999	98-04-3076A	01
04	TN	COLLIERVILLE, CITY OF	47157C0295E	04-MAR-1999	99-04-006A	01
04	TN	COLLIERVILLE, CITY OF	47157C0300E	23-JUN-1999	99-04-3758A	02
04	TN	COLUMBIA, CITY OF	4754230005D	26-MAR-1999	99-04-2214A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
04	TN	DYERSBURG, CITY OF	4700470005C	31-MAR-1999	99-04-2148A	01
04	TN	FRANKLIN, CITY OF	4702060008D	25-MAR-1999	99-04-1968A	02
04	TN	GERMANTOWN, CITY OF	47157C0235E	18-FEB-1999	98-04-1030P	05
04	TN	GERMANTOWN, CITY OF	47157C0235E	02-FEB-1999	98-04-278P	05
04	TN	GERMANTOWN, CITY OF	47157C0235E	12-MAY-1999	99-04-1588A	01
04	TN	GERMANTOWN, CITY OF	47157C0230E	30-JUN-1999	99-04-3466A	02
04	TN	GERMANTOWN, CITY OF	47157C0235E	30-JUN-1999	99-04-3686A	02
04	TN	GERMANTOWN, CITY OF	47157C0235E	06-JAN-1999	99-04-492A	01
04	TN	GERMANTOWN, CITY OF	47157C0235E	25-MAY-1999	99-04-508A	01
04	TN	HAMILTON COUNTY *	4700710210E	17-MAR-1999	99-04-2062A	01
04	TN	HENDERSONVILLE, CITY OF	4701860005C	23-APR-1999	99-04-2608A	02
04	TN	HENRY COUNTY	4702280125B	15-JAN-1999	99-04-288A	02
04	TN	JACKSON, CITY OF	47113C0281D	09-APR-1999	98-04-355P	06
04	TN	JOHNSON CITY, CITY OF	47179C0037C	30-JUN-1999	99-04-2394A	01
04	TN	KNOX COUNTY *	4754330080B	28-MAY-1999	99-04-3318A	02
04	TN	KNOXVILLE, CITY OF	4754340025B	03-MAR-1999	99-04-1732A	02
04	TN	LAVERGNE, CITY OF	47149C0014E	22-JUN-1999	99-04-2556A	01
04	TN	LAVERGNE, CITY OF	47149C0014E	28-MAY-1999	99-04-3198A	01
04	TN	LEBANON, CITY OF	4702080010C	26-MAR-1999	99-04-2178A	01
04	TN	LEBANON, CITY OF	4702080010C	19-MAY-1999	99-04-3032A	02
04	TN	MADISON COUNTY *	47113C0281D	09-APR-1999	98-04-355P	06
04	TN	MADISON COUNTY *	47113C0285D	09-APR-1999	98-04-355P	06
04	TN	MANCHESTER, CITY OF	4700350001B	28-APR-1999	99-04-1770A	02
04	TN	MARSHALL COUNTY*	47117C0075C	28-APR-1999	99-04-1308A	02
04	TN	MARSHALL COUNTY*	47117C0075C	02-APR-1999	99-04-810A	02
04	TN	MARSHALL COUNTY*	47117C0075C	03-MAR-1999	99-04-998A	02
04	TN	MEIGS COUNTY	4701330175B	05-MAY-1999	99-04-2068A	02
04	TN	MEMPHIS, CITY OF	47157C0230E	05-MAR-1999	99-04-1340A	01
04	TN	MEMPHIS, CITY OF	47157C0185E	10-MAR-1999	99-04-1540A	01
04	TN	MEMPHIS, CITY OF	47157C0185E	26-MAR-1999	99-04-2216A	02
04	TN	MEMPHIS, CITY OF	47157C0215E	22-APR-1999	99-04-2510A	02
04	TN	MEMPHIS, CITY OF	47157C0185E	10-JUN-1999	99-04-3348A	01
04	TN	MONTGOMERY COUNTY *	4701360095B	23-JUN-1999	99-04-3172A	02
04	TN	MURFREESBORO, CITY OF	47149C0260E	15-JAN-1999	99-04-240A	02
04	TN	MURFREESBORO, CITY OF	47149C0278E	07-APR-1999	99-04-2514A	02
04	TN	MURFREESBORO, CITY OF	47149C0145E	28-APR-1999	99-04-2698A	02
04	TN	MURFREESBORO, CITY OF	47149C0145E	28-APR-1999	99-04-2714A	02
04	TN	MURFREESBORO, CITY OF	47149C0260E	14-APR-1999	99-04-440A	01
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400177B	19-FEB-1999	99-04-1376A	01
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400192C	19-FEB-1999	99-04-1452A	01
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400144B	14-APR-1999	99-04-1484A	02
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400177B	25-FEB-1999	99-04-1806A	01
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400192C	10-MAR-1999	99-04-1948A	01
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400177B	12-MAR-1999	99-04-1950A	01
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400203C	10-JUN-1999	99-04-3356A	01
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400177B	24-JUN-1999	99-04-4318A	01
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400234B	05-FEB-1999	99-04-936A	02
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400118C	29-JAN-1999	99-04-962A	02
04	TN	OAK RIDGE, CITY OF	4754410015E	15-JAN-1999	98-04-2234A	01
04	TN	OAK RIDGE, CITY OF	4754410015E	03-MAR-1999	99-04-1894A	02
04	TN	OAK RIDGE, CITY OF	4754410015E	31-MAR-1999	99-04-2240A	01
04	TN	ROANE COUNTY *	4702670030B	27-JAN-1999	99-04-512A	02
04	TN	RUTHERFORD COUNTY *	47149C0286E	19-MAR-1999	99-04-1722A	02
04	TN	RUTHERFORD COUNTY *	47149C0410E	15-JUN-1999	99-04-2602A	02
04	TN	RUTHERFORD COUNTY *	47149C0166E	19-MAY-1999	99-04-3388A	02
04	TN	SHELBY COUNTY *	47157C0155E	24-MAY-1999	97-04-383P	05
04	TN	SHELBY COUNTY *	47157C0195E	24-MAY-1999	97-04-383P	05
04	TN	SHELBY COUNTY *	47157C0190E	21-APR-1999	99-04-1228A	02
04	TN	SHELBY COUNTY *	47157C0280E	07-MAY-1999	99-04-2182A	01
04	TN	SHELBY COUNTY *	47157C0240E	16-APR-1999	99-04-2366A	17
04	TN	SHELBY COUNTY *	47157C0290E	29-JUN-1999	99-04-3056A	01
04	TN	SHELBY COUNTY *	47157C0235E	26-FEB-1999	99-04-584A	02
04	TN	SHELBY COUNTY *	47157C0235E	31-MAR-1999	99-04-670A	02
04	TN	SHELBYVILLE, CITY OF	4700080029C	21-APR-1999	99-04-1414A	02
04	TN	SMYRNA, TOWN OF	47149C0106E	29-JAN-1999	99-04-1138A	02
04	TN	SMYRNA, TOWN OF	47149C0104E	06-MAY-1999	99-04-3564A	02
04	TN	SMYRNA, TOWN OF	47149C0109E	27-JAN-1999	99-04-850A	01
04	TN	SODDY-DAISY, CITY OF	4754450010B	09-JUN-1999	99-04-3340A	02
04	TN	SULLIVAN COUNTY *	4701810110C	29-JAN-1999	99-04-1296A	02
04	TN	SULLIVAN COUNTY *	4701810110C	03-MAR-1999	99-04-1336A	02
04	TN	WASHINGTON COUNTY *	47179C0030C	27-JAN-1999	99-04-494A	02
04	TN	WEAKLEY COUNTY *	4703640100B	30-MAR-1999	99-04-2098A	02
04	TN	WILLIAMSON COUNTY *	4702040010B	17-MAR-1999	99-04-1058A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
05	IL	ADAMS COUNTY*	1700010170C	16-APR-1999	99-05-2188A	02
05	IL	ADAMS COUNTY*	1700010160C	01-APR-1999	99-05-3190A	02
05	IL	AMBOY, CITY OF	17103C0115D	21-MAY-1999	99-05-4060A	17
05	IL	AUBURN, CITY OF	1709440005B	03-FEB-1999	99-05-1854A	02
05	IL	AURORA, CITY OF	17197C0030E	23-MAY-1999	98-05-435P	06
05	IL	BELLWOOD, VILLAGE OF	1700610001B	15-JAN-1999	99-05-978A	02
05	IL	BENSENVILLE, VILLAGE OF	1702000003C	18-MAR-1999	98-05-037P	05
05	IL	BLOOMINGTON, CITY OF	1704900010C	27-JAN-1999	99-05-1416A	02
05	IL	BLOOMINGTON, CITY OF	1704900010C	19-MAY-1999	99-05-3674A	17
05	IL	BLOOMINGTON, CITY OF	1704900010C	16-JUN-1999	99-05-3830A	17
05	IL	BLOOMINGTON, CITY OF	1704900005C	17-FEB-1999	99-05-442A	01
05	IL	BOLINGBROOK, VILLAGE OF	17197C0045E	12-MAY-1999	99-05-007P	06
05	IL	CAROL STREAM, VILLAGE OF	1702020005C	05-MAY-1999	99-05-3682A	02
05	IL	CARY, VILLAGE OF	1704750002C	03-JUN-1999	98-05-291P	05
05	IL	CHAMPAIGN COUNTY *	1708940180B	20-JAN-1999	98-05-7082A	01
05	IL	CHAMPAIGN COUNTY *	1708940275B	23-APR-1999	99-05-1928A	02
05	IL	CLINTON COUNTY*	170044 B	03-MAR-1999	99-05-1930A	02
05	IL	COLES COUNTY *	1709860125B	26-MAY-1999	99-05-2976A	02
05	IL	COOK COUNTY *	1700540035B	12-FEB-1999	98-05-5516A	02
05	IL	COOK COUNTY *	1700540190B	08-JAN-1999	98-05-5956A	02
05	IL	COOK COUNTY *	1700540145B	22-JAN-1999	98-05-6604A	01
05	IL	COOK COUNTY *	1700540040B	06-JAN-1999	99-05-114A	02
05	IL	COOK COUNTY *	1700540045B	06-APR-1999	99-05-2306A	02
05	IL	COOK COUNTY *	1700540195B	04-JUN-1999	99-05-2848A	17
05	IL	COOK COUNTY *	1700540040B	16-JUN-1999	99-05-4210A	02
05	IL	COOK COUNTY *	1700540235C	13-JAN-1999	99-05-552A	02
05	IL	CREST HILL, CITY OF	17197C0161E	30-JUN-1999	99-05-035P	05
05	IL	CRYSTAL LAKE, CITY OF	1704760003C	06-JAN-1999	98-05-6918A	02
05	IL	CRYSTAL LAKE, CITY OF	1704760003C	12-FEB-1999	99-05-1760A	02
05	IL	CRYSTAL LAKE, CITY OF	1704760003C	21-APR-1999	99-05-2748A	02
05	IL	CRYSTAL LAKE, CITY OF	1704760003C	23-APR-1999	99-05-3566A	02
05	IL	DANVERS, VILLAGE OF	170495 B	11-JUN-1999	99-05-4612A	02
05	IL	DE KALB, CITY OF		14-MAY-1999	98-05-437P	05
05	IL	DECATUR, CITY OF	1704290005C	03-MAR-1999	99-05-1994A	02
05	IL	DECATUR, CITY OF	1704290020C	23-APR-1999	99-05-3162A	17
05	IL	DEERFIELD, VILLAGE OF	17097C0286F	20-JAN-1999	98-05-6960A	02
05	IL	DEERFIELD, VILLAGE OF	17097C0286F	04-FEB-1999	99-05-2388A	17
05	IL	DEERFIELD, VILLAGE OF	17097C0286F	07-MAY-1999	99-05-2958A	17
05	IL	DEERFIELD, VILLAGE OF	17097C0287F	23-APR-1999	99-05-3236A	02
05	IL	DES PLAINES, CITY OF	1700810005C	05-MAR-1999	99-05-016A	01
05	IL	DEWITT COUNTY *	17039C0190D	16-APR-1999	99-05-2846A	02
05	IL	DEWITT COUNTY *	17039C0050D	11-JUN-1999	99-05-3766A	02
05	IL	DIXMOOR, VILLAGE OF	1700820001C	16-JUN-1999	99-05-3970A	02
05	IL	DIXON, CITY OF	17103C0018E	17-FEB-1999	99-05-1526A	17
05	IL	DOUGLAS COUNTY*	1701940100B	21-APR-1999	99-05-2928A	02
05	IL	DOWNERS GROVE, VILLAGE OF	1702040004B	26-FEB-1999	99-05-2150A	02
05	IL	DUPAGE COUNTY*	1701970015B	24-MAY-1999	98-05-037P	05
05	IL	DUPAGE COUNTY*	1701970045B	09-FEB-1999	99-05-1144A	02
05	IL	DUPAGE COUNTY*	1701970045B	17-FEB-1999	99-05-2102A	02
05	IL	DUPAGE COUNTY*	1701970025B	19-FEB-1999	99-05-2300A	02
05	IL	DUPAGE COUNTY*	1701970060B	05-MAR-1999	99-05-2482A	02
05	IL	EAST PEORIA, CITY OF	1706490010B	26-MAR-1999	99-05-1054A	02
05	IL	EFFINGHAM, CITY OF	170229 B	16-JUN-1999	99-05-4232A	01
05	IL	ELGIN, CITY OF	1700870006D	17-MAR-1999	98-05-215P	05
05	IL	ELMHURST, CITY OF	1702050004C	26-MAY-1999	99-05-055P	05
05	IL	FOX LAKE, VILLAGE OF	17097C0020F	15-JAN-1999	99-05-1352A	02
05	IL	FOX LAKE, VILLAGE OF	17097C0020F	06-JAN-1999	99-05-1676A	02
05	IL	FOX LAKE, VILLAGE OF	17097C0020F	03-MAR-1999	99-05-1892A	02
05	IL	FOX LAKE, VILLAGE OF	17097C0020F	12-FEB-1999	99-05-2158A	02
05	IL	FOX LAKE, VILLAGE OF	17097C0015F	10-FEB-1999	99-05-2434A	02
05	IL	FOX LAKE, VILLAGE OF	17097C0020F	12-MAY-1999	99-05-2942A	02
05	IL	FOX LAKE, VILLAGE OF	17097C0020F	03-MAR-1999	99-05-712A	02
05	IL	FOX LAKE, VILLAGE OF	17097C0020F	27-JAN-1999	99-05-808A	01
05	IL	FRANKFORT, VILLAGE OF	17197C0214E	17-FEB-1999	98-05-407P	06
05	IL	FRANKFORT, VILLAGE OF	17197C0327E	17-FEB-1999	98-05-407P	06
05	IL	FRANKFORT, VILLAGE OF	17197C0213E	12-MAY-1999	99-05-3816A	02
05	IL	GALENA, CITY OF	175168 A	18-JUN-1999	99-05-4856A	02
05	IL	GERMANTOWN, VILLAGE OF	170049 B	03-FEB-1999	99-05-1932A	02
05	IL	GILLESPIE,CITY OF	170433 B	12-FEB-1999	98-05-6368A	02
05	IL	GLEN ELLYN, VILLAGE OF	1702070005C	12-MAR-1999	99-05-2696A	02
05	IL	GLEN ELLYN, VILLAGE OF	1702070005C	09-JUN-1999	99-05-5142A	02
05	IL	GLENVIEW, VILLAGE OF	1700960008C	05-FEB-1999	99-05-1300A	02
05	IL	GLENVIEW, VILLAGE OF	1700960008C	10-FEB-1999	99-05-1906A	02

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05	IL	GLENVIEW, VILLAGE OF	1700960008C	26-MAY-1999	99-05-4566A	02
05	IL	GRAYSLAKE, VILLAGE OF	17097C0132F	14-APR-1999	99-05-3234A	02
05	IL	GULFPORT, VILLAGE OF	1702800005C	22-MAR-1999	98-05-099P	05
05	IL	GURNEE, VILLAGE OF	17097C0157F	21-JAN-1999	98-05-237P	06
05	IL	HANCOCK COUNTY *	1702670100C	06-JAN-1999	99-05-142A	02
05	IL	HANOVER PARK, VILLAGE OF	1700990005B	26-MAR-1999	99-05-1668A	02
05	IL	HAWTHORN WOODS, VILLAGE OF	17097C0227F	12-FEB-1999	99-05-064A	01
05	IL	HAWTHORN WOODS, VILLAGE OF	17097C0231F	26-MAY-1999	99-05-4206A	02
05	IL	HENDERSON COUNTY *	1702770045B	22-MAR-1999	98-05-099P	05
05	IL	HENDERSON COUNTY *	1702770080B	22-MAR-1999	98-05-099P	05
05	IL	HENDERSON COUNTY *	1702770085B	22-MAR-1999	98-05-099P	05
05	IL	HENDERSON COUNTY *	1702770090B	22-MAR-1999	98-05-099P	05
05	IL	HENDERSON COUNTY *	1702770095B	22-MAR-1999	98-05-099P	05
05	IL	HENRY COUNTY *	1707390025B	03-FEB-1999	99-05-2076A	02
05	IL	HIGHLAND PARK, CITY OF	17097C0279F	12-MAR-1999	99-05-2478A	02
05	IL	HINSDALE, VILLAGE OF	1701050004B	22-FEB-1999	98-05-017P	06
05	IL	HINSDALE, VILLAGE OF	1702140004B	22-FEB-1999	98-05-017P	06
05	IL	HINSDALE, VILLAGE OF	1701050003B	07-MAY-1999	99-05-3428A	02
05	IL	HINSDALE, VILLAGE OF	1701050002B	26-MAY-1999	99-05-3778A	02
05	IL	HINSDALE, VILLAGE OF	1701050004B	26-MAY-1999	99-05-3778A	02
05	IL	HOFFMAN ESTATES, VILLAGE OF	1701070008B	12-MAR-1999	99-05-2774A	02
05	IL	HOFFMAN ESTATES, VILLAGE OF	1701070008B	26-MAY-1999	99-05-3460A	02
05	IL	HOMEWOOD, VILLAGE OF	170109 C	21-MAY-1999	99-05-3760A	02
05	IL	HUNTLEY, VILLAGE OF	1704800004C	10-FEB-1999	99-05-1228A	01
05	IL	HUNTLEY, VILLAGE OF	1704800004C	12-MAR-1999	99-05-1408A	01
05	IL	IROQUOIS COUNTY*	17075C0040D	19-MAY-1999	99-05-4018A	02
05	IL	ISLAND LAKE, VILLAGE OF	1703700001B	20-JAN-1999	99-05-1512A	02
05	IL	JOLIET, CITY OF	17197C0140E	17-JUN-1999	98-05-265P	06
05	IL	JOLIET, CITY OF	17197C0161E	27-JAN-1999	99-05-1130A	02
05	IL	JOLIET, CITY OF	17197C0141E	04-MAY-1999	99-05-3146A	01
05	IL	JUSTICE, VILLAGE OF	1701120001B	01-MAR-1999	98-05-247P	05
05	IL	KANE COUNTY *	1708960030A	17-MAR-1999	98-05-217P	05
05	IL	KANE COUNTY *	1708960035B	17-MAR-1999	98-05-217P	05
05	IL	KANE COUNTY *	1708960044B	19-FEB-1999	98-05-245P	06
05	IL	KANE COUNTY *	1708960065B	05-MAR-1999	99-05-1588A	02
05	IL	KANE COUNTY *	1708961106B	08-JAN-1999	99-05-1738A	02
05	IL	KANE COUNTY *	1708960043B	05-MAR-1999	99-05-2444A	01
05	IL	KANE COUNTY *	1708961106B	24-MAR-1999	99-05-2528A	02
05	IL	KANE COUNTY *	1708961102B	12-MAY-1999	99-05-2686A	02
05	IL	KANE COUNTY *	1708960061B	17-MAR-1999	99-05-2786A	02
05	IL	KANE COUNTY *	1708960125B	16-JUN-1999	99-05-3210A	02
05	IL	KANKAKEE COUNTY *	1703360180C	06-JAN-1999	99-05-1032A	02
05	IL	KANKAKEE COUNTY *	1703360060A	22-JAN-1999	99-05-1240A	02
05	IL	KANKAKEE COUNTY *	1703360070A	27-JAN-1999	99-05-1382A	02
05	IL	KANKAKEE COUNTY *	1703360095C	11-JUN-1999	99-05-1620A	01
05	IL	KANKAKEE COUNTY *	1703360170C	05-FEB-1999	99-05-1968A	02
05	IL	KANKAKEE COUNTY *	1703360090A	10-MAR-1999	99-05-2034A	02
05	IL	KIRKLAND, CITY OF	1701860001C	19-MAR-1999	99-05-2292A	02
05	IL	LAKE COUNTY *	17097C0076F	23-MAR-1999	98-05-251P	06
05	IL	LAKE COUNTY *	17097C0077F	23-MAR-1999	98-05-251P	06
05	IL	LAKE COUNTY *	17097C0137F	06-APR-1999	98-05-367P	05
05	IL	LAKE COUNTY *	17097C0259F	22-JAN-1999	98-05-6802A	02
05	IL	LAKE COUNTY *	17097C0155F	20-JAN-1999	98-05-7014A	02
05	IL	LAKE COUNTY *	17097C0015F	15-JAN-1999	99-05-1040A	02
05	IL	LAKE COUNTY *	17097C0010F	10-FEB-1999	99-05-2080A	02
05	IL	LAKE COUNTY *	17097C0010F	19-MAR-1999	99-05-2228A	02
05	IL	LAKE COUNTY *	17097C0020F	05-MAR-1999	99-05-2258A	02
05	IL	LAKE COUNTY *	17097C0037F	05-MAR-1999	99-05-2584A	02
05	IL	LAKE COUNTY *	17097C0041F	05-MAR-1999	99-05-2584A	02
05	IL	LAKE COUNTY *	17097C0020F	12-MAY-1999	99-05-2600A	02
05	IL	LAKE COUNTY *	17097C0258F	12-MAR-1999	99-05-2790A	02
05	IL	LAKE COUNTY *	17097C0020F	07-APR-1999	99-05-3126A	02
05	IL	LAKE COUNTY *	17097C0010F	30-APR-1999	99-05-3810A	02
05	IL	LAKE COUNTY *	17097C0010F	27-APR-1999	99-05-3854A	02
05	IL	LAKE COUNTY *	17097C0206F	11-JUN-1999	99-05-4042A	02
05	IL	LAKE COUNTY *	17097C0010F	09-JUN-1999	99-05-4332A	02
05	IL	LAKE COUNTY *	17097C0266F	25-JUN-1999	99-05-4762A	02
05	IL	LAKE COUNTY *	17097C0015F	29-JAN-1999	99-05-640A	02
05	IL	LAKE FOREST, CITY OF	17097C0276F	10-MAR-1999	99-05-2852A	02
05	IL	LAKE FOREST, CITY OF	17097C0276F	12-MAR-1999	99-05-2922A	02
05	IL	LAKE FOREST, CITY OF	17097C0276F	24-MAR-1999	99-05-3186A	02
05	IL	LAKE FOREST, CITY OF	17097C0279F	21-MAY-1999	99-05-4086A	02
05	IL	LAKE-IN-THE-HILLS, VILLAGE OF	1704810003E	17-MAR-1999	99-05-2844A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
05	IL	LANSING, VILLAGE OF	1701160005D	12-MAR-1999	99-05-2236A	02
05	IL	LANSING, VILLAGE OF	1701160005D	12-MAY-1999	99-05-2972A	02
05	IL	LEE COUNTY*	17103C0015D	17-MAR-1999	99-05-1418A	02
05	IL	LIBERTYVILLE, VILLAGE OF	17097C0164F	20-JAN-1999	99-05-1030A	01
05	IL	LIBERTYVILLE, VILLAGE OF	17097C0164F	05-FEB-1999	99-05-1104A	01
05	IL	LIBERTYVILLE, VILLAGE OF	17097C0161F	31-MAR-1999	99-05-1778A	01
05	IL	LINCOLNSHIRE, VILLAGE OF	17097C0258F	16-JUN-1999	99-05-4358A	01
05	IL	LINDENHURST, VILLAGE OF	17097C0041F	11-JUN-1999	99-05-4580A	02
05	IL	LYNWOOD, VILLAGE OF	1701190005C	27-JAN-1999	99-05-1646A	01
05	IL	LYNWOOD, VILLAGE OF	1701190005C	03-MAR-1999	99-05-2524A	02
05	IL	MACHESNEY PARK, VILLAGE OF	1710090005A	27-JAN-1999	99-05-598A	02
05	IL	MACON COUNTY *	1709280115B	28-APR-1999	99-05-1832A	17
05	IL	MADISON COUNTY *	1704360085B	26-FEB-1999	99-05-1378A	02
05	IL	MADISON COUNTY *	1704360110B	23-APR-1999	99-05-2086A	02
05	IL	MADISON COUNTY *	1704360085B	11-JUN-1999	99-05-4072A	02
05	IL	MARION, CITY OF	1707190002B	05-MAR-1999	99-05-2404A	17
05	IL	MASSAC COUNTY *	1704670075B	05-MAR-1999	99-05-1914A	02
05	IL	MASSAC COUNTY *	1704670100B	05-MAR-1999	99-05-1914A	02
05	IL	MATTOON, CITY OF	1700530005B	10-MAR-1999	99-05-2256A	01
05	IL	MCHENRY COUNTY*		03-JUN-1999	98-05-291P	05
05	IL	MCHENRY COUNTY*	1707320115B	22-JAN-1999	99-05-1490A	02
05	IL	MCHENRY COUNTY*	1707320240B	10-FEB-1999	99-05-1984A	02
05	IL	MCHENRY COUNTY*	1707320355B	31-MAR-1999	99-05-3208A	02
05	IL	MCHENRY COUNTY*	1707320050B	31-MAR-1999	99-05-3356A	02
05	IL	MCHENRY COUNTY*	1707320115B	12-MAY-1999	99-05-3528A	02
05	IL	MCHENRY, CITY OF	1704830003D	05-FEB-1999	99-05-1616A	02
05	IL	MOKENA, VILLAGE OF	17197C0195E	30-APR-1999	99-05-3820A	17
05	IL	MOLINE, CITY OF	1705910010B	19-MAY-1999	99-05-4326A	02
05	IL	MONMOUTH, CITY OF	170676 B	28-APR-1999	99-05-2780A	02
05	IL	MONROE COUNTY*	1705090075D	17-MAR-1999	99-05-2564A	02
05	IL	MONROE COUNTY*	1705090125C	19-MAR-1999	99-05-2604A	02
05	IL	MONROE COUNTY*	1705090035D	09-JUN-1999	99-05-2778A	02
05	IL	MONROE COUNTY*	1705090100C	14-MAY-1999	99-05-3060A	02
05	IL	MORRIS, CITY OF	1702630005C	11-JUN-1999	99-05-2554A	02
05	IL	MORRISON, CITY OF	1706910001B	14-APR-1999	99-05-2902A	02
05	IL	MOUNT PROSPECT, VILLAGE OF	1701290010B	05-FEB-1999	99-05-2200A	02
05	IL	MOUNT PROSPECT, VILLAGE OF	1701290010B	26-MAY-1999	99-05-3576A	01
05	IL	NAPERVILLE, CITY OF	1702130020C	20-JAN-1999	98-05-365P	05
05	IL	NAPERVILLE, CITY OF	1702130021C	20-JAN-1999	98-05-365P	05
05	IL	NAPERVILLE, CITY OF	1702130020C	20-JAN-1999	98-05-419P	05
05	IL	NAPERVILLE, CITY OF	1702130017C	30-APR-1999	99-05-2666A	01
05	IL	NAPERVILLE, CITY OF	1702130018C	19-MAR-1999	99-05-2946A	02
05	IL	NAPERVILLE, CITY OF	1702130016C	19-MAY-1999	99-05-836A	02
05	IL	NASHVILLE, CITY OF	170678 B	30-JUN-1999	99-05-3080A	02
05	IL	NEW LENOX, VILLAGE OF	17197C0305E	24-FEB-1999	99-05-2336A	02
05	IL	NORMAL, TOWN OF	1705020005B	06-JAN-1999	99-05-1484A	17
05	IL	NORTHBROOK, VILLAGE OF	1701320003E	06-JAN-1999	99-05-1358A	02
05	IL	NORTHBROOK, VILLAGE OF	1701320003E	03-MAR-1999	99-05-2222A	02
05	IL	NORTHBROOK, VILLAGE OF	1701320007E	03-MAR-1999	99-05-2268A	17
05	IL	NORTHBROOK, VILLAGE OF	1701320003E	30-JUN-1999	99-05-4680A	02
05	IL	NORTHBROOK, VILLAGE OF	1701320007E	29-JAN-1999	99-05-890A	02
05	IL	OAK BROOK, VILLAGE OF	1701050004B	22-FEB-1999	98-05-017P	06
05	IL	OAK BROOK, VILLAGE OF	1702140004B	22-FEB-1999	98-05-017P	06
05	IL	OAK FOREST, CITY OF	1701360005C	06-JAN-1999	99-05-1524A	02
05	IL	OAK FOREST, CITY OF	1701360005C	22-JAN-1999	99-05-1904A	02
05	IL	OAK FOREST, CITY OF	1701360005C	16-JUN-1999	99-05-3144A	02
05	IL	OAK FOREST, CITY OF	1701360005C	30-APR-1999	99-05-3148A	17
05	IL	OAK FOREST, CITY OF	1701360005C	18-JUN-1999	99-05-4096A	02
05	IL	OAK LAWN, VILLAGE OF	1701370004C	11-JAN-1999	98-05-127P	05
05	IL	OAK LAWN, VILLAGE OF	1701370001C	29-JAN-1999	98-05-6930A	01
05	IL	OAK LAWN, VILLAGE OF	1701370001C	26-FEB-1999	99-05-1276A	02
05	IL	OAK LAWN, VILLAGE OF	1701370004C	19-FEB-1999	99-05-2322A	01
05	IL	ORLAND PARK, VILLAGE OF	1700540195B	20-JAN-1999	98-05-379P	05
05	IL	PALATINE, VILLAGE OF	1700540015B	22-JAN-1999	99-05-2180A	02
05	IL	PALATINE, VILLAGE OF	1751700005B	16-MAR-1999	99-05-2810A	02
05	IL	PALOS HILLS, CITY OF	1701430003C	20-JAN-1999	99-05-1366A	02
05	IL	PALOS HILLS, CITY OF	1701430003C	12-MAR-1999	99-05-2004A	01
05	IL	PALOS HILLS, CITY OF	1701430001C	25-JUN-1999	99-05-3562A	02
05	IL	PALOS HILLS, CITY OF	1701430003C	07-MAY-1999	99-05-3908A	02
05	IL	PALOS HILLS, CITY OF	1701430003C	12-MAR-1999	99-05-684A	02
05	IL	PALOS PARK, VILLAGE OF	1701440001B	09-APR-1999	99-05-2382A	02
05	IL	PEORIA COUNTY *	1705330175B	13-JAN-1999	98-05-183P	06
05	IL	PEORIA COUNTY *	1705330125B	28-APR-1999	99-05-2074A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
05	IL	PEORIA COUNTY *	1705330125B	16-JUN-1999	99-05-4908A	02
05	IL	PONTIAC, CITY OF	1704260001C	03-MAR-1999	99-05-1856A	02
05	IL	RIVER GROVE, VILLAGE OF	1701520001B	30-APR-1999	99-05-2808A	02
05	IL	ROCK ISLAND COUNTY*	1705820125B	03-MAR-1999	99-05-2582A	02
05	IL	ROUND LAKE BEACH, VILLAGE OF	17097C0126F	10-FEB-1999	99-05-1956A	17
05	IL	ROUND LAKE BEACH, VILLAGE OF	17097C0127F	27-JAN-1999	99-05-2176A	02
05	IL	ROUND LAKE BEACH, VILLAGE OF	17097C0127F	25-JUN-1999	99-05-3316A	02
05	IL	ROUND LAKE BEACH, VILLAGE OF	17097C0126F	02-APR-1999	99-05-3372A	02
05	IL	ROUND LAKE PARK, VILLAGE OF	17097C0127F	15-JAN-1999	99-05-992A	02
05	IL	ROUND LAKE, VILLAGE OF	17097C0110G	11-JUN-1999	99-05-3922A	02
05	IL	ROUND LAKE, VILLAGE OF	17097C0110G	26-MAY-1999	99-05-3972A	02
05	IL	SIDNEY, VILLAGE OF	1700330001B	31-MAR-1999	99-05-1874A	02
05	IL	SIDNEY, VILLAGE OF	1700330001B	31-MAR-1999	99-05-2392A	02
05	IL	SOUTH ELGIN, VILLAGE OF	1703320002C	07-MAY-1999	99-05-2510A	17
05	IL	SOUTH HOLLAND, VILLAGE OF	1701630002C	12-MAY-1999	99-05-4026A	02
05	IL	SOUTH HOLLAND, VILLAGE OF	1701630001C	09-JUN-1999	99-05-4242A	02
05	IL	ST. CLAIR COUNTY *	1706160115A	07-APR-1999	99-05-1456A	02
05	IL	ST. CLAIR COUNTY *	1706160075A	17-FEB-1999	99-05-1656A	02
05	IL	ST. CLAIR COUNTY *	1706160100A	17-FEB-1999	99-05-1656A	02
05	IL	ST. CLAIR COUNTY *	1706160070B	19-MAY-1999	99-05-4142A	02
05	IL	STEGER, VILLAGE OF	1707130001B	01-MAR-1999	98-05-391P	05
05	IL	STEPHENSON COUNTY *	1706390125B	23-APR-1999	99-05-2980A	02
05	IL	STREAMWOOD, VILLAGE OF	1700540055B	29-JAN-1999	99-05-1808A	01
05	IL	TINLEY PARK, CITY OF	1700540220C	05-MAR-1999	99-05-2106A	02
05	IL	TINLEY PARK, CITY OF	1701690010E	05-MAR-1999	99-05-2106A	02
05	IL	TINLEY PARK, CITY OF	1701690005E	23-JUN-1999	99-05-3390A	02
05	IL	TUSCOLA, CITY OF	1701950005C	03-MAR-1999	99-05-1798A	17
05	IL	TUSCOLA, CITY OF	1701950005C	24-MAR-1999	99-05-2984A	02
05	IL	TUSCOLA, CITY OF	1701950005C	02-JUN-1999	99-05-4564A	02
05	IL	URBANA, CITY OF	1700350009B	24-MAR-1999	99-05-1582A	02
05	IL	VERNON HILLS, VILLAGE OF	17097C0251F	12-FEB-1999	99-05-1972A	01
05	IL	VILLA GROVE, CITY OF	1701940050B	30-JUN-1999	99-05-4496A	02
05	IL	WASHINGTON, CITY OF	1706550005C	21-APR-1999	99-05-2904A	02
05	IL	WATSEKA, CITY OF	17075C0120D	16-APR-1999	99-05-2944A	01
05	IL	WATSEKA, CITY OF	17075C0120D	30-APR-1999	99-05-3782A	02
05	IL	WAUCONDA, VILLAGE OF	17097C0119F	29-JAN-1999	99-05-1280A	02
05	IL	WAUKEGAN, CITY OF	17097C0086F	07-MAY-1999	98-05-355P	05
05	IL	WAUKEGAN, CITY OF	17097C0087F	07-MAY-1999	98-05-355P	05
05	IL	WAUKEGAN, CITY OF	17097C0086F	05-MAR-1999	99-05-1152A	02
05	IL	WESTCHESTER, VILLAGE OF	1701700001B	05-MAY-1999	99-05-2072A	02
05	IL	WESTMONT, VILLAGE OF	1702200001B	24-FEB-1999	99-05-1404A	02
05	IL	WHEATON, CITY OF	1702210005B	11-JUN-1999	99-05-1740A	17
05	IL	WHEELING, VILLAGE OF	1701730005C	26-MAY-1999	99-05-3226A	02
05	IL	WHEELING, VILLAGE OF	1701730005C	23-APR-1999	99-05-3228A	02
05	IL	WHITESIDE COUNTY*	1706870125B	14-APR-1999	99-05-1796A	02
05	IL	WHITESIDE COUNTY*	1706870125B	14-APR-1999	99-05-1938A	02
05	IL	WILL COUNTY *		17-JUN-1999	98-05-265P	[illegible]
05	IL	WILL COUNTY *	17197C0030E	10-MAY-1999	98-05-343P	05
05	IL	WILL COUNTY *	17197C0037E	10-MAY-1999	98-05-343P	05
05	IL	WILL COUNTY *	17197C0265E	29-MAR-1999	98-05-409P	05
05	IL	WILL COUNTY *	17197C0270E	29-MAR-1999	98-05-409P	05
05	IL	WILL COUNTY *	17197C0030E	13-JAN-1999	98-05-5950A	02
05	IL	WILL COUNTY *	17197C0214E	05-MAR-1999	99-05-1284A	02
05	IL	WILL COUNTY *	17197C0214E	15-JAN-1999	99-05-1310A	02
05	IL	WILL COUNTY *	17197C0037E	15-JAN-1999	99-05-1436A	02
05	IL	WILL COUNTY *	17197C0218E	06-JAN-1999	99-05-1440A	02
05	IL	WILL COUNTY *	17197C0285E	29-JAN-1999	99-05-1482A	17
05	IL	WILL COUNTY *	17197C0030E	10-FEB-1999	99-05-1690A	01
05	IL	WILL COUNTY *	17197C0195E	14-APR-1999	99-05-1810A	02
05	IL	WILL COUNTY *	17197C0090E	23-APR-1999	99-05-1824A	02
05	IL	WILL COUNTY *	17197C0218E	22-JAN-1999	99-05-192A	02
05	IL	WILL COUNTY *	17197C0420E	12-FEB-1999	99-05-2134A	02
05	IL	WILL COUNTY *	17197C0218E	29-APR-1999	99-05-2452A	02
05	IL	WILL COUNTY *	17197C0385E	09-APR-1999	99-05-2878A	02
05	IL	WILL COUNTY *	17197C0090E	14-APR-1999	99-05-3406A	02
05	IL	WILL COUNTY *	17197C0030E	26-MAY-1999	99-05-4014A	02
05	IL	WILL COUNTY *	17197C0070E	30-APR-1999	99-05-4228A	02
05	IL	WILL COUNTY *	17197C0560E	27-JAN-1999	99-05-550A	02
05	IL	WILMINGTON, CITY OF	17197C0417E	12-MAY-1999	99-05-3584A	01
05	IL	WINNEBAGO COUNTY *	1707200035B	28-MAY-1999	99-05-2174A	17
05	IL	WINNEBAGO COUNTY *	1707200010B	19-MAY-1999	99-05-3630A	02
05	IL	WINTHROP HARBOR, VILLAGE OF	17097C0076F	23-MAR-1999	98-05-251P	06
05	IL	WINTHROP HARBOR, VILLAGE OF	17097C0077F	23-MAR-1999	98-05-251P	06

Region	State	Community	Map panel	Determination date	Case No.	Type
05	IN	ADAMS COUNTY *	1804240010C	29-JAN-1999	99-05-1730A	02
05	IN	ALLEN COUNTY *	18003C0285E	22-FEB-1999	98-05-029P	05
05	IN	ALLEN COUNTY *	18003C0295D	22-FEB-1999	98-05-029P	05
05	IN	ALLEN COUNTY *	18003C0165E	28-APR-1999	99-05-1552A	02
05	IN	ALLEN COUNTY *	18003C0195D	13-JAN-1999	99-05-1580A	02
05	IN	ALLEN COUNTY *	18003C0215D	13-JAN-1999	99-05-1580A	02
05	IN	ALLEN COUNTY *	18003C0135E	20-JAN-1999	99-05-1608A	02
05	IN	ALLEN COUNTY *	18003C0145E	24-FEB-1999	99-05-1696A	02
05	IN	ALLEN COUNTY *	18003C0255D	13-APR-1999	99-05-1998A	02
05	IN	ALLEN COUNTY *	18003C0235D	10-MAR-1999	99-05-216A	17
05	IN	ALLEN COUNTY *	18003C0285E	17-MAR-1999	99-05-2624A	02
05	IN	ALLEN COUNTY *	18003C0135E	26-MAR-1999	99-05-2886A	02
05	IN	ALLEN COUNTY *	18003C0135E	12-FEB-1999	99-05-302A	17
05	IN	ALLEN COUNTY *	18003C0155E	31-MAR-1999	99-05-3134A	02
05	IN	ALLEN COUNTY *	18003C0165E	14-MAY-1999	99-05-3140A	01
05	IN	ALLEN COUNTY *	18003C0285E	12-MAY-1999	99-05-3698A	02
05	IN	ALLEN COUNTY *	18003C0165E	05-MAY-1999	99-05-3828A	02
05	IN	ALLEN COUNTY *	18003C0135E	12-FEB-1999	99-05-384A	02
05	IN	ALLEN COUNTY *	18003C0170D	30-JUN-1999	99-05-4864A	01
05	IN	ALLEN COUNTY *	18003C0135E	24-FEB-1999	99-05-488A	02
05	IN	ALLEN COUNTY *	18003C0215D	30-JUN-1999	99-05-4970A	02
05	IN	ALLEN COUNTY *	18003C0305D	04-MAR-1999	99-05-998A	02
05	IN	ANDERSON, CITY OF	1801500003B	25-JUN-1999	99-05-3966A	02
05	IN	AURORA, CITY OF	1800380090B	16-APR-1999	99-05-2914A	01
05	IN	BARTHOLOMEW COUNTY *	1800060100B	05-MAR-1999	98-05-7068A	02
05	IN	BARTHOLOMEW COUNTY *	1800060100B	21-MAY-1999	99-05-3870A	02
05	IN	BARTHOLOMEW COUNTY *	1800060100B	19-MAY-1999	99-05-3988A	02
05	IN	BARTHOLOMEW COUNTY *	1800060150B	19-MAY-1999	99-05-3988A	02
05	IN	BEECH GROVE, CITY OF - USE CID 180159	1801590075D	15-JAN-1999	99-05-250A	17
05	IN	BEECH GROVE, CITY OF - USE CID 180159	1801590075D	07-APR-1999	99-05-2594A	02
05	IN	BEECH GROVE, CITY OF - USE CID 180159	1801590075D	30-JUN-1999	99-05-3868A	02
05	IN	BLOOMINGTON, CITY OF	1801690020C	19-MAY-1999	99-05-2144A	17
05	IN	BOONVILLE, CITY OF	1802730001B	27-JAN-1999	99-05-1764A	02
05	IN	BROWN COUNTY*	1851740060B	13-JAN-1999	99-05-128A	02
05	IN	BROWN COUNTY*	1851740060B	23-APR-1999	99-05-2712A	02
05	IN	CARMEL, CITY OF	1800810009C	05-MAY-1999	99-05-2740A	02
05	IN	CARROLL COUNTY *	1800190025B	22-JAN-1999	99-05-1450A	02
05	IN	CHESTERTON, TOWN OF	1802010005C	03-MAR-1999	98-05-279P	05
05	IN	CICERO, TOWN OF	1803200020C	23-APR-1999	99-05-3174A	02
05	IN	CLARK COUNTY *	1804260125C	05-MAR-1999	99-05-1068A	17
05	IN	CLARK COUNTY *	1804260175C	16-JUN-1999	99-05-1344A	01
05	IN	CLARK COUNTY *	1804260125C	03-MAR-1999	99-05-1464A	02
05	IN	CLARK COUNTY *	1804260175C	23-FEB-1999	99-05-1742A	02
05	IN	CLARK COUNTY *	1804260175C	19-MAR-1999	99-05-1908A	17
05	IN	CLARK COUNTY *	1804260175C	10-FEB-1999	99-05-2172A	02
05	IN	CLARK COUNTY *	1804260125C	02-APR-1999	99-05-2486A	02
05	IN	CLARK COUNTY *	1804260175C	09-APR-1999	99-05-3446A	02
05	IN	CLARK COUNTY *	1804260175C	11-JUN-1999	99-05-3660A	02
05	IN	CLARK COUNTY *	1804260175C	07-MAY-1999	99-05-4140A	02
05	IN	CLAY COUNTY *	1804080005A	05-MAY-1999	99-05-4078A	02
05	IN	COLUMBUS, CITY OF	1800070020D	23-APR-1999	98-05-1724A	01
05	IN	COLUMBUS, CITY OF	1800070020D	03-FEB-1999	99-05-1888A	02
05	IN	COLUMBUS, CITY OF	1800070020D	12-FEB-1999	99-05-2084A	02
05	IN	COLUMBUS, CITY OF	1800070020D	28-JAN-1999	99-05-2114A	02
05	IN	COLUMBUS, CITY OF	1800070020D	27-JAN-1999	99-05-2178A	01
05	IN	COLUMBUS, CITY OF	1800070020D	26-MAR-1999	99-05-2934A	02
05	IN	COLUMBUS, CITY OF	1800070020D	26-MAR-1999	99-05-3030A	02
05	IN	COLUMBUS, CITY OF	1800070020D	23-APR-1999	99-05-3414A	02
05	IN	COLUMBUS, CITY OF	1800070015D	25-JUN-1999	99-05-4196A	01
05	IN	COLUMBUS, CITY OF	1800070020D	25-JUN-1999	99-05-4740A	02
05	IN	CONVERSE, TOWN OF	1804970001A	27-JAN-1999	99-05-980A	02
05	IN	DEARBORN COUNTY *	1800380090B	16-APR-1999	99-05-2914A	01
05	IN	DELAWARE COUNTY*	1800510075C	17-FEB-1999	98-05-7104A	17
05	IN	DELAWARE COUNTY*	1800510125C	22-JAN-1999	99-05-1720A	02
05	IN	DELAWARE COUNTY*	1800510100C	05-FEB-1999	99-05-644A	02
05	IN	DYER, TOWN OF	1801290002D	15-JAN-1999	98-05-5814A	02
05	IN	DYER, TOWN OF	1801290002D	21-APR-1999	99-05-3476A	02
05	IN	EDINBURGH, CITY OF	1801130005C	09-JUN-1999	99-05-2820A	02
05	IN	ELKHART COUNTY *	1800560010B	14-JUN-1999	98-05-331P	05
05	IN	ELKHART COUNTY *	1800560020B	14-JUN-1999	98-05-331P	05
05	IN	ELKHART COUNTY *	1800560010B	28-APR-1999	99-05-3982A	02
05	IN	ELKHART COUNTY *	1800560050B	17-FEB-1999	99-05-420A	17
05	IN	ELKHART, CITY OF	1800570005C	03-MAR-1999	99-05-2490A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
05	IN	ELLETSVILLE, TOWN OF	180170 C	14-APR-1999	99-05-1978A	02
05	IN	ELLETSVILLE, TOWN OF	1804440001B	14-APR-1999	99-05-1978A	02
05	IN	ELLETSVILLE, TOWN OF	180170 C	29-JAN-1999	99-05-2050A	02
05	IN	EVANSVILLE, CITY OF	1802570001B	13-JAN-1999	99-05-1434A	01
05	IN	EVANSVILLE, CITY OF	1802570005B	18-JUN-1999	99-05-3280A	02
05	IN	EVANSVILLE, CITY OF	1802570001B	09-JUN-1999	99-05-4392A	01
05	IN	FLOYD COUNTY *	1804320025B	26-FEB-1999	99-05-2170A	02
05	IN	FORT WAYNE, CITY OF	18003C0255D	10-FEB-1999	99-05-088A	17
05	IN	FORT WAYNE, CITY OF	18003C0165E	12-FEB-1999	99-05-2266A	02
05	IN	FORT WAYNE, CITY OF	18003C0270E	03-MAR-1999	99-05-2340A	02
05	IN	FORT WAYNE, CITY OF	18003C0270E	28-MAY-1999	99-05-3298A	02
05	IN	FORT WAYNE, CITY OF	18003C0165E	02-APR-1999	99-05-3452A	02
05	IN	FORT WAYNE, CITY OF	18003C0165E	26-MAY-1999	99-05-3976A	01
05	IN	FORT WAYNE, CITY OF	18003C0260E	07-MAY-1999	99-05-4004A	02
05	IN	FORT WAYNE, CITY OF	18003C0270E	04-JUN-1999	99-05-4694A	02
05	IN	FORT WAYNE, CITY OF	18003C0270E	18-JUN-1999	99-05-4706A	02
05	IN	FORT WAYNE, CITY OF	18003C0270E	25-JUN-1999	99-05-4898A	02
05	IN	FULTON COUNTY *	1800700025B	26-MAY-1999	99-05-2626A	02
05	IN	FULTON COUNTY *	1800700050B	05-MAY-1999	99-05-3666A	02
05	IN	GOSHEN, CITY OF	1800580005B	24-FEB-1999	99-05-126A	01
05	IN	GREENFIELD, CITY OF	1800840006C	02-JUN-1999	99-05-3834A	02
05	IN	GREENWOOD, CITY OF	1801150002B	21-APR-1999	99-05-1266A	17
05	IN	GREENWOOD, CITY OF	1801150004B	22-JAN-1999	99-05-1944A	02
05	IN	GREENWOOD, CITY OF	1801150004B	21-MAY-1999	99-05-3874A	02
05	IN	HAMILTON COUNTY*	1800800100C	28-JAN-1999	99-05-2302A	02
05	IN	HAMILTON COUNTY*	1800800045B	04-JUN-1999	99-05-3614A	02
05	IN	HANCOCK COUNTY *	1804190050B	08-JAN-1999	99-05-768A	02
05	IN	HENDRICKS COUNTY *	1804150100B	22-JAN-1999	99-05-1666A	02
05	IN	HENDRICKS COUNTY *	1804150100B	20-JAN-1999	99-05-1728A	02
05	IN	HENDRICKS COUNTY *	1804150050B	19-FEB-1999	99-05-2160A	02
05	IN	HENDRICKS COUNTY *	1804150050B	09-APR-1999	99-05-2540A	02
05	IN	HENDRICKS COUNTY *	1804150050B	17-MAR-1999	99-05-2730A	02
05	IN	HENDRICKS COUNTY *	1804150100B	24-MAR-1999	99-05-2814A	02
05	IN	HENDRICKS COUNTY *	1804150100B	25-MAR-1999	99-05-3486A	01
05	IN	HENDRICKS COUNTY *	1804150100B	04-JUN-1999	99-05-4470A	02
05	IN	HIGHLAND, TOWN OF	1851760001C	21-MAY-1999	99-05-3588A	02
05	IN	HIGHLAND, TOWN OF	1851760001C	06-JAN-1999	99-05-610A	01
05	IN	HOBART, CITY OF	1801360005B	23-JUN-1999	99-05-4390A	02
05	IN	HOWARD COUNTY *	1804140042B	10-FEB-1999	98-05-6230A	17
05	IN	HOWARD COUNTY *	1804140027B	12-MAR-1999	98-05-6590A	02
05	IN	HUNTINGTON COUNTY *	1804380100C	06-JAN-1999	99-05-1518A	02
05	IN	INDIANAPOLIS, CITY OF	1801590095D	22-FEB-1999	98-05-2314P	06
05	IN	INDIANAPOLIS, CITY OF	1801590010D	21-APR-1999	98-05-4526A	02
05	IN	INDIANAPOLIS, CITY OF	1801590090D	20-JAN-1999	98-05-5398A	02
05	IN	INDIANAPOLIS, CITY OF	1801590040D	04-MAR-1999	98-05-6552A	01
05	IN	INDIANAPOLIS, CITY OF	1801590060D	13-JAN-1999	98-05-6888A	02
05	IN	INDIANAPOLIS, CITY OF	1801590040D	12-FEB-1999	99-05-006A	01
05	IN	INDIANAPOLIS, CITY OF	1801590015D	04-MAR-1999	99-05-1098A	01
05	IN	INDIANAPOLIS, CITY OF	1801590030D	23-FEB-1999	99-05-1226A	01
05	IN	INDIANAPOLIS, CITY OF	1801590020D	10-FEB-1999	99-05-1304A	02
05	IN	INDIANAPOLIS, CITY OF	1801590035D	19-FEB-1999	99-05-1320A	02
05	IN	INDIANAPOLIS, CITY OF	1801590080D	09-APR-1999	99-05-1354A	01
05	IN	INDIANAPOLIS, CITY OF	1801590075D	03-MAR-1999	99-05-1374A	02
05	IN	INDIANAPOLIS, CITY OF	1801590075D	26-MAY-1999	99-05-1772A	02
05	IN	INDIANAPOLIS, CITY OF	1801590030D	26-MAR-1999	99-05-2090A	02
05	IN	INDIANAPOLIS, CITY OF	1801590050D	31-MAR-1999	99-05-2094A	02
05	IN	INDIANAPOLIS, CITY OF	1801590045D	26-FEB-1999	99-05-2098A	01
05	IN	INDIANAPOLIS, CITY OF	1801590060D	19-MAY-1999	99-05-2314A	01
05	IN	INDIANAPOLIS, CITY OF	1801590060D	31-MAR-1999	99-05-2464A	02
05	IN	INDIANAPOLIS, CITY OF	1801590100D	16-JUN-1999	99-05-2488A	02
05	IN	INDIANAPOLIS, CITY OF	1801590045D	10-MAR-1999	99-05-2726A	02
05	IN	INDIANAPOLIS, CITY OF	1801590075D	03-MAR-1999	99-05-2728A	02
05	IN	INDIANAPOLIS, CITY OF	1801590045D	24-MAR-1999	99-05-2756A	02
05	IN	INDIANAPOLIS, CITY OF	1801590090D	14-APR-1999	99-05-2782A	01
05	IN	INDIANAPOLIS, CITY OF	1801590095D	07-MAY-1999	99-05-2838A	02
05	IN	INDIANAPOLIS, CITY OF	1801590035D	09-APR-1999	99-05-2862A	02
05	IN	INDIANAPOLIS, CITY OF	1801590020D	05-MAR-1999	99-05-2954A	02
05	IN	INDIANAPOLIS, CITY OF	1801590045D	30-APR-1999	99-05-3022A	02
05	IN	INDIANAPOLIS, CITY OF	1801590065D	21-APR-1999	99-05-3360A	02
05	IN	INDIANAPOLIS, CITY OF	1801590090D	28-MAY-1999	99-05-3392A	01
05	IN	INDIANAPOLIS, CITY OF	1801590005D	26-MAY-1999	99-05-3548A	02
05	IN	INDIANAPOLIS, CITY OF	1801590030D	30-APR-1999	99-05-4224A	02
05	IN	INDIANAPOLIS, CITY OF	1801590095D	10-FEB-1999	99-05-800A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
05	IN	JASPER, CITY OF	1800550010C	26-FEB-1999	98-05-6008A	01
05	IN	JEFFERSONVILLE, CITY OF	1800270005D	10-FEB-1999	99-05-1442A	02
05	IN	JOHNSON COUNTY *	1801110018C	14-JUN-1999	99-05-065P	05
05	IN	JOHNSON COUNTY *	1801110012C	06-JAN-1999	99-05-1048A	01
05	IN	JOHNSON COUNTY *	1801110100C	22-JAN-1999	99-05-1234A	02
05	IN	JOHNSON COUNTY *	1801110012C	04-MAY-1999	99-05-3540A	01
05	IN	JOHNSON COUNTY *	1801110014C	28-APR-1999	99-05-4054A	02
05	IN	JOHNSON COUNTY *	1801110075C	30-JUN-1999	99-05-4980A	02
05	IN	KOKOMO, CITY OF	1800930005B	03-MAR-1999	99-05-2460A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	05-FEB-1999	99-05-1076A	01
05	IN	KOSCIUSKO COUNTY*	18085C0100C	10-FEB-1999	99-05-1092A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	08-JAN-1999	99-05-1554A	02
05	IN	KOSCIUSKO COUNTY*	18085C0035C	27-JAN-1999	99-05-1736A	02
05	IN	KOSCIUSKO COUNTY*	18085C0100C	29-JAN-1999	99-05-1902A	02
05	IN	KOSCIUSKO COUNTY*	18085C0100C	05-FEB-1999	99-05-1948A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	17-FEB-1999	99-05-2070A	02
05	IN	KOSCIUSKO COUNTY*	18085C0100C	24-MAR-1999	99-05-2246A	02
05	IN	KOSCIUSKO COUNTY*	18085C0060C	31-MAR-1999	99-05-2650A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	17-MAR-1999	99-05-2706A	02
05	IN	KOSCIUSKO COUNTY*	18085C0060C	26-MAR-1999	99-05-2806A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	26-MAR-1999	99-05-3062A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	31-MAR-1999	99-05-3342A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	28-APR-1999	99-05-3646A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	28-APR-1999	99-05-3884A	02
05	IN	KOSCIUSKO COUNTY*	18085C0100C	28-APR-1999	99-05-3892A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	28-APR-1999	99-05-4002A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	19-MAY-1999	99-05-4444A	02
05	IN	KOSCIUSKO COUNTY*	18085C0125C	22-JAN-1999	99-05-740A	02
05	IN	KOSCIUSKO COUNTY*	18085C0080C	05-FEB-1999	99-05-936A	02
05	IN	LA PORTE COUNTY*	1801440125C	13-JAN-1999	99-05-596A	02
05	IN	LA PORTE, CITY OF	1804900005C	02-APR-1999	99-05-2036A	02
05	IN	LAGRANGE COUNTY	1801250001B	03-MAR-1999	98-05-6310A	02
05	IN	LAGRANGE COUNTY	1801250004B	08-JAN-1999	99-05-1548A	02
05	IN	LAGRANGE COUNTY	1801250004B	27-JAN-1999	99-05-230A	02
05	IN	LAGRANGE COUNTY	1801250004B	24-FEB-1999	99-05-2526A	02
05	IN	LAGRANGE COUNTY	1801250004B	19-FEB-1999	99-05-2578A	02
05	IN	LAGRANGE COUNTY	1801250004B	19-MAR-1999	99-05-2936A	02
05	IN	LAGRANGE COUNTY	1801250004B	19-MAR-1999	99-05-2994A	02
05	IN	LAWRENCE, CITY OF - USE CID 180159	1801590020D	28-MAY-1999	99-05-4076A	01
05	IN	LAWRENCE, CITY OF - USE CID 180159		30-JUN-1999	99-05-4918A	02
05	IN	LEBANON, CITY OF	1800130001D	26-MAR-1999	99-05-024A	01
05	IN	LEBANON, CITY OF	1800130001D	04-JUN-1999	99-05-4628A	02
05	IN	LIBERTY, TOWNSHIP OF	1804880002A	17-FEB-1999	99-05-680A	02
05	IN	LONG BEACH, TOWN OF	185177 A	10-FEB-1999	99-05-1640A	02
05	IN	MARSHALL COUNTY *	1804430060B	17-FEB-1999	99-05-1964A	02
05	IN	MARSHALL COUNTY *	1804430060B	19-FEB-1999	99-05-2456A	02
05	IN	MARSHALL COUNTY *	1804430125B	24-FEB-1999	99-05-2570A	02
05	IN	MARSHALL COUNTY *	1804430060B	25-JUN-1999	99-05-4556A	02
05	IN	MIAMI COUNTY *	1804090050B	06-JAN-1999	99-05-668A	02
05	IN	MICHIGAN CITY, CITY OF	1801470015B	26-FEB-1999	98-05-7008A	02
05	IN	MICHIGAN CITY, CITY OF	1801470015B	31-MAR-1999	99-05-2702A	02
05	IN	MONTGOMERY COUNTY *	1804450006B	08-APR-1999	99-05-3822A	02
05	IN	MOORESVILLE, TOWN OF	1803340003C	26-MAY-1999	99-05-2112A	01
05	IN	MORGAN COUNTY *	1801760050B	18-MAR-1999	99-05-1602A	02
05	IN	MORGAN COUNTY *	1801760100B	26-FEB-1999	99-05-2484A	02
05	IN	MORGAN COUNTY *	1801760050B	02-JUN-1999	99-05-844A	02
05	IN	MUNCIE, CITY OF	1800530003C	25-JUN-1999	99-05-3886A	02
05	IN	MUNSTER, TOWN OF	1801390002B	20-JAN-1999	98-05-6766A	02
05	IN	NEW ALBANY, CITY OF	1800620005C	24-FEB-1999	99-05-2276A	02
05	IN	NEW ALBANY, CITY OF	1800620005C	10-FEB-1999	99-05-2280A	02
05	IN	NEW ALBANY, CITY OF	1800620005C	31-MAR-1999	99-05-3016A	02
05	IN	NEW HAVEN, CITY OF	18003C0285E	02-JUN-1999	98-05-029P	05
05	IN	NEW HAVEN, CITY OF	18003C0295D	02-JUN-1999	98-05-029P	05
05	IN	NEW HAVEN, CITY OF	18003C0285E	29-JAN-1999	99-05-1706A	02
05	IN	NOBLE COUNTY *	1801830075B	03-FEB-1999	99-05-1836A	02
05	IN	NOBLE COUNTY *	1801830075B	23-JUN-1999	99-05-4318A	02
05	IN	NOBLESVILLE, CITY OF	1800820030E	27-JAN-1999	99-05-1510A	01
05	IN	NOBLESVILLE, CITY OF	1800820025E	29-JAN-1999	99-05-1654A	02
05	IN	NOBLESVILLE, CITY OF	1800820005E	12-JAN-1999	99-05-1996A	02
05	IN	NOBLESVILLE, CITY OF	1800820025E	19-MAY-1999	99-05-2512A	01
05	IN	NOBLESVILLE, CITY OF	1800820005E	17-MAR-1999	99-05-2802A	02
05	IN	NOBLESVILLE, CITY OF	1800820030E	21-APR-1999	99-05-3066A	02
05	IN	NOBLESVILLE, CITY OF	1800820025E	16-APR-1999	99-05-3310A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
05	IN	NOBLESVILLE, CITY OF	1800820015E	21-APR-1999	99-05-3772A	02
05	IN	NOBLESVILLE, CITY OF	1800820005E	18-JUN-1999	99-05-4766A	02
05	IN	NOBLESVILLE, CITY OF	1800820025E	24-MAR-1999	99-05-884A	01
05	IN	NOBLESVILLE, CITY OF	1800820030E	22-JAN-1999	99-05-908A	01
05	IN	OHIO COUNTY*	180406 B	11-JUN-1999	99-05-4412A	02
05	IN	PLAINFIELD, TOWN OF	1800890001B	15-JAN-1999	98-05-7126A	17
05	IN	PORTER COUNTY *	1804250060B	04-JUN-1999	99-05-4104A	02
05	IN	POSEY COUNTY*	180209 B	05-MAR-1999	98-05-7052A	02
05	IN	POSEY COUNTY*	180209 B	04-JUN-1999	99-05-2896A	02
05	IN	POSEY COUNTY*	180209 B	17-MAR-1999	99-05-440A	02
05	IN	SCHERERVILLE, TOWN OF	1801420005B	06-JAN-1999	99-05-1132A	02
05	IN	SCHERERVILLE, TOWN OF	1801420005B	21-MAY-1999	99-05-3136A	02
05	IN	SEYMOUR, CITY OF	1800990004C	15-JAN-1999	99-05-1302A	01
05	IN	SEYMOUR, CITY OF	1800990004C	26-MAR-1999	99-05-2612A	02
05	IN	SEYMOUR, CITY OF	1800990004C	14-MAY-1999	99-05-4234A	02
05	IN	SEYMOUR, CITY OF	1800990004C	12-FEB-1999	99-05-864A	17
05	IN	SEYMOUR, CITY OF	1800990007C	12-FEB-1999	99-05-864A	17
05	IN	SHELBY COUNTY *	1802350080B	15-JAN-1999	99-05-1010A	02
05	IN	SHELBY COUNTY *	1802350060B	12-FEB-1999	99-05-1934A	02
05	IN	SHELBY COUNTY *	1802350060B	30-JUN-1999	99-05-2230A	02
05	IN	SHELBY COUNTY *	1802350015B	26-MAR-1999	99-05-2462A	02
05	IN	SHELBY COUNTY *	1802350080B	24-MAR-1999	99-05-2990A	02
05	IN	SHELBY COUNTY *	1802350020B	05-MAY-1999	99-05-3704A	02
05	IN	SHELBY COUNTY *	1802350040B	05-MAY-1999	99-05-3704A	02
05	IN	SHELBY COUNTY *	1802350040B	28-MAY-1999	99-05-4264A	02
05	IN	SHELBY COUNTY *	1802350090B	12-FEB-1999	99-05-678A	02
05	IN	SHELBY COUNTY *	1802350060B	23-FEB-1999	99-05-856A	02
05	IN	SPENCER COUNTY *	1802370150A	03-MAR-1999	99-05-2384A	02
05	IN	ST. JOSEPH COUNTY*	1802240025A	05-FEB-1999	98-05-6536A	02
05	IN	ST. JOSEPH COUNTY*	1802240075A	26-MAY-1999	99-05-4130A	02
05	IN	STEUBEN COUNTY*	1802430100B	03-MAR-1999	99-05-1866A	02
05	IN	STEUBEN COUNTY*	1802430100B	05-FEB-1999	99-05-1954A	02
05	IN	STEUBEN COUNTY*	1802430075B	12-FEB-1999	99-05-1958A	02
05	IN	STEUBEN COUNTY*	1802430025B	05-FEB-1999	99-05-1966A	02
05	IN	STEUBEN COUNTY*	1802430025B	10-FEB-1999	99-05-2010A	02
05	IN	STEUBEN COUNTY*	1802430075B	07-APR-1999	99-05-2060A	02
05	IN	STEUBEN COUNTY*	1802430100B	17-FEB-1999	99-05-2168A	02
05	IN	STEUBEN COUNTY*	1802430025B	31-MAR-1999	99-05-2184A	02
05	IN	STEUBEN COUNTY*	1802430025B	31-MAR-1999	99-05-2248A	02
05	IN	STEUBEN COUNTY*	1802430025B	10-FEB-1999	99-05-2294A	02
05	IN	STEUBEN COUNTY*	1802430025B	03-MAR-1999	99-05-2454A	02
05	IN	STEUBEN COUNTY*	1802430100B	12-FEB-1999	99-05-262A	02
05	IN	STEUBEN COUNTY*	1802430025B	04-JUN-1999	99-05-2658A	02
05	IN	STEUBEN COUNTY*	1802430025B	14-APR-1999	99-05-3344A	02
05	IN	STEUBEN COUNTY*	1802430025B	23-APR-1999	99-05-3470A	02
05	IN	STEUBEN COUNTY*	1802430050B	23-JUN-1999	99-05-3610A	02
05	IN	STEUBEN COUNTY*	1802430025B	14-MAY-1999	99-05-3622A	02
05	IN	STEUBEN COUNTY*	1802430025B	07-MAY-1999	99-05-4184A	02
05	IN	STEUBEN COUNTY*	1802430025B	21-MAY-1999	99-05-4456A	02
05	IN	STEUBEN COUNTY*	1802430025B	28-MAY-1999	99-05-4560A	02
05	IN	SULPHUR SPRINGS, TOWN OF	18065C0050C	14-MAY-1999	99-05-3240A	02
05	IN	TIPPECANOE COUNTY *	1804280030B	20-JAN-1999	98-05-2306A	02
05	IN	TIPPECANOE COUNTY *	1804280060B	24-MAR-1999	99-05-2700A	02
05	IN	TIPPECANOE COUNTY *	1804280020B	05-MAR-1999	99-05-620A	02
05	IN	VANDERBURGH COUNTY *	1802560100B	19-APR-1999	98-05-327P	05
05	IN	VANDERBURGH COUNTY *	1802560050B	14-APR-1999	98-05-3376A	01
05	IN	VANDERBURGH COUNTY *	1802560075C	22-JAN-1999	99-05-1186A	02
05	IN	VANDERBURGH COUNTY *	1802560100B	13-JAN-1999	99-05-1432A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	10-FEB-1999	99-05-1924A	01
05	IN	VANDERBURGH COUNTY *	1802560025C	10-FEB-1999	99-05-1950A	01
05	IN	VANDERBURGH COUNTY *	1802560025C	10-FEB-1999	99-05-2002A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	10-FEB-1999	99-05-2018A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	17-FEB-1999	99-05-2142A	01
05	IN	VANDERBURGH COUNTY *	1802560050B	24-FEB-1999	99-05-2320A	01
05	IN	VANDERBURGH COUNTY *	1802560075C	28-APR-1999	99-05-2394A	02
05	IN	VANDERBURGH COUNTY *	1802560100B	30-APR-1999	99-05-2536A	02
05	IN	VANDERBURGH COUNTY *	1802560100B	21-APR-1999	99-05-2840A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	02-APR-1999	99-05-3046A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	17-MAR-1999	99-05-3048A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	21-APR-1999	99-05-3070A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	16-APR-1999	99-05-3262A	01
05	IN	VANDERBURGH COUNTY *	1802560100B	05-MAY-1999	99-05-3412A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	21-APR-1999	99-05-3500A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
05	IN	VANDERBURGH COUNTY *	1802560025C	21-APR-1999	99-05-3502A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	07-APR-1999	99-05-3570A	01
05	IN	VANDERBURGH COUNTY *	1802560025C	07-APR-1999	99-05-3572A	01
05	IN	VANDERBURGH COUNTY *	1802560025C	11-JUN-1999	99-05-3984A	01
05	IN	VANDERBURGH COUNTY *	1802560025C	07-MAY-1999	99-05-4048A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	07-MAY-1999	99-05-4050A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	11-JUN-1999	99-05-4262A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	29-APR-1999	99-05-4466A	01
05	IN	VANDERBURGH COUNTY *	1802560025C	26-MAY-1999	99-05-4522A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	26-MAY-1999	99-05-4524A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	25-JUN-1999	99-05-4800A	02
05	IN	VANDERBURGH COUNTY *	1802560025C	03-MAR-1999	99-05-510A	01
05	IN	VANDERBURGH COUNTY *	1802560100B	27-JAN-1999	99-05-700A	01
05	IN	VANDERBURGH COUNTY *	1802560025C	03-MAR-1999	99-05-714A	02
05	IN	VIGO COUNTY *	1802630070B	24-MAR-1999	99-05-394A	02
05	IN	WARRICK COUNTY *	1804180175B	22-JAN-1999	97-05-3946A	01
05	IN	WARRICK COUNTY *	1804180125B	24-FEB-1999	99-05-1362A	02
05	IN	WARRICK COUNTY *	1804180200B	03-MAR-1999	99-05-2386A	02
05	IN	WARRICK COUNTY *	1804180175B	19-MAR-1999	99-05-960A	01
05	IN	WAYNE COUNTY *	1802800125B	20-JAN-1999	99-05-1598A	02
05	IN	WAYNE COUNTY *	1802800150B	16-JUN-1999	99-05-2442A	02
05	IN	WESTFIELD, TOWN OF	1800830011C	18-JUN-1999	99-05-4348A	01
05	IN	WESTFIELD, TOWN OF	1800830011C	20-MAY-1999	99-05-4726A	01
05	IN	WHITE COUNTY *	1804470005C	19-MAR-1999	99-05-2660A	02
05	IN	WHITE COUNTY *	1804470002C	02-APR-1999	99-05-3238A	02
05	IN	WHITE COUNTY *	1804470002C	21-APR-1999	99-05-3288A	02
05	IN	WHITE COUNTY *	1804470002C	07-MAY-1999	99-05-3394A	02
05	IN	WHITLEY COUNTY*	1802980004B	17-MAR-1999	98-05-5992A	02
05	IN	WHITLEY COUNTY*	1802980001B	11-JUN-1999	99-05-3274A	02
05	IN	WHITLEY COUNTY*	1802980002B	05-MAY-1999	99-05-3652A	02
05	IN	WINONA LAKE, TOWN OF	18085C0086C	19-FEB-1999	99-05-1550A	02
05	MI	ALBEE, TOWNSHIP OF	26145C0245D	07-APR-1999	99-05-3410A	02
05	MI	ALGONAC, CITY OF	2601910001C	27-JAN-1999	99-05-1826A	02
05	MI	ALPENA, TOWNSHIP OF	2600110037C	25-JUN-1999	99-05-1532A	02
05	MI	ANN ARBOR, CITY OF	2602130009C	12-FEB-1999	99-05-2476A	02
05	MI	ARGENTINE, TOWNSHIP OF	2603920010A	23-APR-1999	99-05-3598A	02
05	MI	ARLINGTON, TOWNSHIP OF	2607050005B	15-JAN-1999	99-05-118A	02
05	MI	AUGRES, TOWNSHIP OF	2600130010B	13-JAN-1999	98-05-5940A	02
05	MI	AUGRES, TOWNSHIP OF	2600130025B	19-MAY-1999	99-05-3882A	02
05	MI	BANGOR, TOWNSHIP OF	26017C0140D	27-JAN-1999	99-05-1536A	02
05	MI	BANGOR, TOWNSHIP OF	26017C0140D	30-APR-1999	99-05-2006A	01
05	MI	BANGOR, TOWNSHIP OF	26017C0140D	09-MAR-1999	99-05-2358A	02
05	MI	BANGOR, TOWNSHIP OF	26017C0140D	23-JUN-1999	99-05-2596A	01
05	MI	BANGOR, TOWNSHIP OF	26017C0140D	21-MAY-1999	99-05-4152A	02
05	MI	BAY CITY, CITY OF	26017C0175D	15-JAN-1999	99-05-1634A	01
05	MI	BAY MILLS, TOWNSHIP OF	2603740050B	20-JAN-1999	99-05-1882A	02
05	MI	BAY MILLS, TOWNSHIP OF	2603740050B	19-FEB-1999	99-05-2522A	02
05	MI	BAY MILLS, TOWNSHIP OF	2603740050B	09-APR-1999	99-05-3076A	02
05	MI	BEDFORD, TOWNSHIP OF	2601420008B	06-JAN-1999	99-05-1160A	02
05	MI	BEDFORD, TOWNSHIP OF	2601420008B	30-MAR-1999	99-05-3490A	17
05	MI	BELLEVUE, VILLAGE OF	260566 A	10-FEB-1999	99-05-790A	02
05	MI	BESSEMER, CITY OF	260298 B	03-FEB-1999	99-05-1782A	02
05	MI	BLOOMFIELD, TOWNSHIP OF	2601690003C	15-JAN-1999	99-05-1270A	02
05	MI	BRIDGEPORT, CHARTER TOWNSHIP OF	26145C0200D	30-APR-1999	99-05-3218A	02
05	MI	BROOMFIELD, TOWNSHIP OF	26073C0275C	02-MAR-1999	99-05-426A	02
05	MI	BROWNSTOWN, CHARTERED TOWNSHIP OF	2602180010B	15-JAN-1999	99-05-1006A	02
05	MI	BROWNSTOWN, CHARTERED TOWNSHIP OF	2602180010B	23-APR-1999	99-05-3520A	17
05	MI	BRUCE, TOWNSHIP OF	2603750050A	09-JUN-1999	99-05-2602A	02
05	MI	BUENA VISTA, TOWNSHIP OF	26145C0085D	19-MAR-1999	98-05-6614A	01
05	MI	BUENA VISTA, TOWNSHIP OF	26145C0090D	19-FEB-1999	99-05-2446A	02
05	MI	CANTON, TOWNSHIP OF	2602190009B	02-JUN-1999	99-05-1376A	01
05	MI	CASCADE CHARTER, TOWNSHIP OF	2608140025A	17-FEB-1999	99-05-2282A	02
05	MI	CASCADE CHARTER, TOWNSHIP OF	2608140025A	03-MAR-1999	99-05-2480A	02
05	MI	CASCADE CHARTER, TOWNSHIP OF	2608140025A	21-MAY-1999	99-05-2804A	02
05	MI	CASCADE CHARTER, TOWNSHIP OF	2608140025A	06-JAN-1999	99-05-850A	02
05	MI	CHEBOYGAN, CITY OF	2600580005B	06-JAN-1999	98-05-6876A	01
05	MI	CHEBOYGAN, CITY OF	2600580005B	09-JUN-1999	99-05-4154A	02
05	MI	CHESTERFIELD, TOWNSHIP OF	2601200010B	20-JAN-1999	99-05-1316A	02
05	MI	CHINA, TOWNSHIP OF	2602030015B	21-APR-1999	99-05-3256A	02
05	MI	CHOCOLAY, TOWNSHIP OF	2604480003B	04-JUN-1999	99-05-3672A	02
05	MI	CLAY, TOWNSHIP OF	2601940003B	29-JAN-1999	99-05-1776A	02
05	MI	CLAY, TOWNSHIP OF	2601940001B	31-MAR-1999	99-05-2764A	02
05	MI	CLAY, TOWNSHIP OF	2601940002B	21-JUN-1999	99-05-3432A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
05	MI	CLAY, TOWNSHIP OF	2601940003B	06-JAN-1999	99-05-858A	02
05	MI	CLINTON, TOWNSHIP OF	2601210005E	08-JAN-1999	98-05-6042A	02
05	MI	CLINTON, TOWNSHIP OF	2601210010E	17-MAR-1999	99-05-2370A	02
05	MI	CLINTON, TOWNSHIP OF	2601210010E	24-MAR-1999	99-05-2826A	02
05	MI	CLINTON, TOWNSHIP OF	2601210010E	09-JUN-1999	99-05-3784A	02
05	MI	CLINTON, TOWNSHIP OF	2601210005E	21-APR-1999	99-05-3998A	02
05	MI	CLINTON, TOWNSHIP OF	2601210005E	23-JUN-1999	99-05-4414A	02
05	MI	COLDWATER, TOWNSHIP OF	2608260010A	31-MAR-1999	99-05-3122A	02
05	MI	COLOMA, TOWNSHIP OF	2600340005B	21-APR-1999	99-05-3366A	02
05	MI	COLON, TOWNSHIP OF	2605100010A	18-JUN-1999	99-05-4088A	02
05	MI	COMMERCE, TOWNSHIP OF	2604730005B	20-JAN-1999	99-05-1918A	02
05	MI	COMMERCE, TOWNSHIP OF	2604730010B	14-APR-1999	99-05-2960A	02
05	MI	COMMERCE, TOWNSHIP OF	2604730005B	14-MAY-1999	99-05-3010A	02
05	MI	COMMERCE, TOWNSHIP OF	2604730005B	02-JUN-1999	99-05-4186A	02
05	MI	DEARBORN HEIGHTS, CITY OF	2602210001B	26-MAY-1999	99-05-4166A	01
05	MI	DEARBORN HEIGHTS, CITY OF	2602210007C	04-FEB-1999	99-05-454A	02
05	MI	EAST CHINA, TOWNSHIP OF	2601970005B	29-JAN-1999	98-05-5390A	01
05	MI	EAST LANSING, CITY OF	2600890005B	12-MAR-1999	99-05-2108A	02
05	MI	EAST LANSING, CITY OF	2600890005B	10-MAR-1999	99-05-826A	01
05	MI	ELMWOOD, TOWNSHIP OF	2601130005C	24-MAR-1999	99-05-1850A	02
05	MI	EMMETT, TOWNSHIP OF	2605610006A	20-JAN-1999	99-05-1710A	02
05	MI	EVART, TOWNSHIP OF	2608100025A	06-JAN-1999	99-05-1726A	02
05	MI	FABIUS, TOWNSHIP OF	2607810025A	13-JAN-1999	99-05-1610A	02
05	MI	FABIUS, TOWNSHIP OF	2607810025A	08-JAN-1999	99-05-1722A	02
05	MI	FABIUS, TOWNSHIP OF	2607810025A	26-FEB-1999	99-05-2648A	02
05	MI	FABIUS, TOWNSHIP OF	2607810025A	26-MAR-1999	99-05-2770A	02
05	MI	FABIUS, TOWNSHIP OF	2607810025A	02-APR-1999	99-05-3488A	02
05	MI	FABIUS, TOWNSHIP OF	2607810025A	23-JUN-1999	99-05-4826A	02
05	MI	FARMINGTON HILLS, CITY OF	2601720020B	29-JAN-1999	98-05-4196A	01
05	MI	FARMINGTON HILLS, CITY OF	2601720005B	20-JAN-1999	99-05-1614A	17
05	MI	FARMINGTON HILLS, CITY OF	2601720015B	26-MAR-1999	99-05-2926A	02
05	MI	FARMINGTON HILLS, CITY OF	2601720005B	30-JUN-1999	99-05-3836A	02
05	MI	FARMINGTON HILLS, CITY OF	2601720005B	25-JUN-1999	99-05-4714A	02
05	MI	FENTON, TOWNSHIP OF	2603940008B	16-APR-1999	99-05-3444A	02
05	MI	FLAT ROCK, CITY OF	2602240003B	23-FEB-1999	99-05-1534A	02
05	MI	FLAT ROCK, CITY OF	2602240003B	02-JUN-1999	99-05-3074A	02
05	MI	FLINT, CITY OF	2600760020C	31-MAR-1999	99-05-2494A	02
05	MI	FORK, TOWNSHIP OF	2606330017A	24-MAR-1999	99-05-1182A	01
05	MI	FOWLERVILLE,VILLAGE OF	2604390001A	06-JAN-1999	98-05-5646A	01
05	MI	FOWLERVILLE,VILLAGE OF	2604390001A	16-APR-1999	99-05-3546A	02
05	MI	FRANKENLUST, TOWNSHIP OF	26017C0200D	25-JUN-1999	99-05-3020A	02
05	MI	FRANKENLUST, TOWNSHIP OF	26017C0205D	23-APR-1999	99-05-3478A	02
05	MI	FRASER, CITY OF	2601220001B	21-MAY-1999	99-05-3184A	02
05	MI	FRASER, TOWNSHIP OF	26017C0085D	22-JAN-1999	99-05-1770A	02
05	MI	FRENCHTOWN, TOWNSHIP OF	2601460004B	28-MAY-1999	99-05-2992A	02
05	MI	FRENDONIA, TOWNSHIP OF	260562 A	18-MAY-1999	99-05-2046A	02
05	MI	FRENDONIA, TOWNSHIP OF	260562 A	03-MAR-1999	99-05-2722A	02
05	MI	FRENDONIA, TOWNSHIP OF	260562 A	19-MAY-1999	99-05-3664A	02
05	MI	FRUITLAND, TOWNSHIP OF	260265 B	13-JAN-1999	99-05-1658A	02
05	MI	FRUITLAND, TOWNSHIP OF	260265 B	03-MAR-1999	99-05-2078A	02
05	MI	FRUITLAND, TOWNSHIP OF	260265 B	28-APR-1999	99-05-3564A	02
05	MI	GAINES, TOWNSHIP OF	2602930004A	12-MAY-1999	99-05-2496A	02
05	MI	GIBRALTAR, CITY OF	2602260001B	06-JAN-1999	98-05-6742A	02
05	MI	GRAND HAVEN, TOWNSHIP OF	2602700005B	10-FEB-1999	99-05-2000A	02
05	MI	GRAND HAVEN, TOWNSHIP OF	2602700005B	24-MAR-1999	99-05-2198A	02
05	MI	GRAND HAVEN, TOWNSHIP OF	2602700005B	12-MAY-1999	99-05-3780A	02
05	MI	GREEN OAK, TOWNSHIP OF	2604400005B	24-MAR-1999	99-05-2544A	02
05	MI	GREEN OAK, TOWNSHIP OF	2604400020B	23-APR-1999	99-05-3436A	02
05	MI	GREEN OAK, TOWNSHIP OF	2604400015B	14-MAY-1999	99-05-3794A	02
05	MI	GREEN OAK, TOWNSHIP OF	2604400020B	06-JAN-1999	99-05-810A	02
05	MI	GREEN OAK, TOWNSHIP OF	2604400015B	13-JAN-1999	99-05-818A	02
05	MI	GREEN OAK, TOWNSHIP OF	2604400015B	13-JAN-1999	99-05-982A	02
05	MI	GREENBUSH, TOWNSHIP OF	2600010004C	05-MAR-1999	99-05-2028A	02
05	MI	GREENBUSH, TOWNSHIP OF	2600010007C	30-APR-1999	99-05-2468A	02
05	MI	GREENBUSH, TOWNSHIP OF	2600010007C	30-APR-1999	99-05-3592A	02
05	MI	GREENBUSH, TOWNSHIP OF	2600010007C	14-MAY-1999	99-05-3724A	02
05	MI	GREENBUSH, TOWNSHIP OF	2600010007C	28-APR-1999	99-05-3842A	02
05	MI	GREENBUSH, TOWNSHIP OF	2600010007C	30-JUN-1999	99-05-4596A	02
05	MI	GROSSE ILE, TOWNSHIP OF	2602270010B	23-JUN-1999	99-05-2796A	02
05	MI	GROSSE ILE, TOWNSHIP OF	2602270005B	13-JAN-1999	99-05-746A	02
05	MI	HAMPTON, TOWNSHIP OF	26017C0190D	19-MAY-1999	99-05-1912A	01
05	MI	HARRISON, TOWNSHIP OF	2601230010C	06-JAN-1999	99-05-1088A	02
05	MI	HARRISON, TOWNSHIP OF	2601230010C	10-FEB-1999	99-05-1286A	02

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05	MI	HARRISON, TOWNSHIP OF	2601230005C	10-FEB-1999	99-05-2042A	02
05	MI	HARRISON, TOWNSHIP OF	2601230010C	12-MAY-1999	99-05-2120A	02
05	MI	HARRISON, TOWNSHIP OF	2601230005C	05-FEB-1999	99-05-2130A	02
05	MI	HARRISON, TOWNSHIP OF	2601230010C	31-MAR-1999	99-05-2324A	02
05	MI	HARRISON, TOWNSHIP OF	2601230010C	17-FEB-1999	99-05-2448A	02
05	MI	HARRISON, TOWNSHIP OF	2601230005C	23-JUN-1999	99-05-4434A	02
05	MI	HARRISON, TOWNSHIP OF	2601230005C	30-JUN-1999	99-05-4582A	02
05	MI	HARTLAND, TOWNSHIP OF	2607840005B	21-MAY-1999	99-05-3308A	02
05	MI	HAYNES, TOWNSHIP OF	260274 A	22-JAN-1999	99-05-1538A	02
05	MI	HAYNES, TOWNSHIP OF	260274 A	02-APR-1999	99-05-3306A	02
05	MI	HIGHLAND, TOWNSHIP OF	2606500005A	19-MAY-1999	99-05-2940A	02
05	MI	HIGHLAND, TOWNSHIP OF	2606500010A	19-MAR-1999	99-05-3120A	02
05	MI	HIGHLAND, TOWNSHIP OF	2606500010A	19-MAY-1999	99-05-4102A	02
05	MI	HOWELL, CITY OF	260441 A	21-MAY-1999	99-05-4000A	02
05	MI	HUDSONVILLE, CITY OF	2604930002A	19-FEB-1999	99-05-2196A	02
05	MI	IDA, TOWNSHIP OF	2601470015B	24-MAR-1999	99-05-2636A	01
05	MI	INDEPENDENCE, TOWNSHIP OF	2604750006B	26-FEB-1999	98-05-6838A	02
05	MI	INDEPENDENCE, TOWNSHIP OF	2604750006B	22-JAN-1999	99-05-1664A	02
05	MI	INDEPENDENCE, TOWNSHIP OF	2604750006B	12-FEB-1999	99-05-2216A	02
05	MI	IRA, TOWNSHIP OF	2601990005B	17-FEB-1999	99-05-1612A	02
05	MI	JAMES, TOWNSHIP OF	26145C0125D	24-FEB-1999	99-05-1942A	02
05	MI	JAMES, TOWNSHIP OF	26145C0130D	07-MAY-1999	99-05-4170A	02
05	MI	JOHNSTOWN, TOWNSHIP OF	260355 A	27-JAN-1999	99-05-362A	02
05	MI	KENTWOOD, CITY OF	2601070010B	08-JAN-1999	99-05-1584A	02
05	MI	KOCHVILLE, TOWNSHIP OF	26145C0080D	06-JAN-1999	99-05-1334A	02
05	MI	LAGRANGE, TOWNSHIP OF	260366 A	16-APR-1999	99-05-060A	02
05	MI	LAKE, TOWNSHIP OF	260030 A	22-APR-1999	99-05-2146A	02
05	MI	LANSING, CITY OF	2600900006B	19-MAR-1999	98-05-5718A	02
05	MI	LEELANAU, TOWNSHIP OF	260114 B	03-FEB-1999	99-05-1838A	02
05	MI	LEELANAU, TOWNSHIP OF	260114 B	30-APR-1999	99-05-3170A	02
05	MI	LEELANAU, TOWNSHIP OF	260114 B	19-MAY-1999	99-05-3384A	02
05	MI	LEELANAU, TOWNSHIP OF	260114 B	08-JAN-1999	99-05-824A	02
05	MI	LINCOLN, TOWNSHIP OF	2600370001B	10-FEB-1999	99-05-1084A	02
05	MI	LINCOLN, TOWNSHIP OF	2608280010A	27-JAN-1999	99-05-1622A	02
05	MI	LINCOLN, TOWNSHIP OF	2600370001B	10-FEB-1999	99-05-842A	02
05	MI	LINCOLN, TOWNSHIP OF	2608280010A	05-FEB-1999	99-05-988A	02
05	MI	LONG LAKE, TOWNSHIP OF	2607820025A	17-MAR-1999	99-05-2736A	02
05	MI	MACOMB, TOWNSHIP OF		07-MAR-1999	98-05-241P	06
05	MI	MACOMB, TOWNSHIP OF	2604450020B	03-APR-1999	99-05-017P	06
05	MI	MACOMB, TOWNSHIP OF	2604450010B	21-MAY-1999	99-05-1662A	02
05	MI	MACOMB, TOWNSHIP OF	2604450015B	25-MAY-1999	99-05-2606A	01
05	MI	MACOMB, TOWNSHIP OF	2604450020B	12-MAY-1999	99-05-3290A	02
05	MI	MANISTIQUE, CITY OF	2605950001A	14-MAY-1999	99-05-3152A	02
05	MI	MARENGO, TOWNSHIP OF	2605630005A	23-JUN-1999	99-05-1298A	02
05	MI	MENOMINEE, CITY OF	2601380005B	14-MAY-1999	99-05-3594A	02
05	MI	MENOMINEE, TOWNSHIP OF	2607020030B	05-FEB-1999	99-05-1516A	02
05	MI	MENOMINEE, TOWNSHIP OF	2607020030B	03-MAR-1999	99-05-2026A	02
05	MI	MERIDIAN, CHARTER TOWNSHIP OF	2600930001A	03-FEB-1999	99-05-1444A	17
05	MI	MERIDIAN, CHARTER TOWNSHIP OF	2600930001A	22-JAN-1999	99-05-1718A	02
05	MI	MERIDIAN, CHARTER TOWNSHIP OF	2600930001A	01-APR-1999	99-05-2138A	02
05	MI	MERIDIAN, CHARTER TOWNSHIP OF	2600930001A	05-MAR-1999	99-05-2414A	17
05	MI	MERIDIAN, CHARTER TOWNSHIP OF	2600930001A	09-JUN-1999	99-05-2792A	02
05	MI	MERIDIAN, CHARTER TOWNSHIP OF	2600930001A	18-JUN-1999	99-05-4176A	02
05	MI	MERIDIAN, CHARTER TOWNSHIP OF	2600930001A	25-JUN-1999	99-05-4298A	02
05	MI	MERIDIAN, CHARTER TOWNSHIP OF	2600930001A	08-JAN-1999	99-05-778A	02
05	MI	MIDLAND, CITY OF	2601400005D	08-JAN-1999	99-05-1372A	02
05	MI	MIDLAND, CITY OF	2601400005D	28-MAY-1999	99-05-1486A	02
05	MI	MIDLAND, CITY OF	2601400007D	20-JAN-1999	99-05-1630A	02
05	MI	MIDLAND, CITY OF	2601400005D	17-FEB-1999	99-05-2400A	02
05	MI	MIDLAND, CITY OF	2601400007D	26-MAR-1999	99-05-3056A	02
05	MI	MIDLAND, CITY OF	2601400007D	28-APR-1999	99-05-3270A	02
05	MI	MIDLAND, CITY OF	2601400007D	16-JUN-1999	99-05-4268A	02
05	MI	MOUNT PLEASANT, CITY OF	26073C0306C	26-MAY-1999	99-05-3738A	02
05	MI	NAHMA, TOWNSHIP OF	26041C0100C	21-APR-1999	99-05-3448A	02
05	MI	NEW BALTIMORE, CITY OF	2601250005B	30-JUN-1999	99-05-5076A	02
05	MI	NILES, TOWNSHIP OF	260041 B	19-MAY-1999	99-05-1754A	02
05	MI	NORTHFIELD, TOWNSHIP OF	2606350005A	30-APR-1999	99-05-3052A	02
05	MI	NORTHFIELD, TOWNSHIP OF	2606350005A	21-APR-1999	99-05-3198A	02
05	MI	NORTHVILLE, CITY OF	2602350001A	05-FEB-1999	99-05-1264A	02
05	MI	NOTTAWA, TOWNSHIP OF	2605140015B	26-MAR-1999	99-05-2574A	02
05	MI	NOTTAWA, TOWNSHIP OF	26073C0165C	16-JUN-1999	99-05-4784A	02
05	MI	NOTTAWA, TOWNSHIP OF	26073C0165C	16-JUN-1999	99-05-4788A	02
05	MI	NOVI, CITY OF	2601750008C	03-FEB-1999	99-05-1256A	01

Region	State	Community	Map panel	Determination date	Case No.	Type
05	MI	NOVI, CITY OF	2601750008C	30-APR-1999	99-05-3720A	02
05	MI	OSCODA, TOWNSHIP OF	2601010025C	15-JAN-1999	99-05-1458A	02
05	MI	OSCODA, TOWNSHIP OF	2601010050C	14-APR-1999	99-05-3304A	02
05	MI	OSCODA, TOWNSHIP OF	2601010050C	07-APR-1999	99-05-3442A	02
05	MI	OSCODA, TOWNSHIP OF	2601010025C	28-APR-1999	99-05-3980A	02
05	MI	OSCODA, TOWNSHIP OF	2601010025C	11-JUN-1999	99-05-4504A	02
05	MI	OSCODA, TOWNSHIP OF	2601010025C	28-MAY-1999	99-05-4618A	02
05	MI	PLAINFIELD, TOWNSHIP OF	2601090010B	26-MAY-1999	99-05-4284A	02
05	MI	PLYMOUTH, TOWNSHIP OF	2602370005C	21-APR-1999	99-05-1462A	02
05	MI	PLYMOUTH, TOWNSHIP OF	2602370005C	21-MAY-1999	99-05-2428A	02
05	MI	PLYMOUTH, TOWNSHIP OF	2602370005C	02-JUN-1999	99-05-2704A	17
05	MI	PORT AUSTIN, TOWNSHIP OF	260290 C	26-MAR-1999	99-05-2118A	02
05	MI	PORTAGE, CITY OF	2605770006A	19-MAY-1999	99-05-4178A	02
05	MI	REDFORD, TOWNSHIP OF	2602380005B	27-JAN-1999	98-05-7130A	17
05	MI	REDFORD, TOWNSHIP OF	2602380005B	03-MAR-1999	99-05-1784A	02
05	MI	REDFORD, TOWNSHIP OF	2602380005B	14-MAY-1999	99-05-3924A	02
05	MI	ROSS, TOWNSHIP OF	2606240010A	11-MAY-1999	99-05-2880A	02
05	MI	SAGINAW, TOWNSHIP OF	26145C0130D	17-FEB-1999	99-05-1672A	02
05	MI	SAULT SAINTE MARIE, CITY OF	2600590003B	27-JAN-1999	99-05-1708A	02
05	MI	SELMA, TOWNSHIP OF	26165C0319C	08-JAN-1999	99-05-1066A	02
05	MI	SELMA, TOWNSHIP OF	26165C0338C	17-MAR-1999	99-05-2356A	02
05	MI	SELMA, TOWNSHIP OF	26165C0338C	18-JUN-1999	99-05-4144A	02
05	MI	SELMA, TOWNSHIP OF	26165C0319C	07-MAY-1999	99-05-4188A	02
05	MI	SELMA, TOWNSHIP OF	26165C0319C	07-MAY-1999	99-05-4190A	02
05	MI	SELMA, TOWNSHIP OF	26165C0319C	30-JUN-1999	99-05-4260A	02
05	MI	SHELBY, TOWNSHIP OF	2601260010B	23-JUN-1999	98-05-406A	01
05	MI	SHELBY, TOWNSHIP OF	2601260010B	30-APR-1999	99-05-4126A	02
05	MI	SILVER CREEK, TOWNSHIP OF	260369 B	20-JAN-1999	99-05-722A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	17-MAR-1999	99-05-1272A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	27-JAN-1999	99-05-1430A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	08-JAN-1999	99-05-1460A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	02-APR-1999	99-05-1830A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	29-JAN-1999	99-05-1862A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	29-JAN-1999	99-05-1864A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	31-MAR-1999	99-05-2890A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	31-MAR-1999	99-05-3058A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	02-APR-1999	99-05-3282A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	02-APR-1999	99-05-3324A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	23-APR-1999	99-05-3402A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	05-MAY-1999	99-05-3404A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	15-JAN-1999	99-05-366A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	05-MAY-1999	99-05-3770A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	23-JUN-1999	99-05-3796A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	19-MAY-1999	99-05-3878A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	21-MAY-1999	99-05-3880A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	19-MAY-1999	99-05-3888A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	19-MAY-1999	99-05-4012A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	11-JUN-1999	99-05-4256A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	18-JUN-1999	99-05-4554A	02
05	MI	STERLING HEIGHTS, CITY OF	2601280010E	19-MAY-1999	97-05-123P	05
05	MI	STERLING HEIGHTS, CITY OF	2601280010E	19-MAY-1999	98-05-169P	06
05	MI	STERLING HEIGHTS, CITY OF	2601800002D	19-MAY-1999	98-05-169P	06
05	MI	STERLING HEIGHTS, CITY OF	2601280010E	03-MAR-1999	99-05-1852A	17
05	MI	STERLING HEIGHTS, CITY OF	2601280015F	14-MAY-1999	99-05-2508A	02
05	MI	STERLING HEIGHTS, CITY OF	2601280015F	26-MAY-1999	99-05-2662A	02
05	MI	STERLING HEIGHTS, CITY OF	2601280015F	09-APR-1999	99-05-3246A	02
05	MI	STERLING HEIGHTS, CITY OF	2601280015F	09-JUN-1999	99-05-4134A	02
05	MI	STERLING HEIGHTS, CITY OF	2601280020E	09-JUN-1999	99-05-4134A	02
05	MI	STERLING HEIGHTS, CITY OF	2601280015F	11-JUN-1999	99-05-4384A	02
05	MI	SUMPTER, TOWNSHIP OF	2602430010C	30-JUN-1999	99-05-2716A	01
05	MI	SUPERIOR, TOWNSHIP OF	2603800002B	30-APR-1999	99-05-3202A	02
05	MI	SWAN CREEK, TOWNSHIP OF	26145C0125D	27-JAN-1999	99-05-1652A	02
05	MI	SWAN CREEK, TOWNSHIP OF	26145C0125D	05-FEB-1999	99-05-1992A	02
05	MI	SWAN CREEK, TOWNSHIP OF	26145C0125D	19-FEB-1999	99-05-2296A	02
05	MI	SWAN CREEK, TOWNSHIP OF	26145C0125D	09-APR-1999	99-05-2900A	02
05	MI	SWAN CREEK, TOWNSHIP OF	26145C0125D	26-MAY-1999	99-05-4448A	02
05	MI	SWAN CREEK, TOWNSHIP OF	26145C0125D	25-JUN-1999	99-05-4906A	02
05	MI	TALLMADGE, TOWNSHIP OF	2604940010B	26-MAR-1999	99-05-2332A	02
05	MI	TALLMADGE, TOWNSHIP OF	2604940015B	07-MAY-1999	99-05-3578A	17
05	MI	TALLMADGE, TOWNSHIP OF	2604940005B	03-MAR-1999	99-05-594A	02
05	MI	TAYLOR, CITY OF	2607280004A	02-APR-1999	99-05-2212A	02
05	MI	TAYLOR, CITY OF	2607280002A	14-MAY-1999	99-05-3222A	01
05	MI	TAYMOUTH, TOWNSHIP OF	26145C0250D	01-APR-1999	99-05-2364A	02

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05	MI	THOMAS, TOWNSHIP OF	26145C0125D	05-MAR-1999	99-05-1206A	17
05	MI	THOMAS, TOWNSHIP OF	26145C0125D	22-JAN-1999	99-05-1504A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0070D	27-JAN-1999	99-05-1600A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0125D	26-FEB-1999	99-05-1940A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0130D	21-APR-1999	99-05-2008A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0125D	19-FEB-1999	99-05-2122A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0130D	17-FEB-1999	99-05-2286A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0125D	02-APR-1999	99-05-2882A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0130D	02-APR-1999	99-05-2882A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0130D	14-APR-1999	99-05-3378A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0130D	12-MAY-1999	99-05-3408A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0130D	21-MAY-1999	99-05-4498A	02
05	MI	THOMAS, TOWNSHIP OF	26145C0130D	30-JUN-1999	99-05-4702A	02
05	MI	TROY, CITY OF	2601280010E	19-MAY-1999	98-05-169P	06
05	MI	TROY, CITY OF	2601800002D	19-MAY-1999	98-05-169P	06
05	MI	TROY, CITY OF	2601800003E	06-JAN-1999	99-05-1426A	02
05	MI	TROY, CITY OF	2601800002D	10-FEB-1999	99-05-1492A	02
05	MI	TROY, CITY OF	2601800003E	05-JAN-1999	99-05-1744A	02
05	MI	TROY, CITY OF	2601800004E	22-JAN-1999	99-05-1786A	02
05	MI	TROY, CITY OF	2601800004E	05-FEB-1999	99-05-2136A	02
05	MI	TROY, CITY OF	2601800003E	02-APR-1999	99-05-2330A	02
05	MI	TROY, CITY OF	2601800004E	02-APR-1999	99-05-2402A	02
05	MI	TROY, CITY OF	2601800006E	24-FEB-1999	99-05-2518A	02
05	MI	TROY, CITY OF	2601800004E	12-MAR-1999	99-05-2656A	02
05	MI	TROY, CITY OF	2601800006E	02-APR-1999	99-05-3388A	02
05	MI	TROY, CITY OF	2601800004E	12-MAY-1999	99-05-3434A	02
05	MI	TROY, CITY OF	2601800004E	12-MAY-1999	99-05-3620A	02
05	MI	TROY, CITY OF	2601800004E	06-JAN-1999	99-05-618A	02
05	MI	TROY, CITY OF	2601800006E	06-JAN-1999	99-05-990A	02
05	MI	UNION, TOWNSHIP OF	2608050025A	06-JAN-1999	98-05-4640A	02
05	MI	UNION, TOWNSHIP OF	2608050025A	03-MAR-1999	99-05-2568A	02
05	MI	VICTOR, TOWNSHIP OF	2607200010B	08-JAN-1999	99-05-378A	02
05	MI	WARREN, CITY OF	2601290010C	06-JAN-1999	98-05-6790A	02
05	MI	WARREN, CITY OF	2601290005C	10-FEB-1999	99-05-2152A	02
05	MI	WARREN, CITY OF	2601290005C	18-MAY-1999	99-05-3538A	01
05	MI	WATERFORD, CHARTER TOWNSHIP OF	2602840005B	31-MAR-1999	99-05-2572A	02
05	MI	WATERFORD, CHARTER TOWNSHIP OF	2602840005B	30-JUN-1999	99-05-4202A	02
05	MI	WATERFORD, CHARTER TOWNSHIP OF	2602840010B	25-JUN-1999	99-05-4750A	02
05	MI	WEST BLOOMFIELD, TOWNSHIP OF	2601820005B	13-JAN-1999	99-05-1214A	02
05	MI	WESTLAND, CITY OF	2607390005A	02-JUN-1999	99-05-4290A	02
05	MI	WHITE LAKE, TOWNSHIP OF	2604790010B	19-MAR-1999	99-05-2020A	02
05	MI	WHITE LAKE, TOWNSHIP OF	2604790005B	23-APR-1999	99-05-3374A	02
05	MI	WHITE LAKE, TOWNSHIP OF	2604790010B	04-JUN-1999	99-05-4214A	02
05	MI	WHITEFISH, TOWNSHIP OF	2603210100C	21-APR-1999	99-05-3534A	02
05	MI	WILLIAMSTON, CITY OF	2600940001B	03-MAR-1999	99-05-2374A	02
05	MI	WILLIAMSTON, CITY OF	2600940001B	21-MAY-1999	99-05-2962A	02
05	MI	WOLVERINE LAKE, VILLAGE OF	260480 A	20-JAN-1999	99-05-1762A	02
05	MI	WOLVERINE LAKE, VILLAGE OF	260480 A	12-MAY-1999	99-05-3890A	02
05	MI	WOLVERINE LAKE, VILLAGE OF	260480 A	17-FEB-1999	99-05-654A	02
05	MI	WYOMING, CITY OF	2601110005C	14-APR-1999	99-05-3192A	01
05	MI	ZILWAUKEE, CITY OF	26145C0085D	20-JAN-1999	99-05-1210A	02
05	MI	ZILWAUKEE, CITY OF	26145C0085D	24-FEB-1999	99-05-2284A	02
05	MI	ZILWAUKEE, CITY OF	26145C0085D	02-APR-1999	99-05-2924A	02
05	MI	ZILWAUKEE, CITY OF	26145C0085D	28-APR-1999	99-05-3960A	02
05	MI	ZILWAUKEE, CITY OF	26145C0085D	07-MAY-1999	99-05-4084A	02
05	MI	ZILWAUKEE, CITY OF	26145C0085D	22-JAN-1999	99-05-496A	02
05	MN	AFTON, CITY OF	275226 A	20-JAN-1999	98-05-4550A	02
05	MN	AITKIN COUNTY *	2706280400C	26-MAY-1999	99-05-4280A	02
05	MN	ANDOVER, CITY OF	2706890015B	09-APR-1999	99-05-460A	02
05	MN	ANOKA COUNTY *	2700050025A	18-JUN-1999	99-05-2244A	02
05	MN	ANOKA, CITY OF	275227 A	03-MAR-1999	99-05-1952A	02
05	MN	AUSTIN, CITY OF	2752280004B	09-APR-1999	99-05-3196A	02
05	MN	BLAINE, CITY OF	2700070010C	15-APR-1999	98-05-421P	05
05	MN	BLAINE, CITY OF	2700070005C	13-JAN-1999	99-05-1112A	17
05	MN	BLAINE, CITY OF	2700070005C	19-FEB-1999	99-05-1230A	02
05	MN	BLAINE, CITY OF	2700070005C	13-JAN-1999	99-05-1590A	17
05	MN	BLAINE, CITY OF	2700070005C	05-MAR-1999	99-05-2640A	02
05	MN	BLAINE, CITY OF	2700070010C	26-MAY-1999	99-05-3002A	01
05	MN	BLAINE, CITY OF	2700070005C	11-JUN-1999	99-05-3554A	02
05	MN	BLAINE, CITY OF	2700070005C	28-APR-1999	99-05-3714A	02
05	MN	BLAINE, CITY OF	2700070005C	11-JUN-1999	99-05-3856A	02
05	MN	BROOKLYN PARK, CITY OF	2701520004C	12-MAR-1999	99-05-2630A	02
05	MN	CENTERVILLE, CITY OF	2700080001B	05-MAR-1999	99-05-1370A	02

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05	MN	CENTERVILLE, CITY OF	2700080001B	26-MAY-1999	99-05-372A	02
05	MN	CHANHASSEN, CITY OF	2700510005B	11-JUN-1999	99-05-4156A	02
05	MN	CHISAGO COUNTY *	2706820150C	19-MAR-1999	99-05-2670A	02
05	MN	CHISAGO COUNTY *	2706820150C	21-MAY-1999	99-05-4432A	02
05	MN	COON RAPIDS,CITY OF	2700110001A	13-JAN-1999	99-05-1400A	01
05	MN	COON RAPIDS,CITY OF	2700110002A	03-MAR-1999	99-05-2560A	02
05	MN	COON RAPIDS,CITY OF	2700110001A	18-JUN-1999	99-05-4568A	02
05	MN	CROOKSTON, CITY OF	2703640002C	12-FEB-1999	99-05-2290A	02
05	MN	CROSSLAKE, CITY OF	270095 B	05-FEB-1999	99-05-1220A	02
05	MN	CROSSLAKE, CITY OF	270095 B	25-JUN-1999	99-05-3336A	02
05	MN	CROSSLAKE, CITY OF	270095 B	21-MAY-1999	99-05-4218A	02
05	MN	CROSSLAKE, CITY OF	270095 B	17-MAR-1999	99-05-860A	02
05	MN	CROW WING COUNTY *	2700910200B	24-FEB-1999	99-05-2566A	02
05	MN	DAKOTA COUNTY *	2701010250B	12-MAY-1999	98-05-6520A	02
05	MN	DAKOTA COUNTY *	2701010200B	30-JUN-1999	99-05-2750A	02
05	MN	DAKOTA COUNTY *	2701010150B	30-JUN-1999	99-05-3462A	02
05	MN	DELANO, CITY OF	2705390001C	10-FEB-1999	99-05-1712A	02
05	MN	DODGE COUNTY *	2705480025B	14-APR-1999	99-05-2412A	02
05	MN	EAST BETHEL, CITY OF	2700120010A	17-MAR-1999	99-05-2672A	02
05	MN	EAST BETHEL, CITY OF	2700120005A	12-MAY-1999	99-05-2694A	17
05	MN	EAST GRAND FORKS, CITY OF	2752360005C	19-MAY-1999	99-05-4114A	02
05	MN	EDEN PRAIRIE, CITY OF	2701590010C	27-JAN-1999	98-05-6560A	02
05	MN	EDEN PRAIRIE, CITY OF	2701590005C	15-JAN-1999	99-05-1704A	02
05	MN	EDEN PRAIRIE, CITY OF	2701590005C	24-MAR-1999	99-05-2190A	02
05	MN	EDINA, CITY OF	2701600002B	07-MAY-1999	99-05-3560A	02
05	MN	EDINA, CITY OF	2701600002B	23-FEB-1999	99-05-796A	02
05	MN	FRIDLEY, CITY OF	2700130003B	30-APR-1999	99-05-2652A	01
05	MN	GREENFIELD, CITY OF	2706730010C	14-APR-1999	99-05-2866A	02
05	MN	HAM LAKE, CITY OF	2706740010B	30-MAR-1999	99-05-2502A	02
05	MN	HAM LAKE, CITY OF	2706740005B	07-MAY-1999	99-05-3382A	02
05	MN	HAM LAKE, CITY OF	2706740010B	19-MAY-1999	99-05-3480A	02
05	MN	HAM LAKE, CITY OF	2706740005B	26-MAY-1999	99-05-4292A	02
05	MN	HASTINGS,CITY OF	2701050005D	21-APR-1999	99-05-1274A	01
05	MN	ISANTI COUNTY *	2701970035B	05-MAR-1999	98-05-5834A	02
05	MN	ISANTI COUNTY *	2701970080B	22-JAN-1999	98-05-6994A	02
05	MN	ISANTI COUNTY *	2701970060B	05-FEB-1999	99-05-1842A	02
05	MN	ISANTI COUNTY *	2701970010A	21-APR-1999	99-05-2776A	02
05	MN	ISANTI COUNTY *	2701970060B	17-MAR-1999	99-05-2884A	02
05	MN	ISANTI COUNTY *	2701970050A	26-MAR-1999	99-05-3006A	02
05	MN	ISANTI COUNTY *	2701970035B	09-JUN-1999	99-05-4058A	02
05	MN	ISANTI COUNTY *	2701970035B	10-FEB-1999	99-05-838A	02
05	MN	ITASCA COUNTY *	2702000775A	05-MAR-1999	99-05-1946A	02
05	MN	ITASCA COUNTY *	2702000775A	21-APR-1999	99-05-3142A	02
05	MN	KANABEC COUNTY *	2702140250A	28-MAY-1999	99-05-2450A	02
05	MN	LAKEVILLE, CITY OF	2701070002C	26-FEB-1999	99-05-2558A	17
05	MN	LE SUEUR COUNTY *	2702460135A	07-APR-1999	99-05-2822A	02
05	MN	LINO LAKES, CITY OF	2700150010B	18-FEB-1999	97-05-275P	06
05	MN	LINO LAKES, CITY OF	2700150010B	24-MAR-1999	98-05-6484A	01
05	MN	LINO LAKES, CITY OF	2700150010B	26-MAY-1999	98-05-6500A	02
05	MN	LINO LAKES, CITY OF	2700150010B	01-APR-1999	99-05-2312A	01
05	MN	LINO LAKES, CITY OF	2700150010B	30-JUN-1999	99-05-4620A	02
05	MN	MAPLE GROVE, CITY OF	2701690003B	15-JAN-1999	99-05-1544A	02
05	MN	MAPLE GROVE, CITY OF	2701690001B	22-JAN-1999	99-05-2064A	01
05	MN	MAPLE GROVE, CITY OF	2701690003B	14-MAY-1999	99-05-3348A	02
05	MN	MAPLE GROVE, CITY OF	2701690003B	03-MAR-1999	99-05-966A	02
05	MN	MAPLEWOOD, CITY OF	270378 C	05-MAR-1999	99-05-418A	02
05	MN	MAPLEWOOD, CITY OF	270378 C	03-MAR-1999	99-05-558A	02
05	MN	MAPLEWOOD, CITY OF	270378 C	03-MAR-1999	99-05-580A	02
05	MN	MAPLEWOOD, CITY OF	270378 C	08-JAN-1999	99-05-732A	02
05	MN	MC LEOD COUNTY *	2706160025C	13-JAN-1999	99-05-1194A	02
05	MN	MILLE LACS COUNTY *	2706240100B	12-FEB-1999	99-05-1834A	02
05	MN	MINNETONKA, CITY OF	2701730001C	19-MAR-1999	99-05-2162A	02
05	MN	MINNETRISTA, CITY OF	270175 B	22-JAN-1999	99-05-946A	02
05	MN	MOORHEAD, CITY OF	2752440010D	26-MAR-1999	99-05-1244A	01
05	MN	MOORHEAD, CITY OF	2752440005D	22-JAN-1999	99-05-1858A	02
05	MN	MOORHEAD, CITY OF	2752440005D	17-FEB-1999	99-05-2128A	02
05	MN	MOORHEAD, CITY OF	2752440010D	25-JUN-1999	99-05-4124A	02
05	MN	MOORHEAD, CITY OF	2752440005D	16-JUN-1999	99-05-4304A	02
05	MN	NEW BRIGHTON, CITY OF	2703800005B	26-MAR-1999	99-05-1606A	02
05	MN	NORTHFIELD, CITY OF	2704060001B	21-APR-1999	99-05-2334A	01
05	MN	OLMSTED COUNTY *	27109C0144E	11-FEB-1999	98-05-313P	05
05	MN	OLMSTED COUNTY *	27109C0282E	11-FEB-1999	98-05-313P	05
05	MN	OLMSTED COUNTY *	27109C0301E	11-FEB-1999	98-05-313P	05

Region	State	Community	Map panel	Determination date	Case No.	Type
05	MN	OLMSTED COUNTY *	27109C0050D	17-FEB-1999	99-05-1752A	02
05	MN	OLMSTED COUNTY *	27109C0075D	19-FEB-1999	99-05-1886A	02
05	MN	OLMSTED COUNTY *	27109C0025D	12-FEB-1999	99-05-2396A	02
05	MN	ORONO, CITY OF	2701780005C	19-FEB-1999	99-05-2252A	02
05	MN	OTSEGO, CITY OF	2707470002A	15-JAN-1999	98-05-7090A	02
05	MN	PINE COUNTY *	2707040400B	09-JUN-1999	99-05-4642A	02
05	MN	PIPESTONE COUNTY*	2706270100B	03-FEB-1999	99-05-414A	02
05	MN	PRESTON, CITY OF	2701290001D	03-FEB-1999	99-05-158A	02
05	MN	PRINCETON, CITY OF	2702920001B	07-MAY-1999	99-05-4056A	02
05	MN	PRIOR LAKE, CITY OF	2704320004C	22-JAN-1999	99-05-1004A	02
05	MN	PRIOR LAKE, CITY OF	2704320003C	15-JAN-1999	99-05-1258A	02
05	MN	PRIOR LAKE, CITY OF	2704320002C	12-MAR-1999	99-05-1596A	01
05	MN	PRIOR LAKE, CITY OF	2704320002C	21-MAY-1999	99-05-2590A	02
05	MN	PRIOR LAKE, CITY OF	2704320002C	24-MAR-1999	99-05-2860A	02
05	MN	PRIOR LAKE, CITY OF	2704320002C	23-APR-1999	99-05-3000A	01
05	MN	PRIOR LAKE, CITY OF	2704320004C	08-JAN-1999	99-05-616A	02
05	MN	PRIOR LAKE, CITY OF	2704320003C	30-APR-1999	99-05-930A	02
05	MN	RAMSEY, CITY OF	2706810020B	24-FEB-1999	99-05-1812A	02
05	MN	RAMSEY, CITY OF	2706810010B	28-MAY-1999	99-05-2192A	01
05	MN	RAMSEY, CITY OF	2706810010B	29-JUN-1999	99-05-5048A	17
05	MN	RANDALL, CITY OF	2703020001B	21-MAY-1999	99-05-2012A	02
05	MN	RICE COUNTY *	2706460025C	10-FEB-1999	99-05-1514A	02
05	MN	RICE COUNTY *	2706460025C	24-FEB-1999	99-05-1716A	02
05	MN	RICE COUNTY *	2706460025C	05-FEB-1999	99-05-2022A	02
05	MN	RICE COUNTY *	2706460025C	19-FEB-1999	99-05-2124A	02
05	MN	RICE COUNTY *	2706460075B	17-MAR-1999	99-05-3012A	02
05	MN	RICE COUNTY *	2706460025C	14-APR-1999	99-05-3130A	02
05	MN	RICE COUNTY *	2706460025C	15-JAN-1999	99-05-602A	02
05	MN	ROBBINSDALE, CITY OF	2701810001B	13-JAN-1999	99-05-1322A	02
05	MN	ROCHESTER, CITY OF	27109C0144E	11-FEB-1999	98-05-313P	05
05	MN	ROCHESTER, CITY OF	27109C0282E	11-FEB-1999	98-05-313P	05
05	MN	ROCHESTER, CITY OF	27109C0301E	11-FEB-1999	98-05-313P	05
05	MN	ROCHESTER, CITY OF	27109C0161E	22-JAN-1999	98-05-6588A	02
05	MN	ROSEAU COUNTY *	2706330275C	20-JAN-1999	98-05-6926A	02
05	MN	SHERBURNE COUNTY *	2704350050C	20-JAN-1999	99-05-1012A	02
05	MN	SHERBURNE COUNTY *	2704350095C	03-FEB-1999	99-05-1572A	02
05	MN	SHERBURNE COUNTY *	2704350050C	21-APR-1999	99-05-2906A	02
05	MN	SHERBURNE COUNTY *	2704350025C	23-JUN-1999	99-05-3326A	02
05	MN	SHERBURNE COUNTY *	2704350095C	09-JUN-1999	99-05-4022A	02
05	MN	SHERBURNE COUNTY *	2704350095C	11-JUN-1999	99-05-4100A	02
05	MN	SHERBURNE COUNTY *	2704350065C	23-JUN-1999	99-05-4138A	02
05	MN	SHERBURNE COUNTY *	2704350025C	15-JAN-1999	99-05-862A	02
05	MN	SHERBURNE COUNTY *	2704350050C	17-FEB-1999	99-05-880A	02
05	MN	SHOREVIEW, CITY OF	2703840001B	30-MAR-1999	99-05-1898A	02
05	MN	ST. LOUIS COUNTY *	2704160575C	17-MAR-1999	99-05-2350A	02
05	MN	ST. LOUIS COUNTY *	2704161500C	24-FEB-1999	99-05-2368A	02
05	MN	ST. LOUIS COUNTY *	2704160775C	23-JUN-1999	99-05-2638A	02
05	MN	ST. LOUIS PARK, CITY OF	2701840005B	05-MAY-1999	99-05-2420A	02
05	MN	ST. LOUIS PARK, CITY OF	2701840005B	12-MAY-1999	99-05-3846A	02
05	MN	STEARNS COUNTY*	2705460265B	13-JAN-1999	99-05-1118A	02
05	MN	STEARNS COUNTY*	2705460265B	27-JAN-1999	99-05-1250A	02
05	MN	STEARNS COUNTY*	2705460185B	19-MAY-1999	99-05-3728A	17
05	MN	STEARNS COUNTY*	2705460265B	21-MAY-1999	99-05-3806A	02
05	MN	STEARNS COUNTY*	2705460270B	04-JUN-1999	99-05-4374A	02
05	MN	WASHINGTON COUNTY *	2704990125B	21-APR-1999	99-05-2874A	02
05	MN	WATERTOWN, CITY OF	2700560001C	20-JAN-1999	99-05-1804A	02
05	MN	WATERTOWN, CITY OF	2700560001C	26-FEB-1999	99-05-2550A	01
05	MN	WHITE BEAR,TOWNSHIP OF	2706880005B	05-MAR-1999	99-05-1454A	02
05	MN	WHITE BEAR,TOWNSHIP OF	2706880005B	10-FEB-1999	99-05-152A	02
05	MN	WHITE BEAR,TOWNSHIP OF	2706880005B	08-JAN-1999	99-05-172A	02
05	MN	WHITE BEAR,TOWNSHIP OF	2706880005B	26-MAR-1999	99-05-2234A	02
05	MN	WHITE BEAR,TOWNSHIP OF	2706880005B	21-APR-1999	99-05-3204A	02
05	MN	WORTHINGTON, CITY OF	2703210003B	09-JUN-1999	99-05-4600A	02
05	MN	WRIGHT COUNTY *	2705340042C	15-JAN-1999	99-05-1136A	02
05	MN	WRIGHT COUNTY *	2705340008B	26-MAR-1999	99-05-1840A	02
05	MN	WRIGHT COUNTY *	2705340009B	21-APR-1999	99-05-2082A	02
05	MN	ZUMBROTA, CITY OF	2701480001B	03-FEB-1999	99-05-2014A	02
05	OH	ALLEN COUNTY *	3907580065B	29-JAN-1999	99-05-1478A	02
05	OH	ALLEN COUNTY *	3907580109B	19-MAR-1999	99-05-2752A	02
05	OH	ARCANUM, VILLAGE OF	3906840001B	10-FEB-1999	99-05-2242A	02
05	OH	ARCANUM, VILLAGE OF	3906840001B	12-MAR-1999	99-05-2542A	02
05	OH	AUGLAIZE COUNTY *	39011C0090C	06-JAN-1999	99-05-1438A	02
05	OH	AUGLAIZE COUNTY *	39011C0090C	12-MAR-1999	99-05-2110A	02

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Region	State	Community	Map panel	Determination date	Case No.	Type
05	OH	AVON, CITY OF	3903480005C	13-JAN-1999	99-05-1774A	02
05	OH	AVON, CITY OF	3903480005C	29-JAN-1999	99-05-1986A	01
05	OH	AVON, CITY OF	3903480005C	31-MAR-1999	99-05-2720A	02
05	OH	BARBERTON, CITY OF	3905240003C	26-FEB-1999	99-05-2698A	02
05	OH	BAY VILLAGE, CITY OF	3900930002B	14-APR-1999	99-05-3300A	02
05	OH	BEAVERCREEK, CITY OF	3908760002B	26-MAR-1999	99-05-1976A	02
05	OH	BELPRE, CITY OF	3905670002B	09-APR-1999	99-05-1294A	01
05	OH	BRIARWOOD BEACH, VILLAGE OF	3903790001B	11-JUN-1999	99-05-3040A	02
05	OH	BUTLER COUNTY *	3900370070C	08-JAN-1999	99-05-1448A	02
05	OH	BUTLER COUNTY *	3900370070C	27-JAN-1999	99-05-1800A	02
05	OH	BUTLER COUNTY *	3900370070C	27-JAN-1999	99-05-1802A	02
05	OH	BUTLER COUNTY *	3900370070C	08-JAN-1999	99-05-364A	02
05	OH	BUTLER COUNTY *	3900370070C	08-JAN-1999	99-05-478A	02
05	OH	BUTLER COUNTY *	3900370070C	08-JAN-1999	99-05-502A	02
05	OH	BUTLER COUNTY *	3900370070C	08-JAN-1999	99-05-628A	02
05	OH	BUTLER COUNTY *	3900370070C	05-MAR-1999	99-05-646A	02
05	OH	BUTLER COUNTY *	3900370070C	06-JAN-1999	99-05-754A	02
05	OH	BUTLER COUNTY *	3900370070C	28-JAN-1999	99-05-760A	02
05	OH	CALEDONIA,VILLAGE OF	39101C0150C	16-APR-1999	99-05-3376A	02
05	OH	CAMBRIDGE, CITY OF	39059C0092C	23-APR-1999	98-05-397P	05
05	OH	CAMBRIDGE, CITY OF	39059C0094C	23-APR-1999	98-05-397P	05
05	OH	CAMBRIDGE, CITY OF	39059C0111C	23-APR-1999	98-05-397P	05
05	OH	CAMBRIDGE, CITY OF	39059C0113C	23-APR-1999	98-05-397P	05
05	OH	CHAMPAIGN COUNTY *	3900550110B	07-APR-1999	99-05-028A	01
05	OH	CINCINNATI, CITY OF	3902100019B	13-JAN-1999	99-05-1766A	02
05	OH	CLARK COUNTY*	3907320180A	17-FEB-1999	99-05-2068A	02
05	OH	CLERMONT COUNTY *	3900650110D	19-MAR-1999	99-05-2360A	02
05	OH	CLYDE, CITY OF	3904890001B	07-APR-1999	99-05-1090A	02
05	OH	CLYDE, CITY OF	3904890001B	08-JAN-1999	99-05-520A	02
05	OH	COLUMBUS, CITY OF	39049C0138G	04-MAR-1999	98-05-181P	06
05	OH	COLUMBUS, CITY OF	39049C0139G	04-MAR-1999	98-05-181P	06
05	OH	COLUMBUS, CITY OF	39049C0227G	04-MAR-1999	98-05-181P	06
05	OH	COLUMBUS, CITY OF	39049C0277G	19-APR-1999	98-05-381P	05
05	OH	COLUMBUS, CITY OF	39049C0281G	19-APR-1999	98-05-381P	05
05	OH	COLUMBUS, CITY OF	39049C0290G	09-APR-1999	99-05-018A	01
05	OH	COLUMBUS, CITY OF	39049C0180G	02-APR-1999	99-05-020A	01
05	OH	COLUMBUS, CITY OF	39049C0270G	21-APR-1999	99-05-1916A	01
05	OH	COLUMBUS, CITY OF	39049C0290G	21-APR-1999	99-05-1916A	01
05	OH	COLUMBUS, CITY OF	39049C0180G	28-MAY-1999	99-05-2100A	01
05	OH	COLUMBUS, CITY OF	39049C0277G	21-APR-1999	99-05-2738A	01
05	OH	COLUMBUS, CITY OF	39049C0290G	14-MAY-1999	99-05-3094A	01
05	OH	COLUMBUS, CITY OF	39049C0270G	05-MAY-1999	99-05-3268A	01
05	OH	COLUMBUS, CITY OF	39049C0290G	05-MAY-1999	99-05-3268A	01
05	OH	COLUMBUS, CITY OF	39049C0165G	16-APR-1999	99-05-3338A	02
05	OH	CRAWFORD COUNTY*	3908110005B	08-JAN-1999	98-05-5196A	01
05	OH	CUYAHOGA FALLS, CITY OF	3905260003B	05-FEB-1999	99-05-1816A	02
05	OH	DAYTON, CITY OF	3904090010C	03-FEB-1999	99-05-1806A	01
05	OH	DAYTON, CITY OF	3904090010C	09-JUN-1999	99-05-3302A	02
05	OH	DEFIANCE, CITY OF	3901440005D	22-JAN-1999	98-05-5074A	02
05	OH	DELAWARE COUNTY *	3901460070B	27-JAN-1999	99-05-1146A	02
05	OH	DELAWARE COUNTY *	39041C0080J	23-JUN-1999	99-05-4678A	02
05	OH	DELLROY, VILLAGE OF	390049 B	26-MAY-1999	99-05-2870A	02
05	OH	DENNISON, VILLAGE OF	3905420001C	21-MAY-1999	99-05-2646A	02
05	OH	DUBLIN, CITY OF	39049C0018G	12-FEB-1999	99-05-012A	01
05	OH	DUBLIN, CITY OF	39049C0107G	26-MAR-1999	99-05-1212A	02
05	OH	DUBLIN, CITY OF	39049C0107G	19-MAR-1999	99-05-1388A	02
05	OH	DUBLIN, CITY OF	39049C0109G	17-MAR-1999	99-05-2310A	01
05	OH	ENON, VILLAGE OF	3907950005C	23-FEB-1999	96-05-393P	05
05	OH	ERIE COUNTY *	3901530075C	09-APR-1999	99-05-3450A	02
05	OH	FAIRFIELD COUNTY *	3901580035D	23-APR-1999	99-05-3024A	02
05	OH	FAIRFIELD, CITY OF	3900380005B	12-MAY-1999	99-05-3632A	02
05	OH	FAYETTE COUNTY *	3901640005B	03-MAR-1999	99-05-2092A	02
05	OH	FINDLAY, CITY	3902440005C	13-JAN-1999	99-05-1312A	02
05	OH	FINDLAY, CITY	3902440005C	03-MAR-1999	99-05-1636A	02
05	OH	FINDLAY, CITY	3902440005C	10-JUN-1999	99-05-4458A	02
05	OH	FRANKLIN COUNTY*	39049C0138G	04-MAR-1999	98-05-181P	06
05	OH	FRANKLIN COUNTY*	39049C0139G	04-MAR-1999	98-05-181P	06
05	OH	FRANKLIN COUNTY*	39049C0227G	04-MAR-1999	98-05-181P	06
05	OH	FRANKLIN COUNTY*	39049C0290G	15-JAN-1999	99-05-1278A	02
05	OH	FRANKLIN COUNTY*	39049C0290G	17-FEB-1999	99-05-1848A	01
05	OH	FRANKLIN COUNTY*	39049C0195G	05-MAR-1999	99-05-2588A	02
05	OH	FRANKLIN COUNTY*	39049C0270G	23-MAR-1999	99-05-2654A	01
05	OH	FULTON COUNTY *	3901820050C	08-JAN-1999	99-05-116A	02

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05	OH	FULTON COUNTY *	3901820135C	14-MAY-1999	99-05-1910A	17
05	OH	FULTON COUNTY *	3901820050C	21-APR-1999	99-05-2182A	02
05	OH	GLANDORF, VILLAGE OF	390470 B	23-APR-1999	99-05-2812A	02
05	OH	GRANDVIEW HEIGHTS, CITY OF	39049C0231G	30-JUN-1999	99-05-4450A	02
05	OH	GREENE COUNTY *	3901930080B	02-APR-1999	99-05-1318A	02
05	OH	GREENE COUNTY *	3901930090B	17-MAR-1999	99-05-2016A	02
05	OH	GREENE COUNTY *	3901930075B	18-JUN-1999	99-05-236A	02
05	OH	GUERNSEY COUNTY *		23-APR-1999	98-05-397P	05
05	OH	HAMILTON COUNTY *	3902040040C	28-MAY-1999	99-05-2288A	02
05	OH	HAMILTON COUNTY *	3902040025B	09-JUN-1999	99-05-2538A	02
05	OH	HAMILTON COUNTY *	3902040035B	08-JAN-1999	99-05-736A	02
05	OH	HANCOCK COUNTY *	3907670080B	22-JAN-1999	99-05-010A	01
05	OH	HANCOCK COUNTY *	3907670025B	08-JAN-1999	99-05-1422A	02
05	OH	HANCOCK COUNTY *	3907670070B	05-MAR-1999	99-05-2616A	17
05	OH	HANCOCK COUNTY *	3907670125B	09-JUN-1999	99-05-2708A	02
05	OH	HANCOCK COUNTY *	3907670065B	19-MAY-1999	99-05-3454A	02
05	OH	HIGHLAND COUNTY *	3907690004A	05-MAY-1999	99-05-3154A	02
05	OH	HOCKING COUNTY *	3902720025C	10-MAR-1999	99-05-1028A	02
05	OH	HURON, CITY OF	3901540001B	14-APR-1999	99-05-1268A	02
05	OH	JACKSON, CITY OF	3902920005D	14-MAY-1999	99-05-4118A	02
05	OH	KNOX COUNTY *	3903060090C	05-MAR-1999	99-05-2058A	02
05	OH	KNOX COUNTY *	3903060090C	19-FEB-1999	99-05-2474A	02
05	OH	LAKE COUNTY *	3907710009C	05-MAR-1999	99-05-888A	02
05	OH	LANCASTER, CITY OF	3901610002D	17-FEB-1999	99-05-2424A	17
05	OH	LANCASTER, CITY OF	3901610005D	30-JUN-1999	99-05-5042A	01
05	OH	LICKING COUNTY *	3903280200B	04-JUN-1999	99-05-2908A	17
05	OH	LOGAN COUNTY *	3907720025C	21-MAY-1999	99-05-2354A	02
05	OH	LOGAN COUNTY *	3907720025C	17-MAR-1999	99-05-2876A	02
05	OH	LOGAN COUNTY *	3907720025C	21-MAY-1999	99-05-4010A	02
05	OH	LORAIN COUNTY*	3903460110C	03-FEB-1999	99-05-934A	02
05	OH	LUCAS COUNTY*	3903590065B	04-JUN-1999	99-05-3916A	02
05	OH	LYNDHURST, CITY OF	3901130005B	02-APR-1999	99-05-1936A	02
05	OH	MADISON COUNTY *	3907730075B	26-MAY-1999	99-05-2734A	02
05	OH	MADISON, VILLAGE OF	3903160001B	23-MAR-1999	98-05-401P	05
05	OH	MAHONING COUNTY *	3903670050B	24-FEB-1999	99-05-1498A	02
05	OH	MAHONING COUNTY *	3903670050B	23-MAR-1999	99-05-1648A	02
05	OH	MARION COUNTY*	39101C0060C	17-FEB-1999	99-05-1632A	02
05	OH	MARION COUNTY*	39101C0150C	12-MAY-1999	99-05-2426A	02
05	OH	MASON, CITY OF	3907570065C	06-JAN-1999	98-05-045P	05
05	OH	MAUMEE, CITY OF	3903600005B	05-FEB-1999	99-05-1546A	02
05	OH	MEDINA COUNTY *	3903780080B	24-MAR-1999	99-05-2432A	02
05	OH	MEDINA COUNTY *	3903780005B	31-MAR-1999	99-05-2546A	02
05	OH	MEDINA COUNTY *	3903780080B	11-JUN-1999	99-05-2832A	02
05	OH	MEDINA COUNTY *	3903780080B	11-JUN-1999	99-05-3038A	02
05	OH	MEDINA COUNTY *	3903780005B	05-MAY-1999	99-05-3086A	02
05	OH	MERCER COUNTY *	3903920100B	10-FEB-1999	99-05-1384A	02
05	OH	MERCER COUNTY *	3903920100B	22-JAN-1999	99-05-1522A	02
05	OH	MERCER COUNTY *	3903920100B	22-JAN-1999	99-05-1638A	02
05	OH	MERCER COUNTY *	3903920100B	22-JAN-1999	99-05-1894A	02
05	OH	MERCER COUNTY *	3903920100B	18-JUN-1999	99-05-2308A	01
05	OH	MERCER COUNTY *	3903920100B	19-MAR-1999	99-05-2440A	02
05	OH	MERCER COUNTY *	3903920100B	21-APR-1999	99-05-3150A	02
05	OH	MIAMI COUNTY *	3903980110C	19-MAR-1999	99-05-2220A	02
05	OH	MIAMI COUNTY *	3903980110C	11-FEB-1999	99-05-2532A	02
05	OH	MIAMI COUNTY *	3903980055B	16-JUN-1999	99-05-2920A	02
05	OH	MIAMI COUNTY *	3903980110C	23-JUN-1999	99-05-4236A	02
05	OH	MONTGOMERY COUNTY *	3907750040C	08-JAN-1999	98-05-6864A	02
05	OH	MONTGOMERY COUNTY *	3907750020B	26-MAY-1999	99-05-1960A	02
05	OH	MONTGOMERY COUNTY *	3907750005B	07-APR-1999	99-05-3014A	02
05	OH	MONTGOMERY COUNTY *	3907750040C	05-MAY-1999	99-05-3812A	02
05	OH	MONTGOMERY, CITY OF	3902280001C	24-MAY-1999	99-05-071P	06
05	OH	MOUNT HEALTHY, CITY OF	3902290001C	19-FEB-1999	99-05-2052A	02
05	OH	NEW PHILADELPHIA, CITY OF	3905450005C	05-MAR-1999	99-05-1064A	02
05	OH	NEWARK,CITY OF	3903350015E	12-MAR-1999	99-05-2758A	02
05	OH	NEWTOWN, VILLAGE OF	3902300005C	15-JAN-1999	98-05-6240A	02
05	OH	NORTH OLMSTED, CITY OF	3901200002C	17-MAR-1999	99-05-2418A	02
05	OH	NORTH RIDGEVILLE, CITY OF	3903520005C	13-JAN-1999	98-05-6020A	02
05	OH	NORTH RIDGEVILLE, CITY OF	3903520005C	26-MAR-1999	99-05-2718A	02
05	OH	NORTH ROYALTON, CITY OF	3901210001B	05-MAR-1999	99-05-2202A	02
05	OH	NORTON, CITY OF	3905290010B	21-APR-1999	99-05-1714A	02
05	OH	OLMSTED FALLS, CITY OF	3906720001B	05-FEB-1999	99-05-814A	02
05	OH	OREGON, CITY OF	3903610010B	19-MAY-1999	99-05-3248A	01
05	OH	OREGON, CITY OF	3903610010B	21-MAY-1999	99-05-3260A	01

Region	State	Community	Map panel	Determination date	Case No.	Type
05	OH	OTTAWA COUNTY *	3904320125B	22-JAN-1999	99-05-1586A	02
05	OH	OTTAWA COUNTY *	3904320200B	02-JUN-1999	99-05-3468A	01
05	OH	PAULDING COUNTY *	3907770065D	11-JUN-1999	99-05-3400A	02
05	OH	PAULDING, VILLAGE OF	3904380001B	06-JAN-1999	99-05-188A	02
05	OH	PORTAGE COUNTY*	390453 C	24-MAR-1999	98-05-4674A	02
05	OH	PORTAGE COUNTY*	390453 C	29-JAN-1999	99-05-1248A	01
05	OH	PUTNAM COUNTY *	3904650100B	29-JAN-1999	99-05-048A	02
05	OH	PUTNAM COUNTY *	3904650105B	20-JAN-1999	99-05-1142A	02
05	OH	PUTNAM COUNTY *	3904650105B	24-MAR-1999	99-05-2458A	02
05	OH	PUTNAM COUNTY *	3904650100B	04-JUN-1999	99-05-2784A	02
05	OH	PUTNAM COUNTY *	3904650015B	15-JAN-1999	99-05-350A	02
05	OH	PUTNAM COUNTY *	3904650135B	14-MAY-1999	99-05-3634A	02
05	OH	PUTNAM COUNTY *	3904650100B	23-JUN-1999	99-05-4230A	02
05	OH	PUTNAM COUNTY *	3904650100B	26-MAY-1999	99-05-4328A	02
05	OH	REYNOLDSBURG, CITY OF	39049C0277G	19-APR-1999	98-05-381P	05
05	OH	RITTMAN, CITY OF	3905780002C	05-FEB-1999	99-05-1480A	02
05	OH	ROSS COUNTY *	3904800225B	03-MAR-1999	98-05-6820A	02
05	OH	ROSS COUNTY *	3904800150B	03-MAR-1999	99-05-614A	02
05	OH	ROSS COUNTY *	3904800225B	03-MAR-1999	99-05-614A	02
05	OH	SANDUSKY, CITY OF	390156 B	15-JAN-1999	98-05-5364A	02
05	OH	SHELBY COUNTY *	3905030090C	12-MAY-1999	99-05-1520A	02
05	OH	SHELBY COUNTY *	3905030055C	05-MAR-1999	99-05-2598A	02
05	OH	SHELBY COUNTY *	3905030055C	23-APR-1999	99-05-3536A	02
05	OH	SHELBY, CITY OF	3904790003B	01-JUN-1999	99-05-061P	05
05	OH	SPRINGBORO, CITY OF	3905640001B	16-APR-1999	99-05-748A	17
05	OH	ST. MARYS, CITY OF	39011C0080C	08-JAN-1999	99-05-1390A	02
05	OH	STARK COUNTY*	3907800115B	21-APR-1999	98-05-7032A	01
05	OH	STARK COUNTY*	3907800102B	06-JAN-1999	99-05-1594A	02
05	OH	STARK COUNTY*	3907800115B	21-APR-1999	99-05-1970A	02
05	OH	STARK COUNTY*	3907800160B	26-MAR-1999	99-05-2062A	02
05	OH	STARK COUNTY*	3907800085B	26-MAY-1999	99-05-3380A	02
05	OH	STARK COUNTY*	3907800175B	09-JUN-1999	99-05-4122A	02
05	OH	SYLVANIA, CITY OF	3903640001B	22-JAN-1999	99-05-1508A	02
05	OH	SYLVANIA, CITY OF	3903640001B	12-MAY-1999	99-05-3730A	02
05	OH	TOLEDO, CITY OF	3953730005A	06-JAN-1999	98-05-6724A	02
05	OH	TOLEDO, CITY OF	3953730005A	26-MAR-1999	99-05-2754A	02
05	OH	TOLEDO, CITY OF	3953730010A	31-MAR-1999	99-05-2798A	02
05	OH	TOLEDO, CITY OF	3953730020A	31-MAR-1999	99-05-2800A	02
05	OH	TOLEDO, CITY OF	3953730010A	14-APR-1999	99-05-3004A	02
05	OH	TOLEDO, CITY OF	3953730025A	05-MAY-1999	99-05-3662A	02
05	OH	TOLEDO, CITY OF	3953730010A	19-MAY-1999	99-05-3692A	02
05	OH	TOLEDO, CITY OF	3953730010A	21-MAY-1999	99-05-3694A	02
05	OH	TOLEDO, CITY OF	3953730010A	12-MAY-1999	99-05-3696A	02
05	OH	TOLEDO, CITY OF	3953730005A	21-APR-1999	99-05-3702A	02
05	OH	TOLEDO, CITY OF	3953730005A	07-MAY-1999	99-05-3706A	02
05	OH	TOLEDO, CITY OF	3953730005A	12-MAY-1999	99-05-3732A	02
05	OH	TOLEDO, CITY OF	3953730005A	21-MAY-1999	99-05-3734A	02
05	OH	TOLEDO, CITY OF	3953730005A	19-MAY-1999	99-05-3742A	02
05	OH	TOLEDO, CITY OF	3953730005A	07-MAY-1999	99-05-3744A	02
05	OH	TOLEDO, CITY OF	3953730005A	26-MAY-1999	99-05-3964A	02
05	OH	TOLEDO, CITY OF	3953730005A	05-MAY-1999	99-05-4112A	02
05	OH	TOLEDO, CITY OF	3953730005A	28-MAY-1999	99-05-4116A	02
05	OH	TOLEDO, CITY OF	3953730010A	11-JUN-1999	99-05-4468A	02
05	OH	TROY, CITY OF	3904020005B	30-JUN-1999	99-05-4926A	02
05	OH	TRUMBULL COUNTY *	3905350100B	11-MAR-1999	99-05-1222A	02
05	OH	TRUMBULL COUNTY *	3905350125B	05-MAR-1999	99-05-2132A	02
05	OH	UHRICHSVILLE, CITY OF	3905470005C	10-FEB-1999	99-05-1732A	02
05	OH	UNION COUNTY *	3908080100B	19-MAY-1999	99-05-2744A	02
05	OH	UNION COUNTY *	3908080150B	30-APR-1999	99-05-3242A	02
05	OH	UNION COUNTY *	3908080125B	28-APR-1999	99-05-3690A	02
05	OH	UPPER ARLINGTON, CITY OF	39049C0138G	04-MAR-1999	98-05-181P	06
05	OH	UPPER ARLINGTON, CITY OF	39049C0139G	04-MAR-1999	98-05-181P	06
05	OH	UPPER ARLINGTON, CITY OF	39049C0227G	04-MAR-1999	98-05-181P	06
05	OH	WALBRIDGE, VILLAGE OF	3906350001A	10-FEB-1999	99-05-1340A	02
05	OH	WALBRIDGE, VILLAGE OF	3906350001A	13-JAN-1999	99-05-1350A	02
05	OH	WAPAKONETA, CITY OF	39011C0105C	29-JAN-1999	99-05-1780A	02
05	OH	WASHINGTON COUNTY *	3905660125B	26-MAR-1999	99-05-2732A	02
05	OH	WILLIAMS COUNTY*	3907850050B	04-JUN-1999	99-05-1108A	02
05	OH	WILLIAMS COUNTY*	3907850025B	04-JUN-1999	99-05-3644A	02
05	OH	WILLIAMS COUNTY*	3907850050B	14-MAY-1999	99-05-3654A	02
05	OH	WOOD COUNTY *	3908090012C	09-JUN-1999	99-05-4160A	02
05	OH	WOOD COUNTY *	3908090016B	23-JUN-1999	99-05-4464A	02
05	OH	WOOD COUNTY *	3908090050C	27-JAN-1999	99-05-554A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
05	WI	BARRON COUNTY *	5505680185C	07-MAY-1999	99-05-3750A	02
05	WI	BARRON COUNTY *	5505680125B	11-JUN-1999	99-05-3906A	02
05	WI	BAYFIELD COUNTY *	5505390011B	26-MAR-1999	99-05-2872A	02
05	WI	BAYFIELD COUNTY *	5505390015B	19-MAY-1999	99-05-4168A	02
05	WI	BROOKFIELD, CITY OF	5504780005B	20-JAN-1999	99-05-1124A	17
05	WI	BROWN COUNTY *	5500200125B	10-FEB-1999	99-05-1578A	17
05	WI	BROWN COUNTY *	5500200125B	16-APR-1999	99-05-3254A	02
05	WI	BURNETT COUNTY *	5500320200B	03-MAR-1999	99-05-2562A	02
05	WI	BURNETT COUNTY *	5500320275B	26-MAR-1999	99-05-2996A	02
05	WI	BURNETT COUNTY *	5500320175B	21-APR-1999	99-05-3350A	02
05	WI	CHIPPEWA COUNTY *	5555490125B	03-MAR-1999	99-05-1164A	02
05	WI	CHIPPEWA COUNTY *	5555490200C	23-APR-1999	99-05-2644A	02
05	WI	CHIPPEWA COUNTY *	5555490275C	09-JUN-1999	99-05-3422A	02
05	WI	CLARK COUNTY *	5500480260B	09-APR-1999	99-05-1962A	02
05	WI	CLARK COUNTY *	5500480330B	05-MAY-1999	99-05-3616A	02
05	WI	COLUMBIA COUNTY *	5505810125C	22-JAN-1999	99-05-1502A	02
05	WI	COLUMBIA COUNTY *	5505810050C	29-JAN-1999	99-05-1556A	02
05	WI	COLUMBIA COUNTY *	5505810250C	21-APR-1999	99-05-1564A	02
05	WI	COLUMBIA COUNTY *	5505810125C	04-JUN-1999	99-05-2218A	02
05	WI	COLUMBIA COUNTY *	5505810125C	10-FEB-1999	99-05-2262A	02
05	WI	COLUMBIA COUNTY *	5505810050C	12-MAY-1999	99-05-3358A	02
05	WI	DANE COUNTY*	5500770200C	07-APR-1999	99-05-1356A	01
05	WI	DANE COUNTY*	5500770275C	09-JUN-1999	99-05-4064A	02
05	WI	DODGE COUNTY *	5500940100B	07-APR-1999	98-05-5980A	02
05	WI	DODGE COUNTY *	5500940055B	08-JAN-1999	98-05-6854A	17
05	WI	DODGE COUNTY *	5500940085B	08-JAN-1999	98-05-6854A	17
05	WI	DOOR COUNTY *	5501090085A	31-MAR-1999	99-05-1192A	02
05	WI	DOOR COUNTY *	5501090085A	12-FEB-1999	99-05-2030A	02
05	WI	DOOR COUNTY *	5501090085A	14-MAY-1999	99-05-3524A	02
05	WI	DOOR COUNTY *	5501090085A	23-JUN-1999	99-05-4252A	02
05	WI	DOOR COUNTY *	5501090045A	06-JAN-1999	99-05-816A	02
05	WI	DOOR COUNTY *	5501090085A	21-APR-1999	99-05-830A	02
05	WI	DOYLESTOWN, VILLAGE OF	550059 B	05-MAY-1999	99-05-3364A	02
05	WI	DUNN COUNTY *	5501180125A	26-MAR-1999	99-05-2372A	02
05	WI	EAU CLAIRE COUNTY *	5555520075B	23-APR-1999	99-05-3072A	02
05	WI	EAU CLAIRE COUNTY *	5555520275B	12-MAY-1999	99-05-3416A	02
05	WI	FOND DU LAC COUNTY *	5501310070C	11-FEB-1999	99-05-1338A	01
05	WI	FOND DU LAC COUNTY *	5501310115B	14-MAY-1999	99-05-2970A	02
05	WI	FOND DU LAC COUNTY *	5501310060B	12-MAY-1999	99-05-3510A	02
05	WI	FOND DU LAC, CITY OF	5501360005D	19-FEB-1999	99-05-2226A	02
05	WI	FOND DU LAC, CITY OF	5501360005D	14-APR-1999	99-05-2614A	02
05	WI	FOND DU LAC, CITY OF	5501360005D	31-MAR-1999	99-05-3220A	02
05	WI	FORT ATKINSON, CITY OF	5555540002B	19-MAR-1999	99-05-1624A	02
05	WI	GERMANTOWN, VILLAGE OF	5504720007B	22-JAN-1999	99-05-688C	01
05	WI	GERMANTOWN, VILLAGE OF	5504720010B	22-JAN-1999	99-05-688C	01
05	WI	GREEN BAY, CITY OF	5500220020E	24-MAR-1999	99-05-2938A	02
05	WI	GREEN COUNTY *	5501570135B	21-APR-1999	99-05-1360A	17
05	WI	HALES CORNERS, VILLAGE OF	5505240001C	12-MAY-1999	99-05-3420A	02
05	WI	HARTFORD, CITY OF	5504710085B	07-APR-1999	98-05-239P	06
05	WI	HARTFORD, CITY OF	5504730001B	07-APR-1999	98-05-239P	06
05	WI	HARTLAND, VILLAGE OF	5504810001C	05-MAR-1999	99-05-2366A	02
05	WI	HOWARD, VILLAGE OF	5500230005B	02-JUN-1999	99-05-4028A	02
05	WI	HOWARD, VILLAGE OF	5500230005B	04-JUN-1999	99-05-4074A	01
05	WI	IRON COUNTY*	5501820008B	26-MAR-1999	99-05-3032A	02
05	WI	IRON COUNTY*	5501820008B	14-APR-1999	99-05-3318A	02
05	WI	JACKSON COUNTY *	5505830225B	27-JAN-1999	99-05-1392A	02
05	WI	KENOSHA COUNTY *	5505230005B	19-FEB-1999	99-05-1398A	02
05	WI	KENOSHA COUNTY *	5505230040B	23-APR-1999	99-05-3962A	02
05	WI	KEWASKUM, VILLAGE OF	5504740001C	03-MAR-1999	99-05-1724A	02
05	WI	LA CROSSE COUNTY *	5502170120A	20-JAN-1999	98-05-4566A	02
05	WI	LA CROSSE COUNTY *	5502170120A	12-MAY-1999	99-05-4136A	02
05	WI	LA CROSSE COUNTY *	5502170120A	16-JUN-1999	99-05-4494A	02
05	WI	LA CROSSE, CITY OF	5555620005B	24-FEB-1999	99-05-1396A	02
05	WI	LA CROSSE, CITY OF	5555620008B	07-MAY-1999	99-05-4106A	02
05	WI	LA CROSSE, CITY OF	5555620005B	20-MAY-1999	99-05-4324A	02
05	WI	MADISON, CITY OF	5500830030D	21-APR-1999	99-05-3018A	02
05	WI	MADISON, CITY OF	5500830010D	23-APR-1999	99-05-3676A	02
05	WI	MARATHON COUNTY *	5502450375B	03-MAR-1999	99-05-1018A	02
05	WI	MARATHON COUNTY *	5502450375B	24-MAR-1999	99-05-1900A	02
05	WI	MARATHON COUNTY *	5502450525B	26-MAY-1999	99-05-1980A	02
05	WI	MARATHON COUNTY *	5502450375B	10-FEB-1999	99-05-2032A	02
05	WI	MARATHON COUNTY *	5502450375B	11-FEB-1999	99-05-2048A	02
05	WI	MARATHON COUNTY *	5502450225B	17-MAR-1999	99-05-2206A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
05	WI	MARATHON COUNTY *	5502450375B	18-FEB-1999	99-05-2674A	02
05	WI	MARATHON COUNTY *	5502450175B	23-JUN-1999	99-05-2678A	02
05	WI	MARATHON COUNTY *	5502450525B	10-FEB-1999	99-05-284A	02
05	WI	MARATHON COUNTY *	5502450525B	19-MAY-1999	99-05-3668A	02
05	WI	MARATHON COUNTY *	5502450225B	21-APR-1999	99-05-3758A	02
05	WI	MARINETTE COUNTY *	5502590765B	24-FEB-1999	99-05-1172A	02
05	WI	MARINETTE COUNTY *	5502590765B	14-APR-1999	99-05-2888A	02
05	WI	MARINETTE COUNTY *	5502590625B	28-APR-1999	99-05-3028A	02
05	WI	MARINETTE COUNTY *	5502590625B	23-APR-1999	99-05-3314A	02
05	WI	MARINETTE COUNTY *	5502590895B	12-MAY-1999	99-05-4030A	02
05	WI	MARQUETTE COUNTY*	5506010025B	06-JAN-1999	99-05-1750A	02
05	WI	MARQUETTE COUNTY*	5506010125B	22-JAN-1999	99-05-1974A	17
05	WI	MARQUETTE COUNTY*	5506010100B	09-APR-1999	99-05-2506A	17
05	WI	MENASHA, CITY OF	5505100005C	22-JAN-1999	99-05-1174A	02
05	WI	MENASHA, CITY OF	5505100005C	29-JAN-1999	99-05-1642A	02
05	WI	MENASHA, CITY OF	5505100005C	30-APR-1999	99-05-3894A	02
05	WI	MENASHA, CITY OF	5505100005C	30-APR-1999	99-05-3896A	02
05	WI	MENASHA, CITY OF	5505100005C	23-JUN-1999	99-05-4402A	02
05	WI	MENOMONEE FALLS, VILLAGE OF	5504830005C	31-MAR-1999	99-05-2986A	02
05	WI	MERRIMAC, VILLAGE OF	550398 B	24-MAR-1999	99-05-1746A	02
05	WI	MERRIMAC, VILLAGE OF	550398 B	05-MAR-1999	99-05-446A	02
05	WI	MONONA, CITY OF	5500880001B	17-FEB-1999	99-05-462A	01
05	WI	MONROE COUNTY *	5505710130B	19-MAR-1999	99-05-1788A	02
05	WI	MUSKEGO, CITY OF	5504860001B	06-JAN-1999	99-05-1034A	02
05	WI	NEW GLARUS, VILLAGE OF	5501640001B	13-JAN-1999	99-05-1100A	02
05	WI	NEW GLARUS, VILLAGE OF	5501640001B	26-MAY-1999	99-05-3914A	02
05	WI	NEW LONDON, CITY OF	5503080001A	05-MAR-1999	99-05-2682A	02
05	WI	NORTH HUDSON, VILLAGE OF	5555680001C	23-APR-1999	99-05-3164A	02
05	WI	OCONTO COUNTY *	5502940285A	15-JAN-1999	99-05-1026A	02
05	WI	ONEIDA COUNTY *	55085C0100B	05-MAY-1999	99-05-3658A	02
05	WI	OREGON, VILLAGE OF	5500890001B	17-MAR-1999	99-05-2664A	02
05	WI	OSHKOSH, CITY OF	5505110020D	03-FEB-1999	99-05-1878A	02
05	WI	OSHKOSH, CITY OF	5505110010D	26-MAY-1999	99-05-3512A	02
05	WI	OSHKOSH, CITY OF	5505110010D	26-MAY-1999	99-05-3514A	02
05	WI	OUTAGAMIE COUNTY *	5503020100C	17-MAR-1999	99-05-1324A	02
05	WI	OUTAGAMIE COUNTY *	5503020050B	22-JAN-1999	99-05-1756A	02
05	WI	OUTAGAMIE COUNTY *	5503020084C	21-APR-1999	99-05-3636A	02
05	WI	OUTAGAMIE COUNTY *	5503020084C	11-JUN-1999	99-05-3776A	02
05	WI	OUTAGAMIE COUNTY *	5503020084C	20-MAY-1999	99-05-4322A	02
05	WI	OUTAGAMIE COUNTY *	5503020100C	06-JAN-1999	99-05-682A	02
05	WI	OZAUKEE COUNTY *	55089C0065D	17-FEB-1999	98-05-387P	05
05	WI	OZAUKEE COUNTY *	55089C0062D	05-MAR-1999	99-05-2240A	02
05	WI	OZAUKEE COUNTY *	55089C0065D	30-MAR-1999	99-05-2988A	01
05	WI	PLAIN, VILLAGE OF	5504000001B	19-FEB-1999	99-05-1678A	02
05	WI	PLEASANT PRAIRIE, VILLAGE OF	5506130010B	14-APR-1999	99-05-1700A	02
05	WI	PORTAGE COUNTY *	5505720150C	05-FEB-1999	99-05-1424A	02
05	WI	RACINE COUNTY *	5503470065B	27-JAN-1999	99-05-008A	01
05	WI	RACINE COUNTY *	5503470010B	17-FEB-1999	99-05-1530A	02
05	WI	RACINE COUNTY *	5503470080B	05-MAY-1999	99-05-3990A	02
05	WI	RACINE COUNTY *	5503470010B	21-MAY-1999	99-05-4222A	02
05	WI	RACINE COUNTY *	5503470010B	26-MAY-1999	99-05-4320A	02
05	WI	RICHLAND COUNTY*	5503560200B	15-JAN-1999	99-05-1758A	17
05	WI	RICHLAND COUNTY*	5503560025B	24-MAR-1999	99-05-2352A	02
05	WI	RIVER HILLS, VILLAGE OF	5502800001B	03-FEB-1999	99-05-1692A	01
05	WI	RIVER HILLS, VILLAGE OF	5502800001B	12-MAR-1999	99-05-730A	01
05	WI	SAUK COUNTY *	5503910215B	08-JAN-1999	99-05-1686A	02
05	WI	SAUK COUNTY *	5503910210B	05-MAR-1999	99-05-1748A	02
05	WI	SAWYER COUNTY *	5505910045B	25-MAR-1999	99-05-1446A	02
05	WI	SAWYER COUNTY *	5505910125B	30-JUN-1999	99-05-1792A	02
05	WI	SAWYER COUNTY *	5505910125B	12-FEB-1999	99-05-2232A	02
05	WI	SAWYER COUNTY *	5505910125B	23-FEB-1999	99-05-2760A	02
05	WI	SAWYER COUNTY *	5505910125B	30-JUN-1999	99-05-3078A	02
05	WI	SHAWANO COUNTY *	5504120150B	17-FEB-1999	98-05-5604A	01
05	WI	SHAWANO COUNTY *	5504120050B	06-JAN-1999	99-05-1086A	02
05	WI	SHAWANO COUNTY *	5504120150B	03-FEB-1999	99-05-1868A	02
05	WI	SHAWANO COUNTY *	5504120150B	05-MAR-1999	99-05-2556A	02
05	WI	SHAWANO COUNTY *	5504120150B	26-MAR-1999	99-05-3054A	02
05	WI	SHAWANO COUNTY *	5504120150B	26-MAY-1999	99-05-3276A	02
05	WI	SHEBOYGAN COUNTY *	5504240085C	10-MAR-1999	99-05-1926A	17
05	WI	SHEBOYGAN COUNTY *	5504240090A	17-MAR-1999	99-05-2066A	02
05	WI	SHEBOYGAN COUNTY *	5504240090A	10-MAR-1999	99-05-626A	02
05	WI	SHIOCTON, VILLAGE OF	5503090001B	26-MAY-1999	99-05-3312A	02
05	WI	SPARTA, CITY OF	5502900002C	17-MAR-1999	99-05-1688A	01

Region	State	Community	Map panel	Determination date	Case No.	Type
05	WI	STEVENS POINT, CITY OF	5503420005B	05-MAR-1999	99-05-1576A	02
05	WI	STEVENS POINT, CITY OF	5503420005B	08-JAN-1999	99-05-1604A	02
05	WI	STURGEON BAY, CITY OF	5501110005B	14-MAY-1999	99-05-1178A	01
05	WI	TOMAH, CITY OF	5502910002B	26-JAN-1999	99-05-1500A	02
05	WI	TOMAH, CITY OF	5502910001B	30-JUN-1999	99-05-3556A	02
05	WI	WALPACA COUNTY*	5504920210B	06-JAN-1999	99-05-1428A	02
05	WI	WALPACA COUNTY*	5504920140B	21-APR-1999	99-05-1626A	02
05	WI	WALPACA COUNTY*	5504920155A	02-APR-1999	99-05-2422A	02
05	WI	WALPACA COUNTY*	5504920115A	07-APR-1999	99-05-2680A	02
05	WI	WALPACA COUNTY*	5504920130A	25-JUN-1999	99-05-3862A	02
05	WI	WALPACA COUNTY*	5504920115A	05-MAY-1999	99-05-4090A	02
05	WI	WALPACA COUNTY*	5504920205B	23-JUN-1999	99-05-4886A	02
05	WI	WALPACA COUNTY*	5504920210B	23-JUN-1999	99-05-4886A	02
05	WI	WASHBURN COUNTY*	5506060200B	29-JAN-1999	99-05-1844A	02
05	WI	WASHBURN COUNTY*	5506060025B	26-MAR-1999	99-05-3036A	02
05	WI	WASHINGTON COUNTY *	5504710065B	05-FEB-1999	99-05-1988A	02
05	WI	WAUKESHA COUNTY*	5504760020B	03-MAR-1999	99-05-1734A	02
05	WI	WAUKESHA COUNTY*	5504760090B	05-MAR-1999	99-05-2040A	02
05	WI	WAUKESHA COUNTY*	5504760015B	16-APR-1999	99-05-2344A	02
05	WI	WAUKESHA COUNTY*	5504760020B	09-JUN-1999	99-05-2746A	02
05	WI	WAUKESHA COUNTY*	5504760020B	30-JUN-1999	99-05-4942A	02
05	WI	WAUKESHA, CITY OF	5504910004B	19-FEB-1999	99-05-2338A	02
05	WI	WAUPUN, CITY OF	5501080001E	06-JAN-1999	99-05-1474A	17
05	WI	WAUSAU, CITY OF	550258 A	05-MAY-1999	98-05-051P	05
05	WI	WAUSHARA COUNTY*	5505400150B	12-FEB-1999	99-05-2194A	02
05	WI	WAUSHARA COUNTY*	5505400100B	07-APR-1999	99-05-3330A	02
05	WI	WHITEWATER, CITY OF	5502000004B	13-JAN-1999	99-05-1470A	02
05	WI	WINNEBAGO COUNTY *	5505370025C	16-APR-1999	99-05-2166A	01
05	WI	WINNEBAGO COUNTY *	5505370150C	19-FEB-1999	99-05-2260A	02
05	WI	WINNEBAGO COUNTY *	5505370050C	24-FEB-1999	99-05-2592A	02
05	WI	WINNEBAGO COUNTY *	5505370025C	24-MAR-1999	99-05-2918A	02
05	WI	WINNEBAGO COUNTY *	5505370025C	02-APR-1999	99-05-3182A	02
05	WI	WINNEBAGO COUNTY *	5505370100C	19-MAY-1999	99-05-3398A	02
05	WI	WINNEBAGO COUNTY *	5505370075C	25-JUN-1999	99-05-3516A	02
05	WI	WINNEBAGO COUNTY *	5505370150C	09-JUN-1999	99-05-3826A	02
05	WI	WINNEBAGO COUNTY *	5505370075C	07-MAY-1999	99-05-4032A	02
05	WI	WINNEBAGO COUNTY *	5505370100C	21-MAY-1999	99-05-4314A	02
05	WI	WINNEBAGO COUNTY *	5505370075C	02-JUN-1999	99-05-4536A	02
05	WI	WINNEBAGO COUNTY *	5505370050C	25-JUN-1999	99-05-4940A	02
06	AR	CABOT, CITY OF	0503090005C	25-JUN-1999	99-06-1287A	01
06	AR	CONWAY, CITY OF	05045C0130F	25-MAY-1999	99-06-1232A	02
06	AR	CONWAY, CITY OF	05045C0130F	08-FEB-1999	99-06-553A	01
06	AR	CONWAY, CITY OF	05045C0135F	06-APR-1999	99-06-913A	02
06	AR	CRAIGHEAD COUNTY	05031C0030C	27-MAY-1999	99-06-1239A	02
06	AR	CRAIGHEAD COUNTY	05031C0132C	09-MAR-1999	99-06-749A	02
06	AR	ELKINS, CITY OF	05143C0115D	10-MAY-1999	99-06-711A	02
06	AR	FAYETTEVILLE, CITY OF	05143C0082C	01-JUN-1999	99-06-1177A	02
06	AR	FORT SMITH, CITY OF	050462C	08-JAN-1999	99-06-445A	01
06	AR	GRANT COUNTY	050434B	20-MAY-1999	99-06-1342A	02
06	AR	GRANT COUNTY	050434B	16-FEB-1999	99-06-587A	02
06	AR	HEBER SPRINGS, CITY OF	0502400005B	07-JUN-1999	99-06-1098A	02
06	AR	INDEPENDENCE COUNTY	0500900090B	01-FEB-1999	99-06-058A	02
06	AR	JACKSON COUNTY	0500960250B	20-JAN-1999	99-06-497A	02
06	AR	JACKSONVILLE, CITY OF	0501800010E	27-APR-1999	99-06-1063A	02
06	AR	JACKSONVILLE, CITY OF	0501800010E	19-MAY-1999	99-06-1188A	02
06	AR	JACKSONVILLE, CITY OF	0501800010E	25-JUN-1999	99-06-1280A	02
06	AR	JACKSONVILLE, CITY OF	0501800010E	25-MAY-1999	99-06-539A	01
06	AR	JACKSONVILLE, CITY OF	0501800005E	18-MAR-1999	99-06-799A	01
06	AR	JACKSONVILLE, CITY OF	0501800010E	26-MAR-1999	99-06-870A	02
06	AR	JONESBORO, CITY OF	05031C0132C	22-APR-1999	98-06-1781P	05
06	AR	JONESBORO, CITY OF	05031C0134C	22-APR-1999	98-06-1781P	05
06	AR	JONESBORO, CITY OF	05031C0151C	19-MAY-1999	99-06-1146A	02
06	AR	JONESBORO, CITY OF	05031C0132C	19-MAR-1999	99-06-397A	01
06	AR	JONESBORO, CITY OF	05031C0151C	24-FEB-1999	99-06-654A	02
06	AR	JONESBORO, CITY OF	05031C0131C	01-APR-1999	99-06-897A	02
06	AR	LITTLE ROCK, CITY OF	0501810002E	28-APR-1999	99-06-1099A	02
06	AR	LITTLE ROCK, CITY OF	0501810002E	07-JUN-1999	99-06-1308A	02
06	AR	LITTLE ROCK, CITY OF	0501810002E	16-FEB-1999	99-06-415A	02
06	AR	LITTLE ROCK, CITY OF	0501810006E	08-APR-1999	99-06-939A	02
06	AR	LONOKE COUNTY	0504480365B	20-JAN-1999	99-06-177A	02
06	AR	LONOKE COUNTY	0504480015B	01-MAR-1999	99-06-695A	02
06	AR	MAUMELLE, CITY OF	0505770002A	17-FEB-1999	99-06-629A	02
06	AR	MONTICELLO, CITY OF	0500740005A	25-MAR-1999	99-06-709A	01

Region	State	Community	Map panel	Determination date	Case No.	Type
06	AR	NORTH LITTLE ROCK, CITY OF	0501790278D	25-MAY-1999	99-06-1160A	01
06	AR	NORTH LITTLE ROCK, CITY OF	0501790312D	06-APR-1999	99-06-625P	06
06	AR	PERRY COUNTY	05105C0150B	25-JUN-1999	99-06-1415A	02
06	AR	PERRYVILLE, CITY OF	05105C0129B	06-MAY-1999	99-06-1130A	01
06	AR	PERRYVILLE, CITY OF	05105C0129B	25-JUN-1999	99-06-1418A	02
06	AR	PERRYVILLE, CITY OF	05105C0128B	29-JAN-1999	99-06-395A	02
06	AR	PULASKI COUNTY	0501790190C	11-JUN-1999	99-06-1349A	02
06	AR	SALINE COUNTY	0501910175B	07-MAY-1999	99-06-696P	05
06	AR	SALINE COUNTY	0501910225B	07-MAY-1999	99-06-696P	05
06	AR	SHERWOOD, CITY OF	0502350001E	08-JUN-1999	99-06-1007A	02
06	AR	SHERWOOD, CITY OF	0502350002E	14-JUN-1999	99-06-1354A	02
06	AR	SHERWOOD, CITY OF	0501790312D	06-APR-1999	99-06-625P	06
06	AR	SHERWOOD, CITY OF	0502350002E	06-APR-1999	99-06-625P	06
06	AR	STUTTGART, CITY OF	0500020005C	09-JUN-1999	99-06-1210A	02
06	AR	STUTTGART, CITY OF	0500020005C	09-JUN-1999	99-06-1211A	02
06	AR	VAN BUREN, CITY OF	05033C0170F	16-FEB-1999	99-06-601A	02
06	AR	WEST FORK, TOWN OF	05143C0170C	16-FEB-1999	99-06-623A	02
06	AR	WEST HELENA, CITY OF	0501710001C	21-JUN-1999	99-06-1109A	02
06	AR	WEST MEMPHIS, CITY OF	0500550019C	28-APR-1999	99-06-1079A	02
06	AR	WEST MEMPHIS, CITY OF	0500550016C	01-FEB-1999	99-06-405A	02
06	AR	WEST MEMPHIS, CITY OF	0500550012C	30-MAR-1999	99-06-765P	05
06	AR	WEST MEMPHIS, CITY OF	0500550014C	30-MAR-1999	99-06-765P	05
06	AR	WEST MEMPHIS, CITY OF	0500550016C	30-MAR-1999	99-06-765P	05
06	AR	WEST MEMPHIS, CITY OF	0500550019C	30-MAR-1999	99-06-765P	05
06	AR	WYNNE, CITY OF	0500600005B	08-FEB-1999	99-06-035A	01
06	AR	WYNNE, CITY OF	0500600005B	19-MAY-1999	99-06-1337A	01
06	AR	WYNNE, CITY OF	0500560008C	25-MAR-1999	99-06-288A	01
06	AR	YELL COUNTY	0504690007A	18-FEB-1999	99-06-707A	02
06	AR	YELL COUNTY	0504690007A	18-FEB-1999	99-06-731A	02
06	LA	ALEXANDRIA, CITY OF	2201460015F	27-APR-1999	99-06-1059A	01
06	LA	ALEXANDRIA, CITY OF	2201460015F	19-MAY-1999	99-06-1202A	02
06	LA	ALEXANDRIA, CITY OF	2201460015F	19-MAY-1999	99-06-1204A	02
06	LA	ALEXANDRIA, CITY OF	2201460015F	22-FEB-1999	99-06-604A	02
06	LA	ALEXANDRIA, CITY OF	2201460010F	23-MAR-1999	99-06-847A	01
06	LA	ALEXANDRIA, CITY OF	2201460015F	26-MAR-1999	99-06-860A	01
06	LA	ALLEN PARISH	2200090225B	16-FEB-1999	99-06-609A	02
06	LA	ASCENSION PARISH	2200130105C	22-FEB-1999	99-06-516A	02
06	LA	ASCENSION PARISH	2200130040B	01-FEB-1999	99-06-544A	02
06	LA	ASCENSION PARISH	2200130030C	08-FEB-1999	99-06-555A	02
06	LA	ASCENSION PARISH	2200130110D	30-APR-1999	99-06-686A	01
06	LA	ASCENSION PARISH	2200130030C	03-MAR-1999	99-06-688A	02
06	LA	ASCENSION PARISH	2200130040B	23-APR-1999	99-06-885A	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	23-APR-1999	99-06-1039A	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	19-MAY-1999	99-06-1171A	02
06	LA	BOSSIER CITY, CITY OF	2200310295B	14-JAN-1999	99-06-468A	02
06	LA	BOSSIER CITY, CITY OF	2200330005C	18-MAR-1999	99-06-795A	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	17-MAR-1999	99-06-798A	02
06	LA	BOSSIER PARISH	2200310285B	10-MAY-1999	99-06-1149A	02
06	LA	BOSSIER PARISH	2200310305B	25-MAY-1999	99-06-1212A	01
06	LA	BOSSIER PARISH	2200310285B	08-APR-1999	99-06-605A	02
06	LA	BOSSIER PARISH	2200310220B	22-FEB-1999	99-06-626A	02
06	LA	BOSSIER PARISH	2200310315B	18-FEB-1999	99-06-646A	02
06	LA	BOSSIER PARISH	2200310285B	17-FEB-1999	99-06-647A	02
06	LA	BOSSIER PARISH	2200310315B	01-APR-1999	99-06-918A	02
06	LA	BOSSIER PARISH	2200310285B	01-APR-1999	99-06-920A	02
06	LA	CADDO PARISH	2203610170C	23-APR-1999	99-06-1025A	02
06	LA	CADDO PARISH	2203610215C	22-JAN-1999	99-06-431A	02
06	LA	CADDO PARISH	2203610240C	03-MAR-1999	99-06-713A	02
06	LA	CADDO PARISH	2203610170C	23-MAR-1999	99-06-767A	02
06	LA	CADDO PARISH	2203610240C	28-APR-1999	99-06-922A	02
06	LA	CALCASIEU PARISH	2200370225D	29-JAN-1999	99-06-020A	02
06	LA	CALCASIEU PARISH	2200370250C	11-MAY-1999	99-06-1026A	02
06	LA	CALCASIEU PARISH	2200370225D	21-JUN-1999	99-06-1288A	02
06	LA	CALCASIEU PARISH	2200370575B	07-JUN-1999	99-06-1327A	02
06	LA	CALCASIEU PARISH	2200370250D	24-MAY-1999	99-06-1346A	02
06	LA	CALCASIEU PARISH	2200370150C	11-JAN-1999	99-06-394P	06
06	LA	CALCASIEU PARISH	2200370250D	11-JAN-1999	99-06-394P	06
06	LA	CALCASIEU PARISH	2200370350C	11-JAN-1999	99-06-394P	06
06	LA	CALCASIEU PARISH	2200370375C	11-JAN-1999	99-06-394P	06
06	LA	CALCASIEU PARISH	2200370400D	11-JAN-1999	99-06-394P	06
06	LA	CALCASIEU PARISH	2200370250D	16-FEB-1999	99-06-602A	02
06	LA	CALCASIEU PARISH	2200370225D	03-MAR-1999	99-06-669A	01
06	LA	CATAHOULA PARISH	2200470175C	13-APR-1999	99-06-1123P	05

Region	State	Community	Map panel	Determination date	Case No.	Type
06	LA	CATAHOULA PARISH	2200470200C	13-APR-1999	99-06-1123P	05
06	LA	CATAHOULA PARISH	2200470225C	13-APR-1999	99-06-1123P	05
06	LA	CATAHOULA PARISH	2200470250C	13-APR-1999	99-06-1123P	05
06	LA	CATAHOULA PARISH	2200470275C	13-APR-1999	99-06-1123P	05
06	LA	CATAHOULA PARISH	2200470300C	13-APR-1999	99-06-1123P	05
06	LA	EAST BATON ROUGE PARISH	2200580100D	06-APR-1999	99-06-1001A	01
06	LA	EAST BATON ROUGE PARISH	2200580090D	28-APR-1999	99-06-1077A	02
06	LA	EAST BATON ROUGE PARISH	2200580065D	01-JUN-1999	99-06-1093A	02
06	LA	EAST BATON ROUGE PARISH	2200580105D	25-JUN-1999	99-06-1417A	01
06	LA	EAST BATON ROUGE PARISH	2200580115D	20-JAN-1999	99-06-297A	02
06	LA	EAST BATON ROUGE PARISH	2200580105D	08-FEB-1999	99-06-411A	01
06	LA	EAST BATON ROUGE PARISH	2200580095D	04-JAN-1999	99-06-418A	02
06	LA	EAST BATON ROUGE PARISH	2200580110D	25-JAN-1999	99-06-420A	01
06	LA	EAST BATON ROUGE PARISH	2200580115D	17-MAR-1999	99-06-472A	01
06	LA	EAST BATON ROUGE PARISH	2200580115D	17-MAR-1999	99-06-508A	02
06	LA	EAST BATON ROUGE PARISH	2200580035D	19-MAR-1999	99-06-800A	02
06	LA	EAST BATON ROUGE PARISH	2200580010C	12-APR-1999	99-06-933A	02
06	LA	EAST BATON ROUGE PARISH	2200580085D	08-APR-1999	99-06-938A	02
06	LA	ELIZABETH,TOWN OF	220324A	08-JAN-1999	99-06-433A	02
06	LA	EUNICE, CITY OF	2201680001B	12-APR-1999	99-06-966A	02
06	LA	EVANGELINE PARISH	2200640007C	12-FEB-1999	99-06-131A	02
06	LA	EVANGELINE PARISH	2200640002B	22-JAN-1999	99-06-337A	02
06	LA	HARAHAN, CITY OF	22051C0040E	10-MAR-1999	99-06-728A	02
06	LA	IBERIA PARISH	2200780150C	16-APR-1999	99-06-986A	02
06	LA	KINDER, TOWN OF	220010C	30-APR-1999	99-06-1108A	02
06	LA	KINDER, TOWN OF	220010C	28-JAN-1999	99-06-521A	02
06	LA	KINDER, TOWN OF	220010C	01-APR-1999	99-06-908A	02
06	LA	LAFAYETTE PARISH	22055C0075G	30-APR-1999	99-06-1076A	01
06	LA	LAFAYETTE PARISH	22055C0045G	28-APR-1999	99-06-1088A	02
06	LA	LAFAYETTE PARISH	22055C0065G	22-JUN-1999	99-06-1244A	02
06	LA	LAFAYETTE PARISH	22055C0070G	08-JAN-1999	99-06-336A	02
06	LA	LAFAYETTE PARISH	22055C0040H	21-JAN-1999	99-06-488V	19
06	LA	LAFAYETTE, CITY OF	22055C0045G	19-APR-1999	99-06-1006A	02
06	LA	LAFAYETTE, CITY OF	22055C0045G	23-APR-1999	99-06-1032A	02
06	LA	LAFAYETTE, CITY OF	22055C0045G	19-MAY-1999	99-06-1064A	02
06	LA	LAFAYETTE, CITY OF	22055C0045G	07-JUN-1999	99-06-1300A	02
06	LA	LAFAYETTE, CITY OF	22055C0045G	25-JUN-1999	99-06-1389A	02
06	LA	LAFAYETTE, CITY OF	22055C0045G	25-JUN-1999	99-06-1419A	02
06	LA	LAFAYETTE, CITY OF	22055C0045G	08-JAN-1999	99-06-440A	02
06	LA	LAFAYETTE, CITY OF	22055C0045G	08-JAN-1999	99-06-441A	02
06	LA	LAFAYETTE, CITY OF	22055C0045G	09-MAR-1999	99-06-592A	02
06	LA	LAFAYETTE, CITY OF	22055C0045G	24-FEB-1999	99-06-668A	02
06	LA	LAFOURCHE PARISH	2252020135C	11-JUN-1999	99-06-1331A	02
06	LA	LAKE CHARLES, CITY OF	2200400010E	05-JAN-1999	98-06-1894A	02
06	LA	LAKE CHARLES, CITY OF	2200400010E	19-MAY-1999	99-06-1086A	02
06	LA	LIVINGSTON PARISH	2201130025B	06-JAN-1999	99-06-016A	02
06	LA	LIVINGSTON PARISH	2201130025B	14-JUN-1999	99-06-1323A	02
06	LA	LIVINGSTON PARISH	2201130175B	21-JUN-1999	99-06-1362A	02
06	LA	LIVINGSTON PARISH	2201130100B	22-JAN-1999	99-06-352A	02
06	LA	LIVINGSTON PARISH	2201130025B	24-FEB-1999	99-06-486A	02
06	LA	LIVINGSTON PARISH	2201130025B	25-MAR-1999	99-06-499A	02
06	LA	LIVINGSTON PARISH	2201130200B	29-JAN-1999	99-06-510A	02
06	LA	LIVINGSTON PARISH	2201130100B	01-FEB-1999	99-06-549A	02
06	LA	LIVINGSTON PARISH	2201130175B	09-MAR-1999	99-06-600A	02
06	LA	LIVINGSTON PARISH	2201130025B	24-FEB-1999	99-06-660A	02
06	LA	LIVINGSTON PARISH	2201130175B	03-MAR-1999	99-06-697A	02
06	LA	LIVINGSTON PARISH	2201130100B	01-APR-1999	99-06-912A	02
06	LA	LIVINGSTON PARISH	2201130100B	08-APR-1999	99-06-952A	02
06	LA	LIVINGSTON PARISH	2201130100B	16-APR-1999	99-06-990A	02
06	LA	MARKSVILLE, TOWN OF	2200220005B	12-JAN-1999	99-06-475A	01
06	LA	MARKSVILLE, TOWN OF	2200220005B	01-APR-1999	99-06-902A	02
06	LA	NATCHITOCHES PARISH	2201290265C	03-JUN-1999	99-06-1090A	02
06	LA	NATCHITOCHES PARISH	2201290175B	10-FEB-1999	99-06-290A	02
06	LA	NATCHITOCHES, CITY OF	2201310003C	16-FEB-1999	99-06-591A	02
06	LA	OUACHITA PARISH	22073C0045E	16-JUN-1999	99-06-1363A	02
06	LA	OUACHITA PARISH	22073C0070E	01-APR-1999	99-06-884A	02
06	LA	RAPIDES PARISH	2201450175B	21-JUN-1999	99-06-1385A	02
06	LA	RAPIDES PARISH	2201450275C	05-JAN-1999	99-06-280A	01
06	LA	RAPIDES PARISH	2201450145D	14-JAN-1999	99-06-310A	02
06	LA	RAPIDES PARISH	2201450350C	19-JAN-1999	99-06-393P	06
06	LA	RAPIDES PARISH	2201450400B	19-JAN-1999	99-06-393P	06
06	LA	RAPIDES PARISH	2201450425B	19-JAN-1999	99-06-393P	06
06	LA	RAPIDES PARISH	2201450130C	03-MAR-1999	99-06-457A	01

Region	State	Community	Map panel	Determination date	Case No.	Type
06	LA	SCOTT, CITY OF	22055C0045G	04-MAY-1999	99-06-1082A	02
06	LA	SCOTT, CITY OF	22055C0040H	08-JUN-1999	99-06-1117A	02
06	LA	SCOTT, CITY OF	22055C0040H	07-JUN-1999	99-06-1309A	02
06	LA	SHREVEPORT, CITY OF	2200360034E	23-APR-1999	99-06-1023A	02
06	LA	SHREVEPORT, CITY OF	2200360028E	23-APR-1999	99-06-1030A	02
06	LA	SHREVEPORT, CITY OF	2200360033F	23-APR-1999	99-06-1080A	01
06	LA	SHREVEPORT, CITY OF	2200360034E	28-APR-1999	99-06-1091A	02
06	LA	SHREVEPORT, CITY OF	2200360029E	04-MAY-1999	99-06-1128A	02
06	LA	SHREVEPORT, CITY OF	2200360033E	19-MAY-1999	99-06-1256A	01
06	LA	SHREVEPORT, CITY OF	2200360028E	21-JUN-1999	99-06-1371A	02
06	LA	SHREVEPORT, CITY OF	2200360033E	05-JAN-1999	99-06-426A	02
06	LA	SHREVEPORT, CITY OF	2200360030E	26-FEB-1999	99-06-563A	02
06	LA	SHREVEPORT, CITY OF	2200360028E	16-FEB-1999	99-06-582A	02
06	LA	SHREVEPORT, CITY OF	2200360029E	23-APR-1999	99-06-596A	02
06	LA	SHREVEPORT, CITY OF	2200360028E	18-FEB-1999	99-06-645A	02
06	LA	SHREVEPORT, CITY OF	2200360028E	26-FEB-1999	99-06-667A	02
06	LA	SHREVEPORT, CITY OF	2200360030E	16-MAR-1999	99-06-774A	02
06	LA	SHREVEPORT, CITY OF	2200360030E	01-APR-1999	99-06-906A	02
06	LA	SHREVEPORT, CITY OF	2200360033E	01-APR-1999	99-06-919A	02
06	LA	SHREVEPORT, CITY OF	2200360033E	23-APR-1999	99-06-929A	01
06	LA	SHREVEPORT, CITY OF	2200360029E	08-APR-1999	99-06-946A	01
06	LA	SLIDELL, CITY OF	2202040005C	22-APR-1999	99-06-1008V	19
06	LA	SLIDELL, CITY OF	2202040010C	08-JUN-1999	99-06-1370A	01
06	LA	ST. LANDRY PARISH	2201650325C	19-MAY-1999	99-06-1165A	02
06	LA	ST. TAMMANY PARISH	2252050410D	22-APR-1999	99-06-1009V	19
06	LA	ST. TAMMANY PARISH	2252050420D	22-APR-1999	99-06-1009V	19
06	LA	ST. TAMMANY PARISH	2252050440D	22-APR-1999	99-06-1009V	19
06	LA	ST. TAMMANY PARISH	2252050150C	03-MAY-1999	99-06-1094A	02
06	LA	ST. TAMMANY PARISH	2252050360C	30-APR-1999	99-06-1114A	02
06	LA	ST. TAMMANY PARISH	2252050440C	20-JAN-1999	99-06-552A	01
06	LA	ST. TAMMANY PARISH	2252050430D	23-APR-1999	99-06-712A	02
06	LA	ST. TAMMANY PARISH	2252050410D	23-APR-1999	99-06-790A	02
06	LA	SULPHUR, CITY OF	2200410002B	27-MAY-1999	99-06-1246A	02
06	LA	SULPHUR, CITY OF	2200410001C	01-FEB-1999	99-06-546A	02
06	LA	TANGIPAHOA PARISH	2202060165D	06-JAN-1999	98-06-1936A	01
06	LA	TANGIPAHOA PARISH	2202060165D	01-APR-1999	99-06-444A	01
06	LA	TANGIPAHOA PARISH	2202060175D	17-FEB-1999	99-06-615A	02
06	LA	TANGIPAHOA PARISH	2202060205D	01-APR-1999	99-06-916A	02
06	LA	UNION PARISH	2203590006B	19-MAY-1999	99-06-898A	02
06	LA	WEBSTER PARISH	2203570175C	19-APR-1999	99-06-778A	02
06	LA	YOUNGSVILLE, TOWN OF	22055C0070G	16-MAR-1999	99-06-740A	01
06	NM	ALBUQUERQUE, CITY OF	35001C0354D	14-JAN-1999	99-06-338A	02
06	NM	ALBUQUERQUE, CITY OF	35001C0141D	26-APR-1999	99-06-514P	06
06	NM	ALBUQUERQUE, CITY OF	35001C0112D	16-MAR-1999	99-06-685P	06
06	NM	ALBUQUERQUE, CITY OF	35001C0114D	16-MAR-1999	99-06-685P	06
06	NM	ALBUQUERQUE, CITY OF	35001C0336D	15-APR-1999	99-06-844P	05
06	NM	ALBUQUERQUE, CITY OF	35001C0337D	15-APR-1999	99-06-844P	05
06	NM	ALBUQUERQUE, CITY OF	35001C0333D	23-APR-1999	99-06-866A	02
06	NM	ALBUQUERQUE, CITY OF	35001C0354D	31-MAR-1999	99-06-867A	02
06	NM	BERNALILLO COUNTY	35001C0339D	23-APR-1999	99-06-1031A	02
06	NM	BERNALILLO COUNTY	35001C0136D	25-JUN-1999	99-06-1141A	01
06	NM	BERNALILLO COUNTY	35001C0337D	26-MAR-1999	99-06-868A	02
06	NM	BERNALILLO, TOWN OF	35043C0908C	04-JAN-1999	99-06-494A	01
06	NM	CARLSBAD, CITY OF	3500170004C	19-JAN-1999	99-06-476A	02
06	NM	CARLSBAD, CITY OF	3500170004C	16-APR-1999	99-06-655A	02
06	NM	DONA ANA COUNTY	35013C0930E	08-JAN-1999	99-06-452A	02
06	NM	DONA ANA COUNTY	35013C0525E	08-MAR-1999	99-06-519A	02
06	NM	GALLUP, CITY OF	3500420010D	08-MAR-1999	99-06-726P	06
06	NM	HOBBS, CITY OF	3500290010B	19-MAY-1999	99-06-1207A	02
06	NM	LAS CRUCES, CITY OF	35013C0631E	01-JUN-1999	99-06-1240A	01
06	NM	LAS CRUCES, CITY OF	35013C0518F	08-JAN-1999	99-06-319A	02
06	NM	LAS CRUCES, CITY OF	35013C0631E	08-FEB-1999	99-06-590A	02
06	NM	LAS CRUCES, CITY OF	35013C0631E	23-MAR-1999	99-06-694A	01
06	NM	LAS CRUCES, CITY OF	35013C0633E	23-MAR-1999	99-06-797A	02
06	NM	LOS ALAMOS COUNTY	3500350004B	14-JAN-1999	99-06-462A	02
06	NM	SAN JUAN COUNTY	3500640350B	04-JUN-1999	99-06-1197A	02
06	NM	SAN JUAN COUNTY	3500640125B	25-MAR-1999	99-06-865A	02
06	NM	SANTA FE, CITY OF	3500700011B	14-JUN-1999	98-06-1384P	05
06	NM	SANTA FE, CITY OF	3500700008B	06-JAN-1999	99-06-429A	02
06	OK	ARDMORE,CITY OF	4000310015B	26-FEB-1999	99-06-235A	01
06	OK	ARDMORE,CITY OF	4000310005B	07-MAY-1999	99-06-936A	02
06	OK	ATOKA, CITY OF	4000080005C	12-JAN-1999	99-06-188A	02
06	OK	BIXBY, TOWN OF	4002070005B	06-APR-1999	99-06-822A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
06	OK	BROKEN ARROW, CITY OF	4002360004D	06-MAY-1999	99-06-1136A	02
06	OK	BROKEN ARROW, CITY OF	4002360007D	19-MAY-1999	99-06-1205A	02
06	OK	BROKEN ARROW, CITY OF	4002360004D	09-JUN-1999	99-06-1320A	02
06	OK	BROKEN ARROW, CITY OF	4002360002C	20-JAN-1999	99-06-485A	01
06	OK	BROKEN ARROW, CITY OF	4002360005D	10-MAR-1999	99-06-721A	02
06	OK	BROKEN ARROW, CITY OF	4002360002C	23-MAR-1999	99-06-772A	02
06	OK	BROKEN ARROW, CITY OF	4002360007D	13-APR-1999	99-06-969A	02
06	OK	CANADIAN COUNTY	4004850100B	24-FEB-1999	99-06-095A	02
06	OK	CARTER COUNTY	4000300006A	11-MAY-1999	99-06-1052A	02
06	OK	CLAREMORE, CITY OF	4053750005F	03-MAY-1999	99-06-1132A	02
06	OK	CLAREMORE, CITY OF	4053750005F	16-FEB-1999	99-06-589A	02
06	OK	CLAREMORE, CITY OF	4053750005F	17-MAR-1999	99-06-826A	02
06	OK	CREEK COUNTY	4004900008B	04-JAN-1999	99-06-353A	02
06	OK	CREEK COUNTY	4004900008B	14-JAN-1999	99-06-466A	02
06	OK	CREEK COUNTY	4004900008B	29-JAN-1999	99-06-527A	02
06	OK	CREEK COUNTY	4004900006B	03-MAR-1999	99-06-717A	02
06	OK	CREEK COUNTY	4004900008B	01-APR-1999	99-06-882A	02
06	OK	DEL CITY, CITY OF	4002330002D	20-MAY-1999	99-06-1220A	02
06	OK	DEL CITY, CITY OF	4002330003D	28-APR-1999	99-06-503A	02
06	OK	DELAWARE COUNTY	4005020050C	03-MAY-1999	99-06-1139A	02
06	OK	DELAWARE COUNTY	4005020075C	27-MAY-1999	99-06-1373A	02
06	OK	DELAWARE COUNTY	4005020050C	12-JAN-1999	99-06-456A	02
06	OK	DELAWARE COUNTY	4005020025C	13-APR-1999	99-06-627A	02
06	OK	DELAWARE COUNTY	4005020025C	19-MAR-1999	99-06-735A	02
06	OK	DELAWARE COUNTY	4005020050C	25-MAR-1999	99-06-846A	02
06	OK	DELAWARE COUNTY	4005020075C	06-MAY-1999	99-06-985A	02
06	OK	EDMOND, CITY OF	4002520025D	19-JAN-1999	99-06-118P	05
06	OK	EDMOND, CITY OF	4002520025D	25-MAY-1999	99-06-1227A	02
06	OK	EDMOND, CITY OF	4002520020B	30-APR-1999	99-06-948A	02
06	OK	ENID, CITY OF	40047C0115C	03-JUN-1999	99-06-1293A	02
06	OK	ENID, CITY OF	40047C0115C	04-JAN-1999	99-06-432A	02
06	OK	ENID, CITY OF	40047C0095D	26-MAR-1999	99-06-540P	05
06	OK	ENID, CITY OF	40047C0115C	01-APR-1999	99-06-880A	02
06	OK	GRADY COUNTY	4004830150C	25-JUN-1999	99-06-1360A	02
06	OK	HARRAH, CITY OF	4001400006C	20-JAN-1999	99-06-119A	02
06	OK	HOBART, CITY OF	4000840005B	25-MAY-1999	99-06-1065A	01
06	OK	JENKS, CITY OF	4002090002B	23-MAR-1999	99-06-836A	02
06	OK	JONES CITY, TOWN OF	4001410010A	04-JUN-1999	99-06-1312A	02
06	OK	KAY COUNTY	4004770150B	20-MAY-1999	99-06-1175A	02
06	OK	LAHOMA, TOWN OF	40047C0090C	16-FEB-1999	99-06-595A	02
06	OK	LAWTON, CITY OF	40031C0232C	23-APR-1999	99-06-1067A	02
06	OK	LAWTON, CITY OF	40031C0253D	08-FEB-1999	99-06-574A	02
06	OK	LAWTON, CITY OF	40031C0256C	01-APR-1999	99-06-905A	02
06	OK	LE FLORE COUNTY	4004840008A	06-MAY-1999	99-06-881A	02
06	OK	MAYES COUNTY	4004580110C	06-MAY-1999	97-06-933V	19
06	OK	MAYES COUNTY	4004580150C	06-MAY-1999	97-06-933V	19
06	OK	MAYES COUNTY	4004580110C	14-MAY-1999	99-06-1266V	19
06	OK	MAYES COUNTY	4004580150C	14-MAY-1999	99-06-1266V	19
06	OK	MAYES COUNTY	4004580005B	04-JAN-1999	99-06-410A	02
06	OK	MIDWEST CITY, CITY OF	4004050010E	22-JAN-1999	99-06-515A	17
06	OK	MIDWEST CITY, CITY OF	4004050015E	17-FEB-1999	99-06-620A	02
06	OK	MIDWEST CITY, CITY OF	4004050015E	03-MAR-1999	99-06-639A	02
06	OK	MIDWEST CITY, CITY OF	4004050010E	19-APR-1999	99-06-959A	02
06	OK	MOORE, CITY OF	40027C0037F	07-MAY-1999	99-06-1116A	02
06	OK	MOORE, CITY OF	40027C0037F	25-MAY-1999	99-06-1250A	02
06	OK	MOORE, CITY OF	40027C0039F	11-JUN-1999	99-06-1353A	02
06	OK	MOORE, CITY OF	40027C0039F	10-FEB-1999	99-06-577A	02
06	OK	MOORE, CITY OF	40027C0037F	17-MAR-1999	99-06-838A	02
06	OK	MOORE, CITY OF	40027C0029F	16-APR-1999	99-06-988A	02
06	OK	MUSKOGEE COUNTY	40101C0025D	08-APR-1999	99-06-973A	02
06	OK	NORMAN,CITY OF	40027C0095G	25-JAN-1999	97-06-940V	19
06	OK	NORMAN,CITY OF	40027C0080F	19-MAY-1999	99-06-1192A	02
06	OK	NORMAN,CITY OF	40027C0095G	24-MAY-1999	99-06-1221A	02
06	OK	NORMAN,CITY OF	40027C0095G	27-MAY-1999	99-06-1243A	02
06	OK	NORMAN,CITY OF	40027C0085F	03-JUN-1999	99-06-1291A	02
06	OK	NORMAN,CITY OF	40027C0095G	08-JUN-1999	99-06-1332A	02
06	OK	NORMAN,CITY OF	40027C0095G	22-JAN-1999	99-06-505A	02
06	OK	NORMAN,CITY OF	40027C0095G	28-JAN-1999	99-06-541A	02
06	OK	NORMAN,CITY OF	40027C0095G	09-FEB-1999	99-06-584A	17
06	OK	NORMAN,CITY OF	40027C0085F	16-FEB-1999	99-06-598A	02
06	OK	NORMAN,CITY OF	40027C0080F	26-FEB-1999	99-06-678A	02
06	OK	NORMAN,CITY OF	40027C0095G	16-APR-1999	99-06-999A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780200D	16-APR-1999	99-06-1004A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
06	OK	OKLAHOMA CITY, CITY OF	4053780110C	23-APR-1999	99-06-1053A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780205D	19-MAY-1999	99-06-1078A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780175F	23-APR-1999	99-06-1129A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780080C	04-JUN-1999	99-06-1193A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780265D	19-MAY-1999	99-06-1214A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780110C	25-MAY-1999	99-06-1237A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780160D	27-MAY-1999	99-06-1251A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780285C	07-JUN-1999	99-06-1301A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780195C	21-JUN-1999	99-06-1364A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780190F	12-FEB-1999	99-06-159P	05
06	OK	OKLAHOMA CITY, CITY OF	4053780160D	27-MAY-1999	99-06-409P	05
06	OK	OKLAHOMA CITY, CITY OF	4053780170F	22-JAN-1999	99-06-504A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780295C	08-FEB-1999	99-06-565A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780175F	08-FEB-1999	99-06-566A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780195C	01-FEB-1999	99-06-632A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780205D	01-MAR-1999	99-06-676A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780155E	01-MAR-1999	99-06-679A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780175F	01-MAR-1999	99-06-681A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780160D	01-MAR-1999	99-06-683A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780195C	01-MAR-1999	99-06-684A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780110C	10-MAR-1999	99-06-714A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780190F	30-APR-1999	99-06-779A	01
06	OK	OKLAHOMA CITY, CITY OF	4053780195C	30-APR-1999	99-06-779A	01
06	OK	OKLAHOMA CITY, CITY OF	4053780175F	17-MAR-1999	99-06-805A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780175F	26-MAR-1999	99-06-857A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780175F	06-MAY-1999	99-06-878P	06
06	OK	OKLAHOMA CITY, CITY OF	4053780190F	01-APR-1999	99-06-921A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780170F	16-APR-1999	99-06-984A	01
06	OK	OKLAHOMA CITY, CITY OF	4053780190F	16-APR-1999	99-06-994A	02
06	OK	OKLAHOMA COUNTY	4004660245B	22-JAN-1999	99-06-509A	02
06	OK	OKMULGEE COUNTY	4004920050B	04-JUN-1999	99-06-1284A	02
06	OK	OSAGE COUNTY	4001460545D	24-MAR-1999	99-06-824V	19
06	OK	OTTAWA COUNTY	4001540150B	01-JUN-1999	99-06-1097A	02
06	OK	PONCA CITY, CITY OF	4000800005C	18-FEB-1999	99-06-648A	02
06	OK	POTTAWATOMIE COUNTY	40125C0125D	04-JAN-1999	99-06-339A	01
06	OK	POTTAWATOMIE COUNTY	40125C0125D	23-MAR-1999	99-06-784A	01
06	OK	PRYOR CREEK,CITY OF	4001170002C	06-MAY-1999	97-06-866V	19
06	OK	PRYOR CREEK,CITY OF	4001170002C	14-MAY-1999	99-06-1267V	19
06	OK	ROGERS COUNTY	4053790105C	27-APR-1999	99-06-1066A	02
06	OK	ROGERS COUNTY	4053790070D	03-MAY-1999	99-06-1134A	02
06	OK	ROGERS COUNTY	4053790105C	25-MAY-1999	99-06-1231A	02
06	OK	ROGERS COUNTY	4053790050C	25-MAY-1999	99-06-1233A	02
06	OK	ROGERS COUNTY	4053790110C	27-MAY-1999	99-06-1241A	02
06	OK	ROGERS COUNTY	4053790105C	08-FEB-1999	99-06-520A	02
06	OK	ROGERS COUNTY	4053790100B	17-FEB-1999	99-06-633A	02
06	OK	ROGERS COUNTY	4053790070D	26-FEB-1999	99-06-674A	02
06	OK	ROGERS COUNTY	4053790120B	09-MAR-1999	99-06-680A	02
06	OK	ROGERS COUNTY	4053790100B	17-MAR-1999	99-06-754A	02
06	OK	ROGERS COUNTY	4053790110C	16-APR-1999	99-06-775A	02
06	OK	ROGERS COUNTY	4053790100B	17-MAR-1999	99-06-820A	02
06	OK	ROGERS COUNTY	4053790025B	09-APR-1999	99-06-956A	02
06	OK	SAND SPRINGS, CITY OF	4002110002C	01-JUN-1999	99-06-1265A	02
06	OK	SHAWNEE, CITY OF	40125C0101D	30-APR-1999	99-06-1095A	02
06	OK	SHAWNEE, CITY OF	40125C0101D	30-APR-1999	99-06-1113A	02
06	OK	SHAWNEE, CITY OF	40125C0101D	14-JUN-1999	99-06-1350A	02
06	OK	SHAWNEE, CITY OF	40125C0101D	06-APR-1999	99-06-924A	02
06	OK	SLAUGHTERVILLE, TOWN OF	40027C0165G	21-JAN-1999	98-06-025V	19
06	OK	STILLWATER, CITY OF	4053800004E	16-APR-1999	99-06-861A	02
06	OK	TULSA COUNTY	4004620085B	17-FEB-1999	99-06-622A	02
06	OK	TULSA, CITY OF	4053810065G	19-MAY-1999	99-06-1043A	02
06	OK	TULSA, CITY OF	4053810040F	23-APR-1999	99-06-1044A	02
06	OK	TULSA, CITY OF	4053810065G	19-MAY-1999	99-06-1056A	02
06	OK	TULSA, CITY OF	4053810090F	28-APR-1999	99-06-1089A	02
06	OK	TULSA, CITY OF	4053810015E	16-MAR-1999	99-06-110P	06
06	OK	TULSA, CITY OF	4053810040F	08-JUN-1999	99-06-1330A	02
06	OK	TULSA, CITY OF	4053810070G	04-JAN-1999	99-06-421A	02
06	OK	TULSA, CITY OF	4053810085G	06-JAN-1999	99-06-428A	02
06	OK	TULSA, CITY OF	4053810070G	17-FEB-1999	99-06-526A	02
06	OK	TULSA, CITY OF	4053810065G	08-FEB-1999	99-06-564A	02
06	OK	TULSA, CITY OF	4053810070G	26-FEB-1999	99-06-673A	02
06	OK	TULSA, CITY OF	4053810070G	26-FEB-1999	99-06-725P	06
06	OK	TULSA, CITY OF	4053810045F	23-MAR-1999	99-06-773A	02
06	OK	TULSA, CITY OF	4053810065G	08-APR-1999	99-06-949A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
06	OK	VINITA, CITY OF	4000500003C	11-JUN-1999	99-06-1352A	02
06	OK	WAGONER COUNTY	4002150027B	19-JAN-1999	99-06-523A	02
06	OK	WAGONER COUNTY	4002150012B	23-APR-1999	99-06-801A	02
06	OK	WAGONER COUNTY	4002150027B	08-APR-1999	99-06-950A	02
06	OK	WARR ACRES, CITY OF	4004490001A	01-MAR-1999	99-06-677A	02
06	OK	WATONGA, CITY OF	4000160001B	17-MAR-1999	99-06-810A	02
06	OK	WATONGA, CITY OF	4000160001B	26-MAR-1999	99-06-856A	02
06	OK	WOODS COUNTY	4004810100A	08-MAR-1999	99-06-642A	02
06	OK	WOODWARD, CITY OF	4002320002B	09-JUN-1999	99-06-1333A	02
06	TX	ADDISON, TOWN OF	4810890030D	25-MAR-1999	98-06-1948A	01
06	TX	ALAMO HEIGHTS, CITY OF	48029C0452E	17-MAR-1999	98-06-1006P	05
06	TX	ALAMO HEIGHTS, CITY OF	48029C0452E	13-JAN-1999	98-06-229P	05
06	TX	ALLEN, CITY OF	48085C0435G	21-JUN-1999	99-06-512P	05
06	TX	ANGELINA COUNTY	4800070005C	06-JAN-1999	99-06-437A	02
06	TX	ARGYLE, CITY OF	48121C0510E	16-JUN-1999	99-06-1271A	02
06	TX	ARGYLE, CITY OF	48121C0510E	04-JAN-1999	99-06-359A	02
06	TX	ARLINGTON, CITY OF	48439C0433H	19-APR-1999	99-06-1012A	02
06	TX	ARLINGTON, CITY OF	48439C0443H	27-MAY-1999	99-06-1248A	02
06	TX	ARLINGTON, CITY OF	48439C0452H	05-JAN-1999	99-06-342A	01
06	TX	ARLINGTON, CITY OF	48439C0433H	19-MAR-1999	99-06-529A	02
06	TX	ARLINGTON, CITY OF	48439C0453H	11-JUN-1999	99-06-643P	05
06	TX	ARLINGTON, CITY OF	48439C0339H	03-MAR-1999	99-06-659A	02
06	TX	ARLINGTON, CITY OF	48439C0429H	03-MAR-1999	99-06-698A	02
06	TX	ARLINGTON, CITY OF	48439C0443H	18-MAR-1999	99-06-719A	01
06	TX	ARLINGTON, CITY OF	48439C0462H	18-MAR-1999	99-06-788A	02
06	TX	ARLINGTON, CITY OF	48439C0319H	12-APR-1999	99-06-965A	02
06	TX	AUSTIN, CITY OF	48453C0165E	01-JUN-1999	99-06-1264A	02
06	TX	AUSTIN, CITY OF	48453C0205E	22-JAN-1999	99-06-194P	05
06	TX	AUSTIN, CITY OF	48453C0160E	03-MAR-1999	99-06-314A	02
06	TX	AUSTIN, CITY OF	48453C0125E	08-FEB-1999	99-06-356P	06
06	TX	AUSTIN, CITY OF	48453C0155E	27-MAY-1999	99-06-360P	05
06	TX	AUSTIN, CITY OF	48453C0120E	22-JAN-1999	99-06-396A	02
06	TX	AUSTIN, CITY OF	48453C0200E	22-JAN-1999	99-06-473A	02
06	TX	AUSTIN, CITY OF	48453C0200E	18-MAR-1999	99-06-492A	02
06	TX	AUSTIN, CITY OF	48453C0205E	23-APR-1999	99-06-522A	01
06	TX	AUSTIN, CITY OF	48453C0150E	01-FEB-1999	99-06-533A	02
06	TX	AUSTIN, CITY OF	48453C0125E	03-JUN-1999	99-06-619A	01
06	TX	AUSTIN, CITY OF	48453C0290E	01-MAR-1999	99-06-687A	02
06	TX	AUSTIN, CITY OF	48453C0255F	23-MAR-1999	99-06-758A	02
06	TX	AZLE, CITY OF	48439C0232H	19-MAR-1999	99-06-771A	02
06	TX	BASTROP COUNTY	48021C0050C	23-APR-1999	99-06-1021A	02
06	TX	BASTROP COUNTY	48021C0050C	12-APR-1999	99-06-963A	02
06	TX	BEAUMONT, CITY OF	4854570050C	25-MAY-1999	99-06-1143A	01
06	TX	BEDFORD, CITY OF	48439C0330H	26-MAR-1999	98-06-1552P	05
06	TX	BEDFORD, CITY OF	48439C0307H	28-JAN-1999	99-06-493A	02
06	TX	BEDFORD, CITY OF	48439C0330H	03-MAR-1999	99-06-690A	02
06	TX	BELTON, CITY OF	4800280002B	01-APR-1999	99-06-269P	05
06	TX	BEXAR COUNTY	48029C0281E	22-FEB-1999	98-06-1754P	06
06	TX	BEXAR COUNTY	48029C0478E	26-FEB-1999	98-06-1922P	06
06	TX	BEXAR COUNTY	48029C0490E	26-FEB-1999	98-06-1922P	06
06	TX	BEXAR COUNTY	48029C0110E	14-APR-1999	98-06-1978P	06
06	TX	BEXAR COUNTY	48029C0120E	14-APR-1999	98-06-1978P	06
06	TX	BEXAR COUNTY	48029C0140E	14-APR-1999	98-06-1978P	06
06	TX	BEXAR COUNTY	48029C0140E	24-MAY-1999	99-06-1020P	06
06	TX	BEXAR COUNTY	48029C0145E	24-MAY-1999	99-06-1020P	06
06	TX	BEXAR COUNTY	48029C0240E	11-JUN-1999	99-06-1261A	02
06	TX	BEXAR COUNTY	48029C0416E	22-JUN-1999	99-06-1343A	02
06	TX	BEXAR COUNTY	48029C0135E	15-JAN-1999	99-06-354P	06
06	TX	BEXAR COUNTY	48029C0232E	22-JAN-1999	99-06-478P	06
06	TX	BEXAR COUNTY	48029C0233E	26-APR-1999	99-06-829P	06
06	TX	BEXAR COUNTY	48029C0313E	26-APR-1999	99-06-875P	06
06	TX	BRAZORIA COUNTY	48039C0030H	19-MAR-1999	99-06-606A	01
06	TX	BRENHAM, CITY OF	4806480001B	27-MAY-1999	99-06-1238A	02
06	TX	BROWNSVILLE, CITY OF	4801030025B	29-JAN-1999	99-06-389A	02
06	TX	BROWNSVILLE, CITY OF	4801010350B	26-FEB-1999	99-06-664A	02
06	TX	BROWNSVILLE, CITY OF	4801010350B	19-MAR-1999	99-06-804A	01
06	TX	BROWNSVILLE, CITY OF	4801030350B	25-MAR-1999	99-06-968A	02
06	TX	BURLESON, CITY OF	48251C0033H	07-JAN-1999	99-06-391V	19
06	TX	BURLESON, CITY OF	48251C0037H	07-JAN-1999	99-06-391V	19
06	TX	BURNET COUNTY	48053C0220C	20-JAN-1999	99-06-465A	01
06	TX	CAMERON COUNTY	4801010125B	25-MAY-1999	99-06-1235A	02
06	TX	CARROLLTON, CITY OF	4801670005G	20-MAY-1999	99-06-1036A	02
06	TX	CLEBURNE, CITY OF	48251C0113G	28-JAN-1999	99-06-470A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
06	TX	CLEBURNE, CITY OF	48251C0113G	08-APR-1999	99-06-953A	02
06	TX	COLLEGE STATION, CITY OF	48041C0144C	27-MAY-1999	99-06-1228A	01
06	TX	COLLEGE STATION, CITY OF	48041C0144C	31-MAY-1999	99-06-332P	05
06	TX	COLLEGE STATION, CITY OF	48041C0142C	26-FEB-1999	99-06-675A	02
06	TX	COLLEGE STATION, CITY OF	48041C0163C	26-MAR-1999	99-06-806P	05
06	TX	COLLEYVILLE, TOWN OF	48439C0195H	19-MAY-1999	98-06-1586P	05
06	TX	COLLEYVILLE, TOWN OF	48439C0215H	16-APR-1999	99-06-996A	02
06	TX	COLLIN COUNTY	48085C0125G	08-JAN-1999	99-06-438A	02
06	TX	COLUMBUS, CITY OF	48089C0145C	16-JUN-1999	99-06-1173A	01
06	TX	COLUMBUS, CITY OF	48089C0145C	16-JUN-1999	99-06-1174A	01
06	TX	COMAL COUNTY	4854630055D	23-JUN-1999	99-06-1314P	05
06	TX	COMAL COUNTY	4854630055D	01-APR-1999	99-06-850P	05
06	TX	CONROE, CITY OF	48339C0360F	19-MAY-1999	99-06-1169A	02
06	TX	CONVERSE, CITY OF	48029C0312E	12-FEB-1999	99-06-350P	05
06	TX	CONVERSE, CITY OF	48029C0314E	12-FEB-1999	99-06-350P	05
06	TX	COPPELL, CITY OF	4801700010E	18-JUN-1999	99-06-734P	06
06	TX	COPPELL, CITY OF	4801700010E	09-APR-1999	99-06-987A	02
06	TX	CORINTH, TOWN OF	48121C0389E	01-FEB-1999	99-06-502P	06
06	TX	CORSICANA, CITY OF	4804980005A	03-MAY-1999	99-06-863A	02
06	TX	DALLAS, CITY OF	4801710185D	22-JUN-1999	99-06-1029A	02
06	TX	DALLAS, CITY OF	4801710090D	24-MAY-1999	99-06-1206A	02
06	TX	DALLAS, CITY OF	4801710010D	09-FEB-1999	99-06-227P	06
06	TX	DALLAS, CITY OF	4801710025C	25-MAR-1999	99-06-258A	02
06	TX	DALLAS, CITY OF	4801710140D	22-JAN-1999	99-06-430A	02
06	TX	DALLAS, CITY OF	4801710060D	26-FEB-1999	99-06-487P	05
06	TX	DALLAS, CITY OF	4801710065C	09-FEB-1999	99-06-570A	02
06	TX	DALLAS, CITY OF	4801710005C	16-APR-1999	99-06-670A	01
06	TX	DALLAS, CITY OF	4801710100D	10-MAR-1999	99-06-727A	02
06	TX	DALLAS, CITY OF	4801710060D	25-MAR-1999	99-06-738A	01
06	TX	DALLAS, CITY OF	4801710100D	17-MAR-1999	99-06-752A	02
06	TX	DALLAS, CITY OF	4801710055C	12-APR-1999	99-06-780A	01
06	TX	DALLAS, CITY OF	4801710090D	12-APR-1999	99-06-780A	01
06	TX	DALLAS, CITY OF	4801710100D	01-APR-1999	99-06-789A	02
06	TX	DALLAS, CITY OF	4801710085D	25-MAR-1999	99-06-848A	02
06	TX	DALLAS, CITY OF	4801710105C	19-MAY-1999	99-06-978A	02
06	TX	DALLAS, CITY OF	4801710055C	10-JUN-1999	99-06-995P	05
06	TX	DALLAS, CITY OF	4801710090D	10-JUN-1999	99-06-995P	05
06	TX	DALWORTHINGTON GARDENS, TOWN OF	48439C0433H	16-APR-1999	99-06-896A	02
06	TX	DENTON COUNTY	48121C0370E	07-JAN-1999	99-06-260P	06
06	TX	DENTON, CITY OF	48121C0380E	06-JAN-1999	99-06-525A	02
06	TX	EL PASO, CITY OF	4802140042B	19-APR-1999	99-06-1014A	02
06	TX	EL PASO, CITY OF	4802140048B	06-MAY-1999	99-06-1142A	02
06	TX	EL PASO, CITY OF	4802140048B	28-JAN-1999	99-06-236A	02
06	TX	EL PASO, CITY OF	4802140037B	26-MAR-1999	99-06-449P	05
06	TX	EL PASO, CITY OF	4802140043B	26-MAR-1999	99-06-449P	05
06	TX	EL PASO, CITY OF	4802140026D	16-MAR-1999	99-06-762A	02
06	TX	EL PASO, CITY OF	4802140020B	16-MAR-1999	99-06-776A	02
06	TX	EL PASO, CITY OF	4802140026D	16-MAR-1999	99-06-791A	02
06	TX	ELLIS COUNTY	48139C0090D	21-JAN-1999	99-06-489V	19
06	TX	ELLIS COUNTY	4807980030B	23-APR-1999	99-06-545A	02
06	TX	ENNIS, CITY OF	48139C0220D	21-JAN-1999	99-06-489V	19
06	TX	EULESS, CITY OF	48439C0330H	19-JAN-1999	99-06-480A	02
06	TX	EULESS, CITY OF	48439C0330H	16-MAR-1999	99-06-482P	05
06	TX	FARMERS BRANCH, CITY OF	4801740005C	23-JUN-1999	99-06-1048P	05
06	TX	FLOWER MOUND, TOWN OF	48121C0545E	12-APR-1999	98-06-1870P	05
06	TX	FLOWER MOUND, TOWN OF	48121C0540E	18-JUN-1999	99-06-1106P	06
06	TX	FLOWER MOUND, TOWN OF	48121C0545E	13-APR-1999	99-06-1111A	02
06	TX	FLOWER MOUND, TOWN OF	48121C0545E	25-JUN-1999	99-06-1401A	02
06	TX	FLOWER MOUND, TOWN OF	48121C0545E	25-JUN-1999	99-06-1410A	02
06	TX	FLOWER MOUND, TOWN OF	48121C0540E	08-FEB-1999	99-06-366A	01
06	TX	FLOWER MOUND, TOWN OF	48121C0545E	07-JAN-1999	99-06-434A	02
06	TX	FLOWER MOUND, TOWN OF	48121C0545E	08-APR-1999	99-06-814A	02
06	TX	FORT BEND COUNTY L.I.D. 17	48157C0235J	08-APR-1999	99-06-833A	01
06	TX	FORT WORTH, CITY OF	48439C0330H	26-FEB-1999	99-06-011P	05
06	TX	FORT WORTH, CITY OF	48439C0170H	07-JUN-1999	99-06-1257A	02
06	TX	FORT WORTH, CITY OF	48439C0170H	20-MAY-1999	99-06-168P	05
06	TX	FORT WORTH, CITY OF	48439C0169H	08-JAN-1999	99-06-169P	05
06	TX	FORT WORTH, CITY OF	48439C0170H	08-JAN-1999	99-06-169P	05
06	TX	FORT WORTH, CITY OF	48439C0270H	06-MAY-1999	99-06-455P	06
06	TX	FORT WORTH, CITY OF	48439C0170H	20-JAN-1999	99-06-490A	02
06	TX	FORT WORTH, CITY OF	48439C0385H	17-FEB-1999	99-06-532A	02
06	TX	FORT WORTH, CITY OF	48439C0395H	17-FEB-1999	99-06-532A	02
06	TX	FORT WORTH, CITY OF	48439C0510H	01-APR-1999	99-06-746P	05

Region	State	Community	Map panel	Determination date	Case No.	Type
06	TX	FORT WORTH, CITY OF	48439C0160H	14-APR-1999	99-06-889P	06
06	TX	FORT WORTH, CITY OF	48439C0170H	01-JUN-1999	99-06-926P	06
06	TX	FREDERICKSBURG, CITY OF	4802520002B	21-JUN-1999	99-06-1387A	02
06	TX	FRISCO, CITY OF	48085C0265G	21-MAY-1999	99-06-729P	05
06	TX	FRISCO, CITY OF	48085C0410G	09-APR-1999	99-06-958A	02
06	TX	GARLAND, CITY OF	4854710030E	04-MAY-1999	99-06-1137A	02
06	TX	GARLAND, CITY OF	4854710030E	26-FEB-1999	99-06-203P	05
06	TX	GARLAND, CITY OF	4854710020D	21-MAY-1999	99-06-316P	05
06	TX	GARLAND, CITY OF	4854710015D	28-JAN-1999	99-06-528A	02
06	TX	GARLAND, CITY OF	4854710015D	17-FEB-1999	99-06-612A	02
06	TX	GARLAND, CITY OF	4854710030E	24-FEB-1999	99-06-663A	02
06	TX	GILLESPIE COUNTY	4806960007B	19-MAY-1999	99-06-1110A	02
06	TX	GILMER, CITY OF	480625B	26-FEB-1999	99-06-547A	02
06	TX	GONZALES, CITY OF	4802540001B	07-JUN-1999	99-06-1307A	02
06	TX	GRANBURY, CITY OF	4803570005B	11-MAY-1999	99-06-1162A	02
06	TX	GRAND PRAIRIE, CITY OF	4854720015F	25-JUN-1999	98-06-1247P	05
06	TX	GRAND PRAIRIE, CITY OF	4854720030F	10-MAR-1999	99-06-578A	02
06	TX	GRAND PRAIRIE, CITY OF	4854720035G	27-MAY-1999	99-06-876P	06
06	TX	GRAPEVINE, CITY OF	48439C0215H	08-FEB-1999	99-06-559A	02
06	TX	GREENVILLE, CITY OF	48231C0180F	08-FEB-1999	99-06-567A	17
06	TX	GUADALUPE COUNTY	4802660050B	16-FEB-1999	99-06-454A	02
06	TX	GUADALUPE COUNTY	4802660150C	14-JAN-1999	99-06-460A	02
06	TX	GUADALUPE COUNTY	4802660175C	08-APR-1999	99-06-943A	02
06	TX	HALTOM CITY, CITY OF	48439C0282H	16-MAR-1999	98-06-1944P	05
06	TX	HALTOM CITY, CITY OF	48439C0301H	16-MAR-1999	98-06-1944P	05
06	TX	HARDIN COUNTY	48199C0204C	08-JUN-1999	99-06-1200A	02
06	TX	HARRIS COUNTY	48201C1030J	06-MAY-1999	99-06-1147A	01
06	TX	HARRIS COUNTY	48201C0440J	19-MAY-1999	99-06-1163A	02
06	TX	HARRIS COUNTY	48201C0505J	21-JUN-1999	99-06-1372A	02
06	TX	HARRIS COUNTY	48201C0715J	22-JUN-1999	99-06-1449A	01
06	TX	HARRIS COUNTY	48201C0585J	19-FEB-1999	99-06-263P	06
06	TX	HARRIS COUNTY	48201C0595J	19-FEB-1999	99-06-263P	06
06	TX	HARRIS COUNTY	48201C0720J	16-FEB-1999	99-06-471A	01
06	TX	HARRIS COUNTY	48201C0410J	22-JAN-1999	99-06-491A	02
06	TX	HARRIS COUNTY	48201C0435J	05-JAN-1999	99-06-500A	02
06	TX	HARRIS COUNTY	48201C0260J	14-JAN-1999	99-06-548A	02
06	TX	HARRIS COUNTY	48201C0430J	20-JAN-1999	99-06-554A	02
06	TX	HARRIS COUNTY	48201C0440J	09-FEB-1999	99-06-593A	01
06	TX	HARRIS COUNTY	48201C0805J	26-FEB-1999	99-06-661A	01
06	TX	HARRIS COUNTY	48201C0405J	26-FEB-1999	99-06-662A	02
06	TX	HARRIS COUNTY	48201C0265J	01-APR-1999	99-06-759A	02
06	TX	HARRIS COUNTY	48201C0295J	17-MAR-1999	99-06-768A	02
06	TX	HARRIS COUNTY	48201C0715J	18-MAR-1999	99-06-796A	01
06	TX	HARRIS COUNTY	48201C0610J	26-MAR-1999	99-06-862A	02
06	TX	HARRIS COUNTY	48201C0430J	23-APR-1999	99-06-945P	06
06	TX	HAYS COUNTY	48209C0227E	16-FEB-1999	99-06-535A	02
06	TX	HAYS COUNTY	48209C0227E	12-APR-1999	99-06-942A	02
06	TX	HENDERSON COUNTY	48213C0175D	26-MAR-1999	99-06-751A	02
06	TX	HIDALGO COUNTY	4803340325C	22-JAN-1999	99-06-507A	02
06	TX	HITCHCOCK, CITY OF	4854790005D	16-APR-1999	99-06-1121A	01
06	TX	HITCHCOCK, CITY OF	4854790005D	10-MAR-1999	99-06-722A	01
06	TX	HITCHCOCK, CITY OF	4854790005D	01-APR-1999	99-06-998A	01
06	TX	HOOD COUNTY	4803560140B	03-MAY-1999	99-06-1138A	02
06	TX	HOOD COUNTY	4803560130C	07-MAY-1999	99-06-1144A	02
06	TX	HOOD COUNTY	4803560145B	25-JUN-1999	99-06-1404A	02
06	TX	HOUSTON, CITY OF	48201C0855J	04-JUN-1999	99-06-1299A	02
06	TX	HOUSTON, CITY OF	48201C0640J	01-FEB-1999	99-06-143A	02
06	TX	HOUSTON, CITY OF	48201C0895J	09-APR-1999	99-06-853A	02
06	TX	HURST, CITY OF	48439C0306H	12-JAN-1999	98-06-622P	05
06	TX	HURST, CITY OF	48439C0306H	30-APR-1999	99-06-1102A	02
06	TX	HURST, CITY OF	48439C0306H	19-MAY-1999	99-06-1168A	02
06	TX	HURST, CITY OF	48439C0306H	28-APR-1999	99-06-873P	05
06	TX	HURST, CITY OF	48439C0306H	01-APR-1999	99-06-911A	02
06	TX	IRVING, CITY OF	4801800045D	25-JUN-1999	98-06-1247P	05
06	TX	IRVING, CITY OF	4801800050C	14-JUN-1999	99-06-1187A	02
06	TX	IRVING, CITY OF	4801800045D	08-JAN-1999	99-06-439A	02
06	TX	IRVING, CITY OF	4801800035C	01-FEB-1999	99-06-458P	05
06	TX	IRVING, CITY OF	4801800045D	26-FEB-1999	99-06-585A	02
06	TX	JOHNSON COUNTY	48251C0125F	25-JUN-1999	99-06-1413A	02
06	TX	JOHNSON COUNTY	48251C0037H	07-JAN-1999	99-06-391V	19
06	TX	JOHNSON COUNTY	48251C0041H	07-JAN-1999	99-06-391V	19
06	TX	JOHNSON COUNTY	48251C0050H	07-JAN-1999	99-06-391V	19
06	TX	JOSHUA, CITY OF	48251C0039G	03-JUN-1999	99-06-1295A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
06	TX	JOSHUA, CITY OF	48251C0039G	16-FEB-1999	99-06-638A	02
06	TX	JUSTIN, CITY OF	48121C0485E	01-FEB-1999	99-06-530A	02
06	TX	KELLER, CITY OF	48439C0190H	03-MAR-1999	99-06-718A	01
06	TX	KERR COUNTY	4804190275B	08-APR-1999	99-06-839A	02
06	TX	KERRVILLE, CITY OF	4804200005D	17-FEB-1999	99-06-556A	02
06	TX	KERRVILLE, CITY OF	4804200005D	12-MAR-1999	99-06-706P	06
06	TX	KERRVILLE, CITY OF	4804200005D	12-APR-1999	99-06-934A	02
06	TX	KILLEEN, CITY OF	4800310008B	09-MAR-1999	99-06-320A	02
06	TX	KILLEEN, CITY OF	4800310008B	16-MAR-1999	99-06-770A	02
06	TX	KIRBY, CITY OF	48029C0457E	25-MAY-1999	99-06-1230A	02
06	TX	KYLE, CITY OF	48209C0140E	26-FEB-1999	99-06-569A	02
06	TX	LAKE WORTH, CITY OF	48439C0270H	06-MAY-1999	99-06-455P	06
06	TX	LEAGUE CITY, CITY OF	4854880011C	19-MAY-1999	98-06-1500P	05
06	TX	LEWISVILLE, CITY OF	48121C0533F	07-JUN-1999	99-06-1140A	02
06	TX	LEWISVILLE, CITY OF	48121C0533F	22-JUN-1999	99-06-1159A	02
06	TX	LEWISVILLE, CITY OF	48121C0545E	22-JAN-1999	99-06-160P	05
06	TX	LINDSAY, TOWN OF	480766A	12-APR-1999	99-06-940A	01
06	TX	LLANO COUNTY	4812340285B	22-JUN-1999	99-06-1379A	02
06	TX	LLANO COUNTY	4812340225B	17-MAR-1999	99-06-743A	02
06	TX	LONGVIEW, CITY OF	4802640015E	19-MAY-1999	99-06-1247V	19
06	TX	LONGVIEW, CITY OF	4802640010D	14-JAN-1999	99-06-469A	02
06	TX	LONGVIEW, CITY OF	4802640010D	12-APR-1999	99-06-616A	17
06	TX	LONGVIEW, CITY OF	4802640010D	12-APR-1999	99-06-957A	01
06	TX	LUBBOCK COUNTY	4809150011A	12-FEB-1999	99-06-427A	02
06	TX	LUBBOCK, CITY OF	4804520040B	19-MAY-1999	99-06-1180A	01
06	TX	LUBBOCK, CITY OF	4804520045C	27-MAY-1999	99-06-1222A	01
06	TX	LUBBOCK, CITY OF	4804520025C	01-FEB-1999	99-06-534A	02
06	TX	LUBBOCK, CITY OF	4804520045C	26-JAN-1999	99-06-573A	02
06	TX	LUBBOCK, CITY OF	4804520050B	17-FEB-1999	99-06-608A	02
06	TX	LUBBOCK, CITY OF	4804520050B	17-MAR-1999	99-06-756A	01
06	TX	LUBBOCK, CITY OF	4804520045C	16-APR-1999	99-06-982A	02
06	TX	MANSFIELD, CITY OF	48439C0560H	04-JUN-1999	99-06-1283A	02
06	TX	MANSFIELD, CITY OF	48439C0560H	28-APR-1999	99-06-763A	02
06	TX	MANSFIELD, CITY OF	48439C0560H	28-APR-1999	99-06-971A	02
06	TX	MANVEL, TOWN OF	48039C0110H	19-APR-1999	99-06-1092A	01
06	TX	MANVEL, TOWN OF	48039C0110H	26-JAN-1999	99-06-370A	01
06	TX	MARBLE FALLS, CITY OF	48053C0312C	10-MAR-1999	99-06-723A	02
06	TX	MCLENNAN COUNTY	4804560265B	18-FEB-1999	99-06-635A	02
06	TX	MESQUITE, CITY OF	4854900005H	10-MAR-1999	98-06-1361P	06
06	TX	MESQUITE, CITY OF	4854900005H	08-JAN-1999	99-06-451A	02
06	TX	MESQUITE, CITY OF	4854900005H	12-JAN-1999	99-06-459A	02
06	TX	MESQUITE, CITY OF	4854900005H	08-FEB-1999	99-06-511A	17
06	TX	MIDLAND COUNTY	48329C0150C	16-JUN-1999	99-06-813A	01
06	TX	MIDLAND, CITY OF	48329C0101D	23-APR-1999	99-06-1022A	02
06	TX	MIDLAND, CITY OF	48329C0082C	23-APR-1999	99-06-1050A	02
06	TX	MIDLAND, CITY OF	48329C0082C	23-APR-1999	99-06-1051A	02
06	TX	MIDLAND, CITY OF	48329C0101D	28-APR-1999	99-06-1100A	02
06	TX	MIDLAND, CITY OF	48329C0101D	19-MAY-1999	99-06-1209A	02
06	TX	MIDLAND, CITY OF	48329C0101D	16-FEB-1999	99-06-197A	02
06	TX	MIDLAND, CITY OF	48329C0101D	20-JAN-1999	99-06-271A	02
06	TX	MIDLAND, CITY OF	48329C0101D	28-JAN-1999	99-06-281A	02
06	TX	MIDLAND, CITY OF	48329C0101D	17-MAR-1999	99-06-671A	02
06	TX	MIDLAND, CITY OF	48329C0038C	10-MAR-1999	99-06-672A	01
06	TX	MIDLAND, CITY OF	48329C0038C	09-APR-1999	99-06-937A	01
06	TX	MIDLAND, CITY OF	48329C0082C	08-APR-1999	99-06-951A	02
06	TX	MONTGOMERY COUNTY	48339C0480F	04-MAR-1999	99-06-070P	06
06	TX	MONTGOMERY COUNTY	48339C0485F	04-MAR-1999	99-06-070P	06
06	TX	MONTGOMERY COUNTY	48339C0520F	20-MAY-1999	99-06-1170A	02
06	TX	MONTGOMERY COUNTY	48339C0365F	19-MAY-1999	99-06-1219A	02
06	TX	MONTGOMERY COUNTY	48339C0489F	09-JUN-1999	99-06-1329A	02
06	TX	MONTGOMERY COUNTY	48339C0370F	27-APR-1999	99-06-414A	02
06	TX	MONTGOMERY COUNTY	48339C0215F	14-JAN-1999	99-06-467A	02
06	TX	MONTGOMERY COUNTY	48339C0355F	03-MAR-1999	99-06-691A	02
06	TX	MONTGOMERY COUNTY	48339C0510F	01-MAR-1999	99-06-703A	02
06	TX	MONTGOMERY COUNTY	48339C0389F	10-MAR-1999	99-06-720A	02
06	TX	MONTGOMERY COUNTY	48339C0710F	24-MAY-1999	99-06-891A	02
06	TX	MONTGOMERY COUNTY	48339C0510F	12-APR-1999	99-06-941A	01
06	TX	MONTGOMERY COUNTY	48339C0510F	19-APR-1999	99-06-977A	01
06	TX	MOUNT PLEASANT, CITY OF	4806210005C	05-APR-1999	99-06-823V	19
06	TX	NORTH RICHLAND HILLS, CITY OF	48439C0282H	16-MAR-1999	98-06-1944P	05
06	TX	NORTH RICHLAND HILLS, CITY OF	48439C0301H	16-MAR-1999	98-06-1944P	05
06	TX	NORTH RICHLAND HILLS, CITY OF	48439C0306H	12-JAN-1999	98-06-622P	05
06	TX	NORTH RICHLAND HILLS, CITY OF	48439C0302H	26-MAY-1999	99-06-760P	06

Region	State	Community	Map panel	Determination date	Case No.	Type
06	TX	NORTH RICHLAND HILLS, CITY OF	48439C0304H	26-MAY-1999	99-06-760P	06
06	TX	ODESSA, CITY OF	48135C0170D	27-MAY-1999	99-06-1245A	02
06	TX	ODESSA, CITY OF	48135C0135D	26-MAR-1999	99-06-748A	02
06	TX	ODESSA, CITY OF	48135C0170D	16-MAR-1999	99-06-769A	01
06	TX	ODESSA, CITY OF	48135C0170D	17-MAR-1999	99-06-842A	02
06	TX	OVERTON, CITY OF	480994	19-MAY-1999	99-06-1185A	02
06	TX	PANORAMA VILLAGE, CITY OF	48339C0238F	10-MAR-1999	99-06-304A	02
06	TX	PANORAMA VILLAGE, CITY OF	48339C0238F	12-APR-1999	99-06-901A	02
06	TX	PANTEGO, TOWN OF	48439C9433H	25-MAR-1999	99-06-854A	02
06	TX	PARIS, CITY OF	4804270001B	28-JUN-1999	98-06-897P	05
06	TX	PARIS, CITY OF	4804270003B	28-JUN-1999	98-06-897P	05
06	TX	PARIS, CITY OF	4804270002B	19-APR-1999	99-06-1000A	02
06	TX	PARIS, CITY OF	4804270004B	28-APR-1999	99-06-983A	02
06	TX	PASADENA, CITY OF	48201C0920J	22-JAN-1999	98-06-1827P	05
06	TX	PASADENA, CITY OF	48201C0940J	22-JAN-1999	98-06-1827P	05
06	TX	PLANO, CITY OF	48085C0435G	26-MAR-1999	98-06-1061P	05
06	TX	PLANO, CITY OF	48085C0420G	18-JUN-1999	98-06-1798P	06
06	TX	PLANO, CITY OF	48085C0430G	23-APR-1999	99-06-1033A	02
06	TX	PLANO, CITY OF	48085C0445G	23-APR-1999	99-06-1060A	02
06	TX	PLANO, CITY OF	48085C0440G	20-MAY-1999	99-06-1154A	01
06	TX	PLANO, CITY OF	48085C0420G	19-MAY-1999	99-06-1208A	02
06	TX	PLANO, CITY OF	48085C0440G	11-JUN-1999	99-06-1324A	02
06	TX	PLANO, CITY OF	48085C0440G	22-JUN-1999	99-06-1378A	02
06	TX	PLANO, CITY OF	48085C0445G	19-JAN-1999	99-06-483A	02
06	TX	PLANO, CITY OF	48085C0445G	17-MAR-1999	99-06-851A	02
06	TX	POLK COUNTY	4805260009B	25-JUN-1999	99-06-1167A	02
06	TX	PORT ARANSAS, CITY OF	4854980003F	26-FEB-1999	99-06-114A	02
06	TX	PORT ARTHUR, CITY OF	4854990010E	12-APR-1999	99-06-923A	02
06	TX	RHOME, TOWN OF	48497C0280C	11-JUN-1999	99-06-692P	06
06	TX	RICHARDSON, CITY OF	4801840015C	17-FEB-1999	99-06-611A	02
06	TX	RICHLAND HILLS, CITY OF	48439C0311H	20-MAY-1999	99-06-1156A	02
06	TX	ROCKWALL, CITY OF	4805470005C	30-APR-1999	99-06-1069A	01
06	TX	ROCKWALL, CITY OF	4805470005C	17-FEB-1999	99-06-621A	02
06	TX	ROUND ROCK, CITY OF	48491C0330D	01-JUN-1999	99-06-1296A	02
06	TX	SACHSE, CITY OF	4801300580H	17-MAR-1999	99-06-745A	02
06	TX	SAN ANTONIO, CITY OF	48029C0452E	17-MAR-1999	98-06-1006P	05
06	TX	SAN ANTONIO, CITY OF	48029C0281E	22-FEB-1999	98-06-1754P	06
06	TX	SAN ANTONIO, CITY OF	48029C0478E	26-FEB-1999	98-06-1922P	06
06	TX	SAN ANTONIO, CITY OF	48029C0490E	26-FEB-1999	98-06-1922P	06
06	TX	SAN ANTONIO, CITY OF	48029C0284E	07-MAY-1999	99-06-1034A	02
06	TX	SAN ANTONIO, CITY OF	48029C0261E	27-MAY-1999	99-06-1061A	02
06	TX	SAN ANTONIO, CITY OF	48029C0279E	23-APR-1999	99-06-1068A	02
06	TX	SAN ANTONIO, CITY OF	48029C0244E	27-MAY-1999	99-06-1253A	02
06	TX	SAN ANTONIO, CITY OF	48029C0244E	04-JUN-1999	99-06-1273A	02
06	TX	SAN ANTONIO, CITY OF	48029C0258E	18-JUN-1999	99-06-1316P	06
06	TX	SAN ANTONIO, CITY OF	48029C0434E	26-FEB-1999	99-06-166A	02
06	TX	SAN ANTONIO, CITY OF	48029C0244E	25-MAR-1999	99-06-562A	02
06	TX	SAN ANTONIO, CITY OF	48029C0477E	16-FEB-1999	99-06-572A	02
06	TX	SAN ANTONIO, CITY OF	48029C0258E	25-JUN-1999	99-06-586P	06
06	TX	SAN ANTONIO, CITY OF	48029C0261E	16-FEB-1999	99-06-624A	02
06	TX	SAN ANTONIO, CITY OF	48029C0140E	17-FEB-1999	99-06-636A	02
06	TX	SAN ANTONIO, CITY OF	48029C0257E	22-FEB-1999	99-06-650A	02
06	TX	SAN ANTONIO, CITY OF	48029C0140E	25-JUN-1999	99-06-715P	06
06	TX	SAN ANTONIO, CITY OF	48029C0243E	23-MAR-1999	99-06-835A	02
06	TX	SAN ANTONIO, CITY OF	48029C0140E	12-APR-1999	99-06-964A	02
06	TX	SAN MARCOS, CITY OF	48209C0193E	10-MAR-1999	99-06-537A	02
06	TX	SCHERTZ, CITY OF	4802690015D	08-JUN-1999	99-06-855P	05
06	TX	SMITH COUNTY	4811850250B	21-JUN-1999	99-06-1356A	02
06	TX	SMITH COUNTY	4811850250B	20-JAN-1999	99-06-561A	02
06	TX	SPRINGTOWN, CITY OF	4805210005B	26-FEB-1999	99-06-630A	02
06	TX	SUGAR LAND, CITY OF	48157C0255J	04-JUN-1999	99-06-1304A	02
06	TX	SUNRISE BEACH VILLAGE, CITY OF	4815310001B	08-JAN-1999	99-06-443A	02
06	TX	TARRANT COUNTY	48439C0195H	19-MAY-1999	98-06-1586P	05
06	TX	TARRANT COUNTY	48439C0130H	19-MAY-1999	99-06-883A	01
06	TX	TARRANT COUNTY	48439C0160H	14-APR-1999	99-06-889P	06
06	TX	TARRANT COUNTY	48439C0110H	08-APR-1999	99-06-960A	02
06	TX	TERRELL HILLS, CITY OF	48029C0452E	17-MAR-1999	98-06-1006P	06
06	TX	TRAVIS COUNTY	48453C0260E	25-JUN-1999	99-06-1392A	01
06	TX	WATAUGA, TOWN OF	48439C0282H	16-MAR-1999	98-06-1944P	05
06	TX	WATAUGA, TOWN OF	48439C0301H	16-MAR-1999	98-06-1944P	05
06	TX	WATAUGA, TOWN OF	48439C0188H	16-APR-1999	99-06-992A	02
06	TX	WAXAHACHIE, CITY OF	48139C0095D	20-MAY-1999	98-06-1582P	05
06	TX	WAXAHACHIE, CITY OF	48139C0185D	20-MAY-1999	98-06-1582P	05

Region	State	Community	Map panel	Determination date	Case No.	Type
06	TX	WAXAHACHIE, CITY OF	48139C0185D	21-JAN-1999	99-06-489V	19
06	TX	WICHITA FALLS, CITY OF	4806620025D	26-FEB-1999	99-06-199P	05
06	TX	WICHITA FALLS, CITY OF	4806620030E	26-FEB-1999	99-06-199P	05
06	TX	WOLFFORTH, TOWN OF	4809150007A	01-APR-1999	99-06-607A	02
07	IA	BETTENDORF, CITY OF	1902400003C	14-APR-1999	99-07-449A	02
07	IA	BLACK HAWK COUNTY	1905350045B	04-FEB-1999	99-07-259A	02
07	IA	BLACK HAWK COUNTY	1905350095B	24-MAR-1999	99-07-366A	02
07	IA	BUTLER COUNTY	1908500004A	25-JUN-1999	99-07-544A	02
07	IA	CAMANCHE, CITY OF	1900860005B	04-FEB-1999	99-07-274A	01
07	IA	CEDAR FALLS, CITY OF	1900170004B	24-FEB-1999	99-07-292A	01
07	IA	CEDAR FALLS, CITY OF	1900170004B	14-APR-1999	99-07-403A	01
07	IA	CEDAR RAPIDS, CITY OF	1901870020B	01-APR-1999	99-07-269P	06
07	IA	CEDAR RAPIDS, CITY OF	1901870010B	28-JAN-1999	99-07-289A	02
07	IA	CEDAR RAPIDS, CITY OF	1901870010B	10-MAR-1999	99-07-383A	02
07	IA	CHARLES CITY, CITY OF	190128A	11-MAY-1999	99-07-556A	02
07	IA	CLEAR LAKE, CITY OF	1900590001B	22-JAN-1999	99-07-240A	02
07	IA	CLEAR LAKE, CITY OF	1900590001B	11-JUN-1999	99-07-549A	02
07	IA	CLERMONT, CITY OF	190374A	01-MAR-1999	99-07-297A	02
07	IA	CLINTON, CITY OF	1900880015C	04-FEB-1999	99-07-099A	01
07	IA	CLINTON, CITY OF	1900880005B	08-APR-1999	99-07-433A	02
07	IA	CLIVE, CITY OF	1904880005C	20-APR-1999	99-07-470A	02
07	IA	CORALVILLE, CITY OF	1901690005B	20-APR-1999	98-07-678P	05
07	IA	DAVENPORT, CITY OF	1902420003B	05-JAN-1999	99-07-188P	06
07	IA	DAVENPORT, CITY OF	1902420004C	19-FEB-1999	99-07-273A	02
07	IA	DAVENPORT, CITY OF	1902420004C	24-FEB-1999	99-07-309A	02
07	IA	DAVENPORT, CITY OF	1902420005B	14-JUN-1999	99-07-630A	02
07	IA	DES MOINES, CITY OF	1902270005D	21-JAN-1999	98-07-359P	05
07	IA	FOREST CITY, CITY OF	1902830005C	16-MAR-1999	99-07-353A	02
07	IA	FREDERICKSBURG, CITY OF	190066B	06-MAY-1999	99-07-528A	02
07	IA	HUMBOLDT, CITY OF	1901550005B	19-FEB-1999	99-07-207A	02
07	IA	HUMBOLDT, CITY OF	1901550005B	11-FEB-1999	99-07-284A	02
07	IA	HUMBOLDT, CITY OF	1901550005B	21-MAY-1999	99-07-550A	02
07	IA	HUMBOLDT, CITY OF	1901550005B	26-MAY-1999	99-07-557A	02
07	IA	HUMBOLDT, CITY OF	1901550005B	30-JUN-1999	99-07-560A	02
07	IA	IOWA CITY, CITY OF	1901710005C	20-APR-1999	98-07-678P	05
07	IA	IOWA CITY, CITY OF	1901710010C	11-FEB-1999	99-07-279A	02
07	IA	IOWA CITY, CITY OF	1901710005C	18-MAR-1999	99-07-358A	01
07	IA	JONES COUNTY	1909190175B	28-JAN-1999	99-07-243A	02
07	IA	JONES COUNTY	1909190225B	23-APR-1999	99-07-478A	02
07	IA	MASON CITY, CITY OF	1900600002B	05-APR-1999	99-07-413A	02
07	IA	MASON CITY, CITY OF	1900600005B	25-MAR-1999	99-07-420A	02
07	IA	MONTICELLO, CITY OF	1901750005B	20-JAN-1999	99-07-239A	02
07	IA	MUSCATINE COUNTY	1908360175B	11-JUN-1999	99-07-513A	02
07	IA	MUSCATINE, CITY OF	1902130003B	08-JAN-1999	99-07-217A	02
07	IA	MUSCATINE, CITY OF	1902130003B	17-MAR-1999	99-07-352A	02
07	IA	NICHOLS, CITY OF	1902140001B	01-MAR-1999	99-07-326A	02
07	IA	ROCK VALLEY, CITY OF	190253B	25-FEB-1999	99-07-049A	02
07	IA	SHEFFIELD, CITY OF	190132B	23-APR-1999	99-07-498A	02
07	IA	SPENCER, CITY OF	1900710005B	28-JAN-1999	99-07-245A	01
07	IA	SPENCER, CITY OF	1900710005B	04-FEB-1999	99-07-248A	02
07	IA	SPENCER, CITY OF	1900710005B	17-JUN-1999	99-07-636A	02
07	IA	SPENCER, CITY OF	1900710005B	25-JUN-1999	99-07-662A	02
07	IA	STORY COUNTY	1909070110B	15-JAN-1999	99-07-106A	02
07	IA	WARREN COUNTY	19181C0020D	19-APR-1999	99-07-450A	02
07	IA	WATERLOO, CITY OF	1900250015E	04-FEB-1999	99-07-256A	02
07	IA	WATERLOO, CITY OF	1900250005E	19-FEB-1999	99-07-300A	02
07	IA	WATERLOO, CITY OF	1900250015E	29-MAR-1999	99-07-388A	02
07	IA	WAVERLY, CITY OF	19017C0054C	22-MAR-1999	99-07-415A	02
07	IA	WEBSTER COUNTY	1908310006B	28-APR-1999	99-07-494A	02
07	IA	WEST BRANCH, CITY OF	1900580001B	29-APR-1999	99-07-504A	02
07	IA	WEST DES MOINES, CITY OF	1902310005B	21-JAN-1999	98-07-359P	05
07	IA	WINDSOR HEIGHTS, CITY OF	1906870001B	21-JAN-1999	98-07-359P	05
07	KS	ALBERT, CITY OF	2000170001A	25-MAR-1999	99-07-404A	02
07	KS	ALBERT, CITY OF	2000170001A	19-APR-1999	99-07-471A	02
07	KS	ARKANSAS CITY, CITY OF	2000700002B	02-JUN-1999	99-07-596A	02
07	KS	BALDWIN CITY, CITY OF	2000880001B	19-MAR-1999	99-07-419A	02
07	KS	BONNER SPRINGS, CITY OF	2003610005A	24-MAR-1999	99-07-246A	01
07	KS	BUTLER COUNTY	2000370160B	05-MAR-1999	99-07-299A	02
07	KS	BUTLER COUNTY	2000370155B	05-APR-1999	99-07-406A	02
07	KS	BUTLER COUNTY	2000370100B	29-APR-1999	99-07-501A	02
07	KS	CHANUTE, CITY OF	2002410005B	05-APR-1999	99-07-414A	01
07	KS	CHANUTE, CITY OF	2002410005B	04-MAY-1999	99-07-546A	01
07	KS	CHAPMAN, CITY OF	20041C0085C	16-JUN-1999	99-07-643A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
07	KS	CHASE COUNTY	2000400003B	05-APR-1999	99-07-412A	02
07	KS	DERBY, CITY OF	2003230001C	14-JAN-1999	99-07-227A	02
07	KS	DERBY, CITY OF	2003230001C	14-JUN-1999	99-07-627A	02
07	KS	DESOTO, CITY OF	20091C0055D	12-FEB-1999	99-07-190A	02
07	KS	DICKINSON COUNTY	20041C0185C	06-MAY-1999	99-07-533A	02
07	KS	DOUGLAS COUNTY	2000870045B	23-APR-1999	99-07-451A	02
07	KS	EDWARDSVILLE, CITY OF	2003620005B	17-FEB-1999	98-07-747P	06
07	KS	EUDORA, CITY OF	2000870045B	08-APR-1999	99-07-422A	02
07	KS	FINNEY COUNTY	2000990300B	01-MAR-1999	99-07-320A	02
07	KS	GALENA, CITY OF	200047B	23-APR-1999	99-07-457A	02
07	KS	GEARY COUNTY	2005790065C	28-JAN-1999	99-07-210A	01
07	KS	HARVEY COUNTY	2005850050B	26-FEB-1999	99-07-317A	02
07	KS	HAYSVILLE, CITY OF	2003240001C	20-MAY-1999	99-07-631P	05
07	KS	HAYSVILLE, CITY OF	2003240001C	27-MAY-1999	99-07-651P	06
07	KS	JEFFERSON COUNTY	2001470150C	25-FEB-1999	99-07-315A	17
07	KS	JOHNSON COUNTY	20091C0075D	19-MAR-1999	99-07-365A	02
07	KS	KANSAS CITY, CITY OF	2003630010A	17-FEB-1999	98-07-747P	06
07	KS	KANSAS CITY, CITY OF	2003630005C	03-MAY-1999	99-07-497A	02
07	KS	LANE, CITY OF	2001030001A	25-MAR-1999	99-07-389A	02
07	KS	LAWRENCE, CITY OF	2000900010A	24-FEB-1999	99-07-306A	02
07	KS	LAWRENCE, CITY OF	2000900015A	12-MAY-1999	99-07-509A	01
07	KS	LEAVENWORTH COUNTY	2001860100D	14-JAN-1999	99-07-221A	02
07	KS	LEAVENWORTH COUNTY	2001860100D	22-FEB-1999	99-07-298A	02
07	KS	LEAVENWORTH COUNTY	2001860050C	24-MAR-1999	99-07-385A	02
07	KS	LEAVENWORTH COUNTY	2001860100D	14-JUN-1999	99-07-530A	02
07	KS	LYON COUNTY	2002010150B	04-JAN-1999	99-07-044A	02
07	KS	LYON COUNTY	2002010125B	14-JAN-1999	99-07-090A	17
07	KS	LYONS, CITY OF	2002950001C	18-MAR-1999	99-07-378A	02
07	KS	MCPHERSON, CITY OF	2002170015D	10-MAR-1999	98-07-613P	05
07	KS	MCPHERSON, CITY OF	2002170005D	03-MAY-1999	99-07-511A	02
07	KS	MCPHERSON, CITY OF	2002170015D	03-MAY-1999	99-07-516A	02
07	KS	MCPHERSON, CITY OF	2002170010D	16-JUN-1999	99-07-601A	01
07	KS	MCPHERSON, CITY OF	2002170015D	30-JUN-1999	99-07-604A	02
07	KS	MULVANE, CITY OF	2003260010D	21-JUN-1999	99-07-645A	02
07	KS	NEWTON, CITY OF	2001330005C	26-MAY-1999	99-07-564A	02
07	KS	NICKERSON, CITY OF	20155C0090D	03-MAY-1999	99-07-517A	02
07	KS	NICKERSON, CITY OF	20155C0090D	08-JUN-1999	99-07-606A	02
07	KS	NICKERSON, CITY OF	20155C0090D	11-JUN-1999	99-07-619A	02
07	KS	OLATHE, CITY OF	20091C0090D	26-MAR-1999	99-07-005P	06
07	KS	ONAGA, CITY OF	200544	16-FEB-1999	99-07-280A	02
07	KS	OVERLAND PARK, CITY OF	20091C0085E	08-APR-1999	99-07-434A	02
07	KS	POTTAWATOMIE COUNTY	2006210235D	16-FEB-1999	99-07-313P	06
07	KS	POTTAWATOMIE COUNTY	2006210190B	10-MAY-1999	99-07-540A	02
07	KS	POTTAWATOMIE COUNTY	2006210195B	10-MAY-1999	99-07-540A	02
07	KS	PRAIRIE VILLAGE, CITY OF	20091C0044D	15-JUN-1999	99-07-349P	05
07	KS	PRAIRIE VILLAGE, CITY OF	20091C0044D	28-APR-1999	99-07-393A	02
07	KS	RENO COUNTY	20155C0315D	28-APR-1999	99-07-510A	02
07	KS	RENO COUNTY	20155C0315D	08-JUN-1999	99-07-605A	02
07	KS	RENO COUNTY	20155C0315D	14-JUN-1999	99-07-632A	02
07	KS	RENO COUNTY	20155C0250D	15-JUN-1999	99-07-633A	02
07	KS	RILEY COUNTY	2002980090B	26-FEB-1999	99-07-147A	01
07	KS	RILEY COUNTY	2002980090B	21-APR-1999	99-07-469A	02
07	KS	SALINA, CITY OF	2003190015B	07-JAN-1999	99-07-110A	01
07	KS	SALINA, CITY OF	2003190015B	14-JAN-1999	99-07-225A	02
07	KS	SALINA, CITY OF	2003190015B	28-JAN-1999	99-07-250A	02
07	KS	SALINA, CITY OF	2003190015B	08-FEB-1999	99-07-266A	02
07	KS	SALINA, CITY OF	2003190060B	08-FEB-1999	99-07-266A	02
07	KS	SALINA, CITY OF	2003190005B	12-FEB-1999	99-07-276A	02
07	KS	SALINA, CITY OF	2003190015B	12-FEB-1999	99-07-277A	02
07	KS	SALINA, CITY OF	2003190015B	19-FEB-1999	99-07-301A	02
07	KS	SALINA, CITY OF	2003190060B	10-FEB-1999	99-07-307A	02
07	KS	SALINA, CITY OF	2003190015B	01-MAR-1999	99-07-321A	02
07	KS	SALINA, CITY OF	2003190060B	01-MAR-1999	99-07-324A	02
07	KS	SALINA, CITY OF	2003190015B	12-MAR-1999	99-07-344A	02
07	KS	SALINA, CITY OF	2003190015B	11-MAR-1999	99-07-371A	02
07	KS	SALINA, CITY OF	2003190015B	05-APR-1999	99-07-375A	02
07	KS	SALINA, CITY OF	2003190015B	11-MAR-1999	99-07-381A	02
07	KS	SALINA, CITY OF	2003190015B	25-MAR-1999	99-07-382A	02
07	KS	SALINA, CITY OF	2003190015B	11-MAR-1999	99-07-387A	02
07	KS	SALINA, CITY OF	2003190015B	05-APR-1999	99-07-426A	02
07	KS	SALINA, CITY OF	2003190015B	05-APR-1999	99-07-432A	02
07	KS	SALINA, CITY OF	2003190015B	25-MAR-1999	99-07-439A	02
07	KS	SALINA, CITY OF	2003190015B	12-APR-1999	99-07-444A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
07	KS	SALINA, CITY OF	2003190015B	19-APR-1999	99-07-466A	02
07	KS	SALINA, CITY OF	2003190015B	08-APR-1999	99-07-467A	02
07	KS	SALINA, CITY OF	2003190060B	22-APR-1999	99-07-485A	02
07	KS	SALINA, CITY OF	2003190015B	19-APR-1999	99-07-490A	02
07	KS	SALINA, CITY OF	2003190015B	23-APR-1999	99-07-496A	02
07	KS	SALINA, CITY OF	2003190015B	03-MAY-1999	99-07-529A	02
07	KS	SALINA, CITY OF	2003190015B	10-MAY-1999	99-07-531A	02
07	KS	SALINA, CITY OF	2003190015B	23-APR-1999	99-07-532A	02
07	KS	SALINA, CITY OF	2003190015B	06-MAY-1999	99-07-535A	02
07	KS	SALINA, CITY OF	2003190015B	07-JUN-1999	99-07-615A	02
07	KS	SALINA, CITY OF	2003160060B	11-JUN-1999	99-07-622A	02
07	KS	SALINA, CITY OF	2003190015B	22-JUN-1999	99-07-658A	02
07	KS	SALINA, CITY OF	2003190015B	22-JUN-1999	99-07-663A	02
07	KS	SALINA, CITY OF	2003190015B	22-JUN-1999	99-07-664A	02
07	KS	SALINA, CITY OF	2003190015B	25-JUN-1999	99-07-667A	02
07	KS	SALINA, CITY OF	2003190015B	25-JUN-1999	99-07-675A	02
07	KS	SALINE COUNTY	2003160125B	30-JUN-1999	99-07-379A	02
07	KS	SALINE COUNTY	2003160065B	04-MAY-1999	99-07-499A	02
07	KS	SALINE COUNTY	2003160100B	10-MAY-1999	99-07-545A	02
07	KS	SALINE COUNTY	2003160065B	21-MAY-1999	99-07-566A	02
07	KS	SEDGWICK COUNTY	2003210300A	14-JAN-1999	99-07-209A	01
07	KS	SEDGWICK COUNTY	2003210125A	16-FEB-1999	99-07-228A	01
07	KS	SEDGWICK COUNTY	2003210125A	21-APR-1999	99-07-407A	01
07	KS	SEDGWICK COUNTY	2003210300A	08-APR-1999	99-07-425A	02
07	KS	SEDGWICK COUNTY	2003210300A	12-APR-1999	99-07-438A	02
07	KS	SEDGWICK COUNTY	2003210150A	19-APR-1999	99-07-495A	01
07	KS	SEDGWICK COUNTY	2003210150A	27-MAY-1999	99-07-520P	05
07	KS	SEDGWICK COUNTY	2003210150A	09-JUN-1999	99-07-600A	02
07	KS	SEDGWICK COUNTY	2003210225A	20-MAY-1999	99-07-631P	05
07	KS	SHAWNEE COUNTY	2003310120C	14-JAN-1999	99-07-222A	02
07	KS	SOUTH HUTCHINSON, CITY OF	20155C0295D	06-MAY-1999	99-07-536A	02
07	KS	SUMNER COUNTY	20191C0120B	19-APR-1999	99-07-089A	02
07	KS	WICHITA, CITY OF	2003280025B	07-JAN-1999	98-07-435P	05
07	KS	WICHITA, CITY OF	2003280035B	07-JAN-1999	98-07-435P	05
07	KS	WICHITA, CITY OF	2003280030B	25-MAR-1999	98-07-909P	06
07	KS	WICHITA, CITY OF	2003210125A	08-APR-1999	98-07-931P	05
07	KS	WICHITA, CITY OF	2003280035B	14-JAN-1999	99-07-028A	02
07	KS	WICHITA, CITY OF	2003210150A	20-MAY-1999	99-07-076P	05
07	KS	WICHITA, CITY OF	2003280015B	20-MAY-1999	99-07-076P	05
07	KS	WICHITA, CITY OF	2003280030B	07-JAN-1999	99-07-216A	02
07	KS	WICHITA, CITY OF	2003210125A	11-JAN-1999	99-07-252A	02
07	KS	WICHITA, CITY OF	2003280020B	04-FEB-1999	99-07-260A	02
07	KS	WICHITA, CITY OF	2003280015B	16-FEB-1999	99-07-278A	01
07	KS	WICHITA, CITY OF	2003280035B	24-FEB-1999	99-07-310A	02
07	KS	WICHITA, CITY OF	2003280005B	08-MAR-1999	99-07-330A	02
07	KS	WICHITA, CITY OF	2003280020B	01-MAR-1999	99-07-335A	02
07	KS	WICHITA, CITY OF	2003280015B	18-JUN-1999	99-07-397P	05
07	KS	WICHITA, CITY OF	2003280010B	08-APR-1999	99-07-436A	02
07	KS	WICHITA, CITY OF	2003280035B	08-APR-1999	99-07-437A	02
07	KS	WICHITA, CITY OF	2003280020B	20-APR-1999	99-07-462A	01
07	KS	WICHITA, CITY OF	2003280005B	19-APR-1999	99-07-464A	02
07	KS	WICHITA, CITY OF	2003280030B	14-JUN-1999	99-07-465A	17
07	KS	WICHITA, CITY OF	2003280020B	23-APR-1999	99-07-483A	02
07	KS	WICHITA, CITY OF	2003280010B	27-MAY-1999	99-07-520P	05
07	KS	WICHITA, CITY OF	2003280035B	03-MAY-1999	99-07-523A	02
07	KS	WICHITA, CITY OF	2003280030B	20-MAY-1999	99-07-559A	02
07	KS	WICHITA, CITY OF	2003280030B	26-MAY-1999	99-07-572A	02
07	KS	WICHITA, CITY OF	2003280035B	21-MAY-1999	99-07-573A	02
07	KS	WICHITA, CITY OF	2003280030B	08-JUN-1999	99-07-608A	02
07	KS	WICHITA, CITY OF	2003280010B	08-JUN-1999	99-07-614A	02
07	KS	WICHITA, CITY OF	2003210125A	21-JUN-1999	99-07-653A	01
07	KS	WINFIELD, CITY OF	2000710003B	21-APR-1999	99-07-480A	02
07	MO	ADVANCE, CITY OF	2904200001B	06-MAY-1999	99-07-534A	02
07	MO	AIRPORT DRIVE, VILLAGE OF	290761	21-MAY-1999	99-07-639A	02
07	MO	AIRPORT DRIVE, VILLAGE OF	290761	27-MAY-1999	99-07-640A	02
07	MO	AIRPORT DRIVE, VILLAGE OF	290761	27-MAY-1999	99-07-654A	02
07	MO	ARNOLD, CITY OF	2901880001C	03-MAR-1999	99-07-328A	02
07	MO	ARNOLD, CITY OF	2901880003C	25-FEB-1999	99-07-364A	02
07	MO	ARNOLD, CITY OF	2901880001C	03-MAR-1999	99-07-384A	02
07	MO	ARNOLD, CITY OF	2901880003C	14-APR-1999	99-07-441A	02
07	MO	ARNOLD, CITY OF	2901880001C	30-JUN-1999	99-07-507A	02
07	MO	ARNOLD, CITY OF	2901880001C	26-MAY-1999	99-07-577A	02
07	MO	ATCHISON COUNTY	2900090075B	18-JUN-1999	99-07-429P	06

Region	State	Community	Map panel	Determination date	Case No.	Type
07	MO	BENTON COUNTY	2900270075B	04-JUN-1999	99-07-376A	02
07	MO	BUCHANAN COUNTY	2900400025B	07-JAN-1999	99-07-213A	02
07	MO	BUTLER COUNTY	2900440130D	16-MAR-1999	99-07-341A	02
07	MO	CAMDEN COUNTY	2907890006B	06-MAY-1999	99-07-527A	02
07	MO	CAPE GIRARDEAU COUNTY	2907900080C	27-MAY-1999	99-07-171A	01
07	MO	CAPE GIRARDEAU COUNTY	2907900130B	01-MAR-1999	99-07-282A	02
07	MO	CAPE GIRARDEAU COUNTY	2907900070C	03-MAR-1999	99-07-329A	02
07	MO	CAPE GIRARDEAU COUNTY	2907900090C	05-APR-1999	99-07-424A	02
07	MO	CAPE GIRARDEAU, CITY OF	2904580006B	18-MAR-1999	99-07-288A	01
07	MO	CARROLL COUNTY	2900570125B	11-MAR-1999	99-07-045A	02
07	MO	CARROLLTON, TOWN OF	2900580005B	13-MAY-1999	99-07-594A	02
07	MO	CASS COUNTY	2907830200B	07-JAN-1999	99-07-200A	02
07	MO	CASS COUNTY	2907830125B	16-MAR-1999	99-07-343A	02
07	MO	CASS COUNTY	2907830025C	05-APR-1999	99-07-421A	02
07	MO	CASS COUNTY	2907830125B	03-MAY-1999	99-07-519A	02
07	MO	CHESTERFIELD, CITY OF	29189C0145H	24-MAR-1999	99-07-367A	17
07	MO	CHESTERFIELD, CITY OF	29189C0145H	12-APR-1999	99-07-435A	02
07	MO	CHESTERFIELD, CITY OF	29189C0145H	30-JUN-1999	99-07-597A	02
07	MO	COLUMBIA, CITY OF	2900360019C	22-JUN-1999	99-07-674A	02
07	MO	COTTLEVILLE, CITY OF	29183C0244E	04-JAN-1999	99-07-198A	02
07	MO	CREVE COEUR, CITY OF	29189C0163H	28-JAN-1999	99-07-237A	02
07	MO	DUNKLIN COUNTY	2901220045B	08-FEB-1999	99-07-238A	02
07	MO	EUREKA, CITY OF	29189C0244H	13-APR-1999	96-07-203P	05
07	MO	EUREKA, CITY OF	29189C0263H	13-APR-1999	96-07-203P	05
07	MO	EUREKA, CITY OF	29189C0332H	13-APR-1999	96-07-203P	05
07	MO	EUREKA, CITY OF	29189C0351H	13-APR-1999	96-07-203P	05
07	MO	EUREKA, CITY OF	29189C0332H	22-MAR-1999	99-07-373A	02
07	MO	EUREKA, CITY OF	29189C0244H	27-MAY-1999	99-07-609A	02
07	MO	EXCELSIOR SPRINGS, CITY OF	29009000028	07-JAN-1999	99-07-199A	02
07	MO	FENTON, CITY OF	29189C0289H	22-JUN-1999	99-07-649A	02
07	MO	FERGUSON, CITY OF	29189C0181H	06-JAN-1999	99-07-249A	02
07	MO	FERGUSON, CITY OF	29189C0066H	26-MAY-1999	99-07-593A	02
07	MO	FLORISSANT, CITY OF	29189C0054H	16-APR-1999	98-07-134P	05
07	MO	FLORISSANT, CITY OF	29189C0061H	16-APR-1999	98-07-134P	05
07	MO	FLORISSANT, CITY OF	29189C0062H	16-APR-1999	98-07-134P	05
07	MO	FLORISSANT, CITY OF	29189C0064H	16-APR-1999	98-07-134P	05
07	MO	FLORISSANT, CITY OF	29189C0066H	16-APR-1999	98-07-134P	05
07	MO	FLORISSANT, CITY OF	29189C0062H	07-JAN-1999	99-07-191A	02
07	MO	FLORISSANT, CITY OF	29189C0062H	12-MAY-1999	99-07-592A	02
07	MO	FRANKLIN COUNTY	29049301068	07-JUN-1999	99-07-290P	06
07	MO	FREDERICKTOWN, CITY OF	29022100058	24-MAR-1999	98-07-723P	05
07	MO	GASCONADE COUNTY	29060100508	16-MAR-1999	99-07-285A	02
07	MO	GREENE COUNTY	29078201258	18-FEB-1999	99-07-295A	02
07	MO	GREENE COUNTY	29078200908	01-MAR-1999	99-07-322A	02
07	MO	GREENE COUNTY	29078200758	14-APR-1999	99-07-396A	02
07	MO	HARRISONVILLE, CITY OF	29060800028	25-FEB-1999	99-07-308A	02
07	MO	HARRISONVILLE, CITY OF	29060800048	10-MAY-1999	99-07-461A	02
07	MO	HAZELWOOD, CITY OF	29189C0061H	16-APR-1999	98-07-134P	06
07	MO	HAZELWOOD, CITY OF	29189C0062H	16-APR-1999	98-07-134P	06
07	MO	HAZELWOOD, CITY OF	29189C0063H	22-APR-1999	99-07-482A	02
07	MO	INDEPENDENCE,CITY OF	29017200208	17-MAR-1999	99-07-350A	17
07	MO	IRONTON, CITY OF	2907200001A	05-APR-1999	99-07-411A	02
07	MO	JACKSON, CITY OF	29526500010	04-MAR-1999	99-07-296A	02
07	MO	JEFFERSON COUNTY	29060801908	18-FEB-1999	99-07-098A	02
07	MO	JEFFERSON COUNTY	29060800908	29-JAN-1999	99-07-244A	02
07	MO	JEFFERSON COUNTY	29060800850	08-FEB-1999	99-07-267A	02
07	MO	JEFFERSON COUNTY	29060800908	29-MAR-1999	99-07-410A	02
07	MO	JEFFERSON COUNTY	29060800800	05-APR-1999	99-07-418A	02
07	MO	JEFFERSON COUNTY	29060800800	28-APR-1999	99-07-492A	02
07	MO	JEFFERSON COUNTY	29060800850	07-MAY-1999	99-07-539A	02
07	MO	JOPLIN, CITY OF	29018300150	17-FEB-1999	99-07-287A	01
07	MO	KIRKWOOD, CITY OF	29189C0283H	18-MAR-1999	99-07-354A	02
07	MO	LADUE,CITY OF	29189C0188H	28-APR-1999	99-07-481A	02
07	MO	LAKE LOTAWANA, CITY OF	2906970001A	25-JUN-1999	99-07-678A	02
07	MO	LAKE ST. LOUIS, CITY OF	29183C0220E	03-MAR-1999	99-07-331A	02
07	MO	LAKE WINNEBAGO, CITY OF	2908770001A	16-FEB-1999	99-07-294A	02
07	MO	LAKE WINNEBAGO, CITY OF	2908770001A	24-FEB-1999	99-07-311A	02
07	MO	LAKE WINNEBAGO, CITY OF	2908770001A	21-JUN-1999	99-07-648A	02
07	MO	LAKE WINNEBAGO, CITY OF	2908770001A	30-JUN-1999	99-07-659A	02
07	MO	LIBERTY, CITY OF	29009600018	04-JAN-1999	99-07-144A	02
07	MO	MARYLAND HEIGHTS, CITY OF	29189C0158H	07-JUN-1999	99-07-103P	06
07	MO	MARYLAND HEIGHTS, CITY OF	29189C0152H	11-FEB-1999	99-07-271A	02
07	MO	MCDONALD COUNTY	2908170125A	20-JAN-1999	99-07-010A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
07	MO	MCDONALD COUNTY	2908170125A	07-JAN-1999	99-07-206A	02
07	MO	MEXICO, CITY OF	2952670003B	21-MAY-1999	99-07-565A	02
07	MO	MILLER COUNTY	2902260325A	30 JUN-1999	99-07-623A	02
07	MO	MORGAN COUNTY	2902440200A	24-FEB-1999	99-07-305A	02
07	MO	O'FALLON, CITY OF	29183C0430E	20-JAN-1999	99-07-192A	01
07	MO	O'FALLON, CITY OF	29183C0241E	07-JUN-1999	99-07-616A	02
07	MO	O'FALLON, CITY OF	29183C0239E	24-JUN-1999	99-07-652A	02
07	MO	OVERLAND, CITY OF	29189C0186H	17-MAR-1999	98-07-935A	01
07	MO	PACIFIC, CITY OF	2901340001C	20-JAN-1999	99-07-230A	02
07	MO	PACIFIC, CITY OF	2901340001C	03-MAR-1999	99-07-348A	02
07	MO	PECULIAR, CITY OF	2908780001A	16-MAR-1999	99-07-357A	02
07	MO	PEERLESS PARK, VILLAGE OF	29189C0286H	15-JAN-1999	99-07-197A	02
07	MO	PEERLESS PARK, VILLAGE OF	29189C0286H	16-FEB-1999	99-07-340A	02
07	MO	PERRY COUNTY	2902800200B	12-APR-1999	99-07-445A	02
07	MO	RAYTOWN, CITY OF	2901760005B	30-MAR-1999	98-07-481P	05
07	MO	ROCK HILL, CITY OF	29189C0301H	04-FEB-1999	99-07-154A	17
07	MO	SALINE COUNTY	2908340025B	11-MAR-1999	99-07-338A	02
07	MO	SALINE COUNTY	2908340075B	11-MAR-1999	99-07-338A	02
07	MO	SEDALIA, CITY OF	2902830001C	04-FEB-1999	99-07-134A	02
07	MO	SPRINGFIELD, CITY OF	2901490007B	03-MAY-1999	99-07-514A	02
07	MO	ST. ANN, CITY OF	29189C0157H	25-MAR-1999	99-07-390A	02
07	MO	ST. CHARLES COUNTY	29183C0451E	10-FEB-1999	99-07-051A	02
07	MO	ST. CHARLES COUNTY	29183C0451E	14-JAN-1999	99-07-226A	02
07	MO	ST. CHARLES COUNTY	29183C0435E	24-MAR-1999	99-07-392A	01
07	MO	ST. CHARLES COUNTY	29183C0435E	20-MAY-1999	99-07-460A	01
07	MO	ST. CHARLES COUNTY	29183C0385E	19-APR-1999	99-07-506A	02
07	MO	ST. CHARLES COUNTY	29183C0205E	17-MAY-1999	99-07-558A	02
07	MO	ST. CHARLES COUNTY	29183C0266E	09-JUN-1999	99-07-595A	01
07	MO	ST. CHARLES, CITY OF	29183C0267E	11-MAR-1999	99-07-208A	01
07	MO	ST. CHARLES, CITY OF	29183C0288E	18-FEB-1999	99-07-255A	02
07	MO	ST. CHARLES, CITY OF	29183C0286E	17-FEB-1999	99-07-286A	02
07	MO	ST. CHARLES, CITY OF	29183C0267E	19-FEB-1999	99-07-302A	02
07	MO	ST. CHARLES, CITY OF	29183C0267E	25-FEB-1999	99-07-314A	02
07	MO	ST. CHARLES, CITY OF	29183C0267E	10-MAR-1999	99-07-339A	02
07	MO	ST. CHARLES, CITY OF	29183C0288E	10-MAY-1999	99-07-569A	02
07	MO	ST. CHARLES, CITY OF	29183C0267E	30-JUN-1999	99-07-680A	02
07	MO	ST. JOSEPH, CITY OF	2900430020C	21-APR-1999	99-07-476A	02
07	MO	ST. LOUIS COUNTY	29189C0054H	16-APR-1999	98-07-134P	05
07	MO	ST. LOUIS COUNTY	29189C0062H	16-APR-1999	98-07-134P	05
07	MO	ST. LOUIS COUNTY	29189C0267H	24-FEB-1999	99-07-342A	17
07	MO	ST. LOUIS COUNTY	29189C0267H	08-APR-1999	99-07-431A	02
07	MO	ST. LOUIS COUNTY	29189C0161H	11-MAY-1999	99-07-554A	02
07	MO	ST. LOUIS, CITY OF	2903850040A	24-MAR-1999	99-07-400A	02
07	MO	ST. PETERS, CITY OF	29183C0242E	06-JAN-1999	99-07-135A	01
07	MO	ST. PETERS, CITY OF	29183C0242E	26-MAR-1999	99-07-143A	01
07	MO	ST. PETERS, CITY OF	29183C0264E	08-APR-1999	99-07-374A	02
07	MO	ST. PETERS, CITY OF	29183C0261E	19-MAR-1999	99-07-386A	02
07	MO	ST. PETERS, CITY OF	29183C0264E	19-APR-1999	99-07-458A	02
07	MO	ST. PETERS, CITY OF	29183C0242E	22-APR-1999	99-07-475A	01
07	MO	ST. PETERS, CITY OF	29183C0242E	28-APR-1999	99-07-508A	02
07	MO	ST. PETERS, CITY OF	29183C0264E	03-MAY-1999	99-07-512A	02
07	MO	ST. PETERS, CITY OF	29183C0242E	17-JUN-1999	99-07-644A	01
07	MO	STONE COUNTY	2904290150B	11-JUN-1999	99-07-526A	02
07	MO	STONE COUNTY	2904290100B	26-MAY-1999	99-07-570A	02
07	MO	TANEY COUNTY	290435A	04-JUN-1999	99-07-399A	02
07	MO	WARREN COUNTY	2904430125B	19-APR-1999	99-07-215A	02
07	MO	WARREN COUNTY	2904430125B	03-MAY-1999	99-07-505A	02
07	MO	WARREN COUNTY	2904430075C	17-JUN-1999	99-07-638V	19
07	MO	WEST PLAINS, CITY OF	2901660003D	03-MAY-1999	99-07-491A	17
07	NE	AURORA, CITY OF	3101050005C	08-JUN-1999	99-07-563A	01
07	NE	BELLEVUE, CITY OF	31153C0065F	24-MAR-1999	99-07-409A	02
07	NE	BELLEVUE, CITY OF	31153C0070F	23-APR-1999	99-07-443A	02
07	NE	BELLEVUE, CITY OF	31153C0065F	11-JUN-1999	99-07-625A	02
07	NE	BUFFALO COUNTY	3104190015B	20-APR-1999	99-07-236A	01
07	NE	BUFFALO COUNTY	3104190010B	22-APR-1999	99-07-488A	01
07	NE	CRETE, CITY OF	3101860001C	12-APR-1999	99-07-395A	01
07	NE	CUMING COUNTY	3104270004B	14-JAN-1999	99-07-232A	02
07	NE	DANNEBROG, VILLAGE OF	3101180001A	25-MAR-1999	99-07-372A	02
07	NE	DANNEBROG, VILLAGE OF	3101180001A	04-MAY-1999	99-07-474A	02
07	NE	DOUGLAS COUNTY	3100730125B	08-FEB-1999	99-07-220A	02
07	NE	ELKHORN, CITY OF	3100730125B	05-APR-1999	99-07-120P	06
07	NE	FREMONT, CITY OF	3100690002C	25-MAR-1999	99-07-377A	01
07	NE	FREMONT, CITY OF	3100690002C	02-JUN-1999	99-07-587A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
07	NE	GOTHENBURG, CITY OF	3100620005B	08-APR-1999	99-07-316A	01
07	NE	GOTHENBURG, CITY OF	3100620005B	27-MAY-1999	99-07-541A	01
07	NE	GRAND ISLAND, CITY OF	3101000100C	06-JAN-1999	99-07-218A	02
07	NE	GRAND ISLAND, CITY OF	3101030010B	28-JAN-1999	99-07-241A	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	28-JAN-1999	99-07-261A	02
07	NE	GRAND ISLAND, CITY OF	3101000050C	16-FEB-1999	99-07-262A	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	28-JAN-1999	99-07-263A	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	28-JAN-1999	99-07-264A	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	16-FEB-1999	99-07-281A	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	26-FEB-1999	99-07-318A	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	26-FEB-1999	99-07-319A	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	10-MAR-1999	99-07-359A	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	12-MAR-1999	99-07-380A	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	29-APR-1999	99-07-452A	01
07	NE	GRAND ISLAND, CITY OF	3101030010B	14-APR-1999	99-07-453A	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	26-MAR-1999	99-07-454A	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	19-APR-1999	99-07-455A	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	28-APR-1999	99-07-503A	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	07-MAY-1999	99-07-561A	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	10-MAY-1999	99-07-562A	02
07	NE	GRAND ISLAND, CITY OF	3101030005B	26-MAY-1999	99-07-578A	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	17-MAY-1999	99-07-581A	02
07	NE	GRAND ISLAND, CITY OF	3101000050C	01-JUN-1999	99-07-582A	02
07	NE	GRAND ISLAND, CITY OF	3101000050C	01-JUN-1999	99-07-588A	02
07	NE	GRAND ISLAND, CITY OF	3101030010B	26-MAY-1999	99-07-602A	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	11-JUN-1999	99-07-628A	02
07	NE	GRAND ISLAND, CITY OF	3101030010B	11-JUN-1999	99-07-634A	02
07	NE	GRAND ISLAND, CITY OF	3101030010B	17-JUN-1999	99-07-646A	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	30-JUN-1999	99-07-670A	02
07	NE	GRAND ISLAND, CITY OF	3101030010B	30-JUN-1999	99-07-671A	02
07	NE	GRAND ISLAND, CITY OF	3101000050C	30-JUN-1999	99-07-672A	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	30-JUN-1999	99-07-684A	02
07	NE	HALL COUNTY	3101000100C	26-FEB-1999	99-07-312A	02
07	NE	HAMILTON COUNTY	3104410175A	19-APR-1999	99-07-446A	01
07	NE	HAMILTON COUNTY	3104410025A	07-JUN-1999	99-07-611A	02
07	NE	HAMILTON COUNTY	3104410050A	11-JUN-1999	99-07-624A	01
07	NE	HARTINGTON, CITY OF	3103760005A	12-MAY-1999	99-07-543A	02
07	NE	HARTINGTON, CITY OF	3103760005A	20-MAY-1999	99-07-547A	02
07	NE	HARTINGTON, CITY OF	3103760005A	20-MAY-1999	99-07-548A	02
07	NE	KEARNEY, CITY OF	3100160020C	22-APR-1999	99-07-489A	02
07	NE	LINCOLN, CITY OF	3152730020D	05-MAR-1999	99-07-362A	01
07	NE	LINCOLN, CITY OF	3152730025D	19-APR-1999	99-07-417A	02
07	NE	LINCOLN, CITY OF	3152730025D	08-APR-1999	99-07-442A	02
07	NE	LINCOLN, CITY OF	3152730025D	26-MAY-1999	99-07-574A	02
07	NE	MADISON COUNTY	3104550002B	07-JAN-1999	99-07-138A	02
07	NE	MADISON COUNTY	3104550002B	11-JUN-1999	99-07-626A	02
07	NE	NORFOLK, CITY OF	3101470020C	30-JUN-1999	99-07-660A	02
07	NE	OMAHA, CITY OF	3152740045G	10-MAR-1999	99-07-303A	01
07	NE	OMAHA, CITY OF	3152740025F	01-MAR-1999	99-07-325A	02
07	NE	OMAHA, CITY OF	3152740025F	24-MAR-1999	99-07-401A	02
07	NE	OMAHA, CITY OF	3152740030F	28-APR-1999	99-07-500A	02
07	NE	OMAHA, CITY OF	3152740045G	26-MAY-1999	99-07-568A	02
07	NE	PENDER, VILLAGE OF	3102210005D	23-JUN-1999	99-07-641P	06
07	NE	SARPY COUNTY	31153C0135F	20-JAN-1999	99-07-229A	02
07	NE	SARPY COUNTY	31153C0150F	19-APR-1999	99-07-459A	02
07	NE	SARPY COUNTY	31153C0135F	17-JUN-1999	99-07-635A	02
07	NE	SAUNDERS COUNTY	3101950105B	28-JAN-1999	99-07-139A	02
07	NE	SAUNDERS COUNTY	3101950105B	26-FEB-1999	99-07-204A	01
07	NE	SCHUYLER, CITY OF	3100460005B	03-MAR-1999	99-07-157A	02
07	NE	SCHUYLER, CITY OF	3100460005B	08-FEB-1999	99-07-231A	02
07	NE	SCHUYLER, CITY OF	3100460010B	15-JAN-1999	99-07-233A	02
07	NE	SCHUYLER, CITY OF	3100460005B	04-FEB-1999	99-07-265A	02
07	NE	SCHUYLER, CITY OF	3100460005B	05-MAR-1999	99-07-337A	02
07	NE	SCHUYLER, CITY OF	3100460010B	05-MAR-1999	99-07-337A	02
07	NE	SCHUYLER, CITY OF	3100460005B	19-APR-1999	99-07-463A	02
07	NE	SEWARD COUNTY	3104740005C	08-APR-1999	99-07-440A	02
07	NE	SUPERIOR, CITY OF	3101600005B	16-MAR-1999	99-07-351A	02
07	NE	WAHOO, CITY OF	3102040005C	27-MAY-1999	99-07-584A	02
07	NE	YORK, CITY OF	3102370005B	10-FEB-1999	99-07-270A	02
07	NE	YORK, CITY OF	3102370010B	22-APR-1999	99-07-486A	02
08	CO	ADAMS COUNTY	08001C0010G	10-FEB-1999	99-08-127A	02
08	CO	ADAMS COUNTY	08001C0010G	15-APR-1999	99-08-206A	02
08	CO	ALAMOSA, CITY OF	0800100001C	22-APR-1999	99-08-217V	19

Region	State	Community	Map panel	Determination date	Case No.	Type
08	CO	ARAPAHOE COUNTY	08005C0435J	01-APR-1999	99-08-026P	05
08	CO	ARAPAHOE COUNTY	08005C0505J	10-MAR-1999	99-08-121P	06
08	CO	AURORA, CITY OF	0800020185E	05-MAY-1999	99-08-253A	02
08	CO	BASALT,TOWN OF	0800520052C	07-JAN-1999	98-08-035P	05
08	CO	BOULDER COUNTY	08013C0269F	14-MAY-1999	97-08-394P	05
08	CO	BOULDER COUNTY	08013C0395F	12-APR-1999	99-08-011A	01
08	CO	BOULDER, CITY OF	08013C0395F	28-APR-1999	99-08-236A	02
08	CO	BUENA VISTA, TOWN OF	0800300001C	01-FEB-1999	99-08-042A	02
08	CO	CASTLE ROCK, TOWN OF	0800500170C	27-JAN-1999	99-08-131A	02
08	CO	CHAFFEE COUNTY	0802690210B	01-FEB-1999	99-08-042A	02
08	CO	CHAFFEE COUNTY	0802690215B	15-APR-1999	99-08-202A	02
08	CO	CLEAR CREEK COUNTY	0800340075A	13-APR-1999	99-08-191A	02
08	CO	CLEAR CREEK COUNTY	0800340075A	20-APR-1999	99-08-200A	02
08	CO	COLORADO SPRINGS, CITY OF	08041C0516F	26-MAR-1999	99-08-172A	02
08	CO	COLORADO SPRINGS, CITY OF	08041C0736F	10-MAY-1999	99-08-256A	02
08	CO	COLORADO SPRINGS, CITY OF	08041C0513F	28-APR-1999	99-08-257A	02
08	CO	CORTEZ, CITY OF	080121B	25-MAY-1999	99-08-223A	02
08	CO	DENVER, CITY AND COUNTY OF	0800460004C	21-JAN-1999	98-08-428A	01
08	CO	DENVER, CITY AND COUNTY OF	0800460019E	12-FEB-1999	99-08-060P	05
08	CO	DENVER, CITY AND COUNTY OF	0800460018C	02-JUN-1999	99-08-241A	02
08	CO	DOUGLAS COUNTY	0800490070E	29-MAR-1999	99-08-023P	05
08	CO	DOUGLAS COUNTY	0800490185D	29-MAR-1999	99-08-023P	05
08	CO	DOUGLAS COUNTY	0800490205C	29-MAR-1999	99-08-023P	05
08	CO	DOUGLAS COUNTY	0800490301C	24-MAY-1999	99-08-265A	02
08	CO	EAGLE COUNTY	0800510240C	25-MAY-1999	99-08-277A	02
08	CO	EL PASO COUNTY	08041C0503F	28-APR-1999	99-08-228A	02
08	CO	EL PASO COUNTY	08041C0575F	24-MAY-1999	99-08-249A	02
08	CO	EL PASO COUNTY	08041C0575F	25-MAY-1999	99-08-274A	02
08	CO	EL PASO COUNTY	08041C0287F	24-JUN-1999	99-08-314A	02
08	CO	ESTES PARK,TOWN OF	0801930002B	07-MAY-1999	99-08-263A	02
08	CO	FRISCO, TOWN OF	0802450001C	14-MAY-1999	99-08-234P	05
08	CO	GEORGETOWN, TOWN OF	0800350001C	17-FEB-1999	99-08-117A	02
08	CO	GREELEY, CITY OF	0801840609C	26-MAR-1999	99-08-120A	01
08	CO	JEFFERSON COUNTY	0800870360B	22-MAR-1999	98-08-324P	06
08	CO	JEFFERSON COUNTY	0800870380C	22-MAR-1999	98-08-324P	06
08	CO	JEFFERSON COUNTY	0800870390B	22-MAR-1999	98-08-324P	06
08	CO	JEFFERSON COUNTY	0800870345C	16-MAR-1999	99-08-173A	02
08	CO	JEFFERSON COUNTY	0800870170B	27-APR-1999	99-08-220A	01
08	CO	JEFFERSON COUNTY	0800870260B	11-JUN-1999	99-08-269A	02
08	CO	LA PLATA COUNTY	0800970304B	25-MAY-1999	99-08-283A	02
08	CO	LAKEWOOD, CITY OF	0850750005C	28-JUN-1999	99-08-317A	02
08	CO	LARIMER COUNTY	0801010244C	24-MAR-1999	99-08-177V	19
08	CO	LIMON, TOWN OF	0801090001B	23-FEB-1999	98-08-329P	05
08	CO	LITTLETON, CITY OF	0800170005D	01-APR-1999	99-08-026P	05
08	CO	LONGMONT, CITY OF	08013C0269F	14-MAY-1999	97-08-394P	05
08	CO	LONGMONT, CITY OF	08013C0288F	20-APR-1999	99-08-162A	01
08	CO	LOVELAND, CITY OF	0801030010D	24-MAR-1999	99-08-178V	19
08	CO	MANITOU SPRINGS, CITY OF	08041C0706F	21-JAN-1999	99-08-064A	02
08	CO	PARKER, TOWN OF	0803100070D	29-MAR-1999	99-08-023P	05
08	CO	PARKER, TOWN OF	0803100185B	29-MAR-1999	99-08-023P	05
08	CO	PARKER, TOWN OF	0803100205A	29-MAR-1999	99-08-023P	05
08	CO	PITKIN COUNTY	08097C0052C	07-JAN-1999	98-08-035P	05
08	CO	PUEBLO COUNTY	0801470380B	05-FEB-1999	99-08-125A	02
08	CO	TELLURIDE, TOWN OF	08113C0287D	10-MAR-1999	98-08-453P	05
08	CO	THORNTON, CITY OF	08001C0045G	14-JAN-1999	98-08-455A	02
08	CO	WELD COUNTY	0802660605D	24-MAR-1999	99-08-152A	01
08	CO	WELLINGTON, TOWN OF	0801040001D	19-MAR-1999	99-08-103A	02
08	CO	WELLINGTON, TOWN OF	0801040001D	19-MAR-1999	99-08-126A	02
08	CO	WESTMINSTER, CITY OF	0800080007D	23-APR-1999	99-08-112P	05
08	CO	WHEAT RIDGE, CITY OF	0850790005C	09-MAR-1999	99-08-093A	02
08	CO	WINDSOR, CITY OF	0802640005A	26-MAR-1999	99-08-180A	01
08	MT	BEAVERHEAD COUNTY	3000011438A	03-JUN-1999	99-08-229A	02
08	MT	BIG HORN COUNTY	3001430375B	27-APR-1999	99-08-216A	01
08	MT	BILLINGS, CITY OF	3000850010D	11-MAY-1999	99-08-266A	02
08	MT	BUTTE-SILVER BOW COUNTY	3000770340D	21-JAN-1999	99-08-107A	02
08	MT	CASCADE COUNTY	3000080240B	30-APR-1999	99-08-187A	02
08	MT	CASCADE COUNTY	3000080415B	21-APR-1999	99-08-190A	17
08	MT	JEFFERSON COUNTY	3001540550B	26-MAR-1999	99-08-188A	02
08	MT	JEFFERSON COUNTY	3001540550B	31-MAR-1999	99-08-209A	02
08	MT	JEFFERSON COUNTY	3001540550B	17-MAY-1999	99-08-270A	01
08	MT	LINCOLN COUNTY	3001570650B	17-MAY-1999	99-08-247A	02
08	MT	PARK COUNTY	3001600011B	21-JAN-1999	99-08-099A	02
08	MT	PARK COUNTY	3001600021B	17-FEB-1999	99-08-138A	02

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08	MT	PARK COUNTY	3001600005B	26-APR-1999	99-08-194A	02
08	MT	PLAINS, TOWN OF	300074B	25-MAY-1999	99-08-237A	02
08	MT	RAVALLI COUNTY	30081C0045C	01-APR-1999	99-08-168A	02
08	MT	RICHLAND COUNTY	3001650525B	23-APR-1999	99-08-094A	02
08	MT	ROUNDUP, CITY OF	3000500001B	05-FEB-1999	99-08-148A	02
08	MT	ROUNDUP, CITY OF	3000500001B	30-JUN-1999	99-08-319A	02
08	MT	TETON COUNTY	3001680400B	23-FEB-1999	99-08-061A	02
08	ND	BISMARCK, CITY OF	3801490025A	24-MAR-1999	99-08-137A	01
08	ND	BISMARCK, CITY OF	3801490020B	16-MAR-1999	99-08-171A	02
08	ND	BISMARCK, CITY OF	3801490015A	26-MAR-1999	99-08-174A	02
08	ND	BISMARCK, CITY OF	3801490020B	06-APR-1999	99-08-197A	02
08	ND	BRANDENBURG, TOWNSHIP OF	3806220001B	25-JUN-1999	99-08-294A	02
08	ND	BURLEIGH COUNTY	3800170590A	27-JAN-1999	99-08-136A	02
08	ND	DEVILS LAKE, CITY OF	3806250025A	11-JUN-1999	99-08-262A	01
08	ND	DICKINSON, CITY OF	3801170005C	31-MAR-1999	99-08-185A	02
08	ND	DICKINSON, CITY OF	3801170002D	03-JUN-1999	99-08-279V	19
08	ND	DICKINSON, CITY OF	3801170003D	03-JUN-1999	99-08-279V	19
08	ND	DICKINSON, CITY OF	3801170004D	03-JUN-1999	99-08-279V	19
08	ND	FARGO, CITY OF	3853640020E	21-MAY-1999	98-08-358P	05
08	ND	GRAND FORKS COUNTY	3800330004B	09-MAR-1999	99-08-163A	02
08	ND	GRAND FORKS COUNTY	3800330004B	26-APR-1999	99-08-226A	02
08	ND	GRAND FORKS, CITY OF	3853650010D	07-APR-1999	99-08-159A	02
08	ND	GRAND FORKS, CITY OF	3853650010D	31-MAR-1999	99-08-198A	02
08	ND	HAZEN, CITY OF	3800670005D	08-APR-1999	99-08-157A	02
08	ND	HAZEN, CITY OF	3800670005D	05-MAY-1999	99-08-252A	02
08	ND	MANDAN, CITY OF	3800720020B	19-FEB-1999	99-08-128A	02
08	ND	PLEASANT, TOWNSHIP OF	3802630025A	26-MAR-1999	99-08-142A	02
08	ND	PLEASANT, TOWNSHIP OF	3802630025A	11-JUN-1999	99-08-289A	02
08	ND	STANLEY, TOWNSHIP OF	3802580005B	16-FEB-1999	99-08-118A	01
08	ND	THOMPSON, CITY OF	3802080001B	24-FEB-1999	99-08-161A	02
08	ND	VALLEY CITY, CITY OF	3800020003E	17-FEB-1999	99-08-155A	17
08	ND	VALLEY CITY, CITY OF	3800020004E	17-FEB-1999	99-08-155A	17
08	ND	VALLEY CITY, CITY OF	3800020003E	20-MAY-1999	99-08-238A	02
08	ND	WALSH COUNTY	3801350004B	26-MAR-1999	99-08-090A	02
08	ND	WARD COUNTY	3853700895B	08-FEB-1999	99-08-084A	02
08	ND	WARD COUNTY	3853700855B	08-FEB-1999	99-08-123A	02
08	ND	WARD COUNTY	3853700855B	24-JUN-1999	99-08-165A	01
08	ND	WARREN, TOWNSHIP OF	3802650001B	12-APR-1999	99-08-186A	01
08	SD	ABERDEEN, CITY OF	46013C0245C	19-FEB-1999	99-08-133A	02
08	SD	ABERDEEN, CITY OF	46013C0265C	16-FEB-1999	99-08-134A	02
08	SD	ABERDEEN, CITY OF	46013C0245C	16-FEB-1999	99-08-135A	02
08	SD	ABERDEEN, CITY OF	46013C0245C	19-FEB-1999	99-08-146A	02
08	SD	BROWN COUNTY	46013C0265C	25-MAY-1999	99-08-246A	01
08	SD	CUSTER COUNTY	4600180065C	13-MAY-1999	99-08-212A	02
08	SD	MINNEHAHA COUNTY	4600570055B	21-MAY-1999	99-08-254P	05
08	SD	NEW UNDERWOOD, TOWN OF	4600920001C	26-MAY-1999	99-08-221P	06
08	SD	RAPID CITY, CITY OF	4654200006F	16-FEB-1999	99-08-132A	02
08	SD	RAPID CITY, CITY OF	4654200003F	28-APR-1999	99-08-227A	02
08	SD	SPEARFISH, CITY OF	4600460005D	27-JAN-1999	99-08-122A	01
08	SD	SPEARFISH, CITY OF	4600460005D	23-APR-1999	99-08-235A	02
08	SD	SPEARFISH, CITY OF	4600460005D	21-JUN-1999	99-08-281A	02
08	SD	STURGIS, CITY OF	4600550001D	07-JAN-1999	99-08-087A	02
08	SD	UNION COUNTY	460242C	20-APR-1999	99-08-205A	02
08	SD	YANKTON COUNTY	4600880005C	06-APR-1999	99-08-203A	02
08	SD	YANKTON COUNTY	4600880005C	25-MAY-1999	99-08-244A	02
08	SD	YANKTON, CITY OF	4600930001C	14-JUN-1999	99-08-280A	01
08	UT	AMERICAN FORK, CITY OF	4901520005B	11-JUN-1999	99-08-292A	01
08	UT	CACHE COUNTY	4900120008B	16-FEB-1999	99-08-139A	02
08	UT	CENTERVILLE, CITY OF	4900400001C	14-MAY-1999	98-08-376P	06
08	UT	FARMINGTON, CITY OF	4900440003D	19-FEB-1999	99-08-097A	02
08	UT	MORGAN CITY,CITY OF	4900930001B	05-JAN-1999	99-08-047A	02
08	UT	MORGAN COUNTY	4900920100B	06-APR-1999	99-08-196A	02
08	UT	NORTH LOGAN, CITY OF	4900240005B	20-APR-1999	99-08-129A	02
08	UT	PAYSON, CITY OF	4901570003C	21-JUN-1999	99-08-298A	01
08	UT	PAYSON, CITY OF	4901570480A	21-JUN-1999	99-08-298A	01
08	UT	SUMMIT COUNTY	4901340525B	21-JAN-1999	99-08-004A	02
08	UT	UINTAH COUNTY	4901470014C	25-MAY-1999	99-08-213A	02
08	UT	UINTAH COUNTY	4901470014C	02-JUN-1999	99-08-214A	02
08	UT	WASHINGTON,CITY OF	4901820015C	05-MAR-1999	99-08-147A	02
08	UT	WEST BOUNTIFUL, CITY OF	4900380175B	11-JUN-1999	99-08-287A	02
08	WY	BAGGS, TOWN OF	5600090001B	19-FEB-1999	99-08-145P	05
08	WY	BAGGS, TOWN OF	5600090001B	15-APR-1999	99-08-210P	06
08	WY	CHEYENNE, CITY OF	5600300005E	25-MAR-1999	99-08-176A	01

Region	State	Community	Map panel	Determination date	Case No.	Type
08	WY	CHEYENNE, CITY OF	5600300005E	08-APR-1999	99-08-183A	02
08	WY	CHEYENNE, CITY OF	5600300010E	13-APR-1999	99-08-207A	02
08	WY	PARK COUNTY	5600850029B	02-JUN-1999	99-08-245A	02
08	WY	RANCHESTER, TOWN OF	5600460001C	21-JAN-1999	99-08-108V	19
08	WY	RANCHESTER, TOWN OF	5600460001C	10-MAY-1999	99-08-243A	02
09	AZ	BULLHEAD CITY, CITY OF	0401250020F	31-MAR-1999	99-09-558A	02
09	AZ	CHANDLER, CITY OF	04013C2670F	21-JAN-1999	98-09-791A	01
09	AZ	FLAGSTAFF, CITY OF	0400200002C	17-MAR-1999	99-09-253P	05
09	AZ	FLAGSTAFF, CITY OF	0400200008B	17-MAR-1999	99-09-432P	06
09	AZ	FLAGSTAFF, CITY OF	0400200003C	04-JUN-1999	99-09-597P	05
09	AZ	FLAGSTAFF, CITY OF	0400200008B	04-JUN-1999	99-09-597P	05
09	AZ	GILBERT, TOWN OF	04013C2660E	25-FEB-1999	99-09-418A	01
09	AZ	GILBERT, TOWN OF	04013C2655E	19-MAR-1999	99-09-477A	01
09	AZ	GILBERT, TOWN OF	04013C2655E	30-MAR-1999	99-09-484A	01
09	AZ	GILBERT, TOWN OF	04013C2190E	25-MAR-1999	99-09-500A	01
09	AZ	GILBERT, TOWN OF	04013C2655E	21-JUN-1999	99-09-806A	02
09	AZ	GILBERT, TOWN OF	04013C2190E	21-JUN-1999	99-09-860A	01
09	AZ	GILBERT, TOWN OF	04013C2660E	25-JUN-1999	99-09-906A	01
09	AZ	LA PAZ COUNTY	0401220545A	20-APR-1999	99-09-400A	02
09	AZ	MARICOPA COUNTY	04013C2170E	11-FEB-1999	99-09-392P	05
09	AZ	MARICOPA COUNTY	04013C1585F	11-MAY-1999	99-09-697A	02
09	AZ	MESA, CITY OF	04013C2195E	21-JAN-1999	98-09-1047A	02
09	AZ	MESA, CITY OF	04013C2185E	26-JAN-1999	99-09-238P	06
09	AZ	MESA, CITY OF	04013C2195E	25-FEB-1999	99-09-414A	01
09	AZ	MESA, CITY OF	04013C2185E	26-MAR-1999	99-09-520A	02
09	AZ	MESA, CITY OF	04013C2195E	13-APR-1999	99-09-596A	02
09	AZ	MESA, CITY OF	04013C2195E	09-APR-1999	99-09-610A	01
09	AZ	MESA, CITY OF	04013C2215F	12-MAY-1999	99-09-749A	02
09	AZ	MESA, CITY OF	04013C2195E	21-MAY-1999	99-09-771A	02
09	AZ	NAVAJO COUNTY	0400662302B	27-APR-1999	99-09-654A	02
09	AZ	ORO VALLEY, TOWN OF	04019C1020K	09-FEB-1999	99-09-339V	19
09	AZ	ORO VALLEY, TOWN OF	04019C1040K	09-FEB-1999	99-09-339V	19
09	AZ	ORO VALLEY, TOWN OF	04019C1020K	24-MAY-1999	99-09-636A	02
09	AZ	ORO VALLEY, TOWN OF	04019C1040K	22-APR-1999	99-09-681A	01
09	AZ	PEORIA, CITY OF	04013C1170F	28-APR-1999	99-09-669A	01
09	AZ	PHOENIX, CITY OF	04013C2120E	25-FEB-1999	99-09-208A	01
09	AZ	PHOENIX, CITY OF	04013C1660F	13-JAN-1999	99-09-288A	02
09	AZ	PHOENIX, CITY OF	04013C1195D	05-MAR-1999	99-09-296A	01
09	AZ	PHOENIX, CITY OF	04013C1215H	05-MAR-1999	99-09-296A	01
09	AZ	PHOENIX, CITY OF	04013C1655H	21-JAN-1999	99-09-297A	02
09	AZ	PHOENIX, CITY OF	04013C1195D	19-APR-1999	99-09-374A	01
09	AZ	PHOENIX, CITY OF	04013C1215H	19-APR-1999	99-09-374A	01
09	AZ	PHOENIX, CITY OF	04013C1195D	26-MAR-1999	99-09-512A	01
09	AZ	PHOENIX, CITY OF	04013C1215H	26-MAR-1999	99-09-512A	01
09	AZ	PHOENIX, CITY OF	04013C1660F	26-MAR-1999	99-09-536A	02
09	AZ	PHOENIX, CITY OF	04013C2605D	27-APR-1999	99-09-679A	02
09	AZ	PHOENIX, CITY OF	04013C1195D	22-JUN-1999	99-09-855A	01
09	AZ	PHOENIX, CITY OF	04013C1215H	22-JUN-1999	99-09-855A	01
09	AZ	PHOENIX, CITY OF	04013C1230F	21-JUN-1999	99-09-866A	02
09	AZ	PIMA COUNTY	04019C1610K	08-MAR-1999	98-09-709P	06
09	AZ	PIMA COUNTY	0400731635C	19-JAN-1999	98-09-716P	06
09	AZ	PIMA COUNTY	0400731610E	05-JAN-1999	99-09-207P	05
09	AZ	PIMA COUNTY	04019C1644K	06-APR-1999	99-09-293P	05
09	AZ	PIMA COUNTY	0400731610E	26-JAN-1999	99-09-298P	06
09	AZ	PIMA COUNTY	04019C1025K	09-FEB-1999	99-09-333A	02
09	AZ	PIMA COUNTY	04019C1020K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1025K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1039K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1610K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1615K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1616K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1617K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1618K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1630K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1635K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1636K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1645K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1670K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1690K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C2225K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C2810K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C3905K	09-FEB-1999	99-09-339V	19
09	AZ	PIMA COUNTY	04019C1610K	18-MAR-1999	99-09-413P	05

Region	State	Community	Map panel	Determination date	Case No.	Type
09	AZ	PIMA COUNTY	04019C1025K	11-MAR-1999	99-09-453A	02
09	AZ	PIMA COUNTY	04019C1610K	24-JUN-1999	99-09-486P	06
09	AZ	PIMA COUNTY	04019C1610K	18-MAR-1999	99-09-530P	06
09	AZ	PIMA COUNTY	04019C1575K	08-APR-1999	99-09-570P	05
09	AZ	PIMA COUNTY	04019C1630K	05-MAY-1999	99-09-684P	05
09	AZ	PIMA COUNTY	04019C1645K	29-APR-1999	99-09-701A	02
09	AZ	PINAL COUNTY	0400770125D	05-MAR-1999	99-09-396A	02
09	AZ	PRESCOTT, CITY OF	0400980020D	14-JAN-1999	99-09-245A	02
09	AZ	PRESCOTT, CITY OF	0400980020D	04-MAY-1999	99-09-605A	01
09	AZ	SCOTTSDALE, CITY OF	04013C1695F	16-MAR-1999	99-09-449A	01
09	AZ	SIERRA VISTA, CITY OF	0400170005C	21-JAN-1999	99-09-303A	02
09	AZ	TEMPE, CITY OF	04013C2170E	11-FEB-1999	99-09-392P	06
09	AZ	TEMPE, CITY OF	04013C2165F	04-MAY-1999	99-09-554A	01
09	AZ	TUCSON, CITY OF	04019C2243K	28-JUN-1999	98-09-1060P	06
09	AZ	TUCSON, CITY OF	04019C2245K	28-JUN-1999	98-09-1060P	06
09	AZ	TUCSON, CITY OF	04019C1619K	11-MAY-1999	99-09-200P	05
09	AZ	TUCSON, CITY OF	04019C1644K	06-APR-1999	99-09-293P	05
09	AZ	TUCSON, CITY OF	04019C1639K	09-FEB-1999	99-09-300A	02
09	AZ	TUCSON, CITY OF	04019C1639K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C1643K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C1644K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C1663K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C1665K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2210K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2226K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2227K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2232K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2234K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2236K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2238K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2251K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2252K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2253K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2256K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2855K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2875K	09-FEB-1999	99-09-339V	19
09	AZ	TUCSON, CITY OF	04019C2232K	09-FEB-1999	99-09-388A	02
09	AZ	TUCSON, CITY OF	04019C1663K	09-FEB-1999	99-09-389A	02
09	AZ	TUCSON, CITY OF	04019C1643K	05-MAR-1999	99-09-398A	02
09	AZ	TUCSON, CITY OF	04019C1619K	12-FEB-1999	99-09-405A	02
09	AZ	TUCSON, CITY OF	04019C1643K	12-FEB-1999	99-09-409A	02
09	AZ	TUCSON, CITY OF	04019C2232K	12-APR-1999	99-09-584A	02
09	AZ	TUCSON, CITY OF	04019C2232K	13-APR-1999	99-09-585A	02
09	AZ	TUCSON, CITY OF	04019C2227K	12-APR-1999	99-09-586A	02
09	AZ	TUCSON, CITY OF	04019C1639K	19-APR-1999	99-09-589P	06
09	AZ	TUCSON, CITY OF	04019C1643K	19-APR-1999	99-09-589P	06
09	AZ	TUCSON, CITY OF	04019C2220K	08-JUN-1999	99-09-799P	06
09	AZ	TUCSON, CITY OF	04019C2236K	08-JUN-1999	99-09-799P	06
09	AZ	TUCSON, CITY OF	04019C2238K	08-JUN-1999	99-09-799P	06
09	AZ	TUCSON, CITY OF	04019C2232K	16-JUN-1999	99-09-858A	02
09	AZ	WINSLOW, CITY OF	0400720005C	28-APR-1999	99-09-443P	05
09	AZ	YAVAPAI COUNTY	0400930880B	26-MAR-1999	99-09-467A	01
09	AZ	YAVAPAI COUNTY	0400930870B	29-APR-1999	99-09-523A	02
09	AZ	YUMA COUNTY	0400990885D	11-MAY-1999	98-09-1068P	05
09	AZ	YUMA, CITY OF	0401020005C	25-JUN-1999	99-09-803A	01
09	CA	AGOURA HILLS, CITY OF	0650720002B	21-JAN-1999	99-09-276A	02
09	CA	AGOURA HILLS, CITY OF	0650720001B	12-FEB-1999	99-09-345A	02
09	CA	AGOURA HILLS, CITY OF	0650720002B	17-MAY-1999	99-09-717A	02
09	CA	ALAMEDA COUNTY	0600010090C	19-MAY-1999	99-09-394A	01
09	CA	ANAHEIM, CITY OF	06059C0008F	21-JUN-1999	99-09-857A	02
09	CA	ANDERSON, CITY OF	0603590001C	15-MAR-1999	99-09-461A	02
09	CA	ANDERSON, CITY OF	0603590001C	26-MAR-1999	99-09-495A	02
09	CA	ANDERSON, CITY OF	0603590001C	19-MAY-1999	99-09-734A	02
09	CA	APPLE VALLEY, CITY OF	06071C5820F	31-MAR-1999	99-09-375A	02
09	CA	ATASCADERO, CITY OF	0607000006B	30-JUN-1999	99-09-923A	02
09	CA	BUTTE COUNTY	06007C0985C	13-JAN-1999	99-09-257A	02
09	CA	BUTTE COUNTY	06007C0765C	09-MAR-1999	99-09-280A	02
09	CA	BUTTE COUNTY	06007C0790C	05-FEB-1999	99-09-337A	02
09	CA	BUTTE COUNTY	06007C0310C	10-FEB-1999	99-09-351A	02
09	CA	BUTTE COUNTY	06007C0520C	11-MAR-1999	99-09-460A	02
09	CA	CARSON, CITY OF	0601070005A	16-FEB-1999	99-09-327A	02
09	CA	CARSON, CITY OF	0601070005A	19-APR-1999	99-09-559A	02
09	CA	CARSON, CITY OF	0601070005A	21-JUN-1999	99-09-785A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
09	CA	CHICO, CITY OF	06007C0505C	07-JAN-1999	99-09-236A	02
09	CA	CHICO, CITY OF	06007C0505C	23-JUN-1999	99-09-883A	02
09	CA	CLOVERDALE, CITY OF	0603760001C	21-JAN-1999	99-09-308A	02
09	CA	CONCORD, CITY OF	0650220006B	15-APR-1999	99-09-582A	02
09	CA	COSTA MESA, CITY OF	06059C0038F	19-FEB-1999	99-09-391A	01
09	CA	COSTA MESA, CITY OF	06059C0038F	11-JUN-1999	99-09-812A	01
09	CA	COTATI, CITY OF	0603770001D	21-APR-1999	98-09-1080P	05
09	CA	COTATI, CITY OF	0603770001D	26-MAR-1999	99-09-472A	01
09	CA	DAVIS, CITY OF	0604230575B	05-FEB-1999	99-09-329A	01
09	CA	DAVIS, CITY OF	0604230575C	24-MAR-1999	99-09-412A	01
09	CA	DAVIS, CITY OF	0604230575C	09-APR-1999	99-09-633A	01
09	CA	DAVIS, CITY OF	0604230560C	15-APR-1999	99-09-643A	01
09	CA	DAVIS, CITY OF	0604230560C	20-APR-1999	99-09-645A	01
09	CA	DAVIS, CITY OF	0604230560C	15-APR-1999	99-09-657A	01
09	CA	DAVIS, CITY OF	0604230575C	04-MAY-1999	99-09-707A	01
09	CA	DAVIS, CITY OF	0604230575C	29-APR-1999	99-09-713A	01
09	CA	DAVIS, CITY OF	0604230575C	11-MAY-1999	99-09-755A	01
09	CA	DAVIS, CITY OF	0604230575C	12-MAY-1999	99-09-756A	01
09	CA	DAVIS, CITY OF	0604230575C	11-JUN-1999	99-09-865A	01
09	CA	DAVIS, CITY OF	0604230560C	22-JUN-1999	99-09-889A	01
09	CA	DAVIS, CITY OF	0604230575C	22-JUN-1999	99-09-889A	01
09	CA	DAVIS, CITY OF	0604230560C	18-JUN-1999	99-09-924A	01
09	CA	DAVIS, CITY OF	0604230575C	18-JUN-1999	99-09-924A	01
09	CA	DAVIS, CITY OF	0604230560C	22-JUN-1999	99-09-925A	01
09	CA	DAVIS, CITY OF	0604230575C	18-JUN-1999	99-09-928A	01
09	CA	DAVIS, CITY OF	0604230560C	18-JUN-1999	99-09-929A	01
09	CA	DAVIS, CITY OF	0604230575C	25-JUN-1999	99-09-943A	02
09	CA	DAVIS, CITY OF	0604230560C	28-JUN-1999	99-09-958A	01
09	CA	DINUBA, CITY OF	0604030280B	08-FEB-1999	99-09-328A	01
09	CA	DINUBA, CITY OF	0650660280B	05-APR-1999	99-09-553A	01
09	CA	DINUBA, CITY OF	0650660280B	07-APR-1999	99-09-568A	01
09	CA	DINUBA, CITY OF	0650660280B	09-APR-1999	99-09-578A	01
09	CA	DINUBA, CITY OF	0650660280B	04-MAY-1999	99-09-641A	01
09	CA	DINUBA, CITY OF	0604030001B	27-MAY-1999	99-09-817A	01
09	CA	DINUBA, CITY OF	0650660280B	22-JUN-1999	99-09-885A	01
09	CA	DOWNEY, CITY OF	0606450005A	29-JUN-1999	99-09-673A	02
09	CA	DUBLIN, CITY OF	0607050001B	28-JAN-1999	99-09-309A	02
09	CA	EL CAJON, CITY OF	06073C1666F	22-JUN-1999	99-09-441P	06
09	CA	EL CAJON, CITY OF	06073C1660F	26-MAR-1999	99-09-571A	02
09	CA	EL PASO DE ROBLES, CITY OF	0603080002B	07-MAY-1999	99-09-698A	02
09	CA	ESCONDIDO, CITY OF	06073C1083F	14-JAN-1999	99-09-218A	01
09	CA	ESCONDIDO, CITY OF	06073C0818F	25-MAY-1999	99-09-456A	02
09	CA	FAIRFIELD, CITY OF	0603700005C	11-JAN-1999	99-09-190A	02
09	CA	FAIRFIELD, CITY OF	0603700005C	25-MAR-1999	99-09-491A	02
09	CA	FAIRFIELD, CITY OF	0603700005C	11-MAY-1999	99-09-659A	02
09	CA	FOLSOM, CITY OF	0602630001B	10-MAR-1999	99-09-415P	06
09	CA	FREMONT,CITY OF	0650280004B	26-JAN-1999	99-09-289A	01
09	CA	FREMONT,CITY OF	0650280004B	30-MAR-1999	99-09-514A	01
09	CA	FREMONT,CITY OF	0650280004B	04-MAY-1999	99-09-677A	01
09	CA	FRESNO, CITY OF	0650290590C	07-JUN-1999	99-09-779A	01
09	CA	FRESNO, CITY OF	0650290590C	25-JUN-1999	99-09-920A	01
09	CA	HAYWARD, CITY OF	0650330011D	29-JAN-1999	99-09-234A	01
09	CA	HAYWARD, CITY OF	0650330010D	25-FEB-1999	99-09-420A	01
09	CA	HEMET, CITY OF	0602530005D	12-MAY-1999	99-09-718A	01
09	CA	HESPERIA, CITY OF	06071C6495G	27-JAN-1999	99-09-306A	02
09	CA	HIGHLAND, CITY OF	06071C8702F	22-JAN-1999	99-09-158P	06
09	CA	HUMBOLDT COUNTY	0600600615D	09-FEB-1999	99-09-393V	19
09	CA	HUMBOLDT COUNTY	0600600620C	09-FEB-1999	99-09-393V	19
09	CA	HUMBOLDT COUNTY	0600601110B	11-JUN-1999	99-09-813A	02
09	CA	HUNTINGTON BEACH, CITY OF	06059C0036F	14-JAN-1999	99-09-281A	01
09	CA	KERN COUNTY	0600751275B	22-JUN-1999	99-09-854A	01
09	CA	LAKE ELSINORE, CITY OF	0606360011E	22-APR-1999	99-09-473P	05
09	CA	LAKE ELSINORE, CITY OF	0606360013E	22-APR-1999	99-09-473P	05
09	CA	LAKE ELSINORE, CITY OF	0606360011E	19-MAR-1999	99-09-483A	02
09	CA	LAKE ELSINORE, CITY OF	0606360013E	23-JUN-1999	99-09-508A	02
09	CA	LAKE FOREST, CITY OF	06059C0049G	08-MAR-1999	98-09-798P	05
09	CA	LAKE FOREST, CITY OF	06059C0057E	08-MAR-1999	98-09-798P	05
09	CA	LAKE FOREST, CITY OF	06059C0049G	22-APR-1999	99-09-613A	02
09	CA	LAKE FOREST, CITY OF	06059C0057E	22-APR-1999	99-09-613A	02
09	CA	LAKEWOOD, CITY OF	0601300005A	05-MAR-1999	99-09-489A	02
09	CA	LAKEWOOD, CITY OF	0601300005A	30-MAR-1999	99-09-526A	02
09	CA	LAKEWOOD, CITY OF	0601300005A	26-MAR-1999	99-09-546A	02
09	CA	LAKEWOOD, CITY OF	0601300005A	15-APR-1999	99-09-575A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
09	CA	LAKEWOOD, CITY OF	0601300005A	22-APR-1999	99-09-670A	02
09	CA	LAKEWOOD, CITY OF	0601300005A	19-MAY-1999	99-09-761A	02
09	CA	LAKEWOOD, CITY OF	0601300005A	21-MAY-1999	99-09-776A	02
09	CA	LINCOLN, CITY OF	06061C0401F	06-JAN-1999	99-09-169P	06
09	CA	LINCOLN, CITY OF	06061C0403F	06-JAN-1999	99-09-169P	06
09	CA	LIVERMORE, CITY OF	06000800010B	25-FEB-1999	99-09-197A	01
09	CA	LIVERMORE, CITY OF	06000800010B	07-APR-1999	99-09-576A	01
09	CA	LIVERMORE, CITY OF	06000800010B	27-APR-1999	99-09-661A	01
09	CA	LOMPOC, CITY OF	0603340003D	04-JAN-1999	99-09-203A	02
09	CA	LONG BEACH, CITY OF	0601360015C	26-JAN-1999	99-09-311A	02
09	CA	LONG BEACH, CITY OF	0601360025C	30-MAR-1999	99-09-448A	01
09	CA	LONG BEACH, CITY OF	0601360005C	07-APR-1999	99-09-564A	02
09	CA	LONG BEACH, CITY OF	0601360015C	28-MAY-1999	99-09-738A	02
09	CA	LOS ANGELES COUNTY	0650431010C	10-MAR-1999	99-09-272A	02
09	CA	LOS ANGELES COUNTY	06504307838	30-MAR-1999	99-09-362A	02
09	CA	LOS ANGELES, CITY OF	0601370071C	18-FEB-1999	99-09-385A	02
09	CA	LOS ANGELES, CITY OF	0601370063D	12-MAR-1999	99-09-419P	05
09	CA	LOS ANGELES, CITY OF	0601370072E	12-MAR-1999	99-09-419P	05
09	CA	LOS ANGELES, CITY OF	0601370071C	07-APR-1999	99-09-565A	02
09	CA	LYNWOOD, CITY OF	0606350002C	09-APR-1999	99-09-560A	02
09	CA	MADERA COUNTY	0601700238C	11-JUN-1999	99-09-820A	02
09	CA	MARIN COUNTY	0601730465A	10-FEB-1999	99-09-343A	02
09	CA	MARIN COUNTY	0601730257A	31-MAR-1999	99-09-557A	02
09	CA	MENLO PARK, CITY OF	0603210006D	21-APR-1999	99-09-593A	02
09	CA	MENLO PARK, CITY OF	0603210006D	22-APR-1999	99-09-612V	19
09	CA	MENLO PARK, CITY OF	0603210006D	21-JUN-1999	99-09-934A	02
09	CA	MERCED, CITY OF	06047C0440E	06-APR-1999	99-09-454A	01
09	CA	MILPITAS, CITY OF	0603440004F	11-MAR-1999	99-09-214A	02
09	CA	MILPITAS, CITY OF	0603440001G	14-JAN-1999	99-09-267A	02
09	CA	MILPITAS, CITY OF	0603440001G	18-FEB-1999	99-09-331A	02
09	CA	MILPITAS, CITY OF	0603440001G	13-APR-1999	99-09-416A	02
09	CA	MILPITAS, CITY OF	0603440001G	09-MAR-1999	99-09-446A	02
09	CA	MILPITAS, CITY OF	0603440001G	13-APR-1999	99-09-647A	02
09	CA	MONTEREY COUNTY	0601950185D	13-APR-1999	99-09-615A	02
09	CA	MORRO BAY, CITY OF	0603070005C	09-MAR-1999	99-09-447A	02
09	CA	MURRIETA, CITY OF	0607512730A	08-FEB-1999	99-09-038P	05
09	CA	MURRIETA, CITY OF	0607512740A	08-FEB-1999	99-09-038P	05
09	CA	MURRIETA, CITY OF	0607512740A	05-MAR-1999	99-09-395A	01
09	CA	NAPA COUNTY	0602050250A	07-JUN-1999	99-09-625A	02
09	CA	NAPA, CITY OF	0602070005C	05-JAN-1999	99-09-202A	02
09	CA	NAPA, CITY OF	0602070005C	07-JAN-1999	99-09-232A	02
09	CA	NAPA, CITY OF	0602070005C	13-JAN-1999	99-09-259A	02
09	CA	NAPA, CITY OF	0602070005C	15-MAR-1999	99-09-319A	02
09	CA	NAPA, CITY OF	0602070005C	05-FEB-1999	99-09-338A	02
09	CA	NAPA, CITY OF	0602070005C	10-FEB-1999	99-09-354A	02
09	CA	NAPA, CITY OF	0602070010C	22-APR-1999	99-09-538A	01
09	CA	NAPA, CITY OF	0602070005C	31-MAR-1999	99-09-543A	02
09	CA	NAPA, CITY OF	0602070010C	17-JUN-1999	99-09-672P	06
09	CA	NAPA, CITY OF	0602070005C	28-MAY-1999	99-09-736A	02
09	CA	OCEANSIDE, CITY OF	06073C0758F	05-FEB-1999	99-09-240A	01
09	CA	OCEANSIDE, CITY OF	06073C0752F	17-FEB-1999	99-09-348A	01
09	CA	OCEANSIDE, CITY OF	06073C0752F	25-FEB-1999	99-09-349A	01
09	CA	OCEANSIDE, CITY OF	06073C0752F	10-FEB-1999	99-09-352A	01
09	CA	OCEANSIDE, CITY OF	06073C0464F	17-FEB-1999	99-09-360A	02
09	CA	OCEANSIDE, CITY OF	06073C0768F	18-JUN-1999	99-09-753A	02
09	CA	ORANGE COUNTY	06059C0059E	30-APR-1999	99-09-550A	02
09	CA	ORINDA, CITY OF	06072200208	27-APR-1999	99-09-648A	02
09	CA	PALO ALTO, CITY OF	0603480002E	03-JUN-1999	97-09-947V	19
09	CA	PALO ALTO, CITY OF	0603480003E	03-JUN-1999	97-09-947V	19
09	CA	PALO ALTO, CITY OF	0603480005E	03-JUN-1999	97-09-947V	19
09	CA	PALO ALTO, CITY OF	0603480003D	13-JAN-1999	99-09-271A	02
09	CA	PALO ALTO, CITY OF	0603480002E	07-JUN-1999	99-09-710A	02
09	CA	PALO ALTO, CITY OF	0603480002E	07-JUN-1999	99-09-750A	02
09	CA	PALO ALTO, CITY OF	0603480003E	18-JUN-1999	99-09-780A	02
09	CA	PALO ALTO, CITY OF	0603480002E	07-JUN-1999	99-09-807A	02
09	CA	PALO ALTO, CITY OF	0603480002E	16-JUN-1999	99-09-838A	02
09	CA	PARAMOUNT, CITY OF	0650490002C	05-APR-1999	99-09-549A	02
09	CA	PARAMOUNT, CITY OF	0650490002C	15-APR-1999	99-09-601A	02
09	CA	PERRIS, CITY OF	0602580010D	27-JAN-1999	99-09-302A	01
09	CA	PERRIS, CITY OF	0602580010D	22-MAR-1999	99-09-471A	01
09	CA	PERRIS, CITY OF	0602580010D	26-MAY-1999	99-09-621A	02
09	CA	PLACENTIA, CITY OF	06059C0007E	09-JUN-1999	99-09-359P	06
09	CA	PLACER COUNTY	06061C0182F	21-JUN-1999	99-09-852A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
09	CA	PLEASANTON, CITY OF	0600120003D	11-JAN-1999	99-09-246A	02
09	CA	PLEASANTON, CITY OF	0600120001E	26-MAY-1999	99-09-728A	02
09	CA	PLUMAS COUNTY	060244B	22-APR-1999	99-09-531A	02
09	CA	PLUMAS COUNTY	060244B	05-APR-1999	99-09-532A	02
09	CA	PLUMAS COUNTY	060244B	04-MAY-1999	99-09-675A	02
09	CA	PLUMAS COUNTY	060244B	07-MAY-1999	99-09-693A	02
09	CA	POWAY, CITY OF	06073C1358F	27-JAN-1999	99-09-009A	02
09	CA	POWAY, CITY OF	06073C1093F	12-APR-1999	99-09-429A	02
09	CA	POWAY, CITY OF	06073C1357F	18-MAR-1999	99-09-476A	02
09	CA	POWAY, CITY OF	06073C1093F	25-MAY-1999	99-09-770A	02
09	CA	POWAY, CITY OF	06073C1093F	22-JUN-1999	99-09-837A	02
09	CA	RANCHO CUCAMONGA, CITY OF	06071C7890F	30-MAR-1999	99-09-516A	02
09	CA	RANCHO CUCAMONGA, CITY OF	06071C7890F	27-APR-1999	99-09-634A	02
09	CA	RED BLUFF, CITY OF	0650530001F	04-MAY-1999	99-09-667A	02
09	CA	RED BLUFF, CITY OF	0650530001F	12-MAY-1999	99-09-744A	02
09	CA	REDDING, CITY OF	0603600020D	10-FEB-1999	99-09-347A	02
09	CA	REDDING, CITY OF	0603600025D	22-APR-1999	99-09-686A	02
09	CA	REDDING, CITY OF	0603600885E	25-JUN-1999	99-09-919A	02
09	CA	REDWOOD CITY, CITY OF	0603250011B	21-MAY-1999	99-09-727A	01
09	CA	RIVERSIDE COUNTY	0602452745C	27-APR-1999	99-09-135P	06
09	CA	RIVERSIDE COUNTY	0602450070A	05-MAR-1999	99-09-430A	02
09	CA	RIVERSIDE COUNTY	0602452050C	22-APR-1999	99-09-473P	05
09	CA	RIVERSIDE COUNTY	0602452125B	04-JUN-1999	99-09-754A	01
09	CA	ROCKLIN, CITY OF	06061C0414F	22-FEB-1999	99-09-122P	05
09	CA	ROCKLIN, CITY OF	06061C0414F	11-JUN-1999	99-09-802A	02
09	CA	SACRAMENTO COUNTY	0602620060D	07-JAN-1999	99-09-162A	02
09	CA	SACRAMENTO COUNTY	0602620085E	07-JAN-1999	99-09-235A	02
09	CA	SACRAMENTO COUNTY	0602620045E	01-APR-1999	99-09-249P	06
09	CA	SACRAMENTO COUNTY	0602620065F	01-APR-1999	99-09-249P	06
09	CA	SACRAMENTO COUNTY	0602620160F	01-APR-1999	99-09-249P	06
09	CA	SACRAMENTO COUNTY	0602620085E	14-JAN-1999	99-09-261A	02
09	CA	SACRAMENTO COUNTY	0602620185F	08-JAN-1999	99-09-262A	02
09	CA	SACRAMENTO COUNTY	0602620090E	14-JAN-1999	99-09-269A	02
09	CA	SACRAMENTO COUNTY	0602620340D	09-MAR-1999	99-09-284A	01
09	CA	SACRAMENTO COUNTY	0602620090E	14-JAN-1999	99-09-292A	02
09	CA	SACRAMENTO COUNTY	0602620085E	10-MAR-1999	99-09-313A	02
09	CA	SACRAMENTO COUNTY	0602620185F	05-FEB-1999	99-09-321A	02
09	CA	SACRAMENTO COUNTY	0602620315D	23-FEB-1999	99-09-324A	01
09	CA	SACRAMENTO COUNTY	0602620090E	25-FEB-1999	99-09-401A	02
09	CA	SACRAMENTO COUNTY	0602620090E	25-FEB-1999	99-09-402A	02
09	CA	SACRAMENTO COUNTY	0602620345C	26-MAR-1999	99-09-403A	02
09	CA	SACRAMENTO COUNTY	0602620065F	13-APR-1999	99-09-572A	01
09	CA	SACRAMENTO COUNTY	0602620065F	06-MAY-1999	99-09-653A	17
09	CA	SACRAMENTO COUNTY	0602620305F	19-MAY-1999	99-09-769A	01
09	CA	SACRAMENTO COUNTY	0602620310F	19-MAY-1999	99-09-769A	01
09	CA	SACRAMENTO COUNTY	0602620330D	07-JUN-1999	99-09-773A	02
09	CA	SACRAMENTO COUNTY	0602620375C	07-JUN-1999	99-09-774A	02
09	CA	SACRAMENTO COUNTY	0602620375C	07-JUN-1999	99-09-775A	02
09	CA	SACRAMENTO COUNTY	0602620345C	07-JUN-1999	99-09-790A	02
09	CA	SACRAMENTO COUNTY	0602620090E	14-JUN-1999	99-09-842A	02
09	CA	SACRAMENTO COUNTY	0602620090E	14-JUN-1999	99-09-848A	02
09	CA	SACRAMENTO COUNTY	0602620090E	14-JUN-1999	99-09-849A	02
09	CA	SACRAMENTO COUNTY	0602620115E	23-JUN-1999	99-09-904A	02
09	CA	SACRAMENTO, CITY OF	0602660005F	01-APR-1999	99-09-249P	06
09	CA	SACRAMENTO, CITY OF	0602660020F	01-APR-1999	99-09-249P	06
09	CA	SACRAMENTO, CITY OF	0602660025F	26-JAN-1999	99-09-322A	02
09	CA	SACRAMENTO, CITY OF	0602660010F	10-FEB-1999	99-09-346A	02
09	CA	SACRAMENTO, CITY OF	0602660030F	11-MAR-1999	99-09-488A	01
09	CA	SACRAMENTO, CITY OF	0602660005F	21-MAY-1999	99-09-781A	02
09	CA	SAN BENITO COUNTY	06069C0080C	11-JUN-1999	99-09-355A	01
09	CA	SAN BENITO COUNTY	06069C0175C	04-JUN-1999	99-09-384A	02
09	CA	SAN BERNARDINO COUNTY	06071C7225F	17-FEB-1999	99-09-237A	01
09	CA	SAN BERNARDINO COUNTY	06071C7935F	16-FEB-1999	99-09-256A	02
09	CA	SAN BERNARDINO COUNTY	06071C7135F	18-FEB-1999	99-09-358A	02
09	CA	SAN BERNARDINO COUNTY	06071C8760F	05-MAR-1999	99-09-427A	02
09	CA	SAN BERNARDINO, CITY OF	06071C7930F	04-MAY-1999	99-09-674A	02
09	CA	SAN CARLOS, CITY OF	0603270001C	11-MAY-1999	99-09-702A	02
09	CA	SAN DIEGO COUNTY	06073C1652F	30-APR-1999	99-09-179P	05
09	CA	SAN DIEGO COUNTY	06073C0481F	25-MAR-1999	99-09-290A	02
09	CA	SAN DIEGO COUNTY	06073C1666F	22-JUN-1999	99-09-441P	05
09	CA	SAN DIEGO COUNTY	06073C1667F	22-JUN-1999	99-09-441P	05
09	CA	SAN DIEGO COUNTY	06073C1917F	17-MAY-1999	99-09-722A	02
09	CA	SAN DIEGO COUNTY	06073C1700F	07-JUN-1999	99-09-804A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
09	CA	SAN DIEGO COUNTY	06073C1636G	17-JUN-1999	99-09-824V	19
09	CA	SAN DIEGO, CITY OF	06073C1618F	16-MAR-1999	99-09-087P	05
09	CA	SAN DIEGO, CITY OF	06073C1619F	16-MAR-1999	99-09-087P	05
09	CA	SAN DIEGO, CITY OF	06073C1628F	25-JAN-1999	99-09-175P	06
09	CA	SAN DIEGO, CITY OF	06073C1636F	25-JAN-1999	99-09-175P	06
09	CA	SAN DIEGO, CITY OF	06073C1613F	11-MAR-1999	99-09-186A	02
09	CA	SAN DIEGO, CITY OF	06073C2152F	13-JAN-1999	99-09-258A	01
09	CA	SAN DIEGO, CITY OF	06073C2154F	13-JAN-1999	99-09-258A	01
09	CA	SAN DIEGO, CITY OF	06073C1362F	10-MAR-1999	99-09-325P	06
09	CA	SAN DIEGO, CITY OF	06073C1594F	18-FEB-1999	99-09-383A	02
09	CA	SAN DIEGO, CITY OF	06073C1916F	05-MAR-1999	99-09-436A	02
09	CA	SAN DIEGO, CITY OF	06073C1636F	26-APR-1999	99-09-437A	01
09	CA	SAN DIEGO, CITY OF	06073C1594F	13-APR-1999	99-09-528A	02
09	CA	SAN DIEGO, CITY OF	06073C1618F	22-APR-1999	99-09-555A	02
09	CA	SAN DIEGO, CITY OF	06073C1636F	25-MAY-1999	99-09-607P	05
09	CA	SAN DIEGO, CITY OF	06073C1611F	07-JUN-1999	99-09-721A	02
09	CA	SAN DIEGO, CITY OF	06073C1636G	17-JUN-1999	99-09-824V	19
09	CA	SAN JOAQUIN COUNTY	0602990265B	17-FEB-1999	99-09-370A	01
09	CA	SAN JOAQUIN COUNTY	0602990435B	14-JUN-1999	99-09-696A	02
09	CA	SAN JOSE, CITY OF	0603490020F	13-JAN-1999	99-09-260A	02
09	CA	SAN JOSE, CITY OF	0603490014E	14-JAN-1999	99-09-270A	02
09	CA	SAN JOSE, CITY OF	0603490027D	18-FEB-1999	99-09-353A	01
09	CA	SAN JOSE, CITY OF	0603490037D	07-APR-1999	99-09-617A	02
09	CA	SAN JOSE, CITY OF	0603490020F	26-APR-1999	99-09-682A	02
09	CA	SAN JUAN CAPISTRANO, CITY OF	06059C0075F	31-MAR-1999	98-09-1081A	01
09	CA	SAN LEANDRO, CITY OF	0600130003B	28-APR-1999	99-09-660A	01
09	CA	SAN LUIS OBISPO COUNTY	0603040625C	09-APR-1999	99-09-580A	02
09	CA	SAN LUIS OBISPO, CITY OF	0603100005C	21-JAN-1999	99-09-307A	02
09	CA	SAN LUIS OBISPO, CITY OF	0603100005C	26-MAR-1999	99-09-524A	02
09	CA	SAN LUIS OBISPO, CITY OF	0603100005C	05-APR-1999	99-09-556A	01
09	CA	SAN MARCOS, CITY OF	06073C0789F	08-JAN-1999	99-09-241A	01
09	CA	SAN MARCOS, CITY OF	06073C0793F	10-FEB-1999	99-09-274A	17
09	CA	SAN MARCOS, CITY OF	06073C1052F	05-MAR-1999	99-09-442A	02
09	CA	SAN MATEO COUNTY	0603110333B	07-JAN-1999	99-09-222A	02
09	CA	SAN RAFAEL, CITY OF	0650580005C	15-MAR-1999	99-09-482A	02
09	CA	SANTA CLARA COUNTY	0603370630E	05-MAR-1999	99-09-439A	02
09	CA	SANTA CLARA COUNTY	0603370255E	07-APR-1999	99-09-618A	02
09	CA	SANTA CLARA COUNTY	0603370620E	22-APR-1999	99-09-638A	02
09	CA	SANTA CLARA COUNTY	0603370630E	07-JUN-1999	99-09-663A	01
09	CA	SANTA CLARA, CITY OF	0603500001D	21-JAN-1999	99-09-278V	19
09	CA	SANTA CLARA, CITY OF	0603500003D	21-JAN-1999	99-09-278V	19
09	CA	SANTA CLARA, CITY OF	0603500005D	21-JAN-1999	99-09-278V	19
09	CA	SANTA CLARA, CITY OF	0603500003D	18-FEB-1999	99-09-387A	02
09	CA	SANTA CLARA, CITY OF	0603500003D	25-MAR-1999	99-09-574A	02
09	CA	SANTA CLARA, CITY OF	0603500005D	26-MAR-1999	99-09-590A	02
09	CA	SANTEE, CITY OF	06073C1651F	05-MAR-1999	99-09-330A	02
09	CA	SHASTA COUNTY	0603580705B	25-FEB-1999	99-09-126A	02
09	CA	SHASTA COUNTY	0603580695D	26-APR-1999	99-09-650A	02
09	CA	SHASTA COUNTY	0603580715B	11-MAY-1999	99-09-705A	02
09	CA	SHASTA LAKE, CITY OF	0607580005A	17-JUN-1999	99-09-825V	19
09	CA	SIMI VALLEY, CITY OF	0604210002B	26-MAY-1999	98-09-354P	05
09	CA	SIMI VALLEY, CITY OF	0604210006B	14-JAN-1999	99-09-273A	02
09	CA	SIMI VALLEY, CITY OF	0604210004B	27-JAN-1999	99-09-310A	02
09	CA	SIMI VALLEY, CITY OF	0604210006B	26-JAN-1999	99-09-312A	02
09	CA	SIMI VALLEY, CITY OF	0604210004B	05-FEB-1999	99-09-335A	02
09	CA	SIMI VALLEY, CITY OF	0604210007B	12-FEB-1999	99-09-342A	02
09	CA	SIMI VALLEY, CITY OF	0604210002B	18-MAR-1999	99-09-369A	02
09	CA	SIMI VALLEY, CITY OF	0604210004B	05-MAR-1999	99-09-428A	02
09	CA	SIMI VALLEY, CITY OF	0604210006B	17-FEB-1999	99-09-438A	02
09	CA	SIMI VALLEY, CITY OF	0604210008B	18-MAR-1999	99-09-468A	02
09	CA	SIMI VALLEY, CITY OF	0604210007B	22-MAR-1999	99-09-485A	02
09	CA	SIMI VALLEY, CITY OF	0604210006B	25-MAR-1999	99-09-490A	02
09	CA	SIMI VALLEY, CITY OF	0604210006B	26-MAR-1999	99-09-515A	02
09	CA	SIMI VALLEY, CITY OF	0604210002B	19-APR-1999	99-09-588A	01
09	CA	SIMI VALLEY, CITY OF	0604210006B	19-APR-1999	99-09-595A	02
09	CA	SIMI VALLEY, CITY OF	0604210002B	25-JUN-1999	99-09-598A	02
09	CA	SIMI VALLEY, CITY OF	0604210004B	24-MAY-1999	99-09-608A	01
09	CA	SIMI VALLEY, CITY OF	0604210004B	21-APR-1999	99-09-609A	01
09	CA	SIMI VALLEY, CITY OF	0604210008B	11-JUN-1999	99-09-816A	02
09	CA	SIMI VALLEY, CITY OF	0604210007B	25-JUN-1999	99-09-871A	02
09	CA	SIMI VALLEY, CITY OF	0604210009B	25-JUN-1999	99-09-871A	02
09	CA	SIMI VALLEY, CITY OF	0604210002B	24-JUN-1999	99-09-909A	02
09	CA	SIMI VALLEY, CITY OF	0604210008B	21-JUN-1999	99-09-914A	02

Region	State	Community	Map panel	Determination date	Case No.	Type
09	CA	SISKIYOU COUNTY	0603620594B	27-APR-1999	99-09-628A	02
09	CA	SOLANO COUNTY	0606310218B	14-JAN-1999	99-09-285A	02
09	CA	SOLANO COUNTY	0606310406B	14-JAN-1999	99-09-285A	02
09	CA	SOLANO COUNTY	0606310075B	27-APR-1999	99-09-646A	02
09	CA	SONOMA COUNTY	0603750655B	18-JUN-1999	99-09-548A	02
09	CA	SONOMA COUNTY	0603750745B	19-MAY-1999	99-09-737A	02
09	CA	SUISUN CITY, CITY OF	0603720001B	22-JUN-1999	99-09-893A	02
09	CA	SUNNYVALE, CITY OF	0603520001D	26-MAR-1999	99-09-525A	02
09	CA	SUNNYVALE, CITY OF	0603520001D	06-APR-1999	99-09-562A	02
09	CA	SUSANVILLE, CITY OF	0600920951B	17-FEB-1999	99-09-229A	01
09	CA	SUTTER CREEK, CITY OF	0604580005B	25-MAR-1999	99-09-496A	02
09	CA	TEHAMA COUNTY	0650640290D	13-JAN-1999	99-09-248A	02
09	CA	TEHAMA COUNTY	0650640290C	28-APR-1999	99-09-469A	01
09	CA	TEHAMA COUNTY	0650640290D	12-MAY-1999	99-09-759A	01
09	CA	TEMECULA, CITY OF	0607420005B	27-APR-1999	99-09-135P	06
09	CA	TEMECULA, CITY OF	0607420010B	07-JAN-1999	99-09-228A	02
09	CA	THOUSAND OAKS, CITY OF	0604220015B	14-JAN-1999	99-09-123A	02
09	CA	THOUSAND OAKS, CITY OF	0604220015B	17-FEB-1999	99-09-223A	01
09	CA	THOUSAND OAKS, CITY OF	0604220020A	13-JAN-1999	99-09-255A	02
09	CA	THOUSAND OAKS, CITY OF	0604220015B	30-APR-1999	99-09-626A	02
09	CA	THOUSAND OAKS, CITY OF	0604220015B	08-JUN-1999	99-09-809A	02
09	CA	UNION CITY, CITY OF	0600140010B	13-APR-1999	99-09-561A	01
09	CA	VENTURA COUNTY	0604130940B	21-JAN-1999	99-09-287A	02
09	CA	VENTURA COUNTY	0604130555B	15-JAN-1999	99-09-317A	02
09	CA	VISALIA, CITY OF	0604090010C	05-MAR-1999	99-09-365A	01
09	CA	VISALIA, CITY OF	0604090005D	07-JUN-1999	99-09-778A	02
09	CA	VISTA, CITY OF	06073C0778F	19-MAY-1999	99-09-656A	02
09	CA	VISTA, CITY OF	06073C0786G	17-JUN-1999	99-09-824V	19
09	CA	WEST HOLLYWOOD, CITY OF	0607200005A	12-MAR-1999	99-09-419P	06
09	CA	WOODLAND, CITY OF	0604260005B	11-JAN-1999	99-09-141A	02
09	CA	WOODLAND, CITY OF	0604230425C	25-MAY-1999	99-09-791A	01
09	CA	WOODLAND, CITY OF	0604230425C	18-JUN-1999	99-09-830A	01
09	CA	WOODLAND, CITY OF	0604230425C	18-JUN-1999	99-09-833A	01
09	CA	WOODLAND, CITY OF	0604230425C	11-JUN-1999	99-09-895A	01
09	CA	YOLO COUNTY	0604230386C	24-MAR-1999	99-09-278V	19
09	CA	YOLO COUNTY	0604230540C	24-MAR-1999	99-09-278V	19
09	CA	YOLO COUNTY	0604230600D	24-MAR-1999	99-09-278V	19
09	CA	YREKA, CITY OF	0603670001B	28-JUN-1999	99-09-768A	01
09	CA	YUCAIPA, CITY OF	06071C8740F	25-MAR-1999	99-09-583A	02
09	HI	HAWAII COUNTY	1551660880C	05-FEB-1999	98-09-870P	05
09	HI	HAWAII COUNTY	1551660277C	18-FEB-1999	99-09-018A	02
09	HI	HONOLULU COUNTY	1500010112C	15-MAR-1999	99-09-451A	02
09	HI	HONOLULU COUNTY	1500010020B	22-MAR-1999	99-09-474A	02
09	HI	MAUI COUNTY	1500030151C	22-FEB-1999	98-09-1036P	06
09	HI	MAUI COUNTY	1500030265C	05-MAR-1999	99-09-252A	01
09	NV	CARSON CITY, CITY OF	3200010085C	06-APR-1999	99-09-113P	06
09	NV	CLARK COUNTY	32003C2178D	23-JUN-1999	97-09-417P	06
09	NV	CLARK COUNTY	32003C2545D	01-JUN-1999	98-09-866P	06
09	NV	CLARK COUNTY	32003C2568D	12-JAN-1999	98-09-877P	05
09	NV	CLARK COUNTY	32003C2569D	12-JAN-1999	98-09-877P	05
09	NV	CLARK COUNTY	32003C2180D	10-FEB-1999	99-09-390P	06
09	NV	CLARK COUNTY	32003C1735D	23-JUN-1999	99-09-425P	05
09	NV	CLARK COUNTY	32003C1755D	23-JUN-1999	99-09-425P	05
09	NV	CLARK COUNTY	32003C1790D	23-JUN-1999	99-09-425P	05
09	NV	CLARK COUNTY	32003C1105D	30-JUN-1999	99-09-635P	06
09	NV	DOUGLAS COUNTY	32005C0085E	04-JAN-1999	99-09-124A	01
09	NV	DOUGLAS COUNTY	32005C0015D	21-JAN-1999	99-09-251A	02
09	NV	DOUGLAS COUNTY	32005C0005D	06-APR-1999	99-09-563A	02
09	NV	ELKO COUNTY	3200273275B	18-MAR-1999	99-09-466A	01
09	NV	HENDERSON, CITY OF	32003C2590D	25-MAY-1999	98-09-842P	06
09	NV	HENDERSON, CITY OF	32003C2595D	08-JAN-1999	99-09-036A	01
09	NV	HENDERSON, CITY OF	32003C2590D	07-JAN-1999	99-09-239A	02
09	NV	HENDERSON, CITY OF	32003C2590D	05-MAR-1999	99-09-505A	01
09	NV	HENDERSON, CITY OF	32003C2595D	26-MAR-1999	99-09-506A	01
09	NV	HENDERSON, CITY OF	32003C2595D	04-MAY-1999	99-09-535P	06
09	NV	HENDERSON, CITY OF	32003C2615D	12-MAY-1999	99-09-544P	06
09	NV	HENDERSON, CITY OF	32003C2580D	18-MAY-1999	99-09-569P	06
09	NV	LAS VEGAS, CITY OF	32003C2180D	23-JUN-1999	97-09-417P	05
09	NV	LAS VEGAS, CITY OF	32003C2187D	23-JUN-1999	97-09-417P	05
09	NV	LAS VEGAS, CITY OF	32003C1735D	23-JUN-1999	99-09-425P	05
09	NV	LAS VEGAS, CITY OF	32003C1755D	23-JUN-1999	99-09-425P	05
09	NV	NORTH LAS VEGAS, CITY OF	32003C2176D	23-JUN-1999	97-09-417P	05
09	NV	NORTH LAS VEGAS, CITY OF	32003C2178D	23-JUN-1999	97-09-417P	05

Region	State	Community	Map panel	Determination date	Case No.	Type
09	NV	NORTH LAS VEGAS, CITY OF	32003C1770D	10-MAY-1999	99-09-371P	06
09	NV	NORTH LAS VEGAS, CITY OF	32003C1755D	23-JUN-1999	99-09-425P	05
09	NV	NORTH LAS VEGAS, CITY OF	32003C1760D	23-JUN-1999	99-09-425P	05
09	NV	NORTH LAS VEGAS, CITY OF	32003C1765D	23-JUN-1999	99-09-425P	05
09	NV	NORTH LAS VEGAS, CITY OF	32003C1770D	23-JUN-1999	99-09-425P	05
09	NV	NORTH LAS VEGAS, CITY OF	32003C1790D	23-JUN-1999	99-09-425P	05
09	NV	NORTH LAS VEGAS, CITY OF	32003C2176D	23-JUN-1999	99-09-425P	05
09	NV	NORTH LAS VEGAS, CITY OF	32003C2160D	31-MAR-1999	99-09-459P	06
09	NV	NORTH LAS VEGAS, CITY OF	32003C1770D	26-MAY-1999	99-09-493A	02
09	NV	RENO, CITY OF	32031C3156E	01-MAR-1999	98-09-1138P	05
09	NV	RENO, CITY OF	32031C3158E	01-MAR-1999	98-09-1138P	05
09	NV	RENO, CITY OF	32031C3176E	30-MAR-1999	99-09-480A	01
09	NV	RENO, CITY OF	32031C2793E	15-APR-1999	99-09-581P	06
09	NV	RENO, CITY OF	32031C2794E	15-APR-1999	99-09-581P	06
09	NV	RENO, CITY OF	32031C2800E	15-APR-1999	99-09-581P	06
09	NV	WASHOE COUNTY	32031C3156E	01-MAR-1999	98-09-1138P	05
09	NV	WASHOE COUNTY	32031C3158E	01-MAR-1999	98-09-1138P	05
09	NV	WASHOE COUNTY	32031C3013E	11-FEB-1999	99-09-109P	06
09	NV	WASHOE COUNTY	32031C3014E	11-FEB-1999	99-09-109P	06
09	NV	WASHOE COUNTY	32031C3176E	11-FEB-1999	99-09-109P	06
09	NV	WASHOE COUNTY	32031C3177E	11-FEB-1999	99-09-109P	06
09	NV	WASHOE COUNTY	32031C2793E	15-APR-1999	99-09-581P	06
09	NV	WASHOE COUNTY	32031C2794E	15-APR-1999	99-09-581P	06
10	AK	ANCHORAGE, MUNICIPALITY OF	0200050400B	19-FEB-1999	99-10-172P	05
10	AK	ANCHORAGE, MUNICIPALITY OF	0200050500B	19-FEB-1999	99-10-172P	05
10	AK	ANCHORAGE, MUNICIPALITY OF	0200050243C	29-JUN-1999	99-10-460A	02
10	AK	FAIRBANKS-NORTH STAR BOROUGH	0250090212H	11-JAN-1999	99-10-142A	02
10	ID	ADA COUNTY	1600010155C	23-JUN-1999	98-10-496P	05
10	ID	ADA COUNTY	1600010258C	22-APR-1999	99-10-290P	06
10	ID	ADA COUNTY	1600010259C	22-APR-1999	99-10-290P	06
10	ID	ADA COUNTY	1600010258C	30-APR-1999	99-10-335A	02
10	ID	ADA COUNTY	1600010258C	12-MAY-1999	99-10-348A	02
10	ID	ADA COUNTY	1600010258C	18-JUN-1999	99-10-400A	01
10	ID	ADA COUNTY	1600010254C	18-JUN-1999	99-10-438A	02
10	ID	AMMON, CITY OF	1600280001B	05-APR-1999	99-10-292A	02
10	ID	AMMON, CITY OF	1600280001B	03-MAY-1999	99-10-343A	02
10	ID	AMMON, CITY OF	1600280001B	07-JUN-1999	99-10-412A	02
10	ID	BINGHAM COUNTY	1600180280B	05-MAR-1999	99-10-193A	01
10	ID	BINGHAM COUNTY	1600180260B	29-JUN-1999	99-10-430A	02
10	ID	BLACKFOOT, CITY OF	1600190002C	29-JAN-1999	99-10-032A	01
10	ID	BLACKFOOT, CITY OF	1600190002C	05-MAR-1999	99-10-254A	01
10	ID	BLACKFOOT, CITY OF	1600190002C	11-MAR-1999	99-10-296A	01
10	ID	BLAINE COUNTY	1651671175A	14-JUN-1999	99-10-426A	02
10	ID	BOISE, CITY OF	1600020011E	29-APR-1999	99-10-232A	02
10	ID	BOISE, CITY OF	1600010170C	18-MAR-1999	99-10-257A	02
10	ID	BONNER COUNTY	1602060360C	05-FEB-1999	99-10-157A	02
10	ID	BONNER COUNTY	1602060360C	23-MAR-1999	99-10-169A	02
10	ID	BONNER COUNTY	1602060325B	11-MAY-1999	99-10-184A	02
10	ID	BONNER COUNTY	1602060300C	30-MAR-1999	99-10-268A	02
10	ID	BONNER COUNTY	1602060300C	22-MAR-1999	99-10-271A	02
10	ID	BONNER COUNTY	1602060260B	07-APR-1999	99-10-301A	02
10	ID	BONNER COUNTY	1602060300C	20-MAY-1999	99-10-365A	02
10	ID	BONNER COUNTY	1602060300C	24-JUN-1999	99-10-427A	02
10	ID	BONNEVILLE COUNTY	1600270235C	07-JAN-1999	99-10-013A	02
10	ID	CASSIA COUNTY	1600410100B	16-MAR-1999	99-10-192A	02
10	ID	CUSTER COUNTY	16037C0400C	12-JAN-1999	98-10-452A	02
10	ID	CUSTER COUNTY	16037C0400C	30-APR-1999	99-10-317A	02
10	ID	EAGLE, CITY OF	1600030001C	23-JUN-1999	98-10-496P	05
10	ID	EAGLE, CITY OF	1600030165C	09-MAR-1999	99-10-237A	01
10	ID	EAGLE, CITY OF	1600030165C	07-APR-1999	99-10-303A	01
10	ID	EAGLE, CITY OF	1600010165C	11-JUN-1999	99-10-379A	01
10	ID	FREMONT COUNTY	1600610530B	05-MAR-1999	99-10-179A	02
10	ID	HAILEY, CITY OF	1600220668D	18-JUN-1999	99-10-231A	02
10	ID	MIDDLETON, CITY OF	1600370001E	22-JAN-1999	99-10-121A	01
10	ID	MIDDLETON, CITY OF	1600370001E	26-MAR-1999	99-10-253A	01
10	ID	MIDDLETON, CITY OF	1600370001E	05-MAR-1999	99-10-255A	02
10	ID	MIDDLETON, CITY OF	1600370001E	11-MAR-1999	99-10-298A	02
10	ID	MIDDLETON, CITY OF	1600370001E	04-JUN-1999	99-10-386A	01
10	ID	SANDPOINT,CITY OF	1600250001C	22-MAR-1999	99-10-263A	02
10	ID	TETON COUNTY	16081C0130C	13-APR-1999	99-10-307A	02
10	ID	TWIN FALLS, CITY OF	1601200005B	31-MAR-1999	99-10-291A	02
10	ID	WEISER,CITY OF	1601240005B	01-MAR-1999	99-10-052A	02
10	OR	ALBANY, CITY OF	4100080050C	14-JUN-1999	99-10-225A	02

Region
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Region	State	Community	Map panel	Determination date	Case No.	Type
10	OR	ALBANY, CITY OF	4100080050C	21-APR-1999	99-10-319A	02
10	OR	ALBANY, CITY OF	4100080050C	15-APR-1999	99-10-321A	02
10	OR	BENTON COUNTY	4100080050C	03-FEB-1999	99-10-109P	06
10	OR	BENTON COUNTY	4100080025C	11-MAR-1999	99-10-248A	02
10	OR	BURNS, CITY OF	4100840001D	17-FEB-1999	99-10-202A	02
10	OR	CLACKAMAS COUNTY	4155880020A	05-FEB-1999	99-10-178A	02
10	OR	CLATSOP COUNTY	4100270023A	01-MAR-1999	99-10-221A	02
10	OR	COLUMBIA COUNTY	41009C0275C	22-JAN-1999	99-10-105A	02
10	OR	COOS BAY, CITY OF	4100440005B	09-MAR-1999	99-10-246A	02
10	OR	COOS COUNTY	4100420155B	22-JAN-1999	99-10-106A	02
10	OR	COOS COUNTY	4100420250B	14-JAN-1999	99-10-144A	02
10	OR	COOS COUNTY	4100420375B	05-APR-1999	99-10-216A	02
10	OR	COOS COUNTY	4100420080B	28-JUN-1999	99-10-440A	02
10	OR	CORVALLIS, CITY OF	4100090002E	05-MAR-1999	99-10-055A	02
10	OR	CORVALLIS, CITY OF	4100090006E	22-APR-1999	99-10-261A	02
10	OR	COTTAGE GROVE, CITY OF	4101200001B	18-MAR-1999	99-10-258A	02
10	OR	COTTAGE GROVE, CITY OF	41039C2091F	03-JUN-1999	99-10-420V	19
10	OR	CRESWELL, CITY OF	41039C1661F	03-JUN-1999	99-10-420V	19
10	OR	DALLAS, CITY OF	41053C0107D	26-APR-1999	99-10-116A	02
10	OR	DALLAS, CITY OF	41053C0107D	21-MAY-1999	99-10-371A	02
10	OR	DESCHUTES COUNTY	41017C0460D	31-MAR-1999	99-10-259A	02
10	OR	DOUGLAS COUNTY	4100590930A	20-JAN-1999	99-10-171A	02
10	OR	DOUGLAS COUNTY	4100590270A	05-APR-1999	99-10-294A	02
10	OR	DOUGLAS COUNTY	4100590740C	22-APR-1999	99-10-325V	19
10	OR	DOUGLAS COUNTY	4100590930A	03-MAY-1999	99-10-345A	02
10	OR	DOUGLAS COUNTY	4100590735A	29-JUN-1999	99-10-375A	02
10	OR	DUNES CITY, CITY OF	41039C1440F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	4155910350C	25-FEB-1999	99-10-199A	01
10	OR	EUGENE, CITY OF	4101220005C	12-FEB-1999	99-10-201A	02
10	OR	EUGENE, CITY OF	4155910355C	18-MAR-1999	99-10-203A	02
10	OR	EUGENE, CITY OF	4155910350C	25-FEB-1999	99-10-264A	02
10	OR	EUGENE, CITY OF	4155910355C	23-MAR-1999	99-10-272A	02
10	OR	EUGENE, CITY OF	41039C1136F	07-JUN-1999	99-10-402A	02
10	OR	EUGENE, CITY OF	41039C0619F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1102F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1104F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1106F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1107F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1116F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1127F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1128F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1129F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1136F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1137F	03-JUN-1999	99-10-420V	19
10	OR	EUGENE, CITY OF	41039C1137F	23-JUN-1999	99-10-439A	02
10	OR	FLORENCE, CITY OF	41039C1427F	03-JUN-1999	99-10-420V	19
10	OR	GRANTS PASS, CITY OF	4101080004C	05-MAR-1999	99-10-234A	02
10	OR	HILLSBORO, CITY OF	41024300038	12-APR-1999	99-10-308A	02
10	OR	HILLSBORO, CITY OF	41024300018	03-MAY-1999	99-10-342A	02
10	OR	INDEPENDENCE, CITY OF	41053C0140C	26-MAY-1999	99-10-266A	01
10	OR	JACKSON COUNTY	41558902278	14-JAN-1999	99-10-149A	02
10	OR	JACKSON COUNTY	41558902058	16-FEB-1999	99-10-198A	02
10	OR	JACKSON COUNTY	41558904048	30-MAR-1999	99-10-230A	02
10	OR	JACKSON COUNTY	41558904128	21-MAY-1999	99-10-339A	02
10	OR	JACKSON COUNTY	4155890386C	16-JUN-1999	99-10-399A	02
10	OR	JACKSON COUNTY	41558905098	14-JUN-1999	99-10-422A	02
10	OR	JOHN DAY, CITY OF	4100770001C	23-FEB-1999	99-10-160A	02
10	OR	JOSEPHINE COUNTY	41559003298	08-JAN-1999	99-10-133A	02
10	OR	JOSEPHINE COUNTY	4155900325C	17-FEB-1999	99-10-204A	02
10	OR	JUNCTION CITY, CITY OF	41039C0604F	03-JUN-1999	99-10-420V	19
10	OR	KEIZER, CITY OF	4102880005B	04-JAN-1999	99-10-099A	02
10	OR	KEIZER, CITY OF	4102880005B	25-FEB-1999	99-10-214A	02
10	OR	KEIZER, CITY OF	4102880005B	15-MAR-1999	99-10-223A	02
10	OR	KEIZER, CITY OF	4102880005B	01-MAR-1999	99-10-226A	02
10	OR	KEIZER, CITY OF	4102880005B	16-MAR-1999	99-10-252A	02
10	OR	KEIZER, CITY OF	4102880005B	23-MAR-1999	99-10-277A	02
10	OR	KEIZER, CITY OF	4102880005B	18-MAY-1999	99-10-337A	02
10	OR	KEIZER, CITY OF	4102880005B	19-MAY-1999	99-10-338A	02
10	OR	KEIZER, CITY OF	4102880005B	21-JUN-1999	99-10-409A	01
10	OR	KEIZER, CITY OF	4102880005B	18-JUN-1999	99-10-437A	02
10	OR	KEIZER, CITY OF	4102880005B	18-JUN-1999	99-10-441A	02
10	OR	KLAMATH FALLS, CITY OF	4101120001B	15-MAR-1999	99-10-251A	02
10	OR	LAKESIDE, CITY OF	4102780001B	30-MAR-1999	99-10-287A	02

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10	OR	LANE COUNTY	4155910115C	11-JAN-1999	99-10-134A	02
10	OR	LANE COUNTY	4155910430C	15-APR-1999	99-10-188A	02
10	OR	LANE COUNTY	4155910325C	19-FEB-1999	99-10-200A	02
10	OR	LANE COUNTY	4155910505D	23-FEB-1999	99-10-208A	02
10	OR	LANE COUNTY	4155910395D	23-FEB-1999	99-10-209A	02
10	OR	LANE COUNTY	4155910370C	25-FEB-1999	99-10-219A	02
10	OR	LANE COUNTY	4155910350C	01-MAR-1999	99-10-227A	02
10	OR	LANE COUNTY	4155910620C	13-APR-1999	99-10-239A	02
10	OR	LANE COUNTY	4155910350C	22-MAR-1999	99-10-267A	02
10	OR	LANE COUNTY	4155910405C	23-MAR-1999	99-10-273A	02
10	OR	LANE COUNTY	4155910325C	11-MAR-1999	99-10-280A	02
10	OR	LANE COUNTY	4155910355C	05-APR-1999	99-10-293A	02
10	OR	LANE COUNTY	4155910355C	18-MAY-1999	99-10-361A	02
10	OR	LANE COUNTY	4155910390D	18-MAY-1999	99-10-364A	02
10	OR	LANE COUNTY	41039C0190F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0450F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0550F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0575F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0600F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0602F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0604F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0610F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0619F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0620F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0639F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0640F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0670F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0680F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0740F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0790F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0990F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1070F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1075F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1080F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1100F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1102F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1104F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1105F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1106F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1107F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1126F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1127F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1128F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1134F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1144F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1153F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1154F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1160F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1162F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1170F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1180F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1185F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1205F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1255F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1260F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1427F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1645F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1655F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1660F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1685F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1690F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1695F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C1725F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C2092F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C2115F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C2194F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C2375F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C2425F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C2650F	03-JUN-1999	99-10-420V	19
10	OR	LANE COUNTY	41039C0602F	16-JUN-1999	99-10-425A	02
10	OR	LEBANON, CITY OF	4101410001C	18-MAY-1999	99-10-347A	02
10	OR	LINCOLN CITY, CITY OF	4101300001C	27-JAN-1999	99-10-174A	02
10	OR	LINCOLN CITY, CITY OF	4101300001C	23-FEB-1999	99-10-213A	02

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10	OR	LINCOLN CITY, CITY OF	4101300001C	01-MAR-1999	99-10-222A	02
10	OR	LINCOLN CITY, CITY OF	4101300001C	31-MAR-1999	99-10-289A	02
10	OR	LINCOLN CITY, CITY OF	4101300001C	24-MAR-1999	99-10-299A	02
10	OR	LINCOLN CITY, CITY OF	4101300001C	06-MAY-1999	99-10-350A	02
10	OR	LINCOLN CITY, CITY OF	4101300001C	10-MAY-1999	99-10-352A	02
10	OR	LINCOLN CITY, CITY OF	4101300001C	05-MAY-1999	99-10-360A	02
10	OR	LINCOLN CITY, CITY OF	4101300001C	30-JUN-1999	99-10-461A	02
10	OR	LINCOLN COUNTY	4101290425B	11-MAR-1999	99-10-132A	02
10	OR	LINCOLN COUNTY	4101290400B	04-MAY-1999	99-10-306A	02
10	OR	LINCOLN COUNTY	4101290425B	13-APR-1999	99-10-310A	02
10	OR	LINN COUNTY	4101360225B	11-JUN-1999	99-10-357A	02
10	OR	LINN COUNTY	4101360395B	25-MAY-1999	99-10-367A	02
10	OR	LINN COUNTY	4101360395B	25-MAY-1999	99-10-368A	02
10	OR	MARION COUNTY	4101540275D	28-JAN-1999	99-10-173A	02
10	OR	MARION COUNTY	4101540050D	05-MAR-1999	99-10-229A	02
10	OR	MARION COUNTY	4101540050D	13-APR-1999	99-10-332A	02
10	OR	MARION COUNTY	4101540175D	14-JUN-1999	99-10-411A	02
10	OR	MCMINNVILLE, CITY OF	4102550303C	19-FEB-1999	99-10-118A	02
10	OR	MILWAUKIE, CITY OF	4100190002B	21-MAY-1999	99-10-356P	05
10	OR	MULTNOMAH COUNTY	4101790215B	07-JAN-1999	99-10-128A	02
10	OR	PHOENIX, CITY OF	4100970001B	07-APR-1999	99-10-304A	02
10	OR	POLK COUNTY	41053C0050C	11-JAN-1999	99-10-139A	02
10	OR	POLK COUNTY	41053C0200C	26-MAY-1999	99-10-381A	02
10	OR	POLK COUNTY	41053C0050C	23-JUN-1999	99-10-406A	02
10	OR	PORTLAND, CITY OF	4101830010D	01-MAR-1999	99-10-085P	05
10	OR	PORTLAND, CITY OF	4101830020D	01-MAR-1999	99-10-085P	05
10	OR	PORTLAND, CITY OF	4101830010D	18-MAR-1999	99-10-224A	01
10	OR	ROSEBURG, CITY OF	4100670005D	26-MAR-1999	99-10-281A	02
10	OR	ROSEBURG, CITY OF	4100670005E	13-MAY-1999	99-10-305A	02
10	OR	ROSEBURG, CITY OF	4100670005E	22-APR-1999	99-10-324V	19
10	OR	SALEM, CITY OF	4101670175D	19-FEB-1999	99-10-155A	01
10	OR	SALEM, CITY OF	4101670007E	25-MAR-1999	99-10-197A	02
10	OR	SALEM, CITY OF	4101670007E	09-MAR-1999	99-10-236A	02
10	OR	SALEM, CITY OF	4101670007E	23-MAR-1999	99-10-275A	02
10	OR	SHADY COVE, CITY OF	4100990001B	08-FEB-1999	99-10-140A	01
10	OR	SHERIDAN, CITY OF	4102570001C	05-FEB-1999	99-10-186A	02
10	OR	SHERIDAN, CITY OF	4102570001C	22-APR-1999	99-10-329A	02
10	OR	SPRINGFIELD, CITY OF	4155920001A	06-APR-1999	99-10-207A	02
10	OR	SPRINGFIELD, CITY OF	41039C1134F	03-JUN-1999	99-10-420V	19
10	OR	ST. HELENS, CITY OF	41009C0452C	19-FEB-1999	99-10-206A	02
10	OR	TIGARD, CITY OF	4102760003B	06-JAN-1999	99-10-077A	02
10	OR	TILLAMOOK COUNTY	4101960015B	15-APR-1999	99-10-265A	02
10	OR	TILLAMOOK COUNTY	4101960315A	21-MAY-1999	99-10-372A	02
10	OR	TROUTDALE, CITY OF	4101840005D	26-FEB-1999	99-10-040A	01
10	OR	TROUTDALE, CITY OF	4101840005D	26-JAN-1999	99-10-141A	02
10	OR	UMATILLA COUNTY	4102040795C	25-FEB-1999	99-10-154A	02
10	OR	WASHINGTON COUNTY	4102380361B	08-FEB-1999	99-10-175A	02
10	OR	WASHINGTON COUNTY	4102380175B	10-FEB-1999	99-10-194A	02
10	OR	WASHINGTON COUNTY	4102380502C	11-MAR-1999	99-10-211A	02
10	OR	WASHINGTON COUNTY	4102380343B	09-MAR-1999	99-10-240A	02
10	OR	WASHINGTON COUNTY	4102380475B	24-MAY-1999	99-10-331A	02
10	OR	WEST LINN, CITY OF	4100240001B	08-FEB-1999	99-10-189A	02
10	OR	YACHATS, CITY OF	4101350001A	05-MAR-1999	99-10-143A	02
10	OR	YAMHILL COUNTY	4102490455C	28-JAN-1999	99-10-167A	02
10	WA	BAINBRIDGE ISLAND, CITY OF	5303070001A	01-MAR-1999	99-10-228A	02
10	WA	BENTON COUNTY	5302370636D	13-MAY-1999	99-10-283A	02
10	WA	BENTON COUNTY	5302370636D	20-MAY-1999	99-10-363A	02
10	WA	BURLINGTON, CITY OF	5301530001B	19-FEB-1999	99-10-220A	02
10	WA	CASHMERE, CITY OF	5300150600A	29-JUN-1999	99-10-451A	02
10	WA	CENTRALIA, CITY OF	5301030002B	08-JAN-1999	99-10-083A	02
10	WA	CLALLAM COUNTY	5300210595B	08-JAN-1999	99-10-120A	02
10	WA	CLARK COUNTY	5300240225B	19-MAR-1999	99-10-058A	02
10	WA	CLARK COUNTY	5300240317C	22-JAN-1999	99-10-147A	02
10	WA	CLARK COUNTY	5300240311B	11-JUN-1999	99-10-403A	01
10	WA	CLARK COUNTY	5300240312B	11-JUN-1999	99-10-403A	01
10	WA	EDMONDS, CITY OF	5301630005D	29-JUN-1999	99-10-392A	02
10	WA	FERRY COUNTY	5300410050C	07-JAN-1999	99-10-001A	02
10	WA	GRAYS HARBOR COUNTY	5300570290B	06-JAN-1999	99-10-006P	05
10	WA	GRAYS HARBOR COUNTY	5300570363B	14-JUN-1999	99-10-374A	02
10	WA	ISLAND COUNTY	53029C0320D	13-MAY-1999	99-10-355A	02
10	WA	ISSAQUAH, CITY OF	53033C0693F	28-JAN-1999	99-10-043A	17
10	WA	KENT, CITY OF	53033C1251F	11-JAN-1999	99-10-005P	05
10	WA	KING COUNTY	53033C1251F	11-JAN-1999	99-10-005P	05

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10	WA	KING COUNTY	53033C0950F	04-JAN-1999	99-10-097A	02
10	WA	KING COUNTY	53033C1225F	05-APR-1999	99-10-245A	02
10	WA	KING COUNTY	53033C0615F	03-MAY-1999	99-10-346A	02
10	WA	KING COUNTY	53033C1020F	26-MAY-1999	99-10-387A	02
10	WA	KING COUNTY	53033C0680F	25-JUN-1999	99-10-393A	02
10	WA	KING COUNTY	53033C0680F	25-JUN-1999	99-10-429A	02
10	WA	KING COUNTY	53033C1020F	29-JUN-1999	99-10-458A	02
10	WA	KITSAP COUNTY	5300920310B	06-APR-1999	99-10-297A	02
10	WA	KITSAP COUNTY	5300920120B	14-JUN-1999	99-10-421A	02
10	WA	KITTITAS COUNTY	5300950241B	22-MAR-1999	99-10-095A	02
10	WA	KITTITAS COUNTY	5300950552C	24-MAY-1999	99-10-369A	02
10	WA	KITTITAS COUNTY	5300950226B	28-JUN-1999	99-10-450A	02
10	WA	KLICKITAT COUNTY	5300990025B	16-FEB-1999	99-10-150A	02
10	WA	LA CONNER, TOWN OF	5301560001B	05-FEB-1999	99-10-185A	02
10	WA	LEWIS COUNTY	5301020265B	11-MAR-1999	99-10-250A	02
10	WA	MASON COUNTY	5301150275C	19-FEB-1999	99-10-191A	02
10	WA	MCCLEARY, TOWN OF	5300620001B	12-FEB-1999	99-10-168A	02
10	WA	OCEAN SHORES, CITY OF	5300650003B	05-FEB-1999	99-10-177A	02
10	WA	ODESSA, TOWN OF	53043C0515C	08-JUN-1999	99-10-431P	06
10	WA	ODESSA, TOWN OF	53043C0630C	08-JUN-1999	99-10-431P	06
10	WA	OKANOGAN COUNTY	5301170675D	21-JAN-1999	99-10-153V	19
10	WA	OKANOGAN COUNTY	5301170150C	22-APR-1999	99-10-256A	02
10	WA	OKANOGAN, CITY OF	5301190001C	09-MAR-1999	99-10-238A	01
10	WA	OLYMPIA, CITY OF	5301910006B	10-FEB-1999	99-10-094A	02
10	WA	OLYMPIA, CITY OF	5301910006B	10-FEB-1999	99-10-111A	02
10	WA	OLYMPIA, CITY OF	5301910006B	21-MAY-1999	99-10-366A	02
10	WA	ORTING, TOWN OF	5301380602C	12-FEB-1999	99-10-195A	02
10	WA	PIERCE COUNTY	5301380314C	06-APR-1999	99-10-295A	02
10	WA	POMEROY, CITY OF	5300480005C	21-APR-1999	99-10-320A	02
10	WA	PUYALLUP, CITY OF	5301440005B	26-APR-1999	99-10-196A	02
10	WA	RAYMOND, CITY OF	5301290005B	27-MAY-1999	99-10-326A	02
10	WA	REDMOND, CITY OF	53033C0390G	24-MAY-1999	99-10-384A	02
10	WA	SKAGIT COUNTY	5301510275C	20-JAN-1999	99-10-156A	02
10	WA	SKAGIT COUNTY	5301510065C	24-MAR-1999	99-10-279A	02
10	WA	SKAGIT COUNTY	5301510225C	07-JUN-1999	99-10-349A	02
10	WA	SNOHOMISH COUNTY	5355340505B	08-JAN-1999	99-10-054A	02
10	WA	SNOHOMISH COUNTY	5355340335B	22-APR-1999	99-10-262A	02
10	WA	SNOHOMISH COUNTY	5355340345B	10-MAY-1999	99-10-330A	02
10	WA	SPOKANE COUNTY	5301740180B	11-JAN-1999	99-10-070A	02
10	WA	SPOKANE COUNTY	5301740294C	11-JAN-1999	99-10-135A	02
10	WA	SPOKANE COUNTY	5301740315C	24-FEB-1999	99-10-170P	05
10	WA	SPOKANE COUNTY	5301740320C	24-FEB-1999	99-10-170P	05
10	WA	SPOKANE COUNTY	5301740285C	21-MAY-1999	99-10-260A	01
10	WA	SPOKANE COUNTY	5301740325B	25-MAY-1999	99-10-288P	06
10	WA	SPOKANE COUNTY	5301740294C	12-APR-1999	99-10-309A	02
10	WA	SPOKANE COUNTY	5301740277B	03-MAY-1999	99-10-313A	02
10	WA	SPOKANE COUNTY	5301740294C	26-MAY-1999	99-10-391A	02
10	WA	SPOKANE COUNTY	5301740187B	29-JUN-1999	99-10-444A	02
10	WA	SPOKANE COUNTY	5301740277B	26-MAR-1999	99-R10-008	02
10	WA	SPOKANE COUNTY	5301740277B	26-MAR-1999	99-R10-008	02
10	WA	STEVENS COUNTY	5301850425B	22-JAN-1999	99-10-162A	02
10	WA	SULTAN, TOWN OF	5301730001B	05-FEB-1999	99-10-180A	02
10	WA	SULTAN, TOWN OF	5301730001B	18-MAY-1999	99-10-274A	01
10	WA	VANCOUVER, CITY OF	5300240316B	18-MAR-1999	98-10-388A	01
10	WA	WHATCOM COUNTY	530198B	14-JAN-1999	99-10-123A	02
10	WA	WHATCOM COUNTY	530198B	21-APR-1999	99-10-316A	02
10	WA	WOODINVILLE, CITY OF	53033C0068F	14-JAN-1999	99-10-151A	02
10	WA	YAKIMA COUNTY	5302171036B	26-APR-1999	99-10-333A	02
10	WA	YELM, CITY OF	530310A	14-JAN-1999	99-10-136A	02
10	WA	YELM, CITY OF	5303100001A	17-JUN-1999	99-10-415V	19

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01	CT	EAST LYME, TOWN OF	090096IND0	30-JUN-1999
01	CT	GREENWICH, TOWN OF	0900080001C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080002C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080004C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080005C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080006C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080007C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080008C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080009C**	22-FEB-1999

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01	CT	GREENWICH, TOWN OF	0900080010C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080011C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080012B**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080014C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080016C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080017C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080018C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080019C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080021C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080022C	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080023C	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080024C	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080025C	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080026C	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080027C	22-FEB-1999
01	CT	GREENWICH, TOWN OF	0900080028C**	22-FEB-1999
01	CT	GREENWICH, TOWN OF	090008IND0	22-FEB-1999
01	CT	WESTPORT, TOWN OF	0900190006A	30-JUN-1999
01	CT	WESTPORT, TOWN OF	0900190007A	30-JUN-1999
01	CT	WESTPORT, TOWN OF	090019IND0	30-JUN-1999
01	MA	ROWLEY, TOWN OF	2501010007C**	30-JUN-1999
01	MA	ROWLEY, TOWN OF	2501010009C**	30-JUN-1999
01	MA	ROWLEY, TOWN OF	2501010013C**	30-JUN-1999
01	MA	ROWLEY, TOWN OF	250101IND0 **	30-JUN-1999
01	MA	WILMINGTON, TOWN OF	2502270001D**	02-JUN-1999
01	MA	WILMINGTON, TOWN OF	2502270002C**	02-JUN-1999
01	MA	WILMINGTON, TOWN OF	2502270003C	02-JUN-1999
01	MA	WILMINGTON, TOWN OF	2502270004C	02-JUN-1999
01	MA	WILMINGTON, TOWN OF	250227IND0	02-JUN-1999
01	ME	TRESCOTT, TOWNSHIP OF	2304730001B	08-FEB-1999
01	ME	TRESCOTT, TOWNSHIP OF	2304730002B	08-FEB-1999
01	ME	TRESCOTT, TOWNSHIP OF	2304730003B	08-FEB-1999
01	ME	TRESCOTT, TOWNSHIP OF	230473IND0	08-FEB-1999
01	VT	NEWBURY, TOWN OF	5002370005C	21-JUL-1999
01	VT	NEWBURY, TOWN OF	5002370010C	21-JUL-1999
01	VT	NEWBURY, TOWN OF	5002370015C	21-JUL-1999
01	VT	NEWBURY, TOWN OF	5002370020C	21-JUL-1999
01	VT	NEWBURY, TOWN OF	5002370025C	21-JUL-1999
01	VT	NEWBURY, TOWN OF	5002370030C	21-JUL-1999
01	VT	NEWBURY, TOWN OF	500237IND0	21-JUL-1999
02	NJ	BARNEGAT LIGHT, BOROUGH OF	3452800003E	23-MAR-1999
02	NJ	BARNEGAT LIGHT, BOROUGH OF	3452800005E	23-MAR-1999
02	NJ	BARNEGAT LIGHT, BOROUGH OF	345280IND0	23-MAR-1999
02	NJ	BEACH HAVEN, BOROUGH OF	3452820016E	23-MAR-1999
02	NJ	BEACH HAVEN, BOROUGH OF	3452820017E	23-MAR-1999
02	NJ	BEACH HAVEN, BOROUGH OF	3452820019E	23-MAR-1999
02	NJ	BEACH HAVEN, BOROUGH OF	3452820020E	23-MAR-1999
02	NJ	BEACH HAVEN, BOROUGH OF	345282IND0	23-MAR-1999
02	NJ	BERKELEY HEIGHTS, TOWNSHIP OF	3404590001D	06-JAN-1999
02	NJ	BERKELEY HEIGHTS, TOWNSHIP OF	3404590002D	06-JAN-1999
02	NJ	BERKELEY HEIGHTS, TOWNSHIP OF	3404590003D	06-JAN-1999
02	NJ	BERKELEY HEIGHTS, TOWNSHIP OF	340459IND0	06-JAN-1999
02	NJ	EWING, TOWNSHIP OF	3452940002C	09-MAR-1999
02	NJ	EWING, TOWNSHIP OF	345294IND0	09-MAR-1999
02	NJ	GALLOWAY, TOWNSHIP OF	3400080009C**	30-JUN-1999
02	NJ	GALLOWAY, TOWNSHIP OF	3400080031C**	30-JUN-1999
02	NJ	GALLOWAY, TOWNSHIP OF	340008IND0 **	30-JUN-1999
02	NJ	HARVEY CEDARS, BOROUGH OF	3452960007E	23-MAR-1999
02	NJ	HARVEY CEDARS, BOROUGH OF	3452960009E	23-MAR-1999
02	NJ	HARVEY CEDARS, BOROUGH OF	345296IND0	23-MAR-1999
02	NJ	LITTLE EGG HARBOR, TOWNSHIP OF	340380IND0 **	30-JUN-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010002E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010003E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010004E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010005E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010007E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010008E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010009E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010011E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010012E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010014E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010015E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010016E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010017E	23-MAR-1999

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02	NJ	LONG BEACH, TOWNSHIP OF	3453010018E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010019E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010022E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	3453010023E	23-MAR-1999
02	NJ	LONG BEACH, TOWNSHIP OF	345301IND0	23-MAR-1999
02	NJ	POINT PLEASANT BEACH, BOROUGH	3403880001D	02-JUN-1999
02	NJ	SHIP BOTTOM, BOROUGH OF	3453200008E	23-MAR-1999
02	NJ	SHIP BOTTOM, BOROUGH OF	3453200011E	23-MAR-1999
02	NJ	SHIP BOTTOM, BOROUGH OF	3453200012E	23-MAR-1999
02	NJ	SHIP BOTTOM, BOROUGH OF	345320IND0	23-MAR-1999
02	NJ	SURF CITY, BOROUGH OF	3453240008E	23-MAR-1999
02	NJ	SURF CITY, BOROUGH OF	3453240012E	23-MAR-1999
02	NJ	SURF CITY, BOROUGH OF	345324IND0	23-MAR-1999
02	NY	BARNEVELD, VILLAGE OF	3615690001C	23-MAR-1999
02	NY	CAMILLUS, TOWN OF	3605700001D**	18-MAY-1999
02	NY	CAMILLUS, TOWN OF	3605700002D	18-MAY-1999
02	NY	CAMILLUS, TOWN OF	3605700003D	18-MAY-1999
02	NY	CAMILLUS, TOWN OF	3605700004D**	18-MAY-1999
02	NY	CAMILLUS, TOWN OF	3605700005D	18-MAY-1999
02	NY	CAMILLUS, TOWN OF	3605700006D	18-MAY-1999
02	NY	CAMILLUS, TOWN OF	3605700007D	18-MAY-1999
02	NY	CAMILLUS, TOWN OF	3605700008D	18-MAY-1999
02	NY	CAMILLUS, TOWN OF	3605700009D	18-MAY-1999
02	NY	CAMILLUS, TOWN OF	360570IND0	18-MAY-1999
02	NY	CAMILLUS, VILLAGE OF	3605710008D	18-MAY-1999
02	NY	CAMILLUS, VILLAGE OF	360571IND0	18-MAY-1999
02	NY	DEERFIELD, TOWN OF	3605260001C	02-JUN-1999
02	NY	DEERFIELD, TOWN OF	3605260002C	02-JUN-1999
02	NY	DEERFIELD, TOWN OF	3605260003C	02-JUN-1999
02	NY	DEERFIELD, TOWN OF	3605260004C	02-JUN-1999
02	NY	DEERFIELD, TOWN OF	3605260005C	02-JUN-1999
02	NY	DEERFIELD, TOWN OF	3605260006C	02-JUN-1999
02	NY	DEERFIELD, TOWN OF	3605260008C	02-JUN-1999
02	NY	DEERFIELD, TOWN OF	360526IND0	02-JUN-1999
02	NY	NEWPORT, TOWN OF	3611110005D	02-JUN-1999
02	NY	NEWPORT, TOWN OF	361111IND0	02-JUN-1999
02	NY	POLAND, VILLAGE OF	3603160001C	02-JUN-1999
02	NY	RUSSIA, TOWN OF	3611210003B	02-JUN-1999
02	NY	RUSSIA, TOWN OF	3611210005B	02-JUN-1999
02	NY	RUSSIA, TOWN OF	3611210006B	02-JUN-1999
02	NY	RUSSIA, TOWN OF	3611210007B	02-JUN-1999
02	NY	RUSSIA, TOWN OF	3611210008B	02-JUN-1999
02	NY	RUSSIA, TOWN OF	3611210010B	02-JUN-1999
02	NY	RUSSIA, TOWN OF	3611210013B	02-JUN-1999
02	NY	RUSSIA, TOWN OF	3611210014B	02-JUN-1999
02	NY	RUSSIA, TOWN OF	361121IND0	02-JUN-1999
02	NY	SYLVAN BEACH, VILLAGE OF	3610420001D	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000008E	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000020C	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000021D	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000025D	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000035D	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000052D	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000053D	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000056D	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000129E	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000132D	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000287D	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000297E	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000302E	02-JUN-1999
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000310D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000005C	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000009E	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000010E	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000030D**	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000040E	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000045E	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000046D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000047E	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000049C	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000051D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000057D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000063G	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000064G	02-JUN-1999

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02	PR	PUERTO RICO,COMMONWEALTH OF	7200000066D**	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000070D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000130E	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000134E	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000189D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000193D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000194D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000197E	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000200D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000215D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000218C	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000219C	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000250D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000252C	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000255D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000260C	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000265D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000267D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000270D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000275F	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000276D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000277D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000281D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000282D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000286D**	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000291D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000292D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000300D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000301D	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000320B	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000325B	02-JUN-1999
02	PR	PUERTO RICO,COMMONWEALTH OF	7200000330B	02-JUN-1999
03	DE	BETHANY BEACH, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	BETHEL, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	BLADES, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	BRIDGEVILLE, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	DAGSBORO, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	DELMAR, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	DEWEY BEACH, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	ELLENDALE, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	FENWICK ISLAND, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	FRANKFORD, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	GEORGETOWN, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	GREENWOOD, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	HENLOPEN ACRES, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	LAUREL, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	LEWES, CITY OF	10005CIND0 **	08-FEB-1999
03	DE	MILFORD, CITY OF	10005C0037G	08-FEB-1999
03	DE	MILFORD, CITY OF	10005C0041G	08-FEB-1999
03	DE	MILFORD, CITY OF	10005CIND0	08-FEB-1999
03	DE	MILLSBORO, TOWN OF	10005C0456G**	08-FEB-1999
03	DE	MILLSBORO, TOWN OF	10005C0458G**	08-FEB-1999
03	DE	MILLSBORO, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	MILLVILLE, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	MILTON, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	OCEAN VIEW, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	REHOBOTH BEACH, CITY OF	10005CIND0 **	08-FEB-1999
03	DE	SEAFORD, CITY OF	10005CIND0 **	08-FEB-1999
03	DE	SELBYVILLE, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	SLAUGHTER BEACH, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	SOUTH BETHANY, TOWN OF	10005CIND0 **	08-FEB-1999
03	DE	SUSSEX COUNTY*	10005C0037G	08-FEB-1999
03	DE	SUSSEX COUNTY*	10005C0041G	08-FEB-1999
03	DE	SUSSEX COUNTY*	10005C0050G	08-FEB-1999
03	DE	SUSSEX COUNTY*	10005C0452G	08-FEB-1999
03	DE	SUSSEX COUNTY*	10005C0456G	08-FEB-1999
03	DE	SUSSEX COUNTY*	10005C0458G	08-FEB-1999
03	DE	SUSSEX COUNTY*	10005C0475G	08-FEB-1999
03	DE	SUSSEX COUNTY*	10005CIND0	08-FEB-1999
03	MD	WORCESTER COUNTY *	2400830105D**	21-APR-1999
03	MD	WORCESTER COUNTY *	240083IND0	21-APR-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0142F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0144F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0152F**	18-MAY-1999

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03	PA	BEDMINSTER, TOWNSHIP OF	42017C0153F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0154F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0156F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0158F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0159F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0161F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0162F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0163F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0166F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0167F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0168F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0169F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0180F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0186F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0277F**	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017C0281F	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	BEDMINSTER, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0438F**	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0439F**	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0443F**	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0444F**	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0502F	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0503F**	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0504F	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0506F**	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0507F	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0508F	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0511F	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017C0512F	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	BENSALEM TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	BIRDSBORO BOROUGH OF	42017C0063F	18-MAY-1999
03	PA	BIRDSBORO BOROUGH OF	42017C0064F	18-MAY-1999
03	PA	BRIDGETON TOWNSHIP OF	42017C0059F	18-MAY-1999
03	PA	BRIDGETON TOWNSHIP OF	42017C0067F**	18-MAY-1999
03	PA	BRIDGETON TOWNSHIP OF	42017C0078F	18-MAY-1999
03	PA	BRIDGETON TOWNSHIP OF	42017C0086F	18-MAY-1999
03	PA	BRIDGETON TOWNSHIP OF	42017C0087F	18-MAY-1999
03	PA	BRIDGETON TOWNSHIP OF	42017C0088F	18-MAY-1999
03	PA	BRIDGETON TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	BRIDGETON TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	BRISTOL BOROUGH OF	42017C0526F	18-MAY-1999
03	PA	BRISTOL BOROUGH OF	42017C0527F	18-MAY-1999
03	PA	BRISTOL BOROUGH OF	42017C0528F	18-MAY-1999
03	PA	BRISTOL BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	BRISTOL BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0444F**	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0461F**	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0462F	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0463F**	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0464F	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0506F**	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0507F	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0508F	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0509F	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0526F	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0527F	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017C0528F	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	BRISTOL, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0190F	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0284F**	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0301F**	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0303F**	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0305F**	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0310F	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0311F	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0312F**	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0314F	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0316F**	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0317F	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0318F	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0319F**	18-MAY-1999

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03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0330F	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017C0340F	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	BUCKINGHAM, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	CHALFONT, BOROUGHS OF	42017C0286F**	18-MAY-1999
03	PA	CHALFONT, BOROUGHS OF	42017C0289F**	18-MAY-1999
03	PA	CHALFONT, BOROUGHS OF	42017CIND1	18-MAY-1999
03	PA	CHALFONT, BOROUGHS OF	42017CIND2	18-MAY-1999
03	PA	DALTON, BOROUGH OF	42017C0441F	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0279F**	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0283F**	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0284F**	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0291F**	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0292F**	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0293F**	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0294F**	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0303F**	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0311F	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0312F**	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0313F	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017C0314F	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	DOYLESTOWN TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	DOYLESTOWN, BOROUGH OF	42017C0284F**	18-MAY-1999
03	PA	DOYLESTOWN, BOROUGH OF	42017C0292F**	18-MAY-1999
03	PA	DOYLESTOWN, BOROUGH OF	42017C0303F**	18-MAY-1999
03	PA	DOYLESTOWN, BOROUGH OF	42017C0311F	18-MAY-1999
03	PA	DOYLESTOWN, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	DOYLESTOWN, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	DOYLESTOWN, TOWNSHIP OF	42017C0287F**	18-MAY-1999
03	PA	DUBLIN, BOROUGH OF	42017C0164F**	18-MAY-1999
03	PA	DUBLIN, BOROUGH OF	42017C0277F**	18-MAY-1999
03	PA	DURHAM TOWNSHIP OF	42017C0035F**	18-MAY-1999
03	PA	DURHAM TOWNSHIP OF	42017C0052F	18-MAY-1999
03	PA	DURHAM TOWNSHIP OF	42017C0054F	18-MAY-1999
03	PA	DURHAM TOWNSHIP OF	42017C0055F**	18-MAY-1999
03	PA	DURHAM TOWNSHIP OF	42017C0058F	18-MAY-1999
03	PA	DURHAM TOWNSHIP OF	42017C0061F**	18-MAY-1999
03	PA	DURHAM TOWNSHIP OF	42017C0062F	18-MAY-1999
03	PA	DURHAM TOWNSHIP OF	42017C0066F	18-MAY-1999
03	PA	DURHAM TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	DURHAM TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0133F**	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0134F**	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0137F**	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0139F	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0141F**	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0142F**	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0143F	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0144F	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0163F	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0252F	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0256F	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017C0257F	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	EAST ROCKHILL, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0453F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0454F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0458F**	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0459F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0461F**	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0462F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0464F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0466F**	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0467F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0468F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0469F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0486F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0488F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0501F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0531F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017C0532F	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	FALLS, TOWNSHIP OF	42017CIND2	18-MAY-1999

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03	PA	FORWARD, TOWNSHIP OF	42017C0343F	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0045F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0063F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0064F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0131F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0132F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0133F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0134F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0142F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0151F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0152F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0153F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0154F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0156F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017C0161F**	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	HAYCOCK, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0144F**	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0163F	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0164F	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0254F**	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0256F	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0257F	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0258F**	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0266F**	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0267F**	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0276F**	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0277F**	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0278F**	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0279F**	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0281F	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017C0286F**	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	HILLTOWN, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	HORSHAM, TOWNSHIP OF	42091CIND1	21-APR-1999
03	PA	HULMEVILLE BOROUGH OF	42017C0443F	18-MAY-1999
03	PA	HULMEVILLE BOROUGH OF	42017C0444F	18-MAY-1999
03	PA	HULMEVILLE BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	HULMEVILLE BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	IVYLAND, BOROOUGH OF	42017C0404F	18-MAY-1999
03	PA	LANGHORNE MANOR, BOROUGH OF	42017C0441F	18-MAY-1999
03	PA	LANGHORNE MANOR, BOROUGH OF	42017C0442F	18-MAY-1999
03	PA	LANGHORNE MANOR, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	LANGHORNE MANOR, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	LANGHORNE, BOROUGH OF	42017C0441F	18-MAY-1999
03	PA	LANGHORNE, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	LANGHORNE, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0343F	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0344F**	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0363F	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0364F	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0431F**	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0432F**	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0434F	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0451F**	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0452F	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0453F	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0454F	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0456F	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017C0458F**	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	LOWER MAKEFIELD, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	LOWER SOUTHAMPTON, TOWNSHIP OF	42017C0417F**	18-MAY-1999
03	PA	LOWER SOUTHAMPTON, TOWNSHIP OF	42017C0420F**	18-MAY-1999
03	PA	LOWER SOUTHAMPTON, TOWNSHIP OF	42017C0436F**	18-MAY-1999
03	PA	LOWER SOUTHAMPTON, TOWNSHIP OF	42017C0437F**	18-MAY-1999
03	PA	LOWER SOUTHAMPTON, TOWNSHIP OF	42017C0438F**	18-MAY-1999
03	PA	LOWER SOUTHAMPTON, TOWNSHIP OF	42017C0439F**	18-MAY-1999
03	PA	LOWER SOUTHAMPTON, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	LOWER SOUTHAMPTON, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	MARLBOROUGH, TOWNSHIP OF	42091C0039F**	21-APR-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0429F**	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0431F**	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0432F**	18-MAY-1999

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03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0433F**	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0434F	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0437F**	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0439F**	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0441F	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0442F**	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0443F**	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0444F**	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0453F	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0461F**	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017C0463F**	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	MIDDLETOWN, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0104F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0106F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0107F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0108F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0109F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0112F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0116F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0117F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0118F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0119F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0128F	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0136F	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0138F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0232F**	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017C0254F	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	MILFORD, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	MORRISVILLE, BOROUGH OF	42017C0456F	18-MAY-1999
03	PA	MORRISVILLE, BOROUGH OF	42017C0457F	18-MAY-1999
03	PA	MORRISVILLE, BOROUGH OF	42017C0458F**	18-MAY-1999
03	PA	MORRISVILLE, BOROUGH OF	42017C0459F	18-MAY-1999
03	PA	MORRISVILLE, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	MORRISVILLE, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	MURRYSVILLE, CITY OF	42017C0343F	18-MAY-1999
03	PA	NEW BRITAIN, BOROUGH OF	42017C0291F**	18-MAY-1999
03	PA	NEW BRITAIN, BOROUGH OF	42017C0292F**	18-MAY-1999
03	PA	NEW BRITAIN, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	NEW BRITAIN, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0267F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0277F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0278F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0279F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0281F	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0282F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0283F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0284F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0286F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0287F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0289F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0291F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017C0293F**	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	NEW BRITAIN, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	NEW HOPE, BOROUGH OF	42017C0327F	18-MAY-1999
03	PA	NEW HOPE, BOROUGH OF	42017C0330F	18-MAY-1999
03	PA	NEW HOPE, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	NEW HOPE, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	NEWTOWN, BOROUGH OF	42017C0427F**	18-MAY-1999
03	PA	NEWTOWN, BOROUGH OF	42017C0431F**	18-MAY-1999
03	PA	NEWTOWN, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	NEWTOWN, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	NEWTOWN, TOWNSHIP OF	42017C0338F**	18-MAY-1999
03	PA	NEWTOWN, TOWNSHIP OF	42017C0339F	18-MAY-1999
03	PA	NEWTOWN, TOWNSHIP OF	42017C0426F	18-MAY-1999
03	PA	NEWTOWN, TOWNSHIP OF	42017C0427F**	18-MAY-1999
03	PA	NEWTOWN, TOWNSHIP OF	42017C0429F**	18-MAY-1999
03	PA	NEWTOWN, TOWNSHIP OF	42017C0431F**	18-MAY-1999
03	PA	NEWTOWN, TOWNSHIP OF	42017C0432F**	18-MAY-1999
03	PA	NEWTOWN, TOWNSHIP OF	42017C0433F**	18-MAY-1999
03	PA	NEWTOWN, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	NEWTOWN, TOWNSHIP OF	42017CIND2	18-MAY-1999

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03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0058F	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0059F	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0061F**	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0062F	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0063F	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0064F	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0066F	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0067F**	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0068F**	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0069F**	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0086F	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0088F**	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0152F**	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0156F**	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0157F**	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017C0158F**	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	NOCKAMIXON, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0318F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0319F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0338F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0402F	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0404F	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0406F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0407F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0408F	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0409F	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0417F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0426F	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0427F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0428F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0429F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0433F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0436F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0437F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017C0441F**	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	NORTHAMPTON, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	PATTON, BOROUGH OF	4202350001C**	22-FEB-1999
03	PA	PENNDEL, BOROUGH OF	42017C0441F	18-MAY-1999
03	PA	PENNDEL, BOROUGH OF	42017C0443F**	18-MAY-1999
03	PA	PERKASIE, BOROUGH OF	42017C0143F**	18-MAY-1999
03	PA	PERKASIE, BOROUGH OF	42017C0144F**	18-MAY-1999
03	PA	PERKASIE, BOROUGH OF	42017C0256F	18-MAY-1999
03	PA	PERKASIE, BOROUGH OF	42017C0257F	18-MAY-1999
03	PA	PERKASIE, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	PERKASIE, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0167F**	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0168F**	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0169F**	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0180F	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0186F	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0190F	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0195F	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0277F**	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0281F	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0282F**	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0284F**	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0301F**	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0303F**	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017C0305F**	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	PLUMSTEAD, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	QUAKERTOWN, BOROUGH OF	42017C0128F	18-MAY-1999
03	PA	QUAKERTOWN, BOROUGH OF	42017C0129F	18-MAY-1999
03	PA	QUAKERTOWN, BOROUGH OF	42017C0136F	18-MAY-1999
03	PA	QUAKERTOWN, BOROUGH OF	42017C0137F**	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0107F**	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0109F**	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0126F**	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0127F**	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0128F	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0129F	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0131F**	18-MAY-1999

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03	PA	RICHLAND, TOWNSHIP OF	42017C0133F**	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0136F	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0137F**	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0138F**	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0139F	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017C0141F**	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	RICHLAND, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	RICHLANDTOWN, BOROUGH OF	42017C0127F**	18-MAY-1999
03	PA	RICHLANDTOWN, BOROUGH OF	42017C0129F	18-MAY-1999
03	PA	RIEGELSVILLE, BOROUGH OF	42017C0052F	18-MAY-1999
03	PA	RIEGELSVILLE, BOROUGH OF	42017C0054F	18-MAY-1999
03	PA	RIEGELSVILLE, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	RIEGELSVILLE, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	SELLERSVILLE, BOROUGH OF	42017C0252F**	18-MAY-1999
03	PA	SELLERSVILLE, BOROUGH OF	42017C0256F	18-MAY-1999
03	PA	SELLERSVILLE, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	SELLERSVILLE, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	SHOEMAKERSVILLE, BOROUGH OF	42017C0164F	18-MAY-1999
03	PA	SILVERDALE, BOROUGH OF	42017C0257F	18-MAY-1999
03	PA	SOLEBURY, TOWNSHIP OF	42017C0190F	18-MAY-1999
03	PA	SOLEBURY, TOWNSHIP OF	42017C0195F	18-MAY-1999
03	PA	SOLEBURY, TOWNSHIP OF	42017C0215F	18-MAY-1999
03	PA	SOLEBURY, TOWNSHIP OF	42017C0305F**	18-MAY-1999
03	PA	SOLEBURY, TOWNSHIP OF	42017C0310F	18-MAY-1999
03	PA	SOLEBURY, TOWNSHIP OF	42017C0327F	18-MAY-1999
03	PA	SOLEBURY, TOWNSHIP OF	42017C0330F	18-MAY-1999
03	PA	SOLEBURY, TOWNSHIP OF	42017C0335F	18-MAY-1999
03	PA	SOLEBURY, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	SOLEBURY, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0019F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0035F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0038F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0039F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0040F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0043F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0045F	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0055F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0061F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0062F	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0063F	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0064F	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0106F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0107F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0126F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0127F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0131F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017C0132F**	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	SPRINGFIELD, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0069F**	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0086F	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0087F	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0088F**	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0089F	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0156F**	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0157F**	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0158F**	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0159F**	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0167F**	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0180F	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0186F**	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0190F	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017C0195F	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	TINICUM, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	TRUMBAUERSVILLE, BOROUGH OF	42017C0117F**	18-MAY-1999
03	PA	TRUMBAUERSVILLE, BOROUGH OF	42017C0136F	18-MAY-1999
03	PA	TRUMBAUERSVILLE, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	TRUMBAUERSVILLE, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	TULLYTOWN, BOROUGH OF	42017C0464F	18-MAY-1999
03	PA	TULLYTOWN, BOROUGH OF	42017C0468F	18-MAY-1999
03	PA	TULLYTOWN, BOROUGH OF	42017C0531F	18-MAY-1999
03	PA	TULLYTOWN, BOROUGH OF	42017CIND1	18-MAY-1999

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03	PA	TULLYTOWN, BOROUGH OF	42017CIND2	18-MAY-1999
03	PA	UPPER HANOVER, TOWNSHIP OF	42091C0039F**	21-APR-1999
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	42017C0330F	18-MAY-1999
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	42017C0335F	18-MAY-1999
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	42017C0339F	18-MAY-1999
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	42017C0340F	18-MAY-1999
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	42017C0344F**	18-MAY-1999
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	42017C0345F	18-MAY-1999
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	42017C0361F	18-MAY-1999
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	42017C0363F	18-MAY-1999
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	UPPER MAKEFIELD, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	UPPER SOUTHAMPTON, TOWNSHIP OF	42017C0408F	18-MAY-1999
03	PA	UPPER SOUTHAMPTON, TOWNSHIP OF	42017C0409F	18-MAY-1999
03	PA	UPPER SOUTHAMPTON, TOWNSHIP OF	42017C0412F**	18-MAY-1999
03	PA	UPPER SOUTHAMPTON, TOWNSHIP OF	42017C0416F**	18-MAY-1999
03	PA	UPPER SOUTHAMPTON, TOWNSHIP OF	42017C0417F**	18-MAY-1999
03	PA	UPPER SOUTHAMPTON, TOWNSHIP OF	42017C0420F**	18-MAY-1999
03	PA	UPPER SOUTHAMPTON, TOWNSHIP OF	42017C0436F**	18-MAY-1999
03	PA	UPPER SOUTHAMPTON, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	UPPER SOUTHAMPTON, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017C0382F	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017C0384F**	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017C0401F**	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017C0402F	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017C0403F	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017C0404F	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017C0408F	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017C0411F**	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017C0412F**	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017C0416F**	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	WARMINSTER, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017C0289F**	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017C0291F**	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017C0293F**	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017C0294F**	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017C0313F	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017C0381F**	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017C0382F	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017C0384F**	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017C0401F**	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	WARRINGTON, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	WARWICK, TOWNSHIP OF	42017C0312F**	18-MAY-1999
03	PA	WARWICK, TOWNSHIP OF	42017C0313F	18-MAY-1999
03	PA	WARWICK, TOWNSHIP OF	42017C0314F	18-MAY-1999
03	PA	WARWICK, TOWNSHIP OF	42017C0318F**	18-MAY-1999
03	PA	WARWICK, TOWNSHIP OF	42017C0401F**	18-MAY-1999
03	PA	WARWICK, TOWNSHIP OF	42017C0402F	18-MAY-1999
03	PA	WARWICK, TOWNSHIP OF	42017C0404F	18-MAY-1999
03	PA	WARWICK, TOWNSHIP OF	42017C0406F**	18-MAY-1999
03	PA	WARWICK, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	WARWICK, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0119F**	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0137F**	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0138F**	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0139F	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0232F**	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0251F**	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0252F**	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0253F**	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0254F**	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0256F	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017C0258F**	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	WEST ROCKHILL, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	WRIGHTSTOWN, TOWNSHIP OF	42017C0317F**	18-MAY-1999
03	PA	WRIGHTSTOWN, TOWNSHIP OF	42017C0318F**	18-MAY-1999
03	PA	WRIGHTSTOWN, TOWNSHIP OF	42017C0319F**	18-MAY-1999
03	PA	WRIGHTSTOWN, TOWNSHIP OF	42017C0338F**	18-MAY-1999
03	PA	WRIGHTSTOWN, TOWNSHIP OF	42017C0339F	18-MAY-1999
03	PA	WRIGHTSTOWN, TOWNSHIP OF	42017C0340F	18-MAY-1999
03	PA	WRIGHTSTOWN, TOWNSHIP OF	42017C0407F**	18-MAY-1999

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03	PA	WRIGHTSTOWN, TOWNSHIP OF	42017C0426F	18-MAY-1999
03	PA	WRIGHTSTOWN, TOWNSHIP OF	42017CIND1	18-MAY-1999
03	PA	WRIGHTSTOWN, TOWNSHIP OF	42017CIND2	18-MAY-1999
03	PA	YARDLEY, BOROUGH OF	42017C0363F	18-MAY-1999
03	PA	YARDLEY, BOROUGH OF	42017C0364F	18-MAY-1999
03	PA	YARDLEY, BOROUGH OF	42017C0451F**	18-MAY-1999
03	PA	YARDLEY, BOROUGH OF	42017C0452F	18-MAY-1999
03	PA	YARDLEY, BOROUGH OF	42017CIND1	18-MAY-1999
03	PA	YARDLEY, BOROUGH OF	42017CIND2	18-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340001C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340002C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340003C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340004C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340005C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340006C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340007C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340008C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340009C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340010C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340011C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340012C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340013C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340014C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340015C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340016C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340020C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340021C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340022C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340023C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340024C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340027C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340028C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340031C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340032C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340033C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340034C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340035C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340036C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340037C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340038C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340039C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340040C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340045C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340046C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340047C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340048C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340049C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340050C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340051C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340052C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340053C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340054C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340063C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340065C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340066C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340067C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340068C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340073C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340074C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340075C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340077C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340079C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340080C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340085C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340086C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340087C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340088C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340089C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340090C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340091C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340092C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340098C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340099C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340100C	02-MAY-1999

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03	VA	CHESAPEAKE, CITY OF	5100340101C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340102C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340103C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340104C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340113C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340114C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340115C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	5100340116C	02-MAY-1999
03	VA	CHESAPEAKE, CITY OF	510034IND0	02-MAY-1999
03	WV	JEFFERSON COUNTY *	5400650015C	06-JAN-1999
03	WV	JEFFERSON COUNTY *	540065IND0	06-JAN-1999
03	WV	MATEWAN, TOWN OF	5455380001C	02-JUN-1999
03	WV	MATEWAN, TOWN OF	5455380002C	02-JUN-1999
03	WV	MATEWAN, TOWN OF	545538IND0	02-JUN-1999
03	WV	MONONGALIA COUNTY *	5401390069C	22-FEB-1999
03	WV	MONONGALIA COUNTY *	5401390106C	22-FEB-1999
03	WV	MONONGALIA COUNTY *	540139IND0	22-FEB-1999
04	AL	ADAMSVILLE, CITY OF	01073C0276E**	20-JAN-1999
04	AL	ADAMSVILLE, CITY OF	01073C0277E	20-JAN-1999
04	AL	ADAMSVILLE, CITY OF	01073C0279E**	20-JAN-1999
04	AL	ADAMSVILLE, CITY OF	01073C0283E**	20-JAN-1999
04	AL	ADAMSVILLE, CITY OF	01073C0284E	20-JAN-1999
04	AL	ADAMSVILLE, CITY OF	01073CIND1	20-JAN-1999
04	AL	ADAMSVILLE, CITY OF	01073CIND1	16-JUN-1999
04	AL	ADAMSVILLE, CITY OF	01073CIND2	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0461E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0462E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0463E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0464E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0466E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0468E**	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0582E**	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0584E**	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0601E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0602E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0603E**	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0604E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0606E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0607E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073C0608E	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073CIND1	20-JAN-1999
04	AL	BESSEMER, CITY OF	01073CIND1	16-JUN-1999
04	AL	BESSEMER, CITY OF	01073CIND2	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0115E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0118E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0165E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0187E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0188E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0189E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0191E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0193E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0194E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0255E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0260E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0265E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0270E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0282E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0284E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0286E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0287E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0288E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0289E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0291E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0292E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0294E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0301E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0302E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0303E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0304E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0306E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0308E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0309E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0311E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0312E	20-JAN-1999

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04	AL	BIRMINGHAM, CITY OF	01073C0313E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0314E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0316E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0317E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0318E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0319E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0326E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0327E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0328E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0329E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0331E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0332E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0333E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0334E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0336E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0337E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0338E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0339E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0341E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0342E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0343E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0344E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0351E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0353E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0361E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0363E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0435E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0451E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0452E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0453E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0454E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0456E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0457E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0458E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0459E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0466E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0467E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0468E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0469E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0476E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0477E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0478E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0479E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0481E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0482E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0486E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0487E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0502E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0503E	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0504E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0506E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0507E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0508E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0511E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0512E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073C0526E**	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073CIND1	20-JAN-1999
04	AL	BIRMINGHAM, CITY OF	01073CIND1	16-JUN-1999
04	AL	BIRMINGHAM, CITY OF	01073CIND2	20-JAN-1999
04	AL	BRIGHTON, TOWN OF	01073C0454E	20-JAN-1999
04	AL	BRIGHTON, TOWN OF	01073C0458E	20-JAN-1999
04	AL	BRIGHTON, TOWN OF	01073C0462E	20-JAN-1999
04	AL	BRIGHTON, TOWN OF	01073C0466E	20-JAN-1999
04	AL	BRIGHTON, TOWN OF	01073CIND1	20-JAN-1999
04	AL	BRIGHTON, TOWN OF	01073CIND1	16-JUN-1999
04	AL	BRIGHTON, TOWN OF	01073CIND2	20-JAN-1999
04	AL	BROOKSIDE, TOWN OF	01073C0143E	20-JAN-1999
04	AL	BROOKSIDE, TOWN OF	01073C0144E**	20-JAN-1999
04	AL	BROOKSIDE, TOWN OF	01073C0281E	20-JAN-1999
04	AL	BROOKSIDE, TOWN OF	01073C0282E	20-JAN-1999
04	AL	BROOKSIDE, TOWN OF	01073CIND1	20-JAN-1999
04	AL	BROOKSIDE, TOWN OF	01073CIND1	16-JUN-1999
04	AL	BROOKSIDE, TOWN OF	01073CIND2	20-JAN-1999
04	AL	CARDIFF, TOWN OF	01073C0143E	20-JAN-1999

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04	AL	CARDIFF, TOWN OF	01073CIND1	20-JAN-1999
04	AL	CARDIFF, TOWN OF	01073CIND1	16-JUN-1999
04	AL	CARDIFF, TOWN OF	01073CIND2	20-JAN-1999
04	AL	COUNTY LINE, TOWN OF	01073CIND1	20-JAN-1999
04	AL	COUNTY LINE, TOWN OF	01073CIND1	16-JUN-1999
04	AL	COUNTY LINE, TOWN OF	01073CIND2	20-JAN-1999
04	AL	DECATUR, CITY OF	01103C0015D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0020D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0040D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0045D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0055D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0060D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0065D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0070D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0080D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0085D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0090D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0095D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0125D	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0205D**	02-MAY-1999
04	AL	DECATUR, CITY OF	01103C0250D**	02-MAY-1999
04	AL	DECATUR, CITY OF	01103CIND0	02-MAY-1999
04	AL	FAIRFIELD, CITY OF	01073C0454E	20-JAN-1999
04	AL	FAIRFIELD, CITY OF	01073C0456E**	20-JAN-1999
04	AL	FAIRFIELD, CITY OF	01073C0457E	20-JAN-1999
04	AL	FAIRFIELD, CITY OF	01073C0458E	20-JAN-1999
04	AL	FAIRFIELD, CITY OF	01073C0459E	20-JAN-1999
04	AL	FAIRFIELD, CITY OF	01073CIND1	20-JAN-1999
04	AL	FAIRFIELD, CITY OF	01073CIND1	16-JUN-1999
04	AL	FAIRFIELD, CITY OF	01073CIND2	20-JAN-1999
04	AL	FALKVILLE, TOWN OF	01103C0220D**	02-MAY-1999
04	AL	FALKVILLE, TOWN OF	01103C0335D**	02-MAY-1999
04	AL	FALKVILLE, TOWN OF	01103CIND0	02-MAY-1999
04	AL	FULTONDALE, CITY OF	01073C0135E**	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073C0167E**	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073C0168E**	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073C0186E**	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073C0188E	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073C0302E**	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073C0304E	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073C0306E	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073C0307E	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073C0308E	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073CIND1	20-JAN-1999
04	AL	FULTONDALE, CITY OF	01073CIND1	16-JUN-1999
04	AL	FULTONDALE, CITY OF	01073CIND2	20-JAN-1999
04	AL	GARDENDALE, CITY OF	01073C0155E**	20-JAN-1999
04	AL	GARDENDALE, CITY OF	01073C0165E**	20-JAN-1999
04	AL	GARDENDALE, CITY OF	01073C0166E**	20-JAN-1999
04	AL	GARDENDALE, CITY OF	01073C0168E**	20-JAN-1999
04	AL	GARDENDALE, CITY OF	01073CIND1	20-JAN-1999
04	AL	GARDENDALE, CITY OF	01073CIND1	16-JUN-1999
04	AL	GARDENDALE, CITY OF	01073CIND2	20-JAN-1999
04	AL	GRAYSVILLE, CITY OF	01073C0136E	20-JAN-1999
04	AL	GRAYSVILLE, CITY OF	01073C0137E	20-JAN-1999
04	AL	GRAYSVILLE, CITY OF	01073C0138E**	20-JAN-1999
04	AL	GRAYSVILLE, CITY OF	01073C0139E	20-JAN-1999
04	AL	GRAYSVILLE, CITY OF	01073C0276E**	20-JAN-1999
04	AL	GRAYSVILLE, CITY OF	01073C0277E	20-JAN-1999
04	AL	GRAYSVILLE, CITY OF	01073CIND1	20-JAN-1999
04	AL	GRAYSVILLE, CITY OF	01073CIND1	16-JUN-1999
04	AL	GRAYSVILLE, CITY OF	01073CIND2	20-JAN-1999
04	AL	HARTSELLE, CITY OF	01003C0205D**	02-MAY-1999
04	AL	HARTSELLE, CITY OF	01103C0200D**	02-MAY-1999
04	AL	HARTSELLE, CITY OF	01103C0204D**	02-MAY-1999
04	AL	HARTSELLE, CITY OF	01103C0208D**	02-MAY-1999
04	AL	HARTSELLE, CITY OF	01103C0210D**	02-MAY-1999
04	AL	HARTSELLE, CITY OF	01103C0215D**	02-MAY-1999
04	AL	HARTSELLE, CITY OF	01103C0216D**	02-MAY-1999
04	AL	HARTSELLE, CITY OF	01103C0220D**	02-MAY-1999
04	AL	HARTSELLE, CITY OF	01103CIND0	02-MAY-1999
04	AL	HOMEWOOD, CITY OF	01073C0477E	20-JAN-1999
04	AL	HOMEWOOD, CITY OF	01073C0478E	20-JAN-1999
04	AL	HOMEWOOD, CITY OF	01073C0479E	20-JAN-1999

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04	AL	HOMEWOOD, CITY OF	01073C0481E**	20-JAN-1999
04	AL	HOMEWOOD, CITY OF	01073C0482E	20-JAN-1999
04	AL	HOMEWOOD, CITY OF	01073C0483E	20-JAN-1999
04	AL	HOMEWOOD, CITY OF	01073C0484E	20-JAN-1999
04	AL	HOMEWOOD, CITY OF	01073C0487E	20-JAN-1999
04	AL	HOMEWOOD, CITY OF	01073CIND1	20-JAN-1999
04	AL	HOMEWOOD, CITY OF	01073CIND1	16-JUN-1999
04	AL	HOMEWOOD, CITY OF	01073CIND2	20-JAN-1999
04	AL	HOOVER, CITY OF	01073C0486E	20-JAN-1999
04	AL	HOOVER, CITY OF	01073C0487E	20-JAN-1999
04	AL	HOOVER, CITY OF	01073C0488E	20-JAN-1999
04	AL	HOOVER, CITY OF	01073C0489E	20-JAN-1999
04	AL	HOOVER, CITY OF	01073C0491E	20-JAN-1999
04	AL	HOOVER, CITY OF	01073C0492E	20-JAN-1999
04	AL	HOOVER, CITY OF	01073C0493E**	20-JAN-1999
04	AL	HOOVER, CITY OF	01073C0494E	20-JAN-1999
04	AL	HOOVER, CITY OF	01073C0626E	20-JAN-1999
04	AL	HOOVER, CITY OF	01073C0627E	20-JAN-1999
04	AL	HOOVER, CITY OF	01073CIND1	20-JAN-1999
04	AL	HOOVER, CITY OF	01073CIND1	16-JUN-1999
04	AL	HOOVER, CITY OF	01073CIND2	20-JAN-1999
04	AL	HUEYTOWN, CITY OF	01073C0435E	20-JAN-1999
04	AL	HUEYTOWN, CITY OF	01073C0442E	20-JAN-1999
04	AL	HUEYTOWN, CITY OF	01073C0451E**	20-JAN-1999
04	AL	HUEYTOWN, CITY OF	01073C0453E**	20-JAN-1999
04	AL	HUEYTOWN, CITY OF	01073C0454E	20-JAN-1999
04	AL	HUEYTOWN, CITY OF	01073C0461E	20-JAN-1999
04	AL	HUEYTOWN, CITY OF	01073C0463E	20-JAN-1999
04	AL	HUEYTOWN, CITY OF	01073CIND1	20-JAN-1999
04	AL	HUEYTOWN, CITY OF	01073CIND1	16-JUN-1999
04	AL	HUEYTOWN, CITY OF	01073CIND2	20-JAN-1999
04	AL	IRONDALE, CITY OF	01073C0337E	20-JAN-1999
04	AL	IRONDALE, CITY OF	01073C0338E	20-JAN-1999
04	AL	IRONDALE, CITY OF	01073C0339E	20-JAN-1999
04	AL	IRONDALE, CITY OF	01073C0341E	20-JAN-1999
04	AL	IRONDALE, CITY OF	01073C0343E	20-JAN-1999
04	AL	IRONDALE, CITY OF	01073CIND1	20-JAN-1999
04	AL	IRONDALE, CITY OF	01073CIND1	16-JUN-1999
04	AL	IRONDALE, CITY OF	01073CIND2	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0015E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0016E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0017E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0018E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0019E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0030E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0035E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0036E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0037E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0038E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0039E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0041E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0042E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0043E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0075E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0100E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0110E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0115E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0116E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0117E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0118E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0119E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0130E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0135E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0136E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0137E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0138E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0139E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0141E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0142E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0143E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0144E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0155E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0156E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0157E	20-JAN-1999

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04	AL	JEFFERSON COUNTY *	01073C0158E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0165E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0166E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0167E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0168E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0176E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0177E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0178E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0179E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0181E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0182E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0183E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0183F	16-JUN-1999
04	AL	JEFFERSON COUNTY *	01073C0184E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0186E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0187E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0188E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0189E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0191E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0192E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0193E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0194E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0201E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0203E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0204E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0206E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0208E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0209E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0211E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0212E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0213E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0214E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0220E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0250E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0255E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0260E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0265E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0270E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0276E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0277E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0278E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0279E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0281E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0282E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0283E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0284E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0286E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0287E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0288E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0289E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0291E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0292E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0294E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0301E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0302E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0303E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0304E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0306E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0307E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0308E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0309E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0311E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0312E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0313E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0314E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0316E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0317E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0318E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0319E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0326E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0327E	20-JAN-1999
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04	AL	JEFFERSON COUNTY *	01073C0329E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0331E	20-JAN-1999

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04	AL	JEFFERSON COUNTY *	01073C0332E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0333E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0334E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0336E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0337E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0338E	20-JAN-1999
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04	AL	JEFFERSON COUNTY *	01073C0341E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0342E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0343E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0344E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0351E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0352E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0353E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0354E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0356E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0358E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0361E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0362E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0363E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0364E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0366E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0367E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0400E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0425E**	20-JAN-1999
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04	AL	JEFFERSON COUNTY *	01073C0427E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0428E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0429E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0435E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0436E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0437E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0439E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0441E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0442E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0443E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0444E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0451E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0452E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0453E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0454E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0456E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0458E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0459E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0461E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0462E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0463E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0464E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0466E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0467E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0468E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0469E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0476E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0477E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0478E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0479E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0481E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0482E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0483E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0484E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0486E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0487E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0488E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0489E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0491E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0492E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0493E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0494E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0501E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0502E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0503E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0504E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0506E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0507E**	20-JAN-1999

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04	AL	JEFFERSON COUNTY *	01073C0508E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0509E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0511E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0512E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0526E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0575E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0580E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0581E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0582E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0584E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0590E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0591E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0592E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0593E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0594E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0601E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0602E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0603E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0604E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0606E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0607E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0608E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0611E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0612E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0613E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0614E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0620E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0626E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0627E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0628E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0629E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0631E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0632E**	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073C0660E	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073CIND1	20-JAN-1999
04	AL	JEFFERSON COUNTY *	01073CIND1	16-JUN-1999
04	AL	JEFFERSON COUNTY *	01073CIND2	20-JAN-1999
04	AL	KIMBERLY, TOWN OF	01073C0037E**	20-JAN-1999
04	AL	KIMBERLY, TOWN OF	01073C0039E**	20-JAN-1999
04	AL	KIMBERLY, TOWN OF	01073C0043E**	20-JAN-1999
04	AL	KIMBERLY, TOWN OF	01073CIND1	20-JAN-1999
04	AL	KIMBERLY, TOWN OF	01073CIND1	16-JUN-1999
04	AL	KIMBERLY, TOWN OF	01073CIND2	20-JAN-1999
04	AL	LEEDS, CITY OF	01073C0354E	20-JAN-1999
04	AL	LEEDS, CITY OF	01073C0358E	20-JAN-1999
04	AL	LEEDS, CITY OF	01073C0362E	20-JAN-1999
04	AL	LEEDS, CITY OF	01073C0364E**	20-JAN-1999
04	AL	LEEDS, CITY OF	01073C0366E**	20-JAN-1999
04	AL	LEEDS, CITY OF	01073C0367E**	20-JAN-1999
04	AL	LEEDS, CITY OF	01073CIND1	20-JAN-1999
04	AL	LEEDS, CITY OF	01073CIND1	16-JUN-1999
04	AL	LEEDS, CITY OF	01073CIND2	20-JAN-1999
04	AL	LIMESTONE COUNTY *	0103070175D**	02-MAY-1999
04	AL	LIMESTONE COUNTY *	0103070200D**	02-MAY-1999
04	AL	LIMESTONE COUNTY *	010307IND0 **	02-MAY-1999
04	AL	LIPSCOMB, CITY OF	01073C0458E	20-JAN-1999
04	AL	LIPSCOMB, CITY OF	01073C0462E	20-JAN-1999
04	AL	LIPSCOMB, CITY OF	01073C0466E	20-JAN-1999
04	AL	LIPSCOMB, CITY OF	01073CIND1	20-JAN-1999
04	AL	LIPSCOMB, CITY OF	01073CIND1	16-JUN-1999
04	AL	LIPSCOMB, CITY OF	01073CIND2	20-JAN-1999
04	AL	MIDFIELD, CITY OF	01073C0454E	20-JAN-1999
04	AL	MIDFIELD, CITY OF	01073C0457E	20-JAN-1999
04	AL	MIDFIELD, CITY OF	01073C0458E	20-JAN-1999
04	AL	MIDFIELD, CITY OF	01073C0459E	20-JAN-1999
04	AL	MIDFIELD, CITY OF	01073CIND1	20-JAN-1999
04	AL	MIDFIELD, CITY OF	01073CIND1	16-JUN-1999
04	AL	MIDFIELD, CITY OF	01073CIND2	20-JAN-1999
04	AL	MORGAN COUNTY *	01103C0015D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0020D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0040D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0045D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0055D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0060D	02-MAY-1999

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04	AL	MORGAN COUNTY *	01103C0065D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0070D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0080D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0085D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0090D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0095D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0125D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0150D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0175D	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0200D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0204D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0205D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0208D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0210D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0215D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0216D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0220D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0250D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0275D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0300D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0325D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0330D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0335D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0375D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0400D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103C0425D**	02-MAY-1999
04	AL	MORGAN COUNTY *	01103CIND0	02-MAY-1999
04	AL	MORRIS, TOWN OF	01073C0039E**	20-JAN-1999
04	AL	MORRIS, TOWN OF	01073C0043E**	20-JAN-1999
04	AL	MORRIS, TOWN OF	01073C0155E**	20-JAN-1999
04	AL	MORRIS, TOWN OF	01073C0156E**	20-JAN-1999
04	AL	MORRIS, TOWN OF	01073CIND1	20-JAN-1999
04	AL	MORRIS, TOWN OF	01073CIND1	16-JUN-1999
04	AL	MORRIS, TOWN OF	01073CIND2	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073C0319E	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073C0338E	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073C0339E	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073C0481E**	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073C0482E	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073C0484E	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073C0501E	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073C0502E**	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073C0503E	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073C0504E**	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073CIND1	20-JAN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073CIND1	16-JUN-1999
04	AL	MOUNTAIN BROOK, CITY OF	01073CIND2	20-JAN-1999
04	AL	MULGA, TOWN OF	01073C0286E**	20-JAN-1999
04	AL	MULGA, TOWN OF	01073CIND1	20-JAN-1999
04	AL	MULGA, TOWN OF	01073CIND1	16-JUN-1999
04	AL	MULGA, TOWN OF	01073CIND2	20-JAN-1999
04	AL	NORTH JOHNS, TOWN OF	01073C0580E	20-JAN-1999
04	AL	NORTH JOHNS, TOWN OF	01073CIND1	20-JAN-1999
04	AL	NORTH JOHNS, TOWN OF	01073CIND1	16-JUN-1999
04	AL	NORTH JOHNS, TOWN OF	01073CIND2	20-JAN-1999
04	AL	PLEASANT GROVE, CITY OF	01073C0270E**	20-JAN-1999
04	AL	PLEASANT GROVE, CITY OF	01073C0288E**	20-JAN-1999
04	AL	PLEASANT GROVE, CITY OF	01073C0289E**	20-JAN-1999
04	AL	PLEASANT GROVE, CITY OF	01073C0435E**	20-JAN-1999
04	AL	PLEASANT GROVE, CITY OF	01073C0451E**	20-JAN-1999
04	AL	PLEASANT GROVE, CITY OF	01073C0452E**	20-JAN-1999
04	AL	PLEASANT GROVE, CITY OF	01073CIND1	20-JAN-1999
04	AL	PLEASANT GROVE, CITY OF	01073CIND1	16-JUN-1999
04	AL	PLEASANT GROVE, CITY OF	01073CIND2	20-JAN-1999
04	AL	SOMERVILLE, TOWN OF	01103C0250D**	02-MAY-1999
04	AL	SOMERVILLE, TOWN OF	01103CIND0	02-MAY-1999
04	AL	TARRANT, CITY OF	01073C0306E	20-JAN-1999
04	AL	TARRANT, CITY OF	01073C0307E	20-JAN-1999
04	AL	TARRANT, CITY OF	01073C0308E	20-JAN-1999
04	AL	TARRANT, CITY OF	01073C0309E	20-JAN-1999
04	AL	TARRANT, CITY OF	01073C0326E	20-JAN-1999
04	AL	TARRANT, CITY OF	01073C0328E	20-JAN-1999
04	AL	TARRANT, CITY OF	01073CIND1	20-JAN-1999
04	AL	TARRANT, CITY OF	01073CIND1	16-JUN-1999

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04	AL	TARRANT, CITY OF	01073CIND2	20-JAN-1999
04	AL	TRINITY, TOWN OF	01103C0015D	02-MAY-1999
04	AL	TRINITY, TOWN OF	01103C0055D	02-MAY-1999
04	AL	TRINITY, TOWN OF	01103CIND0	02-MAY-1999
04	AL	TRUSSVILLE, CITY OF	01073C0213E**	20-JAN-1999
04	AL	TRUSSVILLE, CITY OF	01073C0351E	20-JAN-1999
04	AL	TRUSSVILLE, CITY OF	01073CIND1	20-JAN-1999
04	AL	TRUSSVILLE, CITY OF	01073CIND1	16-JUN-1999
04	AL	TRUSSVILLE, CITY OF	01073CIND2	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073C0479E	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073C0482E	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073C0483E	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073C0484E	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073C0487E	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073C0489E	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073C0491E	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073C0492E	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073C0493E**	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073CIND1	20-JAN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073CIND1	16-JUN-1999
04	AL	VESTAVIA HILLS, CITY OF	01073CIND2	20-JAN-1999
04	AL	WARRIOR, CITY OF	01073C0030E**	20-JAN-1999
04	AL	WARRIOR, CITY OF	01073C0035E	20-JAN-1999
04	AL	WARRIOR, CITY OF	01073C0036E**	20-JAN-1999
04	AL	WARRIOR, CITY OF	01073C0037E**	20-JAN-1999
04	AL	WARRIOR, CITY OF	01073C0041E**	20-JAN-1999
04	AL	WARRIOR, CITY OF	01073CIND1	20-JAN-1999
04	AL	WARRIOR, CITY OF	01073CIND1	16-JUN-1999
04	AL	WARRIOR, CITY OF	01073CIND2	20-JAN-1999
04	AL	WEST JEFFERSON, TOWN OF	01073C0115E**	20-JAN-1999
04	AL	WEST JEFFERSON, TOWN OF	01073C0118E**	20-JAN-1999
04	AL	WEST JEFFERSON, TOWN OF	01073CIND1	20-JAN-1999
04	AL	WEST JEFFERSON, TOWN OF	01073CIND1	16-JUN-1999
04	AL	WEST JEFFERSON, TOWN OF	01073CIND2	20-JAN-1999
04	FL	CEDAR KEY, CITY OF	1203730001D**	30-JUN-1999
04	FL	DESTIN, CITY OF	1251580002G**	30-JUN-1999
04	FL	DESTIN, CITY OF	125158IND0 **	30-JUN-1999
04	FL	FELLSMERE, CITY OF	12061CIND0 **	30-JUN-1999
04	FL	FORT PIERCE, CITY OF	12111CIND0 **	30-JUN-1999
04	FL	HILLSBOROUGH COUNTY*	1201120600G**	30-JUN-1999
04	FL	HILLSBOROUGH COUNTY*	120112IND0 **	30-JUN-1999
04	FL	INDIAN RIVER COUNTY *	12061C0077G**	30-JUN-1999
04	FL	INDIAN RIVER COUNTY *	12061CIND0 **	30-JUN-1999
04	FL	INDIAN RIVER SHORES, TOWN OF	12061CIND0 **	30-JUN-1999
04	FL	JACKSONVILLE, CITY OF	1200770186F	16-JUN-1999
04	FL	JACKSONVILLE, CITY OF	1200770251G	16-JUN-1999
04	FL	JACKSONVILLE, CITY OF	120077IND0	16-JUN-1999
04	FL	LEESBURG, CITY OF	1201360001C**	07-APR-1999
04	FL	LEESBURG, CITY OF	1201360002C	07-APR-1999
04	FL	LEESBURG, CITY OF	120136IND0	07-APR-1999
04	FL	MANATEE COUNTY *	120153IND0 **	30-JUN-1999
04	FL	MARTIN COUNTY *	1201610160F**	30-JUN-1999
04	FL	MARTIN COUNTY *	120161IND0 **	30-JUN-1999
04	FL	OKALOOSA COUNTY *	1201730245F**	30-JUN-1999
04	FL	OKALOOSA COUNTY *	120173IND0 **	30-JUN-1999
04	FL	ORCHID, TOWN OF	12061CIND0 **	30-JUN-1999
04	FL	PASCO COUNTY *	120230IND0 **	30-JUN-1999
04	FL	PORT ST. LUCIE, CITY OF	12111CIND0 **	30-JUN-1999
04	FL	SEBASTIAN, CITY OF	12061C0077G**	30-JUN-1999
04	FL	SEBASTIAN, CITY OF	12061CIND0 **	30-JUN-1999
04	FL	ST. JOHNS COUNTY *	1251470212F**	30-JUN-1999
04	FL	ST. JOHNS COUNTY *	1251470231F**	30-JUN-1999
04	FL	ST. JOHNS COUNTY *	1251470232F**	30-JUN-1999
04	FL	ST. JOHNS COUNTY *	125147IND0 **	30-JUN-1999
04	FL	ST. LUCIE COUNTY *	12111C0311H**	30-JUN-1999
04	FL	ST. LUCIE COUNTY *	12111CIND0 **	30-JUN-1999
04	FL	ST. LUCIE VILLAGE, TOWN OF	12111CIND0 **	30-JUN-1999
04	FL	VERO BEACH, CITY OF	12061CIND0 **	30-JUN-1999
04	GA	AUGUSTA, CITY OF	130158IND0	23-MAR-1999
04	GA	RICHMOND COUNTY*	1301580020E	23-MAR-1999
04	GA	RICHMOND COUNTY*	1301580060E	23-MAR-1999
04	GA	RICHMOND COUNTY*	1301580070E	23-MAR-1999
04	GA	RICHMOND COUNTY*	1301580080E	23-MAR-1999
04	GA	RICHMOND COUNTY*	1301580090E	23-MAR-1999

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04	GA	RICHMOND COUNTY*	1301580155E	23-MAR-1999
04	GA	RICHMOND COUNTY*	130158IND0	23-MAR-1999
04	KY	CRITTENDEN COUNTY *	2102540001B**	01-APR-1999
04	KY	CRITTENDEN COUNTY *	2102540002B**	01-APR-1999
04	KY	CRITTENDEN COUNTY *	2102540003B**	01-APR-1999
04	KY	CRITTENDEN COUNTY *	2102540004B**	01-APR-1999
04	KY	CRITTENDEN COUNTY *	2102540005B**	01-APR-1999
04	KY	CRITTENDEN COUNTY *	2102540006B**	01-APR-1999
04	KY	CRITTENDEN COUNTY *	2102540007B**	01-APR-1999
04	KY	CRITTENDEN COUNTY *	2102540008B**	01-APR-1999
04	KY	CRITTENDEN COUNTY *	2102540009B**	01-APR-1999
04	KY	CRITTENDEN COUNTY *	2102549999 **	01-APR-1999
04	KY	CRITTENDEN COUNTY *	210254IND0 **	01-APR-1999
04	KY	DOVER, CITY OF	2101670001C	02-JUN-1999
04	MS	JACKSON, CITY OF	2800720015G	16-JUN-1999
04	MS	JACKSON, CITY OF	280072IND0	16-JUN-1999
04	MS	LEXINGTON, CITY OF	2800760001C	02-MAY-1999
04	NC	BOGUE, TOWN OF	3704910001D	02-JUN-1999
04	NC	CLAY COUNTY	3700630025B***	01-APR-1999
04	NC	CLAY COUNTY	3700630050B***	01-APR-1999
04	NC	CLAY COUNTY	3700630075B***	01-APR-1999
04	NC	CLAY COUNTY	3700639999 ***	01-APR-1999
04	NC	CLAY COUNTY	370063IND0 ***	01-APR-1999
04	NC	WATHA, TOWN OF	3704860001A	09-MAR-1999
04	SC	SUMTER COUNTY *	4501820180C	08-FEB-1999
04	SC	SUMTER COUNTY *	450182IND0	08-FEB-1999
04	TN	GORDONSVILLE, TOWN OF	4703950001A	07-JUL-1999
04	TN	GORDONSVILLE, TOWN OF	4703950002A	07-JUL-1999
04	TN	GORDONSVILLE, TOWN OF	470395IND0	07-JUL-1999
04	TN	SMITH COUNTY *	4702830088C	07-JUL-1999
04	TN	SMITH COUNTY *	4702830107C	07-JUL-1999
05	MI	DELTA, CHARTER TOWNSHIP OF	2600660005D	02-JUN-1999
05	MI	DELTA, CHARTER TOWNSHIP OF	2600660010D	02-JUN-1999
05	MI	DELTA, CHARTER TOWNSHIP OF	260066IND0	02-JUN-1999
05	MI	IONIA, TOWNSHIP OF	2608320025A	02-MAY-1999
05	MN	BLUE EARTH COUNTY *	2752310025E	21-JUL-1999
05	MN	BLUE EARTH COUNTY *	2752310040E	21-JUL-1999
05	MN	BLUE EARTH COUNTY *	2752310050E	21-JUL-1999
05	MN	BLUE EARTH COUNTY *	275231IND0	21-JUL-1999
05	MN	CENTERVILLE, CITY OF	2700080001C	02-JUN-1999
05	MN	CLEVELAND, CITY OF	27079C0255D	21-JUL-1999
05	MN	CLEVELAND, CITY OF	27079CIND0	21-JUL-1999
05	MN	COURTLAND, CITY OF	27103C0265G	21-JUL-1999
05	MN	COURTLAND, CITY OF	27103CIND0	21-JUL-1999
05	MN	ELYSIAN, CITY OF	27079C0425D	21-JUL-1999
05	MN	ELYSIAN, CITY OF	27079CIND0	21-JUL-1999
05	MN	HEIDELBERG, CITY OF	27079C0088D	21-JUL-1999
05	MN	HEIDELBERG, CITY OF	27079C0175D	21-JUL-1999
05	MN	HEIDELBERG, CITY OF	27079C0200D	21-JUL-1999
05	MN	HEIDELBERG, CITY OF	27079CIND0	21-JUL-1999
05	MN	HENDERSON, CITY OF	2704400001D	06-JAN-1999
05	MN	KASOTA, CITY OF	27079C0236D	21-JUL-1999
05	MN	KASOTA, CITY OF	27079C0237D	21-JUL-1999
05	MN	KASOTA, CITY OF	27079CIND0	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0020D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0040D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0045D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0075D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0087D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0088D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0089D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0091D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0093D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0110D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0115D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0120D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0130D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0135D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0140D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0145D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0175D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0200D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0220D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0230D	21-JUL-1999

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05	MN	LE SUEUR COUNTY *	27079C0235D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0236D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0237D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0240D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0245D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0255D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0260D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0265D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0270D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0300D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0325D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0335D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0355D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0360D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0380D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0385D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0425D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0427D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0429D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0430D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0431D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0433D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079C0435D	21-JUL-1999
05	MN	LE SUEUR COUNTY *	27079CIND0	21-JUL-1999
05	MN	LE SUEUR, CITY OF	27079C0020D	21-JUL-1999
05	MN	LE SUEUR, CITY OF	27079C0110D	21-JUL-1999
05	MN	LE SUEUR, CITY OF	27079C0120D	21-JUL-1999
05	MN	LE SUEUR, CITY OF	27079CIND0	21-JUL-1999
05	MN	NEW PRAGUE, CITY OF	27079C0087D	21-JUL-1999
05	MN	NEW PRAGUE, CITY OF	27079C0088D	21-JUL-1999
05	MN	NEW PRAGUE, CITY OF	27079C0089D	21-JUL-1999
05	MN	NEW PRAGUE, CITY OF	27079C0091D	21-JUL-1999
05	MN	NEW PRAGUE, CITY OF	27079C0093D	21-JUL-1999
05	MN	NEW PRAGUE, CITY OF	27079CIND0	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0010G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0030G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0035G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0040G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0045G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0065G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0070G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0180G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0190G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0195G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0205G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0210G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0230G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0235G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0240G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0245G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0265G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0320G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0325G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0330G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0340G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0355G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0360G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0380G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0385G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0395G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0405G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0410G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0415G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0416G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0417G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103C0420G	21-JUL-1999
05	MN	NICOLLET COUNTY *	27103CIND0	21-JUL-1999
05	MN	NORTH MANKATO, CITY OF	27103C0410G	21-JUL-1999
05	MN	NORTH MANKATO, CITY OF	27103C0415G	21-JUL-1999
05	MN	NORTH MANKATO, CITY OF	27103C0416G	21-JUL-1999
05	MN	NORTH MANKATO, CITY OF	27103C0417G	21-JUL-1999
05	MN	NORTH MANKATO, CITY OF	27103CIND0	21-JUL-1999
05	MN	RED WING, CITY OF	2701460005C	06-JAN-1999
05	MN	RED WING, CITY OF	2701460010C	06-JAN-1999

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05	MN	RED WING, CITY OF	2701460015C	06-JAN-1999
05	MN	RED WING, CITY OF	270146IND0	06-JAN-1999
05	MN	SIBLEY COUNTY *	2706200180C	06-JAN-1999
05	MN	SIBLEY COUNTY *	2706200190C	06-JAN-1999
05	MN	SIBLEY COUNTY *	270620IND0	06-JAN-1999
05	MN	ST. PETER, CITY OF	27103C0330G	21-JUL-1999
05	MN	ST. PETER, CITY OF	27103C0340G	21-JUL-1999
05	MN	ST. PETER, CITY OF	27103CIND0	21-JUL-1999
05	MN	WATERVILLE, CITY OF	27079C0427D	21-JUL-1999
05	MN	WATERVILLE, CITY OF	27079C0429D	21-JUL-1999
05	MN	WATERVILLE, CITY OF	27079C0431D	21-JUL-1999
05	MN	WATERVILLE, CITY OF	27079C0433D	21-JUL-1999
05	MN	WATERVILLE, CITY OF	27079CIND0	21-JUL-1999
05	OH	ASHLEY, VILLAGE OF	39041C0075J	21-APR-1999
05	OH	ASHLEY, VILLAGE OF	39041CIND0	21-APR-1999
05	OH	BEXLEY, CITY OF	39049CIND0	21-APR-1999
05	OH	BRICE, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	CANAL WINCHESTER, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	COLUMBUS, CITY OF	39041C0220J	21-APR-1999
05	OH	COLUMBUS, CITY OF	39041C0240J	21-APR-1999
05	OH	COLUMBUS, CITY OF	39041CIND0	21-APR-1999
05	OH	COLUMBUS, CITY OF	39049C0045H	21-APR-1999
05	OH	COLUMBUS, CITY OF	39049C0135H	21-APR-1999
05	OH	COLUMBUS, CITY OF	39049C0141H	21-APR-1999
05	OH	COLUMBUS, CITY OF	39049C0142H	21-APR-1999
05	OH	COLUMBUS, CITY OF	39049CIND0	21-APR-1999
05	OH	DARBYDALE, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0025J**	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0050J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0075J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0080J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0085J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0090J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0095J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0105J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0110J**	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0115J**	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0120J**	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0145J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0150J**	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0165J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0175J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0180J**	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0185J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0195J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0204J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0205J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0208J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0209J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0210J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0212J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0215J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0216J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0217J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0220J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0230J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0235J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0237J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0240J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0245J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0255J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0260J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0265J	21-APR-1999
05	OH	DELAWARE COUNTY *	39041C0270J**	21-APR-1999
05	OH	DELAWARE COUNTY *	39041CIND0	21-APR-1999
05	OH	DELAWARE, CITY OF	39041C0105J	21-APR-1999
05	OH	DELAWARE, CITY OF	39041C0115J**	21-APR-1999
05	OH	DELAWARE, CITY OF	39041C0120J**	21-APR-1999
05	OH	DELAWARE, CITY OF	39041CIND0	21-APR-1999
05	OH	DUBLIN, CITY OF	39041C0195J	21-APR-1999
05	OH	DUBLIN, CITY OF	39041C0215J	21-APR-1999
05	OH	DUBLIN, CITY OF	39041CIND0	21-APR-1999
05	OH	DUBLIN, CITY OF	39049C0018H	21-APR-1999
05	OH	DUBLIN, CITY OF	39049C0019H	21-APR-1999

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05	OH	DUBLIN, CITY OF	39049C0038H	21-APR-1999
05	OH	DUBLIN, CITY OF	39049CIND0	21-APR-1999
05	OH	FRANKLIN COUNTY*	39049C0019H	21-APR-1999
05	OH	FRANKLIN COUNTY*	39049C0038H	21-APR-1999
05	OH	FRANKLIN COUNTY*	39049C0045H	21-APR-1999
05	OH	FRANKLIN COUNTY*	39049C0064H	21-APR-1999
05	OH	FRANKLIN COUNTY*	39049C0069H	21-APR-1999
05	OH	FRANKLIN COUNTY*	39049C0135H	21-APR-1999
05	OH	FRANKLIN COUNTY*	39049C0141H	21-APR-1999
05	OH	FRANKLIN COUNTY*	39049CIND0	21-APR-1999
05	OH	GAHANNA, CITY OF	39049CIND0	21-APR-1999
05	OH	GALENA, VILLAGE OF	39041C0235J	21-APR-1999
05	OH	GALENA, VILLAGE OF	39041C0255J	21-APR-1999
05	OH	GALENA, VILLAGE OF	39041CIND0	21-APR-1999
05	OH	GRANDVIEW HEIGHTS, CITY OF	39049CIND0	21-APR-1999
05	OH	GROVE CITY, CITY OF	39049CIND0	21-APR-1999
05	OH	GROVEPORT, VIILLAGE OF	39049CIND0	21-APR-1999
05	OH	HARRISBURG, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	HILLIARD, CITY OF	39049CIND0	21-APR-1999
05	OH	LOCKBOURNE, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	MARBLE CLIFF, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	MINERVA PARK, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	NEW ALBANY, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	NEW ROME, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	OBETZ, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	OSTRANDER, VILLAGE OF	39041C0090J	21-APR-1999
05	OH	OSTRANDER, VILLAGE OF	39041CIND0	21-APR-1999
05	OH	PICKERINGTON, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	POWELL, VILLAGE OF	39041C0212J	21-APR-1999
05	OH	POWELL, VILLAGE OF	39041C0215J	21-APR-1999
05	OH	POWELL, VILLAGE OF	39041C0216J	21-APR-1999
05	OH	POWELL, VILLAGE OF	39041C0220J	21-APR-1999
05	OH	POWELL, VILLAGE OF	39041CIND0	21-APR-1999
05	OH	REYNOLDSBURG, CITY OF	39049CIND0	21-APR-1999
05	OH	RIVERLEA, VILLAGE OF	39049C0135H	21-APR-1999
05	OH	RIVERLEA, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	SOLON, CITY OF	3901300007C	21-JUL-1999
05	OH	SOLON, CITY OF	390130IND0	21-JUL-1999
05	OH	SUNBURY, VILLAGE OF	39041C0145J	21-APR-1999
05	OH	SUNBURY, VILLAGE OF	39041C0165J	21-APR-1999
05	OH	SUNBURY, VILLAGE OF	39041C0235J	21-APR-1999
05	OH	SUNBURY, VILLAGE OF	39041C0255J	21-APR-1999
05	OH	SUNBURY, VILLAGE OF	39041CIND0	21-APR-1999
05	OH	UPPER ARLINGTON, CITY OF	39049C0141H	21-APR-1999
05	OH	UPPER ARLINGTON, CITY OF	39049CIND0	21-APR-1999
05	OH	URBANCREST, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	VALLEYVIEW, VILLAGE OF	39049CIND0	21-APR-1999
05	OH	WESTERVILLE, CITY OF	39041C0240J	21-APR-1999
05	OH	WESTERVILLE, CITY OF	39041C0245J	21-APR-1999
05	OH	WESTERVILLE, CITY OF	39041CIND0	21-APR-1999
05	OH	WESTERVILLE, CITY OF	39049C0064H	21-APR-1999
05	OH	WESTERVILLE, CITY OF	39049C0069H	21-APR-1999
05	OH	WESTERVILLE, CITY OF	39049CIND0	21-APR-1999
05	OH	WHITEHALL, CITY OF	39049CIND0	21-APR-1999
05	OH	WORTHINGTON, CITY OF	39049C0135H	21-APR-1999
05	OH	WORTHINGTON, CITY OF	39049CIND0	21-APR-1999
06	AR	CLARKSVILLE, CITY OF	0501120001C	18-MAY-1999
06	AR	CLARKSVILLE, CITY OF	0501120002C	18-MAY-1999
06	AR	CLARKSVILLE, CITY OF	0501120003C	18-MAY-1999
06	AR	CLARKSVILLE, CITY OF	0501120004C	18-MAY-1999
06	AR	CLARKSVILLE, CITY OF	050112IND0 **	18-MAY-1999
06	LA	BROUSSARD, TOWN OF	22055CIND0 **	20-JAN-1999
06	LA	CARENCRO, TOWN OF	22055CIND0 **	20-JAN-1999
06	LA	DELHI, TOWN OF	2201550001C	09-MAR-1999
06	LA	DUSON, TOWN OF	22055C0035H	20-JAN-1999
06	LA	DUSON, TOWN OF	22055C0040H	20-JAN-1999
06	LA	DUSON, TOWN OF	22055CIND0 **	20-JAN-1999
06	LA	IBERIA PARISH*	220078IND0 **	30-JUN-1999
06	LA	LAFAYETTE PARISH*	22055C0035H	20-JAN-1999
06	LA	LAFAYETTE PARISH*	22055C0040H	20-JAN-1999
06	LA	LAFAYETTE PARISH*	22055CIND0 **	20-JAN-1999
06	LA	LAFAYETTE, CITY OF	22055C0040H	20-JAN-1999
06	LA	LAFAYETTE, CITY OF	22055CIND0 **	20-JAN-1999
06	LA	LECOMPTE, TOWN OF	2201500001C	02-JUN-1999

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06	LA	RAPIDES PARISH*	2201450328D	02-JUN-1999
06	LA	RAPIDES PARISH*	2201450336D	02-JUN-1999
06	LA	SCOTT, CITY OF	22055C0040H	20-JAN-1999
06	LA	SCOTT, CITY OF	22055CIND0 **	20-JAN-1999
06	LA	SLIDELL, CITY OF	2202040005C	21-APR-1999
06	LA	SLIDELL, CITY OF	2202040010C	21-APR-1999
06	LA	SLIDELL, CITY OF	220204IND0 **	21-APR-1999
06	LA	ST. MARY PARISH*	2201920350D	30-JUN-1999
06	LA	ST. MARY PARISH*	220192IND0 **	30-JUN-1999
06	LA	ST. TAMMANY PARISH*	2252050410D	21-APR-1999
06	LA	ST. TAMMANY PARISH*	2252050420E	21-APR-1999
06	LA	ST. TAMMANY PARISH*	2252050430D	21-APR-1999
06	LA	ST. TAMMANY PARISH*	2252050440D	21-APR-1999
06	LA	ST. TAMMANY PARISH*	225205IND0 **	21-APR-1999
06	LA	YOUNGSVILLE, TOWN OF	22055CIND0 **	20-JAN-1999
06	LA	YOUNGSVILLE, VILLAGE OF	22055CIND0 **	20-JAN-1999
06	NM	ARTESIA, CITY OF	3500160005C	09-MAR-1999
06	OK	CLEVELAND COUNTY*	40027C0095G	20-JAN-1999
06	OK	CLEVELAND COUNTY*	40027C0153G	20-JAN-1999
06	OK	CLEVELAND COUNTY*	40027C0155G	20-JAN-1999
06	OK	CLEVELAND COUNTY*	40027C0165G	20-JAN-1999
06	OK	CLEVELAND COUNTY*	40027CIND0 **	20-JAN-1999
06	OK	HALL PARK, TOWN OF	40027CIND0 **	20-JAN-1999
06	OK	JACKSON COUNTY*	4004800025A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800050A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800075A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800100A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800125A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800150A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800175A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800200A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800225A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800250A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800275A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800300A***	16-JUN-1999
06	OK	JACKSON COUNTY*	4004800325A***	16-JUN-1999
06	OK	JACKSON COUNTY*	400480IND0 **	16-JUN-1999
06	OK	LEXINGTON, CITY OF	40027C0165G	20-JAN-1999
06	OK	LEXINGTON, CITY OF	40027CIND0 **	20-JAN-1999
06	OK	MAYES COUNTY*	4004580025C**	04-MAY-1999
06	OK	MAYES COUNTY*	4004580050C**	04-MAY-1999
06	OK	MAYES COUNTY*	4004580065C	04-MAY-1999
06	OK	MAYES COUNTY*	4004580070C	04-MAY-1999
06	OK	MAYES COUNTY*	4004580075C**	04-MAY-1999
06	OK	MAYES COUNTY*	4004580100C**	04-MAY-1999
06	OK	MAYES COUNTY*	4004580105C	04-MAY-1999
06	OK	MAYES COUNTY*	4004580110C	04-MAY-1999
06	OK	MAYES COUNTY*	4004580125C**	04-MAY-1999
06	OK	MAYES COUNTY*	4004580150C**	04-MAY-1999
06	OK	MAYES COUNTY*	4004580175C**	04-MAY-1999
06	OK	MAYES COUNTY*	4004580200C**	04-MAY-1999
06	OK	MAYES COUNTY*	400458IND0 **	04-MAY-1999
06	OK	MOORE, CITY OF	40027CIND0 **	20-JAN-1999
06	OK	NOBLE, CITY OF	40027C0095G	20-JAN-1999
06	OK	NOBLE, CITY OF	40027C0153G	20-JAN-1999
06	OK	NOBLE, CITY OF	40027CIND0 **	20-JAN-1999
06	OK	NORMAN,CITY OF	40027C0095G	20-JAN-1999
06	OK	NORMAN,CITY OF	40027C0155G	20-JAN-1999
06	OK	NORMAN,CITY OF	40027CIND0 **	20-JAN-1999
06	OK	OSAGE COUNTY*	4001460545D	23-MAR-1999
06	OK	OSAGE COUNTY*	4001460610D	23-MAR-1999
06	OK	OSAGE COUNTY*	400146IND0 **	23-MAR-1999
06	OK	PRYOR CREEK,CITY OF	4001170002C	04-MAY-1999
06	OK	SLAUGHTERVILLE, TOWN OF	40027C0153G	20-JAN-1999
06	OK	SLAUGHTERVILLE, TOWN OF	40027C0155G	20-JAN-1999
06	OK	SLAUGHTERVILLE, TOWN OF	40027C0165G	20-JAN-1999
06	OK	SLAUGHTERVILLE, TOWN OF	40027CIND0 **	20-JAN-1999
06	TX	ALMA, TOWN OF	48139C0220D	20-JAN-1999
06	TX	ALMA, TOWN OF	48139C0250D	20-JAN-1999
06	TX	ALMA, TOWN OF	48139C0325D	20-JAN-1999
06	TX	ALMA, TOWN OF	48139CIND0 **	20-JAN-1999
06	TX	ALVARADO, CITY OF	48251CIND0 **	06-JAN-1999
06	TX	AMARILLO, CITY OF	4805290040B	08-FEB-1999
06	TX	AMARILLO, CITY OF	4805290041B	08-FEB-1999

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06	TX	AMARILLO, CITY OF	480529IND0 **	08-FEB-1999
06	TX	ANTHONY,TOWN OF	48139C0070D	20-JAN-1999
06	TX	AUSTIN COUNTY *	48015C0235D	16-JUN-1999
06	TX	AUSTIN COUNTY *	48015C0250D	16-JUN-1999
06	TX	AUSTIN COUNTY *	48015CIND0 **	16-JUN-1999
06	TX	BARDWELL, CITY OF	48139C0302D	20-JAN-1999
06	TX	BARDWELL, CITY OF	48139C0325D	20-JAN-1999
06	TX	BARDWELL, CITY OF	48139CIND0 **	20-JAN-1999
06	TX	BELLVILLE, CITY OF	48015CIND0 **	16-JUN-1999
06	TX	BRIAR OAKS, CITY OF	48251C0041H	06-JAN-1999
06	TX	BRIAR OAKS, CITY OF	48251C0050H	06-JAN-1999
06	TX	BRIAR OAKS, CITY OF	48251CIND0 **	06-JAN-1999
06	TX	BURLESON, CITY OF	48251C0033H	06-JAN-1999
06	TX	BURLESON, CITY OF	48251C0037H	06-JAN-1999
06	TX	BURLESON, CITY OF	48251C0039G	06-JAN-1999
06	TX	BURLESON, CITY OF	48251C0041H	06-JAN-1999
06	TX	BURLESON, CITY OF	48251C0050H	06-JAN-1999
06	TX	BURLESON, CITY OF	48251CIND0 **	06-JAN-1999
06	TX	CALHOUN COUNTY *	4800970300D	30-JUN-1999
06	TX	CALHOUN COUNTY *	480097IND0 **	30-JUN-1999
06	TX	CAMERON COUNTY *	4801010300E	09-MAR-1999
06	TX	CAMERON COUNTY *	480101IND0 **	09-MAR-1999
06	TX	CHAMBERS COUNTY *	4801190225C	18-MAY-1999
06	TX	CHAMBERS COUNTY *	480119IND0 **	18-MAY-1999
06	TX	CLEBURNE, CITY OF	48251CIND0 **	06-JAN-1999
06	TX	CROWLEY, CITY OF	48251CIND0 **	06-JAN-1999
06	TX	ELLIS COUNTY*	48139C0015D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0040D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0060D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0070D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0075D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0080D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0085D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0090D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0095D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0105D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0110D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0115D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0120D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0150D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0165D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0170D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0175D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0180D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0185D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0190D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0195D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0205D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0210D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0215D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0220D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0250D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0260D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0275D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0280D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0290D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0300D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0302D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0325D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0330D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139C0350D	20-JAN-1999
06	TX	ELLIS COUNTY*	48139CIND0 **	20-JAN-1999
06	TX	ENNIS, CITY OF	48139C0205D	20-JAN-1999
06	TX	ENNIS, CITY OF	48139C0210D	20-JAN-1999
06	TX	ENNIS, CITY OF	48139C0215D	20-JAN-1999
06	TX	ENNIS, CITY OF	48139C0220D	20-JAN-1999
06	TX	ENNIS, CITY OF	48139C0302D	20-JAN-1999
06	TX	ENNIS, CITY OF	48139C0325D	20-JAN-1999
06	TX	ENNIS, CITY OF	48139CIND0 **	20-JAN-1999
06	TX	FERRIS, CITY OF	48139C0040D	20-JAN-1999
06	TX	FERRIS, CITY OF	48139C0105D	20-JAN-1999
06	TX	FERRIS, CITY OF	48139C0110D	20-JAN-1999
06	TX	FERRIS, CITY OF	48139CIND0 **	20-JAN-1999
06	TX	GODLEY, TOWN OF	48251CIND0 **	06-JAN-1999

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06	TX	GRANDVIEW, CITY OF	48251CIND0 **	06-JAN-1999
06	TX	ITALY, TOWN OF	48139C0290D	20-JAN-1999
06	TX	ITALY, TOWN OF	48139CIND0 **	20-JAN-1999
06	TX	JOHNSON COUNTY*	48251C0033H	06-JAN-1999
06	TX	JOHNSON COUNTY*	48251C0037H	06-JAN-1999
06	TX	JOHNSON COUNTY*	48251C0039G	06-JAN-1999
06	TX	JOHNSON COUNTY*	48251C0041H	06-JAN-1999
06	TX	JOHNSON COUNTY*	48251C0050H	06-JAN-1999
06	TX	JOHNSON COUNTY*	48251CIND0 **	06-JAN-1999
06	TX	JOSHUA, CITY OF	48251C0039G	06-JAN-1999
06	TX	JOSHUA, CITY OF	48251C0050H	06-JAN-1999
06	TX	JOSHUA, CITY OF	48251CIND0 **	06-JAN-1999
06	TX	KEENE, CITY OF	48251CIND0 **	06-JAN-1999
06	TX	LONGVIEW, CITY OF	4802640005E	18-MAY-1999
06	TX	LONGVIEW, CITY OF	4802640015E**	18-MAY-1999
06	TX	LONGVIEW, CITY OF	4802640025E**	18-MAY-1999
06	TX	LONGVIEW, CITY OF	480264IND0 **	18-MAY-1999
06	TX	MANSFIELD, CITY OF	48251CIND0 **	06-JAN-1999
06	TX	MAYPEARL, CITY OF	48139C0170D	20-JAN-1999
06	TX	MAYPEARL, CITY OF	48139CIND0 **	20-JAN-1999
06	TX	MIDLOTHIAN, CITY OF	48139C0060D	20-JAN-1999
06	TX	MIDLOTHIAN, CITY OF	48139C0075D	20-JAN-1999
06	TX	MIDLOTHIAN, CITY OF	48139C0080D	20-JAN-1999
06	TX	MIDLOTHIAN, CITY OF	48139C0090D	20-JAN-1999
06	TX	MIDLOTHIAN, CITY OF	48139CIND0 **	20-JAN-1999
06	TX	MILFORD, TOWN OF	48139C0350D	20-JAN-1999
06	TX	MILFORD, TOWN OF	48139CIND0 **	20-JAN-1999
06	TX	MOUNT PLEASANT, CITY OF	4806210005C	09-MAR-1999
06	TX	MUENSTER, CITY OF	4807670001B	09-MAR-1999
06	TX	OAK LEAF, CITY OF	48139C0080D	20-JAN-1999
06	TX	OAK LEAF, CITY OF	48139C0085D	20-JAN-1999
06	TX	OAK LEAF, CITY OF	48139CIND0 **	20-JAN-1999
06	TX	OVILLA, CITY OF	48139C0015D	20-JAN-1999
06	TX	OVILLA, CITY OF	48139C0080D	20-JAN-1999
06	TX	OVILLA, CITY OF	48139CIND0 **	20-JAN-1999
06	TX	PALM VALLEY, TOWN OF	480101IND0 **	09-MAR-1999
06	TX	PALMER, CITY OF	48139C0115D	20-JAN-1999
06	TX	PALMER, CITY OF	48139C0205D	20-JAN-1999
06	TX	PALMER, CITY OF	48139CIND0 **	20-JAN-1999
06	TX	PECAN HILL, CITY OF	48139C0085D	20-JAN-1999
06	TX	PECAN HILL, CITY OF	48139C0095D	20-JAN-1999
06	TX	PECAN HILL, CITY OF	48139CIND0 **	20-JAN-1999
06	TX	RANCHO VIEJO, TOWN OF	480101IND0 **	09-MAR-1999
06	TX	RED OAK, CITY OF	48139C0085D	20-JAN-1999
06	TX	RED OAK, CITY OF	48139C0105D	20-JAN-1999
06	TX	RED OAK, CITY OF	48139CIND0 **	20-JAN-1999
06	TX	RIO VISTA, VILLAGE OF	48251CIND0 **	06-JAN-1999
06	TX	SAN FELIPE, TOWN OF	48015C0250D	16-JUN-1999
06	TX	SAN FELIPE, TOWN OF	48015CIND0 **	16-JUN-1999
06	TX	SEALY, CITY OF	48015C0250D	16-JUN-1999
06	TX	SEALY, CITY OF	48015CIND0 **	16-JUN-1999
06	TX	SOUTH PADRE ISLAND, TOWN OF	4801150001D	09-MAR-1999
06	TX	VENUS, TOWN OF	48251CIND0 **	06-JAN-1999
06	TX	WALLIS, CITY OF	48015CIND0 **	16-JUN-1999
06	TX	WAXAHACHIE, CITY OF	48139C0085D	20-JAN-1999
06	TX	WAXAHACHIE, CITY OF	48139C0090D	20-JAN-1999
06	TX	WAXAHACHIE, CITY OF	48139C0095D	20-JAN-1999
06	TX	WAXAHACHIE, CITY OF	48139C0180D	20-JAN-1999
06	TX	WAXAHACHIE, CITY OF	48139C0185D	20-JAN-1999
06	TX	WAXAHACHIE, CITY OF	48139C0195D	20-JAN-1999
06	TX	WAXAHACHIE, CITY OF	48139CIND0 **	20-JAN-1999
07	IA	BATTLE CREEK, CITY OF	1904230001A	08-FEB-1999
07	KS	PERRY, CITY OF	2001530001C	20-JAN-1999
07	KS	SEWARD COUNTY*	2006060001B***	01-MAY-1999
07	KS	SEWARD COUNTY*	2006060002B***	01-MAY-1999
07	KS	SEWARD COUNTY*	2006060003B***	01-MAY-1999
07	KS	SEWARD COUNTY*	2006060004B***	01-MAY-1999
07	KS	SEWARD COUNTY*	2006060005B***	01-MAY-1999
07	KS	SEWARD COUNTY*	2006060006B***	01-MAY-1999
07	KS	SEWARD COUNTY*	2006069999 ***	01-MAY-1999
07	KS	SEWARD COUNTY*	200606IND0 ***	01-MAY-1999
07	MO	ALEXANDRIA, CITY OF	2900800001B	16-JUN-1999
07	MO	RICHMOND, CITY OF	290657 A***	01-MAY-1999
07	MO	RICHMOND, CITY OF	2906579999 ***	01-MAY-1999

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07	MO	WARREN COUNTY	2904430075C	16-JUN-1999
07	MO	WARREN COUNTY	290443IND0 **	16-JUN-1999
08	CO	ALAMOSA COUNTY *	0800090045B	21-APR-1999
08	CO	ALAMOSA COUNTY *	080009IND0 **	21-APR-1999
08	CO	ALAMOSA, CITY OF	0800100001C	21-APR-1999
08	CO	ALAMOSA, CITY OF	0800100002C	21-APR-1999
08	CO	ALAMOSA, CITY OF	080010IND0 **	21-APR-1999
08	CO	LARIMER COUNTY *	0801010135D	23-MAR-1999
08	CO	LARIMER COUNTY *	0801010150D	23-MAR-1999
08	CO	LARIMER COUNTY *	0801010244C	23-MAR-1999
08	CO	LARIMER COUNTY *	080101IND0 **	23-MAR-1999
08	CO	LOVELAND, CITY OF	0801030010D	23-MAR-1999
08	CO	LOVELAND, CITY OF	080103IND0 **	23-MAR-1999
08	MT	DAWSON COUNTY *	3001400009B***	01-MAY-1999
08	MT	DAWSON COUNTY *	3001400011B***	01-MAY-1999
08	MT	DAWSON COUNTY *	3001400012B***	01-MAY-1999
08	MT	DAWSON COUNTY *	3001400015B***	01-MAY-1999
08	MT	DAWSON COUNTY *	3001400018B***	01-MAY-1999
08	MT	DAWSON COUNTY *	3001400019B***	01-MAY-1999
08	MT	DAWSON COUNTY *	3001409999 ***	01-MAY-1999
08	MT	DAWSON COUNTY *	300140IND0 ***	01-MAY-1999
08	ND	DICKINSON, CITY OF	3801170001D	02-JUN-1999
08	ND	DICKINSON, CITY OF	3801170002D	02-JUN-1999
08	ND	DICKINSON, CITY OF	3801170003D	02-JUN-1999
08	ND	DICKINSON, CITY OF	3801170004D	02-JUN-1999
08	ND	DICKINSON, CITY OF	3801170005D	02-JUN-1999
08	ND	DICKINSON, CITY OF	380117IND0 **	02-JUN-1999
08	WY	EAST THERMOPOLIS, TOWN OF	5600250001B	23-MAR-1999
08	WY	HULETT, TOWN OF	560016 A***	01-APR-1999
08	WY	HULETT, TOWN OF	5600169999 ***	01-APR-1999
08	WY	RANCHESTER, TOWN OF	5600460001C	20-JAN-1999
08	WY	THERMOPOLIS, TOWN OF	5600260001D	20-JAN-1999
09	AZ	MARANA, TOWN OF	04019C0960K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C0970K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C0980K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C0985K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C0990K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C0995K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C1015K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C1020K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C1025K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C1600K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C1605K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C1610K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C1615K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019C1616K	08-FEB-1999
09	AZ	MARANA, TOWN OF	04019CIND0 **	08-FEB-1999
09	AZ	ORO VALLEY, TOWN OF	04019C1020K	08-FEB-1999
09	AZ	ORO VALLEY, TOWN OF	04019C1025K	08-FEB-1999
09	AZ	ORO VALLEY, TOWN OF	04019C1030K	08-FEB-1999
09	AZ	ORO VALLEY, TOWN OF	04019C1035K	08-FEB-1999
09	AZ	ORO VALLEY, TOWN OF	04019C1039K	08-FEB-1999
09	AZ	ORO VALLEY, TOWN OF	04019C1040K	08-FEB-1999
09	AZ	ORO VALLEY, TOWN OF	04019C1045K	08-FEB-1999
09	AZ	ORO VALLEY, TOWN OF	04019C1610K	08-FEB-1999
09	AZ	ORO VALLEY, TOWN OF	04019C1630K	08-FEB-1999
09	AZ	ORO VALLEY, TOWN OF	04019CIND0 **	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0325K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0400K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0445K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0465K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0500K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0525K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0550K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0635K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0645K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0663K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0665K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0675K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0700K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0875K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0900K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0955K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0960K	08-FEB-1999

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09	AZ	PIMA COUNTY *	04019C0970K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0980K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0985K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0990K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C0995K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1015K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1020K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1025K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1030K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1035K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1039K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1040K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1045K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1125K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1150K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1235K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1255K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1275K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1300K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1475K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1500K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1560K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1575K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1600K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1605K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1610K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1615K	08-FEB-1999
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09	AZ	PIMA COUNTY *	04019C1655K	08-FEB-1999
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09	AZ	PIMA COUNTY *	04019C1670K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1690K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1750K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1850K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1875K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C1900K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2175K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2200K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2210K	08-FEB-1999
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09	AZ	PIMA COUNTY *	04019C2225K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2226K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2227K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2228K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2229K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2231K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2232K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2233K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2234K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2236K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2237K	08-FEB-1999
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09	AZ	PIMA COUNTY *	04019C2239K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2241K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2243K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2245K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2251K	08-FEB-1999
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09	AZ	PIMA COUNTY *	04019C2253K	08-FEB-1999
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09	AZ	PIMA COUNTY *	04019C2257K	08-FEB-1999
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09	AZ	PIMA COUNTY *	04019C2280K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2285K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2290K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2295K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2315K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2750K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2775K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2800K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2810K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2825K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2830K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2840K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2850K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2855K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2875K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2880K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2885K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2890K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2895K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2925K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C2950K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3050K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3325K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3405K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3410K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3415K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3475K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3500K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3525K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3825K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3850K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3885K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3895K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3905K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3915K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C3975K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4000K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4225K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4250K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4275K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4285K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4300K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4305K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4310K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4400K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4425K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4550K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4575K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4600K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4650K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019C4675K	08-FEB-1999
09	AZ	PIMA COUNTY *	04019CIND0 **	08-FEB-1999
09	AZ	SAHUARITA, TOWN OF	04019C2840K	08-FEB-1999
09	AZ	SAHUARITA, TOWN OF	04019C3405K	08-FEB-1999
09	AZ	SAHUARITA, TOWN OF	04019C3415K	08-FEB-1999
09	AZ	SAHUARITA, TOWN OF	04019CIND0 **	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1610K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1616K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1617K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1618K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1619K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1636K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1637K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1638K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1639K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1643K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1644K	08-FEB-1999

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09	AZ	TUCSON, CITY OF	04019C1645K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1663K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1665K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C1670K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2210K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2220K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2226K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2227K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2228K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2229K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2231K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2232K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2233K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2234K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2236K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2237K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2238K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2239K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2241K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2243K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2245K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2251K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2253K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2254K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2256K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2257K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2258K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2259K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2262K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2265K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2270K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2290K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2830K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2850K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2855K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2875K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019C2880K	08-FEB-1999
09	AZ	TUCSON, CITY OF	04019CIND0 **	08-FEB-1999
09	AZ	YAVAPAI COUNTY *	0400930670C	09-MAR-1999
09	AZ	YAVAPAI COUNTY *	040093IND0 **	09-MAR-1999
09	CA	BURBANK, CITY OF	0650180005C	20-JAN-1999
09	CA	CARLSBAD, CITY OF	06073C0788G**	16-JUN-1999
09	CA	HUMBOLDT COUNTY*	0600600615D	08-FEB-1999
09	CA	HUMBOLDT COUNTY*	0600600620C	08-FEB-1999
09	CA	HUMBOLDT COUNTY*	0600600640C	08-FEB-1999
09	CA	HUMBOLDT COUNTY*	0600600650C	08-FEB-1999
09	CA	HUMBOLDT COUNTY*	0600600780C	08-FEB-1999
09	CA	HUMBOLDT COUNTY*	0600600785C	08-FEB-1999
09	CA	HUMBOLDT COUNTY*	0600600805C	08-FEB-1999
09	CA	HUMBOLDT COUNTY*	0600600825C	08-FEB-1999
09	CA	HUMBOLDT COUNTY*	0600601085C	08-FEB-1999
09	CA	HUMBOLDT COUNTY*	0600601105C	08-FEB-1999
09	CA	HUMBOLDT COUNTY*	060060IND0 **	08-FEB-1999
09	CA	LA MESA, CITY OF	06073C1643G**	16-JUN-1999
09	CA	LOS ANGELES, CITY OF	0601370031D	04-MAY-1999
09	CA	LOS ANGELES, CITY OF	060137IND0 **	04-MAY-1999
09	CA	MENLO PARK, CITY OF	0603210004D	21-APR-1999
09	CA	MENLO PARK, CITY OF	0603210005D	21-APR-1999
09	CA	MENLO PARK, CITY OF	0603210007D	21-APR-1999
09	CA	MENLO PARK, CITY OF	0603210008D	21-APR-1999
09	CA	MENLO PARK, CITY OF	0603210011D	21-APR-1999
09	CA	MENLO PARK, CITY OF	060321IND0 **	21-APR-1999
09	CA	OCEANSIDE, CITY OF	06073C0786G**	16-JUN-1999
09	CA	PALO ALTO, CITY OF	0603480002E	02-JUN-1999
09	CA	PALO ALTO, CITY OF	0603480003E	02-JUN-1999
09	CA	PALO ALTO, CITY OF	0603480005E	02-JUN-1999
09	CA	PALO ALTO, CITY OF	060348IND0 **	02-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C0786G**	16-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C0787G**	16-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C0788G**	16-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C0789G**	16-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C1628G**	16-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C1628G**	16-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C1636G**	16-JUN-1999

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09	CA	SAN DIEGO COUNTY *	06073C1637G**	16-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C1637G**	16-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C1638G**	16-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C1639G**	16-JUN-1999
09	CA	SAN DIEGO COUNTY *	06073C1643G**	16-JUN-1999
09	CA	SAN DIEGO, CITY OF	06073C1628G**	16-JUN-1999
09	CA	SAN DIEGO, CITY OF	06073C1628G**	16-JUN-1999
09	CA	SAN DIEGO, CITY OF	06073C1636G**	16-JUN-1999
09	CA	SAN DIEGO, CITY OF	06073C1637G**	16-JUN-1999
09	CA	SAN DIEGO, CITY OF	06073C1637G**	16-JUN-1999
09	CA	SAN DIEGO, CITY OF	06073C1638G**	16-JUN-1999
09	CA	SAN DIEGO, CITY OF	06073C1639G**	16-JUN-1999
09	CA	SAN DIEGO, CITY OF	06073C1643G**	16-JUN-1999
09	CA	SAN MARCOS, CITY OF	06073C0787G**	16-JUN-1999
09	CA	SAN MARCOS, CITY OF	06073C0788G**	16-JUN-1999
09	CA	SAN MARCOS, CITY OF	06073C0789G**	16-JUN-1999
09	CA	SANTA CLARA, CITY OF	0603500001D	20-JAN-1999
09	CA	SANTA CLARA, CITY OF	0603500003D	20-JAN-1999
09	CA	SANTA CLARA, CITY OF	0603500005D	20-JAN-1999
09	CA	SANTA CLARA, CITY OF	060350IND0 **	20-JAN-1999
09	CA	SHASTA COUNTY *	0603580515D	16-JUN-1999
09	CA	SHASTA COUNTY *	0603580520C	16-JUN-1999
09	CA	SHASTA COUNTY *	060358IND0 **	16-JUN-1999
09	CA	SHASTA LAKE, CITY OF	0607580005A	16-JUN-1999
09	CA	VISTA, CITY OF	06073C0786G**	16-JUN-1999
09	CA	VISTA, CITY OF	06073C0787G**	16-JUN-1999
09	CA	VISTA, CITY OF	06073C0788G**	16-JUN-1999
09	CA	VISTA, CITY OF	06073C0789G**	16-JUN-1999
09	CA	YOLO COUNTY*	0604230378C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230379C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230386C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230387C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230415C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230425C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230525C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230540C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230550C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230555C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230560C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230565C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230575C	23-MAR-1999
09	CA	YOLO COUNTY*	0604230600D	23-MAR-1999
09	CA	YOLO COUNTY*	060423IND0 **	23-MAR-1999
09	NV	CHURCHILL COUNTY *	3200300645E	06-JAN-1999
09	NV	CHURCHILL COUNTY *	3200300665E	06-JAN-1999
09	NV	CHURCHILL COUNTY *	3200300855D	06-JAN-1999
09	NV	CHURCHILL COUNTY *	3200300875D	06-JAN-1999
09	NV	CHURCHILL COUNTY *	320030IND0 **	06-JAN-1999
09	NV	FALLON, CITY OF	3200020001A	06-JAN-1999
09	NV	WEST WENDOVER, CITY OF	3200370001A	16-JUN-1999
10	AK	HOMER, CITY OF	0201070004A	16-JUN-1999
10	AK	HOMER, CITY OF	0201070005A	16-JUN-1999
10	AK	HOMER, CITY OF	020107IND0 **	16-JUN-1999
10	AK	NENANA, CITY OF	0250100005C	07-APR-1999
10	OR	CLATSOP COUNTY*	4100270019B	16-JUN-1999
10	OR	CLATSOP COUNTY*	4100270020B	16-JUN-1999
10	OR	CLATSOP COUNTY*	4100270032B	16-JUN-1999
10	OR	CLATSOP COUNTY*	410027IND0 **	16-JUN-1999
10	OR	COBURG, CITY OF	41039C0639F	02-JUN-1999
10	OR	COBURG, CITY OF	41039C0643F	02-JUN-1999
10	OR	COBURG, CITY OF	41039CIND0 **	02-JUN-1999
10	OR	COTTAGE GROVE, CITY OF	41039C2085F	02-JUN-1999
10	OR	COTTAGE GROVE, CITY OF	41039C2087F	02-JUN-1999
10	OR	COTTAGE GROVE, CITY OF	41039C2090F	02-JUN-1999
10	OR	COTTAGE GROVE, CITY OF	41039C2091F	02-JUN-1999
10	OR	COTTAGE GROVE, CITY OF	41039C2092F	02-JUN-1999
10	OR	COTTAGE GROVE, CITY OF	41039C2095F	02-JUN-1999
10	OR	COTTAGE GROVE, CITY OF	41039CIND0 **	02-JUN-1999
10	OR	CRESWELL, CITY OF	41039C1642F	02-JUN-1999
10	OR	CRESWELL, CITY OF	41039C1645F	02-JUN-1999
10	OR	CRESWELL, CITY OF	41039C1661F	02-JUN-1999
10	OR	CRESWELL, CITY OF	41039CIND0 **	02-JUN-1999
10	OR	DOUGLAS COUNTY *	4100590740C	21-APR-1999
10	OR	DOUGLAS COUNTY *	4100591140B	21-APR-1999

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10	OR	DOUGLAS COUNTY *	4100591320B	21-APR-1999
10	OR	DOUGLAS COUNTY *	4100591340B	21-APR-1999
10	OR	DOUGLAS COUNTY *	4100591455B	21-APR-1999
10	OR	DOUGLAS COUNTY *	410059IND0 **	21-APR-1999
10	OR	DUNES CITY, CITY OF	41039C1428F	02-JUN-1999
10	OR	DUNES CITY, CITY OF	41039C1429F	02-JUN-1999
10	OR	DUNES CITY, CITY OF	41039C1440F	02-JUN-1999
10	OR	DUNES CITY, CITY OF	41039C1950F	02-JUN-1999
10	OR	DUNES CITY, CITY OF	41039CIND0 **	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C0619F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C0640F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1102F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1104F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1106F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1107F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1108F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1109F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1112F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1116F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1117F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1126F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1127F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1128F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1129F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1133F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1135F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1136F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1137F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1139F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1141F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1142F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1627F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1635F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039C1650F	02-JUN-1999
10	OR	EUGENE, CITY OF	41039CIND0 **	02-JUN-1999
10	OR	FLORENCE, CITY OF	41039C0919F	02-JUN-1999
10	OR	FLORENCE, CITY OF	41039C0938F	02-JUN-1999
10	OR	FLORENCE, CITY OF	41039C0939F	02-JUN-1999
10	OR	FLORENCE, CITY OF	41039C1426F	02-JUN-1999
10	OR	FLORENCE, CITY OF	41039C1427F	02-JUN-1999
10	OR	FLORENCE, CITY OF	41039C1428F	02-JUN-1999
10	OR	FLORENCE, CITY OF	41039C1429F	02-JUN-1999
10	OR	FLORENCE, CITY OF	41039CIND0 **	02-JUN-1999
10	OR	GEARHART, CITY OF	4100300001D	16-JUN-1999
10	OR	JUNCTION CITY, CITY OF	41039C0602F	02-JUN-1999
10	OR	JUNCTION CITY, CITY OF	41039C0604F	02-JUN-1999
10	OR	JUNCTION CITY, CITY OF	41039CIND0 **	02-JUN-1999
10	OR	LANE COUNTY*	41039C0150F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0175F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0190F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0195F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0450F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0525F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0550F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0575F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0600F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0602F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0604F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0605F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0610F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0615F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0619F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0620F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0630F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0639F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0640F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0643F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0650F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0670F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0680F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0690F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0700F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0740F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0745F	02-JUN-1999

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10	OR	LANE COUNTY*	41039C0770F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0790F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0795F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0800F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0815F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0820F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0830F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0835F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0840F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0845F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0919F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0920F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0938F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0939F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0940F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0945F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0950F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0955F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0960F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0965F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0970F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0980F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0985F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0990F	02-JUN-1999
10	OR	LANE COUNTY*	41039C0995F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1025F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1050F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1070F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1075F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1080F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1086F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1087F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1090F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1100F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1102F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1104F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1105F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1106F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1107F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1108F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1109F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1112F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1115F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1116F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1117F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1126F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1127F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1128F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1129F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1133F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1134C	02-JUN-1999
10	OR	LANE COUNTY*	41039C1135F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1136F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1137F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1139F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1141F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1142F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1144F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1153F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1154F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1155F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1155F	02-MAR-1999
10	OR	LANE COUNTY*	41039C1158F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1160F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1161F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1162F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1165F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1166F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1167F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1170F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1180F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1185F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1190F	02-JUN-1999

Region	State	Community	Panel	Panel date
10	OR	LANE COUNTY*	41039C1195F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1205F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1210F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1230F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1255F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1260F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1300F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1407F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1425F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1426F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1427F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1428F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1429F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1435F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1440F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1445F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1475F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1525F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1550F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1575F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1600F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1625F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1627F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1635F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1642F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1645F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1650F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1655F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1660F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1661F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1665F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1670F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1680F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1685F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1690F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1695F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1725F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1950F	02-JUN-1999
10	OR	LANE COUNTY*	41039C1975F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2000F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2025F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2050F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2075F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2085F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2087F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2090F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2091F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2092F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2095F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2115F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2125F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2135F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2175F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2194F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2213F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2350F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2360F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2375F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2400F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2425F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2450F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2457F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2476F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2477F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2481F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2650F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2675F	02-JUN-1999
10	OR	LANE COUNTY*	41039C2700F	02-JUN-1999
10	OR	LANE COUNTY*	41039CIND0 **	02-JUN-1999
10	OR	LOWELL, CITY OF	41039C1695F	02-JUN-1999
10	OR	LOWELL, CITY OF	41039CIND0 **	02-JUN-1999
10	OR	OAKRIDGE, CITY OF	41039C2213F	02-JUN-1999
10	OR	OAKRIDGE, CITY OF	41039C2476F	02-JUN-1999
10	OR	OAKRIDGE, CITY OF	41039C2477F	02-JUN-1999

Region	State	Community	Panel	Panel date
10	OR	OAKRIDGE, CITY OF	41039CIND0 **	02-JUN-1999
10	OR	ROSEBURG, CITY OF	4100670005E	21-APR-1999
10	OR	SPRINGFIELD, CITY OF	41039C1133F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1134C	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1141F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1142F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1153F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1154F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1158F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1161F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1162F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1166F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1167F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039C1170F	02-JUN-1999
10	OR	SPRINGFIELD, CITY OF	41039CIND0 **	02-JUN-1999
10	OR	VENETA,CITY OF	41039C1086F	02-JUN-1999
10	OR	VENETA,CITY OF	41039C1087F	02-JUN-1999
10	OR	VENETA,CITY OF	41039CIND0 **	02-JUN-1999
10	OR	WESTFIR, CITY OF	41039C2194F	02-JUN-1999
10	OR	WESTFIR, CITY OF	41039C2213F	02-JUN-1999
10	OR	WESTFIR, CITY OF	41039CIND0 **	02-JUN-1999
10	WA	FERRY COUNTY *	5300410020E	16-JUN-1999
10	WA	FERRY COUNTY *	530041IND0 **	16-JUN-1999
10	WA	OKANOGAN COUNTY *	5301170632D	20-JAN-1999
10	WA	OKANOGAN COUNTY *	5301170675D	20-JAN-1999
10	WA	OKANOGAN COUNTY *	5301171225C	20-JAN-1999
10	WA	OKANOGAN COUNTY *	530117IND0 **	20-JAN-1999
10	WA	SPRINGDALE, TOWN OF	530264 A***	01-APR-1999
10	WA	SPRINGDALE, TOWN OF	5302649999 ***	01-APR-1999
10	WA	THURSTON COUNTY *	5301880355D	16-JUN-1999
10	WA	THURSTON COUNTY *	5301880365D	16-JUN-1999
10	WA	THURSTON COUNTY *	530188IND0 **	16-JUN-1999
10	WA	YELM, CITY OF	5303100001A	16-JUN-1999

[FR Doc. 99–25028 Filed 9–24–99; 8:45 am]
BILLING CODE 6718–04–F

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 12, 1999.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. First State Bank Employee Stock Ownership Plan, Caruthersville, Missouri, and Duane S. Michie, as trustee, Hayti, Missouri; to retain voting shares of First State Bancorp, Inc., Caruthersville, Missouri, and thereby indirectly retain voting shares of Bank of Hayti, Hayti, Missouri; First State Bank and Trust Company, Inc., Caruthersville, Missouri; and Farmers Bank of Portageville, Portageville, Missouri.

Board of Governors of the Federal Reserve System, September 21, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24986 Filed 9–24–99; 8:45 am]
BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 22, 1999.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. North Central Bancorp, Norfolk, Nebraska; to become a bank holding company by acquiring 100 percent of

the voting shares of Bank of Norfolk, Norfolk, Nebraska.

In connection with this application, North Central Bancorp has also applied to acquire Columbus Financial Corporation, and thereby indirectly acquire Columbus Federal Savings Bank, both in Columbus, Nebraska, and thereby engage in the operation of a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, September 21, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24987 Filed 9–24–99; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Federal Financial Participation in State Assistance Expenditures; Federal Matching Shares for State Children's Health Insurance Programs and for Selected Portions of State Medicaid Programs for October 1, 1999 Through September 30, 2000; Correction

ACTION: Notice of Correction.

SUMMARY: This Notice corrects the Enhanced Federal Medical Assistance Percentages (EFMAP) for eight states as published in the January 12, 1999 **Federal Register.** Five states (Arkansas, Georgia, Kentucky, South Carolina and Utah) should have had an EFMAP .01% higher than the values published in January. Three states (Florida, Maine and South Dakota) should have had an EFMAP .01% lower than that published in January.

EFFECTIVE DATES: The corrected percentages will be effective for each of the 4 quarter-year periods in the period beginning October 1, 1999 and ending September 30, 2000.

FOR FURTHER INFORMATION CONTACT: Robert Stewart or Jennifer Tolbert, Office of Health Policy, Office of the Assistant Secretary for Planning and Evaluation, Room 442E Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, Telephone (202) 690–6870.

SUPPLEMENTARY INFORMATION: On January 12, 1999, the Department published in the **Federal Register** (PP. 1805–1808) the Federal Medical Assistance Percentages (FMAP) and the Enhanced Federal Assistance Percentages (EFMAP). The FMAP values were correct. The EFMAP values for eight states were slightly in error because of a failure to round the FMAP values from which the EFMAP values were computed. The correct EFMAP values for the eight states are:

CORRECTED ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCTOBER 1, 1999–SEPTEMBER 30, 2000

[Fiscal year 2000]

State	Enhanced Federal medical assistance percentages
Arkansas	81.00
Florida	69.56
Georgia	71.92
Kentucky	79.39
Maine	76.35
South Carolina	78.97
South Dakota	78.10
Utah	80.09

FEDERAL MEDICAL ASSISTANCE PERCENTAGES AND ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCTOBER 1, 1999–SEPTEMBER 30, 2000

[Fiscal year 2000]

State	Federal medical assistance percentages	Enhanced Federal medical assistance percentages
Alabama	69.57	78.70
Alaska	59.80	**71.86
American Samoa	50.00	*65.00
Arizona	65.92	76.14
Arkansas	72.85	81.00
California	51.67	66.17
Colorado	50.00	65.00
Connecticut	50.00	65.00
Delaware	50.00	65.00
District of Columbia	70.00	**79.00
Florida	56.52	69.56
Georgia	59.88	71.92
Guam	50.00	*65.00
Hawaii	51.01	65.71
Idaho	70.15	79.11
Illinois	50.00	65.00
Indiana	61.74	73.22
Iowa	63.06	74.14
Kansas	60.03	72.01
Kentucky	70.55	79.39
Louisiana	70.32	79.22
Maine	66.22	76.35
Maryland	50.00	65.00
Massachusetts	50.00	65.00
Michigan	55.11	68.58
Minnesota	51.48	66.04
Mississippi	76.80	83.76
Missouri	60.51	72.36
Montana	72.30	80.61

FEDERAL MEDICAL ASSISTANCE PERCENTAGES AND ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCTOBER 1, 1999–SEPTEMBER 30, 2000—Continued

[Fiscal year 2000]

State	Federal medical assistance percentages	Enhanced Federal medical assistance percentages
Nebraska	60.88	72.62
Nevada	50.00	65.00
New Hampshire	50.00	65.00
New Jersey	50.00	65.00
New Mexico	73.32	81.32
New York	50.00	65.00
North Carolina	62.49	73.74
North Dakota	70.42	79.29
Northern Mariana Islands	50.00	*65.00
Ohio	58.67	71.07
Oklahoma	71.09	79.76
Oregon	59.96	71.97
Pennsylvania	53.82	67.67
Puerto Rico	50.00	*65.00
Rhode Island	53.77	67.64
South Carolina	69.95	78.97
South Dakota	68.72	78.10
Tennessee	63.10	74.17
Texas	61.36	72.95
Utah	71.55	80.09
Vermont	62.24	73.57
Virgin Islands	50.00	*65.00
Virginia	51.67	66.17
Washington	51.83	66.28
West Virginia	74.78	82.35
Wisconsin	58.78	71.15
Wyoming	64.04	74.83

*For purposes of section 1118 of the Social Security Act, the percentage used under titles I, X, XIV, and XVI and Part A of title IV will be 75 per centum.

**For 1998, 1999, and 2000, the values in the table were set for state plans under Titles XIX and XXI and for capitation payments and DSH allotments under those titles. For other purposes, including programs remaining in Title IV of the Act, the percentage for Alaska is 54.13. For the District of Columbia, the percentage for other such purposes is 50.00.

The Department regrets the error.

Dated: September 17, 1999.

Brian P. Burns,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 99–24994 Filed 9–24–99; 8:45 am]

BILLING CODE 4110–60–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–99–42]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Families, Communities, and Diabetes Management Project—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Division of Diabetes Translation. Diabetes Type 2 is a serious chronic metabolic disease with serious potential health consequences that include both psychological and physical health conditions. Diabetes care is important in the management of this disease. Previous studies examining factors that influence diabetes management have examined psychological, patient-provider relationships, family and social support, health insurance availability and utilization, dietary consumption, and levels of physical activity. Most of what is known about managing diabetes has been generated using results based on findings with predominately white audiences. Therefore, NCCDPHP, Division of Diabetes Translation, intends to conduct a longitudinal study examining complex inter-and intra-personal factors unique to African-American and Mexican-American adults living with diabetes. Also contributing to this study will be family members of these individuals. Examination of these factors will help to develop effective

intervention models for these populations.

The research design will involve separate samples of African-Americans and Mexican-Americans between the ages of 40 and 64 with Type 2 Diabetes. Significant family members of these individuals will also participate. Participating families will be divided into two groups, an intervention group that will receive the intervention at the beginning of the study, and a comparison group that will receive a modified version at the end. Both self-report via questionnaires and more objective measures (e.g., hemoglobin blood glucose levels) of self-care adherence and diabetes control will be measured. Information collected will include diabetes knowledge, community characteristics, forms of social support, patient-provider relationship, and health care coverage. The total cost is estimated at $3,707,473.00

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden of response (in hours)	Total burden (in hours)
Adult Diabetic and family member	800	6	6	28,800
Total				28,800

Dated: September 21, 1999.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–25018 Filed 9–24–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administratiion for Children and Families

Proposed Information Collection Activity; Comment Request; Proposed Project

Title: Head Start Grant Application and Budget Instrument.

OMB No.: New.

Description: The Head Start program is promulgating a Head Start Grant Application and Budget Instrument to standardize the grant application information which is requested from all grantees applying for continuation grants. The Bureau is also instituting a three year grant funding cycle so that applicants will only submit full applications in their first year of their three year funding cycle. In addition, the Grant Application and Budget Instrument will be available on a data disk and can be transmitted electronically to Regional Offices. The Administration on Children, Youth and Families believes that, in promulgating this application document, the process of applying for grants for the Head Start program will be more efficient for the applicants.

Respondents: State, Local or Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Head Start Grant Application and Budget Instrument	1,513	1	33	49,929

Estimated Total Annual Burden Hours: 49,929.

In compliance with the requirements of section 3506(c)(2)(A) the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: September 21, 1999.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 99–24992 Filed 9–24–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Recordkeeping/Reporting Requirements Under Emergency Review by the Office of Management and Budget (OMB)

Title: Head Start Grant Application and Budget Instrument.

OMB No.: New.

Description: The Head Start program is promulgating a Head Start Grant Application and Budget Instrument to standardize the grant application information which is requested from all grantees applying for continuation grants. The Bureau is also instituting a three year grant finding cycle so that applicants will only submit full applications in their first year of their

three year funding cycle. In addition, the Grant Application and Budget Instrument will be available on a data disk and can be transmitted electronically to Regional offices. The Administration on Children, Youth and Families believes that, in promulgating this application document, the process of applying for grants for the Head Start program will be more efficient for the applicants.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Head Start Grant Application and Budget Instrument	1,513	1	33	49,929

Estimated total Annual Burden Hours: 49,929.

Additional Information

ACF is requesting that OMB grant a 180 day approval for this information collection under procedures for emergency processing by October 25, 1999. A copy of this information collection, with applicable supporting documentation, maybe obtained by calling the Administration for Children and Families, Reports Clearance Officer, Bob Sargis at (202) 690–7275.

Comments and questions about the information collection described above should be directed to the following address by October 25, 1999: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ACF, Office of Management and Budget, Paper Reduction Project, 725 17th Street, NW, Washington, DC 20503, (202) 395–7316.

Dated: September 21, 1999.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 99–24993 Filed 9–24–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Members on Public Advisory Panels or Committees; Molecular and Clinical Genetics Panel of the Medical Devices Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the establishment of the Molecular and Clinical Genetics Panel of the Medical Devices Advisory Committee (the Panel) in the Center for Devices and Radiological Health (CDRH). In this document, FDA is also requesting nominations for members to serve on the newly formed panel.

FDA has a special interest in ensuring that women, minority groups, and individuals with disabilities are adequately represented on advisory committees and, therefore, encourages nominations of qualified candidates from these groups. Final selection from among qualified candidates for each vacancy will be determined by the expertise required to meet specific agency needs and in a manner to ensure appropriate balance of membership.

DATES: Nominations should be received by October 27, 1999.

ADDRESSES: All nominations and curricula vitae, except for consumer-nominated and industry-nominated members, should be sent to Nancy J. Pluhowski (address below). All nominations and curricula vitae for the consumer-nominated members should be sent to Annette J. Funn (address below). All nominations for the industry-nominated members should be sent to Kathleen L. Walker (address below).

FOR FURTHER INFORMATION CONTACT:

Regarding all nominations for membership, except consumer-nominated and industry-nominated members: Nancy J. Pluhowski, Office of Device Evaluation (HFZ–400), CDRH, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2022.

Regarding all nominations for consumer-nominated members: Annette J. Funn, Office of Consumer Affairs (HFE–88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–5006.

Regarding all nominations for industry-nominated members: Kathleen L. Walker, Office of Systems and Management (HFZ–17), CDRH, Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–1283, ext. 114.

SUPPLEMENTARY INFORMATION: The Panel was created on August 18, 1999. FDA is requesting nominations for members to serve on the new advisory panel. Persons nominated for membership should have expertise in the activity of the Panel as identified below.

Functions

The functions of the medical devices panels of the Medical Devices Advisory Committee are to: (1) Review and evaluate data on the safety and effectiveness of marketed and investigational devices and make recommendations for their regulation; (2) advise the Commissioner of Food and Drugs regarding recommended classification or reclassification of these devices into one of three regulatory categories; (3) advise on any possible risks to health associated with the use of devices; (4) advise on formulation of product development protocols; (5) review premarket approval applications for medical devices; (6) review guidelines and guidance documents; (7) recommend exemption to certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act (the act); (8) advise on the necessity to ban a device; (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices; and (10) make recommendations on the quality in the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

Specifically, the function of the Molecular and Clinical Genetics Panel is to provide advice to the Commissioner on the appropriate scientific criteria to diagnostically test for human genes. In addition to the functions of the Medical Devices Advisory Committee, this panel shall review guidance and recommend criteria and classification of tests for human genes.

Criteria for Members

Persons nominated for membership on the Panel shall have expertise in human genetics and in the clinical management of patients with genetic disorders, e.g., pediatricians, obstetricians, and neonatologists. The agency is also interested in considering

candidates with training in inborn errors of metabolism, biochemical and/or molecular genetics, population genetics, epidemiology and related statistical training. Additionally, individuals with experience in genetic counseling, medical ethics as well as ancillary fields of study will be considered. The term of office is up to 4 years.

The Panel will also include technically qualified members who are identified with consumer interests and representatives of industry interests.

Nomination Procedures

Any interested person may nominate one or more qualified persons for membership on the Panel. Self-nominations are also accepted. Nominations shall include a complete curriculum vitae of each nominee, current business address and telephone number, and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude Panel membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest.

Criteria for Consumer-Nominated Members

Selection of members representing consumer interests is conducted through procedures that include use of a consortium of consumer organizations which has the responsibility for screening, interviewing and recommending candidates for the agency's selection. Candidates from this group, like all other candidates for membership on the Panel, should possess appropriate qualifications to understand and contribute to the Panel's work.

Industry Representatives

Regarding nominations for members representing industry interests, a letter will be sent to each person or organization that has made a nomination and to other organizations that have expressed an interest in participating in the selection process together with a complete list of all such organizations and the nominees. The letter will state that it is the responsibility of each nominator or organization that has expressed an interest in participating in the selection process to consult with the others to provide a consensus slate of possible members representing industry interests within 60 days. In the event that a slate of nominees has not been provided within 60 days, the agency will select an industry representative for each such vacancy from the entire list of industry nominees to avoid delay or disruption of the work of the Panel. The agency is particularly interested in nominees that possess the essential scientific credentials needed to participate fully and knowledgeably in the Panel's deliberations. In addition to this expertise, the agency believes that it would be an advantage to the Panel's work if the individual had special insight and direct experience into specific industrywide issues, practices, and concerns that might not otherwise be available to others not similarly situated.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14 relating to advisory committees.

Dated: September 17, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–24980 Filed 9–24–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98D–0969]

Antimicrobial Resistance in Food-Producing Animals; Notice of General Public Meeting and Public Workshops; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) will sponsor a general public meeting and two public workshops to discuss important issues related to antimicrobial resistance (AR) in food-producing animals. The agency is seeking public comment on the general public meeting in its further planning of the two public workshops.

DATES: The general public meeting and the public workshops are scheduled as follows:

1. "General Public Meeting," Monday, October 4, 1999, 1 p.m. to 5 p.m.
2. "The Risk Assessment and the Establishment of Resistance Thresholds Workshop," Thursday and Friday, December 9 and 10, 1999, 9 a.m. to 5 p.m.
3. "Preapproval Studies in AR," Tuesday and Wednesday, February 22 and 23, 2000, 9 a.m. to 5 p.m.

ADDRESSES: The general public meeting and the public workshops will be held at the DoubleTree Hotel, 1750 Rockville Pike, Rockville, MD, 301–468–1100.

FOR FURTHER INFORMATION CONTACT:

For general information regarding the general public meeting and public workshops: Lynda W. Cowatch, Center for Veterinary Medicine (CVM) (HFV–150), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–5281, e-mail: lcowatch@cvm.fda.gov.

For information regarding technical inquiries: Sharon R. Thompson or Aleta M. Sindelar at 301–594–1798, FAX 301–594–1830.

Registration: The general public meeting and the public workshops are free, however, registration is required. Limited space is available and early registration is encouraged. Registration forms are available on CVM's home page at "http://www.fda.gov/cvm/fda/mappqs/arregis1.doc". If you need special accommodations for a disability, please contact the DoubleTree Hotel at least 7 days in advance.

SUPPLEMENTARY INFORMATION: The agency believes it is essential to provide opportunities for public input regarding the following:

I. The General Public Meeting

The general public meeting is intended to provide an opportunity for stakeholders to give input to FDA on the appropriate issues, experts, and agenda items to be included in two subsequent scientific workshops related to AR. In general terms, the first scientific public workshop on December 9 and 10, 1999, is intended to focus on issues related to risk assessment and the establishment of resistance thresholds in food-producing animals. The second scientific public workshop on February 22 and 23, 2000, is intended to discuss the design of preapproval studies in food-producing animals to model the rate and extent of resistance development. FDA will consider comments received at the general public meeting in its further planning of the two scientific public workshops. We also encourage the submission of written comments at any time, but no later than 30 days after the date of publication of this notice to ensure time for full consideration in planning the December meeting. Comments should be identified with the docket number found in brackets in the heading of this document and submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

II. The Risk Assessment and the Establishment of Resistance Thresholds Workshop

The risk assessment and the establishment of resistance thresholds workshop is intended to allow a public discussion of FDA's risk assessment model to evaluate the risk to human health from resistant foodborne pathogens associated with the use of antimicrobials in food-producing animals. The meeting will also discuss FDA's current thinking on the use of this model to establish resistance and monitoring thresholds in food-producing animals. The agency seeks scientific input from experts at the meeting on these issues as well as suggestions for alternative approaches.

III. The Preapproval Studies in AR

The preapproval studies in AR public workshop is intended to allow a public discussion of FDA's current thinking on the appropriate design of preapproval studies in food-producing animals to model the rate and extent of resistance development. The agency will seek suggestions for alternative approaches.

Supportive documents for discussion, including the "Framework Document," can be found on CVM's Internet home page at http://www.fda.gov/cvm. Information including meeting agendas and relevant background information will be posted on the CVM home page in anticipation of each meeting and workshop.

Dated: September 22, 1999.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 99–25083 Filed 9–22–99; 4:28 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Antiviral Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Antiviral Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 1, 1999, from 8:30 a.m. to 5 p.m.

Location: Holiday Inn, The Ballrooms, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Rhonda W. Stover or John B. Schupp, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7001, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12531. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss new drug application (NDA) 20–993, adefovir dipivoxil (Gilead Sciences Inc.), for the treatment of human immunodeficiency virus infection.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by October 25, 1999. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 25, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 17, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–24982 Filed 9–24–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98D–0834]

Draft Guidance for Industry on Noncontraceptive Estrogen Class Labeling; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled "Labeling Guidance for Noncontraceptive Estrogen Drug Products—Prescribing Information for Healthcare Providers and Patient Labeling." The draft guidance is intended to serve as a template for sponsors of estrogen class drug products to ensure that such products contain uniform health care provider and patient labeling information. FDA published a notice of availability of an earlier version of this draft guidance in the **Federal Register** of October 15, 1998 (63 FR 55399). The agency received numerous comments. As a result, the original draft guidance was revised substantially and is being issued in draft for a second time.

DATES: Written comments on the draft guidance document may be submitted by November 26, 1999. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Copies of the draft guidance for industry can be obtained on the Internet at http://www.fda.gov/cder/guidance/index.htm. Submit written requests for single copies of "Labeling Guidance for Noncontraceptive Estrogen Drug Products—Prescribing Information for Healthcare Providers and Patient Labeling" to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lana L. Pauls, Reproductive and Urologic Drug Products, Center for Drug Evaluation and Research (HFD–580), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4260.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guidance for industry entitled "Labeling Guidance for Noncontraceptive Estrogen Drug Products—Prescribing Information for Healthcare Providers and Patient Labeling." The draft guidance is intended to serve as a template for sponsors of estrogen class drug products to ensure that such products contain uniform health care provider and patient labeling information. Once finalized, this draft guidance will replace the "Labeling Guidance for Estrogen Drug Products, Physician Labeling" and "Labeling Guidance for Estrogen Drug Products, Patient Package

Insert," both of which were revised and published in August 1992.

The draft guidance outlines recommended language for the prescribing information for the health care provider and the patient package inserts. Included are black box warnings explaining the increased risk of cancer of the uterus associated with the use of estrogens. Once finalized, the recommendations in this draft guidance should be followed for all approved, pending, and future applications.

In the **Federal Register** of October 15, 1998 (63 FR 55399), FDA announced the availability of an earlier version of this draft guidance. The agency received numerous comments. As a result, the original draft guidance was revised substantially and is being issued in draft for a second time.

This Level 1 draft guidance is being issued consistent with FDA's good guidance practices (62 FR 8961, February 27, 1997). It represents the agency's current thinking on estrogen class labeling. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statute, regulations, or both.

Interested persons may submit written comments on the draft guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 17, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–24981 Filed 9–24–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1999.

Name: HRSA AIDS Advisory Committee (HAAC).

Date and Time: October 21–22, 1999; 8:30 a.m.–5:00 p.m.

Place: St. James Hotel, 950 24th Street, NW, Washington, DC 20037.

The meeting is open to the public.

Agenda: Agenda items for the meeting will include finalized recommendations on the reauthorization of the Ryan White CARE Act, Managed Care, Emerging Therapies, and care and service delivery to underserved populations.

Anyone requiring further information should contact Ms. Joan Holloway, HIV/AIDS Bureau, Parklawn Building, Room 7–13, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–5761.

Dated: September 21, 1999.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 99–24979 Filed 9–24–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–064–1220–00]

Restriction Order for BLM Lands in Wallace L. Forest Conservation Area, Kootenai County, Idaho

AGENCY: Bureau of Land Management, Upper Columbia-Salmon Clearwater District, Idaho.

ACTION: Notice of Restriction Order for BLM Lands in Wallace L. Forest Conservation Area, Kootenai County, Idaho, Order No. ID–060–19.

SUMMARY: By order, the following restrictions apply to the Wallace L. Forest Conservation Area, described as all public land administered by the Bureau of Land Management (BLM) located in the following: Section 31. T.50N., R.2W.; Section 1, T.49N., R.3W.; Section 6, T.49N., R.2W.; Sections 26 and 35, T.50N., R.3W. Boise Meridian. Maps depicting the restricted area are available for public inspection at the BLM, Coeur d'Alene Field Office, 1808 North Third St., Coeur D'Alene, Idaho, 83814.

1. Discharging of firearms for any reason is prohibited.

2. Use of motorized vehicles on other than existing county roads is prohibited.

The authority for establishing these restrictions is Title 43, Code of Federal Regulations, 8364.1

These restrictions become effective immediately and shall remain in effect until revoked and/or replaced with supplemental rules.

Because this Order includes lands previously described under Order #ID060–12, dated 11/1/94, Order ID060–12 is hereby cancelled.

These restrictions do not apply to:

(1) Any federal, state or local official while in the performance of an official duty.

(2) Any Bureau of Land Management employee, agent, contractor or cooperator while in the performance of an official duty.

(3) Any person who is expressly authorized by the Authorized Officer to operate a vehicle in the closed area to access private property.

These restrictions are necessary to protect property and families of adjacent homeowners and to protect the public land from soil erosion had habitat degradation due to off-road vehicle use.

Violation of this order is punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Dated: September 20, 1999.

Fritz U. Rennebaum,

District Manager.

[FR Doc. 99–25077 Filed 9–24–99; 8:45 am]

BILLING CODE 4310–66–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–956–99–1420–00]

Colorado: Filing of Plats of Survey

September 17, 1999.

The plats of survey of the following described land will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 am., September 17, 1999. All inquiries should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

The plat representing the dependent resurvey of portions of the south boundary and subdivisional lines and a metes-and-bounds survey of private land claims in T. 2 N., R. 81 W., Sixth Principal Meridian, Colorado, Group 1168, was accepted September 9, 1999.

The plat representing the dependent resurvey of a portion of the north boundary T. 31 S., R. 68 W., (Sixth Standard Parallel South), portions of the east and west boundaries, and a portion of the subdivisional lines, and the subdivision of certain sections, T. 31 S., R. 68 W., Sixth Principal Meridian, Colorado, Group 1183, was accepted August 19, 1999.

The plat representing the dependent resurvey of a portion of the north boundary T. 31 S., R. 69 W., (Sixth Standard Parallel South), and a portion of the subdivisional lines, and the subdivision of section 1, T. 31 S., R. 69

W., Sixth Principal Meridian, Colorado, Group 1183, was accepted August 19, 1999.

These surveys were requested by the Forest Service for administrative purposes.

The latitude error on plat noted, corrected, and accepted July 1, 1999, for T. 5 N., R. 91 W., Sixth Principal Meridian, Colorado, Group 1058.

The plat representing the dependent resurvey of portions of the east and north boundaries and subdivisional lines and the subdivision of certain sections, T. 47 N., R. 8 W., New Mexico Principal Meridian, Colorado, Group 1132, was accepted June 14, 1999.

The plat representing the dependent resurvey of portions of the north and west boundaries and subdivisional lines and the subdivision of sections 5 and 6, T. 45 N., R. 6 E., New Mexico Principal Meridian, Colorado, Group 1148, was accepted June 29, 1999.

The plat, in two sheets, representing the entire record of survey, consisting of the dependent resurvey of a portion of the subdivisional lines and the subdivision-of-section survey of section 9 in Township 50 N., R. 11 E., New Mexico Principal Meridian, Colorado, Group 1190, was accepted June 30, 1999.

The plat representing the dependent resurvey of portions of the north boundary, east boundary, and subdivisional lines, and the subdivision of sections 1, in T. 10 N., R. 103 W., Sixth Principal Meridian, Colorado, Group 1196, was accepted July 27, 1999.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 20, in T. 8 N., R. 89 W., Sixth Principal Meridian, Colorado, Group 1197, was accepted July 26, 1999.

The plat representing the dependent resurvey of a portion of the subdivisional lines and the subdivision of section 11, T. 43 N., R. 6 E., New Mexico Principal Meridian, Colorado, Group 1210, was accepted June 30, 1999.

The plat representing the dependent resurvey of portions of the subdivisional lines, the Browns Park School Parcel and the metes-and-bounds survey in sections 2 and 3, in T. 9 N., R. 102 W., Sixth Principal Meridian, Colorado, Group 1229, was accepted July 27, 1999.

The plat representing the dependent resurvey of a portion of the subdivisional lines the subdivision of sections 26 and 27, and the metes-and-bounds survey of certain lots, T. 40 N., R. 3 E., New Mexico Principal Meridian, Colorado, Group 1240, was accepted August 18, 1999.

The supplemental plat creating new lots 30, 31, 32, and 33 in the SW¼ of section 1, T. 15 S., R. 73 W., Sixth Principal Meridian, Colorado, was accepted September 13, 1999.

The supplemental plat creating new lots 60 through 64, in Section 17, T. 3 S., R. 72 W., Sixth Principal Meridian, Colorado, was accepted July 23, 1999.

The supplemental plat creating new lots 41 and 42, from original lot 40, in Section 2, T. 3 S., R. 73 W., Sixth Principal Meridian, Colorado, was accepted July 21, 1999.

These surveys were requested by the BLM for administrative purposes.

The field notes representing the remonumentation of certain corners in T. 2 N., 96 W.; T. 6 N., R. 94 W.; and T 6 N., 96 W., Sixth Principal Meridian, Group 750, Colorado, were accepted September 17, 1999.

These remonumentations were requested by the District Manager, Craig, Colorado.

Darryl A. Wilson,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 99–24984 Filed 9–24–99; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September, 18, 1999. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by October 12, 1999.

Carol D. Shull,

Keeper of the National Register.

ARKANSAS

Grant County

Koon House #1 (Vertical Split Log Buildings of "Slabtown", Arkansas MPS) Jct. of AR 167 and Cty Rd. 523, Sheridan, 99001249

Koon House #2 (Vertical Split Log Buildings of "Slabtown", Arkansas MPS) 2959 AR 167, Sheridan, 99001248

Koon House #3 (Vertical Split Log Buildings of "Slabtown", Arkansas MPS) 2988 AR 167, Sheridan, 99001247

Koon House #4 (Vertical Split Log Buildings of "Slabtown", Arkansas MPS) 3004 AR 167, Sheridan, 99001246

Koon House #6 (Vertical Split Log Buildings of "Slabtown", Arkansas MPS) 3253 AR 167, Sheridan, 99001245

FLORIDA

Pinellas County

Domestic Science and Manual Training School, 440–442 Second Ave. N, St. Petersburg, 99001250

IOWA

Delaware County

McGee School, Jct. of 197th and 145th Aves., Manchester vicinity, 99001251

MASSACHUSETTS

Worcester County

Newton, Azariah, House, 44 Silver Hill Rd., Milford, 99001252

MISSOURI

Jackson County

Nettleton, George H., House, 5125 Swope Parkway, Kansas City, 99001253

Linn County

Linn County Courthouse, 108 High St., Linneus, 99001254

Pettis County

McVey School, Jct. of MO 50 and Rte M, Sedalia, 99001255

VIRGINIA

Fluvanna County

Union Mills Canal Outlet Locks #1 and #2, Address Restricted, Crofton vicinity, 99001256

WISCONSIN

Dane County

Wingra Park Historic District, Roughly bounded by Monroe St., Garfield St., Chandler St., S. Randall Ave., Drake St., Vilas Ave., and Edgewood Ave., Madison, 99001257

[FR Doc. 99–25072 Filed 9–24–99; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Imperial Irrigation District/San Diego County Water Authority Water Conservation and Transfer Project

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Intent to prepare an Environmental Impact Report (EIR)/ Environmental Impact Statement (EIS) and notice of public scoping meetings on the Imperial Irrigation District/San Diego County Water Authority Water Conservation and Transfer Project.

SUMMARY: Pursuant to section 102 (2) (c) of the National Environmental Policy Act (NEPA) and the State of California Environmental Quality Act (CEQA), the

Bureau of Reclamation (Reclamation) and Imperial Irrigation District (IID or District) will prepare a joint EIR/EIS to assess the impacts of the proposed IID/San Diego County Water Authority (SDCWA) Water Conservation and Transfer Project. The proposed project consists of the conservation by IID of up to 300,000 acre-feet of Colorado River water per year (af/yr), and the subsequent transfer of all or a portion of the diverted water to the SDCWA and, under certain circumstances, other designees. IID and Reclamation are holding public scoping meetings soliciting input from the public on the types of issues and extent of analysis that should be contained in the EIR/EIS.

DATES: Written comments on the NOI will be accepted until October 25, 1999. Public scoping meetings will be held at the following locations (both written and oral comments will be accepted at the public scoping meetings):

1. *Northern Imperial Valley*—Elks Lodge #1420, 161 South Plaza, Brawley, CA 92227, Tuesday, October 12, 1999, 7 PM to 9 PM.

2. *Salton Sea Area*—Salton Sea Community Service District, 2098 Frontage Road, Salton City, CA 92275, Wednesday, October 13, 1999, 7 PM to 9 PM..

3. *Southern Imperial Valley*—IID Board Room, 1285 Broadway, El Centro, CA 92243, Thursday, October 14, 1999, 7 PM to 9 PM.

4. *Lower Colorado River Region*—Clark County Library, 1401 East Flamingo Road, Las Vegas, NV 89119, Monday, October 18, 1999, 7 PM to 9 PM.

5. *Northern San Diego County*—Carlsbad Senior Center, 799 Pine Avenue, Carlsbad, CA 92008, Tuesday, October 19, 1999, 7 PM to 9 PM.

6. *Southern San Diego County*—SDCWA Building, 3211 Fifth Avenue, San Diego, CA 92103, Wednesday, October 20, 1999, 7 PM to 9 PM.

Hearing impaired, visually impaired, and/or mobility impaired persons planning to attend the meeting(s) may arrange for necessary accommodations by calling Ms. Molly Sweat at (702) 293–8415 no later than October 6, 1999.

ADDRESSES: Written comments should be sent to: Bureau of Reclamation, Lower Colorado River Region, Boulder Canyon Operations Office, P.O. Box 61470, Boulder City, NV 89006–1470, Attn: William Rinne, BC–00–1000; or to: Imperial Irrigation District, 333 East Barioni Boulevard, P.O. Box 937, Imperial CA, 92251, Attn: Steven R. Knell.

FOR FURTHER INFORMATION CONTACT: Mr. William Rinne, at the Bureau of Reclamation (702) 293–8414; or Mr. Steven Knell, Special Projects Coordinator, Imperial Irrigation District, at (760) 339–9266. Further information can also be obtained on the website at http://www.is.ch2m.com/iidweb.

SUPPLEMENTARY INFORMATION: IID was organized in 1911 to deliver Colorado River water to lands within the Imperial Valley, California for agricultural, domestic, industrial, and other beneficial uses. Water is diverted via the All American Canal and flows through the Colorado River at Imperial Dam based upon water rights obtained prior to the beginning of this century under state law, pursuant to a 1932 water delivery contract for permanent service, for potable and irrigation purposes within the boundaries of the District, with the Secretary of the Interior under the Boulder Canyon Project Act of 1928 [45 Stat. 1057, as amended, 43 U.S.C. 617 *et seq.*], and pursuant to appropriations applications filed with the state between 1933 and 1936. Water flows through the Imperial Valley in a complex system of delivery canals, laterals, and drains serving over 450,000 acres of some of the most intensively farmed land in the nation. Agricultural drainage water flows into the New and Alamo Rivers and into the Salton Sea, a designated reservoir for irrigation drainage.

IID seeks to develop a long-term program for the conservation of up to 300,000 af/yr. IID proposes to transfer all or a portion of the conserved water to SDCWA and, under certain circumstances, other designees for beneficial use and to meet current and projected water supply needs. The proposed conservation program would include the participation of Imperial Valley landowners and tenants in order to implement on-farm conservation methods, such as improved or alternative water management techniques and revised irrigation methods. The program may also include system-based conservation methods implemented by IID, which improve distribution and drainage facilities.

IID intends that the transferred water will retain IID's priority among Colorado River water users and that the transfer will not affect IID's historic water rights. IID, the Department of Interior, and other potentially affected water rights holders are engaged in quantification discussions regarding Colorado River water.

On April 29, 1998, IID and SDCWA executed an Agreement for Transfer of Conserved Water (Agreement). The Agreement provides parameters for the water conservation and transfer transaction. The Agreement calls for IID to conserve and transfer an annual amount of water (the "primary" transfer) not to exceed 20,000 af in the first year. The primary transfer would increase in quantity in subsequent years until a stabilized annual primary quantity is established by IID, which shall be not less than 130,000 af/yr or more than 200,000 af/yr. After at least 10 years of primary transfers, an additional discretionary component not to exceed 100,000 af/yr may be transferred to SDCWA or, at IID's option, to the Metropolitan Water District of Southern California or Coachella Valley Water District in connection with the settlement of water rights disputes between IID and these agencies. The initial term of the project is 45 years after transfers first commence. Each party has the option to extend the term for an additional 30 years.

The Water Conservation and Transfer Project is the result of a collaboration between IID and SDCWA. The purpose and need for the proposed project is to advance objectives of both agencies, consistent with the Law of the River for the Colorado River, relating to water availability and management. IID has identified specific objectives for the proposed project. The District proposes to sell the conserved water in a market-based transaction in order to provide IID with sufficient funds to implement a water conservation program, including the cost of on-farm and system improvements, environmental mitigation costs, and other implementation costs. IID intends to implement a conservation program which includes participation of Imperial Valley landowners and tenants so that on-farm, in addition to system-based conservation methods, can be implemented efficiently. IID seeks to maintain its historic senior priority water rights in a manner consistent with state and federal law during project implementation and operation. Additional IID objectives include providing an economic stimulus to Imperial Valley's agricultural economy and the surrounding community and lessen increased demand for water for southern California from the State Water Project.

SDCWA has also identified specific project objectives. SDCWA seeks to acquire an independent, reliable alternate long-term water supply to provide drought protection and to accommodate current and projected demand for municipal, domestic, and agricultural water uses. In order to enhance the reliability of its water supply, SDCWA intends to diversify its

sources of water supply and decrease its current dependence on a single source. Through the establishment of a stabilized source, SDCWA seeks to pay a fair, competitive price for its water supply and in the process lessen increased demand for water for southern California from the State Water Project.

A water transfer from IID to SDCWA is a key element of the "California 4.4 Plan" which is being developed by the Colorado River Board of California and the California State Department of Water Resources, at the request of the Secretary of the Interior and the other Colorado River basin states. This Plan is intended to address the need for California to reduce its reliance on Colorado River water to its legal entitlement of 4.4 million acre-feet of Colorado River water. California currently is diverting approximately 5.2 million acre-feet of Colorado River water per year.

Implementation of the proposed project will require certain state approvals, including approval by the State Water Resources Control Board and compliance with CEQA and the California Endangered Species Act. Implementation will also require certain federal approvals, including approval of the proposed transfer between IID and SDCWA, compliance with NEPA, the federal Endangered Species Act and other related federal environmental laws, statutes, Executive Orders, and regulations. Reclamation will act as the federal lead agency pursuant to NEPA because certain actions taken to facilitate the transfer will require approval by the Secretary of the Interior. Such actions could potentially include amendments to IID's contract with the Secretary, change in the point of diversion of Colorado River water, change in type of use, change in place of use, verification or concurrence in the amount of water conserved by this Project, and verification of beneficial use of Colorado River water. Reclamation is therefore seeking comments from the public on the scope of the issues and extent of analysis that should be evaluated in the EIR/EIS.

Additional information can be obtained from the project website at http://www.is.ch2m.com/iidweb.

Alternatives

The EIR/EIS will evaluate other feasible project alternatives, including a range of alternative conservation measures, water supply and transfer alternatives, and various alternative measures in addition to the No Project/ No Action Alternative.

Potential water supply alternatives that will be considered in the EIR/EIS include the following:

- Additional water conservation in the San Diego service area
- Additional water repurification and recycling
- Desalination
- Additional water transfers from Northern California
- Transfer of water conserved in another agricultural region with conveyance through the State Water Project and Metropolitan Water District system

Potential Environmental Effects

The full range of environmental impacts has not been quantified temporally and spatially. Until specific conservation alternatives have been developed, potential environmental effects could include the following:

Lower Colorado River Area

- Reduction in Colorado River water flows between Parker and Imperial Dams
- Impacts to Colorado River water quality
- Impacts to wildlife, protected species and their habitats
- Cumulative impacts to water quality

San Diego County

- Growth-inducing impacts
- Salton Sea
- Effects on water levels, salinity, and water quality
- Effects on fisheries habitat
- Impacts to wildlife, protected species and their habitats
- Impacts to recreational uses

Imperial Valley

- Impacts to water flow and quality
- Effects on selenium, boron, and pesticide concentrations
- Impacts to wildlife, protected species and their habitats
- Socio-economic impacts
- Air quality impacts

The draft EIR/EIS is expected to be completed by a target date of April 3, 2000. Availability of the draft EIR/EIS for public review and comment will be announced and noticed in the local media and by a **Federal Register** Notice.

Dated: September 23, 1999.

Steven Richardson,

Chief of Staff, Bureau of Reclamation.

[FR Doc. 99–25187 Filed 9–24–99; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–25 (Review)]

Anhydrous Sodium Metasilicate From France

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on anhydrous sodium metasilicate from France would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted this review on October 1, 1998 (63 FR 52748) and determined on January 7, 1999 that it would conduct a full review (64 FR 4892, February 1, 1999). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on March 3, 1999 (64 FR 10315). The hearing was held in Washington, DC, on July 21, 1999, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on September 20, 1999. The views of the Commission are contained in USITC Publication 3235 (September 1999), entitled Anhydrous Sodium Metasilicate from France: Investigation No. 731–TA–25 (Review).

Issued: September 21, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25080 Filed 9–24–99; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

[2] Commissioner Askey dissented.

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–308–310 and 520–521 (Review)]

Carbon Steel Butt-Weld Pipe Fittings From Brazil, China, Japan, Taiwan and Thailand

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject five-year reviews.

EFFECTIVE DATE: September 20, 1999

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: On August 5, 1999, the Commission established a schedule for the conduct of these expedited five-year reviews (64 FR 44536, August 16, 1999). Subsequently, the Department of Commerce extended the date for its final results in the expedited reviews from August 31, 1999 to November 29, 1999 (64 FR 48579, September 7, 1999). The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

The Commission's new schedule for the five-year reviews is as follows: the staff report will be placed in the public record on November 3, 1999; the deadline for interested party comments (which may not contain new factual information) on the staff report is November 8, 1999; the deadline for interested party comments (which may not contain new factual information) on Commerce's final results is

December 2, 1999; and the deadline for brief written statements (which shall not contain new factual information) pertinent to the reviews by any person that is neither a party to the five-year reviews nor an interested party is December 2, 1999.

For further information concerning these five-year reviews see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These five-year reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: September 21, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25079 Filed 9–24–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–516 (Review)]

Fresh Kiwifruit From New Zealand

AGENCY: United States International Trade Commission.

ACTION: Termination of five-year review.

SUMMARY: The subject five-year review was initiated in August 1999 to determine whether revocation of the existing antidumping duty order would be likely to lead to continuation or recurrence of dumping and of material injury to a domestic industry. On September 17, 1999, the Department of Commerce published notice that it was revoking the order because domestic parties no longer have an interest in maintaining the antidumping duty order (64 FR 50486). Accordingly, pursuant to section 207.69 of the Commission's Rules of Practice and Procedure (19 CFR 207.69), the subject review is terminated.

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

Authority: This review is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.69 of the Commission's rules (19 CFR 207.69).

Issued: September 21, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25082 Filed 9–24–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–385–386 (Review)]

Granular Polytetrafluoroethylene Resin From Italy and Japan

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject five-year reviews.

EFFECTIVE DATE: September 20, 1999.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: On August 5, 1999, the Commission established a schedule for the conduct of these expedited five-year reviews (64 FR 44537, August 16, 1999). Subsequently, the Department of Commerce extended the date for its final results in the expedited reviews from August 31, 1999 to November 29, 1999 (64 FR 48579, September 7, 1999). The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

The Commission's new schedule for the five-year reviews is as follows: the staff report will be placed in the public record on September 30, 1999; the deadline for interested party comments (which may not contain new factual information) on the staff report is October 5, 1999; the deadline for interested party comments (which may not contain new factual information) on Commerce's final results is December 2, 1999; and the deadline for brief written statements (which shall not contain new factual information)pertinent to the reviews by any person that is neither a party to the five-year reviews nor an interested party is December 2, 1999.

For further information concerning these five-year reviews see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These five-year reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: September 21, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25081 Filed 9–24–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–414]

Certain Semiconductor Memory Devices and Products Containing Same; Notice of Commission Determination Not To Review an Initial Determination Extending the Target for Completion of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") extending the target date for completion of the above-captioned investigation by three months, or until March 27, 2000.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205–3012. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: The Commission ordered the institution of this investigation on September 18, 1998, based on a complaint filed on behalf of Micron Technology, Inc., 8000 South Federal Way, Boise, Idaho 83707–0006 ("complainant"). The notice of investigation was published in the **Federal Register** on September 25, 1998. 63 FR 51372 (1998). On August 25, 1999, the ALJ issued an ID extending the target date for completion of this investigation until March 27, 2000, which is 18 months from the date of institution of the investigation. The previous target date was December 27, 1999. The ALJ determined that the target date should be extended due to the scope and complexity of this investigation and the demands of other investigations on his schedule. The Commission determined not to review, and thereby to adopt, the ALJ's ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42(h)(3) of the Commission's Rules of Practice and Procedure (19 CFR 210.42(h)(3)).

Copies of the public version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202–205–2000.

Issued: September 17, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25078 Filed 9–24–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: Inspection of Persons Applying for Admission; Transit Without Visa (TWOV) and International-to-International Agreements; Liquidated Damages.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on March 29, 1999 at 64 FR 14939, allowing for a 60-day public comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until October 27, 1999. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Stuart Shapiro Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–7310.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* New information collection

(2) *Title of the Form/Collection:* Inspection of Persons Applying for Admission; Transit Without Visa (TWOV) and International-to-International Agreements; Liquidated Damages.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No Agency Form Number (File No. OMB–19). Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. The Service will use the data collected by the carrier to query the Interagency Border Inspection System (IBIS) to electronically access manifest and query results in advance of each flight's arrival. This information

collection facilities rapid inspection at ports-of-entry.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 400 carrier agreements at 5 hours per response and 1,500,000 queries at 1 minute (.016 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 26,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: September 13, 1999.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 99–24976 Filed 9–24–99; 8:45 am]

BILLING CODE 4410–10–M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 99–6 CARP DTRA]

Digital Performance Right in Sound Recordings and Ephemeral Recordings

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice with a request for comments.

SUMMARY: The Copyright Office is announcing the schedule for the Copyright Arbitration Royalty Panel which shall set rates and terms for two compulsory licenses. One license allows certain eligible nonsubscription services to perform sound recordings publicly by means of digital audio transmissions and the other allows a transmitting organization to make an ephemeral recording of a sound recording for the purpose of making a permitted public performance. The Office is also announcing the date by which a party who wishes to participate in the rate adjustment proceeding must file its Notice of Intention to Participate.

DATES: Comments and Notices of Intention to Participate are due no later than November 1, 1999.

ADDRESSES: An original and five copies of a Notice of Intention to Participate and an original and five copies of any comment shall be delivered to: Office of the General Counsel, Copyright Office, James Madison Building, Room LM–403, First and Independence Avenue, S.E. Washington, D.C. 20559–6000; or mailed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION:

Background

In 1995, Congress passed the Digital Performance Right in Sound Recordings Act ("DPRA"), Public Law 104–39, 109 Stat. 336 (1995), which created for copyright owners of sound recordings an exclusive right, subject to certain limitations, to perform publicly the copyrighted work by means of a digital audio transmission. 17 U.S.C. 106(6). Among the limitations placed on the performance of the sound recording was the creation of a new compulsory license for nonexempt, noninteractive, digital subscription services. 17 U.S.C. 114. The scope of this license was expanded in 1998 with the passage of the Digital Millennium Copyright Act ("DMCA") to cover the public performance of sound recordings by means of eligible nonsubscription transmissions and transmissions by any preexisting satellite digital audio radio service which performs a sound recording by means of a digital audio transmission.

An "eligible nonsubscription transmission" is a noninteractive digital audio transmission which, as the name implies, does not require a subscription for receiving the transmission. The transmission must also be made as part of a service that provides audio programming consisting in whole or in part of performances of sound recordings the purpose of which is to provide audio or entertainment programming, but not to sell, advertise, or promote particular goods or services. A "preexisting satellite digital audio radio service" is a subscription digital audio radio service that received a satellite digital audio radio service license issued by the Federal Communications Commission on or before July 31, 1998. *See 17* U.S.C. 114(j)(6) and (10). Only two known entities, CD Radio and XM Satellite Radio (formerly known as American Mobile Radio Corporation), qualify under the statutory definition as preexisting satellite digital audio radio services.

In addition to expanding the current section 114 license, the DMCA creates a new statutory license for the making of an "ephemeral recording" of a sound recording by certain transmitting organizations. The new statutory license allows entities that transmit performances of sound recordings to business establishments, pursuant to the limitations set forth in section 114(d)(1)(C)(iv), to make an ephemeral recording of a sound recording for purposes of a later transmission. The new license also provides a means by which a transmitting entity with a statutory license under section 114(f) can make more than the one phonorecord specified in section 112(a). 17 U.S.C. 112(e).

Determination of Reasonable Terms and Rates

The statutory scheme for establishing reasonable terms and rates is the same for both licenses. The terms and rates for the two new statutory licenses may be determined through a voluntary negotiation process, or if necessary, through compulsory arbitration conducted pursuant to Chapter 8 of the Copyright Act. Because the DMCA does not establish reasonable rates and terms for either the new section 112 or the expanded section 114 license, the statute requires the Librarian of Congress to initiate a voluntary negotiation period, the first phase in the rate setting process, within 30 days of enactment for the purpose of determining reasonable terms and rates for each license. *See* 17 U.S.C. 112(e)(4) and 114(f)(2)(A).

Accordingly, the Office announced the dates for the six-month negotiation period in the **Federal Register** on November 27, 1998. 63 FR 65555

(November 27, 1998).[1] The designated six-month negotiation period began on November 27, 1998, and concluded on May 27, 1999.

At this time, the parties continue to negotiate. If the affected parties are able to negotiate an industry-wide agreement, then it will not be necessary for the parties to participate in an arbitration proceeding. In such a case, the Librarian of Congress will follow current rate regulation procedures and notify the public of the proposed agreement in a notice and comment proceeding. If no party with a substantial interest and an intent to participate in an arbitration proceeding files a comment opposing the negotiated rates and terms, the Librarian will adopt the proposed terms and rates without convening a copyright arbitration royalty panel. 37 CFR 251.63(b). If, however, no industry-wide agreement is reached or only certain parties negotiate license agreements, then those copyright owners and users relying upon one or both of the statutory licenses shall be bound by the terms and rates established through the arbitration process.

Arbitration proceedings are initiated upon the filing of a petition for ratemaking with the Librarian of Congress during the 60 days immediately following the six-month negotiation period. Arbitration cannot take place, however, unless a party files a petition. 17 U.S.C. 112(e)(5) and 114(f)(2)(B).

On July 23, 1999, the Recording Industry of America, Inc. ("RIAA") filed a petition in accordance with 17 U.S.C. 112(e)(5) and 114(f)(2)(B) requesting that the Office convene a Copyright Arbitration Royalty Panel for the purpose of setting rates and terms for the expanded section 114 license and the newly created section 112 license. In addition, RIAA asks that the Office not require the filing of a Notice of Intention to Participate before October 1, 1999, nor set the commencement of the 45-day precontroversy period to begin before January 15, 2000. RIAA makes these requests based upon its belief "that more time for voluntary negotiation is likely to result in additional agreements that may avoid a CARP proceeding altogether." RIAA petition at 2.

Comments and Notices of Intention to Participate

The regulations governing rate adjustment proceedings require that, upon the filing of a petition for rate adjustment, the Office establish a date certain by which parties wishing to participate in the proceeding must file with the Librarian a Notice of Intention to Participate. 37 CFR 251.45(a). In consideration of the ongoing negotiations, the Office is setting November 1, 1999, as the date by which an interested party must file its Notice of Intention to Participate. Failure to submit a timely notice will preclude the interested party from participating in the CARP proceeding whose purpose will be to set rates and terms for: (1) certain digital audio transmissions by a service eligible to make use of the expanded section 114 license, and (2) for ephemeral recordings made in accordance with the section 112 license.

In addition, any party who wishes to comment on the RIAA petition may file a comment with the Copyright Office no later than close of business on November 1, 1999. The Librarian will consider these comments when evaluating the sufficiency of the petition. *See* 37 CFR 251.64.

Precontroversy Discovery Schedule

The Copyright Office is announcing the schedule for the 45-day precontroversy discovery period. Any party that files a Notice of Intention to Participate in this proceeding may participate in the precontroversy discovery period, provided that the party has submitted a written direct case with the Copyright Office and with all other parties who have filed a Notice of Intention to Participate. Each party may request of an opposing party nonprivileged documents underlying facts asserted in another party's written direct case. The precontroversy discovery period is limited to discovery of documents related to a party's written direct case and any amendment made to it during the 45-day period.

The precontroversy discovery schedule will be as follows:

Action	Deadline
Filing of written direct cases.	January 18, 2000.
Requests for underlying documents related to written direct cases.	January 26, 2000.
Responses to request for underlying documents.	February 1, 2000.
Completion of document production.	February 7, 2000.
Follow-up requests for underlying documents.	February 11, 2000.
Responses to follow-up requests.	February 16, 2000.
Motions related to document production.	February 22, 2000.
Production of documents in response to follow-up requests.	February 28, 2000.
All other motions, petitions, and objections.	March 2, 2000.

The precontroversy discovery period, as specified by § 251.45(b) of the rules, will begin on January 18, 2000, with the filing of written direct cases by each party. Each party in this proceeding who has filed a Notice of Intention to Participate *must* file a written direct case on the date prescribed above. Failure to submit a timely filed written direct case will result in dismissal of that party's claim. Parties must comply with the form and content of written direct cases as prescribed in 37 CFR 251.43. Each party to the proceeding must deliver a complete copy of its written direct case to each of the other parties to the proceeding, as well as file a complete copy with the Copyright Office by close of business on January 18, 2000, the first day of the 45-day period.

After the filing of the written direct cases, document production will proceed according to the above-described schedule. Each party may request underlying documents related to each of the other parties' written direct cases by January 26, 2000, and responses to those requests by February 1, 2000. Documents which are produced as a result of the requests must be exchanged by February 7, 2000. It is important to note that all initial document requests must be made by the January 26, 2000, deadline. Thus, for example, if one party asserts facts that expressly rely on the results of a particular study that was not included in the written direct case, another party desiring production of that study must make its request by January 26, 2000; otherwise, the requesting party is not entitled to production of the study.

The precontroversy discovery schedule also establishes deadlines for follow-up discovery requests. Follow-up requests are due by February 11, 2000, and responses to those requests are due by February 16, 2000. Any documentation produced as a result of a follow-up request must be exchanged by February 28, 2000. An example of a follow-up request would be as follows. In the above example, one party expressly relies on the results of a particular study which is not included in its written direct case. As noted above, a party desiring production of that study or survey must make its

[1] The docket number for this proceeding has been changed from RM 98–4 CARP, as indicated in the November 27 notice, to 99–6 CARP DTRA. All future filings shall reference this proceeding accordingly.

request by January 26, 2000. If, after receiving a copy of the study, the reviewing party determines that the study heavily relies on the results of a statistical survey, it would be appropriate for that party to make a follow-up request for production of the statistical survey by the February 11, 2000, deadline. Again, failure to make a timely follow-up request would waive the requesting party's right to request production of the survey.

In addition to the deadlines for document requests and production, there are two deadlines for the filing of precontroversy motions. Motions related to document production must be filed by February 22, 2000. Typically, these motions are motions to compel production of requested documents for failure to produce them, but they may also be motions for protective orders. Finally, all other motions, petitions and objections must be filed by March 2, 2000, the final day of the 45-day precontroversy discovery period. These motions, petitions, and objections include, for example, petitions to dispense with formal hearings under § 251.41(b).

Due to the time limitations between the procedural steps of the precontroversy discovery schedule, we are requiring that all discovery requests and responses to such requests be served by hand or fax on the party to whom such response or request is directed. Filing of requests and responses with the Copyright Office is neither encouraged nor required.

Filing and service of all precontroversy motions, petitions, objections, oppositions, and replies shall be as follows. In order to be considered properly filed with the Librarian and/or Copyright Office, all pleadings must be delivered to the Copyright Office no later than 5 p.m. of the filing deadline date. Parties may deliver the pleadings to: Office of the Register of Copyrights, Room LM–403, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, D.C. 20540; or alternatively, parties may send their pleadings by Federal Express to: Copyright Arbitration Royalty Panel (CARP), Attn: Gina Giuffreda (Tel. 202–707–8380), Federal Express, 208 Second Street, S.E., Washington, D.C. 20003, provided that the filing reaches the Copyright Office by the deadline. The Office cautions parties to use only the Federal Express address listed in this Notice, to include the telephone number of the Office, and to direct the package to the attention of the CARP Specialist, Ms. Gina Giuffreda. The Federal Express office will notify the Copyright Office upon receipt of a properly addressed package, and the Copyright Office will make arrangements to pick up the package the same day. Under no circumstances will the Office make arrangements to retrieve a package from any other Federal Express location or track a misdirected package. Each party bears the responsibility for insuring that the filings are in the Copyright Office by the deadline.

The form and content of all motions, petitions, objections, oppositions, and replies filed with the Office must be in compliance with §§ 251.44(b)–(e). As provided in § 251.45(b), oppositions to any motions or petitions must be filed with the Office no later than seven business days from the date of filing of such motion or petition. Replies are due five business days from the date of filing of such oppositions. Service of all motions, petitions, objections, oppositions, and replies must be made on counsel or the parties by means no slower than overnight express mail on the same day the pleading is filed.

Initiation of Arbitration

The 180-day arbitration period will be initiated on May 1, 2000. The schedule of the arbitration proceeding will be established by the CARP after the three arbitrators have been selected.

Future Proceedings

Sections 114(f)(2)(C) and 112(e)(7) of the Copyright Act, title 17, require the publication of a notice of the initiation of voluntary negotiation proceedings during the first week of January 2000. The purpose of these negotiations would be to set rates and terms for the public performance of sound recordings by means of eligible nonsubscription transmission services and for the making of ephemeral recordings for the period January 1, 2001, to December 31, 2003. Parties to a voluntary agreement, however, may designate an alternative schedule for setting rates and terms for the section 114 license as a provision of the settlement agreement. 17 U.S.C. 114(f)(2)(A) and (2)(C)(i)(II); 17 U.S.C. 112(e) (4) and (7).

In the event the parties to the current proceeding do not reach a settlement agreement prior to the first week of January, 2000, which includes an alternative schedule for setting rates and terms to cover the period January 1, 2001, to December 31, 2003, the Office will adhere to the statutory time frame and announce the initiation of the voluntary negotiation period for this next two-year cycle.

Dated: September 21, 1999.

David O. Carson,

General Counsel.

[FR Doc. 99–25040 Filed 9–24–99; 8:45 am]

BILLING CODE 1410–33–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (99–119)]

NASA Advisory Council, Aero-Space Technology Advisory Committee, Air Traffic Management Research and Development Executive Steering Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a NASA Advisory Council, Aero-Space Technology Advisory Committee, Air Traffic Management Research and Development Executive Steering Committee meeting.

DATES: Tuesday, October 19, 1999, 8:00 a.m. to 5:30 p.m. and Wednesday, October 20, 1999, 8:00 a.m. to 5:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, Langley Research Center, Building 1209, Room 180, Hampton, VA 23681–2199.

FOR FURTHER INFORMATION CONTACT: Dr. J. Victor Lebacqz, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 650/604–5792; or Mr. Wayne H. Bryant, National Aeronautics and Space Administration, Langley Research Center, Hampton, VA 23681–2199, 757/864–1690.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Agenda topics for the meeting are as follows:

—Review of NASA Strategic Planning and Roadmaps
—Initial findings from Aviation System Capacity Program Independent Annual Review
—Review of Terminal Area Productivity Project
—Review of Advanced Air Transportation Technologies Project

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: September 21, 1999.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–25075 Filed 9–24–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Revision to a Currently Approved Information Collections; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collections to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). These information collection are published to obtain comments from the public.

DATES: Comments will be accepted until November 26, 1999.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. James L. Baylen, (703) 518–6411, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6433, E-mail: jbaylen@ncua.gov.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, James L. Baylen, (703) 518–6411.

SUPPLEMENTARY INFORMATION: Proposal for the following collections of information:

OMB Number: 3133–0053.

Form Number: NCUA 4501.

Type of Review: Extension of a currently approved collection.

Title: Reports of Officials.

Description: 12 U.S.C. 1761—This statutory provision requires that a record of the names and addresses of the executive officers, members of the supervisory committee, credit committee, and loan officers shall be filed with the administration within 10 days of their election/appointment.

Respondents: All Federally Insured Credit Unions.

Estimated No. of Respondents/Recordkeepers: 11,000.

Estimated Burden Hours Per Response: .50.

Frequency of Response: Annually.

Estimated Total Annual Burden Hours: 5,500.

Estimated Total Annual Cost: N/A.

OMB Number: 3133–0135.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Title: NCUA needs this information to comply with the Debt Collection Improvement Act which has a provision concerning the use of EFT payments.

Respondents: All Federally Insured Credit Unions.

Estimated No. of Respondents/Recordkeepers: 10,863.

Estimated Burden Hours Per Response: 2/60 hour.

Frequency of Response: Annually.

Estimated Total Annual Burden Hours: 362.

Estimated Total Annual Cost: $7,821.

By the National Credit Union Administration Board on September 16, 1999.

Becky Baker,

Secretary of the Board.

[FR Doc. 99–24974 Filed 9–24–99; 8:45 am]

BILLING CODE 7535–01–U

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* October 15, 1999.
Time: 9:00 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 1999 deadline.

2. *Date:* October 22, 1999.
Time: 9:00 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 1999 deadline.

3. *Date:* October 26, 1999.
Time: 9:00 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 1999 deadline.

Laura S. Nelson,

Advisory Committee Management Officer.

[FR Doc. 99–25011 Filed 9–24–99; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical and Transport Systems (1190).

Date and Time: October 22, 1999; 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 330, Arlington, VA 22230, (703) 306–1371. ,

Type of Meeting: Closed.

Contact Person: Dr. Farley Fisher, Program Director, Division of Chemical and Transport Systems (CTS), Room 525, (703) 306–1371.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY99 NSF/EPA Panel proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 21, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–25002 Filed 9–24–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date: October 27, 1999.

Time: 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, Room 1120, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Laxmi N. Bhuyan, Program Director, Computer Systems Architecture, CISE/CCR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230 (703) 306–1936.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate CSA CAREER proposals as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 21, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24997 Filed 9–24–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date: October 21–22, 1999.

Time: 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, Room 1295 Arlington, VA, 22230.

Type of Meeting: Closed.

Contact Person: John Cozzens, Program Director, Signal Processing System (SPS), CISE/CCR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230 (703) 306–1912.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate SPS CAREER proposals as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 21, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24998 Filed 9–24–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation Announces the following meeting:

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date: November 1, 1999.

Time: 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, Room 1120 Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Robert B. Grafton, Program Director, Design Automation Program, CISE/CCR, Room 1150, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230 (703) 306–1936.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate DA CAREER proposals as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c)(4) and (60 of the Government in the Sunshine Act.

Dated: September 21, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–24999 Filed 9–24–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date: October 21–22, 1999.

Time: 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, Room 1295 Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Roger E. Ziemer, Program Director, Communications Research (CR), CISE/CCR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230 (703) 306–1912.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate CR CAREER proposals as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt 5 U.S.C. 552b.(c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 21, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–25000 Filed 9–24–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Computer-Communications Research (1192).
Date: October 21–22, 1999.
Time: 8:00 a.m.–5:00 p.m.
Place: National Science Foundation, 4201 Wilson Boulevard, Room 1295 Arlington, VA., 22230.
Type of Meeting: Closed.
Contact Person(s): John Cozzens, Program Director, Signal Processing System (SPS), CISE/CCR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230 (703) 306–1912.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate SPS CAREER proposals as a part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under (4) and (6) of 5 U.S.C. 552b(c), of the Government in the Sunshine Act.

Dated: September 21, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–25001 Filed 9–24–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Computer-Communications Research (1192).
Date: November 3 and November 5, 1999.
Time: 8:00 a.m.–5:00 p.m.
Place: National Science Foundation, 4201 Wilson Boulevard, Room 1120 Arlington, VA 22230.
Type of Meeting: Closed.
Contact Person(s): Kamal Abdali, Program Director, Numeric, Symbolic & Geometric Computation (NSG), CISE/CCR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230 (703) 306–1912.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate NSG CAREER proposals as a part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under (4) and (6) of 5 U.S.C. 552b(c), of the Government in the Sunshine Act.

Dated: September 21, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–25003 Filed 9–24–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in NSF Integrative Graduate Education and Research Training (IGERT); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Integrative Graduate Education and Research Training (IGERT) (57).
Dates: November 15th & 16th 1999.
Times: 8:00 a.m.–5:00 p.m.
Place: NSF, Room 375, 4201 Wilson Blvd. Arlington, VA.
Type of Meeting: Closed.
Contact Person: Dr. Paul W. Jennings, Program Director, IGERT, Room 907N, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230, telephone (703) 306–1696.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate proposals submitted to the NSF Integrative Graduate Education and Research Training (IGERT) program as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: September 21, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–25004 Filed 9–24–99; 8:45 am]

BILLING CODE 7555–01–M

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting of the Board of Directors; Sunshine Act Notice

TIME & DATE: 2:00 p.m., Wednesday, October 6, 1999.

PLACE: Neighborhood Reinvestment Corporation, 1325 G Street, NW, Suite 800, Board Room, Washington, DC 20005.

STATUS: Open/Closed.

CONTACT PERSON FOR MORE INFORMATION: Jeffrey T. Bryson, General Counsel/Secretary, (202) 220–2372.

Agenda

I. Call to Order
II. Approval of Minutes: August 3, 1999, Regular Meeting
III. Treasurer's Report
IV. Executive Director's Quarterly Management Report
V. Personnel Committee Report: September 29, 1999, Closed
VI. Adjourn

Jeffrey T. Bryson,

General Counsel/Secretary.

[FR Doc. 99–25085 Filed 9–22–99; 4:03 pm]

BILLING CODE 7570–01–M

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of meeting.

SUMMARY: The Compact Commission will hold its monthly meeting to consider matters relating to administration and enforcement of the price regulation, including the reports and recommendations of the Commission's standing Committees. The Commission will also hold its deliberative meeting to consider whether to implement a supply management program. The deliberative meeting was postponed at the September 1, 1999 meeting.

DATES: The meeting is scheduled for 10:00 a.m. on Wednesday, October 6, 1999.

ADDRESSES: The meeting will be held at the Wayfarer Inn, Terrace Room, 121 South River Road, Bedford, New Hampshire.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Becker, Executive Director, Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, VT 05602. Telephone (802) 229–1941.

Authority: 7 U.S.C. 7256.

Dated: September 21, 1999.

Kenneth M. Becker,

Executive Director.

[FR Doc. 99–25019 Filed 9–24–99; 8:45 am]

BILLING CODE 1650–01–P

NUCLEAR REGULATORY COMMISSION

NRC Workshop on the NRC's Inspection Program for Decommissioning Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Public Workshop and Meeting with the Nuclear Energy Institute (NEI) to Discuss the Agency's Inspection of Decommissioning Nuclear Power Plants.

SUMMARY: On October 13, 1999, at 7:00 p.m., the Nuclear Regulatory Commission staff will conduct a Public Workshop at the Ramada Inn, in Meriden, CT, to discuss the Agency's program for its inspection of decommissioning nuclear power plants. Specifically, the staff plans to provide a short presentation on the current inspection program for reactor facilities that are decommissioning, summarize the findings of the inspection program since 1997, and discuss proposed changes to the current program. Following this presentation, a forum will be provided for the public, the nuclear industry, and other regulatory agencies to discuss and inform the NRC staff of any questions or concerns regarding the Agency's inspection of permanently shutdown nuclear power plants.

On October 14, 1999, NEI has been invited to present to the NRC staff, its assessment of the NRC's inspection of decommissioning power reactors. This meeting will be open for public observation and will be held at 10:30 a.m. at the Ramada Inn, Meriden, CT.

The insights gained from the workshop and meeting will be evaluated by the staff and factored into the Agency's lessons learned and risk insights that will be used to revise and improve the procedures used to inspect permanently shutdown reactor plants. NRC management, project managers, and specialist inspectors will be in attendance at the workshop and meeting to respond individually or in concert to questions or concerns. The NRC will be represented by the NRC Regional Offices and the Offices of Nuclear Reactor Regulation (NRR) and Nuclear Materials Safety and Safeguards (NMSS).

SUPPLEMENTARY INFORMATION: On August 28, 1996, the Commission amended the regulations on the requirements that lead to the termination of an operating license for nuclear power reactors (FR 39278, July 29, 1996). These amended regulations were based on, in part, an Agency position that the degree of regulatory oversight required for a nuclear power reactor during its decommissioning stage is considerably less than that required for the facility during its operating stage.

NRC Inspection Manual Chapter (IMC) 2561, "Decommissioning Inspection Program," was completely revised and issued on August 8, 1997, to incorporate lessons learned from the inspection of decommissioning power plants and to, in part, implement the August 28, 1996, amended regulations, as described above. The manual chapter was written to cover all phases of decommissioning whether the facility was placed in long-term safe storage (SAFSTOR) or it was being actively decontaminated and dismantled (DECON) to support radiological release of the site and license termination. To effectively inspect all decommissioning power plants regardless of the chosen decommissioning option, a core inspection program was developed to evaluate the key functional areas of: (1) Facility management and control (organization, cost controls, safety reviews, modifications, audits, self-assessment, corrective actions, and status reviews); (2) decommissioning support activities (maintenance, surveillance, cold weather preparations, physical security, and independent spent fuel storage facilities); (3) spent fuel safety (wet and dry spent fuel storage and fuel handling); and (4) radiological safety (occupational, transportation, and radioactive waste treatment). Further, the level of inspection effort (i.e., hours of direct inspection) required by the manual chapter was scaled or graduated to a number of considerations including licensee performance, the conduct of major decommissioning activities, and the level of contamination or radiation involved in particular decommissioning activities. Thus, IMC 2561 is risk-informed and the level of NRC inspection at a permanently shutdown unit is commensurate with the status of facility decommissioning and safety.

When the 1997 revision of IMC 2561 was issued, the staff planned to review and revise the IMC and associated inspection procedures (IPs) following a period of implementation by the NRC Regional Offices. This was to (1) Ensure that the lessons learned from the four most recently shutdown operating power reactors (Haddam Neck, Millstone Unit 1, Big Rock Point, and Maine Yankee) would be factored into the IMC and IPs, and (2) allow the staff another opportunity to factor in additional risk insights gained from rulemaking activities and staff analysis of spent fuel accidents, emergency preparedness, and safeguards. This public meeting is a way the public can influence the staff's revision of the decommissioning power reactor inspection program.

DATES: October 13 and 14, 1999.

ADDRESSES: Ramada Plaza Hotel, 275 Research Parkway, Meriden, CT 06450, (203) 238–2380

FOR FURTHER INFORMATION CONTACT: Paul W. Harris, Project Manager, Decommissioning Section, Project Directorate IV and Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation, at (301) 415–1169 or by e-mail at PWH1@NRC.gov. For public inspection of NRC IMC 2561, "Decommissioning Power Reactor Inspection Program," and its associated NRC IPs, see the NRC's Website at: http://www.nrc.gov under "Reference Library," "NRC Inspection Manual," and then "Manual Chapter" or "Inspection Procedure."

Dated at Rockville, Maryland, this 17th day of September 1999.

For the Nuclear Regulatory Commission.

Michael T. Masnik,

Section Chief, Decommissioning Section, Project Directorate IV and Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25052 Filed 9–24–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 113th meeting on October 12–13, 1999, at the Alexis Park Resort, 375 East Harmon Avenue, Las Vegas, Nevada.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Tuesday, October 12, 1999—8:30 a.m. until 9:00 p.m.

A. *The Role of Safety Assessment in the Yucca Mountain Regulatory Process*—The Committee will hold a facilitated working group to explore the role of risk assessment in the licensing of a high-level waste repository. Participation is expected from representatives of the Nuclear

Regulatory Commission (NRC), the Environmental Protection Agency (EPA), and the Department of Energy (DOE) as well as representatives from the State of Nevada, affected units of local government, the nuclear industry, and the public (8:30 a.m.–5:15 p.m.).

B. *Discussion and Comment*—The ACNW members will hear comments and concerns from the public regarding the Yucca Mountain project (7:00 p.m.–9:00 p.m.).

Wednesday, October 13, 1999—8:30 a.m. until 6:30 p.m.

C. *Nye County Comments*—Representatives of Nye County will discuss the status of the scientific investigations being conducted by Nye County at the Yucca Mountain site (8:30 a.m.).

D. *Clark County Comments*—Representatives from Clark County will discuss spent fuel and high-level waste (HLW) transportation and other issues relevant to the proposed HLW repository at Yucca Mountain (9:35 a.m.).

E. *Comments by the State of Nevada*—Representatives of the State will present their views on technical issues relevant to the proposed HLW repository at Yucca Mountain for consideration by the Committee (10:20 a.m.).

F. *DOE Process Model Reports (PMR)*—Representatives from the DOE will discuss the PMR process and how the information presented in these nine reports will be used as input to the Total Systems Performance Assessment and ultimately the site recommendation decision (11:05 a.m.).

G. *DOE's Work Reprioritization*—Representatives from DOE will discuss recent repository design developments, including the design process which will lead to a complete license application design (1:15 p.m.).

H. *DOE's Yucca Mountain Project Status*—Representatives of DOE and USGS will provide a project status report on the current work and recent results obtained from site characterization being performed at the Yucca Mountain site and work performed at other related test facilities (3:15 p.m.).

I. *ACNW Planning and Procedures*—The Committee will hear a briefing from its staff on issues to be covered during future full Committee and Working Group sessions. The Committee will discuss ACNW-related activities of individual members.

J. *Discussion and Comment*—The ACNW members will listen to any comments and concerns from the public regarding the Yucca Mountain project. Time has been set aside for this purpose prior to the lunch break (11:50 a.m.) and prior to adjournment (5:00 p.m.).

K. *Preparation of ACNW Reports*—The Committee will discuss planned reports on the following topics: a White Paper on Near-Field Chemistry issues, a joint ACRS/ACNW letter report on an NMSS approach to risk-informed, performance-based regulation in NMSS, and other topics discussed during this and previous meetings as the need arises (5:30 p.m.).

L. *Miscellaneous*—The Committee will discuss miscellaneous matters related to the conduct of Committee and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on September 29, 1998 (63 FR 51967). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Associate Director for Technical Support, ACRS/ACNW, Dr. Richard P. Savio, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the Associate Director for Technical Support, ACRS/ACNW, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Dr. Savio as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Dr. Richard P. Savio, Associate Director for Technical Support, ACRS/ACNW (Telephone 301–415–7363), between 8:00 A.M. and 5:00 P.M. EDT.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or review on the internet at http://www.nrc.gov/ACRSACNW.

Dated: September 21, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–25053 Filed 9–24–99; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34–41897; File No. 265–21]

Advisory Committee on Technology; Notice of Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: This is to give notice that the Securities and Exchange Commission Advisory Committee on Technology will meet on October 6, 1999 in room 6600 at the Commission's main offices, 450 Fifth Street, N.W., Washington, D.C., beginning at 1:00 p.m. The meeting will be closed to the public however, the public is invited to submit written comments to the Committee.

ADDRESSES: Written comments should be submitted in triplicate and should refer to File No. 265–21. Comments should be submitted to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Russell Horwitz, Committee Staff Director, at 202–942–0100; Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 10a, notice is hereby given that the Committee will meet on October 6, 1999 in room 6600 at the Commission's main offices, 450 Fifth Street, N.W., Washington, D.C., beginning at 1:00 pm. The meeting will be closed to the public.

The Committee has been formed to advise the Commission regarding how technological advances have impacted the markets, how market professionals and investors use technology to interact in our markets, and how the Commission's regulatory, examination, enforcement and internal programs and operations can more effectively use technology and respond to changes in technology.

The purpose of this meeting will be to discuss the Commission's internal computer systems.

Because the discussion will pertain to internal practices of the Commission and to investigatory records compiled for law enforcement purposes, the production of which would disclose investigative techniques and procedures, the Chairman of the Commission has determined that the meeting will be closed pursuant to Sections 552b(c)(2) and (7)(E) of Title 5, United States Code.

Dated: September 22, 1999.

Jonathan G. Katz,

Advisory Committee Management Officer.

[FR Doc. 99–25094 Filed 9–22–99; 4:28 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of September 27, 1999.

A closed meeting will be held on Wednesday, September 29, 1999, at 11:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Carey, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, September 29, 1999, at 11:00 a.m. will be:

Institution and settlement of injunctive actions

Institution and settlement of administrative proceedings of an enforcement nature

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: September 22, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–25154 Filed 9–23–99; 1:10 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41891; File No. SR–DTC–99–10]

Self-Regulatory Organizations; The Depository Trust Company; Order Granting Approval of Proposed Rule Change Adding a New Service for the Deposit of Securities Subject to Transfer Restrictions

September 20, 1999.

On April 30, 1999, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR–DTC–99–10) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposed rule change was published in the **Federal Register** on July 28, 1999.[2] For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

DTC's Restricted Deposit Service ("RDS") allows a participant to deposit restricted securities into a participant's segregated account until the applicable restriction has been lifted and the full or partial sale of the securities is complete.[3] In particular, RDS allows: (i) participants to deposit restricted securities in a participant's segregated account within DTC's existing Custody Service, (ii) the processing of a transfer of all or a portion of the securities once the restriction is lifted, (iii) the registration of the unrestricted securities (or portion thereof) in the name of Cede & Co., DTC's nominee, and (iv) if requested, the delivery of the restricted portion of the securities as directed by the depositing participant.[4]

The process is initiated when a participant enters and transmits restricted securities deposit information to DTC through the new Restricted Deposit Service by Participant ("RDSP") function on DTC's Participant Terminal System ("PTS").[5] This information will include the CUSIP number, quantity and certificate number of each certificate to be deposited, deposit type (*e.g.*, partial sale), the sold and unsold quantities of the securities, registration instructions for the restricted and unsold portion of the securities, and whether the issuer's opinion of counsel will accompany the deposit or will be sent directly to the transfer agent. After DTC reviews the deposit information,[6] an RDS deposit ticket will be transmitted to the participant's PTS printer. The RDS deposit ticket and the Securities will then be delivered to DTC.

After receiving and examining the deposited securities, DTC will credit the participant's segregated account for the quantity of the deposit. DTC will use two subaccounts in the process. One subaccount will be used for the quantity of unrestricted (sold) securities and the other for the quantity of restricted (unsold) securities. At this stage, no positions in either subaccount will be available for book-entry transfer by the participant. The securities and detailed transfer instructions will then be sent to the transfer agent for processing.[7] RDS should have no affect on the role of the transfer agent which will approve or reject the transfers using its internal transfer procedures (*e.g.*, receipt of opinion from issuer's counsel).[8]

For deposited securities in DTC-eligible issues, the sold and unrestricted portion of the transferred securities will be registered in DTC's nominee name, Cede & Co. When the transfer is complete and the newly transferred securities are returned to DTC, the quantity of unrestricted securities registered in DTC's nominee name, Cede & Co., will be removed from the participant's segregated account and added to the participant's general free account. The quantity of restricted securities, if any, will also be removed

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[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 41635 (July 21, 1999), 64 FR 40927.

[3] Securities credited to this account will not be registered in the name of Cede & Co. and therefore will not be available for book-entry transfer.

[4] DTC will charge is customary fee for restricted transfers of $45.48.

[5] In the future, DTC plans to enhance the Custody Service to provide participants with the capability to transmit RDS instructions via the "CUST" function on PTS and via computer-to-computer transmissions.

[6] DTC will review the deposit information entered by the participant to make sure that the security in question is DTC-eligible and that all appropriate fields have been populated.

[7] While the securities are still at the agent, the participant may enter and transmit amended transfer instructions through the RDSP PTS function (*e.g.*, the sold portion of the deposit has been increased). DTC will communicate the amended transfer instructions to the transfer agent.

[8] An inquiry option of the RDSP PTS function will enable the depositing participant to view the current status of the securities, including information DTC has received from the transfer agent as to when the transfer is expected to be completed.

from the participant's segregated account. At the same time, the restricted portion of the securities will be sent to the destination specified by the depositing participant in its original RDSP instruction. That is, the restricted securities will either be made available for pick-up by the participant, mailed directly to the registered holder, or deposited into DTC's Custody Service for the account of the depositing participant.

Additionally, the service will accommodate certificate denomination breakdowns for restricted securities, transfer agent approval of reregistrations of restricted securities (*e.g.*, "gifting," transactions, where the restricted security may be registered into the name of the spouse of the original owner), and reregistrations of unrestricted securities into Cede & Co's name once the restriction is lifted.

II. Discussion

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission finds that the proposed rule change is consistent with these obligations. The proposed rule change should facilitate the efficient processing of partial and full sale of restricted securities where the applicable restriction has been lifted by or on behalf of the issuer by streamlining the mechanics of the physical process that currently occurs outside of DTC. In addition, the Commission finds the new service is being implemented in a manner which should not affect DTC's ability to safeguard securities and funds in its custody or control or for which it is responsible.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–99–10) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24991 Filed 9–24–99; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending September 17, 1999

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–99–6234.
Date Filed: September 17, 1999.
Parties: Members of the International Air Transport Association.
Subject:
PTC1 0118 dated 17 August 1999
TC1 Areawide Resolutions r1–r4
PTC1 0120 dated 17 August 1999
TC1 Longhaul Resolutions r5–r52
Minutes—PTC 0122 dated 10 September 1999
Tables—PTC1 Fares 0036 dated 3 September 1999
PTC1 Fares 0037 dated 3 September 1999 corrects PTC1 Fares 0036
Intended effective date: 1 January 2000.

Docket Number: OST–99–6235.
Date Filed: September 17, 1999.
Parties: Members of the International Air Transport Association.
Subject:
PTC1 0119 dated 17 August 1999
TC1 Caribbean Resolutions r1–r13
PTC1 0121 dated 17 August 1999
TC1 Within South America Resolutions r14–r26
Tables—PTC1 Fares 0035 dated 3 September 1999
TC1 Caribbean Specified Fares
PTC1 Fares 0034 dated 3 September 1999
TC1 Within South America Specified Fares
Intended effective date: 1 January 2000.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–25064 Filed 9–24–99; 8:45 am]

BILLING CODE 4910–62–P

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1999–6238]

Navigation Safety Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Navigation Safety Advisory Council (NAVSAC) and its Committees on Navigation Equipment, Prevention Through People, High Speed Craft, and the Marine Transportation System will meet to discuss various issues relating to the safety of navigation. All meetings are open to the public.

DATES: NAVSAC's Committees on Navigation Equipment, Prevention Through People, High Speed Craft, and the Marine Transportation System will meet on Monday, October 18, 1999, from 9 a.m. to 5 p.m. The full Council will meet on Tuesday, October 19, 1999, from 8 a.m. to 3 p.m. and on Wednesday, October 20, 1999, from 8 a.m. to 12 noon. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before October 14, 1999. Requests to have a copy of your material distributed to each member of the Council should reach the Coast Guard on or before October 8, 1999.

ADDRESSES: NAVSAC will meet at the Crowne Plaza Hotel, 1113 Sixth Avenue, Seattle, WA. Committee meetings will be held at the same location. Send written material and requests to make oral presentations to Ms. Margie G. Hegy, Commandant (G–MW), US Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. This notice is available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Margie G. Hegy, Executive Director of NAVSAC, telephone 202–267–0415, fax 202–267–4700.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agendas of Meetings

Navigation Safety Advisory Council (NAVSAC). The agenda includes the following:

(1) Report on NAVSAC's Puget Sound Panel.

(2) Overview of Puget Sound Vessel Traffic Services.

(3) The Marine Transportation System Report to Congress.

(4) IMO Update.

(5) High Speed Craft—Discussion of safety concerns.

Committee on Navigation Equipment. The agenda includes the following:

(1) RTCM Standards for Electronic Chart Display and Information System (ECDIS).

(2) Technology and "all-weather 24 hour ports".

Committee on Prevention Through People (PTP). The agenda includes the following:

(1) Pros and cons of Voyage Data Recorders.

(2) Loading of Containerships.

Committee on High Speed Craft. The agenda includes the following:

(1) Review of Inland and International Rules of the Road.

(2) Review of international proposals to revise Rules to address high speed craft.

Committee on the Marine Transportation System. The agenda includes the following:

(1) Review An Assessment of the U.S. Marine Transportation System—A Report to Congress.

(2) Identify NAVSAC's role in implementation.

(3) Advise on next steps for implementation.

Procedural

All meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director no later than October 14, 1999. Written material for distribution at a meeting should reach the Coast Guard no later than October 8, 1999. If you would like a copy of your material distributed to each member of the Council in advance of a meeting, please submit 25 copies to the Executive Director no later than October 8, 1999.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: September 17, 1999.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection, U.S. Coast Guard.

[FR Doc. 99–25059 Filed 9–24–99; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on May 6, 1999, [FR 64, page 24447].

DATES: Comments must be submitted on or before October 27, 1999. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Application for Employment with the Federal Aviation Administration.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2120–0597.

Form(s): FAA Form 330.76.

Affected Public: Estimated 50,000 people who may apply for employment with the FAA.

Abstract: PL 104–50 gave the FAA the authority to create its own personnel system, and therefore, no longer use the family of forms created by the Office of Personnel Management for automating the employment process. The FAA is creating its own family of employment forms to be used to automate the evaluation of applications in order to provide faster and better service to the public in responding to job requests. The forms will be used to collect information which will be used to evaluate the qualifications of applicants for a variety of positions with the Federal Aviation Administration.

Estimated Annual Burden Hours: 75,000 burden hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention: FAA Desk Officer.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on September 20, 1999.

Steve Hopkins,

Manager, Standards and Information Division, APF–100.

[FR Doc. 99–24978 Filed 9–24–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 6, 1999, (FR 64, page 24447).

DATES: Comments must be submitted on or before October 27, 1999. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Security Programs for Foreign Air Carriers, 14 CFR Part 129.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2120–0536.

Form(s): FAA Form 1650–17, and optional use of FAA Form 1650–8.

Affected Public: Estimated 171 Foreign Air Carriers.

Abstract: Security programs set forth procedures to be used by Foreign Air Carriers in carrying out their responsibilities involving the protection of persons and property against acts of criminal violence, aircraft piracy, and terrorist activities.

Estimated Annual Burden Hours: 5,193 burden hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention: FAA Desk Officer.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on September 21, 1999.

Steve Hopkins,

Manager, Standards and Information Division, APF–100.

[FR Doc. 99–25062 Filed 9–24–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss air traffic issues.

DATES: The meeting will be held on October 13, 1999, at 10:00 a.m.

ADDRESSES: The meeting will be held at the Air Traffic Control Association Headquarters, 2300 Clarendon Blvd., Suite 711, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Ms. Beth Allen, Transportation Industry Analyst, Airmen and Airspace Rules Division, Office of Rulemaking (ARM–105), 800 Independence Avenue, SW, Washington, DC 20591. Telephone: (202) 267–8199, FAX: (202) 267–5075, e-mail address: beth.i.allen@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–43; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee. This meeting will be held on October 13, 1999, at 10:00 a.m., at the Air Traffic Control Association Headquarters, 2300 Clarendon Blvd., Suite 711, Arlington, VA.

The agenda for this meeting will include a review of the Special Visual Flight Rules (SVFR) Working Group's recommendation for ARAC approval. There will be a vote taken on this recommendation, the result of which will determine if the recommendation should be presented formally to the FAA for review/issuance. To receive a copy of the recommendation, please contact Beth Allen at the number or the e-mail address specified in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Attendance is open to the interested public but may be limited to the space available. The public must make arrangements in advance to present oral statements at the meeting or may present written statements to the committee at any time. If you are in need of assistance or require a reasonable accommodation for this meeting, requests should be made no later than 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on September 20, 1999.

Reginald C. Matthews,

Assistant Executive Director for Air Traffic Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 99–24977 Filed 9–24–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–6209; Notice 1]

American Transportation Corporation, Receipt of Application for Decision of Inconsequential Noncompliance

American Transportation Corporation (AmTran) has determined certain certification labels on its AmTran buses are not in full compliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire selection and rims for motor vehicles other than passenger cars," and 49 CFR Part 567, "Certification," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." AmTran has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance and defect (represented by the failures to meet Part 567) are inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

FMVSS No. 120 paragraph S5.3 specifies that the certification label on buses include the recommended cold inflation pressure for the tires such that the sum of the load ratings of the tires on each axle is appropriate for the GAWR.

From October 27, 1991 through February 11, 1999, AmTran produced approximately 1,600 buses with an incorrect certification label. AmTran states that the tire inflation pressure, as it is currently written on the required label, can not support the weight of the vehicle. The majority of the certification labels specify an inflation pressure that is five to ten pounds below the required inflation pressure. A few certification labels specify an inflation pressure that is ten to twenty pounds below the required inflation pressure. However, if the same tires are inflated to the maximum inflation pressure that is molded on the sidewall, then the tires will support the vehicle's weight. AmTran, in effect, is asking to be excused from preparing and sending corrected labels to the vehicles' owners.

AmTran supports its application for inconsequential noncompliance by stating the following:

• Even with the incorrect cold pressure on the certification label, this bus has enough capacity for 4,090 pounds of options. Adding major options (such as: an air brakes; a larger transmission; a 21,000 pound axle; a 100 gallon gas tank; a higher head room body; extended body skirts; and a plywood floor) would increase the weight only 2,270 pounds. Therefore, this bus with these options has an additional capacity of 1,820 pounds, if the tires are inflated at the cold inflation pressure stated on the certification label.

• There have been no tire warranty claims related to low pressure.

- Most buses do not run at full GVWR and if they do, it is for a very short period of time.
- Most tires are inflated by charts used at maintenance areas and the certification document is not used as a guide.
- The difference between the specified tire pressure and the required tire pressure is not a safety issue in this case.

In addition, 49 CFR Part 567 specifies that the certification label be written to specify the Gross Vehicle Weight Rating (GVWR) in pounds. According to AmTran, all of the AmTran buses produced prior to February 11, 1999, have a certification label that correctly specifies the weight of the vehicle without identifying it as "lbs."

AmTran supports its application for inconsequential defect determination by stating the following:

- Not aware of any problems created by the missing unit identification.
- It is understood in the U.S. school bus industry that the GAWR and GVWR is listed in pounds.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL–401, 400 Seventh Street, S.W., Washington, D.C., 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: October 27, 1999.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: September 22, 1999.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 99–25065 Filed 9–24–99; 8:45 am]

BILLING CODE 4910–59–P ●

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–290 (Sub-No. 207X)]

Norfolk Southern Railway Company—Abandonment Exemption—in Hamilton County, OH

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon a 0.3-mile line of railroad between milepost LM–120.8 and milepost LM–121.1 at Cincinnati, in Hamilton County, OH. The line traverses United States Postal Service Zip Code 45202.

NS has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there has been no overhead traffic on the line during the past 2 years and any overhead traffic could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment— Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 27, 1999, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 7, 1999. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 18, 1999, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NS has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by October 1, 1999. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NS shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NS's filing of a notice of consummation by September 27, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

By the Board, David M. Konschnik, Director, Office of Proceedings.

Decided: September 20, 1999.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24850 Filed 9–24–99; 8:45 am]

BILLING CODE 4915–00–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: "Francesco Clemente"

AGENCY: Unites States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985). I hereby determine that the object to be included in the exhibit "Francesco Clemete" imported from abroad for temporary exhibition without profit within the United States, is of cultural significance. This object is imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the listed exhibit object at the Solomon R. Guggenheim Museum, New York, NY from on or about October 7, 1999, to on or about January 9, 2000, is in the national interest. Public Notice of these determinations is ordered to be publish in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For a copy of the list of exhibit object or for further information, contact Paul Manning, Assistant General Counsel, Office or the General Counsel, United States Information Agency, at 202/619–5997, or USIA, 301 4th Street, SW, Room 700, Washington, DC 20547–0001.

Dated: September 22, 1999.

Les Jin,

General Counsel.

[FR Doc. 99–25055 Filed 9–24–99; 8:45 am]

BILLING CODE 8230–01–M

Corrections

Federal Register
Vol. 64, No. 186
Monday, September 27, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number 990809210-9210-01]

Voluntary Product Standard DOC PS 20-99 "American Softwood Lumber Standard"

Correction

In notice document 99– 24698 appearing on page 51294 in the issue of Wednesday, September 22, 1999, make the following correction(s):

On page 51294, in the second column, in the **DATES** section, in the last line "August 1, 1999" should read "August 31, 1999".

[FR Doc. C9–24698 Filed 9–24–99; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 92-235; FCC 99-68]

Private Land Mobile Radio Services

Correction

In rule document 99–16959 beginning on page 36258 in the issue of Tuesday, July 6, 1999, make the following corrections:

§ 90.35 [Corrected]

1. On page 36265, in the table, in the second line from the bottom, under the heading "Limitations", "4, 7," should read, "4, 7, 30".

2. On page 36266, in the table, in the third line, under the heading "Limitations", "4, 7," should read "4, 7, 30".

[FR Doc. C9–16959 Filed 9–24–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–11]

Airport Name Change and Revision of Legal Description of Class D, Class E2 and Class E4 Airspace Areas; Barbers Point NAS, HI

Correction

In rule document 99–23722 appearing on page 49646 in the issue of Tuesday, September 14, 1999, make the following corrections:

1. On page 49646, in the first column, in the **EFFECTIVE DATE** section, in the last line, "November 14, 1999" should read "November 4, 1999".

§71.1 [Corrected]

2. On the same page, in the second column, under the heading **AWP HI E4 Kalaeloa Airport, Kapolei, HI [Corrected]**, in the second line, "lat. 21°18′21″N" should read "lat. 21°18′26″N".

[FR Doc. C9–23722 Filed 9–24– –99; 8:45 am]

BILLING CODE 1505–01–D

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federal register

Monday
September 27, 1999

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AF24

Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final late-season frameworks from which States may select season dates, limits, and other options for the 1999–2000 migratory bird hunting seasons. These late seasons include most waterfowl seasons, the earliest of which generally commence on or about October 1, 1999. The effect of this final rule is to facilitate the selection of hunting seasons by the States to further the annual establishment of the late-season migratory bird hunting regulations. State selections will be published in the **Federal Register** as amendments to §§ 20.101 through 20.107, and § 20.109 of title 50 CFR.

DATES: This rule takes effect on September 27, 1999.

ADDRESSES: States should send their season selections to: Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634–ARLSQ, 1849 C Street, NW., Washington, DC 20240. You may inspect comments during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Jonathan Andrew, Chief, or Ron W. Kokel, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1999

On May 3, 1999, we published in the **Federal Register** (64 FR 23742) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under § 20.101 through 20.107, 20.109, and 20.110 of subpart K. On June 17, we published in the **Federal Register** (64 FR 32758) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations frameworks and the proposed regulatory alternatives for the 1999–2000 duck hunting season. The June 17 supplement also provided detailed information on the 1999–2000 regulatory schedule and announced the Service Migratory Bird Regulations Committee and Flyway Council meetings.

On June 22–23, we held meetings that reviewed information on the current status of migratory shore and upland game birds and developed 1999–2000 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl as it relates to the development and selection of the regulatory packages for the 1999–2000 regular waterfowl seasons. On July 22, we published in the **Federal Register** (64 FR 39460) a third document specifically dealing with the proposed frameworks for early-season regulations for the 1999–2000 duck hunting season. The July 22 supplement also established the final regulatory alternatives for the 1999–2000 duck hunting season.

On August 3–4, 1999, we held meetings, as announced in the May 3 and June 17 **Federal Registers**, to review the status of waterfowl. On August 27, 1999, we published a fourth document (64 FR 47048) which dealt specifically with proposed frameworks for the 1999–2000 late-season migratory bird hunting regulations. On August 27, 1999, we published a fifth document (64 FR 47072) containing final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits for the 1999–2000 season. On August 31, 1999, we published in the **Federal Register** (64 FR 46336) a sixth document consisting of a final rule amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons. This document, which establishes final frameworks for late-season migratory bird hunting regulations for the 1999–2000 season, is the seventh in the series.

Review of Flyway Council Recommendations, Public Comments, and the Service's Response. The preliminary proposed rulemaking, which appeared in the May 3 **Federal Register**, opened the public-comment period for late-season migratory game bird hunting regulations. The public comment period for late-season issues ended on September 7, 1999. We received recommendations from all four Flyway Councils. Written comments received through September 7, 1999, relating to the proposed late-season frameworks are summarized and discussed in the order used in the May 3 **Federal Register**. Only the numbered items pertaining to late seasons for which written comments were received are included.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below.

General

Written Comments: The Wildlife Management Institute supported the proposals for the 1999–2000 season.

The Humane Society of the United States (HSUS) expressed concern that the general public was not well represented in the regulations-development process and requested establishment of a system directly involving the non-hunting public. In addition, they believed that all migratory bird seasons should be closed or severely restricted for those species either lacking reliable population data or which data indicates significant and sustained declines. HSUS recommended all seasons open at noon, mid-week, to reduce the large kills associated with the traditional Saturday openings and that hunting during the one-half hour before sunrise be eliminated.

Service Response: As we have stated previously, when the preliminary proposed rulemaking document was published in the **Federal Register** on May 6, 1999, we announced the comment periods for the early-season and late-season proposals and gave notice that the process of promulgating hunting regulations "must, by its nature, operate under time constraints." Ample time must be given to gather and interpret survey data, consider recommendations and develop proposals, and to receive public comment. Scheduled dates are set to give the greatest possible opportunity for public input. We are obligated to, and do give serious consideration to all information received as public comment. We have long recognized the problems associated with the length of time necessary to establish the final frameworks, and in conjunction with States, Flyway Councils, and the public,

and continue to seek new ways to streamline and improve the process.

As we stated in the August 27 **Federal Register**, our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Annually, we evaluate the status of populations and consider the potential impacts of hunting. We believe that the hunting seasons provided herein are consistent with the current status of populations and long-term population goals and there is no evidence to suggest the frameworks provided are not appropriate.

Regarding mid-week season openings, we have previously stated in the **Federal Register** (58 FR 50190) that a State may choose to delay its opening date to correspond with a particular day of the week or to close earlier to maximize the number of weekends that hunting is allowed.

In regard to shooting hours, we have compiled information which demonstrates that shooting hours beginning one-half hour before sunrise do not contribute significantly to the harvest of nontarget species. Consistent with the Service's long-term strategy for shooting hours, published in the September 21, 1990, **Federal Register** (55 FR 38898), the frameworks herein provide for shooting hours of one-half hour before sunrise to sunset, unless otherwise specified.

1. Ducks

The categories used to discuss issues related to duck harvest management are as follows: (A) General Harvest Strategy, (B) Framework Dates, (C) Season Length, (D) Closed Seasons, (E) Bag Limits, (F) Zones and Split Seasons, and (G) Special Seasons/Species Management. Only those categories containing substantial recommendations are included below.

A. General Harvest Strategy

Council Recommendations: The Atlantic Flyway Council, the Upper-Region Regulations Committee of the Mississippi Flyway Council, the Central Flyway Council, and the Pacific Flyway Council recommended adopting the "liberal" alternative for the 1999–2000 duck hunting season.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended adoption of the "liberal" alternative, except that they recommend framework dates of the Saturday nearest October 1 to the Sunday nearest January 20 for all States. The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended adoption of the "liberal" alternative, except that they recommend a 60-day season for all States regardless of the framework closing date. Specific details are discussed in B. Framework Dates.

Written Comments: The Delta Waterfowl Foundation and the National Wildlife Federation supported the selection of the "liberal" alternative.

An individual from Minnesota questioned the breeding population estimate and recommended the 45-day season alternative.

Service Response: Since 1995, Adaptive Harvest Management (AHM) strategies have been based on the status of midcontinent mallards, which are defined as those breeding in the traditional survey area, and in Minnesota, Wisconsin, and Michigan. An optimal regulatory choice is based on breeding population size and prairie water conditions, and on the weights assigned to four alternative models of population dynamics. The same regulatory alternative is applied in all four Flyways, although season lengths and bag limits are Flyway-specific. The 1999 harvest strategy for midcontinent mallards is based on: (1) An objective to maximize long-term harvest and achieve a population goal of 8.7 million; (2) regulatory alternatives that are unchanged from last year; and (3) model weights that are similar to last year. Based on a breeding population size of 11.8 million mallards in the mid-continent region (traditional survey areas and Lake States) and 3.9 million ponds in Prairie Canada, the optimal regulatory choice for midcontinent mallards in 1999 is the "liberal" alternative.

Modifying the AHM protocol to account for mallards breeding eastward and westward of the midcontinent region is perhaps the most challenging technical issue facing duck harvest managers. Never before have we tried to consider the status of multiple mallard stocks in such a formal way, nor have we attempted to give all Flyways the ability to choose regulations that are tied to their particular derivation of mallards. Although progress has been significant, there are a number of outstanding technical issues. The Service and AHM working group have assigned a high priority to addressing these issues, and hope to fully integrate eastern mallards and western mallards into the AHM process in 2000 and 2001, respectively.

In the interim, we are exploring optimal harvest strategies targeted for eastern mallards. A harvest strategy has been derived based on: (1) an objective to maximize long-term harvest; (2) regulatory alternatives that are unchanged from last year; and (3) a "working model" of population dynamics. Based on a breeding population size of 1.1 million mallards and spring precipitation of 8.3 inches, the optimal regulatory choice for eastern mallards in 1999 is the "liberal" alternative. By next year, we hope to be able to prescribe Flyway-specific regulations for those cases where the optimal regulatory choice is different for midcontinent and eastern mallards.

Therefore, we agree with the Flyway Councils and are utilizing the "liberal" alternative for the 1999 duck hunting season.

B. Framework Dates

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended adoption of the "liberal" alternative, except that they recommend framework dates of the Saturday nearest October 1 to the Sunday nearest January 20 for all States. The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended a 60-day season for all States regardless of their selected framework closing date.

Written Comments: The HSUS recommended that season openings be delayed by 2 weeks in all breeding areas in order to allow ducks time to leave natal marshes before being subjected to hunting.

Service Response: Frameworks for the 1999–2000 duck hunting season were established in the July 22 **Federal Register**, with the finalization of the 1999–2000 regulatory alternatives. As we indicated in our July 22 response, we continued the use of the 1998–99 regulatory alternatives published in the August 5, 1998, **Federal Register**, for the 1999–2000 hunting season with one exception. For the States of Alabama, Mississippi, and Tennessee, we offered the use of a 51-day season in the "liberal" alternative and a 38-day season in the "moderate" alternative with a January 31 framework closing date in both alternatives. Framework opening and closing dates for all other States are unchanged from those published in the August 5, 1998, **Federal Register**. For a complete discussion of this issue, you should refer to the July 22 **Federal Register**.

Regarding HSUS's comment on the framework opening date, the Service reiterates previous responses that the frameworks provided herein are appropriate and that there is no evidence to indicate that they have adversely impacted local populations.

F. Zones and Split Seasons

Council Recommendations: The Atlantic Flyway Council recommended the Service allow "3 zones with 2-way splits in each zones" as an additional option beginning in 2001. Further, the Council recommended that zone-split guidelines be finalized by July 2000 so that States have adequate opportunity to select their desired approach.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that the Service add "3 zones with 2-way splits permitted in one or more zones" as an additional option beginning in 2001. Further, because of the public input process many States undertake, the Committee recommended that States have up to one year to choose this option prior to the 2001 regular duck season regulations process. The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that the Service consider offering all States the option of choosing 3 zones with a split season in each zone in the year 2001.

The Pacific Flyway Council recommended the Service engage the Flyway Councils in an evaluation of the guidelines for zoning and split seasons, prior to the 2001 "open season" on regulation changes.

Written Comments: The HSUS urged the Service to discontinue all split and special seasons and recommended that any State establishing such seasons reduce the total number of hunting days by a minimum of 10 days.

Service Response: We acknowledge the recommendations from the Councils pertaining to the guidelines for selecting zone and split options for duck hunting. Accordingly, we will work with all the Flyway Councils in the next year to review the existing guidelines, and plan to finalize these guidelines during next year's (2000–01) late-season regulations process. The final guidance will then be available for use by all States in the ensuing year as they solicit public input for zone and split configurations for use during 2001–05.

In regard to the recommendation that split and special seasons be discontinued, we note that States always have the option of selecting a continuous season with no splits. Furthermore, we are not aware of any information suggesting that split and special seasons are causing detrimental impacts to populations.

G. Special Seasons/Species Management

i. Black Ducks

Council Recommendations: The Atlantic Flyway Council recommended that the individual Atlantic Flyway States continue to achieve a 42 percent reduction in their black duck harvest during the 1999–2000 season compared with the 1977–81 base-line harvest.

Written Comments: The HSUS recommended closing the season for black ducks until recovery of the population.

Service Response: We agree with the Atlantic Flyway Council's recommendation and acknowledge the Council's concern for the population status of black ducks. Black duck populations remain below the North American Wildlife Management Plan goal and while the decline seems to have halted, little increase is evident. Harvest estimates increased 16% in the U.S. (8% in the Atlantic and 36% in the Mississippi Flyways) during the 1998–99 hunting season and we reiterate our concern about the effects of longer duck seasons on black duck harvests and recommend that States maintain harvest restrictions achieved since the 1983 Environmental Assessment. Higher harvests and lower midwinter population estimates in the Mississippi Flyway in recent years are of particular concern. Although efforts are underway to develop an international harvest strategy, and possibly an AHM approach, interim harvest restriction alternatives should be considered where appropriate. Thus, we believe the harvest restrictions identified in the 1983 Environmental Assessment should be maintained until a revised harvest strategy is developed.

ii. Canvasbacks

Council Recommendations: The Lower-Region Regulations Committee of the Mississippi Flyway Council requested to know the population level at which an increase in the canvasback bag limit would be warranted.

Service Response: We continue to support the canvasback harvest strategy adopted in 1994. This strategy allows a daily bag limit of 1 bird during any open season. Seasons with a daily bag limit greater than 1 would require revision of the strategy, and we believe that more experience with the present strategy is needed before revisions are considered. Current population and habitat status suggest that a daily bag limit of 1 canvasback during the 1999–2000 season will result in a harvest within levels allowed by the strategy. However, monitoring data collected during the last 5 years suggest that harvest models have consistently predicted levels of harvest lower than those observed. For the 1999–2000 season, the strategy still prescribes an open season, even when accounting for this additional harvest. However, we believe that, beginning in the 2000–01 season, the harvest models (some of which were based on data from about 30 years ago) should be replaced with these more contemporary data. We will present the proposed harvest levels at next winter's Flyway Technical Section meetings for review.

iii. Pintails

Council Recommendations: All four Flyway Councils recommended a daily bag limit of 1 pintail in the 1999–2000 hunting season as prescribed by the Interim Pintail Harvest Strategy.

Written Comments: The Nevada Waterfowl Association requested the Service determine the sex ratio of the adult portion of the continental pintail population. They believed that there is an abnormally high percentage of males in the adult population and that these excess males could provide additional opportunity without impacting the overall population.

Service Response: We concur with the Councils' recommendations. Considering the current status of the population (3.1 million breeding birds) and the expected recruitment rate (1.00), the strategy prescribes a bag limit of 1 pintail for all Flyways under the "liberal" alternative.

iv. Scaup

In the past year, we have continued to indicate our growing concern for the status and trends of North American scaup. We distributed a status report on scaup and provided some initial guidelines concerning a scaup harvest strategy to the Flyway Councils and others for consideration in the development of recommendations for the 1999–2000 hunting season. In response to this information, all four Flyways discussed the issue at their winter meetings. Following Council comments on the initial harvest guidelines (presented in the July 22 **Federal Register**), we revised the harvest guidelines and developed a draft harvest strategy that was distributed to the Councils for consideration at their summer meetings.

Council Recommendations: The Atlantic Flyway Council recommended a daily bag limit of 3 scaup until adoption of a harvest strategy for lesser and greater scaup.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended a daily bag limit

of 3 scaup. The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended no scaup restriction in the overall daily bag limit.

The Central Flyway Council recommended adoption of the draft harvest strategy with the exception of the prescription. The Council recommended a prescription for scaup bag limits based on the status of lesser scaup as follows: < 2.5 million, bag limit of 1; 2.5–3.5 million, bag limit of 2; 3.5–4.0 million, bag limit of 3; and > 4.0, the bag limit for scaup should equal the regular daily duck limit as determined by the AHM process.

The Pacific Flyway Council recommended no internal bag restrictions on scaup in the Pacific Flyway for the 1999–2000 hunting season.

Written Comments: The Nevada Waterfowl Association was concerned about a potential 2-bird daily bag limit restriction on scaup in the Pacific Flyway. They urged careful evaluation of the expected results before implementation of such a restriction.

The HSUS recommended closing the season for scaup until recovery of the population.

Service Response: We remain concerned about the status of lesser scaup. Lesser scaup populations have declined 1% per year since 1995 and 3% per year during the last 10 years. Lesser scaup harvest has varied over the years in the U.S. with lows around 100,000 in 1990 but since has increased in recent years to over 500,000. These recent increases have occurred concurrent with liberalizations in season length and bag limits with the implementation of AHM.

For the 1999–2000 season, we are establishing a a bag limit of 3 scaup in the Atlantic, Mississippi, and Central Flyways, and 4 scaup in the Pacific Flyway. This action is only for one year. These bag limit reductions maintain the current differentials in the full duck bag limit that presently exist among Flyways. While we note a general feeling among the Flyway Councils that some reduction is appropriate, we acknowledge that this is not unanimous among Flyways. However, we believe that if a reduction in harvest is needed, all should participate. We will continue to work with the Flyway Councils to develop a harvest strategy to be formally adopted prior to next year's hunting season.

4. Canada Geese

Council Recommendations: The Atlantic Flyway Council recommended that a limited hunting season for AP (Atlantic Population) Canada geese be permitted in 1999–2000 throughout AP harvest areas (those areas closed in 1998) in the Atlantic Flyway. For the Mid-Atlantic and New England AP Areas, the Council recommended a 15-day season with framework dates of November 1—January 20. The daily bag limit would be 1 Canada goose. For the Chesapeake Region AP Areas, the Council recommended a 6-day season with framework dates of November 15 to January 20. The daily bag limit would be 1 Canada goose. Additionally, in Delaware and Maryland the harvest would be limited to 2,100 and 12,200 birds, respectively, and all Canada geese must be tagged and the season limit will be the number of tags issued to each permittee. In Southern Region AP Areas, the Council recommended the season remain closed. In all open areas, the season could be split into two segments, but must run concurrent with duck seasons.

The Atlantic Flyway Council also recommended modification of the frameworks for the regular season in Erie, Butler, and Mercer Counties, and designated portions of Crawford County, in Pennsylvania. The Council recommended changing the existing 70-day season with October 1 to January 31 frameworks to a 40-day season between November 15 and January 15, with a daily bag limit of 2 geese per day. The Council also recommended modification of the framework opening date in southwestern New York to November 1 and allowing Maryland to divide their regular resident Canada goose season into 3 segments on an experimental basis for the 1999–2000 season.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended a number of changes in season lengths, bag limits, zones, and quotas for Canada geese in Wisconsin, Michigan, Indiana, and Illinois, primarily to allow increased harvest of Mississippi Valley Population (MVP) Canada geese, and in Minnesota, Iowa, and Missouri, primarily to allow increased harvest of Eastern Prairie Population (EPP) Canada geese. The Lower-Region Regulations Committee of the Mississippi Flyway Council also recommended several changes in season lengths, quotas, etc., primarily to allow increased harvest of MVP Canada geese. All of these changes are based on improved population status and current management plans.

The Central Flyway Council made several recommendations. In the East Tier, the Council recommended an increase in the Canada goose (or any other goose species except light and white-fronted geese) season from 93 days to 95 days with a daily bag limit of 3. Outside framework dates would be the Saturday nearest October 1 (Oct. 2, 1999) and the Sunday nearest February 15 (Feb. 13, 2000). In the Eastern Goose Zone of Texas, the Council recommended an additional season alternative of 107 days with a 1 Canada goose daily bag limit. The framework closing date under both alternatives would be February 21. In the West Tier, the Council recommended dark goose outside framework dates of the Saturday nearest October 1 (October 2, 1999) and the Sunday nearest February 15 (February 13, 1999), with daily bag and possession limits of 5 and 10, respectively. In the Western Goose Zone of Texas, the Council recommended a daily bag limit of 5 dark geese, to include no more than 2 white-fronted geese, with a framework closing date of February 21.

The Pacific Flyway Council made several recommendations for dark geese (see also item 5. White-fronted Geese). The Council recommended the bag limit for dark geese be increased from 2 to 3 in the Rocky Mountain Population zones in Arizona, California, Colorado, Nevada (except Lincoln and Clark Counties) New Mexico, and Utah. The Pacific Flyway Council also recommended that Washington and Oregon be allowed to split the dark goose season in the Dusky quota zones into 3 segments. Additionally, they recommended that the Harney, Lake, Klamath, and Malheur goose zone in Oregon be re-defined to include only Lake County. The Council also recommended that white-fronted and cackling Canada geese be allowed during the first 44 days in the Northeastern Zone of California. Finally, the Council recommended several boundary adjustments to the closure zones for dark geese in the Balance-of-the State Zone in California.

Written Comments: An individual in Alabama requested a February framework closing date for geese.

Service Response: We support the Atlantic Flyway's request to reinstate the regular season on the Atlantic Population of Canada geese in the areas described. Numbers of breeding pairs in northern Quebec increased substantially this spring from last year's estimate, which suggests this population is showing signs of recovery. An increase in nesting densities was also encouraging, although predation will likely limit nest success to "good" in the Ungava Bay area and only fair along the Hudson Bay Coast. A slight increase in the fall flight is predicted. While we remain cautious about resuming a sport

harvest, we recognize that the Action Plan criteria have been triggered. For the near future, we remain optimistic about the recovery of this population, particularly with average or better production since 1997, which should continue the expansion in the number of breeding pairs.

Regarding the Central Flyway Council's recommendations, we support their request to increase the Canada goose (or any other goose species except light geese and white-fronted geese) season from 93 to 95 days with a daily bag limit of 3 for the entire East Tier. We also support the Council's recommendation for an additional season alternative of a 107-day season with a 1 Canada goose daily bag limit in the Eastern Goose Zone of Texas. Further, we support the Council's recommendation for outside framework dates and believe that all dark goose seasons in the East Tier should have consistent outside dates of the Saturday nearest October 1 (Oct. 2, 1999) and the Sunday nearest February 15 (Feb. 13, 2000). In the West Tier, we support the Council's recommendation for an increase in the aggregate dark goose bag and possession limits from 4 and 8 to 5 and 10, respectively. However, in the Western Goose Zone of Texas, we do not support an increase in the white-fronted goose daily bag restriction from 1 to 2. While we are aware that the whitefront harvest (about 5,000) in this zone is small, we are concerned about the status of white-fronted geese breeding in the Interior of Alaska, which migrate through this area. These birds clearly have lower survival rates than Mid-Continent white-fronted geese from other breeding areas, but indices of abundance and long-term trends are less certain. We also realize that harvest of these birds also occurs in Alberta, Saskatchewan, and the Mexico Highlands; however, we believe that the Management Plan serves as the appropriate mechanism to address cooperative harvest management strategies for these birds. We also do not support the recommended framework closing date of February 21 in the West Tier and believe that dark goose outside dates should be consistent with the East Tier. Thus, we are establishing framework dates of the Saturday nearest October 1 (Oct. 2, 1999) to the Sunday nearest February 15 (Feb. 13, 2000) for the entire Western Tier.

Regarding the other recommendations from the Flyway Councils: we concur with the framework modifications in Pennsylvania, New York, Maryland; changes in season lengths, bag limits, zones, and quotas for Wisconsin, Michigan, Indiana, Illinois, Minnesota, Iowa, and Missouri; bag limit, zone boundary, and framework modifications in Arizona, California, Colorado, Nevada, New Mexico, Utah, Washington and Oregon.

C. Special Late Seasons

Council Recommendations: The Atlantic Flyway Council recommended an experimental late season between January 15 and February 15 for Erie, Butler, and Mercer Counties, and designated portions of Crawford County, in Pennsylvania.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended the establishment of experimental late Canada goose seasons for Minnesota and Ohio. The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that the Service work closely with the Council's Technical Section in evaluating the cumulative effects that special seasons may have on non-target populations.

Written Comments: The HSUS opposed special late seasons targeting resident geese. They believe that such hunts fail to target the populations ostensibly responsible for conflicts with humans and as such are ineffective.

Service Response: We concur with the recommended changes in the Atlantic and Mississippi Flyways and will continue to work with the Mississippi Flyway Council's Technical Section to assess the cumulative effects of special seasons.

Regarding the HSUS's comment that such hunts fail to target specific populations, we recognize the problems caused by increasing populations of resident geese and the continuing concern for the status of certain migratory flocks. However, as we have stated previously, we remain committed to focusing these special seasons on locally-breeding and/or injurious Canada goose populations. The Service and the Flyway Councils have cooperatively reviewed and structured these special seasons to accomplish that objective while protecting migratory flocks. We do not wish to increase the composition of migrants in the harvest beyond that which is currently identified in the criteria for these seasons.

5. White-fronted Geese

Council Recommendations: The Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended that seasons for white-fronted geese increase from 70 days and 2 geese to 86 days and 2 geese or 107 days and 1 goose, with a framework closing date of February 15, consistent with the Mid-Continent white-fronted goose plan.

The Central Flyway Council recommendations regarding dark geese in the West Tier involve white-fronted geese (see item 4. Canada Geese). For the East Tier, the Council recommended a 95-day season with framework dates of the Saturday nearest October 1 (October 2, 1999) to January 31, with a daily bag limit of 2 whitefronts. In the Eastern Goose Zone of Texas, the Council recommended a 86-day season with a daily bag limit of 2 whitefronts or an alternative 107-day season with a daily bag limit of 2 whitefronts for 44 consecutive days and 1 for the remaining 63 days. The framework closing date would be February 21.

The Pacific Flyway Council recommendations regarding dark geese also involve white-fronted geese (see item 4. Canada Geese). The Council recommended the bag limit for dark geese be increased from 2 to 3 in the Rocky Mountain Population zones in Arizona, California, Colorado, Nevada (except Lincoln and Clark Counties) New Mexico, and Utah. The Pacific Flyway Council also recommended that Washington and Oregon be allowed to split the dark goose season in the Dusky quota zones into 3 segments. Additionally, they recommended that the Harney, Lake, Klamath, and Malheur goose zone in Oregon be re-defined to include only Lake County. The Council also recommended that white-fronted and cackling Canada geese be allowed during the first 44 days in the Northeastern Zone of California. Finally, the Council recommended several boundary adjustments to the closure zones for dark geese in the Balance-of-the State Zone in California. Further, the Council supported the liberal whitefront frameworks proposed by the Mississippi and Central Flyway Councils.

Service Response: As we noted above, the Central Flyway Council's recommendations for dark geese include whitefronts in the West Tier and are further addressed in item 4. Canada geese. For the East Tier, we do not support an increase in the season length and bag limit from 72 days and 2 birds, or 86 days and 1 bird, to 95 days and 2 birds with a framework closing date of January 31. For the Eastern Goose Zone of Texas, we also do not support a 107-day season alternative with a daily bag limit of 2 whitefronts for 44 consecutive days and 1 bird for the remaining 63 days with a framework closing date of February 21. We believe that the whitefront season length and daily bag limit should be 86 days and 2 birds or 107 days and 1 bird for both the Mississippi Flyway and the East Tier of

the Central Flyway. We believe that equitable hunting opportunity between the Mississippi Flyway and the East Tier of the Central Flyway is appropriate because Mid-Continent white-fronted geese are managed as one population. This equitable approach is consistent with the "base regulations" identified in the cooperative management plan. Finally, in the absence of any guidance for liberalizations, we believe that this level of liberalization should be viewed as the "liberal alternative" beyond the "base regulations" identified in the management plan for these harvest areas.

Regarding framework closing dates, we do not support recommendations for a whitefront framework closing date of January 31 in the East Tier and a framework closing date of February 21 for the Eastern Goose Zone of Texas. We will utilize a dark goose framework closing date of the Sunday nearest February 15th for the entire East Tier. This date is consistent with the framework closing date for dark geese in the West Tier. We believe that the change in harvest related to this alignment of framework closing dates would be negligible, and consistent framework closing dates would facilitate the simplification of dark goose hunting regulations in the Central Flyway.

We also acknowledge the completion of the Cooperative Management Plan for Mid-Continent White-fronted geese (1998). The Plan supports the combining of Eastern and Western Segments of Mid-Continent whitefronts into one population. However, we believe that a major shortcoming of the Plan surfaced this year relating to the guidance provided for the setting of hunting regulations. Although "base regulations" are clearly defined in the Plan, no guidance is provided for liberalizations or restrictions from base regulations. This year, the Mississippi Flyway Council recommended liberalizations different than those recommended by the Central Flyway Council, although the plan calls for the same "base regulations." Further, the population objective (600,000) and associated thresholds identified in the Plan appear to have little relationship with recent population estimates derived from the fall population survey conducted since 1992. Additionally, we believe that cooperative management plans are an appropriate mechanism to address International issues related to special harvest considerations and information data needs, e.g. interior Alaska whitefronts. We are aware of the 5-year revision schedule for this plan and encourage the Central and Mississippi Flyways to work with the Pacific Flyway, Canada and Mexico to address these issues in the next plan update.

We concur with the other Flyway Council recommendations.

6. Brant

Council Recommendations: The Atlantic Flyway Council recommended an increase in the daily bag limit for brant from 2 to 4 birds.

The Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended seasons for brant be modified to include an option of 107 days and 1 brant in addition to the current 70 days and 2 brant. The Committees do not expect this additional option to increase brant harvest in the Flyway, but would allow states to set dark goose season dates to coincide.

Written Comments: The Atlantic Flyway Council subsequently recommended the brant daily bag limit remain at 2 birds. Their revised recommendation was based on new information from the Arctic breeding grounds indicating a strong possibility of very limited brant production this year.

Service Response: In the Atlantic Flyway, we concur with the change back to a 2-bird daily bag limit based on reports from the Baffin Island and surrounding areas that there was no appreciable production this year. Although an increase to a 4-bird daily bag would be consistent with the Atlantic Brant Hunt Plan based on the population status (171,628 in the mid-winter survey), we believe it prudent to conserve the breeding stock and not liberalize the bag limit during a year of poor production. In the Mississippi Flyway, we concur with the creation of a 107-day season option.

7. Snow and Ross' Geese

Council Recommendations: The Atlantic Flyway Council recommended allowing the use of an unlimited number of splits in the snow goose season.

The Central Flyway Council supported the late-winter light goose hunting season in the Rainwater Basin area of Nebraska per the plan agreed to by the Service and the Nebraska Game and Parks Commission.

Written Comments: The Delaware Division of Fish and Wildlife and the Maryland Department of Natural Resources requested that the Service allow States in the Chesapeake Bay Region (including Delaware) the ability to split their snow goose season up to 47 times. They believed this would be the most effective method for discouraging snow geese from depredating wetlands and agricultural fields. Under this scenario, the season would not have to be closed for more than one day at a time. Alternately, they requested the use of zones and the ability to split their snow goose season up to 15 times. Under this scenario, the season would be closed for 3-day periods each week. Both alternatives would be considered experimental and would be evaluated by use of farm surveys, monthly aerial surveys, biweekly snow goose surveys, and harvest surveys.

The HSUS believes that the proposed bag limits for snow geese in the Atlantic and Central Flyways are too high, devaluing the birds.

Service Response: We are sympathetic towards the depredation issues brought forward by the Atlantic Flyway Council in Delaware and Maryland where too many greater snow geese are causing extensive agricultural damage and wetland degradation during closed segments of their hunting seasons. It remains to be seen whether an increase in the number of split seasons will resolve this problem, but to provide temporary relief, we agree to explore this option further pending an evaluation. We propose that Delaware and Maryland be guided by the existing restrictions on splits for geese (3-way split season) until the end of the regular duck season. After such time, they will be permitted to hunt on Mondays, Wednesdays, Fridays, and Saturdays, involving two splits per week until the framework closing date of March 10, 2000. This season would be experimental, limited to this year only, and requires an evaluation. We will reevaluate the effectiveness on this approach prior to next year. Both States should actively seek landowner support to reduce their crop damage problems by allowing hunter access on their fields to hunt snow geese.

At this time, we do not support the recommendation for use of unlimited splits during snow goose seasons. In 1997, we allowed an increase from 2 to 3 season segments for geese in all four Flyways. This increase resulted in a more consistent use of split-season options among all Flyways. In addition, within any established season, a State may also designate certain days as non-hunt days, if that hunt strategy is desired. The use of zoning for light geese remains a management tool that is currently not contained by specific guidelines for use by a State. We believe that the current ability to divide a 107-day season into 3 segments with the

unlimited use of zones provides adequate flexibility for States to set seasons for light geese.

Regarding the hunt strategy for the Rainwater Basin, we appreciate the Central Flyway Council's support of the late-winter light goose hunting strategy for the Rainwater Basin Area of Nebraska and propose to implement the strategy this year.

Regarding snow goose bag limits, last year we changed the daily bag limit for light geese from 10 to 20 in the Atlantic Flyway and eliminated the possession limits in the Atlantic, Mississippi, and Central Flyways because it was no longer a useful management tool. At this time, we see no compelling evidence to change and will continue use of this framework for the 1999–2000 season.

8. Swans

Written Comments: The HSUS requested that the Service close swan hunting seasons in Utah, Nevada, and the Pacific Flyway portion of Montana, citing that these seasons were threatened trumpeter swan recovery and winter range expansion.

Service Response: We would refer the HSUS to our detailed response in the September 27, 1995, **Federal Register** (60 FR 50042) concerning the establishment of a general swan season. Enhancing Rocky Mounting Population trumpeter swan range expansion while retaining most aspects of tundra swan hunting were covered in detail in our 1995 Environmental Assessment "Proposal to Establish General Swan Seasons in Parts of the Pacific Flyway for the 1995–99 Seasons" (August 1995) which compares various alternative strategies for reconciling conflicting swan management strategies. Copies are available at the address indicated under the caption **ADDRESSES**.

10. Coots

Written Comments: The HSUS believes that the bag limits for coots are too high, devaluing the birds.

Service Response: Available information indicates that harvest pressure on coots is relatively light and there is no evidence to suggest the frameworks provided are not appropriate.

10. Moorhens and Gallinules

Written Comments: The HSUS believes that the bag limits for moorhens are too high, devaluing the birds.

Service Response: Available information indicates that harvest pressure on these birds is relatively light and there is no evidence to suggest the frameworks provided are not appropriate.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14)," filed with the Environmental Protection Agency on June 9, 1988. We published a Notice of Availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). Copies are available from the address indicated under the caption **ADDRESSES**.

Endangered Species Act Considerations

As in the past, we design hunting regulations to remove or alleviate chances of conflict between migratory game bird hunting seasons and the protection and conservation of endangered and threatened species. We conducted consultations to ensure that actions resulting from these regulatory proposals will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and may have caused modification of some regulatory measures previously proposed. Final frameworks reflect any modifications. The biological opinions resulting from Section 7 consultation are public documents available for inspection in the Service's Division of Endangered Species and the Office of Migratory Bird Management, at the address indicated under the caption **ADDRESSES**.

Executive Order (E.O.) 12866

This rule is economically significant and was reviewed by the Office of Management and Budget (OMB) under E.O. 12866.

Regulatory Flexibility Act

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail and issued a Small Entity Flexibility Analysis (Analysis) in 1998. The Analysis documented the significant beneficial economic effect. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis was based on the 1996 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns from which it was estimated that migratory bird hunters would spend between $429 and $1,084 million at small businesses in 1998. Copies of the Analysis are available upon request.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995. We utilize the various recordkeeping and reporting requirements imposed under regulations established in 50 CFR Part 20, Subpart K, in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 09/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

We have determined and certify in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 et seq., that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, these rules, authorized by the Migratory Bird Treaty Act, do not have significant takings implications and do not affect any constitutionally protected

property rights. These rules will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise privileges that would be otherwise unavailable; and, therefore, reduce restrictions on the use of private and public property.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employs guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulation. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 12612, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American tribal Governments" (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States would have insufficient time to select season dates and limits; to communicate those selections to us; and to establish and publicize the necessary regulations and procedures to implement their decisions. We therefore find that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended, (16 U.S.C. 703–711), we prescribe final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials will select hunting season dates and other options. Upon receipt of season and option selections from these officials, we will publish in the **Federal Register** a final rulemaking amending 50 CFR part 20 to reflect seasons, limits, and shooting hours for the conterminous United States for the 1999–2000 season.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1999–2000 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: September 15, 1999.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

Final Regulations Frameworks for 1999–2000 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department has approved frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl and coots between the dates of September 1, 1999, and March 10, 2000.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are twice the daily bag limit.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway—includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway—includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway—includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway—includes Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Management Units: High Plains Mallard Management Unit—roughly defined as that portion of the Central Flyway which lies west of the 100th meridian.

Definitions: For the purpose of hunting regulations listed below, the collective terms "dark" and "light" geese include the following species:

Dark geese—Canada geese, white-fronted geese, brant, and all other goose species except light geese.

Light geese—snow (including blue) geese and Ross' geese.

Area, Zone, and Unit Descriptions: Geographic descriptions related to late-season regulations are contained in a later portion of this document.

Area-Specific Provisions: Frameworks for open seasons, season lengths, bag and possession limits, and other special provisions are listed below by Flyway.

Compensatory Days in the Atlantic Flyway: In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia, where Sunday hunting is prohibited statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

Atlantic Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between October 1 and January 20.

Hunting Seasons and Duck Limits: 60 days and daily bag limit of 6 ducks, including no more than 4 mallards (2 hens), 3 scaup, 1 black duck, 1 pintail, 1 mottled duck, 1 fulvous whistling duck, 2 wood ducks, 2 redheads, 1 canvasback, and 4 scoters.

Closures: The season on harlequin ducks is closed.

Sea Ducks: Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters) and possession limits.

Merganser Limits: The daily bag limit of mergansers is 5, only 1 of which may be a hooded merganser.

Coot Limits: The daily bag limit is 15 coots.

Lake Champlain Zone, New York: The waterfowl seasons, limits, and shooting hours shall be the same as those selected for the Lake Champlain Zone of Vermont.

Zoning and Split Seasons: Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, and Virginia may split their seasons into three segments; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, and West Virginia may select hunting seasons by zones and may split their seasons into two segments in each zone.

Canada Geese

Season Lengths, Outside Dates, and Limits: Specific regulations for Canada geese are shown below by State. Unless specified otherwise, seasons may be split into two segments. In areas within States where the framework closing date for Atlantic Population (AP) goose seasons overlaps with special late season frameworks for resident geese, the framework closing date for AP goose season is January 14.

Connecticut:

North Atlantic Population (NAP) Zone: A 40-day season may be held between October 1 and December 15 with a 2-bird daily bag limit.

Atlantic Population (AP) Zone: A 15-day season may be held concurrent with the duck season between November 1 and January 20 with a 1-bird daily bag limit.

South Zone: A special experimental season may be held in the between January 15 and February 15, with a 5-bird daily bag limit.

Delaware: A 6-day season may be held concurrent with the duck season between November 15 and January 20 with a 1-bird daily bag limit (tagging required to harvest). The harvest of Canada geese is limited to 2,100.

Florida: A 70-day season may be held between November 15 to February 15, with a 5-bird daily bag limit.

Georgia: In specific areas, a 70-day season may be held between November 15 and February 15, with a 5-bird daily bag limit.

Maine: A 40-day season may be held Statewide between October 1 and December 15 with a 2-bird daily bag limit.

Maryland:

Southern James Bay Population (SJBP) Zone: A 40-day season may be held between November 15 to January 14, with a 2-bird daily bag limit. The season may be split 3-ways. Additionally, an experimental season may be held from January 15 to February 15, with a 5-bird daily bag limit.

AP Zone: A 6-day season may be held concurrent with the duck season between November 15 and January 20 with a 1-bird daily bag limit (tagging required to harvest). The harvest of Canada geese is limited to 12,200.

Massachusetts:

NAP Zone: A 40-day season may be held between October 1 to December 15 with a 2-bird daily bag limit. Additionally, a special season may be held from January 15 to February 15, with a 5-bird daily bag limit.

AP Zone: A 15-day season may be held concurrent with the duck season between November 1 and January 20 with a 1-bird daily bag limit.

New Hampshire: A 40-day season may be held statewide between October 1 and December 15 with a 2-bird daily bag limit.

New Jersey:

Statewide: A 15-day season may be held concurrent with the duck season between November 1 and January 20 with a 1-bird daily bag limit.

Special Late Goose Season Area: An experimental season may be held in designated areas of North and South New Jersey from January 15 to February 15, with a 5-bird daily bag limit.

New York:

SJBP Zone: A 70-day season may be held between November 1 and January 30, with a 2-bird daily bag limit.

NAP Zone: A 40-day season may be held between October 1 and December 31 with a 2-bird daily bag limit.

Special Late Goose Season Area: An experimental season may be held between January 15 and February 15, with a 5-bird daily bag limit in designated areas of Chemung, Delaware, Tioga, Broome, Sullivan, Westchester, Nassau, Suffolk, Orange, Dutchess, Putnam, and Rockland Counties.

AP Zone: A 15-day season may be held concurrent with the duck season between November 1 and January 20 with a 1-bird daily bag limit.

North Carolina: A 46-day season may be held between October 1 and November 15, with a 2-bird daily bag limit Statewide, except for the Northeast Hunt Unit and Northampton County.

Pennsylvania:

SJBP Zone: A 40-day season may be held between November 15 to January 14, with a 2-bird daily bag limit.

AP Zone: A 15-day season may be held concurrent with the duck season between November 1 and January 20 with a 1-bird daily bag limit.

Special Late Goose Season Area: An experimental season may be held from January 15 to February 15 with a 5-bird daily bag limit.

Pymatuning Zone: A 35-day season may be held between October 1 and January 20, with a 1-bird daily bag limit.

Rhode Island: A 40-day season may be held between October 1 and December 15 with a 2-bird daily bag limit. An experimental season may be held in a designated area from January 15 to February 15, with a 5-bird daily bag limit.

South Carolina: In designated areas, a 70-day season may be held during November 15 to February 15, with a 5-bird daily bag limit.

Vermont: A 15-day season may be held concurrent with the duck season between November 1 and January 20 with a 1-bird daily bag limit.

Virginia:

SJBP Zone: A 40-day season may be held between November 15 to January 14, with a 2-bird daily bag limit. Additionally, an experimental season may be held between January 15 to February 15, with a 5-bird daily bag limit.

AP Zone: A 6-day season may be held concurrent with the duck season between November 15 and January 20 with a 1-bird daily bag limit.

Back Bay Area: Season is closed.

West Virginia: A 70-day season may be held between October 1 and January 31, with a 3-bird daily bag limit.

Light Geese

Season Lengths, Outside Dates, and Limits: States may select a 107-day season between October 1 and March 10, with a 15-bird daily bag limit and no

possession limit. States may split their seasons into three segments, except in Delaware and Maryland, where following the completion of their duck season, and until March 10, they may split the remaining portion of the season to hunt on Mondays, Wednesdays, Fridays, and Saturdays only.

Brant

Season Lengths, Outside Dates, and Limits: States may select a 50-day season between October 1 and January 20, with a 2-bird daily bag limit. States may split their seasons into two segments.

Mississippi Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest October 1 (October 2) and the Sunday nearest January 20 (January 23). Seasons in Alabama, Mississippi, and Tennessee may extend to January 31.

Hunting Seasons and Duck Limits: 60 days with a daily bag limit of 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 3 mottled ducks, 3 scaup, 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback, and 2 redheads. In the States of Alabama, Mississippi, and Tennessee, if a season extending beyond the Sunday nearest January 20 (January 23) is selected in any portion of the State, the season length will be 51 days throughout the State.

Merganser Limits: The daily bag limit is 5, only 1 of which may be a hooded merganser.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin may select hunting seasons by zones.

In Alabama, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and Wisconsin, the season may be split into two segments in each zone.

In Minnesota and Arkansas, the season may be split into three segments.

Geese

Split Seasons: Seasons for geese may be split into three segments. Three-way split seasons for Canada geese require Mississippi Flyway Council and U.S. Fish and Wildlife Service approval, and a 3-year evaluation, by each participating State.

Season Lengths, Outside Dates, and Limits: States may select seasons for light geese not to exceed 107 days with 20 geese daily between the Saturday nearest October 1 (October 2) and March 10; for white-fronted geese not to exceed 86 days with 2 geese daily or 107 days with 1 goose daily between the Saturday nearest October 1 (October 2) and the Sunday nearest February 15 (February 13); and for brant not to exceed 70 days with 2 brant daily or 107 days with 1 brant daily between the Saturday nearest October 1 (October 2) and January 31. There is no possession limit for light geese. Specific regulations for Canada geese and exceptions to the above general provisions are shown below by State. Except as noted below, the outside dates for Canada geese are the Saturday nearest October 1 (October 2) and January 31.

Alabama: In the Southern James Bay Population (SJBP) Goose Zone, the season for Canada geese may not exceed 35 days. Elsewhere, the season for Canada geese may extend for 70 days in the respective duck-hunting zones. The daily bag limit is 2 Canada geese.

Arkansas: The season for Canada geese may extend for 23 days in the East Zone and 16 days in the West Zone. In both zones, the season may extend to February 15. The daily bag limit is 2 Canada geese. In the remainder of the State, the season for Canada geese is closed.

Illinois: The total harvest of Canada geese in the State will be limited to 119,600 birds. The possession limit is 10 Canada geese.

(a) North Zone—The season for Canada geese will close after 91 days or when 16,700 birds have been harvested in the Northern Illinois Quota Zone, whichever occurs first. The daily bag limit is 2 Canada geese during the first 73 days and 3 Canada geese thereafter.

(b) Central Zone—The season for Canada geese will close after 91 days or when 22,100 birds have been harvested in the Central Illinois Quota Zone, whichever occurs first. The daily bag limit is 2 Canada geese during the first 77 days and 3 Canada geese thereafter.

(c) South Zone—The harvest of Canada geese in the Southern Illinois and Rend Lake Quota Zones will be limited to 36,100 and 6,600 birds, respectively. The season for Canada geese in each zone will close after 67 days or when the harvest limit has been reached, whichever occurs first. The daily bag limit is 2 Canada geese. In the Southern Illinois Quota Zone, if any of the following conditions exist after December 20, the State, after consultation with the Service, will close the season by emergency order with 48 hours notice:

(1) Average body weights of adult female geese less than 3,200 grams as measured from a weekly sample of a minimum of 50 geese.

(2) Starvation or a major disease outbreak resulting in observed mortality exceeding 5,000 birds in 10 days, or a total mortality exceeding 10,000 birds.

In the remainder of the South Zone, the season may extend for 67 days or until both the Southern Illinois and Rend Lake Quota Zones have been closed, whichever occurs first. The daily bag limit is 2 Canada geese.

Indiana: The total harvest of Canada geese in the State will be limited to 25,675 birds. The daily bag limit is 2 Canada geese.

(a) Posey County—The season for Canada geese will close after 66 days or when the Canada goose harvest at the Hovey Lake Fish and Wildlife Area exceeds 950 birds, whichever occurs first.

(b) Remainder of the State—The season for Canada geese may extend for 56 days, except in the SJBP Zone, where the season may not exceed 35 days.

Iowa: The season may extend for 70 days. The daily bag limit is 2 Canada geese.

Kentucky:

(a) Western Zone—The season for Canada geese may extend for 59 days (74 days in Fulton County), and the harvest will be limited to 22,900 birds. Of the 22,900-bird quota, 14,885 birds will be allocated to the Ballard Reporting Area and 4,350 birds will be allocated to the Henderson/Union Reporting Area. If the quota in either reporting area is reached prior to completion of the 59-day season, the season in that reporting area will be closed. If the quotas in both the Ballard and Henderson/Union reporting areas are reached prior to completion of the 59-day season, the season in the counties and portions of counties that comprise the Western Goose Zone (listed in State regulations) may continue for an additional 7 days, not to exceed a total of 59 days (74 days in Fulton County). The season in Fulton County may extend to February 15. The daily bag limit is 2 Canada geese.

(b) Pennyroyal/Coalfield Zone—The season may extend for 35 days. The daily bag limit is 2 Canada geese.

(c) Remainder of the State—The season may extend for 50 days. The daily bag limit is 2 Canada geese.

Louisiana: The season for Canada geese may extend for 9 days. During the season, the daily bag limit is 1 Canada goose and 2 white-fronted geese with an 86-day white-fronted goose season or 1 white-fronted goose with a 107-day season. Hunters participating in the Canada goose season must possess a special permit issued by the State.

Michigan: The total harvest of Canada geese in the State will be limited to 56,800 birds. The framework opening date for all geese is September 19.

(a) North and Middle zones—The season for Canada geese may extend for 15 days. The daily bag limit is 2 Canada geese.

(b) South Zone:

(1) Allegan County GMU—The season for Canada geese will close after 21 days or when 880 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose.

(2) Muskegon Wastewater GMU—The season for Canada geese will close after 22 days or when 280 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese.

(3) Saginaw County GMU—The season for Canada geese will close after 50 days or when 2,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose.

(4) Tuscola/Huron GMU—The season for Canada geese will close after 50 days or when 750 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose.

(5) Remainder of South Zone—The season for Canada geese will open September 19 and may extend for 15 days. The daily bag limit is 2 Canada geese.

(d) Southern Michigan GMU—A special Canada goose season may be held between January 8 and February 6. The daily bag limit is 5 Canada geese.

(e) Central Michigan GMU—An experimental special Canada goose season may be held between January 8 and February 6. The daily bag limit is 5 Canada geese.

Minnesota:

(a) West Zone.

(1) West Central Zone—The season for Canada geese may extend for 30 days. In the Lac Qui Parle Zone, the season will close after 30 days or when 16,000 birds have been harvested, whichever occurs first. Throughout the West Central Zone, the daily bag limit is 1 Canada goose.

(2) Remainder of West Zone—The season for Canada geese may extend for 40 days. The daily bag limit is 1 Canada goose.

(b) Northwest Zone—The season for Canada geese may extend for 40 days. The daily bag limit is 1 Canada goose.

(c) Remainder of the State—The season for Canada geese may extend for 70 days. The daily bag limit is 2 Canada geese.

(d) Special Late Canada Goose Season—An experimental Special Canada goose season of up to 10 days may be held in December, except in the West Central and Lac qui Parle Goose zones. During the special season, the daily bag limit is 5 Canada geese, except in the Southeast Goose Zone, where the daily bag limit is 2.

Mississippi: The season for Canada geese may extend for 70 days. The daily bag limit is 3 Canada geese.

Missouri:

(a) Swan Lake Zone—The season for Canada geese may extend for 70 days, with no more than 30 days occurring after November 30. The season may be split into 3 segments. The daily bag limit is 2 Canada geese.

(b) Southeast Zone—The season for Canada geese may extend for 70 days. The season may be split into 3 segments, provided that at least 1 segment occurs prior to December 1. The daily bag limit is 3 Canada geese through October 31, and 2 Canada geese thereafter.

(c) Remainder of the state—

(1) North Zone—The season for Canada geese may extend for 70 days, with no more than 30 days occurring after November 30. The season may be split into 3 segments, provided that 1 segment of at least 9 days occurs prior to October 15. The daily bag limit is 3 Canada geese through October 31, and 2 Canada geese thereafter.

(2) Middle Zone—The season for Canada geese may extend for 70 days, with no more than 30 days occurring after November 30. The season may be split into 3 segments, provided that 1 segment of at least 9 days occurs prior to October 15. The daily bag limit is 3 Canada geese through October 31, and 2 Canada geese thereafter.

(3) South Zone—The season for Canada geese may extend for 70 days. The season may be split into 3 segments, provided that at least 1 segment occurs prior to December 1. The daily bag limit is 3 Canada geese through October 31, and 2 Canada geese thereafter.

Ohio: The season for Canada geese may extend for 70 days in the respective duck-hunting zones, with a daily bag limit of 2 Canada geese, except in the Lake Erie SJBP Zone, where the season may not exceed 30 days and the daily bag limit is 1 Canada goose. A special experimental Canada goose season of up to 22 days, beginning the first Saturday after January 10, may be held in selected areas of the State. During the special season, the daily bag limit is 2 Canada geese.

Tennessee:

(a) Northwest Zone—The season for Canada geese will close after 74 days or when 8,500 birds have been harvested, whichever occurs first. The season may extend to February 15. A 6,000-bird harvest quota will be monitored in the Reelfoot Quota Zone. The remaining 2,500 quota will be assigned to the area outside the Reelfoot Zone. If the quota in the Reelfoot Quota Zone is reached prior to completion of the 74-day season, the season in the entire Northwest Zone will close. The daily bag limit is 2 Canada geese.

(b) Southwest Zone—The season for Canada geese may extend for 59 days, and the harvest will be limited to 1,000 birds. The daily bag limit is 2 Canada geese.

(c) Kentucky/Barkley Lakes Zone—The season for Canada geese will close after 50 days or when 1,800 birds have been harvested, whichever occurs first. All geese harvested must be tagged. The daily bag limit is 2 Canada geese. In lieu of the quota and tagging requirement above, the State may select either a 50-day season with a 1-bird daily bag limit or a 35-day season with a 2-bird daily bag limit for this Zone.

(d) Remainder of the State—The season for Canada geese may extend for 70 days. The daily bag limit is 2 Canada geese.

Wisconsin: The total harvest of Canada geese in the State will be limited to 79,800 birds. (a) Horicon Zone—The framework opening date for all geese is September 18. The harvest of Canada geese is limited to 39,500 birds. The season may not exceed 95 days. All Canada geese harvested must be tagged. The daily bag limit is 2 Canada geese and the season limit will be the number of tags issued to each permittee.

(b) Collins Zone—The framework opening date for all geese is September 18. The harvest of Canada geese is limited to 1,300 birds. The season may not exceed 68 days. All Canada geese harvested must be tagged. The daily bag limit is 2 Canada geese and the season limit will be the number of tags issued to each permittee.

(c) Exterior Zone—The framework opening date for all geese is September 25. The harvest of Canada geese is limited to 34,500 birds, with 500 birds allocated to the Mississippi River Subzone. The season may not exceed 94 days, except in the Mississippi River Subzone, where the season may not exceed 80 days. The daily bag limit is 1 Canada goose. In that portion of the Exterior Zone outside the Mississippi River Subzone, the progress of the harvest must be monitored, and the season closed, if necessary, to ensure that the harvest does not exceed 34,000 birds.

Additional Limits: In addition to the harvest limits stated for the respective zones above, an additional 4,500 Canada geese may be taken in the Horicon Zone under special agricultural permits.

Quota Zone Closures: When it has been determined that the quota of Canada geese allotted to the Northern Illinois, Central Illinois, Southern Illinois, and Rend Lake Quota Zones in Illinois, Posey County in Indiana, the Ballard and Henderson-Union Subzones in Kentucky, the Allegan County, Muskegon Wastewater, Saginaw County, and Tuscola/Huron Goose Management Units in Michigan, the Lac Qui Parle Zone in Minnesota, the Northwest and Kentucky/Barkley Lakes (if applicable) Zones in Tennessee, and the Exterior Zone in Wisconsin will have been filled, the season for taking Canada geese in the respective zone (and associated area, if applicable) will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.

Central Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between October 2 and January 23.

Hunting Seasons and Duck Limits: (1) High Plains Mallard Management Unit (roughly defined as that portion of the Central Flyway which lies west of the 100th meridian): 97 days and a daily bag limit of 6 ducks, including no more than 5 mallards (no more than 2 of which may be hens) 1 mottled duck, 1 canvasback, 1 pintail, 2 redheads, 3 scaup, and 2 wood ducks. The last 23 days may start no earlier than the Saturday nearest December 10 (December 11).

(2) *Remainder of the Central Flyway:* 74 days and a daily bag limit of 6 ducks, including no more than 5 mallards (no more than 2 of which may be hens), 1 mottled duck, 1 canvasback, 1 pintail, 2 redheads, 3 scaup, and 2 wood ducks.

Merganser Limits: The daily bag limit is 5 mergansers, only 1 of which may be a hooded merganser.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Kansas (Low Plains portion), Montana, Nebraska (Low Plains portion), New Mexico, Oklahoma (Low Plains portion), South Dakota (Low Plains portion), Texas (Low Plains portion), and Wyoming may select hunting seasons by zones.

In Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, the regular season may be split into two segments.

In Colorado, the season may be split into three segments.

Geese

Split Seasons: Seasons for geese may be split into three segments. Three-way split seasons for Canada geese require Central Flyway Council and U.S. Fish and Wildlife Service approval, and a 3-year evaluation by each participating State.

Outside Dates: For dark geese, seasons may be selected between the outside dates of the Saturday nearest October 1 (October 2) and the Sunday nearest February 15 (February 13). For light geese, outside dates for seasons may be selected between the Saturday nearest October 1 (October 2) and March 10. In the Rainwater Basin Light Goose Area (East and West) of Nebraska, temporal and spatial restrictions consistent with the experimental late-winter snow goose hunting strategy endorsed by the Central Flyway Council in July 1999, are required.

Season Lengths and Limits:

Light Geese: States may select a light goose season not to exceed 107 days. The daily bag limit for light geese is 20 with no possession limit.

Dark Geese: In Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and the Eastern Goose Zone of Texas, States may select a season for Canada geese (or any other dark goose species except white-fronted geese) not to exceed 95 days with a daily bag limit of 3. Additionally, in the Eastern Goose Zone of Texas, an alternative season of 107 days with a daily bag limit of 1 Canada goose may be selected. For white-fronted geese, these States may select either a season of 86 days with a bag limit of 2 or a 107-day season with a bag limit of 1.

In South Dakota, for Canada geese in the Big Stone Power Plant Area of Dark Goose Unit 1, the daily bag limit is 3 until November 30 and 2 thereafter.

In Colorado, Montana, New Mexico and Wyoming, States may select seasons not to exceed 107 days. The daily bag limit for dark geese is 5 in the aggregate.

In the Western Goose Zone of Texas, the season may not exceed 107 days. The daily bag limit for Canada geese (or any other dark goose species except white-fronted geese) is 5. The daily bag limit for white-fronted geese is 1.

Pacific Flyway

Ducks, Mergansers, Coots, and Common Moorhens

Hunting Seasons and Duck Limits: Concurrent 107 days and daily bag limit of 7 ducks and mergansers, including no more than 2 female mallards, 1 pintail, 4 scaup, 2 redheads and 1 canvasback.

The season on coots and common moorhens may be between the outside dates for the season on ducks, but not to exceed 107 days.

Coot and Common Moorhen Limits: The daily bag and possession limits of coots and common moorhens are 25, singly or in the aggregate.

Outside Dates: Between the Saturday nearest October 1 (October 2) and the Sunday nearest January 20 (January 23).

Zoning and Split Seasons: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington may select hunting seasons by zones.

Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington may split their seasons into two segments.

Colorado, Montana, New Mexico, and Wyoming may split their seasons into three segments.

Colorado River Zone, California: Seasons and limits shall be the same as seasons and limits selected in the adjacent portion of Arizona (South Zone).

Geese

Season Lengths, Outside Dates, and Limits: Except as subsequently noted, 100-day seasons may be selected, with outside dates between the Saturday nearest October 1 (October 2), and the Sunday nearest January 20 (January 23), and the basic daily bag limits are 3 light geese and 4 dark geese, except in California, Oregon, and Washington, where the dark goose bag limit does not include brant.

Split Seasons: Unless otherwise specified, seasons for geese may be split into up to 3 segments. Three-way split seasons for Canada geese and white-fronted geese require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating State.

Brant Season—A 16-consecutive-day season may be selected in Oregon and Washington, and a 30-consecutive-day season may be selected in California. In these States, the daily bag limit is 2 brant and is in addition to dark goose limits.

Closures: There will be no open season on Aleutian Canada geese in the Pacific Flyway. The States of California, Oregon, and Washington must include a statement on the closure for that subspecies in their respective regulations leaflet. Emergency closures may be invoked for all Canada geese should Aleutian Canada goose distribution patterns or other circumstances justify such actions.

Arizona: The daily bag limit for dark geese is 3.

California:

Northeastern Zone—White-fronted geese and cackling Canada geese may be taken only during the first 44 days of the

goose season. The daily bag limit is 3 geese and may include no more than 2 dark geese; including not more than 1 cackling Canada goose.

Colorado River Zone—The seasons and limits must be the same as those selected in the adjacent portion of Arizona (South Zone).

Southern Zone—The daily bag limit for dark geese is 3 geese, including not more than 1 cackling Canada goose.

Balance-of-the-State Zone—A 79-day season may be selected. Limits may not include more than 3 geese per day and 6 in possession, of which not more than 2 daily and 4 in possession may be white-fronted geese and not more than 1 daily or 2 in possession may be cackling Canada geese. Three areas in the Balance-of-the-State Zone are restricted in the hunting of certain geese:

(1) In the Counties of Del Norte and Humboldt, there will be no open season for Canada geese, except for the Special September Canada goose hunt in Humboldt County.

(2) In the Sacramento Valley Special Management Area (West), the season on white-fronted geese must end on or before December 14, and, in the Sacramento Valley Special Management Area (East), there will be no open season for Canada geese.

(3) In the San Joaquin Valley Special Management Area, there will be no open season for Canada geese.

Colorado: The daily bag limit for dark geese is 3 geese.

Idaho:

Northern Unit—The daily bag limit is 4 geese, including 4 dark geese, but not more than 3 light geese.

Southwest Unit and Southeastern Unit—The daily bag limit on dark geese is 4.

Montana:

West of Divide Zone and East of Divide Zone—The daily bag limit of dark geese is 4.

Nevada:

Lincoln and Clark County Zone—The daily bag limit of dark geese is 2.

New Mexico: The daily bag limit of dark geese is 3.

Oregon: Except as subsequently noted, the dark goose daily bag limit is 4, including not more than 1 cackling Canada goose.

Lake County Zone—The season length may be 100 days. The dark goose limit is 4, including not more than 2 white-fronted geese and 1 cackling Canada goose.

Western Zone—In the Special Canada Goose Management Area, except for designated areas, there shall be no open season on Canada geese. In the designated areas, individual quotas shall be established which collectively shall not exceed 165 dusky Canada geese. See section on quota zones. In those designated areas, the daily bag limit of dark geese is 4 and may include 4 cackling Canada geese.

Utah: The daily bag limit for dark geese is 3 geese.

Washington: The daily bag limit is 4 geese, including 4 dark geese but not more than 3 light geese.

West Zone—In the Lower Columbia River Special Goose Management Area, except for designated areas, there shall be no open season on Canada geese. In the designated areas, individual quotas shall be established which collectively shall not exceed 85 dusky Canada geese. See section on quota zones. In this area, the daily bag limit of dark geese is 4 and may include 4 cackling Canada geese.

Wyoming: The daily bag limit is 4 dark geese.

Quota Zones: Seasons on dark geese must end upon attainment of individual quotas of dusky Canada geese allotted to the designated areas of Oregon and Washington. The September Canada goose season, the regular goose season, any special late dark goose season, and any extended falconry season, combined, must not exceed 107 days and the established quota of dusky Canada geese must not be exceeded. Hunting of dark geese in those designated areas shall only be by hunters possessing a State-issued permit authorizing them to do so. In a Service-approved investigation, the State must obtain quantitative information on hunter compliance of those regulations aimed at reducing the take of dusky Canada geese and eliminating the take of Aleutian Canada geese. In the designated areas of the Washington Quota Zone, a special late dark goose season may be held between January 22 and March 10. The daily bag limit may not include Aleutian Canada geese. In the Special Canada Goose Management Area of Oregon, the framework closing date is extended to the Sunday closest to March 1 (Feb. 28). In the Special Canada Goose Management Area of Oregon, the framework closing date is extended to the Sunday closest to March 1 (Feb. 28). Regular dark goose seasons may be split into 3 segments within the Oregon and Washington quota zones. The 3-way split seasons are considered experimental for the next 3 years. An evaluation of the 3-way split seasons is required and must be submitted by July, 2002.

Swans

In designated areas of Utah, Nevada, and the Pacific Flyway portion of Montana, an open season for taking a limited number of swans may be selected. Permits will be issued by States and will authorize each permittee to take no more than 1 swan per season. The season may open no earlier than the Saturday nearest October 1 (October 2). The States must implement a harvest-monitoring program to measure the species composition of the swan harvest. In Utah and Nevada, the harvest-monitoring program must require that all harvested swans or their species-determinant parts be examined by either State or Federal biologists for the purpose of species classification. All States should use appropriate measures to maximize hunter compliance in providing bagged swans for examination or, in the case of Montana, reporting bill-measurement and color information. All States must provide to the Service by June 30, 1998, a report covering harvest, hunter participation, reporting compliance, and monitoring of swan populations in the designated hunt areas. These seasons will be subject to the following conditions:

In Utah, no more than 2,750 permits may be issued. The season must end no later than the first Sunday in December (December 6) or upon attainment of 15 trumpeter swans in the harvest, whichever occurs earliest.

In Nevada, no more than 650 permits may be issued. The season must end no later than the Sunday following January 1 (January 2) or upon attainment of 5 trumpeter swans in the harvest, whichever occurs earliest.

In Montana, no more than 500 permits may be issued. The season must end no later than December 1.

Tundra Swans

In Central Flyway portion of Montana, and in North Carolina, North Dakota, South Dakota (east of the Missouri River), and Virginia, an open season for taking a limited number of tundra swans may be selected. Permits will be issued by the States and will authorize each permittee to take no more than 1 tundra swan per season. The States must obtain harvest and hunter participation data. These seasons will be subject to the following conditions:

In the Atlantic Flyway

—The season will be experimental.
—The season may be 90 days, from October 1 to January 31.
—In North Carolina, no more than 5,000 permits may be issued.
—In Virginia, no more than 600 permits may be issued.

In the Central Flyway

—The season may be 107 days and must occur during the light goose season.

—In the Central Flyway portion of Montana, no more than 500 permits may be issued.
—In North Dakota, no more than 2,000 permits may be issued.
—In South Dakota, no more than 1,500 permits may be issued.

Area, Unit and Zone Descriptions

Ducks (Including Mergansers) and Coots

Atlantic Flyway

Connecticut

North Zone: That portion of the State north of I–95.

South Zone: Remainder of the State.

Maine

North Zone: That portion north of the line extending east along Maine State Highway 110 from the New Hampshire and Maine border to the intersection of Maine State Highway 11 in Newfield; then north and east along Route 11 to the intersection of U.S. Route 202 in Auburn; then north and east on Route 202 to the intersection of Interstate Highway 95 in Augusta; then north and east along I–95 to Route 15 in Bangor; then east along Route 15 to Route 9; then east along Route 9 to Stony Brook in Baileyville; then east along Stony Brook to the United States border.

South Zone: Remainder of the State.

Massachusetts

Western Zone: That portion of the State west of a line extending south from the Vermont border on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut border.

Central Zone: That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire border on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island border; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.-Elm St. bridge shall be in the Coastal Zone.

Coastal Zone: That portion of Massachusetts east and south of the Central Zone.

New Hampshire

Coastal Zone: That portion of the State east of a line extending west from Maine border in Rollinsford on NH 4 to the city of Dover, south to NH 108, south along NH 108 through Madbury, Durham, and Newmarket to NH 85 in Newfields, south to NH 101 in Exeter, east to NH 51 (Exeter-Hampton Expressway), east to I–95 (New Hampshire Turnpike) in Hampton, and south along I–95 to the Massachusetts border.

Inland Zone: That portion of the State north and west of the above boundary.

New Jersey

Coastal Zone: That portion of the State seaward of a line beginning at the New York border in Raritan Bay and extending west along the New York border to NJ 440 at Perth Amboy; west on NJ 440 to the Garden State Parkway; south on the Garden State Parkway to the shoreline at Cape May and continuing to the Delaware border in Delaware Bay.

North Zone: That portion of the State west of the Coastal Zone and north of a line extending west from the Garden State Parkway on NJ 70 to the New Jersey Turnpike, north on the turnpike to U.S. 206, north on U.S. 206 to U.S. 1 at Trenton, west on U.S. 1 to the Pennsylvania border in the Delaware River.

South Zone: That portion of the State not within the North Zone or the Coastal Zone.

New York

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Long Island Zone: That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone: That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania border.

Northeastern Zone: That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I–87, north along I–87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

Pennsylvania

Lake Erie Zone: The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

Northwest Zone: The area bounded on the north by the Lake Erie Zone and including all of Erie and Crawford Counties and those portions of Mercer and Venango Counties north of I–80.

North Zone: That portion of the State east of the Northwest Zone and north of a line extending east on I–80 to U.S. 220, Route 220 to I–180, I–180 to I–80, and I–80 to the Delaware River.

South Zone: The remaining portion of Pennsylvania.

Vermont

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to the Canadian border.

Interior Zone: The remaining portion of Vermont.

West Virginia

Zone 1: That portion outside the boundaries in Zone 2.

Zone 2 (Allegheny Mountain Upland): That area bounded by a line extending south along U.S. 220 through Keyser to U.S. 50; U.S. 50 to WV 93; WV 93 south to WV 42; WV 42 south to Petersburg; WV 28 south to Minnehaha Springs; WV 39 west to U.S. 219; U.S. 219 south to I–64; I–64 west to U.S. 60; U.S. 60 west to U.S. 19; U.S. 19 north to I–79, I–79 north to U.S. 48; U.S. 48 east to the Maryland border; and along the border to the point of beginning.

Mississippi Flyway

Alabama

South Zone: Mobile and Baldwin Counties.

North Zone: The remainder of Alabama.

Illinois

North Zone: That portion of the State north of a line extending east from the Iowa border along Illinois Highway 92 to Interstate Highway 280, east along I–280 to I–80, then east along I–80 to the Indiana border.

Central Zone: That portion of the State south of the North Zone to a line extending east from the Missouri border along the Modoc Ferry route to Modoc Ferry Road, east along Modoc Ferry Road to Modoc Road, northeasterly along Modoc Road and St. Leo's Road to

Illinois Highway 3, north along Illinois 3 to Illinois 159, north along Illinois 159 to Illinois 161, east along Illinois 161 to Illinois 4, north along Illinois 4 to Interstate Highway 70, east along I–70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to I–70, then east along I–70 to the Indiana border.

South Zone: The remainder of Illinois.

Indiana

North Zone: That portion of the State north of a line extending east from the Illinois border along State Road 18 to U.S. Highway 31, north along U.S. 31 to U.S. 24, east along U.S. 24 to Huntington, then southeast along U.S. 224 to the Ohio border.

Ohio River Zone: That portion of the State south of a line extending east from the Illinois border along Interstate Highway 64 to New Albany, east along State Road 62 to State 56, east along State 56 to Vevay, east and north on State 156 along the Ohio River to North Landing, north along State 56 to U.S. Highway 50, then northeast along U.S. 50 to the Ohio border.

South Zone: That portion of the State between the North and Ohio River Zone boundaries.

Iowa

North Zone: That portion of the State north of a line extending east from the Nebraska border along State Highway 175 to State 37, southeast along State 37 to U.S. Highway 59, south along U.S. 59 to Interstate Highway 80, then east along I–80 to the Illinois border.

South Zone: The remainder of Iowa.

Kentucky

West Zone: All counties west of and including Butler, Daviess, Ohio, Simpson, and Warren Counties.

East Zone: The remainder of Kentucky.

Louisiana

West Zone: That portion of the State west of a line extending south from the Arkansas border along Louisiana Highway 3 to Bossier City, east along Interstate Highway 20 to Minden, south along Louisiana 7 to Ringgold, east along Louisiana 4 to Jonesboro, south along U.S. Highway 167 to Lafayette, southeast along U.S. 90 to Houma, then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass.

East Zone: The remainder of Louisiana.

Catahoula Lake Area: All of Catahoula Lake, including those portions known locally as Round Prairie, Catfish Prairie, and Frazier's Arm. See State regulations for additional information.

Michigan

North Zone: The Upper Peninsula.

Middle Zone: That portion of the Lower Peninsula north of a line beginning at the Wisconsin border in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and easterly and southerly along the south shore of, Stony Creek to Scenic Drive, easterly and southerly along Scenic Drive to Stony Lake Road, easterly along Stony Lake and Garfield Roads to Michigan Highway 20, east along Michigan 20 to U.S. Highway 10 Business Route (BR) in the city of Midland, east along U.S. 10 BR to U.S. 10, east along U.S. 10 to Interstate Highway 75/U.S. Highway 23, north along I–75/U.S. 23 to the U.S. 23 exit at Standish, east along U.S. 23 to Shore Road in Arenac County, east along Shore Road to the tip of Point Lookout, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canada border.

South Zone: The remainder of Michigan.

Mississippi

Zone 1: Hancock, Harrison, and Jackson Counties.

Zone 2: The remainder of Mississippi.

Missouri

North Zone: That portion of Missouri north of a line running west from the Illinois border along Interstate Highway 70 to U.S. Highway 54, south along U.S. 54 to U.S. 50, then west along U.S. 50 to the Kansas border.

South Zone: That portion of Missouri south of a line running west from the Illinois border along Missouri Highway 34 to Interstate Highway 55; south along I–55 to U.S. Highway 62, west along U.S. 62 to Missouri 53, north along Missouri 53 to Missouri 51, north along Missouri 51 to U.S. 60, west along U.S. 60 to Missouri 21, north along Missouri 21 to Missouri 72, west along Missouri 72 to Missouri 32, west along Missouri 32 to U.S. 65, north along U.S. 65 to U.S. 54, west along U.S. 54 to Missouri 32, south along Missouri 32 to Missouri 97, south along Missouri 97 to Dade County NN, west along Dade County NN to Missouri 37, west along Missouri 37 to Jasper County N, west along Jasper County N to Jasper County M, west along Jasper County M to the Kansas border.

Middle Zone: The remainder of Missouri.

Ohio

North Zone: The Counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking (excluding the Buckeye Lake Area), Muskingum, Guernsey, Harrison and Jefferson and all counties north thereof.

Ohio River Zone: The Counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia and Meigs.

South Zone: That portion of the State between the North and Ohio River Zone boundaries, including the Buckeye Lake Area in Licking County bounded on the west by State Highway 37, on the north by U.S. Highway 40, and on the east by State 13.

Tennessee

Reelfoot Zone: All or portions of Lake and Obion Counties.

State Zone: The remainder of Tennessee.

Wisconsin

North Zone: That portion of the State north of a line extending east from the Minnesota border along State Highway 77 to State 27, south along State 27 and 77 to U.S. Highway 63, and continuing south along State 27 to Sawyer County Road B, south and east along County B to State 70, southwest along State 70 to State 27, south along State 27 to State 64, west along State 64/27 and south along State 27 to U.S. 12, south and east on State 27/U.S. 12 to U.S. 10, east on U.S. 10 to State 310, east along State 310 to State 42, north along State 42 to State 147, north along State 147 to State 163, north along State 163 to Kewaunee County Trunk A, north along County Trunk A to State 57, north along State 57 to the Kewaunee/Door County Line, west along the Kewaunee/Door County Line to the Door/Brown County Line, west along the Door/Brown County Line to the Door/Oconto/Brown County Line, northeast along the Door/Oconto County Line to the Marinette/Door County Line, northeast along the Marinette/Door County Line to the Michigan border.

South Zone: The remainder of Wisconsin.

Central Flyway

Kansas

High Plains Zone: That portion of the State west of U.S. 283.

Low Plains Early Zone: That portion of the State east of the High Plains Zone and west of a line extending south from the Nebraska border along KS 28 to U.S. 36, east along U.S. 36 to KS 199, south along KS 199 to Republic County Road 563, south along Republic County Road 563 to KS 148, east along KS 148 to Republic County Road 138, south along

Republic County Road 138 to Cloud County Road 765, south along Cloud County Road 765 to KS 9, west along KS 9 to U.S. 24, west along U.S 24 to U.S. 281, north along U.S. 281 to U.S. 36, west along U.S. 36 to U.S. 183, south along U.S. 183 to U.S. 24, west along U.S. 24 to KS 18, southeast along KS 18 to U.S. 183, south along U.S. 183 to KS 4, east along KS 4 to I–135, south along I–135 to KS 61, southwest along KS 61 to KS 96, northwest on KS 96 to U.S. 56, west along U.S. 56 to U.S. 281, south along U.S. 281 to U.S. 54, then west along U.S. 54 to U.S. 283.

Low Plains Late Zone: The remainder of Kansas.

Montana (Central Flyway Portion)

Zone 1: The Counties of Blaine, Carbon, Carter, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Powder River, Richland, Roosevelt, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, and Yellowstone.

Zone 2: The remainder of Montana.

Nebraska

High Plains Zone: That portion of the State west of highways U.S. 183 and U.S. 20 from the South Dakota border to Ainsworth, NE 7 and NE 91 to Dunning, NE 2 to Merna, NE 92 to Arnold, NE 40 and NE 47 through Gothenburg to NE 23, NE 23 to Elwood, and U.S. 283 to the Kansas border.

Low Plains Zone 1: That portion of the State east of the High Plains Zone and north and east of a line extending from the South Dakota border along NE 26E Spur to U.S. 20, west on U.S. 20 to NE 12, west on NE 12 to the Knox/Keya Paha County line, south along the county line to the Niobrara River and along the Niobrara River to U.S. 183 (the High Plains Zone line). Where the Niobrara River forms the boundary, both banks will be in Zone 1.

Low Plains Zone 2: That portion of the State east of the High Plains Zone and bounded by designated highways and political boundaries starting on U.S. 73 at the Kansas border, north to NE 67, north to U.S. 75, north to NE 2, west to NE 43, north to U.S. 34, east to NE 63, north and west to U.S. 77, north to NE 92, west to U.S. 81, south to NE 66, west to NE 14, south to U.S. 34, west to NE 2, south to I–80, west to Hamilton/Hall County line (Gunbarrel Road), south to Giltner Road; west to U.S. 34, west to U.S. 136, east on U.S. 136 to NE 10, south to the State line, west to U.S. 283, north to NE 23, west to NE 47, north to U.S. 30, east to NE 14, north to NE 52, northwesterly to NE 91, west to U.S. 281, north to NE 91 in Wheeler County, west to U.S. 183, north to northerly boundary of Loup County, east along the north boundaries of Loup, Garfield, and Wheeler County, south along the east Wheeler County line to NE 70, east on NE 70 from Wheeler County to NE 14, south to NE 39, southeast to NE 22, east to U.S. 81, southeast to U.S. 30, east along U.S. 30 to U.S. 75, north along U.S. 75 to the Washington/Burt County line; then east along the county line to the Iowa border.

Low Plains Zone 3: The area east of the High Plains Zone, excluding Low Plains Zone 1, north of Low Plains Zone 2.

Low Plains Zone 4: The area east of the High Plains Zone and south of Zone 2.

New Mexico (Central Flyway Portion)

North Zone: That portion of the State north of I–40 and U.S. 54.

South Zone: The remainder of New Mexico.

North Dakota

High Plains Unit: That portion of the State south and west of a line from the South Dakota border along U.S. 83 and I–94 to ND 41, north to U.S. 2, west to the Williams/Divide County line, then north along the County line to the Canadian border.

Low Plains: The remainder of North Dakota.

Oklahoma

High Plains Zone: The Counties of Beaver, Cimarron, and Texas.

Low Plains Zone 1: That portion of the State east of the High Plains Zone and north of a line extending east from the Texas border along OK 33 to OK 47, east along OK 47 to U.S. 183, south along U.S. 183 to I–40, east along I–40 to U.S. 177, north along U.S. 177 to OK 33, west along OK 33 to I–35, north along I–35 to U.S. 60, west along U.S. 60 to U.S. 64, west along U.S. 64 to OK 132, then north along OK 132 to the Kansas border.

Low Plains Zone 2: The remainder of Oklahoma.

South Dakota

High Plains Unit: That portion of the State west of a line beginning at the North Dakota border and extending south along U.S. 83 to U.S. 14, east along U.S. 14 to Blunt-Canning Road in Blunt, south along Blunt-Canning Road to SD 34, east to SD 47, south to I–90, east to SD 47, south to SD 49, south to Colome and then continuing south on U.S. 183 to the Nebraska border.

North Zone: That portion of northeastern South Dakota east of the High Plains Unit and north of a line extending east along US 212 to SD 15, then north along SD 15 to Big Stone Lake at the Minnesota border.

South Zone: That portion of Gregory County east of SD 47, Charles Mix County south of SD 44 to the Douglas County line, south on SD 50 to Geddes, east on the Geddes Hwy. to U.S. 281, south on U.S. 281 and U.S. 18 to SD 50, south and east on SD 50 to Bon Homme County line, the Counties of Bon Homme, Yankton, and Clay south of SD 50, and Union County south and west of SD 50 and I–29.

Middle Zone: The remainder of South Dakota.

Texas

High Plains Zone: That portion of the State west of a line extending south from the Oklahoma border along U.S. 183 to Vernon, south along U.S. 283 to Albany, south along TX 6 to TX 351 to Abilene, south along U.S. 277 to Del Rio, then south along the Del Rio International Toll Bridge access road to the Mexico border.

Low Plains North Zone: That portion of northeastern Texas east of the High Plains Zone and north of a line beginning at the International Toll Bridge south of Del Rio, then extending east on U.S. 90 to San Antonio, then continuing east on I–10 to the Louisiana border at Orange, Texas.

Low Plains South Zone: The remainder of Texas.

Wyoming (Central Flyway portion)

Zone 1: The Counties of Converse, Goshen, Hot Springs, Natrona, Platte, Washakie, and that portion of Park County south of T58N and not within the boundary of the Shoshone National Forest.

Zone 2: The remainder of Wyoming.

Pacific Flyway

Arizona—Game Management Units (GMU) as follows:

South Zone: Those portions of GMUs 6 and 8 in Yavapai County, and GMUs 10 and 12B–45.

North Zone: GMUs 1–5, those portions of GMUs 6 and 8 within Coconino County, and GMUs 7, 9, 12A.

California

Northeastern Zone: That portion of the State east and north of a line beginning at the Oregon border; south and west along the Klamath River to the mouth of Shovel Creek; south along Shovel Creek to Forest Service Road 46N10; south and east along FS 46N10 to FS 45N22; west and south along FS 45N22 to U.S. 97 at Grass Lake Summit; south and west along U.S. 97 to I–5 at the town of Weed; south along I–5 to CA

89; east and south along CA 89 to the junction with CA 49; east and north on CA 49 to CA 70; east on CA 70 to U.S. 395; south and east on U.S. 395 to the Nevada border.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as "Aqueduct Road" in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the "Desert Center to Rice Road" to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east seven miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Southern San Joaquin Valley Temporary Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance-of-the-State Zone: The remainder of California not included in the Northeastern, Southern, and Colorado River Zones, and the Southern San Joaquin Valley Temporary Zone.

Idaho

Zone 1: Includes all lands and waters within the Fort Hall Indian Reservation, including private inholdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; and Power County east of ID 37 and ID 39.

Zone 2: Includes the following Counties or portions of Counties: Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of ID 75, south and east of U.S. 93, and between ID 75 and U.S. 93 north of U.S. 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou except the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties.

Zone 3: Includes the following Counties or portions of Counties: Ada; Blaine between ID 75 and U.S. 93 south of U.S. 20 and that additional area between ID 75 and U.S. 93 north of U.S. 20 within the Silver Creek drainage; Boise; Canyon; Cassia except within the Minidoka National Wildlife Refuge; Elmore except the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of ID 37 and ID 39 except that portion within the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties.

Nevada

Lincoln and Clark County Zone: All of Clark and Lincoln Counties.

Remainder-of-the-State Zone: The remainder of Nevada.

Oregon

Zone 1: Clatsop, Tillamook, Lincoln, Lane, Douglas, Coos, Curry, Josephine, Jackson, Linn, Benton, Polk, Marion, Yamhill, Washington, Columbia, Multnomah, Clackamas, Hood River, Wasco, Sherman, Gilliam, Morrow and Umatilla Counties.

Columbia Basin Mallard Management Unit: Gilliam, Morrow, and Umatilla Counties.

Zone 2: The remainder of the State.

Utah

Zone 1: All of Box Elder, Cache, Daggett, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Unitah, Utah, Wasatch, and Weber Counties and that part of Toole County north of I–80.

Zone 2: The remainder of Utah.

Washington

East Zone: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Columbia Basin Mallard Management Unit: Same as East Zone.

West Zone: All areas to the west of the East Zone.

Geese

Atlantic Flyway

Connecticut

NAP Zone: Statewide, except for Hartford and Litchfield Counties west of the Connecticut River.

AP Zone: Remainder of the State.

South Zone: Same as for ducks.

North Zone: Same as for ducks.

Maryland

SJBP Zone: Allegheny, Carroll, Frederick, Garrett, Washington counties and the portion of Montgomery County south of Interstate 270 and west of Interstate 495 to the Potomac River.

AP Zone: Remainder of the State.

Massachusetts

NAP Zone: Central Zone (same as for ducks) and that portion of the Coastal Zone that lies north of route 139 from Green Harbor.

AP Zone: Remainder of the State.

New Hampshire

Same zones as for ducks.

New Jersey

North—that portion of the State within a continuous line that runs east along the New York State boundary line to the Hudson River; then south along the New York State boundary to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with Route 287; then west along Route 287 to its intersection with Route 206 in Bedminster (Exit 18); then north along Route 206 to its intersection with Route 94; then west along Route 94 to the tollbridge in Columbia; then north along the Pennsylvania State boundary in the Delaware River to the beginning point.

South—that portion of the State within a continuous line that runs west from the Atlantic Ocean at Ship Bottom along Route 72 to the Garden State Parkway; then south along the Garden State Parkway to Route 9; then south along Route 9 to Route 542; then west along Route 542 to the Mullica River (at Pleasant Mills); then north (upstream) along the Mullica River to Route 206; then south along Route 206 to Route 536; then west along Route 536 to Route 322; then west along Route 322 to Route 55; then south along Route 55 to Route 553 (Buck Road); then south along Route 553 to Route 40; then east along Route 40 to Route 55; then south along Route 55 to Route 552 (Sherman Avenue); then west along Route 552 to Carmel Road; then south along Carmel Road to Route 49; then south along Route 49 to Route 50; then east along Route 50 to Route 9; then south along Route 9 to Route 625 (Sea Isle City Boulevard); then east along Route 625 to the Atlantic Ocean; then north to the beginning point.

New York

Special Late Season Area for Canada Geese: that area of Chemung County

lying east of a continuous line extending south along State Route 13 from the Schuyler County line to State Route 17 and then south along Route 17 to the New York-Pennsylvania boundary; all of Tioga and Broome Counties; that area of Delaware, Sullivan, and Orange Counties lying southwest of a continuous line extending east along State Route 17 from the Broome County line to U.S. Route 209 at Wurtsboro and then south along Route 209 to the New York-Pennsylvania boundary at Port Jervis, excluding areas on or within 50 yards of the Delaware River between the confluence of the West Branch and East Branch below Hancock and the mouth of the Shingle Kill (3 miles upstream from Port Jervis); that area of Orange, Rockland, Dutchess, Putnam and Westchester Counties lying southeast of a continuous line extending north along Route 17 from the New York-New Jersey boundary at Suffern to Interstate Route 87, then north along Route 87 to Interstate Route 84, then east along Route 84 to the northern boundary of Putnam County, then east along that boundary to the New York-Connecticut boundary; that area of Nassau and Suffolk Counties lying north of State Route 25A and west of a continuous line extending northward from State Route 25A along Randall Road (near Shoreham) to North Country Road, then east to Sound Road and then north to Long Island Sound and then due north to the New York-Connecticut boundary.

Long Island (NAP) Zone: Same as Long Island Duck Zone.

Southwest (SJBP) Zone: all of Allegany, Cattaraugus, and Chautaugua Counties; that area of Erie, Wyoming and Niagara Counties lying south and west of a continuous line extending from the Rainbow Bridge below Niagara Falls, north along the Robert Moses Parkway to US Route 62A, then east along Route 62A to US Route 62, then southeast along US Route 62 to Interstate Route 290, then south along Route 290 to Exit 50 of the NYS Thruway, then east along I–90 to State Route 98, then south along State Route 98 to the Cattaraugus County line; and that area of Steuben and Chemung Counties lying south of State Route 17.

AP Zone: Remainder of the State.

North Carolina

Regular Season for Canada Geese: Statewide, except for Northampton County and the Northeast Hunt Unit—Counties of Bertie, Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington.

Pennsylvania

SJBP Zone: Area from the New York State line west of U.S. Route 220 to intersection of I–180, west of I–180 to intersection of SR 147, west of SR 147 to intersection of U.S. Route 322, west of U.S. Route 322 to intersection of I–81, west of I–81 to intersection of I–83, west of I–83 to I–283, west of I–283 to SR 441, west of SR 441 to U.S. Route 30, west of U.S. Route 30 to I–83, west of I–83 to Maryland State line, except for the Pymatuning Zone.

Pymatuning Zone: Area south of SR 198 from the Ohio State line to the intersection of SR 18, to the intersection of US Route 322/SR 18, to the intersection of SR 3013, then south to the Crawford/Mercer County line.

Special Late Season Area for Canada Geese: Same as SJBP Zone and the area from New York State line east of U.S. Route 220 to intersection of I–180, east of I–180 to intersection of SR 147, east of SR 147 to intersection of U.S. Route 322, east of Route 322 to intersection of I–81, north of I–81 to intersection of I–80, north of I–80 to New Jersey State line.

AP Zone: Remainder of the State.

Rhode Island

Special Area for Canada Geese: Kent and Providence Counties and portions of the towns of Exeter and North Kingston within Washington County (see State regulations for detailed descriptions).

South Carolina

Canada Goose Area: Statewide except for Clarendon County and that portion of Lake Marion in Orangeburg County and Berkeley County.

Vermont

Same zones as for ducks.

Virginia

SJBP Zone and Special Late Season Area for Canada Geese: All areas west of I–95.

Back Bay Area: The waters of Back Bay and its tributaries and the marshes adjacent thereto, and on the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and on and along the shore of North Landing River and the marshes adjacent thereto, and on and along the shores of Binson Inlet Lake (formerly known as Lake Tecumseh) and Red Wing Lake and the marshes adjacent thereto.

AP Zone: Remainder of the State.

West Virginia

Same zones as for ducks.

Mississippi Flyway

Alabama

Same zones as for ducks, but in addition:

SJBP Zone: That portion of Morgan County east of U.S. Highway 31, north of State Highway 36, and west of U.S. 231; that portion of Limestone County south of U.S. 72; and that portion of Madison County south of Swancott Road and west of Triana Road.

Arkansas

East Zone: Arkansas, Ashley, Chicot, Clay, Craighead, Crittenden, Cross, Desha, Drew, Greene, Independence, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Mississippi, Monroe, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, White, and Woodruff Counties.

West Zone: Baxter, Benton, Boone, Carroll, Cleburne, Conway, Crawford, Faulkner, Franklin, Fulton, Izard, Johnson, Madison, Marion, Newton, Pope, Searcy, Sharp, Stone, Van Buren, and Washington Counties, and those portions of Logan, Perry, Sebastian, and Yell Counties lying north of a line extending east from the Oklahoma border along State Highway 10 to Perry, south on State 9 to State 60, then east on State 60 to the Faulkner County line.

Illinois

Same zones as for ducks, but in addition:

North Zone:

Northern Illinois Quota Zone: The Counties of McHenry, Lake, Kane, DuPage, and those portions of LaSalle and Will Counties north of Interstate Highway 80.

Central Zone:

Central Illinois Quota Zone: The Counties of Grundy, Woodford, Peoria, Knox, Fulton, Tazewell, Mason, Cass, Morgan, Pike, Calhoun, and Jersey, and those portions of LaSalle and Will Counties south of Interstate Highway 80.

South Zone:

Southern Illinois Quota Zone: Alexander, Jackson, Union, and Williamson Counties.

Rend Lake Quota Zone: Franklin and Jefferson Counties.

Indiana

Same zones as for ducks, but in addition:

SJBP Zone: Jasper, LaGrange, LaPorte, Starke, and Steuben Counties, and that portion of the Jasper-Pulaski Fish and Wildlife Area in Pulaski County.

Iowa

Same zones as for ducks.

Kentucky

Western Zone: That portion of the State west of a line beginning at the Tennessee border at Fulton and extending north along the Purchase Parkway to Interstate Highway 24, east along I–24 to U.S. Highway 641, north along U.S. 641 to U.S. 60, northeast along U.S. 60 to the Henderson County line, then south, east, and northerly along the Henderson County line to the Indiana border.

Ballard Reporting Area: That area encompassed by a line beginning at the northwest city limits of Wickliffe in Ballard County and extending westward to the middle of the Mississippi River, north along the Mississippi River and along the low-water mark of the Ohio River on the Illinois shore to the Ballard-McCracken County line, south along the county line to Kentucky Highway 358, south along Kentucky 358 to U.S. Highway 60 at LaCenter; then southwest along U.S. 60 to the northeast city limits of Wickliffe.

Henderson-Union Reporting Area: Henderson County and that portion of Union County within the Western Zone.

Pennyroyal/Coalfield Zone: Butler, Daviess, Ohio, Simpson, and Warren Counties and all counties lying west to the boundary of the Western Goose Zone.

Michigan

Same zones as for ducks, but in addition:

South Zone

Tuscola/Huron Goose Management Unit (GMU): Those portions of Tuscola and Huron Counties bounded on the south by Michigan Highway 138 and Bay City Road, on the east by Colwood and Bay Port Roads, on the north by Kilmanagh Road and a line extending directly west off the end of Kilmanagh Road into Saginaw Bay to the west boundary, and on the west by the Tuscola-Bay County line and a line extending directly north off the end of the Tuscola-Bay County line into Saginaw Bay to the north boundary.

Allegan County GMU: That area encompassed by a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly ½ mile along 46th Street to 109th Avenue, westerly along 109th Avenue to I–196 in Casco Township, then northerly along I–196 to the point of beginning.

Saginaw County GMU: That portion of Saginaw County bounded by Michigan Highway 46 on the north; Michigan 52 on the west; Michigan 57 on the south; and Michigan 13 on the east.

Muskegon Wastewater GMU: That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Special Canada Goose Seasons:

Southern Michigan GMU: That portion of the State, including the Great Lakes and interconnecting waterways and excluding the Allegan County GMU, south of a line beginning at the Ontario border at the Bluewater Bridge in the city of Port Huron and extending westerly and southerly along Interstate Highway 94 to I–69, westerly along I–69 to Michigan Highway 21, westerly along Michigan 21 to I–96, northerly along I–96 to I–196, westerly along I–196 to Lake Michigan Drive (M–45) in Grand Rapids, westerly along Lake Michigan Drive to the Lake Michigan shore, then directly west from the end of Lake Michigan Drive to the Wisconsin border.

Central Michigan GMU: That portion of the South Zone north of the Southern Michigan GMU, excluding the Tuscola/Huron GMU, Saginaw County GMU, and Muskegon Wastewater GMU.

Minnesota

West Zone: That portion of the state encompassed by a line beginning at the junction of State Trunk Highway (STH) 60 and the Iowa border, then north and east along STH 60 to U.S. Highway 71, north along U.S. 71 to Interstate Highway 94, then north and west along I–94 to the North Dakota border.

West Central Zone: That area encompassed by a line beginning at the intersection of State Trunk Highway (STH) 29 and U.S. Highway 212 and extending west along U.S. 212 to U.S. 59, south along U.S. 59 to STH 67, west along STH 67 to U.S. 75, north along U.S. 75 to County State Aid Highway (CSAH) 30 in Lac qui Parle County, west along CSAH 30 to the western boundary of the State, north along the western boundary of the State to a point due south of the intersection of STH 7 and CSAH 7 in Big Stone County, and continuing due north to said intersection, then north along CSAH 7 to CSAH 6 in Big Stone County, east along CSAH 6 to CSAH 21 in Big Stone County, south along CSAH 21 to CSAH 10 in Big Stone County, east along CSAH 10 to CSAH 22 in Swift County, east along CSAH 22 to CSAH 5 in Swift County, south along CSAH 5 to U.S. 12, east along U.S. 12 to CSAH 17 in Swift County, south along CSAH 17 to CSAH 9 in Chippewa County, south along CSAH 9 to STH 40, east along STH 40 to STH 29, then south along STH 29 to the point of beginning.

Lac qui Parle Zone: That area encompassed by a line beginning at the intersection of U.S. Highway 212 and County State Aid Highway (CSAH) 27 in Lac qui Parle County and extending north along CSAH 27 to CSAH 20 in Lac qui Parle County, west along CSAH 20 to State Trunk Highway (STH) 40, north along STH 40 to STH 119, north along STH 119 to CSAH 34 in Lac qui Parle County, west along CSAH 34 to CSAH 19 in Lac qui Parle County, north and west along CSAH 19 to CSAH 38 in Lac qui Parle County, west along CSAH 38 to U.S. 75, north along U.S. 75 to STH 7, east along STH 7 to CSAH 6 in Swift County, east along CSAH 6 to County Road 65 in Swift County, south along County 65 to County 34 in Chippewa County, south along County 34 to CSAH 12 in Chippewa County, east along CSAH 12 to CSAH 9 in Chippewa County, south along CSAH 9 to STH 7, southeast along STH 7 to Montevideo and along the municipal boundary of Montevideo to U.S. 212; then west along U.S. 212 to the point of beginning.

Northwest Zone: That portion of the state encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Special Canada Goose Seasons:

Southeast Zone: That portion of the state encompassed by a line extending north from the Iowa border along U.S. Highway 63 to State Trunk Highway [STH] 30, west on STH 30 to County State Aid Highway [CSAH] 13 in Dodge County, north on CSAH 13 to STH 57, north on STH 57 to U.S. Highway 52, north on U.S. Highway 52 to the south boundary of the Twin Cities Metro Goose Zone, east on the south boundary of the Twin Cities Metro Goose Zone to the Wisconsin border.

Missouri

Same zones as for ducks but in addition:

North Zone

Swan Lake Zone: That area bounded by U.S. Highway 36 on the north, Missouri Highway 5 on the east, Missouri 240 and U.S. 65 on the south, and U.S. 65 on the west.

Middle Zone

Southeast Zone: That portion of the State encompassed by a line beginning at the intersection of Missouri Highway (MO) 34 and Interstate 55 and extending south along I–55 to U.S. Highway 62, west along U.S. 62 to MO 53, north along MO 53 to MO 51, north along MO 51 to U.S. 60, west along U.S. 60 to MO 21, north along MO 21 to MO 72, east along MO 72 to MO 34, then east along MO 34 to I–55.

Ohio

Same zones as for ducks but in addition:

North Zone

Lake Erie SJBP Zone: That portion of the state encompassed by a line beginning in Lucas county at the Michigan state line on I–75, and extending south along I–75 to I–280, south along I–280 to I–80, east along I–80 to the Pennsylvania state line in Trumbull county, north along the Pennsylvania state line to SR 6 in Ashtabula county, west along SR 6 to the Lake/Cuyahoga county line, north along the Lake/Cuyahoga county line to the shore of Lake Erie.

Tennessee

Southwest Zone: That portion of the State south of State Highways 20 and 104, and west of U.S. Highways 45 and 45W.

Northwest Zone: Lake, Obion and Weakley Counties and those portions of Gibson and Dyer Counties not included in the Southwest Tennessee Zone.

Kentucky/Barkley Lakes Zone: That portion of the State bounded on the west by the eastern boundaries of the Northwest and Southwest Zones and on the east by State Highway 13 from the Alabama border to Clarksville and U.S. Highway 79 from Clarksville to the Kentucky border.

Wisconsin

Horicon Zone: That area encompassed by a line beginning at the intersection of State Highway 21 and the Fox River in Winnebago County and extending westerly along State 21 to the west boundary of Winnebago County, southerly along the west boundary of Winnebago County to the north boundary of Green Lake County, westerly along the north boundaries of Green Lake and Marquette Counties to State 22, southerly along State 22 to State 33, westerly along State 33 to U.S. Highway 16, westerly along U.S. 16 to Weyh Road, southerly along Weyh Road to County Highway O, southerly along County O to the west boundary of Section 31, southerly along the west boundary of Section 31 to the Sauk/Columbia County boundary, southerly along the Sauk/Columbia County boundary to State 33, easterly along State 33 to Interstate Highway 90/94, southerly along I–90/94 to State 60, easterly along State 60 to State 83, northerly along State 83 to State 175, northerly along State 175 to State 33, easterly along State 33 to U.S. Highway 45, northerly along U.S. 45 to the east shore of the Fond Du Lac River, northerly along the east shore of the Fond Du Lac River to Lake Winnebago, northerly along the western shoreline of Lake Winnebago to the Fox River, then westerly along the Fox River to State 21.

Collins Zone: That area encompassed by a line beginning at the intersection of Hilltop Road and Collins Marsh Road in Manitowoc County and extending westerly along Hilltop Road to Humpty Dumpty Road, southerly along Humpty Dumpty Road to Poplar Grove Road, easterly and southerly along Poplar Grove Road to County Highway JJ, southeasterly along County JJ to Collins Road, southerly along Collins Road to the Manitowoc River, southeasterly along the Manitowoc River to Quarry Road, northerly along Quarry Road to Einberger Road, northerly along Einberger Road to Moschel Road, westerly along Moschel Road to Collins Marsh Road, northerly along Collins Marsh Road to Hilltop Road.

Exterior Zone: That portion of the State not included in the Horicon or Collins Zones.

Mississippi River Subzone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois border in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota border.

Rock Prairie Subzone: That area encompassed by a line beginning at the intersection of the Illinois border and Interstate Highway 90 and extending north along I–90 to County Highway A, east along County A to U.S. Highway 12, southeast along U.S. 12 to State Highway 50, west along State 50 to State 120, then south along 120 to the Illinois border.

Brown County Subzone: That area encompassed by a line beginning at the intersection of the Fox River with Green Bay in Brown County and extending southerly along the Fox River to State Highway 29, northwesterly along State 29 to the Brown County line, south, east, and north along the Brown County line to Green Bay, due west to the midpoint of the Green Bay Ship Channel, then southwesterly along the Green Bay Ship Channel to the Fox River.

Central Flyway

Colorado (Central Flyway Portion)

Northern Front Range Area: All lands in Adams, Boulder, Clear Creek, Denver, Gilpin, Jefferson, Larimer, and Weld Counties west of I–25 from the Wyoming border south to I–70; west on I–70 to the Continental Divide; north along the Continental Divide to the Jackson-Larimer County Line to the Wyoming border.

South Park/San Luis Valley Area: Alamosa, Chaffee, Conejos, Costilla, Custer, Fremont, Lake, Park, Teller, and Rio Grande Counties and those portions of Hinsdale, Mineral, and Saguache Counties east of the Continental Divide.

North Park Area: Jackson County.

Arkansas Valley Area: Baca, Bent, Crowley, Kiowa, Otero, and Prowers Counties.

Pueblo County Area: Pueblo County.

Remainder: Remainder of the Central Flyway portion of Colorado.

Eastern Colorado Late Light Goose Area: That portion of the State east of Interstate Highway 25.

Kansas

Light Geese

Unit 1: That portion of Kansas east of a line beginning at the intersection of the Nebraska border and KS 99, extending south along KS 99 to I–70 to U.S. 75, south on U.S. 75 to U.S. 54, west on U.S. 54 to KS 99, and then south on KS 99 to the Oklahoma border.

Unit 2: The remainder of Kansas, laying west of Unit 1.

Dark Geese

Marais des Cygnes Valley Unit: The area is bounded by the Missouri border to KS 68, KS 68 to U.S. 169, U.S. 169 to KS 7, KS 7 to KS 31, KS 31 to U.S. 69, U.S. 69 to KS 239, KS 239 to the Missouri border.

South Flint Hills Unit: The area is bounded by highways U.S. 50 to KS 57, KS 57 to U.S. 75, U.S. 75 to KS 39, KS 39 to KS 96, KS 96 to U.S. 77, U.S. 77 to U.S. 50.

Flint Hills Unit: That part of Kansas bounded by a line from the junction of I–35 and K–57, then south and east on K–57 to its junction US–75, then south on US–75 to its junction with K–39,

then south and west on K–39 to its junction with K–96, then west on K–96 to its junction with US–77, then north on US–77 to its junction with I–70, then east on I–70 to its junction with US–75, then south on US–75 to its junction with I–35, then west on I–35 to its junction with K–57, except federal and state sanctuaries.

Montana (Central Flyway Portion)

Sheridan County: Includes all of Sheridan County.

Remainder: Includes the remainder of the Central Flyway portion of Montana.

Nebraska

Dark Geese

North Unit: Keya Paha County east of U.S. 183 and all of Boyd County, including the boundary waters of the Niobrara River, all of Knox County and that portion of Cedar County west of U.S. 81.

Southcentral Unit: That area south and west of U.S. 281 at the Kansas/Nebraska border, north to Giltner Road (near Doniphan), east to NE 14, north to NE 91, west to U.S. 183, south to NE 92, west to NE 61, north to U.S. 2, west to the intersection of Garden, Grant, and Sheridan counties, then west along the northern border of Garden, Morrill, and Scotts Bluff counties to the Wyoming border.

Northcentral Unit: That area north of the Southcentral Unit and west of U.S. 183.

East Unit: The remainder of Nebraska.

Light Geese

Rainwater Basin Light Goose Area (West): The area bounded by the junction of U.S. 283 and U.S. 30 at Lexington, east on U.S. 30 to U.S. 281, south on U.S. 281 to NE 4, west on NE 4 to U.S. 34, continue west on U.S. 34 to U.S. 283, then north on U.S. 283 to the beginning.

Rainwater Basin Light Goose Area (East): The area bounded by the junction of U.S. 281 and US 30 at Grand Island, north and east on U.S. 30 to NE 92, east on NE 92 to NE 15, south on NE 15 to NE 4, west on NE 4 to U.S. 281, north on U.S. 281 to the beginning.

Remainder of State: The remainder portion of Nebraska.

New Mexico (Central Flyway Portion)

Dark Geese

Middle Rio Grande Valley Unit: Sierra, Socorro, and Valencia counties.

Remainder: The remainder of the Central Flyway portion of New Mexico.

North Dakota

Canada Geese

September Canada Goose Unit: Richland and Sargent Counties.

Statewide: The remainder of North Dakota.

South Dakota

Canada Geese

Unit 1: Statewide except for Units 2.

Big Stone Power Plant Area: That portion of Grant and Roberts Counties east of SD 15 and north of SD 20.

Unit 2: Brule, Buffalo, Campbell, Charles Mix, Dewey, Gregory, Hughes, Hyde, Lyman, Potter, Stanley, Sully, and Walworth Counties and that portion of Corson County east of South Dakota State Highway 65.

Texas

West Unit: That portion of the State laying west of a line from the international toll bridge at Laredo; north along I–35 and I–35W to Fort Worth; northwest along U.S. 81 and U.S. 287 to Bowie; and north along U.S. 81 to the Oklahoma border.

East Unit: Remainder of State.

Wyoming (Central Flyway Portion)

Area 1: Hot Springs, Natrona, and Washakie Counties, and that portion of Park County south of T58N.

Area 2: Converse and Platte County.

Area 3: Albany, Big Horn, Campbell, Crook, Fremont, Johnson, Laramie, Niobrara, Sheridan, and Weston Counties and those portions of Carbon County east of the Continental Divide and Park County north of T58N.

Area 4: Goshen County.

Pacific Flyway

Arizona

GMU 22 and 23: Game Management Units 22 and 23.

Remainder of State: The remainder of Arizona.

California

Northeastern Zone: That portion of the State east and north of a line beginning at the Oregon border; south and west along the Klamath River to the mouth of Shovel Creek; south along Shovel Creek to Forest Service Road 46N10; south and east along FS 46N10 to FS 45N22; west and south along FS 45N22 to U.S. 97 at Grass Lake Summit; south and west along U.S. 97 to I–5 at the town of Weed; south along I–5 to CA 89; east and south along CA 89 to the junction with CA 49; east and north on CA 49 to CA 70; east on CA 70 to U.S. 395; south and east on U.S. 395 to the Nevada border.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as "Aqueduct Road" in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the "Desert Center to Rice Road" to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east seven miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Balance-of-the-State Zone: The remainder of California not included in the Northeastern, Southern, and the Colorado River Zones.

Del Norte and Humboldt Area: The Counties of Del Norte and Humboldt.

Sacramento Valley Special Management Area (East): That area bounded by a line beginning at the junction of the Gridley-Colusa Highway and the Cherokee Canal; west on the Gridley-Colusa Highway to Gould Road; west on Gould Road and due west 0.75 miles directly to Highway 45; south on Highway 45 to Highway 20; east on Highway 20 to West Butte Road; north on West Butte Road to Pass Road; west on Pass Road to West Butte Road; north on West Butte Road to North Butte Road; west on North Butte Road and due west 0.5 miles directly to the Cherokee Canal; north on the Cherokee Canal to the point of beginning.

Sacramento Valley Special Management Area (West): That area bounded by a line beginning at Willows south on I–5 to Hahn Road; easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes; northerly on CA 45 to the junction with CA 162; northerly on CA 45/162 to Glenn; and westerly on

CA 162 to the point of beginning in Willows.

San Joaquin Valley Special Management Area: That area bounded by a line beginning at the intersection of Highway 5 and Highway 120; south on Highway 5 to Highway 33; southeast on Highway 33 to Crows Landing Road; north on Crows Landing Road to Highway 99; north on Highway 99 to Highway 120; west on Highway 120 to the point of beginning.

Western Canada Goose Hunt Area: That portion of the above described Sacramento Valley Area lying east of a line formed by Butte Creek from the Gridley-Colusa Highway south to the Cherokee Canal; easterly along the Cherokee Canal and North Butte Road to West Butte Road; southerly on West Butte Road to Pass Road; easterly on Pass Road to West Butte Road; southerly on West Butte Road to CA 20; and westerly along CA 20 to the Sacramento River.

Colorado (Pacific Flyway Portion)

West Central Area: Archuleta, Delta, Dolores, Gunnison, LaPlata, Montezuma, Montrose, Ouray, San Juan, and San Miguel Counties and those portions of Hinsdale, Mineral and Saguache Counties west of the Continental Divide.

State Area: The remainder of the Pacific-Flyway Portion of Colorado.

Idaho

Zone 1: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties.

Zone 2: The Counties of Ada; Adams; Boise; Canyon; those portions of Elmore north and east of I-84, and south and west of I–84, west of ID 51, except the Camas Creek drainage; Gem; Owyhee west of ID 51; Payette; Valley; and Washington.

Zone 3: The Counties of Blaine; Camas; Cassia; those portions of Elmore south of I–84 east of ID 51, and within the Camas Creek drainage; Gooding; Jerome; Lincoln; Minidoka; Owyhee east of ID 51; Power within the Minidoka National Wildlife Refuge; and Twin Falls.

Zone 4: The Counties of Bear Lake; Bingham within the Blackfoot Reservoir drainage; Bonneville, Butte; Caribou except the Fort Hall Indian Reservation; Clark; Custer; Franklin; Fremont; Jefferson; Lemhi; Madison; Oneida; Power west of ID 37 and ID 39 except the Minidoka National Wildlife Refuge; and Teton.

Zone 5: All lands and waters within the Fort Hall Indian Reservation, including private inholdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; and Power County east of ID 37 and ID 39.

In addition, goose frameworks are set by the following geographical areas:

Northern Unit: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties.

Southwestern Unit: That area west of the line formed by U.S. 93 north from the Nevada border to Shoshone, northerly on ID 75 (formerly U.S. 93) to Challis, northerly on U.S. 93 to the Montana border (except the Northern Unit and except Custer and Lemhi Counties).

Southeastern Unit: That area east of the line formed by U.S. 93 north from the Nevada border to Shoshone, northerly on ID 75 (formerly U.S. 93) to Challis, northerly on U.S. 93 to the Montana border, including all of Custer and Lemhi Counties.

Montana (Pacific Flyway Portion)

East of the Divide Zone: The Pacific Flyway portion of the State located east of the Continental Divide.

West of the Divide Zone: The remainder of the Pacific Flyway portion of Montana.

Nevada

Lincoln Clark County Zone: All of Lincoln and Clark Counties.

Remainder-of-the-State Zone: The remainder of Nevada.

New Mexico (Pacific Flyway Portion)

North Zone: The Pacific Flyway portion of New Mexico located north of I–40.

South Zone: The Pacific Flyway portion of New Mexico located south of I–40.

Oregon

Southwest Zone: Douglas, Coos, Curry, Josephine and Jackson Counties.

Northwest Special Permit Zone: That portion of western Oregon west and north of a line running south from the Columbia River in Portland along I–5 to OR 22 at Salem; then east on OR 22 to the Stayton Cutoff; then south on the Stayton Cutoff to Stayton and due south to the Santiam River; then west along the north shore of the Santiam River to I–5; then south on I–5 to OR 126 at Eugene; then west on OR 126 to Greenhill Road; then south on Greenhill Road to Crow Road; then west on Crow Road to Territorial Hwy; then west on Territorial Hwy to OR 126; then west on OR 126 to OR 36; then north on OR 36 to Forest Road 5070 at Brickerville; then west and south on Forest Road 5070 to OR 126; then west on OR 126 to the Pacific Coast.

Northwest Zone: Those portions of Clackamas, Lane, Linn, Marion, Multnomah, and Washington Counties outside of the Northwest Special Permit Zone.

Closed Zone: Those portions of Coos, Curry, Douglas and Lane Counties west of US 101.

Eastern Zone: Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Deschutes, Jefferson, Crook, Wheeler, Grant, Baker, Union, and Wallowa Counties.

Lake County Zone: All of Lake County.

Utah

Washington County Zone: All of Washington County.

Remainder-of-the-State Zone: The remainder of Utah.

Washington

Eastern Washington: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Area 1: Lincoln, Spokane, and Walla Walla Counties; that part of Grant County east of a line beginning at the Douglas-Lincoln County line on WA 174, southwest on WA 174 to WA 155, south on WA 155 to US 2, southwest on US 2 to Pinto Ridge Road, south on Pinto Ridge Road to WA 28, east on WA 28 to the Stratford Road, south on the Stratford Road to WA 17, south on WA 17 to the Grant-Adams County line; those parts of Adams County east of State Highway 17; those parts of Franklin County east and south of a line beginning at the Adams-Franklin County line on WA 17, south on WA 17 to US 395, south on US 395 to I–182, west on I–182 to the Franklin-Benton County line; those parts of Benton County south of I–182 and I–82; and those parts of Klickitat County east of U.S. Highway 97.

Area 2: All of Okanongan, Douglas, and Kittitas Counties and those parts of Grant, Adams, Franklin, and Benton Counties not included in Eastern Washington Goose Management Area 1.

Area 3: All other parts of eastern Washington not included in Eastern Washington Goose Management Areas 1 and 2.

Western Washington: All areas west of the East Zone.

Area 1: Skagit, Island, and Snohomish Counties.

Area 2: Clark County, except portions south of the Washougal River, Cowlitz, Pacific, and Wahkiakum Counties, and that portion of Grays Harbor County south of U.S. highway 12 and east of U.S. Highway 101.

Area 3: All parts of western Washington not included in Western Washington Goose Management Areas 1 and 2.

Lower Columbia River Early-Season Canada Goose Zone: Beginning at the Washington-Oregon border on the I–5 Bridge near Vancouver, Washington; north on I–5 to Kelso; west on Highway 4 from Kelso to Highway 401; south and west on Highway 401 to Highway 101 at the Astoria-Megler Bridge; west on Highway 101 to Gray Drive in the City of Ilwaco; west on Gray Drive to Canby Road; southwest on Canby Road to the North Jetty; southwest on the North Jetty to its end; southeast to the Washington-Oregon border; upstream along the Washington-Oregon border to the point of origin.

Wyoming (Pacific Flyway Portion): See State Regulations.

Bear River Area: That portion of Lincoln County described in State regulations.

Salt River Area: That portion of Lincoln County described in State regulations.

Eden-Farson Area: Those portions of Sweetwater and Sublette Counties described in State regulations.

Swans

Central Flyway

South Dakota: Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Campbell, Clark, Codington, Davison, Deuel, Day, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson, Hughes, Hyde, Jerauld, Kingsbury, Lake, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Potter, Roberts, Sanborn, Spink, Sully, and Walworth Counties.

Pacific Flyway

Montana (Pacific Flyway Portion)

Open Area: Cascade, Chouteau, Hill, Liberty, and Toole Counties and those portions of Pondera and Teton Counties lying east of U.S. 287–89.

Nevada

Open Area: Churchill, Lyon, and Pershing Counties.

Utah

Open Area: Those portions of Box, Elder, Weber, Davis, Salt Lake, and Toole Counties lying south of State Hwy 30, I–80/84, west of I–15, and north of I–80.

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federal register

Monday
September 27, 1999

Part III

Federal Housing Finance Board

12 CFR Part 900, et al.
Reorganization of Federal Housing Finance Board Regulations; Federal Home Loan Bank Financial Management and Mission Achievement; Proposed Rules

FEDERAL HOUSING FINANCE BOARD

12 CFR Chapter IX

[No. 99–39]

RIN 3069–AA87

Reorganization of Federal Housing Finance Board Regulations

AGENCY: Federal Housing Finance Board.

ACTION: Proposed rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is proposing to reorganize and renumber its regulations, to delete obsolete regulations and to amend the renumbered regulations to achieve greater consistency in terminology and greater conformity with current stylistic conventions of the Code of Federal Regulations. The reorganization is being proposed in order to implement a more logical and efficient presentation of the rules governing the Federal Home Loan Banks (Banks) and the Federal Home Loan Bank System (Bank System), as well as to prepare for the anticipated incorporation, in calendar year 2000, of new financial management and mission achievement regulations for the Banks.

DATES: Comments on this proposed rule must be received in writing on or before December 27, 1999.

ADDRESSES: Comments should be mailed to: Elaine L. Baker, Secretary to the Board, Federal Housing Finance Board, 1777 F Street, NW Washington, DC 20006. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Deborah F. Silberman, General Counsel, (202) 408–2570; Sharon Like, Senior Attorney-Advisor, (202) 408–2930; or Eric Raudenbush, Senior Attorney-Advisor, (202) 408–2932, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Overview of Proposal

The proposed rule would reorganize and renumber the Finance Board's existing regulations, delete obsolete regulations, and amend the renumbered regulations to achieve greater consistency in terminology and greater conformity with current stylistic conventions of the Code of Federal Regulations. The reorganized regulations would reflect a more logical and efficient presentation of the rules governing the Banks and Bank System, as well as prepare for the anticipated incorporation, in calendar year 2000, of new financial management and mission achievement (FMMA) regulations for the Banks. The proposed FMMA rule (which appears as a separate rulemaking in this issue of the **Federal Register**), if enacted, would make many substantive changes and additions to the Finance Board's regulations. In order to minimize confusion, the Finance Board has included only technical changes to its regulations in this proposed rulemaking and has designated new parts and sections that would be added by the FMMA rule as "reserved" in this proposed rulemaking, in order to make clear where the new FMMA provisions would be located. References to regulatory amendments in the FMMA rule use the new part and section numbers that would exist if this proposed reorganization rule becomes final.

II. Analysis of Proposal

This proposed rule would delete the existing subchapter headings for the Finance Board's regulations and establish an entirely new set of subchapter headings. Within this structure, existing parts and sections would be re-ordered into logical subject-matter groupings under the subchapter headings. Generally, existing parts would remain intact and would simply be given a new part number, with each section and paragraph retaining the same designation (*e.g.*, § 935.9(a) would become § 950.9(a); § 933.11(b)(3)(i)(A) would become § 925.11(b)(3)(i)(A), etc.) In some cases, however, longer sections covering more complex subject matter would be redesignated as parts in order to allow the material to be presented more clearly without the need for excessive sub-paragraph designations.

The following derivation table shows the origin of the material that would be contained in each of the proposed newly designated parts (or sections, as appropriate). "FMMA" is shown where a part or section would contain material that is addressed in the proposed FMMA rule:

New part or section and subject matter	Existing part or section
SUBCHAPTER A—GENERAL DEFINITIONS	
900 General definitions	Various.
SUBCHAPTER B—FEDERAL HOUSING FINANCE BOARD ORGANIZATION AND OPERATIONS	
905 Description of organization and functions	Part 900.
906 Operations	Part 902.
907 Procedures	Part 903.
908 Freedom of Information Act regulation	Part 904.
909 Information regarding meetings of the Board of Directors of the Federal Housing Finance Board.	Part 906.
910 Privacy Act procedures	Part 909.
911 Availability of unpublished information	Part 905.
SUBCHAPTER C—GOVERNANCE AND MANAGEMENT OF THE FEDERAL HOME LOAN BANKS	
915 Bank director eligibility, appointment and elections	§§ 932.1–932.15.
916 Selection and compensation of Bank officers and employees	§§ 932.18–932.19.
917 Duties and responsibilities of Bank directors and senior management	FMMA, §§ 934.7, 934.16, 934.17.
918 Bank director compensation and expenses	§§ 932.16–932.17.
SUBCHAPTER D—FEDERAL HOME LOAN BANK MEMBERSHIP	
925 Members of the Banks	Part 933.
SUBCHAPTER E—FEDERAL HOME LOAN BANK RISK MANAGEMENT	
930 Risk management and capital standards	FMMA.
SUBCHAPTER F—FEDERAL HOME LOAN BANK MISSION ACTIVITIES	
940 Core mission activities requirements	FMMA.
944 Community support requirements	Part 946.
SUBCHAPTER G—FEDERAL HOME LOAN BANK ON-BALANCE SHEET ASSETS AND OFF-BALANCE SHEET ITEMS	
950 Advances	Part 935.

New part or section and subject matter		Existing part or section
951	Affordable Housing Program	Part 960.
952	Community Investment Cash Advance Programs	Part 970.
954	Member Mortgage Assets	FMMA
955	Investments	FMMA.
958	Off-balance sheet items	FMMA.
959	Standby letters of credit	Part 938.
SUBCHAPTER H—FEDERAL HOME LOAN BANK LIABILITIES		
965	Sources of funds	FMMA, §§ 934.4–934.5
966	Consolidated obligations	Part 910.
SUBCHAPTER I—FEDERAL HOME LOAN BANK MISCELLANEOUS OPERATIONS AND FUNCTIONS		
975	Collection, settlement, and processing of payment instruments	Part 943.
976	Bank requests for information	§ 934.15.
977	Miscellaneous Bank authorities	§§ 934.3, 934.6.
SUBCHAPTER J—NEW FEDERAL HOME LOAN BANK ACTIVITIES		
980	New business activities	FMMA.
SUBCHAPTER K—OFFICE OF FINANCE		
985	Office of Finance organization and functions	Part 941.
986	Book-entry procedure for consolidated obligations	Part 912.
987	Financial statements of the Banks	Part 937.
SUBCHAPTER L—NON-BANK SYSTEM ENTITIES		
995	Financing Corporation operations	Part 950.
996	Authority for Bank assistance of the Resolution Funding Corporation	Part 955.

As reflected in the following chart, certain obsolete sections would be deleted:

Deleted	Subject matter	Reason for deletion
Part 931	Definitions	Part 900 would now contain general definitions.
§ 934.1	Investments	FMMA would address (part 955).
§ 934.2	Loans under Foreign Assistance Act of 1961	FMMA would address (part 955).
§ 934.8	Surety bonds	Discretion devolved to Banks.
§ 934.9	Insurance	Discretion devolved to Banks.
§ 934.10	Safekeeping of accounts	Obsolete.
§ 934.11	Securities held in trust or as collateral	Discretion devolved to Banks.
§ 934.12	Accounting	Discretion devolved to Banks.
§ 934.13	Gold and gold-related transactions	FMMA would address (part 955).
§ 934.14	OTS assessments	Unnecessary.

With the renumbering of the Finance Board's regulations, reflected in the charts above, all cross-references to existing parts or sections within the Finance Board's regulations would become obsolete. As such, much of the amendatory instruction contained in the proposed rule addresses the revision of the hundreds of cross-references in the regulations to reflect accurately the new part and section numbers.

In addition to the above-described reorganization, the proposed rule would establish a new part 900 to contain definitions of terms that are used throughout the regulations and to establish consistent usage for these terms. This proposed amendment is meant to promote uniformity and consistency in the use of prevalent terminology throughout the Finance Board's regulations. The terms included in proposed part 900 are: Act (as the short form of Federal Home Loan Bank Act); Bank (as the short form of Federal Home Loan Bank); consolidated obligations; Finance Board (as the short form of Federal Housing Finance Board); and member (of a Bank). In the existing regulations, virtually every part contains a definition of at least one of these terms, and many parts use alternate forms of these terms that can lead to confusion (*e.g.*, in some parts, the Federal Housing Finance Board is referred to as the "Board"; the Federal Home Loan Banks are referred to as "FHLBanks," etc.). The proposed rule would remove the definitions of these terms, and their synonyms, from the individual parts and would consolidate them into new part 900. It is anticipated that more terms may eventually be consolidated into part 900 as regulations are added, or as existing regulations undergo substantive revision in the future. Other terms requiring definition that are not used throughout the regulations would continue to be defined in the definitional provisions of the parts in which they are used.

In order to conform to the current stylistic conventions used in the Code of Federal Regulations, the proposed rule also would remove all paragraph designations from alphabetical definition sections, where feasible, in the existing regulations.

All remaining changes would merely correct typographical errors that came to the attention of the Finance Board during its review of the regulations.

As mentioned earlier, no substantive additions or revisions are included in this proposed rule. Should any part or section of the regulations require substantive amendment before this rule becomes final, such changes would be made in separate rulemakings. This rule would then be modified, in its final form, to reflect those substantive changes.

The Finance Board welcomes comments on this proposed regulatory reorganization.

III. Regulatory Flexibility Act

This proposal is a technical rule that reorganizes the Finance Board's regulations without substantive change. The rule will not impose any regulatory requirements on small entities. Thus, in accordance with the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Finance Board hereby certifies that this proposed rule, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b).

IV. Paperwork Reduction Act

The proposed rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. *See* 44 U.S.C. 3501 *et seq.* Consequently, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects in 12 CFR Parts 900 Through 996

Credit, Federal home loan banks, Reporting and recordkeeping requirements.

Accordingly, under the authority of section 2B(a) of the Federal Home Loan Bank Act, 12 U.S.C. 1422b(a), chapter IX of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

1. The headings of subchapters A through F are revised to read as set forth below.

2. Subchapters G through L are established as set forth below.

3. Parts 908, 914, 916, 918, 920 and 924 are removed from subchapter A.

4. Part 910 is redesignated as part 966 and transferred from subchapter A to subchapter H.

5. Part 912 is redesignated as part 986 and transferred from subchapter A to subchapter K.

6. Parts 900, 902, 903, 904, 905, 906 and 909 are redesignated as parts 905, 906, 907, 908, 911, 909 and 910, respectively, and transferred from subchapter A to subchapter B.

7. Parts 931, 934, 939, 940, 942 and 944 are removed from subchapter B.

8. Part 932 is redesignated as part 915 and transferred from subchapter B to subchapter C.

9. Part 933 is redesignated as part 925 and transferred from subchapter B to subchapter D.

10. Part 950 is redesignated as part 995 and transferred from subchapter C to subchapter L.

11. Part 935 is redesignated as part 950 and transferred from subchapter B to subchapter G.

12. Part 936 is redesignated as part 944 and transferred from subchapter B to subchapter F.

13. Part 937 is redesignated as part 987 and transferred from subchapter B to subchapter K.

14. Part 938 is redesignated as part 959 and transferred from subchapter B to subchapter G.

15. Part 941 is redesignated as part 985 and transferred from subchapter B to subchapter K.

16. Part 943 is redesignated as part 975 and transferred from subchapter B to subchapter I.

17. Part 955 is redesignated as part 996 and transferred from subchapter D to subchapter L.

18. Part 960 is redesignated as part 951 and transferred from subchapter E to subchapter G.

19. Part 970 is redesignated as part 952 and transferred from subchapter F to subchapter G.

20. The headings of newly designated parts 915, 966, 985, 986, 995 and 996 are revised to read as set forth below.

20a. The table of contents for chapter IX is revised to read as follows:

CHAPTER IX—FEDERAL HOUSING FINANCE BOARD

SUBCHAPTER A—GENERAL DEFINITIONS

Part

900 General definitions

SUBCHAPTER B—FEDERAL HOUSING FINANCE BOARD ORGANIZATION AND OPERATIONS

905 Description of organization and functions
906 Operations
907 Procedures
908 Freedom of Information Act regulation
909 Information regarding meetings of the Board of Directors of the Federal Housing Finance Board
910 Privacy Act procedures
911 Availability of unpublished information

SUBCHAPTER C—GOVERNANCE AND MANAGEMENT OF THE FEDERAL HOME LOAN BANKS

915 Bank director eligibility, appointment and elections
916 Selection and compensation of Bank officers and employees
917 Duties and responsibilities of Bank directors and senior management [Reserved]
918 Bank director compensation and expenses

SUBCHAPTER D—FEDERAL HOME LOAN BANK MEMBERSHIP

925 Members of the Banks

SUBCHAPTER E—FEDERAL HOME LOAN BANK RISK MANAGEMENT

930 Risk management and capital standards [Reserved]

SUBCHAPTER F—FEDERAL HOME LOAN BANK MISSION ACTIVITIES

940 Core mission activities requirements [Reserved]
944 Community support requirements

SUBCHAPTER G—FEDERAL HOME LOAN BANK ON–BALANCE SHEET ASSETS AND OFF–BALANCE SHEET ITEMS

950 Advances
951 Affordable Housing Program
952 Community Investment Cash Advance Programs
954 Member Mortgage Assets [Reserved]
955 Investments [Reserved]
958 Off-balance sheet items [Reserved]
959 Standby letters of credit

SUBCHAPTER H—FEDERAL HOME LOAN BANK LIABILITIES

965 Sources of funds [Reserved]
966 Consolidated obligations

SUBCHAPTER I—FEDERAL HOME LOAN BANK MISCELLANEOUS OPERATIONS AND FUNCTIONS

975 Collection, settlement, and processing of payment instruments
976 Bank requests for information
977 Miscellaneous Bank authorities

SUBCHAPTER J—NEW FEDERAL HOME LOAN BANK ACTIVITIES

980 New business activities [Reserved]

SUBCHAPTER K—OFFICE OF FINANCE

985 Office of Finance organization and functions
986 Book-entry procedure for consolidated obligations
987 Financial statements of the Banks

SUBCHAPTER L—NON-BANK SYSTEM ENTITIES

995 Financing Corporation operations
996 Authority for Bank assistance of the Resolution Funding Corporation

21. A new part 900 is added to subchapter A to read as follows:

PART 900—GENERAL DEFINITIONS

Authority: 12 U.S.C. 1422b(a).

§ 900.1 Definitions applying to all regulations.

As used in this chapter:

Act means the Federal Home Loan Bank Act, as amended (12 U.S.C. 1421 through 1449).

Bank means a Federal Home Loan Bank established under the authority of the Act.

Board of Directors means the Board of Directors of the Federal Housing Finance Board, unless otherwise indicated.

Consolidated obligations means bonds or notes issued on behalf of the Banks under part 966 of this chapter.

Finance Board means the agency established by the Act as the Federal Housing Finance Board.

Member means an institution that has been approved for membership in a Bank and has purchased capital stock in the Bank in accordance with §§ 925.20 or 925.25 of this chapter.

PART 905—DESCRIPTION OF ORGANIZATION AND FUNCTIONS

22. The authority citation for newly designated part 905 continues to read as follows:

Authority: 5 U.S.C. 552, 12 U.S.C. 1422b(a), 1423.

23. Amend newly designated § 905.1 by removing the definitions of the terms "Bank", "Bank Act" and "Finance Board".

24. Amend newly designated § 905.2 by:

a. Removing from paragraph (a) the words "Federal Home Loan Bank System" and adding, in their place, the words "Bank System";

b. Removing from paragraph (a) the words "Federal Home Loan Banks" and adding, in their place, the word "Banks"; and

c. Removing from paragraph (c) the words "Bank Act" and adding, in their place, the word "Act".

25. Amend newly designated § 905.4 by:

a. Removing from paragraph (a) the words "Bank Act" and adding, in their place, the word "Act"; and

b. Removing from paragraph (b) the words "Federal Home Loan Bank consolidated bonds or notes" and adding, in their place, the words "consolidated obligations".

26. Amend newly designated § 905.14(d) by removing the word "System" and adding, in its place, the words "Bank System".

27. Amend newly designated § 905.30 by:

a. Removing the words "Office of Finance Board of Directors", wherever they appear, and adding, in their place, the words "Office of Finance board of directors"; and

b. Removing the words "Federal Home Loan Bank consolidated debentures, bonds or notes" and adding, in their place, the words "consolidated obligations".

28. Amend newly designated § 905.51 by removing the reference to "§ 900.3" and adding, in its place, a reference to "§ 905.3".

29. Amend newly designated § 905.52 by removing the reference to "§ 900.3" and adding, in its place, a reference to "§ 905.3".

PART 906—OPERATIONS

30. The authority citation for newly designated part 906 continues to read as follows:

Authority: 12 U.S.C. 1422b and 1438(b).

31. Amend newly designated § 906.1 by removing the definitions of the terms "Bank" and "Finance Board".

32. Amend newly designated § 906.3(c) by removing the words "the Housing Finance Directorate of".

PART 907—PROCEDURES

33. The authority citation for newly designated part 907 continues to read as follows:

Authority: 12 U.S.C. 1422b(a)(1).

34. Amend newly designated § 907.1 by:

a. Removing paragraph designations (a) through (u); and

b. Removing the definitions of the terms "Bank", "Bank Act", "Finance Board", "Member" and "Office of Finance".

35. Amend newly designated part 907 by removing the words "Bank Act" and adding, in their place, the word "Act" in the following places:

a. Section 907.1 (definitions of *Approval, Case-by-Case Determination, No-Action Letter* and *Regulatory Interpretation*);

b. Section 907.2(a);

c. Section 907.3(a);

d. Section 907.4(a);

e. Section 907.5(a);

f. Section 907.6(c)(3), (c)(6) and (c)(8);

g. Section 907.8(a); and

h. Section 907.10(b)(3) and (b)(8).

36. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
907.2(b)	§ 903.6	§ 907.6.
907.3(a)	§ 903.6	§ 907.6.
907.4(b)	§ 903.6	§ 907.6.
907.5(b)	§ 903.6	§ 907.6.
907.8(a)	§ 903.10	§ 907.10.
907.8(b)	§ 903.11	§ 907.11.
907.9(a)	§ 903.10	§ 907.10.
907.9(c)	12 CFR 960.12(d)	12 CFR 951.12(d).
907.9(d)	12 CFR 960.12(d)	12 CFR 951.12(d).
907.9(d)	§ 903.11	§ 907.11.
907.11(a)(2)	§ 903.10(b)	§ 907.10(b).
907.11(a)(4)	§ 903.10(d)	§ 907.10(d).
907.11(a)(5)	§ 903.13(b)	§ 907.13(b).
907.12(c)	§ 903.10	§ 907.10.
907.12(g) (introductory text)	§ 903.10	§ 907.10.
907.12(g)(3)	§ 903.13(a)(1)	§ 907.13(a)(1).
907.12(g)(3)	§ 903.13(a)(2)	§ 907.13(a)(2).
907.12(g)(4)(ii)	§ 903.10(d)	§ 907.10(d).
907.12(g)(4)(ii)	§ 903.11(a)(4)	§ 907.11(a)(4).
907.13(a)(2)	§ 903.14	§ 907.14.
907.13(c)	§ 903.10	d§ 907.10.
907.13(c)	§ 903.12(d)	§ 907.12(d).
907.14(d)	12 CFR part 906	12 CFR part 909.
907.14(e)	12 CFR 906.6	12 CFR 909.6.
907.14(g)	12 CFR 906.5(c)	12 CFR 909.5(c).
907.15(c)	§ 903.12(g)	§ 907.12(g).

PART 908—FREEDOM OF INFORMATION ACT REGULATION

37. The authority citation for newly designated part 908 continues to read as follows:

Authority: 5 U.S.C. 552; 52 FR 10012 (Mar. 27, 1987).

38. Amend newly designated § 908.1 by:

a. Removing paragraph designations (a) through (l); and

b. Removing the definition of the term "Finance Board".

39. Amend newly designated § 908.2(a)(2) by removing the words "Federal Home Loan Bank Act" and adding, in their place, the word "Act".

40. Amend newly designated part 908 by removing the words "Federal Home Loan Bank" and adding, in their place, the word "Bank" in the following places:

a. Section 908.5(a)(7)(iv) and (a)(8); and

b. Section 908.6 (introductory text).

41. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
908.2(a)(3)	12 CFR part 909	12 CFR part 910.
908.2(b)(1)	§§ 904.5 through 904.7	§§ 908.5 through 908.7.
908.2(b)(3)	§ 904.9	§ 908.9.
908.4(a)	§ 904.9(f)	§ 908.9(f).
908.4(a)	§ 904.3(a)	§ 908.3(a).
908.4(b)	§ 904.8	§ 908.8.
908.4(d)(1)(ii)	§ 904.9(a)(4)(iv)	§ 908.9(a)(4)(iv).
908.4(e)	§ 904.9	§ 908.9.
908.8(a)(1)	§ 904.4	§ 908.4.
908.8(a)(2)	§ 904.9(f)	§ 908.9(f).
908.9(b)	§ 904.5	§ 908.5.
908.9(c)	§ 904.4	§ 908.4.
908.9(f)(4)(ii)	§ 904.4	§ 908.4.

PART 909—INFORMATION REGARDING MEETINGS OF THE BOARD OF DIRECTORS OF THE FEDERAL HOUSING FINANCE BOARD

42. The authority citation for newly designated part 909 continues to read as follows:

Authority: 5 U.S.C. 552b.

43. Amend newly designated § 909.1(a) by removing the words "Federal Housing Finance Board" and adding, in their place, the words "Finance Board".

44. Amend newly designated § 909.2 by:

a. Removing the words "Board of Director or Director" and adding, in their place, the words "Board Director or Director"; and

b. Removing the definitions of the terms "Board of Directors", "FHLBank" and "Finance Board".

45. Amend newly designated § 909.5(b)(1) by removing the words "FHLBank consolidated bonds or notes" and adding, in their place, the words "consolidated obligations".

46. Amend newly designated part 909 by revising all references to "FHLBank" and "FHLBanks" to read "Bank" and "Banks", respectively.

47. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
909.3(a)	§ 906.4	§ 909.4.
909.5(a)(1)	§ 906.4	§ 909.4.
909.5(a)(5)	§ 906.4	§ 909.4.
909.5(a)(6)(ii)	§ 906.4	§ 909.4.
909.5(b)(1)	§ 906.4	§ 909.4.
909.5(c)(2)	§ 906.4	§ 909.4.
909.5(c)(3)(i)	§ 906.4(a)	§ 909.4(a)
909.6(a)(1)	§ 906.4	§ 909.4.
909.6(a)(1)	§ 906.5	§ 909.5.
909.6(a)(2)	§ 906.5	§ 909.5.
909.6(a)(2)	§ 906.5(b)(4)	§ 909.5(b)(4).
909.6(b)	§ 906.5	§ 909.5.
909.6(c)(1)	§ 906.5	§ 909.5.

PART 910—PRIVACY ACT PROCEDURES

48. The authority citation for newly designated part 910 continues to read as follows:

Authority: 5 U.S.C. 552a.

49. Amend newly designated § 910.2 by:

a. Removing paragraph designations (a) through (k);

b. In the definition of the word "Amendment", removing the words "paragraph (g) of";

c. In the definition of "Designated system of records", removing the words "paragraph (j) of"; and

d. Removing the definitions of the terms "Board of Directors" and "Finance Board".

50. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
910.4(a)	§ 909.3(b)	§ 910.3(b).
910.4(a)	§ 909.6	§ 910.6.
910.5(a)	§ 909.9	§ 910.9.
910.5(a)	§ 909.3	§ 910.3.
910.5(c)(4)	§ 909.6	§ 910.6.
910.9(a)	§ 909.3	§ 910.3.
910.9(a)	§ 909.4	§ 910.4.
910.9(a)	§ 909.5(a) and (c)(3) and (4)	§ 910.5(a) and (c)(3) and (4).
910.9(a)	§ 909.6	§ 910.6.
910.9(b)	§ 909.3	§ 910.3.
910.9(b)	§ 909.4	§ 910.4.
910.9(b)	§ 909.5(a) and (c)(3)	§ 910.5(a) and (c)(3).
910.9(b)	§ 909.6	§ 910.6.

PART 911—AVAILABILITY OF UNPUBLISHED INFORMATION

50a. The authority citation for newly designated part 911 continues to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 1422b(a)(1).

50b. Amend newly designated § 911.1 by:

a. Removing paragraph designations (a) through (d); and

b. Removing the definition of the term "Finance Board".

50c. Amend newly designated part 911 by removing the words "Federal Home Loan Bank" and adding, in their place, the word "Bank" in the following places:

a. Section 911.1 (defs. of *Unpublished information* (first sentence only) and *Supervised entity*);

b. Section 911.3(a), (c)(1), (c)(3), (c)(4), (d)(heading), (d)(introductory text), (d)(2);

c. Section 911.5(e)(heading), (e); and

d. Section 911.6(a).

50d. Amend newly designated § 911.1 (def. of *Unpublished information*) by removing the words "Federal Home Loan Bank Act" and adding, in their place, the word "Act".

50e. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
911.1 (def. of *Unpublished information*)	12 CFR parts 904 and 909	12 CFR parts 908 and 910.
911.9(a)	12 CFR 904.9	12 CFR 908.9.

PART 915—BANK DIRECTOR ELIGIBILITY, APPOINTMENT AND ELECTIONS

51. The authority citation for newly designated part 915 continues to read as follows:

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1426, 1427, and 1432; 42 U.S.C. 8101 *et seq.*

52. Amend newly designated part 915 by:

a. Removing the subpart designations; and

b. Removing newly designated §§ 915.16 through 915.19.

53. Amend newly designated § 915.1 by removing the definitions of the terms "Act", "Bank or Banks", "Finance Board" and "Member".

54. Amend newly designated § 915.8(b), in the last sentence, by:

a. Adding the word "Bank's" before the words "board of directors"; and

b. Removing the comma after the word "fill".

55. Amend newly designated § 915.11(b) by adding the word "Bank's" before the words "board of directors", wherever they appear.

56. Amend newly designated § 915.11(f)(1) by removing the word "other".

57. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
915.3(b)(3)	§ 932.15	§ 915.15.
915.4(a)	§ 933.22(b)(1)	§ 925.22(b)(1).
915.4(b)(1)	§ 935.15(a)	§ 950.15(a).
915.4(b)(1)	§ 933.20(a)	§ 925.20(a).
915.4(b)(2)	§ 933.20(b)(2)	§ 925.20(b)(2).
915.5(b)	§ 932.4(b)	§ 915.4(b).
915.6(a)(3)	§ 932.5(b)	§ 915.5(b).
915.7(a)	§ 932.8(a)	§ 915.8(a).
915.8(a)	§ 932.7(a)	§ 915.7(a).
915.8(b)	§ 932.14(a)	§ 915.14(a).
915.8(c)	§ 932.5	§ 915.5.
915.12(a)	12 CFR 900.51	12 CFR 905.51.
915.13(a)	§ 932.12	§ 915.12.
915.13(b)	§ 932.12	§ 915.12.
915.14(a)(2)	§ 932.7(a)	§ 915.7(a).
915.14(a)(2)	§ 932.6(c)	§ 915.6(c).

58. New parts 916, 917 (reserved) and 918 are added to subchapter C to read as follows:

PART 916—SELECTION AND COMPENSATION OF BANK OFFICERS AND EMPLOYEES

Sec.
916.1 Definitions.
916.2 Selection of Bank officers and employees.
916.3 Base salaries of Bank employees.
916.4 Incentive payments for Bank employees.
916.5 Severance plans.
916.6 General limits on payments.
916.7 Determination of employee status.

Authority: 12 U.S.C. 1422b(a), 1432(a).

§ 916.1 Definitions.

As used in this part:

Incentive payment means a direct or indirect transfer of funds by a Bank to a Bank employee, in addition to base salary, based on the employee's on-the-job performance.

Nondiscriminatory means that the plan, contract or arrangement in question applies to all employees of a Bank who meet reasonable and customary eligibility requirements applicable to all employees, such as minimum length of service requirements. A nondiscriminatory plan, contract, or arrangement may provide different benefits based only on objective criteria such as base salary, total compensation, length of service, job grade or classification, which are applied on a proportionate basis.

Payment. (1) The term *payment* means:

(i) Any direct or indirect transfer of any funds or any asset;

(ii) Any forgiveness of any debt or other obligation; and

(iii) Any segregation of any funds or assets, the establishment or funding of any trust or the purchase of, or arrangement for, any letter of credit or other instrument for the purpose of making, or pursuant to any agreement to make, any payment on or after the date on which such funds or assets are segregated, or at the time of or after such trust is established or letter of credit or other instrument is made available, without regard to whether the obligation to make such payment is contingent on:

(A) The determination, after such date, of the liability for the payment of such amount; or

(B) The liquidation, after such date, of the amount of such payment.

(2) The term *payment* does not mean:

(i) Reimbursement of an employee by the Bank for necessary and customary expenses incurred by the employee in the scope of his or her employment while carrying out the business of the Bank; or

(ii) Benefits.

Severance pay plan means a severance pay plan or arrangement as that term is defined in the Employee Retirement Income Security Act of 1974 (as amended) (29 U.S.C. 1002(1)) (ERISA) and regulations thereunder which is nondiscriminatory and which provides for payment of severance benefits to all eligible employees upon involuntary termination, provided that no employee shall receive any such payment which exceeds the base compensation paid to such employee during the twelve (12) months immediately preceding termination of employment.

§ 916.2 Selection of Bank officers and employees.

(a) *Bank Presidents.* The board of directors of each Bank may appoint a President, who shall be the chief executive officer of the Bank, subject to the following limitations:

(1) No appointment of a new Bank President shall be effective until approved by the Finance Board;

(2) A President shall serve at the pleasure of the Bank; and

(3) A President may be suspended or removed by the Finance Board for cause, which shall be communicated in writing to the President and the Bank.

(b) *Bank employees other than the President.* Each Bank may appoint or elect officers other than the President and may hire other employees of the Bank without prior Finance Board approval.

(c) *Prohibition on employment contracts.* A Bank shall not enter into an employment contract with an employee.

§ 916.3 Base salaries of Bank employees.

(a) *Bank President.* (1) The Finance Board annually will determine and publish by November 30 caps on the base salary paid to the Bank President for the subsequent calendar year for each of the 12 Banks.

(2) The base salary cap for each Bank shall be based on the average base salary of a chief executive officer of a subsidiary financial institution in the Bank's primary metropolitan statistical area with an asset size comparable to that of the Bank, as of June of the prior year, reduced by five percent and rounded to the nearest $5,000.

(3) Each Bank shall establish, on an annual basis, a reasonable base salary for its President, not to exceed 100 percent of the applicable base salary cap published by the Finance Board, except that for a Bank President whose approved base salary for the calendar year 1997 exceeds the cap published by the Finance Board for 1997, the Bank shall establish, on an annual basis, a reasonable base salary not exceeding the greater of the Bank President's approved base salary for the calendar year 1997 or the base salary cap published by the Finance Board for the year.

(4) By January 31 of each year, a Bank must report to the Finance Board the approved base salary of its President for that year.

(b) *Other Bank employees.* Each Bank shall establish base salaries for employees other than the President that are reasonable and comparable with the base salaries of employees of the other Banks and other similar businesses (including financial institutions) with similar duties and responsibilities.

(c) *Documentation.* Each Bank shall maintain documentation supporting the reasonableness and comparability of their employees' base salaries.

§ 916.4 Incentive payments for Bank employees.

(a) *In general.* A Bank may establish an incentive payment program or programs for its employees.

(b) *Bank President.* (1) The maximum incentive payment to a Bank President may not exceed the difference between that President's base annual salary approved by the Bank and 125 percent of the annual base salary cap, as published by the Finance Board.

(2) At least 50 percent of the Bank President's incentive payment shall be based on the extent to which the Bank meets reasonable numerical performance targets established by the Bank's board of directors related to the Bank's achievement of its housing finance mission, which shall include substantial consideration of innovative products directed at unmet credit needs, Community Investment Cash Advances (including Community Investment Program advances) as defined in § 950.1 of this chapter, non-advance credit support and risk management products for members, as well as advances, including long-term advances. The remaining portion of the Bank President's incentive payment shall be based on the extent to which the Bank meets reasonable numerical performance targets established by the Bank's board of directors related to achievement of goals established by the board of directors, in its discretion.

(3) Any incentive payment made to a Bank President shall be based solely upon the extent to which a Bank achieves the performance targets established by the Bank's board of directors.

(4) By January 31 of each year, the board of directors of each Bank that intends to make any incentive payment to its President for such year shall adopt a resolution establishing the performance measures and targets on which such incentive payment will be based.

(5) By March 1 of each year, the board of directors of each Bank making any incentive payment to its President for the prior year shall adopt and submit to the Finance Board a resolution showing the results for the individual performance measures and the amount of the incentive payment to the Bank President for the prior year.

(6) A Bank shall not make any incentive payment to its President if the most recent examination of the Bank by the Finance Board identified an unsafe or unsound practice or condition with regard to the Bank, provided that if the finding of an unsafe or unsound practice or condition subsequently is resolved in favor of the Bank by the Finance Board, the Bank may pay its President the incentive payment that he or she otherwise would have received.

(c) *Incentive payments for other Bank employees.* (1) Each Bank may make incentive payments to employees other than the President, provided that such incentive payments are reasonable and comparable with incentive payments made to employees of the other Banks and other similar businesses (including financial institutions) with similar duties and responsibilities. Each Bank shall maintain documentation supporting the reasonableness and comparability of its employees' incentive payments.

(2) The sum of annual base salary and all incentive payments received in a single calendar year by an employee other than the Bank President shall not exceed 125 percent of the annual base salary cap for the Bank President, as published by the Finance Board.

(3) An incentive payment for an employee other than the Bank President shall be based on the extent to which the employee meets objective performance targets related to performance criteria established by the Bank's board of directors under the Bank's incentive compensation program or programs.

(4) All Bank incentive compensation plans in effect on May 1, 1998, shall be submitted to the Finance Board no later than June 1, 1998. Any subsequent amendments to such plans shall not become effective until submitted to the Finance Board.

§ 916.5 Severance plans.

A Bank may make payments in the nature of severance to its President and to other Bank employees only pursuant to a severance pay plan.

§ 916.6 General limits on payments.

(a) No Bank shall make any payment to a Bank employee, except as provided in this part.

(b) The total amount of base salaries, incentive payments, and benefits paid to Bank employees shall be within the limit set forth in the Bank's approved budget. The board of directors of each Bank shall review annually the compensation for its employees, including appropriate documentation, prior to approving the Bank's annual budget.

§ 916.7 Determination of employee status.

A Bank shall not treat an employee as an independent contractor in order to avoid complying with the requirements of this part.

PART 917—DUTIES AND RESPONSIBILITIES OF BANK DIRECTORS AND SENIOR MANAGEMENT [RESERVED]

PART 918—BANK DIRECTOR COMPENSATION AND EXPENSES

Sec.

918.1 Definitions.
918.2 Annual compensation.
918.3 Compensation policy requirements.
918.4 Expenses.
918.5 Disclosure.
918.6 Site of board of directors and committee meetings.

Authority: 12 U.S.C. 1422b(a), 1427.

§ 918.1 Definitions.

As used in this part:

Average compensation per director (ACPD) means the sum of the maximum compensation for all directors serving on a Bank's board of directors, divided by the total number of directors designated by the Finance Board to serve on the Bank's board for that year.

Compensation means any payment of money or provision of any other thing of value (or the accrual of a right to receive money or a thing of value in a subsequent year) in consideration of a director's performance of official duties for the Bank, including, without limitation, retainer fees, daily meeting fees, incentive payments and fringe benefits.

Maximum compensation means the maximum total compensation that would be paid to a director in a given year under the Bank's policy on director compensation if that director attended all meetings and fulfilled all duties assigned to or otherwise expected of him or her for that year.

§ 918.2 Annual compensation.

For 1997 and each subsequent year, each Bank's board of directors shall adopt annually by resolution a written policy to provide for the payment to Bank directors of reasonable compensation for the performance of their duties as members of the Bank's board, subject to the requirements set forth in § 918.3. At a minimum, such policy shall address the activities or functions for which attendance is necessary and appropriate and may be compensated, and shall explain and justify the methodology for determining the amount of compensation to be paid to directors.

§ 918.3 Compensation policy requirements.

Payment to directors under each Bank's policy on director compensation may be based upon factors that the Bank determines to be appropriate, but each Bank's policy shall conform to the following requirements:

(a) The annual ACPD for each Bank shall not exceed the amount calculated in accordance with paragraph (b) of this section. Within this limit:

(1) The total actual compensation received by each director in a year shall reflect both the amount of time spent on official Bank business and the level of responsibility assumed by that director, such that greater or lesser attendance at board and committee meetings and greater or lesser responsibility assumed by a director during a given year will be reflected in the actual compensation received by the director for that year; and

(2) The maximum compensation for the chair of each Bank's board of directors in a given year shall not be equaled or exceeded by the maximum compensation of any other director for that year and shall not be less than 125 percent of the Bank's ACPD for that year.

(b) The limit on ACPD for each Bank shall be $28,000 for 1997. For 1998 and subsequent years, the limit on ACPD shall be adjusted annually to reflect the preceding year's change in the Consumer Price Index (CPI) for all urban consumers, as published by the Bureau of Labor Statistics. Each year, as soon as practicable after the publication of the previous year's CPI, the Finance Board shall publish notice, by **Federal Register**, distribution of a memorandum, or otherwise, of the CPI-adjusted limit on ACPD.

§ 918.4 Expenses.

Each Bank may pay its directors for such necessary and reasonable travel, subsistence and other related expenses incurred in connection with the performance of their official duties as are payable to senior officers of the Bank under the Bank's travel policy, except that directors may not be paid for gift or entertainment expenses.

§ 918.5 Disclosure.

Each Bank shall, in its annual report:

(a) State the sum of the total actual compensation paid to its directors in that year;

(b) State the sum of the total actual expenses paid to its directors in that year; and

(c) Summarize its policy on director compensation.

§ 918.6 Site of board of directors and committee meetings.

Meetings of a Bank's board of directors and committees thereof usually should be held within the district served by the Bank. No meetings of a Bank's board of directors and committees thereof may be held in any location that is not within the United States, including its possessions and territories.

PART 925—MEMBERS OF THE BANKS

59. The authority citation for newly designated part 925 continues to read as follows:

Authority: 12 U.S.C. 1422, 1422a, 1422b, 1423, 1424, 1426, 1430, 1442.

60. Amend newly designated § 925.1 by removing the definitions of the terms "Act", "Bank", "Board", and "Member".

61. Amend newly designated § 925.15 by redesignating paragraphs (a)(i) and (a)(ii) as paragraphs (a)(1) and (a)(2), respectively.

62. Amend newly designated part 925 by removing the word "Board", and adding, in its place, the words "Finance Board" in the following places:

a. Section 925.1(n)(1)(iii);

b. Section 925.2(a)(2) and (c)(introductory text);

c. Section 925.3(a) and (c) ("Board's");

d. Section 925.5(a)(1), (b)(1), (b)(2) and (c);

e. Section 925.18(a)(2), (c)(2), (c)(4) and (d)(2);

f. Section 925.20(e);

g. Section 925.25(d)(2); and

h. Section 925.27(a), (b)(1), (b)(4), (c)(1), (c)(2), (c)(3) and (d).

63. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
925.1(s)	§ 933.20 or 933.25	§ 925.20 or 925.25.
925.1(y)	§ 933.8	§ 925.8.
925.2(a)(2)	§ 933.5	§ 925.5.
925.2(b)	§§ 933.6 to 933.18	§§ 925.6 to 925.18.
925.2(c)(2)	§§ 933.6 to 933.18	§§ 925.6 to 925.18.
925.2(c)(4)	§ 933.3(b)	§ 925.3(b).
925.4(a)	§ 933.20(b)(1)	§ 925.20(b)(1).
925.4(c)	§ 933.18(d)	§ 925.18(d).
925.4(d)(1) (introductory text)	§ 933.20	§ 925.20.
925.4(d)(2)	§ 933.25(d)(1)(i)	§ 925.25(d)(1)(i).
925.4(d)(2)	§§ 933.25(d)(2)(i), (e) and (f)	§§ 925.25(d)(2)(i), (e) and (f).
925.5(c)	§ 933.17	§ 925.17.
925.7	§ 933.6(a)(1)	§ 925.6(a)(1).
925.8	§ 933.6(a)(2)	§ 925.6(a)(2).
925.9	§ 933.6(a)(3)	§ 925.6(a)(3).
925.10	§ 933.6(b)	§ 925.6(b).
925.10	§ 933.1(bb)(6)	§ 925.1(bb)(6).
925.11(a) (introductory text)	§ 933.6(a)(4)	§ 925.6(a)(4).
925.11(b) (introductory text)	§ 933.6(a)(4)	§ 925.6(a)(4).
925.11(c)	§ 933.6(a)(4)	§ 925.6(a)(4).
925.12 (introductory text)	§ 933.6(a)(5)	§ 925.6(a)(5).
925.13(a)	§ 933.6(a)(6)	§ 925.6(a)(6).
925.14(a)(1)	§§ 933.7, 933.8, 933.11 and 933.12	§§ 925.7, 925.8, 925.11 and 925.12.
925.14(a)(2)	§ 933.9	§ 925.9.
925.14(a)(3)	§ 933.10	§ 925.10.
925.14(a)(4)(i)	§ 933.6(a)(6)	§ 925.6(a)(6).
925.14(a)(4)(i)	§ 933.20	§ 925.20.
925.14(a)(4)(i)	12 CFR part 935	12 CFR part 950.
925.14(a)(4)(ii)	§ 933.6(a)(6)	§ 925.6(a)(6).
925.14(a)(4)(iii)	§ 933.6(a)(6)	§ 925.6(a)(6).
925.14(a)(4)(iii)	§ 933.17(f)	§ 925.17(f).
925.15 (introductory text)	§§ 933.7 to 933.13	§§ 925.7 to 925.13.
925.15(a)(1)	§ 933.11(a)(1)	§ 925.11(a)(1).
925.15(a)(2)	§ 933.11(b)(3)(i)(A) to (C)	§ 925.11(b)(3)(i)(A) to (C).
925.15(b)	§ 933.13	§ 925.13.
925.15(c)	§§ 933.9 and 933.10	§§ 925.9 and 925.10.
925.16	§ 933.6(a)(4)	§ 925.6(a)(4).
925.17(a)	§§ 933.7 to 933.16	§§ 925.7 to 925.16.
925.17(a)	§ 933.6(a) and (b)	§ 925.6(a) and (b).
925.17(b)	§§ 933.8, 933.11, 933.12, 933.13, or 933.16	§§ 925.8, 925.11, 925.12, 925.13, or 925.16.
925.17(b)	§ 933.6(a)(2), (4), (5), or (6)	§ 925.6(a)(2), (4), (5), or (6).
925.17(c) (heading)	§ 933.8	§ 925.8.

Section	Remove	Add
925.17(c)	§ 933.8	§ 925.8.
925.17(c)	§ 933.6(a)(2)	§ 925.6(a)(2).
925.17(d) (heading)	§§ 933.11 and 933.16	§§ 925.11 and 925.16.
925.17(d)(1)	§ 933.11(b)(1)	§ 925.11(b)(1).
925.17(d)(1)	§ 933.11(b)(3)(i)	§ 925.11(b)(3)(i).
925.17(d)(1)	§ 933.6(a)(4)	§ 925.6(a)(4).
925.17(d)(2)	§ 933.16	§ 925.16.
925.17(d)(2)	§ 933.6(a)(4)	§ 925.6(a)(4).
925.17(e) (heading)	§ 933.12	§ 925.12.
925.17(e)(3)(i)	§§ 933.11(b)(2) and 933.16	§§ 925.11(b)(2) and 925.16.
925.17(e)(3)(ii)	§§ 933.11(b)(2) and 933.16	§§ 925.11(b)(2) and 925.16.
925.17(f) (heading)	§§ 933.13, 933.14(a)(4), and 933.14(b)(3)	§§ 925.13, 925.14(a)(4), and 925.14(b)(3).
925.18(e)	§§ 933.26, 933.27, and 933.28	§§ 925.26, 925.27, and 925.28.
925.18(e)	§ 933.30	§ 925.30.
925.20(b)	§ 933.3	§ 925.3.
925.20(b)(1) and (2)	§ 933.4(a) or (d)	§ 925.4(a) or (d).
925.22(b)(1)	§ 933.20(a)	§ 925.20(a).
925.22(b)(1)	§ 933.31(d)	§ 925.31(d).
925.23	§ 933.20(a)	§ 925.20(a).
925.24(a)(2)	§ 933.20(a)	§ 925.20(a).
925.24(b)(2)	§ 933.29	§ 925.29.
925.24(b)(3)	§ 934.17	§ 917.7.
925.25(d)(2)(ii)(A)	§ 933.20(a)	§ 925.20(a).
925.25(d)(2)(ii)(B)	§ 933.20(a)	§ 925.20(a).
925.25(d)(2)(iii)	§ 933.20(a)	§ 925.20(a).
925.25(d)(3)	§ 933.29	§ 925.29.
925.26(c)	§ 933.29	§ 925.29.
925.26(d)	§ 934.17	§ 917.7.
925.27(e)	§ 933.29	§ 925.29.
925.27(f)	§ 934.17	§ 917.7.
925.28(b)	§ 933.29	§ 925.29.
925.28(c)	§ 934.17	§ 917.7.
925.29(a)(1)	§ 933.26, 933.27 or 933.28	§ 925.26, 925.27 or 925.28.
925.29(a)(1)	§ 933.28	§ 925.28.
925.29(a)(1)	§§ 933.24(b) or 933.25(d)(3)	§§ 925.24(b) or 925.25(d)(3).
925.29(a)(2)	§ 935.19	§ 950.19.
925.30 (introductory text)	§ 933.26	§ 925.26.
925.30(a)	§ 933.18	§ 925.18.
925.30(b)	§ 933.4(a)	§ 925.4(a).
925.31(d)	§ 933.22(b)(1)	§ 925.22(b)(1).

64. In subchapter E, add and reserve part 930 as follows:

PART 930—RISK MANAGEMENT AND CAPITAL STANDARDS [RESERVED]

65. In subchapter F, add and reserve part 940 as follows:

PART 940—CORE MISSION ACTIVITIES REQUIREMENTS [RESERVED]

PART 944—COMMUNITY SUPPORT REQUIREMENTS

66. The authority citation for newly designated part 944 continues to read as follows:

Authority: 12 U.S.C. 1422a(a)(3)(B), 1422b(a)(1), 1429, and 1430.

67. Amend newly designated § 944.1 by:

a. Removing paragraph designations (a) through (o); and

b. Removing the definitions of the terms "Act", "Bank", "Finance Board" and "Member".

68. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
944.1 (def. of *CICA* or *Community Investment Cash Advance*).	§ 935.1	§ 950.1.
944.1 (def. of *Community lending*)	§ 970.3	§ 952.3.
944.1 (def. of *First-time homebuyer*)	Paragraph (l)(1) of this section	Paragraph (1) of this definition.
944.1 (def. of *First-time homebuyer*)	This paragraph (l)(2)	Paragraph (2) of this definition.
944.1 (def. of *First-time homebuyer*)	This paragraph (l)(3)	Paragraph (3) of this definition.
944.3(b)(2)	§ 936.5	§ 944.5.

Section	Remove	Add
944.3(b)(3)	§ 936.5	§ 944.5.
944.3(c)(2)	§ 936.5	§ 944.5.
944.3(c)(3)	§ 936.5	§ 944.5.
944.4(a)	§ 936.3	§ 944.3.
944.5(a)(3)	§ 936.3(b)(2)	§ 944.3(b)(2).
944.5(a)(4)	§ 936.3(c)(2)	§ 944.3(c)(2).
944.5(d)(2)(intro)	§ 936.3(b)(2)	§ 944.3(b)(2).
944.5(d)(2)(i)	§ 936.3(b)(3)	§ 944.3(b)(3).
944.5(e)	Parts 960 and 970	Parts 951 and 952.

PART 950—ADVANCES

69. The authority citation for newly designated part 950 is revised to read as follows:

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a)(1), 1426, 1429, 1430, 1430b and 1431.

70. Amend newly designated § 950.1 by removing the definitions of the terms "Act", "Bank", "Board" and "Member".

71. Amend newly designated part 950 by removing the word "Board" and, in its place, adding the words "Finance Board" in the following places:

a. Section 950.1 (definitions of *Affordable Housing Program, nonresidential real property, residential housing finance assets* (par. 6) and *residential real property* (par. (1)(v)));

b. Section 950.2(c)(3);

c. Section 950.3(a) and (c);

d. Section 950.4(c)(1) and (d)(2);

e. Section 950.5(a)(2);

f. Section 950.9(e);

g. Section 950.13(d)(2);

h. Section 950.20(a); and

i. Section 950.23(c)(2), (c)(3), (c)(4) (introductory text) (first sentence only), (c)(4)(i) and (c)(4)(ii).

72. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
950.1 (def. of *Affordable Housing Program*)	Part 960	Part 951.
950.1 (def. of *Community Investment Cash Advance*)	Section 1430	Section 10.
950.1 (def. of *Community Investment Cash Advance*)	Section 1430(j)(10)	Section 10(j)(10).
950.1 (def. of *Community Investment Cash Advance*)	Section 1430(i)	Section 10(i).
950.1 (def. of *Community Investment Cash Advance*)	Parts 960 and 970	Parts 951 and 952.
950.1 (def. of *Community Investment Cash Advance*)	Part 970	Part 952.
950.5(g)(2)(i)	§ 935.4(b)(2)	§ 950.4(b)(2).
950.5(g)(2)(ii)	§ 935.4(a)	§ 950.4(a).
950.6(b)(2)(ii)	§ 935.3(a)	§ 950.3(a).
950.6(b)(3)	Part 960	Part 951.
950.8(a)	§ 935.3(a)	§ 950.3(a).
950.9(a)(2)	§ 935.1	§ 950.1.
950.11(a)	§ 935.4(c)	§ 950.4(c).
950.13(c)(1)	§ 935.4(b)(2)	§ 950.4(b)(2).
950.13(c)(1)	§ 935.4(a)	§ 950.4(a).
950.13(c)(2)	§ 935.18(c)	§ 950.18(c).
950.13(e)	§ 935.4(b)(2)	§ 950.4(b)(2).
950.13(e)	§ 935.4(a)	§ 950.4(a)
950.15(a)(2)	§ 935.13(a)(1)(ii)	§ 950.13(a)(1)(ii).
950.15(b)	§ 935.13(a)(1)(ii)	§ 950.13(a)(1)(ii).
950.21	§ 935.13	§ 950.13.
950.21	§ 935.20	§ 950.20.
950.21	§ 935.24	§ 950.24.
950.22(d)	§ 935.24(b)(2)	§ 950.24(b)(2).
950.23(b)	Part 933	Part 925.
950.24(a)	Part 933	Part 925.
950.24(b)(2)(i)	§ 935.22(d)	§ 950.22(d).
950.24(b)(2)(i)(A)	§ 935.9(a)(1) or (2)	§ 950.9(a)(1) or (2).
950.24(b)(2)(i)(B)	§ 935.9(a)(3)	§ 950.9(a)(3).
950.24(b)(2)(i)(B)	§ 935.22(d)	§ 950.22(d).
950.24(b)(2)(i)(C)	§ 935.9(a)(4)	§ 950.9(a)(4).
950.24(c)(2)(i)	§ 935.6(b)	§ 950.6(b).
950.24(c)(2)(ii)	§ 936.5(b)(2)	§ 944.5(b)(2).

PART 951—AFFORDABLE HOUSING PROGRAM

73. The authority citation for newly designated part 951 continues to read as follows:

Authority: 12 U.S.C. 1430(j).

74. Amend newly designated § 951.1 by removing the definitions of the terms "Act", "Bank", "Board of Directors", "Finance Board" and "Member".

75. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
951.1 (def. of *Advance*, par.(3))	Part 935	Part 950.
951.1 (def. of *Subsidy*, par. (1))	§ 960.8(c)(3)	§ 951.8(c)(3).
951.3(b)(1)(i)	§ 960.1	§ 951.1.
951.3(b)(1)(iii)	§ 960.5(b)(2)	§ 951.5(b)(2).
951.3(b)(1)(v)	§ 960.5(b)(10)	§ 951.5(b)(10).
951.3(b)(1)(vi)	§ 960.6(b)(4)	§ 951.6(b)(4).
951.3(b)(1)(vii)	§ 960.8	§ 951.8.
951.3(b)(1)(viii)	§§ 960.10(c) and 960.11	§§ 951.10(c) and 951.11.
951.5(a)(2)(i)	§ 960.1	§ 951.1.
951.5(a)(5)	§ 960.13(d)(1)	§ 951.13(d)(1).
951.5(b)(1)	§ 960.1	§ 951.1.
951.5(b)(7)(i)	§§ 960.13(c)(4) or (d)(1)	§§ 951.13(c)(4) or (d)(1).
951.5(b)(7)(ii)	§§ 960.13(c)(5) or (d)(2)	§§ 951.13(c)(5) or (d)(2).
951.6(b)(2)(i)	§ 960.5(b)	§ 951.5(b).
951.6(b)(3)	§ 960.5(b)	§ 951.5(b).
951.6(b)(4)(i)	§ 960.5(b)	§ 951.5(b).
951.7(a)(1)	§ 960.5(b)	§ 951.5(b).
951.8(b)(2)(i)	§ 960.5(a)(2)	§ 951.5(a)(2).
951.8(b)(2)(iii)	§ 960.5(a)(7)	§ 951.5(a)(7).
951.8(c)(2)	§ 960.5(b)	§ 951.5(b).
951.9(c)	§ 960.5(b)	§ 951.5(b).
951.10(b)(1)(ii)(B)	§ 960.13(c)(4) or (d)(1)	§ 951.13(c)(4) or (d)(1).
951.10(c)(1)(iii)	§ 960.13(c)(4) or (d)(1)	§ 951.13(c)(4) or (d)(1).
951.10(d)	§ 960.1	§ 951.1.
951.11(b)	§ 960.1	§ 951.1.
951.12(a)(1)(ii)	§§ 960.7 or 960.9	§§ 951.7 or 951.9.
951.12(a)(2)(i)(B)	§§ 960.7 or 960.9	§§ 951.7 or 951.9.
951.12(b)(2)	§§ 960.7 or 960.9	§§ 951.7 or 951.9.
951.13(b)(3)(i)	§§ 960.12(a)(1)	§§ 951.12(a)(1).
951.13(b)(3)(ii)(A)	§§ 960.12(b)	§§ 951.12(b).
951.13(b)(3)(ii)(B)	§§ 960.12(a)(2)	§§ 951.12(a)(2).
951.13(b)(4)(i)	§§ 960.10(b) and 960.11(a)(3)(ii)	§§ 0951.10(b) and 960.11(a)(3)(ii).
951.13(b)(4)(ii)	§ 960.10(a)(1)	§ 951.10(a)(1).
951.13(b)(4)(iii)	§§ 960.10(a)(2) and 960.11(a)(3)(i)	§§ 951.10(a)(2) and 960.11(a)(3)(i).
951.14(a)(1)	§ 960.2	§ 951.2.
951.15(a)(1)	§ 960.2	§ 951.2.
951.15(a)(2)	§ 960.2	§ 951.2.

PART 952—COMMUNITY INVESTMENT CASH ADVANCE PROGRAMS

76. The authority citation for newly designated part 952 continues to read as follows:

Authority: 12 U.S.C. 1422b(a)(1) and 1430.

77. Amend newly designated § 952.3 by removing the definitions of the terms "Act", "Bank", "Board of Directors", "Finance Board" and "Member".

78. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
952.1	Part 960	Part 951.
952.2	§ 970.3	§ 952.3.
952.3 (def. of *advance*)	§ 935.1	§ 950.1.
952.3 (def. of *AHP*)	Part 960	Part 951.
952.3 (def. of *CICA*)	§ 935.1	§ 950.1.
952.3 (def. of *CICA program*, par.(3))	§ 970.3	§ 952.3.
952.3 (def. of *CICA program*, par. (4))	§ 970.3	§ 952.3.
952.3 (def. of *Non-member borrower*)	Part 935	Part 950.
952.4	§ 936.6	§ 944.6.
952.5(a)(1)	Part 960	Part 951.
952.5(a)(3)	§ 970.3	§ 952.3.
952.5(a)(4)	§ 970.3	§ 952.3.
952.5(d)(1)	§ 935.6	§ 950.6.
952.5(d)(3)	Parts 935 and 960	Parts 950 and 951.
952.5(d)(4)(ii)	§ 935.24	§ 950.24.

79. In subchapter G, add and reserve parts 954, 955 and 958 as follows:

PART 954—MEMBER MORTGAGE ASSETS [RESERVED]

PART 955—INVESTMENTS [RESERVED]

PART 958—OFF-BALANCE SHEET ITEMS [RESERVED]

PART 959—STANDBY LETTERS OF CREDIT

80. The authority citation for newly designated part 959 continues to read as follows:

Authority: 12 U.S.C. 1422b, 1429, 1430, 1430b, 1431.

81. Amend newly designated § 959.1 by removing the definitions of the terms "Act", "Bank", "Finance Board" and "Member".

82. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
959.1 (def. of *Community lending*)	§ 970.4	§ 952.4.
959.1 (def. of *Nonmember mortgagee*)	§ 935.22(b)	§ 950.22(b).
959.1 (def. of *Nonmember SHFA*)	§ 935.1	§ 950.1.
959.1 (def. of *Residential housing finance*, par. (1))	§ 935.1	§ 950.1.
959.2(a)(2)	Part 970	Part 952.
959.2(b)	§ 938.4(a)(2)	§ 959.4(a)(2).
959.2(c)(1)	§ 935.9(a)	§ 950.9(a).
959.2(c)(1)	§ 935.9(a)(4)(iii)	§ 950.9(a)(4)(iii).
959.3(a)	§§ 935.24(b)(1)(i) or (ii)	§§ 950.24(b)(1)(i) or (ii).
959.3(a)(2)	Part 970	Part 952.
959.3(b)	§ 935.24(b)(2)(i)(A), (B) or (C)	§§ 950.24(b)(2)(i)(A), (B) or (C).
959.4(a)(1)	§§ 934.5, 935.24(b)(2)(i)(B) or 935.24(d)	§§ 950.24(b)(2)(i)(B), 950.24(d) or 965.2(a)(2).
959.4(c)	Part 935	Part 950.
959.5(a)(1)(ii)	§ 935.5	§ 950.5.
959.5(a)(1)(iii)	Part 970	Part 952.
959.5(a)(1)(iv)	§ 943.6(b)	§ 975.6(b).
959.5(b)(1)	§§ 938.2 or 938.3	§§ 959.2 or 959.3.
959.5(b)(2)	§§ 935.9(b), 935.9(d), 935.9(e), 935.10, 935.11 and 935.12.	§§ 950.9(b), 950.9(d), 950.9(e), 950.10, 950.11 and 950.12.

83. In subchapter H, add and reserve part 965 as follows:

PART 965—SOURCES OF FUNDS [RESERVED]

PART 966—CONSOLIDATED OBLIGATIONS

84. The authority citation for newly designated part 966 continues to read as follows:

Authority: 12 U.S.C. 1422b, 1431.

85. Amend newly designated part 966 by redesignating §§ 966.0 through 966.6 as §§ 966.1 through 966.7.

86. Amend newly designated § 966.1 by:

a. Removing the paragraph designations; and

b. Removing the definitions of "Board" and "consolidated bonds".

87. Amend newly designated part 966 by removing the terms "consolidated bonds" and "consolidated Federal Home Loan Bank bonds", wherever they appear, and, in the place of both, adding the term "consolidated obligations".

88. Amend newly designated part 966 by removing the word "Board", wherever it appears, and, in its place, adding the words "Finance Board".

89. Amend newly designated part 966 by removing the words "Federal Home Loan Banks", wherever they appear, and, in their place, adding the word "Banks".

90. Amend newly designated part 966 by removing the words "Federal Home Loan Bank Act", wherever they appear, and, in their place, adding the word "Act".

91. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
966.4	Part 912	Part 986.
966.6	§§ 910.3 and 910.4	§§ 966.4 and 966.5.

PART 975—COLLECTION, SETTLEMENT, AND PROCESSING OF PAYMENT INSTRUMENTS

92. The authority citation for newly designated part 975 continues to read as follows:

Authority: 12 U.S.C. 1430, 1431.

93. Amend newly designated § 975.4 (introductory text) by removing the reference to "§ 943.2" and, in its place, adding a reference to "§ 975.2".

94. Amend newly designated part 975 by removing the word "Board", wherever it appears, and, in its place, adding the words "Finance Board".

95. Amend newly designated part 975 by removing the terms "Federal Home Loan Bank" and "Federal Home Loan Banks", wherever they appear, and, in their place, adding the words "Bank" and "Banks", respectively.

96. Amend newly designated part 975 by removing the terms "Federal Home Loan Bank Act" and "Bank Act", wherever they appear, and, in the place of both, adding the word "Act".

97. New parts 976 and 977 are added to subchapter I as follows:

PART 976—BANK REQUESTS FOR INFORMATION

Sec.
976.1 Definitions.
976.2 Scope.
976.3 Request for confidential information.
976.4 Form of request.
976.5 Storage of confidential information.
976.6 Access to confidential information.
976.7 Third party requests for confidential information.
976.8 Computer data.

Authority: 12 U.S.C. 1422b(a), 1442.

§ 976.1 Definitions.

As used in this part:

Confidential information means any record, data, or report, including but not limited to examination reports, or any part thereof, that is non-public, privileged or otherwise not intended for public disclosure which is in the possession or control of a financial regulatory agency and which contains information regarding members of a Bank or financial institutions with which a Bank has had or contemplates having transactions under the Act.

Financial regulatory agency means any of the following:

(1) The Department of the Treasury, including either the Office of the Comptroller of the Currency or the Office of Thrift Supervision;

(2) The Board of Governors of the Federal Reserve System;

(3) The National Credit Union Administration; or

(4) The Federal Deposit Insurance Corporation.

Third party means any person or entity except a director, officer, employee or agent of either:

(1) A Bank in possession of any particular confidential information; or

(2) The financial regulatory agency that supplied the particular confidential information to such Bank.

§ 976.2 Scope.

This part governs the procedure by which a Bank will request and receive confidential information pursuant to section 22 of the Act.

§ 976.3 Request for confidential information.

A Bank shall make all requests for confidential information to a financial regulatory agency, or to a regional office of such agency if mutually agreeable, in accordance with the procedures contained in this part as well as any procedures of general applicability for requesting information promulgated by such financial regulatory agency. This part and its procedures may be supplemented by a confidentiality agreement between a Bank and a financial regulatory agency.

§ 976.4 Form of request.

A request by a Bank to a financial regulatory agency for confidential information shall be made in writing or by such other means as may be agreed upon between the Bank and the financial regulatory agency. The request shall reference section 22 of the Act, as amended, and this regulation, and shall describe the confidential information requested and identify its intended use pursuant to the Act. The request shall be signed or otherwise made by any duly authorized Bank officer or employee.

§ 976.5 Storage of confidential information.

Each Bank shall:

(a) Store all identified confidential information in secure storage areas or filing cabinets or other secured facilities generally used by such Bank and limit access thereto in the same manner as it maintains the confidentiality of its own members' privileged or non-public information;

(b) Have in place a written set of procedures and policies designed to ensure the confidentiality of confidential information in its possession; and

(c) Establish an internal review of its procedures for storing confidential information and maintaining its confidentiality, as a part of its internal audit process.

§ 976.6 Access to confidential information.

Each Bank shall ensure that access to the confidential information stored at its facility is limited to those with a need to know such information and that employees with access maintain the confidentiality of the confidential information in accordance with the Bank's own procedures for maintaining the confidentiality of its members' privileged or non-public information.

§ 976.7 Third party requests for confidential information.

(a) *General.* In the event a Bank receives a request for confidential information in its possession from any third party, the Bank shall forward such request to the financial regulatory agency from which the confidential information was obtained.

(b) *Subpoena.* In the event a Bank receives a subpoena for confidential information issued by a Federal, state or local government department, agency, court or bureau, the Bank shall give timely written notice of such subpoena to the financial regulatory agency from which the confidential information was obtained, unless such notice is prohibited by applicable law. Except as limited in this part, the Bank may disclose confidential information pursuant to the subpoena, after giving timely written notice, when:

(1) The financial regulatory agency gives written approval to the disclosure; or

(2) A binding order to produce the confidential information has become final with all rights of appeal either exhausted or lapsed.

(c) *Nondisclosure to third parties.* Except as provided in paragraph (b) of this section, a Bank shall not disclose confidential information to any third party. A Bank shall refer all third party requests for such confidential information to the financial regulatory agency that released the confidential information to the Bank.

(d) *Disclosure to Finance Board.* (1) Neither this part nor any confidentiality agreement executed between a Bank and a financial regulatory agency shall prevent a Bank from disclosing confidential information in its possession to the Finance Board whenever disclosure is necessary to accomplish the Finance Board's supervision of Bank membership applications or Bank director eligibility issues, or disclosing any confidential information in its possession if such disclosure is made pursuant to an audit conducted pursuant to § 976.5 or section 20 of the Act.

(2) The Finance Board shall keep all confidential information received under

paragraph (d) of this section in strict confidence.

§ 976.8 Computer data.

Nothing in this part shall preclude a Bank from arranging with any financial regulatory agency to transmit or allow access to confidential information with the consent of such agency by means of an electronic computer system. Any such arrangement shall ensure the security of the computerized data stored in a Bank's computer and restrict access to such data in order to preserve confidentiality in a manner agreed upon by the Bank and the financial regulatory agency.

PART 977—MISCELLANEOUS BANK AUTHORITIES

Sec.
977.1 Definitions [Reserved].
977.2 Transfer of funds between Banks.
977.3 Trustee powers.

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a)(1), 1431(a), 1431(e), 1432(a).

§ 977.1 Definitions [Reserved].

§ 977.2 Transfer of funds between Banks.

Inter-Bank borrowing shall be through unsecured deposits bearing interest at rates negotiated between Banks. If agreement on terms cannot be reached, the Finance Board may establish terms.

§ 977.3 Trustee powers.

A Bank may act, and make reasonable charges for doing so, as trustee of any trust affecting the business of any member or any institution or group applying for membership or for insurance of accounts, or any group applying for a charter for a Federal Savings Association, if:

(a) Such trust is created or arises for the benefit of the institution or its depositors, investors, or borrowers, or for the promotion of sound and economical home financing; and

(b) In the case of applicants, the Bank ceases to act as trustee if the application is withdrawn or rejected.

98. In subchapter J, a new part 980 is added and reserved as follows:

PART 980—NEW BUSINESS ACTIVITIES [RESERVED]

PART 985—OFFICE OF FINANCE ORGANIZATION AND FUNCTIONS

99. The authority citation for newly designated part 985 continues to read as follows:

Authority: 12 U.S.C. 1422b, 1431.

100. Amend newly designated § 985.1 by removing the definitions of the terms "Bank", "Bank Act", "Consolidated obligation" and "Finance Board".

101. Amend newly designated part 985 by removing the words "Federal Home Loan Banks" and adding, in their place, the word "Banks" in the following places:

a. Section 985.1 (definition of *Bank System*—last two references only); and

b. Section 985.6(c)(1).

102. Amend newly designated part 985 by removing the words "Bank Act" and "Federal Home Loan Bank Act" and adding, in the place of both, the word "Act" in the following places:

a. Section 985.3(a);

b. Section 985.4(c)(1);

c. Section 985.6(c)(2) and (c)(3); and

d. Section 985.8(a).

103. Amend newly designated part 985 by removing the words "Board of Directors" and adding, in their place, the words "board of directors" in the following places:

a. Section 985.1 (under the definition of *Chair* and in the heading to the definition of "OF board of directors");

b. Section 985.2;

c. Section 985.3(a) and (b);

d. Section 985.5 (introductory text);

e. Section 985.6(a)(1), (a)(4), (a)(5) and (b);

f. Section 985.7 (heading), (a), (b), (c)(introductory text), (d)(1), (d)(2), (d)(3), (d)(4)(introductory text), (e)(1), (e)(2), (e)(3), (f)(1)(i), (f)(1)(ii) and (f)(1)(iii);

g. Section 985.8 (heading), (a), (b)(introductory text), (c) and (d)(1);

h. Section 985.9 (heading), (a)(1), (a)(2) and (b)(introductory text);

i. Section 985.10 (heading), (a)(1) and (b);

j. Section 985.11(b), (c), (d), (e)(1), (e)(2)(i), (e)(2)(ii), (f)(1), (f)(2)(iii), (f)(3) and (f)(5); and

k. Section 985.12(c).

104. Amend newly designated § 985.7(c)(2) by removing the word "FHLBank".

105. Amend newly designated § 985.7(f)(2)(i) by removing the words "board of directors of the Finance Board" and adding, in their place, the words "Board of Directors of the Finance Board".

106. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
985.6(a)(4)	§ 941.11	§ 985.11.
985.7(f)(2)(introductory text)	§ 932.17	Part 918.
985.7(f)(2)(ii)	Section 932.17(a)(3) and (c)(1)(ii)	Section 918.3(a)(2).
985.7(f)(2)(iii)	§ 932.17	Part 918.

PART 986—BOOK-ENTRY PROCEDURE FOR CONSOLIDATED OBLIGATIONS

107. The authority citation for newly designated part 986 continues to read as follows:

Authority: 12 U.S.C. 1422a, 1422b, 1431, 1435.

108. Amend newly designated § 986.1 by:

a. Removing paragraph designations (a) through (q); and

b. Removing the definitions of the terms "Federal Home Loan Bank Security" and "Finance Board".

109. Amend newly designated part 986 by removing the terms "Federal Home Loan Bank security" and "Federal Home Loan Bank securities", wherever they appear, and adding, in their place, the terms "consolidated obligation" and "consolidated obligations", respectively.

110. Amend newly designated part 986 by removing the terms "Federal Home Loan Bank" and "Federal Home Loan Banks", wherever they appear, and adding, in their place, the words "Bank" and "Banks", respectively.

111. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
986.1 (def. of *Office of Finance*)	Part 941	Part 985.
986.2(a)	Part 912	Part 986.
986.2(b)	§ 912.4(c)(1)	§ 986.4(c)(1).
986.2(b)	§ 912.3	§ 986.3.
986.3(a)(introductory text)	Part 912	Part 986.
986.4(c)(2)	§ 912.2(b) or § 912.3	§ 986.2(b) or § 986.3.
986.5(a)	§ 912.4(c)(1)	§ 986.4(c)(1).
986.5(a)	Part 912	Part 986.
986.6(b)	Part 912	Part 986.
986.8(a)	Part 912	Part 986.
986.8(b)	Part 912	Part 986.
986.9(a)	Part 912	Part 986.
986.9(b)	Part 912	Part 986.

PART 987—FINANCIAL STATEMENTS OF THE BANKS

112. The authority citation for newly designated part 987 continues to read as follows:

Authority: 12 U.S.C. 1422a, 1422b, 1431 and 1440.

113. Amend newly designated part 987 by removing and reserving newly designated § 987.1.

PART 995—FINANCING CORPORATION OPERATIONS

114. The authority citation for newly designated part 995 continues to read as follows:

Authority: 12 U.S.C. 1441(b)(8), (c) and (j).

115. Amend newly designated § 995.1 by:

a. Removing paragraph designations (a) through (p);

b. Removing the definitions of the terms "Act", " Bank or Banks" and "Finance Board".

116. Amend newly designated § 995.4(b) by:

a. Removing the words "Federal Home Loan Bank securities" wherever they appear and adding, in their place, the words "consolidated obligations".

b. Removing the terms "Federal Home Loan Bank" and "Federal Home Loan Banks", wherever they appear, and adding, in their place, the words "Bank" and "Banks", respectively.

117. Amend newly designated § 995.8(b) by removing the words "Board of Directors of the FDIC" and adding, in their place, the words "board of directors of the FDIC".

118. In the table below, for each newly designated section indicated in the left column, remove the cross-reference indicated in the middle column and, in its place, add the cross-reference indicated in the right column:

Section	Remove	Add
995.1 (def. of *Office of Finance*)	Part 941	Part 985.
995.4(b)	Part 912	Part 986.
995.7(a)	§ 950.6	§ 995.6.
995.8(b)(1)	§ 950.6	§ 995.6.
995.8(c)(1)	§ 950.6	§ 995.6.
995.8(c)(2)	§ 950.6	§ 995.6.

PART 996—AUTHORITY FOR BANK ASSISTANCE OF THE RESOLUTION FUNDING CORPORATION

119. The authority citation for newly designated part 996 is revised to read as follows:

Authority: 12 U.S.C. 1422a, 1422b.

120. Amend newly designated § 996.1 by removing the words "Federal home loan banks" and adding, in their place, the word "Banks".

121. Amend newly designated § 996.2 by removing the word "bank" and adding, in its place, the word "Bank".

Dated: July 28, 1999.

By the Board of Directors of the Federal Housing Finance Board.

Bruce A. Morrison,

Chairman.

[FR Doc. 99–23415 Filed 9–24–99; 8:45 am]

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FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 917, 925, 930, 940, 954, 955, 958, 965, 966 and 980

[No. 99–45]

RIN 3069–AA84

Federal Home Loan Bank Financial Management and Mission Achievement

AGENCY: Federal Housing Finance Board.

ACTION: Proposed rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is proposing to adopt new financial management and mission achievement regulations, and amend certain existing regulations, for the Federal Home Loan Banks (Banks). The proposal would modernize policies governing the business activities of the Banks and, for the first time, would establish regulatory standards for mission achievement by the Banks and a definition of mission assets. The proposal includes a risk-based capital requirement, pursuant to which the amount of capital required to be maintained by a Bank would be based on the credit, market, and operations risks to which it is exposed. The risk-based capital regime builds upon the regulatory framework used by other financial institution and government-sponsored enterprise (GSE) regulators. The mission achievement requirement in the proposal would: codify the authority of the Banks to hold mortgage assets, including mortgage-backed securities; allow mortgage assets meeting certain regulatory requirements to be counted as mission assets; and eliminate the use of the Banks' GSE advantages in issuing debt to fund arbitrage investments. The proposal also sets forth in the regulation the responsibilities of the boards of

directors and senior management of the Banks, as a means of ensuring that they fulfill their duties in operating the Banks in a safe and sound manner and in furtherance of their mission. The proposal will enable the Banks to help their members be more effective competitors in the housing finance and community lending marketplace, which in turn will assure that benefits accrue to consumers. In a separate rulemaking, the Finance Board is proposing to reorganize its regulations in a more logical arrangement and to reflect the revisions to be made by this proposal.

DATES: Comments on this proposed rule must be received in writing on or before December 27, 1999.

ADDRESSES: Comments should be mailed to: Elaine L. Baker, Secretary to the Board, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: James L. Bothwell, Director and Chief Economist, (202) 408–2821; Scott L. Smith, Deputy Director, (202) 408–2991; Julie Paller, Senior Financial Analyst, (202) 408–2842; Ellen E. Hancock, Senior Financial Analyst, (202) 408–2906; Austin Kelly, Senior Financial Economist, (202) 408–2541; or Syed Ahmad, Senior Financial Economist, (202) 408–2870; Office of Policy, Research and Analysis, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Overview of Proposal

The proposed rule would establish new financial management and mission achievement requirements for the Banks, including: (1) a capital provision that would incorporate both minimum total capital and risk-based capital elements; (2) provisions linking the GSE debt funding advantage to activities that further the mission of the Banks (as set forth in the new regulatory definition), thus eliminating GSE debt-funded arbitrage investments and authorizing the Banks to hold "member mortgage assets"; and (3) provisions defining the responsibilities—and thus the accountability—of the boards of directors and senior management of the Banks. The proposal would give the Banks greater flexibility to manage their business so as to better serve their members and fulfill their public purpose, while operating within a risk-based capital framework that ensures the safety and soundness of the Bank System.

A. Capital Requirements

Under current law, the amount of capital a Bank must hold is determined not by the risks inherent in its portfolio or business practices, but by the asset size of, or the dollar amount of advances outstanding to, its members. Specifically, a member must maintain a minimum investment in the capital stock of its Bank in an amount equal to the greater of: (1) 1 percent of the member's mortgage assets; (2) 0.3 percent of the member's total assets; or (3) 5 percent of total advances outstanding to the member (with a somewhat higher percentage for any member that is not a "qualified thrift lender"). *See* 12 U.S.C. 1426(b)(1), (b)(2), (b)(4); 1430(c), (e)(1), (e)(3); 12 CFR 933.20(a).

The Banks currently operate in accordance with the Finance Board's Financial Management Policy (FMP), under which risk management is accomplished principally through a list of specific restrictions and limitations on the Banks' investment practices and a leverage limit which prohibits Banks from incurring liabilities in the form of consolidated obligations (COs) or unsecured senior liabilities in an amount greater than twenty times their capital stock. *See* 62 FR 13146 (Mar. 19, 1997); Finance Board Res. No. 96–45 (July 3, 1996), *as amended by* Finance Board Res. No. 96–90 (Dec. 6, 1996), Finance Board Res. No. 97–05 (Jan. 14, 1997), and Finance Board Res. No. 97–86 (Dec. 17, 1997). Though this approach has served the purpose of ensuring the safety and soundness of the Bank System, it lacks the flexibility that would enable the Banks to fulfill their mission to the maximum extent.

To ensure that the risks taken by a Bank are adequately supported by its capital, the proposal would implement, for the first time, a risk-based capital requirement for the Banks, which builds upon the risk-based capital regimes of other federal financial institution regulators. Under the proposed rules, the amount of capital to be held by each Bank would depend, in part, on the risks—credit risk, market risk, and operations risk—to which the Bank is exposed. The credit risk capital requirement would be set according to credit ratings and the associated historical default and recovery data made available by nationally-recognized statistical rating organizations (NRSROs). This approach would improve on the broad credit risk weighting categories set forth in the Basle Accord in 1988 [1] by determining the credit risk capital component based on the risk of an instrument rather than the type of instrument.

A Bank's market risk capital requirement would be equal to the market value of the Bank's portfolio at risk from changes in interest rates, foreign exchange rates, and commodity and equity prices during periods of extreme market stress, as determined in accordance with internal market risk models to be developed by each Bank. A Bank would be required to assess its market values at risk regularly through stringent stress testing of its entire portfolio, including both on-balance sheet assets and liabilities and off-balance sheet items, as well as related options. By comparison, large commercial banks are required to conduct such assessments only for their trading account and for certain other assets, leaving out much bank business from the value at risk calculation.

The operations risk capital requirement proposed would be equal to 30 percent of the combined amount of capital required for credit and market risks. This is consistent with the statutory requirement for operations risk capital imposed on the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac). *See* 12 U.S.C. 4611(c)(2).

In addition to the risk-based capital requirement, the proposal would establish a minimum total capital requirement that would require each Bank to maintain total capital of not less than 3.0 percent of its total assets, regardless of its risk profile, although

[1] The risk-based capital standards of the other federal bank regulatory agencies are based on the document entitled "International Convergence of Capital Measurement and Capital Standards" (July 1988) (the Basle Accord). The Basle Accord was agreed to by the Basle Committee on Banking Supervision (BCBS) which comprises representatives of the central banks and supervisory authorities of the Group of Ten countries (Belgium, Canada, France, Germany, Italy, Japan, Netherlands, Sweden, Switzerland, United Kingdom, United States and Luxembourg). The BCBS meets at the Bank for International Settlements, Basle, Switzerland. The Basle Accord defines bank capital and sets credit risk-based capital standards for on- and off-balance sheet instruments. The Basle Accord has been amended many times with the most significant amendment entitled "Amendment to the Capital Accord to Incorporate Market Risks" (Jan. 1996) (the Amendment). The Amendment sets specific risk-based capital standards for instruments held in trading portfolios of commercial banks. For debt instruments, the specific risk is defined by the Amendment as credit and event risk. In addition, the Amendment incorporates a measure of the market risk due to interest rates, foreign exchange rates, equity prices and commodity prices for all instruments held in trading portfolio (trading book); and foreign exchange and commodity risks for instruments held in non-trading portfolio (banking book). The BCBS issued a consultative paper entitled "A New Capital Adequacy Framework" (June 1999) (the Framework) that introduces a new framework to replace the Basle Accord.

the Finance Board could require a greater amount in individual cases.[2]

B. Mission Achievement

The principal source of funding for the Banks is the COs that are issued in the global capital markets and for which the twelve Banks are jointly and severally liable. Because of the Banks' GSE status, the costs to the Banks of obtaining such funding are substantially less than the borrowing costs for comparable debt issued by other entities. The Banks pass the benefit of this funding advantage to their members through wholesale loans (called advances) priced lower than the members could otherwise obtain to provide support for housing finance, including community lending, in fulfillment of the Banks' mission.

The FMP does not expressly require the Banks to use any particular percentage of the funds obtained through the issuance of COs to provide advances to their members. In large part due to the financial burdens imposed on the Banks as a result of the savings and loan crisis, the Banks began in 1991 to use a portion of the proceeds from COs to finance investments which the Finance Board does not consider to be adequately related to their statutory mission. The level of such non-mission-related investments rose substantially in the early 1990s, but has begun to decline appreciably, as a percent of assets, in recent years, as the membership base of the Bank System and the level of advances outstanding to members have increased.

To better link the GSE advantages in the capital markets to the mission performance of the Bank System, the proposed rule would require, by January 1, 2005, that an amount equal to 100 percent of each Bank's outstanding COs be held by the Bank in core mission activities. "Core mission activities" would be defined as those activities that assist and enhance members' and eligible nonmember borrowers'[3] financing of housing and community lending. Included in this definition are advances and also a newly authorized class of investments to be called "member mortgage assets." The transition period is intended to allow the Banks sufficient time to restructure their balance sheets as necessary to bring the level of core mission activities in line with the amount of outstanding COs.

The proposed core mission activity requirement would be subordinate to the safe and sound financial operation of the Banks, as mandated by the Federal Home Loan Bank Act (Act). *See* 12 U.S.C. 1422a(a)(3)(A). During any specified period in which a Bank's board of directors determines that the core mission activities requirement would be inconsistent with the safe and sound operation of the Bank, the Bank would be permitted to be out of compliance with the core mission activities requirement.

By establishing the core mission activities requirement at 100 percent of COs outstanding, the proposed rule will both permit and encourage the Banks to develop new products and business activities (such as member mortgage assets, discussed below) that: further the statutory mission of the Banks; build upon the cooperative nature of the Bank's relationship with its members; meet the core mission activities definition in the proposed rule; and are supported by appropriate levels of capital.

C. Responsibilities of Bank Boards of Directors and Senior Management

Because it allows the Banks substantially greater authority to acquire new assets and manage their risks, and to raise member capital accordingly, the proposed rule also would articulate certain minimum responsibilities of the Banks' boards of directors and senior management with regard to operating the Banks in a safe and sound manner and ensuring that the Banks achieve their statutory mission. These responsibilities include matters such as the adoption and annual review of risk management policies, periodic risk assessments, the maintenance of effective internal controls, independent audit committees, and adoption and review of and compliance with mission achievement policies.

D. Reorganization of Finance Board Regulations

Because of the comprehensive nature of the amendments that would be made by the proposal, the Finance Board separately is proposing to reorganize its regulations in order that the revised regulations will remain internally consistent and will reflect the proposed changes in a logical manner. Cross-references appearing in the text of the proposed rule are made to the new section and part numbers that would be in effect once the reorganization regulation is finalized. Where such references are to provisions that currently exist under different section or part numbers, the existing citation has been noted in this preamble. For ease of reference, this proposed reorganization regulation is also being published in this edition of the **Federal Register**.

E. Public Hearing

The Finance Board will hold a public hearing on this proposal. Persons interested in participating in the public discussion of the proposed rule should contact Karen H. Crosby, Director, Office of Strategic Planning, in writing at the Federal Housing Finance Board, 1777 F St. NW, Washington, DC, 20006, by the close of business October 15, 1999.

II. Statutory and Regulatory Background

A. The Bank System

The twelve Banks are instrumentalities of the United States organized under the authority of the Act. *See* 12 U.S.C. 1423, 1432(a). The Banks are cooperatives; only members of a Bank may own the capital stock of a Bank and only members or certain eligible nonmember borrowers (such as state housing finance agencies) may obtain access to the products provided by a Bank. *See* 12 U.S.C. 1426, 1430(a), 1430b. Each Bank is managed by its own board of directors and serves the public by enhancing the availability of residential mortgage and community lending credit through its members and eligible nonmembers. *See* 12 U.S.C. 1427. Any eligible institution (typically, an insured depository institution) may become a member of a Bank by satisfying certain criteria and by purchasing a specified amount of the Bank's capital stock. *See* 12 U.S.C. 1424, 1426, 1430(e)(3); 12 CFR part 933. As GSEs, the Banks are granted certain privileges that enable them to borrow funds in the capital markets on terms more favorable than could be obtained by other entities. Typically, the Bank System can borrow funds at a modest spread over the rates on U.S. Treasury securities of comparable maturity. The Banks pass along their GSE funding advantage to their members—and ultimately to consumers—by providing advances (secured loans) and other financial services at rates that would not otherwise be available to their members.

Together with the Office of Finance, the twelve Banks comprise the Bank System, which operates under the supervision of the Finance Board, an independent agency in the executive branch of the U.S. government. The primary duty of the Finance Board is to

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[2] By comparison, the statutory minimum total capital requirement for the other housing GSEs—Fannie Mae and Freddie Mac—is 2.5 percent of on-balance sheet assets plus, generally, 0.45 percent of off-balance sheet items. *See* 12 U.S.C. 4612(a).

[3] Section 10b of the Federal Home Loan Bank Act, 12 U.S.C. 1430b, provides that certain nonmember mortgagees making targeted housing loans may apply for access to Bank advances.

ensure that the Banks operate in a financially safe and sound manner; consistent with that duty the Finance Board is required to supervise the Banks, ensure that they carry out their housing finance mission, and ensure that they remain adequately capitalized and able to raise funds in the capital markets. 12 U.S.C. 1422a(a)(3)(A), (B).

B. The Banks' Housing Finance and Community Lending Mission

Under section 10 of the Act and part 935 of the Finance Board's regulations, the Banks have broad authority to make advances in support of housing finance, which includes community lending. *See* 12 U.S.C. 1430(a), (i), (j); 12 CFR part 935. The Banks also are required to offer two programs—the Affordable Housing Program (AHP) and the Community Investment Program (CIP)—to provide subsidized or at-cost advances, respectively, in support of unmet housing finance or targeted economic development credit needs. *See* 12 U.S.C. 1430(i), (j); 12 CFR parts 960, 970. In addition, section 10(j)(10) of the Act, as implemented by a recently issued Finance Board regulation, authorizes the Banks to establish Community Investment Cash Advance (CICA) Programs for community lending, defined as providing financing for economic development projects for targeted beneficiaries. *See* 12 U.S.C. 1430(j)(10); 12 CFR part 970; 63 FR 65536 (Nov. 27, 1998).

C. Investment Authority and Oversight

The Banks' investment authority is set forth primarily in sections 11(h) and 16(a) of the Act, which govern the investment of the Banks' surplus and reserve funds, respectively. *See* 12 U.S.C. 1431(h), 1436(a). Under both of these sections, the Banks are authorized to invest in: obligations of the United States; certain obligations of Fannie Mae, the Government National Mortgage Association (Ginnie Mae), or Freddie Mac; and in such securities in which fiduciary and trust funds may be invested under the law of the state in which the Bank is located. Section 11(h) also authorizes investments in the securities of certain small business investment companies (SBIC).

In addition to those permissive investments, the Banks are required to have liquidity reserves in an amount equal to deposits from their members invested in obligations of the United States, deposits in banks or trust companies, and certain specified short-term advances to their members. *See* 12 U.S.C. 1431(g).

Currently, the Finance Board regulates the Banks' investment practices through its regulations, as well as through the FMP. Section 934.1 of the regulations provides that the Banks may acquire or dispose of investments only with the prior approval of the Finance Board, or in conformity with authorizations of the Finance Board or "stated [Finance] Board policy." 12 CFR 934.1. By resolution, the Finance Board adopted the FMP, in part, as its "stated policy" regarding permissible Bank investments. The FMP generally provides a framework within which the Banks may implement their financial management strategies in a prudent and responsible manner. Specifically, the FMP identifies the types of investments that the Banks may purchase pursuant to their statutory investment authority and, therefore, by implication, prohibits any investments not specifically identified by the FMP. The FMP also includes a series of guidelines relating to the funding and hedging practices of the Banks, as well as to the management of their credit, interest rate and liquidity risks, and establishes liquidity requirements in addition to those required by statute, as noted above. See FMP sections III–VII.

The FMP evolved from a series of policies and guidelines initially adopted by the Finance Board's predecessor agency, the Federal Home Loan Bank Board (FHLBB), which had adopted guidelines comparable to the FMP in the 1970s and revised them a number of times thereafter. The Finance Board adopted the FMP in 1991, consolidating into one document the previously separate policies on funds management, hedging and interest rate swaps, and adding new guidelines on management of unsecured credit and interest rate risks. As discussed in considerably more detail below, this proposed rule would supersede the FMP as the Finance Board's means of overseeing the investment practices and mission achievement of the Banks.

III. Analysis of Proposed Rule

A. Part 917—Responsibilities of Bank Boards of Directors and Senior Management

1. Overview

Each state generally has laws of incorporation that require, among other things, a corporation to be managed by a board of directors. Consistent with this general corporate concept, the Act provides for the management of each Bank to be vested in the Bank's board of directors. *See* 12 U.S.C. 1427(a). The Act states that each Bank is a corporate body. *See id.* at 1432(a). In addition to authorizing certain enumerated corporate and banking powers, *see id.* at 1431, 1432, the Act grants each Bank all such incidental powers as are consistent with the provisions of the Act and customary and usual in corporations generally. *See id.* The Finance Board believes that, attendant to the exercise of customary and usual corporate powers, the Banks' boards of directors are subject to the same general fiduciary duties of care and loyalty to which the board of a state-chartered business or banking corporation would be subject, although this previously has not been set forth in regulation.

The duties, responsibilities and privileges of a director of a Bank derive from a source different from that of a director of a state-chartered business or banking corporation. Each Bank is created in accordance with Federal law to further public policy, and its statutory powers and purposes are not subject to change except by the Congress. A Bank's board of directors has neither the right nor the duty to alter the purpose of the Bank, whereas an ordinary corporate board of directors may approve mergers, consolidations and changes in the corporate charter that could drastically alter the objectives and nature of the business of the corporation. The directors of a Bank are responsible for managing that Bank to achieve the statutorily-mandated objectives of promoting housing finance and community lending and meeting the Bank's statutory obligations (*e.g.*, paying a portion of the interest on obligations of the Resolution Funding Corporation (REFCORP), *see id.* at 1441b, and making contributions to the AHP, *see id.* at 1430(j)), all in a financially safe and sound manner.

All Banks are subject to the supervision of the Finance Board. Although the directors manage and control their Banks, they may act only within the parameters established by the Finance Board. The bulk of the Banks' corporate powers, duties and responsibilities are described in sections 10, 11, 12 and 16 of the Act. *Id.* at 1430, 1431, 1432 and 1436. Section 10 of the Act authorizes each Bank to make secured advances to its members upon collateral sufficient, in its judgment, to fully secure the advance, and to certain eligible nonmember borrowers upon statutorily specified collateral. *See id.* 1430(a), 1430b. The Banks may conduct correspondent services, establish reserves, make investments and pay dividends, all subject to statutory limitations. *See id.* at 1431, 1436. Under section 12(a) of the Act, a Bank, and hence any director of that Bank, has the power to sue and be sued. *See id.* at 1432(a). In addition, each Bank has adopted bylaws that address such

matters as: the conduct of meetings of the board of directors; existence, composition, conduct and administration of committees of the board of directors; and indemnification.

Proposed part 917 for the first time would set forth in one place and in regulation the duties and responsibilities of a Bank's board of directors and of senior management of the Bank. It will make clear the Finance Board's belief that oversight of management by a strong and proactive board of directors is critical to the safe and successful operation of a Bank. Under proposed part 917, the board of directors of each Bank shall be responsible for: approving and periodically reviewing the significant policies of the Bank; understanding the major risks taken by the Bank, setting acceptable tolerance levels for these risks and ensuring that senior management takes the steps necessary to identify, measure, monitor and control these risks; monitoring that the Bank is in compliance with applicable statutes, regulation and policy (both of the Finance Board and the Bank); ensuring that the Bank carries out its housing finance and community lending mission; approving the organizational structure and delegations of authority; and ensuring that an adequate and effective system of internal controls is established and maintained and that senior management is monitoring the effectiveness of the internal control system.

Proposed part 917 provides that senior management of each Bank shall be responsible for implementing strategies and policies approved by the Bank's board; developing processes that identify, measure, monitor and control risks incurred by the Bank; maintaining an organizational structure that clearly assigns responsibility, authority and reporting relationships; ensuring that delegated responsibilities are effectively carried out; setting appropriate internal control policies; and monitoring the adequacy and effectiveness of the internal control system.

The proposed requirements for the Banks' boards of directors and senior management generally are based on widely accepted best corporate practices. They are intended to augment the responsibilities, independence and expertise of the boards of directors by requiring them to oversee both risk management for safety and soundness and achievement of the public purpose of supporting housing and targeted economic development. Oversight by both the boards of directors and senior management is integral to the overall business operation of the Bank. The first line of defense in ensuring safety and soundness has to be an effective corporate governance structure within the Banks themselves. Having an active, informed and engaged board of directors is the cornerstone of a well-run entity.

In addition, recognition of the importance of mission achievement must originate with the board of directors and fulfillment of mission at all levels of the Bank must be promoted and encouraged by the board. The requirements contained in the proposed rule are intended to ensure that the boards of directors of the Banks give serious consideration to these important responsibilities.

2. General Duties of Bank Boards of Directors—§ 917.2

Proposed § 917.2 provides that each Bank's board of directors shall have the general duty to direct the operations of the Bank in conformity with the requirements of the Finance Board's regulations. Proposed § 917.2 further provides that each board director shall carry out his or her duties as director in good faith, in a manner such director believes to be in the best interests of the Bank, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

3. Risk Management—§ 917.3

Section 917.3 of the proposed rule sets forth the risk management responsibilities of Bank boards of directors and senior management. Proposed § 917.3(a)(1) would require that, within 180 calendar days of the adoption of the rule in final form, each Bank's board of directors shall adopt a risk management policy addressing the Bank's exposure to credit risk, market risk, liquidity risk, business risk and operations risk in a manner consistent with the substantive risk management requirements set forth in part 930 of the proposed rule. The risk limits set forth in the policy shall be consistent with the Bank's capital position and its ability to measure and manage risk. Under proposed § 917.3(a)(1), a Bank will be required to submit its initial risk management policy to the Finance Board for approval; subsequent versions of the policy or amendments would not be required to be submitted to, or approved by, the Finance Board. However, Bank risk management policies will be reviewed by the Finance Board as part of the ongoing examination process.

Proposed § 917.3(a)(2)(i) would require that the Bank's board of directors review the Bank's risk management policy on at least an annual basis. Proposed § 917.3(a)(2)(iii) provides that the board of directors also would be required to re-adopt the risk management policy, including interim amendments, not less often than every three years, as appropriate based on the board's reviews of the policy. In addition to providing consistency, this requirement is intended to ensure that, despite the turnover in board personnel that will occur over a number of years, all or most current members of a Bank's board of directors will be thoroughly familiar with the Bank's risk management policy, will have given meaningful consideration to its provisions and will have expressed an opinion regarding the adequacy of the policy through the voting process. Proposed § 917.3(a)(2)(iv) also would make clear that each Bank's board of directors has the ultimate responsibility to ensure that the Bank is in compliance at all times with the risk management policy.

Section 917.3(b) of the proposed rule sets forth several specific requirements for each Bank's risk management policy. Proposed § 917.3(b)(1) would require that each Bank's risk management policy describe how the Bank will comply with the risk-based capital standards set forth in proposed part 930. Proposed § 917.3(b)(2) would require each Bank's risk management policy to set forth tolerance levels for the market and credit risk components.

Proposed § 917.3(b)(3) requires each Bank's risk management policy to set forth standards for the Bank's management of credit, market, liquidity, business and operations risks. Credit risk is defined in proposed § 930.1 as the risk that an obligation will not be paid in full and loss will result. The Banks must assess the creditworthiness of issuers, obligors, or other counterparties prior to acquiring investments and, under proposed § 917.3(b)(3)(i), the Bank's risk management policy would be required to include the standards and criteria for such an assessment. In addition, the credit risk portion of each Bank's risk management policy also should identify the criteria for selecting brokers, dealers and other securities firms with which the Bank may execute transactions.

Market risk is defined in proposed § 930.1 as the risk of loss in value of the Bank's portfolio resulting from movements in market prices. Under proposed § 930.6, each Bank would be required to have in place a comprehensive market risk management model that allows the Bank to estimate in a timely manner the value of the portfolio at risk from changes in market prices under various stress scenarios.

Proposed § 917.3(b)(3)(ii) would require that each Bank's risk management policy establish standards for the methods and models used to measure and monitor market risk, including maximum exposure thresholds and scenarios for measuring risk exposure.

Liquidity risk is defined in proposed § 917.1 as the risk that a Bank would be unable to meet its obligations as they come due or meet the credit needs of its members and eligible nonmember borrowers in a timely and cost-efficient manner. Operational liquidity addresses day-to-day or ongoing liquidity needs under normal circumstances. Operational liquidity needs may be either anticipated or unanticipated. Contingency liquidity addresses the same liquidity needs, but under abnormal or unusual circumstances in which a Bank's access to the capital markets is impeded. This impediment may result from a market disruption, operational failure, or real or perceived credit problems. Proposed § 917.3(b)(3)(iii) would require that each Bank's risk management policy indicate the Bank's sources of liquidity, including specific types of investments to be held for liquidity purposes, and the methodology to be used for determining the Bank's operational and contingency liquidity needs. The proposed new liquidity requirements are addressed in more detail below in the discussion of proposed § 930.10.

Operations risk is defined in proposed § 930.1 as the risk of an unexpected loss to a Bank resulting from human error, fraud, unenforceability of legal contracts, or deficiencies in internal controls or information systems. Proposed § 917.3(b)(3)(iv) would require each Bank's risk management policy to address operations risk by setting forth standards for an effective internal control system (as described in more detail below), including periodic testing and reporting.

Business risk is defined in proposed § 930.1 as the risk of an adverse impact on a Bank's profitability resulting from external factors as may occur in both the short and long run. Such factors include: continued financial services industry consolidation; declining membership base; concentration of borrowing among members; and increased inter-Bank competition. Proposed § 917.3(b)(3)(v) would require that each Bank's risk management policy identify these risks and include strategies for mitigating such risks, including contingency plans where appropriate.

In order for each Bank to create and maintain a meaningful risk management policy, it is important that the boards of directors be cognizant of the strategic risks facing the Bank. Therefore, proposed § 917.3(c) would require that senior management of each Bank perform, at least annually, a written risk assessment that identifies and evaluates all material risks, including both quantitative and qualitative aspects, that could adversely affect the achievement of the Bank's performance objectives and compliance requirements. Proposed § 917.3(c) also requires that the risk assessment be in written form and be reviewed by the Bank's board of directors promptly upon its completion.

4. Internal Control System—§ 917.4

While the existing FMP requires that management of each Bank establish internal control systems, there is no guidance provided on how to ascertain the sufficiency of the systems. There have been several instances where internal control weaknesses have been uncovered through the Finance Board's examination process. As a result, the Finance Board believes it prudent to provide more specific requirements for the internal control process that should be in place at each Bank.

In developing requirements for internal control processes for the Banks, the Finance Board reviewed the available literature on the appropriate internal control systems for financial institutions. Included in this review was the BCBS's Framework for Internal Control Systems published in September 1998 (hereinafter Basle Committee Report) and the Committee of Sponsoring Organizations of the Treadway Commission's Internal Control—Integrated Framework Report published in September 1992 (hereinafter Treadway Commission). The recommendations contained in these Reports are considered to be state of the art for defining, implementing, monitoring, and evaluating internal control systems.

According to the Basle Committee Report, a system of effective internal controls is a critical component of bank management and a foundation for safe and sound operation of a banking organization. A strong system of internal controls can help a bank meet its goals and objectives, achieve long-term profitability targets, and maintain reliable financial and managerial reporting. An internal control system also can help to: (1) Ensure the bank is in compliance with laws, regulations and the bank's internal policies and procedures; (2) safeguard assets; and (3) decrease the risk of damage to the bank's reputation.

The Treadway Commission Report defines internal controls as a process, effected by the board of directors, management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives in the: (1) Effectiveness and efficiency of operations; (2) reliability of financial reporting; and (3) compliance with applicable laws and regulations.

Both Reports discuss basic components or principles for establishing and assessing internal control—management oversight and the control environment, risk recognition and assessment, control activities and segregation of duties, information and communication, and monitoring activities and correcting deficiencies.

The provisions of § 917.4 of the proposed rule were adapted from the basic components and principles in the Basle Committee and Treadway Commission Reports. The Finance Board believes that appropriate internal controls will be critical to successful implementation of this regulation. The proposed rule would provide the framework for an effective internal control system, and establish senior management and board of directors' responsibilities regarding internal controls.

Proposed § 917.4 addresses the requirements for a Bank's internal control systems. Proposed § 917.4(a)(1) would require each Bank to establish and maintain an effective internal control system adequate to ensure: the efficiency and effectiveness of Bank activities; the safeguarding of assets; the reliability, completeness and timely reporting of financial and management information and transparency of such information to the Bank's board of directors and to the Finance Board; and compliance with applicable laws, regulations, policies, supervisory determinations and directives of the Bank's board of directors and senior management.

Proposed § 917.4(a)(2) enumerates certain minimum ongoing internal control activities that the Finance Board considers to be necessary in order for the internal control objectives described in proposed § 917.4(a)(1) to be achieved. These activities include: top level reviews by the Bank's board of directors and senior management; activity controls, including review of standard performance and exception reports; physical controls adequate to ensure the safeguarding of assets; monitoring for compliance with the risk tolerance limits set forth in the risk management policy that would be required under proposed § 917.3(a); any required approvals and authorizations for specific activities; and any required

verifications and reconciliations for specific activities.

Section 917.4(b) of the proposed rule would charge each Bank's board of directors with the responsibility of directing the establishment and maintenance of the internal control system by senior management, and overseeing senior management's implementation of the system on a continuing basis. Under proposed § 917.4(b), specific board actions necessary to fulfill these responsibilities would include: conducting periodic discussions with senior management regarding the effectiveness of the internal control system; ensuring that an effective and comprehensive internal audit of the internal control system is performed annually; ensuring that the Bank's board of directors receives reports on internal control deficiencies in a timely manner and that such deficiencies are addressed promptly; conducting a timely review of evaluations of the effectiveness of the internal control system made by auditors and Finance Board examiners; ensuring that senior management promptly and effectively addresses recommendations and concerns expressed by auditors and Finance Board examiners regarding weaknesses in the internal control system; reporting internal control deficiencies, and the corrective action taken, to the Finance Board in a timely manner; establishing, documenting and communicating an clear and effective organizational structure for the Bank; ensuring that all delegations of board authority state the extent of the authority and responsibilities delegated; and establishing reporting requirements.

Section 917.4(c) of the proposed rule would charge each Bank's senior management with the responsibility to establish, implement and maintain the internal control system under the direction of the Bank's board of directors. Under proposed § 917.4(c), specific actions on the part of senior management that would be necessary to fulfill these responsibilities include: establishing, implementing and effectively communicating to Bank personnel policies and procedures that are adequate to ensure that internal control activities necessary to maintain an effective internal control system are an integral part of the daily functions of all Bank personnel; ensuring that all Bank personnel fully understand and comply with all policies and procedures; ensuring that there is appropriate segregation of duties among Bank personnel and that personnel are not assigned conflicting responsibilities; establishing effective paths of communication throughout the organization in order to ensure that Bank personnel receive necessary and appropriate information; developing and implementing procedures that translate the major business strategies and policies established by the board of directors into operating standards; ensuring adherence to the lines of authority and responsibility established by the Bank's board of directors; overseeing the implementation and maintenance of management information and other systems; establishing and implementing an effective system to track internal control weaknesses and the actions taken to correct them; and monitoring and reporting to the Bank's board of directors the effectiveness of the internal control system on an ongoing basis.

5. Audit Committees—§ 917.5

Section 917.5 of the proposed rule addresses requirements for the establishment of an audit committee by each Bank's board of directors. Current Finance Board requirements for audit committees are contained in Finance Board Res. No. 92–568.1 (July 22, 1992) and Finance Board Advisory Bulletin 96–1 (Feb. 29, 1996).

Resolution No. 92–568.1 contains guidelines intended to be the minimum standards that should be adopted by the Banks for revisions of the respective audit charters. The guidelines require that: audit committee charters include a statement of the audit committee's responsibilities, including a statement of its purpose to assist the full board of directors in fulfillment of its fiduciary responsibilities; the audit committee shall consist of at least three board members and shall include appointed directors and elected directors; that in determining the membership of the audit committee, the board of directors should provide for continuity of service; the audit committee shall meet at least twice annually with the audit director and the audit committee shall meet in executive session with both the audit director and the external auditors at least annually; the audit committee shall oversee the selection, compensation, and performance evaluation of the audit director; written minutes shall be prepared for each meeting and a copy of such minutes forwarded to the Finance Board; and the charters of the audit director and audit committee shall be reviewed and approved at least annually by the audit committee and the board of directors, respectively.

Advisory Bulletin 96–1 communicated examination findings regarding certain Bank practices that may tend to reduce the independence of the internal audit function, specifically the processes by which Bank audit director compensation is determined and performance is evaluated. The Bulletin indicated that examiners would review measures taken by the audit committee to assure the independence from management of the internal audit function, and to fulfill its responsibility to select, set the compensation of, and evaluate the performance of the audit director, and specified that all Bank audit committees should review their current practices and revise these as appropriate.

Proposed § 917.5 codifies into regulation the Finance Board's existing policy on requiring the Banks to have audit committees and adds requirements addressing their independence and their responsibilities for oversight of Bank operations. The proposed requirements for audit committees are based on standard corporate requirements and best practices. In developing the appropriate requirements for Bank audit committees, the Finance Board reviewed the audit committee regulations of other financial institution regulatory agencies and the Report and Recommendations of the Blue Ribbon Committee on Improving the Effectiveness of Corporate Audit Committees (February 8, 1999) (hereinafter Blue Ribbon Committee Report). The Securities and Exchange Commisssion encouraged the New York Stock Exchange and the National Association of Securities Dealers to form a private sector body to investigate perceived problems in financial reporting. Accordingly, the Blue Ribbon Committee was formed in October 1998 to take an objective look at U.S. corporate financial reporting, specifically assessing the current mechanisms for oversight and accountability among corporate audit committees, independent auditors, and financial and senior management.

Proposed § 917.5(a) would require that each Bank's board of directors establish an audit committee. Proposed § 917.5(b) would require that each Bank's audit committee consist of five or more board directors, each of whom meets the independence criteria discussed below, and include a balance of representatives of large and small members and of appointed and elected directors of the Bank. The requirement in proposed § 917.5(b) that the audit committee comprise five or more persons differs from the recommendation of the Blue Ribbon Committee Report that the audit

committee comprise a minimum of three directors. The Finance Board believes it is important that the audit committee include representatives of large and small members and appointed and elected directors of the Bank in order to prevent dominance by one particular individual or group of individuals. A minimum of five members is necessary to ensure that the audit committee will have such diverse representation.

The terms of audit committee members must be appropriately staggered to provide for continuity of service, and to avoid a complete, or substantial, turnover of the membership of the audit committee in any one year. All members of the audit committee would be required to have a working familiarity with basic finance and accounting principles, with at least one member having extensive accounting or financial management expertise. This requirement is intended to ensure that audit committee members have the ability to read and understand the Bank's balance sheet and income statement and to ask substantive questions of internal and external auditors. The Finance Board recognizes that, in some cases, a Bank's board of directors may not include enough members with expertise sufficient for the demands of service on the audit committee, considering the representation requirements. Thus, proposed § 917.5(b)(4) would require that, if such familiarity or expertise is lacking among current board directors, the board of directors shall, in the case of appointed directors, notify the Finance Board or, in the case of elected directors, include in the notice of election required under § 915.6(a) (existing § 932.6(a)), a statement describing the skills or expertise needed.

In addition, proposed § 917.5(c) would require that any board director serving on the audit committee be sufficiently independent of the Bank and its management so as to maintain the ability to make the type of objective judgments that are required of audit committee members. The proposed independence criteria were adapted from the Blue Ribbon Committee Report, which states that "common sense dictates that a director without any financial, family, or other material personal ties to management is more likely to be able to evaluate objectively the propriety of management's accounting, internal control and reporting practices." The Finance Board agrees that the independence of the directors serving on the audit committee is of great importance. Proposed § 917.5(c) describes several examples, which are not intended to include all possible examples, of relationships that would call into question the independence of an audit committee member and that, therefore, would disqualify any director having such a relationship with the Bank or its management from serving on the audit committee. The list is not intended to be exhaustive, because it is impossible to foresee all potential individual circumstances that might compromise the independence of a particular director. Thus, the Finance Board expects that the board of directors will consider all potential relationships when qualifying a director for service on the audit committee.

Proposed § 917.5(d) would require that each Bank's audit committee adopt a formal written charter setting forth the scope of the audit committee's powers and responsibilities and establishing its structure, processes and membership requirements. Both the audit committee itself and the Bank's full board of directors would be required to review the provisions of the audit committee charter annually and to adopt the charter, including amendments, not less often than every three years, as appropriate based on the board's and audit committee's reviews of the policy. Proposed § 917.5(d)(3) would require that the audit committee charter contain the following specific provisions: that the Bank's internal auditor may be removed only with the approval of the audit committee; that the internal auditor shall report directly to the audit committee on substantive matters and to the Bank President on administrative matters; that the audit committee shall be empowered to employ such outside experts as it deems necessary to carry out its functions; and that the internal and external auditors be allowed unrestricted access to the audit committee without any requirement of management knowledge or approval. The proposed requirements pertaining to the audit committee charters were adapted from the recommendations contained in the Blue Ribbon Committee Report and the current Finance Board requirements on audit committees.

Proposed § 917.5(e) sets forth the duties of each Bank's audit committee under the new regulatory structure, including the duties to: ensure that senior management maintains the reliability and integrity of the accounting policies and financial reporting and disclosure practices of the Bank; review the basis for the Bank's financial statements and the external auditor's opinion rendered with respect to such financial statements and ensure disclosure and transparency regarding the Bank's true financial performance and governance practices; oversee the internal audit function; oversee the external audit function; act as an independent, direct channel of communication between the Bank's board of directors and the internal and external auditors; conduct or authorize investigations into any matters within the audit committee's scope of responsibilities; ensure that senior management has established and is maintaining an adequate internal control system; ensure that senior management has established and is maintaining adequate policies and procedures to ensure that the Bank can assess, monitor and control compliance with its mission achievement policy as required in § 917.9(b)(1) of the proposed rule; and report periodically its findings to the Bank's board of directors.

Proposed § 917.5(e)(8) requires that the audit committee conduct not only financial audits but also audit the controls in place to ensure the Bank's compliance with its mission achievement policy. The audit committee is not required to assess the mission performance of the Bank. Review of the mission performance assessment of the Bank is the responsibility of the full board of directors, as more fully discussed in proposed § 917.9(b)(3) below.

An audit of the controls in place to ensure the Bank's compliance with its mission achievement policy is considered one type of a performance audit. In contrast to a financial audit, which is a financial statement or financial related audit, a performance audit is an objective and systematic examination of evidence for the purpose of providing an independent assessment of the performance of an organization, program, activity or function in order to provide information to improve public accountability and facilitate decision making by parties with responsibility to oversee or initiate corrective action. *See* U.S. General Accounting Office, *Government Auditing Standards* (GAO Yellow Book). Performance audits include economy and efficiency, program and compliance audits. Economy and efficiency audits evaluate whether the entity is using its resources economically and efficiently, and the causes of inefficiencies and uneconomical practices. *Id.* at 14. Program audits evaluate the extent to which the desired results as established by the authorized body are being achieved, and the effectiveness of organizations, programs, activities or functions. *Id.* Compliance audits

evaluate whether the entity complied with significant laws and regulations applicable to the organization or program. *Id.* at 13–14.

The Finance Board requests comments on whether the duties and responsibilities of the audit committee and the internal auditor should be broadened in the proposed rule to include economy and efficiency and program audits, as well as compliance and financial related audits.

Finally, proposed § 917.5(f) would require that each Bank's audit committee prepare written minutes of each audit committee meeting.

6. Budget Preparation and Reporting Requirements—§ 917.6

Proposed § 917.6 is carried over unchanged from existing § 934.7 of the Finance Board's regulations.

7. Dividends—§ 917.7

Proposed § 917.7 retains in large part the provisions of existing § 934.17 of the Finance Board's regulations, with certain proposed amendments as discussed below. The existing dividend regulation provides that the board of directors of each Bank, with the approval of the Finance Board, may declare and pay a dividend from net earnings, including previously retained earnings, on the paid-in value of capital stock held during the dividend period. *See* 12 CFR 934.17. Proposed § 917.7 would devolve the dividend process to the Banks and allow the payment of dividends without prior Finance Board approval, so long as such payment will not result in a projected impairment of the par value of the capital stock of the Bank. Because, under the regulatory regime proposed in this rulemaking, the earning assets of the Banks will be either core mission activities or assets that have not been acquired through debt issued with the benefit of the Banks' GSE status, the Finance Board's concerns about the proper use of the Banks' GSE funding advantage will have been addressed, and the need for prior Finance Board approval will have been obviated.

Each Bank's board of directors would then be responsible for ensuring that the benefits stemming from membership in the Bank System would be distributed in an equitable manner to all members of that cooperatively-owned Bank. Benefits can be distributed in the form of dividends, but can also be distributed in the form of lower pricing for advances and other Bank products. Lower product pricing, however, gives greater assurance that the Bank System's benefits are passed along to American consumers through increased competition in the housing finance marketplace. The Finance Board expects the Banks, as cooperatively-owned institutions, to pass along a greater proportion of the benefits through lower product pricing (as opposed to higher dividends) than if the Banks were owned by private, third-party shareholders. The Finance Board requests comments on the reasonableness of this expectation or whether it should reconsider the need to have some mechanism to review or control the Banks' dividend decisions.

The current dividend regulation also provides that the Bank's dividend period may be quarterly, semiannual or annual periods ending on March 31, June 30, September 30 or December 31. Proposed § 917.7 would leave the determination of the dividend period to the discretion of the Banks.

Proposed § 917.7 retains without change the provisions in the current dividend regulation that dividends shall be computed without preference and only for the period the stock was outstanding during the dividend period, and that dividends may be paid in cash or in the form of stock. As discussed below under "Capital Stock Redemption Requirements—§ 930.9," the Finance Board recently published an Advance Notice of Proposed Rulemaking (ANPRM) that requested comment on whether the Banks should be prohibited from paying dividends in the form of stock. For the reasons discussed under that section, proposed § 917.7 does not include such a prohibition. Dividend payments by the Banks also have been subject to a Finance Board Dividend Policy, *see* Finance Board Res. No. 90–38 (Mar. 15, 1990), which, in addition to repeating provisions from the regulation, specifies target dividend rate formulae and requires the Banks to submit dividend recommendations and a certification that the recommendation is in compliance with the Dividend Policy at least 10 days prior to the payment of any dividend. These requirements from the Dividend Policy have not been included in proposed § 917.7. Furthermore, the Finance Board anticipates that, if proposed § 917.7 is adopted as proposed, the Finance Board will rescind the Dividend Policy.

8. Approval of Bank Bylaws—§ 917.8

Proposed § 917.8 is carried over unchanged from existing § 934.16 of the Finance Board's regulations.

9. Mission Achievement—§ 917.9

Proposed § 917.9 sets forth new requirements that each Bank must meet in developing a mission achievement policy and overseeing the Bank's mission achievement. The Act establishes the Finance Board's primary responsibility for ensuring the safety and soundness of the Bank System and consistent with that duty, ensuring that the Banks fulfill their public policy mission. *See* 12 U.S.C. 1422a(a)(3). As with the risk management function, a Bank's board of directors must take its mission responsibilities seriously and impress the importance of mission achievement upon Bank management and staff. The Banks' boards of directors must be fully engaged so that there is a focus on mission achievement at all levels of the Bank.

Proposed § 917.9(a)(1) would require that each Bank's board of directors adopt and submit to the Finance Board for approval a mission achievement policy within 180 calendar days of the effective date of the rule in final form. This mission achievement policy would be required to detail how the Bank will comply with the core mission activity requirements set forth in proposed part 940 (discussed in more detail below), including contingent business strategies for meeting the core mission activity requirements under different assumptions about future economic and mortgage market conditions. The policy also would be required to outline a process for developing and implementing new mission-related products and services. The board should foster an environment that encourages management to be innovative and committed in developing products that provide assistance to Bank members in the financing of housing and community lending.

As with the risk management policy, proposed § 917.9(a)(2)(i) would require that the Bank's board of directors review the Bank's mission achievement policy on at least an annual basis. Proposed § 917.9(a)(2)(iii) would require a Bank's board of directors to re-adopt a mission achievement policy, including interim amendments, not less often than every three years, as appropriate based on the board's reviews of the policy. Again, as with the similar provision in proposed § 917.3(a)(2), this requirement is intended to ensure that, even given the turnover in board personnel that will occur over a number of years, all or most current members of a Bank's board of directors will be thoroughly familiar with the Bank's mission achievement policy, will have given meaningful consideration to its provisions and will have expressed their opinion regarding the adequacy of the policy through the voting process. Proposed § 917.9(a)(2)(iv) also would make clear that each Bank's board of directors has the ultimate responsibility to ensure

that the Bank is in compliance at all times with the mission achievement policy.

Under proposed § 917.9(a), each Bank would be required to submit its initial mission achievement policy to the Finance Board for approval; subsequent versions of the policy adopted thereafter or amendments would not be required to be submitted to, or approved by, the Finance Board. However, as with the risk management policies, Bank mission achievement policies will be reviewed by the Finance Board as part of the ongoing examination process.

Proposed § 917.9(b) would require that each Bank's board of directors: (1) direct the establishment and maintenance, by senior management, of adequate policies and procedures to ensure that the Bank can assess, monitor and control compliance with its mission achievement policy; (2) establish a mechanism to measure and assess the Bank's performance against its mission achievement goals and objectives; and (3) require that performance assessments be conducted at least annually that evaluate the Bank's mission achievement and measure its performance against the Bank's goals and objectives and that such performance assessments be reviewed by the Bank's board of directors.

These provisions are intended to ensure that the board of directors oversees the process of assessing mission achievement, but do not require that this responsibility reside with the audit committee or the internal auditor. It is not necessary that the requirements for the audit committee, which oversees the financial audit of the Bank, be applied to the oversight of mission performance. Thus, proposed § 917.9(b) requires that the board of directors oversee mission performance, but it allows the board to determine how, and by what mechanism, it will carry out this responsibility. However, as previously discussed, the audit committee shall be responsible for ensuring that proper controls exist to ensure that an assessment of mission achievement is carried out. In any event, the mission management assessments should follow the requirements for program audits contained in the GAO Yellow Book.

B. Part 925—Members of the Banks

Existing part 933 of the Finance Board's regulations, "Members of the Banks," has been proposed to be redesignated as new part 925 in the Finance Board's proposed rule to reorganize all of the Finance Board's regulations published separately in this issue of the **Federal Register**. Part 925 of the proposed reorganization rule retains in large part the provisions of existing part 933. Certain proposed amendments, which consist primarily of cross-references to sections of this proposed financial management and mission achievement regulation, are included in this rulemaking and discussed here.

Specifically, §§ 933.14, 933.22, and 933.24 through 933.28 of the Finance Board's existing membership regulations have been redesignated as §§ 925.14, 925.22, and 925.24 through 925.28 in the proposed reorganization regulation. Each of these sections contains provisions regarding the treatment of outstanding advances and Bank stock in different events: conditional membership approvals of de novo insured depository institution applicants deemed void (§ 925.14); ownership of excess shares of capital stock (§ 925.22); consolidations of members (§ 925.24); consolidations involving nonmembers (§ 925.25); member withdrawals (§ 925.26); removal of members (§ 925.27); and automatic termination of members placed in receivership (§ 925.28). In each of these situations, where applicable, liquidation of outstanding indebtedness owed to the Bank (mainly advances) in which membership has ceased is proposed to be handled in accordance with newly designated § 925.29. The redemption of stock in each circumstance described in these sections is proposed to be conducted pursuant to new § 930.9 (capital stock redemption requirements), proposed in this rulemaking.

C. Part 930—Risk Management and Capital Standards

1. Overview

As discussed previously, the Banks' current capital requirements are determined according to a statutory formula, which uses either the asset size of a member or the amount of its borrowings from a Bank to determine the amount of stock the member must purchase from its Bank. *See* 12 U.S.C. 1426(b)(1), (b)(2), (b)(4); 1430(c), (e)(1), (e)(3). The Banks' risk management and investment practices are governed by the FMP. This proposal would create a modern risk-based capital system for the Banks. The Banks would be allowed greater flexibility to set their own risk tolerances, subject to the requirement that they hold sufficient capital to support the risks they chose to accept. The proposed rule also would allow for a more efficient and effective use of the Banks' capital than is currently possible.

The risk-based capital requirement, together with other provisions of this capital proposal, would replace the FMP, which the Finance Board currently uses to address the risks inherent in the financial management practices of the Banks. Given the advent of the Basle Accord, the practices of the other bank regulatory agencies, and the Finance Board's proposal for the Banks to become more mission oriented, the Finance Board has determined that the development of risk-based capital standards for the Banks should be an integral part of any comprehensive risk management system for overseeing the Banks. The FMP is a prescriptive risk control system with a series of detailed business and operating guidelines. It is based on policies originally adopted by the FHLBB, the predecessor agency to the Finance Board, and has been revised a number of times over the years. The FMP is a product of its history and reflects a now outmoded approach that emphasizes in considerable detail what is, and what is not, a permissible practice for the Banks. It is composed of a series of lists, which address matters such as allowable and prohibited assets, reserve requirements, funding guidelines, and hedging, credit, and interest rate risk guidelines. Federal banking regulation now focuses more on the adequacy of the audit and control systems, as well as risk management systems and managerial capability. The Finance Board is proposing to adopt a modern approach to overseeing the Banks, which would require the Banks to implement a comprehensive risk management system (including regulatory capital requirements) and would require the Finance Board to verify the integrity of those internal systems.

The bank regulatory authorities in the United States and in other industrialized countries have adopted some form of risk-based capital structure for the financial institutions they oversee. The basis for all of those risk-based capital systems is the Basle Accord, which was adopted in July 1988 and which measures credit risk through a system of risk-weight categories. As a matter of practice, the Basle Accord has been applied to all banks and thrifts in the United States and has become the global benchmark for credit risk capital standards.

The Basle Accord is based principally on a standardized system of risk weights, under which the book value of an on-balance sheet asset is assigned a particular risk weight based on the relative level of credit risk associated with that category of asset. The same method is used with respect to off-

balance sheet items, which are converted to "credit equivalent amounts" and assigned to the appropriate risk weight category. The risk weight categories range from zero percent, for items such as cash and Treasury obligations, to 100 percent, which includes claims on private obligors. The Basle Accord credit risk capital regime is based on an 8 percent benchmark, *i.e.*, that an institution must maintain total capital in an amount equal to 8 percent of the book value of any asset that is in the 100 percent risk weight category. Assets in lower risk-weight categories would carry a correspondingly lower capital requirement, such that an asset in the 50 percent category would require capital equal to 4 percent of its book value and an asset in the zero percent risk weight category would require no capital for credit risk. Because the Basle Accord made no explicit provision for market risk in the risk weight categorizations, the required capital percentage serves as protection against both credit and market risk.

The Finance Board, and other commentators, believe that the Basle Accord has a number of shortcomings. For example, for instruments within the same risk weight category, the Basle Accord does not distinguish between those instruments with different credit quality (*i.e.*, those with different credit ratings), which would, in fact, have markedly different credit risks. The Basle Accord also does not take into consideration how differences in the maturities of two instruments would affect their relative credit risk, nor does it distinguish between immediate exposure and possible future credit exposures, or between the credit risks associated with a diversified portfolio compared to those associated with a concentrated portfolio.

Under the 1996 amendment to the Basle Accord (the Amendment), debt instruments held in the trading portfolios of large banks are exempt from the risk-based capital requirements of the Basle Accord. The Amendment remedies some of the shortcomings of the 1988 Basle Accord discussed above and offers two alternatives for calculating the credit risk capital requirements for debt instruments held in the trading portfolios of large banks. These alternatives are based on publicly available credit ratings, or credit ratings that are internally generated by large banks. The first alternative for large banks is to use internal credit risk models to calculate value at risk due to credit risk on debt instruments held in trading portfolio. A second alternative for large banks lacking satisfactory internal models is to use standardized credit risk capital percentage requirements specified in the Amendment. These percentage requirements are significantly lower than the risk-based capital requirements for the non-trading portfolio (banking book) and are related to the maturities of the investment grade instruments. The smaller percentage requirements mainly reflect the fact that holding periods, commonly referred to as default horizons, for debt instruments held in trading portfolios are generally shorter than the holding periods for the banking book.

Principally to address some shortcomings of the Basle Accord with respect to the banking book, the BCBS recently published the Framework, which proposes a system to better correlate regulatory solvency to the economic-capital needs of a bank, as well as with the risks and returns of their lending activities.[4] The Framework would base risk-based capital requirements more closely on the underlying credit risks, and would recognize the improvements in risk measurement and control that have occurred in recent years. The Framework would allow for the use of internal credit ratings and credit risk models to better assess a bank's capital requirement in relation to its risk profile. The BCBS also issued a separate paper on internal credit risk modeling, and invited comments on the issue of using a portfolio-based approach to calculating an overall capital requirement.[5] Portfolio credit risk modeling is a long-term project for the BCBS; ultimately, it is anticipated that sophisticated banking institutions would employ a comprehensive portfolio risk modeling approach, under which regulatory capital requirements would be based entirely on internal models. This proposed regulation addresses many of the concerns raised in the recent BCBS papers, by closely tying regulatory capital requirements to each Bank's level of credit risk.

As discussed above, the drive to incorporate a measure of general market risk into the Basle Accord has been spearheaded by the BCBS. The Basle Accord addressed credit risk but did not include a requirement for market risk. However, as depository institutions' involvement in both on- and off-balance sheet instruments containing structured and exotic features as well as complex options grew, the BCBS became concerned with the market risk aspect of the risk-based capital standards. This led to the Amendment which, in addition to credit risk, addressed market risk from interest rates, foreign exchange rates, equity prices and commodity prices within the trading book and foreign exchange and commodity risks in the banking book. The Amendment is limited in that it essentially applies to large commercial banks; banking book interest rate risk is still not addressed. However, the BCBS has published a separate proposal providing guidance for the management of overall interest rate risk in a banking organization, including interest rate risk within the banking book.[6] In the recently published Framework, the BCBS has proposed to develop a specific capital requirement for interest rate risk in the banking book for banks where interest rates risks are significantly above average. The bank regulatory authorities in the United States and in other industrialized countries have adopted the Amendment to incorporate general market risk into the risk-based capital standards.

2. Requirements for Bank System and Individual Bank Credit Ratings—§ 930.2

Proposed § 930.2 addresses credit ratings for Bank System COs and for the overall capacity of individual Banks to meet their obligations. Section 930.2(a)(1) would require that the Banks, collectively, obtain from a NRSRO, and at all times maintain, a current credit rating on the Banks' COs. Under § 930.1 of the proposed rule, an NRSRO would be defined to include those credit rating organizations recognized as NRSROs by the SEC. To date, the SEC regards five credit rating organizations as NRSROs: Standard & Poor's; Moody's; Fitch IBCA; Duff & Phelps; and (for certain financial institutions) Thompson BankWatch, Inc. *See* 62 FR 68018–24 (Dec. 30, 1997).

The Banks' COs currently are rated by both Moody's and Standard & Poor's and have received the highest credit rating from both NRSROs, based upon the conservative management policies and consistent profitability of the Banks, both as a group and individually, and the status of the Banks as GSEs. Proposed § 930.2(a)(2) would require that each Bank operate in such a manner and take any actions necessary to ensure that the Banks' COs receive and continue to receive the highest credit rating from any NRSRO by which the COs have been then rated (*e.g.*, triple-A).

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[4] *New Basle Committee Proposals Have Positive Bank Credit Implications*, Moody's Credit Perspectives, June 21, 1999, at 1, 18.

[5] BCBS, *Credit Risk Modeling: Current Practices and Applications* (Apr. 1999).

[6] *See* BCBS, *Principles for the Management of Interest Rate Risk* (Jan. 1997).

Regardless of whether any actual downgrade were to occur, a Bank still would be considered to be in violation of proposed § 930.2(a)(2) if that Bank were to take any action, or were to create a situation through a failure to act, that potentially could lead any NRSRO to downgrade the rating for COs to a level below that NRSRO's highest investment grade.

In addition to the requirements pertaining to the rating of the Banks' COs, § 930.2(b) of the proposed rule would require each Bank, individually, to operate in such a manner and take any actions necessary to ensure that the Bank has and maintains an individual issuer credit rating of not lower than the second highest credit rating from any NRSRO by which the Bank is rated (*e.g.* double-A), where the NRSRO states that the rating is a meaningful measure of the Bank's financial strength and stability apart from the GSE status of the Bank System. The latter requirement is intended to ensure that the Banks' boards of directors and senior management focus upon the business practices necessary to maintain not lower than the second highest credit rating on an individual basis without regard to the GSE status of the Bank System.

Proposed § 930.2(c) would require each Bank to obtain an individual issuer credit rating from an NRSRO within one year of the effective date of new part 930. In addition, under proposed § 930.2(b)(3), each Bank would be required to update its individual issuer credit rating on an annual basis, or more frequently, as required by the Finance Board. Eleven of the Banks already have obtained an individual credit rating from at least one NRSRO and all eleven have received the highest long-term credit rating from the NRSROs by which they have been rated.

In order to facilitate the Banks' fulfillment of the core mission activities requirements set forth in part 940 of the proposed rule, discussed below, the proposed rule would authorize the Banks to make a wider range of investments, and to offer their members and eligible nonmember borrowers a wider range of products and services, than is currently authorized in the absence of specific prior Finance Board approval. The risk-based capital requirements set forth in proposed part 930, also discussed below, are intended to require the Banks to manage effectively the increased risks that could accompany the broadened investment and programmatic authority that the Banks would enjoy under the proposed rule. As provided for under proposed § 930.2, it is of vital importance that the Banks' COs continue to receive the highest possible credit rating so as to ensure that the Banks remain able to access to the capital markets at the lowest possible cost of funds and, consequently, to fund activities that safely and soundly further the Banks' housing finance and community lending mission.

At the same time, the Finance Board finds it appropriate to permit the Banks to maintain individual issuer credit ratings of at least the second highest credit rating given by any NRSRO from which a rating has been received, rather than continuing to require the highest credit rating, as individual Banks are required to maintain under the FMP. In meetings with Finance Board staff, representatives of both Moody's and Standard & Poor's indicated that the Bank's COs could continue to receive the highest credit rating, even if all of the Banks were to receive only the second highest issuer credit rating on an individual basis. Both NRSROs confirmed to Finance Board staff that the GSE status of the Banks plays a key role in the rating of the Banks' COs. While both NRSROs indicated that any significant changes to the Banks' management policies and profitability potentially could adversely affect the credit rating of the COs, both also stated that the proposed new regulatory structure does not give rise to any serious concern that the COs will not continue to receive the highest credit rating from both organizations.

3. Minimum Total Capital Requirement—§ 930.3

a. *Background.* Capital serves as a barrier against insolvency. Its purpose is to absorb the risks inherent in business endeavors, and to provide market discipline to limit risk-taking by management. To be effective, capital must be available to offset losses if economic conditions are unfavorable.

The capital requirements in the proposed rule represent a change in philosophy from the FMP. Rather than prohibiting certain types of investments, and establishing limits on Bank behavior towards risk such as duration of equity limits, the proposed rule would allow the Banks wide latitude to engage in mission-related activities, so long as they hold sufficient capital to cover the risks entailed by such activities.

The rule proposes two capital-based standards for the Banks. The first standard is a requirement that total outstanding Bank capital stock must equal at least 3.0 percent of the Bank's total assets. The second standard is a requirement generally that the Banks must hold the most permanent forms of capital, referred to as risk-based capital, against the risks measured in the Bank's portfolio. The risk-based capital requirement is discussed further below under § 930.4.

b. *Minimum total capital requirement.* Section 930.3(a) of the proposed rule provides that each Bank shall have and maintain at all times total capital in an amount equal to at least 3.0 percent of the Bank's total assets. Total capital is defined in proposed § 930.1 as the sum of a Bank's retained earnings and total capital stock outstanding, less the Bank's unrealized net losses on available-for-sale securities. The minimum total capital requirement serves to limit the size of a Bank's balance sheet for a given quantity of capital.

As discussed above in the Overview of Proposal section, the Act sets forth minimum capital requirements for the Banks. *See* 12 U.S.C. 1426(b)(1), (b)(2), (b)(4); 1430(c), (e)(1), (e)(3); 12 CFR 933.20(a). Among these provisions is a requirement that members hold stock equal to at least 5 percent of their advances. Currently, the FMP limits the holding of mortgage-backed securities by the Banks to three times capital. Taken together, these two provisions limit advances plus mortgage-backed securities to no more than 23 times capital, as advances can be no more than 20 times capital, and mortgage-backed securities can be no more than 3 times capital. Thus the ratio of capital to advances plus mortgage-backed securities must be at least one twenty-third, or 4.35 percent.[7]

The numerically operative and, therefore, more important constraint contained in current regulations is a leverage limit, such that the ratio of COs plus unsecured senior liabilities for a Bank can be no more than 20 times capital. *See* FMP section IV.C. Because assets equal capital plus COs plus unsecured senior liabilities, a Bank's assets cannot exceed 21 times its capital or, inversely, capital must be at least 4.76 percent of assets. The Bank System had an average capital-to-assets ratio of 5.4 percent during 1998.

The proposed 3.0 percent minimum total capital requirement for the Banks would be more conservative than the 2.5 percent minimum total capital

[7] To the extent that a Bank chooses to accumulate retained earnings, its assets may be limited to something less than 23 times capital. This is because the capital held to support advances can, by statute, only be in the form of capital stock, while the capital held to support mortgage-backed securities (MBS) holdings can be either capital stock or retained earnings. Retained earnings are a small percentage of total capital for the Banks.

requirement imposed by statute on the on-balance sheet assets of Fannie Mae and Freddie Mac.[8] Also, the proposed minimum total capital requirement of 3.0 percent for the Banks is consistent with the minimum total capital requirements imposed by other financial institution regulators for the strongest financial institutions without supervisory concerns.

Section 930.3(b) of the proposed rule provides that, for reasons of safety and soundness, the Finance Board may require an individual Bank to have and maintain a higher minimum capital ratio than 3.0 percent.

4. Minimum Total Risk-Based Capital Requirement—§ 930.4

a. *General requirement.* Section 930.4(a) of the proposed rule provides that each Bank shall have and maintain at all times total risk-based capital in an amount at least equal to the sum of its credit risk capital requirement, its market risk capital requirement, and its operations risk capital requirement, calculated in accordance with §§ 930.5, 930.6 and 930.7, respectively. As discussed above under the Overview of Proposal section, the proposed rule would implement, for the first time, a risk-based capital requirement for the Banks related to the risks inherent in the Banks' portfolios and business practices. The three separate capital components are discussed further below under their respective sections.

b. *Definition of Total Risk-Based Capital.* In order to serve as the primary barrier against insolvency, risk-based capital must be permanent in nature, *i.e.*, available to cover losses which may occur under adverse conditions without being subject to redemption by members. Proposed § 930.1 contains a definition of total risk-based capital for a Bank, the elements of which are discussed below.

The first element of total risk-based capital under the definition in proposed § 930.1 is retained earnings, less unrealized net losses on available-for-sale securities. Retained earnings clearly are permanent in nature because they are not subject to withdrawal at the request of individual member shareholders.

The second element of total risk-based capital under the definition in proposed § 930.1 is any outstanding non-redeemable capital stock of the Bank. The Finance Board has authority under the Act to allow the Banks to create additional classes of stock if the Banks wish to include such other classes of stock as a part of their capital structure. Any non-redeemable outstanding capital stock that a Bank may be authorized to issue would be permanent by its non-redeemable nature.

The third element of total risk-based capital under the definition in proposed § 930.1 is all outstanding capital stock satisfying the minimum capital stock purchase requirement for membership under sections 6(b)(1) and 10(e)(3) of the Act (12 U.S.C. 1426(b)(1), 1430(e)(3)) for all mandatory members. Outstanding capital stock of mandatory members has permanent features, because a mandatory member may have its stock redeemed only if it changes its charter to a form that would make the member a voluntary member and withdraws from membership in the Bank System. Charter conversions generally are not effected by a member solely for the purpose of withdrawing from Bank membership and redeeming Bank stock. A charter conversion would have a serious impact on all aspects of an institution's business operations, and would require a significant amount of time and cost to complete. Mandatory members that convert to voluntary status also may be discouraged from withdrawing from the Bank System because the Act prohibits withdrawing members from rejoining the Bank System for ten years. *See* 12 U.S.C. 1426(h).

The fourth element of total risk-based capital under the definition in proposed § 930.1 is a percentage of the minimum capital stock purchase requirement for membership under sections 6(b)(1) and 10(e)(3) of the Act (12 U.S.C. 1426(b)(1), 1430(e)(3)) for all voluntary members. Each Bank may designate a percentage, not to exceed 50 percent, of the minimum capital stock of voluntary members as risk-based capital. The required capital stock of voluntary members is less permanent than the required capital stock of mandatory members, but is more permanent than stock which supports member borrowing. Although the ten-year prohibition on rejoining the Bank System after withdrawing may discourage voluntary members from withdrawing from the Bank System and redeeming their capital, they may, if they decide to withdraw, have their capital stock redeemed at par, provided that the Finance Board finds no impairment or likely impairment of the Bank's capital. *See* 12 U.S.C. 1426(e). This capital stock, therefore, has more limited use as a loss absorber than the other forms of capital stock discussed above. However, a Bank may need more than its retained earnings and outstanding minimum capital stock of mandatory members in order to meet its risk-based capital requirement. Therefore, a percentage not to exceed 50 percent of minimum required voluntary member stock may serve as an element of total risk-based capital only if the Bank is willing to subject its redemption to Finance Board approval.

The fifth and final element of total risk-based capital under the definition in proposed § 930.1 is a percentage of the remaining capital stock of mandatory and voluntary members. Each Bank may designate a percentage, not to exceed 50 percent, of the remaining capital stock of mandatory and voluntary members as risk-based capital only if the Bank is willing to subject its redemption to Finance Board approval. The Act provides that a Bank has discretion, unless prohibited by the Finance Board, to determine whether to redeem a mandatory or voluntary member's capital stock that exceeds its statutory minimum capital stock purchase requirement. *See* 12 U.S.C. 1426(b)(1). Because a Bank can decline to redeem excess capital stock of members, such stock can serve as a permanent capital loss absorber.

The proposed definition allows each Bank to designate different percentages of stock as elements of total risk-based capital under the fourth and fifth elements of the definition (that is, up to 50 percent of the membership stock of voluntary members, and up to 50 percent of all remaining outstanding capital stock of mandatory and voluntary members). Therefore, some Banks may choose to designate a larger percentage of the minimum capital stock of voluntary members as risk-based capital stock, as this stock has a greater degree of permanence. This would allow a smaller percentage of capital stock which supports advance borrowing to be designated as an element of total risk-based capital, so that the use of advances by members would not be discouraged.

c. *Transition provisions.* The transition provisions in the proposed rule ensure that the Banks will continue to operate in a safe and sound manner, under proven standards, until such time as they have demonstrated the capacity to operate under the more flexible proposed regulation. Specifically, each Bank must demonstrate to the Finance Board that it has risk management policies and internal controls in place which are sufficient to manage its credit, market, and operations risk. Each

[8] A leverage requirement is imposed on Fannie Mae and Freddie Mac such that their capital must be at least 2.5 percent of their on-balance sheet assets. 12 U.S.C. 4612(a). Generally, they must also hold capital equal to at least .45 percent of their off-balance sheet obligations. Unlike the Banks, Fannie Mae and Freddie Mac have substantial volumes of guarantees and other off-balance sheet items.

Bank must also have an internal market risk model approved by the Finance Board. Finally, each Bank must have sufficient capital to meet the capital requirements in the proposed rule. Until these conditions are met by a Bank, the current rules as contained in the FMP will apply. *See* proposed §§ 930.4(b)(1) and 930.4(b)(2).

5. Credit Risk Capital Requirement—§ 930.5

a. *Background.* Unlike commercial banks and savings associations, the Banks currently are not subject to statutory or regulatory risk-based capital requirements. As discussed previously, the Banks' capital requirements are determined according to a statutory formula, which uses either the asset size of a member or the amount of its borrowings from a Bank to determine the amount of stock the member must purchase from its Bank. The risk-based capital requirement for the Banks established in this proposal would include as one component a separate capital requirement to address the credit risk to which a Bank is exposed. The credit risk component of the capital requirement would encompass the credit risks associated with both on-balance sheet assets and off-balance sheet items of each Bank.

The objective of the Finance Board in proposing this credit risk capital standard for Banks is to provide a regulatory framework that would: (i) assess capital charges based on the extent of the underlying credit exposure; (ii) address on-and off-balance sheet exposures consistently; (iii) allow for changes to the portfolios of the Banks, as well as in the markets; and (iv) reflect improvements in risk measurement and control systems, as they develop and become available for use by the Banks. To the extent the proposed rule achieves these objectives, it would improve upon the Basle Accord.

b. *Finance Board determination of specific credit risk percentage requirements.* Proposed § 930.5(b) provides that for an on-balance sheet asset, the credit risk capital requirement would be equal to the book value of the asset multiplied by the "credit risk percentage requirement" to which the asset is assigned. Proposed § 930.5(c) provides that for off-balance sheet items, the credit risk capital requirement would be the "credit equivalent amount" of the item, multiplied by the specific credit risk percentage requirement to which the item is assigned.

Proposed § 930.5(d) provides that the Finance Board shall determine initially, and update periodically, credit risk percentage requirements for various categories of credit risk for on-balance sheet assets and off-balance sheet items, using data from NRSROs and any other relevant sources to calculate estimates of credit losses associated with the particular categories. The estimates of credit risk are required to represent the credit losses that could be expected to occur on the particular categories of instruments during periods of extreme credit stress, based on historical data that reflect the longer-term nature of credit cycles and span multiple credit cycles. The periodic updates to initial credit risk percentage requirements will be implemented by the Finance Board as amendments to § 930.5(d)(3).

The proposal includes, in Table 1 of proposed § 930.5(d)(3), the percentages to be applied to the book value of on-balance sheet assets, or the credit equivalent amounts of off-balance sheet items, in determining a Bank's credit risk capital requirement. Cash and government securities are assigned to the zero percent category, meaning that they are deemed not to present any credit risk to the Bank. The proposal assigns increasing percentages (0.3, 0.6, 1.0, and 1.3) to each of the four levels of investment grade ratings assigned by an NRSRO (*i.e.*, triple-A, double-A, single-A, triple-B), and treats credit risk from advances as equivalent to credit risk associated with the highest category of investment grade credit ratings. The proposal also includes a credit risk percentage for a Bank's tangible assets, "Premises, Plant and Equipment," to be set at 8.0 percent, which is consistent with the Basle Accord. Investments that are downgraded below investment grade after being acquired by a Bank would be assigned higher credit risk percentages: 12.0 percent for assets with the highest rating below investment grade; 50.0 percent for assets with the second highest rating below investment grade; and 100 percent for all other assets downgraded below investment grade.

In assigning only cash and direct obligations of the U.S. government to the zero credit risk category, the proposal is more restrictive than the Basle Accord, which assesses zero credit risk capital for all Organization for Economic Cooperation and Development (OECD) government obligations, although proposed revisions to the Basle Accord would treat all triple-A and double-A rated sovereign obligations as free of credit risk. The proposal would treat Bank advances as a triple-A rated credit exposure. The assignment of advances to a triple-A credit risk category is based on factors such as the historical credit loss record for Bank advances (no credit losses have been incurred on the advance portfolio), the conservative lending and collateral management policies of each Bank (all classes of collateral are discounted based on risk), the blanket lien arrangements that some Banks employ with certain members over all of the assets of that member, the statutory priority lien, which gives the Banks priority over other secured creditors (so long as those secured interests are not perfected, *see* 12 U.S.C. 1430(e)), and a statutory stock purchase requirement that requires a member to maintain an investment in the Bank at least equal to 5 percent of its outstanding advances. *See id.*

The Finance Board considered treating advances as cash or direct obligations of the U.S. government and assigning a zero credit risk capital requirement. However, two credit rating agencies expressed their opinion that such treatment is not appropriate for advances—*i.e.*, that advances should not be treated as equivalent to credit risk free investments. The two rating agencies expressed their preference for advances being treated as triple-A rated assets. Based on the historical (over 60 years) experience of zero credit losses for advances versus rating downgrades leading to eventual credit losses on triple-A rated corporate securities, an argument can be made that advances are a better credit than triple-A rated assets. As a result, advances may be treated as assets that pose credit risk somewhere between U.S. government securities and triple-A rated corporate securities. At this time, the Finance Board is proposing to treat advances as triple-A rated assets and is requesting comments from interested parties as to whether a satisfactory analytical framework exists that can be used to determine a more appropriate capital charge for the credit risk of advances.

Based on data obtained from Moody's, the worst default frequency over a two-year horizon for triple-A rated corporate debt is 0.0. In fact, a triple-A rated security has never defaulted at the time it was still rated triple-A. Given a sufficiently long period of time, however, even triple-A rated corporate credits will default following rating downgrades.[9] In fact, some triple-A rated credits have been downgraded within a year after receiving the triple-A rating. In addition, the market credit spreads for triple-A rated securities can widen without any change in credit

[9] According to Moody's data from 1970 to 1998, over a 4-year default horizon, the worst historical probability of default (default rate) for triple-A rated debt is 1.21 percent.

ratings.[10] Credit deterioration and spread widening can lead to losses in market value for triple-A rated securities within a relatively short time after such securities are assigned a triple-A rating. Because such risks exist and the holding periods associated with long-term held-to-maturity securities are relatively long, the proposal adopts a conservative approach and requires 0.3 percent capital to be maintained for triple-A rated credit exposures. This number is a linear interpolation of the estimated credit losses for U.S. government securities and double-A rated debt. Moreover, this requirement is consistent with the results from an internal models-based estimate for credit risk capital for triple-A rated corporate bonds held in a diversified trading portfolio of a large commercial bank, which is 0.26 percent.[11]

Credit risk capital requirements for double-A, single-A, triple-B and double-B rated credit exposures in the proposal are generally equal to the worst default rate observed over two-years by Moody's in data collected from 1970–1998. To preserve consistency between credit ratings and capital requirements, the proposed requirement for a single-A rated credit exposure is set equal to the average of the capital requirements for double-A and triple-B rated instruments.[12] Also, a conservative zero recovery rate in default has been assumed for purposes of calculating the credit risk capital requirements. Defaulted bond price data from Moody's provides support for the zero recovery rate assumption under extreme credit stress conditions.[13]

[10] This applies equally to triple-A rated securities issued by GSEs.

[11] This estimate is based on a 10 business day horizon and a 99th percentile of the value at risk distribution as required under the Amendment for calculating credit risk capital for debt instruments held in the trading portfolios of large banks. The estimate of 0.26 percent reflects a multiplier of 4 which is the highest multiplier that may be required under the Amendment. In addition to the possibility of default, this estimate captures potential deterioration in credit risk and widening of credit spreads in the market. If the underlying distribution of value at risk is approximately normal, the multiplier of 4 effectively extends the 10 day horizon to 160 business days, or approximately 8 months. The holding periods relevant to long-term debt instruments held in banking portfolios are longer and commercial banks generally use 1 year for calculating economic capital requirements.

[12] This is because over a 2 year horizon, the worst single-A rated default rate is lower than the corresponding double-A rated default rate.

[13] As for triple-A rated instruments, the proposed capital requirements for double-A, single-A, triple-B and double-B rated credit exposures are generally consistent with the results from an internal models-based estimate for credit risk capital for corporate bonds held in a diversified trading portfolio of a large commercial bank, which are 0.77, 1.00, 2.40 and 5.24 percent, respectively.

Under proposed § 955.3(a)(3), the Banks would not be authorized to invest in debt instruments rated below investment grade. If an investment were to be downgraded after acquisition by a Bank to the second highest rating below investment grade (single-B rating), the proposal would assign it to the 50 percent credit risk percentage, which the Finance Board believes to be a conservative level for such an exposure. Any credit exposures rated at triple-C or below would be placed in the 100 percent credit risk capital category.

Under proposed §§ 940.3(e) and 955.2(e), a Bank may make equity investments in the stock of a SBIC, in government-aided economic development entities, and in certain entities that are permissible investments for national banks, that are not rated but are defined in this proposal as core mission activities of the Banks. The proposal would assign investments in these types of entities to the 8.0 percent credit risk percentage category. This requirement is based upon, and is consistent with, the risk-based capital requirements for investments in such entities by national banks established by the OCC. For SBICs, the 8 percent requirement is likely conservative given changes to the SBIC program implemented in 1994. In addition, consistent with the public purpose of GSEs, the Finance Board wants to encourage the Banks to give every consideration to investments that will provide targeted assistance to people in underserved low and moderate-income communities.

The following table, which is set forth in proposed § 930.5(d)(3), presents the credit risk percentage capital requirements for each category of credit exposures described above:

CREDIT RISK CAPITAL REQUIREMENTS FOR BANKS

Credit risk category	Percent of on-balance sheet equivalent value
Authorized Investments	
Cash and U.S. Government Securities	0.0
Advances	0.3
Highest Investment Grade—triple-A	0.3
Second Highest Investment Grade—double-A	0.6
Third Highest Investment Grade—single-A	1.0
Fourth Highest Investment Grade—triple-B	1.3
Premises, Plant, and Equipment	8.0
Core Mission Equity Investments Under § 940.3(e)	8.0

CREDIT RISK CAPITAL REQUIREMENTS FOR BANKS—Continued

Credit risk category	Percent of on-balance sheet equivalent value
Investments Downgraded to Below Investment Grade After Acquisition by a Bank	
Highest Below Investment Grade—double-B	12.0
Second Highest Below Investment Grade—single-B	50.0
All Other Below Investment Grade—At or Below triple-C	100.0

The Finance Board expects that the above capital requirements may change as comments on proposed § 930.5(d)(3) are received and further research is undertaken before a final rule is published. Even after a final rule is adopted, the Finance Board anticipates that it will periodically amend the capital requirements reflected in the chart above as additional data is available and new methodologies become feasible.

One of the limitations of the Basle Accord was its failure to consider the term structure of credit risk, such that an overnight exposure would receive the same capital charge as a 2 or a 10 year exposure. However, under the Amendment, the term structure of credit risk can be fully recognized for trading portfolios of large banks with satisfactory internal models and is partially recognized for others through a standardized table. In addition, the recently proposed Framework addresses this limitation in the Basle Accord by according limited recognition to the term structure of credit risk. The Farm Credit Administration similarly accords limited recognition to the term structure of credit risk in their risk-based capital requirements for the farm credit banks. In proposed § 930.5(d)(3), there is no such recognition given to the term structure of credit risk. However, the Finance Board realizes that a significant proportion of the Banks' assets have maturities within 1 month and, therefore, intends to undertake further research on incorporating term structure of credit risk into § 930.5(d)(3). At this time, the Finance Board requests comments on the treatment of term structure of credit risk.

c. *Bank determination of specific credit risk percentage requirements.* Section 930.5(d)(4)(i) of the proposed rule would require each Bank to determine the credit risk capital requirement for each asset and item first by determining its type and its credit rating (if any), then by determining its

appropriate risk category and applying the applicable credit risk percentage for that risk category under Table 1. The proposal includes guidance for the Banks on how to determine the credit rating for a particular asset or item. If an asset or item is directly rated by an NRSRO, the Banks must use that rating. If an asset or item is not rated directly by an NRSRO, but its issuer or guarantor is so rated or the asset or item is backed by collateral that is so rated, then a Bank may use the highest rating given to the issuer, guarantor, or collateral, to the extent that the issuer, guarantor, or collateral supports the asset or item held by the Bank. If the asset or item is not fully backed by a rated issuer, guarantor, or collateral, then only the portion to which such rated support applies may receive the highest rating noted above; the portion of the asset or item that is not so supported must be assigned to the category that would be appropriate for such an asset on a stand alone basis. For example, if up to 25 percent of a triple-B asset is guaranteed by a triple-A-rated entity, then 25 percent of the value of the asset may be assigned to the highest investment grade category with a capital requirement of 0.3 percent and the remaining 75 percent of the value of the asset will be assigned to the fourth highest investment grade category with a capital requirement of 1.3 percent.

The proposal further provides that the Banks shall disregard modifiers attached to a particular credit rating. Thus, an asset with an A+ rating and an asset with an A− rating would both be placed in the A category for risk-based capital purposes. NRSROs generally assign rating modifiers such as "1", "2" and "3" or "+" and "−" along with letter grades. Such modifiers are provided to further distinguish among credit risks that are assigned identical letter grades. Consequently, historical samples containing default activity for each modified letter grade are smaller than what they would be if modifiers were ignored. The smaller sample size makes it difficult to calculate credit risk capital requirements corresponding to modified ratings with some degree of statistical precision and confidence. Therefore, the Finance Board is proposing to disregard rating modifiers. This is consistent with the treatment specified for investment grade credit exposures under the Amendment and the Framework.

The proposal also provides that where a particular asset or item has been rated multiple times by the same NRSRO, the Bank must use the most recent rating from that NRSRO, and that if an asset or item has received ratings from multiple NRSROs, the Bank must use the lowest of those ratings. If an asset is not rated by an NRSRO and does not fall within one of the categories in Table 1, the proposal would require a Bank to determine its own credit rating for the asset or item or relevant portion thereof using credit rating standards available from an NRSRO or other similar standards.

As a general matter, collateral may be used to enhance the creditworthiness of a particular asset or item, which can result in a lower credit risk capital requirement for a Bank. The BCBS has recognized that the Basle Accord did not provide sufficient incentive for banks to reduce their credit risk by taking an interest in other collateral, and recently has proposed to extend the scope of collateral recognition to all financial assets—not just marketable securities. The Finance Board proposal would allow a Bank to look through to the collateral supporting a given asset or instrument for risk-based capital purposes if certain conditions are met. In order to recognize such collateral for capital purposes, the collateral must be held by the Bank (which could include being held by a third party custodian or by the member), must be legally available to absorb losses (*i.e.*, the Bank must have a legal right to liquidate the collateral), must have a readily determinable value at which it can be liquidated, and must be held in conformance with the Bank's collateral management policy. This would include arrangements under which a third-party custodian holds collateral from a Bank's counterparty and may not return the collateral to the counterparty without the express permission of the Bank. In using collateral to reduce the credit risk capital requirement, a bank must make appropriate allowance for haircuts or overcollateralization reflecting the market risk underlying the collateral.

With respect to third-party guarantees, the proposal would recognize all third-party guarantees provided by any counterparty with an investment grade rating. This is consistent with that aspect of the proposal that would limit investments by the Banks to those with an investment grade rating. *See* proposed § 955.3(a)(3).

The proposed rule would allow on-balance sheet assets (underlying assets) that are hedged with credit derivatives to be assigned to the zero risk category under three scenarios specified in the rule. Even if the credit risk capital requirement for the underlying asset is decreased through the use of a credit derivative, the applicable credit risk capital required for the derivative contract still would apply.

Within an internal credit risk model in which credit risks are marked-to-market, recognition of offsets, or credit hedges, whether perfect or imperfect, can be readily accommodated. Large commercial banks have accomplished this as part of their credit risk, value at risk models for trading portfolios. Under the proposed rule, some of the offsets will be recognized. If the offset is perfect (*i.e.*, the two positions are of identical remaining maturity and relate to exactly the same instrument) it is straightforward to reduce the credit risk capital requirement for the underlying asset to zero (*i.e.*, to grant full capital relief). For example, if a Bank purchases a triple-B rated corporate bond with a maturity of 5 years and at the same time enters into a 5-year credit default option contract based on the same bond (reference asset), the credit risk capital requirement for the underlying asset will be zero. The net credit risk capital requirement for the pair will equal the counterparty risk capital for credit exposure on the derivative contract.

If the underlying asset and the referenced asset of a credit derivative are identical, but the remaining maturities are different, the capital relief in the proposed rule would depend on a maturity comparison between the two. If the same triple-B rated 5-year corporate bond was hedged with a credit derivative with a remaining maturity of 2-years or longer, there would be no credit risk on the underlying asset within the Finance Board's proposed default horizon, which is 2 years. Therefore, such a hedge would be fully recognized and the capital requirement on the underlying asset would be zero. However, if the derivative maturity were less than 2 years, no capital relief would be granted under the proposal. In all cases, there will be a counterparty risk capital requirement for credit exposure on the derivative contract. This issue will continue to be researched by the Finance Board during the comment period.

If the remaining maturities of the underlying asset and a credit derivative are the same, but the underlying asset is different from the asset referenced in the credit derivative; capital relief for the underlying asset may or may not be granted. It is proposed that the capital requirement on the underlying asset be reduced to zero only if the referenced and the underlying assets have been issued by the same obligor, the referenced asset ranks pari passu to or more junior than the underlying asset, and cross-default clauses are in effect.

If the remaining maturities of the two assets are identical but the underlying

asset and the referenced asset have been issued by different obligors, the proposed rule does not provide any capital relief for the underlying asset. For example, a Bank may invest in a triple-B rated bond issued by corporate entity X, but hedge the credit risk with a derivative based on triple-B rated bond issued by corporate entity Y, and where X and Y belong to the same industry. The Finance Board recognizes that such a hedge may provide significant credit protection to the Bank as there may be a high degree of default correlation between X and Y, and that capital relief for such hedges can be accommodated under an internal portfolio credit risk model. Thus, the Finance Board requests comments on whether to allow affected Banks to petition the Finance Board for capital relief on a case by case basis, provided the petition is accompanied by adequate data and analysis.

d. Credit risk percentage requirements for off-balance sheet items. Off-balance sheet items may expose a Bank to credit risks similar to those associated with on-balance sheet assets. The Finance Board is proposing to apply the credit risk capital framework consistently to all on- and off-balance sheet instruments. Under proposed §§ 930.5 (e) and (f), the Banks are required to convert all off-balance sheet credit exposures into equivalent on-balance-sheet credit exposures (credit equivalent amounts) and then apply the ratings-based framework in Table 1 to estimate the credit risk capital requirement. The Finance Board would allow the Banks to use Finance Board approved internal models to convert some or all off-balance sheet credit exposures into equivalent on-balance-sheet credit exposures. For Banks that lack appropriate internal models, the Finance Board is proposing to adopt the Basle Accord treatment for such instruments as used by the other federal bank regulatory agencies to convert an off-balance sheet credit exposure into an equivalent on-balance-sheet exposure.

Under the Basle Accord as incorporated by the federal bank regulatory agencies, off-balance sheet instruments, other than derivative contracts, that are substitutes for loans (*e.g.*, standby letters of credit serving as financial guarantees for loans and securities) have the same credit risk as an on-balance sheet direct loan. For some off-balance sheet instruments, the full face value, or notional amount, is not exposed to credit risk. This means that a dollar of off-balance sheet exposure may be equivalent to less than a dollar of on-balance sheet exposure. The following table (Table 2 in proposed § 930.5(e)), which includes the same categories as are used by the federal bank regulatory agencies and those proposed under the Framework, presents credit exposure conversion factors that are to be multiplied by the face amount of an off-balance sheet instrument other than a derivative contract.

CREDIT CONVERSION FACTORS FOR OFF-BALANCE SHEET ITEMS OTHER THAN DERIVATIVE CONTRACTS

Instrument	Credit conversion factor (in percent)
Standby letters of credit	100
Asset sales with recourse, where credit risk remains with the Bank	
Sale and repurchase agreements	
Forward asset purchases	
Commitments to make advances or other loans with certain drawdown [1]	
Other commitments with original maturity of over one year	50
Other commitments with original maturity of one year or less	20

[1] *I.e.*, where it is known during the pendency of the commitment that the advance or loan funds definitely will be drawn in full.

The credit conversion factor would be zero for Other Commitments that are unconditionally cancelable, or that effectively provide for automatic cancellation, due to deterioration in a borrower's creditworthiness, at any time by the Bank without prior notice. The Finance Board would allow the Banks to use Finance Board approved internal models to calculate credit conversion factors instead of those specified in Table 2. These factors were developed by the BCBS and adopted by other federal bank regulatory agencies. Under the Basle Accord, a 100 percent conversion factor is assigned to an off-balance sheet instrument where the instrument is a direct credit substitute and the credit risk is equivalent to that of an on-balance sheet exposure to the same counterparty. A 50 percent conversion factor is assigned to an off-balance sheet instrument where there is a significant credit risk but mitigating circumstances exist which suggest less than full credit risk. A 20 percent conversion factor is assigned to an off-balance sheet instrument where there is a small credit risk but not one which can be ignored. The Finance Board intends to undertake further research on the magnitude and appropriateness of the credit conversion factors set forth in proposed § 930.5(e) and may revise them before a final rule is published.

e. Credit risk percentage requirements for derivative contracts. Proposed § 930.5(f) provides that for market driven instruments (over-the-counter derivative contracts such as swaps, forwards, options, etc.) subject to counterparty default, the credit risk capital requirement will be based on both current and potential credit exposures. In recognizing collateral, the haircuts requirement under proposed § 930.5(d)(4)(iv) to reflect the market risk embedded in the collateral would apply. The derivatives contracts may be based on underlying market interest rates or prices and may include credit-linked contracts. The credit equivalent amount for a derivative contract is equal to the sum of: the current credit exposure (sometimes referred to as the replacement cost) of the contract; and the potential future credit exposure (sometimes referred to as the potential future replacement cost) of the contract.

Proposed § 930.5(f)(1) provides that the current credit exposure is equal to the maximum of the mark-to-market value of the contract and zero, as contracts with negative mark-to-market values do not create any current credit exposure for a Bank.

Proposed § 930.5(f)(2) provides that the potential future credit exposure (PFE) of a contract shall be determined by using an internal market risk model approved by the Finance Board or, in the case of Banks that lack appropriate internal models to calculate PFE, using the Basle Accord's standardized approach set forth in Table 3 of the proposed rule.[14] Under this approach, the PFE of a contract, including a contract with a negative mark-to-market value, is estimated by multiplying the effective notional principal amount of the contract by a credit conversion factor for the underlying market risk as specified in Table 3, as follows:

[14] *See* BCBS, *Basle Capital Accord: Treatment of Potential Credit Exposure for Off-Balance Sheet Items* (Apr. 1995). The BCBS ran Monte Carlo simulations on numerous contracts before determining the conversion factors included in Table 3.

CREDIT CONVERSION FACTORS FOR POTENTIAL FUTURE CREDIT EXPOSURE DERIVATIVE CONTRACTS

[In percent]

Residual maturity	Underlying market rate or price				
	Interest rate	Foreign exchange and gold	Equity	Precious metals except gold	Other commodities
One year or less	0	1	6	7	10
Over 1 year to five years	.5	5	8	7	12
Over five years	1.5	7.5	10	8	15

Under the proposed rule, forwards, swaps, purchased options and similar derivative contracts that are not included in the Interest Rate, Foreign Exchange and Gold, Equity, or Precious Metals except Gold categories shall be treated as Other Commodities for purposes of Table 3. If a Bank determines not to use an internal model for single currency interest rate swaps in which payments are made based upon two floating indices (floating/floating or basis swaps), the PFE for such swaps shall be zero. If a Bank determines to use Table 3 for credit derivative contracts, the credit conversion factors applicable to Interest Rate Contracts under Table 3 shall apply.[15] If a Bank determines to use an internal model for a particular type of derivative contract, the Bank shall use the same model for all other similar types of contracts. However, the Bank may use an internal model for one type of derivative contract and Table 3 for another type of derivative contract. In other words, within each category of market risks, a Bank would not be allowed to arbitrage between capital requirements based on Table 3 and internal models.[16]

The proposed rule does not contain any specific means to account for portfolio diversification effects. Consequently, the proposal would require the same regulatory capital charge for two portfolios that are of the same credit quality, but where the credit risk of one is significantly more concentrated than that of the other. However, as noted by the BCBS, this limitation may be effectively addressed in a portfolio-based internal credit risk capital framework. Portfolio credit risk modeling is a long-term project for the BCBS; ultimately, it is anticipated that sophisticated banking institutions would employ a comprehensive portfolio risk modeling approach under which regulatory capital requirements would be based entirely on internal models. Similarly, the Finance Board will encourage the Banks to develop internal credit risk models. Building such an internal model should not be a formidable task for the Banks, given that their portfolios largely consist of credit exposures that may be rated and almost all the Banks' counterparties are financial institutions. The remaining unrated exposures are insignificant and may be dealt with outside a credit risk model.

Proposed § 930.5(g) sets forth the requirements for calculation of credit equivalent amounts for multiple derivative contracts subject to a qualifying bilateral netting contract. The provisions in the proposal are consistent with the requirements set forth in the risk-based capital guidelines of the federal bank regulatory agencies.

6. Market Risk Capital Requirement—§ 930.6

a. Background. Section 930.6(a) of the proposed rule provides that a Bank's market risk capital requirement shall equal the market value of the Bank's portfolio at risk from movements in market prices, *i.e.*, interest rates, foreign exchange rates, commodity prices and equity prices, as could occur during periods of extreme market stress, as determined using the Bank's internal market risk model approved by the Finance Board.

Market risk may be defined as the risk that the market value of a Bank's portfolio will decline as a result of changes in the general level of interest rates, foreign exchange rates, equity and commodity prices.

The Banks engage in activities that carry complex on- and off-balance sheet market risks. For example, CO issuances, for which the Banks are jointly and severally liable, include: structured notes having embedded options and exotic features; callable, putable and index amortizing bonds; bonds that amortize based on a particular mortgage pool; bonds denominated in foreign currencies; and bonds linked to equity prices or foreign interest rates. To hedge the market risk on such complex instruments, the Banks enter into off-balance sheet derivative contracts that reflect the risks embedded in those bonds.

The Banks also make advances on a simple fixed or floating rate basis, as well as callable, putable/convertible and amortizing advances. The Banks also have invested in agency bonds with callable and structured features, mortgage and mortgage-backed instruments with embedded options, and collateralized mortgage obligations.

Given that the Banks undertake transactions that carry market risks similar to the risks incurred by large banks or securities dealers, the Finance Board believes that the capital regime for the Banks' market risks should be similar to the market risk capital requirements established or recommended by the Basle Committee and other financial institution regulatory agencies, but broader in scope.

As previously discussed, the drive to institute a risk-based capital system for general market risk has been spearheaded by the BCBS. Following the BCBS's lead, the federal bank regulatory agencies (Office of the Comptroller of the Currency (OCC), Federal Reserve Board (FRB) and Federal Deposit Insurance Corporation (FDIC)) issued a joint final rule in September 1996 (12 CFR parts 3, 208, 225 and 325) to incorporate a measure for market risk, effective as of January 1, 1998 (Joint Rule). Institutions whose trading activity (defined in the Joint Rule as total assets plus total liabilities in the trading portfolio) equals 10

[15] The BCBS has yet to determine conversion factors for credit derivatives. Given that fluctuations in investment grade credit spreads are generally of a smaller magnitude than shifts in the level of interest rates, it appears that the potential future changes in the market value of credit-linked contracts should not generally exceed potential shifts in the market value of interest rate linked contracts. The Finance Board plans to examine any credit derivative contracts that the Banks may enter into and require larger conversion factors for credit derivatives, if necessary.

[16] A Bank that uses an internal model for simple interest rate contracts may utilize Table 3 for interest rate contracts with embedded options, stand-alone interest rate options or other complex/structured contracts. The reverse may not be allowed as a Bank that is capable of internally calculating PFE for complex/structured contracts must use such internal model for simple contracts.

percent or more of their total assets, or whose trading activity equals $1 billion or more, must use an internal model (with standardized parameters as set in the Joint Rule) to calculate the capital they must hold to support their exposure to general market risk. Positions covered by the rule include: (i) all positions in an institution's trading account; and (ii) foreign exchange and commodity positions whether or not in the trading account.

Overall, the Joint Rule implements market risk based capital requirements that are based on actual risks undertaken by large banks. This is the only market risk capital framework that has been both agreed to internationally and implemented in a number of countries. Under the Joint Rule, large banks in the United States generally have adopted a simulation-based approach that is capable of capturing market risks from holding a wide range of simple, exotic and structured instruments—with or without options and based on mortgages or other types of transactions.

Financial institutions regulated by the Office of Thrift Supervision (OTS) (12 CFR 567.5) and the Farm Credit Administration (12 CFR 615.5205, 615.5210) currently are subject to the Basle Accord's credit risk capital requirements that contain no market risk capital components (consistent with the small bank regulatory capital framework). However, the Office of Federal Housing Enterprise Oversight (OFHEO) recently published a Notice of Proposed Rulemaking including its regulatory model for calculating risk-based capital for Fannie Mae and Freddie Mac; that model does account for both interest rate risk and credit risk. See 12 CFR part 1750. The OFHEO interest rate risk based capital rule is based on the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (1992 Act), which requires that capital requirements account for market risks. The market risk capital requirement is determined by a stress test, which examines the effects of two specified interest rate shocks. See 12 U.S.C. 4611(a)(2).

Currently, the Banks are not subject to any market risk capital requirements. The FMP requires that the Banks limit their interest rate risk based on a methodology that uses interest rate shocks similar to those proposed but never adopted by the three U.S. bank regulatory agencies (the OCC, the FRB and the FDIC) and the OTS. The FMP requires the Banks to limit interest rate risk by maintaining the duration of their equity to within +/−5 years. The FMP also requires the Banks to maintain the duration of their equity to +/−7 years under an assumed change in interest rates of +/−200 basis points.

The Finance Board does not believe that the FMP interest rate risk methodology is sufficiently flexible to continue to capture the market risks undertaken by the Banks in line with the developments in market risk measurement and management. Accordingly, this proposed rule sets forth market risk measures consistent with the value at risk (VAR) framework for calculation of market risk capital adopted by the BCBS and other financial institution regulators, an approach that can be implemented with commercially available models, is practical, and is sufficiently rigorous.

b. Measurement of market value at risk under Bank internal market risk model. Section 930.6(b)(1) of the proposed rule requires each Bank to measure, as the market risk component of its risk-based capital requirement, the market value at risk using an internal VAR model, subject to the parameters in the proposed rule. The VAR must be calculated for interest rate, foreign exchange rate, equity price, and commodity price risks undertaken by the Bank, including related options. Currently, the Banks are required by the FMP to hedge risk associated with foreign exchange rates, equity prices, and commodity prices with matching derivative contracts. Therefore, the bulk of the proposed market risk capital requirement will reflect interest rate and related options risks. Although the Banks will have to consistently apply the VAR framework to instruments linked to foreign exchange rates, equity prices, and commodity prices, these other market risks currently pose a smaller amount of risk, relative to interest rate risk.

Under proposed § 930.6(b)(1), each Bank must use an internal market risk model that measures the market value of its portfolio at risk during periods of extreme market stress arising from all sources of market risks based on the Bank's holdings of on-balance sheet assets and liabilities and off-balance sheet items, including risks associated with related options. Proposed § 930.6(b)(2) provides that the Bank's internal market risk model may use any generally accepted measurement technique, such as variance-covariance models, historical simulations, or Monte Carlo simulations, for estimating the market value of the Bank's portfolio at risk, provided that any measurement technique used must cover the Bank's material risks. Proposed § 930.6(b)(3) provides that the Bank's internal market risk model must measure the risks arising from the non-linear price characteristics of options and the sensitivity of the market value of options to changes in the volatility of the option's underlying rates or prices. For example, a variance-covariance methodology may be sufficient for instruments that contain no optionality, while it would be essential to use a simulation technique for instruments with options characteristics.

Section 930.6(b)(4) of the proposed rule provides that the Bank's internal market risk model must use interest rate and market price scenarios for estimating the market value of the Bank's portfolio at risk, but must at a minimum include: (i) Monthly estimates of the market value of the Bank's portfolio at risk so that the probability of a loss greater than that estimated shall be no more than 1 percent; (ii) scenarios that reflect changes in rates and market prices equivalent to those that have been observed over 90-business day periods of extreme market stress [17] (for interest rates, the relevant historical observation period specified in § 930.6(b)(4) is to start from the end of the previous month and go back to the beginning of 1978 and the VAR measure may incorporate empirical correlations among interest rates, subject to a Finance Board determination that the model's system for measuring such correlations is sound); and (iii) the two interest rate scenarios required to be used by OFHEO to determine the risk-based capital requirements for Fannie Mae and Freddie Mac, pursuant to 12 U.S.C. 4611(a)(2).

Proposed § 930.6(b)(5) provides that if a Bank participates in COs denominated in a currency other than U.S. Dollars or linked to equity or commodity prices, and these instruments have been hedged for foreign exchange, equity and commodity risks, the Bank's internal market risk model must be used to calculate the market value of its portfolio at risk due to these market risks and using the qualitative and quantitative requirements specified in the proposed rule, *i.e.*, the probability of a loss greater than that estimated must not exceed 1 percent and must include scenarios that reflect changes in rates and market prices that have been observed over 90-business day periods of extreme market stress. This requirement reflects the conservative approach adopted by the Finance Board

[17] If the underlying distribution for VAR is approximately normal, the multiplier of 3 effectively extends the 10 business day horizon required under the Amendment to 90 business days and applies to large banks with satisfactory internal models, as determined by regulators.

with respect to the Banks' safety and soundness and the comprehensive measurement of all market risks throughout each Bank.

The market valuations for COs may differ from valuations for matching hedging instruments in the derivative market because of different assumptions concerning the underlying discount curves, volatilities and correlations. Prices in the two markets may not be the same and may fail to move in perfect correlation over time. Therefore, some measure of market risk remains even if the foreign exchange, equity or commodity risks are hedged with matching derivative contracts. The Finance Board believes foreign exchange rates, equity prices, and commodity prices pose a relatively small amount of market risk to the Banks at this time. For calculation of value at risk due to foreign exchange rates, equity and commodity prices, historical observation data from an appropriate period satisfactory to the Finance Board must be used. The value at risk measure may incorporate empirical correlations within foreign exchange rates, equity prices, and commodity prices, but not among the three risk categories, subject to a Finance Board determination that the model's system for measuring such correlations is sound.

Proposed § 930.6(b)(5)(iv) provides that if there is a default on the part of a counterparty to a derivative contract linked to foreign exchange rates, equity prices or commodity prices, the Bank must enter into a replacement contract in a timely manner and as soon as market conditions permit. Besides strengthening safety and soundness, this requirement formalizes the long standing practice at the Banks under which the Banks have not assumed an open (unhedged) foreign exchange, equity or commodity position and is consistent with the requirement in proposed § 955.3(b) that the Banks shall not engage in an open foreign exchange, equity and commodity position.

c. *Independent validation of Bank internal market risk model.* Section 930.6(c) of the proposed rule provides that each Bank shall conduct an independent validation of its internal market risk model within the Bank or obtain independent validation by an outside party qualified to make such determinations, on an annual basis, or more frequently as required by the Finance Board. In order for validations conducted within the Bank to be considered independent, the validation must be carried out by personnel not reporting to the business line responsible for conducting business transactions for the Bank. Such validation may include periodic comparisons, such as on a quarterly basis, of model generated mark-to-market values with values obtained from dealers/markets and periodic comparisons, such as on an annual basis, of model generated VAR values with values obtained from an independent third-party source. A Bank may use a representative sample of its on- and off-balance sheet instruments for this source. An integral part of this process is the necessity to validate key assumptions and associated parameters underlying the Bank's market risk models. For example, a Bank must periodically determine the impact on VAR of shifts in key parameters such as correlations or regime shifts in volatility parameters. The results of such validations must be reviewed by the Bank's board of directors and provided to the Finance Board.

d. *Finance Board approval of Bank internal market risk model.* Section 930.6(d)(1) of the proposed rule provides that each Bank must obtain approval from the Finance Board of its internal market risk model, including subsequent material adjustments to the model made by the Bank, prior to the model's use. A Bank must make any subsequent adjustments to its model that may be directed by the Finance Board.

e. *Basis risk.* Banks are exposed to basis risk, which is the risk that rates or prices of different instruments on the two sides of the balance sheet (after taking associated off-balance instruments into account) do not change in perfect correlation over time. The BCBS has emphasized the importance of basis risk as part of a comprehensive process for the management of interest rate risk.[18] In the final rule, the Finance Board may require the Banks to submit a monthly report identifying the relevant interest rate or price indices along with related basis risk exposures. Based on an analysis of such reports and with the help of other relevant data, an assessment will be made as to the necessity of developing a basis risk measure to incorporate into the market risk capital requirement as an amendment to the final regulation. At this time, the Finance Board is requesting comments on the treatment of basis risk.

f. *Transition provision.* Section 930.6(d)(2) of the proposed rule would require each Bank to submit its initial internal market risk model to the Finance Board for approval within one calendar year of the effective date of the final rule.

[18] *See Principles for the Management of Interest Rate Risk* (Jan. 1997).

7. Operations Risk Capital Requirement—§ 930.7

Proposed § 930.7 provides that each Bank's operations risk capital requirement shall at any time equal 30 percent of the sum of the Bank's credit risk capital requirement and market risk capital requirement at such time. Operations risk is defined in proposed § 930.1 as the risk of an unexpected loss to a Bank resulting from human error, fraud, unenforceability of legal contracts, or deficiencies in internal controls or information systems. There is currently no generally accepted methodology for measuring the magnitude of operations risk. Therefore, the proposed rule adopts the same requirement imposed by statute on Fannie Mae and Freddie Mac. *See* 12 U.S.C. 4611(c)(2).

8. Reporting Requirements—§ 930.8

Proposed § 930.8 provides that each Bank shall report to the Finance Board by the 15th day of each month its minimum total risk-based capital requirement, by component amounts (credit risk capital, market risk capital, and operations risk capital), and its actual total capital amount and risk-based capital calculated as of the last day of the preceding month, or more frequently as may be required by the Finance Board.

9. Capital Stock Redemption Requirements—§ 930.9

a. General. The Act establishes minimum stock purchase requirements for members for purposes of membership, *see* 12 U.S.C. 1426(b)(1), 1430(e)(3), and for purposes of taking advances. *Id.* at 1430 (c), (e)(1). For a variety of reasons, such as a member's anticipation of a seasonal increase in advance borrowing, many members of the Bank System currently hold stock in a Bank in excess of the statutory minimum requirements.

Pursuant to proposed § 930.1 (definition of "total risk-based capital for a Bank"), a Bank may allocate a percentage not exceeding 50 percent of all outstanding capital stock satisfying the minimum capital stock purchase requirements for membership under sections 6(b)(1) and 10(e)(3) of the Act of all voluntary members, and a percentage not exceeding 50 percent of all other outstanding capital stock, towards meeting the Bank's total risk-based capital requirement.

Proposed § 930.9(a) provides that the capital stock designated by a Bank to meet the Bank's total risk-based capital

can only be redeemed by the Bank with the approval of the Finance Board. This would be true even for institutions withdrawing from membership in the Bank System pursuant to section 6(e) of the Act. *Id.* at 1426(e). Proposed § 930.9(b) provides that a Bank may at any time redeem any portion of a member's capital stock not included in or allocated by the Bank to the Bank's total risk-based capital, provided that the member's minimum capital stock purchase requirement for membership in the Bank System under sections 6(b)(1) and 10(e)(3) of the Act, *id.* at 1426(b)(1), 1430(e)(3), is maintained. The Bank may subject such redemptions to the six-month notice provision in section 6(e) of the Act, *id.* at 1426(e), or may shorten or waive the six-month notice provision.

The Finance Board's current regulations allow a Bank, after providing 15 calendar days advance written notice to a member, to conduct mandatory, unilateral redemption of excess stock, provided that the minimum stock requirements for membership under the Act are maintained. *See* 12 CFR 935.15(b)(1). This provision is retained in the proposed rule as § 930.9(b)(3). Section 935.15(b)(2) of the Finance Board's current regulations, 12 CFR 935.15(b)(2), provides that a Bank may not impose on or accept from a member a fee in lieu of the mandatory redemption of the member's capital stock. This provision also is being retained in the proposed rule as § 930.9(b)(4).

The redemption scheme in the proposed rule is designed to maintain a level of permanence in the Bank's capital within the flexible overall risk-based capital framework of the proposal. In this way, the most permanent forms of capital are measured and used as a limitation on risk-taking activity. The permanent capital of each Bank, retained earnings and the minimum stock requirement of mandatory members, may be supplemented by less permanent capital only to the extent that each Bank designates it as risk-based and imposes on its members the risk that capital impairment will impede its redemption.

b. Advance Notice of Proposed Rulemaking; Interim Final Rule. The Finance Board recently published an ANPRM requesting comment on whether each Bank should be required to unilaterally redeem its members' excess Bank capital stock to help achieve the goal of reducing the excess capital stock in each Bank and thereby to reduce each Bank's arbitrage of its GSE status in non-core mission assets. *See* 64 FR 16792 (Apr. 6, 1999). Each of the Banks today holds investments that would not be core mission assets under the proposed rule. Banks with relatively high amounts of such investments also tend to have relatively high levels of excess capital stock. *See id.* at 16793–94.

As discussed in the ANPRM, the Finance Board believes that the Banks' arbitrage activities for the purpose of generating sufficient earnings to pay adequate dividends on excess capital stock detract from the mission of the Banks to promote housing finance and community lending, by encouraging activities not related to the Banks' mission and thereby detracting from the financial incentive to engage in mission-related activity. *See id.* at 16794. A reduction in the amount of excess capital stock would reduce the amount of capital stock on which dividends must be paid, thereby reducing the level of arbitrage activities conducted in order to generate earnings to pay dividends on such capital stock. *See id.* Accordingly, the ANPRM requested comment on whether the Banks should be required to unilaterally redeem members' excess capital stock as a way to reduce excess capital stock in the Bank System and thereby reduce arbitrage activities in non-core mission assets by the Banks. *See id.* at 16795.

For the reasons discussed above, the Finance Board also adopted an interim final rule amending § 935.15(b) of its Advances Regulation to prohibit the Banks from imposing or accepting a fee in lieu of redeeming a member's excess capital stock. *See* 64 FR 16788 (Apr. 6, 1999) (to be codified in 12 CFR 935.15(b)(2)).

The Finance Board received 68 comment letters on the ANPRM, mostly opposing requiring the Banks to unilaterally redeem members' excess capital stock, for reasons including that it would adversely impact the Banks' financial management, daily operations, long-term customer relationships and flexibility in responding to market needs. The Finance Board received 4 comment letters on the interim final rule, with two commenters supporting and two commenters opposing the rule. The concerns about a Bank's arbitrage of its GSE status with non-core mission assets that the ANPRM and interim final rule attempted to address through mandatory reduction of excess capital stock, are addressed in a different fashion under the financial management and mission achievement provisions of this proposed rule. Accordingly, the Finance Board does not intend to pursue at this time the proposals raised for comment in the ANPRM, but is retaining § 935.15(b)(2) of its Advances Regulation regarding the fee in lieu prohibition (as proposed § 930.9(b)(4)).

10. Minimum Liquidity Requirements—§ 930.10

Liquidity risk is defined in proposed § 917.1 as the risk that a Bank would be unable to meet its obligations as they come due or meet the credit needs of its members and eligible nonmember borrowers in a timely and cost-efficient manner. In general, the liquidity needs of the Banks may be classified as: (1) operational liquidity; and (2) contingency liquidity. Operational liquidity addresses day-to-day or ongoing liquidity needs under normal circumstances, and may be either anticipated or unanticipated. Contingency liquidity addresses liquidity needs under abnormal or unusual circumstances in which a Bank's access to the capital markets is temporarily impeded. Under such unusual circumstances, a Bank may still need funds to meet all of its obligations that are due or to meet some of the credit needs of its members and eligible nonmember borrowers.

Currently, the Banks operate under two general liquidity requirements. Both are easily met by the Banks. However, neither is structured to meet the Banks' liquidity needs should their access to the capital markets be limited for any reason. The first requirement is statutory and requires the Banks to maintain an amount equal to total deposits invested in either obligations of the United States, deposits in banks or trusts, or advances to members that mature in 5 years or less. *See* 12 U.S.C. 1421(g). The second liquidity requirement is in the FMP. It requires each Bank to maintain a daily average liquidity level each month in an amount not less than 20 percent of the sum of the Bank's daily average demand and overnight deposits and other overnight borrowings during the month, plus 10 percent of the sum of the Bank's daily average term deposits, COs, and other borrowings that mature within one year. *See* FMP section III.C.

The proposed rule specifies a contingency liquidity requirement, but does not specify an operational liquidity requirement. However, proposed § 917.3(b)(3)(iii) would require that each Bank's risk management policy indicate the Bank's sources of liquidity, including specific types of investments to be held for liquidity purposes, and the methodology to be used for determining the Bank's operational liquidity needs.

Section 930.10 of the proposed rule provides that the Banks must meet not only the statutory liquidity

requirements contained in section 11(g) of the Act, 12 U.S.C. 1431(g), but also each Bank shall hold contingency liquidity in an amount sufficient to enable the Bank to cover its liquidity risk, assuming a period of not less than seven calendar days of inability to borrow in debt markets. Contingency liquidity may be provided through Banks: (1) selling liquid assets; (2) pledging government, agency and mortgage-backed securities as collateral for repurchase agreements; and (3) borrowing in the federal funds market. Consequently, contingency liquidity is defined in proposed § 930.1 as: (1) marketable assets with a maturity of one year or less; (2) self-liquidating assets with a maturity of seven days or less; and (3) assets that are generally accepted as collateral in the repurchase agreement market. Proposed § 930.10 provides that an asset that has been pledged under a repurchase agreement cannot be used to satisfy the contingency liquidity requirement, since such an asset will not be available to provide liquidity should a contingency arise.

The proposed seven-day contingency liquidity requirement would help to ensure that the Banks maintain sufficient liquidity to meet their funding needs should their access to the capital markets be temporarily limited by occurrences such as: (1) a power outage at the Bank System's Office of Finance (OF); (2) a natural disaster; or (3) a real or perceived credit problem. This requirement was calculated using daily data on CO redemptions during 1998. The Finance Board found that the 99th percentile of the 5-business day CO redemption distribution resulted in liquidity requirements that ranged from about 5 percent to 17 percent of each Bank's total assets.

It is expected that the contingency liquidity requirement and the Banks' operational liquidity needs can be met within the core mission activities requirement in proposed § 940.4. The Banks' capital and deposits are available to fund liquidity assets, and some core mission assets may also serve as liquidity assets. In addition, the Finance Board expects that the Banks' liquidity requirements will generally decline as they restructure their balance sheets to comply with the core mission activities requirements in proposed § 940.4.

The seven-day requirement may be viewed as conservative when examined in the context of events which could impair the normal operations of the OF. The likelihood that there would be no access to the capital markets for as long as five business days is extremely remote, given OF contingency plans to be back in operation within the same business day following a disaster. The OF contingency plans include back-up power sources and two back-up facilities, plus procedures to back-up their databases at both their main location as well as the primary alternative site. A back-up data tape from OF's main location is sent and stored off-site on a daily basis.

Real or perceived concerns about creditworthiness of the Bank System could lead to a widening of the spreads to U.S. Treasury securities at which the Bank System COs are issued. Depending on the size of the increase in credit spreads, such an event could substantially impair the Banks' ability to carry out their mission. Two such episodes affecting other GSEs took place in the 1980s. In both cases, the interest rate spread narrowed back to normal levels only after the GSEs received assistance from the federal government.[19] In the first instance, the spread to comparable U.S. Treasury securities for a Farm Credit System issue increased approximately 80 basis points within a 6 month period during 1985 as the Farm Credit System ran into financial difficulty and started posting losses. Fannie Mae underwent a similar episode in which its debt spread widened substantially.

The likelihood that such an event could take place with respect to the Banks is remote and, in any event, would need to be addressed with resources beyond those dedicated to the contingency liquidity requirement. The seven-day contingency liquidity requirement provides policy makers with some time to address the underlying problem. Further, should a crisis arise affecting liquidity at all financial institutions, assistance would be needed from the Federal Reserve System, the U.S. Treasury, or the Congress.

Other regulators also recognize the importance of adequate levels of liquidity but, for the most part, have not imposed liquidity requirements with the degree of specificity contained in the proposed rule. Specifically, depository institution regulators have not implemented any numeric ratios or other quantitative requirements with respect to liquidity. However, the importance of liquidity is reflected in the fact that it is one of the six components of the Uniform Financial Institutions Rating System (UFIRS) that was adopted by the Federal Financial Institutions Examination Council (FFIEC) on November 13, 1979 and revised as of January 1, 1997. The UFIRS has been used as an internal supervisory tool for evaluating the soundness of financial institutions and for identifying those institutions requiring special attention or concern. Under 12 CFR 615.5134, each banking institution regulated by the Farm Credit Administration is required to maintain a minimum liquidity reserve. This liquidity reserve requirement ensures that Farm Credit System banks have a pool of liquid investments to fund their operations for approximately 15 days should their access to the capital markets become impeded. OFHEO has not published any regulation concerning liquidity requirements for Fannie Mae and Freddie Mac.

Rating agencies also consider adequate liquidity an important component in a financial institution's rating. Liquid investments held by the Banks are stated by Moody's as one of the reasons behind the triple-A rating for the Banks.[20]

11. Limits on Unsecured Extensions of Credit to One Counterparty or Affiliated Counterparties; Reporting Requirements For Total Secured and Unsecured Extensions of Credit to One Counterparty or Affiliated Counterparties—§ 930.11

a. *Limits on unsecured extensions of credit.* Section 930.11(a) of the proposed rule establishes maximum capital exposure limits for unsecured extensions of credit by a Bank to a single counterparty or to affiliated counterparties. Section 930.11(b) of the proposed rule establishes reporting requirements for total unsecured extensions of credit and total secured and unsecured extensions of credit to single counterparties and affiliated counterparties that exceed certain thresholds.

Concentrations of unsecured credit by a Bank with a limited number of counterparties or group of affiliated counterparties raise safety and soundness concerns. Unlike Bank advances, which must be secured, unsecured credit extensions are more likely to result in limited recoveries in the event of default. Thus, significant credit exposures to a few counterparties increase the probability that a Bank may experience a catastrophic loss in the event of default by one of the counterparties. In contrast, holding small credit exposures in a large number of counterparties, while making a small

[19] *See* Federal Reserve Bank of Richmond, *Instruments of the Money Market* 153 (1993).

[20] Moody's Investor Service, Global Credit Research, *Moody's Credit Opinions—Financial Institutions*, (June 1999).

loss more likely, reduces the probability of a catastrophic loss to a Bank.

Safety and soundness concerns also arise where a Bank's credit extensions are concentrated in a single counterparty whose debt, in turn, is concentrated in one or a few lenders. The fact that the counterparty's debt is concentrated may suggest that other lenders have declined to lend to such counterparty due to concerns about the counterparty's ability to repay a loan. The Bank's concentration of credit in such a counterparty may put the Bank's extensions of credit more at risk.

In addition, where a Bank's extensions of credit to a single counterparty are in jeopardy of nonpayment, the Bank may be reluctant to take appropriate actions to reduce losses, such as declaring a default, or selling the loans, which could depress their price. Further, a Bank may even be tempted to lend additional funds to the counterparty to keep the counterparty in business, if that Bank has a significant credit exposure to the counterparty.

Affiliated counterparties generally share aspects of common ownership, control or management. Thus, if one member of a group of affiliates defaults, the likelihood is high that other members of the affiliated group also are under financial stress. A Bank's unsecured extensions of credit to a group of affiliated counterparties thus should be aggregated in considering the Bank's unsecured credit exposure to any one counterparty in the affiliated group.

Concentrations of credit by multiple Banks in a few counterparties also may raise safety and soundness concerns at the Bank System level. Several Banks in recent years have had unsecured credit exposures to affiliated counterparties that exceeded 20 percent of each Bank's capital. These credit exposures were to counterparties ranked at the second highest investment grade. A few counterparties have spread their exposure among several Banks. Such credit concentrations may result in large aggregate credit exposures for the Bank System, raising concerns regarding the liquidity of such debt in the event of adverse information regarding a counterparty.

The risk-based capital requirements in the proposed rule do not take into account the increase in credit risk associated with concentrations of unsecured credit. Therefore, the Finance Board believes that it is necessary, for safety and soundness reasons, to impose separate limits on unsecured extensions of credit by a Bank to single counterparties and to affiliated counterparties. This is consistent with the regulatory approaches of other financial institution regulators. *See, e.g.*, 12 CFR 32 (OCC's loans-to-one-borrower limit is generally 15 percent of a national bank's capital and surplus).

Currently, the FMP limits Bank unsecured extensions of credit to a single counterparty based on the credit rating of the counterparty. *See* FMP section VI. Under the FMP, the lower the credit rating of the counterparty, the lower the maximum permissible credit exposure limit, because the probability of default increases as the counterparty's rating decreases. The FMP does not impose limits on unsecured lending to affiliated counterparties, but does require the Banks to monitor such lending and impose limits if necessary. As of December 31, 1998, five Banks had adopted explicit unsecured credit exposure limits to affiliated counterparties.

Consistent with the general approach of the FMP, § 930.11(a)(1)(i) of the proposed rule provides that unsecured extensions of credit by a Bank to a single counterparty that arise from authorized Bank investments or hedging transactions shall be limited to the maximum capital exposure percent limit applicable to such counterparty, as set forth in Table 4 of the proposed rule, multiplied by the lesser of: (i) the Bank's total capital; or (ii) the counterparty's Tier 1 capital, or total capital if Tier 1 capital is not available. The maximum capital exposure percent limits applicable to specific counterparties in Table 4 range from a high of 15 percent for counterparties with the highest investment grade rating, to a low of 1 percent for counterparties with a below investment grade rating. These limits are consistent with those established internally by large lenders.

Section 930.11(a)(1)(ii)(D) of the proposed rule provides that where a counterparty has received different credit ratings for its transactions with short-term and long-term maturities: (i) the higher credit rating shall apply for purposes of determining the allowable maximum capital exposure limit under Table 4 applicable to the total amount of unsecured credit extended by the Bank to such counterparty; and (ii) the lower credit rating shall apply for purposes of determining the allowable maximum capital exposure limit under Table 4 applicable to the amount of unsecured credit extended by the Bank to such counterparty for the transactions with maturities governed by that rating. For example, if a counterparty has received a lower rating on its long-term debt than its short-term debt, the Bank will be more severely limited in the amount of the counterparty's long-term debt that it can hold. If the Bank wishes to hold any more of this counterparty's debt, it will be limited to holding the higher rated short term debt, up to a total amount of credit exposure governed by proposed § 930.11(a)(1)(ii)(D)(*1*).

Section 930.11(a)(1)(ii)(E) of the proposed rule provides that if a counterparty is placed on a credit watch for a potential downgrade by an NRSRO, the Bank shall determine its remaining available credit line for unsecured credit exposures under Table 4 by assuming a rating from that NRSRO at the next lower grade.

Section 930.11(a)(2) of the proposed rule provides that the total amount of unsecured extensions of credit by a Bank to all affiliated counterparties may not exceed: (i) the maximum capital exposure limit applicable under Table 4 based on the highest credit rating of the affiliated counterparties; (ii) multiplied by the lesser of: (A) the Bank's total capital; or (B) the combined Tier 1 capital, or total capital if Tier 1 capital is not available, of all of the affiliated counterparties.

b. Reporting requirement for total unsecured credit concentrations. Currently, there is no centralized mechanism for maintaining and measuring aggregate unsecured credit concentration exposure data at the Bank System level. As discussed above, Bank unsecured credit concentrations raise safety and soundness concerns at the Bank System level, as well as at the individual Bank level. The FMP does not establish maximum unsecured credit exposure limits or reporting requirements for aggregate unsecured credit concentrations at the Bank System level.

Accordingly, § 930.11(b)(1) of the proposed rule requires each Bank to report monthly to the Finance Board the amount of the Bank's total unsecured extensions of credit to any single counterparty or group of affiliated counterparties that exceeds 5 percent of: (i) the Bank's total capital; or (ii) the counterparty's Tier 1 capital (or total capital if Tier 1 capital is not available), or in the case of affiliated counterparties, the combined Tier 1 capital (or total capital if Tier 1 capital is not available) of all of the affiliated counterparties.

The Finance Board will be considering limits on aggregate unsecured credit concentration exposures at the Bank System level for the final rule. The Finance Board specifically requests comments on whether such limits should be imposed and what the size and form of such limits should be.

c. Reporting requirement for total secured and unsecured credit concentrations. Bank concentrations of secured credit, primarily advances, to a single counterparty or group of affiliated counterparties also may present safety and soundness concerns for individual Banks and the Bank System. Other financial institution regulators impose loans-to-one-borrower limits for secured as well as unsecured extensions of credit, with exceptions for loans secured by high-quality collateral. *See, e.g.,* 12 CFR 932. There may be reasons to exclude concentrations of advances from such limits, given the extent of their overcollateralization, their statutory superlien protection and core mission activity status.

Accordingly, § 930.11(b)(2) of the proposed rule requires each Bank to report monthly to the Finance Board the amount of the Bank's total secured and unsecured extensions of credit to any single counterparty or group of affiliated counterparties that exceeds 5 percent of the Bank's total assets. Because secured credit is supported by collateral, not capital, in the first instance, the Finance Board believes that exposures as a percent of assets rather than of capital is a more appropriate measure of the size of the exposure.

The Finance Board will be considering limits on total secured and unsecured credit concentration exposures applicable to the Banks or the Bank System for the final rule. The Finance Board specifically requests comments on whether such limits should be imposed and what the size and form of such limits should be.

D. Part 940—Core Mission Activities Requirements

1. Bank Investment Practices

By virtue of their GSE status, the Banks enjoy two major advantages over non-GSE borrowers in the capital markets: (1) the ability to borrow in the capital markets at rates only slightly above U.S. Department of the Treasury borrowing rates; and (2) the ability to issue large amounts of debt, including debt with complex structures. Given its duty under the Act to ensure that the Banks carry out their housing finance mission, the Finance Board has been concerned for some time that the Banks have used substantial amounts of the proceeds of their GSE borrowings to finance arbitrage investments.

Prior to the thrift crisis of the late 1980s and the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Pub. L. 101–73, 103 Stat. 183 (1989), the Banks' assets were primarily advances to thrift members for the purpose of funding home mortgage loans. The Banks' balance sheets expanded and contracted with thrift member demand for advances, and thus, generally reflected the cyclical nature of the housing and credit markets. During this period, the Banks maintained relatively small portfolios of investments in assets other than advances, generally for liquidity purposes. For the period from 1980 through 1988, advances represented, on average, about 84 percent of Bank System total assets, while total investments other than advances represented about 14 percent of Bank System total assets. Over the same time period, advances averaged 118 percent of COs, indicating that the Banks funded advances not only with COs, but also with a portion of deposits and capital. As a result of using all COs issued to fund advances, the Banks were using their GSE funding advantage only to enhance the availability of housing finance.

Significant and rapid changes in the structure of the Bank System's balance sheet and its profitability occurred following the enactment of FIRREA. Among other things, the results of FIRREA included: (1) the liquidation of hundreds of failed thrift institutions, and the concomitant advance prepayments and stock redemptions; (2) the imposition of new and higher statutory capital requirements for thrifts that caused many Bank System thrift members to either reduce their asset size and prepay advances or to stop growing and reduce their demand for new advances during the early 1990s; (3) the transfer of $2.5 billion in Bank System retained earnings to the Resolution Funding Corporation (REFCorp) to help pay for the cost of thrift resolutions (in addition to the Banks' payment of $700 million in retained earnings to defease the Financing Corporation bonds as required under the Competitive Equality Banking Act of 1987); (4) the requirement that the Bank System make a $300 million annual payment of interest on the REFCorp bonds; and (5) the requirement that the Bank System make a payment, beginning in 1990, of the greater of five percent of net income or $50 million, and increasing by steps to the greater of ten percent of net income or $100 million in 1995 and thereafter, to fund the newly-required Affordable Housing Program (AHP). One other important provision of FIRREA allowed federally-insured commercial banks with at least ten percent of their assets in residential mortgage loans to join the Bank System.

After the enactment of FIRREA, the Banks needed to generate a level of income sufficient to cover the decline in earnings associated with the transfer of over $3 billion in retained earnings to other government agencies, the statutorily mandated annual fixed REFCorp obligation of $300 million, contributions to the AHP and the prepayment of advances as a result of resolutions of insolvent members, while still providing dividends and benefits, primarily in the form of advances priced to reflect the Banks' GSE funding advantage, that would attract and retain member institutions. Reduced spreads on earning assets and a lower interest rate environment also contributed to the decline in System net income during the early 1990s. For these reasons, Bank investments in assets bearing little or no relation to the Banks' public purpose (primarily money market investments and mortgage backed securities (MBS)) increased during the years following the enactment of FIRREA. Of these two investment options, MBS have been appreciably more profitable per dollar invested.

Therefore, to assist the Banks during this time, the Finance Board increased the Banks' MBS investment authority from 50 percent to 200 percent of capital when it adopted the FMP in 1991. *See* Finance Board Res. No. 91–214 (June 25, 1991). In December 1993, the Finance Board again raised the Banks' MBS investment authority from 200 percent to 300 percent of capital based on continuing concerns about the Banks' ability to generate income. *See* Finance Board Res. No. 93–133 (Dec. 15, 1993). The Finance Board also increased the Bank System's regulatory leverage limit during this period. *See* Finance Board Res. No. 93–074 (Sept. 22, 1993).

The Finance Board initially limited MBS investment, as described above, in part because of concern about the Banks' ability to manage the interest rate and options risk associated with these assets. However, now that the Banks have developed more effective techniques for hedging these risks, and there are policy limits in place constraining the Banks' interest rate risk exposure, the MBS limit can be viewed less as a safety and soundness constraint and more as a means to restrain a non-mission related activity. Although MBS are housing-related, the extent to which these investments support the Banks' housing finance mission is debatable. MBS generally are traded in large, well-established and liquid markets. The Banks' presence in these markets may not result in increased availability of funds for housing, or in lower cost of funds. Moreover, and perhaps most importantly for the Finance Board, the Banks' MBS investments generally do

not involve the Banks working with or through Bank System members and thus do not contribute to the cooperative nature of the Bank System as advances do.

Another major change in the Bank System following the enactment of FIRREA was the growth of commercial bank membership. Until 1989, Bank System membership consisted almost exclusively of thrift institutions. Bank System membership declined from 1989 to 1990 due to the closing of failed institutions, but rose rapidly thereafter as commercial banks joined the Bank System. Total Bank System membership increased from 2,855 at year-end 1990 to 6,884 at year-end 1998. Voluntary members, primarily commercial banks, represented over 86 percent of total membership at December 31, 1998. Voluntary members held $143 billion in advances, representing almost 50 percent of total advances, and held $13 billion (59 percent) of the capital stock of the Bank System as of December 31, 1998. Given the large increase in voluntary members since 1989, maintaining dividends and membership benefits to retain voluntary members has been considered necessary for ensuring a stable Bank System.

The increase in investments not directly related to the Banks' public purpose was a rational response to the sharp fall-off in Bank System advances and net income that occurred during the period following the enactment of FIRREA. However, Bank System earnings and advances are now at record levels. Outstanding advances, surpassing the previous all time high of $167 billion in the second quarter of 1997, reached $288 billion at year end 1998. Net income has steadily increased to $1.8 billion in 1998 after dropping to a low of $850 million in 1992.

In addition, although the Banks initially grew investments as a substitute for advances, Bank investments generally have increased since 1992 along with advances. Investments grew 73 percent between 1992 and 1998, increasing from $79 billion to $137 billion over the period. To some extent, this growth was because of lower spreads on advances due to increased funding competition from other sources. At the end of 1998, advances represented 66 percent of Bank System total assets while investments represented 32 percent of Bank System total assets. Bank System liabilities also increased over this period to fund the growth in investments and advances. Bank System COs outstanding increased over 225 percent between 1992 and 1998, growing from $115 billion at year end 1992 to $377 billion at year end 1998, however, only 76 percent of COs funded advances at year end 1998.

Once the Banks' ability to generate income had demonstrably improved, the Finance Board initiated steps to address the Bank System-wide growth of non-mission related investments. A first step was to recognize that, while the detailed list of restrictions and limits placed on the Banks' investment authority by the FMP successfully ensured safety and soundness, it provided little, if any, flexibility and incentive for the Banks to seek out and develop new assets and activities that are permissible under the Act and that are consistent with the mission of the Bank System.

Therefore, to address the lack of flexibility in developing mission related investments, the Finance Board amended the FMP in 1996 to permit the Banks, among other things, to engage in new activities designed in part to add higher yielding and more mission-related assets to their balance sheets that would also preserve and promote the cooperative nature of the Bank System. *See* FMP section II.B.12. These activities were first approved on a pilot program basis in 1996 and 1997 and have been in operation since then. The Finance Board has determined, based on the experience of these programs, that certain mortgage assets, as further discussed below, can be acquired by the Banks from their members while preserving and promoting the cooperative nature of the Bank System and providing for greater mission achievement. It is anticipated that expansion of these activities will permit the Banks to reduce their holdings of money market investments and MBS.

In May 1998, the Finance Board held a public hearing on Bank investment practices in response to concerns about the growth of money market investments and MBS. In preparation for the hearing, the Finance Board published a staff paper on the implications of Bank investment practices for Finance Board investment policy which discussed several options for limiting money market and MBS investments, including limiting money market investments to the amount of deposits and capital held by the Banks. *See* 63 FR 16505–37 (Apr. 3, 1998).

A second major step taken by the Finance Board to address concerns about the Bank System-wide growth of non-mission related investments is the proposed rule, which provides the Banks even greater flexibility, as well as an incentive, to acquire mission related assets compared to what now exists in the FMP. Greater flexibility is provided in proposed § 955.2, as limited by proposed § 955.3 discussed below, which, among other things, expands the allowable credit rating for authorized investments from primarily triple-A in the FMP to triple-B. Incentive to acquire mission related assets is provided in proposed § 940.4, discussed below, which requires that 100 percent of Bank System COs must be used to finance mission related activities. The Finance Board has determined that this requirement is appropriate in view of the improved financial condition of the Bank System. The process for implementing this requirement is discussed below.

2. Mission of the Banks—§ 940.2

Part 940 of the proposed rule sets forth the core mission activities (CMA) requirements that would apply to the Banks under the proposed new regulatory regime. Proposed § 940.2 defines the mission of the Banks as providing to members and eligible nonmember borrowers, *i.e.*, entities that have been approved as a nonmember mortgagee pursuant to subpart B of part 950 of the Finance Board's regulations, financial products and services, including but not limited to advances, that assist and enhance such members' and eligible nonmember borrowers' financing of: (a) housing in the broadest sense including single-family and multi-family housing serving consumers at all income levels, and (b) community lending as defined in § 953.3 of the Finance Board's regulations. This statement of mission and the regulatory provisions that would implement it are intended to ensure maximum use of the cooperative structure of the Bank System to provide funds for housing finance and community lending.

3. Core Mission Activities—§ 940.3

Proposed § 940.3 lists those Bank activities that would qualify as CMA. Under proposed § 940.3(a)(1), all Bank advances and commitments to make advances with certain drawdown to members or eligible nonmember borrowers with assets of $500 million or less would qualify as CMA. There were 6,207 members, representing 89 percent of all members, with assets of $500 million or less as of March 31, 1999.

Under proposed § 940.3(a)(2), advances and commitments to make advances with certain drawdown to members or eligible nonmember borrowers with assets greater than $500 million would qualify as CMA in an amount up to the total book value of certain assets held by such member or eligible nonmember borrower. These assets are: (1) housing-related whole loans; (2) loans and investments that are

generated by community lending (as that term is used in the Finance Board's CICA regulation, *see* 12 CFR 970); and (3) MBS that comprise the types of loans falling into either of the preceding two asset categories and that are originated by the member or eligible nonmember borrower. The term "housing-related whole loans" is defined in proposed § 940.1 to include all whole loans, or participation interests in whole loans (excluding mortgage backed-securities), secured by one-to-four family property, multifamily property, or manufactured housing. The definition mentions loans for the construction, purchase, improvement, rehabilitation, or refinancing of housing as a non-exclusive list of loans that would be considered housing-related under the proposed rule. This broad definition corresponds with the mission of the Banks, stated in proposed § 940.2, to finance housing in the broadest sense.

Thus, if a member with over $500 million in assets were to have on its books such loans and investments in an amount equal to or exceeding that member's total advances outstanding, the Bank would be able to count all advances to that member as CMA. On the other hand, if the member were to have on its books such loans and investments in an amount less than its total advances outstanding, the Bank would be able to count as CMA only those advances to that member equal to the amount of such loans and investments. A review of members with assets greater than $500 million shows that, as of June 30, 1999, only 54 members had advances outstanding that exceeded their holdings of residential mortgage loans (as defined in existing 12 CFR 933.1(bb), but excluding MBS), a narrower group of assets than allowed under proposed § 940.3(a)(2). Excess advances over residential mortgage loans were only $14 billion or 4 percent of total advances outstanding as of June 30, 1999.

The purpose of proposed § 940.3(a)(1) and (2) is to ensure that those advances that will count as CMA are, at the very least, aligned with housing and community lending assets held by the member. The provision allows all advances to members with assets of $500 million or less to qualify as CMA so that the CMA designation does not result in any restrictions or limits being imposed on the access of smaller institutions to advances from the Banks. This provision recognizes that smaller banks face substantial hurdles in obtaining funds because they lack access on their own to the capital markets and have been subjected to a prolonged decline in deposits. This provision also is consistent with provisions of H.R. 10, passed by the House of Representatives on July 1, 1999, and S. 900, passed by the U.S. Senate on May 6, 1999, each of which provides substantially greater latitude to Bank members with assets equal to or less than $500 million with respect to how they can use the proceeds of Bank advances.

The methodology proposed for institutions with assets of over $500 million is necessary since it is not possible to track advances to specific member loans. Limiting the advances that such members may count as CMA to the amount that can be supported by specific types of loans and securities, mitigates against including advances that support large commercial and business loans that do not otherwise qualify as community lending under the CICA regulation, and securities supported by such loans, as CMA. It is likely that such loans are not related to community lending in the community where the large member is located. The Finance Board requests comments on the practicality of this provision and suggestions for any alternative methodology.

Under proposed §§ 940.3(b) and 940.4(c), standby letters of credit (SLOCs) would count as CMA at a partial value of their face amount, to be gradually phased out over the transition period. Following the transition period, SLOCs would qualify as CMA valued at the fee charged to members for issuance or confirmation of the SLOC (see discussion below of § 940.4(c)).

Under proposed § 940.3(c), intermediary derivative contracts (primarily interest rate swaps) valued at the fee charged to members would qualify as CMA because the fee represents the value of a risk-management related service provided by the Banks to the members.

Under proposed § 940.3(d), member mortgage assets (MMA) held pursuant to proposed part 954 (discussed in detail below) would qualify as CMA.

Three general types of equity investments also would count as CMA under proposed § 940.3(e). First, equity investments that primarily benefit low- or moderate-income individuals, or areas, or other areas targeted for redevelopment by local, state, tribal or Federal government, would be considered to be CMA if the investment provides or supports: affordable housing; community services; permanent jobs for low- or moderate-income individuals; or area revitalization or stabilization. This type of equity investment is included within the definition of CMA based on the regulatory definition of equity investments that are permitted to national banks. *See* 12 CFR 24.3(a). Second, investments in the stock of SBICs formed pursuant to 15 U.S.C. 681(d) would qualify as CMA to the extent that the investment is structured to be matched by an investment in the same SBIC by a member or eligible nonmember borrower of the Bank making the investment in SBIC stock. This is also explicitly authorized under section 11(h) of the Act. *See* 12 U.S.C. 1431(h). The member matching requirement will satisfy the statutory requirement that Bank investments in SBICs be for the purpose of aiding members. Third, equity investments in governmentally-aided economic development entities structured similarly to SBICs, and where the investment primarily benefits low- or moderate-income individuals or areas, would qualify as CMA.

Three other specific investments would be considered CMA under proposed §§ 940.3 (f), (g), and (h): the short-term tranche of SBIC securities guaranteed by the Small Business Administration (SBA); Section 108 Interim Notes and Participation Certificates guaranteed by HUD pursuant to section 108 of the Housing and Community Development Act of 1994 (as amended); and investments and obligations for housing and community development issued or guaranteed under Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). These investments are all related to housing and community lending and supported by various government programs at the federal level. The Finance Board proposes to treat these special equity investments as CMA because of their potential to move the private markets to better assist low- and moderate-income communities to become more prosperous. By treating these investments as CMA, the Board is intentionally creating a greater incentive for the Banks to make these investments.

The Finance Board specifically requests comment on whether any other investment instruments, which are products of federal programs designed to support housing and community lending programs, should also be included.

Proposed § 940.3(i) includes as CMA certain assets previously acquired, or authorized to be acquired, under the FMP. Assets acquired under section II.B.11 of the FMP, primarily state and local housing finance agency (HFA) bonds acquired from out-of-district HFAs that may or may not be eligible

nonmember borrowers, would be considered to be CMA if acquired before the effective date of the final rule. Any new investments in state and local HFA bonds would need to meet the requirements for MMA under proposed part 954, as discussed below, to continue to qualify as CMA. This means that only state and local HFA bonds acquired from in-district eligible nonmember borrowers, or from or through another Bank that acquired such bonds from eligible nonmember borrowers in its district, would be considered to be MMA under part 954 of the proposed rule and, therefore, would qualify as CMA.

Assets authorized by the Finance Board, by resolution or otherwise, to be acquired or held pursuant to Finance Board approval under section II.B.12 of the FMP will be considered to be CMA up to the greater of: (1) the amount permitted under the authorization; or (2) the amount acquired prior to the effective date of this section. Pilot programs approved under section II.B.12 may continue to operate under their authorizing resolutions until the dollar cap prescribed in the applicable resolution is reached. Any subsequent transactions would need to meet the requirements for MMA under proposed part 954 in order to qualify as CMA.

4. CMA Requirement—§ 940.4

Proposed § 940.4(a) provides that, following a transition period that ends on January 1, 2005, each Bank must maintain an annual average ratio of at least 100 percent of CMA to the book value of the Bank's total outstanding COs. For purposes of this calculation, on-balance sheet CMA (*i.e.*, certain advances, MMA, certain equity investments, the short-term tranche of SBIC securities guaranteed by SBA, Section 108 Interim Notes and Participation Certificates guaranteed by HUD, investments and obligations for housing and community development issued or guaranteed under Title VI of NAHASDA, and grandfathered assets acquired under sections II.B.11 and II.B.12 of the FMP) would be counted at book value. Off-balance sheet CMA (*i.e.*, SLOCs, intermediary derivative contracts and commitments to make advances with certain drawdown) would be counted at an amount prescribed in the off-balance sheet conversion factor chart contained in proposed § 940.4(c) discussed below. This ratio would be calculated based on a 12-month moving average. Proposed § 940.4(b) would require that each Bank report to the Finance Board its actual CMA ratio as of the last day of each calendar quarter, based on the preceding 12 months. A Bank would be free to undertake authorized activities that do not qualify as CMA, so long as the ratio of its CMA to its total COs outstanding meets the requirement of proposed § 940.4(b).

While it is unrealistic to expect a return to the pre-FIRREA ratios of advances to COs for a number of reasons, the Finance Board considers the 100 percent CMA ratio requirement to be both appropriate public policy and economically feasible. The primary source of funds for the Banks is the issuance of COs in the capital markets at rates reflecting the Banks' GSE funding advantage. Therefore, as a matter of public policy, the Finance Board believes that 100 percent of the assets funded with COs should be mission-related. In developing the CMA requirement, the Finance Board generated simulations that applied a CMA requirement, *i.e.*, a stated percentage of COs invested in CMA, to each Bank's average balance sheet for the first six months of 1999. For these simulations, capital, deposits, and advances were held constant. Further, the simulations did not incorporate any behavioral responses on the part of the Banks. Thus, while the results should not be considered predictions of what will happen as a result of the proposed rule, they should be considered an indication of the magnitude and feasibility of the Banks' required balance sheet adjustments. The simulation results were evaluated based on the aggregate balance sheet and aggregate earnings for the Bank System as a whole. The CMA requirement, however, would be imposed separately on each Bank. As the proposed rule allows Banks to buy and sell CMA among each other, Banks with CMA ratios below the required CMA ratio would be permitted to purchase CMA from Banks with CMA ratios above the required CMA ratio. For this reason simulations at the Bank System level are appropriate.

Based on analysis of empirical data and discussions with Bank staff, spreads over the CO rate for money market instruments (MMI) were assumed to be approximately one-seventh that assumed for MBS, and spreads for MMA, which are discussed in connection with proposed part 954 below, were assumed to be roughly comparable to those for MBS, based on their similar risk characteristics. The low return on MMI relative to MMA would allow the Banks to roll-off substantial amounts of MMI, which could be replaced with relatively smaller amounts of MMA, while earning the same net income.

A simulation imposing the 100 percent CMA requirement indicates that the Bank System could continue to pay a dividend comparable to the annualized dividend for the first half of 1999 and achieve the 100 percent CMA requirement. To do so would require the Banks to reduce MMI by $43 billion and increase MMA by $65 billion.[21]

Currently, the Banks' ratios of advances to COs, a more conservative measurement than total CMA to COs, range from 50 percent to 85 percent. The Finance Board believes it is reasonable and necessary that there should be a graduated phase-in of the 100 percent CMA requirement to allow the Banks time to restructure their balance sheets to include more profitable CMA and to accomplish the transition in such a manner as to ensure the continued safety and soundness of the Banks. A simulation of the transition period indicates that by reducing MMI by $43 billion (a reduction of almost 50 percent from current levels) so that the level of MMI would equal the sum of deposits and capital for the Bank System, and increasing MMA by $10 billion,[22] the Bank System could continue to pay a dividend comparable to the annualized dividend for the first half of 1999 while raising the ratio of CMA to COs from its current level of 75 percent to the 85 percent transition target for January 1, 2002, as set forth in § 940.4(d) of the proposed rule discussed below.

If the level of advances or deposits were to increase over the transition period, then the target CMA to CO ratios could be achieved with smaller increases in MMA than indicated in the above simulations. In both the transition and the final simulations, capital substantially exceeds 3 percent of Bank System assets. Therefore, Bank System assets and earnings could expand substantially beyond the amounts in the simulation without the need to attract more total capital.[23]

[21] MBS holdings would be reduced by $59 billion Essentially, the Banks would replace MBS with MMA on a dollar for dollar basis, and add an additional $6 billion in MMA to compensate for the reduced income from the reduction in MMI. The $65 billion of MMA to be acquired would equal about 1.5 percent of residential mortgage debt outstanding at the end of 1998.

[22] MBS holdings would be reduced by $4 billion, which could be achieved by a run-off of the Banks' existing holdings. The level of COs is reduced by $37 billion, the difference between the $43 billion decrease in MMI and the $6 billion increase in the net holding of mortgage assets, so that assets would continue to equal liabilities plus capital.

[23] Bank System assets growth may be constrained by risk-based capital. As both the risk-based capital requirement and the level of risk-based capital would be determined by decisions made by each Bank under the proposed rule, the Finance Board

Continued

The Finance Board expects, however, that in order to comply with the CMA requirement, the Banks will need to adjust the management of their operational liquidity in some way, perhaps by acquiring assets that qualify as CMA and also contribute to operational liquidity. The Banks also may need to adjust their balance sheets by acquiring assets that qualify as CMA and also meet liquidity requirements to ensure continued compliance with the contingency liquidity requirements in proposed § 930.10. For example, certain GNMA securities would qualify as CMA and could also meet operational and contingency liquidity needs. The Finance Board requests comment on how the CMA requirement is likely to impact the ability of the Banks to achieve their liquidity needs.

In addition, the Finance Board requests comment and empirically-based analyses regarding the potential impact of the CMA ratio requirement on the Banks' earnings, dividends and membership benefits in the form of the pricing of advances, and whether there might be an effect on voluntary members' decisions to join, remain in, or leave the Bank System. The Finance Board also requests comment and empirically-based analyses on whether there will be an impact on the level of funding for the Bank System's AHP, and if so, whether the Bank System's contribution to the AHP should be maintained, at a minimum, at 1998 levels, either by voluntary agreement by the Banks or by Finance Board regulation.

The Finance Board also requests comments on whether all types of CMA should receive equal weight in calculating a CMA total book value. Imposing different weights could serve as an incentive for the Banks to pursue classes of CMA, particularly CMA that might be targeted to harder-to-serve needs or populations, but in which the Banks might otherwise hesitate to invest because such classes of CMA may be less profitable or more risky. However, weighting could undermine the meaningfulness of a 100 percent CMA target, as the 100 percent target would no longer represent a true maximum with respect to the allocation of CO funding to CMA.

5. Conversion of Off-Balance Sheet Items—§ 940.4(c)

Proposed § 940.4(c) sets forth conversion factors in Table 1 for the conversion of off-balance sheet items to on-balance sheet value equivalents for inclusion in the overall CMA ratio calculation required under proposed § 940.4(a). Intermediary derivative contracts would count in the CMA calculation at 100 percent of the value of the fee charged to members on such transactions. This fee is an objective measure of value to the members for these instruments given that the Banks do not need to fund these transactions. Advance commitments with certain drawdown will count in the CMA calculation at 100 percent of the value of the contractual commitment, given that a Bank would be likely to fund the commitment with COs ahead of the commitment date.

During the transition, SLOCs would count at the current year's CMA ratio requirement (expressed as a percentage) subtracted from 100 percent, then multiplied by the face amount of the SLOC. Thus, for SLOCs, the conversion factor would be 20 percent or 0.20 in the first year of the rule's effectiveness (100 percent or 1.00 minus CMA ratio requirement of 80 percent or 0.80) and would shrink to zero by the end of the transition period (100 percent minus CMA ratio requirement of 100 percent). The intent of this conversion provision is to ensure that the financial nature of the transaction, rather than its regulatory treatment, determines whether a Bank issues an SLOC or an advance. The conversion factor leaves a Bank indifferent in terms of financial opportunity as to whether it issues an advance or SLOC, because either instrument would then have the same impact on the ratio of CMA to COs. An alternative weighting mechanism could create an incentive for the Bank to distort the prices of advances and SLOCs such that the nature of the transaction might no longer guide the choice of instrument. When the transition period ends, SLOCs would be valued at the fee charged to members to make this off-balance sheet item consistent with the treatment of intermediary derivative contracts.

6. Transition Period—§ 940.4(d)

Proposed § 940.4(d) sets forth the transition period that would apply to the CMA ratio requirement. Beginning on January 1, 2001, each Bank would be required to have a CMA in an amount equal to at least 80 percent of the average book value of the Bank's total outstanding COs. The CMA ratio requirement would increase by five percentage points on January 1 of every year until the full 100 percent requirement would take effect on January 1, 2005.

7. Transfers of CMA to Another Bank—§ 940.5

Section 940.5 of the proposed rule makes clear that a CMA of a Bank, if transferred to another Bank, retains its status as a CMA with respect to the transferee Bank. This provision allows the Banks to improve the diversification of the various risks associated with the CMA by redirecting CMA from one Bank district to another Bank district.

8. Safe Harbor for Anticipated Noncompliance—§ 940.6

Under § 940.6(a) of the proposed rule, if a Bank's board of directors determines that the Bank cannot meet the CMA ratio requirement for a specified future period without jeopardizing the safety and soundness of the Bank, the Bank would not be considered to be out of compliance with the rule for the time period specified. In order for a Bank to qualify for this safe harbor, the board of directors' determination would need to be based upon an objective finding that the Bank: (1) would likely be unable to meet the liquidity requirement of proposed § 930.10, or any other regulatory requirement related to safety and soundness of its financial operation; or (2) would likely be unable to provide a return on equity sufficient to retain members intending to make use of such Bank's products and services. The decision-making process of the Bank's board of directors and the bases for its conclusions, including justification for the time period that the Bank anticipates being out of compliance, would need to be fully documented. In addition, the Bank's board of directors would be required to adopt a plan to achieve compliance with the CMA ratio requirement at the earliest feasible and prudent date.

The Finance Board believes that proposed § 940.6(a) will provide regulatory flexibility when business conditions are not amenable to achieving CMA compliance consistent with the safe and sound operation of the Bank. However, this safe harbor provision is not intended to provide regulatory immunity for lack of effort on the part of Bank management or for reaching such conclusions based on analysis found by the Finance Board through the examination process to be inadequate as to substance or documentation.

9. Waivers—§ 940.6(b)

Proposed § 940.6(b) would make explicit that, under circumstances that do not meet the safe harbor requirements of proposed § 940.6(a), a Bank may request a waiver of the

has not included the effects of the proposed risk-based capital requirements in these simulations.

requirements in part 940, pursuant to the regulatory waiver provisions of the Finance Board's regulations that would appear at 12 CFR part 907 (existing part 903).

E. Part 950—Advances

The proposed rule would delete existing § 935.2 of the Finance Board's Advances regulation, which states the primary credit mission of the Banks and how the Banks must fulfill such mission. Section 940.2 of the proposed rule, as discussed above, defines the mission of the Banks, and no separate or duplicative statements or definitions would be necessary under the new regulatory structure.

Proposed § 950.1 would amend the definition of "long-term advance" in existing § 935.1 of the Finance Board's Advances regulation from advances with maturity terms over five years to advances with maturity terms of greater than one year. The Act provides that all long-term advances shall only be made for the purpose of providing funds for residential housing finance. *See* 12 U.S.C. 1430(a). This provision is implemented by existing § 935.14, which provides that prior to approving an application for a long-term advance, a Bank shall determine that the principal amount of all long-term advances currently held by the member does not exceed the total value of residential housing finance assets held by such member. *See* 12 CFR 935.14(b)(1).

F. Part 954—Member Mortgage Assets

1. Definition of MMA—§ 954.2

Part 954 of the proposed rule addresses MMA, that is, generally mortgages and interests in mortgages that a Bank may acquire from its members or eligible nonmember borrowers in a transaction that is in purpose and economic substance functionally equivalent to the business of making advances in that: (1) it allows the member or eligible nonmember borrower to use its mortgage assets to access liquidity for further mortgage lending; and (2) all or a material portion of the credit risk attached to the mortgage asset is being borne by the member or eligible nonmember borrower.

Proposed § 954.2 authorizes a Bank to hold MMA acquired from or through its members or eligible nonmember borrowers, either by purchasing MMA from the member or eligible nonmember borrower, or funding the loan through the member or eligible nonmember borrower. Proposed § 954.2 sets forth a three-part test to be used in determining which assets qualify as MMA. First, under proposed § 954.2(a), an asset must fall within one of the following categories of assets: (1) mortgages, or interests in mortgages, excluding one-to-four family mortgages where the loan amounts exceed the conforming loan limits that apply to Fannie Mae and Freddie Mac, *see* 12 U.S.C. 1717(b)(2), but including community lending mortgages; (2) loans, or interests in loans, secured by manufactured housing, even if the manufactured housing is considered to be personal property in the state in which the home is located; or (3) state and local HFA bonds.

Second, under proposed § 954.2(b), a connection of the asset with the member or eligible nonmember borrower from whom the asset is acquired must exist, *i.e.*, there must be a member or eligible nonmember borrower nexus. Specifically, the asset must be either: (1) originated, if a loan, or issued, if bonds, by or through the member or eligible nonmember borrower; or (2) held for a valid business purpose by the member or eligible nonmember borrower prior to acquisition by the Bank. Assets held for a valid business purpose would not include, for example, loans that are passed from a nonmember through a member to a Bank with the intended purpose of extending the benefits of membership to the nonmember. The valid business purpose requirement is intended to acknowledge that a member may acquire loans from a nonmember and then sell them to a Bank.

Third, under proposed § 954.2(c), the member or eligible nonmember borrower must bear a material portion of the credit risk attached to the mortgage asset. Through this requirement, MMA activities would serve to promote and preserve the basic business relationship between the Banks and their members that has been established and maintained throughout the history of the Bank System through advance transactions. The Bank would manage the interest rate risk while the member would bear all or a material portion of the credit risk. This requirement emphasizes the cooperative nature of the Bank System by ensuring that the member or eligible nonmember borrower shares with the Bank the financial benefits and responsibilities of the asset. Furthermore, it does so in a rational manner because such shares are allocated between the Bank and the member or eligible nonmember borrwer in a way that best employs their respective core competencies in managing risk.

An asset will be considered to fulfill this requirement if it meets the "credit risk-sharing" test set forth in proposed § 954.2(c). First, under proposed § 954.2(c)(1), the member or eligible nonmember borrower must bear the amount of credit risk necessary to raise the asset or pools of assets to the fourth highest credit rating category (*e.g.*, triple-B), which is the minimum credit rating for any asset that may be acquired by a Bank under the safety and soundness provisions of proposed § 955.3(a)(3). Second, under proposed § 954.2(c)(2), to the extent that the Bank requires, either at the time of acquisition or subsequently, that the assets or pools of assets have a credit rating higher than the fourth highest credit rating category, the member or eligible nonmember borrower must bear at least 50 percent of any credit risk necessary to raise the assets or pools of assets from the fourth highest credit rating category to such higher credit rating category, up to the second highest credit rating category (*e.g.*, double-A.). Third, under proposed § 954.2(c)(3), notwithstanding the first two parts of the credit risk-sharing test, the member or eligible nonmember borrower must bear a material portion of any credit risk up to the second highest credit rating. This provision is intended to ensure that the member or eligible nonmember borrower does bear enough credit risk to share in the financial consequences of the asset quality no matter what transaction structure might be devised with a consequence of mitigating the credit risk-sharing requirement of the first two parts.

Under proposed § 954.2(c)(4), to the extent that the U.S. government has insured or guaranteed the credit risk of the asset or pool of assets, the member or eligible nonmember borrower may rely upon that insurance or guarantee to meet all or part of the above-mentioned credit risk-sharing requirements. For example, loans that are fully insured by the Federal Housing Administration (FHA), and GNMA securities, which are fully guaranteed by the U.S. government, would be considered to meet the credit risk-sharing requirement. Such loans and securities, however, also would have to meet the member or eligible nonmember borrower nexus requirement in proposed § 954.2(b) in order to qualify as MMA. To the extent that the U.S. government insurance or guarantee is insufficient or incomplete to cover the member's or eligible nonmember borrower's credit risk-sharing requirement, that portion of the requirement not so covered must be borne by the member or eligible nonmember borrower. This provision allows that the federal government,

alone, may substitute for the member or eligible nonmember borrower in meeting the credit risk-sharing requirement.

The Finance Board specifically requests comment on whether authorizing the Banks to acquire federally-insured or guaranteed mortgages or mortgage pools without any such member or eligible nonmember borrower nexus would enhance the liquidity of the marketplace for investments that promote housing and targeted economic development sufficiently to justify any diminution in the cooperative nature of the Bank System that may result. The Finance Board also seeks comment on whether loans originated by municipalities, pursuant to section 108 of the Housing and Community Development Act of 1974 (amended in 1994), or by tribes pursuant to Title VI of NAHASDA, where the municipalities or tribes are not eligible nonmember borrowers, should be authorized to be acquired by the Banks because of the enhancement to the liquidity of the marketplace for such housing, notwithstanding any diminution in the cooperative nature of the Bank System that might result.

The MMA tests set forth in proposed part 954 are intended to allow the Banks and their members and eligible nonmember borrowers the freedom to employ a variety of transactional structures so long as the transaction involves a qualifying asset or pool of assets, is acquired by a Bank pursuant to a transaction with a member or eligible nonmember borrower, and satisfies the credit risk-sharing requirement. Examples of two types of purchases that would meet the requirements are: (1) the Bank originates a loan or pool of loans and gets the needed credit enhancement from the member (*i.e.*, the member provides a direct credit substitute); or (2) the member or eligible nonmember borrower sells the loan to the Bank with recourse.

2. MPF

The purchase by a Bank of one-to-four family mortgages that fall within the conforming loan limits applicable to the secondary market GSEs was approved by the Finance Board under section II.B.12 of the FMP in December 1996. *See* Finance Board Res. No. 96–111 (Dec. 23, 1996). At that time, the Finance Board approved a pilot program proposed by the Federal Home Loan Bank of Chicago (Chicago Bank), known as the Mortgage Partnership Finance program (MPF), to fund one-to-four family residential mortgage loans originated by member institutions. The objective of the pilot program was to unbundle the risks associated with home mortgage lending and allocate the individual risk components between the Chicago Bank and its members in a manner that best employs their respective core competencies. That is, the members would continue to manage the customer relationship and the credit risk, while the Chicago Bank would retain the liquidity, interest rate and options risks-the risks that the Banks have the most expertise in managing.

MPF transactions are functionally equivalent to, though technically more sophisticated than, advances transactions authorized under section 10(a) of the Act. The Finance Board considered the two transactions to be functionally equivalent because, in both cases, the Bank takes an interest in mortgages originated by its member or eligible nonmember borrower and, in return, provides that member or eligible nonmember borrower with liquidity for further mortgage lending. In both cases, the member or eligible nonmember borrower bears all or a significant portion of the credit risk: in the case of advances, because the member or eligible nonmember borrower still owns the mortgage; in the case of MPF, because the member or eligible nonmember borrower provides a credit enhancement when selling the mortgage to, or funding the mortgage through, the Bank. Although, under the MPF program, the Bank acquires an ownership interest in the mortgage loans—as opposed to a mere security interest, as it would in the case of an advance transaction—the Finance Board found this structure to be permissible because the Banks may invest in mortgages pursuant to their statutory investment powers.

Based on the experience with the MPF program to date, the Finance Board has concluded that this line of business could constitute a major business activity for the Banks that, along with their more traditional advances business, is consistent with the cooperative structure of the Banks—*i.e.*, that does not cause the Banks to compete with members and, in fact, makes members participating in the program more competitive. As a result, mortgage acquisition activities by the Banks that meet the requirements of proposed part 954 will no longer be treated as pilot activities.

The proposed rule will thus encourage the Banks to purchase more MMA, with the anticipated consequence of increasing competition in the home mortgage markets and thus lowering home prices for consumers. The Finance Board requests comment on whether this anticipated benefit to consumers is a reasonable expectation.

The Finance Board also specifically requests comment on whether all MBS should be counted in whole or in some limited amount as CMA, and how counting such MBS could be reconciled with the member or eligible nonmember borrower nexus and credit risk-sharing requirements of MMA.

Once the Banks have developed more experience in acquiring MMA, the Finance Board intends to set housing targets for MMA similar to those that HUD is required by statute to set for Fannie Mae and Freddie Mac. The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 directed HUD to establish housing goals for the GSEs' mortgage purchases in three specific areas: (1) housing for low- and moderate-income families; (2) housing located in central cities, rural areas, and other underserved areas; and (3) special affordable housing to meet unaddressed needs of low-income families in low-income areas and very-low-income families. *See* 12 U.S.C. 4541 *et seq*. The purpose of subjecting the Banks to such targets would be to assure that all GSE-funded mortgage originators have similar incentives and pressures to reach underserved markets. This is an element of creating a level playing field among the housing GSEs.

G. Part 955—Bank investments

1. Authorized Investments—§ 955.2

As previously discussed, the Banks' investment authority is derived from sections 11(g), 11(h) and 16(a) of the Act. 12 U.S.C. 1431(g), 1431(h), 1436(a). Section 934.1 of the Finance Board's current regulations limits the Banks' investment authority by requiring Finance Board approval for investments not already authorized by stated policy or otherwise. *See* 12 CFR 934.1(a). The Finance Board adopted the FMP as its stated investment policy pursuant to the regulation. The FMP restricts Bank investments to those listed in the FMP. Sections 955.2 and 955.3 of the proposed rule would establish the parameters of the Banks' investment authority under the proposed new regulatory structure.

Proposed § 955.2 would authorize the Banks to invest in all instruments in which they are permitted to invest under the Act (with the exception of Fannie Mae common stock), *see* 12 U.S.C. 1431(g), 1431(h), 1436(a), subject to the restrictions set forth in proposed § 955.3. These investments include: (a) obligations of the United States, *see* 12 U.S.C. 1431(g), 1431(h) and 1436(a); (b) deposits in banks or trust companies (as

defined in proposed § 955.1), *see id.* at 1431(g); (c) obligations, participations or other instruments of, or issued by, Fannie Mae or Ginnie Mae, *see id.* at 1431(h), 1436(a); (d) mortgages, obligations, or other securities that are, or ever have been sold by Freddie Mac, *see id.* at 1431(h), 1436(a); (e) stock, obligations, or other securities of any SBIC formed pursuant to 15 U.S.C. 681(d) (to the extent such investment is made for purposes of aiding Bank members),[24] *see* 12 U.S.C. 1431(h); and (f) instruments that the Bank has determined are permissible investments for fiduciary and trust funds under the laws of the state in which the Bank is located, *see id.* at 1431(h), 1436(a).

The Banks' investment authority under the proposed rule essentially tracks the parameters of that which may be permitted under the Act. Because several different provisions of the Act address the investment powers of the Banks, the Finance Board has consolidated and restated the substance of these investment authorities in proposed § 955.2. The only investment that is explicitly mentioned in the Act that is not permitted under proposed § 955.2 is investment in the stock of Fannie Mae. As discussed in more detail below, proposed § 955.3(a)(1) would restrict equity investments to those that qualify as CMA under proposed part 940. Because the Finance Board does not believe that Fannie Mae stock could under any circumstances qualify as a CMA, and because Fannie Mae stock is not an authorized investment under the FMP and is not currently held as an investment by any Bank, it has simply been omitted from the list of authorized investments in proposed § 955.2 in order to avoid confusion.

Both sections 11(h) and 16(a) of the Act state that the Banks may be authorized to invest in "such securities as fiduciary and trust funds may be invested in under the laws of the state in which the . . . Bank is located." *See id.* at 1431(h), 1436(a). In restating this authority in § 955.2(f) of the proposed rule, the word "instruments" has been substituted for the word "securities" to reflect in the rule the Finance Board's construction of the term "securities" as it is used in sections 11(h) and 16(a) of the Act to encompass the broad range of financial investment instruments and not merely those instruments that are within the technical definition of "securities" set forth in the federal securities laws. *See* 15 U.S.C 77b(1).

[24] The Finance Board has determined that the phrase "for the purpose of aiding members of the . . . Bank System" relates not just to the formation of the SBIC but also to the nature and purpose of the investment.

2. Prohibited Investments and Prudential Rules—§ 955.3

The broad investment authority established under proposed § 955.2 would be limited by a number of safety and soundness- and mission-related restrictions set forth in proposed § 955.3. Proposed § 955.3(a)(1) would prohibit the Banks from making any investment in instruments that would provide an ownership interest in an entity (*e.g.*, common or preferred stock, rights, warrants or convertible bonds), other than those investments that would qualify as CMA under proposed § 940.3, as discussed more fully above. Thus, under the proposed rule, the actual equity investment powers of the Banks will be quite narrow and focused upon core mission activities.

Proposed § 955.3(a)(2) would prohibit the Banks from investing in instruments issued by foreign entities, except United States branches and agency offices of foreign commercial banks. Such instruments conceivably could qualify as permissible investments for fiduciary and trust funds and, therefore, would be permissible Bank investment unless specifically prohibited. This is consistent with the current prohibition in the FMP. *See* Finance Board Res. No. 97–05 (Jan. 14, 1997).

Proposed § 955.3(a)(3) would prohibit the Banks from investing in debt instruments that are not rated as investment grade (*i.e.*, one of the four highest rating categories given by an NRSRO). Despite the risk management provisions in the proposed rule under which the Banks are expected to manage whatever risks they might incur as part of their business operations, the Finance Board is imposing this specific prohibition on the acquisition of non-investment grade debt as a further safety and soundness measure. Under proposed § 955.3(a)(3), the Banks would not be required to divest themselves of debt instruments that are downgraded to below investment grade after they already have been acquired by the Bank. Any additional risk that would arise from such a scenario would be managed through the application of the higher credit risk capital requirement applicable to the downgraded instrument. *See* proposed § 930.4(d)(3).

Finally, proposed § 955.3(a)(4) would prohibit the Banks from acquiring whole mortgages or other whole loans, or interests in mortgages or loans, except for: (i) MMA, as defined under part 954 of the proposed rule; (ii) MBS that would meet the definition of "securities" in the Securities Act of 1933, 15 U.S.C. 77b(a)(1); and (iii) loans held or acquired pursuant to section 12(b) of the Act, 12 U.S.C. 1432(b). As described in detail above, proposed part 954 establishes parameters regarding the types of mortgages and loans, or interests in mortgages and loans, that the Banks may acquire and the nature of the transactions through which such assets may be acquired. Proposed § 955.3(a)(4) is designed to prohibit the holding, purchase or acquisition of jumbo mortgages and whole mortgages other than MMA, and otherwise prevent the Banks from circumventing the requirements of part 954. However, the Banks are not prohibited from holding, purchasing and acquiring MBS that would meet the definition of that term under the federal securities laws.

The reference in proposed § 955.3(a)(4)(ii) to the definition of securities in the Securities Act of 1933 is consistent with the Finance Board's analysis of the term securities as it is used in the Bank investment authority provisions of the Act. *See* discussion above of proposed § 955.2. As discussed above, for purposes of the Bank's investment authority generally, the Finance Board has construed the term "securities" as it is used in sections 11(h) and 16(a) of the Act, 12 U.S.C. 1431(h), 1436(a), to encompass the broad range of financial investment instruments in a common business sense, and not merely to mean those instruments that are within the technical definition of "securities" in the federal securities laws. However, for purposes of proposed § 955.3, the Finance Board has proposed limitations and restrictions on otherwise-authorized investments, which it is explicitly authorized to do under sections 11(h) and 16(a) of the Act. Limiting investments in mortgage-backed securities to those that would meet a narrower definition of the term "securities" than is contemplated under the investment authority provisions of the Act only serves to emphasize the differences in the use of the term under the different statutes and to bolster the Finance Board's construction of the term under the Act.

Proposed § 955.3(b) would prohibit a Bank from taking a position in any commodity or foreign currency. Proposed § 955.3(b) also provides that, in the event that a Bank becomes exposed to currency, commodity or equity risks through participation in COs that are linked to a foreign currency or to equity or commodity prices, such risks must be hedged. The Banks currently do not have expertise in these areas and the Finance Board can discern no reason for the Banks to have or develop expertise in managing the risks

associated with foreign exchange rates or commodities.

Section 955.3(c) of the proposed rule prohibits a Bank from making investments that are not permitted under the FMP as to such Bank until the Bank: (1) has received Finance Board approval of its initial internal market risk model; (2) demonstrates to the Finance Board that it has sufficient risk-based capital to meet the minimum total risk-based capital requirement under proposed § 930.4(b) for its then-current portfolio; and (3) demonstrates to the Finance Board adequate credit risk assessment and procedures and controls sufficient to show control over credit, market and operations risks.

As discussed above, one of the reasons that the Finance Board is proposing to allow the Banks broadened investment authority is because, under the proposed rule, the Banks will have risk-based capital and other risk management requirements to counterbalance any increased risk that might be associated with new investments. Therefore, until a Bank has sufficient risk-based capital in place to support its current portfolio, and until the Bank demonstrates to the Finance Board that it has adequate risk management capabilities, the Finance Board finds it necessary, as a safety and soundness measure, to continue to require the Banks to operate within the existing FMP framework.

Although proposed § 955.3 would impose several safety and soundness- and mission-related restrictions upon the Banks' general investment authority set forth in proposed § 955.2, the overall effect of these proposed investment provisions would be to allow the Banks considerably more freedom in making investment decisions within the statutory parameters than is currently permitted. Under the FMP, the Banks are authorized to invest in a list of specific investments that is narrower than that in which the Banks may invest under the parameters set by the Act. Under the FMP, Banks wishing to make investments that may be permissible under the statute, but that are not specifically enumerated in the FMP, must obtain the permission of the Finance Board before making the investment.

The approach to Bank investment authorizations reflected in the FMP allows for little discretion on the part of Banks' senior management and boards of directors in determining the appropriate investments and optimal risk/return strategy for their Banks. This approach was designed to limit the Banks' exposure to risk because the Banks do not currently operate under a risk-based capital structure, which would allow the Banks to assume more investment risk, provided that there is sufficient capital in place to support that risk. Because, under the proposed rule, the Banks would operate under such a risk-based capital structure, it would no longer be necessary to impose such stringent limits on the investment authority for safety and soundness purposes.

Some of the limits on the investment authority reflected in the FMP also were intended, to some extent, to focus the Banks' investments on mission-related activities. As more fully described above, under proposed part 940, each Bank would be required to invest 100 percent of the proceeds from its share of the COs in CMA. This requirement would eliminate the need to focus the Banks' investments upon mission activities through the use of a specific list of authorized investments and specific limits on certain types of investments. In addition, a specific list intended to include all authorized investments would not provide the Banks with the flexibility to adapt to new developments in the marketplace and would stifle the development of new types of mission-related activities and investments.

Under the proposed rule, the Banks would be permitted to make any authorized investment with sources of funds other than those provided by the COs. Consistent with the Finance Board's ongoing devolution of management and governance functions to the Banks, the Finance Board believes that the selection of appropriate investments to be made with that portion of a Bank's funds that are not obtained through use of the capital market funding advantage that arises from the Banks' status as GSEs is an area more appropriate for oversight by the Banks' boards of directors (subject to safety and soundness constraints imposed by the proposed rule) than by their regulator. Nonetheless, it is expected that the Banks' boards of directors would establish appropriate guidelines for investments when adopting the risk management policy required under this proposed rule.

3. Use of Hedging Instruments—§ 955.4

Section 955.4 of the proposed rule addresses the Banks' use of hedging instruments. Proposed § 955.4(a) would prohibit the Banks from making speculative use of hedging instruments. This is not an activity that is appropriate for the Banks to enter, as it would do nothing to further the mission of the Banks, while posing risks to the safety and soundness of the Banks.

Section 955.4(b) of the proposed rule would subject all Bank hedge transactions to the hedge requirements set forth in Generally Accepted Accounting Principles (GAAP) and statements promulgated by the Financial Accounting Standards Board (FASB). Because GAAP prescribes extensive rules for hedging transactions that are followed by most market participants, the Finance Board finds it prudent to subject the Banks to these same requirements, rather than attempting to establish separate rules over such a complex subject.

Section 955.4(c) of the proposed rule would govern the documentation that each Bank must have and maintain during the life of each hedge. Proposed § 955.4(c)(1) would require that each Bank's hedging strategies be explicitly documented at the time of the execution of the hedge, and adequate documentation of the hedge must be maintained for the life of the hedge. Proposed § 955.4(c)(2) would require that transactions with a single counterparty be governed by a single master agreement when practicable. Proposed § 955.4(c)(3) would govern Bank agreements with counterparties for over-the-counter derivative contracts by requiring each agreement to include: (i) a requirement that market value determinations and subsequent adjustments of collateral be made on at least a monthly basis; (ii) a statement that failure of a counterparty to meet a collateral call will result in an early termination event; (iii) a description of early termination pricing and methodology; and (iv) a requirement that the Bank's consent be obtained prior to the transfer of an agreement or contract by a counterparty.

All of these requirements are carried over from the FMP. The requirements are intended to ensure that the Banks monitor and manage their exposure to counterparties and that the agreements in place with counterparties provide adequate legal protection to the Banks. Because the risk-based capital requirements contained in the proposed rule do not directly alter or replace the need to address these issues, the Finance Board finds it appropriate to continue to impose these requirements on Bank hedge transactions.

Under the FMP, the Banks' use of hedging instruments is limited to a specific list of hedging instruments. The use of the various hedging instruments by the Banks is permitted provided they assist the Bank in achieving its interest rate and/or basis risk management objectives. Like the FMP's Investment Guidelines, the Hedge Transaction Guidelines of the FMP contain some

detailed requirements that are no longer necessary. The unsecured credit concentration limits set forth in proposed § 930.11 and the credit risk-based capital requirements set forth in proposed § 930.5 would eliminate the need for provisions addressing unsecured credit exposure and collateralization. In addition, because the Finance Board is removing the restrictions on certain types of investments, it would be inconsistent to continue to restrict swaps with characteristics similar to those investments.

H. Part 958—Off-Balance Sheet Items

Proposed § 958.2(a) authorizes the Banks to enter into the following types of off-balance sheet transactions: SLOCs; derivative contracts; forward asset purchases and sales; and commitments to make advances or other loans. This authorization essentially codifies the types of off-balance transactions that already have been authorized by the Finance Board. The Finance Board specifically requests comment on whether there are additional types of off-balance sheet transactions that it should consider authorizing.

Proposed § 958.2(b) prohibits the Banks from making speculative use of derivative contracts. As previously discussed in the general context of hedging instruments, speculating with derivatives contracts is not an activity that would be appropriate for the Banks to enter, as it would do nothing to further the mission of the Banks, while posing risks to the safety and soundness of the Banks.

I. Part 965—Sources of Funds

Proposed § 965.2 sets forth the types of liabilities authorized for Bank business operations. The Funding Guidelines section of the FMP sets forth the parameters for the use of alternative funding sources and structures by the Banks in funding their activities. The guidelines differentiate between Bank specific liabilities and COs, which are the joint and several liabilities of the Banks. *See* FMP sections IV.B. and C.

Under the FMP, authorized Bank specific liabilities generally include: (1) deposits from members, from any institution for which a Bank is providing correspondent services, from another Bank, and from other instrumentalities of the United States; (2) federal funds purchased from any financial institution that participates in the federal funds market; and (3) repurchase agreements, with the provision that those requiring the delivery of collateral by a Bank may be only with Federal Reserve Banks, U.S. Government Sponsored Agencies and Instrumentalities, primary dealers recognized by the Federal Reserve Bank of New York, eligible financial institutions,[25] and states and municipalities with a Moody's Investment Grade rating of 1 or 2.

Under the FMP, a Bank is authorized to participate in the proceeds from COs, so long as entering into such transactions will not cause the Bank's total COs and unsecured senior liabilities to exceed 20 times its capital. *See id.* at IV.C. The FMP authorizes a Bank to participate in certain types of standard and non-standard debt issues. *See id.* Specifically, the FMP requires that Banks participating in non-standard debt issues must enter into a contemporaneous hedging arrangement that allows the interest rate and/or basis risk to be passed through to the hedge counterparty unless the Bank is able to document that the debt will: (a) be used to fund mirror-image assets in an amount equal to the debt; or (b) offset or reduce interest rate or basis risk in the Bank's portfolio, or otherwise assist the Bank in achieving its interest rate and/or basis risk management objectives. If a Bank participates in debt denominated in a currency other than U.S. Dollars, it is required to hedge the currency exchange risk. *See id.* at IV.C.3.

The FMP also prohibits a Bank from directly placing COs with another Bank. *See id.* at IV.C.4.

Proposed § 965.2(a) sets forth each Bank's authority to act as joint and several obligor with other Banks on COs, as authorized under proposed part 966. The proposed rule does not draw the distinction between standard and non-standard debt issues contained in the FMP. Instead, proposed § 955.3(b) requires that some types of debt issues previously defined as non-standard be hedged. The types of debt issues that must be hedged under the proposed rule are those linked to equity or commodity prices or those denominated in foreign currencies. Other types of debt issues previously defined as non-standard need not be hedged, but these debt issues will be included in the market risk calculation in the proposed rule. The proposed rule does not include the 20 to 1 leverage limit from § 910.1(b) of the Finance Board's existing regulations, or the 20 to 1 leverage limit on each Bank contained in the FMP. Instead, the proposed rule requires each Bank to have total capital in an amount equal to at least 3 percent of total assets, and requires each Bank to hold risk-based capital to meet a risk-based capital requirement. *See* proposed §§ 930.3(a) and 930.4(a).

Proposed § 965.2(b) continues the existing prohibition on directly placing COs with another Bank. It is the opinion of the Finance Board that such placements do not further the mission of the Bank System.

COs have been the traditional source for most of the funds required for Bank operations. The remaining sources of funds have been deposits and member capital. As discussed above under proposed part 940, once the rule is fully phased in, 100 percent of COs would be required to be invested in CMA. The Banks, therefore, still would be able to invest deposits and member capital in any assets authorized under the proposed rule. Growing sophistication in the creation of off-balance sheet instruments could lead to efforts to circumvent the CMA requirement. For example, it may be possible to create tradeable deposits, which would be more similar to bonds than to deposits as the term is traditionally understood. The Banks also could use repurchase agreements to leverage deposits or capital. COs used to finance MBS may be replaced with repurchase agreements, using the MBS as collateral. In this way, the letter of the CMA requirement, but not the substance of the requirement—a shift in the composition of the balance sheet towards CMA—might be met. A Bank could hold non-CMA assets, including MBS, equal to several times its level of deposits plus capital.

Therefore, proposed § 965.2(b) continues each Bank's authority to accept deposits from members, other Banks and instrumentalities of the United States, but provides that the deposit transaction may not be conducted in such a way as to result in the offer or sale of a security in a public offering as those terms are used in 15 U.S.C. 77b(3). In addition, recognizing the importance of federal funds and repurchase agreements for the Banks' liquidity management, proposed § 965.2(c) allows a Bank to purchase federal funds and enter into repurchase agreements, but only in order to satisfy the Banks' short-term liquidity needs.

Proposed § 965.3 would require each Bank to invest an amount equal to current deposits received from members in: (1) Obligations of the United States; (2) deposits in banks or trust companies;

[25] Eligible financial institutions include Banks and FDIC-insured financial institutions, including U.S. subsidiaries of foreign commercial banks, whose most recently published financial statements exhibit at least $100 million of Tier I (or tangible) capital if the institution is a member of the investing Bank or at least $250 million of tangible capital for all other FDIC-insured institutions, and which have been rated at least a level III institution as defined in section VI.C of the FMP.

and (3) advances with a maturity of five years or less made to members in conformity with the advances provisions of the Finance Board regulations (existing part 935; redesignated part 950).

Section 11(g) of the Act, 12 U.S.C. 1431(g), requires each Bank to maintain deposit reserves in: (1) obligations of the United States; (2) deposits in banks or trust companies; (3) advances with a maturity of five years or less made to members, upon such terms and conditions as the Finance Board may prescribe; or (4) unsecured advances with a maturity of not to exceed five years which are made to members whose creditor liabilities do not exceed five percent of their net assets. Proposed § 965.3 is intended to implement this statutory requirement and to clarify the types of advances that count toward the deposit reserve requirement (the Banks currently are not permitted to make unsecured advances). The definition of the term "deposits in banks or trust companies" contained in proposed § 965.1 is identical to the definition of that term set forth in existing § 934.4.

J. Part 966—Consolidated Obligations and Debentures

Existing part 910 of the Finance Board's regulations, "Consolidated Bonds and Debentures," has been proposed to be redesignated as new part 966 in the proposed reorganization regulation. Part 966 of this proposed rule retains in large part the provisions of existing part 910, with certain proposed amendments, which are included in this rulemaking and discussed here.

Specifically, §§ 910.0 through 910.6 of the Finance Board's existing regulations, would be redesignated as §§ 966.1 through 966.7 and existing § 910.1(b) (which imposes a 20-to-1 COs and unsecured senior liabilities to capital stock leverage limit on the Bank System) would be deleted. Proposed § 966.7 has been revised from existing § 910.6 to: delete references to the leverage limit; clarify and simplify the provision whereby the Finance Board may implement changes to the negative pledge requirement [26] in § 966.2(b) if the principal and interest on outstanding senior bonds have been fully defeased; and delete current § 910.6(b)(2), which purports to impose limitations on the Finance Board's ability to change the leverage limit provision in current § 910.1(b). In connection with these proposed amendments, it is the intention of the Finance Board to preserve the existence of the special asset accounts at the Banks established when the leverage limit in current part 910 was raised in 1992 from 12-to-1 to 20-to-1. *See* Finance Board Res. No. 92–751 (Dec. 21, 1992). Current § 910.6(b)(2) provides that current § 910.1(b) may be changed by the Finance Board if the Finance Board receives either: (i) written evidence from at least one major nationally recognized securities rating agency that the proposed change will not result in the lowering of that rating agency's then-current rating or assessment on senior bonds outstanding or next to be issued; or (ii) a written opinion from an investment banking firm that the proposed change would not have a materially adverse effect on the creditworthiness of senior bonds outstanding or next to be issued. The Finance Board has consulted with the ratings agencies in developing this proposed rule. The proposal requires that the Banks maintain the triple-A rating of Bank System COs.

K. Part 980—New Business Activities

The proposed changes to the Banks' authorized investment authority would create opportunities for the Banks to undertake new business activities that they have not undertaken in the past and, therefore, could expose the Banks to risks that they have not had to manage in the past. In order to ensure that entering into new types of business activities will not create safety and soundness concerns, § 980.2 of the proposed rule would require each Bank to provide 30 days notice to the Finance Board of any new business activity that the Bank wishes to undertake—including investing in new types of instruments—so that the Finance Board may disapprove or restrict such activities, as necessary, on a case-by-case basis. Proposed § 980.1 defines a "new business activity" as meaning, with respect to a particular Bank's activities: (1) an activity that was not previously undertaken by that Bank, or was undertaken under materially different terms and conditions; (2) an activity that entails risks not previously and regularly managed by that Bank or its members; or (3) an activity that introduces operations not substantially equivalent to operations currently managed by that Bank. The test of what constitutes a new activity for a particular Bank is intended to focus attention on worthy new activities. The prior notice requirement would apply to any Bank desiring to pursue a new activity, even if another Bank has already undertaken the same activity.

IV. Regulatory Flexibility Act

The proposed rule applies only to the Banks, which do not come within the meaning of "small entities," as defined in the Regulatory Flexibility Act (RFA). *See* 5 U.S.C. 601(6). Therefore, in accordance with section 605(b) of the RFA, *see id.* at 605(b), the Finance Board hereby certifies that this proposed rule, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

V. Paperwork Reduction Act

This proposed rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. *See* 44 U.S.C. 3501 *et seq.* Therefore, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects in 12 CFR Parts 917, 925, 930, 940, 950, 954, 955, 958, 965, 966 and 980

Community development, Credit, Housing and Federal home loan banks.

Accordingly, the Finance Board hereby proposes to amend title 12, chapter IX, Code of Federal Regulations, as follows:

1. New part 917 is added to subchapter C to read as follows:

PART 917—POWERS AND RESPONSIBILITIES OF BANK BOARDS OF DIRECTORS AND SENIOR MANAGEMENT

Sec.
917.1 Definitions.
917.2 General duties of Bank boards of directors.
917.3 Risk management.
917.4 Internal control system.
917.5 Audit committees.
917.6 Budget preparation and reporting requirements.
917.7 Dividends.
917.8 Approval of Bank bylaws.
917.9 Mission achievement.

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a)(1), 1427, 1432(a), 1436(a), 1440.

§ 917.1 Definitions.

As used in this part:

Business risk means the risk of an adverse impact on a Bank's profitability resulting from external factors as may occur in both the short and long run.

Contingency liquidity has the meaning set forth in § 930.1 of this chapter.

Credit risk has the meaning set forth in § 930.1 of this chapter.

Eligible nonmember borrower has the meaning set forth in § 930.1 of this chapter.

[26] The "negative pledge requirement" is the regulatory requirement that the Banks maintain certain types of unpledged assets in an amount equal to the amount of the Banks' senior bonds (as defined in existing § 910.0(c)) outstanding.

Immediate family member means a parent, sibling, spouse, child, dependent, or any relative sharing the same residence.

Liquidity risk means the risk that a Bank is unable to meet its obligations as they come due or meet the credit needs of its members and eligible nonmember borrowers in a timely and cost-efficient manner.

Market risk has the meaning set forth in § 930.1 of this chapter.

Operations risk has the meaning set forth in § 930.1 of this chapter.

§ 917.2 General duties of Bank boards of directors.

The board of directors of each Bank shall have the duty to direct the operations of the Bank in conformity with the requirements set forth in this chapter. Each board director shall carry out his or her duties as director in good faith, in a manner such director believes to be in the best interests of the Bank, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

§ 917.3 Risk management.

(a) *Adoption of risk management policy.* (1) Within 180 calendar days of the effective date of this section, each Bank's board of directors shall adopt, and submit to the Finance Board for approval, a risk management policy that addresses the Bank's exposure to credit risk, market risk, liquidity risk, business risk and operations risk and that conforms to the requirements of paragraph (b) of this section and part 930 of this chapter.

(2) *Review and compliance.* Each Bank's board of directors shall:

(i) Review the Bank's risk management policy at least annually;

(ii) Have the authority to amend the risk management policy at any time;

(iii) Re-adopt the Bank's risk management policy, including interim amendments, not less often than every three years; and

(iv) Ensure Bank compliance at all times with the risk management policy.

(b) *Risk management policy requirements.* In addition to meeting any other requirements set forth in this part, or in part 930 of this chapter, each Bank's risk management policy shall:

(1) Describe how the Bank will comply with the risk-based capital standards set forth in part 930 of this chapter;

(2) Set forth the Bank's tolerance levels for the market and credit risk components; and

(3) Set forth standards for the Bank's management of each risk component, including but not limited to:

(i) Regarding credit risk arising from all secured and unsecured transactions, standards and criteria for, and timing of, periodic assessment of the creditworthiness of issuers, obligors, or other counterparties including identifying the criteria for selecting dealers, brokers and other securities firms with which the Bank may execute transactions; and

(ii) Regarding market risk, standards for the methods and models used to measure and monitor such risk;

(iii) Regarding day-to-day operational liquidity needs and contingency liquidity needs for periods during which the Bank's access to capital markets is impaired:

(A) An enumeration of specific types of investments to be held for such liquidity purposes; and

(B) The methodology to be used for determining the Bank's operational and contingency liquidity needs;

(iv) Regarding operations risk, standards for an effective internal control system, including periodic testing and reporting; and

(v) Regarding business risk, strategies for mitigating such risk, including contingency plans where appropriate.

(c) *Risk assessment.* The senior management of each Bank shall perform, at least annually, a risk assessment that identifies and evaluates all material risks, including both quantitative and qualitative aspects, that could adversely affect the achievement of the Bank's performance objectives and compliance requirements. The risk assessment shall be in written form and shall be reviewed by the Bank's board of directors promptly upon its completion.

§ 917.4 Internal control system.

(a) *Establishment and maintenance.* (1) Each Bank shall establish and maintain an effective internal control system that is adequate to ensure:

(i) The efficiency and effectiveness of Bank activities;

(ii) The safeguarding of assets;

(iii) The reliability, completeness and timely reporting of financial and management information and transparency of such information to the Bank's board of directors and to the Finance Board; and

(iv) Compliance with applicable laws, regulations, policies, supervisory determinations and directives of the Bank's board of directors and senior management.

(2) Ongoing internal control activities necessary to maintain the internal control system required under paragraph (a)(1) of this section shall include, but are not limited to:

(i) Top level reviews by the Bank's board of directors and senior management, including review of financial presentations and performance reports;

(ii) Activity controls, including review of standard performance and exception reports by department-level management on an appropriate periodic basis;

(iii) Physical controls adequate to ensure the safeguarding of assets;

(iv) Monitoring for compliance with the risk tolerance limits set forth in the Bank's risk management policy;

(v) Any required approvals and authorizations for specific activities; and

(vi) Any required verifications and reconciliations for specific activities.

(b) *Internal control responsibilities of Banks' boards of directors.* Each Bank's board of directors shall direct the establishment and maintenance of the internal control system required under paragraph (a)(1) of this section, and oversee senior management's implementation of such a system on an ongoing basis, by:

(1) Conducting periodic discussions with senior management regarding the effectiveness of the internal control system;

(2) Ensuring that an effective and comprehensive internal audit of the internal control system is performed annually;

(3) Ensuring that internal control deficiencies are reported to the Bank's board of directors in a timely manner and are addressed promptly;

(4) Conducting a timely review of evaluations of the effectiveness of the internal control system made by internal auditors, external auditors and Finance Board examiners;

(5) Ensuring that senior management promptly and effectively addresses recommendations and concerns expressed by internal auditors, external auditors and Finance Board examiners regarding weaknesses in the internal control system;

(6) Reporting any internal control deficiencies found, and the corrective action taken, to the Finance Board in a timely manner;

(7) Establishing, documenting and communicating an organizational structure that clearly shows lines of authority within the Bank, provides for effective communication throughout the Bank, and ensures that there are no gaps in the lines of authority;

(8) Ensuring that all delegations of authority to specific personnel or committees state the extent of the authority and responsibilities delegated; and

(9) Establishing reporting requirements, including specifying the nature and frequency of reports it receives.

(c) *Internal control responsibilities of Banks' senior management.* Each Bank's senior management shall be responsible for carrying out the directives of the Bank's board of directors, including the establishment, implementation and maintenance of the internal control system required under paragraph (a)(1) of this section, by:

(1) Establishing, implementing and effectively communicating to Bank personnel policies and procedures that are adequate to ensure that internal control activities necessary to maintain an effective internal control system, including the activities enumerated in paragraph (a)(2) of this section, are an integral part of the daily functions of all Bank personnel;

(2) Ensuring that all Bank personnel fully understand and comply with all policies and procedures;

(3) Ensuring that there is appropriate segregation of duties among Bank personnel and that personnel are not assigned conflicting responsibilities;

(4) Establishing effective paths of communication upward, downward and across the organization in order to ensure that Bank personnel receive necessary and appropriate information, including:

(i) Information relating to the operational policies and procedures of the Bank;

(ii) Information relating to the actual operational performance of the Bank;

(iii) Adequate and comprehensive internal financial, operational and compliance data; and

(iv) External market information about events and conditions that are relevant to decision making;

(5) Developing and implementing procedures that translate the major business strategies and policies established by the Bank's board of directors into operating standards;

(6) Ensuring adherence to the lines of authority and responsibility established by the Bank's board of directors;

(7) Overseeing the implementation and maintenance of management information and other systems;

(8) Establishing and implementing an effective system to track internal control weaknesses and the actions taken to correct them; and

(9) Monitoring and reporting to the Bank's board of directors the effectiveness of the internal control system on an ongoing basis.

§ 917.5 Audit committees.

(a) *Establishment.* The board of directors of each Bank shall establish an audit committee, consistent with the requirements set forth in this section.

(b) *Composition.* (1) The audit committee shall comprise five or more persons drawn from the Bank's board of directors, each of whom shall meet the criteria of independence set forth in paragraph (c) of this section.

(2) The audit committee shall include representatives of large and small members and appointive and elective directors of the Bank.

(3) The terms of audit committee members shall be appropriately staggered so as to provide for continuity of service.

(4) All members of the audit committee shall have a working familiarity with basic finance and accounting practices, and at least one member of the audit committee shall have extensive accounting or financial management expertise. If the board of directors determines that there are not a sufficient number of board directors possessing the necessary skills and expertise to qualify for service on the audit committee (considering the representation requirements of paragraph (b)(2) of this section), the board of directors shall:

(i) In the case of audit committee representation of appointive directors, provide written notification to the Finance Board for consideration when appointing directors; and

(ii) In the case of audit committee representation of elective directors, include in the Election Announcement required under § 915.6(a) of this chapter, a statement describing the skills or expertise needed.

(c) *Independence.* Any member of the Bank's board of directors shall be considered to be sufficiently independent to serve as a member of the audit committee if that director does not have a disqualifying relationship with the Bank or its management that would interfere with the exercise of that director's independent judgment. Such disqualifying relationships shall include, but shall not be limited to:

(1) Being employed by the Bank in the current year or any of the past five years;

(2) Accepting any compensation from the Bank other than compensation for service as a board director;

(3) Serving or having served in any of the past five years as a consultant, advisor, promoter, underwriter, or legal counsel of or to the Bank; or

(4) Being an immediate family member of an individual who is, or has been in any of the past five years, employed by the Bank.

(d) *Charter.* (1) The audit committee of each Bank shall adopt, and the Bank's board of directors shall approve, a formal written charter that specifies the scope of the audit committee's powers and responsibilities, as well as the audit committee's structure, processes and membership requirements.

(2) The audit committee and the board of directors of each Bank shall:

(i) Review the Bank's audit committee charter on an annual basis; and

(ii) Have the authority to adopt and approve, respectively, amendments to the audit committee charter at any time; and

(iii) Re-adopt and re-approve, respectively, the Bank's audit committee charter not less often than every three years.

(3) Each Bank's audit committee charter shall:

(i) Provide that the internal auditor may be removed only with the approval of the audit committee;

(ii) Provide that the internal auditor shall report directly to the audit committee on substantive matters and to the Bank President on administrative matters;

(iii) Empower the audit committee to retain outside counsel, independent accountants, or other outside consultants; and

(iv) Provide that both the internal auditor and the external auditor shall have unrestricted access to the audit committee without the need for any prior management knowledge or approval.

(e) *Duties.* Each Bank's audit committee shall have the duty to:

(1) Ensure that senior management maintains the reliability and integrity of the accounting policies and financial reporting and disclosure practices of the Bank;

(2) Review the basis for the Bank's financial statements and the external auditor's opinion rendered with respect to such financial statements (including the nature and extent of any significant changes in accounting principles or the application therein) and ensure disclosure and transparency regarding the Bank's true financial performance and governance practices;

(3) Oversee the internal audit function by:

(i) Reviewing the scope of audit services required, significant accounting policies, significant risks and exposures, audit activities and audit findings;

(ii) Assessing the performance, and determining the compensation, of the internal auditor; and

(iii) Reviewing and approving the internal auditor's work plan;

(4) Oversee the external audit function by:

(i) Approving the external auditor's annual engagement letter;

(ii) Reviewing the performance of the external auditor; and

(iii) Making recommendations to the Bank's board of directors regarding the appointment, renewal, or termination of the external auditor;

(5) Provide an independent, direct channel of communication between the Bank's board of directors and the internal and external auditors;

(6) Conduct or authorize investigations into any matters within the audit committee's scope of responsibilities;

(7) Ensure that senior management has established and is maintaining an adequate internal control system within the Bank by:

(i) Reviewing the adequacy of the Bank's internal control system and the resolution of identified material weaknesses and reportable conditions in the internal control system, including the prevention or detection of management override or compromise of the internal control system; and

(ii) Reviewing the programs and policies of the Bank designed to ensure compliance with applicable laws, regulations and policies and monitoring the results of these compliance efforts;

(8) Ensure that senior management has established and is maintaining adequate policies and procedures to ensure that the Bank can assess, monitor and control compliance with its mission achievement policy; and

(9) Report periodically its findings to the Bank's board of directors.

(f) *Meetings.* The audit committee shall prepare written minutes of each audit committee meeting.

§ 917.6 Budget preparation and reporting requirements.

(a) *Adoption of annual Bank budgets.* (1) Each Bank's board of directors shall be responsible for the adoption of an annual operating expense budget and a capital expenditures budget for the Bank, and any subsequent amendments thereto, consistent with the requirements of the Act, this section, other regulations and policies of the Finance Board, and with the Bank's responsibility to protect both its members and the public interest by keeping its costs to an efficient and effective minimum.

(2) Pursuant to the requirement of section 12(a) of the Act (12 U.S.C. 1432(a)), a Bank must obtain prior approval of the Finance Board before purchasing or erecting, or leasing for a term of more than 10 years, a building to house the Bank.

(3) A Bank's board of directors may not delegate the authority to approve the Bank's annual budgets, or any subsequent amendments thereto, to Bank officers or other Bank employees.

(4) A Bank's annual budgets shall be prepared based upon an interest rate scenario as determined by the Bank.

(5) A Bank may not exceed its total annual operating expense budget or its total annual capital expenditures budget without prior approval by the Bank's board of directors of an amendment to such budget.

(b) *Budget reports.* Each Bank shall submit to the Finance Board, by January 31 of each year, in a format and as further prescribed by the Finance Board, such Bank budgets and other financial information as the Finance Board shall require, including the following:

(1) Balance sheet projections;

(2) Income statement projections, including operating expense budget data and staffing levels;

(3) Capital expenditures budget data;

(4) Management discussion of expected financial performance;

(5) Strategic or business plan;

(6) Interest rate assumptions; and

(7) A copy of the Bank's board of directors resolution adopting the Bank's annual operating expense budget and capital expenditures budget.

(c) *Report on amendments to total annual budgets.* A Bank shall submit promptly to the Finance Board a copy of the Bank's board of directors resolution adopting any amendment increasing a Bank's total annual operating expense budget or total annual capital expenditures budget above originally-approved budget limits.

(d) *Mid-year reforecasting report.* Each Bank shall submit to the Finance Board, by July 31 of each year, in a format and as further prescribed by the Finance Board, a report containing a balance sheet and income statement setting forth reforecasted projections for the year relative to the budget projections for that year as originally approved or amended, including a management discussion explaining any significant changes in the reforecasted projections from the budget projections as originally approved or amended.

(e) *Annual actual performance results report.* Each Bank shall submit to the Finance Board, by January 31 of each year, in a format and as further prescribed by the Finance Board, a report containing a balance sheet and income statement setting forth the actual performance results for the prior year relative to the budget projections for that year as originally approved or amended, including a management discussion explaining any significant changes in the actual performance results from the budget projections as originally approved or amended.

§ 917.7 Dividends.

The board of directors of each Bank may, without the Finance Board's prior approval, declare and pay a dividend from net earnings, including previously retained earnings, on the paid-in value of capital stock held during the dividend period, as determined by the Bank, so long as such payment will not result in a projected impairment of the par value of the capital stock of the Bank. Dividends on such stock shall be computed without preference and only for the period such stock was outstanding during the dividend period. Dividends may be paid in cash or in the form of stock.

§ 917.8 Approval of Bank bylaws.

The board of directors of a Bank may prescribe, amend, or repeal bylaws governing the manner in which the Bank administers its affairs without the Finance Board's prior approval, provided that the bylaws or amendments are consistent with applicable statutes, regulations and Finance Board policies.

§ 917.9 Mission achievement.

(a) *Mission achievement policy.* (1) *Adoption.* Within 180 calendar days of the effective date of this section, each Bank's board of directors shall adopt, and submit to the Finance Board for approval, a mission achievement policy that:

(i) Details how the Bank will comply with the core mission activity requirements set forth in part 940 of this chapter, including contingent business strategies for meeting such requirements under different assumptions about future economic and mortgage market conditions; and

(ii) Outlines a process for developing and implementing new mission-related products and services.

(2) *Review and compliance.* Each Bank's board of directors shall:

(i) Review the Bank's mission achievement policy at least annually;

(ii) Have the authority to amend the mission achievement policy at any time;

(iii) Re-adopt the Bank's mission achievement policy, including interim amendments, not less often than every three years; and

(iv) Ensure Bank compliance at all times with the mission achievement policy.

(b) *Mission achievement oversight.* Each Bank's board of directors shall:

(1) Direct the establishment and maintenance, by senior management, of adequate policies and procedures to ensure that the Bank can assess, monitor and control compliance with its mission achievement policy;

(2) Establish a mechanism to measure and assess the Bank's performance against its mission achievement goals and objectives;

(3) Require that performance assessments be conducted at least annually that evaluate the Bank's mission achievement and measure its performance against the Bank's goals and objectives, which performance assessments shall be reviewed by the Bank's board of directors.

PART 925—MEMBERS OF THE BANKS

2. The authority citation for part 925 continues to read as follows:

Authority: 12 U.S.C. 1422, 1422a, 1422b, 1423, 1424, 1426, 1430, 1442.

3. Amend § 925.14 by revising paragraph (a)(4)(iv) to read as follows:

§ 925.14 De novo insured depository institution applicants.

* * * * *

(a) * * *

(4) * * *

(iv) *Treatment of outstanding advances and Bank stock.* If the applicant's conditional membership approval is deemed null and void pursuant to paragraph (a)(4)(ii) of this section:

(A) The liquidation of any outstanding indebtedness owed by the applicant to the Bank shall be carried out in accordance with § 925.29; and

(B) The redemption of stock of such Bank shall be carried out in accordance with § 930.9.

* * * * *

4. Amend § 925.22 by removing paragraph (b)(2) and redesignating paragraph (b)(1) as paragraph (b).

5. Amend § 925.24 by revising paragraph (b)(2) to read as follows:

§ 925.24 Consolidation of members.

* * * * *

(b) * * *

(2) *Treatment of outstanding advances and Bank stock.* (i) The liquidation of any outstanding indebtedness owed to the disappearing institution's Bank shall be carried out in accordance with § 925.29.

(ii) The redemption of stock of the disappearing institution's Bank shall be carried out in accordance with § 930.9 of this chapter.

* * * * *

6. Amend § 925.25 by revising paragraph (d)(3) to read as follows:

§ 925.25 Consolidations involving nonmembers.

* * * * *

(d) * * *

(3) *Upon failure to apply for or be approved for membership.* If the consolidated institution does not apply for membership, or if its application for membership is denied, then:

(i) The liquidation of any outstanding indebtedness owed to the disappearing institution's Bank shall be carried out in accordance with § 925.29; and

(ii) The redemption of stock of the disappearing institution's Bank shall be carried out in accordance with § 930.9 of this chapter, and the consolidated institution shall have the limited rights associated with such stock in accordance with paragraph (e) of this section.

* * * * *

7. Amend § 925.26 by revising paragraphs (a), (b) and (c) to read as follows:

§ 925.26 Procedure for withdrawal.

(a) *Notice of withdrawal.* Any member that is eligible under applicable law to withdraw from Bank membership may do so after providing its Bank with written notice of the member's intention to withdraw from membership in accordance with the requirements of § 930.9 of this chapter.

(b) *Cancellation of notice of withdrawal.* A member may cancel its notice of withdrawal by providing its Bank written notice of cancellation any time before the effective date of the withdrawal.

(c) *Treatment of outstanding advances and Bank stock.* (1) The liquidation of any outstanding indebtedness owed to the Bank in which membership has been terminated shall be carried out in accordance with § 925.29.

(2) The redemption of stock of the Bank in which membership has been terminated shall be carried out in accordance with § 930.9 of this chapter.

* * * * *

8. Amend § 925.27 by revising paragraph (e) to read as follows:

§ 925.27 Procedure for removal.

* * * * *

(e) *Treatment of outstanding advances and Bank stock.* (1) The liquidation of any outstanding indebtedness owed to the Bank in which membership has been terminated shall be carried out in accordance with § 925.29.

(2) The redemption of stock of the Bank in which membership has been terminated shall be carried out in accordance with § 930.9 of this chapter.

* * * * *

9. Amend § 925.28 by revising paragraph (b) to read as follows:

§ 925.28 Automatic termination of membership for institutions placed in receivership.

* * * * *

(b) *Treatment of outstanding advances and Bank stock.* (1) The liquidation of any outstanding indebtedness owed to the Bank in which membership has been terminated shall be carried out in accordance with § 925.29.

(2) The redemption of stock of the Bank in which membership has been terminated shall be carried out in accordance with § 930.9 of this chapter.

* * * * *

Subpart G—Orderly Liquidation of Advances

10. Revise the heading of subpart G to read as set forth above.

11. Amend § 925.29 by:

a. Revising the heading;

b. Removing paragraphs (b) and (c);

c. Redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b), respectively; and

d. Revising newly designated paragraph (b).

The revisions read as follows:

§925.29 Orderly liquidation of advances.

(b) The indebtedness of the institution that has ceased to be a member of a Bank owed to such Bank shall be liquidated in an orderly manner as determined by the Bank in accordance with § 950.19 of this chapter.

* * * * *

12. New part 930 is added to subchapter E to read as follows:

PART 930—RISK MANAGEMENT AND CAPITAL STANDARDS

Sec.

930.1 Definitions.
930.2 Bank System and individual Bank credit ratings.
930.3 Minimum total capital requirement.
930.4 Minimum total risk-based capital requirement.
930.5 Credit risk capital requirement.
930.6 Market risk capital requirement.
930.7 Operations risk capital requirement.
930.8 Reporting requirements.
930.9 Capital stock redemption requirements.
930.10 Minimum liquidity requirements.
930.11 Limits on unsecured extensions of credit to one counterparty or affiliated counterparties; reporting requirements for total extensions of credit to one counterparty or affiliated counterparties.

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1426, 1429, 1430, 1430b, 1431, 1436, 1440.

§ 930.1 Definitions.

As used in this part:

Affiliated counterparty means a counterparty that is an affiliate of

another counterparty, as the term "affiliate" is defined in 12 U.S.C. 371c(b) (as amended).

Certain drawdown means, in relation to commitments to make advances or other loans, that it is known during the pendency of the commitment that the advance or loan funds definitely will be drawn in full.

Contingency liquidity means:

(1) Marketable assets with a maturity of one year or less;

(2) Self-liquidating assets with a maturity of seven days or less; and

(3) Assets that are generally accepted as collateral in the repurchase agreement market.

Credit derivative contract means a derivative contract that transfers credit risk.

Credit risk means the risk that an obligation will not be paid in full and loss will result.

Derivative contract means generally a financial contract whose value is derived from the values of one or more underlying assets, reference rates, or indexes of asset values, or credit-related events. Derivative contracts include interest rate, foreign exchange rate, equity, precious metals, commodity, and credit contracts, and any other instruments that pose similar risks.

Eligible nonmember borrower means an entity that has been approved as a nonmember mortgagee pursuant to subpart B of part 950 of this chapter.

Exchange rate contracts include cross-currency interest rate swaps, forward foreign exchange rate contracts, currency options purchased, and any similar instruments that gives rise to similar risks.

Financial Management Policy means the Financial Management Policy For The Federal Home Loan Bank System approved by the Finance Board pursuant to Finance Board Resolution No. 96–45 (July 3, 1996), as amended by Finance Board Resolution No. 96–90 (Dec. 6, 1996), Finance Board Resolution No. 97–05 (Jan. 14, 1997), and Finance Board Res. No. 97–86 (Dec. 17, 1997).

GSE, or *Government Sponsored Enterprise*, means a United States Government-sponsored agency originally established or chartered to serve public purposes specified by the United States Congress, but whose obligations are not obligations of the United States and are not guaranteed by the United States.

Interest rate contracts include: Single currency interest rate swaps; basis swaps; forward rate agreements; interest rate options; and any similar instrument that gives rise to similar risks, including when-issued securities.

Investment grade means:

(1) A credit quality rating in one of the four highest credit rating categories by an NRSRO and not below the fourth highest rating category by any NRSRO; or

(2) If there is no credit quality rating by an NRSRO, a determination by a Bank that the issuer, asset or instrument is the credit equivalent of investment grade using credit rating standards available from an NRSRO or other similar standards.

Issuer credit rating means an opinion issued by an NRSRO of an institution's overall capacity to meet its obligations (*i.e.*, the institution's creditworthiness).

Market risk means the risk that the market value of a Bank's portfolio will decline as a result of changes in the general level of interest rates, foreign exchange rates, equity and commodity prices.

Marketable means, with respect to an asset, that the asset can be sold with reasonable promptness at a price that corresponds reasonably to its fair value.

Market value at risk is calculated as the maximum loss in the market value of a portfolio under various stress scenarios.

NRSRO means a credit rating organization regarded as a Nationally Recognized Statistical Rating Organization by the Securities and Exchange Commission.

OFHEO means the Office of Federal Housing Enterprise Oversight.

Operations risk means the risk of an unexpected loss to a Bank resulting from human error, fraud, unenforceability of legal contracts, or deficiencies in internal controls or information systems.

Repurchase agreement means an agreement between a seller and a buyer whereby the seller agrees to repurchase a security at an agreed upon price, with or without a stated time for repurchase.

Retained earnings means the retained earnings required to be reported by a Bank to the Finance Board for regulatory purposes.

Total assets means the total assets required to be reported by a Bank to the Finance Board for regulatory purposes.

Total capital means the sum of a Bank's retained earnings and total capital stock outstanding, less the Bank's unrealized net losses on available-for-sale securities.

Total capital stock outstanding means all forms and types of outstanding capital stock required to be reported by a Bank to the Finance Board for regulatory purposes.

Total risk-based capital for a Bank means the sum of:

(1) Such Bank's retained earnings, less unrealized net losses on available-for-sale securities;

(2) Any outstanding non-redeemable capital stock of such Bank;

(3) All outstanding capital stock satisfying the minimum capital stock purchase requirements for membership under sections 6(b)(1) and 10(e)(3) of the Act (12 U.S.C. sections 1426(b)(1), 1430(e)(3)) for all institutions required by law to be members of such Bank (mandatory members);

(4) A percentage not exceeding 50 percent, as determined by such Bank's board of directors, of all outstanding capital stock satisfying the minimum capital stock purchase requirements for membership under sections 6(b)(1) and 10(e)(3) of the Act (12 U.S.C. sections 1426(b)(1), 1430(e)(3)) for all Bank members not required by law to be members of the Bank (voluntary members); and

(5) A percentage (which is not required to be identical to any percentage determined for purposes of paragraph (4) of this definition not exceeding 50 percent, as determined by such Bank's board of directors, of all remaining outstanding capital stock.

Unrealized net losses on available-for-sale securities means the unrealized net losses on available-for-sale securities required to be reported by a Bank to the Finance Board for regulatory purposes.

Walkaway clause means a provision in a bilateral netting contract that permits a nondefaulting counterparty to make a lower payment than it would make otherwise under the bilateral netting contract, or no payment at all, to a defaulter or the estate of a defaulter, even if the defaulter or the estate of the defaulter is a net creditor under the bilateral netting contract.

§ 930.2 Bank System and individual Bank credit ratings.

(a) *Bank System credit rating.* (1) The Banks, collectively, shall obtain from an NRSRO, and at all times maintain, a current credit rating on the Banks' consolidated obligations.

(2) Each Bank shall operate in such a manner and take any actions necessary to ensure that the Banks' consolidated obligations receive and continue to receive the highest credit rating from any NRSRO by which the consolidated obligations have been then rated.

(b) *Individual Bank credit rating.* Each Bank shall operate in such a manner and take any actions necessary to ensure that the Bank has and maintains an individual issuer credit rating of at least the second highest credit rating from any NRSRO providing a rating, where such rating is:

(1) A meaningful measure of the individual Bank's financial strength and stability, apart from the GSE status of the Bank System;

(2) Obtained from an NRSRO that states in writing to the Bank that its rating conforms with paragraph (b)(1) of this section; and

(3) Updated at least annually, or more frequently as required by the Finance Board to reflect any material changes in the condition of the Bank.

(c) *Transition provision.* Each Bank shall obtain the credit rating from an NRSRO required under paragraph (b) of this section within one calendar year of the effective date of this part.

§ 930.3 Minimum total capital requirement.

(a) *Minimum total capital ratio.* Each Bank shall have and maintain at all times total capital in an amount equal to at least 3.0 percent of the Bank's total assets.

(b) *Safety and soundness exception.* For reasons of safety and soundness, the Finance Board may require an individual Bank to have and maintain a higher minimum capital ratio than the ratio set forth in paragraph (a) of this section.

§ 930.4 Minimum total risk-based capital requirement.

(a) *General.* Each Bank shall have and maintain at all times total risk-based capital in an amount at least equal to the sum of its credit risk capital requirement, its market risk capital requirement, and its operations risk capital requirement, calculated in accordance with §§ 930.5, 930.6 and 930.7, respectively.

(b) *Transition provisions.* (1) Each Bank shall be required to meet its minimum total risk-based capital requirement under paragraph (a) of this section within 90 calendar days after the Finance Board's approval of the Bank's internal market risk model.

(2) No Bank shall be governed by the capital requirements of this part, and each Bank shall continue to be governed by the Financial Management Policy, until:

(i) The Bank has received Finance Board approval of the Bank's internal market risk model and the Bank's risk management policy;

(ii) The Bank demonstrates to the Finance Board that it has sufficient risk-based capital to meet the minimum total risk-based capital requirement under paragraph (a) of this section for its then-current portfolio; and

(iii) The Bank demonstrates to the Finance Board, in its risk management policy or otherwise, risk assessment procedures and controls sufficient to manage the Bank's credit, market and operations risks.

§ 930.5 Credit risk capital requirement.

(a) *General requirement.* A Bank's credit risk capital requirement equals the sum of the Bank's credit risk capital requirements for all on-balance sheet assets and off-balance sheet items.

(b) *Credit risk capital requirements for on-balance sheet assets.* A Bank's credit risk capital requirement for a specific on-balance sheet asset shall be equal to the book value of the asset multiplied by the specific credit risk percentage requirement assigned to that category of credit risk pursuant to paragraph (d) of this section.

(c) *Credit risk capital requirement for off-balance sheet items.* A Bank's credit risk capital requirement for a specific off-balance sheet item shall be equal to the credit equivalent amount of such item, as determined pursuant to paragraphs (e), (f), or (g) of this section, as applicable, multiplied by the specific credit risk percentage requirement assigned to that category of credit risk pursuant to paragraph (d) of this section.

(d) *Determination of specific credit risk percentage requirements*—(1) *Finance Board determination of specific credit risk percentage requirements.* The Finance Board shall determine, and update periodically, specific credit risk percentage requirements for particular credit risk categories applicable to on-balance sheet assets and off-balance sheet items, based on the type of asset or item and its credit rating, if any, as set forth in paragraph (d)(3) of this section.

(2) *Finance Board underlying methodology.* (i) In determining the specific credit risk percentage requirements, the Finance Board shall use data made available by NRSROs and other relevant sources to derive estimates of credit risk (or, "credit losses") corresponding to particular categories of credit risks.

(ii) The estimates of credit risk shall represent credit losses as could occur during periods of extreme credit stress. Historical data used in deriving estimates of credit losses shall reflect the longer-term nature of credit cycles and span multiple credit cycles. Estimates of credit losses shall be equal to the product of extreme values of the distributions of both the default frequency and the recovery rate in default for each credit risk category.

(3) *Specific credit risk capital requirements by credit risk category.* The specific credit risk percentage requirements applicable to a Bank's on-balance sheet assets and off-balance sheet items are as provided in the following Table 1:

TABLE 1.—CREDIT RISK CAPITAL REQUIREMENTS BY CREDIT RISK CATEGORY

Credit risk category	Percent of on-balance sheet equivalent value
(i) Authorized Investments	
(A) Cash; Government Securities	0.0
(B) Advances	0.3
(C) Highest Investment Grade	0.3
(D) Second Highest Investment Grade	0.6
(E) Third Highest Investment Grade	1.0
(F) Fourth Highest Investment Grade	1.3
(G) Premises, Plant, and Equipment	8.0
(H) Core Mission Equity Investments Under § 940.3(e)	8.0
(ii) Investments Downgraded to Below Investment Grade After Acquisition By Bank	
(A) Highest Below Investment Grade	12.0
(B) Second Highest Below Investment Grade	50.0
(C) All Other Below Investment Grade	100.0

(4) *Bank determination of specific credit risk percentage requirements.* (i) *General requirement.* Each Bank shall determine the credit risk capital requirement for each on-balance sheet asset and off-balance sheet item by determining the type of asset or item and its credit rating, if any (as provided in paragraph (d)(4)(ii) of this section) determining the applicable credit risk category for such asset or item as set forth in Table 1 of paragraph (d)(3) of this section, and applying the applicable credit risk percentage requirement for such credit risk category contained in Table 1.

(ii) *Bank determination of credit rating.* (A) For assets or items that are rated directly by an NRSRO, the credit rating that shall apply for purposes of determining the applicable credit risk category under Table 1 shall be the credit rating of the asset or item, respectively.

(B) For an asset or item, or relevant portion of an asset or item, that is not rated directly by an NRSRO, but for which an NRSRO rating has been assigned to any of the corresponding obligor counterparty, third party guarantor or underlying collateral, the credit rating that shall apply to the asset or item or portion of the asset or item corresponding to a particular rating, for purposes of determining the applicable

credit risk category under Table 1, shall be the highest of the credit ratings corresponding to such asset or item or portion or such asset or item.

(C) Where a credit rating has a modifier, *e.g.*, A+ or A−, the credit rating is deemed to be the credit rating without the modifier, *e.g.*, A+ or A− = A.

(D) In determining the applicable credit risk category under Table 1 for a specific asset or item that has received more than one credit rating from a given NRSRO, the most recent credit rating shall be used.

(E) If a specific asset or item has received credit ratings from more than one NRSRO, the lowest credit rating shall be used in determining the applicable credit risk category for such asset or item under Table 1.

(F) If an asset or item, or relevant portion of an asset or item, does not meet the requirements of paragraphs (d)(4)(ii)(A) or (B) of this section, and does not fall within the credit risk categories of Cash, Government Securities, Advances, Premises, Plant, Equipment, or Core Mission Equity Investments, for purposes of determining the applicable credit risk category under Table 1, the Bank shall determine its own credit rating for the asset or item or relevant portion of the asset or item using credit rating standards available from an NRSRO or other similar standards.

(iii) *Recognition of collateral.* Assets or items shall be deemed to be backed by collateral for purposes of this paragraph (d)(4)(iii) if the collateral is:

(A) Actually held by the Bank or an independent, third-party custodian, or by the Bank's member or eligible nonmember borrower if permitted under the Bank's collateral agreement with such party;

(B) Legally available to absorb losses;

(C) Has a readily determinable value at which it can be liquidated by the Bank; and

(D) Is held in accordance with the provisions of the Bank's collateral management policy.

(iv) *Collateral haircut.* In recognizing collateral, appropriate allowance for haircuts (over collateralization) reflecting the market risk underlying the collateral must be made.

(5) *Specific credit risk capital requirements for on-balance sheet assets hedged with credit derivatives.*

(i) If a credit derivative is used to lower (hedge) the credit risk on an asset, the credit derivative and such underlying asset are of identical remaining maturity, and the asset being referenced in the credit derivative (reference asset) is identical to the underlying asset, the credit risk capital requirement for the underlying asset shall be zero.

(ii) If the underlying asset and the reference asset are identical, but their remaining maturities are different, the credit risk capital requirement for the underlying asset shall be zero, provided the remaining maturity of the credit derivative is two years or more.

(iii) If the remaining maturities of the underlying asset and the credit derivative are identical, but the underlying asset is different from the asset referenced in the credit derivative, the credit risk capital requirement for the underlying asset shall be zero, provided that the reference asset and the underlying asset have been issued by the same obligor, the reference asset ranks pari passu to or more junior than the underlying asset, and cross-default clauses apply.

(iv) If the credit risk capital requirement for the underlying asset is decreased in recognition of a credit derivative, the credit risk capital requirement for the derivative contract pursuant to paragraphs (f) and (g) of this section shall still apply.

(e) *Calculation of credit equivalent amount for off-balance sheet items other than derivative contracts.* The credit equivalent amount for an off-balance sheet item other than a derivative contract shall be determined by a Finance Board approved model or equal to the face amount of the instrument multiplied by the credit conversion factor assigned to such risk category of instruments provided in the following Table 2:

TABLE 2.—CREDIT CONVERSION FACTORS FOR OFF-BALANCE SHEET ITEMS OTHER THAN DERIVATIVE CONTRACTS

Instrument	Credit conversion factor (in percent)
(1) Standby letters of credit	100
(2) Asset sales with recourse where the credit risk remains with the Bank	100
(3) Sale and repurchase agreements	100
(4) Forward asset purchases	100
(5) Commitments to make advances, or other loans, with certain drawdown	100
(6) Other commitments with original maturity of over one year	[1]50
(7) Other commitments with original maturity of one year or less	[1]20

[1] The credit conversion factor would be zero for other commitments that are unconditionally cancelable, or that effectively provide for automatic cancellation, due to the deterioration in a borrower's creditworthiness, at any time by the Bank without prior notice.

(f) *Calculation of credit equivalent amount for single derivative contracts.* The credit equivalent amount for a derivative contract that is not subject to a qualifying bilateral netting contract (single derivative contract) shall be the sum of the current credit exposure (replacement cost) and the potential future credit exposure of the derivative contract.

(1) *Current credit exposure.* If the mark-to-market value of the contract is positive, the current credit exposure shall equal that mark-to-market value. If the mark-to-market value of the contract is zero or negative, the current credit exposure shall be zero.

(2) *Potential future credit exposure.* (i) The potential future credit exposure for a single derivative contract, including a derivative contract with a negative mark-to-market value, shall be calculated using an internal model approved by the Finance Board or, in the alternative, by multiplying the effective notional principal of the derivative contract by one of the assigned credit conversion factors for the appropriate category as provided in the following Table 3:

TABLE 3.—CREDIT CONVERSION FACTORS FOR POTENTIAL FUTURE CREDIT EXPOSURE DERIVATIVE CONTRACTS [1]

(In percent)

Residual maturity [2]	Interest rate	Foreign exchange and gold	Equity	Precious metals except gold	Other commodities
(A) One year or less	0	1	6	7	10

TABLE 3.—CREDIT CONVERSION FACTORS FOR POTENTIAL FUTURE CREDIT EXPOSURE DERIVATIVE CONTRACTS [1]—Continued

(In percent)

Residual maturity [2]	Interest rate	Foreign exchange and gold	Equity	Precious metals except gold	Other commodities
(B) Over 1 year to five years	.5	5	8	7	12
(C) Over five years	1.5	7.5	10	8	15

[1] For derivative contracts with multiple exchanges of principal, the conversion factors are multiplied by the number of remaining payments in the derivative contract.

[2] For derivative contracts that automatically reset to zero value following a payment, the residual maturity equals the time until the next payment. However, interest rate contracts with remaining maturities of greater than one year shall be subject to a minimum conversion factor of 0.5 percent.

(ii) If a Bank determines to use an internal model for a particular type of derivative contract, the Bank shall use the same model for all other similar types of contracts. However, the Bank may use an internal model for one type of derivative contract and Table 3 for another type of derivative contract.

(iii) Forwards, swaps, purchased options and similar derivative contracts not included in the Interest Rate, Foreign Exchange and Gold, Equity, or Precious Metals Except Gold categories shall be treated as Other Commodities contracts for purposes of Table 3.

(iv) If a Bank determines to use Table 3 for credit derivatives contracts, the credit conversion factors applicable to Interest Rate contracts under Table 3 shall apply to such credit derivative contracts.

(v) If a Bank determines not to use an internal model for single currency interest rate swaps in which payments are made based upon two floating indices (floating/floating or basis swaps), the potential future credit exposure for such swaps shall be zero.

(g) *Calculation of credit equivalent amount for multiple derivative contracts subject to a qualifying bilateral netting contract.*—(1) *Netting calculation.* The credit equivalent amount for multiple derivative contracts executed with a single counterparty and subject to a qualifying bilateral netting contract described in paragraph (g)(2) of this section, shall be calculated by adding the net current credit exposure and the adjusted sum of the potential future credit exposure for all derivative contracts subject to the qualifying bilateral netting contract.

(i) *Net current credit exposure.* The net current credit exposure shall be the net sum of all positive and negative mark-to-market values of the individual derivative contracts subject to a qualifying bilateral netting contract. If the net sum of the mark-to-market value is positive, then the net current credit exposure shall equal that net sum of the mark-to-market value. If the net sum of the mark-to-market value is zero or negative, then the net current credit exposure shall be zero.

(ii) *Adjusted sum of the potential future credit exposure.* (A) The adjusted sum of the potential future credit exposure (A_{net}) shall be calculated as follows:

$$A_{net} = 0.4 \times A_{gross} + (0.6 \times NGR \times A_{gross}).$$

(B) A_{gross} is the gross potential future credit exposure, *i.e.*, the sum of the potential future credit exposure for each individual derivative contract subject to the qualifying bilateral netting contract. NGR is the net to gross ratio, *i.e.*, the ratio of the net current credit exposure to the gross current credit exposure. The gross current credit exposure equals the sum of the positive current credit exposures of all individual derivative contracts subject to the qualifying bilateral netting contract.

(2) *Qualifying bilateral netting contract.* A bilateral netting contract shall be considered a qualifying bilateral netting contract if the following conditions are met:

(i) The netting contract is in writing;

(ii) The netting contract is not subject to a "walkaway" clause;

(iii) The netting contract provides that the Bank would have a single legal claim or obligation either to receive or to pay only the net amount of the sum of the positive and negative mark-to-market values on the individual derivative contracts covered by the netting contract in the event that a counterparty, or a counterparty to whom the netting contract has been assigned, fails to perform due to default, insolvency, bankruptcy, or other similar circumstance;

(iv) The Bank obtains a written and reasoned legal opinion that represents, with a high degree of certainty, that in the event of a legal challenge, including one resulting from default, insolvency, bankruptcy, or similar circumstances, the relevant court and administrative authorities would find the Bank's exposure to be the net amount under:

(A) The law of the jurisdiction by which the counterparty is chartered or the equivalent location in the case of noncorporate entities, and if a branch of the counterparty is involved, then also under the law of the jurisdiction in which the branch is located;

(B) The law of the jurisdiction that governs the individual derivative contracts covered by the netting contract; and

(C) The law of the jurisdiction that governs the netting contract;

(v) The Bank establishes and maintains procedures to monitor possible changes in relevant law and to ensure that the netting contract continues to satisfy the requirements of this section; and

(vi) The Bank maintains in its files documentation adequate to support the netting of a derivative contract.

(h) *Exceptions.* The following derivative contracts are not included in the credit risk capital requirement:

(1) An exchange rate contract with an original maturity of 14 calendar days or less (gold contracts do not qualify for this exception); and

(2) A derivative contract that is traded on an exchange requiring the daily payment of any variations in the market value of the contract.

§ 930.6 Market risk capital requirement.

(a) *General requirement.* A Bank's market risk capital requirement shall equal the market value of the Bank's portfolio at risk from movements in interest rates, foreign exchange rates, commodity prices and equity prices as could occur during periods of extreme market stress, as determined using the Bank's internal market risk model approved by the Finance Board.

(b) *Measurement of market value at risk under Bank internal market risk model.* (1) Each Bank shall use an internal market risk model that measures the market value at risk, from all sources of the Bank's market risks, of its holdings of on-balance sheet assets

and liabilities and of off-balance sheet items, including related options.

(2) The Bank's internal market risk model may use any generally accepted measurement technique, such as variance-covariance models, historical simulations, or Monte Carlo simulations, for estimating the market value of the Bank's portfolio at risk, provided that any measurement technique used must cover the Bank's material risks.

(3) The value at risk measures shall include the risks arising from the non-linear price characteristics of options and the sensitivity of the market value of options to changes in the volatility of the option's underlying rates or prices.

(4) The Bank's internal market risk model shall use interest rate and market price scenarios for estimating the market value of the Bank's portfolio at risk, but must at a minimum include the following:

(i) Monthly estimates of the market value of the Bank's portfolio at risk so that the probability of a loss greater than that estimated shall be no more than 1 percent;

(ii) Scenarios that reflect changes in rates and market prices equivalent to those that have been observed over 90-business day periods of extreme market stress. For interest rates, the relevant historical observation period is to start from the end of the previous month and go back to the beginning of 1978;

(iii) The value at risk measure may incorporate empirical correlations among interest rates, subject to a Finance Board determination that the model's system for measuring such correlations is sound; and

(iv) The two interest rate scenarios required to be used by OFHEO to determine the risk-based capital requirements for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, pursuant to 12 U.S.C. 4611(a)(2).

(5) If the Bank participates in consolidated obligations denominated in a currency other than U.S. Dollars or linked to equity or commodity prices, and these instruments have been hedged for foreign exchange, equity and commodity risks:

(i) The Bank's internal market risk model must calculate the market value of its portfolio at risk due to these market risks and using the qualitative and quantitative requirements specified in this section, *i.e.*, the probability of a loss greater than that estimated must not exceed 1 percent and must include scenarios that reflect changes in rates and market prices that have been observed over 90-business day periods of extreme market stress.

(ii) The historical data from an appropriate period and satisfactory to the Finance Board must be used.

(iii) The value at risk measure may incorporate empirical correlations within foreign exchange rates, equity prices, and commodity prices, but not among the three risk categories, subject to a Finance Board determination that the model's system for measuring such correlations is sound.

(iv) If there is a default on the part of a counterparty to a derivative (hedging) contract linked to foreign exchange rates, equity prices or commodity prices, the Bank must enter into a replacement contract in a timely manner and as soon as market conditions permit.

(c) *Independent validation of Bank internal market risk model.* (1) Each Bank shall conduct an independent validation of its internal market risk model within the Bank that is carried out by personnel not reporting to the business line responsible for conducting business transactions for the Bank, or obtain independent validation by an outside party qualified to make such determinations, on an annual basis, or more frequently as required by the Finance Board.

(2) The results of such independent validations shall be reviewed by the Bank's board of directors and provided promptly to the Finance Board.

(d) *Finance Board approval of Bank internal market risk model.* (1) *General.* Each Bank shall obtain approval from the Finance Board of its internal market risk model, including subsequent material adjustments to the model made by the Bank prior to its use. A Bank shall make any subsequent adjustments to its model that may be directed by the Finance Board.

(2) *Transition provision.* Each Bank shall submit its initial internal market risk model required to be adopted under paragraph (d)(1) of this section to the Finance Board for approval within one calendar year of the effective date of this section.

§ 930.7 Operations risk capital requirement.

A Bank's operations risk capital requirement shall at any time equal 30 percent of the sum of the Bank's credit risk capital requirement and market risk capital requirement at such time.

§ 930.8 Reporting requirements.

Each Bank shall report to the Finance Board by the 15th day of each month its minimum total risk-based capital requirement by component amounts (credit risk capital, market risk capital, and operations risk capital), and its actual total capital amount and risk-based capital amounts calculated as of the last day of the preceding month, or more frequently as may be required by the Finance Board.

§ 930.9 Capital stock redemption requirements.

(a) *Redemption with Finance Board approval.* A Bank may redeem that portion of a member's capital stock allocated by the Bank to the Bank's total risk-based capital pursuant to § 930.1 only if the Finance Board has approved such redemption.

(b) *Redemption without Finance Board approval.* (1) A Bank may at any time redeem any portion of a member's capital stock not included in or allocated by the Bank to the Bank's total risk-based capital pursuant to § 930.1, provided that the member's minimum capital stock purchase requirement under sections 6(b)(1) and 10(e)(3) of the Act (12 U.S.C. 1426(b)(1), 1430(e)(3)) is maintained.

(2) A Bank may subject redemptions under paragraph (b)(1) of this section to the six-month notice provision in section 6(e) of the Act (12 U.S.C. 1426(e)), or may shorten or waive such six-month notice provision.

(3) A Bank, after providing 15 calendar days advance written notice to a member, may require redemptions under paragraph (b)(1) of this section, provided the minimum capital stock requirement under sections 6(b)(1) and 10(e)(3) of the Act (12 U.S.C. sections 1426(b)(1), 1430(e)(3)) is maintained. The Bank's implementation of such unilateral redemption policy shall be consistent with the requirement of section 7(j) of the Act (12 U.S.C. 1427(j)) that the affairs of the Bank shall be administered fairly and impartially and without discrimination in favor of or against any member borrower.

(4) A Bank may not impose on or accept from a member a fee in lieu of redeeming the member's capital stock under paragraph (b)(3) of this section.

§ 930.10 Minimum liquidity requirements.

In addition to meeting the deposit liquidity requirements contained in § 965.3 of this chapter, each Bank shall hold contingency liquidity in an amount sufficient to enable the Bank to meet its liquidity needs, which shall, at a minimum, cover seven calendar days of inability to access the consolidated obligation debt markets. An asset that has been pledged under a repurchase agreement cannot be used to satisfy minimum liquidity requirements.

§ 930.11 Limits on unsecured extensions of credit to one counterparty or affiliated counterparties; reporting requirements for total extensions of credit to one counterparty or affiliated counterparties.

(a) *Maximum capital exposure limits*—(1) *Unsecured extensions of credit to a single counterparty*—(i) *General requirement.* Unsecured extensions of credit by a Bank to a single counterparty that arise from authorized Bank on- and off-balance sheet transactions shall be limited to the maximum capital exposure limit applicable to such counterparty, as set forth in Table 4 of this paragraph (a), multiplied by the lesser of:

(A) The Bank's total capital; or

(B) The counterparty's Tier 1 capital, or total capital if Tier 1 capital is not available.

(ii) *Bank determination of credit ratings and applicable maximum exposure limits.* (A) The applicable maximum capital exposure limits for specific counterparties are specific maximum percentage limits assigned to such counterparties based on the credit rating of the counterparty, as provided in the following Table 4:

TABLE 4.—MAXIMUM LIMITS ON UNSECURED EXTENSIONS OF CREDIT TO A SINGLE COUNTERPARTY BY COUNTERPARTY CREDIT RATING CATEGORY

Credit rating of counterparty category	Maximum capital exposure limit (in percent)
(1) Highest Investment Grade	15
(2) Second Highest Investment Grade	12
(3) Third Highest Investment Grade	6
(4) Fourth Highest Investment Grade	1.5
(5) Below Investment Grade or Other	1

(B) In determining the applicable credit rating category under Table 4 for a specific counterparty that has received more than one rating from a given NRSRO, the most recent credit rating shall be used.

(C) If a specific counterparty has received credit ratings from more than one NRSRO, the lowest credit rating shall be used in determining the applicable credit rating category for such counterparty under Table 4.

(D) In the event a counterparty has received different credit ratings for its transactions with short-term and long-term maturities:

(*1*) The higher credit rating shall apply for purposes of determining the allowable maximum capital exposure limit under Table 4 applicable to the total amount of unsecured credit extended by the Bank to such counterparty;

(*2*) The lower credit rating shall apply for purposes of determining the allowable maximum capital exposure limit under Table 4 applicable to the amount of unsecured credit extended by the Bank to such counterparty for the transactions with maturities governed by that rating.

(E) If a counterparty is placed on a credit watch for a potential downgrade by an NRSRO, the Bank shall determine its remaining available credit line for unsecured credit concentration exposures under Table 4 by assuming a credit rating from that NRSRO at the next lower grade.

(2) *Unsecured extensions of credit to affiliated counterparties.* The total amount of unsecured extensions of credit by a Bank to all affiliated counterparties may not exceed:

(i) The maximum capital exposure limit applicable under Table 4 based on the highest credit rating of the affiliated counterparties;

(ii) Multiplied by the lesser of:

(A) The Bank's total capital; or

(B) The combined Tier 1 capital, or total capital if Tier 1 capital is not available, of all of the affiliated counterparties.

(b) *Reporting requirements*—(1) *Total unsecured extensions of credit.* Each Bank shall report monthly to the Finance Board the amount of the Bank's total unsecured extensions of credit to any single counterparty or group of affiliated counterparties that exceeds 5 percent of:

(i) The Bank's total capital; or

(ii) The counterparty's, or affiliated counterparties' combined, Tier 1 capital, or total capital if Tier 1 capital is not available.

(2) *Total secured and unsecured extensions of credit.* Each Bank shall report monthly to the Finance Board the amount of the Bank's total secured and unsecured extensions of credit to any single counterparty or group of affiliated counterparties that exceeds 5 percent of the Bank's total assets.

13. New part 940 is added to subchapter F to read as follows:

PART 940—CORE MISSION ACTIVITIES REQUIREMENTS

Sec.

940.1 Definitions.
940.2 Mission of the Banks.
940.3 Core mission activities.
940.4 Core mission activities requirements.
940.5 Transfers of core mission activities to another Bank.
940.6 Safe harbor for anticipated noncompliance.

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1430, 1430b, 1431.

§ 940.1 Definitions.

As used in this part:

Certain drawdown has the meaning set forth in § 930.1 of this chapter.

Community lending has the meaning set forth in § 952.3 of this chapter.

Eligible nonmember borrower has the meaning set forth in § 930.1 of this chapter.

Financial Management Policy has the meaning set forth in § 930.1 of this chapter.

Housing-related whole loans means all whole loans, or participation interests in whole loans (excluding mortgage-backed securities), secured by one-to-four family property, multifamily property, or manufactured housing, including loans for the construction, purchase, improvement, rehabilitation, or refinancing of housing.

Member mortgage assets means those mortgage-related assets that may be acquired by a Bank under part 954 of this chapter.

§ 940.2 Mission of the Banks.

The mission of the Banks is to provide to members and eligible nonmember borrowers financial products and services, including but not limited to advances, that assist and enhance such members' and eligible nonmember borrowers' financing of:

(a) Housing in the broadest sense, including single-family and multi-family housing serving consumers at all income levels; and

(b) Community lending.

§ 940.3 Core mission activities.

The following Bank activities qualify as core mission activities:

(a) *Advances and advance commitments.* (1) Advances, and commitments to make advances with certain drawdown, to members or eligible nonmember borrowers with assets of $500 million or less; and

(2) Advances, and commitments to make advances with certain drawdown, to members or eligible nonmember borrowers with assets greater than $500 million, up to the total book value of the following assets held by such member or eligible nonmember borrower:

(i) Housing-related whole loans;

(ii) Loans and investments that are generated by community lending; and

(iii) Mortgage-backed securities that comprise the types of loans described in paragraphs (a)(2) (i) and (ii) of this section originated by the member or eligible nonmember borrower;

(b) Standby letters of credit;
(c) Intermediary derivative contracts;
(d) Member mortgage assets;
(e) *Certain equity investments.* Equity investments:
(1) That primarily benefit low- or moderate-income individuals or areas, or other areas targeted for redevelopment by local, state, tribal or Federal government (including Federal enterprise communities and Federal empowerment zones) by providing or supporting one or more of the following activities:
(i) Affordable housing, community services, or permanent jobs for low- or moderate-income individuals; or
(ii) Area revitalization or stabilization;
(2) In small business investment companies formed pursuant to 15 U.S.C. 681(d) (SBICs), but only to the extent that the equity investment is structured to be matched by an equity investment in the same activity by a member or eligible nonmember borrower of the Bank making the equity investment; or
(3) In governmentally-aided economic development entities comparable to SBICs where the investment primarily benefits low- or moderate-income individuals or areas;
(f) The short-term tranche of SBIC securities guaranteed by the Small Business Administration, which guarantee is backed by the full faith and credit of the United States;
(g) Section 108 Interim Notes and Participation Certificates guaranteed by the Department of Housing and Urban Development pursuant to section 108 of the Housing and Community Development Act of 1974 (as amended);
(h) Investments and obligations for housing and community development issued or guaranteed under Title VI of the Native American Housing Assistance and Self-Determination Act of 1996; and
(i) *Certain assets acquired under the Financial Management Policy.* Assets acquired pursuant to:
(1) Section II.B.11 of the Financial Management Policy prior to the effective date of this section; or
(2) Section II.B.12 of the Financial Management Policy, up to the greater of:
(i) The amount authorized by resolution of the Finance Board; or
(ii) The amount acquired prior to the effective date of this section.

§ 940.4 Core mission activities requirements.

(a) *Core mission activities ratio.* Subject to the transition period set forth in paragraph (d) of this section, and pursuant to the Bank's mission achievement policy required to be adopted under § 917.9(a) of this section, each Bank shall have and maintain total core mission activities, as defined in § 940.3, (*i.e.*, an average book value of core mission on-balance sheet assets and off-balance sheet items converted to an on-balance sheet asset value equivalent as prescribed in paragraph (c) of this section) equal to a minimum of 100 percent of the average book value of the Bank's total outstanding consolidated obligations. The Bank's core mission activities ratio shall be calculated based on a moving 12-month average.

(b) *Reporting requirement.* Each Bank shall report to the Finance Board as of the last day of each calendar quarter its actual core mission activities ratio for the previous 12 months.

(c) *On-balance sheet asset value equivalents for off-balance sheet items.* The on-balance sheet asset value equivalent for each core mission off-balance sheet item is the measure of value of the item multiplied by its percent conversion factor as provided in the following Table 1:

TABLE 1.—CONVERSION FACTORS FOR CORE MISSION OFF-BALANCE SHEET ITEMS

Core mission off-balance sheet item	Measure of value	Conversion factor (in percent)
(1) Standby Letters of Credit (during transition period)	Face amount	100 minus that year's core mission activities requirement (in percent)
(2) Standby Letters of Credit (after transition period)	Fee Charged to Members	100
(3) Intermediary Derivative Contracts	Fee Charged to Members	100
(4) Commitments to Make Advances with Certain Drawdown.	Contractual	100

(d) *Transition provision.* (1) Pursuant to paragraph (b)(1) of this section, by January 1, 2001, each Bank shall have a minimum core mission activities ratio of 80 percent.

(2) Thereafter, each Bank's required minimum core mission activities ratio shall increase annually, on January 1 of each year, by 5 percentage points, up to a required minimum core mission activities ratio of 100 percent.

§ 940.5 Transfers of core mission activities to another Bank.

A core mission activity of a Bank, if transferred to another Bank, retains its status as a core mission activity with respect to the transferee Bank.

§ 940.6 Safe harbor for anticipated noncompliance.

(a) *Safe harbor requirements.* If, after conducting the annual risk management policy review and risk assessment required under § 917.3 of this chapter and the annual mission achievement policy review required under § 917.9 of this chapter, a Bank's board of directors determines that, for a certain time period, it will not be consistent with continued safe and sound operation for the Bank to meet the core mission activities requirements of § 940.4(a), the Bank shall not be deemed to be out of compliance with § 940.4(a) for the time period specified by the Bank's board of directors, provided that:
(1) The determination by the Bank's board of directors that compliance will not be consistent with continued safe and sound operation is based upon a finding that, if the Bank were to comply with the core mission activities requirements during such time period, the Bank:
(i) Would likely be unable to meet the liquidity requirement of § 930.10 of this chapter, or any other regulatory requirement related to the safety and soundness of its financial operation; or
(ii) Would likely be unable to provide a return on equity sufficient to retain members intending to make use of such Bank's products and services;
(2) The Bank fully documents the process of review, consideration and decision-making leading to such determination, including the reasons for the establishment of a specific time period as the minimum period of anticipated noncompliance; and
(3) The Bank's board of directors adopts a plan to achieve compliance with the core mission activities requirement at the earliest feasible and prudent date.

(b) *Waivers.* Under other circumstances, a Bank may request a waiver of the requirements in this part 940, pursuant to part 907 of this chapter (12 CFR part 907).

PART 950—ADVANCES

14. The authority citation for part 950 continues to read as follows:

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a)(1), 1426, 1429, 1430, 1430b and 1431.

15. Amend § 950.1 by revising the definition of "long-term advance" to read as follows:

§ 950.1 Definitions.

* * * * *

Long-term advance means an advance with an original term to maturity greater than one year.

* * * * *

16. Remove § 950.2.

17. Amend § 950.15 by:

a. Removing paragraphs (b)(1) and (b)(2); and

b. Redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b), respectively.

18. New parts 954, 955 and 958 are added to subchapter G to read as follows:

PART 954—MEMBER MORTGAGE ASSETS

Sec.

954.1 Definitions.

954.2 Authorization to hold member mortgage assets.

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1430, 1430b, 1431.

§ 954.1 Definitions.

As used in this section:

Eligible nonmember borrower has the meaning set forth in § 940.1 of this chapter.

Residential real property has the meaning set forth in § 950.1 of this chapter.

§ 954.2 Authorization to hold member mortgage assets.

Each Bank may hold assets or pools of assets acquired from or through its members or eligible nonmember borrowers, by means of either a purchase or a funding transaction involving the Bank and such member or eligible nonmember borrower, that meet each of the following requirements:

(a) The assets or pools of assets are either:

(1) Mortgages, or interests in mortgages, excluding one-to-four family mortgages where the loan amounts exceed the limits established pursuant to 12 U.S.C. 1717(b)(2);

(2) Loans, or interests in loans, secured by manufactured housing, regardless of whether such housing qualifies as residential real property; or

(3) State and local housing finance agency bonds; and

(b) The assets or pools of assets are either:

(1) Originated or issued by or through the member or eligible nonmember borrower; or

(2) Held for a valid business purpose by the member or eligible nonmember borrower prior to acquisition by the Bank; and

(c) The transactions through which the Bank acquires the assets or pools of assets are structured such that:

(1) The member or eligible nonmember borrower bears the amount of credit risk necessary to raise the assets or pools of assets to the fourth highest credit rating category;

(2) To the extent that the Bank requires, either at the time of acquisition or subsequently, that the assets or pools of assets have a higher credit rating, the member or eligible nonmember borrower bears at least 50 percent of any credit risk necessary to raise the assets or pools of assets from the fourth highest credit rating category to such higher credit rating category, up to the second highest credit rating category;

(3) If the credit risk-sharing requirements of paragraphs (c)(1) or (c)(2) of this section do not result in the member or eligible nonmember borrower bearing a material portion of the credit risk, the member or eligible nonmember borrower bears a material portion of the credit risk, up to the second highest credit rating; and

(4) To the extent that the U.S. government has insured or guaranteed the credit risk of the asset or pool of assets, the member or eligible nonmember borrower may rely upon that insurance or guarantee to meet all or part of the risk-bearing requirements of paragraphs (c)(1) and (c)(2) of this section; however, to the extent that the U. S. government insurance or guarantee is insufficient or incomplete, the portion of the risk-bearing requirements not met by the government insurance or guarantee must be borne by the member or eligible nonmember borrower.

PART 955—FEDERAL HOME LOAN BANK INVESTMENTS

Sec.

955.1 Definitions.

955.2 Authorized investments.

955.3 Prohibited investments and prudential rules.

955.4 Use of hedging instruments.

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1431, 1436.

§ 955.1 Definitions.

As used in this part:

Deposits in banks or trust companies has the meaning set forth in § 965.1 of this chapter.

Financial Management Policy has the meaning set forth in § 930.1 of this chapter.

GAAP means Generally Accepted Accounting Principles.

Investment grade has the meaning set forth in § 930.1 of this chapter.

Member mortgage assets means those mortgage-related assets that may be acquired by a Bank under part 954 of this chapter.

§ 955.2 Authorized investments.

Except as provided in § 955.3, and subject to the applicable limitations set forth in this part and in part 954, each Bank may invest in:

(a) Obligations of the United States;

(b) Deposits in banks or trust companies;

(c) Obligations, participations or other instruments of, or issued by, the Federal National Mortgage Association or the Government National Mortgage Association;

(d) Mortgages, obligations, or other securities that are, or ever have been, sold by the Federal Home Loan Mortgage Corporation pursuant to 12 U.S.C. 1454 or 1455;

(e) Stock, obligations, or other securities of any small business investment company formed pursuant to 15 U.S.C. 681(d), to the extent such investment is made for purposes of aiding members of such Bank; and

(f) Instruments that the Bank has determined are permissible investments for fiduciary or trust funds under the laws of the state in which the Bank is located.

§ 955.3 Prohibited investments and prudential rules.

(a) *Prohibited investments.* A Bank may not invest in:

(1) Instruments that provide an ownership interest in an entity and that do not qualify as a core mission activity under § 940.3 of this chapter;

(2) Instruments issued by non-United States entities, except United States branches and agency offices of foreign commercial banks;

(3) Debt instruments that are not rated as investment grade, except for debt instruments that were downgraded to a below investment grade rating after purchase by the Bank; or

(4) Whole mortgages or other whole loans, or interests in mortgages or loans, except:

(i) Member mortgage assets;

(ii) Mortgage-backed securities that meet the definition of the term "securities" under 15 U.S.C. 77b(a)(1); and

(iii) Loans held or acquired pursuant to section 12(b) of the Act (12 U.S.C. 1432(b)).

(b) *Foreign currency or commodity positions prohibited.* A Bank may not take a position in any commodity or foreign currency. If a Bank participates in consolidated obligations denominated in a currency other than U.S. Dollars or linked to equity or commodity prices, the currency, commodity and equity risks must be hedged.

(c) *Transition provision.* A Bank may not make any investments that were not permitted under the Finance Board's Financial Management Policy in effect prior to the effective date as to such Bank of this part 955 until:

(1) The Bank has received Finance Board approval of the Bank's initial internal market risk model;

(2) The Bank demonstrates to the Finance Board that it has sufficient risk-based capital to meet the minimum total risk-based capital requirement under § 930.4(b) of this chapter for its then-current portfolio; and

(3) The Bank demonstrates to the Finance Board adequate credit risk assessment and procedures and controls sufficient to show control over credit, market and operations risks.

§ 955.4 Use of hedging instruments.

(a) *Speculative use prohibited.* A Bank shall not make speculative use of hedging instruments.

(b) *Applicability of GAAP.* All transactions entered into by a Bank for hedging purposes shall meet the requirements for a hedge under GAAP.

(c) *Documentation requirements.* (1) A Bank's hedging strategies must be explicitly stated at the time of execution of the hedge, and adequate documentation of the hedge must be maintained during the life of the hedge.

(2) Transactions with a single counterparty shall be governed by a single master agreement when practicable.

(3) A Bank's agreement with the counterparty for over-the-counter derivative contracts shall include:

(i) A requirement that market value determinations and subsequent adjustments of collateral be made at least on a monthly basis;

(ii) A statement that failure of a counterparty to meet a collateral call will result in an early termination event;

(iii) A description of early termination pricing and methodology, with the methodology reflecting a reasonable estimate of the market value of the over-the-counter derivative contract at termination (Standard International Swaps and Derivatives Association, Inc. language relative to early termination pricing and methodology may be used to satisfy this requirement); and

(iv) A requirement that the Bank's consent be obtained prior to the transfer of an agreement or contract by a counterparty.

PART 958—OFF-BALANCE SHEET ITEMS

Sec.
958.1 Definitions.
958.2 Authorized off-balance sheet items.

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1429, 1430, 1430b, 1431.

§ 958.1 Definitions.

As used in this part:

Derivative contracts has the meaning set forth in § 930.1 of this chapter.

Repurchase agreement has the meaning set forth in § 930.1 of this chapter.

§ 958.2 Authorized off-balance sheet items.

(a) *Authorization.* A Bank may enter into the following types of off-balance sheet transactions:

(1) Standby letters of credit, pursuant to the requirements of 12 CFR part 959;

(2) Derivative contracts;

(3) Forward asset purchases and sales; and

(4) Commitments to make advances or other loans.

(b) *Speculative use prohibited.* A Bank shall not make speculative use of derivative contracts.

19. New part 965 is added to subchapter H to read as follows:

PART 965—SOURCES OF FUNDS

Sec.
965.1 Definitions.
965.2 Authorized liabilities.
965.3 Liquidity reserves for deposits.

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1431.

§ 965.1 Definitions.

As used in this part:

Deposits in banks or trust companies means:

(1) A deposit in another Bank;

(2) A demand account in a Federal Reserve Bank;

(3) A deposit in, or a sale of federal funds to:

(i) An insured depository institution, as defined in section 2(12)(A) of the Act (12 U.S.C. 1422(12)(A)), that is designated by a Bank's board of directors;

(ii) A trust company that is a member of the Federal Reserve System or insured by the Federal Deposit Insurance Corporation, and is designated by a Bank's board of directors; or

(iii) A U.S. branch or agency of a foreign bank, as defined in the International Banking Act of 1978, as amended (12 U.S.C. 3101 *et seq.*), that is subject to the supervision of the Board of Governors of the Federal Reserve System, and is designated by a Bank's board of directors.

Repurchase agreement has the meaning set forth in § 930.1 of this chapter.

§ 965.2 Authorized liabilities.

(a) As a source of funds for business operations, each Bank is authorized to incur liabilities by:

(1) Acting as joint and several obligor with other Banks on consolidated obligations, as authorized under part 966 of this chapter;

(2) Accepting time or demand deposits from members, other Banks and instrumentalities of the United States, so long as the deposit transaction is not conducted in such a way as to result in the offer or sale of a security in a public offering as those terms are used in 15 U.S.C. 77b(3); or

(3) Solely in order to satisfy the Bank's short-term liquidity needs:

(i) Purchasing federal funds; and

(ii) Entering into repurchase agreements.

(b) Consolidated obligations shall not be directly placed with any Bank.

§ 965.3 Liquidity reserves for deposits.

Each Bank shall at all times have at least an amount equal to the current deposits received from its members invested in:

(a) Obligations of the United States;

(b) Deposits in banks or trust companies; or

(c) Advances with a maturity of not to exceed five years that are made to members in conformity with part 950 of this chapter.

PART 966—CONSOLIDATED OBLIGATIONS

20. The authority citation for part 966 continues to read as follows:

Authority: 12 U.S.C. 1422b, 1431.

21. Amend § 966.2 by:

a. Removing paragraph (b);

b. Redesignating paragraph (c) as paragraph (b); and

c. Revising the reference to "paragraphs (c)(1) through (6)" in the last sentence of § 966.2 to read "paragraphs (b)(1) through (6)."

22. Amend § 966.7 by revising paragraph (b) to read as follows:

§ 966.7 Reservation of right to revoke or amend; limitations thereon.

* * * * *

(b) *Limitation on amendment of negative pledge requirement.* No

revocation or relaxation of any of the restrictions or requirements contained in or imposed by § 966.2(b) shall be effected except if there are no senior bonds then outstanding or the principal of and interest to date of maturity or to such date designated for redemption and any redemption premium on all senior bonds the holders of which have not consented to such revocation or relaxation has been fully defeased.

23. New part 980 is added to subchapter J to read as follows:

PART 980—NEW BUSINESS ACTIVITIES

Sec.
980.1 Definitions.
980.2 Prior notice to Finance Board.

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1431(a), 1432(a).

§ 980.1 Definitions.

As used in this part:

New business activity means, with respect to a particular Bank's activities:

(1) An activity that was not previously undertaken by that Bank, or was undertaken under materially different terms and conditions;

(2) An activity that entails risks not previously and regularly managed by that Bank or its members; or

(3) An activity that introduces operations not substantially equivalent to operations currently managed by that Bank.

§ 980.2 Prior notice to Finance Board.

A Bank may undertake a new business activity after providing 30 days notice of such new business activity to the Finance Board, unless otherwise directed by the Finance Board.

Dated: September 1, 1999.

By the Board of Directors of the Federal Housing Finance Board.

Bruce A. Morrison,

Chairman.

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Coast Guard

Ports and waterways safety:
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Federal Crop Insurance Corporation

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[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period July 1, 1997 to June 30, 1998. The volume issued July 1, 1997, should be retained.

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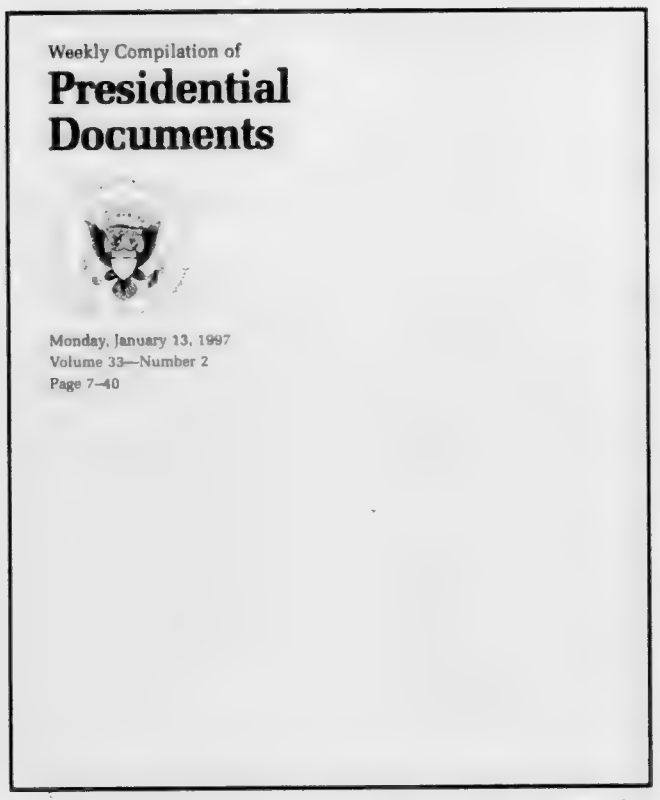

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7 CFR Pa

[Docket No

**Mexican
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Rules and Regulations

Federal Register
Vol. 64, No. 187
Tuesday, September 28, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99–075–1]

Mexican Fruit Fly Regulations; Addition of Regulated Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Mexican fruit fly regulations by designating an area in San Bernardino and Riverside Counties, CA, as a regulated area. This action is necessary on an emergency basis to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. This action restricts the interstate movement of regulated articles from the regulated area in California.

DATES: This interim rule was effective September 22, 1999. We invite you to comment on this docket. We will consider all comments that we receive by November 29, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–075–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 99–075–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Invasive Species and Pest Management Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The Mexican fruit fly, *Anastrepha ludens* (Loew), is a destructive pest of citrus and many other types of fruit. The short life cycle of the Mexican fruit fly allows rapid development of serious outbreaks that can cause severe economic losses in commercial citrus-producing areas.

The Mexican fruit fly regulations (contained in 7 CFR 301.64 through 301.64–10 and referred to below as the regulations) were established to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. The regulations impose restrictions on the interstate movement of regulated articles from the regulated areas. Prior to the effective date of this rule, the only areas in the United States regulated for the Mexican fruit fly were portions of Texas.

Section 301.64–3 provides that the Deputy Administrator for Plant Protection and Quarantine (PPQ), Animal and Plant Health Inspection Service (APHIS), shall list as a regulated area each quarantined State, or each portion of a quarantined State, in which the Mexican fruit fly has been found by an inspector, in which the Deputy Administrator has reason to believe the Mexican fruit fly is present, or that the Deputy Administrator considers necessary to regulate because of its proximity to the Mexican fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mexican fruit fly occurs.

Less than an entire quarantined State is designated as a regulated area only if the Deputy Administrator determines that the State has adopted and is enforcing a quarantine or regulation that imposes restrictions on the intrastate movement of the regulated articles that are substantially the same as those that are imposed with respect to the interstate movement of the articles and the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the Mexican fruit fly.

Recent trapping surveys by inspectors of California State and county agencies and by inspectors of PPQ reveal that a portion of San Bernardino County, CA, is infested with the Mexican fruit fly. Specifically, on August 20, 26, and 27, 1999, inspectors found three Mexican fruit flies in a residential area in San Bernardino County, CA.

Accordingly, to prevent the spread of the Mexican fruit fly to noninfested areas of the United States, we are amending the regulations in § 301.64–3(c) by designating an area in San Bernardino and Riverside Counties, CA, as a regulated area. A portion of Riverside County, CA, is included in the regulated area because of its proximity to the finding sites in San Bernardino County, CA. The regulated area is described in the rule portion of this document.

There does not appear to be any reason to designate any other portion of the quarantined State of California as a regulated area. Officials of State agencies of California are conducting an intensive Mexican fruit fly eradication program in the regulated area in California. Also, California has adopted and is enforcing regulations imposing restrictions on the intrastate movement of certain articles from the regulated area that are substantially the same as those imposed with respect to the interstate movement of regulated articles.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Mexican fruit fly from spreading to noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective less than 30 days after publication. We will consider

comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This rule restricts the interstate movement of regulated articles from an area in San Bernardino and Riverside Counties, CA. Within the regulated area there are approximately 106 small entities that may be affected by this rule. These include 2 distributors, 62 fruit sellers, 19 growers, 1 landfill, 18 nurseries, 1 packer, 1 processor, and 2 swapmeets. These 106 entities comprise less than 1 percent of the total number of similar entities operating in the State of California. Additionally, these small entities sell regulated articles primarily for local intrastate, not interstate movement, so the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments, that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this interim rule. The assessment provides a basis for the conclusion that the methods employed to eradicate the Mexican fruit fly will not present a risk of introducing or disseminating plant pests and will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.64–3, paragraph (c) is amended by adding an entry for California, in alphabetical order, to read as follows:

§ 301.64–3 Regulated areas.

* * * * *

(c) * * *

California

San Bernardino and Riverside Counties. That portion of San Bernardino and Riverside Counties in the Bloomington area bounded by a line drawn as follows: Beginning at the intersection of Sierra Avenue and Foothill Boulevard; then east along Foothill Boulevard to Meridian Avenue; then south along Meridian Avenue to Mill Street; then east along Mill Street to Rancho Avenue; then south along Rancho Avenue to Laurel Street; then east along Laurel Street to Eighth Street; then south along Eighth Street to La Cadena Drive; then south along La Cadena Drive to Interstate Highway 10; then east along Interstate Highway 10 to Mount Vernon Avenue; then south along Mount Vernon Avenue to Interstate Highway 215; then southwest along Interstate Highway 215 to State Highway 91; then southwest along State Highway 91 to Mission Inn Avenue; then northwest along Mission Inn Avenue to Buena Vista Avenue; then northwest along Buena Vista Avenue to Mission Boulevard; then northwest along Mission Boulevard to Riverview Drive; then southwest along Riverview Drive to Limonite Avenue; then southwest along Limonite Avenue to Camino Real; then north along Camino Real to Red Mountain Drive; then west along Red Mountain Drive to Longs Peak Drive; then southwest along Longs Peak Drive to Tyrolite Street; then north along Tyrolite Street to Galena Street; then west along Galena Street to Agate Street; then north along Agate Street to Mission Boulevard; then west along Mission Boulevard to Pedley Road; then north along Pedley Road to Granite Hill Drive; then north along an imaginary line to the intersection of Cherry Avenue and Live Oak Avenue; then north along Live Oak Avenue to Boyle Avenue; then north along an imaginary line to the intersection of Washington Drive and Live Oak Avenue; then north along Live Oak Avenue to Valley Boulevard; then east along Valley Boulevard to Fontana Avenue; then northeast along Fontana Avenue to Citrus Avenue; then north along Citrus Avenue to Arrow Boulevard; then east along Arrow Boulevard to Sierra Avenue; then north along Sierra Avenue to the point of beginning.

* * * * *

Done in Washington, DC, this 22nd day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–25178 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99–076–1]

Oriental Fruit Fly; Designation of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental fruit fly regulations by quarantining a portion of Los Angeles County, CA, and restricting the interstate movement of regulated articles from the quarantined area. This action is necessary on an emergency basis to prevent the spread of the Oriental fruit fly into noninfested areas of the United States.

DATES: This interim rule was effective September 22, 1999. We invite you to comment on this docket. We will consider all comments that we receive by November 29, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–076–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–076–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Invasive Species and Pest Management Staff, PPQ, APHIS, 4700 River Road, Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The Oriental fruit fly, *Bactrocera dorsalis* (Hendel), is a destructive pest of citrus and other types of fruit, nuts, and vegetables. The short life cycle of the Oriental fruit fly allows rapid development of serious outbreaks, which can cause severe economic losses. Heavy infestations can cause complete loss of crops.

The Oriental fruit fly regulations, contained in 7 CFR 301.93 through 301.93–10 (referred to below as the regulations), were established to prevent the spread of the Oriental fruit fly to noninfested areas of the United States. Section 301.93–3(a) provides that the Administrator will list as a quarantined area each State, or each portion of a State, in which, the Oriental fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Oriental fruit fly is present, or that the Administrator considers necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Oriental fruit fly has been found. The regulations impose restrictions on the interstate movement of regulated articles from the quarantined areas. Quarantined areas are listed in § 301.93–3(c).

Less than an entire State will be designated as a quarantined area only if the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed on the interstate movement of regulated articles and the designation of less than the entire State as a quarantined area will prevent the interstate spread of the Oriental fruit fly.

Recent trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) reveal that a portion of Los Angeles County, CA, is infested with the Oriental fruit fly. The Oriental fruit fly is not known to exist anywhere else in the continental United States except Florida.

State agencies in California have begun an intensive Oriental fruit fly eradication program in the quarantined area in Los Angeles County. Also, California has taken action to restrict the intrastate movement of regulated articles from the quarantined area.

Accordingly, to prevent the spread of the Oriental fruit fly to other States, we are amending the regulations in § 301.93–3 by designating as a quarantined area a portion of Los Angeles County, CA. The resulting quarantined area is described in the rule portion of this document.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Oriental fruit fly from spreading to noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective less than 30 days after publication. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This action amends the Oriental fruit fly regulations by adding a portion of Los Angeles County, CA, to the list of quarantined areas. The regulations restrict the interstate movement of regulated articles from the quarantined area.

Within the quarantined portion of Los Angeles County, CA, there are approximately 219 entities that will be affected by this rule. All would be considered small entities. These include 1 airport, 5 caterers, 2 certified farmer's markets, 2 community gardens, 154 fruit sellers, 1 grower, 1 landfill, 52 nurseries, and 1 swapmeet. These small entities comprise less than 1 percent of the total number of similar small entities operating in the State of California. In addition, these small entities sell regulated articles primarily for local intrastate, not interstate, movement so the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

Under these circumstances, the Administrator of the Animal and Plant

Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this interim rule. The assessment provides a basis for the conclusion that the implementation of integrated pest management to achieve eradication of the Oriental fruit fly will not have a significant impact on human health and the natural environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.93–3, paragraph (c) is amended by adding an entry for Los Angeles County, CA, in alphabetical order, to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) * * *

California

Los Angeles County. That portion of Los Angeles County in the Sun Valley area bounded by a line drawn as follows: Beginning at the intersection of Van Nuys Boulevard and Interstate Highway 210; then southeast along Interstate Highway 210 to La Tuna Canyon Road; then south along an imaginary line to the intersection of Allen Avenue and Mountain Drive; then southeast along Mountain Drive to Grandview Avenue; then southwest along Grandview Avenue to San Fernando Boulevard; then southeast along San Fernando Boulevard to State Highway 134; then west along State Highway 134 to Forest Lawn Drive; then southwest along Forest Lawn Drive to Barham Boulevard; then south along Barham Boulevard to Interstate Highway 101; then southeast along Interstate Highway 101 to Mulholland Drive; then west along Mulholland Drive to Coldwater Canyon Avenue; then north along Coldwater Canyon Avenue to Ventura Boulevard; then northwest along Ventura Boulevard to Van Nuys Boulevard; then north and northeast along Van Nuys Boulevard to the point of beginning.

* * * * *

Done in Washington, DC, this 22d day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–25214 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 931

[Docket No. FV99–931–1 FR]

Fresh Bartlett Pears Grown in Oregon and Washington; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the Northwest Fresh Bartlett Pear Marketing Committee (Committee) under Marketing Order No. 931 for the 1999–2000 and subsequent fiscal periods from $0.02 to $0.025 per standard box of fresh Bartlett pears handled. The Committee is responsible for local administration of the marketing order which regulates the handling of fresh Bartlett pears grown in Oregon and Washington. Authorization to assess fresh Bartlett pear handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The 1999–2000 fiscal period began July 1 and ends June 30. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: September 29, 1999.

FOR FURTHER INFORMATION CONTACT: Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, OR 97204; telephone: (503) 326–2724, Fax: (503) 326–7440 or George J. Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698. Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 141 and Order No. 931 (7 CFR part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, fresh Bartlett pear handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable fresh Bartlett pears beginning July 1, 1999, and continue until modified, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the Committee for the 1999–2000 and subsequent fiscal periods from $0.02 to $0.025 per standard box of fresh Bartlett pears handled.

The fresh Bartlett pear marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The Committee consists of eight grower members and six handler members, each of whom is familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The budget and assessment rate were discussed at a public meeting and all directly affected persons have an opportunity to participate and provide input.

For the 1998–99 and subsequent fiscal periods, the Committee recommended, and the Department approved, an assessment rate of $0.02 per standard box that would continue in effect from fiscal period to fiscal period indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on June 3, 1999, and unanimously recommended 1999–2000 expenditures of $77,231 and an assessment rate of $0.025 per standard box of fresh Bartlett pears handled. In comparison, last year's budgeted expenditures were $97,000. The assessment rate of $0.025 is $0.005 higher than the rate currently in effect. The Committee recommended an increased assessment rate because assessable 1999–2000 tonnage is expected to be less than the five-year average of 2,910,048 standard boxes, and the current rate will not generate enough income to adequately administer the program.

Major expenses recommended by the Committee for the 1999–2000 fiscal period include $40,433 for salaries, $5,323 for office rent, and $4,048 for health insurance. Budgeted expenses for these items in 1998–99 were $38,878, $5,323, and $4,062, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of fresh Bartlett pears. Fresh Bartlett pear shipments for the year are estimated at 2,630,450 standard boxes, which should provide $65,761 in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve and miscellaneous income, should be adequate to cover budgeted expenses. Funds in the reserve (currently $23,604) will be kept within the maximum permitted by the order of approximately one fiscal year's operational expenses (§ 931.42).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1999–2000 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, the AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,800 producers of fresh Bartlett pears in the production area and approximately 65 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than $500,000 and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Currently, about 98.5 percent of the fresh Bartlett pear handlers ship less that $5,000,000 worth of fresh Bartlett pears and 1.5 percent ship more than $5,000,000 worth on an annual basis. In addition, based on acreage, production, and producer prices reported by the National Agricultural Statistics Service, and the total number of fresh Bartlett pear producers, the average annual producer revenue is approximately $12,250. In view of the foregoing, it can be concluded that the majority of fresh Bartlett pear producers and handlers may be classified as small entities.

This rule increases the assessment rate established for the Committee and collected from handlers for the 1999–2000 and subsequent fiscal periods from $0.02 to $0.025 per standard box of fresh Bartlett pears handled. The Committee met on June 3, 1999, and unanimously recommended 1999–2000 expenditures of $77,231 and an assessment rate of $0.025 per standard box of fresh Bartlett pears handled. In comparison, last year's budgeted expenditures were $97,000. The assessment rate of $0.025 is $0.005 more than the rate currently in effect. The Committee recommended an increased assessment rate because assessable 1999–2000 tonnage is expected to be smaller than the five-year average of 2,910,048 standard boxes, and the current rate will not generate enough income to adequately administer the program.

Major expenses recommended by the Committee for the 1999–2000 fiscal period include $40,433 for salaries, $5,323 for office rent, and $4,048 for health insurance. Budgeted expenses for these items in 1998–99 were $38,878, $5,323, and $4,062, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of fresh Bartlett pears. Fresh Bartlett pear shipments for the year are estimated at 2,630,450 standard boxes, which should provide $65,761 in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve and miscellaneous income, should be adequate to cover budgeted expenses. The reserve is within the maximum permitted by the order of approximately one fiscal period's operational expenses (§ 931.42).

The Committee considered alternative levels of assessment but determined that, with the reduced estimate of assessable tonnage, increasing the assessment rate to $0.025 per standard box would be appropriate. The Committee decided that an assessment rate of more than $0.025 per standard box would generate income in excess of that needed to adequately administer the program.

A review of historical information and preliminary information pertaining to the upcoming crop indicates that the producer price for the 1999–2000 marketing season could range between $8.56 and $12.72 per standard box of fresh Bartlett pears handled. Therefore, the estimated assessment revenue for the 1999–2000 fiscal period as a percentage of total producer revenue should range between 0.29 and 0.20 percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the fresh Bartlett pear industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 3, 1999, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements on either small or large fresh Bartlett pear handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on August 6, 1999 (64 FR 42858). The proposal was made available through the Internet by the Office of the Federal Register. A copy of the proposed rule was also mailed to the Committee's administrative office for distribution to producers and handlers. A 30-day comment period ending September 7, 1999, was provided for interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and speciality crop marketing agreements and orders may be viewed at the following web site: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 1999–2000 fiscal period began on July 1, 1999, and the order requires that the rate of assessment for each fiscal period apply to all assessable fresh Bartlett pears handled during such fiscal period; (2) the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years. Also, a 30-day comment period was provided for in the proposed rule.

List of Subjects in 7 CFR Part 931

Marketing agreements, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 931 is amended as follows:

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 931 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 931.231 is revised to read as follows:

§ 931.231 Assessment rate.

On and after July 1, 1999, an assessment rate of $0.025 per western standard pear box is established for the Northwest Fresh Bartlett Pear Marketing Committee.

Dated: September 21, 1999.

Larry B. Lace,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–25092 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 955

[Docket No. FV98–955–1 FIR]

Vidalia Onions Grown in Georgia; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule which decreases the assessment rate established for the Vidalia Onion Committee (Committee) for the 1998–99 and subsequent fiscal periods from

$0.10 per 50-pound bag or equivalent to $0.07 per 50-pound bag or equivalent of Vidalia onions handled. The Committee is responsible for local administration of the marketing order which regulates the handling of Vidalia onions grown in Georgia. Authorization to assess Vidalia onion handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The current fiscal period began September 16 and ends December 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: October 28, 1999.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Southeast Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883–2276; telephone: (941) 299–4770, Fax: (941) 299–5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698. Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698 or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 955, both as amended (7 CFR part 955), regulating the handling of Vidalia onions grown in Georgia, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Vidalia onion handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable Vidalia onions beginning September 16, 1998, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues to decease the assessment rate established for the Committee for the 1998–99 and subsequent fiscal periods from $0.10 per 50-pound bag or equivalent to $0.07 per 50-pound bag or equivalent of Vidalia onions.

The Vidalia onion marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Vidalia onions. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1996–97 and subsequent fiscal periods, the Committee recommended, and the Department approved, an assessment rate of $0.10 per 50-pound bag or equivalent that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

An interim final rule decreasing the assessment rate to $0.07 per 50-pound bag or equivalent was published in the **Federal Register** on September 25, 1998 (63 FR 51269). Since then, another interim final rule was published in the **Federal Register** on September 3, 1999 (64 FR 48243), which changed the fiscal period under the Vidalia marketing order to January 1–December 31 from September 16–September 15. The September 3, 1999, rule also extended the fiscal period which began September 15, 1998, through December 31, 1999. The rulemaking action changing the fiscal period does not affect the assessment rate decrease, which continues to apply unless modified, suspended, or terminated.

The Committee met on July 28, 1998, and unanimously recommended 1998–99 expenditures of $373,577 and an assessment rate of $0.07 per 50-pound bag or equivalent of Vidalia onions. In comparison, last year's budgeted expenditures were $429,800. The assessment rate of $0.07 is $0.03 lower than the rate previously in effect. For the past two seasons, the Committee elected to refund excess funds to the handlers to reduce their costs. The Committee unanimously elected to reduce the assessment rate rather than continue the practice of refunding excess funds.

The major expenditures recommended by the Committee for the 1998–99 fiscal period include $131,600 for marketing and promotion, $75,000 for research, $135,127 for program administration, and $31,850 for compliance. Budgeted expenses for these items in 1997–98 were $158,000, $108,300, $137,500, and $26,000, respectively. Any changes recommended by the Board in the budgeted expenses for 1998–99 due to adding 3½ months to the fiscal period will be reviewed, and if appropriate, approved by the Department.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Vidalia onions. Vidalia onion shipments for 1998–99 are estimated at 3,300,000 50-pound bags or equivalents for the year, 15,000 50-pound bags or equivalents of green Vidalias, 1,385,000 50-pound bags or equivalents of storage Vidalias, and 100,000 50-pound bags or equivalents of storage onions from the previous season, which should provide $336,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve (currently $174,073) will be kept within the maximum permitted by the order (approximately three fiscal periods' budgeted expenses; § 955.44).

The assessment rate will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the

Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1998–99 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are currently approximately 136 producers of Vidalia onions in the production area and approximately 101 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

During the 1996–97 fiscal year, as a percentage, approximately 14 percent of the handlers shipped approximately 2,771,000 50-pound bags or equivalents of Vidalia onions and approximately 86 percent of the handlers shipped approximately 1,262,940 50-pound bags or equivalents. Using an average f.o.b. price of $12.80 per 50-pound bag or equivalent, the majority of handlers could be considered small businesses under SBA's definition. The majority of Vidalia onion producers may be classified as small entities.

An interim final rule decreasing the assessment rate was published in the **Federal Register** on September 25, 1998 (63 FR 51269). Since then, another interim final rule was published in the **Federal Register** on September 3, 1999 (64 FR 48243), which changed the fiscal period under the Vidalia marketing order to January 1–December 31 from September 16–September 15. The September 3, 1999, rule also extended the fiscal period which began September 15, 1998, through December 31, 1999. The rulemaking action changing the fiscal period does not affect the assessment rate decrease, which continues to apply unless modified, suspended, or terminated.

This rule continues to decrease the assessment rate established for the Committee and collected from handlers for the 1998–99 and subsequent fiscal periods from $0.10 per 50-pound bag or equivalent to $0.07 per 50-pound bag or equivalent of Vidalia onions. The Committee unanimously recommended 1998–99 expenditures of $373,577 and an assessment rate of $0.07 per 50-pound bag or equivalent. The assessment rate of $0.07 is $0.03 lower than the 1997–98 rate. The quantity of assessable Vidalia onions for the 1998–99 season is estimated at 4,800,000 50-pound bags or equivalents. Thus, the $0.07 rate should provide $336,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 1998–99 year include $131,600 for marketing and promotion, $75,000 for research, $135,127 for program administration. and $31,850 for compliance. Budgeted expenses for these items in 1997–98 were $158,000, $108,300, $137,500, and $26,000, respectively. Any changes recommended by the Board in its budgeted expenses for 1998–99 due to adding 3½ months to the fiscal period will be reviewed, and if appropriate, approved by the Department.

For the past two seasons, the Committee had refunded excess funds to the handlers to reduce their costs. The Committee unanimously elected to reduce the assessment rate rather than continue the practice of refunding excess funds.

The Committee reviewed and unanimously recommended 1998–99 expenditures of $373,577 which included decreases in marketing and promotion and research. Prior to arriving at this budget, the Committee considered information from various sources, such as the Committee's Budget Subcommittee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various research projects to the Vidalia onion industry. The assessment rate of $0.07 per 50-pound bag or equivalent of assessable Vidalia onions was then determined by dividing the total recommended budget by the quantity of assessable Vidalia onions, estimated at 4,800,000 50-pound bags or equivalents for the 1998–99 season. This is approximately $37,577 below the anticipated expenses, which the Committee determined to be acceptable. The difference between assessment income and budgeted expenses will be covered by income from interest and the Committee's authorized reserve.

A review of historical information and preliminary information pertaining to the 1998–99 fiscal period indicates that the f.o.b. price for the 1998–99 season could range between $12.80 and $15.25 per 50-pound bag or equivalent of Vidalia onions. Therefore, the estimated assessment revenue for the 1998–99 fiscal period as a percentage of total grower revenue could range between .46 and .55 percent.

This action continues to decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Vidalia onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the July 28, 1998, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This action imposes no additional reporting or recordkeeping requirements on either small or large Vidalia onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

As mentioned earlier, the interim final rule concerning this action was published in the **Federal Register** on September 25, 1998 (63 FR 51269). Copies of that rule were also mailed or sent via facsimile to all Vidalia onion handlers. Finally, the interim final rule

was made available through the Internet by the Office of the Federal Register. A 60-day comment period was provided for interested persons to respond to the interim final rule. The comment period ended on November 24, 1998, and no comments were received.

A small business guide on complying with fruit, vegetable, and speciality crop marketing agreements and orders may be viewed at the following web site: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 955

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 955 is amended as follows:

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

Accordingly, the interim final rule amending 7 CFR part 955 which was published at 63 FR 51269 on September 25, 1998, is adopted as a final rule without change.

Dated: September 21, 1999.

Larry B. Lace,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–25091 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–346–AD; Amendment 39–11337; AD 99–20–07]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 0070 and Mark 0100 series airplanes, that currently requires revising the Airplane Flight Manual to provide the flightcrew with instructions not to arm the liftdumper system prior to commanding the landing gear to extend. This amendment requires modification of the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) and installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent electromagnetic interference generated by electrical wiring that runs parallel to the wheelspeed sensor wiring, which could result in inadvertent deployment of the liftdumpers during approach for landing or reduced brake pressure during low speed taxiing, and consequent reduced controllability and performance of the airplane.

DATES: Effective November 2, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 2, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–11–02, amendment 39–10529 (63 FR 27197, May 18, 1998), which is applicable to all Fokker Model F.28 Mark 0070 and Mark 0100 series airplanes, was published in the **Federal Register** on April 16, 1999 (64 FR 18840). The action proposed to require revising the Airplane Flight Manual (AFM) to provide the flightcrew with instructions not to arm the liftdumper system prior to commanding the landing gear to extend. The action also proposed to require modification of the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) and installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

Support for the Proposal

One commenter supports the proposed AD and another commenter generally supports the proposal.

Request To Extend the Compliance Time for the Modification

One commenter requests that the compliance time for accomplishment of the modification action specified by Fokker Service Bulletin SBF100–32–067, Revision 1, dated July 6, 1998 [as cited in paragraph (b) of the proposed AD], be extended from 6 to 12 months. The commenter contends that an extension of the compliance time is necessary to coincide with the 12-month compliance time specified in paragraph (c) of the proposed AD for accomplishment of the installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. The commenter contends that failure to extend the compliance time to 12 months would force operators to take airplanes out of service specifically to accomplish the modification, and result in unnecessary operational costs.

The FAA does not concur with the commenter's request. The manufacturer has informed the FAA that its discussions with operators indicated that the modification could be accomplished prior to the compliance time recommended in Fokker Service Bulletin SBF100–32–067, which is March 1, 1999. Also, the related Dutch airworthiness directive specifies a parallel compliance time of 6 months. Therefore, the FAA finds a 6-month compliance time for accomplishing the modification to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety. However, under the provisions of paragraph (d) of the final rule, the FAA may consider requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 131 Model F.28 Mark 0070 and Mark 0100 series airplanes of U.S. registry that will be affected by this AD.

For all airplanes, the actions that are currently required by AD 98–11–02 take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the previously required actions on U.S. operators is estimated to be $7,860, or $60 per airplane.

There are approximately 127 airplanes of U.S. Registry that will require the modification and installation, and the new actions that are required by this new AD will take approximately 33 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost between $755 and $1,236 per airplane. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be between $347,345 and $408,432, or between $2,735 and $3,216 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10529 (63 FR 27197, May 18, 1998), and by adding a new airworthiness directive (AD), amendment 39–11337, to read as follows:

99–20–07 Fokker Services B.V.: Amendment 39–11337. Docket 98–NM–346–AD. Supersedes AD 98–11–02, Amendment 39–10529.

Applicability: All Model F.28 Mark 0070 and Mark 0100 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent electromagnetic interference generated by electrical wiring that runs parallel to the wheelspeed sensor wiring, which could result in inadvertent deployment of the liftdumpers during approach for landing or reduced brake pressure during low speed taxiing, and consequent reduced controllability and performance of the airplane, accomplish the following:

Restatement of Requirements of AD 98–11–02, Amendment 39–10529

(a) Within 5 days after June 2, 1998 (the effective date of AD 98–11–02), revise the Limitations and Normal Procedures sections of the FAA-approved Airplane Flight Manual (AFM) in accordance with paragraphs (a)(1) and (a)(2) of this AD. This may be accomplished by inserting a copy of this AD in the AFM.

(1) Add the following information to section 5—NORMAL PROCEDURES, sub-Section APPROACH AND LANDING, after the subject APPROACH:

"**BEFORE LANDING**

WARNING: DO **NOT** ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION.

Selecting Landing Gear DOWN after arming the liftdumper system may result in inadvertent deployment of the liftdumpers, because the liftdumper arming test may be partially ineffective."

(2) Add the following information to the LIMITATIONS section:

LIFTDUMPER SYSTEM

DO **NOT** ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION."

New Requirements of this AD

Corrective Actions

(b) For Model F.28 Mark 0100 series airplanes having serial numbers as listed in Fokker Service Bulletin SBF100–32–067, Revision 1, dated July 6, 1998: Within 6 months after the effective date of this AD, modify the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) in accordance with Part 1, 2, 3, or 4 of the Accomplishment Instructions of the service bulletin, as applicable.

Note 2: Modifications accomplished prior to the effective date of this AD in accordance with Fokker Service Bulletin SBF100–32–067, dated March 12, 1993, are considered acceptable for compliance with the requirements of paragraph (b) of this AD.

(c) For Model F.28 Mark 0100 series airplanes having serial numbers as listed in Fokker Service Bulletin SBF100–32–037, Revision 2, dated December 4, 1998: Within 12 months after the effective date of this AD, install new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG in accordance with Part 1, 2, or 3 of the Accomplishment Instructions of the service bulletin, as applicable.

Note 3: Installations accomplished prior to the effective date of this AD in accordance with Fokker Service Bulletin SBF100–32–037, dated November 12, 1990, or Revision 1, dated November 16, 1998, are considered acceptable for compliance with the requirements of paragraph (c) of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA,

Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 5: The subject of this AD is addressed in Dutch airworthiness directives BLA 1998–100, dated August 31, 1998, and 1998–100/2, dated November 30, 1998.

Incorporation by Reference

(f) The actions shall be done in accordance with the following Fokker service bulletins, as applicable, which contain the specified effective pages:

Service bulletin referenced	Page No.	Revision level shown on page	Date shown on page
SBF100–32–067	1–6	1	July 6, 1998.
	7–54	Original	March 12, 1993.
	1–3	2	Dec. 4, 1998.
	4–18	1	Nov. 16, 1998.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 2, 1999.

Issued in Renton, Washington, on September 21, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25021 Filed 9–27–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–216–AD; Amendment 39–11338; AD 99–20–08]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all McDonnell Douglas Model MD–11 series airplanes. This action prohibits installation of a certain In-flight Entertainment Network system. This amendment is prompted by the results of a special certification review of the in-flight entertainment system installed on a Model MD–11 series airplane that was involved in a recent accident. The actions specified in this AD are intended to prevent possible confusion as the flightcrew performs their duties in response to a smoke/fumes emergency, which could impair their ability to correctly identify the source of the smoke/fumes and subsequently affect the continued safe flight and landing of the airplane.

DATES: Effective October 13, 1999.

Comments for inclusion in the Rules Docket must be received on or before November 29, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–216–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Information pertaining to this AD may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Elvin Wheeler, Aerospace Engineer, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627–5344; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On September 2, 1998, a McDonnell Douglas Model MD–11 series airplane was involved in an accident near Halifax, Nova Scotia. To date, causal factors of the accident have not been determined; however, the National Transportation Safety Board is assisting Canadian authorities in determining the cause of the accident. It is known that smoke in the flight deck had been reported by the flightcrew, and there were indications of heat damage to electrical wires in the recovered wreckage.

In the early phases of the accident investigation, interest was focused on the in-flight entertainment (IFE) system installed aboard the accident airplane. The IFE system installed on the accident airplane is known as the In-Flight Entertainment Network (IFEN). The modification of the MD–11 airplane involving the installation of the IFEN system was accomplished under the authority of Switzerland's Federal Office for Civil Aviation (FOCA). The basis for FOCA's certifying the IFEN system in Switzerland was FAA Supplemental Type Certificate (STC) No. ST00236LA–D. That STC was issued by Santa Barbara Aerospace (SBA) under its authority as an FAA Designated Alteration Station (DAS).

The FAA conducted a special certification review of the IFEN system approved by STC No. ST00236LA–D in order to determine if any unsafe design or unsafe installation features exist in connection with the IFEN system. The review identified two areas of concern, both relating to IFEN system electrical power and the airplane crew's ability to remove electrical power from it when necessary. There is no indication that the areas of concern identified by the FAA as a result of the special certification review are related to the cause of the accident. The Canadian authorities have not yet determined the cause of the accident.

The current design of the IFEN system electrical power switching is not compatible with the design concept of the MD–11 airplane with regard to the response by the flightcrew to a cabin or flight deck smoke/fumes emergency. In addition, the current IFEN system design does not provide the flightcrew and/or cabin crew with the ability to remove electrical power by a means other than pulling the system's circuit breakers. The airplane manufacturer's

design concept of the airplane results in power being removed from the main cabin systems when the "CAB BUS" switch is engaged during a smoke/fumes emergency. However, the design of the IFEN system installation circumvented flightcrew procedures for responding to a smoke/fumes emergency by connecting the IFEN system to an electrical bus that is not de-energized when the "CAB BUS" switch is activated. Although the power to the IFEN system would eventually be removed via activation of the SMOKE ELEC/AIR rotary switch, the flightcrew would expect that selection of the "CAB BUS" switch would isolate all non-essential power to the cabin. Also, the cabin crew is able to only deactivate individual in-seat video displays (ISVD) from the IFEN system management terminal, deactivation does not remove electrical power from the ISVD's and other IFEN system components. These conditions, if not corrected, could result in possible confusion as the flightcrew performs their duties in response to a smoke/fumes emergency, which could subsequently impair their ability to correctly identify the source of the smoke/fumes and subsequently affect the continued safe flight and landing of the airplane.

At the present time, the IFEN approved by STC ST00236LA–D is not installed on any airplane of U.S. registry, and the STC holder has surrendered the STC to the FAA. Nevertheless, because the data were FAA-approved, it is possible that in the future an operator, in reliance on that approval, may decide to install the IFEN on its airplane. Therefore, an AD is necessary to prevent such installation.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prohibit installation of an In-flight Entertainment Network system approved by STC ST00236LA–D.

Cost Impact

None of the Model MD–11 series airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Since a specific modification commensurate with the requirements of this AD has not yet been developed, the FAA is unable at this time to provide specific information as to the number of work hours or cost of parts that would be required to accomplish actions associated with amendments to STC ST00236LA–D.

As indicated earlier in this preamble, the FAA specifically invites the submission of comments and other data regarding this economic aspect of this proposal.

Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NM–216–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–20–08 McDonnell Douglas: Amendment 39–11338. Docket 99–NM–216–AD.

Applicability: All Model MD–11 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an

alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it

Compliance: Required as indicated, unless accomplished previously.

To prevent possible confusion as the flightcrew performs their duties in response to a smoke/fumes emergency, which could subsequently impair their ability to correctly identify the source of the smoke/fumes, and subsequently affect the continued safe flight and landing of the airplane, accomplish the following:

Modification

(a) As of the effective date of this AD, no person shall install on any airplane an In-Flight Entertainment Network (IFEN) in accordance with data approved by Supplemental Type Certificate (STC) ST00236LA–D, dated November 19, 1996; Amendment 1, dated December 18, 1996; Amendment 2, dated January 24, 1997; Amendment 3, dated February 3, 1997; Amendment 4, dated March 11, 1997; or Amendment 5, dated August 7, 1997.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) This amendment becomes effective on October 13, 1999.

Issued in Renton, Washington, on September 21, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25020 Filed 9–27–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF JUSTICE

28 CFR Parts 0, 16, 20, and 50

[AG Order No. 2258–99]

RIN 1105–AA63

Federal Bureau of Investigation, Criminal Justice Information Services Division Systems and Procedures

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The United States Department of Justice (DOJ) is publishing a final rule amending DOJ regulations relating to criminal justice information systems of the Federal Bureau of Investigation (FBI). The regulations are being amended to implement the following programmatic and nomenclature changes: To permit access to criminal history record information (CHRI) and related information, subject to appropriate controls, by a private entity under a specific agreement with an authorized governmental agency to perform an administration of criminal justice function (privatization); to permit access to CHRI and related information, subject to appropriate controls, by a noncriminal justice governmental agency that is performing criminal justice dispatching functions or data processing/information services for a criminal justice agency; to acknowledge access to CHRI and related information by the National Instant Criminal Background Check System (NICS) under the Brady Handgun Violence Prevention Act of 1993; to add express authority for the Director of the FBI from time to time to determine and establish revised fee amounts; and to modernize language to ensure that the regulations accurately reflect current FBI practices, names of systems and programs, and addresses.

DATES: This rule is effective October 28, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Harold M. Sklar, Attorney-Advisor, Federal Bureau of Investigation, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306, telephone number (304) 625–2000.

SUPPLEMENTARY INFORMATION: The FBI manages two systems for the exchange of criminal justice information: The National Crime Information Center (NCIC) and the Fingerprint Identification Records System (FIRS). This rule implements changes to regulations relating to CHRI and related information maintained in these systems. The changes finalized in this rule fall into five categories, discussed below.

1. Access to CHRI and Related Information, Subject to Appropriate Controls, by a Private Contractor Pursuant to a Specific Agreement With an Authorized Governmental Agency To Perform an Administration of Criminal Justice Function (Privatization)

Section 534 of title 28 of the United States Code authorizes the Attorney General to exchange identification, criminal identification, crime, and other records for the official use of authorized officials of the federal government, the states, cities, and penal and other institutions. This statute also provides, however, that such exchanges are subject to cancellation if dissemination is made outside the receiving departments or related agencies. Agencies authorized access to CHRI traditionally have been hesitant to disclose that information, even in furtherance of authorized criminal justice functions, to anyone other than actual agency employees out of concern that such disclosure could be viewed as unauthorized.

In recent years, however, governmental agencies seeking greater efficiency and economy have become increasingly interested in obtaining support services for the administration of criminal justice from the private sector. With the concurrence of the FBI's Criminal Justice Information Services Advisory Policy Board, the DOJ has concluded that disclosures to private persons and entities providing support services for criminal justice agencies may, when subject to appropriate controls, properly be viewed as permissible disclosures for purposes of compliance with 28 U.S.C. 534.

We are therefore revising 28 CFR 20.33(a)(7) to provide express authority for such arrangements. This authority is similar to the authority that already exists in 28 CFR 20.21(b)(3) for state and local CHRI systems. Provision of CHRI under this authority will only be permitted pursuant to a specific agreement with an authorized governmental agency for the purpose of providing services for the administration of criminal justice. The agreement will be required to incorporate a security addendum approved by the Director of the FBI (acting for the Attorney General). The security addendum will specifically authorize access to CHRI, limit the use of the information to the specific purposes for which it is being provided, ensure the security and confidentiality

of the information consistent with applicable laws and regulations, provide for sanctions, and contain such other provisions as the Director of the FBI (acting for the Attorney General) may require. The security addendum, buttressed by ongoing audit programs of both the FBI and the sponsoring governmental agency, will provide an appropriate balance among the benefits of privatization, protection of individual privacy interests, and preservation of the security of the FBI's CHRI systems.

The FBI will develop a security addendum to be made available to interested governmental agencies. We anticipate that the security addendum will include physical and personnel security constraints historically required by NCIC security practices and other programmatic requirements, together with personal integrity and electronic security provisions comparable to those in NCIC User Agreements between the FBI and criminal justice agencies, and in existing Management Control Agreements between criminal justice agencies and noncriminal justice governmental entities. The security addendum will make clear that access to CHRI will be limited to those officers and employees of the private contractor or its subcontractor who require the information in order properly to perform services for the sponsoring governmental agency, and that the service provider may not access, modify, use, or disseminate such information for inconsistent or unauthorized purposes.

2. Access to CHRI and Related Information, Subject to Appropriate Controls, by a Noncriminal Justice Governmental Agency Performing Criminal Justice Dispatching Functions or Data Processing/Information Services for a Criminal Justice Agency

Noncriminal justice governmental agencies are sometimes tasked to perform dispatching functions or data processing/information services for criminal justice agencies as part, albeit not a principal part, of their responsibilities. Although such delegated tasks involve the administration of criminal justice, the performance of those tasks does not convert an otherwise noncriminal justice agency into a criminal justice agency. This regulation authorizes the delegation of such tasks to noncriminal justice agencies if done pursuant to executive order, statute, regulation, or inter-agency agreement. In this context, the noncriminal justice agency is servicing the criminal justice agency by performing an administration of criminal justice function and is permitted access to CHRI to accomplish that limited function. 28 CFR 20.33(a)(6) and the appendix are revised in order to confirm the authority of these noncriminal justice governmental agencies to receive CHRI and related information when approved by the FBI, subject to appropriate controls that may be imposed by the FBI.

3. Access to CHRI and Related Information by the National Instant Criminal Background Check System (NICS)

The Brady Handgun Violence Prevention Act of 1993, Public Law 103–159, provides for the establishment of a National Instant Criminal Background Check System (NICS). Prior to transferring a firearm to a non-licensee, a federal firearm licensee must check the NICS (via a criminal justice agency) to see if the prospective transferee is prohibited under federal or state law from possessing a firearm. Because CHRI may contain information relevant to determining if possession of a firearm by a person is prohibited, the NICS will execute an NCIC check as part of each NICS query. Follow-up access to the FIRS may also be necessary to resolve questions of identity. 28 CFR 20.33(a)(5) is revised to confirm authority for the dissemination of CHRI and related information to criminal justice agencies for the conduct of background checks under the NICS.

4. Authority for the Director of the FBI Periodically To Revise Fee Amounts

Part 16, subpart C of title 28 of the Code of Federal Regulations establishes procedures by which an individual may obtain a copy of his or her identification record to review and may request a change, correction, or update to that record. Under 28 CFR 16.33, an individual requesting production of his or her identification record pays a fee of $18 for each such request. The authority for this fee is the Independent Offices Appropriation Act (31 U.S.C. 9701), as implemented by guidelines issued by the DOJ, *User Fee Program* (Supplement, *Department of Justice Budget Formulation and Execution Calls*), and Office of Management and Budget (OMB) Circular Number A–25, Revised (July 8, 1993). These authorities generally require that a benefit or service provided to or for any person by a federal agency be self-sustaining to the fullest extent possible, that charges be fair and equitable, and that fee amounts be periodically reassessed and adjusted as warranted.

28 CFR 16.33 is revised by adding express authority for the Director of the FBI from time to time to determine and establish a revised fee amount. The exercise of this authority by the Director of the FBI will be subject to all applicable laws, regulations, or directions of the Attorney General of the United States, and the Director of the FBI will publish in the **Federal Register** appropriate notice of revised fee amounts.

5. Update of Nomenclature and Addresses

Throughout the parts of title 28 affected by this rule, the language is modernized to reflect accurately current FBI practices, the current names of systems and programs, and the name and address of the new FBI facility in West Virginia where the systems are located. The broader term "fingerprints" has been substituted for "fingerprint cards" to encompass both "hard copy" fingerprint cards as well as the electronic submission of fingerprint data. The term "fingerprints" is further intended to encompass not only all depictions of physical fingerprints (for example, inked images, electronic images, and electronic encoding) but also all related biographical or other information typically appearing on a fingerprint card. The terms "computerized criminal history" and "CCH" are changed to "Interstate Identification Index" and "III." The FBI "Identification Division" is changed to "Criminal Justice Information Services Division" or "CJIS." "NCIC Advisory Policy Board" is changed to "CJIS Advisory Policy Board." Minor modifications are made to the definitions in 28 CFR part 20, subpart A; definitions are added for the terms "Control Terminal Agency," "criminal history records repository," "Federal Service Coordinator," "Fingerprint Identification Records System" (FIRS), "Interstate Identification Index System" (III System), "National Crime Information Center" (NCIC), "National Fingerprint File" (NFF), and "National Identification Index" (NII); the definition of "Department of Justice criminal history record information system" is eliminated; and the definitions are placed in alphabetical order.

In addition to the foregoing changes, the Department of Justice is currently reviewing additional changes to these regulations to be promulgated in future rulemaking. We note that 28 CFR part 20, subpart B, which also contains dated nomenclature and addresses, will not be directly changed by this rule. The Department of Justice may consider possible changes to 28 CFR part 20, subpart B at some later time.

Summary of Comments on the Proposed Rule

On May 10, 1999, the Department of Justice published in the **Federal Register** (64 FR 24972) a proposed rule that would amend the DOJ regulations to implement the changes discussed above. The period for submitting comments on the proposed rule expired on June 9, 1999.

The Department received three comment letters in response to the publication of the proposed rule. Two of these letters, one from a criminal justice consultant (formerly a police officer and police records manager) and the other from a national criminal justice consortium, endorsed the proposed revisions. One of these letters also suggested that future revisions to the regulations may be appropriate under the provisions of the National Crime Prevention and Privacy Compact Act of 1998 ("Compact Act"). Secs. 211–17, Pub. L. 105–251, 112 Stat. 1874–84. To the extent that the Compact Act, which addresses the sharing of criminal history record information for noncriminal justice purposes, is determined to be relevant to these regulations, the Department may consider appropriate changes at a later time.

The third letter, from a State Attorney General's office, asked whether direct terminal access to state and local criminal history record information systems is permitted by noncriminal justice agencies (public or private) under subpart B of part 20 of the regulation, given the proposed change to subpart C, § 20.33(a)(7). Subparts B and C address different criminal history record information systems—subpart B governs certain state and local systems, whereas subpart C governs FBI and interstate systems. As a result, changes to subpart C do not affect subpart B and the systems governed by that subpart. To the extent that the question is seeking advice on the proper interpretation of subpart B, the FBI is addressing the issue outside of the current rulemaking. The Department of Justice may consider possible changes to subpart B at some later time.

The third letter also asked whether the proposed regulation would permit a state governmental agency to outsource centralized recordkeeping functions for criminal history records and services. The proposed regulation permits the dissemination of criminal history record information to private contractors, pursuant to a specific agreement, with appropriate controls, for the purpose of providing services for the administration of criminal justice. The administration of criminal justice includes criminal identification activities and the collection, storage, and dissemination of criminal history record information. (See the definition of "administration of criminal justice" in § 20.3(b).) Therefore, pursuant to the proposed regulation, a state criminal history record repository may contract with a private entity to maintain criminal history records and provide related services to authorized users for the state criminal history record repository under a specific agreement that incorporates the controls required by this final rule (§ 20.33(a)(7)).

Applicable Administrative Procedures and Executive Orders; Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule and, by approving it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Most of the matters addressed by this final rule relate to nomenclature changes and to intra- and intergovernmental authorities not involving the private sector, or to governmental interaction with individuals in non-business contexts. The one change that relates to the private sector provides expanded authority for the dissemination of criminal justice information to private entities with which authorized governmental agencies have contracted for criminal justice support services. Far from having any adverse effect on small entities, this change will, if anything, result in expanded opportunities for the private sector to conduct business with criminal justice agencies.

Executive Order 12866

This final rule has been drafted and reviewed in accordance with Executive Order 12866, section (1)(b), Principles of Regulation. The Department of Justice has determined that this final rule is not a significant regulatory action under Executive Order 12866, section 3(f), and accordingly this final rule has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This final rule will not have substantial, direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This final rule is not a major rule as defined by the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act of 1995

This final rule does not contain collection of information requirements. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, is not required.

Executive Order 12988: Civil Justice Reform

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects

28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Governmental agencies), Whistleblowing.

28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

28 CFR Part 20

Classified information, Crime, Intergovernmental relations, Investigations, Law enforcement, Privacy.

28 CFR Part 50

Administrative practice and procedure.

Accordingly, Title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

2. Amend § 0.85 as follows:

a. Remove the two references in paragraph (b) to "fingerprint cards" and add in their place the term "fingerprints";

b. Revise paragraph (j) to read as follows:

§ 0.85 General functions.

* * * * *

(j) Exercise the power and authority vested in the Attorney General to approve and conduct the exchanges of identification records enumerated at § 50.12(a) of this chapter.

* * * * *

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

3. The authority citation for part 16 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

4. Section 16.30 is revised to read as follows:

§ 16.30 Purpose and scope.

This subpart contains the regulations of the Federal Bureau of Investigation (FBI) concerning procedures to be followed when the subject of an identification record requests production of that record to review it or to obtain a change, correction, or updating of that record.

5. Section 16.31 is revised to read as follows:

§ 16.31 Definition of identification record.

An FBI identification record, often referred to as a "rap sheet," is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprints submitted in connection with federal employment, naturalization, or military service. The identification record includes the name of the agency or institution that submitted the fingerprints to the FBI. If the fingerprints concern a criminal offense, the identification record includes the date of arrest or the date the individual was received by the agency submitting the fingerprints, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an identification record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities. Therefore, the FBI Criminal Justice Information Services Division is not the source of the arrest data reflected on an identification record.

6. Section 16.32 is amended by revising the first sentence to read as follows:

§ 16.32 Procedure to obtain an identification record.

The subject of an identification record may obtain a copy thereof by submitting a written request via the U.S. mails directly to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D–2, 1000 Custer Hollow Road, Clarksburg, WV 26306. * * *

7. Section 16.33 is amended by adding two sentences at the end of this section to read as follows:

§ 16.33 Fee for production of identification record.

* * * Subject to applicable laws, regulations, and directions of the Attorney General of the United States, the Director of the FBI may from time to time determine and establish a revised fee amount to be assessed under this authority. Notice relating to revised fee amounts shall be published in the **Federal Register**.

§ 16.34 [Amended]

8. Section 16.34 is amended as follows:

a. Remove the reference to the former address, from "Assistant Director" through zip code "20537–9700," and add in its place the following new address: "FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D–2, 1000 Custer Hollow Road, Clarksburg, WV 26306";

b. Remove the remaining reference to "FBI Identification Division" and add in its place "FBI CJIS Division."

PART 20—CRIMINAL JUSTICE INFORMATION SYSTEMS

9. The authority citation for Part 20 continues to read as follows:

Authority: 28 U.S.C. 534; Pub. L. 92–544, 86 Stat. 1115; 42 U.S.C. 3711, *et seq.*, Pub. L. 99–169, 99 Stat. 1002, 1008–1011, as amended by Pub. L. 99–569, 100 Stat. 3190, 3196.

10–11. Section 20.1 is revised to read as follows:

§ 20.1 Purpose.

It is the purpose of these regulations to assure that criminal history record information wherever it appears is collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy.

12. Section 20.3 is revised to read as follows:

§ 20.3 Definitions.

As used in these regulations:

(a) *Act* means the Omnibus Crime Control and Safe Streets Act, 42 U.S.C. 3701, *et seq.*, as amended.

(b) *Administration of criminal justice* means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

(c) *Control Terminal Agency* means a duly authorized state, foreign, or international criminal justice agency with direct access to the National Crime Information Center telecommunications network providing statewide (or equivalent) service to its criminal justice users with respect to the various systems managed by the FBI CJIS Division.

(d) *Criminal history record information* means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records if such information does not indicate the individual's involvement with the criminal justice system.

(e) *Criminal history record information system* means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information.

(f) *Criminal history record repository* means the state agency designated by the governor or other appropriate executive official or the legislature to perform centralized recordkeeping functions for criminal history records and services in the state.

(g) *Criminal justice agency* means:
(1) Courts; and
(2) A governmental agency or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order, and that allocates a substantial part of its annual budget to the administration of criminal justice. State and federal Inspector General Offices are included.

(h) *Direct access* means having the authority to access systems managed by the FBI CJIS Division, whether by manual or automated methods, not requiring the assistance of or intervention by any other party or agency.

(i) *Disposition* means information disclosing that criminal proceedings have been concluded and the nature of the termination, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings; or disclosing that proceedings have been indefinitely postponed and the reason for such postponement. Dispositions shall include, but shall not be limited to, acquittal, acquittal by reason of insanity, acquittal by reason of mental incompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, nolle prosequi, no paper, nolo contendere plea, convicted, youthful offender determination, deceased, deferred disposition, dismissed-civil action, found insane, found mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial-defendant discharged, executive clemency, placed on probation, paroled, or released from correctional supervision.

(j) *Executive order* means an order of the President of the United States or the Chief Executive of a state that has the force of law and that is published in a manner permitting regular public access.

(k) *Federal Service Coordinator* means a non-Control Terminal Agency that has a direct telecommunications line to the National Crime Information Center network.

(l) *Fingerprint Identification Records System* or "FIRS" means the following FBI records: Criminal fingerprints and/or related criminal justice information submitted by authorized agencies having criminal justice responsibilities; civil fingerprints submitted by federal agencies and civil fingerprints submitted by persons desiring to have their fingerprints placed on record for personal identification purposes; identification records, sometimes referred to as "rap sheets," which are compilations of criminal history record information pertaining to individuals who have criminal fingerprints maintained in the FIRS; and a name index pertaining to all individuals whose fingerprints are maintained in the FIRS. See the FIRS Privacy Act System Notice periodically published in the **Federal Register** for further details.

(m) *Interstate Identification Index System* or "III System" means the cooperative federal-state system for the exchange of criminal history records, and includes the National Identification Index, the National Fingerprint File, and, to the extent of their participation in such system, the criminal history record repositories of the states and the FBI.

(n) *National Crime Information Center* or "NCIC" means the computerized information system, which includes telecommunications lines and any message switching facilities that are authorized by law, regulation, or policy approved by the Attorney General of the United States to link local, state, tribal, federal, foreign, and international criminal justice agencies for the purpose of exchanging NCIC related information. The NCIC includes, but is not limited to, information in the III System. See the NCIC Privacy Act System Notice periodically published in the **Federal Register** for further details.

(o) *National Fingerprint File* or "NFF" means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of record subjects indexed in the III System.

(p) *National Identification Index* or "NII" means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III System.

(q) *Nonconviction data* means arrest information without disposition if an interval of one year has elapsed from the date of arrest and no active prosecution of the charge is pending; information disclosing that the police have elected not to refer a matter to a prosecutor, that a prosecutor has elected not to commence criminal proceedings, or that proceedings have been indefinitely postponed; and information that there has been an acquittal or a dismissal.

(r) *State* means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(s) *Statute* means an Act of Congress or of a state legislature or a provision of the Constitution of the United States or of a state.

13. Subpart C is revised to read as follows:

Subpart C—Federal Systems and Exchange of Criminal History Record Information

Sec.
20.30 Applicability.
20.31 Responsibilities.
20.32 Includable offenses.
20.33 Dissemination of criminal history record information.
20.34 Individual's right to access criminal history record information.
20.35 Criminal Justice Information Services Advisory Policy Board.
20.36 Participation in the Interstate Identification Index System.
20.37 Responsibility for accuracy, completeness, currency, and integrity.
20.38 Sanction for noncompliance.

Subpart C—Federal Systems and Exchange of Criminal History Record Information

§ 20.30 Applicability.

The provisions of this subpart of the regulations apply to the III System and the FIRS, and to duly authorized local, state, tribal, federal, foreign, and international criminal justice agencies to the extent that they utilize the services of the III System or the FIRS. This subpart is applicable to both manual and automated criminal history records.

§ 20.31 Responsibilities.

(a) The Federal Bureau of Investigation (FBI) shall manage the NCIC.

(b) The FBI shall manage the FIRS to support identification and criminal history record information functions for local, state, tribal, and federal criminal justice agencies, and for noncriminal justice agencies and other entities where authorized by federal statute, state statute pursuant to Public Law 92–544, 86 Stat. 1115, Presidential executive order, or regulation or order of the Attorney General of the United States.

(c) The FBI CJIS Division may manage or utilize additional telecommunication facilities for the exchange of fingerprints, criminal history record related information, and other criminal justice information.

(d) The FBI CJIS Division shall maintain the master fingerprint files on all offenders included in the III System and the FIRS for the purposes of determining first offender status; to identify those offenders who are

unknown in states where they become criminally active but are known in other states through prior criminal history records; and to provide identification assistance in disasters and for other humanitarian purposes.

§ 20.32 Includable offenses.

(a) Criminal history record information maintained in the III System and the FIRS shall include serious and/or significant adult and juvenile offenses.

(b) The FIRS excludes arrests and court actions concerning nonserious offenses, e.g., drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, false fire alarm, non-specific charges of suspicion or investigation, and traffic violations (except data will be included on arrests for vehicular manslaughter, driving under the influence of drugs or liquor, and hit and run), when unaccompanied by a § 20.32(a) offense. These exclusions may not be applicable to criminal history records maintained in state criminal history record repositories, including those states participating in the NFF.

(c) The exclusions enumerated above shall not apply to federal manual criminal history record information collected, maintained, and compiled by the FBI prior to the effective date of this subpart.

§ 20.33 Dissemination of criminal history record information.

(a) Criminal history record information contained in the III System and the FIRS may be made available:

(1) To criminal justice agencies for criminal justice purposes, which purposes include the screening of employees or applicants for employment hired by criminal justice agencies;

(2) To federal agencies authorized to receive it pursuant to federal statute or Executive order;

(3) For use in connection with licensing or employment, pursuant to Public Law 92–544, 86 Stat. 1115, or other federal legislation, and for other uses for which dissemination is authorized by federal law. Refer to § 50.12 of this chapter for dissemination guidelines relating to requests processed under this paragraph;

(4) For issuance of press releases and publicity designed to effect the apprehension of wanted persons in connection with serious or significant offenses;

(5) To criminal justice agencies for the conduct of background checks under the National Instant Criminal Background Check System (NICS);

(6) To noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/ information services for criminal justice agencies; and

(7) To private contractors pursuant to a specific agreement with an agency identified in paragraphs (a)(1) or (a)(6) of this section and for the purpose of providing services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information consistent with these regulations, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be exercised by the FBI Director (or the Director's designee).

(b) The exchange of criminal history record information authorized by paragraph (a) of this section is subject to cancellation if dissemination is made outside the receiving departments, related agencies, or service providers identified in paragraphs (a)(6) and (a)(7) of this section.

(c) Nothing in these regulations prevents a criminal justice agency from disclosing to the public factual information concerning the status of an investigation, the apprehension, arrest, release, or prosecution of an individual, the adjudication of charges, or the correctional status of an individual, which is reasonably contemporaneous with the event to which the information relates.

(d) Criminal history records received from the III System or the FIRS shall be used only for the purpose requested and a current record should be requested when needed for a subsequent authorized use.

§ 20.34 Individual's right to access criminal history record information.

The procedures by which an individual may obtain a copy of his or her identification record from the FBI to review and request any change, correction, or update are set forth in §§ 16.30–16.34 of this chapter. The procedures by which an individual may obtain a copy of his or her identification record from a state or local criminal justice agency are set forth in § 20.34 of the appendix to this part.

§ 20.35 Criminal Justice Information Services Advisory Policy Board.

(a) There is established a CJIS Advisory Policy Board, the purpose of which is to recommend to the FBI Director general policy with respect to the philosophy, concept, and operational principles of various criminal justice information systems managed by the FBI's CJIS Division.

(b) The Board includes representatives from state and local criminal justice agencies; members of the judicial, prosecutorial, and correctional segments of the criminal justice community; a representative of federal agencies participating in the CJIS systems; and representatives of criminal justice professional associations.

(c) All members of the Board will be appointed by the FBI Director.

(d) The Board functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. Title 5, United States Code, Appendix 2.

§ 20.36 Participation in the Interstate Identification Index System.

(a) In order to acquire and retain direct access to the III System, each Control Terminal Agency and Federal Service Coordinator shall execute a CJIS User Agreement (or its functional equivalent) with the Assistant Director in Charge of the CJIS Division, FBI, to abide by all present rules, policies, and procedures of the NCIC, as well as any rules, policies, and procedures hereinafter recommended by the CJIS Advisory Policy Board and adopted by the FBI Director.

(b) Entry or updating of criminal history record information in the III System will be accepted only from state or federal agencies authorized by the FBI. Terminal devices in other agencies will be limited to inquiries.

§ 20.37 Responsibility for accuracy, completeness, currency, and integrity.

It shall be the responsibility of each criminal justice agency contributing data to the III System and the FIRS to assure that information on individuals is kept complete, accurate, and current so that all such records shall contain to the maximum extent feasible dispositions for all arrest data included therein. Dispositions should be submitted by criminal justice agencies within 120 days after the disposition has occurred.

§ 20.38 Sanction for noncompliance.

Access to systems managed or maintained by the FBI is subject to cancellation in regard to any agency or entity that fails to comply with the provisions of subpart C of this part.

14. The appendix to part 20 is amended by revising the commentary for subparts A and C to read as follows:

Appendix to Part 20—Commentary on Selected Sections of the Regulations on Criminal History Record Information Systems

Subpart A–§ 20.3(d). The definition of criminal history record information is intended to include the basic offender-based transaction statistics/III System (OBTS/III) data elements. If notations of an arrest, disposition, or other formal criminal justice transaction occurs in records other than the traditional "rap sheet," such as arrest reports, any criminal history record information contained in such reports comes under the definition of this subsection.

The definition, however, does not extend to other information contained in criminal justice agency reports. Intelligence or investigative information (e.g., suspected criminal activity, associates, hangouts, financial information, and ownership of property and vehicles) is not included in the definition of criminal history information.

§ 20.3(g). The definitions of criminal justice agency and administration of criminal justice in § 20.3(b) of this part must be considered together. Included as criminal justice agencies would be traditional police, courts, and corrections agencies, as well as subunits of noncriminal justice agencies that perform the administration of criminal justice pursuant to a federal or state statute or executive order and allocate a substantial portion of their budgets to the administration of criminal justice. The above subunits of noncriminal justice agencies would include, for example, the Office of Investigation of the Food and Drug Administration, which has as its principal function the detection and apprehension of persons violating criminal provisions of the Federal Food, Drug and Cosmetic Act. Also included under the definition of criminal justice agency are umbrella-type administrative agencies supplying criminal history information services, such as New York's Division of Criminal Justice Services.

§ 20.3(i). Disposition is a key concept in section 524(b) of the Act and in §§ 20.21(a)(1) and 20.21(b) of this part. It therefore is defined in some detail. The specific dispositions listed in this subsection are examples only and are not to be construed as excluding other, unspecified transactions concluding criminal proceedings within a particular agency.

§ 20.3(q). The different kinds of acquittals and dismissals delineated in § 20.3(i) are all considered examples of nonconviction data.

* * * * *

Subpart C–§ 20.31. This section defines the criminal history record information system managed by the Federal Bureau of Investigation. Each state having a record in the III System must have fingerprints on file in the FBI CJIS Division to support the III System record concerning the individual.

Paragraph (b) is not intended to limit the identification services presently performed by the FBI for local, state, tribal, and federal agencies.

§ 20.32. The grandfather clause contained in paragraph (c) of this section is designed, from a practical standpoint, to eliminate the necessity of deleting from the FBI's massive files the non-includable offenses that were stored prior to February, 1973. In the event a person is charged in court with a serious or significant offense arising out of an arrest involving a non-includable offense, the non-includable offense will also appear in the arrest segment of the III System record.

§ 20.33(a)(3). This paragraph incorporates provisions cited in 28 CFR 50.12 regarding dissemination of identification records outside the federal government for noncriminal justice purposes.

§ 20.33(a)(6). Noncriminal justice governmental agencies are sometimes tasked to perform criminal justice dispatching functions or data processing/information services for criminal justice agencies as part, albeit not a principal part, of their responsibilities. Although such inter-governmental delegated tasks involve the administration of criminal justice, performance of those tasks does not convert an otherwise non-criminal justice agency to a criminal justice agency. This regulation authorizes this type of delegation if it is effected pursuant to executive order, statute, regulation, or interagency agreement. In this context, the noncriminal justice agency is servicing the criminal justice agency by performing an administration of criminal justice function and is permitted access to criminal history record information to accomplish that limited function. An example of such delegation would be the Pennsylvania Department of Administration's Bureau of Consolidated Computer Services, which performs data processing for several state agencies, including the Pennsylvania State Police. Privatization of the data processing/information services or dispatching function by the noncriminal justice governmental agency can be accomplished pursuant to § 20.33(a)(7) of this part.

§ 20.34. The procedures by which an individual may obtain a copy of his manual identification record are set forth in 28 CFR 16.30–16.34.

The procedures by which an individual may obtain a copy of his III System record are as follows: If an individual has a criminal record supported by fingerprints and that record has been entered in the III System, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable state and federal administrative and statutory regulations. Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure. 1. All requests for review must be made by the subject of the record through a law enforcement agency which has access to the III System. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry through NCIC to obtain his III System record or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Clarksburg, West Virginia, by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI, or, possibly, in the state's central identification agency.

4. The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

§ 20.36. This section refers to the requirements for obtaining direct access to the III System.

§ 20.37. The 120-day requirement in this section allows 30 days more than the similar provision in subpart B in order to allow for processing time that may be needed by the states before forwarding the disposition to the FBI.

PART 50—STATEMENTS OF POLICY

15. The authority citation for part 50 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510; and 42 U.S.C. 1921 *et seq.*, 1973c.

16. Section 50.12 is revised to read as follows:

§ 50.12 Exchange of FBI identification records.

(a) The Federal Bureau of Investigation, hereinafter referred to as the FBI, is authorized to expend funds for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions and, if authorized by state statute and approved by the Director of the FBI, acting on behalf of the Attorney General, with officials of state and local governments for purposes of employment and licensing, pursuant to section 201 of Public Law 92–544, 86 Stat. 1115. Also, pursuant to 15 U.S.C. 78q, 7 U.S.C. 21 (b)(4)(E), and 42 U.S.C. 2169, respectively, such records can be exchanged with certain segments of the securities industry, with registered futures associations, and with nuclear power plants. The records also may be exchanged in other instances as authorized by federal law.

(b) The FBI Director is authorized by 28 CFR 0.85(j) to approve procedures relating to the exchange of identification

records. Under this authority, effective September 6, 1990, the FBI Criminal Justice Information Services (CJIS) Division has made all data on identification records available for such purposes. Records obtained under this authority may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities. Officials at the governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. The officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record. These officials also must advise the applicants that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in 28 CFR 16.34. Officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so. A statement incorporating these use-and-challenge requirements will be placed on all records disseminated under this program. This policy is intended to ensure that all relevant criminal record information is made available to provide for the public safety and, further, to protect the interests of the prospective employee/licensee who may be affected by the information or lack of information in an identification record.

Dated: September 16, 1999.

Janet Reno,

Attorney General.

[FR Doc. 99–24988 Filed 9–27–99; 8:45 am]

BILLING CODE 4410–02–p

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

[SPATS No. OK–020–FOR]

Oklahoma Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving an amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Oklahoma proposed revisions to and additions of rules concerning burden of proof in civil penalty proceedings, petitions for review of proposed individual civil penalty assessments, permit conditions, verification of ownership or control application information, review of ownership or control and violation information, procedures for challenging ownership or control links shown in Applicant Violator System (AVS), and standards for challenging ownership or control links and the status of violation. Oklahoma intends to revise its program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: September 28, 1999.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6548. Telephone: (918) 581–6430. Internet: mwolfrom@mcrgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Oklahoma Program
II. Submission of the Proposed Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. You can find background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the January 19, 1981, **Federal Register** (46 FR 4902). You can find later actions concerning the Oklahoma program at 30 CFR 936.15 and 936.16.

II. Submission of the Proposed Amendment

By letter dated September 28, 1998 (Administrative Record No. OK–982), Oklahoma sent us an amendment to its program under SMCRA. Oklahoma proposed to amend the Oklahoma Administrative Code (OAC). Oklahoma sent the amendment in response to a letter dated January 6, 1997 (Administrative Record No. OK–977), that we sent to Oklahoma under 30 CFR 732.17(c). The amendment also includes changes made at Oklahoma's own initiative.

We announced receipt of the amendment in the October 20, 1998, **Federal Register** (63 FR 55979). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. The public comment period closed on November 19, 1998. Because no one requested a public hearing or meeting, we did not hold one.

During our review of the amendment, we identified concerns relating to OAC 460:2–8–8, elements, burden of proof; OAC 460:2–8–9, decision by administrative hearing officer; OAC 460:2–8–10, petition for discretionary review; OAC 460:20–15–11, verification of ownership and control application information; OAC 460:20–15–12, review of ownership or control violation information; OAC 460:20–15–13, procedures for challenging ownership or control links in AVS; and OAC 460:20–15–14, standards for challenging ownership or control links and the status of violations. Further, we identified editorial concerns at OAC 460:2–8–10(f); OAC 460:20–15–11(a)(2)(B); OAC 460:20–15–13(d)(1); OAC 460:20–15–13(d)(2)(B); OAC 460:20–15–14(b)(1); OAC 460:20–15–14(d). We notified Oklahoma of these concerns by faxes dated December 3, 1998 and July 14, 1999 (Administrative Record Nos. OK–982.03 and OK–982.06, respectively).

By letters dated June 23, 1999, and July 20, 1999 (Administrative Record Nos. OK–982.05 and OK–982.07, respectively), Oklahoma sent us revisions to its program amendment. Based upon Oklahoma's revisions to its amendment, we reopened the public comment period in the August 10, 1999 **Federal Register** (64 FR 43327). The public comment period closed on August 25, 1999.

III. Director's Findings

Following, under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are our findings concerning the amendment.

Any revisions that we do not discuss below are about minor wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Revisions to Oklahoma's Rules That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations

The State rules listed in the table below contain language that is the same as or similar to the corresponding sections of the Federal regulations. Differences between the State rules and the Federal regulations are minor.

Topic	State rule	Federal counterpart regulation
Burden of proof in civil penalty proceedings	OAC 460:2–7–6	43 CFR 4.1155.
Petitions for review of proposed individual civil penalty assessments.	OAC 460:2–8–1 through 10	43 CFR 4.1300 through 4.1309.
Verification of ownership or control application information.	OAC 460:20–15–11	30 CFR 773.22(a).
Review of ownership or control and violation information.	OAC 460:20–15–12	30 CFR 773.23.
Procedures for challenging ownership or control links shown in AVS.	OAC 460:20–15–13	30 CFR 773.24.
Standards for challenging ownership or control links and the status of violations.	OAC 460:20–15–14	30 CFR 773.25.

Because the above State rules have the same meaning as the corresponding Federal regulations, we find that they are no less effective than the Federal regulations.

B. OAC 460:20–15–7, Permit Conditions

Oklahoma proposes to remove paragraph 5 of this section which prohibits the discharge or discrimination of any employee or authorized representative of employees that files for or institutes any proceedings under the Act, testifies at any proceeding or investigation, or exercises any rights granted by the Act.

Section 703 of SMCRA prohibits reprisals against "whistleblower" employees. This provision is further implemented by 30 CFR Part 865 by requiring each employer conducting operations which are regulated under SMCRA to provide a copy of 30 CFR Part 865 to all current and new employees. However, States are not required to adopt a counterpart to 30 CFR Part 865. If a State does not adopt a counterpart, OSM is responsible for administering the requirements of 30 CFR Part 865. Oklahoma's removal of OAC 460:20–15–7(5) does not effect the Oklahoma program. Therefore, we approve Oklahoma's removal of this provision.

IV. Summary and Disposition of Comments

Public Comments

We requested public comments on the amendment, but did not receive any.

Federal Agency Comments

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Oklahoma program (Administrative Record No. OK–982.12). By letter date October 30, 1998, the U.S. Army Corps of Engineers responded to our request by stating that it found Oklahoma's amendment satisfactory (Administrative No. OK–982.02).

Environmental Protection Agency (EPA)

Under 30 CFR 732.17(h)(11)(ii), we are required to get written agreement from the EPA for those provisions of the program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Oklahoma proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask the EPA to agree on the amendment.

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from the EPA (Administrative Record No. OK–982.10). The EPA did not respond to our request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On October 9, 1998, we requested comments on Oklahoma's amendment (Administrative Record No. OK–982.11), but neither responded to our request.

V. Director's Decision

Based on the above findings, we approve the amendment as sent to us by Oklahoma on September 28, 1998, and as revised on June 23, 1999 and July 20, 1999. We approve the rules that Oklahoma proposed with the provision that they be published in identical form to the rules sent to and reviewed by OSM and the public.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 936, which codify decisions concerning the Oklahoma program. We are making this final rule effective immediately to expedite the State program amendment process and to encourage Oklahoma to bring its program into conformity with the Federal standards. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and published by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other

requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 15, 1999.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 936 is amended as set forth below:

PART 936—OKLAHOMA

1. The authority citation for Part 936 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 936.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 936.15 Approval of Oklahoma regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
.	.	.
September 28, 1998	September 28, 1999	OAC 460:2–7–6; 2–8; 20–15–11 through 14.

[FR Doc. 99–25188 Filed 9–27–99; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–163]

RIN 2115–AA97

Safety Zone: Wedding on the Lady Windridge Fireworks, New York Harbor, Upper Bay

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Wedding on the Lady Windridge Fireworks Display located in Federal Anchorage 20C, New York Harbor, Upper Bay. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of Federal Anchorage 20C.

DATES: This rule is effective from 8 p.m. until 9:30 p.m., on Sunday, October 3, 1999. For rain dates, refer to the regulatory text set out in this rule.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354–4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York, (718) 354–4193.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM and publish the final rule 30 days before its effective date. Any delay encountered in this regulations effective date would be contrary to public interest since immediate action is needed to close the waterway and protect the maritime public from the hazards associated with this fireworks display.

Background and Purpose

Fireworks by Grucci Inc. has submitted an application to hold a fireworks program on the waters of Upper New York Bay in Federal Anchorage 20C. The fireworks program is being sponsored by Eye Patch Productions. This regulation establishes a safety zone in all waters of Upper New York Bay within a 360 yard radius of the fireworks barge in approximate position 40°41′16.5″N 074°02′23″W (NAD 1983), approximately 360 yards east of Liberty Island, New York. The safety zone is in effect from 8 p.m. until 9:30 p.m. on Sunday, October 3, 1999. The rain date for this event is Monday, October 4, 1999, at the same time and place. The safety zone prevents vessels from transiting a portion of Federal Anchorage 20C and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Recreational and commercial vessel traffic will be able to anchor in the unaffected northern and southern portions of Federal Anchorage 20C. Federal Anchorages 20A and 20B, to the north, and Federal Anchorages 20D and 20E, to the south, are also available for vessel use. Marine traffic will still be

able to transit through Anchorage Channel, Upper Bay, during the event as the safety zone only extends 125 yards into the 925-yard wide channel. Public notifications will be made prior to the event via the Local Notice to Mariners and marine information broadcasts.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the zone, that vessels may safely anchor to the north and south of the zone, that vessels may still transit through Anchorage Channel during the event, and extensive advance notifications which will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A Federal mandate is a new or additional enforceable duty imposed on any state, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, $100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any state, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01–163 to read as follows:

§ 165.T01–163 Safety Zone: Wedding on the Lady Windridge Fireworks, New York Harbor, Upper Bay.

(a) *Location.* The following area is a safety zone. All waters of New York Harbor, Upper Bay within a 160-yard radius of the fireworks barge in approximate position 40°41′16.5″N 074°02′23″W (NAD 1983), approximately 360 yards east of Liberty Island, New York.

(b) *Effective period.* This section is effective from 8 p.m. until 9:30 p.m. on Sunday, October 3, 1999. If the event is canceled due to inclement weather, then this section is effective from 8 p.m. until 9:30 p.m. on Monday, October 4, 1999.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard.

Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: September 16, 1999.

R.E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99–25227 Filed 9–27–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT–053–7212a; A–1–FRL–6443–1]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxides Budget and Allowance Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the Connecticut Department of Environmental Protection (CT, or DEP). This action consists of approving regulations in CT which are part of a regional nitrogen oxide (NO_X) reduction program designed to reduce stationary source NO_X emissions during the ozone season in the Ozone Transport Region (OTR) of the northeastern United States. Section 184(a) of the Clean Air Act defines an ozone transport region in the northeastern United States composed of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the Consolidated Metropolitan Statistical Area that includes the District of Columbia. Additionally, this action involves the approval of four source specific NO_X trading orders which allow specific units at major stationary sources to meet reasonably available control technology (RACT) requirements

through the use of emission reduction credits. These SIP revisions were submitted pursuant to section 110 of the Clean Air Act (CAA).

DATES: This direct final rule is effective on November 29, 1999 without further notice, unless EPA receives adverse comment by October 28, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments May be Mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, CT 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT: Steven A. Rapp, (617) 918–1048 or at Rapp.Steve@EPA.GOV.

SUPPLEMENTARY INFORMATION: The following questions will be covered in this section:

I. Background

A. The OTC MOU Program

(1) What are the Clean Air Act requirements Connecticut is trying to meet in adopting this regulation?
(2) What was the basis for CT's regulation?
(3) What are the phases of the OTC's interstate Memorandum of Understanding on stationary source NO_X reductions?

B. NO_X RACT Trading Orders

(1) What are the Clean Air Act requirements Connecticut is trying to meet by issuing the NO_X RACT trading orders?
(2) What policy guidance was used to review the NO_X RACT trading orders?

II. Summary of SIP Revisions

A. Section 22a–174–22a, The Nitrogen Oxides (NO_X) Budget Program

(1) How much does section 22a–174–22a reduce NO_X?
(2) How does the program regulate NO_X emissions?
(3) How are emissions monitored in this program?
(4) When does the program begin?
(5) Where can you find more information regarding EPA's evaluation?

B. NO_X RACT Trading Orders

(1) What requirements do the NO_X RACT trading orders fulfill?
(2) When were CT's NO_X RACT regulations approved by EPA?
(3) What facilities are affected by the trading orders being acted on today?
(4) Where can you get more information regarding EPA's evaluation of the orders?

III. Issues

A. NO_X RACT Trading Orders

What issues are related to the approval of CT's NO_X RACT trading orders?

B. Section 22a–174–22a, The Nitrogen Oxides (NO_X) Budget Program

What issues are related to the approval of section 22a–174–22a?

C. EPA's Rulemaking Action

What does "direct final rulemaking" mean?

I. Background

A. The OTC MOU Program

(1) What are the Clean Air Act requirements Connecticut is trying to meet in adopting this regulation?

Sections 182(b)(1)(A) and 182(c)(2)(A) of the CAA require States with areas classified as "moderate," "serious," and "severe" ozone nonattainment to submit revisions to their applicable SIPs to provide for specific annual reductions in emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) as necessary to attain the national primary ambient air quality standard for ozone. Additionally, section 110 of the Act requires that such plans be subject to public notice, comment, and hearing procedures and that the States adopt and submit the plans to EPA.

(2) What was the basis for CT's regulation?

As part of CT's efforts to meet the CAA requirements, on July 27, 1998, CT submitted a request to revise its SIP by adding section 22a–174–22a, "The Nitrogen Oxides (NO_X) Budget Program." The regulation imposes a statewide and source-specific caps on NO_X emissions from certain industrial equipment (*e.g.*, electric utility boilers, industrial boilers, combustion turbines, etc.). CT's section 22a–174–22a is based closely on a model rule which was developed using the EPA's economic incentive program rules (40 CFR 51.490–51.494) as the regulatory framework.

The model rule used by CT was developed by the Northeast States for Coordinated Air Use Management (NESCAUM) and the Mid-Atlantic Regional Air Management Association (MARAMA) entitled, "NESCAUM/MARAMA NO_X Budget Model Rule." The NESCAUM/MARAMA model rule was issued on May 1, 1996. The basis for the model rule was a memorandum of understanding entitled, "Memorandum of Understanding Among the States of the ozone Transport Commission on Development of a Regional Strategy Concerning the Control of Stationary Source Nitrogen Oxide Emissions," dated September 27, 1994, otherwise known as the "OTC MOU."

(3) What are the phases of the OTC's interstate Memorandum of Understanding on stationary source NO_X reductions?

The OTC MOU committed the MOU signatory States to require certain major stationary sources to reduce their NO_X emissions through several regulatory stages. The NO_X RACT regulations required by section 182 of the Clean Air Act have reduced emissions at major stationary sources of NO_X since 1995 Those reductions are considered "phase I" of the OTC program. Under "phase II" of the program, the MOU committed the signatory states to imposing a cap on regional NO_X emissions during the five month periods between May 1 through September 30 of 1999, 2000, 2001, and 2002. The third stage of the OTC program, *i.e.*, "phase III," will tighten the regional cap and is set to begin on May 1, 2003 and continue in each ozone season thereafter.

B. NO_X RACT Trading Orders

(1) What are the Clean Air Act requirements Connecticut is trying to meet by issuing the NO_X RACT trading orders?

The Clean Air Act (CAA) requires that States develop Reasonably Available Control Technology (RACT) regulations for all major stationary sources of nitrogen oxides (NO_X) in areas which have been classified as "moderate," "serious," "severe," and "extreme" ozone nonattainment areas, and in all areas of the Ozone Transport Region (OTR). EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762; September 17, 1979). This requirement is established by sections 182(b)(2), 182(f), and 184(b) of the CAA.

Major sources in moderate areas are subject to section 182(b)(2), which

requires States to adopt RACT for all major sources of VOC. This requirement also applies to all major sources in areas with higher classifications. Additionally, section 182(f) of the CAA states that "The plan provisions required under this subpart for major stationary sources of volatile organic compounds shall also apply to major stationary sources (as defined in section 302 and subsections (c), (d), and (e) of the section) of oxides of nitrogen." For serious nonattainment areas, a major source is defined by section 182(c) as a source that has the potential to emit 50 tons per year. For severe nonattainment areas, a major source is defined by section 182(d) as a source that has the potential to emit 25 tons per year. The entire State of Connecticut is designated as nonattainment for ozone, with the Connecticut portion of the New York-New Jersey-Long Island nonattainment area classified as severe, and with the rest of the State classified as serious.

(2) What policy guidance was used to review the NO_X RACT trading orders?

These CAA NO_X requirements are further described by EPA in a notice entitled, "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," published November 25, 1992 (57 FR 55620). The November 25, 1992 notice, also known as the "NO_X Supplement," should be referred to for more detailed information on NO_X requirements. Additional EPA guidance memoranda, such as those included in the "NO_X Policy Document for the Clean Air Act of 1990," (EPA–452/R–96–005, March 1996), should also be referred to for more information on NO_X requirements. Similarly, the preamble to the "Economic Incentive Program Rules," or EIP, (59 FR 16690, April 7, 1994) should be referred to for information on EPA's policy concerning the use of emissions trading by sources subject to NO_X RACT.

II. Summary of SIP Revisions

A. Section 22a–174–22a, The Nitrogen Oxides (NO_X) Budget Program

(1) How much does section 22a–174–22a reduce NO_X?

The CT NO_X Budget regulations are part of a regional NO_X reduction program designed to reduce large stationary source NO_X emissions during the ozone season in the OTR. CT's NO_X budget regulations set statewide, five month (May 1 through September 30) NO_X "budgets," or mass emission limits in tons. The regulation will reduce the aggregate emissions from large fossil fuel fired combustion equipment by approximately 23% from a 1990 baseline.

(2) How does the program regulate NO_X emissions?

In order to achieve the aggregate NO_X reductions, the regulations proportion NO_X "allowances" (in tons) to the facilities with emission units subject to the program. The regulations require each owner or operator of each unit to hold, by December 31 of each year, at least as many NO_X allowances in their compliance account as total tons of NO_X emitted during the previous five month ozone season. Under these regulations, NO_X allowances may be bought or sold and unused allowances may be banked from one year to another in a central registry administered by EPA.

(3) How are emissions monitored in this program?

The program requires NO_X emissions to be monitored by either a continuous emission monitoring system (CEMS) or equivalent, although the use of alternatives is allowed where approved by the State and EPA.

(4) When does the program begin?

The program will begin on May 1, 1999. Starting in 2002 and occurring every three years after, an audit of the program will be conducted to ensure that the program is providing the expected reductions.

(5) Where can you find more information regarding EPA's evaluation?

Additional information concerning EPA's evaluation of CT's NO_X budget program regulations is detailed in the memorandum: Technical Support Document for Connecticut's Regulation 22a–174–22a "The Nitrogen Oxides (NO_X) Budget Program," dated June 7, 1999. Copies of the documents are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this document.

B. NO_X RACT Trading Orders

(1) What requirements do the NO_X RACT trading orders fulfill?

Subection (j) of section 22a–174–22 allows sources to comply with the emission limitations in section 22a–174–22 through emissions trading. However, compliance through emission reduction credit trading is allowed only through a case-specific revision to the SIP. Therefore, each use of emissions trading for compliance with subsection (e) limits will be reviewed and processed as a separate regulatory action.

(2) When were CT's NO_X RACT regulations approved by EPA?

On October 6, 1997, EPA approved CT's NO_X RACT regulations, section 22a–174–22, and 22 NO_X RACT trading orders. See 62 FR 52016, 40 CFR 52.370(c)(72).

(3) What facilities are affected by the trading orders being acted on today?

In 1997, CT submitted additional NO_X RACT trading orders for NO_X emitting units at four facilities: (1) Cytec Industries, Inc., in Wallingford; (2) AlliedSignal, Inc., and the U.S. Army Tank-Automotive and Armaments Command in Stratford; (3) Ogden Martin Systems, Inc., in Bristol; and (4) Connecticut Natural Gas Corporation in Rocky Hill. These orders involve the creation and use of NO_X credits as allowed under subsection 22a–174–22(j).

Each trading order allows the stationary source to control NO_X emissions from some units more than otherwise required so that other units may emit more than allowed without the trade. This is known as emissions averaging or "bubbling." Because more emissions would be reduced by the extra control at the credit generating units than would be added at the credit using units, the net result will be less emissions from the source than would occur without the trade, even with an allowance for uncertainty.

(4) Where can you get more information regarding EPA's evaluation of CT's orders?

For a more detailed discussion of Connecticut's submittals and EPA's action, the reader should refer to the Technical Support Document (TSD) entitled, "Technical Support Document for Connecticut's NO_X RACT Trading Orders for Cytec Industries, Inc., in Wallingford; AlliedSignal, Inc., and the U.S. Army Tank-Automotive and Armaments Command in Stratford: Ogden Martin Systems, Inc., in Bristol; and Connecticut Natural Gas Corporation in Rocky Hill" and the attachments which were developed as part of this action. Copies of the TSD and attachments are found at the previously mentioned addresses.

III. Issues

A. NO_X RACT Trading Orders

What issues are related to the approval of CT's NO_X RACT trading orders?

There are no issues associated with the NO_X RACT trading orders.

B. Section 22a–174–22a, The Nitrogen Oxides (NO_X) Budget Program

What issues are related to the approval of section 22a–174–22a?

One issue associated with the approval of the CT regulation is that the NO_X budget regulation currently contains a NO_X emissions budget and

allocation scheme only for 1999 through the ozone season of 2002, *i.e.*, "phase II" of the OTC NO_X Budget program. However, the OTC MOU obliges CT to require its allowance program sources to make specific additional NO_X reductions by May 1, 2003 and continuing thereafter, *i.e.*, "phase III." Additionally, in September 1998, CT submitted attainment demonstrations for the two CT nonattainment areas which rely on the NO_X reductions associated with the OTC program in 2003 and beyond to achieve attainment with the one hour ozone standard.

In its current form, section 22a–174–22a is approvable for 1999, 2000, 2001, and 2002. However, in order to meet the interstate MOU and for CT to have a credible attainment demonstration, CT will need to amend its regulation to establish the NO_X caps during 2003 and beyond.

C. EPA's Rulemaking Action

What does "direct final rulemaking" mean?

Essentially, direct final rulemaking means that the EPA is publishing this rule without prior proposal. EPA is doing so because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This action will be effective November 29, 1999 without further notice unless the Agency receives adverse comments by October 28, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 29, 1999 and no further action will be taken on the proposed rule.

IV. Final Action

EPA is approving CT's regulation section 22a–174–22a,'The Nitrogen Oxides (NO_X) Budget Program" and the case-specific trading orders for Cytec Industries, Inc., in Wallingford; AlliedSignal, Inc., and the U.S. Army Tank-Automotive and Armaments Command in Stratford; Ogden Martin Systems, Inc., in Bristol; and Connecticut Natural Gas Corporation in Rocky Hill.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

B. Executive Orders on Federalism

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of the affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987)), on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only one State, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks and is not economically significant under E.O. 12866.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executiye Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal Mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 29, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 15, 1999.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart H—Connecticut

2. Section 52.370 is amended by adding paragraphs (c)(80) and (c)(82) to read as follows:

§ 52.370 Identification of plan

* * * * * *

(c) * * *

(80) Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on March 26, 1999.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated March 26, 1999, submitting a revision to the Connecticut State Implementation Plan.

(B) Regulation section 22a–174–22a, "The Nitrogen Oxides (NO_X) Budget Program" adopted on December 15, 1998, and effective on March 3, 1999.

(ii) Additional materials.

(A) Nonregulatory portions of the submittals.

* * * * *

(82) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on July 11, 1997, September 12, 1997, and December 8, 1997.

(i) Incorporation by reference.

(A) Letters from the Connecticut Department of Environmental Protection dated July 11, 1997, September 12, 1997, and December 8, 1997, submitting revisions to the Connecticut State Implementation Plan.

(B) Trading Agreement and Order Number 8137 issued to AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford, effective on November 19, 1996.

(C) Trading Agreement and Order Number 8138 issued to Connecticut Natural Gas Corporation in Rocky Hill, effective on November 19, 1996.

(D) Trading Agreement and Order Number 8114 issued to Cytec Industries, Inc., in Wallingford, effective on December 20, 1996.

(E) Modification to Trading Agreement and Order Number 8138

issued to Connecticut Natural Gas Corporation effective June 25, 1997.

(F) Modification to Trading Agreement and Order Number 8137 issued to AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford, effective July 8, 1997.

(G) Trading Agreement and Order Number 8094 issued to Ogden Martin Systems of Bristol, Inc., in Bristol, effective on July 23, 1997.

(ii) Additional Materials.

(A) Nonregulatory portions of the submittals.

(B) Policy materials concerning the use of emission credits from New Jersey at Connecticut sources.

3. In § 52.385, Table 52.385 is amended by revising existing entries in state citations for section 22a–174–22, "Control of Nitrogen Oxides Emissions" and by adding a new entry to existing state citations for section 22a–174–22a, "The Nitrogen Oxides (NO_X) Budget Program" to read as follows:

§ 52.385 EPA-approved Connecticut Regulations

* * * * *

TABLE 52.385—EPA-APPROVED RULES AND REGULATIONS

Connecticut state citation	Title/subject	Dates		Federal Register citation	52.370	Comments/description
		Date adopted by State	Date approved by EPA			
*	*	*	*	*	*	*
22a–174–22a	Nitrogen Oxides (NO_X) Budget Program.	12/15/98	9/28/99	[Insert *FR* citation from published date].	(c)(80)	Approval of NO_X cap and allowance trading regulations.
22a–174–22	Control of Nitrogen Oxides Emissions.	11/19/96	9/28/99	[Insert *FR* citation from published date].	(c)(82)	Case-specific trading order for AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford.
22a–174–22	Control of Nitrogen Oxides Emissions.	11/19/96	9/28/99	[Insert *FR* citation *FR*om published date].	(c)(82)	Case-specific trading order for Connecticut Natural Gas Corporation in Rocky Hill.
22a–174–22	Control of Nitrogen Oxides Emissions.	12/20/96	9/28/99	[Insert *FR* citation *FR*om published date].	(c)(82)	Case-specific trading order for Cytec Industries, Inc., in Wallingford.
22a–174–22	Control of Nitrogen Oxides Emissions.	6/25/97	9/28/99	[Insert *FR* citation *FR*om published date].	(c)(82)	Amendments to case-specific trading order for Connecticut Natural Gas Corporation.
22a–174–22	Control of Nitrogen Oxides Emissions.	7/8/97	9/28/99	[Insert *FR* citation *FR*om published date].	(c)(82)	Amendments to case-specific trading order for AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford.
22a–174–22	Control of Nitrogen Oxides Emissions.	7/23/97	9/28/99	[Insert *FR* citation *FR*om published date].	(c)(82)	Case-specific trading order for Ogden Martin Systems of Bristol, Inc., in Bristol.
*	*	*	*	*	*	*

[FR Doc. 99–25044 Filed 9–27–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6445–2]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Lackawanna Refuse Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Lackawanna Refuse Superfund Site in Old Forge, Pennsylvania from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate. Moreover, EPA and the Commonwealth of Pennsylvania have determined that the remedial actions conducted at the Site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: September 28, 1999.

ADDRESSES: Comprehensive information on this release is available for viewing at the Site information repositories at the following locations: U.S. EPA, Region 3, Regional Center for Environmental Information, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103 (215) 814–5364. Old Forge Borough Hall, 312 South Main Street, Old Forge, PA 18518.

FOR FURTHER INFORMATION CONTACT: Andrea M. Lord (3HS21), U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA, 19103, (215) 814–5053.

SUPPLEMENTARY INFORMATION: The release to be deleted from the NPL is: Lackawanna Refuse Site, Old Forge, Pennsylvania.

A Notice of Intent to Delete for this Site was published on August 19, 1999 (64 FR 45222). The closing date for comments on the Notice of Intent to Delete was September 20, 1999. EPA received one comment, which is addressed in the Responsiveness Summary in the Deletion Docket.

The EPA identifies releases which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those releases. Releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any release deleted from the NPL remains eligible for further Fund-financed remedial actions should further conditions at the Site warrant such action.

Deletion of a release from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 21, 1999.

W. Michael McCabe,

Regional Administrator, U.S. EPA Region III.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 191 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the Site: Lackawanna Refuse Site, Old Forge, Pennsylvania.

[FR Doc. 99–25134 Filed 9–27–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6446–1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of Northwest Transformer (Mission/Pole Road) Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA), Region 10, announces the deletion of the Northwest Transformer (Mission/Pole Road) Site from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Washington Department of Ecology have determined that no further cleanup under CERCLA is appropriate and that the selected remedy has been protective of human health and the environment.

EFFECTIVE DATE: September 28, 1999.

FOR FURTHER INFORMATION CONTACT: Beverly Gaines, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop ECL–110, Seattle, WA 98101, (206) 553–1066.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Northwest Transformer (Mission/Pole Road), Whatcom County, Washington.

A Notice of Intent to Delete for this site was published on August 25, 1999, (64 FR 46333). The closing date for comments was September 24, 1999. EPA received no comments.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425 of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and 'recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 23, 1999.

Chuck Clarke,

Regional Administrator, Region 10.

For the reasons set out in the preamble, 40 CFR Part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B [Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing "Northwest Transformer, Everson, Washington."

[FR Doc. 99–25161 Filed 9–27–99; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3400 and 3420

[WO–320–3420–24 1A]

RIN 1004–AD27

Public Participation in Coal Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule clarifies terms of a settlement agreement and a March 1995 law. In the settlement agreement, we agreed to establish procedures where the public may participate in the regional coal leasing process by regulations. In addition, this final rule amends the regulations to conform to statutory changes under the Unfunded Mandates Reform Act of 1995 exempting several types of meetings from Federal Advisory Committee Act requirements. This final rule exempts Regional Coal Team Meetings from the requirements of the Federal Advisory Committee Act in accordance with this law.

EFFECTIVE DATE: This rule is effective on October 28, 1999.

FOR FURTHER INFORMATION CONTACT: Philip Allard, Solid Minerals Group,

Bureau of Land Management, Mail Stop 401LS, 1849 "C" Street, NW, Washington, DC 20240; telephone (202) 452–5195. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, 7 days a week, 24 hours a day, except holidays, for assistance to reach the above contact.

SUPPLEMENTARY INFORMATION:

Contents

I. Background
II. Responses to Comments
III. Final Rule as Adopted
IV. Procedural Matters

I. Background

This final rule satisfies terms of a settlement agreement negotiated in July 1997 and a March 1995 law. The Department of the Interior's coal leasing regulations were challenged in a lawsuit, Natural Resources Defense Council, Inc., *et al.* V. Jamison, *et al.*, Civil No. 82–2763 (D.D.C.). In December 1992, the court decided that the Department had not complied with section 202(f) of the Federal Land Policy and Management Act, (43 U.S.C. 1712(f)).

The court held that although the Bureau of Land Management's (BLM) competitive leasing handbook describes public participation procedures, the Department should establish these procedures by regulations. During the appeal process, the parties negotiated a settlement. In July 1997, the Department and the plaintiffs entered into a settlement agreement (Civil No. 82–2763 (D.C. Circuit No. 93–5029)).

In the settlement, the Department agreed to identify in our regulations the points where the public may participate in regional coal leasing decisions. The BLM already provides this information in its competitive leasing handbook; therefore, public participation opportunities in competitive leasing are not substantially altered.

On March 22, 1995, Congress passed the Unfunded Mandates Reform Act. Section 204(b) of this law (2 U.S.C. 1534) states that the requirements of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 1, do not apply to intergovernmental communications when:

- The meetings are exclusively between Federal officials and elected officers of State, local and tribal governments or their representatives; and
- The meetings are only to exchange views, information, or advice relating to Federal programs that share intergovernmental responsibilities.

The Office of the Solicitor of the Department of the Interior determined that these provisions exempt Regional Coal Team (RCT) meetings from the requirements of FACA. The final rule amends the reference and clarifies which portion of the FACA regulations apply to RCTs because existing regulations at subpart 3400 incorporate FACA regulations at subpart 1784.

The method BLM primarily uses to offer coal is to lease coal competitively. The two types of competitive leasing are "regional coal leasing" and "leasing-on-application." The Department of the Interior initiates the regional coal leasing process based on the demand for Federal coal, national energy needs, and other factors. BLM must determine whether to offer Federal coal lands for lease and which coal to offer. Since issues surrounding coal leasing can vary greatly from region to region, Federal coal production regions assist BLM in this determination by grouping together areas with similar issues. The leasing-on-application process is initiated by individuals or companies, unlike the regional coal leasing process which is Government initiated.

BLM must first begin the regional coal leasing process by creating a land use plan, in which BLM-managed lands are reviewed to determine, among other factors, the presence or absence of:

- Coal;
- Other resources that might preclude developing coal;
- Other uses for the land that might be preferable to coal development; and
- Any qualified surface owners who oppose or favor coal development.

This review allows BLM to identify the land that is acceptable for further consideration for coal leasing. Second, the Secretary sets the leasing level for the region after considering the land use plan, the amount of leasing interest in the region, national energy needs, and other factors. Third, BLM initiates "regional coal activity planning" during which BLM prepares environmental documents that analyze one or more combinations of tracts that equal the leasing level and other alternatives. Finally, the Secretary determines the lease sale schedule based on the environmental analysis, public comments, comments from State Governors, tribal governments, and other Federal agencies. The schedule includes the number of tracts which will be offered for lease and the timing of the lease sales.

Unlike the regional coal leasing process, the leasing-on-application process begins when an individual or company applies for a particular coal deposit. There is no need to establish a leasing level because the amount of coal applied for provides the starting point for the amount of coal to be analyzed. There is also no leasing schedule because BLM usually offers coal tracts based on at most one or two applications in leasing-on-application lease sales. The RCT located in the applicable coal production region may review the applications and may make recommendations on the application. For a number of years, BLM has competitively leased Federal coal exclusively through the leasing-on-application process.

Regional coal teams are composed of BLM employees and State Governors or their designees in the States where the coal tracts are located. The RCTs recommend the leasing level for regional coal leasing, a target amount of coal that BLM may offer for sale, and the lease sale schedule to the BLM Director. The BLM Director makes recommendations to the Secretary of the Interior. The Secretary makes the final decision on leasing levels and a lease sale schedule, taking into account recommendations from the BLM Director, RCT, State Governors, and other interested and affected groups including members of the general public.

BLM divided Federally owned coal deposits into broad blocks called "Federal coal production regions." There are six Federal coal production regions located principally in the western United States. The Federal coal production regions are:

- The Southern Appalachian Region in northwestern Alabama;
- The Fort Union Region of eastern Montana and western North Dakota;
- The Green River-Hams Fork Region of northwestern Colorado and southern Wyoming;
- The Powder River Region of northeastern Wyoming and southeastern Montana;
- The San Juan Region of northwestern New Mexico and southwestern Colorado; and
- The Uinta-Southwestern Utah Region of eastern Utah and western Colorado.

BLM decertified the Federal coal production regions because we do not believe the demand for new Federal coal leases is sufficient to justify regional coal leasing at this time. RCTs will continue to meet on an ad hoc basis to advise BLM on lease-on-application coal sales.

II. Responses to Comments

On March 11, 1999, (64 FR 12142), BLM published the Public Participation

in Coal Leasing proposed rule in the **Federal Register**. The 60-day public comment period on the Public Participation in Coal Leasing proposed rule ended on May 10, 1999. We received no public comments on this proposed rule. However, BLM received four comment letters from its State Offices. One comment letter contained no substantive comments. We considered the other comments when finalizing this rule.

Comment: The commenter stated that some of the information in the case files studied by Regional Coal Teams (RCTs) is proprietary to various individuals and corporations and, therefore, should be withheld from disclosure.

Response: Proprietary information is protected from disclosure under the Freedom of Information Act (5 U.S.C. 552) and the regulations of the Department (43 CFR 2.13(c)). This rule makes no change to the way BLM handles proprietary data. Proprietary information submitted during the coal leasing process can still be protected from disclosure as described in 43 CFR 3420.1–2(b).

Comment: The commenter expressed concerns over whether BLM considered the requirements of the Executive Order on Environmental Justice (E.O. 12898) in finalizing these regulations.

Response: Environmental justice was one of the factors BLM considered when we evaluated the rule for compliance with the terms and conditions of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Environmental justice is also one of the factors we consider when we evaluate Federal lands for coal leasing. This rule makes no change to the standards BLM will use when evaluating potential coal leases. BLM complies with the Executive Order on Environmental Justice during the preparation of our environmental assessment or environmental impact statement for a proposed coal lease sale.

Comment: One commenter proposed several changes to the text of the preamble which we did not consider to be substantive. However, the commenter also pointed out that the use of the phrase "BLM will publish a notice * * * for two consecutive weeks in a newspaper * * *" could be read to require us to publish such a notice 14 times if the newspaper happened to be a daily publication.

Response: BLM's intent is to have the notices described in the rule published two times, one week apart. We have changed the final rule in three places to more precisely express our intent.

III. Final Rule as Adopted

BLM adopts the amendments to 43 CFR Parts 3400 and 3420 in the proposed rule which was published in the **Federal Register** on March 11, 1999, (64 FR 12142), as a final rule except for the changes described below for three sections.

Section 3420.3–4 Regional Tract Ranking, Selection, Environmental Analysis and Scheduling

The language in the proposed rule for § 3420.304(d) stated that we would publish a notice of the 60-day comment period and public hearing on a draft environmental impact statement for two consecutive weeks in a newspaper of general circulation in the area of the sale. One comment letter pointed out that this could be read to require the BLM to publish this notice for 14 days should the newspaper chosen for this publication be a daily paper. This is a change from our present practice of printing a notice of availability two times, one week apart, in a newspaper of general circulation in the area of the sale. We do not intend to change this practice. We have modified the language to more precisely state our intent. Instead of using the phrase "for two consecutive weeks" we now say "at least once per week for two consecutive weeks."

Section 3422.1 Fair Market Value and Maximum Economic Recovery

The language in the proposed rule for § 3422.1(a) stated that we would publish a solicitation for comments on fair market value and maximum economic recovery of coal tracts for two consecutive weeks in a newspaper of general circulation in the area of the sale. One comment letter pointed out that this could be read to require the BLM to publish this solicitation for 14 days should the newspaper chosen for this publication be a daily paper. This is a change from our present practice of printing a solicitation of availability two times, one week apart, in a newspaper of general circulation in the area of the sale. We do not intend to change this practice.

We have modified the language to more precisely state our intent. Instead of using the phrase "for two consecutive weeks" we now say "at least once per week for two consecutive weeks."

Section 3425.3 Environmental Analysis

The language in the proposed rule for § 3425.3(a) stated that we would publish a notice of the availability of and public hearing for the environmental assessment or draft environmental impact statement for two consecutive weeks in a newspaper of general circulation in the area of the sale. One comment letter pointed out that this could be read to require the BLM to publish this notice for 14 days should the newspaper chosen for this publication be a daily paper. This is a change from our present practice of printing a notice of availability two times, one week apart, in a newspaper of general circulation in the area of the sale. We do not intend to change this practice. We have modified the language to more precisely state our intent. Instead of using the phrase "for two consecutive weeks" we now say "at least once per week for two consecutive weeks."

IV. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

This final rule is not a significant rule and was not subject to review by the Office of Management and Budget under Executive Order 12866. We have determined that this final rule does not have an annual economic impact of $100 million or more; have an adverse impact in a material way on the economy, environment, public health, safety, other units of government, or sectors of the economy; pose a serious inconsistency or interfere with an action taken or planned by another agency; have novel legal or policy implications; or have material effects on budgets or rights and obligations of recipients of entitlements, fees, grants, or loans. Therefore, we do not have to assess the potential costs and benefits of the rule under section 6(a)(3) of this order and no OMB review under the order is required.

National Environmental Policy Act

BLM considers this final rule to be an administrative action to incorporate current BLM policy on public participation in the coal leasing process into the regulations. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act of 1969, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10. In addition, this final rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 FR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions which individually and cumulatively do not have a

significant effect on the human environment and that has been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required. This final rule does not directly affect the environment. Any coal tract considered for leasing will be subject to further NEPA analysis on a case-by-case basis.

Regulatory Flexibility Act

This final rule does not require a regulatory flexibility analysis. Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule has a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. This final rule would not have significant economic impacts on small entities under the RFA, 5 U.S.C. 601 *et seq.* Small entities would not be affected adversely or beneficially by these requirements but would be given the opportunity to participate in the coal leasing process by regulations, rather than by internal agency guidance.

Small Business Regulatory Enforcement Fairness Act

This final rule is not a "major rule" as defined by the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2). This final rule will not have a significant impact on the economy or on small businesses in particular. This final rule would not substantially change BLM's existing policy.

Unfunded Mandates Reform Act

This final rule does not impose an unfunded mandate on State, local or tribal governments or the private sector of more than $100 million per year. This final rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. This final rule places current BLM policy on public participation in the coal leasing process in the regulations. Therefore, we are not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act, (2 U.S.C. 1531 *et seq.*).

Executive Order 12630, Takings

This final rule does not represent a government action capable of interfering with constitutionally protected property rights. Therefore, we have determined that this final rule would not cause a taking of private property.

Executive Order 12612, Federalism

This final rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We designed the Federal Coal Management Program to allow the maximum participation of affected States in decisions about regional coal leasing and development through RCTs. RCTs make recommendations to the BLM Director for the Secretary on the regional coal leasing levels of coal to be analyzed for possible sale and on the amount of coal offered. If the Secretary does not accept their decisions, the Secretary must publicly state why. We have determined that this final rule does not have sufficient Federalism implications to warrant preparation of a Federalism assessment.

Executive Order 12988, Civil Justice Reform

The Office of the Solicitor has determined that this final rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Paperwork Reduction Act

This final rule does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required.

Authors

The principal author of this final rule is Philip Allard, Solid Minerals Group, assisted by Shirlean Beshir, Regulatory Affairs Group.

List of Subjects in 43 CFR Part 3400

Coal, Intergovernmental relations, Mines, Public lands-classification, Public lands-mineral resources.

List of Subjects in 43 CFR Part 3420

Administrative practice and procedure, Coal, Environmental protection, Intergovernmental relations, Mines, Public lands-mineral resources.

Dated: September 17, 1999.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

Accordingly, under the authority of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 *et seq.*), the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–359), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740), and the Secretary's enforcement powers, BLM adopts as final the amendments to 43 CFR Parts 3400 and 3420, as set forth below:

PART 3400—COAL MANAGEMENT: GENERAL

1. The authority citation for part 3400 continues to read as follows:

Authority: 30 U.S.C. 189, 359, 1211, 1251, 1266, and 1273; 43 U.S.C. 1461, 1733, and 1740.

2. Amend § 3400.4 by revising paragraph (g) to read:

§ 3400.4 Federal/state government cooperation.

* * * * *

(g) The regional coal team will function under the public participation procedures at §§ 1784.4–2, 1784.4–3, and 1784.5 of this chapter.

3. The authority citation for part 3420 continues to read as follows:

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359), the Multiple Mineral Development Act of 1954 (30 U.S.C. 521–531 *et seq.*), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*), the Department of Energy Organization Act of 1977 (42 U.S.C. 7101 *et seq.*), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), and the Small Business Act of 1953, as mended (15 U.S.C. 631 *et seq.*).

PART 3420—COMPETITIVE LEASING

4. Amend § 3420.1–4 by revising paragraph (a) to read:

§ 3420.1–4 General requirements for land use planning.

(a) The Secretary may not hold a lease sale under this part unless the lands containing the coal deposits are included in a comprehensive land use plan or land use analysis. The land use plan or land use analysis will be conducted with public notice and opportunity for participation at the points specified in § 1610.2(f) of this title. The sale must be compatible with, and subject to, any relevant stipulations, guidelines, and standards set out in that plan or analysis.

* * * * *

5. Amend § 3420.2 by removing the last sentence of paragraph (a)(1), and adding in its place two sentences as set forth below, revising the last sentence of paragraph (a)(4), removing "and" from the end of paragraph (c)(8), redesignating current paragraph (c)(9) as

paragraph (c)(10), and adding a new (c)(9) to read:

§ 3420.2 Regional leasing levels.

(a)(1) * * * This range of initial leasing levels must be based on information available to the State Director including: land use planning data; the results of the call for coal resource information held under § 3420.1–2 of this subpart; the results of the call for expressions of leasing interest held under § 3420.3–2 of this subpart; and other considerations. The State Director will consider comments received from the public in writing and at hearings, and input and advice from the Governors of the affected States regarding assumptions, data, and other factors pertinent to the region;

* * * * *

(a)(4) * * * The team also must transmit to the Secretary, without change, all comments and recommendations of the Governor and the public.

* * * * *

(c) * * *

(9) Comments received from the public in writing and at public hearings; and

* * * * *

6. Amend § 3420.3–1 by adding a new paragraph (d) to read:

§ 3420.3–1 Area identification process.

* * * * *

(d) Public notice and opportunity for participation in activity planning must be appropriate to the area and the people involved. The Bureau of Land Management will make available a calendar listing of the points in the planning process at which the public may participate, including:

(1) The regional coal team meeting to recommend initial leasing levels (see § 3420.2(a)(4));

(2) The regional coal team meeting for tract ranking (see § 3420.3–4(a));

(3) Publication of the regional coal lease sale environmental impact statement (see § 3420.3–4(c)); and

(4) The regional coal team meeting to recommend specific tracts for a lease sale and a lease sale schedule (see § 3420.3–4(g)).

7. Amend § 3420.3–4 by removing the third sentence in paragraph (a)(1), and adding in its place four sentences as set forth below, adding two sentences after the first sentence in paragraph (a)(5), adding a new sentence at the end of paragraph (d), revising paragraph (f), and removing the first sentence in paragraph (g) and adding in its place two new sentences as set forth below:

§ 3420.3–4 Regional tract ranking, selection, environmental analysis and scheduling.

(a)(1) * * * The subfactors the regional coal team will consider under each category are those the regional coal team determines are appropriate for that region. The regional coal team will make its determination after publishing notice in the **Federal Register** that the public has 30 days to comment on the subfactors. The regional coal team will then consider any comments it receives in determining the subfactors. BLM will publish the subfactors in the regional lease sale environmental impact statement required by this section.* * *

* * * * *

(5) * * * BLM will publish the notice no later than 45 days before the meeting. The notice will list potential topics for discussion.***

* * * * *

(d) * * * BLM will publish a notice in the **Federal Register** of the 60-day comment period and the public hearing on the draft environmental impact statement. BLM also will publish the notice at least once per week for two consecutive weeks in a newspaper of general circulation in the area of the sale.

* * * * *

(f) When the comment period on the draft environmental impact statement closes, the regional coal team will analyze the comments and make any appropriate revisions in the tract ranking and selection. The final regional lease sale environmental impact statement will reflect such revisions and will include all comments received.

(g) When BLM completes and releases the final regional lease sale environmental impact statement, the regional coal team will meet and recommend specific tracts for lease sale and a lease sale schedule. The regional coal team will provide notice in the **Federal Register** of the date and location at least 45 days before its meeting.* * *

* * * * *

8. Amend § 3420.5–2 by adding two sentences at the end of paragraph (a) to read:

§ 3420.5–2 Revision.

(a) * * * BLM will publish a notice in the **Federal Register** and provide a 30-day comment period before it makes any revision increasing the number or frequency of sales, or the amount of coal offered. BLM will publish any revision in the **Federal Register**.

* * * * *

9. Amend § 3422.1 by adding a sentence after the first sentence in paragraph (a) to read:

§ 3422.1 Fair market value and maximum economic recovery.

(a) * * * BLM will publish the solicitation in the **Federal Register** and at least once per week for two consecutive weeks in a newspaper of general circulation in the area of the sale.* * *

* * * * *

10. Amend § 3422.2 by removing the third sentence in paragraph (a) and adding in its place two sentences to read as follows:

§ 3422.2 Notice of sale and detailed statement.

(a) * * * BLM will post notice of the sale in BLM State Office where the coal lands are managed. BLM will also mail notice to any surface owner of lands noticed for sale and to any other person who has requested notice of sales in the area.* * *

* * * * *

11. Amend § 3425.1–9 by adding a sentence at the end of this section to read:

§ 3425.1–9 Modification of application area.

* * * If an environmental assessment of the modification is required, BLM will solicit and consider public comments on the modified application.

12. Amend § 3425.3(a) by adding two sentences at the end of paragraph (a) to read:

§ 3425.3 Environmental analysis.

(a) * * * BLM will publish a notice in the **Federal Register**, and at least once per week for two consecutive weeks in a newspaper of general circulation in the area of the sale, announcing the availability of the environmental assessment or draft environmental impact statement and the hearing required by § 3425.4(a)(1). BLM also will mail to the surface owner a notice of any lands to be offered for sale and to any person who has requested notice of sales in the area.

* * * * *

[FR Doc. 99–25181 Filed 9–27–99; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 97–213; FCC 99–184]

Implementation of the Communications Assistance for Law Enforcement Act

AGENCY: Federal Communications Commission

ACTION: Final rule; reconsideration

SUMMARY: This decision revises rules previously adopted to implement sections of the Communications Assistance for Law Enforcement Act. In particular, the Commission eliminates the requirement that telecommunications carriers retain records of call content or associated call-identifying information of any unauthorized or authorized interceptions. This decision also eliminates the ten-year retention requirement for such material regarding unauthorized interceptions. Instead, carriers must maintain their certification of such call intercepts for a reasonable period of time. The action is taken to make the rules more in keeping with Congressional intent. This decision adopts modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). The general public and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

DATES: These rules contain information collections that have not been approved by OMB. The Commission will publish a document in the **Federal Register** announcing the effective dates of these rules. Public and agency comments are due on the information collections November 29, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Wasilewski, 202–418–1310. For further information concerning the information collections contained in this Report and Order, contact Les Smith, Federal Communications Commission, Room 1A–804, 445 12th Street, S.W., Washington, DC 20054, or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration (Order) in CC Docket No. 97–213; FCC 99–184, adopted July 16, 1999, and released August 2, 1999. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, S.W., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY–B400, 445 12th Street, S.W., Washington, DC.

Synopsis of the Order on Reconsideration

1. The Commission, on its own motion, adopts an Order on Reconsideration (Order) in CC Docket No. 97–213, regarding implementation of the Communications Assistance for Law Enforcement Act (CALEA). This Order is a limited reconsideration of the Commission's Rule, adopted in the Report and Order (R&O) in this proceeding. (FCC 99–11.) regarding obligations placed upon carriers to maintain secure and accurate records or wiretap, pen register, and trap and trace interceptions.

2. Section 64.2104(b) of the Commission rules adopted in the R&O, erroneously required carriers to retain records of call information and unauthorized interceptions, including the content of such interceptions, for ten years, and erroneously required carriers to retain records of content of authorized interceptions. The Commission thus eliminates these requirements and instead finds that carriers should maintain the certification, as described in § 64.2104(a) for "a reasonable period of time."

Administrative Matters

Supplemental Regulatory Flexibility Act Statement

3. As required by the Regulatory Flexibility Act (RFA),[1] an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking (NPRM)[2] in this proceeding implementing the Communications Assistance for Law Enforcement Act (CALEA or the Act). The Commission sought written public comment on the proposals in the NPRM, including the IRFA. A Final Regulatory Flexibility Analysis (FRFA) conforming to the RFA was then incorporated into the Report and Order implementing section 105 of the Act. The Commission's Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) in this Order reflects revised or additional information to that contained in the FRFA. The Supplemental FRFA is thus limited to matters raised in response to the R&O and addressed in this Reconsideration. This Supplemental FRFA conforms to the RFA.[3]

(a) Need for and Purpose of this Action

4. The actions taken in this Order are in response to letters requesting clarification of the rules that erroneously require carriers to retain records of call content or associated call-identifying information of any unauthorized or authorized interceptions. The limited revisions made in the Order are intended to clarify the rules adopted in the R&O by eliminating these erroneous requirements.

(b) Summary of the Issues Raised by Public Comments Made in Response to the FRFA

5. No comments were received in direct response to the FRFA, but the Commission received several letters requesting clarification of the rules adopted in the R&O. After release of the R&O, but prior to publication of the rules in the **Federal Register**, the Commission received letters from CTIA and AirTouch stating that § 64.2104(b) of the new rules erroneously requires carriers to retain records of call-identifying information and unauthorized interceptions, including the content of such interceptions, and erroneously requires carriers to retain records of content of authorized interceptions. Subsequently, the Federal Bureau of Investigation (FBI) sent the Commission a letter supporting the position taken by CTIA and AirTouch on this issue, stating that those requirements "are not mandated by section 105 of CALEA and that, in some respects, compliance with these requirements could cause a carrier to violate federal electronic surveillance laws," since those laws do not require or entitle carriers to acquire and retain such information, but merely direct them, according to lawful court orders and other authorizations, to provide the technical assistance necessary to aid law enforcement in making intercepts.

(c) Description and Estimates of the Number of Entities Affected by This Report and Order

6. A Final Regulatory Flexibility Analysis was incorporated into the R&O. In that analysis, the Commission described in detail the small entities that might be significantly affected by the rules adopted in the R&O. Those entities may be found in a number of wireless services including: telephone companies, wireline carriers and service

[1] *See* 5 U.S.C. 603. The RFA, 5 U.S.C. 601 *et seq.*, has been amended by the Contract with America Advancement Act, Public Law No. 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

[2] 62 FR 63302, November 28, 1997.

[3] *See* 5 U.S.C. 604.

providers, local exchange carriers, interexchange carriers, competitive access providers, wireless radiotelephone carriers, cellular licensees, mobile service carriers, broadband personal communications service, SMR licensees, resellers, pay telephone operators, cable services or systems, and other pay services. In this Order, the Commission hereby incorporates by reference the description and estimate of the number of small entities from the previous FRFA in this proceeding.

7. The rule changes in this Order will affect small entities as indicated in the FRFA presented in the R&O. To the extent that a rule change here affects a particular wireless service, our estimates contained in the R&O, remain valid as to the size of those services.

(d) Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

8. In this Order, the Commission adopts no new rules and impose no additional reporting, recordkeeping or other compliance requirements. The Commission does, however, adopt specific rule changes clarifying that we no longer find telecommunications carriers should retain the content or call-identifying information of any interceptions of communications. Moreover, the Commission no longer finds the 10 year record retention requirement to be necessary, since it was originally implemented in order to remain consistent with the record retention requirement in 18 U.S.C. 2518(8)(a) with regard to content of authorized call intercepts. Since the Commission is no longer requiring carriers to maintain records of content or call-identifying information, we find it more appropriate to allow carriers to maintain the certification for a "reasonable period of time". Thus, we are making conforming changes in § 64.2104(b) of the Commission Rules by modifying the rules expressed in paragraph (f) of new § 64.2103 and paragraph (b) of new § 64.2104, as they appear in the R&O, and replace them with a revised final §§ 64.2103(f) and 64.2104(b) of the Commission's Rules, as set forth in this Order.

(e) Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

9. The analysis of the Commission's efforts to minimize the possible significant economic impact on small entities as described in the FRFA, is unchanged by the Order, save that the removal of the recordkeeping obligations described in section (d) above will result in a reduction of the recordkeeping burden for all entities affected by the R&O and this Order.

(f) Report to Congress

10. The Commission shall send a copy of this Order, including this Supplemental FRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, *see* 5 U.S.C. 801(a)(1)(A). In addition, the Commission shall send a copy of this Order, including this Supplemental FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this order and Supplemental FRFA (or summaries thereof) will also be published in the **Federal Register**.

Ordering Clauses

11. Accordingly, it is ordered that, pursuant to 47 CFR 1.108, (4)(i) and 4(j), and section 229 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 229, and section 105 of the Communications Assistance for Law Enforcement Act, 47 U.S.C. 1004, § 64.2104(b) of the Commission's rules, 47 CFR 64.2104(b), is modified as set out in this decision.

12. It is further ordered that the rules set forth in this decision will become effective 90 days after publication in the **Federal Register**.

13. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Order on Reconsideration, including the Supplemental Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Paperwork Reduction Act

14. This Order contains a modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the possible information collections contained in this Order, as required by the Paperwork Reduction Act of 1995, Public Law No. 104–13. Written comments must be submitted by the public and by other Agencies on the proposed information collections on or before November 29, 1999. Comments should address: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (2) the accuracy of the Commission's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–0809.

Title: Communications Assistance for Law Enforcement Act, Order on Reconsideration.

Form No.: N.A.

Type of Review: Modification of Existing Collection.

Respondents: Business and other for-profit and non-profit institutions.

Number of Respondents: 5,000.

Estimated Time Per Response: 25 hours.

Needs and Uses: This modification decreases the recordkeeping burden on carriers imposed in the R&O, to remain constistent with the record retention requirement in 18 U.S.C. 2518(8)(a).

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

Part 64 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for Part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 154, 201, 202, 205, 218–220, and 332 unless otherwise noted. Interpret or apply 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended. 47 U.S.C. 201–204, 218, 225, 226, 227, 229, 332, 501 and 503 unless otherwise noted.

2. Section 64.2103 is amended by revising paragraph (f) to read as follows:

§ 64.2103 Policies and procedures for employee supervision and control.

* * * * *

(f) Include, in its policies and procedures, a detailed description of how long it will maintain its records of each interception of communications or access to call-identifying information pursuant to § 64.2104.

3. Section 64.2104 is amended by revising paragraph (b) to read as follows:

§ 64.2104 Maintaining secure and accurate records.

* * * * * *

(b) A telecommunications carrier shall maintain the secure and accurate records set forth in paragraph (a) for a

reasonable period of time as determined by the carrier.

* * * * *

[FR Doc. 99–25145 Filed 9–27–99; 8:45 am]

BILLING CODE 6712–01–P

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This section contains not issuance of purpose of t persons an rule making rules.

DEPARTM

Animal an Service

9 CFR Par

[Docket No

Viruses, S Analogous

AGENCY: A Inspection

ACTION: Pr

SUMMARY: the Virus- by adding to include *Canis fam* dog-wolf c dogs, wolv can be safe with canin allow cani recommen recommen dog-wolf c

DATES: We this docke comments 29, 1999.

ADDRESSES and three 1, Regulat Developm 4700 River MD 20737 comment 1.

You may receive on room. The room 1141 14th Stree SW., Wash room hour Monday th holidays. help you, before con

APHIS c Federal Re informatio

Proposed Rules

Federal Register
Vol. 64, No. 187
Tuesday, September 28, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 101

[Docket No. 99–040–1]

Viruses, Serums, Toxins, and Analogous Products; Definitions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Virus-Serum-Toxin Act regulations by adding a definition of the term *dog* to include all members of the species *Canis familiaris, Canis lupus,* or any dog-wolf cross. APHIS believes that dogs, wolves, and any dog-wolf cross can be safely and effectively vaccinated with canine vaccines. This action would allow canine vaccines that are recommended for use in dogs to be recommended for use in wolves and any dog-wolf cross.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by November 29, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–040–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 99–040–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. Albert P. Morgan, Chief Staff Officer, Operational Support Section, Center for Veterinary Biologics, Licensing and Policy Development, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; (301) 734–8245.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 112 set forth packaging and labeling requirements for veterinary biological products. The Animal and Plant Health Inspection Service (APHIS) requires a product's label to identify the animals for which the product has been demonstrated to be effective and safe. Paragraph (b) of § 113.209 requires a rabies vaccine to be tested for immunogenicity in each species for which it will be recommended. Therefore, rabies vaccines recommended for use in dogs may be tested in any member of the species historically named *Canis familiaris* and recommended for use in breeds of dog of the species *Canis familiaris.*

In 1993, the second edition of "Mammal Species of the World, A Taxonomic and Geographic Reference," stated that domestic dogs, formerly identified as *Canis familiaris,* were a member of the species *Canis lupus,* which is the grey wolf. This publication is widely accepted as the standard for mammalian taxonomy. However, there is disagreement within the expert community.

In 1995, as a result of reclassifying dogs into the species *Canis lupus,* owners of wolves and dog-wolf crosses petitioned APHIS to recognize rabies vaccines approved for use in dogs as effective in wolves and dog-wolf crosses. The petitioners pointed out that many jurisdictions do not recognize the vaccination of wolves and dog-wolf crosses against rabies. Therefore, if these animals are involved in an incident in which rabies vaccination is an issue, they may be subject to euthanasia.

In April 1996, after consulting with taxonomists regarding the petition, APHIS hosted a meeting in Riverdale, MD, to review the issues of whether dogs and wolves were members of the same species *Canis lupus* and whether rabies vaccines recommended for use in dogs should be considered effective in wolves and any dog-wolf cross. Experts from the disciplines of animal taxonomy, molecular genetics, veterinary immunology, wildlife biology, and veterinary public health attended the meeting. During the meeting, there was disagreement as to whether dogs and wolves belonged to the same species, but there was consensus that inactivated rabies vaccines should be safe and effective in wolves and any dog-wolf cross. It was proposed that if rabies vaccines could be assumed to be safe and effective in wolves and dog-wolf crosses, then modified live vaccines against other dog diseases should also be safe and effective in wolves and dog-wolf crosses. However, the experts could not agree to this proposal without data demonstrating the safety of modified live canine vaccines in wolves and dog-wolf crosses. Without a clear consensus that the immune systems of wolves and dogs were equivalent, APHIS took no action at that time to allow canine vaccines that were recommended for use in dogs to be recommended for use in wolves and any dog-wolf cross.

As a follow up to the meeting, wolf and dog-wolf cross fanciers submitted supplemental data to support the use of modified live canine vaccines in wolves and dog-wolf crosses. The data indicated that 216 wolves and 460 dog-wolf crosses were vaccinated with various modified live canine vaccines without any reported adverse reactions attributable to the vaccines. Many of these animals received multiple vaccinations over several years. These data provide only limited statistical inference; however, the fact that wolves and dog-wolf crosses share the same environment with dogs and have similar exposure to disease agents with ample evidence of protection against those diseases for which the animals were vaccinated provide strong evidence that wolves and dog-wolf crosses respond to canine vaccines in a manner similar to dogs. Further, the lack of reported adverse reactions after vaccination provides strong epidemiological evidence that wolves and dog-wolf crosses respond to canine vaccines in a manner similar to dogs. In addition, manufacturers of canine vaccines acknowledge that their products have

been used extensively in wolves and dog-wolf crosses with no reported adverse reactions.

Based upon the above, APHIS believes that dogs, wolves, and any dog-wolf cross can be safely and effectively vaccinated with canine vaccines. Therefore, we are proposing to add a definition of *dog* to 9 CFR part 101 to include all members of the species *Canis familiaris, Canis lupus,* or any dog-wolf cross. This would allow canine vaccines recommended for use in dogs to be recommended for use in wolves and any dog-wolf cross. Manufacturers who wish to include wolves and dog-wolf crosses on the labels for their canine vaccines could add these animals to the labels. APHIS believes that, even without this change, all canine vaccines labeled for use in dogs would be accepted as being safe and effective in wolves and any dog-wolf cross. If manufacturers wish to include wolves and any dog-wolf cross on their labels, the labels would first need to be approved by and filed with APHIS.

We would not require additional efficacy and safety studies to be performed; however, manufacturers could perform additional efficacy and safety studies, at their discretion, prior to recommending the use of their canine vaccines in wolves and any dog-wolf cross.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule would amend the Virus-Serum-Toxin Act regulations by adding a definition of the term *dog* to include all members of the species *Canis familiaris, Canis lupus,* or any dog-wolf cross. As a consequence, canine vaccines that are recommended for use in dogs could also be recommended for use in wolves and any dog-wolf cross. Manufacturers could include wolves and any dog-wolf cross on the labels for their canine vaccines. The labels would need to be approved by and filed with APHIS.

This proposed rule would affect all licensed veterinary biologics establishments that produce vaccines for use in dogs. Currently, there are approximately 150 veterinary biologics establishments. According to the standards of the Small Business Administration, most of these establishments would be classified as small entities, and approximately 10 percent of these establishments currently produce vaccines for use in dogs. Because the efficacy and safety of licensed canine vaccines have already been demonstrated in accordance with the regulations, and because this proposed rule does not require manufacturers to replace labels for their products for use in wolves and any dog-wolf cross, any additional costs manufacturers would incur if this proposed rule is adopted should be minimal.

Currently, manufacturers of veterinary biological products do not recommend canine vaccines for use in wolves and any dog-wolf cross. Under this proposed rule, if manufacturers recommend their canine vaccines for use in wolves and dog-wolf crosses, additional efficacy and safety data would not be required. Therefore, manufacturers would not incur any additional costs as a result of the rule. This proposed rule would not restrict manufacturers from using their discretion to elect to perform additional efficacy and safety studies prior to recommending the use of their canine vaccines in wolves and dog-wolf crosses. However, if a canine vaccine is used on wolves or dog-wolf crosses in accordance with the label recommendations, this proposed rule would not relieve the manufacturer of responsibility for the performance of the product (e.g., adverse reactions).

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 9 CFR Part 101

Animal biologics.

Accordingly, we propose to amend 9 CFR part 101 as follows:

PART 101—DEFINITIONS

1. The authority citation for part 101 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 101.2, a definition of "dog" would be added in alphabetical order to read as follows:

§ 101.2 Administrative terminology.

* * * * *

Dog. All members of the species *Canis familiaris, Canis lupus,* or any dog-wolf cross.

* * * * *

Done in Washington, DC, this 22nd day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–25177 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE–RM/TP–99–500]

RIN 1904–AA52

Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers

AGENCY: Office of Energy Efficiency and Renewable Energy.

ACTION: Notice of proposed rulemaking and public workshop.

SUMMARY: The Department of Energy (We, DOE, or the Department) is proposing to amend its test procedure for dishwashers. The proposal adds test procedures for dishwashers with soil-sensing technology. It also revises some of the inputs for calculating the estimated annual operating cost, adds new specifications to improve testing

repeatability, and changes the definitions of compact and standard models. The proposed amendments of the test procedure do not alter the minimum energy conservation standards currently in effect for dishwashers.

DATES: The Department will accept comments, data, and information regarding the proposed rule no later than December 13, 1999. Please submit ten (10) copies. In addition, the Department requests that you provide an electronic copy (3½" diskette) of the comments in WordPerfect™ format.

The Department will hold a public workshop (hearing) on Tuesday, November 2, 1999, in Washington, DC. Please send requests to speak at the workshop so that we receive them by 4:00 p.m., Tuesday, October 19, 1999. The Department must also receive ten (10) copies of statements to be given at the public workshop no later than 4:00 p.m., October 20, 1999, and we request that you provide a computer diskette (WordPerfect™) of each statement at that time.

ADDRESSES: Please address requests to make statements at the public workshop and copies of those statements to Ms. Brenda Edwards-Jones, and send written comments regarding the proposed rule to Ms. Barbara Twigg, both at the following address: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–41, 1000 Independence Avenue, SW, Washington, DC 20585–0121. You should identify all documents both on the envelope and on the documents as "Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers, Docket No. EE–RM/TP–99–500." The workshop will begin at 9:00 a.m., on Tuesday, November 2, 1999, in Room 1E–245 at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC. You can find more information concerning public participation in this rulemaking proceeding in section IV, "Public Comment," of this notice.

You can read copies of the transcript of the public workshop and public comments in the Freedom of Information Reading Room (Room No. 1E–190) at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. You may obtain copies of the referenced standard AHAM DW–1 by request from the Association of Home Appliance Manufacturers, 1111 19th Street, NW, Suite 402, Washington, DC 20036, (202) 872–5955.

The latest information regarding the public workshop is available on the Office of Codes and Standards web site at the following address: http://www.eren.doe.gov/buildings/codes_standards/index.htm

FOR FURTHER INFORMATION CONTACT: Barbara Twigg, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–41, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–8714, email: barbara.twigg@ee.doe.gov; or Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, GC–72, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–9507, email: eugene.margolis@hq.doe.gov

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I. Introduction

A. Authority

Part B of Title III of the Energy Policy and Conservation Act, as amended (EPCA or Act), establishes the Energy Conservation Program for Consumer Products Other Than Automobiles (Program). The products currently subject to this Program ("covered products") include residential dishwashers, the subject of today's notice.

Under the Act, the Program consists of three parts: testing, labeling, and the Federal energy conservation standards. The Department, in consultation with the National Institute of Standards and Technology (NIST), must amend or establish test procedures as appropriate for each of the covered products. Section 323 of EPCA, 42 U.S.C. 6293. The purpose of the test procedures is to measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use. The test procedure must not be unduly burdensome to conduct. Section 323(b)(3) of EPCA, 42 U.S.C. 6293(b)(3).

If a test procedure is amended, DOE is required to determine to what extent, if any, the new test procedure would alter the measured energy efficiency or measured energy use of any covered product as determined under the existing test procedure. If DOE determines that an amended test procedure would alter the measured efficiency or measured energy use of a covered product, DOE is required to amend the applicable energy conservation standard accordingly. In determining the amended energy conservation standard, DOE is required to measure the energy efficiency or energy use of a representative sample of covered products that minimally comply with the existing standard. The average efficiency of these representative samples, tested using the amended test procedure, constitutes the amended standard. Section 323(e)(1) of EPCA, 42 U.S.C. 6293(e)(1).

Beginning 180 days after a test procedure for a product is prescribed, no manufacturer, distributor, retailer, or private labeler may make representations with respect to the energy use, efficiency, or cost of energy consumed by such products, except as reflected in tests conducted according to the DOE procedure. Section 323(c)(2) of EPCA, 42 U.S.C. 6293(c)(2).

B. Background

The Department published the original dishwasher test procedure on August 3, 1977 (42 FR 39964). On March 3, 1983 (48 FR 9202), we published an amended version which revised the representative average-use cycles to reflect consumer use and to address dishwashers that use 120°F inlet water. We amended the test procedure again on November 27, 1984 (49 FR 46533), in order to redefine a water heating dishwasher by deleting the requirement for internal heating in the rinse phase of a normal cycle. On

December 15, 1987 (52 FR 47551), DOE amended the dishwasher test procedure to address models that use 50°F inlet water.

In February 1995, NIST conducted a review of domestic and international dishwasher test procedures. NIST submitted two reports, "Review of the DOE Test Procedure for Residential Dishwashers" and "Review of AHAM (Association of Home Appliance Manufacturers) and International Test Procedures for Residential Dishwashers," to DOE on July 17, 1995. These reports identified many of the problems that are addressed in this notice. On December 13, 1995, we met with NIST, AHAM, and representatives from six dishwasher manufacturers to discuss the two NIST reports and proposed changes to the test procedure.

Following this meeting, NIST conducted a series of tests on two residential dishwashers, one conventional and one soil-sensing, using the current DOE, International Electrotechnical Commission (IEC), and AHAM dishwasher test procedures. Review of the DOE test procedure made clear the need for revision, while the studies using the two latter test procedures highlighted the difficulty in conducting repeatable performance-based testing with soil loads, regardless of dishwasher type.

In May 1997, NIST published a report entitled "Energy and Water Consumption Testing of a Conventional Dishwasher and an Adaptive Control Dishwasher, IATC–1997." Subsequently, we again met with NIST, manufacturers, and environmental groups to discuss options for improving the effectiveness of the current test procedure. AHAM then sent a letter to the Department which compiled many of the discussed changes and suggested a new approach to testing soil-sensing dishwashers.

In preparing this Notice of Proposed Rulemaking, we have taken into consideration different views on how to improve the current test procedure and incorporated suggestions from industry and other stakeholders. The amendments proposed in this notice will provide a more accurate procedure for determining the energy factor for dishwashers employing soil-sensing technology than the existing one, which does not adequately measure the energy use of these models. We also propose to update the average use cycles to reflect current usage patterns, and to revise the measurements and calculations required to determine the values used to estimate the annual operating cost for all dishwashers. The Department welcomes test data to determine the effects of these modifications on any existing soil-sensing dishwasher.

C. Summary of the Proposed Test Procedure Revisions

The Department proposes the following changes to the dishwasher test procedure:

1. Update the test procedure to reflect changes in dishwasher design and consumer practices.

- Add test procedures for soil-sensing dishwashers.
- Add new definitions for sensor normal cycle and sensor truncated normal cycle.
- Add a new formula for calculating the machine and water energy consumption per cycle for soil-sensing models.
- Update the representative average number of use cycles per year.
- Combine explanation of the Estimated Annual Operating Cost (EAOC) calculation for dishwashers both with and without normal and truncated normal cycles.
- Base the definitions of compact and standard dishwashers on place-setting capacity.

2. Improve testing repeatability.

- Revise definition 1.10, "Truncated Normal Cycle" (previously 1.5).
- Tighten the tolerance for ambient temperature.
- Add more detail to test chamber installation requirements.
- Add an instruction for manufacturers to run a conditioning cycle prior to the test.
- Introduce a new section, Section 3, "Instrumentation," to consolidate all measurement specifications and to base tolerances on nominal values.
- Improve the overall format while introducing the new methodology for soil-sensing dishwashers.

3. Correct the last published rule.

- Correct typographical errors in definition 1.11, "Water Heating Dishwasher" (previously 1.6), and in section 2.2.2, "electrical."
- Remove obsolete text specific to dishwashers manufactured before May 14, 1994.

II. Discussion

A. General Discussion

While this proposed rulemaking retains many of the features of the current test procedure for measuring the energy use of dishwashers, it also includes important changes. We are retaining the current method for testing conventional, or non-soil-sensing dishwashers. However, we propose to amend the established test procedure by adding a new test method for measuring the energy consumption of soil-sensing models. The new procedure for the soil-sensing models will require manufacturers to measure the energy consumption of both short and long cycles, and weight the average results by the percentage of users who pre-rinse their dishes and those who do not pre-treat. This variable of consumer behavior is an important factor in determining whether a dishwasher sensor will select a short wash cycle or a long wash cycle. The sensor will select a short cycle with reduced energy consumption if pre-rinsed dishes add little food matter into the water. The sensor will select a longer cycle, increasing energy use, if dirty dishes raise the level of food matter in the water. In order to determine a fair representation of how these soil-sensing machines perform, the Department is especially interested in receiving comments on user behavior with regard to pre-treatment of dishes, or more directly, information on the average soil load that dishwashers today encounter. Such data on consumer pre-rinsing behavior will help us to assign more accurate percentages to how often a dishwasher's load is heavily soiled, versus how often the load of dishes is almost soil-free.

B. Changes in Dishwasher Design and Consumer Practices

1. Soil-Sensing Technology

The introduction of dishwasher models using soil-sensing technology prompted the need to revise the current test procedure, last revised in 1987, because the current test method does not accurately measure the energy consumption of models with variable cycles. The soil-sensing (or adaptive control) dishwashers adjust the length of the washing cycle according to the amount of soil matter in the water. A well-rinsed dish load will trigger a short wash cycle, while more heavily soiled dishes will trigger a longer cycle. The soil-sensing dishwashers measure the level of turbidity in the water or the pressure drop across filter screens to determine the soil level and select the appropriate cycle. However, when soil-sensing dishwashers are tested with the current test procedure, which uses only clean dishes, the absence of soils invariably triggers a shortened cycle. Thus, the energy factors obtained are very high and do not reflect a dishwasher's performance when a soiled load is present. At least one manufacturer, Maytag, has reported to DOE lower energy factors than those obtained using the current test procedure because it recognizes that the

results are not representative of the energy and water consumption that consumers are likely to experience under normal use. Some loads could be highly soiled, triggering a longer cycle and resulting in a lower energy factor for the machine. Thus, the test procedure for soil-sensing machines should provide reliable data reflecting performance under both types of loads, well-rinsed and soiled, without greatly increasing the test burden or cost to manufacturers.

As a first step in establishing testing procedures for the new models, the Department proposes to add definitions for conventional and soil-sensing dishwashers, and to prescribe a distinct test method for each. The test for conventional dishwashers remains essentially the same. The new test for soil-sensing models is based on a method developed by AHAM. Following a series of discussions with manufacturers, AHAM suggested a method to collect representative data by artificially forcing soil-sensing dishwashers into a maximum sensor normal cycle. DOE is proposing to adapt this method with modifications proposed by NIST. Although the concept is unchanged, NIST determined that language was needed to address the calculation of machine energy and water energy, adding weighting factors to each.

Under the new test procedure, manufacturers would test a soil-sensing dishwasher in accordance with the current DOE test procedure in the normal cycle and record the energy and water consumption values for the "minimum sensor normal" as M_{min} and V_{min}, respectively. They would then adjust the dishwasher cycle to reflect maximum soil loading and repeat the test, recording the energy and water consumption values for the "maximum sensor normal" as M_{max} and V_{max}, respectively. Each manufacturer would record, in the certification report, keystroke instructions on how to force a dishwasher into a maximum sensor normal response.

The next step would be to weight energy and water consumption values according to the fraction of people who do and do not pre-treat their dishes. The electrical energy consumption per cycle for the machine will be expressed in kilowatt-hours per cycle and defined as: $M = [M_{min} \cdot (P) + M_{max} \cdot (1-P)]$, where P equals the fraction of people who pre-treat dishes and (1–P) equals the fraction of people who do not pre-treat dishes. Similarly, the water consumption per cycle for the machine will be expressed in gallons per cycle and defined as: $V = [V_{min} \cdot (P) + V_{max} \cdot (1-P)]$, using the same weighting factors (P and 1–P).

The manufacturers would then use the water consumption to calculate the energy required to heat the supply water. Next, they would combine that energy with the machine energy to yield the total per cycle energy consumption for the test unit. Additionally, if the test unit has a truncated cycle option (a cycle preset to eliminate the power-dry feature), the test would be repeated and the data collected for the "minimum truncated sensor normal" and the "maximum truncated sensor normal" cycles. These values would be used to calculate the EAOC under the current method.

The Department has reviewed these suggestions and proposes to adopt this method for testing soil-sensing dishwashers with some modification. We believe that although the methodology is acceptable, the matter of how to force the dishwasher into a maximum response mode must be clarified. The Department therefore proposes to include a clause stating that if a manufacturer does not have a way to artificially force a maximum sensor normal cycle, the manufacturer must introduce a soil load according to the AHAM DW–1 performance test to trigger a maximum response.

A second issue is the determination of what percentages should be used in prorating the M_{min}, M_{max}, V_{min}, and V_{max} values. AHAM proposed using data obtained from the Soap and Detergent Association (SDA) based on surveys of the number of persons who pre-treat their soiled dishes versus those who merely scrape the soiled dishes or load them directly into the dishwasher. The SDA report, based on 1995 data, states that 79 percent of the people surveyed pre-treat their dishes (using water to rinse, scrub, or soak the dishes) and 21 percent of those surveyed do nothing or merely scrape their plates. However, the SDA report also cautions that because these results are based on consumer perception and interpretation, not on objective measures of loads washed, their survey has "the inherent uncertainties of consumer questionnaires." The resulting data could give an "indication of the use and patterns of use," but "should probably not be used in an energy standards setting framework." (See SDA letter to AHAM, July 13, 1998.)

The Oregon Office of Energy submitted a comment expressing concern about the lack of hard data regarding consumer pre-treatment of dishes and the acceptance of the 79–21 weights suggested by the SDA survey. The comment questioned the "rather loose definition of 'pre-treatment of dishes with water,'" and stated that "without more exacting data as to what 'pre-treatment' means, and what effect partially rinsed dishes (or combined loads of 'pre-treated' and not 'pre-treated') might have on existing sensor-equipped models, [they] will argue against any weighting proposal other than 50–50." (See Stephens letter, p. 2, December 16, 1998.)

The Department agrees that given the disclaimer within the SDA report and other expressed concerns, the 1995 SDA data is not sufficient for determining the percentages of pre-treatment. For this reason, we collected additional data from a 1989 Proctor and Gamble survey which found that approximately 73 percent of the surveyed population pre-treated their dishes, while 27 percent did not pre-treat their dishes. This information supports the AHAM statement that the number of persons who pre-treat their dishes has increased over the past 10 years. Another dishwasher user survey conducted in 1999 by Dethman and Associates for the Northwest Energy Efficiency Alliance and the Consortium for Energy Efficiency found that 63 percent of respondents rated their dishes as "somewhat clean," with small particles of food left, or "very clean," with all or almost all of the food gone. However, when Dethman and Associates calculated a cleanliness score based on a series of questions, the results showed that 83 percent of respondents rated their loads as "somewhat clean" or "very clean." This discrepancy highlights the subjective nature of these surveys and the variation in results depending on the way questions were presented. We are therefore using these data as a qualitative indication and not as a quantitative measure of consumer practices.

Other reasons for regarding the data as an imperfect approximation involve the assumptions behind the use of the percentages in the prorated calculation procedure. Prorating assumes a linear relationship between soil loading and energy consumption, which may or may not apply to a given dishwasher design. Also, as illustrated by the Dethman and Associates Dishwasher Survey Report, dishes loaded into dishwashers do not simply fall into two distinct categories, clean and dirty, but vary along a continuum from clean, at one extreme, to heavily soiled on the other. Because of this variation, some loads that are not pre-treated may still not require, or trigger, the maximum cycle, while on the other hand, a pre-treated load may contain some heavily soiled dishes that require the washer to go beyond the

minimum cycle to clean them adequately. A more precise calculation would require detailed soil loading statistics reflecting consumer behavior, as well as specific dishwasher response patterns to the loadings over a corresponding range of values.

Lacking more precise data at this time, the Department is proposing to use the following compromise figures as a reasonable surrogate for average soil loading: 70 percent to represent the percentage of the population that pre-treats their dishes and 30 percent to represent the percentage that does not pre-treat their dishes. Since the determination of these percentages is critical to the test procedure formula for the soil-sensing dishwashers, we are especially interested in receiving comments on the percentages proposed. If stakeholders propose alternative percentages for consumer pre-treatment behavior, it is critical that they provide data or other information that justifies those percentages.

2. Representative Average Dishwasher Use

In 1983, DOE amended the dishwasher test procedure to reduce the representative average use from 416 cycles per year to 322 cycles per year based on a Proctor and Gamble survey of consumer use conducted prior to 1982. For this rulemaking, the Department solicited new survey data from the SDA for more recent years. In response, the SDA provided survey results for selected years between 1985 and 1995 which indicate that the number of cycles consumers use on a yearly basis has decreased. Therefore, the Department is proposing to revise the representative average annual use to 264 cycles per year [1]. This change effectively lowers the annual energy use and therefore the estimated EAOC, defined as the product of the per cycle energy consumption, the representative average-use cycles, and the cost of energy.

3. Standby Electricity Consumption

The Department received a comment from the Oregon Office of Energy calling our attention to the issue of standby electricity consumption in dishwasher models using transformers and microprocessors to power timers, display lights, and other advanced cycle, control, and soil-sensing features. The comment urged that this "invisible" power consumption be included in the overall energy consumption for dishwashers to give a more complete and accurate calculation of energy use than is currently available (See Stephens letter, p. 3, *supra*). Although we recognize that it is important to evaluate standby power consumption in both dishwashers and other appliances, the Department plans to develop a consistent policy for all covered appliances on a program-wide basis. Until that time, we will not address standby power consumption in individual test procedure rulemakings.

4. New Definitions for "Compact" and "Standard" Dishwashers

DOE proposes to change the definitions of "compact" and "standard" dishwashers, found in section 430.32(f). The current test procedure uses exterior width to define the following product classes. Compact dishwashers are those models less than 22 inches in exterior width. Standard dishwashers are equal to or greater than 22 inches in exterior width.

Upon reinvestigation of this definition, however, we believe that using width to determine the product class is not correct. The proposed definition would use place setting capacity to distinguish compact from standard models, the determinant used by industry and by the Federal Trade Commission (FTC) for labeling. Thus, the Department proposes to define a compact dishwasher as a unit with a capacity of fewer than eight place settings, and a standard dishwasher as a unit with a capacity of eight or more place settings. This change should provide a more accurate, useful, and consistent classification for consumers. We are aware, for example, of a few models for which the current DOE classification system seems inconsistent and misleading. Whirlpool, for example, manufactures an under-counter dishwasher under the Roper Brand, model RUD0800EB, which has an eight place setting capacity. Because it is only 18 inches wide, however, it is classified as a compact dishwasher. Under the proposed definition, the Whirlpool 18 inch model, along with all models having an 8 place setting plus six serving piece capacity, would be classified as standard dishwashers.

Another dishwasher that presents a potential for mislabeling under the current width-based definition is the "DishDrawer" model manufactured by Fisher & Paykel which can be purchased with one drawer (model DD601) or two drawers (model DD602). This two drawer system operates as two stacked dishwashers sharing the same plumbing and washing system that can operate together or independently. However, if a customer only purchases the single drawer option, with its loading capacity of approximately 6 place settings, the single drawer model would be incorrectly classified as a standard-sized dishwasher because the drawer is greater than 22 inches wide. Disregarding the DOE definition, Fisher and Paykel has already marketed its single drawer model as a compact dishwasher, despite its standard-sized width.

The Department believes that a capacity-based definition of dishwasher class will be more useful to consumers when making purchasing decisions, since it appears that capacity, not width, is the criterion which most often determines a consumer's selection of a standard or compact model. This change will also ensure that all dishwashers are held to the appropriate minimum energy standard for their intended class, and that Federal definitions for making dishwasher class distinctions are rational. We therefore propose that the Department's definition of standard and compact dishwashers be based on capacity, consistent with the following FTC definitions (16 CFR Part 305 Appendix C):

"'Compact' includes countertop dishwasher models with a capacity of fewer than eight (8) place settings.

"'Standard' includes portable or built-in dishwasher models with a capacity of eight (8) or more place settings.

"Place settings shall be in accordance with Appendix C to Subpart B of 10 CFR part 430, [2.6.2]."

The Department proposes to modify Section 430.32(f) to read as follows:

Product class	Energy factor (cycles/KWh)
(1) Compact Dishwasher (capacity less than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW–1)	0.62
(2) Standard Dishwasher (capacity equal to or greater than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW–1)	0.46

This definition would also be consistent with the current test procedure's requirement that an eight place setting load plus six serving pieces be used in dishwashers with water heating capabilities for tests of the

[1] 264 represents the average number of cycles per year for the odd years, 85/86, 87/88, 89/90, 91/92, 93/94, 95/96, based on survey data obtained by a member company of the SDA and provided to the Department by AHAM via letter dated July 22, 1998. Note: data for survey years 90/91 and 92/93 were disregarded as part of the incomplete set of data points for the even survey years.

normal cycle at temperatures below 140°F. Thus, if this change is adopted, the manufacturers of eight place setting capacity dishwashers would still be held to the same test required of all standard dishwashers.

Because the new definitions will change the size classifications for some dishwashers, models manufactured after the effective date of this rulemaking must meet the energy standard designated for their new size category. For example, under the proposed definition, a few models, such as Whirlpool model RUD0800EB, would be reclassified from compact to standard dishwashers and would thereby have a lower energy factor requirement (decreased from 0.62 cycles/kWh to 0.46 cycles/kWh). Conversely, those dishwashers not capable of handling the eight place setting plus six serving piece load, such as the Fisher & Paykel model DD601, would be required to meet higher energy factor (increased from 0.46 cycles/kWh to 0.62 cycles/kWh), which the Fisher & Paykel model already does (the energy factor for the one drawer model is 1.16 cycles/kWh). We would, however, like to know about any other dishwashers that would be affected by this change in definition.

C. Improving Testing Repeatability

The Department proposes several changes to clarify the existing test procedure and improve its repeatability when multiple tests are conducted.

- In the definitions of 10 CFR part 430, Subpart B, Appendix C, the Department proposes to modify the definition of "Truncated Normal Cycle."

Under the current definition, section 1.5, " 'Truncated Normal Cycle' means the normal cycle interrupted to eliminate the power-dry feature after the termination of the last rinse operation." Since the test procedure calls for the test cycle to be selected prior to its initiation and for the cycle to run to completion, we believe that it is more accurate to substitute the word "preset" for "interrupted." This change supports the statement in the test procedure that the cycle type be set and allowed to proceed to completion. The new definition would read: " 'Truncated Normal Cycle' means the normal cycle preset to eliminate the power-dry feature after the termination of the last rinse operation."

- The Department proposes that the tolerance for the ambient temperature in testing conditions be tightened from the current range of between 70 °F and 85 °F to 75 ±5 °F.

According to NIST, a 15° temperature variation produced significant differences in the average machine energy consumption for the same dishwasher running the normal cycle with an 8 piece load. NIST tests found that the average total energy consumption of dishwashers tested at 85 °F ambient would be 17.6 percent lower than dishwashers tested at 70 °F ambient. We feel this is a significant percentage of variation which should be reduced by narrowing the allowable temperature range for testing. This change would also be consistent with AHAM performance tests, which must be conducted in the temperature range of 75 ±5 °F, and would bring the temperature range closer to the one used by the IEC standard for testing dishwashers (59 °F to 77 °F , 20±5 °C).

The new language would be:

"2.5 *Ambient and machine temperature.* Using a temperature measuring device as specified in 3.1 of this Appendix, maintain the room ambient air temperature at 75±5°F, and ensure that the dishwasher and the test load are at room ambient temperature at the start of each test cycle."

- The Department proposes to incorporate more detailed requirements for test chamber installation.

Currently, there are no installation instructions in the event that the manufacturer does not specify them. The test chamber provides an insulating effect which simulates under counter conditions and reduces heat loss to the environment, thereby increasing the overall energy performance. In an effort to improve the consistency of test results among laboratories, DOE proposes to add more detailed instructions to the dishwasher test procedure, using the wording proposed by AHAM. We are basing these proposed installation instructions on Underwriters Laboratories publication UL 749, "Standard for Safety: Household Dishwashers," to support uniformity among testing laboratories without adding significantly to the test burden. The proposed revised installation instructions are as follows:

"2. Testing conditions: 2.1 *Installation Requirements.* Install the dishwasher according to the manufacturer's instructions. A standard or compact under-counter or under-sink dishwasher must be tested in a rectangular enclosure constructed of nominal 0.374 inch (9.5 mm) plywood painted black. The enclosure must consist of a top, a bottom, a back, and two sides. If the dishwasher includes a countertop as part of the appliance, omit the top of the enclosure. Bring the enclosure into the closest contact with the appliance that the configuration of the dishwasher will allow."

- The Department proposes that manufacturers include a preconditioning cycle as part of the test procedure prior to running the test cycle.

We are aware that it is a common industry practice to run a preconditioning cycle for dishwashers before conducting a test. This ensures that the water lines and sump area of the pump are primed, which better approximates normal household conditions. Without this preconditioning cycle, the dishwasher consumes more water in the first fill than under normal operation As a result, we believe this step should be included as part of the test procedure in order to improve consistency among laboratories.

- DOE proposes to introduce a new section, Section 3 "Instrumentation" to consolidate all measurement specifications and to base tolerances on nominal values.

Within this section, the Department proposes to add specifications for temperature measurement devices which were not stated previously. This will limit the variation in testing equipment accuracy. This separate section should also make it easier to identify the instrumentation requirements and will eliminate the need to restate measurement specifications in each section. The Department also proposes to change the way tolerances are specified to reduce the variation in testing conditions. By basing tolerances on nominal values, manufacturers will have a target specification and tolerance rather than a range of acceptable values.

- We propose to combine the sections explaining the Estimated Annual Operating Cost calculation (EAOC) for dishwashers with and without truncated normal cycles.

We are consolidating these two sections to simplify the test procedure since the calculation for these two cases is identical.

D. Corrections to Last Published Rule

- The Department will correct two typographical errors found in the last published test procedure.

In current Section 1.11 "Water Heating Dishwasher," "heating" was misspelled, and in current Section 2.2.1 "Dishwashers that operate with an electrical supply of 240 volts," "electrical" was misspelled. Both are corrected in the amended test procedure.

- The Department proposes to remove language specific to dishwashers manufactured before 1994.

In the last published dishwasher test procedure, we set a date, May 14, 1994, prior to which all dishwashers were required to be equipped with an option to dry without heat. However, for dishwashers manufactured on or after

May 14, 1994, the sole requirement is that all dishwasher models meet the minimum energy standard. Therefore, since language specific to dishwashers manufactured before 1994 is no longer meaningful, the Department proposes to remove it. The resulting Section 430.32 would read:

(f) Dishwashers. The energy factor of dishwashers manufactured on or after May 14, 1994, must not be less than:

Product class	Energy factor (cycles/KWh)
(1) Compact Dishwasher (capacity less than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW–1)	0.62
(2) Standard Dishwasher (capacity equal to or greater than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW–1)	0.46

• The Department proposes that "AHAM" be defined within Appendix C. The current test procedure references the AHAM DW–1 publication for the specifications of the test load without stating what "AHAM" stands for. Therefore, to clarify the source of the publication, we propose to introduce the following definition: "'AHAM' means the Association of Home Appliance Manufacturers."

E. Re-Testing Soil-Sensing Dishwasher Models With New Test Procedure

Based on our discussions with industry representatives, we understand that soil-sensing dishwashers represent a small portion of the overall dishwasher market. Because most soil-sensing models appear to be fully compliant with the current standard, rather than marginally compliant, we do not expect a significant number of machines to fail to meet the current standard using the new test procedure. Thus, the new test procedure will not require the Department to conduct a series of tests to determine whether to alter the minimum energy conservation standards currently in effect for dishwashers. However, once the new test procedure takes effect (30 days) after the publication of the final rulemaking, all manufacturers must re-test and rate soil-sensor models such that all representations are based on the new test procedure, effective 180 days after it becomes applicable. They must report the new energy use information to the Department, and all models previously in compliance with the standard which no longer meet the standard will be grandfathered. If, however, the Department changes the minimum energy standard in the future, all models must comply with that standard, using the test procedure in effect at that time.

III. Procedural Requirements

A. Review Under the National Environmental Policy Act of 1969

In this proposed rule, the Department proposes amendments to test procedures that may be used to implement future energy conservation standards for dishwashers. The Department has determined that this proposed rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* The proposed rule is covered by Categorical Exclusion A5, for rulemakings that interpret or amend an existing rule without changing the environmental effect, as set forth in the Department's NEPA regulations in Appendix A to Subpart D, 10 CFR part 1021. This proposed rule will not affect the quality or distribution of energy usage and, therefore, will not result in any environmental impacts. Accordingly, neither an environmental impact statement nor an environmental assessment is required.

B. Review Under Executive Order 12866, "Regulatory Planning and Review"

This regulatory proposal is not a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review." 58 FR 51735 (October 4, 1993). Accordingly, the proposed action is not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

C. Review Under the Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, requires that an agency prepare an initial regulatory flexibility analysis for any rule, for which a general notice of proposed rulemaking is required, that would have a significant economic effect on small entities unless the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605.

This proposed rule prescribes test procedures that will be used to test compliance with energy conservation standards. The proposed rule affects dishwasher test procedures and would not have a significant economic impact, but rather would provide common testing methods. Therefore DOE believes that the proposed rule would not have a "significant economic impact on a substantial number of small entities," and the preparation of a regulatory flexibility analysis is not warranted.

D. "Takings" Assessment Review

DOE has determined pursuant to Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights," 53 FR 8859 (March 18, 1988), that this regulatory proposal, if adopted, would not result in any takings which might require compensation under the Fifth Amendment to the United States Constitution.

E. Federalism Review

Executive Order 12612, "Federalism," 52 FR 41685 (October 30, 1987), requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among various levels of Government. If there are substantial direct effects, then this Executive Order requires preparation of a Federalism assessment to be used in all decisions involved in promulgating and implementing a policy action.

The proposed rule published today would not regulate the States. Accordingly, DOE has determined that preparation of a Federalism assessment is unnecessary.

F. Review Under the Paperwork Reduction Act

No new information or recordkeeping requirements are imposed by this proposed rulemaking. Accordingly, no OMB clearance is required under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

G. Review Under Executive Order 12988, "Civil Justice Reform"

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, "Civil Justice Reform," 61 FR 4729 (February 7, 1996), imposes on executive agencies the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of the Executive Order specifically requires that Executive agencies make every reasonable effort to

ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and reducing burdens; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3 of the Executive Order requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them.

The Department reviewed today's proposed rule under the standards of Section 3 of the Executive Order and determined that, to the extent permitted by law, it meets the requirements of those standards.

H. Review Under the Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") requires that the Department prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. The budgetary impact statement must include: (i) Identification of the Federal law under which the rule is promulgated; (ii) a qualitative and quantitative assessment of anticipated costs and benefits of the Federal mandate and an analysis of the extent to which such costs to state, local, and tribal governments may be paid with Federal financial assistance; (iii) if feasible, estimates of the future compliance costs and of any disproportionate budgetary effects the mandate has on particular regions, communities, non-Federal units of government, or sectors of the economy; (iv) if feasible, estimates of the effect on the national economy; and (v) a description of the Department's prior consultation with elected representatives of state, local, and tribal governments and a summary and evaluation of the comments and concerns presented.

The Department has determined that the action proposed today does not include a Federal mandate that may result in estimated costs of $100 million or more to state, local, or tribal governments in the aggregate or to the private sector. Therefore, the requirements of Sections 203 and 204 of the Unfunded Mandates Act do not apply to this action.

I. Review Under the Plain Language Directives

Section 1(b)(12) of Executive Order 12866 requires that each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty. Similarly, the Presidential memorandum of June 1, 1998 (63 FR 31883) directs the heads of executive departments and agencies to use, by January 1, 1999, plain language in all proposed and final rulemaking documents published in the **Federal Register**, unless the rule was proposed before that date.

Today's proposed rule uses the following general techniques to abide by Section 1(b)(12) of Executive Order 12866 and the Presidential memorandum of June 1, 1998 (63 FR 31883):

- Organization of the material to serve the needs of the readers (stakeholders).
- Use of common, everyday words in short sentences.
- Shorter sentences and sections.

We invite your comments on how to make this proposed rule easier to understand.

J. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. No. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule or policy that may affect family well-being. Today's proposal would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

IV. Public Comment

A. Written Comment Procedures

The Department invites interested persons to participate in the proposed rulemaking by submitting data, comments, or information with respect to the proposed issues set forth in today's proposed rule to Ms. Barbara Twigg, at the address indicated at the beginning of this notice. We will consider all submittals received by the date specified at the beginning of this notice in developing the final rule.

According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy of the document and ten (10) copies, if possible, from which the information believed to be confidential has been deleted. The Department of Energy will make its own determination with regard to the confidential status of the information and treat it according to its determination.

Factors of interest to the Department when evaluating requests to treat as confidential information that has been submitted include: (1) A description of the items; (2) an indication as to whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) an indication as to when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

B. Public Workshop

1. Procedures for Submitting Requests To Speak

You will find the time and place of the public workshop listed at the beginning of this notice of proposed rulemaking. The Department invites any person who has an interest in today's notice of proposed rulemaking, or who is a representative of a group or class of persons that has an interest in these proposed issues, to make a request for an opportunity to make an oral presentation. If you would like to attend the public workshop, please notify Ms. Brenda Edwards-Jones at (202) 586–2945. You may hand deliver requests to speak to the address indicated at the beginning of this notice between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays, or send them by mail.

The person making the request should state why he or she, either individually or as a representative of a group or class of persons, is an appropriate spokesperson, briefly describe the nature of the interest in the rulemaking, and provide a telephone number for contact.

The Department requests each person selected to be heard to submit an

advance copy of his or her statement at least two weeks prior to the date of this workshop as indicated at the beginning of this notice. The Department, at its discretion, may permit any person wishing to speak who cannot meet this requirement to participate if that person has made alternative arrangements with the Office of Codes and Standards in advance. The letter making a request to give an oral presentation must ask for such alternative arrangements.

2. Conduct of Workshop

The workshop (hearing) will be conducted in an informal, conference style. The Department may use a professional facilitator to facilitate discussion, and a court reporter will be present to record the transcript of the meeting. We will present summaries of comments received before the workshop, allow time for presentations by workshop participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Following the workshop, we will provide an additional comment period, during which interested parties will have an opportunity to comment on the proceedings at the workshop, as well as on any aspect of the rulemaking proceeding.

The Department will arrange for a transcript of the workshop and will make the entire record of this rulemaking, including the transcript, available for inspection in the Department's Freedom of Information Reading Room. Any person may purchase a copy of the transcript from the transcribing reporter.

C. Issues Requested for Comment

The Department of Energy is interested in receiving comments and/or data concerning the feasibility, workability, and appropriateness of the test procedures proposed in this proposed rulemaking. Also, DOE welcomes discussion on improvements or alternatives to these approaches. We are especially interested in any data regarding:

(1) The frequency with which dishwashers' loads are pre-treated;

(2) The amount of water energy consumed in pretreatment (kW);

(3) The degree of cleanliness of pre-treated dishes;

(4) The typical soil levels for the normal cycle;

(5) The frequency that max., min., and other normal cycles are run and the corresponding energy consumption for those respective cycles;

(6) Any dishwashers adversely affected by changing the definitions of compact and standard models; and

(7) any soil-sensing dishwashers adversely affected by the new test procedure.

These data will help us to select the percentages reflecting how often dishwashers encounter well-rinsed or soiled loads.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

Issued in Washington, DC, on September 20, 1999.

Dan W. Reicher,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, the Department proposes to amend Part 430 of Chapter II of Title 10, Code of Federal Regulations, to read as follows.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for Part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

2. Section 430.23 of Subpart B is amended by revising the section heading, and paragraph (c) to read as follows:

§ 430.23 Test procedures for the measurement of energy consumption.

* * * * *

(c) Dishwashers. (1) The Estimated Annual Operating Cost (EAOC) for dishwashers is defined as follows:

(i) When electrically-heated water (120 °F or 140 °F) is used or when cold water (50 °F) is used—

(A) For dishwashers having a truncated normal cycle as defined in 1.10 of appendix C to this subpart, $EAOC_t = N \times D_e \times [0.5 \times (M_n + M_t)]$, and

(B) For dishwashers not having a truncated normal cycle, $EAOC_n = N \times D_e \times M_n$,

where

N=the representative average use of 264 cycles per year,

D_e=the representative average unit cost of electrical energy in dollars per kilowatt-hour as provided by the Secretary.

M_n=the total machine electrical energy consumption per-cycle for the normal cycle as defined in 1.5 of Appendix C to this subpart, in kilowatt-hours and determined according to 5.1 of Appendix C to this subpart.

M_t=the total machine electrical energy consumption per-cycle for the truncated normal cycle as defined in 1.10 of Appendix C to this subpart, in kilowatt-hours and determined according to 5.1 of Appendix C to this subpart.

(C) You must round off the resulting estimated annual operating cost to the nearest dollar per year.

(ii) When gas-heated or oil-heated water is used:

(A) For dishwashers having a truncated normal cycle as defined in 1.10 of Appendix C to this subpart, $EAOC_t = N \times [(D_e \times 0.5(M_n + M_t)) + (D_w \times 0.5(W_n + W_t))]$, and

(B) For dishwashers not having a truncated normal cycle, $EAOC_n = N \times [(D_e \times M_n) + (D_w \times W_n)]$,

where

N, D_e, M_n, and M_t are defined in (c)(1)(i) of this section.

D_w=the representative average unit cost in dollars per Btu for gas or oil, as appropriate, as provided by the Secretary.

W_n=the total water energy consumption per cycle for the normal cycle as defined in 1.5 of appendix C to this subpart, in Btus and determined according to 5.3 of appendix C to this subpart.

W_t=the total water energy consumption per cycle for the truncated normal cycle as defined in 1.10 of appendix C to this subpart, in Btus and determined according to 5.3 of appendix C to this subpart.

(C) You must round off the resulting estimated annual operating cost to the nearest dollar per year.

(2) The energy factor for dishwashers, expressed in cycles per kilowatt-hour is defined as:

(i) For dishwashers not having a truncated normal cycle, as defined in 1.10 of Appendix C to this subpart, the reciprocal of the total energy consumption per cycle for the normal cycle in kilowatt-hours per cycle, determined according to 5.5 of appendix C to this subpart, and

(ii) For dishwashers having a truncated normal cycle, as defined in 1.10 of appendix C to this subpart, the reciprocal of one-half the sum of—

(A) The total energy consumption per cycle for the normal cycle, plus

(B) The total energy consumption per cycle for the truncated normal cycle, each in kilowatt-hours per cycle and determined according to 5.5 of appendix C to this subpart.

(3) Other useful measures of energy consumption for dishwashers are those which the Secretary determines are likely to assist consumers in making purchasing decisions and which are

derived from the application of Appendix C to this subpart.

* * * * *

3. Appendix C to Subpart B of Part 430 is revised to read as follows:

Appendix C to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dishwashers

1. Definitions

1.1 *AHAM* means the Association of Home Appliance Manufacturers.

1.2 *Conventional dishwasher* means a dishwasher that does not have a mechanism to adjust the cycle and/or number of wash or rinse operations based on the soil load of the dishes.

1.3 *Cycle* means a sequence of operations of a dishwasher which performs a complete dishwashing function, and may include variations or combinations of washing, rinsing, and drying.

1.4 *Cycle type* means any complete sequence of operations capable of being preset on the dishwasher prior to the initiation of machine operation.

1.5 *Normal cycle* means the cycle type recommended by the manufacturer for completely washing a full load of normally soiled dishes including the power-dry feature.

1.6 *Power-dry feature* means the introduction of electrically generated heat into the washing chamber for the purpose of improving the drying performance of the dishwasher.

1.7 *Sensor normal cycle* means the range of operations in a soil-sensing dishwasher that constitutes the cycle type recommended by the manufacturer for completely washing a full load of normally soiled dishes including the power-dry feature.

1.8 *Sensor truncated normal cycle* means the sensor normal cycle preset to eliminate the power-dry feature after the termination of the last rinse operation.

1.9 *Soil-sensing dishwasher* means a dishwasher that has a mechanism to adjust the cycle and/or number of wash or rinse operations based on the soil load of the dishes.

1.10 *Truncated normal cycle* means the normal cycle preset to eliminate the power-dry feature after the termination of the last rinse operation.

1.11 *Water heating dishwasher* means a dishwasher which is designed for heating cold inlet water (nominal 50 °F) or a dishwasher for which the manufacturer recommends operation with a nominal inlet water temperature of 120 °F, and may operate at either of these inlet water temperatures by providing internal water heating to above 120 °F in at least one wash phase of the normal cycle.

2. Test Conditions

2.1 *Installation Requirements.* Install the dishwasher according to the manufacturer's instructions. A standard or compact under-counter or under-sink dishwasher must be tested in a rectangular enclosure constructed of nominal 0.374 inch (9.5 mm) plywood painted black. The enclosure must consist of a top, a bottom, a back, and two sides. If the dishwasher includes a counter top as part of the appliance, omit the top of the enclosure. Bring the enclosure into the closest contact with the appliance that the configuration of the dishwasher will allow.

2.2 *Electrical energy supply.*

2.2.1 *Dishwashers that operate with an electrical supply of 115 volts.* Maintain the electrical supply to the dishwasher within two percent of 115 volts and within one percent of the nameplate frequency as specified by the manufacturer.

2.2.2 *Dishwashers that operate with an electrical supply of 240 volts.* Maintain the electrical supply to the dishwasher within two percent of 240 volts and within one percent of its nameplate frequency as specified by the manufacturer.

2.3 *Water temperature.* Measure the temperature of the water supplied to the dishwasher using a temperature measuring device as specified in 3.1 of this Appendix.

2.3.1 *Dishwashers to be tested at a nominal 140 °F inlet water temperature.* Maintain the water supply temperature at 140 ± 5 °5.

2.3.2 *Dishwashers to be tested at a nominal 120 °F inlet water temperature.* Maintain the water supply temperature at 120 ± 2 °F.

2.3.3 *Dishwashers to be tested at a nominal 50 °F inlet water temperature.* Maintain the water supply temperature at 50 ± 2 °F.

2.4 *Water pressure.* Using a water pressure gauge as specified in 3.3 of this Appendix, maintain the pressure of the water supply at 35 ± 2.5 pounds per square inch gauge (psig).

2.5 *Ambient and machine temperature.* Using a temperature measuring device as specified in 3.1 of this Appendix, maintain the room ambient air temperature at 75± 5 °F, and ensure that the dishwasher and the test load are at room ambient temperature at the start of each test cycle.

2.6 *Load.*

2.6.1 *Conventional dishwashers to be tested at a nominal inlet temperature of 140°F.* These units must be tested on the normal cycle without a test load.

2.6.2 *Conventional dishwashers to be tested at a nominal inlet temperature of 50°F or 120°F.* These units must be tested on the normal cycle with a test load of eight place settings plus six serving pieces, as specified in Section 6 of AHAM Standard DW–1. If the capacity of the dishwasher, as stated by the manufacturer, is less than eight place settings, then the test load must be the stated capacity.

2.6.3 *Soil-sensing dishwashers to be tested at a nominal inlet temperature of 140°F.* These units must be tested on the sensor normal cycle, as defined in 1.7 of this Appendix, without a test load.

2.6.4 *Soil-sensing dishwashers to be tested at a nominal inlet temperature of 50°F or 120°F.* These units must be tested on the sensor normal cycle, as defined in 1.7 of this Appendix, with a test load of eight place settings plus six serving pieces, as specified in section 6 of AHAM Standard DW–1. If the capacity of the dishwasher, as stated by the manufacturer, is less than eight place settings, then the test load must be the stated capacity.

2.7 *Testing requirements.* Provisions in this Appendix pertaining to dishwashers that operate with a nominal inlet temperature of 50 °F or 120 °F apply only to water heating dishwashers.

2.8 *Preconditioning cycle.* Perform a preconditioning cycle by establishing the testing conditions set forth in sections 2.1 through 2.5 of this Appendix. Set the dishwasher to the normal cycle without using a test load, initiate the cycle, and allow the cycle to proceed to completion. Ensure that the water lines and sump area of the pump are primed.

3. Instrumentation

3.1 *Temperature measuring device.* The device must have an error no greater than ±1 °F over the range being measured.

3.2 *Water meter.* The water meter must have a resolution of no larger than 0.1 gallons and a maximum error no greater than 1.5 percent for all water flow rates from one to five gallons per minute and for all water temperatures encountered in the test cycle.

3.3 *Water pressure gauge.* The water pressure gauge must have a resolution of one pound per square inch (psi) and must have an error no greater than 5 percent of any measured value over the range of 35 ± 2.5 psig.

3.4 *Watt-hour meter.* The watt-hour meter must have a resolution of no greater than 1 watt-hour and a maximum error of no more than 1 percent of the measured value for any demand greater than 50 watts.

4. Test Cycle and Measurements

4.1 *Test cycle.* Perform a test cycle by establishing the testing conditions set forth in section 2 of this Appendix, setting the dishwasher to the cycle type to be tested, initiating the cycle, and allowing the cycle to proceed to completion.

4.2 *Machine electrical energy consumption.*

4.2.1 *Conventional dishwashers only.* Measure the electrical energy consumed by the machine during the test cycle, M, expressed in kilowatt-hours per cycle, using a water supply temperature as set forth in 2.3 of this Appendix and using a watt-hour meter as specified in 3.4.

4.2.2 *Soil-sensing dishwashers only.* Measure the electrical energy consumed by the machine during the minimum sensor normal cycle, M_{min}, expressed in kilowatt-hours per cycle, using a water supply temperature as set forth in 2.3 of this Appendix and using a watt-hour meter as specified in 3.4. Measure the electrical energy consumed by the machine during the maximum sensor normal cycle, M_{max}, expressed in kilowatt-hours per cycle, using a water supply temperature as set forth in 2.3 of this Appendix and using a watt-hour meter as specified in 3.4. If a manufacturer cannot artificially force a maximum sensor normal response, the manufacturer must introduce a soil load, as specified in the AHAM DW–1 performance test, and record the machine electrical energy consumption as M_{max}.

4.3 *Water consumption.*

4.3.1 *Conventional dishwashers only.* Measure the water consumption, V, specified as the number of gallons delivered to the

dishwasher during the entire test of the normal cycle, using a water meter as specified in 3.2 of this Appendix.

4.3.2 *Soil-sensing dishwashers only.* Measure the minimum water consumption, V_{Min}, specified as the number of gallons delivered to the dishwasher during the sensor normal test cycle, using a water meter as specified in 3.2 of this Appendix. Measure the maximum water consumption, V_{max}, specified as the number of gallons delivered to the dishwasher during the maximum sensor normal test cycle, using a water meter as specified in 3.2 of this Appendix.

4.4 *Report values.* You must report the electrical energy consumption and water consumption values for the machine, as measured.

5. Calculation of Derived Results From Test Measurements

5.1 *Machine energy consumption.* Determine the machine energy consumption for conventional or soil-sensing dishwashers according to sections 5.1.1 and 5.2.2, respectively. Use the notation M_n to represent the resulting value, M, for a test of the normal or sensor normal cycle and M_t to represent the resulting value, M, for a test of the truncated normal or sensor truncated normal cycle.

5.1.1 *Conventional dishwashers only.* For each test cycle (normal or truncated normal), use the measured value recorded in section 4.2.1 as the per-cycle machine electrical energy consumption, M, expressed in kilowatt-hours per cycle.

5.1.2 *Soil-sensing dishwashers only.* For each test cycle (sensor normal or sensor truncated normal), calculate the electrical energy consumption for the machine, M, expressed in kilowatt-hours per cycle and defined as:

$$M=[M_{min} \times (P)+M_{max} \times (1-P)]$$

where,

M_{min}=the machine electrical energy consumption during the sensor normal cycle as measured according to section 4.2.2.

P=the fraction of residential dishwasher owners that pre-treat dishes=0.70.

M_{max}=the machine electrical energy consumption with the maximum sensor normal response as measured according to section 4.2.2.

(1–P)=the fraction of residential dishwasher owners that do not pre-treat dishes=0.30.

5.2 *Water consumption per cycle for soil-sensing dishwashers only.* For each test cycle (sensor normal or sensor truncated normal), calculate the water consumption, V, expressed in gallons per cycle and defined as:

$$V=[V_{min} \times (P)+V_{max} \times (1-P)]$$

where,

V_{min}=the water consumption during the minimum sensor normal cycle, as measured according to section 4.3.2.

P=the fraction of residential dishwasher owners that pre-treat dishes = 0.70.

V_{max}=the water consumption with the maximum sensor normal response, as measured according to section 4.3.2.

(1–P)=the fraction of residential dishwasher owners that do not pre-treat dishes = 0.30.

5.3 *Water energy consumption per cycle for dishwashers using electrically heated water.* Determine the water energy consumption for conventional dishwashers according to sections 5.3.1.1 and 5.3.2.1. Determine the water energy consumption for soil-sensing dishwashers according to sections 5.3.1.2 and 5.3.2.2. Use the notation W_{en} to represent the resulting value, W_e, for a test of the normal or sensor normal cycle and W_{et} to represent the resulting value, W_e, for a test of the truncated normal or sensor truncated normal cycle.

5.3.1 *Dishwashers that operate with a nominal 140 °F inlet water temperature, only.*

5.3.1.1 *Conventional dishwashers.* For each test cycle, calculate the water energy consumption, W_e, expressed in kilowatt-hours per cycle and defined as:

$$W_e=V \times T'' \times K$$

where,

V=reported water consumption in gallons per cycle, as measured in 4.3.1 of this Appendix.

T″=nominal water heater temperature rise=90 °F.

K=specific heat of water in kilowatt-hours per gallon per degree Fahrenheit=0.0024.

5.3.1.2 *Soil-sensing dishwashers.* For each test cycle, calculate the water energy consumption, W_e, expressed in kilowatt-hours per cycle and defined as:

$$W_e=V \times T'' \times K$$

where,

V is calculated in 5.2 of this Appendix.

T″=nominal water heater temperature rise=90 °F.

K=specific heat of water in kilowatt-hours per gallon per degree Fahrenheit=0.0024.

5.3.2 *Dishwashers that operate with a nominal inlet water temperature of 120 °F.*

5.3.2.1 *Conventional dishwashers.* For each test cycle, calculate the water energy consumption, W_e, expressed in kilowatt-hours per cycle and defined as:

$$W_e=V \times T' \times K$$

where,

V=reported water consumption in gallons per cycle, as measured in 4.3.1 of this Appendix.

T′=nominal water heater temperature rise=70 °F.

K=specific heat of water in kilowatt-hours per gallon per degree Fahrenheit=0.0024.

5.3.2.2 *Soil-sensing dishwashers.* For each test cycle, calculate the water energy consumption, W_e, expressed in kilowatt-hours per cycle and defined as:

$$W_e=V \times T' \times K$$

where,

V is calculated in 5.2 of this Appendix.

T′=nominal water heater temperature rise=70 °F.

K=specific heat of water in kilowatt-hours per gallon per degree Fahrenheit=0.0024.

5.4 *Water energy consumption per cycle using gas-heated or oil-heated water.* Determine the water energy consumption for conventional dishwashers according to §§ 5.4.1.1 and 5.4.2.1. Determine the water energy consumption for soil-sensing dishwashers according to sections 5.4.1.2 and 5.4.2.2. Use the notation W_{gn} to represent the resulting value, W_g, for a test of the normal or sensor normal cycle and W_{gt} to represent the resulting value, W_g, for a test of the truncated normal or sensor truncated normal cycle.

5.4.1 *Dishwashers that operate with a nominal 140 °F inlet water temperature, only.*

5.4.1.1 *Conventional dishwashers.* For each test cycle, calculate the water energy consumption using gas-heated or oil-heated water, W_g, expressed in Btus per cycle and defined as:

$$W_g=V \times T'' \times C/e$$

where,

V=reported water consumption in gallons per cycle, as measured in 4.3.1 of this Appendix.

T″=nominal water heater temperature rise=90 °F.

C=specific heat of water in Btus per gallon per degree Fahrenheit=8.20.

e=nominal gas or oil water heater recovery efficiency=0.75.

5.4.1.2 *Soil-sensing dishwashers.* For each test cycle, calculate the water energy consumption using gas heated or oil heated water, W_g, expressed in Btus per cycle and defined as:

$$W_g=V \times T'' \times C/e$$

where,

V is calculated in 5.2 of this Appendix.

T″=nominal water heater temperature rise=90 °F.

C=specific heat of water in Btus per gallon per degree Fahrenheit=8.20.

e=nominal gas or oil water heater recovery efficiency=0.75.

5.4.2 *Dishwashers that operate with a nominal inlet water temperature of 120 °F.*

5.4.2.1 *Conventional dishwashers.* For each test cycle, calculate the water energy consumption using gas heated or oil heated water, W_g, expressed in Btus per cycle and defined as:

$$W_g=V \times T' \times C/e.$$

where,

V is measured in 4.3.1 of this Appendix.

T′=nominal water heater temperature rise=70 °F.

C=specific heat of water in Btus per gallon per degree Fahrenheit=8.20.

e=nominal gas or oil water heater recovery efficiency=0.75.

5.4.2.2 *Soil-sensing dishwashers.* Calculate for the cycle type under test the water energy consumption per cycle using gas heated or oil heated water, W_g, expressed in Btus per cycle and defined as:

$$W_g=V \times T' \times C/e.$$

where

V is calculated in 5.2 of this Appendix.

T′=nominal water heater temperature rise=70 °F.

C=specific heat of water in Btus per gallon per degree Fahrenheit=8.20.

e=nominal gas or oil water heater recovery efficiency=0.75.

5.5 *Total energy consumption per cycle.* For each test cycle, calculate the total per-cycle energy consumption, E, expressed in

kilowatt-hours per cycle, and defined as the sum of the per-cycle machine electrical energy consumption, M, plus the per-cycle water energy consumption of electrically-heated water, W, calculated for the cycle type, according to 5.1 and 5.3 respectively.

4. Section 430.32 of Subpart C is amended by revising paragraph (f) to read as follows:

§ 430.32 Energy and water conservation standards and effective dates.

* * * * *

(f) *Dishwashers.* The energy factor of dishwashers manufactured on or after May 14, 1994, must not be less than:

Product class	Energy factor (cycles/KWh)
(1) Compact Dishwasher (capacity less than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW–1)	0.62
(2) Standard Dishwasher (capacity equal to or greater than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW–1)	0.46

* * * * *

[FR Doc. 99–25186 Filed 9–27–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–39–AD]

RIN 2120–AA64

Airworthiness Directives; CFE Company Model CFE738–1–1B Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to CFE Company Model CFE738–1–1B turbofan engines. This proposal would require, on certain engines identified by serial numbers, a one-time visual inspection of Stage 2 high pressure turbine (HPT) aft cooling plates, for nicks, dents, and scratches, and if present, dimensional inspection of indentation depth, repair if indentation is within acceptable limits, and, if necessary, replacement with serviceable parts. This AD would also require inspection of the Stage 2 HPT rotor disk post aft surface which mates with the Stage 2 HPT aft cooling plate, for raised metal and removal of the raised metal, if present. This proposal is prompted by reports of dented Stage 2 HPT aft cooling plates which occurred during the assembly of the cooling plate to the Stage 2 disk due to raised metal on the stage 2 HPT disk post aft mating surface. The actions specified by the proposed AD are intended to prevent aft HPT cooling plate failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by November 29, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–39–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from CFE Company, Data Distribution, MS 64–03/2101–201, P.O. Box 52170, Phoenix, AZ 85972–2170; telephone (602) 365–2493, fax (602) 365–5577. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Keith Mead, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7744, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NE–39–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–39–AD. 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Federal Aviation Administration (FAA) has received reports of certain Stage 2 high pressure turbine (HPT) aft cooling plates, installed on CFE Company Model CFE738–1–1B turbofan engines, that were dented during the assembly of the cooling plate to the stage 2 disk due to raised metal on the aft mating face of the Stage 2 HPT rotor disk post. During the assembly of the high-pressure turbine rotor, the Stage 2 disk is restrained with a special tool fixture. It has been determined that a condition occurring in this fixture as early as January 1998, may have resulted in raised metal on the disk post aft surface, which interfaces with the aft cooling plate. The higher the raised metal on the disk post, the deeper the dent in the cooling plate. The fixture has been repaired to prevent further occurrences and engines which may be effected by this condition have been identified by serial numbers. Analysis indicates that nicks, dents, and scratches on the Stage 2 HPT aft cooling plate exceeding a certain depth would result in a reduction in part cyclic life. This condition, if not corrected, could result in aft HPT cooling plate failure, which could result in an uncontained engine failure and damage to the airplane.

Service Information

The FAA has reviewed and approved the technical contents of CFE Alert

Service Bulletin (ASB) CFE738–A72–8031, Revision 1, dated June 23, 1999, that describes the dimensional inspection procedures for indentation depth on aft HPT cooling plates, inspection of the stage 2 HPT rotor disk for raised metal, and the acceptance and repair criteria of the Stage 2 HPT aft cooling plate and HPT rotor disk.

Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require, on engines identified by S/N, a one-time visual inspection of Stage 2 high pressure turbine (HPT) aft cooling plates for nicks, dents, and scratches, and if present, dimensional inspection of indentation depth, repair if indentation is within acceptable limits, and, if necessary, replacement with serviceable parts. This AD would also require inspection of the Stage 2 HPT rotor disk post aft surface which mates with the Stage 2 HPT aft cooling plate, for raised metal, and, removal of the raised metal, if present. The inspections would be required at the next shop visit after the effective date of this AD where the HPT assembly is sufficiently disassembled to afford access to the Stage 2 HPT aft cooling plate, but not later than 4,500 part cycles since new (CSN) in accordance with the ASB described previously.

Economic Analysis

There are approximately 72 engines of the affected design in the worldwide fleet. The FAA estimates that 48 engines installed on aircraft of US registry would be affected by this proposed AD, that it would take approximately 4 work hours per engine to accomplish the proposed inspection if the inspection did not take place during scheduled maintenance, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1,536 per engine. Based on these figures, the total cost impact of the proposed AD on US operators is estimated to be $106,560.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Company: Docket No. 99–NE–39–AD.

Applicability: CFE Model CFE738–1–1B turbofan engines, serial numbers (S/Ns) 105267 through 105339, inclusive. These engines are installed on but not limited to Dassault-Breguet Falcon 2000 series aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

(a) At the next engine shop visit after the effective date of this AD where the HPT assembly is sufficiently disassembled to afford access to the Stage 2 HPT aft cooling plate, but not later than 4500 part cycles-since-new (CSN), accomplish the following in accordance with CFE Alert Service Bulletin (ASB) No. CFE738–A72–8031, Revision 1, dated June 23, 1999 as follows:

(1) Inspect the stage 2 HPT aft cooling plate for nicks, dents, and scratches on surface D in accordance with the requirements of ASB No. CFE738–A72–8031 paragraph 2.B.(1).

(2) Repair those stage 2 HPT aft cooling plates with indentation less than 0.003 inch deep in accordance with ASB No. CFE738–A72–8031 paragraph 2.B.(1).

(3) Remove from service prior to further flight those stage 2 HPT aft cooling plates which have nicks, dents, and/or scratches that exceed the acceptance limits in accordance with ASB No. CFE738–A72–8031 paragraph 2.B.(1), and replace with a serviceable part.

(4) Inspect the stage 2 HPT rotor disk post aft mating surface for raised metal, and remove raised metal if present in accordance with ASB No. CFE738–A72–8031 section 2.B.(2).

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the inspection requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on September 20, 1999.

David A. Downey,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–25122 Filed 9–27–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–61–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 98–08–07, which currently requires replacing the rudder and elevator pivot arms with parts of improved design on

certain Pilatus Aircraft Ltd. (Pilatus) Model PC–7 airplanes. The proposed AD would require replacing the rudder and elevator pivot arms with parts that have been improved since issuance of AD 98–08–07. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by the proposed AD are intended to prevent failure of the elevator and rudder caused by fatigue cracking of the pivot arms, which could result in reduced airplane controllability and possible loss of control of the airplane.

DATES: Comments must be received on or before October 27, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–61–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 65 09; facsimile: +41 41 610 33 51. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 99–CE–61–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–61–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 98–08–07, Amendment 39–10456 (63 FR 17323, April 9, 1998), currently requires replacing the rudder and elevator pivot arms with the following parts of improved design, on certain Pilatus Model PC–7 airplanes:

Designation	New part No.
Pivot Arm—Left-hand Elevator	113.50.07.108
Pivot Arm—Right-hand Elevator	113.50.07.109
Pivot Arm—Upper Rudder	113.40.07.084
Pivot Arm—Lower Rudder	113.40.07.083

Accomplishment of AD 98–08–07 was required in accordance with Pilatus Service Bulletin No. PC7–55–001, Revision No. 1, dated June 20, 1995.

AD 98–08–07 was the result of reports of cracks in the elevator and rudder trim tab pivot arms on the above-referenced airplanes.

The actions specified in AD 98–08–07 were intended to prevent failure of the elevator and rudder caused by fatigue cracking of the pivot arms, which could result in reduced airplane controllability and possible loss of control of the airplane.

Actions Since Issuance of Previous Rule

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified the FAA that an unsafe condition may exist on certain Pilatus PC–7 airplanes. The FOCA of Switzerland advises that cracks have been found in the improved design rudder and elevator pivot arms that are specified in Pilatus Service Bulletin No. PC7–55–001, Revision No. 1, dated June 20, 1995, and mandated to be installed by AD 98–08–07.

Analyis reveals that the cause of the cracks is due to a manufacturing defect where the manufacturing process deviated from the design specifications.

Relevant Service Information

Pilatus has issued Service Bulletin No. 55–003, dated July 7, 1999, which specifies procedures for replacing the rudder and elevator pivot arms with parts of improved design, as follows:

Designation	Previous part No. installed per AD 98–08–07	New part No.
Pivot Arm, Inner Elevator	113.50.07.108	113.50.07.108 (green paint).
Pivot Arm, Outer Elevator	113.50.07.109	113.50.07.109 (green paint).
Pivot Arm, Upper Rudder	113.40.07.084	113.40.07.084 (green paint).
Pivot Arm, Lower Rudder	113.40.07.083	113.40.07.083 (green paint).

The FOCA classified this service bulletin as mandatory and issued Swiss Airworthiness Directive HB 99–412, Effective Date: August 31, 1999, in order to assure the continued airworthiness of these airplanes in Switzerland.

The FAA's Determination

This airplane model is manufactured in Switzerland and is type certificated for operation in the United States under

the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the FOCA of Switzerland has kept the FAA informed of the situation described above.

The FAA has examined the findings of the FOCA; reviewed all available information, including the referenced service information; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Pilatus PC–7 airplanes of the same type design registered for operation in the United States, the FAA is proposing AD action to supersede AD 98–08–07. The proposed AD would require replacing the rudder and elevator pivot arms with parts that have been improved since issuance of AD 98–08–07.

Cost Impact

The FAA estimates that 8 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 6 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $300 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $5,280, or $660 per airplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 98–08–07, Amendment 39–10456, and by adding a new AD to read as follows:

Pilatus Aircraft Ltd.: Docket No. 99–CE–61–AD; Supersedes AD 98–08–07, Amendment 39–10456.

Applicability: Model PC–7 airplanes, manufacturer serial number (MSN) 001 through MSN 614, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent fatigue failure of the elevator and rudder trim tab pivot arms because of cracks, which could result in the loss of airplane control, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, replace the rudder and elevator pivot arms with parts of improved design (or FAA-approved equivalent part numbers), as specified in and in accordance with Pilatus Service Bulletin No. 55–003, dated July 7, 1999. The part numbers of the improved design pivot arms are reflected in the following chart:

Designation	Previous part No. installed per AD 98–08–07	New part No.
Pivot Arm, Inner Elevator	113.50.07.108	113.50.07.108 (green paint).
Pivot Arm, Outer Elevator	113.50.07.109	113.50.07.109 (green paint).
Pivot Arm, Upper Rudder	113.40.07.084	113.40.07.084 (green paint).
Pivot Arm, Lower Rudder	113.40.07.083	113.40.07.083 (green paint).

(b) As of the effective date of this AD, no person may install, on any of the affected airplanes, an elevator or rudder pivot arm that is not of the improved design specified in paragraph (a) of this AD.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

(2) Alternative methods of compliance approved in accordance with AD 98–08–07 are not considered approved as alternative methods of compliance for this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to Pilatus Service Bulletin No. 55–003, dated July 7, 1999, should be directed to Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 65 09; facsimile: +41 41 610 33 51. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in Swiss Airworthiness Directive HB 99–412, Effective Date: August 31, 1999.

(f) This amendment supersedes AD 98–08–07, Amendment 39–10456.

Issued in Kansas City, Missouri, on September 20, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25222 Filed 9–27–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–99–AD]

RIN 2120–AA64

Airworthiness Directives; Short Brothers and Harland Ltd. Models SC–7 Series 2 and SC–7 Series 3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to all Short Brothers and Harland Ltd. (Shorts) Models SC–7 Series 2 and SC–7 Series 3 airplanes. The proposed AD would require repetitively inspecting the wing attachment bushes in the fuselage front and rear spar frames for migration (gaps), and replacing the bushes if a gap exists that is of a certain length or more. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by the proposed AD are intended to detect and correct migration of the wing attachment bushes in the fuselage front and rear spar frames, which could result in structural damage to the wing spar/fuselage fitting with possible loss of control of the airplane.

DATES: Comments must be received on or before November 3, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–99–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Short Brothers plc, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Chudy, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97–CE–99–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–99–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all Shorts Models SC–7 Series 2 and SC–7 Series 3 airplanes. The CAA reports migration in the wing attachment bushes in the fuselage front and rear spar frames.

If the migration is not detected and corrected in a timely manner, then gaps will occur in these areas. Once a gap exists that is of a certain length, structural damage to the wing spar/fuselage fitting could occur. This could eventually result in loss of control of the airplane.

Relevant Service Information

Short Brothers & Harland Ltd. issued Shorts Service Bulletin 53–68, which specifies procedures for inspecting the wing attachment bushes in the fuselage front and rear spar frames for migration (gaps), and replacing the bushes if a gap exists that is of a certain length or more. Shorts Service Bulletin No. 53–68 incorporates the following pages:

Pages	Revision level	Date
6, 7, 8, 9, 10, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, and 25	Original Issue	January 10, 1996.
12	Revision No: 1	May 30, 1996.
3	Revision No: 2	September 1998.
1, 2, 4, 5, 11, 15, and 16	Revision No: 3	May 1999.

The CAA classified this service bulletin as mandatory and issued British Airworthiness Directive 009–01–96, not dated, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

The FAA's Determination

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the CAA; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Shorts Models SC–7 Series 2 and SC–7 Series 3 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require repetitively inspecting the wing attachment bushes in the fuselage front and rear spar frames for migration (gaps), and replacing the bushes if a gap exists that is of a certain length or more. Accomplishment of the proposed action would be required in accordance with Shorts Service Bulletin 53–68.

Cost Impact

The FAA estimates that 22 airplanes in the U.S. registry would be affected by the proposed initial inspection, that it would take approximately 10 workhours per airplane to accomplish the proposed inspection, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the proposed initial inspection on U.S. operators is estimated to be $13,200, or $600 per airplane.

These figures only take into account the cost of the initial inspections and do not account for the cost of repetitive inspections or the cost necessary to replace any bushings when gaps that exceed a certain length are found. The FAA has no way of determining the number of repetitive inspections or replacements each owner/operator will incur over the life of the affected airplanes.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Short Brothers and Harland Ltd.: Docket No. 97–CE–99–AD.

Applicability: Models SC–7 Series 2 and SC–7 Series 3 airplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To detect and correct migration of the wing attachment bushes in the fuselage front and rear spar frames, which could result in structural damage to the wing, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, and thereafter as indicated in the paragraphs below (depending on the inspection results), inspect the wing attachment bushes in the fuselage front and rear spar frames for migration. Accomplish this inspection in accordance with Shorts Service Bulletin No. 53–68, which incorporates the following pages:

Pages	Revision level	Date
6, 7, 8, 9, 10, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, and 25	Original Issue	January 10, 1996.
12	Revision No: 1	May 30, 1996.
3	Revision No: 2	September 1998.
1, 2, 4, 5, 11, 15, and 16	Revision No: 3	May 1999.

(b) If no gaps are found at the bush areas during any inspection required by this AD, repeat the inspection specified in paragraph (a) of this AD at intervals not to exceed 500 hours.

(c) If any gap is found at the bush area that is less than 0.125 inches in length during any inspection required by this AD, repeat the inspection specified in paragraph (a) of this AD at intervals not to exceed 100 hours TIS provided the gaps do not increase to 0.125 inches or more in length. If the gap has not increased during 3 additional inspections and continue to not increase, then the inspection intervals may be increased to 500 hours TIS.

(d) If any gap is found at the bush areas that is 0.125 inches or more in length during any inspection required by this AD, prior to further flight, replace the bushes with parts specified in and in accordance with Shorts Service Bulletin 53–68. Inspect the replacement bushes at intervals not to exceed

500 hours TIS (in accordance with paragraph (a) of this AD).

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(g) Questions or technical information related to Shorts Service Bulletin 53–68 should be directed to Short Brothers plc, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in British Airworthiness Directive 009–01–96, not dated.

Issued in Kansas City, Missouri, on September 21, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25221 Filed 9–27–99; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT–053–7212b; A–1–FRL–6443–2]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxides Budget and Allowance Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Connecticut. The revisions consists of adding a regulation, section 22a–174–22a, "The Nitrogen Oxides (NO_X) Budget Program" and four NO_X RACT trading orders to the CT SIP. The regulation is part of a regional nitrogen oxides (NO_X) emissions cap and allowance trading program designed to reduce stationary source NO_X emissions during the ozone season in the Ozone Transport Region (OTR) of the northeastern United States. The trading orders allow three NO_X emitting facilities to meet reasonably available control technology (RACT) requirements using NO_X emission credits and one facility to generate NO_X emission credits. These SIP revisions were submitted pursuant to section 110 of the Clean Air Act (CAA).

In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittals as a direct final rule without prior proposal because the Agency views them as noncontroversial revisions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before October 29, 1999.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the State submittals and EPA's technical support documents are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT: Steven Rapp, (617) 918–1048 or at Rapp.Steve@EPAMAIL.EPA.GOV.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: September 15, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–25045 Filed 9–27–99; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 64, No. 187
Tuesday, September 28, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[FV–99–328]

United States Standards for Grades of Frozen Okra

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is soliciting comments on its proposal to change the United States Standards for Grades of Frozen Okra. Specifically, USDA is proposing to provide for the "individual attributes" procedure for product grading with sample sizes, acceptable quality levels (AQL's), tolerances and acceptance numbers (number of allowable defects); replace dual grade nomenclature with single letter grade designations; and make minor editorial changes. These changes have been requested by the industry in order to improve use of the standards.

DATES: Comments must be received on or before November 29, 1999.

ADDRESSES: Written comments may be submitted to Harold A. Machias, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, STOP 0247, P.O. Box 96456, Washington, DC 20090–4693; faxed to (202) 690–1087; or e-mailed to Harold.Machias@usda.gov.

Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Branch Chief during regular business hours (8:00 a.m. to 4:30 p.m.) and on the Internet.

The current U.S. Standards for Grades of Frozen Okra, along with the proposed changes, are available either through the above address or by accessing the AMS website on the Internet at www.ams.usda.gov/standards. The United States Standards for Grades do not appear in the Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: Harold A. Machias at (202) 720–5021 or www.Harold.Machias@usda.gov.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture "to develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *." AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request.

AMS is proposing to change the United States Standards for Grades of Frozen Okra using the procedures that appear in Part 36 of Title 7 of the Code of Federal Regulations (7 CFR Part 36). The grade standards were last revised in September 1996.

AMS received a petition from the American Frozen Food Institute to change the U.S. grade standards for frozen okra to a new grading system. The current standards are based on cumulative scorepoints. It is proposed that the standards be modified to convert them to a statistically-based individual attribute grading system, similar to the U.S. grade standards for canned green and wax beans (58 FR 4295; January 14, 1993). This change would bring the standards in line with current marketing practices and innovations in processing techniques.

This change would replace dual grade nomenclature with single letter designations. "U.S. Grade A" (or "U.S. Fancy") and "U.S. Grade B (or "U.S. Extra Standard") would become "U.S. Grade A," and "U.S. Grade B," respectively. This revision also includes minor editorial changes. These changes provide a uniform format consistent with recent revisions of other U.S. grade standards. This format has been designed to provide industry personnel and agricultural commodity graders with simpler and more comprehensive standards. Definitions of terms and easy-to-read tables have been incorporated to assure a better understanding and uniform application of the standards.

AMS is publishing this notice with a 60-day comment period which will provide a sufficient amount of time for interested persons to comment on the changes.

Authority: 7 U.S.C. 1621–1627.

Dated: September 21, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–25095 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plan, Grand Mesa, Uncompahgre, Gunnison National Forests, CO

AGENCY: USDA Forest Service.

ACTION: Notice of intent to prepare an environmental impact statement (EIS) in conjunction with revision of the land and resource management plan for the Grand Mesa, Uncompahgre, Gunnison National Forests (GMUG) located in Delta, Montrose, Gunnison, Mesa, San Miguel, Ouray, Hinsdale, Saguache, Garfield, and San Juan counties, Colorado.

SUMMARY: The Forest Service will prepare an environmental impact statement in conjunction with the revision of its Land and Resource Management Plan (hereafter referred to as Forest Plan or Plan) for the Grand Mesa, Uncompahgre, Gunnision National Forests (GMUG).

This notice describes the specific portions of the current Forest Plan to be revised, environmental issues considered in the revision, estimated dates for filing the environmental impact statement, information concerning public participation, and the names and addresses of the agency officials who can provide additional information.

DATES: Comments concerning the scope of the analysis should be received in writing by January 31, 2000. The agency expects to file a draft environmental impact statement with the Environmental Protection Agency (EPA) and make it available for public

comment in the fall of 2001. The agency expects to file a final environmental impact statement in the fall of 2002.

ADDRESSES: Send written comments to: Carmine Lockwood, Planning Team Leader, GMUG National Forests, 2250 Highway 50, Delta, CO 81416.

FOR FURTHER INFORMATION CONTACT: Carmine Lockwood, Planning Team Leader, at (970) 874–6677, or Carol Howe, Assistant Planner, at (970) 874–6647.

Responsible Official: Lyle Laverty, Rocky Mountain Regional Forester at P.O. Box 25127, Lakewood, CO 80225–0127.

SUPPLEMENTARY INFORMATION: Pursuant to Part 36 Code of Federal Regulations (CFR) 219.10(g), the Regional Forester for the Rocky Mountain Region gives notice of the agency's intent to prepare an environmental impact statement for the revision effort described above. According to 36 CFR 219.10(g), land and resource management plans are ordinarily revised on a 10 to 15 year cycle. The existing Forest Plan was approved on September 29, 1983. Significant amendments were completed in 1991 to address land suitability for timber production, and in 1993 to address land availability for oil and gas leasing.

The Regional Forester gives notice that the Forest is beginning an environmental analysis and decision-making process for this proposed action so that interested or affected people can participate in the analysis and contribute to the final decision.

Opportunities will be provided to discuss the Forest Plan revision process openly with the public. The public is invited to help identify issues and define the range of alternatives to be considered in the environmental impact statement. Forest Service officials will lead these discussions, helping to describe issues and the preliminary alternatives. These officials will also explain the environmental analysis process and the disclosures of that analysis, which will be available for public review. Written comments identifying issues for analysis and the range of alternatives will be encouraged.

Issue identification (scoping) meetings will be scheduled for fall 1999. Alternative development meetings will be held in fall 2000. Public notice of dates, times, and locations for specific meetings will be provided in local newspapers and posted on the Forest's web site: http://www.fs.fed.us/r2/gmug. Additionally, we will send notices and newsletters to those on the forest plan revision mailing list. Requests to be placed on this mailing list should be sent to the comment address stated above.

The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive orders, and court decisions. As part of the overall effort to uphold the federal trust responsibility to tribal sovereign nations to the extent applicable to National Forest System lands, the Forest Service will establish regular and meaningful consultation and collaboration with the tribal nations on a government-to-government basis. The Forest Service will work with governments to address issues concerning Indian tribal self-government and sovereignty, natural and cultural resources held in trust, Indian tribal treaty and Executive order rights, and any issues that significantly or uniquely affect their communities.

Forest plans describe the intended management of National Forests. Agency decisions in these plans do the following:

- Establish management areas and management area direction (management area prescriptions) applying to future activities in that management area (resource integration and minimum specific management requirements) 36 CFR 219.11(c);
- Determine suitability and potential capability of lands for resource production. This includes designation of suitable timber land and establishment of allowable timber sale quantity (36 CFR 219.14 through 219.26);
- Where applicable, recommend designations of special areas such as Wilderness and Wild and Scenic Rivers to Congress.

The authorization of project-level activities on the Forest occurs through project decision-making, the second stage of forest land management planning. Project-level decisions must comply with National Environmental Policy Act (NEPA) procedures and must include a determination that the project is consistent with the Forest Plan.

In addition to the programmatic decisions described above, the Forest is considering:

- Making site-specific decisions on travel management through identification of specific restrictions for individual roads and trails on the Gunnison Forest, and
- Identifying and analyzing instream flow requirements for site-specific decision.

Any site-specific decisions made in conjunction with the Forest Plan revision EIS would have a separate decision document and the responsible official would be the Forest Supervisor.

Need for Changes in the Current Forest Plan

It's been approximately sixteen years since the current Forest Plan was approved. Experience and monitoring have shown the need for changes in management direction for some resources or programs. Several sources have highlighted needed changes in the current Forest Plan.

These sources include:

- Public involvement which has identified new information and public values;
- Monitoring and scientific research which have identified new information and knowledge gained;
- Forest plan implementation which has identified management concerns to find better ways for accomplishing desired conditions; and
- Changes in law, regulations, and policies.

In addition to changing public views about how these lands should be managed, a significant change in the information and scientific understanding of these ecosystems has occurred. Some new information is a product of research, while other information has resulted from changes in technology.

Major Revision Topics

Based on the information described above, Plan revision is warranted in light of the combined effects of these multiple needs for change. The preliminary revision topics that have been identified to date are described below.

1. Terrestrial Ecosystem Sustainability and Restoration

Planning Questions

- How will the forest be managed to restore or maintain healthy ecosystems?
- Should the forest be managed within historical range of variability for such things as fire size and frequency, size and distribution of openings, and mix of plant and animal species?
- Are some species or vegetation communities such as aspen and cottonwood declining?
- What are appropriate ways to improve forest health in addition to harvest and pre-commercial cutting?
- How much of the forest should be maintained in old-growth conditions and how should it be distributed in time and space?
- Are large ecological preserves needed to provide adequate habitat for some species? If so, how large, and

which conditions should be represented? What type of human activity, if any, should be allowed in such areas?

• What management direction is needed to ensure viable populations of threatened, endangered, sensitive and other focal species? How do various resource management regimes and human activities affect these species?

• What role should non-native species play in terrestrial ecosystems? What should be done about increasing populations of noxious weeds?

• What management direction is needed to identify, protect, and make available the traditional forest plant and animal products that American Indians enjoy through exercising their treaty rights, or other rights? How do various activities occurring on, or excluded from, National Forest System lands affect the availability of traditional forest products?

Background

A tremendous amount of new information and research results regarding managing terrestrial ecosystems for ecological sustainability has been issued since the Forest Plan was completed in 1983. The current Plan only partially addresses this subject in piecemeal fashion.

Several analysis concepts relating to ecological sustainability have been developed since the 1983 plan, such as: establishing the range of natural variability, comparing management to natural disturbance processes, maintaining biological diversity through coarse-filter and fine-filter assessments, delineating reference landscapes, and broadening focus from vertebrates to all native species. Traditional approaches also remain valid, such as conserving habitat for indicator or focal species, and recovering threatened, endangered, or sensitive species. The Forest will be analyzed using these techniques and the Plan revised to reflect the knowledge gained.

New Management Area (MA) Prescriptions have been developed since the 1983 Plan was approved. There is a need to develop new goals, make existing goals and objectives more specific, and to evaluate the present set of Management Areas, boundaries and prescriptions. Several existing Plan standards lack the sophistication required to account for key elements of ecological integrity, and variations in temporal and spatial scales. An improved monitoring strategy is needed to measure indictors of ecological integrity and sustainability at multiple scales. There is an opportunity to design monitoring so that it provides a better foundation for adaptive management.

Particular aspects of this topic identified by past and current monitoring include: forest and rangeland health, insects and disease, fragmentation and connectivity of habitats, potential need for additional reserve areas, successional stage abundance and distribution, late successional forest structure, prescribed and natural fire/fuels management, forest cover and plant community conversions, soil productivity, control of noxious weeds and other undesirable species, riparian area health and management, and species-to-habitat relationships. The Plan will revise direction for threatened, endangered, sensitive, focal, and demand species (an expansion of the current management indicator species (MIS) approach).

Proposed Actions

Based on monitoring results, preliminary analyses, and public input, the following actions will be proposed in one or more EIS alternative:

• Define the desired conditions for terrestrial ecosystem sustainability for appropriate temporal and spatial scales.

• Base management practices on understanding and consideration of natural disturbance processes, including the intensity, frequency, and magnitude of those disturbance regimes.

• Increase use of prescribed fire both within and outside of Wilderness through natural and human ignitions.

• Utilize new methods and treat more acres with active vegetation management practices to improve forest health.

• Apply vegetation treatment areas and patch sizes which better reflect natural disturbance patterns.

• Exclude or modify existing human uses to better protect species at risk and to maintain or restore biological diversity.

• Aggressivly treat noxious weed populations through various means, including mechanical, biological and chemical control.

• Develop a monitoring strategy that will measure appropriate indicators of ecosystem integrity and ecological sustainability at multiple scales, and will serve to facilitate adaptive management.

2. Aquatic Ecosystem Sustainability and Restoration

Planning Questions

• How do various activities occurring on the forest affect water quality and quantity, soil resources, and riparian areas?

• Where should limited watershed restoration funds be spent to provide the greatest return on investment in terms of enhancement or protection of aquatic ecosystem values?

• How can revised Forest Plan management direction further the implementation of the national "Clean Water Action Plan and Policy" and "Framework for Developing and Implementing Total Maximum Daily Loads (TMDL) in Forest and Rangeland Environments"?

• What are the effects of water diversions on various stream ecosystems? What are the effects of various water storage facilities (reservoirs, ponds, and tanks) on aquatic ecosystems?

• In which drainages should the Forest Plan establish bypass or minimum instream flows as conditions for issuance or renewal of special use permits?

• On which streams or stream reaches should the Forest Service pursue settlement of claims for water rights in state court adjudications in order to protect aquatic ecosystem integrity?

• In which stream or lake systems is improved programmatic direction needed to ensure the viability of aquatic species or to restore dwindling populations? Which measures should be included?

Background

Watersheds have become the basic unit (at multiple scales) for assessing ecological conditions, restoration needs, and the sustainability of management prescriptions. Analysis is needed to ascertain the appropriate management framework for achieving maintenance and restoration of watershed integrity. The existing Plan does not adequately describe management parameters required to ensure that the characteristic diversity of biological and physical components and processes are managed to provide watershed conditions within their approximate range of natural variability. In keeping with changes in Forest Service management philosophy based on the Clean Water Action Plan commitments, recommendations from the Committee of Scientists, and mandates from the Clean Water and Safe Drinking Water acts, watershed health and restoration will be a fundamental priority in the Plan revision. There is currently a strong body of law, regulation, and policy to ensure water quality protection (re: agency "Watershed Conservation Practices Handbook," FSH 2509.25, March 1999). This direction provides very little discretion as to planning and implementation of protection measures.

However, there is a zone of discretion with regard to the level and intensity of aquatic ecosystem restoration measures that should be pursued, based on anticipated benefits from investment, other resource trade-offs, and projected funding levels. These questions warrant examination as a primary revision topic.

Proposed Actions

The revised Plan will prescribe specifications and constraints (standards and guidelines) for management practices to:

- Maintain and restore watershed function and provision of beneficial uses.
- Protect and recover native aquatic and riparian dependent species and prevent the introduction and spread of non-native, invasive species.
- Restore aquatic resources, including but not limited to streams, streambanks, shorelines, lakes, source waters, wetlands, riparian areas, and floodplains.

The Plan also proposes to:

- Identify current and foreseeable future Forest Service consumptive and non-consumptive water uses and rights needed to maintain or restore watershed integrity, including instream flow needs.
- Locate and designate reference watersheds and stream reaches.
- Prioritize specific watersheds for restoration by applying factors such as: past disturbance history; water quality impairment and riparian condition; inherent instability, disturbance sensitivity, and restoration capabilities; diversity of native plants, fish, and animals; special designations such as Wild and Scenic Rivers; recovery of threatened, endangered, or other sensitive species; ability to leverage restoration funds through partnerships; and, the opportunity to work with interested and willing federal, state and tribal governments, communities, adjacent land managers, and owners.

3. Roadless Areas and Unroaded Areas

Planning Questions

- Where are the roadless areas on the Forest, what are their characteristics, and which qualify for Wilderness recommendation?
- How can Congressionally designated Wilderness be managed to accomplish the principles of the Wilderness Act as related to human uses and natural processes?
- How should roadless areas not recommended for Wilderness be managed?

Background

Inventoried roadless areas (RARE II and Forest Plan inventoried areas) and other unroaded areas continue to be areas of high controversy and debate as to their appropriate and best use. Although the Colorado Wilderness Acts of 1980 and 1993 (Pub. L. 96–560 and Pub. L. 103–77) released undesignated roadless lands for other management, these Acts and federal regulation (36 CFR 219.17) require that these areas be re-evaluated for Wilderness designation during Forest Plan revision. Some "inventoried roadless areas" have always included roads. Many more roads have been developed through management practices and by users in the intervening decades. Actual Wilderness designation is a Congressional responsibility; Forests can only make recommendations. One current member of the Colorado Congressional delegation has draft Wilderness legislation that would increase Wilderness on the GMUG. Ecological sustainability goals will likely lead to focused consideration of Wilderness additions in locations on the margins of existing Wilderness, or in lower elevations where Wilderness is less well represented.

The revision process will include a new inventory of roadless and unroaded areas, replacing the RARE II and previous Plan inventories as the basis for future analysis of "roadlessness." A roadless area inventory will be developed and areas capable of being designated for Wilderness will be identified. Areas not recommended for Wilderness will be studied for possible allocation to other management prescriptions. The issue has become more complex over time and now includes the need to assess values beyond potential Wilderness, such as: source drinking water areas, reference areas for research, areas of high or unique biodiversity, areas where other unfragmented landscapes are scarce, areas of cultural or historic importance, or areas that provide unique or important seasonal habitat for wildlife, fish, and plant species.

The inventory will be conducted according to most recent guidance defining unroaded areas. Current policy—which is in draft form—defines unroaded areas as any areas that do not contain classified roads (a road at least 50 inches wide and constructed or maintained for vehicle use, Interim Rule, 36 CFR 212, 2/11/99). Assessment methods will have to be developed to ascertain whether unroaded areas have sufficient size in a manageable configuration to protect the inherent values associated with the unroaded condition.

Proposed Actions

The following actions will be proposed in one or more EIS alternative:

- Identify and recommend for Wilderness designation those roadless areas which meet basic requirements for Wilderness and would further the goals of the Wilderness Act (16 U.S.C. 1131 (note)).
- For those roadless and unroaded areas not recommended for Wilderness designation, provide management prescriptions that allow for various levels of development.

4. Travel Management

Planning Questions

- What travel and transportation opportunities should the Forest provide to meet current and expected demands?
- Where and what type of travel restrictions are needed to sustain aquatic and terrestrial ecosystem integrity during all seasons of use?
- How can the Forest Service provide a wide range of recreational opportunities to people who are physically restricted from traveling by other than motorized means?
- What type of transportation system, in terms of amount of and standards for roads and trails, can the Forest manage and maintain to an adequate level, particularly considering declining budgets and greatly reduced road maintenance through timber sale contracts?
- Which existing roads and trails should be closed (permanently or seasonally) and/or decommissioned?
- How will travel management policies affect property inholders and landowners adjacent to the Forest boundary?
- How do the GMUG's travel management policies fit with those of adjacent national forests and other land management agencies, particularly where routes cross jurisdictions?

Background

Issues and management concerns related to travel management have increased significantly since completion of the Plan and its amendments. Use numbers for traditional recreation travel, such as driving for pleasure, hiking, horseback riding, and motorbiking have grown steadily. Other modes, such as all-terrain vehicles, snowmobiles, and mountain bikes have dramatically increased over the last decade. Resource impacts and social conflicts have increased proportionally with these uses. All user groups want to

main or increase opportunities for their preferred uses. Plan monitoring reports have acknowledged existing impacts and the potential for increased adverse effects on soil, water, wildlife and heritage resources from increased use, development of unauthorized routes, and lack of maintenance on existing roads and trails. Semi-primitive areas are becoming more developed as use increases and new routes appear.

Current agency policy ("Natural Resource Agenda", Dombeck, 02/03/99) directs forests to aggressively decommission old unneeded, unauthorized, and other roads that contribute to environmental degradation. An economically efficient and environmentally sound transportation network is essential for active forest management and the flow of goods and services.

The GMUG has invested a great deal into travel management planning for the Grand Mesa and Uncompahgre Forests. For the Gunnison Forest area, we will use Plan revision to conduct comparable analysis and make consistent decisions. Additional designation and/or separation of motorized and non-motorized uses will be needed to reduce conflicts. Site-specific travel management decisions for individual routes will be included in the revision process; any ground-disturbing closure or decommissioning actions will receive project-level analysis. The Forest will consider and apply those portions of the pending "Road Analysis Process" which are specified for forest-level planning, when the policy becomes final.

Proposed Actions

The following actions will be proposed in one or more EIS alternative:

- Identify a road and trail transportation network that provides an environmentally sound and socially responsive travel management system which is consistent across the entire Forest, and well coordinated with adjacent forests.
- Eliminate cross-country motorized travel ("green" areas) on those portions of the Forest not previously addressed in recent travel management plans. Specify travel routes by appropriate modes and season of use.
- Designate permanent or seasonal travel restrictions and those routes that will be decommissioned. Identify new road and trail alignments that are needed to enhance travel opportunities or protect resource values.
- Specify whether motorized use is allowed in each land area (MA) allocation and prescription; provide new goals, standards, and guidelines.

5. Recreation and Scenery Resources

Planning Questions

- What range, mix, and emphasis of recreation opportunities will best meet the demands of a wide variety of current and future users; while ensuring protection of scenic, biotic and physical resources.
- How much recreation use can be sustained from both the ecological integrity and visitor enjoyment perspectives? Do limits need to be placed on certain areas or types of use during various seasons?
- Should potentially conflicting uses, such as mountain biking and horseback riding occur in the same areas or be segregated?
- How should surface water uses, including types and levels of use on lakes and streams be regulated to maintain quality of the recreation experiences and protect natural resources?
- How should major recreation corridors and scenic byways be managed? What type of opportunities should be provided in these areas?
- What are appropriate development levels for campgrounds, picnic areas, trailheads, etc.? How many facilities can be adequately maintained under projected budget levels?
- How do national forest and private sector facilities and services best fit with each other?
- How should the Plan revision be used to address allocation of special uses, capacity and development levels? What program parameters, such as service day allocations, permit numbers, activities permitted, location and types of developments, should be established?
- Where and how should scenic quality be maintained or enhanced along major travel routes?
- How does scenic quality change over time? What are the implications of ecosystem dynamics and how should management intervene prior to or after changes? How much weight should be given to short-term versus long-term impacts and benefits?
- What is the relationship between scenic quality and air quality? What role should prescribed fire play?

Background

Recreation is a dominant use of the GMUG. Recreationists generate major economic benefits to local counties and communities, and a high percentage of recreation opportunities on the Forest are provided or enhanced by private enterprise. Public perceptions of national forest management are primarily based on personal experiences and visual impressions. Forest visitors vary widely in their recreational interests. A range of recreation settings from pristine to highly developed is desired. This results in pressures for different land allocations. Generally expressed public sentiment, attitudes and values indicate strong desire for protection of natural scenic beauty. The current Plan discusses both Recreation Opportunity Spectrum (ROS) categories and Visual Quality Objectives (VQOs), but does little to establish management direction for either recreation or scenic resources. The existing Plan included an inventory, but very little in the way of firm direction on ROS allocations; it basically set ranges of ROS and VQO classes for most Management Areas. These allocations were based more on compatibility with other management area direction than on the characteristics of particular land areas. ROS objectives and consequences were poorly displayed. This topic area is strongly tied to travel management, as well as timber and other vegetation management activities.

The VQO framework has been replaced by the scenery management system. the ROS and scenery management frameworks can be used both to inventory existing conditions and to make decisions on management objectives. We will reassess management and public use needs related to these concepts. The ROS system will be used to describe desired recreation settings, conditions, compatible user groups, and appropriate levels of use for specific areas of the Forest. Project decision-making will have improved efficiency and support (*e.g.*, in travel management) when the revised Plan clearly establishes the conditions we are trying to achieve in terms of recreation opportunities. Improved direction, including distinct descriptions for both winter and summer conditions, will substantially enhance recreation management and user experiences. These displays will also help more clearly define the conflicts and trade-offs between motorized and non-motorized recreational

Proposed Actions

- The Forest will be zoned into various classifications of "recreation opportunity spectrum" for summer and winter uses. There are seven broad classifications which range from primitive through urban, and they will be associated with a variety of resource management standards and guidelines in nearly all program areas.
- The Forest will be zoned into various classifications of "scenic integrity levels," ranging form very low

to very high. These classifications will be associated with a variety of management implications in nearly all program levels.

• The revised Plan will provide updated programmatic direction for recreation facility developments, maintenance, special use permitting parameters, and private sector service objectives.

6. Timber Suitability and Forest Management for Commercial Products

Planning Questions

• Which portions of the Forest are suitable for timber harvest?

• What volume of timber and mix of products should the Forest provide? What harvest level is sustainable while ensuring ecological integrity?

• How important to local communities and economies are the wood products which the Forest provides?

• What is the financial efficiency of the Forest's timber sales program?

• Which logging systems should be applied to better enable forest vegetation treatments over a wider variety of terrain, and during more stages of stand development?

• How should recommended and allowable timber harvest prescriptions be adjusted, both in terms of type and spatial application limits, to account for new information relative to historic range of variation and natural disturbance regimes?

• Should logging occur in unroaded areas?

• Are new roads needed for harvesting? If so, to what standards should they be built? Should roads be maintained or obliterated after logging use? Should logging roads be open or closed to the general public?

• What are the appropriate specifications and constraints (standards and guidelines) for logging? What kinds of restoration practices should occur after logging and road building?

Background

Timber management continues to be one of the most controversial agency activities, as well as one of the most important for some local communities. The debate surrounding timber harvesting is generally waged in terms of related issues, such as biodiversity, community sustainability, and roadless areas. However, this topic remains significant in its own terms because of statutory mandates (*e.g.*, the 1897 Organic Act (16 U.S.C. 473), and the National Forest Management Act of 1976 (16 U.S.C. 1600(note))), emphasis in current research and public dialogue (*e.g.*, "Committee of Scientists Reports", 3/16/99; proposed legislation to ban logging on NFS lands, H.R. 2789), and the intensity of public emotion. The determination of lands suited and not suited for timber production and ASQ is required by NFMA (sec. 6(g)(2)(A)) and its implementing regulations (36 CFR 219.14).

The 1991 significant amendment to the Forest Plan addressed most of the "timber" elements of the vegetation management debate. Timber demand was re-evaluated, and the suitable timber base and allowable sale quantity (ASQ) were recomputed using FORPLAN. Below-cost sales and the economic suitability of timber were key topics addressed in the amendment. Much of this analysis remains current, though stumpage prices, among other elements, have changed significantly. The Forest has completed new inventories since the 1991 timber amendment was adopted which will be useful in determining timber suitability. Plan implementation and monitoring have shown that portions of the suited base may have been inappropriately classified based on current standards. Updating the 1991 analysis is needed to account for new ecological and economic criteria, and other social aspects of the timber program.

The amended Plan for the GMUG identified 544,730 acres that are suitable for timber production and set an ASQ that averages 38.7 million board feet (MMBF) of wood products per year for the decade beginning in 1992. Programmed sale quantity, the amount expected to be offered for sale, is equal to the ASQ. In addition, the Forest estimated sales of 7 MMBF per year of non-chargeable products, mostly personal-use firewood. Actual volume sold has fallen well short of the projected levels. There are several reasons for this, the greatest of which is insufficient budget and skyrocketing timber project planning costs and time frames.

Traditional objectives for timber management have been supplanted with broader objectives for vegetation and fuels management to achieve integrated ecological goals. Plan revision must describe multiple land classifications for timber removal, including: lands not suitable for timber production, lands where timber harvest is permitted to accomplish other resource objectives, and lands where timber production is an objective.

Proposed timber sales in currently unroaded areas have generated much controversy. This revision topic overlaps with the Roadless Area and Unroaded Area allocation and management. Harvesting aspen, harvesting mature / late-successional stands or large trees, regeneration harvest methods, patch size, logging systems, and cost efficiency of timber sales, are elements of this topic.

Proposed Actions

• The Forest land base will be classified into various categories of suitability for timber production within each Plan alternative, including lands: tentatively suited for timber production; not appropriate for timber production because they're occupied by administrative sites; not appropriate for timber production due to minimum management requirements that limit activities; not appropriate for timber production because of other multiple-use objectives; not cost efficient for timber production over the planning horizon; and, net suited lands appropriate for timber production.

• Allowable sale quantity and long-term sustained yield capacity will be identified for each Plan alternative.

• Programmatic direction (standards and guidelines) will be revised for harvest prescriptions and logging systems and road management.

Secondary Revision Topics

Preliminary topics discussed in this section are also important issues to be addressed in the Plan revision. However, they are likely not substantial or widespread enough to be major drivers in the EIS alternative themes or forest-wide management area prescriptions and standards.

1. Special Areas

Planning Questions

• Which area on the Forest quality for Research Natural Area designation?

• Which rivers, or river segments, on the Forest are potentially eligible for addition to the Wild and Scenic Rivers System?

• Which portions of the Forest qualify for other special area designations?

• Should landscapes containing cultural or historic resource properties that are potentially eligible for, or already listed on, the National Register of Historic Places receive special land management prescriptions?

• What is the appropriate balance between providing for historic site preservation, or conservation, and recreational enjoyment, and allowing other activities that can affect the use of the cultural or historic site and its setting? What are the appropriate specifications and constraints (standards and guidelines) for activities

affecting cultural properties and their setting?

• What kinds of cooperation are needed between the Forest Service, the tribes, other agencies, and private individuals to protect these areas?

Background

The planning area includes several unique or outstanding areas and resources of outstanding physical, biological, or social interest. Collectively these are known as "special areas." Potential formal designations of special areas may include Wilderness (which was also discussed under Primary Topic 3, above); Wild and Scenic Rivers; Research Natural Areas; and special recreational areas with scenic, historical, geological, botanical, zoological, paleontological, archaeological, or other special characterists. These special areas will influence land allocation and management in the revision. In some cases the Plan will make the designation as a special area, and in most cases it will simply make recommendations to another authority (*e.g.*, U.S. Congress). Some areas received special designation after the last Plan was approved, such as, Tabeguache Area, Roubideau Area, Fossil Ridge Recreation Management Area and Wilderness, Powderhorn Wilderness, and other Wilderness additions, and have never been incorporated into the Plan or been given programmatic direction other than for travel management.

Ten areas have been inventoried to determine their potential for establishment as Research Natural Areas. The Plan revision will address establishment of RNA's including an assessment of the needs for additions to the RNA network.

There are five scenic byways on the Forest and a number of national trails. Proposals are under consideration for additional trails.

There are currently several historic properties on the Forest recognized to National Register of Historic Places. Heritage resources must be protected by law.

The Forest is part of the traditional homeland of the Ute Nation and there is an increased awareness of the sacred sites. Protection of these sites will be part of revision.

The purpose and authority for study of Wild and Scenic Rivers is in the Wild and Scenic Rivers Act of October 1, 1968, as amended. The GMUG includes two rivers (the East River) and Taylor River listed on the National Rivers Inventory. Both rivers were evaluated during development of the original Forest Plan and determined not to be eligible for the Wild and Scenic River System. Other rivers and streams with potential for designation (*e.g.*, portions of the Gunnison and San Miguel) are located off of National Forest System lands.

2. Coal, Leasable Minerals, and Mining

Planning Questions

• What lands are suitable for oil and gas leasing? What stipulations should be included in leases? What lands should be withdrawn from mineral entry because of conflicts with other National Forest uses?

• What types of activities or practices are suitable? What mitigation measures are needed? What kinds of restoration practices should occur after mining and oil and gas exploration or development?

• How should mineral and energy exploration and development be balanced with other considerations, such as heritage resources, aesthetics, human health, and ecosystem health and sustainability? What are the effects of exploration, development, and associated road construction on other uses of the Forest?

• What are the effects of mining and oil and gas activities beyond the local area?

• What kind of direction is needed for recreational planning or dredging?

• What special considerations are needed in Wilderness?

• What are the economic impacts in the local community of mining and coal, oil, and gas exploration and development?

Background

The 1993 Oil and Gas Leasing EIS established standard, controlled surface use, and no surface occupancy stipulations, in addition to determining the availability of land for leasing. No similar effort has been undertaken for coal or uranium. Leasing decisions continue to be made on a case-by-case basis, when in fact, many of the leasing stipulations for oil and gas (*e.g.*, protection of riparian areas) appear to apply equally well to coal, uranium, and other resource programs. The Forest Service needs to determine what areas are suitable and available for oil, gas, coal, and uranium leasing and what stipulations should be placed on exploration and development. The revised Plan will develop separate stipulations for coal and uranium leases.

Most of the Forest is available for locatable (or "hard rock") mineral exploration and development under the Mining Law of 1872, unless areas are specifically withdrawn. The Plan revision will update programmatic guidance to minimize adverse environmental impacts on Forest surface resources during mining operations for locatable minerals.

3. Landownership Adjustment

Planning Questions

• Which areas of the Forest need strengthened programmatic direction to guide land ownership pattern adjustments?

• How can goals, objectives, standards, and guidelines for lands adjustment be improved to prioritize agency action, enhance management efficiency, and assist local communities?

Background

Landownership adjustment is generally considered a tool to accomplish resource or socioeconomic objectives, rather than a driving issue in and of itself. However, land exchange activity on the GMUG has far exceeded predictions of the existing Plan. Exchange proposals continue to generate intense controversy, particularly when they involve land within or near resort communities, where land values are high and open space is at a premium. Plan revision offers an opportunity to develop agreements about desired future patterns of land ownership that could be achieved through exchanges or purchases. Access to public land is often a related concern where private land development is happening, or likely will occur, adjacent to the Forest.

What To Do With This Information

This revision effort is being undertaken to develop management direction that will help attain the three basic agency goals of ecological sustainability, social and economic sustainability, and collaborative public involvement.

The Forest's role and responsibilities in promoting social and economic sustainability include: utilizing an effectively structured planning process that helps build public understanding of the interconnectedness of communities, economies and the Forest and its resources; applying continuous, open, and collaborative planning processes which enable well-reasoned community deliberation of sustainable choices; examining opportunities to help local communities meet specific needs; and providing for a wide variety of uses, values, products and services through decision-making and Plan implementation.

Early public participation will identify the topics to be addressed in

Plan revision. The preceding discussion of preliminary revision topics is based upon our assessment of Plan monitoring and evaluation results; public and agency input during project planning and Plan amendment efforts; and socioeconomic, demographic and political changes. We expect this list to change as people engage in the planning process.

Framework for Alternatives To Be Considered

A range of alternatives will be considered when revising the Forest Plan. The alternatives will address different options to resolve concerns raised as the revision topics listed above. A reasonable range of alternatives will be evaluated and reasons given for eliminating some alternatives from detailed study. A "no-action alternative" is required, meaning that management would continue under the existing Plan. Alternatives will provide different ways to address and respond to public issues, management concerns, and resource opportunities identified during the scoping process. In describing alternatives, desired vegetation and resource conditions will be defined. Resource outputs will be estimated in the Forest Plan based on achieving desired conditions. Preliminary information is available to develop alternatives; however, there will be additional public, agency, and tribal government involvement and collaboration for alternative development.

Consulting and Collaborating With Tribal Governments

The Forest Service will establish regular and meaningful consultation and collaboration with tribal nations on a government-to-government basis. The agency will work with tribal governments to address issues concerning Indian tribal self-government and sovereignty, natural and cultural resources held in trust, Indian tribal treaty and Executive order rights, and any issues that significantly or uniquely affect their communities. Correspondence, meetings, and field trips will be used in this effort.

Involving the Public

An atmosphere of openness is one of the objectives of the public involvement process, in which all members of the public feel free to share information with the Forest Service regularly. All parts of this process will be structured to maintain this openness.

The Forest Service is seeking information, comments, and assistance from individuals, organizations, tribal governments, and federal, state, and local agencies who are interested in or may be affected by the proposed action (36 CFR 219.6). The Forest Service is also looking for collaborative approaches with members of the public who are interested in forest management. Federal and state agencies and some private organizations have been cooperating in the development of assessments of current biological, physical, and economic conditions. This information will be used to prepare the Draft Environmental Impact Statement (DEIS). The range of alternatives to be considered in the DEIS will be based on public issues, management concerns, resource management opportunities, and specific decisions to be made.

Public participation will be solicited by notifying in person and/or by mail known interested and affected publics. News releases will be used to give the public general notice, and public scoping opportunities will be offered in numerous locations. Public participation activities will include (but will not be limited to) requests for written comments, open houses, focus groups, field trips, and collaborative forums.

Public participation will be sought throughout the revision process and will be especially important at several points along the way. The first formal opportunity to comment is during the scoping process (40 CFR 1501.7). Scoping includes (1) Identifying potential issues, (2) from these, identifying significant issues or those that have been covered by prior environmental review, (3) exploring alternatives in addition to No Action, and (4) identifying the potential environmental effects of the proposed action and alternatives.

Release and Review of the EIS

We expect the DEIS to be filed with the Environmental Protection Agency (EPA) and to be available for public, agency, and tribal government comment in the fall of 2001. At that time, the EPA will publish a notice of availability for the DEIS in the **Federal Register**. The comment period on the DEIS will be 90 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the DEIS must participate in the environmental review of the proposal in such a way that their participation is meaningful and alerts an agency to the reviewer's position and contentions: *Vemont Yankee Nuclear Power Corp.* v. *NRDC.* 435 U S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but are not raised until after completion of the Final Environmental Impact Statement (FEIS) may be waived or dismissed by the courts; *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the three-month comment period, so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

To assist the Forest Service in identifying and considering issues and concerns relating to the proposed actions, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statements. In addressing these points, reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3.

After the comment period on the DEIS ends, comments will be analyzed, considered, and responded to by the Forest Service in preparing the Final EIS. The FEIS is scheduled to be completed in the summer of 2002. The responsible official will consider the comments, responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies in making decisions regarding these revisions. The responsible official will document the decisions and reasons for the decisions in a Record of Decision for the revised Plan. The decision will be subject to appeal in accordance with 36 CFR 217.

Dated: September 7, 1999.

Lyle Laverty,

Regional Forester, Rocky Mountain Region, USDA Forest Service.

[FR Doc. 99–25099 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–HJ–M

DEPARTMENT OF AGRICULTURE

Forest Service

Amendment of Land and Resource Management Plans in the Southwestern Region

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: The Southwestern Region of the Forest Service is preparing an environmental impact statement on a proposal to amend National Forest land and resource management plans to incorporate standards and guidelines for management of habitat for American peregrine falcon, Little Colorado River spinedace, loach minnow, spikedace, Apache trout, Chihuahua chub, Gila trout, Gila top minnow, razorback sucker, southwest willow flycatcher, cactus ferruginous pygmy owl, Sonora tiger salamander, New Mexico ridgenose rattlesnake, and Pima pineapple cactus. The amendment would add new standards and guidelines that are intended to strengthen and clarify existing direction for the protection of these species. The amendment would apply to all subsequent project-level resource management decisions that involve site-specific environmental analysis and appropriate public involvement. The Notice of Intent to Prepare an Environmental Impact Statement was published in the **Federal Register** on Monday, June 1, 1998 (63 FR 29692–29695). The Notice announced that a draft environmental impact statement would be available for review in August 1998, and a final environmental impact statement would be available for review in December 1998. The draft environmental impact statement is now expected to be available in December 1999 and a final environmental impact statement should be available by March 2000.

FOR FURTHER INFORMATION CONTACT: Director of Ecosystem Analysis and Planning, 517 Gold Ave. SW, Albuquerque, New Mexico 87102, (505) 842–3251.

Dated: September 21, 1999.

James T. Gladen,

Acting Regional Forester.

[FR Doc. 99–25139 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–11–U

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plan, Wasatch-Cache National Forest, UT

AGENCY: Forest Service.

ACTION: Notice of intent to prepare an environmental impact statement in conjunction with revision of the Land and Resource Management Plan for the Wasatch-Cache National Forest located in Box Elder, Cache, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Tooele, Wasatch, and Weber counties, Utah; and Uinta County, Wyoming.

SUMMARY: the Department of Agriculture, Forest Service will prepare an Environmental Impact Statement in conjunction with a revision of the Land and Resource Management Plan (hereinafter referred to as Forest Plan) for the Wasatch-Cache National Forest.

This notice describes the needs for change identified to this point in the current Forest Plan to be revised, estimated dates for filing the Environmental Impact Statement, information concerning public participation, and the names and addresses of the agency officials who can provide additional information. The purpose of the notice is to begin the scoping phase of public involvement in the revision process.

DATES: Comments concerning the intent to prepare a revised Forest Plan should be received in writing by November 1, 1999. The agency expects to file a Draft Environmental Impact Statement in June of 2000 and a Final Environmental Impact Statement in the December of 2000.

ADDRESSES: Send written comments to: Bernie Weingardt, Forest Supervisor, Wasatch-Cache National Forest, 8236 Federal Building, 125 South State Street, Salt Lake City, Utah, 84138.

FOR FURTHER INFORMATION CONTACT: Melissa Blackwell, Planning Team Leader, Wasatch-Cache National Forest (801) 524–3907.

Responsible official: Jack Blackwell, Intermountain Regional Forester, at 324 25th Street, Ogden, UT 84401.

SUPPLEMENTARY INFORMATION: Pursuant to part 36 Code of Federal Regulations (CFR) 219.10 (f) and (g), the Regional Forester for the Intermountain Region gives notice of the agency's intent to prepare an Environmental Impact Statement for the revision of the Wasatch-Cache National Forest Land and Resource Management Plan. According to 36 CFR 219.10(g), Land and Resource Management Plans shall ordinarily be revised on a 10- to 15-year cycle. The existing Forest Plan for the Wasatch-Cache National Forest was approved on September 4, 1985.

The Regional Forester gives notice that the Wasatch-Cache National Forest is beginning an environmental analysis and decision-making process for the proposed programmatic action to revise the Wasatch-Cache Forest Plan. Opportunities will be provided to discuss the Forest Plan revision with the public. The public is invited to help identify issues that will be considered in defining the range of alternatives in the Environmental Impact Statement.

Forest plans describe the long-term direction for managing National Forests. Agency decisions in these plans do the following:

- Establish multiple-use goals and objectives (36 CFR 219.11);
- Establish forest-wide management requirements (standards and guidelines);
- Establish management areas and management area direction through the application of management prescriptions;
- Identify lands not suited for timber production (36 CFR 219.3);
- Establish monitoring and evaluation requirements; and
- Recommend areas for official designation of wilderness.

The authorization of project-level activities on the Forest occurs through project, or site-specific, decision-making. Project level decisions must comply with National Environmental Policy Act (NEPA) procedures and must include a determination that the project is consistent with the Forest Plan.

Need for Change in the Current Forest Plan

The Forest completed a monitoring report in 1992. The results of the monitoring report, in addition to public input and Forest Plan implementation experience, indicated that there is a need for change in some management direction in the Forest Plan. Several sources were used in determining the needed changes in the current Forest Plan. These sources include:

- Comments received from employees who have been implementing the Plan.
- Findings from the Forest Plan monitoring report;
- Comparison of regulatory, manual, and handbook requirements with current Plan direction;
- National direction, policy and initiatives;
- New information from research, and
- Public comments received regarding the findings in the

Preliminary Analysis of the Management Situation.

Preliminary Analysis of the Management Situation

In April, 1999, the Wasatch-Cache National Forest published Preliminary Analysis of the Management Situation (PAMS). The PAMS summarized the current management and resource conditions of the Forest, outlined a new ecosystem management framework for the Forest Plan, and disclosed eight significant "needs for change" forest managers and resource specialists identified. The PAMS was mailed and distributed to nearly 500 interested individuals, non-government organizations, city, county, state and other federal agencies. A series of 11 information forums were held that over 200 people attended. Public comments were encouraged regarding the findings disclosed in the PAMS. The Forest Supervisor has identified two additional "needs for change" that will be included in the revision of the Forest Plan. The "needs for change" topics include:

1. Watershed Health

- Need to set objectives and direction for using a watershed approach to land management planning and watershed restoration.
- Need to develop watershed health goals for management areas.
- Need to set direction for establishing priority watersheds for restoration and for setting individual project priorities within watersheds.
- Need to set direction for protection of forest wetland.

2. Biodiversity and Viability

- Need to use the broader approach as identified in the ecosystem management framework based on research and new best science.
- Need to develop direction for habitat connectivity, links between landscapes, corridors, habitat edge, and horizontal and vertical diversity (structural stages).
- Need to develop forest management direction that address appropriate stocking levels, stand structure, and species composition that incorporates the extent and frequency of all types of disturbances.
- Need for guidance on the use of native plant species (including the collection of seed) in revegetation and/or rehabilitation activities on the forest.
- Need to consider and recognize the frequency, size, intensity and severity of disturbance processes in determining vegetative conditions and how management practices have altered them. The positive effects of prescribed fire and wildland fire use also needs to be recognized.
- Need for management direction that addresses important soil processes (erosion rates, mass stability, infiltration, nutrient cycling, etc.) as they relate biological diversity.
- Need for snag and coarse woody debris guidance that help maintain ecosystem structure and function. Guidance needs to develop and refine information to ensure an adequate diversity of size and decay class of snags and coarse woody debris.
- Need to develop management direction that describes desired structure and density for each structural stage, from opening to mature and old growth.
- Need to provide integrated management guidance and direction for species and communities in which they occur (the whole instead of pieces). This includes TES, Fish and Wildlife Service candidate species, species (and habitats) at risk, MIS, and other rare and unique plant, fish and animal species.

3. Road/Trail/Access Management

- Need to incorporate goals and direction of the new transportation policy as appropriate.
- Need for the appropriate forest road system to be a primary component of the desired future for a management area.
- Need goals to achieve an integrated transportation system with multiple functions not serving a single resource need.
- Need adaptive standards for road construction rather than a static, outdated list.
- Need to delete road density standards as a stand-alone requirement, rather use them as a component of desired future.
- Need to delete specific travel management guidelines and establish criteria (standards) for making future site-specific travel management decisions.

4. Recreation Niche

- Need to address the trends in population growth and how the Wasatch-Cache can best meet growing demands for outdoor recreation opportunities.
- Need to provide guidance for resource use preference within a management area or prescription area.
- Need to determine the Wasatch-Cache niche as a outdoor recreation provider.
- Need to address management of dispersed recreation in order to sustain healthy eco-systems.

5. Wild and Scenic Rivers

- Need to provide for interim protection of eligible segment values until suitability studies are completed. Suitability will not be addressed in the Forest plan revision.

6. Roadless Areas/Wilderness Recommendations

- Need to make wilderness recommendation for roadless areas thought to be appropriate addition.
- Need to develop management direction to protect roadless values where appropriate.

7. Appropriate Timberlands

- Need to reassess tentatively suited/unsuited lands for timber production.
- Need to incorporate new standards and guidelines added for sensitive species habitat (*e.g.* northern goshawk).
- Need to address correction of growth and yield errors identified in the 5 year monitoring report.

8. Rangeland Capability and Suitability

- Need to reassess rangeland capability.
- Need to reassess rangeland suitability.

9. Research Natural Areas

- Need to identify potential areas in the Forest that could contribute to diversity within the RNA system in Utah.

10. Oil and Gas Leasing

- Need to make leasing decisions for the portion of the north slope of the Uinta Mountains which was not decided in the 1994 Forest Plan amendment.

More detailed information on the "need for change" topics is available upon request.

Programmatic Proposed Action

At this early stage in the revision process, the proposed action consists of these elements: (1) Proposed forestwide goals and monitoring; and (2) management prescription maps and highlights of 36 management areas. Details of the proposed action are available upon request. The proposed action is also available on the forest website at www.fs.fed.us/wcnf.

Framework for Alternatives To Be Considered

Through a range of alternatives economic and social community stability will be considered in revising the Forest Plan. The alternatives will address different options to resolve the issues identified in the revision topics listed above. Alternatives must meet the

purpose and need for revision to be considered valid. One of the alternatives to be examined is the "no-action alternative." This is a required alternative that represents continuation of management under the 1985 Forest Plan, as amended. Alternatives are developed in response to public issues, management concerns, and resource opportunities identified during the scoping process. In describing alternatives, desired vegetation and resource conditions will be defined.

Involving the Public

The Forest Service is seeking information and comments from individuals, organizations and federal, state, and local agencies who may be interested in or affected by the proposed action (36 CFR 219.6).

Public participation will be solicited by notifying in person and/or by mail, known interested and affected publics. News releases will be used to give the public general notice, and public involvement opportunities will be offered at various locations. Public participation activities may include written comments, open houses, focus groups and collaborative forums.

Public participation will be sought throughout the revision process and will be especially important at several points along the way. The first formal opportunity to comment is during the scoping process (40 CFR 1501.7). Public open houses are scheduled in four communities at the following locations and dates.

October 12—Weber County Library, 131 South 7400 East, Huntsville, Utah, 4:00–7:00 p.m.
October 13—Salt Lake City-County Building, 451 South State Street, Salt Lake City, 4:00–7:00 p.m.
October 14—Logan Ranger District Office, 1500 East Highway 89, Logan, Utah, 4:00–7:00 p.m.
October 19—School Board Room, 129 2nd Street, Mountain View, Wyoming, 5:00–8:00 p.m.

Release and Review of the EIS

The Draft Environmental Impact Statement (EIS) is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public comment in June of 2000. At that time, the EPA will publish a notice of availability in the **Federal Register**. The comment period on the Draft EIS will be at least 90 days from the date the EPA publishes the notice of availability in the **Federal Register**, as required by the planning regulations.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the Draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions; Vermont Yankee Nuclear Power Corp. v. NRDC. 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but are not raised until after completion of the Final Environmental Impact Statement (Final EIS) may be waived or dismissed by the courts; City of Angoon v. Hodel, 803 F. 2d 1016, 1022 (9th Cir. 1986) and Wisconsin Heritages, Inc. v. Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objectives are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the Final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed programmatic actions, comments on the Draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the Draft EIS or the merits of the alternatives formulated and discussed in the statements. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

After the comment period ends on the Draft EIS, comments will be analyzed, considered, and responded to by the Forest Service in preparing the Final EIS. The Final EIS is scheduled to be completed in December of 2000. The responsible official will consider the comments, responses, and environmental consequences discussed in the Final EIS, and applicable laws, regulations, and policies in making decisions regarding the revision. The responsible official will document the decisions and reasons for the decisions in a Record of Decision for the revised plan. The decisions will be subject to appeal in accordance with 36 CFR part 217. Jack A. Blackwell, Intermountain Regional Forester, is the responsible official for this EIS.

Dated: September 21, 1999.

Pam Gardiner,

Deputy Wasatch-Cache Forest Supervisor.

[FR Doc. 99–25027 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Transfer of Administrative Jurisdiction; Willow Island Locks and Dam Project, Wayne National Forest, Ohio

AGENCY: Forest Service, USDA.

ACTION: Notice of land interchanges.

SUMMARY: On July 27, 1998, and July 6, 1999, the Secretary of the Army and the Secretary of Agriculture, respectively, signed a joint interchange order authorizing the transfer of administrative jurisdiction of 63.12 acres, more or less, lying within the Wayne National Forest in Washington County, Ohio, from the Department of Agriculture to the Department of the Army. Furthermore, the order transfers from the Department of the Army to the Department of Agriculture 23.74 acres, more or less, lying adjacent to the exterior boundaries of the Wayne National Forest, Washington County, Ohio, for inclusion in the Wayne National Forest. The 45-day Congressional oversight requirement of the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) has been met. A copy of the Joint Order, as signed, and Exhibits A, B, and C, which describe the lands and interests therein being conveyed, are set out at the end of this notice.

EFFECTIVE DATE: The order is effective September 28, 1999.

FOR FURTHER INFORMATION CONTACT: David M. Sherman, Lands Staff, Forest Service, USDA, PO Box 96090, Washington, DC 20090–6090, Telephone: (202) 205–1362.

Dated: September 3, 1999.

Gloria Manning,

Associate Deputy Chief, National Forest System.

DEPARTMENT OF THE ARMY

DEPARTMENT OF AGRICULTURE

WILLOW ISLAND LOCKS AND DAM, WAYNE NATIONAL FOREST, WASHINGTON COUNTY, OHIO

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of the Army and in the Secretary of Agriculture by the Act of July 26, 1956 (70

Stat. 656; 16 U.S.C. Sections 505a and 505b), as amended, it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army identified in Exhibit A, attached hereto and made a part hereof, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Department of Agriculture, subject to outstanding rights or interests of record, and flowage easement rights over the portion of the premises below elevation 608 feet mean sea level, as set out in Exhibit B. These lands were acquired by the United States in connection with the Willow Island Locks and Dam Project and are adjacent to the exterior boundary of the Wayne National Forest, Ohio.

(2) Flowage easements described in Exhibit B, over the lands identified in Exhibit C, attached hereto and made a part hereof, are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Department of the Army, subject to outstanding rights or easements of record. The Secretary of Agriculture retains such rights in said lands as are not inconsistent with the flowage easement rights transferred herein. These lands are a part of the Wayne National Forest, Ohio, and are subject to flooding by the operation of the Willow Island Locks and Dam project.

(3) Pursuant to Section 2 of the aforesaid Act of July 26, 1956, the Department of the Army lands transferred to the Secretary of Agriculture by this order are hereby subject to the laws applicable to lands acquired under the Act of March 1, 1911 (38 Stat. 961), as amended. The interests in land transferred to the Secretary of the Army by this order shall hereafter be subject to the laws applicable to the Department of the Army lands comprising the Willow Island Locks and Dam project.

This order will be effective as of the date of publication in the **Federal Register**.

Dated: July 27, 1998.

Louis Caldera,

Secretary of the Army.

Dated: July 6, 1999.

Dan Glickman,

Secretary of Agriculture.

BILLING CODE 3410–11–M

EXHIBIT A

LEGAL DESCRIPTION

TOWNSHIP 2 NORTH, RANGE 7 WEST, OHIO RIVER SURVEY
NEWPORT TOWNSHIP, WASHINGTON COUNTY, OHIO

SECTION 25:

Situated in the State of Ohio, Washington County, Newport Township, Section 25, Town 2, Range 7, Original Seven Ranges, more particularly described as follows:

Commencing for reference at the reported Northwest corner of Section 25, Town 2, Range 7, where a reference stone monument found, set in 1899 by Levi Bartlett, Survey No. 5083, bears East 33.00 feet, thence S 58° 46' 42" E a distance of 3355.31 feet to an iron rebar monument with cap set and stamped "Corner No. 1", said point being the True Point of Beginning for the parcel herein described; thence S 34° 31' 30" E for a total distance of 820.52 feet to a point in the Ohio River at the normal pool elevation of Lock & Dam No. 17, passing an iron rebar with cap set at 668.34 feet; thence with the meanders of the normal pool elevation S 47° 53' 00" W a distance of 1494.30 feet to a point; thence leaving the normal pool elevation N 01° 35' 00" E a distance of 1476.57 feet to a point identified as "Corner 102-3", passing an iron pin with cap identified as "Corner 102-2A" found on the top of the river bank at 133.14 feet, also passing an iron pin with cap identified as "Corner 102-2B" a5 921.93 feet, also passing an iron pin with cap set in concrete and identified as "Corner 102-2C" at 1421.89 feet; thence N 70° 37' 03" E a distance of 134.99 to a point identified as "Corner 102-4"; thence S 16° 57' 50" E a distance of 49.08 feet to an iron pin set in concrete found and identified as "Corner 104-1"; thence N 68° 20' 15" E a distance of 157.93 feet to an iron pin in concrete found and identified as "Corner 106-1"; thence N 66° 37' 01" E a distance of 189.10 feet to an iron pin in concrete found and identified as "Corner 108-1"; thence N 63° 13' 48" E a distance of 157.51 feet to the True Point of Beginning, containing 23.740 acres, more or less.

The bearings used herein are referenced to the Ohio State Plane Coordinate System, South Zone, Ground Distance Modified. Mean Pool Elevation is based on the Corps of Engineers U.S. Army Sandy Hook Datum. Normal Pool Elevation is 586.6. This legal description was prepared by Robert G. Vernon, Professional Surveyor No. 6282, based on field surveys in April, 1994.

The above described tract is a part of the same land acquired by the United States of America in a deed from Chella I. Thorniley, et al, dated 9 September 1966, recorded in Deed Volume 365, Page 496, in the Office of the Recorder of Washington County, Ohio.

Also part of the same land acquired by the United States of America from Raymond Cogleton, et ux, in a deed dated 13 April 1966, recorded in Deed Volume 362, Page 113, in the Office of the Recorder of Washington County, Ohio.

Also part of the same land acquired by the United States of America from Max L. Smith in a deed dated 1 June 1966, recorded in Deed Volume 363, Page 983, in the Office of the Recorder of Washington County, Ohio.

Also part of the same land acquired by the United States of America from Florence Jessie Brown Toomey, et al, by Declaration of Taking filed 7 November 1966, recorded in Deed Volume 366, Page 886, in the Office of the Recorder of Washington County, Ohio.

EXHIBIT B

Flowage Easement Estate

The perpetual right, power, privilege and easement in, upon, over and across the land described in Exhibit "C" for the purposes set forth below:

a. Permanently to overflow, flood and submerge the land lying below elevation 602 feet mean sea level in connection with the operation and maintenance of the Willow Island Locks and Dam project for the purposes as authorized by the Act of Congress approved 3 March 1909, together with all right, title and interest in and to the timber and the continuing right to clear and remove any brush, debris and natural obstructions which, in the opinion of the representative of the United States in charge of the project may be detrimental to the project.

b. Occasionally to overflow, flood and submerge the land lying above elevation above elevation 602 feet mean sea level in connection with the operation and maintenance of said project.

Together with all right, title and interest in and to the structures and improvements now situate on the land, except fencing, above elevation 602 feet mean sea level and also excepting the existing improvements associated with a marina and camping facility that includes shelter houses, bath houses, rest rooms, playground equipment, camper hook-ups, dumping station, asphalt drives and parking, asphalt walk paths, treated wood decks, gazebo, docks, a concrete boat launch, and a concrete retaining wall. Provided that no structures for human habitation shall be constructed or maintained on the land, and that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and

EXHIBIT C

**FLOWAGE EASEMENT LANDS
TO BE TRANSFERRED TO
THE DEPARTMENT OF THE ARMY**

TRACT: A, Parcel 1, (Segment 15)
OWNER: United States Department of Agriculture, Forest Service
ACRES: 0.50

REV.
6-2-77
J.G.M.

LEGAL DESCRIPTION

TRACT NO. A, Parcel 1

A certain tract of land situate in the State of Ohio, Washington County, Newport Township, Section 18, Township 1 North, Range 6 West, on the Ohio River, and on Davis Run, a tributary of the Ohio River, at approximate river mile 152.0 and more particularly bounded and described as follows:

Beginning at the intersection of the 607 foot contour with the line between the lands now or formerly owned by George R. Murphy, and the subject owner, said point being located South 22° 55' West 353 feet from the intersection of Township Route No. 135 with Ohio State Highway No. 7; thence, leaving the lands of said Murphy, severing the lands of the subject owner, upstream following and binding on the meanders of said 607 foot contour, the following courses and distances:

North 14° 02' East 58 feet,
North 31° 27' East crossing the southern right-of-way line of said Highway No. 7 at 6 feet, in all 191 feet to a point 6 feet south of the center line of a culvert in Davis Run, which crosses under said Highway No. 7; thence, leaving said 607 foot contour, and with a line parallel to the center line of said culvert, upstream with said Run,

North 43° 51' West crossing the center line of said Highway No. 7 at 50 feet, in all 111 feet to a point on said 607 foot contour; thence, leaving said parallel line, continuing to sever the lands of the subject owner, upstream with the right descending bank of said Run following and binding on the meanders of said 607 foot contour, the following courses and distances:

South 81° 32' West crossing the northern right-of-way line of said Highway No. 7 at 3 feet, in all 21 feet,

North 52° 08' West 228 feet,
North 38° 57' West 154 feet,
North 26° 34' West crossing the center line of a private road at 10 feet, in all 157 feet to a point in the center of said Run; thenceleaving the center of said Run, continuing to sever the lands of the subject owner, downstream with the left descending bank of said Run following and binding on the meanders of said 607 foot contour, the following courses and distances:

South 37° 09' East crossing the center of said private road at 165 feet, in all 207 feet,

South 49° 26' East 211 feet to a point in the line of lands now or formerly owned by Harry W. Leasure and C. Wells Rodefer; thence, leaving said 607 foot contour, and with the lands of said Leasure and Rodefer,

South 43° 51' East crossing said northern right-of-way line at 90 feet, entering the center line of said culvert at 125 feet, crossing the center line of said Highway 7 at 186 feet, leaving the center line of said culvert at 235 feet, in all 247 feet to a point on the oridnary high water line of the Ohio River as defined by the contour elevation 600; thence, leaving the lands of said Leasure and Rodefer, downstream following and binding on the meanders of said 600 foot contour,

South 25° 59' West crossing said southern right-of-way line at 50 feet, in all 257 feet to a point in the line of lands of said Murphy; thence, leaving said 600 foot contour, and with the lands of said Murphy,

North 38° 40' West 26 feet to the place of beginning, containing 0.50 acre, more of less, of which 0.15 acre is located below the normal pool of the Willow Island Dam (Elev. 602). The bearings used herein are referenced to the Ohio State Coordinate System, South Zone (Page's Ohio Revised Code Sec. 157.01 to 157.07 incl.). The elevations expressed herein are above mean sea level, sandy Hook Datum, as determined by the Corps of Engineers, U.S. Army.

The above described tract is a part of the same land as that described in a deed from William R. Deshler, et al, to United States of America, dated April 4, 1942 and filed for record April 6, 1942 and recorded in Deed Volume 222, Page 336 in the records of Washington County, Ohio.

TRACT: A, Parcel 2 (Segment 17) REV.
OWNER: United States Department of Agriculture, Forest Service 6-2-77
ACRES: 11.66 J.G.M.

LEGAL DESCRIPTION

TRACT NO. A, Parcel 2

A certain tract of land situate in the State of Ohio, Washington County, Grandview Township, Sections 26 and 32, Township 1 North, Range 5 West, on an unnamed drain, a tributary of Sheets Run, on Sheets Run, a tributary of the Ohio River, and on the Ohio River, at approximate river mile 148.7, and more particularly bounded and described as follows:

Beginning at the intersection of the 608 foot contour with the line between the lands now or formerly owned by Nettie R. Holdren, and the subject owner, said point being located South 51° 22' East 410 feet from the intersection of a private drive with Ohio State Route No. 7; thence, leaving said 608 foot contour, and with the lands of said Holdren,

South 51° 20' East 19 feet to a point on the ordinary high water line of the Ohio River as defined by the contour elevation 601; thence, leaving the lands of said Holdren, downstream following and binding on the meanders of said 601 foot contour, the following courses and distances:

South 38° 22' West crossing the Section Line between Sections 26 and 32, Township 1 North, Range 5 West, at 368 feet, in all 846 feet,

South 36° 28' West 229 feet,
South 42° 21' West 245 feet,
South 46° 17' West 628 feet,
South 50° 03' West 570 feet,
South 58° 36' West crossing the center of Sheets Run at 180 feet, in all 186 feet to a point in the line of lands now or formerly owned by Theodore S. Dye; thence, leaving said 601 foot contour, and with the lands of said Dye,

North 13° 45' West crossing the center of said Run at 20 feet, recrossing the center of said Run at 405 feet, in all 495 feet to a point on said 608 foot contour; thence, leaving the lands of said Dye, severing the lands of the subject owner, upstream with the right descending bank of said Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 57° 59' East 55 feet,
North 27° 56' East 75 feet,
North 16° 23' West 53 feet,
South 83° 44' West 100 feet to a point in the line of lands of said Dye; thence, leaving said 608 foot contour, and with the lands of said Dye,

North 13° 45' West crossing the southern right-of-way line of said Highway No. 7 at 330 feet, in all 350 feet to a point on said 608 foot contour; thence, leaving the lands of said Dye, severing the lands of the subject owner, upstream with the right descending bank of said Run following and binding on the meanders of said 608 foot contour,

North 72° 56' East 198 feet to a point 6 feet west of the centerline of a culvert in said Run' thence, leaving said 608 foot contour, and with a line parallel to the centerline of said culvert, upstream with said Run,

North 09° 28' West crossing the centerline of said Highway at 68 feet, in all 128 feet to a point on said 608 foot contour; thence, leaving said parallel line, continuing to sever the lands of the subject owner, upstream with the right descending bank of said Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 72° 28' West 20 feet,
North 10° 31' West crossing the northern right-of-way of said Highway at 92 feet, in all 225 feet,

North 27° 15' East 74 feet,
North 09° 55' East 267 feet,

South 19° 12' East 119 feet,
North 78° 19' East 30 feet,
North 06° 16' West 247 feet,
North 05° 10' East 333 feet to a point in the center of said Run; thence, leaving the center of said Run, continuing to sever the lands of the subject owner, downstream with the left descending bank of said Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

South 14° 45' East 39 feet,
South 00° 51' West 340 feet,
South 64° 57' East 103 feet,
South 04° 03' West 99 feet,
South 21° 06' West 225 feet,
South 11° 45' East 231 feet,
South 62° 37' West crossing said northern right-of-way line at 45 feet, in all 152 feet to a point 6 feet east of the centerline of said culvert; thence, leaving said 608 foot contour, and with a line parallel to the centerline of said culvert, downstream of said Run,

South 09° 28' East crossing the centerline of said Highway at 63 feet, in all 128 feet, to a point on said 608 foot contour; thence, leaving said parallel line, continuing to sever the lands of the subject owner, upstream with the right descending bank of an unnamed drain following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 71° 58' East 229 feet,
South 49° 38' West crossing said southern right-of-way line at 5 feet, in all 79 feet,

North 85° 50' East 137 feet,
South 58° 04' East 163 feet to a point 1.5 feet north of the centerline of a culvert in said drain; thence, leaving said 608 foot contour, with a line parallel to the centerline of said culvert, upstream with said drain,

North 40° 46' East 38 feet to a point on said 608 foot contour; thence, leaving said parallel line, continuing to sever the lands of the subject owner, up stream with the right descending bank of said drain following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 28° 37' West 88 feet,
North 31° 17' East 92 feet,
North 57° 49' East 137 feet,
North 41° 23' East 135 feet,
North 58° 36' East 478 feet to a point in the center of said drain; thence, leaving the center of said drain, continuing to sever the lands of the subject owner, downstream with the left descending bank of said drain following and binding on the meanders of said 608 foot contour, the following courses and distances:

South 40° 02' West 65 feet.

South 53° 03' West 298 feet,
South 36° 57' West 141 feet,
South 10° 03' West 80 feet,
South 51° 40' West 280 feet,
South 51° 38' West 23 feet to a point 1.5 feet south of the centerline of said culvert; thence, leaving said 608 foot contour, and with a line parallel to the centerline of said culvert, downstream with said drain,

South 40° 46' West 38 feet to a point on said 608 foot contour; thence, leaving said parallel line, continuing to sever the lands of the subject owner, downstream with the left descending bank of said drain following and binding on the meanders of said 608 foot contour, the following courses and distances:

South 29° 44' East 92 feet,
South 60° 20' West 83 feet,
South 30° 38' West 120 feet,
South 88° 19' West 239 feet,
South 05° 20' East 107 feet; thence, continuing to sever the lands of the subject owner, downstream with the left descending bank of said Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

South 25° 08' West 214 feet,
South 42° 50' West 75 feet,
South 15° 25' East 271 feet; thence, continuing to sever the lands of the subject owner, upstream following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 57° 18' East 242 feet,
North 53° 51' East 459 feet,
North 45° 57' East 851 feet,
North 37° 13' East 303 feet
North 38° 45' East crossing said Section Line at 411 feet, in all 759 feet to the place of beginning, containing 11.66 acres, more or less, of which 2.25 acres are located below the normal pool of the Willow Island Dam (Elev. 602). The bearings used herein are referenced to the Ohio State Coordinate System, South Zone (Page's Ohio Revised Code Sec. 157.01 to 157.07 incl.). The elevations expressed herein are above mean sea level, Sandy Hook Datum, as determined by the Corps of Engineers, U.S. Army.

The above described tract is a part of the same land as that described in a deed form Hosie Grimes (widower) and John H. Grimes and Ruth Grimes, his wife, to the United States of America, (Forest Service Department of Agriculture), dated 20 November 1969, and filed for record 22 December 1969, and recorded in Deed Volume 388, page 713 in the records of Washington County, Ohio.

TRACT: A, Parcel 3 (Segment 19)
OWNER: United States Department of Agriculture, Forest Service
ACRES: 0.13

Rev.
6-2-77
J.G.M.

LEGAL DESCRIPTION

TRACT NO. A, Parcel 3

A certain tract of land situate in the State of Ohio, Washington County, Grandview Township, Section 23, Township 1 North, Range 5 West, on the Ohio river, at approximate river mile 145.0, and more particularly bounded and described as follows:

Beginning at the intersection of the 609 foot contour with the line between the lands now or formerly owned by Ralph E. Mahnken, et ux, and the subject owner, said point being located South 17° 23' West 1040 feet from U.S. Corps of Engineers Monument W.I.O. 38; thence, leaving the lands of said Mahnken, et ux, and severing the lands of the subject owner, upstream following and binding on the meanders of said 609 foot contour, the following courses and distances:

North 26° 55' East 239 feet,
North 33° 06' East 100 feet to a point on the line of other lands of said Mahnken, et ux; thence, leaving the said 609 foot contour and with the lands of said Mahnken, et ux,

Due East 20 feet to a point on the ordinary high water line of the Ohio River as defined by the contour elevation 603; thence, leaving the other lands of said Mahnken, et ux, downstream following and binding on the meanders of said 603 foot contour, the following courses and distances:

South 31° 17' West 210 feet,
South 26° 42' West 130 feet to a point on the line of the lands of said Mahnken, et ux; thence, leaving the 603 foot contour and with the lands of said Mahnken, et ux,

Due West 10 feet to the place of beginning, containing 0.13 acres, more or less. The bearings used herein are referenced to the Ohio State Coordinate System, South Zone (Page's Ohio Revised Code Sec. 157.01 to 157.07 incl.). The elevations expressed herein are above mean sea level, Sandy Hook Datum, as determined by the Corps of Engineers, U.S. Army.

The above described tract is a part of the same land as that described in a deed from Ralph E. Mahnken and Mary Alice Mahnken, husband and wife, to The United States of America (Forest Service, Department of Agriculture, dated December 7, 1965 and filed for record December 30, 1965 and recorded in Deed Volume 360, Page 271 in the records of Washington County, Ohio.

TRACT: A, Parcel 8 (Segment 16)
OWNER: United States Department of Agriculture, Forest Service
ACRES: 50.83

REV.
6-2-77
J.G.M.

LEGAL DESCRIPTION

TRACT NO. A, Parcel 8

A certain tract of land situate in the State of Ohio, Washington County, Independence Township, Sections 1, 2, & 7, Township 2, North, Range 6 West, on the Ohio River, and on Browns Run, a tributary of the Ohio River, at approximate river mile 150.4, and more particularly bounded and described as follows:

Beginning at the intersection of the 608 foot contour with the line between the lands now or formerly owned by Barber Riggs, and the subject owner, said point being located South 14° 40' East 279 feet from the intersection of a private road with Ohio State Highway No. 7; thence, leaving the lands of said Riggs, severing the lands of the subject owner, upstream following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 74° 06' East 996 feet,
North 66° 21' East 150 feet; thence, continuing to sever the lands of the subject owner, upstream with the right descending bank of Browns Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 25° 11' West 204 feet,
North 18° 38' West 91 feet,
North 30° 50' West 72 feet to the center of said Run; thence, leaving the center of said Run, downstream with the left descending bank of said Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

South 39° 26' East 80 feet,
South 49° 05' East 20 feet,
South 33° 23' East 309 feet,
North 74° 01' East crossing said Section Line at 140 feet, in all 370 feet to a point; thence, continuing on the 608 foot contour,

North 75° 18' East 500 feet
North 71° 50' East 484 feet
North 76° 34' East 504 feet; thence, continuing to sever the lands of the subject owner, upstream with the right descending bank of an unnamed drain following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 27° 46' East 64 feet,
North 12° 45' West 303 feet,
North 33° 45' West 239 feet,

South 50° 49' West 154 feet,
North 74° 36' West 72 feet,

North 22° 48' West 95 feet to a point on the line of lands now or formerly owned by Ray E. Baker and Dorothy M. Baker, on the Section Line between Sections 1 and 2; thence, leaving said 608 foot contour, and with the lands of said Ray E., and Dorothy M. Baker, and with said Section Line,

South 88° 42' East 439 feet to a corner to lands now or formerly owned by Maggie Riggs, et al, and the lands of said Ray E. and Dorothy M. Baker; thence, leaving the said Section Line, and with the said Riggs, et al,

North 00° 07' West 723 feet, to the intersection of the 608 foot contour with the line between the lands of the said Baker, and the said Riggs; thence, leaving the lands of said Baker, severing the lands of the subject owner, following and binding on the meanders of said 608 foot contour, as follows:

North 58° 27' East crossing the center of an unnamed drain at 134 feet, in all 149 feet,

South 69° 40' East crossing the southern right-of-way line of said Highway No. 7 at 22 feet, crossing the center of a private road at 32 feet, in all 124 feet,

North 58° 40' East 135 feet,
North 27° 24' East crossing said southern right-of-way line at 141 feet, in all 152 feet,

North 63° 41' East 201 feet,
North 72° 28' East 262 feet,
North 79° 34' East 375 feet,
North 02° 09' East 38 feet to a point on the line between the lands now or formerly owned by Maggie Riggs, et al, and the subject owner said point being the centerline of said Highway; thence, with said Riggs, et al, and with said centerline,

South 87° 51' East 28 feet to a point on the line of the lands now or formerly owned by Harriett E. McMahan, et al and said point being a corner common to said Riggs, et al, and the subject owner, said point also located in or near center of Leith Run; thence, leaving said Highway and said Riggs, et al, with said McMahan, et al, downstream following and binding on the meanders of said Run as follows:

South 07° 29' West 22 feet,
South 24° 56' East 126 feet,
South 01° 38' East 105 feet,
South 59° 13' West 55 feet,
South 14° 14' West 138 feet,
South 35° 50' East 67 feet,
North 59° 32' East 59 feet,
South 50° 51' East 146 feet,
South 37° 34' West 82 feet,
North 54° 15' West 62 feet,
South 67° 23' West 26 feet,
South 02° 52' East 120 feet,

South 65° 13' West 29 feet,
South 30° 41' West 106 feet,
South 54° 52' West 66 feet,
South 30° 14' West 230 feet,
South 05° 51' West 39 feet,
South 45° 00' East 99 feet,
Due South 50 feet,
South 60° 08' West crossing the Section Line between Sections 1 and 2, Township 2 North, Range 6 West at 156 feet, in all 171 feet,

South 25° 46' West 97 feet,
South 24° 47' East 43 feet,
South 55° 27' East 183 feet,
South 87° 24' East 110 feet,
South 49° 24' East 55 feet,
South 45° 00' West 89 feet,
South 75° 48' West 175 feet,
South 63° 35' West 166 feet,
South 74° 11' West 326 feet to a point on the ordinary high water line of the Ohio River as defined by the contour elevation 601; thence, leaving the lands of said McMahan, et al, downstream following and binding on the meanders of said 600 foot contour, the following courses and distances:

South 76° 43' West 204 feet,
South 64° 04' West 242 feet,
South 85° 03' West crossing the center of said drain at 91 feet, in all 267 feet,

South 77° 02' West 312 feet,
South 83° 42' West 364 feet,
South 74° 35' West 191 feet,
South 78° 08' West 501 feet,
South 72° 48' West crossing the Section Line between Sections 1 and 7, Township 2 North, Range 6 West at 250 feet, in all 467 feet to the center of Browns Run; thence, continuing with the said 600 foot contour, downstream the following courses and distances:

South 76° 23' West 463 feet,
South 72° 49' West 664 feet to a point in the line of lands of said Riggs; thence, leaving said 600 foot contour, and with the lands of said Riggs,
North 18° 12' West 77 feet to the place of beginning, containing 50.83 acres, more or less, of which 9.33 acres are located below the normal pool of the Willow Island Dam (Elev. 602). The bearings used herein are referenced to the Ohio State Coordinate System, South Zone (Page's Ohio Revised Code Sec. 157.01 to 157.07 incl.). The elevations expressed herein are based on above mean sea level, Sandy Hook Datum, as determined by the Corps of Engineers, U.S. Army.

The above described tract is a part of the same land as that described in a deed from Sarah Elizabeth Brown Knapp a.k.a. Elizabeth Brown Knapp, single, Martha R. Kootz Brown, a.k.a. Martha R. Brown, a widow; James B. Lauffer, a.k.a. James Brown Lauffer and Nancy Ann Lauffer,

husband and wife; Walter Koontz Brown, a.k.a. Walter Kuntz Brown and Margurite Kemp Brown, husband and wife; Donald Mark Brown and Isabel Lawton Brown, husband and wife; Richard Carl Brown and Elouise Lunsford Brown, husband and wife; Florence Jessie Brown Toomey and Tom J Toomey, her husband; Frank Walter Brown and Phyllis Rose Brown, husband and wife; to the United States of America by deed dated October 20, 1972, and recorded October 24, 1972, in Deed Volume 404, Page 734 in the records of Washington County, Ohio.

Also a part of the same land as that described in a deed from Donald Mark Brown and Isabel Lawton Brown, his wife; Richard Carl Brown and Elouise Lunsford Brown, his wife; Florence Jessie Brown Toomey, and Tom J. Toomey, her husband; Frank Walter Brown and Phyllis Rose Brown, his wife; to the United States of America by deed dated October 20, 1972, and recorded October 24, 1972, in Deed Volume 404, Page 744, in the records of Washington County, Ohio.

Also a part of the same land as that described in a deed from Lorene V. Bradfield Wentzel and Carl Wentzel, her husband, Gilbert A. Bradfield and Elouise Bradfield, his wife, Alice Bradfield Whiting and Creston J. Whiting, her husband, Charles B. Bradfield, a.k.a. Charles Bernard Bradfield and Ann Bradfield, his wife, Katherine Scott, a.k.a. Katherine E. Scott, single, Barbara Brockmeier and Thomas Brockmeier, her husband, Hazel Nelson and W. Forrest Nelson, her husband, Kathleen Foster, a widow, Jacqueline Sue Harmon and Bruce Harmon, her husband, Judith Carolyn Foster Hammock and Gearld Hammock, a.k.a. Gerald Hammock, her husband, Sonja Foster Ehmer and William Ehmer, her husband, Walter Foster and Mildred Foster, his wife, Thelma Foster Ullman and Chester Ullman, her husband, Harry A. Bradfield, a.k.a. Harry W. Bradfield and Erma Bradfield, his wife, James Robert Bradfield and Alice Sue Bradfield, his wife, Martha Clark and Carl O. Clark, her husband, Ray G. Bradfield and Catherine Bradfield, his wife, Donald A. Bradfield and Lillian Bradfield, his wife, Fay Butcher and Robert Butcher, her husband, Addison Bradfield and Ella Bradfield, his wife, Grace Fleming and Frank Fleming, her husband, and Mary A. Bradfield Smith, a widow, to the United States of America by deed dated 9 February 1973, and recorded September 17, 1973 in Deed Volume 410, Page 482, in the records of Washington County, Ohio.

Also a part of the same land as that described as Section One in a deed form Colonial Enterprises, Inc. a corporation; to the United States of America by deed dated December 11, 1973, and recorded December 12, 1973, in Deed Volume 412, Page 418, in the records of Washington County, Ohio.

Also a part of the same land as that described in a deed from Maggie Riggs, a widow; Homer Sanford Riggs, a.k.a. Homer Riggs, and Carrie Riggs, his wife; Mildred Weber, a.k.a. Mildred Webber, a widow; Walter Adam Riggs, a.k.a. Walter Riggs, and Dalliers Riggs, his wife; Charles Clement Riggs, a.k.a. Charles Riggs, and Ann R. Riggs, his wife; Harold Gale Riggs, a.k.a. Harold Riggs, and Irene Riggs, his wife; John Dwight Riggs, a.k.a. John Riggs, and Vera V. Riggs, his wife; Robert William Riggs, a.k.a. Robert Riggs, and Ethyl Riggs, his wife; Elwanda Fox a.k.a. Elwanda Rose Riggs, and Darrell Fox, her husband; Loretta Cline and Jesse H. Cline, her husband; Sandra Bleakly, a.k.a. Sandra Riggs, and Patrick R. Beleakley, her husband; Dallas Riggs and Linda Riggs, his wife to the United States of America by deed dated 9 February 1973, and recorded September 17, 1973 in Deed Volume 420, Page 112, all in the records of Washington County, Ohio.

[FR Doc. 99–24958 Filed 9–27–99; 8:45 am]
BILLING CODE 3410–11–C

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by November 29, 1999.

FOR FURTHER INFORMATION CONTACT: F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave., SW., STOP 1522, Room 4036 South Building, Washington, DC 20250–1522. Telephone: (202) 720–9550. FAX: (202) 720–4120.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies a new information collection that RUS is submitting to OMB for approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave., SW., Washington, DC 20250–1522. FAX: (202)720–4120.

Title: Community Programs Guaranteed Loans.

Type of Request: New Information Collection.

Abstract: The Rural Utilities Service is authorized by Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of water and wastewater disposal facilities primarily serving rural residents. The guaranteed loan program encourages lender participation and provides specific guidance in the processing and servicing of guaranteed Water and Waste Disposal loans. The guaranteed loan program is conducted through 7 CFR part 1980, subpart I.

Estimate of Burden: Public reporting for this collection of information is estimated to average 14 hours per response.

Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 10.

Estimated Total Annual Burden on Respondents: 1,352 hours.

Copies of this information collection can be obtained from Michele Brooks, Program Development and Regulatory Analysis, at (202) 690–1078. FAX: (202) 720–4120.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: September 22, 1999.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 99–25180 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–15–U

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

M&A Electric Power Cooperative, Inc.; Notice of Availability of an Environmental Assessment

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Availability of an Environmental Assessment.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) and the U.S. Army Corps of Engineers are issuing an environmental assessment with respect to the potential environmental impacts related to the construction and operation of a 69 kV electric transmission line and substation in Wayne County, Missouri. RUS may provide financing assistance to M&A Electric Power Cooperative, Inc., for the project. The U.S. Army Corps of Engineers will grant a right-of-way easement across property they manage for a portion of the transmission line and the substation.

FOR FUTHER INFORMATION CONTACT: Bob Quigel, Environmental Protection Specialist, Rural Utilities Service, Engineering and Environmental Staff, Stop 1571, 1400 Independence Avenue, SW, Washington, DC 20250–1571, telephone: (202) 720–0468. Bob's e-mail address is bquigel@rus.usda.gov. Information is also available from Tony Gott, M&A Electric Power Cooperative, Inc., Highway PP, West, Poplar Bluff, Missouri 63901, (573) 785–9651.

SUPPLEMENTARY INFORMATION: The project consists of the construction of a 69 kV electric transmission line and substation to be located in Wayne County, Missouri. The project will be constructed by M&A Electric Power Cooperative, Inc. The line will tie into an existing substation located near Patterson and be connected to a new substation to be constructed near Silva. The length of the transmission line is approximately 7 miles. The substation will require approximately 4 acres of land. A portion of the transmission line and the substation will be located within the Wappapello Lake Project area which is managed by the U.S. Army Corps of Engineers. The U.S. Army Corps of Engineers is a cooperating agency in the environmental review of this project.

Burns and McDonnell prepared an environmental assessment for RUS and the U.S. Army Corps of Engineers which describes the project and assesses its environmental impacts. RUS and the U.S. Army Corps of Engineers have conducted an independent evaluation of the environmental assessment and believe that it accurately assesses the impacts of the proposed project. No significant impacts are expected as a result of the construction of the project.

The environmental assessment can be reviewed at the Piedmont Public Library, 118 West Green, Piedmont, Missouri 63957, telephone (573) 223–7036, the headquarters of M&A Electric Power Cooperative, Inc., at the address provided above, or the headquarters of RUS, at the address provided above.

Questions and comments should be sent to RUS at the address provided. RUS will accept questions and comments on the environmental assessment for at least 30 days from the date of publication of this notice.

Any final action by RUS related to the proposed project will be subject to, and

contingent upon, compliance with all relevant Federal environmental laws and regulations and completion of environmental review procedures as prescribed by the 7 CFR part 1794, Environmental Policies and Procedures.

Dated: September 22, 1999.

Blaine D. Stockton, Jr.,

Assistant Administrator—Electric.

[FR Doc. 99–25179 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Licensing Responsibilities and Enforcement.

Agency Form Number: None.

OMB Approval Number: 0694–xxx.

Type of Request: New collection.

Burden: 70,104 hours.

Average Time Per Response: Up to 2.5 hours per response.

Number of Respondents: 145,372 respondents.

Needs and Uses: This information collection package supports the various collections, notifications, reports, and information exchanges that are needed by the Office of Export Enforcement and Customs to enforce the Export Administration Regulations and maintain the National Security of the United States.

(a) *Assumption Writing.* This writing is necessary to establish who will be responsible for compliance with license requirements in the Export Administration Regulations.

(b) *Information sharing requirements.* This information sharing requirement is necessary because the foreign principal and/or his agent has taken on the responsibility for license requirements without necessarily having all the information necessary to make a license determination or obtain a license.

(c) *Power of attorney or other written authorization.* It is necessary to establish the principal/agent relationship in writing, so that BXA can determine who was responsible for compliance of the EAR and the proper party can be charged when a violation of the Export Administration Regulations has occurred.

(d) *Procedures for unscheduled unloading.* When a BXA-issued license is required to unload items, no person may effect delivery or entry of the items into the commerce of a country without prior written approval from BXA. The carrier must ensure that the items do not enter the commerce of a country by placing the items in custody, or under bond or other guaranty. In addition, the carrier must inform the exporter and BXA of the unscheduled unloading in a time frame that will enable the exporter to submit its report within 10 days from the date of the unscheduled unloading.

(e) *Return or Unloading at Direction of U.S. Dept of Commerce.* Where there are reasonable grounds to believe that a violation of the EAR has occurred or will occur with respect to a particular export from the U.S., BXA or any U.S. Customs officer may order any person in possession or control of such shipment to return or unload the shipment.

(f) *Destination Control Statement.* The DCS is a preventive enforcement measure to remind the public that the goods covered by a document that contains the DCS are controlled for export by the U.S. Government and if they plan to export or reexport it they should look at the EAR to make sure they are in compliance.

(g) *Notation on export documents for exports exempt from SED requirements.* The bill of lading or other loading document must be available for inspection along with the items prior to lading on the carrier.

(h) *Exports by U.S. Mail.* Whenever you export items subject to the EAR by mail that meets one of the exemptions for submission of an SED, you must enter the appropriate export authority on the parcel, i.e., either the number of and expiration date of a license issued by BXA, the appropriate License Exception symbol, or NLR "No License Required" designator.

(i) *Issuance of License, Responsibility of the licensee.* When required by the license, the licensee is responsible for obtaining written acknowledgment(s) of receipt of the conditions from the parties to whom those conditions apply.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, Office of the Chief Information Officer (202) 482–3272, Department of Commerce, Room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *LEngelme@doc.gov).*

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: September 22, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–25147 Filed 9–27–99; 8:45 am]

BILLING CODE 3510–DT–U

DEPARTMENT OF COMMERCE

International Trade Administration

Participation Agreement and Trade Mission Application; Proposed Collection

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506 (2)(A)).

DATES: Written comments must be submitted on or before November 29, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5027, 14th & Constitution Avenue, NW, Washington, DC 20230. Phone number: (202) 482–3272. Email: LEngelme@doc.gov.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: John Klingelhut, U.S. & Foreign Commercial Service, Export Promotion Services, Room 2810, 14th & Constitution Avenue, NW, Washington, DC 20230; Phone number: (202) 482–4403, and fax number: (202) 482–2526.

SUPPLEMENTARY INFORMATION:

I. Abstract

The ITA–4008P, "Participation Agreement," is the vehicle by which individual firms agree to participate in any of ITA's trade promotion programs, and record their required participation fee to the U.S. Department of Commerce's (DOC). Together with the relevant ITA–4008P–A, "Conditions of Participation," it forms a contract between the individual firm and the

DOC. The ITA–4008P–1, "Trade Mission Application," is used to solicit information from firms seeking to participate in DOC overseas trade missions covered by the Statement of Policy Governing Overseas Trade Missions of the Department of Commerce issued by Secretary Daley on March 3, 1997. Trade Mission participants will be required to complete the Forms ITA–4008P, ITA–4008P–1, and ITA–4008P–A. Other DOC trade event participants will complete Forms ITA–4008P and ITA–4008P–A.

II. Method of Collection

The forms are sent by request to potential U.S. firms.

III. Data

OMB Number: 0625–0147.
Form Number: ITA–4008P, ITA–4008P–1 and ITA–4008P–A.
Type of Review: Regular Submission.
Affected Public: Business or other for profit.
Estimated Number of Respondents: 7,500.
Estimated Time Per Response: 20–70 minutes.
Estimated Total Annual Burden Hours: 2,792 hours.
Estimated Total Annual Costs: The estimated annual cost for this collection is $150,315.00 ($100,195.00 for respondents and $50,120.00 for federal government).

IV. Request for Comments

Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and costs) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 23, 1999.

Linda Engelmeier,

Department Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–25148 Filed 9–27–99; 8:45 am]

BILLING CODE 3510–FP–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–811]

Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From Germany: Recission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty administrative review

SUMMARY: On April 30, 1999, the Department of Commerce published in the **Federal Register** (64 FR 11439) a notice announcing the initiation of an administrative review of the antidumping duty order on Certain Hot-Rolled Lead & Bismuth Carbon Steel Products from Germany for one producer/exporter of Certain Hot-Rolled Lead & Bismuth Carbon Steel Products from Germany, Saarstahl AG, covering the period March 1, 1998, through February 28, 1999. The Department of Commerce has now rescinded this review as a result of the absence of Saarstahl AG's shipments and entries into the United States of subject merchandise during the period of review.

EFFECTIVE DATE: September 28, 1999.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Mary Jenkins, Office 2, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4136 or (202) 482–1756, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended, are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations codified at 19 CFR Part 351 (1999).

Background

The Department published in the **Federal Register** on March 9, 1999 (64 FR 11439) a "Notice of Opportunity to Request Administrative Review" of the antidumping duty order on Certain Hot-Rolled Lead & Bismuth Carbon Steel Products from Germany. On March 31, 1999, Inland Steel Bar Company and USS/Kobe Steel Company (the petitioners) requested that the Department conduct an administrative review of the antidumping duty order on Certain Hot-Rolled Lead & Bismuth Carbon Steel Products from Germany produced/exported by Saarstahl AG ("Saarstahl") for the period March 1, 1998, through February 28, 1999.

On April 30, 1999, the Department initiated an administrative review (64 FR 11459). On June 10, 1999, the Department issued Saarstahl a questionnaire. On July 19, 1999, Saarstahl reported that it made no entries or sales of the subject merchandise during the period of review (POR), March 1, 1998, through February 28, 1999. U.S. Customs data, based on the Harmonized Tariff System classifications that include the subject merchandise, confirms that none of the entries made during this time period were of merchandise covered by the antidumping duty order (*see* Memorandum from David Goldberger to the File dated September 8, 1999). Therefore, we have determined that Saarstahl made no entries of subject merchandise into the customs territory of the United States during the POR.

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or only with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise. In light of the fact that we determined that Saarstahl did not export the subject merchandise into the territory of the United States during the POR in question, we are rescinding this review for Saarstahl. The rate for Saarstahl will remain at zero percent, the rate established in the most recently completed segment of this proceeding (64 FR 43146, August 9, 1999).

This notice is published in accordance with 19 CFR 351.213(d)(4).

Dated: September 21, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–25215 Filed 9–27–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–054; A–588–604]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof From Japan; Antidumping Duty Administrative Reviews; Time Limits

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Extension of Time Limits.

SUMMARY: The Department of Commerce (the Department) is extending the time limits for the preliminary results of the 1997–1998 administrative reviews of the antidumping finding (A–588–604) and antidumping duty order (A–588–054) on tapered roller bearings from Japan. These reviews cover four manufacturers/exporters and resellers of the subject merchandise to the United States and the period October 1, 1997 through September 30, 1998.

EFFECTIVE DATE: September 28, 1999.

FOR FURTHER INFORMATION CONTACT: Robert M. James at (202) 482–5222, AD/CVD Enforcement Office Eight, Import Administration, International Trade. Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Because it is not practicable to complete these reviews within the normal statutory time limit, the Department is extending the time limits for completion of the preliminary results until October 4, 1999 in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended. *See* Memorandum from Joseph A. Spetrini to Robert S. LaRussa, on file in Room B–099 of the main Commerce building. The deadline for the final results of these reviews will continue to be 120 days after publication of the preliminary results.

These extensions are in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675 (a)(3)(A)).

Dated: September 20, 1999.

Joseph A. Spetrini,

Deputy Assistant Secretary AD/CVD Enforcement Group III.

[FR Doc. 99–25216 Filed 9–27–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review ("Certificate"). This notice summarizes the proposed Certificate and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) (the "Act") authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 99–00004."

Summary of the Application:

Applicant: USXT, Inc. ("USXT"), 9836 Remer Street, S. El Monte, CA 91733.

Contact: Sharleen Maldonado.

Telephone: (916) 568–6309.

Application No.: 99–00004.

Date Deemed Submitted: September 21, 1999.

Members (in addition to applicant): None.

The applicant has requested an expedited review.

USXT seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

Export Trade

1. Products

All Products, including, but not limited to U.S. coal; water treatment equipment, solid and medical waste treatment equipment, and other environmental-related products; food processing equipment, commodities and livestock; and educational materials and systems.

2. Services

All Services, including, but not limited to general management services, engineering services, pollution abatement services, and other services related to the Products.

3. Technology Rights

All intellectual property rights associated with Products or Services, including, but not limited to: patents, trademarks, service marks, trade names, copyrights, neighboring (related rights, trade secrets, know-how, and sui generis forms of protection for databases and computer programs.

4. Export Trade Facilitation Services (as They Relate to the Export of Products, Services and Technology Rights)

Export Trade Facilitation Services, including but not limited to: professional services in the areas of government relations and assistance with state and federal export programs, foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; grantsmanship; documentation and services related to compliance with customs requirements;

insurance and financing; bonding; warehousing; export trade promotion; trade show exhibitions and organization; organizational development; management and labor strategies; transfer of technology, transportation; and facilitating the formation of shippers' associations.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

USXT may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;
2. Engage in promotion and marketing activities and collect and distribute information on trade opportunities in Mexico, Latin America, and all other Export Markets;
3. Enter into exclusive and/or non-exclusive agreements with distributors, foreign buyers, and/or sales representatives in Export Markets;
4. Enter into exclusive or non-exclusive sales agreements with suppliers, export intermediaries, or other persons for the sale of Products and Services;
5. Enter into exclusive or non-exclusive licensing agreements with suppliers, export intermediaries, or other persons for licensing Technology Rights in Export Markets;
6. Allocate the sales, export orders and/or divide Export Markets among suppliers, export intermediaries, or other persons for the sale and maintenance of Products and Services;
7. Allocate the licensing of Technology Rights among Suppliers, export intermediaries, or other persons;
8. Establish the price of Products and Services for sale in Export Markets;
9. Establish the fee for licensing of Technology Rights in Export Markets, as well as maintenance and financing commitments;
10. Negotiate, enter into, and/or manage licensing agreements and long-term purchase arrangements involving the export of Technology;
11. Provide extensive intergovernmental services to facilitate the grants and funding involvement of public and nongovernmental funding sources for private sector benefits in terms of export activity for goods and services.

Dated: September 22, 1999.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 99–25217 Filed 9–27–99; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Alcoa Point Comfort/Lavaca Bay NPL Site, Point Comfort, Texas: Notice of Availability and Request for Comments on a Draft Damage Assessment and Restoration Plan/Environmental Assessment for Recreational Fishing Service Losses

AGENCIES: National Oceanic and Atmospheric Administration (NOAA), Commerce; United States Department of the Interior (DOI); Texas Parks and Wildlife Department (TPWD); Texas General Land Office (TGLO); Texas Natural Resources and Conservation Commission (TNRCC).

ACTION: Notice of availability of a Draft Damage Assessment and Restoration Plan and Environmental Assessment for recreational fishing service losses associated with the Alcoa Point Comfort/Lavaca Bay NPL Site, and of a 30-day period for public comment on the draft plan beginning September 28, 1999.

SUMMARY: Pursuant to 43 CFR 11.32 and 11.81–.82, notice is hereby given that a document entitled, "Draft Damage Assessment and Restoration Plan and Environmental Assessment for the Point Comfort/Lavaca Bay NPL Site Recreational Fishing Service Losses" (Draft DARP/EA) is available for public review and comment. This document has been prepared by the state and federal natural resource trustee agencies listed above to address recreational fishing services affected by releases of hazardous substances from the Alcoa Point Comfort/Lavaca Bay NPL Site ('Lavaca Bay Site' or 'Site'). This Draft DARP/EA presents the Trustees' assessment of the recreational fishing service losses attributable to the Site, and their proposed plan to compensate for the recreational fishing service losses by restoring recreational fishing services. The Trustees will consider comments received during the public comment period before finalizing the DARP/EA for recreational fishing service losses.

DATES: Comments must be submitted in writing on or before October 28, 1999.

ADDRESSES: Requests for copies of the Draft DARP/EA should be sent to Richard Seiler of TNRCC, MC142, PO Box 13087, Austin, TX 78711–3087 or Tony Penn of NOAA, 1305 East West Highway, Station 10218, Silver Spring, MD 20910. Written comments on the plan should be sent either to Richard Seiler of TNRCC or Tony Penn of NOAA at the addresses listed above.

SUPPLEMENTARY INFORMATION: The Alcoa Point Comfort/Lavaca Bay NPL Site is located in Point Comfort, Calhoun County, Texas and encompasses releases of hazardous substances from Alcoa's Point Comfort Operations facility. Between 1948 and the present, Alcoa has constructed and operated several types of manufacturing processes at this facility, including aluminum smelting, carbon paste and briquette manufacturing, gas processing, chlor-alkali processing, and alumina refining. Past operations at the facility have resulted in the release of hazardous substances into the environment, including through the discharge of mercury-containing wastewater into Lavaca Bay from 1966 to 1970 and releases of mercury into the bay through a groundwater pathway. In April 1988, the Texas Department of Health (TDH) issued a "closure order" prohibiting the taking of finfish and crabs for consumption from a specific area of Lavaca Bay near the facility due to elevated mercury concentrations found in these species.

The Alcoa Point Comfort/Lavaca Bay Site was added to the National Priorities List (NPL), pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601, effective on March 25, 1994 (59 FR 8794, February 23, 1994). The Site was listed primarily due to the presence of mercury in several species of fish and crab in Lavaca Bay, the fishing closure imposed by TDH, and the presence of mercury and other hazardous substances in bay sediments adjacent to the facility. Alcoa, the State of Texas and the U.S. Environmental Protection Agency (EPA) signed an Administrative Order on Consent (AOC) under CERCLA in March 1994 for the conduct of a remedial investigation and feasibility study (RI/FS) for the Site.

NOAA, DOI, TPWD, TGLO and TNRCC (collectively, the Trustees) are designated natural resource trustees under section 107(f) of CERCLA, section 311 of the Federal Water Pollution and Control Act (FWPCA), 33 U.S.C. 1321, and other applicable federal or state laws, including Subpart G of the National Oil and Hazardous Substances

Pollution Contingency Plan (NCP), 40 CFR 300.600–300.615. The Trustees are authorized to act on behalf of the public under these authorities to protect and restore public resources and services injured or lost as a result of discharges or releases of hazardous substances.

Paralleling the RI/FS process for the Site, the Trustees have undertaken an assessment of the natural resource injuries and service losses attributable to hazardous substances from the Site. The assessment for this Site has been aided and supported by Alcoa's cooperation pursuant to a Memorandum of Agreement between Alcoa and the Trustees, which was effective January 14, 1997. The Draft DARP/EA released today was developed under the cooperative assessment framework outlined in the MOA and addresses the lost access to or use of fishery resources due to the closure. These losses begin in 1988 and will continue until removal of the closure order, which is expected to occur through remedial activities at the Site. The Draft DARP/EA identifies the assessment procedures used to define the recreational fishing service losses, including to scale restoration actions, and identifies the restoration actions preferred for use to restore recreational fishing services as a basis for compensating for assessed losses.

The Draft DARP/EA released today does not address any other natural resource injuries or services losses that may be attributable to the Site. Other resource injuries or losses are being considered by the Trustees in the assessment process but will be addressed in one or more subsequent Draft DARP/EA(s).

Interested members of the public may request a copy of the Draft DARP/EA for recreational fishing service losses from either Richard Seiler or Tony Penn at the addresses given above. Written comments should be submitted to these individual and will be considered by TPWD, TGLO, TNRCC, NOAA, and DOI, in finalizing the DARP/EA.

FOR FURTHER INFORMATION CONTACT: For further information contact: Richard Seiler at (512) 239–2523, email: rseiler@tnrcc.state.tx.us or Tony Penn, at (301) 713–3038 x 197, email: tony.penn@noaa.gov.

Dated: September 21, 1999.

Captain Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 99–25017 Filed 9–27–99; 8:45 am]

BILLING CODE 3510–JE–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Request for Comments on Revisions to Strategic Plan

AGENCY: Corporation for National and Community Service.

ACTION: Request for comments.

SUMMARY: The Corporation for National and Community Service ("Corporation") requests comments from the public on proposed changes to the Corporation's Strategic Plan ("Plan").

DATES: You must submit your written comments to the office listed in the **ADDRESSES** section by December 31, 1999.

ADDRESSES: Send comments to the Corporation for National Service, Gary Kowalczyk, Director, Office of Planning and Program Integration, 1201 New York Avenue NW, Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: Dana Rodgers (202) 606–5000, ext. 211. T.D.D. (202) 565–2799.

SUPPLEMENTARY INFORMATION:

Background

The Government Performance and Results Act (GPRA) requires the Corporation to update and revise its strategic plan for program activities by September 2000. The current Plan covers the years 1997–2002. It includes the Corporation's statement of vision and mission, a description of five strategic goals with corresponding implementation steps. The Corporation designs its annual operating plans and budgets to implement the Strategic Plan.

You can get a copy of the current Plan by contacting the office listed in the Contact section of this notice. You can also find it at the Corporation's web site, *www.nationalservice.org*.

Current Action

The Corporation seeks public comment as an initial step in revising its Strategic Plan. This Notice is the first in a series of consultations to get input from a variety of sources. We especially encourage comments from current and former participants in Corporation-funded national service programs. The Corporation is asking its own employees to comment. And the Corporation hopes to receive comments from a wide range of organizations and public bodies. These include organizations sponsoring national service programs, state commissions on national and community service, state education agencies, other state and local government entities, other volunteer and service organizations, and the United States Congress.

Following the consultation process, the Corporation's Chief Executive Officer will submit any revisions to the Corporation's Board of Directors for final action. The Corporation must submit the approved revised plan to the Office of Management and Budget in September, 2000.

The Corporation is interested in any comments related to the Strategic Plan. Among the items that you might choose to comment on are:

- Whether the Corporation's vision and mission statements remain appropriate.
- Whether the Corporation's five strategic goals continue to provide an effective framework for national service programs.
- Specific issues related to the Corporation's programs and their management, such as:

—Should the Plan set a specific, long-term target for the number of AmeriCorps members serving annually? If so, what should it be? What should be the mix of full-time, part-time and reduced part-time members?

—How can federal support for service-learning best be accomplished? What should be the respective roles of the Corporation and the U.S. Department of Education?

—What should the Corporation's role be in support of the expansion of senior service opportunities?

—How can the Corporation develop additional alliances with major volunteer and service organizations?

—What is the optimal structure of the Corporation? What are the appropriate roles of the Board of Directors, the Chief Executive Officer and other key officers, and state agencies?

—What are ways that technology can best be used for furthering service opportunities?

As you comment, please provide the rationale for any suggestions and identify whether you base your thoughts on participation in, or direct observation of, national service programs and activities conducted and supported by the Corporation.

Dated: September 20, 1999.

Gary Kowalczyk,

Director, Office of Planning and Program Integration.

[FR Doc. 99–25090 Filed 9–27–99; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Fall 1999 Conference Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS)

AGENCY: Department of Defense, Advisory Committee on Women in the Services.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a), Public Law 92–463, as amended, notice is hereby given of a forthcoming semiannual conference of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the Fall 1999 DACOWITS Conference is to assist the Secretary of Defense on matters relating to women in the Services. Conference sessions will be held daily and will be open to the public, unless otherwise noted below.

DATES: October 20–24, 1999.

ADDRESSES: Shelter Pointe Hotel and Marina on Shelter Island, 1551 Shelter Island Drive, San Diego, CA, 92106–3102; telephone: (800) 566–2524 or (619) 221–8000.

FOR FURTHER INFORMATION CONTACT: MAJ Susan E. Kolb, ARNG or GySgt Brenda L. Warren, USMC, DACOWITS and Military Women Matters, OASD (Force Management Policy), 4000 Defense Pentagon, Room 3D769, Washington, DC 20301–4000; telephone (703) 697–2122.

SUPPLEMENTARY INFORMATION: The following rules will govern the participation by members of the public at the conference:

(1) Members of the public will not be permitted to attend the OSD Reception and Dinner and Conference Field Trip.

(2) The Opening Session, General Session, all subcommittee sessions and the Voting Session will be open to the public.

(3) Interested persons may submit a written statement for consideration by the Committee and/or make an oral presentation of such during the conference.

(4) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify the point of contact listed above no later than October 13, 1999.

(5) Length and number of oral presentations to be made will depend on the number of requests received from members of the public.

(6) Oral presentations by members of the public will be permitted only on Sunday, October 24, 1999, before the full Committee.

(7) Each person desiring to make an oral presentation must provide the DACOWITS office with one (1) copy of the presentation by October 13, 1999 and bring 175 copies of any material that is intended for distribution at the conference.

(8) Persons submitting a written statement for inclusion in the minutes of the conference must submit to the DACOWITS staff one (1) copy of the statement by the close of the conference on Sunday, October 24, 1999.

(9) Other new items from members of the public may be presented in writing to any DACOWITS member for transmittal to the DACOWITS Chair or Military Director, DACOWITS and Military Women Matters, for consideration.

(10) Members of the public will not be permitted to enter oral discussions conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee. After the official participants have asked questions and/or made comments to the scheduled speakers, members of the public will be permitted to ask questions if recognized by the Chair and if time allows.

(11) Non-social agenda events that are not open to the public are for administrative matters unrelated to substantive advice provided to the Department of Defense and do not involve DACOWITS deliberations or decision-making issues before the Committee. Conference sessions will be conducted according to the following agenda:

Wednesday, October 20, 1999

Conference Registration.
Field Trip (DACOWITS Members and Senior Military Representatives Only).
Subcommittee Rules and Procedures Meeting (DACOWITS Members Only).
Military Representatives Meeting (Military Representatives Only).
Social (Invited Guests Only).

Thursday, October 21, 1999

Breakfast (DACOWITS Members and Military Representatives Only).
Opening Session and General Session (Open to Public).
OSD Luncheon (Invited Guests Only).
Subcommittee Sessions (Open to Public).

Friday, October 22, 1999

Subcommittee Sessions (Open to Public).
Luncheon (Paid Registered Conference Participants Only).
Executive Committee Rules and Procedures Meeting (DACOWITS Members Only).
OSD Reception and Dinner (Invited Guests Only).

Saturday, October 23, 1999

Subcommittee Sessions (Open to Public).
Tri-committee Review (Open to Public).
Executive Committee Rules and Procedures Meeting (DACOWITS Members Only).
Strategic Planning Meeting (DACOWITS Members Only).

Sunday, October 24, 1999

Voting Session (Open to Public).

Dated: September 20, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–25088 Filed 9–27–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 210. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 210 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: October 1, 1999.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 209. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments

outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

BILLING CODE 5001–10–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
THE ONLY CHANGE IN CIVILIAN BULLETIN 210 IS THE ADDITION OF COLDFOOT, ALASKA.						
ALASKA						
ANCHORAGE [INCL NAV RES]						
05/01 - 09/30	161		63		224	03/01/1999
10/01 - 04/30	89		56		145	03/01/1999
BARROW	115		73		188	03/01/1999
BETHEL	105		60		165	03/01/1999
CLEAR AB	80		57		137	03/01/1999
COLD BAY	110		68		178	03/01/1999
COLDFOOT	135		71		206	10/01/1999
CORDOVA	85		62		147	03/01/1998
CRAIG						
05/01 - 08/31	95		66		161	10/01/1998
09/01 - 04/30	79		64		143	10/01/1998
DEADHORSE	80		67		147	03/01/1999
DENALI NATIONAL PARK						
06/01 - 08/31	115		52		167	03/01/1998
09/01 - 05/31	90		50		140	03/01/1998
DILLINGHAM	95		59		154	10/01/1998
DUTCH HARBOR-UNALASKA	110		71		181	03/01/1999
EARECKSON AIR STATION	80		57		137	03/01/1999
EIELSON AFB						
05/15 - 09/15	118		58		176	03/01/1999
09/16 - 05/14	81		54		135	03/01/1999
ELMENDORF AFB						
05/01 - 09/30	161		63		224	03/01/1999
10/01 - 04/30	89		56		145	03/01/1999
FAIRBANKS						
05/15 - 09/15	118		58		176	03/01/1999
09/16 - 05/14	81		54		135	03/01/1999
FT. RICHARDSON						
05/01 - 09/30	161		63		224	03/01/1999
10/01 - 04/30	89		56		145	03/01/1999
FT. WAINWRIGHT						
05/15 - 09/15	118		58		176	03/01/1999
09/16 - 05/14	81		54		135	03/01/1999
GLENNALLEN	90		52		142	10/01/1998
HEALY						
06/01 - 08/31	115		52		167	03/01/1998
09/01 - 05/31	90		50		140	03/01/1998

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
HOMER						
05/15 - 09/15	115		58		173	03/01/1999
09/16 - 05/14	98		57		155	03/01/1999
JUNEAU	105		68		173	03/01/1999
KAKTOVIK	175		74		249	03/01/1999
KAVIK CAMP	125		69		194	03/01/1999
KENAI-SOLDOTNA						
05/01 - 09/30	114		63		177	03/01/1999
10/01 - 04/30	76		59		135	03/01/1999
KENNICOTT	149		68		217	10/01/1998
KETCHIKAN						
05/01 - 09/30	110		74		184	03/01/1999
10/01 - 04/30	88		73		161	03/01/1999
KING SALMON	101		70		171	03/01/1999
KLAWOCK						
05/01 - 08/31	95		66		161	10/01/1998
09/01 - 04/30	79		64		143	10/01/1998
KODIAK	99		67		166	03/01/1999
KOTZEBUE						
05/01 - 08/31	137		75		212	03/01/1999
09/01 - 04/30	73		61		134	03/01/1999
KULIS AGS						
05/01 - 09/30	161		63		224	03/01/1999
10/01 - 04/30	89		56		145	03/01/1999
MCCARTHY	149		68		217	10/01/1998
METLAKATLA						
05/30 - 10/01	85		52		137	03/01/1999
10/02 - 05/29	78		51		129	03/01/1999
MURPHY DOME						
05/15 - 09/15	118		58		176	03/01/1999
09/16 - 05/14	81		54		135	03/01/1999
NOME						
03/01 - 03/31	117		58		175	03/01/1999
04/01 - 02/29	92		56		148	03/01/1999
NUIQSUT	120		69		189	03/01/1999
PETERSBURG	87		57		144	03/01/1999
POINT HOPE	130		70		200	03/01/1999
POINT LAY	105		67		172	03/01/1999
PRUDHOE BAY	80		67		147	03/01/1999
SEWARD						
05/01 - 09/30	122		65		187	03/01/1999
10/01 - 04/30	86		61		147	03/01/1999

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
SITKA-MT. EDGECOMBE				
09/05 - 03/31	83	59	142	10/01/1998
04/01 - 09/04	101	60	161	03/01/1998
SKAGWAY				
05/01 - 09/30	110	74	184	03/01/1999
10/01 - 04/30	88	73	161	03/01/1999
SPRUCE CAPE	99	67	166	03/01/1999
TANANA				
03/01 - 03/31	117	58	175	03/01/1999
04/01 - 02/29	92	56	148	03/01/1999
UMIAT	107	33	140	03/01/1999
VALDEZ				
05/15 - 10/01	110	63	173	03/01/1999
10/02 - 05/14	84	60	144	03/01/1999
WAINWRIGHT	127	82	209	03/01/1999
WRANGELL				
05/01 - 09/30	110	74	184	03/01/1999
10/01 - 04/30	88	73	161	03/01/1999
YAKUTAT	110	68	178	03/01/1999
[OTHER]	80	57	137	03/01/1999
AMERICAN SAMOA				
AMERICAN SAMOA	73	53	126	03/01/1997
GUAM				
GUAM (INCL ALL MIL INSTAL)	150	79	229	10/01/1998
HAWAII				
CAMP H M SMITH	110	61	171	10/01/1998
EASTPAC NAVAL COMP TELE AREA	110	61	171	10/01/1998
FT. DERUSSEY	110	61	171	10/01/1998
FT. SHAFTER	110	61	171	10/01/1998
HICKAM AFB	110	61	171	10/01/1998
HONOLULU NAVAL & MC RES CTR	110	61	171	10/01/1998
ISLE OF HAWAII: HILO	80	52	132	06/01/1998
ISLE OF HAWAII: OTHER	100	54	154	10/01/1998
ISLE OF KAUAI				
12/01 - 04/30	145	64	209	06/01/1999
05/01 - 11/30	115	62	177	06/01/1998
ISLE OF KURE	65	41	106	05/01/1999
ISLE OF MAUI	112	64	176	10/01/1998
ISLE OF OAHU	110	61	171	10/01/1998
KANEOHE BAY MC BASE	110	61	171	10/01/1998
KEKAHA PACIFIC MISSILE RANGE FAC				
12/01 - 04/30	145	64	209	06/01/1999
05/01 - 11/30	115	62	177	06/01/1998

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
KILAUEA MILITARY CAMP	80	52	132	06/01/1998
LUALUALEI NAVAL MAGAZINE	110	61	171	10/01/1998
NAS BARBERS POINT	110	61	171	10/01/1998
PEARL HARBOR [INCL ALL MILITARY]	110	61	171	10/01/1998
SCHOFIELD BARRACKS	110	61	171	10/01/1998
WHEELER ARMY AIRFIELD	110	61	171	10/01/1998
[OTHER]	79	62	141	06/01/1993
JOHNSTON ATOLL				
JOHNSTON ATOLL	13	9	22	10/01/1998
MIDWAY ISLANDS				
MIDWAY ISLANDS [INCL ALL MILITAR	65	41	106	05/01/1999
NORTHERN MARIANA ISLANDS				
ROTA	88	69	157	06/01/1999
SAIPAN	154	88	242	06/01/1999
[OTHER]	61	62	123	06/01/1999
PUERTO RICO				
BAYAMON				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
CAROLINA				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
FAJARDO [INCL CEIBA & LUQUILLO]	82	60	142	03/01/1998
FT. BUCHANAN [INCL GSA SVC CTR,				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
HUMACAO	82	60	142	03/01/1998
LUIS MUNOZ MARIN IAP AGS				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
MAYAGUEZ	94	60	154	06/01/1998
PONCE	101	67	168	09/01/1998
ROOSEVELT RDS & NAV STA	82	60	142	03/01/1998
SABANA SECA [INCL ALL MILITARY]				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
SAN JUAN & NAV RES STA				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
[OTHER]	66	57	123	09/01/1998

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
VIRGIN ISLANDS (U.S.)						
ST. CROIX						
04/15 - 12/14	100		73		173	08/01/1999
12/15 - 04/14	140		77		217	08/01/1999
ST. JOHN						
04/15 - 12/14	236		85		321	08/01/1999
12/15 - 04/14	413		103		516	08/01/1999
ST. THOMAS						
04/15 - 12/14	176		74		250	08/01/1999
12/15 - 04/14	311		88		399	08/01/1999
WAKE ISLAND						
WAKE ISLAND	60		32		92	09/01/1998

Patricia L. Toppings

PATRICIA L. TOPPINGS
Alternate OSD Federal Register
Liaison Officer
Department of Defense

22 SEP 1999

[FR Doc. 99–25087 Filed 9–27–99; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 29, 1999.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 22, 1999.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Student Financial Assistance Programs

Type of Review: New
Title: The Leveraging Educational Assistance Partnership (LEAP) Program
Frequency: Annually
Affected Public: State; local or Tribal Gov't, SEAs or LEAs
Reporting and Recordkeeping Burden:
Responses: 56.
Burden Hours: 224.
Abstract: The LEAP Program, which was formally known as the State Student Incentive Grant Program, uses matching Federal/State funds to provide a nationwide system of grants to assist postsecondary education students with substantial financial need. On this application the states provide information the Department requires to obligate programs funds and for program management. The signed assurances legally bind the states to administer the program according to regulatory and statutory requirements.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov, or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Joseph Schubart at 202–708–9266 or by e-mail at joe__schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–25132 Filed 9–27–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 28, 1999.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 22, 1999.

William E. Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Reinstatement.
Title: Application for Grants Under the Strengthening Institutions Program, American Indian Tribally Controlled Colleges and Universities Program, and Alaska Native and Native Hawaiian Serving Institutions Program.
Frequency: Annually.
Affected Public: Not-for-profit institutions.
Reporting and Recordkeeping Burden:
Responses: 500.
Burden Hours: 12,485.
Abstract: This information is required of institutions of higher education that apply for grants under the Strengthening Institutions Program, the American Indian Tribally Controlled Colleges and

Universities Program, and the Alaska Native and Native Hawaiian Serving Institutions Program, authorized under Title II, Part A of the Higher Education Act of 1965, as amended. This information will be used in the evaluation process to determine which applicants should receive grant funds.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, this 30-day public comment notice will be the only public comment notice published for this information collection.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov, or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Joseph Schubart at 202–708–9266 or by e-mail at joe__schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–25133 Filed 9–27–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket No. EA–154–A]

Application to Export Electric Energy; Niagara Mohawk Energy Marketing, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Application.

SUMMARY: Niagara Mohawk Energy Marketing, Inc. (NMEM) has applied for renewal of its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before October 13, 1999.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: On October 1, 1997, the Office of Fossil Energy (FE) of the Department of Energy (DOE) authorized Niagara Mohawk Energy Marketing, Inc.[1] to transmit electric energy from the United States to Canada as a power marketer (Order No. EA–154) using the international electric transmission facilities owned and operated by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corp., Northern States Power, and Vermont Electric Transmission Company. That authorization will expire on October 1, 1999.

On September 21, 1999, NMEM filed an application with FE for renewal of the export authority contained in Order No. EA–154. NMEM has requested that authorization be issued for a five-year term and that the international transmission facilities of Long Sault, Inc. be added to the list of authorized export points. DOE has provided a 15-day public comment period in response to NMEM's request for expedited processing of this application.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with § 385.211 or § 385.214 of the Federal Energy Regulatory Commission's rules of practice and procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the NMEM request to export should be clearly marked with Docket EA–154–A. Additional copies are to be filed directly with Ms. Robin R. Hope, Energy Transaction Administrator, Niagara Mohawk Energy Marketing, Inc., 507 Plum Street, Syracuse, NY 13204.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order EA–154. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA–154 proceeding.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select "Regulatory Programs," then "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on September 22, 1999.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 99–25185 Filed 9–27–99; 8:45 am]

BILLING CODE 6450–01–P

[1] Order No. EA–154 was issued to Plum Street Energy Marketing, Inc. On October 28, 1998, Plum Street notified DOE that it had changed its name to Niagara Mohawk Energy Marketing, Inc.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–507–000]

Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company; Notice of Complaint

September 22, 1999.

Take notice that on September 21, 1999, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206), Amoco Energy Trading Corporation and Amoco Production Company (Amoco) and Burlington Resources Oil & Gas Company (Burlington) filed a Section 5 complaint against El Paso Natural Gas Company (El Paso), requesting the Commission to require El Paso to change the manner in which it allocates firm delivery point capacity on its system.

Specifically, Amoco and Burlington request the Commission to order El Paso to cease and desist selling primary firm delivery point capacity at the Southern California Gas Company/Topock delivery point in excess of the capacity available at that point. Amoco and Burlington request that this complaint be given "Fast Track" processing, pursuant to Rule 206(h).

Any person desiring to be heard or to protest this filing should file a motion to intervene or protests with the Federal

Regulatory Commission, 888 First Street, NE, Washington DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before October 12, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint regarding Amoco's and Burlington's request to delay the open season shall be due on or before September 27, 1999. Answers to the complaint on the merits of the remaining issues shall be due on or before October 12, 1999.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25121 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–206–005]

Atlanta Gas Light Company; Notice of Technical Conference

September 22, 1999.

In the Commission's order issued on July 30, 1999, the Commission directed that a technical conference be held to address various issues related to Atlanta Gas Light Company's need for waivers of the Commission's policies and regulations in order to implement its retail unbundling program.

Take notice that the technical conference will be held on Wednesday, October 20, 1999, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

All interested parties and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25120 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER97–1523–012, 0A97–470–011 and ER97–4234–009 (not consolidated)]

Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange & Rockland Utilities, Inc., Rochester Gas & Electric Corp., Power Authority of the State of New York, New York Power Pool; Notice of Filing

September 22, 1999.

Take notice that on September 17, 1999, the New York Independent System Operator, Inc. (NYISO) submitted additional materials to supplement its detailed proposal for an installed capacity auction.

The NYISO requests an effective date of September 22, 1999.

A copy of this filing was served upon all persons on the Commission's official service lists in Docket Nos. ER97–1523–000, OA97–470–000 and ER97–4234–000 (not consolidated), and the respective electric utility regulatory agencies in New York, New Jersey and Pennsylvania.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before September 28, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet a http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25104 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–152–019]

Kansas Pipeline Company; Notice of Revised Tariff Filing

September 22, 1999.

Take notice that on September 17, 1999, Kansas Pipeline Company (KPC) tendered for filing a revision to its FERC Gas Tariff, Original Volume No. 1, to be effective May 11, 1998. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance).

The revised sheet is KPC's Third Substitute Original Sheet No. 16A. KPC states that the tariff sheet incorporates changes directed by the Commission's August 26, 1999, Order in the above-captioned proceeding (88 FERC ¶ 61,192 (1999)). KPC further states that a copy of this filing is available for public inspection during regular business hours at KPC's offices at 8325 Lenexa Drive, Lenexa, Kansas. The contact person for this filing is Mr. James Armstrong at (913) 888–7139. It is also indicated that copies of this filing are being served on all parties of record in Docket No. CP96–152.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest on or before September 29, 1999, with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25119 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–623–000]

K N Interstate Gas Transmission Co.; Notice of Request Under Blanket Authorization

September 22, 1999.

Take notice that on September 15, 1999, K N Interstate Gas Transmission Co. (KNI), Post Office Box 281304, Lakewood, Colorado 80228–8304, filed in Docket No. CP99–623–000 a request pursuant to Sections 157.205, and 157.216, of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon a delivery point and delivery lateral located in Johnson County, Kansas under KNI's blanket certificate issued in Docket No. CP83–140–000 and CP83–140–001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–0400 for assistance).

KNI states that upon approval of the authorization requested, the subject delivery lateral will be abandoned, by sale, to ONEOK, Inc. dba Kansas Gas Service (KGS) and the delivery point will be abandoned at its current site and relocated upstream of said lateral at the new point of interconnection between the pipeline facilities of KNI and KGS. KGS has been the only customer served through the subject facilities since their construction. KNI also states that the new delivery point will be constructed under the self implementing authority under Section 157.211 of the Commission's Regulations.

Any questions regarding this application should be directed to Richard E. Kaup at (303) 763–3558, Director, Certificates, Post Office Box 281304, Lakewood, Colorado, 80228–8304.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 99–25105 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–455–001]

Koch Gateway Pipeline Company; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 15, 1999, Koch Gateway Pipeline Company (Koch) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to become effective September 1, 1999:

Substitute Second Revised Sheet No. 3704
Substitute First Revised Sheet No. 3705
Substitute Original Sheet No. 3706
Substitute Original Sheet No. 3707
Substitute Original Sheet No. 3708

Koch states that it filed the above referenced tariff sheets in compliance with the Commission's Order Accepting Tariff Sheets, Subject to Conditions, issued on August 31, 1999, in Docket No. RP99–455. The proposed tariff changes will allow for the creation of an interactive auction for Koch's Firm Storage Service Right of First Refusal process.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25113 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–450–001]

Natural Gas Pipeline Company of America; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 15, 1999, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets to be effective September 1, 1999.

Natural states that the purpose of this filing is to comply with the Commission's Order issued August 31, 1999 at Docket No. RP99–450–000 (August 31st Order).

Natural requests waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets submitted to become effective September 1, 1999, consistent with the August 31st Order.

Natural states that copies of the filing are being mailed to its customers, interested state regulatory agencies and all parties set out on the official service list at Docket No. RP99–450.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25112 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–347–017]

Northern Natural Gas Company; Notice of Tariff Filing

September 22, 1999.

Take notice that on September 17, 1999, pursuant to the Carlton Settlement in Docket No. RP96–347, Northern Natural Gas Company (Northern) has tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, Third Revised Sheet No. 263H and Second Revised Sheet No. 263H.1 to reflect the Sourcers' flow obligation after the Appendix B customers' year 4 election to source or buyout. The tariff sheets has an effective date of November 1, 1999.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25110 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–203–006]

Northern Natural Gas Company; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 15, 1999, Northern Natural Gas Company (Northern) tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets to be effective November 1, 1999:

Fifth Revised Volume No. 1

Third Revised Sheet No. 1
Fourth Revised Sheet No. 2
49 Revised Sheet No. 50
49 Revised Sheet No. 51
19 Revised Sheet No. 52
45 Revised Sheet No. 53
Sixteenth Revised Sheet No. 59
Original Sheet No. 59A
Nineteenth Revised Sheet No. 60
Original Sheet No. 60A
Fourth Revised Sheet No. 135D
Third Revised Sheet No. 141
Third Revised Sheet No. 142
Seventh Revised Sheet No. 144
Fourth Revised Sheet No. 147
Second Revised Sheet No. 153
Third Revised Sheet No. 154
First Revised Sheet No. 156
Original Sheet No. 157
Original Sheet No. 158
Fourth Revised Sheet No. 206
Second Revised Sheet No. 213
Second Revised Sheet No. 216
Fifth Revised Sheet No. 259
Second Revised Sheet No. 285
First Revised Sheet No. 459
Original Sheet No. 460
Original Sheet No. 461
First Revised Sheet No. 510

Original Volume No. 2

157 Revised Sheet No. 1C
34 Revised Sheet No. 1C.a

Northern states that the above-listed tariff sheets are filed in compliance with the Commission's Letter Order issued June 18, 1999 approving the Stipulation and Agreement of Settlement filed by Northern on April 16, 1999 in Docket Nos. RP98–203, et al.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25111 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–494–001]

Northwest Pipeline Corporation; Notice of Tariff Filing

September 22, 1999.

Take notice that on September 10, 1999, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Substitute Third Revised Sheet No. 233, with an effective date of October 1, 1999.

Northwest states that the purpose of this filing is to add language to a tariff sheet that was filed on August 30, 1999, in this docket pertaining to imbalances and penalties for a receiving party that has executed an OBA with Northwest.

Northwest states that a copy of the filing has been served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance.

David P. Boergers,

Secretary.

[FR Doc. 99–25116 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–465–001]

PG&E Gas Transmission, Northwest Corporation; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 17, 1999, PG&E Gas Transmission, Northwest Corporation (PG&E GT–NW) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A, Substitute Third Revised Sheet No. 139, with an effective date of September 6, 1999.

PG&E GT–NW states that these tariff sheets are filed in compliance with the Commission's September 3, 1999 Letter Order in Docket No. RP99–465–000.

PG&E GT–NW further states that a copy of this filing has been served on PG&E GT–NW's jurisdictional customers, interested state regulatory agencies and all parties on the Commission's official service list for this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25115 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–68–001]

Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

September 22, 1999.

Take notice that on September 15, 1999, Tennessee Gas Pipeline Company (Tennessee), tendered for filing and Commission approval: (1) a transmittal letter and (2) Sixth Revised Sheet No. 413 of Tennessee's FERC Gas Tariff, Fifth Revised Volume No. 1. Tennessee requests an effective date of September 1, 1999 for the revised tariff sheet.

Tennessee states that Sixth Revised Sheet No. 413 is in reference to a Gas Transportation Agreement between Tennessee and Pemex Gas y Petroquímica Básica which was filed on August 31, 1999 in the above-referenced docket as a non-conforming service agreement. Tennessee further states that it is submitting the subject transmittal letter and Sixth Revised Sheet No. 413 to ensure a complete record in Docket No. GT99–68.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25106 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–018]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

September 22, 1999.

Take notice that on September 8, 1999, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a Letter Agreement providing three (3) Negotiated Rate Arrangements. Tennessee requests that the Commission approve the Negotiated Rate Arrangements by October 15, 1999 to be effective November 1, 1999.

Tennessee states that the filed Negotiated Rate Arrangements reflect a negotiated rate between Tennessee and the City of Holyoke Gas & Electric Department (Holyoke) for transportation and storage service, as applicable, under various firm transportation and storage service agreements for five (5) year period with each to be effective beginning November 1, 1999. Tennessee requests confidential treatment of the letter agreement.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before September 24, 1999. protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25108 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–019]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

September 22, 1999.

Take notice that on September 8, 1999, Tennessee Gas Pipeline Company (Tennessee) tendered for filing three firm service agreements and a description of the essential conditions involved in agreeing to three (3) Negotiated Rate Arrangements. The filing also included an August 3, 1999 Contract Restructuring Letter Agreement for which Tennessee requested confidential treatment. Tennessee requests that the Commission approve the Negotiated Rate Arrangements by October 15, 1999 to be effective November 1, 1999.

Tennessee states that the filed Negotiated Rate Arrangements reflect a negotiated rate between Tennessee and EnergyNorth Natural Gas Inc. (EnergyNorth) for transportation and storage service, as applicable, under various firm transportation and storage service agreements for a four (4) or five (5) year period with each to be effective beginning November 1, 1999.

Any person desiring to protest said filing should file a protest with the

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before September 24, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25109 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–456–001]

Transwestern Pipeline Company; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 15, 1999, Transwestern Pipeline Company (Transwestern), tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets to be effective September 1, 1999.

Substitute Original Sheet No. 20A
Substitute Original Sheet No. 20E
Substitute Original Sheet No. 115
Second Revise Sheet No. 116B
Second Revise Sheet No. 116C

Transwestern states that this filing is made to comply with the Commission's August 31, 1999 order accepting, subject to conditions, the tariff sheets filed by Transwestern in this proceeding, and to make conforming changes to the Form of Service Agreement (Form D) for capacity release transactions related to LFT.

Transwestern states that copies of the filing were served upon Transwestern's customers and interested State Commission.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25114 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–503–001]

Transwestern Pipeline Company; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 16, 1999, Transwestern Pipeline Company (Transwestern), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, proposed to be effective October 11, 1999:

Second Revised Sheet No. 37A

On September 10, 1999, Transwestern filed in this Docket a proposed service allowing Transwestern to contract for services on PG&E's Market Center. The reason for this filing is to comply with the Commission's September 15 order in this Docket requiring Transwestern to refile Sheet No. 37A to correct pagination duplication. No changes were made to the content of the sheet.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25117 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR99–20–000]

Vidor Pipeline Company; Notice of Petition for Rate Approval

September 22, 1999.

Take notice that on September 7, 1999, Vidor Pipeline Company (Vidor) filed pursuant to section 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a cost-justified rate, not to exceed $0.06 per MMBtu for interruptible transportation service performed under section 311(a)(2) of the Natural Gas Policy Act of 1978.

The petition for rate approval is filed pursuant to the Order Denying Adjustment issued by the Office Director on August 6, 1999, (88 FERC ¶ 62,111 (1999)) under Docket No. SA99–15–000. The order directed Vidor to file a petition for rate approval within 30 days of the date of the order.

Pursuant to Section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the proposed rates will be deemed fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentations of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions must be filed with the Secretary of the Commission on or before October 7, 1999. The petition for rate approval is on the file with the Commission and is available for public inspection. This filing may be viewed on the web at http://

www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25107 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–504–000]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

September 22, 1999.

Take notice that on September 17, 1999, Williams Gas Pipelines Central, Inc. (Williams), tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with the proposed effective date of October 17, 1999:

First Revised Sheet No. 246
Second Revised Sheet No. 248

Williams states that the purpose of the instant filing is to propose certain revisions and clarifications pertaining to operational flow orders (OFOs). Section 10.2(a), Storage injections and withdrawals, does not specifically state that an OFO can be issued when a Shipper's storage balance is almost exhausted or a Shipper's balance is close to its MSQ. Williams has added language to Section 10.2 to provide this additional clarification.

Section 10.3, Failure to Comply with Operational Flow Orders, does not provide for OFO penalty credits in the event no party was harmed as a result of failure to comply with an OFO. Williams is adding language to state that if all Shippers and Point Operators receive their gas, the payments for OFO penalties will be credited to Shippers or Point Operators who complied with the OFO or, if all parties subject to the OFO violate the terms, Williams will file to propose a method of distribution of penalty revenue.

Williams states that a copy of its filing was served on all of Williams' jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25118 Filed 9–27–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6444–9]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Standards of Performance for New Stationary Sources Hot Mix Asphalt Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NSPS Subpart I, Standards of Performance for New Stationary Sources—Hot Mix Asphalt Facilities, OMB Control Number 2060–0083 expiration date January 31, 2000. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 28, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download a copy of the ICR off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1127.06.

SUPPLEMENTARY INFORMATION:

Title: NSPS Subpart I, Standards of Performance for New Stationary Sources—Hot Mix Asphalt Facilities, OMB Control Number 2060–0083, EPA ICR No. 1127.06, expiration date January 31, 2000. This is a request for extension of a currently approved collection.

Abstract: Owners/operators of hot mix asphalt facilities must notify EPA of construction, modification, or reconstruction of a new or existing facility and submit a notification and the results of an initial performance test. In addition, a facility subject to this NSPS must record any startups, shutdowns or malfunctions and maintain these records on-site for two years. The only type of industry costs associated with the information collection activity in the standards are labor costs. In order to ensure compliance with the standards promulgated to protect public health, adequate reporting and recordkeeping is necessary. In the absence of such information, enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on June 4, 1999 (64 FR 30011); no comments were received.

Burden Statement: The initial burden regarding notifications (40 CFR 60.7) and performance testing (40 CFR 60.8) for a new source subject to this subpart is estimated to average 40.6 hours. The annual public reporting and recordkeeping burden for this collection of information on existing facilities is estimated to average 34 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners/Operators of hot mix asphalt facilities.

Estimated Number of Respondents: 3290.

Frequency of Response: Initial.

Estimated Total Annual Hour Burden: 6,890 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1127.06 and OMB Control No. 2060–0083 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460;

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: September 22, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–25135 Filed 9–27–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6445–1]

Acid Rain NO_X Emission Reduction Program—Permit Modification for Alternative Emission Limitation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft permit modification adopting alternative emission limitation.

SUMMARY: Under Title IV of the Clean Air Act, EPA established the Acid Rain NO_X Emission Reduction Program to reduce the adverse effects of acidic deposition. EPA adopted nitrogen oxides (NO_X) emission limits and issued permits to affected sources. EPA is issuing and requesting public comment on a draft Acid Rain permit modification. The permit modification adds to a permit an Alternative Emission Limitation for NO_X emissions for a Phase I unit in accordance with the Acid Rain Program regulations. The Alternative Emission Limitation is less stringent than the standard limit for this type of unit but is the minimum rate that the unit can achieve during long-term dispatch operation.

DATES: *Comments.* EPA must receive comments on this action on or before the later of October 28, 1999, or 30 days after the date on which a similar notice is published in a local newspaper.

Public Hearing. Anyone requesting a public hearing on this action must contract the EPA by the later of October 5, 1999, or 7 days after the date on which a similar document is published in a local newspaper.

ADDRESSES: *Comments.* Send comments, requests for a public hearing, and requests to receive notice of future actions to EPA Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, IL 60604–3507, Attn: Beth Valenziano (AR–18J). Submit comments in duplicate and identify the permit to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of the unit involved.

Hearings. To request a public hearing, state the issues proposed to be raised in the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting the draft permit modification.

Administrative Records. The administrative record for the draft permit modification, except information protected as confidential, may be viewed during normal operating hours at the following location: EPA Region 5, 77 West Jackson Boulevard, 18th floor, Chicago, IL.

FOR FURTHER INFORMATION CONTACT: Beth Valenziano, EPA Region 5, (312) 886–2703.

SUPPLEMENTARY INFORMATION: In today's action, EPA is issuing and requesting public comment on a draft permit modification that adds to a permit an Alternative Emission Limitation for NO_X emissions for a Phase I unit in accordance with parts 72 and 76 of the Acid Rain Program regulations. EPA will consider all timely comments, except those pertaining to standard provisions under 40 CFR 72.9 or issues not relevant to the draft permit modification. The unit involved, J.H. Campbell, Unit 1, is in Ottawa County, Michigan and will be required to meet an annual average emissions limit for NO_X of 0.49 lb/mmBtu, instead of the otherwise applicable standard limit of 0.45 lb/mmBtu. The unit's designated representative is Robert A. Fenech.

Dated: September 22, 1999.

Brian J. McLean,

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 99–25136 Filed 9–27–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6445–9]

Gulf of Mexico Program Management Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Act, Public Law 92463, EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Management Committee (MC).

DATES: The MC meeting will be held on Wednesday, October 27, 1999 from 8:30 a.m. to 5:00 p.m. and on Thursday, October 28, 1999 from 8:00 a.m. to 1:00 p.m.

ADDRESSES: The meeting will be held at the Victorian Condo Hotel & Conference Center, Galveston, Texas (409) 740–3555.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Building 1103, Room 202, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: Proposed agenda items will include: Review and Discussion of Proposed GMP Objectives, Sub-objectives, and Annual Performance Goals, Review GMP Workplan for FY1999–FY2000, Overview of Mercury Contamination Issues in the Gulf of Mexico, and Program Updates.

The meeting is open to the public.

Dated: September 22, 1999.

James D. Giattina,

Director, Gulf of Mexico Program Office.

[FR Doc. 99–25160 Filed 9–27–99; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 21, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it

displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 28, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0714.

Title: Antenna Registration Number Required as Supplement to Application Forms.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions; Federal Government; and State, Local, or Tribal Government.

Number of Respondents: 516,000.

Estimate Time Per Response: 5 minutes.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 43,344 hours.

Total Annual Costs: None.

Needs and Uses: Effective July 1, 1996, the current antenna clearance procedures were replaced with a uniform registration procedure that applied to antenna structure owners. Structure owners receive an Antenna Structure Registration Number, which is a unique number that identifies an antenna structure. Once obtained, this number must be used on all filings related to the antenna structure. The Commission requires this Registration Number to be submitted with any of the applications for licensing. This clearance is required in order to allow time for the Commission to update its application forms to include collection of Antenna Structure Registration Number. While we have accomplished this task, we continue to accept older version so the forms with the registration number as an attachment, merely as a customer convenience until radio services are fully implemented in ULS.

OMB Control Number: 3060–0850.

Title: Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted, and Commercial Operator, and General Mobile Radio Services.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Government.

Number of Respondents: 170,000.

Estimate Time Per Response: 0.44 hours.

Frequency of Response: Weekly reporting requirement; Third party disclosure.

Total Annual Burden: 74,800 hours.

Total Annual Costs: $2,261,000.

Needs and Uses: FCC 605 application is a consolidated application form for Ship, Aircraft, Amateur, Restricted and Commercial Radio Operators, and General Mobile Radio Services, and will be utilized as part of the Universal Licensing System currently under development. The data collected on this form include the applicant's Taxpayer Identification Number; however, this information will be redacted from public view. The form is being revised to provide for development licensing, military addresses, foreign addresses, and compulsory vessel four letters all signs. In addition, instructions are being revised to clarify filings for Special Temporary Authority (STAs), filing Proof of Passing Certificates for Commercial Operators, and submitting photographs for Commercial Operator T1, T2, and T3 permits. The collection also requests approval for collection of Trustee Primary Station Call Sign, Applicant Classification, and a club administrator signature when application is submitted via batch file for Amateur clubs.

OMB Control Number: 3060–XXXX.

Title: Part 18, Regulations for RF Lighting Devices, Section 18.307, OET Docket No. 98–42.

Type of Review: New collection.

Respondents: Individuals or households; Business or other for-profit entities; and Not-for-profit institutions.

Number of Respondents: 30.

Estimate Time Per Response: 1 hour.

Frequency of Response: On occasion reporting requirement; Third party disclosure.

Total Annual Burden: 30 hours.

Total Annual Costs: $2,250.

Needs and Uses: The Third Party requirements are made necessary by Section18.307 of the Commission's Rules governing regulations for radio frequency (RF) lighting devices. The Commission will require that manufacturers of RF lighting devices must provide an advisory statement either on the product packaging or with other user documentation, similar to the following: This product may cause interference to radio equipment and should not be installed near maritime safety communications equipment or critical navigational or communications equipment operating between 0.45–30 MHz.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–25146 Filed 9–27–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96–98; DA 99–1894]

New Hampshire Public Utilities Commission's Petition Requesting Additional Authority To Implement Number Optimization Measures in the 603 Area Code

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On October 15, 1999, the Commission released a public notice requesting public comment on a petition from the New Hampshire Public Utilities Commission ("Petition") requesting additional authority to implement number optimization measures in the 603 area code. The intended effect of this action is to make the public aware of, and to seek public comment on, this request.

DATES: Comments are due by October 5, 1999, and reply comments are due by October 15, 1999.

FOR FURTHER INFORMATION CONTACT: Jared Carlson at (202) 418–2320 or jcarlson@fcc.gov. The address is: Network Services Division, Common **Carrier Bureau, Federal**

Communications Commission, The Portals, 445 12th Street, S.W., Suite 6–A320, Washington, D.C. 20554. The fax number is: (202) 418–2345. The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: On September 28, 1998, the Federal Communications Commission ("Commission") released an order in the matter of a Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, *Memorandum Opinion and Order and Order on Reconsideration*, FCC 98–224, CC Docket No. 96–98, NSD File No. L–97–42, 63 FR 63613 (rel. September 28, 1998) ("Pennsylvania Numbering Order"). The Pennsylvania Numbering Order delegated additional authority to state public utility commissions to order NXX code rationing, under certain circumstances, in jeopardy situations and encouraged state commissions to seek further limited delegations of authority to implement other innovative number conservation methods.

The New Hampshire Public Utilities Commission ("NHPUC") has filed a request for additional delegation of authority to implement number optimization measures in their state. *See* Common Carrier Bureau Seeks Comment on the New Hampshire Public Utilities Commission's Petition for Delegation of Additional Authority to Implement Number Optimization Measures in the 603 Area Code, *Public Notice*, NSD File No. L–99–71, DA 99–1894 (rel. September 15, 1999).

The additional authority sought by the NHPUC relates to issues under consideration in the *Numbering Resource Optimization Notice*. *See* Numbering Resource Optimization, *Notice of Proposed Rulemaking*, CC Docket No. 99–200, FCC 99–122, 64 FR 32471 (rel. June 2, 1999). Because the NHPUC faces immediate concerns regarding the administration of number resources in New Hampshire, we find it to be in the public interest to address this petition as expeditiously as possible, prior to completing the rulemaking proceeding.

We hereby seek comment on the issues raised in the NHPUC's petition for delegated authority to implement various area code conservation measures. A copy of this petition will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Suite CY–A257, Washington, D.C. 20554, (202) 418–0270.

Interested parties may file comments concerning these matters on or before October 5, 1999, and reply comments on or before October 15, 1999. All filings must reference NSD File Number L–99–71 and CC Docket 96–98. Send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, S.W., Suite TW–A325, Washington, D.C. 20554 and two copies to Al McCloud, Network Services Division, Portals II, 445 12th Street, S.W., Suite 6A–320, Washington, D.C. 20554.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules. *See generally* 47 CFR 1.1200–1.1216. As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in 1.1206 of the Commission's rules applicable to non-restricted proceedings. 47 CFR 1.1206.

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in 1.1206(b) as well. For further information contact Jared Carlson of the Common Carrier Bureau, Network Services Division, at (202) 418–2320 or jcarlson@fcc.gov. The TTY number is (202) 418–0484.

Federal Communications Commission.

Kurt A. Schroeder,

Acting Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 99–25151 Filed 9–27–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled "Purchaser Eligibility Certification."

DATES: Comments must be submitted on or before November 29, 1999.

ADDRESSES: Interested parties are invited to submit written comments to Steven F. Hanft, Assistant Executive Secretary (Regulatory Analysis), (202) 898–3907, Office of the Executive Secretary, Room 4062, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. All comments should refer to "Purchaser Eligibility Certification." Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov].

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Steven F. Hanft, at the address identified above.

SUPPLEMENTARY INFORMATION:

Title: Purchaser Eligibility Certification.

Affected Public: Potential purchasers of assets of failed financial institutions sold by the FDIC.

Estimated Number of Respondents (annual): 1800.

Frequency of Response: Occasional.

Estimated Number of responses (annual): 2500.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden: 1250 hours.

General Description of Collection: A potential purchaser of assets from failed financial institutions would certify that it is not subject to a restriction on the purchase of the assets, such as those contained in proposed rule 12 CFR part 340, Restrictions on the Purchase of Assets from the Federal Deposit Insurance Corporation, 64 FR 51084 (September 21, 1999) or other, related FDIC rules and policies.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's request to OMB for approval of this collection. All comments will become a matter of public record.

Dated at Washington, D.C., this 22nd day of September, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–25153 Filed 9–27–99; 8:45 am]

BILLING CODE 6714–01–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3148–EM]

New Jersey; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New Jersey (FEMA–3148–EM), dated September 17, 1999, and related determinations.

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 17, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of New Jersey, resulting from Hurricane Floyd on September 16, 1999, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of New Jersey.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the emergency. I have further authorized debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under Title V of the Stafford Act, as you may deem appropriate.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Peter Martinasco of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of New Jersey to have been affected adversely by this declared emergency:

FEMA intends to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency. FEMA is further authorized to provide debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding.

This assistance is for the counties of Bergen, Essex, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex, and Union.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25169 Filed 9–27–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1295–DR]

New Jersey; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Jersey (FEMA–1295–DR), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 18, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery

Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 18, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of New Jersey, resulting from Hurricane Floyd on September 16, 1999, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of New Jersey.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Peter Martinasco of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New Jersey to have been affected adversely by this declared major disaster:

The counties of Bergen, Passaic, Somerset, Essex, Middlesex and Mercer for Individual Assistance and Public Assistance.

All counties within the State of New Jersey are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25174 Filed 9–27–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3149–EM]

New York; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New York (FEMA–3149–EM), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 18, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 18, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of New York, resulting from Hurricane Floyd on September 16, 1999, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of New York.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the emergency. I have further authorized debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under Title V of the Stafford Act, as you may deem appropriate.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Marianne Jackson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of New York to have been affected adversely by this declared emergency:

FEMA intends to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency. FEMA is further authorized to provide debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding.

This assistance is for the counties of Orange, Putnam, Rockland, and Westchester.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25170 Filed 9–27–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1296–DR]

New York; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).
ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New York (FEMA–1296–DR), dated September 19, 1999, and related determinations.

EFFECTIVE DATE: September 19, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 19, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of New York, resulting from Hurricane Floyd on September 16, 1999, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of New York.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, debris removal (Category A) and emergency protective measures (Category B) under the Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs. Other categories under the Public Assistance program may be added at a later date, if warranted.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Marianne Jackson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New York to have been affected adversely by this declared major disaster:

Orange, Putnam, Rockland, and Westchester Counties for Individual Assistance and debris removal (Category A) and emergency protective measures (Category B) under the Public Assistance Program.

All counties within the State of New York are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25171 Filed 9–27–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3146–EM]

North Carolina; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).
ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of North Carolina (FEMA–3146–EM), dated September 15, 1999, and related determinations.

EFFECTIVE DATE: September 15, 1999

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 15, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of North Carolina, resulting from Hurricane Floyd on September 15, 1999, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of North Carolina.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the emergency. I have further authorized debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under the Stafford Act, as you may deem appropriate.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Glenn C. Woodard, Jr. of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of North Carolina to have been affected adversely by this declared emergency:

FEMA intends to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency. FEMA is further authorized to provide debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding.

This assistance is for the counties of Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Tyrrell, Union, Vance, Wake, Warren, Washington, Wayne,and Wilson.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25168 Filed 9–27–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1294–DR]

Pennsylvania; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Pennsylvania (FEMA–1294–DR), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 18, 1999

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 18, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania, resulting from Hurricane Floyd on September 16, 1999 and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the Commonwealth of Pennsylvania

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, and assistance for debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance under Public Assistance, and Hazard Mitigation in the designated areas and other categories of assistance under the Public Assistance you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Jack Schuback of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster:

The counties of Bucks, Chester, Delaware, Lancaster, Montgomery, Philadelphia, and York for Individual Assistance.

The counties of Bucks, Chester, Delaware, Lancaster, Montgomery, Philadelphia, and York for debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance under the Public Assistance program.

All counties within the Commonwealth of Pennsylvania are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25173 Filed 9–27–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3145–EM]

South Carolina; Amendment No. 1 to Notice of an Emergency

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of South Carolina (FEMA–3145–EM), dated September 15, 1999, and related determinations.

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Lawrence L. Bailey of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

This action terminates my appointment of Robert J. Adamcik as Federal Coordinating Officer for this emergency.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25167 Filed 9–27–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3145–EM]

South Carolina; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of South Carolina (FEMA–3145–EM), dated September 15, 1999, and related determinations.

EFFECTIVE DATE: September 15, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 15, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of South Carolina, resulting from Hurricane Floyd on September 14, 1999, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of South Carolina.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the emergency. I have further authorized debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under the Stafford Act, as you may deem appropriate.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Robert J. Adamcik of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State South Carolina to have been affected adversely by this declared emergency:

FEMA intends to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency. FEMA is further authorized to provide debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding.

This assistance is for the counties of Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25172 Filed 9–27–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1293–DR]

Commonwealth of Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–1293–DR), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 18, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 18, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia, resulting from Hurricane Floyd beginning on September 13, 1999, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended ("the Stafford Act"). I, therefore, declare that such a disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Robert J. Gunter of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Virginia to have been affected adversely by this declared major disaster:

The City of Franklin, City of Hampton, City of Portsmouth, City of Newport News, City of

Norfolk, City of Virginia Beach, and the counties of James City, Isle of Wight, and Southampton for Individual Assistance and Public Assistance.

All counties within the Commonwealth of Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–25175 Filed 9–27–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1293–DR]

Commonwealth of Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia, (FEMA–1293–DR), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 20, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 1999:

The independent cities of Colonial Heights City and Petersburg City, and the counties of Accomack, Lancaster, Northumberland, Prince George County, Surry, Sussex, and York for Individual Assistance.

The independent cities of Suffolk City and Williamsburg, and the counties of Accomack, New Kent, Northampton, Prince George, Surry, Sussex, Westmoreland, and York for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–25176 Filed 9–27–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Federal Financial Institutions Examination Council

Interagency Policy Statement on External Auditing Programs of Banks and Savings Associations

ACTION: Notice of final interagency policy statement.

SUMMARY: The Federal Financial Institutions Examination Council (FFIEC) on behalf of the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS), collectively referred to as the "banking agencies" or the "agencies," is adopting an Interagency Policy Statement on External Auditing Programs of Banks and Savings Associations (Policy Statement). The National Credit Union Administration (NCUA), also a member of the FFIEC, does not plan to adopt the policy at this time. Banks and savings associations (institutions) with $500 million or more in total assets must have an annual audit performed by an independent public accountant under section 36 of the Federal Deposit Insurance Act (FDI Act), as implemented by 12 CFR Part 363. Thus, this Policy Statement applies only to institutions below that threshold that are not otherwise subject to audit requirements.

Accurate financial reporting is essential to an institution's safety and soundness. To ensure accurate and reliable financial reporting, the agencies recommend that the board of directors of each institution establish and maintain an external auditing program. This Policy Statement provides guidance regarding independent external auditing programs encompassing: responsibilities of boards of directors, audit committees, and senior management; attributes and types of external auditing programs; special situations for institutions that are part of a holding company, newly chartered institutions, and institutions presenting supervisory concern; and examiner guidance for the review of external auditing programs. The Policy Statement also encourages institutions that are not otherwise required to do so, to establish an audit committee. This committee should consist entirely of outside directors, if practicable.

EFFECTIVE DATE: The Policy Statement is effective for fiscal years beginning on or after January 1, 2000.

FOR FURTHER INFORMATION CONTACT:

FDIC: Doris L. Marsh, Examination Specialist, Division of Supervision, (202) 898–8905, or A. Ann Johnson, Counsel, Legal Division, (202) 898–3573, FDIC, 550 17th Street, N.W., Washington, DC 20429.

FRB: Charles H. Holm, Manager, (202) 452–3502, or Arthur Lindo, Supervisory Financial Analyst, (202) 452–2695, Accounting Policy and Disclosure, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551.

OCC: Gene Green, Deputy Chief Accountant, Office of the Chief Accountant, (202) 874–4933, or Bill Morris, Senior Policy Analyst/National Bank Examiner, (202) 874–4915, Core Policy Division, Office of the Comptroller of the Currency, 250 E Street, S.W., Washington, DC 20219.

OTS: Timothy J. Stier, Chief Accountant, (202) 906–5699, or Christine A. Smith, Policy Analyst, (202) 906–5740, Accounting Policy Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

An institution's internal and external auditing programs are critical to its safety and soundness. Many institutions currently have independent external audits. These audits are undertaken voluntarily or are required by section 36 of the FDI Act (12 U.S.C. 1831m) and its implementing regulation, 12 CFR part 363; the Securities and Exchange Act of 1934 (15 U.S.C. 78a); the Federal Reserve bank holding company reporting requirements in the FR Y–6 Annual Report of Bank Holding Companies; or other appropriate laws and regulations. When an institution lacks an internal auditing program or

has weaknesses in an existing program, examiners often encourage the institution to have an independent external audit [1] performed. However, some institutions, particularly smaller institutions, still do not have an external audit for various reasons.

The banking agencies believe that an independent external audit provides reasonable assurance that an institution's financial statements are prepared in accordance with generally accepted accounting principles (GAAP). Accordingly, the banking agencies encourage all institutions to obtain external audits. To provide explicit guidance to institutions regarding external audits, the FFIEC has approved a uniform Interagency Policy Statement. The FFIEC recommends to the banking agencies that they individually adopt the policy.

This Policy Statement is generally consistent with the individual policies of the banking agencies. The agencies have provided guidance on external audits to their supervised institutions, but a uniform policy does not exist. For example, the OCC discusses its policies with regard to independent external audits for national banks in the Comptroller's Handbook for National Banks, Section 102, Internal and External Audits, and the Comptroller's Corporate Manual. The FDIC first adopted guidance on this subject in its Policy Statement Regarding Independent External Auditing Programs of State Nonmember Banks in 1988 (53 FR 47871, November 28, 1988) and amended this policy in 1996 (61 FR 32438, June 24, 1996). The OTS's policy on independent external audits is discussed in the Thrift Activities Regulatory Handbook, Section 350, Independent Audits. The FRB sets forth its policy on external audits in the FR Y–6—Annual Report of Bank Holding Companies and Section 1010, "External Audits," of the Commercial Bank Examination Manual.

II. The Proposed Policy Statement

The FFIEC sought public comment on the proposed policy statement on External Auditing Programs of Banks and Savings Associations in February 1998 (63 FR 7796, February 17, 1998). A section-by-section summary of the proposal follows:

[1] An examination of the financial statements of an institution performed by an independent certified or licensed public accountant in accordance with generally accepted auditing standards (GAAS) and of sufficient scope to enable the independent public accountant to express an opinion on the institution's financial statements as to their presentation in accordance with generally accepted accounting principles (GAAP).

Board of Directors' Responsibilities

The proposed policy statement expressed the banking agencies' belief that accurate financial reporting is essential to an institution's safety and soundness. To help ensure accurate and reliable financial reporting, the agencies recommended that the board of directors of each institution consider establishing and maintaining an external auditing program. The banking agencies believe that the board of directors should consider an external auditing program performed by an independent public accountant to be conducive to the safe and sound operation of the institution.

The proposal also encouraged the board of each institution, that is not otherwise required to do so, to establish an audit committee consisting entirely of outside directors, if practicable. It stated that an institution's board of directors or audit committee should consider the appropriateness of an external auditing program for the institution. In addition, the board of directors or audit committee should consider what form of external auditing program would assure that the institution's financial statements and regulatory reports are prepared reliably.

Alternative External Auditing Programs

The proposed policy statement identified a preferred external auditing program—a financial statement audit by an independent public accountant. The proposal also identified two alternatives—a report on the balance sheet audit and an attestation report on an internal control assertion.

The proposal also stated that an institution which is a subsidiary of a holding company may express the scope of its external auditing program in terms of its relationship to the consolidated group. However, the board or audit committee of the subsidiary should determine whether the subsidiary's activities involve unusual risks that are not covered adequately within the scope of the audit of the consolidated financial statements. If so, the proposal suggested that the board or audit committee consider strengthening its internal auditing procedures or implementing an appropriate alternative external auditing program.

Other Matters Concerning an External Auditing Program

The proposed policy statement recommended that an institution's external auditing program be performed as of a quarter-end date that coincides with a regulatory report date. The proposal explained that an independent public accountant should have access to examination reports, other documents, and reports of action related to the supervision of the institution by its appropriate federal or state banking agency.

Examiner Review of the External Auditing Program

The proposal explained that examiners should consider an institution's size, the nature and scope of its activities, and any compensating controls when determining the adequacy of its external auditing program and making recommendations for improvement. Examiners should also consider whether the institution has undertaken a state-required auditing program (the scope of which differs from the preferred and alternative programs set forth in the proposal) when determining whether to make recommendations for improvements to the institution's external auditing program.

Notification and Submission of Reports

In the proposal, the agencies requested that each institution furnish, to its appropriate supervisory office, a copy of any reports by the independent public accountant pertaining to the external auditing program. The proposal also requested each institution to notify its appropriate supervisory office when an independent public accountant is engaged initially or when a change in, or termination of the services of, its accountant occurs.

Special Situations

The proposed policy statement noted that the FDIC Statement of Policy on Applications for Deposit Insurance (57 FR 12822) requires newly insured institutions to adopt an appropriate external auditing program. The proposal also listed some of the conditions that might be present in a problem institution which would warrant imposing requirements for specific external auditing services.

Appendix A—Definitions

Appendix A defined the terms used throughout the proposed policy statement. The agencies intended that these definitions be consistent with those used in current professional accounting and auditing literature and in the report of the Committee of Sponsoring Organizations of the Treadway Commission (COSO Report), "Internal Control—Integrated Framework."

III. Discussion of Public Comments

A. General Comments

The FFIEC received approximately 120 letters commenting on the proposed policy statement. Over 90 letters came from depository institutions whose size (based on total assets) ranged from about $2 million to $250 million. Of those letters, 20 percent came from national banks, 70 percent from state nonmember banks, and 10 percent from state member banks. One savings association submitted a comment. The other letters primarily came from national and state bank trade associations, accounting trade associations, accounting firms, and state banking departments. Other commenters included an organization representing state bank supervisory authorities, an attorney, an auditor, a consultant and two bank holding companies with small community banks.

Almost two-thirds of the commenters generally were opposed to the proposed policy statement. They cited the cost of requiring an audit by an independent public accountant as the reason for opposition. Those commenters warned that the cost of a financial statement audit would far outweigh its benefits for most small banks. In addition, over 40 percent of commenters opposed any requirement that each institution have an independent public accountant perform any external auditing program.

A number of commenters suggested that only institutions over a specified threshold be required to have an annual audit. The recommended thresholds ranged from $50 million to $250 million in total assets, with most respondents suggesting either $100 or $150 million in total assets as the appropriate size.

In contrast, most of the state banking departments that commented on the proposal favored it as did three-quarters of the accounting organizations, two banks, and one national bank trade association.

Several commenters questioned the timing of this proposal. Commenters suggested that the FFIEC not make it effective until after institutions had dealt with their Year 2000 computer problems. One state banking regulator suggested that the FFIEC phase in the proposal over a three year period to give states time to make their laws and regulations consistent with the proposed policy statement. Another state banking department recommended that the FFIEC exempt institutions in states with acceptable directors' examination requirements.

B. Changes to the Proposal in Response to Comments

Introduction

Many of the commenters misinterpreted the purpose, effect, and consequences of the proposed policy statement, believing that the agencies were requiring external audits of all institutions. For that reason, the FFIEC has expanded the Introduction to the Policy Statement and revised several parts of the document to better explain the recommendations.

Overview of External Auditing Programs

The FFIEC has revised the overview to set forth the benefits of a strong external auditing program and to discuss the responsibilities of the board of directors and audit committee for such a program. Because of many commenters' misunderstanding that the proposed policy statement requires an audit, the final Policy Statement has been clarified to explain that both an institution's audit committee and the agencies' examiners should consider the size of the institution and the nature, scope, and complexity of its operations when evaluating its external auditing program.

Nevertheless, many institutions already have an annual audit of their financial statements performed by an independent public accountant. In fact, almost 65 percent of institutions with total assets under $500 million either voluntarily or for other reasons have such an audit. More than 85 percent of the institutions with total assets under $500 million either have an audit or another type of external auditing program performed annually by an independent public accountant.[2] Thus, the agencies do not believe that they need to establish a total asset threshold (below the $500 million threshold in 12 CFR 363) at which institutions would be required to have audits. However, the agencies expect those institutions that historically have had annual audits to continue to do so. For those having another type of external auditing program performed by an independent public accountant, the agencies expect them to continue to obtain the same, or a more extensive, external auditing program in future years.

The proposed policy statement encouraged institutions that are not otherwise required to do so to have an audit committee consisting entirely of outside directors, if practicable. However, several commenters argued that small banks in rural communities may find it difficult to obtain knowledgeable persons outside of the institution who are willing to sit on a bank's board of directors. The agencies do not dispute this argument and for that reason, included a practicability exception in the proposal. This exception remains in the Policy Statement. As with the other provisions of this Policy Statement, an institution's board is encouraged to establish an audit committee entirely of outside directors, but is not required to do so.

External Auditing Programs

The final Policy Statement includes a new section which provides an overview of the basic attributes of a sound external auditing program. This section should assist boards and audit committees in determining the type of program that is most suitable for their institution. The final Policy Statement continues to identify a preferred external auditing program (a financial statement audit by an independent public accountant) and two alternative programs (an attestation report on internal control and a report on the balance sheet audit). It includes an explanation of these alternatives.

Several commenters argued that the cost of the balance sheet audit alternative was similar to that of a complete financial statement audit. Others stated that the internal control attestation report alternative is impractical because establishing and maintaining adequate internal control is very difficult in a small bank with few employees. The agencies agree that the cost of a balance sheet report audit may approach the cost of a financial statement audit, but in their opinion, it is a satisfactory alternative for many small banks. The internal control attestation alternative is generally the least costly of the three and may be the most beneficial choice for many small institutions. The agencies understand that small institutions will not have sufficient employees to establish as extensive an internal control system as larger institutions (for example, segregation of duties), but small institutions can use compensating controls to lessen the internal control risk.

[2] Of institutions under $500 million in total assets, annual audits are obtained by approximately 70 percent of national banks, 65 percent of state member banks, and 58 percent of state nonmember banks. If other annual external auditing programs performed by an independent public accountant are included, approximately 90 percent of national banks, 86 percent of state member banks, and 82 percent of state nonmember banks already have external auditing programs that would likely meet the recommendations of the Policy Statement. With regard to all thrift institutions, about 97 percent currently have annual audits and 99 percent have an external auditing program performed by an independent public accountant.

The final Policy Statement discusses the state-required examinations and agreed-upon procedures that are performed annually for some small institutions. The document does not preclude an institution from selecting one of these external auditing programs. The Policy Statement also describes when management should consider expanding the scope of the external auditing program.

This section also recommends that an institution schedule an annual external auditing program as of year-end, or if that is not possible, at a quarter-end date that coincides with a regulatory report date. To minimize expense, several commenters suggested that the FFIEC recommend that external auditing programs be performed every 18 months, every other year, or every third year. The agencies did not change their recommendation, because they believe that external auditing programs are most effective if performed annually.

The Policy Statement encourages institutions to use an independent public accountant to provide a recognized standard of knowledge and objectivity. It has been revised, however, to permit a person other than an independent public accountant to perform agreed-upon procedures/state required examinations when permitted under the appropriate state law or regulations. Nevertheless, the Policy Statement cautions that whoever does such work should have experience with financial institution accounting and auditing and should be knowledgeable about relevant laws and regulations.

Special Situations

This section of the Policy Statement generally is unchanged from the proposal. It continues to address institutions that are holding company subsidiaries, newly insured institutions, and institutions that present supervisory concerns.

Examiner Guidance

This section has been expanded to provide general guidance to examiners who will assess an institution's external auditing program, and to describe the basis for evaluating the institution's performance. For example, examiners are expected to evaluate whether (1) the board or audit committee has reviewed at least annually an institution's external auditing program; (2) the program is appropriate for the size and operations of the institution; (3) the external auditor is independent; (4) the board or audit committee has concluded that the auditor is competent and knowledgeable about banking; and (5) the external auditing program has been monitored properly. Nevertheless, in the agencies' opinion, an examiner should not automatically comment adversely to the board of directors of an institution with an otherwise satisfactory external auditing program merely because it does not engage an independent public accountant to audit its financial statements.

In addition, this section reconfirms that an auditor should have access to examination reports and other communications between regulators and the institution. Institutions also are encouraged to submit, to their appropriate supervisory office on a timely basis, reports issued by their external auditor on the external auditing program. The section also states that the institution should obtain an engagement letter from the auditor which states that examiners will be granted immediate and full access to the external auditing reports and related workpapers prepared by the auditor.

Appendix A—Definitions

Appendix A defines the terms used throughout the Policy Statement. The agencies made revisions only when needed to be consistent with any changes in the final Policy Statement.

C. Other Comments

The agencies encouraged comments on the proposed policy statement from any institution that had its independent public accountant perform one of the proposed alternative external auditing programs, *i.e.*, a report on the institution's balance sheet or an attestation report on internal control over specified schedules of its regulatory reports. Although many commenters objected to those alternatives, no respondents from banking organizations indicated that they had experience with these types of engagements.

In addition, some states have state-required external auditing programs (e.g., directors' examinations) that differ from the types of external auditing programs described in the proposed policy statement. Accordingly, the FFIEC requested comments on the amount of time states needed to modify the agreed-upon procedures in state-required examinations to be consistent with the types of programs set forth in any final Policy Statement. One state suggested three years. Several states indicated that the policy would have little effect because all, or almost all, of the institutions within their states already obtain audits. Since this Policy Statement recommends, but does not require that institutions establish external auditing programs, the agencies are not providing a phase-in period as suggested by some commenters or a specifically defined transition period to allow states to modify their requirements.

Several other state banking departments recommended state-required examinations as an alternative. Since these examinations differ among the states, and the states may, at any time, amend their requirements, the agencies did not believe that they should make any determination as to which state requirements should be considered acceptable. The final Policy Statement does not preclude an institution from using the state-required examination as an alternative. However, as with all other external auditing programs, the institution's board or audit committee should determine whether such an examination meets the institution's needs, considering its size and the nature, scope, and complexity of its business activities.

IV. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (PRA), the Agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection that does not display a currently valid Office of Management and Budget (OMB) control number. The FFIEC's Proposed policy statement; Request for comment, which was published on February 17, 1998, at 63 FR 7796, fulfilled the first notice requirement required by the PRA. Four comments were received relating to the information collections in the FFIEC Proposed policy statement. Each Agency likely will adopt the Final FFIEC policy statement for its institutions, including the information collections, as appropriate. At that time, each Agency will respond to the comments received and determine what changes, if any, are appropriate for its supervised institutions.

V. Policy Statement

The text of the Interagency Policy Statement follows:

Federal Financial Institutions Examination Council

Interagency Policy Statement on External Auditing Programs of Banks and Savings Associations

Introduction

The board of directors and senior managers of a banking institution or savings association (institution) are responsible for ensuring that the institution operates in a safe and sound manner. To achieve this goal and meet

the safety and soundness guidelines implementing Section 39 of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1831p–1),[1] the institution should maintain effective systems and internal control[2] to produce reliable and accurate financial reports.

Accurate financial reporting is essential to an institution's safety and soundness for numerous reasons. First, accurate financial information enables management to effectively manage the institution's risks and make sound business decisions. In addition, institutions are required by law[3] to provide accurate and timely financial reports (*e.g.*, Reports of Condition and Income [Call Reports] and Thrift Financial Reports) to their appropriate regulatory agency. These reports serve an important role in the agencies'[4] risk-focused supervision programs by contributing to their pre-examination planning, off-site monitoring programs, and assessments of an institution's capital adequacy and financial strength. Further, reliable financial reports are necessary for the institution to raise capital. They provide data to stockholders, depositors and other funds providers, borrowers, and potential investors on the company's financial position and results of operations. Such information is critical to effective market discipline of the institution.

To help ensure accurate and reliable financial reporting, the agencies recommend that the board of directors of each institution establish and maintain an external auditing program. An external auditing program should be an important component of an institution's overall risk management process. For example, an external auditing program complements the internal auditing function of an institution by providing management and the board of directors with an independent and objective view of the reliability of the institution's financial statements and the adequacy of its financial reporting internal controls. Additionally, an effective external auditing program contributes to the efficiency of the agencies' risk-focused examination process. By considering the significant risk areas of an institution, an effective external auditing program may reduce the examination time the agencies spend in such areas. Moreover, it can improve the safety and soundness of an institution substantially and lessen the risk the institution poses to the insurance funds administered by the Federal Deposit Insurance Corporation (FDIC).

This policy statement outlines the characteristics of an effective external auditing program and provides examples of how an institution can use an external auditor to help ensure the reliability of its financial reports. It also provides guidance on how an examiner may assess an institution's external auditing program. In addition, this policy statement provides specific guidance on external auditing programs for institutions that are holding company subsidiaries, newly insured institutions, and institutions presenting supervisory concerns.

The adoption of a financial statement audit or other specified type of external auditing program is generally only required in specific circumstances. For example, insured depository institutions covered by Section 36 of the FDI Act (12 U.S.C. 1831m), as implemented by Part 363 of the FDIC's regulations (12 CFR part 363), are required to have an external audit and an audit committee. Therefore, this policy statement is directed toward banks and savings associations which are exempt from Part 363 (i.e., institutions with less than $500 million in total assets at the beginning of their fiscal year) or are not otherwise subject to audit requirements by order, agreement, statute, or agency regulations.

Overview of External Auditing Programs

Responsibilities of the Board of Directors

The board of directors of an institution is responsible for determining how to best obtain reasonable assurance that the institution's financial statements and regulatory reports are reliably prepared. In this regard, the board is also responsible for ensuring that its external auditing program is appropriate for the institution and adequately addresses the financial reporting aspects of the significant risk areas and any other areas of concern of the institution's business.

To help ensure the adequacy of its internal and external auditing programs, the agencies encourage the board of directors of each institution that is not otherwise required to do so to establish an audit committee consisting entirely of outside directors.[5] However, if this is impracticable, the board should organize the audit committee so that outside directors constitute a majority of the membership.

Audit Committee

The audit committee or board of directors is responsible for identifying at least annually the risk areas of the institution's activities and assessing the extent of external auditing involvement needed over each area. The audit committee or board is then responsible for determining what type of external auditing program will best meet the institution's needs (refer to the descriptions under "Types of External Auditing Programs").

When evaluating the institution's external auditing needs, the board or audit committee should consider the size of the institution and the nature, scope, and complexity of its operations. It should also consider the potential benefits of an audit of the institution's financial statements or an examination of the institution's internal control structure over financial reporting, or both. In addition, the board or audit committee may determine that additional or specific external auditing procedures are warranted for a particular year or several years to cover areas of particularly high risk or special concern. The reasons supporting these decisions should be recorded in the committee's or board's minutes.

If, in its annual consideration of the institution's external auditing program, the board or audit committee determines, after considering its inherent limitations, that an agreed-upon procedures/state-required examination is sufficient, they should also consider whether an independent public accountant should perform the work. When an independent public accountant performs auditing and attestation services, the accountant must conduct his or her work under, and may be held accountable for departures from, professional standards. Furthermore, when the external auditing program includes an audit of the financial statements, the board or audit committee obtains an opinion from the independent public accountant stating whether the financial statements are presented fairly, in all material respects, in accordance with generally accepted accounting principles (GAAP). When the external auditing program includes

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[1] See 12 CFR Part 30 for national banks; 12 CFR Part 364 for state nonmember banks; 12 CFR Part 208 for state member banks; and 12 CFR Part 510 for savings associations.

[2] This Policy Statement provides guidance consistent with the guidance established in the "Interagency Policy Statement on the Internal Audit Function and its Outsourcing."

[3] See 12 U.S.C. 161 for national banks; 12 U.S.C. 1817a for state nonmember banks; 12 U.S.C. 324 for state member banks; and 12 U.S.C. 1464(v) for savings associations.

[4] Terms defined in Appendix A are italicized the first time they appear in this policy statement.

[5] Institutions with $500 million or more in total assets must establish an independent audit committee made up of outside directors who are independent of management. See 12 U.S.C. 1831m(g)(1) and 12 CFR 363.5.

an examination of the internal control structure over financial reporting, the board or audit committee obtains an opinion from the independent public accountant stating whether the financial reporting process is subject to any material weaknesses.

Both the staff performing an internal audit function and the independent public accountant or other external auditor should have unrestricted access to the board or audit committee without the need for any prior management knowledge or approval. Other duties of an audit committee may include reviewing the independence of the external auditor annually, consulting with management, seeking an opinion on an accounting issue, and overseeing the quarterly regulatory reporting process. The audit committee should report its findings periodically to the full board of directors.

External Auditing Programs

Basic Attributes

External auditing programs should provide the board of directors with information about the institution's financial reporting risk areas, *e.g.*, the institution's internal control over financial reporting, the accuracy of its recording of transactions, and the completeness of its financial reports prepared in accordance with GAAP.

The board or audit committee of each institution at least annually should review the risks inherent in its particular activities to determine the scope of its external auditing program. For most institutions, the lending and investment securities activities present the most significant risks that affect financial reporting. Thus, external auditing programs should include specific procedures designed to test at least annually the risks associated with the loan and investment portfolios. This includes testing of internal control over financial reporting, such as management's process to determine the adequacy of the allowance for loan and lease losses and whether this process is based on a comprehensive, adequately documented, and consistently applied analysis of the institution's loan and lease portfolio.

An institution or its subsidiaries may have other significant financial reporting risk areas such as material real estate investments, insurance underwriting or sales activities, securities broker-dealer or similar activities (including securities underwriting and investment advisory services), loan servicing activities, or fiduciary activities. The external auditing program should address these and other activities the board or audit committee determines present significant financial reporting risks to the institution.

Types of External Auditing Programs

The agencies consider an annual audit of an institution's financial statements performed by an independent public accountant to be the preferred type of external auditing program. The agencies also consider an annual examination of the effectiveness of the internal control structure over financial reporting or an audit of an institution's balance sheet, both performed by an independent public accountant, to be acceptable alternative external auditing programs. However, the agencies recognize that some institutions only have agreed-upon procedures/state-required examinations performed annually as their external auditing program. Regardless of the option chosen, the board or audit committee should agree in advance with the external auditor on the objectives and scope of the external auditing program.

Financial Statement Audit by an Independent Public Accountant. The agencies encourage all institutions to have an external audit performed in accordance with generally accepted auditing standards (GAAS). The audit's scope should be sufficient to enable the auditor to express an opinion on the institution's financial statements taken as a whole.

A financial statement audit provides assurance about the fair presentation of an institution's financial statements. In addition, an audit may provide recommendations for management in carrying out its control responsibilities. For example, an audit may provide management with guidance on establishing or improving accounting and operating policies and recommendations on internal control (including internal auditing programs) necessary to ensure the fair presentation of the financial statements.

Reporting by an Independent Public Accountant on an Institution's Internal Control Structure Over Financial Reporting. Another external auditing program is an independent public accountant's examination and report on management's assertion on the effectiveness of the institution's internal control over financial reporting. For a smaller institution with less complex operations, this type of engagement is likely to be less costly than an audit of its financial statements or its balance sheet. It would specifically provide recommendations for improving internal control, including suggestions for compensating controls, to mitigate the risks due to staffing and resource limitations.

Such an attestation engagement may be performed for all internal controls relating to the preparation of annual financial statements or specified schedules of the institution's regulatory reports.[6] This type of engagement is performed under generally accepted standards for attestation engagements (GASAE).[7]

Note: For banks and savings associations, the lending, investment securities, trading, and off-balance sheet schedules consist of:

Area	Reports of condition and income schedules	Thrift financial report schedules
Loans and Lease Financing Receivables	RC–C, Part I	SC, CF.
Past Due and Nonaccrual Loans, Leases, and Other Assets	RC–N	PD.
Allowance for Credit Losses	RI–B	SC, VA.
Securities	RC–B	SC, SI, CF.
Trading Assets and Liabilities	RC–D	SO, SI.
Off-Balance Sheet Items	RC–L	SI, CMR.

[6] Since the lending and investment securities activities generally present the most significant risks that affect an institution's financial reporting, management's assertion and the accountant's attestation generally should cover those regulatory report schedules. If the institution has trading or off-balance sheet activities that present material financial reporting risks, the board or audit committee should ensure that the regulatory report schedules for those activities also are covered by management's assertion and the accountant's attestation. See Note above for further information.

[7] An attestation engagement is not an audit. It is performed under different professional standards than an audit of an institution's financial statements or its balance sheet.

These schedules are not intended to address all possible risks in an institution.

Balance Sheet Audit Performed By An Independent Public Accountant. With this program, the institution engages an independent public accountant to examine and report only on the balance sheet. As with the audit of the financial statements, this audit is performed in accordance with GAAS. The cost of a balance sheet audit is likely to be less than a financial statement audit. However, under this type of program, the accountant does not examine or report on the fairness of the presentation of the institution's income statement, statement of changes in equity capital, or statement of cash flows.

Agreed-Upon Procedures/State-Required Examinations. Some state-chartered depository institutions are required by state statute or regulation to have specified procedures performed annually by their directors or independent persons.[8] The bylaws of many national banks also require that some specified procedures be performed annually by directors or others, including internal or independent persons. Depending upon the scope of the engagement, the cost of agreed-upon procedures or a state-required examination may be less than the cost of an audit. However, under this type of program, the independent auditor does not report on the fairness of the institution's financial statements or attest to the effectiveness of the internal control structure over financial reporting. The findings or results of the procedures are usually presented to the board or the audit committee so that they may draw their own conclusions about the quality of the financial reporting or the sufficiency of internal control.

When choosing this type of external auditing program, the board or audit committee is responsible for determining whether these procedures meet the external auditing needs of the institution, considering its size and the nature, scope, and complexity of its business activities. For example, if an institution's external auditing program consists solely of confirmations of deposits and loans, the board or committee should consider expanding the scope of the auditing work performed to include additional procedures to test the institution's high risk areas. Moreover, a financial statement audit, an examination of the effectiveness of the internal control structure over financial reporting, and a balance sheet audit may be accepted in some states and for national banks in lieu of agreed-upon procedures/state-required examinations.

Other Considerations

Timing. The preferable time to schedule the performance of an external auditing program is as of an institution's fiscal year-end. However, a quarter-end date that coincides with a regulatory report date provides similar benefits. Such an approach allows the institution to incorporate the results of the external auditing program into its regulatory reporting process and, if appropriate, amend the regulatory reports.

External Auditing Staff. The agencies encourage an institution to engage an independent public accountant to perform its external auditing program. An independent public accountant provides a nationally recognized standard of knowledge and objectivity by performing engagements under GAAS or GASAE. The firm or independent person selected to conduct an external auditing program and the staff carrying out the work should have experience with financial institution accounting and auditing or similar expertise and should be knowledgeable about relevant laws and regulations.

Special Situations

Holding Company Subsidiaries

When an institution is owned by another entity (such as a holding company), it may be appropriate to address the scope of its external audit program in terms of the institution's relationship to the consolidated group. In such cases, if the group's consolidated financial statements for the same year are audited, the agencies generally would not expect the subsidiary of a holding company to obtain a separate audit of its financial statements. Nevertheless, the board of directors or audit committee of the subsidiary may determine that its activities involve significant risks to the subsidiary that are not within the procedural scope of the audit of the financial statements of the consolidated entity. For example, the risks arising from the subsidiary's activities may be immaterial to the financial statements of the consolidated entity, but material to the subsidiary. Under such circumstances, the audit committee or board of the subsidiary should consider strengthening the internal audit coverage of those activities or implementing an appropriate alternative external auditing program.

Newly Insured Institutions

Under the FDIC Statement of Policy on Applications for Deposit Insurance, applicants for deposit insurance coverage are expected to commit the depository institution to obtain annual audits by an independent public accountant once it begins operations as an insured institution and for a limited period thereafter.

Institutions Presenting Supervisory Concerns

As previously noted, an external auditing program complements the agencies' supervisory process and the institution's internal auditing program by identifying or further clarifying issues of potential concern or exposure. An external auditing program also can greatly assist management in taking corrective action, particularly when weaknesses are detected in internal control or management information systems affecting financial reporting.

The agencies may require a financial institution presenting safety and soundness concerns to engage an independent public accountant or other independent external auditor to perform external auditing services.[9] Supervisory concerns may include:

- Inadequate internal control, including the internal auditing program;
- A board of directors generally uninformed about internal control;
- Evidence of insider abuse;
- Known or suspected defalcations;
- Known or suspected criminal activity;
- Probable director liability for losses;
- The need for direct verification of loans or deposits;
- Questionable transactions with affiliates; or
- The need for improvements in the external auditing program.

The agencies may also require that the institution provide its appropriate supervisory office with a copy of any reports, including management letters, issued by the independent public accountant or other external auditor. They also may require the institution to notify the supervisory office prior to any meeting with the independent public accountant or other external auditor at which auditing findings are to be presented.

[8] When performed by an independent public accountant, "specified procedures" and "agreed-upon procedures" engagements are performed under standards, which are different professional standards than those used for an audit of an institution's financial statements or its balance sheet.

[9] The Office of Thrift Supervision requires an external audit by an independent public accountant for savings associations with a composite rating of 3, 4, or 5 under the Uniform Financial Institution Rating System, and on a case-by-case basis.

Examiner Guidance

Review of the External Auditing Program

The review of an institution's external auditing program is a normal part of the agencies' examination procedures. An examiner's evaluation of, and any recommendations for improvements in, an institution's external auditing program will consider the institution's size; the nature, scope, and complexity of its business activities; its risk profile; any actions taken or planned by it to minimize or eliminate identified weaknesses; the extent of its internal audit program; and any compensating controls in place. Examiners will exercise judgment and discretion in evaluating the adequacy of an institution's external auditing program.

Specifically, examiners will consider the policies, processes, and personnel surrounding an institution's external auditing program in determining whether:

- The board of directors or its audit committee adequately reviews and approves external auditing program policies at least annually.
- The external auditing program is conducted by an independent public accountant or other independent auditor and is appropriate for the institution.
- The engagement letter covering external auditing activities is adequate.
- The report prepared by the auditor on the results of the external auditing program adequately explains the auditor's findings.
- The external auditor maintains appropriate independence regarding relationships with the institution under relevant professional standards.
- The board of directors performs due diligence on the relevant experience and competence of the independent auditor and staff carrying out the work (whether or not an independent public accountant is engaged).
- The board or audit committee minutes reflect approval and monitoring of the external auditing program and schedule, including board or committee reviews of audit reports with management and timely action on audit findings and recommendations.

Access to Reports

Management should provide the independent public accountant or other auditor with access to all examination reports and written communication between the institution and the agencies or state bank supervisor since the last external auditing activity. Management also should provide the accountant with access to any supervisory memoranda of understanding, written agreements, administrative orders, reports of action initiated or taken by a federal or state banking agency under section 8 of the FDI Act (or a similar state law), and proposed or ordered assessments of civil money penalties against the institution or an institution-related party, as well as any associated correspondence. The auditor must maintain the confidentiality of examination reports and other confidential supervisory information.

In addition, the independent public accountant or other auditor of an institution should agree in the engagement letter to grant examiners access to all the accountant's or auditor's workpapers and other material pertaining to the institution prepared in the course of performing the completed external auditing program.

Institutions should provide reports [10] issued by the independent public accountant or other auditor pertaining to the external auditing program, including any management letters, to the agencies and any state authority in accordance with their appropriate supervisory office's guidance.[11] Significant developments regarding the external auditing program should be communicated promptly to the appropriate supervisory office. Examples of those developments include the hiring of an independent public accountant or other third party to perform external auditing work and a change in, or termination of, an independent public accountant or other external auditor.

Appendix A—Definitions

Agencies. The agencies are the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS).

Appropriate supervisory office. The regional or district office of the institution's primary federal banking agency responsible for supervising the institution or, in the case of an institution that is part of a group of related insured institutions, the regional or district office of the institution's federal banking agency responsible for monitoring the group. If the institution is a subsidiary of a holding company, the term "appropriate supervisory office" also includes the federal banking agency responsible for supervising the holding company. In addition, if the institution is state-chartered, the term "appropriate supervisory office" includes the appropriate state bank or savings association regulatory authority.

Audit. An examination of the financial statements, accounting records, and other supporting evidence of an institution performed by an independent certified or licensed public accountant in accordance with generally accepted auditing standards (GAAS) and of sufficient scope to enable the independent public accountant to express an opinion on the institution's financial statements as to their presentation in accordance with generally accepted accounting principles (GAAP).

Audit committee. A committee of the board of directors whose members should, to the extent possible, be knowledgeable about accounting and auditing. The committee should be responsible for reviewing and approving the institution's internal and external auditing programs or recommending adoption of these programs to the full board.

Balance sheet audit performed by an independent public accountant. An examination of an institution's balance sheet and any accompanying footnotes performed and reported on by an independent public accountant in accordance with GAAS and of sufficient scope to enable the independent public accountant to express an opinion on the fairness of the balance sheet presentation in accordance with GAAP.

Engagement letter. A letter from an independent public accountant to the board of directors or audit committee of an institution that usually addresses the purpose and scope of the external auditing work to be performed, period of time to be covered by the auditing work, reports expected to be rendered, and any limitations placed on the scope of the auditing work.

Examination of the internal control structure over financial reporting. See Reporting by an Independent Public Accountant on an Institution's Internal

[10] The institution's engagement letter is not a "report" and is not expected to be submitted to the appropriate supervisory office unless specifically requested by that office.

[11] When an institution's financial information is included in the audited consolidated financial statements of its parent company, the institution should provide a copy of the audited financial statements of the consolidated company and any other reports by the independent public accountant in accordance with their appropriate supervisory office's guidance. If several institutions are owned by one parent company, a single copy of the reports may be supplied in accordance with the guidance of the appropriate supervisory office of each agency supervising one or more of the affiliated institutions and the holding company. A transmittal letter should identify the institutions covered. Any notifications of changes in, or terminations of, a consolidated company's independent public accountant may be similarly supplied to the appropriate supervisory office of each supervising agency.

Control Structure Over Financial Reporting.

External auditing program. The performance of procedures to test and evaluate high risk areas of a institution's business by an independent auditor, who may or may not be a public accountant, sufficient for the auditor to be able to express an opinion on the financial statements or to report on the results of the procedures performed.

Financial statement audit by an independent public accountant. See Audit.

Financial statements. The statements of financial position (balance sheet), income, cash flows, and changes in equity together with related notes.

Independent public accountant. An accountant who is independent of the institution and registered or licensed to practice, and holds himself or herself out, as a public accountant, and who is in good standing under the laws of the state or other political subdivision of the United States in which the home office of the institution is located. The independent public accountant should comply with the American Institute of Certified Public Accountants' (AICPA) *Code of Professional Conduct* and any related guidance adopted by the Independence Standards Board and the agencies. No certified public accountant or public accountant will be recognized as independent who is not independent both in fact and in appearance.

Internal auditing. An independent assessment function established within an institution to examine and evaluate its system of internal control and the efficiency with which the various units of the institution are carrying out their assigned tasks. The objective of internal auditing is to assist the management and directors of the institution in the effective discharge of their responsibilities. To this end, internal auditing furnishes management with analyses, evaluations, recommendations, counsel, and information concerning the activities reviewed.

Outside directors. Members of an institution's board of directors who are not officers, employees, or principal stockholders of the institution, its subsidiaries, or its affiliates, and who do not have any material business dealings with the institution, its subsidiaries, or its affiliates.

Regulatory reports. These reports are the Reports of Condition and Income (Call Reports) for banks, Thrift Financial Reports (TFRs) for savings associations, Federal Reserve (FR) Y reports for bank holding companies, and the H–(b)11 Annual Report for thrift holding companies.

Reporting by an independent public accountant on an institution's internal control structure over financial reporting. Under this engagement, management evaluates and documents its review of the effectiveness of the institution's internal control over financial reporting in the identified risk areas as of a specific report date. Management prepares a written assertion, which specifies the criteria on which management based its evaluation about the effectiveness of the institution's internal control over financial reporting in the identified risk areas and states management's opinion on the effectiveness of internal control over this specified financial reporting. The independent public accountant is engaged to perform tests on the internal control over the specified financial reporting in order to attest to management's assertion. If the accountant concurs with management's assertion, even if the assertion discloses one or more instances of material internal control weakness, the accountant would provide a report attesting to management's assertion.

Risk areas. Those particular activities of an institution that expose it to greater potential losses if problems exist and go undetected. The areas with the highest financial reporting risk in most institutions generally are their lending and investment securities activities.

Specified procedures. Procedures agreed-upon by the institution and the auditor to test its activities in certain areas. The auditor reports findings and test results, but does not express an opinion on controls or balances. If performed by an independent public accountant, these procedures should be performed under generally accepted standards for attestation engagements (GASAE).

Dated: September 22, 1999.

Keith J. Todd,

Executive Secretary, Federal Financial Institutions Examination Council.

[FR Doc. 99–25103 Filed 9–27–99; 8:45 am]

BILLING CODE 6210–01–P; 6720–01–P; 6714–01–P; 4810–33–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 22, 1999.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Area Bancshares Corporation, Owensboro, Kentucky; to acquire 100 percent of the voting shares of Dees Bank of Hazel, Hazel, Kentucky, Bank of Livingston County, Tiline, Kentucky; Peoples Bank of Murray, Kentucky, Murray, Kentucky; and Lyon Bancorp, Inc., Eddyville, Kentucky, and its subsidiary bank, The Bank of Lyon County, Tiline, Kentucky.

B. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. InterBancorp, Inc., Duvall, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Inter Bank, Duvall, Washington.

Board of Governors of the Federal Reserve System, September 22, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–25102 Filed 9–27–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Announcement of Joint Public Forum on the Advertising and Marketing of Dial-Around and Other Long-Distance Telecommunications Services

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission and Federal Communications Commission plan to hold a public forum in November 4, 1999, to discuss the advertising and marketing of dial-around and other long-distance telecommunications services. This Federal Register Notice outlines the topics to be addressed at the forum and the procedures to be followed by those who wish to participate in the forum.

DATES: The public forum will be held on November 4, 1999, in Washington, D.C., from 8:30 a.m. until 5:30 p.m. Notification of interest in participating in the forum must be submitted on or before October 20, 1999.

ADDRESSES: Notification of interest in participating in the public forum should be submitted in writing to Lynn Vermillera, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. The public forum will be held at the Federal Communications Commission, 445 12th Street, SW, Commission Meeting Room, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Lynn Vermillera, lvermill@fcc.gov, (202) 418–7120, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554; or Marianne Schwanke, mschwanke@ftc.gov, (202) 326–3165, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Section A. Background

As a result of the Telecommunications Act of 1996 [1] and the subsequent increase in competition in the long-distance telecommunications market, many companies are offering consumers a variety of choices in long-distance calling. Numerous long-distance carriers, both large and small, heavily promote, through national television, print, and direct mail advertising campaigns, the use of their own long-distance telecommunications services, including dial-around services. These advertisements urge consumers to dial a long-distance provider's access code (or "10–10" number) before dailing a long-distance number to bypass or "dial around" the consumer's chosen long-distance carrier and to get a better rate. Other advertisements promote "calling plans" that offer a fixed per-minute rate during certain hours or on particular days. The increased competition for long-distance call volume through dial-around and other services has given consumers greater choice in deciding which carrier to use and a greater diversity in the prices charged for those calls. With accurate information, consumers will benefit from being able to choose the particular carrier that meets their long-distance calling needs at the most economical price. Conversely, if consumers are deceived by the advertising claims, they cannot make informed purchasing decisions and ultimately the growth of competition in the long-distance market will be inhibited. Since consumers of dial-around services must rely on the information contained in the advertisements as the basis for determining whether to choose a particular dial-around service, it is even more critical that such advertising claims be truthful and not misleading.

Because of the proliferation of advertisements for these new services, as well as the increased number of complaints by consumers regarding how dial-around and other long-distance services are marketed, the Federal Trade Commission ("FTC") and Federal Communications Commission ("FCC") have concluded that a public forum would be appropriate to afford staff and interested parties an opportunity to explore the issues raised by the advertising and marketing of dial-around and other telecommunications services. Based on the information provided at the forum, the agencies will determine whether future action is necessary regarding the advertising and marketing of long-distance telephone services.

Section B. Public Forum

The FCC and FTC staff will conduct a public forum to discuss issues raised by the advertising and marketing of dial-around and other long-distance services. The purpose of the forum is to facilitate a discussion among members of industry, consumer groups, and law enforcement about issues raised by claims made in many dial-around and other long-distance telephone service advertisements, and possible solutions to these concerns, including additional guidance to the industry. The forum will be divided into two sessions. The morning session will begin with an overview of applicable advertising law, which prohibits deceptive representations. This overview will be followed by a discussion among representatives from industry, consumer organizations, and law enforcement, as well as marketing and advertising experts, regarding various issues, including consumers' need for cost information, the use of comparative claims, and the effectiveness of disclosures. The afternoon session will provide participants with the opportunity to analyze claims made in various mock advertisements illustrative of the issues raised by current advertisements for dial-around and other long-distance telephone services. Following this discussion, participants will have the opportunity to present possible solutions to the concerns raised by current advertising in this area. There also will be time for public comment following the afternoon session.

Section C. Request To Participate

The FCC and FTC invite members of the public, industry, and other interested parties to participate in the forum. To be eligible to participate, you must file a request to participate by October 20, 1999. If the number of parties who request to participate in the forum is so large that including all requesters would inhibit effective discussion among participants, staff of the FTC and FCC will select as participants a limited number of parties to represent the relevant interests. Selection will be based on the following criteria:

1. The party submitted a request to participate by October 20, 1999.
2. The party's participation would promote the representation of a balance of interests at the forum.
3. The party's participation would promote the consideration and discussion of the issues presented in the forum.
4. The party has expertise in issues raised in the forum.
5. The party adequately reflects the view of the affected interest(s) which it purports to represent.

If it is necessary to limit the number of participants, those who requested to participate but were not selected will be afforded an opportunity, if at all possible, to present statements during a limited time period at the end of the session. The time allotted for these statements will be based on the amount of time necessary for discussion of the issues by the selected parties, and on the number of persons who wish to

[1] 47 U.S.C. 228 and 15 U.S.C. 5714(1).

make statements. Requesters will be notified as soon as possible after October 20, 1999, if they have been selected to participate.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–25212 Filed 9–27–99; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Public Health and Science

Office of the Secretary

Request for Nomination for Members of the Chronic Fatigue Syndrome Coordinating Committee

The Office of Public Health and Science (OPHS) requests nominations for representatives to serve on the Chronic Fatigue Syndrome Coordinating Committee (CFSCC). Nominations are solicited for one biomedical research scientist with demonstrated achievements in biomedical research relating to chronic fatigue syndrome; and, one individual with expertise in health care services, disability issues, or a representative of private health care services insurers.

Information Required

Each nomination shall consist of a package that at a minimum includes:

A. A letter of nomination that clearly states the name and affiliation of the nominee, the nominator's basis for the nomination, and the category for which the person is nominated;

B. The name, return address, and daytime telephone number at which the nominator may be contacted. Organizational nominators must identify a principal contact person in addition to contact information.

C. A copy of the nominee's curriculum vitae.

All nomination information for a nominee must be provided in a complete single package. Incomplete nominations cannot be considered. Nomination materials must bear original signatures; facsimile transmissions or copies are not acceptable.

DATES: All nominations must be received at the address below by no later than 4 p.m. EDT on October 29, 1999.

ADDRESSES: All nomination packages shall be submitted to Dr. David Morens, National Institutes of Health, National Institute of Allergy and Infectious Diseases, Division of Microbiology and Infectious Diseases, Room 3258, 6700–B Rockledge Drive, Bethesda, Maryland 20892.

FOR FURTHER INFORMATION CONTACT: Dr. David Morens at the above address or at 301–496–7453 between 9 a.m. and 3 p.m. EDST.

Dated: September 20, 1999.

Anthony S. Fauci,

Director, National Institute of Allergy and Infectious Disease, National Institute of Health.

[FR Doc. 99–25191 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Consultation and Review Directly Funded Community-Based Organization Program Summary Document; Meeting

The National Center for HIV, STD, and TB Prevention (NCHSTP) of the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Consultation and review Directly-Funded Community-Based Organization Program Summary Document.

Times and Dates:

8:30 a.m.–5 p.m., October 4, 1999
8:30 a.m.–3 p.m., October 5, 1999

Place: Crown Plaza Ravinia, 4355 Ashford Dunwoody Rd, NE, Atlanta, Georgia 30346. Telephone, 770/395–7700.

Status: Open to the public, limited only by space available. The meeting space accommodates approximately 200 people.

Purpose: The purpose of this consultation is to provide a forum for obtaining expertise and feedback on specific components of the summary statement cited above.

Matters to be Discussed: Agenda items include a discussion of the program goals, eligibility criteria; program requirements; evaluation criteria; and lessons learned from ongoing programs. Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Nikki Economou or Samuel Martinez, Community Assistance, Planning and National Partnerships Branch, Division of HIV/AIDS Prevention, NCHSTP, CDC, Mailstop E–58, 1600 Clifton Road, Atlanta, Georgia 30333. Telephone 404/639–5230, e-mail *nxe0@cdc.gov or* sbm5@cdc.gov.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: September 22, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–25141 Filed 9–27–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–4068]

Agency Information Collection Activities: Proposed Collection; Comment Request; Advisory Opinions; Extension

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements for parties seeking an advisory opinion from the Commissioner of Food and Drugs (the Commissioner).

DATES: Submit written comments on the collection of information by November 29, 1999.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR

1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Advisory Opinions—21 CFR 10.85 (OMB Control Number 0910–0193—Extension)

Section 10.85 (21 CFR 10.85), issued under section 701(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(a)), provides that an interested person may request an advisory opinion from the Commissioner on a matter of general applicability. Section 10.85 sets forth the format and instructions for making an advisory opinion request. When making a request, the petitioner must provide a concise statement of the issues and questions on which an opinion is requested and a full statement of the facts and legal points relevant to the request. An advisory opinion represents the formal position of FDA on a matter of general applicability.

Respondents to this collection of information are parties seeking an advisory opinion from the Commissioner on the agency's formal position for matters of general applicability.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
10.85	3	1	3	16	48

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimate for this collection of information is based on an average for the period 1996 through 1998 with each advisory opinion requiring an estimated 16 hours of preparation time.

Dated: September 22, 1999.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 99–25100 Filed 9–27–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–4069]

Agency Information Collection Activities: Proposed Collection; Comment Request; Notice of Participation; Extension

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on reporting requirements for filing a notice of participation with FDA.

DATES: Submit written comments on the collection of information by November 29, 1999.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Notice of Participation—21 CFR 12.45 (OMB Control Number 0910–0191—Extension)

Under part 12 (21 CFR part 12) regulations issued under sections 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–393), any interested person may participate in a formal evidentiary hearing, either personally or through a representative by filing a notice of participation under § 12.45. Section 12.45 requires that any person filing a notice of participation state the person's specific interest in the proceedings, including the specific issues of fact about which the person desires to be heard. This section also requires that the notice include a statement that the person will present testimony at the hearing and will comply with specific requirements in § 12.85 or, in the case of a hearing before a public board of inquiry, in 21 CFR 13.25, concerning disclosure of data and information by participants. A participant's appearance can be struck by the presiding officer in accordance with § 12.45(e).

The information obtained is used by the presiding officer and other participants in a hearing to identify specific interests to be presented. This preliminary information serves to expedite the prehearing conference and commits participation.

The affected respondents are individuals or households, State or local governments, not-for-profit institutions and businesses or other for-profit groups and institutions.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
12.45	30	1	30	3	90

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The agency bases this estimate on an average for the period 1996 through 1998 in which each notice of participation filed took an estimated 3 hours to complete.

Dated: September 22, 1999.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 99–25101 Filed 9–27–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee for Reproductive Health Drugs; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Advisory Committee for Reproductive Health Drugs.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 18, 1999, 9 a.m. to 5 p.m.

Location: Holiday Inn, The Ballroom, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Jayne E. Peterson or Robin M. Spencer, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7001, or by e-mail at PETERSONJ@CDER.FDA.GOV, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12537. Please call the Information Line for up-to-date information on this meeting. Current information may also be accessed on the Internet at FDA's website http://www.fda.gov/cder/coe.htm.

Agenda: Presentations and committee discussions will address the following draft FDA guidance documents: (1) Draft guidance for reviewers entitled "Evaluation of Human Pregnancy Outcome Data" (see 64 FR 30040, June 4, 1999, including solicitation for comments [Docket No. 99D–1540]), and (2) draft guidance for industry entitled "Guidance for Industry, Establishing Pregnancy Registries Data" (see 64 FR 30041, June 4, 1999, including solicitation for comments [Docket No. 99D–1541]). The application and impact of these guidances on drugs reviewed by the Division of Reproductive and Urologic Drug Products will be considered with specific emphasis on drugs used in assisted reproductive technology (infertility treatment regimens). In addition, if revised guidances are available at the time of the meeting, the topics of labeling for non-contraceptive estrogen drug products and the clinical evaluation of estrogen and estrogen/progestin-containing drugs used for hormone replacement therapy in postmenopausal women will be discussed. Any revised draft guidances will be made available to the public near the time of the October 18, 1999, advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing on issues pending before the committee. Written submissions may be made to the contact person by October 13, 1999. Oral presentations from the public will be scheduled between approximately 9 a.m. and 9:30 a.m. and 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 13, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 22, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–25228 Filed 9–27–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–222]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Independent Rural Health Center/ Freestanding Federally Qualified Health Center Cost Report and Supporting Regulations in 42 CFR, Section 413.20 and 413.24;

Form No.: HCFA–222;

Use: The independent rural health clinic/freestanding federally qualified health center (RHC/FQHC) cost report is the cost report to be used by the mentioned clinics/centers to submit annual information to achieve a settlement of costs for health care services rendered to Medicare beneficiaries. This form is used to collect the pertinent information from the RHC's and FQHC's in order to determine their Medicare cost reimbursement.;

Frequency: Annually;

Affected Public: Not-for-profit institutions, State, local or tribal government, and Business or other for-profit;

Number of Respondents: 3,000;

Total Annual Responses: 3,000;

Total Annual Hours Requested: 150,000.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: September 1, 1999.

John Parmigiani,

Manager, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–25098 Filed 9–27–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act,as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00–14, R13 Review.

Date: October 12, 1999.

Time: 12:15 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Rm. 4AN44F, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: H. George Hausch, PhD., Chief, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00–10, R44 Review.

Date: November 10, 1999.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications, Natcher Building, Rm. 4AN44F.

Place: Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: September 17, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25192 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIEHS.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIEHS.

Date: October 17–19, 1999.

Closed: October 17, 1999, 7:00 p.m. to 8:30 p.m.

Agenda: To review and evaluate program information and discuss the review process.

Place: Siena Hotel, 1505 E. Franklin Street, Chapel Hill, NC 27514.

Open: October 18, 1999, 8:30 a.m. to 5:00 p.m.

Agenda: An overview of the organization and conduct of research in the Laboratory of Computational Biology and Risk Analysis.

Place: Siena Hotel, 1505 E. Franklin Street, Chapel Hill, NC 27514.

Closed: October 19, 1999, 8:30 a.m. to Adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Siena Hotel, 1505 E. Franklin Street, Chapel Hill, NC 27514.

Contact Person: J. Carl Barrett, PhD, Scientific Director/Executive Secretary, Nat. Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–3205.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: September 17, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25193 Filed 9–21–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Neurological Sciences and Disorders A.

Date: October 6–8, 1999.

Time: 7:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: University Inn, 4140 Roosevelt Way NE, Seattle, WA 98105.

Contact Person: Katherine M. Woodbury, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Neurological Sciences and Disorders B.

Date: October 7–8, 1999.

Time: 7:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Edmond Meany Hotel, 4507 Brooklyn NE, Seattle, WA 98105.

Contact Person: Paul A. Sheehy, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

Name of Committee: Training Grant and Career Development Review Committee.

Date: October 21–22, 1999.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Resort and Spa, 250 Racquet Club Road, Fort Lauderdale, FL 33326.

Contact Person: Lillian M. Pubols, PhD, Cheif, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223 1p28e@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25194 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review Group, Biomedical Research and Research Training Review Committee B.

Date: November 4, 1999.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Arthur L. Zachary, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13H, Bethesda, MD 20892, (301) 594–2886.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25195 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The Grant applications and the discussions could disclose confidential trade secrets of commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review

Group, Biomedical Research and Research Training Review Committee B.

Date: November 4, 1999.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Carole H. Latker, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (301) 594–3663.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25196 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review Group, Biomedical Research and Research Training Review Committee A.

Date: November 5, 1999.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Irene B. Glowinski PhD, Scientific Review Administrator, Office of Scientific Review, National Institutes of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (301) 594–3663.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research, 93.862, Genetics and Development Biology Research; 93.88, Minority Access to Research Careers, 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25197 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Minority Programs Review Committee, MBRS Review Subcommittee B.

Date: November 15–16, 1999.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael A. Sesma, PhD, Office of Scientific Review, NIGMS, Natcher Building, Room 1AS19H, 45 Center Drive, Bethesda, MD 20892, (301) 594–2048.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25198 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Minority Programs Review Committee, MARC Review Subcommittee A.

Date: October 18–20, 1999.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard I. Martinez, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–19G, Bethesda, MD 20892–6200, (301) 594–2849.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25199 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Resynthesis of Therapeutic Agents for Treatment of Infectious Diseases.

Date: October 8, 1999.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn Bethesda, Connecticut Room, 8120 Wisconsin Avenue, Bethesda, MD 20892–7610.

Contact Person: Nancy B. Saunders, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550, ns120v@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 21, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–25201 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Naltonal Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel "Archway Clinic."

Date: October 13, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892–9547, (301) 435–1439.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: September 21, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25202 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00–07, Review of R13 Grant.

Date: December 3, 1999.

Time: 10:00 am to 11:30 am.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: H. George Hausch, PhD, Chief, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00–16, Review of R13 Grant.

Date: December 7, 1999.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Rm. 4AN 447, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yasaman Shirazi, PhD, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institute of Dental & Craniofacial Res., Bethesda, MD 20892, (301) 494–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: September 21, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25203 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Health Services Research Subcommittee.

Date: October 13, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburgh, MD 20878.

Contact Person: Marina L. Volkov, PhD, Special Expert, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892–9547, (301) 435–1433.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Treatment Research Subcommittee.

Date: October 13, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Kesinee Nimit, MD, Health Scientist Administrator, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892–9547, (301) 435–1432.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Treatment Research.

Date: October 13, 1999.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Susan L. Coyle, PhD, Chief, Clinical, Epidemiological and Applied Sciences Review Branch, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892–9547, (301) 443–2620.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Program Projects Review Committee.

Date: November 2, 1999.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209.

Contact Person: Rita Liu, PhD, Health Scientist Administrator, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892–9547, (301) 443–2620.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Training and Career Development Subcommittee.

Date: November 3–5, 1999.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington West End Marriott, 1221 22nd Street, NW, Washington, DC 20037.

Contact Person: Mark Swieter, PhD, Health Scientist Administrator, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892–9547, (301) 435–1389.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Centers Review Committee.

Date: November 3, 1999.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209.

Contact Person: Rita Liu, PhD, Health Scientist Administrator, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892–9547, (301) 443–2620.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Medication Development Research Subcommittee.

Date: November 3, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Khursheed, Asghar, PhD, Chief, Basic Sciences Review Branch, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 29089–2954, (301) 443–2620.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Training and Career Development.

Date: November 5, 1999.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington West End Marriott, 1221 22nd Street, NW Washington, DC 20037.

Contact Person: Khursheed, Asghar, PhD, Chief, Basic Sciences Review Branch, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 29089–2954, (301) 443–2620.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, SPIRCAP.

Date: November 16–17, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Khursheed, Asghar, PhD, Chief, Basic Sciences Review Branch, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 29089–2954, (301) 443–2620.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: September 21, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25204 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group, Sociology Aging Review Committee.

Date: October 14, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, 4300 Military Road, NW, Chevy Chase, Md 20015.

Contact Person: Mary Ann Guadagno, PhD, Health Scientist Administrator, Scientific Office of Review, Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group, Biological Aging Review Committee.

Date: October 18–19, 1999.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: James P. Harwood, PhD, Deputy Chief, Scientific Review Office, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group, Clinical Aging Review Committee.

Date: October 24–25, 1999.
Time: 6:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Pooks Hill Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.
Contact Person: William A. Kachadorian, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2c212, Bethesda, MD 20892, (301) 496–9666.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 21, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25205 Filed 9–27–99; 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Initial Review Group, Visual Sciences C Study Section.
Date: October 11–12, 1999.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Bristol Hotel, 2430 Pennsylvania Avenue, NW, Washington, DC 20037.
Contact Person: Carole L. Jelsema, PhD, Chief, MDCN Scientific Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435–1249, jelsemac@csr.nih.gov.

Name of Committee: Musculoskeletal and Dental Sciences Initial Review Group, General Medicine B Study Section.
Date: October 12–13, 1999.
Time: 8 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Chevy Chase Holiday Inn, Chevy Chase, MD 20815.
Contact Person: Shirley Hilden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7814, Bethesda, MD 20892, (301) 435–1198.

Name of Committee: Musculoskeletal and Dental Sciences Initial Review Group, Oral Biology and Medicine Subcommittee 1.
Date: October 12–13, 1999.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Old Town Alexandria, 480 King Street, Alexandria, VA 22314.
Contact Person: Priscilla B. Chen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 12–13, 1999.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Doyle Hotel, 1500 New Hampshire Avenue, NW, Washington, DC 20036.
Contact Person: Joanne T. Fujii, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, Bethesda, MD 20892, (301) 435–1178, fujiij@drg.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 12–13, 1999.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Lee S. Mann, PhD, JD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, (301) 435–0677.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 12, 1999.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: St. James Hotel, 950 24th Street, NW, Washington, DC 20037.
Contact Person: Anita Miller Sostek, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, (301) 435–0910.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1END01.
Date: October 12, 1999.
Time: 3 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Syed Amir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1043.

Name of Committee: Biophysical and Chemical Sciences Initial Review Group, Medicinal Chemistry Study Section.
Date: October 13–15, 1999.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.
Contact Person: Ronald J. Dubois, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, room 4156, MSC 7806, Bethesda, MD 20892, (301) 435–1722, duboisr@csr.nih.gov.

Name of Committee: Cell Development and Function Initial Review Group, Cell Development and Function 3.
Date: October 13–14, 1999.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Gerhard Ehrenspeck, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5138, MSC 7840, Bethesda, MD 20892, (301) 435–1022, ehrenspeckg@nih.csr.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 13–15, 1999.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Holiday Inn, Versailles III, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Gamil C. Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018.

Name of Committee: Oncological Sciences Initial Review Group, Chemical Pathology Study Section.
Date: October 13–15, 1999.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW, Washington, DC 20007.
Contact Person: Syed Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4144, MSC 7804, Bethesda, MD 20892, (301) 435–1211.

Name of Committee: Integrative, Functional, and Cognitive Neuroscience Initial Review Group, Visual Sciences B Study Section.
Date: October 13–14, 1999.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Leonard Jakubczak, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5172, MSC 7844, Bethesda, MD 20892, (301) 435–1247.

Name of Committee: Health Promotion and Disease Prevention Initial Review Group, Epidemiology and Disease Control Subcommittee 1.

Date: October 13–15, 1999.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, Versailles, III, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: J. Scott Osborne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, (301) 435–1782.

Name of Committee: Genetic Sciences Initial Review Group, Genetics Study Section.

Date: October 14–15, 1999.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, Kaleidoscope Room, 2101 Wisconsin Ave, NW, Washington, DC 20007.

Contact Person: David J. Remondini, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7890, Bethesda, MD 20892, (301) 435–1038.

Name of Committee: Cell Development and Function Initial Review Group, Cell Development and Function 1.

Date: October 14–15, 1999.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Michael H. Sayre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, Bethesda, MD 20892, (301) 435–1023.

Name of Committee: Health Promotion and Disease Prevention Initial Review Group, Alcohol and Toxicology Subcommittee 3.

Date: October 14–15, 1999.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Ave, Palladian West, Chevy Chase, MD 20815.

Contact Person: Christine Melchior, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7816, Bethesda, MD 20892, (301) 435–1713.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 14–15, 1999.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Georegetown Inn, 1310 Wisconsin Ave., N.W., Washington, DC 20007.

Contact Person: Carole L. Jelsema, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7850, Bethesda, MD 20892, (301) 435–1249, jelsemac@drg.nih.gov.

Name of Committee: Cardiovascular Sciences Initial Review Group, Hematology Subcommittee 1.

Date: October 14–15, 1999.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Robert Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7802, Bethesda, MD 20892, (301) 435–1195.

Name of Committee: Cell Development and Function Initial Review Group, Cell Development and Function 5.

Date: October 14–15, 1999.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Sherry L. Dupere, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7840, Bethesda, MD 20892, (301) 435–1021, duperes@csr.nih.gov.

Name of Committee: Infectious Diseases and Microbiology Initial Review Group, Virology Study Section.

Date: October 14–15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, Bethesda, MD 20017.

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808, Bethesda, MD 20892, (301) 435–1151.

Name of Committee: Biochemical Sciences Initial Review Group, Medical Biochemistry Study Section.

Date: October 14–15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Town Center, 8727 Colesville Road, Silver Spring, MD 20910.

Contact Person: Alexander S. Liacouras, PhD, Scientific Review, Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7842, Bethesda, MD 20892, (301) 435–1740.

Name of Committee: Infectious Diseases and Microbiology Initial Review Group, Tropical Medicine and Parasitology Study Section.

Date: October 14–15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jean Hickman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, (301) 435–1146.

Name of Committee: Cell Development and Function Initial Review Group, International and Cooperative Projects Study Section.

Date: October 14–15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW, Washington, DC 20015.

Contact Person: Sandy Warren, DMD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5134, MDC 7840, Bethesda, MD 20892, (301) 435–1019.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 14–15, 1999.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Victoria S. Levin, MSW, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 435–0912, levinv@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 14–15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1111 30th Street, NW, Washington, DC 20007.

Contact Person: Michael J. Kozak, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, (301) 435–0913.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 14–15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Bristol Hotel, 2430 Pennsylvania Avenue, NW, Washington, DC 20037.

Contact Person: Carl D. Banner, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7850, Bethesda, MD 20892, (301) 435–1251, bannerc@drg.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 IFCN–7 (01).

Date: October 14–15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle, 1 Washington Circle, NW, Washington, DC 20037.

Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7844, Bethesda, MD 20892, (301) 435–1242.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 15, 1999.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Inn, 1310 Wisconsin Ave., NW, Washington, DC 20007.

Contact Person: Carole L. Jelsema, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7850, Bethesda, MD 20892, (301) 435–1249, jelsemac@drg.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1–HEM–1 (01).

Date: October 15, 1999.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Robert T. Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7840, Bethesda, MD 20892, (301) 435–1195.

Name of Committee: Surgery, Radiology and Bioengineering Initial Review Group, Diagnostic Imaging Study Section.

Date: October 17–19, 1999.

Time: 5 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25200 Filed 9–27–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Call for Public Comment: Changing the Conversation—A National Plan To Improve Substance Abuse Treatment

AGENCY: Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, DHHS.

ACTION: Request for public comment on five issues (domains) of concern to the substance abuse treatment field when assessing substance abuse treatment.

SUMMARY: This notice announces that the Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Treatment (CSAT) is formally inviting public comment on five issues (domains) that are of concern to the substance abuse treatment field and require development and exploration. Via several mechanisms, including public hearings, CSAT intends that findings from the exploration of individual domains will ultimately be synthesized into a coherent national strategy to guide substance abuse treatment program and policy development for the future. Individuals and organizations are encouraged to comment in one of several ways: (1) In writing, by submission through the U.S. Mail or courier service; (2) via the National Treatment Plan web site (http://www.NaTxPlan.org); or (3) in person at one of the remaining two public hearings scheduled at locations across the country. The final cutoff date for comments is December 1, 1999. This notice discusses the public hearings at which interested individuals/organizations may testify regarding the five substance abuse treatment domains discussed below.

DATES/LOCATIONS: In addition to the public hearings held on July 8 in Hartford, Connecticut; September 16 in Chicago, Illinois; and October 18 in Washington, DC, CSAT plans to conduct two more public hearings in 1999—October 26 in Portland, Oregon, and November 8 in Tampa, Florida. The next hearing will be held at The Portland Building, 1120 S.W. Fifth Avenue, Meeting Room C-Second Floor, Portland, Oregon 97204, on October 26, 1999, between the hours of 8:30 a.m. and 5:00 p.m. Specific details regarding subsequent hearings will be published in the **Federal Register** approximately one month prior to each hearing.

Requests to testify at the Portland, Oregon, public hearing must be submitted to the addressee indicated below by October 20, 1999. Seating is limited. In the event that interpretive services for the hearing-impaired are required, please indicate these special needs to the addressee.

FOR FURTHER INFORMATION CONTACT: Requests for additional information regarding the hearing and/or testimonies, as well as requests to testify must be addressed to: Carol Coley, [Tele: (301) 443–6539; e-mail: ccoley@samhsa.gov; Fax: (301) 443–8345], Center for Substance Abuse Treatment, SAMHSA, Rockwall II Building, Suite 880, 5600 Fishers Lane, Rockville, Maryland 20857.

Written comments (without a request to personally testify) will also be accepted by the above addressee. Written testimonies are limited to five (5) typed pages using 1.5 line spacing and 12 point font.

SUPPLEMENTARY INFORMATION:

Background

Building on recent advances and studies, CSAT has initiated plans to focus on how to apply its extensive knowledge to the practical objective of improving treatment outcomes. The plans include synthesizing current knowledge and recommendations about treatment, service systems, application of best practices, diffusion methods, and organization and financing of substance abuse treatment services. Federal Government and outside experts, as well as the interested public, will explore the current state of the knowledge, resources, needs, and service and organizational capacity. The objective is the culling of priorities for action by the government and by others in the substance abuse treatment field. As noted above, CSAT is inviting the public to comment on five domains as part of the initial step of the plan. The domains, as well as some initial questions for exploration, include:

(1) Closing the Treatment Gap

Where are the gaps? How big are they for different populations? For different types of settings and treatment modalities? How big are gaps in other related systems of care, e.g., welfare, child welfare, housing? What are the policy, organization, and financing issues that must be addressed in the private and public systems, including Medicaid and Medicare, to close the treatment gap?

(2) Reducing Stigma and Changing Attitudes

What are the nature, causes and consequences of addiction stigma? What can CSAT, the treatment field, consumers and families do to address stigma related to addiction, substance abuse treatment and individuals with substance abuse disorders? How do other stigmas impact/compound the stigma of addiction?

(3) Improving and Strengthening Treatment Systems

What are the clinical and organizational challenges facing treatment organizations in the public and private sectors? What can CSAT,

the treatment field, consumers and families do to improve and strengthen treatment organizations so that they can adapt to the new imperatives of the changing treatment system, and to improve the relationship between the general health care system and the specialty substance abuse treatment system? What should be done at the State, county and/or local levels to improve and strengthen substance abuse treatment?

(4) Connecting Services and Research

What are the best methods by which CSAT, the treatment field, consumers and families can foster and support evaluation of proven research findings in community-based settings and identification and adoption of best practices?

(5) Addressing Workforce Issues

What are the issues facing clinicians treating addictions? What can CSAT, the treatment field, consumers and families, and professional associations do to foster training, appropriate credentialing, and licensure in all settings in which treatment occurs, and to support treatment organizations in developing appropriate policies for clinical training?

Hearing Format

The hearings will be divided into five segments (*i.e.*, the five domains described above) of approximately 60 minutes each. Each individual/organization participant will be limited to three (3) minutes of oral testimony and five (5) pages of typed testimony per domain. All oral testimonies must be accompanied by a written testimony of no more than five (5) typed pages using 1.5 line spacing and 12 point font. Five copies of written testimonies may either be submitted before the hearing to the addressee listed above or to the registrar at the hearing. As the hearing schedule allows, unscheduled testimonies will be accommodated. All testimonies (recorded and written) will become a part of the public domain.

Dated: September 22, 1999.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 99–25229 Filed 9–27–99; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4486–D–01]

Delegation and Redelegation of Authority To Award and Administer Native American Rural Housing and Economic Development Grant Funds

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation and redelegation of authority.

SUMMARY: In this notice, the Secretary of Housing and Urban Development delegates the power and authority to award and administer the Native American Rural Housing and Economic Development Initiative grant funds to the Assistant Secretary for Public and Indian Housing. The Assistant Secretary for Public and Indian Housing redelegates this power and authority to the Deputy Assistant Secretary for Native American Programs, who further redelegates certain specific power and authority, as noted herein, to the Alaska Office of Native American Programs Administrator; the Director, Office of Loan Guarantees; the Director, Office of Grants Management; and the Director, Office of Grants Evaluation.

EFFECTIVE DATE: September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Jennifer Bullough, Office of Native American Programs, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4130, Washington, DC 20410. Telephone number: (202) 401–7914 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Pub. L. 105–65, approved October 27, 1997; 111 Stat. 1344) (the "FY 1998 HUD Appropriations Act") contained the following provision:

> Of the [$4,675,000,000] made available under this heading, $25,000,000 shall be made available for the Secretary [of HUD], in consultation with the Secretary of Agriculture, to make grants, not to exceed $4,000,000 each, for rural and tribal areas, including at least one Native American area in Alaska and one rural area in each of the States in Iowa and Missouri, to test comprehensive approaches to developing a job base through economic development, developing affordable low- and moderate-income rental and homeownership housing, and increasing the investment of both private and nonprofit capital.

HUD refers to those portions of the above-referenced grant funding that are designated specifically for Native Americans as the Native American Rural Housing and Economic Development Initiative grant funds. This document delegates and redelegates power and authority with respect to the Native American Rural Housing and Economic Development Initiative grant funds.

The present action delegates from the Secretary of Housing and Urban Development to the Assistant Secretary for Public and Indian Housing the Secretary's power and authority with respect to the Native American Rural Housing and Economic Development Initiative grant funds, except for the authority to sue or be sued. The Assistant Secretary for Public and Indian Housing redelegates this power and authority to the Deputy Assistant Secretary for Native American Programs, except for the authority to terminate grants pursuant to 24 CFR 85.43. The Deputy Assistant Secretary for Native American Programs further redelegates certain specific authority, as noted herein, to the Alaska Office of Native American Programs Administrator; the Director, Office of Loan Guarantees; the Director, Office of Grants Management; and the Director, Office of Grants Evaluation.

Accordingly, the Secretary delegates, the Assistant Secretary for Public and Indian Housing redelegates, and the Deputy Assistant Secretary for Native American Programs redelegates as follows:

Section A. Authority Delegated

The Secretary of the Department of Housing and Urban Development delegates to the Assistant Secretary for Public and Indian Housing all power and authority to award and administer the Native American Rural Housing and Economic Development Initiative grant funds, except for the authority to sue or be sued.

Section B. Authority Redelegated

The Assistant Secretary for Public and Indian Housing redelegates to the Deputy Assistant Secretary for Native American Programs all power and authority to award and administer the Native American Rural Housing and Economic Development Initiative grant funds, except for the authority to terminate grants pursuant to 24 CFR 85.43.

Section C. Authority Further Redelegated

The Deputy Assistant Secretary for Native American Programs redelegates

to the Alaska Office of Native American Programs Administrator; the Director, Office of Loan Guarantees; the Director, Office of Grants Management; and the Director, Office of Grants Evaluation the following power and authority with respect to the Native American Rural Housing and Economic Development Initiative grant funds:

(1) Execute all necessary agreements, including, but not limited to, grant agreements;

(2) Review performance reports submitted by the grantee and issue reports based upon such review; and

(3) All other authority necessary to carry out the purposes of the program which have not been excepted from this notice.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 9, 1999.

Andrew Cuomo,

Secretary.

Dated: September 9, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

Dated: September 9, 1999.

Jacqueline Johnson,

Deputy Assistant Secretary for Native American Programs.

[FR Doc. 99–25089 Filed 9–27–99; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Klamath Fishery Management Council; Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The Klamath Fishery Management Council makes recommendations to agencies that regulate harvest of anadromous fish in the Klamath River Basin. The objective of this meeting is to review the progress of the 1999 Klamath chinook salmon fishing season and plan for fishery management in 2000. The meeting is open to the public.

DATES: The Klamath Fishery Management Council will meet from 9 a.m. to 5 p.m. on Tuesday, October 5, 1999; from 8 a.m. to 5 p.m. on Wednesday, October 6, 1999; and from 8 a.m. to 12 p.m. on Thursday, October 7, 1999.

PLACE: The meeting will be held at the Yurok Tribal Office, Weitchpec, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1215 South Main), Yreka, California 96097–1006, telephone (530) 842–5763.

SUPPLEMENTARY INFORMATION: For background information on the Klamath Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639).

Dated: September 16, 1999.

Mary Ellen Mueller,

Acting Manager, California/Nevada Operations Office.

[FR Doc. 99–25138 Filed 9–27–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Klamath River Basin Fisheries Task Force; Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath River Basin Fisheries Task Force, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meeting is open to the public.

DATES: The Klamath River Basin Fisheries Task Force (Task Force) will meet from 8 a.m. to 5 p.m. on Thursday, October 14, 1999, and from 8 a.m. to 4 p.m. on Friday, October 15, 1999.

PLACE: The meeting will be held at the Miner's Inn, 122 East Miner Street, Yreka, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1215 South Main), Yreka, California 96097–1006, telephone (530) 842–5763.

SUPPLEMENTARY INFORMATION: For background information on the Task Force, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639)

Dated: September 16, 1999.

Dan Walsworth,

Manager, California/Nevada Office.

[FR Doc. 99–25142 Filed 9–27–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Technology Transfer Act of 1986

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of proposed Cooperative Research and Development Agreement (CRADA) negotiations.

SUMMARY: The United States Geological Survey (USGS) is planning to enter into a Cooperative Research and Development Agreement (CRADA) with Clean Lakes, Inc. d.b.a. Aquatics, Martinez, California. The purpose of the CRADA is to perform research and development in the monitoring of East African aquatic ecosystems. The primary result of this CRADA will be the development and demonstration of technology that enables the monitoring of water hyacinth in Lake Victoria by governments in Kenya, Uganda, Tanzania, and Rwanda. Any other organization interested in pursuing the possibility of a CRADA for similar kinds of activities should contact the USGS.

ADDRESSES: Inquiries may be addressed to the Senior Scientist for Geographic and Cartographic Research, U.S. Geological Survey, 500 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192; Telephone (703) 648–5084, facsimile (703) 648–4706; Internet "blowell@usgs.gov".

FOR FURTHER INFORMATION CONTACT: Brent Lowell, address above.

SUPPLEMENTARY INFORMATION: This notice is to meet the USGS requirement stipulated in the Survey Manual.

Dated: September 12, 1999.

Kathryn R. Clement,

Associate Chief for Operations, National Mapping Division.

[FR Doc. 99–25096 Filed 9–27–99; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Species at Risk Program

AGENCY: U.S. Geological Survey.

ACTION: Notice of availability.

SUMMARY: The U.S. Geological Survey is announcing the availability of funds through the Species at Risk Program (SAR). The basic purpose of SAR is to

fund short-term research and assessment projects to generate information that allows development of conservation agreements, action plans, and management alternatives that provide for the protection of flora and fauna and their habitats and thereby reduce the need for listing species as threatened or endangered.

DATES: Information packages describing requirements for participation in this program will be available upon request until October 29, 1999. Pre-proposals are due to the address below by November 1, 1999.

ADDRESSES: Parties interested in this program should request an information package from: Species at Risk Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 300, Reston, VA 20192 ATTN: Dr. Al Sherk.

FOR FURTHER INFORMATION CONTACT: Dr. Al Sherk, Species at Risk Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 300, Reston, VA 20192; Al_Sherk@usgs.gov; or 703–648–4076.

SUPPLEMENTARY INFORMATION:

A. Purpose

Species at Risk (SAR) is a program that develops scientific information on the status of sensitive species or groups of species, particularly with respect to the relationship of species abundance and distribution to habitat conditions and environmental stresses. The basic purpose of SAR is to generate information that allows the development of conservation agreements, action plans, management alternatives, etc., to provide for the protection of species and their habitats and thereby preclude the need for listing species as threatened or endangered.

The initiative provides an opportunity for scientists to participate through survey and research activities. Projects are specifically intended to be of short duration and should seek to optimize partnerships with Federal agencies, states, universities, and the private sector. Successful SAR projects are often conducted by investigators who have identified key, small but critical gaps in our biological knowledge. Projects provide resource managers, regulators, and private landowners with usable information for which prudent resource management decisions can be based. Projects must be new, self-contained work designated to be completed, including the final report, within 18 months.

Projects must focus on species or groups of species for which there is concern but limited information. Projects that focus on groups of species within the same habitat or ecosystem are encouraged. Projects should identify or develop new information that will reduce the need for a formal listing under the Endangered Species Act of 1982, as amended. Regional and national offices of the U.S. Fish and Wildlife Service have provided a list of species or groups and their management needs. Projects must focus on these species or groups and demonstrate how they support management needs. Principal investigators are encouraged to communicate directly with USFWS regional contacts before project submission.

This program is conducted in furtherance of the Secretary's obligations under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j, as amended) and the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e, as amended).

B. Background

The U.S. Geological Survey gathers and analyzes biological information and serves as an information clearinghouse, providing broad access to the widest possible range of factual data on the status and trends on the Nation's biota and the potential effects of land management choices. This information serves public and private landowners who are interested in sustaining biological resources. It also provides understanding to help avoid conflicts that can both impede development and degrade natural habitats.

The Species at Risk Program will develop scientific information and alternatives to assist Federal, State, and other land managers in their decisions regarding the protection of sensitive species and habitats.

C. Availability of Funds

Through this program, pre-proposals are invited for funding in Fiscal Year 2000 from non-Federal research, scientific or technical organizations. Total funding anticipated for the fiscal year is approximately $370,000. Monies will be provided to successful applicants on a competitive basis. There is no minimum project cost; the maximum project cost will be $80,000.

Funds for this program are not currently available. Funding of the program is contingent on a Fiscal Year 2000 appropriation.

D. Eligibility Requirements

Under the terms specified in the information package, pre-proposals will be accepted from State agencies, private and industry groups, academic institutions, and Native American Tribes and Nations. Pre-proposals will be evaluated in light of their relevance to an identified management need, partnership opportunities, potential for providing useful information to resource managers, potential for conservation agreements, possibilities for cost sharing, and demonstration of successful completion within 18 months of date of initiation. Possible selectees will then be invited to submit a full project proposal for scientific peer review and consideration of funding.

E. Application Process

Parties interested in participating in this program should request an information package that will include detailed application forms, Federal Assistance forms (Standard Form 424, etc.), proposal format requirements, etc., from:

Mail: Species at Risk Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 300, Reston, VA 20192, ATTN: Dr. Al Sherk, or E-Mail: Al Sherk@usgs.gov, or Call: (703) 648–4076.

F. Dates

Notice of interest in this program must be received by October 29, 1999.

Susan D. Haseltine,

Associate Chief Biologist for Science.

[FR Doc. 99–25097 Filed 9–27–99; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Meeting of the Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, WA

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: As required by the Federal Advisory Committee Act, notice is hereby given that the Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, Washington, established by the Secretary of the Interior, will hold a public meeting. The purpose of the Conservation Advisory Group is to provide technical advice and counsel to the Secretary and the State on the structure, implementation, and oversight of the Yakima River Basin Water Conservation Program.

DATES: Thursday, October 14, 1999, 9 a.m.–4 p.m.

ADDRESSES: Bureau of Reclamation Office, 1917 March Road, Yakima, Washington.

FOR FURTHER INFORMATION CONTACT: Alan L. Scherzinger, Acting Manager,

Yakima River Basin Water Enhancement Project, P.O. Box 1749, Yakima, Washington, 98907; (509) 575–5848, extension 265.

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to review water marketing opportunities in the Yakima River Basin and develop recommendations. Progress Reports will be provided on the Basin Conservation Plan and the Yakima River Basin Wetlands and Floodplain Habitat Plan.

Dated September 22, 1999.

Rick Parker,

Acting Area Manager.

[FR Doc. 99–25223 Filed 9–27–99; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 170–99]

Privacy Act of 1974; Notice of Modified Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget (OMB) Circular No. A–130, notice is given that the Department of Justice, Federal Bureau of Investigation (FBI), is modifying the following system of records which was last published in the **Federal Register** on April 20, 1995 (60 FR 19775):

National Crime Information Center (NCIC), JUSTICE/FBI–001.

Also being modified is the following system of records which was last published in the **Federal Register** on February 20, 1996 (61 FR 6386):

Fingerprint Identification Records Systems (FIRS), JUSTICE/FBI–009.

The FBI has made revisions to these systems of records to update information about these systems, make editorial adjustments to existing language, confirm in clearer language the categories of agencies that participate in the exchange of records through these systems, and add three new routine uses for both systems. A brief description of these changes is provided below.

The two systems of records are being modified to update the location of the systems and denote the exact street address of the system manager. Both notices are also being revised to clarify existing language through minor editorial adjustments and to confirm in clearer language the authorized participation in these systems, and the availability of system records, to tribal, foreign, and international agencies, in addition to local, state, and federal agencies. Three routine uses have been added to allow disclosure of information maintained in these systems: To criminal justice agencies to conduct background checks under the National Instant Criminal Background Check System (NICS); to noncriminal justice government agencies, subject to appropriate controls, performing criminal justice dispatching functions or data processing/information services for a criminal justice dispatching functions or data processing/information services for a criminal justice agency; and to a private entity, subject to appropriate controls and under a specific agreement with an authorized governmental agency to perform an administration of criminal justice function (privatization). (In addition to the above changes, the FBI is currently reviewing additional changes to better describe new capabilities and practices, to be promulgated in a future notice.) Revisions to 28 CFR parts 0, 16, 20 and 50 which underlie these changes are being implemented in the Rules section of today's **Federal Register**.

The Privacy Act (5 U.S.C. 552a (e)(4) and (11)) requires that the public be given 30 days in which to comment on any new or intended uses of information in a system of records. In addition, OMB, which has oversight responsibilities under the Act, requires that OMB and the Congress be given 40 days in which to review major changes to the system.

Therefore, the public, OMB, and the Congress are invited to submit written comments to Mary E. Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, 1400 National Place, Washington, DC 20530.

In accordance with Privacy Act requirements (5 U.S.C. 552a(r)), the Department of Justice has provided a report on the modified system to OMB and the Congress.

Dated: July 27, 1999.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/FBI 001

SYSTEM NAME:

National Crime Information Center (NCIC).

SYSTEM LOCATION:

Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, 1000 Custer Hollow Road, Clarksburg, WV 26306.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Wanted Persons:

1. Individuals for whom federal warrants are outstanding.

2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdiction originating the entry and for whom a felony or misdemeanor warrant has been issued with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria.

3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictional boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

4. Juveniles who have been adjudicated delinquent and who have escaped or absconded from custody, even though no arrest warrants were issued. Juveniles who have been charged with the commission of a delinquent act that would be a crime if committed by an adult, and who have fled from the state where the act was committed.

5. Individuals who have committed or have been identified with an offense committed in a foreign country, which would be a felony if committed in the United States, and for whom a warrant of arrest is outstanding and for which act an extradition treaty exists between the United States and that country.

6. Individuals who have committed or have been identified with an offense committed in Canada and for whom a Canada-Wide Warrant has been issued which meets the requirements of the Canada-U.S. Extradition Treaty, 18 U.S.C. 3184.

B. Individuals who have been charged with serious and/or significant offenses:

1. Individuals who have been fingerprinted and whose criminal history record information has been obtained.

2. Violent Felons: Persons with three or more convictions for a violent felony or serious drug offense as defined by 18 U.S.C. 924(e).

C. Missing Persons:

1. A person of any age who is missing and who is under proven physical/

mental disability or is senile, thereby subjecting that person or others to personal and immediate danger.

2. A person of any age who is missing under circumstances indicating that the disappearance was not voluntary.

3. A person of any age who is missing under circumstances indicating that that person's physical safety may be in danger.

4. A person of any age who is missing after a catastrophe.

5. A person who is missing and declared unemancipated as defined by the laws of the person's state of residence and does not meet any of the entry criteria set forth in 1–4 above.

D. Individuals designed by the U.S. Secret Service as posing a potential danger to the President and/or other authorized protectees.

E. Members of Violent Criminal Gangs: Individuals about whom investigation has developed sufficient information to establish membership in a particular violent criminal gang by either:

1. Self admission at the time of arrest or incarceration, or

2. Any two of the following criteria:

a. Identified as a gang member by a reliable informant;

b. Identified as a gang member by an informant whose information has been corroborated;

c. Frequents a gang's area, associates with known members, and/or affects gang dress, tattoos, or hand signals;

d. Has been arrested multiple times with known gang members for offenses consistent with gang activity; or

e. Self admission (other than at the time of arrest or incarceration).

F. Members of Terrorist Organizations: Individuals about whom investigation has developed sufficient information to establish membership in a particular terrorist organization using the same criteria listed above in paragraph E, items 1 and 2 a–e, as they apply to members of terrorist organizations rather than members of violent criminal gangs.

G. Unidentified Persons:

1. Any unidentified deceased person.

2. Any person who is living, but whose identify has not been ascertained (*e.g.*, infant, amnesia victim).

3. Any unidentified catastrophe victim.

4. Body parts when a body has been dismembered.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Stolen Vehicle File:

1. Stolen vehicles.

2. Vehicles wanted in conjunction with felonies or serious misdemeanors.

3. Stolen vehicle parts including certificates of origin or title.

B. Stolen License Plate File.

C. Stolen Boat File.

D. Stolen Gun File:

1. Stolen guns.

2. Recovered guns, when ownership of which has not been established.

E. Stolen Article File.

F. Securities File:

1. Serially numbered stolen, embezzled, or counterfeited securities.

2. "Securities" for present purposes of this file are currency (*e.g.*, bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (*e.g.*, bonds, debentures, notes) or ownership of property (*e.g.*, common stock, preferred stock), and documents which represent subscription rights, warrants and which are of the types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Wanted Person File: Described in "Categories of individuals covered by the system: A. Wanted Persons, 1–4."

H. Foreign Fugitive File: Identification data regarding persons who are fugitives from foreign countries, who are described in "Categories of individuals covered by the system: A. Wanted Persons, 5 and 6."

I. Interstate Identification Index File: A cooperative federal-state program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies: Described in "Categories of individuals covered by the system: B. 1."

J. Identification records regarding persons enrolled in the United States Marshals Service Witness Security Program who have been charged with serious and/or significant offenses. Described in "Categories of individuals covered by the system: B."

K. Bureau of Alcohol, Tobacco, and Firearms (BATF) Violent Felon File: Described in "Categories of individuals covered by the system: B.2."

L. Missing Person File: Described in "Categories of individuals covered by the system: C. Missing Persons."

M. U.S. Secret Service Protective File: Described in "Categories of individuals covered by the system: D."

N. Violent Criminal Gang File: A cooperative federal-state program for the interstate exchange of criminal gang information. For the purpose of this file, a "gang" is defined as a group of three or more persons with a common interest, bond, or activity characterized by criminal delinquent conduct. Described in "Categories of individuals covered by the system: E. Members of Violent Criminal Gangs."

O. Terrorist File: A cooperative federal-state program for the exchange of information about terrorist organizations and individuals. For the purposes of this file, "terrorism" is defined as activities that involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state or would be a criminal violation if committed within the jurisdiction of the United States or any states, which appear to be intended to:

1. Intimidate or coerce a civilian population,

2. Influence the policy of a government by intimidation or coercion, or

3. Affect the conduct of a government by crimes or kidnaping. Described in "Categories of individuals covered by the system: F. Members of Terrorist Organizations."

P. Unidentified Person File: Described in "Categories of individuals covered by the system: G. Unidentified Persons."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 28 U.S.C. 534; 28 CFR part 20; Department of Justice Appropriation Act, 1973, Pub. L. 92–544, 86 Stat. 1115; Securities Acts Amendment of 1975, Pub. L. 94–29, 89 Stat. 97; and 18 U.S.C. 924 (e). Exec. Order No. 10450, 3 CFR (1974).

PURPOSE(S):

The purpose for maintaining the NCIC system of records is to provide a computerized data base for ready access by a criminal justice agency making an inquiry and for prompt disclosure of information in the system from other criminal justice agencies about crimes and criminals. This information assists authorized agencies in criminal justice objectives, such as apprehending fugitives, locating missing persons, locating and returning stolen property, as well as in the protection of the law enforcement officers encountering the individuals described in the system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in NCIC files is exchanged with and for the official use of authorized officials of the federal government, the states, cities, penal and other institutions, and certain foreign governments. The data is exchanged most frequently, but not exclusively, through NCIC lines to federal criminal justice agencies, criminal justice agencies in the 50 states, the District of Columbia, Puerto Rico, U.S. Possessions, U.S. Territories, and

certain authorized foreign and international criminal justice agencies. Criminal history data is disseminated to non-criminal justice agencies for use in connection with licensing for local/state employment or other uses, but only where such dissemination is authorized by federal or state statute and approved by the Attorney General of the United States.

Data in NCIC files, other than the information described in "Categories of records in the system: I, J, K, M, N, and O" is disseminated to:

(1) A nongovernmental agency or subunit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of governmentally employed police officers as specified by state statute;

(2) A noncriminal justice governmental department of motor vehicle or driver's license registry established by a statute, which provides vehicle registration and driver record information to criminal justice agencies;

(3) A governmental regional dispatch center, established by a state statute, resolution, ordinance or Executive order, which provides communications services to criminal justice agencies; and

(4) The National Insurance Crime Bureau (NICB), a nongovernmental nonprofit agency which acts as a national clearinghouse for information on stolen vehicles and offers free assistance to law enforcement agencies concerning automobile thefts, identification and recovery of stolen vehicles.

Disclosures of information from this system, as described in (1) through (4) above, are for the purpose of providing information to authorized agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

Information on missing children, missing adults who were reported missing while children, and unidentified living and deceased persons may be disclosed to the National Center for Missing and Exploited Children (NCMEC). The NCMEC is a nongovernmental, nonprofit, federally funded corporation, serving as a national resource and technical assistance clearinghouse focusing on missing and exploited children. Information is disclosed to NCMEC to assist it in its efforts to provide technical assistance and education to parents and local governments regarding the problems of missing and exploited children, and to operate a nationwide missing children hotline to permit members of the public to telephone the Center from anywhere in the United States with information about a missing child.

System records may be disclosed to criminal justice agencies for the conduct of background checks under the National Instant Criminal Background Check System (NICS).

System records may be disclosed to noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/information services for criminal justice agencies.

System records may be disclosed to private contractors pursuant to a specific agreement with a criminal justice agency or a noncriminal justice governmental agency performing criminal justice dispatching functions or data processing/information services for criminal justice agencies to provide services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be exercised by the FBI Director (or the Director's designee).

In addition, information may be released to the news media and the public pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

System records may be disclosed to a Member of Congress or staff acting on the member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record; and,

System records may be disclosed to the National Archives and Records Administration and the General Services Administration for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the NCIC system is stored electronically for use in a computer environment.

RETRIEVABILITY:

On line access to data in NCIC is achieved by using the following search descriptors:

A. Stolen Vehicle File:
1. Vehicle identification number;
2. Owner applied number;
3. License plate number;
4. NCIC number (unique number assigned by NCIC computer to each NCIC record.)

B. Stolen License Plate File:
1. License plate number;
2. NCIC number.

C. Stolen Boat File:
1. Registration document number;
2. Hull serial number;
3. Owner applied number;
4. NCIC number.

D. Stolen Gun File:
1. Serial number of gun;
2. NCIC number.

E. Stolen Article File:
1. Serial number of article;
2. Owner applied number;
3. NCIC number.

F. Securities File:
1. Type, serial number, denomination of security, and issuer for other than U.S. Treasury issues and currency;
2. Type of security and name of owner of security;
3. Social Security number of owner of security (it is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system);
4. NCIC number.

G. Wanted Person File:
1. Name and one of the following numerical identifiers:
a. Date of birth;
b. FBI number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record);
c. Social Security number (it is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system);
d. Operator's license number (driver's number);
e. Miscellaneous identifying number (military number or number assigned by federal, state, or local authorities to an individual's record);
f. Originating agency case number;
2. Vehicle or license plate known to be in the possession of the wanted person;

3. NCIC number.

H. Foreign Fugitive File: See G, above.

I. Interstate Identification Index File:

1. Name, sex, race, and date of birth;

2. FBI number;

3. State identification number;

4. Social Security number;

5. Miscellaneous identifying number.

J. Witness Security Program File: See G, above.

K. BATF Violent Felon File: See G, above.

L. Missing Person file: See G, above, plus the age, sex, race, height and weight, eye and hair color of the missing person.

M. U.S. Secret Service Protective File: See G, above.

N. Violent Criminal Gang File: See G, above.

O. Terrorist File: See G, above.

P. Unidentified Person File: The age, sex, race, height and weight, eye and hair color of the unidentified person.

SAFEGUARDS:

Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized users. The following security measures are the minimum to be adopted by all authorized users having access to the NCIC.

Interstate Identification Index (III) File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Center.

a. The authorized user's computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data.

b. Since personnel at these computer centers can have access to data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel.

c. All visitors to these computer centers must be accompanied by staff personnel at all times.

d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals.

e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data.

f. Each State Control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications:

a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels.

b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept or inject system traffic.

3. Terminal Devices Having Access to NCIC:

a. All authorized users having terminal on this system must be required to physically place theses terminals in secure locations within the authorized agency.

b. The authorized users having terminals with access to criminal history must screen terminal operators and restrict access to the terminal to a minimum number of authorized employees.

c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of the data.

d. All remote terminals on NCIS III will maintain a manual or automated log of computerized criminal history inquiries with notations of individuals making requests for records for a minimum of one year.

RETENTION AND DISPOSAL:

Unless otherwise removed, records will be retained in files as follows:

A. Vehicle File:

a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) or Owner-applied number (OAN) therein, will be purged from file 90 days after date of entry. Unrecovered stolen vehicle records (including snowmobile records) which contain VINS or OANs will remain in file for the year of entry plus 4.

b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered.

c. Unrecovered stolen VIN plates, certificates of origin or title, and serially numbered stolen vehicle engines or transmissions will remain in file for the year of entry plus 4. (Job No. NC1–65–82–4, Part E. 13 h.(12))

B. License Plate File: Unrecovered stolen license plates will remain in file for one year after the end of the plate's expiration year as shown in the record. (Job no. NC1–65–82–4, Part E. 13 h. (2))

C. Boat file: Unrecovered stolen boat records, which contain a hull serial number or an OAN, will be retained in file for the balance of the year entered plus 4. Unrecovered stolen boat records which do not contain a hull serial number or an OAN will be purged from file 90 days after date of entry. (Job No. NC1–65–82–4, Part E. 13 h. (6))

D. Gun File:

a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record.

b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2. (Job No. NC1–65–82–4, Part E. 13 h. (3))

E. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year. (Job No. NC1–65–82–4, Part E. 13 h. (4))

F. Securities File: Unrecovered stolen, embezzled or counterfeited securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of the year entered plus 2. (Job No. NC1–65–82–4, Part E. 13 h. (5))

G. Wanted Person File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will be automatically removed from the file after 48 hours". (Job No. NC1–65–87–114, Part E. 13 h. (7))

H. Foreign Fugitive File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record.

I. Interstate Identification Index File: When an individual reaches age of 99. (Job No. N1–65–95–03)

J. Witness Security Program File: Will remain in file until action is taken by the U.S. Marshals Service to clear or cancel the records.

K. BATF Violent Felon File: Will remain in file until action is taken by the BATF to clear or cancel the records.

L. Missing Persons File: Will remain in the file until the individual is located or action is taken by the originating agency to clear the record. (Job No. NC1–65–87–11, Part E 13h (8))

M.U.S. Secret Service Protective File: Will be retained until names are removed by the U.S. Secret Service.

N. Violent Criminal Gang File: Records will be subject to mandatory purge if inactive for five years.

O. Terrorist File: Records will be subject to mandatory purge if inactive for five years.

P. Unidentified Person File: Will be retained for the remainder of the year of entry plus 9.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of investigation, J. Edgar Hoover Building, 935 Pennsylvania Avenue, NW., Washington, DC 20535–0001.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

It is noted the Attorney General has exempted this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his or her criminal history record from a state or local criminal justice agency are detailed in 28 CFR 20.34 appendix and are essentially as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the III System, it is available to that individual for review, upon presentation of appropriate identification and in accordance with applicable state and federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that the individual is who the individual purports to be. The record on file will then be verified through comparison of fingerprints.

Procedure:

1. All requests for review must be made by the subject of the record through a law enforcement agency which has access to the III System. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry through NCIC to obtain the III System record or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Clarksburg, West Virginia, by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate the prints to an existing record by having the identification prints compared with those already on file in the FBI, or, possibly, in the state's central identification agency.

The procedures by which an individual may obtain a copy of his or her criminal history record from the FBI are set forth in 28 CFR 16.30–16.34.

CONTESTING RECORD PROCEDURES:

The Attorney General has exempted this system from the contest procedures of the Privacy Act. Under the alternative procedures described above under "Record Access Procedures," the subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in subject's record or provide the information needed to make the record complete. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D–2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

RECORD SOURCE CATEGORIES:

Information contained in the NCIC system is obtained from local, state, tribal, federal, foreign, and international criminal justice agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4); (d); (e)(1), (2), and (3); (e)(4)(G) and (H), (e)(8) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(3). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/FBI–009

SYSTEM NAME:

Fingerprint Identification Records System (FIRS).

SYSTEM LOCATION:

Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, 1000 Custer Hollow Road, Clarksburg, WV 26306.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals fingerprinted as a result of arrest or incarceration.

B. Persons fingerprinted as a result of federal employment application or military service. In addition, there are a limited number of persons fingerprinted for alien registration and naturalization purposes and a limited number of individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Criminal fingerprints and/or related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprints submitted by federal agencies and civil fingerprints submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as "rap sheets," which are compilations of criminal history record information pertaining to individuals who have criminal fingerprints maintained in the system.

D. A name index pertaining to all individuals whose fingerprints are maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained under authority granted by 28 U.S.C. 534, Pub. L. 92–544 (86 Stat. 1115), and codified in 28 CFR 0.85 (b) and (j) and part 20. Additional authority is also listed below under Routine Uses.

PURPOSES:

The purpose for maintaining the Fingerprint Identification Records System is to perform identification and criminal history record information functions and maintain resultant records for local, state, tribal, federal, foreign, and international criminal justice agencies, as well as for noncriminal justice agencies and other entities where authorized by federal

statute, state statute pursuant to Pub. L. 92–544, Presidential executive order or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Identification and criminal history record information within this system of records may be disclosed as follows:

1. To a local, state, tribal, or federal law enforcement agency, or agency/organization directly engaged in criminal justice activity (including the police, prosecution, penal, probation/parole, and the judiciary), and/or to an authorized foreign or international agency/organization, where such disclosure may assist the recipient in the performance of a law enforcement function, and/or for the purposes of eliciting information that may assist the FBI in performing a law enforcement function; or to a local, state, tribal, federal, foreign, or international agency/organization for a compatible civil law enforcement function; or where such disclosure may promote, assist, or otherwise serve the mutual law enforcement efforts of the law enforcement community.

2. To a federal, state, tribal, or local criminal or noncriminal justice agency/organization; or to other entities where specifically authorized by federal statute, state statute pursuant to Pub. L. 92–544, Presidential executive order, or regulation of the Attorney General of the United States for use in making decisions affecting employment, security, contracting, licensing, revocation, or other suitability determinations. Examples of these disclosures may include the release of information as follows:

a. To the Department of Defense, Department of State, Office of Personnel Management, or Central Intelligence Agency, when requested for the purpose of determining the eligibility of a person for access to classified information or assignment to or retention in sensitive national security duties. 5 U.S.C. 9101 (1990);

b. To federal agencies for use in investigating the background of present and prospective federal employees and contractors (Executive Order 10450), including those providing child-care services to children under age 18 at each federal agency and at any facility operated or under contract by the federal government. 42 U.S.C. 13041 (1991);

c. To state and local government officials for purposes of investigating the background of applicants for noncriminal justice employment or licensing purposes if such investigation is authorized by a state statute that has been approved by the Attorney General of the United States. (The Attorney General has delegated to the FBI the responsibility for approving such state statutes.) Examples of applicants about whom FIRS information may be disclosed include: Providers of services/care for children, the elderly, or disabled persons; teachers/school bus drivers; adoptive/foster parents; security guards/private detectives; state bar applicants; doctors; and explosive dealers/purchasers. Pub. L. 92–544, 86 Stat. 1115;

d. To officials of state racing commissions for use in investigating the background of an applicant for a state license to participate in parimutuel wagering. Officials of state racing commissions in states with a state statute that has been approved under Pub. L. 92–544 may submit fingerprints of the applicant to the FBI through the Association of State Racing Commissioners International, Inc. Results of a criminal record check are returned to each state racing commission designated on the fingerprint card. Pub. L. 100–413, 102 Stat. 1101;

e. To officials of Indian tribal governments for use in investigating the background of an applicant for employment by such tribes in a position involving regular contact with, or control over, Indian children. Officials may submit fingerprints to the FBI through the Bureau of Indian Affairs and the results of the criminal record check are returned to the Bureau of Indian Affairs for transmittal to the appropriate tribal government. Pub. L. 101–630; 25 U.S.C. 3205; 25 U.S.C. 3207;

f. To a designated point of contact at a criminal justice agency for the conduct of background checks under the National Instant Criminal Background Check System (NICS).

g. To criminal justice officials for the conduct of firearms related background checks when required to issue firearms or explosive related licenses or permits according to a state statute or local ordinance. Fingerprints submitted for this noncriminal justice purpose, as well as other firearms related permits, are processed pursuant to Pub. L. 92–544 as set out under 2.c. above. Pub. L. 103–159; 18 U.S.C. 922;

h. To officials of federally chartered or insured banking institutions for use in investigating the background of applicants for employment or to otherwise promote or maintain the security of those institutions. Pub. L. 92–544; 86 Stat. 1115;

i. To officials of the Securities and Exchange Commission (SEC) and to self-regulatory organizations (SRO) designated by the SEC for use in investigating all partners, directors, officers, and employees involved in the transfers/handling of securities at every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency. (The SROs are: American Stock Exchange, Boston Stock Exchange, Chicago Board Options Exchange, Midwest Stock Exchange, New York Stock Exchange, Pacific Stock Exchange, Philadelphia Stock Exchange, and the National Association of Securities Dealers.) 15 U.S.C. 78q(f)(2) (1990);

j. To officials of the Commodity Futures Trading Commission (CFTC) and the National Futures Association for use in investigating the background of applicants for registration with the CFTC as commodity dealers/members of futures associations. Such applicants include futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, floor brokers, and associated persons. 7 U.S.C. 12a (1992); 7 U.S.C. 21(b)(4)(E);

k. To officials of the Nuclear Regulatory Commission (NRC) for use in investigating the background of each individual who is permitted unescorted access to a nuclear utilization facility (nuclear power plant) and/or who is permitted access to information relating to the safeguarding of such facilities. 42 U.S.C. 2169 (1992).

3. To noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/information services for criminal justice agencies.

4. To private contractors pursuant to a specific agreement with a criminal justice agency or a noncriminal justice governmental agency performing criminal justice dispatching functions or data processing/information services for criminal justice agencies to provide services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be

exercised by the FBI Director (or the Director's designee).

5. To the news media and general public where there exists a relevant and legitimate public interest (unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy) and where disclosure will serve a relevant and legitimate law enforcement function, *e.g.*, to assist in locating federal fugitives, and to provide notification of arrests. This would include disclosure of information in accordance with 23 CFR 20.33 (a)(4) and (c), and 50.2. In addition, where relevant and necessary to protect the general public or any member of the public from imminent threat to life, bodily injury, or property, such information may be disclosed.

6. To a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

7. To the National Archives and Records Administration and the General Services Administration for records management inspections and such other purposes conducted under the authority of 44 U.S.C. 2904 and 2906, to the extent that such legislation requires or authorizes the disclosure.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A. The criminal fingerprints and related criminal justice information are stored in both automated and manual formats. The manual records are in file cabinets in their original state or on microfilm.

B. The civil fingerprints are stored in an entirely manual format.

C. The identification records or "rap sheets" are mostly automated but a significant portion of older records are manual.

D. The criminal name index is either automated or on microfilm while the civil name index is entirely manual.

RETRIEVABILITY:

A. Information in the system is retrievable by technical fingerprint classification and positive identification is effected only by comparison of unique identifying characteristics appearing in fingerprint impressions submitted for search against the fingerprints maintained within the system.

B. An auxiliary means of retrieval is through name indices which contain names of the individuals, their birth data, other physical descriptors, and the individuals' technical fingerprint classification and FBI numbers, if such have been assigned.

SAFEGUARDS:

Information in the system is unclassified. Disclosure of information from the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

RETENTION AND DISPOSAL:

A. The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 99 years of age, and the destruction of records maintained in the civil file when the records indicate individuals have reached 99 years of age. (Job. No. N1–65–95–03)

B. Fingerprints and related arrest data in the system are destroyed seven years following notification of the death of an individual whose record is maintained in the system (Job No. N1–65–95–03)

C. The Archivist has determined that automated FBI criminal identification records (rap sheets) are to be permanently retained. Thus, at the time when paper identification records would have been eligible for destruction, automated FBI criminal identification records are transferred via magnetic tape to NARA.

D. Fingerprints submitted by state and local criminal justice agencies are removed from the system and destroyed upon the request of the submitting agencies. The destruction of fingerprints under this procedure results in the deletion from the system of all arrest information related to those fingerprints.

E. Fingerprints and related arrest data are removed from the Fingerprint Identification Records System upon receipt of federal court orders for expunction when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the federal government, the Fingerprint Identification Records System, as a matter of comity, destroys fingerprints and related arrest data submitted by local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying information.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover Building, 935 Pennsylvania Avenue, NW, Washington, DC 20535–0001.

NOTIFICATION PROCEDURE:

This system has been exempted from subsections (d) and (e)(4)(G) pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Privacy Act.

RECORD ACCESS PROCEDURES:

This system of records has been exempted from subsections (d) and (e)(4)(H) pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Privacy Act. However, procedures are set forth at 28 CFR 16.30–34 and 20.24 for an individual to obtain a copy of his identification record maintained in the Fingerprint Identification Records System to review or to obtain a change, correction, or updating of the record.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Federal, state, local, tribal, foreign, and international agencies. See Categories of Individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1), (2), (3), (4)(G) and (H), (5) and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the Attorney General has exempted this system from (c)(3), (d), (e)(1), and (e)(4)(G) and (H), pursuant to (k)(2) and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the **Federal Register**.

[FR Doc. 99–24989 Filed 9–27–99; 8:45 am]
BILLING CODE 4410–CJ–M

DEPARTMENT OF JUSTICE

Parole Commission

Record of Vote of Meeting Closure (Public Law 94–409) (5 U.S.C. Sec. 552b)

I, Michael J. Gaines, Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately nine-thirty a.m. on Wednesday, September 22, 1999, at the U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide two appeals from the National Commissioners' decisions pursuant to

28 CFR Section 2.27. Three Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Michael J. Gaines, Edward F. Reilly, Jr., and John R. Simpson.

In Witness Whereof, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: September 23, 1999.

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 99–25274 Filed 9–24–99; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Presidential Task Force on Employment of Adults With Disabilities; Notice of Town Hall Meeting

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of Town Hall Meeting.

SUMMARY: Pursuant to Executive Order No. 13078, authorizing the Presidential Task Force on Employment of Adults with Disabilities (Task Force), notice is given of the second Town Hall Meeting. The purpose of the Task Force is to create a "coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population." The purpose of the Town Hall Meetings is to invite the public to participate and discuss their thoughts, concerns, and experiences with Task Force members. The topics to be addressed at this Town Hall Meeting will include Civil Rights and the strategies that can reduce the high unemployment rate of minorities with disabilities.

DATES: The Task Force will hold the second Town Hall Meeting on Monday, October 25, 1999 from 2 p.m. to approximately 7 p.m. Registration will begin at 12 p.m. The date, location, and time for each subsequent Town Hall Meeting will be announced in advance in the **Federal Register**.

ADDRESSES: The site of this Town Hall Meeting is the Sheraton Birmingham Hotel, 2101 Civic Center Boulevard, Birmingham, AL 35203. All interested parties are invited to attend this Town Hall Meeting. Seating may be limited and will be available on a first-come, first-serve basis.

FOR FURTHER INFORMATION CONTACT: Paul E. Bennett, Presidential Task Force on Employment of Adults with Disabilities, U. S. Department of Labor, 200 Constitution Avenue, NW., Room S–2220D, Washington, DC 20210. Requests can be made by e-mail to: bennett-paul@dol.gov; by phone (202) 693–4939; TTY (202) 693–4920; or fax (202) 693–4929. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order No. 13078, the Presidential Task Force on Employment of Adults with Disabilities (Task Force), notice is given on the second Town Hall Meeting.

The purpose of the Task Force is to develop a "coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population." Employment barriers among the nation's disabled minority population are another persistent problem and, as with women, often reflect "double discrimination." Based on the flat employment numbers for people with disabilities from diverse cultural backgrounds, it is apparent that culturally diverse individuals with disabilities still experience tremendous difficulty accessing culturally appropriate job training and career development opportunities. Although these barriers can occur for all people with disabilities, they are more persistent and more pronounced for people with disabilities from diverse cultural backgrounds.

Appointed by President Clinton, the membership of the Task Force is as follows: Secretary of Labor, Chair of the Task Force; Chair of the President's Committee on Employment of People with Disabilities, Vice Chair of the Task Force; Secretary of Education; Secretary of Veterans Affairs; Secretary of Health and Human Services; Commissioner of the Social Security Administration; Secretary of the Treasury; Secretary of Commerce; Secretary of Transportation; Director of the Office of Personnel Management; Administrator of the Small Business Administration; Chair of the Equal Employment Opportunity Commission; Chair of the National Council on Disability; Commissioner of the Federal Communications Commission; and such other senior executive branch officials as may be determined by the Chair of the Task Force.

AGENDA: The Town Hall Meeting will focus on Civil Rights and the strategies that can reduce the high unemployment rate of minorities with disabilities.

PUBLIC PARTICIPATION: Members of the public wishing to present an oral statement to the Task Force should forward their requests as soon as possible but no later than October 15, 1999. Requests may be made by telephone, fax machine, or mail. Time permitting, the members of the Task Force will attempt to accommodate all requests by reserving time for presentations. The order of persons making such presentations will be assigned in the order in which the requests are received. Members of the public must limit oral statements to five minutes, but extended written statements may be submitted for the record. Members of the public may also submit written statements for distribution to the Task Force members and inclusion in the public record without presenting oral statements. Such written statements should be sent by mail or fax machine no later than October 15, 1999.

Minutes of all Town Hall Meetings and summaries of other documents will be available to the public on the Task Force's web site *www.dol.gov*.

Reasonable accommodations will be available. Persons needing any special assistance such as sign language interpretation, or other special accommodation, are invited to contact the Task Force as shown above.

Signed at Washington, DC, this 22nd day of September, 1999.

Rebecca L. Ogle,

Executive Director, Presidential Task Force on Employment of Adults with Disabilities.

[FR Doc. 99–25210 Filed 9–27–99; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of the Secretary

Senior Executive Service; Appointment of a Member to the Performance Review Board

Title 5 U.S.C. 4314(c)(4) provides that Notice of the appointment of an individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

The following individuals are hereby appointed to a 3-year term on the Department's Performance Review Board: Richard L. Brechbiel, T. Michael

Kerr, Patricia W. Lattimore, Deborah R. Pierce, Virginia C. Smith.

FOR FURTHER INFORMATION CONTACT: Ms. Tali R. Stepp, Director of Human Resources, Room C5526, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210, Telephone: (202) 219–6551.

Signed at Washington, DC, this 15th day of September, 1999.

Alexis M. Herman,

Secretary of Labor.

[FR Doc. 99–25209 Filed 9–27–99; 8:45 am]

BILLING CODE 4510–23–M

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension collection of: Requirements of a Bona Fide Profit Sharing Plan or Trust; and Requirements of a Bona Fide Thrift or Savings Plan. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before November 29, 1999.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW, Room S–3201, Washington, DC 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451.

SUPPLEMENTARY INFORMATION:

I. Background

Section 7(e)(3)(b) of the Fair Labor Standards Act (FLSA) permits the exclusion from an employee's regular rate of pay, payments on behalf of an employee to a "bona fide" profit-sharing plan, and a "bona fide" thrift or savings plan. Regulations 29 CFR part 549 sets forth the requirements of a bona fide profit sharing plan or trust, and Regulations 29 CFR part 547 set forth the requirements of a bona fide thrift or savings plan. This clearance involves employer maintenance of records of such plans.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension of approval to collect this information in order to determine whether a given thrift or savings plan or a profit sharing plan or trust is in compliance with section 7(e)(3). Please note that the recordkeeping requirements for the thrift or savings plans and the recordkeeping requirements for profit sharing plans are currently approved under separate OMB numbers. The requirements for thrift or savings plans are approved under OMB number 1215–0119, and the requirements for profit sharing plans are approved under OMB number 1215–0122. This information clearance request will combine the two recordkeeping requirements under OMB number 1215–0119.

Type of review: Extension.

Agency: Employment Standards Administration.

Title: Requirements of a Bona Fide Thrift or Savings Plan, and Requirements of a Bona Fide Profit Sharing Plan.

OMB Number: 1215–0119.

Affected Public: Business or other for-profit; Individuals or households; Not-for-profit institutions; State, Local or Tribal Government.

Total Respondents: 1.924 million.

Frequency: Recordkeeping only.

Total Responses: 1.924 million.

Estimated Total Burden Hours (Recordkeeping): 2.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 21, 1999.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 99–25208 Filed 9–27–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–99–28]

Vinyl Chloride Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA); Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning the extension of the information collection requirements contained in the standard on vinyl chloride, 29 CFR 1910.1017, 1915.1017, 1926.1117.

Request for Comment

The Agency is particularly interested in comments on the following issues:

- Whether the information collection requirement are necessary for the proper performance of the Agency's functions, including whether the information is useful:
- The accuracy of the Agency's estimate of the burden (time and costs)

of the information collection requirements, including the validity of the methodology and assumptions used;

• The quality, utility, and clarity of the information collected; and

• Ways to minimize the burden on employers who must comply; for example, by using automated, electronic, mechanical, and other technological information and transmission collection techniques.

DATES: Submit written comments on or before November 29, 1999.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–99–28, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693–2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Todd R. Owen, Directorate of Policy, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3627, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693–2444. A copy of the Agency's Information Collection Request (ICR) supporting the need for the information collection requirements in the Vinyl Chloride Standard is available for inspection and copying in the Docket Office, or mailed on request by telephoning Todd R. Owen or Barbara Bielaski at (202) 693–2444. For electronic copies of the ICR on vinyl chloride, contact OSHA on the Internet at http://www.osha-slc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is correct.

The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents. (29 U.S.C. 657.) In this regard, the information collection requirements in the Vinyl Chloride Standard provides protection for employees from the adverse health effects associated with occupational exposure to vinyl chloride.

II. Proposed Actions

OSHA proposes to extend the Office of Management and Budget (OMB) approval for the collections of information (paperwork) contained in the Vinyl Chloride Standard, 29 CFR 1910.1017, 1915.1017, 1926.1117.

The Vinyl Chloride Standard requires employers to monitor employee exposure to vinyl chloride, to monitor employee health, and to provide employees with information about their exposures and the health effects of exposure to Vinyl Chloride. In addition, employers must notify OSHA area directors of regulated areas and changes to regulated areas, and of any emergencies that involve vinyl chloride.

OSHA will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the Vinyl Chloride Standard.

Type of Review: Extension of currently approved information collection requirements.

Agency: Occuaptional Safety and Health Administration.

Title: Vinyl Chloride Standard.

OMB Number: 1218–0010.

Affected Public: Business or other for-profit; Federal government; state, local or tribal government.

Number of Respondents: 80.

Frequency: On occasion.

Average Time per response: Time per response ranges from approximately 5 minutes (for employers to maintain records) to 12 hours (for employers to update their compliance plans).

Estimated Total Burden Hours: 2,878.

Estimated Cost (Operation and Maintenance): $258,042.

III. Authority and Signature

Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No. 6–96 (62 FR 1111).

Signed at Washington, DC, this 23rd day of September 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99–25211 Filed 9–29–99; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, October 5, 1999.

PLACE: NTSB Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: 7089A—Marine Accident Report: Sinking of the Recreational Sailing Vessel Morning Dew at the Entrance to the Harbor of Charleston, South Carolina on December 29, 1997.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

Individuals requesting specific accommodation should contact Mrs. Barbara Bush at (202) 314–6220 by Friday, October 1, 1999.

FOR MORE INFORMATION CONTACT: Rhonda Underwood, (202) 314–6065.

Dated: September 24, 1999.

Rhonda Underwood,

Federal Register Liaison Officer.

[FR Doc. 99–25332 Filed 9–24–99; 2:34 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Procedures for Meetings

Background

This notice describes procedures to be followed with respect to meetings conducted pursuant to the Federal Advisory Committee Act by the Nuclear Regulatory Commission's (NRC's) Advisory Committee on Nuclear Waste (ACNW). These procedures are set forth so that they may be incorporated by reference in future notices for individual meetings.

The ACNW advises the Nuclear Regulatory Commission on nuclear waste disposal issues. This includes facilities covered under 10 CFR Parts 61 and the proposed Part 63 and other applicable regulations and legislative mandates, such as the Nuclear Waste Policy Act, the Low-Level Radioactive Waste Policy Act and amendments, and the Uranium Mill Tailings Radiation Control Act, as amended. The Committee's reports become a part of the public record.

The ACNW meetings are normally open to the public and provide opportunities for oral or written statements from members of the public to be considered as part of the

Committee's information gathering process. The meetings are not adjudicatory hearings such as those conducted by the NRC's Atomic Safety and Licensing Board Panel as part of the Commission's licensing process. ACNW meetings are conducted in accordance with the Federal Advisory Committee Act.

General Rules Regarding ACNW Meetings

An agenda is published in the **Federal Register** for each full Committee meeting and is available on the Internet at *http://www.nrc.gov/ACRSACNW* and is updated as changes are made. During an ACNW meeting there may be a need to make changes to the agenda to facilitate the conduct of the meeting. The Chairman of the Committee is empowered to conduct the meeting in a manner that, in his/her judgment, will facilitate the orderly conduct of business, including making provisions to continue the discussion of matters not completed on the scheduled day during another meeting. Persons planning to attend the meeting may contact the Designated Federal Official specified in the individual **Federal Register** Notice prior to the meeting to be advised of any changes to the agenda that may have occurred. This individual can be contacted between 7:30 a.m. and 4:15 p.m., Eastern Time.

The following requirements shall apply to public participation in ACNW meetings:

(a) Persons wishing to submit written comments regarding the agenda items may do so by sending a readily reproducible copy addressed to the Designated Federal Official specified in the **Federal Register** Notice for the individual meeting in care of the Advisory Committee on Nuclear Waste, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments should be in the possession of the Designated Federal Official at least five days prior to the meeting to allow time for reproduction and distribution. Comments should be limited to topics being considered by the Committee. Written comments may also be submitted by providing a readily reproducible copy to the Designated Federal Official at the beginning of the meeting.

(b) Persons desiring to make oral statements at the meeting should make a request to do so to the Designated Federal Official. If possible, the request should be made five days before the meeting, identifying the topics to be discussed and the amount of time needed for presentation so that orderly arrangements can be made. The Committee will hear oral statements on topics being reviewed at an appropriate time during the meeting as scheduled by the Chairman.

(c) In addition to the ACRS/ACNW Internet web site, information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled and the time allotted to present oral statements can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m., Eastern Time.

(d) During the ACNW meeting presentations and discussions, questions may be asked by ACNW members, Committee consultants, NRC staff, and the ACNW staff.

(e) The use of still, motion picture, and television cameras will be permitted at the discretion of the Chairman and subject to the condition that the physical installation and presence of such equipment will not interfere with the conduct of the meeting. The Designated Federal Official will have to be notified prior to the meeting and will authorize the installation or use of such equipment after consultation with the Chairman. The use of such equipment will be restricted as is necessary to protect proprietary or privileged information that may be in documents, folders, etc., in the meeting room. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

(f) A transcript is kept for certain open portions of the meeting and will be available in the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20003–1527, for use within one week following the meeting. A copy of the certified minutes of the meeting will be available at the same location on or before three months following the meeting. Copies may be obtained upon payment of appropriate reproduction charges. ACNW meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the Internet at *http://www.nrc.gov/ACRSACNW*.

(g) Videoteleconferencing service is available for observing open sessions of some ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audio Visual Technician, (301–415–8066) between 7:30 a.m. and 3:45 p.m., Eastern Time at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

ACNW Working Group Meetings

ACNW Working Group meetings will also be conducted in accordance with these procedures, as appropriate. When Working Group meetings are held at locations other than at NRC facilities, reproduction facilities may not be available at a reasonable cost. Accordingly, 25 additional copies of the materials to be used during the meeting should be provided for distribution at such meetings.

Special Provisions When Proprietary Sessions Are To Be Held

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of the ACNW meetings where this material is being discussed upon confirmation that such agreements are effective and related to the material being discussed.

The Designated Federal Official should be informed of such an agreement at least five working days prior to the meeting so that it can be confirmed, and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Official prior to the beginning of the meeting for admittance to the closed session.

Dated: September 22, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–25183 Filed 9–27–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Procedures for Meetings

Background

This notice describes procedures to be followed with respect to meetings conducted by the Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards

(ACRS) pursuant to the Federal Advisory Committee Act. These procedures are set forth so that they may be incorporated by reference in future notices for individual meetings.

The ACRS is a statutory group established by Congress to review and report on applications for the licensing of nuclear power reactor facilities and on certain other nuclear safety matters. The Committee's reports become a part of the public record.

The ACRS meetings are conducted in accordance with the Federal Advisory Committee Act; they are normally open to the public and provide opportunities for oral or written statements from members of the public to be considered as part of the Committee's information gathering process. ACRS reviews do not normally encompass matters pertaining to environmental impacts other than those related to radiological safety.

The ACRS meetings are not adjudicatory hearings such as those conducted by the NRC's Atomic Safety and Licensing Board Panel as part of the Commission's licensing process.

General Rules Regarding ACRS Meetings

An agenda is published in the **Federal Register** for each full Committee meeting and is available on the Internet at *http://www.nrc.gov/ACRSACNW* and is updated as changes are made. There may be a need to make changes to the agenda to facilitate the conduct of the meeting. The Chairman of the Committee is empowered to conduct the meeting in a manner that, in his/her judgment, will facilitate the orderly conduct of business, including making provisions to continue the discussion of matters not completed on the scheduled day on another meeting day. Persons planning to attend the meeting may contact the Designated Federal Official specified in the individual **Federal Register** Notice prior to the meeting to be advised of any changes to the agenda that may have occurred. This individual can be contacted between 7:30 a.m. and 4:15 p.m., Eastern Time.

The following requirements shall apply to public participation in ACRS full Committee meetings:

(a) Persons wishing to submit written comments regarding the agenda items may do so by sending a readily reproducible copy addressed to the Designated Federal Official specified in the **Federal Register** Notice, care of the Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments should be limited to items being considered by the Committee. Comments should be in the possession of the Designated Federal Official at least five days prior to a meeting to allow time for reproduction and distribution. Written comments may also be submitted by providing a readily reproducible copy to the Designated Federal Official at the beginning of the meeting.

(b) Persons desiring to make oral statements at the meeting should make a request to do so to the Designated Federal Official. If possible, the request should be made five days before the meeting, identifying the topics to be discussed and the amount of time needed for presentation so that orderly arrangements can be made. The Committee will hear oral statements on topics being reviewed at an appropriate time during the meeting as scheduled by the Chairman.

(c) Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m., Eastern Time.

(d) During the presentations and discussions at ACRS meetings, questions may be asked only by ACRS members, ACRS consultants and staff, and the NRC staff.

(e) The use of still, motion picture, and television cameras will be permitted at the discretion of the Chairman and subject to the condition that the physical installation and presence of such equipment will not interfere with the conduct of the meeting. The Designated Federal Official will have to be notified prior to the meeting and will authorize the installation or use of such equipment after consultation with the Chairman. The use of such equipment will be restricted as is necessary to protect proprietary or privileged information that may be in documents, folders, etc., in the meeting room. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

(f) A transcript is kept for certain open portions of the meeting and will be available in the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20003–1527, for use within one week following the meeting. A copy of the certified minutes of the meeting will be available at the same location on or before three months following the meeting. Copies may be obtained upon payment of appropriate reproduction charges. ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the Internet at *http://www.nrc.gov/ACRSACNW*.

(g) Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician, (301–415–8066) between 7:30 a.m. and 3:45 p.m. Eastern Time at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

ACRS Subcommittee Meetings

ACRS Subcommittee meetings will also be conducted in accordance with the above procedures, as appropriate. When Subcommittee meetings are held at locations other than at NRC facilities, reproduction facilities may not be available at a reasonable cost. Accordingly, 25 additional copies of the materials to be used during the meeting should be provided for distribution at such meetings.

Special Provisions When Proprietary Sessions Are To Be Held

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of the ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and related to the material being discussed.

The Designated Federal Official should be informed of such an agreement at least five working days prior to the meeting so that it can be confirmed, and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Official prior to the beginning of the meeting for admittance to the closed session.

Dated: September 22, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–25184 Filed 9–27–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Final Standard Review Plan on Foreign Ownership, Control, or Domination

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Standard Review Plan.

SUMMARY: The NRC is issuing its Final Standard Review Plan (SRP) on Foreign Ownership, Control, or Domination. The SRP documents procedures and guidance used by the staff to analyze applications for reactor licenses, or applications for the transfer of control of such licenses, with respect to the limitations contained in sections 103 and 104 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 50.38 against issuing a license for a production or utilization facility to an alien or an entity that is owned, controlled, or dominated by foreign interests.

EFFECTIVE DATE: The SRP was approved by the Commission on August 31, 1999.

ADDRESSES: Examine copies of comments received on the interim SRP, which preceded the final SRP, and copies of the attachments as stated in the final SRP at: The NRC Public Document Room, 2120 L Street, N.W. (lower level), Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Steven R. Hom, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 415–1537, e-mail srh@nrc.gov.

SUPPLEMENTARY INFORMATION: The SRP on Foreign Ownership, Control, or Domination, attached hereto, contains the review procedures used by the staff to evaluate applications for the issuance or transfer of control of a production or utilization facility license in light of the prohibitions in sections 103d and 104d of the Atomic Energy Act and in 10 CFR 50.38 against issuing such reactor licenses to aliens or entities that the Commission "knows or has reason to believe" are owned, controlled, or dominated by foreign interests. The procedures expressly provide for requests for additional information and consideration of a negation action plan if the information described in 10 CFR 50.33(d) initially required to be provided in an application indicates that there may be some degree of foreign control of the applicant. The SRP also sets forth substantive guidance consistent with existing Commission precedent on what may constitute foreign control. This SRP supersedes Section III.3 of NUREG–1577, Standard Review Plan on Power Reactor Licensee Financial Qualifications and Decommissioning Funding Assurance (Draft Report for Comment) (containing review procedures regarding foreign ownership) in its entirety.

An earlier interim version of the SRP was published in the **Federal Register** on March 2, 1999 (64 FR 10166) for public comment. Four sets of comments were received from the Nuclear Energy Institute (NEI), AmerGen Energy Company, LLC (AmerGen), Florida Power and Light Company (FPL), and PECO Energy (PECO). These comments, and the staff's response to them, are set forth below.

Comments and Responses

NEI and FPL

NEI stated that, in general, the criteria and review process outlined in the interim SRP provide an "appropriate degree of regulatory flexibility." In addition, NEI specifically provided its view that "a foreign entity should be allowed to own a significant share of a nuclear power plant," provided that special nuclear material is not under the control of the foreign entity, the foreign entity has no control over the day-to-day nuclear activities at the plant, and ownership would not be inimical to the common defense and security. Further, NEI stated its belief that foreign ownership of a licensee's parent company "should be allowed unless the foreign entity has legal control over the conduct of licensee activities involving common defense and security." Such control can be "overcome" by "special arrangements, such as special operating committees, which vest effective control and operation of licensed activities with U.S. citizens," according to NEI.[1]

FPL stated that it "supports the approach set forth in the SRP." It also stated that it endorses NEI's comments.

Response

Section 103d of the Atomic Energy Act of 1954, as amended, provides that no license may be issued to an alien, or to a corporation owned, controlled, or dominated by an alien, foreign corporation, or foreign government. As the SRP now indicates, a (U.S.) *applicant* that is partially-owned by a foreign entity may still be eligible for a license under certain conditions. However, the intent of NEI's comment that a foreign entity "should be allowed to own a significant share of a nuclear power plant" is not entirely clear. If NEI is suggesting that a foreign entity may become a direct owner of a substantial percentage of the facility, its position would not appear to be consistent with the Commission's interpretation of the statute, even if the foreign entity is only a co-owner. In Public Service Co. of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB–459, 7 NRC 179, 200–01 (1978), the Appeal Board held that each proposed co-owner of a nuclear facility must be an applicant for a license. Accordingly, each co-owner is subject to the foreign ownership or control prohibition contained in the Act.

NEI's other major comment (i.e., that foreign ownership of a licensee's parent company should be allowed unless the foreign entity has legal control over common defense and security activities, which control is not overcome by special arrangements such as limiting such activities to U.S. citizens) appears to go beyond the guidance in the SRP that deals with foreign parent companies. The SRP states that (based on the Commission's determinations in the Hoffmann-LaRoche and initial Cintichem matters discussed in the attachments to the SRP), an applicant with a foreign parent will not be eligible for a license, unless the Commission knows that the foreign parent's stock is largely owned by U.S. citizens, and certain conditions or "special arrangements" are imposed, such as having only U.S. citizens within the applicant's organization be responsible for special nuclear material. NEI has not presented any compelling argument why the scenario it set forth, which is devoid of any indication of ultimate control of the parent by U.S. stockholders, is consistent with the statutory prohibition on foreign control, in light of the Commission's interpretation in the Hoffmann-LaRoche and initial Cintichem matters.[2]

AmerGen

AmerGen commented that the SRP should provide more detailed guidance by establishing "safe harbors" with respect to certain types of ownership and/or operating arrangements.

[1] NEI also stated its support for amendment of the Atomic Energy Act to remove the foreign ownership prohibition, while preserving the authority to protect the common defense and security.

[2] However, for situations involving an applicant's proposed acquisition of less than a 100% interest in a reactor, see the discussion below in response to AmerGen's comments.

Specifically, AmerGen noted that although the SRP states that the Commission has not determined a specific threshold of stock ownership above which it would be concluded that the (foreign) owner would have control, it may be appropriate to establish a threshold below which there would be a presumption of no control, at least absent foreign involvement in management or operation. In addition, AmerGen stated that it might be helpful for the SRP to discuss specific types of activities in which a foreign entity could engage in connection with the operation of a reactor, and acknowledge that the statute does not preclude foreign nationals from "holding senior management positions with an applicant and/or managing and supervising licensed activities at a reactor site." AmerGen also stated that in the guidance section of the SRP, the SRP should discuss specific arrangements involving foreign entities that the Commission has found acceptable with the imposition of certain conditions, and confirm that similar situations would be eligible for "safe harbor" treatment.

Noting the discussion in the SRP that provides that further consideration is required concerning the ownership of a less than 100 percent interest in a reactor by a U.S. company which has a foreign parent, AmerGen stated its opinion that relevant precedents should be addressed (suggesting Marble Hill and Cintichem). AmerGen also stated that additional guidance would be helpful concerning the "further consideration," and concerning what additional information may be required from an applicant for such consideration. Finally, AmerGen believes the SRP should expressly confirm that where a particular applicant has recently been approved by the NRC subject to the imposition of certain license conditions, no material changes in the ownership or management of the applicant have since occurred, and the applicant agrees to similar conditions in connection with a subsequent application, the applicant will essentially receive summary approval.

Response

In general, it is recognized that articulating "safe harbors" in the SRP would be beneficial to license applicants by removing some degree of uncertainty from the license application process. However, in light of the perhaps limitless creativity involved in formulating corporate structures and arrangements, the difficulty in prescribing safe harbors is being able to account for every potential fact or circumstance that could be present in any given situation, which fact or circumstance may not be addressed in the stated safe harbor criteria, but which could still be material to a determination of foreign ownership or control.

Regarding AmerGen's suggestion that a stock threshold be considered below which there would be presumptive non-control absent foreign involvement in management or operation, it is notable that while earlier drafts of the Atomic Energy Act contained a stock threshold (five percent) above which foreign ownership would have been barred, the final version of the Act, of course, does not. Thus, Congress declined to establish any threshold. Also, other statutes such as the Public Utilities Holding Company Act, while establishing thresholds above which control is presumed, are silent on "safe harbors." At least until further experience is gained in this area, the flexibility of the SRP in this regard should be maintained.

Concerning AmerGen's comment on stating permissible activities that a foreign entity or foreign nationals could engage in regarding the operation or management of a reactor, it should be noted at the outset that the statutory prohibition applies to the issuance of licenses. Thus, as long as foreign entities or nationals are not engaged in activities requiring a license, the foreign control prohibition does not apply specifically to them. This is not to say that the actual licensee—the entity which does have control over licensed activities—is unrestricted in its use of foreign entities or personnel. As provided in the Act, no license may be issued if issuance would be inimical to the common defense and security. Entering into this analysis would be the licensee's use of foreign entities or personnel. Because AmerGen's comment potentially involves considerations of the common defense and security, it would not appear that any meaningful purpose would be served for the SRP to attempt to simply list activities or positions in an organization that would presumptively not trigger the prohibition on foreign ownership or control when it would still be necessary to conduct a full separate analysis of whether a certain degree of foreign involvement would be inimical to the common defense and security.

With respect to AmerGen's comment that the SRP should discuss specific arrangements involving foreign entities that the Commission has found acceptable, the agency's dockets presently provide access to this information, which constitutes a substantial amount of material (agreements, organizational charts, by-laws, etc.) specific to each application which cannot be incorporated into the SRP, as a practical matter, due to their volume. Commission statements and analyses regarding applications involving the Babcock & Wilcox/McDermott and Union Carbide/Cintichem matters, which provide essentially a historical perspective and summary of the Commission's views on the foreign ownership prohibition, and which are more difficult to locate due to their age, are in a form that is more easily included as part of the SRP. These analyses were not published in the **Federal Register** notice requesting comments on the SRP, but are to be attachments to the SRP as indicated in Section 6, "References," of the SRP.

For situations involving an applicant which has, directly or indirectly, a foreign parent but which is seeking to acquire less than a 100% interest in a reactor, the attached version of the SRP has been expanded in response to AmerGen's comments concerning the "further consideration" that is required. The SRP includes new proposed language providing that "further consideration" will be given to: (1) The extent of the proposed partial ownership of the reactor; (2) whether the applicant is seeking authority to operate the reactor; (3) whether the applicant has interlocking directors or officers and details concerning the relevant companies; (4) whether the applicant would have any access to restricted data; and (5) details concerning ownership of the foreign parent company. The new language should provide applicants with a clear understanding of what facts will be considered and what type of information may need to be submitted.

Regarding AmerGen's interest in the SRP expressly confirming that a previously approved applicant will survive foreign ownership scrutiny where there have been no material changes since the last application and the same conditions are imposed, the agency intends to apply the law uniformly and consistently and not act in an arbitrary manner. Thus, there appears to be no necessity in essentially restating this principle specifically in the context of the SRP.

PECO

PECO commented that, at least in the context of making a non-inimicality finding with respect to the common defense and security, "some degree of deference should be applied" when the

relevant foreign applicant is from a country with close ties to the United States. In addition, PECO stated its opinion that the focus of a foreign control review as set forth in the SRP should be on "who exerts control over the 'safety and security' aspects of the licensee's operations." With specific reference to section 3.2 of the SRP, PECO recommended that where a license condition is necessary to limit those responsible for special nuclear material, the limitation should apply to officers and senior management of the applicant, rather than officers and employees, which latter term is used in the present SRP.

Response

As pointed out in SECY–98–252, "Preliminary Staff Views Concerning Its Review of the Foreign Ownership Aspects of AmerGen, Inc.'s Proposed Purchase of Three Mile Island, Unit 1" (Oct. 30, 1998), previous Commission decisions regarding foreign ownership or control did not appear to turn on which particular nation the applicant was associated with. Although the broader required finding of non-inimicality to the common defense and security may be based, in part, on the nation involved, the SRP concerns the specific foreign ownership prohibition and is not intended to cover all common defense and security issues, as stated in Section 1.1 of the SRP. Thus, no changes in consideration of PECO's first comment appear warranted.

Regarding PECO's second comment, it is true that the exertion of control over the "safety and security aspects" of reactor operations (interpreting that phrase broadly for the purpose of this discussion) can be an important factor in the foreign ownership or control analysis. However, it may not be the only important factor, given that the statute does not limit the foreign control prohibition to only those applicants who intend to be actively engaged in operation of the plant, or intend to "exert control" over operations. A statement of the "focus" of the analysis would appear to be somewhat premature at this time, given the limited experience the Commission has had in this area.

With respect to PECO's last comment concerning personnel responsible for special nuclear material, the term "employees" was used by the Commission in a previous condition of approval that required those responsible for special nuclear material to be U.S. citizens.[3] It appears reasonable to seek to ensure that all those employees responsible for special nuclear material have at least U.S. citizenship, not just senior management, when there is some issue of foreign control, and PECO has not provided a compelling reason why there should be any departure from a prior Commission decision.

Approval by the Commission

In approving the final SRP, the Commission approved new additional guidance (incorporated in the last paragraph of section 3.2 of the SRP) reflected in the foregoing response to AmerGen's comments concerning applicants seeking to acquire less than 100% of a reactor who have ultimate foreign parents. Also, the Commission directed that one additional change be made from the previous interim SRP, namely, the addition of a new footnote in Section 3.2 of the SRP.

Dated at Rockville, Maryland, this 21st day of September, 1999.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

Final Standard Review Plan on Foreign Ownership, Control and Domination

1. Areas of Review

1.1 General

The NRC is issuing this Standard Review Plan (SRP) to describe the process it uses to review the issue of whether an applicant for a nuclear facility license under sections 103 or 104 of the Atomic Energy Act of 1954, as amended (AEA or Act), is owned, controlled, or dominated by an alien, a foreign corporation or a foreign government. This SRP will be used as the basis for such reviews in connection with license applications for new facilities, or applications for approval of direct or indirect transfers of facility licenses.

Where there are co-applicants, each intending to own an interest in a new facility as co-licensees, each applicant must be reviewed to determine whether it is owned, controlled, or dominated by an alien, foreign corporation or foreign government. If a co-licensee of an existing facility owns a partial interest in the facility and is transferring that interest, the acquirer must be reviewed to determine whether it is owned, controlled, or dominated by an alien, foreign corporation or foreign government.

The foreign control determination is to be made with an orientation toward the common defense and security. However, this SRP does not address all matters relating to the determination of whether issuance of a license to a person would be inimical to the common defense and security.

This SRP reflects current NRC regulations and policy.

1.2 Relevant Statutory And Regulatory Provisions

Sections 103d and 104d of the Act provide, in relevant part, that no license may be issued to:

> Any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

(Section 103d also states that no license may be issued to an alien.)

Section 184 of the Act provides, in relevant part:

> No license granted hereunder and no right to utilize or produce special nuclear material granted hereby shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing.

10 CFR 50.33(d), in relevant part, provides:

Each application shall state:

(d)(1) If applicant is an individual, state citizenship.

(2) If applicant is a partnership, state name, citizenship and address of each partner and the principal location where the partnership does business.

(3) If applicant is a corporation or an unincorporated association, state:

(i) The state where it is incorporated or organized and the principal location where it does business;

(ii) The names, addresses and citizenship of its directors and of its principal officers;

(iii) Whether it is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and, if so, give details.

(4) If the applicant is acting as agent or representative of another person in filing the application, identify the

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[3] *See* letter from L. Manning Muntzing, Atomic Energy Commission, to General Atomic Company (Dec. 14, 1973), incorporating by reference letter from General Atomic Company to L. Manning Muntzing, Atomic Energy Commission (Dec. 14, 1973) with attachment (General Atomic Company Resolution of the Standing Committee of the Partnership Committee Adopted at a Meeting Thereof Held on December 14, 1973).

principal and furnish information required under this paragraph with respect to such principal.

10 CFR 50.38 provides:

Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government, shall be ineligible to apply for and obtain a license.

10 CFR 50.80 provides, in pertinent part:

(a) No license for a production or utilization facility, or any right thereunder, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall give its consent in writing.

* * * * *

(c) * * * [T]he Commission will approve an application for the transfer of a license, if the Commission determines:

* * * * *

(2) That the transfer of the license is otherwise consistent with applicable provisions of the law, regulations, and orders issued by the Commission pursuant thereto.

2. Information To Be Submitted by Applicant

2.1 Information Required By Regulation

At the time the applicant submits its application for a license or for approval of the transfer of a license, the applicant must submit information sufficient to comply with 10 CFR 50.33(d).

2.2 Additional Information

If the reviewer, based on the information required to be submitted by 10 C.F.R. 50.33(d), has reason to believe that the applicant may be owned, controlled, or dominated by foreign interests, the reviewer should request and obtain the following additional information:

1. If the applicant's equity securities are of a class which is registered pursuant to the Securities Exchange Act of 1934, copies of all current Securities and Exchange Commission Schedules 13D and 13G, which are required to be filed by owners of more than 5% of such a class with the Securities and Exchange Commission, the security issuer (applicant), and the exchange on which the issuer's securities are traded.

2. Management positions held by non-U.S. citizens.

3. The ability of foreign entities to control the appointment of management personnel.

2.3 Negation Action Plan

If applicable under Section 4.4 *infra*, the applicant should also submit a Negation Action Plan, which is described in detail in Section 4.4.

3. Acceptance Criteria

3.1 Basic Statutory and Regulatory Limitations

License applications for new facilities or applications for approval of transfers of licenses required in the case of proposed new ownership of existing facilities may involve foreign entities proposing to own all or part of a reactor facility. Sections 103d and 104d of the AEA prohibit the NRC from issuing a license to an applicant if the NRC knows or has reason to believe that the applicant is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government (or is an alien, in the case of section 103d).

Likewise, under 10 CFR 50.38,

Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled or dominated by an alien, a foreign corporation, or a foreign government, shall be ineligible to apply for and obtain a license.

3.2 Guidance On Applying Basic Limitations

The Commission has not determined a specific threshold above which it would be conclusive that an applicant is controlled by foreign interests through ownership of a percentage of the applicant's stock. Percentages held of outstanding shares must be interpreted in light of all the information that bears on who in the corporate structure exercises control over what issues and what rights may be associated with certain types of shares.

An applicant is considered to be foreign owned, controlled, or dominated whenever a foreign interest has the "power," direct or indirect, whether or not exercised, to direct or decide matters affecting the management or operations of the applicant. The Commission has stated that the words "owned, controlled, or dominated" mean relationships where the will of one party is subjugated to the will of another. *General Electric Co.*, 3 AEC at 101.

A foreign interest is defined as any foreign government, agency of a foreign government, or representative of a foreign government; any form of business enterprise or legal entity organized, chartered, or incorporated under the laws of any country other that the U.S. or its possessions and trust territories; any person who is not a citizen or national of the U.S.; and any U.S. interest effectively controlled by one of the above foreign entities.

The Commission has stated that in context with the other provisions of Section 104d, the foreign control limitation should be given an orientation toward safeguarding the national defense and security. Thus, an applicant that may pose a risk to national security by reason of even limited foreign ownership would be ineligible for a license.[4]

Even though a foreign entity contributes 50%, or more, of the costs of constructing a reactor, participates in the project review, is consulted on policy and cost issues, and is entitled to designate personnel to design and construct the reactor, subject to the approval and direction of the non-foreign applicant, these facts alone do not require a finding that the applicant is under foreign control.

An applicant that is partially owned by a foreign entity, for example, partial ownership of 50% or greater, may still be eligible for a license if certain conditions are imposed, such as requiring that officers and employees of the applicant responsible for special nuclear material must be U.S. citizens.

Where an applicant that is seeking to acquire a 100% interest in the facility is wholly owned by a U.S. company that is wholly owned by a foreign corporation, the applicant will not be eligible for a license, unless the Commission knows that the foreign parent's stock is "largely" owned by U.S. citizens. If the foreign parent's stock is owned by U.S. citizens, and certain conditions are imposed, such as requiring that only U.S. citizens within the applicant organization be responsible for special nuclear material, the applicant may still be eligible for a license, notwithstanding the foreign control limitation. If the applicant is seeking to acquire less than a 100% interest, further consideration is required. Further consideration will be given to: (1) the extent of the proposed partial ownership of the reactor; (2) whether the applicant is seeking authority to operate the reactor; (3) whether the applicant has interlocking directors or officers and details concerning the relevant companies; (4) whether the applicant would have any access to restricted data; and (5) details concerning ownership of the foreign parent company.

[4] In any event, a license would not be issued to any person if the Commission found that issuance would be inimical to the common defense and security or to the health and safety of the public. *See, e.g.*, sections 103d and 104d of the AEA. Pursuant to this provision, the Commission has the authority to reject a license application that raises a clear proliferation threat, terrorist threat, or other threat to the common defense and security of the United States.

4. Review Procedures

4.1 Threshold Review and Determination

The reviewer should first analyze all of the information submitted by the applicant sufficient to comply with 10 CFR 50.33(d), as well as other relevant information of which the reviewer is aware, to determine whether there is any reason to believe that the applicant is an alien or citizen, national, or agent of a foreign country, or an entity that is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government. If there is no such reason to believe based on the foregoing information, no further review is required and the reviewer should proceed to make a recommendation regarding whether there is any foreign control obstacle to granting the application. On the other hand, if there is any reason to believe that the applicant may be owned, controlled, or dominated by foreign interests, the reviewer should request and obtain the additional information specified in Section 2.2.

4.2 Supplementary Review

If it is necessary to obtain the additional information specified in Section 2.2, the reviewer should consider the acceptance criteria above, and consult with the Office of the General Counsel on Commission precedent. Information related to the items listed below may be sought and may be taken into consideration in determining whether the applicant is foreign owned, controlled, or dominated. The fact that some of the below listed conditions may apply does not necessarily render the applicant ineligible for a license.

1. Whether any foreign interests have management positions such as directors, officers, or executive personnel in the applicant's organization.

2. Whether any foreign interest controls, or is in a position to control the election, appointment, or tenure of any of the applicant's directors, officers, or executive personnel. If the reviewer knows that a domestic corporation applicant is held in part by foreign stockholders, the percentage of outstanding voting stock so held should be quantified. However, recognizing that shares change hands rapidly in the international equity markets, the staff usually does not evaluate power reactor licensees to determine the degree to which foreign entities or individuals own relatively small numbers of shares of the licensees' voting stock. The Commission has not determined a specific threshold above which it would be conclusive that an applicant is controlled by foreign interests.

3. Whether the applicant is indebted to foreign interests or has contractual or other agreements with foreign entities that may affect control of the applicant.

4. Whether the applicant has interlocking directors or officers with foreign corporations.

5. Whether the applicant has foreign involvement not otherwise covered by items 1–4 above.

4.3 Supplementary Determination

After reviewing the additional information specified in Section 2.2, if the reviewer continues to conclude that the applicant may be an alien or owned, controlled, or dominated by foreign interests, or has some reason to believe that may be the case, the reviewer shall determine:

1. The nature and extent of foreign ownership, control, or domination, to include whether a foreign interest has a controlling or dominant minority position.

2. The source of foreign ownership, control, or domination, to include identification of immediate, intermediate, and ultimate parent organizations.

3. The type of actions, if any, that would be necessary to negate the effects of foreign ownership, control, or domination to a level consistent with the Atomic Energy Act and NRC regulations.

On the other hand, if the reviewer determines after reviewing the additional information specified in Section 2.2 that there is no further reason to believe that the applicant is an alien or owned, controlled, or dominated by a foreign person or entity, no additional review is necessary.

4.4 Negation Action Plan

If the reviewer continues to conclude following the Supplementary Determination that an applicant may be considered to be foreign owned, controlled, or dominated, or that additional action would be necessary to negate the foreign ownership, control, or domination, the applicant shall be promptly advised and requested to submit a negation action plan. When factors not related to ownership are present, the plan shall provide positive measures that assure that the foreign interest can be effectively denied control or domination. Examples of such measures that may be sufficient to negate foreign control or domination include:

1. Modification or termination of loan agreements, contracts, and other understandings with foreign interests.

2. Diversification or reduction of foreign source income.

3. Demonstration of financial viability independent of foreign interests.

4. Elimination or resolution of problem debt.

5. Assignment of specific oversight duties and responsibilities to board members.

6. Adoption of special board resolutions.

5. Evaluation Findings

The reviewer should verify that sufficient information has been provided to satisfy the regulations and this Standard Review Plan. In consideration of the guidance of this Standard Review Plan, the reviewer should then draft an analysis and recommendation, based on the applicable information specified in Sections 2 and 4 above, concerning whether the reviewer knows, or has reason to believe that the applicant is an alien, or is a corporation or other entity that is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and whether there are conditions that should be imposed before granting the application so as to effectively deny foreign control of the applicant.

6. References

1. Sections 103, 104, and 184 of the Atomic Energy Act of 1954, as amended (42 USC 2133, 2134, and 2234).

2. Part 50 "Domestic Licensing of Production and Utilization Facilities" of Title 10 of the *Code of Federal Regulations* (10 CFR Part 50).

3. General Electric Co. and Southwest Atomic Energy Associates, Docket No. 50–231, 3 AEC 99 (1966).

4. Letter from W. Dircks to J. MacMillan (Dec. 17, 1982) (Re: Babcock & Wilcox/McDermott) (attached).

5. Letter from N. Palladino to A. Simpson (Sept. 22, 1983) w/attachment (Re: Union Carbide/Cintichem) (attached).

[FR Doc. 99–25182 Filed 9–27–99; 8:45 am]

BILLING CODE 7590–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request

In compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and

clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of the notices. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

1. Representative Payee System—0960–NEW. The information collected is used to determine the proper payee for a Social Security beneficiary, and aids in the investigation of a payee applicant. The information establishes the applicant's relationship to the beneficiary, the justification, the concern for the beneficiary and the manner in which the benefits will be used. The respondents are applicants for selection as representative payee for Old-Age, Survivors and Disability Insurance (OASDI); Supplemental Security Income (SSI); and Black Lung benefits. The time it takes to collect the information ranges from 5 minutes for a simple representative payee interview to 45 minutes for a complicated interview. We have used an average to compute the public reporting burden, shown below.

Number of Respondents: 1,574,786
Frequency of Response: 1
Average Burden Per Response: 25 minutes
Estimated Annual Burden: 656,161 hours

2. Modernized Enumeration System—0960–NEW. The information collected is used to assign a Social Security Number (SSN) and issue a card. The SSN is used to keep an accurate record of each individual's earnings for the payment of benefits. It is also used for administrative purposes as an identifier for health-maintenance and income-maintenance programs, such as the OASDI program; the SSI program; and other programs administered by the Federal government including Black Lung, Medicare and veterans compensation and pension programs. The Internal Revenue Service uses the SSN as a taxpayer identification number for those individuals who are eligible to be assigned an SSN. The respondents are applicants for a Social Security Card.

Number of Respondents: 12,385,502
Frequency of Response: 1
Average Burden Per Response: 5 minutes
Estimated Annual Burden: 1,032,125 hours

3. Lump-Sum Death Payment Application (Modernized Claims System)—0960–NEW. The information collected is required to authorize payment of the lump-sum death benefit to a widow, widower, or children as defined in section 202(i) of the Social Security Act. The respondents are widows, widowers or children who apply for a lump-sum death payment.

Number of Respondents: 736,250
Frequency of Response: 1
Average Burden Per Response: 20 minutes
Estimated Annual Burden: 245,417 hours

SAA Address: Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

Dated: September 22, 1999.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 99–25152 Filed 9–27–99; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Public Notice No. 3101]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Fire Protection; Notice of Meeting

The U.S. Safety of Life at Sea (SOLAS) Working Group on Fire Protection will conduct an open meeting on Tuesday, October 19, 1999, at 9:30 AM, in room 2415 at U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593. The purpose of the meeting will be to prepare for discussions anticipated to take place at the Forty-fourth Session of the International Maritime Organization's Subcommittee on Fire Protection, to be held February 21–25, 2000.

The meeting will focus on proposed amendments to the 1974 SOLAS Convention for the safety of commercial vessels. Specific discussion areas include: comprehensive review of SOLAS chapter II–2, unified interpretations to SOLAS II–2 and related fire test procedures, recommendations on evaluation analysis for passenger ships and high-speed passenger craft, fire test procedures for fire retardant materials used in the construction of lifeboats, and use of perfluorocarbons in shipboard fire-extinguishing systems.

Members of the public wishing to make a statement on new issues or proposals at the meeting are requested to submit a brief summary to the U.S. Coast Guard five days prior to the meeting.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may obtain more information regarding the meeting of the SOLAS Working Group on Fire Protection by writing: Office of Design and Engineering Standards, Commandant (G–MSE–4), U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593, by calling: LT Kevin Kiefer at (202) 267–1444, or by visiting the following World Wide Website: http://www.uscg.mil/hq/g-m/mse4/stdimofp.htm.

Dated: September 21, 1999.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 99–25207 Filed 9–27–99; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–1998–4821]

Duluth, Missabe and Iron Range Railway Company; Public Hearing

The Duluth, Missabe and Iron Range Railway Company (DMIR) has petitioned the Federal Railroad Administration (FRA) seeking relief from the requirements of Section 236.51 of the Rules, Standards, and Instructions (RS&I) Title 49, Code of Federal Regulations, (CFR) Part 236.51, to the extent that DMIR be permitted to utilize wheel count-based trap circuits, on steel deck bridges in signaled territory, in lieu of maintaining the existing track circuits.

This RS&I application proceeding is identified as Docket No. FRA–1998–4821.

The FRA has issued a public notice seeking comments of interested parties and has conducted a field investigation in this matter. After examining the carrier's proposal, letters of protest, and field report, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on Wednesday, November 10, 1999, in Room 407 of the Federal Building and U.S. Court House

(Civic Center Complex), 515 West First Street, Duluth, Minnesota. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR Part 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, D.C. on September 21, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99–25213 Filed 9–27–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket MARAD–1999–6248]

Sea-Land Service, Inc., and U.S. Ship Management, Inc., Application for Approval of the Proposed Transfer of Maritime Security Program Operating Agreements (MA/MSP–29 Through MA/MSP–43)

By application completed September 21, 1999, Sea-Land Service, Inc. (Sea-Land), and U.S. Ship Management, Inc. (USSM) notified the Maritime Administration (MARAD) of the proposed transfer of 15 Maritime Security Program (MSP) Operating Agreements (MA/MSP–29 through MA/MSP–43) from Sea-Land to USSM, pursuant to section 652(j), Sub-title VI–B, Merchant Marine Act, 1936, as amended (1936 Act). The vessels originally subject to those contracts are also to be concomitantly transferred to USSM for operation. Sea-Land received the initial award of the MSP Operating Agreements on December 20, 1996.

The proposed transfer of MSP Operating Agreements MA/MSP–29 through MA/MSP–43 is part of a series of overall transactions whereby affiliates of the A.P. Moller Group (Maersk) will acquire the international container operations of Sea-Land. In all, 19 U.S.-flag vessels will be transferred from Sea-Land to USSM, including the 15 associated with the MSP Operating Agreements.

With respect to the transfer of MSP Operating Agreements, section 652(j) of the 1936 Act provides that "A Contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any person eligible to enter into that Operating Agreement under this subtitle after notification of the Secretary [of Transportation] in accordance with regulations prescribed by the Secretary, unless the transfer is disapproved by the Secretary within 90 days after the date of Notification. A person to whom an Operating Agreement is transferred may receive payments from the Secretary under the agreement only if each vessel to be covered by the agreement after the transfer is an eligible vessel under section 651(b)."

In implementing the proposed transaction, it is asserted that under a U.S. citizen owner trust structure, the MSP Vessels will be bareboat chartered to USSM, which will time charter them to Maersk Line Limited (MLL), an affiliate of Maersk and a documentation U.S. citizen. USSM will manage and operate the vessels utilizing former Sea-Land operations employees. USSM will crew the vessels with U.S. citizens, utilizing the same unions presently representing seagoing employees on the MSP Vessels. The vessels will continue to operate in the same combination of world-wide container services as have been provided since 1995 by cooperation between Maersk and Sea-Land.

Sea-Land and USSM have requested that MARAD allow the proposed transfers to become effective in accordance with the application and pursuant to law. This notice invites comment on legal and policy issues that may be raised by the Sea-Land and USSM application, including the transfer of the 15 MSP Operating Agreements to USSM.

A redacted copy of the transfer application will be available for inspection at the Department of Transportation (DOT) Dockets Facility and on the DOT Dockets website (address information follows). Any person, firm, or corporation having an interest in this proposal, and desiring to submit comments concerning the application, may file comments as follows. You should mention the docket number that appears at the top of this notice. You should submit your written comments to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Nassif Building, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590. Comments may also be submitted by electronic means via the internet at http://dmses.dot.gov/submit/. All comments will become part of the docket. You may call Docket Management at (202) 366–9324. You may visit the docket room to inspect and copy comments at the above address between 10 a.m. and 5 p.m., EDT, Monday through Friday, except holidays. An electronic version of this document is available on the World Wide Web at *http://dms.dot.gov*. Comments must be received no later than the close of business on October 13, 1999.

This notice is published as a matter of discretion, and the fact of its publication should in no way be considered a favorable or unfavorable decision on the application, as filed, or as may be amended. MARAD will consider any comments timely submitted, and take such action with respect thereto as may be deemed appropriate.

By Order of the Maritime Administration.

Dated: September 22, 1999.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99–25124 Filed 9–27–99; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Safety Performance Standards Program Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of NHTSA rulemaking status meeting.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory program.

DATES: The Agency's regular, quarterly public meeting relating to its vehicle regulatory program will be held on Thursday, December 16, 1999, beginning at 9:45 a.m. and ending at approximately 12:00 p.m, at the Tysons Westpark Hotel, McLean, VA. Questions relating to the vehicle regulatory program must be submitted in writing with a diskette (Wordperfect) by Thursday, November 18, 1999, to the address shown below or by e-mail. If sufficient time is available, questions received after November 18 may be answered at the meeting. The individual, group or company

submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by November 18, 1999, and the issues to be discussed, will be posted on NHTSA's web site (www.nhtsa.dot.gov) by Monday, December 13, 1999, and also will be available at the meeting.

ADDRESSES: Questions for the December 16, NHTSA Rulemaking Status Meeting, relating to the agency's vehicle regulatory program, should be submitted to Delia Lopez, NPS–01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax Number 202–366–4329, e-mail dlopez@nhtsa.dot.gov. The meeting will be held at the Tysons Westpark Hotel, 8401 Westpark Drive, McLean, VA.

FOR FURTHER INFORMATION CONTACT: Delia Lopez, (202) 366–1810.

SUPPLEMENTARY INFORMATION: NHTSA holds a regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory program. Questions on aspects of the agency's research and development activities that relate directly to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. Transcripts of these meetings will be available for public inspection in the DOT Docket in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 80 to 150 pages) upon request to DOT Docket, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. The DOT Docket is open to the public from 10:00 a.m. to 5:00 p.m. The transcript may also be accessed electronically at *http://dms.dot.gov*, at docket NHTSA–1999–5087. Questions to be answered at the quarterly meeting should be organized by categories to help us process the questions into an agenda form more efficiently. Sample format:

I. RULEMAKING
  A. Crash avoidance
  B. Crashworthiness
  C. Other Rulemakings
II. CONSUMER INFORMATION
III. MISCELLANEOUS

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of "auxiliary aids" (*e.g.*, sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366–1810, by COB November 18, 1999.

Issued: September 21, 1999.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 99–25086 Filed 9–27–99; 8:45 am]

BILLING CODE 4910–59–U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–520]

Salt Lake City Railroad Company, Inc.—Adverse Abandonment—Line of Utah Transit Authority in Salt Lake City, UT

On September 8, 1999, Utah Transit Authority (UTA) filed an adverse application [1] under 49 U.S.C. 10903 requesting that the Surface Transportation Board (Board) find that the public convenience and necessity require or permit the abandonment by the Salt Lake City Southern Railroad Company, Inc. (SLCS), of a rail line from milepost 798.74 at Ninth South Street in Salt Lake City to the milepost 775.19 at the Salt Lake County/Utah County boundary line near Mount (including the 1.4-mile Lovendahl Spur connecting with the main line at milepost 790.52), a total distance of approximately 24.95 miles in Salt Lake County, UT. The line traverses United States Postal Service ZIP Codes 84101, 84115, 84107, 84047, 84070, 84092 and 84020, and includes the stations of Salt Lake City, Murray, Sandy, Draper and Mount, UT.

UTA states that it is filing the adverse application to remove the Board's jurisdiction over SLCS's common carrier operations and obligations. UTA says that it wants to replace SLCS with the Utah Railway Company (URC) as the operator of its line. URC has filed a notice of exemption to acquire and operate the line in *Utah Railway Company—Acquisition and Operation Exemption—Lines of Utah Transit Authority in Salt Lake City, UT*, STB Finance Docket No. 33785 (STB served Aug. 30, 1999) (64 FR 47229).

UTA, a noncarrier, acquired the underlying right-of-way and track from the Union Pacific Railroad Company. *See Utah Transit Authority—Acquisition Exemption—Line of Union Pacific Railroad Company*, Finance Docket No. 32186 (ICC served Dec. 31, 1992). UTA is apparently using the line for light rail passenger service. SLCS is operating freight service on the line under a permanent easement. *See Salt Lake City Southern Railroad Company, Inc—Acquisition and Operation Exemption—Line Between Mount and Salt Lake City, UT*, Finance Docket No. 32276 (ICC served Apr. 23, 1993).

In a decision served in this proceeding on August 26, 1999, UTA was granted a waiver of some of the filing requirements of 49 CFR 1152 that were not relevant to its intended adverse abandonment application. However, UTA was required to provide information about the physical condition of the line.

The August 26 decision also noted that the continued viability of freight service would be a relevant issue in this abandonment proceeding. It was also indicated that the Board would be concerned if the common carrier obligation for continued freight service would be impeded by light rail passenger service or by any restrictions or limitations UTA has allegedly placed on freight operations. As a result, UTA was required to provide information in its application about how its light rail service affects freight service to shippers.

UTA was also granted a waiver of the environmental regulations in 49 CFR 1105.6(c)(6) and 1105.8(b)(3) because freight operation would be continued on the line by URC. The decision noted that, even though the proceeding is an abandonment of the line because SLCS holds a permanent easement to operate the line, environmental and historic reporting requirements would indeed be unnecessary for the adverse abandonment application if rail service will be continued by another operator.

In an application by a third party for a determination that the public convenience and necessity permit a line to be discontinued or abandoned, the issue before the Board is whether the public interest requires that the line in question be retained as part of the national rail system. By granting a third party application, the Board withdraws its primary jurisdiction over the line. Questions of the disposition of the line, including the adjudication of various claims of ownership or other rights and obligations, are left to the state or local authorities. *Kansas City Pub. Ser. Frgt. Operation—Exempt.—Aban.*, 7 I.C.C.2d 216, 224–25 (1990).

UTA has served notice of its application on shippers served by the line. Shippers can individually submit protests or comments on the proposal that will be considered by the Board in

[1] An abandonment of a railroad's service sought by a party other than the railroad is called an "adverse" abandonment.

ruling on the merits of the adverse abandonment application.

There is no indication that the line contains any federally granted right-of-way. Any documentation in the UTA's possession will be made available promptly to those requesting it. UTA's entire case for adverse abandonment was filed with the application.

The interest of affected railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any interested person may file written comments concerning the proposed adverse abandonment or protests (including the protestant's entire opposition case), by October 25, 1999. Because this adverse abandonment is the functional equivalent of a discontinuance of trackage rights where rail service would be continued by another operator, trail use/rail banking, and public use requests are not appropriate, and the public interest does not require the consideration of offers of financial assistance. Likewise, no environmental or historical documents are required here.

Persons opposing the proposed adverse abandonment who wish to participate actively and fully in the process should file a protest by October 25, 1999. Persons who may oppose the abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments by October 25, 1999. Parties seeking information concerning the filing of protests should refer to section 1152.25. The due date for UTA's reply is November 8, 1999.

All filings in response to this notice must refer to STB Docket No. AB–520 and must be sent to (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001 and (2) Kevin M. Sheys, Oppenheimer, Wolff, Donnelly & Bayh, LLP, 1350 I Street, NW, Suite 200, Washington, DC 20005–3324. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment regulations at 49 CFR part 1152.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Decided: September 16, 1999.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24851 Filed 9–27–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Office of the Comptroller of the Currency

Office of Thrift Supervision

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities; Proposed Collection; Comment Request; Suspicious Activity Report

AGENCY: Financial Crimes Enforcement Network (FinCEN), Office of the Comptroller of the Currency (OCC), Office of Thrift Supervision (OTS), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), National Credit Union Administration (NCUA).

ACTION: Notice and request for comments.

SUMMARY: FinCEN and the Supervisory Agencies (OCC, OTS, Board, FDIC, and NCUA), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). FinCEN, OCC, OTS, Board, FDIC, and NCUA are soliciting comments concerning the Suspicious Activity Report, which is being streamlined and formatted for four-digit dates (a Year 2000 change) as explained in this notice. The OCC is also soliciting comments on all information collections contained in 12 CFR Part 21. No new reporting requirements are being added.

DATES: Written comments should be received on or before November 29, 1999, to be assured of consideration.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies. Direct all written comments as follows:

FinCEN: Financial Crimes Enforcement Network, Department of the Treasury, Suite 200, 2070 Chain Bridge Road, Vienna, VA 22182–2536, *Attention:* Revised SAR. Comments also may be submitted by electronic mail to the following Internet address: "regcomments@fincen.treas.gov" with the caption in the body of the text, "*Attention:* Revised SAR".

OCC: Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW., Third Floor, Attention: 1557–0180, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874–5274, or by electronic mail to REGS.COMMENTS@OCC.TREAS.GOV.

OTS: Manager, Dissemination Branch, Information Management and Services, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0003. These submissions may be hand delivered to 1700 G Street, NW., lower level, from 9 a.m. to 5 p.m. on business days; they may be sent by facsimile transmission to FAX Number (202) 906–7755; or they may be sent by e-mail: public.info@ots.treas.gov. Those commenting by e-mail should include their name and telephone number. Comments over 25 pages in length should be sent to FAX Number (202) 906–6956. Comments will be available for inspection at 1700 G Street, NW., until 4 p.m. on business days. Copies of the form are available for inspection at 1700 G Street, NW., from 9 a.m. until 4 p.m. on business days.

Board: Comments may be mailed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Comments also may be delivered to Room B–2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street, NW. (between Constitution Avenue and C Street) at any time. Comments received will be available for inspection in Room MP–500 of the Martin Building between 9 a.m. and 5 p.m. weekdays, except as provided in 12 CFR 261.8 of the Board's rules regarding availability of information.

FDIC: Written comments should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand-delivered to the guard

station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898–3838: Internet address: comments@fdic.gov]. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m., on business days.

NCUA: Clearance Officer: Mr. James L. Baylen, (703) 518–6411, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, Fax No. 703–518–6433, E-mail:jbaylen@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the collection may be obtained by contacting:

FinCEN: Deborah Groome, at 703 905–3744 or Scott Lodge, at (703) 905–3606, both of the Office of Data Systems Support;

OCC: Jessie Gates or Camille Dixon, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington DC 20219, (202) 874–5090.

OTS: Richard Stearns, Director, Office of Enforcement, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–7966.

Board: Richard A. Small, Assistant Director, Division of Banking Supervision and Regulation, (202) 452–5235. For users of Telecommunications Devices for the Deaf (TDD) *only,* contact Diane Jenkins, (202) 452–3544, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

FDIC: Tamara R. Manly, Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, (202) 898–7453.

NCUA: NCUA Clearance Officer, James L. Baylen, (703) 518–6411, or John K. Ianno, Office of General Counsel, (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Title: Suspicious Activity Report (The OCC is renewing all information collections covered under the information collection titled: "(MA)—Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program (12 CFR 21).")

OMB Numbers

FinCEN: 1506–0001
OCC: 1557–0180
OTS: 1550–0003
Board: 7100–0212
FDIC: 3064–0077
NCUA: 3133–0094

Form Numbers

FinCEN: TD F 90–22.47
OCC: None
OTS: 1601
Board: FR 2230
FDIC: 6710/06
NCUA: 2362

Abstract: In 1985, the Supervisory Agencies issued procedures to be used by banks and certain other financial institutions operating in the United States to report known or suspected criminal activities to the appropriate law enforcement and Supervisory Agencies. Beginning in 1994, the Supervisory Agencies and FinCEN completely redesigned the reporting process resulting in the existing Suspicious Activity Report, which became effective in April 1996.[1]

Current Actions: This Notice proposes to revise the form without making substantial additions to the content of the information collected. This Notice provides an opportunity to address a number of data collection, entry and analysis problems encountered by filers and the end users of the information. In general, the revisions conform all date items to a four-digit year (a Year 2000 change), make a number of other ministerial changes such as renumbering items, clarify the form, and improve its usefulness to law enforcement and the Supervisory Agencies.

The blocks for a number of items are expanded to provide additional room for the requested information. Thus, the Zip Code items are expanded to provide room for a nine-digit Zip Code. Dollar items are expanded to provide more room for amounts (and lines are added to these items to separate digits).

A number of items now on the form are deleted. The questions regarding the asset size of the financial institution (item 10 on the form now in use) and the birth date of the witness (item 55 of the form now in use) are deleted. The question asking for the address of the law enforcement agency contacted is deleted and is replaced by a question asking for the name and telephone number of the person contacted in the law enforcement agency. The section "Preparer Information" (Part V of the form now in use) is deleted. This information will be provided in the section "Contact Information" (Part VI of the form now in use).

Several items on the form have been clarified. The question concerning the type of report is clarified by eliminating "Supplemental Report." Thus, the question asks only whether the report being filed is an "Initial Report" or an "Amended Report." The question regarding insider relationships is clarified by adding a box that asks, initially, whether the relationship is an insider relationship. A check box is added to the heading of Part II—Suspect Information—for use if suspect information is unavailable. Instead of the space now on the form for writing in the name of the law enforcement agency contacted, check boxes are added for indicating the specific law enforcement agency contacted. The instruction regarding the type of instrument involved (Part VII of the form now in use, instruction k) is clarified by adding examples of the types of instruments.

The question regarding the summary characterization of the activity is revised to add another box "Computer Intrusion" to the current list of boxes. In the past, filers reporting computer intrusions on the form either checked the "Other" box (item 37r of the form now in use) and wrote information in the space beside the box, or wrote the information on the summary page. The instructions to the form are also revised to provide guidance as to the circumstances that would be considered computer intrusion for purposes of the form.

Type of Review: Revision of a currently approved collection.

Affected Public: Business, for-profit institutions, and non-profit institutions.

Estimated Number of Respondents:

FinCEN: 18,600.[2]
OCC: 3,000.
OTS: 925.
Board: 10,000.
FDIC: 6,500.
NCUA: 4,200.

Estimated Total Annual Responses:

FinCEN: 47,500.
OCC: 45,527.
OTS: 2,081.
Board: 14,000.
FDIC: 6,500.
NCUA: 4,200.

Estimated Total Annual Burden: Estimated 30 minutes per form.

FinCEN: 23,750 hours.[3]

[1] The report is authorized by the following rules: 31 CFR 103.21 (FinCEN); 12 CFR 21.11 (OCC); 12 CFR 563.180 (OTS); 12 CFR 208.20 (Board); 12 CFR 353.3 (FDIC); 12 CFR 748.1 (NCUA). The rules were issued under the authority of 31 U.S.C. 5318(g) (FinCEN); 12 U.S.C. 93a, 1818, 1881–84, 3401–22, 31 U.S.C. 5318 (OCC); 12 U.S.C. 1463 and 1464 (OTS); 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3015(c)(2) and 3106(a) (Board); 12 U.S.C. 93a, 1818, 1881–84, 3401–22 (FDIC); 12 U.S.C. 1766(a), 1789(a) (NCUA).

[2] Respondents represent many of the same institutions responding to the Supervisory Agencies.

[3] Only one form is filed in satisfaction of the rules of both FinCEN and the Supervisory Agencies. The

OCC: 30,160 hours.
OTS: 1,041 hours.
Board: 7,000 hours.
FDIC: 3,250 hours.
NCUA: 2,100 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the Bank Secrecy Act and these regulations issued by the Supervisory Agencies must be retained for five years. Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology, and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

estimated burden per form is 30 minutes; the hourly burden does not attempt to allocate that time between agencies when the form is filed in satisfaction of the rules of more than one agency.

Dated: September 13, 1999.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

Dated: September 8, 1999.

Karen Solomon,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

John E. Werner,

Director, Information Management and Services Office of Thrift Supervision.

Dated: September 14, 1999.

Jennifer J. Johnson,

Secretary, Board of Governors of the Federal Reserve System, 20th and Constitution Ave., N.W., Washington, DC 20551.

Dated: August 19, 1999.

Robert E. Feldman,

Executive Secretary, Federal Deposit Insurance Corporation.

By the National Credit Union. Administration Board on September 2, 1999.

Becky Baker,

Secretary of the Board.

BILLING CODE 4820–03–P

Suspicious Activity Report

ALWAYS COMPLETE ENTIRE REPORT (see instructions)

1

FRB:	FR 2230	OMB No. 7100-0212
FDIC:	6710/06	OMB No. 3064-0077
OCC:	8010-9,8010-1	OMB No. 1557-0180
OTS:	1601	OMB No. 1550-0003
NCUA:	2362	OMB No. 3133-0094
TREASURY:	TD F 90-22.47	OMB No. 1506-0001

1 Check appropriate box:
a ☐ Initial Report b ☐ Amended Report

Part I Reporting Financial Institution Information

2 Name of Financial Institution | 3 EIN

4 Address of Financial Institution | 5 Primary Federal Regulator
a ☐ Federal Reserve d ☐ OCC
b ☐ FDIC e ☐ OTS
c ☐ NCUA

6 City | 7 State | 8 Zip Code

9 Address of Branch Office(s) where activity occurred ☐ Multiple Branches (see instructions)

10 City | 11 State | 12 Zip Code | 13 If institution closed, date closed ___/___/___ MM DD YYYY

14 Account number(s) affected, if any
a _____ Closed? ☐ Yes ☐ No
b _____ Closed? ☐ Yes ☐ No
c _____ Closed? ☐ Yes ☐ No
d _____ Closed? ☐ Yes ☐ No

Part II Suspect Information ☐ Suspect Information Unavailable

15 Last Name or Name of Entity | 16 First Name | 17 Middle

18 Address | 19 SSN, EIN or TIN

20 City | 21 State | 22 Zip Code | 23 Country

24 Phone Number - Residence (include area code) ( )

25 Phone Number - Work (include area code) ( )

26 Occupation/Type of Business | 27 Date of Birth ___/___/___ MM DD YYYY

28 Forms of Identification for Suspect:
a ☐ Driver's License/ State ID b ☐ Passport c ☐ Alien Registration d ☐ Other _____
e ☐ Number _____ f ☐ Issuing Authority _____

29 Relationship to Financial Institution:
a ☐ Accountant d ☐ Attorney g ☐ Customer j ☐ Officer
b ☐ Agent e ☐ Borrower h ☐ Director k ☐ Shareholder
c ☐ Appraiser f ☐ Broker i ☐ Employee l ☐ Other _____

30 Is the relationship an insider relationship? a ☐ Yes b ☐ No
If YES specify:
c ☐ Still employed at financial institution e ☐ Terminated
d ☐ Suspended f ☐ Resigned

31 Date of Suspension, Termination, Resignation ___/___/___ MM DD YYYY

32 Admission/Confession
a ☐ Yes b ☐ No

Part III Suspicious Activity Information

33 Date or date range of suspicious activity
From ____/____/_____ To ____/____/_____
MM DD YYYY MM DD YYYY

34 Total dollar amount involved in known or suspicious activity
$ .00

35 Summary characterization of suspicious activity:

- a ☐ Bank Secrecy Act/Structuring/ Money Laundering
- b ☐ Bribery/Gratuity
- c ☐ Check Fraud
- d ☐ Check Kiting
- e ☐ Commercial Loan Fraud
- f ☐ Computer Intrusion
- g ☐ Consumer Loan Fraud
- h ☐ Counterfeit Check
- i ☐ Counterfeit Credit/Debit Card
- j ☐ Counterfeit Instrument (other)
- k ☐ Credit Card Fraud
- l ☐ Debit Card Fraud
- m ☐ Defalcation/Embezzlement
- n ☐ False Statement
- o ☐ Misuse of Position or Self Dealing
- p ☐ Mortgage Loan Fraud
- q ☐ Mysterious Disappearance
- r ☐ Wire Transfer Fraud
- s ☐ Other _____ (type of activity)

36 Amount of loss prior to recovery (if applicable)
$ .00

37 Dollar amount of recovery (if applicable)
$ .00

38 Has the suspicious activity had a material impact on, or otherwise affected, the financial soundness of the institution?
a ☐ Yes b ☐ No

39 Has the institution's bonding company been notified?
a ☐ Yes b ☐ No

40 Has any law enforcement agency already been advised by telephone, written communication, or otherwise?

- a ☐ DEA
- b ☐ FBI
- c ☐ IRS
- d ☐ Postal Inspection
- e ☐ Secret Service
- f ☐ U.S. Customs
- g ☐ Other Federal
- h ☐ State
- i ☐ Local
- j ☐ Agency Name (for g, h or i) _____

41 Name of person(s) contacted

42 Phone Number (include area code)
( )

43 Name of person(s) contacted

44 Phone Number (include area code)
( )

Part IV Witness Information

45 Last Name

46 First Name

47 Middle

48 Address

49 SSN

50 City

51 State

52 Zip Code

53 Title/Occupation

54 Phone Number (include area code)
( )

55 Interviewed?
a ☐ Yes b ☐ No

Part V Contact Information

56 Last Name

57 First Name

58 Middle

59 Title/Occupation.

60 Phone Number (include area code)
( )

61 Date Prepared
____/____/_____
MM DD YYYY

62 Agency (if not filed by financial institution)

Part VI Suspicious Activity Information Explanation/Description 3

Explanation/description of known or suspected violation of law or suspicious activity. This section of the report is **critical**. The care with which it is written may make the difference in whether or not the described conduct and its possible criminal nature are clearly understood. Provide below a chronological and **complete** account of the possible violation of law, including what is unusual, irregular or suspicious about the transaction, using the following checklist as you prepare your account. If necessary, continue the narrative on a duplicate of this page.

a **Describe** supporting documentation and retain for 5 years.
b **Explain** who benefited, financially or otherwise, from the transaction, how much, and how.
c **Retain** any confession, admission, or explanation of the transaction provided by the suspect and indicate to whom and when it was given.
d **Retain** any confession, admission, or explanation of the transaction provided by any other person and indicate to whom and when it was given.
e **Retain** any evidence of cover-up or evidence of an attempt to deceive federal or state examiners or others.
f **Indicate** where the possible violation took place (e.g., main office, branch, other).
g **Indicate** whether the possible violation is an isolated incident or relates to other transactions.
h **Indicate** whether there is any related litigation; if so, specify.
i **Recommend** any further investigation that might assist law enforcement authorities.
j **Indicate** whether any information has been excluded from this report; if so, why?

For Bank Secrecy Act/Structuring/Money Laundering reports, include the following additional information:

k **Indicate** whether currency and/or monetary instruments were involved. If so, provide the amount and/or description of the instrument (for example, bank draft, letter of credit, domestic or international money order, stocks, bonds, traveler's checks, wire transfers sent or received, cash, etc.).
l **Indicate** any account number that may be involved or affected.

Paperwork Reduction Act Notice: The purpose of this form is to provide an effective and consistent means for financial institutions to notify appropriate law enforcement agencies of known or suspected criminal conduct or suspicious activities that take place at or were perpetrated against financial institutions. This report is required by law, pursuant to authority contained in the following statutes. Board of Governors of the Federal Reserve System: 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3105(c) (2) and 3106(a). Federal Deposit Insurance Corporation: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of the Comptroller of the Currency: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of Thrift Supervision: 12 U.S.C. 1463 and 1464. National Credit Union Administration: 12 U.S.C. 1786(a), 1786(q). Financial Crimes Enforcement Network: 31 U.S.C. 5318(g). Information collected on this report is confidential (5 U.S.C. 552(b)(7) and 552a(k)(2), and 31 U.S.C. 5318(g)). The Federal financial institutions' regulatory agencies and the U.S. Departments of Justice and Treasury may use and share the information. Public reporting and recordkeeping burden for this information collection is estimated to average 30 minutes per response, and includes time to gather and maintain data in the required report, review the instructions, and complete the information collection. Send comments regarding this burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503 and, depending on your primary Federal regulatory agency, to Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551; or Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429; or Legislative and Regulatory Analysis Division, Office of the Comptroller of the Currency, Washington, DC 20219; or Office of Thrift Supervision, Enforcement Office, Washington, DC 20552; or National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314; or Office of the Director, Financial Crimes Enforcement Network, Department of the Treasury, 2070 Chain Bridge Road, Vienna, VA 22182. The agencies may not conduct or sponsor, and an organization (or a person) is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Suspicious Activity Report Instructions

Safe Harbor Federal law (31 U.S.C. 5318(g)(3)) provides complete protection from civil liability for all reports of suspected or known criminal violations and suspicious activities to appropriate authorities, including supporting documentation, regardless of whether such reports are filed pursuant to this report's instructions or are filed on a voluntary basis. Specifically, the law provides that a financial institution, and its directors, officers, employees and agents, that make a disclosure of any possible violation of law or regulation, including in connection with the preparation of suspicious activity reports, "shall not be liable to any person under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the person involved in the transaction or any other person of such disclosure."

Notification Prohibited Federal law (31 U.S.C. 5318(g)(2)) requires that a financial institution, and its directors, officers, employees and agents who, voluntarily or by means of a suspicious activity report, report suspected or known criminal violations or suspicious activities may not notify any person involved in the transaction that the transaction has been reported.

In situations involving violations requiring immediate attention, such as when a reportable violation is ongoing, the financial institution shall immediately notify, by telephone, appropriate law enforcement and financial institution supervisory authorities in addition to filing a timely suspicious activity report.

WHEN TO MAKE A REPORT:

1. All financial institutions operating in the United States, including insured banks, savings associations, savings association service corporations, credit unions, bank holding companies, nonbank subsidiaries of bank holding companies, Edge and Agreement corporations, and U.S. branches and agencies of foreign banks, are required to make this report following the discovery of:

   a. **Insider abuse involving any amount.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying one of its directors, officers, employees, agents or other institution-affiliated parties as having committed or aided in the commission of a criminal act regardless of the amount involved in the violation.

   b. **Violations aggregating $5,000 or more where a suspect can be identified.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating $5,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying a possible suspect or group of suspects. If it is determined prior to filing this report that the identified suspect or group of suspects has used an "alias," then information regarding the true identity of the suspect or group of suspects, as well as alias identifiers, such as drivers' licenses or social security numbers, addresses and telephone numbers, must be reported.

   c. **Violations aggregating $25,000 or more regardless of a potential suspect.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating $25,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, even though there is no substantial basis for identifying a possible suspect or group of suspects.

   d. **Transactions aggregating $5,000 or more that involve potential money laundering or violations of the Bank Secrecy Act.** Any transaction (which for purposes of this subsection means a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument or investment security, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected) conducted or

attempted by, at or through the financial institution and involving or aggregating $5,000 or more in funds or other assets, if the financial institution knows, suspects, or has reason to suspect that:

i. The transaction involves funds derived from illegal activities or is intended or conducted in order to hide or disguise funds or assets derived from illegal activities (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under Federal law;

ii. The transaction is designed to evade any regulations promulgated under the Bank Secrecy Act; or

iii. The transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the financial institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

The Bank Secrecy Act requires all financial institutions to file currency transaction reports (CTRs) in accordance with the Department of the Treasury's implementing regulations (31 CFR Part 103). These regulations require a financial institution to file a CTR whenever a currency transaction exceeds $10,000. If a currency transaction exceeds $10,000 and is suspicious, the institution must file both a CTR (reporting the currency transaction) and a suspicious activity report (reporting the suspicious or criminal aspects of the transaction). If a currency transaction equals or is below $10,000 and is suspicious, the institution should only file a suspicious activity report.

2. **Computer Intrusion.** For purposes of this report, "computer intrusion" is defined as gaining access to a computer system of a financial institution to:

a. Remove, steal, procure or otherwise affect funds of the institution or the institution's customers;
b. Remove, steal, procure or otherwise affect critical information of the institution including customer account information; or
c. Damage, disable or otherwise affect critical systems of the institution.

For purposes of this reporting requirement, computer intrusion does not mean attempted intrusions of websites or other non-critical information systems of the institution that provide no access to institution or customer financial or other critical information.

3. A financial institution is required to file a suspicious activity report no later than 30 calendar days after the date of initial detection of facts that may constitute a basis for filing a suspicious activity report. If no suspect was identified on the date of detection of the incident requiring the filing, a financial institution may delay filing a suspicious activity report for an additional 30 calendar days to identify a suspect. In no case shall reporting be delayed more than 60 calendar days after the date of initial detection of a reportable transaction.

4. This suspicious activity report does not need to be filed for those robberies and burglaries that are reported to local authorities, or (except for savings associations and service corporations) for lost, missing, counterfeit or stolen securities that are reported pursuant to the requirements of 17 CFR 240.17f-1.

HOW TO MAKE A REPORT:

1. Send each completed suspicious activity report to:

FinCEN, Detroit Computing Center, P.O. Box 33980, Detroit, MI 48232-0980

2. For items that do not apply or for which information is not available, leave blank.
3. Complete each suspicious activity report in its entirety, even when the suspicious activity report is an amended report.
4. Do not include supporting documentation with the suspicious activity report. Identify and retain a copy of the suspicious activity report and all original supporting documentation or business record equivalent for 5 years from the date of the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.
5. If more space is needed to complete an item (for example, to report an additional suspect or witness), a copy of the page containing the item should be used to provide the information.
6. Financial institutions are encouraged to provide copies of suspicious activity reports to state and local authorities, where appropriate.

[FR Doc. 99–25123 Filed 9–27–99; 8:45 am]
BILLING CODE 4820–03–C

DEPARTME

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ACTION: Noti
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SUMMARY: Th
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SUPPLEMENT
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DEPARTMENT OF THE TREASURY

Departmental Offices; Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for renewed approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BQ–1, Part 1: Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, on Foreigners; and Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Payable in Dollars.

DATES: Written comments should be received on or before November 29, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, Administrator, Treasury International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 M.T., 1500 Pennsylvania Avenue NW, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Reqeusts for additional information or copies of the forms and instructions should be directed to Dwight Wolkow, Treasury International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 M.T., 1500 Pennsylvania Avenue NW, Washington, DC 20220, (202) 622–1276.

SUPPLEMENTARY INFORMATION:

Title: Treasury International Capital Form BQ–1. Part 1: Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, on Foreigners; Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Payable in Dollars.

OMB Number: 1505–0016.

Abstract: Form BQ–1 is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; EO 10033; 31 CFR Part 128) and is designed to collect timely information on international portfolio capital movements. This quarterly report covers the U.S. dollar claims of banks, other depository institutions, brokers and dealers, and of their domestic customers *vis-á-vis* foreign residents. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for use in formulating U.S. international financial and monetary policies.

Current Actions: No changes to reporting requirements are proposed at this time.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Form BQ–1 (1505–0016).

Estimated Number of Respondents: 600.

Estimated Average Time per Respondent: Four (4) hours per respondent per filing.

Estimated Total Annual Burden Hours: 9,600 hours, based on four reporting periods per year.

Reqeust for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. the public is invited to submit written comments concerning: whether Form BQ–1 is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance,and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 99–25143 Filed 9–27–99; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0381]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the holder's election to convey and transfer foreclosed property to VA.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 29, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0381" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Notice for Election to Convey and/or Invoice for Transfer of Property, VA Form 26–8903.

OMB Control Number: 2900–0381.

Type of Review: Extension of a currently approved collection.

Abstract: Section 3732 of Title 38, U.S.C., and 38 CFR 36.4320(a)(1), provides that if a minimum amount for credit to the borrower's indebtedness has been specified by VA in relation to the sale of the real property and the holder is the successful bidder at the sale for no more than the amount

specified by the Secretary, the holder will credit the indebtedness with that amount. The holder may then retain the property, or not later than 15 days after the date of sale, advise the Secretary of its election to convey and transfer the property to the Secretary. VA Form 26–8903 serves four purposes: holder's election to convey; invoice for the purchase price of the property; VA's voucher for authorizing payment to the holder; and establishment of the VA's property records. The form provides the holder, who has elected to convey a property to the VA, with a convenient and uniform means of notification to the proper VA regional office. This form simplifies processing for lenders/holders who, in most instances, operate branch offices statewide and nationwide.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 5,000 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30,000.

Dated: August 19, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–25125 Filed 9–27–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0460]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to verify loan applicant's income and employment.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 29, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0460" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Verification of Employment, VA Form 26–8497.

OMB Control Number: 2900–0460.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–8497 is used by lenders to verify a loan applicant's income and employment information when making guaranteed and insured loans. The VA, however, does not require the exclusive use of this form for verification purposes; any comprehensible form or independent verification would be acceptable, provided all information presently shown on VA Form 26–8497 is provided. The form is also used in processing direct loan cases, offers on acquired properties, and release of liability/substitution of entitlement cases when needed.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 50,000 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 300,000.

By direction of the Secretary.

Dated: August 20, 1999.

Sandra S. McIntyre,

Management and Program Analyst, Information Management Service.

[FR Doc. 99–25126 Filed 9–27–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0029]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 28, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0029."

SUPPLEMENTARY INFORMATION:

Titles and Form Numbers:

a. Offer to Purchase and Contract of Sale, VA Form 26–6705.

b. Credit Statement of Prospective Purchaser, VA Form 26–6705b.

c. Addendum to VA Form 26–6705 (Virginia), VA Form 26–6705d

OMB Control Number: 2900–0029.

Type of Review: Revision of a currently approved collection.

Abstract:

a. VA Form 26–6705 is used by the private sector sales broker to submit an offer to the VA on behalf of a prospective purchaser of a VA-acquired property. The form will be prepared for each proposed contract submitted to the

VA. If the VA accepts the offer to purchase, it then becomes a contract of sale. The form defines the terms of sale, provides the prospective purchaser with a receipt for his/her earnest money deposit, eliminates the need for separate transmittal of a purchase offer and develops the contract without such intermediate processing steps and furnishes evidence of the station decision with respect to the acceptance of the contract as tendered. Without this information, a determination of the best offer for a property cannot be made.

b. VA Form 26–6705b is used as a credit application to determine the creditworthiness of a prospective purchaser in those instances when the prospective purchaser seeks VA vendee financing, along with VA Form 26–6705. In such sales, the offer to purchase will not be accepted until the purchaser's income and credit history have been verified and a loan analysis has been completed, indicating loan approval. Without this information, the creditworthiness of a prospective purchaser cannot be determined and the offer to purchase cannot be accepted.

c. VA Form 26–6705d is an addendum to VA Form 26–6705 for use in Virginia. It includes requirements of State law, which must be acknowledged by the purchaser at or prior to closing.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 22, 1999, at page 33342.

Affected Public: Individuals or households.

Estimated Annual Burden: 57,917 hours.

a. VA Form 26–7605—35,000 hours.
b. VA Form 26–6705b—22,500 hours.
c. VA Form 26–6705d—417 hours.

Estimated Average Burden Per Respondent: 20 minutes (average).

a. VA Form 26–7605—21 minutes.
b. VA Form 26–6705b—20 minutes.
c. VA Form 26–6705d—5 minutes.

Frequency of Response: Generally one-time.

Estimated Number of Total Respondents: 172,500.

a. VA Form 26–7605—100,000.
b. VA Form 26–6705b—67,500.
c. VA Form 26–6705d—5,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to "OMB Control No. 2900–0029" in any correspondence.

Dated: September 1, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–25127 Filed 9–27–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0086]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 28, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0086."

SUPPLEMENTARY INFORMATION:

Title: Request for a Certificate of Eligibility for VA Home Loan Benefits, VA Form 26–1880.

OMB Control Number: 2900–0086.

Type of Review: Extension of a currently approved collection.

Abstract: The form is completed by an applicant to establish eligibility for Loan Guaranty benefits, request restoration of entitlement previously used, or request a duplicate Certificate of Eligibility due to the original being lost or stolen. The information furnished on VA Form 26–1880 is necessary for VA to make a determination on whether or nor the applicant is eligible for Loan Guaranty benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 22, 1999, at page 33343.

Affected Public: Individuals or households.

Estimated Annual Burden: 130,910 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 523,639.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 12035, Washington, DC 20503 (202) 395–4650. Please refer to "OMB Control No. 2900–0086" in any correspondence.

Dated: September 1, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–25128 Filed 9–27–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0191]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 28, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0191."

SUPPLEMENTARY INFORMATION:

Title: Application for Designation as Management Broker, VA Form 26–6685.

OMB Control Number: 2900–0191.

Type of Review: Extension of a currently approved collection.

Abstract: It is the general policy of the VA to utilize the services of local brokers in the sale and management of VA-owned properties. Generally management activities are conducted by staff personnel only when the property is in close proximity to a VA field station and no reputable local brokers are willing to represent the VA. Each management broker wishing to represent the VA must submit a signed VA Form 26–6685. The information collected on the form, as well as other relevant material, such as a credit report, is used to determine the qualifications and acceptability of those management brokers who apply to participate in this program.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 22, 1999, at page 33344.

Affected Public: Business or other for profit.

Estimated Annual Burden: 63 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Generally one-time.

Estimated Number of Respondents: 250.

Send comments and recommendations concerning any aspect of the information collection to VA/s OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 12035, Washington, DC 20503 (202) 395–4650. Please refer to "OMB Control No. 2900–0191" in any correspondence.

Dated: September 1, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–25129 Filed 9–27–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0458]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 28, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0458."

SUPPLEMENTARY INFORMATION:

Title: Certification of School Attendance or Termination, VA Form 21–8960.

OMB Control Number: 2900–0458.

Type of Review: Extension of a currently approved collection.

Abstract: The VA Form 21–8960 is used to confirm the continued entitlement of a child ages 18 to 23 who is attending school.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 15, 1999 at pages 32101–32102.

Affected Public: Individuals or Households.

Estimated Annual Burden: 11,667 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 70,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–4650. Please refer to "OMB Control No. 2900–0458" in any correspondence.

Dated: September 2, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–25130 Filed 9–27–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department's General Counsel involving veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters. The summary is published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Jane L. Lehman, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–6558.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel that must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

VAOPGCPREC 04–99

Question Presented

What evidence is necessary to establish a well-grounded claim for

compensation under 38 U.S.C. 1117 and 38 CFR 3.317 for disability due to an undiagnosed illness suffered by a veteran of the Persian Gulf War?

Held

A well-grounded claim for compensation under 38 U.S.C. 1117(a) and 38 CFR 3.317 for disability due to undiagnosed illness generally requires the submission of some evidence of: (1) Active military, naval, or air service in the Southwest Asia theater of operations during the Persian Gulf War; (2) the manifestation of one or more signs or symptoms of undiagnosed illness; (3) objective indications of chronic disability during the relevant period of service or to a degree of disability of 10 percent or more within the specified presumptive period; and (4) a nexus between the chronic disability and the undiagnosed illness. With respect to the second and fourth elements, evidence that the illness is "undiagnosed" may consist of evidence that the illness cannot be attributed to any known diagnosis or, at minimum, evidence that the illness has not been attributed to a known diagnosis by physicians providing treatment or examination. The type of evidence necessary to establish a well-grounded claim as to each of those elements may depend upon the nature and circumstances of the particular claim. For purposes of the second and third elements, the manifestation of one or more signs or symptoms of undiagnosed illness or objective indications of chronic disability may be established by lay evidence if the claimed signs or symptoms, or the claimed indications, respectively, are of a type which would ordinarily be susceptible to identification by lay persons. If the claimed signs or symptoms of undiagnosed illness or the claimed indications of chronic disability are of a type which would ordinarily require the exercise of medical expertise for their identification, then medical evidence would be required to establish a well-grounded claim. With respect to the third element, a veteran's own testimony may be considered sufficient evidence of objective indications of chronic disability, for purposes of a well-grounded claim, if the testimony relates to non-medical indicators of disability within the veteran's competence and the indicators are capable of verification from objective sources. Medical evidence would ordinarily be required to satisfy the fourth element, although lay evidence may be sufficient in cases where the nexus between the chronic disability and the undiagnosed illness is capable of lay observation.

Effective Date: May 3, 1999.

VAOPGCPREC 05–99

Question Presented

For purposes of benefits authorized by section 421 of Pub. L. 104–204, does the term "spina bifida" include neural tube defects, such as encephalocele and anencephaly, which do not involve the spinal column?

Held

Pursuant to 38 U.S.C. 1802, chapter 18 of title 38, United States Code, applies with respect to all forms of spina bifida other than spina bifida occulta. For purposes of that chapter, the term "spina bifida" refers to a defective closure of the bony encasement of the spinal cord, but does not include other neural tube defects such as encephalocele and anencephaly.

Effective Date: May 3, 1999.

VAOPGCPREC 06–99

Question Presented

a. May a claim for a total disability rating based on individual unemployability for a particular service-connected disability be considered when a schedular 100-percent rating is already in effect for another service-connected disability?

b. Would any additional benefit be available in the case of a veteran having one service-connected disability rated 100-percent disabling under the rating schedule and another, separate disability for which the veteran has been awarded a TDIU rating?

Held

a. A claim for a total disability rating based on individual unemployability for a particular service-connected disability may not be considered when a schedular 100-percent rating is already in effect for another service-connected disability.

b. No additional monetary benefit would be available in the hypothetical case of a veteran having one service-connected disability rated 100-percent disabling under the rating schedule and another, separate disability rated totally disabling due to individual unemployability under 38 CFR 4.16(a). Further, the availability of additional procedural protections applicable under 38 CFR 3.343(c) in the case of a total disability rating based on individual unemployability would not provide a basis for consideration of a rating under section 4.16(a) where a veteran already has a service-connected disability rated 100-percent disabling under the rating schedule.

Effective Date: June 7, 1999.

VAOPGCPREC 07–99

Question Presented

A. In view of the amendments made by section 8052 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990), can a disability due to substance abuse caused by a service-connected disability be service connected under 38 CFR 3.310(a)?

B. Can the aggravation by a service-connected disability of a nonservice-connected disability arising out of substance abuse be service connected under 38 CFR 3.310(a)?

C. In light of the decision of the United States Court of Appeals for Veterans Claims (Veterans Court) in *Barela* v. *West*, 11 Vet. App. 280 (1998), and VAOPGCPREC 2–98, may dependency and indemnity compensation (DIC) be considered "disability compensation"?

D. May the Department of Veterans Affairs (VA) award DIC based either on a veteran's death caused by a disability due to substance abuse that was itself secondary to a service-connected disability or on a veteran's death while receiving or entitled to receive compensation for such a substance-abuse disability that was continuously rated totally disabling for an extended period immediately preceding death?

Held

A. The amendments made by section 8052 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101–508, § 8052, 104 Stat. 1388, 1388–351, which are applicable to claims filed after October 31, 1990, prohibit the payment of compensation to a veteran under 38 U.S.C. 1110 or 1131 for service-connected disability ("disability compensation") for a disability that is a result of a veteran's own abuse of alcohol or drugs (a "substance-abuse disability"), and they preclude direct service connection of a substance-abuse disability for purposes of all VA benefits, including dependency and indemnity compensation. The amendments do not preclude service connection under 38 CFR 3.310(a) of a substance-abuse disability that is proximately due to or the result of a service-connected disease or injury. A substance-abuse disability caused by a service-connected disability can be service connected under section 3.310(a) for purposes of all VA benefits. However, disability compensation cannot be paid for such a disability.

B. The aggravation of a substance-abuse disability by a service-connected

disability can be service connected under section 3.310(a) for purposes of all VA benefits. However, disability compensation cannot be paid for such aggravation.

C. Dependency and indemnity compensation is a benefit distinct from disability compensation for purposes of the amendments made by section 8052 of the Omnibus Budget Reconciliation Act of 1990 and is not affected by that Act's prohibition on payment of disability compensation for substance-abuse disability.

D. VA may award dependency and indemnity compensation to a veteran's survivors based on either the veteran's death from a substance-abuse disability secondarily service connected under 38 CFR 3.310(a) (entitlement established under 38 U.S.C. 1310) or based on a veteran's death while in receipt of or entitled to receive compensation for a substance-abuse disability secondarily service connected under section 3.310(a) and continuously rated totally disabling for an extended period immediately preceding death (entitlement established under 38 U.S.C. 1318).

Effective Date: June 9, 1999.

VAOPGCPREC 08–99

Question Presented

Whether 38 U.S.C. 1910 prohibits the Department of Veterans Affairs (VA) from contesting a Government life insurance policy issued as a result of administrative error on the basis that the insured carries more than $10,000 of Government life insurance in contravention of 38 U.S.C. 1903?

Held

a. Where, as a result of administrative error, Government life insurance policies issued to the same insured total in excess of $10,000 in violation of 38 U.S.C. 1903, the policies are incontestable pursuant to 38 U.S.C. 1910 except for fraud or nonpayment of premiums, or on the ground that the applicant was not a member of the military or naval forces of the United States.

b. A contract for National Service Life Insurance (NSLI) cannot be created by the doctrine of promissory estoppel. To give rise to an NSLI contract, there must be a meeting of the minds of the contracting parties. Where veterans paid premiums on additional NSLI policies which did not belong to them because of erroneous billing by the Department of Veterans Affairs (VA), additional NSLI policies in favor of these individuals were not created.

Effective Date: August 11, 1999.

VAOPGCPREC 09–99

Question Presented

a. Does the Board of Veterans' Appeals (BVA) have the authority to adjudicate or address in the first instance the question of timeliness of a substantive appeal? If not, what is the appropriate course of action for the BVA to take when it raises the issue of timeliness of the substantive appeal for the first time on appeal?

b. What is the appropriate course of action for the BVA to take when it discovers for the first time on appeal that no substantive appeal has been filed on an issue certified to the BVA for appellate review by the agency of original jurisdiction (AOJ)?

Held

a. The BVA has the authority to adjudicate or address in the first instance the question of timeliness of a substantive appeal and may dismiss an appeal in the absence of a timely-filed substantive appeal. It should, however, afford the claimant appropriate procedural protections to assure adequate notice and opportunity to be heard on the question of timeliness.

b. When the BVA discovers in the first instance that no substantive appeal has been filed in a case certified to the BVA for appellate review by the agency of original jurisdiction, it may dismiss the appeal. Again, it should afford the claimant appropriate procedural protections.

Effective Date: August 18, 1999.

VAOPGCPREC 10–99

Question Presented

Should the accelerated course measurement provisions of 38 CFR 21.4272(g) be used in determining the total number of credit hours for which mitigating circumstances are presumed pursuant to 38 U.S.C. 3680(a)(3)(B) and 10 U.S.C 16136(b)?

(**Note:** For convenience, this opinion discusses the regulation's application to 38 U.S.C. 3680(a)(3)(B) and does not further reference 10 U.S.C. 16136(b) since the latter statute merely requires that the former will apply to persons eligible under the chapter 1606, title 10, program.)

Held

VA regulation, 38 CFR 21.4272(g), which provides a basis (*i.e.*, "equivalent credit hours") for measuring training time when courses are pursued during nonstandard terms, is inapplicable to, and should not be used in determining whether nonpunitive course withdrawals exceed the equivalent of six semester hours for purposes of applying the mitigating circumstances exception under 38 U.S.C. 3680(a)(3)(B).

Effective Date: August 24, 1999.

By direction of the Secretary.

Leigh A. Bradley,

General Counsel.

[FR Doc. 99–25131 Filed 9–27–99; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register
Vol. 64, No. 187
Tuesday, September 28, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA –1054–N]

RIN 0938–AJ62

Medicare Program; Hospice Wage Index

Correction

In notice document 99–20013 beginning on page 42393 in the issue of Wednesday, August 4, 1999, on pages 42396 and 42397, portions of Table A–Hospice Wage Index for Urban Areas are corrected to read as follows:

TABLE A—HOSPICE WAGE INDEX FOR URBAN AREAS

MSA code No.	Urban area (constituent counties or county equivalents) [1]	Wage index [2]
3290 ...	*Hickory-Morganton-Lenoir, NC*	0.9492
	Alexander, NC.	
	Burke, NC.	
	Caldwell, NC.	
	Catawba, NC.	
3320 ...	*Honolulu, HI*	1.2269
	Honolulu, HI.	
3350 ...	*Houma, LA*	0.8738
	Lafourche, LA.	
	Terrebonne, LA.	
3360 ...	*Houston, TX*	1.0541
	Chambers, TX.	
	Fort Bend, TX.	
	Harris, TX.	
	Liberty, TX.	
	Montgomery, TX.	
	Waller, TX.	
3400 ...	*Huntington-Ashland, WV–KY–OH*	1.0284
	Boyd, KY.	
	Carter, KY.	
	Greenup, KY.	
	Lawrence, OH.	
	Cabell, WV.	
	Wayne, WV.	
3440 ...	*Huntsville, AL*	0.8938
	Limestone, AL.	
	Madison, AL.	
3480 ...	*Indianapolis, IN*	1.0480
	Boone, IN.	
	Hamilton, IN.	
	Hancock, IN.	
	Hendricks, IN.	
	Johnson, IN.	
	Madison, IN.	
	Marion, IN.	
	Morgan, IN.	
	Shelby, IN.	
3500 ...	*Iowa City, IA*	1.0107
	Johnson, IA.	
3520 ...	*Jackson, MI*	0.9833
	Jackson, MI.	
3560 ...	*Jackson, MS*	0.8839
	Hinds, MS.	
	Madison, MS.	
	Rankin, MS.	
3580 ...	*Jackson, TN*	0.9125
	Madison, TN.	
	Chester, TN.	
3600 ...	*Jacksonville, FL* ...	0.9487
	Clay, FL.	
	Duval, FL.	
	Nassau, FL.	
	St. Johns, FL.	
3605 ...	*Jacksonville, NC* ..	0.8055
	Onslow, NC.	
3610 ...	*Jamestown, NY*	0.8165
	Chautauqua, NY.	
3620 ...	*Janesville-Beloit, WI*	0.9648
	Rock, WI.	
3640 ...	*Jersey City, NJ*	1.2363
	Hudson, NJ.	
3660 ...	*Johnson City-Kingsport-Bristol, TN–VA*	0.9352
	Carter, TN.	
	Hawkins, TN.	
	Sullivan, TN.	
	Unicoi, TN.	
	Washington, TN.	
	Bristol City, VA.	
	Scott, VA.	
	Washington, VA.	
3680 ...	*Johnstown, PA*	0.9188
	Cambria, PA.	
	Somerset, PA.	
3700 ...	*Jonesboro, AR*	0.8000
	Craighead, AR.	
3710 ...	*Joplin, MO*	0.8392
	Jasper, MO.	
	Newton, MO.	
3720 ...	*Kalamazoo-Battlecreek, MI*	1.2079
	Calhoun, MI.	
	Kalamazoo, MI.	
	Van Buren, MI.	
3740 ...	*Kankakee, IL*	1.0039
	Kankakee, IL.	
3760 ...	*Kansas City, KS–MO*	1.0281
	Johnson, KS.	
	Leavenworth, KS.	
	Miami, KS.	
	Wyandotte, KS.	
	Cass, MO.	
	Clay, MO.	
	Clinton, MO.	
	Jackson, MO.	
	Lafayette, MO.	
	Platte, MO.	
	Ray, MO.	
3800 ...	*Kenosha, WI*	0.9731
	Kenosha, WI.	
3810 ...	*Killeen-Temple, TX*	1.0776
	Bell, TX.	
	Coryell, TX.	
3840 ...	*Knoxville, TN*	0.9506
	Anderson, TN.	
	Blount, TN.	
	Knox, TN.	
	Loudon, TN.	
	Sevier, TN.	
	Union, TN.	
3850 ...	*Kokomo, IN*	0.9887
	Howard, IN.	
	Tipton, IN.	
3870 ...	*La Crosse, WI–MN*	0.9501
	Houston, MN.	
	La Crosse, WI.	
3880 ...	*Lafayette, LA*	0.8800
	Acadia, LA.	
	Lafayette, LA.	
	St. Landry, LA.	
	St. Martin, LA.	
3920 ...	*Lafayette, IN*	0.9424
	Clinton, IN.	
	Tippecanoe, IN.	
3960 ...	*Lake Charles, LA*	0.818
	Calcasieu, LA.	
3980 ...	*Lakeland-Winter Haven, FL*	0.9529
	Polk, FL.	
4000 ...	*Lancaster, PA*	1.0192
	Lancaster, PA.	
4040 ...	*Lansing-East Lansing, MI*	1.0756
	Clinton, MI.	
	Eaton, MI.	
	Ingham, MI.	
4080 ...	*Laredo, TX*	0.8000
	Webb, TX.	
4100 ...	*Las Cruces, NM* ...	0.9455
	Dona Ana, NM.	
4120 ...	*Las Vegas, NV–AZ*	1.2166
	Mohave, AZ	
	Clarke, NV	

TABLE A—HOSPICE WAGE INDEX FOR URBAN AREAS—Continued

MSA code No.	Urban area (constituent counties or county equivalents) [1]	Wage index [2]
4150 ...	Nye, NV *Lawrence, KS*	0.9226
4200 ...	Douglas, KS *Lawton, OK* ..... Comanche, OK	0.9271

[FR Doc. C9–20013 Filed 9–27–99; 8:45 am]
BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 60

[ND–001–0006a; FRL–6426–5]

Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards

Correction

In rule document 99–22177 beginning on page 47395 in the issue of Tuesday, August 31, 1999, make the following correction:

On page 47401, in the second column, in §52.1820(c)(31)(i)(A) in the eighth line, "33–15–02–0.3" should read, "33–15–02–07.3".

[FR Doc. C9–22177 Filed 9–27–99; 8:45 am]
BILLING CODE 1505–01–D

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

Correction

In notice document 99–24545 beginning on page 51121, in the issue of Tuesday, September 21, 1999, make the following correction:

On page 51122, in the first column, in the *DATES:* section, in the second line, "[insert date 60 days from publication in the Federal Register]" should read "November 22, 1999".

[FR Doc. C9–24545 Filed 9–27–99; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 880]

Commerce in Explosives; List of Explosive Materials

Correction

In notice document 99–23929 beginning on page 49840, in the issue of Tuesday, September 14, 1999, make the following correction:

On page 49840, in the third column, under the heading **List of Explosive Materials**, in the second line from the bottom of the page, remove the asterisk before "Ammonium".

[FR Doc. C9–23929 Filed 9–27–99; 8:45 am]
BILLING CODE 1505–01–D

Tuesday
September 28, 1999

Part II

Environmental Protection Agency

40 CFR Part 262

Project XL Site-specific Rulemaking for University Laboratories at the University of Massachusetts Boston, Boston, MA, the Boston College, Chestnut Hill, MA, and the University of Vermont, Burlington, VT; Hazardous Waste Management System; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 262

[FRL–6444–8]

Project XL Site-specific Rulemaking for University Laboratories at the University of Massachusetts Boston, Boston MA, the Boston College, Chestnut Hill, MA, and the University of Vermont, Burlington, VT; Hazardous Waste Management System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today's rule provides regulatory flexibility under the Resource Conservation and Recovery Act (RCRA), as amended. It allows the participating laboratories at the University of Massachusetts-Boston, Boston, MA, Boston College, Chestnut Hill, MA and the University of Vermont, Burlington, VT (the Universities) to replace certain existing requirements for hazardous waste generators with a comprehensive Laboratory Environmental Management Plan (EMP) designed for each University. EPA is promulgating this rule to implement an XL project for the laboratories at the Universities. The terms of the XL project are defined in the Final Project Agreement (FPA) which is scheduled to be signed by the parties on September 28, 1999. The FPA explains the project in detail, while the promulgation of this federal rule will enable Massachusetts Department of Environmental Protection (MADEP) and Vermont Department of Environmental Conservation (VTDEC) to implement portions of the project requiring regulatory changes. The requirements of this rule will not take effect in Massachusetts and Vermont until they adopt the requirements as state law. For the sake of simplicity, the remainder of this preamble refers to the effects of this rule, although it will be the corresponding state law change that will actually govern this XL project.

In order to qualify for the flexibility that the rule provides, the Universities must implement environmental management plans for the participating laboratories and comply with minimum performance criteria for managing laboratory waste. EPA expects this XL project to result in superior environmental performance in Massachusetts and Vermont, while providing waste minimization opportunities to the participating Universities.

DATES: This final rule is effective September 28, 1999.

ADDRESSES: A docket containing public comments and supporting materials is available for public inspection and copying at the RCRA Information Center (RIC), located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The RIC is open from 9:00 am to 4:00 pm Monday through Friday, excluding federal holidays. The public is encouraged to phone in advance to review docket materials. Appointments can be scheduled by phoning the Docket Office at (703) 603–9230. Refer to RCRA docket number F–1999-NEUP-FFFFF. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost 15 cents per page.

A duplicate copy of the docket is available for inspection and copying at U.S. EPA, Region 1, 1 Congress Street, Suite 1100 (LIB), Boston, MA 02114–2023 during normal business hours. Persons wishing to view the duplicate docket at the Boston location are encouraged to contact Ms. Gina Snyder or Mr. George Frantz in advance, by telephoning (617) 918–1837 or (617) 918–1883. Information is also available on the world wide web at http://www.epa.gov/ProjectXL.

FOR FURTHER INFORMATION CONTACT: Ms. Gina Snyder or Mr. George Frantz, U.S. Environmental Protection Agency, Region I (SPE), Assistance and Pollution Prevention Division, 1 Congress Street, Suite 1100, Boston, MA 02114–2023. Ms. Snyder can be reached at (617) 918–1837 and Mr. Frantz can be reached at (617) 918–1883.

SUPPLEMENTARY INFORMATION:

Outline of Today's Document

The information presented in this preamble is organized as follows:

I. Authority
II. Background
A. Overview of Project XL
B. Overview of the New England University Laboratories XL Project
1. Introduction
2. Description of the New England University Laboratories XL Project
3. What Are the Environmental Benefits of the Project?
4. What Are the Economic Benefits and Paperwork Reduction Deriving from the Project?
5. Stakeholder Involvement
6. What is the Project Duration and Completion Date?
C. Rule Description
1. Summary of Rule
2. Changes to the Proposed Rule
III. Response to Significant Public Comments
IV. What is the Effective Date of This Rule?
V. Additional Information
A. How Does This Rule Comply with Executive Order 12866?
B. Is a Regulatory Flexibility Analysis Required?
C. Is EPA required to Submit a Rule Report Under the Congressional Review Act?
D. Is an Information Collection Request Required for This Project Under the Paperwork Reduction Act?
E. Does This Project Trigger the Requirements of the Unfunded Mandates Reform Act?
F. RCRA/HSWA
1. Applicability of Rules in Authorized States
2. Effect on Massachusetts and Vermont Authorization
G. How Does This Rule Comply With Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks?
H. How Does This Rule Comply with Executive Orders on Federalism?
I. How Does This Rule Comply with Executive Order 13084: Consultation and Coordination With Indian Tribal Governments?
J. Does This Rule Comply with National Technology Transfer and Advancement Act?

I. Authority

EPA is publishing this regulation under the authority of sections 2002, 3001, 3002, 3003, 3006, 3010, and 7004 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6912, 6921, 6922, 6923, 6926, 6930, and 6974).

II. Background

A. Overview of Project XL

Each Project XL project is implemented with a Final Project Agreement (FPA). For this Project XL, the FPA sets forth the intentions of EPA and the Universities with regard to a project developed under Project XL, an EPA initiative to allow regulated entities to achieve better environmental results at less cost. The regulation will facilitate implementation of the project. Project XL—"eXcellence and Leadership" was announced on March 16, 1995, as a central part of the National Performance Review and the EPA's effort to reinvent environmental protection. See 60 FR 27282 (May 23, 1995). Project XL provides a limited number of private and public regulated entities an opportunity to develop their own pilot projects to provide regulatory flexibility that will result in environmental protection that is superior to what would be achieved through compliance with current and reasonably anticipated future regulations. These efforts are crucial to EPA's ability to test new strategies that reduce the regulatory burden and promote economic growth while achieving better environmental and public health protection. EPA

intends to evaluate the results of this and other XL projects to determine which specific elements of the project(s), if any, should be more broadly applied to other regulated entities for the benefit of both the economy and the environment.

Under Project XL, participants in four categories—facilities, industry sectors, governmental agencies and communities—are offered the flexibility to develop common sense, cost-effective strategies that will replace or modify specific regulatory requirements, on the condition that they produce and demonstrate superior environmental performance. To participate in Project XL, applicants must develop alternative pollution reduction strategies pursuant to eight criteria: superior environmental performance; cost savings and paperwork reduction; local stakeholder involvement and support; test of an innovative strategy; transferability; feasibility; identification of monitoring, reporting and evaluation methods; and avoidance of shifting the risk burden. They must have full support of affected federal, state and tribal agencies to be selected.

For more information about the XL criteria, readers should refer to the two descriptive documents published in the **Federal Register** (60 FR 27282, May 23, 1995 and 62 FR 19872, April 23, 1997), and the December 1, 1995 "Principles for Development of Project XL Final Project Agreements" document. For further discussion as to how the New England University Laboratories XL project addresses the XL criteria, readers should refer to the Final Project Agreement and fact sheet that are available from the docket for this action (see **ADDRESSES** section of today's preamble) and the **Federal Register** notice publishing the proposed rule (64 FR 40696, July 27, 1999).

Project XL is intended to allow the EPA to experiment with untried, potentially promising regulatory approaches, both to assess whether they provide benefits at the specific facility affected, and whether they should be considered for wider application. Such pilot projects allow the EPA to proceed more quickly than would be possible when undertaking changes on a nationwide basis. EPA may modify rules, on a site- or state-specific basis, that represent one of several possible policy approaches within a more general statutory directive, so long as the alternative being used is permissible under the statute. Adoption of such alternative approaches or interpretations in the context of a given XL project does not, however, signal EPA's willingness to adopt that interpretation as a general matter, or even in the context of other XL projects. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative approaches prematurely on a widespread basis without first determining whether or not they are viable in practice and successful for the particular projects that embody them. Furthermore, as EPA indicated in announcing the XL program, it expects to adopt only a limited number of carefully selected projects. These pilot projects are not intended to be a means for piecemeal revision of entire programs. Depending on the results in these projects, EPA may or may not be willing to consider adopting the alternative approach or interpretation again, either generally or for other specific facilities.

EPA believes that adopting alternative policy approaches and/or interpretations, on a limited, site- or state-specific basis and in connection with a carefully selected pilot project, is consistent with the expectations of Congress about EPA's role in implementing the environmental statutes (so long as EPA acts within the discretion allowed by the statute). Congress' recognition that there is a need for experimentation and research, as well as ongoing reevaluation of environmental programs, is reflected in a variety of statutory provisions, e.g., section 8001 of RCRA.

B. Overview of the New England University Laboratories XL Project

1. Introduction

On July 27, 1999, the Environmental Protection Agency proposed a rule to implement a Project XL that would provide regulatory flexibility under the Resource Conservation and Recovery Act (RCRA) for the participating laboratories at the University of Massachusetts-Boston, Boston, MA, Boston College, Chestnut Hill, MA and the University of Vermont, Burlington, VT (the Universities). Specifically, the Agency proposed to allow participating laboratories at the Universities to replace existing requirements for hazardous waste generators with a comprehensive Environmental Management Standard that would identify a plan for the effective management of laboratory wastes and the minimum performance requirements for handling such waste in a laboratory (64 FR 40696). Today's final rule promulgates regulations that are very similar to the July 27, 1999 proposal. Readers of this notice are encouraged to refer to the July 27, 1999 (64 FR 40696) notice for a more detailed description of the problems today's rule is intended to address and a more detailed explanation of how the Agency expects the Environmental Management Standard to work.

Today's rule will facilitate implementation of the FPA (the document that embodies EPA's intent to implement this project) that has been developed by EPA, Massachusetts Department of Environmental Protection (MADEP), Vermont Department of Environmental Conservation (VTDEC), the Universities, and other stakeholders. EPA, MADEP, VTDEC and the Universities are scheduled to sign the final FPA on September 28, 1999. The FPA is available for review in the docket for today's action and on the world wide web at http://www.epa.gov/ProjectXL. The FPA addresses the eight Project XL criteria, and the expectation of EPA that this XL project will meet those criteria. Those criteria are: (1) Environmental performance superior to what would be achieved through compliance with current and reasonably anticipated future regulations; (2) cost savings or economic opportunity, and/or decreased paperwork burden; (3) stakeholder support; (4) test of innovative strategies for achieving environmental results; (5) approaches that could be evaluated for future broader application; (6) technical and administrative feasibility; (7) mechanisms for monitoring, reporting, and evaluation; and (8) consistency with Executive Order 12898 on Environmental Justice (avoidance of shifting of risk burden). The FPA specifically addresses the manner in which the project is expected to produce superior environmental benefits.

EPA is promulgating today's rule to implement the provisions of this Project XL initiative that require regulatory changes. However, as discussed in Section IV.F. below, both Massachusetts and Vermont have received authority to administer hazardous waste standards for generators that are equivalent to, or more stringent than, the federal program. Therefore, the requirements outlined in today's rule will not take effect in these States until each State adopts equivalent requirements as State law, and EPA will not be the primary regulatory agency responsible for implementing the requirements of this rule. Although today's rule references "EPA," for Massachusetts, "MADEP", and for Vermont, "VTDEC" will be substituted for "EPA" when the States adopt these requirements as State law. For this reason, this preamble discussion will use the term "regulatory agency" when referring to the "EPA" responsibilities identified in today's

rule. In addition, for the sake of simplicity, the remainder of this preamble refers to the effects of this rule, although it will be the corresponding State law change that will actually govern this XL project.

2. Description of the New England University Laboratories XL Project

Integrated Performance-Based System.

The University Laboratory XL project tests the effectiveness of an integrated, flexible, performance-based system for managing hazardous wastes in laboratories which (1) results in pollution prevention and streamlined procedures for managing hazardous wastes and hazardous chemicals at universities, (2) meets the objectives of both the RCRA and OSHA regulatory programs combined and (3) is at least as protective of human health and the environment as the current system.

This project pilots an alternative approach to hazardous waste management in university laboratories which is more systematic and more centralized than the approach implemented by universities under the current system. At the same time, the pilot integrates some of the current RCRA hazardous waste regulations with current Occupational Safety and Health Act (OSHA) regulations by requiring that the Universities develop a plan similar to the OSHA required Chemical Hygiene Plan (CHP). The plan required by the alternative system outlined in this site-specific final rule is to be designed for the management of environmental aspects of their activities to facilitate the creation of an integrated and consistent system for managing laboratory waste in laboratories. As a result of the efficiencies gained from the harmonization of the OSHA CHP and the RCRA-oriented Laboratory Environmental Management Plan, the new system is expected to provide a better management approach for laboratories and to result in increased pollution prevention while still ensuring protection of human health and the environment.

To achieve this objective, the Universities will follow the regulatory model of a Laboratory Environmental Management Standard (EMS) that identifies both the elements for the effective management of laboratory wastes, and the minimum performance requirements for handling wastes in each individual laboratory. The Laboratory EMS sets out all the requirements for the alternative system of managing laboratory waste. First and foremost, the Laboratory EMS includes Minimum Performance Criteria for the management of laboratory wastes within the laboratory and en route to the on-site hazardous waste accumulation area. These criteria are similar to the requirements of 40 CFR 262.34(c). The Minimum Performance Criteria are a set of measurable requirements that are similar to the current RCRA requirements. Each of the elements of the Minimum Performance Criteria is briefly explained below. In addition, the Laboratory EMS also requires the development of a Laboratory Environmental Management Plan (EMP). The EMP is written by each University to document its specific procedures for how it will conform with the Laboratory EMS. The EMP describes the procedures each laboratory must follow in order to meet the Minimum Performance Criteria.

Laboratory Environmental Management Standard (EMS). Today's final rule creates a new subpart to 40 CFR part 262, Subpart J, called the "Laboratory Environmental Management Standard." It includes a definition section (40 CFR 262.102) that sets out the definitions applicable to the requirements in the new Subpart J, the requirements for waste management in the laboratory, or the Minimum Performance Criteria, (40 CFR 262.104) and the specific requirement that each University develop a Laboratory Environmental Management Plan (40 CFR 262.105). Subpart J also contains requirements detailing the organizational responsibilities and the training requirements of each participating University laboratory (40 CFR 262.105). The Laboratory EMS provides the umbrella framework for an effective system for the management of university laboratory waste. It contains all the elements, from definitions through waste determination requirements (40 CFR 262.106), that make up the new systematic approach for the University laboratories. The Laboratory EMS was originally modeled after the general structure and format of the OSHA "Occupational Exposure to Hazardous Chemicals in Laboratories" standard which requires a Chemical Hygiene Plan.

Laboratory Environmental Management Plan (EMP). The Laboratory EMS requires the development of a Laboratory EMP which is the mechanism through which each University's EMS is put into practice at each University. The Laboratory EMP, modeled on OSHA's Chemical Hygiene Plan, is a comprehensive plan to be developed by each University. The EMP documents the procedures, practices and programs to (a) manage laboratory waste in a manner that is protective of human health and the environment and (b) ensure implementation to achieve compliance with the requirements of the Laboratory EMS and the Minimum Performance Criteria. It is through the Laboratory EMP that the Universities have the opportunity and the obligation to design a performance-based system to complement the OSHA requirements, to encourage waste minimization, and the redistribution and reuse of laboratory waste. The Laboratory EMP identifies specific elements to be implemented by each University, including requirements for pollution prevention policies and procedures.

One of the objectives of the EMP and the overall XL project is to erase the distinction between unused chemicals and waste chemicals in the laboratory setting, so that the value in reusing chemicals can be realized. This is to be accomplished by defining laboratory waste to include hazardous chemicals that result from laboratory scale activities and which may or may not constitute RCRA hazardous wastes. In the rule, laboratory waste is defined as "a hazardous chemical that results from laboratory scale activities and includes the following: excess or unused hazardous chemicals that may or may not be reused outside their laboratory of origin; hazardous chemicals determined to be RCRA hazardous waste as defined in 40 CFR Part 261; and hazardous chemicals that will be determined not to be RCRA hazardous waste pursuant to 40 CFR 262.106." Thus, all "laboratory waste" is managed under a single standard while in the laboratory. The determination that a laboratory waste could not be reused and would be a RCRA solid waste, and as to whether such solid waste would be a RCRA hazardous waste, will be made at a centralized area, by Environmental Health and Safety professionals.

Minimum Performance Criteria. The requirements for the laboratory EMP include a requirement that the EMP include procedures to assure compliance with Minimum Performance Criteria (MPC) specified in the regulation. The Minimum Performance Criteria set forth minimum requirements for the management of laboratory waste and have been designed to ensure that laboratory waste will be managed in a manner protective of human health and the environment. The requirements in the Minimum Performance Criteria include provisions which are consistent with current RCRA requirements, including labeling and container management. The criteria have a wider application than current RCRA requirements because the definition of

laboratory waste includes some materials that are not RCRA hazardous waste.

The New System. Currently, there are two potential impediments to the centralization and coordination facilitated by this rule. The first is the hazardous waste determination requirement under 40 CFR 262.11. If this determination is made in the individual laboratory, decisions with regard to reuse are inevitably decentralized since the hazardous waste determination necessitates a prior solid waste determination. To the extent that these decisions are made by laboratory workers who do not have a complete sense of the chemical needs of the entire university, such decisions are often premature and do not maximize the potential for re-use. The second potential impediment under the current system is the requirement under 40 CFR 262.34(c) that hazardous waste in excess of 55-gallons be removed within three days of reaching the 55-gallon limit. Such a time constraint results in constant, unplanned, episodic pick-ups which are in themselves, time-consuming. In contrast, the extended time period of 30 days allows for a more coordinated and efficient pick-up and delivery system which frees up staff time, and allows for the development of infrastructure and training designed to increase waste minimization and an organized and coordinated campus-wide chemical reuse system.

3. What Are the Environmental Benefits of the Project?

This Laboratory XL project is expected to achieve superior environmental performance beyond that which is achieved by the current RCRA regulatory system, in the three key areas of:

- Setting of Environmental Objectives and Targets and Pollution Prevention: The systematic approach to environmental management will set the stage for better tracking, control, goal setting and pollution prevention.
- Streamlining the Regulatory Process: By coordinating RCRA and OSHA regulatory compliance, the project will streamline the overall regulatory process for University laboratories.
- Environmental Awareness. The implementation and continuous improvement of the Laboratory EMS will enhance environmental awareness among laboratory workers.

These three areas are described more fully below:

In the setting of environmental objectives and targets and pollution prevention, this XL project in the requirements for the Laboratory Environmental Management Plan, is a significant improvement in that it makes explicit to the research community that there is an institutional commitment in the form of a policy to prevent pollution, a procedure for conducting an annual survey of hazardous chemicals of concern and a better system to reduce the potential for hazardous chemicals to accumulate on laboratory shelves and become wastes. Each XL Participant's Laboratory Environmental Management Plan must include or reference:

- A pollution prevention plan.
- Defined procedures for conducting an annual survey of laboratories that potentially store hazardous chemicals of concern ("HCOC").
- Defined procedures for conducting laboratory decommissionings (e.g., cleanouts).
- Defined procedures for the timely removal of laboratory wastes from the laboratory.

To increase reuse of laboratory waste and laboratory waste reduction: The current regulatory framework does little to encourage researchers to identify hazardous chemicals on the shelf as hazardous waste or to identify institutional opportunities for reuse of such chemicals. One targeted area for the demonstration of superior environmental performance will be enhanced management and reuse of laboratory hazardous chemicals. For example, chemicals that are no longer of sufficient purity for research use may be reused or recycled into teaching laboratories. Additionally, waste reduction will occur as a result of better systems to exchange and reuse hazardous chemicals throughout each university. According to a 1996 survey of approximately 100 academic institutions by the Campus, Safety, Health and Environmental Management Association, nearly 95% of respondents reported that they redistributed or recycled less than 1% of the hazardous chemical waste otherwise destined for disposal. This Laboratory XL Project commits the Universities to achieve better results, with the goals of 10% reduction in waste (from the baseline) and 20% increase in reuse or redistribution of chemicals from measured baseline.

In addition, the EMP includes a requirement that each University define a list of "hazardous chemicals of concern" ("HCOC") and annually conduct a risk evaluation survey of these chemicals in the laboratory. This list will be generated by EHS professionals at each University based on regulatory concerns, risk concerns and potential chemical reactions. The criteria at each University includes:

- Chemicals given an expiration date by the manufacturer due to safety considerations (e.g., peroxide forming chemicals, etc.).
- Chemicals which meet the RCRA definitions of reactive or corrosive (flammables are covered by fire department restrictions; in general, toxics are hazardous during their use, not during storage) and have been determined by professional judgment to present a risk to non-lab workers or the environment.
- Poison Inhalation Hazard designation by DOT (covers serious toxics).
- Other chemicals as determined by professional judgment to present a risk to non-lab workers or the environment.
- Chemicals may be removed from the HCOC list if there are insufficient quantities to pose a risk.

The HCOC list will be developed on a university-by-university basis, because the types of hazardous chemicals at a particular university will vary with the type of research work performed there. This list will be reviewed on an annual basis and updated.

The annual survey directly addresses the problems associated with the accumulation of old hazardous chemicals on the shelf. Federal EPA and state inspectors have indicated that this problem is a priority concern. This University Laboratory XL Project goes beyond the "waste" management regulations prescribed in RCRA by addressing this particular "upstream" issue at its source. By providing regular and consistent data on chemicals and chemical storage, such surveys will support university-wide chemical redistribution and/or the timely disposal of hazardous chemicals that are approaching or have exceeded their shelf life. The survey will also document that HCOC's that remain on the shelf have been assessed for product integrity.

In addition, evaluations and audits will be performed to help assure conformance with the University's EMP. Together with the enhanced environmental awareness training, internal audits/corrective actions will provide a way to continually improve the Laboratory EMS and help achieve improved environmental protection.

Another focus of this project is to streamline regulatory requirements: As demonstrated by the effort to develop the Integrated Contingency Plan, Federal agencies have placed high value on coordination between regulatory programs. Laboratories in most states are already regulated by the

requirements of OSHA's 29 CFR 1910.1450 (Occupational Exposure to Hazardous Chemicals in Laboratories) which requires the development of a Chemical Hygiene Plan (CHP) to ensure the health and safety of laboratory workers handling hazardous chemicals. In this project, the requirement to define and implement laboratory waste management policies and procedures will effectively manage laboratory wastes at every stage of their handling and disposition, including full compliance with current RCRA requirements once laboratory waste is received at the on-site hazardous waste accumulation area. The Minimum Performance Criteria and the procedures for complying with the minimum performance criteria which will be included in each University's Laboratory EMP ensure that enforceable safeguards will be in place. Moreover, the effect of a hazardous chemical survey and other procedures defined in the Laboratory EMP will be to minimize hazardous waste by shifting the focus to upstream sources of waste. The result will be performance that will exceed that prompted by the current RCRA program requirements as the focus of the university environmental departments can broaden from the current narrow focus on the issues associated with waste pick-up and handling to include pollution prevention and the attendant issues of chemical substitution and reuse.

Environmental benefits will also result from increased environmental awareness: Training, defined policies and procedures, enhanced audit programs and pollution prevention strategies are key management elements leading to superior environmental performance. Under the current system, these elements often receive less attention than they should because EH&S staff are focused on less pro-active issues such as managing laboratories as satellite accumulation areas. By allowing the institutional EH&S staff to schedule routine pick-ups of laboratory wastes at more suitable intervals (e.g., 3–4 weeks rather than 3-days under the satellite accumulation rule, but limiting the satellite accumulation to a maximum quantity of 55 gallons per laboratory, plus an "excess" of 55 gallons), the XL Participants will be able to more pro-actively focus limited resources on training and audit/corrective action programs and the establishment and administration of waste-exchange and hazardous chemical redistribution programs.

Under this project, laboratory workers will receive enhanced hazardous chemical training with respect to laboratory waste, pollution prevention and the environmental management practices at the university. The training requirements are outlined in the Environmental Management Standard (40 CFR part 262, Subpart J). The training will also result in benefits for students who were laboratory workers as they graduate and pursue their careers equipped with an increased environmental awareness and respect for the environmental aspects of their jobs.

4. What Are the Economic Benefits and Paperwork Reduction Deriving From the Project?

Laboratory waste management currently accounts for the most substantial expense for environmental, health and safety programs at the XL Participants. This University Laboratory XL Project will allow academic institutions to more effectively promote and implement waste minimization programs in laboratories. This will result in reduced waste disposal costs and reduced chemical purchasing costs without diminishing the level of environmental protection associated with the proper handling and/or disposal of hazardous laboratory wastes. The opportunity to develop a systematic, planned procedure for the pickup, consolidation and disposal of laboratory wastes will also enable participating institutions to more effectively utilize their EH&S staff for proactive activities. However, since existing RCRA record keeping and reporting requirements will remain in full effect at the institutional level, the XL Participants do not expect to significantly reduce the paperwork associated with compliance.

5. Stakeholder Involvement

MADEP, VTDEC and EPA have been involved in the development of this project, and support it. From the beginning of the Laboratory XL process, there has been a high priority on having diverse stakeholders review and support this project so that both national and local stakeholders have been involved in the development of the Laboratory Environmental Management Standard. This activity is described below and additional information, such as a listing of national stakeholders and letters of support are included in the docket supporting this rulemaking.

The initial stakeholder group was a national assembly of experts in laboratory chemical and environmental safety. The purpose of this group was twofold: (a) to assure that the University Laboratory XL Proposal reflected state of the art thinking with regard to controlling the potential impacts of laboratory chemicals; and (b) to ensure that the Laboratory Environmental Management Standard developed by the XL Participants could reasonably apply to a broad spectrum of small, medium and large institutions.

In addition to the stakeholder group, XL Participants made presentations and gave workshops at the Campus Safety, Health and Environmental Management Association meeting in New Orleans in July, 1998, sponsored a panel of presentations at the American Chemical Society meeting in Boston in August, 1998, gave a presentation at the EPA-New England sponsored workshop on compliance at universities March 24, 1999, and continue to speak to national forums and workshops in order to reach national stakeholders on a continuing basis.

6. What Is the Project Duration and Completion Date?

As with all XL projects testing alternative environmental protection strategies, the term of the New England University Laboratories XL project is one of limited duration. The duration of the regulatory relief provided by this rule is anticipated to be four (4) years from the effective date of this rule. However, a participating University may be terminated or suspended at any time for failure to comply with any of the requirements of the rule.

C. Rule Description

1. Summary of Rule

The rule amends 40 CFR 262.10 to add a paragraph (j) that states that the participating University laboratories are not subject to the requirements of 40 CFR 262.11 and 40 CFR 262.34(c) as long as the Universities comply with all the requirements of 40 CFR part 262, Subpart J. This rule also adds a new section to the Standards Applicable to Generators of Hazardous Waste, 40 CFR part 262, Subpart J. Section 262.100 of the rule specifies which organizations are covered by this site-specific rule (University of Massachusetts Boston, Boston MA, the Boston College, Chestnut Hill MA and the University of Vermont, Burlington VT). Section 262.101 outlines what is in Subpart J. Subpart J provides a framework for a new management system for wastes that are generated in university laboratories. This framework is called the Laboratory Environmental Management Standard. The standard includes some specific definitions that apply to the University laboratories, specific requirements for how to handle laboratory waste, and

requirements for developing and implementing an environmental management plan. Subpart J outlines the responsibilities of the management staff of each participating university and identifies requirements for training people who will work in the laboratories or manage laboratory waste. Section 262.102 of the rule defines terms used in the new rule. The definition of laboratory waste is of particular interest because of its importance in the implementation of the regulation. Section 262.103 defines the scope of the rule and makes it clear that the Laboratory Environmental Management Standard does not affect or supercede any legal requirements other than those described in § 262.10(j). Section 262.104 includes the requirements that a University and participating laboratory will comply with in order to continue to participate in this project, called the Minimum Performance Criteria. Section 262.105 specifies the requirements for the laboratory environmental management plan (EMP). Section 262.106 specifies when a hazardous waste determination must be made for laboratory waste.

Section 262.107 includes a termination provision, in addition to EPA's usual enforcement options [1], which authorizes EPA to remove from this XL project any University that does not comply with the Laboratory Environmental Management Standard as described in the rule. In the event of such removal, the temporary conditional deferral would be revoked and the Universities would be required to submit to EPA an implementation schedule setting forth how the Universities would plan to come into full compliance regulations within 90 days from such notice. The schedule would reflect the Universities' intent to use their best efforts to come into compliance as quickly as practicable within the 90 day transition period. During this 90 day transition period, the provisions of this proposed rule and the University's Environmental Management Plan would apply in full. At the conclusion of the 90 day period, the applicable RCRA regulations would again apply to the Universities in full. For further discussion, see the preamble to the proposed rule and the Final Project Agreement.

The final paragraph of the rule, section 262.108, sets forth the expiration date of the rule, September 30, 2003.

2. Changes to the Proposed Rule

EPA has made several changes to the proposed rule in response to comments. First, EPA has modified the rule in response to comments on the training requirements at 40 CFR 262.105(d). As proposed, § 262.105(d) required each participating university, in general, to "provide laboratory workers with information and training so that they can understand and can implement the elements of each University's Environmental Management Plan that are relevant to the laboratory worker's responsibilities." Similarly, § 262.104(j) required that each university must "provide laboratory workers with information and training so that they can implement and comply with [the] Minimum Performance Criteria." One commenter was concerned that these requirements did not recognize that a laboratory worker may receive training outside of the University and that the University should not have to provide (nor should the lab worker have to receive) training which is merely duplicative. EPA agrees with this commenter that, as proposed, these requirements may lead to duplicative training. As discussed at proposal, the goal of these training requirements is for the University to ensure that all laboratory workers have been trained to understand the hazards of laboratory waste and to take measures to protect human health and the environment. EPA did not intend to preclude appropriate reliance on any relevant training received from outside the University. Thus, EPA is modifying §§ 262.104(j) and 262.105(d) to require that the participating Universities must "ensure" that laboratory workers have received training regarding the minimum performance criteria and the EMP. This change clarifies that the participating Universities have the flexibility to consider whether a laboratory worker has received sufficient training outside the University. For example, if a newly assigned laboratory worker has already had other training that enables him/her to implement and comply with the MPC, the training that the University will have to provide may be minimized for that worker.

Also regarding training, another commenter pointed out that, with respect to § 262.105(d)(2), the requirement that laboratory workers must be trained when they are first assigned to a work area is more stringent than under current RCRA requirements, and large universities may find it difficult to provide training upon first assignment to a work area especially at the beginning of an academic year. EPA agrees that this may be a difficult standard to meet for the Universities. As discussed above, the main purpose of the university training requirements was to ensure that all laboratory workers would be trained irrespective of their particular status (e.g., "student," "employee") within the laboratory. EPA's intent was not that particular training requirements would be more stringent than required under current RCRA requirements. EPA believes it is appropriate to allow the participating Universities the same flexibility regarding when a newly assigned lab worker will have to be trained as they would have under current RCRA requirements. Thus, EPA has modified § 262.105(d)(2) to read: "(i) Each University must provide the information to each laboratory worker when he/she is first assigned to a work area where laboratory wastes may be generated. (ii) Each University must ensure that each laboratory worker has been trained within six months of when he/she is first assigned to a work area where laboratory wastes may be generated and must retrain a laboratory worker when a laboratory waste poses a new or unique hazard for which the laboratory worker has not received prior training and as frequently as needed to maintain knowledge of the procedures of the Environmental Management Plan."

Second, EPA has slightly modified the container labeling requirements. As proposed, § 262.104(a) required that all laboratory waste be labeled with "the chemical name and general hazard class." One commenter was concerned that this requirement did not allow enough discretion for the Universities, while another commenter expressed concern that this requirement did nothing to clarify the confusion resulting from current RCRA labeling requirements. The container labeling requirements included in the proposed rule were part of the University participants' proposal to the Agency. In particular, the participants included both the "hazard class" and the chemical contents on the label as an attempt to integrate OSHA and RCRA by including information relevant under both programs. This is an aspect of the project that EPA will be evaluating to determine how it compares to current requirements. EPA did not intend, however, that laboratories should have less flexibility in how they identify

[1] As noted in the proposed rule (64 FR 40696) EPA retains its full range of enforcement options under today's rule. The enforcement response on the part of EPA will vary depending upon the actual performance of each University and the severity of any violation. So that EPA can continue to evaluate this XL project, each University will be evaluated by EPA Region I through regular state and/or federal inspections based on four criteria outlined in both the preamble to the proposed rule and the Final Project Agreement.

chemical contents. EPA's intent in modifying the existing RCRA container labeling requirements was simply to replace the term "hazardous waste" because not all laboratory waste will necessarily be "hazardous waste." Thus, EPA has modified § 262.104(a) to require that laboratory waste containers be labeled "with the general hazard class and either the words "laboratory waste" or with the chemical name of the contents." This requirement operates in conjunction with the Environmental Management Plan (EMP) that each University must develop. Section 262.105(b) requires each University to write, implement and comply with an Environmental Management Plan that includes the following specific requirement to address container labeling in subparagraph (9) of that section: "The criteria that laboratory workers must comply with for managing, containing and labeling laboratory wastes * * *" Therefore, each University must designate the system for identifying the hazard class (for example, if the system that would work best were RCRA, it would utilize the terms ignitible, corrosive, reactive or EP toxic; if an OSHA-type system worked better for a university, it would include flammable rather than ignitible, and would probably include radioactive and biohazard or infectious classes of waste). The chemical name must either include the actual name of the chemical in the container or identify it as "laboratory waste." EPA expects this requirement to be less confusing than current requirements and, when combined with requirements in the EMP (see 40 CFR 262.105(b)(9)), we expect participants to be able to develop labeling protocols that will provide sufficient information to characterize the contents of containers containing laboratory waste.

Finally, one commenter pointed out that the rule, as proposed, would preclude a university from sending laboratory waste directly to a treatment, storage, or disposal (TSD) facility rather than first sending it to the hazardous waste accumulation area. The commenter felt that such an option may be necessary in unusual circumstances. EPA agrees that there may be unusual circumstances when a university would need the flexibility to transfer laboratory wastes from a laboratory directly to a permitted TSD facility, for example, if a laboratory generated a reactive waste where the most protective management of the waste might include minimizing the movement of the waste. Rather than moving the waste to the on-site hazardous waste accumulation area, the University might feel that it is more prudent to ship it directly to the TSD. Therefore EPA has modified § 262.104(i) and other relevant provisions in the rule to clarify that laboratory waste may also be sent to a TSD facility permitted to handle the waste under 40 CFR part 270 or in interim status under 40 CFR parts 265 and 270 (or authorized to handle the waste by a state with a hazardous waste management program approved under 40 CFR part 271) if it is determined in the laboratory by the individuals identified in the EMP to be responsible for waste management decisions that the waste is a hazardous waste and that it is prudent to transfer it directly to a treatment, storage, and disposal facility.

Laboratory waste that will be sent directly to a TSD facility rather than to a hazardous waste accumulation area is still subject to the 30-day limit (§ 262.104(c)), and therefore, solid and hazardous waste determinations must be made in the laboratory by the appropriate personnel prior to the 30-day deadline for removing the waste from the laboratory. Whether sent to a hazardous waste accumulation area or directly to a TSD facility, all laboratory waste that is determined to be hazardous waste is no longer subject to the provisions of today's rule and must be managed in accordance with all applicable RCRA requirements (§ 262.106(c)). For example, waste sent from the laboratory to an off-site TSD facility will have to be accompanied by a manifest.

III. Response to Significant Public Comments

The following presents responses to significant public comments (in addition to those comments already discussed at Section C.2.) received during the public comment period. For EPA's responses to all the comments received during the public comment period regarding the proposal see the **ADDRESSES** section of this preamble to determine where you can obtain a copy, or follow the links to this project on EPA's world wide web Project XL website at http:/www.epa.gov/ProjectXL.

EPA received 9 comment letters during the public comment period from: the California State University, Los Angeles Department of Chemistry and Biochemistry, the University of Wisconsin-Madison (Assistant Vice Chancellor), the American Chemical Society, Boston University, the Howard Hughes Medical Institute, Cynthia Salisbury, the American Council on Education, the University of Wisconsin System Administration—Environmental/Occupational Health & Safety Section, and Harvard University.

(1) Many of the commenters supported EPA's proposed rule and agreed that the proposed rule should result in superior environmental performance and significant cost savings to universities while being protective of human health and the environment but also noted that the rulemaking should not be a model for all universities as this may not be the best approach at all educational institutions.

EPA Response: EPA does not consider this XL project to be a model for all universities, but rather a pilot designed to test one possible approach to the management of hazardous waste within university laboratories. One of the purposes of implementing this XL project, as with all XL projects, is to assess whether it should be considered for wider application. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative approaches prematurely on a widespread basis without first determining whether or not they are viable in practice and successful in the particular projects that embody them. Although EPA hopes that today's rule will result in a successful innovative new system for universities and other research organizations, we recognize that this regulatory approach may not be appropriate at all such institutions.

(2) Several commenters noted that because participating Universities may designate only certain departments to participate in the project, there would be duplicate systems regulating their hazardous waste.

EPA Response: Although this rule does not pilot a strictly performance-based system, nonetheless, each University may design their environmental management plan in the way that most suits their structure and needs. This includes each University having the option not to include all departments operating pursuant to the alternative standard's in today's rule. As several of the comment letters noted, this could result in two sets of rules being applicable at a single institution. EPA would like to stress that it is up to each University to decide, based on its own needs, what departments will be participating in this XL project. If, for example, certain departments determined that the EMP would work well with their Chemical Hygiene Plan, while other departments did not want to implement an EMP, then two sets of requirements for managing hazardous wastes in the laboratories would be applicable at that institution.

(3) Several commenters commented on the definition of "laboratory," indicating that EPA was considering the laboratory process unit or laboratory management unit concept and that the proposal does not specifically delineate what constitutes a laboratory, questioning whether, for example, a photo lab or clinical lab would be a laboratory.

Response: The definition of laboratory, under new Subpart J, is "an area within a facility where the laboratory use of hazardous chemicals occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis. The physical extent of individual laboratories within an organization will be defined by the Environmental Management Plan. A laboratory may include more than a single room if the rooms are in the same building and under the common supervision of a laboratory supervisor." This definition operates in concert with the definition of "Laboratory Scale" which is defined as "work with substances in which containers used for reactions, transfers and other handling of substances are designed to be safely and easily manipulated by one person." "Laboratory Scale" excludes "those workplaces whose function is to produce commercial quantities of chemicals." These definitions are another example of how this rule parallels the current OSHA Laboratory Standard, as these definitions follow the definitions in the OSHA standard.

Any area on a campus that is designated in the Environmental Management Plan as a laboratory and that meets these definitions will be considered a laboratory for the purpose of this pilot project. However, it would be rare that a typical photographic laboratory would meet the criterion of non-production. For example if a university had a photographic facility on the campus that processed film for students, that would be operating on a production basis and would not be considered eligible under this rule. However, EPA understands that photographic laboratories may also be laboratory scale and could be eligible to participate under this rule, examples would include, labs used to support research and teaching, such as a small photo lab developing X-rays as part of medical research or a small photo lab developing satellite photographs as part of geologic or environmental research. Key factors that would limit the participation of a laboratory include consideration of the scale of the activities and whether they could be viewed as operating as a production process as opposed to the varied small-scale activities described in the proposed rule for teaching and research. EPA did not intend for this rule to be available to production operations. This rule applies to laboratory scale activities as defined in the definitions section at 40 CFR 262.102.

(4) Several commenters suggested that § 262.105(b)(6) of the proposed rule is duplicative since the EMP must include a "a pollution prevention plan, including, but not limited to, roles and responsibilities, training, pollution prevention activities, and performance evaluation." The commenter noted further that an EMP should be an integral part of every pollution prevention plan, or visa versa and "generic pollution prevention principles" should not be applied to automatically prevent the use of chemicals essential to research or to require the use of less effective substitutes.

Response: The rule requires each University to write, implement and comply with their EMP. Although the EMP must include a pollution prevention plan there are many elements that the EMP must include in addition to a pollution prevention plan. If a University already has a pollution prevention plan in place, this plan can be incorporated into or referenced by the EMP. There is no requirement for the plans to address or adopt generic solutions. The intent of the regulation is simply for each University to individually develop pollution prevention methods to ensure waste minimization and to document their intended actions or methods. The proposal attempts to recognize the unique activities of university laboratories, many of which, as the comment notes, are conducting innovative research that may lead to the improvement of the quality of life. It is the hope of EPA and the project sponsors that this XL project, once implemented and operational, will create a system that effectively and efficiently supports that research.

Furthermore, if the existing pollution prevention plan had "an environmental policy, or environmental, health and safety policy, signed by the University's senior management, including commitments to regulatory compliance, waste minimization, risk reduction and continual improvement of the environmental management system" as required by § 262.105(b)(1), then the EMP could simply incorporate the pollution prevention plan to meet this requirement. There is no requirement to create a new pollution prevention plan and, therefore, the requirement is not duplicative. The project envisions that through annual reviews and continuous improvement, each university will determine whether separate plans or combined plans work best.

(5) The comment suggests that the proposed rule makes no provision for recycling of chemicals between nearby laboratories, which is an efficient waste minimization practice that precedes RCRA; everything that is waste from a laboratory must go to the central accumulation area for evaluation and recycling.

Response: Centralizing the solid and hazardous waste determination is one function that is being piloted with this XL project. The intent of the new alternative is to centralize waste re-use decisions within the EH&S department, which has knowledge of campus-wide re-use opportunities. A participating University may demonstrate that this precludes some internal re-use opportunities, and provide documentation as part of this pilot. Alternatively, if laboratories are working closely together and would like to share used chemicals, the definition of "laboratory" allows a participating University to define them as a single laboratory for the purposes of their Environmental Management Plan.

(6) The comment encourages EPA to make a change in the Minimum Performance Criteria with respect to § 262.104—that senior management should be granted authority to make changes in performance criteria.

Response: The minimum performance criteria have been developed as the minimum set of requirements that EPA believes are necessary to protect human health and the environment. Senior management may adopt more stringent criteria, as long as such criteria still comply with the requirements in today's rule.

(7) The comment suggests that § 262.104(b) and (d) be changed to provide some discretion to exceed the amounts when approved by senior management. An example is given that a university may want to describe a laboratory to mean all modules under control of a single researcher.

Response: For the purposes of this pilot, EPA will not be allowing additional flexibility in the amount of waste that can be temporarily held in a laboratory although EPA agrees that it might be useful to gather data on the need for additional flexibility on the amount of laboratory waste that can be temporarily held in the laboratory, especially in view of the fact that some laboratories may currently contain numerous points of generation resulting in limits far beyond the 110 gallons

currently imposed by this proposal. EPA expects the participating universities to indicate in their reports whenever such limits result in less than optimal implementation of the new rule. The rule currently includes the flexibility for the participating universities to identify the laboratories in their individual EMPs. In the process of continuous improvement and periodic reviews conducted by the universities during this project, the configuration of participating laboratories as identified in the EMP may be changed. Additionally, the Final Project Agreement (FPA) does envision that other participants may come forward with new proposals to pilot test these concepts.

(8) The comment suggests that the "in-line waste collection" at § 262.104(e)(1) interpretation augment the closed container rule for certain repetitive manual operations, under the discretion of senior management.

Response: EPA disagrees that discretion is appropriate in this area. EPA believes the requirements in the rule are necessary to protect human health and the environment. In the discussions during development of the rule, EPA considered the possibility of manual operations in terms of "in-line waste collection" and concluded that under such operations waste would be being added to the container under the control of the operator of the process and therefore would fit under the requirements as they are written at § 262.104(e): "containers of laboratory wastes must be: (1) closed at all times except when wastes are being added. . . ." EPA understands that repetitive manual operations such as a pipetting process where a researcher takes a supernatant from a beaker and pours it into a waste container could be interpreted as "wastes being added to the container." EPA was not provided with specific scenarios to describe repetitive manual operations where a container would be left open to add waste and yet would not meet the requirement that "containers must be closed at all times except when wastes are being added or removed." Thus, EPA sees no need to augment the closed container rule for manual operations where there is an operator of the process present.

(9) The comment suggests eliminating the inspection requirements at §§ 262.104(e)(4) and 262.105(b)(15) (the latter which specifically requires a regular inspection of each laboratory) since such requirements do not seem feasible for a large university that has thousands of laboratories.

Response: EPA does not agree that the inspection requirement should be removed at § 262.104(e)(4) as it performs an important function. Under current RCRA requirements, § 262.34(c) requires satellite accumulation containers to be "at or near any point of generation where waste initially accumulates which is under the control of the operator of the process generating the waste." This requirement helps ensure that containers in satellite accumulation areas will be naturally subject to inspection. Under today's rule, containers holding laboratory waste may not always be (and are not required to be) located at an area which is similarly subject to such naturally occurring inspections. Thus, EPA believes it is necessary to include a requirement that inspections of containers in laboratories be conducted on a regular (at least annual) basis to ensure that they meet the minimum performance criteria for container management.

40 CFR 262.105(b)(15) requires the EMP to include, "the procedures for regularly inspecting a laboratory to assess conformance with the requirements of the Environmental Management Plan." Based on the proposal submitted, EPA expects that this is a feasible requirement and is not unduly burdensome. (The New Hampshire state RCRA program, for example, already has such a requirement in place.) Nonetheless, this pilot will test the feasibility of the requirement. In this pilot, each University is expected to develop a system that will work within the constraints of their campus systems, and to define the personnel to perform the inspections and the timetable for these inspections, which may vary for each laboratory. For example, one participant currently utilizes a "peer review" type process for inspecting laboratories which has the added advantage of networking and the potential to create a system of informal exchange of best practices.

(10) The comment questions how university laboratories are accumulating 55 gallons of hazardous waste at the point of generation and whether this is a realistic problem for university laboratories.

Response: The project embodied in today's rule focuses on the approach that the University participants believe to be a common sense, cost effective approach for managing laboratory waste. EPA has determined that this particular XL project is beneficial to human health and the environment and is worth evaluating as an alternative to the existing system. The proposed rule was developed in view of current Federal RCRA regulations for satellite accumulation areas that require that any hazardous waste accumulated at any point of generation in excess of 55 gallons (or one quart of acutely hazardous laboratory waste) be removed within three days. Current regulations do not limit the number of points of generation within an individual laboratory as long as hazardous waste is accumulated in accordance with all the requirements of 40 CFR 262.34(c). Thus, a given laboratory could potentially accumulate well over 55 gallons under the current rules. However, under the proposed rule, the Universities would be limited to temporarily holding 55 gallons of laboratory waste per laboratory, and no matter how many points of generation there are within a laboratory, any laboratory would be limited to 110 gallons. EPA noted in the preamble to the proposed rule (64 FR 40703) that "while this proposed restriction may prove to be more restrictive than the current system, this approach represents an experiment to be tested under this XL project."

The size of laboratory waste streams varies greatly, and although many laboratories do not produce large quantities of waste, there are some activities and some laboratories that may generate larger amounts on a discontinuous basis, making it difficult to schedule pick-ups.

(11) The comment addressed the regulatory implications of commingling RCRA regulated lab wastes and non-RCRA laboratory wastes (e.g., nonhazardous wastes). The comment noted that the commingling of RCRA regulated laboratory wastes and non-RCRA laboratory wastes would result in the entire mixture being designated a RCRA hazardous waste (assuming the laboratory waste is a determined to be a RCRA waste) due to the mixture rule (see 40 CFR 261.3(a)(2)), and thus would result in an increase in hazardous waste generation. Likewise, the scenario would be the same for the commingling of RCRA acutely hazardous wastes (e.g., P-listed hazardous wastes) and acutely hazardous laboratory wastes (AHLW), only the impact could be more substantial because of the "1 kilogram of acute hazardous waste/month" definition of a Large Quantity Generator (LQG). The commenter went further to say that the only way to prevent this scenario would be if the laboratory workers identify which laboratory wastes are RCRA hazardous wastes and keep those wastes segregated from the non-RCRA wastes. The comment concludes with the statement that a primary objective of this XL project is to take the waste determination out of the

hands of laboratory workers; however, to efficiently implement the proposal, these laboratory workers must continue to make these waste determinations (presumably in order to segregate RCRA hazardous wastes from non-RCRA wastes). The commenter believes this would have the effect of creating "another layer in the waste determination scheme—and a layer that will likely result in consternation at the central accumulation area."

Response: EPA believes the commenter misunderstands the objective of this rule. It is not the goal of the XL project to take all waste determinations out of the hands of the laboratory workers, but rather to centralize the point at which RCRA hazardous waste determinations are made within the university such that more effective and informed determinations are made with regard to whether the chemicals in question are truly wastes that require further management as solid and hazardous waste or whether they may be reused within the university and, thus, are not wastes.

While EPA acknowledges that the commenter is correct in that the mixture rule does apply and could have the regulatory effect described in the comment, the Agency does not believe that the applicability of the mixture rule to such commingling scenarios is a regulatory impediment. A "superior environmental benefit" of this project is to encourage and increase the reuse of laboratory wastes. Since the commingling of these chemicals (i.e., laboratory wastes) would likely result in rendering such chemicals unusable and thus precluding reuse opportunities, the Agency believes a regulatory change that would encourage such commingling would be counter to the goal of this XL project.

In EPA's experience under this project, laboratories do not commonly mingle acutely hazardous and hazardous waste. Additionally, under this project, the specific concern of the comment should be addressed by two of the requirements of the EMP working together. Under the EMP, the laboratories will be required to include (see § 262.105(b)(6)) a pollution prevention plan, including, but not limited to, roles and responsibilities and training as well as (see § 262.105(b)(9)) "the criteria that laboratory workers must comply with for managing, containing and labeling laboratory wastes, including: an evaluation of the need for and the use of any special containers or labeling circumstances, and the use of laboratory wastes secondary containers including packaging, bottles, or test tube racks." Each EMP must address the labeling and containing of wastes and ensure that laboratory workers are trained to implement the EMP (see 40 CFR 262.104(j) and 262.105(d)(1)).

EPA does not agree that today's rule will, in effect, impose a second (and complicating) layer of waste determinations. Rather, the regulatory modifications being promulgated in today's rule recognize that while laboratory workers may have specific knowledge of the chemicals in question, they may not have access to information pertinent to whether the chemical is also a solid waste under RCRA (*e.g.*, information regarding potential reuse of a chemical in another part of the university). The Agency also notes that today's rule provides the flexibility for specific procedures (including procedures regarding the commingling of these materials) to be set by the laboratory (*e.g.*, in the environmental management plan (EMP)). To the extent that RCRA regulations discourage the commingling of laboratory wastes, encourage the segregation of RCRA acutely hazardous wastes (a designation that assumes the chemicals are discarded rather than reused), and that these regulatory considerations are reflected in the EMP or standardized laboratory procedures, EPA considers this a benefit of the current regulatory framework.

(12) The comment questions the need for a deferral of the requirements of 40 CFR 262.34(c) within the laboratory because that deferral would follow as a direct consequence of deferring the § 262.11 hazardous waste determination.

Response: The deferral of the § 262.11 hazardous waste determination does not mean that laboratories are not handling hazardous waste; the effect of the "deferral" is only to identify with precision the point at which these Universities will be held responsible for their solid and hazardous waste determinations. For this reason, EPA has explicitly deferred those portions of 40 CFR Part 262 that could otherwise have applied within the laboratory to the handling of material that was later determined to be hazardous waste.

(13) The comment makes the statement that Clean Water Act notification may no longer apply to any laboratory waste discharged down the drain by participating institutions.

Response: The proposal specifically addresses releases of hazardous constituents as noted at 64 FR 40703–40704 of the preamble: "Today's proposed rule would contain a statement that laboratory waste management must not result in the release of hazardous constituents into the land, air and water where such release would be prohibited by federal law." The rule itself includes two provisions to prevent such releases, including § 262.103 (the scope of the laboratory environmental management standard) and § 262.104(e). The Laboratory Environmental Management Standard will not affect or supersede any legal requirements other than those described in § 262.10(j). The requirements that continue to apply include, but are not limited to, OSHA, Fire Codes, wastewater permit limitations, emergency response notification provisions, and other legal requirements applicable to University laboratories. Also, the rule states at § 262.104(f) "the management of laboratory waste must not result in the release of hazardous constituents into the land, air and water where such release is prohibited under federal law." Additionally, with respect to regulations concerning POTW's, local limits as specified under 40 CFR 403.5 would continue to apply.

(14) The comment expresses concern over the scope of wastes covered under the definition of "laboratory wastes" in the rule and questions how the definition applies to such waste products as broken labware, towels, bench coverings, gels and protective equipment that have come into contact with chemicals.

Response: Today's rule requires that the EMP include (see § 262.105(b)(9)) "the criteria laboratory workers must comply with for managing, containing and labeling laboratory wastes, including: an evaluation of the need for and the use of any special containers or labeling circumstances." The EMP must identify how such waste products as broken labware, towels, bench coverings, gels and protective equipment that have come into contact with chemicals would be managed, contained and labeled when they are appropriately considered to be laboratory waste. The determination of the status of such material will depend on the characterization of the waste. This is no different than current RCRA requirements. As noted in response to a previous comment, it is not the goal of the XL project to take all waste determinations out of the hands of the laboratory workers, but rather to centralize the point at which RCRA hazardous waste determinations are made within the University such that more effective and informed determinations are made with regard to whether the chemicals in question are truly wastes that require further

management as solid and/or hazardous waste.

(15) The comment notes that § 262.106 requires a hazardous waste determination "as soon as the laboratory waste reaches the University's Hazardous Waste Accumulation Area," and believes that the words "as soon as" should be replaced with "at the first opportunity" to allow waste management personnel adequate time to characterize containers when many are received.

Response: In developing the rule, EPA considered several alternatives for this provision. EPA feels that "at the first opportunity" would be too vague and subject to interpretation of when the appropriate "opportunity" arose. The intent of the regulation is that waste be characterized as soon as it arrives. EPA understands that waste characterization is a process, and in some cases that process could require that a sample be sent out to confirm the contents of a container. EPA also acknowledges that there could, at times, be a large number of containers that will take some effort to characterize. The intent of the regulation is not to impose an impossible standard, but to ensure that the process of characterizing the waste will commence as soon as the waste reaches the accumulation area.

IV. What Is the Effective Date of This Rule?

This rule is effective immediately. Section 3010(b) of RCRA generally requires that EPA's hazardous waste regulations and revisions thereto take effect within six months after their promulgation. The purpose of this requirement is to allow persons handling hazardous wastes sufficient lead time to prepare to comply with new regulatory requirements. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated entities do not need the six-month period to come into compliance. That is the case here. This rule will not take effect in the relevant states unless and until it is adopted as state law. In addition, the rule itself does not require immediate compliance. Once adopted as state law, its effect will be to exempt certain entities from identified RCRA regulations so long as the entities comply with the requirements in this rule (*i.e.*, it is up to the regulated entities to determine when they want to take advantage of the exemption). These reasons also provide a basis for making this rule effective immediately, upon publication, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

V. Additional Information

A. How Does This Rule Comply With Executive Order 12866?

Because this rule affects only three specific universities, it is not a rule of general applicability and, therefore, is not subject to OMB review and Executive Order 12866. In addition, OMB has agreed that review of site-specific rules under Project XL is not necessary.

B. Is a Regulatory Flexibility Analysis Required?

The Regulatory Flexibility Act (RFA) generally requires an Agency to conduct a Regulatory Flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. EPA has concluded that this rule will not have a significant impact on a substantial number of small entities because it affects only three entities: the University of Massachusetts-Boston, Boston, Massachusetts, Boston College, Chestnut Hill, Massachusetts, and the University of Vermont, Burlington, Vermont. These Universities are not small entities. Therefore, EPA certifies that today's rule will not have a significant economic impact on a substantial number of small entities.

C. Is EPA Required To Submit a Rule Report Under the Congressional Review Act?

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. Section 804, however, exempts from Section 801 the following types of rules: rules of particular applicability, rules relating to agency management or personnel, and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under Section 801 because this is a rule of particular applicability.

D. Is an Information Collection Request Required for This Project Under the Paperwork Reduction Act?

This action applies only to three universities, and therefore requires no information collection activities subject to the Paperwork Reduction Act, and therefore no information collection request (ICR) will be submitted to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

E. Does This Project Trigger the Requirements of the Unfunded Mandates Reform Act?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this rule is applicable only to the three Universities. The EPA has determined that this rule does not contain a Federal mandate that may

result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

F. RCRA/HSWA

1. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program for hazardous waste within the State. (See 40 CFR part 271 for the standards and requirements for authorization.) States with final authorization administer their own hazardous waste programs in lieu of the federal program. Following authorization, EPA retains enforcement authority under sections 3008, 7003 and 3013 of RCRA.

After authorization, rules written under RCRA provisions that predate the Hazardous and Solid Waste Amendments of 1984 (HSWA) no longer apply in the authorized State. New Federal requirements imposed by those rules do not take effect in an authorized state until the state adopts the requirements as state law.

In contrast, under section 3006(g) of RCRA, new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States until the state is granted authorization to do so.

2. Effect on Massachusetts and Vermont Authorization

Today's rule is promulgated pursuant to RCRA provisions that predate HSWA. Massachusetts and Vermont have received authority to administer most of the RCRA program; thus, authorized provisions of the States' hazardous waste program are administered in lieu of the Federal program. Massachusetts and Vermont have received authority to administer hazardous waste standards for generators. As a result, today's rule will not be effective in Massachusetts and Vermont until the States adopt equivalent requirements as State law. It is EPA's understanding that subsequent to the promulgation of this rule, Massachusetts and Vermont intend to propose rules containing equivalent provisions. EPA may not enforce these requirements until it approves the State requirements as a revision to each of the authorized State programs.

G. How Does This Rule Comply With Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks?

The Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. How Does This Rule Comply With Executive Orders on Federalism?

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on Federalism, Executive Order 13132 (64 FR 43255 (August 10, 1999)) which will take effect on November 2, 1999. In the interim, the current Executive Order 12612 (52 FR 41685 (October 30, 1987)) on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612.

I. How Does This Rule Comply With Executive Order 13084: Consultation and Coordination With Indian Tribal Governments?

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule. There are no communities of Indian tribal governments located in the vicinity of the University laboratories.

J. Does This Rule Comply With National Technology Transfer and Advancement Act?

As noted in the proposed rule, section 12(d) of the National Technology Transfer and Advancement Act of 1995

(NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 262

Environmental protection, Hazardous waste.

Dated: September 22, 1999.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, part 262 of title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

1. The authority citation for part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922–6925, 6937, and 6938.

Subpart A—General

2. Section 262.10 is amended by adding paragraph (j) to read as follows:

§ 262.10 Purpose, scope, and applicability.

* * * * *

(j) (1) Universities that are participating in the Laboratory XL project are the University of Massachusetts Boston in Boston, Massachusetts, Boston College in Chestnut Hill, Massachusetts, and the University of Vermont in Burlington, Vermont ("Universities"). The Universities generate laboratory wastes (as defined in § 262.102), some of which will be hazardous wastes. As long as the Universities comply with all the requirements of subpart J of this part the Universities' laboratories that are participating in the University Laboratories XL Project as identified in Table 1 of this section, are not subject to the provisions of §§ 262.11, 262.34(c), 40 CFR Parts 264 and 265, and the permit requirements of 40 CFR Part 270 with respect to said laboratory wastes.

TABLE 1.—LABORATORY XL PROJECT PARTICIPANT INFORMATION

Institution	Approx. number of labs	Departments participating	Location of current hazardous waste accumulation areas
Boston College, Chestnut Hill, MA	120	Chemistry, Biology, Geology, Physics, Psychology.	Merkert Chemistry Building, 2609 Beacon St., Boston, MA, Higgins Building, 140 Commonwealth Ave., Chestnut Hill, MA.
University of Massachusetts Boston, Boston, MA.	150	Chemistry, Biology, Psychology, Anthropology, Geology and Earth Sciences, and Environmental, Coastal and Ocean Sciences.	Science Building (Bldg. #080); McCormack Building (Bldg. #020); and Wheatley Building (Bldg. #010), 100 Morrissey Blvd., Boston, MA.
University of Vermont, Burlington, VT.	400	Colleges of: Agriculture and Life Sciences, Arts and Sciences, Medicine, and Engineering and Mathematics; and Schools of: Nursing, Allied Heath Sciences, and Natural Resources.	Given Bunker, 89 Beaumont Ave., Burlington, VT.

(2) Each University shall have the right to change its respective departments or the on-site location of its hazardous waste accumulation areas listed in Table 1 of this section upon written notice to the Regional Administrator for EPA-Region I and the appropriate state agency. Such written notice will be provided at least ten days prior to the effective date of any such changes.

3. Part 262 is amended by adding Subpart J to read as follows:

Subpart J—University Laboratories XL Project—Laboratory Environmental Management Standard

Sec.

262.100 To what organizations does this subpart apply?
262.101 What is in this subpart?
262.102 What special definitions are included in this subpart?
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§ 262.100 To what organizations does this subpart apply?

This subpart applies to an organization that meets all three of the following conditions:

(a) It is one of the three following academic institutions: The University of Massachusetts Boston in Boston, Massachusetts, Boston College in Chestnut Hill, Massachusetts, or the University of Vermont in Burlington, Vermont ("Universities"); and

(b) It is a laboratory at one of the Universities (identified pursuant to § 262.105(c)(2)(ii)) where laboratory scale activities, as defined in § 262.102, result in laboratory waste; and

(c) It complies with all the requirements of this subpart.

§ 262.101 What is in this subpart?

This subpart provides a framework for a new management system for wastes that are generated in University laboratories. This framework is called the Laboratory Environmental Management Standard. The standard includes some specific definitions that apply to the University laboratories. It contains specific requirements for how to handle laboratory waste that are called Minimum Performance Criteria. The standard identifies the requirements for developing and implementing an environmental management plan. It outlines the responsibilities of the management staff of each participating university. Finally, the standard identifies requirements for training people who will work in the

laboratories or manage laboratory waste. This Subpart contains requirements for RCRA solid and hazardous waste determination, and circumstances for termination and expiration of this pilot.

§ 262.102 What special definitions are included in this subpart?

For purposes of this subpart, the following definitions apply:

Acutely Hazardous Laboratory Waste means a laboratory waste, defined in the Environmental Management Plan as posing significant potential hazards to human health or the environment and which must include RCRA "P" wastes, and may include particularly hazardous substances as designated in a University's Chemical Hygiene Plan under OSHA, or Extremely Hazardous Substances under the Emergency Planning and Community Right to Know Act.

Emergency means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in the potential uncontrolled release of a hazardous chemical into the environment and which requires agency or fire department notification and/or reporting.

Environmental Management Plan (EMP) means a written program developed and implemented by the university which sets forth standards and procedures, responsibilities, pollution control equipment, performance criteria, resources and work practices that both protect human health and the environment from the hazards presented by laboratory wastes within a laboratory and between a laboratory and the hazardous waste accumulation area, and satisfies the plan requirements defined elsewhere in this Subpart. Certain requirements of this plan are satisfied through the use of the Chemical Hygiene Plan (see, 29 CFR 1910.1450), or equivalent, and other relevant plans, including a waste minimization plan. The elements of the Environmental Management Plan must be easily accessible, but may be integrated into existing plans, incorporated as an attachment, or developed as a separate document.

Environmental Objective means an overall environmental goal of the organization which is verifiable.

Environmental Performance means results of the data collected pursuant to implementation of the Environmental Management Plan as measured against policy, objectives and targets.

Environmental Target means an environmental performance requirement of the organization which is quantifiable, where practicable, verifiable and designed to be achieved within a specified time frame.

Hazardous Chemical means any chemical which is a physical hazard or a health hazard. A physical hazard means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive. A health hazard means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes or mucous membranes.

Hazardous Chemical of Concern means a chemical that the organization has identified as having the potential to be of significant risk to human health or the environment if not managed in accordance with procedures or practices defined by the organization.

Hazardous Waste Accumulation Area means the on-site area at a University where the University will make a solid and hazardous waste determination with respect to laboratory wastes.

In-Line Waste Collection means a system for the automatic collection of laboratory waste which is directly connected to or part of a laboratory scale activity and which is constructed or operated in a manner which prevents the release of any laboratory waste therein into the environment during collection.

Laboratory means, for the purpose of this Subpart, an area within a facility where the laboratory use of hazardous chemicals occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis. The physical extent of individual laboratories within an organization will be defined by the Environmental Management Plan. A laboratory may include more than a single room if the rooms are in the same building and under the common supervision of a laboratory supervisor.

Laboratory Clean-Out means an evaluation of the chemical inventory of a laboratory as a result of laboratory renovation, relocation or a change in laboratory supervision that may result in the transfer of laboratory wastes to the hazardous waste accumulation area.

Laboratory Environmental Management Standard means the provisions of this Subpart and includes the requirements for preparation of Environmental Management Plans and the inclusion of Minimum Performance Criteria within each Environmental Management Plan.

Laboratory Scale means work with substances in which containers used for reactions, transfers and other handling of substances are designed to be safely and easily manipulated by one person. "Laboratory Scale" excludes those workplaces whose function is to produce commercial quantities of chemicals.

Laboratory Waste means a hazardous chemical that results from laboratory scale activities and includes the following: excess or unused hazardous chemicals that may or may not be reused outside their laboratory of origin; hazardous chemicals determined to be RCRA hazardous waste as defined in 40 CFR Part 261; and hazardous chemicals that will be determined not to be RCRA hazardous waste pursuant to § 262.106.

Laboratory Worker means a person who is assigned to handle hazardous chemicals in the laboratory and may include researchers, students or technicians.

Legal and Other Requirements means requirements imposed by, or as a result of, governmental permits, governmental laws and regulations, judicial and administrative enforcement orders, non-governmental legally enforceable contracts, research grants and agreements, certification specifications, formal voluntary commitments and organizational policies and standards.

Senior Management means senior personnel with overall responsibility, authority and accountability for managing laboratory activities within the organization.

Universities means the following academic institutions; University of Vermont, Boston College, and the University of Massachusetts Boston, which are participants in this Laboratory XL project and which are subject to the requirements set forth in this Subpart J.

§ 262.103 What is the scope of the laboratory environmental management standard?

The Laboratory Environmental Management Standard will not affect or supersede any legal requirements other than those described in § 262.10(j). The requirements that continue to apply include, but are not limited to, OSHA, Fire Codes, wastewater permit limitations, emergency response notification provisions, or other legal

requirements applicable to University laboratories.

§ 262.104 What are the minimum performance criteria?

The Minimum Performance Criteria that each University must meet in managing its Laboratory Waste are:

(a) Each University must label all laboratory waste with the general hazard class and either the words "laboratory waste" or with the chemical name of the contents. If the container is too small to hold a label, the label must be placed on a secondary container.

(b) Each University may temporarily hold up to 55 gallons of laboratory waste or one quart of acutely hazardous laboratory waste, or weight equivalent, in each laboratory, but upon reaching these thresholds, each University must mark that laboratory waste with the date when this threshold requirement was met (by dating the container(s) or secondary container(s)).

(c) Each university must remove all of the dated laboratory waste from the laboratory for delivery to a location identified in paragraph (i) of this section within 30 days of reaching the threshold amount identified in paragraph (b) of this section.

(d) In no event shall the excess laboratory waste that a laboratory temporarily holds before dated laboratory waste is removed exceed an additional 55 gallons of laboratory waste (or one additional quart of acutely hazardous laboratory waste). No more than 110 gallons of laboratory waste total (or no more than two quarts of acutely hazardous laboratory waste total) may be temporarily held in a laboratory at any one time. Excess laboratory waste must be dated and removed in accordance with the requirements of paragraphs (b) and (c) of this section.

(e) Containers of laboratory wastes must be:

(1) Closed at all times except when wastes are being added to (including during in-line waste collection) or removed from the container;

(2) Maintained in good condition and stored in the laboratory in a manner to avoid leaks;

(3) Compatible with their contents to avoid reactions between the waste and its container; and must be made of, or lined with, materials which are compatible with the laboratory wastes to be temporarily held in the laboratory so that the container is not impaired; and

(4) Inspected regularly (at least annually) to ensure that they meet requirements for container management.

(f) The management of laboratory waste must not result in the release of hazardous constituents into the land, air and water where such release is prohibited under federal law.

(g) The requirements for emergency response are:

(1) Each University must post notification procedures, location of emergency response equipment to be used by laboratory workers and evacuation procedures;

(2) Emergency response equipment and procedures for emergency response must be appropriate to the hazards in the laboratory such that hazards to human health and the environment will be minimized in the event of an emergency;

(3) In the event of a fire, explosion or other release of laboratory waste which could threaten human health or the environment, the laboratory worker must follow the notification procedures under paragraph (g)(1) of this section.

(h) Each University must investigate, document, and take actions to correct and prevent future incidents of hazardous chemical spills, exposures and other incidents that trigger a reportable emergency or that require reporting under paragraph (g) of this section.

(i) Each University may only transfer laboratory wastes from a laboratory:

(1) directly to an on-site designated hazardous waste accumulation area. Notwithstanding 40 CFR 263.10(a), each University must comply with requirements for transporters set forth in 40 CFR 263.30 and 263.31 in the event of a discharge of laboratory waste en route from a laboratory to an on-site hazardous waste accumulation area; or

(2) to a treatment, storage or disposal (TSD) facility permitted to handle the waste under 40 CFR part 270 or in interim status under 40 CFR parts 265 and 270 (or authorized to handle the waste by a state with a hazardous waste management program approved under 40 CFR part 271) if it is determined in the laboratory by the individuals identified in § 262.105(b)(3) to be responsible for waste management decisions that the waste is a hazardous waste and that it is prudent to transfer it directly to a treatment, storage, and disposal facility rather than an on-site accumulation area.

(j) Each University must ensure that laboratory workers receive training and are provided with information so that they can implement and comply with these Minimum Performance Criteria.

§ 262.105 What must be included in the laboratory environmental management plan?

(a) Each University must include specific measures it will take to protect human health and the environment from hazards associated with the management of laboratory wastes and from the reuse, recycling or disposal of such materials outside the laboratory.

(b) Each University must write, implement and comply with an Environmental Management Plan that includes the following:

(1) The specific procedures to assure compliance with each of the Minimum Performance Criteria set forth in § 262.104.

(2) An environmental policy, or environmental, health and safety policy, signed by the University's senior management, which must include commitments to regulatory compliance, waste minimization, risk reduction and continual improvement of the environmental management system.

(3) A description of roles and responsibilities for the implementation and maintenance of the Laboratory Environmental Management Plan.

(4) A system for identifying and tracking legal and other requirements applicable to laboratory waste, including the procedures for providing updates to laboratory supervisors.

(5) Criteria for the identification of physical and chemical hazards and the control measures to reduce the potential for releases of laboratory wastes to the environment, including engineering controls, the use of personal protective equipment and hygiene practices, containment strategies and other control measures.

(6) A pollution prevention plan, including, but not limited to, roles and responsibilities, training, pollution prevention activities, and performance review.

(7) A system for conducting and updating annual surveys of hazardous chemicals of concern and procedures for identifying acutely hazardous laboratory waste.

(8) The procedures for conducting laboratory clean-outs with regard to the safe management and disposal of laboratory wastes.

(9) The criteria that laboratory workers must comply with for managing, containing and labeling laboratory wastes, including: an evaluation of the need for and the use of any special containers or labeling circumstances, and the use of laboratory wastes secondary containers including packaging, bottles, or test tube racks.

(10) The procedures relevant to the safe and timely removal of laboratory wastes from the laboratory.

(11) The emergency preparedness and response procedures to be implemented for laboratory waste.

(12) Provisions for information dissemination and training, provided for in paragraph (d) of this section.

(13) The procedures for the development and approval of changes to the Environmental Management Plan.

(14) The procedures and work practices for safely transferring or moving laboratory wastes from a laboratory to a location identified in § 262.104(i).

(15) The procedures for regularly inspecting a laboratory to assess conformance with the requirements of the Environmental Management Plan.

(16) The procedures for the identification of environmental management plan noncompliance, and the assignment of responsibility, timelines and corrective actions to prevent their reoccurrence.

(17) The record keeping requirements to document conformance with this Plan.

(c) Organizational responsibilities for each university. Each University must:

(1) Develop and oversee implementation of its Laboratory Environmental Management Plan.

(2) Identify the following:

(i) Annual environmental objectives and targets;

(ii) Those laboratories covered by the requirements of the Laboratory Environmental Management Plan.

(3) Assign roles and responsibilities for the effective implementation of the Environmental Management Plan.

(4) Determine whether laboratory wastes are solid wastes under RCRA and, if so, whether they are hazardous.

(5) Develop, implement, and maintain:

(i) Policies, procedures and practices governing its compliance with the Environmental Management Plan and applicable federal and state hazardous waste regulations.

(ii) Procedures to monitor and measure relevant conformance and environmental performance data for the purpose of supporting continual improvement of the Environmental Management Plan.

(iii) Policies and procedures for managing environmental documents and records applicable to this Environmental Management Standard.

(6) Ensure that:

(i) Its Environmental Management Plan is available to laboratory workers, vendors, employee representatives, visitors, on-site contractors, and upon request, to governmental representatives.

(ii) Personnel designated by each University to handle laboratory wastes and RCRA hazardous waste receive appropriate training.

(iii) The Environmental Management Plan is reviewed at least annually by senior management to ensure its continuing suitability, adequacy and effectiveness. The reviews may include, but not be limited to, a consideration of monitoring and measuring information, Laboratory Environmental Management Standard performance data, assessment and audit results and other relevant information and data.

(d) What are the Information and Training Requirements for Each University?

(1) Each University must ensure that laboratory workers receive training and are provided with the information to understand and implement the elements of each University's Environmental Management Plan that are relevant to the laboratory workers' responsibilities.

(2) When must each University ensure that laboratory workers receive training and information?

(i) Each University must provide the information to each laboratory worker when he/she is first assigned to a work area where laboratory wastes may be generated.

(ii) Each University must ensure that each laboratory worker has had training within six months of when he/she is first assigned to a work area where laboratory wastes may be generated. Each University must retrain a laboratory worker when a laboratory waste poses a new or unique hazard for which the laboratory worker has not received prior training and as frequently as needed to maintain knowledge of the procedures of the Environmental Management Plan.

(3) Each University must provide an outline of training and specify who is to receive training in its Environmental Management Plan.

(4) Each University must ensure that laboratory workers are informed of:

(i) The contents of this Subpart and the Laboratory Environmental Management Plan(s) for the laboratory(ies) in which they will be performing work;

(ii) The location and availability of the Environmental Management Plan;

(iii) Emergency response measures applicable to laboratories;

(iv) Signs and indicators of a hazardous substance release;

(v) The location and availability of known reference materials relevant to implementation of the Environmental Management Plan; and

(vi) Environmental training requirements applicable to laboratory workers.

(5) Each University must ensure that Laboratory workers have received training in:

(i) Methods and observations that may be used to detect the presence or release of a hazardous substance;

(ii) The chemical and physical hazards associated with laboratory wastes in their work area;

(iii) The relevant measures a laboratory worker can take to protect human health and the environment; and

(iv) Details of the Environmental Management Plan sufficient to ensure they manage laboratory waste in accordance with the requirements of this Subpart.

(6) Requirements pertaining to Laboratory visitors:

(i) Laboratory visitors, such as on-site contractors or environmental vendors, that require information and training under this standard must be identified in the Environmental Management Plan.

(ii) Laboratory visitors identified in the Environmental Management Plan must be informed of the existence and location of the Environmental Management Plan.

(iii) Laboratory visitors identified in the Environmental Management Plan must be informed of relevant policies, procedures or work practices to ensure compliance with the requirements of the Environmental Management Plan.

(7) Each University must define methods of providing objective evidence and records of training and information dissemination in its Environmental Management Plan.

§ 262.106 When must a hazardous waste determination be made?

(a) For laboratory waste sent from a laboratory to an on-site hazardous waste accumulation area, each University must evaluate the laboratory wastes to determine whether they are solid wastes under RCRA and, if so, determine pursuant to § 262.11 (a) through (d) whether they are hazardous wastes, as soon as the laboratory wastes reach the University's Hazardous Waste Accumulation area(s). At this point each University must determine whether the laboratory waste will be reused or whether it must be managed as RCRA solid or hazardous waste.

(b) For laboratory waste that will be sent from a laboratory to a TSD facility permitted to handle the waste, each University must evaluate such laboratory wastes to determine whether they are solid wastes under RCRA and, if so, determine pursuant to § 262.11 (a) through (d) whether they are hazardous wastes, prior to the 30-day deadline for removing dated laboratory waste from the laboratory.

(c) Laboratory waste that is determined to be hazardous waste is no longer subject to the provisions of this

subpart and must be managed in accordance with all applicable provisions of 40 CFR Parts 260 through 270.

§ 262.107 Under what circumstances will a university's participation in this environmental management standard pilot be terminated?

(a) EPA retains the right to terminate a University's participation in this Laboratory XL project if the University:

(1) Is in non-compliance with the Minimum Performance Criteria in § 262.104; or

(2) Has actual environmental management practices in the laboratory that do not conform to its Environmental Management Plan; or

(3) Is in non-compliance with the Hazardous Waste Determination requirements of § 262.106.

(b) In the event of termination, EPA will provide the University with 15 days written notice of its intent to terminate. During this period, which commences upon receipt of the notice, the University will have the opportunity to come back into compliance with the Minimum Performance Criteria, its Environmental Management Plan, or the requirements for making a hazardous waste determination at § 262.106 or to provide a written explanation as to why it was not in compliance and how it intends to return to compliance. If, upon review of the University's written explanation, EPA then re-issues a written notice terminating the University from this XL Project, the provisions of paragraph (c) of this section will immediately apply and the University shall have 90 days to come into compliance with the applicable RCRA requirements deferred by § 262.10(j). During the 90-day transition period, the provisions of this subpart shall continue to apply to the University.

(c) If a University withdraws from this XL project, or receives a notice of termination pursuant to this section, it must submit to EPA and the state a schedule for returning to full compliance with RCRA requirements at the laboratory level. The schedule must show how the University will return to full compliance with RCRA within 90 days from the date of the notice of termination or withdrawal.

§ 262.108 When will this subpart expire?

This subpart will expire on September 30, 2003.

[FR Doc. 99–25137 Filed 9–27–99; 8:45 am]
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federal register

Tuesday
September 28, 1999

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AF24

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons and those early seasons for which States previously deferred selection. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 1999–2000 season.

DATE: This rule takes effect on October 1, 1999.

ADDRESSES: You may inspect comments during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Jonathan Andrew, Chief, or Ron W. Kokel, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1999

On May 3, 1999, we published in the **Federal Register** (64 FR 23742) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under § 20.101 through 20.107, 20.109, and 20.110 of subpart K. On June 17, we published in the **Federal Register** (64 FR 32758) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations frameworks and the proposed regulatory alternatives for the 1999–2000 duck hunting season. The June 17 supplement also provided detailed information on the 1999–2000 regulatory schedule and announced the Service Migratory Bird Regulations Committee and Flyway Council meetings.

On June 22–23, we held meetings that reviewed information on the current status of migratory shore and upland game birds and developed 1999–2000 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl as it relates to the development and selection of the regulatory packages for the 1999–2000 regular waterfowl seasons. On July 22, we published in the **Federal Register** (64 FR 39460) a third document specifically dealing with the proposed frameworks for early-season regulations for the 1999–2000 duck hunting season. The July 22 supplement also established the final regulatory alternatives for the 1999–2000 duck hunting season.

On August 3–4, 1999, we held meetings, as announced in the May 3 and June 17 **Federal Register**s, to review the status of waterfowl. On August 27, 1999, we published a fourth document (64 FR 47048) which dealt specifically with proposed frameworks for the 1999–2000 late-season migratory bird hunting regulations. On August 27, 1999, we also published a fifth document (64 FR 47072) containing final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits for the 1999–2000 season. On August 31, 1999, we published in the **Federal Register** (64 FR 47418) a sixth document consisting of a final rule amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons. We published final late-season frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected late-season hunting dates, hours, areas, and limits for 1999–2000 in a seventh document in the September 27, 1999, **Federal Register**.

The final rule described here is the eighth and final in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations for 1999–2000 and deals specifically with amending subpart K of 50 CFR part 20 to set hunting seasons, hours, areas, and limits for species subject to late-season regulations and those for early seasons that States previously deferred.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14)," filed with the Environmental Protection Agency on June 9, 1988. We published a Notice of Availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). Copies are available from the address indicated under the caption **ADDRESSES**.

Endangered Species Act Considerations

As in the past, we design hunting regulations to remove or alleviate chances of conflict between migratory game bird hunting seasons and the protection and conservation of endangered and threatened species. We conducted consultations to ensure that actions resulting from these regulatory proposals will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and may have caused modification of some regulatory measures previously proposed. Final frameworks reflect any modifications. The biological opinions resulting from Section 7 consultation are public documents available for inspection in either the Service's Division of Endangered Species or MBMO, at the address indicated under the caption **ADDRESSES**.

Executive Order (E.O.) 12866

Collectively, the rules covering the overall frameworks for migratory bird hunting are economically significant and have been reviewed by the Office of Management and Budget (OMB) under E.O. 12866. This rule is a small portion of the overall migratory bird hunting frameworks and was not individually submitted and reviewed by OMB under E.O. 12866.

Regulatory Flexibility Act

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail and issued a Small Entity Flexibility Analysis (Analysis) in 1998. The Analysis documented the significant beneficial economic effect. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis was based on the 1996 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns from which it

was estimated that migratory bird hunters would spend between $429 and $1,084 million at small businesses in 1998. Copies of the Analysis are available upon request.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995. We utilize the various recordkeeping and reporting requirements imposed under regulations established in 50 CFR Part 20, Subpart K, in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 09/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

We have determined and certify in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, these rules, authorized by the Migratory Bird Treaty Act, do not have significant takings implications and do not affect any constitutionally protected property rights. These rules will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise privileges that would be otherwise unavailable; and, therefore, reduce restrictions on the use of private and public property.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employs guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulation. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 12612, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American tribal Governments" (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States would have insufficient time to implement their selected season dates and limits and start their seasons in a timely manner.

We therefore find that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will, therefore, take effect immediately upon publication. Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State or Territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 15, 1999.

Donald J. Barry

Assistant Secretary for Fish and Wildlife and Parks.

PART 20—[AMENDED]

For the reasons set out in the preamble, the Service amends title 50, chapter I, subchapter B, part 20, subpart K as follows:

1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703–712; and 16 U.S.C. 742 a–j.

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Note - The following annual regulations provided for by §§20.104, 20.105, 20.106, 20.107, and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

2. Section 20.104 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 27 and September 27 Federal Registers

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47418).

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Daily bag limit	25 (1)	15 (2)	3	8
Possession limit	25 (1)	30 (2)	6	16

ATLANTIC FLYWAY

Massachusetts (4)	Sept. 1-Nov. 9	Closed	Oct. 16-Nov. 13 & Nov. 15 only	Sept. 1-Dec. 15
Vermont	Closed	Closed	Oct. 6-Nov. 4	Oct. 6-Dec. 15

MISSISSIPPI FLYWAY

Louisiana	Sept. 11-Sept. 26 Nov. 13-Jan. 5	Sept. 11-Sept. 26 Nov. 13-Jan. 5	Dec. 18-Jan. 31	Nov. 6-Feb. 20
Tennessee				
Reelfoot Zone	Nov. 20-Nov. 21 & Dec. 4-Jan. 20	Closed	Oct. 31-Dec. 14	Nov. 14-Feb. 28
State Zone	Dec. 4-Dec. 9 & Dec. 18-Jan. 20	Closed	Oct. 31-Dec. 14	Nov. 14-Feb. 28
Wisconsin				
North Zone	Oct. 2-Nov. 30	Closed	Sept. 19-Nov. 2	Oct. 2-Nov. 30
South Zone	Oct. 2-Nov. 30	Closed	Sept. 19-Nov. 2	Oct. 2-Nov. 30

CENTRAL FLYWAY

New Mexico (16)	Oct. 9-Dec. 17	Closed	Closed	Oct. 9-Jan. 23

PACIFIC FLYWAY

Arizona (17)				
North Zone	Closed	Closed	Closed	Oct. 8-Jan. 16
South Zone	Closed	Closed	Closed	Oct. 8-Jan. 16
California	Closed	Closed	Closed	Oct. 2-Jan. 16
Nevada				
Clark County	Closed	Closed	Closed	Oct. 9-Jan. 22
Rest of State	Closed	Closed	Closed	Oct. 2-Jan. 15
New Mexico	Oct. 9-Dec. 17	Closed	Closed	Oct. 9-Jan. 23
Oregon				
Zone 1	Closed	Closed	Closed	Oct. 9-Jan. 23
Zone 2	Closed	Closed	Closed	Oct. 9-Jan. 23
Utah	Closed	Closed	Closed	Oct. 2-Jan. 15
Washington				
East Zone	Closed	Closed	Closed	Oct. 9-Oct. 20 & Oct. 22-Jan. 16
West Zone	Closed	Closed	Closed	Oct. 9-Oct. 20 & Oct. 22-Jan. 16

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.

(2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States. In Connecticut, Delaware, Maryland, and New Jersey, the limits for clapper and king rails are 10 daily and 20 in possession.

. . . . .

(4) In Massachusetts, the sora bag limit is 5 daily and 5 in possession; the Virginia rail bag limit is 10 daily and 10 in possession.

. . . . .

(16) In New Mexico, the rail daily bag and possession limits are 10.
(17) In Arizona, Ashurst Lake in Unit 5B is closed to common snipe hunting.

3. In Section 20.105, paragraphs (a), (b), and (f) are amended by adding the entries for the following States in alphabetical order and paragraph (e) is revised to read as follows:

§20.106 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 27 and September 27 Federal Registers.

(a) Common Moorhens and Purple Gallinules
(Atlantic, Mississippi, and Central Flyways)

NOTE. The following seasons are in addition to the seasons published previously in the August 31, 1999 Federal Register (64 FR 47418). The zones named in this paragraph are the same as those used for setting duck seasons.

	Season Dates	Limits: Bag	Limits: Possession
ATLANTIC FLYWAY			
	. . . . .		
Georgia	Nov. 20-Jan. 18	15	30
	. . . . .		
Virginia	Oct. 6-Oct. 9 &	15	30
	Nov. 17-Jan. 20	15	30
West Virginia			
Zone 1	Oct. 1-Oct. 16 &	15	30
	Nov. 29-Jan. 20	15	30
West Virginia (cont.)			
Zone 2	Oct. 1-Oct. 16 &	15	30
	Nov. 17-Jan. 8	15	30
	. . . . .		
MISSISSIPPI FLYWAY			
	. . . . .		
Louisiana	Sept. 11-Sept. 26 &	15	30
	Nov. 13-Jan. 5	15	30
Michigan			
North Zone	Oct. 2-Nov. 30	15	30
Middle Zone	Oct. 2-Nov. 30	15	30
South Zone	Oct. 9-Dec. 7	15	30
Minnesota (2)	Oct. 2-Nov. 30	15	30
	. . . . .		
Tennessee			
Reelfoot Zone	Nov. 20-Nov. 21 &	15	30
	Dec. 4-Jan. 21	15	30
State Zone	Dec. 4-Dec. 9 &	15	30
	Dec. 18-Jan. 23	15	30
Wisconsin			
North Zone	Oct. 2-Nov. 30	5	10
South Zone	Oct. 2-Nov. 30	5	10
	. . . . .		
PACIFIC FLYWAY			
All States	Seasons are in aggregate with coots and listed in paragraph (e)		

. . . . .

(2) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots, moorhens, and gallinules in the aggregate.

(b) Sea Ducks (scoter, eider, and oldsquaw ducks in Atlantic Flyway)

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47418).

Within the special sea duck areas, the daily bag limit is 7 sea ducks of which no more than 4 may be scoters. Possession limits are twice the daily bag limit. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

	Season Dates	Limits: Bag	Limits: Possession
	. . . . .		
Maine (1)	Oct. 1-Jan. 20	7	14
Maryland	Oct. 2-Jan. 20	5	10
Massachusetts (2)	Oct. 6-Jan. 20	7	14
	. . . . .		
North Carolina	Oct. 1-Jan. 20	7	14
	. . . . .		
South Carolina	Oct. 6-Jan. 20	7	14
Virginia	Oct. 6-Jan. 20	7	14

Note: Notwithstanding the provisions of this part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

(1) In Maine, the daily bag limit for eiders is 5.
(2) In Massachusetts, the daily bag may include no more than 4 eider (1 of which may be a hen) and 4 old squaw. Possession limits are twice the daily bag limit for each species.

(c) Waterfowl, Coots, and Pacific Flyway Seasons for Common Moorhens and Purple Gallinules

Definitions

The **Atlantic Flyway**: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

The Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

The Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

The Pacific Flyway: Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Light Geese: Includes lesser snow (including blue) geese, greater snow geese, and Ross' geese.

Dark Geese: Includes Canada geese, white-fronted geese, emperor geese, brant (except in California, Oregon, Washington, and the entire Atlantic Flyway) and all other geese except light geese.

ATLANTIC FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (2 hen mallards), 3 scaup, 1 black duck, 1 pintail, 1 canvasback, 1 mottled duck, 2 wood ducks, 2 redheads, and 1 fulvous tree duck. The possession limit is twice the daily bag limit.

Harlequin Ducks: All areas of the Flyway are closed to harlequin duck hunting.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits: Bag	Limits: Possession
Connecticut			
Ducks (1)			
North Zone	Oct. 9-Oct. 23 &	6	12
	Nov. 11-Jan. 4	6	12
South Zone	Oct. 9-Oct. 16 &	6	12
	Nov. 20-Jan. 20	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
NAP Zone:			
North Zone	Oct. 9-Oct. 23 &	2	4
	Nov. 11-Dec. 11	2	4
South Zone	Oct. 9-Oct. 29 &	2	4
	Nov. 20-Dec. 15	2	4
(special season)	Jan. 15-Feb. 15	State Permit Only	
AP Zone	Nov. 11-Nov. 27	1	2
Light Geese:			
North Zone	Oct. 9-Feb. 10	15	–
South Zone	Oct. 9-Feb. 10	15	–
Brant:			
North Zone	Nov. 11-Jan. 7	2	4
South Zone	Nov. 24-Jan. 20	2	4
Delaware			
Ducks (2)	Oct. 1-Oct. 5 &	6	12
	Oct. 29-Nov. 6 &	6	12
	Nov. 22-Jan. 15	6	12

	Season Dates	Limits Bag	Limits Possession
Delaware (cont.)			
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Closed	–	–
Light Geese (3):			
Bombay Hook NWR Zone	Oct. 1-Nov. 6 &	15	–
	Nov. 8-Nov. 20 &	15	–
	Nov. 22-Jan. 2 &	15	–
	Jan. 24-Mar. 10	15	–
Rest of State	Oct. 1-Nov. 6 &	15	–
	Nov. 22-Jan. 15 &	15	–
	Jan. 24-Mar. 10	15	–
Brant	Nov. 24-Jan. 20	2	4
Florida			
Ducks	Nov. 20-Jan. 18	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese (4)	Nov. 20-Jan. 28	2	4
Light Geese (5)	Nov. 20-Jan. 18	15	–
Georgia			
Ducks	Nov. 20-Jan. 18	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese (special season) (6)	Nov. 20-Jan. 28	State Permit Only	
Light Geese	Same as for ducks	2	4
Brant	Closed	–	–
Maine			
Ducks (7):			
North Zone	Oct. 1-Nov. 27	4	8
South Zone	Oct. 1-Oct. 16 &	4	8
	Nov. 8-Dec. 18	4	8
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese			
North Zone	Oct. 1-Nov. 16	2	4
South Zone	Oct. 1-Oct. 16 &	2	4
	Nov. 8-Dec. 7	2	4
Light Geese	Oct. 1-Jan. 31	15	–
Brant	Oct. 1-Nov. 27	2	4
Maryland			
Ducks (8)	Oct. 9-Oct. 16 &	5	10
	Nov. 5-Nov. 26 &	5	10
	Dec. 13-Jan. 20	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30

	Season Dates	Limits Bag	Limits Possession
Maryland (cont.)			
Canada Geese:	Closed	–	–
Western (SJBP) Zone	Nov. 15-Nov. 26 &	2	4
	Dec. 13-Jan. 14	2	4
(special season)	Jan. 15-Feb. 15	3	6
Light Geese (9)	Oct. 16-Nov. 26 &	15	–
	Dec. 6-Jan. 31 &	15	–
	Feb. 2-Mar. 10	15	–
Brant	Nov. 9-Nov. 26 &	2	4
	Dec. 13-Jan. 20	2	4
Masssachusetts			
Ducks (10):			
Western Zone	Oct. 11-Dec. 18	6	12
Central Zone	Oct. 14-Nov. 27 &	6	12
	Dec. 16-Jan. 8	6	12
Coastal Zone	Oct. 14-Oct. 30 &	6	12
	Nov. 18-Jan. 8	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
NAP Zone	Oct. 14-Nov. 27 &	2	4
	Dec. 16 only	2	4
(special season)	Jan. 15-Feb. 5	5	10
AP Zone	Nov. 11-Nov. 27	1	2
Light Geese:			
Western Zone	Same as for ducks	15	30
Central Zone	Same as for ducks &	15	30
	Jan. 15-Feb. 5	15	30
Coastal Zone	Same as for ducks &	15	30
	Jan. 15-Feb. 5	15	30
Brant:			
Western & Central Zone	Closed	–	–
Coastal Zone	Nov. 18-Jan. 14	2	4
New Hampshire			
Ducks (11)			
Inland Zone	Oct. 5-Nov. 7 &	6	12
	Nov. 24-Dec. 19	6	12
Coastal Zone	Oct. 6-Oct. 24 &	6	12
	Nov. 23-Jan. 2	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese			
Inland Zone	Oct. 5-Nov. 7 &	2	4
	Nov. 24-Nov. 29	2	4
Coastal Zone	Oct. 6-Oct. 24 &	2	4
	Nov. 23-Dec. 13	2	4
Light Geese			
Inland Zone	Oct. 5-Dec. 19	15	–
Coastal Zone	Oct. 6-Jan. 2	15	–

	Season Dates	Limits Bag	Limits Possession
New Hampshire (cont.)			
Brant			
Inland Zone	Oct. 5-Nov. 7 &	2	4
	Nov. 24-Dec. 9	2	4
Coastal Zone	Oct. 6-Oct. 24 &	2	4
	Nov. 23-Dec. 23	2	4
New Jersey			
Ducks (12)			
North Zone	Oct. 9-Oct. 30 &	6	12
	Nov. 16-Jan. 1	6	12
South Zone	Oct. 16-Oct. 30 &	6	12
	Nov. 9-Jan. 1	6	12
Coastal Zone	Oct. 30-Nov. 20 &	6	12
	Nov. 23-Jan. 8	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese			
North Zone	Nov. 16-Nov. 27 &	1	2
	Dec. 29-Jan. 1	1	2
South Zone	Nov. 25-Dec. 4 &	1	2
	Dec. 27-Jan. 1	1	2
Coastal Zone	Nov. 25-Nov. 27 &	1	2
	Dec. 27-Jan. 8	1	2
(special season)	Jan. 15-Feb. 15	5	10
Light Geese			
North Zone	Oct. 9-Jan. 10 &	15	–
	Jan. 15-Feb. 15	15	–
South Zone	Nov. 9-Mar. 10	15	–
Coastal Zone	Oct. 7-Nov. 20 &	15	–
	Nov. 23-Jan. 8	15	–
	Jan. 15-Feb. 15	15	–
Brant:			
North Zone	Oct. 12-Oct. 30 &	2	4
	Nov. 25-Jan. 1	2	4
South Zone	Oct. 16-Oct. 30 &	2	4
	Nov. 20-Jan. 1	2	4
Coastal Zone	Oct. 30-Nov. 11 &	2	4
	Nov. 25-Jan. 8	2	4
New York			
Ducks (13):			
Long Island Zone	Nov. 19-Nov. 28 &	6	12
	Dec. 2-Jan. 20	6	12
Lake Champlain Zone	Oct. 6-Oct. 11 &	6	12
	Oct. 23-Dec. 15	6	12
Northeastern Zone	Oct. 2-Nov. 14 &	6	12
	Nov. 20-Dec. 5	6	12
Southeastern Zone	Oct. 9-Oct. 17 &	6	12
	Nov. 6-Dec. 26	6	12
Western Zone	Oct. 15-Nov. 28 &	6	12
	Dec. 26-Jan. 9	6	12

	Season Dates	Limits Bag	Limits Possession
New York (cont.)			
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Long Island (NAP) Zone	Nov. 19-Nov. 28 &	2	4
	Dec. 2-Dec. 31	2	4
Lake Champlain (AP) Zone	Nov. 1-Nov. 14 &	1	2
	Nov. 20 only	1	2
Northeastern (AP) Zone	Nov. 1-Nov. 14 &	1	2
	Nov. 20 only	1	2
Southeastern (AP) Zone	Nov. 6-Nov. 14 &	1	2
	Dec. 21-Dec. 26	1	2
Western (AP) Zone	Nov. 6-Nov. 13 &	1	2
	Dec. 26-Jan. 1	1	2
Southwest (SJBP) Zone	Nov. 1-Jan. 9	2	4
(special season)	Jan. 15-Feb. 15	5	10
Light Geese			
Long Island Zone	Oct. 2-Oct. 24 &	15	–
	Nov. 19-Jan. 20 &	15	–
	Feb. 19-Mar. 10	15	–
Lake Champlain Zone	Oct. 6-Dec. 30 &	15	–
	Feb. 19-Mar. 10	15	–
Northeastern Zone	Oct. 2-Dec. 26 &	15	–
	Feb. 19-Mar. 10	15	–
Southeastern Zone	Oct. 9-Jan. 2 &	15	–
	Feb. 19-Mar. 10	15	–
Western Zone	Oct. 15-Jan. 8 &	15	–
	Feb. 19-Mar. 10	15	–
Brant:			
Long Island Zone	Nov. 19-Nov. 28 &	2	4
	Dec. 12-Jan. 20	2	4
Lake Champlain Zone	Oct. 9-Nov. 27	2	4
Northeastern Zone	Oct. 9-Nov. 27	2	4
Southeastern Zone	Oct. 9-Nov. 27	2	4
Western Zone	Oct. 9-Nov. 27	2	4
North Carolina			
Ducks (14)	Oct. 6-Oct. 9 &	6	12
	Nov. 8-Nov. 27 &	6	12
	Dec. 8-Jan. 20	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:	Closed	–	–
Western Unit	Oct. 1-Nov. 15	2	4
Light Geese	Oct. 22-Oct. 30 &	15	–
	Nov. 17-Mar. 10	15	–
Brant	Nov. 8-Nov. 27 &	2	4
	Dec. 15-Jan. 20	2	4

	Season Dates	Limits Bag	Limits Possession
Pennsylvania			
Ducks (15)			
North Zone	Oct. 9-Nov. 27 &	6	12
	Dec. 21-Jan. 8	6	12
South Zone	Oct. 9-Oct. 16 &	6	12
	Nov. 9-Jan. 8	6	12
Northwest Zone	Oct. 9-Oct. 23 &	6	12
	Nov. 6-Dec. 30	6	12
Lake Erie Zone	Oct. 18-Oct. 30 &	6	12
	Nov. 8-Jan. 1	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Eastern (AP) Zone	Nov. 20-Nov. 27 &	1	2
	Dec. 31-Jan. 8	1	2
Western (SJBP) Zone	Nov. 15-Dec. 30	2	4
(special season)	Jan. 15-Feb. 15	5	10
Pymatuning Zone	Nov. 15-Dec. 24	1	2
Light Geese	Nov. 5-Mar. 10	15	–
Brant	Oct. 9-Dec. 6	2	4
Rhode Island			
Ducks	Oct. 8-Oct. 11 &	6	12
	Nov. 20-Nov. 28 &	6	12
	Dec. 4-Jan. 19	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Oct. 8-Oct. 11 &	2	4
	Nov. 10-Dec. 15	2	4
(special season)	Jan. 15-Feb. 15	5	10
Light Geese	Oct. 8-Jan. 19	15	–
Brant	Nov. 20-Nov. 28 &	2	4
	Dec. 10-Jan. 19	2	4
South Carolina			
Ducks (16)	Nov. 16-Nov. 27 &	6	12
	Dec. 4-Jan. 20	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese (special season)	Nov. 16-Nov. 27 &	5	10
	Dec. 4-Jan. 29	5	10
Light Geese	Same as for ducks	5	10
Brant	Dec. 4-Jan. 20	2	4
Vermont			
Ducks			
Lake Champlain Zone	Oct. 6-Oct. 11 &	6	12
	Oct. 23-Dec. 15	6	12
Interior Zone	Oct. 6-Dec. 4	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Nov. 1-Nov. 14 &	1	2
	Nov. 20 only	1	2
Light Geese	Oct. 6-Dec. 30	15	–
	Feb. 19-Mar. 10	15	–
Brant	Oct. 9-Nov. 27	2	4
Virginia			
Ducks	Oct. 6-Oct. 9 &	5	10
	Nov. 17-Jan. 20	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Back Bay Area	Closed	–	–
Eastern (AP) Zone	Dec. 27-Jan. 1	1	2
Western (SJBP) Zone	Dec. 1-Jan. 14	2	4
(special season)	Jan. 15-Feb. 15	4	8
Light Geese	Nov. 8-Mar. 10	15	–
Brant	Nov. 24-Jan. 20	2	4
West Virginia			
Ducks (17)			
Zone 1	Oct. 1-Oct. 16 &	6	12
	Nov. 29-Jan. 20	6	12
Zone 2	Oct. 1-Oct. 16 &	6	12
	Nov. 17-Jan. 8	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Zone 1	Oct. 1-Oct. 16 &	3	6
	Nov. 27-Jan. 31	3	6
Zone 2	Oct. 1-Oct. 30 &	3	6
	Dec. 11-Jan. 31	3	6
Light Geese:			
Zone 1	Same as for Canada geese	5	10
Zone 2	Same as for Canada geese	5	10
Brant	Nov. 27-Jan. 20	2	4

(1) In Connecticut, the season is closed for black ducks prior to November 11 in the North Zone and after January 10 in the South Zone.

(2) In Delaware, the season on black ducks is only open November 22 through January 1.

(3) In Delaware, the January 24 to March 10 snow goose season is open Mondays, Wednesdays, Fridays, and Saturdays only.

(4) In Florida, the Canada goose season is only open in the Florida waters of Lake Seminole in Jackson County that are south of SR2, north of the Jim Woodruff Dam, and east of SR271.

(5) In Florida, the light goose season is only open north and west of the Suwannee River.

(6) State permit required.

(7) In Maine, the season is closed for black ducks October 1 through October 8, in addition to the daily bag limit, 2 additional teal may be taken. A possession limit of 12 ducks is permitted provided it includes 4 or more teal.

(8) In Maryland, the black duck season is closed October 9 through October 16 and November 5 through November 26, and the canvasback season is open only October 2, and December 13 through January 20; in addition to the daily bag, 1 additional teal may be taken.
(9) In Maryland, the February 2 to March 10 snow goose season is open Mondays, Wednesdays, Fridays, and Saturdays only.
(10) In Massachusetts, the season is closed for black ducks November 29 through December 4 and January 3 through January 8 in the Coastal Zone, and November 15 through November 20 in the Western and Central Zones; the daily bag limit may include no more than 4 of any single species in addition to the flyway-wide bag restrictions.
(11) In New Hampshire, the season is closed for black ducks through October 11.
(12) In New Jersey, the daily bag limit for buffleheads is 4.
(13) In New York, the season is closed for black ducks October 12 through October 21 in the Northeastern Zone, November 6 through November 15 in the Southeastern Zone, October 15 through October 24 in the Western Zone, and December 2 through December 11 in the Long Island Zone; the season is closed for scaup December 2 through December 11 in the Long Island Zone; in the Lake Champlain Zone, the daily bag limit may include no more than 4 goldeneyes.
(14) In North Carolina, the season is closed for black ducks October 6 through October 9 and November 8 through November 27.
(15) In Pennsylvania, the season for black ducks is closed November 14 through November 28 in the North Zone, December 19 through January 2 in the South Zone, and November 14 through November 29 in the Northwest Zone.
(16) In South Carolina, the daily bag limit of 6 may not exceed 1 black duck, mottled duck, or female mallard in the aggregate.
(17) In West Virginia, the daily bag limit may include no more than 4 old squaws and the season is closed for scoters, eiders, whistling ducks, and mottled ducks.

MISSISSIPPI FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 1 pintail, 1 canvasback, 2 redheads, 3 scaup, and 2 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits: Bag	Limits: Possession
Alabama			
Ducks			
North Zone	Dec. 11-Dec. 24 &	6	12
	Dec. 26-Jan. 31	6	12
South Zone	Dec. 11-Dec. 24 &	6	12
	Dec. 26-Jan. 31	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese			
Dark Geese:			
North Zone:			
SJBP Zone	Dec. 28-Jan. 31	2	4
Rest of North Zone	Oct. 2-Oct. 17 &		
	Dec. 11-Dec. 24 &	2	4
	Dec. 26-Jan. 31	2	4
South Zone	Oct. 2-Oct. 17 &		
	Dec. 11-Dec. 24 &	2	4
	Dec. 26-Jan. 31	2	4
Light Geese	Same as for dark geese	5	5
Arkansas			
Ducks	Nov. 20-Dec. 20 &	6	12
	Dec. 26-Jan. 23	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese			
Canada (1):			
East Zone	Jan. 8-Jan. 30	2	4
West Zone	Jan. 8-Jan. 23	2	4
White-fronted	Nov. 6-Jan. 30	2	4
Brant	Closed	–	–
Light Geese	Nov. 20-Mar. 5	20	–
Illinois			
Ducks:			
North Zone	Oct. 7-Dec. 5	6	12
Central Zone	Oct. 23-Dec. 21	6	12
South Zone	Nov. 11-Jan. 9	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (2):			
North Zone:			
Northern Illinois Quota Zone (2)	Oct. 7-Dec. 18 &	2	10
	Dec. 19-Jan. 5	3	10
Rest of North Zone	same as Northern Illinois Quota Zone		
Central Zone:			
Central Illinois Quota Zone (2)	Oct. 23-Jan. 7 &	2	10
	Jan. 8-Jan. 21	3	10
Rest of Central Zone	same as Central Illinois Quota Zone		
South Zone:			
Southern Illinois Quota Zone (2)(3)	Nov. 26-Jan. 31	2	10
Rend Lake Quota Zone (2)(3)	Nov. 26-Jan. 31	2	10
Rest of South Zone	Nov. 26-Jan. 31	2	10
White-fronted:			
North Zone	Oct. 7-Dec. 30	2	4
Central Zone	Oct. 23-Jan 16	2	4
South Zone	Nov. 26-Feb. 13	2	4
Brant (4)	same as Canada geese	1	2
Light Geese:			
North Zone	Oct. 7-Dec. 30 &	20	–
	Feb. 19-Mar. 10	20	–
Central Zone	Oct. 23-Dec. 25 &	20	–
	Jan. 29-Mar. 10	20	–
South Zone	Nov. 26-Mar. 10	20	–

	Season Dates	Limits Bag	Limits Possession
Indiana			
Ducks:			
North Zone	Oct. 16-Dec. 5 &	6	12
	Dec. 18-Dec. 26	6	12
South Zone	Oct. 23-Oct. 29 &	6	12
	Nov. 20-Jan. 11	6	12
Ohio River Zone	Oct. 30-Oct. 31 &	6	12
	Nov. 27-Jan. 23	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (2):			
North Zone:			
SJBP Area	Oct. 16-Oct. 18 &	2	4
	Nov. 20-Dec. 21	2	4
Rest of North Zone	Oct. 16-Oct. 24 &	2	4
	Nov. 20-Jan. 5	2	4
South Zone			
Posey County (2)	Nov. 27-Jan. 31	2	4
Rest of South Zone	Oct. 23-Oct. 25 &	2	4
	Dec. 4-Jan. 25	2	4
Ohio River Zone:			
Posey County (2)	Nov. 27-Jan. 31	2	4
Rest of Ohio River Zone	Dec. 7-Jan. 31	2	4
White-fronted and Brant	Oct. 16-Jan. 30	1	2
Light Geese	Oct. 16-Jan. 30	20	–
Iowa			
Ducks:			
North Zone	Sept. 18-Sept. 22 &	6	12
	Oct. 16-Dec. 9	6	12
South Zone	Sept. 18-Sept. 22 &	6	12
	Oct. 16-Dec. 9	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese			
Canada Geese:			
North Zone	Oct. 2-Dec. 10	2	4
South Zone	Oct. 2-Oct. 10 &	2	4
	Oct. 16-Dec. 15	2	4
White-fronted			
North Zone	Same as Canada geese	2	4
South Zone	Same as Canada geese	2	4
Brant			
North Zone	Same as Canada geese	2	4
South Zone	Same as Canada geese	2	4
Light Geese	Oct. 2-Dec. 26 &	20	–
	Feb. 19-Mar. 10	20	–

	Season Dates	Limits Bag	Limits Possession
Kentucky			
Ducks:			
West Zone	Nov. 25-Jan. 23	6	12
East Zone	Nov. 25-Jan. 23	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (2):			
Western Goose Zone (2):			
Fulton County	Dec. 4-Feb. 15	2	4
Rest of Zone	Dec. 4-Jan. 31	2	4
Pennyroyal/Coalfield Zone	Dec. 28-Jan. 31	2	4
Rest of State	Dec. 13-Jan. 31	2	4
White-fronted	Nov. 25-Jan. 31	2	4
Brant	Same as White-fronted	2	4
Light Geese	Nov. 25-Mar. 10	20	–
Louisiana			
Ducks:			
West Zone	Nov. 13-Nov. 28 &	6	12
	Dec. 11-Jan. 23	6	12
East Zone:			
Catahoula Lake Area	Nov. 13-Nov. 28 &	6	12
	Dec. 11-Jan. 23	6	12
Rest of East Zone	Nov. 13-Nov. 28 &	6	12
	Dec. 11-Jan. 23	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (5)	Jan. 18-Jan. 26	1	2
White-fronted and Brant			
West Zone	Nov. 13-Feb. 6	2	4
East Zone	Oct. 30-Jan. 23	2	4
Light Geese:			
West Zone	Nov. 13-Feb. 27	20	–
East Zone	Oct. 30-Feb. 13	20	–
Michigan			
Ducks (6):			
North Zone	Oct. 2-Nov. 30	6	12
Middle Zone	Oct. 2-Nov. 30	6	12
South Zone	Oct. 9-Dec. 7	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (2)			
North Zone	Sept. 19-Oct. 3	2	4
Middle Zone	Sept. 19-Oct. 3	2	4

	Season Dates	Limits Bag	Limits Possession
Michigan (cont.)			
South Zone:			
Muskegon Wastewater Goose Management Unit (GMU) (2)	Oct. 23-Nov. 13	2	4
Allegan County GMU (2)	Oct. 16 only &	1	2
	Oct. 23-Nov. 11	1	2
Saginaw County GMU (2)	Oct. 9-Nov. 27	1	2
Tuscola/Huron GMU (2)	Oct. 9-Nov. 27	1	2
Southern Michigan GMU (special season)	Sept. 19-Oct. 3	2	4
	Jan. 8-Feb. 6	5	10
Central Michigan GMU (special season)	Sept. 19-Oct. 3	2	4
	Jan. 8-Feb. 6	5	10
White-fronted and Brant	See Footnote 7	2	4
Light Geese	See Footnote 7	10	30
Minnesota			
Ducks	Oct. 2-Nov. 30	6	12
Mergansers	Same as for ducks	5	10
Coots (8)	Same as for ducks	15	30
Geese:			
Canada (2):			
West Zone:			
West Central Zone:			
Lac qui Parle Zone (2)	Oct. 9-Nov. 7	1	2
Rest of West Central Zone	Oct. 9-Nov. 7	1	2
Rest of West Zone	Oct. 2-Nov. 10	1	2
(Special season)	Dec. 11- Dec. 20	5	10
Northwest Zone	Oct. 2-Nov. 10	1	2
(Special season)	Dec. 11-Dec. 20	5	10
Southeast Zone	Oct. 2-Dec. 10	2	4
(special season)	Dec. 11-Dec. 20	2	4
Rest of State	Oct. 2-Dec. 10	2	4
(special season)	Dec 11-Dec. 20	5	10
White-fronted (9)	Oct. 2-Dec. 20	2	4
Brant (9)	Oct. 2-Dec. 20	1	2
Light Geese (9)	Oct. 2-Dec. 20	10	20
Mississippi			
Ducks:	Nov. 26-Nov. 28 &	6	12
	Dec. 11-Dec. 22 &	6	12
	Dec. 26-Jan. 30	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada	Nov. 23-Jan. 31	3	6
White-fronted and Brant	Nov. 20-Feb. 13	2	4
Light Geese	Nov. 25-Mar. 10	20	–

	Season Dates	Limits Bag	Limits Possession
Missouri			
Ducks and Mergansers (10):			
North Zone	Oct. 23-Dec. 21	6	12
Middle Zone	Oct. 30-Dec. 28	6	12
South Zone	Nov. 13-Jan. 11	6	12
Coots	Same as for ducks	15	30
Geese:			
Canada:			
North Zone:			
Swan Lake Zone	Oct. 23-Oct. 31 &	2	4
	Nov. 20-Dec. 30	2	4
Rest of North Zone	Oct. 2-Oct. 18 &	3	6
	Nov. 6-Nov. 28 &	2	4
	Dec. 18-Jan. 16	2	4
Middle Zone:			
Southeast Zone	Oct. 2-Oct.11 &	3	6
	Nov. 13-Nov. 28 &	2	4
	Dec. 18-Jan. 30	2	4
Rest of Middle Zone	Oct. 2-Oct. 18 &	3	6
	Nov. 6-Nov. 28 &	2	4
	Dec. 18-Jan. 16	2	4
South Zone	Oct. 2-Oct. 11 &	3	6
	Nov. 13-Nov. 28 &	2	4
	Dec. 18-Jan. 30	2	4
White-fronted:			
North Zone:			
Swan Lake Zone	Oct. 23-Oct. 31 &	2	4
	Nov. 20-Jan. 30	2	4
Rest of North Zone	Oct. 2-Oct. 18 &	2	4
	Nov. 6-Nov. 28 &	2	4
	Dec. 18-Jan. 16	2	4
Middle Zone:			
Southeast Zone	Nov. 13-Jan. 30	2	4
Rest of Middle Zone	Oct. 2-Oct. 18 &	2	4
	Nov. 6-Nov. 28 &	2	4
	Dec. 18-Jan. 16	2	4
South Zone	Nov. 13-Jan. 30	2	4
Brant	Same as Canada geese	2	4
Light Geese:			
North Zone:			
Swan Lake Zone	Nov. 20-Mar. 4	20	–
Rest of North Zone	Nov. 6-Jan. 16 &	20	–
	Feb. 5-Mar. 9	20	–
Middle Zone:			
Southeast Zone	Nov. 25-Mar. 9	20	–
Rest of Middle Zone	Nov. 6-Jan. 16 &	20	–
	Feb. 5-Mar. 9	20	–
South Zone	Nov. 25-Mar. 9	20	–

	Season Dates	Limits Bag	Limits Possession
Ohio			
Ducks:			
North Zone	Oct 16-Nov. 28 &	6	12
	Dec. 6-Dec. 21	6	12
South Zone	Oct 16-Oct. 26 &	6	12
	Dec 6-Jan. 23	6	12
Ohio River Zone	Oct 16-Oct 26 &	6	12
	Dec 6-Jan 23	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada:			
North Zone:			
Lake Erie SJBP Zone	Oct 16-Oct. 31 &	1	2
	Dec 6-Dec 19	1	2
Rest of North Zone	Oct 16-Nov. 28 &	2	4
	Dec 6-Dec 31	2	4
(special season)	Jan 15-Feb. 5	2	4
South Zone	Oct 16-Oct 26 &	2	4
	Dec. 6-Jan 31	2	4
Ohio River Zone	Oct 16-Oct. 26 &	2	4
	Dec. 6-Jan 31	2	4
White-fronted and Brant	Same as for Canada geese	2	4
Light Geese	Same as for Canada geese	10	30
Tennessee			
Ducks			
Reelfoot Zone	Nov 20-Nov 21 &	6	12
	Dec 4-Jan 21	6	12
State Zone	Dec 4-Dec 9 &	6	12
	Dec 18-Jan 31	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (2)(11)			
Northwest Zone (2)	Dec 4-Feb 15	2	4
Southwest Zone	Dec 4-Jan 31	2	4
Kentucky/Barkley Lakes Zone (2)	Dec 13-Jan 31	2	4
Rest of State (11)	Oct 2-Oct 10 &	2	4
	Dec 2-Jan 31	2	4
White-fronted	Nov 22-Feb 15	2	4
Brant	Dec 2-Jan 31	2	4
Light Geese	Nov 20-Mar 5	10	30
Wisconsin			
Ducks			
North Zone	Oct 2-Nov 30	6	12
South Zone	Oct 2-Nov 30	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	5	10
Wisconsin (cont.)			
Geese:			
Canada (2):			
Horicon Zone	Sept. 18-Dec. 21	Tag System--See State Regulations	
Collins Zone	Sept. 18-Nov. 19 &	Tag System--See State Regulations	
	Nov. 29-Dec. 3	Tag System--See State Regulations	
Exterior Zone:			
Rock Prairie Subzone	Sept. 25-Dec. 17	1	2
Mississippi River Subzone	Oct 2-Dec. 20	1	2
Brown County Subzone	Sept. 25-Dec. 27	1	2
Rest of Exterior Zone:			
North Duck Zone	Sept 25-Dec. 27	1	2
South Duck Zone	Sept. 25-Dec. 27	1	2
White-fronted and Brant	Same as Canada geese	1	2
Light Geese	Same as Canada geese	10	20

(1) In Arkansas, shooting hours for Canada geese are one-half hour before sunrise to noon

(2) Harvests of Canada geese will be limited by quotas established in the September 27, 1999, Federal Register. When it has been determined that the quota of Canada geese allotted to the Northern Illinois, Central Illinois, Southern Illinois and Rend Lake Quota Zones in Illinois, Posey County in Indiana, the Ballard and Henderson-Union Subzones in Kentucky, the Allegan County, Muskegon Wastewater, Saginaw County, and Tuscola/Huron Goose Management Units in Michigan, the Lac Qui Parle Zone in Minnesota, the Northwest and Kentucky/Barkley Lakes Zones in Tennessee, and the Exterior Zone in Wisconsin will have been filled, the season for taking Canada geese in the respective zone (and associated area, if applicable) will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary

(3) In Illinois, shooting hours for geese in the Southern Illinois and Rend Lake Quota Zones through January 28 shall close at 3 p.m., except that if the Canada goose season closes early due to the quota being reached, shooting hours for all other geese shall close at sunset beginning the day after Canada goose season closes.

(4) In Illinois, brant season will close with Canada goose seasons if the season closes early due the quota being reached

(5) In Louisiana, during the Canada goose season, a special permit is required by the State.

(6) In Michigan, the daily bag limit includes no more than 1 hen mallard

(7) In Michigan, the seasons for white-fronted geese, brant, and light geese are as follows: In the Allegan County GMU and the Muskegon Wastewater GMU, the season runs concurrently with the Canada goose season. In the remainder of the State, the seasons open concurrently with the duck seasons and run continuously through the end of the duck seasons

(8) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate

(9) In Minnesota, in the Lac Qui Parle Zone, seasons for white-fronted geese, brant, and light geese are open only when the Canada goose season is open

(10) In Missouri, the daily bag limit may include no more than 5 mergansers (only 1 of which may be hooded).

(11) In Tennessee, see State regulations for permit requirements and additional restrictions

CENTRAL FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 5 mallards (2 female mallards), 1 mottled duck, 1 pintail, 2 redheads, 1 canvasback, 3 scaup, and 2 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The daily bag limit is 5 mergansers with 10 in possession and may include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits: Bag	Limits: Possession
Colorado			
Ducks	Oct. 2-Oct. 19 &	6	12
	Oct. 30-Nov. 26 &	6	12
	Dec. 6-Jan. 23	6	12
Coots	Same as for ducks	15	30
Mergansers	Same as for ducks	5	10
Dark Geese:			
Northern Front Range Unit	Oct. 2-Oct. 10 &	5	10
	Oct.30-Feb. 3	5	10
South Park/San Luis Valley Unit (1)	Oct. 2-Oct. 10 &	2	4
	Oct. 30-Feb. 3	2	4
North Park Unit (1)	Oct. 2-Oct. 10 &	2	4
	Oct. 30-Feb. 3	2	4
Arkansas Valley Unit (2)	Nov. 13-Feb. 3	5	10
Pueblo County	Dec. 11-Feb. 3	2	4
Rest of State in Central Flyway	Oct. 30-Feb. 3	5	10
Light Geese:			
Northern Front Range Unit	Oct. 30-Feb. 3	20	–
South Park/San Luis Valley Unit (1)	Oct. 30-Feb. 3	2	4
North Park Unit (1)	Oct. 30-Feb. 3	2	4
Arkansas Valley Unit (2)	Nov. 13-Feb. 3	20	–
Pueblo County	Oct. 30-Feb. 3	20	–
Eastern Colorado Late Light Geese Unit	Oct. 30-Feb. 3 &	20	–
	Feb. 26-Mar. 6	20	–
Rest of State in Central Flyway	Oct. 30-Feb. 3	20	–
Kansas			
Ducks (3):			
High Plains	Oct. 2-Jan. 2 &	6	12
	Jan. 20-Jan. 23	6	12
Low Plains:			
Early Zone	Oct. 9-Dec. 12 &	6	12
	Dec. 25-Jan. 2	6	12
Late Zone	Oct. 23-Oct. 31 &	6	12
	Nov. 6-Jan. 9	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Kansas (cont.)			
Dark Geese (4):			
Canada	Nov. 6-Feb. 6	3	6
White-fronted	Nov. 6-Jan. 30	2	4
Light Geese:			
Zone 1	Nov. 25-Mar. 10	20	–
Zone 2	Nov. 6-Nov. 28 &	20	–
	Dec. 18-Mar. 10	20	–
Montana			
Ducks and Mergansers (5):			
Zone 1	Oct. 2-Jan. 6	6	12
Zone 2	Oct. 2-Jan. 6	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Dark Geese	Oct. 2-Jan. 15	4	8
Light Geese	Oct. 2-Jan. 15	5	10
Nebraska			
Ducks			
High Plains	Oct. 2-Dec. 13 &	6	12
	Dec. 17-Jan. 9	6	12
Low Plains:			
Zones 1 and 2	Oct. 9-Dec. 19 &	6	12
	Dec. 25-Dec. 26	6	12
Zones 3 and 4	Oct. 2-Dec. 12 &	6	12
	Dec. 18-Dec. 19	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada:			
North Unit	Oct. 23-Jan. 23 &	3	6
	Jan. 29-Jan. 30	3	6
East Unit	Oct. 2-Oct. 3 &	3	6
	Oct. 9-Jan. 9	3	6
North Central Unit	Oct. 2-Jan. 2 &	3	6
	Jan. 8-Jan. 9	3	6
South Central Unit	Oct. 23-Jan. 23 &	3	6
	Jan. 29-Jan. 30	3	6
White-fronted	Oct. 2-Dec. 26	2	4
Light Geese:			
Rainwater Basin Area - East (6)	Oct. 9-Dec. 16 &	20	–
	Feb. 3-Mar. 10	20	–
Rainwater Basin Area - West (6)	Oct. 9-Dec. 16 &	20	–
	Feb. 3-Mar. 10	20	–
Rest of State	Oct. 9-Dec. 16 &	20	–
	Feb. 3-Mar. 10	20	–

	Season Dates	Limits: Bag	Limits: Possession
New Mexico			
Ducks and Mergansers (5):			
North Zone	Oct. 9-Oct. 31 &	6	12
	Nov. 11-Jan. 23	6	12
South Zone	Oct. 19-Jan. 23	6	12
Coots	Same as for ducks	15	30
Dark Geese (7):			
Middle Rio Grande Valley Unit	Dec. 25-Jan. 2	1	1
Rest of State	Oct. 16-Jan. 30	4	8
Light Geese	Nov. 6-Feb. 20	20	80
North Dakota			
Ducks:			
Statewide	Oct. 2-Dec. 12	6	12
High Plains	Dec. 13-Jan. 2	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada Geese (8):			
Sept. Canada Goose Unit	Oct. 2-Dec. 31	3	6
Rest of State	Oct. 2-Jan. 2	3	6
White-fronted (8)	Oct. 2-Dec. 12	2	4
Light Geese (8)	Oct. 2-Jan. 2	20	–
Oklahoma			
Ducks			
High Plains	Oct. 9-Jan. 13	6	12
Low Plains:			
Zone 1	Oct. 30-Dec. 5 &	6	12
	Dec. 11-Jan. 16	6	12
Zone 2	Nov. 6-Dec. 5 &	6	12
	Dec. 11-Jan. 23	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada	Nov. 6-Dec. 5 &	3	6
	Dec. 11-Feb. 13	3	6
White-fronted	Nov. 6-Dec. 5 &	2	4
	Dec. 11-Feb. 4	2	4
Light Geese	Nov. 6-Dec. 5 &	20	–
	Dec. 11-Feb. 13 &	20	–
	Feb. 19-Mar. 1	20	–
South Dakota			
Ducks:			
High Plains	Oct. 2-Jan. 6	6	12
Low Plains:			
North Zone	Oct. 2-Dec. 14	6	12
Middle Zone	Oct. 2-Dec. 14	6	12
South Zone	Oct. 9-Dec. 21	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30

	Season Dates *	Limits: Bag	Limits: Possession
South Dakota (cont.)			
Geese:			
White-fronted	Oct. 2-Dec. 26	2	4
Canada:			
Unit 1	Oct. 2-Dec. 31	3	6
Power Plant Area	Oct. 2-Nov. 30 &	3	6
	Dec. 1-Dec. 31	2	4
Beadle County	Oct. 2- Dec. 31	1	2
Unit 2	Oct. 9-Jan. 11	3	6
Unit 3	Oct. 9-Jan. 11	3	6
Light Geese	Oct. 2-Dec. 26 &	20	–
	Feb. 19-Mar. 10	20	–
Texas			
Ducks			
High Plains	Oct. 23-Oct. 26 &	6	12
	Oct. 30-Jan. 23	6	12
Low Plains:			
North Zone	Oct. 30-Oct. 31 &	6	12
	Nov. 13-Jan. 23	6	12
South Zone	Oct. 30-Nov. 28 &	6	12
	Dec. 11-Jan. 23	6	12
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
East Tier:			
Canada and brant	Oct. 30-Jan. 23 &	1	2
	Jan. 24-Feb. 1	3	6
White-fronted	Oct. 30-Jan. 23	2	4
Light Geese	Oct. 30-Feb. 13	20	–
West Tier:			
Dark Geese:		5	10
Canada	Oct. 30-Feb. 13	5	10
White-fronted	Oct. 30-Feb. 13	1	2
Light Geese	Oct. 30-Feb. 13	20	–
Wyoming			
Ducks:			
Zone 1	Oct. 2-Oct. 24 &	6	12
	Oct. 30-Jan. 11	6	12
Zone 2	Oct. 2-Jan. 6	6	12
Mergansers	Same as for ducks	5	12
Coots	Same as for ducks	15	30
Dark Geese:			
Area 1	Oct. 2-Jan. 15	5	10
Area 2 (9)	Oct. 16-Jan. 31	5	10
Area 3	Oct. 2-Jan. 15	5	10
Area 4 (9)	Nov. 13-Jan. 31	5	10
Light Geese	Oct. 2-Dec. 26 &	10	40
	Feb. 19-Mar. 10	10	40

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(1) In Colorado, in the North Park and South Park/San Luis Valley Units, the bag limit for the October 30 through February 3 and October 30 through February 3 periods, respectively, are 2 geese. The possession limit is twice the daily bag limit.
(2) In Colorado, in the Arkansas Valley Unit, shooting hours are one-half hour before sunrise to noon November 13 through November 26.
(3) In Kansas, the daily bag limit may include no more than 2 scaup and 1 hen mallard.
(4) In Kansas, see State regulations for additional restrictions.
(5) In Montana and New Mexico, the daily bag limit for ducks and mergansers may include no more than 5 mergansers (1 hooded).
(6) In Nebraska, see State regulations for additional restrictions during February 3 through March 10.
(7) In New Mexico, the season for dark geese is closed in Bernalillo, Sandoval, Sierra, Sorocco, and Valencia Counties.
(8) In North Dakota, the shooting hours for geese are one-half hour before sunrise to 1 p.m. through October 30 and until 2 p.m. the remainder of the season, except that October 9 through January 2, shooting hours are one-half hour before sunrise to sunset on Saturdays and Wednesdays.
(9) In Wyoming, the shooting hours for dark geese in Goshen County are one-half hour before sunrise to 1 p.m., except on all Saturdays and Sundays in December and January when shooting hours are until sunset. In Platte County, shooting hours for dark geese in the area east of Interstate Highway 25 and north of Wyoming Highway 160 are 1/2 hour before sunrise to sunset. In the remainder of Platte County, shooting hours for geese are 1/2 hour before sunrise to 1 p.m. except on all Saturdays and Sundays in January when shooting hours are until sunset.

PACIFIC FLYWAY

Flyway-wide Restrictions

Duck and Merganser Limits: The daily bag limit of 7 ducks (including mergansers) may include no more than 2 female mallards, 1 pintail, 2 redheads, 4 scaup, and 1 canvasback. The possession limit is twice the daily bag limit.

Coot and Common Moorhen Limits: Daily bag and possession limits are in the aggregate for the two species.

Goose Limits: Daily bag limits for geese may not exceed 2 white-fronted geese and 3 light geese. The possession limit is twice the daily bag limit.

Aleutian Canada Geese: The season is closed throughout the Flyway.

	Season Dates	Limits: Bag	Limits: Possession
Arizona			
Ducks (1):			
North Zone	Oct. 8-Jan. 16	7	14
South Zone	Oct. 8-Jan. 16	7	14
Coots and moorhens	Same as for ducks	25	25
Geese:		5	5
Dark (2):			
GMU 22 & 23	Nov. 15-Jan. 16	3	3
GMU 1 & 27	Dec. 3-Dec. 19	3	3
Balance of State	Oct. 11-Jan. 16	3	3
Light (2)			
GMU 22 & 23	Same as dark geese	3	3
Rest of State	Oct. 11-Jan. 16	3	3
California			
Ducks:			
Northeastern Zone	Oct. 9-Jan. 16	7	14
Colorado River Zone	Oct. 8-Jan. 16	7	14
Southern Zone	Oct. 16-Jan. 23	7	14
Southern San Joaquin Valley Zone	Oct. 16-Jan. 23	7	14
Balance-of-State Zone	Oct. 16-Jan. 23	7	14
Coots and moorhens			
Northeastern Zone	Same as for ducks	25	25
Colorado River Zone	Same as for ducks	25	25
Southern Zone	Same as for ducks	25	25
Southern San Joaquin Valley Zone	Same as for ducks	25	25
Balance-of-State Zone	Same as for ducks	25	25
Geese:			
Northeastern Zone:		3	6
Canada Geese	Oct. 9-Jan. 16	2	4
Cackling Geese	Oct. 9-Nov. 21	1	2
White-fronted Geese	Oct. 9-Nov. 21	2	4
Light Geese	Oct. 9-Jan. 16	3	6
Colorado River Zone:		5	10
Canada Geese	Oct. 11-Jan. 16	3	6
White-fronted Geese	Oct. 11-Jan. 16	3	6
Light Geese	Oct. 11-Jan. 16	3	6
Southern Zone:		5	10
Dark Geese:		3	6
Canada	Oct. 23-Jan. 23	3	6
Cackling Geese	Oct. 23-Jan. 23	1	2
White-fronted Geese	Oct. 23-Jan. 23	3	6
Light Geese	Oct. 23-Jan. 23	3	6
Balance-of-State Zone:		3	6
Dark Geese (3):		2	4
Canada:			
Del Norte & Humboldt	Closed	–	–
Sacramento Valley Area	Closed	–	–
San Joaquin Valley Area	Closed	–	–
Rest of Zone	Nov. 6-Jan. 23	2	4
White-fronted			
Sacramento Valley Closure	Nov. 6-Dec. 14	2	4
Rest of Zone	Nov. 6-Jan. 23	2	4
Light Geese	Nov. 6-Jan. 23	3	6
Brant	Nov. 10-Dec. 9	2	4
Colorado			
Ducks	Oct. 2-Oct. 17 & Oct. 26-Jan. 23	7	14
Coots	Same as for ducks	25	25
Geese:			
West Central Colorado Unit	Oct. 26-Jan. 23	2	4
Rest of State	Oct. 2-Oct. 10 & Oct. 26-Jan. 23	2	4

	Season Dates	Limits: Bag	Limits: Possession
Idaho			
Ducks:			
Zone 1	Oct. 2-Jan. 15	7	14
Zone 2	Oct. 2-Jan. 15	7	14
Zone 3	Oct. 2-Jan. 15	7	14
Coots	Same as for ducks	25	25
Geese:			
Zone 1 (4):		4	8
Dark	Oct. 2-Jan. 8	4	8
Light	Oct. 2-Jan. 8	3	6
Zone 2:		3	6
Dark	Oct. 2-Jan. 8	3	6
Light	Oct. 2-Jan. 8	3	6
Zone 3:		3	6
Dark	Oct. 2-Jan. 8	2	4
Light	Oct. 2-Jan. 8	3	6
Montana			
Ducks	Oct. 2-Jan. 15	7	14
Coots	Same as for ducks	25	25
Geese (5):			
Dark	Oct. 2-Jan. 9	4	8
Light	Oct. 2-Jan. 9	3	6
Nevada			
Ducks:			
Lincoln & Clark Counties	Oct. 9-Jan. 22	7	14
Rest of State	Oct. 2-Jan. 15	7	14
Coots and moorhens	Same as for ducks	25	25
Dark Geese:			
Lincoln & Clark Counties	Nov. 20-Jan. 22	2	4
Scripps/Washoe Lake Zone	Oct. 23-Jan. 22	3	6
Rest of State	Oct. 23-Jan. 22	3	6
Light Geese:			
Lincoln & Clark Counties	Nov. 20-Jan. 22	3	6
Scripps/Washoe Lake Zone	Oct. 23-Jan. 22	3	6
Rest of State (6)	Oct. 23-Jan. 22	3	6
New Mexico			
Ducks	Oct. 9-Jan. 23	7	14
Coots and Moorhens (7)	Same as for ducks	12	24
Dark Geese:			
North Zone	Oct. 2-Oct. 31 &	3	6
	Nov. 15-Jan. 23	3	6
South Zone	Oct. 16-Jan. 23	2	4
Light Geese:			
North Zone	Oct. 2-Oct. 31 &	1	2
	Nov. 15-Jan. 23	1	2
South Zone	Oct. 16-Jan. 23	1	2

	Season Dates	Limits: Bag	Limits: Possession
Oregon			
Ducks:			
Zone 1:			
Columbia Basin Unit	Oct. 9-Jan. 23	7	14
Rest of Zone 1	Oct. 9-Jan. 23	7	14
Zone 2	Oct. 9-Jan. 23	7	14
Coots	Same as for ducks	25	25
Geese:			
Northwest General Goose Zone:			
Dark Geese	Oct. 16-Nov. 14 &	4	8
	Nov. 16-Jan. 23	4	8
Light Geese	Oct. 16-Nov. 14 &	3	6
	Nov. 16-Jan. 23	3	6
Northwest Special Permit Zone (8):			
Dark Geese	Oct. 23-Nov. 3 &	4	8
	Nov. 24-Jan. 16 &	4	8
	Jan. 26-Feb. 27	4	8
Dusky Canada geese		1 per season	
Light Geese	Oct. 23-Nov. 3 &	3	6
	Nov. 24-Jan. 16	3	6
Southwest General Zone (9):			
Dark Geese	Oct. 16-Jan. 23	4	8
Light Geese	Oct. 16-Jan. 23	3	6
Eastern Zone:			
Klamath, Harney, Lake, and Malheur Counties:			
Dark Geese	Oct. 9-Jan. 16	4	8
Cackling Canada geese		1	2
White-fronted geese			
Lake County		2	4
Rest of Zone		4	8
Light Geese	Oct. 9-Jan. 16	3	6
Remainder of Eastern Zone			
Dark Geese	Oct. 16-Jan. 23	4	8
Cackling Canada geese		1	2
White-fronted geese		4	8
Light Geese	Oct. 16-Jan. 23	3	6
Brant	Nov. 6-Nov. 19	2	4
Utah (10)			
Ducks			
Zone 1	Oct. 2-Jan. 15	7	14
Zone 2	Oct. 2-Jan. 15	7	14
Coots	Same as for ducks	25	25
Geese:		5	6
Light	Oct. 2-Jan. 9	3	6
Dark			
Washington County (11)	Oct. 9-Jan. 16	3	6
Rest of State	Oct. 2-Jan. 9	3	6

	Season Dates	Limits: Bag	Limits: Possession
Washington			
Ducks:			
East Zone	Oct. 9-Oct 20 & Oct. 22-Jan. 23	7	14
West Zone (12)	Oct. 9-Oct 20 & Oct. 22-Jan. 23	7	14
Coots	Same as for ducks	25	25
Geese (13)			
Eastern Management Areas 1, and 2 (14)	Oct. 9-Jan. 16	4	8
Western Management Area 1:			
Light Geese	Oct 9-Jan. 16	3	6
Dark Geese	Oct 9-Jan. 16	4	8
Western Management Area 2 (15)	Nov. 24-Dec. 22 & Dec. 26-Jan. 16		
Regular Season Total Geese		4	8
Canada geese		4	8
Dusky Canada geese		1 per season	
Late-Season Canada Geese	Jan. 22-Mar. 10		
Canada geese		4	8
Dusky Canada geese		1 per season	
Western Management Area 3	Oct. 9-Jan. 16	4	8
Brant (16)	Jan. 8-Jan. 23	2	4
Wyoming			
Ducks	Oct. 2-Jan. 15	7	14
Coots	Same as for ducks	25	25
Dark Geese	Oct. 2-Jan. 8	4	8

(1) In Arizona, the daily limit may include no more than either 2 female mallards or 2 Mexican-like ducks, or 1 of each; and not more than 4 female mallards and Mexican-like ducks, in the aggregate, may be in possession.
(2) In Arizona, in Yuma County, La Paz County, Game Management Units 13B, 15, and that portion of Unit 16 lying within Mohave County, the bag and possession limit is 3 and 6 for Canada geese and 3 and 6 for light geese, respectively.
(3) In California, the daily bag limit for cackling geese is 1.
(4) In Idaho, the season on light geese is closed in Fremont and Teton Counties.
(5) In Montana, check State regulations for special seasons/exceptions in Freezeout Lake WMA; Canyon Ferry; Flathead; Deer Lodge County; and Missoula County.
(6) In Nevada, there is no open season on light geese in Ruby Valley within Elko and White Pine Counties, White River Valley of Nye County, and Pahranagat Valley of Lincoln County.
(7) In New Mexico, the bag limit is 1 common moorhen daily and 2 in possession; there is no open season on the purple gallinule.
(8) In Oregon, the Northwest Special Permit Zone is closed to all goose hunting, except for designated areas. See State regulations for specific boundary descriptions, times, days, and other conditions of the special permit season.
(9) In Oregon, that portion of Coos, Curry, and Douglas Counties west of US 101 is closed to all Canada goose hunting.
(10) In Utah, the shooting hours are 8:00 a.m. to sunset on October 2 in Cache, Salt Lake, Davis, Weber, and Box Elder Counties, and November 6 statewide.
(11) In Utah, the season in Washington County is for Canada geese only.
(12) In Washington, the daily bag limit in the West Zone may include no more than 4 scoters and 4 oldsquaws, with the possession limit twice the daily bag limit. The daily bag and possession limit for harlequins is 1.
(13) In Washington, daily bag and possession limits may include no more than 3 and 6 light geese, respectively.
(14) In Washington, in State Goose Area 1, hunting is only on Saturdays, Sundays, Wednesdays, and certain holidays. In State Goose Area 2, hunting is everyday. See State regulations for details, including shooting hours.
(15) In Washington, see State regulations for specific dates and conditions of permit hunts and closures for Canada geese.
(16) In Washington, brant may be hunted in Skagit and Pacific Counties only; see State regulations for specific dates.

(f) Youth Waterfowl Hunting Day

The following seasons are open only to youth hunters. Youth Hunters must be accompanied into the field by an adult at least 18 years of age. This adult can not duck hunt but may participate in other open seasons.

Definition

Youth Hunters: Includes youths 15 years of age or younger.

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47418). Bag and possession limits will conform to those set for the regular season.

	Season Dates
ATLANTIC FLYWAY	
Connecticut	
Ducks, mergansers, coots, and geese:	
Statewide	Oct. 2
. . . . .	
Florida	
Ducks, mergansers, coots, moorhens, and geese (9)	Jan. 22
. . . . .	
Massachusetts	
Ducks, mergansers, and coots:	
Statewide	Oct. 9
New Hampshire	
Ducks, mergansers, coots, and geese:	
Statewide	Oct. 2
. . . . .	
North Carolina	
Ducks, mergansers, and coots	Dec. 4
. . . . .	

	Season Dates
Virginia	
Ducks, mergansers, coots, moorhens, and gallinules	Oct. 16
. . . . .	
MISSISSIPPI FLYWAY	
. . . . .	
Arkansas	
Ducks, mergansers, coots, moorhens, and gallinules	Dec. 21
. . . . .	
Illinois	
Ducks, mergansers, coots, and geese (10):	
North Zone	Oct. 2
Central Zone	Oct. 16
South Zone	Oct. 30
Indiana	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
North Zone	Oct. 9
South Zone	Nov. 6
Ohio River Zone	Nov. 20
. . . . .	
Kentucky	
Ducks, mergansers, coots, and geese:	
Statewide	Jan. 29
Louisiana	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
West Zone	Dec. 4
East Zone	Jan. 29
. . . . .	
Mississippi	
Ducks, mergansers, coots, moorhens, gallinules, and geese	
Statewide	Dec. 4
Missouri	
Ducks, mergansers, coots, and geese	
North Zone	Oct. 16
Middle Zone	Oct. 23
South Zone	Nov. 6
Ohio	
Ducks, mergansers, coots, moorhens, gallinules, and geese	
Statewide	Oct. 9
Tennessee	
Ducks, mergansers, and coots:	
Statewide	Feb. 5
. . . . .	
CENTRAL FLYWAY	
. . . . .	
Kansas (4)	
Ducks, dark geese, mergansers and coots	
High Plains	Sept. 25
Low Plains	
Early Zone	Oct. 2
Late Zone	Oct. 16
. . . . .	
New Mexico	
Ducks, mergansers, coots, and moorhens	
North Zone	Oct. 2
South Zone	Oct. 9
. . . . .	
Oklahoma	
Ducks, mergansers, coots, and dark geese	
High Plains	Oct. 3
Low Plains:	
Zone 1	Oct. 24
Zone 2	Oct. 31
. . . . .	
Texas	
Ducks, mergansers, and coots:	
High Plains	Oct. 16
Low Plains:	
North	Oct. 23
South	Oct. 23
. . . . .	
. . . . .	

(4) In Kansas, the adult accompanying the youth must possess any licenses and/or stamps required by law for that individual to hunt waterfowl

. . . . . .

(9) In Florida, the Canada goose season is only open in the Florida waters of Lake Seminole in Jackson County that are south of SR2, north of the Jim Woodruff Dam, and east of SR271, and the light goose season is only open north and west of the Suwannee River.
(10) In Illinois, the daily bag limit for Canada geese is 2.

4. Section 20.106 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.106 Seasons, limits, and shooting hours for sandhill cranes

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows.

Shooting and Hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 27, 1999, Federal Register (63 FR 46124).

Note: The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47418)

	Season Dates	Limits: Bag	Limits: Possession
CENTRAL FLYWAY			
. . . . .			
Oklahoma (1)	Oct. 30-Jan. 30	3	6
. . . . .			

(1) Each hunter participating in a regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a valid Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to any authorized law enforcement official upon request.

. . . . .

5. Section 20.107 is revised to read as follows:

§20.107 Seasons, limits, and shooting hours for swans.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

NOTE: Successful permittees must immediately validate their harvest by that method required in State regulations.

	Season Dates	Limits: Bag	Limits: Possession
ATLANTIC FLYWAY			
North Carolina	Oct. 19-Jan. 31	1 tundra swan per season	
Virginia	Dec. 1-Jan. 31	1 tundra swan per season	
CENTRAL FLYWAY (1)			
Montana	Oct. 2-Jan. 6	1 tundra swan per season	
North Dakota	Oct. 2-Nov. 28	1 tundra swan per season	
South Dakota	Oct. 2-Nov. 30	1 tundra swan per season	
PACIFIC FLYWAY (1)(2)			
Montana	Oct. 16-Dec. 1	1 swan per season	
Nevada (3) (4)	Oct. 23-Jan. 2	1 swan per season	
Utah (3)	Oct. 2-Dec. 5	1 swan per season	

(1) See State regulations for description of area open to swan hunting.
(2) Any species of swan may be taken.
(3) Harvests of trumpeter swans will be limited by quotas established in the September 27, 1999, Federal Register. When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah will have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.
(4) All harvested swans and tags must be checked at the Nevada Division of Wildlife within 5 days of harvest.

6. Section 20.109 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations. Area descriptions were published in the August 27 and September 27 Federal Registers.

Limits: The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is twice the daily bag limit.

These limits apply to falconry during both regular hunting seasons and extended falconry seasons – unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits.

Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas

Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47418)

	Extended Falconry Dates
ATLANTIC FLYWAY	
Delaware	
. . . . .	
Ducks, mergansers, and coots	Jan. 28-Mar. 10
Brant	Oct. 29-Nov. 13 & Jan. 21-Mar. 10
Florida	
. . . . .	
Ducks and coots	Nov. 1-Nov. 13 & Feb. 1-Feb. 28
Georgia	
Sea Ducks	Nov. 13-Nov. 19 & Jan. 19-Feb. 18
Ducks, mergansers, gallinules, and coots	Nov. 13-Nov. 19 & Jan. 19-Feb. 18
Maine	
Ducks, mergansers, and coots (4):	
North Zone	Nov. 29-Feb. 1
South Zone	Dec. 27-Feb. 29
Maryland	
. . . . .	
Ducks	Oct. 1-Oct. 8 & Feb. 4-Mar. 10
Brant	Jan. 21-Mar. 10
Massachusetts	
Ducks, mergansers, and coots:	
Western Zone	Oct. 6-Oct. 11 & Dec. 19-Jan. 20
Central Zone	Oct. 6-Oct. 13 & Nov. 28-Dec. 15 & Jan. 9-Jan. 20
Coastal Zone	Oct. 6-Oct. 13 & Oct. 31-Nov. 17 & Jan. 9-Jan. 20
New Hampshire	
Ducks, mergansers, and coots:	
Inland Zone	Nov. 8-Nov. 23 & Dec. 20-Jan. 18
Coastal Zone	Jan. 25-Mar. 10
New Jersey	
Woodcock:	
North Zone	Oct. 1-Oct. 18 & Nov. 12-Jan. 15
South Zone	Oct. 1-Nov. 12 & Nov. 29-Dec. 16 & Dec. 27-Jan. 15
Ducks	
North Zone	Oct. 1-Oct. 8 & Nov. 1-Nov. 15 & Jan. 3-Jan. 31
South Zone	Oct. 1-Oct. 15 & Nov. 1-Nov. 8 & Jan. 3-Jan. 31
Coastal Zone	Oct. 1-Oct. 29 & Nov. 22 only & Jan. 10-Jan. 31
New York	
Ducks and coots	
Long Island Zone	Nov. 1-Nov. 18 & Nov. 29-Dec. 1 & Jan. 21-Jan. 31

	Extended Falconry Dates
New York (cont.)	
Northeastern Zone	Oct. 1 only & Nov. 15-Nov. 19 & Dec. 6-Dec. 31
Southeastern Zone	Oct. 1-Oct. 8 & Oct. 18-Nov. 5 & Dec. 27-Dec. 31
Western Zone	Oct. 1-Oct. 14 & Nov. 29-Dec. 25
Pennsylvania	
Mourning doves	Oct. 7-Oct. 29 & Nov. 29-Dec.11
Ducks:	
North Zone	Nov. 29-Dec. 20 & Jan. 10-Feb. 9
South Zone	Oct. 18-Nov. 8 & Jan. 10-Feb. 9
Northwest Zone	Oct. 25-Nov. 5 & Dec. 31-Feb. 9
Lake Erie Zone	Nov. 1-Nov. 6 & Jan. 3-Feb. 17
Canada Geese:	
Western Zone	Dec. 31-Jan. 13
Pymatuning Zone	Dec. 25-Feb. 17
Brant	Dec. 7-Feb. 10
South Carolina	
Ducks, mergansers, and coots	Oct. 16-Nov. 15 & Nov. 28-Dec. 3
Virginia	
. . . . .	
Ducks, mergansers, coots, moorhens, and gallinules	Nov. 13-Nov. 16 & Jan. 21-Feb. 29
Canada Geese	Nov. 23-Nov. 30 & Feb. 16-Feb. 29
Brant	Nov. 8-Nov. 23 & Jan. 21-Mar. 10
MISSISSIPPI FLYWAY	
Arkansas	
Ducks, mergansers, and coots	Dec. 24-Dec. 25 & Jan. 24-Feb. 20
Illinois	
. . . . .	
Ducks, mergansers, and coots:	
Statewide	Feb. 10-Mar. 10
Indiana	
. . . . .	
Ducks, mergansers, and coots:	
North Zone	Sept. 23-Oct. 15 & Dec. 6-Dec. 12
South Zone	Oct. 14-Oct. 22 & Oct. 30-Nov. 19
Ohio River Zone	Oct. 26-Oct. 29 & Nov. 1-Nov. 26
Iowa	
Ducks, mergansers, and coots:	
Statewide	Dec. 15-Jan. 29
Dark Geese:	
North Zone	Dec. 11-Jan. 13
South Zone	Oct. 11-Oct. 15 & Dec. 16-Jan. 15
Kentucky	
Ducks, mergansers, and coots:	
Statewide	Nov. 5-Nov. 24 & Jan. 24-Jan. 31

	Extended Falconry Dates
Kentucky (cont.)	
Canada Geese:	
Western Goose Zone	Nov. 5-Dec. 3
Pennyroyal/Coalfield Zone	Nov. 5-Dec. 27
Rest of State	Nov. 5-Dec. 12
White-fronted geese and brant:	
Statewide	Nov. 5-Nov. 24
Michigan	
. . . . .	
Ducks, mergansers, coots, and moorhens:	
North Zone	Sept. 7-Oct. 1 & Dec. 1-Dec. 12 & Mar. 1-Mar. 10
Middle Zone	Sept. 7-Oct. 1 & Dec. 1-Dec. 12 & Mar. 1-Mar. 10
South Zone	Sept. 7-Oct. 8 & Dec. 8-Dec. 12 & Mar. 1-Mar. 10
Minnesota	
. . . . .	
Ducks, mergansers, coots, moorhens, and gallinules	Dec. 1-Jan. 15
Missouri	
. . . . .	
Ducks, mergansers, and coots:	
North Zone	Sept. 11-Sept. 26 & Oct. 13-Oct. 22 & Dec. 22-Jan. 11
Middle Zone	Sept. 11-Sept. 26 & Oct. 13-Oct. 29 & Dec. 29-Jan. 11
South Zone	Sept. 11-Sept. 26 & Oct. 13-Nov. 12
Ohio	
Ducks, mergansers, and coots:	
Statewide	Feb. 1-Feb. 29
Tennessee	
. . . . .	
Ducks, mergansers, and coots:	
Statewide	Sept. 16-Nov. 4
Wisconsin	
Rails, snipe, moorhens, and gallinules:	
Statewide	Sept. 1-Oct. 1 & Dec. 1-Dec. 16
Woodcock	Sept. 1-Sept. 24 & Nov. 9-Dec. 16
Ducks, mergansers, and coots:	
Statewide	Sept. 11-Oct. 1 & Dec. 1-Dec. 6 & Feb. 20-Mar. 10
CENTRAL FLYWAY	
Kansas	
Ducks, mergansers, and coots:	
Low Plains	
Early Zone	Feb. 19-Mar. 5
Late Zone	Feb. 19-Mar. 5
Montana (2)	
Ducks, mergansers, and coots:	
Zone 1	Sept. 22-Sept. 30 & Oct. 1 only
Zone 2	Sept. 22-Sept. 30 & Oct. 1 only

	Extended Falconry Dates
New Mexico (2)	
Moorhens	Dec. 18-Jan. 13
Nebraska	
Ducks, mergansers, and coots:	
High Plains	Oct. 1 only & Dec. 14-Dec. 18 & Jan. 10 only
Low Plains:	
Zones 1 and 2	Oct. 1-Oct. 8 & Dec. 20-Dec. 24 & Dec. 27-Jan. 10
Zones 3 & 4	Oct. 1 only & Dec. 13-Dec. 17 & Dec. 20-Jan. 10
. . . . .	
Oklahoma	
Ducks, mergansers, and coots:	
Low Plains:	
Zone 1	Dec. 6-Dec. 10 & Jan. 17-Jan. 27
Zone 2	Dec. 6-Dec. 10 & Jan. 24-Feb. 3
South Dakota	
Ducks, mergansers, and coots:	
Low Plains:	
North Zone	Sept. 4-Sept. 24 & Sept. 26-Oct. 1 & Dec. 15-Dec. 19
Middle Zone	Sept. 4-Sept. 24 & Sept. 26-Oct. 1 & Dec. 15-Dec. 19
South Zone	Sept. 6-Sept. 24 & Sept. 26-Oct. 8
High Plains	Sept. 4-Sept. 12

	Extended Falconry Dates
Texas	
. . . . .	
Ducks, mergansers, and coots:	
Low Plains	Oct. 23 only & Jan. 24-Feb. 6
High Plains	Oct. 16 only
Wyoming	
. . . . .	
Dark geese:	
Area 4	Oct. 18-Nov. 12
PACIFIC FLYWAY	
Arizona	
. . . . .	
Ducks and mergansers:	
North Zone	Oct. 3-Oct. 7
South Zone	Jan. 23-Jan. 27
California	
Ducks, mergansers, and coots:	
Northeastern Zone	Jan. 17-Jan. 22
Colorado River Zone	Jan. 23-Jan. 27
Southern Zone	Jan. 24-Jan. 30
Balance-of-State Zone	Jan. 24-Jan. 30
Southern San Joaquin Zone	Jan. 24-Jan. 30
Canada Geese:	
Northeastern Zone	Jan. 17-Jan. 22
Southern Zone	Oct. 16-Oct. 22 & Jan. 24-Jan. 30
Balance-of-State Zone (5)	Oct. 16-Nov. 5 & Jan 24-Jan. 30
Southern San Joaquin Zone	Oct. 16-Nov. 5 & Jan. 24-Jan. 30

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	Extended Falconry Dates
California (cont.)	
White-fronted Geese:	
Northeastern Zone	Jan. 17-Jan. 22
Southern Zone	Oct. 16-Oct. 22 & Jan. 24-Jan. 30
Balance-of-State Zone	Oct. 16-Nov. 5 & Jan. 24-Jan. 30
Southern San Joaquin Zone	Oct. 16-Nov. 5 & Jan. 24-Jan. 30
Brant	
Northeastern Zone	Oct. 9-Nov. 9 & Dec. 10-Jan 22
Southern Zone	Oct. 16-Nov. 9 & Dec. 10-Jan. 30
Balance-of-State Zone	Oct. 16-Nov. 9 & Dec. 10-Jan. 30
Southern San Joaquin Zone	Oct. 16-Nov. 9 & Dec. 10-Jan. 30
Light Geese:	
Northeastern Zone	Jan. 17-Jan. 23
Southern Zone	Oct. 16-Oct. 22 & Jan. 24-Jan. 30
Balance-of-State Zone	Oct. 16-Nov. 5 & Jan. 24-Jan. 30
. . . . .	
Montana (2)	
Geese	Jan. 10-Jan. 15
New Mexico (2)	
. . . . .	
Dark Geese:	
North Zone	Nov. 8-Nov. 14
South Zone	Oct. 9-Oct. 15

	Extended Falconry Dates
New Mexico (cont.) (2)	
Light Geese:	
North Zone	Nov. 8-Nov. 14
South Zone	Oct. 9-Oct. 15
. . . . .	
Utah	
. . . . .	
Light Geese	Jan. 10-Jan. 15
Dark Geese:	
Washington County	Oct. 3-Oct. 8
Rest of State	Jan. 10-Jan. 15
. . . . .	
Wyoming	
Rails	Nov. 5-Dec. 2

. . . . . .

(2) In Montana and New Mexico, the daily bag limit is 2 and the possession limit is 6.

. . . . . .

(4) In Maine, the daily bag and possession limit for black ducks is 1 and 2, respectively.
(5) In California, the falconry season for Canada geese is closed in Del Norte and Humboldt Area, the Sacramento Valley Area, and in the San Joaquin Valley Area.

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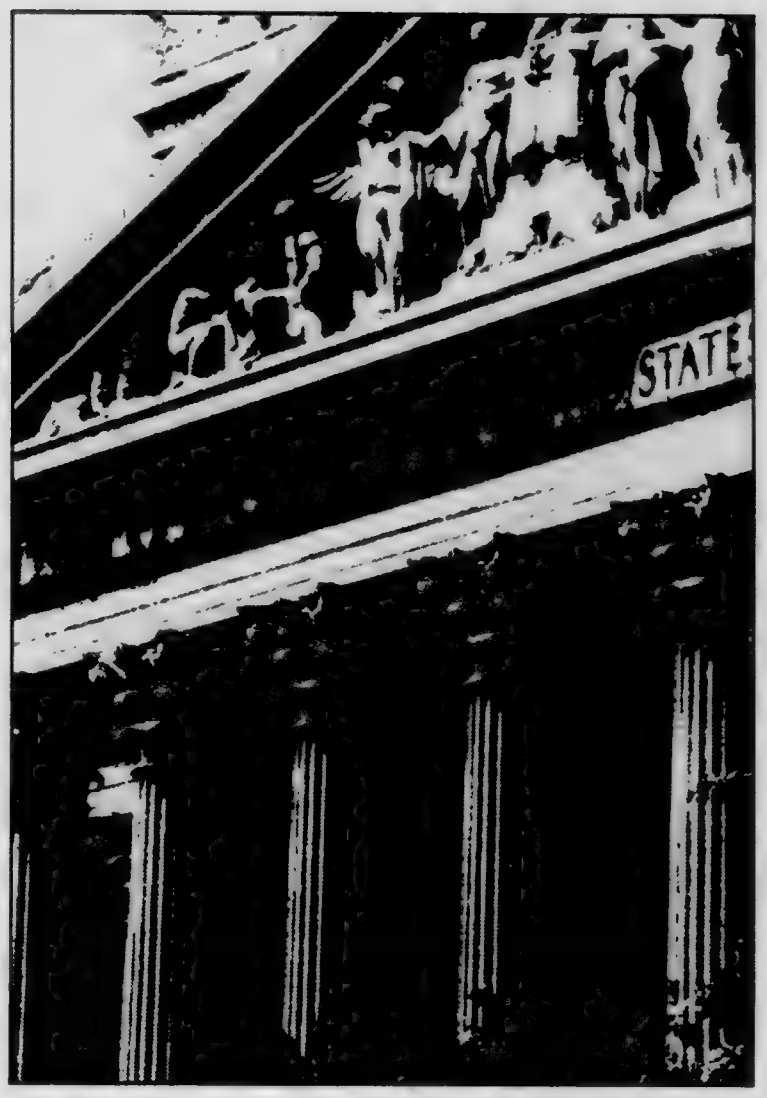

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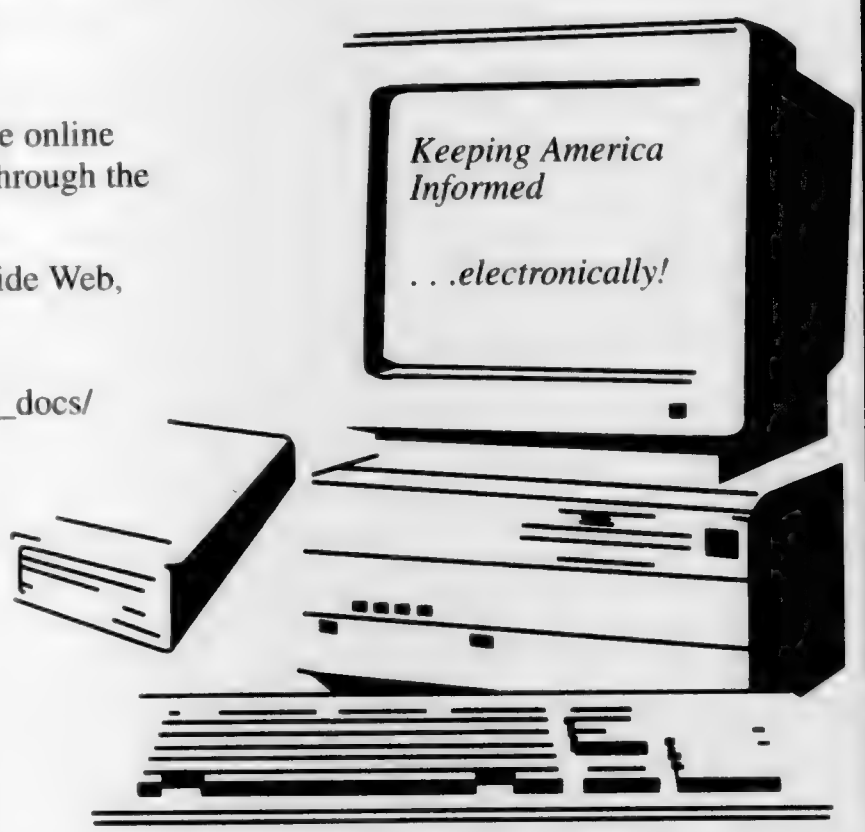

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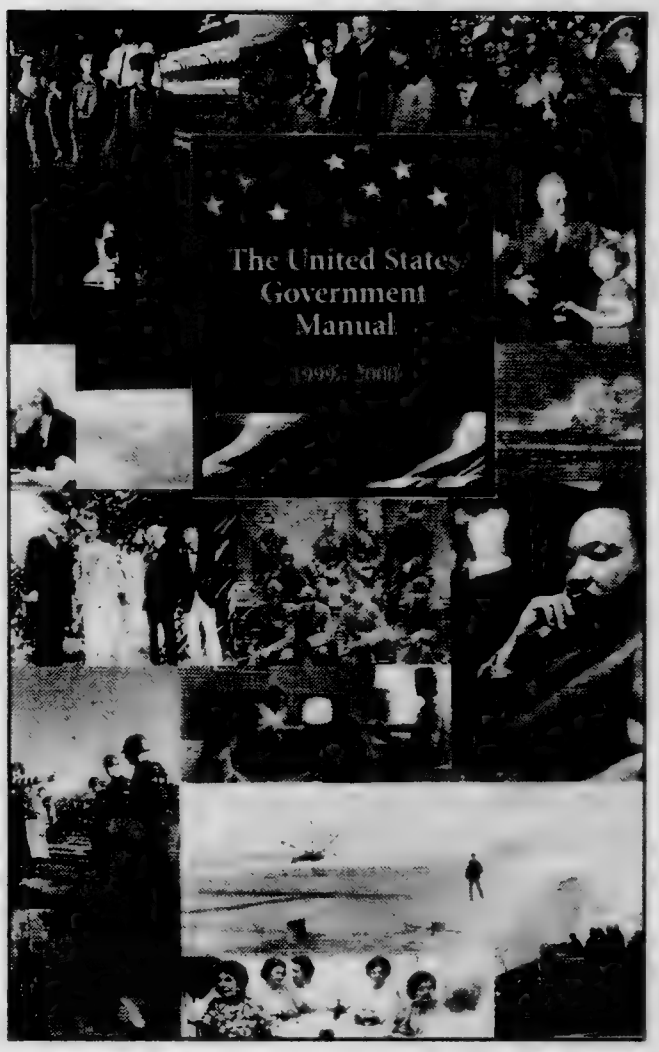

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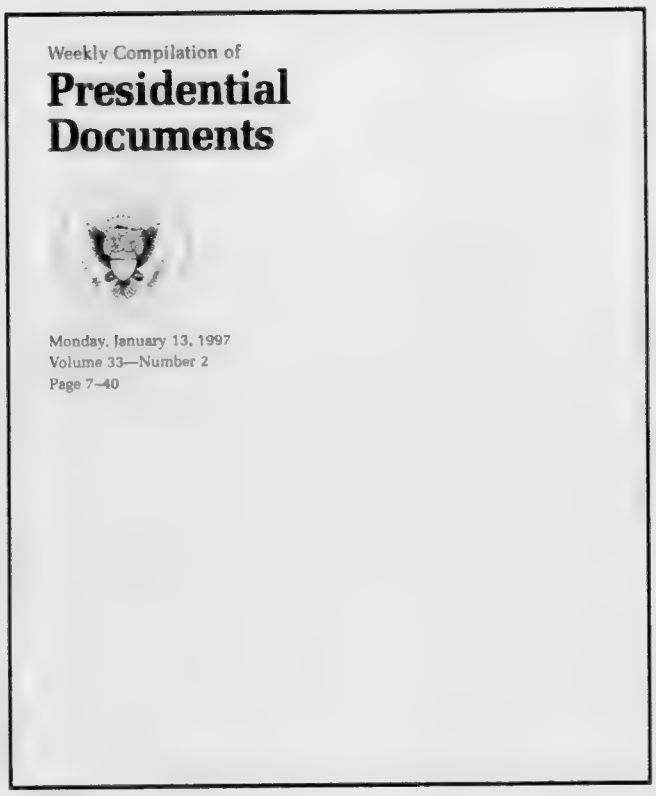

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DEPARTM

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14 CFR Pa

**[Docket No.
39–11332; A**

RIN 2120–A

**Airworthin
Inc. TFE73**

AGENCY: Fe
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ACTION: Fin

SUMMARY: T
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Rules and Regulations

Federal Register
Vol. 64, No. 188
Wednesday, September 29, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–51–AD; Amendment 39–11332; AD 98–17–01 R1]

RIN 2120–AA64

Airworthiness Directives; AlliedSignal Inc. TFE731 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to AlliedSignal Inc. TFE731 series turbofan engines, that currently requires installation of an improved flexible (flex) fuel tube. This amendment clarifies that installation of the improved flex fuel tube and that the use of a clamp on the original rigid fuel tube are optional for engines installed on Learjet 35, 36, and 55 series airplanes. This amendment is prompted by confusion from operators regarding the applicability of these Learjet engine installations. The actions specified by this AD are intended to prevent cracking of the fuel tube and the subsequent leakage of fuel on or around electrical components, which can cause an engine fire.

DATES: Effective November 29, 1999.

The incorporation by reference of AlliedSignal Inc. Alert Service Bulletin (ASB) TFE731–A73–3132, dated April 9, 1997, and ASB TFE731–A73–3128, dated February 26, 1997, was approved by the Director of the Federal Register as of May 19, 1999 (63 FR 42691, Aug. 11, 1998).

The incorporation by reference of AlliedSignal Inc. Service Bulletin TFE731–73–3107, Revision 4, dated April 20, 1994, listed in the regulations is approved by the Director of the Federal Register as of November 29, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from AlliedSignal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, PO Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, 7th Floor, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5246, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by revising Airworthiness Directive (AD) 98–17–01, Amendment 39–10703 (63 FR 42691, August 11, 1998), which is applicable to AlliedSignal Inc. TFE731 series turbofan engines, was published in the **Federal Register** on April 19, 1999 (64 FR 19096). The action proposed to clarify that installation of the improved flexible (flex) fuel tube and that the use of a clamp on the original rigid fuel tube are optional for engines installed on Learjet 35, 36, and 55 series airplanes.

Since the issuance of AD 98–17–01, the FAA has received reports from operators expressing confusion as to the applicability of engines installed on Learjet 35, 36, and 55 series airplanes. That AD did not affect the AlliedSignal engine Model TFE731–2–2B and engine series TFE731–3A and –3AR installed on Learjet Models 35, 36, and 55 because starter generators are not used on these airplanes. In addition, for this application, there have been no reported fuel line failures.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

As this revision is merely a clarification, there is no additional economic impact on operators.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–10703 (63 FR 42691, August 11, 1998), and by adding a new airworthiness directive,

Amendment 39–11332, to read as follows:

98–17–01 R1 AlliedSignal Inc.: Amendment 39–11332. Docket 97–ANE–51–AD. Revises AD 98–17–01, Amendment 39–10703.

Applicability: AlliedSignal Inc. (formerly Allied-Signal Aerospace Company, Garrett Engine Division and Garrett Turbine Engine Co.) TFE731–2, –3, and –4 series turbofan engines with fuel tubes, part numbers (P/Ns) 3071051–1, 3073729–1, or 3072886–1, installed. These engines are installed on but not limited to the following airplanes: Avions Marcel Dassault Falcon 10, 50, and 100 series; Cessna Model 650, Citation III, VI, and VII; Learjet 31 (M31) 35, 36 and 55 series, Raytheon British Aerospace HS–125 series; and Sabreliner NA–265–65.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracked fuel tubes and the subsequent leakage of fuel on and around electrical components, which can cause an engine fire, accomplish the following:

(a) Except for engines installed on Learjet 35, 36, and 55 airplanes, within 160 hours time-in-service (TIS) after the effective date of this AD, or prior to December 20, 1999, whichever occurs first, install an improved flexible fuel tube, as follows:

(1) For engines installed on Cessna airplanes, install in accordance with the Accomplishment Instructions of AlliedSignal Inc. Alert Service Bulletin (ASB) No. TFE731–A73–3132, dated April 9, 1997.

(2) For engines installed on all other airplanes except for the Learjet 35, 36 and 55 series, install in accordance with the Accomplishment Instructions of AlliedSignal Inc. ASB No. TFE731–A73–3128, dated February 26, 1997.

(b) For engines installed on Learjet 35, 36, and 55, the improved flex tube and the clamp assembly installed on the original rigid fuel tube are optional. If the clamp assembly is used, install the clamp assembly in accordance with the Accomplishment Instructions of AlliedSignal Inc. SB No. TFE731–73–3107, Revision 4, dated April 20, 1994.

(c) An alternative method of compliance or adjustment of the initial compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The actions required by this AD shall be done in accordance with the following AlliedSignal Inc. service documents:

Document No.	Pages	Revision	Date
ASB TFE731–A73–3132 ..... Total pages: 12.	1–12	Original	Apr. 9, 1997.
ASB TFE731–A73–3128 ..... Total pages: 14.	1–14	Original	Feb. 26, 1997.
SB TFE731–73–3107 ..... Total pages: 8.	1–8	4	Apr. 20, 1994.

(f) The incorporation by reference of AlliedSignal Inc. ASB TFE731–A73–3132, dated April 9, 1997, and ASB TFE731–A73–3128, dated February 26, 1997, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of May 19, 1999.

(g) The incorporation by reference of AlliedSignal Inc. SB TFE731–73–3107, Revision 4, dated April 20, 1994, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(h) Copies of these service documents may be obtained from AlliedSignal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, PO Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) This amendment becomes effective on November 29, 1999.

Issued in Burlington, Massachusetts, on September 16, 1999.

Thomas A. Boudreau,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–24700 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–68–AD; Amendment 39–11341; AD 99–20–11]

RIN 2120–AA64

Airworthiness Directives; Burkhart Grob Luft-Und Raumfahrt GmbH & CO KG Models G103 TWIN II and G103A TWIN II ACRO Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Burkhart Grob Luft-Und Raumfahrt GmbH & CO KG (Grob) Models G103 TWIN II and G103A TWIN II ACRO sailplanes. This AD requires accomplishing preflight checks of the fastening (knurled) nut at the rear control stick for cracks, and replacing the nut with one made of stainless steel either immediately or at a certain time period depending on whether a crack(s) is found. The checks are no longer required after the knurled nut is replaced. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by this AD are intended to prevent the inability to use the rear control stick because of a cracked knurled nut, which could result in loss of control of the sailplane during flight instruction operations.

DATES: Effective October 21, 1999.

Comments for inclusion in the Rules Docket must be received on or before October 29, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region,

Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–68–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Grob-Werke GmbH & Co., Aerospace Division, P.O. Box 12 57, D–87712 Mindelhein, Federal Republic of Germany; telephone: ++ 49 8268 998–0; facsimile: ++ 49 8268 988–190. This information may also be examined at the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–68–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934, facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Grob Models G103 TWIN II and G103A TWIN II ACRO sailplanes. The LBA reports four instances of cracks in the fastening (knurled) nut at the rear control stick.

These sailplanes are utilized extensively in flight instruction operations where the student is sitting in the front of the sailplane and the instructor is sitting in the rear of the sailplane. The instructor being able to utilize the rear control stick is imperative to the safety of these sailplanes.

If a cracked knurled nut at the rear control stick is not detected and corrected in a timely manner, loss of control of the sailplane during flight instruction operations could occur because the instructor may lose the ability to utilize the rear control stick.

Relevant Service Information

Grob has issued Service Bulletin 315–61/2, dated June 28, 1999, which specifies accomplishing preflight checks of the fastening (knurled) nut at the rear control stick for cracks, and replacing the nut with one made of stainless steel, part number (P/N) 103–4205.03/2, either immediately or at a certain time period depending on whether cracks are found. The P/N 103–4205.03/2 knurled nut is included as part of Grob Service Bulletin 315–61/2, dated June 28, 1999.

The LBA classified this service bulletin as mandatory and issued German AD 1999–216/2, dated July 15, 1999, in order to assure the continued airworthiness of these sailplanes in Germany.

The FAA's Determination

This sailplane model is manufactured in Germany and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the LBA; reviewed all available information, including the referenced service information; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of This AD

Since an unsafe condition has been identified that is likely to exist or develop in other Grob Models G103 TWIN II and G103A TWIN II ACRO sailplanes of the same type design registered for operation in the United States, the FAA is issuing an AD. This AD requires accomplishing preflight checks of the fastening (knurled) nut at the rear control stick for cracks, and replacing the nut with one made of stainless steel either immediately or at a certain time period depending on whether cracks are found.

Compliance Time of This AD

The replacement compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS). Although cracking of the knurled nut at the rear control stick is a direct result of flight operations, the cracks could begin at any time and, if undetected, could cause the nut to break off and result in the inability to use the rear control stick. The cracks could initiate after 50 hours TIS on one sailplane, but not initiate until 500 hours TIS on another sailplane. For this reason, the FAA has determined that a compliance based on calendar time should be utilized in this AD in order to assure that the unsafe condition is addressed on all sailplanes in a reasonable time period.

Determination of the Effective Date of the AD

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 99–CE–68–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures

(44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

99–20–11 Burkhart Grob Luft-Und Raumfahrt GmbH & CO KG: Amendment 39–11341; Docket No. 99–CE–68–AD.

Applicability: The following sailplane models and serial numbers, certificated in any category:

Model	Serial Numbers
G103 TWIN II	3501 through 3729.
G103A TWIN II ACRO.	3501K through 3729K.

Note 1: This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent the inability to use the rear control stick because of a cracked knurled nut, which could result in loss of control of the sailplane during flight instruction operations, accomplish the following:

(a) Prior to each flight, check the fastening (knurled) nut at the rear control stick for cracks.

(b) At whichever of the following times that occurs first, replace the knurled nut at the rear control stick with a stainless steel nut, part number 103–4205.03/2. This part is included with Grob Service Bulletin 315–61/2, dated June 28, 1999:

(1) Prior to further flight if any cracked knurled nut is found during any preflight check required by paragraph (a) of this AD; or

(2) Within the next 4 calendar months after the effective date of this AD if no cracks are found during any preflight check required by paragraph (a) of this AD.

(c) Replacing the knurled nut at the rear control stick with a stainless steel nut, part number 103–4205.03/2, is considered terminating action for the preflight checks required by paragraph (a) of this AD.

(d) The preflight checks required by paragraph (a) of this AD may be accomplished by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(e) As of the effective date of this AD, no person may install, on any affected sailplane, a knurled nut at the rear control stick that is not part number 103–4205.03/2.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(g) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(h) Questions or technical information related to Grob-Werke GmbH & Co., Aerospace Division, P.O. Box 12 57, D–87712 Mindelhein, Federal Republic of Germany; telephone: ++ 49 8268 998–0; facsimile: ++ 49 8268 988–190. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in German AD 1999–216/2, dated July 15, 1999, and in Grob Service Bulletin 315–61/2, dated June 28, 1999.

(i) This amendment becomes effective on October 21, 1999.

Issued in Kansas City, Missouri, on September 20, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25220 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–8]

Correction of Class D Airspace; Bullhead City, AZ

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which corrects the Class D airspace area at Laughlin/Bullhead International Airport, Bullhead City, AZ. On January 4, 1996, the Class D airspace ceiling of Laughlin/Bullhead International Airport was published and charted in error as 2,500 feet Above Ground Level (AGL). FAA Order 7400.9G requires all altitudes to be published in feet above Mean Sea Level (MSL). The corrected altitude of 3,200 feet MSL will not change the boundaries or volume of Class D airspace area associated with Laughlin/Bullhead International Airport but will only correct the ceiling of existing Class D airspace area from an AGL height to reflect the same altitude using MSL.

EFFECTIVE DATE: 0901 UTC September 9, 1999.

ADDRESSES: Send comments on the direct final rule confirmation date in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 99–AWP–8, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Division, Airspace Specialist, AWP–520.1, Western-Pacific Region, Federal

Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION: On July 28, 1999, the FAA published in the **Federal Register** a direct final rule; request for comments, which corrected the Class D airspace at Bullhead City, AZ, by changing the ceiling of the Class D from 2,500 feet above ground level to 3,200 feet mean sea level. (FR Document 99–17173, 64 FR 40745, Airspace Docket No. 99–AWP–8). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 9, 1999. No adverse comments were received; therefore this document confirms that this direct final rule will become effective on that date.

Issued in Los Angeles, California, on September 9, 1999.

John G. Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–25224 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AEA–11]

Amendment to Class E Airspace; Moundsville, WV

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Marshall County Airport, Moundsville, WV. The development of a Standard Instrument Approach Procedures (SIAP) based on the Global Positioning System (GPS) has made this action necessary.

Amendments to the controlled airspace extending upward from 700 Feet Above Ground Level (AGL) are needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at the airport.

EFFECTIVE DATE: 0901 UTC, October 15, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On July 13, 1999, a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by extending the Class E airspace extending upward from 700 feet above the surface at Marshall County Airport, Moundsville, WV was published in the **Federal Register** (64 FR 1331).

Interesed parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feed AGL are published in paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be amended in the order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from 700 feed AGL for aircraft executing SIAPs at Marshall County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) 9is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999 and effective September 16, 1999 is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA WV E5, Moundsville, WV [Revised]

Marshall County Airport, Moundsville, WV
(Lat. 39°52′85″N., long. 80°44′85″W.)

That airspace extending upward from 700 feet above the surface within a 6.2 mile radius of Marshall County Airport and within 2 miles each side of a 051° bearing from the Marshall County Airport, extending from the 6.2 mile radius of the airport to 12 miles northeast of the airport.

* * * * *

Issued in Jamaica, New York on September 13, 1999.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 99–25063 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 622

[Docket No. 990330083–9166–02; I.D. 091499E]

RIN 0648–AK32

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Effective Date Notification and Office of Management and Budget (OMB) Control Numbers

AGENCY: National Marine Fisheries Service, (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; effective date of OMB control numbers.

SUMMARY: This rule makes effective the collection-of-information requirements in the final rule implementing procedures for the testing and certification of bycatch reduction devices (BRDs) for use in shrimp trawls in the exclusive economic zone in the Gulf of Mexico published in the *Federal Register* on July 13, 1999. OMB has approved those collection-of-information requirements.

DATES: The collection-of-information requirements in § 622.41(h)(3)(i) and (h)(3)(ii), Appendix—Gulf of Mexico Bycatch Reduction Device Testing Protocol Manual, and Appendix I—Qualifications of Observer are effective September 29, 1999.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, 727–570–5305.

SUPPLEMENTARY INFORMATION: On July 13, 1999, NMFS published a final rule (64 FR 37690) that established procedures for the testing and certification of BRDs for use in shrimp trawls in the exclusive economic zone in the Gulf of Mexico. That final rule was published prior to OMB's approval of the information collection requirements in § 622.41(h)(3)(i) and (h)(3)(ii), Appendix—Gulf of Mexico Bycatch Reduction Device Testing Protocol Manual, and Appendix I—Qualifications of Observer; therefore, the effectiveness of those information collection requirements was deferred pending OMB approval. Those information collection requirements are related to the BRD certification process and include applications for pre-certification and certification of a new BRD, pre-certification adjusting, the testing itself, the submission of the test results, application for observer position, and references for observers. On August 20, 1999, OMB approved those information collection requirements. This notice informs the public of the OMB approval of those information collection requirements under OMB control number 0648–0345 and makes them effective.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: September 22, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR part 902 is amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, paragraph (b) table, under 50 CFR, the following entries are added in numerical order to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

CFR part or section where the information collection requirement is located	Current OMB control number (All numbers begin with 0648–)
. . . . .	
50 CFR	
. . . . .	
622.41	–0345
. . . . .	

[FR Doc. 99–25237 File 9–28–99; 8:45 am]

BILLING CODE 3510–22–F

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–41905; File No. S7–27–98]

RIN 3235–AH48

Purchases of Certain Equity Securities by the Issuer and Others

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (Commission) today is adopting an amendment to Rule 10b–18 (Rule) under the Securities Exchange Act of 1934 (Exchange Act). Rule 10b–18 provides a "safe harbor" from liability for manipulation under Sections 9(a)(2) and 10(b) of the Exchange Act, and Rule 10b–5 thereunder, when an issuer or affiliated purchaser of the issuer bids for or buys shares of its common stock in compliance with the Rule's conditions. In order to improve liquidity during severe market downturns, the amendment modifies the Rule's timing condition during the trading session immediately following a market-wide trading suspension. In particular, the safe harbor now is available to an issuer that bids for or purchases its common stock either: from the reopening of trading until the close of trading on the same day as the imposition of the market-wide trading suspension; or at the next day's opening, if the market-wide trading suspension was in effect at the scheduled close of trading. The safe harbor requires that the issuer continue to comply with the Rule 10b–18 conditions governing the manner, price and volume of market purchases of its common stock.

EFFECTIVE DATE: October 29, 1999.

FOR FURTHER INFORMATION CONTACT: James A. Brigagliano, Assistant Director; and Joan Collopy, Attorney; Office of Risk Management and Control, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–1001, or at (202) 942–0772.

SUPPLEMENTARY INFORMATION:

I. Introduction

On October 29, 1998, in response to a petition for rulemaking (Petition) [1] filed by the New York Stock Exchange, Inc. (NYSE), the Commission proposed to amend the Rule 10b–18 timing condition during the trading session immediately following a market-wide trading suspension (Proposing Release).[2] The amendment would

[1] The Petition was filed on January 9, 1998 and is publicly available in File No. 4–409 in the Commission's Public Reference Room. The NYSE Petition stated that it had surveyed floor brokers, upstairs traders and listed-company representatives. Those groups agreed that expanding the Rule 10b–18 safe harbor to issuer repurchases effected during the trading session following a severe market decline could offer an important source of liquidity and provide balance to selling activity.

[2] The amendment, as proposed and adopted, defines market-wide trading suspension as either: (i) A market-wide trading halt imposed pursuant to the rules of a national securities exchange or a registered national securities association in response to a market-wide decline during a single trading session; or (ii) a market-wide trading suspension ordered by the Commission pursuant to Section 12(k) of the Exchange Act. Rule 10b–18(a)(15). For example, the alternative safe harbor would apply in the trading session following a trading halt pursuant to NYSE Exchange Rule 80B or Market Closing Policy of the National Association of Securities Dealers, Inc. (NASD). The Commission approved the NASD's market closing policy statement, codified in IM–4120–3. Securities Exchange Act Release No. 39846 (April 9, 1998), 63

extend the safe harbor to Rule 10b–18 bids or Rule 10b–18 purchases [3] effected either: (i) from the reopening of trading until the close of trading immediately following, and on the same day as, a market-wide trading suspension; or (ii) at the next day's opening, if the market-wide trading suspension was in effect at the scheduled close of trading. Under the proposal, the safe harbor would also be available in the trading session following a market-wide trading suspension declared pursuant to a Commission emergency order.[4] At such times, an issuer and its affiliated purchasers [5] would still also have to comply with the manner, price and volume conditions in Rule 10b–18 to satisfy the requirements of the safe harbor.

We received letters from seven commenters in response to the Proposing Release, all of which supported the amendment.[6] After considering the comments, we are adopting the amendment to Rule 10b–18 substantially as proposed.

II. Rule 10b–18 Safe Harbor

Before Rule 10b–18 was adopted, issuers conducting repurchase programs were uncertain about their potential liability under the anti-manipulation provisions of the Exchange Act. Those provisions offer little practical guidance with respect to the scope of permissible issuer market activity. Since 1967, the Commission has periodically considered whether, and how, to regulate an issuer's market repurchases of its securities.[7] As adopted in 1982, Rule 10b–18 provides a safe harbor from liability for manipulation under Sections 9(a)(2) and 10(b), and Rule 10b–5, of the Exchange Act to an issuer in connection with its bids for or purchases of its common stock that comply with the Rule's conditions.[8] Because Rule 10b–18 is a safe harbor, compliance with the Rule's conditions is voluntary. Thus, issuer bids for or purchases of its common stock that do not comply with Rule 10b–18 are not necessarily manipulative.[9]

The following Rule 10b–18 safe harbor conditions both ensure that the price of an issuer's repurchases will be set by independent market forces and offer clear guidance concerning the scope of non-manipulative issuer repurchasing:

- The *manner of purchase* condition requires an issuer to use a single broker or dealer on any given day to bid for or purchase its common stock.[10] This provision deters an issuer from creating the appearance of widespread broker-dealer interest and trading activity in its security.
- The *price condition* specifies the highest price an issuer may bid or pay for its common stock.[11] Because the price condition generally limits the issuer to bidding for or buying its security at a price that is no higher than the current independent published bid or last independent transaction price, it ensures that the issuer would not lead the market for its security through its repurchases.
- The *volume condition* is designed to prevent an issuer from dominating the market for its securities through substantial purchasing activity. Generally, the issuer may effect daily purchases, excluding block purchases, in an amount up to 25 percent of the trading volume in its shares.[12] Although excepted from the volume condition, all other Rule 10b–18 conditions apply to block purchases.[13]
- The *timing condition* specifies that an issuer's purchase may not be the opening transaction reported to the consolidated transaction reporting system nor may purchases be made during the last half-hour before the scheduled close of trading.[14] Because they tend to forecast the direction of trading and suggest the strength of demand, purchases effected at the opening or close of trading are generally considered to be significant indicators of the current market value of the security. Therefore the safe harbor does not cover opening bids and purchases and bids and purchases near or at the close of trading by the issuer.

III. NYSE Petition and Proposed Amendment to Rule 10b–18

Last year, the Commission approved a proposal by the NYSE and other self-regulatory organizations to amend their rules establishing "circuit breakers." [15]

FR 18477 (April 15, 1998) (Circuit Breaker Approval Order). *See generally*, Securities Exchange Act Release No. 40617 (October 29, 1998), 63 FR 59911 (November 6, 1998) (Proposing Release).

[3] Rule 10b–18 bid is defined as a bid for securities that, if accepted, or a limit order to purchase securities, that if executed, would result in a Rule 10b–18 purchase. 17 CFR 240.10b–18(a)(4). A Rule 10b–18 purchase is defined as a purchase of common stock of an issuer by or for the issuer, with certain exceptions. 17 CFR 240.10b–18(a)(3).

[4] Section 12(k) of the Exchange Act gives the Commission authority to respond to market disruptions and extreme market volatility that could result from a variety of contingencies. Section 12(k)(1)(B) authorizes the Commission to suspend summarily all trading in the markets for up to ninety calendar days when such suspension is required by the public interest and for the protection of investors. The Commission has never invoked this provision.

[5] The safe harbor is also available for affiliates of the issuer (affiliated purchasers). In this release, the term "issuer" includes affiliated purchasers.

[6] The comment letters and a summary of comments prepared by the Division of Market Regulation have been placed in Public File No. S7–27–98, which is available for public inspection in the Commission's Public Reference Room. Comment letters were received from the New York Stock Exchange, Inc. (NYSE); American International Group, Inc. (AIG); Morgan Stanley & Co. (Morgan Stanley); Intel Corporation (Intel); the National Association of Securities Dealers, Inc. (NASD); BellSouth Corporation (BellSouth).

[7] The Commission first proposed Rule 10b–10 to govern issuer repurchases in connection with proposed legislation that became the Williams Act Amendments of 1968. Pub. L. No. 90–439, 82 Stat. 454 (July 29, 1968), reprinted in Hearings on S. 510 before Senate Committee on Banking and Currency, 90th Cong., 1st Sess. 214–216 (1967). The Commission then published for public comment proposed Rule 13e–2 in 1970, 1973 and 1980. Rule 13e–2 would have been a proscriptive rule with disclosure requirements, purchasing limitations and general anti-fraud liability. Securities Exchange Act Release Nos. 8930 (July 13, 1970), 35 FR 11410 (July 16, 1970); 10539 (Dec. 6, 1973), 38 FR 34341 (Dec. 13, 1973); and 17222 (Oct. 17, 1980), 45 FR 70890 (Oct. 27, 1980).

[8] Adopting Release, *supra* note 1, at 53334. Some conduct that meets the safe harbor requirement of Rule 10b–18 may still violate the anti-fraud provisions of the Exchange Act. For example, as the Commission noted in 1982 when adopting Rule 10b–18, "Rule 10b–18 confers no immunity from possible Rule 10b–5 liability where the issuer engages in repurchases while in possession of favorable, material nonpublic information concerning its securities." *Id.*, note 5.

[9] 17 CFR 240.10b–18(c).

[10] 17 CFR 240.10b–18(b)(1). This manner condition applies only to Rule 10b–18 bids or Rule 10b–18 purchases solicited by or on behalf of the issuer.

[11] 17 CFR 240.10b–18(b)(3). The price limitation varies on whether the security is a reported, exchange-traded, Nasdaq or other security, and whether the bid or purchase is effected on an exchange. *Id.*

[12] For nonreported securities, volume may not exceed one round lot on a single day or on such day plus the five preceding days, 1/20th of the percent of outside shares. 17 CFR 240.10b–18(b)(4). Trading volume is defined generally as the average daily trading volume reported to the consolidated transaction reporting system or to the NASD for the security in the four calendar weeks preceding the week that the Rule 10b–18 purchase or bid is to be effected. 17 CFR 240.10b–18(a)(11).

[13] Block is defined as a quantity of stock that either: (i) has a purchase price of $200,000 or more; or (ii) is at least 5,000 shares and has a purchase price of at least $50,000; or (iii) is at least 20 round lots of the security and totals 150 percent or more of the trading volume for that security or, in the event that trading volume data are unavailable, is at least 20 round lots of the security and totals at least one-tenth of one percent (0.001) of the outstanding shares of the security, exclusive of any shares owned by any affiliate. Block does not include any amount a broker or dealer, acting as principal, has accumulated for the purpose of selling to the issuer or affiliated purchaser, if the issuer or affiliated purchaser knows or has reason to know that such amount was accumulated for such purpose, nor does it include any amount that a broker or dealer has sold short to the issuer, if the issuer or affiliated purchaser knows or has reason to know that the sale was a short sale. 17 CFR 240.10b–18(a)(14).

[14] 17 CFR 240.10b–18(b)(2).

[15] *See* Circuit Breaker Approval Order, *supra* note 2. (Order approving circuit breakers for rules

Continued

Circuit breakers are coordinated market-wide trading halts that are intended to avoid systemic breakdown when a severe one-day market drop interferes with the orderly operation of the financial markets.[16] The new circuit breaker rule sets trigger values representing a one-day decline in the Dow Jones Industrial Average (DJIA) of 10%, 20%, and 30%. It also modifies the duration of the market-wide trading halt depending on when the circuit breaker is triggered.[17] It is likely these circuit breakers will rarely be triggered, and only during significant market declines when liquidity may evaporate. In conjunction with the new circuit breaker rules, the NYSE asked the Commission to expand the Rule 10b–18 timing condition to permit an issuer to bid for or purchase its security either: (1) At the reopening of trading on the same day as the trading halt, and during the half hour prior to the scheduled close of trading of such trading session; or (2) at the next day's opening, if the market-wide trading halt is in effect at the scheduled close of trading. The Petition did not propose to change the other Rule 10b–18 conditions.[18]

In its Petition, the NYSE acknowledged that Rule 10b–18 is neither mandatory nor the exclusive means for an issuer to make repurchases without manipulating the market price of its securities. However, it noted that in practice many issuers are reluctant to undertake repurchases without the certainty that their bids or purchases fall within the Rule 10b–18 safe harbor. The NYSE highlighted the need for liquidity in the period following a significant market decline, and suggested that issuer repurchases offer a source of liquidity that could ease the stress of volatile markets.

We have noted before that issuers rarely buy back their securities with improper intent, at least in the absence of a significant corporate transaction by the issuer,[19] but generally conduct repurchase programs for legitimate business reasons.[20] We also recognize the benefit of offering clear guidance and certainty to issuers and broker-dealers concerning permissible market activity when repurchasing their stock. The Rule 10b–18 safe harbor allows issuers and their broker-dealer agents to bid for and purchase their common stock within the Rule's conditions and thereby avoid the risks of liability under the general anti-manipulation provisions of the Exchange Act. Expanding the safe harbor during the trading session following a market break may encourage issuers to participate in reestablishing equilibrium between buying and selling interests.

IV. Response to Comments on the Proposed Amendment to Rule 10b–18

In the Proposing Release, the Commission sought comment on whether the proposed amendment provides an appropriate safe harbor condition for issuers and their affiliated purchasers during periods of severe market downturns. The Commission also sought comment on whether the proposal raised a risk of manipulation and whether legal or policy reasons would suggest the Commission should consider a different approach.

The Commission received letters from seven commenters in response to the Proposing Release. All commenters supported the proposal's revision of the timing condition as facilitating short-term liquidity and providing issuers flexibility during periods of severe market downturns. Most commenters observed that the presence of issuers provide an important source of liquidity, or buy-side interest, during volatile markets when investors may wish to liquidate their securities holdings. Several commenters observed that the proposal would also assist specialists and market makers in eliminating sell-order imbalances and reestablishing market equilibrium.[21] Commenters stated that Rule 10b–18's silence as to the scope of permissible issuer activity during volatile markets in practice prevents issuers from buying back their shares during severe market declines.[22]

Four commenters recommended raising the volume limits following a trading suspension as a more effective means of enhancing liquidity and restoring market equilibrium.[23] One commenter noted that the resetting of circuit breakers meant that they would be triggered only in severe market declines and argued that the liquidity provided by issuer repurchases should benefit the market in instances of less extreme volatility.[24] This commenter, therefore, recommended that the volume limit be scaled in a manner that would allow increases in issuer repurchases to occur in tandem with market-wide price declines short of current circuit breaker levels, such as a 350 point decline in the DJIA.

The Commission has considered these comments. As discussed above, in proposing the amendment to Rule 10b–18, the Commission considered the significant benefits of providing clear guidance to issuers about the scope of permissible market activity following a market-wide trading halt and of facilitating liquidity when sell-order imbalances disrupt the orderly operation of the financial markets. The triggering of a circuit breaker is an extraordinary event and reflects an abnormal market condition. The circuit breaker levels indicate a market judgment that ordinary market mechanisms can operate adequately under less severe market conditions. Further, given that circuit breakers should rarely be triggered, the expansion of the safe harbor's timing condition is limited. At this time, the Commission considers the Rule 10b–18 volume condition, including the block exception, appropriate limits that should continue to apply in the trading session following a market-wide trading suspension and believes the expanded timing condition as adopted today will effectively enhance liquidity.[25]

After considering the comments, the Commission is adopting today the amendment to Rule 10b–18 substantially as proposed. In particular, the safe harbor now is available to an issuer that bids for or purchases its

governing market-wide trading halts on the NYSE, American Stock Exchange, Boston Stock Exchange, Chicago Stock Exchange, NASD, and Philadelphia Stock Exchange).

[16] *Id.*

[17] *Id.* NYSE Rule 80B (Rule 80B) governs the imposition of trading halts on the NYSE due to extraordinary market volatility. Rule 80B provides both the trigger values (circuit breakers) for trading halts on the NYSE, which are expressed as a decline in the DJIA from the closing value on the previous trading day, and the duration of the trading halt for each circuit breaker. The circuit breakers contained in Rule 80B have been coordinated with: (i) All other U.S. stock exchanges and the NASD with respect to trading of stocks, stock options, and stock index options; and (ii) all U.S. futures exchanges with respect to the trading of stock index futures and options on such futures, so that all such markets would cease trading when a circuit breaker is triggered by a decline in the DJIA.

[18] *See* Petition, *supra* note 1.

[19] For example, Rule 10b–18's safe harbor is not available during the Regulation M restriction period and during mergers, acquisitions and tender offers. 17 CFR 240.10b–18(a)(3).

[20] *See* Proposing Release, *supra* note 2. *See also,* Clifford P. Stephens and Michael S. Weisbach, "Actual Share Reacquisitions in Open-Market Repurchase Programs," *Journal of Finance,* February 1998 (observing that firms increase their repurchasing depending on the degree of perceived undervaluation of its stock and on expected cash flow).

[21] Letters from Morgan Stanley and BellSouth.

[22] *See* Memo from Larry Bergmann To Public Files (S7–27–98), dated November 10, 1998, regarding, among other matters, the Rule 10b–18 timing condition.

[23] Letters from AGI, Morgan Stanley, Intel, and NASD.

[24] Letter from the NASD.

[25] *See* discussion of Rule 10b–18 volume limitation, *supra* Part II. The Commission will reconsider the commenters' recommendations about the volume condition, as well as the manner, timing and price conditions in a forthcoming broad review of Rule 10b–18.

common stock either: from the reopening of trading until the close of trading on the same day as the imposition of the market-wide trading suspension; or at the next day's opening, if the market-wide trading suspension was in effect at the scheduled close of trading.[26] As adopted, the safe harbor would also be available in the trading session following a market-wide trading suspension declared pursuant to a Commission emergency order.[27] The safe harbor requires that the issuer continue to comply with the Rule 10b–18 conditions governing the manner, price and volume of market purchases of its common stock.

V. Costs and Benefits of the Adopted Amendment

To assist the Commission in evaluating the costs and benefits that may result from the proposal to amend Rule 10b–18, the Commission sought comment on the costs for any necessary modifications to information gathering, management, and recordkeeping systems or procedures, as well as any potential benefits resulting from the proposals to issuers, investors, broker-dealers and others. The Commission also requested that commenters provide, if possible, analysis and data to support their views. The Commission initially identified certain costs and benefits relating to the proposals and encouraged commenters to discuss any additional costs or benefits. The Commission received letters from seven commenters concerning the proposed amendment, however, none of the commenters responded specifically to the request for comment on the cost/benefit analysis. After considering the comments and the costs and benefits, the Commission continues to believe that the amendment to Rule 10b–18 should be adopted. Since the Commission is adopting the amendment as proposed, it is not making any changes that would increase the cost estimates for compliance with the Rule.

A. Benefits

The Commission's amendment to Rule 10b–18 generally would help improve the liquidity of markets for equity securities following a market-wide trading suspension. Securities sellers would benefit from improved liquidity while issuers could buy shares at relatively low prices. We continue to believe that the specific benefits set forth below would flow from the adopted amendment.

The Commission believes that the amendment will facilitate trading in the issuer's securities by reducing issuer reluctance to purchase in response to sell-order imbalances that may occur during periods of severe market declines. By extending the safe harbor, the adopted amendment may encourage issuers to purchase their securities at a time when other market participants may be unable or unwilling to do so. We therefore believe that extending the safe harbor to issuers during the trading session following a market-wide trading suspension will improve the liquidity of markets in the issuer's securities. The safe harbor, as amended, also provides clarity as to the scope of permissible market activity for issuers and the broker-dealers that assist issuers in their stock repurchases.

The Commission does not have data to quantify the value of the benefits described above. The Commission did not receive comments on how it may quantify these benefits and did not receive comments concerning any other benefits, not already identified, that may result from the adoption of the amendment.

B. Costs

By extending the safe harbor in the trading session following a market-wide trading suspension, the adopted amendment may encourage issuers to purchase their securities at a time when other market participants may be unable or unwilling to do so. Issuers would have to comply with all the Rule 10b–18 conditions, including the price provision which limits issuer bids and purchases to the higher of the current independent bid or last independent transaction price. Nonetheless, issuer bids for its security would compete against the bids of other buyers in the market following a market-wide trading suspension. Also, issuer bids may retard a further decline in the price of the issuer's stock.

The adopted amendment to Rule 10b–18 would not increase or decrease the current reporting burdens by imposing any new reporting, recordkeeping, or other compliance requirements. In the Proposing Release, the Commission noted that the Rule does implicitly require an issuer, seeking to avail itself of the safe harbor, to collect information regarding the manner, timing, price, and volume of its purchases of the issuer's common stock, on a transaction by transaction basis, in order to verify compliance with the Rule's safe harbor conditions. Under the adopted amendment to Rule 10b–18, issuers would continue to collect and keep such records should they make Rule 10b–18 purchases during the trading session following a market-wide trading suspension. The Commission also notes that any costs related to complying with Rule 10b–18, and the adopted amendment, are assumed voluntarily because the Rule provides an optional rather than mandatory safe harbor that issuers may use for purchasing their securities.

VI. Effects on Efficiency, Competition, and Capital Formation

In adopting rules under the Exchange Act, Section 23(a)(2) requires the Commission to consider the impact any rule would have on competition. Further, the law requires that the Commission not adopt any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. Section 3(f) of the Exchange Act requires the Commission, when engaged in rulemaking, and when considering the public interest, to consider whether the action would promote efficiency, competition, and capital formation.[28] In the Proposing Release, the Commission solicited comment on the proposal's effect on competition, efficiency and capital formation. The Commission received no comments specifically regarding these issues. All commenters, however, did support the proposal's revision of the timing condition as facilitating short-term liquidity and providing issuers flexibility during periods of severe market downturns.

The Commission has considered the amendment in light of the standards cited in Section 23(a)(2) of the Act and believes they would not likely impose any significant burden on competition not necessary or appropriate in furtherance of the Exchange Act. As discussed above in the Cost-Benefit Section, the Commission recognizes that issuers bear a cost in order to demonstrate compliance with the Rule, but issuers assume this burden voluntarily. Nonetheless, the Commission continues to believe that the safe harbor, as amended, should improve market efficiency by providing additional purchasers, namely issuers, during a time of sell-order imbalance. This effect likely would enhance market liquidity following a market-wide trading suspension.

The proposed amendment to Rule 10b–18 would not have any anticompetitive effect because it would apply equally to all issuers and the safe

[26] *See* discussion of proposal and accompanying footnotes, *supra* Part I.

[27] *See* discussion, *supra* note 4.

[28] 15 U.S.C. 78c(f).

harbor would only be triggered in extremely rare circumstances. Further, an issuer currently is able to purchase its shares outside the Rule 10b–18 safe harbor conditions without raising a presumption of manipulation.

VII. Final Regulatory Flexibility Analysis

The Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the adopted amendment to Rule 10b–18 in accordance with Section 4 of the Regulatory Flexibility Act (RFA).[29]

A. Need for and Objectives of the Rule 10b–18 Amendment

On January 9, 1998, the NYSE filed a petition for rulemaking with the Commission pursuant to Rule 192 of the Commission's Rules of Practice.[30] The NYSE requested that the Commission initiate rulemaking proceedings to amend Rule 10b–18 to include in its safe harbor bids and purchases made following a market-wide trading suspension: (1) at the reopening on the day of the market-wide trading suspension; (2) during the half-hour prior to the scheduled close of trading on the day of the trading suspension; and (3) at the next day's opening if the market-wide trading suspension is in effect at the scheduled close of trading. The proposal adjusted the Rule's time of purchase condition but provided that the issuer must continue to comply with the other Rule 10b–18 conditions governing the manner, price and volume of market purchases of its common stock.

The amendment to Rule 10b–18, as adopted, will allow issuers who otherwise comply with the current Rule 10b–18 safe harbor conditions governing manner, price and volume to use the amended timing condition during the trading session following an emergency market-wide trading suspension. The events following the market breaks in October 1987 and October 1997 have underscored the significant role of issuer repurchases during market downturns and the need for clarity as to the applicability of Rule 10b–18 in periods of extreme market downturns. On those occasions, issuer repurchases provided an important source of liquidity that helped ease market stress. The Rule 10b–18 amendment, by modifying the safe harbor's timing condition during the trading session following a market break, likely will improve liquidity and facilitate market participants' ability to reestablish equilibrium between buying and selling interests.

B. Significant Issues Raised by Public Comment

In response to the Proposing Release, the Commission received letters from seven commenters. All commenters supported the proposal's revision of the timing condition as facilitating short-term liquidity and providing issuers flexibility during periods of severe market downturns. Several commenters noted that since market declines are beyond the control of individual issuers, the proposal, applicable only in the trading session following a market-wide trading suspension, did not raise the same manipulation concerns traditionally underlying the safe harbor conditions.[31] Many commenters observed that the presence of issuers provides an important source of liquidity, or buy-side interest, during volatile markets when investors may wish to liquidate their securities holdings. Several commenters observed that the proposal would also assist specialists and market makers in eliminating sell-order imbalances and reestablishing market equilibrium.[32] Commenters stated that Rule 10b–18's silence as to the scope of permissible issuer activity during volatile markets in practice prevents issuers from buying back their shares during severe market declines.[33]

Four commenters recommended raising the volume limits following a trading suspension as a more effective means of enhancing liquidity and restoring market equilibrium.[34] One commenter noted that the resetting of circuit breakers meant that they would be triggered only in severe market declines and suggested that the liquidity provided by issuer repurchases should benefit the market in instances of less extreme volatility.[35] This commenter, therefore, recommended that the volume limit be scaled in a manner that would allow increases in issuer repurchases to occur in tandem with market-wide price declines short of current circuit breaker levels, such as a 350 point decline in the DJIA.

C. Small Entities Subject to the Rule

The adopted amendment may affect those small entity issuers and affiliated purchasers that wish to avail themselves of the safe harbor provisions in the trading session following a market-wide trading suspension. Based on Exchange Act Rule 0–10(a), a small issuer is one that has total assets of $5,000,000 or less on the last day of its most recent fiscal year. Based on information about issuer repurchase programs conducted in 1997, the Commission estimates that approximately 1,455 issuers could avail themselves of the safe harbor each year, of which about 10 may be considered small entities.

In the IRFA, the Commission's staff estimated that 10 issuers that are small entities may avail themselves of the safe harbor per year.[36] The Commission sought comment on the number of issuers engaged in market repurchases of their stock and the number of such issuers that are small entities. No commenters responded to these estimates.

D. Projected Reporting, Recordkeeping and Other Compliance Requirements

The adopted amendment to Rule 10b–18 would not impose any new reporting, recordkeeping, or other compliance requirements.

E. Agency Action To Minimize the Effect on Small Entities

Section 4(a) of the RFA[37] directs the Commission to consider significant alternatives that would accomplish the stated objective, while minimizing any significant adverse impact on small issuers and broker-dealers. Pursuant to Section 3(a) of the RFA,[38] the Commission considered the following alternatives in connection with the adopted amendment:

(a) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;

(b) The clarification, consolidation, or simplification of compliance and reporting requirements under the Rule for small entities;

(c) The use of performance rather than design standards; and

(d) An exemption from coverage of the Rule, or any part thereof, for small entities.

With respect to the adopted amendment, the Commission believes that the establishment of different requirements for small entities is neither necessary nor practicable, because the amendment provides a voluntary safe harbor from liability for manipulation

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[29] 5 U.S.C. 604.

[30] *See* Petition, *supra* note 1.

[31] Letter from Intel and the NASD.

[32] Letters from Morgan Stanley and BellSouth.

[33] *See* Memo from Larry Bergmann To Public Files (S7–27–98), dated November 10, 1998, regarding, among other matters, the Rule 10b–18 timing condition.

[34] Letters from AIG, Morgan Stanley, Intel, and the NASD.

[35] Letter from the NASD.

[36] Proposing Release, *supra* note 2, Part VII. This estimate was based on informaiton about issuer repurchase programs conducted in 1997.

[37] 5 U.S.C. 604(a).

[38] 5 U.S.C. 603(a).

under the Exchange Act. The amendment to Rule 10b–18, as adopted, should not adversely affect small entities because it does not impose any new reporting, recordkeeping or compliance requirements. Therefore, it is not feasible to further clarify, consolidate or simplify the rule for small entities.

VIII. Paperwork Reduction Act

Certain provisions of the amendment to Rule 10b–18 contain "collection of information" requirements within the meaning of the Paperwork Reduction Act of 1995 (PRA);[39] the Commission has submitted them to the Office of Management and Budget for review in accordance with 44 U.S.C. 3507(d) and 5 CFR 1320.11. The title for the collection of information is: "Purchases of certain equity securities by the issuer and others." This collection of information has previously been assigned OMB Control No. 3235–0474. An agency may not sponsor, conduct, or require a response to an information collection unless a currently valid OMB control number is displayed. In the Proposing Release, the Commission solicited comment on its evaluation of the proposal's estimated burden. The Commission received no comments specifically addressing these issues.

Rule 10b–18 provides that an issuer or any affiliated purchaser of an issuer will not incur liability under Sections 9(a)(2) and 10(b) of the Exchange Act, or Rule 10b–5 under the Exchange Act if its purchases of the issuer's common stock are made in compliance with the manner, timing, price, and volume limitations of the rule. The amendment to the Rule's timing condition expands the safe harbor's availability during the trading session following a market-wide trading suspension.

The adopted amendment to Rule 10b–18 would not increase or decrease the current reporting burdens by imposing any new reporting, recordkeeping, or other compliance requirements. In the Proposing Release, the Commission noted that the Rule does implicitly require an issuer, seeking to avail itself of the safe harbor, to collect information regarding the manner, timing, price, and volume of its purchases of the issuer's common stock, on a transaction by transaction basis, in order to verify compliance with the Rule's safe harbor conditions. Under the adopted amendment to Rule 10b–18, issuers would continue to collect and keep such records should they make Rule 10b–18 purchases during the trading session following a market-wide trading suspension. The Commission also notes that any costs related to complying with Rule 10b–18, and the adopted amendment, are assumed voluntarily because the Rule provides an optional rather than mandatory safe harbor that issuers may use for purchasing their securities.

[39] 44 U.S.C. 3501 *et seq.*

IX. Statutory Basis and Text of Adopted Amendment

The rule amendment is being adopted pursuant to Sections 2, 3, 9(a)(6), 10(b), 13(e), 15(c) and 23(a), 15 U.S.C. 78b, 78c, 78i(a)(6), 78j(b), 78m(e), 78o(c) and 78w(a).

List of Subjects in 17 CFR Part 240

Broker-dealers, Issuers, Securities.

For the reasons set forth in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation to part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78ll(d), 78mm, 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

2. Section 240.10b–18 is amended by adding paragraphs (a)(15) and (d) and revising paragraph (c) to read as follows:

§ 240.10b–18 Purchases of certain equity securities by the issuer and others.

(a) *Definitions.* * * *

(15) The term *market-wide trading suspension* means either:

(i) A market-wide trading halt imposed pursuant to the rules of a national securities exchange or a registered national securities association, in response to a market-wide decline during a single trading session; or

(ii) A market-wide trading suspension ordered by the Commission pursuant to Section 12(k) of the Act, 15 U.S.C. 78*l*(k).

* * * * *

(c) *Conditions following a market-wide trading suspension.* The conditions of paragraph (b) of this section shall apply in connection with a Rule 10b–18 bid or a Rule 10b–18 purchase effected during a trading session following the termination of a market-wide trading suspension, except that the time of purchase condition in paragraph (b)(2) of this section shall not apply, either:

(1) From the reopening of trading until the scheduled close of trading; or

(2) At the opening of trading on the next trading day, if a market-wide trading suspension is in effect at the scheduled close of a trading session.

(d) No presumption shall arise that an issuer or affiliated purchaser of an issuer has violated the anti-manipulation provisions of sections 9(a)(2) or 10(b) of the Act, 15 U.S.C. 78i(a)(2) or 78j(b), or § 240.10b–5, if the Rule 10b–18 bids or Rule 10b–18 purchases of such issuer or affiliated purchaser do not meet the conditions specified in paragraphs (b) or (c) of this section.

By the Commission.

Dated: September 23, 1999.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25252 Filed 9–28–99; 8:45 am]

BILLING CODE 8010–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP New Orleans, LA Regulation 99–022]

RIN 2115–AA97

Safety Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone from mile 94.0 to mile 96.0, Lower Mississippi River, Above Head of Passes, extending the entire width of the river. The safety zone has been established to protect personnel involved in pollution response and underwater diving operations within the channel. Entry into this zone while divers are deployed is prohibited to all vessels, with the exception of towing vessels operating without tows, unless authorized by the Captain of the Port. Entry into this zone while divers are not deployed will be managed by the Coast Guard Traffic Light Operator at Governor Nicholls Traffic Light, VHF–FM Channel-67. The Governor Nicholls and Gretna Traffic Lights will be in operation until the safety zone expires. Authorization to enter the safety zone while divers are deployed will only be granted during emergency situations which affect the safety of vessels or the safety of the port.

EFFECTIVE DATES: This temporary final rule is effective from 6:00 p.m. (CDT)

September 17, 1999, to 6:00 p.m. (CDT) October 1, 1999.

FOR FURTHER INFORMATION CONTACT: COTP New Orleans representative, LT(jg) Kevin Lynn at (504) 589–4221.

SUPPLEMENTARY INFORMATION:

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to the potential hazards to local marine traffic and personnel involved in pollution response and diving operations.

Background and Purpose

The hazardous condition requiring this regulation is a result of personnel involved in pollution response and diving operations on the Lower Mississippi River between 94.0 and mile 96.0 Above Head of Passes. A safety zone is needed to protect personnel involved in pollution response and underwater diving operations in the area. Entry into this zone is prohibited to all vessels, with the exception of towing vessels operating without tows, unless authorized by the Captain of the Port. This regulation is issued pursuant to 33 U.S.C. 1231 as set out in the authority citation for all of Part 165.

Regulatory Evaluation

This temporary final rule is not a significant regulatory evaluation under Executive Order 12866 and is not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for a short period of time, and the impacts on routine navigation are expected to be minimal.

Collection of Information

This temporary final rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2–1, paragraph (34)(g) of the Commandant Instruction M16475.1C, this proposal is categorically excluded from further environmental documentation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since the impact of this regulation on non-participating small entities is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will only be in effect for several days and the impacts on small entities are expected to be minimal.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Chapter 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 1605; 49 CFR 1.46.

2. A new § 165.T08–034 is added to read as follows:

§ 165.T08–034 Safety Zone.

(a) *Location.* The following area is a safety zone: Lower Mississippi River from mile 94.0 to mile 96.0 Above Head of Passes, in the vicinity of Algiers Point extending the entire width of the river.

(b) *Effective date.* This section will become effective on September 17, 1999 at 6:00 p.m. (CDT). It will be terminated on October 1, 1999, at 6:00 p.m. (CDT), unless sooner terminated by the Captain of the Port. The Captain of the Port will notify the public of changes in the status of this zone by Marine Radio Safety Broadcasts on VHF Marine Band Radio. Channel 22 (157.1 MHZ).

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone by any vessel, with the exception of towing vessels operating without tows, is prohibited unless authorized by the Captain of the Port New Orleans.

Dated: September 16, 1999.

S.W. Rochon,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 99–25447 Filed 9–27–99; 1:45 pm]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH–038–7165a; A–1–FRL–6445–4]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Stage II Comparability and Clean Fuel Fleets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving two State Implementation Plan (SIP) revisions that the New Hampshire Department of Environmental Services (DES) submitted to EPA: New Hampshire's Stage II comparability demonstration submitted on July 9, 1998, and Clean Fuel Fleets opt out submitted on June 7, 1994. The intended effect of this action is to approve both submittals into the New Hampshire SIP. This action is being taken in accordance with the Clean Air Act (CAA).

DATES: This direct final rule is effective on November 29, 1999 without further notice, unless EPA receives adverse comment by October 29, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th

floor, Boston, MA and at the Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302–2033.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 918–1047, for Stage II Comparability and Matthew B. Cairns, (617) 918–1667, for Clean Fuel Fleets.

SUPPLEMENTARY INFORMATION: This section is organized as follows:

What action is EPA taking?
What are the CAA requirements for Stage II comparability?
What measures are included in New Hampshire's Stage II comparability SIP?
What is the relationship between New Hampshire's previously approved Stage II serious area SIP and its Stage II comparability SIP?
What is New Hampshire's Stage II comparability reduction target?
How is New Hampshire achieving its reduction target?
What are the Clean Fuel Fleets requirements?
How is New Hampshire meeting the Clean Fuel Fleets requirements?
Why is EPA approving New Hampshire's Stage II comparability and Clean Fuel Fleets opt out SIP revisions?
What is the process for EPA's approval of these SIP revisions?
Administrative Requirements

What Action Is EPA taking?

The Environmental Protection Agency is approving the Stage II comparability demonstration the New Hampshire DES submitted on July 9, 1998 and the Clean Fuel Fleets opt out submitted on June 7, 1994. EPA is approving these submittals into the New Hampshire SIP because they meet the requirements of section 184(b)(2) and section 182(c)(4), respectively, of the CAA. 42 U.S.C. 7401, 7511c(b)(2), and 7511a(c)(4).

What Are the CAA Requirements for Stage II Comparability?

Section 184(b)(2) of the CAA requires states in the Ozone Transport Region (OTR) to adopt Stage II or comparable measures within one year of EPA completion of a study identifying control measures capable of achieving emissions reductions comparable to the reductions achievable through section 182(b)(3) Stage II vapor recovery controls. EPA completed its study "Stage II Comparability Study for the Northeast Ozone Transport Region" (EPA–452/R–94–011) on January 13, 1995.

Stage II vapor recovery controls reduce volatile organic compound (VOC) emissions that occur during the refueling of motor vehicles. VOC emissions contribute to the formation of ground-level ozone (the main component of smog).

What Measures Are Included in New Hampshire's Stage II Comparability SIP?

To demonstrate that it has met the CAA Stage II comparability requirement, New Hampshire relies on VOC reductions achieved from implementing its Stage II vapor recovery program and its reformulated gasoline (RFG) program.

What Is the Relationship Between New Hampshire's Previously Approved Stage II Serious Area SIP and its Stage II Comparability SIP?

By meeting the CAA Stage II serious area requirements, the state has also met the CAA Stage II comparability requirements for the two areas in New Hampshire classified as serious ozone nonattainment pursuant to the CAA Amendments of 1990. New Hampshire's Stage II comparability demonstration, therefore, focuses on demonstrating Stage II comparability in the rest of the state, specifically in the Manchester area (originally classified as marginal pursuant to the CAA Amendments of 1990) and in the counties of Belknap, Carroll, Cheshire, Coos, Grafton, and Sullivan.

Under the CAA section 182(b)(3) Stage II vapor recovery requirement for serious ozone nonattainment areas, New Hampshire adopted a Stage II program in Hillsborough, Merrimack, Rockingham, and Strafford counties. At the time New Hampshire adopted its Stage II program, these four counties included the state's one marginal and two serious ozone nonattainment areas. On December 7, 1998 (63 FR 67405), EPA approved New Hampshire's Stage II program pursuant to the CAA section 182(b)(3) Stage II requirement for serious ozone nonattainment areas.

What Is New Hampshire's Stage II Comparability Reduction Target?

The State has calculated that it must achieve a 9,551 pounds per day (ppd) reduction in VOC emissions to meet the Stage II comparability requirement (not counting the Stage II reductions achieved in the two serious areas). In its Stage II comparability SIP, New Hampshire refers to this 9,551 ppd reduction as the Stage II comparability reduction target.

As noted in EPA's Stage II comparability guidance, states should make comparability determinations for the year 1999. New Hampshire's Stage II comparability demonstration states that uncontrolled 1999 refueling emissions in the Manchester marginal area and in the other six counties would be 6,529 ppd and 6,148 ppd, respectively. New Hampshire DES estimates that the implementation of a CAA required Stage II program in New Hampshire would achieve a 75.34 percent overall reduction in refueling emissions.[1] Applying this 75.34 percent reduction to the uncontrolled refueling emissions results in a reduction target of 9,551 ppd.

How Is New Hampshire Achieving Its Reduction Target?

In its Stage II comparability demonstration, New Hampshire commits to reserving all of the available emission reductions from its Stage II program in the marginal nonattainment area (4,145 ppd) and a portion of the available emission reductions from its reformulated gasoline program (5,406 ppd out of 20,398 ppd) to meet the 9,551 ppd Stage II comparability target.

New Hampshire has reductions available from its Stage II program in the Manchester marginal nonattainment area that the State may use to meet the Stage II comparability requirement. The State estimates that in 1999, Stage II controls will achieve a 4,919 ppd reduction in emissions in this area. The State, however, previously reserved 774 ppd of the Stage II marginal area reductions as an additional environmental benefit as part of its Stage II serious area program approval. See 63 FR 50180 (September 21, 1998). Therefore, 4,145 ppd of the marginal area Stage II reductions are available to meet the Stage II comparability requirement.

The state also has emission reductions available from implementing its reformulated gasoline (RFG) program that may be used to meet the Stage II comparability requirement. New Hampshire is implementing RFG in the counties of Hillsborough, Merrimack, Rockingham, and Strafford. RFG reductions in this area can count toward determining Stage II comparability in the Manchester marginal area and in the other six counties, since EPA's Stage II comparability guidance allows States to determine comparability on a statewide basis. New Hampshire estimates that RFG in the counties of Hillsborough, Merrimack, Rockingham, and Strafford achieves an emission reduction of

[1] EPA's Stage II Comparability guidance estimates that the implementation of a CAA required Stage II program results in a 77 percent overall reduction in refueling emissions. This estimate is based in part on a nationwide average penetration rate of 90 percent, based on a study of metropolitan area service station size distributions. As noted in EPA's guidance, size distribution varies from area to area. New Hampshire's estimated 75.34 percent overall reduction is based in part on an 84 percent penetration rate, based on the service station size distribution found in New Hampshire.

20,529 ppd in 1999. New Hampshire, however, previously reserved 131 ppd of the RFG reductions as part of its June 7, 1994 Clean Fuel Fleet SIP submittal. Therefore, 20,398 ppd of the total RFG reductions are available for purposes of meeting the Stage II comparability requirement.

What Are the Clean Fuel Fleets Requirements?

Section 246 of the CAA requires that serious nonattainment areas with populations of more than 250,000 adopt a Clean Fuel Fleets program (CFFP). The New Hampshire portion of the Boston-Lawrence-Worcester nonattainment area (parts of Rockingham and Hillsborough Counties, otherwise known as the Southern nonattainment area) meets that criterion. Pursuant to the CAA of 1990, the Southern nonattainment area was classified serious nonattainment for ozone. See 56 FR 56694 (November 6, 1991).

Section 182 (c)(4)(A) of the CAA requires States with serious ozone nonattainment areas to submit for EPA approval a SIP revision that includes measures to implement the CFFP. Under this program, a certain specified percentage of vehicles purchased by fleet operators for covered fleets must meet emission standards that are more stringent than those that apply to conventional vehicles.

Alternatively, section 182(c)(4)(B) of the CAA allows States to "opt out" of the CFFP by submitting a program or programs that will result in at least equivalent long term reductions in ozone-producing and toxic air emissions in the appropriate nonattainment area as achieved by the CFFP. The CAA directs EPA to approve a substitute program if it achieves long term reductions in emissions of ozone producing and toxic air pollutants equivalent to those that would have been achieved by the CFFP or the portion of the CFFP for which the measure is to be substituted.

How Is New Hampshire Meeting the Clean Fuel Fleets Requirements?

New Hampshire has decided to opt out of the CFFP. New Hampshire has emission reductions available from the implementation of its reformulated gasoline (RFG) program that may be used to meet substitute CFFP requirement. The implementation of RFG in New Hampshire is estimated to achieve an emission reduction of 7662 ppd in 1999 in the Southern nonattainment area. New Hampshire estimates a net reduction of 131 ppd of VOCs would result with a CFFP in the Southern nonattainment area. New Hampshire, however, previously reserved 5406 ppd of the RFG reductions in the Four County Area (which includes, but is larger than the Southern nonattainment area) as part of its July 9, 1998, Stage II comparability demonstration SIP submittal. Therefore, even if we conservatively assume that all of the Stage II-related reductions are from the Southern nonattainment area, and reduce the 7662 ppd RFG reductions by 5406 ppd, 2216 ppd of these RFG reductions are still available for purposes of meeting the substitute CFFP requirement.

EPA generally agrees with New Hampshire's assumption that reductions in toxic air emissions from the CFFP and RFG program are roughly proportional to the reductions in VOCs; any substitute plan which reduces VOCs will also reduce toxic air emissions in approximately the same proportion. New Hampshire has demonstrated that toxic air emissions reductions projected to be achieved by the CFFP are insignificant in the Southern nonattainment area. Therefore, New Hampshire's substitute plan will meet substitute CFFP requirements for air toxics.

Why Is EPA Approving New Hampshire's Stage II Comparability and Clean Fuel Fleets Opt Out SIP Revisions?

EPA is approving New Hampshire's Stage II comparability SIP revision because the State has successfully demonstrated that it has met its Stage II comparability reduction target through implementing its Stage II program and its reformulated gasoline program. New Hampshire's emission reduction calculations follow EPA guidance. Further information on New Hampshire's Stage II comparability SIP revision and EPA's evaluation of this SIP revision can be found in a memorandum dated May 21, 1999, entitled "Technical Support Document—NH Stage II Comparability." Copies of this document are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

EPA is approving New Hampshire's Clean Fuel Fleets opt out SIP revision because the State has successfully demonstrated that it has achieved long term reductions in emissions of ozone producing and toxic air pollutants equivalent to those that would have been achieved by the CFFP through its reformulated gasoline program. New Hampshire's emission reduction calculations follow EPA guidance. Further information on New Hampshire's Clean Fuel Fleets opt out SIP revision and EPA's evaluation of this SIP revision can be found in a memorandum dated May 21, 1999, entitled "Technical Support Document—Clean Fuel Fleets, New Hampshire." Copies of this document are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

What Is the Process for EPA's Approval of These SIP Revisions?

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve these SIP revisions should relevant adverse comments be filed. This action will be effective November 29, 1999 without further notice unless the Agency receives relevant adverse comments by October 29, 1999

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Any parties interested in commenting on the this action should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 29, 1999 and no further action will be taken on the proposed rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review, entitled "Regulatory Planning and Review."

B. Executive Orders on Federalism

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides

the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987)), on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only one State, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

C. Executive Order 13045

"Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA,

EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 29, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Ozone.

Dated: September 17, 1999.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart EE—New Hampshire

2. Section 52.1520 is amended by adding paragraphs (c)(61) and (62) to read as follows:

§ 52.1520 Identification of plan.

* * * * * *

(c) * * *

(61) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on July 9, 1998.

(i) Additional materials.

(A) "New Hampshire Stage II Comparability Analysis," prepared by the New Hampshire Department of Environmental Services, dated July 1, 1998.

(62) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on June 7, 1994.

(i) Additional materials.

(A) Letter from the New Hampshire Department of Environmental Services dated June 7, 1994 submitting a revision to the New Hampshire State Implementation Plan.

(B) "Clean Fuel Fleet Equivalency Demonstration," prepared by the New Hampshire Department of Environmental Services, dated May, 1994.

[FR Doc. 99–25156 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI91–01–7322; FRL–6446–7]

Approval and Promulgation of Implementation Plans; Wisconsin; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because EPA received adverse comment, we are withdrawing the direct final rule for the approval of a site-specific revision to the Wisconsin sulfur dioxide (SO_2) State Implementation Plan (SIP). We published the direct final rule on August 16, 1999 (64 FR 44415), approving alternate SO_2 emission limits for Murphy Oil, located in Superior, Wisconsin. We stated in the direct final rule that if we received adverse comment by September 15, 1999, we would publish a timely notice of withdrawal in the **Federal Register**. We subsequently received adverse comment on the direct final rule. We will address those comments in a subsequent final action based on the parallel proposal also published on August 16, 1999 (64 FR 44451). As stated in the parallel proposal, we will not institute a second comment period on this action.

DATES: As of September 29, 1999, EPA withdraws the direct final rule published at 64 FR 44415, on August 16, 1999.

ADDRESSES: Copies of the SIP revision, public comments on the rulemaking, and other materials relating to this rulemaking are available for inspection at the following address: (It is recommended that you telephone Christos Panos at (312) 353–8328, before visiting the Region 5 Office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch (AR–18J), Regulation Development Section, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Programs Branch (AR–18J), Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328.

List of Subjects in 40 CFR Part 52

Environmental protection, Intergovernmental relations, Sulfur dioxide.

Authority: 42 U.S.C. 7401 *et seq.*

Therefore the amendment to 40 CFR part 52 which added § 52.2570(c)(99) is withdrawn.

Dated: September 17, 1999.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 99–25311 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300929; FRL–6385–6]

RIN 2070–AB78

Pymetrozine; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a permanent tolerance for pymetrozine [1,2,4-triazin-3(2*H*)-one,4,5-dihydro-6-methyl-4-[(3-pyridinylmethylene) amino]] in or on tuberous and corm vegetables (Subgroup 1-C), at 0.02 parts per million (ppm). Novartis Crop Protection, Inc. of Greensboro, North Carolina 27419, requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 29, 1999. Objections and requests for hearings, identified by docket control number OPP–300929, must be received by EPA on or before November 29, 1999.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each

method as provided in Unit VI. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300929 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Dan Peacock, Registration Division (7504C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305–5407; and e-mail address: peacock.dan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**--Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300929. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805. Persons wishing to review copies of the actual studies summarized in this document need to file a Freedom of Information (FOI) request with Ms. Jeralean Green, Freedom of Information Office (1105), 401 M St., Washington, DC 20460. Specify the MRID number of each study needed. The FOI telephone number is (202) 260–4048.

II. Background and Statutory Findings

In the **Federal Register** of May 20, 1998 (63 FR 27723) (FRL–5773–2), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by Novartis Crop Protection, Inc. of Greensboro, NC 27419. This notice included a summary of the petition prepared by Novartis Crop Protection, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.556 be amended by establishing a tolerance for residues of the insecticide pymetrozine [1,2,4-triazin-3(2*H*)-one,4,5-dihydro-6-methyl-4-[(3-pyridinylmethylene) amino]], in or on hops at 5 ppm, fruiting vegetables at 0.05 ppm, and cucurbits and potatoes at 0.02 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of pymetrozine and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of pymetrozine on tuberous and corm vegetables (Subgroup 1-C), at 0.02 ppm. EPA's assessment of the exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by pymetrozine are discussed in this unit.

1. *Acute toxicity.* In general, technical pymetrozine has low acute toxicity, being classified as Toxicity Category III for acute dermal and primary eye irritation studies and Toxicity Category IV for acute oral, acute inhalation and primary dermal studies. It is a slight sensitizer.

2. *Subchronic and chronic toxicity.* This section summarizes the results of

the subchronic and chronic toxicity, metabolism, and dermal penetration studies in animals.

i. *Subchronic toxicity.* A subchronic feeding study in rats (MRID No. 44024939, Guideline 82–1a), using 98% pymetrozine, exposed animals for 3 months at dose levels of 0, 50, 500 or 5,000 ppm. These dose levels correspond to 0, 3.42, 32.5 or 360 milligrams/kilograms/day (mg/kg/day) in males and 0, 3.63, 33.9 or 370 mg/kg/day for females. At 5,000 ppm, body weight was decreased. Food and water consumption also decreased. After 14 weeks, the numbers of white blood cells increased (leucocytosis) 42% in males and 73% in females. After the 4–week recovery period, the numbers of white blood cells were still elevated 6% in males and 35% in females. The lowest observable adverse effect level (LOAEL) is 5,000 ppm (~360 mg/kg/day) based primarily on body weight and liver effects. The no observable adverse effect level (NOAEL) is 500 ppm (~32.5 mg/kg/day).

A subchronic feeding study in beagle dogs (MRID No. 44572201, Guideline 82–1), using 98% pymetrozine, exposed animals for 13 weeks (4/sex/dose) at dose levels of 0, 100, 500 or 2,500 ppm. These dose levels corresponded to 0, 3.12, 14, or 54 mg/kg/day for either sex. Mean relative liver weights were increased at all dose levels. At 500 ppm, both absolute (17% males and 18% females) and relative (19% males and 17% female) liver weights were increased. In addition, skeletal muscle myopathy (disease) in 1/4 males and 2/4 females, liver pathology (bile duct proliferation in both sexes and hepatocyte necrosis in females), and lymphohistocytic infiltration (several organs) increased. At 2,500 ppm, there was one death attributable to anemia. Decreases in red blood cell (RBC) parameters and increases in bilirubin were observed at this dose level as well, which are also indicative of anemia. Body weight was decreased in males (24%) and females (30%). Additional pathology was found in the thymus (atrophy and decrease in weight), heart (inflammation and decrease in weight), testis (decrease in spermatogenesis and weight) and uterus (atrophy). The LOAEL is 500 ppm (~14 mg/kg/day) based on liver effects, skeletal muscle atrophy, liver pathology and lymphohistocytic infiltration. The NOAEL is 100 ppm (~3.12 mg/kg/day). Slight liver weight changes at 100 ppm were not considered in the LOAEL.

A subchronic feeding study in the mouse (MRID No. 44024938, Guideline 82–1c), using 98% pymetrozine and designed to determine the dose levels for the definitive carcinogenicity study, exposed mice for 3 months at 0, 1,000, 3,000 or 7,000 ppm. Mean relative liver weights were increased in the low (10.5%), mid (26%) and high (57%) dose males and in the low (12%, not significant), mid (33%) and high (54%) dose females. The liver also showed increases in centrilobular hypertrophy of hepatocytes (swelling of liver cells) with a dose response of 0, 3, 7 and 10 in males and 0, 2, 5, and 10 in females for four dose levels. The liver also was indicated as having "slight centrilobular perivascular-like aggregates of lymphocytes" in all dose groups except the control and demonstrated a marked dose response with treatment. Necrosis of the liver was also increased in a dose related manner. Relative spleen weight was also increased at 3,000 ppm (21% in males and 19% in females) and 7,000 ppm (53% in males and 16% in females) and was accompanied by splenic extramedullary hematopoiesis above background. Thus, the liver and blood forming system were indicated as target organs for pymetrozine. Body weight at termination was decreased (17%) in males in the high dose group but was actually slightly increased (7%, not significant) in females.

A 28–day dermal toxicity study in the rat (MRID No. 44024942, Guideline No. 82–2), using 98% pymetrozine, exposed animals at 0, 10, 100 or 1,000 mg/kg/day for 6 hours/day, 5 days/week for 4 weeks. The agent was suspended in distilled water and was applied directly to clipped skin using an occlusive dressing. No treatment-related clinical signs or signs of local irritation were observed. Hematology and clinical biochemistry performed on the test animals revealed no treatment-related effects. Macroscopic and microscopic examination of internal organs and the application site revealed no treatment-related findings. The NOAEL for both systemic effects and dermal irritation is 1,000 mg/kg/day, the highest dose tested (HDT). The LOAEL is greater than 1,000 mg/kg/day.

ii. *Chronic toxicity.* A chronic feeding study in beagle dogs (MRID No. 44024943, Guideline 83–1), using 98% pymetrozine, exposed animals for 12 months at 0, 20, 200 and 1,000 ppm (corresponding to approximately 0, 0.57, 5.33 or 27.8 mg/kg/day in both sexes). At 200 ppm, there were increases in mean absolute (11%) and relative (17%) liver weights in males. At 1,000 ppm, mean absolute (6%) and relative (11%) liver weights were higher in both males and females (absolute (18%) and relative (6%)). In addition, in males, there was also increased inflammatory cell infiltration in the liver (4/6 vs 2/6 in the control group); and myopathy (2/6 vs 0/6 in the control group) in the small and large intestine. Anemia was apparent in two females. The LOAEL is 1,000 ppm (27.8 mg/kg/day), based primarily on myopathy (muscle disease) and presence of anemia (reduction in red blood cells). The NOAEL is 200 ppm (5.33 mg/kg/day). Similar findings in the dog subchronic study (MRID No. 44572201) regarding anemia and liver pathology support the conclusions of this study.

An 18–month definitive carcinogenicity study in mice (MRID No. 44024944, OPPTS No. 870.4200 or Guideline No. 83–2), using 98% pymetrozine, exposed animals (50/sex/dose group) for 18 months at 0, 10, 100, 2,000 or 5,000 ppm. These dose levels correspond to approximately 0, 1.2, 12, 250 and 675 mg/kg/day pymetrozine in either sex. At 2,000 ppm, relative liver weight increased in males (36%) and females (17%), with hepatocyte hypertrophy occurring in most affected animals. Hemosiderosis (increase in storage of insoluble form of iron) and extramedullary hematopoiesis (red blood cell formation) were also increased. Relative liver weight was increased by 78% in males and by 62% in females. The systemic LOAEL was 2,000 ppm (~250 mg/kg/day) based on increases in liver weight as well as hepatocyte hypertrophy and hemosiderosis. The NOAEL is 100 ppm (~12 mg/kg/day). Liver tumors were associated with the higher doses (2,000 and 5,000 ppm) of pymetrozine exposure with 5, 5, 5, 9 and 23 (males) and 0, 0, 0, 0 and 4 (females) hepatocellular carcinomas and 4, 5, 5, 1 and 14 hepatocellular "benign adenoma" in females for the control, 10, 100, 2,000 and 5,000 ppm dose groups, respectively. Males did not show increases in adenomas. The increases in liver weight and presence of hypertrophy and hematopoieses may imply that the high dose was excessive for meaningful carcinogenicity evaluation.

A combined chronic feeding/carcinogenicity study in the rat (MRID No. 44024951, Guideline No. 83–5, using 98% pymetrozine, exposed animals for 12 and 24 months. Five groups of 80/sex were dosed at 0, 10, 100, 1,000 or 3,000 ppm in the diet, corresponding to 0, 0.377, 3.76, 38.52 or 123.4 mg/kg/day for males and 0, 0.454, 4.48, 46.26 or 148.3 mg/kg/day for females. Ten/sex/group were sacrificed at 12 months. Fifty/sex/group were reserved for carcinogenicity assessment after dosing for a scheduled 24 months. For the control, 10, 100, 1,000 and 3,000 ppm dietary groups (based on 60/sex),

hepatocellular hypertrophy was present with the following total incidence: for males, 0, 1, 5, 22 and 37 and for females, 2, 1, 0, 12 and 40. At the 1 year interim sacrifice, the incidence in males was 0, 0, 4, 10 and 10 (out of 10/group). Thus indicating in males that the 100 ppm dose is an effect level for induction of hepatocellular hypertrophy. At 1,000 ppm, body weight and gain were reduced (i.e., at 4 weeks males 6% and females 12%, $p < 0.05$ less gain) and relative liver (26%, $p < 0.05$), spleen (24%, $p < 0.05$) and kidney (14%, not significant) weights were increased in males at week 53. At 3,000 ppm, the magnitude of the effects at 1,000 ppm was increased and, in addition, female liver, spleen, kidney, brain and ovary as well as male brain and testis relative weights increased. The uterus showed increased dilation. The systemic LOAEL is 100 ppm (3.76 mg/kg/day) based on hepatocellular hypertrophy in males. The NOAEL is 10 ppm (0.377 mg/kg/day). In females, the systemic LOAEL is 1,000 ppm (46.26 mg/kg/day) and the NOAEL is 100 ppm (4.48 mg/kg/day) based on hepatocellular hypertrophy and reduced body weight and body weight gain. This study was considered positive for induction of liver tumors (benign hepatoma) at 1,000 and 3,000 ppm in females. The presence of hepatocellular hypertrophy at 1,000 and 3,000 ppm and decreased body weight at 3,000 ppm may provide a basis for determining that the dose levels associated with liver tumors were excessive.

3. *Neurotoxicity.* An acute neurotoxicity study in the rat (MRID No. 44411317, Guideline 81–8) exposed animals in groups of 10/sex at dose levels of 0, 125, 500 or 2,000 mg/kg/day. The LOAEL is 125 mg/kg based on decreases in body temperature, function observation battery (FOB) changes, and decreased motor activity (in males) related to decreased activity. The NOAEL is < 125 mg/kg/day.

A 13–week subchronic neurotoxicity study in the rat (MRID No. 44411318, Guideline No. 82–7) exposed groups of 10 animals/sex at dose levels of 0, 500, 1,000 or 3,000 ppm. Systemic effects of treatment were evident at 3,000 ppm only and were limited to decreased body weight gain (10–18% in males and 7–10% in females). At this dose, indications of neurotoxicity were limited to stereotypy (repetition of senseless movements) in males (3/10 affected at week 4 and 1/10 affected at weeks 8 and 13). There were also indications of tiptoe gait or walking on toes in females at all intervals but only statistically significant at week 13. The LOAEL is 3,000 ppm (equivalent to a mean of 201 mg/kg/day for males and 224 mg/kg/day in females) based on decreased weight and stereotypy in males as well as tiptoe gait in females. The NOAEL is 1,000 ppm (equivalent to a mean of 68 mg/kg/day in males and 81 mg/kg/day for females).

4. *Developmental toxicity.* A developmental study in the rat (MRID No. 44024948, OPPTS No. 870.3700 or Guideline No. 83–3a), using 98% pymetrozine, exposed groups of 24 animals in a 0.5% w/w aqueous solution of sodium carboxymethylcellulose at either 0, 30, 100 or 300 mg/kg/day by oral gavage from gestation days 6 through 15, inclusive. Maternal systemic toxicity was seen as reduced body weights gains in the 100 and 300 mg/kg/day dose groups during the dosing period (gestation days 6–16), the dosing period plus post-dosing period (gestation days 6–21 for 300 mg/kg/day) and the corrected body weight gain for the dosing period plus post-dosing period (statistically significant for both 100 and 300 mg/kg/day). There was reduced food consumption in the same groups during the dosing period. The maternal toxicity NOAEL was 30 mg/kg/day and the maternal toxicity LOAEL was 100 mg/kg/day based on reduced body weight gains and food consumption. Developmental toxicity was observed as an increase in skeletal observations at 300 mg/kg/day including dumbbell-shaped thoracic vertebral centers, absent ossification of metatarsal #1, shortened rib #13, absent ossification of the proximal phalanx of anterior digit #5, absent ossification of the proximal phalanx of posterior digit #2, #3 and #4, and absent and poor ossification of the proximal phalanx of posterior digit #5. The developmental toxicity NOAEL was 100 mg/kg/day and the developmental toxicity LOAEL was 300 mg/kg/day based on increased incidence of skeletal anomalies.

A developmental study in the rabbit (MRID No. 44024949, OPPTS No. 870.3700 or Guideline No. 83–3b), using 98% pymetrozine, exposed groups of 20 animals in a 0.5% w/w aqueous solution of sodium carboxymethylcellulose at either 0, 10, 75 or 125 mg/kg/day by oral gavage from gestation days 7 through 19, inclusive. Maternal systemic toxicity was seen as reduced body weight gains in the 75 and 125 mg/kg/day dose groups. There was also reduced food consumption in the mid and high dose groups. There was reduced food efficiency noted in the mid and high dose groups during all periods except for predosing (gestation days 0–7). At 125 mg/kg/day, two dams died and one aborted the entire litter during the dosing period. (Note: these observations were also noted in the rangefinding study). The maternal toxicity NOAEL was 10 mg/kg/day and the maternal toxicity LOAEL was 75 mg/kg/day based on reduced body weight gains and food consumption/efficiency. Developmental toxicity was observed as an increase in additional 13th ribs in the 75 and 125 mg/kg/day dose groups and an increase in skeletal observations at 125 mg/kg/day seen as fused sternebrae #2 & 3, #3 & 4 and #4 & 5, additional caudal vertebral centers, poor ossification of metacarpal #1, poor ossification of the talus of the hind limb, and poor ossification of the anterior digit #5 medial phalanx. Also, there was reduced litter size, increased resorptions and increased post-implantation loss in the 125 mg/kg/day dose group. The developmental toxicity NOAEL was 10 mg/kg/day and the developmental toxicity LOAEL was 75 mg/kg/day based on increased incidence of skeletal anomalies.

5. *Reproductive toxicity.* A multigeneration reproduction study in the rat (MRID No. 44024950, OPPTS No. 870.3800 or Guideline No. 83–4), using 98% pymetrozine, exposed groups of 30 animals at 0, 20, 200 or 2,000 ppm in the diet for two successive generations. Parental systemic toxicity included minimal hepatocellular hypertrophy in 5/30 200 ppm F0 males, 27/30 2,000 ppm F0 males and 2/30 2,000 ppm F0 females, in addition to minimal to moderate hyperplasia of lymphatic follicles of splenic white pulp in 25/30 2,000 ppm F0 females. The F1 animals had minimal hepatocellular hypertrophy in 2/30 200 ppm males, 26/30 2,000 ppm males and 10/30 2,000 ppm females, in addition to minimal to moderate hypertrophy of the basophilic cells in the adenohypophysis in 17/30 2,000 ppm males, compared to 7/30, 8/30, 7/30 for the control, 20 ppm and 200 ppm groups, respectively. Further, there were increased absolute and relative spleen and liver weights in the F0 and F1 2000 ppm animals plus decreased absolute and relative thymus weights in the 2,000 ppm F1 animals. The investigators concluded that the liver was the target organ in both sexes in both generations; in addition, the spleen was the target organ in F0 females, whereas the pituitary gland was affected in F1 males. Systemic toxicity to the paternal animals included reduced body weights, reduced body weight gains, and reduced food consumption. Systemic toxicity to F1 groups, included reduced body weights, reduced body weight gains, and reduced food consumption. The parental (paternal/

maternal) systemic toxicity NOAEL was 20 ppm (1.4–1.7 mg/kg/day for males and 1.6–1.8 mg/kg/day for females) and the parental (paternal/maternal) systemic toxicity LOAEL = 200 ppm (13.9–17.0 mg/kg/day for males and 16.0–18.1 mg/kg/day for females) based on liver effects in the F0 and F1 males. The reproductive toxicity NOAEL is equal to or greater than 2,000 ppm (136.9–179.0 mg/kg/day for males and 151.6–186.5 mg/kg/day for females) and the reproductive toxicity LOAEL is greater than 2,000 ppm (136.9–179.0 mg/kg/day for males and 151.6–186.5 mg/kg/day for females), since no reproductive effects were noted at the highest dose tested. The offspring systemic/developmental toxicity NOAEL was 200 ppm (13.9–17.0 mg/kg/day for males and 16.0–18.1 mg/kg/day for females) and the offspring systemic/developmental toxicity LOAEL was 2,000 ppm (136.9–179.0 mg/kg/day for males and 151.6–186.5 mg/kg/day for females) based on decreased pup weight and delay in eye opening in both F1 and F2 litters.

6. *Mutagenicity.* A reverse gene mutation assay in bacteria (MRID No. 44024952, Guideline No. 84–2), using 98% pymetrozine, exposed cultures of *Salmonella typhimurium* histidine-deficient (*his-*) mutant strains TA98, TA100, TA1535 and TA1537, and the *Escherichia coli* tryptophan-deficient (*try-*) strain WP2 *uvr*A in triplicate to five concentrations ranging from 312.5 to 5,000 µg/plate, in the presence or absence of a mammalian metabolic activation system (S9 plus cofactors) derived from the microsomal fraction (S9) of livers from adult male RAI rats pretreated with Aroclor 1254. In neither the initial nor confirmatory trial were any increased incidences of *his+* or *try+* colonies found, compared to solvent control values, in contrast to the strongly positive responses in all mutagen-treated cultures. Therefore, in this *in vitro* test, pymetrozine is considered negative for reverse gene mutation in these strains of bacteria.

A mammalian cell forward gene mutation assay in cultures of Chinese hamster lung (V79) cells (MRID No. 44024954, Guideline No. 84–2), using 98% pymetrozine, exposed cultures in duplicate at four concentrations ranging from 5.21 to 333.3 µg/mL, for 21 hours in the absence of a mammalian metabolic activation system or for 5 hours followed by 16 hours in test article-free tissue culture medium in the presence of activation provided by the microsomal fraction (S9) of livers from adult male RAI rats pretreated with Aroclor 1254. Cultures were negative for the induction of forward gene mutation at the HGPRT locus in this test system.

A mammalian cell cytogenetics (chromosome aberrations) assay in Chinese hamster ovary (CHO) cells (MRID No. 44024953, Guideline No. 84–2), using 98% pymetrozine, exposed cultures at eight concentrations ranging from 2.58 to 330 µg/mL for 18 hours in the absence of mammalian metabolic activation or for 3 hours in the presence of S9 activation (S9 microsomal fraction of livers from adult male rats pretreated with Aroclor 1254, plus co-factors) followed by recovery in treatment-free medium for 15 hours. Cultures were not clastogenic; at none of the concentrations nor harvest times was the incidence of structural chromosome aberrations reported to exceed either the concurrent or historical control values.

A micronucleus test in mice (MRID No. 44024955, Guideline 84–2), using 98% pymetrozine, exposed groups of 8 animals/sex orally by gavage in two series of trials: (1) Three groups at a single maximum tolerated dose (MTD) of 4,000 mg/kg and (2) three groups at single doses of 1,000, 2,000 and 4,000. No statistically significant increases over controls were found in MPCE in any group at any sacrifice time. In addition, no effects of treatment were calculated in PCE/NCE ratios at any time or dose point. CPA-treated positive control animals responded with highly significant increased MPCE.

An unscheduled DNA synthesis assay in primary rat hepatocyte cells (MRID No. 44024956, Guideline No. 84–2), using 98% pymetrozine, exposed cultures in two trials in dimethylsulfoxide (DMSO) at six concentrations ranging from 2.78 to 300 µg/mL for 16–18 hours in the presence of tritiated thymidine. In this genotoxicity mutagenicity test, there was no evidence that the treatment induced unscheduled DNA synthesis, as determined by radioactive tracer procedures (nuclear silver grain counts).

7. *Absorption, distribution and metabolism.* A metabolism study in rats (MRID No. 44024957, Guideline 85–1), using radiolabeled pymetrozine, exposed animals orally or intravenously in groups of 5 animals/sex to evaluate absorption and excretion. Within the first 24 hours post-dosing, the urine from all orally-dosed groups contained from 52.0% to 73.5% of the administered radioactivity. The intravenous treated rats also had comparable 24-hour urine levels which were 63.6% and 68.3% of the administered dose in males and females, respectively. At study termination (7 days post-dosing), the recovered radioactivity in urine (56.3–80.3%), expired air (0.2–1.4%), tissues (0.3–3.8%), feces (15.4–38.9%), and cage washes (0.2–0.7%) accounted for a total recovery of 91–100.7% of the administered dose in all groups. The relatively high urinary level of unchanged test material suggests metabolic saturation at the high dose of 100 mg/kg.

A metabolism study in female rats (MRID No. 44517720, OPPTS No. 870.7485, Guideline No. 85–1), using radiolabled pymetrozine, exposed animals orally to a single low dose (0.5 mg/kg) or a high dose (100 mg/kg). Irrespective of the label site, the time to maximum blood concentrations (tmax) were attained at 1 hour (0.1 ppm for both labels) and at 8 hours (41 ppm for triazine and 52 ppm for pyridine) following low and high oral dosing, respectively. While the peak blood levels were dependent on the dose but independent of the labeling site; the pyridine label was more persistent than the triazine label. At all time points and irrespective of the dose or labeling site, tissue residue levels (ppm) were highest in the kidneys and liver. For the low/high doses, the peak kidney levels were 0.6/75 ppm (triazine) and 0.6/101 ppm (pyridine), while the peak liver levels were 0.4/59 ppm (triazine) and 0.5/176 ppm (pyridine). Of all tissues (with the exception of the GI tract), the skeletal muscle had the highest percent of the administered dose (both labels) accounting for 7 to 8% of the low dose at 1 hour and for 19 to 21% of the high dose at 8 hours. The calculated half life times ($t_{1/2}$) for the triazine residue depletion from all the tissues ranged from 2.9 to 4.8 hours (low dose) and from 1.9 to 3.5 hours (high dose) and for the pyridine radiolabel depletion, from 31.7 to 110.3 hours (low dose) and from 2.5 to 13.9 hours (high dose).

Absorption was lower at the high dose representing nearly 82% of the administered dose for both radiolabels. Irrespective of the labeling site, the biliary excretion was higher at the low dose than at the high dose. The total 48–hour excretion, including cage wash, was higher at both dose levels for the triazine label (low dose/ high dose: 103%/95%) than the pyridine label (low dose/high dose: 85%/81%). These results confirm other findings (above) that of the two moieties, pyridine is more persistent than triazine.

8. *Dermal absorption.* A dermal absorption study in male rats (MRID No. 44024958, Guideline No. 85–3), using 98.1–99.5% radiolabeled pymetrozine, exposed 24 male animals in 0.5% carboxy-methyl cellulose aqueous suspension at dose levels of 0.084, 0.503, or 4.69 mg/rat (0.0067, 0.0402, or

0.375 mg/cm^2). After blood collection, four rats/dose were killed for assessment of dermal absorption after 0.5, 1, 2, 4, 10, and 24 hours of exposure. Urine and feces were also collected at the time of killing. After 24 hours of exposure, dermal absorption of CGA–215944 was minimal (0.05%, 0.01%, and <0.005% for the low, mid, and high dose groups, respectively). For all dose groups, the majority of the dose (81.4–100.0%) was not absorbed and was recovered in the skin wash. For all dose groups, adsorption to skin from the test site (0.18–8.84%) accounted for the next largest proportion of the dose and only trace amounts (≤0.05%) of radioactivity were excreted in the urine and feces. Within each dose group, radioactivity remaining in/on the skin after washing did not seem to increase with the duration of exposure; likewise, absorption (measured as amount excreted plus amount retained in the body) did not seem to increase over time.

9. *Special studies.* A cell proliferation study in young adult male mice (MRID No. 44024923), using 97.4% pymetrozine, exposed 15 groups of animals in a basal diet as follows: (i) Two groups at dietary concentrations of 0 and 5,000 ppm for 4 days (corresponding to intakes of 0 and 891.6 mg/kg/day); (ii) six groups at concentrations of 0, 10, 100, 500, 2,000 and 5,000 ppm for 14 days (intakes of 0, 1.6, 15.6, 83.9, 323.4 and 876.7 mg/kg/day); (iii) six groups at concentrations of 0, 10, 100, 500, 2,000 and 5,000 ppm for 42 days (intakes of 0, 1.6, 13.3, 70.7, 299.9 and 767.1 mg/kg/day); and (iv) a single group at a concentration of 5,000 ppm for 14 days (intake of 1,006 mg/kg/day), followed by a recovery period of 28 days, in order to test for reversibility of any treatment-related changes. No clinical signs of toxicity were observed in any group throughout the treatment and/or recovery periods. Absolute and relative liver weights were slightly increased at 4–days treatment with 5,000 ppm, but significantly so after 14 and 42 days at this high concentration as well as 2,000 ppm, indicating hypertrophy. Absolute and relative liver weights returned to control levels in the 14–day treatment/28 day recovery animals. Significant decreases in the mean number of total nuclei were recorded at 2,000 ppm (≈16%) and at 5,000 ppm (≈17–18%) after 14 and 42 days. These findings, in conjunction with evidence that the enlarged hepatocytes at 5,000 ppm (14 and 42 days) often contained vacuoles, slight focal single cell necrosis and PCNA+ inflammatory cell infiltration that occurred at a higher frequency in the livers of mice at 5,000 ppm (14 and 42 days) than in the vehicle control liver samples, indicate that the test material induced a cytotoxic effect on the target organ. Immunohistochemical staining of liver sections revealed significant increases in PCNA values in both 2,000 and 5,000 ppm groups at all time points. Cell proliferation effects were reversible in animals treated at 5,000 ppm for 14 days followed by a 28–day recovery. Thus, these results show that the observed hepatomegaly in mouse liver at the 2,000 and 5,000 ppm treatment levels was the combined result of hypertrophy and hyperplasia. Accordingly, the LOAEL is 2,000 ppm, based on increased liver weight, reduced total hepatocytes, microscopic evidence of necrosis and significant increases in the LI for cell proliferation; the NOAEL is 500 ppm level. Overall, the findings of this study offer support for the hypothesis that the increased incidence of hepatocellular carcinomas in a previous 18–month carcinogenicity study in mice was due to (reversible) replicative DNA synthesis, with a threshold effect at a NOAEL = 500 ppm.

A special study in male rats (MRID No. 44517723), using 97.8% pymetrozine and conducted to evaluate possible mechanisms for liver tumor formulation, exposed 6 groups of 16 animals in diets containing 0, 25, 50, 100 or 1,000 ppm for 18 weeks. Assessments were limited to cage side observations for clinical signs, body weight and food plus water consumption. Pathology was limited to organ assessment of the liver and thyroid for weight and macroscopic and histopathological lesions but also included a special assessment for the immunohistological evaluation of the glutathione S-transferase placental from positive hepatocyte (GST-P) foci, a foci induced by the presence of the initiators. Pymetrozine produced its expected increase in liver and thyroid weight but did not increase the GST-P foci thus was not considered positive for a promotional effect of proliferative lesions in the liver. Pymetrozine was associated with an increase ($p < 0.05$) in follicular cell adenomas only in the 100 ppm dose group but there was no associated increase in thyroid hyperplasia or similar effect at 1,000 ppm. Overall, it could not be concluded that pymetrozine resulted in promotion of proliferative lesions in either the rat liver or thyroid at dose levels up to and including 1,000 ppm.

B. Toxicological Endpoints

1. *Acute dietary toxicity* — i. *Females 13 years and older.* The Agency selected a NOAEL of 10 mg/kg/day from the rabbit developmental study (MRID No. 44024949) for the acute dietary endpoint, based on reduced body weight gains and reduced food consumption and efficiency in mothers and an increased incidence of skeletal anomalies in pups at the LOAEL of 75 mg/kg/day. The selection of the rabbit developmental toxicity study is comparable to the rat developmental toxicity study, which had a maternal NOAEL and LOAEL of 30 and 100 mg/kg/day, respectively.

ii. *Acute dietary toxicity (General Population and Infants and Children).* The Agency selected the LOAEL of 125 mg/kg (lowest dose tested) from the acute rat neurotoxicity study (MRID No. 44411317) for the acute dietary endpoint for the general population, including infants and children, based on decreased body temperature, decreased motor activity, and FOB parameters associated with decreased activity.

2. *Short- and intermediate-term toxicity.* For dermal exposure, the Agency selected a NOAEL of 1,000 mg/kg/day from a 28–day dermal toxicity in the rat (MRID No. 44024942) because there were no effects at the highest dose tested. Based on these results, the Agency did not perform a short- or intermediate-term dermal risk assessments.

For short-term (1–7 days) inhalation exposure, the Agency selected (in the absence of an inhalation study) an oral NOAEL of 10 mg/kg/day from a developmental study in the rabbit (MRID No. 44024949), based on reduced body weight gains and food consumption and efficiency in mothers and an increased incidence of skeletal anomalies in pups at the LOAEL of 75 mg/kg/day.

For intermediate (7 days to several months) inhalation exposure, the Agency selected (in the absence of an inhalation study) an oral NOAEL of 10 ppm (0.377 mg/kg/day) from a chronic feeding study in the rat (MRID No. 44024951), based on hepatocellular (liver) hypertrophy in males at an LOAEL of 100 ppm (3.76 mg/kg/day).

3. *Chronic toxicity.* For chronic dietary exposure, EPA has selected an oral NOAEL of 10 ppm (0.377 mg/kg/day) from a chronic feeding study in the rat (MRID No. 44024951), based on hepatocellular (liver) hypertrophy in males at an LOAEL of 100 ppm (3.76 mg/kg/day).

4. *Carcinogenicity.* EPA has classified pymetrozine as a"likely human carcinogen" and recommended that quantification of risk be estimated for combined (benign hepatomas and/or carcinomas) liver tumors in male and

female mice and female rats. EPA selected a unit risk, Q1*, of 2.05 x 10–1 (mg/kg/day)-1 for quantification of the cancer risk and has determined the cancer dose to be 0.0000049 mg/kg/day. The Agency reviewed "mechanism of action" studies, but these were insufficient to affect the classification of carcinogenicity.

5. *Dermal penetration.* The dermal penetration study (MRID No. 44024958) in rats indicated that the amount of pymetrozine capable of penetrating the skin is very small (no more than 0.28%). However, because the EPA concluded that the study may have underestimated the actual amount of dermal penetration, the Agency has used a dermal penetration value of 1% in risk assessments.

6. *Long-term (several months to lifetime) dermal and inhalation endpoints.* The current use pattern does not indicate a concern for long-term dermal or inhalation exposure potential.

7. *Safety (uncertainty) factors, including FQPA safety factor.* The Agency will use the above NOAELs and LOAELs levels to assess the risks of using pymetrozine to the general population and certain subgroups of the general population. However, the Agency first modifies these values numerically, downward, by dividing the NOAEL dose by one or more safety factors. These safety factors may represent the uncertainty of the individual variation among animals for all studies (10 fold safety or uncertainty factor), of using animal studies to assess human risk for all studies (10 fold safety factor); and of using a LOAEL in place of a NOAEL to estimate the risk (3 fold safety factor).

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. As noted, EPA has added an additional three-fold factor to the acute dietary risk assessment for infants and children due to the lack of a NOAEL in the critical study. An additional 3-fold factor is also needed due to the uncertainty resulting from the data gap for the developmental neurotoxicity study in rats. This latter safety factor is applicable to the following subgroup populations: Females 13–50; infants, children (1–6 years), and children (7–12 years) for all risk assessment scenarios for acute and chronic dietary and residential scenarios. No greater additional factor is needed because:

- There was no evidence of developmental effects being produced in fetuses at lower doses as compared to maternal animals nor was there evidence of an increase in severity of effects at or below maternally toxic doses following *in utero* exposure in the prenatal developmental toxicity studies in rats and rabbits.
- In the prenatal/postnatal 2–generation reproduction study in rats, there was no evidence of enhanced susceptibility in pups when compared to parental animals (i.e., effects noted in offspring occurred at maternally toxic doses or higher).
- There was no evidence of abnormalities in the development of the fetal nervous system in the prenatal/postnatal studies submitted to the Agency.
- Adequate actual data, surrogate data, and/or modeling outputs are available to satisfactorily assess food exposure and to provide a screening level drinking water exposure assessment.

i. *Acute dietary toxicity (females 13 years and older).* The Agency divided the NOAEL dose of 10 mg/kg/day from the rabbit developmental study (MRID No. 44024949) by 300 (10 for individual variation x 10 for species variation x 3 for lack of a developmental neurotoxicity study) to calculate an acute population-adjusted dose (aPAD) of 0.033 mg/kg for females 13 years or older.

ii. *Acute dietary toxicity* (general population and infants and children). The Agency divided the LOAEL dose of 125 mg/kg from the acute neurotoxicity study (MRID No. 44411317) by 300 (3 for lack of a NOAEL x 10 for individual variation x 10 for species variation) to calculate an aPAD of 0.42 mg/kg for the general population (300-fold FQPA safety factor) and by dividing by an additional 3-fold FQPA safety factor for lack of a developmental neurotoxicity study to calculate an aPAD of 0.14 mg/kg for infants and children (900-fold safety factor).

iii. *Chronic toxicity.* EPA divided the NOAEL dose of 0.377 mg/kg/day from a chronic feeding study in the rat (MRID No. 44024951) by 100 (10 for individual variation x 10 for species variation) to calculate a chronic population-adjusted dose (cPAD) of 0.0038 mg/kg/day for the general population by dividing by a additional 3-fold FQPA safety factor to calculate a cPAD of 0.0013 mg/kg/day for females 13 years and older and for infants and children.

C. Exposures and Risks

1. *Proposed uses.* Pymetrozine is a new insecticide of the pyridine azomethine type. Pymetrozine is proposed for the control of aphids and suppression of whiteflies in a variety of crops. The mode of action of pymetrozine has not been precisely determined biochemically; physiologically, it appears to act by preventing these insects from inserting their stylus into the plant tissue.

Pymetrozine is proposed for use on tuberous and corm vegetables (Subgroup 1-C) and tobacco under Fulfill™ and ornamental plants under Relay™. Currently, there are no requested homeowner applications for pymetrozine. However; post-application (residential) exposure could occur due to contact with treated ornamental plants. As both Fulfill™ and Relay™, pymetrozine is formulated as a water-dispersible granule containing 50% active ingredient.

Fulfill™ may be applied by either ground or aerial broadcast equipment, in a minimum of 10 gallons of water per acre; chemigation is not permitted. Pymetrozine is applied to the foliage of affected plants where it is quickly absorbed. Potato and tobacco crops may be treated up to twice, each at a maximum rate of 0.09 pound (lb) active ingredient per acre (ai/acre). The maximum seasonal use rate is 0.17 lb ai/acre. The retreatment and pre-harvest intervals are 7 and 14 days, respectively. The label for Fulfill™ specifies a restricted-entry interval of 12 hours.

Relay™ is to be broadcast-applied to ornamentals at a rate not to exceed 10 oz./acre/application. Multiple applications may be made on a 7– to 14–day interval. For indoor use, the yearly application rate is not to exceed 100 oz./acre/year; for outdoor use, the maximum rate is 48 oz./acre/year.

The above uses result in food and feed, drinking water, and non-dietary (residential) exposures as outlined below (2–4).

2. *From food and feed uses.* This rule establishes the first tolerance for pymetrozine.

Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no

later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of crop treated (PCT) for assessing chronic dietary risk only if the Agency can make the following findings: That the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; that the exposure estimate does not underestimate exposure for any significant subpopulation group; and if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

Most of the dietary risk assessments performed on pymetrozine used a Tier 1 approach for fruiting vegetables, cucurbits, and potatoes, crops originally requested in the petition. That is, the Agency assumed 100% crop treated and tolerance level residues. For carcinogenicity risk assessment, the Agency used a Tier 3 chronic dietary exposure analysis for only tuberous and corm vegetables. This was based on 20% of the crop treated and an anticipated residue of 0.0046 ppm to refine the cancer risk. Novartis supplied this estimate of PCT to the Agency. Based on the number of existing alternatives, the PCT could be much lower. However, the market is looking for rotational alternatives to prevent the buildup of resistance and to replace organophosphate (OP) insecticides threatened by FQPA. The Agency reviewed Novartis' estimate and found it reasonable.

The Agency believes that the three conditions, discussed in section 408 (b)(2)(F) in this unit concerning the Agency's responsibilities in assessing chronic dietary risk findings, have been met. EPA finds that the PCT information is reliable and has a valid basis. Before the petitioner can increase production of product for treatment of greater than 340,000 acres (20% of 1,700,000 total acres for the tuberous and corm subgroup), permission from the Agency must be obtained. The regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the consumption of food in a particular area.

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure.

The Tier 1 Dietary Exposure Evaluation Model (DEEM™) analysis indicates that acute dietary (food only) exposure to pymetrozine from all in the original petition (tuberous and corm, fruiting, and curcubits) will be below EPA's level of concern (100% of the aPAD) and will not occupy more than 7% (of the aPAD for any population subgroup, including those of infants and children. For the maximum-exposed subgroup, the 95th percentile of exposure (children ages 1–6 years) is predicted to be 3.3% of the aPAD. Due to pymetrozine's lower acute endpoint for females 13–50 years (0.033 mg/kg) versus that of other population subgroups (0.14 mg/kg), the percentage of the aPAD occupied for females 13–50 years (6.5%) is slightly higher than that estimated for children 1–6 years. For a Tier 1 analysis, EPA considers exposure at the 95th percentile of exposure. Even at the 99.9th percentile of exposure, the acute risk is well below EPA's level of concern.

ii. *Chronic exposure and risk.* The Tier 1 DEEM™ chronic analysis indicates that exposure to pymetrozine from tuberous and corm vegetables (Subgroup 1-C), cucurbits and fruiting vegetables will occupy less than 74% of the cPAD for children ages 1–6 (the most highly exposed population subgroup). Chronic dietary risk to all other subgroups is less than that of children ages 1–6. See Table 1 below.

Table 1. Chronic Dietary (Food Only) Tier 1 Exposure and Risk Estimates for Pymetrozine Use

Population Subgroup	cPAD, mg/kg/day[b]	Exposure, mg/kg/day	% cPAD[c]
U.S. Population (total)[a]	0.0038	0.000455	12
Hispanics	0.0038	0.000496	13
Children 1–6 yrs	0.0013	0.000958	74
Females 13–19 (not pregnant or nursing)	0.0013	000.480	37
Males 13–19 yrs	0.0038	0.000500	13

[a]Population subgroups shown include the U.S. general population and the maximally exposed subpopulation of adults, infants and children, and women of child-bearing age.
[b]cPAD values incorporate the different FQPA Safety Factors for the various population subgroups.
[c]% cPAD = Exposure (mg/kg/day) ÷ cPAD (mg/kg/day) 100.

iii. Cancer exposure and risk. The Agency used a Tier 3 DEEM™ analysis for cancer risk estimates to the U.S. population. Based on use of pymetrozine on tuberous and corm vegetables only, the food only cancer risk is $1.7\ 10^{-7}$, which is below the Agency's level of concern.

3. *From drinking water.* Pymetrozine is not persistent, breaking down in the environment through a number of mechanisms and degradation pathways including hydrolysis and aqueous and soil photolysis. Laboratory studies indicate that pymetrozine is a "low mobility" to "no mobility" chemical with respect to leaching. The environmental fate profile and application rates suggest that there should not be any notable concerns in the areas of soil mobility and persistence for pymetrozine resulting from its agriculture use to control aphids and whiteflies. Based on the low application rate, the field dissipation data, and the minimal concentrations relative to the parent (<10%, total), pymetrozine degradates should not enter ground and surface water to any appreciable extent.

EPA used the Screening Concentration In GROund Water (SCI-GROW) model to predict the

Environmental Estimated Concentrations (EECs) for pymetrozine in ground water. SCI-GROW is a regression model based on actual ground water monitoring data. SCI-GROW appears to provide realistic estimates of pesticide concentrations in shallow, highly vulnerable ground water sites. Using the highest application rate of 0.187 lb ai/acre (hops), SCI-GROW estimates the concentration of pymetrozine in ground water to be 0.015 µg/L. As there is relatively little temporal variation in ground water, this estimate can be used for both acute and chronic exposure scenarios.

In addition, EPA used the Tier 2 GENeric Estimated Environmental Concentration (GENEEC) and Pesticide Root Zone Model-EXAMS (PRZM-EXAMS) model to obtain Estimated Environmental Concentrations (EECs) in surface water. The standard PRZM-EXAMS runoff modeling scenario is based on a 10 ha field draining into a 1 ha by 2 meter deep small water body. This scenario represents a watershed drainage area:water volume ratio of 5 m^2/m^3. Each PRZM modeling scenario represents a unique combination of climatic conditions (e.g., rainfall), crop specific management practices, soil specific properties, site specific hydrology, and pesticide specific application and dissipation processes. Each PRZM simulation is conducted for multiple years to provide a probabilistic exposure characterization for a single site. Based on 2 applications of pymetrozine on sweet potato, each at 0.176 lb ai/acre, PRZM- EXAMS estimates acute (peak) EEC of pymetrozine in surface water to be 1.85 µg/L and estimates the chronic (36–year mean) EEC of pymetrozine in surface water to be 0.222 µg/L.

The EEC's for surface water (1.85 µg/L and 0.222 µg/L) are higher than those for ground water (0.015 µg/L). Therefore, surface water EEC's will be used to: (1) Estimate actual concentrations of pymetrozine in water and (2) to compare those conentrations with the Drinking Water Levels of Comparison (DWLOCs) in µg/L. DWLOCs are acceptable concentrations of pymetrozine in drinking water as theoretical upper limits in light of total aggregate exposure to that pesticide from food, water, and residential uses. EPA calculates each DWLOC by subtracting the food and residential exposures (if appropriate) from the PAD or Cancer Dose and by converting this resulting dose, called the Maximum Water Exposure (in mg/kg/day), into a concentration of pymetrozine in water expressed in µg/L. Only pymetrozine was included in the drinking water assessment on the basis that the metabolites would not be found in drinking water.

Table 2 shows the DWLOC's for acute and chronic exposure.

Table 2. Drinking Water Levels of Comparison for Aggregated Exposures

Scenario/Population Subgroup[a]	Population-Adjusted Dose, mg/kg/day	Exposure mg/kg/day[b]	Maximum Water Exposure mg/kg/day	DWLOC µg/L[c]
ACUTE EXPOSURE				[EEC=1.9]
U.S. Population	0.42	0.001980	0.418020	15000
Hispanic	0.42	0.002285	0.417715	15000
Children (1–6 yrs)	0.14	0.004556	0.135444	1400
Females (13–19, not pregnant or nursing)	0.033	0.0021 39	0.030861	930
Males (13–19 yrs)	0.42	0.002052	0.417948	15000
SHORT-TERM[d] EXPOSURE				
Toddlers	0.033	0.00097	0.032030	320
CHRONIC EXPOSURE				[EEC=0.22]
U.S. Population	0.0038	0.000455	0.003345	120
Hispanic	0.00380	0.000496	0.003304	120
Children (1–6 yrs)	0.0013	0.000958	0.000342	3.4
Females (13–19, not pregnant or nursing)	0.0013	0.000480	0.000820	25
Males (13–19)	0.0038	0.000500	0.003300	120

[a]Population subgroups shown include the U.S. general population and the maximally exposed subpopulation of adults, infants and children, and women of child-bearing age for each exposure scenario.

[b]Exposure is the sum of dietary and non-dietary exposure. For the case of pymetrozine, only the short-tenn and cancer DWLOC have a non-dietary component. See Section 5.4 for clarification.

[c]DWLOC = Maximum Water Exposure (mg/kg/day) 1,000 µg/mg body weight (70 kg general population/males 13+, 60 kg females 13+, 10 kg infants and children) ÷ Water Consumption (2 L/day adults, 1 L/day infants and children). The acute EEC is 1.9 µg/L, the chronic and cancer EEC is 0.22 µg/L.

[d]For short-term exposure, the short-term oral NOAEL was converted to a PAD by applying the 100x and 3x safety factors. Chronic food exposure for children ages 1–6 was used to estimate background food exposure.

i. *Acute exposure and risk.* For acute aggregate exposure scenarios, the DWLOC values (930–15,000 µg/L) are all in excess of the modeled acute EEC values (1.9 µg/L); thus, drinking water is not expected to be a significant contributor towards this type of exposure.

ii. *Chronic exposure and risk.* For chronic (non-cancer) aggregate exposure scenarios, the DWLOC values (3.4–120 µg/L) are all in excess of the modeled EEC values (0.22 µg/L); thus, drinking water is not expected to be a significant contributor towards this type of exposure.

iii. *Cancer exposure and risk.* Preliminary analysis suggested that drinking water may be a significant contributor towards cancer risk. Therefore, the Agency did an aggregate quantitative risk assessment which is discussed in section D3 of this unit.

4. *From non-dietary exposure.* As currently proposed, pymetrozine could be used on the following residential non-food sites: ornamentals (landscape, ground-covers, interiorscapes); home nurseries, non-bearing orchards, and greenhouses. The end-use product, Relay™, may not be applied by homeowners, but post-application exposure could occur. There are no intermediate-term exposure scenarios for which a risk assessment is required. Short-term exposures are not applicable for adults but are applicable for toddlers.

Since there was no chemical-specific data to determine dislodgeable residues, EPA used its Standard Operating Procedures (SOPs) for Residential

Exposure Assessment (Draft, December 18, 1997) to estimate post-application exposure. This SOP does not include a scenario for ornamentals, landscapes and groundcover. Therefore, this assessment used the garden plants scenarios to determine post-application exposures.

The post-application scenarios and associated Margins of Exposure (MOEs) included: (1) Incidental non-dietary hand-to-mouth transfer of pesticide residues (770,000) (2) incidental non-dietary ingestion of pesticide-treated plants (not significant), and (3) incidental non-dietary ingestion of soil from pesticide-treated areas (660,000). The following assumptions were used for estimating post-application for the three post-application scenarios.

Hand-to-mouth transfer (incidental non-dietary ingestion)

-Maximum application rate of 0.3125 lbs ai/A as specified on the label

-20% of the application rate are available on the foliage as dislodgeable residue

-Exposure is assessed on the same day the pesticide is applied

-Medium surface area of both hands is 350 cm^2 for a toddler (age 3 yrs)

-Mean rate of hand-to-mouth activity is 1.56 events/hr

-Duration of exposure was assumed to be 0.18 hrs/day (10 mins) for toddlers

-A body weight of 15 kg was assumed for toddlers

-Short term NOAEL = 10 mg/kg/day (acute dietary)

-Hand-to-mouth exposure is not considered an intermediate-term exposure scenario

Accidental Ingestion of Plant Material

-According to the HED SOP for Residential Exposure, exposure via this route is considered negligible

Accidential Ingestion of Soil

-Maximum application rate of 0.3125 lbs ai per acre as specified on the label

-20% of the application rate are available on the foliage as dislodgeable residue

-Exposure is assessed on the same day the pesticide is applied

-The fraction of ai available in uppermost cm of soil is 1cm

-The assumed soil ingestion rate for children (ages 1–6 yrs) is 100 mg/day

-A body weight of 15 kg was assumed for toddlers

-Short term NOAEL = 10 mg/kg/day (acute dietary);

-Exposure from soil ingestion is not considered an intermediate-term exposure scenario

These exposure estimates are based on upper-percentile (i.e., maximum application rate, available residues and duration of exposure) and some central tendency (i.e., transfer coefficient, surface area, hand-to-mouth activity, and body weight) assumptions and are considered to be representative of high-end exposures. The uncertainties associated with this assessment stem from the use of an assumed amount of pesticide available from gardens, and assumptions regarding dissipation, transfer of chemical residues, and hand-to-mouth activity. The estimated exposures are believed to be reasonable high-end estimates based on observations from chemical-specific field studies and professional judgement.

EPA determined that the FQPA Safety Factor to protect infants and children should be reduced to 3x and that the factor should apply to female (13–50 years), infant, and children population subgroups for all risk assessments. Thus, the levels of concern for these post-application exposure scenarios are MOEs that are less than 100 for adult populations and less than 300 for female (13–50), infant, and children populations.

i. *Chronic exposure and risk.* Based on the proposed uses of pymetrozine, EPA does not believe there will be chronic non-occupational exposure to this insecticide.

ii. *Cancer exposure and risk.* EPA has estimated the lifetime average daily dose for non-occupational exposure resulting from prining and planting treated ornamental plants is 0.0000012 mg/kg/day.

A quantitative cancer risk assessment was performed for post-application non-occupational exposure to treated ornamentals (e.g., a home garden). Exposures were estimated using EPA's default activity scenarios, transfer coefficients and input parameters as follows:

- The fraction of active ingredient retained on foliage is assumed to be 20% (0.2) on day zero (= percent dislodgeable foliar residue, DFR, after initial treatment). This fraction is assumed to further dissipate at the rate of 10% (0.1) per day on following days. These are EPA's default values for exposure.
- An application rate of 0.3125 lbs ai/acre (electrostatic spray, pulsfog and low volume systems) was used to represent the worst case scenario.
- Transfer coefficient of 4,500 was used to represent heaviest day of activity (planting, transplanting, and pruning) for contact with treated ornamental plants.
- Assumed homeowner worked 0.67 hours per day (Residential SOP for Gardening).
- Assumed homeowner worked a total of 2 days per year performing heaviest activities (planting, pruning) at time points shortly after pymetrozine application.
- Assumed homeowner would be exposed for 50 years of their life.
- Dermal absorption = 1%.
- Body weight = 70 kg.
- Life expectance = 70 years.
- Cancer Q* (mg/kg/day) = 2.05×10^{-1}.

The cancer risk estimate for this post-application exposure is 2.4×10^{-7} and does not exceed EPA's level of concern (in the range of 1×10^{-6}) for the general population.

iii. *Short- and intermediate-term exposure and risk.* EPA did not calculate MOEs for adults since there are no short-term dermal exposure scenarios. However, short-term oral exposures and risks were calculated for toddlers. For toddlers, the MOEs for short-term post-application exposure scenarios are 770,000 and 660,000 for hand-to-mouth and soil ingestion scenarios. These values are all greater than either of the threshold values; thus, short-term risks are below the Agency's level of concern.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

According to our information, there are no other pesticides that have a common mechanism of toxicity with pymetrozine. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, pymetrozine does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that pymetrozine has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* The risk from aggregate acute exposure from food and drinking water from pymetrozine is below EPA's level of concern for the following reasons. As indicated in Table 2, the Tier 1 DEEM™ analysis indicates that acute dietary (food only) exposure to pymetrozine from fruiting vegetables, cucurbits, and tuberous and corm

vegetables (Subgroup 1-C) will occupy less than 1/2% (0.001980/0.42) of the aPAD for the U.S. Population, which is below EPA's level of concern of 100% of the aPAD. In addition, for drinking water, the DWLOC value (15000 µg/L) for the U.S. Population is greatly in excess of the modeled acute EEC value (1.9 µg/L); thus, drinking water is not expected to be a significant contributor towards this type of exposure.

2. *Chronic risk.* As indicated in Table 1, the Tier 1 DEEM™ analysis indicates that chronic dietary (food only) exposure to pymetrozine will utilize less than 12% (0.000455/0.0038) of the cPAD for the U.S. population. EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. In addition, for drinking water, the DWLOC value (120 µg/L) for the U.S. Population is greatly in excess of the modeled EEC values (0.222 µg/L); thus, drinking water is not expected to be a significant contributor towards this type of exposure. Despite the potential for exposure in the diet, drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate chronic exposure to exceed 100% of the cPAD.

3. *Aggregate cancer risk for U.S. population.* For tuberous and corm vegetables (Subgroup 1-C), EPA based its cancer risk assessment on a Tier 3 estimate of dietary exposure, which incorporates anticipated residues for pymetrozine and an estimate that 20% of the crops will be treated. At this level of refinement, EPA's estimate of food exposure and cancer risk were 0.0000008 mg/kg/day and 1.7 x10^{-7}. EPA also calculated a lifetime average daily dose of 0.0000012 mg/kg/day for non-occupational exposure resulting from pruning and planting treated ornamental plants.

EPA does not generally use surface water modeling values for quantitative risk assessment. However, due to the statistical uncertainties regarding the significance of cancer risks, which are near 1 x 10^{-6}, EPA has calculated the cancer risk resulting from 0.22 µg/L in drinking water to be 1.3 x 10^{-6}. The aggregate cancer risk is thus 1.7 x 10^{-6} (1.7 x 10^{-7} for food, 1.3 x 10^{-6}, for water, and 2.4 x 10^{-7} for post-application residential exposure).

4. *Determination of safety.* EPA believes that the total risk estimate for pymetrozine from food, drinking water, and residential exposures of 1.7 x 10^{-6} generally represents a negligible risk, as EPA has traditionally applied that concept. EPA has commonly referred to a negligible risk as one that is in the range of 1 in 1 million (1 x 10^{-6}). Quantitative cancer risk assessment is not a precise science. There are a significant number of uncertainties in both the toxicology used to derive the cancer potency of a substance and in the data used to measure and calculate exposure. The Agency does not attach great significance to numerical estimates for carcinogenic risk that differ by less than a factor of 2. However, as a condition of product registration, the Agency will require the registrant to submit monitoring data. These data are expected to confirm that the actual concentration of pymetrozine in drinking water is less than the level of concern for all sub-populations and endpoints.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children* —i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of pymetrozine, EPA considered data from developmental toxicity studies in rabbit, an acute neurotoxicity study in the rat, and a chronic feeding study in the rat. See the Toxicological Profile (section A. of this unit) for a discussion of these tests.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined interspecies and intraspecies variability) and the additional 3-fold MOE/uncertainty factors, as described above, when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of these safety factors.

ii. *Conclusion.* EPA considered the available data and determined that the 10-fold FQPA factor could be reduced to 3. A discussion of these considerations may be found in B7 of this unit.

2. *Acute risk.* The risk from aggregate acute exposure from food and drinking water from pymetrozine is below EPA level of concern for the following reasons. The Tier 1 DEEM™ analysis indicates that acute dietary (food only) exposure to pymetrozine from tuberous and corm vegetables (Subgroup 1-C), fruiting vegetables and curcubits will occupy less than 4% (0.004556/0.14) of the aPAD for children (1 to 6 years old), which is below EPA's level of concern of 100% of the aPAD. In addition, for drinking water, the DWLOC value (1,400 µg/L) for children (1 to 6 years old) is greatly in excess of the modeled acute EEC values (1.9 µg/L); thus, drinking water is not expected to be a significant contributor towards this type of exposure.

3. *Chronic risk.* Using the residue concentration exposure assumptions described in this unit, the risk from aggregate chronic exposure from food and drinking water from pymetrozine is below EPA's level of concern for the following reasons. As indicated in the previous table, the Tier 1 DEEM™ analysis indicates that chronic dietary (food only) exposure to pymetrozine will utilize less than 74% (0.000958/0.0013) of the cPAD for children (1 to 6 years old). EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. In addition, for drinking water, the DWLOC value (3.4 µg/L) for children (1 to 6 years old) exceeds the modeled chronic EEC values (0.222 µg/L); thus, drinking water is not expected to be a significant contributor towards this type of exposure. Despite the potential for exposure in the diet, drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate chronic exposure to exceed 100% of the cPAD.

4. *Short-term risk.* In aggregating short-term risk, EPA considered background average dietary exposure and short-term, non-dietary oral exposure. Non-dietary oral exposure may occur as hand-to-mouth transfer of residues from ornamental plants or incidental ingestion of surrounding soil. The lowest short-term MOE value is for toddlers. Combining this MOE (660,000) with that from dietary exposure (Short-term oral NOAEL/chronic dietary exposure = 10/0.00096 ≈ 10,000) results in an aggregate MOE of ≈ 10,000. As this value is greater than 300, the short-term aggregate risk is below the Agency's level of concern. Aggregated short-term exposure results in a DWLOC of 320 µg/L. This value is in excess of the peak EEC for pymetrozine (1.9 µg/L; see Table 2).

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty of no harm to infants and children from aggregate exposure to pymetrozine residues.

IV. Other Considerations

A. Metabolism in Plants and Animals

Data concerning the metabolism of pymetrozine in plants and animals have been previously submitted. The nature of residues in plants and animals is adequately understood. The tolerance expression is for pymetrozine *per se.* The residues of concern for risk assessment are pymetrozine; the plant metabolites GS–23199 [6-methyl-1,2,4-triazin-3,5 (2*H*,4*H*)-dione], CGA-215525 [4-amino-4,5-dihydro-6-methyl-1,2,4-triazin-3(2*H*)-one], CGA-249257 [4,5-dihydro-6-methyl-1,2,4-triazin-3(2*H*)-one], CGA-294849 [4-amino-6-methyl-1,2,4-triazin- 3,5(2*H*,4*H*)-dione]; and the ruminant metabolite CGA-313124 [4,5-dihydro-6-hydroxymethyl-4-[(3-pyndynyl methylene)amino]-1,2,4-triazin-3(2*H*)-one] (free acid conjugated).

B. Analytical Enforcement Methodology

Adequate enforcement methodology for pymetrozine (Novartis Analytical Method AG–643) is currently being validated. Following validation, it will be available to enforce the tolerance expression. At that time the method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov..

C. Magnitude of Residues

The crop field trial data support the proposed tolerances for residues of "pymetrozine, *per se.*"

D. International Residue Limits

The are no established European (CODEX), Canadian, or Mexican Maximum Residue Limits (MRLs) for pymetrozine. There are provisional MRLs in Germany for hops (10 ppm) and potatoes (0.02 ppm). The European Union is currently evaluating a proposed tolerance of 5 ppm on hops. At this time, international harmonization of residue levels is not an issue.

E. Rotational Crop Restrictions

The label has been revised to include only the following sites: Tuberous and corm vegetables (Subgroup 1-C) and tobacco. The label also includes a plant back restriction of not less than 120 days for all leafy and root crops, and not less than 365 days for all other crops.

F. Pre-harvest Intervals

The pre-harvest interval for pymetrozine on the tuberous and corm vegetables (Subgroup 1-C) is 14 days.

V. Conclusion

Therefore, the tolerance is established for residues of pymetrozine *per se* in tuberous and corm vegetables (Subgroup 1-C), at 0.02 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300929 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 29, 1999.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A. of this preamble, you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. of this preamble. Mail your copies, identified by docket number OPP–300929. to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In

person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. of this preamble. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(b)(4). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 23, 1999.

Susan B. Hazen,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.556 is added to read as follows:

§ 180.556 Pymetrozine; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide pymetrozine [1,2,4-triazin-3(2H)-one,4,5-dihydro-6-methyl-4-[(3-pyridinylmethylene) amino]] in or on the following raw agricultural commodities. The tolerance level for each commodity is expressed in terms of the parent insecticide only, which serves as an indicator or the use of pymetrozine on these raw agricultural commodities.

Commodity	Parts per million	Expiration/Revocation Date
Corm and Tuberous Vegetables Subgroup 1-C.	0.02	None

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 99–25313 Filed 9–28–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300921; FRL–6382–1]

RIN 2070–AB78

Diflubenzuron; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of diflubenzuron (*N*-[[4-

chlorophenyl)amino]-carbonyl]-2,6-difluorobenzamide) and its metabolites PCA (4-chloroaniline) and CPU (4-chlorophenylurea), expressed as parent compound in or on pears. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on pears. This regulation establishes a maximum permissible level for residues of diflubenzuron in this food commodity. The tolerance will expire and is revoked on March 31, 2001.

DATES: This regulation is effective September 29, 1999. Objections and requests for hearings, identified by docket control number OPP–300921, must be received by EPA on or before November 29, 1999.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VII. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300921 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail:Andrea Beard, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703)308-9356; and e-mail address: beard.andrea@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register--Environmental Documents." You can also go directly to the Federal Register listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300921. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall ı2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with sections 408 (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing a tolerance for residues of the insecticide diflubenzuron and its metabolites PCA and CPU, expressed as parent compound, in or on pears at 0.5 part per million (ppm). This tolerance will expire and is revoked on March 31, 2001. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on section 18 related tolerances to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that "emergency conditions exist which require such exemption." This provision was not amended by Food Quality Protection Act (FQPA). EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Diflubenzuron on Pears and FFDCA Tolerances

The Oregon and Washington Departments of Agriculture requested use of diflubenzuron on pears, for control of pear psylla, which had developed resistance to currently available pesticides, and was expected to cause significant economic loss if not adequately controlled. EPA has authorized under FIFRA section 18 the use of diflubenzuron on pears for

control of pear psylla in Oregon and Washington. After having reviewed the submission, EPA concurs that emergency conditions exist for these states.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of diflubenzuron in or on pears. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in section 408(l)(6). Although this tolerance will expire and is revoked on March 31, 2001, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on pears after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this tolerance at the time of that application. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this tolerance is being approved under emergency conditions EPA has not made any decisions about whether diflubenzuron meets EPA's registration requirements for use on pears or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance serves as a basis for registration of diflubenzuron by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than Oregon and Washington to use this pesticide on this crop under section 18 of FIFRA without following all provisions of EPA's regulations implementing section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for diflubenzuron, contact the Agency's Registration Division at the address provided under the "ADDRESSES" section.

IV. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7) .

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of diflubenzuron and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for residues of diflubenzuron and its metabolites PCA and CPU, expressed as parent compound on pears at 0.5 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by diflubenzuron are discussed in this unit.

B. Toxicological Endpoint

1. *Acute toxicity.* A risk assessment for acute (1-day) dietary exposure is not necessary. One day single dose oral studies in rats and mice indicated only marginal effects on methemoglobin levels at a dose level of 10,000 milligrams/kilogram/day (mg/kg/day).

2. *Short- and intermediate-term toxicity.* The toxicological endpoint for short-term occupational or residential exposure (1-7 days) is sulfhemoglobinemia observed in the 14-day subchronic oral study in mice dosed with technical grade diflubenzuron. The no observed adverse effect level (NOAEL) in this study was 40 mg/kg/day, and the lowest observed adverse effect level (LOAEL) was 200 mg/kg/day.

The toxicological endpoint for intermediate-term occupational or residential exposure (1 week to several months) is methemoglobinemia observed in the 13-week subchronic feeding study in dogs. For the purpose of risk assessments, the NOAEL of 1.64 mg/kg/day in this study should be rounded up to 2 mg/kg/day, so as to be consistent with the NOAEL of 2 mg/kg/day in the chronic study used to calculate the Reference Dose (RfD). The LOAEL in this study was 6.24 mg/kg/day. Since an oral NOAEL was selected for a dermal endpoint, a dermal absorption factor of 0.5% should be used for this risk assessment when converting dermal exposure to oral equivalents. Therefore, the dermal equivalent dose producing a NOAEL by the oral route is calculated to be 400 mg/kg/day (2.0 mg/kg/day divided by 0.005 = 400 mg/kg/day).

3. *Chronic toxicity.* EPA has established the RfD for diflubenzuron at 0.02 mg/kg/day, based on the NOAEL of 2.0 mg/kg/day from the 52- week chronic oral study in dogs. Increases in methemoglobin and sulfhemoglobin were observed at the next higher dose level (LOAEL) of 10.0 mg/kg/day. An uncertainty factor of 100 was applied to account for the interspecies extrapolation and intraspecies variability. Diflubenzuron has been reviewed by the FAO/WHO joint committee on pesticide residues and an Acceptable Daily Intake (ADI) of 0.02 mg/kg/day was established in 1985. The ADI was based upon the 1- year oral toxicity study in dogs with a NOAEL of 2.0 mg/kg/day, with a safety factor of 100 applied to account for inter- and intra- species variability.

4. *Carcinogenicity.* Based on the available evidence, which included adequate carcinogenicity studies in rats and mice, and a battery of negative mutagenicity studies, diflubenzuron *per se* has been classified as Group E (evidence of non- carcinogenicity for humans). However, p-chloroaniline (PCA), a metabolite of diflubenzuron, was classified as a Group B2 carcinogen (probable human carcinogen). The classification for PCA was based on the results of a National Toxicology Program (N.T.P.) study reported in July 1989, in which PCA-HCL was administered by gavage to rats and mice for 2 years. In rats, clearly increased incidences of uncommon sarcomas (fibrosarcomas, hemangiosarcomas, and/or osteosarcomas) of the spleen were observed in males. In females, two additional sarcomas of the spleen were also found. Pheochromocytomas of the adrenal gland may also have been associated with the test material in male and female rats. In mice, increased incidences of hepatocellular neoplasms in the liver and of hemangiosarcomas in the spleen and/or liver were observed in males. In females, no evidence of carcinogenic activity was observed. The results of several mutagenicity studies on PCA were also included in the same N.T.P. Report. PCA was mutagenic in *Salmonella* strains TA98 and TA100 with metabolic activation. Gene

mutations were induced by PCA in cultured mouse lymphoma cells with and without metabolic activation. In cultured Chinese Hamster Ovary (CHO) cells, treatment with PCA produced significant increases in sister chromatic exchanges (SCEs) with and without metabolic activation. Chromosomal aberrations were also significantly increased in CHO cells in the presence of metabolic activation.

For the purpose of calculating dietary risk assessments, the following procedure was used:

i. P-chlorophenylurea (CPU) and p-chloroacetanilide (PCAA), additional metabolites of diflubenzuron that are closely related to PCA and for which there are no adequate carcinogenicity data available, should be considered to be potentially carcinogenic and to have the same carcinogenic potency (Q_1^*) as PCA.

ii. The sum of PCA, CPU, and PCAA residues in ingested food should be used to estimate the dietary exposure of humans to the carcinogenic metabolites of diflubenzuron.

iii. In addition to ingested residues of these three metabolites, amounts of PCA, CPU, and/or PCAA formed in vivo following ingestion of diflubenzuron should also be included when estimating the total exposure of humans to the carcinogenic metabolites of diflubenzuron. The in vivo conversion of ingested diflubenzuron to PCA and/or CPU was estimated to be 2.0%, based on data in the rat metabolism study.

The Q_1^* (estimated unit risk) for PCA, based upon spleen sarcoma rates in male rats, was calculated to be 6.38 x 10^{-2} $(mg/kg/day)^{-1}$ in human equivalents. It has been determined that PCAA does not occur in animal or plant tissues in significant amounts.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.377) for the residues of diflubenzuron per se, in or on citrus, artichokes, walnuts, mushrooms, cottonseed, soybean, rice, and associated livestock commodities. Existing tolerances range from 0.05 ppm in/on soybeans, to 6.0 ppm in/on artichokes. Tolerances of 0.05 ppm have also been established for residues of diflubenzuron in animal commodities. Risk assessments were conducted by EPA to assess dietary exposures and risks from diflubenzuron as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. One day single dose oral studies in rats and mice indicated only marginal effects on methemoglobin levels at a dose level of 10,000 mg/kg/day. Therefore, this risk assessment is not needed, as there are no significant acute effects observed.

ii. *Chronic exposure and risk.* For conducting the chronic dietary risk assessment, refined residue estimates were used for all commodities except for pears. Percent of crop treated figures were also used for certain commodities. The percent of RfD utilized for Non-Nursing Infants <1 Yr. Old (the most highly exposed subgroup) was 6.1%. For Nursing Infants, this figure was 2.2%, and for all other population subgroups, including the overall U.S. Population, the ARC utilized less than 1% of the RfD.

Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of crop treated (PCT) for assessing chronic dietary risk only if the Agency can make the following findings: That the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; that the exposure estimate does not underestimate exposure for any significant subpopulation group; and if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used PCT information as follows: 1% for grass/rangeland; 3% for cottonseed; 8% for grapefruit; 3.1% for mushrooms; 2% for oranges; 4% for tangerines; 1% for soybean; and 5% for cattle bolus. Other commodities were assumed to be 100% treated.

The Agency believes that the three conditions, discussed in section 408 (b)(2)(F) in this unit concerning the Agency's responsibilities in assessing chronic dietary risk findings, have been met. The PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of the PCT, the Agency is reasonably certain that the percentage of the food treated is not likely to be underestimated. The regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which diflubenzuron may be applied in a particular area.

2. *From drinking water.* The Agency currently lacks sufficient water- related exposure data to complete a comprehensive drinking water exposure analysis and risk assessment for diflubenzuron. Because the Agency does not have comprehensive and reliable monitoring data, drinking water concentration estimates must be made by reliance on some sort of simulation or modeling. To date, there are no validated modeling approaches for reliably predicting pesticide levels in drinking water. The Agency is currently relying on the models GENEEC and PRZM/EXAMS for surface water, which are used to produce estimates of pesticide concentrations in a farm pond; and SCI-GROW, which predicts pesticide concentrations in groundwater. None of these models include consideration of the impact that processing of raw water, for distribution as drinking water, would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely

that drinking water concentrations would ever exceed human health levels of concern.

In the absence of monitoring data for pesticides, drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits for a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, drinking water, and residential uses. A DWLOC will vary depending on the toxic endpoint, with drinking water consumption, and body weights. Different populations will have different DWLOCs. DWLOCs are used in the risk assessment process as a surrogate measure of potential exposure associated with pesticide exposure through drinking water. DWLOC values are not regulatory standards for drinking water. Since DWLOCs address total aggregate exposure to diflubenzuron they are further discussed in the aggregate risk sections below.

3. *From non-dietary exposure.* Diflubenzuron is a restricted use pesticide and therefore not available for use by homeowners, although it is possible that non- agricultural uses of diflubenzuron may expose people in residential locations. However, based on the low dermal absorption rate (0.5%), and the extremely low dermal and inhalation toxicity, these uses are expected to result in insignificant risks.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

Diflubenzuron is structurally similar to other substituted benzoylurea insecticides including triflumuron and flucycloxuron. However, EPA does not have, at this time, available data to determine whether diflubenzuron has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, diflubenzuron does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that diflubenzuron has a common mechanism of toxicity with other substances. For more information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* Since one day single dose oral studies in rats and mice indicated only marginal effects, this risk assessment is not needed, as there were no significant acute effects observed.

2. *Chronic risk.* Using the ARC exposure assumptions described in this unit, EPA has concluded that aggregate exposure to diflubenzuron from food will utilize <1 of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is Non-nursing infants, <1 year old, for which 6.1% of the RfD was utilized. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. The Agency does not have monitoring data available to perform a quantitative drinking water risk assessment for diflubenzuron at this time. Based on PRZM/EXAMS modeling, the average annual mean concentration of diflubenzuron in surface water sources is not expected to exceed 0.05 ppb. Estimated concentrations of CPU in surface water sources is not expected to exceed 0.73 ppb. These values reflect the maximum concentrations for any of the crops treated with diflubenzuron (including pears). The DWLOCs for chronic (non-cancer) exposure to diflubenzuron in drinking water for the U.S. population and Non Nursing Infants (< 1 yr. old), and Females (13+ yrs. old/nursing) are 700, 190, and 600 ppb, respectively. The estimated maximum concentration of diflubenzuron in surface and ground water (0.05 ppb) is lower than the DWLOCs as a contribution to chronic aggregate exposure. Therefore, EPA concludes that residues of diflubenzuron and its metabolites in drinking water would not result in an unacceptable estimate of chronic, non-cancer risk. Despite the potential for exposure to diflubenzuron in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure.

As stated earlier, although residential exposure has been considered possible from, for example, area-wide gypsy moth or mosquito control, this contribution is anticipated to be negligible. Thus, it was determined that this risk assessment is not necessary.

4. *Aggregate cancer risk for U.S. population.* A cancer risk assessment was conducted for the metabolites of diflubenzuron, PCA and CPU. As a conservative measure, EPA assumes that PCA/CPU occupied 2% of diflubenzuron tolerance levels, based upon metabolism studies. Based upon the ARC estimates described above, the cancer risk for the overall U.S. population from dietary (food only) was calculated to be 5×10^{-7}, which does not exceed EPA's levels of concern. The DWLOC for cancer risk for the U.S. population is 0.26 ppb. Estimated drinking water concentrations from PCA/CPU (0.73 ppb) are greater than the DWLOC of 0.26, for cancer risk. However, EPA believes these estimates are significantly overstated for several reasons. The PRZM/EXAMS model used to derive these estimates was designed for ecological risk assessments, and uses a scenario of a body of water approximating the size of a 2.5 acre pond. This tends to overstate chronic drinking water exposure levels for the following reasons. First, surface water source drinking water generally comes from bodies of water that are substantially larger. Second, the scenario assumes that the whole basin receives an application of the pesticide, but in virtually all cases, basins used for drinking water will contain a substantial portion of the area that does not receive pesticide application. Third, there is often at least some flow or turnover of the water, so the persistence of the pesticide near the drinking water facility is usually overestimated. Fourth, even assuming that the reservoir is directly adjacent to an agricultural field, the field may not be used to grow a crop on which the pesticide in question is registered for use. Fifth, the PRZM/EXAMS scenario does not take into account reductions in residue-loading due to applications less than the maximum application rate or no treatment of the crop at all. Considering these uncertainties associated with the modeled water estimates noted above, and the fact that the estimated concentrations are within close range of the DWLOCs, EPA concludes with reasonable certainty that residues of diflubenzuron in drinking water will

not contribute significantly to the aggregate cancer human health risk.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to diflubenzuron residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of diflubenzuron, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard MOE and uncertainty factor (usually 100 for combined inter- and intra-species variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies.* In the developmental study in rats, the maternal (systemic) and the developmental (fetal) NOAEL were both 1,000 mg/kg/day. No LOAELs were achieved, as no maternal or developmental toxicity was observed.

In the developmental toxicity study in rabbits, both the maternal (systemic) and the developmental (fetal) NOAELs were both 1,000 mg/kg/day. As with the rat study, mentioned above, no LOAELs were achieved, as no maternal or developmental toxicity was observed.

iii. *Reproductive toxicity study.* In the 2-generation reproductive toxicity study in rats, the parental (systemic) NOAEL was considered to be less than 36 mg/kg/day for males, and less than 42 mg/kg/day for females based on hematological effects at all dose levels tested. For offspring effects, the NOAEL was equal to 427 mg/kg/day, and the LOAEL was equal to 4,254 mg/kg/day, based on statistically significant decreases in F-1 pup weight on days 4, 8, and 21 of lactation.

iv. *Pre- and post-natal sensitivity.* The toxicological database for evaluating pre- and post-natal toxicity for diflubenzuron is completed with respect to current data requirements. There are no pre- or post-natal toxicity concerns for infants and children, based upon the result of the developmental and reproductive studies mentioned above.

v. *Conclusion.* The OPP FQPA Safety Factor Committee recommended that the 10X factor for increased susceptibility of infants and children be reduced to 1X, for diflubenzuron. This decision was based on the determination that there was no indication of increased susceptibility of rats or rabbits to in utero and/or postnatal exposure to diflubenzuron, and because exposure assessments do not indicate a concern for potential risk to infants and children. There is a complete toxicity database for diflubenzuron and exposure data is complete or is estimated based on data that reasonably accounts for potential exposures.

2. *Acute risk.* Since one day single dose oral studies in rats and mice indicated only marginal effects, this risk assessment is not needed, as there are no significant acute effects observed.

3. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to diflubenzuron from food will utilize 6.1% of the RfD for Non-Nursing Infants < 1 year old, the most highly exposed infant/children population subgroup. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to diflubenzuron in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

4. *Short- or intermediate-term risk.* As stated earlier, although residential exposure has been considered possible from, for example, area-wide gypsy moth or mosquito control, this contribution is anticipated to be negligible. Thus, it was determined that this risk assessment is not necessary.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to diflubenzuron residues.

V. Other Considerations

A. Metabolism in Plants and Animals

The nature of the residue in plants and animals is adequately understood. The residue of concern is diflubenzuron and its metabolites p-chloroaniline (PCA) and p- chlorophenylurea (CPU), expressed as the parent compound.

B. Analytical Enforcement Methodology

Adequate methodology for the analysis of diflubenzuron is available to enforce the tolerance expression. Three analytical methods for diflubenzuron are published in PAM, Vol. II as Methods I, II, and III. All three methods have undergone successful Agency validations and are acceptable for enforcement purposes.

C. Magnitude of Residues

Residues of diflubenzuron and its metabolites are not expected to exceed 0.5 ppm in/on pears as a result of this use.

D. International Residue Limits

There is a Codex maximum residue limit (MRL) for pears at 1 mg/kg, a MRL for Mexico at 1.0 mg/kg, and no limits set for Canada for pears. This tolerance is to be set at a lower level than the MRLs. This is a time-limited tolerance, established solely in support of this section 18 use. In considering permanent tolerances for pears in the future, the Agency will take these circumstances into account.

E. Rotational Crop Restrictions

Available data for diflubenzuron indicate that tolerances for residues in rotational crops will not be required, provided the label specifies a restriction for the planting of rotational crops of at least 30 days.

VI. Conclusion

Therefore, the tolerance is established for combined residues of diflubenzuron and its metabolites PCA and CPU, expressed as parent compound in pears at 0.5 ppm.

VII. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a

hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300921 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 29, 1999.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Room M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission be labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." (cite). For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VII.A. of this preamble, you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. of this preamble. Mail your copies, identified by the docket number OPP–300921, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. of this preamble. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VIII. Regulatory Assessment Requirements

This final rule establishes a tolerance under section 408 of the FFDCA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action directly regulates growers, food processors, food handlers and food retailers, not States. This

action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of the FFDCA, 21 U.S.C. 346a(n)(4). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since tolerances and exemptions that are established under FFDCA section 408(l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

IX. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 14, 1999 .

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a), and 371.

2. In § 180.377, by adding text to paragraph (b) to read as follows:

§ 180.377 Diflubenzuron; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of diflubenzuron and its metabolites, PCA (4-chloroaniline) and CPU (4-chlorophenylurea), expressed as the parent diflubenzuron, in connection with use of this pesticide under a section 18 emergency exemption granted by EPA. The tolerances will expire on the dates specified in the following table.

Commodity	Parts per million	Expiration/ revocation date
Pears	0.5	3/31/00

* * * * *

[FR Doc. 99–25312 Filed 9–28–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300923; FRL–6383–6]

RIN 2070–AB78

Tebufenozide; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of Tebufenozide benzoic acid, 3,5-dimethyl-,1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide in or on turnips and canola. The Interregional Research Project Number 4 (IR–4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 29, 1999. Objections and requests for hearings, identified by docket control number OPP–300923, must be received by EPA on or before November 29, 1999.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300923 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Shaja R. Brothers, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–3194; and e-mail address: brothers.shaja @epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**--Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300923. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents

that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of February 9, 1999 (64 FR 6351) (FRL– 6058–3), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of pesticide petitions (PP) for tolerance by IR–4. This notice included a summary of the petitions prepared by the Rohm and Haas Company, the registrant. There were no comments received in response to the notice of filing.

The petitions requested that 40 CFR 180.482 be amended by establishing tolerances for residues of the insecticide tebufenozide, in or on turnip tops, turnip roots, canola seed, and refined canola oil at 9.0, 0.25, 1.75, and 3.75 part per million (ppm), respectively. The petitions were subsequently amended by IR–4 to propose tolerances for turnip tops at 9.0 ppm, turnip roots at 0.3 ppm, canola seed at 2.0 ppm, and canola oil, refined at 4.0 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of tebufenozide and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for residues of tebufenozide on turnip tops, turnip roots, canola seed, and refined canola oil at 9.0, 0.3, 2.0, and 4.0 ppm, respectively. EPA's assessment of the dietary exposures and risks associated with establishing these tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by tebufenozide are discussed in unit II.A. of the Final rule on Tebufenozide Pesticide Tolerances published in the **Federal Register** on April 7, 1999 (64 FR 16850) (FRL–6072–6).

B. Toxicological Endpoints

The toxicology endpoints for tebufenozide are discussed in Unit II.B. of the Final rule on Tebufenozide Pesticide Tolerances published in the **Federal Register** of April 7, 1999.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.482) for the residues of tebufenozide, in or on a variety of raw agricultural commodities. Canola meal and turnip tops are ruminant feed item. Permanent tolerances for livestock commodities (excluding poultry) were published in the **Federal Register** (64 FR 39060, July 21, 1999). Risk assessments were conducted by EPA to assess dietary exposures from tebufenozide as follows:

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of crop treated (PCT) for assessing chronic dietary risk only if the Agency can make the following findings: That the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; that the exposure estimate does not underestimate exposure for any significant subpopulation group; and if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used PCT information as follows:

Estimates of PCT were used for the following crops. In all cases the maximum estimate was used. Almonds: average < 1% maximum < 1%, apples: average 1% maximum 2%, beans/peas, dry: average 0% maximum 1%, cotton: average 1% maximum 4%, sugarcane: average 3% maximum 5%, and walnuts: average 10% maximum 16%.

The Agency believes that the three conditions, discussed in section 408 (b)(2)(F) in this unit concerning the Agency's responsibilities in assessing chronic dietary risk findings, have been met. The PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of the PCT, the Agency is reasonably certain that the percentage of the food treated is not likely to be underestimated. The regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not

have available information on the regional consumption of food to which may be applied in a particular area.

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. Toxicity observed in oral toxicity studies were not attributable to a single dose (exposure). No neurological or systemic toxicity was observed in rats given a single oral administration of tebufenozide at 0, 500, 1,000 or 2,000 mg/kg. No maternal or developmental toxicity was observed following oral administration of tebufenozide at 1,000 mg/kg/day (Limit-Dose) during gestation to pregnant rats or rabbits. This risk assessment is not required. The Agency considers acute exposure/risk to be negligible.

ii. *Chronic exposure and risk.* The residue of concern for tebufenozide in plant and animal commodities is the parent compound per se. The chronic population adjusted dose (cPAD) used for the chronic dietary analysis is 0.018 mg/kg/day. In performing chronic dietary exposure and risk analysis, the Agency used the Dietary Exposure Evaluation Model (DEEM), which incorporates data from the Continuing Survey of Food Intake by Individuals (CSFII) for the period, 1989 to 1992. Some refinement to the dietary exposure estimates was made through the use of percent-of-crop-treated data. The resulting Anticipated Residue Contributions (ARC) for the U.S. population and various DEEM population subgroups can be determined. Of these subgroups, the highest exposure is projected for children ages 1–6 years, whose chronic intake is estimated as 73% of the cPAD. Percent cPAD values for other subgroups include: U.S. Population for the 48 states (36%), all infants less than 1 yr. (52%), and children 7 to 12 yrs. (46%). Generally, in the absence of additional safety factors, the Agency is not concerned with exposures less than 100% of the cPAD. Thus, for all populations, the chronic human health risk from exposure to tebufenozide in foods is below the Agency's level of concern.

2. *From drinking water.* Available data suggest that tebufenozide ranges from moderately persistent to persistent and is mobile; thus, tebufenozide could potentially leach to ground water and runoff to surface water under certain environmental conditions. There is no Maximum Contaminant Level (MCL) for residues of tebufenozide in drinking water. No drinking water Health Advisories have been issued for tebufenozide. There is no entry for tebufenozide in the "Pesticides in Groundwater Database (EPA 734–12–92–001, September 1992).

i. *Acute exposure and risk.* Because no acute dietary endpoint was determined, the Agency concludes that there is a reasonable certainty of no harm from acute exposure from drinking water.

ii. *Chronic exposure and risk.* Submitted environmental fate studies suggest that tebufenozide ranges from moderately persistent to persistent and is mobile; thus, tebufenozide could potentially leach to ground water and runoff to surface water under certain environmental conditions. There is no established MCL for residues of tebufenozide in drinking water. No drinking water Health Advisories have been issued for tebufenozide. There is no entry for tebufenozide in the "Pesticides in Groundwater Database." Monitoring data are not available to assess the human exposure to tebufenozide via drinking water. In lieu of these, EPA has calculated the Tier I estimated environmental concentrations in drinking water (EECs) for tebufenozide using generic expected environmental concentration (GENEEC) (surface water) and screening concentration in ground water (SCI-GROW) (ground water) for use in the human health risk assessment. The maximum application rate for tebufenozide is 0.25 pound (lb) active ingredient (a.i.) with 5 applications per year on pecans. This application scenario was used to calculate the EECs for the human health risk assessment. Due to the wide range of aerobic soil half-life values, GENEEC and SCIGROW were run based on aerobic half-lives of 66 (California Loam) and 729 (worst-case soil with low microbial activity) days. For surface water, the chronic (56–day) values are 13.3 parts per billion (ppb) and 16.5 ppb for the half-lives of 66 and 729 days, respectively. The ground water screening concentrations are 0.16 ppb and 1.04 ppb for the half-lives of 66 and 729 days, respectively. These values represent upper-bound estimates of the concentrations that might be found in surface and ground water due to the use of tebufenozide on pecans. In performing this risk assessment, EPA has calculated drinking water levels of comparison (DWLOCs) for each of the DEEM population subgroups. Within each subgroup, the population with the highest estimated exposure was used to determine the maximum concentration of tebufenozide that can occur in drinking water without causing an unacceptable human health risk. As a comparison value, EPA has used the 16.5 ppb value in this risk assessment, as this represents a worst-case scenario. The DWLOCs for tebufenozide are above the drinking water estimated concentrations (DWEC) of 16.5 ppb for all population subgroups. Therefore, the human health risk from exposure to tebufenozide through drinking water in not likely to exceed EPA's level of concern.

Because the Agency lacks sufficient water-related exposure data to complete a comprehensive drinking water risk assessment for many pesticides, EPA has commenced and nearly completed a process to identify a reasonable yet conservative bounding figure for the potential contribution of water-related exposure to the aggregate risk posed by a pesticide. In developing the bounding figure, EPA estimated residue levels in water for a number of specific pesticides using various data sources. The Agency then applied the estimated residue levels, in conjunction with appropriate toxicological endpoints cPADs or acute dietary no observed adverse effect levels (NOAELs) and assumptions about body weight and consumption, to calculate, for each pesticide, the increment of aggregate risk contributed by consumption of contaminated water. While EPA has not yet pinpointed the appropriate bounding figure for exposure from contaminated water, the ranges the Agency is continuing to examine are all below the level that would cause to exceed the cPAD if the tolerances being considered in this document were granted. The Agency has therefore concluded that the potential exposures associated with water, even at the higher levels the Agency is considering as a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerances are granted.

3. *From non-dietary exposure.* Tebufenozide is not currently registered for use on residential non-food sites. The Agency concludes that there are no acute, chronic, short- or intermediate-term non-dietary exposure scenarios.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether tebufenozide has a common mechanism

of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, tebufenozide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that tebufenozide has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* Since no acute toxicity endpoints were identified for tebufenozide, the Agency concludes that acute aggregate risk from the use of the pesticide will not pose an unacceptable risk to human health.

2. *Chronic risk.* Using the ARC exposure assumptions described in this unit, EPA has concluded that aggregate exposure from food will utilize 10% of the cPAD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is children (1–6 years old) at 21% of the cPAD discussed below. Submitted environmental fate studies suggest that tebufenozide is moderately persistent to persistent and mobile; thus, tebufenozide could potentially leach to ground water and runoff to surface water under certain environmental conditions. The modeling data for tebufenozide indicate levels less than EPA's DWLOC. EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Since there is no potential for exposure to tebufenozide from residential uses, EPA does not expect the aggregate exposure to exceed 100% of the cPAD. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to tebufenozide residues.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. Due to lack of endpoints and/or residential use registrations, the agency concludes that short- and intermediate-term risk via non-dietary routes (e.g., dermal, inhalation, non-dietary oral) will not pose an unacceptable risk to human health.

4. *Aggregate cancer risk for U.S. population.* Tebufenozide has been classified as a Group E chemical (no evidence of carcinogenicity for humans). The Agency concludes that the aggregate cancer risk for the U.S. population is not impacted by the establishment of these tolerances.

5. *Determination of safety.* Based on the risk assessments discussed above, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to tebufenozide residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*-- i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of tebufenozide, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2–generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined inter- and intra-species variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies.* Developmental toxicity studies showed no increased sensitivity in fetuses as compared to maternal animals following in utero exposures in rats and rabbits. See discussion under Unit II.A of the Final rule for tebufenozide tolerances published in the **Federal Register** on April 7, 1999.

iii. *Reproductive toxicity study.* Multi-generation reproduction toxicity studies in rats showed no increased sensitivity in pups as compared to adults and offsprings. See discussion under Unit II.A of the Final Rule for tebufenozide tolerances published in the **Federal Register** on April 7, 1999.

iv. *Pre- and post-natal sensitivity.* The Agency determined that available data provide no indication of increased sensitivity of rats or rabbits to *in utero* and/or postnatal exposure to tebufenozide.

v. *Conclusion.* The Agency believes that reliable data support using the standard 100-fold safety factor for assessing sensitivity to residues of tebufenozide and that an additional 10-fold margin of safety for infants and children is not warranted. There is a complete toxicity database for tebufenozide and exposure data are complete or estimated based on data that reasonably account for potential exposures.

2. *Acute risk.* No acute toxicity endpoints for tebufenozide have been identified and this risk assessment is not required. No acute aggregate risk exist.

3. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to tebufenozide from food will utilize 21% of the cPAD for children (1–6) the most highly exposed population subgroup. EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. EPA does not expect the aggregate exposure from tebufenozide in food, drinking water, and from non-dietary exposure to exceed the Agency's level of concern.

4. *Short- or intermediate-term risk.* Since no short- or intermediate-term toxicological endpoints were identified by the Agency for tebufenozide and there are no registered uses that would result in residential exposure, the Agency concludes that this risk criterion is negligible and the subject tolerances adequately protect the safety of infants and children.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to tebufenozide residues.

IV. Other Considerations

A. Metabolism in Plants and Animals

The qualitative nature of the residue in plants is adequately understood based upon acceptable apple, sugar beet, and rice metabolism studies. EPA has concluded that the residue of regulatory concern is tebufenozide per se. The qualitative nature of the residues in animals is also adequately understood based on acceptable poultry and ruminant metabolism studies. For animals, EPA has concluded that the residues of regulatory concern are tebufenozide and its metabolites benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-((4-carboxymethyl) benzoyl)hydrazide), benzoic acid, 3-hydroxymethyl,5-methyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl)hydrazide, the stearic acid conjugate of benzoic acid, 3-hydroxymethyl,5-methyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl)hydrazide and benzoic acid, 3-hydroxymethyl-5-methyl-1-(1,1-dimethylethyl)-2-(4-(1-hydroxyethyl)benzoyl)hydrazide.

B. Analytical Enforcement Methodology

Turnips. IR-4 used Rohm and Haas High Performance Liquid Chromatographic (HPLC)/Ultra Violet (UV) analytical method TR–34–94–41 to collect residue data from the field trials on turnips. IR–4 slightly modified the HPLC system used to quantify tebufenozide residues, but made no substantive changes. Adequate recovery data and representative chromatograms for turnip roots and tops were provided. The limit of quantitation (LOQ) in turnip roots and tops is 0.01 ppm. This method has been conditionally approved by the Agency as an analytical enforcement method, pending incorporation of the corrections noted during the Analytical Chemistry Branch/BEAD's petition method validation (PMV) trial. This method is considered adequate for the enforcement of tebufenozide residues in/on turnip roots and tops. A copy of the corrected version of TR–34–94–41 will be submitted for publication in the Pesticide Analytical Manual, Volume II (PAM II).

Canola. IR–4 used Rohm and Haas HPLC/UV analytical method TR–34–96–135 to collect residue data from the field trials on canola. Adequate validation data and representative chromatograms for canola commodities (seed, meal, oil, soapstock) were provided. The LOQ is 0.01 ppm for the seed and meal and 0.03 ppm for the oil and soapstock. A PMV is not required, as this method is similar to those for walnuts and apples which have been successfully validated. A copy of TR–34–96–135 incorporating the corrections specified in the Independent Laboratory Validation (ILV) study will be submitted for publication in PAM II.

Adequate enforcement methodology (example - gas chromotography) is available to enforce the tolerance expression for canola seed and refined oil and turnip roots and tops. These methods may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

C. Magnitude of Residues

Turnips. The submitted turnip top and root residue data are adequate to support the proposed use. The six studies on turnips adequately address the number and geographic representation of studies suggested in the OPPTS Test Guidelines. Residues of tebufenozide ranged from 0.02 to 0.23 ppm for turnip roots and from 0.31 to 8.31 ppm for turnip tops. The proposed tolerances of 9.0 ppm and 0.3 ppm are appropriate on turnip tops and turnip roots respectively.

Canola. The submitted canola residue data are adequate to support the proposed use. Residues of tebufenozide ranged from 0.29 to 1.64 ppm for canola seed. The proposed tolerance 2.0 ppm on canola seed is appropriate. Processed commodities from canola (meal, oil, and soapstock) were generated using procedures that mimic commercial practice. Residues of tebufenozide did not concentrate in canola meal (average concentration factor = 0.16X) or soapstock (1.1X), but did concentrate in refined oil (an average of 2.3X). Based on the highest average field trial value for canola seed (1.58 ppm), a tolerance of 4.0 ppm is appropriate for refined canola oil.

D. International Residue Limits

No CODEX, Canadian or Mexican limits for tebufenozide were established on the subject crops at the time of this review.

V. Conclusion

Therefore, the tolerance is established for residues of tebufenozide; benzoic acid, 3,5-dimethyl-, 1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide in turnip tops, turnip roots, canola seed, and refined canola oil at 9.0, 0.3, 2.0, and 4.0 ppm, respectively.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300923 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 29, 1999.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Room M3708,

Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission be labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A. of this preamble, you should also send a copy of your request to the PIRB for its inclusion in the official record that is described in Unit I.B.2. of this preamble. Mail your copies, identified by docket number OPP–300923, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PRIB described in Unit I.B.2. of this preamble. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes tolerances under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(b)(4). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 20, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a), and 371.

2. In § 180.482, the table to paragraph (a)(1) is amended by adding entries for canola, seed; canola, refined oil; turnip, tops; and turnip, roots, to read as follows:

§ 180.482 Tebufenozide; tolerances for residues..

(a) * * *

Commodity	Parts per million
* * * * *	*
Canola, refined oil	4.0
Canola, seed	2.0
* * * * *	*
Turnip, roots	0.3
Turnip, tops	9.0

* * * * * *

[FR Doc. 99–25314 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6445–5]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Darling Hill Dump Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region I announces the deletion of the Darling Hill Dump Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B (40 CFR Part 300), to the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act. After consultation with the State of Vermont, EPA has determined that the responsible parties have implemented all appropriate response actions required.

EFFECTIVE DATE: September 29, 1999.

FOR FURTHER INFORMATION CONTACT: William Lovely, Remedial Project Manager, U.S. EPA Region I , 1 Congress St., Suite 1100 (HBT), Boston, MA 02114–2023, (617) 918-1240.

SUPPLEMENTARY INFORMATION:

The site to be deleted from the NPL is: Darling Hill Dump Site, Lyndon, Vermont.

A Notice of Intent to Delete for this site was published on August 16, 1999, 64 FR 44452. The closing date for comments on the Notice of Intent to Delete was September 15, 1999. EPA received no comments.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425 (e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 22, 1999.

John P. DeVillars,

Administrator, US EPA Region 1—New England.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site "Darling Hill Dump, Lyndon, Vermont."

[FR Doc. 99–25159 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6445–8]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Saco Tannery Waste Pits Site From the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region I announces the deletion of the Saco Tannery Waste Pits Site from the National Priorities List (NPL). The NPL constitutes Appendix B (40 CFR Part 300), to the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act, (CERCLA) as amended by the Superfund Amendments and Reauthorization Act. After consultation with the State of Maine, EPA has determined that all appropriate response actions have been implemented.

EFFECTIVE DATE: September 29, 1999.

FOR FURTHER INFORMATION CONTACT: Terrence Connelly, Remedial Project Manager, U.S. EPA Region I , 1 Congress St., Suite 1100 (HBT), Boston, MA 02114–2023, (617) 918–1373.

SUPPLEMENTARY INFORMATION:

The site to be deleted from the NPL is: Saco Tannery Waste Pits Site, Saco, Maine.

A Notice of Intent to Delete for this site was published on August 16, 1999, 64 FR 44458, which provided a thirty-day public comment period. The closing date for comments on the Notice of Intent to Delete was September 15, 1999. EPA received no comments.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425 (e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 22, 1999.

John P. DeVillars,

Regional Administrator, U.S. EPA Region I—New England.

For the reasons set out in the preamble, 40 CFR Part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777; 56 FR 54757; 3 CFR, 1991 Comp., p.351; E.O. 12580; 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site "Saco Tannery Waste Pits, Saco, Maine".

[FR Doc. 99–25158 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6447–2]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Tansitor Electronics, Inc. Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region I announces the deletion of the Tansitor Electronics, Inc. Site from the National Priorities List (NPL). The NPL constitutes Appendix B (40 CFR Part 300), to the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act, (CERCLA) as amended by the Superfund Amendments and Reauthorization Act. After consultation with the State of Vermont, EPA has determined that the responsible parties have implemented all appropriate response actions required.

EFFECTIVE DATE: September 29, 1999.

FOR FURTHER INFORMATION CONTACT: Terrence Connelly, Remedial Project Manager, U.S. EPA Region I , 1 Congress St., Suite 1100 (HBT), Boston, MA 02114–2023, (617) 918–1373.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Tansitor Electronics Site, Inc. Bennington, Vermont.

A Notice of Intent to Delete for this site was published on August 16, 1999, 64 FR 44456. The closing date for comments on the Notice of Intent to Delete was September 15, 1999. EPA received two comments about the amount of waste disposed at the Site and sampling of nearby residential wells.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 23, 1999.

Mindy Lubber,

Acing Regional Administrator, U.S. EPA Region I—New England.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B [Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site "Tansitor Electronics, Inc., Bennington, Vermont".

[FR Doc. 99–25308 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 96–152; FCC 99–241]

Telemessaging, Electronic Publishing, and Alarm Monitoring Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document declines to reconsider the Commission's *Telemessaging and Electronic Publishing Order*, declines to adopt rules pursuant to the *Further Notice*, and clarifies several points concerning telemessaging and electronic publishing. The intended effect is to promote the pro-competitive and deregulatory objectives of the Telecommunications Act of 1996.

DATES: Effective October 29, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle Carey, Deputy Chief, Policy and Program Planning Division, Common Carrier Bureau, (202) 418–1580 or via the Internet at mcarey@fcc.gov. Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202–418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted September 8, 1999, and released September 13, 1999. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Room CY–A257, Washington, D.C. The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc99241.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th St., N.W., Washington, D.C. 20036.

Synopsis of Order on Reconsideration and Third Report and Order

I. Introduction

1. On February 8, 1996 the "Telecommunications Act of 1996" (1996 Act) became law. On February 7, 1997 the Commission released the *Telemessaging and Electronic Publishing Order*, 62 FR 7690, February 20, 1997, which implemented the telemessaging and electronic publishing provisions of the 1996 Act, sections 260 and 274, respectively. On March 24, 1997 AT&T Corp. (AT&T) and the Pacific Telesis Group (Pacific) filed separate petitions to reconsider various

aspects of the Telemessaging and Electronic Publishing Order. On the same day the Commission released the *Telemessaging and Electronic Publishing Order*, the Commission issued a *Further Notice*, 62 FR 7744, February 20, 1997, that sought comment on the meaning of "control," "financial interest" and "transaction" in section 274. For the reasons set forth below, we grant AT&T's petition in part and deny in part, and grant Pacific's petition. We also decline to adopt rules in response to the *Further Notice*.

II. Background

2. Section 274 allows a Bell Operating Company (BOC) to provide electronic publishing service disseminated by means of its basic telephone service only through a "separated affiliate" or an "electronic publishing joint venture" that meets the separation, joint marketing, and nondiscrimination requirements in that section. In the *Telemessaging and Electronic Publishing Order*, the Commission concluded that the requirement in section 274(b) that a separated affiliate or electronic publishing joint venture be "operated independently" is not a separate, substantive requirement that imposes obligations in addition to those enumerated in this section, but rather that this requirement is satisfied if a BOC and its separated affiliate or electronic publishing joint venture comply with the separation requirements set forth in subsections 274(b)(1)–(9).

3. In this proceeding, AT&T asks the Commission to reconsider its decision and conclude that the "operated independently" requirement imposes additional, substantive requirements beyond those listed in subsections 272(b)(1)–(9). AT&T also asks the Commission to clarify that section 274(b)(3)(B) requires that any agreement between a BOC and a separated affiliate or joint venture for inbound telemarketing or referral services be pursuant to a written contract or a tariff that is filed with the Commission and made publicly available. Pacific asks the Commission to clarify that the restrictions on joint promotion, marketing, sales or advertising set forth in section 274(c)(1)(A) and (B) do not apply to activities between a BOC and an entity owned or controlled by a BOC if the services are disseminated through an unaffiliated carrier's basic telephone service, and no separated affiliate or other BOC affiliate is involved."

4. In this Order on Reconsideration:

—We decline AT&T's request to reconsider the Commission's conclusion that the "operated independently" provision in section 274(b) is not a separate, substantive requirement;

—We clarify, as requested by AT&T, that section 274(b)(3)(B) requires any agreement between a BOC and a separated affiliate or electronic publishing joint venture for inbound telemarketing or referral services be pursuant to a written contract or a tariff that is filed with the Commission and made publicly available; and

—We clarify, as requested by Pacific, that the restrictions on joint promotion, marketing, sales, or advertising set forth in sections 274(c)(1)(A) and (B) do not apply to activities between a BOC and an entity owned or controlled by a BOC if the electronic publishing services are disseminated through an unaffiliated carrier's basic telephone service, and no separated affiliate or other BOC affiliate is involved in such promotion, marketing, sales, and advertising.

III. Order on Reconsideration

A. The "Operated Independently" Requirement of Section 274(b)

a. Background

5. Section 274(b) of the 1996 Act provides that "[a] separated affiliate or electronic publishing joint venture shall be operated independently from the [BOC]." In the *Telemessaging and Electronic Publishing Order*, the Commission concluded that the "operated independently" requirement of section 274(b) obligates a separated affiliate to comply with the requirements of subsections 274(b)(1)–(9), and an electronic publishing joint venture to comply with subsections 274(b)(1)–(4), (6), (8)–(9). Moreover, the Commission found that the phrase "operated independently" is not a separate substantive restriction, but rather that section 274(b) is satisfied if a BOC and its separated affiliate or electronic publishing joint venture comply with the applicable restrictions of subsections 274(b)(1)–(9).

6. The Commission also found that its interpretation of the "operated independently" requirement of section 274(b) is consistent with its interpretation of the "operate independently" provision in section 272(b). In the *Non-Accounting Safeguards Order*, 62 FR 2927, January 2, 1997, the Commission determined that the "operate independently" provision of section 272(b) imposes requirements beyond those set forth in subsections 272(b)(2)–(5). The Commission explained that section 272(b) imposes five structural and transactional requirements governing the relationship between a BOC and a section 272 affiliate, only one of which is that the affiliate "shall operate independently from the [BOC]." In the *Telemessaging and Electronic Publishing Order*, in contrast, the Commission found that the "operated independently" requirement in section 274(b) is followed by nine substantive restrictions, which it read as the criteria that must be satisfied to ensure operational independence under this section.

b. Discussion

7. We decline, at this time, to reinterpret the phrase "operated independently" to impose additional, separate substantive requirements, absent any indication that the requirements listed in section 274(b)(1)–(9) are inadequate to assure that a BOC and its separated affiliate or electronic publishing joint venture operate independently. Subsections (1)–(9) impose specific requirements to assure operational independence, including, among other things, a requirement to maintain separate books and accounts, a limitation on debt assumption, a requirement to carry out transactions independently, and a restriction on common ownership of property.

8. Section 272(b) sets forth the structural and transactional requirements for the separate affiliates BOCs must establish to provide, among other things, interLATA telecommunications and information services pursuant to section 272(a). Although section 274(b) contains similar language to section 272(b)(1), section 274(b) mandates that a separated affiliate or electronic publishing joint venture must be "operated independently" and then lists nine specific requirements governing the relationship between a BOC and a separated affiliate or joint venture. In contrast, section 272(b) imposes five statutory requirements governing the relationship between a BOC and a section 272 affiliate, only one of which is that the affiliate shall "operate independently" from the BOC. Between the *Non-Accounting Safeguards Order and the Telemessaging and Electronic Publishing Order*, the Commission provided sufficient explanation for its conclusion that the "operated independently" requirement of section 274(b) imposes different requirements than the "operate independently" provision of section 272(b).

9. As the Commission has previously concluded, sections 272(b) and 274(b) are organized and structured differently

and address different subject matters. Accordingly, we find that the terms "operate independently" in section 272(b)(1) and "operated independently" in section 274(b) do not have to be interpreted to impose the same obligations on the BOCs.

10. Although it is correct that the Commission, on its own authority, previously imposed requirements of operational independence in the context of *Computer II* and the cellular separation rules, in the *Telemessaging and Electronic Publishing Order* the Commission was interpreting a new statute, with new requirements, enacted by Congress. It was not adopting, on its own authority, a new standard for operational independence that contradicted earlier decisions. Accordingly, there is no need to distinguish the Commission's prior precedents or to impose the same requirements adopted prior to enactment of the 1996 Act.

B. Inbound Telemarketing or Referral Services

a. Background

11. In the *Telemessaging and Electronic Publishing Order*, the Commission held that "[a] BOC may choose to provide inbound telemarketing or referral services either pursuant to a contractual arrangement or *during the normal course of its inbound telemarketing operations.*" The Commission stated that to the extent "a BOC chooses either or both of these approaches" in providing inbound telemarketing or referral services, the nondiscrimination provisions of section 274(c)(2)(A) require that such services be made available to unaffiliated electronic publishers using the same approach, *i.e.*, pursuant to a contractual arrangement or during the normal course of its inbound telemarketing operations.

12. AT&T asks the Commission to clarify that section 274(b)(3)(B) requires any agreement between a BOC and its section 274 affiliate or joint venture partner for inbound telemarketing or referral services to be pursuant to a written contract or a tariff that is filed with the Commission and made publicly available. Section 274(b)(3)(B) provides that a separated affiliate or joint venture and the BOC with which it is affiliated shall "carry out transactions * * * (B) pursuant to written contracts or tariffs that are filed with the Commission and made publicly available."

b. Discussion

13. We agree with AT&T that we should clarify the Commission's discussion in paragraph 150 of the *Telemessaging and Electronic Publishing Order*. In that paragraph, the Commission noted that a BOC may "choose to provide inbound telemarketing or referral services either pursuant to a contractual arrangement or during the normal course of its inbound telemarketing operations." We clarify in this Order that any such agreement between a BOC and its section 274 affiliate or joint venture partner relating to an inbound telemarketing or referral service, whether it be pursuant to contract or through the "normal course" of business, constitutes a "transaction" for purposes of section 274(b)(3)(B). Accordingly, we conclude that any agreement whereby a BOC agrees to provide inbound telemarketing or referral services must be pursuant to a written contract or tariff that is filed with the Commission and made publicly available. We find that the requirements of section 274(b)(3)(B), by requiring all "transactions" to be publicly disclosed and auditable in accordance with generally accepted auditing standards, will help ensure that BOCs are complying with the nondiscrimination and accounting safeguards of the 1996 Act.

C. Dissemination by Means of an Unaffiliated Carrier's Basic Telephone Service

a. Background

14. In the *Telemessaging and Electronic Publishing Order*, the Commission held that, pursuant to the terms of section 274, in order for a BOC to be engaged in the provision of electronic publishing and subject to section 274, electronic publishing must be disseminated by means of the BOC's basic telephone service, and the BOC must have control of, or a financial interest in, the content of the information being provided. In reading section 274(a) together with the definition of "basic telephone service" in section 274(i)(2), the Commission concluded that, if a BOC or BOC affiliate disseminates electronic publishing services through the basic telephone service of a competing wireline local exchange carrier or commercial mobile radio service provider, a separated affiliate or electronic publishing joint venture is not required.

15. The Commission also noted that sections 274(c)(1)(A) and (B) generally prohibit a BOC from carrying out any promotion, marketing, sales, or advertising activities with a separated affiliate or an affiliate if, in the latter case, such activities "relate to" the provision of electronic publishing. Thus, the Commission held that a BOC affiliate that does not provide electronic publishing services itself, but rather provides services that "relate to" the provision of electronic publishing, is precluded from carrying out marketing and sales-related activities for or in conjunction with the BOC.

b. Discussion

16. Pacific asks the Commission to clarify that the restrictions on joint promotion, marketing, sales, or advertising set forth in sections 274(c)(1)(A) and (B) do not apply if the electronic publishing services are disseminated through an unaffiliated carrier's basic telephone service and no separated affiliate or other BOC affiliate is involved in the dissemination. We agree that such clarification is appropriate.

17. Section 274(i)(10) defines a BOC to include an entity or corporation owned or controlled by the BOC (other than an electronic publishing joint venture owned by such an entity or corporation). Consistent with the Commission's finding in the *Telemessaging and Electronic Publishing Order*, we find that an entity or corporation owned or controlled by a BOC pursuant to section 274(i)(10) may promote, market, sell, or advertise electronic publishing services, and engage in promotion, marketing, sales, and advertising related to electronic publishing, if: (1) The electronic publishing service is disseminated by means of the basic telephone service of a competing wireline local exchange carrier or commercial mobile radio service (CMRS) provider; and (2) no separated affiliate or other BOC affiliate is involved in such promotion, marketing, sales, and advertising.

18. As noted in the *Telemessaging and Electronic Publishing Order*, the dissemination of electronic publishing services through the basic telephone service of competing, unaffiliated providers significantly reduces the ability of a BOC (including an entity or corporation owned or controlled by the BOC) to engage in anticompetitive behavior. Accordingly, as the Commission held in the underlying order, to the extent a BOC (including an entity or corporation owned or controlled by the BOC) disseminates electronic publishing services through the facilities of a competing wireline local exchange carrier or CMRS provider, and thus not via its own basic telephone services, it is not required to

provide such services through a separated affiliate or electronic publishing joint venture. We clarify that, in this situation, the joint marketing restriction in section 274(c)(1)(A), which prohibits a BOC from carrying out "promotion, marketing, sales, or advertising for or in a conjunction with a separated affiliate," would not apply. Similarly, we conclude that, in such a situation, the joint marketing restriction in section 274(c)(1)(B) would not apply unless the BOC is carrying out "promotion, marketing, sales, or advertising for or in conjunction with an affiliate that is related to the provision of electronic publishing."

IV. Third Report and Order

19. On the same day the Commission issued the *Electronic Publishing Order*, the Commission released a *Further Notice of Proposed Rulemaking (Further Notice)* that sought comment on the meaning of "control" and "financial interest" for the purpose of determining what constitutes BOC provision of electronic publishing services under section 274. The *Further Notice* also sought comment on how the Commission should resolve certain ambiguities in section 274(b)(3)(B), which requires that BOCs and their separated affiliates or electronic publishing joint ventures "carry out transactions pursuant to written contracts or tariffs that are filed with the Commission and made publicly available."

A. Definition of "Control" and "Financial Interest"

a. Background

20. We concluded in the *Telemessaging and Electronic Publishing Order* that a BOC engaged in the provision of electronic publishing is subject to section 274 only to the extent that it controls, or has a financial interest in, the content of the information being disseminated over its basic telephone services. We sought further comment in the *Further Notice* on the meaning of "control" and "financial interest" in the context of section 274.

21. In the *Further Notice*, we tentatively concluded that section 274(i)(4)'s definition of control, *i.e.*, the "possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise," is inappropriate for determining the meaning of "control" in the present context, *i.e.*, when a BOC has "control of the content of information transmitted via its basic telephone service." In addition, the Commission also tentatively concluded that a BOC has a "financial interest" in the content of the information when the BOC owns the information or has a direct or indirect equity interest in the information being disseminated via its basic telephone services. The Commission sought comment on other forms of BOC participation that should be considered indicia of "financial interest."

b. Discussion

22. We decline to adopt rules further defining "control" or "financial interest" for purposes of section 274 for two reasons. First, the Commission has not, to date, received any complaints alleging a violation of section 274. Thus, there has been no showing that the Commission's current rules are inadequate to ensure that the objectives of section 274 are being fulfilled. Second, any rules we implemented would expire on February 8, 2000 when the requirements of section 274 automatically sunset. In the event any disputes arise before the sunset date regarding whether a BOC is actually engaged in the provision of electronic publishing, they may be resolved on a case-by-case basis through a section 208 complaint process. Given the availability of this complaint process and the limited duration any rules would have, therefore we find that the public interest would not be served by adopting further rules to implement this section.

B. Meaning of "Transaction" in Section 274(b)(3)

a. Background

23. In the *Further Notice*, the Commission sought comment on what constitutes a "transaction" for purposes of section 274(b)(3). The Commission noted that, in the *Accounting Safeguards Order*, 62 FR 2918, January 21, 1997, the Commission concluded that for purposes of a similar public disclosure requirement in section 272(b)(5), the BOC and its affiliate must have agreed upon the terms and conditions for telephone exchange and exchange access for the agreement to constitute a "transaction."

24. The commenters agreed that the definition of "transaction" should parallel the Commission's definition for "transaction" adopted in connection with section 272(b)(5). As noted above, AT&T asked the Commission to clarify that section 274(b)(3)(B) requires any agreement between a BOC and its section 274 affiliate or joint venture partner for inbound telemarketing or referral services to be pursuant to a written contract or tariff that is filed with the Commission and made publicly available.

b. Discussion

25. We decline to adopt further rules implementing section 274(b)(3)(B) for the same two reasons stated above. Moreover, we note that our conclusion in the Order on Reconsideration clarifies that section 274(b)(3)(B) requires any agreement whereby a BOC agrees to provide inbound telemarketing or referral services must be pursuant to a written contact or tariff that is filed with the Commission and made publicly available. Accordingly, any such agreement either through a written contract or "normal course of business" constitutes a "transaction" for purposes of section 274(b)(3)(B).

V. Final Regulatory Flexibility Certification

26. *Supplemental Final Regulatory Flexibility Certification.* In the *Telemessaging and Electronic Publishing Order*, the Commission concluded that the rules adopted in that Order pertain to only BOCs which do not qualify as small entities under the Regulatory Flexibility Act (RFA), as amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996). The Commission therefore certified that the rules adopted in that order would not have a significant impact on a substantial number of small entities, as required by the RFA. The clarifications we adopt in the *Order on Reconsideration and Third Report & Order* do not affect our certification in the *Telemessaging and Electronic Publishing Order*.

27. The Commission's Office of Public Affairs shall send a copy of this *Order on Reconsideration*, including this certification, in a report to Congress pursuant to the SBREFA, 5 U.S.C. 801(a)(1)(A). A copy of this certification will also be provided to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**.

VI. Final Paperwork Reduction Analysis

28. As required by the Paperwork Reduction Act of 1995, Public Law 104–13, the *Further Notice of Proposed Rulemaking* invited the general public and the OMB to comment on proposed changes to the Commission's information collection requirements contained in the *Further Notice of Proposed Rulemaking*. The collections

of information were approved by OMB under OMB control number 3060–0762. No comments were submitted in response to the Commission's request for comment on the information collections contained in the *Further Notice of Proposed Rulemaking*. In this *Third Report and Order*, we have decided to adopt all of the information collection requirements proposed in the *Further Notice of Proposed Rulemaking*.

VII. Ordering Clauses

29. Accordingly, it is ordered that, pursuant to Sections 1, 2, 4, 201–202, 274, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 201–202, 274, and 303(r), the Order on Reconsideration and Third Report and Order in CC Docket No. 96–152 is adopted.

30. It is further ordered that the Petition for Reconsideration filed by AT&T Corporation is granted to the extent described herein and is denied in all other respects and the Petition for Reconsideration filed by Pacific Telesis Group is granted to the extent described herein.

31. It is further ordered that the policies, rules, and requirements set forth in this Order on Reconsideration and Third Report and Order are effective thirty days after publication in the **Federal Register**.

32. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Order on Reconsideration and Third Report and Order, including the Supplemental Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission

Magalie Roman Salas,

Secretary.

[FR Doc. 99–25026 Filed 9–28–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 990416100–9256–02; I.D. 031999C]

RIN 0648–AL18

Pacific Halibut Fisheries; Local Area Management Plan for the Halibut Fishery in Sitka Sound

AGENCY: National Marine Fisheries Service (NMFS); National Oceanic and Atmospheric Administration (NOAA); Commerce.

ACTION: Final rule; response to comments.

SUMMARY: NMFS issues a final rule to implement a Local Area Management Plan (LAMP) for the halibut fishery in Sitka Sound in the Gulf of Alaska. This rule prohibits a person using a vessel greater than 35 ft (10.7 meters(m)) in overall length from fishing for halibut with setline gear within Sitka Sound. The rule also prohibits a person using a vessel less than or equal to 35 ft (10.7 m) in overall length from fishing for halibut with setline gear within Sitka Sound from June 1 through August 31. Finally, the rule prohibits all charter vessels from fishing for halibut within Sitka Sound from June 1 through August 31 and from retaining halibut caught within Sitka Sound while engaging in sport fishing for other species from June 1 through August 31. This action is necessary to address the decreased availability of halibut in Sitka Sound and is intended to promote the goals and objectives of the North Pacific Fishery Management Council (Council) with respect to management of halibut in and off Alaska.

DATES: Effective October 29, 1999.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this action may be obtained from National Marine Fisheries Service, Sustainable Fisheries Division, Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or by calling the Alaska Region, NMFS, at 907–586–7228.

FOR FURTHER INFORMATION CONTACT: Gretchen Harrington, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea (Convention), signed at Ottawa, Ontario, Canada, on March 2, 1953, and amended by a Protocol Amending the Convention, signed at Washington, D.C., United States of America, on March 29, 1979, authorizes the International Pacific Halibut Commission (Commission) to promulgate regulations for the conservation and management of the Pacific halibut fishery. The Northern Pacific Halibut Act (Halibut Act) implements the Convention (16 U.S.C. 773–773k).

The Halibut Act, in section 5, gives the Secretary of Commerce (Secretary) the general responsibility to carry out the Convention and requires the Secretary to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary has delegated this authority to the Assistant Administrator for Fisheries, NOAA. Section 5 of the Halibut Act also provides that the regional fishery management council having authority for the geographical area concerned may recommend management measures governing Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the Commission.

The Sitka Sound Halibut Task Force (Task Force) determined that too many harvesters were targeting halibut in Sitka Sound. The Commission has no data that support or refute localized depletion. However, information on halibut commercial landings from the Commission and Alaska Department of Fish & Game creel survey data indicate a decline in non-charter and subsistence halibut harvests for 1992–1996. Local or anecdotal information indicates the opportunity for an individual fisherman to catch a halibut has greatly decreased due to increased competition. This increased competition among users is partially due to an increase in the number of guided charter vessels and the Individual Fishing Quota (IFQ) fishery that allows commercial fishing vessels to operate throughout the summer.

The Task Force then proposed an LAMP for Sitka Sound and submitted it to the Council. The Council approved the Task Force's proposal as the preferred alternative in February 1998, and on April 28, 1999, NMFS published a proposed rule to implement the LAMP (64 FR 22826). The proposed rule provides a detailed description of the regulatory amendments and the reasons for their implementation. This final rule makes no changes to the proposed rule.

Response to Comments

NMFS received five letters commenting on the proposed rule during the 30-day comment period ending May 28, 1999. Three letters supported approving the rule as proposed, and two letters supported approving the proposed rule with changes.

Comment 1. Three comments supported approving the rule as proposed.

Response. NMFS agrees.

Comment 2. NMFS should approve proposed rule, with the following change: Remove the provision that allows charter vessels to retain halibut caught outside the Sound while fishing

for other species within the closed area because it creates a loophole that would allow charter vessels to continue catching halibut in the Sound.

Response. NMFS was also concerned that this provision may be difficult to enforce. However, in light of reassurances from the U.S Coast Guard and public comment, the final rule implements the LAMP as created by the task force and adopted by the Council.

Comment 3. NMFS should approve the proposed rule, including the provision to allow charter vessels to retain halibut harvested outside the Sound, with the following addition: Reinstate the annual review of the LAMP specified in the original task force plan. All participants agreed by consensus that an annual review is necessary to fine tune the plan.

Response. Nothing in the proposed rule precludes annual review of the LAMP by the Task Force or members of the public. The Council did not include an annual review in the preferred alternative because the Alaska Board of Fisheries, which will first review all proposed changes to the LAMP before recommendations are made to the Council, reviews proposals on a 3-year cycle.

Small Entity Compliance Guide

A quick reference card will be produced as a small entity compliance guide to satisfy the Small Business Regulatory Enforcement Fairness Act of 1996, which requires a plain language guide to assist small entities in complying with this rule. Contact NMFS to request a copy of the quick reference card (see **ADDRESSES**).

Classification

The Administrator, Alaska Region, NMFS, (Regional Administrator) determined that this final rule is necessary for the management of the halibut fisheries in Sitka Sound. The Regional Administrator also determined that this final rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act, the Halibut Act, and other applicable laws.

The final rule has been determined to be not significant for purposes of E.O. 12866. This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

The Council prepared a final regulatory flexibility analysis (FRFA). NMFS received no letters of public comment in response to the initial regulatory flexibility analysis. A summary of the FRFA follows.

This action is being implemented because local residents of Sitka Sound are concerned about the decreased availability of halibut. The objective is to allocate halibut fishing opportunities in Sitka Sound among fishermen fishing with commercial vessels, anglers fishing from charter vessels, subsistence/personal use fisheries, and sport fishermen. Section 5 of the Halibut Act authorizes the Council to recommend management measures governing Pacific halibut catch in Sitka Sound.

In 1996, 74 commercial longline vessels, with allocations of halibut in Area 2C, and 192 registered charter vessels fished in in Sitka Sound.

This rule does not contain new reporting or recordkeeping requirements and there are no relevant Federal rules which may duplicate, overlap, or conflict with this rule.

The alternative of not having a LAMP for Sitka Sound would not have a negative impact on the halibut resource but would increase competition for the resource in Sitka Sound. Creation of an alternative LAMP for Sitka Sound, which would (1) prohibit halibut commercial vessels greater than 35 ft (10.7 m) from harvesting halibut in Sitka Sound, (2) prohibit halibut commercial vessels less than or equal to 35 ft (10.7 m) from harvesting halibut in Sitka Sound during July, July, and August with a 1,000 lb (0.45 mt) trip limit during the remainder of the IFQ fishing season, and (3) during July, June, and August only allow for a subsistence/personal use fishery, and a non-guided sport fishery in Sitka Sound, would protect the interests of non-guided anglers but restrict the retention of halibut caught outside Sitka Sound by charter vessels while fishing inside the Sound.

None of the alternatives discussed in the EA/RIR/FRFA are likely to significantly affect the quality of the human environment, or are expected to have significant impacts on endangered or threatened species, or marine mammals.

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: September 23, 1999

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 300 is amended to read as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for 50 CFR part 300, subpart E continues to read as follows:

Authority: 16 U.S.C. 773–773k

2. In § 300.61, the definitions for "Charter vessel", "Fishing", "Individual Fishing Quota", "IFQ fishing trip", "IFQ halibut", "Overall length", "Setline gear", and "Sport fishing" are added in alphabetical order to read as follows:

§ 300.61 Definitions.

* * * * *

Charter vessel means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator.

* * * * *

Fishing means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area.

Individual Fishing Quota (IFQ), for purposes of this subpart, means the annual catch limit of halibut that may be harvested by a person who is lawfully allocated a harvest privilege for a specific portion of the TAC of halibut.

IFQ fishing trip, for purposes of the subpart, means the period beginning when a vessel operator commences harvesting IFQ halibut and ending when the vessel operator lands any species.

IFQ halibut means any halibut that is harvested with fixed gear in any IFQ regulatory area.

Overall length of a vessel means the horizontal distance, rounded to the nearest ft/meter, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments).

* * * * *

Setline gear means one or more stationary, buoyed, and anchored lines with hooks attached.

Sport fishing means all fishing other than commercial fishing and treaty Indian ceremonial and subsistence fishing.

* * * * *

3. In § 300.63, the heading and introductory text of § 300.63 are revised, and paragraph (d) is added to read as follows:

§ 300.63 Catch sharing plans, local area management plans, and domestic management measures.

Catch sharing plans (CSP) and local area management plans (LAMP) may be developed by the appropriate regional fishery management council, and approved by NMFS, for portions of the fishery. Any approved CSP or LAMP may be obtained from the

Administrator, Northwest Region, or the Administrator, Alaska Region.

* * * * *

(d) The LAMP for Sitka Sound provides guidelines for participation in the halibut fishery in Sitka Sound.

(1) For purposes of § 300.63(d), Sitka Sound means (See Figure 1) to subpart E of the part:

(i) With respect to § 300.63(d)(2), that part of the Commission regulatory area 2C that is enclosed on the north and east by a line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. long.; and is enclosed on the south and west by a line from Cape Edgecumbe at 57°59'54" N. lat., 135°51'27" W. long. to Vasilief Rock at 56°48'56" N. lat., 135°32'30" W. long. to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(ii) With respect to § 300.63(d)(3) and (4), that part of the Commission regulatory area 2C that is enclosed on the north and east by a line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. lat.; and is enclosed on the south and west by a line running from Sitka Point at 56°59'23" N. lat., 135°49'34" W. long., to Hanus Point at 56°51'55" N. lat., 135°30'30" W. long., to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(2) A person using a vessel greater than 35 ft (10.7 m) in overall length, as defined in § 300.61, is prohibited from fishing for IFQ halibut with setline gear, as defined in § 300.61, within Sitka Sound as defined in paragraph (d)(1)(i) of this section.

(3) A person using a vessel less than or equal to 35 ft (10.7 m) in overall length, as defined in § 300.61:

(i) Is prohibited from fishing for IFQ halibut with setline gear within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31; and

(ii) Is prohibited, during the remainder of the designated IFQ season, from retaining more than 2,000 lbs. (0.91 mt) of IFQ halibut within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, per IFQ fishing trip, as defined in 50 CFR 300.61.

(4) No charter vessel, as defined in § 300.61, shall engage in sport fishing, as defined in § 300.61, for halibut within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

(i) No charter vessel shall retain halibut caught while engaged in sport fishing, as defined in § 300.61, for other species, within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

(ii) Notwithstanding paragraphs (d)(4) and (4)(i) of this section, halibut harvested outside Sitka Sound, as defined in (d)(1)(ii) of this section, may be retained onboard a charter vessel engaged in sport fishing, as defined in 50 CFR 300.61, for other species within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

4. In subpart E of part 300, Figure 1 is added following § 300.65.

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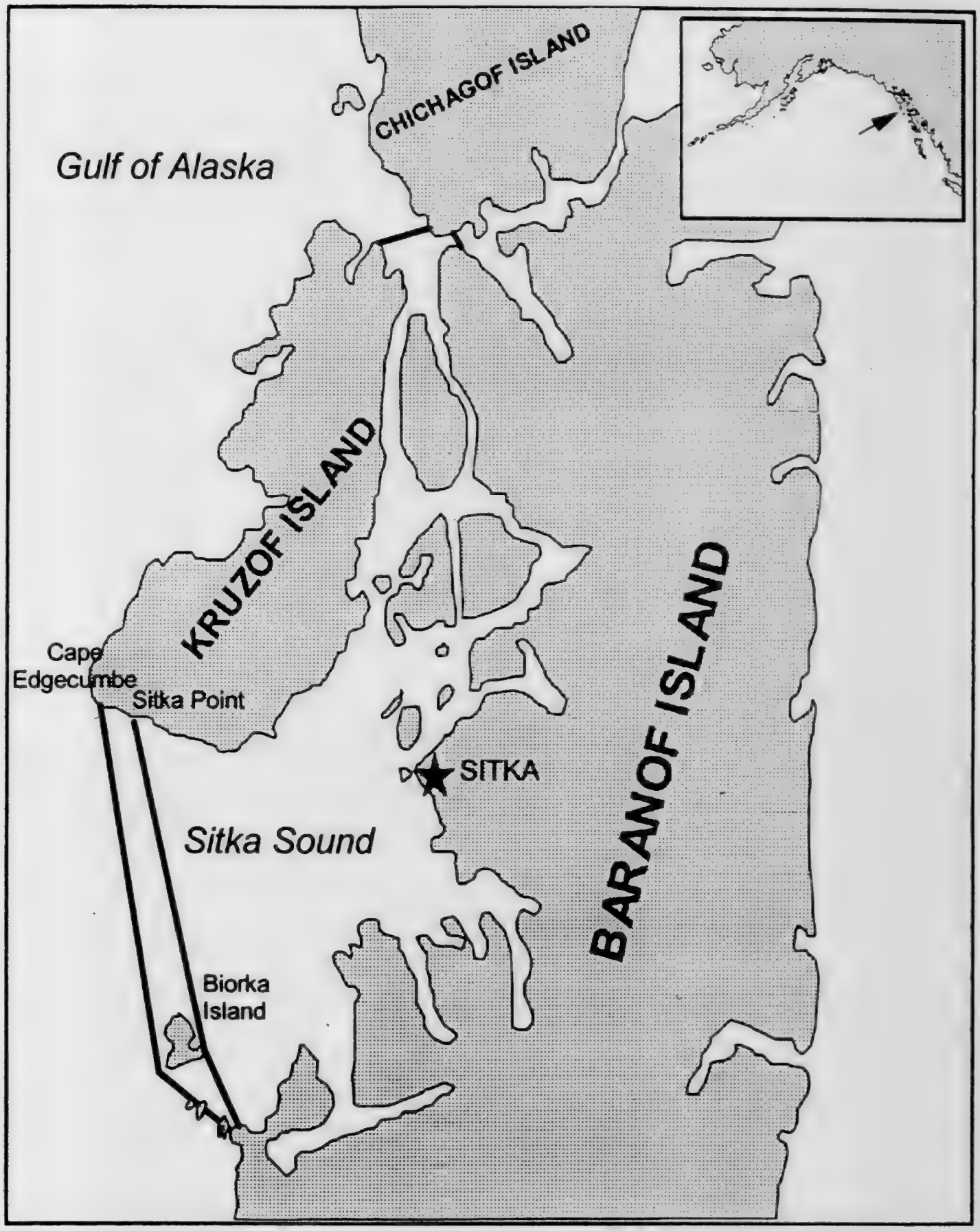

Figure 1. Sitka Local Area Management Plan
a. Map

Figure 1. Sitka Sound Local Area Management Plan Boundaries
b. Coordinates

Northern Boundary:

A line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. long.

Southern Boundaries:

(1) A line from the southernmost tip of Cape Edgecumbe at 57°59'54" N. lat., 135°51'27" W. long. to Vasilief Rock at 56°48'56" N. lat., 135°32'30" W. long. to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(2) A line from the southernmost tip of Sitka Point at 56°59'23" N. lat., 135°49'34" W. long., to Hanus Point at 56°51'55" N. lat., 135°30'30" W. long., to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

[FR Doc. 99–25240 Filed 9–28–99; 8:45 am]
BILLING CODE 3510–22–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063–9063–01; I.D. 092299A]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Reallocation.

SUMMARY: NMFS is reallocating the Bering Sea and Aleutian Islands management area (BSAI) Pacific cod that is projected to by unused by trawl catcher/processors and vessels using jig gear to vessels using hook-and-line or pot gear. This action is necessary to allow the 1999 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective September 23, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(5), the Final 1999 Harvest Specifications for Groundfish for the BSAI (64 FR 12103, March 11, 1999) established the Pacific cod TAC, after the release of the reserves, for the BSAI as 163,725 metric tons (mt). Of this amount, 3,275 mt was allocated to vessels using jig gear, 38,475 mt to trawl catcher vessels, 38,475 mt to trawl catcher/processors, and 83,500 mt to vessels using hook-and-line or pot gear.

As of September 11, 1999, the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that approximately 10,979 mt of Pacific cod remain in the catcher/processor allocation. Based on projected harvest rates of Pacific cod, and recognizing that directed fishing for Pacific cod by trawl catcher/processors will be constrained by Pacific halibut bycatch restrictions, the Regional Administrator has determined that trawl catcher/processors will not be able to harvest 5,000 mt of Pacific cod allocated to this sector under § 679.20(a)(7)(i)(B). Therefore, in accordance with § 679.20(a)(7)(ii)(B), NMFS is apportioning the projected unused amount, 5,000 mt, of Pacific cod from trawl catcher/processors to vessels using hook-and-line or pot gear.

The Regional Administrator, also has determined that vessels using jig gear will not harvest 2,800 mt of Pacific cod by the end of the year. Therefore, in accordance with § 679.20(a)(7)(iii) NMFS is reallocating the unused amount of 2,800 mt of Pacific cod allocated to vessels using jig gear to vessels using hook-and-line or pot gear.

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to

allow full utilization of the Pacific cod TAC. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only disrupt the FMP's objective of providing a portion of the Pacific cod TAC for hook-and-line or pot gear in the BSAI. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is taken under 50 CFR 679.20, and is exempt from OMB review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 23, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25239 Filed 9–23–99; 5:03 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062–9062–01; I.D. 092399A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS issues an inseason adjustment opening the D fishing season for pollock in Statistical Area 610 of the Gulf of Alaska (GOA) for 12 hours effective 1200 hrs, Alaska local time (A.l.t.), September 23, 1999, until 2400 hrs, A.l.t., September 23, 1999. This adjustment is necessary to manage the D seasonal allowance of the pollock total allowable catch (TAC) in Statistical Area 610 of the GOA.

DATES: Effective 1200 hrs, A.l.t., September 23, 1999, until 2400 hrs, A.l.t., September 23, 1999. Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 8, 1999.

ADDRESSES: Comments may be mailed to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel. Hand delivery or courier delivery of comments may be sent to the Federal Building, 709 West 9th Street, Room 453, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS issued a prohibition to directed fishing for pollock effective September 20, 1999, for Statistical Area 610, in accordance with § 679.20(d)(1)(iii) that was filed with the Office of the Federal Register September 20, 1999.

As of September 21, 1999, 1,923 metric tons (mt) of pollock remain in the D seasonal allowance of the pollock TAC in Statistical Area 610 of the GOA. Section 679.23(b) specifies that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 1200 hrs, A.l.t. Therefore, a fishery opening must be a minimum of 24 hours. Current information shows the catching capacity of vessels catching pollock for processing by the inshore component in Statistical Area 610 of the GOA is in excess of 3,000 mt per day. The Administrator, Alaska Region, NMFS, has determined that the D seasonal allowance of the pollock TAC could be exceeded if a 24–hour fishery were allowed to occur. NMFS intends that the seasonal allowance not be exceeded and will not allow a 24–hour directed fishery. NMFS, in accordance with § 679.25(a)(1)(i), is adjusting the D fishing season for pollock in Statistical Area 610 of the GOA by closing the fishery at 2400 hrs, A.l.t., September 23, 1999, at which time directed fishing for pollock will be prohibited. This action has the effect of opening the fishery for 12 hours. NMFS is taking this action to allow a controlled fishery to occur, thereby preventing the overharvest of the D seasonal allowance of the pollock TAC designated in accordance with the emergency interim rule establishing Steller sea lion protection measures for pollock off Alaska (64 FR 3437, January 23, 1999). In accordance with § 679.25(a)(2)(iii), NMFS has determined that prohibiting directed fishing at 2400 hrs, A.l.t., September 23, 1999, after a 12 hour opening is the least restrictive management adjustment to achieve the D seasonal allowance of the pollock TAC and will allow other fisheries to continue in noncritical areas and time periods. Pursuant to § 679.25(b)(2), NMFS has considered data regarding catch per unit of effort and rate of harvest in making this adjustment.

Classification

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Without this inseason adjustment, NMFS could not allow the D seasonal allowance of the pollock TAC in Statistical Area 610 of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until October 8, 1999.

This action is required by §§ 679.20 and 679.25 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 23, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25249 Filed 9–23–99; 5:03 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063–9063–01; I.D. 092399E]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands

ACTION: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1999 initial total allowable catch (ITAC) of Atka mackerel allocated to this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 24, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Final 1999 Harvest Specifications for Groundfish (64 FR 12103, March 11, 1999) established 20,720 metric tons (mt) as the Atka mackerel ITAC in the Central Aleutian District of the BSAI. See § 679.20(c)(6).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1999 ITAC of Atka mackerel allocated to the Central Aleutian District will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 20,470 mt, and is setting aside the remaining 250 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Central Aleutian District of the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1999 ITAC of Atka mackerel allocated to the Central Aleutian District of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 23, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25316 Filed 9–24–99; 2:26 p.m.]

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14 CFR P

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Proposed Rules

Federal Register
Vol. 64, No. 188
Wednesday, September 29, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–22]

Proposed Modification of Class E Airspace; Willows-Glen County Airport, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify the Class E airspace area at Willows-Glen County Airport, CA. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 34 at Willows-Glen County Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the GPS RWY 34 SIAP to Willows-Glen County Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Willows-Glen County Airport, Willows, CA.

DATES: Comments must be received on or before October 20, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 99–AWP–22, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California, 90261.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California, 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

Comment Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 99–AWP–22." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, California 90261. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 by modifying the Class E airspace area at Willows-Glen County Airport, CA. The establishment of a GPS RWY 34 SIAP at Willows-Glen County Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the GPS approach procedure at Willows-Glen County Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the GPS RWY 34 SIAP at Willows-Glen County Airport, Willows, CA. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipate impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP CA E5 Willows-Glen County Airport, CA [Revised]

Willows—Glen County Airport, CA
(Lat. 39°30'59"N, long. 122°13'03"W)
Maxwell VORTAC
(Lat. 39°19'03"N, long. 122°13'18"W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Willows-Glen County Airport and within 2 miles each side of the Maxwell VORTAC 360° radial, extending from the 6.4-mile radius to 3 miles north of the Maxwell VORTAC.

* * * * *

Issued in Los Angeles, California, on September 8, 1999.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–25225 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC–24050; File No. S7–21–99]

RIN 3235–AH56

Treatment of Repurchase Agreements and Refunded Securities as an Acquisition of the Underlying Securities

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing for public comment a new rule and related rule amendments under the Investment Company Act of 1940 that would affect the ability of investment companies to invest in repurchase agreements and pre-refunded bonds under the Act. The proposed rule would generally codify and update staff positions that have permitted investment companies to "look through" counterparties to certain repurchase agreements and issuers of municipal bonds that have been "refunded" with U.S. government securities and treat the securities comprising the collateral as investments for certain purposes under the Act.

DATES: Comments must be received on or before November 23, 1999.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549–0609. Comments also may be submitted electronically at the following E-mail address: rule-comments@sec.gov. All comment letters should refer to File No. S7–21–99; this file number should be included on the subject line if E-mail is used. Comment letters will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. 20549. Electronically submitted comment letters also will be posted on the Commission's Internet web site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: Marilyn Mann, Senior Counsel, Office of Regulatory Policy, at (202) 942–0690, or Alison M. Fuller, Assistant Chief Counsel, Office of Chief Counsel, (202) 942–0660, Division of Investment Management, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549–0506.

SUPPLEMENTARY INFORMATION: The Commission today is requesting public comment on proposed rule 5b–3 [17 CFR 270.5b–3] and conforming amendments to rules 2a–7 [17 CFR 270.2a–7] and 12d3–1 [17 CFR 270.12d3–1] under the Investment Company Act of 1940 [15 U.S.C. 80a] (the "Act").[1]

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Executive Summary

Repurchase agreements provide investment companies ("funds") with a convenient means to invest excess cash on a secured basis, generally for short periods of time. In a typical fund repurchase agreement, a fund enters into a contract with a broker, dealer or bank (the "counterparty" to the transaction) for the purchase of securities. The counterparty agrees to repurchase the securities at a specified future date or on demand for a price that is sufficient to return to the fund its original purchase price, plus an additional amount representing the return on the fund's investment.

The Commission is proposing a rule that would permit funds to "look through" certain repurchase agreements to the securities collateralizing the agreements for various purposes under the Act. Because a fund looks to the collateral as the ultimate source of repayment for its loan, the Commission staff has taken a "no-action" position in order to allow funds to treat certain repurchase agreements as investments in the securities making up the collateral rather than as a loan to the counterparty. Proposed rule 5b–3 would codify these positions and allow a fund to treat a repurchase agreement as an acquisition of the underlying collateral in determining whether it is in compliance with the investment criteria for diversified funds set forth in section 5(b)(1) of the Act.[2] The proposed rule also would codify staff no-action positions that allow a fund that enters into a repurchase agreement with a counterparty that is a broker-dealer to "look through" the repurchase agreement to the underlying collateral for purposes of section 12(d)(3) of the Act, which prohibits a fund from acquiring an interest in a broker-dealer.[3] The proposed rule would require the value of the collateral at all times to be sufficient to fully cover the amount payable under the repurchase agreement (that is, the amount that the counterparty would repay the fund to repurchase the securities). In addition, the fund must evaluate whether the counterparty is creditworthy and the repurchase agreement must qualify for an exclusion from any automatic stay of creditors' rights under the federal

[1] Unless otherwise noted, all references to rule 2a–7 or rule 12d3–1, or to any paragraph of those rules, will be to 17 CFR 270.2a–7 and 17 CFR 270.12d3–1, respectively.

[2] 15 U.S.C. 80a–5(b)(1).

[3] 15 U.S.C. 80a–12(d)(3).

Bankruptcy Code or other insolvency laws.

Proposed rule 5b–3 would provide similar "look-through" treatment for purposes of section 5(b)(1) of the Act in the case of investments in pre-refunded bonds, the repayment of which has been fully funded by escrowed U.S. government securities. As in the case of repurchase agreements, a fund may view its investment in pre-refunded bonds as an investment in the escrowed government securities rather than in the original bonds.

The conditions proposed for the treatment of repurchase agreements and pre-refunded bonds under the proposed rule would be substantially the same as those required by rule 2a–7, the rule governing money market funds, and would codify and update long-standing staff no-action positions.

I. Background

A. Repurchase Agreements

Repurchase agreements provide funds with a means to invest idle cash at competitive rates for periods as short as overnight. Economically, they may be viewed as loans from the fund to the counterparty in which the securities that the fund purchases serve as collateral for the loan and are placed in the possession or under the control of the fund's custodian during the term of the agreement.[4] By investing in repurchase agreements, funds can expand their available options for the productive investment of short-term cash. At the same time, fund participation in the market for repurchase agreements benefits other market participants by enhancing their ability to borrow to meet their short-term needs.

Two provisions of the Act may affect a fund's ability to invest in repurchase agreements. Section 12(d)(3) of the Act generally prohibits a fund from acquiring an interest in a broker, dealer, or underwriter.[5] Because a repurchase agreement may be considered to be the acquisition of an interest in the counterparty,[6] section 12(d)(3) may limit a fund's ability to enter into repurchase agreements with many of the firms that act as counterparties.[7] Section 5(b)(1) of the Act limits the amount that a fund that holds itself out as being a diversified investment company may invest in the securities of any one issuer (other than the U.S. government).[8] This provision may limit the amount of repurchase agreements that a diversified fund may enter into with any one counterparty.

A fund investing in a properly structured repurchase agreement looks primarily to the value and liquidity of the collateral rather than the credit of the counterparty for satisfaction of the repurchase agreement.[9] In two separate no-action positions issued in 1979 and 1980, the staff stated that, for purposes of sections 12(d)(3) and 5(b)(1) of the Act, a fund may treat a repurchase agreement as an acquisition of the underlying collateral if the repurchase agreement is "collateralized fully."[10] Because most repurchase agreements are collateralized fully by highly liquid U.S. government securities, this "look-through" treatment allowed funds to treat repurchase agreements as investments in government securities. As a result, a fund could invest in repurchase agreements with the same counterparty without the limitations of sections 12(d)(3) or 5(b)(1).[11]

The assumptions underlying the 1979 and 1980 no-action positions were challenged in the early 1980s as a result of the bankruptcy of Lombard-Wall, Inc., a large issuer of repurchase agreements, and the insolvency of several others.[12] The court in the *Lombard-Wall* case held that the purchaser of securities in a repurchase agreement was subject to the automatic stay of the Bankruptcy Code,[13] and could not close out its position without the approval of the bankruptcy court.[14] This decision created uncertainty regarding the status of repurchase agreements under the Bankruptcy Code and exposed a fund to the risk that it might be unable to liquidate the collateral securities immediately upon the insolvency of the counterparty.[15] Because of the possible adverse effect of counterparty insolvency on a fund's liquidity, the Commission issued a staff release that added a condition to the staff's earlier no-action position. In addition to requiring the repurchase agreement to be fully collateralized, the staff now required the fund to evaluate the creditworthiness of the counterparty.[16]

Congress later amended the Bankruptcy Code to resolve this uncertainty.[17] As amended, the

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[4] *See* The Handbook of Fixed Income Securities 198 (Frank J. Fabozzi ed., 5th ed. 1997). Most repurchase transactions involve Treasury bills and other U.S. government securities, but bank certificates of deposit and bankers' acceptances, as well as commercial paper from major corporations, are used as well. *See* Jeanne L. Schroeder, *Repo Madness: The Characterization of Repurchase Agreements Under the Bankruptcy Code and the U.C.C.*, 46 Syracuse L. Rev. 999, 1005 (1996). When the counterparty lends to, rather than borrows from, the fund, the transaction is termed a "reverse repurchase agreement." Reverse repurchase agreements raise issues under section 18 of the Act [15 U.S.C. 80a–18] because they can be viewed as the issuance by the fund of a senior security. These issues were addressed in Investment Company Act Release No. 10666 (Apr. 18, 1979) [44 FR 25128 (Apr. 27, 1979)] ("Release 10666").

[5] With minor exceptions, section 12(d)(3) prohibits an investment company from purchasing or otherwise acquiring "any security issued by or any other interest in the business of any person who is a broker, a dealer, [or] is engaged in the business of underwriting." The staff has taken the position that fund repurchase agreements with banks that are engaged in a securities-related business, including dealing in government securities, may be subject to the prohibitions of section 12(d)(3). *See* Letter from Gerald Osheroff, Associate Director, Division of Investment Management, to Matthew Fink, General Counsel, Investment Company Institute (May 7, 1985) ("May 7, 1985 Letter").

[6] *See* American Medical Ass'n Tax-Exempt Income Fund, Inc., SEC No-Action Letter (Apr. 23, 1978); May 7, 1985 Letter, *supra* note 5.

[7] Brokers and dealers (as well as banks that are engaged in securities related activities) often act as counterparties in repurchase transactions. *See* Schroeder, *supra* note 4, at 1004. If funds are unable to enter into repurchase agreements with these counterparties, they effectively may be unable to participate in this market.

[8] To be classified as a "diversified" fund under section 5(b)(1) of the Act, a fund is required, with respect to 75 percent of its assets, to invest no more than 5 percent of its assets in the securities of any one issuer (excluding cash and cash items, government securities, and securities of other investment companies). The remaining 25 percent of the fund's assets may be invested in any manner. Section 13(a)(1) of the Act [15 U.S.C. 80a–13(a)(1)] prohibits a fund that is classified as a diversified company from changing to a non-diversified company without shareholder authorization.

[9] *See infra* note 16 and accompanying text.

[10] In 1979, the staff announced that it would not recommend enforcement action under section 12(d)(3) if the repurchase agreement was "structured in a manner reasonably designed to collateralize fully the investment company loan." Release 10666, *supra* note 4. The following year, the staff applied this no-action position to a fund's compliance with the diversification requirements of section 5(b)(1) of the Act. MoneyMart Assets, Inc., SEC No-Action Letter (Sept. 3, 1980).

[11] Repurchase agreements with broker-dealers affiliated with the fund would, of course, continue to raise serious questions under sections 17(a) and 17(d) of the Act [15 U.S.C. 80a–17(a), 15 U.S.C. 80a–17(d)]. *See* Release 10666, *supra* note 4, at n.24.

[12] *See In re* Lombard-Wall Inc., No. 82 B 11556, bench op. (Bankr. S.D.N.Y. Sept. 16, 1982).

[13] 11 U.S.C. 101 *et seq.*

[14] *See Omnibus Bankruptcy Improvements Act of 1983*, S. Rep. No. 98–65, at 47 (1983) (discussing *In re* Lombard-Wall Inc.).

[15] As a consequence, the repurchase agreement might be an illiquid investment subject to restrictions on the amount of these investments in a fund's portfolio.

[16] Investment Company Act Release No. 13005 (Feb. 2, 1983) [48 FR 5894 (Feb. 9, 1983)] ("Release 13005"). Release 13005 called for the evaluation of the counterparty's creditworthiness to be made by the fund's board of directors. In a recent letter to the Investment Company Institute, the staff revised this position to permit a fund's investment adviser, rather than the fund's board, to evaluate the creditworthiness of counterparties and otherwise assume primary responsibility for monitoring and evaluating the fund's use of repurchase agreements. Investment Company Institute, SEC No-Action Letter (June 15, 1999).

[17] Before the passage of the Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. No. 98–353, 98 Stat. 333 (1984) ("BAFJA"), the treatment of a repurchase agreement under the

Continued

Bankruptcy Code now protects participants in repurchase agreements from the Code's automatic stay and preference avoidance provisions when the collateral consists of U.S. government and agency obligations, certificates of deposit, and eligible bankers' acceptances.[18] In 1996, when we amended the money market fund rule (rule 2a–7, which had codified the staff's position on repurchase agreements in connection with that rule's diversification requirements),[19] we tied the availability of the "look-through" more directly to the preferred treatment given to repurchase agreements under the Bankruptcy Code and related insolvency statutes.[20] We noted that if the collateral did not qualify for special treatment under these statutes, a fund could encounter significant liquidity problems if a large percentage of its assets were invested in a repurchase agreement with a bankrupt counterparty. In that case, the credit risks assumed by the fund would be directly tied to the counterparty rather than the issuers of the underlying collateral.[21]

The Commission is proposing a new rule 5b–3 that would codify the staff's positions that a fund may look through a fully collateralized repurchase agreement to the underlying securities for purposes of sections 5(b)(1) and 12(d)(3) of the Act,[22] supplemented by the requirement of rule 2a–7 that the repurchase agreement qualify for an exclusion from any automatic stay of creditors' rights under applicable insolvency law. Because the conditions for looking through a repurchase agreement for purposes of sections 5(b)(1) and 12(d)(3) are substantially the same as the conditions under rule 2a–7, the Commission is proposing to codify the same standard for all three purposes.

B. Pre-Refunded Bonds

Pre-refunded bonds are municipal bonds the repayment of which has been fully funded by a deposit into escrow of U.S. government securities. From time to time, a municipality may choose to refund previously issued bonds prior to their call date by issuing a second bond, the proceeds of which are used to purchase U.S. government securities. These securities are placed in escrow, and the principal and interest on the escrowed securities are used to pay off the original bonds.[23] The holders of the original bonds no longer look to the municipal issuer for repayment, but rather to the escrowed securities.

In 1993, the staff issued a no-action position permitting funds, under certain conditions, to look through pre-refunded bonds to the escrowed government securities for purposes of the section 5(b)(1) diversification requirements.[24] When the Commission amended rule 2a–7 in 1996, it codified this position for purposes of the money market fund diversification requirements, but omitted the condition that the pre-refunded bonds of any one issuer could account for no more than 25 percent of the fund's assets.[25] The Commission proposes to codify this revised treatment of pre-refunded bonds for purposes of section 5(b)(1).[26]

II. Discussion

A. Proposed Rule 5b–3(a): Treatment of Repurchase Agreements

Proposed rule 5b–3 would permit a fund to treat the acquisition of a repurchase agreement as an acquisition of the underlying securities for purposes of sections 5(b)(1) and 12(d)(3) of the Act, if the obligation of the seller to repurchase the securities from the fund is "collateralized fully," as defined in the proposed rule.[27] Consistent with the staff's no-action positions, the proposed rule also would require the board of directors or its delegate to evaluate the counterparty's creditworthiness.[28] A similar requirement would be added to rule 2a–7.[29]

The proposed rule generally would incorporate the definition of "collateralized fully" currently employed in rule 2a–7.[30] A repurchase

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Bankruptcy Code depended upon whether it was characterized as a secured loan or a purchase and sale transaction. If the transaction was characterized as a secured loan, the borrower-counterparty would retain at least an equitable interest in the securities, and the securities would be subject to the automatic stay provisions of the Bankruptcy Code, preventing the lender from taking any action against the borrower's property. If the transaction was characterized as a purchase and sale, the repurchase obligation would be viewed as an executory contract, which the bankruptcy trustee could accept or reject. Until acceptance or rejection, the fund would be exposed to the market risk of the securities. Regardless of the transaction's characterization, it was unclear whether "mark-to-market" payments (the payments required to keep the repurchase agreement fully collateralized) could be voided by the trustee as preferential transfers. The BAFJA amendments removed qualifying repurchase agreements from the operation of the Bankruptcy Code's automatic stay and preference avoidance provisions. *See* 11 U.S.C. 101(47) (defining repurchase agreement); 11 U.S.C. 559 (protecting repurchase agreement participants from the Bankruptcy Code's automatic stay provisions).

[18] *See* 11 U.S.C. 101(47); 11 U.S.C. 559. The Federal Deposit Insurance Act also provides preferred treatment to repurchase agreements in which a bank is the counterparty. *See* 12 U.S.C. 1821(e)(8)(A), (C) (affording preferred treatment to "qualified financial contracts"); 12 U.S.C. 1821(e)(8)(D)(i) (defining qualified financial contracts to include repurchase agreements); 12 U.S.C. 1821(e)(8)(D)(v) (defining repurchase agreement).

In broker-dealer insolvencies, the buyer's ability to liquidate the repurchase agreement collateral is subject to the possible imposition of a judicial stay obtained by the Securities Investor Protection Corporation ("SIPC"). Representatives of SIPC, however, have indicated that SIPC would consent, and urge the trustee to consent, to the liquidation of repurchase agreement collateral upon SIPC's receipt of certain documentation, including an affidavit from the buyer that it has a perfected security interest in the collateral. *See* Letter from Michael E. Don, President, SIPC, to Seth Grosshandler, Cleary, Gottlieb, Steen & Hamilton (Feb. 14, 1996); Letter from Michael E. Don, Deputy General Counsel, Office of the General Counsel, SIPC, to Eugene Marans, Cleary, Gottlieb, Steen & Hamilton (Aug. 29, 1988).

[19] *See* Revisions to Rules Regulating Money Market Funds, Investment Company Act Release No. 18005 (Feb. 20, 1991) [56 FR 8113 (Feb. 27, 1991)], at nn. 30–33 and accompanying text.

[20] *See* Revisions to Rules Regulating Money Market Funds, Investment Company Act Release No. 19959 (Dec. 17, 1993) [58 FR 68585 (Dec. 28, 1993)] ("1996 Amendments Proposing Release"), at nn. 168–74 and accompanying text; Revisions to Rules Regulating Money Market Funds, Investment Company Act Release No. 21837 (Mar. 21, 1996) [61 FR 13956 (Mar. 28, 1996)] ("1996 Amendments Adopting Release"), at nn. 116–19.

[21] 1996 Amendments Proposing Release, *supra* note 20, at n.172.

[22] The Commission expects to withdraw the staff positions if we adopt the proposed rule.

[23] *See, e.g.*, Robert Zipf, How Municipal Bonds Work 44–47 (1995).

[24] T. Rowe Price Tax-Free Funds, SEC No-Action Letter (June 24, 1993). In the letter, the Division of Investment Management agreed not to recommend any enforcement action if a fund treated an investment in municipal bonds refunded with escrowed government securities as an investment in the government securities for purposes of section 5(b)(1). This no-action position was based on certain representations, including that (1) the deposit of the government securities was irrevocable and pledged only to the debt service on the original bonds, (2) payments from the escrow would not be subject to the preference provisions or automatic stay provisions of the Bankruptcy Code, and (3) no fund would invest more than 25 percent of its assets in the pre-refunded bonds of any single municipal issuer.

[25] The Commission also eliminated the 25 percent limitation for funds other than money market funds that rely on the staff no-action position set forth in T. Rowe Price Tax-Free Funds. 1996 Amendments Adopting Release, *supra* note 20, at n.122.

[26] The Commission expects to withdraw the staff position if we adopt the proposed rule.

[27] Proposed rule 5b–3(a). A fund would be permitted to look through only that portion of the repurchase agreement that is collateralized fully. Any agreement or portion of an agreement that is not collateralized fully would be treated as a loan by the fund to the counterparty. Even if a repurchase agreement is collateralized fully, a fund may elect to look to the counterparty rather than the underlying securities in meeting the diversification requirements of section 5(b)(1).

[28] *Id. See* Release 13005, *supra* note 16; Investment Company Institute, *supra* note 16.

[29] Proposed rule 2a–7(c)(4)(ii)(A). This requirement is not new. In Investment Company Act Release No. 22383 (Dec. 10, 1996) [61 FR 66621 (Dec. 18, 1996)] (proposing technical amendments to rule 2a–7), at note 32, the Commission stated that a money market fund must continue to evaluate the counterparty's creditworthiness in order to minimize the risk of becoming involved in bankruptcy proceedings, consistent with the no-action position stated in Release 13005.

[30] Rule 2a–7(a)(5).

agreement would be collateralized fully if: (i) the value of the underlying securities (reduced by the costs that the fund reasonably could expect to incur if the counterparty defaults) is, and at all times remains, at least equal to the agreed resale price;[31] (ii) the collateral for the repurchase agreement consists entirely of cash items, U.S. government securities, or other securities of a high quality;[32] and (iii) the repurchase agreement qualifies for an exclusion from any automatic stay of creditors' rights against the counterparty under applicable insolvency law in the event of the counterparty's insolvency.[33]

The rule 2a–7 definition of "collateralized fully" also requires either the fund or its custodian to have physical possession of the collateral or a book entry to be maintained in the name of the fund or its custodian.[34] This provision derived from a Commission staff position requiring funds to acquire actual or constructive possession of repurchase agreement collateral.[35] In lieu of this requirement, the proposed rule would require the fund to perfect its security interest in the repurchase agreement collateral and maintain the collateral in an account with the fund's custodian or a third party that qualifies as a custodian under the Act.[36] This proposal, which we believe generally would not require a change from current practice, is intended to update the definition of "collateralized fully" in light of the 1994 revisions to the Uniform Commercial Code, which address the evolution of the indirect system for holding securities.[37] The updated requirement would, we believe, more accurately reflect the steps that a fund should take to protect its interests in repurchase agreement collateral. The Commission requests comment on this proposal. Should the definition of collateralized fully specifically require funds to perfect their security interests in repurchase agreement collateral by obtaining "control" of the collateral?[38]

We understand that some funds engage in "hold-in-custody" repurchase agreements ("HIC repos")[39] with their custodians as a means of investing cash that they receive late in the business day. Some commentators have suggested that these transactions entail the risk that the fund would not be able to liquidate the collateral promptly if the custodian were to become insolvent.[40] The Commission requests comment on risks posed by these transactions and whether HIC repos should be considered "collateralized fully" under rule 5b–3.

Most repurchase agreements are collateralized with U.S. government securities, and the staff positions with respect to section 5(b)(1) have limited the collateral to those securities.[41] Under the proposed rule, cash collateral also could be used, as well as other high quality securities. The Commission is proposing to limit the high quality securities that may be used as collateral based on the same standards currently contained in rule 2a–7 for money market funds.[42] The high quality requirement is designed to limit a fund's exposure to the ability of the counterparty to maintain sufficient collateral.[43] In addition, use of this rule 2a–7 standard would permit a fund complex to establish uniform criteria for repurchase agreements among funds. Comment is requested whether the rule should include these minimum quality standards for collateral. Are there any other criteria that would be preferable?

As discussed above, the proposed rule also requires the fund to evaluate the counterparty's creditworthiness.[44] This evaluation, which currently is required

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[31] Proposed rule 5b–3(c)(1)(i) requires the value of the securities collateralizing the repurchase agreement to be, and during the entire term of the agreement to remain, at least equal to the resale price. The term "resale price" is defined in paragraph (c)(7) of the proposed rule as the acquisition price paid to the seller plus the accrued resale premium, *i.e.*, the return on investment specified in the agreement. Consistent with prior staff positions, the market value of the securities held as collateral must be marked to market daily during the entire term of the agreement to ensure that the collateral is at all times at least equal to the resale price, and the repurchase agreement should provide for the delivery of additional collateral if the market value of the securities falls below the resale price. *See* Letter from Gerald Osheroff, *supra* note 5. Under the proposed rule, the fund's expected return on its investment may be either the full amount specified in the agreement or the daily amortization of the difference between the purchase price and the resale price specified in the agreement. This allows the counterparty to add to the collateral as interest on the loan accrues. *See* 1996 Amendments Proposing Release, *supra* note 20, at n.176 and accompanying text.

[32] Proposed rule 5b–3(c)(1)(iv). Any securities other than government securities must be rated in the highest rating category by the "requisite NRSROs." *Id. See also infra* text accompanying notes 41–43 (describing this proposed quality requirement and requesting comment). "Requisite NRSROs" are defined in paragraph (c)(6) of the proposed rule as any two NRSROs, or, if only one NRSRO has issued a rating at the time the fund acquires the security, that NRSRO. "NRSRO" is defined in paragraph (c)(5) as any nationally recognized statistical rating organization, as that term is used in paragraphs (c)(2)(vi)(E), (F) and (H) of rule 15c3–1 [17 CFR 240.15c3–1] under the Securities Exchange Act of 1934 [15 U.S.C. 78a–mm], that is not an "affiliated person," as defined in section 2(a)(3)(C) of the Act [15 U.S.C. 80a–2(a)(3)(C)], of the issuer of, or any insurer or provider of credit support for, the security.

[33] Proposed rule 5b–3(c)(1)(v).

[34] Rule 2a–7(a)(5)(ii).

[35] *See* Release 13005, *supra* note 16, at n.2 and accompanying text. In Release 13005, the Division stated that the requirement of actual or constructive possession was intended to ensure that the fund would be able to liquidate the collateral immediately upon any default or insolvency of the seller. Constructive possession included the transfer of book-entry securities. *See id.* The staff also provided guidance with respect to the custody requirements in a letter from Kathryn McGrath, Director, Division of Investment Management, to Matthew Fink, General Counsel, Investment Company Institute (June 19, 1985). Among other things, the letter noted the staff's position that "a repurchase agreement is fully collateralized only if the collateral is in the actual or constructive possession of the investment company." The letter also noted that the staff would consider a fund to have constructive possession of collateral when the collateral has been transferred to the fund's custodian or to the care of a third party to the repurchase agreement that would qualify as a custodian for fund assets under section 17(f) of the Act [15 U.S.C. 80a–17(f)].

[36] Proposed rule 5b–3(c)(1)(ii), (iii).

[37] *See generally* UCC, Revised Article 8—Investment Securities (With Conforming and Miscellaneous Amendments to Articles 1, 4, 5, 9, and 10) (1994 Official Text with Comments), 2C Uniform Laws Annotated (West Supp. 1997), Prefatory Note at I.D., II.B., II.C., II.D. As of April 1, 1999, the 1994 amendments to UCC Article 8 had been adopted by 48 states, the District of Columbia, and Puerto Rico. The most recent information regarding the status of proposed UCC revisions in the state legislatures can be obtained by contacting the National Conference of Commissioners on Uniform State Laws at (312) 915–0195.

[38] Under the 1994 revisions to the UCC, the primary means to perfect a security interest in investment securities is by obtaining "control" of the securities. *See* UCC, Revised Article 8, §§ 8–106, 9–115(4). In general, obtaining "control" means taking the steps necessary to place a secured lender in a position where it can have the collateral sold off without the further cooperation of the debtor. *See* UCC, Revised Article 8, Prefatory Note at II.D.

[39] In a HIC repo, the seller merely segregates the collateral during the term of the agreement, rather than transferring it to the buyer or to a third party. **Ellen Taylor, Trader's Guide to the Repo market** 25–26 (1995).

[40] *See* Seth Grosshandler, Lech Kalembka & Daniel Feit, Securities, Forward and Commodity Contracts and Repurchase and Swap Agreements Under U.S. Insolvency Laws (1995), *available in* LEXIS, 721 PLI/Comm 401, 434 (qualified financial contract provisions do not protect the right of a purchaser of securities under a HIC repo to compel delivery of the securities from the FDIC as conservator or receiver); *see also id.* at 416 (Bankruptcy Code does not appear to protect the right of a purchaser of securities under a HIC repo to compel delivery of the securities from the bankrupt).

[41] *See* MoneyMart Assets, *supra* note 10. The staff's no-action positions with respect to the treatment of repurchase agreements for purposes of section 12(d)(3) did not expressly limit the type of eligible collateral. *See* Release 10666, *supra* note 4; Release 13005, *supra* note 16.

[42] Rule 2a–7(a)(5)(iii); *see also supra* note 32.

[43] Securities of lower quality may be subject to greater price fluctuation. In the event of a steep drop in the market value of the collateral, it may be difficult for the counterparty to deliver additional securities sufficient to ensure that the repurchase agreement remains fully collateralized. If the counterparty does not deliver sufficient additional securities and thus defaults, the fund may be unable to realize the full value of the repurchase agreement upon liquidation of the collateral. In addition, high quality securities are generally more liquid than lower quality securities. A fund could more readily liquidate high quality securities in the event of a counterparty default.

[44] *See supra* note 28 and accompanying text.

under staff no-action positions, is designed to require the fund to determine whether the counterparty presents a serious risk of becoming involved in bankruptcy proceedings.[45] The Commission requests comment on the need for this evaluation of the counterparty's creditworthiness in light of the proposed requirement that repurchase agreements qualify for the preferred treatment now given to certain repurchase agreements under the Bankruptcy Code.[46]

B. Proposed Rule 5b–3(b): Treatment of Pre-Refunded Bonds

Proposed rule 5b–3 would codify for purposes of section 5(b)(1) the conditions specified in the staff's no-action position permitting a fund to treat an investment in a "refunded security" as an investment in the escrowed U.S. government securities for purposes of section 5(b)(1).[47] The rule, however, would not limit the amount of pre-refunded bonds of any one issuer that a fund could acquire.[48]

Under the proposed rule, a "refunded security" would be defined as a debt security the principal and interest payments of which are to be paid by U.S. government securities that have been irrevocably placed in an escrow account and are pledged only to the payment of the debt security.[49] The escrowed securities must not be redeemable prior to their final maturity, and the escrow agreement must prohibit the substitution of the escrowed securities unless the substituted securities are also U.S. government securities.[50] Finally, an independent certified public accountant must have certified to the escrow agent that the escrowed securities will satisfy all scheduled payments of principal, interest and applicable premiums on the refunded securities.[51] This treatment corresponds to the treatment given to pre-refunded bonds in rule 2a–7.[52]

C. Availability of Rule 12d3–1 for Repurchase Agreements

The Commission also proposes to amend rule 12d3–1, which provides an exemption from the prohibition in section 12(d)(3) on acquiring an interest in a broker-dealer or a bank engaged in a securities-related business.[53] The amendment would affect only repurchase agreements that do not meet the conditions for looking through the agreements to the underlying collateral. As discussed above, if a fund enters into a repurchase agreement with a broker-dealer or other counterparty that is engaged in securities related activities, and the fund is unable to look through the agreement to the underlying collateral, the fund may be in violation of section 12(d)(3) of the Act.[54] Rule 12d3–1 provides an exemption from section 12(d)(3) under certain conditions, but a note appended to rule 12d3–1 currently makes the rule unavailable for repurchase agreements that fail to meet the requirements for look-through treatment set forth in Investment Company Act Release No. 13005 ("Release 13005").[55] We are proposing to eliminate that note, and thus allow funds to rely on rule 12d3–1 even if the repurchase agreement does not meet the requirements of Release 13005. The Commission requests comment whether it is appropriate to permit funds to enter into repurchase agreements with broker-dealers when the transaction does not meet all of the requirements of proposed rule 5b–3, but does meet the requirements of rule 12d3–1.[56]

D. Conforming Amendments to Rule 2a–7

We are also proposing conforming amendments to rule 2a–7. These amendments would add to rule 2a–7 the requirement that a money market fund must evaluate the counterparty's creditworthiness in order to treat the acquisition of a repurchase agreement as an acquisition of the underlying securities.[57] In addition, the proposed amendments would replace the definitions of "collateralized fully," "event of insolvency," and "refunded security," currently set forth in rule 2a–7 with cross references to the corresponding definitions set forth in proposed rule 5b–3.[58]

E. Request for Comments

Any interested persons wishing to submit written comments on the proposed rule and rule amendments that are the subject of this Release, to suggest additional provisions or changes to the rules, or to submit comments on other matters that might have an effect on the proposals contained in this Release, are requested to do so. The Commission specifically requests comment whether a fund should be allowed to look through any other types of investments to underlying securities for purposes of diversification, the prohibition of section 12(d)(3), or any other provision of the Investment Company Act. Commenters suggesting alternative approaches are encouraged to submit suggested rule text.

The Commission also requests comment whether the proposals, if adopted, would promote efficiency, competition, and capital formation. We will consider these comments pursuant to our responsibilities under section 2(c) of the Investment Company Act.[59] The Commission encourages commenters to provide empirical data or other facts to support their views. For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996,[60] the Commission also requests information regarding the potential impact of the proposed rule and rule amendments on the economy on an annual basis. Commenters are requested to provide empirical data to support their views.

III. Cost-Benefit Analysis

The Commission is sensitive to the costs and benefits imposed by its rules. For the most part, the proposed rule would codify current staff positions. By codifying a number of staff no-action positions issued over a nearly twenty year period, the proposed rule should make it easier for funds to determine whether, and under what conditions,

[45] *See* Release 13005, *supra* note 16, at n.6.

[46] When we proposed amendments to rule 2a–7 in 1993, we requested comment on the need for a credit risk determination in light of the amendments to the Bankruptcy Code. 1996 Amendments Proposing Release, *supra* note 20, at n.173 and accompanying text. Most commenters urged that the determination be retained.

[47] Proposed rule 5b–3(b).

[48] *See* T. Rowe Price Tax-Free Funds, *supra* note 24.

[49] Proposed rule 5b–3(c)(4).

[50] Proposed rule 5b–3(c)(4)(i), (ii).

[51] Proposed rule 5b–3(c)(4)(iii). The proposed rule makes an exception to the certification requirement if the refunded security has received the highest rating from an NRSRO. *Id.*

[52] *See* rule 2a–7(a)(20), (c)(4)(ii)(B); *see also* 1996 Amendments Proposing Release, *supra* note 20, at section II.A.3.

[53] *See supra* note 5.

[54] *See supra* notes 5–7 and accompanying text.

[55] *See* Release 13005, *supra* note 16. Rule 12d3–1 provides an exemption for purchases of securities of any entity that derived fifteen percent or less of its gross revenues from securities related activities in its most recent fiscal year, unless the acquiring company would control the entity after the purchase. If the entity derived more than fifteen percent of its gross revenues from securities related activities, the rule provides a limited exemption based on the amount and value of the securities purchased. The note to the rule states: "**Note**: It is not intended that this rule should supersede the requirements prescribed in Investment Company Act Release No. 13005 (Feb. 2, 1983) with respect to repurchase agreements with brokers or dealers."

[56] A fund investing in a repurchase agreement that does not meet the requirements of the proposed rule would not be able to "look through" the agreement and must instead treat the counterparty to the agreement as the issuer.

[57] Proposed rule 2a–7(c)(4)(ii)(A). As noted above, this merely codifies a current staff requirement. *See supra* note 29.

[58] Proposed rule 2a–7(a)(5), (11) and (20) (cross-referencing proposed rule 5b–3(c)(1), (2), and (4)).

[59] 15 U.S.C. 80a–2(c).

[60] Pub. L. No. 104–121, Title II, 110 Stat. 857 (1996).

they are permitted to look through repurchase agreements or pre-refunded bonds to the underlying securities for purposes of sections 5(b)(1) and 12(d)(3) of the Act. In addition, the proposed rule would use substantially the same standards currently specified in rule 2a–7 for the treatment of repurchase agreements and pre-refunded bonds by money market funds. With this uniform treatment, fund complexes that include money market funds may be more efficient in monitoring compliance with the requirements of the rules for all types of funds.

As discussed above, the proposed rule would be limited to repurchase agreements in which the underlying collateral consists of cash items, U.S. government securities, or other securities that meet certain quality standards. As proposed, the rule tracks the language of rule 2a–7, generally requiring any "other securities" to carry the highest rating of two national rating agencies ("NRSROs," as defined in the rule). This proposed requirement is intended to ensure that the market value of the collateral will remain fairly stable and that the fund will be able to liquidate the collateral quickly in the event of a default. This limitation on collateral is more restrictive than the staff's position with respect to the treatment of repurchase agreements for purposes of section 12(d)(3),[61] but it is less restrictive than the staff's position with respect to section 5(b)(1).[62] Since most repurchase agreements are collateralized by U.S. government securities, which clearly fall within the proposed rule's limitations, it appears that the limitation will not have any significant impact on funds.

The proposed rule is limited to repurchase agreements that qualify for an exclusion from any automatic stay under applicable insolvency law. Although this requirement is included in rule 2a–7, it was not a feature of the staff positions, which generally pre-dated the relevant changes in the Bankruptcy Code. Again, because most repurchase agreements qualify for an exclusion, this limitation should not have any significant impact on funds. The limitation will, however, provide important protections for investors by ensuring that a fund can liquidate the collateral quickly in the event of the counterparty's bankruptcy.

The proposed amendment to rule 12d3–1 would eliminate the "Note" to the rule that renders the rule unavailable to repurchase agreements. The Commission believes that funds should be allowed to rely on rule 12d3–1 in cases in which a repurchase agreement does not meet all of the conditions of proposed rule 5b–3. This amendment will provide additional flexibility for funds without impairing investor interests.

The Commission requests comment on the costs and benefits of the proposed rule and rule amendments. To the extent possible, please quantify any significant costs or benefits.

IV. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") in accordance with 5 U.S.C. 603 regarding proposed rule 5b–3, and the conforming amendments to rules 2a–7 and 12d3–1. The IRFA indicates that the new rule would codify the staff's position that a fund may look through a fully collateralized repurchase agreement to the underlying securities for purposes of sections 5(b)(1) and 12(d)(3) of the Act, and add the requirement of rule 2a–7 that the repurchase agreement qualify for an exclusion from any automatic stay of creditors' rights under applicable insolvency law. The IRFA indicates that proposed rule 5b–3 also would permit a fund to treat the acquisition of certain pre-refunded bonds as an acquisition of the escrowed securities for purposes of section 5(b)(1) of the Act. In addition, the IRFA explains that the proposed amendment to rule 12d3–1 would eliminate the "Note" appended to the rule in order to allow funds to rely on rule 12d3–1 even if the repurchase agreement is not collateralized fully. Finally, the IRFA states that the conforming amendments to rule 2a–7 are intended to simplify and update the provisions of that rule that address repurchase agreements and refunded securities.

The IRFA sets forth the statutory authority for the proposed rule and rule amendments. The IRFA also discusses the effect of the proposed rule and rule amendments on small entities. For purposes of the Investment Company Act and the Regulatory Flexibility Act, a fund is a small entity if the fund, together with other funds in the same group of related funds, has net assets of $50 million or less as of the end of its most recent fiscal year.[63]

The IRFA states that proposed rule 5b–3 will affect (i) any fund that invests in a repurchase agreement with a broker, dealer, underwriter, or bank that is engaged in a securities-related business, when the investment may otherwise be prohibited by section 12(d)(3) of the Act, and (ii) any fund that holds itself out as a diversified investment company under section 5(b)(1) of the Act and that invests in repurchase agreements or pre-refunded bonds.

As of December 31, 1998, there were approximately 4,300 registered funds. Of this number, the Commission staff estimates that there are approximately 269 funds that are small entities. These funds could be affected by the proposed rule's treatment of investments in repurchase agreements for purposes of section 12(d)(3) of the Act. As of December 31, 1998, there were approximately 2,500 registered funds with one or more portfolios that hold themselves out to be diversified companies. Of this number, the Commission staff estimates that there are approximately 73 funds that are small entities. These funds could be affected by proposed rule's treatment of investments in repurchase agreements and pre-refunded bonds for purposes of section 5(b)(1) of the Act.

The IRFA explains that the proposed rule should not have a significant economic impact on these funds, including those that are small entities. It would not effect significant changes to the current treatment of repurchase agreements and pre-refunded bonds, but instead would codify and update a number of no-action positions that have been taken by the Commission staff.

The IRFA states that the proposed amendment to rule 2a–7 would affect money market funds. As of December 31, 1998, there were approximately 300 registered funds with one or more portfolios that are money market funds. Of this number, it is estimated that approximately 3 were small entities. The proposed amendment, however, would only update one aspect of rule 2a–7, and it appears that the updated provision would not require a change from current practice. The proposal thus should not have a significant economic impact on a substantial number of small entities.

The IRFA states that the proposed amendment to rule 12d3–1 will affect any fund that invests in a repurchase agreement with a broker, dealer, underwriter, or bank that is engaged in

[61] Release 13005, *supra* note 16, did not specify the type of collateral, merely noting that the "securities most frequently used in connection with repurchase agreements are Treasury bills and other United States Government securities."

[62] The staff's no-action position in MoneyMart Assets, *supra* note 10, was conditioned on the collateral consisting entirely of U.S. government securities.

[63] 17 CFR 270.0–10.

a securities-related business, when the investment may otherwise be prohibited by section 12(d)(3) of the Act. As stated above, there were approximately 4,300 registered funds as of December 31, 1998, of which approximately 269 funds were small entities. These funds would benefit from the proposed amendment to rule 12d3–1, which would allow funds to rely on that rule even if the repurchase agreement does not meet the requirements of the Commission staff positions.

The IRFA explains that the proposed rule and rule amendments would not impose any new reporting or recordkeeping requirements. The proposals do not involve major changes in compliance requirements because they mainly codify existing Commission staff positions. The IRFA states that the definition of "collateralized fully" in proposed rule 5b–3 supplements prior staff positions by requiring that the repurchase agreement qualify for an exclusion from any automatic stay of creditors' rights under applicable insolvency law. The definition also has been updated to reflect the 1994 revisions to the UCC. It appears, however, that this change generally would not require a change from current practice. There are no rules that duplicate, overlap or conflict with the proposed rule and rule amendments.

The IRFA discusses the various alternatives considered by the Commission that would accomplish the stated objective, while minimizing any significant adverse impact on small entities. In connection with the proposed rule and rule amendments, the Commission considered the following alternatives: (a) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (b) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for small entities; (c) the use of performance rather than design standards; and (d) an exemption from coverage of the rule, or any part thereof, for small entities. The IRFA notes that the proposed rule and rule amendments are not intended to effect major substantive changes to the current treatment of repurchase agreements and pre-refunded bonds, but would essentially codify a number of no-action positions taken by the Commission staff. Because the proposed rule and rule amendments are designed to clarify the appropriate treatment of investments by funds in repurchase agreements and pre-refunded bonds for various purposes of the Act, and to provide investment flexibility for funds of all sizes, it would be inconsistent with the purposes of the Regulatory Flexibility Act to propose to exempt small entities from their coverage. Further clarification, consolidation, or simplification of the proposals, or specification of different compliance standards for small entities, would not be appropriate, because the proposals set forth the minimum standards consistent with investor protection. For the same reasons, the use of performance standards would be inappropriate. Overall, it appears that the proposed rule and rule amendments would not have an adverse effect on small entities.

The IRFA states that the Commission encourages the solicitation of comments with respect to any aspect of the IRFA. Comment is specifically requested on the number of small entities that would be affected by the proposed rule and rule amendments, and the likely impact of the proposals on small entities. A copy of the IRFA may be obtained by contacting Marilyn Mann, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549–0506.

V. Statutory Authority

The Commission is proposing new rule 5b–3, and is proposing amendments to rule 2a–7 and to rule 12d3–1, pursuant to the authority set forth in sections 6(c) and 38(a) of the Act [15 U.S.C. 80a–6(c) and 80a–37(a)].

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Proposed Rule and Rule Amendments

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. The authority citation for part 270 continues to read, in part, as follows:

Authority: 15 U.S.C. 80a–1 *et seq.*, 80a–34(d), 80a–37, 80a–39 unless otherwise noted:

* * * * *

2. Section 270.2a–7 is amended by revising paragraphs (a)(5), (a)(11), (a)(20) and (c)(4)(ii)(A) to read as follows:

§ 270.2a–7 Money market funds.

(a) *Definitions.* * * *

(5) *Collateralized Fully* means "Collateralized Fully" as defined in § 270.5b–3(c)(1).

* * * * *

(11) *Event of Insolvency* means "Event of Insolvency" as defined in § 270.5b–3(c)(2).

* * * * *

(20) *Refunded Security* means "Refunded Security" as defined in § 270.5b-3(c)(4).

* * * * *

(c) *Share Price Calculations.* * * *

(4) *Portfolio Diversification.* * * *

(ii) *Issuer Diversification Calculations.* * * *

(A) *Repurchase Agreements.* The Acquisition of a repurchase agreement may be deemed to be an Acquisition of the underlying securities, provided the obligation of the seller to repurchase the securities from the money market fund is Collateralized Fully and the fund's board of directors (or the person delegated by the board under paragraph (e) of this section) has evaluated the seller's creditworthiness.

* * * * *

3. Section 270.5b–3 is added to read as follows:

§ 270.5b-3 Acquisition of repurchase agreement or refunded security treated as acquisition of underlying securities.

(a) *Repurchase Agreements.* For purposes of sections 5 and 12(d)(3) of the Act (15 U.S.C. 80a–5, 80a–12(d)(3)), the acquisition of a repurchase agreement may be deemed to be an acquisition of the underlying securities, provided the obligation of the seller to repurchase the securities from the investment company is Collateralized Fully and the board of directors or its delegate has evaluated the seller's creditworthiness.

(b) *Refunded Securities.* For purposes of section 5 of the Act (15 U.S.C. 80a–5), the acquisition of a Refunded Security shall be deemed to be an acquisition of the escrowed Government Securities.

(c) *Definitions.* As used in this section:

(1) *Collateralized Fully* in the case of a repurchase agreement means that:

(i) The value of the securities collateralizing the repurchase agreement (reduced by the transaction costs (including loss of interest) that the investment company reasonably could expect to incur if the seller defaults) is, and during the entire term of the repurchase agreement remains, at least equal to the Resale Price provided in the agreement;

(ii) The investment company has perfected its security interest in the collateral;

(iii) The collateral is maintained with the investment company's custodian or a third party that qualifies as a custodian under the Act;

(iv) The collateral consists entirely of cash items, Government Securities or other securities that at the time the repurchase agreement is entered into are rated in the highest rating category by the Requisite NRSROs; and

(v) Upon an Event of Insolvency with respect to the seller, the repurchase agreement would qualify under a provision of applicable insolvency law providing an exclusion from any automatic stay of creditors' rights against the seller.

(2) *Event of Insolvency* means, with respect to a person:

(i) An admission of insolvency, the application by the person for the appointment of a trustee, receiver, rehabilitator, or similar officer for all or substantially all of its assets, a general assignment for the benefit of creditors, the filing by the person of a voluntary petition in bankruptcy or application for reorganization or an arrangement with creditors; or

(ii) The institution of similar proceedings by another person which proceedings are not contested by the person; or

(iii) The institution of similar proceedings by a government agency responsible for regulating the activities of the person, whether or not contested by the person.

(3) *Government Security* means any "Government Security" as defined in section 2(a)(16) of the Act (15 U.S.C. 80a–2(a)(16)).

(4) *Refunded Security* means a debt security the principal and interest payments of which are to be paid by Government Securities ("deposited securities") that have been irrevocably placed in an escrow account pursuant to an agreement between the issuer of the debt security and an escrow agent that is not an "affiliated person," as defined in section 2(a)(3)(C) of the Act (15 U.S.C. 80a–2(a)(3)(C)), of the issuer of the debt security, and, in accordance with such escrow agreement, are pledged only to the payment of the debt security and, to the extent that excess proceeds are available after all payments of principal, interest, and applicable premiums on the Refunded Securities, the expenses of the escrow agent and, thereafter, to the issuer or another party; *provided* that:

(i) The deposited securities shall not be redeemable prior to their final maturity;

(ii) The escrow agreement shall prohibit the substitution of the deposited securities unless the substituted securities are Government Securities; and

(iii) At the time the deposited securities are placed in the escrow account, or at the time a substitution of the deposited securities is made, an independent certified public accountant shall have certified to the escrow agent that the deposited securities will satisfy all scheduled payments of principal, interest and applicable premiums on the Refunded Securities; *provided, however,* an independent public accountant need not have provided the certification described in this paragraph (c)(4)(iii) if the security, as a Refunded Security, has received a rating from an NRSRO in the highest category for debt obligations (within which there may be sub-categories or gradations indicating relative standing).

(5) *NRSRO* means any nationally recognized statistical rating organization, as that term is used in paragraphs (c)(2)(vi)(E), (F) and (H) of § 240.15c3–1 of this chapter, that is not an "affiliated person," as defined in section 2(a)(3)(C) of the Act (15 U.S.C. 80a–2(a)(3)(C)), of the issuer of, or any insurer or provider of credit support for, the security.

(6) *Requisite NRSROs* means:

(i) Any two NRSROs that have issued a rating with respect to a security or class of debt obligations of an issuer; or

(ii) If only one NRSRO has issued a rating with respect to such security or class of debt obligations of an issuer at the time the investment company acquires the security, that NRSRO.

(7) *Resale Price* means the acquisition price paid to the seller of the securities plus the accrued resale premium on such acquisition price. The accrued resale premium shall be the amount specified in the repurchase agreement or the daily amortization of the difference between the acquisition price and the resale price specified in the repurchase agreement.

4. Section 270.12d3–1 is amended by removing the appended Note.

By the Commission.

Dated: September 23, 1999.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25253 Filed 9–28–99; 8:45 am]

BILLING CODE 8010–01–U

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

RIN 1512–AA07

[Notice No. 882]

Diamond Mountain Viticultural Area (99R–223P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) has received a petition proposing the Diamond Mountain viticultural area. This petition was submitted by Rudy von Strasser of Von Strasser Winery on behalf of the Diamond Mountain Appellation Committee, whose 15 growers and vintners represent 87 percent of the total vineyard holdings in the proposed area. The Diamond Mountain proposed viticultural area is located entirely within the Napa Valley viticultural area. The proposed viticultural area encompasses approximately 5,000 acres, of which approximately 450 acres are planted to vineyards.

DATES: Written comments must be received by November 29, 1999.

ADDRESSES: Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221 (Attn: Notice No. 882). Copies of the petition, the proposed regulations, the appropriate maps, and any written comments received will be available for public inspection during normal business hours at the ATF Reading Room, Office of Public Affairs and Disclosure, room 6480, 650 Massachusetts Avenue, NW, Washington, DC 20226

FOR FURTHER INFORMATION CONTACT: Thomas B. Busey, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington DC 20226 (202) 927–8199.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On

October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

The Bureau of Alcohol, Tobacco and Firearms (ATF) has received a petition proposing a new viticultural area to be called Diamond Mountain. The proposed viticultural area is located entirely in Napa County, California. The proposed area encompasses approximately 5,000 acres, of which approximately 450 acres are planted to vineyards.

Evidence That the Name of the Area is Locally or Nationally Known

According to the petitioner, Diamond Mountain has been home to vineyards and wineries since the 1860's. The petitioner presented evidence that a Mr. Joseph Schram planted his first vines as early as 1863 and had a hundred acres of vineyards by 1892.

According to the petitioner, the evolution of Diamond Mountain into a Napa Valley regional name began in the early decades of the 20th century, with Diamond Mountain School and Diamond Mountain Road being the first features in the region to bear the name. The naming of the school took place in 1909, with the major access road in the region designated as Diamond Mountain Road shortly thereafter.

The petitioner has also presented substantial evidence that the Diamond Mountain region began to gain national renown in the early 1970's, as expanding consumer interest in California wines resulted in new vineyards, new wineries and a greater awareness of regional wine character. As evidence for this national name the petitioner includes an excerpt from the second edition of *The Wines of America* by Leon Adams that states, "Diamond Mountain, like Mt. Veeder and Spring Mountain also on the west side of Napa Valley, is regarded as a viticultural district separate from the rest of Napa Valley."

Historical or Current Evidence That the Boundaries of the Viticultural Area Are as Specified in the Petition

According to the petitioner, precise boundaries for the region being proposed have never been delineated. The petitioner does, however, state that Diamond Mountain's viticultural history and identity are associated almost exclusively with the Napa Valley, in Napa County. For this reason, the boundaries of the proposed viticultural area are entirely within Napa County. According to the petitioner, the petition takes a conservative approach to establishing boundaries for Diamond Mountain. The petitioner states that special care has been taken to assure that the boundaries encompass only those lands that meet both the historic and geographic criteria for inclusion in the proposed viticultural area. Also, the boundaries have been drawn to respect neighboring regions with separate names, histories, geographic features and political boundaries.

The petitioner cites the Fourth Edition of "The Connoisseurs' Handbook of the Wines of California and the Pacific Northwest" for a description of the proposed area ". . . a portion of the Napa Valley's western hills between St. Helena and Calistoga". This citation is accompanied by a map which shows the rough limits of the region: Spring Mountain to the south, the 400 foot elevation that generally parallels Highway 29 to the east, Petrified Forest Road to the north and the Napa-Sonoma County line to the west.

The petitioner claims that the 400 foot contour line for the northeastern boundary accurately reflects the lowest elevation of vineyards historically associated with Diamond Mountain. The petitioner also claims that the southwestern boundary acknowledges the historic association of the proposed Diamond Mountain viticultural area with Napa County and Napa Valley, and also recognizes the differences in history and geography that distinguish Diamond Mountain from adjacent slopes of the Mayacama Mountains in Sonoma County.

Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, Etc.) Which Distinguish Viticultural Features of the Proposed Area From Surrounding Areas

According to the petitioner, the geographical features in the proposed Diamond Mountain viticultural area clearly distinguish it from surrounding areas. The Diamond Mountain region is situated in the Napa Valley on the eastern slope of the Mayacamas Mountains. The region consists entirely of residual upland soils derived from volcanic parent material. According to the petitioner, these soils are very different from the alluvial soils on the floor of the Napa Valley to the east and northeast and are also significantly different from the sedimentary upland soils prevalent in the Spring Mountain viticultural area to the south. The petitioner also emphasizes that these soils are significantly different from the shallow, dry soils in Sonoma County to the west and southwest.

According to the petitioner, the proposed viticultural area's topography and aspect contribute to a special microclimate. Hillside topography and valley temperature inversions combine to give the region an unusually moderate temperate regime during a growing season, with lower maximum temperatures and higher minimum temperatures than nearby locations on the floor of the Napa Valley. The petitioner states that the microclimate of the Diamond Mountain region is clearly distinctive when compared to the surrounding areas. The region's microclimate is slightly warmer than that of the Spring Mountain District to the south, but somewhat similar due to comparable upland locations, northeastern (eastern, in Spring Mountain's case) aspects, and cooling influence of marine breezes from the Pacific Ocean. The microclimate is significantly cooler than the floor of the Napa Valley to its northeast and north, due to various tempering influences primarily associated with its upland location. So too is it cooler than adjacent land to the west in Sonoma County, due to its predominantly northeastern aspect which provides

oblique sun and shade in the afternoon, while the western aspect of the Mayacamas Mountains adjacent to the region in Sonoma County is clearly hotter and drier.

Proposed Boundaries

The proposed viticultural area is located in Napa County, California. The approved USGS maps for determining the boundary of the proposed Diamond Mountain viticultural area are, "Mark West Springs, Calif.", 7.5 minute series, edition of 1993, and the "Calistoga, Calif.", 7.5 minute series, edition of 1993.

The northeastern boundary follows the 400 foot contour line from Ritchey Creek northwest to the Petrified Forest Road and the northern boundary follows the Petrified Forest Road west from the 400 foot contour line to the Napa-Sonoma county line. The southwestern boundary follows the official boundary line between Napa and Sonoma counties southeast from Petrified Forest Road to the east-west boundary between Sections 18 and 19 in Township 8 North, Range 6 West, Mount Diablo Range and Meridian. The southern boundary follows the boundary between Sections 18 and 19, Sections 17 and 20 and Ritchey Creek east from the Napa-Sonoma county line to the 400 foot elevation line. It also corresponds with the Northern Boundary of the Spring Mountain District viticultural area.

Public Participation—Written Comments

ATF requests comments from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

ATF will not recognize any submitted material as confidential and comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure.

Comments may be submitted by facsimile transmission to (202) 927–8602, provided the comments: (1) Are legible; (2) are 8½″ × 11″ in size, (3) contain a written signature, and (4) are three pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

Any person who desires an opportunity to comment orally at a public hearing on the proposed regulation should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Regulatory Flexibility Act

It is hereby certified that this proposed regulation will not have a significant impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. ATF believes that the establishment of viticultural areas merely allows wineries to more accurately describe the origin of their wines to consumers, and helps consumers identify the wines they purchase. Thus, any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from that area.

No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

Drafting Information. The principal author of this document is Thomas B. Busey, Regulations Division, Bureau of Alcohol, Tobacco, and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is proposed to be amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Subpart C is amended by adding Section 9.166 to read as follows

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.166 Diamond Mountain.

(a) *Name.* The name of the viticultural area described in this section is "Diamond Mountain."

(b) *Approved map.* The appropriate maps for determining the boundary of the Diamond Mountain viticultural area are two 1:24,000 Scale U.S.G.S. topography maps. They are titled:

(1) Mark West Springs, CA 1993

(2) Calistoga, CA 1993

(c) *Boundary.* The proposed viticultural area is located in Napa County, California. The beginning point is where the boundary between Napa and Sonoma counties intersects Petrified Forest Road in Section 3 of Township 8 North, Range 7 West, Mount Diablo Base and Meridian on the Mark West Springs map;

(1) Then north and east along Petrified Forest Road approximately 1.9 miles to the point where it intersects the 400 foot contour just east of Section 35 of Township 9 North, Range 7 West, Mount Diablo Base and Meridian, in the Mallacomes land grant;

(2) Then generally east southeast along the 400 foot contour approximately 6.5 miles to the point where it intersects Ritchey Creek in Section 3 of Township 8 North, Range 6 West, Mount Diablo Base and Meridian;

(3) Then west southwest along Ritchey Creek approximately 2.2 miles to the point where it intersects the boundary between Sections 17 and 20 of Township 8 North, Range 6 West, Mount Diablo Base and Meridian;

(4) Then due west in a straight line along the section boundary approximately 0.8 miles to the point where it intersects the boundary between Napa and Sonoma Counties between Sections 18 and 19 of Township 8 North, Range 6 West, Mount Diablo Base and Meridian;

(5) Then generally northwest along the boundary between Napa and

Sonoma Counties approximately 4.2 miles to the point where it intersects Petrified Forest Road, to the point of beginning.

Signed: September 21, 1999.

John W. Magaw,

Director.

[FR Doc. 99–25286 Filed 9–28–99; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH–038–7165b; A–1–FRL–6445–3]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Stage II Comparability and Clean Fuel Fleets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve two State Implementation Plan (SIP) revisions that the New Hampshire Department of Environmental Services submitted to EPA: New Hampshire's Stage II comparability demonstration submitted on July 9, 1998 and Clean Fuel Fleets opt out submitted on June 7, 1994. In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP submittals as a direct final rule without prior proposal because the Agency views these as noncontroversial submittals and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before October 29, 1999.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the State's submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and at the Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302–2033.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 918–1047, for Stage II Comparability and Matthew B. Cairns, (617) 918–1667, for Clean Fuel Fleets.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: September 17, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–25157 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA–1893, MM Docket No. 99–289, RM–9668]

Digital Television Broadcast Service; Champaign, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Midwest Television, Inc., licensee of station WCIA(TV), NTSC 3, Champaign, Illinois, proposing the substitution of DTV Channel 5 for station WCIA(TV)'s assigned DTV Channel 48. DTV Channel 5 can be substituted and allotted to Champaign, Illinois, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 40–06–23 N. and 88–26–59 W. As requested, we also propose to modify WCIA(TV)'s authorization to specify operation on the alternate DTV Channel 5 at Champaign, Illinois, with a power of 4.5 (kW) and a height above average terrain (HAAT) of 287 meters.

DATES: Comments must be filed on or before November 9, 1999, and reply comments on or before November 24, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Jonathan D. Blake, Mary Newcomer Williams, Covington & Burling, 1201 Pennsylvania Avenue, NW, Post Office Box 7566, Washington, DC 20044–7566 (Counsel for Midwest Television, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–289, adopted September 17, 1999, and released September 20, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 99–25150 Filed 9–28–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–1942, MM Docket No. 99–291, RM–9665]

Digital Television Broadcast Service; Reno, NV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Sarkes Tarzian, Inc., licensee of station KTVN(TV), NTSC 2, Reno, Nevada, proposing the substitution of DTV Channel 13 for station KTVN(TV)'s assigned DTV Channel 32. DTV Channel 13 can be substituted and allotted to Reno, Nevada, as proposed, in

compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 39–18–45 N. and 119–53–00 W. As requested, we propose to modify station KTVN(TV)'s construction permit to specify operation on DTV Channel 13 with a power of 12 (kW) and a height above average terrain (HAAT) of 906 meters.

DATES: Comments must be filed on or before November 15, 1999, and reply comments on or before November 30, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Brian M. Madden, Esq., Leventhal, Senter & Lerman, Suite 600, 2000 K Street, NW, Washington, DC 20006–1809 (Counsel for Sarkes Tarzian, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–1942, adopted September 22, 1999, and released September 24, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 99–25149 Filed 9–28–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 99–1883, MM Docket No. 99–286, RM–9713]

Radio Broadcasting Services; Albany, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Albany Broadcasting Company proposing the allotment of Channel 255A at Albany, Texas. The channel can be allotted to Albany in compliance with the Commission's spacing requirements at coordinates 32–43–36 NL and 99–17–42 WL.

DATES: Comments must be filed on or before November 8, 1999, and reply comments on or before November 23, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Audrey P. Rasmussen, O'Connor & Hannan, L.L.P., 1919 Pennsylvania, Avenue, NW, Suite 800, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–286, adopted September 8, 1999, and released September 17, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–25320 Filed 9–28–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 99–1883, MM Docket No. 99–287, RM–9712]

Radio Broadcasting Services; Sulphur Bluff, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Sulphur Bluff Radio Broadcasting Company proposing the allotment of Channel 259A at Sulphur Bluff, Texas. The channel can be allotted to Sulphur Bluff in compliance with the Commission's spacing requirements at coordinates 33–23–03 NL and 95–22–59 WL. There is a site restriction 2.7 kilometers (1.7 miles) northeast of the community.

DATES: Comments must be filed on or before November 8, 1999, and reply comments on or before November 23, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Robert Lewis Thompson, Taylor Thiemann & Aitken, L.C., 908 King Street, Suite 300, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–287, adopted September 8, 1999, and released September 17, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th

Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–25321 Filed 9–28–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 99–1870; MM Docket No. 99–77; RM–9489]

Radio Broadcasting Services; Frenchtown, MT

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document dismisses a petition for rule making filed by Idaho Broadcasting Consortium requesting the allotment of Channel 294C2 at Frenchtown, Montana. *See* 64 FR 14419, March 25, 1999. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–77, adopted September 8, 1999, and released September 17, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–25322 Filed 9–28–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 99–1883, MM Docket No. 99–288, RM–9708]

Radio Broadcasting Services; Sister Bay, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Michael J. Mesic proposing the allotment of Channel 286A at Sister Bay, Wisconsin. The channel can be allotted to Sister Bay in compliance with the Commission's spacing requirements at coordinates 45–11–18 NL and 87–07–18 WL. Canadian concurrence will be requested for the allotment of Channel 286A at Sister Bay.

DATES: Comments must be filed on or before November 8, 1999, and reply comments on or before November 23, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Michael J. Mesic, 12460 W. Duncan Lane, #206, New Berlin, Wisconsin 53151.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–288, adopted September 8, 1999, and released September 17, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–25323 Filed 9–28–99; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 64, No. 188
Wednesday, September 29, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Passenger Vessel Access Advisory Committee; Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has established an advisory committee to assist it in developing a proposed rule on accessibility guidelines for newly constructed and altered passenger vessels covered by the Americans with Disabilities Act. This document gives notice of the dates, times, and location of the next meeting of the Passenger Vessel Access Advisory Committee (committee).

DATES: The next meeting of the committee is scheduled for October 20 through 22, 1999, beginning at 9:00 a.m. and ending at 5:00 p.m. each day. An optional tour of the Paul Hall Maritime Center in Piney Point, Maryland, is scheduled for October 19, 1999.

ADDRESSES: The meeting will be held in the 3rd floor training room at 1331 F Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul Beatty, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC 20004–1111. Telephone number (202) 272–5434 extension 19 (Voice); (202) 272–5449 (TTY). E-mail address: pvaac@access-board.gov. This document is available in alternate formats (cassette tape, Braille, large print, or computer disk) upon request. This document is also available on the Board's Internet site at http://www.access-board.gov/notices/pvaacmtg.htm.

SUPPLEMENTARY INFORMATION: The Architectural and Transportation Barriers Compliance Board (Access Board) established a Passenger Vessel Access Advisory Committee (committee) to assist the Board in developing proposed accessibility guidelines for newly constructed and altered passenger vessels covered by the Americans with Disabilities Act. 63 FR 43136 (August 12, 1998). The committee is composed of owners and operators of various passenger vessels; persons who design passenger vessels; organizations representing individuals with disabilities; and other individuals affected by the Board's guidelines.

The committee will meet on the dates and at the location announced in this notice. The meeting is open to the public. The facility is accessible to individuals with disabilities. Individuals who require sign language interpreters or real-time captioning systems should contact Paul Beatty by October 12, 1999.

Optional Tour

In addition to the meeting, an optional tour is planned for the committee on October 19 to the Paul Hall Maritime Center (PHMC) in Piney Point, Maryland. The tour is open to the public. Individuals desiring to participate in the tour must contact Paul Beatty by October 5, 1999, to be added to the participant list. For further information on this tour, please contact Paul Beatty.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 99–25250 Filed 9–28–99; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Statement by Ultimate Consignee and Purchaser.

Agency Form Number: BXA–711.

OMB Approval Number: 0694–0021.

Type of Request: Extension of a currently approved collection of information.

Burden: 1,210 hours.

Average Time Per Response: 16 minutes per response.

Number of Respondents: 4,535 respondents.

Needs and Uses: The Form BXA–711 or letter puts the importer on notice of the special nature of the goods and receive a commitment against illegal disposition. In order to effectively control commodities, BXA must have sufficient information regarding the end-use and end-user of the U.S. origin commodities to be exported. The information will assist the licensing officer in making the proper decision on whether to approve or reject the application for the license.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, Office of the Chief Information Officer, (202) 482–3272, Department of Commerce, Room 5027, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20503.

Dated: September 23, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–25364 Filed 9–28–99; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092299B]

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of

Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Report of Whaling Operations.

Agency Form Number: None.

OMB Approval Number: 0648–0311.

Type of Request: Extension of an existing collection.

Burden: 49 hours.

Number of Respondents: 52.

Avg. Hours Per Response: Between 5 and 30 minutes depending on the requirement.

Needs and Uses: Native Americans are allowed to conduct certain aboriginal subsistence whaling in accordance with the provisions of the International Whaling Commission (IWC). In order to respond to obligations under the International Convention for the Regulation of Whaling, captains participating in these operations must submit certain information to the relevant Native American whaling organization about strikes on and catch of whales. Anyone retrieving a dead whale is also required to report. The information is used by NMFS to monitor the hunt and to ensure that quotas are not exceeded. The information is also provided to the International Whaling Commission, which uses it to monitor compliance with its requirements.

Affected Public: Individuals, state, local or tribal government.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer (202) 482–3272, Department of Commerce, Room 5033, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503.

Dated: September 20, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–25238 Filed 9–28–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092499B]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a number of public meetings of its oversight committees and advisory panels in October, 1999 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between October 4 and October 28, 1999. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Danvers, Saugus and Mansfield, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231–0422.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Monday, October 4, 1999, 10 a.m.—Social Sciences Advisory Committee Meeting

Location: New England Fishery Management Council Office, 5 Broadway (Route 1), Saugus, MA 01776; telephone: (781)–231–0422.

Review of Stock Assessment and Fishery Evaluation (SAFE) Report for the Atlantic Sea Scallop fishery; development of recommendations concerning social and economic impact analyses in fishery management plans; development of recommendations for peer review of social and economic impact analyses.

Tuesday, October 12, 1999, 9:30 a.m.—Experimental Fisheries and Research Steering Committee Meeting

Location: New England Fishery Management Council Office, 5 Broadway (Route 1), Saugus, MA 01776; telephone: (781)–231–0422.

Discussion of committee organization, purpose, tasks, process and information needs, followed by a report on the status of sea scallop total allowable catch research set-aside associated with the Closed Area II Georges Bank Exemption Program; committee discussion and development of recommendations on proposals submitted for funding through the scallop research set-aside and review of collaborative research opportunities available through the Disaster Assistance Program and other funding sources; briefing on the Massachusetts Recovery Commission's activities to develop research initiatives.

Thursday, October 21, 1999, 9:30 a.m.—Whiting Advisory Panel Meeting

Location: Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339–2200.

Review of alternatives proposed for Framework Adjustment 32 (whiting management measures) to the Northeast Multispecies Fishery Management Plan (FMP) and development of comments and recommendations for consideration by the Whiting Committee. Measures in Framework 32 include options for a mesh size/possession limit call-in enrollment system and options for the use of an outside net strengthener with 2.5–inch mesh. The Advisory Panel also will discuss possible alternatives for a limited access program to manage small mesh species. The program would be included in an amendment to the Multispecies FMP which would: (a) remove whiting, red hake, offshore hake, and ocean pout from the Multispecies FMP and (b) establish a separate Small Mesh Species FMP.

Thursday, October 28, 1999, 9:30 a.m.—Whiting Committee Meeting

Location: Sheraton Ferncroft Hotel, 50 Ferncroft Road, Danvers MA 01923; telephone: (978) 777–2500.

The committee will review analyses forwarded by the Whiting Plan Development Team and recommendations from the Whiting Advisory Panel on the alternatives proposed for Framework Adjustment 32 (whiting management measures) to the Northeast Multispecies FMP. Measures in Framework 32 include options for a mesh size/possession limit call-in enrollment system and options for the use of an outside net strengthener with 2.5–inch mesh. The committee will develop preferred alternatives for recommendation to the Council. The committee also will continue development of limited access program alternatives to be included in the "scoping" process for an upcoming Multispecies FMP amendment. That action would remove whiting, red hake, offshore hake and ocean action would remove whiting, red hake, offshore hake and ocean pout from the Multispecies FMP and establish place them in a separate Small Mesh Species FMP.

Although non-emergency issues not contained in this notice may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during the meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: September 23, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25241 Filed 9–28–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 990921259–9259–01]

Subject: National Weather Service (NWS) Modernization and Associated Restructuring

AGENCY: NWS, NOAA, Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The NWS publishes notice of proposed certifications for the consolidation, automation, and closure of the:

(1) Erie, Pennsylvania, Weather Service Office (WSO) which will be automated at Federal Aviation Administration (FAA) Weather Observation Service Level C and have its services consolidated into the Cleveland, Ohio, and the Pittsburgh and Central Pennsylvania Forecast Offices; and (2) Fairbanks, Alaska, WSO which will be automated at FAA Weather Observation Service Level A and have its services consolidated into the Fairbanks forecast office.

DATES: comments are requested to be mailed by November 29, 1999.

ADDRESSES: Send all comments and requests for copies of proposed certification packages to Tom Beaver, Room 11426, 1325 East-West Highway, Silver Spring, Maryland 20910–3283.

FOR FURTHER INFORMATION CONTACT: Tom Beaver at 301–713–0300 extension 136.

SUPPLEMENTARY INFORMATION: Pursuant to section 706 of Pub. L. 102–567, the Secretary of Commerce must certify that consolidation, automation, and closure of an NWS field office will not result in a degradation of service to the affected area of responsibility and must propose such certifications in the FR for 60-days public comment. Having studied and evaluated the winter weather forecast capabilities and requirements to ensure no degradation of service to the Erie, Pennsylvania, service area, the NWS determined removal of the WSR–74C radar would cause a degradation of service for some lake-effect snow events. Accordingly, NWS will continue operating the WSR–74C radar at Erie during the winter season until a new FAA radar is installed at the Erie airport in 2001 and suitability of weather data from the FAA radar is validated by the NWS in consultation with users. The described actions to be undertaken by the NWS will prevent any degradation from occurring and, thus, notice is given of the proposed consolidation, automation, and closure of the Erie, Pennsylvania, WSO which will be automated at FAA Weather Observation Service Level C and have its services consolidated into the Cleveland, Ohio, and the Pittsburgh and Central Pennsylvania Forecast Offices.

The Fairbanks forecast office is now collocated with the University of Alaska at Fairbanks. Having transitioned all services to the Fairbanks forecast office and having verified no degradation of service, notice is given of the proposed consolidation, automation, and closure of the Fairbanks, Alaska, WSO which will be automated at FAA Weather Observation Service Level A and have the remainder of its services consolidated into the Fairbanks forecast office.

Documentation supporting each of these proposed certifications includes the following:

(1) A draft memorandum by the meteorologist in charge recommending the certifications, the final of which will be concurred with by the Regional Director and the Assistant Administrator of the NWS, if appropriate, after consideration of public comments and completion of consultation with the Modernization Transition Committee (the Committee);

(2) A description of local weather characteristics and weather-related concerns which affect the weather services provided within the service area;

(3) A comparison of services provided within the service area to services to be provided after such action;

(4) A description of recent or expected modernization of NWS operations which will enhance services in the service area;

(5) An identification of any area within the affected service area which would not receive coverage (at an elevation of 10,000 feet) by the Doppler weather surveillance radar network (WSR–88D);

(6) Evidence, based upon operational demonstration of modernized NWS operations, which was considered in reaching the preliminary conclusion that no degradation in service would result from such action, including the WSR–88D Radar Commissioning Report, User Confirmation of Services Report, and the Decommissioning Readiness Report, where appropriate;

(7) Evidence, based upon operational demonstration of modernized NWS operations, which was considered in reaching the preliminary conclusion that no degradation in service will result from such action, including the Automated Surface Observing System (ASOS) commissioning report;

(8) Three letters between NWS and FAA confirming weather services will continue in full compliance with applicable flight aviation rules after ASOS commissioning;

(9) Surface Aviation Observation Transition Checklist documenting transfer of augmentation and back-up responsibility from NWS to FAA;

(10) Demonstration of the successful resolution of any ASOS user confirmation of services complaints;

(11) Documentation of an in-place supplementary data program at the responsible forecast office;

(12) Where appropriate, warning and forecast verification statistics for pre-modernized and modernized services utilized in determining services have not been degraded;

(13) An Air Safety Appraisal for offices on an airport; and

(14) A letter appointing a liaison officer for the action.

Section 706 of Pub. L. 102–567 establishes the Modernization Transition Committee to advise the Secretary of Commerce on proposed modernization actions. The Committee has the option to submit a report to the Secretary in accordance with sections 706(b)(6) and 707(c) of Pub. L. 102–567. For the proposed certifications covered by this notice, there is no report of the Committee. In December 1995, the Committee decided to forego the

optional consultation on proposed certifications. Instead, the Committee decided to review certifications only after the public comment period closes so that its consultation includes the benefit of all public comments received. This notice does not publish the complete certification packages because they are too voluminous. Copies of the certification packages can be obtained from the contact listed above.

Once public comments have been received and considered, the NWS will complete consultation with the Committee and determine whether to proceed with the final certification. If a final decision to certify an office is made, the Secretary of Commerce must publish final certifications in the FR and transmit them to the appropriate congressional committees prior to consolidating, automating, and closing the office.

Dated: September 23, 1999.

Irwin T. David,

Chief Financial Officer/Chief Administrative Officer National Weather Service.

[FR Doc. 99–25287 Filed 9–28–99; 8:45 am]

BILLING CODE 3510–KE–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Removing a Company From List of Companies From Which Customs Shall Deny Entry to Textiles and Textile Products

September 24, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs directing Customs not to apply the directive regarding denial of entry to shipments from a certain company.

EFFECTIVE DATE: September 29, 1999.

FOR FURTHER INFORMATION CONTACT: Martin Walsh, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 12475 of May 9, 1984, as amended.

In a notice and letter to the Commissioner of Customs, dated July 27, 1999, and published in the **Federal Register** on July 30, 1999 (64 FR 41395), the Chairman of CITA directed the U.S. Customs Service to deny entry to textiles and textile products allegedly manufactured by certain listed companies; Customs had informed CITA that these companies were found to have been illegally transshipping, closed, or unable to produce records to verify production.

Based on information received since that time, including a recent on-site verification of this company's textile product production, CITA has determined that E. Tin Chong Ou, Fabrica de Fia. Vestuario, one of the listed companies, should not be subject to that directive. Effective on September 29, 1999, Customs should not apply the directive to shipments of textiles and textile products allegedly manufactured by this company. CITA expects that Customs will conduct additional on-site verifications of this company's production when possible.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 24, 1999.

Commissioner of Customs
Department of Treasury, Washington, DC 20229

Dear Commissioner: In the letter to the Commissioner of Customs, dated July 27, 1999 (64 FR 41395), the Chairman of CITA directed the U.S. Customs Service to deny entry to textiles and textile products allegedly manufactured by certain listed companies; Customs had informed CITA that these companies were found to have been illegally transshipping, closed, or unable to produce records to verify production.

Based on information received since that time, including a recent on-site verification of this company's textile product production, CITA has determined that E. Tin Chong Ou, Fabrica de Fia. Vestuario, one of the listed companies, should not be subject to that directive. Effective on September 29, 1999, Customs should not apply the directive to shipments of textiles and textile products allegedly manufactured by this company. CITA expects that Customs will conduct additional on-site verifications of this company's production when possible.

CITA has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements

[FR Doc. 99–25317 Filed 9–24–99; 2:36 pm]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Naval Research Advisory Committee

AGENCY: Department of the Navy, DOD.

ACTION: Notice of meeting.

SUMMARY: The Naval Research Advisory Committee (NRAC) Panel on Commercial Science and Technology will meet to review and assess European intermediate to long-term commercial Science and Technology investment strategy in areas related to Department of the Navy dependence upon commercial off-the-shelf products, in an effort to identify mutually beneficial opportunities for Department of the Navy Science and Technology collaboration with commercial industrial sectors. All sessions of the meeting will be open to the public.

DATES: The meeting will be held on Thursday, October 7, 1999, from 8:30 a.m. to 3:00 p.m.

ADDRESS: The meeting will be held at the Jorge Scientific Corporation, 1225 Jefferson Davis Highway, 6th Floor, Suite 600, Crystal Gateway Two, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Diane Mason-Muir, Program Director, Naval Research Advisory Committee, 800 North Quincy Street, Arlington, VA 22217–5660, telephone number: (703) 696–6769.

Dated: September 22, 1999.

J.L. Roth,

Lieutenant Commander, U.S. Navy, Office of the Judge Advocate General, Federal Register Liaison Officer.

[FR Doc. 99–25256 Filed 9–28–99; 8:45 am]

BILLING CODE 3810–FF–P

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Sunshine Act Meeting; Meeting Notice

AGENCY HOLDING THE MEETING: Uniformed Services University of the Health Sciences.

TIME AND DATE: 8:30 a.m. to 4:00 p.m., November 2, 1999.

PLACE: Uniformed Services University of the Health Sciences, Board of Regents Conference Room (D3001), 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

STATUS: Open—under "Government in the Sunshine Act" (5 U.S.C. 552b(e)(3)).

MATTERS TO BE CONSIDERED:

8:30 a.m.—Meeting—Board of Regents
(1) Approval of Minutes—August 2, 1999

(2) Faculty Matters
(3) Departmental Reports
(4) Financial Report
(5) Report—President, USUHS
(6) Report—Dean, School of Medicine
(7) Report—Dean, Graduate School of Nursing
(8) Comments—Chairman, Board of Regents
(9) New Business

CONTACT PERSON FOR MORE INFORMATION: Mr. Bobby D. Anderson, Executive Secretary, Board of Regents, (301) 295–3116.

Dated: September 24, 1999.

Linda Bynum,

OSD Federal Register Liaison Officer Department of Defense.

[FR Doc. 99–25399 Filed 9–27–99; 10:26 am]

BILLING CODE 5001–10–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Acting Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 29, 1999.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues:

(1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 23, 1999.

John Tressler,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of the Chief Financial Officer

Type of Review: Reinstatement.

Title: Applicants Proposed Budget Information.

Frequency: Annually.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, local or Tribal Gov't, SEAs and LEAs.

Reporting and Recordkeeping Burden: Responses: 17,248; Burden Hours: 301,840.

Abstract: This collection is necessary for the award and administration of discretionary and formula grants. The collections specific to ED forms are part of the reinvented process ED used for awarding multi-year discretionary grants. The new process substantially increases flexibility of the grant process by enabling all years of multi-year budgets to be negotiated at the time of initial award (ED FORM 524).

Written comments or requests for copies of the proposed information collection request should be addressed to Vivian Reese, US Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the Internet address OCIO—IMG—Issues@ed.gov, or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Jacqueline Montague at 202–708–5359 or by e-mail at jackie—montague@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–25272 Filed 9–28–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Energy Conservation Program for Consumer Products: Advisory Committee on Appliance Energy Efficiency Standards

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advisory Committee on Appliance Energy Efficiency Standards. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATE AND TIME: October 21, 1999, 9 am–4:45 pm

ADDRESSES: U.S. Department of Energy, 1000 Independence Avenue, SW, Room 1E–245, Washington, DC 20585–0121.

FOR FURTHER INFORMATION CONTACT: Linda Graves, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–41, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–1851 or 586–7819; or Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–41, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–2945.

SUPPLEMENTARY INFORMATION: The Charter of the Advisory Committee has been renewed for two years to December 2000, and new members have been appointed to the Committee. This is the second meeting of the Committee since the charter was renewed. The Committee will review and deliberate on DOE's activities and provide comments and recommendations to the Department.

Purpose of the Meeting

- Update members on DOE rulemaking: schedule, priorities, and plans for fiscal year 2000.
- Discuss how changes to the rulemaking process are working.
- Update members on commercial equipment standards.
- Discuss consumer pricing and marketing anomalies, identify appliance

market trends and predictions, and make recommendations as to how DOE should perform pricing analyses.

• Discuss DOE's perspective on standards enforcement issues; recommend improvements.

• Establish subcommittees to advise DOE as rulemakings are published.

Preliminary Agenda

9 am–9:20 am Introductions, agenda review, and meeting ground rules
9:20 am–9:30 am Chairman's Opening Remarks
9:30 am–10 am Update members on status of DOE rulemaking
10 am–11:30 am Discuss how changes to the rulemaking process are working
11:30 am–11:45 am Break
11:45 am–12:30 pm Commercial equipment standards
12:30 pm–1:30 pm Lunch
1:30 pm–2:30 pm Discuss consumer pricing and marketing anomalies, market trends, and alternative approaches for DOE pricing analyses
2:30 pm–3:30 pm Present DOE standards enforcement issues
3:30 pm–3:45 pm Break
3:45 pm–4:15 pm Action Items and Next Meeting; organize subcommittees
4:15 pm–4:30 pm Public Comment
4:30 pm–4:45 pm Chairman's Closing Remarks
4:45 pm Adjourn

Please note that this draft agenda is preliminary. The times and agenda items listed are guidelines and are subject to change. A final agenda will be available at the meeting on Thursday, October 21, 1999.

Consumer Issues: The Department is interested in addressing consumer issues in its rulemakings. If you have any issues which you would like to be addressed by the Committee, please contact Linda Graves at the address and phone number listed above in the **FOR FURTHER INFORMATION CONTACT** section.

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. Please provide ten copies of your statement to Brenda Edwards-Jones at the address listed above in the **FOR FURTHER INFORMATION CONTACT** section. If you would like to make oral statements regarding any of the items on the agenda, you should contact Brenda Edwards-Jones at 202–586–2945. You must make your request for an oral statement at least seven days before the meeting. Presentations will be limited to five minutes. We will try to include the statement in the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business.

Minutes: We will make the minutes of this meeting available for public review and copying within 30 days at the DOE's Freedom of Information Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–3142, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on September 23, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–25283 Filed 9–28–99; 8:35 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES98–31–002]

Consumers Energy Company; Notice of Application

September 23, 1999.

Take notice that on September 16, 1999, Consumers Energy Company (Consumers) filed an amendment to the applications in Docket Nos. ES98–31–000 and ES98–31–001 under Section 204 of the Federal Power Act. The amendment requests a waiver of the competitive bidding or negotiated placement requirements of 18 CFR 34.2, with regard to the issuance of trust-originated Preferred Securities evidencing preferred undivided beneficial interests in the assets of a statutory business trust formed under the laws of the State of Delaware.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 1, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25271 Filed 9–28–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM00–1–34–000]

Florida Gas Transmission Company; Notice of Proposed Changes In FERC Gas Tariff

September 23, 1999.

Take notice that on August 27, 1999, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective October 1, 1999:

Thirty-Fifth Revised Sheet No. 8A
Twenty-Sixth Revised Sheet No. 8A.01
Twenty-Seventh Revised Sheet No. 8A.02
Thirty-First Revised Sheet No. 8B
Twenty-Fourth Revised Sheet No. 8B.01

FGT states that Section 27 of the General Terms and Conditions (GTC) of its Tariff provides for the recovery by FGT of gas used in the operation of its system and gas lost from the system or otherwise unaccounted. The fuel reimbursement charges pursuant to Section 27 consist of the Fuel Reimbursement Charge Percentage (FRCP), designed to recover current fuel usage on an in-kind basis, and the Unit Fuel Surcharge (UFS), designed to recover or refund previous under or overcollections on a cash basis. Both the FRCP and the UFS are applicable to Market Area deliveries and are effective for seasonal periods, changing effective April 1 (for the Summer Period) and each October 1 (for the Winter Period).

FGT states that it is filing to establish an FRCP of 2.75% to become effective October 1, 1999 based on the actual company fuel use, lost and unaccounted for volumes, and Market Area deliveries for the period from October 1, 1998 through March 31, 1999. FGT further states that it is filing to establish a Winter Period UFS of $0.0028 per MMBtu to become effective October 1, 1999.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's

Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 99–25290 Filed 9–28–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–1–506–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

September 23, 1999.

Take notice that on September 20, 1999, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the revised tariff sheets listed on Appendix A attached to the filing to be effective November 1, 1999.

Panhandle states that the purpose of this filing, made in accordance with the provisions of Section 154.204 of the Commission's Regulations, is to: (1) Update the General Terms and Conditions and the Form of Service Agreements for address and telephone number changes; (2) delete the prefix in the date area of the Form of Service Agreements to be Y2K complaint; (3) delete attest/witness from the signature page of the Form of Service Agreements to reflect the move toward electronic execution of contracts; (4) update the marketing affiliate information in the General Terms and Conditions Section 23 as necessitated by the acquisition of Panhandle by CMS Energy Corporation; (5) update the Preliminary Statement; and (6) make minor revisions to reduce the size of Exhibit A to the Capacity Release Service Agreement to enable Panhandle to autofax Exhibit A to the replacement shipper.

Panhandle states copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 99–25266 Filed 9–28–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–020]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate and Material Deviation Filing

September 23, 1999.

Take notice that on September 20, 1999, Tennessee Gas Pipeline Company (Tennessee) tendered for filing three firm service agreements and amendments thereto and a description of the essential conditions involved in agreeing to three (3) negotiated arrangements to be effective on November 1, 1999 and four (4) negotiated rate arrangements to be effective on November 2, 2000 (collectively, the Negotiated Rate Arrangements). Tennessee states that three of the amendments to the firm service agreements are being filed as non-conforming service agreements. Tennessee also filed Seventh Revised Sheet No. 413 Tennessee's FERC Gas Tariff, Fifth Revised Volume No. 1.

Tennessee states that the tariff sheet references the three amendments as non-conforming service agreements. Tennessee requests that the Commission approve the Negotiated Rate Arrangements by October 15, 1999 to be effective on November 1, 1999 and November 2, 2000, as applicable. Tennessee requests that the Commission approve the non-conforming service agreements and the tariff sheet by October 15, 1999 to be effective on November 1, 1999.

Tennessee states that the filed Negotiated Rate Arrangements reflect negotiated rates between Tennessee and the Berkshire Gas Company (Berkshire) for transportation and storage service, as applicable, under various firm transportation and storage service agreements for four (4) or five (5) year periods with each to be effective beginning November 1, 1999 or November 2, 2000.

In addition, Tennessee states that it is filing the three amendments as non-conforming service agreements pursuant to Section 154.1(d) of the Commission's Regulations because the three amendments contain provisions which may "deviate in [a] material aspect" from Tennessee's pro forma firm service agreements.

Tennessee states that copies of the filing have been mailed to all of Tennessee's customers and affected state regulatory commissions.

Any person desiring to protest such filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before September 30, 1999. Protests will be considered by the Commission to determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25267 Filed 9–28–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–65–001]

Wyoming Interstate Company, Ltd.; Notice of Cancellation of Tariff

September 23, 1999.

Take notice that on September 10, 1999, Wyoming Interstate Company Ltd. (WIC) tendered for filing a supplement to the filing that was made on August

23, 1999 in the above referenced docket, by filing Second Revised Sheet No. 1 which is a Notice of Cancellation of Entire Tariff.

WIC moves to place this tariff sheet into effect on October 1, 1999 and respectfully requests any waivers that may be necessary for the Commission to allow the tariff sheet to become effective October 1, 1999.

Any person desiring this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25270 Filed 9–28–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–232–000, et al.]

Coastal Itabo, Ltd., et al. Electric Rate and Corporate Regulation Filings

September 21, 1999.

Take notice that the following filings have been made with the Commission:

1. Coastal Itabo, Ltd.

Docket No. EG99–232–000

Take notice that on September 17, 1999, Coastal Itabo, Ltd. (Applicant), P.O. Box 1111, George Town, Grand Cayman, Cayman Islands, B.W.I. filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant, a Cayman Islands Corporation intends to own, directly, or indirectly through one or more affiliates, certain power generating facilities in Dominican Republic.

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Sunbury Generation, LLC

Docket No. EG99–233–000

Take notice that on September 17, 1999, Sunbury Generation, LLC, a Delaware limited liability company with its headquarters at 677 Baeten Road, Green Bay, Wisconsin, 54304, filed with the Federal Energy Regulatory Commission, an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Sunbury Generation, LLC is a single member limited liability company wholly-owned by Sunbury Holdings, LLC, a single member limited liability company wholly-owned by WPS Power Development, Inc. (PDI). PDI, in turn, is a wholly-owned, indirect subsidiary of WPS Resources Corporation, headquartered in Green Bay, Wisconsin. WPS Resources Corporation is an exempt public utility holding company. Its subsidiaries include Wisconsin Public Service Corporation, an electric and natural gas public utility serving portions of northeastern Wisconsin and the upper peninsula of Michigan, and Upper Peninsula Power Company, an electric public utility serving portions of the Upper Peninsula of Michigan. Sunbury Generation, LLC will be taking title to and operating certain assets located in Pennsylvania being divested by PP&L Resources, Inc., PP&L, Inc., and Lady Jane Collieries, Inc. Among the assets is the Sunbury Steam Electric Station, which includes four coal-fired generating units, two combustion turbines and two diesel units with total nameplate capacity of 472.5 MW. The Pennsylvania Public Utilities Commission has determined that Sunbury Steam Electric Station is an "eligible facility" because its acquisition and operation of the units will benefit consumers, is in the public interest, and does not violate State law. See Order, Docket no. R–00973954, Pennsylvania Public Utility Commission, September 15, 1999.

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. National Fuel Resources, Inc.; NFR Power, Inc. TransAlta Energy Marketing (U.S.) Inc.; and TransAlta Energy Marketing Corp.

[Docket Nos. ER95–1374–016; ER96–1122–013; ER98–3184–005; and ER96–1316–014]

Take notice that on September 15, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only.

4. Zapco Power Marketers, Inc.

[Docket No. ER98–689–006]

Take notice that on September 16, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only.

5. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER99–4168–000]

Take notice that on September 16, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Amendment No. 1 to Supplement No. 35 to complete filing requirements for one (1) new Customer of the Market Rate Tariff under which Allegheny Power offers generation services. Allegheny Power requests a waiver of notice requirements to make service available as of July 23, 1999, to Public Service Electric and Gas Company.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: October 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Sithe Pennsylvania Holdings, LLC; Sithe New Jersey Holdings, LLC; Sithe Maryland Holdings, LLC; York Haven Power Company

[Docket No. ER99–4245–000]

Take notice that on September 16, 1999, Sithe Pennsylvania Holdings, LLC (Sithe Pennsylvania), Sithe New Jersey Holdings (Sithe New Jersey), and Sithe Maryland Holdings (Sithe Maryland), and York Haven Power Company (York Haven) (collectively, the Applicants) submitted for acceptance Applicants' proposed Amended Rate Schedules No.

2. Applicants request certain authority to make sales of specified ancillary services at market based rates in the geographic region encompassed by the PJM Interconnection, L.L.C. (PJM), request certain blanket authorizations concerning the sale of additional ancillary services in PJM and ancillary services in other geographic markets, and request waiver of the Commission's Regulations consistent with those waivers granted to entities with market-based rate authority.

Comment date: October 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Cinergy Services, Inc.

[Docket No. ER99–4456–000]

Take notice that on September 16, 1999, Cinergy Services, Inc. (Services) tendered for filing on behalf of its operating companies, PSI Energy, Inc. (PSI), a First Supplemental Agreement, dated August 1, 1999, to the Interconnection Agreement, dated July 1, 1993, between The City of Logansport, Indiana (Logansport), PSI and Services.

Logansport and PSI have agreed to replace several sections to the current language being used and adding a new Service Schedule F—Peaking Capacity and Energy.

Copies of the filing were served on Logansport and the Indiana Utility Regulatory Commission.

Comment date: October 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Carolina Power & Light Company

[Docket No. ER99–4457–000]

Take notice that on September 16, 1999, Carolina Power & Light Company (CP&L) tendered for filing a Service Agreement for Short-Term Firm Point-to-Point Transmission Service and a Service Agreement for Non-Firm Point-to-Point Transmission Service with Commonwealth Edison Company. Service to this Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

CP&L is requesting an effective date of September 3, 1999 for the Agreements with Commonwealth Edison.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: October 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Rocky Road Power, LLC

[Docket No. ER99–4459–000]

Take notice that on September 16, 1999, Rocky Road Power, LLC filed its quarterly report for the quarter ending June 30, 1999.

Comment date: October 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Southwestern Electric Power Company

[Docket No. ER99–4468–000]

Take notice that on September 16, 1999, Southwestern Electric Power Company (SWEPCO) filed a revised signature page to the Interconnection Agreement between SWEPCO and Tenaska Gateway Partners, Ltd. (Tenaska) filed in Docket No. ER99–3712–000 on July 23, 1999. SWEPCO requests an effective date of July 24, 1999 for the revised signature page to the Interconnection Agreement.

SWEPCO requests that the Commission accept the revised signature page to the Agreement to become effective as of July 24, 1999, the effective date of the Agreement.

SWEPCO states that a copy of the filing was served on Tenaska and the Public Utility Commission of Texas.

Comment date: October 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Cinergy Services, Inc.

[Docket No. ER99–4469–000]

Take notice that Cinergy Services, Inc. (Services) on September 15, 1999, tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company and PSI Energy, Inc. (collectively Cinergy Operating Companies) a Letter Agreement, dated August 9, 1999, as a supplement to the Service Agreement, dated March 17, 1997, as supplemented, between Edgar Electric Cooperative Association (Edgar) and the Cinergy Operating Companies.

Edgar and the Cinergy Operating Companies have agreed to procedures for the curtailment of some of Edgar's load.

Copies of the filing were served on Edgar and the State Regulatory Commissions of Illinois, Ohio, Kentucky and Indiana.

Comment date: October 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. UtiliCorp United Inc.

[Docket No. ES99–31–000]

Take notice that on March 1, 1999, UtiliCorp United Inc. (UtiliCorp) filed an application seeking authorization to issue corporate guaranties in an amount not to exceed one billion dollars (U.S.) in support of long-term debt and related obligations to be issued by one or more UtiliCorp subsidiaries in connection with the acquisition of foreign gas and/or electric utility assets. On March 16, 1999, UtiliCorp filed a letter requesting the Commission defer consideration on their application until they submitted the required Board of Directors Resolutions for the application. On September 13, 1999, UtiliCorp filed the required Board of Directors Resolutions and requested that the Commission take action on their application.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25288 Filed 9–28–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF99–4081–000, et al.]

Southwestern Power Administration, et al.; Electric Rate and Corporate Regulation Filings

September 23, 1999.

Take notice that the following filings have been made with the Commission:

1. Southwestern Power Administration

[Docket No. EF99–4081–000]

Take notice that on September 17, 1999, the Secretary, U.S. Department of Energy, submitted to the Federal Energy Regulatory Commission (Commission)

for confirmation and approval on a final basis, pursuant to the authority vested in the Commission by Delegation Order No. 0204–108, as amended November 10, 1993, 58 FR 59717, an annual power rate of $337,932 for the sale of power and energy by the Southwestern Power Administration (Southwestern) from the Robert Douglas Willis Hydropower Project (Robert D. Willis) to the Sam Rayburn Municipal Power Agency (SRMPA). The rate was confirmed and approved on an interim basis by the Secretary in Rate Order No. SWPA–41 for the period October 1, 1999, through September 30, 2003, and has been submitted to the Commission for confirmation and approval on a final basis for the same period. The rate supersedes the annual power rate of $302,928, which the Commission approved on a final basis April 28, 1998, under Docket No. EF98–4081–000 for the period January 1, 1998, through September 30, 2001. The annual rate of $337,932 is based on the 1999 Revised Power Repayment Study for Robert D. Willis and represents an annual increase in revenue of $35,004, or 11.6 percent, to satisfy repayment criteria.

Comment date: October 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. MIECO, Inc.

[Docket Nos. ER98–51–006 and ER98–51–007]

Take notice that on September 16, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-docketed proceeding for information only.

3. Western Energy Marketers, Inc.

[Docket No. ER98–537–000]

Take notice that on September 20, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-docketed proceeding for information only.

4. Capital Center Generating Company, L.L.C.

[Docket No. ER99–4458–000]

Take notice that on September 16, 1999, Capital Center Generating Company, L.L.C. (Capital Center) tendered for filing with the Federal Energy Regulatory Commission, under Rate Schedule 1, for informational purposes, a Contract for the Purchase and Sale of Electric Energy between Capital Center and CCEI, LLC and a Contract for the purchase and Sale of Energy between Capital Center and DownCity Energy Company LLC (collectively, the Agreements).

Comment date: October 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.

[Docket No. ER98–4510–002]

Take notice that on September 20, 1999, Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc. and its jurisdictional subsidiaries (O&R), filed a letter requesting that the effective date of the revised tariff sheets, which were filed on August 9, 1999 amending the Consolidated Edison Operating Companies FERC Electric Tariff Original Volume No. 1 (Joint OATT), be deferred to November 1, 1999.

The proposed tariff sheets were filed in compliance with the requirement of the January 27, 1999 order in this proceeding (86 FERC ¶ 61,063) that Con Edison and O&R establish rates to apply under the Joint OATT in the event that the New York Independent System Operator (NY ISO) was not operational by the date of the Con Edison and O&R merger. Because the NY ISO is scheduled to commence operation on October 12, 1999, Con Edison and O&R propose to defer the effective date of the Joint OATT rates.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Duke Energy Corporation

[Docket No. ER99–2285–001]

Take notice that on September 20, 1999, Duke Energy Corporation tendered for filing a compliance filing in the above-referenced docket.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Pacific Gas and Electric Company

[Docket No. ER99–4471–000]

Take notice that on September 20, 1999, Pacific Gas and Electric Company (PG&E), tendered for filing a request to modify its California Independent System Operator Corporation (ISO) Grid Management Charge (GMC) Tariff to incorporate changes that remove a telecommunications charge and add a mechanism for recovery of Western Systems Coordinating Council fines. The ISO on June 17, 1999, tendered for filing a Section 205 (Amendment No. 17) request for approval to modify its tariff including the GMC. The Commission on August 16, 1999, conditionally accepted the tariff revisions and other proposals filed by the ISO. This filing seeks to keep PG&E's Pass-Through rate and tariff in conformity with the ISO's GMC rate and tariff.

This filing is part of the comprehensive restructuring proposal for the California electric power industry that is before the Federal Energy Regulatory Commission. Copies of this filing have been served upon the California Pubiic Utilities Commission and all other parties on the Service List to this proceeding.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Southern Company Services, Inc.

[Docket No. ER99–4472–000]

Take notice that on September 20, 1999, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company (APCo), filed an amendment to the Amended and Restated Agreement for Partial Requirements and Complimentary Services Between APCo and the Alabama Municipal Electric Authority (AMEA) (APCo. No. 168) (PR Agreement). The amendment is being made at AMEA's request, and its purposes is to revise the PR Agreement to provide that the fuel clause adjustment thereunder shall be made on an actual basis instead of based upon an estimated amount.

An effective date of October 1, 1999 is requested.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Wisconsin Electric Power Company

[Docket No. ER99–4473–000]

Take notice that on September 20, 1999, Wisconsin Electric Power Company (Wisconsin Electric or the Company), tendered for filing a short-term firm Transmission Service Agreement and a non-firm Transmission Service Agreement between itself and Basin Electric Power Cooperative (Basin). The Transmission Service Agreement allow Basin to receive transmission services under Wisconsin Energy Corporation Operating Companies' FERC Electric Tariff, Volume No. 1.

Wisconsin Electric requests an effective date coincident with its filing and waiver of the Commission's notice requirements in order to allow for economic transactions as they appear.

Copies of the filing have been served on BEPCO, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER99–4474–000]

Take notice that on September 20, 1999, Louisville Gas and Electric Company/Kentucky Utilities (LG&E/KU), tendered for filing fully executed Netting Agreements between LG&E/KU and the following entities:

Avista Energy, Inc.
The Energy Authority (TEA)

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Western Resources, Inc.

[Docket No. ER99–4475–000]

Take notice that on September 20, 1999, Western Resources, Inc., tendered for filing an agreement between Western Resources, Inc., and the City of Winfield. Western Resources states that the purpose of the agreement is to permit the customer to take service under Western Resources' Market Based Power Sales Tariff on file with the Commission.

This agreement is proposed to be effective August 31, 1999.

Copies of the filing were served upon the City of Winfied and the Kansas Corporation Commission.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Upper Peninsula Power Company

[Docket No. ER99–4476–000]

Take notice that on September 20, 1999, Upper Peninsula Power Company (UPPCO), tendered for filing an unexecuted Electric Service Agreement with Wisconsin Electric Power Company (WEPCO) dated as of September 21, 1999 (the Agreement). UPPCO states that the Agreement establishes a framework under which UPPCO may provide capacity and energy to WEPCO from time to time pursuant to service schedules appended to the Agreement for General Purpose Energy and Emergency Energy.

UPPCO has proposed to make the Agreement effective as of September 21, 1999.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Upper Peninsula Power Company

[Docket No. ER99–4477–000]

Take notice that on September 20, 1999, Upper Peninsula Power Company (UPPCO), tendered for filing an unexecuted electric service agreement with IES Utilities, Inc., Interstate Power Company and Wisconsin Power & Light Company (collectively, the Alliant Companies) dated as of September 21, 1999 (the Agreement). UPPCO states that the Agreement establishes a framework under which UPPCO may provide capacity and energy to the Alliant Companies from the time to time pursuant to service schedules appended to the Agreement for General Purpose Energy and Emergency Energy.

UPPCO has proposed to make the Agreement effective as of September 21, 1999.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Upper Peninsula Power Company

[Docket No. ER99–4478–000]

Take notice that on September 20, 1999, Upper Peninsula Power Company (UPPCO), tendered for filing an unexecuted Electric Service Agreement with Commonwealth Edison Company (Commonwealth) dated as of April 14, 1999 (the Agreement). UPPCO states that the Agreement establishes a framework under which UPPCO may provide capacity and energy to Commonwealth from time to time pursuant to service schedules appended to the Agreement for General Purpose Energy and Emergency Energy.

UPPCO has asked for waiver of the FERC's Regulations to the extent necessary to make the Agreement effective as of September 21, 1999.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Upper Peninsula Power Company

[Docket No. ER99–4479–000]

Take notice that on September 20, 1999, Upper Peninsula Power Company (UPPCO), tendered for filing an unexecuted Electric Service Agreement with Illinois Power Company (Illinois Power) dated as of September 21, 1999 (the Agreement). UPPCO states that the Agreement establishes a framework under which UPPCO may provide capacity and energy to Illinois Power from time to time pursuant to service schedules appended to the Agreement for General Purpose Energy and Emergency Energy.

UPPCO has proposed to make the Agreement effective as of September 21, 1999.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Upper Peninsula Power Company

[Docket No. ER99–4480–000]

Take notice that on September 20, 1999, Upper Peninsula Power Company (UPPCO), tendered for filing an unexecuted Electric Service Agreement with NSP Energy Marketing (NSP) dated as of September 21, 1999 (the Agreement). UPPCO states that the Agreement establishes a framework under which UPPCO may provide capacity and energy to NSP from time to time pursuant to service schedules appended to the Agreement for General Purpose Energy and Emergency Energy.

UPPCO has proposed to make the Agreement effective as of September 21, 1999.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Upper Peninsula Power Company

[Docket No. ER99–4481–000]

Take notice that on September 20, 1999, Upper Peninsula Power Company (UPPCO), tendered for filing an unexecuted Electric Service Agreement with Union Electric Company and Central Illinois Public Service Company (collectively, the Ameren Companies) dated as of July 23, 1999 (the Agreement). UPPCO states that the Agreement establishes a framework under which UPPCO may provide capacity and energy to the Ameren Companies from time to time pursuant to service schedules appended to the Agreement for General Purpose Energy and Emergency Energy.

UPPCO has asked for waiver of the Commission's Regulations to the extent necessary to make the Agreement effective as of July 23, 1999.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Upper Peninsula Power Company

[Docket No. ER99–4482–000]

Take notice that on September 20, 1999, Upper Peninsula Power Company (UPPCO), tendered for filing an unexecuted Electric Service Agreement with MPEX, a division of Minnesota Power Company (MPEX) dated as of September 21, 1999 (the Agreement). UPPCO states that the Agreement establishes a framework under which UPPCO may provide capacity and energy to MPEX from time to time pursuant to service schedules appended to the Agreement for General Purpose Energy and Emergency Energy.

UPPCO has proposed to make the Agreement effective as of September 21, 1999.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Upper Peninsula Power Company

[Docket No. ER99–4483–000]

Take notice that on September 20, 1999, Upper Peninsula Power Company (UPPCO), tendered for filing an unexecuted Electric Service Agreement with Madison Gas & Electric Company (MG&E) dated as of September 21, 1999 (the Agreement). UPPCO states that the Agreement establishes a framework under which UPPCO may provide capacity and energy to MG&E from time to time pursuant to service schedules appended to the Agreement for General Purpose Energy and Emergency Energy.

UPPCO has proposed to make the Agreement effective as of September 21, 1999.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Duke Energy Merchants, L.L.C.

[Docket No. ER99–4485–000]

Take notice that on September 20, 1999, Duke Energy Merchants, L.L.C. (DEM), tendered for filing FERC Electric Rate Schedule No. 2—Market-Based Rates Tariff, which amend its existing market-based rate schedule.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. Central Hudson Gas & Electric Corporation

[Docket No. ER99–4486–000]

Take notice that on September 20, 1999, Central Hudson Gas & Electric Corporation (CHG&E), tendered for filing pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR a Service Agreement between CHG&E and Cargill-Alliant, LLC. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95–8–000 and RM94–7–001 and amended in compliance with Commission Order dated May 28, 1997.

CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR Section 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Central Hudson Gas & Electric Corporation

[Docket No. ER99–4487–000]

Take notice that on September 20, 1999, Central Hudson Gas & Electric Corporation (CHG&E), tendered for filing pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR a Service Agreement between CHG&E and TransAlta Energy Marketing (U.S.), Inc. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95–8–000 and RM94–7–001 and amended in compliance with Commission Order dated May 28, 1997.

CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR Section 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. Central Hudson Gas & Electric Corporation

[Docket No. ER99–4488–000]

Take notice that on September 20, 1999, Central Hudson Gas & Electric Corporation (CHG&E), tendered for filing pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR a Service Agreement between CHG&E and Strategic Energy. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95–8–000 and RM94–7–001 and amended in compliance with Commission Order dated May 28, 1997.

CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR Section 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. Central Hudson Gas & Electric Corporation

[Docket No. ER99–4489–000]

Take notice that on September 20, 1999, Central Hudson Gas & Electric Corporation (CHG&E), tendered for filing pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR a Service Agreement between CHG&E and Simpler Energy. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95–8–000 and RM94–7–001 and amended in compliance with Commission Order dated May 28, 1997.

CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR Section 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

25. Central Hudson Gas & Electric Corporation

[Docket No. ER99–4490–000]

Take notice that on September 20, 1999, Central Hudson Gas & Electric Corporation (CHG&E), tendered for filing pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR a Service Agreement between CHG&E and Merchant Energy Group of the Americas, Inc. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95–8–000 and RM94–7–001 and amended in compliance with Commission Order dated May 28, 1997.

CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR Section 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

26. Central Hudson Gas & Electric Corporation

[Docket No. ER99–4491–000]

Take notice that on September 20, 1999, Central Hudson Gas & Electric Corporation (CHG&E), tendered for filing pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR a Service

Agreement between CHG&E and Florida Power & Light Company. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95–8–000 and RM94–7–001 and amended in compliance with Commission Order dated May 28, 1997.

CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR Section 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

27. Central Hudson Gas & Electric Corporation

[Docket No. ER99–4492–000]

Take notice that on September 20, 1999, Central Hudson Gas & Electric Corporation (CHG&E), tendered for filing pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR a Service Agreement between CHG&E and DukeSolutions Inc. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95–8–000 and RM94–7–001 and amended in compliance with Commission Order dated May 28, 1997.

CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR Section 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25289 Filed 9–28–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Request To Surrender Exemption and Soliciting Comments, Motions To Intervene, and Protests

September 23, 1999.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of Exemption.

b. *Project No:* 7918–003.

c. *Date Filed:* August 6, 1999.

d. *Applicant: Robert R. Conner.*

e. *Name of Project:* Walker Mill.

f. *Location:* On the West Prong of the Little Pigeon River, in Sevier County, Tennessee. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h *Applicant Contact:* Mr. Robert R. Conner Investments, L.L.C.—P.O. Box 6939, Sevierville, TN 378644, (423) 428–3233 and (423) 873–0959.

i, *FERC Contact:* Any questions on this notice should be addressed to Mr. Lynn R. Miles, Sr. at (202) 219–2671, or e-mail address: lynn.miles@ferc.fed.us.

j. *Deadline for filing comments and motions:* October 25, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E, Washington, DC 20426.

Please include the project number (7918–003) on any comments or motions filed.

k. *Description of Request:* The exemptee requests to surrender the Walker Mill Project because it is no longer economically feasible to maintain.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 1A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210. 211. 214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25268 Filed 9–28–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of an Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

September 23, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No.:* 5679–019.

c. *Date Filed:* July 6, 1999.

d. *Applicant:* Toutant Hydropower, Inc.

e. *Name of Project:* Toutant Water Power Project.

f. *Location:* On the Quinebaug River, Windham County, Connecticut.

g. *Filed Pursuant to:* 18 CFR 4.200.

h. *Applicant Contact:* Roland Toutant, Toutant Hydropower, Inc., 80 Bungay Hill Road, Woodstock, CT 06281, (860) 974–2099.

i. *FERC Contact:* Any questions on this notice should be addressed to Mohamad Fayyad at mohamad.fayyad@ferc.fed.us or 202–219–2665.

j. *Deadline for filing comments and/or motions:* October 29, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Please include the project number (5679–019) on any comments or motions filed.

k. *Description of Filing:* By order issued March 10, 1998, the Commission authorized the licensee to increase the generating capacity of the project by adding another generating station with an installed capacity of 234 kW. The proposed station is an existing non-operational facility, which is located in the Powhattan Mill building across the river from the project's 400-kW powerhouse. In its filing on July 6, 1999, the licensee says that currently the addition of the 234 kW of generating capacity is not economically feasible. Therefore, the licensee requests an amendment to revert its license back to its condition prior to the March 10, 1998 order. The construction of the additional capacity has never begun.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm, (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item "h" above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those whole file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NW, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25269 Filed 9–28–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6446–4]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, New Source Performance Standard (NSPS) for Surface Coating of Beverage Cans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: New Source Performance Standard (NSPS) for Surface Coating of Beverage Cans, 40 CFR part 60, subpart WW, OMB Number 2060–0001, expiration 1/31/00. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 29, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download a copy of the ICR off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 0663.07.

SUPPLEMENTARY INFORMATION:

Title: New Source Performance Standard (NSPS) for Surface Coating of Beverage Cans, 40 CFR part 60, subpart WW, OMB Number 2060–0001, expiration 1/31/00. This is a request for extension of a currently approved collection.

Abstract: The NSPS for Surface Coating of Beverage Cans were proposed on November 26, 1980, and promulgated on August 25, 1983. These standards apply to each beverage can surface coating operation in which organic coatings are applied (exterior base coat operations, over varnish coating operations, and inside spray coating operations) that commenced construction, modification or reconstruction after November 26, 1980. Approximately 18 sources are currently subject to the standard, and it is estimated that 2 sources per year will become subject to the standard while an equal number will go off-line during this time period. It is further assumed that there is an average of four affected facilities per plant. Volatile Organic Compounds (VOCs) are the pollutants

regulated under this subpart, and this information is being collected to assure compliance with 40 CFR part 60, subpart WW.

Owners or operators of the affected facilities described must make initial reports when a source becomes subject, conduct and report on a performance test, demonstrate and report on continuous monitor performance, and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. Semiannual reports of excess emissions are required. These notifications, reports, and records are essential in determining compliance; and are required, in general, of all sources subject to NSPS.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least 2 years following the date of such measurements, maintenance reports, and records. The estimated total cost of this ICR will be $370,767 over the next three years (including labor hours, operating & maintenance costs, and start up costs; $123,589 × 3 years). All reports are sent to the delegated State or Local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on January 1, 1999: no comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 29 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners/Operators of the Beverage can Surface Coating Industry.

Estimated Number of Respondents: 24.

Frequency of Response: Initial, Quarterly, and Semiannual Reports.

Estimated Total Annual Hour Burden: 3,092 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $50,000

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0663.07, and OMB Control No. 2060–0001 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: September 23, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–25306 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6446–9]

National Drinking Water Advisory Council; Request for Nominations

AGENCY: Environmental Protection Agency.

ACTION: Request for nominations.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites all interested persons to nominate qualified individuals to serve a three-year term as members of the National Drinking Water Advisory Council. This Advisory Council was established to provide practical and independent advice, consultation and recommendations to the Agency on the activities, functions and policies related to the implementation of the Safe Drinking Water Act as amended. The Council consists of fifteen members, including a Chair. Five members represent the general public; five members represent appropriate state and local agencies concerned with water hygiene and public water supply; and five members represent private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply. On December 15 of each year, five members complete their appointment. Therefore, this notice solicits names to fill these five vacancies, with appointed terms ending on December 15, 2002.

Any interested person or organization may nominate qualified individuals for membership. Nominees should be identified by name, occupation, position, address and telephone number. To be considered, all nominations must include a current resume providing the nominee's background, experience and qualifications.

Persons selected for membership will receive compensation for travel and a nominal daily compensation while attending meetings. The Council holds two face to face meetings each year, generally in the Spring and Fall. Additionally, members could be asked to serve on one of the Council's working groups that are formed to assist the EPA in major program issue development. Working group meetings are held approximately four times a year, with two of the meetings conducted by conference call.

Nominations should be submitted to Charlene E. Shaw, Designated Federal Officer, National Drinking Water Advisory Council, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (4601), 401 M Street, SW., Washington, DC 20460, no later than October 22, 1999. The Agency will not formally acknowledge or respond to nominations. E–Mail your questions to *shaw.charlene@epamail.epa.gov* or call 202/260–2285.

Dated: September 23, 1999.

Elizabeth Fellows,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 99–25309 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6447–3]

Notice of EPA Policy Regarding Certain Grants to Intertribal Consortia

AGENCY: Environmental Protection Agency.

ACTION: Notice of EPA policy regarding certain grants to intertribal consortia.

SUMMARY: In the absence of clear Congressional intent to the contrary and in accordance with the definition and requirements set forth, EPA interprets its statutory authorities to award grants to Indian tribes to include the authority to award grants to intertribal consortia under the following EPA grant programs for Indian tribes: Pesticides Program Implementation (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act); Pesticides Enforcement (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act); Superfund Cooperative Agreements (section 104(d) of the Comprehensive Environmental Response, Compensation, and Liability Act); Leaking Underground Storage Tanks (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999); Underground Storage Tank Programs (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999); and Hazardous Waste Management Programs (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999.)

EFFECTIVE DATE: The effective date for this policy is September 29, 1999.

FOR FURTHER INFORMATION CONTACT: Charlene Dunn, phone (202) 260–9466, Outreach and Special Projects Staff, Office of Solid Waste and Emergency Response (Mail Code 5101), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460.

SUPPLEMENTARY INFORMATION: For information regarding applicability of this policy to the following EPA grant programs for Indian tribes: Superfund Cooperative Agreements (section 104(d) of the Comprehensive Environmental Response, Compensation, and Liability Act); Leaking Underground Storage Tanks (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Publc Law 105–276, 112 Stat. 2461, 2497–98 (1998)); Underground Storage Tank Programs (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Public Law 105–276, 112 Stat. 2461, 2499 (1998)); and Hazardous Waste Management Programs (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Public Law 105–276, 112 Stat. 2461, 2499 (1998)). Contact Caren Rothstein, phone (202) 260–0065, Office of Program Management Operations, Office of Prevention, Pesticides and Toxic Substances (Mail Code 7101), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, for information regarding applicability of this policy to the Pesticides Program Implementation grant programs for Indian tribes: (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act). Contact Jack Neylan, phone (202) 564–2385, Enforcement Planning, Targeting and Data Division, Office of Compliance, Office of Enforcement and Compliance Assistance (Mail Code 2222A), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, for information regarding applicability of this policy to the Pesticides Enforcement grant programs for Indian tribes: (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act).

With this notice, EPA announces its policy regarding the award of financial assistance to intertribal consortia under the following EPA grant programs for Indian tribes: Pesticides Program Implementation (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act); Pesticides Enforcement (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act); Superfund Cooperative Agreements (section 104(d) of the Comprehensive Environmental Response, Compensation, and Liability Act); Leaking Underground Storage Tanks (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Public Law 105–276, 112 Stat. 2461, 2497–98 (1998)); Underground Storage Tank Programs (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Public Law 105–276, 112 Stat. 2461, 2499 (1998)); and Hazardous Waste Management Programs (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Public Law. 105–276, 112 Stat. 2461, 2499 (1998)). This policy is effective immediately for the listed grant programs.

In a recent proposed rulemaking governing the award of environmental program grants to tribes, EPA proposed awarding grants to intertribal consortia under the specific grant programs covered by that proposed rule, which will be promulgated as 40 CFR part 35, subpart B. 64 FR 40084 (July 23, 1999). This **Federal Register** notice sets forth EPA's policy regarding grants to intertribal consortia for four grant programs (Underground Storage Tank, Pesticides Program Implementation, and Pesticides Enforcement grant programs) that are covered by the proposed rule for 40 CFR part 35, Subpart B, prior to promulgation of that rule. The Agency is implementing this policy at this time because EPA has received applications for assistance from intertribal consortia under these grant programs and EPA believes that entering into assistance agreements with intertribal consortia under these grant programs will further the goal of environmental protection in Indian country. This notice also sets forth EPA's policy regarding grants to intertribal consortia for Leaking Underground Storage Tank grants and Superfund Cooperative Agreements under CERCLA section 104(d), which are not covered by the proposed rule. The policy set forth in this notice is consistent with the treatment of intertribal consortia in the proposed rule.

EPA may change this policy as a result of comments received in response to the proposed rule. When it is promulgated, the final rule for 40 CFR part 35, subpart B will govern grants to intertribal consortia for grant programs covered by that rule. This **Federal Register** notice will remain effective for the Leaking Underground Storage Tank program and the Superfund Cooperative Agreements program, which will not be covered by 40 CFR part 35, subpart B, unless a subsequent **Federal Register** notice is issued. However, if EPA changes its treatment of consortia in grant programs covered by that rule, EPA will likely issue a subsequent **Federal Register** notice on grants to consortia for grant programs not covered by 40 CFR part 35, subpart B so as to treat grants to intertribal consortia consistently in all of the grant programs covered by this notice.

In the absence of clear Congressional intent to the contrary and in accordance with the definition and requirements set forth below, EPA interprets its statutory authorities to award grants to Indian tribes to include the authority to award grants to intertribal consortia. If tribes are eligible for a particular grant, EPA will also treat a group of individually eligible tribes (an intertribal consortium) as eligible for the grant. EPA believes this approach is a practical, reasonable and prudent way to help interested tribes strengthen environmental protection when limited funding is available to support tribal environmental programs. Tribes that form an intertribal consortium may be able to use their limited resources more efficiently and address environmental

issues more effectively than they could if each tribe developed and maintained separate environmental programs. Moreover, EPA believes that making grants for tribes available to intertribal consortia is consistent with President Clinton's Executive Order 13084, which encourages agencies to adopt "flexible policy approaches" and to respect the principle of Indian self-government and sovereignty.

An organization that characterizes itself as an intertribal consortium that does not meet the definition of intertribal consortium or the eligibility requirements in this notice may be eligible for some EPA grant programs, but not as an intertribal consortium. This is because some of EPA's grant programs are available to a broad range of recipients, such as public or non-profit private agencies, institutions, organizations, and individuals. Thus, an intertribal organization that does not meet the definition of intertribal consortium or the requirements of this notice nonetheless may be eligible for a grant as another type of organization, such as a non-profit agency. This notice is not intended to affect the eligibility status of intertribal consortia for grants in their capacity as other types of eligible organizations.

II. Policy

The following definition and statement of eligibility requirements for awarding grants to intertribal consortia applies to the following EPA grant programs for tribes: Pesticides Program Implementation (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act); Pesticides Enforcement (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act); Superfund Cooperative Agreements (section 104(d) of the Comprehensive Environmental Response, Compensation, and Liability Act); Leaking Underground Storage Tanks (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Public Law 105–276, 112 Stat. 2461, 2497–98 (1998)); Underground Storage Tank Programs (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Public Law 105–276, 112 Stat. 2461, 2499 (1998)); and Hazardous Waste Management Programs (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Public Law 105–276, 112 Stat. 2461, 2499 (1998)).

Definition: The term *intertribal consortium* means a partnership between two or more Tribes that is authorized by the governing bodies of those Tribes to apply for and receive assistance under an EPA grant program. An intertribal consortium must have adequate documentation of the existence of the partnership and the authorization to apply for and receive assistance.

Eligibility Requirements for an Intertribal Consortium: An intertribal consortium is eligible to receive a grant from EPA under the statutes authorizing grants to Indian tribes listed in this notice only if the intertribal consortium demonstrates that all members of the consortium (1) meet the eligibility requirements for the grant and (2) authorize the consortium to apply for and receive assistance.

Dated: September 24, 1999.

Michael H. Shapiro,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response,

[FR Doc. 99–25421 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6447–1]

Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act; In Re: Raymark Industries, Inc. Superfund Site; Stratford, CT

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed prospective purchaser agreement and request for public comment.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to enter into a prospective purchaser agreement to address claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.* Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve the liability under CERCLA of the purchaser who obtains title to the former Raymark Facility property located in Stratford, Connecticut through the judicial sale process and certain successors in interest for injunctive relief or for costs incurred or to be incurred by EPA in conducting response actions at the Raymark Industries, Inc. Superfund Site in Stratford, Connecticut.

DATES: Comments must be provided on or before October 29, 1999.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode RCG, Boston, Massachusetts 02214. and should refer to: Agreement and Covenant Not to Sue Re: Raymark Industries, Inc. Superfund Site, Stratford, Connecticut,.U.S. EPA Docket No. CERCLA–1–99–0066.

FOR FURTHER INFORMATION CONTACT: Robin Ruhlin, U.S. Environmental Protection Agency, One Congress Street, Suite 1100, Mailcode SES, Boston, Massachusetts 02214. (617) 918–1784.

SUPPLEMENTARY INFORMATION: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.* notice is hereby given of a proposed prospective purchaser agreement concerning the Raymark Industries, Inc. Superfund Site in Stratford, Connecticut. The settlement was approved by EPA Region I, and the Department of Justice subject to review by the public pursuant to this Notice. Each of the qualified bidders who wish to participate in the judicial sale of the former Raymark Facility property will be required to execute signature pages committing them to participate in the settlement in the event that they take title to the former Raymark Facility property. Except that, if a bidder has already entered into a covenant not to sue agreement with the United States for the former Raymark Facility property, it may, but is not required to execute and submit a copy of this settlement to EPA in order for its bid to be considered at the judicial sale. Under the proposed settlement, the settling party will pay to the Raymark Industries, Inc. Superfund Site Special Account $10 million (ten million dollars) and will provide for the productive reuse of the property. In addition, all of the settling parties agree to abide by institutional controls and to provide access to the property. EPA believes the settlement is fair and in the public interest.

EPA is entering into this agreement under the authority of CERCLA Section 101 *et seq.* which provides EPA with authority to consider, compromise, and settle a claim under Sections 106 and 107 of CERCLA for costs incurred by the United States if the claim has not been referred to the U.S. Department of Justice for further action. The U.S. Department of Justice has also signed this agreement. EPA will receive written comments relating to this settlement for thirty (30) days from the date of publication of this Notice.

A copy of the proposed administrative settlement may be obtained in person or by mail from Constance Dewire, U.S.

Environmental Protection Agency, One Congress Street, Suite 1100, Mailcode HBT, Boston, Massachusetts 02214, (617) 918–1346.

The Agency's response to any comments received will be available for public inspection with the Docket Clerk, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode RCG, Boston, Massachusetts 02214 (U.S. EPA Docket No. CERCLA 1–99–0066).

Dated: September 22, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–25310 Filed 9–28–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 99–1864]

GSA Approves Renewal of North American Numbering Council Charter Through October 4, 2001

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On September 13, 1999, the Commission released a public notice announcing the General Services Administration (GSA) approval of the amended charter for the Federal Communications Commission's federal advisory committee, the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the GSA authorization for the continuation of the NANC's activities through October 4, 2001.

FOR FURTHER INFORMATION CONTACT: Diane Griffin Harmon, Designated Federal Officer (DFO) or Jared Carlson, Alternate DFO or Jeannie Grimes at (202) 418–2320. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, The Portals, 445 Twelfth Street, S.W., Suite 6A320, Washington, DC 20554. The fax number is: (202) 418–2345. The TTY number is: (202) 418–0484. Information regarding the NANC's activities are posted on the NANC web page located at www.fcc.gov/ccb/Nanc.

SUPPLEMENTARY INFORMATION: Released: September 13, 1999.

The North American Numbering Council (Council) charter has been renewed through October 4, 2001, by the General Services Administration (GSA) to allow the Council to continue advising the Federal Communications Commission on rapidly evolving and competitively significant numbering issues facing the telecommunications industry.

In October 1995, the Commission established the North American Numbering Council, a federal advisory committee created pursuant to the Federal Advisory Committee Act, 5 U.S.C., App. 2 (1988), to advise the Commission and other North American Numbering Plan (NANP) member countries on issues related to NANP administration, and to advise the Commission on local number portability administration issues in the United States. The original charter of the Council was filed on October 5, 1995, establishing an initial two-year term. The first amended charter was filed on October 5, 1997, renewing the term of the Council for an additional two years.

Since its original charter was renewed, the Council has provided the Commission with critically important recommendations regarding numbering issues. During the term of the current amended charter, the Council issued recommendations which included: (1) The neutrality of toll free database administration by Database Service Management, Inc.; (2) wireline/wireless integration for local number portability; (3) the feasibility of additional abbreviated dialing code arrangements (N11 Ad Hoc report); (4) selection of a thousands block pooling administrator; (5) Lockheed Martin's request to transfer the NANPA functions to Warburg Pincus; (6) methods for optimizing the use of numbering resources; (7) the feasibility of local number portability for 500/900 numbers; and (8) a replacement tool for COCUS, used to collect forecast and utilization data. The Council also provided in April 1999 a detailed evaluation of the North American Numbering Plan Administrator's (NANPA) performance during its first year, and will continue to evaluate NANPA's performance annually.

The Council is currently considering and formulating recommendations on other important numbering-related issues that will require work beyond the term of the present charter. The term of the Council's second amended charter begins October 5, 1999, and runs through October 4, 2001. The second amended charter is attached hereto.

The value of this federal advisory committee to the telecommunications industry and to the American public cannot be overstated. Numbers are the means by which businesses and consumers gain access to, and reap the benefits of, the public switched network. The Council's recommendations to the Commission will facilitate fair and efficient numbering administration in North America, and will ensure that numbering resources are available to all telecommunications service providers, consistent with the requirements of the Telecommunications Act of 1996.

Amended Charter for the North American Numbering Council

A. The Committee's Official Designation

The official designation of the advisory committee will be the "North American Numbering Council" (NANC or Council).

B. The Committee's Objectives and Scope of its Activity

The purpose of the Council is to advise the Federal Communications Commission (FCC or Commission) and to make recommendations, reached through a consensus of its members, that foster efficient and impartial number administration. The Council will continue to develop recommendations on numbering policy issues, initially resolve disputes, provide oversight guidance to the North American Numbering Plan (NANP) Administrator and the Local Number Portability Administrator(s) (LNPAs) to ensure fair and equitable access to numbering resources, and facilitate number conservation including identification of technical solutions to numbering exhaust. The Council will further provide recommendations to the Commission on toll free database administration. The Council will prioritize its activities in accordance with the policies and objectives, and within the requested time frames, set forth by the Commission.

In carrying out its responsibilities, the Council shall assure that NANP administration supports the following policy objectives: (1) that NANP administration facilitates entry into the communications marketplace by making numbering resources available on an efficient, timely basis to communications service providers; (2) that NANP administration does not unduly favor or disfavor any particular industry segment or group of consumers; (3) that NANP administration does not unduly favor one technology over another; (4) that NANP administration gives consumers easy access to the public switched telephone network; and (5) that NANP administration ensures that the interests of all NANP member countries are addressed fairly and efficiently, fostering continued integration of the NANP across NANP member countries.

C. Period of Time Necessary for the Committee to Carry Out its Purposes

The Commission will review the accomplishments and activities of the Council to determine whether, after two years, this charter should again be renewed and the Council should continue as a Federal Advisory Committee.

D. Agency or Official to Whom the Committee Reports

The Council will report to the Chief, Common Carrier Bureau, Federal Communications Commission.

E. Agency Responsible for Providing Necessary Support

The Commission will provide the necessary staff support for the Council. The Commission will provide facilities needed to conduct meetings, if the Commission has meeting facilities available. Otherwise, private sector members will provide facilities. Private sector members of the Council will serve without any government compensation, and will not be entitled to travel expenses or per diem subsistence allowances from the government.

F. Description of the Duties for Which the Committee is Responsible

The general duties of the Council are to gather and discuss information necessary to develop recommendations to the Commission related to the attainment of the objectives stated under (B). Under the direction of the Commission, the Council will provide oversight of all matters relating to numbering administration, including the development of industry guidelines. Specific duties will include developing and recommending a process for the selection of a thousands block pooling administrator, and an effective audit process for service providers and the NANP administrator. The Council will also prepare for the Commission periodic and final reports to aid the Commission in its oversight responsibilities.

G. Estimated Annual Operating Costs in Dollars and Staff Years

Estimated staff years that will be expended by the Council are 3 for the Commission's staff and 5 for private sector and other governmental representatives. The estimated annual cost to the Commission of operating the Committee is $205,000. The Commission will not pay for private sector staff.

H. Estimated Number and Frequency of Committee Meetings

We expect that there will be no more than 10 Council meetings per year.

I. Charter's Termination Date

This charter will terminate on October 4, 2001, prior to which the Commission may seek its renewal.

J. Date Original Charter Filed

October 5, 1995.

Federal Communications Commission.

Diane Griffin Harmon,

Assistant Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 99–25408 Filed 9–28–99; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of Certain Receiverships by the FDIC in the Fourth Quarter of 1999

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice.

SUMMARY: Notice is hereby given that the FDIC, for itself or as successor in interest to the Resolution Trust Corporation, in its capacity as Receiver for the Institutions set forth below (the Receiver) intends to terminate these receiverships during the fourth calendar quarter of 1999.

FOR FURTHER INFORMATION CONTACT: Division of Resolutions and Receiverships, Terminations Section, 1–800–568–9161.

SUPPLEMENTARY INFORMATION:

Financial institution number and name		City	State
1232	First Federal Savings & Loan Association	Pontiac	MI
1263	Far West Federal Savings Bank	Portland	OR
1296	Guardian Federal Savings Association	Huntington Beach	CA
2100	Victoria Savings Association, F.S.A.	San Antonio	TX
2170	First Federal Savings Association of Raleigh	Raleigh	NC
2177	Jefferson Federal Savings and Loan Association, F.A.	Birmingham	AL
2180	Progressive Savings Bank, FSB	Pasadena	CA
2197	County Bank, F.S.B.	Santa Barbara	CA
4308	Capitol Bank & Trust Company	Boston	MA
4360	Florida State Bank	Holiday	FL
4371	First Mutual Bank for Savings	Boston	MA
4460	First Security Bank of Anaconda	Anaconda	MT
4461	The Bank for Savings	Malden	MA
4521	First Constitution Bank	New Haven	CT
4545	Guaranty-First Trust Company	Waltham	MA
4549	First New York Bank for Business	New York	NY
4556	Meritor Savings Bank	Philadelphia	PA
6955	Skokie Federal Savings and Loan Association, F.A.	Skokie	IL
7009	Germantown Trust Savings Bank	Germantown	TN
7018	American Savings of Colorado, a Federal Savings and Loan Association	Colorado Springs	CO
7021	Horizon Financial, F.A.	Southhampton	PA
7111	Valley Federal Savings Association	McAllen	TX
7137	Great Plains Savings Association, F.A.	Weatherford	OK
7201	MeraBank Federal Savings Bank	Phoenix	AZ
7218	Brookside Federal Savings and Loan Association	Los Angeles	CA
7258	Mid-America Federal Savings & Loan Association	Columbus	OH
7274	Mid Kansas Federal Savings and Loan Association of Wichita	Wichita	KS
7373	Fulton Federal Savings Association	Atlanta	GA
7379	TexasBanc Federal Savings Bank	Conroe	TX
7411	State Federal Savings Association	Tulsa	OK
7435	United Home Federal	Toledo	OH

Financial institution number and name		City	State
7446	Home Federal Savings Bank, F.A.	Waukegan	IL
7561	Vernon Savings and Loan Association, FSA	Dallas	TX
7828	Guardian Savings and Loan Association	Huntington Beach	CA
7868	Jefferson Federal Savings and Loan Association of Birmingham	Birmingham	AL
8202	State Federal Savings and Loan Association	Tulsa	OK
8215	Fulton Federal Savings Bank	Atlanta	GA
8243	Far West Federal Bank, S.B.	Portland	OR
8296	Home Federal Bank for Savings	Waukegan	IL
8806	MeraBank, a Federal Savings Bank	Phoenix	AZ
8814	TexasBanc Savings, FSB	Conroe	TX

The liquidation of the assets of these receiverships is expected to be completed no later than December 31, 1999. To the extent permitted by available funds and in accordance with law, the Receiver for these institutions will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of such receiverships will serve no useful purpose. Consequently, notice is given that the receiverships will be terminated, as soon as practicable but no sooner than thirty (30) days after the date this Notice is published.

If any person wishes to comment concerning the termination of these receiverships, such comment must be made in writing and sent within thirty days of the date this Notice is published to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Terminations Department 1910 Pacific Avenue, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: September 24, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–25371 Filed 9–28–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 224–200251–002, –003.

Title: Seattle and Crowley Marine Services Lease Agreement.

Parties: Port of Seattle, Crowley Marine Services, Inc.

Synopsis: The parties have modified their basic lease to reduce the area of the premises covered by the lease, with an appropriate adjustment to monthly payments, and to extend the term of the lease by five years.

By order of Federal Maritime Commission.

Dated: September 24, 1999.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–25363 Filed 9–28–99; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants

(CAL.) KTL International, Inc., 500 Carson Plaza Drive, Suite 222, Carson, CA 90746, Officer: Jay H. Oh, President, (Qualifying Individual)

Actway Express Inc., 8901 South La Cienega Blvd., Suite 109, Inglewood, CA 90301, Officer: Qiu Sheng Zhang (David), President, (Qualifying Individual)

Crown Shipping Line, Inc., 340 Stiles Street, Linden, NJ 07036, Officer: Rimma Kogan, General Manager, (Qualifying Individual)

Dated: September 24, 1999.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–25362 Filed 9–28–99; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12:00 noon, Monday, October 4, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: September 24, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–25394 Filed 9–24–99; 4:45 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Directly-Funded Community-Based Organization Program Summary Document; HIV Prevention

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice and request for comments.

SUMMARY: In Fiscal year (FY) 2000, CDC will provide approximately $17,612,000 million dollars to support community-based organizations (CBOs) to develop, implement, and evaluate effective community-based HIV prevention programs for populations at risk for HIV infection, especially racial and ethnic minority populations at risk.

The purpose of this announcement is to request comments on this proposed program. After consideration of comments submitted, CDC will publish a program announcement to solicit applications. A more complete description of the goals of this program, the target applicants, availability of funds, program requirements, and evaluation criteria follows.

DATES: The public is invited to submit comments by October 29, 1999.

ADDRESSES: Submit comments to: Technical Information and Communications Branch, National Center for HIV, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE, Mail Stop E49, Atlanta, GA 30333.

FOR FURTHER INFORMATION CONTACT: Technical Information and Communications Branch, National Center for HIV, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE, Mail Stop E49, Atlanta, GA 30333, Fax (404) 639–2007, E-mail address: *HIVMAIL@CDC.GOV*, Telephone (404)639–2072.

SUPPLEMENTARY INFORMATION:

Purpose

The purpose of this program is to support community-based organizations (CBOs) to develop, implement, and evaluate effective community-based HIV prevention programs for populations at risk for HIV infection, especially racial and ethnic minority populations at risk.

1. Goals

A. Reduce the disproportionate impact of the HIV epidemic on racial and ethnic minority populations and other at risk populations in high and lower prevalence areas;

B. Support community-based HIV prevention programs that address priorities described in applicable State and local comprehensive HIV prevention plans (that is, the plans developed by the official HIV Prevention Community Planning Groups for the jurisdiction in which the CBO is located) or that adequately justify addressing other priorities, in order to improve and expand community-based HIV prevention services;

C. Enhance the use by CBOs of scientific theory and data and proven knowledge generated through program experience and evaluation as a foundation for designing, implementing and evaluating HIV prevention services;

D. Support collaboration and coordination of HIV prevention efforts among CBOs, community planning groups, and local and state health departments.

2. Eligible Applicants

A. CBOs may apply as either (1) minority CBOs intending to serve predominantly racial or ethnic minority populations at high risk of acquiring or transmitting HIV infection, or (2) other CBOs serving high-risk populations without regard to their racial or ethnic identity. A CBO may submit an application in only one of these categories.

B. To apply as a minority CBO, the applicant organization must meet the following criteria:

(1) Must have been granted tax-exempt status under Section 501(c)(3), as evidenced by an Internal Revenue Service (IRS) determination letter;

(2) Must have greater than 50% of positions on the board or governing body filled by persons of the racial or ethnic minority group(s) to be served;

(3) Must have greater than 50% of positions that work with the proposed program, including management, administrative, supervisory, and service provision positions (for example, executive director, program director, fiscal director, outreach worker, prevention case manager, counselor, group facilitator, or trainer) filled by persons who reflect the racial and ethnic demographics, and the characteristics of the population to be served; and

(4) Must have an established record of at least two years of service to the proposed target population.

C. To apply as an other CBO serving high-risk populations without regard to their racial or ethnic identity, the applicant organization must meet the following criteria:

(1) Must have been granted tax-exempt status under Section 501(c)(3), as evidenced by an Internal Revenue Service (IRS) determination letter; and

(2) Must have an established record of at least two years of service to the proposed target population.

D. In either category, two or more CBOs may apply as a collaborative partnership. In a collaborative contractual partnership, one CBO must be the legal applicant and will function as the lead organization. The lead organization must meet the criteria specified above, and a CBO can submit only one application under this announcement; that is, it may apply as an individual organization or as part of a collaboration, but not both.

E. CBOs funded under CDC Program Announcements 99091, 99092, and 99096 are eligible to apply if they meet the criteria specified above; however, the total combined award under any combination of these announcements will not exceed $300,000.

3. Available Funds

Funds are expected to be available for three (3) types of activities under this program announcement. All applicants must apply for Activity A. Activities B and C are optional. A CBO must be funded for Activity A in order to receive an award for Activities B or C.

Activity A

Approximately $17,120,000 is expected to be available to fund approximately 90 CBOs to develop, implement, and evaluate effective community-based HIV prevention programs. Of this total, approximately $11,299,200 (60 awards) will be awarded to minority CBOs and approximately $5,820,800 (30 awards) will be awarded to other CBOs. The average award will be approximately $190,000.

Activity B

Approximately $342,000 is expected to be available to fund up to four (4) CBOs to design and implement model peer-to-peer capacity-building assistance activities for neighboring CBOs.

Activity C

Approximately $150,000 is expected to be available to fund up to three (3) CBOs to work closely with academic researchers/experts and CDC to replicate or adapt innovative interventions and to develop methods for conducting enhanced evaluation, including outcome evaluation, of their prevention service delivery activities.

Funding Priorities

In making awards, priority for funding will be given to:

(1) Ensuring a geographic balance of funded CBOs (the number of funded CBOs may be adjusted in each eligible area based on the level of HIV/AIDS disease burden in that area);

(2) Ensuring a balance of funded CBOs in terms of targeted racial/ethnic minority group (the number of funded CBOs serving each racial/ethnic minority group may be adjusted based on the level of HIV/AIDS disease burden in that group; and

(3) Ensuring a balance of funded CBOs in terms of targeted risk behaviors (the number of funded CBOs serving each risk behavior group may be adjusted based on the level of HIV/AIDS disease burden in that group).

4. Program Requirements

Activity A

(1) Use epidemiologic data, needs assessments, prioritization of groups and interventions, behavioral and social science theory and data, and proven programmatic experiential knowledge to design program activities. Grantees are strongly encouraged to establish ongoing collaborations with health departments and academic and research institutions for this purpose;

(2) Develop program activities which are consistent with applicable State and local comprehensive HIV prevention plans or adequately justify addressing other priorities;

(3) Provide—or assist high risk clients in gaining access to—HIV counseling, testing, and referral for other needed services (*e.g.*, improve access to or provide alternative testing sites, managed and staffed by trained high-risk individuals such as IDUs in treatment, which will be more accessible to target populations than currently available sites; provide access to rapid-results testing technologies; and demonstrably improve utilization of post-test counseling, referrals, and follow-up);

(4) Conduct health education and risk reduction interventions for persons at high risk of becoming infected or transmitting HIV to others, especially small group and community-level interventions (*e.g.*, demonstrably reduce unsafe sex and drug practices among individuals newly released from correctional facilities and among injection and other drug users who are in the judicial system; demonstrably reduce behaviors that put young people at risk for HIV infection, focusing on youth who are not being served by existing HIV prevention programs and who are at risk for HIV infection);

(5) Assist HIV-positive persons in gaining access to appropriate HIV treatment and other early medical care, substance abuse prevention services, STD screening and treatment, reproductive and perinatal health services, partner counseling and referral services, psychosocial support, mental health services, TB prevention and treatment, primary HIV prevention such as health education and risk reduction services, and other supportive services. High-risk clients who test negative should be referred to appropriate health education and risk reduction services and other appropriate prevention and treatment services;

(6) Coordinate and collaborate with health departments, community planning groups, and other organizations and agencies involved in HIV prevention activities, especially those serving the target population;

(7) Participate in the HIV prevention community planning process. Participation may include involvement in workshops; attending meetings; if nominated and selected, serving as a member of the group; reporting on program activities; or reviewing and commenting on plans;

(8) Coordinate program activities with relevant national, regional, State, and local HIV prevention programs to prevent duplication of efforts;

(9) Monitor and conduct process evaluation of major program and intervention activities and services supported with CDC HIV prevention funds under this cooperative agreement. This should include assessing client satisfaction periodically via quantitative (*e.g.*, periodic surveys) and qualitative methods (*e.g.*, focus groups);

(10) Compile "lessons learned" from the project and facilitate the dissemination of "lessons learned" and successful prevention interventions and program models to other organizations and CDC through peer-to-peer interactions, meetings, workshops, conferences, Internet, communications with project officers, and other capacity-building and technology transfer mechanisms; and

(11) Work with CDC-funded capacity-building assistance programs to meet your and other organizations' capacity-building needs.

Activity B

(1) Conduct all activities listed under Activity A;

(2) Develop a collaborative relationship with academic researchers, technical assistance providers, or other experts in capacity-building;

(3) In collaboration with the expert(s) above, design, implement, and evaluate model peer-to-peer capacity-building assistance activities for neighboring CBOs; and

(4) Facilitate the dissemination of successful peer-to-peer capacity building models to other organizations and CDC through peer-to-peer interactions, publications, meetings, workshops, conferences, Internet, communications with project officers, and other capacity-building and technology transfer mechanisms.

Activity C

(1) Conduct all activities listed under Activity A;

(2) Develop a collaborative relationship with academic researchers, professional evaluators, or other experts in program evaluation; and

(3) Work closely with academic researchers/experts and CDC to identify innovative interventions appropriate for replication in or adaptation to the CBO's target population and to develop methods for conducting enhanced evaluation, including outcome evaluation, of these interventions.

5. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Applicant organization's experience and capacity;
2. Justification of need;
3. Program plan;
4. Program evaluation plan;
5. Communication and dissemination plan; and
6. Plan for acquiring additional resources.

Dated: September 23, 1999.

Thena M. Durham,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–25277 Filed 9–28–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Sickle Cell Disease Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sickle Cell Disease Advisory Committee.

Date: November 15, 1999.

Time: 9:00 am to 5:00 pm.

Agenda: Discussinoof program policies and issues.

Place: National Institutes of Health, Two Rockledge Center, Conference Room 9104, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Charles L. Peterson, MD, Director, Blood Diseases Program, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, NIH, Two Rockledge Center, Room 10158, MSC 7950, 6701 Rockledge Drive, Bethesda, MD 20892, 301/435–0050.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 22, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25328 Filed 9–28–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, October 14, 1999, 8:30 a.m. to October 15, 1999, 5:00 p.m., Holiday Inn, Bethesda, MD, 20814 which was published in the **Federal Register** on August 18, 1999, 64 FR 44936.

The meeting will be held on November 1, 1999, 2:00 p.m. to 3:00 p.m., 6000 Executive Blvd., Rockville, MD 20852. The meeting is closed to the public.

Dated: September 22, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25324 Filed 9–28–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: October 15, 1999.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Elsie D. Taylor, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., Bethesda, MD 20892–7003, 301–443–9787, etaylor@niaaa.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: September 22, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25325 Filed 9–28–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institutes of Mental Health Special Emphasis Panel.

Date: September 28, 1999.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael J Moody, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9609, 301–443–3367.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institutes of Mental Health Special Emphasis Panel.

Date: October 19–20, 1999.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Capitol Holiday Inn, 550 C Street, SW, Washington, DC 20024.

Contact Person: Gerald E. Calderone, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm. 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

Name of Committee: National Institutes of Mental Health Special Emphasis Panel.

Date: November 9, 1999.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: River Inn, 924 25th Street, NW, Washington, DC 20037.

Contact Person: Russell E. Martenson, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd.,

Rm. 6138, MSC 9606, Bethesda, MD 20892–9606, 301–443–7861.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: September 22, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25327 Filed 9–28–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6). Title 5 U.S.C., Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Initial Review Group.

Date: October 21–22, 1999.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Ave., Chase Room, Chevy Chase, MD 20815.

Contact Person: Mary J. Stephens-Frazier, PHD, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health, Natcher Building, Room 3AN32, 45 Center Drive, Bethesda, MD 20892, (301) 594–5971.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 22, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25329 Filed 9–28–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel, Institutional National Research Service Applications (T32s).

Date: October 20, 1999.

Time: 8:30 am to 5:30 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Ave., Chase Room, Chevy Chase, MD 20815.

Contact Person: Mary J. Stephens-Frazier, PHD, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health, Natcher Building, Room 3AN32, Bethesda, MD 20892 (301) 594–5971.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 22, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25330 Filed 9–28–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated wit the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biomedical Library Review Committee.

Date: November 2–3, 1999.

Open: November 2, 1999, 8:30 am to 9:00 am.

Agenda: Administrative Reports and Program Developments.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Closed: November 2, 1998, 9:00 am to 11:30 am.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Open: November 2, 1999, 11:30 am to 2:00 pm.

Agenda: Administrative Reports and Program Developments.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Closed: November 2, 1998, 2:00 pm to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Open: November 3, 1999, 8:30 am to 8:45 am.

Agenda: Administrative Reports and Program Developments.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Closed: November 3, 1998, 8:45 am to 12:00 pm.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Contact Person: Sharee Pepper, PhD., Scientific Review Administrator, Health Scientist Administrator, Office of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892.

(Catalog of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: September 22, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–25326 Filed 9–28–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–444–N–21]

Notice of Proposed Information Collection: Comment Request; Management Review Report for Unsubsidized Multifamily Programs, and Management Review Worksheet

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* November 29, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Building, Room 8202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Willie Spearmon, Director, Office of Business Products, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone number (202) 708–3000 (this is not a toll-free number), for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Management Review Report for Unsubsidized Multifamily Programs, and Management Review Worksheet.

OMB Control Number, if applicable: 2502–0259.

Description of the need for the information and proposed use: The Management Review Report for Unsubsidized Multifamily Housing Programs, and the Management Review Worksheet is used by unsubsidized lenders to collect and identify problems which must be corrected in order to make the project an acceptable risk and to devise corrective action necessary to stabilize the project and prevent default.

Agency Form Numbers, if applicable: Form HUD–9838.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents are 900, the frequency of respones is once, the estimated burden per response is 7 hours, and the estimated total annual burden hours are 6300.

Status of the proposed information collection: Revision with Change.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: September 14, 1999.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 99–25261 Filed 9–28–99; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4445–N–22]

Notice of Proposed Information Collection: Comment Request; Appraisals of FHA-Insured Single Family Properties

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* November 29, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Building, Room 8202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Vance Morris, Director, Home Mortgage Insurance Division, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone number (202) 708–2700 (this is not a toll-free number), for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Appraisals of FHA-Insured Single Family Properties Forms.

OMB Control Number, if applicable: 2502–0538.

Description of the need for the information and proposed use: The information collection is essential so that HUD can ensure that appraisals of HUD-insured single family properties are conducted by individuals who are qualified, trained and knowledgeable in the real estate appraisal field and that the appraisals of HUD-insured single family properties or prospective insured

properties are thorough and independent.

(1) Each individual seeking to become an FHA approved appraiser must submit Form HUD–92563 "Roster Designation Application" and a copy of the individual's state licensing and/or state certification documentation. HUD has recently established the requirement that each applicant must also pass a HUD/FHA Appraisal Examination.

THe HUD–92563 has been modified to reflect the examination requirement. The revised form also requests information on geographic areas of practice. In addition, applicants must certify that they will comply with HUD Handbook 4150.2, Valuation Analysis for Home Mortgage Insurance for Single Family One- to Four-Unit Dwellings, and other directives relating to appraisals and authorize HUD to inspect the appraiser's files. The revised form also sets forth several warnings of possible sanctions for presenting false or fraudulent statements.

(2) Each FHA approved appraiser will conduct an appraisal of FHA-insured, or prospective FHA-insured single family properties, using the Uniform Residential Appraisal Report (URAR), and HUD–92564, Valuation Condition Sheet (VC Sheet).

The appraiser will also prepare for the homebuyer HUD–92564–HS, Homebuyer Summary. This document is a summary of the appraiser's observations of the property visited, including problems rendering the property unacceptable for FHA mortgage insurance.

The lender must also ensure that the prospective homebuyer has received a HUD–92564–CN, a consumer notice explaining the importance of obtaining a home inspection. The name of the buyer has replaced that of the seller in the latest version of this form to avoid confusion.

The estimated number of respondents is approximately 15,000. The estimated number of appraisals per respondent is estimated to be 80 per year.

Agency Form Numbers, if applicable: Forms HUD–92563, HUD–92564–VC, HUD–92564–HS, and HUD–92564–CN.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents is 15,000 for the Valuation Condition Sheet, HUD–92564–VC (80 responses per respondent, .30 minutes per response), 15,000 for the Homebuyer Summary, HUD–92564–HS, (80 responses per respondent, .10 minutes per response), and 50,000 for the Application for Fee Personnel Designation, HUD–92563 (1 response per respondents, .50 minutes per response); the frequency of response is one-time for acceptance to the approval roster list. The total annual burden hours are estimated at 505,000.

Status of the proposed information collection: Revision of a currently approved submission.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: September 22, 1999.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 99–25262 Filed 9–28–99; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4443–N–8]

Notice of Proposed Information Collection for Public Comments for Public Housing—Contracting With Resident-Owned Businesses

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* November 29, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4238, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–3642, extension 4128, for copies of the proposed forms and other available documents. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as ame4nded).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Public Housing, Contracting with Resident-Owned Businesses Application Requirements.

OMB Control Number: 2577–0161.

Description of the need for the information and proposed use: The information is necessary so that the applicants (resident-owned businesses) seeking to qualify for noncompetitive contracting with the Public Housing Agency (PHA) will be eligible to be solicited by the PHA as a contractor for a proposed contract.

Members of affected public: Individuals or households; State or local governments; nonprofit institutions; small businesses or organizations.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 500 respondents, annually, 9 average hours per response, 10,000 hours for a total reporting burden.

Status of the proposed information collection: Extension, without change.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: September 22, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–25263 Filed 9–28–99; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4441–N–48]

Submission for OMB Review: Request for Termination of Multifamily Mortgage Insurance

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of proposed information collection requirement.

SUMMARY: The proposed information collection requirement described has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting comments on the subject proposal.

The information to be collected is indication to HUD that a mortgage has been paid in full or that a mortgagor and mortgagee have mutually agreed to terminate the contract of multifamily mortgage insurance.

DATES: Comments Due Date: October 29, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Joseph F. Lackey, Jr., HUD Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–2374 (This is not a toll-free number) or e-mail to Wayne__Eddins@HUD.gov. Copies of the available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION:

This notice contains the following information:

(1) The title for the collection of information;

(2) A summary of the collection of information;

(3) A brief description of the need for the information and proposed use of the information;

(4) A description of the likely respondents, including the estimated number of likely respondents, and proposed frequency of response to the collection of information;

(5) An estimate of the total annual reporting and recordkeeping burden that will result from the collection of information;

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless collection displays a valid control number.

Title: Request for Termination of Multifamily Mortgage Insurance.

OMB Control Number: 2502–0416.

Type of submission: Reinstate without change.

Need and use of the information: The information to be collected is indication to HUD that a mortgage has been paid in full or that a mortgagor and mortgagee have mutually agreed to terminate the contract of multifamily mortgage insurance.

Form Number(s): HUD–9807.

Respondents: Lender/Mortgagees.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Total burden hours
500		1		0.125		63

Contact: Peter Giaquinto, HUD (202) 708–4162; Joseph Lackey, OMB, (202) 395–7316.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: September 22, 1999.

Wayne Eddins,

Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 99–25264 Filed 9–28–99; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4456–N–06]

Privacy Act of 1974; Notice of a Computer Matching Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of a Computer Matching Program—HUD and the United States Department of Agriculture (USDA).

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988, as amended, (Pub. L. 100–503), and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818 (June 19, 1989)), and OMB Bulletin 89–22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public," the Department of Housing and Urban Development (HUD) is issuing a public notice of its intent to conduct a recurring computer matching program with the U.S. Department of Agriculture (USDA) to utilize a computer information system of HUD, the Credit Alert Interactive Voice Response System (CAIVRS), with USDA's debtor files. In addition to HUD's data, the CAIVRS data base includes delinquent debt information from the Departments of Education, Veterans Affairs, Justice and the Small Business Administration. This match will allow prescreening of applicants for debts owed or loans guaranteed by the Federal Government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Federal Government for HUD or USDA direct or guaranteed loans.

Before granting a loan, the lending agency and/or the authorized lending institution will be able to interrogate the CAIVRS debtor file which contains the Social Security Numbers (SSNs) of HUD's delinquent debtors and defaulters and defaulted debtor records of the USDA and verify that the loan applicant is not in default or delinquent on direct or guaranteed loans of participating Federal programs of either agency. As a result of the information produced by this match, the authorized users may not deny, terminate, or make a final decision of any loan assistance to an applicant or take other adverse action against such applicant, until an officer or employee of such agency has independently verified such information.

DATES: *Effective Date:* Computer matching is expected to begin 40 days after publication of this notice in the **Federal Register** (November 8, 1999), unless comments are received which will result in a contrary determination, or 40 days from the date a computer matching agreement is signed, whichever is later.

Comments Due Date: October 29, 1999.

ADDRESSEES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and

copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR PRIVACY ACT INFORMATION AND FURTHER INFORMATION FROM RECIPIENT AGENCY CONTACT: Jeanette Smith, Departmental Privacy Act Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room P8202, Washington, DC 20410, telephone number (202) 708–2374. [This is not a toll-free telephone number.]

FOR FURTHER INFORMATION FROM SOURCE AGENCY CONTACT: Reynaldo Gonzalez, Debt/Credit Management Coordinator, U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, DC 20250, telephone number (202) 720–1168. [This is not a toll-free number.]

Reporting of Matching Program

In accordance with Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, as amended, and Office of Management and Budget Bulletin 89–22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public;" copies of this Notice and report are being provided to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.

Authority

The matching program will be conducted pursuant to Public Law 100–503, "The Computer Matching and Privacy Protection Act of 1988," as amended, and Office of Management and Budget (OMB) Circular A–129 (Revised January 1993), Policies for Federal Credit Programs and Non-Tax Receivables. One of the purposes of all Executive departments and agencies—including HUD—is to implement efficient management practices for Federal credit programs. OMB Circular A–129 was issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Act of 1950, as amended; the Debt Collection Act of 1982, as amended; and, the Deficit Reduction Act of 1984, as amended.

Objectives To Be Met By The Matching Program

The matching program will allow USDA access to a system which permits prescreening of applicants for loans owed or guaranteed by the Federal Government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Government. In addition, HUD will be provided access to USDA debtor data for prescreening purposes.

Records To Be Matched

HUD will utilize its system of records entitled HUD/DEPT–2, *Accounting Records*. The debtor files for HUD programs involved are included in this system of records. HUD's debtor files contain information on borrowers and co-borrowers who are currently in default (at least 90 days delinquent on their loans); or who have any outstanding claims paid during the last three years on Title II insured or guaranteed home mortgage loans; or individuals who have defaulted on Section 312 rehabilitation loans; or individuals who have had a claim paid in the last three years on a Title I loan. For the CAIVRS match, HUD/DEPT–2, System of Records, receives its program inputs from HUD/DEPT–28, Property Improvement and Manufactured (Mobile) Home Loans—Default; HUD/DEPT–32, Delinquent/Default/ Assigned Temporary Mortgage Assistance Payments (TMAP) Program; and HUD/CPD–1, Rehabilitation Loans-Delinquent/Default. The USDA will provide HUD with debtor files contained in its system of records entitled, Applicant/Borrower or Grantee File (USDA/FmHA–1). HUD is maintaining USDA's records only as a ministerial action on behalf of USDA, not as a part of HUD's HUD/DEPT–2 system of records. USDA's data contain information on individuals who have defaulted on their guaranteed loans. The USDA will retain ownership and responsibility for their system of records that they place with HUD. HUD serves only as a record location and routine use recipient for USDA's data.

Notice Procedures

HUD and the USDA will notify individuals at the time of application (ensuring that routine use appears on the application form) for guaranteed or direct loans that their records will be matched to determine whether they are delinquent or in default on a Federal debt. HUD and the USDA will also publish notices concerning routine use disclosures in the **Federal Register** to inform individuals that a computer match may be performed to determine a loan applicant's credit status with the Federal Government.

Categories of Records/Individuals Involved

The debtor records include these data elements: SSN, claim number, program code, and indication of indebtedness. Categories of records include: Records of claims and defaults, repayment agreements, credit reports, financial statements, and records of foreclosures. Categories of individuals include: Former mortgagors and purchasers of HUD-owned properties, manufactured (mobile) home and home improvement loan debtors who are delinquent or in default on their loans, and rehabilitation loan debtors who are delinquent or in default on their loans.

Period of the Match

Matching is expected to begin at least 40 days from the date copies of the signed (by both Data Integrity Boards) computer matching agreements are sent to both Houses of Congress or at least 40 days from the date this Notice is published in the **Federal Register**, whichever is later, providing no comments are received which would result in a contrary determination. The matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other in writing to terminate or modify the agreement.

Dated: September 22, 1999.

Gloria R. Parker,

Chief Information Officer.

[FR Doc. 99–25259 Filed 9–28–99; 8:45 am]

BILLING CODE 4210–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of Draft Comprehensive Conservation Plan and Environmental Assessment for Ten Thousand Islands National Wildlife Refuge in Collier County, FL, and Notice of Meeting To Seek Public Participation

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service, Southeast Region, has made available for public review a Draft Comprehensive Conservation Plan and Environmental Assessment for Ten Thousand Islands National Wildlife Refuge in Collier County, Florida, and plans to hold a public meeting in the vicinity of the refuge to solicit public comments on the draft plan. The Service is furnishing this notice in compliance with Service comprehensive conservation planning policy, the National Environmental Act Policy, and implementing regulations to achieve the following:

(1) Advise other agencies and the public of our intentions, and

(2) Obtain comments on the proposed plan and the other alternatives considered in the planning process.

DATES: The Service will hold the public meeting on Saturday, October 23, 1999, 10 a.m. to 6 p.m. at the Fish and Wildlife Service office located in the Comfort Inn, 3860 Tollgate Boulevard, Naples, Florida 34114. In addition, written comments on the draft plan should be sent no later than November 8, 1999, to the address given below.

ADDRESSES: Comments and requests for copies of the draft plan should be addressed to Mr. Ed Loth, U.S. Fish and Wildlife Service, Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345, or by calling 404/679–7155.

SUPPLEMENTARY INFORMATION: Ten Thousand Islands National Wildlife Refuge consists of approximately 35,000 acres located approximately 20 miles southeast of Naples, Florida, and South of U.S. Highway 41. The refuge was established under the authority of the Florida/Arizona Land Exchange Act in order to develop, advance, manage, conserve and protest its unique estuarine ecosystem and fish and wildlife resources. The refuge represents a variety of coastal habitats including mangrove forests, freshwater marsh systems, interspersed freshwater ponds, and small islands or hammocks of upland habitat.

It is the desire of the Fish and Wildlife Service that Ten Thousand Islands National Wildlife Refuge become "a model for natural systems management, featuring unique coastal marshes, islands, and subtropical estuarine mangrove ecosystems. The refuge will provide essential habitat for threatened and endangered species and be an area noted for its cultural resources.

Through effective management and partnering, the refuge will provide outstanding recreational opportunities for present and future generations." To accomplish this vision, the refuge seeks to achieve the following six goals: (1) Wildlife and Habitat Conservation—conserve, enhance, and protect fish and wildlife resources and other natural values supported within the refuge portion of this unique south Florida coastal ecosystem; (2) Public Use—Provide visitors with quality recreational opportunities, guided by the refuge's vision and mission, and compatible with its purpose; (3) Commercial Use—co-manage sustained-yield commercial harvesting, guiding, and other enterprises that are compatible with the purpose of the refuge; (3) Environmental Education—promote the interpretation, education, and appreciation of coastal natural resources for the Ten Thousand Islands area, and the importance of conserving them; (5) Cooperative Management—promote cooperation among agencies, private landowners, organizations, and other stakeholders in the management of natural and cultural resources within the Big Cypress Watershed; and (6) Archaeological Resources—protect refuge cultural resources, encourage archaeological investigations, and promote interpretation and appreciation of the area's history.

The draft plan evaluates three alternatives for managing the refuge over the next 15 years: Alternative A (no action) advocates that the refuge be managed with minimal monitoring and management direction; Alternative B (ecosystem approach) would allow recreational and commercial activities to continue coupled with extensive monitoring programs to assess the quality of the environment; and Alternative C (maximum public use) emphasizes fishing as well as many other recreational pursuits for the refuge. The Service believes that Alternative B (ecosystem approach) is the best alternative to guide the refuge's future direction. In essence, this alternative will:

- Best meet the primary purposes for which the refuge was established—protecting and enhancing the refuge's unique estuarine ecosystem;
- Recognize the importance of the refuge within the Big Cypress Watershed and define refuge actions to protect and enhance the natural features of this ecosystem;
- Continue to provide the public access to the refuge; visitation would be monitored for its impacts on flora and fauna; and
- Ensure that environmental education and partnership efforts increase.

Dated: September 14, 1999.

Sam D. Hamilton,

Regional Director.

[FR Doc. 99–25255 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: Taylor W. Jones, Atlanta, GA. PRT–017657.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Randy Kalp, Pleasant Unity, PA, PRT–017657.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: University of Illinois/Chicago, Chicago, IL, PRT–017651.

The applicant requests a permit to import blood samples from three (3) captive-held Baird's Tapirs (*Tapirus bairdii*) maintained under the management program of the Belize Zoo, Belize City, Belize, for the purpose of enhancement of the survival of the species through genetic studies.

Applicant: Bowmanville Zoological Park Ltd, c/o Whitfield's Tigers and Lions, Suisun City, CA, PRT–017088 .

The applicant requests a permit to purchase and export one Bengal tiger (*Panthera tigris tigris*) to Bowmanville Zoological Park Ltd., Ontario, Canada for the purpose of enhancement of the survival of the species through propagation and conservation education.

The following applicants have applied for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR 18).

Applicant: Mike Popper, Sewickley, PA, PRT–017654

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted, taken prior to April 30, 1994, from the Lancaster Sound polar bear population, Northwest Territories, Canada, for personal use.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be sent to the U.S.

Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281 and must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: September 24, 1999.

Kristen Nelson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 99–25319 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Submission of Collection of Water Delivery and Electric Service Data for the Operation of Irrigation and Power Projects and Systems to Office of Management and Budget

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Bureau of Indian Affairs (BIA) is submitting two information collection requests for extension to the Office of Management and Budget. The two collections are: Electrical Service Application, 1076–0021, and Water Request, 1076–0141.

DATES: Comments must be received on or before October 29, 1999, to be assured of consideration.

ADDRESSES: Comments should be sent to: Attn: Desk Officer for Department of the Interior, Office of Information and Regulatory Affairs, OMB, 725 17th Street NW, Washington, DC 20503. Send a copy to Bureau of Indian Affairs, Branch of Irrigation, Power, and Safety of Dams, Mail Stop 4513–MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Interested persons may obtain copies of the information collection requests without charge by contacting Ross Mooney at 202–208–5480, or facsimile number: 202–219–1255, or E-mail: Ross__Mooney@IOS.DOI.GOV.

SUPPLEMENTARY INFORMATION: A request for comments regarding the two information collection requests was published in the **Federal Register** on June 8, 1999 (64 FR 30533–30534). No comments were received during the comment period.

Request for Comments

The Bureau of Indian Affairs solicits comments in order to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the bureau, including whether the information will have practical utility;

(2) Evaluate the bureau's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond.

OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days; therefore, comments submitted within 30 days are more assured of receiving maximum consideration. Please note that comments, names and addresses of commentors are available for public review during normal business hours. If you wish us to withhold any information you submit, you must state this prominently at the beginning of your comment. We will honor your request to the extent allowable by law.

Title: Water Request, 25 CFR 171.

Frequency of Collection: On occasion.

Description of Respondents: BIA Irrigation Project Water Users.

Total Respondents: 25,000.

Total Annual Responses: 51,500.

Total Annual Burden Hours: 4,292 hours.

Title: Electric Service Application, 25 CFR 175.

Frequency of Collection: On Occasion.

Description of Respondents: BIA Electric Power Consumers.

Total Respondents: 4,750.

Total Annual Responses: 4,750.

Total Annual Burden Hours: 1,188 hours.

Dated: September 23, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99–25280 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–963–1020–04–WEED]

Certified Noxious Weed-Free Forage, ND

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of final supplementary rules to require the use of certified noxious weed-free forage on BLM-administered lands in North Dakota.

SUMMARY: The North Dakota Field Office of the BLM recently prepared an environmental assessment (EA) documenting the analysis of two alternatives for managing noxious weeds on public lands in North Dakota. The EA's proposed action consisted of a supplementary rule under 43 CFR 8365.1–6 to require the use of certified noxious weed-free forage on those public lands. Forage subject to this supplementary rule would include hay, straw, cubes, grains, and mulch. The Field Manager of the BLM's North Dakota Field Office has issued a decision record stating the EA's proposed action will not have any significant impact on the human environment and that an environmental impact statement is not required. Therefore, the Field Manager is requiring that public land users, including local, State, or Federal government agents conducting administrative activities, recreationists using pack and saddle stock, and contractors using straw or other mulch for reseeding purposes, use certified noxious weed-free forage products, or other approved products such as pelletized feed, while on the approximately 60,000 acres of BLM administered public lands in North Dakota. Copies of the EA, Finding of No Significant Impact, and Decision Record are available at the BLM North Dakota Field Office in Dickinson, ND.

There were no comments on the Notice of Proposed Supplementary Rules To Require the Use of Certified Noxious Weed-Free Forage on BLM Administered Lands in North Dakota, placed in the **Federal Register** dated June 17, 1999.

EFFECTIVE DATE: The Final Supplementary Rules will be effective October 29, 1999 and will remain in effect until modified or rescinded by the Authorized Officer.

FOR FURTHER INFORMATION CONTACT: BLM—North Dakota Field Office, Don Rufledt, Natural Resource Specialist, 2933 3rd Ave. W., Dickinson, ND

58601–2619, or telephone (701) 225–9148.

SUPPLEMENTARY INFORMATION: Noxious weeds are a serious problem in the western United States. Estimates of the rapid spread of weeds in the west include 2,300 acres per day on BLM administered lands and 4,600 acres per day on all western public lands. Species such as leafy spurge, Canada thistle, spotted knapweed, Russian knapweed, musk thistle, and many others are alien to the United States and, at least initially, have no natural enemies to keep their populations in balance. Consequently, these weeds invade healthy ecosystems, displace native vegetation, reduce species diversity, and damage wildlife habitat. Widespread infestations can lead to soil erosion and stream sedimentation. Furthermore, noxious weed invasions reduce livestock and wildlife grazing capacity, occasionally affect the health of public land users by aggravating allergies and other ailments, and threaten federally protected or native plants and animals.

To curb the spread of noxious weeds, a growing number of western states have jointly developed noxious weed-free forage certification standards, and, in cooperation with various Federal, State, and county agencies, passed weed management laws. Because hay and other forage products containing noxious weed seeds are part of the infestation problem, North Dakota has developed a program to certify weed-free forage. The State encourages forage producers to grow noxious weed-free products and have them certified.

Region One of the United States Forest Service, Department of Agriculture, implemented a similar policy for the National Grasslands in North Dakota in 1998. This proposal will provide a standard supplementary regulation for all users of BLM-administered public lands in North Dakota and will provide for coordinated and consistent management with the National Forest Grasslands.

In cooperation with the State of North Dakota and the U.S. Forest Service, the BLM is implementing, for all BLM-administered lands within North Dakota, a ban on hay, straw, cubes, grains, or mulch that has not been certified. This proposal will ensure that: (1) this ban is well publicized and understood. The BLM will stress education and awareness in 1999 and 2000 and move to implement enforcement in 2001; and (2) BLM visitors and land users will know where they can purchase state-certified hay and other forage products.

The principal author of these supplementary rules is Don Rufledt, Natural Resource Specialist, of the North Dakota Field Office, BLM.

For the reasons stated above, under the authority of 43 CFR 8365.1–6, the North Dakota Field Manager, BLM, issues final supplementary rules to read: Supplementary Rules to Require the Use of Certified Noxious Weed-Free Forage on Bureau of Land Management-Administered Lands in North Dakota.

(1) To help prevent the spread of weeds on BLM-administered public lands in North Dakota, effective October 29, 1999, all such lands shall be closed to possessing, transporting or storing hay, straw, cubes, grains, or mulch that has not been certified as free of noxious weed seed. Pelletized feed does not require certification.

(2) Certification will comply with North Dakota's Pilot Weed-Free Forage Program. North Dakota's pilot program will certify forage as free of only those noxious weeds listed in North Dakota. Forage from other States should be free of all regionally listed noxious weeds.

(3) The following persons are exempt from this order: (a) anyone with a permit signed by BLM's authorized officer at the North Dakota Field Office specifically authorizing the prohibited act or omission on BLM-administered public lands within the state; (b) persons transporting forage products on Federal and State highways and county roads that are not BLM-developed roads or trails.

(4) Any person who knowingly and willfully violates the provisions of these supplementary rules may be commanded to appear before a designated United States Magistrate and may be subject to a fine of not more than $1,000 or imprisonment of not more than 12 months, or both, as defined in 43 United States Code Section 1733(a).

Dated: September 15, 1999.

Douglas J. Burger,

Field Manager, Bureau of Land Management, North Dakota.

[FR Doc. 99–24875 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–070–5440–J072]

1983 Price River Management Framework Plan; Notice of Intent for Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent—proposal to amend Price River Management Framework Plan.

SUMMARY: This notice of intent is to advise the public that the Bureau of Land Management (BLM) proposes to amend the 1983 Price River Management Framework Plan (MFP), which includes public land in Carbon and Emery Counties, Utah. The purpose of the amendment is to identify certain lands, currently under lease to the City of Green River for airport purposes, as suitable for disposal through conveyance under authority of the Airport and Airway Improvement Act of September 3, 1982.

Publication of this notice in the **Federal Register** segregates the 510.0 acres of public land described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws.

DATES: The comment period for this proposed plan amendment will commence with publication of this notice. Comments must be submitted on or before October 29, 1999.

ADDRESSES: Comments should be addressed to: Richard L. Manus, Field Manager, BLM Price Field Office, 125 South 600 West, Price, Utah 84501. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your written comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Joan Hubert, Realty Specialist, BLM Price Field Office, 125 South 600 West, Price, Utah 84501, (435) 636–3630.

SUPPLEMENTARY INFORMATION: The existing plan does not identify these lands as suitable for disposal. However, because of resource values, public values, and objective involved, the public interest may be well served by disposal of these lands to a local government entity. An environmental assessment will be prepared to analyze the impacts of this proposal. The existing planning document is available at the above address. Issues anticipated in the plan amendment are livestock

grazing, rights of permittees and lessees, and the interests of adjoining land owners. The public land being considered for disposal, comprising 510.0 acres, is described as follows:

Salt Lake Meridian, Utah

T. 21 S., R. 15 E.,
Section 23, SE¼;
Section 24, SW¼SW¼SW¼;
Section 25,
NW¼,N½SW¼,SW¼NW¼SE¼;
Section 26, E½NE¼.

Sally Wisely,

State Director.

[FR Doc. 99–25236 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

National Park Service

Winter Use Plan, Draft Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr., Memorial Parkway, Wyoming

AGENCY: National Park Service, Department of the Interior.

ACTION: Availability of the Winter Use Plan, Draft Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr., Memorial Parkway.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of the Winter Use Plan, Draft Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr., Memorial Parkway, Wyoming and Montana.

DATES: The Winter Use Plan, Draft Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr., Memorial Parkway will remain available for public review through November 15, 1999. Public meetings concerning the plan will be held in Livingston and West Yellowstone, Montana; Jackson and Cody, Wyoming; Idaho Falls, Idaho; and Denver, Colorado. Dates, times, and locations will be announced at a later date.

ADDRESSES: Comments on the Winter Use Plan, Draft Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr., Memorial Parkway should be sent to Clifford Hawkes, National Park Service, Denver Service Center, 12795 West Alameda Parkway, Lakewood, Colorado 80228. Public reading copies of the plan are available on the Internet (nps.gov/planning/yell/winteruse) and will be available for review at the following locations:

Office of the Superintendent
Clifford Hawkes, National Park Service, Denver Service Center
12795 W. Alameda Parkway,
Denver, CO 80225–0287,
Telephone: (303) 969–2262
Office of Public Affairs, National Park Service, Department of Interior,
18th and C Streets NW,
Washington, DC 20240, Telephone: (202) 208–6843

SUPPLEMENTARY INFORMATION: The Winter Use Plan, Draft Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr., Memorial Parkway analyzes 7 winter use management alternatives for the parks and the justification, anticipated impacts and relevant scientific research regarding each of the alternatives.

Under Alternative A-No Action, current use and management practices in the parks and Parkway would continue. Alternative B, the preferred alternative, provides a moderate range of affordable and appropriate winter visitor experiences. Air quality and oversnow motor vehicle sound would be addressed, and by the winter of 2008–2009, strict emission and sound requirements would be required by all oversnow vehicles entering the parks. The preferred alternative also emphasizes an adaptive approach to park resource management, which would allow the results of new and ongoing research and monitoring to be incorporated. Alternative C maximizes winter visitor opportunities for a range of park experiences, while preserving natural resources and addressing safety concerns. Alternative D stresses visitor access to unique winter features in the parks. This alternative emphasizes clean, quiet modes of travel, visitor activities focused near destination areas, and a minimization of conflicts between nonmotorized and motorized users. Under alternative E the protection of wildlife and natural resources is emphasized while allowing park visitors access to a range of winter recreation experiences. Alternative E uses an adaptive planning approach that allows new information to be incorporated. Alternative F stresses the protection of wildlife resources by focusing winter visitor activities in Yellowstone National Park outside important winter range for large ungulate species, and closing north and west roads to winter use. For Grand teton National Park and the Parkway, this alternative emphasizes the protection of all resources by focusing developments, oversnow motorized trails and zones, and nonmotorized trails and zones in certain areas, while still allowing park visitors opportunities for a range of winter recreational experiences. Alternative G places the highest priority on clean quiet oversnow access to the parks using present technologies.

The Winter Use Plan, Draft Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr., Memorial Parkway in particular evaluates the environmental consequences of the proposed action and the other alternatives on wildlife, air quality, natural quiet, local economies, and visitor experience.

FOR FURTHER INFORMATION CONTACT: Clifford Hawkes, National Park Service, Denver Service Center, 12795 West Alameda Parkway, Lakewood, Colorado 80228.

Dated: September 20, 1999.

Michael D. Synder,

Acting Regional Director, Intermountain Region, National Park Service.

[FR Doc. 99–25278 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Wild and Scenic River Suitability Study/Recommendation for the Escalante River Drainage, Glen Canyon National Recreation Area, Garfield County, UT

AGENCY: National Park Service, USDI.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Notice is hereby given that the National Park Service, USDI, will prepare an environmental impact statement (EIS) which analyzes the suitability of sections of the Escalante River, Harris Wash, Coyote Gulch, Fortymile Gulch, Willow Gulch, Fiftymile Creek, Davis Gulch, Cow Canyon, Fence Canyon, Silver Falls Creek, Choprock Canyon, Neon Canyon, Moody Creek, East Moody Creek, Twentyfive Mile Wash (Glen Canyon NRA portion), Georgie's Canyon, Scorpion Gulch, Fools Canyon, Fold Canyon, Eastside Tributaries 1–4, Stevens Canyon, Big Hollow Wash, Hurricane Wash, Carcass Wash, Sooner Wash, Unnamed Wash of the Escalante River (3 miles upriver of Silver Falls Creek), North Fork of Silver Falls Creek, Middle Moody Creek, within Glen Canyon National Recreation Area boundary in Garfield County, Utah for inclusion into the National Wild and

Scenic River System. The National Park Service invites written comments and suggestions on the suitability of these river sections. The Draft Environmental Impact Statement (DEIS) will also include a General Management Plan amendment. The amendment will provide interim protection for those rivers recommended to Congress until Congress rules on a final recommendation.

Further, the agency gives notice that the environmental analysis process is underway. Interested and potentially affected persons, along with local, state, and other federal agencies, are invited to participate and contribute to the environmental analysis prior to final recommendation to Congress. Persons who comment on this process should note that the Department may make the names and addresses of commenters public. However, commenters may request that this information not be released and the Department of the Interior will then determine whether the information may be withheld under the Freedom of Information Act.

DATES: Written comments to be considered in the preparation of the DEIS should be submitted on or before October 29, 1999.

ADDRESSES: Submit written comments to: Superintendent, Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and draft EIS should be directed to Norm Henderson, Wild and Scenic River EIS Team Leader, Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040; telephone 520–608–6272.

SUPPLEMENTARY INFORMATION: This suitability analysis is being initiated in response to the Management Plan currently being prepared by the Bureau of Land Management (BLM) for the Grand Staircase-Escalante National Monument (GSENM). A portion of this Plan includes an assessment of streams and rivers within the boundary of the GSENM for inclusion into the National Wild and Scenic Rivers System. Recognizing the need for consistency across jurisdictional boundaries, Glen Canyon National Recreation Area (NRA), Bryce Canyon National Park, and the Dixie National Forest have worked together with the GSENM during the eligibility phase of their wild and scenic rivers analysis. This increased the Monument's study area to include portions of rivers that extended onto other Federally managed areas and allowed the planning team to look at entire watersheds.

Section 5(d)(1) of the Wild and Scenic Rivers Act of 1968 (Public Law 90–542, 82 Stat. 906, as amended; 16 U.S.C. 1271–1287) allows for the study of new potential wild and scenic rivers not designated under Section 3(a) or designated for study under Section 5(a) of the Act. Section 5(d)(1) states "In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic, and recreational river areas. The analysis will also include lands within ¼ mile from each stream bank. Preliminary alternatives include recommending a wild, scenic, or recreation designation for each segment and an alternative that recommends none of the segments for designation. Other appropriate alternatives may be considered.

Joseph Alston, Superintendent, Glen Canyon NRA, is the responsible official for preparing the suitability study and DEIS. The Secretary of the Interior, U.S. Department of the Interior, Washington DC 20250 is the responsible official for recommendations for wild and scenic designation. Public input is now requested and will be used in preparation of the DEIS that is expected to be filed with the Environmental Protection Agency (EPA) and available for the public. At that time, the EPA will publish a notice of availability of the DEIS in the **Federal Register**. The comment period on the DEIS will be 60 days from the date the EPA's notice of availability appears in the **Federal Register**.

After the comment period ends on the DEIS, comments will be analyzed and considered by the National Park Service in preparing the final EIS (FEIS). In the FEIS, the National Park Service will respond to comments received. The Secretary of the Interior will consider the comments, responses, and consequences discussed in the EIS, applicable laws, regulations, and policies in making a recommendation to the President regarding suitability of these river segments for inclusion into the National Wild and Scenic Rivers System. The final decision on inclusion of a river in the National Wild and Scenic Rivers System rests with the Congress of the United States.

Dated: September 21, 1999.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 99–25248 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Boston Harbor Islands Advisory Council; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (PL 92–463) that the Boston Harbor Islands Advisory Council will meet on Thursday, September 30, 1999. This meeting was originally scheduled for September 16, 1999, and was postponed due to severe weather warnings. The meeting will convene at 4:00 PM at the New England Aquarium Conference Center Central Wharf, Boston, Massachusetts.

The Advisory Council was appointed by the Director of National Park Service pursuant to Public Law 104–333. The 28 members represent business, educational, cultural, and environmental entities; municipalities surrounding Boston Harbor; and Native American interests. The purpose of the council is to advise and make recommendations to the Boston Harbor Islands Partnership with respect to the development and implementation of a management plan and the operation of the Boston Harbor Islands National Recreation Area.

The Agenda for this meeting is as follows:

1. Introductions and remarks from Robert Durand, Chair, Boston Harbor Islands Partnership.

2. Discussion of the status of the general management plan.

3. Briefing on the economic development plan for the park.

The meeting is open to the public. Further information concerning Council meetings may be obtained from the Superintendent, Boston Harbor Islands. Interested persons may make oral/written presentations to the Council or file written statements. Such requests should be made to: Superintendent Boston Harbor Islands National Recreation Area, 408 Atlantic Avenue, Suite 228, Boston, Massachusetts, 02110, telephone (617) 223–8667.

Dated: September 21, 1999.

Bruce Jacobson,

Assistant Superintendent, Boston Harbor Islands NRA.

[FR Doc. 99–25247 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Native American Graves Protection and Repatriation Review Committee: Meeting

AGENCY: National Park Service, Interior.
ACTION: Notice

Notice is hereby given in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (1988), that a meeting of the Native American Graves Protection and Repatriation Review Committee will be held on November 18, 19, and 20, 1999 in Salt Lake City, Utah.

The Committee will meet at the Hilton Salt Lake City; telephone: (800) 421-7602 or inside Utah (901) 532-3344, fax: (801) 531-0705, located at 150 West 500 South, Salt Lake City, Utah. Meetings will begin at 8:30 a.m. and will end no later than 5:00 p.m. each day.

The Native American Graves Protection and Repatriation Review Committee was established by Public Law 101-601 to monitor, review, and assist in implementation of the inventory and identification process and repatriation activities required under the Native American Graves Protection and Repatriation Act.

The agenda for this meeting will include: disposition of culturally unidentifiable human remains; and discussions of the dispute between the Hopi Tribe and Chaco Culture National Historical Park, NM.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Persons will be accommodated on a first-come, first-served basis. Persons wishing to make a presentation to the committee should submit a request to do so by October 22, 1999. Please clearly state what you would like to discuss, how much time you estimate that you will need, and your contact information. Any member of the public may also file a written statement for consideration by the committee by November 2, 1999. Both written requests and statements should be addressed to the committee in care of the Departmental Consulting Archeologist.

A block of lodging rooms has been set aside at the Hilton Salt Lake City, at a significantly reduced rate. Reservations must be booked with the hotel by October 25, 1999 to guarantee the reduced rate. Please reference the National Park Service and mention that you are attending the NAGPRA Review Committee Meeting.

Individuals seeking further information concerning this meeting may contact Dr. C. Timothy McKeown, Ms. Jean Kelley, or Ms. Laura Mahoney, Archeology and Ethnography Program, National Park Service, 1849 C St. NW, NC340/MS 2275, Washington, DC 20240; telephone: (202) 343-4101. Transcripts of the meeting will be available for public inspection approximately eight weeks after the meeting at the office of the Departmental Consulting Archeologist, 800 North Capitol St., NW, Suite 340, Washington, DC.

Dated: September 23, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–25370 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the Naval Air Station, Whidbey Island, United States Navy, Oak Harbor, WA

AGENCY: National Park Service.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the control of the Naval Air Station, Whidbey Island, United States Navy, Oak Harbor, WA.

A detailed assessment of the human remains was made by U.S. Navy and U.S. Army Corps of Engineers professional staff in consultation with representatives of the Swinomish Indians of the Swinomish Reservation.

During 1983-1985, human remains representing a minimum of 15 individuals were recovered from Maylor Point, Whidbey Island, WA by Dr. Astrida R. Blukis Onat following their exposure from natural erosion. No known individuals were identified. The ten associated funerary objects include two metal disks and eight pieces of copper.

Based on the condition of the human remains, associated funerary objects, and condition of the human remains, these human remains have been identified as Native American dating prior to European contact. Based on anthropological literature, field notes, and excavation records, there is a shared group identity between these human remains and the Swinomish Indians of the Swinomish Reservation.

Based on the above mentioned information, officials of the United States Navy have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of 15 individuals of Native American ancestry. Officials of the United States Navy have also determined that, pursuant to 43 CFR 10.2 (d)(2), the ten objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the United States Navy have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Swinomish Indians of the Swinomish Reservation.

This notice has been sent to officials of the Swinomish Indians of the Swinomish Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Mr. Steve Pennix, Naval Air Station, Whidbey Island, Environmental Affairs Department, 1100 W. Lexington Street, Oak Harbor, WA 98278; telephone: (360) 257-1009, before October 29, 1999. Repatriation of the human remains and associated funerary objects to the Swinomish Indians of the Swinomish Reservation may begin after that date if no additional claimants come forward.

Dated: September 23, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–25365 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Outagamie County Historical Society, Inc., Appleton, WI

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American

Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Outagamie County Historical Society, Inc., Appleton, WI.

A detailed assessment of the human remains was made by University of Wisconsin- Fox Valley Center and Outagamie County Historical Society, Inc. professional staff in consultation with representatives of the Menominee Indian Tribe of Wisconsin.

In 1951, human remains representing three individuals were recovered from a burial mound across the canal from the Gringnon Home in Kaukauna, WI by William Wolfe, archeologist and curator of the Grignon Home and were accessioned into the collections of the Outagamie County Historical Society, Inc. No known individuals were identified. The approximately 2,880 associated funerary objects include silver jewelry and crosses, Spanish coins, beads, brass bells and buttons, projectile points, brass tinklers, fabric pieces, gun parts, and iron ax fragments.

Based on the associated funerary objects, these individuals have been identified as Native American. Based on the dates of manufacture of the silver trade jewelry and crosses, these burial have been dated to c. 1773-1809 A.D. Although many tribes moved through the Kaukauna, WI area during the late 18th and early 19th centuries, historic records indicate that only the Menominee were present in this area throughout the 1773-1809 A.D. period. Comparison of the associated funerary objects with those recovered in known Menominee burials at Butte des Morts and Green Bay from the 1773–1809 period indicate consistent characteristics of Menominee dress, ornamentation, and manner of interment.

Based on the above mentioned information, officials of the Outagamie County Historical Society, Inc. have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of three individuals of Native American ancestry. Officials of the Outagamie County Historical Society, Inc. have also determined that, pursuant to 43 CFR 10.2 (d)(2), the approximately 2,880 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Outagamie County Historical Society, Inc. have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Menominee Indian Tribe of Wisconsin.

This notice has been sent to officials of the Menominee Indian Tribe of Wisconsin. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Matthew Carpenter, Curator of Collections, Outagamie County Historical Society, Inc., 330 East College Ave., Appleton, WI 54911; telephone: (920) 735-9370, ext. 113, before October 29, 1999. Repatriation of the human remains and associated funerary objects to the Menominee Indian Tribe of Wisconsin may begin after that date if no additional claimants come forward.

Dated: September 24, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–25366 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains in the Possession of the South Dakota State Archaeological Research Center, Rapid City, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains in the possession of the South Dakota State Archaeological Research Center, Rapid City, SD.

A detailed assessment of the human remains was made by South Dakota State Archaeological Research Center professional staff in consultation with representatives of the Few Tails family, the Oglala Sioux Tribe of the Pine Ridge Reservation, the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, and the Rosebud Sioux Tribe of the Rosebud Indian Reservation.

Between 1891 and 1932, human remains representing one individual were removed from an unknown location by person(s) unknown. In 1932, the Deadwood Pioneer-Times reported that John T. Milek, a lawyer and publisher from Sturgis, SD had donated these human remains to the Adams Memorial Hall Museum, Deadwood, SD. In that article, these human remains were identified as Few Tails, an Oglala Lakota man slain by Anglo horse thieves near the Belle Fourche River in Meade County, SD in 1891. No associated funerary objects are present.

In 1994, these human remains were transferred from the Adams Memorial Hall Museum to the South Dakota State Archaeological Research Center for NAGPRA inventory and repatriation. Based on osteological analysis, these remains have been identified as Native American man between the ages of 40–49, most likely of Oglala descent. Trauma present on the skull and mandible are consistent with a violent death. Oral tradition of the Few Tails family and historical records indicate that the wife of Few Tails, who was present at the incident, survived and returned to Wounded Knee on the Pine Ridge Reservation. Oral tradition also states the family was unable to retrieve the body of Few Tails following the incident. The human remains in the possession of the South Dakota State Archaeological Society show no evidence of inhumation. No evidence contradicts the identification of these human remains as Few Trails.

Sophia Few Tails Lone Hill, great- or great-great-granddaughter of Few Tails, on behalf of herself and her brothers Leonard Few Tails and Louis Few Tails, and her daughter, Donette Lone Hill, has claimed Few Tails' remains as a lineal descendant.

Based on the above mentioned information, officials of the South Dakota State Archaeological Research Center have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the South Dakota State Archaeological Research Center have also determined that, pursuant to 43 CFR 10.2(b)(1), Ms. Sophia Few Tails Lone Hill can trace her ancestry directly and without interruption by means of the traditional kinship system of the Oglala Sioux Tribe of the Pine Ridge Reservation to Few Tails.

This notice has been sent to Ms. Sophia Few Tails Lone Hill, and officials of the Oglala Sioux Tribe of the Pine Ridge Reservation, the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, and the Rosebud Sioux Tribe of the Rosebud Indian Reservation. Any other person who believes they are a lineal descendant of Few Tails should contact Renee Boen, Curator, State Archaeological Center, South Dakota Historical Society, PO Box

1257, Rapid City, SD 57709–1257; telephone; (605) 394–1936, before October 29, 1999. Repatriation of the human remains to Sophia Few Tails Lone Hill, on behalf of herself and her brothers Loneard Few Tails and Louis Few Tails, and her daughter, Donette Lone Hill may begin after that date if no additional claimants come forward.

Dated: September 24, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–25369 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Sydney L. Wright Museum, Jamestown, RI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Sydney L. Wright Museum, Jamestown, RI.

A detailed assessment of the human remains was made by Sydney L. Wright Museum professional staff in consultation with representatives of the Narragansett Indian Tribe.

During 1966-1967, human remains representing 36 individuals were excavated from the West Ferry site by Dr. William Simmons. No known individuals were identified. The 173 associated funerary objects include ceramics, glass beads, tools, cooking utensils, jewelry, thimbles, iron trade artifacts, brass plates, projectile points, powder horns, cloth fragments, and matting fragments.

Based on the associated funerary objects, these individuals have been identified as Native American. Based on manner of interment and types of associated funerary objects, the West Ferry site has been identified as a historic Narragansett burial site and ancestral Narragansett burial site. The presence of red ochre and bowls in both the historic and Archaic burials indicate continuities of tradition through time.

Based on the above mentioned information, officials of the Sydney L. Wright Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 36 individuals of Native-American ancestry. Officials of the Sydney L. Wright Museum have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 173 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Sydney L. Wright Museum have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Narragansett Indian Tribe.

This notice has been sent to officials of the Narragansett Indian Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Stephen C. Baker, Sydney L. Wright Museum, Jamestown Philomerian Library, 26 North Road, Jamestown, RI 02835-1438; telephone: (401) 423-7281, before October 29, 1999. Repatriation of the human remains and associated funerary objects to the Narragansett Indian Tribe may begin after that date if no additional claimants come forward.

Dated: September 24, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–25368 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from Sarpy County, NE in the Possession of the Human Osteology Repository, Department of Anthropology, University of Wyoming, Laramie, WY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains from Sarpy County, NE in the possession of the Human Osteology Repository, Department of Anthropology, University of Wyoming, Laramie, WY.

A detailed assessment of the human remains was made by Human Osteology Repository professional staff in consultation with representatives of the Pawnee Indian Tribe of Oklahoma.

In 1908, human remains representing two individuals were reportedly recovered from Wallace Mound (25SY67), Sarpy County, NE by person(s) unknown. In 1955, these human remains were donated to the Wyoming State Museum by Mrs. J. Hughes Eddington. In 1986, these human remains were transferred to the Human Osteology Repository. No known individuals were identified. No associated funerary objects are present.

Based on skeletal morphology and reported site location, these individuals have been identified as Native American. Based on published literature relating to the Wallace Mound site (25SY67), these individuals are most likely from the Central Plains Tradition, Nebraska Phase, c. 950-1250 A.D. Continuities of material culture and locations strongly suggest the Nebraska Phase of the Central Plains Tradition is ancestral to the present-day Pawnee Tribe of Oklahoma.

Based on the above mentioned information, officials of the University of Wyoming Department of Anthropology Human Osteology Repository have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the University of Wyoming Department of Anthropology Human Osteology Repository have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Pawnee Indian Tribe of Oklahoma.

This notice has been sent to officials of the Pawnee Indian Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Rick L. Weathermon, NAGPRA Contact, University of Wyoming Department of Anthropology Human Osteology Repository, University of Wyoming, P.O. Box 3431, Laramie, WY 82071-3431; telephone: (307) 766-5136, before October 29, 1999. Repatriation of the human remains to the Pawnee Indian Tribe of Oklahoma may begin after that

date if no additional claimants come forward.

Dated: September 24, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–25367 Filed 9–28–99; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–417]

Certain Code Hopping Remote Control Systems, Including Components and Integrated Circuits Used Therein; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation on the Basis of a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting a joint motion to terminate the above-captioned investigation on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205–3152. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 30, 1998, based on a complaint by Microchip Technology Incorporated ("Microchip") alleging that respondents Chamberlain Group, Inc. ("Chamberlain") and Sears, Roebuck and Co. ("Sears") violated section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by importing, selling for importation, or selling within the United States after importation certain code hopping remote control systems, including components and integrated circuits used therein, that infringe claims of Microchip's U.S. Letters Patent 5,517,187 ('187 patent). Microchip alleged that Sears sells the accused devices manufactured abroad by Chamberlain.

On August 1, 1999, Microchip and Chamberlain entered into a settlement agreement, which grants to Chamberlain a nonexclusive license for the '187 patent at issue, and provides for the settlement of this investigation and a companion action pending before the U.S. District Court for the Northern District of Illinois. On August 4, 1999, Microchip and respondents Chamberlain and Sears filed the joint motion to terminate the investigation. The Commission investigative attorney ("IA") supported the joint motion.

On August 25,1999, the ALJ issued an ID (Order No. 10) granting the motion to terminate the investigation. The ALJ noted that the parties, in accordance with Commission rules, had stated that there were no other agreements concerning the subject matter of this investigation. The ALJ further noted that all of the parties, including the IA, had argued that termination of the investigation would pose no threat to the public interest, which would in fact be advanced by private resolution of this dispute. No party petitioned for review of the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rule 19 CFR 210.42. Copies of the public version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202–205–2000.

By order of the Commission.

Issued: September 23, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25345 Filed 9–28–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–857–858 (Preliminary)]

Certain Paintbrushes From China and Indonesia

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930,[3] that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports of synthetic filament paintbrushes from China,[4] and imports of natural bristle and synthetic filament paintbrushes from Indonesia,[5] that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On August 2, 1999, a petition was filed with the Commission and the Department of Commerce by the Paintbrush Trade Action Coalition (PATAC) whose member firms include EZ Paintr Corp., St. Francis, WI; Bestt Liebco, Philadelphia, PA; The Wooster Brush Co., Wooster, OH; Purdy Corp., Portland, OR; and TruServ Manufacturing, Cary, IL, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of synthetic filament

[1] The record is defined in § 207.2(f) of the Commission's rules of practice and procedure (19 CFR 207.2(f)).

[2] Commissioner Crawford voting in the affirmative with respect to imports of the subject merchandise from China.

[3] 19 U.S.C. 1673b(a).

[4] The products covered by the investigation concerning China include all paintbrushes and paintbrush heads that are used to apply paint, stain, varnish, shellac, or any other type of protective coating, other than natural bristle paintbrushes and paintbrush heads that are classifiable under statistical reporting number 9603.40.4040 of the Harmonized Tariff Schedule of the United States (HTS). The scope includes paintbrushes and paintbrush heads with a blend of natural bristle and synthetic filaments, provided that synthetic filaments comprise over 50 percent of the total filler material in the finished paintbrush or paintbrush head. The merchandise subject to this investigation is classifiable under statistical reporting number 9603.40.4060 of the HTS. Excluded from the scope are artists' brushes classified under statistical reporting numbers 9603.30.2000, 9603.30.4000, or 9603.30.6000 of the HTS, or other non-paintbrush products classified under statistical reporting number 9603.40.4060 of the HTS such as foam applicators, sponge applicators, or any other type of non-brush paint applicator.

[5] The products covered by the investigation concerning Indonesia include all paintbrushes and paintbrush heads that are used to apply paint, stain, varnish, shellac, or any other type of protective coating, including natural bristle paintbrushes and paintbrush heads, synthetic filament paintbrushes and paintbrush heads, and paintbrushes and paintbrush heads made with a blend of natural bristle and synthetic filament. The merchandise subject to this investigation is classifiable under statistical reporting numbers 9603.40.4040 and 9603.40.4060 of the HTS. Excluded from the scope are artists' brushes classified under statistical reporting numbers 9603.30.2000, 9603.30.4000, or 9603.30.6000 of the HTS, or other non-paintbrush products classified under statistical reporting number 9603.40.4060 of the HTS such as foam applicators, sponge applicators, or any other type of non-brush paint applicator.

paintbrushes from China and imports of natural bristle and synthetic filament paintbrushes from Indonesia. Accordingly, effective August 2, 1999, the Commission instituted antidumping investigations Nos. 731–TA–857–858 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 11, 1999.[6] The conference was held in Washington, DC, on August 23, 1999, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on September 23, 1999. The views of the Commission are contained in USITC Publication 3237 (September 1999), entitled Certain Paintbrushes from China and Indonesia: Investigations Nos. 731–TA–857–858 (Preliminary).

By order of the Commission.

Issued: September 23, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25346 Filed 9–28–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Notice of Lodging of Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, the Department of Justice gives notice that a proposed partial consent decree in the consolidated cases captioned *United States* v. *Cantrell, et al.*, Civil Action No. C–1–97–981 (S.D. Ohio) and *United States* v. *Ohio Power Co., et al.*, Civil Action No. C–1–98–247 (S.D. Ohio) was lodged with the United States District Court for the Southern District of Ohio, Western Division, on September 15, 1999, pertaining to the Automatic Containers Superfund Site (the "Site"), located near Ironton, in Lawrence County, Ohio. The proposed consent decree would resolve certain civil claims of the United States for recovery of more than $1.3 million in unreimbursed past response costs under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9607, against two third-party defendants in the consolidated cases. The proposed consent decree, captioned "Partial Consent Decree with Third-Party Settling Defendants Brooks Beverage Management, Inc. and Woodrow W. Mays & Associates, Inc.," would provide for payment of $8667.00 in reimbursement of past CERCLA response costs the United States incurred in connection with the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Cantrell, et al.*, Civil Action No. C–1–97–981 (S.D. Ohio) and *United States* v. *Ohio Power Co., et al.*, Civil Action No. C–1–98–247 (S.D. Ohio), and DOJ Reference Nos. 90–11–3–1756 and 90–11–3–1756/1.

The proposed consent decree may be examined at: (1) The Office of the United States Attorney for the Southern District of Ohio, 220 U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio 45202 (contact Gerald Kaminski (513–684–3711)); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Mony Chabria (312–886–6842)). A copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting copies, please refer to the referenced cases and DOJ Reference Numbers, and enclose a check for the amount described below, made payable to the Consent Decree Library. The cost for a copy of the consent decree and all appendices is $6.50 (26 pages at 25 cents per page reproduction costs).

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25341 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a consent decree in *United States* v. *CBS Corporation, et al.*, Civil Action No. 1:CV 99–1608 (M.D. Pa.) was lodged with the court on September 3, 1999.

The proposed decree resolves claims of the United States against 4 defendants under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9606 and 9607, for response costs and actions at the Hunterstown Road Superfund Site in Adams County, PA. The decree requires the defendants to perform the EPA-selected remedial action to address hazardous substance contamination at the site. That remedial action includes, *inter alia*, excavation and offsite disposal of contaminated soils, capping specified areas of the site and pumping and treating groundwater. The decree also requires the defendants to reimburse $375,898 in past costs to the United States. It allows the defendants to make claims for reimbursement from the Superfund for 29% of the costs they incur in carrying out the remedial action.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *CBS Corporation, et al.*, Civil Action No. 1:CV 99–1608 (M.D. Pa.), DOJ Ref. #90–11–3–1156. Commenters may request an opportunity for a public meeting in the affected area, in accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed consent decree may be examined and copied at the Office of the United States Attorney, Room 1162, Federal Building, 228 Walnut Street, Harrisburg, PA 17108; or at the Region III Office of the Environmental Protection Agency, c/o Daniel Isales, Assistant Regional Counsel, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, PO Box No. 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $26.00 (25 cents per page reproduction costs), payable to the Consent Decree Library. A copy of the exhibits to the

[6] 64 FR 43715.

decree may be obtained from the same source for an additional charge.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25342 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States* v. *Chemclene, et al.*, No. 99–CV–3715 (E.D. Pa.), was lodged on September 8, 1999, with the United States District Court for the Eastern District of Pennsylvania.

The consent resolves the claims of the United States and the Commonwealth of Pennsylvania pursuant to sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606, 9607(a), and pursuant to the Pennsylvania Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. sections 6020.101 *et seq.*, arising from costs incurred by the United States and the Commonwealth for response actions at the Malvern TCE Superfund Site ("Site") in East Whiteland Township, Chester County, Pennsylvania.

The Settling Defendants are generators or transporters of hazardous substances that were sent to the Site. The consent decree provides that Settling Defendants will perform remedial action, in exchange for a covenant not to sue, contribution protection, and a share of funds collected from *de minimis* parties, to be applied to remedial costs. The consent decree also provides for settlement of claims against a Federal Agency in connection with the Site. The United States will pay the Settling Defendants $571,372.50 for the Settling Federal Agency's allocable share of past and future remedial costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to DJ # 90–11–3–1731. Comments may also be addressed to the United States Attorney, Eastern District of Pennsylvania, 615 Chestnut Street, Philadelphia, PA 19106, c/o Assistant United States Attorney Nuriye C. Huygur.

The consent decree may be examined and copied at the Office of the Clerk, U.S. District Court for the Eastern District of Pennsylvania; or at the Region III Office of the Environmental Protection Agency, c/o Joan A. Johnson, Assistant Regional Counsel, 1650 Arch Street, Philadelphia, PA 19103–2029. A copy of the consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044. In requesting a copy please refer to the referenced case and enclose a check in the amount of $114.00 (25 cents per page reproduction cost), payable to the Consent Decree Library.

Joel Gross,

Section Chief, Environmental Enforcement Section.

[FR Doc. 99–25343 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act and the Resource Conservation and Recovery Act

In accordance with Departmental policy and 28 CFR 50.7, notice is hereby given that on September 8, 1999, a consent decree was lodged in *United States* v. *Colorado Refining Company, Inc. and TPI Petroleum, Inc.*, Civil Action No. 99–N–1759, with the United States District Court for the District of Colorado.

This consent decree resolves claims against Colorado Refining Company, Inc. and TPI Petroleum, Inc., brought in connection with the CFC petroleum refinery in Commerce City, Colorado pursuant to section 113(b) of the Clear Air Act, as amended, ("CAA"), 42 U.S.C. 7413(b), and Sections 3008(a), (g) and (h) of the Resource Conservation and Recovery Act, as amended, ("RCRA"), 42 U.S.C. 6928(a), (g) and (h). The consent decree resolves alleged violations of monitoring, sampling, and reporting requirements of a 1989 RCRA Administrative Consent Order and alleged violations of emission control requirements and monitoring, testing and reporting requirements of the CAA. The consent decree requires CRC and TPI to pay a civil penalty of $1.1 million and to perform comprehensive injunctive relief, including the installation of new emissions control technology, additional emissions monitoring and reporting, and additional soil and sediment testing and reporting.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Colorado Refining Company, Inc. and TPI Petroleum, Inc.*, DOJ Ref. No. 90–7–1–894. The proposed Consent Decree may be examined at the office of the United States Attorney, District of Colorado, 1961 Stout Street, Suite 1200, Denver, Colorado or the offices of the Environmental Protection Agency, Region VIII, 999 Eighteen Street, Suite 500, Denver, Colorado. A copy of the Consent Decree may also be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC. 20044. When requesting a copy by mail, please enclose a check in the amount of $9.25 (twenty-five cents per page reproduction costs), payable to the "Consent Decree Library."

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25336 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, the Department of Justice gives notice that a proposed consent decree in the case captioned *United States* v. *Commonwealth Edison Company*, Civil Action No. 99 C 5628 (N.D. Ill.), was lodged with the United States District Court for the Northern District of Illinois on September 15, 1999. The proposed consent decree relates to the Standard Scrap Metal/Chicago International Exporting Site located at 4004–4020 South Wentworth and 4000–4027 South Wells Streets in Chicago, Illinois. The proposed consent decree would resolve civil claims of the United States for recovery of past response costs under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607, against the Commonwealth Edison Company. The proposed consent decree would require

the Commonwealth Edison Company to pay the United States a total of $600,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resource Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Commonwealth Edison Company*, Civil Action No. 99 C 5628 (N.D. Ill.), and DOJ Reference No. 90–11–3–1414/6.

The proposed consent decree may be examined at: (1) The Office of the United States Attorney for the Northern District of Illinois, 219 South Dearborn St., Chicago, Illinois 60604 (contact Samuel Brooks (312–353–5342)); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Michael Anastasio (312–886–7951). Copies of the proposed consent decree may be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting copies, please refer to the referenced case and DOJ Reference Number and enclose a check for $4.25 (17 pages at 25 cents per page reproduction cost), made payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25335 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

Consistent with Departmental policy, 28 CFR 50.7, 30 FR 19029, and 42 U.S.C. 9622(d), notice is hereby given that on September 13, 1999, a proposed Consent Decree in *United States of America* v. *Glen Cove Development Company and Village Green Realty at Garvies Point, Inc.*, Civil Action No. CV–99–5600, was lodged with the United States District Court for the Eastern District of New York. The proposed Consent Decree will resolve the United States' claims under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, on behalf of the U.S. Environmental Protection Agency ("EPA"), against defendants glen Cove Development Company and Village Green Realty at Garvies Point, Inc. (the "Settling Defendants"), with respect to the Li Tungsten Superfund Site located in Glen Cove, Nassau County, New York. The Complaint alleges that the Settling Defendants are liable as current owners within the meaning of section 107(a)(1) of CERCLA, 42 U.S.C. 9607(a)(1). The proposed Consent Decree also will resolve any liability with respect to the Li Tungsten Superfund Site of certain entities related to the Settling Defendants, namely Old Court Holding Company, Old Court Joint Ventures, Inc., and Old Court Savings and Loan, Inc., (In Receivership). Pursuant to the Consent Decree, the Settling Defendants, and Old Court Holding Company, Old Court Joint Ventures, Inc. and Old Court Savings and Loan, Inc. (In Receivership) jointly will pay to the United States $325,000.00 in reimbursement of response costs incurred or to be incurred by EPA or the Department of Justice at or in connection with the Li Tungsten Superfund Site.

The Department of Justice will receive for a period of fifteen (15) days from the date of this publication comments relating to the proposed consent decree. Any comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States of America* v. *Glen Cove Development Company and Village Green Realty at Garvies Point, Inc.*, Civil Action No. CV–99–5600, D.J. Ref. 90–11–3–06561/1.

The proposed consent decree may be examined at the Office of the United States Attorney, Eastern District of New York, One Pierrepont Plaza, 14th Floor, Brooklyn, New York 11201 and at Region II, Office of the Environmental Protection Agency, 290 Broadway, New York, NY 10007–1866. A copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check (there is a 25 cent per page reproduction cost) in the amount of $10.25 payable to the Consent Decree Library. If a copy of the Consent Decree without the attachments is sufficient, please specify that fact and enclose a check in the amount of $9.50.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25339 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby given that on September 9, 1999, a proposed Consent Decree ("Decree") in *United States and State of Hawaii* v. *County of Maui*, Civil No. 98–00622 SOM, was lodged with the United States District Court for the District of Hawaii. The United States filed this action pursuant to the Clean Water Act for unauthorized spills of sewage.

Pursuant to the proposed Consent Decree, the County will pay a civil penalty of $300,000, implement injunctive relief designed to prevent future spills of sewage, and perform a supplemental environmental project to increase the availability of reclaimed water for use by a specific area of Maui.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to, *United States and State of Hawaii* v. *County of Maui*, City No. CV 98–00622 SOM, and D.J. Ref. # 90–5–1–1–1270A.

The Decree may be examined at the office of the U.S. Attorney for the District of Hawaii, PJKK Federal Building, 300 Ala Moana Boulevard, Suite 6100, Honolulu, Hawaii; and at U.S. EPA Region IX, Office of Regional Counsel, 75 Hawthorne Street, San Francisco, California. A copy of the Decree may be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $14.50 for the Decree (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25344 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Nassau Metals Corp., et al.*, C.A. No. 3:96–CV–562 (M.D. Pa.), was lodged on September 8, 1999, with the United States District Court for the Middle District of Pennsylvania. The consent decree resolves the United States' claims against defendant Myron Brenner with respect to past costs, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607, in connection with the cleanup of the C&D Recycling, Inc., Site, located in Luzerne County, Pennsylvania. Under the consent decree, defendant Myron Brenner, based upon an ability-to-pay settlement, will pay the United States $87,500 in reimbursement past response costs within thirty days after entry of the consent decree by the Court. Defendant Myron Brenner has also agreed, if the Site property is sold, to pay the United States the proceeds from said sale as provided under the terms of the consent decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Nassau Metals Corp., et al.*, DOJ Reference No. 90–11–3–1057–A.

The proposed consent decree may be examined at the office of the United States Attorney, Suite 309, Federal Building, Washington and Linden Streets, Scranton, Pennsylvania 18501; and the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029. A copy of the proposed decree may be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $6.00 (.25 cents per page production costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25337 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act and the Resource Conservation and Recovery Act

Notice is hereby given that on September 8, 1999, a proposed Consent Decree ("Decree") in *United States* v. *Parish Chemical Company*, Civil No. 2:97CV 0593B (D. Utah), was lodged with the United States District Court for the District of Utah. The United States filed this action pursuant to the sections 112(r) and 113 of the Clean Air Act ("CAA"), for civil penalties and injunctive relief. The United States is also settling related claims for civil penalties for violations of the Resource Conservation and Recovery Act ("RCRA").

The proposed Consent Decree resolves claims against Parish Chemical Company ("PCC") under sections 112(r) and 113 of the CAA and section 3008 of RCRA, 42 U.S.C. 6928, with respect to the Parish Chemical Company facility in Vineyard, Utah. Under the terms of the Decree PCC will meet the requirements of a compliance plan addressing general chemical storage practices at PCC's facility and pay a civil penalty to the United States in the amount of $100,000 for past violations.

The Department of the Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to, *United States* v. *Parish Chemical Company*, Civil No. 2:97CV 0593B (D. Utah), and D.J. Ref. # 90–11–2–1215.

The Decree may be examined at the office of the U.S. Attorney for the District of Utah, 185 South State Street, Suite 400, Salt Lake City, UT 84111, and at the U.S. EPA Region VIII, 999 18th Street, Superfund Records Center, Suite 500, Denver, CO 80202. A copy of the Decree may be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $9.50 for the Decree (25 Cents per page reproduction cost) payable to the Consent Decree Library.

Walter K. Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25338 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on September 3, 1999, a proposed Partial Consent Decree ("Consent Decree") in *United States* v. *Johnnie Williams, et al.*, Civil Action No. 98–2704–MI–BRE was lodged with the United States District Court for the Western District of Tennessee.

In this action, the United States sought reimbursement of past response costs under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9607(a). The costs were incurred with respect to the W & R Drum Site located at 1492 Grimes Place, Memphis, Shelby County, Tennessee (the "Site"). W & R Drum used the Site to recondition drums that originally contained printing inks, paints, solvents, and other hazardous substances. W & R Drum's operations left behind contaminated soil and approximately 27,000 drums. Under the proposed settlement, defendant Lilly Industries, Inc. has agreed to pay a total of $560,000 in reimbursement of the United States' past response costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Johnnie Williams, et al.*, Civil Action No. 98–2704–MI–BRE, D.J. Ref. 90–11–2–1351.

The Consent Decree may be examined at the Office of the United States Attorney, 167 North Main Street, Suite 800, Memphis, Tennessee 38103, and at U.S. EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW Atlanta, Georgia 30303. A copy of the Consent Decree also may be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611,

Washington, DC 20044. In requesting a copy , please enclose a check in the amount of $4.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Walker B. Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25340 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Registration

By Notice dated June 10, 1999, and published in the **Federal Register** on June 29, 1999, (64 FR 34825), Radian International LLC, 14050 Summit Drive #121, P.O. Box 201088, Austin, Texas 78720–1088, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
Ibogaine (7260)	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
2,5-Dimethoxyamphetamine (7396).	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
4-Methoxyamphetamine (7411)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Etorphine (except HC1) (9056)	I
Heroin (9200)	I
Pholcodine (9414)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9210)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Meperidine (9230)	II
Dextropropoxphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II

The firm plans to import small quantities of the listed controlled substances for the manufacture of analytical reference standards.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Radian International LLC to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Radian International LLC on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: September 14, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–25234 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 26, 1999, and published in the **Federal Register** on July 7, 1999, (64 FR 30359), Radian International LLC, 14050 Summit Drive #121, P.O. Box 201088, Austin, Texas 78720–1088, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Etylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590).	I
Methaqualone (2565)	I
Alpha-Ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390).	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
2,5-Dimethoxyamphetamine (7396)	I
2,5-Dimethoxy-4-ethylamphetamine (7399).	I
3,4-Methylenedioxyamphetamine (7400).	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401).	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allyprodine (9602)	I
Alphacetylmethadol except Levo-Alphacetylmethadol (9603).	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betcetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Hydromorphinol (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815)	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831).	I
Alpha-Methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II

Drug	Schedule
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidinocoyclohexanecarbonitrile (8603).	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Benzoylecogonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Morphine (9300)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture small quantities of the listed controlled substances to make deuterated and non-deuterated drug reference standards which will be distributed to analytical and forensic laboratories for drug testing programs.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Radian International LLC to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Radian International LLC on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: September 17, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–25359 Filed 9–28–99; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94–77]

RX Returns, Inc.—Continuation of Stay of Revocation

On August 15, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to RX Returns, Inc. (Respondent) of Palm, Pennsylvania, notifying it of an opportunity to show cause as to why DEA should not revoke its DEA Certificate of Registration, RR0166113, and deny any pending applications for renewal of its registration as a distributor (disposer), pursuant to 21 U.S.C. 823(e), for reason that Respondent's continued registration would be inconsistent with the public interest.

Respondent timely filed a request for a hearing, and following prehearing procedures, a hearing was held on June 13, 14, 15, and August 19 and 20, 1995, before Administrative Law Judge Paul A. Tenney. On November 14, 1995, Judge Tenney issued his Findings of Fact, Conclusions of Law and Recommendations, recommending that Respondent's registration be continued and no action be taken against it.

On July 5, 1996, the then-Deputy Administrator issued a final order finding that it was in the public interest to revoke Respondent's registration, but to stay the revocation for one year, giving Respondent the opportunity to demonstrate that its recent changes to procedures, "may, in operation, finally create an accountability system adequate for the Respondent to demonstrate the requisite degree of precision in handling controlled substances necessary to continue in operation as a disposer." RX Returns, Inc., 61 FR 37081 (July 16, 1996). The then-Deputy Administrator further stated that during this one-year period DEA would conduct inspections and audits of Respondent and specifically stated that:

> * * * [I]f the DEA's inspections or audits reveal either new or repeated violations, the Deputy Administrator will remove the stay and the DEA Certificate of Registration will be revoked immediately, and all pending applications for renewal will be summarily denied. If, however, at the end of the one-year period, the Respondent successfully demonstrates its compliance with the DEA's regulatory requirements, then the Deputy Administrator will withdraw this order and will permit the Respondent to retain its registration, and to renew it, if necessary, at that time.

Id. at 37,090.

On May 1, 1997, the Government filed a Motion to the Deputy Administrator for Removal of Order to Stay Revocation, alleging that a DEA inspection of Respondent's facility conducted between September 10, and October 3, 1996, revealed various regulatory violations. By letter dated June 20, 1997, Respondent filed its response to the Government's motion.

By letter dated July 3, 1997, the then-Acting Deputy Administrator advised Administrative Law Judge Mary Ellen Bittner that it appeared that there was a factual dispute as to whether there had been any violation of DEA regulations. Accordingly, the then-Acting Deputy Administrator remanded the matter to the Administrative Law Judge "to conduct a hearing and make recommendations as to whether a violation has occurred since the effective date of the final order, and if so, whether such violation warrants the removal of the stay."

Following prehearing procedures, a hearing was held before Administrative Law Judge Mary Ellen Bittner on September 3 through 5, 1997, in Arlington, Virginia. At the hearing, both parties called witnesses to testify and introduced documentary evidence. After the hearing, both parties submitted proposed findings of fact, conclusions of law and argument.

On May 26, 1999, Judge Bittner issued her Supplemental Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision recommending that the Deputy Administrator withdraw the earlier final order, permit Respondent to retain its registration, and grant any pending applications for renewal of its registration. On June 15, 1999, the Government filed exceptions to Judge Bittner's opinion and recommendation, and on July 8, 1999, Respondent filed its response to the Government's exceptions. On July 9, 1999, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy

Administrator adopts, with noted exceptions, the Findings of Fact, Conclusions of Law, and Recommended Ruling of the Administrative Law Judge, and his adopted is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that the findings of fact and conclusions of law which led to the revocation of Respondent's DEA Certificate of Registration and the stay of the revocation are set forth in great detail in the final order of the then-Deputy Administrator found at 61 FR 37081 (July 16, 1996). They will not be repeated in this final order, but are incorporated herein and will be referred to as necessary in rendering a decision in this matter. The issue now is whether any violations of the law and regulations have occurred since the previous final order and, if so, whether such violations warrant the removal of the stay and revocation of Respondent's registration.

As background, the Deputy Administrator finds that Respondents is a disposer of products, including controlled substances, for customers such as health care facilities, retailers and wholesalers. Respondent either destroys the products or distributes them back to the original manufacturer for credit. Jeffrey Dershem owns approximately 55 percent of the shares of the firm and is the president and chief executive officer of Respondent. His wife, Deborah Dershem, (who was known in the previous proceeding as Deborah Smith), owns the other 45 percent of the shares and is Respondent's executive vice president and general manager. Ms. Dershem is responsible for Respondent's daily operations.

Pursuant to the Controlled Substances Act DEA register manufacturers, distributors, and dispensers of controlled substances. Respondent's business does not fit within any of these registrant categories, yet DEA nonetheless issued Respondent a registration as distributor in 1991. Subsequently, in March 1992, DEA and Respondent entered into a Memorandum of Understanding which indicated that due to environmental concerns it has become difficult to dispose of controlled substances. As a result, "* * * DEA has initiated steps to amend the [Controlled Substances Act] or regulations, permitting a new category of registrant. This new type of registrant would have controlled substance disposal as its primary function. Because of the need for this type of activity, this Memorandum of Understanding (MOU) will serve as an interims step in addressing this particular disposal problem." Pursuant to the Memorandum of Understanding, Respondent basically agreed to comply with security, recordkeeping and destruction regulations, and DEA agreed to issue Respondent a registration once its physical security was approved and to work with Respondent to establish appropriate recordkeeping procedures.

On August 23, 1995, DEA published proposed regulations applicable to disposers of controlled substances. See 60 FR 43732 (1995). However, as of the date of the hearing in this matter, these regulations have not been finalized. Therefore, there are still no regulations in effect relating specifically to disposers of controlled substances.

The Deputy Administrator finds that Respondent's business is quite different from other registered distributors of controlled substances. Regular "forward" distributors order and receive full containers of controlled substance from their suppliers and, in turn, distribute full containers to customers who order them. According to Mr. Dershem, Respondent, on the other hand, receives "packages that are open, broken, no longer in shelf packs, bags of pill, boxes of pills, pills that have been repackaged, pills that have been taken out of the original containers and put into hospital containers, things of that sort."

Ms. Dershem testified at the hearing before Judge Bittner that Respondent prepared a form for its customers to use to list all controlled substances in each box shipped to Respondent, and that a copy of the form was to be placed in the box. This form will hereinafter be referred to as receipt document. According to Ms. Dershem, as of September 1996, Respondent's standard operating procedure when a package containing controlled substances arrived at the facility was that the Respondent's employees opened the box, checked for the document listing the contents of the box, and removed any non-controlled substances or Schedule II controlled substances from the box. Respondent's personnel then counted every dosage unit of each controlled substance received in a box, corrected the inventory listed on the receipt document if necessary, and signed the receipt document as verified. The information is then entered into Respondent's computer and the receipt document filed. If no receipt document is received from a customer, Respondent's computer-generated report becomes the primary document of receipt. Then depending on whether the controlled substances are to be shipped to the manufacturer or be destroyed. Respondent would generate a shipping document or a DEA destruction form.

Following the issuance of earlier final order in this matter, Respondent requested a meeting with DEA representatives. The meeting occurred on August 2, 1996, during which it was discussed, among other things, how Respondent should handle unsolicited shipments, shipments that are not accompanied by the appropriate documents, and shipments that were larger than anticipated. In a letter memorializing her understanding of the results of the meeting, Mr. Dershem stated that "DEA recognizes that [Respondent] is unique with regard to DEA licensing classification * * *. DEA will work with [Respondent] in understanding our specific business and necessary accommodations."

Ms. Dershem testified that Respondent was concerned that the receipt document sent by a customer who shipped a controlled substance to Respondent would be considered Respondent's record of receipt, because Respondent would be held accountable for any errors or omissions the customer made in preparing the form. Respondent wanted DEA to consider the document Respondent generated after it inventoried the product as its record of receipt. However, DEA representatives took the position that the proper receiving document is either an invoice or a packing slip that accompanies the controlled substances. But, it is undisputed that the DEA representatives assured Respondent that it would not be held accountable for errors made by customers, and that it would be acceptable for Respondent to attach its computer generated record to the receipt document from the customer.

Regarding large shipments, Respondent emphasized at the meeting that it had a limited number of employees who had undergone background checks and therefore were certified to work in the controlled substance cage, and that it takes a long time to accurately process such a shipment. According to Ms. Dershem, the DEA supervisor present at the meeting indicated that she understood the problem and "we were given a variance," but that Respondent was not told what DEA considered the most important steps in handling large shipments. According to DEA representatives who were present at the meeting and who testified at the hearing, they explained to Respondent that DEA understood that sometimes Respondent could not immediately reconcile what was actually in the

shipment with the documents accompanying it, but that Respondent should at lest open the boxes immediately and determine whether they contained the receipt document from the customer.

On September 10, 1996, DEA began an inspection and accountability audit of Respondent. Prior to the inspection, DEA investigators had decided to audit six different controlled substance products. When the DEA investigators arrived at Respondent they found approximately 1,400 to 1,500 boxes in the controlled substance cage. It was determined that the vast majority of these boxes were part of a shipment that contained products from Kmart, and that only approximately 40 boxes were not part of the Kmart shipment.

It appears that all Kmart pharmacies were going to conduct a physical inventory on July 31, 1996. In preparation for that inventory, the pharmacies were directed to remove various products, including controlled substances, from their shelves that had expired or were about to expire. Kmart had entered into an agreement with Cardinal Health (Cardinal), a DEA-registered distributor, that Cardinal would pick up these products from Kmart stores, however Cardinal was unable to handle certain aspects of the Kmart returns. Cardinal was along-time customer of Respondent and made arrangements for Respondent to handle the Kmart returns of partially full containers. Ms. Dershem testified that neither Cardinal nor Kmart could predict how much material Respondent could expect.

When the investigators arrived on September 10, 1996, most of the Kmart boxes were on pallets. The boxes had labels identifying them as from Kmart, but the pallets had pieces of paper on them indicating the name of a city and a date. The investigators were told that the city names indicated locations of Cardinal facilities, and the date reflected the date that Respondent received the shipment.

According to Ms. Dershem, the Kmart facilities had been instructed to place a label on each box that identified whether it contained controlled substances. If the boxes indicated that they contained controlled substances, they were immediately taken to Respondent's controlled substance cage. The boxes were then processed in three stages. "Stage 1" consisted of breaking down the pallet, opening up each box, ascertaining which Kmart store was responsible for each box, and checking for a receipt document. If there was no receipt document, the Kmart store would be contacted to obtain the document. Also any Schedule II controlled substances or non-controlled substances were removed during this stage. The boxes were then resealed until "stage 2" processing. "Stage 2" processing consisted of counting the actual dosage units in the boxes and verifying that what Respondent actually received was what the receipt document listed as the contents of the box. The receipt document was then signed. During "stage 3" the information was entered into Respondent's computer. As the number of Kmart boxes received at Respondent increased, Respondent was unable to complete all three stages of processing upon receipt. Therefore, when the DEA investigators arrived to conduct their inspection, the Kmart boxes were in various stages of processing. The receipt documents were maintained inside the boxes during processing.

As a result, in order to conduct their accountability audit, the DEA investigators began opening each of the Kmart boxes to look at the receipt documents to ascertain whether the boxes contained any of the controlled substances being audited. In so doing, the investigators discovered that some receipt documents were missing and that others were inadequate, incomplete, incorrect, or illegible.

By the end of the first day of the inspection, the investigators had inventoried the controlled substances to be audited in all of the non-Kmart boxes. At the end of the second day, the DEA investigators still had a large number of Kmart boxes to inventory. The investigators asked Ms. Dershem to have the receipt documents pulled from the boxes and that they would not return to Respondent the next day in order to give Respondent's personnel an opportunity to pull together the documents. Ms. Dershem had the documents available for the investigators the next day. Nonetheless the DEA investigators decided to stop inventorying the Kmart boxes believing that based upon the state of the documents, it would be impossible to audit the contents of the boxes.

Consequently, DEA did not include the Kmart shipments in conducting its audit. As the initial inventory for the audit, DEA used Respondent's December 1995 biennial inventory, which consisted of a 42 page computer printout plus six handwritten pages of information not yet entered into the computer. Upon review, it was discovered that there were approximately 47 entries in the inventory for substances that were the subject of the audit.

DEA investigators noted several entries in the biennial inventory which caused them concern. First, the size of the containers was not listed on the handwritten portion of the inventory. Second, regarding Valium 10 mg./2 ml. ampules, the entry in the physical count column was a "6," when in fact Respondent had 3 ampules. According to Ms. Dershem, the number of ampules (3) was multiplied by the package size (2 ml.). However, a DEA investigator testified that DEA considers an ampule a dosage unit so the entry should have been "3" instead of "6." Third, there were errors in three entries on the handwritten pages for propoxyphene napsylate. It is undisputed that these entries referred to propoxyphene napsylate with acetaminophen, a different product. Finally, another problem regarding these propoxyphene napsylate entries is that Respondent's inventory listed the number of containers, but did not indicate the size of the containers. Therefore, there was no way to know the total quantity of the drug on hand. For purposes of the audit computations, the DEA investigators listed that each container held 100 dosage units based upon the representation of the cage supervisor.

DEA's audit revealed a shortage of 400 propoxyphene napsylate and 3 ampules of Valium injectable, however these shortages resulted from Respondent's inaccurate entries on the December 1995 inventory. There were also relatively minor discrepancies regarding four other audited substances, and the remaining four audited substances balanced. The lead DEA investigator testified at the hearing in this matter that "[i]f I had gone in the firm and the only problem I had was these minor audit discrepancies, we would not be sitting here." A former DEA investigator who now works as a consultant conducted an on-site evaluation of Respondent's controlled substance handling in June 1997. The consultant conducted an audit of the same substances that DEA audited covering the same time period as DEA's audit. He testified that he found no discrepancies with respect to any of the audited substances. However, the consultant acknowledged that he did not know whether DEA was provided with the same records that he used. Also, the consultant conducted an additional accountability audit of the substances for September 1996 to June 1997, and there were no discrepancies.

As part of its September 1996 inspection, DEA reviewed Respondent's recordkeeping procedures regarding the Kmart shipments, and had concerns regarding the maintenance of the receipt

documents. The lead DEA investigator testified that these documents were not readily retrievable. The receipt documents were still in the Kmart boxes and there no copies of these documents in any receiving file. Further, not all of the boxes even contained any receipt documents and some of the documents were either incomplete or inaccurate.

It was also the investigator's opinion that these documents were not current. Ms. Dershem told the investigator that prior to the Kmart shipments receiving information was generally entered into the computer within 48 hours of receipt of a shipment. However, there were boxes that were part of the Kmart shipments that were received by Respondent in July 1996, but had not been completely processed by the September 1996 inspection. The investigator testified that because of this delay, DEA was unable to determine whether any noted discrepancies between the subsequent actual inventories of the contents of the boxes and the receipt documents generated by the shipper were due to in-transit loss or on-site diversion.

As a result of these problems, the investigator testified that DEA was unable to conduct an accountability audit that included the Kmart shipments. This concerned the investigator since the Kmart shipments amounted to the vast majority of the controlled substances for which Respondent was accountable.

However Ms. Dershem disagreed, testifying that the receiving documents were readily retrievable because they could easily have been pulled out of the boxes, as demonstrated by Respondent being able to make copies of the documents available for the investigator overnight. Also, both Mr. and Ms. Dershem stated that Respondent had always maintained the receiving documents in boxes it received from customers and had never before been told that this practice was improper or violated any regulations, nor that it needed to put copies of the documents in a receiving file.

Another concern of the DEA investigators regarding the Kmart shipments is that Respondent did not obtain any receipt documents from Cardinal. According to the DEA witnesses who testified, Cardinal was the true shipper of the controlled substances to Respondent, not Kmart. The lead investigator testified that DEA considers the supplier to be whoever shipped the controlled substances to the receiving registrant. She further testified that as far as DEA was concerned, Respondent's supplier for the Kmart shipments was Cardinal, and as a result, Cardinal should have opened the Kmart boxes upon receipt, inventoried the contents, and created an inventory document to accompany the boxes to Respondent. Another DEA investigator testified that transactions between Kmart and Cardinal and between Cardinal and Respondent were distributions, and therefore the recordkeeping requirements in 21 CFR part 1304 applied to these separate transactions.

Ms. Dershem testified that Respondent believed that Cardinal was merely acting as the freight forwarder of the boxes from Kmart to Respondent and therefore no records were needed from Cardinal. An internal Cardinal memorandum instructed Cardinal managers that "[t]hese boxes are absolutely not to be opened or counted at our DC's, or else they will not longer meet the DEA's criteria for cross-dock shipments." Ms. Dershem testified that it was her understanding that Cardinal would have the responsibility of maintaining the audit trail showing how many boxes it sent to Respondent. According to Ms. Dershem, Cardinal told her that it would take care of shipping and she testified that she had no reason to question Cardinal because Cardinal is a large wholesaler with staff who specialize in regulatory compliance.

However, DEA witnesses testified that the arrangement between Kmart, Cardinal and Respondent did not qualify as freight forwarding. An investigator and former chief of the Liaison Unit in the Liaison and Policy Section of DEA's Office of Diversion Control testified that both freight forwarding and cross-dock shipping refer to a DEA-registered distributor's use of a separate unregistered warehouse, operated and controlled by the distributor, as an interim warehouse to which controlled substances are conveyed by a long-haul trucker and at which the drugs are placed in smaller, local trucks for conveyance to another registrant who is the consignee for the order. But other DEA witnesses offered slightly different definitions of the terms.

Yet, it is undisputed that at the time of the Kmart shipments, there were no regulations, nor did DEA have a formal written policy, regarding freight forwarding or cross-dock shipping. In fact, proposed regulations regarding freight forwarding were published in December 1996, and they have yet to be finalized. Nonetheless, DEA has permitted freight forwarding facilities to operate in some instances despite the lack of regulations or formal policy.

The consultant who conducted the on-site evaluation of Respondent in June 1997, not only conducted an audit of the same substances that DEA audited in September 1996, but also reviewed Respondent's recordkeeping system to determine whether it was able to prevent or detect diversion. In his opinion, Respondent's records were very orderly and met the requirements of the Controlled Substances Act and its regulations. He further testified that he did not detect any diversion occurring at Respondent.

Another consultant testified that he visited Respondent in August 1997 and found that Respondent's personnel were able to produce records promptly, that the records were very organized, easy to read, and in good order, and that he believed that Respondent's records exceeded DEA's requirements.

Ms. Dershem testified that after the September 1996 inspection, Respondent changed its procedure for handling receipt documents: "we actually take the document, we verify the products, correct it, make a photocopy of the document, put it in a pending file, mark the box with a number, mark the packing slip with a number." According to Ms. Dershem, the procedure in effect at the time of the hearing before Judge Bittner included writing the number of the box on the receipt document in a pending file so that DEA investigators could ascertain whether information from the document had been entered into the computer and could match the receipt document to the appropriate box.

The Deputy Administrator must first determine whether any violations of the law and regulations have occurred since the effective date of the previous final order. The Government contends that Respondent violated 21 CFR 1304.11(a)[1], 1304.15(c) and (d), and 1304.16. These provisions essentially require that a registrant's inventory shall contain a complete and accurate record of all controlled substances on hand on the date the inventory is taken, and that such inventory shall include, among other things, the name of the substance, the number of dosage units in each commercial container, and the number of commercial containers.

The Deputy Administrator agrees with Judge Bittner that Respondent violated these provisions because its December 1995 biennial inventory failed to correctly identify propoxyphene napsylate with acetaminophen, failed to indicate the number of dosage units in

[1] References to the Code of Federal Regulations are to provisions in effect at the time of the September 1996 inspection.

each commercial container of propoxyphene napsylate with acetaminophen, and failed to correctly indicate the total quantity of Valium ampules. Also there were no container sizes listed on the handwritten portion of the inventory.

The Government also contends that Respondent violated 21 U.S.C. 827 and 21 CFR 1304.04(f)(2), by failing to maintain its receipt records for the Kmart shipments either separately from all other records or in such form that the information required is readily retrievable from the ordinary business records of the registrant. The Deputy Administrator agrees with Judge Bittner's rejection of Respondent's contention that its maintenance of receipt records in boxes meets the requirement of maintaining the records separate from all other records. As Judge Bittner noted, "adopting Respondent's interpretation would mean that a registrant could scatter controlled substance records around its establishment in no particular order, a result I do not believe the regulations intended to achieve."

The question then becomes whether Respondent's records of receipt regarding the Kmart shipments were readily retrievable. The record establishes that DEA investigators advised Respondent that the receipt documents from Respondent's customers were the primary records and that the 1993 Memorandum of Understanding entered into between DEA and Respondent required that Respondent obtain these documents from its customers. It is undisputed that to the extent that Respondent's customers provided these documents, Respondent was able to make them available to DEA investigators within a day of being asked to produce the documents. Therefore, it appears that the receipt documents from Respondent's customers were readily retrievable.

However, the Deputy Administrator finds that 21 U.S.C. 827 and 21 CFR 1304.21, require that a registrant maintain a record of its receipt of controlled substances. The Deputy Administrator agrees with Judge Bittner that the receipt documents in the Kmart boxes created by Respondent's customers are not what needed to be readily retrievable, but rather Respondent's record of what it received. Even if the receipt documents from the customers had been out of the boxes, DEA could not have conducted an accurate accountability audit because they did not reflect what controlled substances were actually received by Respondent. The Deputy Administrator agrees with Judge Bittner that, "[t]he only meaningful document is that which shows what the customer claimed to send versus what Respondent claims to have received, and that document does not exist until Respondent's personnel inventory the contents of the boxes." The Deputy Administrator recognizes that DEA registrants may use invoices from their suppliers as their records of receipt, however they are not obligated to do so. As is the case with Respondent, DEA registrants may wish to verify what they receive and then create their own record of receipt. All that is required by the statute and regulations is that a registrant maintain a record of the controlled substances that it receives.

Jude Bittner concluded that Respondent's records of what it claims to have actually received were maintained and filed in chronological order and were therefore readily retrievable. As a result, Judge Bittner concluded that Respondent did not violate this provision.

The Deputy Administrator agrees with Judge Bittner that as to those records where the contents of the Kmart boxes had been inventoried and verified against the customers' receipt documents, these documents were readily retrievable. However, as to the majority of the Kmart boxes, where the contents had yet to be verified against the customers' receipt documents at the time of the September 1996 inspection, Respondent had no record of what it actually received. Consequently, the Deputy Administrator finds that all of Respondent's records of receipt were not readily retrievable, because some did not exist at the time of the September 1996 inspection.

Next, the Government contends that Respondent violated 21 U.S.C. 827 and 21 CFR 1304.21(a), by failing to maintain on a current basis a complete and accurate record of its receipt of controlled substances. Again, Judge Bittner noted that the relevant document is what Respondent indicates it actually received. "Current" is not defined in DEA's regulations so Judge Bittner found that "the real question is whether Respondent processed the material and generated the verification documents sufficiently quickly."

Judge Bittner noted that some of the Kmart boxes had been at Respondent's facility as of July 22, 1996, and had not been verified by the time of DEA's inspection in September. But, Judge Bittner found it relevant that Respondent could not predict the quantity of controlled substances it would receive or when the large shipment would be received and thus could not prepare for the shipments by hiring additional employees who would require pre-employment background checks. As a result, Judge Bittner concluded "that the record is inadequate for a determination as to whether Respondent's records pertaining to the Kmart shipments were or were not 'current.' I therefore conclude that the Government has not met its burden of proof showing that Respondent violated this regulatory requirement."

However, the Deputy Administrator disagrees with Judge Bittner. Respondent cannot have it both ways. Respondent does not want to be held responsible for what the customer says is in the boxes and wants the opportunity to verify the contents of the boxes and create its own record of receipt. But on the other hand, Respondent cannot get to verifying the contents of the boxes upon their receipt. The delay in verifying the contents of the boxes increases the potential for diversion, the very reason that records of receipt must be maintained on a current basis.

The Deputy Administrator recognizes that with large shipments, Respondent may have a more difficult time maintaining its records of receipt on a current basis. But, that is Respondent's responsibility in light of existing regulations. In order to comply with the regulations, Respondent might have to require that its customers give it more advance notice of large shipments and an estimate as to the size of the shipments in order for Respondent to adequately prepare to handle these shipments and meet its regulatory responsibilities. Nonetheless, the Deputy Administrator finds that Respondent failed to maintain all of its records of receipt of the Kmart shipments on a current basis.

Finally, the Government contends that Respondent violated 21 CFR 1304.23(c), which requires that a distributor keep a record of what controlled substances it receives that includes, among other things, the name of the person from whom the containers were received. The Government asserts that Respondent received the Kmart shipments from Cardinal, and that consequently, Cardinal was required to inventory the product at its premises and Respondent was required to obtain documentation of that inventory from Cardinal. Respondent contends that Cardinal was acting as a freight forwarder for the shipments and therefore no records were required from Cardinal.

Judge Bittner concluded that "[i]t is undisputed that the Kmart boxes were handled at Cardinal facilities, that

Cardinal did not inventory the contents of the boxes, and that Respondent did not obtain inventories of the contents from Cardinal. Thus, according to a literal reading of section 1304.23(c), Respondent violated that section.

The Deputy Administrator disagrees with Judge Bittner to the extent that Respondent's violation of the regulation is not Respondent's failure to obtain inventories from Cardinal. Instead, Respondent violated this provision by failing to list Cardinal as the shipper of the controlled substances on its records of receipt. In light of existing regulations, Cardinal should have opened the boxes and created a record of what it shipped to Respondent, but any violations by Cardinal are not at issue in these proceedings. Respondent then should have created a record of what it received listing Cardinal as the shipper of the controlled substances. Therefore, the Deputy Administrator finds that Respondent violated 21 CFR 1304.23(c) by failing to list Cardinal as the shipper of the controlled substances on its records of receipt.

The Deputy Administrator concludes that Respondent did violate some provisions of the law and regulations relating to controlled substances since the effective date of the previous final order in this matter. The next question is whether such violations warrant revocation.

As a preliminary matter, the Government argued in its exceptions to Judge Bittner's opinion that in light of the wording of the then-Deputy Administrator's final order dated July 5, 1996, *any* violation since the effective date of the final order should cause the stay to be lifted and Respondent's registration revoked. However, the Deputy Administrator agrees with the then—Acting Deputy Administrator's remand of this matter when he directed Judge Bittner to make a recommendation as to whether a violation warrants the removal of the stay. Revocation is a harsh sanction and should not be taken lightly. The nature of a violation and the circumstances surrounding such a violation should be considered in determining whether revocation is warranted.

Pursuant to 21 U.S.C. 823(e) and 824(a)(4), the Deputy Administrator may revoke a DEA Certificate of Registration upon a finding that the continued registration would be inconsistent with the public interest. In determining the public interest, the Deputy Administrator must consider the following factors set forth in 21 U.S.C. 823(e):

(1) Maintenance of effective controls against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels;

(2) Compliance with applicable State and local law;

(3) Prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) Past experience in the distribution of controlled substances; and

(5) Such other factors as may be relevant to and consistent with the public health and safety.

It is well established that these factors are to be considered in the disjunctive; the Deputy Administrator may properly rely on any one or a combination of factors, and give each factor the weight he deems appropriate. See Centrum Medical Enterprises, Inc., 58 FR 51,383 (1993).

Regarding factor one, Judge Bittner concluded that Respondent has established a number of controls to prevent the diversion of controlled substances, however as of the September 1996 inspection, Respondent was unable to generate an accurate report of what was in the cage. But, Judge Bittner also found it significant that "Respondent operates under a variety of exogenous constraints, including lack of information as to when controlled substances will arrive at its facility and in what quantity and the requirement that it perform background checks on potential employees who would have access to controlled substances." Therefore, Judge Bittner concluded that, "[i]n these circumstances, and given the unusual nature of the Kmart shipments and Respondent's care in ensuring that controlled substances are secured, * * * Respondent maintains effective controls against diversion and * * * this factor weighs in favor of Respondent's continued registration."

The Deputy Administrator agrees with Judge Bittner to some extent. Respondent has instituted a number of procedures to help minimize the risk of diversion, however the violations discovered during the September 1996 inspection must be considered in determining whether Respondent has maintained effective controls against the diversion of controlled substances.

First, the Deputy Administrator has concluded that Respondent had several inaccurate entries on its December 1995 biennial inventory causing discrepancies in an accountability audit. In order to conduct an accountability audit, DEA must rely on the accuracy of a registrant's records, including its inventories. While ideally there should be no discrepancies in an audit, given the volume of Respondent's business and the explanations provided for the inaccurate entries, the Deputy Administrator finds that the violations relating to Respondent's biennial inventory are relatively minor. Even the lead DEA investigator characterized the problems as "minor audit discrepancies." The Deputy Administrator therefore concludes that the violations relating to Respondent's inventory do not warrant revocation of Respondent's registration.

Next, the Deputy Administrator finds it significant that other than the Kmart shipments, Respondent's records of receipt appear to be in compliance with the regulations. But, the Deputy Administrator finds as discussed above, that Respondent's records relating to the Kmart shipments were not all readily retrievable or current. This is of serious concern to the Deputy Administrator since these requirements are in place to prevent the diversion of controlled substances. By not having readily retrievable records of receipt for several months after the controlled substances are received at Respondent's facility, the chances of diversion increase.

The Deputy Administrator recognizes Respondent's dilemma that it might take Respondent a long time to process large shipments, but it must nonetheless comply with the existing regulations which require that records of receipt be maintained on a current basis and be readily retrievable.

The disposer business is different from other DEA registered distributors, and regulations are needed to specifically address this type of DEA registrant. DEA's failure to finalize regulations that were proposed in August 1995 seems to support a conclusion that even DEA recognizes that this is a complex and evolving business, not like other distributors where receipt of controlled substances is easily verifiable.

Therefore, the Deputy Administrator does not find it appropriate to lift the stay of revocation at this time. However, until regulations are promulgated, Respondent must establish procedures to deal with large shipments of controlled substances and still comply with the existing regulations. As previously discussed, Respondent may need to require that its customers provide Respondent with more advance notice of large shipments and an estimate as to the size of the shipments so that Respondent can better prepare to meet its regulatory responsibilities.

Finally, the Government contends that Respondent's failure to obtain receipt documents from Cardinal

threatened the closed system of distribution and therefore increased the risk of diversion. Judge Bittner concluded that Respondent violated 21 CFR 1304.23(c) by failing to obtain records from Cardinal showing what Cardinal sent to Respondent as part of the Kmart shipments. Judge Bittner further concluded however that, "imposing such a requirement in this type of transaction quite simply makes no sense." Judge Bittner contended that to require Cardinal to open boxes, inventory contents and create a record would increase the chance of diversion.

But, as noted above, the Deputy Administrator concludes that Respondent's violation of the regulations was not that it did not obtain documents from Cardinal, but rather that Respondent did not list Cardinal as the shipper of the controlled substances on its own records of receipt. While it may seem to increase the chances of diversion, the regulations currently in effect nonetheless require that Cardinal should have opened the Kmart boxes, counted the contents and created a record of what it was shipping to Respondent. But, the violations by Cardinal are not at issue in this proceeding. The Deputy Administrator finds however that Respondent should have created a record of receipt indicating that it obtained the controlled substances from Cardinal, not Kmart.

However, the record supports a finding that both Respondent and Cardinal thought that Cardinal was merely acting as a freight forwarder of the controlled substances from Kmart to Respondent and as a result, no records relating to Cardinal's involvement were required. This interpretation is not supported by the existing regulations. Under the current regulations, the shipments from Kmart to Cardinal and from Cardinal to Respondent are considered separate distributions, each requiring records of the transactions.

While Respondent's interpretation is not supported by the regulations, it is not unreasonable. DEA published proposed regulations regarding freight forwarding in December 1996 which have yet to be finalized. Despite this lack of regulations, DEA has nonetheless permitted some forms of freight forwarding to occur, thereby contributing to the industry's confusion as to what is or is not permitted as it relates to freight forwarding. Therefore, Respondent's failure to list Cardinal as the shipper of the controlled substances on its records of receipt does not warrant revocation at this time.

As to factor two, there is not evidence in the record to indicate that Respondent does not comply with applicable state and local law. Likewise, there is no evidence relating to factor three that Respondent or any of its officers or agents have ever been convicted under any Federal or state laws relating to the manufacture, distribution, or dispensing of controlled substances.

Regarding factor four, Respondent's past experience in the distribution of controlled substances appears to be good. Respondent appears to have a good system in place for tracking what controlled substances leave its facility and where they go.

Pursuant to factor five, the Deputy Administrator agrees with Judge Bittner that "[b]oth Dershems credibly expressed their willingness to comply with DEA requirements, and * * * that Respondent has implemented and will continue to implement measures to minimize the risk of diversion of controlled substances."

Judge Bittner concluded that even though some regulatory violations occurred, "Respondent's management remains willing to implement additional measures as necessary to prevent diversion." Judge Bittner therefore recommended that the Deputy Administrator conclude that Respondent's continued registration would not be inconsistent with the public interest, and that the Deputy Administrator withdraw the final order published on July 16, 1996, revoking Respondent's registration, permit Respondent to retain its registration, and grant any pending applications for renewal of its registration.

In its exceptions to Judge Bittner's opinion, the Government argued that due to the problems with Respondent's records in the past, the parties agreed that Respondent would obtain records from shippers, and that the DEA investigators made it clear to Respondent that the records from the customers would be considered Respondent's records of receipt. However as noted above, the records from Respondent's customers would not be useful in conducting an audit because they would not necessarily reflect what controlled substances Respondent actually received. But the Deputy Administrator agrees with the Government that DEA continues to be unable to perform audits without current records of receipt. Therefore as previously discussed, Respondent needs to develop procedures to deal with large shipments and the creation of its records of receipt in a prompt manner. The Government's remaining exceptions, and the Respondent's reply to those exceptions, have already been addressed in this final order, and require no further discussion here.

The Deputy Administrator concludes that other than the minor problems with Respondent's December 1995 inventory, Respondent's regulatory violations center around the Kmart/Cardinal shipments. Respondent's non-Kmart recordkeeping practices seem to be in compliance with the regulations. Respondent's problems appear to be in dealing with large shipments of the type received by Respondent from Kmart with partial bottles and random pills in each box.

Regulations exist to protect the public health and safety and they apply to Respondent as a registered distributor of controlled substances. Even though the current regulations were not promulgated with Respondent's type of business activity in mind, Respondent must comply with the existing regulations when handling these large shipments.

However, the Deputy Administrator recognizes that Respondent continues to appear willing to do whatever it takes to comply with its regulatory responsibilities. The Deputy Administrator also acknowledges the need for regulations that address the unique aspects of the disposer industry and freight forwarding. Therefore, the Deputy Administrator concludes that it is not in the public interest to lift the stay and revoke Respondent's registration at this time.

But unlike Judge Bittner, the Deputy Administrator concludes that further monitoring of Respondent is still necessary. Respondent's failure to create records of receipt for large shipments in a prompt manner threatens the closed system of distribution of controlled substances and increases the likelihood of diversion.

Therefore, the Deputy Administrator concludes that is in the public interest to continue the stay of revocation for one year from the effective date of this final order. The Deputy Administrator orders that within one month of the effective date of this final order, Respondent shall present evidence to the DEA office in Philadelphia that it has developed procedures to deal with large shipments of controlled substances and to maintain its records of receipt on a current basis and in a readily retrievable manner. Thereafter, during the one year probationary period, DEA will conduct inspections and audits in compliance with 21 U.S.C. 880 to determine if Respondent's records of receipt are now maintained in a readily retrievable manner and on a current basis.

If DEA's inspections or audits reveal that Respondent still does not maintain its records of receipt in a readily retrievable and current manner, the Deputy Administrator will remove the stay and revoke Respondent's DEA Certificate of Registration. However, if the inspections reveal that Respondent is now maintaining its records of receipt in compliance with DEA regulations, then the Deputy Administrator will withdraw this final order and the final order published on July 16, 1996, will permit Respondent to retain its registration, and will renew the registration.

Also to avoid further confusion within the controlled substance industry and to address the concerns set forth in this final order, the Deputy Administrator directs that DEA's Office of Diversion Control finalize the regulations relating to disposers of controlled substances and relating to the freight forwarding of controlled substances.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the stay of revocation of DEA Certificate of Registration RR0166113, issued to RX Returns, Inc., that is set forth in the final order dated July 5, 1996 and found at 61 FR 37,801 (July 16, 1996), be, and it hereby is, continued for one year from the effective date of this final order, subject to the above described conditions. This final order is effective October 29, 1999.

Dated September 20, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99–25357 Filed 9–28–99; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated February 23, 1999, and published in the **Federal Register** on March 5, 1999 (64 FR 10725), Sigma Aldrich Research Biochemicals, Inc., Attn: Richard Miliius, 1–3 Strathmore Road, Natick, Massachusetts 01760 made application to the Drug Enforcement Administration (DEA) by letter to be registered as a bulk manufacturer of fentanyl (9801).

A registered bulk manufacturer of fentanyl filed written comments and an objection in response to the notice of application. Review of the APA's definitions of license and licensing reveals that the granting or denial of a manufacturer's registration is a licensing action, not a rulemaking. Courts have frequently distinguished between agency licensing actions and rulemaking proceedings. *See, e.g. Gateway Transp. Co.* v. *United States*, 173 F. Supp. 822, 828 (D.C. Wis. 1959); *Underwater Exotics, Ltd.* v. *Secretary of the Interior*, 1994 U.S. Dist. LEXIS 2262 (1994). Courts have interpreted agency action relating to licensing as not falling within the APA's rulemaking provisions.

The objector argues that Sigma Aldrich Research Biochemicals, Inc. cannot prove its registration as a bulk manufacturer of fentanyl is in the public interest, that Sigma Aldrich Research Biochemicals, Inc.'s registration is not required to produce an adequate and uninterrupted supply of fentanyl, that there is sufficient competition with the present bulk manufacturers.

The arguments of the objector were considered, however, DEA has reviewed the firm's safeguards to prevent that theft and diversion of fentanyl and found that the firm has met the regulatory requirements and public interest factors of the Controlled Substances Act.

Sigma Aldrich Research Biochemicals, Inc. has been and is currently registered with DEA as a manufacturer of other Schedule II controlled substances. Sigma Aldrich Research Biochemicals, Inc.'s application is based on the firm's request to add fentanyl to its existing registration as a bulk manufacturer. The firm has been investigated by DEA on a regular basis to determine if the firm maintains effective controls against diversion and if its continued registration is consistent with the public interest. These investigations have included, in part, inspection and testing of the firm's physical security, audits of the firm's records, verification of compliance with state and local law and a review of the firm's background and history. These investigations have found Sigma Aldrich Research Biochemicals, Inc. to be in compliance with the Controlled Substances Act (C.S.A.) and its implementing regulations in recent years.

Under Title 21, Code of Federal Regulations, § 1301.43(b), DEA is not required to limit the number of manufacturers solely because a smaller number is capable of producing an adequate supply provided effective controls against diversion are maintained. DEA has determined that effective controls against diversion will be maintained by Sigma Aldrich Research Biochemicals, Inc.

After reviewing all the evidence, DEA has determined, pursuant to 21 U.S.C. 823(a), that it is consistent with the public interest to grant Sigma Aldrich Research Biochemicals, Inc.'s application to manufacture fentanyl at this time. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: September 16, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–25358 Filed 9–28–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of August and September, 1999.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increased of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sale or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3)

has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–35,929; United Foundry, Inc., Youngstown, OH
TA–W–25,970; Glenoit Corp., Jacksboro, TN
TA–W–36,076; Hardinge, Inc., Elmira, NY
TA–W–36,471; Fort James Corp. Packaging Div., Portland, OR
TA–W–36,307; The Little Tikes Co, Shippensburg, PA
TA–W–36,363, ABB Daimler-Benz Transportation, Elmira Manufacturing Operations, Elmira Heights, NY
TA–W–36,476; Macha International, Inc., Houston, TX
TA–W–36,318; Rocky Mountain Steel Mills, Seamless Mill, Pueblo,CO
TA–W–36,378; Eckel Manufacturing Co., Inc., Odessa, TX
TA–W–36,247; Softspun Knitting Mills, Inc., Henderson, NC
TA–W–36,037; National Oilwell, Odessa, TX
TA–WA–36,108; Sherman Lumber Co., Sherman Station, ME
TA–W–36,114; Edward Vogt Value Co., Jeffersonville, IN
TA–W–36,418; Empro Systems, Inc., Channelview, TX
TA–W–35,989; Letourneau, Inc., Longview, TX
TA–W–36,542; Williamette Industries, Inc., Engineered Wood Products Div., Woodburn, OR
TA–W–36,446; Smurfit Stone Container Corp., Fulton, NY
TA–W–35,912; Yamamoto Manufacturing USA, Inc., Beaverton, OR
TA–W–36,065; Funk Manufacturing, Inc., Coffeyville, KS
TA–W–36,537; Ocean Beauty Seafood, Chinook, WA
TA–W–36,194; Barko Hydraulics LLC, Superior, WI
TA–W–36,127; Tri-Pro Cedar Products, Spokane, WA

In the following cases, the investigator revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–36,558; J. Ray McDermott Engineering, LLC, Houston, TX
TA–W–26,339; National Tank Co., Corpus Christi, TX
TA–W–35,993; Duet Textiles, Inc., New York, NY
TA–W–36,582 & A; Portland General Electric Co (PGE), PGE Nuclear Div. Personnel, Rainier, OR & PGE Corporate Support Personnel, Portland, OR
TA–W–36,567; Rust Tractor Co., Silver City, NM
TA–W–36,550; Brintons Carpets (USA) Limited, Paramus, NJ
TA–W–36,479; Diamond Products International, Corpus Christi, TX and Various Locations in TX
TA–W–36,656; Scurlock Permain LLC, Kilgor, TX
TA–W–36,484; Syntron, Inc., Field Support, Product Support & Engineering Dept., Houston, TX
TA–W–36,555; Deloit Corp., d/b/a Rader Companies, Portland, OR
TA–W–36,496; Core Laboratories, Inc., Casper, WY
TA–W–35,362; AMP, INc., Product Information Center, Customer Services, Middletown, PA
TA–W–36,317; Tubby's Auto Service, Inc., Auto Salvage Div., Houston, TX
TA–W–36,532; McClatchy Bros., Inc., Midland, TX
TA–W–36,36,545; Bombardier Motor Corp. of America, Recreational Products Div., Wausau, WI
TA–W–36,498; Trace Ventures Explorations, Inc., Midland, TX
TA–W–36,620; Corcon, El Paso, TX
TA–W–36,600; Copper Range Co., White Pine, MI

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–36,566; EFTC Corp., Roucky Mountain Operation (RMO). Greeley, CO
TA–W–36,556; Hydralift, Inc., Houston, TX
TA–W–36,060; Thomas C. Wilson, Inc., Odessa, TX
TA–W–36,118; Trinity Industries, Inc., Plant #102, Greenville, PA
TA–W–36,520; Carrier Corp., Commercial Systems & Service Div., TR–1 Facility, Syracuse, NY
TA–W–36,425; B.P. Chemical/Amoco, Port Lavaca, TX
TA–W–36,506; Fellows Manufacturing Co., Boone, NC
TA–W–36,392; Devro-Teepak, Inc., Danville, IL
TA–W–36,611; Parker Aerospace, Abex NWL Div., Kalamazoo, MI
TA–W–36,350; Hewlett Packard Co., Personal Information Products Manufacturing & Distribution Div., Roseville, CA Including Voit Services Group, Caliber Logistics, Ryder International
TA–W–36,465; ABC–NACO, Inc., Anderson, IN
TA–W–36,583; Texas Jean Co., El Paso, TX
TA–W–36,906; Ribbon Narrow Fabrics, Secaucus, NJ
TA–W–36,541; Phelps Dodge Magnet Wire Co., Hopkinsville, KY
TA–W–36,579; Continental Natural Gas, Inc., Continental Spearman Gas Processing LLC, Spearman, TX
TA–W–36,436; Lockhead Martin Corp., Tactical Aircraft Systems, Fort Worth, TX
TA–W–36,415; Zenith Electronics Corp., Microcircuits Div., Chicago, IL
TA–W–36,552; Dixon Ticonderoga Co., Deer Lake, PA
TA–W–36,589; Kvaerner Process, A Div. of Kvaerner US, Inc., Houston, TX
TA–W–36,357; Golden Sunlight Mines, Inc., Whitehall, MT
TA–W–36,666; Lambda Electronics, Inc., McAllen, TX
TA–W–36,635; AMP, Inc., Carlisle Pike Plant, Carlisle, PA
TA–W–36,338; The Pillsbury Co., Blackwood, NJ
TA–W–36,489; Kirkpatrick Energy Associates, Inc., Denver, CO
TA–W–36,026 & A,B,C; Conoco, Inc. Refining and Marketing North America, Lake Charles, LA, Ponca City, OK, Englewood, CO & Crude Oil Supply and Trading North America, Houston, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–36,369; Wyman Gordon, Albany Div., Albany, OR

The investigation revealed that criteria (1) and criteria (3) have not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification. Increases of imports or articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and the absolute decline in sales or production.

TA–W–36,500; The Inspector's Corp., Williston, ND
TA–W–36,268; Briggs Manufacturing, Div. Of C.I.S.A., Robinson, IL
TA–W–36,237; Actown Electrocoil, Inc., Spring Grove, IL
TA–W–36,633H, I, J, K, L, M, N & O; Levi Strauss & Co., Kastrin Plant, El Paso, TX, Brownsville Plant, Brownsville, TX, San Benito Plant, San Benito, TX, San Antonio Sewing Plant, San Antonio, TX, San Antonio Finishing Plant, San Antonio, TX, Powell Plant, Powell, TX, Valencia Sewing Facility, San Francisco, CA, Blue Ridge Plant, Blue Ridge, GA

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification.

TA–W–36,305; Grand Haven Brass Foundry, Grand Haven, MI

TA–W–36,481; Wyman-Gordon Forgings, Houston, TX

The investigation revealed that criteria (2) and criteria (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports or articles like or directly competitive with articles produced by the firm or an appropriate subdivision have not contributed importantly to the separations or threat thereof, and the absolute decline in sales or production.

TA–W–36,433; Meadow River Coal Co., Lookout, WV

Aggregate US imports of coal are negligible.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–36,588; Lorraine Wardy Enterprises, El Paso, TX: June 30, 1998

TA–W–36,456; Dart Energy Corp., d/b/a Indrillers, Inc., Mt. Pleasant, MI: June 1, 1998

TA–W–36,563 & A; Walls Industries, Inc., Merkel Walls Industries, Merkel, TX and Big Spring Walls Industries, Big Spring, TX: July 6, 1998.

TA–W–36,546; Shape Global Technology, Inc., Southern Div., Dadeville, AL: June 23, 1998.

TA–W–36,137; Latex Fashion, Inc., Jersey City, NJ: April 21, 1998.

TA–W–36,383; Locke Insulators, Inc., Baltimore, MD: May 14, 1998.

TA–W–36,372; Shadowline, Inc., Mars Hill, NC: May 28, 1999.

TA–W–36,272; 3M Co., Medical and Surgical Div., Hinsdale, IL: May 11, 1998.

TA–W–36,285; Pilling Weck Surgical, Fort Washington, PA: April 12, 1998.

TA–W–36,368; General Cigar Co., (Currently Known as Swedish Match, NA), Dorthan, AL: May 12, 1998.

TA–W–36,441; Acme United Corp., Goldsboro, NC and Fremont, NC: June 11, 1998.

TA–W–36,298; Beltex Corp., Sportswear Div. And Dye/Finish Div., Belmont, NC: May 18, 1998.

TA–W–36,531, A, B; BHP Copper North America, Including Leased Workers of Western Staffing, Temp Connection, Geotemps, Jalin Enterprises, San Manuel, AZ, Ely, NV and Tucson, AZ: June 30, 1998.

TA–W–36,573; Gerber Childrenwear, Inc., Lumberton, NC: June 7, 1998.

TA–W–36,517; Bandera Pipeline Service Corp., Odessa, TX: June 23, 1998.

TA–W–36,373; Morganton Manufacturing Co., Inc., Morganton, GA: May 26, 1998.

TA–W–36,557; Echo Bay Minerals Co. McCoy/Cove Mine, Battle Mountain, NV: June 30, 1998.

TA–W–36,605; Allergro Operating, Inc., Abilene, TX: July 12, 1998.

TA–W–36,510; Fairfield Apparel Corp., Div. of Maid Bess Corp., Fairfield, VA: June 14, 1998.

TA–W–36,543; Bon Worth, Inc., Victoria, VA: June 28, 1998.

TA–W–36,592; Guidant Intermedics, Angleton, TX.

All workers engaged in employment related to the production of pacemakers and deflbrillators separated from employment on or after July 13, 1998.

All workers producing leads, hybrid circuits and PC's are denied.

TA–W–36,333; Alcoa Technical Center, Alcoa Automatoive Structures, Alcoa Center, PA: May 15, 1998.

TA–W–36,533; Eastham Forege Inc., Beaumont, TX: June 15, 1998.

TA–W–36,538 & A; The Texas Oil Co., Houston, TX and Daisetta, TX: May 13, 1998.

TA–W–36,457; Bohner Oil Co., Wichita Falls, TX: June 9, 1998.

TA–W–36,112; Daugherty Manufacturing Co., Knoxville, TN: April 26, 1998.

TA–W–36,203; Apollo Tanning LTD, Camden, ME: April 30, 1998.

TA–W–36,445; Perfect Jacket Manufacturing Co., Trevose, PA: June 10, 1998.

TA–W–36,956; Pennsylvania Steel Technologies, Inc., A subsidiary of Bethlehem Steel Corp., Steelton, PA: March 11, 1998.

TA–W–36,396; Horn Textile, Inc., Titusville, PA: June 2, 1998.

TA–W–36,356; Chippenhook Corp., Stamping Dept., McAllen, TX: May 20, 1998.

TA–W–36,035; Wyoming Casing, Inc., Dickinson, ND: May 11, 1998.

TA–W–36,301; Westchester Lace and Textiles, Inc., North Bergen, NJ: April 30, 1998.

TA–W–36,224; Starke Uniform Manufacturing Co., Starke, FL: April 21, 1998.

TA–W–36,525; Ponder Industries, Inc., Ponder Fishing Tools, Healdton, OK: June 25, 1998.

TA–W–36,523; Bosch Automotive Hendersonville, TN: June 24, 1998.

TA–W–36,499; ARCO Alaska, Inc., Headquartered in Anchorage, AK and Operating at Various Locations in AK: June 17, 1998.

TA–W–36,229; The Neomet Corp., Edinburg, PA: April 7, 1999.

TA–W–36,017; Precision Twist Drill Co (Formerly Triumph Twist Drill), Rhinelander, WI: March 29, 1998.

TA–W–36,512; L.W. Packard & Co., Inc., Ashland, NH: June 28, 1998.

TA–W–36,330; Allied Signal, Metropolis, IL: May 11, 1998.

TA–W–36,570; The Bachman Co., Phoenixville Plant, Phoenixville, PA: July 8, 1998.

TA–W–36,371; Gesco International Manufacturing, San Antonio, TX: June 3, 1998.

TA–W–36,528; ASM America, Inc., Phoenix, AZ: June 30, 1998.

TA–W–36,971; Barry Callebaut USA, Inc., Pennsauken, NJ: March 19, 1998.

TA–W–36,391; DOC, Tucson, AZ: June 2, 1998.

TA–W–36,056; Cyprus Tohono Corp., Casa Grande, AZ: April 1, 1998.

TA–W–36,526; Pennzenergy Exploration and Production LLC, Formerly Known as Pennzoil Exploration and Production Co., Houston, TX: June 22, 1998.

TA–W–36,329; Picker X-Ray, Solon, OH: May 13, 1998.

TA–W–36,420 & A, B, & C; The Miller Group, Schuylkill Haven PA, H.L. Miller & Son, Schuylkill Haven, PA, Miller Fabrics, Schuylkill Haven, PA and Pottsville Bleach & Dye, Port Carbon, PA: July 10, 1999.

TA–W–36,367; Moen, Inc., Hoov-R-Line, Providence, KY: June 1, 1998.

TA–W–36,578; Carpentas Oilfield Construction, Inc., Denver City, TX: June 25, 1998.

TA–W–36,191; Greene Metal Products, Sturtevant, WI: April 16, 1998.

TA–W–36,643; Walker McDonald Manufacturing Co., a/k/a National Oilwell LP, Greenville, TX: July 21, 1998.

TA–W–36,360; Super Steel Schenectady, Inc., Glenville, NY and Including Temporary Workers from the Following Agencies: JJ Young, Albany, NY, Snelling Personnel Services, Albany, NY, Best Temp Temporary Services, Albany, NY, Adecco, Tad Technical, Albany, NY, Manpower, Schenectady, NY, Fusco Personnel, Inc., Albany, NY: May 10, 1998.

TA–W–36,121; Raider Apparel, Inc., Alma, GA: April 14, 1998.

TA–W–36,926; Packwood Lumber, A Div. Of Pacific Lumber and Shipping Co., Packwood, WA: March 9, 1998.

TA–W–36,151; Adflex Solutions, Inc., Chandler, AZ: April 20, 1998.

TA–W–36,014; Bengle Manufacturing, Stuart, VA: March 30, 1998.

TA–W–36,370 & A; L.V. Myles, Inc., New York, NY, and Rich Square, NC: June 1, 1998.

TA–W–36,633 & A, B, & C; Levi Strauss & Co., Wichita Falls Plant, Wichita Falls, TX, Harlingen Plant, Harlingen, TX, Cypress Plant, El Paso, TX and McAllen Plant, McAllen, TX: August 8, 1998.

TA–W–36,633D, E, F, & G: Levi Strauss & Co., Johnson City Plant, Johnson City, TN, Mountain City Plant, Mountain City, TN, Warsaw Plant, Warsaw, VA, Valdosta Plant, Valdosta, GA: August 8, 1998.

TA–W–36,602; Tinsley Drilling & Co., Odessa, TX: July 14, 1998.

TA–W–36,275; The Russell Corp., Marianna, FL: May 7, 1998.

TA–W–36,271; Oneita Industries, Inc., Cullman, AL and Andrews, SC: May 10, 1998.

TA–W–36,491; Pittencrieff America, Inc., Abilene, TX: June 18, 1998.

TA–W–36,208; QDS Components, Inc., Winchester, TN: April 23, 1998.

TA–W–36,384; John Hester Textiles, Orwigsburg, PA: May 24, 1998.

TA–W–36,468; DHV International, Inc., Midland, TX: June 8, 1998.

TA–W–36,282; Banner Elk Glove Co (d/b/a Southern Glove Manufacturing Co., Inc.), Banner Elk, NC: May 11, 1998.

TA–W–36,596; Ashmore Sportswear, Inc., Leola Plant, Leola, PA: July 7, 1998.

TA–W–36,514; Sensus Technologies, Inc., Uniontown, PA: June 14, 1998.

TA–W–36,304; Salco Knitting Mills, Brooklyn, NY: May 10, 1998.

TA–W–36,302; The Leather Co., Philadelphia, PA: May 17, 1998.

TA–W–36,381; Technaflow, Inc., Vancover, WA: May 27, 1998.

TA–W–36,263; The Imation Corp., Vadnais Heights, MN: April 28, 1998.

TA–W–36,624; AMI/DDC, Inc., Rivet Dept., Cedar Knolls, NJ: July 20, 1998.

TA–W–36,619; Hillin-Simon Oil Co., Midland, TX: July 1, 1998.

TA–W–36,622; Dawson Geophysical Co., Midland, TX: July 19, 1998.

TA–W–36,427; Brady T-Shirt, Inc., East Brady, PA: June 2, 1998.

TA–W–36,603; Snyder Area Contractors, Inc., Snyder, TX: July 12, 1998.

TA–W–36,571; Mallard JV, Inc., McPherson, KS: July 9, 1998.

TA–W–36,324; Sunset Time, Pacoima, CA: May 11, 1998.

TA–W–36,559 & A; Allison Mfg. Co., Brownsville, TX and Allison Mfg Co., McAllen, TX: July 1, 1998.

TA–W–36,102; Lear Corp., Midland, TX: April 7, 1998.

TA–W–36,314; Desmon Mills, Inc., Woonsocket, RI: May 13, 1998.

TA–W–36,432; Cross Creek Apparel, Inc., Wytheville Sewing Plant, Wytheville, VA: June 7, 1998.

TA–W–36,444; Nazareth/Centry Mills, Inc., d/b/a Quitman Knitting Mills, Quitman, MS: August 29, 1998.

TA–W–36,473 A.H.B. International, Inc., New York NY: June 8, 1998.

TA–W–36,953; Siemens Fossils Power Corp., West Allis, WI: March 16, 1998.

TA–W–36,412; Style Sportswear, Paterson, NJ: May 26, 1998.

All workers engaged in employment related to the cutting of coats separated on or after May 26, 1998.

All workers engaged in activities related to shipping, receiving, warehousing and administrative support are denied.

TA–W–36,961, A, B, C, & D; Dupont Corp., Cooper River Plant, Charleston, SC, Kingston Plant, Kinston, NC, Cape Fear Plant, Wilmington, NC, Sales & Marketing Offices, Charlotte, NC and Administrative Office, Wilmington DE: March 11, 1998.

TA–W–36,507; Alcatel USA, Alcatel Data Network, Mt Laurel, NJ: June 21, 1998.

TA–W–36,199 & A; Key Tronic Southwest, El Paso, TX and Las Cruces, NM: April 26, 1998.

TA–W–36,177; Lansdale Manufacturing, Inc., Montgomeryville, PA: April 14, 1998.

TA–W–36,100; Sharp Microelectronics Technology, Inc., Carnas, WA: April 2, 1998.

TA–W–36,486; Roxobel Curtain, Pinebluff Manufacturing Corp., Roxobel, NC: June 17, 1998.

TA–W–36,342; Kern Manufacturing, Inc., Albion, IL: May 7, 1998.

TA–W–36,502; Stuart Entertainment, McAllen, TX: June 18, 1998.

TA–W–36,336; Collins & Aikman, Homer, MI: May 13, 1998.

TA–W–36,591; Marietta Cutting LLC, Marietta, OK: July 6, 1998

TA–W–36,585; Jackie Evans Fashions, Inc., Passaic, NJ: July 9, 1998

TA–W–36,617; Lee Textiles Corp., Ewing, VA: July 15, 1998

TA–W–36,148; Oxford Industries, Inc., Columbia, SC: April 15, 1998.

TA–W–36,613; Lincoln Industrial, St. Louis, MO: July 20, 1998.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of August and September, 1999.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in ports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–03193; Oxy USA, Inc., Permian Assest Group, Midland, TX

NAFTA–TAA–03155; B.J. Service Co., USA Div. Houston, TX

NAFTA–TAA–03122; Barko Hydraulics, LLC, Superior, WI

NAFTA–TAA–03332; Lincoln Industrial, St. Louis, MO

NAFTA–TAA–03101; Vans, Inc., Santa Fe Springs, CA

NAFTA–TAA–03307; Chief Supply Corp., American Resources Div., Eugene, OR

NAFTA–TAA–03263; Smurfit-Stone Container Corp., Fulton, NY

NAFTA–TAA–02998; Siemens Fossil Power Corp., West Allis, WI

NAFT–TAA–03105; Equitable Bag Co., Inc., Orange, TX

NAFTA–TAA–03284; Carrier Corp., Commercial Systems & Service Div., TR–1 Facility, Syracuse, NY

NAFTA–TAA–03282; Hewlett-Packard Co., Personal Information Products Manufacturing and Distribution Div., Roseville, CA Including Temporary Workers of Voit Services Group, Caliber Logistics, Ryder International
NAFTA–TAA–03143; Briggs Manufacturing, A Div. Of C.I.S.A., Robinson, IL
NAFTA–TAA–03265; Georgia-Pacific Corp., Chlorine Plant, Bellingham, WA
NAFTA–TAA–03311; Locke Insulators, Inc., Baltimore, MD
NAFTA–TAA–03289; Triple S. Plastics, Tucson, AZ
NAFTA–TAA–03257; Skinner Engine Co., Erie, PA
NAFTA–TAA–03275; Acme United Corp., Goldsboro, NC
NAFTA–TAA–03234; Morgantown Manufacturing Co., Inc., Morgantown, GA
NAFTA–TAA–03316; Contract Apparel, Inc., El Paso, TX
NAFTA–TAA–03293; Continental Natural Gas, Inc., Continental Spearman Gas Processing, LLC, Spearman, TX
NAFTA–TAA–03299; Texas Jeans Co., Inc., El Paso, TX
NAFTA–TAA–03210; ABB Daimler-Benz Transportation. Elmira Maufacturing Operations, Elmora Heights, NY
NAFTA–TAA–03296; Intermedics, Inc., Angleton, TX
NAFTA–TAA–03205; Wyman Gordon, Titanium Castings Div., Albany, OR
NAFTA–TAA–03084; Fort James Corp., Packaging Div. Portland, OR
NAFTA–TAA–03096; The Little Tikes Co., Shippensburg, PA
NAFTA–TAA–03104; Sherman Lumber Co., Sherman Station, ME
NAFTA–TAA–03176; Actown Electrocoil, Inc., Spring Grove, IL
NAFTA–TAA–03178; Banner Elk Glove Co., d/b/a Southern Glove Manufacturing Co., Inc., Banner Elk, NC
NAFTA–TAA–03092; Goodyear Tire and Rubber Co., Logan, OH
NAFTA–TAA–03248; Brady T-Shirt, Inc., East Brady, PA.
NAFTA–TAA–02892; Burlington Industries, Inc., Statesville Plant, Statesville, NC.

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–0323; Cominco American, Inc., Spokane, WA.
NAFTA–TAA–03290; First Reserve Oil and Gas Co., Midland, TX.
NAFTA–TAA–03378; Xerox Corp., North American Customer Service, La Palma CA.

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of section 250(a) of the Trade Act, as amended.

NAFTA–TAA–03325H, I, J, K, L, M, N, O; Levi Strauss & Co., Kastrin Plant, El Paso, TX, Brownsville Plant, Brownsville, TX, San Benito Plant, San Benito, TX, San Antonio Sewing Plant, San Antonio, TX, San Antonio Finishing Plant, San Antonio, TX, Powell Plant, Powell, TN, Valencia Sewing Facility, San Francisco, CA and Blue Ridge Plant, Blue Ridge, GA.

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers in such workers' firm or an appropriate subdivision thereof) did not become totally or partially separated from employment as required for certification.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–03196; Sunset Time, Racoima, CA: May 17, 1998.
NAFTA–TAA–03324; Modine Aftermarket Holdings, Inc., Merced, CA: July 19, 1998.
NAFTA–TAA–03367; Jennings Mfg Co., Inc., Jennings, LA: August 10, 1998.
NAFTA–TAA–03305; Stuart Entertainment, Inc., McAllen, TX: July 13, 1998.
NAFTA–TAA–03295; Dixon Ticonderoga Co., Deer Lake, PA: June 30, 1998.
NAFTA–TAA–03326; Alcatel USA, Alcatel Data Networks, Mt. Laurel, NY: July 16, 1998.
NAFTA–TAA–03268; Roxobel Curtain Co., Pinebluff Manufacturing Corp., Roxobel, NC: June 17, 1998.
NAFTA–TAA–03003; Packwood Lumber, A Div. Of Pacific Lumber and Shipping Co., Packwood, WA: March 5, 1998.
NAFTA–TAA–03072; Bengle Manufacturing, Stuart, VA: March 31, 1998.
NAFTA–TAA–03323; Supreme Tooling, Inc., Fremont, IN: July 23, 1998.
NAFTA–TAA–03117; Adflex Solutions, Inc., Chandler, AZ: April 20, 1998.
NAFTA–TAA–03044; Vanity Fair Intimates, Milton, FL: March 24, 1998.
NAFTA–TAA–03328; Walker McDonald Mfg Co., a/k/a National Oilwell LP, Greenville, TX: July 21, 1998.
NAFTA–TAA–03070 & A; Oneita Industries, Inc., Cullman, AL and Andrews, SC: April 2, 1998.
NAFTA–TAA–03292; Phelps Dodge Magnet Wire Co., Hopkinsville, KY: July 1, 1998.
NAFTA–TAA–03272; Sensus Technologies, Inc., Uniontown, PA: June 14, 1998.
NAFTA–TAA–03319 &A; Justin Boot Co., Cassville, MO and Carthage, MO: July 22, 1998.
NAFTA–TAA–03230; GESCO International Manufacturing, San Antonio, TX: June 3, 1998.
NAFTA–TAA–03240; DOC, Tucson, AZ: June 2, 1998.
NAFTA–TAA–03271; Ashmore Sportwear, Inc., Leola Plant, Leola, PA: June 11, 1998.
NAFTA–TAA–03278; Albany International, Inc., Appleton Wire Div., Weaverville, NC: June 22, 1998.
NAFTA–TAA–03304; Gerger Childrenswear, Lumberton, NC: June 30, 1998.
NAFTA–TAA–03236; Shadowline, Inc., Mars Hill, NC: May 28, 1998.
NAFTA–TAA–03285; Fairfield Apparel Corp., Div. of Maid Bess Corp., Fairfield, VA: June 29, 1998.
NAFTA–TAA–03276; Bon Worth, Inc., Victoria, VA: June 28, 1998.
NAFTA–TAA–03267; Thomson Precision all Co., LLC, Unionville, CT: June 16, 1998.
NAFTA–TAA–03220; Moen, Inc., Hoov-R-Line, Providence, KY: June 1, 1998.
NAFTA–TAA–03062; Safariland, Inc., Ontario, CA: March 22, 1998.
NAFTA–TAA–03327; AMI/DDC, Inc., Rivet Department, Cedar Knolls, NJ: July 20, 1998.
NAFTA–TAA–03103; Raider Apparel, Inc., Alma, GA: April 14, 1998.
NAFTA–TAA–03097; Repap Technologies, Inc., Valley Forge, PA: April 8, 1998.
NAFTA–TAA–03209; Super Steel Schenectady, Inc., Glenville, NY & Including Temporary Workers from the Following Agencies: JJ Young, Albany, NY, Snelling Personnel Services, Slabany, NY, Best Temp Temporary Services, Albany, NY, Adecco, Tad Technical, Albany, NY, Manpower, Schenectady, NY and Fusco Personnel, Inc., Albany, NY: May 10, 1998.
NAFTA–TAA–03277; Cajun Bag & Supply, Intertape Polymer Group, Evans, GA: July 2, 1998.
NAFTA–TAA–02892A, B, C, D, E, F, G, H, I, J, K, L, M; Burlington Industries, Inc.., Mooresville Plant, Mooresville, NC, J.C. Cowan Plant, Forest City, NC, Raeford Plant, Raeford, NC, Raeford Dying Plant Raeford, NC Oxford Plant, Oxford, NC, Burlington Tailored Fashions Div. Offices, Greensboro, NC, Klopman Fabrics Div. Office Greensboro, NC, Bishopville Plant,

Bishopville, SC, Johnson City Plant, Johnson City, TN, Hillsville Plant, Hillsville, VA, Burlington Tailored Fashions, Clarksville, VA, Stonewall Cutting Plant, Stonewall, MS and Burlington Tailored Fashions, NY, NY: January 29, 1998.

NAFTA–TAA–03261; The Miller Group, Schuylkill Haven, PA, H.L. Miller & Son, Schuylkill Haven, PA, Miller Fabrics, Schuylkill Haven, PA and Pottsville Bleach & Dye, Port Carbon, PA: July 10, 1999.

NAFTA–TAA–03190; Beltex Corp., Sportswear Div. And Dye/Finish Div., Belmont, NC: May 18, 1998.

NAFTA–TAA–3185; 3M Company, Medical and Surgical Div., Hinsdale, IL: May 20, 1998.

NAFTA–TAA–03340; Lambda Electronics, Inc., McAllen, TX: December 19, 1998.

NAFTA–TAA–03325 & A, B, C, D, E, F, G; Levi Strauss & Co., Whichita Falls Plant, Wichita Falls, TX, Harlingen Plant, Harlingen, TX, Press Plant, El Paso, TX, McAllen Plant, McAllen TX, Johnson City Plant, Johnson City, TN, Mountain City Plant, Mountain City, TN, Warsaw Plant, Warsaw, VA and Valdosta Plant, Valdosta, GA: August 8, 1998.

I hereby certify that the aforementioned determinations were issued during the months of August and September, 1999. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 22, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–25291 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,992]

Bayer Corporation; Baytown, Texas; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Bayer Corporation, Baytown, Texas. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–35,992; Bayer Corporation, Baytown, Texas (September 13, 1999).

Signed at Washington, D.C. this 22nd day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistant.

[FR Doc. 99–25295 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,718; TA–W–35,718A; TA–W–35,718B; TA–W–35,718C; TA–W–35,718D; TA–W–35,718E]

H.B. & R., Inc.; Dickinson, North Dakota; Bowman, North Dakota; Williston, North Dakota; Sidney, Montana; Rock Springs, Wyoming; Prudhoe Bay, Alaska; Notice of Negative Determination on Reconsideration

By letter of June 29, 1999, the company requested administrative reconsideration of the Department's denial of Trade Adjustment Assistance (TAA) for workers and former workers of H.B. & R., Inc., Dickinson, North Dakota. The notice of negative determination was signed on June 7, 1999 and published in the **Federal Register** on June 30, 1999 (64 FR 35183).

The Department initially denied TAA to workers of H.B. & R., Inc., Dickinson, North Dakota, who were engaged in the rental of equipment and the performance of tank farm services. It was determined that these workers provided a service and did not produce an article as required in Section 222(3) of the Group Eligibility Requirements of the Trade Act of 1974, as amended.

The company official pointed out that the petition was filed on behalf of several locations, but they were not included in the final determination. Furthermore, the determination did not correctly describe the work performed by the employees.

The Department acknowledges that in the June 7, 1999 decision document it inadvertently excluded reference to the H.B. & R., Inc. locations in Bowman and Williston, North Dakota, Sidney, Montana, Rock Springs, Wyoming and Prudhoe Bay, Alaska, although these locations were included in the petition investigation.

The information provided by the company official requesting reconsideration cited that the workers are engaged in oilfield service work for unaffiliated natural gas and crude oil producers. On reconsideration, the Department obtained additional information regarding work performed by workers of the subject firm. It was reported that the workers employment in Dickinson, Bowman and Williston, North Dakota, Sidney, Montana, Rock Springs, Wyoming and Prudhoe Bay, Alaska includes, but is not limited to hot oil and heating service work, pipeline pressure testing and hauling water.

The 1988 Omnibus Trade and Competitiveness Act amendments to the Trade Act of 1974 expanded coverage to service workers engaged in employment related to exploration and drilling for crude oil and natural gas. These service workers are considered to be "producing" crude oil or natural gas. The same consideration cannot be given to workers providing oilfield services.

Conclusion

After determination, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of H.B. & R., Inc., Dickinson, North Dakota, Bowman and Williston, North Dakota, Sidney, Montana, Rock Springs, Wyoming and Prudhoe Bay, Alaska.

Signed at Washington, D.C., this 7th day of September 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–25297 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,592]

North American Refractories Company, Womelsdorf, Pennsylvania; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the North American Refractories Company, Womelsdorf, Pennsylvania. The application contained no new substantial information which would bear importantly on the Department's

determination. Therefore, dismissal of the application was issued.

TA–W–35,592; North American Refractories, Womelsdorf, Pennsylvania (September 20, 1999).

Signed at Washington, D.C. this 22nd day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–25294 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–33,901]

Oregon Woodworking Company Including Temporary Workers of Mid-Oregon Labor Contractors and Express Personnel Services, Bend, Oregon; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 21, 1997, applicable to workers of Oregon Woodworking Company located in Bend, Oregon. The notice was published in the **Federal Register** on January 22, 1998 (63 FR 3352).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by the State shows that some workers of Oregon Woodworking Company were temporary workers of Mid-Oregon Labor Contractors and Express Personnel Services employed to produce interior flat door jambs at the Bend, Oregon facility.

Based on these findings, the Department is amending the certification to include temporary workers of Mid-Oregon Labor Contractors and Express Personnel Services who were engaged in the production of interior flat door jambs at Oregon Woodworking Company, Bend, Oregon.

The intent of the Department's certification is to include all workers of Oregon Woodworking Company adversely affected by imports.

The amended notice applicable to TA–W–33,901 is hereby issued as follows:

All workers of Oregon Woodworking Company, Bend, Oregon and temporary workers of Mid-Oregon Labor Contractors and Express Personnel Services, Bend, Oregon engaged in employment related to the production of interior flat door jambs for Oregon Woodworking Company, Bend, Oregon who became totally or partially separated from employment on or after October 3, 1996 through December 21, 1999 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–25299 Filed 9–28–99; 8:45 am]

BILLING CODE 4570–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,643]

Peak Oilfield Service Company, Anchorage, AK; Notice of Revised Determination on Reopening

On August 30, 1999, the Department, on its own motion, reopened its investigation for workers and former workers of the subject firm.

The initial investigation resulted in a negative determination issued on April 13, 1999, because the workers provided a service and did not produce an article within the meaning of Section 222(3) of the Trade Act of 1974, as amended. The workers were engaged predominately in service and support activities indirectly related to the production of crude oil. The notice was published in the **Federal Register** on May 11, 1999 (64 FR 25371).

New information provided by the company and a customer of the subject firm revealed that the workers are engaged in activities directly related to production of crude oil.

The investigation also disclosed that the subject firm performed oil field operations for major crude oil and natural gas customers who marketed their oil and gas through the normal distribution channels. The subject firm has been impacted by the high penetration of imports in this market.

The investigation further revealed that U.S. imports of crude oil increased absolutely in the twelve month period ended May 1999 compared to the corresponding twelve month period ended May 1998. The ratio of imports to domestic shipments for crude oil was approximately 139% during the twelve month period ended May 1999.

Conclusion

After careful consideration of the new facts obtained on reopening, it is concluded that increased imports of articles like or directly competitive with crude oil produced by the subject firm contributed importantly to the decline in sales and to the total or partial separation of workers of the subject firm. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of Peak Oil Service Company, Anchorage, Alaska who became totally or partially separated from employment on or after January 27, 1998, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 16th day of September 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–25292 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,156D; TA–W–35, 156E]

Pluma, Inc., Rocky Mount, VA; Vesta (Meadows of Dan, Virginia; Amended Notice of Revised Determination on Reopening

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Revised Determination on Reopening on February 9, 1999, applicable to workers of Pluma, Inc., Rocky Mount, Virginia. The notice was published in the **Federal Register** on February 18, 1999 (64 FR 8129).

At the request of the company, the Department reviewed the determination for workers of the subject firm. New information provided by the company shows that worker separations will occur at Pluma's Vesta (Meadows of Dan), Virginia facility when it closes in October, 1999. The workers are engaged in employment related to the production of knitted activewear for ladies', men and children. Accordingly, the Department is amending the determination to cover workers of Pluma, Inc., Vesta (Meadows of Dan), Virginia.

The intent of the Department's certification is to include all workers of Pluma, Inc. adversely affected by increased imports.

The amended notice applicable to TA–W–35,156D is hereby issued as follows:

All workers of Pluma, Inc., Rocky Mount, Virginia (TA–W–35,156D) and Vesta (Meadows of Dan), Virginia (TA–W–35,156E)

who became totally or partially separated from employment on or after October 15, 1997 through February 9, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington D.C. this 22nd day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–25301 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,497]

Power Exploration, Incorporated, Tyler, Texas; Notice of Negative Determination Regarding Application for Reconsideration

By application dated August 3, 1999, the petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on July 26, 1999, and published in the **Federal Register** on August 11, 1999 (64 FR 43723).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers of Power Exploration, Incorporated, Tyler, Texas, engaged in geological studies was denied because the workers provided a service and did not produce an article as required in Section 222(3) of the Trade Act of 1974, as amended.

The petitioners assert that the worker group provided a number of different articles and products and provided oil and gas exploration expertise to a number of different companies and clients in the oil and gas industry.

Workers at the subject firm, however, are engaged in employment related to the acquisition, processing and marketing of seismic data.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, D.C. this 17th day of September 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–25296 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,062; TA–W–36,062B]

Stonecutter Textiles, Inc.; Spindale, North Carolina; Mill Spring, North Carolina; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistant on June 17, 1999, applicable to workers of Stonecutter Textiles, Inc., located in Spindale, North Carolina. The notice was published in the **Federal Register** on August 11, 1999 (64 FR 43723).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations occurred at the Mill Spring, North Carolina location of Stonecutter Textiles, Inc. when it closed in July, 1999. The workers were engaged in the production of yarn used to produce greige goods at Stonecutters' Spindale, North Carolina facilities.

The intent of the Department's certification is to include all workers of Stonecutter Textiles, Inc. who were adversely affected by increased imports. Accordingly, the Department is amending the certification to cover the workers of Stonecutter Textiles, Mill Spring, North Carolina.

The amended notice applicable to TA–W–36,062 is hereby issued as follows:

All workers of Stonecutter Textiles, Inc., Spindale, North Carolina (TA–W–36,062) and Mill Spring, North Carolina (TA–W–36,062B) who became totally or partially separated from employment on or after March 29, 1998 through June 17, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 20th day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–25298 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,935]

Suckle Corporation, Scranton, Pennsylvania; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of July 8, 1998, the International Union of Electrical Workers, Local 127, requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers of the subject firm. The denial notice was signed on June 10, 1999 and published in the **Federal Register** on June 30, 1999 (64 FR 35183).

The petitioner presents evidence that the Department's customer survey was incomplete.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC this 17th day of September 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–25293 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA—02644; NAFTA–02644F]

Pluma, Inc., Rocky Mount, Virginia; Vesta (Meadows of Dan), Virginia; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with Section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273), the

Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on April 22, 1999, applicable to workers of Pluma, Inc. located in Rocky Mount, Virginia. The notice was published in the **Federal Register** on May 11, 1999 (64 FR 25373).

At the request of the company, the Department reviewed the determination for workers of the subject firm. New information received from the company shows that worker separations will occur at Plum's Vesta (Meadows of Dan), Virginia facility when it closes in October, 1999. The workers are engaged in the production of knitted activewear for ladies, men and children.

The intent of the Department's certification is to include all workers of Pluma, Inc. who were adversely affected by increased imports from Mexico.

Accordingly, the Department is amending the determination to cover the workers of Pluma, Inc., Vesta (Meadows of Dan), Virginia.

The amended notice applicable to NAFTA–02844 is hereby issued as follows:

All workers of Pluma, Inc., Rocky Mount, Virginia (NAFTA–2844) and Vesta (Meadows of Dan), Virginia (NAFTA–2844F) who became totally or partially separated from employment on or after January 8, 1998 through April 22, 2001 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–25300 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 99–36; Exemption Application No. D–10504, et al.]

Grant of Individual Exemptions; Aetna Inc. (Aetna)

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Aetna Inc. (Aetna), Located In Hartford, Connecticut

[Prohibited Transaction Exemption 99–36; Application No. D–10504]

Exemption

I. Transactions

The restrictions of section 406(a)(1)(A) through (D) and 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code shall not apply to the following transactions, if the conditions set forth in Section II and Section III, below, are satisfied: [1]

(a) The receipt, directly or indirectly, by a sales agent (Sales Agent or Sales Agents), as defined in Section IV(l) below, of a sales commission from Aetna in connection with the purchase, with plan assets, of an insurance contract (the Insurance Contract or Insurance Contracts), as defined in Section IV(h) below;

(b) The receipt of a sales commission by Aetna, as principal underwriter for a mutual fund registered under the Investment Company Act of 1940, in connection with the purchase, with plan assets, of securities issued by such mutual fund (the Aetna Fund or Aetna Funds), as defined in Section IV(c) below;

(c) The effecting by Aetna, as a principal underwriter, of a transaction for the purchase, with plan assets, of securities issued by an Aetna Fund, and the effecting by a Sales Agent of a transaction for the purchase, with plan assets, of an Insurance Contract; and

(d) The purchase, with plan assets, of an Insurance Contract from Aetna.

II. General Conditions

(a) The transactions are effected by Aetna in the ordinary course of Aetna's business as an insurance company, or as a principal underwriter to an Aetna Fund, or in the case of a Sales Agent, in the ordinary course of the Sales Agent's business as a Sales Agent.

(b) The transactions are on terms at least as favorable to the plan as an arm's length transaction with an unrelated party would be.

(c) The combined total of all fees, sales commissions, and other consideration received by Aetna or a Sales Agent: (1) For the provision of services to the plan, and (2) in connection with a purchase of an Insurance Contract or securities issued by an Aetna Fund, is not in excess of "reasonable compensation" within the contemplation of section 408(b)(2) and (c)(2) of the Act and section 4975(d)(2) and (d)(10) of the Code. If such total is in excess of "reasonable compensation" the "amount involved" for purposes of the civil penalties of section 502(i) of the Act and excise taxes imposed by section 4975(a) and (b) of the Code is the amount of compensation in excess of "reasonable compensation."

III. Specific Conditions

(a) Aetna or the Sales Agent is not—

[1] For purposes of this exemption, references to specific provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

(1) A trustee of the plan (other than a non-discretionary trustee who does not render investment advice with respect to any assets of the plan, or a trustee to an investment trust (the Investment Trust), as defined in Section IV(g) below, which will not purchase Insurance Contracts or securities issued by an Aetna Fund pursuant to this exemption);

(2) A plan administrator (within the meaning of section 3(16)(A) of the Act and section 414(g) of the Code);

(3) A fiduciary who is expressly authorized in writing to manage, acquire, or dispose of, on a discretionary basis, those assets of the plan that are or could be invested in Insurance Contracts, securities issued by an Aetna Fund, or an Investment Trust; or

(4) An employer any of whose employees are covered by the plan.

(b) (1) Prior to the execution of a transaction involving the receipt of sales commissions by a Sales Agent in connection with the plan's purchase of an Insurance Contract, Aetna or the Sales Agent provides to an independent plan fiduciary (the Independent Plan Fiduciary), as defined in Section IV(f) below, disclosures of the following information concerning the Insurance Contract in writing and in a form calculated to be understood by a plan fiduciary who has no special expertise in insurance or investment matters:

(A) An explanation of: (i) The nature of the affiliation or relationship between Aetna and the Sales Agent recommending the Insurance Contract; and, (ii) the nature of any limitations that such affiliation or relationship, or any agreement between the Sales Agent and Aetna places on the Sales Agent's ability to recommend Insurance Contracts;

(B) The sales commission, expressed as a percentage of gross annual premium payments for the first year and for each of the succeeding renewal years, that will be paid by Aetna to the Sales Agent in connection with the purchase of the recommended Insurance Contract, together with a description of any factors that may affect the commission; and

(C) A full and detailed description of any charges, fees, discounts, penalties, or adjustments which may be paid by the plan under the recommended Insurance Contract in connection with the plan's purchase, holding, exchange, termination, or sale of the Insurance Contract, including a description of any factors that may affect the level of charges, fees, discounts, or penalties paid by the plan.

(2) Following receipt of the information required to be provided to the Independent Plan Fiduciary, as described in Section III(b)(1) above, and before the execution of the transaction, the Independent Plan Fiduciary acknowledges in writing receipt of such information and approves the transaction on behalf of the plan. The Independent Plan Fiduciary may be an employer of employees covered by the plan but may not be a Sales Agent involved in the transaction. The Independent Plan Fiduciary may not receive, directly or indirectly (*e.g.* through an affiliate), any compensation or other consideration for his or her own personal account from any party dealing with the plan in connection with the transaction.

(3) With respect to additional purchases of Insurance Contracts, the written disclosure required under Section III(b)(1) need not be repeated, unless—

(A) More than three years have passed since such disclosure was made with respect to the same kind of Insurance Contract, or

(B) The Insurance Contract being recommended for purchase or the commission with respect thereto is materially different from that for which the approval described under Section III(b)(2) was obtained.

(c)(1) With respect to purchases with plan assets of securities issued by an Aetna Fund, or the receipt of sales commissions by Aetna in connection with such purchases, Aetna provides to an Independent Plan Fiduciary prior to the execution of the transaction the following information concerning the Aetna Fund in writing and in a form calculated to be understood by a plan fiduciary who has no special expertise in insurance or investment matters:

(A) A description of: (i) The investment objectives and policies of the Aetna Fund, (ii) the principal investment strategies that the Aetna Fund may use to obtain its investment objectives, (iii) the principal risk factors associated with investing in the Aetna Fund, (iv) historical investment return information for the Aetna Fund, (v) fees and expenses of the Aetna Fund, including annual operating expenses (*e.g.*, management fees, distribution fees, service fees, and other expenses) and fees paid by shareholders (*e.g.*, sales charges and redemption fees), (vi) the identity of the Aetna Fund adviser, and (vii) the procedures for purchases of securities issued by the Aetna Fund (including any applicable minimum investment requirements and sales charges);

(B) A description of: (i) The expenses of the recommended Aetna Fund, including investment management, investment advisory, or similar services, any fees for secondary services (*e.g.*, for services other than investment management, investment advisory, or similar services, including but not limited to custodial, administrative, or other services), and (ii) any charges, fees, discounts, penalties, or adjustments that may be paid by the plan in connection with the purchase, holding, exchange, termination, or sale of shares of the recommended Aetna Fund securities, together with a description of any factors that may affect the level of charges, fees, discounts, or penalties paid by the plan or the Aetna Fund;

(C) An explanation of (i) the nature of the affiliation or relationship between Aetna and the Aetna Fund, and (ii) the limitation, if any, that such affiliation, relationship, or any agreement between Aetna and the Aetna Fund places on Aetna's ability to recommend securities issued by other investment companies;

(D) The sales commission, if any, that Aetna will receive in connection with the purchase of securities of the recommended Aetna Fund, expressed as either (i) a percentage of the dollar amount of the plan's gross payments and the amount actually invested, (ii) a percentage of the average daily net assets under investment in securities issued by the Aetna Fund, or (iii) both if applicable, together with a description of any factors that may affect the commission; and

(E) A description of the procedure or procedures for redeeming the Aetna Fund securities.

The disclosures required under Section III(c)(1) above shall be deemed to be completed only if, with respect to fees and expenses of an Aetna Fund, the type of each fee or expense (*e.g.*, management fees, administrative fees, fund operating expenses, and other fees, including but not limited to fees payable for marketing and distribution services pursuant to Rule 12b-1 under the Investment Company Act of 1940 (the 12b-1 Fees)) and the rate or amount charged for a specified period (*e.g.*, annually) is provided in a written document separate from the prospectus of such Aetna Fund.

(2) Following receipt of the information required to be provided to the Independent Plan Fiduciary, as described in Section III(c)(1) above, and before execution of the transaction, the Independent Plan Fiduciary approves the specific transaction on behalf of the plan. Unless facts and circumstances would indicate the contrary, such approval may be presumed if the Independent Plan Fiduciary directs the transaction to proceed after Aetna has

delivered the written disclosures to the Independent Plan Fiduciary. The Independent Plan Fiduciary may be an employer of employees covered by the plan but may not be Aetna. The Independent Plan Fiduciary may not receive, directly or indirectly (*e.g.*, through an affiliate), any compensation or other consideration for his or her own personal account from any party dealing with the plan in connection with the transaction.

(3) With respect to additional purchases of Aetna Fund securities, Aetna:

(A) Provides reasonable advance notice of any material change with respect to the Aetna Fund securities being purchased or the commission with respect thereto, and

(B) Repeats the written disclosure required under Section III(c)(1)(A), (C), (D) and (E) once every three years.

(d)(1) Aetna shall retain or cause to be retained for a period of six (6) years from the date of any transaction covered by this exemption the following:

(A) The information disclosed with respect to such transaction pursuant to Sections III(b), and (c);

(B) Any additional information or documents provided to the Independent Plan Fiduciary with respect to the transaction; and

(C) Written acknowledgments, as described in Section III(b)(2) above.

(2) A prohibited transaction shall not be deemed to have occurred if, due to circumstances beyond the control of Aetna, such records are lost or destroyed before the end of such six-year period.

(3) Notwithstanding anything to the contrary in sections 504(a)(2) and (b) of the Act, such records shall be unconditionally available for examination during normal business hours by duly authorized employees or representatives of the Department of Labor, the Internal Revenue Service, plan participants and beneficiaries, any employer of plan participants and beneficiaries, and any employee organization any of whose members are covered by the plan.

IV. Definitions

For purposes of this exemption—

(a) Aeltus means the Aeltus Trust Company, or any other financial institution supervised under state or federal laws and affiliated with Aetna.

(b) Aetna means the Aetna Life Insurance Company, the Aetna Life Insurance and Annuity Company, and any of their affiliates, including but not limited to Aeltus;

(c) Aetna Fund means any investment company registered under the Investment Company Act of 1940 for which Aetna serves as investment adviser and as principal underwriter (as that term is defined in section 2(a)(29) of the Investment Company Act of 1940, 15 U.S.C. 80a–2(a)(29)).

(d) *An affiliate* of a person means (1) any person directly or indirectly controlling, controlled by, or under common control with such person, (2) any officer, director, employee, or relative of any such person, or any partner in such person, and (3) Any corporation or partnership of which such person is an officer, director, or employee, or in which such person is a partner. For purposes of this definition, an "employee" includes (A) any registered representative of Aetna, where Aetna or an affiliate is principal underwriter, and (B) any insurance agent or broker or pension consultant acting under a written agreement as Aetna's agent in connection with the sale of an Insurance Contract, whether or not such registered representative or insurance agent or broker or pension consultant is a common law employee of Aetna.

(e) The term, *control,* means the power to exercise a controlling influence over the management or policies of a person other than an individual;

(f) *Independent Plan Fiduciary* means a fiduciary with respect to a plan, which fiduciary has no relationship to, or interest in, Aetna that might affect the exercise of such fiduciary's best judgment as a fiduciary.

(g) *Investment Trust* means (1) any collective investment fund or group trust qualifying for tax-exempt status under the provisions of the Internal Revenue Code of 1986 and regulations and rulings thereunder, of which Aeltus, as defined in Section IV(a) above, or its successor or affiliate serves as trustee, or (2) any single-customer trust account for which Aeltus serves as trustee, provided that Aeltus has no discretionary authority or responsibility with respect to the management or administration of, and does not provide any investment advice with respect to, any plan assets not invested in such single-customer trust account or another Investment Trust.

(h) *Insurance Contract or Insurance Contracts* means an insurance or annuity contract issued by Aetna.[2]

(i) *A nondiscretionary trustee* of a plan is a trustee whose powers and duties with respect to any assets of the plan are limited to: (1) the provision of nondiscretionary trust services, as defined in Section IV(j) below, to such plan, and (2) the duties imposed on the trustee by any provision or provisions of the Act or the Code.

(j) *Nondiscretionary trust services* means custodial services and services ancillary to custodial services, none of which services are discretionary.

(k) *A relative* means a *relative* as that term is defined in section 3(15) of the Act (or a *member of the family* as that term is defined in Code section 4975(e)(6)), or a brother, a sister, or a spouse of a brother or a sister;

(l) *Sales Agent* means any insurance agent, broker, or pension consultant or any affiliate thereof that is affiliated with Aetna.

(m) *Principal underwriter* is defined in the same manner as that term is defined in section 2(a)(29) of the Investment Company Act of 1940 (15 U.S.C. 8a–2(a)(29)).

Effective Date: This exemption will be effective as of August 28, 1997, the date of the filing of the application for exemption.

Written Comments

In the Notice of Proposed Exemption (the Notice), the Department of Labor (the Department) invited all interested persons to submit written comments and requests for a hearing on the proposed exemption within forty-five (45) days of the date of the publication of the Notice in the **Federal Register** on May 13, 1999. All comments and requests for a hearing were due by June 28, 1999.

During the comment period, the Department received no requests for a hearing. However, the Department did receive two (2) comment letters from Aetna, the applicant, dated June 28, and August 10, 1999, respectively. In the comment letters, the applicant requested certain modifications and clarifications to the language of the exemption, as proposed, and informed the Department of certain changes, as described in the Summary of Facts and Representations (the SFR) in the Notice. Specifically, the issues raised in the applicant's comment letters fall into seven (7) categories: (1) *Clarification* regarding the transactions exempted by

[2] The Department expresses no opinion as to whether any so-called "synthetic guaranteed insurance contracts" offered by Aetna constitutes an Insurance Contract within the meaning of this exemption. The Department further notes that this exemption provides relief from the self-dealing and conflict of interest provisions of the Act in connection with the sale of Insurance Contracts to plans by fiduciaries. It does not provide relief from any acts of self-dealing that do not arise directly in connection with the purchase of specific insurance products. Thus, for example, no relief is provided under this exemption for any act of self-dealing that may arise in connection with the ongoing operation or administration of an Insurance Contract.

Section I(c) and Section I(d); (2) an issue relating to reliance on other applicable exemptions; (3) an alternative method of disclosing sales commissions; (4) clarification of the scope of the exemption; (5) interpretation of the definition of Sales Agent, as set forth in Section IV(l); (6) certain corrections to the facts, as set forth in the SFR in the Notice, and (7) a modification of the language of the definition of Aeltus, as set forth in Section IV(a). A discussion of each of the applicant's comments and the Department's responses, thereto, are set forth in the numbered paragraphs below.

1. The applicant seeks clarification from the Department of the transactions exempted by Section I(c) and Section I(d), as published in the Notice (64 FR at 25917, column 1, lines 26–34). In this regard, Section I(c) provides relief for:

> The effecting by Aetna, as a principal underwriter, of a transaction for the purchase, with plan assets, of securities issued by an Aetna Fund, and the effecting by a Sales Agent of a transaction for the purchase, with plan assets, of an Insurance Contract.

Further, Section I(d) provides relief for, "The purchase, with plan assets, of an Insurance Contract from Aetna."

Specifically, Aetna requests that the Department confirm that Section I(c) and Section I(d) would be available for the effecting by Aetna of a transaction for the purchase of an Insurance Contract, as defined in Section IV(h), where the sale is effected through an employee of Aetna or through one of Aetna's affiliates. The concern is that Aetna itself would require relief if either: (a) A plan's purchase of an Insurance Contract from Aetna is deemed to be a prohibited sale between a plan and a party in interest; or (b) Aetna is deemed to be a fiduciary because its employee/agent provided investment advice and, as a result, Aetna is deemed to have committed a prohibited transaction by effecting the sale of an Insurance Contract.

Aetna believes that, as an affiliate of a Sales Agent, as defined in Section IV(d), it should be able to rely on the relief provided by Section I(c), because the definition of Sales Agent, as set forth in Section IV(l), includes any "affiliate" of such Sales Agent. In addition, Aetna believes that the purchase from Aetna of an Insurance Contract should be exempted under Section I(d), even if Aetna may be a fiduciary as a result of investment advice provided by an Aetna employee/agent. The Department concurs.

2. The applicant seeks clarification from the Department of the interpretation of Section III(a)(1), as published in the Notice (64 FR at 25917, column 1, lines 66–67 and column 2, lines 1–10). In this regard, Section III(a)(1) provides that Aetna or a Sales Agent may not rely on the exemption, if Aetna or the Sales Agent is:

> A trustee of the plan (other than a non-discretionary trustee who does not render investment advice with respect to any assets of the plan, or a trustee to an investment trust (the Investment Trust), as defined in Section IV(g) below, *which will not purchase Insurance Contracts or securities issued by an Aetna Fund pursuant to this proposed exemption) (emphasis added).*

Specifically, Aetna seeks confirmation that the phrase underlined in the quotation above does not preclude its reliance on other exemptions. In this regard, Aetna represents that while it will not rely on the subject exemption for a purchase of Aetna Funds or an Insurance Contract by an Investment Trust, such a transaction might be covered by an applicable class exemption.

It is not the intention of the Department to preclude Aetna from taking advantage of any other available exemption, proved that Aetna has met the conditions for relief, as set forth in such exemption. Accordingly, the Department has decided to retain the language of Section III(a)(1), as set forth in the Notice, except that the word, "proposed," before the word, "exemption," has been deleted.

3. Section III(c)(1)(D), as set forth in the Notice (64 FR at 25918, column 1, lines 26–34), requires the disclosure to an Independent Plan Fiduciary prior to execution of the transaction of:

> The sales commission, if any, that Aetna will receive in connection with the purchase of securities of the recommended Aetna Fund, expressed as a percentage of the dollar amount of the plan's gross payments and the amount actually invested, together with a description of any factors that may affect the commission.

In footnote 4 of the Notice (64 FR at 25919), the Department noted that the relief provided by the subject exemption does not preclude the receipt by Aetna or its affiliates of 12b-1 Fees to the extent that the payment of such 12b-1 Fees cannot be functionally distinguished from the payment of a sales commission in connection with the purchase with plan assets, of securities issued by an Aetna Fund. In this regard, Aetna notes that such 12b-1 Fees are calculated as a percentage of assets under management in Aetna Fund securities and that disclosure of 12b-1 Fees could not be easily expressed as, "a percentage of the dollar amount of the plan's gross payments and the amount actually invested," as required by Section III(c)(1)(D). Further, Aetna is not aware that 12b-1 Fees are disclosed in such a format by any mutual fund provider or broker. Accordingly, Aetna has proposed an additional method for the disclosure of 12b-1 Fees, or both methods, if applicable, pursuant to this exemption. In this regard, Aetna requests that the Department substitute the following text for the language of Section III(c)(1)(D), as it appeared in the Notice:

> The sales commission, if any, that Aetna will receive in connection with the purchase of securities of the recommended Aetna Fund, expressed as either (i) a percentage of the dollar amount of the plan's gross payments and the amount actually invested, (ii) a percentage of assets invested in securities issued by the Aetna Fund, or (iii) both if applicable, together with a description of any factors that may affect the commission.

If the Department does not accept the proposed substitution, Aetna has suggested a second alternative. In this regard, Aetna notes that asset-based 12b-1 Fees are required to be disclosed under Sections III(c)(1)(A) and (B) of the exemption. Accordingly, in the alternative, Aetna requests the Department confirm that to the extent 12b-1 Fees are paid from the assets of an Aetna Fund, all of the disclosure conditions under the exemption would be satisfied by disclosure of 12b-1 Fees under Sections III(c)(1)(A) and (B), and additional disclosure regarding 12b-1 Fees would not be required under Section III(c)(1)(D).

The Department has decided not to accept Aetna's second alternative, which is described in the paragraph above. Instead, with certain revisions to the language of sub-paragraph (ii), the Department has decided to adopt the substitute language for Section III(c)(1)(D) suggested by Aetna. In this regard, as amended, Section III(c)(1)(D) of the exemption reads as follows:

> The sales commission, if any, that Aetna will receive in connection with the purchase of securities of the recommended Aetna Fund, expressed as either (i) a percentage of the dollar amount of the plan's gross payments and the amount actually invested, (ii) a percentage of the average daily net assets under investment in securities issued by the Aetna Fund, or (iii) both if applicable, together with a description of any factors that may affect the commission.

4. Aetna requests that footnote 2, as it appeared in the Notice (64 FR at 25918), should be amended to read, as follows:

> The Department expresses no opinion as to whether any so-called "synthetic guaranteed insurance contracts" offered by Aetna

constitutes an Insurance Contract within the meaning of this proposed exemption. The Department further notes that this proposed exemption provides relief from the self-dealing and conflict of interest provisions of the Act in connection with the sale of Insurance Contracts and Aetna Funds to plans by fiduciaries. It does not provide relief from any acts of self-dealing that do not arise directly in connection with the purchase of specific insurance products. Thus, for example, no relief is provided under this proposal for any act of self-dealing that may arise in connection with the ongoing operation or administration of an Insurance Contract.

The Department has decided to delete the contents of footnote 2, as it appeared in the Notice, and, with certain revisions, has adopted the language suggested by Aetna as the text for footnote 2 in the exemption. With regard to revisions of the language suggested by Aetna, the Department has:

(a) Deleted the word, "proposed," before the word, "exemption," in the first and second sentences of the quotation above;

(b) Deleted the phrase, "and Aetna Funds" after the words, "Insurance Contracts," in the second sentence of the quotation above; and

(c) Substituted the word, "exemption," for the word, "proposal," in the fourth sentence of the quotation above. Accordingly, the revised language of footnote 2 into this exemption reads as follows:

The Department expresses no opinion as to whether any so-called "synthetic guaranteed insurance contracts" offered by Aetna constitutes an Insurance Contract within the meaning of this exemption. The Department further notes that this exemption provides relief from the self-dealing and conflict of interest provisions of the Act in connection with the sale of Insurance Contracts to plans by fiduciaries. It does not provide relief from any acts of self-dealing that do not arise directly in connection with the purchase of specific insurance products. Thus, for example, no relief is provided under this exemption for any act of self-dealing that may arise in connection with the ongoing operation or administration of an Insurance Contract.

In addition, Aetna has requested that the Department confirm that the last sentence of the quotation above does not refer to routine transactions such as asset valuation and rate setting, but only to extraneous transactions such as asset transfer and loan advances. Although the Department is unable to provide the requested confirmation regarding the application of the footnote to routine transactions, it is our view that transactions, such as asset transfers and loan advances made to parties in interest in connection with the operation of the Insurance Contract, would be beyond the scope of this exemption.

5. Aetna requests that the Department amend the definition of Sales Agent, as set forth in Section IV(l). In this regard, Section IV(l), as it appeared in the Notice (64 FR at 25919, column 1, lines 20–24), provides that:

"Sales Agent" means any insurance agent, broker, or pension consultant or any affiliate thereof that is affiliated with Aetna *either through ownership or by contractual arrangement (emphasis added).*

Aetna is concerned that the phrase underlined in the quotation of Section IV(l) above imposes a limitation on the definition of Sales Agent. Specifically, Aetna believes that such language may exclude Aetna from being considered an affiliate of a Sales Agent where an individual who is a broker or pension consultant is affiliated with Aetna by being Aetna's employee, rather than through a contractual or ownership arrangement. In addition, Aetna is concerned that the language of Section IV(1) does not make it clear that the term, "Sales Agent" would include *any* affiliate of a Sales Agent. Accordingly, Aetna requests that the Department clarify the definition of Sales Agent. Further, Aetna suggests that the Department substitute for the text of Section IV(1), as it appeared in the Notice, the following language:

"Sales Agent" means any insurance agent, broker, or pension consultant that is an employee of Aetna or is affiliated with Aetna either through ownership or by contractual arrangement, or any affiliate thereof.

The Department has decided not to adopt the language in the quotation above which was suggested by Aetna. Instead, the Department has decided to modify the definition of a Sales Agent to clarify the term. Accordingly, as amended, Section IV(l) of the exemption reads as follows:

"Sales Agent" means any insurance agent, broker, or pension consultant or any affiliate thereof that is affiliated with Aetna.

Further, it is the view of the Department that Aetna would not be excluded from being considered an affiliate of a Sales Agent where an individual who is a broker or pension consultant is affiliated with Aetna by being Aetna's employee. In this regard, the Department notes that for purposes of the definition of affiliate, as set forth in Section IV(d) of the exemption, an "employee" includes:

Any registered representative of Aetna, where Aetna or an affiliate is principal underwriter, and (B) any insurance agent or broker or pension consultant acting under a written agreement as Aetna's agent in connection with the sale of an Insurance Contract, whether or not such registered representative or insurance agent or broker or pension consultant is a common law employee of Aetna.

In this regard, the Department notes that the general and specific conditions, as set forth in the exemption, however, must be satisfied. Specifically, Section II(a) provides that the transactions must be:

Effected by Aetna in the ordinary course of Aetna's business as an insurance company, or as a principal underwriter to an Aetna Fund, or in the case of a Sales Agent, in the ordinary course of the Sales Agent's business as a Sales Agent.

Accordingly, the Department notes that in order for Aetna, a Sales Agent, or a principal underunderwriter to rely upon relief for the transactions described in the exemption, each such person must satisfy Section II(a), among other conditions set forth in the exemption.

6. Aetna has informed the Department of certain changes in the services arrangements among Aetna and its affiliates. Because these changes occurred after Aetna filed its application for exemption with the Department, some of the facts and representations that appeared in the SFR are no longer completely accurate. For this reason, Aetna has suggested certain deletions and additions to the language, as published in the Notice and requests that the Department substitute the text which is quoted below for the language that appeared in the SFR. Aetna represents that none of the changes involve a material change in any facts or representations made by Aetna in its application for exemption. The Department concurs and has made the requested deletions and additions in the language of the SFR. Aetna's deletions to the language that appeared in the SFR are noted below by the words in brackets, and Aetna's additions have been underlined in the text below.

The text of paragraph 6, as published in the Notice (64 FR at 25919, column 2, lines 59–68 and column 3, lines 1–2), should have read as follows:

Aetna Investment Services, Inc. (AISI), Aetna Financial Services, Inc. (AFSI), Aeltus Capital, Inc. (Aeltus Capital), and Financial Network Investment Corporation (FNIC) are each registered broker-dealers with the SEC and are [wholly-owned] affiliates of ALIC and ALIAC. [ALIC] ALIAC, AISI, [AFSI] Aeltus Capital, and FNIC and their successors (*together with ALIC*, the Aetna Companies) have provided and will provide a variety of services to the Aetna Funds *or in connection with the distribution of Aetna Funds.*

The text of paragraph 7, as published in the Notice (64 FR at 25919, column 3, lines 3–36), should have read as follows:

[In this regard] [A]s disclosed in the prospectus materials for each of the Aetna Funds, ALIAC is the investment adviser to [all of the Aetna Funds] *Aetna's Portfolio Partners Funds and Aeltus Investment Management, Inc. (AIM) is the investment adviser to the Aetna Series Funds and the Aetna Variable Funds.* In addition, *both* ALIAC *and AIM* provide other services (the Secondary Services) to Aetna Funds *for which they are the investment adviser,* including accounting, shareholder administration, [sub-accounting,] and other administrative services. *ALIAC also provides sub-accounting services in connection with Aetna Funds offered through its variable annuity contract.* Further ALIAC is the principal underwriter to the Aetna Variable Funds and Portfolio Partners, Inc., and [AISI] *Aeltus Capital* is the principal underwriter to the Aetna Series Funds. In this regard, it is represented that as principal underwriters, ALIAC and [AISI] *Aeltus Capital* distribute Aetna Fund shares on an agency basis. It is further represented that ALIAC *and AIM* may engage affiliated or unaffiliated sub-advisers to the Aetna Funds from time to time.

Under the terms of services agreements between ALIAC *or AIM* and an Aetna Fund, ALIAC *or AIM* may receive management fees and fees for Secondary Services. In addition, ALIAC or [AISI] *Aeltus Capital* may receive sales commissions and distribution fees, including for some classes of shares issued by certain Aetna Funds 12b-1 Fees. It is represented that the prospectus materials *including the Statement of Additional Information,* for each of the Aetna Funds disclose whether such fees are paid and the basis under which such fees are paid.

7. Aetna informed the Department that it has applied for and is in the process of obtaining authority to establish and operate a federally chartered savings bank (the Savings Bank). If approved, the Savings Bank may establish and operate certain collective investment funds or group trusts or single customer trust accounts on behalf of plans covered by the Act. Aetna would like to ensure that relief provided by the exemption will extend to plans that invest in a trust maintained by the Savings Bank on the same terms and conditions that would apply, if the plan had invested in a trust maintained by Aeltus. Accordingly, Aetna proposes that the Department revise Section IV(a), as published in the Notice (64 FR 25918, column 2, line 55–56), to read as follows:

Aeltus means the Aeltus Trust Company, or any other financial institution supervised under state or federal laws and affiliated with Aetna.

The Department concurs and has incorporated the requested language into Section IV(a) of the exemption.

After giving full consideration to the entire record, including the written comments from the applicant, the Department has decided to grant the exemption, as described, amended, and concurred in above. In this regard, the comment letters submitted by the applicant to the Department has been included as part of the public record of the exemption application. The complete application file, including all supplemental submissions received by the Department, is made available for public inspection in the Public Documents Room of the Pension Welfare Benefits Administration, Room N–5638, U. S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the Notice published on May 13, 1999, at 64 FR 25916.

For Further Information Contact: Angelena C. Le Blanc of the Department, telephone (202) 219–8883 (This is not a toll-free number.)

Modern Woodmen of America Employees' Savings Plan (the Plan), Located in Rock Island, Illinois

[Prohibited Transaction Exemption 99–37; Exemption Application No. D–10518]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the past sale, on March 23, 1998, by the Plan of certain commercial mortgages and bonds (the Securities) to Modern Woodmen of America (the Employer), a party in interest with respect to the Plan, provided that the following conditions were satisfied: (1) The sale was a one-time transaction for cash; (2) the Plan paid no commissions nor other expenses relating to the sale; (3) for each Security, the Plan received an amount equal to the highest, as of the date of the sale, of (a) the par value, (b) the book value, or (c) the fair market value of the Security, as determined by a qualified, independent appraiser; and (4) the Plan received the accrued but unpaid interest that was due on each Security at the time of the transaction.

Effective Date: The exemption is effective as of March 23, 1998.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on August 11, 1999 at 64 FR 43740.

For Further Information Contact: Ms. Karin Weng of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 21st day of September, 1999.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare BenefitsAdministration, Department of Labor.

[FR Doc. 99–24939 Filed 9–28–99; 8:45 am]

BILLING CODE 4510–29–P

LEGAL SERVICES CORPORATION

Intent To Award—Grants Awards to Applicants for Funds To Provide Civil Legal Services to Eligible Low-Income Clients Beginning January 1, 2000

AGENCY: Legal Services Corporation.

ACTION: Announcement of intention to make FY 2000 Competitive Grant Awards.

SUMMARY: The Legal Services Corporation (LSC or Corporation) hereby announces its intention to award grants and contracts to provide

economical and effective delivery of high quality civil legal services to eligible low-income clients, beginning January 1, 2000.

DATES: All comments and recommendations must be received on or before the close of business on October 29, 1999.

ADDRESSES: Legal Services Corporation—Competitive Grants, Legal Services Corporation, 750 First Street NE, 10th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Reginald Haley, Office of Program Performance, (202) 336–8827.

SUPPLEMENTARY INFORMATION: Pursuant to the Corporation's announcement of funding availability on April 16, 1999 (64 FR 18941) and Grant Renewal applications due on September 1, 1999, LSC will award funds to one or more of the following organizations to provide civil legal services in the indicated service areas.

Service area	Applicant name	Anticipated FY 2000 award
AL–1	Legal Services Corporation of Alabama, Inc	$4,527,314
AL–2	Legal Services of North-Central Alabama, Inc	515,039
AL–3	Legal Services of Metro Birmingham, Inc	915,553
MAL	Legal Services Corporation of Alabama, Inc	27,827
AK–1	Alaska Legal Services Corporation	550,568
NAK–1	Alaska Legal Services Corporation	456,588
AZ–2	DNA-People's Legal Services, Inc	515,205
AZ–3	Pinal & Gila Counties Legal Aid Society	2,488,448
AZ–3	Community Legal Services, Inc	2,488,448
AZ–5	Pinal & Gila Counties Legal Aid Society	1,539,179
AZ–5	Southern Arizona Legal Aid, Inc	1,539,179
MAZ	Pinal & Gila Counties Legal Aid Society	125,569
MAZ	Community Legal Services, Inc	125,569
NAZ–5	DNA-People's Legal Services, Inc	2,203,060
NAZ–6	Pinal & Gila Counties Legal Aid Society	500,533
NAZ–6	Southern Arizona Legal Aid, Inc	500,533
AR–1	Ozark Legal Services	485,922
AR–2	Legal Services of Northeast Arkansas, Inc	414,253
AR–3	Western Arkansas Legal Services	341,104
AR–4	East Arkansas Legal Services	532,791
AR–5	Center for Arkansas Legal Services	1,623,115
MAR	Texas Rural Legal Aid, Inc	59,319
CA–1	California Indian Legal Services, Inc	25,230
CA–2	Greater Bakersfield Legal Assistance, Inc	558,335
CA–4	Legal Aid Foundation of Long Beach	860,528
CA–5	Legal Aid Foundation of Los Angeles	5,057,019
CA–7	Channel Counties Legal Services Association	552,586
CA–8	San Fernando Valley Neighborhood Legal Services, Inc	1,528,045
CA–9	Legal Services Program for Pasadena and San Gabriel	1,467,552
CA–12	Inland Counties Legal Services, Inc	2,346,096
CA–14	Legal Aid Society of San Diego, Inc	2,077,909
CA–15	California Rural Legal Assistance, Inc	2,375,420
CA–19	Legal Aid Society of Orange County, Inc	2,641,447
CA–25	Legal Aid of the Central Coast	330,599
CA–25	Legal Services Foundation of the Monterey Bay Area	330,599
CA–26	Central California Legal Services	2,039,494
CA–27	Legal Services of Northern California, Inc	2,529,097
CA–28	San Francisco Neighborhood Legal Assistance Foundation	3,385,373
MCA	California Rural Legal Assistance, Inc	2,232,645
NCA–1	California Indian Legal Services, Inc	745,893
CT–1	Statewide Legal Services of Connecticut, Inc	1,783,807
MCT	Statewide Legal Services of Connecticut, Inc	14,087
NCT–1	Pine Tree Legal Assistance, Inc	13,218
DE–1	Legal Services Corporation of Delaware, Inc	444,082
MDE	Legal Aid Bureau, Inc	20,994
DC–1	Neighborhood Lgl. Svcs. Prog. of the Dist. of Columbia	796,411
FL–1	Central Florida Legal Services, Inc	965,185
FL–2	Legal Aid Service of Broward County, Inc	985,038
FL–3	Florida Rural Legal Services, Inc	1,950,702
FL–4	Jacksonville Area Legal Aid, Inc	771,438
FL–5	Legal Services of Greater Miami, Inc	2,725,284
FL–6	Legal Services of North Florida, Inc	827,340
FL–7	Greater Orlando Area Legal Services, Inc	780,322
FL–8	Bay Area Legal Services, Inc	1,097,702
FL–9	Withlacoochee Area Legal Services, Inc	438,532
FL–10	Three Rivers Legal Services, Inc	615,230
FL–11	Northwest Florida Legal Services, Inc	424,122
FL–12	Gulfcoast Legal Services, Inc	929,351
MFL	Florida Rural Legal Services, Inc	759,576
GA–1	Atlanta Legal Aid Society, Inc	1,762,150
GA–2	Georgia Legal Services Program	5,542,015
MGA	Georgia Legal Services Program	331,591

Service area	Applicant name	Anticipated FY 2000 award
GU–1	Guam Legal Services Corporation	156,812
HI–1	Legal Aid Society of Hawaii	839,525
MHI	Legal Aid Society of Hawaii	58,285
NHI–1	Native Hawaiian Legal Corporation	107,869
ID–1	Idaho Legal Aid Services, Inc	922,137
MID	Idaho Legal Aid Services, Inc	158,086
NID–1	Idaho Legal Aid Services, Inc	54,850
IL–1	Cook County Legal Assistance Foundation, Inc	981,307
IL–2	Legal Assistance Foundation of Chicago	4,805,228
IL–3	Land of Lincoln Legal Assistance Foundation, Inc	2,595,248
IL–4	Prairie State Legal Services, Inc	2,195,694
IL–5	West Central Illinois Legal Assistance	186,112
MIL	Legal Assistance Foundation of Chicago	211,126
IN–1	Legal Services of Maumee Valley, Inc	290,149
IN–2	Legal Services of Northwest Indiana, Inc	587,618
IN–3	Legal Services Organization of Indiana, Inc	2,836,451
IN–4	Legal Services Program of Northern Indiana, Inc	934,703
MIN	Legal Services Organization of Indiana, Inc	96,162
IA–1	Legal Services Corporation of Iowa	2,271,217
IA–2	Legal Aid Society of Polk County	239,847
MIA	Legal Services Corporation of Iowa	31,913
KS–1	Kansas Legal Services, Inc	2,261,630
MKS	Kansas Legal Services, Inc	10,051
KY–2	Legal Aid Society	1,153,695
KY–3	Central Kentucky Legal Services, Inc	476,765
KY–5	Appalachian Research and Defense Fund of Kentucky	2,023,479
KY–6	Cumberland Trace Legal Services, Inc	391,960
KY–7	Western Kentucky Legal Services, Inc	808,149
KY–8	Northern Kentucky Legal Aid Society, Inc	750,030
MKY	Appalachian Research and Defense Fund of Kentucky	35,991
LA–1	Capital Area Legal Services Corporation	1,398,480
LA–2	Southwest Louisiana Legal Services Society, Inc	424,072
LA–3	North Louisiana Legal Assistance Corporation	786,410
LA–4	New Orleans Legal Assistance Corporation	1,952,464
LA–5	Northwest Louisiana Legal Services, Inc	762,000
LA–6	Acadiana Legal Service Corporation	1,644,059
LA–7	Kisatchie Legal Services Corporation	412,847
LA–8	Southeast Louisiana Legal Services Corporation	595,418
MLA	Acadiana Legal Service Corporation	23,286
ME–1	Pine Tree Legal Assistance, Inc	1,001,962
MME	Pine Tree Legal Assistance, Inc	60,708
NME–1	Pine Tree Legal Assistance, Inc	54,416
MD–1	Legal Aid Bureau, Inc	3,110,271
MMD	Legal Aid Bureau, Inc	76,897
MA–1	Volunteer Lawyers Project of the Boston Bar Association	1,482,482
MA–2	South Middlesex Legal Services, Inc	160,336
MA–3	Legal Services for Cape Cod and Islands, Inc	195,790
MA–4	Merrimack Valley Legal Services, Inc	717,687
MA–5	New Center for Legal Advocacy, Inc	523,320
MA–10	Massachusetts Justice Project	1,202,285
MMA	Massachusetts Justice Project	14,071
MI–1	Legal Services of Southeastern Michigan, Inc	542,767
MI–2	Legal Services Org. of South central Michigan, Inc	233,973
MI–3	Legal Aid and Defender Association of Detroit	3,281,071
MI–4	Legal Services of Eastern Michigan	1,294,278
MI–5	Legal Aid of Central Michigan	509,232
MI–6	Lakeshore Legal Aid	552,429
MI–7	Oakland Livingston Legal Aid	544,670
MI–8	Berrien County Legal Services Bureau, Inc	182,629
MI–9	Legal Services of Northern Michigan, Inc	783,780
MI–10	Legal Aid of Western Michigan	1,010,772
MI–11	Legal Aid Bureau of Southwestern Michigan, Inc	404,757
MMI	Legal Services of Southeastern Michigan, Inc	509,092
NMI–1	Michigan Indian Legal Services, Inc	121,203
MP–1	Micronesian Legal Services, Inc	1,388,231
MN–1	Legal Aid Service of Northeastern Minnesota	464,076
MN–2	Judicare of Anoka County, Inc	101,026
MN–3	Central Minnesota Legal Services, Inc	1,217,481
MN–4	Legal Services of Northwest Minnesota Corporation	454,894
MN–5	Southern Minnesota Regional Legal Services, Inc	1,194,369
MMN	Southern Minnesota Regional Legal Services, Inc	169,212
NMN–1	Anishinabe Legal Services, Inc	201,762
MS–1	Central Mississippi Legal Services	922,270

Service area	Applicant name	Anticipated FY 2000 award
MS–2	North Mississippi Rural Legal Services, Inc	2,210,915
MS–3	South Mississippi Legal Services Corporation	576,608
MS–4	Southeast Mississippi Legal Services Corporation	454,505
MS–5	Southeast Mississippi Legal Services Corporation	538,474
MS–6	Southwest Mississippi Legal Services Corporation	468,832
MMS	Central Mississippi Legal Services	48,267
NMS–1	Southeast Mississippi Legal Services Corporation	70,179
MO–1	Southeast Missouri Legal Services, Inc	548,789
MO–2	Meramec Area Legal Aid Corporation	325,511
MO–3	Legal Aid of Western Missouri	1,679,679
MO–4	Legal Services of Eastern Missouri, Inc	1,765,203
MO–5	Mid-Missouri Legal Services Corporation	344,487
MO–6	Legal Aid of Southwest Missouri	752,388
MMO	Legal Aid of Western Missouri	68,897
MT–1	Montana Legal Services Association	986,618
MMT	Montana Legal Services Association	46,166
NMT–1	Montana Legal Services Association	112,606
NE–4	Legal Aid Society, Inc	1,375,575
MNE	Legal Aid Society, Inc	35,760
NNE–1	Legal Aid Society, Inc	27,907
NV–1	Nevada Legal Services, Inc	987,701
MNV	Nevada Legal Services, Inc	2,126
NNV–1	Nevada Legal Services, Inc	112,265
NH–1	Legal Advice & Referral Center, Inc	563,215
MNH	Pine Tree Legal Assistance, Inc	8,413
NJ–1	Cape-Atlantic Legal Services, Inc	227,712
NJ–2	Warren County Legal Services, Inc	39,763
NJ–3	Camden Regional Legal Services, Inc	845,605
NJ–4	Union County Legal Services Corporation	285,070
NJ–5	Hunterdon County Legal Service Corporation	22,392
NJ–6	Bergen County Legal Services	258,450
NJ–7	Hudson County Legal Services Corporation	656,995
NJ–8	Essex-Newark Legal Services Project, Inc	881,754
NJ–9	Middlesex County Legal Services Corporation	268,468
NJ–10	Passaic County Legal Aid Society	360,634
NJ–11	Somerset-Sussex Legal Services Corporation	85,028
NJ–12	Ocean-Monmouth Legal Services, Inc	427,604
NJ–13	Legal Aid Society of Mercer County	186,840
NJ–14	Legal Aid Society of Morris County	92,746
MNJ	Camden Regional Legal Services, Inc	102,052
NM–1	DNA-People's Legal Services, Inc	206,486
NM–2	Legal Aid Society of Albuquerque, Inc	552,743
NM–3	Southern New Mexico Legal Services, Inc	921,376
NM–4	Northern New Mexico Legal Services, Inc	776,211
MNM	Southern New Mexico Legal Services Inc	73,869
NNM–1	Southern New Mexico Legal Services, Inc	12,839
NNM–2	DNA-People's Legal Services, Inc	11,237
NNM–3	Indian Pueblo Legal Services, Inc	367,339
NY–1	Legal Aid Society of Northeastern New York, Inc	686,278
NY–3	Legal Aid for Broome and Chenango	224,428
NY–4	Neighborhood Legal Services, Inc	944,464
NY–5	Chautauqua County Legal Services, Inc	153,727
NY–6	Chemung County Neighborhood Legal Services, Inc	267,822
NY–7	Nassau/Suffolk Law Services Committee, Inc	887,023
NY–8	Legal Aid Society of Rockland County, Inc	541,286
NY–9	Legal Services for New York City	11,314,289
NY–10	Niagara County Legal Aid Society, Inc	190,148
NY–13	Legal Services of Central New York, Inc	703,120
NY–14	Legal Aid Society of Mid-New York, Inc	619,573
NY–15	Westchester/Putnam Legal Services, Inc	606,197
NY–16	North Country Legal Services, Inc	324,932
NY–17	Southern Tier Legal Services	254,935
NY–18	Monroe County Legal Assistance Corporation	885,459
MNY	Legal Aid Society of Mid-New York, Inc	234,106
NC–1	Legal Services of North Carolina, Inc	4,978,592
NC–2	Legal Services of Southern Piedmont, Inc	669,130
NC–3	North Central Legal Assistance Program, Inc	360,204
NC–4	Legal Aid Society of Northwest North Carolina, Inc	403,367
MNC	Legal Services of North Carolina, Inc	453,289
NNC–1	Legal Services of North Carolina, Inc	117,559
ND–1	Legal Assistance of North Dakota, Inc	623,899
ND–2	North Dakota Legal Services, Inc	8,289
MND	Southern Minnesota Regional Legal Services, Inc	98,031
NND–1		
NND–2		
OH–5		
OH–17		
OH–18		
OH–19		
OH–20		
OH–21		
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TX–6		
TX–8		
TX–9		
TX–10		
TX–11		
TX–12		
MTX		
NTX–1		

Service area	Applicant name	Anticipated FY 2000 award
NND–1	Legal Assistance of North Dakota, Inc	44,488
NND–2	North Dakota Legal Services, Inc	120,012
OH–5	The Legal Aid Society of Columbus	1,154,829
OH–17	Ohio State Legal Services	1,837,260
OH–18	Legal Aid Society of Greater Cincinnati	1,368,734
OH–19	Allen County Blackhoof Area Legal Services Association	1,406,454
OH–20	Stark County Legal Aid Society	1,952,017
OH–21	The Legal Aid Society of Cleveland	2,066,146
OH–22	Legal Services of Northwest Ohio, Inc	1,074,772
MOH	Legal Services of Northwest Ohio, Inc	106,535
OK–1	Legal Aid of Western Oklahoma, Inc	2,315,357
OK–2	Legal Services of Eastern Oklahoma, Inc	1,849,230
MOK	Legal Aid of Western Oklahoma, Inc	52,924
NOK–1	Oklahoma Indian Legal Services, Inc	306,336
OR–2	Lane County Legal Aid Service, Inc	275,118
OR–4	Marion-Polk Legal Aid Service, Inc	242,494
OR–5	Legal Aid Services of Oregon	1,864,020
MOR	Legal Aid Services of Oregon	471,107
NOR–1	Legal Aid Services of Oregon	155,851
PA–1	Philadelphia Legal Assistance Center	2,558,008
PA–2	Legal Services, Inc	215,039
PA–3	Delaware County Legal Assistance Association Inc	303,417
PA–4	Bucks County Legal Aid Society	172,041
PA–5	Laurel Legal Services, Inc	629,515
PA–8	Neighborhood Legal Services Association	1,648,733
PA–9	Northern Pennsylvania Legal Services, Inc	358,996
PA–11	Southwestern Pennsylvania Legal Aid Society, Inc	519,366
PA–12	Legal Aid of Chester County, Inc	140,078
PA–13	Legal Services of Northeastern Pennsylvania, Inc	405,419
PA–14	Susquehanna Legal Services	408,124
PA–17	Lehigh Valley Legal Services, Inc	309,861
PA–18	Montgomery County Legal Aid Service	194,102
PA–20	Southern Alleghenys Legal Aid, Inc	468,766
PA–21	Central Pennsylvania Legal Services	1,067,129
PA–22	Keystone Legal Services, Inc	1,079,405
MPA	Philadelphia Legal Assistance Center	140,177
PR–1	Puerto Rico Legal Services, Inc	16,460,943
PR–2	Community Law Office, Inc	311,780
MPR	Puerto Rico Legal Services, Inc	245,893
RI–1	Rhode Island Legal Services, Inc	765,069
MRI	Rhode Island Legal Services, Inc	1,497
SC–1	Neighborhood Legal Assistance Program, Inc	1,207,530
SC–2	Palmetto Legal Services	1,063,779
SC–3	Carolina Regional Legal Services Corporation	243,710
SC–4	Legal Services Agency of Western Carolina, Inc	665,896
SC–7	Piedmont Legal Services, Inc	934,976
MSC	Neighborhood Legal Assistance Program, Inc	167,293
SD–1	Black Hills Legal Services, Inc	159,277
SD–2	East River Legal Services	428,663
SD–3	Dakota Plains Legal Services, Inc	288,056
MSD	Black Hills Legal Services, Inc	3,358
NSD–1	Dakota Plains Legal Services, Inc	788,287
TN–1	Southeast Tennessee Legal Services, Inc	623,891
TN–2	Legal Services of Upper East Tennessee, Inc	744,670
TN–3	Knoxville Legal Aid Society, Inc	548,144
TN–4	Memphis Area Legal Services, Inc	1,356,078
TN–5	Legal Aid Society of Middle Tennessee	1,047,301
TN–6	Rural Legal Services of Tennessee, Inc	680,570
TN–7	West Tennessee Legal Services, Inc	644,943
TN–8	Legal Services of South Central Tennessee, Inc	462,909
MTN	Legal Services of Upper East Tennessee, Inc	53,644
TX–1	Legal Aid of Central Texas	1,498,373
TX–3	Legal Services of North Texas	2,313,148
TX–4	El Paso Legal Assistance Society	1,223,817
TX–5	West Texas Legal Services, Inc	3,949,399
TX–6	Gulf Coast Legal Foundation	4,788,692
TX–8	Bexar County Legal Aid Association, Inc	1,810,682
TX–9	Heart of Texas Legal Services Corporation	490,612
TX–10	Texas Rural Legal Aid, Inc	3,647,305
TX–11	East Texas Legal Services, Inc	2,731,331
TX–12	Coastal Bend Legal Services	1,343,670
MTX	Texas Rural Legal Aid, Inc	1,182,317
NTX–1	Texas Rural Legal Aid, Inc	26,423

Service area	Applicant name	Anticipated FY 2000 award
UT–1	Utah Legal Services, Inc	1,534,290
MUT	Utah Legal Services, Inc	57,366
NUT–1	Utah Legal Services, Inc	37,705
VT–1	Legal Services Law Line of Vermont, Inc	434,619
MVT	Legal Services Law Line of Vermont, Inc	6,849
VI–1	Legal Services of the Virgin Islands, Inc	278,700
VA–1	Legal Services of Northern Virginia, Inc	485,302
VA–3	Rappahannock Legal Services, Inc	221,135
VA–4	Southwest Virginia Legal Aid Society, Inc	224,940
VA–5	Peninsula Legal Aid Center, Inc	457,499
VA–6	Central Virginia Legal Aid Society, Inc	529,019
VA–7	Legal Aid Society of New River Valley, Inc	214,716
VA–9	Tidewater Legal Aid Society	785,252
VA–10	Virginia Legal Aid Society, Inc	759,642
VA–11	Southside Virginia Legal Services, Inc	135,818
VA–12	Blue Ridge Legal Services, Inc	260,709
VA–13	Client Centered Legal Services of Southwest Virginia, Inc	383,457
VA–14	Piedmont Legal Services, Inc	468,361
MVA	Piedmont Legal Services, Inc	133,394
WA–1	Northwest Justice Project	3,667,009
MWA	Northwest Justice Project	617,331
NWA–1	Northwest Justice Project	203,903
WV–1	Appalachian Research and Defense Fund, Inc	736,108
WV–2	Legal Aid Society of Charleston	387,808
WV–3	West Virginia Legal Services Plan, Inc	1,699,771
MWV	West Virginia Legal Services Plan, Inc	30,921
WI–1	Legal Action of Wisconsin, Inc	2,112,825
WI–2	Wisconsin Judicare, Inc	999,034
WI–3	Legal Services of Northeastern Wisconsin, Inc	615,263
WI–4	Western Wisconsin Legal Services, Inc	402,557
MWI	Legal Action of Wisconsin, Inc	77,004
NWI–1	Wisconsin Judicare, Inc	115,659
WY–4	Wyoming Legal Services, Inc	423,369
MWY	Wyoming Legal Services, Inc	10,522
NWY–1	Wyoming Legal Services, Inc	145,891

These grants and contracts will be awarded under the authority conferred on LSC by the Legal Services Corporation Act, as amended (42 U.S.C. 2996e(a)(1)). Awards will be made so that each service area indicated is served by one of the organizations listed above, although none of the listed organizations are guaranteed an award or contract. This public notice is issued pursuant to the LSC Act (42 U.S.C. 2996f(f)), with a request for comments and recommendations concerning the potential grantees within a period of thirty (30) days from the date of publication of this notice. Grants will become effective and grant funds will be distributed on or about January 1, 2000.

Dated: September 24, 1999.

Michael A. Genz,

Director, Office of Program Performance.

[FR Doc. 99–25351 Filed 9–28–99; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–120]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: September 29, 1999.

FOR FURTHER INFORMATON CONTACT: Thomas H. Jones, Patent Counsel, NASA Management Office-JPL, 4800 Oak Grove Drive, Mail Stop 180–801, Pasadena, CA 91109; telephone (818) 354–5179.

NASA Case No. DRC–096–074: An Alumina Encapsulated Strain Gage not Mechanically Attached to the Substrate Used to Temperature Compensate an Active High Temperature Gage in a Half-Bridge Configuration;

NASA Case No. NPO–20148–1: Protective Fullerene (C–60) Packaging for Microelectromechanical Systems Applications;

NASA Case No. NPO–20101–1: Static and Dynamic Three Dimensional Display of 3D Holograms in Free Space Virtual Reality;

NASA Case No. NPO–20146–1: A Microeletromechanical Sensor Using a Magnetoresistive Element in a Magnetic Field Gradient;

NASA Case No. NPO–19484–1: Optical Fiber Vertical Illuminator for Microscopy and Observational Application;

NASA Case No. NPO–20535–1: Evolutionary Technique for Automated Synthesis of Electronic Circuits;

NASA Case No. NPO–19742–1: Preventing SST Engine Unstart Using a Microwave Radiometer.

Dated: September 4, 1999.

Edward A. Frankle,

General Counsel.

[FR Doc. 99–25242 Filed 9–28–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–121]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee Commercial Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Commercial Advisory Subcommittee.

DATES: Wednesday, October 20, 1999, 8:00 a.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room MIC–7, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Candace Livingston, Code UP, National Aeronautics and Space Administration, Washington, DC 20546, 202–358–0697.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—NASA Roles and Responsibilities regarding Commercialization.
—Director, Space Utilization and Product Development's appointment, responsibilities, priorities, and his view of the CAS role.
—Assistant to the Administrator for Commercialization's role and responsibilities.
—Performance Targets and the CAS responsibility to evaluate them.
—Report on the Ad Hoc Committee to review the proposed Environmental Systems Commercial Space Technology Center. Develop criteria for evaluating business plans.
—Joint meeting with the Life Sciences Advisory Committee on Wednesday morning, October 20 to discuss what the 30% reserve for commercial utilization of the ISS actually means, and what plans and opportunities there are to avoid redundancies and leverage resources of both commercial and "scientific" payloads and experiments.
—Environmental Commercial Space Centers.
—Leveraging and identifying opportunities for joint research with Scientific Communities.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: September 23, 1999.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–25243 Filed 9–28–99; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482]

Wolf Creek Nuclear Operating Corporation; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Wolf Creek Nuclear Operating Corporation (the licensee) to withdraw its June 30, 1999, application for proposed amendment to Facility Operating License No. NPF–42 for the Wolf Creek Nuclear Generating Station, Unit 1, located in Coffey County, Kansas.

The proposed amendment would have revised Technical Specification 3.7.5 regarding the allowed value of the ultimate heat sink temperature. The Commission issued Amendment No. 125 on July 8, 1999, that revised the maximum allowed value of the ultimate heat sink temperature to 94°F. In the June 30, 1999, letter, the licensee proposed a maximum plant inlet water temperature of 95°F; however Amendment No. 125 only approved a maximum value of 94°F to allow the amendment to be within the scope of the no significant hazards considerations published in the **Federal Register** on February 24, 1999 (64 FR 9203) and to be issued before the hot weather period of July and August 1999 in and around the Wolf Creek Generating Station. The Commission issued a Notice of Consideration of Issuance of Amendment for the June 30, 1999, request that was published in the **Federal Register** on July 15, 1999 (64 FR 38221). However, by conference call of September 8, 1999, the licensee withdrew the proposed change because the hot weather period of 1999 had past.

For further details with respect to this action, see the application for amendment dated June 30, 1999. The above document is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms located at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and the Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 22nd day of September 1999.

For the Nuclear Regulatory Commission.

Jack N. Donohew,

Senior Project Manager, Section 2, Project Directorate IV and Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25348 Filed 9–28–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of September 27

There are no meetings scheduled for the Week of September 27.

Week of October 4—Tentative

There are no meetings scheduled for the Week of October 4.

Week of October 11—Tentative

Thursday, October 14

11:30 a.m. Affirmation Session (Public Meeting) (if needed)

Week of October 18—Tentative

Wednesday, October 20

9:25 a.m. Affirmation Session (Public Meeting) (if needed)

9:30 a.m. Meeting with Organization of Agreement States (OAS) and Conference of Radiation Control Program Directors (CRCPD) (Public Meeting) (Contact: Paul Lohaus, 301–415–3340)

Thursday, October 21

9:30 a.m. Briefing on Part 35—Rule on Medical Use of Byproduct Material (Public Meeting) Contact: Cathy Haney, 301–415–6825) (SECY–99–201, *Draft Final Rule—10 CFR Part 35, Medical Use of Byproduct Material*, is available in the NRC Public Document Room or on NRC web site at: "www.nrc.gov/NRC/COMMISSION/SECYS/index.html"

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov. or dkw@nrc.gov.

Dated: September 24, 1999.

William M. Hill, Jr.,

Secy, Tracking Officer, Office of the Secretary.

[FR Doc. 99–25443 Filed 9–27–99; 8:45 am]

BILLING CODE 7950–01–M

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Locating and Paying Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval (with modifications).

SUMMARY: The Pension Benefit Guaranty Corporation is requesting that the Office of Management and Budget extend its approval (with modifications) of a collection of information under the Paperwork Reduction Act. The purpose of the information collection is to enable the PBGC to pay benefits to participants and beneficiaries in plans covered by the PBGC insurance program. This notice informs the public of the PBGC's request and solicits public comment on the collection of information.

DATES: Comments should be submitted by October 29, 1999.

ADDRESSES: Comments should be mailed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. Copies of the request for extension (including the collection of information) are available from the Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005–4026, between 9 a.m. and 4 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD, call the Federal relay service toll-free at 1–800–877–8339 and request connection to 202–326–4024).

SUPPLEMENTARY INFORMATION: The PBGC is requesting that OMB extend its approval (with modifications) of a collection of information needed to pay participants and beneficiaries who may be entitled to pension benefits under a defined benefit plan that has terminated. The collection consists of information participants and beneficiaries are asked to provide in connection with an application for benefits. In addition, in some instances, as part of a search for participants and beneficiaries who may be entitled to benefits, the PBGC requests individuals to provide identifying information that the individual would provide as part of an initial contact with the PBGC. All requested information is needed to enable the PBGC to determine benefit entitlements and to make appropriate payments.

The existing collection of information was approved under control number 1212–0055 (expires June 30, 2000). The PBGC has revised the existing forms to simplify language and incorporate regulatory changes.

The PBGC estimates that 72,250 benefit application or information forms will be filed annually by individuals entitled to benefits from the PBGC and that the associated burden is 30,625 hours (an average of slightly less than 30 minutes per individual) and $23,512.50. The PBGC further estimates that 5,500 individuals annually will provide the PBGC with identifying information as part of an initial contact and that the associated burden is 1,500 hours (an average of about 15 minutes per individual) and $990. Thus, the total estimated annual burden associated with this collection of information is 32,125 hours and $24,502.50.

Issued in Washington, D.C., this 23rd day of September, 1999.

Stuart A. Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 99–25303 Filed 9–28–99; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27077]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

September 24, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the applications(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declarations(s) and any amendment is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the applications(s) and/or declaration(s) should submit their views in writing by October 14, 1999, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or decalarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After October 14, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Entergy Louisiana, Inc. (70–7580)

Entergy Louisiana, Inc. ("Entergy Louisiana"), 639 Loyola Avenue, New Orleans, Louisiana 70113, a utility subsidiary of Entergy Corporation, a registered holding company, has filed a post-effective amendment to its application under sections 9(a) and 10 of the Act and rule 54 under the Act.

As described in orders dated February 2, 1989, January 24, 1991, and January 24, 1996 (HCAR Nos. 24810, 25246, and 26460, respectively) ("Orders"), Entergy Louisiana (formerly Louisiana Power & Light Company) leases nuclear fuel required for use at its Waterford 3 nuclear generating unit ("Waterford 3") under a Fuel Lease, dated as of January 31, 1989 ("Lease), with River Fuel Company #2, Inc. ("River Fuel"). Under the Lease, River Fuel makes payments to suppliers, processors, and manufacturers necessary to provide

nuclear fuel for Waterford 3, or Entergy Louisiana makes these payments and receives reimbursement from River Fuel.

In accordance with the terms of the Orders, Entergy Louisiana consented to allow River Fuel to finance the acquisition of nuclear fuel through (i) borrowings by River Fuel under a Credit Agreement, dated as of January 31, 1989, with The Bank of New York ("Credit Agreement") and (ii) the issuance by River Fuel of secured notes under secured note agreements with certain institutional lenders.

The Credit Agreement permits River Fuel to issue and sell its commercial paper through an agent under a depositary agreement supported by an irrevocable direct-pay letter of credit issued under the Credit Agreement. Alternatively, River Fuel may make revolving credit borrowings evidenced by River Fuel's promissory notes.

The Credit Agreement requires River Fuel to pay a letter of credit fee of 5/8 of 1% per annum on the average aggregate face amount of commercial paper outstanding during each quarter that Entergy Louisiana's senior debt is investment grade, and 1 1/8% per annum on the average aggregate face amount of commercial paper outstanding during each quarter that Entergy Louisiana's senior debt is not investment grade. It is now proposed that these fees be increased to a maximum of 1% and 1 7/8%, respectively.

In addition, each revolving credit borrowing under the original Credit Agreement bears interest: (a) In the case of base rate borrowings, at the prime rate in effect on the date of the borrowing ("Base Rate"), and (b) in the case of the London Interbank Offered Rate ("LIBOR") borrowings, at 3/4 of 1% per annum in excess of LIBOR, provided that if the LIBOR option is unavailable because Entergy Louisiana's senior debtor rating falls below investment grade, borrowings would bear interest at the Base Rate plus 1%. It is now proposed that (a) Base Rate borrowings bear interest at a maximum rate equal to the higher of (i) the prime rate in effect on the date of the borrowing, and (ii) the sum of 1% per annum and the Federal Funds Rate in effect on the date of the borrowing, and (b) LIBOR borrowings bear interest at a maximum rate of 2% per annum above LIBOR.

The Lease prohibits River Fuel from amending the Credit Agreement or entering into any successor credit agreement without Entergy Louisiana's consent. Entergy Louisiana requests authority to consent to the execution by River Fuel of an amendment to the original Credit Agreement or a successor credit agreement incorporating the revisions described above.

For the Commission by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25388 Filed 9–27–99; 9:50 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41892; File No. SR–Amex–99–20]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1, 2, 3 and 4 Relating to the Listing and Trading of Trust Issued Receipts

September 21, 1999.

1. Introduction

On May 28, 1999, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish listing standards for trust issued receipts, and to trade Internet Holding Company Depositary Receipts ("Internet HOLDRs"), a type of trust issued receipt.

The proposed rule change was published for comment in the **Federal Register** on July 9, 1999.[3] No comments were received on the proposal. The proposal was amended on September 3, 13, 17 and 21, 1999.[4] In this notice and order, the Commission is seeking comment from interested persons on the amendments, and is approving the proposed rule change, as amended, including accelerated approval of the amendments.

II. Description of the Proposal

The Amex proposes: (1) To add new Rules 1200 *et seq.* to accommodate the trading of trust issued receipts that are intended to provide investors with a flexible, cost-effective way of purchasing, holding and transferring the securities of one or more specified companies, generally; and (2) to list particular trust issued receipts representing a selection of companies in the Internet industry, that are issued by the Internet HOLDRs Trust. The language of the proposal, as amended, follows. New text is *italicized*.

* * * * *

TRUST ISSUED RECEIPTS

Rule 1200

(a) Applicability. The Rules in this Chapter (Trading of Trust Issued Receipts) are applicable only to Trust Issued Receipts. Except to the extent that specific Rules in this Chapter govern, or unless the context otherwise requires, the provisions of the Constitution and all other rules and policies of the Board of Governors shall be applicable to the trading on the Exchange of such securities. Pursuant to the provisions of Article 1, Section 3(i) of the Constitution, Trust Issued Receipts are included within the definition of "security" or "securities" as such terms are used in the Constitution and Rules of the Exchange.

(b) Definitions. The following terms as used in the Rules shall, unless the context otherwise requires, have the meanings herein specified:

Trust Issued Receipts. The term "Trust Issued Receipt" means a security (a) that is issued by a trust ("Trust") which holds specified securities deposited with the Trust; (b) that, when aggregated in some specified minimum number, may be surrendered to the trust by the beneficial owner to receive the securities; and (c) that pays beneficial owners dividends and other distributions on the deposited securities, if any are declared and paid to the trustee by an issuer of the deposited securities.

Commentary

.01 The Exchange requires that members and member organizations provide to all purchasers of newly issued Trust Issued Receipts a prospectus for the series of Trust Issued Receipts.

.02 Transactions in Trust Issued Receipts may be effected until 4:00 pm each business day.

Designation

Rule 1201

The Exchange may list and trade Trust Issued Receipts based on one or more securities. The Trust Issued Receipts based on particular securities shall be designated as a separate series and shall be identified by a unique symbol. The securities that are included in a series of Trust Issued Receipts

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 41593 (July 1, 1999), 64 FR 37178.

[4] See letters from Scott G. Van Hatten, Counsel, Derivative Securities, Amex to Richard Strasser, Assistant Director, Division of Market Regulation ("Division"), SEC, dated September 2, 10, 16 and 21, 1999 ("Amendment Nos. 1, 2, 3 and 4," respectively). In Amendment No. 1, Amex revised the proposal to describe the listing and continued listing criteria in greater detail. The Amex also supplemented the Exchange listing suspension and removal criteria. In Amendment No. 2, Amex identified the companies comprising the Internet HOLDRs. In Amendment No. 3, Amex amended proposed Amex Rule 1201 to more accurately reflect the proposal. In Amendment No. 4, Amex clarified certain prospectus delivery requirements related to trust issued receipts.

shall be selected by the Exchange or its agent, a wholly-owned subsidiary of the Exchange, or by such other person as shall have a proprietary interest in such Trust Issued Receipts.

Initial and Continued Listing

Rule 1202

Trust Issued Receipts will be listed and traded on the Exchange subject to application of the following criteria:

(a) Initial Listing—For each Trust, the Exchange will establish a minimum number of Trust Issued Receipts required to be outstanding at the time of commencement of trading on the Exchange.

(b) Continued Listing—Following the initial twelve month period following formation of a Trust and commencement of trading on the Exchange, the Exchange will consider the suspension of trading in or removal from listing of a Trust upon which a series of Trust Issued Receipts is based under any of the following circumstances:

(i) if the Trust has more than 60 days remaining until termination and there are fewer than 50 record and/or beneficial holders of Trust Issued Receipts for 30 or more consecutive trading days;

(ii) if the Trust has fewer than 50,000 receipts issued and outstanding;

(iii) if the market value of all receipts issued and outstanding is less than $1,000,000; or

(iv) if such other event shall occur or condition exists in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.

Upon termination of a Trust, the Exchange requires that Trust Issued Receipts issued in connection with such Trust be removed from Exchange listing. A Trust may terminate in accordance with the provision of the Trust prospectus, which may provide for termination if the value of securities in the Trust falls below a specified amount.

(c) Term—The stated term of the Trust shall be as stated in the Trust prospectus. However, a Trust may be terminated under such earlier circumstances as may be specified in the Trust prospectus.

(d) Trustee—The requirements of paragraph (a) of Section #811 of the Exchange Company Guide apply.

(e) Voting—Voting rights shall be as set forth in the Trust prospectus.

Specialist Transactions with Public Customers

Rule 190

(a)–(e) No change.

Commentary

.01–.04 No change.

Nothing in paragraph (a) of this rule should be construed to restrict a specialist registered in a security issued by a trust, listed pursuant to Rules 1200 et seq., from purchasing and canceling the listed security or securities included in the portfolio held by the trust that can be deposited with the trust in connection with the issuance of the listed security, from the issuer as appropriate to facilitate the maintenance of a fair and orderly market in the subject security.

A. Description

Trust issued receipts are negotiable receipts which are issued by a trust representing securities of issuers that have been deposited and are held on behalf of the holders of the trust issued receipts. Trust issued receipts are designed to allow investors to hold securities investments from a variety of companies throughout a particular industry in a single, exchange-listed and trade instrument that represents their beneficial ownership in the deposited securities. Holders of trust issued receipts maintain beneficial ownership of each of the deposited securities evidenced by trust issued receipts. Holders may cancel their trust issued receipts at any time to receive the deposited securities.

Beneficial owners of the receipts will have the same rights, privileges and obligations as they would have if they beneficially owned the deposited securities outside of the trust issued receipt program. Holders of the receipts have the right to instruct the trustee to vote the deposited securities evidenced by the receipts, will receive reports, proxies and other information distributed by the issuers of the deposited securities to their security holders, and will receive dividends and other distributions declared and paid by the issuers of the deposited securities to the trustee.

Trust issued receipts are not leveraged instruments, and therefore do not possess any of the attributes of stock index options. The Exchange believes that the level of risk involved in the purchase and sale of trust issued receipts is almost identical to the risk involved in the purchase or sale of the common stocks represented by the receipt. Although the Exchange anticipates listing trust issued receipts on one or more groups of securities other than those described herein, it notes that it will be required to submit a proposal, pursuant to Section 19(b) of the Act, before either listing trust issued receipts on a new group of securities or listing options on the trust issued receipts described in this proposal.

B. Creation of the Trust

Trust issued receipts will be issued by a trust created pursuant to a depositary trust agreement. After the initial offering, the trust may issue additional receipts on a continuous basis agreement. After the initial offering, the trust may issue additional receipts on a continuous basis when an investor deposits the requisite securities with the trust. An investor in trust issued receipts will be permitted to withdraw his or her deposited securities upon delivery to the trustee of one or more round-lots of 100 trust issued receipts and to deposit such securities to receive trust issued receipts.

The Internet HOLDRs will be issued by the Internet HOLDRs Trust, which was created pursuant to a depositary trust agreement dated September 2, 1999, among The Bank of New York, as trustee, Merrill Lynch Pierce Fenner & Smith Incorporated, other depositors and the owners of the Internet HOLDRs. The Exchange anticipates that 150,000 trust issued receipts will be issued in connection with the initial distribution of the Internet HOLDRs.

The deposited securities underlying the Internet HOLDRs are:

Name of company	Symbol	Share amounts	Initial weighting (percent)	Primary trading market
America Online	AOL	21	19.60	NYSE.
Yahoo Inc.	YHOO	13	19.60	NASDAQ.
Amazon.com Inc.	AMZN	18	11.44	NASDAQ.
EBay Inc.	EBAY	6	7.70	NASDAQ.
At Home Corp.	ATHM	17	6.97	NASDAQ.
Priceline.Com.Inc	PCLN	7	4.87	NASDAQ.
CMGI Inc.	CMGI	5	4.29	NASDAQ.
Inktomi Corporation	INKT	3	3.48	NASDAQ.
RealNetworks, Inc.	RNWK	4	3.34	NASDAQ.
Exodus Corporation, Inc.	EXDS	4	3.29	NASDAQ.
E*TRADE Group Inc.	EGRP	12	3.07	NASDAQ.
Double Click Inc.	DCLK	2	2.04	NASDAQ.

Name of company	Symbol	Share amounts	Initial weighting (percent)	Primary trading market
Ameritrade Holding Corp.	AMTD	9	1.87	NASDAQ.
Lycos Inc.	LCOS	4	1.66	NASDAQ.
CNET, Inc.	CNET	4	1.54	NASDAQ.
PSINet Inc.	PSIX	3	1.47	NASDAQ.
Network Associates, Inc.	NETA	7	1.21	NASDAQ.
Earthlink Network, Inc.	ELNK	2	1.00	NASDAQ.
MindSpring Enterprises, Inc.	MSPG	3	0.90	NASDAQ.
Go2Net, Inc.	GNET	1	0.66	NASDAQ.

C. The Trust Issued Receipts Portfolio

The companies represented by the securities in the portfolio underlying the trust issued receipts must meet the following minimum criteria:

(1) The companies' common stock must be registered under Section 12 of the Exchange Act.

(2) The minimum public float of each company included in the portfolio must be at least $150 million.

(3) Each security must either be listed on a national securities exchange or be traded through the facilities of Nasdaq and be a reported national market system security.

(4) The average daily trading volume for each security must be at least 100,000 shares during the preceding sixty-day trading period.

(5) The average daily dollar value of the shares traded during the preceding sixty-day trading period must be at least $1 million.

The initial weighting of each security in the portfolio will be based on its market capitalization, however, if on the date such weighting is determined, a security would represent more than 20% of the overall value of the receipt, then the amount of such security will be reduced to no more than 20% of the receipt value. Once initially set, the securities represented by a receipt will not change, except in accordance with the reconstitution events described below.

Each of the companies whose common stock is included in the portfolio of the Internet HOLDRs Trust also meet the following criteria:

(1) The market capitalization for each company is equal to or greater than $1 billion.

(2) The average daily trading volume for each security was at least 1.2 million shares during the sixty-day trading period prior to August 31, 1999.

(3) The average daily dollar value of the shares traded during the sixty-day trading period prior to August 31, 1999 was at least $60 million.

(4) Each company was traded on a national securities exchange or Nasdaq/NM for at least ninety days prior to August 31, 1999.

D. Trading of Trust Issued Receipts

A round-lot of 100 trust issued receipts represents a holder's individual and undivided beneficial ownership interest in the whole number of securities represented by the receipt. The amount of deposited securities for each round-lot of 100 trust issued receipts will be determined at the beginning of the marketing period and will be disclosed in the prospectus to investors. Trust issued receipts may be acquired, held or transferred only in round-lot amounts (or round-lot multiples) of 100 receipts. Orders for less than a round-lot will be rejected, while orders for greater than a round-lot, but not a round-lot multiple will be executed to the extent of the largest round lot multiple, rejecting the remaining odd-lot (*e.g.*, an order for 50 trust issued receipts will be rejected, while for an order for 1050 trust issued receipts, 1000 will be executed and 50 will be rejected). The initial offering price for a trust issued receipt will be established on the date the receipts are priced for sale to the public.

Trust issued receipts will be deemed "Eligible Securities," as defined in Amex rule 230, for purposes of the Intermarket Trading System Plan and therefore will be subject to the trade through provisions of Amex Rule 236 which require that Amex members avoid initiating trade-throughs for ITS securities. Further, specialist transactions with the trust issued receipts' trust made in connection with the creation and redemption of trust issued receipts will not be subject to the prohibitions of Amex rule 190, which prohibits, among other things, any business transaction between a specialist and the company in which stock the specialists is registered. Finally, application for an exemption from the short sale rule, Rule 10a–1 under the Act,[5] has been made for trust issued receipts and is currently pending with the Commission.

Trust issued receipts will trade in minimum fractional increments pursuant to Amex rule 127. Application of Amex rule 127 will result in a minimum fractional change of 1/16th of $1.00 for those trust issued receipts selling at or above $0.25 and 1/32nd of $1.00 for those selling below $0.25.

The Exchange believes that trust issued receipts will not trade at a material discount or premium to the assets held by the issuing trust. The exchange represents that the arbitrage process—which provides the opportunity to profit from differences in prices of the same or similar securities (*e.g.*, the trust issued receipts and the portfolio of deposited securities), increases the efficiency of the markets and serves to prevent potentially manipulative efforts should promote correlative pricing between the trust issued receipts and the deposited securities. If the price of the trust issued receipt deviates enough from the portfolio of deposited securities to create a material discount or premium, an arbitrage opportunity is created allowing the arbitrageur to either buy the trust issued receipt at a discount, immediately cancel them in exchange for the deposited securities and sell the shares in the cash market at a profit, or sell the trust issued receipts short at a premium and buy the securities represented by the receipts to deposit in exchange for the trust issued receipts to deliver against the short position. In both instances, the arbitrageur locks in a profit and the markets move back into line.

E. Maintenance of the Trust Issued Receipts Portfolio

Except when a reconstitution event occurs, as described below, the securities represented by a trust issued receipt will not change. Notwithstanding, the static nature of the portfolio, the number of each security represented in a receipt may change due to certain corporate events such as stock splits or reverse stock splits on the deposited securities or when a reconstitution event occurs. In addition, the relative weightings among the deposited securities will change based

[5] 17 CFR 240.10a–1.

on the current market price of the deposited securities and upon the reconstitution events discussed below. Under no circumstances will a new security be added to the list of securities after a particular receipt program is established, nor will weightings of component securities be adjusted after they are initially set. If the portfolio of securities underlying the trust issued receipts drops to fewer than nine, Amex will consult with the Commission to confirm the appropriateness of continued listing of such trust issued receipts.

F. Reconstitution Events

The trust agreement provides for the automatic distribution of specified deposited securities in the trust's portfolio to the beneficial owner of such receipts in the circumstances referred to in the prospectus as "reconstitution events." The reconstitution events occur under the following circumstances:

(1) If the deposited securities of a company evidenced by a trust issued receipt no longer has a class of common stock registered under Section 12 of the Act, then those securities will no longer be considered deposited securities and the trustee will distribute the securities of that company to the owners of the trust receipts;

(2) If the Commission finds that a company with deposited securities evidenced by the trust issued receipts is a company that should be registered as an investment company under the Investment Company Act of 1940, and the trustee has actual knowledge of the Commission's finding, then the trustee will distribute the securities of that company of the owners of the trust issued receipts.

(3) If the deposited securities of a company evidenced by a trust issued receipt are no longer outstanding because the securities were acquired by another company, the trustee will distribute the consideration paid by and received from the acquiring company to the beneficial owners of trust issued receipts, unless the consideration is additional deposited securities (*i.e.*, the acquiring company's securities are already included in the trust issued receipt as deposited securities), in which case such additional securities will be deposited into the trust; and

(4) If an underlying issuer's deposited securities are delisted from trading on their primary exchange or market and are not listed for trading on another national securities exchange or through Nasdaq within five business days from the date the deposited securities are delisted.[6]

If the trustee removes a deposited security from the trust due to the occurrence of one of the reconstitution events described above, the trustee, in accordance with the depositary trust agreement, will deliver the deposited security to the investor as promptly as practicable after the date that the trustee has knowledge of the occurrence of a reconstitution event.

G. Issuance and Cancellation of Trust Issued Receipts

The trust will issue and cancel, and an investor may obtain, hold, trade or surrender, receipts only in a round-lot of 100 trust issued receipts and round-lot multiples. While investors will be able to acquire, hold, transfer and surrender a round-lot of 100 trust issued receipts, the bid and asked prices will be quoted on a per receipt basis.[7] The trust will issue additional receipts on a continuous basis when an investor deposits the required securities with the trust.

A holder may obtain trust issued receipts by either purchasing them on the Exchange or by delivering to the trust during its normal business hours the requisite securities evidencing a round-lot of trust issued receipts. The trustee will charge an issuance fee of up to $10.00 per 100 trust issued receipts. If a holder wants to cancel trust issued receipts and withdraw the deposited securities the holder may do so by surrendering the receipts to the trust during normal business hours. The trustee will charge a cancellation fee of up to $10.00 per 100 trust issued receipts. Lower charges may be assigned for bulk issuances and cancellations. The holder will receive the deposited securities no later than the business day after the trustee receives the request.

H. Termination of the Trust

The trust shall terminate upon the earlier of: (i) The removal of the receipts from Amex listing if they are not listed for trading on another national securities exchange or through the facilities of Nasdaq within five business days from the date the receipts are delisted; (ii) the trustee resigns and no successor trustee is appointed within sixty days from the date the trustee provides notice to the initial depositor of its intent to resign; (iii) seventy-five percent of beneficial owners of outstanding trust issued receipts vote to dissolve and liquidate the trust; or (iv) December 31, 2039. If a termination event occurs, the trustee will distribute the underlying securities to the beneficial owners as promptly as practicable after the termination event.

I. Criteria for Initial and Continued Listing

Because of the continuous issuance and cancellation of trust issued receipts, the Exchange believes it is necessary to maintain appropriate flexibility in connection with listing a specific trust. In connection with initial listing, the Exchange will establish a minimum number of receipts that must be outstanding at commencement of Exchange trading, and such minimum number will be included in any required submission under Rule 19b–4. The Exchange anticipates requiring a minimum of 150,000 outstanding receipts before trading can commence.

In connection with continued listing, and because the number of holders can be subject to substantial fluctuations depending on market conditions, the Exchange believes it would be inappropriate and burdensome on trust issued receipt holders if the Exchange considers suspending trading in or delisting a series of receipts with the consequent termination of the trust, unless the number of holders remains severely depressed over an extended time period. Therefore, the Exchange will consider suspending or delisting a trust from trading when, in its opinion, further dealing in such securities appears unwarranted under the following circumstances:

(a) If the trust has more than sixty days remaining until termination and there have been fewer than fifty record and/or beneficial holders of the trust issued receipts for the previous thirty or more consecutive trading days;

(b) If the aggregate number of trust issued receipts outstanding is less than 50,000; [8]

(c) If the aggregate market value of trust issued receipts publicly held is less than $1 million; [9] or

(d) If such other event occurs or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.

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[6] This provision is designed for the purpose of permitting a deposited security to move its listing between, *e.g.*, the Amex and Nasdaq without requiring the automatic distribution of the deposited security to beneficial owners of the receipts. Should deposited securities be moved to a market other than a national securities exchange or Nasdaq, (*e.g.*, the OTC Bulletin Board) such securities will be automatically distributed to the beneficial owners of the receipts.

[7] The per receipt amount will be disseminated by the Amex every 15 seconds over the Consolidated Tape Association's Network B.

[8] *See supra* note 4.

[9] *Id.*

The Exchange will not, however, be required to suspend or delist from trading, based on the above factors, any trust issued receipts for a period of one year after the initial listing of such trust issued receipts for trading on the Exchange. In addition, if the number of companies represented by the deposited securities drops to less than nine, and such time thereafter the number of companies is reduced, the Exchange will consult with the Commission to confirm the appropriateness of continued listing of the trust issued receipts.

J. Exchange Rules Applicable to Trading of Trust Issued Receipts

Trust issued receipts will be deemed equity securities subject to all Amex rules governing the trading of equity securities, including, among others, rules governing priority, parity and precedence of orders, responsibilities of the specialist, account opening and customer suitability (Amex Rule 411) and the election, with the prior approval of a floor official, of a stop or limit order by a quotation (Amex Rule 154, Commentary .04(c)). Equity margin requirements of fifty percent and the regular equity trading hours of 9:30 a.m. to 4:00 p.m. will apply to transactions in trust issued receipts. However, trading rules pertaining to the availability of odd-lot trading in Amex equities will not apply to the trading of trust issued receipts, since they can only be traded in round-lots. Application for exemption from the short sale rule, Rule 10a–1 under the Act, has been made and is currently pending with the Commission. If granted, the Exchange will issue a notice to its members detailing the terms of the exemption. Amex's surveillance procedures for trust issued receipts will be similar to those used for portfolio depositary receipts and will incorporate and rely upon existing Amex surveillance procedures governing options and equities.

K. Disclosure

With respect to investor disclosure, the Exchange notes that all investors in trust issued receipts who purchase in the initial offering will receive a prospectus. In addition, anyone purchasing a trust issued receipt directly from the trust (by delivering the underlying securities to the trust) will also receive a prospectus. Finally, all Amex members purchasing trust issued receipts from the trust for resale to customers will deliver a prospectus to such customers.

Prior to the commencement of trading in trust issued receipts, the Exchange will issue a circular to members highlighting the characteristics of purchases in trust issued receipts including that trust issued receipts are not individually redeemable. In addition, the circular will inform members of Exchange policies about trading halts in such securities. First, the circular will advise that trading will be halted in the event the market volatility trading halt parameters set forth in Amex Rule 117 have been reached. Second, the circular will advise that, in addition to other factors that may be relevant, the Exchange may consider factors such as the extent to which trading is not occurring in a deposited security(s) and whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

III. Discussion

A. Generally

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with the requirements of Section 6(b)(5).[10] Specifically, the Commission finds that the proposal to list and trade trust issued receipts will provide investors with a convenient and less expensive way of participating in the securities markets. The Exchange's proposal should advance the public interest by providing investors with increased flexibility in satisfying their investment needs by allowing them to purchase and sell a single security replicating the performance of a broad portfolio of stocks at negotiated prices throughout the business day. Accordingly, the Commission finds that the Exchange's proposal will facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.[11]

The Commission believes that trust issued receipts will provide investors with an alternative to trading a broad range of securities on an individual basis, and will give investors the ability to trade trust issued receipts representing a portfolio of securities continuously throughout the business day in secondary market transactions at negotiated prices. Trust issued receipts will allows investors to: (1) Respond quickly to changes in the overall securities markets generally and for the industry represented by a particular trust; (2) trade, at a price disseminated on a continous basis, a single security representing a portfolio of securities that the investor owns beneficially; (3) engage in hedging strategies similar to those used by institutional investors; (4) reduce transaction costs for trading a portfolio of securities; and (5) retain beneficial ownership of the securities underlying the trust receipts.

Although trust issued receipts are not leveraged instruments, and, therefore, do not possess any of the attributes of stock index options, their prices will be derived and based upon the securities held in their respective trusts. Accordingly, the level of risk involved in the purchase or sale of trust issued receipts is similar to the risk involved in the purchase or sale of traditional common stock, with the exception that the pricing mechanism for trust issued receipts is based on a basket of securities.[12] Nevertheless, the Commission believes that the unique nature of trust issued receipts raises certain product design, disclosure, trading, and other issues that must be addressed.

B. Lasting and Trading of Trust Issued Receipts

The Commission finds that the Amex's proposal contains adequate rules and procedures to govern the trading of turest issued receipts. Trust issued receipts are equity securities that will be subject to the full panoply of Amex rules governing the trading of equity securities on the Amex, including, among others, rules governing the priority, parity and procedence of orders, responsibilities of the specialist, account opening and customer suitability requirements, and the election of a stop or limit oder.[13]

In addition, the Amex has developed specific listing and delisting criteria for trust issued receipts that will help to ensure that a minimum level of liquidity will exist for trust issued receipts to allow for the maintenance of fair and orderly markets. The delisting criteria

[10] 15 U.S.C. 78f(b)(5).

[11] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] The Commission has concerns about continued listing of the trust issued receipts if the number of component securities falls to a level below nine securities, because the receipts may no longer adequately reflect a cross section of the selected industry. Accordingly, the Amex has agreed to consult the Commission, once the trust has fewer than nine component securities, and for each subsequent loss of a security thereafter.

[13] Trading rules pertaining to the availability of odd-lot trading do not apply because trust issued receipts only can be traded in round-lots.

also allows the Amex to consider the suspension of trading and the delisting of a trust issued receipt if an event occurred that made further dealings in such securities inadvisable. This will give the Amex flexibility to delist trust issued receipts if circumstances warrant such action. Amex's proposal also provides procedures to halt trading in trust issued receipts in certain enumerated circumstances.

Moreover, in approving this proposal, the Commission notes the Exchange's belief that trust issued receipts will not trade at a material discount or premium in relation to the overall value of the trusts' assets because of potential arbitrage opportunities. The Exchange represents that the potential for arbitrage should keep the market price of a trust issued receipt comparable to the overall value of the deposited securities.

Furthermore, the Commission believes that the Exchange's proposal to trade trust issued receipts in minimum fractional increments of 1/16th of $1.00 is consistent with the Act. The Commission believes that such trading should enhance market liquidity, and should promote more accurate pricing, tighter quotations, and reduced price fluctuations. The Commission also believes that such trading should allow customers to receive the best possible execution of their transactions in trust issued receipts.

Finally, the Amex has developed surveillance procedures for trust issued precepts that incorporate and rely upon existing Amex surveillance procedures governing equities. The Commission believes that these surveillance procedures are adequate to address concerns associated with listing and trading trust issued receipts, including any concerns associated with purchasing and redeeming round-lots of 100 receipts. Accordingly, the Commission believes that the rules governing the trading of trust issued receipts provide adequate safeguards to prevent manipulative acts and practices and to protect investors and the public interest.

C. Disclosure and Dissemination of Information

The Commission believes that the Exchange's proposal will ensure that investors have information that will allow them to be adequately apprised of the terms, characteristics, and risks of trading trust issued receipts. The prospectus will address the special characteristics of a particular trust issued receipt basket, including a statement regarding its redeemability and method of creation. The Commission notes that all investors in trust issued receipts who purchase in the initial offering will receive a prospectus. In addition, anyone purchasing a trust issued receipt directly from the trust (by delivering the underlying securities to the trust) will also receive a prospectus. Finally, all Amex member firms who purchase trust issued receipts from the trust for resale to customers must deliver a prospectus to such customers.

The Commission also notes that upon the initial listing of any trust issued receipts, the Exchange will issue a circular to its members explaining the unique characteristics and risks of this type of security. The circular also will note the Exchange members' prospectus delivery requirements, and highlight the characteristics of purchases in trust issued receipts. The circular also will inform members of Exchange policies regarding trading halts in trust issued receipts.

D. Scope of the Commission's Order

The Commission is approving in general the Amex's proposed listing standards for trust issued receipts, and, specifically, the listing of the Internet HOLDRs described herein. The Commission specifically notes that, notwithstanding approval of the listing standards for trust issued receipts, other similarly structured products, including trust issued receipts based on other industries, will require review by the Commission prior to being traded on the Exchange. Additional series cannot be listed prior to contacting Division staff. In addition, the Amex may be required to submit a rule filing prior to trading a new issue or series on the Exchange.

E. Accelerated Approval

The Commission finds good cause for approving proposed Amendment Nos. 1, 2, 3 and 4 prior to the thirtieth day after the day after the date of publication of notice of filing in the **Federal Register**. Specifically, the amendments strengthen the proposed rule change by clarifying and expanding the explanations regarding the nature and composition of the trust issued receipts, the trading halt procedures, the applicable equity trading rules, the minimum fractional change, the potential for arbitrage opportunities, the disclosure requirements, the reconstitution events, the termination events and the continued listing criteria. Moreover, the Commission notes that the proposed rule change was noticed for the full statutory period and no comment letters were received. Finally, Amendment Nos. 1, 2, 3 and 4 do not raise any new regulatory issues. Accordingly, the Commission finds that there is good cause, consistent with Section 6(b)(5) of the Act, to approve Amendment Nos. 1, 2, 3 and 4 to the proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendments Nos. 1, 2, 3 and 4, including whether these amendments are consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–AMEX–99–20 and should be submitted by October 20, 1999.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–Amex–99–20), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25281 Filed 9–28–99; 8:45 am]

BILLING CODE 8010–01–M

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41886; File No. SR–NYSE–99–36]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. To Eliminate the Series 7B Qualification Examination and Adopt a New Interpretation to Rule 345 ("Employees—Registration, Approval, Records")

September 20, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 31, 1999, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to amend the interpretation of its Rule 345.15 ("Employees—Registration, Approval, Records")[3] by eliminating the Series 7B Qualification Examination and establishing the Series 7A Examination as the appropriate qualification examination for Exchange Floor clerks who wish to conduct a limited public business with professional customers. The proposed amendment would establish the Trading Assistant Examination ("Series 25") as a prerequisite for the Series 7A Examination. The text of the proposed rule change is available at the NYSE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NYSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NYSE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, Floor clerks who want to conduct a limited public business with professional customers (*e.g.*, banks, insurance companies, and other persons included in the definition of "professional customer" found in the written interpretation to Exchange Rule 345.15) must first pass the Series 7B Examination or the General Securities Representative ("Series 7") Examination. Floor members who want to conduct a securities business with professional customers must first pass the Series 7A Examination or the Series 7 Examination.

The Series 7A and Series 7B qualification examinations were implemented in 1993[4] and 1994[5] respectively to serve as alternative qualification exams to the Series 7 Examination because the level of knowledge required to conduct a professional public business limited to transactions in listed securities on the Exchange Floor is narrower than that needed to conduct a general public business with retail customers.

The Series 7A and Series 7B Examinations are identical except for an additional 25 questions on the Series 7B which address Exchange Floor rules and policies. The additional 25 questions were added to ensure that Floor clerks have a basic understanding of Exchange trading rules and the underlying principles of the auction market. However, the recently implemented NYSE Trading Assistant Examination ("Series 25")[6] now serves this purpose, and serves it more effectively because of its broader topic coverage and greater length.

Given that Floor clerks are currently required to take and pass the Series 25, candidates are tested twice on certain topics. Therefore, it is proposed that the Series 7B Examination be eliminated. In addition, it is proposed that the written interpretation to Rule 345.15 be amended to establish the Series 7A Examination as the appropriate qualification examination for both Floor members and Floor clerks who wish to conduct a limited public business with professional customers.

Further, it is proposed that the interpretation be amended to establish the Series 25 Examination as a prerequisite for Floor clerks seeking to take the Series 7A Examination. The Series 15 Examination remains a prerequisite to the Series 7A Examination for Floor members.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of Section 6(c)(3)(B) of the Act.[7] Under that Section, it is the Exchange's responsibility to prescribe standards of training, experience and competence for persons associated with Exchange members and member organizations.

In addition, under Section 6(c)(3)(B) of the Act,[8] the Exchange may bar a natural person from becoming a member or person associated with a member, if such natural person does not meet such standards of training, experience and competence as are prescribed by the rules of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The interpretation to Rule 345.15 is contained in the NYSE *Interpretation Handbook*.

[4] *See* Securities Exchange Act Release No. 32698 (July 29, 1993), 58 FR 41539 (August 4, 1993).

[5] *See* Securities Exchange Act Release No. 34334 (July 8, 1994), 59 FR 35964 (July 14, 1994).

[6] *See* Securities Exchange Act Release No. 40943 (January 13, 1999), 64 FR 3330 (January 21, 1999).

[7] 15 U.S.C. 78f(c)(3)(B).

[8] *Id.*

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, located at the above address. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–NYSE–99–36 and should be submitted by October 20, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25282 Filed 9–28–99; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before October 29, 1999. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW, 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Certificate of Competency.

Form No: 1531.

Frequency: On Occasion.

Description of Respondents: Prime Government Contractor's.

Annual Responses: 300.

Annual Burden: 2,400.

Dated: September 22, 1999.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 99–25347 Filed 9–28–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the District of Connecticut, entered August 27, 1999, the United States Small Business Administration hereby revokes the license of All State Venture Capital Corporation, a Connecticut corporation, to function as a small business investment company under the Small Business Investment Company License No. 01/02–0215 issued to All State Venture Capital Corporation on November 2, 1962 and said license is hereby declared null and void as of September 20, 1999.

Dated: September 20, 1999.

Small Business Administration.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 99–25245 Filed 9–28–99; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974 as Amended; Computer Matching Program (SSA/Department of Veterans Affairs, Compensation and Pension Service) Match 1008

AGENCY: Social Security Administration (SSA).

ACTION: Notice of computer matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a computer matching program that SSA plans to conduct.

DATES: SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefax to (410) 966–5138, or writing to the Associate Commissioner for Program Support, 4400 West High Rise, 6401 Security Boulevard, Baltimore, MD 21235.

All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Program Support as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving records of Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508), further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

[9] 17 CFR 200.30–3(a)(12).

(2) Obtain the approval of the match agreements by the Data Integrity Boards of the participating Federal Agencies.

(3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching; and

(5) Verify match findings before reducing, suspending, terminating or denying an individual's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: September 13, 1999.

Susan M. Daniels Ph.D.,

Deputy Commissioner Disability and Income Security Programs.

Notice of Computer Matching Program, Department of Veterans Affairs (VA) With Social Security Administration (SSA)

A. Participating Agencies

SSA and VA.

B. Purpose of the Matching Program

To identify Supplemental Security Income (SSI) recipients who receive VA benefits and to update their SSI records to reflect the presence of such income. The SSI program provides payment to aged, blind and disabled recipients with income and resources below levels established by law and regulations.

C. Authority for Conducting the Matching Programs

Section 1631(e)(1)(B) and 1631(f) of the Social Security Act, 42 U.S.C. 1383 (e)(1)(B) and 1383(f).

D. Categories of Records and Individuals Covered by the Matching Program

The VA will provide SSA with electronic files containing compensation and pension data from its system of records entitled Compensation and Pension, Education and Rehabilitation Records—VA (58VA21/22). SSA will then match VA's data with SSI payment information maintained in the SSR SSA/OSR 09–60–0103.

E. Inclusive Dates of the Match

The matching program shall become effective 40 days after notice of this matching program is sent to Congress and OMB or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 99–25251 Filed 9–28–99; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Tariff Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held from October 4–7, 1999, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held in the Bessie Coleman Conference Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Harrell, Executive Director, ATPAC, Terminal En Route Procedures Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3725.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the ATPAC to be held October 4 through October 7, 1999, in the Bessie Coleman Conference Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC.

The agenda for this meeting will cover: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes.
2. Submission and Discussion of Areas of Concern.
3. Discussion of Potential Safety Items.
4. Report from Executive Director.
5. Items of Interest.
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than October 1, 1999. The next quarterly meeting of the FAA ATPAC is planned to be held from January 10–13, 2000, in Pensacola, Florida.

Any members of the public may present a written statement to the Committee at any time at the address given above.

Issued in Washington, DC, on September 20, 1999.

David Young,

Staff Specialist, Air Traffic Procedures Advisory Committee.

[FR Doc. 99–25356 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Aircraft Certification Procedures Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss aircraft certification procedures issues.

DATES: The meeting will be held on October 21, 1999, at 9 a.m. Arrange for oral presentations by October 6, 1999.

ADDRESSES: The meeting will be held at the General Aviation Manufacturers Association, 1400 K Street, NW, Suite 801, Washington, DC 20005–2485.

FOR FURTHER INFORMATION CONTACT: Marisa Mullen, Transportation Industry Analyst, Office of Rulemaking (ARM–205), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7653, fax: (202) 267–5075.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to be held on October 21, 1999, at 9 a.m. at the General Aviation Manufacturers Association, 1400 K Street, NW, Suite 801, Washington, DC 20005–2485.

The agenda for this meeting will include:

(1) Approval of the ARAC draft meeting minutes of July 22, 1999.

(2) A status report on the Parts and Production Certification Working Group tasking;

(3) A status report on the FAA submitted rulemaking projects for "Type Certification Procedures for Changed Products", "Establishment of Organization Designation Authorization (ODA) Procedures", and "Production Certification and Parts Manufacturing"; and

(4) A discussion of future meeting dates, locations, activities, and plans.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by October 6, 1999, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to the meeting. In addition, sign and interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTRACT.**

Issued in Washington, DC, on September 23, 1999.

Bruce A. Kaplan,

Acting Assistant Executive Director for Aircraft Certification Procedures Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 99–25354 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 189/ EUROCAE Working Group 53; Air Traffic Services Safety and Interoperability Requirements

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a joint Special Committee (SC)—189/EUROCAE Working Group (WG)–53 meeting to be held October 18–22, 1999, starting at 9:00 a.m. on October 18. The meeting will be held at RTCA Inc., 1140 Connecticut Ave, NW, Suite 1020, Washington, DC 20036.

The agenda will be as follows: Monday, October 18: Opening Plenary Session Convenes at 9:00 a.m.: (1) Introductory Remarks; (2) Review and Approve Agenda; (3) Review and Approve Summary of the Previous Meeting; (4) Sub-Group and Related Reports; (5) Position Papers Planned for Plenary Agreement; (6) SC–189/WG–53 Co-chair Progress Report. Tuesday, October 19 through Thursday, October 21: (7) Sub-group Meetings. Friday, October 22: Closing Plenary Session: (8) Introductory Remarks; (9) Review and Approval of Agenda; (10) Review of Preliminary Meeting Minutes; (11) Sub-group and Related Reports; (12) Position Papers Planned for Plenary Agreement; (13) SC–189/WG–53 Co-chair Progress Report and (14) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036, by phone at (202) 833–9339, by fax at (202) 833–9434, or by e-mail at hmoses@rtca.org. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 22, 1999.

Janice L. Peters,

Designated Officer.

[FR Doc. 99–25226 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application Number 99–03–C–00–JHW To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Chautaugua County/Jamestown Airport, Jamestown, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: To FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Chautauqua County/Jamestown Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before October 29, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: New York Airports District Office, 600 Old Country Road, Suite 446, Garden City, New York 11530.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Kenneth B. Brentley, Director of Public Facilities of the County of Chautauqua at the following address: PO Box 51, Falconer, New York 14733–0051.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the County of Chautauqua under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: John Moretto, Airport Engineer, New York Airports District Office, 600 Old Country Road, Suite 446, Garden City, New York 11530, (516) 227–3806. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Chautauqua County/Jamestown Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On August 27, 1999, the FAA determine that the application to impose and use the revenue from a PFC submitted by the County of Cautauqua was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 16, 1999.

The following is a brief overview of the application.

PFC Application No.: 99–03–C–00–JHW.

Level of the proposed PFC: $3.00.

Proposed charge effective date: February 1, 2000.

Proposed charge expiration date: April 1, 2001.

Total estimated PFC revenue: $141,272.

Brief description of proposed project(s):

—Deer Fencing
—Overlay Taxiway D
—Overlay Runway 13.31

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxi and charter carriers filing DOT Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional airports office located at: Fitzgeral Federal Building #111, Airports Division, AEA–610, John F. Kennedy International Airport, Jamaica, New York 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the County of Chautauqua.

Issued in Garden City, New York on September 2, 1999.

Philip Brito,

Manager, New York Airports District Office, Eastern Region.

[FR Doc. 99–25355 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–99–5012]

Nationwide Differential Global Positioning System; Programmatic Environmental Assessment

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of a final programmatic environmental assessment (PEA).

SUMMARY: The Secretary of Transportation (Secretary) has been authorized by Congress, pursuant to section 346 of the U.S. Department of Transportation (DOT) and Related Agencies Appropriations Act, 1998, to establish, operate, and manage a nationwide system to be known as the Nationwide Differential Global Positioning System (NDGPS) as soon as practicable, to integrate the NDGPS stations into the Continuously Operating Reference Station (CORS) system of the National Geodetic Survey of the Department of Commerce, and to investigate the use of the NDGPS reference stations for the Global Positioning System Integrated Precipitable Water Vapor System of the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce. A final PEA for the NDGPS program has been prepared to support this program. The FHWA envisions at this time that the NDGPS program will require the construction of at least 67 transmitter sites and maybe as many as 100, but no new sites will result in significant impacts to the environment.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Arnold, Office of Operations Research and Development, HRDO, (202) 493–3265, Federal Highway Administration, Turner-Fairbank Highway Research Center, 6300 Georgetown Pike, McLean, VA 22101–2296, or for legal issues: Mr. Robert J. Black, Office of the Chief Counsel, HCC–31, (202) 366–1359, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of the PEA for the NDGPS program is available at *http://www.navcen.uscg.mil/.*

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The Secretary has delegated his authority under section 346 of the DOT Appropriations Act for FY 1998, Public Law 105–66, October 27, 1997, 111 Stat. 1425, at 1449, to the Commandant of the United States Coast Guard (USCG), the Federal Railroad Administration (FRA), and the FHWA. The FHWA is the lead agency and the USCG and the FRA are cooperating agencies for the implementation of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C) and 23 CFR part 771. In accordance with NEPA, the FHWA has prepared a final PEA for the NDGPS program.

The NDGPS service would augment existing satellite-based Global Positioning System range information with a differential correction broadcast from ground-based reference stations transmitting from known positions, thereby providing users with more precise radio navigation and positioning information for public safety, transportation, scientific, and environmental applications. Federal agencies implementing the proposed NDGPS service are the DOT's Office of the Secretary of Transportation (OST), the FHWA, the FRA, the NOAA, the U.S. Air Force (USAF), the U.S. Army Corps of Engineers (USACE), and the USCG.

The NDGPS involves the expansion of an existing network of USCG local area Differential Global Positioning System (DGPS) reference stations currently covering United States coastal areas and major inland waterways. To expand this existing DGPS service nationwide, the installation of additional reference stations with low-frequency transmit antennas is required on suitable 11-acre land parcels located principally in the interior portions of the continental Unites States and Alaska. Sites will typically be on level ground and away from tall structures. Three deployment alternatives for the additional NDGPS reference stations were considered in the draft PEA.

Alternative A consists of conversion of 32 decommissioned USAF Ground Wave Emergency Network (GWEN) sites for use as NDGPS reference stations and the transfer of GWEN equipment from remaining GWEN sites to 28 new NDGPS site locations. Seven additional sites would receive similar new equipment, for a total of 67 NDGPS reference stations. The GWEN transmit antennas to be used are typically 299 feet tall guyed towers and will be operated at an effective radiated power (ERP) of no more than 500 Watts.

Alternative B consists of the installation of new equipment at 32 existing GWEN relay node sites, as well as at 35 new sites. The resulting NDGPS reference stations would be physically similar to the reference stations of Alternative A.

Alternative C is to identify 80 to 100 new sites and install equipment similar to USCG local area DGPS stations. These reference stations would utilize either 90 feet or 120 feet tall towers and operate at an ERP of no more than 170 Watts. The NDGPS is expected to be fully operational in the United States by the year 2002. During the selection of sites for the NDGPS reference stations, the FHWA and cooperating agencies will consult with key regulatory agencies and apply environmental site-selection criteria to avoid potentially significant impacts. If a potentially significant environmental impact is unavoidable during the selection of sites for the NDGPS reference stations, specific mitigation measures will be implemented to decrease the impact to a less than significant level. Provided that environmental site-selection criteria and specific mitigation measures identified in the draft PEA are implemented for the NDGPS, no significant environmental impacts are anticipated to occur under any of the proposed action alternatives. If planned mitigation measures for potentially significant impacts cannot be implemented at a specific site, or a site-specific impact is encountered that was not anticipated and addressed in the draft PEA, then additional appropriate NEPA analysis and documentation will be prepared by the FHWA for that specific reference station. In addition, if any sites would be used as a publicly-owned park, recreation area, wildlife and waterfowl refuge, or significant

historic site, a section 4(f) analysis [1] will be conducted. Impacts to historic properties would likewise require consultation with the Advisory Council on Historic Preservation.

Discussion of Comments

Interested persons were invited to comment on the NDGPS draft PEA, FHWA Docket No. FHWA–99–5012 by April 2, 1999 (64 FR 10336, March 3, 1999). There were 11 commenters to this docket; four were Federal agencies, four were State agencies, two were from Indian tribes, and one was a private citizen. The major comments relative to the final PEA are discussed below.

State Historic Preservation Offices and Indian tribes were primarily concerned about the impact these sites may have if the location of new sites were in areas where they operate. There are no plans to locate sites on Indian reservations. If a site were planned to be located on a historic property that an Indian tribe attached religious and cultural significance to, section 106 consultation would be conducted. In the case of State Historic Preservation Offices, the FHWA will consult with them to identify any potential impact. Before each site is installed or, in the case of the GWEN sites, modified, each organization that has jurisdiction will be contacted for individual site review.

Federal agencies that responded were generally satisfied with the analysis and mitigation measures presented in the draft PEA concerning:

—Potential environmental impacts on geology and soil,
—Water quality,
—Ecologically sensitive areas,
—Air quality,
—Noise,
—Land use,
—Plant and wildlife,
—Cultural resources,
—Hazardous materials,
—Environmental justice concerns,
—Recreation,
—Radio frequency environment, and
—Impacts on human health.

Federal agencies that noted certain exceptions to the draft PEA include the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (the Service), each of which raises particular concerns that are addressed below.

The NMFS expressed concerns over impacts to anadromous salmonids and other flora and fauna in the Pacific Northwest and other areas of the country. No sites are planned near or in wetlands of any sort. As the system is deployed and more precise locations are identified for new sites, careful consideration of siting will be used to ensure NDGPS reference stations will not be located in wetlands unless no other practicable alternative exists. This is unlikely given the flexibility of selecting sites. If, in the unlikely instance where no other practicable alternative exists, we will follow the procedures outlined by the NMFS and work with them to ensure minimal impact on marine species.

Additionally, the FHWA expects the NDGPS service to have a positive impact on anadromous salmonids and other threatened or endangered species. A prototype site in Appleton, Washington, has been operating for approximately two years and has been used for many environmental related projects. One project in particular demonstrates the impact of the NDGPS service on the chinook salmon (Oncorhynchus tshawytscha). This project, highlighted in the January 1999 issue of "GPS World," involved mapping the gravel nests (called redds) of the chinook salmon. Using the NDGPS service from Appleton, the mapping was performed much quicker and with greater accuracy than other available techniques. While the benefits of the study were not described in the article, an increase in the knowledge of the spawning habitats of the chinook will allow for greater understanding of the impacts of human actions on their ecosystem. This same technique can be used to map other endangered or threatened species, increasing our understanding and ability to mitigate any potential negative effects.

The Service is concerned about the NDGPS projects' potential impacts on threatened and endangered species with specific emphasis on the potential for migratory bird strikes on the towers. Additional concerns involving threatened and endangered species arise from the effects of ground disturbance and copper leaching from the ground plane of existing sites and new sites.

In an effort to minimize impacts to threatened and endangered species, site selection criteria will be used to identify sites away from these species whenever possible. In the event that a site must be located near threatened or endangered species and a "may affect" determination is made, a section 7 consultation with the Service will occur as provided in section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

It is important to note that the PEA is intended to be a framework that could be used to select locations that offer zero impact in a number of areas, including threatened and endangered species. Toward this end, the potential effects on threatened or endangered species has been included in the document as one of the criteria that will be addressed at the site-specific level.

Bird strikes at towers is an issue that is larger then the NDGPS project. It is important to note that projections of telecommunications and High Definition Television (HDTV) over the next ten years may produce as many as 5,000 additional towers per year. The Service identifies the towers, lights, and guy wires as known to pose potential hazards to migratory birds flying at low altitudes, particularly night-time neotropical migrating songbirds. The available literature highlights this as a problem, but does not offer mitigation techniques that have been proven to work everywhere. In fact, the literature indicates that this is not a problem everywhere, but is a site-specific problem. This indicates that site selection can be used as the first mitigation technique. This process includes, but is not limited to selecting sites away from known migratory paths, reducing or eliminating visual cues that could funnel birds toward the sites, locating sites in valleys, and not locating sites between nesting and foraging areas.

It is also important to note that additional techniques are available to reduce the impact of the sites even further. These include bird deterrent devices, alternative lighting techniques, and visual cues on the facility itself. Logically, these techniques should have the effect of reducing the likelihood of avian collisions. Unfortunately, for many of the techniques, there is little evidence or studies supporting this conclusion. The literature also indicates that telecommunication towers are not the only threat to migrating birds. Bird strikes also occur at tall buildings and other similar structures. In fact, any tall structure seems to pose a risk of bird strikes.

The Service recommends that the NDGPS project implement a pilot project to incorporate state-of-the-art mitigation techniques to reduce bird strikes along with a five-year monitoring program. Given the current interest in telecommunications facilities, especially telecommunication towers, a study, as recommended, could provide

[1] Section 4(f) of the U.S. DOT Act of 1966 (49 U.S. Code 303) states that a DOT action requiring the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance or land from a historic site of national, state, or local significance will be analyzed for its impact and approval granted only if there is no feasible and prudent alternative to the use of such land, and the action includes all possible planning to minimize harm resulting from the use.

data sufficient to meet needs of many organizations. In an effort to address this issue, we have opened discussions with the Service and are currently examining technologies for implementation on the NDGPS facilities. It is unclear at this point how best to address all the issues, but discussions will continue until solutions are found.

The Service also recommends limiting tower height to 200 feet, preferably no higher than 120 feet. Based on the site-specific nature of this issue, it would be unwise to limit all new facilities to 120 feet. However, there are likely to be locations where this is warranted and, where conditions dictate, shorter towers will be used. Again, this will be based on site-specific criteria and the agency would consider tradeoffs between coverage, potential impact, and system costs.

Additional concerns were raised about the effects of ground disturbance. An example is provided for the desert tortoise. To the maximum extent possible, we are using existing sites where ground disturbance has already occurred. Additionally, one of the main criteria for site selection is not to enter critical habitats of endangered or threatened species, as discussed above. In the unlikely event this proves necessary, we will consult with the Service, as well as local organizations, to determine what is the best way to proceed in order to minimize or eliminate any potential disturbance of these species. Again, it is not expected that the agency will enter the habitat of any threatened or endangered species.

As for the desert tortoise, the only site where there is any possibility of impact is at the Fenner, California, GWEN facility. We have already requested informal consultation at this site in order to minimize or eliminate any impact.

The Service also raises concerns over the effects of copper leaching from the ground plane of the antenna into ground water. In order to determine the potential impact of this situation, several existing GWEN sites have been tested for copper levels in the ground water. No migration of copper off the sites has been found. These sites presented the potential for copper leaching from the ground plane into nearby ground water supplies and then into waterways due to high water tables and the acidity of the ground water. These sites have been installed for approximately 10 years. Based on the length of time these sites have been in place and no leaching of copper into the ground water near the site has occurred to date, we do not expect copper leaching to be a problem. To ensure this is the case, we will continue to examine sites that pose a potential impact, based on the specific site criteria of temperature, pH, salinity, and ground water level. We will first attempt to avoid such areas and when this is not possible or where GWEN sites are located in these areas we will monitor the ground water copper levels and apply appropriate mitigation techniques, ensuring copper from the ground plane does not affect the flora and fauna.

Finally, comments were received from a private citizen that had two main focuses. These issues concerned the FRA and its roles as program sponsor and as regulatory organization for the rail industry, as well as several issues related to the draft PEA. Since the roles of the FRA as program sponsor and as regulatory organization are not pertinent to the docket, they are not addressed here. These issues have been forwarded to the FRA its their consideration. The private citizen's comments that are pertinent to the PEA are addressed in this notice. These are discussed in the following paragraphs and include the coverage area of the system, the potential for "child shocks," remote monitoring of the facility for safety of air traffic, and information telephone numbers.

The private citizen is concerned with the coverage area of the NDGPS service. Once the system is established, coverage verification will be performed to ensure adequate coverage of the U.S. If inadequate coverage is observed, there is the potential for additional sites to be installed. In an effort to eliminate this potential, several studies have been performed to determine the coverage area for each beacon. These include measuring coverage of existing broadcast facilities operated by the U. S. Coast Guard and the Federal Aviation Administration ("Field Strength Measurements of DGPS and FAA Beacons in the 285–325 kHz Band" [2] and "Site Selection Plan and Installation Guidelines for a Nationwide Differential GPS Service" [3] available at: http://www.tfhrc.gov/) and validation of the propagation model using the measured coverage data collected.

It is important to note that the coverage of each beacon is primarily a function of ground conductivity. Ground conductivity was measured under a program sponsored by the Federal Communications Commission when AM broadcast stations were being installed to ensure that there would not be any co-channel interference. This data, as well as actual field data from aviation beacons and existing USCG/DGPS beacons, were combined to form the most accurate propagation and interference model currently available. This model, while still conservative in estimating coverage, is also conservative in estimating interference. In other words, there is greater potential for better coverage and less interference than the model would indicate. This reduces the potential to require additional sites and have a greater impact on the environment.

The private citizen is also concerned about the potential for "child shocks" when a child comes into contact with the tower, either directly or by tossing a conducting material onto the tower. The commenter is correct in that the tower is in fact the antenna and is emitting Radio Frequency (RF) energy. This does present a potential danger, but this danger has been mitigated by an eight-foot chain-link fence that is topped with barbed wire and signs are posted on the fence to indicate the potential for injury. Additionally, the tower is eight to ten feet inside the fence. The description in the draft PEA did not provide this additional detail and will be added to the final version. Based on the number of injuries (none to date) to anyone coming in contact with the tower, no injuries are expected in the future. Additionally, most sites are also located in relatively remote areas, reducing any possibility of injury even further.

The private citizen also questions how the tower light is monitored. The tower light and other critical elements at each installation, are monitored remotely 24 hours a day, 365 days a year by the USCG. Additionally, in the event of a failure, there are two separate lights located at the top of each tower that are hardened to resist failure from lighting and other phenomenon that the tower is exposed to. This creates a redundant system. Finally, current operating procedures require a 24-hour response time from service technicians to correct any problem at the site.

Finally, the private citizen stated that the telephone number for the "GPS Status Recording (24 hour)" is inaccurate. The phone number published in the DOT telephone directory is incorrect. The correct number is (703) 313–5907. Action has been taken to place the correct number in the next edition of the DOT telephone

[2] Prepared for the FHWA by the U.S. Dept. of Commerce, National Telecommunications and Information Administration, Boulder, CO 80303, November 1, 1996.

[3] Prepared for the FHWA by the U.S. Dept. of Commerce, National Telecommunications and Information Administration, Boulder, CO 80303, August 5, 1997.

directory. Additionally, to speak directly to someone about NDGPS, a more appropriate number to call is (703) 313–5900. This is the "Navigation Information Service (24 Hour Watch)." This number is answered by trained USCG personnel who will answer questions concerning all navigation systems in which the Coast Guard has a role. Additionally, the "24 Hour Watch" would have provided specific answers to U.S. Coast Guard monitored DGPS systems, including both the Maritime and Nationwide DGPS services. All these numbers, located on the same page, can be found in the DOT telephone directory.

Conclusion

Changes have been made to the NDGPS PEA addressing each of the above comments. The FHWA looked at the three separate deployment alternatives for deployment of the NDGPS service in this PEA. Based on the comments received and further investigation, no single alternative alone would successfully fulfill the objectives of the system. The FHWA therefore proposes to employ a combination of the three alternatives. We believe that at least 67 sites and perhaps as many as 100 will be constructed for the NDGPS service, and, as discussed above, none of these sites would have a significant environmental impact. Each site will be considered against the programmatic data and if the potential for impact is imminent, the appropriate mitigation measures and environmental documentation will be developed and made available for review and comment. If there is a question as to whether a proposed site could have a significant impact, the FHWA will be responsible for the appropriate NEPA documentation.

Based on the comments received and available mitigation techniques, a finding of no significant impact at the programmatic level is assessed for the NDGPS.

Authority: 23 U.S.C. 315, sec. 346, Pub. L. 105–66, 111 Stat. 1425, 1449 (1997); and 49 CFR 1.48.

Issued on: September 22, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 99–25353 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Transportation Equity Act for the 21st Century; The National Corridor Planning and Development Program and the Coordinated Border Infrastructure Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Public workshops.

SUMMARY: The FHWA invites metropolitan planning organizations (MPO), Federal and State government agencies, and the public to attend one or any of five public workshops on the National Corridor Planning and Development Program (NCPD) and the Coordinated Border Infrastructure Program (CBI) and their application process. The NCPD and the CBI programs are funded by a single funding source. These programs provide funding for planning, project development, construction and operation of projects that serve border regions near Mexico and Canada and high priority corridors throughout the United States. States and MPOs are, under the NCPD program, eligible for discretionary grants for: Corridor feasibility; corridor planning; multistate coordination; environmental review; and construction. Border States and MPO are, under the CBI program, eligible for discretionary grants for: Transportation and safety infrastructure improvements, operation and regulatory improvements, and coordination and safety inspection improvements in a border region.

At each of the workshops, we will provide: An overview of the NCPD/CBI programs; details on the types of information DOT/FHWA is requesting; facts about how we will use this information; technical information for submitting data; advice on how to complete the application, should you choose to apply; and we will be requesting information about ways to improve and evaluate the programs in the future.

DATES: The workshops will be conducted between 8:30 a.m. and 4:30 p.m. on the first day and between 8:30 a.m. and 3:30 p.m. (local time) on the second day of the meetings at the following locations and dates:

1. October 12 and 13, 1999, Hunt Valley, MD, Embassy Suites Hotel, 213 International Circle, Hunt Valley, MD 21030.

2. October 19–20, 1999, Chicago, IL, Ambassador West Hotel, 1300 N. State Parkway, Chicago, IL.

3. October 25–26, Atlanta, GA; Renaissance Atlanta Hotel Downtown, 590 West Peachtree Street, Atlanta, GA 30308.

4. November 15–16, 1999, Seattle, WA (Tentative), Cavanaughs on Fifth Avenue, 1415 Fifth Avenue, Seattle, WA 98101.

5. November 18–19, 1999, Phoenix, AZ (Tentative), Wyndham Metro Center, 10220 N. Metro Parkway East, Phoenix, AZ 85051.

A registration fee of $75 is payable to Harrington-Hughes & Associates, Inc., 733 15th Street, NW., Suite 700, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Specifics on registration and hotel accommodation information are available by calling Barbara Murdock of Harrington-Hughes & Associates, Inc., at (202) 289–7285. For workshop issues: Lisa Williams, Office of Intermodal and Statewide Programs, HEPS, (202) 366–6798; or for program issues: Martin Weiss, Office of Intermodal and Statewide Programs, HEPS, (202) 366–5010; Federal Highway Administration, 400 Seventh Street SW., Washington D.C. 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded using a computer with a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's web page at *http://www.access.gpo.gov/nara.*

Internet users may access a number of documents and links concerning the NCPD and CBI programs through the home page of the Corridor/Border Programs: *http://www.fhwa.dot.gov/hep10/corbor/corbor.html.*

Background

On August 30, 1999, at 64 FR 47222, the FHWA published implementation guidance for the national corridor planning and development program and the coordinated border infrastructure program.

Sections 1118 and 1119 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat.107, at 161, establish the NCPD and CBI programs, respectively. These programs respond to substantial interest dating from, as early as, 1991. In that year, the Intermodal Surface Transportation Efficiency Act (ISTEA), Public Law 102–240, 105 Stat. 1914, designated a number of high priority corridors. Subsequent legislation

modified the corridor descriptions and designated additional corridors. Citizen and civic groups promoted many of these corridors as, for example, a means to accommodate international trade. Similarly, since 1991, a number of studies identified infrastructure and operation deficiencies near the U.S. borders with Mexico and Canada. Also various groups, some international and/or intergovernmental, studied opportunities to improve infrastructure and operations.

In 1997, the DOT's Strategic Plan for 1997–2002 was established. The strategic goals in this plan are: Safety, mobility, economic growth and trade, human and natural environment, and national security. In 1998, the FHWA's National Strategic Plan was established. The strategic goals in this plan are: Mobility, safety, productivity, human and natural environment and national security. Both sets of goals are consistent with the language of TEA–21, including sections 1118 and 1119.

The NCPD and CBI programs are funded by a single funding source. The combined authorized funding for these two programs is $140 million in each year from FY 1999 to Fiscal Year 2003 (a total of $700 million). However, obligations are limited each year by the requirements of section 1102 (Obligation Ceiling) of the TEA–21.

Under the NCPD program, funds are available to States and MPOs for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. Under the CBI program, funds are available to border States and MPOs for projects to improve the safe movement of people and goods at, or across, the border between the United States and Canada, and the border between the United States and Mexico. In addition, the Secretary of Transportation (Secretary) may transfer up to a total of $10 million of combined program funds, over the life of the TEA–21, to the Administrator of GSA Services Administration (GSA) for the construction of transportation infrastructure necessary for law enforcement in border States. Such transfer(s) will be made, based on funding requested and supporting information furnished by the Administrator of GSA. Finally, the Secretary will implement any provisions in legislation that directs that FY 2000 NCPD/CBI funds be used for specific projects. Based on the factors noted above (*i.e.*, obligation limitations, transfer of funds to GSA and legislation), the FHWA anticipates that between $95 million and $130 million will be available for allocation for projects submitted in response to this notice.

The Federal share for these funds is set by 23 U.S.C. 120 (generally 80 percent plus the sliding scale adjustment in States with substantial public lands). The period of availability for obligation is the fiscal year for which the funds are authorized and the three years following. States which receive an allocation of funds under these programs will, at the same time, receive an increase in obligation authority equal to the allocation. Under section 1102 of TEA–21, obligation authority for discretionary programs that is provided during a fiscal year is extinguished at the end of the fiscal year. Funds allocated to projects which, under the NCPD/CBI programs, receive an obligation authority increase for FY 2000, must therefore be obligated during FY 2000 or be withdrawn for redistribution.

FHWA strongly urges all MPO's, State and local governments, as well as the public to participate and provide feedback. With MPO's State and local governments all contributing, we can be successful. Please attend one of five public workshops to learn how you can participate.

Authority: 23 U.S.C. 315; secs. 1118 and 1119, Pub. L. 105–178, 112 stat. 107, at 161 (1998); and 49 CFR 1.48.

Issued on September 24, 1999.

Jill L. Hochman,

Director, Intermodal and Statewide Programs.

[FR Doc. 99–25373 Filed 9–27–99; 10:08 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–99–5143; Notice No. 99–9]

Hazardous Materials: Advisory Guidance; Transportation of Flammable Gas Torches

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Advisory Guidance.

SUMMARY: This advisory guidance is to remind all persons who travel or ship materials by aircraft that flammable gas torches are prohibited in passenger-checked or carry-on baggage and regulatory restrictions apply when flammable gas torches are offered as cargo for air transport. Recent incidents in which flammable gas torches ignited during transportation suggest that many persons are not aware of the requirements and prohibitions applicable to flammable gases and flame-producing devices.

FOR FURTHER INFORMATION CONTACT: Eric Nelson, Office of Hazardous Materials Standards, RSPA, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–0001, Telephone (202) 366–8553, or William Wilkening, Dangerous Goods and Cargo Security Program, FAA, Department of Transportation, 800 Independence Avenue, SW, Washington, DC 20591 Telephone (202) 267–7530.

SUPPLEMENTARY INFORMATION: Recent incidents involving micro-torches and larger torches in the air transport system highlight an urgent need to warn airline passengers not to pack flammable gas torches in their checked or carry-on baggage. In addition, persons offering these torches as cargo for transportation are subject to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) and must comply with all applicable requirements.

I. Background

The Federal Aviation Administration (FAA) has made RSPA aware of several recent incidents where flammable gas torches ignited during transportation that highlight the need to assure torches are transported in accordance with the requirements in the HMR, because of the risks posed by passengers carrying torches in their checked or carry-on baggage.

On April 22, 1999, at Seattle Tacoma Airport, checked baggage was being transferred between connecting flights. Ramp personnel heard a popping sound coming from a soft-sided duffel bag, and then noted a burning smell and heat emanating from the bag. When the bag was opened, air carrier personnel discovered a compressed gas cylinder fitted with a self-igniting torch assembly, with the switch in the "on" position. The bag also contained a butane barbeque lighter, a one-quart can of flammable paint, and an eight-ounce can of flammable adhesive, which are all regulated materials.

On April 1, 1999, at a cargo air carrier's sort facility in New York City, a box containing a cylinder charged with a flammable compressed gas caught fire. The electronic igniter on the torch head, which was attached to the gas cylinder, was discovered with its switch in the "on" position. Apparently, the package contents, which were loosely arranged, shifted enough to activate the trigger of the torch head, which ignited the gas, causing a flame that ignited the package.

On February 21, 1999, at the Detroit Metropolitan Wayne County Airport,

while a checked toolbox was being loaded into an aircraft, it exploded and injured two airline employees. One of the items in the toolbox was a butane torch equipped with a refillable gas canister. The passenger who checked the toolbox as baggage claimed that he completely emptied the canister by setting the lever to the open position for approximately four hours.

On August 23, 1998, at Houston International Airport, a toolbox checked as baggage gave off a flame as it was being loaded aboard an aircraft. A micro-torch with a refillable gas canister was found inside the toolbox. The micro-torch lacked safety devices to prevent accidental ignition.

On March 3, 1997, at Dulles International Airport, a small metal suitcase exploded while it was being loaded onto a conveyor belt. A ramp agent was struck in the head by fragments from the exploding suitcase and sustained minor injuries. The explosion appeared to have been caused by a charged butane micro-torch used for heating wax that is applied to skis.

Based on these incidents, RSPA and the FAA are concerned that many people may not be fully aware of the provisions of the HMR pertaining to the transportation of torches and similar devices. Ignition of a torch and the subsequent risk of fire aboard an aircraft constitute a grave threat to transportation safety.

II. Requirements for the Transportation of Flammable Gas Torches

Flammable gas torches may be designed in various configurations and differ in their intended use. However, all are forbidden to be carried aboard passenger-carrying aircraft as either checked or carry-on baggage. Butane, propane, and other flammable gases must be offered for transportation and transported in full compliance with the HMR.

Micro-Torches

Cigarette lighters or similar devices (such as mini-or micro-torches) equipped with an ignition element and containing gaseous fuel are regulated under the HMR as Lighters or Lighter refills and subject to the provisions of §§ 173.21 and 173.308. Section 173.21 forbids the transportation of packages containing a cigarette lighter or similar device equipped with an ignition element and containing fuel, except that a cigarette lighter or a similar device may be shipped if the design of the device and its inner packaging has been examined by an approved laboratory, and specifically approved by the Associate Administrator for Hazardous Materials Safety. Transportation regulations which apply to these devices include fuel capacity and filling limits, pressure capability of the device, and packaging restrictions. Devices containing a flammable gas must conform to the quantity limits and packaging requirements specified in § 173.308.

Larger Torches

A flammable gas torch that includes as one of its components a cylinder charged with liquified butane or propane gas is regulated under the HMR as Liquified petroleum gas, UN 1075, and subject to the packaging requirements of § 173.304. Flammable gases are forbidden on passenger-carrying aircraft. Flammable gases may be transported on cargo aircraft only if they are packaged, marked, and labeled, and otherwise conform to the requirements of the HMR. A torch head, many of which are self-igniting, may not be attached to the cylinder. In the above-described incidents, the owners of the torches did not remove the torch heads before packing them, which greatly increases the probability that the torch will activate and start a fire.

III. Reminder to Passengers, Cargo Offerors and Transporters

Anyone who offers for transportation or transports torches is encouraged to carefully review the requirements in the HMR, to examine all shipping procedures, and, where necessary, take measures to prevent potential incidents in transportation. Passengers, shippers, and carriers are reminded that the offering for transportation or carriage aboard aircraft of any forbidden material in violation of the HMR may subject them to enforcement action, including the assessment of criminal or civil penalties.

Additional information on the requirements for shipping torches may also be obtained by calling the RSPA Hazardous Materials Information Center at (800) HMR49–22 (467–4922) between 9:00 a.m. and 5:00 p.m. Eastern time, Monday through Friday, except Federal holidays, or the FAA Dangerous Goods and Cargo Security Program at (202) 267–7530. Information is also available at the following Internet sites: http://hazmat.dot.gov/ and http://cas.faa.gov/cas/dgp.htm.

Issued in Washington, DC, on September 24, 1999.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 99–25318 Filed 9–28–99; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33780]

The Kansas City Southern Railway Company—Trackage Rights Exemption—Gateway Western Railway Company and Gateway Eastern Railway Company

Gateway Western Railway Company and Gateway Eastern Railway Company (collectively, Gateway) have agreed to grant local and overhead trackage rights to The Kansas City Southern Railway Company (KCS) [1] over track structures, including sidings, related yard facilities and industry tracks, extending: (1) between Kansas City, MO, and East St. Louis, IL; and (2) between Roodhouse, IL, and Springfield, IL, for a total distance of approximately 478 miles.[2] The purpose of the trackage rights is to allow KCS to market "seamless" rail service over the KCS system and Gateway's, avoiding interchange costs and delays and allowing enhanced train scheduling and equipment utilization. The transaction was initially scheduled to be consummated on or after July 21, 1999, the effective date of the exemption (7 days after the exemption was filed).[3]

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in

[1] KCS and Gateway are commonly controlled and affiliated railroad companies. *See Kansas City Southern Industries, Inc., KCS Transportation Company, and The Kansas City Southern Railway Company—Control—Gateway Western Railway Company and Gateway Eastern Railway Company*, STB Finance Docket No. 33311 (STB served May 1, 1997).

[2] A redacted version of the trackage rights agreement between Gateway and KCS was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order, which was granted in a decision served July 23, 1999.

[3] On July 19, 1999, Joseph C. Szabo, on behalf of the United Transportation Union-Illinois Legislative Board filed a petition requesting the Board to stay operation of the exemption pending the filing and disposition of a petition to reject or to revoke it. By decision served July 20, 1999, the Board granted a 60-day stay of the effective date of the exemption, until September 19, 1999, to permit the Board to examine the issues in this proceeding in greater detail, thus delaying publication of the notice and the effectiveness of the exemption. On August 9, 1999, Mr. Szabo and W. Larry Foster, on behalf of the United Transportation Union-Missouri Legislative Board, filed a petition, to reject and/or to revoke the notice of exemption or to impose added labor protection. By decision served September 16, 1999, the Board denied the petition, subject to the Board's reservation of jurisdiction to consider other issues in future proceedings, as discussed in that decision. As a result, this exemption became effective on September 19, 1999.

Mendocino Coast Ry., Inc.—Lease & Operate, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33780, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Robert K. Dreiling, Esq., The Kansas City Southern Railway Company, 114 West Eleventh St., Kansas City, MO 64105.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: September 22, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–25315 Filed 9–28–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Departmental Offices; International Financial Institution Advisory Commission

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: Under section 603 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1999, the International Financial Institution Advisory Commission (the "Commission") shall advise and report to the Congress on the future role and responsibilities of the international financial institutions (defined as the International Monetary Fund, International Bank for Reconstruction and Development, European Bank for Reconstruction and Development, International Development Association, International Finance Corporation, Multilateral Investment Guarantee Agency, African Development Bank, African Development Fund, Asian Development Bank, Inter-American Development Bank, and Inter-American Investment Corporation), the World Trade Organization, and the Bank for International Settlements.

DATES: The third meeting of the Advisory Commission will be held on October 19, 1999, beginning at 9:00 a.m. and tentatively ending at 3:00 p.m. in Room HC7 in the U.S. Capitol, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Designated Federal Official: William McFadden, Senior Policy Advisor, Office of International Monetary and Financial Policy, Room 4444, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Telephone Number 202–622–0343, fax number (202) 622–7664.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda will focus on the World Bank and tentatively includes discussion of the following:

- Role of the Bank and the Tasks of its agencies
- The Bank—History and Facts
- Reforming the Bank

Procedural

This meeting is open to the public. Please note that the meeting may close early if all business is finished. Members of the public may submit written comments. If you wish to furnish comments, please provide 16 copies of your written material to the Designated Federal Official. If you wish to have your comments distributed to members of the Commission in advance of the first meeting, 16 copies of any written material should be provided to the Designated Federal Official no later than October 12, 1999.

Dated: September 22, 1999.

William McFadden,

Designated Federal Official.

[FR Doc. 99–25258 Filed 9–28–99; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Monthly Report—Tobacco Products Importer.

DATES: Written comments should be received on or before November 29, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Cliff Mullen, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8181.

SUPPLEMENTARY INFORMATION:

Title: Monthly Report—Tobacco Products Importer.

Form Number: ATF F 5220.6.

Abstract: Reports of the lawful importation and disposition of tobacco products dealers are necessary to determine whether those issued the permits required by 26 U.S.C. Section 5713 should be allowed to renew their operations or renew their permits.

Current Actions: This is a newly proposed collection of information. The monthly summary report provides the least burdensome method to determine whether any activity authorized by the permit is taking place.

Type of Review: New.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,500.

Estimated Time Per Respondent: 48 minutes.

Estimated Total Annual Burden Hours: 14,000.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) The accuracy of the agency's estimate of the burden of the collection of information; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; (d) Ways to minimize the burden of the collection of information on respondents, including

through the use of automated collection techniques or other forms of information technology; and (e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 17, 1999.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 99–25285 Filed 9–28–99; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Great River Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 3 to the Treasury Department Circular 570; 1999 Revision, published July 1, 1999, at 64 FR 35864.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6696.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following Company under 31 U.S.C. 9304 to 9308. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1999 Revision, on page 35877 to reflect this addition:

Company Name: Great River Insurance Company. *Business Address:* P.O. Box 5028, Meridian, MS 39302. *Phone:* (601) 482–6816. *Underwriting Limitation b/:* $1,155,000. *Surety Licenses c/:* Al, AR, GA, KY, LA, MS, SC, TN. *Incorporated In:* Mississippi.

Certificates of Authority expire on June 30, each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

The Circular may be viewed and downloaded through the Internet at http://www.fms.treas.gov/c570/index.html. A hard copy may be purchased from the Government Printing Office (GPO) Subscription Service, Washington, DC, Telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 048000–00527–6.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6A04, Hyattsville, MD 20782.

Dated: September 15, 1999.

Doris B. Hyman,

Acting Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 99–25350 Filed 9–28–99; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Old Dominion Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 2 to the Treasury Department Circular 570; 1999 Revision, published July 1, 1999, at 64 FR 35864.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6765.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following Company under 31 U.S.C. 9304 to 9308. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1999 Revision, on page 35884 to reflect this addition:

Company Name: Old Dominion Insurance Company. *Business Address:* 55 West Street, Keene, NH, 03431. *Phone:* (904) 739–0873. *Underwriting Limitation b/:* $901,000. *Surety Licenses c/:* DE, FL, GA, MD, SC, VA. *Incorporated in:* Florida. Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

The Circular may be viewed and downloaded through the Internet at http://www.fms.treas.gov/c570/index.htm. A hard copy may be purchased from the Government Printing Office (GPO) Subscription Service, Washington, DC, Telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 048000–00527–6.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6A04, Hyattsville, MD 20782.

Dated: September 15, 1999.

Doris B. Hyman,

Acting Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 99–25349 Filed 9–28–99; 8:45 am]

BILLING CODE 4810–35–M

Corrections

Federal Register

Vol. 64, No. 188

Wednesday, September 29, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[DE037-1015a; FRL-6439-2]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emissions From Existing Municipal Solid Waste Landfills

Correction

In rule document 99–24041 beginning on page 50453 in the issue of Friday, September 17, 1999, make the following correction:

On page 50455, in the third column, in the seventh paragraph, in the third line, "temperature less than 550°C" should read, "temperature less than 55°C".

[FR Doc. C9–24041 Filed 9–28–99; 8:45 am]

BILLING CODE 1505–01–D

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federal register

Wednesday
September 29, 1999

Part II

Office of Management and Budget

5 CFR Part 1315
Prompt Payment; Final Rule

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Part 1315

RIN 0348–AB47

Prompt Payment

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Final rule on, and codification of, Prompt Payment Act regulations.

SUMMARY: OMB is issuing final revisions to its rules on the Prompt Payment Act, which have been found in Circular A–125. The revisions address the increased use of electronic commercial financial systems; promote the use of government credit cards and accelerated payment methods; reflect new requirements of the Debt Collection Improvement Act of 1996 and the recent repeal of the annual agency Prompt Payment reporting requirement; clarify and simplify language; and announce a toll-free number and internet website for Prompt Payment Act information. Finally, in addition to revising the Prompt Payment rules, OMB is also adopting them as codified regulations in the Code of Federal Regulations. OMB's issuance of codified regulations has the effect of superceding and rescinding Circular A–125 ("Prompt Payment").

DATES: *Effective Date:* The regulations are effective October 29, 1999.

ADDRESSES: Copies of the regulation and other information are available from the Prompt Payment web site at http://www.fms.treas.gov/prompt/index.html. Copies are also available from the Financial Management Service, Cash Management Policy and Planning Division, 401 14th Street, SW., Washington, DC 20227.

FOR FURTHER INFORMATION CONTACT: Sally Phillips, Senior Financial Program Specialist on (202) 874–7106; Matthew Helfrich, Financial Program Specialist, (202) 874–6749; Martha Thomas-Mitchell, Financial Program Specialist on (202) 874–6757; or Cynthia Johnson, Director, Cash Management Policy and Planning Division on (202) 874–6590.

SUPPLEMENTARY INFORMATION:

I. Background

In 1982, Congress enacted the Prompt Payment Act ("Act"; Pub. L. 97–177) to require Federal agencies to pay their bills on a timely basis, to pay interest penalties when payments are made late, and to take discounts only when payments are made by the discount date. The Act, as amended, is found at 31 U.S.C. Chapter 39.

To implement the Act, and pursuant to 31 U.S.C. 3903(a), OMB issued Circular A–125 ("Prompt Payment") in August 1982 (47 FR 37321, August 25, 1982). In response to changes to the Act that Congress made in the Prompt Payment Act Amendments of 1988 (Pub. L. 100–496), OMB revised Circular A–125 in December 1989 (54 FR 52700, December 21, 1989).

On June 17, 1998, OMB requested public comment on proposed revisions to Circular A–125 (63 FR 33000). As the preamble to that document explained (at 33000), the Circular is being updated to reflect the increased use of electronic commerce in the Federal government and in the private sector, including electronic financial systems and electronic funds transfer. The value of electronic commerce as a means of streamlining government and saving taxpayer dollars was emphasized by President Clinton in his memorandum to agencies of October 26, 1993, and by the National Performance Review, headed by Vice President Al Gore, in its call for an "all electronic Treasury." In addition, the document explained (at 33001) that revisions to the Circular were being proposed to reflect the Debt Collection Improvement Act of 1996 ("DCIA"; Pub. L. 104–134). Finally, the document indicated (at 33003) that, upon the issuance of final revisions, the Circular's provisions would be codified in the Code of Federal Regulations.

The current rule responds to the comments that were received on the proposed revisions, issues final revisions to OMB's Prompt Payment regulations, and codifies these regulations at a new part 1315 of title 5 of the Code of Federal Regulations. With the incorporation of the Prompt Payment rules into 5 CFR part 1315, OMB is rescinding Circular A–125.

As the next part of this preamble explains, OMB has made a number of changes to the Prompt Payment rules in response to public and agency comments on the proposal. In addition, one change has been made in response to subsequent legislative action—the elimination of the requirement for agencies to report annually on their Prompt Payment activities. This requirement (found in Section 14 of the Circular) had implemented the statutory reporting requirement in Section 3906 of the Prompt Payment Act, but Congress repealed Section 3906 last fall, in Section 1301(c) of the Federal Reports Elimination Act of 1998 (Pub. L. 105–362). As a result, agencies are no longer required to submit any Prompt Payment statistics to the Financial Management Service.

Finally, in an effort to further reduce any delays relating to payment, the Department of Treasury is establishing an interagency group, including the Department of Defense and other agencies, to examine any ongoing problems. The group will explore causes of any identified delay and develop options for corrective action as necessary.

As codified at Part 1315, the Prompt Payment rules generally follow the organization of the proposal. However, the section on "Definitions" has been moved from near the end of the proposal (Section 18) to near the beginning of the final rule (Section 1315.2). Also, as noted above, the "Reporting Requirements" section (Section 16 of the proposal) has been deleted.

II. Comments on, and Changes to, the Proposed Rule

Comments were received from 21 entities: 15 Federal agencies, 5 vendors and organizations representing vendors, and one university. Most of the comments addressed particular provisions in the proposed Prompt Payment rules. These are discussed below on a section-by-section basis, along with the changes that have been made to the proposed rule. Other, more general, comments on the proposal are discussed at the end of this part of the preamble.

A. Section 1315.1—Application (Proposed Section 1)

The Commodity Credit Corporation (CCC) commented that CCC payments made to farm producers are not considered to be procurement payments and as such CCC payments should not be covered in proposed Section 1.a., "Application." A separate paragraph at final § 1315.1(d) has been added to indicate the scope of the coverage of the Prompt Payment Act with respect to CCC payments (CCC payments are also addressed in § 1315.13).

In proposed Section 1.c, "Utility payments," an agency commented that the section should be revised to clarify that the referenced "tariffs," which may override the Prompt Payment interest, are utility tariffs only. This was the intent of the proposed section, as with Section 2.b of the Circular, because the section addresses only utility services. The section has been revised to make this point clearer.

One agency, with worldwide operations, recommended that proposed Section 1.c ("Utility payments") should be amended to provide that, when late payment rates for utility services are established by foreign governments,

such rates (in addition to the late payment rates established by state or local governments) will take precedence over the rates that would otherwise apply under this part. OMB agrees that foreign late payment rates for utility services should be treated comparably to state or local rates. In both situations, the Federal government should pay the local rate that is generally charged to utility customers, rather than the Prompt Payment Act rate. Final § 1315.1(c) has been revised accordingly.

Finally, the paragraph at final § 1315.1(b)(2) has been amended to include the word "contingency" when describing payments made during military operations. This parallels the language in the referenced provision at 10 U.S.C. 101(a)(13).

B. Section 1315.2—Definitions (Proposed Section 18)

An agency suggested that the definition of "Acceptance" be revised to clarify that only an authorized government official may accept goods or services. OMB agrees and has made the change at § 1315.2(b).

The definition of "Applicable interest rate," at § 1315.2(d) has been revised to reflect the change in the "Utility Payments" in § 1315.1(c), which clarifies that utility tariffs take precedence over the Prompt Payment interest rate when governmental authorities (including foreign governments) regulate late payment rates.

Based on a comment from an agency, OMB has made a clarifying revision to the definition of "Banking information" at § 1315.2(f), so that it refers to "vendor financial institution's" rather than "their bank's" in connection with the routing number of the vendor's financial institution.

Several comments were received from agencies and from organizations representing Federal vendors regarding the definition of "Contract financing payments," which in the final rule is found at § 1315.2(h). One commenter expressed the view that OMB should revise the rules to expand the application of Prompt Payment Act interest penalties to include contract financing payments. Contract financing payments were not subject to interest penalties under the Circular and the final rule retains this position. Under Circular A–125, the obligation to pay interest penalties for late payments has been conditioned upon the agency's acceptance of the supplies or services. Contract financing payments, by contrast, are the "authorized disbursement of monies prior to acceptance of supplies or services." Circular A–125, section 1.f (54 FR 52707); *see* 54 FR 52701 (discussion of contract financing payments). As part of its activities to examine potential ongoing problems with payment delays, the Treasury Department's interagency workgroup (discussed above) will assess the agencies' practices with respect to contract financing payments.

The definition of "Designated Agency Office" at § 1315.2(m) has been revised, based on a comment, to make clear that the office first designated to "receive" an invoice must also "review" it to determine if it is proper.

An agency suggested that the definition of "Electronic Funds Transfer" (EFT) include electronic transmission of payment data. In light of the DCIA and requirement that federal payments be made electronically, the definition of EFT at § 1315.2(s) has been modified to more closely reflect the definition found at 31 CFR part 208, Managing Federal Agency Disbursements. An agency responsible for cleaning hazardous waste sites commented that the definition for "Emergency Payment" should be modified to include the release or threatened release of hazardous substances as defined in Section 106 of the Comprehensive Environmental Response Compensation and Liability Act of 1980. OMB has made this change at § 1315.2(t).

OMB has changed the FAR subpart reference in the definition of "Fast Payment" at § 1315.2(v) to reflect new FAR numbering.

The term "Government Credit Card" has been changed to "Governmentwide Commercial Purchase Cards," and the definition at § 1315.2(x) have been revised to reflect changes (that are discussed below) to § 1315.12, "Payments to Governmentwide Commercial Purchase Card Issuers." The definition was also revised to remove the reference to the current simplified acquisition threshold of $100,000 (because the threshold may change periodically), and to describe the types of payments for which the card may be used.

Several agencies requested definitions for "rebate" and "settlement date." Definitions for these terms have been added, at § 1315.2(aa), (ee).

An agency suggested that the phrase "contractual or noncontractual" in the definition of "Utilities and Telephones" be removed since the Prompt Payment Act only applies to payments made as the result of a contract. OMB agrees, and the phrase has been removed from the definition at § 1315.2(gg).

C. Section 1315.3—Responsibilities (Proposed Section 2)

The discussion on "Internal control systems" (§ 1315.3(b)) has been modified to clarify that an agency's Quality Control program must include Quality Control validation at least once annually.

D. Section 1315.4—Prompt Payment Standards and Required Notices to Vendors (Proposed Section 3)

We received several comments concerning the use of non-paper documentation. An agency requested that OMB revise the "Required documentation" subsection to state that documentation stored in an imaged format is an example of the electronic documentation that is required. In the same vein, an agency commented that facsimiles should be included among the "computer-related media" that, under the "Receipt of invoice" subsection, may be used in lieu of "written" or "original" paper documents. Finally, an agency, which said it has experienced problems with non-paper media, recommended that OMB delete the provision that allows computer-related media to be used.

OMB agrees that an imaged format would be acceptable for electronic documentation purposes. Similarly, facsimiles are one example of an acceptable substitute for paper documents. OMB, though, does not believe that it is necessary (or advisable, given the evolving nature of electronic technology) for the rule to offer specific examples of acceptable formats for electronic documentation. Any legible electronic format may be used in lieu of paper documentation (to clarify this point, the reference to "computer-related media" in the proposal has been changed to "any media" in the final rule). OMB does not agree with the recommendation to delete the provision on computer-related media. In order to prevent delays in payment and subsequent late payment interest penalties, this provision strongly encourages agencies to use non-paper documentation with adequate internal controls to prevent duplicate payments. Agencies not having internal controls which are adequate for preventing duplication of payments are strongly encouraged to adopt such controls and to use non-paper documentation once those controls are in place.

Several agencies were critical of the proposed subsections on "Receipt of invoice" and "Starting the payment period," which were significantly revised versions of the Circular's provisions on those subjects (Sections

1.n and 4.d of the Circular). The agencies stated that the proposed revisions did not provide useful clarification to the discussion of when an invoice is received for purposes of starting the payment period in accordance with the Prompt Payment Act (31 U.S.C. 3901(a)(4)). Based on these comments, the final rule makes only minor revisions to the Circular's provisions on "Receipt of invoice" and "Starting the payment period"; the final rule's provisions are found at § 1315.4(b), (f). In response to an agency comment, the final rule clarifies that an electronically-received invoice is deemed to be received on the date the invoice is received unless it is received after normal working hours, in which case the invoice is deemed to be received the next business day.

OMB received a number of comments on the proposed subsection on "Review of invoice." With respect to the requirement in Section 3.c(1) of the proposal for the agency to review the invoice to determine if it is improper, an agency commented that the phrase "appropriate office" did not correctly capture the intention of the 1988 amendments to the Act that the office first designated to receive an invoice must review it to determine if it is proper. In the final rule, at § 1315.4(c)(1), OMB has replaced the term "appropriate office" with the term "designated agency office" and (as discussed above) has revised the definition of that term in § 1315.2(m) to reflect the fact that this office is expected to review invoices.

A trade organization commented that the maximum time allowed an agency to review an invoice and return an invoice as improper should be reduced from seven days to three days. The seven-day period is established by the Prompt Payment Act, which provides that (except in the case of certain specified types of contracts, for which a different maximum period is set) "each invoice be reviewed as soon as practicable after receipt" and "any invoice determined not to be such a proper invoice suitable for payment shall be returned as soon as practicable, but not later than 7 days, after receipt, specifying the reasons that the invoice is not a proper invoice." 31 U.S.C. 3903(a)(7)(A), (B). The Circular has reiterated the Act's requirement, by stating in Section 4.b(2), (3) that an invoice "will be reviewed as soon as practicable after receipt" and, if determined to be improper, "shall be returned as soon as practicable, but not later than seven days" after receipt. The proposed rule at Section 3.c(1), (2) also stated that the invoice shall be reviewed and, if determined to be improper, be returned within seven days after receipt. However, as another trade organization noted, the proposal failed to specify that the invoice shall be reviewed and (if determined to be improper) returned "as soon as practicable" after receipt.

In accordance with the Act, and the pre-existing Circular, the final rule states in § 1315.4(c)(1), (2) that an agency shall review the invoice "as soon as practicable after receipt" and shall return an improper invoice "as soon as practicable after receipt, but no later than 7 days after receipt." In addition, as did the proposal, the final rule provides that the agency "will identify all defects that prevent payment and specify all reasons why the invoice is not proper and why is it being returned." As a result, if it is "practicable" for an agency to review and return an improper invoice in three days, then—under the Act and the final rule—the agency is required to return the invoice in three days. However, if it is not "practicable" for an agency to review and return an improper invoice in three days, then the Act and the final rule provide that the agency has additional time (up to seven days) in which to do so. Given the statutory standard, we do not believe it would be appropriate for the final rule to require an agency to return an improper invoice in less than seven days where it would not be "practicable" for the agency to do so.

An agency commented that the proposed provision at Section 3.c(2), regarding the notification requirement when returning an improper invoice, should be consistent with proposed Section 13.a.(3) which stated that, for construction contracts, an agency need not return an improper invoice if the agency notifies the vendor electronically that the invoice is improper. Another agency, however, noted that the Prompt Payment Act, at 31 U.S.C. 3903(a)(7)(B), provides that improper invoices "shall be returned." In the final rule, at § 1315.14(a)(3), OMB has dropped the language concerning electronic notification of improper invoices for construction contracts. As a result, that provision is consistent with the invoice-return requirement at § 1315.4(c)(2).

A trade organization commented that additional language should be added which says that the number of days available to an agency to make the payment is reduced by the number of days by which an agency exceeds the time period during which it is required to return the improper invoice. OMB does not believe that additional language is necessary. The Circular in Section 4.b(4) has already provided for such a reduction in the payment period. That language was in the proposed rule at Section 3.g(3), and is found in the final rule at § 1315.4(g)(4).

Two agencies commented on the provision on "Acceptance" in Section 3.e of the proposal. As has the Circular (at Section 4.c), the proposal required agencies to ensure that acceptance is "executed as promptly as possible," and that commercial items and services "should not be subject to extended acceptance periods." One agency commented that a specific time period should be established (e.g., seven days) within which acceptance is required to occur, unless a longer acceptance period is agreed upon. OMB does not believe that a specific time period should be set for acceptance, but rather that acceptance should occur "as promptly as possible." Therefore, the final rule at § 1315.4(e) retains the language from the Circular and the proposal on this point. Another agency commented that the language in the proposal that acceptance reports should be forwarded to the designated agency office "by the fifth working day after delivery" should be amended to say the fifth working day "after acceptance" (which would parallel the language in the Circular at Section 4.c). OMB agrees with the comment and has made the change.

With respect to the "Payment date" provision at Section 3.h of the proposal, an agency commented that there would be no instance where a payment would fall due "after normal working hours." OMB agrees, and the phrase has been deleted in § 1315.4(h). Finally, the text of the provision has been revised for clarity.

E. Section 1315.5—Accelerated Payment Methods (Proposed Section 4)

Two agencies questioned whether the Prompt Payment Act provides the statutory latitude to permit payment by accelerated methods after the matching of documents is completed. OMB believes that accelerated payment methods are consistent with the Prompt Payment Act, and that they further substantial policy interests. The Act, at 31 U.S.C. 3903(a)(8), provides that OMB shall prescribe regulations that "permit an agency to make payment up to 7 days prior to the required payment, or earlier as determined by the agency to be necessary on a case-by-case basis." OMB believes that, as the government moves steadily into the electronic commerce mainstream, agencies are increasingly likely to realize efficiencies and cost savings if agencies are allowed to pay early when it benefits the government to do so. Therefore, agencies may use the accelerated payment methods when they determine that such earlier

payments are necessary (as final § 1315.4(j) provides). When making these decisions, agencies should consider the cost of funds to the government of paying early. Prompt Payment late payment interest penalties apply if the payment is not made by the payment due date.

An agency questioned whether the matching requirements for the accelerated payment methods would apply to payments made by agencies which do not use a 100 percent prepayment examination process but instead rely on statistical sampling in accordance with 31 U.S.C. 3521. This agency was concerned that only those payments chosen for the sample would be eligible for accelerated payments methods. OMB does not intend for the accelerated payment methods to be available only for those payments where 100 percent prepayment examinations are conducted, but may also be used by agencies that rely on statistical sampling, if such sampling reveals no unacceptable levels of problems encountered.

An agency recommended that the proposed provision on "A single invoice under $2,500" clarify that payments of credit card invoices under $2,500 may be made without verification that goods have been received (see Treasury Financial Manual 4–4500, Government Purchase Cards). OMB agrees and has made this change.

An agency commented that accelerated payments to small businesses, under the proposed provision on "Small Disadvantaged Business Concern," should be mandated rather than simply authorized. However, under 31 U.S.C. 3903(a)(8), an agency needs to determine that such earlier payments are necessary. Thus, OMB does not agree that the rule should mandate the use of the accelerated payment methods. Another agency commented that accelerated payments should be made to all small businesses rather than (as under the proposal) only to small disadvantaged business concerns "as defined in the FAR Part 19.001." OMB agrees that accelerated payments may be made to any small business (as defined in FAR Part 19.001) if the agency determines that such early payments are necessary. The final rule at Section 1315.b has been revised accordingly.

F. Section 1315.6—Payment Without Evidence That Supplies Have Been Received (Fast Payment) (Proposed Section 5)

Several agencies commented on proposed Section 5, "Fast Payment" (the title of this section has been changed in the final rule). Several agencies commented that the FAR citation at Part 13 was no longer subpart 13.3, but is now subpart 13.4. This change has been made. An agency commented that proposed sections 5.b and 5.d (on "FAR clause 52.213.1" and "Obligation documents") were not within the scope of this regulation and should be deleted. Based on the comments, OMB has decided to retain much of the language from Section 12 of the existing Circular (54 FR 52712). The conditions under which a fast payment procedure is warranted and the requirements of a fast pay contract remain unchanged.

G. Section 1315.7—Discounts (Proposed Section 6)

With respect to proposed Section 6.a ("Economically justified discounts"), an agency commented that its first two sentences should be combined for clarity. In addition, another agency commented that agencies should be encouraged to include discount terms in the contract at the time of award. This would provide agencies the opportunity to include discount terms in their accounting systems, which could then be automatically evaluated to determine if they are economically justified and will give agencies enough time to evaluate and take the discount, when indicated. This agency also commented that the term "deadline" in proposed 6.b ("Discounts taken after the deadline") should be replaced by the term "discount date" to more accurately reflect the date by which agencies may take a discount. OMB agrees with these comments and has revised the section accordingly.

H. Section 1315.8—Rebates (Proposed Section 7)

An agency commented that a rebate formula would be useful to agencies in implementing this section. OMB agrees and has included a rebate formulate in the final rule, at § 1315.17 ("Formulas"). The "Rebates" section has been revised to clarify that the payment due date may be calculated using the rebate formula provided, unless the payment due date has been determined in the contract.

I. Section 1315.9—Required Documentation (Proposed Section 8)

An agency making payments overseas to foreign landlords said that late payment interest penalties should not be required when routine lease contract renewal payments cannot be made because a foreign landlord no longer lives in the area where the leased property is located. OMB agrees that Prompt Payment interest penalties are not required to be paid if the vendor does not submit a corrected remittance address as required by final § 1315.9(a)(6).

The language in § 1315.9(a)(8), regarding banking information required by the Debt Collection Improvement Act, has been reworded to parallel the language in § 1315.9(a)(7), regarding interest penalties under the Prompt Payment Act. The requirements of these subsections are unchanged.

Two agencies commented that proposed Section 8.a(8), requiring that banking information be submitted no later than the first request for payment, is inconsistent with the proposed Federal Acquisition Regulation (FAR Case 91–118) which required the submission of banking information no later than 15 days before the submission of the first request for payment. One of the agencies commented that coordination on this point was required to ensure consistency. This issue has been resolved by the publication of the final FAR rule on March 4, 1999 (64 FR 10530, 10538). Unlike the proposed FAR rule, the final FAR rule does not require receipt of EFT information 15 days prior to the invoice.

An agency requested clarification on whether purchase orders used as invoices would be in compliance with proposed Section 8.b(4) if an invoice number was not provided on the purchase order. An agency commenting on proposed Section 8.b(6) stated that the rule should not require payment and shipping terms on an invoice, but rather these terms should be specified either by agency policy or on individual orders or contracts. The requirements of this section are intended to allow an agency to require the information it needs to make a timely payment. The final rule at § 1315.9(b)(4), (6) provides agencies with discretion as to whether to require this information; as these provisions state, the contract may specify which information is required.

Several comments were received concerning the proposed rule's treatment in Section 8.b(7)–(8) of the collection of banking information and Taxpayer Identifying Numbers (TINs). Subsequent to the issuance of the proposal, the Treasury Department issued regulations on the Debt Collection Improvement Act of 1996 (DCIA) that are found in 31 CFR Part 208 (63 FR 51490, September 25, 1998). The DCIA regulations require the collection of banking information in order to make an electronic funds transfer (EFT) payment as required by the DCIA unless the payment is waived under 31 CFR Part 208. The regulations also require the collection of the TIN,

which the DCIA requires for debt collection and under the Internal Revenue Code for vendor income reporting. *See* 31 U.S.C. 7701(c); 26 U.S.C. 6109. The Treasury Department requires each agency to prepare a TIN implementation plan to document agency strategies for achieving compliance with the TIN provisions of the DCIA, and to identify barriers to collecting and providing TINs. *See* Treasury Financial Manual, TFM Bulletin 99–02.

The proposed rule in Section 8.b(7)–(8) required the collection of banking information and TINs on the invoice unless previously collected by the agency. Several agencies interpreted these provisions to mean that an agency could not require that this information be on the invoice if the information had already been provided. These agencies commented that they would need to require the information on the invoice even if it had been previously provided. One agency commented that payment offices are not always notified in a timely manner when financial institutions merge and when vendors change financial institutions. Another agency commented that it requires the flexibility to require TINs on every invoice because many companies have multiple branches or subsidiaries, which often have their own individual TINs. According to the agency, if the vendor is not required to provide the TIN on each invoice, then the agency is forced to make a determination as to which TIN is associated with the invoice. OMB recognizes that some agencies need the flexibility to require banking information and TINs on invoices in addition to collecting the information sooner in the payment process. The final rule has been revised at § 1315.9(b)(7)–(8) to state that banking information and TINs are required on the invoice unless agency procedures provide otherwise.

An agency requested clarification that payments to vendors may be withheld pending submission of a proper invoice that includes banking information. The agency requested the clarification because a June 25, 1998 press release issued by Treasury stated that no payments would be withheld as a result of the DCIA EFT requirement. OMB has been informed by Treasury that the payments referred to in the press release are payments to individuals (such as recipients of Federal salary, wage, benefit or retirement payments), not payments to vendors. The final rule at § 1315.9(b)(8) requires a vendor to provide banking information, as part of a proper invoice, so that an electronic payment can be made. The invoice is not deemed proper unless the banking information is provided to the agency by the time the invoice is submitted. The payment period does not begin, and thus agencies are not required to pay late payment interest penalties, until after the banking information has been received.

Two agencies that make payments overseas commented that proposed Section 8.b(7) should be amended to specifically exclude the requirement that TINs be provided for overseas payments, in the case of overseas vendors who do not have a TIN. The DCIA does not provide agencies the authority to waive the requirements to collect the TIN for purposes of offsetting Federal payments to collect debt owed the government. However, the Treasury Department acknowledges that there are some situations where it may not be possible to collect a TIN. Treasury has proposed a TIN implementation report from each agency to identify those situations where the TIN cannot be collected. (*See* Treasury Financial Manual, TFM Bulletin 99–02.)

One agency suggested that the regulation emphasize that the collection of TINs is required for 1099 tax reporting purposes and that agencies must have systems which can distinguish between payments for services and payment for products because only payments for services are required to be reported to the Internal Revenue Service (IRS). OMB believes this discussion is beyond the scope of the regulation and defers such discussion to IRS regulations.

An agency commented that proposed Sections 8.c.(3), (5), and (6) should include references to services, since receiving reports can apply to services as well as goods. OMB agrees and has made the change at § 1315.9(c)(3), (5), and (6) of the final rule. The same agency commented that proposed language at 8.c.(8) incorrectly referenced Section 8.c(1)–(7) rather than Section 8.b. OMB agrees, and has corrected the reference in § 1315.9(c)(8) so that it refers to § 1315.9(b). Also, this provision has been revised so that the additional information required for a delivery ticket (when it is used as an invoice) will be set forth in agency procedures, which may (but are not required to) include the information in § 1315.9(b).

J. Section 1315.10—Late Payment Interest Penalties (Proposed Section 9)

A trade organization commented that language should be included in this section, which would state that the number of days available to an agency to make a payment is reduced by the number of days that the notification of an improper invoice is late. As explained above, this language is already found in § 1315.4(g)(4) ("Notification of Improper Invoice"), which discusses how to calculate the payment due dates when a notification of an improper invoice is late.

The language in final § 1315.10(a)(1) has been revised to clarify that the time period during which interest will accrue begins on the day after the payment due date and ends on the payment date, and interest will accrue at the rate in effect on the day after the payment due date.

An agency commented that proposed Section 9.a.(3) should be amended to say that interest will accrue on the "unpaid amount" instead of "the unpaid principle and accrued interest" because the latter language assumes that the principal amount has not been paid and such is not necessarily the case. The agency also commented that this paragraph be placed after proposed 9.a.(4). Two agencies commented that the word "capitalized" in proposed 9.a.(4) should be replaced with "compounded" because compounded is a more easily understood term and reflects the same meaning. OMB agrees with these comments and the changes are made in § 1315.10(a).

Several agencies requested clarification on proposed Section 9.a(6) regarding the date through which interest accrues on discounts improperly taken. The final rule at § 1315.10(a)(6) has been revised to clarify that interest is calculated beginning on the date after the discount date through the date of payment of the discount erroneously taken.

An agency commented that the one dollar threshold in proposed 9.a.(7) should be increased. The one dollar threshold is specified in the Prompt Payment Act, 31 U.S.C. 3902(c)(1), and is therefore retained in the final rule at § 1315.10(a)(7).

Proposed 9.a(8) addressed when interest penalties would begin to accrue when a vendor has supplied the agency with incorrect banking information. Several agencies expressed the concern that an agency would not know that the vendor had supplied incorrect banking information until the agency's payment is rejected. As a result, it would be very difficult and in some cases impossible for the agency to return the invoice as improper (due to the incorrect banking information) within the seven days that is allowed for returning an improper invoice. In response to these comments, the final rule at § 1315.10(a)(8) provides that, if the vendor has supplied incorrect banking information, interest will not accrue until seven days after the agency receives correct information.

This is intended to give agencies adequate time to prepare and initiate a payment using the correct information, and is similar to the provision at Section 7.a(10) of the Circular.

An agency commented that interest should be calculated based on a 365-day year, rather than the 360-day year in proposed Section 9.a(9). The 360-day year, which has been used in Section 7.a(11) of the Circular, is a standard business practice, and it is used in other calculations such as the calculation for the rebate formula and the discount formula used to determine when to take discounts. Accordingly, the final rule at § 1315.10(a)(9) retains the 360-day year.

Two agencies commented that the phrase "except when title of the goods passes to the government" in proposed Section 9.b(1) should be deleted because its purpose was unclear. The exception was intended to address the situation where, under the Fast Payment procedure, the passing of title substitutes for acceptance for purposes of determining whether late payment interest penalties may be paid. Language has been added in final § 1315.10(b)(1) to clarify that, in these circumstances, interest may be paid only after the government receives title for goods.

An agency requested clarification on whether the delay of the passage of an appropriations bill is an example of "the temporary unavailability of funds" under proposed Section 9.b(4). That is indeed the situation addressed by this provision, which has been found in Section 7.b(3) of the Circular. The provision is taken from the Prompt Payment Act, at 31 U.S.C. 3902(d). Under the Act, the fact that an appropriation has not yet been enacted from which payments to vendors can be made does not relieve the agency of the obligation to pay interest for late payments.

K. Section 1315.11—Additional Penalties (Proposed Section 10)

An agency commented that proposed Section 10.a should be amended to say that a vendor shall be entitled to interest "of $1.00 or more," so as to clarify that interest under $1.00 need not be paid. The agency commented that proposed Section 10.c should be similarly amended by adding that no additional penalty is owed if the amount of the interest penalty is less than $1.00. An agency recommended that proposed Section 10.a(3)B be amended to include the situation where a postmark is illegible (in addition to where there is no postmark), while another agency commented that the proposed language on confirmation of postmark should be moved to the beginning of Section 10.a(3). This agency commented that proposed Section 10.a(3)B should clarify that the "date of receipt" refers to receipt of the principal amount. The agency also commented that the proposed Section 10.d was confusing and would be clarified by replacing "if paid separately" with language that states that penalty determinations are made separately for each invoice when payments are consolidated. OMB agrees with these comments, and the changes are made in § 1315.11.

L. Section 1315.12—Payments to Governmentwide Commercial Purchase Card Issuers (Proposed Section 11)

Two agencies commented that the requirements of proposed Section 11 ("Payments Under Government Credit Card.") were inconsistent with the requirements of proposed Section 7 ("Rebates"). OMB agrees that the requirements for determining credit card invoice payment dates in these proposed sections were not consistent. In the final rule, § 1315.12 has been revised to instruct agencies to determine payment due dates in accordance with § 1315.8.

Two agencies commented that this section should reference the rebate formula and should replace the reference to the discount formula. A reference to the rebate formula has been added to this section. Several agencies commented that the terms used in the regulation for the credit card program should be the same as those used in the FAR. OMB has changed the reference to Governmentwide Commercial Purchase Card which is the term used in the FAR and has changed the title of the section to "Payments to Governmentwide Commercial Purchase Card Issuers" to reflect the new term and to reflect the new program's use of multiple card issuers.

Two agencies requested clarification on whether the accelerated payment due dates for purchase card invoices under $2500 applied to individual invoices or to consolidated invoices. One of the agencies also requested clarification on whether purchase card invoices referred to invoices from vendors which would be paid by purchase card or invoices from purchase card issuers. A purchase card invoice means a single invoice submitted by a purchase card issuer for reimbursement of funds already paid to the vendor by the card issuer. Any single invoice under $2500 may be paid in accordance with this section, however a consolidated invoice may only be paid in accordance with this section and § 1315.5, "Accelerated Payment Methods" if the total amount of the consolidated invoice is under $2500.

Two agencies sought clarification on whether matching documents was required for purchase card invoice payments under $2500. OMB has added language to clarify that matching documentation under this payment method is not required to be performed before payment.

M. Section 1315.13—Commodity Credit Corporation Payments (Proposed Section 12)

Based on comments from the Commodity Credit Corporation (CCC), proposed Section 12 ("Payments to Farm Producers") has been modified to clarify payment standards and to include language which insures that the CCC may still exercise or implement, under authorities applicable directly to the Corporation, whatever discretion or obligation it may possess to deal with lawful claims, including, if appropriate, payment of interest penalties beyond the time provided elsewhere in the regulation. The title of the section has been modified to more accurately reflect the scope of CCC payments covered by the Prompt Payment Act.

N. Section 1315.14—Payments Under Construction Contracts (Proposed Section 13)

As discussed above, OMB agrees with the agency comment that the language in proposed Section 13.a.(3), which stated that it is not necessary for an agency to return an improper invoice when it notifies the vendor electronically that the invoice is improper, was inconsistent with the return requirement in proposed Section 3.c(2) and in the Prompt Payment Act at 31 U.S.C. 3903(a)(7)(B). The language has therefore been deleted.

O. Section 1315.15—Grant Recipients (Proposed Section 14)

No comments were received on this section. The final rule contains the proposed text.

P. Section 1315.16—Relationship to Other Laws (Proposed Section 15)

An agency commented that proposed Section 15.a.(2) "Relationship to Other Laws" should include language which clarifies that once a claim is filed under the Contract Disputes Act, Prompt Payment interest penalties will never accrue on the disputed amount after the date the claim was filed. OMB agrees and has added clarifying language.

Q. Proposed Section 16—Reporting Requirements

As explained above, Congress in Section 1301(c) of the Federal Reports Elimination Act of 1998 repealed the Prompt Payment Act's reporting requirements at 31 U.S.C. 3906. Accordingly, the final rule does not adopt the reporting requirements in proposed Section 16.

R. Section 1315.17—Formulas

As explained above, an agency suggested that a formula be provided for calculating rebates, and one is provided in this section. An agency also commented that the Prompt Payment internet website should include formulas for computing interest penalties. Formulas for computing monthly compounded interest and daily simple interest have been added to this section and to the website. In addition, the website now includes a spreadsheet which can be used to determine when to pay a purchase card invoice. This section also includes a formula for manually calculating when to pay a credit card invoice so as to either maximize savings or minimize costs.

S. Section 1315.18—Inquiries (Proposed Section 17)

A trade association representing construction subcontractors commented that the Prompt Payment website should include a link to the Prompt Payment Act of 1988 and to the Federal Acquisition Regulation Prompt Payment clause. The Financial Management Service has added both links to the Prompt Payment website. The address for the website is www.fms.treas.gov/prompt/index.html.

T. Section 1315.19—Regulatory References to OMB Circular A–125 (New Section)

This section was added to make clear that regulatory references to OMB Circular A–125 shall be construed as referring to the Part until revised to reflect this codification. This would include references to A–125 contained in the FAR. (During the coming months, additional technical conforming changes will be made to FAR provisions and clauses as necessary.)

U. Interagency Payments

At the end of Part II of the Supplementary Information section of the proposed rule's preamble, OMB sought comment on how the Federal government should address the problem of Federal agencies making late payments to other Federal agencies. Six agencies commented that Treasury's Online Payments and Collections system (OPAC) or Treasury's Electronic Data Interchange Payments and Collections system (EDIPAC) should be required to be used by all Federal agencies for interagency payments. One agency commented that the availability of interagency payment mechanisms such as OPAC/EDIPAC, credit cards and other programs would assist agencies in improving interagency payment efficiency. Another agency commented that Interagency Agreements could include terms which provide for billing in advance. This agency commented further that agencies should have a limit of one year to bill, because some agencies have taken much longer than a year to bill. Two agencies commented that Prompt Payment late payment interest penalties should be applied to interagency payments. Three agencies commented that there should be no application of Prompt Payment penalties for interagency payments. One agency commented that Prompt Payment was not the appropriate context for discussing interagency payments.

The Prompt Payment Act does not provide for the application to interagency payments of the Prompt Payment rules, in particular the interest penalties. However, in light of the electronic fund transfer (EFT) requirements of the Debt Collection Improvement Act and the costs that agencies incur to collect overdue amounts from other agencies, OMB strongly encourages agencies to choose an electronic payment method for making interagency payments. OMB also strongly encourages agencies to include advance billing and other payment terms in Interagency Agreements to facilitate timely payments. Agencies wishing to know more about available electronic payment methods for interagency payments should contact the Department of Treasury, Financial Management Service, Card Technology Division, (202) 874–6550.

III. Regulatory Flexibility Act, Unfunded Mandates Reform Act, Congressional Review Act, and Executive Orders 12866 and 12875

This final rule will not have a significant economic effect on a substantial number of small entities; the regulations implement the Prompt Payment Act, which requires Federal agencies to pay their bills on a timely basis, to pay interest penalties when payments are made late, and to take discounts only when payments are made by the discount date. For purposes of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as well as Executive Orders 12866 and 12875, the final rule will not significantly or uniquely affect small governments, and will not result in increased expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more. Finally, the final rule is not a "major rule" under 5 U.S.C. Chapter 8; the rule will not have any of the effects set forth in 5 U.S.C. 804(2).

IV. Paperwork Reduction Act

The collections of information necessary for carrying out the Prompt Pay Act have previously been reviewed and approved by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) as follows: The collection of banking information required to make payments electronically has been approved by OMB under Control Number 1510–0066. The collection of Taxpayer Identification Numbers (TINs) for contracts governed by the Federal Acquisition Regulation for commercial and non-commercial contracts has been approved by OMB under Control Numbers 9000–0097 and 9000–0136, respectively. Collections covered under these three control numbers are part of the implementation of the Debt Collection Improvement Act of 1996 (the DCIA). The DCIA requires that all Federal payments be made electronically after January 1, 1999 and that TINs be collected for the purposes of collecting debt owed the Federal government. Collections in this rule relating to the submission and payment of invoices are approved under OMB Control Numbers 9000–0070 and 0102, which govern the submission of adequate documentation to support contractor requests for payment.

List of Subjects in 5 CFR Part 1315

Administrative practice and procedure, Government contracts, Penalties, Reporting and recordkeeping requirements.

Dated: September 15, 1999.

Jacob J. Lew,

Director.

Authority and Issuance

For reasons set out in the preamble, OMB adds part 1315 to 5 CFR chapter III to read as follows:

PART 1315—PROMPT PAYMENT

Sec.

1315.1 Application.
1315.2 Definitions.
1315.3 Responsibilities.
1315.4 Prompt payment standards and required notices to vendors.
1315.5 Accelerated payment methods.

1315.6 Payment without evidence that supplies have been received (Fast Payment).
1315.7 Discounts.
1315.8 Rebates.
1315.9 Required documentation.
1315.10 Late payment interest penalties.
1315.11 Additional penalties.
1315.12 Payments to governmentwide commercial purchase card issuers.
1315.13 Commodity Credit Corporation payments.
1315.14 Payments under construction contracts.
1315.15 Grant recipients.
1315.16 Relationship to other laws.
1315.17 Formulas.
1315.18 Inquiries.
1315.19 Regulatory references to OMB Circular A–125.

Authority: 31 U.S.C. chapter 39.

§ 1315.1 Application.

(a) *Procurement contracts.* This part applies to contracts for the procurement of goods or services awarded by:

(1) All Executive branch agencies except:

(i) The Tennessee Valley Authority, which is subject to the Prompt Payment Act (31 U.S.C. chapter 39), but is not covered by this part; and

(ii) Agencies specifically exempted under 5 U.S.C. 551(1); and

(2) The United States Postal Service. The Postmaster General is responsible for issuing implementing procurement regulations, solicitation provisions, and contract clauses for the United States Postal Service.

(b) *Vendor payments.* All Executive branch vendor payments and payments to those defined as contractors or vendors (see § 1315.2(hh)) are subject to the Prompt Payment Act with the following exceptions:

(1) Contract Financing Payments, as defined in § 1315.2(h); and

(2) Payments related to emergencies (as defined in the Disaster Relief Act of 1974, Public Law 93–288, as amended (42 U.S.C. 5121 *et seq.*)); military contingency operations (as defined in 10 U.S.C. 101 (a)(13)); and the release or threatened release of hazardous substances (as defined in 4 U.S.C. 9606, Section 106).

(c) *Utility payments.* All utility payments, including payments for telephone service, are subject to the Act except those under paragraph (b)(2) of this section. Where state, local or foreign authorities impose generally-applicable late payment rates for utility payments, those rates shall take precedence. In the absence of such rates, this part will apply.

(d) *Commodity Credit Corporation payments.* Payments made pursuant to Section 4(h) of the Act of June 29, 1948 (15 U.S.C. 714b(h)) ("CCC Charter Act") relating to the procurement of property and services, and payments to which producers on a farm are entitled under the terms of an agreement entered into under the Agricultural Act of 1949 (7 U.S.C. 1421 *et seq.*) are subject to this part.

§ 1315.2 Definitions.

(a) *Accelerated Payment* means a payment made prior to the due date (see discussion in § 1315.5).

(b) *Acceptance* means an acknowledgment by an authorized Government official that goods received and services rendered conform with the contract requirements. Acceptance also applies to partial deliveries.

(c) *Agency* includes, as defined in 5 U.S.C. 551(1), each authority of the United States Government, whether or not it is within or subject to review by another agency, excluding the Congress, the United States courts, governments of territories or possessions, the District of Columbia government, courts martial, military commissions, and military authority exercised in the field in time of war or in occupied territory. *Agency* also includes any entity that is operated exclusively as an instrumentality of such an agency for the purpose of administering one or more programs of that agency, and that is so identified for this purpose by the head of such agency. The term *agency* includes military post and base exchanges and commissaries.

(d) *Applicable interest rate* means the interest rate established by the Secretary of the Treasury for interest payments under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) which is in effect on the day after the due date, except where the interest penalty is prescribed by other governmental authority (e.g., utility tariffs). The rate established under the Contract Disputes Act is referred to as the "Renegotiation Board Interest Rate," the "Contract Disputes Act Interest Rate," and the "Prompt Payment Act Interest Rate," and is published semiannually by the Fiscal Service, Department of Treasury, in the **Federal Register** on or about January 1 and July 1.

(e) *Automated Clearing House (ACH)* means a network that performs interbank clearing of electronic debit and credit entries for participating financial institutions.

(f) *Banking Information* means information necessary to facilitate an EFT payment, including the vendor's bank account number, and the vendor financial institution's routing number.

(g) *Contract* means any enforceable agreement, including rental and lease agreements, purchase orders, delivery orders (including obligations under Federal Supply Schedule contracts), requirements-type (open-ended) service contracts, and blanket purchases agreements between an agency and a vendor for the acquisition of goods or services and agreements entered into under the Agricultural Act of 1949 (7 U.S.C. 1421 *et seq.*). Contracts must meet the requirements of § 1315.9(a).

(h) *Contract Financing Payments* means an authorized disbursement of monies prior to acceptance of goods or services including advance payments, progress payments based on cost, progress payments (other than under construction contracts) based on a percentage or stage of completion, payments on performance-based contracts and interim payments on cost-type contracts. Contract financing payments do not include invoice payments, payments for partial deliveries, or lease and rental payments.

(i) *Contracting Office* means any entity issuing a contract or purchase order or issuing a contract modification or termination.

(j) *Contractor* (see *Vendor*).

(k) *Day* means a calendar day including weekend and holiday, unless otherwise indicated.

(l) *Delivery Ticket* means a vendor document supplied at the time of delivery which indicates the items delivered, can serve as a proper invoice based on contractual agreement.

(m) *Designated Agency Office* means the office designated by the purchase order, agreement, or contract to first receive and review invoices. This office can be contractually designated as the receiving entity. This office may be different from the office issuing the payment.

(n) *Discount* means an invoice payment reduction offered by the vendor for early payment.

(o) *Discount date* means the date by which a specified invoice payment reduction, or a discount, can be taken.

(p) *Due date* means the date on which Federal payment should be made. Determination of such dates is discussed in § 1315.4(g).

(q) *Electronic Commerce* means the end to end electronic exchange of business information using electronic data interchange, electronic mail, electronic bulletin boards, electronic funds transfer (EFT) and similar technologies.

(r) *Electronic Data Interchange* means the computer to computer exchange of routine business information in a standard format. The standard formats are developed and maintained by the Accredited Standards Committee of the American National Standards Institute,

11 West 42d Street, New York, NY 10036.

(s) *Electronic Funds Transfer (EFT)* means any transfer of funds, other than a transaction originated by cash, check, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes, but is not limited to, Automated Clearing House and Fedwire transfers.

(t) *Emergency Payment* means a payment made under an emergency defined as a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mud slide, snowstorm, drought, fire, explosion, or other catastrophe which requires Federal emergency assistance to supplement State and local efforts to save lives and property, and ensure public health and safety; and the release or threatened release of hazardous substances.

(u) *Evaluated Receipts* means contractually designated use of the acceptance document and the contract as the basis for payment without requiring a separate invoice.

(v) *Fast Payment* means a payment procedure under the Federal Acquisition Regulation at Part 13.4 which allows payment under limited conditions to a vendor prior to the Government's verification that supplies have been received and accepted.

(w) *Federal Acquisition Regulation (FAR)* means the regulation (48 CFR chapter 1) that governs most Federal acquisition and related payment issues. Agencies may also have supplements prescribing unique agency policies.

(x) *Governmentwide Commercial Purchase Cards* means internationally-accepted purchase cards available to all Federal agencies under a General Services Administration contract for the purpose of making simplified acquisitions of up to the threshold set by the Federal Acquisition Regulation or for travel expenses or payment, for purchases of fuel, or other purposes as authorized by the contract.

(y) *Invoice* means a bill, written document or electronic transmission, provided by a vendor requesting payment for property received or services rendered. A proper invoice must meet the requirements of § 1315.9(b). The term invoice can include receiving reports and delivery tickets when contractually designated as invoices.

(z) *Payment Date* means the date on which a check for payment is dated or the date of an electronic fund transfer (EFT) payment (settlement date).

(aa) *Rebate* means a monetary incentive offered to the Government by Governmentwide commercial purchase card issuers to pay purchase card invoices early.

(bb) *Receiving Office* means the entity which physically receives the goods or services, and may be separate from the accepting entity.

(cc) *Receiving Report* means written or electronic evidence of receipt of goods or services by a Government official. Receiving reports must meet the requirements of § 1315.9(c).

(dd) *Recurring Payments* means payments for services of a recurring nature, such as rents, building maintenance, transportation services, parking, leases, and maintenance for equipment, pagers and cellular phones, etc., which are performed under agency-vendor agreements providing for payments of definite amounts at fixed periodic intervals.

(ee) *Settlement Date* means the date on which an EFT payment is credited to the vendor's financial institution.

(ff) *Taxpayer Identifying Number (TIN)* means the nine digit Employer Identifying Number or Social Security Number as defined in Section 6109 of the Internal Revenue Code of 1986 (26 U.S.C. 6109).

(gg) *Utilities and Telephones* means electricity, water, sewage services, telephone services, and natural gas. Utilities can be regulated, unregulated, or under contract.

(hh) *Vendor* means any person, organization, or business concern engaged in a profession, trade, or business and any not-for-profit entity operating as a vendor (including State and local governments and foreign entities and foreign governments, but excluding Federal entities).

§ 1315.3 Responsibilities.

Each agency head is responsible for the following:

(a) *Issuing internal procedures.* Ensuring that internal procedures will include provisions for monitoring the causes of late payments and any interest penalties incurred, taking necessary corrective action, and handling inquiries.

(b) *Internal control systems.* Ensuring that effective internal control systems are established and maintained as required by OMB Circular A–123, "Management Accountability and Control." [1] Administrative activities required for payments to vendors under this part are subject to periodic quality control validation to be conducted no less frequently than once annually. Quality control processes will be used to confirm that controls are effective and that processes are efficient. Each agency head is responsible for establishing a quality control program in order to quantify payment performance and qualify corrective actions, aid cash management decision making, and estimate payment performance if actual data is unavailable.

(c) *Financial management systems.* Ensuring that financial management systems comply with OMB Circular A–127, "Financial Management Systems." [2] Agency financial systems shall provide standardized information and electronic data exchange to the central management agency. Systems shall provide complete, timely, reliable, useful and consistent financial management information. Payment capabilities should provide accurate and useful management reports on payments.

(d) *Reviews.* Ensuring that Inspectors General and internal auditors review payments performance and systems accuracy, consistent with the Chief Financial Officers (CFO) Act requirements.

(e) *Timely payments and interest penalties.* Ensuring timely payments and payment of interest penalties where required.

§ 1315.4 Prompt payment standards and required notices to vendors.

Agency business practices shall conform to the following standards:

(a) *Required documentation.* Agencies will maintain paper or electronic documentation as required in § 1315.9.

(b) *Receipt of invoice.* For the purposes of determining a payment due date and the date on which interest will begin to accrue if a payment is late, an invoice shall be deemed to be received:

(1) On the later of:

(i) For invoices that are mailed, the date a proper invoice is actually received by the designated agency office if the agency annotates the invoice with date of receipt at the time of receipt. For invoices electronically transmitted, the date a readable transmission is received by the designated agency office, or the next business day if received after normal working hours; or

(ii) The seventh day after the date on which the property is actually delivered or performance of the services is actually completed; unless—

(A) The agency has actually accepted the property or services before the

[1] For availability of OMB circulars, see 5 CFR 1310.3.

[2] See footnote 1 in § 1315.3(b).

seventh day in which case the acceptance date shall substitute for the seventh day after the delivery date; or

(B) A longer acceptance period is specified in the contract, in which case the date of actual acceptance or the date on which such longer acceptance period ends shall substitute for the seventh day after the delivery date;

(2) On the date placed on the invoice by the contractor, when the agency fails to annotate the invoice with date of receipt of the invoice at the time of receipt (such invoice must be a proper invoice); or

(3) On the date of delivery, when the contract specifies that the delivery ticket may serve as an invoice.

(c) *Review of invoice.* Agencies will use the following procedures in reviewing invoices:

(1) Each invoice will be reviewed by the designated agency office as soon as practicable after receipt to determine whether the invoice is a proper invoice as defined in § 1315.9(b);

(2) When an invoice is determined to be improper, the agency shall return the invoice to the vendor as soon as practicable after receipt, but no later than 7 days after receipt (refer also to paragraph (g)(4) of this section regarding vendor notification and determining the payment due date.) The agency will identify all defects that prevent payment and specify all reasons why the invoice is not proper and why it is being returned. This notification to the vendor shall include a request for a corrected invoice, to be clearly marked as such;

(3) Any media which produce tangible recordings of information in lieu of "written" or "original" paper document equivalents should be used by agencies to expedite the payment process, rather than delaying the process by requiring "original" paper documents. Agencies should ensure adequate safeguards and controls to ensure the integrity of the data and to prevent duplicate processing.

(d) *Receipt of goods and services.* Agencies will ensure that receipt is properly recorded at the time of delivery of goods or completion of services.

(e) *Acceptance.* Agencies will ensure that acceptance is executed as promptly as possible. Commercial items and services should not be subject to extended acceptance periods. Acceptance reports will be forwarded to the designated agency office by the fifth working day after acceptance. Unless other arrangements are made, acceptance reports will be stamped or otherwise annotated with the receipt date in the designated agency office.

(f) *Starting the payment period.* The period available to an agency to make timely payment of an invoice without incurring an interest penalty shall begin on the date of receipt of a proper invoice (see paragraph (b) of this section) except where no invoice is required (e.g., for some recurring payments as defined in § 1315.2(dd)).

(g) *Determining the payment due date.* (1) Unless otherwise specified, the payment is due either:

(i) On the date(s) specified in the contract;

(ii) In accordance with discount terms when discounts are offered and taken (see § 1315.7);

(iii) In accordance with Accelerated Payment Methods (see § 1315.5); or

(iv) 30 days after the start of the payment period as specified in paragraph (f) of this section, if not specified in the contract, if discounts are not taken, and if accelerated payment methods are not used.

(2) *Certain commodity payments.* (i) For meat, meat food products, as defined in Section 2(a)(3) of the Packers and Stockyard Act of 1921 (7 U.S.C. 182(3)), including any edible fresh or frozen poultry meat, any perishable poultry meat food product, fresh eggs, any perishable egg product, fresh or frozen fish as defined in the Fish and Seafood Promotion Act of 1986 (16 U.S.C. 4003(3)), payment will be made no later than the seventh day after delivery.

(ii) For perishable agricultural commodities, as defined in Section 1(4) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499 a(4)), payment will be made no later than the 10th day after delivery, unless another payment date is specified in the contract.

(iii) For dairy products (as defined in Section 111(e) of the Dairy Production Stabilization Act of 1983, 7 U.S.C. 4502(e)), and including, at a minimum, liquid milk, cheese, certain processed cheese products, butter, yogurt, and ice cream, edible fats or oils, and food products prepared from edible fats or oils (including, at a minimum, mayonnaise, salad dressings and other similar products), payment will be made no later than 10 days after the date on which a proper invoice, for the amount due, has been received by the agency acquiring the above listed products. Nothing in the Act permits limitation to refrigerated products. When questions arise about the coverage of a specific product, prevailing industry practices should be followed in specifying a contractual payment due date.

(3) *Mixed invoices for commodities.* When an invoice is received for items with different payment periods, agencies:

(i) May pay the entire invoice on the due date for the commodity with the earliest due date, if it is considered in the best interests of the agency;

(ii) May make split payments by the due date applicable to each category;

(iii) Shall pay in accordance with the contractual payment provisions (which may not exceed the statutory mandated periods specified in paragraph (g)(2) of this section); and

(iv) Shall not require vendors to submit multiple invoices for payment of individual orders by the agency.

(4) *Notification of improper invoice.* When an agency fails to make notification of an improper invoice within seven days according to paragraph (c)(2) of this section (three days for meat and meat food, fish and seafood products; and five days for perishable agricultural commodities, dairy products, edible fats or oils and food products prepared from edible fats or oils), the number of days allowed for payment of the corrected proper invoice will be reduced by the number of days between the seventh day (or the third or fifth day, as otherwise specified in this paragraph (g)(4)) and the day notification was transmitted to the vendor. Calculation of interest penalties, if any, will be based on an adjusted due date reflecting the reduced number of days allowable for payment;

(h) *Payment date.* Payment will be considered to be made on the settlement date for an electronic funds transfer (EFT) payment or the date of the check for a check payment. Payments falling due on a weekend or federal holiday may be made on the following business day without incurring late payment interest penalties.

(i) *Late payment.* When payments are made after the due date, interest will be paid automatically in accordance with the procedures provided in this part.

(j) *Timely payment.* An agency shall make payments no more than seven days prior to the payment due date, but as close to the due date as possible, unless the agency head or designee has determined, on a case-by-case basis for specific payments, that earlier payment is necessary. This authority must be used cautiously, weighing the benefits of making a payment early against the good stewardship inherent in effective cash management practices. An agency may use the "accelerated payment methods" in § 1315.5 when it determines that such earlier payment is necessary.

(k) *Payments for partial deliveries.* Agencies shall pay for partial delivery of supplies or partial performance of services after acceptance, unless specifically prohibited by the contract.

Payment is contingent upon submission of a proper invoice if required by the contract.

§ 1315.5 Accelerated payment methods.

(a) *A single invoice under $2,500.* Payments may be made as soon as the contract, proper invoice , receipt and acceptance documents are matched except where statutory authority prescribes otherwise and except where otherwise contractually stipulated (e.g., governmentwide commercial purchase card.) Vendors shall be entitled to interest penalties if invoice payments are made after the payment due date.

(b) *Small Business (as defined in FAR 19.001 (48 CFR 19.001)).* Agencies may pay a small business as quickly as possible, when all proper documentation, including acceptance, is received in the payment office and before the payment due date. Such payments are not subject to payment restrictions stated elsewhere in this part. Vendors shall be entitled to interest penalties if invoice payments are made after the payment due date.

(c) *Emergency payments.* Payments related to emergencies and disasters (as defined in the Robert T. Stafford Disaster Relief Act and Emergency Assistance, Pub. L. 93–288, as amended (42 U.S.C. 5 121 *et seq.*); payments related to the release or threatened release of hazardous substances (as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980, Pub. L. 96–510, 42 U.S.C. 9606); and payments made under a military contingency (as defined in 10 U.S.C. 101(a)(13)) may be made as soon as the contract, proper invoice, receipt and acceptance documents or any other agreement are matched. Vendors shall be entitled to interest penalties if invoice payments are made after the payment due date.

§ 1315.6 Payment without evidence that supplies have been received (Fast Payment).

(a) In limited situations, payment may be made without evidence that supplies have been received. Instead, a contractor certification that supplies have been shipped may be used as the basis for authorizing payment. Payment may be made within 15 days after the date of receipt of the invoice. This payment procedure may be employed only when all of the following conditions are present:

(1) Individual orders do not exceed $25,000 (except where agency heads permits a higher amount on a case-by-case basis);

(2) Deliveries of supplies are to occur where there is both a geographical separation and a lack of adequate communications facilities between Government receiving and disbursing activities that make it impracticable to make timely payments based on evidence of Federal acceptance;

(3) Title to supplies will vest in the Government upon delivery to a post office or common carrier for mailing or shipment to destination or upon receipt by the Government if the shipment is by means other than the Postal Service or a common carrier; and

(4) The contractor agrees to replace, repair, or correct supplies not received at destination, damaged in transit, or not conforming to purchase requirements.

(b) Agencies shall promptly inspect and accept supplies acquired under these procedures and shall ensure that receiving reports and payment documents are matched and steps are taken to correct discrepancies.

(c) Agencies shall ensure that specific internal controls are in place to assure that supplies paid for are received.

(d) As authorized by the 1988 Amendment to the Prompt Payment Act (Section 11(b)(1)(C)), a contract clause at 48 CFR 52.213–1 is provided in the Federal Acquisition Regulations (FAR) at 48 CFR part 13, subpart 13.4 "Fast Payment Procedure," for use when using this fast payment procedure.

§ 1315.7 Discounts.

Agencies shall follow these procedures in taking discounts and determining the payment due dates when discounts are taken:

(a) *Economically justified discounts.* If an agency is offered a discount by a vendor, whether stipulated in the contract or offered on an invoice, an agency may take the discount if economically justified (see discount formula in Treasury Financial Manual (TFM) 6–8040.40) [3] but only after acceptance has occurred. Agencies are encouraged to include discount terms in a contract to give agencies adequate time to take the discount if it is determined to be economically justified.

(b) *Discounts taken after the discount date.* If an agency takes the discount after the deadline, the agency shall pay an interest penalty on any amount remaining unpaid as prescribed in § 1315.10(a)(6).

(c) *Payment date.* When a discount is taken, payment will be made as close as possible to, but no later than, the discount date.

(d) *Start date.* The period for taking the discount is calculated from the date placed on the proper invoice by the vendor. If there is no invoice date on the invoice by the vendor, the discount period will begin on the date a proper invoice is actually received and date stamped or otherwise annotated by the designated agency office.

§ 1315.8 Rebates.

Agencies shall determine governmentwide commercial purchase card payment dates based on an analysis of the total costs and total benefits to the Federal government as a whole, unless specified in a contract. When calculating costs and benefits, agencies are expected to include the cost to the government of paying early. This cost is the interest the government would have earned, at the Current Value of Funds rate, for each day that payment was not made. Agencies may factor in benefits gained from paying early due to, for example, streamlining the payment process or other efficiencies. A rebate formula is provided in § 1315.17 and at the Prompt Payment website at *www.fms.treas.gov/prompt/index.html.*

§ 1315.9 Required documentation.

Agencies are required to ensure the following payment documentation is established to support payment of invoices and interest penalties:

(a) The following information from the contract is required as payment documentation:

(1) Payment due date(s) as defined in § 1315.4(g);

(2) A notation in the contract that partial payments are prohibited, if applicable;

(3) For construction contracts, specific payment due dates for approved progress payments or milestone payments for completed phases, increments, or segments of the project;

(4) If applicable, a statement that the special payment provisions of the Packers and Stockyard Act of 1921 (7 U.S.C. 182(3)), or the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499a(4)), or Fish and Seafood Promotion Act of 1986 (16 U.S.C. 4003(3)) shall apply;

(5) Where considered appropriate by the agency head, the specified acceptance period following delivery to inspect and/or test goods furnished or to evaluate services performed is stated;

(6) Name (where practicable), title, telephone number, and complete mailing address of officials of the Government's designated agency office, and of the vendor receiving the payments;

(7) Reference to requirements under the Prompt Payment Act, including the payment of interest penalties on late

[3] The Treasury Financial Manual is available by calling the Prompt Payment Hotline at 800–266–9667 or the Prompt Payment web site at http://www.fms.treas.gov/prompt/index.html.

invoice payments (including progress payments under construction contracts);

(8) Reference to requirements under the Debt Collection Improvement Act (Pub. L. 104–134, 110 Stat. 1321), including the requirement that payments must be made electronically except in situations where the EFT requirement is waived under 31 CFR 208.4. Where electronic payment is required, the contract will stipulate that banking information must be submitted no later than the first request for payment;

(9) If using Fast Payment, the proper FAR clause stipulating Fast Payment is required.

(b) The following correct information constitutes a proper invoice and is required as payment documentation:

(1) Name of vendor;

(2) Invoice date;

(3) Government contract number, or other authorization for delivery of goods or services;

(4) Vendor invoice number, account number, and/or any other identifying number agreed to by contract;

(5) Description (including, for example, contract line/subline number), price, and quantity of goods and services rendered;

(6) Shipping and payment terms (unless mutually agreed that this information is only required in the contract);

(7) Taxpayer Identifying Number (TIN), unless agency procedures provide otherwise;

(8) Banking information, unless agency procedures provide otherwise, or except in situations where the EFT requirement is waived under 31 CFR 208.4;

(9) Contact name (where practicable), title and telephone number;

(10) Other substantiating documentation or information required by the contract.

(c) The following information from receiving reports, delivery tickets, and evaluated receipts is required as payment documentation:

(1) Name of vendor;

(2) Contract or other authorization number;

(3) Description of goods or services;

(4) Quantities received, if applicable;

(5) Date(s) goods were delivered or services were provided;

(6) Date(s) goods or services were accepted;

(7) Signature (or electronic alternative when supported by appropriate internal controls), printed name, telephone number, mailing address of the receiving official, and any additional information required by the agency.

(d) When a delivery ticket is used as an invoice, it must contain information required by agency procedures. The requirements in paragraph (b) of this section do not apply except as provided by agency procedures.

§ 1315.10 Late payment interest penalties.

(a) *Application and calculation.* Agencies will use the following procedures in calculating interest due on late payments:

(1) Interest will be calculated from the day after the payment due date through the payment date at the interest rate in effect on the day after the payment due date;

(2) Adjustments will be made for errors in calculating interest;

(3) For up to one year, interest penalties remaining unpaid at the end of any 30 day period will be added to the principal and subsequent interest penalties will accrue on that amount until paid;

(4) When an interest penalty is owed and not paid, interest will accrue on the unpaid amount until paid, except as described in paragraph (a)(5) of this section;

(5) Interest penalties under the Prompt Payment Act will not continue to accrue:

(i) After the filing of a claim for such penalties under the Contract Disputes Act of 1978 (41 U.S.C. 601 *et seq.*); or

(ii) For more than one year;

(6) When an agency takes a discount after the discount date, interest will be paid on the amount of the discount taken. Interest will be calculated for the period beginning the day after the specified discount date through the date of payment of the discount erroneously taken;

(7) Interest penalties of less than one dollar need not be paid;

(8) If the banking information supplied by the vendor is incorrect, interest under this regulation will not accrue until seven days after such correct information is received (provided that the vendor has been given notice of the incorrect banking information within seven days after the agency is notified that the information is incorrect);

(9) Interest calculations are to be based on a 360 day year; and

(10) The applicable interest rate may be obtained by calling the Department of Treasury's Financial Management Service (FMS) Prompt Payment help line at 1–800–266–9667.

(b) *Payment.* Agencies will meet the following requirements in paying interest penalties:

(1) Interest may be paid only after acceptance has occurred or when title passes to the government in a fast payment contract when title passing to the government constitutes acceptance for purposes of determining when interest may be paid;

(2) Late payment interest penalties shall be paid without regard to whether the vendor has requested payment of such penalty, and shall be accompanied by a notice stating the amount of the interest penalty, the number of days late and the rate used;

(3) The invoice number or other agreed upon transaction reference number assigned by the vendor should be included in the notice to assist the vendor in reconciling the payment. Additionally, it is optional as to whether or not an agency includes the contract number in the notice to the vendor;

(4) The temporary unavailability of funds does not relieve an agency from the obligation to pay these interest penalties or the additional penalties required under § 1315.11; and

(5) Agencies shall pay any late payment interest penalties (including any additional penalties required under § 1315.11) under this part from the funds available for the administration of the program for which the penalty was incurred. The Prompt Payment Act does not authorize the appropriation of additional amounts to pay penalties.

(c) *Penalties not due.* Interest penalties are not required:

(1) When payment is delayed because of a dispute between a Federal agency and a vendor over the amount of the payment or other issues concerning compliance with the terms of a contract. Claims concerning disputes, and any interest that may be payable with respect to the period, while the dispute is being settled, will be resolved in accordance with the provisions in the Contract Disputes Act of 1978, (41 U.S.C. 601 *et seq.*), except for interest payments required under 31 U.S.C. 3902(h)(2);

(2) When payments are made solely for financing purposes or in advance, except for interest payment required under 31 U.S.C. 3902(h)(2);

(3) For a period when amounts are withheld temporarily in accordance with the contract;

(4) When an EFT payment is not credited to the vendor's account by the payment due date because of the failure of the Federal Reserve or the vendor's bank to do so; or

(5) When the interest penalty is less than $1.00.

§ 1315.11 Additional penalties.

(a) *Vendor entitlements.* A vendor shall be entitled to an additional penalty payment when the vendor is owed a late

payment interest penalty by an agency of $1.00 or more, if it:

(1) Receives a payment dated after the payment due date which does not include the interest penalty also due to the vendor;

(2) Is not paid the interest penalty by the agency within 10 days after the actual payment date; and

(3) Makes a written request that the agency pay such an additional penalty. Such request must be postmarked, received by facsimile, or by electronic mail, by the 40th day after payment was made. If there is no postmark or if it is illegible, the request will be valid if it is received and annotated with the date of receipt by the agency by the 40th day. The written request must include the following:

(i) Specific assertion that late payment interest is due for a specific invoice, and request payment of all overdue late payment interest penalty and such additional penalty as may be required; and

(ii) A copy of the invoice on which late payment interest was due but not paid and a statement that the principal has been received, and the date of receipt of the principle.

(b) *Maximum penalty.* The additional penalty shall be equal to one hundred (100) percent of the original late payment interest penalty but must not exceed $5,000.

(c) *Minimum penalty.* Regardless of the amount of the late payment interest penalty, the additional penalty paid shall not be less than $25. No additional penalty is owed, however, if the amount of the interest penalty is less than $1.00.

(d) *Penalty basis.* The penalty is based on individual invoices. Where payments are consolidated for disbursing purposes, the penalty determinations shall be made separately for each invoice therein.

(e) *Utility payments.* The additional penalty does not apply to the payment of utility bills where late payment penalties for these bills are determined through the tariff rate-setting process.

§ 1315.12 Payments to governmentwide commercial purchase card issuers.

Standards for payments to government wide commercial purchase card issuers follow:

(a) *Payment date.* All individual purchase card invoices under $2,500 may be paid at any time, but not later than 30 days after the receipt of a proper invoice. Matching documents is not required before payment. The payment due date for invoices in the amount of $2,500 or more shall be determined in accordance with § 1315.8. I TFM 4–4535.10[4] permits payment of the bill in full prior to verification that goods or services were received.

(b) *Disputed line items.* Disputed line items do not render the entire invoice an improper invoice for compliance with this proposed regulation. Any undisputed items must be paid in accordance with paragraph (a) of this section.

§ 1315.13 Commodity Credit Corporation payments.

As provided in § 1315.1(d), the provisions of this part apply to payments relating to the procurement of property and services made by the Commodity Credit Corporation (CCC) pursuant to Section 4(h) of the Act of June 29, 1948 (15 U.S.C. 714b(h)) ("CCC Charter Act") and payments to which producers on a farm are entitled under the terms of an agreement entered into pursuant to the Agricultural Act of 1949 (7 U.S.C. 1421 *et seq.*) ("1949 Act".) Such payments shall be subject to the following provisions:

(a) *Payment standards.* Payments to producers on a farm under agreements entered into under the 1949 Act and payments to vendors providing property and services under the CCC Charter Act, shall be made as close as possible to the required payment date or loan closing date.

(b) *Interest penalties.* An interest penalty shall be paid to vendors or producers if the payment has not been made by the required payment or loan closing date. The interest penalty shall be paid:

(1) On the amount of payment or loan due;

(2) For the period beginning on the first day beginning after the required payment or loan closing date and, except as determined appropriate by the CCC consistent with applicable law, ending on the date the amount is paid or loaned; and

(3) Out of funds available under Section 8 of the CCC Charter Act (15 U.S.C. 714f).

(c) *Contract Disputes Act of 1978.* Insofar as covered CCC payments are concerned, provisions relating to the Contract Disputes Act of 1978 (41 U.S.C. 601 *et seq.*) in § 1315.10(a)(5)(i) and § 1315.6(a) do not apply.

(d) *Extended periods for payment.* Notwithstanding other provisions of this part, the CCC may allow claims for such periods of time as are consistent with authorities applicable to its operations.

§ 1315.14 Payments under construction contracts.

(a) *Payment standards.* Agencies shall follow these standards when making progress payments under construction contracts:

(1) An agency may approve a request for progress payment if the application meets the requirements specified in paragraph (b) of this section;

(2) The certification by the prime vendor as defined in paragraph (b)(2) of this section is not to be construed as final acceptance of the subcontractor's performance;

(3) The agency shall return any such payment request which is defective to the vendor within seven days after receipt, with a statement identifying the defect(s);

(4) A vendor is obligated to pay interest to the Government on unearned amounts in its possession from:

(i) The eighth day after receipt of funds from the agency until the date the vendor notifies the agency that the performance deficiency has been corrected, or the date the vendor reduces the amount of any subsequent payment request by an amount equal to the unearned amount in its possession, when the vendor discovers that all or a portion of a payment received from the agency constitutes a payment for the vendor's performance that fails to conform to the specifications, terms, and conditions of its contract with the agency, under 31 U.S.C. 3905(a); or

(ii) The eighth day after the receipt of funds from the agency until the date the performance deficiency of a subcontractor is corrected, or the date the vendor reduces the amount of any subsequent payment request by an amount equal to the unearned amount in its possession, when the vendor discovers that all or a portion of a payment received from the agency would constitute a payment for the subcontractor's performance that fails to conform to the subcontract agreement and may be withheld, under 31 U.S.C. 3905(e);

(5) Interest payment on unearned amounts to the government under 31 U.S.C. 3905(a)(2) or 3905(e)(6), shall:

(i) Be computed on the basis of the average bond equivalent rates of 91-day Treasury bills auctioned at the most recent auction of such bills prior to the date the vendor received the unearned amount;

(ii) Be deducted from the next available payment to the vendor; and

(iii) Revert to the Treasury.

(b) *Required Documentation.* (1) Substantiation of the amount(s) requested shall include:

[4] See footnote 3 in § 1315.7(a).

(i) An itemization of the amounts requested related to the various elements of work specified in the contract;

(ii) A listing of the amount included for work performed by each subcontractor under the contract;

(iii) A listing of the total amount for each subcontract under the contract;

(iv) A listing of the amounts previously paid to each subcontractor under the contract; and

(v) Additional supporting data and detail in a form required by the contracting officer.

(2) Certification by the prime vendor is required, to the best of the vendor's knowledge and belief, that:

(i) The amounts requested are only for performance in accordance with the specifications, terms, and conditions of the contract;

(ii) Payments to subcontractors and suppliers have been made from previous payments received under the contract, and timely payments will be made from the proceeds of the payment covered by the certification, in accordance with their subcontract agreements and the requirements of 31 U.S.C. chapter 39; and

(iii) The application does not include any amounts which the prime vendor intends to withhold or retain from a subcontractor or supplier, in accordance with the terms and conditions of their subcontract.

(c) *Interest penalties.* (1) Agencies will pay interest on:

(i) A progress payment request (including a monthly percentage-of-completion progress payment or milestone payments for completed phases, increments, or segments of any project) that is approved as payable by the agency pursuant to paragraph (b) of this section, and remains unpaid for:

(A) A period of more than 14 days after receipt of the payment request by the designated agency office; or

(B) A longer period specified in the solicitation and/or contract if required, to afford the Government a practicable opportunity to adequately inspect the work and to determine the adequacy of the vendor's performance under the contract;

(ii) Any amounts that the agency has retained pursuant to a prime contract clause providing for retaining a percentage of progress payments otherwise due to a vendor and that are approved for release to the vendor, if such retained amounts are not paid to the vendor by a date specified in the contract, or, in the absence of such a specified date, by the 30th day after final acceptance;

(iii) Final payments, based on completion and acceptance of all work (including any retained amounts), and payments for partial performances that have been accepted by the agency, if such payments are made after the later of:

(A) The 30th day after the date on which the designated agency office receives a proper invoice; or

(B) The 30th day after agency acceptance of the completed work or services. Acceptance shall be deemed to have occurred on the effective date of contract settlement on a final invoice where the payment amount is subject to contract settlement actions.

(2) For the purpose of computing interest penalties, acceptance shall be deemed to have occurred on the seventh day after work or services have been completed in accordance with the terms of the contract.

§ 1315.15 Grant recipients.

Recipients of Federal assistance may pay interest penalties if so specified in their contracts with contractors. However, obligations to pay such interest penalties will not be obligations of the United States. Federal funds may not be used for this purpose, nor may interest penalties be used to meet matching requirements of federally assisted programs.

§ 1315.16 Relationship to other laws.

(a) *Contract Disputes Act of 1978 (41 U.S.C. 605).* (1) A claim for an interest penalty (including the additional penalty for non-payment of interest if the vendor has complied with the requirements of § 1315.9) not paid under this part may be filed under Section 6 of the Contract Disputes Act.

(2) An interest penalty under this part does not continue to accrue after a claim for a penalty is filed under the Contract Disputes Act or for more than one year. Once a claim is filed under the Contract Disputes Act interest penalties under this part will never accrue on the amounts of the claim, for any period after the date the claim was filed. This does not prevent an interest penalty from accruing under Section 13 of the Contract Disputes Act after a penalty stops accruing under this part. Such penalty may accrue on an unpaid contract payment and on the unpaid penalty under this part.

(3) This part does not require an interest penalty on a payment that is not made because of a dispute between the head of an agency and a vendor over the amount of payment or compliance with the contract. A claim related to such a dispute and interest payable for the period during which the dispute is being resolved is subject to the Contract Disputes Act.

(b) *Small Business Act (15 U.S.C. 644(k)).* This Act has been amended to require that any agency with an Office of Small and Disadvantaged Business Utilization must assist small business concerns to obtain payments, late payment interest penalties, additional penalties, or information due to the concerns.

§ 1315.17 Formulas.

(a) *Rebate formula.* (1) Agencies shall determine credit card payment dates based on an analysis of the total benefits to the Federal government as a whole. Specifically, agencies should compare daily basis points offered by the card issuer with the corresponding daily basis points of the government's Current Value of Funds (CVF) rate. If the basis points offered by the card issuer are greater than the daily basis points of the government'' funds, the government will maximize savings by paying on the earliest possible date. If the basis points offered by the card issuer are less than the daily basis points of the government'' funds, the government will minimize costs by paying on the Prompt Payment due date or the date specified in the contract.

(2) Agencies may use a rebate spreadsheet which automatically calculates the net savings to the government and whether the agency should pay early or late. The only variables required for input to this spreadsheet are the CVF rate, the Maximum Discount Rate, that is, the rate from which daily basis points offered by the card issuer are derived, and the amount of debt. This spreadsheet is available for use on the prompt payment website at www.fms.treas.gov/prompt/index/.html.

(3) If agencies chose not to use the spreadsheet, the following may be used to determine whether to pay early or late. To calculate whether to pay early or late, agencies must first determine the respective basis points. To obtain Daily Basis Points offered by card issuer, refer to the agency's contract with the card issuer. Use the following formula to calculate the average daily basis points of the CVF rate:

(CVF/360) * 100

(4) For example: The daily basis points offered to agency X by card issuer Y are 1.5 basis points. That is, for every day the agency delays paying the card issuer the agency loses 1.5 basis points in savings. At a CVF of 5 percent, the daily basis points of the Current Value of Funds Rate are 1.4 basis points. That is, every day the agency delays paying,

the government earns 1.4 basis points. The basis points were calculated using the formula:

(CVF/360) * 100
(5/360) * 100 = 1.4

(5) Because 1.5 is greater than 1.4, the agency should pay as early as possible. If the basis points offered by the card issuer are less than the daily basis points of the government" funds (if for instance the rebate equaled 1.3 basis points and the CVF was still 1.4 basis points or if the rebate equaled 1.5 but the CVF equaled 1.6), the government will minimize costs by paying as late as possible, but by the payment due date.

(b) *Daily simple interest formula.* (1) To calculate daily simple interest the following formula may be used:

P(r/360*d)

Where:
P is the amount of principle or invoice amount;
r equals the Prompt Payment interest rate; and
d equals the numbers of days for which interest is being calculated.

(2) For example, if a payment is due on April 1 and the payment is not made until April 11, a simple interest calculation will determine the amount of interest owed the vendor for the late payment. Using the formula above, at an invoice amount of $1,500 paid 10 days late and an interest rate of 6.5%, the amount of interest owed is calculated as follows:

$1,500 (.065/360*10) = $2.71

(c) *Monthly compounding interest formula.* (1) To calculate interest as required in § 1315.10(a)(3), the following formula may be used:

$P(1+r/12)^{n*(1+(r/360*d))}-P$

Where:
P equals the principle or invoice amount;
r equals the interest rate;
n equals the number of months; and
d equals the number of days for which interest is being calculated.

(2) The first part of the equation calculates compounded monthly interest. The second part of the equation calculates simple interest on any additional days beyond a monthly increment.

(3) For example, if the amount owed is $1,500, the payment due date is April 1, the agency does not pay until June 15 and the applicable interest rate is 6 percent, interest is calculated as follows:

$\$1,500(1+.06/12)^2 *(1+(0.06/360*15))-\$1,500 = \$18.83$

§ 1315.18 Inquiries.

(a) *Regulation.* Inquiries concerning this part may be directed in writing to the Department of the Treasury, Financial Management Service (FMS), Cash Management Policy and Planning Division, 401 14th Street, S.W. Washington, D.C. 20227, (202) 874–6590, or by calling the Prompt Payment help line at 1–800–266–9667, by emailing questions to FMS at *prompt.inquiries@fms.sprint.com*, or by completing a Prompt Payment inquiry form available at www.fms.treas.gov/prompt/inquiries.html.

(b) *Applicable interest rate.* The rate is published by the Fiscal Service, Department of the Treasury, semiannually in the **Federal Register** on or about January 1 and July 1. The rate also may be obtained from the Department of Treasury's Financial Management Service (FMS) at 1–800–266–9667. This information is also available at the FMS Prompt Payment Web Site at http://www.fms.treas.gov/prompt/index.html.

(c) *Agency payments.* Questions concerning delinquent payments should be directed to the designated agency office, or the office responsible for issuing the payment if different from the designated agency office. Questions about disagreements over payment amount or timing should be directed to the contracting officer for resolution. Small business concerns may obtain additional assistance on payment issues by contacting the agency's Office of Small and Disadvantaged Business Utilization.

§ 1315.19 Regulatory references to OMB Circular A–125.

This part supercedes OMB Circular A–125 ("Prompt Payment"). Until revised to reflect the codification in this part, regulatory references to Circular A–125 shall be construed as referring to this part.

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Part III

Department of Health and Human Services

Centers for Disease Control and Prevention

Proposed Vaccine Information Materials for Use With Oral Poliovirus Vaccine (OPV); Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Proposed Vaccine Information Materials for Use With Oral Poliovirus Vaccine (OPV)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: On September 2, 1999, the Centers for Disease Control and Prevention (CDC) published a **Federal Register** notice seeking comment on proposed revised vaccine information materials for use effective January 1, 2000, when the routine polio immunization schedule changes to an all inactivated poliovirus vaccine (IPV) schedule. With this notice, CDC seeks written comment on proposed supplemental vaccine information materials for use in those limited circumstances where oral poliovirus vaccine (OPV) will still be acceptable.

DATES: Written comments are invited and must be received on or before November 29, 1999.

ADDRESSES: Written comments should be addressed to Walter A. Orenstein, M.D., Director, National Immunization Program, Centers for Disease Control and Prevention, Mailstop E–05, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

FOR FURTHER INFORMATION CONTACT: Walter A. Orenstein, M.D., Director, National Immunization Program, Centers for Disease Control and Prevention, Mailstop E–05, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, telephone (404) 639–8200.

SUPPLEMENTARY INFORMATION: Under the National Childhood Vaccine Injury Act of 1986 (42 U.S.C. 300aa–26), the Centers for Disease Control and Prevention (CDC) develops and revises vaccine information materials for those vaccines covered under the National Vaccine Injury Compensation Program. As provided under that law, all health care providers in the United States, whether public or private, must distribute copies of these materials to any patient (or to the parent or legal representative in the case of a minor) prior to administering any of the covered vaccines.

On September 2, 1999, CDC published a **Federal Register** notice (64 FR 48238) seeking comment on proposed revised vaccine information materials for use effective January 1, 2000, when the routine polio immunization schedule changes to an all inactivated poliovirus vaccine (IPV) schedule. (See the September 2 notice for a description of the statutory requirements for development and use of the vaccine information materials. Also, see that notice for an explanation of the revisions in the CDC-recommended schedule for use of polio vaccines.)

As listed in the September 2 **Federal Register** notice, as of January 1, 2000, use of OPV will only be acceptable in the following special circumstances:

(1) Mass immunization campaigns to control outbreaks due to wild-type poliovirus;

(2) Unimmunized children where travel to polio-endemic areas is imminent (i.e. in less than four weeks) may receive OPV for the first dose;

(3) Children of parents who do not accept the recommended number of vaccine injections may receive OPV only for dose 3 or 4 or both. (OPV should be administered only after discussion of the risks of OPV vaccine-associated poliomyelitis.); and

(4) OPV may be administered when the vaccinee has had a life-threatening allergic reaction to any component of IPV.

With this notice, CDC seeks written comment on proposed supplemental vaccine information materials for use in these limited circumstances where oral poliovirus vaccine (OPV) will still be acceptable.

Proposed Supplemental Polio Vaccine Information Materials—OPV

We invite written comment on the proposed supplemental vaccine information materials that follow, entitled "Oral Polio Vaccine: What You Need to Know." Comments submitted will be considered in finalizing these supplemental materials. As required under the National Childhood Vaccine Injury Act, prior to finalizing these materials CDC also will consult with the Advisory Commission on Childhood Vaccines, appropriate health care provider and parent organizations, and the Food and Drug Administration.

Oral Polio Vaccine: What You Need To Know

1. What Is Polio?

Polio is a disease caused by a virus. It can get into a child's (or adult's) body, usually through the mouth. Sometimes it does not cause serious problems. But sometimes it causes paralysis (can't move arm or leg), and sometimes it kills its victims.

Polio used to be very common in the United States. It paralyzed and killed thousands of children each year before we had a vaccine for it.

2. Why Get Vaccinated?

Polio vaccine can prevent polio.

History: A 1916 polio epidemic in the United States killed 6,000 people and paralyzed 27,000 more. In the early 1950's there were more than 20,000 cases of polio each year.

Polio vaccine was introduced in 1955. By 1960 the number of cases had dropped to about 3,000, and by 1979 there were only about 30. This change would not have been possible without polio vaccine.

Today: No wild polio has been reported in the United States for over 20 years. But the disease is still common in some parts of the world. It would only take one case of polio from another country to bring the disease back if we were not protected by vaccine. Until the disease is gone from the whole world, we should keep getting our children vaccinated.

3. Two Types of Polio Vaccine

There are two types of polio vaccine:

IPV (Inactivated Polio Vaccine): A shot.

IPV is recommended for almost all people. It works very well to protect people from paralytic polio.

OPV (Oral Polio Vaccine): Drops, by mouth.

OPV works very well, especially in preventing polio outbreaks. It is due to OPV that there is no polio in the United States today. But it can also actually cause polio. This is rare, but with the risk of polio extremely low in the U.S., OPV is no longer recommended except in special situations.

This statement is about Oral Polio Vaccine. You can also request a copy of the Vaccine Information Statement that describes the routine all-IPV schedule.

4. Who Should Use Oral Polio Vaccine (OPV) and When?

OPV is no longer recommended for routine use in the United States. It may be used only in certain limited circumstances:

(1) Mass immunization campaigns to control polio outbreaks;

(2) Unimmunized people who plan to travel within 4 weeks to countries where polio is common. These people may get OPV for the first dose;

(3) Children whose parents want them to get fewer injections. These children should get IPV for the first two doses of the polio vaccine series, but may get OPV for the 3rd or 4th dose, or both;

(4) People with a life-threatening allergy to a component of IPV. These people may get OPV instead.

If you, or your child, are one of the few people who should get OPV, your doctor or nurse will tell you when the

vaccine should be given. Speak to your doctor or nurse about the risks of vaccine-associated polio before getting OPV.

OPV may be given at the same time as other vaccines.

5. Some People Should Not Get Oral Polio Vaccine (OPV) or Should Wait

Do not use OPV drops if your child, you, or anyone who takes care of your child:

- Can't fight infections
- Is taking long-term steroids
- Has cancer
- Has AIDS or HIV infection.

Do not use OPV drops if you or anyone who takes care of your child never had polio vaccine.

Anyone who has had a severe allergic reaction to a dose of OPV should not get another dose.

People who are moderately or severely ill at the time the immunization is scheduled should usually wait until they recover before getting OPV.

6. What Are the Risks From Oral Polio Vaccine (OPV)?

OPV can, in rare circumstances, actually cause polio. This is why it is not recommended for routine use any more. It caused several cases of polio each year (about 1 case for every 2.4 million doses of vaccine) during the years it was used. The oral vaccine can cause polio in children who get OPV or in people who are in close contact with them. The risk of polio is higher with the first dose than with later doses.

7. What if There Is a Serious Reaction?

What Should I Look for?

Look for any unusual condition, such as a serious allergic reaction, high fever, behavior changes, or signs of paralysis.

If a serious allergic reaction occurred, it would happen within a few minutes to a few hours after the vaccination. Signs of a serious allergic reaction can include difficulty breathing, hoarseness or wheezing, hives, paleness, weakness, a fast heart beat or dizziness.

If paralysis were to occur, symptoms might include severe muscle aches and spasms, or loss of movement in an arm or leg. This could happen from about a week to about a month after the vaccination.

What Should I Do?

- Call a doctor or get the person to a doctor right away.
- Tell your doctor what happened, the date and time it happened, and when the vaccination was given.
- Ask your doctor, nurse, or health department to file a Vaccine Adverse Event Reporting System (VAERS) form, or call VAERS yourself at 1–800–822–7967.

8. The National Vaccine Injury Compensation Program

In the rare event that you or your child has a serious reaction to a vaccine, there is a federal program that can help pay for the care of those who have been harmed.

For details about the National Vaccine Injury Compensation Program, call 1–800–338–2382 or visit the program's website at http://www.hrsa.gov/bhpr/vicp.

9. How Can I Learn More?

- Ask your doctor or nurse. They can give you the vaccine package insert or suggest other sources of information.
- Call your local or state health department's immunization program.
- Contact the Centers for Disease Control and Prevention (CDC)

—Call 1–800–232–2522 (English)

—Call 1–800–232–0233 (Español)

—Visit the National Immunization Program's website at http://www.cdc.gov/nip

U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Immunization Program

Vaccine Information Statement, Polio—OPV Supplement (1/1/2000) (Proposed), 42 U.S.C. 300aa–26

Dated: September 23, 1999.

Thena M. Durham,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–25276 Filed 9–28–99; 8:45 am]

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Wednesday
September 29, 1999

Part IV

Department of Health and Human Services

Administration for Children and Families

Program Announcement; Request for Applications Under the Office of Community Services' Fiscal Year 2000 Community Food and Nutrition Program; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Program Announcement; Request for Applications Under the Office of Community Services' Fiscal Year 2000 Community Food and Nutrition Program

[Program Announcement No. OCS–2000–03]

AGENCY: Office of Community Services, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for applications under the Office of Community Services' Community Food and Nutrition Program (CFNP).

SUMMARY: The Administration for Children and Families (ACF), Office of Community Services (OCS), announces that competing applications will be accepted for new grants pursuant to the Secretary's discretionary authority under Section 681 of the Community Services Block Grant Act, as amended. This Program Announcement contains forms and instructions for submitting an application. The awarding of grants under this Program Announcement is subject to the availability of funds for support of these activities.

CLOSING DATE: The closing date for submission of applications is December 6, 1999. Mailed applications postmarked after the closing date will be classified as late.

FOR FURTHER INFORMATION CONTACT: Administration for Children and Families, Office of Community Services, Division of Community Discretionary Programs, 370 L'Enfant Promenade S.W., Washington DC 20447, Fax (202) 401–4687. Contact: Catherine Rivers, (202) 401–5252, Deloris Horton, (202) 401–9363.

This Program Announcement is accessible on the OCS Website for reading or downloading at: www.acf.dhhs.gov/programs/ocs/kits1.htm.

Application Submission

Mailing Address: CFNP Applications should be mailed to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management/OCSE, 4th Floor West, Aerospace Center, 370 L'Enfant Promenade, SW, Washington, D.C. 20447; Attention: Application for Community Food and Nutrition Program.

Number of Copies Required: One signed original application and four copies should be submitted at the time of initial submission. (OMB–0970–0062, expiration date 10/31/2001).

Submission Instructions: Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review.

Applications mailed must bear a legibly dated U.S. Postal Service postmark or a legibly dated, machine produced postmark of a commercial mail service affixed to the envelope/package containing the application(s). To be acceptable as proof of timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private Metered postmarks shall not be acceptable as proof of timely mailing. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

Applications handcarried by applicants, applicants couriers, or by other representatives of the applicant shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., EST, at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management/OCSE, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, SW, Washington, D.C. 20024, between Monday and Friday (excluding Federal holidays). The address must appear on the envelope/package containing the application with the note: Attention: Application for Community Food and Nutrition Program. (Applicants are again cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

Once submitted, applications are considered final and no additional materials will be accepted.

Late Applications: Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines: ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there are widespread disruptions of the mail service. Determinations to extend or waive deadline requirements rest with ACF's Chief Grants Management Officer.

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Part A—Preamble

1. Legislative Authority

The Community Services Block Grant Act, as amended, authorizes the Secretary of Health and Human Services to make funds available under several programs to support program activities which will result in direct benefits targeted to low-income people. This Program Announcement covers the grant authority found at Sections 681(a) and (b), Community Food and Nutrition, which authorizes the Secretary to make funds available for grants to be awarded

on a competitive basis to eligible entities for community based, local and statewide programs: (1) To coordinate private and public food assistance resources, wherever the grant recipient involved determines such coordination to be inadequate, to better serve low-income populations; (2) to assist low-income communities to identify potential sponsors of child nutrition programs and to initiate such programs in underserved or unserved areas; and (3) to develop innovative approaches at the State and local level to meet the nutrition needs of low-income individuals.

2. Definitions of Terms

For purposes of this Program Announcement the following definitions apply:

Budget period: The term "budget period" refers to the interval of time into which a grant period of assistance (project period) is divided for budgetary and funding purposes.

Displaced worker: An individual who is in the labor market but has been unemployed for six months or longer.

Eligible entity: States, public agencies, and public and private non-profit agencies/organizations including Community Action Agencies. (See Part B–1)

Indian tribe: A tribe, band, or other organized group of Native American Indians recognized in the State or States in which it resides or considered by the Secretary of the Interior to be an Indian tribe or an Indian organization for any purpose.

Innovative project: One that departs from or significantly modifies past program practices and tests a new approach.

Migrant farmworker: An individual who works in agricultural employment of a seasonal or other temporary nature who is required to be absent from his/her place of permanent residence in order to secure such employment.

Program income: Gross income earned by the grant recipient that is directly generated by an activity supported with grant funds.

Project period: The term "project period" refers to the total time for which a project is approved for support, including any approved extensions.

Seasonal farmworker: Any individual employed in agricultural work of a seasonal or other temporary nature who is able to remain at his/her place of permanent residence while employed.

Self-sufficiency: A condition where an individual or family does not need and is not eligible for public assistance.

Underserved area (as it pertains to child nutrition programs): A locality in which less than one-half of the low-income children eligible for assistance participate in any child nutrition program.

3. Purpose of Community Food and Nutrition Program

The Department of Health and Human Services (DHHS) is committed to improving the overall health and nutritional well-being of individuals through improved preventive health care and promotion of personal responsibility. The DHHS encourages the approach to health promotion and nutritional responsibility with personal messages aimed at families and communities, in various settings and environments in which individuals and groups can most effectively be reached.

The DHHS is specifically interested in improving the health and nutrition status of low-income persons through improved access to healthy nutritious foods or by other means. The DHHS encourages community efforts to improve the coordination and integration of health and social services for all low-income families, and to identify opportunities for collaborating with other programs and services for this population. Such collaboration can increase a community's capacity to leverage resources and promote an integrated approach to health and nutrition through existing programs and services.

4. Project Requirements

Projects funded under this program should:

(a) Be designed and intended to provide nutrition benefits, including those which incorporate the benefits of disease prevention, to a targeted low-income group of people;

(b) Provide outreach and public education to inform eligible low-income individuals and families of other nutritional services available to them under the various Federally-assisted programs;

(c) Carry out targeted communications/social marketing to improve dietary behavior and increase program participation among eligible low-income populations. Populations to be targeted can include displaced workers, elderly people, children, and the working poor.

(d) Consult with and/or inform local offices that administer other food programs such as W.I.C. and Food Stamps, where applicable, to ensure effective coordination which can jointly target services to increase their effectiveness. Such consultation may include involving these offices in the planning of grant applications.

(e) Focus on one or more legislatively-mandated program activities: (1) Coordination of private and public food assistance resources, wherever the grant recipient involved determines such coordination to be inadequate, to better serve low-income populations; (2) Assistance to low-income communities in identifying potential sponsors of child nutrition programs and initiating such programs in unserved or underserved areas; and (3) Development of innovative approaches at the state and local level to meet the nutrition needs of low-income individuals.

The OCS views this program as a capacity building program, rather than as a service delivery program.

Part B—Application Requirements

1. Eligible Applicants

Eligible applicants are States, public agencies, and public and private non-profit agencies/organizations with a demonstrated ability to successfully develop and implement programs and activities similar to those enumerated above. The OCS encourages Historically Black Colleges and Universities and minority institutions to submit applications. Eligible applicants with programs benefitting Native Americans and Migrant Farmworkers are also encouraged to submit applications.

Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS tax code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the applicant's Articles of Incorporation bearing the seal of the State in which the corporation or association is domiciled.

2. Availability of Funds and Grant Amounts

a. Fiscal Year 2000 Funding

All grant awards are subject to the availability of appropriated funds. The Office of Community Services expects to award approximately $2,000,000 for grant awards under the CFNP in Fiscal Year 2000 for General Projects.

b. Grant Amounts

No individual grant application will be considered for an amount which is in excess of $50,000.

c. Mobilization of Resources

The OCS would like to mobilize as many resources as possible to enhance projects funded under this program. The OCS supports and encourages applications submitted by applicants whose programs will leverage other resources, either cash or third party in-kind.

3. Project Periods and Budget Periods

For most projects, OCS will grant funds for one year. However, in rare instances, depending on the characteristics of any individual project and on the justification presented by the applicant in its application, a grant may be made for a period of up to 17 months.

4. Administrative Costs/Indirect Costs

There is no administrative cost limitation for projects funded under this program. Indirect costs consistent with approved indirect cost rate agreements are allowable. Applicants should enclose a copy of the current approved rate agreement. However, it should be understood that indirect costs are part of, and not in addition to, the amount of funds awarded in the subject grant.

5. Program Beneficiaries

Projects proposed for funding under this Announcement must result in direct benefits targeted toward low-income people as defined in the most recent annual update of the Poverty Income Guidelines published by DHHS. Attachment A to this Announcement is an excerpt from the most recently published guidelines. Annual revisions of these guidelines are normally published in the **Federal Register** in February or early March of each year and are applicable to projects being implemented at the time of publication. Grantees will be required to apply the most recent guidelines throughout the project period. The **Federal Register** may be obtained from public libraries, Congressional offices, or by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The **Federal Register** is also available on the Internet through GPO Access at the following web address: http://www.access.gpo.gov/su_docs/aces/aces140.html

No other government agency or privately defined poverty guidelines are applicable to the determination of low-income eligibility for this OCS program.

6. Number of Projects in Application

An application may contain only one project and this project must address the basic criteria found in Parts C and D. Applications which are not in compliance with these requirements will be ineligible for funding.

7. Multiple Submittals

There is no limit to the number of applications that can be submitted as long as each application is for a different project. However, no applicant can receive more than one grant.

8. Sub-Contracting or Delegating Projects

The OCS will not fund any project where the role of the eligible applicant is primarily to serve as a conduit for funds to other organizations.

Part C—Program Area

General Projects

The application should include a description of the target area and population to be served as well as a discussion of the nature and extent of the problem to be solved. The application must contain a detailed and specific work program that is both sound and feasible. Projects funded under this Announcement must produce permanent and measurable results that fulfill the purposes of this program as described above. The OCS grant funds, in combination with private and/or other public resources, must be targeted to low-income individuals and communities.

Applicants will certify in their submission that projects will only serve the low-income population as stipulated in the DHHS Poverty Income Guidelines (Attachment A). Failure to comply with the income guidelines may result in the application being ineligible for consideration for funding.

If an applicant is proposing a project which will affect a property listed in or eligible for inclusion in the National Register of Historic Places, it must identify this property in the narrative and explain how it has complied with the provisions of Section 106 of the National Historic Preservation Act of 1966 as amended. If there is any question as to whether the property is listed in or eligible for inclusion in the National Register of Historic Places, applicant should consult with the State Historic Preservation Officer. The applicant should contact OCS early in the development of its application for instructions regarding compliance with the Act and data required to be submitted to DHHS.

In the case of projects proposed for funding which mobilize or improve the coordination of existing public and private food assistance resources, the guidelines governing those resources apply. However, in the case of projects providing direct assistance to beneficiaries through grants funded under this program, beneficiaries must fall within the official DHHS Poverty Income Guidelines as set forth in Attachment A.

Applications that propose the use of grant funds for the development of any printed or visual materials must contain convincing evidence that these materials are not available from other sources. The OCS will not provide funding for such items if justification is not sufficient. Approval of any films or visual presentations proposed by applicants approved for funding will be made part of the grant award. In cases where material outlays for equipment (audio and visual) are requested, specific evidence must be presented that there is a definite programmatic connection between the equipment (audio and visual) usage and the outreach requirements described in Part A–3 of this Announcement.

The OCS is also interested in projects that address the needs of homeless families and welcomes applications that seek to develop innovative approaches to promote health and nutritional awareness among low-income populations.

Part D—Review Criteria

Applications that pass the initial screening and pre-rating review (see Part F, section 4) will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and weaknesses under each applicable criterion published in the Announcement.

The in-depth evaluation and review process will use the following criteria coupled with the specific requirements as described in Part F.

When writing their Project Narrative, applicants should respond to the review criteria using the same sequential order.

Note: The following review criteria reiterate the information requirements contained in Part B of this Announcement.

Criteria for Review and Evaluation of Applications Submitted Under This Program Announcement

a. Criterion I: Analysis of Needs/Priorities (Maximum: 10 Points)

(1) Target area and population to be served are adequately described. (0–4 Points)

In addressing the above criterion, the applicant should include a description of the target area and population to be

served including specific details on any minority population(s) to be served.

(2) Nature and extent of problem(s) and/or need(s) to be addressed are adequately described and documented. (0–6 Points)

In addressing the above criterion, the applicant should include a discussion of the nature and extent of the problem(s) and/or need(s), including specific information on minority populations(s).

b. Criterion II: Adequacy of Work Program (Maximum: 25 Points)

(1) Realistic quarterly time targets are set forth by which the various work tasks will be completed. (0–10 Points)

(2) Activities are adequately described and appear reasonably likely to achieve results which will have a desired impact on the identified problems and/or needs. (0–15 Points)

In addressing the above criterion, the applicant should address the basic criteria and other mandated activities found in Part A–4 and should include:

a. Project priorities and rationale for selecting them which relate to the specific nutritional problem(s) and/or need(s) of the target population which were identified under Criterion I;

b. Goals and objectives that speak to the(se) problem(s) and/or need(s); and

c. Project activities that, if successfully carried out, can be reasonably expected to result in the achievement of these goals and objectives.

c. Criterion III: Significant and Beneficial Impact (Maximum: 30 Points)

(1) Applicant proposes to significantly improve or increase nutrition services to low-income people and such improvements or increases are quantified. (0–15 Points)

(2) Project incorporates promotional health and social services activities for low-income people, along with nutritional services. (0–5 Points)

(3) Project will significantly leverage or mobilize other community resources and such resources are detailed and quantified. (0–5 Points)

(4) Project addresses problem(s) that can be resolved by one-time OCS funding or demonstrates that non-Federal funding is available to continue the project without Federal support. (0–5 Points)

In addressing the above criterion, the applicant must include quantitative data for items (1), (2), and (3), and discuss how the beneficial impact relates to the relevant legislatively-mandated program activities identified in Part A–1 and the problems and/or needs described under Criterion I.

d. Criterion IV: Coordination/Services Integration (Maximum: 15 Points)

(1) Project shows evidence of coordinated community-based planning in its development, including strategies in the work program to carry on activities in collaboration with other locally-funded Federal programs (such as DHHS health and social services and USDA Food and Consumer Service programs) in ways that will eliminate duplication and will, for example, (1) unite funding streams at the local level to increase program outreach and effectiveness, (2) facilitate access to other needed social services by coordinating and simplifying intake and eligibility certification processes for clients, or (3) bring project participants into direct interaction with holistic family development resources in the community where needed. (0–10 Points)

(2) Community Empowerment Consideration—Special consideration will be given to applicants who are located in areas which are characterized by poverty and other indicators of socio-economic distress such as a poverty rate of at least 20 percent, designation as an Empowerment Zone or Enterprise Community, high levels of unemployment, and high levels of incidences of violence, gang activity, crime, or drug use. Applicants should document that they were involved in the preparation and planned implementation of a comprehensive community-based strategic plan to achieve both economic and human development in an integrated manner. (0–5 Points)

If the applicant is receiving funds from the State for community food and nutrition activities, the applicant should address how the funds are being utilized, and how they will be coordinated with the proposed project to maximize the effectiveness of both. If State funds are being used in the project for which OCS funds are being requested, their usage should be specifically described.

e. Criterion V: Organizational Experience in Program Area and Staff Responsibilities (Maximum: 15 Points)

(1) Organizational Experience in Program Area (0–5 Points)

Documentation provided indicates that projects previously undertaken have been relevant and effective and have provided permanent benefits to the low-income population. Organizations that propose providing training and technical assistance have detailed competence in the program area and as a deliverer with expertise in the fields of training and technical assistance. If applicable, information provided by these applicants also addresses related achievements and competence of each cooperating or sponsoring organization.

(2) Management History (0–5 Points)

Applicants must demonstrate their ability to implement sound and effective management practices and if they have been recipients of other Federal or other governmental grants, they must also document that they have consistently complied with financial and program progress reporting and audit requirements. Such documentation may be in the form of references to any available audit or progress reports and should be accompanied by a statement by a Certified or Licensed Public Accountant as to the sufficiency of the applicant's financial management system to protect adequately any Federal funds awarded under the application submitted.

(3) Staffing Skills, Resources and Responsibilities (0–5 Points)

The application adequately describes the experience and skills of the proposed project director showing that the individual is not only well qualified, but that his/her professional capabilities are relevant to the successful implementation of the project. If the key staff person has not yet been identified, the application contains a comprehensive position description which indicates that the responsibilities to be assigned to the project director are relevant to the successful implementation of the project. The application must indicate that the applicant has adequate facilities and resources (*i.e.* space and equipment) to successfully carry out the work plan.

In addressing the above criterion, the applicant must clearly show that sufficient time of the Project Director and other senior staff will be budgeted to assure timely implementation and oversight of the project and that the assigned responsibilities of the staff are appropriate to the tasks identified for the project.

f. Criterion VI: Adequacy of Budget (Maximum: 5 Points)

The budget is adequate and administrative costs are appropriate in relation to the services proposed. (0–5 Points)

Part E—Instructions for Completing Application Package

The standard forms attached to this Announcement shall be used when submitting applications for all funds under this Announcement. It is recommended that you reproduce

single-sided copies of the SF–424, SF–424A and SF–424B, and type your application on the copies.

Please prepare your application in accordance with the instructions provided with the forms, as well as with the OCS specific instructions set forth below:

1. SF–424—Application for Federal Assistance (Attachment B–1)

Item 1. *Type of Submission*—For the purposes of this Announcement, all projects are considered Applications; there are no Pre-Applications.

Item 2. *Date Submitted* and *Applicant Identifier*—Enter the date the application is submitted to ACF and the applicant's internal control number, if applicable.

Item 3. *Date Received by State*—N/A.

Item 4. *Date Received by Federal Agency*—Leave blank.

Items 5. and 6. *Applicant Information and Employer Identification Number*—The legal name of the applicant must match that listed as corresponding to the Employer Identification Number. Where the applicant is a previous DHHS grantee, enter the Central Registry System/Employee Identification Number (CRS/EIN) and the Payment Identifying Number (PIN), if one has been assigned, in the Block entitled Federal Identifier located at the top right hand corner of the form.

Item 7. *Type of Applicant*—If the applicant is a non-profit corporation, enter the letter "N" in the box and specify non-profit corporation in the space marked "Other". Proof of non-profit status, such as IRS certification, Articles of Incorporation, or By-laws must be included as an appendix to the project narrative.

Item 8. *Type of Application*—Check "New".

Item 9. *Name of Federal Agency*—Enter "DHHS–ACF/OCS."

Item 10. *The Catalog of Federal Domestic Assistance (CFDA) Number*—The CFDA number for the OCS program covered under this Announcement is 93.571. The title is "Community Services Block Grant Discretionary Awards—Community Food and Nutrition Program".

Item 11. *Descriptive Title of Project*—Enter a brief descriptive title of the project.

Item 12. *Areas Affected by Project*—List only the largest unit or units affected, such as State, county or city.

Item 13. *Proposed Project Dates*—Show 12-month project period. (See Part B–3) In addition, the project period start date must be on or before September 30, 2000.

Item 14. *Congressional District of Applicant/Project*—Enter the number(s) of the Congressional District where the applicant's principal office is located and the number(s) of the Congressional District(s) where the project will be located.

Item 15. *Estimated Funding*—15a. Show the total amount requested for the entire project period; 15b. thru 15e. For each line item, show both cash and third-party in-kind contributions for the total project period; 15f. Show the estimated amount of program income for the total project period; 15g. Enter the sum of all the lines.

2. SF–424A—Budget Information—Non-Construction Programs (Attachment B–2)

See the instructions accompanying the Attachment as well as the instructions set forth below.

In completing these sections, the Federal funds budget entries will relate to the requested OCS Community Food and Nutrition Program funds only, and Non-Federal will include mobilized funds from all other sources—applicants, State, and other. Federal funds other than those requested from the Community Food and Nutrition Program should be included in Non-Federal entries.

Sections A and D of SF–424A must contain entries for both Federal (OCS) and non-Federal (mobilized) funds.

Section A—Budget Summary

Lines 1–4

—Column (a) Line 1—Enter OCS CFNP.
—Column (b) Line 1—Enter 93.571.
—Columns (c) and (d)—Not Applicable.
—Columns (e), (f) and (g)—For lines 1 through 4, enter in appropriate amounts needed to support the project for the entire project period.

Line 5

Enter the figures from Line 1 for all columns completed, (e), (f), and (g).

Section B—Budget Categories

This section should contain entries for OCS funds only. For all projects, the first budget period of 12 months will be entered in Column (1).

Allocability of costs is governed by applicable cost principles set forth in the Code of Federal Regulations (CFR), Title 45, Parts 74 and 92.

Budget estimates for administrative costs must be supported by adequate detail for the grants officer to perform a cost analysis and review. Adequately detailed calculations for each budget object class are those which reflect estimation methods, quantities, unit costs, salaries, and other similar quantitative detail sufficient for the calculation to be duplicated. For any additional object class categories included under the object class other, identify the additional object class(es) and provide supporting calculations.

Supporting narratives and justifications are required for each budget category, with emphasis on unique/special initiatives; large dollar amounts; local, regional, or other travel; new positions; major equipment purchases; and training programs.

A detailed itemized budget with a separate budget justification for each major item should be included as indicated below:

Line 6a

Personnel—Enter the total costs of salaries and wages.

Justification—Identify the project director and staff. Specify by title or name the percentage of time allocated to the project, the individual annual salaries and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Line 6b

Fringe Benefits—Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate which is entered on Line 6j.

Justification—Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate. Provide a breakdown of amounts and percentages that comprise fringe benefit costs.

Line 6c

Travel—Enter total cost of all travel by employees of the project. Do not enter costs for Consultant's travel.

Justification—Include the name(s) of traveler(s), total number of trips, destinations, length of stay, mileage rate, transportation costs and subsistence allowances. Traveler must be a person listed under the personnel line or employee being paid under non-federal share.

Note: Local transportation and Consultant travel costs are entered on Line 6h.

Line 6d

Equipment—Enter the total costs of all equipment to be acquired by the project. Equipment means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for financial statement purposes, or (b) $5,000.

Note: If an applicant's current rate agreement was based on another definition for equipment, such as "tangible personal property $500 or more", the applicant shall use the definition used by the cognizant agency in determining the rate(s). However, consistent with the applicant's equipment policy, lower limits may be set.

Justification—Equipment to be purchased with Federal funds must be required to conduct the project, and the applicant organization or its subgrantees must not already have the equipment or a reasonable facsimile available to the project.

Line 6e

Supplies—Enter the total costs of all tangible personal property other than that included on line 6d.

Justification—Provide a general description of what is being purchased such as type of supplies: office, classroom, medical, etc. Include equipment costing less than $5,000 per item.

Line 6f

Contractual—Enter the total costs of all contracts, including: (1) Procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations including delegate agencies and specific project(s) or businesses to be financed by the applicant.

Justification—Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and selection process of the awards as part of the budget justification. Also provide back-up documentation identifying the name of contractor, purpose of contract, and major cost elements.

Note 1: Whenever the applicant/grantee intends to delegate part of the program to another agency, the applicant/grantee must submit Sections A and B of this Form (SF–424A), completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total costs of all such agencies will be part of the amount shown on Line 6f. Provide draft Request for Proposal in accordance with 45 CFR Part 74, Appendix A. All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition.

Note 2: Contractual cannot be a person—must be an organization, firm, etc. Enter Consultant cost on Line 6h.

Line 6g

Construction—Not applicable.

Line 6h

Other—Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs (non-contractual); fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use training costs including tuition and stipends; training service costs including wage payments to individuals and supportive service payments; and staff development costs.

Line 6j

Indirect Charges—Enter the total amount of indirect costs. This line should be used only when the applicant currently has an indirect cost rate approved by DHHS or other Federal agencies.

If the applicant organization is in the process of initially developing or renegotiating a rate, it should, immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent DHHS Guide for Establishing Indirect Cost Rates and submit it to the appropriate DHHS Regional Office. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool cannot be also budgeted or charged as direct costs to the grant. Indirect costs consistent with approved indirect cost rate agreements are allowable.

Line 6k

Totals—Enter the total amount of Lines 6i and 6j.

Line 7

Program Income—Enter the estimated amount of income, if any, expected to be generated from this project. Separately show expected program income generated from OCS support and income generated from other mobilized funds. Do not add or subtract this amount from the budget total. Show the nature and source of income in the program narrative statement.

Justification—Describe the nature, source and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources

This section is to record the amounts of Non-Federal resources that will be used to support the project. Non-Federal resources mean other than OCS funds for which the applicant has received a commitment. Provide a brief explanation, on a separate sheet, showing the type of contribution, broken out by Object Class Category, (see SF–424A, Section B.6) and whether it is cash or third party in-kind. The firm commitment of these required funds must be documented and submitted with the application in order to be given credit in the criterion.

Except in unusual situations, this documentation must be in the form of letters of commitment or letters of intent from the organization(s)/individuals from which funds will be received.

Line 8

—Column (a)—Enter the project title.
—Column (b)—Enter the amount of cash or donations to be made by the applicant.
—Column (c)—Enter the State contribution.
—Column (d)—Enter the amount of cash and third party in-kind contributions to be made from all other sources.
—Column (e)—Enter the total of columns (b), (c), and (d).

Lines 9, 10 and 11

Leave Blank.

Line 12

Carry the total of each column of Line 8, (b) through (e). The amount in Column (e) should be equal to the amount on Section A, Line 5, Column (f).

Justification—Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs

Line 13

Federal—Enter the amount of Federal (OCS) cash needed for this grant, by quarter, during the 12-month budget period.

Line 14

Non-Federal—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15

Totals—Enter the total of Lines 13 and 14.

Section F—Other Budget Information

Line 21

Direct Charges—Include narrative justification required under Section B for each object class category for the total project period.

Line 22

Indirect Charges—Enter the type of DHHS or other Federal agency approved indirect cost rate (provisional,

predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date the rate was approved, where applicable. Attach a copy of the approved rate agreement.

Line 23

Provide any other explanations and continuation sheets required or deemed necessary to justify or explain the budget information.

3. SF–424B—Assurances Non-Construction Programs (Attachment B–3)

All applicants must sign and return the "Assurances" with the application.

4. Project Narrative

Each narrative should include the following major sections:

a. Analysis of Need.
b. Project Design (Work Program).
c. Organizational Experience in the Program Area.
d. Management History.
e. Staffing and Resources.
f. Staff Responsibilities.

The project narrative must address the specific purposes mentioned in Part A of this Program Announcement. The narrative should provide information on how the application meets the evaluation criteria in Part D of this Program Announcement.

Part F—Application Procedures

1. Availability of Forms

Applications for awards under this OCS program must be submitted on Standard Forms (SF) 424, 424A, and 424B. Part E and the Attachments to this Program Announcement contain all the instructions and forms required for submittal of applications. The forms may be reproduced for use in submitting applications.

A copy of this Program Announcement is available on the Internet through the OCS Website at the following web address: www.acf.dhhs.gov/programs/ocs/kits1.htm.

This Program Announcement also may be obtained by telephoning the office listed in the section entitled **FOR FURTHER INFORMATION CONTACT** at the beginning of this Announcement.

The information requested under this Program Announcement is covered under the following OMB information collection clearances: SF–424 (No. 0348–0043), SF–424A (No. 0348–0044), SF–424B (No. 0348–0040), and other requirements for OCS applications (No. 0970–0062, expiration date October 31, 2001).

2. Intergovernmental Review

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Program and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

As of March, 1999, the following jurisdictions have elected NOT to participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by Federally-recognized Indian Tribes need take no action in regard to E.O. 12372:

Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa and Palau.

All remaining jurisdictions participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from participating jurisdictions should contact their SPOCs as soon as possible to alert them of the prospective applications and receive instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. The applicant must submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on the proposed new award.

The SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management/OCSE, 4th Floor West, Aerospace Center, 370 L'Enfant Promenade, SW, Washington, D.C. 20447.

A list of the Single Points of Contact for each State and Territory is included as Attachment G of this Announcement.

3. Application Consideration

Applications that meet the screening requirements in Section 5 below will be reviewed competitively. Such applications will be referred to reviewers for a numerical score and explanatory comments based solely on responsiveness to program guidelines and evaluation criteria published in this Announcement. Applications will be reviewed by persons outside of the OCS unit which would be directly responsible for programmatic management of the grant. The results of these reviews will assist the Director and OCS program staff in considering competing applications. Reviewers' scores will weigh heavily in funding decisions but will not be the only factors considered. Applications will generally be considered in order of the average scores assigned by reviewers. However, highly ranked applications are not guaranteed funding since the Director may also consider other factors deemed relevant including, but not limited to, the timely and proper completion of projects funded with OCS funds granted in the last five (5) years; comments of reviewers and government officials; staff evaluation and input; geographic distribution; previous program performance of applicant; compliance with grant terms under previous DHHS grants; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowances on OCS or other Federal agency grants. The OCS reserves the right to discuss applications with other Federal or non-Federal funding sources to ascertain the applicant's performance record.

4. Criteria for Screening Applications

a. Initial Screening

All applications that meet the application deadline will be screened to determine completeness and conformity to the requirements of this Announcement. Only those applications meeting the below listed requirements will be reviewed and evaluated competitively. Others will be returned to the applicants with a notation that they were unacceptable.

(1) The application must contain a completed and signed Standard Form SF–424.

(2) The SF–424 must be signed by an official of the organization applying for

the grant who has authority to obligate the organization legally.

b. Pre-Rating Review

Applications which pass the initial screening will be forwarded to reviewers for analytical comment and scoring based on the criteria detailed in the section below and the specific requirements contained in Part A of this Announcement. Prior to the programmatic review, these reviewers and/or OCS staff will verify that the applications comply with this Program Announcement in the following areas:

(1) *Eligibility*—Applicant meets the eligibility requirements found in Part B.

(2) *Number of Projects*—The application contains only one project.

(3) *Target Populations*—The application clearly targets the specific outcomes and benefits of the project to low-income participants and beneficiaries as defined in the DHHS Poverty Income Guidelines (Attachment A).

(4) *Grant Amount*—The amount of funds requested does not exceed $50,000.

(5) *Program Focus*—The application addresses the purposes described in Part A of this Announcement.

c. Evaluation Criteria

Applications that pass the initial screening and pre-rating review will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and major weaknesses under each applicable criterion published in this Announcement.

Part G—Contents of Application Package and Receipt Process

1. Contents of Application

Each application submission must include a signed original and four additional copies of the application. Each copy of the application MUST contain, in the order listed, each of the following:

a. Table of Contents with page numbers noted for each major section and subsection of the application, including the appendices. Each page in the application, including those in all appendices, must be numbered consecutively.

b. A Project Abstract which is a succinct description of the project in 200 words or less.

c. The SF–424 (Application for Federal Assistance) (Attachment B–1) should be completed in accordance with instructions provided with the form, as well as OCS specific instructions set forth in Part E of this Announcement. The SF–424 must contain an original signature of the certifying representative of the applicant organization. Applicants must also be aware that the applicant's legal name (Item 5) MUST match the Employer Identification Number (Item 6).

d. SF–424A (Budget Information) (Attachment B–2) must be completed.

e. SF–424B (Assurances—Non-Construction Programs) (Attachment B–3) must be filed by applicants requesting financial assistance for a non-construction project. Applicants must sign and return the SF–424B with their applications.

f. Certification Regarding Lobbying (Attachment F–1) Applicants must provide a certification concerning lobbying. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification. Applicants must sign and return the certification with their applications.

g. Disclosure of Lobbying Activities (SF-LLL). Applicants must fill-in, sign and date form found at Attachment F–2. (This form is required only if lobbying has actually taken place or is expected to take place in trying to obtain the grant for which the applicant is applying.)

h. Project Narrative (See Part E, section 4).

i. Certification Regarding Drug-Free Workplace Requirements (Attachment C). Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

j. Certification Regarding Debarment, Suspension, and Other Responsibility Matters (Attachment D). Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

k. Certification Regarding Environmental Tobacco Smoke (Attachment E). Applicants must make the appropriate certification of their compliance with the Pro-Children Act of 1944. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

The total number of pages for the narrative portion of the application package must not exceed 30 pages in its entirety. Applications must be uniform in composition since OCS may find it necessary to duplicate them for review purposes. Therefore, applications must be submitted on 8½ × 11-inch paper only. They must not include colored, oversized or folded materials, organizational brochures, or other promotional materials, slides, films, clips, etc. Such materials will be discarded if included.

Applications should be two-holed punched at the top center and fastened separately with a compressor slide paper fastener or a binder clip.

While applications must be comprehensive, OCS encourages conciseness and brevity in the presentation of materials and cautions the applicant to avoid unnecessary duplication of information.

2. Acknowledgment of Receipt

An acknowledgment will be mailed to all applicants with an identification number which will be noted on the acknowledgment. This number must be referred to in all subsequent communications with OCS concerning the application. If an acknowledgment is not received within three weeks after the application deadline, applicants must notify ACF by telephone (202) 401–5103. Applicant should also submit a mailing label for the acknowledgment.

Note: To facilitate receipt of this acknowledgment from ACF, applicant should include a cover letter with the application containing an E-mail address and facsimile (FAX) number if these items are available to applicant.

Part H—Post Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the budget period for which support is provided, and the terms and conditions of the award.

In addition to the General Conditions and Special Conditions (where the latter are warranted) that will be applicable to grants, grantees will be subject to the provisions of 45 CFR Parts 74 (non-governmental) and 92 (governmental) along with Circulars 122 (non-governmental) and 87 (governmental).

Grantees will be required to submit semi-annual progress and financial reports (SF–269) as well as a final progress and financial report.

Grantees are subject to the audit requirements in 45 CFR Parts 74 and 92.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes new prohibitions and requirements for disclosure and certification related to lobbying when applicant has engaged in lobbying activities or is expected to lobby in trying to obtain the grant. It provides limited exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using appropriated funds for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees: (1) To certify that they have neither used nor will use any appropriated funds for payment to lobbyists, (2) to submit a declaration setting forth whether payments to lobbyists have been or will be made out of non-appropriated funds and, if so, the name, address, payment details, and purpose of any agreements with such lobbyists whom recipients or their subtier contractors or subgrantees will pay with the nonappropriated funds and (3) to file quarterly updates about the use of lobbyists if any event occurs that materially affects the accuracy of the information submitted by way of declaration and certification. The law establishes civil penalties for noncompliance and is effective with respect to contracts, grants, cooperative agreements and loans entered into or made on or after December 23, 1989. See Attachments F–1 and F–2 for certification and disclosure forms to be submitted with the applications for this program.

Attachment H indicates the regulations that apply to all applicants/grantees under the FY 2000 Community Food and Nutrition Program.

Dated: September 22, 1999.

Donald Sykes,

Director, Office of Community Services.

Attachments

A—1999 Poverty Income Guidelines for the 48 Contiguous States and the District of Columbia, Alaska, and Hawaii
B–1—Application for Federal Assistance
B–2—Budget Information—Non-Construction Programs
B–3—Assurances—Non-Construction Programs
C—Certification Regarding Drug-Free Workplace Requirements
D—Certification Regarding Debarment, Suspension, and other Responsibility Matters (Primary and Lower Tier Covered Transactions)
E—Certification Regarding Environmental Tobacco Smoke
F–1—Certification Regarding Lobbying
F–2—Disclosure of Lobbying Activities
G—State Single Point of Contact Listing Maintained by OMB
H—DHHS Regulations applying to all Applicants/Grantees under the Community Food and Nutrition Program
I—Applicant's Checklist

Attachment A

1999 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline
1	$8,240
2	11,060
3	13,880
4	16,700
5	19,520
6	22,340
7	25,160
8	27,980

For family units with more than 8 members, add $2,820 for each additional member.

(The same increment applies to smaller family sizes also, as can be seen in the figures above).

1999 POVERTY GUIDELINES FOR ALASKA

Size of family unit	Poverty guideline
1	$10,320
2	13,840
3	17,360
4	20,880
5	24,400
6	27,920
7	31,440
8	34,960

For family units with more than 8 members, add $3,520 for each additional member.

(The same increment applies to smaller family sizes also, as can be seen in the figures above).

1999 POVERTY GUIDELINES FOR HAWAII

Size of family unit	Poverty guidelines
1	$9,490
2	12,730
3	15,970
4	19,210
5	22,450
6	25,690
7	28,930
8	32,170

For family units with more than 8 members, add $3,240 for each additional member.

(The same increment applies to smaller family sizes also, as can be seen in the figures above).

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	Poverty guideline
	$10,320
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Attachment B-1

OMB Approval No. 0348-004

APPLICATION FOR FEDERAL ASSISTANCE

		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, State, and zip code)*:	Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN)*:

☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ – ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.)*:

13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:	
a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

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Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

Instructions for the SF–424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
—"New" means a new assistance award.
—"Continuation" means an extension for additional funding/budget period for a project with a projected completion date.
—"Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance if being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (*i.e.*, construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (*e.g.*, State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

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OMB Approval No. 0348-0044

BUDGET INFORMATION - Non-Construction Programs

SECTION A - BUDGET SUMMARY

Attachment B-2

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges *(sum of 6a-6h)*					
j. Indirect Charges					
k. TOTALS *(sum of 6i and 6j)*	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-10

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SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTAL *(sum of lines 8-11)*	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL *(sum of lines 13 and 14)*	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL *(sum of lines 16-19)*	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

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Standard Form 424A (Rev. 7-97) Page 2

Instructions

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Standard Form 424A (Rev. 7-97) Page 2
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Instructions for the SF–424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0044), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the Sponsoring Agency.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary Lines 1–4 Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in *Column* (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) through (g):

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Columns (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisors (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or

any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0040), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the Sponsoring Agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd–3 and 290ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*,), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific state(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. 1501–1508 and 7324–7326) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a–7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the flood Disaster Protection Act of 1973 (Pub. L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (Pub. L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 *et seq.*); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended(Pub. L. 93–523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended Pub. L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 *et seq.*).

14. Will comply with Pub. L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 Pub. L. 89–544, as amended, 7 U.S.C. 2131 *et seq.*) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 *et seq.*) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A–133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

Signature of Authorized Certifying Official

Applicant Organization

Title

Date Submitted

Attachment C

Certificate Regarding Drug-Free Workplace Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and(d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517–D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false

certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (*e.g.*, all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to his certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statues;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, or dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) all indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (*e.g.*, volunteers, even if used to meet matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will not continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibitions;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a):

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statue occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[FR 21690, 21702, May 25, 1990]

Attachment D

Certification Regarding Debarment, Suspension and Other Responsibility Matters

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary

covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entered into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, (Page 33043) should the proposed covered transaction be entered into, it shall not knowingly under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment or a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Attachment E

Certification Regarding Environmental Tobacco Smoke

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor

routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Attachment F–1

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connecting with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form–LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $10,000 for each such failure.

Signature

Title

Organization

BILLING CODE 4184–01–P

DISCLOSURE OF LOBBYING ACTIVITIES

Attachment F-2

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	**Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

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Instruction for Completion of SF–LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity,whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier or the subawardee, *e.g.*, the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (*e.g.*, Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, *e.g.*, "RFP–DE–90–001."

9. For a covered action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless if displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348–0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources's gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0046), Washington, DC 20503.

Attachment G

State Single Point of Contact Listing Maintained by OMB

In accordance with Executive Order #12372, "Intergovernmental Review of Federal Programs," Section 4, "the Office of Management and Budget (OMB) shall maintain a list of official State entities designated by the States to review and coordinate proposed Federal financial assistance and direct Federal development." This attached list is the OFFICIAL OMB LISTING. This listing is also published in the Catalogue of Federal Domestic Assistance biannually.

August 23, 1999

OMB State Single Point of Contact Listing*

Arizona

Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone: (602) 280–1315, FAX: (602) 280–8144

Arkansas

Mr. Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 515 W. 7th St., Room 412, Little Rock, Arkansas 72203, Telephone: (501) 682–1074, FAX: (501) 682–5206

California

Grants Coordination, State Clearinghouse, Office of Planning & Research, 1400 Tenth Street, Room 121, Sacramento, California 95814, Telephone: (916) 445–0613, FAX: (916) 323–3018

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Office of the Budget, 540 S. Dupont Highway, Suite 5, Dover, Delaware 19901, Telephone: (301) 739–3326, FAX: (302) 739–5661

District of Columbia

Charles Nichols, State Single Point of Contact, Office of Grants Mgmt. & Dev., 717 14th Street, N.W., Suite 1200, Washington, D.C. 20005, Telephone: (202) 727–1700 (direct), (202) 727–6537 (secretary), FAX: (202) 727–1617

Florida

Florida State Clearinghouse, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399–2100, Telephone: (850) 922–5438, FAX: (850) 414–0479, Contact: Cherie Trainor, (850) 414–5495

Georgia

Deborah Stephens, Coordinator, Georgia State Clearinghouse, 270 Washington Street, S.W.—8th Floor, Atlanta, Georgia 30334, Telephone: (404) 656–3855, FAX: (404) 656–7901

Illinois

Virginia Bova, State Single Point of Contact, Illinois Department of Commerce and Community Affairs, James R. Thompson Center, 100 West Randolph, Suite 3–400, Chicago, Illinois 60601, Telephone: (312) 814–6028, FAX: (312) 814–1800

Indiana

Renee Miller, State Budget Agency, 212 State House, Indianapolis, Indiana 46204–2796, Telephone: (317) 232–2971 (directline), FAX: (317) 233–3323

Iowa

Steven R. McCann, Division for Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone: (515) 242–4719, FAX: (515) 242–4809

Kentucky

Kevin J. Goldsmith, Director, Sandra Brewer, Executive Secretary, Intergovernmental Affairs, Office of the Governor, 700 Capitol Avenue, Frankfort, Kentucky 40601, Telephone: (502) 564–2611, FAX: (502) 564–0437

Maine

Joyce Benson, State Planning Office, 184 State Street, 38 State House Station, Augusta, Maine 04333, Telephone: (207) 287–3261, FAX: (207) 287–6489

Maryland

Linda Janey, Manager, Plan & Project Review, Maryland Office of Planning, 301 W. Preston Street—Room 1104, Baltimore, Maryland 21201–2365, Staff Contact: Linda Janey, Telephone: (410) 767–4490, FAX: (410) 767–4480

Michigan

Richard Pfaff, Southeast Michigan Council of Governments, 660 Plaza Drive—Suite 1900, Detroit, Michigan 48226, Telephone: (313) 961–4266, FAX: (313) 961–4869

Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, 550 High Street, 303 Walters Sillers Building, Jackson, Mississippi 39201–3087, Telephone: (601) 359–6762, FAX: (601) 359–6758

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Jefferson Building, 9th Floor, Jefferson Building, 9th Floor, Jefferson City, Missouri 65102, Telephone: (314) 751–4834, FAX: (314) 751–7819

Nevada

Department of Administration, State Clearinghouse, 209 E. Musser Street, Room 220, Carson City, Nevada 89710, Telephone: (702) 687–3983, Contact: Heather Elliot, (702) 687–6367

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process, Mike Blake, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone: (603) 271–2155, FAX: (603) 271–1728

New Mexico

Nick Mandell, Local Government Division, Room 201 Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone: (505) 827–3640, Fax: (505) 827–4984

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone: (518) 474–1605, FAX: (518) 486–5617

North Carolina

Jeanette Furney, North Carolina Department of Administration, 116 West Jones Street—Suite 5106, Raleigh, North Carolina 27603–8003, Telephone: (919) 733–7232, FAX: (919) 733–9571

North Dakota

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone: (701) 224–2094, FAX: (701) 224–2308

Rhode Island

Kevin Nelson, Review Coordinator, Department of Administration, Division of Planning, One Capitol Hill, 4th Floor, Providence, Rhode Island 02908–5870, Telephone: (401) 277–2656, FAX: (401) 277–2983

South Carolina

Omeagia Burgess, State Single Point of Contact, Budget and Control Board, Office of State Budget, 1122 Ladies Street—12th Floor, Columbia, South Carolina 29201, Telephone: (803) 734–0494, FAX: (803) 734–0645

Texas

Tom Adams, Governors Office, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711, Telephone: (512) 463–1771, FAX: (512) 936–2681

Utah

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone: (801) 538–1027, FAX: (801) 538–1547

West Virginia

Fred Cutlip, Director, Community Development Division, W. Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone: (304) 558–4010, FAX: (304) 558–3248

Wisconsin

Jeff Smith, Section Chief, Federal/State Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O. Box 7868, Madison, Wisconsin 53707, Telephone: (608) 266–0267, FAX: (608) 267–6931

Wyoming

Sandy Ross, State Single Point of Contact, Department of Administration and Information, 2001 Capitol Avenue, Room 214, Cheyenne, WY 82002, Telephone: (307) 777–5492, FAX: (307) 777–3696

Territories

Guam

Joseph Rivera, Acting Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96932, Telephone: (671) 475–9411 or 9412, FAX: (671) 472–2825

Puerto Rico

Jose Caballero-Mercado, Chairman, Puerto Rico Planning Board, Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119, Telephone: (787) 727–4444, (787) 723–6190, FAX: (787) 724–3270

North Mariana Islands

Mr. Alvaro A. Santos, Executive Officer, Office of Management and Budget, Office of the Governor, Saipan, MP 96950, Telephone: (670) 664–2256, FAX: (670) 664–2272, Contact person: Ms. Jacoba T. Seman, Federal Programs Coordinator, Telephone: (670) 664–2289, FAX: (670) 664–2272

Virgin Islands

Nellon Bowry, Director, Office of Management and Budget, #41 Norregade Emancipation Garden, Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct all questions and correspondence about intergovernmental review to: Linda Clarke, Telephone: (809) 774–0750, FAX: (809) 776–0069.

If you would like a copy of this faxed to your office, please call our publications office at: (202) 395–9068.

* In accordance with Executive Order #12372, "Intergovernmental Review of Federal Programs," this listing represents the designated State Single Points of Contact. The jurisdictions not listed no longer participate in the process BUT GRANT APPLICANTS ARE STILL ELIGIBLE TO APPLY FOR THE GRANT EVEN IF YOUR STATE, TERRITORY, COMMONWEALTH, ETC., DOES NOT HAVE A "STATE SINGLE POINT OF CONTACT." STATES WITHOUT "STATE SINGLE POINTS OF CONTACT" INCLUDE: Alabama, Alaska; American Samoa; Colorado; Connecticut; Hawaii; Idaho; Kansas; Louisiana; Massachusetts, Minnesota; Montana; Nebraska; New Jersey; Ohio; Oklahoma; Oregon; Palau; Pennsylvania; South Dakota; Tennessee; Vermont, Virginia; and Washington. This list is based on the most current information provided by the States. Information on any changes or apparent errors should be provided to the Office of Management and Budget and the State in question. Changes to the list will only be made upon formal notification by the State. Also, this listing is published biannually in the Catalogue of Federal Domestic Assistance.

Attachment H

Department of Health and Human Services (DHHS), Regulations Applying to All Applicants/Grantees Under the Community Food and Nutrition Program

Title 45 of the Code of Federal Regulations

Part 16—DHHS Grant Appeals Process
Part 74—Administration of Grants (non-governmental)
Part 74—Administration of Grants (state and local governments and Indian Tribal affiliates):

Sections:
- 74.26—Non-Federal Audits
- 74.27—Allowable cost for hospitals and non-profit organizations among other things
- 74.32 Real Property
- 74.34 Equipment
- 74.35 Supplies
- 74.24 Program Income

Part 75—Informal Grant Appeal Procedures
Part 76—Debarment and Suspension from Eligibility For Financial Assistance

Subpart F—Drug Free Workplace Requirements

Part 80—Non-discrimination Under Programs Receiving Federal Assistance through DHHS Effectuation of Title VI of the Civil Rights Act of 1964
Part 81—Practice and Procedures for Hearings Under Part 80 of this Title
Part 83—Regulation for the Administration and Enforcement of Sections 799A and 845 of the Public Health Service Act
Part 84—Non-discrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance
Part 85—Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by DHHS
Part 86—Non-discrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefitting from Federal Financial Assistance
Part 91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance

Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (**Federal Register**, March 11, 1988)
Part 93—New Restrictions on Lobbying
Part 100—Intergovernmental Review of DHHS Programs and Activities

BILLING CODE 4184–01–M

Attachment I

APPLICANT'S CHECKLIST

This checklist will assist you with preparing and assembling your application. Completing the checklist carhelp ensure that you do not omit key information. Because this checklist is used by many ACF programs, some of the information might not apply to your application. This checklist DOES NOT have to be completed and returned with your application.

	Yes	Included	N/A
Authorizing official read and understood Certification Regarding Debarment, Suspension, and Other Responsibility Matters?			
Authorizing official read and understood Certification Regarding Drug-Free Workplace Requirements--Grantees Other Than Individuals?			
Authorizing official read and understood Certification Regarding Environmental Tobacco Smoke?			
Application for Federal Assistance (SF 424) was completed? Proper Signature and Date for Line 18?			
Budget Information--Non-Construction Programs (SF 424A) or Budget Information--Construction Programs (SF 424C) was completed?			
Assurances-- Non-Construction Programs (SF 424B) or Assurances--Construction Programs (SF 424D)was completed? (Proper Signature and Date?)			
Certification Regarding Lobbying was completed? (Proper Signature and Date?)			
Disclosure of Lobbying Activities was completed? (Proper Signature and Date?)			
Other special certifications, assurances, and/or disclosures required under the program were completed (e.g., maintenance of effort certification)?			
Proof of nonprofit status was provided?			
Has additional information such as biographicalsketch(es) with job description(s) and other additional information been attached, when required?			
For a Supplemental application, does the detailed budget only address the additional funds requested?			
Checked all budget computations for accuracy?			

FOLLOW-UP QUESTIONS

	YES	N/A
On the Application for Federal Assistance (SF 424),		
⇒ did you enter the application number issued by the sponsoring ACF office in the "Federal Identifier" block?		
⇒ did you type the 12 digit Payee EIN or PIN previously assigned to your organization by DHHS in the "Federal Identifier" block?		
⇒ is the EIN in Item #6 assigned to the organization and organizational unit named in Item #5?		
⇒ did you include city, county, state and zip code of the applicant did organization in Item #5?		
⇒ has the appropriate box been checked in Item #16?		
⇒ has the entire proposed project period been identified in Item #13?		
On the Budget Information form (SF 424A or SF 424C),		
⇒ do the totals in Section B match the totals provided in the budget and budget narrative?		

SUGGESTED ORDERING OF APPLICATION MATERIALS

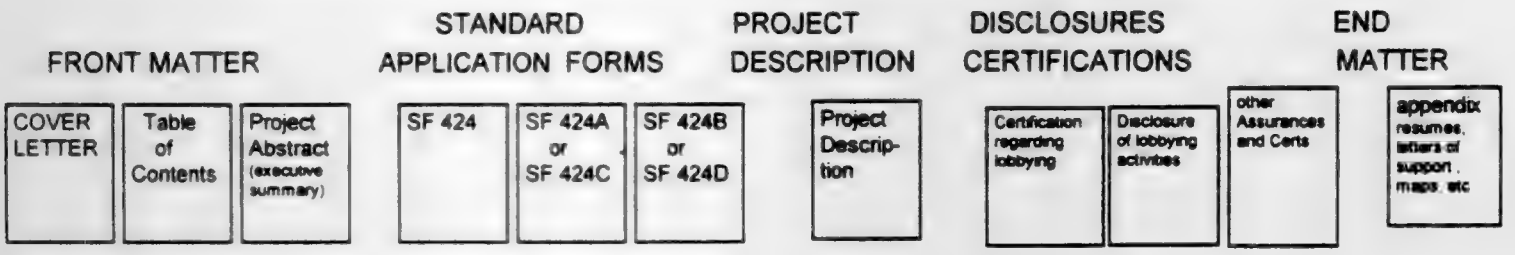

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federal register

Wednesday
September 29, 1999

Part V

The President

Proclamation 7226—Gold Star Mother's Day, 1999

Title 3-

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Federal Register
Vol. 64, No. 188
Wednesday, September 29, 1999

Presidential Documents

Title 3—

The President

Proclamation 7226 of September 24, 1999

Gold Star Mother's Day, 1999

By the President of the United States of America

A Proclamation

For generations, the brave men and women of our Armed Forces have answered our Nation's call to service. In the air, on the sea, and across the world's battlefields, they have fought with valor and determination so that we might continue to live in freedom. The blessings of liberty and peace we know today have been paid for with the lives of those who never returned home.

The Gold Star Mothers of America know the price of freedom all too well. They have experienced one of life's greatest joys in becoming a parent and have endured one of life's greatest sorrows in losing a son or daughter. The spirit of sacrifices made by our fallen warriors lives on in the hearts of our Gold Star Mothers.

Their sacrifice lives on as well in the work Gold Star Mothers perform in communities throughout our country, working with disabled veterans and their families, nurturing patriotism in a new generation of young Americans, reaching out to others who have lost a child in the service of our Nation, and ensuring that the contributions of their own sons and daughters are never forgotten. The generous and compassionate work of Gold Star Mothers is a powerful legacy of service that they carry on in loving memory of their children.

We have a profound obligation to honor the service and sacrifice of these remarkable women as we honor their children. That is why the Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1895), has designated the last Sunday in September as "Gold Star Mother's Day" and authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim September 26, 1999, as Gold Star Mother's Day. I call on all government officials to display the United States flag on government buildings on this day. I also urge the American people to display the flag and to hold appropriate meetings in their homes, places of worship, or other suitable places as a public expression of the sympathy and the respect that our Nation holds for its Gold Star Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.

William J. Clinton

[FR Doc. 99–25526
Filed 9–28–99; 8:45 am]
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H.R. 457/P.L. 106–56

Organ Donor Leave Act (Sept. 24, 1999; 113 Stat. 407)

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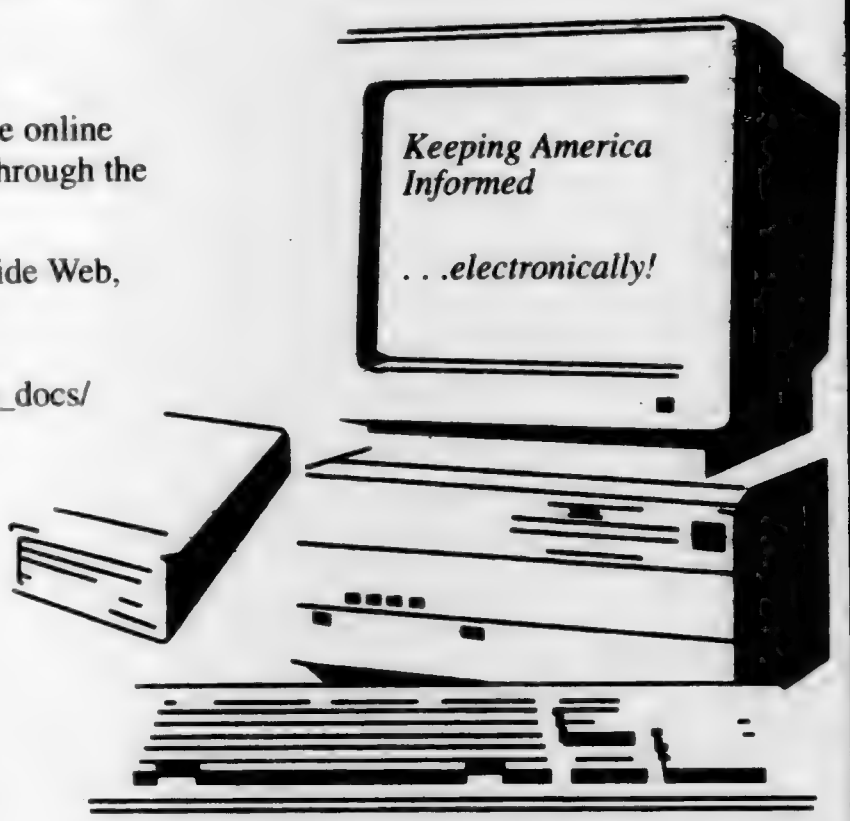

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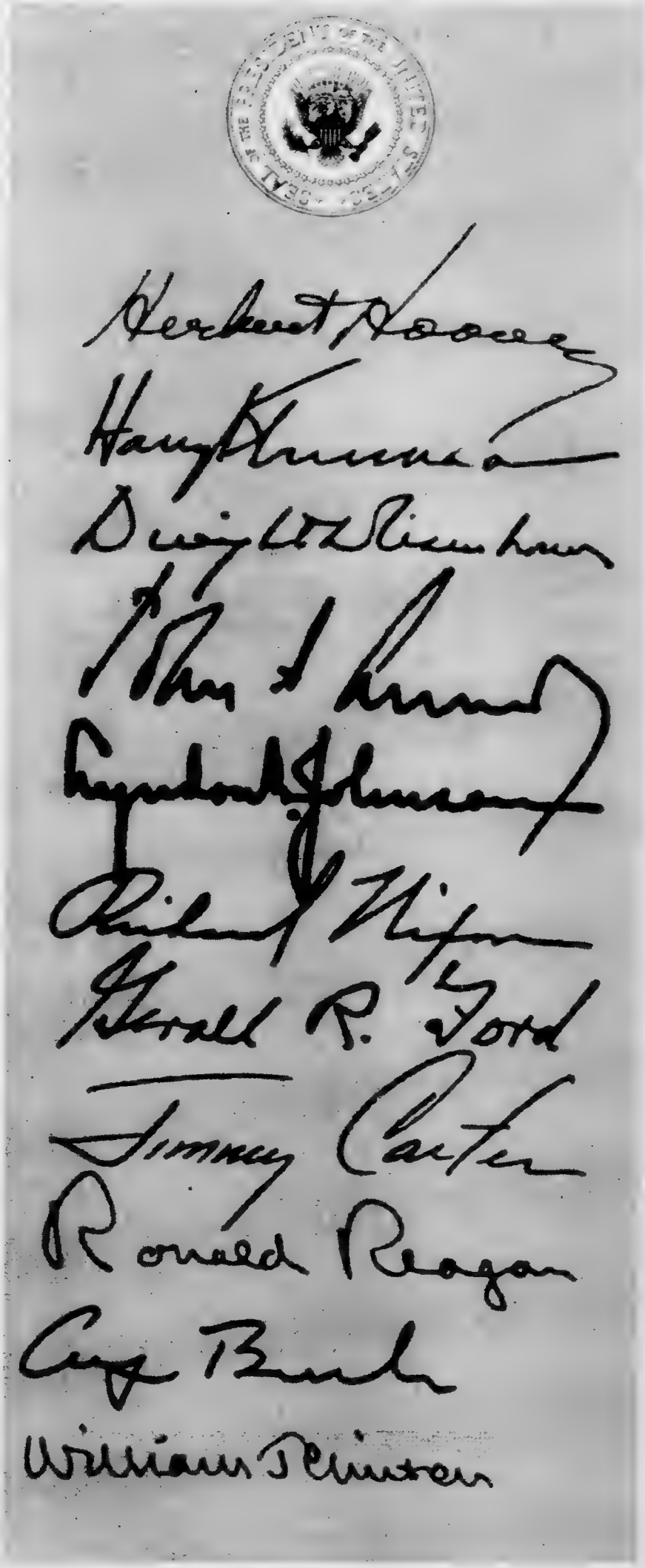

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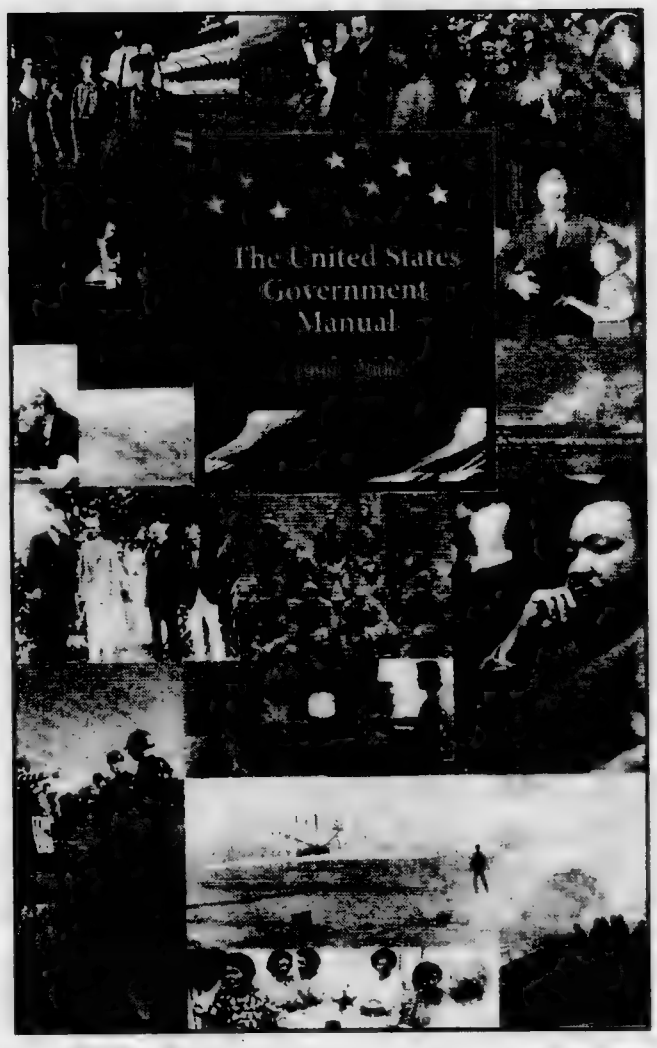

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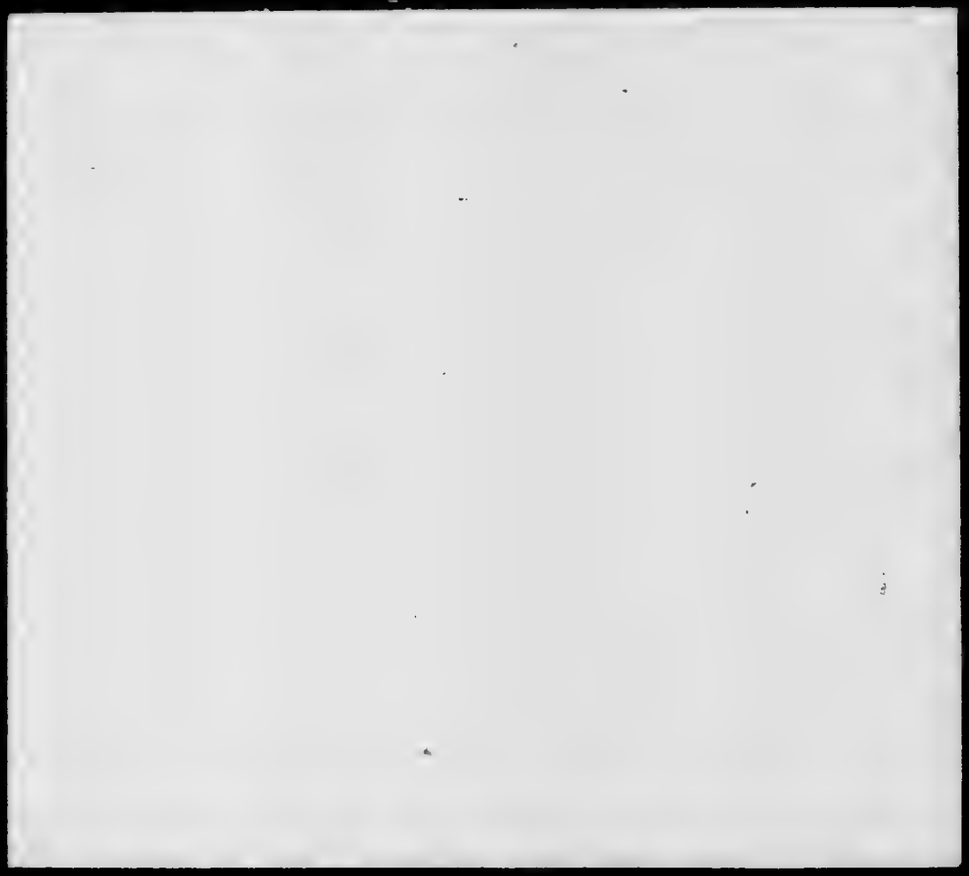

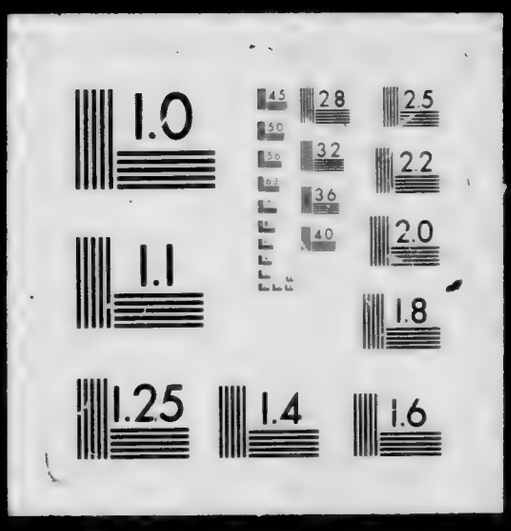
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Rules and Regulations

Federal Register
Vol. 64, No. 189
Thursday, September 30, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 1550

RIN 0551–AA26

Programs To Help Develop Foreign Markets for Agricultural Commodities (Foreign Market Development Cooperator Program)

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final Rule.

SUMMARY: This rule revises regulations applicable to the Foreign Market Development Cooperator (Cooperator) Program. The revisions provide more detailed information concerning program administration, including participant eligibility, the application review process, allocation criteria, strategic planning and goal setting requirements, reimbursement rules and procedures, financial reporting and program evaluation requirements, appeal procedures, and program controls. The intent of this rule is to improve the effective administration of the Cooperator Program.

DATES: Effective October 1, 1999. *Applicability date:* This rule does not apply to Cooperator marketing plan years prior to the Fiscal Year 2000 program.

FOR FURTHER INFORMATION CONTACT: Kent Sisson or Denise Huttenlocker at (202) 720–4327.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. It has been determined that this final rule will not have an annual economic effect in excess of $100 million; will not cause a major increase in costs to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have an adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets.

Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. The rule would have preemptive effect with respect to any State or local laws, regulations or policies which conflict with such provisions or which otherwise impede their full implementation; does not have retroactive effect; and does require administrative proceedings before suit may be filed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials (see the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because the Foreign Agricultural Service (FAS) is not required by any provision of law to publish a notice of rulemaking with respect to the subject matter of this rule.

Paperwork Reduction Act

The information collection requirements for participating in the Cooperator program were approved for use by the Office of Management and Budget (OMB) through December 31, 1999, and assigned OMB No. 0551–0026. This final rule does not impose new information collection requirements.

Background

The Foreign Market Development Cooperator Program's first participants (known as Cooperators) entered into agreements with FAS in 1954. The Cooperator program is currently authorized by Title VII of the Agricultural Trade Act of 1978, which directs the Secretary of Agriculture to "establish and, in cooperation with eligible trade organizations, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products." FAS implements this provision by entering into agreements with non-profit U.S. agricultural trade organizations that have the broadest possible producer representation of the commodity being promoted and gives priority to those organizations that are nationwide in membership and scope.

Summary and Analysis of Comments

On June 15, 1999, FAS published a rule in the **Federal Register** (64 FR 32156) proposing to revise the regulations which govern the Cooperator program. That rule also requested interested parties to submit comments by July 14, 1999. FAS received seven comments on the proposed rule. Following is a summary of the comments which specifically address the proposed rule and FAS's response to each. General comments relating to the value of the program, editorial suggestions, and non-substantive comments have been omitted.

Premium Class Travel

FAS received 4 comments on this issue.

Comment: Extensive travel in business class is often less expensive than the full fare economy rate. Preventing business class travel in such cases would increase program costs.

Comment: Business class travel is especially important when hosting foreign trade teams. Both government and private representatives are accustomed to business class travel for transoceanic travel in many countries. The savings in cost from using economy class rather than business class would quickly become a net loss if the entire program is undermined by the poor experiences or feelings of disrespect that result.

Comment: If FAS personnel at a certain level are permitted to travel business class, then it seems unfair in the extreme that individuals who are equally influential within their governments or trade organizations or companies should not be permitted the same consideration and accommodations and courtesy.

Response: This new rule does not prevent any class of travel. It merely limits reimbursement, generally to the full fare economy rate. If a business (or higher) class ticket can be purchased at

a price equal to or less than the full fare economy rate, it may be reimbursed in its entirety subject to proper documentation. If a Cooperator believes that purchase of a higher class ticket at a rate higher than the full fare economy rate is necessary to achieve its market promotion goals, then the amount exceeding the reimbursable full fare economy rate can be claimed as a contribution to the program.

Comment: Elimination of reimbursement of business class travel will materially weaken the Cooperator program. Business class travel for flights longer than 6 hours ensures that staff, consultants, and foreign visitors arrive without the delays of mid-journey rest stops, are less stressed and fatigued by the flight, and are more quickly available to work.

Response: The FTR only allows for authorization of business class due to flight time when the origin or destination is outside of the continental U.S. and the scheduled flight time exceeds 14 hours. As an aid to organizations which may not be familiar with the FTR, FAS will issue a program notice to Cooperators which lists the exceptions under which FAS will reimburse the full price of business class travel.

Contributions

FAS received 5 comments on this issue.

Comment: The proposed rule states that Cooperators must contribute at least 50 percent of the value of resources provided by FAS. Can this 50 percent include contributions from U.S. industry members? Also, "third party" contributions are mentioned in the proposed rule. Does this refer only to the U.S. industry?

Response: As defined in § 1550.13, contributions from the U.S. industry are counted toward a Cooperator's contributions. FAS agrees that the term "third party" is misleading, and has replaced it with "U.S. industry" where appropriate in the final rule.

Comment: If a Cooperator contributes less to the program than was specified in its application, the Cooperator should not be required to pay to FAS the difference between the contribution estimate and actual contributions. There are several good reasons why a Cooperator might contribute less than expected.

Response: Cooperator program applicants compete against each other for funds based, in part, on the contributions promised in their applications. To maintain the integrity of the competitive process, the level of contributions specified in each Cooperator's application must be met. Therefore, FAS is adopting the rule as proposed.

Comment: This rule establishes a due date of "January 31 of the year following the completion of the marketing plan year" for Cooperators' end-of-year contribution reports. This allows only four months, while the Market Access Program (MAP) allows six months to submit contribution reports.

Response: The Cooperator program currently operates with the January 31 due date. FAS needs to receive these reports earlier in the calendar year because the data contained therein is used in the FAS budget process. Therefore, FAS is adopting the rule as proposed.

Comment: The proposed rule states that product research may not be reimbursed and that product development and modifications may not even be claimed as contributions. This seems to be inconsistent with the statement in the "General Background" section that activities address constraints or opportunities by focusing on matters such as "identifying new markets or new applications or uses" for products in the foreign market. Perhaps the rule should only exclude branded product research, development, and modifications.

Response: The language regarding new applications or uses in the foreign market refers to market research which would identify foreign marketing opportunities. It is not meant to refer to developing or modifying products, which are activities generally undertaken to benefit a company. FAS will allow certain types of product research, which are generally undertaken to benefit an industry and have a specific export application, to be claimed as a contribution. Therefore, FAS is adopting the rule as proposed.

Contingent Liabilities

FAS received 2 comments on this issue.

Comment: The proposed rule is silent on the issue of contingent liabilities. Under the existing guidelines, FAS may reimburse costs that would be due or forfeited if an overseas office closed on the last day of the marketing plan year, such as severance payments, deposits, and rent.

Response: FAS agrees that contingent liabilities should remain reimbursable under the program, and is amending § 1550.54 accordingly by adding a new paragraph (38).

Wireless Phones

FAS received 2 comments on this issue.

Comment: Please clarify whether monthly service fees for wireless phones are reimbursable in their entirety or if these fees must be prorated based on airtime devoted to program activities.

Response: Monthly service fees must be prorated based on airtime devoted to program activities. The prorated portion is reimbursable by FAS. FAS is amending § 1550.54 for clarification.

Comment: The costs of purchasing wireless phones should be reimbursable by FAS. How is the purchase of a wireless phone different from wireless phone usage or the purchase of a portable computer?

Response: Unlike portable computers, wireless phones are often used for non-business purposes and incoming non-business calls accrue charges. Wireless phone usage can be separated into business and non-business calls, but the purchase of the wireless phone cannot be separated or prorated because the Cooperator is not able to determine in advance the amount of usage that would be devoted to program activities. FAS has decided to disallow reimbursement of the costs of purchasing wireless phones, and, thus, the rule is adopted as proposed. The cost of purchasing a wireless phone can be claimed as a contribution to the program.

Required Notification of Attachés/ Counselors of In-Country Travel

FAS received 2 comments on this issue.

Comment: The proposed rule would require that Cooperators notify the attaché in any destination country in writing in advance of any proposed travel. Failure to provide advance notification may result in disallowance of the travel expenses. This penalty seems to be too severe, considering that some attachés do not respond to such notifications.

Response: This requirement, which is currently in effect, was added to the program at the request of several attachés. Although attachés may not always respond to travel notification, it is important that they be notified because their awareness of Cooperator activity in their countries of responsibility is important to the success of the program. The regulations do not require that attachés specifically approve Cooperator travel. Acceptable written notification includes electronic mail and facsimile. Thus, the rule is adopted as proposed.

Salaries and Allowances

FAS received 3 comments on this issue.

Comment: The proposed regulations do not mention several important

allowances currently reimbursable with FMD funds, such as: foreign transfer allowance, temporary lodging, post hardship differential. We request that these and other similar allowances be authorized for use of FMD funds.

Response: The proposed rule was not intended to change the allowances which are eligible for reimbursement under the program. FAS is amending § 1550.54 for clarification.

Comment: The proposed rule limits a combination of salary and certain allowances to the amount paid to a GS–15, step 10. The proposed limit should be rejected and replaced with a salary limitation and unlimited allowances.

Response: FAS must balance benefits to program participants against limited financial resources. FAS is establishing this limit to be consistent with the MAP, and, accordingly, is adopting the rule as proposed.

Comment: Our major concern is with clarity on the compensation limit for non-U.S. citizen employees who occupy the position of country or regional director. We had been led to believe that the Cooperator regulations would parallel the MAP regulations thereby permitting these positions to be compensated at the Foreign Service National (FSN) "Supergrade" levels. Would cooperators have this latitude to exceed the published FSN wage scales for country or regional directors under section 1550.20(b)(8)?

Response: Under the new regulations, a Cooperator may request to exceed a published FSN wage scale if the Cooperator can show that the existing scale is inappropriate. This provides greater flexibility in that there would be no limitations imposed by a "supergrade" structure, however, Cooperators could certainly maintain the "supergrade" scale for their own use. FAS is adopting the rule as proposed.

Contracting

FAS received 3 comments on this issue.

Comment: Past practice did not require written contracts for certain services for which written contracts are not customary (i.e., lawyer fees, interpreter or translation services, part time secretarial help and other short term services). We hope that the intent of the new Cooperator program regulations is not to change that practice.

Response: The existing guidelines require written contracts with legal firms. FAS believes that entering into written contracts for interpreter and translation services is prudent and would also assist in FAS compliance efforts. FAS did not intend to include short-term or part-time secretarial help. FAS is amending § 1550.35 to clarify these points.

Comment: The wording in this contracting section of the proposed rule is similar to the Market Access Program regulations. FAS issued a Program Notice about a year after those final regulations were published. It provided some contracting guidelines for MAP participants. Does this Program Notice apply to the Cooperator program?

Response: FAS intends to issue a Cooperator Program Notice providing contracting guidance.

Consumer Promotion

FAS received 1 comment on this issue.

Comment: The proposed rule states that the program provides assistance for generic promotion and, therefore, does not involve activities targeted directly toward individual consumers. We believe that generic promotions can be directed toward individual consumers.

Response: It was the intent of the proposed rule to remove the eligibility of consumer promotions from the Cooperator program. Assistance for consumer promotions remains available through the MAP. FAS is amending § 1550.12 and § 1550.55 to clarify that promotions directed toward consumers are not reimbursable under the Cooperator program.

Miscellaneous

FAS received comments on several other topics.

Comment: The proposed rule requires that Cooperators maintain an inventory of all capital goods valued at over $100. We recommend increasing this minimum value to $500. Also, what is meant by "capital goods"?

Response: FAS agrees that the minimum value for inventory items should be increased to $500 and is amending § 1550.36 accordingly. FAS is amending the rule by replacing the term "capital goods" with the term "property" throughout and adding a definition of "property" in § 1550.13.

Comment: In some sections the proposed rule refers to contributions as cash and goods and services, in others it refers to cash and in-kind items. Is this intentional?

Response: FAS meant to refer only to cash and goods and services in the proposed rule. FAS is amending the rule by removing all references to in-kind items from the final rule.

Comment: Section 1550.54(a)(2) should be removed to make the final rule consistent with the MAP regulations.

Response: The parallel language in the MAP regulations was removed when a definition was added for "expenditure". For consistency, FAS will remove § 1550.54(a)(2) and add a definition of "expenditure" in § 1550.13.

Comment: Sometimes an expenditure is listed as reimbursable but does not seem to be a prudent way to expend Federal funds. Are expenditures that are listed as reimbursable always acceptable?

Response: FAS agrees that some levels of expenditures associated with reimbursable items could be unreasonable. To clarify this, FAS is amending § 1550.54 (a) and § 1550.55 (a) to clearly establish a standard that expenditures must be reasonable.

Comment: The proposed rule lists, among application requirements, market assessments including constraints facing exporters. In the annual program announcement, FAS also asks for opportunities for increasing exports. Does this signify a change in direction for the program?

Response: FAS prefers that market assessments also include export growth opportunities, and is amending sections 1550.12, 1550.13, 1550.20, and 1550.72 for clarification.

Comment: The proposed rule would require a receipt, purchase order, invoice, or contract for every expenditure in excess of $25.00. The Federal Travel Regulation only requires receipts for expenditures over $75.00. FAS should only require receipts, purchase orders, invoices, or contracts for expenditures in excess of $75.00.

Response: In order to maintain the integrity of the program and ensure effective program compliance, FAS will continue to require that Cooperators maintain expenditure documentation as detailed in the proposed rule. This includes that Cooperators must maintain original receipts for travel expenditures in excess of $25.00. Therefore, FAS is adopting the rule as proposed.

Comment: The proposed rule would require that Cooperators designate at least 2 individuals who can sign documents, including reimbursement claims. Our organization submits all of its claims electronically, with no signature.

Response: The rule does not require that all reimbursement claims be signed. Reimbursement claims submitted on paper require signatures. Reimbursement claims submitted electronically require identification codes and passwords for security. The rule merely requires that individuals be designated to act on the behalf of each

Cooperator so that it is clear to FAS when an authorized official has signed a document. Thus, FAS is adopting the rule as proposed.

Comment: The proposed rule does not mention reimbursement of storage fees for necessary program items, e.g., past records, current brochures. It is generally cheaper to find warehouse space than to lease extra office space for such items. Are storage fees still reimbursable?

Response: FAS intends for storage fees to remain reimbursable. FAS is amending § 1550.54 to include storage fees.

Effective Date

Pursuant to 5 U.S.C. 553, it is found and determined that good cause exists for making this final rule effective prior to 30 days after publication in the **Federal Register** because: (1) this action codifies program guidelines which have been in effect for many years and participants do not, therefore, need a transition period; and (2) delaying this rule beyond the beginning of the 2000 marketing plan year (October 1, 1999), would postpone the implementation of the marketing programs of more than two dozen agricultural trade organizations.

This rule is effective October 1, 1999, but does not apply to Cooperator marketing plan years prior to the Fiscal Year 2000 program.

List of Subjects in 7 CFR Part 1550

Agricultural commodities, Exports, Grant programs–agriculture, Reporting and recordkeeping requirements.

Accordingly, part 1550 of Title 7 of the Code of Federal Regulations is revised as follows:

PART 1550—PROGRAMS TO HELP DEVELOP FOREIGN MARKETS FOR AGRICULTURAL COMMODITIES

Subpart A—General Information

1550.10 What is the effective date of this part?
1550.11 Has the Office of Management and Budget reviewed the paperwork and record keeping requirements contained in this part?
1550.12 What is the Cooperator program?
1550.13 What special definitions apply to the Cooperator program?
1550.14 Is my organization eligible to participate in the Cooperator program?

Subpart B—Application and Fund Allocation

1550.20 How can my organization apply to the Cooperator program?
1550.21 How does FAS determine which Cooperator program applications are approved?
1550.22 How are Cooperator program funds allocated?

Subpart C—Program Operations

1550.30 How does FAS formalize its working relationship with approved Cooperators?
1550.31 Who acts on behalf of each Cooperator?
1550.32 Must Cooperators follow specific employment practices?
1550.33 Must Cooperators follow certain financial management guidelines?
1550.34 Must Cooperators adhere to specific standards of ethical conduct?
1550.35 Must Cooperators follow specific contracting procedures?
1550.36 How do Cooperators dispose of disposable property?
1550.37 Must Cooperators adhere to Federal Travel Regulations?
1550.38 Can a Cooperator keep proceeds generated from an activity?

Subpart D—Contributions and Reimbursements

1550.50 What cost share contributions are eligible?
1550.51 What are ineligible contributions?
1550.52 What are the guidelines for computing the value of non-cash contributions?
1550.53 What are the requirements for documenting and reporting contributions?
1550.54 What expenditures may FAS reimburse under the Cooperator program?
1550.55 What expenditures may not be reimbursed under the Cooperator program?
1550.56 How are Cooperators reimbursed?
1550.57 Will FAS make advance payments to a Cooperator?

Subpart E—Reporting, Evaluation, and Compliance

1550.70 Must Cooperators report to FAS?
1550.71 Are Cooperator documents subject to the provisions of the Freedom of Information Act?
1550.72 How is program effectiveness measured?
1550.73 Are Cooperators penalized for failing to make required contributions?
1550.74 How is Cooperator program compliance monitored?
1550.75 How does a Cooperator respond to a compliance report?
1550.76 Can a Cooperator appeal the determinations of the Deputy Administrator?

Authority: 7 U.S.C. 5721–5723.

Subpart A—General Information

§ 1550.10 What is the effective date of this part?

This part applies to activities that are conducted in accordance with the Cooperators' FY 2000 and subsequent marketing plan years.

§ 1550.11 Has the Office of Management and Budget reviewed the paperwork and record keeping requirements contained in this part?

The paperwork and record keeping requirements imposed by this part have been submitted to the Office of Management and Budget (OMB) for emergency review and reinstatement under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB has previously assigned control number 0551–0026 for this information collection.

§ 1550.12 What is the Cooperator program?

(a) Under the Foreign Market Development Cooperator (Cooperator) Program, FAS enters into project agreements with eligible nonprofit U.S. trade organizations to share the costs of certain overseas marketing and promotion activities that are intended to create, expand, or maintain foreign markets for U.S. agricultural commodities and products. FAS does not provide brand promotion assistance to Cooperators under this program.

(b) FAS enters into project agreements with those eligible nonprofit U.S. trade organizations that have the broadest possible producer representation of the commodity being promoted and gives priority to those organizations that are nationwide in membership and scope. Project agreements involve the promotion of agricultural commodities on a generic basis. Project agreements do not involve activities targeted directly toward consumers purchasing as individuals. Activities must contribute to the maintenance or growth of demand for the agricultural commodities and generally address long-term foreign import constraints and export growth opportunities by focusing on matters such as reducing infra-structural or historical market impediments; improving processing capabilities; modifying codes and standards; and identifying new markets or new applications or uses for the agricultural commodity or product in the foreign market.

(c) The Cooperator program generally operates on a reimbursement basis.

(d) FAS policy is to ensure that benefits generated by Cooperator agreements are broadly available throughout the relevant agricultural sector and no one entity gains an undue advantage or sole benefit from program activities.

§ 1550.13 What special definitions apply to the Cooperator program?

For purposes of this part the following definitions apply:

Activity—a specific market development effort undertaken by a Cooperator to address a constraint or opportunity.

Administrator—the Administrator, FAS, USDA, or designee.

Agricultural Commodity—an agricultural commodity, food, feed, fiber, wood, livestock or insect, and any product thereof; and fish harvested from a U.S. aquaculture farm, or harvested by a vessel as defined in title 46, United States Code, in waters that are not waters (including the territorial sea) of a foreign country.

Attache/Counselor—the FAS employee representing USDA interests in the foreign country in which promotional activities are conducted.

Commodity Division—the office within the Foreign Agricultural Service responsible for the commodity covered by the project agreement.

Compliance Review Staff—the office within the Foreign Agricultural Service responsible for performing periodic reviews of Cooperators to ensure compliance with this part.

Constraint—a condition in a particular country or region which needs to be addressed in order to develop, expand, or maintain exports of a specific U.S. agricultural commodity.

Consumer Promotion—activities that are designed to directly influence consumers by changing attitudes or purchasing behaviors towards U.S. agricultural products.

Contribution—the cost-share expenditure made by a Cooperator or the U.S. industry in support of an activity; e.g., money, personnel, materials, services, facilities, or supplies.

Cooperator or *U.S. Cooperator*—a nonprofit U.S. agricultural trade organization which has entered into a foreign market development agreement with FAS.

Cooperator Program—the Foreign Market Development Cooperator Program.

Deputy Administrator—the Deputy Administrator, Commodity and Marketing Programs, FAS, USDA, or designee.

Division Director—the director of a commodity division, Commodity and Marketing Programs, FAS, USDA.

Eligible Commodity—an agricultural commodity that is comprised of at least 50 percent U.S. origin content by weight, exclusive of added water.

Eligible Trade Organization—a United States trade organization that promotes the exports of one or more United States agricultural commodities or products and does not have a business interest in or receive remuneration from specific sales of agricultural commodities or products.

Expenditure—transfer of funds.

FAS—Foreign Agricultural Service, USDA.

Foreign Third Party—a foreign entity that assists, in accordance with this part, in promoting the export of a U.S. agricultural commodity.

Generic Promotion—a promotion that does not involve the exclusive or predominant use of a single company name or logo(s) or brand name(s) of a single company.

Market—a country or region in which an activity is conducted.

Marketing Plan Year—the program year beginning on October 1 and ending on September 30, during which Cooperators can undertake activities, consistent with this part and their agreements with FAS, and seek reimbursement. For example, marketing plan year 2000 begins on October 1, 1999, and ends on September 30, 2000.

Project Agreement—a contract between FAS and a Cooperator in which the basic working relationship is described including the program and financial obligations of each.

Project Funds—the funds made available to a Cooperator by FAS under a project agreement, and authorized for expenditure in accordance with this part.

Property—furniture or equipment having a useful life of over one year and an acquisition cost of $500 or more.

STRE—sales and trade relations expenditures.

Trade Team—a group of individuals engaged in an activity intended to promote the interests of an entire agricultural sector rather than to result in specific sales by any of its members.

USDA—the United States Department of Agriculture.

§ 1550.14 Is my organization eligible to participate in the Cooperator program?

(a) To participate in the Cooperator program, an entity must be a nonprofit U.S. agricultural trade organization and contribute at least 50 percent of the value of resources provided by FAS for activities conducted under the project agreement.

(b) FAS may require that a project agreement include a contribution level greater than that specified in paragraph (a) of this section. In requiring a higher contribution level, FAS will take into account such factors as past Cooperator contributions, previous Cooperator program funding levels, the length of time an entity participates in the program, and the entity's ability to increase its contribution.

(c) FAS will enter into Cooperator agreements only for the promotion of eligible commodities.

Subpart B—Application and Fund Allocation

§ 1550.20 How can my organization apply to the Cooperator program?

FAS will publish a Notice in the **Federal Register** that it is accepting applications for participation in the Cooperator program for a specified marketing plan year. Applications shall be submitted in accordance with the terms and requirements specified in the Notice. An application shall contain basic information about the applicant and the proposed program, a strategic plan, and performance measures. FAS may request any additional information which it deems necessary to evaluate a Cooperator program application.

(a) *Basic applicant and program information.* All Cooperator program applications shall contain:

(1) The name and address of the applicant;

(2) The name of the Chief Executive Officer (or designee);

(3) The name and telephone number of the applicant's primary contact person;

(4) A description of management and administrative capability;

(5) The name(s) of the person(s) responsible for managing the program;

(6) A description of prior export promotion experience;

(7) A description of the organization, its membership, and membership criteria;

(8) A list of affiliated organizations;

(9) The applicant's Federal Tax Identification Number;

(10) The dollar amount of FAS resources requested under the Cooperator program;

(11) The value of the applicant's contribution, stated in dollars or as a percentage of paragraph (a)(10) of this section;

(12) The value of contributions from other sources, stated in dollars or as a percentage of paragraph (a)(10) of this section;

(13) A description of the eligible commodity(s); the associated commodity aggregate code(s), obtained from FAS; and the percentage of U.S. origin content by weight, exclusive of added water; and

(14) A certification statement, and, if requested by the Deputy Administrator, a written explanation supporting the certification, that any funds received will supplement, but not supplant, any private or industry funds or other contributions to program activities. The

written explanation, if necessary, shall indicate why the Cooperator is unlikely to carry out the activities without Federal financial assistance. The certification shall also state that information contained in the application is true and accurate and that all records supporting the claim that project funds do not supplant other funds will be made available to authorized officials of the U.S. Government.

(b) *Strategic plan and performance measures.* All Cooperator program applications shall also contain:

(1) A description of the U.S. and world market situation for the eligible commodity;

(2) Data summarizing historical and projected U.S. production, U.S. exports to the world, world trade, and U.S. market share;

(3) A summary of proposed activity budgets by country or region;

(4) A summary of proposed administrative budgets by country or region;

(5) A list of all countries that define any designated region;

(6) For each country or region for which activities are proposed:

(i) A market assessment, including the constraint(s) impeding U.S. exports, the export growth opportunities, the performance of competing suppliers, expected changes in demand, etc.;

(ii) The long-term strategy that will be used to counteract the constraints and achieve additional U.S. exports;

(iii) Previous activities, performance, and evaluation results;

(iv) Projected export goals and U.S. market share; and

(v) Performance indicators against which future success in addressing the constraint(s) or opportunities may be measured;

(7) A description of all proposed activities, including the requested FAS resources and the specific goals and benchmarks to be used to measure the effectiveness of each activity;

(8) A justification for any new overseas office, including a list of job titles, corresponding position descriptions, salary ranges, and any request for approval of salaries above the Foreign Service National (FSN) salary plan. To request approval of a salary above the FSN salary plan, the Cooperator shall include a detailed description of both the duties and responsibilities of the position, and of the qualifications and background of the individual concerned. The Cooperator shall also justify, based on a verifiable local salary survey or other documented local salary information, why the highest FSN salary level is inappropriate.

§ 1550.21 How does FAS determine which Cooperator program applications are approved?

(a) *General.* FAS allocates funds in a manner that effectively supports the strategic decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993. In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, FAS seeks to identify those projects that would demonstrate a clear, long-term agricultural trade strategy by market or product and a program effectiveness time line against which results can be measured at specific intervals using quantifiable product or country or region goals. These performance indicators are part of FAS' resource allocation strategy to fund applicants which can demonstrate performance based on a long-term strategic plan and address the performance measurement objectives of the GPRA.

(b) *Approval criteria.* FAS will consider a number of factors when reviewing proposed projects, including:

(1) The ability of the organization to provide an experienced U.S.-based staff with technical and international trade expertise to ensure adequate development, supervision, and execution of the proposed project;

(2) The organization's willingness to contribute resources, including cash and goods and services of the U.S. industry and foreign third parties;

(3) The conditions or constraints affecting the level of U.S. exports and market share for the agricultural commodities and products;

(4) The degree to which the proposed project is likely to contribute to the creation, expansion, or maintenance of foreign markets;

(5) The degree to which the strategic plan is coordinated with other private or U.S. government-funded market development projects;

(6) Past program results and evaluations, if applicable; and

(7) Previous Cooperator program funding.

§ 1550.22 How are Cooperator program funds allocated?

After determining which applications to recommend for approval, the Commodity Divisions recommend funding levels for the approved applicants within their respective divisions. Applications then compete for funds on the basis of the following allocation criteria (the number in parentheses represents a percentage weight factor). Data used in the calculations for contribution levels, past export performance and past demand expansion performance will cover not more than a 6-year period, to the extent such data is available. The method for applying the following criteria will be described in the Cooperator program announcement in the **Federal Register**:

(a) Contribution Level (40%).

(b) Past Export Performance (20%).

(c) Past Demand Expansion Performance (20%).

(d) Future Demand Expansion Goals (10%).

(e) Accuracy of Past Demand Expansion Projections (10%).

Subpart C—Program Operations

§ 1550.30 How does FAS formalize its working relationship with approved Cooperators?

FAS will notify each applicant in writing of the final disposition of its application. FAS will send a program agreement, allocation approval letter, and a signature card to each approved applicant. The allocation approval letter will specify any special terms and conditions applicable to a Cooperator's program, including the required level of Cooperator contribution. An applicant that accepts the terms and conditions contained in the program agreement and allocation approval letter should so indicate by having its Chief Executive Officer sign the program agreement and submit the signed agreement to the Director, Marketing Operations Staff, FAS, USDA. Final agreement shall occur when the Administrator signs the agreement on behalf of FAS. The application, the program agreement, the allocation approval letter, and this part shall establish the terms and conditions of a Cooperator agreement between FAS and the approved applicant.

§ 1550.31 Who acts on behalf of each Cooperator?

The Cooperator shall designate at least two individuals in its organization to sign program agreements, reimbursement claims, and requests. The Cooperator shall submit the signature card signed by those designated individuals and by the Cooperator's Chief Executive Officer to the Director, Marketing Operations Staff, FAS, USDA, prior to the start of the marketing plan year. The Cooperator shall immediately notify the Director of any changes in signatories (e.g., removal or addition of individuals, name changes, etc.), and shall submit a revised signature card accordingly.

§ 1550.32 Must Cooperators follow specific employment practices?

(a) A Cooperator shall enter into written contracts with all overseas employees and shall ensure that all terms, conditions, and related formalities of such contracts conform to governing local law.

(b) A Cooperator shall, in its overseas offices, conform its office hours, work week, and holidays to local law and to the custom generally observed by U.S. commercial entities in the local business community.

(c) A Cooperator may pay salaries or fees in any currency (U.S. or foreign) in conformance with contract specifications. Cooperators are cautioned to consult local laws regarding currency restrictions.

§ 1550.33 Must Cooperators follow certain financial management guidelines?

(a) A Cooperator shall implement and maintain a financial management system that conforms to generally accepted accounting principles.

(b) A Cooperator shall institute internal controls and provide written guidance to commercial entities participating in its activities to ensure their compliance with these provisions. Each Cooperator shall maintain all original records and documents relating to program activities for 5 calendar years following the end of the applicable marketing plan year and shall make such records and documents available upon request to authorized officials of the U.S. Government. A Cooperator shall also maintain all documents related to employment, such as employment applications, contracts, position descriptions, leave records, and salary changes; and all records pertaining to contractors. A Cooperator shall also maintain adequate documentation related to the proper disposition of all property purchased by the Cooperator and for which the Cooperator is reimbursed with program funds.

(c) A Cooperator shall maintain its records of expenditures and contributions in a manner that allows it to provide information by marketing plan year, country or region, activity number, and cost category. Such records shall include:

(1) Receipts for all STRE (actual vendor invoices or restaurant checks, rather than credit card receipts);

(2) Original receipts for any other program related expenditure in excess of $25.00;

(3) The exchange rate used to calculate the dollar equivalent of each expenditure made in a foreign currency and the basis for such calculation;

(4) Copies of reimbursement claims;

(5) An itemized list of claims charged to the Cooperator's FMD account;

(6) Documentation with accompanying English translation supporting each reimbursement claim, including original evidence to support the financial transactions, such as canceled checks, receipted paid bills, contracts or purchase orders, per diem calculations, and travel vouchers; and

(7) Documentation supporting contributions including: the date(s), purpose, and location(s) of each activity for which cash, goods, or services were claimed as a contribution; who conducted the activity; the participating groups or individuals; and the method of computing the claimed contributions. Cooperators must retain, and make available for audit, documentation related to claimed contributions.

(d) Upon request, a Cooperator shall provide to FAS the original documents which support the Cooperator's reimbursement claims. FAS may deny a claim for reimbursement if the claim is not supported by adequate documentation.

§ 1550.34 Must Cooperators adhere to specific standards of ethical conduct?

(a) A Cooperator shall conduct its business in accordance with the laws and regulations of the country(s) in which each activity is carried out.

(b) Neither a Cooperator nor its affiliates shall make export sales of agricultural commodities covered under the terms of a project agreement. Neither a Cooperator nor its affiliates shall charge a fee for facilitating an export sale. For the purposes of this paragraph, "affiliate" means any partnership, association, company, corporation, trust, or any other such party in which the Cooperator has an investment, other than a mutual fund. A Cooperator may collect check-off funds and membership fees that are required for membership in the Cooperator's organization.

(c) The Cooperator shall not use program activities or program funds to promote private self interests or conduct private business, except as members of sales teams.

(d) A Cooperator shall select U.S. agricultural industry representatives to participate in activities such as trade teams or trade fairs based on criteria that ensure participation on an equitable basis by a broad cross section of the U.S. industry. If requested, a Cooperator shall submit such selection criteria to FAS for approval.

(e) All Cooperators should endeavor to ensure fair and accurate fact-based advertising. Deceptive or misleading promotions may result in cancellation or termination of a project agreement.

(f) The Cooperator must report any actions or circumstances that have a bearing on the propriety of program activities to the Attache/Counselor and the Cooperator's U.S. office shall report such actions in writing to the appropriate Division Director.

§ 1550.35 Must Cooperators follow specific contracting procedures?

(a) Cooperators have full and sole responsibility for the legal sufficiency of all contracts and assume financial liability for any costs or claims resulting from suits, challenges, or other disputes based on contracts entered into by the Cooperator. Neither FAS nor any other agency of the United States Government or any official or employee of FAS or the United States Government has any obligation or responsibility with respect to Cooperator contracts with third parties.

(b) Cooperators are responsible for ensuring to the extent possible that the terms, conditions, and costs of contracts constitute the most economical and effective use of project funds.

(c) All fees for professional and consulting services paid in any part with project funds must be covered by written contracts.

(d) A Cooperator shall:

(1) Ensure that all expenditures for goods and services reimbursed, in excess of $25.00, by FAS are documented by a purchase order, invoice, or contract;

(2) Ensure that no employee or officer participates in the selection or award of a contract in which such employee or officer, or the employee's or officer's family or partners has a financial interest;

(3) Conduct all contracting in an open manner. Individuals who develop or draft specifications, requirements, statements of work, invitations for bids, or requests for proposals for procurement of any goods or services shall be excluded from competition for such procurement;

(4) Base each solicitation for professional or consulting services on a clear and accurate description of the requirements for the services to be procured;

(5) Perform some form of price or cost analysis, such as a comparison of price quotations to market prices or other price indicia, to determine the reasonableness of the offered prices; and

(6) Document the decision-making process.

§ 1550.36 How do Cooperators dispose of disposable property?

(a) Property purchased by the Cooperator and for which the Cooperator is reimbursed by FAS that is unusable, unserviceable, or no longer needed for project purposes shall be disposed of in one of the following ways. The Cooperator may:

(1) Exchange or sell the property, provided that it applies any exchange allowance, insurance proceeds, or sales proceeds toward the purchase of other property needed in the project;

(2) With FAS approval, transfer the goods to other Cooperators for their activities, or to a foreign third party; or

(3) Upon Attache/Counselor approval, donate the goods to a local charity, or convey the goods to the Attache/Counselor, along with an itemized inventory list and any documents of title.

(b) A Cooperator shall maintain an inventory of all property valued at $500 or more which was acquired in furtherance of program activities. The inventory shall list and number each item and include the date of purchase or acquisition, cost of purchase, replacement value, serial number, make, model, and electrical requirements.

(c) The Cooperator shall insure all property which was acquired with program funds and safeguard such property against theft, damage, and unauthorized use. The Cooperator shall promptly report any loss, theft, or damage of such property to the insurance company.

(d) The Cooperator is responsible for reimbursing FAS for the value of any uninsured property at the time of the loss or theft of the property.

§ 1550.37 Must Cooperators adhere to Federal Travel Regulations?

Travel shall conform to the U.S. Federal Travel Regulation (41 CFR Chapters 300 through 304) and air travel shall conform to the requirements of the "Fly America Act" (49 U.S.C. 1517). The Cooperator shall notify the Attache/Counselor in the destination countries in writing in advance of any proposed travel. The timing of such notice should be far enough in advance to enable the Attache/Counselor to schedule appointments, make preparations, or otherwise provide any assistance being requested. Failure to provide advance notification of travel may result in disallowance of the expenses related to the travel.

§ 1550.38 Can a Cooperator keep proceeds generated from an activity?

Any income or refunds generated from an activity, i.e., participation fees, proceeds of sales, refunds of value added taxes (VAT), the expenditures for which have been wholly or partially reimbursed, shall be repaid by submitting a check payable to FAS or by offsetting the Cooperator's next reimbursement claim.

Subpart D—Contributions and Reimbursements

§ 1550.50 What cost share contributions are eligible?

(a) The Cooperator shall pay all costs necessary for the operation of the Cooperator's U.S. office.

(b) In calculating the amount of contributions that it will make, and the contributions it will receive from a U.S. industry or a State agency, a Cooperator program applicant may include the costs (or such prorated costs) listed under paragraph (c) of this section if:

(1) Expenditures will be made in furtherance of the Cooperator's overall foreign market development program;

(2) The contributor has not been or will not be reimbursed by any other source for such costs; and

(3) The contribution is made during the period covered by the project agreement.

(c) Subject to paragraph (b) of this section, eligible contributions are:

(1) Cash;

(2) Compensation paid to personnel;

(3) The cost of acquiring materials, supplies, or services;

(4) The cost of office space;

(5) A reasonable and justifiable proportion of general administrative costs and overhead;

(6) Payments for indemnity and fidelity bond expenses;

(7) The cost of business cards;

(8) The cost of seasonal greeting cards;

(9) Fees for office parking;

(10) The cost of subscriptions to publications;

(11) The cost of activities conducted overseas;

(12) Credit card fees;

(13) The cost of any independent evaluation or audit that is not required by FAS to ensure compliance with program requirements;

(14) The cost of giveaways, awards, prizes and gifts;

(15) The cost of product samples;

(16) Fees for participating in U.S. government activities;

(17) The cost of air and local travel in the United States related to a foreign market development effort;

(18) Transportation and shipping costs;

(19) The cost of displays and promotional materials;

(20) Advertising costs;

(21) Reasonable travel costs and expenses related to undertaking a foreign market development activity;

(22) Payment of employee's or contractor's share of personal taxes;

(23) The cost associated with trade shows, seminars, entertainment and STRE conducted in the United States;

(24) Product research that is undertaken to benefit an industry and has a specific export application; and

(25) Consumer promotions.

§ 1550.51 What are ineligible contributions?

(a) The following are not eligible contributions:

(1) Any portion of salary or compensation of an individual who is the target of a promotional activity;

(2) Any land costs other than allowable costs for office space;

(3) Depreciation;

(4) The cost of refreshments and related equipment provided to office staff;

(5) The cost of insuring articles owned by private individuals;

(6) The cost of any arrangement which has the effect of reducing the selling price of an agricultural commodity;

(7) The cost of product development or product modifications;

(8) Slotting fees or similar sales expenditures;

(9) Funds, services, or personnel provided by any U.S. government agency;

(10) Capital investments made by a third party, such as permanent structures, real estate, and the purchase of office equipment and furniture;

(11) The value of any services generated by a Cooperator or third party which involve no expenditure by the Cooperator or third party, e.g., free publicity;

(12) Membership fees in clubs and social organizations; and

(13) costs included as contributions for any other federally-assisted project or program.

(b) The Deputy Administrator shall determine, at the Deputy Administrator's discretion, whether any cost not expressly listed in this section may be included by the Cooperator as an eligible contribution.

§ 1550.52 What are the guidelines for computing the value of non-cash contributions?

(a) *Computing the value of an individual's time.* If an individual's salary is known, allocate the individual's salary on the basis of time spent on foreign market development activities. If the individual's salary is unknown, claim up to the equivalent of

a step 10, GS–15 for professional personnel and up to the current estimated industry rate at the person's level of employment for nonprofessional personnel.

(b) *Computing the value of indirect expenditures.* Allocate value on the basis of sound management and accounting procedures when considering indirect expenditures, such as overhead and facilities, which are furnished by the industry.

§ 1550.53 What are the requirements for documenting and reporting contributions?

(a) Each claimed contribution must be documented by the Cooperator, showing the method of computing non-cash contributions, salaries, and travel expenses.

(b) Each Cooperator must keep records of the methods used to compute the value of non-cash contributions, and

(1) Copies of invoices or receipts for expenses paid by the U.S. industry and not reimbursed by the Cooperator for the joint activity; or

(2) If invoices are not available, an itemized statement from the U.S. industry as to what costs it incurred pursuant to the joint activity; or

(3) If neither of the foregoing is available, a statement from the U.S. industry as to what goods and services it provided; or

(4) If none of the foregoing are available, a memo to the files of the U.S. Cooperator's estimate of what contributions were made by the U.S. industry, item by item, and the method used to assign a value to each.

(c) Each Cooperator must report its contributions as described in § 1550.70 (a).

§ 1550.54 What expenditures may FAS reimburse under the Cooperator program?

(a) A Cooperator may seek reimbursement for an expenditure if:

(1) The expenditure is reasonable and has been made in furtherance of a market development activity; and

(2) The Cooperator has not been or will not be reimbursed for such expenditure by any other source.

(b) Subject to paragraph (a) of this section, FAS will reimburse, in whole or in part, the cost of:

(1) Production and placement of advertising in print or electronic media or on billboards or posters;

(2) Production and distribution of banners, recipe cards, table tents, shelf talkers, and similar point of sale materials;

(3) Direct mail advertising;

(4) Food service promotions, product demonstrations to the trade, and distribution of promotional samples;

(5) Temporary displays and rental of space for temporary displays;

(6) Fees for participation in retail and trade exhibits and shows, and booth construction and transportation of related materials to such exhibits and shows;

(7) Trade seminars, including space rental, equipment rental, and duplication of seminar materials;

(8) Production and distribution of publications;

(9) Part-time contractors, such as interpreters, translators, and receptionists, to help with the implementation of promotional activities, such as trade shows, food service promotions, and trade seminars;

(10) Giveaways, awards, prizes, gifts, and other similar promotional materials, subject to the limitation that FAS will not reimburse more than $1.00 per item;

(11) Compensation and allowances for housing, educational tuition, and cost of living adjustments paid to U.S. citizen employees or U.S. citizen contractors stationed overseas, subject to the limitation that FAS shall not reimburse that portion of:

(i) The total of compensation and allowances that exceed 125 percent of the level of a GS–15, Step 10 salary for U.S. Government employees, and

(ii) Allowances that exceed the rate authorized for U.S. Embassy personnel;

(12) Foreign transfer, temporary lodging, and post hardship differential allowances for U.S. citizen employees;

(13) Approved salaries or compensation for non-U.S. citizens and non-U.S. contractors. Generally, FAS will not reimburse any portion of a non-U.S. citizen employee's compensation that exceeds the compensation prescribed for the most comparable position in the Foreign Service National (FSN) salary plan applicable to the country in which the employee works. However, if the local FSN salary plan is inappropriate, a Cooperator may request a higher level of reimbursement for a non-U.S. citizen in accordance with § 1550.20 (b)(8);

(14) A retroactive salary adjustment that conforms to a change in FSN salary plans, effective as of the date of such change;

(15) Accrued annual leave at such time when employment is terminated or when required by local law;

(16) Overtime paid to clerical staff;

(17) Fees for professional and consultant services;

(18) Air travel, plus passports, visas, and inoculations, subject to the limitation that FAS will not reimburse any portion of air travel in excess of the full fare economy rate or when the Cooperator fails to notify the Attach/ Counselor in the destination country in advance of the travel, unless the Deputy Administrator determines it was impractical to provide such notification;

(19) Per diem, subject to the limitation that FAS will not reimburse per diem in excess of the rates allowed under the U.S. Federal Travel Regulation (41 CFR Chapters 300 through 304);

(20) Automobile mileage at the local U.S. Embassy rate, or rental cars while in travel status;

(21) Other allowable expenditures while in travel status as authorized by the U.S. Federal Travel Regulation (41 CFR Chapters 300 through 304);

(22) An overseas office, including rent, utilities, communications originating overseas, office supplies, accident liability insurance premiums, and legal and accounting services;

(23) The purchase, lease, or repair of, or insurance premiums for, property that has an expected useful life of at least one year, such as furniture, equipment, machinery, removable fixtures, floor coverings, and computer hardware and software;

(24) Office decor, such as draperies or blinds;

(25) Premiums for health or accident insurance or other benefits for foreign national employees that the employer is required by law to pay;

(26) Accident liability insurance premiums for facilities used jointly with third party participants for Cooperator program activities, or such insurance premiums for travel of non-Cooperator personnel;

(27) Market research;

(28) Evaluations, if not required by FAS to ensure compliance with program requirements;

(29) Legal fees to obtain advice on the host country's labor laws;

(30) Employment agency fees;

(31) STRE, including breakfast, lunch, dinner, receptions, and refreshments at activities; miscellaneous courtesies such as checkroom fees, taxi fares, and tips; and decorations for a special promotional occasion;

(32) Educational travel of dependent children, visitation travel, rest and recuperation travel, home leave travel, and emergency visitation travel for U.S. overseas employees as allowed under the Foreign Affairs Manual;

(33) Evacuation payments (safe haven), and shipment and storage of household goods and motor vehicles;

(34) Demonstration projects;

(35) Purchase of trade and business periodicals containing material related to market dev lopment activities for use by overseas staffs;

(36) Training expenses in the U.S. for FSNs;

(37) Language training for U.S. citizen employees at the foreign post of assignment;

(38) Forward year financial obligations required by local law or custom; such as severance pay, attributable to employment of foreign nationals; or forfeiture of rent or deposits, attributable to the closure of an office;

(39) Fees for storage of necessary program materials;

(40) Shipment of samples or other program materials from the U.S. to foreign countries; and

(41) That portion of airtime for wireless phones that is devoted to program activities and monthly service fees prorated at the proportion of program-related airtime to total airtime.

§ 1550.55 What expenditures may not be reimbursed under the Cooperator program?

(a) FAS will not reimburse expenditures made prior to approval of a Cooperator's program, unreasonable expenditures, or any cost of:

(1) Expenses, fines, settlements, or claims resulting from suits, challenges, or disputes emanating from employment terms, conditions, contract provisions, or related formalities;

(2) Product development, product modification, or product research;

(3) Product samples;

(4) Slotting fees or similar sales expenditures;

(5) The purchase, construction, or lease of space for permanent displays, i.e., displays lasting beyond one marketing plan year;

(6) Office parking fees;

(7) Coupon redemption or price discounts;

(8) Refundable deposits or advances;

(9) Giveaways, awards, prizes, gifts, and other similar promotional materials in excess of $1.00 per item;

(10) Alcoholic beverages that are not an integral part of a promotional activity;

(11) The purchase, lease (except for use in authorized travel status), or repair of motor vehicles;

(12) Travel of applicants for employment interviews;

(13) Unused non-refundable airline tickets or associated penalty fees, except where travel is restricted by U.S. government action or advisory;

(14) Any arrangement which has the effect of reducing the selling price of an agricultural commodity;

(15) Goods and services and salaries of third party personnel;

(16) Membership fees in clubs and social organizations;

(17) Indemnity and fidelity bonds;

(18) Fees for participating in U.S. Government sponsored activities, other than trade fairs, shows, and exhibits;

(19) Business cards;

(20) Seasonal greeting cards;

(21) Subscriptions to non-trade related publications;

(22) Credit card fees;

(23) Refreshments, or related equipment, for office staff;

(24) Insurance on household goods and personal effects, including privately-owned automobiles, whether overseas or stored in the U.S., belonging to U.S. citizen employees;

(25) Home office domestic administrative expenses, including communication costs;

(26) Payment of U.S. or foreign employee's or contractor's share of personal taxes, except as legally required in a foreign country;

(27) Wireless phone equipment, equipment repair, insurance, and other related charges;

(28) STRE expenses incurred in the U.S;

(29) Entertainment, e.g., amusements, diversions, cover charges, personal gifts, or tickets to theatrical or sporting events;

(30) Functions (including receptions and meals at Cooperator staff conferences) at which target groups, such as members of the overseas trade, opinion leaders, foreign government officials, and other similar groups, are not present; or

(31) Promotions directed at consumers purchasing in their individual capacity.

(b) The Deputy Administrator may determine, at the Deputy Administrator's discretion, whether any cost not expressly listed in this section will be reimbursed.

(c) FAS will reimburse for expenses incurred up to 30 calendar days beyond the conclusion of the marketing plan year.

§ 1550.56 How are Cooperators reimbursed?

(a) A format for reimbursement claims is available from the Director, Marketing Operations Staff, FAS, USDA. Claims for reimbursement shall contain at least the following information:

(1) Activity code;

(2) Country code;

(3) Cost category;

(4) Amount to be reimbursed or credited;

(5) If applicable, any reduction in the amount of reimbursement claimed to offset FAS demand for refund of amounts previously reimbursed, and reference to the relevant Compliance Report; and

(6) If applicable, any amount previously claimed that has not been reimbursed.

(b) All claims for reimbursement shall be submitted by the Cooperator's U.S. office to the Director, Marketing Operations Staff, FAS, USDA.

(c) FAS will not reimburse claims submitted later than 6 months after the end of a marketing plan year.

(d) If FAS overpays a reimbursement claim, the Cooperator shall repay FAS within 30 days the amount of the overpayment either by submitting a check payable to FAS or by offsetting its next reimbursement claim.

(e) If a Cooperator receives a reimbursement or offsets an advanced payment which is later disallowed, the Cooperator shall within 30 days of such disallowance repay FAS the amount owed either by submitting a check payable to FAS or by offsetting its next reimbursement claim.

(f) The Cooperator shall report any actions having a bearing on the propriety of any claims for reimbursement to the Attache/Counselor and its U.S. office shall report such actions in writing to the Division Director(s).

§ 1550.57 Will FAS make advance payments to a Cooperator?

(a) *Policy.* In general, FAS operates the Cooperator program on a reimbursable basis.

(b) *Exception.* Upon request, FAS may make two types of advance payments to a Cooperator. The first is a revolving fund operating advance provided by FAS only to Cooperators with foreign offices supported with project funds. The second is a special advance payment used to pay an impending large cost item. FAS will provide this type of advance expense payment in lieu of direct payments by FAS to vendors or other third parties. All Cooperators, with or without project fund-supported foreign offices, are eligible to request special advance payments. Normally, special advance payments received from FAS must be liquidated by the Cooperator within 90 days from the date of receipt. Prior to making an advance, FAS may require the participant to submit security in a form and amount acceptable to FAS to protect FAS' financial interests. FAS will not make any special advance payment to a Cooperator where a special advance is outstanding from a prior marketing plan year. Cooperators shall deposit and maintain advances in insured, interest-bearing accounts, unless such accounts are prohibited by law or custom of a host country.

(c) *Refunds due FAS.* A participant shall return any unexpended portion of an advance, plus any interest earned, either by submitting a check payable to FAS or by offsetting its next reimbursement claim. All checks shall be mailed to the Director, Marketing Operations Staff, FAS, USDA.

Subpart E—Reporting, Evaluation, and Compliance

§ 1550.70 Must Cooperators report to FAS?

(a) *End-of-Year contribution report.* Not later than January 31 of the year following the completion of the marketing plan year, a Cooperator shall submit two copies of a report which identifies contributions made by the Cooperator and the U.S. industry during that marketing plan year. A suggested format of a contribution report is available on the FAS home page (http://www.fas.usda.gov/mos/programs/fnotice.html) on the Internet or from the Director, Marketing Operations Staff, FAS, USDA.

(b) *Trip reports.* Not later than 45 days after completion of travel (other than local travel), a Cooperator shall submit a trip report. The report must include the name(s) of the traveler(s), purpose of travel, itinerary, names and affiliations of contacts, and a brief summary of findings, conclusions, recommendations, or specific accomplishments.

(c) *Research reports.* Not later than 6 months after the end of its marketing plan year, a Cooperator shall submit a report on any research conducted in accordance with its application.

(d) *Submission of reports.* A Cooperator shall submit the reports required by this section to the appropriate Division Director. Trip reports and research reports shall also be submitted to the appropriate Attache/Counselor(s). All reports shall be in English and include the Cooperator's agreement number, the countries and period covered, and the date of the report.

(e) *Additional reports.* FAS may require the submission of additional reports.

(f) *Independent audit reports.* A Cooperator shall provide to the FAS Compliance Review Staff, upon request, any audit reports by independent public accountants.

§ 1550.71 Are Cooperator documents subject to the provisions of the Freedom of Information Act?

(a) Documents submitted to FAS by Cooperators are subject to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552, 7 CFR part 1, Subpart A—Official Records, and, specifically, 7 CFR 1.11—Handling Information from a Private Business.

(b) If requested by a person located in the United States, a Cooperator shall provide to such person a copy of any document in its possession or control containing market information developed and produced under the terms of its agreement. The Cooperator may charge a fee not to exceed the costs for assembling, duplicating, and distributing the materials.

(c) The results of any research conducted by a Cooperator under an agreement shall be the property of the U.S. Government.

§ 1550.72 How is program effectiveness measured?

(a) The Government Performance and Results Act (GPRA) of 1993 (5 U.S.C. 306; 31 U.S.C. 1105, 1115–1119, 3515, 9703–9704) requires performance measurement of Federal programs, including the Cooperator program. Evaluation of the Cooperator program's effectiveness will depend on a clear statement by each Cooperator of the constraints and opportunities facing U.S. exports, goals to be met within a specified time, a schedule of measurable milestones for gauging success, a plan for achievement, and reports of activity results.

(b) Evaluation is an integral element of program planning and implementation, providing the basis for the strategic plan. The evaluation results guide the development and scope of a Cooperator's program, contribute to program accountability, and provide evidence of program effectiveness.

(c) A Cooperator shall conduct periodic evaluations of its program and activities and may contract with an independent evaluator to satisfy this requirement. FAS reserves the right to have direct input and control over design, scope, and methodology of any such evaluation, including direct contact with and provision of guidance to the independent evaluator.

(d) A Cooperator shall complete at least one program evaluation each year. Actual scope and timing of the program evaluation shall be determined by the Cooperator and the Division Director and specified in the Cooperator's application approval letter. A program evaluation shall contain:

(1) The name of the party conducting the evaluation;

(2) The activities covered by the evaluation;

(3) A concise statement of the constraint(s) and opportunities and the goals specified in the application;

(4) A description of the evaluation methodology;

(5) A description of additional export sales achieved, including the ratio of additional export sales in relation to Cooperator program funding received;

(6) A summary of the findings, including an analysis of the strengths and weaknesses of the program(s); and

(7) Recommendations for future programs.

(e) A Cooperator shall submit, via a cover letter to the Division Director, an executive summary which assesses the program evaluation's findings and recommendations and proposes changes in program strategy or design as a result of the evaluation.

§ 1550.73 Are Cooperators penalized for failing to make required contributions?

A Cooperator's contribution requirement is specified in the Cooperator program allocation letter. If a Cooperator fails to contribute the amount specified in its allocation approval letter, the Cooperator shall pay to FAS in U.S. dollars the difference between the amount it has contributed and the amount specified in the allocation approval letter. A Cooperator shall remit such payment by December 31 following the end of the marketing plan year.

§ 1550.74 How is Cooperator program compliance monitored?

(a) The Compliance Review Staff (CRS), FAS, performs periodic on-site reviews of Cooperators to ensure compliance with this part.

(b) In order to verify that federal funds received by a Cooperator do not supplant private or U.S. industry funds or contributions pursuant to § 1550.20(a)(14), FAS will consider the Cooperator's overall marketing budget from year to year, variations in promotional strategies within a country or region, and new markets.

(c) The Director, CRS, will notify a Cooperator through a compliance report when it appears that FAS may be entitled to recover funds from that Cooperator. The compliance report will state the basis for this action.

§ 1550.75 How does a Cooperator respond to a compliance report?

(a) A Cooperator shall, within 60 days of the date of the compliance report, submit a written response to the Director, CRS. This response shall include any money owed to FAS if the Cooperator does not wish to contest the compliance report. The Director, CRS, at the Director's discretion, may extend the period for response up to an additional 30 days. If the Cooperator does not respond to the compliance report within

the required time period or, if after review of the Cooperator's response, the Director, CRS, determines that FAS may be entitled to recover funds from the Cooperator, the Director, CRS, will refer the compliance report to the Deputy Administrator.

(b) If, after review of the compliance report and response, the Deputy Administrator determines that the Cooperator owes money to FAS, the Deputy Administrator will so inform the Cooperator. The Deputy Administrator may initiate action to collect such amount pursuant to 7 CFR Part 1403, Debt Settlement Policies and Procedures. Determinations of the Deputy Administrator will be in writing and in sufficient detail to inform the Cooperator of the basis for the determination. The Cooperator has 30 days from the date of the Deputy Administrator's initial determination to submit any money owed to FAS or to request reconsideration.

§ 1550.76 Can a Cooperator appeal the determinations of the Deputy Administrator?

(a) The Cooperator may appeal the determinations of the Deputy Administrator to the Administrator. An appeal must be in writing and be submitted to the Office of the Administrator within 30 days following the date of the initial determination by the Deputy Administrator or the determination on reconsideration. The Cooperator may request a hearing.

(b) If the Cooperator submits its appeal and requests a hearing, the Administrator, or the Administrator's designee, will set a date and time, generally within 60 days. The hearing will be an informal proceeding. A transcript will not ordinarily be prepared unless the Cooperator bears the cost of a transcript; however, the Administrator may have a transcript prepared at FAS's expense.

(c) The Administrator will base the determination on appeal upon information contained in the administrative record and will endeavor to make a determination within 60 days after submission of the appeal, hearing, or receipt of any transcript, whichever is later. The determination of the Administrator will be the final determination of FAS. The Cooperator must exhaust all administrative remedies contained in this section before pursuing judicial review of a determination by the Administrator.

Signed at Washington, D.C., on September 23, 1999.

Timothy J. Galvin,

Administrator, Foreign Agricultural Service.

[FR Doc. 99–25415 Filed 9–29–99; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 30

[Docket No. 99–12]

RIN 1557–AB73

Guidelines Establishing Year 2000 Standards for Safety and Soundness for National Bank Transfer Agents and Broker-Dealers

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Interim rule with request for comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is issuing interim guidelines (Supplemental Guidelines) establishing Year 2000 standards for safety and soundness for national bank transfer agents and brokers or dealers pursuant to section 39 of the Federal Deposit Insurance Act (FDI Act). Last year, the OCC, together with the other member agencies of the Federal Financial Institutions Examination Council (FFIEC), published joint Guidelines (Year 2000 Guidelines) establishing standards for safety and soundness that insured depository institutions must follow to ensure the Year 2000 readiness of their mission-critical systems. These Supplemental Guidelines complement the Year 2000 Guidelines by describing two essential steps that national banks and, in certain cases, national bank operating subsidiaries, and Federal branches that are subject to the provisions of section 39 of the FDI Act must take to ensure the Year 2000 readiness of their transfer agent and broker or dealer automated systems.

DATES: This interim rule is effective on September 30, 1999. Comments must be received by November 29, 1999.

ADDRESSES: Direct comments to the Office of the Comptroller of the Currency, Communications Division, 250 E Street, SW, Washington, DC 20219, Attention: Docket No. 99–12. Comments may be inspected and photocopied at the same location. In addition, comments may be sent by fax to (202) 874–5274 or by electronic mail to regs.comments@occ.treas.gov.

FOR FURTHER INFORMATION CONTACT: Karl Betz, Attorney, Legislative and Regulatory Activities (202) 874–5090; Stuart E. Feldstein, Assistant Director, Legislative and Regulatory Activities (202) 874–5090; Joe Malott, National Bank Examiner (202) 874–4967; or Vaughn Folks, National Bank Examiner (202) 874–4270.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 39 of the FDI Act (12 U.S.C. 1831p–1), the OCC is issuing Supplemental Guidelines establishing Year 2000 standards for safety and soundness for the following: (1) Registered transfer agents that are national banks, national bank operating subsidiaries, and Federal branches subject to the provisions of section 39 of the FDI Act (bank transfer agents); and (2) national banks and Federal branches subject to the provisions of section 39 of the FDI Act that effect securities brokerage or dealer transactions (bank brokers or dealers).[1] These standards apply to transfer agent and broker or dealer systems that have not been designated as mission-critical and, therefore, are not covered under the Year 2000 Guidelines jointly issued by the OCC and the other member agencies of the FFIEC (collectively, the Agencies)[2], which also implement section 39 of the FDI Act. The Securities and Exchange Commission (SEC) recently approved a rule for non-bank transfer agents and broker-dealers that further highlights these risks. *See* Year 2000 Operational Capability Requirements for Registered Broker-Dealers and Transfer Agents, 64 FR 42012 (August 3, 1999) (imposing Year 2000 readiness requirements on non-bank transfer agents and broker-dealers).[3]

On October 15, 1998, the Agencies issued joint interim final guidelines (Year 2000 Guidelines) establishing Year 2000 standards for safety and

[1] Section 39 requires each appropriate Federal banking agency to establish operational and managerial standards relating to, among other things, internal controls, information systems, and internal audit systems, or such other standards as each agency determines to be appropriate.

[2] The OCC, the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) jointly issued the Year 2000 Guidelines.

[3] The SEC's rule requires broker-dealers and non-bank transfer agents to file a notice regarding any Year 2000 problems with the SEC by August 31, 1999, but allows firms that have Year 2000 problems to continue to operate if they certify that they will complete their Year 2000 efforts no later than November 15, 1999. Firms that are not Year 2000 compliant on November 15 will be required to cease operations by December 1, 1999.

soundness pursuant to section 39 of the FDI Act. 63 FR 55480 (Oct. 15, 1998). The Year 2000 Guidelines describe certain essential steps that each insured depository institution must take in order to achieve Year 2000 readiness of its mission-critical systems.

The Supplemental Guidelines complement but do not supersede the existing Year 2000 Guidelines. Therefore, if a national bank has designated or should have designated a transfer agent or broker-dealer system as mission-critical, the standards contained in the Year 2000 Guidelines continue to apply to these systems, including the renovation, testing, and contingency planning deadlines that are earlier than the deadlines contained in the Supplemental Guidelines.

The FFIEC has also issued Guidance Concerning Fiduciary Services and Year 2000 Readiness (September 2, 1998). This issuance instructed financial institutions that offer transfer agent services to clients to ensure that they address any Year 2000 concerns, particularly those associated with the use of automated transfer agent systems. The Supplemental Guidelines complement this guidance by providing specific instructions on the steps national banks, and where applicable, their operating subsidiaries, or Federal branches that are subject to section 39 of the FDI Act must take at a minimum to ensure that their automated transfer agent and broker or dealer systems are Year 2000 ready.

The OCC anticipates that most bank transfer agents and bank brokers or dealers will already have satisfied the safety and soundness standards set forth in the Supplemental Guidelines. Plans or procedures that a national bank has already adopted may suffice for purposes of complying with the Supplemental Guidelines if they have been deemed acceptable by the OCC. However, the Supplemental Guidelines will help ensure that non-mission-critical transfer agent and broker or dealer systems are Year 2000 ready.

Description of Supplemental Guidelines

Definitions (Section C.)

The Supplemental Guidelines define certain key terms to help clarify the types of actions national banks and, where applicable, national bank operating subsidiaries, and Federal branches that are subject to the provisions of section 39 of the FDI Act, are expected to undertake. In addition to those terms previously defined in the Year 2000 Guidelines, these Supplemental Guidelines define the terms "bank transfer agent," "bank broker or dealer," and "system."

For example, the term "bank transfer agent" covers a national bank that provides transfer agent services directly or through an operating subsidiary, or a Federal branch that is subject to the provisions of section 39 of the FDI Act, and either the national bank, operating subsidiary or Federal branch is a registered transfer agent whose appropriate regulatory agency, as that term is defined in 15 U.S.C. 78c(a)(34), is the OCC.[4] For purposes of these Supplemental Guidelines, the term "bank transfer agent" does not cover a transfer agent that qualifies as an issuer or small transfer agent as these terms are defined under SEC rules. 17 CFR 240.17Ad–13(d)(1) and (2).

The term "bank broker or dealer" means a national bank or a Federal branch that is subject to the provisions of section 39 of the FDI Act, that effects securities brokerage or dealer transactions for customers. This definition does not include operating subsidiaries of national banks because national bank operating subsidiaries are subject to the SEC's regulations. For purposes of these Supplemental Guidelines, the term "bank broker or dealer" does not cover a national bank effecting fewer than 500 securities brokerage transactions per year for customers over the prior three calender year period.[5]

Year 2000 Standards for Safety and Soundness (Section D.)

The Supplemental Guidelines impose two requirements. First, no later than November 1, 1999, each bank transfer agent and broker or dealer must identify all transfer agent or broker or dealer systems that are not Year 2000 ready. Second, for each non-Year 2000 ready transfer agent or broker or dealer system the bank transfer agent or bank broker or dealer must develop and implement an effective written business resumption contingency plan by November 15, 1999. Among other things, this contingency plan must describe how the bank transfer agent or bank broker or dealer will mitigate the risks associated with the failure of the transfer agent and broker or dealer systems.

As noted earlier, plans and procedures already adopted may suffice if the OCC has deemed them acceptable. Nevertheless, contingency planning is a dynamic process. A contingency plan may become inadequate at a later date if it is not revised to address current needs. Accordingly, each bank transfer agent and bank broker or dealer must continue to update the contingency plans they have developed and implemented, as needed, to ensure the plans remain effective.

This interim rule also updates 12 CFR part 30 pertaining to safety and soundness standards issued under section 39 of the FDI Act. The Supplemental Guidelines published today will appear as appendix C to part 30. This interim rule makes minor conforming amendments to part 30 to incorporate appropriate references to the Supplemental Guidelines.

This interim rule makes no substantive change to part 30.

Request for Comment

The OCC invites comment on all aspects of the Supplemental Guidelines.

Request for Comments on Plain Language

On June 1, 1998, the President issued a Memorandum directing each agency in the Executive branch to write its rules in plain language. This directive is effective for all new proposed and final rulemaking documents issued on or after January 1, 1999. The OCC invites comments on how to make this interim rule clearer. For example, you may wish to discuss: (1) Whether we have organized the material to suit your needs; (2) whether the requirements of this interim rule are clear; or (3) whether there is something else we could do to make this rule easier to understand.

Request for Comment on Impact of Guidelines on Community Banks

The OCC also seeks comments on the impact of this interim rule on community banks. The OCC recognizes that community banks operate with more limited resources than larger institutions and may present a different risk profile. Thus, the OCC specifically requests comments on the impact of this interim rule on community banks' current resources and available personnel with the requisite expertise, and whether the goals of the interim rule could be achieved, for community banks, through an alternative approach.

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[4] The OCC is the appropriate regulatory agency for operating subsidiaries of national banks that are registered transfer agents. The Securities Exchange Act of 1934 defines "appropriate regulatory agency," when used with respect to transfer agents, as "the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank " 15 U.S.C. 78(c)(a)(34)(B)(i) (emphasis added).

[5] This exception is drawn from existing OCC provisions in 12 CFR Part 12 exempting national banks that do not engage in extensive securities transactions from the specific recordkeeping and securities policies and procedures set forth in that part.

Effective Date

The OCC finds good cause for issuing this interim rule effective immediately, without prior notice and comment. (*Cf.* 5 U.S.C. 553(b)(B) (Administrative Procedure Act (APA) provision permitting an agency to issue a rule without prior notice and comment when the agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest); 5 U.S.C. 553(d) (good cause exception to APA requirement for a 30-day delayed effective date for interim rule); 12 U.S.C. 4802(b)(1) (good cause exception to the CDRIA requirement that the Federal banking agencies make rules effective on the first day of a calender quarter which begins on or after the date on which the regulations are published in final form). Making this interim rule effective immediately is essential for ensuring that the OCC can properly and timely address the Year 2000 problem and that insured depository institutions can achieve Year 2000 readiness in the relatively short time remaining before Year 2000 problems may begin to occur. The OCC notes that Congress recently underscored the importance and urgency of ensuring Year 2000 readiness in the financial services sector by passing the Examination Parity and Year 2000 Readiness for Financial Institutions Act, Public Law 105–164, sec. 2, 112 Stat. 32, 32 (1998). Congress expressly found that the Year 2000 problem poses a serious challenge to the American economy, including the Nation's banking and financial services industries, and that Federal financial regulatory agencies must have sufficient examination authority to ensure that the safety and soundness of the Nation's financial institutions will not be at risk. *See also* the Y2K Act, Pub. L. 106–37, 113 Stat. 185 (July 20, 1999) (addressing the economic threat posed by Year 2000 problems). Under these circumstances, the OCC concludes that it has good cause for issuing this interim rule with an immediate effective date, without prior notice and comment. Nevertheless, the OCC is inviting comment and will consider the comments received before finalizing the rule.

Regulatory Flexibility Act Analysis

An initial regulatory flexibility analysis under the Regulatory Flexibility Act (RFA) is required when an agency is required to publish a general notice of proposed rulemaking. 5 U.S.C. 603. As noted above, the OCC concluded, for good cause, that this interim rule should take immediate effect and, therefore, that a notice of proposed rulemaking is not required. Accordingly, the RFA does not require an initial regulatory flexibility analysis of this interim rule.

Nonetheless, the OCC has considered the likely impact of this interim rule on small entities and believes that this interim rule will not have a significant economic impact on a substantial number of small entities. The potential inability of computers to correctly recognize certain dates in 1999, and on and after January 1, 2000, compels all national banks, including small national banks, to formulate appropriate and timely management responses. The interim rule provides a procedural framework for formulating that response and reiterates the OCC's expectations regarding appropriate business practices for achieving Year 2000 readiness. For example, as indicated earlier in this preamble, plans and procedures that bank transfer agents and bank broker or dealers have already developed to achieve Year 2000 readiness can satisfy the Supplemental Guidelines if they have been deemed acceptable by the OCC.

The OCC invites interested persons to submit comments on the impact of the interim rule on small entities for consideration in the development of the final rule.

Paperwork Reduction Act

The OCC invites comment on:

(1) Whether the proposed collection of information contained in the Supplemental Guidelines are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(2) The accuracy of the OCC's estimate of the burden of the proposed information collection;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected;

(4) Ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology; and

(5) Estimates of capital or start-up costs and costs of operation, minutes, and purchase of services to provide information.

The collection of information requirement contained in this interim rule has been submitted to and approved by the OMB under its emergency procedures and in accordance with the Paperwork Reduction Act of 1995. 44 U.S.C. 3507. Since OMB clearance is for a six-month period, OCC will use any comments received to develop its renewed request if appropriate. Comments on the collection of information should be sent to the Office of Management and Budget, Paperwork Reduction Project (1557–0214), Washington, DC 20503, with a copy to the Communications Division (1557–0214), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

Respondents and recordkeepers are not required to respond to this collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB Control Number for this collection is 1557–0214.

In addition to the paperwork usually maintained by a national bank in the regular course of business, the Supplemental Guidelines impose some additional paperwork burden. This burden is found in appendix C, section D to part 30. The OCC needs this information to assess a national bank's compliance with the Supplemental Guidelines set forth in appendix C. The likely respondents are national banks.

Estimated number of respondents: 98.

Estimated average annual burden hours per respondent: 1.6 hours.[6]

Estimated total annual recordkeeping burden: 161 hours.

Executive Order 12866

The OCC has determined that this interim rule is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates Reform Act Analysis

The Unfunded Mandates Reform Act of 1995 (UMA), Public Law 104–4, applies only when an agency is required to issue a general notice of proposed rulemaking or a final rule for which a general notice of proposed rulemaking was published. 2 U.S.C. 1532. As noted earlier, the OCC has concluded, for good cause, that a notice of proposed rulemaking is not required. Accordingly, the OCC has concluded that the UMA does not require an unfunded mandates analysis of this interim rule.

Moreover, the OCC believes that the interim rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of more than $100 million in any one year.

[6] Consistent with guidance provided by the Office of Management and Budget, the burden hour estimate is presented as an average for all national banks subject to the Supplemental Guidelines. Most of the paperwork burden associated with this interim rule results from the requirement to prepare a contingency plan. The OCC expects that only a small percentage of the national banks covered by these guidelines will be required to prepare a contingency plan.

Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

List of Subjects in 12 CFR Part 30

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements, Safety and soundness.

Authority and Issuance

For the reasons set out in the preamble, part 30 of chapter I of title 12 of the Code of Federal Regulations is amended as set forth below:

PART 30—SAFETY AND SOUNDNESS STANDARDS

1. The authority citation for part 30 is revised to read as follows:

Authority: 12 U.S.C. 93a, 1818, 1831p–1, 3102(b).

2. In § 30.2, the last sentence is revised to read as follows:

§ 30.2 Purpose.

* * * The Interagency Guidelines Establishing Standards for Safety and Soundness are set forth in appendix A to this part, the Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness are set forth in appendix B to this part, and the Supplemental Guidelines Establishing Year 2000 Standards for Safety and Soundness for National Bank Transfer Agents and Brokers or Dealers are set forth in appendix C to this part.

3. In § 30.3, paragraph (a) is revised to read as follows:

§ 30.3 Determination and notification of failure to meet safety and soundness standard and request for compliance plan.

(a) *Determination.* The OCC may, based upon an examination, inspection, or any other information that becomes available to the OCC, determine that a bank has failed to satisfy the safety and soundness standards contained in the Interagency Guidelines Establishing Standards for Safety and Soundness set forth in appendix A to this part, the Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness set forth in appendix B to this part, or the Guidelines Establishing Year 2000 Standards for Safety and Soundness for National Bank Transfer Agents and Brokers or Dealers are set forth in appendix C to this part.

* * * * *

4. A new appendix C is added to part 30 to read as follows:

Appendix C to Part 30—Supplemental Guidelines Establishing Year 2000 Standards for Safety and Soundness for National Bank Transfer Agents and Brokers or Dealers

Table of Contents

A. Introduction.
B. Preservation of existing authority.
C. Definitions.
D. Year 2000 Standards for safety and soundness.

A. Introduction

These Supplemental Guidelines are issued pursuant to section 39 of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1831p–1) and apply to transfer agent and broker or dealer systems that a national bank has not designated as mission-critical. These Supplemental Guidelines are in addition to, but do not supersede, the Year 2000 Guidelines previously adopted as Appendix B to 12 CFR Part 30. The Guidelines in Appendix B continue to apply to efforts of national banks to achieve Year 2000 readiness of their mission-critical systems.

B. Preservation of existing authority

Neither section 39 nor these Supplemental Guidelines in any way limits the authority of the OCC to address unsafe or unsound practices, violations of law, unsafe or unsound conditions, or other practices of bank transfer agents and brokers or dealers. For example, failure to complete any of the standards set forth in the Supplemental Guidelines may constitute an unsafe or unsound practice under 12 U.S.C. 1818(b). Action under section 39 and the Supplemental Guidelines may be taken independently of, in conjunction with, or in addition to any other remedy, including enforcement action, available to the OCC.

C. Definitions

1. In general. For purposes of the Supplemental Guidelines the following definitions apply:

a. *Bank transfer agent* means a national bank that provides transfer agent services directly or through an operating subsidiary, or a Federal branch that is subject to the provisions of section 39 of the FDI Act (12 U.S.C. 1831p–1), if the national bank, operating subsidiary or Federal branch is a registered transfer agent whose appropriate regulatory agency, as that term is defined in 15 U.S.C. 78c(a)(34), is the Office of the Comptroller of the Currency. The term bank transfer agent does not include a transfer agent that qualifies as an issuer or small transfer agent, as these terms are defined in 17 CFR 240.17Ad–13(d) (1) and (2).

b. *Bank broker or dealer* means a national bank that effects securities brokerage or dealer transactions for customers, or a Federal branch that is subject to the provisions of section 39 of the FDI Act (12 U.S.C. 1831p–1). The term bank broker or dealer does not include operating subsidiaries of national banks. The term bank broker or dealer does not include a national bank effecting fewer than 500 securities brokerage transactions per year for customers during the prior three calendar year period.

c. *System* means an automated system and related applications necessary to ensure the prompt and accurate processing of securities transactions, including order entry, transfer execution, comparison, allocation, clearance and settlement of securities transactions, the maintenance of customer accounts, the delivery of funds and securities, or the production or retention of required records.

d. *Business resumption contingency plan* means a plan that describes how a bank transfer agent or bank broker or dealer will continue to perform transfer agent or broker or dealer functions, respectively, in the event transfer agent or broker or dealer systems fail to function because of Year 2000 readiness.

e. *Year 2000 ready or readiness with respect to a system* means the system accurately processes, calculates, compares, or sequences date or time data from, into, or between the 20th and 21st centuries; and the years 1999 and 2000; and with regard to leap year calculations.

D. Year 2000 standards for safety and soundness

1. No later than November 1, 1999, each bank transfer agent and bank broker or dealer shall identify all transfer agent and broker or dealer systems that are not Year 2000 ready.

2. For each system identified pursuant to section D.1., each bank transfer agent and bank broker or dealer shall develop and implement an effective written business resumption contingency plan by November 15, 1999, that, at a minimum:

a. Defines scenarios for transfer agent and broker or dealer systems failing to achieve Year 2000 readiness;

b. Evaluates options and selects a reasonable contingency strategy for those systems; and

c. Provides for independent testing of the business resumption contingency plan by an objective independent party (such as an auditor, consultant, or qualified individual from another area of the insured depository institution who is independent of the plan under review).

Dated: September 17, 1999.

John D. Hawke, Jr.,

Comptroller of the Currency.

[FR Doc. 99–25442 Filed 9–29–99; 8:45 am]

BILLING CODE 4810–33–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: In order to encourage small business investment companies (SBICs) to invest in inner cities and rural areas and in businesses that serve such areas, the Small Business Administration (SBA) is introducing a new SBIC investment category called low and moderate income investments (LMI

Investments). For each SBIC financing that qualifies as an LMI Investment, SBA is modifying its regulations on control of the small business, "cost of money" of the financing, and term of the financing. SBA also will make available a patient form of debenture leverage that may be issued only by SBICs that make LMI Investments.

DATES: *Effective Date:* This final rule is effective September 30, 1999.

Applicability Date: The regulatory and financial incentives described in this rule will apply only to investments made after September 30, 1999.

FOR FURTHER INFORMATION CONTACT: Saunders Miller, Investment Division, at (202) 205–3646.

SUPPLEMENTARY INFORMATION: On February 9, 1999, SBA proposed a program of narrowly-tailored regulatory and financial incentives to encourage SBICs to expand their investment activity into inner cities and rural areas. See 64 FR 6256. The incentives were proposed to be available to any SBIC making qualified investments (LMI Investments) in qualified small businesses (LMI Enterprises) located in or providing employment for economically distressed inner cities and rural areas (LMI Zones). The incentives fell into two categories. First, SBA proposed to allow SBICs greater regulatory flexibility when structuring and making LMI Investments. Second, SBA proposed to make available a deferred-interest debenture exclusively for the financing of LMI Investments.

SBA received four comment letters on the proposed rule during the 30-day public comment period. Overall, the four letters were supportive of SBA's initiative, although all of the letters contained suggestions for improving the proposal. This final rule incorporates certain of the changes recommended in those comment letters.

Defining Low and Moderate Income Zones (LMI Zones)

SBA received two comments on the definition of the markets targeted by the proposed LMI initiative. The proposed rule defined those markets as small businesses that are located in certain distressed geographic areas or that have 35 percent of their full time employees residing in those areas.

One of the two comments suggested that the final rule target historically underserved *entrepreneurs*, regardless of their business location, instead of underserved *geographic areas*. The other comment suggested expanding the geographic areas identified in the proposed rule to include some or all of the markets targeted for economic development by the Federal Home Loan Banks. Those markets are set forth in the Community Investment Cash Advance regulation of the Federal Housing Finance Board. They include any project that provides jobs or services for individuals with income levels at or below certain levels, as well as projects located in geographic areas broader than the locations specified in SBA's proposed rule.

SBA considered the comments, but has decided to adopt the proposed definition of LMI Zone without change. SBA's proposal was designed to bring investment dollars into distressed urban and rural areas to help revitalize those communities and bring jobs to their residents. Given the finite resources available to the LMI initiative, any expansion of the proposal to include groups of individuals without regard to their business locations or their residences would dilute the impact of the benefits SBA hopes will inure to the targeted communities.

SBA also believes that, in order to be successful, the definition of the targeted markets must be easy for SBICs and SBA examiners to use. SBA therefore selected only those geographic areas that are not only distressed, but are also found on a government-operated electronic address-database. Through the use of these user-friendly databases, SBICs and SBA examiners should be able to quickly and easily determine whether a given address is located in an "LMI Zone".

If SBA learns that other severely distressed areas are also capable of identification through a Government electronic address-database, it might consider expanding the targeted markets of the LMI initiative at a later date.

As mentioned in the proposed rule, SBA is exploring the possibility of consolidating the various Government databases into a single electronic database at SBA. While that possibility still exists, any such consolidation is unlikely to be accomplished this calendar year. Until SBICs are notified otherwise, they should research addresses through the various databases referenced in this rule, and should document their files accordingly.

As was stated in the proposed rule, any address located in a HUBZone, an Empowerment Zone, an Enterprise Community, a Low or Moderate Income area, or a Persistent Poverty county will be considered to be located in an LMI Zone. The government databases for those five areas are:

1. HUBZones: *www.sba.gov/hubzone/hubqual.html*
2. Empowerment Zones: *www.hud.gov/ezec/locator/*
3. Enterprise Communities: same as for Empowerment Zones
4. Low and Moderate Income areas: *www.ffiec.gov/geocode*
5. Persistent Poverty counties: *www.econ.ag.gov/epubs/other/typolog*

Defining LMI Enterprise

SBA received one comment on the proposed definition of LMI Enterprise. Under the proposal, a small business's qualification as an LMI Enterprise would be determined as of the time the business applies for SBIC financing. This would be true whether the business were qualifying under the "principal place of business" test or the "percentage of employees" test.

The commenter pointed out that determining a small business's qualification under the principal place of business test "as of the time of application for SBIC financing" would exclude those small businesses that would use the proceeds of the SBIC financing to move into an LMI Zone. That is true. Similarly, determining a small business's qualification under the percentage of employees test "as of the time of application for SBIC financing" would exclude those small business that would use the proceeds of the SBIC financing to expand their business and hire new employees from LMI Zones. SBA had thought that determining a business's qualification based only on its intention to locate into or hire from eligible areas would introduce too much uncertainty into the program.

Upon reconsideration of the issue, however, SBA believes that the rule can be modified in a manner that will encourage businesses to use SBIC financing to locate in LMI Zones or to hire residents of LMI Zones, while minimizing the risk that the incentives in this LMI initiative will be misused. SBA believes this can be accomplished by allowing companies that intend either to locate in or to hire from an LMI Zone a fixed period of time after closing on their SBIC financing to do so. During that time, the business would be considered an LMI Enterprise. At the end of the period, though, the business would lose its LMI status if it had not located in an LMI Zone or qualified as an LMI Enterprise under the percentage of employees test.

SBA believes that a company should be able to establish its principal place of business in an LMI Zone or hire employees from an LMI Zone within 180 days from the date the SBIC financing closes. Six months should be ample time for a company to resolve any zoning or other issues that might delay the opening of the business in an LMI

Zone or the hiring of residents from an LMI Zone.

Accordingly, the final rule allows a company to temporarily qualify as an LMI Enterprise if, at the time of application for SBIC financing, the company certifies as to its intent to locate its principal place of business in an LMI Zone or its intent to hire the required number of residents of LMI Zones, in either case within 180 days after the SBIC financing closes. At the end of the 180-day period, if the company does not have its principal place of business in an LMI Zone or 35 percent of its employees residing in LMI Zones, it will no longer qualify as an LMI Enterprise. This means that the SBIC's financing of the company will no longer qualify as an LMI Investment.

SBA has considered whether the SBIC or the small business should bear the risk of the small business' loss of qualification as an LMI Enterprise and the financing's loss of qualification as an LMI Investment. If the loss of LMI qualification constitutes a default by the small business under the financing and the SBIC can demand repayment or redemption of the financing, the small business bears most of the risk. If loss of LMI qualification does not constitute a default, the SBIC must continue to hold its investment in the company and must revise the terms of the financing to conform to standard (non-LMI) SBA regulations (e.g., minimum term, control restrictions). In that event, the SBIC alone bears the risk since the small business gets the benefit of SBIC financing on standard (non-LMI) terms.

SBA has concluded that the parties themselves (the SBIC and the small business) should determine who is to bear the risk of the loss of LMI qualification. The terms of the financing agreement negotiated between the small business and the SBIC should specify whether the loss of qualification as an LMI Enterprise constitutes a default by the small business under the financing. If the loss of qualification as an LMI Enterprise does not constitute a default under the financing agreement, the SBIC must be sure that the terms of the financing, going forward, satisfy SBA requirements for non-LMI financings (e.g., minimum term; control restrictions). If the loss of qualification as an LMI Enterprise does constitute a default under the financing agreement, the SBIC will be entitled to whatever remedies are available to it for the default.

The proposed version of § 107.610(e) required each LMI Enterprise to certify to the investing SBIC as to the location of either its principal place of business or the primary residences of all of its full-time employees. The certification was to be dated no earlier than the date the small business applied for the SBIC financing and was to be kept in the SBIC's files, along with the SBIC's own certification that the small business qualifies as an LMI Enterprise and the basis for such qualification.

The final version of § 107.610(e) still requires certifications from both the small business and the SBIC, but allows a small business that is intending to locate into an LMI Zone or to hire residents of LMI Zones to so certify. Any small business that qualifies as an LMI Enterprise based on its intention to locate in an LMI Zone or to hire residents of LMI Zones must also provide the SBIC with a later certification, dated within the 180 day period discussed above, certifying that its principal place of business is located in an LMI Zone or that it has 35 percent of its employees residing in LMI Zones. The SBIC must make its own certification(s) contemporaneously with the certification(s) of the small business.

SBA has made one final modification to the definition of LMI Enterprise and to § 107.610(e). Since the term "principal place of business" is susceptible to more than one interpretation, SBA has decided to specify precisely what is intended by the term as it relates to LMI Enterprises. SBA believes that an LMI Enterprise's principal place of business should be determined by reference to the location of its employees or tangible assets, not its books and records or its corporate headquarters. This approach is similar to the one used in § 107.720(g)(1)(ii)—SBA's criteria for determining whether a business is a non-U.S. business for purposes of the prohibition on foreign investments in the SBIC Program.

Under the final rule, SBA will consider an LMI Enterprise to be located where at least 50 percent of its employees or tangible assets are located. SBA realizes, though, that the use of the term "principal place of business" may, itself, cause confusion since that term has already been defined differently in other SBA programs. Accordingly, the final rule replaces the term "principal place of business" with the "50% of employees or tangible assets" test in the definition of LMI Enterprise and in § 107.610(e).

Defining LMI Investment

As discussed in the proposed rule, SBA wants to ensure that the SBIC Program is used to promote true venture capital financing in LMI Zones, not just high-interest lending. SBA is also concerned that LMI Enterprises that receive SBIC financing not be precluded from using their assets to secure third-party debt. SBA therefore proposed that LMI Investments be defined to include only those SBIC financings that are in the form of equity securities (as defined in § 107.800) or debt securities (as defined in § 107.815) which are subordinated to all borrowings of the business from financial institutions. The proposed rule also required that LMI Investments in the form of debt securities be unsecured, although the SBIC would have been permitted to accept a guarantee of the debt security if the guarantee were itself unsecured.

SBA received two comments on the proposed definition of an LMI Investment. Both comments argued in favor of expanding the definition to include debt securities that are secured by the assets of the small business if the security interest is junior to any other secured debt of the business. The commenters argued that excluding secured financing of LMI Enterprises would discourage SBIC support of those businesses. One commenter further argued that an SBIC holding an unsecured position in a company might take more precipitous action to protect its interest than if the SBIC had collateral to protect its position.

SBA concurs with the suggested change to the definition. SBA expects that allowing SBICs to take a junior secured position in the assets of an LMI Enterprise will not prevent the LMI Enterprise from obtaining secured debt from other sources.

This change would place SBICs ahead of any unsecured debt of the LMI Enterprise. SBA believes, though, that unsecured debt is generally unavailable to most LMI Enterprises, except from the principals of the enterprise. Even under the proposed rule, LMI Investments were not required to subordinate in favor of borrowings from the principals of the enterprise. Accordingly, the final definition of LMI Investment includes debt securities that are secured by the assets of the small business *provided* the SBIC's security interest is junior to any other existing or future secured debt of the business.

Regulatory and Financial Incentives

Under the proposed rule, SBA proposed to modify the regulations governing three subject matters, as they would apply to LMI Investments—control of the small business, the treatment of royalties in the calculation of cost of money, and minimum term of investment. SBA also discussed its intention to create a new form of debenture for use by SBICs that make LMI Investments.

1. Temporary Control of the LMI Enterprise

SBA proposed to permit SBICs to take temporary control of each business in which they make an LMI Investment. No comments were received on this portion of the proposal. Accordingly, § 107.865(d) is finalized as proposed.

2. Royalties and Cost of Money

SBA proposed to exclude royalty payments on LMI Investments from the calculation of "Cost of Money" under § 107.855. Cost of Money is the term for the sum of the interest rate and other charges that an SBIC imposes on a small business. The Cost of Money to the small business must not exceed the SBIC's Cost of Money ceiling, as computed under § 107.855(c).

To qualify for the proposed exclusion, the royalty would have to be based on improvement in the performance of the LMI Enterprise after the date of the financing. The proposed rule explained that the royalty might be expressed, for example, as a percentage of any *increase* in an underlying unit of measurement (e.g., revenue or sales) after the date of the financing.

SBA received one comment on this provision. The comment asked for clarification as to whether a royalty could be based on an increase in more than one unit of measurement and still be excluded from the Cost of Money calculation. For example, could a royalty provide for payment to the SBIC if either the revenues or the profits of the small business increased?

SBA was not intending to restrict royalties to increases in a single underlying unit of measurement. To do so would force SBICs to determine in advance which performance measurement would be most likely to reflect the improved performance of the small business. A business might have higher profits but steady or even declining revenues, or it might have increased revenues but steady profits. Either circumstance could constitute improvement in the performance of the business.

If an SBIC and a small business agree to a royalty that is expressed as a percentage of increases in alternative performance measurements (e.g., profits or revenues), the royalty will be excluded from Cost of Money. SBA believes that the text of proposed § 107.855 is sufficiently broad to cover this possibility. Accordingly, proposed § 107.855 is finalized without change.

SBA would also like to clarify the application of the royalty provision to any LMI Investments that an SBIC makes through a holding company or an investment vehicle, as permitted under § 107.720(b). In determining whether a business's performance has improved, SBA will look through any holding company or investment vehicle to the performance of the operating business itself. It is the improvement in the operating business's performance, not the improvement in the performance of a holding company or investment vehicle, which would serve as the basis for the calculation of the royalty payment to the SBIC.

Since the publication of the proposed rule, the President signed the Small Business Investment Improvement Act of 1999. See Public Law 106–9, 113 Stat. 17, April 5, 1999. Section 2(a) of the new law excludes certain royalty payments from the calculation of Cost of Money for all investments made by SBICs. SBA will be publishing a proposed rule to implement this change in the near future.

3. Minimum Term of LMI Investment

SBA received no comments on its proposal to set a one-year minimum term for LMI Investments. The proposed changes to §§ 107.835 and 107.850(a) are, therefore, adopted without change.

4. Deferred Interest Debenture

SBA proposed to allow SBICs to finance LMI Investments with a more patient-type of debenture (called an LMI Debenture). No regulatory changes are necessary to create the new debenture, but SBA is continuing to work on its design and method of funding.

The LMI Debenture under development would be a non-amortizing debenture with a term of up to 10 years, issued at a discount so as to be, in effect, "zero coupon" for the first five years. It would require semi-annual interest payments on the face amount for the remainder of the term. SBA leverage fees would not be deferred; they would be paid as required under § 107.1130.

The proposed rule explained that an SBIC's eligibility for LMI Debentures would be based solely on the SBIC's outstanding LMI Investments (made after the effective date of the final rule). SBA has come to the conclusion that this approach might discourage SBICs from making LMI Investments since the LMI Debenture funds would only be available after the investment had already been made.

Instead, SBA has decided to determine an SBIC's eligibility for LMI Debentures based on the sum of its outstanding LMI Investments (made after the effective date of the final rule) plus any LMI Investments the SBIC intends to make with the proceeds of the LMI Debenture. If an SBIC with no outstanding LMI Investments applies for a draw down of debenture leverage and intends to use the leverage to make an LMI Investment, SBA can approve the issuance of an LMI Debenture.

As stated in the proposed rule, an SBIC's overall eligibility for an LMI Debenture will still be determined in two ways. First, the SBIC will have to be eligible to issue leverage in an amount equal to the face amount of the LMI Debenture. Eligibility for this purpose is determined under §§ 107.1120–107.1160.

Second, the face amount of the SBIC's requested LMI Debenture, plus the face amount of the SBIC's outstanding LMI Debenture(s), cannot exceed 1.5 times the sum of the SBIC's outstanding LMI Investments plus the proposed LMI Investment. In other words, under this second test an SBIC would be eligible for an LMI Debenture with a face amount equal to (a) 1.5 times the sum of the SBIC's existing and planned LMI Investments at the time of application, minus (b) the face amount of any outstanding LMI Debentures. The 1.5 multiple takes into consideration the zero-coupon feature of the LMI Debenture and allows for an approximate matching of net proceeds of LMI Debentures with funds invested in LMI Investments.

SBA will notify all SBICs when LMI Debentures are ready for use.

The regulatory and financial incentives described in this final rule will apply only to investments made after the effective date of this rule.

Compliance With Executive Orders 12612, 12778 and 12866, the Regulatory Flexibility Act (5 U.S.C. 601, et seq.), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA certifies that this final rule may constitute a significant regulatory action within the meaning of Executive Order 12866, since it raises a new policy issue reflecting the President's priorities.

One of the purposes of the SBIC Program is to encourage the flow of equity-type investments into small businesses. For the first 35 years of the SBIC Program, however, the only type of leverage available to SBICs (other than Specialized SBICs) was debt leverage with interest payable every six months.

Congress recognized this mismatch of source and use of funds and created Participating Securities leverage in 1992. Participating Securities leverage is a type of "patient capital" and helps to promote equity investing by SBICs. However, because required payments on Participating Securities are a function of an SBIC's profits, SBA makes such leverage available only to larger SBICs

that can reasonably project returns-on-investments greater than 20 percent.

While the Participating Securities program has been very successful at encouraging SBICs to do equity investing in general, SBA wishes to encourage more equity-type investments in underserved areas or "New Markets"—urban and rural areas that have severe shortages of equity capital. Unfortunately, investments in these areas often are of a type that will not have the potential for yielding returns that are high enough to justify the use of Participating Securities.

The LMI Debenture is being created to fill this gap. It is another type of patient capital, with interest deferred for the first 5 years. An SBIC utilizing the LMI Debenture will not be expected to achieve the high returns expected of Participating Securities users. Thus, the availability of the LMI Debenture is expected to increase the flow of equity-type capital to New Markets.

Some of this increase will come from existing SBICs which find that the LMI Debentures, together with the regulatory incentives in this final rule, will encourage them to make investments that they may perceive as having greater risk than their typical investments. SBA expects these SBICs to make investments in businesses which lie in areas that they have previously overlooked.

While it is expected that existing SBICs will participate to some degree in the LMI program, SBA anticipates that most of the LMI program benefits will derive from new SBICs that are currently being formed and which will be created in the future. Already, SBA is seeing an increase in the number of venture capitalists who are working to form new SBICs with an LMI orientation.

SBA also believes that an increasing number of banks will actively seek to invest in SBICs since a bank's investment in an SBIC is now presumed to satisfy one of the tests under the Community Reinvestment Act (CRA) regulations. SBA expects that many banks will find LMI-oriented SBICs to be especially attractive. This should be true not only because the banks can receive CRA credit for their investment, but also because they will find that (1) such investments expand their urban and rural markets, and (2) with equity infusions of capital, small businesses can become less risky borrowers.

The LMI Debentures have the same subsidy rate as do regular debentures and will carry interest rates similar to those of regular debentures. They present no additional cost either to the government or to the SBICs. Regarding reporting requirements (further discussed below), an SBIC must ascertain that the company in which it is investing meets the LMI standards, and must report this to SBA on its usual financing report (form 1031). The cost to the SBIC to obtain this information is nominal.

SBA certifies that this final rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This final rule will change some requirements to encourage SBICs to make additional qualified investments in low and moderate income zones. In FY 1998, SBICs invested in 2700 small businesses. While the final rule may increase the number of small businesses receiving SBIC investments because SBICs may make investments in smaller increments, the number of small businesses eligible for SBIC investments would not change.

For purposes of the Paperwork Reduction Act, 44 U.S.C. CH. 35, SBA has requested approval to require participating SBICs to report the information they are required to maintain by the final rule. The final rule requires SBICs that make LMI Investments to keep track of their LMI Investments and report them to SBA in connection with applications for LMI Debentures. To determine whether an SBIC is making an LMI Investment, the SBIC will have to verify the location of the LMI Enterprise or its employees using the databases discussed in this rule. SBA estimates that the time necessary to verify the location of an LMI Enterprise or its employees will average less than one hour per LMI Investment. The reporting requirements are de minimis since current forms will only be changed to reflect LMI Investments. SBA further estimates that SBICs may make approximately 500 LMI Investments per year. SBA believes this information is necessary for the proper performance of the function of the agency.

For purposes of Executive Order 12612, SBA certifies that this rule will not have any federalism implications warranting the preparation of a Federalism Assessment.

For purposes of Executive Order 12778, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 2 of that Order.

List of Subjects in 13 CFR Part 107

Investment companies, Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth above, SBA is amending 13 CFR part 107 as follows:

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

1. The authority citation for part 107 continues to read as follows:

Authority: 15 U.S.C. 681 *et seq.*, 683, 687(c), 687b, 687d, 687g and 687m.

2. Amend § 107.50 to add definitions of LMI Enterprise, LMI Investment, and LMI Zone, to read as follows:

§ 107.50 Definitions of terms.

* * * * *

LMI Enterprise means:

(1) A Small Business that has at least 50% of its employees or tangible assets located in LMI Zone(s) or in which at least 35% of the full-time employees have primary residences in LMI Zone(s), in either case determined as of the time of application for SBIC financing; or

(2) A Small Business that does not meet the requirements of paragraph (1) of this definition as of the time of application for SBIC financing but that certifies at such time that it intends to meet the requirements within 180 days after the closing of the SBIC financing. A Small Business qualifying under this paragraph (2) will no longer be an LMI Enterprise as of the 180th day after the closing of the SBIC financing unless, on or before such date, at least 50% of its employees or tangible assets are located in LMI Zones or at least 35% of its full-time employees have primary residences in LMI Zones.

LMI Investment means a financing of an LMI Enterprise, made after September 30, 1999, in the form of equity securities or debt securities that are junior to all existing or future secured borrowings of the business. The debt securities may be guaranteed and may be secured by the assets of the LMI Enterprise, but the guarantee may not be collateralized or otherwise secured.

LMI Zone means any area located within a HUBZone (as defined in 13 CFR 126.103), an Urban Empowerment Zone or Urban Enterprise Community (as designated by the Secretary of the Department of Housing and Urban Development), a Rural Empowerment Zone or Rural Enterprise Community (as designated by the Secretary of the Department of Agriculture), an area of Low Income or Moderate Income (as recognized by the Federal Financial Institutions Examination Council), or a county with Persistent Poverty (as classified by the Economic Research Service of the Department of Agriculture).

* * * * *

3. In § 107.610, add paragraph (e) to read as follows:

§ 107.610 Required Certifications for Loans and Investments.

* * * * *

(e) For each LMI Investment:

(1) A certification by the concern, dated as of the date of application for SBIC financing, as to the basis for its qualification as an LMI Enterprise,

(2) If the concern qualifies as an LMI Enterprise as defined in paragraph (2) of the definition of LMI Enterprise in § 107.50, an additional certification dated no later than the date 180 days after the closing of the LMI Investment, as to the location of the concern's employees or tangible assets or the principal residences of its full-time employees as of the date of such certification, and

(3) Certification(s) by the SBIC, made contemporaneously with the certification(s) of the concern, that the concern qualifies as an LMI Enterprise as of the date(s) of the concern's certification(s) and the basis for such qualification.

4. In § 107.835, redesignate paragraph (d) as paragraph (e) and add paragraph (d) to read as follows:

§ 107.835 Exceptions to minimum duration/term of Financing.

* * * * *

(d) An LMI Investment with a term of at least one year; or

* * * * *

5. In § 107.850, revise the introductory text of paragraph (a) to read as follows:

§ 107.850 Restrictions on redemption of Equity Securities.

(a) A Portfolio Concern cannot be required to redeem Equity Securities earlier than five years (or one year in the case of an LMI Investment) from the date of the first closing unless:

* * * * *

6. In § 107.855, add paragraph (g)(12) to read as follows:

§ 107.855 Interest rate ceiling and limitations on fees charged to Small Businesses ("Cost of Money").

* * * * *

(g) *Charges excluded from the Cost of Money.* * * *

(12) Royalty payments received under any LMI Investment if the royalty is based on improvement in the performance of the Small Business after the date of the financing.

7. In § 107.865, remove the "or" at the end of paragraph (d)(3), replace the period at the end of paragraph (d)(4) with "; or", add paragraph (d)(5), and revise paragraph (e)(3) to read as follows:

§ 107.865 Restrictions on Control of a Small Business by a Licensee.

* * * * *

(d) *Temporary Control permitted.* * * *

(5) If your financing of the Small Business is an LMI Investment.

(e) *Control certification.* * * *

(3) Your agreement to relinquish Control within five years (although you may, under extraordinary circumstances, request SBA's approval of an extension beyond five years). In the case of an LMI Investment with a term of less than five years, you must agree to relinquish Control within the term of the financing.

* * * * *

Dated: May 27, 1999.

Aida Alvarez,

Administrator.

[FR Doc. 99–25244 Filed 9–29–99; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. SW–006; Special Condition No. 29–006–SC]

Special Conditions: Garlick Helicopters, Inc. Model GH205A helicopters; 14 CFR Part 21.27(c), aircraft engines installed in surplus Armed Forces aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special condition; request for comments.

SUMMARY: This special condition is issued for Garlick Helicopters, Inc. Model GH205A helicopters. This model helicopter will have a novel or unusual design feature(s) associated with the aircraft engines installed in surplus Armed Forces aircraft. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. This special condition contains the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of this special condition is September 22, 1999. Comments must be received on or before November 29, 1999.

ADDRESSES: Comments on this special condition may be mailed in duplicate to: Federal Aviation Administration, Office of Regional Counsel, Attention: Rules Docket No. SW–006, 2601 Meacham Blvd., Fort Worth, Texas, 76137; or delivered in duplicate to the Office of the Regional Counsel at the above address. Comments must be marked: Docket No. SW–006. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Richard Monschke, Aerospace Engineer, FAA, Rotorcraft Directorate, Aircraft Certification Service, Fort Worth, Texas, 76193–0110, telephone (817) 222–5116, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected helicopter. In addition, the substance of this special condition has been subject to the public comment process in a prior instance. The FAA therefore finds that good cause exists for making this special condition effective upon issuance.

Comments Invited

Even though comments have been received on this engine special condition, interested persons are invited to submit such additional written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA. This special condition may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this special condition must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. SW–006." The postcard will be date stamped and returned to the commenter.

Background

On December 9, 1993, Garlick Helicopters, Inc. applied for a transport category type certificate for their Model GH205A helicopters that contain military surplus T53-L–13 engines. The

Model GH205A helicopters are former U.S. Army Model UH–1H or UH–1V helicopters.

For engines sold to the civilian aviation industry as surplus, the Department of Defense, the initial source of Garlick Helicopters, Inc's. surplus military helicopter engines, makes no representation as to the compliance of its military engines with FAA airworthiness regulations. Once the engines enter military service, they are no longer subject to FAA operating limitations, surveillance, and quality assurance programs and, therefore, may not meet FAA standards or airworthiness requirements when released as surplus. Certain engine components may have exceeded the life limit or shelf life of the civil counterpart, may not have been produced under a FAA-approved quality system, or may lack documentation, operating records, or maintenance records.

Therefore, the FAA finds that the engine approval basis alone does not contain adequate or appropriate safety standards for engines installed in surplus military aircraft. 14 CFR § 21.27(e) permits the FAA to require an applicant to comply with special conditions or other airworthiness requirements necessary to ensure an adequate level of airworthiness of a 14 CFR 21.27 type design. Special conditions are airworthiness safety standards promulgated in accordance with § 11.28 and 21.16, which include public participation, and establishes a level of safety equivalent to that contained in the regulations.

General Discussion of Public Comments

On July 2, 1997, the FAA published in the **Federal Register** (62 FR 35872) a notice of proposed type certification basis. In that notice, the FAA requested public comments on this special condition. The FAA has carefully reviewed and considered all comments in the development of the type certification basis and the regulatory standards contained therein for Model GH205A helicopters. Comments relating to the special condition in that notice for the engine are addressed in this document. Because of the volume of comments, comments of a similar nature are answered as a group.

Discussion of Comments

Several commenters state that the military surplus Allied Signal (formerly Lycoming) T53–L–13 engines slated for use in the Model GH205A helicopters are unsuitable for civil use. The methodology by which the military tracks life-limited components differs from that required for the T5313B civil engine counterpart; the U.S. Army procured certain critical engine spare parts from non-FAA approved vendors (defined as breakout parts); insufficient maintenance history is available for surplused engines; certain engine fuel system components do not meet FAA airworthiness requirements; service history for early versions of the T53–L–13 is not satisfactory; and military spare parts could co-mingle with the civil inventory and become indistinguishable.

The FAA agrees that blanket approval of all surplus engines installed on military Model UH–1H and UH–1V helicopters is not appropriate. However, the FAA has determined that equivalent airworthiness standards required under FAR 21.27(c) can be demonstrated. For this type certification basis, the engine approval basis for the T53–L–13 engine includes not only the airworthiness rules in existence at the time the engine was qualified for military service, but also includes certain requirements imposed by later 14 CFR Part 33 amendments. Each engine proposed for use on the Model GH205A must be presented for FAA approval with the proper historical record documenting service usage, maintenance history, and complete status and assessment of all life-limited parts. Further, each of these engines must undergo a teardown and inspection per FAA-approved procedures to identify and remove all "breakout" and suspect parts; be reworked, as required, into an FAA-approved configuration; be overhauled to a baseline specification; and be re-identified to reflect its approval for civil use. This process will include compliance with all relevant FAA Airworthiness Directives and military equivalent technical orders.

One commenter endorses the proposed special condition set forth for engine approval. The commenter states that strict adherence to the proposed engine certification basis and special conditions will enhance the airworthiness of the engines installed on Model GH205A helicopters. In addition, the commenter recommends that all FAA approval involving engine part lives and other changes to the type design should be processed by the Aircraft Certification Office (ACO) responsible for the military T53–L–13 engine civil counterpart.

The FAA agrees that the airworthiness approval of the T53–L–13 engine for the Model GH205A helicopter is an engine certification, and will be administered by the accountable ACO with support from various FAA offices.

Two commenters state that the military T53–L–13 engine should comply with the requirements of 14 CFR 33.17, Amendment 6, Fire Prevention, which addresses fire resistant external lines. Unlike its civil counterpart, the military T53 series engines do not incorporate fire shielding on lines that contain or convey flammable fluid.

The FAA agrees that the engine for Model GH205A helicopters must comply with the fire prevention requirements, that is, the external lines which convey flammable fluids must be at least fire resistant; and that the possibility of fire hazard of flammable fluid carrying lines must be minimized by appropriate shielding. Section 13.202 of CAR 13 at Amendments 13–1 through 13–3, the type certificate basis for the Model GH205A engine, prescribes the above fire prevention requirements with which the applicant must comply.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Garlick Helicopters, Inc. must show that each T53–L–13 surplus Armed Forces helicopter engine installed in the Model GH205A helicopter meets the applicable provisions of § 21.27(c), as amended by Amendment 21–59 in effect on March 9, 1987.

Specifically, in accordance with § 21.27(c), the Model GH205A helicopter engine approval basis is as follows:

- Part 13 of the Civil Air Regulations (CAR), effective August 12, 1957, as amended by Amendment 13–1;
- Part 13 of the CAR, effective May 17, 1958, as amended by Amendment 13–2;
- Part 13 of the CAR, effective October 1, 1959, as amended by Amendment 13–3;
- Part 33 of the Federal Aviation Regulations (FAR) as noted below:
- § 33.4 of the FAR, effective October 14, 1980, as amended by Amendment 33–9;
- § 33.14 of the FAR, effective March 26, 1984, as amended by Amendment 33–10; and
- Any special conditions required by the Administrator.

If the Administrator finds that the applicable airworthiness regulations of 14 CFR 21.27 do not contain adequate or appropriate safety standards for the Model GH205A helicopter engines because of a novel or unusual design feature, special conditions are prescribed under the provisions of §§ 21.16 and 21.27(e).

In addition to the applicable airworthiness regulations and special conditions, the Model GH205A helicopter must comply with the noise

certification requirements of 14 CFR part 36; and the FAA must issue a finding of regulatory adequacy pursuant to § 611 of Public Law 92–574, the "Noise Control Act of 1972."

Special conditions, as appropriate, are issued in accordance with § 11.49, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.17.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

Model GH205A helicopters will incorporate the following novel or unusual design features: a surplus Armed Forces helicopter engine installed in a transport category rotorcraft. 14 CFR 21.27(c) requires that the engines installed in surplus Armed Forces aircraft for which a type certificate is sought under this section must provide substantially the same level of airworthiness as would be provided if the engine were type certificated under Part 33 of the Federal Aviation Regulations. To provide the required level of airworthiness, in addition to the Model GH205A helicopter engine approval basis, the following areas require a special condition in order to provide substantially the same level of airworthiness as would be provided if the engines were type certificated under Part 33 in accordance with 14 CFR 21.27(c):

- Engine and maintenance records
- Military unique and breakout hardware
- Conformity
- Life limited engine parts
- Continued Airworthiness
- Identification marking
- Airworthiness Directives (AD's)
- Overhaul

Applicability

As discussed above, this special condition is applicable to Model GH205A helicopters. Should Garlick Helicopters, Inc. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on one model of helicopter. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the helicopter.

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**; however, as the certification date for the Garlick Helicopters, Inc. Model GH205A helicopter is imminent and the substance of these special conditions has been subjected to a comment period in a prior instance, the FAA finds that good cause exists to make this special condition effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment.

List of Subjects in 14 CFR Part 21

Aircraft, Air transportation, Aviation safety, Rotorcraft, Safety.

The authority citation for these special conditions is as follows: 42 U.S.C. 7572; 49 U.S.C. 106(g), 40105, 40113, 44701–44702, 44709, 44711, 44713, 44715, 45303.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, in addition to the Model GH205A helicopter engine approval basis, the following special condition is issued as part of the type certification basis for the Garlick Helicopters, Inc. Model GH205A helicopter.

1. Engine and Maintenance Records

The following data is required:

(a) Records establishing that the engine, components, and parts that have been installed since original manufacture were produced under an FAA-approved production and inspection system.

(b) Complete historical records maintained by the military, the manufacturer, and any other prior owner(s) pertaining to inspection, modification, repair, alteration, maintenance, and operation of the engine from the time of acceptance by the military.

(c) A report that the engine has an equivalent level of airworthiness substantiated by the engine approval basis described previously. The report will be required to address the provisions of CAR 13 and applicable part 33 sections on a paragraph-by-paragraph basis.

2. Military Unique and Breakout Hardware

Military unique and breakout parts are engine parts for which the military utilized the manufacturer's design drawings and specifications, but the parts were produced specifically for the military by non FAA-approved manufacturers. All military unique and breakout parts must be replaced with parts made by FAA production approval holders.

3. Conformity

The applicant must substantiate that the engine conforms to the FAA-approved type design of its civil counterpart. The manufacturing records must include any deviation from the FAA-approved type design and quality control system that was in existence at the time of manufacture. With regard to maintenance, the applicant must establish that any alterations, modifications, or repairs were accomplished in compliance with FAA-approved data by maintenance facilities certificated by the FAA. When this cannot be established, the alterations or repairs must be appropriately substantiated in accordance with the applicable regulations and approved by the FAA, or the altered or repaired hardware must be removed. The operating records must show whether the engine was utilized outside of the operating envelope specified for the civil version engine including speed, temperature, torque, engine mount load, and other engine limits. In addition, the operational history records must show whether the engine has been subjected to other extreme operating conditions such as accidents, fire, or missile drone target shooting.

4. Life-limited Engine Parts

The military mission cycle, with or without the same type design, generally differs from civil aircraft mission cycles. As such, the life cycle limits for engine rotating parts (such as disks, spacers, hubs, and shafts of the compressors and turbines) and life-limited stationary engine components may not be directly transferable between military and civil engines having the same hardware. To perform an accurate cycle adjustment on a military life-limited engine part, there must be a record of operating hours, operating history, and mission profile. Unlike civil missions, many military operations subject engine hardware to a wide variance in strain range, thus subjecting these components to multiple partial cycles for each flight hour. The applicant must have a FAA-approved process for screening military engine

operating and maintenance records to insure their accuracy.

For engines lacking complete, accurate time-in-service (TIS) and operating records, the time remaining on life-limited parts is considered unknown, therefore, such parts are considered unairworthy and must be removed from service. For those engines having accurate TIS and service history records, the applicant must develop a conversion factor(s) to convert TIS of past engine usage in military service to the equivalent civil engine cycles which includes cumulative partial cycles. The procedure for such conversions must be submitted to and approved by the FAA. The applicant must use the published life limit in civil engine manuals for all life-limited engine hardware to establish the remaining cycles. If applicable, the applicant must also develop procedures approved by the FAA to account for anticipated additional life to be consumed from other aircraft operating modes, such as external load and repetitive heavy lift operations, that are not considered in the published life in the civil engine manuals.

5. Continued Airworthiness

The applicant will be required to provide Instructions for Continued Airworthiness in accordance with 14 CFR 33.4. The type certificate holder must report failures, malfunctions, and defects; support required design changes; and maintain records concerning the continued airworthiness of the engines in accordance with 14 CFR Parts 21, 33, and 43.

6. Identification Marking

The existing military identification marking (data plate) shall remain attached to the engine. A supplemental data plate, in compliance with the requirements of part 45, will be used to further identify the engine.

7. Airworthiness Directives (AD's)

The type certificate holder must comply with all FAA AD's pertaining to the equivalent civil engine and with certain military Time Compliance Technical Orders (i.e., the military equivalent to AD's) that are approved by the FAA for the engine.

8. Overhaul

The engine must be newly overhauled, in accordance with the current civil engine model overhaul manual(s), by a maintenance facility certificated by the FAA to perform such overhauls.

Issued in Fort Worth, Texas on September 22, 1999.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99–25452 Filed 9–29–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–SW–80–AD; Amendment 39–11342; AD 99–20–12]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters Inc. Model 369D, D369E, 369FF, 500N, and 600N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to MD Helicopters, Inc. Model 369D, 369E, 369FF, 500N, and 600 N helicopters, that requires replacing the oil cooler blower bracket (bracket). This amendment is prompted by three reports of cracked brackets. The actions specified by this AD are intended to prevent failure of a bracket, loss of cooling of engine oil and transmission oil, and subsequent forced landing.

EFFECTIVE DATE: November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Bruce Conze, Aerospace Engineer, FAA, Los Angeles Aircraft, Certification Office, 3960 Paramount Blvd, Lakewood, California 90712, telephone (562) 627–5261, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to MD Helicopters Inc. Model 369D, 369E, 369FF, 500N, and 600N helicopters was published in the **Federal Register** on June 23, 1999 (64 FR 33447). That action proposed to require replacing the bracket.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 100 helicopters of U.S. registry will be affected by this AD, that it will take approximately 2.5 work hours per helicopter to replace the bracket, and that the average labor rate is $60 per work hour. Required parts will cost approximately $225 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $37,500.

The regulations adopted therein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 99–20–12 MD Helicopters, Inc. (MDHI): Amendment 39–11342. Docket No. 98–SW–80–AD.

Applicability: Model 369D, 369E, 369FF, 500N, and 600N helicopters, with oil cooler blower bracket (bracket), part number (P/N)

369F5190–1, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within 100 hours time-in-service, unless accomplished previously.

To prevent failure of a bracket, loss of cooling of engine oil and transmission oil, and a subsequent forced landing, accomplish the following:

(a) Remove the bracket, P/N 369F5190–1, and replace it with an airworthy bracket P/N 369F5194–1.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office. Operators shall submit their request through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this Ad, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(d) This amendment becomes effective on November 4, 1999.

Issued in Fort Worth, Texas, on September 22, 1999.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99–25375 Filed 9–29–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8825]

RIN 1545–AU33

Regulations Under Section 382 of the Internal Revenue Code of 1986; Application of Section 382 in Short Taxable Years and With Respect to Controlled Groups; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to TD 8825, which was published in the **Federal Register** on Friday, July 2, 1999 (64 FR 36175). These regulations relate to limitations on net operating loss carryovers and certain built-in losses following an ownership change of a corporation.

EFFECTIVE DATE: July 2, 1999.

FOR FURTHER INFORMATION CONTACT: Lee A. Kelley at (202) 622–7550 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 382 of the Internal Revenue Code.

Need for Correction

As published, TD 8825 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8825), which are the subject of FR Doc. 99–16163, is corrected as follows:

1. On page 36177, column 2, instructional paragraph 2, the language **"Par 2.** Section 382–1 is amended by" is corrected to read **"Par. 2.** Section 1.382–1 is amended by:".

2. On page 36177, column 3, the section heading "§ 1.1382–2 [Amended]" is corrected to read "§ 1.382–2 [Amended]".

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 99–25233 Filed 9–29–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AI31

Advance Payments and Lump-Sum Payments of Educational Assistance; Miscellaneous Nonsubstantive Changes

AGENCIES: Department of Defense, Department of Transportation (Coast Guard), and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance regulations dealing with the advance payment and lump-sum payment of educational assistance. We are amending these regulations by removing provisions that no longer apply and by making other changes for the purpose of clarification. This will make these regulations easier to use. In addition, this document makes nonsubstantive changes for the purpose of clarification in the educational assistance regulations concerning eligibility for the Montgomery GI Bill—Active Duty program.

DATES: *Effective Date:* September 30, 1999.

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Adviser, Education Service, Veterans Benefits Administration, 202–273–7187.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 20, 1998 (63 FR 27701), the Department of Veterans Affairs (VA), the Department of Defense (DOD), and the Department of Transportation (Coast Guard) proposed amending the educational assistance regulations concerning advance payments and lump-sum payments of educational assistance. We proposed removing obsolete provisions and clarifying other provisions.

Interested persons were given 60 days in which to submit comments to VA. We received no comments. Based on the rationale set forth in the proposed rule and this document, the provisions of the proposed rule are adopted without change, except that nonsubstantive changes are made for the purpose of clarification and authority citations are changed.

DOD and VA are jointly issuing this final rule insofar as it relates to the Post-

Vietnam Era Veterans' Educational Assistance program. This program is funded by DOD and administered by VA. DOD, the Department of Transportation (Coast Guard), and VA are jointly issuing this final rule insofar as it relates to the Montgomery GI Bill—Selected Reserve. This program is funded by DOD and the Coast Guard, and is administered by VA. VA alone is issuing the remainder of this final rule.

Paperwork Reduction Act

The collection of information contained in this final rule in 38 CFR 21.4138(a) has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3520) and has been assigned OMB control number 2900–0604. The collection of information implements a statutory provision that mandates that an individual who wishes to receive an advance payment of educational assistance must ask for it. We received no comments on the proposed collection of information.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number assigned to the collection of information in this final rule is displayed at the end of the affected section of the regulations.

Administrative Procedure Act

Under 5 U.S.C. 553, there is a basis for dispensing with a 30-day delay of the effective date since the changes made by this final rule are nonsubstantive.

Executive Order 12866

This final rule has been reviewed by OMB under Executive Order 12866.

Regulatory Flexibility Act

The signers of this document hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The adoption of this final rule does not make substantive changes. It removes provisions that no longer apply and makes other changes for purposes of clarification.

The Catalog of Federal Domestic Assistance numbers for programs affected by this final rule are 64.117, 64.120, and 64.124. The final rule will also affect the Montgomery GI Bill—Selected Reserve for which there is no Catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 25, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

Approved: April 29, 1999.

Curtis B. Taylor,

Colonel, U.S. Army, Principal Director, (Military Personnel Policy)

Department of Defense.

Approved: May 27, 1999.

F. L. Ames

Read Admiral, U.S. Coast Guard, Assistant Commandant For Human Resources.

For the reasons set out in the preamble, 38 CFR part 21 is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Assistance Programs

1. The authority citation for subpart D is revised to read as follows:

Authority: 10 U.S.C. 2141 note, ch. 1606; 38 U.S.C. 501(a), 38 U.S.C. chs. 30, 32, 34, 35, 36, unless otherwise noted.

2. In § 21.4138, the introductory text is removed; paragraphs (c) and (d) are removed and reserved; paragraphs (a) and (b) are revised; and a parenthetical is added to the end of the section, to read as follows:

§ 21.4138 Certifications and release of payments.

(a) *Advance payments.* (1) VA will make payments of educational assistance in advance when:

(i) The veteran, servicemember, reservist, or eligible person has specifically requested such a payment;

(ii) The student is enrolled for half time or more;

(iii) The educational institution at which the veteran, servicemember, reservist, or eligible person is accepted or enrolled has agreed to and can satisfactorily carry out the provisions of 38 U.S.C. 3680(d)(4)(B) and (C) and (5) pertaining to receipt, delivery, or return of checks and certifications of delivery and enrollment;

(iv) The Director of the VA field facility of jurisdiction has not acted under paragraph (a)(4) of this section to prevent advance payments being made to the veteran's, servicemember's, reservist's, or eligible person's educational institution;

(v) There is no evidence in the veteran's, servicemember's, reservist's, or eligible person's claim file showing that he or she is not eligible for an advance payment;

(vi) The period for which the veteran, servicemember, reservist, or eligible person has requested a payment either—

(A) Is preceded by an interval of nonpayment of 30 days or more; or

(B) Is the beginning of a school year that is preceded by a period of nonpayment of 30 days or more; and

(vii) The educational institution or the veteran, servicemember, reservist, or eligible person has submitted the certification required by § 21.7151.

(2) The amount of the advance payment to a veteran, reservist, or eligible person is the educational assistance for the month or fraction thereof in which the term or course will begin plus the educational assistance for the following month. The amount of the advance payment to a servicemember is the amount payable for the entire term, quarter, or semester, as applicable.

(3) VA will mail advance payments to the educational institution for delivery to the veteran, servicemember, reservist, or eligible person. The educational institution will not deliver the advance payment check more than 30 days in advance of the first date of the period for which VA makes the advance payment.

(4) The Director of the VA field station of jurisdiction may direct that advance payments not be made to individuals attending an educational institution if:

(i) The educational institution demonstrates an inability to comply with the requirements of paragraph (a)(3) of this section;

(ii) The educational institution fails to provide adequately for the safekeeping of the advance payment checks before delivery to the veteran, servicemember, reservist, or eligible person or return to VA; or

(iii) The Director determines, based on compelling evidence, that the educational institution has demonstrated its inability to discharge its responsibilities under the advance payment program.

(**Authority:** 10 U.S.C. 16136(b); 38 U.S.C. 3034, 3680(d))

(b) *Lump-sum payments.* A lump-sum payment is a payment of all educational assistance due for an entire quarter, semester, or term. VA will make a lump-sum payment to:

(1) A veteran or servicemember pursuing a program of education at less than the half-time rate under 38 U.S.C. chapter 30;

(2) A servicemember pursuing a program of education at the half-time rate or greater under 38 U.S.C. chapter 30, provided that VA did not make an advance payment to the servicemember for the term for which a lump-sum payment would otherwise be due; and

(3) An eligible person pursuing a program of education at less than the half-time rate under 38 U.S.C. chapter 35.

(**Authority:** 38 U.S.C. 3034(c), 3680(f))

* * * * *

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0604)

Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Chapter 32

3. The authority citation for part 21, subpart G continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 32, 36, unless otherwise noted.

4. Section 21.5135 is revised to read as follows:

§ 21.5135 Advance payments.

VA will apply the provisions of § 21.4138(a) in making advance payments to veterans and servicemembers.

(Authority: 38 U.S.C. 3241, 3680)

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

5. The authority citation for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

6. The heading of § 21.7040 is revised to read as follows:

§ 21.7040 Categories of basic eligibility.

7. The heading of § 21.7042 and the parenthetical at the end of the section are revised to read as follows:

§ 21.7042 Basic eligibility requirements.

* * * * *

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0594)

8. In § 21.7140, paragraph (b) is removed; paragraphs (c), (d), (e), (f), and (g) are redesignated as paragraphs (b), (c), (d), (e), and (f), respectively; and paragraph (a) is revised, to read as follows:

§ 21.7140 Certifications and release of payments.

(a) *Advance payments and lump-sum payments.* VA will apply the provisions of § 21.4138(a) and (b) in making advance payments and lump-sum payments to veterans and servicemembers.

(Authority: 38 U.S.C. 3034 and 3680)

* * * * *

Subpart L—Educational Assistance for Members of the Selected Reserve

9. The authority citation for part 21, subpart L is revised to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), 512, ch. 36, unless otherwise noted.

10. In § 21.7640, the authority citations for paragraphs (b), (c), (e), and (f) are amended by removing "; Pub. L. 98–525"; paragraph (e) is amended by removing "paragraph (d) of this section" and adding, in its place, "§ 21.4138(a)"; and paragraph (d) is revised to read as follows:

§ 21.7640 Release of payments.

* * * * *

(d) *Advance payments.* VA will apply the provisions of § 21.4138(a) in making advance payments to reservists.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3680)

* * * * *

[FR Doc. 99–25284 Filed 9–29–99; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 198–0175a; FRL–6445–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Luis Obispo County Air Pollution Control District, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern the recision of rules from the San Luis Obispo County Air Pollution Control District (SLOCAPCD) and the South Coast Air Quality Management District (SCAQMD). The intended effect of this action is to bring the SLOCAPCD and the SCAQMD State Implementation Plans (SIP) up to date in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA is finalizing the approval of these recisions from the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

DATES: This rule is effective on November 29, 1999, without further notice, unless EPA receives adverse comments by November 1, 1999. If EPA receives such comment, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel, Chief, Rulemaking Office, Air Division at the Region IX office listed below. Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

San Luis Obispo County Air Pollution Control District 3433 Roberto Court, San Luis Obispo, California 93401

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, California 91765–4182

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1184.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved for recision from the California SIP include: SLOCAPCD Rule 102, Compliance by Existing Installation, SLOCAPCD Rule 408, Gasoline Specifications, and SCAQMD Rule 432, Gasoline Specifications. The SLOCAPCD rule recisions were submitted by the California Air Resources Board (CARB)

to EPA on August 1, 1997 and the SCAQMD rule recision was submitted by CARB on September 29, 1998.

II. Background

The Clean Air Act of 1970 (CAA or the Act) requires the states to develop SIPs to enable local districts to attain and maintain the national ambient air quality standards. The rule recisions listed above will not directly affect emission reductions. The requirements of the rescinded rules have been adopted by the state or incorporated into other rules at the district.

The State of California submitted these rule recisions for incorporation into its SIP on August 1, 1997 and September 29, 1998. This document addresses EPA's direct-final action for SLOCAPCD Rule 102, Compliance by Existing Installation, SLOCAPCD Rule 408, Gasoline Specifications, and SCAQMD Rule 432, Gasoline Specifications. SLOCAPCD rescinded Rule 102 and Rule 408 on March 26, 1997 and SCAQMD rescinded Rule 432 on July 10, 1998. The recision of SLOCAPCD Rules 102 and 408 was found to be complete on September 30, 1997 and the recision of SCAQMD Rule 432 was found to be complete on January 26, 1999. These rule recisions were found complete pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V [1] and are being finalized for approval into the SIP.

SLOCAPCD Rule 102, Compliance by Existing Installation, was created to bring existing installations into conformity with the District rules and regulations as adopted in 1976. Since that time, Rule 202, Permits, was adopted and approved and is sufficient to achieve compliance with the SLOCAPCD rules and regulations and the previous goals of Rule 102. Because Rule 102 is no longer necessary and, therefore, redundant, the rule was rescinded by the district governing board.

SLOCAPCD Rule 408, Gasoline Specifications and SCAQMD, Rule 432, Gasoline Specifications prohibit the sale or supply of gasoline with a degree of unsaturation greater than Bromine Number 30. The California Legislature adopted a bill which delegates the authority to regulate and enforce fuel specifications to the California Air Resources Board (CARB). As a result of the legislation, the requirements of SLOCAPCD Rule 408 and SCAQMD Rule 432 are no longer in effect, therefore, these rules were repealed by their respective district governing boards.

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

III. EPA Evaluation and Action

EPA has evaluated all the appropriate background and submittal documentation for these recisions. EPA has determined that the recision of SLOCAPCD Rule 102 is approvable since the requirements for permit compliance are embodied in SLOCAPCD Rule 202.

EPA has also determined that the recision of SLOCAPCD Rule 408 and SCAQMD Rule 432 is approvable since the CARB now regulates fuel specifications.

The rule recisions are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the recision of SLOCAPCD Rules 102 and 408 and SCAQMD Rule 432 are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 29, 1999, without further notice unless the Agency receives adverse comments by November 1, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule is effective on November 29, 1999, and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds

necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 29, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 14, 1999.

Keith Takata,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(32)(iv)(F) and (35)(xii)(G) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(32) * * *

(iv) * * *

(F) Previously approved on June 14, 1978 and now deleted without replacement Rule 432.

* * * * *

(35) * * *

(xii) * * *

(G) Previously approved on August 4, 1978 and now deleted without replacement Rules 102 and 408.

* * * * *

[FR Doc. 99–25304 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC040–2016; FRL–6448–9]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; GSA Central and West Heating Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action approving revisions to the District of Columbia State Implementation Plan (SIP). The revisions consist of portions of an

operating permit which reduce sulfur dioxide (SO_2) emissions from two steam-generating facilities located in the District of Columbia. The intent of this action is to approve, as SIP revisions, portions of the operating permit issued by the District of Columbia on October 17, 1997 to the General Services Administration (GSA) for its Central Heating and Refrigeration Plant and West Heating Plant in accordance with the requirements of the Clean Air Act (the Act).

DATES: This rule is effective on November 29, 1999 without further notice, unless EPA receives adverse written comment by November 1, 1999. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Walter Wilkie, Acting Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; District of Columbia Department of Public Health, Air Quality Division, 51 N Street, N.E., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Denis Lohman (215) 814–2192, or by e-mail at lohman.denny@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 23, 1997, the District of Columbia submitted a formal revision to its SIP. The SIP revision consisted of an October 17, 1997 operating permit issued by the District of Columbia to GSA for its Central Refrigeration and Heating Plant (CHRP) and West Heating Plant (WHP). On December 16, 1998, the District submitted an amendment intended to clarify the scope of its of October 23, 1997 submittal. The amendment clarified that the District is only requesting that portions of the operating permit be approved and incorporated into the SIP. EPA is approving all of the portions of the permit requested by the District in its December 16, 1998 submittal. While the other provisions of the operating permit are federally enforceable pursuant to Title V of the Act, certain SO_2 provisions are being approved as SIP revisions because they are needed to ensure attainment of the annual National Ambient Air Quality Standards (NAAQS) set for SO_2.

II. Summary of SIP Revision

The operating permit imposes emission limits for SO_2 and establishes restrictions on fuel burning capabilities to minimize SO_2 from the plants. The operating permit requires the combustion of natural gas at all times at GSA's CHRP and WHP. There is, however, a provision for the use of No. 2 "on-road Diesel" fuel with a maximum sulfur content of five hundredths weight percent ($0.05\%_{wt}$) during periods of natural gas service interruption by the supplier. In addition to limiting the sulfur content of the fuel that may be combusted during periods of natural gas interruption, the permit also limits the total gallons per calendar year that may be combusted at each facility. These restrictions on fuel type and usage have significantly reduced the SO_2 emissions from these plants to the point where such emissions presents a negligible potential for impact on the surrounding area. Under the existing SIP, the average annual SO_2 emissions for CHRP and WHP were 523 and 626 tons per year, respectively, during the period of 1980 to 1990, inclusively. The provisions of the operating permit, which are the subject of this SIP revision, restrict annual SO_2 emissions to 17 tons per year at CHRP and 12 tons per year at WHP.

The permit provisions being approved as SIP revisions also require GSA to report the necessary information to ensure compliance with the annual emission limits. The principle compliance determination method is the use of continuous emissions monitoring when combusting natural gas or No. 2 "on-road Diesel" fuel. In addition, the District requires fuel analysis or fuel certification substantiating the maximum hydrogen sulfide and weight percent sulfur of the gas or oil consumed. GSA must submit quarterly reports for each boiler at CHRP and WHP including; hours of service, types and quantities of fuel combusted, fuel composition and heat content, service interruptions and total tons of SO_2 emitted on a monthly basis and on rolling 12 month basis. Monthly reports are to be prepared demonstrating GSA's maintenance of the NAAQS for SO_2 in the vicinity of the two facilities. Sulfur-in-fuel reports are due each month detailing specific information about fuel oil, if any, that was burned during the month. The level of reporting detailed above provides adequate assurance that the compliance status of GSA can be quickly and accurately tracked at all times.

EPA has determined that the portions of GSA's operating permit which the District of Columbia has requested be approved as SIP revisions serve to strengthen the District of Columbia SO_2 SIP, and EPA is therefore approving the District's request.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the District's SIP revision if adverse comments are filed. This rule will be effective on November 29, 1999 without further notice unless EPA receives adverse comment by November 1, 1999. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

III. Final Action

EPA is approving, as a revision to the District of Columbia SIP, the District's December 16, 1998 submittal (amending its October 23, 1997 submittal) consisting of portions of the operating permit issued by the District on October 17, 1997 to GSA for its Central and West Heating Plants.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives

of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is "economically significant," as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act does not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability pertaining only to the General Services Administration's (GSA) Central Heating and Refrigeration Plant and West Heating Plant located in the District of Columbia.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 29, 1999. Filing a petition for reconsideration by the Administrator of this final rule, pertaining to GSA's operating permit for its Central and West heating plants, does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving portions of the District's operating permit issued to GSA for its Central and West heating plants may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 20, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart J—District of Columbia

2. In Section 52.470, the entry for GSA permit-to-operate fuel-burning equipment in the "EPA Approved District of Columbia Source-specific requirements" table in paragraph (d) is added and the entry "None" is removed to read as follows:

§ 52.470 Identification of plan.

* * * * *

(d) EPA-Approved District of Columbia Source-Specific Requirements

EPA-APPROVED DISTRICT OF COLUMBIA SOURCE-SPECIFIC REQUIREMENTS

Name of Source	Permit number	State effective date	EPA approval date	Comments
General Services Administration Central Heating and Refrigeration Plant and West Heating Plant.	N/A—it is the operating permit issued to GSA by the District of Columbia on October 17, 1997.	Oct 17, 1997.	Sept 30, 1999 [page cite.].	The following portions of GSA's operating permit are not included in the SIP: The portion of Condition 3 referring to Table 1, Table 1, Condition 4, Table 3, and Condition 17.

[FR Doc. 99–25422 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE039–1026; FRL–6449–2]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Enhanced Motor Vehicle Inspection and Maintenance (I/M) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware. This revision establishes and requires the implementation of an enhanced motor vehicle inspection and maintenance (I/M) program in the counties of Kent and New Castle. The intended effect of this action is to approve the Delaware enhanced motor vehicle I/M program as a SIP revision under the Clean Air Act (the Act).

EFFECTIVE DATE: This final rule is effective on November 1, 1999.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Jill Webster, (215) 814–2033, or by e-mail at Webster.Jill@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On July 7, 1999 (64 FR 36635), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. The NPR proposed approval of revisions to the SIP for an enhanced motor vehicle I/M program. The formal SIP revision was submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) on June 16, 1998 and additional revisions were submitted on May 24, 1999. A description of Delaware's submittals and EPA's rationale for our proposed action were presented in the NPR and will not be restated here. No public comments were received on the NPR.

Additionally, EPA is not requiring the State of Delaware to implement section 40 CFR 51.356 (a)(4) dealing with federal installations within I/M areas at this time. The Department of Justice has recommended to EPA that these provisions of the federal I/M regulation be revised since it appears to grant states authority to regulate federal installations in circumstances where the federal government has not waived sovereign immunity. Federally owned vehicles operated in Delaware are required to meet the same requirements as Delaware registered vehicles, but it would not be appropriate to require compliance with this regulation if it is not constitutionally authorized. EPA will be revising these provisions in the future. EPA will review state I/M SIPs with respect to this issue when the revised rule is final. EPA is neither approving nor disapproving requirements which apply to federal facilities at this time.

EPA believes that approval of Delaware's I/M program was sufficiently proposed in the rulemaking process and that omitting its requirements pursuant to section 40 CFR 51.356(a)(4) from this approval would not warrant further comment, because responsibility for compliance with those requirements rests with the Federal government. For this reason, EPA invokes the "good cause" clause of the Administrative Procedure Act section 553(b)(B) to make this change in this final notice. It would be contrary to the public interest to take final action on these provisions which may be unconstitutional and which EPA is currently revising.

II. Final Action

EPA is approving Delaware's low enhanced I/M program as a revision to the Delaware SIP, with the exception of its provisions for federal facilities.

III. Administrative Requirements

A. Executive Orders 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled "Regulatory Planning and Review."

B. Executive Orders on Federalism

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon

a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987), on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only one State, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

C. Executive Order 13045

E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is "economically significant," as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 29, 1999. Filing a petition for reconsideration by the Administrator of this final rule to approve the Delaware enhanced I/M SIP does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 20, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart I—Delaware

2. In Section 52.420, the table in paragraph (c) entitled "EPA-Approved Regulations in the Delaware SIP" is amended by revising the entry for Regulation 26—Motor Vehicle Emissions Inspections Program, and adding an entry for Regulation 31—Low Enhanced Inspection and Maintenance Program.

§ 52.420 Identification of plan.

* * * * *

(c) EPA approved regulations.

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP

State citation	Title subject	State effective date	EPA approval date	Comments
*	*	*	*	*
Regulation 26 MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM				
Section 1	Applicability and Definitions	4/1/90	1/06/92 57 FR 351	Regulation 26 provisions apply to Sussex County only, effective November 1, 1999.
Section 2	General Provisions	4/1/90	1/06/92 57 FR 351.	
Section 3	Registration Requirement	5/9/85	12/08/86 51 FR 44068	
Section 4	Exemptions	4/1/90	01/06/92 57 FR 351	
Section 5	Enforcement	7/6/82	10/17/83 48 FR 46986	
Section 6	Compliance, Waivers, Extensions of Time, and Repairs.	4/1/90	01/06/92 57 FR 351	
Section 7	Inspection Facility Requirements	7/6/82	10/17/83 48 FR 46986	
Section 8	Certification of Motor Vehicle Officers	7/6/82	10/17/83 48 FR 46986	
Section 9	Calibration and Test Procedures and Approved Equipment.	7/6/82	10/17/83 48 FR 46986	
Technical Memorandum 1.	Motor Vehicle Inspection and Maintenance Program Vehicle Test Procedure and Machine Calibration.	4/1/90	01/06/92 57 FR 351	
*	*	*	*	*
Regulation 31 Low Enhanced Inspection and Maintenance Program				
Section 1	Applicability	8/13/98	9/30/99	Provisions apply to New Castle and Kent Counties
Section 2	Low Enhanced I/M performance standard	8/13/98	9/30/99	
Section 3	Network type and program evaluation	6/11/99	9/30/99	
Section 4	Test Frequency and Convenience	6/11/99	9/30/99	
Section 5	Vehicle Coverage-except paragraph (4) which applies to federal facilities.	6/11/99	9/30/99	
Section 6	Test Procedures and Standards	6/11/99	9/30/99	
Section 7	Waivers and Compliance Via Diagnostic Inspection.	8/13/98	9/30/99	
Section 8	Motorist Compliance Enforcement	8/13/98	9/30/99	
Section 9	Enforcement Against Operators and Motor Vehicle Technicians.	8/13/98	9/30/99	
Section 10	Improving Repair Effectiveness	8/13/98	9/30/99	
Section 11	Compliance with Recall Notices	8/13/98	9/30/99	
Section 12	On-Road Testing	8/13/98	9/30/99	

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title subject	State effective date	EPA approval date	Comments
Section 13	Implementation Deadlines	6/11/99	9/30/99	
Appendix 1(d)	Commitment to Extend the I/M Program to the Attainment Date Letter from Secretary Tulou to EPA Administrator, W. Michael McCabe.	8/13/98	9/30/99	
Appendix 3 (a)(7)	Exhaust Emission Limits According to Model Year.	8/13/98	9/30/99	
Appendix 3(c)(2)	VMAS™ Test Procedure	6/11/99	9/30/99	
Appendix 4(a)	Sections from Delaware Criminal and Traffic Law Manual.	8/13/98	9/30/99	
Appendix 5(a)	Division of Motor Vehicles Policy on Out-of-State Renewals.	8/13/98	9/30/99	
Appendix 5(f)	Clean Screening Vehicle Exemption	6/11/99	9/30/99	
Appendix 6(a)	Idle Emissions Test Procedures	6/11/99	9/30/99	
Appendix 6(a)(5)	Vehicle Emission Repair Report Form	8/13/98	9/30/99	
Appendix 6(a)(8)	Evaporative System Integrity (Pressure) Test.	8/13/98	9/30/99	
Appendix 7(a)	Emission Repair Technician Certification Process.	8/13/98	9/30/99	
Appendix 8(a)	Registration Denial System Requirements Definition.	8/13/98	9/30/99	
Appendix 9(a)	Enforcement Against Operators and Inspectors.	8/13/98	9/30/99	

§ 52.424 [Amended]

3. In section 52.424, paragraph (b) is removed and reserved.

[FR Doc. 99–25424 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[TN 222–1–9928a; FRL–6448–3]

Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (EPA) is approving the section 111(d) Plan submitted by the Tennessee Department of Environment and Conservation (DEC) for the State of Tennessee on January 8, 1999, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Municipal Solid Waste (MSW) Landfills.

DATES: This direct final rule is effective on November 29, 1999 without further notice, unless EPA receives significant, material, and adverse comment by November 1, 1999. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You should address comments on this action to Steven M. Scofield at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of documents related to this action are available for the public to review during normal business hours at the locations below. If you would like to review these documents, please make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN 222–1–9928a. The Region 4 office may have additional documents not available at the other locations.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Steven M. Scofield, 404/562–9034.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243–1531, 615/532–0554.

FOR FURTHER INFORMATION CONTACT: Scott Davis at 404/562–9127 or Steven M. Scofield at 404/562–9034.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 111(d) of the Clean Air Act (Act), EPA has established procedures whereby States submit plans to control certain existing sources of "designated pollutants." Designated pollutants are defined as pollutants for which a standard of performance for new sources applies under section 111, but which are not "criteria pollutants" (i.e., pollutants for which National Ambient Air Quality Standards (NAAQS) are set pursuant to sections 108 and 109 of the Act) or hazardous air pollutants (HAPs) regulated under section 112 of the Act. As required by section 111(d) of the Act, EPA established a process at 40 CFR part 60, subpart B, which States must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates a new source performance standard (NSPS) that controls a designated pollutant, EPA establishes EG in accordance with 40 CFR 60.22 which contain information pertinent to the control of the designated pollutant from that NSPS source category (i.e., the "designated facility" as defined at 40 CFR 60.21(b)). Thus, a State, local, or tribal agency's section 111(d) plan for a designated facility must comply with the EG for that source category as well as 40 CFR part 60, subpart B.

On March 12, 1996, EPA published EG for existing MSW landfills at 40 CFR part 60, subpart Cc (40 CFR 60.30c through 60.36c) and NSPS for new MSW Landfills at 40 CFR part 60, subpart WWW (40 CFR 60.750 through 60.759). (*See* 61 FR 9905–9944.) The

pollutants regulated by the NSPS and EG are MSW landfill emissions, which contain a mixture of volatile organic compounds (VOCs), other organic compounds, methane, and HAPs. VOC emissions can contribute to ozone formation which can result in adverse effects to human health and vegetation. The health effects of HAPs include cancer, respiratory irritation, and damage to the nervous system. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site. To determine whether control is required, nonmethane organic compounds (NMOCs) are measured as a surrogate for MSW landfill emissions. Thus, NMOC is considered the designated pollutant. The designated facility which is subject to the EG is each existing MSW landfill (as defined in 40 CFR 60.32c) for which construction, reconstruction or modification was commenced before May 30, 1991.

Pursuant to 40 CFR 60.23(a), States were required to either: (1) Submit a plan for the control of the designated pollutant to which the EG applies; or (2) Submit a negative declaration if there were no designated facilities in the State within nine months after publication of the EG (by December 12, 1996).

EPA has been involved in litigation over the requirements of the MSW landfill EG and NSPS since the summer of 1996. On November 13, 1997, EPA issued a notice of proposed settlement in *National Solid Wastes Management Association* v. *Browner, et.al*, No. 96–1152 (D.C. Cir), in accordance with section 113(g) of the Act. *See* 62 FR 60898. It is important to note that the proposed settlement does not vacate or void the existing MSW landfill EG or NSPS. Pursuant to the proposed settlement agreement, EPA published a direct final rulemaking on June 16, 1998, in which EPA is amending 40 CFR part 60, subparts Cc and WWW, to add clarifying language, make editorial amendments, and to correct typographical errors. *See* 63 FR 32743–32753, 32783–32784. EPA regulations at 40 CFR 60.23(a)(2) provide that a State has nine months to adopt and submit any necessary State Plan revisions after publication of a final revised emission guideline document. Thus, States are not yet required to submit State Plan revisions to address the June 16, 1998, direct final amendments to the EG. In addition, as stated in the June 16, 1998, preamble, the changes to 40 CFR part 60, subparts Cc and WWW, do not significantly modify the requirements of those subparts. *See* 63 FR 32744. Accordingly, the MSW landfill EG published on March 12, 1996, was used as a basis by EPA for review of section 111(d) Plan submittals.

This action approves the section 111(d) Plan submitted by the Tennessee DEC for the State of Tennessee to implement and enforce subpart Cc.

II. Discussion

The Tennessee DEC submitted to EPA on January 8, 1999, in addition to a prior portion of the plan submitted on November 16, 1998, the following in their section 111(d) Plan for implementing and enforcing the emission guidelines for existing MSW landfills in the State of Tennessee: Statutory and Legal Authority; Enforceable Mechanisms; MSW Landfill Source and Emissions Inventory; Emission Limitations; Process for Review and Approval of Collection and Control System Design Plans; Testing, Monitoring, Recordkeeping, and Reporting; Compliance Schedule; Demonstration That the Public Had Adequate Notice and Public Hearing Record; Submittal of Progress Reports to EPA; Quality Assurance; and applicable State of Tennessee codes and Tennessee DEC Air Pollution Control regulations.

The approval of the Tennessee State Plan is based on finding that: (1) The Tennessee DEQ provided adequate public notice of public hearings for the proposed rulemaking and State Plan which allows the Tennessee DEC to implement and enforce the EG for MSW landfills; and (2) The Tennessee DEC also demonstrated legal authority to adopt emission standards and compliance schedules applicable to the designated facilities; enforce applicable laws, regulations, standards and compliance schedules; seek injunctive relief; obtain information necessary to determine compliance; require recordkeeping; conduct inspections and tests; require the use of monitors; require emission reports of owners and operators; and make emission data publicly available.

In the plan and appendix A, the Tennessee DEC cites the following reference demonstrating their legal authority: Tennessee Code Annotated 68–201–105. On the basis of these codes of the State of Tennessee, the State Plan is approved as being at least as protective as the Federal requirements for existing MSW landfills.

In the plan and appendix B, the Tennessee DEC cites the enforceable mechanism for implementing the EG for existing MSW landfills. The enforceable mechanisms are the state regulations adopted by the State of Tennessee in Tennessee Air Pollution Control Regulations, Paragraphs 1200–3–7–.07(7), (8), and (9). The State's regulations meet the Federal requirements for an enforceable mechanism and are approved as being at least as protective as the Federal requirements contained in subpart Cc for existing MSW landfills.

In the plan and appendix B, the Tennessee DEC cites all emission limitations for the major pollutant categories related to the designated sites and facilities. These limitations in Paragraph 1200–3–7–.07(7) are approved as being at least as protective as the Federal requirements contained in subpart Cc for existing MSW landfills.

The plan describes the process the Tennessee DEC will utilize for the review of site-specific design plans for gas collection and control systems. The process outlined in the Plan meets the Federal requirements contained in subpart Cc for existing MSW landfills.

In the plan, the Tennessee DEC cites the compliance schedules adopted in Paragraph 1200–3–7–.07(7)(c) for each existing MSW landfill to be in compliance within 30 months of the effective date of their State regulation (effective on December 28, 1998). These compliance times for affected MSW landfills address the required compliance time lines of the EG. This portion of the Plan has been reviewed and approved as being at least as protective as Federal requirements for existing MSW landfills.

In appendix E of the plan, the Tennessee DEC submitted a source and emission inventory of all designated pollutants for each MSW landfill in the State of Tennessee. This portion of the plan has been reviewed and approved as meeting the Federal requirements for existing MSW landfills.

The plan includes Tennessee's legal authority to require owners and operators of designated facilities to maintain records and report to their Agency the nature and amount of emissions and any other information that may be necessary to enable their Agency to judge the compliance status of the facilities. The Tennessee DEC also cites its legal authority to provide for periodic inspection and testing and provisions for making reports of MSW landfill emissions data, correlated with emission standards that apply, available to the general public. Tennessee Code 68-201–105, Paragraph 1200–3–7–.07(7), and Paragraph 1200–3–9–.02(11) support the requirements of monitoring, recordkeeping, reporting, and compliance assurance. These Tennessee regulations (appendices A, B, and C) have been reviewed and approved as being at least as protective as Federal

requirements for existing MSW landfills.

The Plan outlines how the Tennessee DEC will provide progress reports of Plan implementation updates to the EPA on an annual basis. These progress reports will include the required items pursuant to 40 CFR part 60, subpart B. This portion of the Plan has been reviewed and approved as meeting the Federal requirement for Plan reporting.

Consequently, EPA finds that the Tennessee State Plan meets all of the requirements applicable to such plans in 40 CFR part 60, subparts B and C. The Tennessee DEC did not, however, submit evidence of authority to regulate existing MSW landfills in Indian Country. Therefore, EPA is not approving this Plan as it relates to those sources.

III. Final Action

EPA is approving the State of Tennessee section 111(d) Plan, as submitted on January 8, 1999, for the control of landfill gas from existing MSW landfills, except for those existing MSW landfills located in Indian Country. As provided by 40 CFR 60.28(c), any revisions to the Tennessee State Plan or associated regulations will not be considered part of the applicable plan until submitted by the Tennessee DEC in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective November 29, 1999 without further notice unless the Agency receives relevant adverse comments by November 1, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Only parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 29, 1999 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) Concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base

its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 29, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Methane, Municipal solid waste landfills, Nonmethane organic compounds, Reporting and recordkeeping requirements.

Dated: July 28, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 62 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–76719.

Subpart RR—Tennessee

2. § 62.10626 is amended by adding paragraph (b)(3) to read as follows:

§ 62.10626 Identification of plan.

* * * * *

(b) * * *

(3) State of Tennessee Plan for Implementing the Municipal Solid Waste Landfill Emission Guideline Requirements of 40 CFR part 60, subpart Cc, submitted on January 8, 1999, by the Tennessee Department of Environment and Conservation.

[FR Doc. 99–25431 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6447–7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion for the Anchor Chemicals Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region 2 announces the deletion of the Anchor Chemicals Superfund Site, located at 500 West John Street, Hicksville, New York, from the National Priorities List (NPL). The NPL is a list of releases which are identified as Appendix B of 40 CFR Part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA promulgated the NCP pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended , (CERCLA). EPA and the State of New York have determined that all appropriate responses under CERCLA have been implemented. Moreover, EPA and NYSDEC have determined that the response activities, which have been conducted at the Site by the responsible parties, are protective of public health and the environment.

EFFECTIVE DATE: September 30, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Taccone, Remedial Project Manager, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th Floor, New York, New York 10007–1866. Mr. Taccone also may be reached by telephone at (212) 637–4281 or by electronic mail at "Taccone.Tom@epamail.epa.gov."

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is: Anchor Chemicals Site, Hicksville, New York.

A Notice of Intent to Delete for this Site was published in the **Federal Register** on August 12, 1999 (64 FR 43970). The closing date for comments on the Notice of Intent to Delete was September 13, 1999. EPA received no comments and therefore has not prepared a Responsiveness Summary.

EPA, through its listing of sites on the NPL, identifies sites that appear to present a significant risk to public health, welfare or the environment. Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund financed action(s) in the unlikely event that conditions at the site warrant such future action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 16, 1999.

William J. Muszynski,

Acting Regional Administrator, Region 2.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9675; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site for Anchor Chemicals, Hicksville, New York.

[FR Doc. 99–25435 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6447–6]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion for the Vestal Water Supply Well 4–2 Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Vestal Water Supply Well 4–2 (Vestal 4–2) Site in Vestal, Broome County, New York from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New York have determined that the Vestal 4–2 Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: September 30, 1999.

FOR FURTHER INFORMATION CONTACT: Lorenzo Thantu, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, NY 10007, (212) 637–4240 or by electronic mail at *thantu.lorenzo@epamail.epa.gov.*

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is: Vestal Water Supply Well 4–2, Vestal, Broome County, New York.

A Notice of Intent to Delete for this Site was published in the **Federal Register** on August 11, 1999 (64 FR 43641). The closing date for comments on the Notice of Intent to Delete was September 10, 1999. EPA received no comments.

EPA identifies sites that appear to present a significant risk to public health, welfare or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust (Fund)-financed remedial actions. Pursuant to 40 CFR 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event conditions at the Site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 16, 1999.

William J. Muszynski,

Acting Regional Administrator, Region 2.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site for Vestal Water Supply Well 4–2, Vestal, New York.

[FR Doc. 99–25434 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6447–9]

National Oil and Hazardous Substances Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Deletion of the releases from the Taylor Borough Site (the Site) from the National Priorities List (NPL).

SUMMARY: The EPA Region III announces the deletion of the releases from the Taylor Borough Site in Taylor, Pennsylvania from the NPL. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that all appropriate CERCLA response actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and PADEP have determined that remedial activities conducted at the Site to date have been protective of public health, welfare and the environment.

EFFECTIVE DATE: September 30, 1999.

ADDRESSES: Comprehensive information on this release is available for viewing at the Site information repositories at the following locations:

U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103, 215–814–3199

Taylor Borough Municipal Building, 122 Union Street, Taylor, PA 18517.

FOR FURTHER INFORMATION CONTACT: Maria de los A. Garcia (3HS21), Remedial Project Manager, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103, 215–814–3199.

SUPPLEMENTARY INFORMATION: The release to be deleted from the NPL is: Taylor Borough Site located in Taylor, Lackawanna County, Pennsylvania.

A Notice of Intent to Delete the releases from this Site was published on August 19, 1999 (64 FR 45224). The closing date for comments on the Notice of Intent to Delete the releases was August 18, 1999. EPA received two letters from citizens in regard to the notice during the comment period. One of the letters only requested that the

releases from the Site not be deleted from the NPL, however, no other information was included with this request. The other letter requested information about what happens once the releases from the Site are deleted from the NPL and expressed concerns about the effects of the Site on the health of people who live in the vicinity of the Site. A response letter was sent to each of these citizens and a responsiveness summary was prepared in regard to these two letters. A copy of the responsiveness summary is in the Site administrative record.

The EPA identifies releases which appear to present a significant risk to public health, welfare or the environment, and it maintains the NPL as the list of those sites. Releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(e) of the NCP, any release deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the Site warrant such action.

Deletion of a release from the NPL does not affect responsible party liability or impede agency efforts to recover cost associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 22, 1999.

W. Michael McCabe,

Regional Administrator, USEPA Region III.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321 (c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the site: Taylor Borough Dump, Taylor Borough, Pennsylvania.

[FR Doc. 99–25433 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA–4121–FC]

RIN 0938–AG48

Medicare Program; Telephone Requests for Review of Part B Initial Claim Determinations

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: Currently, our regulations allow beneficiaries, providers, and suppliers (defined as physicians or other practitioners, or entities other than a provider), who are entitled to appeal Medicare Part B initial claim determinations, to request a review of the carrier's initial determination in writing. This final rule allows those review requests to be made by telephone and allows the carrier to conduct the review by telephone, if possible. The use of telephone requests supplements, and does not replace, the current written procedures for initiating appeals. This telephone option also improves carrier relationships with the beneficiary, provider, and supplier communities by providing quick and easy access to the appeals process. Carriers will make accommodations to enable a hearing impaired individual access to the telephone review process.

EFFECTIVE DATE: These regulations are effective on February 1, 2000.

Comment date: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on November 29, 1999.

ADDRESSES: Mail an original and 3 copies of written comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–4121–FC, P.O. Box 9013, Baltimore, MD 21244–9013.

FOR FURTHER INFORMATION CONTACT: Rosalind Little, (410) 786–6972.

SUPPLEMENTARY INFORMATION:

I. Background

Under current Medicare regulations at 42 CFR Part 405, Subpart H, a party (a person enrolled under Part B of Medicare, his or her assignee, or other entity having standing to appeal the determination in question), that indicates dissatisfaction with a Part B initial claim determination by a carrier, is entitled to have a carrier review conducted in accordance with regulations set forth in § 405.807 (Review of initial determination) and section 12010 of the Medicare Carriers Manual (MCM). However, if the appellant is not a proper party or the request for appeal review is not filed timely, the appellant's request may be dismissed.

Currently, a request for the carrier review of an initial claim determination is to be made in writing and filed with us, at an office of the carrier, or at an office of the Social Security Administration (SSA). The carrier must provide a period of 6 months after the date of the notice of its initial determination within which a party may request review. The carrier may, upon request by the party affected, extend the period for requesting the review.

On July 10, 1995, we published a proposed rule in the **Federal Register** (60 FR 35544) that would change the Medicare regulations to allow a party to request the carrier review of its Part B initial claim determination by telephone or by electronic transmission, in addition to the current provisions for a written request.

II. Provisions of the Proposed Rulemaking

In the proposed rule, we stated that the reason for allowing parties to request the review of a carrier's initial claim determination by telephone or electronic transmission, in addition to submitting written requests, was that we recognized that both physicians and beneficiaries often call the carrier to dispute a determination, to ask for clarification, or to protest a denial. We also recognized that the current review process requiring a party to submit a written request for a review can take considerable time and effort. This is because at times it can be difficult to properly explain a problem or ask a question in writing. In addition, a written request provides no opportunity for the dialogue that allows parties to discuss the issues and provide detailed explanations.

The proposed rule stated that telephone or electronic requests for review of Health Maintenance Organizations (HMOs) and Peer Review Organizations (PROs) Part B initial determinations must be made in writing. This rule does not apply to HMO and PRO appeal determinations. A party can initiate an appeal of a determination by an HMO under 42 CFR 417.616 and a determination by a PRO under 42 CFR 473.18(a).

The July 10, 1995 rule proposed to limit electronic requests for review to those entities that electronically bill

their claims to a carrier system that has the capability to receive claims electronically and, therefore, would also be able to receive electronic requests for review.

We also proposed to change the current appeal period of 6 months to 180 days and to further provide a 150-day appeal period for telephone requests for review within that 180-day period. We made this proposal to allow an additional 30 days for the appellant to submit a written request for review in the event they were unable to reach the carrier by telephone.

The proposed rule also gave an overview of how we expected the telephone and electronic process to work.

III. Analysis of and Responses to Public Comments

In response to the July 10, 1995 proposed rule, we received 14 timely items of correspondence. The majority of the commenters supported our efforts to improve and expedite the review and appeals process. Six of the 14 comments received concerned, in part, the electronic request aspects of the proposed regulation. Since issuing the proposed rule, we have determined that technical circumstances beyond our control will not permit us to offer the option of electronically requesting reviews of initial claims determinations, and we are, therefore, withdrawing that provision of the proposed rule. In the future, however, we may consider offering providers, physicians, and suppliers the option of requesting a review of their intitial determnation electronically. In order to offer this option we would need to obtain an approved appeals data set from the ANSI X12 Committee which then would need to be adopted by the DHHS as a HIPAA data sandard. We are soliciting comments on the feasibility and benefit of providing this option. We would also like to know any cost you believe you would incur to use this option.

We are not responding in detail to specific comments relating to the electronic requests. However, we provide the following overview of those comments and our general response. Two commenters specifically supported our desire to offer this option. One commenter suggested that we should wait until the Medicare Transaction System comes online before making this option available. As noted, we are not offering this option due to technical circumstances beyond our control. There were three technical comments. One comment concerned the cost of processing electronic requests. The second comment concerned protecting the privacy of the beneficiary. The third comment concerned the complexity of handling non-assigned claims electronically.

With respect to the first comment, since we proposed to offer that option only to those providers that bill electronically and only where the carriers could receive and process claims electronically, there would have been no additional costs to the supplier, provider, or carrier. With respect to the second comment, we would protect the privacy of the beneficiary by maintaining the requirement to have either a letter signed by the beneficiary naming a representative, or an Appointment of Representative form signed by the beneficiary to be received by the carrier before any information could be released to someone other than that beneficiary. Finally, the same document used to verify assignment would have been required to be delivered to the carrier by courier, by mail, or by facsimile before any non-assigned claim would have been processed and before any Medicare payment would have been released.

The following is a summary of those comments received pertaining to telephone requests for reviews of initial claims determinations and our response.

Comment: One commenter questioned whether the rule included the Part B review process for Part A intermediaries.

Response: Yes, it does. For the purposes of 42 CFR part 405, Subpart H, the term "carrier" also refers to an "intermediary" that has entered into a contract with the Secretary under section 1816 of the Social Security Act (the Act) and is authorized to make determinations with respect to Part B provider or supplier services.

Comment: One commenter stated that currently HCFA determines the timeliness of filing a request for a Part B review by the postmark on the envelope of the written request and asked if timeliness of filing requests by telephone would be determined by a telephone log.

Response: Carriers may record requests for reviews received by telephone either in a manual log or in a computer database. The record will show the date of the incoming request and other pertinent information. The log date will be used to record whether the request was received within the 6-month period, and will show how long it took the carrier to complete the appeal.

Comment: One commenter recommended that the percentage of calls monitored be set at the carrier's discretion instead of the 10 to 15 percent level indicated in the proposed MCM instructions addressing this final rule that have been circulated to carriers.

Response: Issues dealing with how carriers will monitor telephone calls and what percentage of calls will be monitored each month will be included in forthcoming MCM instructions. When we issue the MCM instructions for the telephone review process, they will state the percentage of calls that must be monitored each month.

Comment: One commenter asked if we could outline what is considered a reasonable timeframe for the processing of an appeal.

Response: In many cases, telephone reviews will be handled at the time of the call. Some carriers do not have dedicated lines for telephone reviews. In these cases, when the parties call in, someone will take the information from the caller, then pass that information to the section that will return the call. When possible, the review will be performed at that time. When the telephone reviews are not handled during the initial call, we expect the return call to be processed within approximately 1 to 2 business days from the time of the initial call.

Comment: Several commenters asked if specific contractor performance evaluation (CPE) standards will be issued.

Response: We expect to establish CPE standards for telephone reviews. These standards will be included in the MCM instructions that will be issued at a later date.

Comment: One commenter asked how we will preserve confidentiality. Another asked, more specifically, how we will prevent someone who does not represent the provider from requesting a review.

Response: Carriers will be required to train their telephone reviewers to meet the requirements of the Privacy Act. For calls from individuals who purport to be the beneficiary involved or someone representing the beneficiary, each caller will be asked to verify his or her identity and, if necessary, his or her relationship to the beneficiary. An Appointment of Representative form or a signed letter from the beneficiary will be required when a caller purports to represent the beneficiary. For calls from practitioners or other suppliers regarding assigned claims, the carrier will verify the tax identification number, name, and telephone number. The carrier will give information only pertaining to the assigned claims of those practitioners or suppliers. On nonassigned claims, the only information the carrier will provide to

the physician or other supplier is the date the claim was processed, unless the physician or supplier can provide the carrier with a facsimile of a signed copy of the Appointment of Representative form or a copy of a letter signed by the beneficiary. Regarding the issue of preventing someone who does not represent the provider from making a request for review, other individuals may request a review on behalf of an appellant. The results of that review, however, will only be given to the party enrolled under Part B, their assignee, other entities having a standing to appeal the determination in question, or any individual appointed as his or her representative (unless the individual is disqualified or suspended from acting as a representative).

Comment: One commenter asked if the Appointment of Representative and Waiver of Right of Payment forms will be eliminated.

Response: We do not anticipate that the Appointment of Representative and Waiver of Right of Payment forms will be eliminated.

Comment: One commenter asked whether all providers and suppliers have the option of using telephone review procedures, or only those providers and suppliers who accept Medicare assignment.

Response: Normally, telephone reviews will be available only to providers and suppliers who accept assignment. That is, telephone reviews are limited to providers and suppliers on assigned claims, unless the beneficiary gives a nonparticipating supplier the right to represent him or her and the nonparticipating supplier provides the carrier with a signed copy of the Appointment of Representative form or a signed letter from the beneficiary designating the nonparticipating supplier to pursue the claim on behalf of the beneficiary. In those instances in which a nonparticipating supplier is required to refund any collected amount to the beneficiary in accordance with section 1842(l)(1)(A) of the Act, that supplier would have its own appeal rights. Otherwise, carriers may take information from nonparticipating suppliers, but cannot give any information concerning the result of the review to that caller.

Comment: One commenter asked whether the rule will require that the party who answers the telephone for the carrier be the primary receiver of calls and if that party will be required to give his or her name, if asked.

Response: Some carriers do not have dedicated lines for telephone reviews. In those instances, the party who answers the telephone call may only be obtaining certain information from the appellant (for example, completing a form) and then will forward the form to the party who will evaluate whether the request can be handled as a telephone review. If so, the reviewer will telephone the appellant and perform the review. We will also instruct the carriers to train their personnel to give their names to the callers, if asked. In addition, we will instruct the carriers that if the caller is requesting a telephone review, and the carrier verifies that the request is a request for a review, a confirmation number must be provided to the appellant at the end of the telephone call. Furthermore, we will instruct the carriers that their systems must record the date the appellant called as the date of the request for a review. Having the system annotate the date of the request and providing the appellant with a confirmation number will protect the appellant's appeal rights.

Comment: One commenter recommended that beneficiary eligibility and/or entitlement not be considered appropriate for telephone reviews. The commenter was also concerned that allowing beneficiaries access to the telephone review process will not be cost-effective since in most cases the beneficiary will not have the information needed for the review to be performed at the time of the review request.

Response: SSA handles all eligibility and/or entitlement issues. The only entitlement issue that a Medicare carrier could handle during a telephone review would be to advise the appellant that, as of a given date, the records show that he or she does not have entitlement. The forthcoming MCM instructions will list those issues we expect all carriers to be able to resolve during a telephone review. We believe that offering telephone reviews to beneficiaries will enhance customer service to the beneficiary community. Even if the review cannot be performed at the time that the telephone request is made, it is an opportunity for the carrier to explain to the beneficiary how the original claim was processed. Furthermore, we believe that with the information available to the carrier in its computer database, it will be able to effectively process many of the beneficiary requests for review.

Comment: Several commenters asked if the MCM instructions will impose a limit on the number of claims and reviews providers and suppliers could request for review by telephone.

Response: Carriers will be allowed to determine how many claims per review they can handle during each call. We anticipate that the carriers will evaluate their workloads and staffing to determine the number of claims their staff can handle. This self-imposed limit should restrict the time involved for each call and, as a result, give more appellants an opportunity to use the telephone review process.

Comment: One commenter asked if carriers should be required to have sufficient capacity to receive a reasonable volume of telephone review requests.

Response: As stated earlier, we will allow the carriers to determine the number of claims that they are able to handle on each call they receive so that the self-imposed limit will allow everyone to request a review by telephone. We, therefore, expect carriers to have sufficient staff to receive telephone requests for review. However, if we determine that there is a need for additional resources, some adjustments will be made. In addition, all parties will be informed about the telephone review process in advance to enable them to make effective use of this option.

Comment: One commenter questioned whether we intend for the carrier representative who receives a telephone request for an appeal to merely register the request, with the review itself occurring at a later date, or to actually conduct the review at the time of the call.

Response: As stated earlier, we expect many carriers will perform the review at the time of the initial call. There may be some carriers that do not have dedicated lines for telephone reviews. In those cases, parties will be informed in advance as to how that carrier will perform the telephone review.

Comment: One commenter asked that the secondary claim review (the commenter is referring to the first level of the appeal process) be performed by someone other than the party who made the initial determination.

Response: The original claim receives an initial determination. The initial determination is the first determination made by a carrier or intermediary following a request for Medicare payment for Part B claims under title XVIII of the Act. The notice of the initial determination informs each party of the determination and provides appropriate appeals information to the parties having standing to appeal. The first level of the Part B appeal is an independent review of the claim that is performed by someone other than the party who made the initial determination in accordance with current MCM instructions.

Comment: One commenter asked if we could modify existing Medicare regulations to require that the review be conducted by a "qualified physician."

Response: Reviews are conducted by contractor personnel who have expertise in resolving claims disputes. A physician may be consulted in an individual case. However, carriers do not normally employ physicians to conduct reviews because it is not cost-effective.

Comment: One commenter asked if we will establish a mechanism to guarantee that appellants initiating a telephone request for review are able to reach the carrier.

Response: This rule will require all carriers to implement a process by which they can receive telephone requests for review. We will require all carriers to ensure that they have sufficient staff to accommodate the number of calls they receive. If at any time it is determined that this is not the case, we expect the carrier to re-evaluate its process and take the necessary action to correct the deficiency.

Comment: One commenter expressed concern that if appellants are not limited by the number of appeals they can request per call, additional resources (such as a 24-hour appeals hotline) or additional staff should be provided.

Response: The forthcoming MCM telephone review instructions will give the carriers some instructions to guide them in determining how many claims can be appealed per call. The carrier will have to give some consideration to whether the actual appeal will take place during the initial call or whether the initial call will only be used to gather information and the appeal will be handled at a later time. Another issue that the carriers will have to consider is whether to set a limit on the number of appeals allowed per call or a time limit per call. We will not instruct the carriers to set a time limit, as this might be construed as limiting the party's right to a full review of his or her concerns. The carriers will inform the party in advance what the requirements or limitations are for requesting a review via telephone, as well as any limitations in those instances where the review is performed during the initial call. The carriers will inform the beneficiaries, providers, and suppliers via newsletters, stuffers, seminars, customer service representatives, beneficiary and physician advocacy groups, and others how the telephone process will work.

Comment: Several commenters asked about the specific documentation requirements.

Response: The information the carrier receives during the telephone review must be either: (1) documented on a review documentation form, or (2) logged and maintained on a computer system so that the information about the claim and request for review can be retrieved on an on-line basis. All documentation must be assigned a review control number (this can also be the confirmation number given to the appellant at the end of the review). The confirmation number that the carriers are required to provide an appellant can be their internal control number, correspondence number, or document control number. The carrier must be able to use the number to confirm the date of the appellant's call. Other documentation requirements will be established in the forthcoming MCM instructions.

Comment: One commenter stated that the rule does not indicate that reopening of initial claim determinations, as permitted under § 405.841, can be done by telephone appeals.

Response: This rule does not permit parties to request reopenings by telephone.

Comment: One commenter was concerned that, because carriers could be overwhelmed with requests for review sent in by facsimile, the option of submitting requests for review by facsimile should not be advertised.

Response: This rule does not permit parties to request reviews by facsimile. However, carriers may use facsimile machines to obtain additional documentation from an appellant or the appellant's representative. For example, carriers may use facsimile machines to obtain a copy of the Appointment of Representative form or other documentation.

Comment: One commenter asked whether, if the reviewer determines that additional written information is needed to complete the review, carriers have the option to suspend the review until that information is received.

Response: In those cases in which the provider or supplier needs to submit additional medical documentation and the information can be supplied (for example, by facsimile) during the telephone review, or within 24 hours of the telephone call, the carrier may suspend the telephone review. The carrier must inform the appellant that the telephone review will not be considered complete until the appellant provides the requested additional information. If the appellant is unable to provide the additional information during the telephone review, or within 24 hours of the telephone call, the carrier has the option to suspend the telephone review. If the information is not provided within the allowed time the carrier will conduct a written review or allow the appellant to call the carrier back when the additional information becomes available. In either situation, the carrier must provide the appellant with a confirmation number. If the appellant is a beneficiary who does not have the additional information on hand or does not have easy access to a facsimile machine, the carrier must advise the appellant that the request for review will be handled as a written review. In this instance also, the carrier must provide the appellant with a confirmation number.

Comment: Several commenters expressed concern about the feasibility and fairness of the 150-day limit for making requests for telephone reviews.

Response: In the proposed rule, we suggested establishing a 150-day timeframe after the date of the notice of the carrier's initial determination within which a party may request a telephone review, and a 180-day period for requesting reviews in writing, rather than the 6-month period currently allowed. The proposal was an attempt to give appellants, who we thought may be unsuccessful in their efforts to reach the carrier by telephone, an additional opportunity to initiate a request in writing before the time to appeal expired. We now believe that the proposed 150-day timeframe for requesting telephone reviews is confusing and that two different timeframes would not be cost-effective. Furthermore, based on a survey of our carriers regarding the timeframe within which they have been able to receive requests for review by telephone after they send out initial determinations, we believe that parties will not have difficulty reaching the carrier by telephone. Therefore, we will retain the currently-specified 6-month timeframe to request reviews of initial claims, regardless of the method used to make the request. We will instruct our carriers to advise parties, through their bulletins, workshops, and seminars to not wait until the last day of the 6-month period to request a review by telephone.

Comment: Several commenters were concerned that including details of the telephone review process on the Explanation of Medicare Benefits/Medicare Summary Notice (EOMB/MSN) and Remittance Advice forms will be confusing for the beneficiaries.

Response: Details about the telephone review process will not be provided on the EOMB/MSN or Remittance Advice forms; that information will be provided by other means, such as in newsletters,

seminars, and envelope stuffers. However, there will be a general statement on the EOMB/MSN form that informs the appellant that he or she can telephone the carrier to request a review.

Comment: One commenter was concerned that the requirement to advise the appellant of further appeal rights was redundant.

Response: We disagree. At the end of the review, the appellant should be given information about how to proceed in the event that he or she is still dissatisfied.

Comment: One commenter recommended that, if the telephone review is an affirmation, the review determination letter should be sent (following the telephone review) only when requested by the appellant.

Response: Whenever a review occurs, our current regulation at 42 CFR 405.811 requires the carrier to send a written notice of the review determination to a party that states the basis of the determination and advises the party of his or her appeal rights to a carrier hearing when the amount in controversy is $100 or more.

Comment: One commenter recommended that to ensure adequate notice of these new procedures, the notice sent with the carrier's initial determination should (in addition to those items noted in the proposed rule) clearly state that: (1) electronic transmissions may be submitted only by those who submit their claims electronically; (2) electronic transmission does not include facsimile transmissions; (3) if a request is made to an SSA or HCFA office (rather than to a carrier), the request must still be made in writing; (4) the carrier will resolve as many issues as possible during the telephone request, but parties have the opportunity to submit supporting documents; and (5) parties may request, and be granted, an extension of time for filing a review request if good cause is established by the carrier.

Response: As stated earlier, we are withdrawing the option of requesting reviews of initial claims determinations electronically (comment numbers (1) and (2)). With respect to comment (3), carriers will be required to describe the telephone review process to all beneficiaries, providers, and suppliers at least 30 days before implementation. We do not believe that it is necessary or cost-effective to describe in detail the telephone review procedures every time the carrier issues an initial determination. There are a number of ways the carrier can inform parties about the telephone review process, such as through bulletins, newsletters, beneficiary, provider, and supplier outreach seminars and meetings, or through contractor customer service and inquiry departments. The opportunity to submit supporting documentation (comment (4)) and the request for an extension of time for filing a review request (comment (5)) are covered by existing regulations. If circumstances warrant, parties will be advised of their opportunity to submit supporting documentation and be granted an extension of time.

Comment: Several commenters were concerned that requiring carriers to send a written response when they have reviewed a request and decided to pay a claim in full is an additional requirement.

Response: As stated earlier, whenever a review occurs, our current regulations at 42 CFR 405.811 require that a notice of review determination be sent to a party that states the basis for the determination and advises the party of his or her right to a carrier hearing when the amount in controversy is $100 or more. If the decision results in full payment, the EOMB/MSN or Remittance Advice notice is no longer sufficient unless it contains the basis of the determination and advises the party of his or her right to a carrier hearing.

Comment: One commenter asked if telephone inquiries would be screened to determine whether the party is requesting a review or is just requesting an explanation of the initial determination.

Response: The carriers will be required to train their customer service representatives and telephone reviewers to ask specific questions to determine whether the caller is only requesting an explanation of the initial determination or is requesting a review.

Comment: One commenter was concerned that, since payments as the result of a telephone review are not subject to the payment floor, the provider or supplier will be successful in receiving payment for these claims in less time than if they initially filed a correct claim.

Response: All payments are subject to the payment floor (the required waiting period that must occur before payment can be made) and cannot be paid before that time expires. This is true for initial claims, as well as for adjustments made as a result of a review. The waiting period for an electronic claim is 14 days after the claim is received, and the waiting period for a paper claim is 27 days after the claim is received. Therefore, a provider or supplier should not receive payment sooner, as the result of a telephone review, than he or she would have received payment for the initial claim; that is, either 14 days for an electronic claim or 27 days for a paper claim.

Comment: One commenter asked if our intent is to offer telephone reviews and electronic reviews as an option, or if our intent is to require telephone reviews and offer electronic reviews as an option.

Response: When this rule becomes effective, beneficiaries, providers, and suppliers will have the option of requesting a review by telephone or in writing. As stated earlier, we are withdrawing the option of requesting reviews of initial claims determinations electronically.

IV. Provisions of the Final Regulations

For the most part, this final rule reflects the provisions of the July 1995 proposed rule, except that we are withdrawing our proposals to allow a party to request a review of a carrier's Part B initial claim determination by electronic transmission and we are withdrawing the proposed 150-day time period for a party to request a telephone review.

In addition to establishing the provisions of the proposed rule, except as noted above, this final rule: (1) continues the 6-month time period currently in regulations for requesting a review of a carrier's initial claim determination; (2) revises § 405.805 of the regulations to make a technical correction by removing the reference to subparagraph "(b)" after § 405.802; and (3) revises § 405.807 of the regulations for consistency with the wording in § 405.821(a).

V. Regulatory Impact Statement

We have examined the impacts of this final rule as required by Executive Order 12866 and the Regulatory Flexibility Act (RFA) (Public Law 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). The RFA requires agencies to analyze options for regulatory relief for small businesses. For purposes of the RFA, carriers and beneficiaries are not considered to be small entities. For purposes of the RFA, most hospitals, and most other providers, physicians, and other health care suppliers are small entities, either by nonprofit status or by having revenues of $5 million or less annually.

Under this final rule, beneficiaries, providers, and suppliers may request a

review of an initial claim determination by telephone in addition to the current writing procedure. A telephone review is the first level of appeal for Part B claims and is performed by carrier staff who had no part in making the initial claim determination in accordance with current MCM instructions. A telephone review is considered to be less costly to all parties and is a more expeditious way of handling appeals than a written review.

Also, section 1102(b)(2) of the Act requires us to prepare a regulatory impact analysis for any final rule that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside a Metropolitan Statistical Area and has fewer than 50 beds.

We are not preparing analyses for either the RFA or section 1102(b)(2) of the Act because we have determined and certify that this final rule will not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of Executive Order 12866, this final rule was reviewed by the Office of Management and Budget.

We have reviewed this notice under the threshold criteria of Executive Order 12612, Federalism. We have determined that it does not significantly affect the States rights, roles, and responsibilities.

List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

For the reasons set forth in the preamble, 42 CFR chapter IV is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart H—Appeals Under the Medicare Part B Program

1. The authority citation for part 405, subpart H is revised to read as follows:

Authority: Secs. 1102, 1842(b)(3)(C), 1869(b), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395u(b)(3)(C), 1395ff(b), and 1395hh).

2. Section 405.805 is revised to read as follows:

§ 405.805 Parties to the initial determination.

The parties to the initial determination (see § 405.803) may be any party described in § 405.802.

3. Section 405.807 is revised to read as follows:

§ 405.807 Request for review of initial determination.

(a) *General.* A party to an initial determination by a carrier, that is dissatisfied with the initial determination and wants to appeal the matter, may request that the carrier review the determination. The request for review by the party to an initial determination must clearly indicate that he or she is dissatisfied with the initial determination and wants to appeal the matter. The request for review does not constitute a waiver of the party's right to a hearing (under § 405.815) after the review.

(b) *Place and method of filing a request.* A request by a party for a carrier to review the initial determination may be made in one of the following ways:

(1) In writing and filed at an office of the carrier, SSA, or HCFA.

(2) By telephone to the telephone number designated by the carrier as the appropriate number for the receipt of requests for review.

(c) *Time of filing request.* (1) The carrier must provide a period of 6 months after the date of the notice of the initial determination within which the party to the initial determination may request a review.

(2) The carrier may, upon request by the party, extend the period for requesting the review of the initial determination.

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 6, 1998.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Dated: February 22, 1999.

Donna E. Shalala,

Secretary.

Editorial Note: This document was received at the Office of the Federal Register September 27, 1999.

[FR Doc. 99–25477 Filed 9–29–99; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF DEFENSE

48 CFR Part 204

[DFARS Case 99–D011/98–D017]

Defense Federal Acquisition Regulation Supplement; Fiscal Year 2000 Contract Action Reporting Requirements; Correction

AGENCY: Department of Defense, (DoD).

ACTION: Correction to the final rule.

SUMMARY: DoD is issuing a correction to the final rule published at 64 FR 45197–45207 on August 19, 1999. The correction reflects the change in name of the "Defense Fuel Supply Center" to the "Defense Energy Support Center".

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, (703) 602–0311.

Correction

In the issue of Thursday, August 19, 1999, on page 45198, in the first column, in 204.670–2(c)(7)(ii), in the first line, remove the words "Fuel Supply" and add in their place the words "Energy Support".

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 99–25165 Filed 9–29–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 205, 206, 217, 219, 225, 226, 236, 252, and 253

[DFARS Case 98–D007]

Defense Federal Acquisition Regulation Supplement; Reform of Affirmative Action in Federal Procurement

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is adopting as final, with changes, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) policy concerning programs for small disadvantaged business (SDB) concerns. The amendments conform to a Department of Justice (DoJ) proposal to reform affirmative action in Federal procurement, and are consistent with the changes made to the Federal Acquisition Regulation (FAR) in Federal Acquisition Circulars (FACs) 97–06 and 97–13. DoJ's proposal is designed to ensure compliance with the constitutional standards established by the Supreme Court in *Adarand*

Constructors, Inc. v. *Pena*, 115 S. Ct. 2097 (1995).

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; telefax (703) 602–0350. Please cite DFARS Case 98–D007.

SUPPLEMENTARY INFORMATION:

A. Background

This rule finalizes, with changes, the interim rule published at 63 FR 41972 on August 6, 1998. The interim rule was issued to conform the DFARS to the interim FAR rule published in FAC 97–06, at 63 FR 35719 on June 30, 1998, pertaining to reform of affirmative action in Federal procurement. A final FAR rule on this subject was published in FAC 97–13, at 64 FR 36222 on July 2, 1999, and will become effective on October 1, 1999.

Two sources submitted comments on the interim DFARS rule published on August 6, 1998. All comments were considered in the development of the final rule. The final rule differs from the interim rule in that it (1) amends DFARS 226.7008(b) to remove language requiring use of the provision at FAR 52.226–2 when the clause at FAR 52.219–23 is used, since FAC 97–13 added this requirement to the FAR; and (2) removes the provision at 252.226–7001, since this provision duplicates the provision at FAR 52.226–2.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most of the changes merely conform the DFARS to the FAR rules in FACs 97–06 and 97–13. Two source selection considerations for SDB concerns currently in the DFARS, but not in the FAR, are amended by this rule to conform to the DoJ model: Leader company contracting (DFARS 217.401); and architect-engineer (A–E) services (DFARS 236.602). These two changes are not expected to have a significant economic impact on a substantial number of small entities, since (1) leader company contracting is infrequently used by DoD; and (2) the primary factor in A–E selection is the determination of the most highly qualified firm; the SDB consideration is one of several secondary source selection factors.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 205, 206, 217, 219, 225, 226, 236, 252, and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final With Changes

Accordingly, the interim rule amending 48 CFR parts 205, 206, 217, 219, 225, 226, 236, 252, and 253, which was published at 63 FR 41972 on August 6, 1998, and amended at 63 FR 64427 on November 20, 1998, is adopted as a final rule with the following changes:

1. The authority citation for 48 CFR parts 205, 206, 217, 219, 225, 226, 236, 252, and 253 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 226—OTHER SOCIOECONOMIC PROGRAMS

2. Section 226.7008 is amended by revising paragraph (b) to read as follows:

226.7008 Solicitation provision and contract clause.

* * * * * * *

(b) Use the provision at FAR 52.226–2, Historically Black College or University and Minority Institution Representation, in solicitations set aside for HBCU/MIs.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.226–7001 [Removed]

3. Section 252.226–7001 is removed.

[FR Doc. 99–25162 Filed 9–29–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 215, 217, 219, 226, 236, 252, and Appendix I to Chapter 2

[DFARS Case 98–D021]

Defense Federal Acquisition Regulation Supplement; Reform of Affirmative Action in Federal Procurement, Part II

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is adopting as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) policy concerning programs for small disadvantaged business (SDB) concerns. The amendments conform to a Department of Justice (DoJ) proposal to reform affirmative action in Federal procurement, and are consistent with the changes made to the Federal Acquisition Regulation (FAR) in Federal Acquisition Circulars (FACs) 97–07 and 97–13. DoJ's proposal is designed to ensure compliance with the constitutional standards established by the Supreme Court in *Adarand Constructors, Inc.* v. *Pena*, 115 S. Ct. 2097 (1995).

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; telefax (703) 602–0350. Please cite DFARS Case 98–D021.

SUPPLEMENTARY INFORMATION:

A. Background

This rule finalizes, without change, the interim rule published at 63 FR 64427 on November 20, 1998. The interim rule was issued to conform the DFARS to the interim FAR rule published in FAC 97–07, at 63 FR 36120 on July 1, 1998, pertaining to reform of affirmative action in Federal procurement. A final FAR rule on this subject was published in FAC 97–13, at 64 FR 36222 on July 2, 1999, and will become effective on October 1, 1999.

No comments were received in response to the interim DFARS rule published on November 20, 1998.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact

on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most of the changes merely conform the DFARS to the FAR rule in FAC 97–07. Two source selection considerations for SDB concerns currently in the DFARS, but not in the FAR, are amended by this rule to conform to the DoJ model: Leader company contracting (DFARS 217.401); and architect-engineer (A–E) services (DFARS 236.602). These two changes are not expected to have a significant economic impact on a substantial number of small entities, since (1) leader company contracting is infrequently used by DoD; and (2) the primary factor in A–E selection is the determination of the most highly qualified firm; the SDB consideration is one of several secondary source selection factors.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 215, 217, 219, 226, 236, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR parts 215, 217, 219, 226, 236, 252, and Appendix I to Chapter 2, which has published at 63 FR 64427 on November 20, 1998, is adopted as a final rule without change.

[FR Doc. 99–25163 Filed 9–29–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 222 and 252

[DFARS Case 97–D318]

Defense Federal Acquisition Regulation Supplement; Contractor Use or Nonimmigrant Aliens—Guam

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is adopting as final, with changes, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS). The rule addresses statutory prohibitions against the performance of work by nonimmigrant aliens under DoD contracts for military construction or base operations support on Guam.

DATES: September 30, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; telefax (703) 602–0350. Please cite DFARS Case 97–D318.

SUPPLEMENTARY INFORMATION:

A. Background

This rule finalizes, with changes, the interim rule published at 63 FR 31935 on June 11, 1998. The interim rule added a new DFARS Subpart 222.73 and a new contract clause at DFARS 252.222–7005 to implement Section 390 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85). Section 390 provides that each DoD contract for base operations support to be performed on Guam must contain a condition that work under the contract may not be performed by any alien who is issued a visa or otherwise provided nonimmigrant status under Section 101(a) (15) (H) (ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a) (15) (H) (ii)).

Four sources submitted comments on the interim rule. DoD considered all comments in the development of the final rule. The final rule differs from the interim rule in that it incorporates the similar restrictions of 10 U.S.C. 2864 pertaining to military construction contracts on Guam, and clarifies that the prohibition against performance of work by nonimmigrant aliens does not apply to lawfully admitted citizens of the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule applies only to military construction and base operations support contracts to be performed on Guam.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 222 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final With Changes

Accordingly, the interim rule amending 48 CFR parts 222 and 252, which was published at 63 FR 31935 on June 11, 1998, is adopted as a final rule with the following changes:

1. The authority citation for 48 CFR Parts 222 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

2. Subpart 222.73 is revised to read as follows:

Subpart 222.73—Limitations Applicable to Contracts Performed on Guam

Sec.

222.7300 Scope of subpart.
222.7301 Prohibition on use of nonimmigrant aliens.
222.7302 Exception.
222.7303 Contract clause.

222.7300 Scope of subpart.

(a) This subpart implements—

(1) 10 U.S.C. 2864; and

(2) Section 390 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85).

(b) This subpart applies to—

(1) Contracts for military construction projects on Guam; and

(2) Contracts for base operations support on Guam that—

(i) Are awarded as a result of a competition conducted under OMB Circular A–76; and

(ii) Are entered into or modified on or after November 18, 1997.

222.7301 Prohibition on use of nonimmigrant aliens.

(a) Any alien who is issued a visa or otherwise provided nonimmigrant status under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)) is prohibited from performing work under a contract for—

(1) A military construction project on Guam; or

(2) Base operations support on Guam.

(b) Lawfully admitted citizens of the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau are not subject to the prohibition in paragraph (a) of this section.

222.7302 Exception.

The prohibition in 222.7301(a)(1) does not apply to a military construction project if—

(a) There is no acceptable offer in response to a solicitation for the project;

(b) The Secretary concerned makes a determination that the prohibition is a significant deterrent to obtaining offers on the project; and

(c) Another solicitation is issued for the project.

222.7303 Contract clause.

Use the clause at 252.222–7005, Prohibition on Use of Nonimmigrant Aliens-Guam, in solicitations and contracts subject to this subpart, except those issued in accordance with 222.7302.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.222–7005 is revised to read as follows:

252.222–7005 Prohibition on Use of Nonimmigrant Aliens—Guam.

As prescribed in 222.7303, use the following clause:

PROHIBITION ON USE OF NONIMMIGRANT ALIENS—GUAM (SEP 1999)

The work required by this contract shall not be performed by any alien who is issued a visa or otherwise provided nonimmigrant status under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)). This prohibition does not apply to the performance of work by lawfully admitted citizens of the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

(End of clause)

[FR Doc. 99–25164 Filed 9–29–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF AGRICULTURE

Office of Procurement and Property Management

48 CFR Parts 401, 415, 437, and 452

[AGAR Case 96–04]

RIN 0599–AA07

Agriculture Acquisition Regulation; Part 415 Reorganization; Contracting by Negotiation

AGENCY: Office of Procurement and Property Management, USDA.

ACTION: Direct final rule.

SUMMARY: The Department of Agriculture (USDA) is amending the Agriculture Acquisition Regulation (AGAR) to revise and reorganize part 415, Contracting by Negotiation. USDA is revising and reorganizing part 415 to reflect changes in the content and structure of Federal Acquisition Regulation (FAR) part 15, Contracting by Negotiation. This amendment makes it easier for users to consult AGAR part 415 in tandem with FAR part 15.

DATES: This rule is effective November 29, 1999 without further action, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before November 1, 1999. If we receive adverse comments, the Office of Procurement and Property Management will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Please submit any adverse comments, or a notice of intent to submit adverse comments, in writing to U.S. Department of Agriculture, Office of Procurement and Property Management, Procurement Policy Division, Stop 9303, 1400 Independence Avenue SW., Washington, DC 20250–9303.

FOR FURTHER INFORMATION CONTACT: Joseph J. Daragan, (202) 720–5729, or through the General Services Administration Relay Service, (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background
II. Dates
III. Procedural Requirements
A. Executive Order Nos. 12866 and 12988
B. Regulatory Flexibility Act
C. Paperwork Reduction Act
D. Small Business Regulatory Enforcement Fairness Act
IV. Electronic Access Addresses

I. Background

The AGAR implements the FAR (48 CFR chapter 1) where further implementation is needed, and supplements the FAR when coverage is needed for subject matter not covered by the FAR. In September 1997, FAR Part 15, Contracting by Negotiation, was rewritten to simplify the source selection process and to facilitate best value acquisition (62 FR 51224, September 30, 1997). FAR Part 15 also was restructured to facilitate use of the regulation. USDA is amending the AGAR to reflect changes made to FAR part 15. USDA also is reorganizing AGAR part 415, Contracting by Negotiation, to reflect the new structure of FAR Part 15. In this rulemaking document, USDA is amending the AGAR as a direct final rule, since the changes are non-controversial and unlikely to generate adverse comment. The changes are administrative in nature, and do not affect the public.

Rules that an agency believes are noncontroversial and unlikely to result in adverse comment may be published in the **Federal Register** as direct final rules. The Office of Procurement and Property Management published a policy statement in the **Federal Register** (63 FR 9158, February 24, 1998) to notify the public of its intent to use direct final rulemaking in appropriate circumstances.

This rule makes the following changes to the AGAR:

(a) We are amending section 401.106 to reflect the restructuring of AGAR part 415. We are changing a reference to AGAR segment 415.4 to read AGAR segment 415.2.

(b) We are removing sections 415.103, 415.408, 415.411, 415.607, 415.608 and 415.612. These sections supplemented FAR regulatory guidance which has been removed from the FAR. AGAR coverage is no longer required.

(c) We are removing paragraph (b) of subsection 415.413–2. This paragraph merely restates guidance included in the FAR.

(d) We are moving the following segments of AGAR part 415 to match the numbering structure of FAR part 15 following its revision:

(1) Subsection 415.406–1, Uniform contract format, is now section 415.204, Contract format;

(2) Section 415.407, Solicitation provisions, is now section 415.209, Solicitation provisions and contract clauses;

(3) Paragraphs (c) through (e) of subsection 415.413–2, Disclosure and use of information before award—Alternate II, are now paragraphs (a) through (c) of section 415.207, Handling proposals and information.

(4) Subpart 415.5, Unsolicited Proposals, is now subpart 415.6, Unsolicited Proposals;

(5) Subpart 415.9, Profit, is now subpart 415.4, Contract Pricing;

(6) Subpart 415.10, Preaward, Award, and Postaward Notifications, Protests and Mistakes, is now subpart 415.5, Preaward, Award, and Postaward Notifications, Protests and Mistakes.

(e) We are adding section 415.303, Responsibilities, to specify that the head of the contracting activity is authorized to appoint an individual other than the contracting officer as the source selection authority.

(f) We are adding section 415.305, Proposal evaluation, to authorize USDA contracting activities to establish procedures for release of cost information to technical evaluation teams.

(g) We are adding section 437.204, Guidelines for determining availability of personnel. This section authorizes heads of contracting activities to approve the use of non-Government evaluators in proposal evaluation. AGAR subsection 415.413–2 included a substantially similar authorization, which we adapted in drafting section 437.204.

(h) We are amending AGAR clause 452.215–71 to update a FAR reference in that clause and to delete clause Alternates I and II. These alternates provided for the use of standard forms which have been canceled and not replaced. Furthermore, guidance provided by the alternate clauses is provided by FAR clause 52.215–20.

(i) We are correcting prescriptions in sections 452.215–71, 452.215–72 and 452.215.73 to reflect updated AGAR section numbers based on reorganization of AGAR part 415.

II. Procedural Requirements

A. Executive Order Nos. 12866 and 12988

USDA prepared a work plan for this regulation and submitted it to the Office of Management and Budget (OMB) pursuant to Executive Order No. 12866. OMB determined that the rule was not significant for the purposes of Executive Order No. 12866. Therefore, the rule has not been reviewed by OMB. USDA has reviewed this rule in accordance with Executive Order No. 12988, Civil Justice Reform. The proposed rule meets the applicable standards in section 3 of Executive Order No. 12988.

B. Regulatory Flexibility Act

USDA reviewed this rule under the Regulatory Flexibility Act, 5 U.S.C. 601–611, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. The reorganization and revision of AGAR part 415 does not affect the way in which USDA conducts its acquisitions or otherwise interacts with the public. USDA certifies that this rule will not have a significant economic effect on a substantial number of small entities, and, therefore, no regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed on the public by this rule. Accordingly no OMB clearance is required by section 350(h) of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, or OMB's implementing regulation at 5 CFR Part 1320.

D. Small Business Regulatory Enforcement Fairness Act

This rule has been submitted to each House of Congress and the Comptroller General in accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 *et seq.*

IV. Electronic Access Addresses.

You may send electronic mail (E-mail) to JDARAGAN@USDA.GOV, or contact us via fax at (202) 720–8972, if you would like additional information about this rule, or if you wish to submit comments.

List of Subjects in 48 CFR Parts 415 and 452

Government contracts, Government procurement.

For the reasons set out in the preamble, the Office of Procurement and Property Management amends 48 CFR Parts 401, 415, 437, and 452 as set forth below:

1. The authority citation for Part 401 continues to read as follows:

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

2. In section 401.106, remove "415.4" and add, in its place, "415.2".

3. Revise Part 415 to read as follows:

PART 415—CONTRACTING BY NEGOTIATION

Subpart 415.2—Solicitation and Receipt of Proposals and Information:

Sec.
415.204 Contract format.
415.207 Handling proposals and information.
415.209 Solicitation provisions and contract clauses.

Subpart 415.3—Source Selection

Sec.
415.303 Responsibilities.
415.305 Proposal evaluation.

Subpart 415.4—Contract Pricing

Sec.
415.404–4 Profit.

Subpart 415.5—Preaward, Award, and Postaward Notifications, Protests and Mistakes

Sec.
415.570 Post-award conference.

Subpart 415.6—Unsolicited Proposals

Sec.
415.604 Agency points of contact.
415.606 Agency procedures.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 415.2—Solicitation and Receipt of Proposals and Information:

415.204 Contract format.

The Senior Procurement Executive is authorized to exempt contracts from the uniform contract format.

415.207 Handling proposals and information.

(a) Throughout the source selection process, agency personnel and non-Government evaluators with access to proposal information shall disclose neither the number of offerors nor their identity except as authorized by FAR subpart 15.5. (See also FAR 5.403.)

(b) The contracting officer shall obtain the following written agreement from the non-Government evaluator prior to the release of any proposal to that evaluator.

AGREEMENT GOVERNING THE USE AND DISCLOSURE OF PROPOSALS

RFP _____

Offeror _____

21. To the best of my knowledge and belief, no conflict of interest exists that may diminish my capacity to perform an impartial and objective review of the offeror's proposal, or may otherwise result in a biased opinion or an unfair advantage. If a potential conflict of interest arises or if I identify such a conflict, I agree to notify the Government promptly concerning the potential conflict. In determining whether any potential conflict of interest exists, I agree to review whether my or my employer's relationships with other persons or entities, including, but not limited to, ownership of stocks, bonds, other outstanding financial interests or commitments, employment arrangements (past, present, or under consideration), and, to the extent known by me, all financial interests and employment arrangements of my spouse, minor children, and other members of my immediate household, may place me in a position of conflict, real or apparent, with the evaluation proceedings.

2. I agree to use proposal information only for evaluation purposes. I understand that any authorized restriction on disclosure placed upon the proposal by the prospective contractor or subcontractor or by the Government shall be applied to any reproduction or abstracted information of the proposal. I agree to use my best effort to safeguard such information physically, and not to disclose the contents of, or release any information relating to, the proposal(s) to anyone outside of the Source Evaluation Board or other panel assembled for this acquisition, the Contracting Officer, or other individuals designated by the Contracting Officer.

3. I agree to return to the Government all copies of proposals, as well as any abstracts, upon completion of the evaluation.

_____
(Name and Organization)

_____
(Date)

(End of provision)

(c) The release of a proposal to a non-Government evaluator for evaluation does not constitute the release of information for purposes of the Freedom of Information Act (5 U.S.C. 552).

(d) The contracting officer shall attach a cover page bearing the following notice: GOVERNMENT NOTICE FOR HANDLING PROPOSALS—This proposal shall be used and disclosed for evaluation purposes only. Attach a copy of this Government notice to every reproduction or abstract of the proposal. Any authorized restrictive notices which the submitter places on this proposal shall be strictly complied with. Disclosure of this proposal outside the Government for evaluation purposes shall be made only to the extent authorized by, and in accordance with, FAR 3.104–5, FAR 15.207, and AGAR 415.207.

415.209 Solicitation provisions and contract clauses.

(a) The provision at 452.215–71, Instructions for the Preparation of Technical and Business Proposals, may be used when offerors will be required to submit technical and business proposals. Contracting officers should tailor the clause to reflect the degree of information required for the specific acquisition.

(b) The contracting officer shall insert the provision at 452.215–72, Amendments to Proposals, in solicitations which require the submittal of lengthy, complex technical proposals.

Subpart 415.3—Source Selection

415.303 Responsibilities.

The head of the contracting activity (HCA) is authorized to appoint an individual other than the contracting officer as the source selection authority.

415.305 Proposal evaluation.

HCAs are responsible for establishing procedures regarding the release of cost information to the members of the technical evaluation team.

Subpart 415.4—Contract Pricing

415.404–4 Profit.

(a)(1) USDA will use a structured approach to determine the profit or fee prenegotiation objective in acquisition actions when price negotiation is based on cost analysis.

(2) The following types of acquisitions are exempt from the requirements of the structured approach, but the contracting officer shall comply with FAR 15.404–4(d) when analyzing profit for these contracts or actions:

(i) Architect-engineer contracts;

(ii) Construction contracts;

(iii) Contracts primarily requiring delivery of material supplied by subcontractors;

(iv) Termination settlements; and

(v) Cost-plus-award-fee contracts;

(b) Unless otherwise restricted by contracting activity procedures, the Contracting Officer may use another Federal agency's structured approach if that approach has been formalized and is maintained as part of that Agency's acquisition regulations (*i.e.*, included in that Agency's assigned chapter of Title 48 of the Code of Federal Regulations).

(c) The HCA is responsible for establishing procedures to ensure compliance with this subpart.

Subpart 415.5—Preaward, Award, and Postaward Notifications, Protests and Mistakes

415.570 Post-award conference.

If a postaward conference is necessary, the contracting officer shall insert clause 452.215–73, Post-Award Conference.

Subpart 415.6—Unsolicited Proposals

415.604 Agency points of contact.

HCAs are responsible for establishing procedures to ensure compliance with the requirements of FAR 15.604.

415.606 Agency procedures.

HCAs are responsible for establishing the procedures for control of unsolicited proposals required by FAR 15.606(a) and for identifying the contact points as required by FAR 15.606(b).

4. The authority citation for Part 437 continues to read as follows:

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

5. Add section 437.204 to read as follows:

437.204 Guidelines for determining availability of personnel.

The head of the contracting activity (HCA) is authorized to approve the use of non-Government evaluators in proposal evaluation. Each such decision shall be supported by a written determination in accordance with FAR 37.204.

6. The authority citation for Part 452 continues to read as follows:

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

7. Revise paragraphs (c) introductory text and (c)(1) and remove Alternates I and II of 452.215–71 to read as follows:

452.215–71 Instructions for the preparation of technical and business proposals.

As prescribed in 415.209(a), insert a provision substantially as follows:

INSTRUCTIONS FOR THE PREPARATION OF TECHNICAL AND BUSINESS PROPOSALS

(September 1999)

* * * * *

(c) *Business Proposal Instructions.*

(1) Cost Proposal.

In addition to any other requirements for cost/pricing information required in clause FAR 52.215–20, Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data (OCT 1997), the following is required:

[Contracting Officer shall identify additional information required if appropriate.]

* * * * *

8. In section 452.215–72, remove "415.407(b)" and add, in its place, "415.209(b)".

9. In section 452.215–73, remove "415.1070" and add, in its place, "415.570".

Done at Washington, DC, this 27th day of September, 1999.

W.R. Ashworth,

Director, Office of Procurement and Property Management.

[FR Doc. 99–25474 Filed 9–29–99; 8:45 am]

BILLING CODE 3410–XE–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 17

RIN 1018–AD95

Safe Harbor Agreements and Candidate Conservation Agreements with Assurances

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), published a final rule on June 17, 1999, amending Part 13 and 17 of Title 50 of the Code of Federal Regulations (CFR). These regulations implemented two final policies issued by the Service and the National Marine Fisheries Service (NMFS) on June 17, 1999, pursuant to the Endangered Species Act (Act)—the Safe Harbor and the Candidate Conservation Agreements with Assurances policies. We are correcting certain errors that appeared in the final regulations implementing these policies. The correction is required in part 13 section 13.25(d) because the current version is unclear and could unduly confuse the public. In sections 17.22(d)(2)(v) and 17.32(d)(2)(v) the word "not" was inadvertently omitted after the word "will."

DATES: This correction is effective September 30, 1999.

ADDRESSES: You may obtain copies of the final rule or this correction, or you may obtain further information, by contacting the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 1849 C Street, NW (MS–420 ARLSQ), Washington, DC 20240 (Telephone 703/358–2171, Facsimile 703/358–1735).

FOR FURTHER INFORMATION CONTACT: Nancy Gloman, Chief, Division of Endangered Species (Telephone 703/358–2171, Facsimile 703/358–1735).

SUPPLEMENTARY INFORMATION: The Safe Harbor and Candidate Conservation Agreements with Assurances policies were published at 64 FR 32717 and 64 FR 32726, respectively, and the final implementing rule was published at 64 FR 32706. In the final rule, we committed editorial errors in part 13 section 13.25(d) and in part 17 sections 17.22(d)(2)(v) and 17.32 (d)(2)(v). We correct these errors in this rule.

List of Subjects

50 CFR part 13

Administrative practice and procedure, Exports, Fish, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

50 CFR part 17

Endangered and threatened species, Export, Import, Reporting and recordkeeping requirements, Transportation.

PART 13—[Amended]

1. The authority citation for part 13 continues to read as follows:

Authority: 16 U.S.C. 668a; 704, 712; 742j–l; 1382; 1538(d); 1539, 1540(f); 3374; 4901–4916; 18 U.S.C. 42; 19 U.S.C. 1202; E.O. 11911, 41 FR 15683; 31 U.S.C. 9701.

2. Amend section 13.25 by revising paragraph (d) to read as follows:

§ 13.25 Transfer of permits and scope of permit authorization.

* * * * *

(d) In the case of permits issued under § 17.22(b)–(d) or § 17.32(b)–(d) of this subchapter to a State or local governmental entity, a person is under the direct control of the permittee where:

(1) The person is under the jurisdiction of the permittee and the permit provides that such person(s) may carry out the authorized activity; or

(2) The person has been issued a permit by the governmental entity or has executed a written instrument with the governmental entity, pursuant to the terms of the implementing agreement.

3. Amend section 17.22 by revising paragraph (d)(2)(v) to read as follows:

§ 17.22 Permits for scientific purposes, enhancements of propagation or survival, or for incidental taking.

* * * * *

(d) * * *

(2) * * *

(v) Implementation of the terms of the Candidate Conservation Agreement will not be in conflict with any ongoing conservation programs for species covered by the permit; and

* * * * *

4. Amend section 17.32 by revising paragraph (d)(2)(v) to read as follows:

§ 17.32 Permits—General.

* * * * *

(d) * * *

(2) * * *

(v) Implementation of the terms of the Candidate Conservation Agreement will not be in conflict with any ongoing conservation programs for species covered by the permit; and

* * * * *

Dated: September 24, 1999.

Donald J. Barry,

Assistant Secretary, Fish, Wildlife, and Parks, Department of the Interior.

[FR Doc. 99–25379 Filed 9–29–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062–9062–01; I.D. 092499J]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS issues an inseason adjustment for managing directed fishing for pollock for the D fishing season in Statistical Area 630 of the Gulf of Alaska (GOA). This adjustment is necessary to authorize a closure at midnight. Current regulations specify that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is noon, A.l.t. Without this inseason adjustment, this fishery would close prematurely, thereby incurring underharvest of the directed fishing allowance and economic loss.

DATES: Effective 2400 hrs, Alaska local time (A.l.t.), September 24, 1999. Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 12, 1999.

ADDRESSES: Comments may be mailed to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel. Hand delivery or courier delivery of comments may be sent to the Federal Building, 709 West 9th Street, Room 453, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and

Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1999 TAC of pollock in Statistical Area 630 of the GOA was established by the Final 1999 Harvest Specifications for Groundfish (64 FR 12094, March 11, 1999) as 30,520 metric tons (mt), determined in accordance with § 679.20(c)(3)(ii)

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1999 TAC for pollock in Statistical Area 630 will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 29,920 mt, and is setting aside the remaining 600 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA.

Current information shows the catching capacity of vessels catching pollock in Statistical Area 630 is in excess of 4,000 mt per day.

Section 679.23(b) specifies that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 1200 hrs, A.l.t. The Administrator, Alaska Region, NMFS, has determined that the pollock TAC would be underharvested if a 1200 hrs closure on September 24, 1999, were allowed to occur.

NMFS, therefore, in accordance with § 679.25(a)(1)(i), is adjusting the D fishing season for pollock in Statistical Area 630 of the GOA by prohibiting directed fishing at 2400 hrs, A.l.t., September 24, 1999. NMFS is taking this action to prevent the underharvest of the pollock TAC in Statistical Area 630 of the GOA as authorized by § 679.25(a)(2)(i)(C). In accordance with § 679.25(a)(2)(iii), NMFS has determined that closing the season at 2400 hrs on September 24, 1999, is the least restrictive management adjustment to harvest the pollock TAC in Statistical Area 630 of the GOA and will allow other fisheries to continue in noncritical areas and time periods.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Without this inseason adjustment, the pollock TAC in Statistical Area 630 of the GOA would be underharvested. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until October 12, 1999.

This action is required by §§ 679.20 and 679.25 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 24, 1999.

George H. Darcy,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25372 Filed 9–24–99; 4:05 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063–9063–01; I.D. 092499N]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1999 B/C season pollock total allowable catch (TAC) specified to the mothership component in the Bering Sea subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 27, 1999, until 1200 hrs, A.l.t., November 1, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(a)(5)(i)(C)(3) and section 206(b)(1) of the American Fisheries Act, the Final 1999 Harvest Specifications for Groundfish (64 FR 12103, March 11, 1999, and 64 FR 39087, July 21, 1999) specified the B/C season TAC of pollock as a directed fishing allowance for the mothership component in the Bering Sea subarea as 50,354 metric tons.

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component in the Bering Sea subarea of the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent exceeding the 1999 B/C season pollock TAC specified to the mothership component in the Bering Sea subarea of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 24, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25412 Filed 9–27–99; 4:56 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 189
Thursday, September 30, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

Farm Service Agency

7 CFR Part 780

Appeal Procedure Regulation

AGENCIES: Federal Crop Insurance Corporation and Farm Service Agency, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) and the Farm Service Agency (FSA) propose to amend general administrative regulations and appeal procedure regulations. The intended effect of the rule is to establish procedures for program participant appeals of adverse decisions made by the Risk Management Agency (RMA).

DATES: Written comments and opinions on this proposed rule will be accepted until close of business November 29, 1999, and will be considered when the rule is to be made final.

ADDRESSES: Interested persons are invited to submit written comments to Nancy Kreitzer, Appeals, Litigation and Legal Liaison Staff, Federal Crop Insurance Corporation, United States Department of Agriculture, 1400 Independence Avenue, S.W., Stop 0807, Washington, D.C. 20250–0807.

FOR FURTHER INFORMATION CONTACT: Nancy Kreitzer, Director, Appeals, Litigation and Legal Liaison Staff, Federal Crop Insurance Corporation, at the address listed above, telephone (202) 690–1683.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has determined this rule to be exempt for the purposes of Executive Order 12866 and, therefore, this rule has not been reviewed by OMB.

Paperwork Reduction Act of 1995

This proposed rule does not constitute a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

This regulation will not have a significant economic impact on a substantial number of small entities. This action does not increase the burden on any entity because this action merely clarifies and establishes provisions for producers to use in filing appeals of adverse decisions. The effect on small entities is the same as that for large entities. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605) and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with state and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This proposed rule has been reviewed under the provisions of Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect prior to the effective date. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action for judicial review may be brought against FCIC.

Environmental Evaluation

This action is not expected to have a significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

National Performance Review

This regulatory action is being taken as part of the National Performance Review Initiative to eliminate unnecessary or duplicative regulations and improve those that remain in force.

Background

The Federal Agriculture Improvement and Reform Act of 1996 (1996 Act) amended the Department of Agriculture Reorganization Act of 1994 (Reorganization Act) by creating an Office of Risk Management. The Secretary implemented this provision with Secretary's Memorandum 1010–2 issued on May 3, 1996, which established the Risk Management Agency (RMA). Among the functions of RMA is the administration of the crop insurance programs for FCIC, a function formerly assigned to the Farm Service Agency (FSA).

This proposed rule would amend FCIC and FSA informal appeal regulations to reflect the establishment of RMA and the reorganization of crop insurance functions. It does not reflect any response to comments received on the prior interim final rule for 7 CFR part 400, subpart J, or 7 CFR part 780 promulgated on December 29, 1995 (60 FR 67298).

List of Subjects in 7 CFR Parts 400 and 780

Administrative practice and procedure, Claims, Crop insurance, Fraud, Reporting and recordkeeping requirements.

Proposed Rule

For the reasons stated in the preamble, the Federal Crop Insurance Corporation proposes to amend 7 CFR part 400, subpart J, and the Farm Service Agency proposes to amend 7 CFR part 780 as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

1. Revise 7 CFR part 400, subpart J, to read as follows:

Subpart J—Appeal Procedure

Sec.

400.90 Definitions.
400.91 Applicability.
400.92 Appeals.
400.93 Administrative review.
400.94 Mediation.
400.95 Time limitations for filing and responding to requests for administrative review.
400.96 Judicial review.
400.97 Reservations of authority.

Authority: 7 U.S.C. 1506(l), 1506(p)

§ 400.90 Definitions.

Act. The Federal Crop Insurance Act (7 U.S.C. 1501–1521).

Administrative review. A subsequent consideration of a prior decision by the same reviewing authority. A participant cannot request an administrative review of an adverse decision that resulted from a previous request for administrative review.

Adverse decision. See the definition in 7 CFR part 11.

Agency. RMA or FCIC, including the RSO, FOSD or any other division within the Agency with decision making authority.

Appellant. Any participant who appeals or requests mediation of an adverse decision of the Agency in accordance with this subpart. Unless otherwise specified in this subpart, the term "appellant" includes an authorized representative.

Authorized representative. Any person, whether or not an attorney, who has obtained a Privacy Act waiver and is authorized in writing by a participant to act for the participant in the appeal process.

Certified State. A State with a mediation program, approved by the Secretary of Agriculture, that meets the requirements of 7 CFR part 1946, subpart A, or a successor regulation.

FCIC. The Federal Crop Insurance Corporation, a wholly owned Government corporation within USDA.

FSA. The Farm Service Agency, an agency of USDA, or a successor agency.

FOSD. The Fiscal Operations and Systems Division established by the Agency for the purpose of making determinations of indebtedness of persons who are insured under contracts of insurance issued under the Act.

Mediation. A process in which a trained, impartial, neutral third party (the mediator), meets with the disputing parties, facilitates discussions, and works with the parties to resolve their disputes, narrow areas of disagreement, and improve communication.

NAD. The USDA National Appeals Division.

Non-certified State. A State that has either not applied for or has not been approved by the Secretary of Agriculture to participate in the USDA Mediation Program under 7 CFR part 1946, subpart A, or a successor regulation.

Participant. See the definition in 7 CFR part 11.

RSO. The Regional Service Offices established by the Agency for the purpose of providing program and underwriting services for private insurance companies reinsured by FCIC under the Act and for FCIC insurance contracts delivered through FSA offices.

Reinsured company. A private insurance company, including its agents, that has been approved and reinsured by FCIC to provide insurance to participants.

Reviewing authority. A person assigned the responsibility by the Agency of making a decision on a request for administrative review requested by the participant in accordance with this subpart.

RMA. The Risk Management Agency, an agency of USDA, or a successor agency.

Secretary. The Secretary of Agriculture.

USDA. United States Department of Agriculture.

§ 400.91 Applicability.

(a) This subpart applies to adverse decisions made by personnel of the Agency with respect to:

(1) Contracts of insurance insured by FCIC; and

(2) Contracts of insurance of private insurance companies and reinsured by FCIC under the provisions of the Act.

(b) This subpart is not applicable to any decision:

(1) Made by the Agency with respect to any matter arising under the terms of the Standard Reinsurance Agreement with the reinsured company; or

(2) Made by any private insurance company with respect to any contract of insurance issued to any producer by the private insurance company and reinsured by FCIC under the provisions of the Act.

(c) With respect to matters identified in § 400.91(a), participants may request an administrative review, mediation or appeal of adverse decisions by the Agency made with respect to:

(1) Denial of participation in a program;

(2) Compliance with program requirements;

(3) Issuance of payments or other program benefits to a participant in a program; and

(4) Issuance of payments or other benefits to an individual or entity who is not a participant in a program.

(d) Only a participant may seek an administrative review or mediation under this subpart.

§ 400.92 Appeals.

Nothing in this subpart prohibits a participant from filing an appeal of an adverse decision directly with NAD in accordance with the provisions of part 11 of this title without requesting administrative review or mediation under this subpart. However, if the participant has timely requested administrative review or mediation, the participant may not appeal to NAD until the adverse decision on such administrative review or mediation. The time for appeal to NAD is suspended from the date of receipt of a request for administrative review or mediation until the conclusion of the administrative review or mediation.

§ 400.93 Administrative review.

(a) An appellant may seek one administrative review of an adverse decision or seek mediation under § 400.94, but not both. If the appellant elects to seek administrative review, appellant must file a written request for administrative review with the reviewing authority that issued the adverse decision in accordance with § 400.95. The written request must state the basis upon which the appellant relies to show that:

(1) The decision was not proper and not made in accordance with applicable program regulations and procedures; or

(2) All material facts were not properly considered in such decision.

(b) The reviewing authority will issue a written decision that will not be subject to further reconsideration by the Agency.

§ 400.94 Mediation.

(a) Appellants have the right to seek mediation, instead of a administrative review under § 400.93, involving any adverse decision.

(b) All requests for mediation under this subpart must be made after issuance of the adverse decision and before the appellant has a hearing before a NAD hearing officer on the adverse decision.

(c) An appellant who chooses mediation must request mediation not later than 30 calendar days after the date written notice of the adverse decision is mailed or otherwise made known to the appellant.

(d) An appellant will have the balance of days remaining in the 30-day period to appeal to NAD if mediation is concluded without resolution unless a new adverse decision is issued as a result of mediation. Such new adverse decisions results in a new 30-day period for appeals to NAD.

(e) An appellant is responsible for contacting the Certified State Mediation Program in States where such mediation program exists. The State mediation program will make all arrangements for the mediation process.

(f) An appellant is responsible for making all necessary contacts to arrange for mediation in non-certified States or in certified States that are not currently offering mediation on specific Agency issues.

(g) An appellant needing mediation in States without a certified mediation program can request mediation by contacting the RSO, which will provide the participant with a list of acceptable mediators.

(h) An appellant may only mediate an adverse decision once.

(i) If the dispute is not resolved in mediation,

(1) The adverse decision that was the subject of the mediation remains in effect and becomes the adverse decision that is appealable to NAD or

(2) The adverse decision which may be modified as a result of the mediation process becomes the new adverse decision for appeals to NAD.

§ 400.95 Time limitations for filing and responding to requests for administrative review.

(a) A request for administrative review of a adverse decision must be filed within 30 days after the date written notice of the decision that is the subject of the request is mailed or otherwise made available to the appellant. A request for an administrative review will be considered to have been "filed" when personally delivered in writing to the appropriate decision maker or when the properly addressed request, postage paid, is postmarked. An adverse decision will become non-reviewable by the Agency unless a request for administrative review is timely filed.

(b) A request for administrative review may be accepted and acted upon even though it is not filed within the time prescribed in § 400.95(a) if, in the judgment of the appropriate reviewing authority, the circumstances warrant such action.

§ 400.96 Judicial Review.

(a) A participant must exhaust administrative remedies before seeking judicial review of an adverse decision. This requires the participant to appeal an Agency adverse decision to NAD in accordance with 7 CFR part 11.

(b) If the adverse decision involves a matter determined by the Agency to be not appealable, the appellant must request a determination of non-appealability from the Director of NAD prior to seeking judicial review.

(c) A participant with a contract of insurance reinsured by the Agency may bring suit against the Agency in a Federal district court after exhaustion of administrative remedies as provided in paragraphs (a) and (b) of this section. Nothing in this section can be construed to create privity of contract between the Agency and a participant.

§ 400.97 Reservations of authority.

(a) Representatives of the Agency may correct all errors in entering data on program contracts and other program documents, and the results of computations or calculations made pursuant to the contract.

(b) Nothing contained in this subpart precludes the Secretary, the Manager of FCIC, or the Administrator of RMA, or a designee, from determining at any time any question arising under the programs within their respective authority or from reversing or modifying any adverse decision.

PART 780—APPEAL REGULATIONS

2. The authority citation for 7 CFR part 780 continues to read as follows:

Authority: 5 U.S.C. 301; 15 U.S.C. 714b and 714c; 16 U.S.C. 590h.

3. Amend § 780.1 to remove the definition of "Regional Service Office" and the terms "FCIC" and "the FCIC Regional Service Office" in the definitions of "agency" and "final decision."

4. In § 780.2:

a. Revise paragraphs (a)(1)(iii) and (iv) to read as set forth below:

b. Amend paragraph (a)(2) to remove the initials "FCIC" wherever they appear.

c. Remove paragraph (a)(3).

§ 780.2 Applicability.

(a) * * *

(1) * * *

(iii) Decisions made by personnel of FSA with respect to contracts of insurance insured by FCIC and the noninsured crop disaster assistance program;

(iv) Decisions made by personnel of FSA with respect to contracts of insurance provided by private insurance carriers and reinsured by FCIC under the provisions of the Federal Crop Insurance Act; and

* * * * *

5. Amend § 780.7(b), (c) and (e), to remove the phrase "or the Regional Service Office" wherever it may appear.

6. Amend § 780.11 to remove the words "FCIC" and "the Manager of FCIC" wherever they may appear.

Signed in Washington, D.C., September 11, 1999.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 99–24819 Filed 9–29–99; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 97–058–1]

RIN 0579–AA87

Import/Export User Fees

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We propose to change our user fees for import- and export-related services that we provide for animals, animal products, birds, germ plasm, organisms, and vectors. We propose increases for fiscal years 2000 through 2004 for standard annual increases in expenses. We have determined that the fees must be adjusted annually to reflect the anticipated cost of providing these services each year. By publishing the annual user fee changes in advance, users can incorporate the fees into their budget planning. The user fees pay for the actual cost of providing these services. We also propose to make some editorial changes to make the regulations easier to read and eliminate duplication.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by November 29, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 97–058–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 97–058–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: For information concerning services provided for animals, animal products, birds, germ plasm, organisms, and vectors, contact Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–8364; or e-mail: Gary.S.Colgrove@usda.gov.

For information concerning program operations, contact Ms. Louise Lothery, Director, Management Support Staff, VS, APHIS, 4700 River Road Unit 44, Riverdale, MD 20737–1231; (301) 734–7517; or e-mail: Louise.R.Lothery@usda.gov.

For information concerning user fees or rate development, contact Ms. Donna Ford, Section Head, Financial Systems and Services Branch, BASE, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–8351; or e-mail: Donna.J.Ford@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 130 (referred to below as the "regulations") list user fees for import- and export-related services provided by the Animal and Plant Health Inspection Service (APHIS) for animals, animal products, birds, germ plasm, organisms, and vectors. We propose to amend the user fees for these import- and export-related services to reflect the increased cost of service and to include additional cost components.

These user fees are authorized by section 2509(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended (21 U.S.C. 136a). APHIS is authorized to establish and collect fees that will cover the cost of providing import- and export-related services for animals, animal products, birds, germ plasm, organisms, and vectors.

Since fiscal year (FY) 1992, APHIS has received no directly appropriated funds to provide import- and export-related services for animals, animal products, birds, germ plasm, organisms, and vectors. Our ability to provide these services depends on user fees. We change our user fees through the standard rulemaking process of publishing the proposed changes for public comment in the **Federal Register**, considering the comments, publishing the final changes in the **Federal Register**, and making the new user fees effective 30 days after the final rule is published. This rulemaking process can be lengthy. As a result, our user fees may not reflect our current cost of providing services. Since implementing these user fees in 1992, we have only adjusted them four times. While a few user fees were adjusted as recently as 1998, most of the user fees have not been adjusted since 1996.

For our user fees to cover our costs so that we can continue to provide services and to inform our customers of user fees in time for advance planning, we propose to set user fees for our services in advance for fiscal years 2000 through 2004. The proposed user fees are based on our costs of providing import- and export-related services in FY 1999, plus anticipated annual increases in the salaries of employees who provide the services, plus adjustments for inflation. We used estimated pay increases of 4.4 percent for FY 2000 and 3.9 percent for FY 2001 through FY 2004 published by the U.S. Treasury Department to calculate increases in the direct labor costs each year. We estimated inflation at 2.3 percent a year based on the Consumer Price Index (CPI). The estimated CPI is published in the Economic Assumptions table of the Budget for the U.S. Government each year.

We propose to list the user fees for fiscal years 2000 through 2004 in the regulations. We also plan to publish a notice in the **Federal Register** prior to the beginning of each fiscal year to remind or notify the public of the user fees for that particular fiscal year. We would continue to charge the user fees proposed for fiscal year 2004 until new user fees are in effect. Therefore, the user fee tables in this document do not specify an end date for user fees that would become effective on October 1, 2003 (the beginning of fiscal year 2004).

User Fee Components

We calculated our user fees to cover the full cost of providing the services for which we charge the fee. The cost of providing a service includes direct labor and direct material costs. It also includes administrative support, agency overhead, and departmental charges.

Direct labor costs are the costs of employee time spent specifically to provide the service. For example, at APHIS's Animal Import Centers, animal caretakers and veterinarians prepare for the arrival of animals or birds to be quarantined in the Center, care for them (feed, water, clean cages or stalls) while they are quarantined, observe them while they are quarantined, release them from quarantine, and clean the quarantine area afterwards. If the service is inspecting an animal, the direct labor costs include the time spent by the inspector to conduct the inspection. Direct labor costs vary with the type of service provided.

Direct material costs include the cost of any materials needed to supply the service. For example, among other things, animals in quarantine need feed, water, bedding, disinfectants, and medicine. Direct material costs are different for different services.

Administrative support costs include local clerical and administrative activities; indirect labor hours; travel and transportation for personnel; supplies, equipment, and other necessary items; training; general office supplies; rent; equipment capitalization; billings and collections expenses; utilities; chemicals and glassware; and contractual services. Indirect labor hours include supervision of personnel and time spent doing work that is not directly connected with the service but which is nonetheless necessary, such as repairing equipment. Rent is the cost of using the space we need to perform import- or export-related work. If space is used for import- or export-related work and other Agency work, only that portion of the costs associated with the import- or export-related work is included in the user fees. Equipment capitalization is the cost per year to replace equipment. We determine this by establishing the life expectancy, in years, of equipment we use to provide a service and by establishing the cost to replace the equipment at the end of its useful life. We subtract any money we anticipate receiving for selling used equipment. Then we divide the

resulting amount by the life expectancy of the equipment. The result is the annual cost to replace equipment. Billing costs are the costs of managing user fee accounts for our customers who wish to receive monthly invoices for the services they receive from APHIS. Collections expenses include the costs of managing customer payments and accurately reflecting those payments in our accounting system. Utilities include water, telephone, electricity, gas, heating and oil. Contractual services include security service, maintenance, trash pickup, etc. The type, amount, and cost of administrative support vary with the type of service provided.

Agency overhead is the pro-rata share, attributable to a particular service, of the agency's management and support costs. Management and support costs include the costs of providing budget and accounting services, regulatory services, investigative and enforcement services, debt-management services, personnel services, public information services, legal services, liaison with Congress, and other general program and agency management services provided above the local level.

Departmental charges are APHIS's share, expressed as a percentage of the total cost, of services provided centrally by the Department of Agriculture (Department). Services the Department provides centrally include the Federal Telephone Service; mail; National Finance Center processing of payroll, and other money management; unemployment compensation; Office of Workers Compensation Programs; and central supply for storing and issuing commonly used supplies and Department forms. The Department notifies APHIS how much the agency owes for these services. We have included a pro-rata share of these departmental charges, as attributable to a particular service, in our fee calculations.

We have added an amount that would provide for a reasonable balance, or reserve, in the Veterinary Services user fee account. We have determined that a reasonable reserve would be approximately 25 percent of the annual cost of the Import/Export Program. All user fees will contribute to the reserve proportionately. The reserve would ensure that we have sufficient operating funds in cases of bad debt, customer insolvency, and fluctuations in activity volumes. We intend to monitor the balance closely and propose adjustments in our fees as necessary to ensure a reasonable balance.

An outline of the basic process is shown below. The actual components, quantities, and costs used to calculate the fee are different for each service. The basic steps in the calculation, for each particular service, are:

1. Determine the following costs:
   direct labor;
   direct material;
   pro-rata share of administrative support;
   pro-rata share of agency overhead;
   pro-rata share of Departmental charges; and
   pro-rata share of reserve;
2. Add all costs; and
3. Round up to the next $0.25 for all fees less than $10 or round up or down to the nearest $1 for all fees greater than $10.

The result of these calculations is the total cost to provide a particular service one time.

As is the case with all APHIS user fees, we intend to review, at least annually, activities, programs, and fee assumptions for the user fees proposed in this document. We will publish any necessary adjustments in the **Federal Register**.

Hourly Rate User Fees and Minimum Fees for Import and Export Veterinary Services

Several sections of the regulations contain hourly and premium hourly rates for import- and export-related service we provide. Section 130.5 of the regulations lists the hourly and premium hourly rate user fees that we provide for animals quarantined in privately owned quarantine facilities. Section 130.9 of the regulations lists the hourly and premium hourly rate fees for miscellaneous import or entry services. Section 130.21 of the regulations lists the hourly and premium hourly rate user fees charged for inspection and supervision services we provide within the United States for the export of animals, birds, and animal products. Sections 130.3 and 130.10 also, contain hourly rate user fees for services we provide in connection with animals quarantined at APHIS Animal Import Centers and pet birds quarantined at APHIS-owned or supervised quarantine facilities, respectively.

In each case, the same hourly and premium hourly rate user fee applies. Therefore, we propose to consolidate all the hourly and premium hourly rate user fees for import and export services into one new section § 130.30. We believe this reorganization would make the hourly and premium hourly rates easier for our customers to locate and eliminate duplication.

Sections 130.3, 130.5, 130.6, 130.7, 130.9, 130.10, and 130.21 all list a minimum user fee. This minimum fee ensures our basic costs are always covered. In § § 130.3, 130.5, 130.9, 130.10, and 130.21, the minimum user fee applies to the hourly and premium hourly rate user fee. In § § 130.6 and 130.7, the minimum user fee covers the cost of handling unusually small importations at ports of entry. In each case, the same minimum user fee applies. Therefore, we propose to list the minimum user fee in newly proposed § 130.30 and eliminate duplication.

The table below shows the proposed hourly rate, premium hourly rate, and minimum user fees for fiscal years 2000–2004. As explained above, the proposed user fees are based on FY 1999 costs and include direct labor costs adjusted by 4.4 percent for FY 2000 and 3.9 percent for FY 2001 through 2004 to cover increases in employee pay, and adjustments for inflation at 2.3 percent each year. The percentage changes in the user fees from one fiscal year to the next vary based on rounding.

HOURLY USER FEES (PROPOSED § 130.30)

	Current user fee	Hourly user fee				
		Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Hourly rate:						
Per hour	$56.00	$76.00	$76.00	$80.00	$84.00	$84.00
Per quarter hour	14.00	19.00	19.00	20.00	21.00	21.00
Per service minimum fee	16.50	22.00	23.00	24.00	24.00	25.00
Overtime rates (Outside the employee's normal tour of duty)						
Premium hourly rate Monday through Saturday and holidays:						

	Current user fee	Hourly user fee				
		Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Per hour	65.00	88.00	88.00	92.00	96.00	100.00
Per quarter hour	16.25	22.00	22.00	23.00	24.00	25.00
Premium hourly rate for Sundays:						
Per hour	74.00	100.00	104.00	104.00	108.00	112.00
Per quarter hour	18.50	25.00	26.00	26.00	27.00	28.00

User Fees for Animals in APHIS Animal Import Centers (9 CFR 130.2)

Section 130.2 lists user fees charged for services we provide for animals quarantined in APHIS Animal Import Centers.

We charge a daily user fee for each animal quarantined in an Animal Importer Center. Different user fees reflect the varying costs of quarantining different animals. The user fee for each category of animal includes water, standard feed, housing, care, and handling. A separate user fee applies for birds or poultry that require nonstandard feed, housing, care, or handling.

The tables below list the proposed user fees for animal and bird quarantine services for fiscal year 2000 through 2004. As explained above, the proposed user fees are based on FY 1999 costs and include direct labor costs adjusted by 4.4 percent for FY 2000 and 3.9 percent for FY 2001 through 2004 to cover increases in employee pay, and adjustments for inflation at 2.3 percent each year. The percentage changes in the user fees from one fiscal year to the next vary based on rounding.

USER FEES FOR INDIVIDUAL ANIMALS AND CERTAIN BIRDS QUARANTINED IN APHIS ANIMAL IMPORT CENTERS (§ 130.2(a))

Animal or bird	Current user fee	Daily user fee				
		Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Birds (excluding ratites and pet birds imported in accordance with Part 93 of this subchapter):						
0–250 grams	$1.00	$1.50	$1,50	$1.50	$1.50	$1.75
251–1,000 grams	3.25	5.00	5.25	5.25	5.50	5.75
Over 1,000 grams	7.50	12.00	12.00	13.00	13.00	13.00
Domestic or zoo animals (excluding equines, birds, and poultry):						
Bison, bulls, camels, cattle, or zoo animals	56.50	93.00	95.00	97.00	100.00	102.00
All other, including, but not limited to alpacas, llamas, goats, sheep, and swine	15.00	24.00	25.00	26.00	26.00	27.00
Equines (including zoo equines, but excluding miniature horses):						
1st through 3rd day (fee per day)	149.50	245.00	251.00	257.00	264.00	270.00
4th through 7th day (fee per day)	108.25	177.00	182.00	186.00	191.00	195.00
8th and subsequent days (fee per day)	91.75	150.00	154.00	158.00	162.00	166.00
Miniature horses	40.25	56.00	57.00	58.00	60.00	61.00
Poultry (including zoo poultry):						
Doves, Pigeons, and quail	2.00	3.00	3.25	3.25	3.25	3.50
Chickens, ducks, grouse, guinea fowl, partridges, pea fowl, and pheasants	3.50	5.75	6.00	6.00	6.26	6.25
Large poultry and large waterfowl, including, but not limited to game cocks, geese, swans, and turkeys	8.25	13.00	14.00	14.00	14.00	15.00
Ratites:						
Chicks (less than 3 months old)	5.75	8.50	8.75	9.00	9.00	9.25
Juveniles (3 months through 10 months old)	8.00	13.00	13.00	13.00	14.00	14.00
Adults (11 months old and older)	16.25	24.00	25.00	26.00	26.00	27.00

USER FEES FOR BIRDS OR POULTRY QUARANTINED IN APHIS ANIMAL IMPORT CENTERS AND HOUSED IN NONSTANDARD HOUSING OR RECEIVING NONSTANDARD CARE AND HANDLING (§ 130.2(b))

Bird or poultry (nonstandard housing, care, or handling)	Current user fee	Daily user fee				
		Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Birds 0–250 grams and doves, pigeons, and quail	$3.25	$5.00	$5.25	$5.25	$5.50	$5.75
Birds 251–1,000 grams and poultry such as chickens, ducks, grouse, guinea fowl, partridge, pea fowl, and pheasants	7.50	12.00	12.00	13.00	13.00	13.00
Birds over 1,000 grams and large poultry and large waterfowl, including, but not limited to game cocks, geese, swans, and turkeys	14.00	23.00	24.00	24.00	25.00	25.00

User Fees for Exclusive Use of Space at APHIS Animal Import Centers (§ 130.3)

Section 130.3 lists user fees charged with an importer uses an entire quarantine building at an Animal Import Center. If the space is available and the importer has enough animals to fill one of the full building spaces, then a single user fee applies. Depending upon the number and type of animals in the importation, the single user fee for the entire building may be less than the total user fee that would have been charged per animal under § 130.2

Section 130.3 of the regulations lists the location of the spaces, the square footage of those spaces, and the user fees for exclusive use of those spaces. The fees in § 130.3 cover all costs of the quarantine except feed. The importer either provides the fee or pays for it on an actual cost basis, including the cost of delivery.

The table in § 130.3 currently lists the user fees for the exclusive use of the Miami, FL, and Newburgh, NY, Animal Import Centers. The Miami Animal Import Center is not being used as an exclusive use quarantine facility. We do not anticipate any requests for the exclusive use of space at the Miami Animal Import Center. Therefore, we propose to remove user fees for the exclusive use of the Miami Animal Import Center from the listing in § 130.3. The spaces at Newburgh, NY, would continue to be available for exclusive use.

The importer determines the species, sizes, and ages of the animals or birds in the importation, calls for a reservation, and requests the use of an entire building. At that time we determine, and inform the importer of, the maximum number of animals and birds we would permit. We limit the number of animals or birds to the maximum number which can be cared for without jeopardizing their health. In determining the maximum number, the veterinarian in charge of the Animal Import Center considers the species, size and age of the animals, animal husbandry needs, sanitation, ability to conduct tests, inspections, and support procedures.

The table below lists the proposed user fees for the exclusive use of space at APHIS Animal Import Centers for fiscal years 2000–2004. As explained above, the proposed user fees are based on FY 1999 costs and include direct labor cost adjusted by 4.4 percent for FY 2000 and 3.9 percent for FY 2001 through 2004 to cover increases in employee pay, and adjustments for inflation at 2.3 percent each year. The percentage changes in the user fees from one fiscal year to the next vary based on rounding.

USER FEES FOR EXCLUSIVE USE OF SPACE FOR ANIMALS QUARANTINED IN APHIS ANIMAL IMPORT CENTERS (§ 130.3)

Animal import center	Current user fee	Monthly user fee				
		Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Newburgh, NY:						
Space A 5,396 sq. ft. (503.1 sq. m.)	$43,102	$53,037	$54,523	$56,054	$57,630	$59,254
Space B 8,903 sq. ft. (827.1 sq. m.)	71,118	87,508	89,959	92,484	95,085	97,764
Space C 905 sq. ft. (84.1 sq. m.)	7,229	8,895	9,144	9,401	9,666	9,938

User Fees for Inspection of Animals at Ports of Entry

Sections 130.6 and 130.7 list user fees we charge for inspecting animals imported into the United States. We inspect the animals to minimize the risk that they could introduce a foreign animal disease into the United States. We provide inspection services at U.S. border ports, airports, and ocean ports.

We charge the user fee per animal or per load, depending on whether the animals are handled individually or as a group. The user fees vary with the location and type of animal. Different types of animals require different amounts and types of services. User fees for services at the United States-Mexico

border are listed in § 130.6. User fees for services at other ports of entry are listed in § 130.7.

The tables below list the proposed user fees for inspection of animals at ports of entry for fiscal years 2000–2004. As explained above, the proposed user fees are based on FY 1999 costs and include direct labor costs adjusted by 4.4 percent for FY 2000 and 3.9 percent for FY 2001 through 2004 to cover increases in employee pay, and adjustments for inflation at 2.3 percent each year. The percentage changes in the user fees from one fiscal year to the next vary based on rounding.

USER FEES FOR INSPECTION OF ANIMALS AT LAND BORDER PORTS ALONG THE UNITED STATES-MEXICO BORDER (§ 130.6(a))

Type of live animal	Current user fee	Per head user fee				
		Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning October 1, 2003
Any ruminants not listed below	$6.00	$8.00	$8.25	$8.50	$8.75	$9.00
Feeder	1.75	2.25	2.25	2.25	2.50	2.50
Horses, other than slaughter	29.25	39.00	41.00	42.00	43.00	44.00
In-bond or in-transit	3.75	5.25	5.25	5.50	5.50	5.75
Slaughter	2.50	3.50	3.50	3.50	3.75	3.75

USER FEES FOR INSPECTION OF ANIMALS AT LAND BORDER PORTS AT ALL OTHER PORTS OF ENTRY (§ 130.7(a))

Type of live animal	Unit	Current user fee	User fee				
			Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Animals being imported into the United States							
Breeding animals (grade animals, except horses):							
Sheep and goats	per head	$0.50	$0.50	$0.50	$0.50	$0.50	$0.50
Swine	per head	0.50	0.75	0.75	0.75	0.75	0.75
All others	per head	2.25	3.00	3.00	3.25	3.25	3.25
Feeder animals:							
Cattle (not including calves)	per head	$1.00	$1.50	$1.50	$1.50	$1.50	$1.50
Sheep and calves	per head	0.25	0.50	0.50	0.50	0.50	0.50
Swine	per head	0.25	0.25	0.25	0.25	0.25	0.25
Horses, other than slaughter and in-transit.	per head	19.00	25.00	26.00	27.00	28.00	29.00
Poultry (including eggs), imported for any purpose.	per load	33.00	44.00	46.00	47.00	48.00	50.00
Registered animals, all types	per head	4.00	5.25	5.50	5.50	5.75	6.00
Slaughter animals, all types	per load	16.50	22.00	23.00	24.00	24.00	25.00
Animals transiting[1] the United States							
Cattle	per head	1.00	1.25	1.25	1.50	1.50	1.50
Horses and all other animals	per head	4.50	6.00	6.25	6.50	6.75	6.75
Sheep and goats	per head	0.25	0.25	0.25	0.25	0.25	0.25
Swine	per head	0.25	0.25	0.25	0.25	0.25	0.25

[1] The user fee in this section will be charged for in-transit authorizations at the port where the authorization services are performed. For additional services provided by APHIS, at any port, the hourly user fee rate in § 130.30 will apply.

User Fees for Other Services (§ 130.8)

Section 130.8 lists the user fees we charge for a variety of other services we provide related to the importation into or exportation from the United States of animals, animals products, birds, germ plasm, organisms, and vectors.

The table below lists the proposed user fees for these services for fiscal years 2000–2004. As explained above, the proposed user fees are based on FY 1999 costs and include direct labor costs adjusted by 4.4 percent for FY 2000 and 3.9 percent for FY 2001 through 2004 to cover increases in employee pay, and adjustments for inflation at 2.3 percent each year. The percentage changes in the user fees from one fiscal year to the next vary based on rounding.

USER FEES FOR OTHER SERVICES (§ 130.8(a))

Service	Unit	Current user fee	User fee				
			Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Embryo collection center inspection and approval (all inspections required during the year for facility approval).	per year	$278.50	$337.00	$347.00	$358.00	$369.00	$380.00
Germ plasm being exported: [1]							

USER FEES FOR OTHER SERVICES (§ 130.8(a))—Continued

Service	Unit	Current user fee	User fee				
			Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Embryo:							
Up to 5 donor pairs	per certificate	54.75	74.00	76.00	79.00	81.00	83.00
Each additional group of donor pairs, up to 5 pairs per group, on the same certificate.	per group of donor pairs	24.75	33.00	34.00	35.00	36.00	37.00
Semen	per certificate	33.50	45.00	46.00	48.00	49.00	51.00
Germ plasm being imported:[2]							
Embryo	per load	39.50	54.00	55.00	57.00	58.00	60.00
Semen	per load	39.50	54.00	55.00	57.00	58.00	60.00
Import compliance assistance:							
Simple (2 hours or less)	per release	51.25	62.00	64.00	66.00	68.00	70.00
Complicated (more than 2 hours)	per release	131.75	159.00	164.00	169.00	174.00	180.00
Inspection for approval of slaughter establishment:							
Initial approval (all inspections)	per year	246.50	332.00	342.00	352.00	362.00	373.00
Renewal (all inspections)	per year	213.50	288.00	296.00	305.00	314.00	323.00
Inspection of approved establishments, warehouses, and facilities under 9 CFR parts 94 through 96:							
Approval (compliance agreement) (all inspections for first year of 3-year approval)	per year	262.75	354.00	365.00	375.00	386.00	398.00
Renewed approval (all inspections for second and third years of 3-year approval).	per year	152.00	205.00	211.00	217.00	223.00	230.00
Pet birds (except pet birds of U.S. origin entering the United States from Canada):							
Which have been out of the United States more than 60 days.	per lot	169.75	229.00	236.00	243.00	250.00	257.00
Which have been out of the United States 60 days or less.	per lot	71.25	96.00	99.00	102.00	105.00	108.00
Processing VS form 16–3, "Application for permit to Import Controlled Material/Import or Transport Organisms or Vectors":							
For permit to import fetal bovine serum when facility inspection is required.	per application	208.50	275.00	283.00	292.00	300.00	309.00
For all other permits	per application	27.50	35.00	36.00	37.00	38.00	39.00
Amended application	per amended application	11.50	14.00	15.00	15.00	16.00	16.00
Application renewal	per application	15.00	19.00	19.00	20.00	21.00	21.00
Release from export agricultural hold:							
Simple (2 hours or less)	per release	51.25	62.00	64.00	66.00	68.00	70.00
Complicated (more than 2 hours)	per release	131.75	159.00	164.00	169.00	174.00	180.00

[1] This user fee includes a single inspection and resealing of the container at the APHIS employee's regular tour of duty station or at a limited port. For each subsequent inspection and resealing required, the hourly user fee in § 130.30 will apply.2

[2] For inspection of empty containers being imported into the United States, the hourly user fee in § 130.30 will apply, unless a user fee has been assessed under 7 CFR part 354.3.

User Fees for Pet Birds (§ 130.10)

Section 130.10 lists user fees charged for services we provide for pet birds that must be quarantined in an APHIS owned or supervised quarantine facility.

In accordance with 9 CFR part 93, pet birds are normally quarantined for 30 days. We charge a daily user fee. The user fee applies per isolette and varies based on the number of pet birds in the isolette. That is, all the birds quarantined in one isolette are covered by one fee, which is assessed daily for the duration of the quarantine.

This user fee recovers all costs of feeding, housing, handling, and caring for the birds. The user fee does not recover the costs of testing the birds, for which separate user fees apply.

The table below lists the proposed user fees for pet birds quarantined in APHIS owned or supervised quarantine facilities for fiscal years 2000–2004. As explained above, the proposed user fees are based on FY 1999 costs and include direct labor costs adjusted by 4.4 percent for FY 2000 and 3.9 percent for FY 2001 through 2004 to cover increases in employee pay, and adjustments for inflation at 2.3 percent each year. The percentage changes in the user fees from one fiscal year to the next vary based on rounding.

USER FEES FOR PET BIRDS QUARANTINED IN APHIS OWNED OR SUPERVISED QUARANTINE FACILITIES (§ 130.10)

Number of birds in isolette	Daily user fee					
	Current user fee	Oct. 1, 1999-Sept. 30, 2000	Oct. 1, 2000-Sept. 30, 2001	Oct. 1, 2001-Sept. 30, 2002	Oct. 1, 2002-Sept. 30, 2003	Beginning Oct. 1, 2003
1	$6.50	$8.25	$8.50	$8.75	$9.00	$9.25
2	7.75	10.00	10.00	11.00	11.00	11.00
3	9.28	12.00	12.00	13.00	13.00	13.00
4	10.75	14.00	14.00	15.00	15.00	15.00
5 or more	12.00	16.00	16.00	17.00	17.00	18.00

User Fees for Endorsing Export Certificates (§ 130.20)

Section 130.20 lists user fees we charge for endorsing certificates for animals or animal products exported from the United States. The importing countries often require these certificates to show that an animal has tested negative to specific animal diseases or that an animal or animal product has not been exposed to specific animal diseases.

These user fees are intended to cover all of the costs associated with endorsing the certificates. The steps associated with endorsing an export certificate may include reviewing supporting documentation; confirming that the importing country's requirements have been met; verifying laboratory test results for each animal if tests are required; reviewing any certification statements required by the importing country; and endorsing, or

signing, the certificates. Because importing countries often require these certificates for animals, animal products, and other products, we are proposing to change the references in the regulations from "export health certificates" to "export certificates."

The tables below list the proposed user fees for endorsing these certificates for fiscal years 2000–2004. As explained above, the proposed user fees are based on FY 1999 costs and include direct labor costs adjusted by 4.4 percent for FY 2000 and 3.9 percent for FY 2001 through 2004 to cover increases in employee pay, and adjustments for inflation at 2.3 percent each year. The percentage changes in the user fees from one fiscal year to the next vary based on rounding.

USER FEES FOR ENDORSING EXPORT CERTIFICATES (§ 130.20(a))

Certificate categories	Current user fee	User fee				
		Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Animal products	$21.50	$29.00	$30.00	$30.00	$31.00	$32.00
Hatching eggs	21.00	27.00	28.00	28.00	29.00	30.00
Nonslaughter horses to Canada	26.25	34.00	35.00	36.00	37.00	38.00
Poultry (including slaughter poultry)	21.00	27.00	28.00	28.00	29.00	30.00
Slaughter animals, of any type, moving to Canada or Mexico	24.50	31.00	32.00	33.00	34.00	35.00
Other endorsements or certifications	16.50	21.00	22.00	22.00	23.00	24.00

USER FEES FOR ENDORSING EXPORT CERTIFICATES WHEN THE IMPORTING COUNTRY REQUIRES TESTS (§ 130.20(b)(1))

Number of tests or vaccinations and Number of animals or birds on the certificate	Current user fee	User fee				
		Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
1–2 tests or vaccinations:						
First animal	$52.50	$68.00	$70.00	$72.00	$74.00	$76.00
Each additional animal	3.00	4.00	4.00	4.00	4.25	4.25
3–6 tests or vaccinations:						
First animal	64.75	84.00	86.00	88.00	91.00	94.00
Each additional animal	5.00	6.50	6.75	7.00	7.00	7.25
7 or more tests or vaccinations:						
First animal	75.75	98.00	100.00	103.00	106.00	109.00
Each additional animal	6.00	7.75	8.00	8.25	8.25	8.50

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

Below is a summary of the economic analysis for the changes in APHIS user fees proposed in this document. The economic analysis provides a cost-benefit analysis as required by Executive Order 12866 and an analysis of the potential economic effects on small entities as required by the Regulatory Flexibility Act. A copy of the full economic analysis, which includes comparisons of the change in collections for each user fee, is available for review at the location listed in the **ADDRESSES** section at the beginning of this document.

We do not have enough data for a comprehensive analysis of the economic effects of this proposed rule on small entities. Therefore, in accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis for this proposed rule. We are inviting comments about this proposed rule as it relates to small entities. In particular, we are interested in determining the number and kind of small entities who may incur benefits or costs from implementation of this proposed rule and the economic impact of those benefits or costs.

These user fees are authorized by section 2509(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended (21 U.S.C. 136a). APHIS is authorized to establish and collect fees that will cover the cost of providing import- and export-related services for animals, animal products, birds, germ plasm, organisms, and vectors.

Since FY 1992, APHIS has received no directly appropriated funds to provide import- and export-related services for animals, animal products, birds, germ plasm, organisms, and vectors. Our ability to provide these services depends on user fees. We change our user fees through the standard rulemaking process of publishing the proposed changes for public comment in the **Federal Register**, considering the comments, publishing the final changes in the **Federal Register**, and making the new user fees effective 30 days after the final rule is published. This rulemaking process can be lengthy. As a result, our user fees may not reflect our current cost of providing services.

For our user fees to cover our costs so that we can continue to provide services and to inform our customers of user fees in time for advance planning, we propose to set user fees for our services in advance for fiscal years 2000 through 2004. The proposed user fees are based on our costs of providing import- and export-related services in FY 1999, plus anticipated annual increases in the salaries of employees who provide the services, plus adjustments for inflation. We used estimated pay increases of 4.4 percent for FY 2000 and 3.9 percent for FY 2001 through FY 2004 published by the U.S. Treasury Department to calculate increases in the direct labor costs each year. We estimated inflation at 2.3 percent a year based on the Consumer Price Index (CPI). The estimated CPI is published in the

Economic Assumptions table of the Budget for the U.S. Government each year.

Since the rulemaking process can be lengthy, it is difficult to estimate when proposed user fee changes may become effective. For analysis purposes, we based projected collections on calculations using an estimated effective date of April 1, 2000 for the proposed FY 2000 user fees. Our goal is to implement the proposed user fees in a timely fashion. In the final rule, we will show revised projections of user fee collections based on the effective date of the proposed user fees.

The following summary table shows annual expenses for providing import- and export-related services, current collections, increases in collections from the proposed user fee changes, and projected reserve amounts.

Calendar dates	Estimated current annual [1]	FY 2000 [2]	FY 2001	FY 2002	FY 2003	FY 2004	Total FY 2000 FY 2004
Operating reserve, start of year	$382,142	$382,142	$0	$1,083,957	$2,040,005	3,072,364	
Annual income:							
Current collections [3]	11,940,080	11,940,080	11,940,080	11,940,080	11,940,080	11,940,080	71,640,480
Proposed collections	0	2,303,817	5,005,404	5,391,637	5,999,739	6,451,365	25,151,962
Total income	11,940,080	14,243,897	16,945,484	17,331,717	17,939,819	18,391,445	96,792,442
Annual expenses [4]	11,940,080	14,626,039	15,861,527	16,375,669	16,907,460	17,457,533	93,168,308
Income, less expenses	0	(382,142)	1,083,957	956,048	1,032,359	933,912	
Operating reserve, end of year	382,142	0	1,083,957	2,040,005	3,072,364	4,006,276	
Months (no.)	0.00	0.00	0.82	1.49	2.18	2.75	

[1] Current annual estimates are based on FY 1998.

[2] FY 2000 estimates are based on an estimated implementation date for the proposed user fees of April 1, 2000. When the estimated implementation date changes, we will recalculate the projections using that date.

[3] Projections for FY 2000–2004 are based on FY 1998 volumes. When FY 1999 volumes are available, we will recalculate the projections using FY 1999 volumes. Increases in volumes in the outyears would increase income and expenses proportionately.

[4] The annual expenses shown in the table in the estimated current annual column and in the FY 2000 column reflect expenses constrained by income from user fee collections. Our user fees are not high enough to provide the level of service delivery requested for import- and export-related activities. Our current user fees are approximately $2.5 million below the performance level of services requested. Even with the proposed user fee increases, using an estimated effective date of April 1, 2000 for the proposed FY 2000 user fees, we anticipate that in FY 2000 our user fee collections would be over $1 million below the level of anticipated service requests. To constrain expenses down to equal income, we would be required to restrict services until user fee increases can be implemented. Adoption of the proposed user fees would allow us to meet customer demand and build an adequate reserve. Therefore, once implemented, service restrictions would no longer be required.

Effects on Small Entities

Proposed user fee changes could affect some importers and exporters of live animals, animal products, birds, germ plasm, organisms, and vectors. Any of these importers or exporters whose annual sales total less than $5 million is a small entity according to the Small Business Administration (SBA). We do not have adequate information to determine the number of entities who import or export live animals and qualify as a small entity. Data from the 1995 Bureau of Census indicates that the majority of agricultural entities who deal in less valuable animals, such as feeding or slaughter animals, can be considered small. This may not be the case for entities dealing exclusively in more valuable animals. While there is a wide range in the sizes of entities who use our import- and export-related services, our experience shows that as many as 50 percent may be considered large.

The profit margins of some entities could decline as user fees for import-or export-related services are increased. However, the proposed increases are generally small in dollar value. Over the 5 years, more than 57 percent of the individual user fee increases are $1.00 or less, and more than 88 percent are less than $10.00. In addition, the proposed user fees represent a small fraction of the value of the affected animals. Purchase and import costs for importing a breeding grade animal into the United States can range between $1500 and $5000 per head. Therefore, the proposed increases are not generally expected to reduce profits or impede imports or exports. Indeed, entities directly effected by this proposed rule are not likely to bear the full burden of the user fee increases, as some of the cost increases are expected to be passed on to the purchasers of these imported or exported animals or animal products.

Alternatives

One alternative to this proposed rule would be to make no changes to the current user fees. We do not consider making no changes to the current user fees a reasonable alternative because we would not recover the full cost of providing the import-and export-related services. Since 1992, Congress has not appropriated funds for these services; these services have been paid for through user fees charged to the customer or reimbursable agreements. Therefore, if we had chosen this alternative and not proposed changes to the current user fees, funds would not be available to continue to provide services at a level sufficient to meet customer demand.

Another alternative to this proposed rule would be to either exempt small businesses from these user fees or establish a different user fee structure for small businesses. APHIS cannot exempt certain classes of users, such as small businesses, from the user fees, and cannot charge user fees that recover less than the full cost of providing the service. In addition, every business, including small businesses, using a government service needs to pay the cost of that service, rather than having other businesses pay a disproportionate share or passing those costs on to the general public, who are not the primary beneficiary of the service. Therefore, we do not consider exempting small businesses from these user fees or establishing a different user fee structure for small businesses as viable options.

Another alternative to the user fee changes proposed in this rule would be to calculate the increases for the five year period and then spread the changes evenly in annual increments. The largest change from the current user fees to the proposed FY 2000 user fee comes from the additional administrative support cost components: Rent, billing costs and collections expenses, and

equipment capitalization. APHIS is already incurring these costs, therefore we need to recover these costs through user fees. If we had proposed these increases phased in over the 5 year period, it would benefit users in FY 2000 because they would not pay a large increase in the first year. However, most of these user fees have not been changed since FY 1996 and the current user fees no longer reflect the cost of providing import- and export-related services. Therefore, if we implemented this alternative, the user fees would still not accurately reflect the costs in FY 2000 and we would not recover the costs of providing import- or export-related services, so this option is not viable. Our intent of offering a multi-year plan so that businesses can include these revised user fees in their operating program will be effective once these proposed user fees become effective and businesses will know what the annual changes will be to incorporate them into their budgetary plans. The alternative would be to continue as we have with occasional large increases instead of the initial increase to bring the user fees up to the cost of providing services and implementing annual changes as we have proposed in this document.

Cost Benefit Analysis

The benefit of user fees is the shift in the payment of services from taxpayers as a whole to those persons who are receiving the government services. While taxes may not change by the same amount as the change in user fee collections, there is a related shift in the appropriations of taxes to government programs, which allows those tax dollars to be applied to other programs which benefit the public in general. Therefore, there could be a relative savings to taxpayers as a result of the proposed changes in user fees.

The administrative cost involved in obtaining these savings would be minimal. APHIS already has a user fee program and a mechanism for collecting user fees in place. This proposal would update existing user fees in the system. Therefore, increases in administrative costs would be small. Because the savings are sufficiently large, and the administrative costs would be small, it is likely that the net gain in reducing the burden on taxpayers as a whole would outweigh the cost of administering the revisions of the user fees.

This proposed rule contains no new information collection or recordkeeping requirements.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we propose to amend 9 CFR part 130 as follows:

PART 130—USER FEES

1. The authority citation for part 130 would be revised to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 130.2 would be amended as follows:

a. In paragraph (a), by revising the table to read as set forth below.

b. In paragraph (b), by revising the table to read as set forth below.

§ 130.2 User fees for individual animals and certain birds quarantined in APHIS Animal Import Centers.

(a) * * *

Animal or bird	Daily user fee				
	Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Birds (excluding ratites and pet birds imported in accordance with Part 93 of this subchapter):					
0–250 grams	$1.50	$1.50	$1.50	$1.50	$1.75
251–1,000 grams	5.00	5.25	5.25	5.50	5.75
Over 1,000 grams	12.00	12.00	13.00	13.00	13.00
Domestic or zoo animals (except equines, birds, and poultry):					
Bison, bulls, camels, cattle, or zoo animals	93.00	95.00	97.00	100.00	102.00
All others, including, but not limited to, alpacas, llamas, goats, sheep, and swine	24.00	25.00	26.00	26.00	27.00
Equines (including zoo equines, but excluding miniature horses):					
1st through 3rd day (fee per day)	245.00	251.00	257.00	264.00	270.00
4th through 7th day (fee per day)	177.00	182.00	186.00	191.00	195.00
8th and subsequent days (fee per day)	150.00	154.00	158.00	162.00	166.00
Miniature horses	56.00	57.00	58.00	60.00	61.00
Poultry (including zoo poultry):					
Doves, pigeons, quail	3.00	3.25	3.25	3.25	3.50
Chickens, ducks, grouse, guinea fowl, partridge, pea fowl, pheasants	5.75	6.00	6.00	6.25	6.25
Large poultry and large waterfowl, including, but not limited to game cocks, geese, swans, and turkeys	13.00	14.00	14.00	14.00	15.00
Ratites:					
Chicks (less than 3 months old)	8.50	8.75	9.00	9.00	9.25
Juveniles (3 months through 10 months old)	13.00	13.00	13.00	14.00	14.00
Adults (11 months old and older)	24.00	25.00	26.00	26.00	27.00

(b) * * *

Bird or poultry (nonstandard housing, care, or handling)	Daily user fee				
	Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Birds 0–250 grams and doves, pigeons, and quail	$5.00	$5.25	$5.25	$5.50	$5.75
Birds 251–1,000 grams and poultry such as chickens, ducks, grouse, guinea fowl, partridge, pea fowl, and pheasants	12.00	12.00	13.00	13.00	13.00
Birds over 1,000 grams and large poultry and large waterfowl, including, but not limited to game cocks, geese, swans, and turkeys	23.00	24.00	24.00	25.00	25.00

* * * * *

3. Section 130.3 would be amended as follows:

a. In paragraph (a)(1), the table would be revised to read as set forth below.

b. By revising paragraph (c)(3) to read as set forth below.

§ 130.3 User fees for exclusive use of space at APHIS Animal Import Centers.

(a)(1) * * *

Animal import center	Monthly user fee				
	Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Newburgh, NY:					
Space A 5,396 sq. ft. (503.1 sq. m.)	$53,037	$54,523	$56,054	$57,630	$59,254
Space B 8,903 sq. ft (827.1 sq. m.)	87,508	89,959	92,484	95,085	97,764
Space C 905 sq. ft. (84.1 sq. m.)	8,895	9,144	9,401	9,666	9,938

* * * * *

(c) * * *

(3) If the importer requests additional services, then the user fees for those services will be calculated at the hourly rate user fee listed in § 130.30, for each employee required to perform the service.

* * * * *

4. Section 130.5 would be revised to read as follows:

§ 130.5 User fees for services at privately operated permanent and temporary import quarantine facilities.

(a) User fees for each animal quarantined in a privately operated permanent or temporary import quarantine facility will be calculated at the hourly user fee rate listed in § 130.30, for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

(b) [Reserved]

(Approved by the Office of Management and Budget under control number 0579–0094)

5. Section 130.6 would be revised to read as follows:

§ 130.6 User fees for inspection of live animals at land border ports along the United States-Mexico border.

(a) User fees for live animals presented for importation into or entry into the United States through a land border port along the United States-Mexico border are listed in the following table. The minimum user fee for this service is listed in § 130.30. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Type of live animal	Per head user fee				
	Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Any ruminants not covered below	$8.00	$8.25	$8.50	$8.75	$9.00
Feeder	2.25	2.25	2.25	2.50	2.50
Horses, other than slaughter	39.00	41.00	42.00	43.00	44.00
In-bond or in-transit	5.25	5.25	5.50	5.50	5.75
Slaughter	3.50	3.50	3.50	3.75	3.75

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

6. Section 130.7 would be revised to read as follows:

§ 130.7 User fees for inspection of live animals at all other ports of entry.

(a) User fees for live animals presented for importation into or entry into the United States through any port of entry, other than a land border port along the border between the United States and Mexico, are listed in the following table. The minimum user fee for this service is listed in § 130.30. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Type of live animal	Unit	User fee				
		Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Animals being imported into the United States:						
Breeding animals (Grade animals, except horses):						
Sheep and goats	per head	$0.50	$0.50	$0.50	$0.50	$0.50
Swine	per head	0.75	0.75	0.75	0.75	0.75
All others	per head	3.00	3.00	3.25	3.25	3.25
Feeder animals:						
Cattle (not including calves)	per head	1.50	1.50	1.50	1.50	1.50
Sheep and calves	per head	0.50	0.50	0.50	0.50	0.50
Swine	per head	0.25	0.25	0.25	0.25	0.25
Horses, other than slaughter and in-transit.	per head	25.00	26.00	27.00	28.00	29.00
Poultry (including eggs), imported for any purpose.	per load	44.00	46.00	47.00	48.00	50.00
Registered animals, all types	per head	5.25	5.50	5.50	5.75	6.00
Slaughter animals, all types	per load	22.00	23.00	24.00	24.00	25.00
Animals transiting[1] the United States:						
Cattle	per head	1.25	1.25	1.50	1.50	1.50
Horses and all other animals	per head	6.00	6.25	6.50	6.75	6.75
Sheep and goats	per head	0.25	0.25	0.25	0.25	0.25
Swine	per head	0.25	0.25	0.25	0.25	0.25

[1] The user fee in this section will be charged for in-transit authorizations at the port where the authorization services are performed. For additional services provided by APHIS, at any port, the hourly user fee rate in § 130.30 will apply.

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

7. Section 130.8 would be revised to read as follows:

§ 130.8 User fees for other services.

(a) User fees for other services that are not specifically addressed elsewhere in part 130 are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Service	Unit	User fee—				
		Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Embryo collection center inspection and approval (all inspections required during the year for facility approval).	Per year	$337.00	$347.00	$358.00	$369.00	$380.00
Germ plasm being exported:[1]						
Embryo:						
Up to 5 donor pairs	Per certificate	74.00	76.00	79.00	81.00	83.00
Each additional group of donor pairs, up to 5 pairs per group, on the same certificate.	Per group of donor pairs.	33.00	34.00	35.00	36.00	37.00
Semen	Per certificate	45.00	46.00	48.00	49.00	51.00
Germ plasm being imported:[2]						
Embryo	Per load	54.00	55.00	57.00	58.00	60.00
Semen	Per load	54.00	55.00	57.00	58.00	60.00
Import compliance assistance:						
Simple (2 hours or less)	Per release	62.00	64.00	66.00	68.00	70.00
Complicated (more than 2 hours).	Per release	159.00	164.00	169.00	174.00	180.00
Inspection for approval of slaughter establishment:						
Initial approval (all inspections)	Per year	332.00	342.00	352.00	362.00	373.00
Renewal (all inspections)	Per year	288.00	296.00	305.00	314.00	323.00
Inspection of approved establishments, warehouses, and facilities under 9 CFR parts 94 through 96:						
Approval (compliance agreement) (all inspections for first year of 3-year approval).	Per year	354.00	365.00	375.00	386.00	398.00

Service	Unit	User fee— Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Renewed approval (all inspections for second and third years of 3-year approval).	Per year	205.00	211.00	217.00	223.00	230.00
Pet birds (except pet birds of U.S. origin entering the United States from Canada):						
Which have been out of the United States more than 60 days.	Per lot	229.00	236.00	243.00	250.00	257.00
Which have been out of the United States 60 days or less.	Per lot	96.00	99.00	102.00	105.00	108.00
Processing VS form 16–3, "Application for Permit to Import Controlled Material/Import or Transport Organisms or Vectors":						
For permit to import fetal bovine serum when facility inspection is required.	Per application	275.00	283.00	292.00	300.00	309.00
For all other permits	Per application	35.00	36.00	37.00	38.00	39.00
Amended application	Per amended application.	14.00	15.00	15.00	16.00	16.00
Application renewal	Per application	19.00	19.00	20.00	21.00	21.00
Release from export agricultural hold:						
Simple (2 hours or less)	Per release	62.00	64.00	66.00	68.00	70.00
Complicated (more than 2 hours).	Per release	159.00	164.00	169.00	174.00	180.00

[1] This user fee includes a single inspection and resealing of the container at the APHIS employee's regular tour of duty station or at a limited port. For each subsequent inspection and resealing required, the hourly user fee in § 130.30 will apply.

[2] For inspection of empty containers being imported into the United States, the hourly user fee in § 130.30 will apply, unless a user fee has been assessed under 7 CFR part 354.3.

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579–0015, 0579–0040, 0579–0055 and 0579–0094)

§ 130.9 [Removed and Reserved]

8. Section 130.9 would be removed and reserved.

9. Section 130.10 would be amended as follows:

a. In paragraph (a), by revising the table to read as set forth below.

b. By revising paragraph (c) to read as set forth below.

§ 130.10 User fees for pet birds quarantined at APHIS-owned or supervised quarantine facilities.

(a) * * *

Number of birds in isolette	Daily user fee— Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
1	$8.25	$8.50	$8.75	$9.00	$9.25
2	10.00	10.00	11.00	11.00	11.00
3	12.00	12.00	13.00	13.00	13.00
4	14.00	14.00	15.00	15.00	15.00
5 or more	16.00	16.00	17.00	17.00	18.00

* * * * *

(c) If the importer requests additional services, then the user fees for those services will be calculated at the hourly rate user fee listed in § 130.30, for each employee required to perform the service.

(Approved by the Office of Management and Budget under control number 0579–0094)

10. Section 130.20 would be amended as follows:

a. By revising the section heading to read as set forth below.

b. In paragraph (a), by revising the table to read as set forth below.

c. In paragraph (b)(1), by revising the table to read as set forth below.

§ 130.20 User fees for endorsing export certificates.

(a) * * *

Certificate categories	User fee— Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Animal products	$29.00	$30.00	$30.00	$31.00	$32.00

Certificate categories	User fee—				
	Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Hatching eggs	27.00	28.00	28.00	29.00	30.00
Nonslaughter horses to Canada	34.00	35.00	36.00	37.00	38.00
Poultry (including slaughter poultry)	27.00	28.00	28.00	29.00	30.00
Slaughter animals, of any type, moving to Canada or Mexico	31.00	32.00	33.00	34.00	35.00
Other endorsements or certifications	21.00	22.00	22.00	23.00	24.00

(b)(1) * * *

Number of tests or vaccinations and Number of animals or birds on the certificate	User fee—				
	Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
1–2 tests or vaccinations:					
First animal	$68.00	$70.00	$72.00	$74.00	$76.00
Each additional animal	4.00	4.00	4.00	4.25	4.25
3–6 tests or vaccinations:					
First animal	84.00	86.00	88.00	91.00	94.00
Each additional animal	6.50	6.75	7.00	7.00	7.25
7 or more tests or vaccinations:					
First animal	98.00	100.00	103.00	106.00	109.00
Each additional animal	7.75	8.00	8.25	8.25	8.50

* * * * *

§ 130.21 [Removed and Reserved]

11. Section 130.21 would be removed and reserved.

12. A new § 130.30 would be added to read as follows:

130.30 Hourly rate user fees.

(a) User fees for import-or export-related veterinary services listed in paragraphs (a)(1) through (a)(10) of this section will be calculated at the hourly rate listed in the following table for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

	Hourly user fee				
	Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Hourly rate:					
Per hour	$76.00	$76.00	$80.00	$84.00	$84.00
Per quarter hour	19.00	19.00	20.00	21.00	21.00
Per service minimum fee	22.00	23.00	24.00	24.00	25.00

(1) Conducting inspections, including laboratory and facility inspections, required to obtain permits, either to import animal products, aquaculture products, organisms or vectors, or to maintain compliance with import permits.

(2) Obtaining samples required to be tested, either to obtain import permits or to ensure compliance with import permits.

(3) Providing services for imported birds or ratites that are not subject to quarantine.

(4) Supervising the opening of in-bond shipments.

(5) Providing services for in-bond or in-transit animals to exit the United States.

(6) Inspecting an export isolation facility and the animals in it.

(7) Supervising animal or bird rest periods prior to export.

(8) Supervising loading and unloading of animals or birds for export shipment.

(9) Inspecting means of conveyance used to export animals or birds.

(10) Conducting inspections under part 156 of this chapter.

(11) Inspecting and approving an artificial insemination center or a semen collection center or the animals in it.

(12) Providing other import-or export-related veterinary services for which there is no flat rate user fee specified elsewhere in this part.

(b) When do I pay an additional amount for employee(s) working overtime? You must pay an additional amount if you need an APHIS employee to work on a Sunday, on a holiday, or at any time outside the normal tour of duty of that employee. Instead of paying the hourly rate user fee, you pay the rate listed in the following table for each employee needed to get the work done.

Overtime rates (outside the employee's normal tour of duty)	Premium rate user fee—				
	Oct. 1, 1999–Sept. 30, 2000	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
Premium hourly rate Monday through Saturday and holidays:					
Per hour	$88.00	$88.00	$92.00	$96.00	$100.00
Per quarter hour	22.00	22.00	23.00	24.00	25.00
Premium hourly rate for Sundays:					
Per hour	100.00	104.00	104.00	108.00	112.00
Per quarter hour	25.00	26.00	26.00	27.00	28.00

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

13. In § 130.50, paragraph (b)(3)(ii) would be revised to read as follows:

§ 130.50 Payment of user fees.

* * * * *

(b) * * *

(3) * * *

(ii) What additional amount do I pay if I receive an hourly rate user fee service? Instead of paying the hourly rate user fee, you pay the rate listed in § 130.30(b) for each employee needed to get the work done.

* * * * *

Done in Washington, DC, this 24th day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–25425 Filed 9–29–99; 8:45 am]

BILLING CODE 3410–34–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: NCUA is proposing to amend its lending regulation to permit federal credit unions to advance money to members to cover account deficits without having a credit application from the member on file if the credit union has a written overdraft policy.

DATES: The NCUA must receive comments on or before November 29, 1999.

ADDRESSES: Direct comments to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, or you may fax comments to (703) 518–6319. *Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: Michael J. McKenna, Senior Staff Attorney, or Regina M. Metz, Staff Attorney, in the Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Credit Union Act does not specifically address a federal credit union's (FCU's) authority to pay or honor a share draft written that will result in an overdrawn account. NCUA's longstanding position has been that an FCU's payment of an overdraft as a financial accommodation to a member constitutes a loan or line of credit to a member.

When an FCU pays a member's overdraft, the FCU uses its money to pay a member's third party obligations. The overdraft is a debt that the FCU expects the member to repay. Because the FCU is making a loan, it must comply with the NCUA's lending regulation requiring a credit application to be on file for each borrower supporting the decision to make a loan or establish a line of credit. 12 CFR 701.21(c)(3).

A number of federal credit unions and trade associations contend that federal credit unions are at a competitive disadvantage because they are unable to cover a member's overdrafts absent a prearranged, written agreement for the extension of credit. The NCUA Board believes this argument has merit although there may be some safety and soundness concerns with extending credit to a member without a written lending agreement. Overdrafts which are unsupported by an agreement and for which there is no credit analysis represent an unsecured obligation of the member to the credit union. In general, a credit union undertakes a greater level of risk with this activity than with a loan which has undergone a thorough credit analysis. However, after careful review, the NCUA Board is proposing to amend § 701.21(c)(3) to permit a credit union to advance money to a member to cover his or her account deficit without having a credit application from the borrower on file if the credit union has a written overdraft policy. The NCUA Board believes that a written overdraft policy will offset safety and soundness concerns and prevent insider abuses. The Board is proposing that a credit union's written overdraft policy must: (1) Address how the credit union will honor overdrafts; (2) set a cap on the total dollar amount of all overdrafts the credit union will honor; (3) establish a time limit not to exceed ten business days for a member either to deposit funds or obtain an approved loan from the credit union to cover each overdraft; (4) limit the number and dollar amount of overdrafts the credit union will honor per member; and (5) establish the fee and interest rate, if any, the credit union will charge members for honoring overdrafts.

The NCUA Board requests comments from the public on whether the regulation should impose additional restrictions on overdrafts by credit union employees or officials. The NCUA Board also requests comments on whether NCUA should set limits on the total dollar amount a credit union can lend to honor overdrafts as well as the total dollar amount per member. The NCUA Board is also requesting comments on whether the regulation should require a federal credit union to have in its overdraft policy a certain number of days after which it will write off any overdraft for which the member has not either repaid the credit union or obtained an approved loan. Finally, the NCUA Board requests comments on whether the ten-day requirement for the member to cover the overdraft is appropriate. The risk of nonpayment of an overdraft that is not covered by the member within such a time period increases dramatically.

While the proposed regulation is under consideration, the NCUA intends to continue its current supervisory approach to overdrafts that are paid as

an accommodation to members. The approach has been that it will not take exception to FCUs that permit overdrafts as long as there are no safety and soundness concerns or evidence that the practice is being abused or otherwise used as a means of circumventing other regulatory requirements or giving preferential treatment to insiders.

Finally, in proposing this rule, NCUA is not directing or encouraging credit unions to replace using written overdraft agreements with members with a written overdraft policy. In fact, because written overdraft agreements function essentially as a lending agreement that becomes operational in the event of an overdraft, they are a preferable way of addressing the safety and soundness concerns presented by overdrafts.

B. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any proposed regulation may have on a substantial number of small entities (primarily those under $1 million in assets). The NCUA has determined and certifies that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The NCUA Board has determined that the proposed notice and disclosure requirements in § 701.21 constitute a collection of information under the Paperwork Reduction Act. NCUA is submitting a copy of this proposed rule to the Office of Management and Budget (OMB) for its review.

The proposed rule requires a federal credit union that advances money to a member to cover his or her account deficit without having the member's credit application on file to have a written overdraft policy. The policy must: (1) Address how the credit union will honor overdrafts; (2) set a cap on the total dollar amount of all overdrafts the credit union will cover; (3) establish time limits for a member to deposit funds to cover each overdraft; (4) limit the number and dollar amount of overdrafts the credit union will honor per member; and (5) establish the fee and interest rate, if any, the credit union will charge members for covering overdrafts.

The written policy requirement is necessary to insure safety and soundness in the credit union industry and protect the interests of credit union members where a federal credit union provides overdraft protection to a member without having his or her credit application on file.

The NCUA Board estimates that it will take an average of four hours to comply with this written policy requirement. The NCUA Board also estimates that 1000 federal credit unions will write overdraft policies so the total annual collection burden is estimated to be approximately 4000 hours.

The Paperwork Reduction Act of 1995 and OMB regulations require that the public be provided an opportunity to comment on information collection requirements, including an agency's estimate of the burden of the collection of information. The NCUA Board invites comment on: (1) Whether the collection of information is necessary; (2) the accuracy of NCUA's estimate of the burden of collecting the information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of collection of information. Comments should be sent to: OMB Reports Management Branch, New Executive Office Building, Room 10202, Washington, D.C. 20503; Attention: Alex T. Hunt, Desk Officer for NCUA. Please send NCUA a copy of any comments you submit to OMB.

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. This proposed rule makes no significant changes with respect to state credit unions and therefore, will not materially affect state interest.

C. Agency Regulatory Goal

NCUA's goal is clear, understandable regulations that impose a minimal regulatory burden. We request your comments on whether the proposed amendment is understandable and minimally intrusive if implemented as proposed.

List of Subjects in 12 CFR Part 701

Credit, Credit unions, Reporting and recordkeeping requirements

By the National Credit Union Administration Board on September 16, 1999.

Becky Baker,

Secretary of the Board.

For the reasons set forth in the preamble, the National Credit Union Administration proposes to amend 12 CFR part 701 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, and 1789.

Section 701.6 is also authorized by 15 U.S.C. 3717.

Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*; 42 U.S.C. 1981 and 3601–3610.

Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

2. Amend § 701.21 by revising paragraph (c)(3) to read as follows:

§ 701.21 Loans to members and lines of credit to members.

* * * * *

(c) * * *

(3) *Credit applications and overdrafts.* Consistent with policies established by the board of directors, the credit committee or loan officer shall ensure that a credit application is kept on file for each borrower supporting the decision to make a loan or establish a line of credit. A credit union may advance money to a member to cover an account deficit without having a credit application from the borrower on file if the credit union has a written overdraft policy. The policy must: address how the credit union will honor overdrafts; set a cap on the total dollar amount of all overdrafts the credit union will honor consistent with the credit union's ability to absorb losses; establish a time limit not to exceed ten business days for a member either to deposit funds or obtain an approved loan from the credit union to cover each overdraft; limit the number and dollar amount of overdrafts the credit union will honor per member; and establish the fee and interest rate, if any, the credit union will charge members for honoring overdrafts.

* * * * *

[FR Doc. 99–25397 Filed 9–29–99; 8:45 am]

BILLING CODE 7535–01–U

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 146

Privacy Act of 1974; Implementation

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to adopt a rule to exempt a new system of records, concerning, *inter alia*, complaints of sexual harassment, from

Sections 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Privacy Act of 1974 on the basis that the system is investigatory material compiled for law enforcement purposes. The name of the system of records is the Exempted Informal Employment Complaint Files and it is designated CFTC–7.

DATES: Comments must be received on or before November 1, 1999.

ADDRESSES: Comments should be addressed to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1152 21st Street NW., Washington, DC 20581. Comments may also be sent by facsimile to number (202) 418–5221 or by electronic mail to secretary@cftc.gov. Refer to "Sexual harassment files."

FOR FURTHER INFORMATION CONTACT: Stacy Dean Yochum, Counsel to the Executive Director, (202) 418–5157, Glynn L. Mays, Office of the General Counsel, (202) 418–5140, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: In September 1998 the Commission adopted a Sexual Harassment Policy that enabled persons who believed they were victims of harassment to invoke certain informal procedures. The Policy requires all supervisors, managers, and members of the Commission to report instances of sexual harassment witnessed by them or reported to them to the Commission's EEO Director. Remedies under the Policy include methods for informal resolution of complaints between a complainant and the person she or he believes has engaged in harassment and also for investigations under the aegis of the Executive Director to determine whether disciplinary action is warranted. Records of complaints, reports, investigations, and dispositions will be maintained by the Executive Director. The purposes of the records system include centralization information on this workplace issue and the Commission's response to it, identification of repeat offenders, and support for disciplinary action. Neither the Policy nor the system of records is part of the EEOC's Federal Sector Complaint Processing system. *See* 29 CFR part 1614. Both the policy and maintenance of the system of records are, however, consistent with the EEOC's mandate to federal agencies to "maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate disciminatory practices and policies." 29 CFR 1614.102(a).

In the Commission's view, the materials in this system of records are investigatory materials compiled for law enforcement purposes within the meaning of Privacy Act Section 552a(k)(2), 5 U.S.C. 552a(k)(2). Individual access to these files could impair the effectiveness and orderly conduct of the Commission's program to combat illegal workplace discrimination and discipline those responsible.

Accordingly the Commission is proposing to amend its rules under the Privacy Act, 17 CFR 146.12, to exempt this system of records from the requirements of Privacy Act sections 552a(c)(3) [availability of accounting of disclosures]; (d) [individual access to records]; (e)(1) [relevancy of records]; (e)(4)(G) [request of an individual whether a system of records contains a record pertaining to him or her]; (e)(4)(H) [notification of access and contest procedures]; (e)(4)(I) [publication of categories of sources of records in the system]; and (f) [adoption of rules relating, *inter alia*, to individual access to his or her records in the system].

List of Subjects in 17 CFR Part 146

Privacy.

For the reasons stated above, the Commodity Futures Trading Commission proposes to amend 17 CFR part 146 as follows:

PART 146—RECORDS MAINTAINED ON INDIVIDUALS

1. The authority citation for part 146 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a), Pub. L. 93–463, 88 Stat. 1389 (7 U.S.C. 40(j)) unless otherwise noted.

2. Amend § 146.12 *Exemptions, by revising the last sentence* of paragraph (a) to read as follows:

§ 146.12 Exemptions.

(a) * * * Materials exempted under this paragraph are contained in the system of records entitled "Exempted Investigatory Records," "Exempted Informal Employment Complaint Files," and/or in the system of records entitled "Exempted Closed Commission Meetings."

* * * * *

Issued in Washington, DC, on September 22, 1999.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–25189 Filed 9–29–99; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 210, 211, 820, and 1271

[Docket No. 97N–484S]

Suitability Determination for Donors of Human Cellular and Tissue-Based Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing new regulations to require manufacturers of human cellular and tissue-based products to screen and test the donors of cells and tissue used in those products for risk factors for and clinical evidence of relevant communicable disease agents and diseases. Human cellular and tissue-based products are products that contain or consist of human cells or tissues and that are intended for implantation, transplantation, infusion, or transfer. As part of this regulatory action, the agency is proposing to amend the current good manufacturing practice (CGMP) regulations that apply to human cellular and tissue-based products regulated as drugs, medical devices, and/or biological products to incorporate the new donor-suitability procedures into existing good manufacturing practice (GMP) regulations. The agency is taking this action to provide more appropriate oversight for the wide spectrum of human cellular and tissue-based products that are marketed now or may be marketed in the future. The agency's action would improve protection of the public health and increase public confidence in new technologies, while permitting significant innovation and keeping regulatory burden to a minimum.

DATES: Submit written comments on the proposed rule on or before December 29, 1999. Submit written comments on the information collection provisions on or before November 1, 1999.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit written comments on the information collection provisions to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Paula S. McKeever, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Introduction

FDA is in the process of establishing a comprehensive new system of regulating human cellular and tissue-based products. The term "human cellular and tissue-based products" encompasses an array of medical products derived from the human body and used for repair, reproductive, replacement, or other therapeutic purposes. Skin, tendons, bone, heart valves, and corneas have long been used as replacements for damaged or diseased tissues. Semen, ova, and embryos are transferred for reproductive purposes. Currently, some human cellular and tissue-based products are being developed for new therapeutic uses. For example, scientists are studying the use of manipulated human cells to treat viral infections, Parkinson's disease, and diabetes, among other conditions and diseases. FDA's new regulatory program will cover all of these products, including those currently regulated as "human tissue intended for transplantation" under part 1270 (21 CFR part 1270). (The proposed regulatory definition of a human cellular or tissue-based product, and exceptions from the definition, will be discussed in greater detail later in this document.)

In February 1997, the agency announced its regulatory plans in two documents: "Reinventing the Regulation of Human Tissue" and "A Proposed Approach to the Regulation of Cellular and Tissue-Based Products" (hereinafter referred to as the "proposed approach document"). FDA requested written comments on its proposed approach and, on March 17, 1997, held a public meeting to solicit information and views from the interested public (62 FR 9721, March 4, 1997).

In the **Federal Register** of May 14, 1998 (63 FR 26744), FDA proposed an establishment registration and product listing system for manufacturers of human cellular and tissue-based products (hereinafter referred to as the "proposed registration rule.") The proposed registration rule was the first in a series of rules that the agency intends to propose to implement its new approach to these products. The proposed registration rule would require manufacturers of human cellular and tissue-based products to register with the agency, to list their products, and to submit regular updates. The rule defines "human cellular and tissue-based product," sets out exceptions to this definition, e.g., vascularized human organs and certain minimally manipulated bone marrow, and describes certain types of establishment that would not be subject to the registration and listing requirement. In addition, the rule proposes criteria for regulation of a human cellular or tissue-based product solely under section 361 of the Public Health Service Act (the PHS Act) (42 U.S.C. 264), rather than as a drug, device, and/or biological product. Relevant portions of the proposed registration rule are discussed in this proposed rule as necessary, and the definitions contained in the proposed registration rule are reprinted in their entirety in section III.B.1 of this document.

As another step toward accomplishing its regulatory objectives, the agency recently issued a request for proposed standards and supporting data relating to certain stem-cell products (63 FR 2985, January 20, 1998).

FDA now proposes to require manufacturers of certain human cellular and tissue-based products to screen and test the donors of cells and tissues used in those products for risk factors for and clinical evidence of relevant communicable disease agents and diseases. The proposed regulations are intended as safeguards to prevent the transmission of communicable diseases that may occur with the use of cells and tissues from infected donors.

In acting to increase the safety of the nation's supply of human cellular and tissue-based products, FDA is also seeking to avoid unnecessary regulation. Thus, consistent with the proposed approach document, the agency has tailored the proposed testing and screening requirements to the degree of communicable disease risk associated with the various types of human cellular and tissue-based products. The testing and screening for donors of cells and tissues that pose a high degree of communicable disease risk will be more extensive than for donors of cells and tissues with lesser risk. Where the risk is quite low (e.g., cells or tissues used autologously), FDA will recommend testing and screening, but will not require them; however, certain labeling will be required.

As outlined in the proposed approach document, the agency is implementing its regulatory plan for human cellular and tissue-based products in a step-by-step fashion. Following the publication of this proposed rule, the agency intends to propose current good tissue practice "CGTP" regulations to address concerns about the proper handling, storage, and processing of human cellular and tissue-based products. The donor-suitability regulations now being proposed would be placed in new part 1271, along with the regulations covering registration, CGTP, and other areas, e.g., establishment inspection and enforcement. Proposed part 1271 will eventually supersede part 1270, which contains current regulations governing infectious-disease testing, donor screening, and recordkeeping for human tissue intended for transplantation. At the completion of the rulemaking process, FDA intends to revoke part 1270.

II. Donor Suitability

A. Part 1270 and the Need for Expanded Donor-Suitability Requirements

In the early 1990's, serious issues arose about the safety of human tissue used for transplantation. Concern focused on the potential for disease transmission through the transplantation of tissues from donors infected with the human immunodeficiency virus (HIV) or one of the hepatitis viruses. In 1993, FDA acted in response to this immediate need to protect the public health by issuing an interim rule requiring the donors of human tissue intended for transplantation to be screened and tested for HIV types 1 and 2, hepatitis B (HBV), and hepatitis C (HCV) (58 FR 65514, December 14, 1993). That rule, codified at part 1270, covered human tissue that was not regulated as a human drug, biological product, or medical device; reproductive tissue and several other categories of products were also excluded (§ 1270.3(j)). In response to comments submitted on the interim rule, FDA modified and clarified the requirements. In the **Federal Register** of July 29, 1997 (62 FR 40429), FDA issued a final rule replacing the interim rule (hereinafter referred to as the "tissue final rule").

When it issued the regulations in part 1270, FDA envisioned replacing them, at a future date, with more extensive requirements with respect to infectious-disease control (58 FR 65514 at 65516). Consistent with these intentions, the agency is now proposing regulations that would expand on the current testing and screening requirements in two ways. First, the proposed regulations would increase the number of products covered by the screening and testing requirements. Second, the proposed regulations would require screening and testing for additional diseases. (The present rulemaking affects only the screening and testing

components of part 1270. Other requirements will be the subject of future rulemaking, e.g., the requirement in § 1270.31 for written procedures and the enforcement provisions in part 1270 subpart D.)

Because of their nature as derivatives of the human body, all human cellular and tissue-based products pose a potential risk of transmitting communicable diseases. For example, HIV, HBV, and HCV have been detected in human tissue, including bone, skin, corneas, and semen. In proposing to establish a unified regulatory approach for human cellular and tissue-based products, the agency is responding to the concern about communicable disease transmission that is common to all such products. The proposed testing and screening provisions would be applicable to human cellular and tissue-based products that are regulated under section 201 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 *et. seq.*) and/or section 351 of the PHS Act (42 U.S.C. 262) as medical devices, drugs, and/or biological products. The proposed testing and screening provisions would also apply to human cellular products and products containing human reproductive cells or tissues, including some products not currently subject to Federal regulation. In addition, tissues currently regulated under part 1270 would be brought under the scope of the new regulations.

When part 1270 was issued as an interim rule, FDA was acting swiftly to counter the transmission of three serious disease agents, HIV, HBV, and HCV, by the transplantation of human tissue. In this rulemaking, the agency seeks to establish a more comprehensive system for preventing the spread of those and other diseases transmissible by implantation, transplantation, infusion, or transfer of human cellular and tissue-based products. The proposed regulation would require, except in certain limited situations, screening and testing for all "relevant" communicable disease agents and diseases. (The criteria for considering a disease to be "relevant" are discussed later in section III.C.1 of this document.) For example, FDA is now proposing to require that donors of tissue and cells be tested for syphilis and screened for transmissible spongiform encephalopathies (TSE) including Creutzfeldt–Jakob Disease (CJD). In addition, donors of viable, leukocyte-rich cells or tissues would be tested for human T-cell lymphotrophic virus type I and type II (HTLV–I/II) and Cytomegalovirus (CMV), which are considered "cell-associated viruses." FDA is proposing to require that donors of reproductive cells and tissue be tested for *Neisseria gonorrhea* and *Chlamydia trachomatis*, which have been transmitted through artificial insemination, and screened for sexually transmitted and genitourinary diseases that could contaminate reproductive cells and tissue during recovery and then be transmitted to the recipient of those cells or tissues and/or to the fetus.

B. Legal Authority

FDA is proposing to issue these new regulations under the authority of section 361 of the PHS Act. Under that section, FDA may make and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases between the States or from foreign countries into the States. (See sec. 1, Reorg. Plan No. 3 of 1966 at 42 U.S.C. 202 for delegation of section 361 authority from the Surgeon General to the Secretary, Health and Human Services; see 21 CFR 5.10(a)(4) for delegation from the Secretary to FDA.) Intrastate transactions may also be regulated under section 361 of the PHS Act. (See *Louisiana* v. *Mathews*, 427 F. Supp. 174, 176 (E.D. La. 1977).)

Certain diseases are transmissible through the implantation, transplantation, infusion, or transfer of human cellular or tissue-based products derived from donors infected with those diseases. In order to prevent the introduction, transmission, and spread of such diseases, FDA considers it necessary to take appropriate measures to prevent the use of cells or tissues from infected donors. Thus, the agency is proposing that, prior to the use of most human cellular or tissue-based products, the manufacturer would be required to determine the suitability of the donor of cells or tissues based on the results of screening and testing for relevant communicable diseases. Under the proposed regulations, a donor who tests repeatedly reactive for a particular disease agent, or who possesses clinical evidence of or risk factors for such a disease, would be considered unsuitable, and cells and tissues from that donor would not ordinarily be used.

FDA's directive, under section 361 of the PHS Act, is to prevent the introduction, transmission, and spread of communicable diseases. Specifically, these regulations are intended to prevent the transmission of communicable disease through the implantation, transplantation, infusion, or transfer of human cellular or tissue-based products. However, as discussed in the proposed registration rule, all human cellular and tissue-based products pose some risk of carrying pathogens that could cause disease in recipients and family members or other close contacts of recipients, health care personnel, and other handlers of tissue. This broader concern for the spread of communicable disease is reflected in certain labeling requirements proposed in these regulations and in the criteria for identifying a relevant communicable disease. Although FDA recognizes that regulations exist that are specifically designed to protect employees who may come in contact with infectious materials (see 29 CFR 1910.1030, 42 CFR 72.6, and 49 CFR 171.180), the agency does not consider its proposed regulations to be in conflict with those other regulations currently in effect. However, the agency has made an effort to be consistent with the terminology used in these other regulations, e.g., "Infectious Substances" and Biohazard legend.

Authority for the enforcement of section 361 of the PHS Act is provided by section 368 of the PHS Act (42 U.S.C. 271). Under section 368(a), any person who violates a regulation prescribed under section 361 of the PHS Act may be punished by imprisonment for up to 1 year, a fine of not more than $1,000, or both (42 U.S.C. 271(a)). In addition, Federal District Courts have jurisdiction to enjoin individuals and organizations from violating regulations implementing section 361 of the PHS Act.

Under sections 501(a)(2)(B) and (h) and 520(f)(1) of the act (21 U.S.C. 351(a)(2)(B) and (h) and 360j(f)(1)), drugs and devices are subject to CGMP requirements designed to ensure, among other things, product safety. Currently, no specific CGMP regulations exist with respect to human cellular and tissue-based products regulated as drugs or devices that delineate testing and screening procedures for communicable diseases. (See parts 210 *et seq.* and 820 (21 CFR parts 210 and 820).) Nevertheless, FDA considers communicable disease testing and screening to be steps in the manufacturing process that are crucial to the safety of such products. As a result, FDA proposes to amend the existing CGMP regulations for drugs in parts 210 and 211 (21 CFR part 211) and the quality system regulations for devices in part 820 (21 CFR part 820), which include CGMP requirements, to incorporate the testing and screening provisions of proposed part 1271 subpart C. In proposing these amendments, FDA is relying on the authority provided by section 361 of the PHS Act to issue regulations to prevent the spread of communicable disease, as well as its authority under the act to

issue CGMP regulations (21 U.S.C. 351(a)(2)(B) and (h) and 360j(f)(1)).

Under proposed § 210.1(c), the manufacturer of a human cellular or tissue-based product regulated as a drug or biological drug would be required to comply with the donor-suitability procedures in proposed part 1271, subpart C. Likewise, under proposed § 820.1, the manufacturer of a human cellular or tissue-based product regulated as a device would be required to comply with the same procedures. (Existing regulations and policy determine whether a product is a drug, biological product, and/or device). If the manufacturer failed to follow the CGMP or quality system requirements, including the testing and screening procedures in proposed part 1271, the product would be adulterated under the act.

Section 375 of the PHS Act provides for Federal oversight of the nation's Organ Procurement and Transplantation Network and section 379 of the PHS Act authorizes the National Bone Marrow Donor Registry. The Health Resources and Services Administration (HRSA) currently administers both of these programs. Given HRSA oversight in these areas, vascularized human organs and minimally manipulated bone marrow (as defined in proposed § 1271.3(e)) for unrelated allogeneic use are specifically excluded from the proposed and final regulations on human cellular and tissue-based products.

III. Summary of the Proposed Regulation

A. Purpose and Scope (Proposed § 1271.1)

FDA is proposing that donor-suitability regulations would apply to all establishments covered by the proposed registration rule. In the proposed registration rule, FDA discussed its proposed system for regulating human cellular and tissue-based products. In particular, the agency proposed to distinguish between two groups of human cellular and tissue-based products: those that would be regulated solely under the authority of section 361 of the PHS Act ("361 products"), and those regulated under the act and/or section 351 of the PHS Act as drugs, medical devices and/or biological products as well as section 361 of the PHS Act.

Section 1271.1 of the proposed registration rule states that manufacturers of both 361 products and products regulated as drugs or devices and/or biological products under the act and/or section 351 of the PHS Act would be required to comply with the proposed registration and listing procedures. The criteria for regulation of a human cellular or tissue-based product as a 361 product are set out in § 1271.10 of the proposed registration rule. Section 1271.20 of the proposed registration rule sets out exceptions from the registration and listing requirements.

FDA is now making several modifications to proposed §§ 1271.1, 1271.10, and 1271.20 as they appeared in the proposed registration rule and is proposing a new § 1271.15. To improve clarity, FDA has divided section 1271.1 into separate paragraphs on scope and purpose and has added cross-references to other pertinent regulations. FDA has also changed the heading of proposed § 1271.10 to "Establishments subject to this part; criteria for regulation of human cellular and tissue-based products solely under section 361 of the PHS Act." The phrase "nontissue or noncellular" has been removed from proposed § 1271.10(c). Proposed § 1271.10(d) has been reorganized, although its meaning has not changed. Proposed § 1271.10 now describes human cellular and tissue-based products regulated solely under section 361 of the PHS Act as those products that: Are minimally manipulated, are not promoted or labeled for any use other than a homologous use, are not combined with or modified by the addition of any component that is a drug or a device; and either do not have a systemic effect or have a systemic effect and are for autologous use, are for a family-related allogeneic use, or are for reproductive use. FDA expects that comments on the four criteria in proposed § 1271.10 will be submitted in response to the proposed registration rule, and foresees that each of the four criteria will be modified for greater clarity. For example, the agency is considering clarifying or modifying the term "systemic effect" in proposed § 1271.10(d) because of potential ambiguities. FDA is concerned that products that have local metabolic effects, e.g., neurons used to replace or supplement neurons in the brain, warrant regulation under the act and/or section 351 of the PHS Act. The agency invites comments on whether "systemic effect" adequately characterizes those products that warrant the more stringent level of regulation or whether another term or terms would more accurately describe such products.

FDA is proposing a new § 1271.15 to describe those products that would be regulated under the act and/or section 351 of the PHS Act and to reference the subparts of part 1271 that will be applicable to those products.

FDA is also modifying proposed §§ 1271.1, 1271.10, and 1271.20 so that they refer not simply to registration and product listing requirements but to all of the requirements that will be contained in part 1271 when rulemaking for the entire part is complete. With these changes, the regulatory framework that was described in the proposed approach document and developed in the proposed registration rule would be extended, as intended, to cover donor-suitability requirements now being proposed as well as other requirements to be proposed later. The agency is seeking to craft the modifications to these sections to obviate the need for further adjustments in later rulemaking. To that end, the new language refers to compliance "with the other requirements contained in this part."

FDA intends that the procedures in part 1271 that would apply to human cellular and tissue-based products regulated as drugs, devices and/or biological products are the proposed registration and listing procedures, the donor-suitability procedures now being proposed, and the CGTP procedures to be proposed in the future. Therefore, the agency is now proposing to modify proposed § 1271.1 to add the statement that manufacturers of human cellular and tissue-based products regulated under the act and/or section 351 of the PHS Act are required to comply with the donor-suitability procedures and the CGTP procedures in part 1271 in addition to all other applicable regulations.

B. Definitions (Proposed § 1271.3)

1. Definitions Contained in the Proposed Registration Rule

Section 1271.3(a) through (h) of the proposed registration rule contain definitions of terms used in the registration and listing regulations. Because some of the terms defined in the proposed registration rule are used in the donor-suitability regulations now being proposed, the agency is reprinting proposed § 1271.3(a) through (h) as follows to facilitate understanding of the rule now being proposed.

(a) *Autologous use* means the implantation, transplantation, infusion, or transfer of a human cellular or tissue-based product back into the individual from whom the cells or tissue comprising such product were removed.

(b) *Establishment* means a place of business under one management, at one general physical location, that engages in the manufacture of human cellular or tissue-based products. The term includes, among others, facilities that engage in contract

manufacturing services for a manufacturer of human cellular or tissue-based products. The term also includes any individual, partnership, corporation, association, or other legal entity engaged in the manufacture of human cellular or tissue-based products, except that an individual engaged solely in the procurement or recovery of cells or tissues or under contract to a registered establishment is not required to independently register.

(c) *Family-related allogeneic use* means the implantation, transplantation, infusion, or transfer of a human cellular or tissue-based product into a first-degree blood relative of the individual from whom cells or tissue comprising such product were removed.

(d) *Homologous use* means the use of a cellular or tissue-based product for replacement or supplementation and:

(1) For structural tissue-based products, occurs when the tissue is used for the same basic function that it fulfills in its native state, in a location where such structural function normally occurs; or

(2) For cellular and nonstructural tissue-based products, occurs when the cells or tissue is used to perform the function(s) that they perform in the donor.

(e) *Human cellular or tissue-based product* means a product containing human cells or tissues or any cell or tissue-based component of such a product. The following products are not considered human cellular or tissue-based products and establishments that manufacture only one or more of the following would not be subject to the registration or listing provisions of this part:

(1) Vascularized human organs for transplantation;

(2) Whole blood or blood components or blood derivative products subject to listing under part 607 of this chapter;

(3) Secreted or extracted human products, such as milk, collagen, and cell factors;

(4) Minimally manipulated bone marrow;

(5) Ancillary products used in the propagation of cells or tissues; or

(6) Cells, tissues or organs derived from animals.

(f) *Manufacture* means, but is not limited to, any or all steps in the recovery, screening, testing, processing, storage, labeling, packaging, or distribution of any human cellular or tissue-based product.

(g) *Minimal manipulation* means: (1) For structural tissue, processing that does not alter the original relevant characteristics of the tissue relating to the tissue's utility for reconstruction, repair, or replacement; and

(2) For cells or nonstructural tissues, processing that does not alter the relevant biological characteristics of cells or tissues.

(h) *Transfer* means the placement of human reproductive cells or tissues into a human recipient.

Since proposing the previous definitions, FDA has reconsidered the definition in proposed § 1271.3(e) of "human cellular or tissue-based product," and has determined that it is too broad. For example, the definition might be construed to include many in vitro diagnostic products. The agency is adding language to the proposed definition to clarify that the products covered by the definition (and thus by these proposed regulations) are those that are intended for implantation, transplantation, infusion, or transfer into a human recipient. The agency is also adding language to specifically exclude in vitro diagnostic products as defined in 21 CFR 809.3(a) from the definition of human cellular or tissue-based product. In addition, the agency is deleting the reference in § 1271.3(e) to the registration and listing provisions of part 1271. Minimally manipulated bone marrow has been clarified by adding "for homologous use and not combined with or modified by the addition of any component that is a drug or a device." Also, the agency is clarifying that, although secreted or extracted human products such as milk, collagen, and cell factors are not considered to meet the definition of human cellular or tissue-based product, semen is considered a human cellular or tissue-based product because it contains germ cells. The definition also contains several other minor clarifications and corrections.

2. New Definitions

The agency is now proposing to define additional terms and to list them in § 1271.3(i) through (ee). The agency intends to place all definitions relevant to proposed part 1271 in proposed § 1271.3. Thus, in subsequent rulemakings, the agency may propose to define more terms in that section.

Many of the terms now proposed to be defined in proposed § 1271.3 are currently defined in § 1270.3. In several instances, the definition now being proposed is the same as that in § 1270.3 or is only modified slightly for clarity, e.g., "donor" and "responsible person" in proposed § 1271.3(n) and (w), respectively. Although the proposed definitions of colloid and crystalloid remain substantially the same as in § 1270.3(c) and (e), the agency specifically requests comments on the appropriateness of these definitions, including whether it is appropriate to define these terms in the regulations.

The definitions of some other terms (e.g., donor medical history interview and physical assessment) have been significantly modified to accommodate the broader range of infectious diseases covered by this proposed regulation. Additional terms are newly defined in proposed § 1271.3 (Biohazard legend, directed donor, embryo, gamete, relevant communicable disease agent or disease, urgent medical need, xenotransplant, and close contact). Where relevant, proposed definitions are discussed as follows, with the requirements to which the defined terms relate.

The definition of "summary of records" in proposed § 1271.3(x) is a modification of the definition of the same term in § 1270.3(w). As in § 1270.3(w), the agency proposes to define "summary of records" as containing a list of all tests performed for relevant communicable disease agents and the results of those tests, and the name and address of the establishment that made the donor-suitability determination. However, FDA has recently received comments from manufacturers of human tissue intended for transplantation on other aspects of the definition of "summary of records" in § 1270.3(w). These comments assert that, because a processor or distributor may use multiple testing laboratories, the requirement in § 1270.3(w) that a summary of records contain the identity of the testing laboratory is unduly burdensome; similar objections were raised to the requirement for listing all relevant medical records reviewed. Such information, it was asserted, would be available from the establishment that made the donor-suitability determination. FDA has considered these concerns, and is proposing a new, less burdensome definition. Under the proposed definition, the summary of records would be redefined as: (1) A statement that communicable disease testing was performed by a laboratory or laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA); (2) a listing and interpretation of the results of all communicable disease tests performed; (3) a statement describing the types of records which may have been reviewed as part of the relevant medical records; and (4) the name and address of the establishment determining the suitability of the donor of cells or tissues. Upon request by FDA, or other interested persons, the establishment that made the donor-suitability determination will be expected to promptly furnish the name and address of the testing laboratory and a list of all relevant medical records reviewed.

C. General Requirements

1. Determination of Donor Suitability (Proposed § 1271.50)

Proposed § 1271.50 sets out the fundamental requirement of these proposed regulations: The donor-suitability determination. Except in certain specified situations, a human cellular or tissue-based product may not be implanted, transplanted, infused, or

transferred until the donor of the cells or tissue for the product has been determined to be suitable.

The determination of whether a donor is suitable or unsuitable would be made by a responsible person, as defined in proposed § 1271.3(w), and would be based on the results of required donor screening and testing. "Donor screening" refers to a review of the donor's relevant medical records, as defined in proposed § 1271.3(v), for information about the donor that might indicate past or present infection or risk factors for a relevant communicable disease agent or disease. "Donor testing" refers to performing laboratory tests on a specimen collected from the donor, generally a blood sample, to determine whether the donor has been exposed to or is infected with a relevant communicable disease agent.

Both aspects of the donor-suitability determination are vital. A donor may be determined to be suitable only if test results are negative or nonreactive and screening shows the donor to be free from risk factors for and clinical evidence of infection due to relevant communicable disease agents and diseases. Conversely, if either donor screening or donor testing indicates the presence of a relevant infectious agent, or risk factors therefor, then the potential donor must be determined to be unsuitable.

Proposed § 1271.3(y) contains a two-part definition of the term "relevant communicable disease agent or disease." Section 1271.3(y)(1) lists those disease agents and diseases that are specifically identified in §§ 1271.75 and 1271.85 as relevant communicable disease agents and diseases for which the agency is proposing to require donor screening and/or testing. These are: HIV, types 1 and 2; HBV; HCV; TSE; *Treponema pallidum*; HTLV, types I and II; CMV; *Chlamydia trachomatis* and *Neisseria gonorrhea*. In some instances, FDA has identified a disease agent or disease as relevant for a particular type of cells or tissue-based product; this distinction is reflected in the proposed testing and screening requirements in proposed §§ 1271.75 and 1271.85.

The second part of the definition describes the criteria for a communicable disease agent or disease to be considered "relevant," and covers diseases not specifically listed in § 1271.3(y)(1). First, for a communicable disease agent or disease to be "relevant," its prevalence among donors would have to be sufficient to warrant screening or testing of all donors. Second, there would need to be a risk of transmission of the disease agent or disease by a human cellular or tissue-based product, either to the recipient of the product or to those people who may handle or otherwise come in contact with the product, such as medical personnel. Third, the health risks, measured by morbidity and mortality, posed by the disease would need to be significant. For example, HIV, HBV, HCV, and *Treponema pallidum*, which are listed in § 1271.3(y)(1), all pose significant health risks. In contrast, although *Ureaplasma urealyticum*, *Mycoplasma hominis*, and Streptococci are organisms that have been transmitted through artificial insemination procedures, they exist in a great number of healthy, sexually active adults and their pathogenicity to the recipient of reproductive cells or tissue is of questionable clinical significance. Thus, FDA does not consider them to be relevant communicable diseases or disease agents at this time for the purpose of this regulation. Finally, for a disease or disease agent to be considered "relevant," appropriate screening measures would need to have been developed and/or an appropriate FDA-licensed, approved, or cleared screening test for donor specimens would need to be available.

Should a new relevant communicable disease agent or disease arise or be identified, the agency would consider manufacturers to be required, under proposed § 1271.75(a), to screen donors for the disease and, under proposed § 1271.80(a), to test donor specimens for the disease agent, even if the disease agent or disease is not specified in proposed §§ 1271.3(y), 1271.75, or 1271.85. The agency intends to issue guidance in the future to interpret the term "relevant communicable disease agent or disease," when additional agents or diseases arise or are identified that meet the definition under proposed § 1271.3(y).

2. Records of Donor Suitability Determination (Proposed § 1271.55)

Proposed § 1271.55 incorporates requirements that are now found in (§§ 1270.21(e) and 1270.33(d) and (f)). Additional recordkeeping requirements based on other regulations in part 1270 will be proposed in the future, as part of CGTP's.

Under proposed § 1271.55, manufacturers would be required to ship a human cellular or tissue-based product accompanied by documentation of the donor-suitability determination. This requirement would apply to a human cellular or tissue-based product from a donor determined to be suitable as well as to a product from a donor determined to be unsuitable and made available for use under the provisions of proposed § 1271.65(b), (c), or (d). Manufacturers would be required to include in the documentation a copy of the donor's relevant medical records, as defined in proposed § 1271.3(v), results of testing required under §§ 1271.80 and 1271.85, and the name and address of the establishment that made the donor-suitability determination. Alternatively, the documentation may consist of a summary of records, as defined in proposed § 1271.3(x). Additional required documentation would include a statement whether, based on a review of the results of donor screening and testing, the donor has been determined to be suitable or unsuitable. In the interest of confidentiality, the agency is proposing to require that the donor's name be deleted from the documentation of the donor's suitability determination that accompanies the product.

FDA recognizes the potentially sensitive nature of information about a human cell or tissue donor that may be contained in the donor's relevant medical records. Nothing in this proposed rule is intended to modify any currently applicable Federal, State, or local regulations regarding confidentiality. With respect to the agency's handling of personal medical information, the regulations in part 20 (21 CFR part 20) will continue to apply (see § 20.63).

Proposed § 1271.55(b) would impose record-retention requirements on the establishment that generates records used in determining donor suitability and on the establishment that makes the donor-suitability determination. These records must be made available for authorized inspection by or upon request from FDA. Records that can be readily retrieved from another location by electronic means would be considered "retained." FDA envisions that various methods of recordkeeping could be employed to meet the terms of § 1271.55(b), so long as suitable reader and photocopying equipment were readily available. For example, records might be retained electronically, as original paper records, or as true copies, such as photocopies, microfiche, or microfilm.

Proposed § 1271.55(b) would require that records be retained at least 10 years after the date of implantation, transplantation, infusion, or transfer of the product. If that date is not known, however, then records would be retained at least 10 years after the product's distribution, disposition, or expiration, whichever is latest.

The agency notes that, given concerns about TSE transmission from dura

mater, it may be prudent to hold records relating to donations of dura mater for longer than 10 years, although the optimal period is not known at this time. The latency period between receipt of a dura mater graft and onset of TSE has been reported to be as long as 16 years (Morbidity and Mortality Weekly Report, 46:1066, November 14, 1997). If new information should be obtained in the future about TSE, then review of the original screening and testing information about dura mater donors could be invaluable. The agency requests comments on whether records relating to donors of dura mater should be required to be held for a period longer than 10 years and what that period should be.

3. Quarantine Pending Determination of Donor Suitability (Proposed § 1271.60)

In order to prevent the use of human cellular and tissue-based products prior to a donor-suitability determination, § 1271.60 proposes requirements for quarantine. "Quarantine" is defined in proposed § 1271.3(t) as "the storage or identification of a human cellular or tissue-based product, in order to prevent improper release, in a physically separate area clearly identified for such use, or through use of other procedures, such as automated designation."

As provided in proposed § 1271.60, manufacturers would be required to keep human cellular and tissue-based products in quarantine, and clearly identify such products as being in quarantine, until completion of the donor-suitability determination. A manufacturer who ships a product before it is available for release or distribution (as in the case of shipment by the procurer to the processor) would be required to ship the product under quarantine and accompanied by records identifying the donor, indicating that the donor-suitability determination has not been completed, and stating that the product may not be implanted, transplanted, infused, or transferred until completion of the donor-suitability determination. Donor identification may be accomplished by assigning a donor number.

4. Quarantine and Disposition of Human Cellular or Tissue-based Product From an Unsuitable Donor (Proposed § 1271.65)

If a donor is determined to be unsuitable, then under proposed § 1271.65 the manufacturer would be required to keep in quarantine any human cellular or tissue-based product from that donor. In this situation, quarantine would require physical separation of the product from all other products until it is destroyed, or until it is used under the provisions of proposed § 1271.65(b), (c), or (d).

Proposed § 1271.65 (b) sets out the limited circumstances in which the proposed regulations would not bar the implantation, transplantation, infusion, or transfer of human cellular and tissue-based products from unsuitable donors. In three situations, the agency is proposing that the recipient and his or her physician may decide whether to use the human cellular or tissue-based product.

The first exception is for family-related allogeneic use. Family-related allogeneic use is defined in § 1271.3(c) of the proposed registration rule as the implantation, transplantation, infusion, or transfer of a human cellular or tissue-based product into a first-degree blood relative of the individual from whom cells or tissue comprising such product were removed. Under the second exception, a person could choose to receive a product containing reproductive tissue from a directed donor who had been determined to be unsuitable. (Proposed § 1271.3(m) defines "directed donor" as a living person who is the source of cells or tissue designated for a specific potential recipient of a human cellular or tissue-based product.) The third exception is for cases where an urgent medical need exists and is documented. Urgent medical need is defined in proposed § 1271.3(z) as the situation where no comparable human cellular or tissue-based product from a suitable donor is available and, without the product, the recipient is likely to suffer serious morbidity.

However, use in each of these circumstances is conditioned on compliance with certain safeguards. First, in order to protect those people who may handle the product, the manufacturer would be required to label such products with a Biohazard legend. (A Biohazard legend is shown in proposed § 1271.3(i) and is used to mark products that present "a known or suspected relevant communicable disease risk.") Second, the manufacturer of the product would be responsible for documenting that: (1) The physician using the product was notified of the results of testing and screening, (2) the physician authorized the use of the product, (3) the physician agreed to explain the communicable disease risks associated with the product to the recipient or the recipient's legally authorized representative, and (4) the physician agreed to obtain from the recipient or the recipient's legally authorized representative consent to use the product. In proposing these exceptions that would not prohibit, in certain cases, the use of products from an unsuitable donor, it is FDA's intention to delegate to the potential recipient and his or her physician the responsibility for comparing the relative risks and benefits. The agency specifically seeks comment on the scope of the exceptions and the proposed safeguards that FDA has crafted. For example, does the exception for directed reproductive tissue donors provide a reasonable accommodation for a woman who wishes to choose the genetic father of her child? Should the exception be further broadened to permit a woman to select an anonymous donor with a known high risk behavior or, conversely, does the exception provide sufficient protection for the woman and her potential child?

FDA recognizes that, just as there may be urgent medical situations that might justify the use of a human cellular or tissue-based product from an unsuitable donor, so the need may arise to use a human cellular or tissue-based product before the donor-suitability determination has been completed. Proposed § 1271.65(c) sets out the limited, emergency circumstances in which the proposed regulations would not prohibit the implantation, transplantation, infusion, or transfer of such a product. The emergency provisions of § 1271.65(c) are similar to those in § 1271.65(b), with some modifications appropriate to the different characteristics of the situation. In particular, a product made available for use pending completion of the donor-suitability determination must be accompanied by information on the status of the required screening and testing. In addition, § 1271.65(c) includes the requirement that the donor-suitability determination be completed during or after the use of the product, and that the manufacturer inform the physician of the results of that determination.

Under proposed § 1271.65(d), nonclinical uses of a human cellular or tissue-based product from an unsuitable donor would not be prohibited, e.g., use for educational or research purposes. A manufacturer would be required to label a product used under the provisions of § 1271.65(c) as "For Nonclinical Use Only" and with the Biohazard legend shown in proposed § 1271.3(i).

D. Donor Screening (Proposed § 1271.75)

The determination of donor-suitability is based on the results of two different evaluations: Screening and testing. Donor screening involves the review of a variety of possible sources

of information about the donor that might indicate that the donor is at risk for or exhibits clinical evidence of infection due to a relevant communicable disease.

1. General Requirements

The requirements for donor screening are in proposed § 1271.75. Under proposed § 1271.75(a), the manufacturer would be required to review the relevant medical records of a donor of cells or tissue for a human cellular or tissue-based product for risk factors for and clinical evidence of relevant communicable disease agents and diseases. Relevant medical records are defined in proposed § 1271.3(v) as a collection of documents that includes a current donor medical history interview as defined in proposed § 1271.3(o); a current report of the physical assessment as defined in proposed § 1271.3(r) of a cadaveric donor or a physical examination of a living donor; and, if available, laboratory test results, medical records, coroner and autopsy reports, and records or other information received from any source pertaining to risk factors for relevant communicable disease. (The proposed definitions for "relevant medical records," "donor medical history interview," and "physical assessment" have been broadened to refer not only to HIV and hepatitis but instead to "relevant communicable disease;" in other respects, except as otherwise noted, these definitions are substantially the same as those currently in § 1270.3.)

Under proposed § 1271.3(v), risk factors for communicable disease may include social behavior, clinical signs and symptoms of a relevant communicable disease, and treatments related to medical conditions suggestive of risk for a relevant communicable disease. Consistent with the approach taken in part 1270, the proposed regulations do not specify risk factors, as these may change as knowledge of communicable diseases grows. FDA, together with CDC, is reviewing the risk factors for transmission of relevant communicable diseases in light of current scientific knowledge. Based on the results of the review, FDA plans to specifically describe in a guidance document risk factors and screening information to assist manufacturers in complying with the regulation. A notice announcing the availability of a draft guidance document for public comment will be published in the **Federal Register**. The notice will provide instructions for obtaining copies of the draft guidance document by mail, facsimile, and the Internet using the World Wide Web. FDA plans to issue a final guidance document on or about the time of issuance of the final rule.

Under proposed § 1271.75(d), an abbreviated screening procedure may be used for a living donor who returns to make subsequent donations and who has already been screened under § 1271.75(a) and (b). This abbreviated screening would determine whether any changes had occurred in the donor's medical history since the previous donation that would make the donor unsuitable, and would require documentation of those changes. A complete donor-suitability determination procedure would be required at least once every 6 months.

Under proposed § 1271.3(o), a "donor medical history interview" means a documented dialogue with the donor, if the donor is living. If the donor is not living or is unable to participate in the interview, the interview takes place with an individual or individuals who are knowledgeable about the donor's medical history and relevant social behavior, such as the donor's next of kin, the nearest available relative, a member of the donor's household, an individual with an affinity relationship, and/or the primary treating physician. With respect to relevant social behavior, the definition states that the interview includes questions about whether or not the donor met certain descriptions or engaged in activities or behaviors considered to place the donor at increased risk for a relevant communicable disease.

The current regulations on human tissue intended for transplantation contain an exception from the requirement for a donor medical history interview for corneas obtained under legislative consent; i.e., in accordance with a State law that allows the medical examiner or coroner to procure corneal tissue without the consent of the donor's next of kin (§ 1270.21(g)). In response to numerous comments and discussions about the tissue interim rule, FDA acknowledged the need for flexibility in the procurement of corneal tissue under legislative consent, and modified the regulations to accept as sufficient a physical assessment of the donor in the absence of a donor medical history interview (62 FR 40429 at 40437).

The regulations now being proposed do not contain an exception from the donor medical history interview for corneas procured under legislative consent. FDA recognizes that, when corneal tissue is procured without the consent of the donor's next of kin, a donor medical history interview with the donor's next of kin does not necessarily occur. However, the agency notes that the proposed definition of donor medical history interview would permit the interview to be conducted with an individual knowledgeable about the donor's medical history and relevant social behavior (e.g., primary treating physician) and would not require an interview with the next of kin. For this reason, FDA considers that the proposed regulation and State laws on legislative consent may coexist, and does not intend at this time to preempt those laws. The agency requests that affected parties submit specific, detailed comments on any potential conflicts that might make it impossible to comply with both this regulation and State laws on legislative consent.

Requiring a donor medical history interview for corneas obtained under legislative consent is necessary to ensure that the risk of communicable disease transmission is appropriately assessed. To prevent the transmission of communicable disease, adequate donor screening measures are necessary, even when approved tests are available.

The necessity of adequate screening for TSE illustrates the importance of the donor medical history interview. The regulations now being proposed would require TSE screening for all cell and tissue donors and, in the case of dura mater donors, a post-mortem physical assessment for TSE. (In contrast, current regulations on human tissue intended for transplantation contained in part 1270 do not require screening or testing for TSE.) Two recent possible transmissions of TSE by corneal tissue have been reported in Japan and Germany. In addition, three potential CJD transmissions have been reported in the United Kingdom, where corneas and sclera from a donor subsequently determined to have CJD were transplanted into, and then removed from, three recipients (Ref. 20). Recent cognitive changes and abnormalities in speech and gait are possible indications of TSE. These and other behavioral changes that a cell or tissue donor might exhibit prior to donation would be expected to be uncovered in the donor medical history interview, but would be less likely to turn up during other parts of the screening process.

2. Specific Communicable Disease Screening Requirements

Proposed § 1271.75(a)(1) states that the relevant medical records for a cell or tissue donor shall be reviewed for risk factors for and clinical evidence of infection due to relevant communicable disease agents and diseases. Proposed § 1271.75(a)(1) specifically lists HIV, HBV, HCV, and TSE as relevant communicable disease agents and

diseases for which such screening is required. These four disease agents and diseases are listed as the "minimum" for which screening would be required; should a new relevant communicable disease arise or be identified, the agency would consider manufacturers to be required, under proposed § 1271.75(a)(1), to screen for the new disease as well.

Special concerns arise with respect to donors of reproductive cells or tissue, when those cells or tissue are recovered through methods that could lead to the transmission of sexually transmitted and genitourinary diseases. Accordingly, under proposed § 1271.75(b), if those methods are used, donor screening would be required for risk factors for and clinical evidence of infection due to sexually transmitted and genitourinary diseases. Certain methods of recovery, e.g., laparoscopy to recover oocytes, are not directly connected with the transmission of sexually transmitted and genitourinary diseases, and would not trigger this requirement.

Special concerns also arise with respect to potential donors who have received xenotransplants. Xenotransplantation is the transplantation of live cells, tissues, and/or organs between different species, such as from a baboon or pig to a human. Because transplantation necessitates disruption of the recipient's usual protective physical immunologic barriers, xenotransplantation may facilitate transmission of known and as yet unrecognized agents to humans. These can include unknown retroviruses, which may remain latent for a period of time before causing clinically recognized disease. Concerns about the potential infectious disease and public health risks associated with xenotransplantation have been discussed at two recent FDA meetings (Xenotransplantation Advisory Subcommittee of the Biologic Response Modifier Advisory Committee, December 17, 1997, and Blood Products Advisory Committee, March 19, 1998).

Cells or tissue from a xenotransplant recipient could potentially contain infectious agents transmitted by the xenotransplant. In addition, the cells or tissues of a person who has been a close contact of a xenotransplant recipient could contain infectious agents originating from the xenotransplant. Because of the potential severity of the risk associated with these situations, the agency is proposing to require, in § 1271.75(a)(2), that medical records be reviewed to determine whether a potential donor of cells or tissue has received a xenotransplant or has been a close contact of a xenotransplant recipient. If so, the donor would be determined to be unsuitable under proposed § 1271.75(c).

FDA is proposing to define "xenotransplantation" in § 1271.3(aa) as any procedure that involves the use of live cells, tissues, or organs from a nonhuman animal source, transplanted or implanted into a human, or used for ex vivo contact with human body fluids, cells, tissues, or organs that are subsequently given to a human recipient. Nonliving biological products or materials from animals, such as porcine heart valves, porcine insulin, and bovine serum albumin, have been used clinically for decades and would not be considered xenotransplantation products for purposes of these regulations. "Close contacts" of a xenotransplant recipient would be defined in proposed § 1271.3(bb) as household members and others with whom the recipient participates in activities that could result in exchanges of bodily fluids.

E. Donor Testing

In addition to donor screening, the analysis of donor test results is necessary for a donor-suitability determination. Laboratory tests conducted on specimens collected from a cell or tissue donor can indicate whether the donor has evidence of infection due to a relevant communicable disease agent or disease. Proposed § 1271.80 sets out the general requirements for donor testing. Disease- and product-specific requirements are in proposed § 1271.85.

FDA notes that the proposed regulations employ the word "screening" in two different contexts. In proposed §§ 1271.80 and 1271.85, "screening test" refers to a laboratory test to determine exposure to or presence of a relevant communicable disease agent. The agency has used the term "screening test" in the past, e.g., § 1270.21, and considers it to be the generally recognized term in the industry and medical community for this type of initial test. Other sections of the proposed regulations, e.g., proposed § 1271.75, use the term "donor screening" to refer to the review of the donor's relevant medical records, as defined in proposed § 1271.3(v). This use of "donor screening" is consistent with part 1270 and with usage by the industry and medical community.

1. General Requirements (Proposed § 1271.80)

FDA proposes in § 1271.80(a) to require that a donor specimen be tested for evidence of infection due to relevant communicable disease agents and diseases, which would include, at a minimum, those specified in proposed § 1271.85. Proposed § 1271.80(a) states that a specimen from the mother of a fetal or neonatal donor would be acceptable for testing. The proposed regulation also specifically notes that the purpose of testing is to adequately and appropriately reduce the risk of transmission of relevant communicable diseases.

Proposed § 1271.80(b) addresses the timing of the collection of a donor specimen for testing. The agency proposes to require that the donor specimen be collected at the time of recovery of cells or tissue from the donor or within 48 hours after recovery. The agency is concerned that a specimen collected prior to donation may not accurately reflect the donor's actual exposure to a relevant communicable disease at the time of donation. However, the agency recognizes that there may be certain instances in which it would be preferable to analyze a donor specimen to determine donor suitability in advance of recovery of cells or tissue. For that reason, the agency proposes that, for living donors, a specimen may be collected up to 7 days prior to recovery if: (1) Recovery of the cells or tissue involves invasive procedures or substantial risk to the donor; (2) implantation, transplantation, infusion, or transfer of the recovered cells or tissue is necessary before results of testing performed on a specimen collected at the time of recovery or post recovery would be available; or (3) extensive processing of the recovered cells or tissue is necessary before results of testing performed on a specimen collected at the time of recovery or post recovery would be available.

The agency recognizes that its proposed requirement on the timing of collection of donor specimens differs from testing practices currently followed by various industry members, and specifically requests comments on this proposal. Any comments that propose an alternative time period should explain how the proffered alternative balances the agency's concern about the spread of communicable disease with the practical concerns relating to the coordination of donor testing and donation.

Under proposed § 1271.80(c), testing would be required to be performed using FDA-licensed, approved, or cleared donor screening tests in accordance with the manufacturer's instructions, to adequately and appropriately reduce the risk of

transmission of relevant communicable disease agents or diseases. Proposed § 1271.80(c) contains a proviso with respect to *Chlamydia trachomatis* and *Neisseria gonorrhea*, for which testing of certain donors of reproductive cells and tissues would be required under proposed § 1271.85(c). At this time there are no FDA-licensed, approved, or cleared donor screening tests available for those two disease agents. However, the agency considers that testing for the disease agents is essential to prevent their spread, and that the use of tests labeled for the detection of those organisms in an asymptomatic, low-prevalence population would be adequate and appropriate until screening tests are available. Thus, until such time as appropriate FDA-licensed, approved, or cleared donor screening tests are available for these disease agents, the required testing would be performed using tests labeled for detection of the organisms.

Under proposed § 1271.80(d), a donor whose specimen tests repeatedly reactive or positive on a test required under proposed § 1271.85 must be determined to be unsuitable. (Repeatedly reactive means initially reactive, then reactive in at least one of two duplicate tests with the same manufacturer's test kit.) Proposed § 1271.80(d)(1)(i) and (d)(1)(ii) set out two exceptions to this general rule. Under the first exception, a repeatedly reactive test for CMV will not make a donor unsuitable unless additional testing shows the presence of an active infection. This exception is being proposed because, although a donor with active CMV poses a risk of CMV transmission, a donor's past infection with the virus does not necessarily present such a risk. The results of CMV testing would accompany the product, under proposed § 1271.55(a)(1)(i), or would be contained in the summary of records that accompanies the product, and should be reviewed by the physician prior to use of the product. The agency believes that the provision of information on CMV status in the materials accompanying the product will be sufficient to allow physicians to make informed decisions about the use of the product in particular patients' circumstances. The agency specifically requests comments on this approach.

The second exception is for a donor whose specimen has tested repeatedly reactive on a non-Treponemal screening test for syphilis and negative on a specific Treponemal confirmatory test. FDA is proposing this exception because it recognizes that non-Treponemal screening tests, which do not test directly for the disease agent, frequently provide false-positive results. Negative results from a Treponemal confirmatory test, which is more specific and, thus, more accurate, will be considered to override an initial false positive.

Blood loss from a potential donor, followed by transfusion or infusion, may result in plasma dilution that affects test results. Plasma dilution is defined in proposed § 1271.3(s) as a decrease in the concentration of the donor's plasma proteins and circulating antigens or antibodies resulting from the transfusion of blood or blood components and/or infusion of fluids. Proposed § 1271.80(d)(2) sets out the requirements for assessing whether a specimen from a donor from whom blood loss has occurred is acceptable. (In the absence of an acceptable specimen, a donor must be determined to be unsuitable.) A specimen taken after blood loss but before the transfusion or infusion is acceptable. In addition, in certain instances an established procedure to calculate dilution (an algorithm) may be used. Proposed § 1271.80(d)(2) is based closely on § 1270.20(h)(2) and (h)(3). FDA discussed the provisions of § 1270.20(h)(2) and (h)(3) in the tissue final rule (see 62 FR 40429 at 40435 through 40436), and the guidance document that accompanied that rule contains information on plasma dilution and algorithms.

2. Specific Requirements (Proposed § 1271.85)

Proposed § 1271.85 sets out specific requirements with respect to donor testing. Proposed § 1271.85(a), (b), and (c) identify the minimum relevant communicable disease agents for which testing is required. Proposed § 1271.85(d) contains retesting requirements for donors of certain reproductive cells or tissues.

The proposed requirements in § 1271.85(a) cover all cells and tissues that are not subject to a regulatory exception from the testing requirement. Under proposed § 1271.85(a), a specimen from a donor of viable or nonviable cells or tissue would be required to be tested for evidence of infection due to: HIV type 1, HIV type 2, HBV, HCV, and *Treponema pallidum*.

In addition to the testing required under proposed § 1271.85(a), a donor of viable, leukocyte-rich cells or tissues would be required under proposed § 1271.85(b) to be tested for evidence of infection due to: HTLV types I and II, and CMV. The agency is proposing to make the distinction between cells and tissues that are rich in leukocytes and those that are not, because the transmission of certain disease agents, such as HTLV types I and II, and CMV, depends on the presence of viable leukocytes. Stem cells and reproductive cells and tissue, e.g., semen, are examples of leukocyte-rich cells or tissue. In contrast, FDA does not consider corneas, skin, heart valves, dura mater, bone, tendons, ligaments, or cartilage to be leukocyte-rich. The agency specifically requests comments on whether the term "leukocyte-rich" needs additional clarification.

Proposed § 1271.85(c) would require testing for donors of reproductive cells or tissue, in addition to those required by proposed § 1271.85(a) and (b). Proposed § 1271.85(c)(1) identifies *Chlamydia trachomatis* and *Neisseria gonorrhea* as relevant genitourinary disease agents for which testing would be required. However, testing for *Chlamydia trachomatis* and *Neisseria gonorrhea* would not be required if the reproductive cells or tissue are procured by a method that ensures freedom from contamination of the cells or tissue by infectious disease organisms that may be present in the genitourinary tract. FDA is requesting comments and supporting data on whether other genitourinary disease agents should be considered relevant.

Proposed § 1271.85(a), (b), and (c) specify that the purpose of testing is to adequately and appropriately reduce the risk of transmission of relevant communicable diseases. Thus, any test performed under proposed § 1271.85 must be chosen with this purpose in mind. The regulation specifies that testing shall be performed using FDA-licensed, approved, or cleared screening tests in accordance with the manufacturers' instructions.

The following list represents FDA's current thinking on the appropriate FDA-licensed, approved, or cleared screening tests that should be used to adequately and appropriately reduce the risk of transmission of relevant communicable disease agents or diseases:

(1) HIV, type 1: FDA-licensed screening test for anti-HIV–1:

(2) HIV, type 2: FDA-licensed screening test for anti-HIV–2:

(3) HBV: FDA-licensed screening test for hepatitis B surface antigen (HBsAg);

(4) HCV: FDA-licensed screening test for anti-HCV;

(5) *Treponema pallidum*: FDA-cleared serological test for syphilis;

(6) Human T-lymphotropic virus, types I and II: FDA-licensed screening test for anti-HTLV I/II; and

(7) Cytomegalovirus: FDA-cleared test for anti-CMV.

In the case of HBV, there are two types of screening test: A test for the surface antigen and a test for the core antibody. Currently, the appropriate test to reduce the possibility of transmission of HBV to a recipient is the surface antigen test because it is a marker of infectivity. Thus, "FDA-licensed screening test for HBsAg" appears on the previous list as an example of a test to be performed for the HBV virus. Testing for the core antibody alone would not accurately evaluate the donor for the possibility of transmission, because the core antibody test could be negative and the donor could still be infectious. Active infection at the time of donation can only be adequately evaluated with the use of the surface antigen screening test, which, if repeatedly reactive, indicates early or chronic HBV infection.

It should be noted that, if the establishment determining the suitability of the donor is aware of any repeatedly reactive screening test for a relevant communicable disease agent that indicates the possible presence of a relevant communicable disease, whether or not the test is the one best suited to adequately and appropriately reduce the risk of disease transmission, then the donor of the cellular or tissue-based product must be determined to be unsuitable under proposed § 1271.80(d)(1). For example, a repeatedly reactive core antibody test for HBV, although not required, would make the donor unsuitable.

Proposed § 1271.80(d) would require retesting of the donor at least 6 months after the date of donation of reproductive cells or tissues that can reliably be stored. Cells or tissues that can reliably be stored are those that maintain function and integrity during storage; some examples include spermatozoa and sperm progenitor cells. The retesting requirement is designed to address the "window period" between the time of infection and the presence of detectable levels of antibodies to communicable diseases and agents such as HCV. Testing would not be complete, and thus a donor-suitability determination could not be made, until the completion of the second round of tests. Under proposed § 1271.60(a), quarantine for these products would last a minimum of 6 months, until completion of testing. For donors of reproductive cells and tissues that can be reliably stored, FDA considers HBV core antibody screening test to be the most adequate and appropriate retest for HBV.

For all other banked tissue and cells from living donors, FDA recommends but does not propose to require that, where appropriate and feasible, all donors (or mothers of fetal or neonatal donors) be retested 6 months after donation and that the banked cells and tissue be kept in quarantine pending retesting.

3. Dura Mater

CJD, a type of TSE, is a rare, but invariably fatal, degenerative disease of the central nervous system characterized by progressive dementia. Recent reports link the transmission of CJD to recipients of human cadaveric dura mater, particularly allografts manufactured by one company prior to 1987. Thus, FDA proposes to require, in § 1271.85(e), that an assessment be performed for donors of dura mater to detect evidence of TSE.

On March 27, 1997, the World Health Organization (WHO) recommended a ban on the use of human dura mater as an implant because of reports of CJD in a limited number of recipients. Since FDA had established safeguards and guidelines in 1990 to minimize the possibility of such infections, the agency announced on March 31, 1997, that it would not restrict the distribution of FDA-cleared dura mater allografts.

On October 6, 1997, FDA's Transmissible Spongiform Encephalopathy Advisory Committee (TSEAC) discussed the existing safeguards and additional safeguards that needed to be in place to prevent the transmission of CJD by human cadaveric dura mater. The TSEAC's recommendations were transmitted to industry through an FDA letter to manufacturers on March 6, 1998. After comments were received, FDA revisited the issues with TSEAC on April 16, 1998. Based upon the recommendations of the TSEAC at this meeting, the following represent proposed procedures for complying, at the present time, with the testing requirements of proposed § 1271.85(e) and the screening requirements of proposed § 1271.75(a)(4).

After the dura mater has been removed, a full brain autopsy of the donor of dura mater, including gross and histological examination, should be performed by a qualified neuropathologist, to identify evidence of TSE changes. Testing to detect protease-resistant prion protein (PrP–RES) either by immunohistochemistry or Western Blot, is currently a research (investigational use) tool, as there is no FDA-approved or validated test for screening TSE in brain tissue. However, a negative test is considered significant in increasing the level of confidence that the brain and the dura mater are free of TSE. FDA encourages validation of this test. Manufacturers should continue to monitor scientific developments and should incorporate this test if and when it becomes approved for this intended use.

Donors of dura mater should be subject to a consistent screening protocol, including a donor medical history interview that includes questions relevant to TSE risk, as mentioned in the human tissue guidance.

FDA intends to address other recommendations of the TSEAC in future proposed regulations on CGTP's. These include a standard protocol for procuring dura mater, prevention of cross-contamination, use of either a NaOH protocol or other procedure that has been validated to reduce infectivity while preserving clinical utility, archiving of a sample of brain and dura mater tissues, and recordkeeping and tracking requirements.

4. Corneal Tissue

The possibility that corneal tissue may transmit TSE is discussed in section III.D.1 of this document. Although the agency is proposing to require that, for donors of dura mater, an assessment designed to detect evidence of TSE be performed, the recommended method of accomplishing this assessment involves a full brain autopsy, including gross and histological examination, and definitive results are not available for several weeks. At present, this type of testing does not appear feasible for cornea donors, because under present conditions of storage in the United States, corneas must be transplanted within days of procurement in order to maintain their integrity and function. The agency requests comment on the feasibility of testing for TSE in donors of corneal tissue.

F. Exceptions (Proposed § 1271.90)

1. Exceptions From the Requirement for a Donor Suitability Determination

Proposed § 1271.90(a) identifies two situations in which a determination of donor suitability would not be required. In the case of banked cells and tissues for autologous use, cells and tissues are removed from a patient and stored for later use in the same patient. Because the risk of the patient's contracting a new communicable disease from cells or tissues taken from his or her own body is extremely low, FDA is not requiring communicable disease testing or screening. (Any handling and storage requirements for such cells or tissue may be addressed later, in the proposed CGTP regulation.) However, as a general safety measure, FDA recommends that

autologous donors be subjected to the same testing and screening as proposed under §§ 1271.75, 1271.85, and 1271.90 for allogeneic donors of comparable human cellular or tissue-based products.

The second situation in which FDA is recommending but not requiring testing is for reproductive cells or tissue donated by a sexually intimate partner of the recipient. In this case, the recipient will likely have been routinely exposed to the donor's semen or other body fluids. Although some screening and testing of the donor and recipient may be appropriate, FDA believes that this should be the responsibility of the attending physician and the donor and the recipient.

2. Labeling Requirements

Although screening and testing would not be required in the two above situations, FDA is proposing certain labeling requirements.

In order to protect those people who may handle the human cellular or tissue-based product, the manufacturer would be required to label a product as "NOT EVALUATED FOR INFECTIOUS SUBSTANCES" unless all donor screening and testing applicable to a comparable human cellular or tissue-based product under proposed §§ 1271.75, 1271.80, and 1271.85 are performed. Thus, if screening and testing results are negative, but not all of the testing and screening that would be required under proposed §§ 1271.75, 1271.80, and 1271.85 are performed, then the product would be labeled "NOT EVALUATED FOR INFECTIOUS SUBSTANCES." However, if any screening or testing is performed, and the results indicate the presence of relevant communicable disease agents, or risk factors for and/or clinical evidence of relevant communicable disease, then the product would be labeled with the Biohazard legend shown in proposed § 1271.3(i).

In addition, the manufacturer would be required to label autologous banked cells and tissues as "FOR AUTOLOGOUS USE ONLY." Such a label would help prevent inadvertent allogeneic administration.

G. Drug and Device Amendments (§§ 210.1, 210.2, 211.1, 820.1)

As discussed in section I of this document, FDA proposes to require that manufacturers of human cellular or tissue-based products regulated as drugs, medical devices, and/or biological products comply with the donor-suitability procedures now being proposed. In a future proposed rulemaking, the agency plans to propose CGTP's that would be applicable to these products, as well. The donor-suitability and CGTP procedures would be considered part of CGMP requirements for drugs and the Quality System for devices. In order to incorporate these new procedures, FDA is proposing to amend parts 210 and 211 with respect to human cellular and tissue-based products regulated as drugs and/or biological products and part 820 with respect to human cellular and tissue-based products regulated as devices.

FDA proposes to amend § 210.1 by adding new paragraph (c), which would contain the requirement for compliance with the donor-suitability procedures proposed in part 1271 subpart C and the current CGTP procedures to be proposed in part 1271 subpart D as part of the GMP requirements, and which would state that failure to comply with those or other CGMP's would adulterate the product. (References to the requirements in proposed part 1271 are also proposed to be added to §§ 210.2 and 211.1, to bring those regulations in conformity with the changes in § 210.1.) Comparable amendments are being proposed for § 820.1 to achieve the same result with respect to human cellular and tissue-based products regulated as devices.

IV. Analysis of Economic Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866, under the Regulatory Flexibility Act (5 U.S.C. 601–612), and under the Unfunded Mandates Reform Act (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Regulatory Flexibility Act requires agencies to analyze whether a rule may have a significant impact on a substantial number of small entities and, if it does, to analyze regulatory options that would minimize the impact. The Unfunded Mandates Reform Act requires that agencies prepare a written statement under section 202(a) of anticipated costs and benefits before proposing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation in any one year).

The agency believes that this final rule is consistent with the principles identified in Executive Order 12866. OMB has determined that the final rule is a significant regulatory action as defined by the Executive Order and so is subject to review. Because the rule does not impose mandates on State, local, or tribal governments, or the private sector, that will result in an expenditure in any one year of $100 million or more, FDA is not required to perform a cost-benefit analysis according to the Unfunded Mandates Reform Act.

The Regulatory Flexibility Act requires agencies to prepare a Regulatory Flexibility Analysis for each rule unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. As explained in section IV.C of this document, the agency believes that most of the facilities would not be significantly affected by the proposed rule because they are already performing the infectious disease screening and testing and recordkeeping that is being proposed. However, FDA does not have sufficient data to characterize the size distribution and other relevant features of small entities involved in reproductive tissue and the impact on these entities is uncertain. FDA has therefore prepared an Initial Regulatory Flexibility Analysis.

A. Objectives and Basis of the Proposed Action

FDA is proposing this action as the next step in the regulation of the rapidly evolving industry of human cellular and tissue-based products. This proposed rule focuses on the first of three general areas of regulation proposed in the approach to cellular and tissue-based products, i.e., preventing unwitting use of contaminated tissues with the potential for transmitting infectious diseases such as AIDS and hepatitis. While acting to increase the safety of the nation's supply of human cellular and tissue-based products, FDA is proposing regulations that would avoid unnecessary requirements. The agency has designed the screening and testing regulations for the specific type and use of each cellular or tissue-based product that would minimize regulatory burden while maintaining safety.

In this rulemaking, the agency is proposing to broaden its regulatory oversight over all human cellular and tissue-based products, including reproductive cells and tissue. This action is focused on the prevention of diseases transmitted by specific cellular or tissue-based products by implantation, transplantation, infusion, or transfer of any cellular or tissue-based product. For example, FDA is

now proposing to require cell and tissue donors to be tested for syphilis and screened for TSE. Donors of viable, leukocyte-rich cells or tissue would also be tested for HTLV types I and II, and CMV. Because communicable disease agents can be transmitted by semen and other genitourinary secretions, FDA is proposing to require that donors of reproductive cells and tissue be screened and tested for sexually transmitted diseases. FDA proposes to amend the existing CGMP regulations for drugs and devices to incorporate the screening and testing requirements in proposed part 1271 subpart C. FDA is relying on the authority provided by section 361 of the PHS Act to issue regulations to prevent the spread of communicable disease, as well as its authority under the act to issue CGMP regulations (21 U.S.C. 351(a)(2)(B) and (h) and 360j(f)(1)). FDA has reviewed related Federal rules and has not identified any rules that duplicate, overlap, or conflict with the proposed rule.

B. The Type and Number of Entities Affected

The proposed rule would require manufacturers of human cellular and tissue-based products, including human tissue intended for transplantation, to screen and test donors of cells and tissue used in those products. The rule would require that donors be screened and tested for risk factors for and clinical evidence of relevant communicable disease agents and diseases. The proposed rule would apply to a range of activities conducted at facilities such as tissue banks, blood banks, eye banks, semen banks, infertility treatment facilities, and cord blood banks. However, the number of entities that would be required to comply with this proposal is difficult to ascertain because the agency has not previously regulated certain human cellular and tissue-based products. Although the agency has proposed to require manufacturers of human cellular and tissue-based products to register and list their products and to identify their manufacturer steps, this information will not be available for some time. Consequently, the agency's estimates rely heavily on information obtained from various trade organizations related to the human cellular and tissue-based industry.

As shown in Table 1 of this document, the estimated numbers of facilities affected by the proposed rule are derived from varied industry sources. The Eye Bank Association of America (EBAA) represents about 108 eye banks, which are estimated to be about 95 percent of eye banks in the United States. The American Association of Tissue Banks (AATB) lists approximately 60 accredited tissue banks and projects an additional 40 to 60 members not accredited. As of May 1998, CBER has record of 132 registered blood bank facilities listing "stem cell" as a type of product or establishment. The National Marrow Donor Program (NMDP), which includes establishments that recover peripheral blood stem cells, lists approximately 101 donor centers (these establishments are associated with the American Association of Blood Banks (AABB) or the Foundation for the Accreditation of Hematopoietic Cell Therapy (FAHCT)). Although there is no single national organization that keeps track of the number of facilities for umbilical cord blood banking, FDA estimates that there are approximately 25 cord blood banks currently operating in the United States. These facilities would also seek accreditation through FAHCT or AABB.

In addition, the proposed rule would apply to facilities involved with reproductive tissue, primarily fertility centers and sperm banks that collect and process donor oocytes or donor sperm. The American Society of Reproductive Medicine (ASRM) has a membership of approximately 300 fertility centers, about 280 of which have provided reports to the 1995 Society for Assisted Reproductive Technology (SART) registry. The ASRM also has a 1996 list of approximately 110 sperm banks operating in the United States. Although ASRM has published guidelines for donor screening and other aspects of oocyte donation, and for therapeutic donor insemination, ASRM does not exercise oversight or provide accreditation of facilities that collect donor tissue or use these tissue products in infertility treatment.

C. Nature of the Impact

The proposed rule includes requirements for donor screening, donor testing, recordkeeping and quarantine of cells and tissue. Donor screening would involve the review of relevant medical records to include a medical history interview (particularly pertaining to communicable disease risk), a current report of a physical assessment for cadaveric donors, and a physical examination for living donors. For living repeat donors, a complete donor-suitability determination procedure would be required at least once every 6 months. The proposed rule would require that a donor specimen be tested for evidence of infection due to relevant communicable disease agents and diseases, with testing conducted within a specified time of recovery of cells or tissue. In general, a donor may be determined suitable if free from risk factors for and clinical evidence of infection due to relevant communicable disease agents and diseases, and if the required testing is negative or nonreactive.

The proposed rule would also require recordkeeping of donor-suitability determinations. Manufacturers would be required to ship human cellular and tissue-based products accompanied by documentation of donor-suitability status, including a copy of the donor's relevant medical records, results of required testing and the name and address of the establishment that made the suitability determination. The proposed rule requires that establishments that generate records used in donor-suitability determinations retain those records for at least 10 years after the date of the product's use or distribution. The proposed rule would also require that cell and tissue-based products be quarantined until a determination of donor suitability is made, and that products be clearly labeled as under quarantine during that period. The rule would hold manufacturers responsible for the appropriate labeling and documentation of cells or tissue from a donor who is found to be unsuitable.

The extent of the economic impact is expected to be minor for most of these establishments, because the leading industry associations have already established standards for screening that, in most cases, meet or exceed the criteria specified in the proposed rule; and because existing FDA regulations already apply to certain human tissue intended for transplantation (see part 1270). Table 1 of this document lists the types of donor cells and tissue that will be affected by the proposed rule and the associated facilities that collect and bank these tissue products. Table 1 also provides estimates of the number of establishments affected by the proposed rule and the estimated percentage of establishments already in compliance with current industry standards for donor screening and testing. The lists of specific donor screening and testing requirements proposed by FDA can be compared with those currently required by the industry associations.

TABLE 1.—TYPE AND NUMBER OF ESTABLISHMENTS AFFECTED AND PERCENTAGE ALREADY IN COMPLIANCE WITH INDUSTRY STANDARDS FOR DONOR SUITABILITY SCREENING AND TESTING

Type of Human Donor Tissue	Type of Entities Affected (and Estimated Total Number)	Relevant Industry Association Standards Compared to FDA Proposed Regulations	Estimated Percent Entities in Compliance with Industry Standards
Nonreproductive Tissue			
Eye tissue	Eye banks 108 EBAA members (114 total)	21 CFR part 1270 and FDA proposed (s1,s2,s3)[1] (t1,t2,t3,t5)[2] EBAA (s1 through s3)[1] (t1 through t3)[2]	100%
Pericardium, dura mater, heart valves, skin allograft, bone allograft, other viable	Tissue banks 60 AATB members (110 total)	21 CFR part 1270 and FDA proposed (s1 through s3)[1] (t1,t2,t3,t5)[2] AATB (s1 through s3)[1] (t1 through t5)[2]	100%
Stem cells; peripheral blood	Marrow donor centers 132 FDA registered facilities donor centers (101 total) collection centers (114 total)	FDA proposed (s1 through s3)[1] (t1 through t6)[2] AABB/FAHCT (s1 through s3)[1] (t1 through t6)[2]	100%
Stem cells; umbilical cord blood	Cord blood banks (25 total)	FDA proposed (s1 through s3)[1] (t1 through t6)[2] AABB/FAHCT (s1 through s3)[1] (t1 through t6)[2]	100%
Reproductive Tissue			
Donor oocyte, embryos	ART facilities & associated labs 281 in 1995 SART report (300 total)	FDA proposed (s1 through s3)[1] (t1,t2,t3,t5)[2] ASRM, CAP (s1)[1] (t1,t2,t3,t5)[2]	Unknown
Donor sperm	Sperm banks 4 in 1996 AATB survey (110 total)	FDA proposed (s1 through s3)[1] (t1 through t8)[2] AATB (s1 through s3)[1] (t1 through t8)[2] ASRM (s1)[1] (t1,t2,t3,t5,t7,t8)[2]	10% Unknown

[1] Screening for: s1: HIV, s2: hepatitis, s3: CJD
[2] Laboratory Tests: t1: anti-HIV–1–2, t2: anti-HCV, t3: HBsAg, t4: anti-HTLV–1, t5: syphilis, t6: CMV, t7: *Neisseria gonorrhea*, t8: *Chlamydia trachomatis*

Based on communications with representatives of several industry associations and facility managers, FDA estimates that the number of facilities currently in compliance with industry standards for donor screening and testing approaches 100 percent for several affected types of tissue product. Facilities handling reproductive tissue are the primary exception to this finding, and also represent the greatest area of uncertainty for this analysis. There is currently no single reliable source of information on fertility center or sperm bank compliance with AATB standards or ASRM guidelines. A small percentage of sperm banks are members of the AATB and are known to comply with that organization's requirements for screening and testing, but little is known about the standards for screening used at other facilities. Because this information is essential for the estimation of economic impact, FDA requests detailed industry comment on current donor screening and testing practices in these facilities.

In addition to the proposed donor screening and testing, the proposed rule is expected to require facility staff time to align current quarantine, sample labeling and recordkeeping systems with the requirements of the proposed rule. As shown in Table 2 of this document, all of the industry associations already specify requirements for these procedures. With the exception of facilities handling reproductive tissue, the current industry standards adopted by most facilities are at least as stringent as those included in the proposed rule.

TABLE 2.—CORRESPONDENCE OF FDA-PROPOSED REQUIREMENTS TO CURRENT INDUSTRY STANDARDS FOR SPECIMEN QUARANTINE, LABELING, AND RECORDKEEPING

FDA-Proposed	AATB Current	EBAA Current	AABB Current	FAHCT Current	ASRM Current
Quarantine	X[1]	X[1]	X[1]	X[1]	Donor sperm; not oocyte
Labeling	X[1]	X[1]	X[1]	X[1]	X[1]
Record Retention	X[1]	X[1]	X[1]	X[1]	Recommended; not required

[1] "X" means corresponds.

Due to the disparity in the amount of available information and the potential impact of the rule on nonreproductive versus reproductive tissue establishments, these two broad categories of tissue establishments are treated separately in the impact analysis that follows.

1. Impact on Nonreproductive Tissue Establishments

(a) *Impact of donor screening and testing.* As summarized in Table 1 of this document, most nonreproductive tissue establishments are already in compliance with the proposed FDA donor screening and testing requirements, as a result of following their own industry association standards and FDA current regulations. The cost of compliance with these provisions will be minimal for these establishments.

(b) *Impact of recordkeeping and tissue quarantine.* The burden of recordkeeping and tissue quarantine requirements will reflect the staff time needed to compare current recordkeeping and facility procedures with those required by the proposed standard and to make modifications where needed in current facility procedures. Such changes are expected to be minor for most nonreproductive tissue establishments.

FDA estimates that it would take approximately 8 to 40 hours to compare the proposed regulations against a facility's current standards. This process would be performed by a staff person who acts as a regulatory reviewer, a supervisor, or a manager of quality assurance. Assuming a labor cost of $40 per hour, this standards reconciliation effort would result in a one-time cost per facility ranging from $320 to $1,600. Applying this range of cost per facility to the approximately 380 nonreproductive tissue facilities yields a potential impact that ranges from $121,600 to $608,000.

2. Impact on Reproductive Tissue Establishments

(a) *Impact of donor screening and testing.* As indicated in Table 1 of this document, the current rate of compliance with industry standards is unknown among reproductive tissue establishments. Thus, FDA cannot develop a precise estimate of regulatory costs. As an upper bound figure, however, FDA assumed that 100 percent of facilities involved with oocyte donation and 80 percent of sperm banks would need additional screening and testing. Although the out-of-compliance sperm banks constitute a majority of the firms in that industry, they are primarily small operations that are estimated to serve only 5 percent of all sperm donors.

(i) *Oocyte Donor Screening and Testing.* The estimated impact of the proposed rule on establishments involved in oocyte donation is based on 1995 data reported by SART, an organization of assisted reproductive technology providers affiliated with ASRM. Approximately 70 percent of ART centers reporting in 1995 had performed at least one cycle of ART with donor eggs. In 1995, donor eggs were used in approximately 8 percent of all 59,800 ART cycles, or 4,783 cycles. (Although 78 percent of those cycles used fresh embryos, the proposed quarantine rules would likely necessitate the use of frozen embryos in all donor cycles, with some potential associated reduction in the success rate per donor in vitro fertilization (IVF) cycle (Ref. 1). FDA believes that all infertility treatment centers already conduct medical exams and history-taking and perform some laboratory testing prior to egg retrieval for any potential oocyte donor. Compliance with the proposed standard, however, may entail adding some additional blood testing and screening questions to the interview.

The cost of additional blood work (including HIV 1-2, hepatitis B, hepatitis C, and syphilis) is estimated at about $123 per donor (Ref. 2). The additional time to interview and record information in donor screening is estimated to cost about $37, based on the assumption that approximately half of the required screening is already being done, and the estimated cost of a full health history interview is $75 ($37~ $75/2) (Ref. 3). Thus, the additional cost per donation is estimated at $160 ($123 + 37). Based on a reported cost of $11,868 (Ref. 4) per donor oocyte cycle, this cost translates to a 1.3 percent increase (($160 +$11,868)/$11,868) in the cost of therapy per cycle.

The cost of screening egg donors will depend on the number of donor cycles attributable to each screened donor. If each donor contributes eggs for only one cycle, and the rejection rate is low (assumed to be 0.57 percent, which is the estimated prevalence rate of HBSAG positivity among parturient women) (Ref. 5), the number of donors to be tested would be 4,810 (4783/(1–0.0057)). If each donor contributes eggs for two donor cycles, the number of donors to be screened would be 2,405. These alternative assumptions imply a total cost to U.S. facilities involved in oocyte donation of from $386,000 to $772,000 per year, as shown in Table 3 of this document.

TABLE 3.—ALTERNATIVE OOCYTE DONATION SCENARIOS AND ASSOCIATED DONOR SCREENING COSTS

Screen/Test Cost Per Donor	2 ART Cycles Per Donor = 2,405	1 ART Cycle Per Donor = 4,810 Donors
$123.40 + $37.00 = $160.40	$386,000 ($160.40 x 2,405 = $385,762)	$772,000 ($160.40 x 4,810 =$771,524)

(ii) *Sperm donor screening and testing.* The agency has conducted an extensive search for current information on the extent of infectious disease screening for sperm donors, but has found little current information available. The Congressional Office of Technology Assessment (OTA) conducted a survey of establishments involved in sperm donation in 1987, and found that all commercial banks surveyed performed routine screening and testing for HIV, but only 45 percent of private physicians included this screening. The most recently available data includes a list of approximately 110 commercial sperm banks developed by ASRM in 1996, and a 1996 registration survey of the AATB that includes data for 4 sperm banks. The agency is aware that some sperm banks that have applied, but are not yet accredited members of AATB, are nonetheless following AATB standards. It is also likely that some other facilities have informally adopted AATB standards. This analysis assumes that all sperm banks currently perform HIV screening and testing, as reported by OTA in 1987, and a smaller percentage of facilities additionally follow all AATB screening and testing standards.

Based on recent conversations with sperm banking industry experts, FDA estimates that the largest 20 sperm banks account for approximately 95 percent of the commercial production of donor sperm, and that these facilities are compliant with AATB standards for donor screening and testing. The agency analysis therefore assumes that the 20 largest facilities, which account for most industry production, will experience minimal impact; while the remaining 90 facilities, which have extremely small volumes of production, will be more significantly affected. The very small sperm banks are described by an industry expert as typically functioning within a physician office practice (e.g., that of an obstetrician or gynecologist). The sperm banking in these facilities is generally offered as an additional service to patients receiving fertility treatment, and is not the primary line of business within these establishments.

The total estimated cost of the proposed screening and testing procedures for sperm banking facilities is based on the number of sperm donors who would require screening and testing, and their respective unit costs. Due to the lack of data on the actual number of sperm donors, the agency estimated the number based on projected therapeutic donor insemination TDI demand. The level of TDI demand has likely changed over time, with advances in treatment for male factor infertility. For example, the development of intracytoplasmic sperm injection ISCI used in conjunction with in vitro fertilization has enabled some couples to forego TDI in favor of ISCI using the male partner's sperm (Ref. 6). In 1985, an estimated 70,000 women per year received TDI (Ref. 7), compared to an estimated 171,000 women who reported ever receiving artificial insemination with donor sperm, in the National Survey of Family Growth (NSFG) conducted in 1995. If the NSFG respondents referred only to experience over the past 5 years, this would translate to approximately 34,200 women receiving TDI per year. Assuming an average of three cycles of therapy per patient per year, these data yield an estimated demand for TDI donor units of approximately 102,600 units per year. This figure is consistent with an industry expert estimate of current U.S. TDI production of 100,000 units per year.

Clinical literature indicates that most sperm donor attrition occurs prior to the blood testing stage of donor screening. For example, in one study of donor recruitment in which the clinic followed AATB and ASRM standards, of the total of 199 potential donors initially recruited, 174 were rejected; 172 of whom were rejected before blood testing, with only 2 (1 percent) rejected based on the blood test results (Ref. 8). Based on these findings, the agency assumes that the number of donors who will require infectious disease testing is approximately equal to the number of donors needed to supply the level of demand for TDI. Thus, FDA's estimate is based on the previous TDI unit demand combined with the maximum number of births per donor suggested in ASRM guidelines (Ref. 9), the average delivery rate per cycle of intrauterine insemination, an assumed 10 donated specimens per donor per year, and 4 donation units per donor specimen (Ref. 10). These factors yield an estimated 2,565 donors required per year. Assuming that the number of donors already screened and tested is proportionate to the volume of production accounted for by facilities compliant with AATB standards, FDA estimates that approximately 5 percent of all donors (0.05 x 2,565 = 128), or 128 donors per year, may need to be newly screened and tested to meet the requirements of the proposed rule.

The screening cost per donor is assumed to include an initial medical history and physical, a 6-month followup exam, and an abbreviated screening at the time of each donation. Based on rates published on the Internet (Ref. 3), the agency estimates that a full medical exam may cost $175, a less extensive followup exam will cost approximately $75 (a published fee for a health history review), and the abbreviated screening at the time of each donation will cost approximately $15 (i.e., one-fifth of the time required for a full history review). One repeat donor visit per year is assumed. Thus, the total cost of this screening is estimated to be $265 per year per donor.

The lab tests for prospective donors include those listed in Table 1 of this document, with 6-month followup blood tests for hepatitis B and C, HTLV–1, and syphilis. The cost of additional testing, based on screening test fees published on the Internet (Ref. 2), is $230.16 for initial complete blood testing, plus $123.40 for followup blood testing after a 6-month quarantine period, plus $113.30 for bacterial testing. The total cost of the additional lab work is estimated to be $467 per donor per year ($230.16 + $123.40 + $113.30 = $466.86). Because these estimates are based on charges to facility clients, they are likely to represent an upper bound on actual facility costs. Using these figures, the estimated total industry cost per year is approximately $94,000 (128 x ($265 + $467) = $93,696).

(b) *Impact of donor recordkeeping and tissue quarantine.* The impact of recordkeeping and tissue quarantine for reproductive tissue establishments will reflect the staff time required for: (1) A one-time review and modification of current recordkeeping and facility procedures to bring them into alignment with the proposed standard, and (2) on-going, expanded practices for each donor who undergoes screening and testing to meet the requirements of the proposed rule.

FDA estimates that the one-time review and alignment of current facility procedures will require approximately 8 to 40 hours at each facility. As with nonreproductive tissue facilities, this process would be performed by a regulatory affairs analyst, a supervisor, or a manager of quality assurance. Assuming a labor cost of $40 per hour, this standards reconciliation effort would result in a one-time cost per facility ranging from $320 to $1,600. This estimate corresponds to a total one-time cost for all reproductive tissue facilities that ranges from $131,200 ($320 x (300 + 110)) to $656,000 ($1,600 x (300 + 110)).

The recurring requirements for tissue quarantine, labeling, recordkeeping and record retention at reproductive tissue facilities are based on the estimated staff time needed to create and retain records of medical history, screening information, and lab testing for each

prospective donor from whom specimens are collected. The records must comply with the information requirements of the proposed rule and are estimated to require approximately 4 hours per donor per year of clerical staff time, with an assumed labor cost of $24 per hour for clerical staff ($96 per donor per year). Table 4 of this document summarizes the potential range of recurring costs for all reproductive tissue facilities. As shown, the estimated costs range from $243,000 to $474,000, depending on the assumed number of donors.

TABLE 4.—RANGE OF RECURRING COSTS FOR REPRODUCTIVE TISSUE

128 sperm donors 1 cycle per egg donor	$243,000 ((128 + 2,405) x $96 = $243,168)
128 sperm donors 2 cycles per egg donor	$474,000 ((128 + 4,810) x $96 = $474,048)

The size and range of these estimates reflects the agency's current lack of information about typical donor practices for reproductive tissue. If a higher rate of donation per donor is typically achieved by facilities, compared to that assumed in this analysis, the additional cost burden may be much lower than these estimates would indicate. More generally, if the current level of facility donor screening and recordkeeping is more stringent among reproductive tissue facilities than assumed in this analysis, the overall cost of compliance with the proposed rule will be lower than these preliminary estimates suggest.

Uncertainty about current practice and the level of compliance results in range estimates of the cost impact of the proposed rule. However, because most industry sectors already follow industry standards requiring donor testing and screening, the overall impact is expected to be small. Table 5 of this document provides a summary of the impacts across the different industry sectors included in the analysis. The total annualized cost for the 380 nonreproductive tissue facilities is estimated to range from $17,000 to $87,000, reflecting agency uncertainty about the extent of effort devoted to one-time review and alignment of existing standard operating procedures with the proposed donor screening rule provisions. This translates to an average cost of $45 to $229 per facility.

The annualized cost of compliance for the ART industry ranges from approximately $631,000 to $1.302 million, reflecting current uncertainty about the number of oocyte donors and the number of donations per donor per year. These costs translate to an average cost of approximately $2,103 ($631,000/300) to $4,340 ($1,302,000/300) per facility per year. In general, assumed higher rates of donation per year, or a lower number of total donor oocyte cycles per year, will result in lower industry costs. By the same token, lower rates of donation per donor, or higher total donor cycles performed per year, will result in higher donor screening costs.

The total annualized cost impact on the sperm banking industry is based on an estimated TDI demand of approximately 102 thousand units per year, and assumed current compliance of the top 20 commercial banks, which account for approximately 95 percent of industry production. The total annualized costs range from approximately $111,000 to $131,000. These industry totals yield an average annualized cost range of $1,234 ($111,000/(110–20)) to $1,456 ($131,000/(110–20)) per facility estimated to be noncompliant with the proposed standard.

TABLE 5.—DONOR SUITABILITY COST ANALYSIS SUMMARY TABLE[1]

Type of Facility	Total One-time Cost	Total Recurring Cost	Total Annualized Cost[2]
Nonreproductive Tissue—Eye Tissue, Conventional Tissue, and Stem Cell			
(a) Donor screening and testing	Minimal	Minimal	Minimal
(b) Recordkeeping and tissue quarantine	$121,600 to $608,000	Minimal	$17,000 to $87,000
Reproductive Tissue—ART Facilities			
(a) Donor screening and testing	Minimal	$386,000 to $772,000	$386,000 to $772,000
(b) Recordkeeping and tissue quarantine	$96,000 to $480,000	$231,000 to $462,000	$245,000 to $530,000
ART subtotal	$96,000 to $480,000	$617,000 to $1,234,000	$631,000 to $1,302,000
Reproductive Tissue—Sperm Banks			
(a) Donor screening and testing	Minimal	$94,000	$94,000
(b) Recordkeeping and tissue quarantine	$35,200 to $176,000	$12,000	$17,000 to $37,000
Sperm subtotal	$35,200 to $176,000	$106,000	$111,000 to $131,000

TABLE 5.—DONOR SUITABILITY COST ANALYSIS SUMMARY TABLE[1]—Continued

Type of Facility	Total One-time Cost	Total Recurring Cost	Total Annualizec Cost[2]
Total Tissue Industry			
Total	$252,800 to $1,264,000	$723,000 to $1,340,000	$759,000 to $1,520,000

[1] Rounded to the nearest thousand
[2] At 7% interest rate over 10 years

D. Estimated Benefits of Proposed Rule

The proposed action would provide oversight for the full spectrum of human cellular and tissue-based products that are now marketed and may be marketed in the future. This action is intended to improve protection of the public health and increase public confidence in new technologies, while permitting significant innovation and imposing minimal regulatory burden. An important benefit of the rule will be the establishment of a consistent standard of safety to help ensure equivalent protection from transmissible diseases for all recipients of therapy involving cellular and tissue-based products, regardless of the health condition for which they are being treated. The proposed rule would help minimize risk to all patients of exposure to several life-threatening, in some cases incurable, diseases including HIV, HBV, HCV, CJD and others. These risks would be minimized through validated screening procedures, lab tests, and adequate labeling to avoid unwitting use of unsafe specimens. Each of the infectious diseases screened (see Table 1 of this document) will provide added patient safety protection and public health benefit.

The risks of disease transmission vary by type of cellular and tissue-based product. Donor screening, testing, and other measures to reduce the risks of transmission for various types of tissue will correspondingly yield a different relative reduction in disease risk. For example, expansion of blood donor screening and improved laboratory tests have dramatically reduced the risk of blood transfusion-transmitted disease. The risk of HIV infection has dropped from a reported 1 in 100 units in some U.S. cities to approximately 1 in 680,000 units. The risk of transmission of HBV has been reduced from 1 in 2,100 to 1 in 63,000 units, and the transmission risk for HCV has been lowered from 1 in 200 units in the early 1980's to the current level of 1 in 100,000 units (Ref. 11). These levels of risk reduction based on blood donors, offer an illustration of the kind of improvements in safety that might be achieved through improved and expanded screening of donors.

As described earlier, most nonreproductive tissue establishments are assumed to be already compliant with the proposed rule and therefore have already achieved the level of intended risk reduction. The discussion of benefits resulting from the proposed rule will therefore focus on some key areas of risk and potential benefit of the proposed requirements for reproductive tissue recipients. The discussion that follows will consider the risks of sexual transmission of disease that will be reduced through expanded screening among reproductive tissue donors, focusing on the reduced risk of two life-threatening chronic diseases that can be transmitted through donor tissue: HBV and HCV.

The expansion of screening among reproductive tissue donors is expected to produce important reductions in disease risk, as evidenced by the apparent reductions in HIV risk that have already been achieved through screening. The risk of HIV transmission through TDI appears to be much lower since screening for HIV was recommended by the Center for Disease Control and Prevention (CDC) in 1985. A total of six documented and two possible cases have been reported to the CDC as of December 1996 (Ref. 7).

The risks of transmitting HBV and HCV through reproductive tissue should be substantially reduced as a result of donor screening, based on the significance of self-reported risk factors as predictors of the findings of blood screening for HBV and HCV (Ref. 12). Compared to HCV, HBV presents a higher risk of sexual transmission. In 1991, heterosexual activity is reported to account for 41 percent of all cases of HBV (Ref. 13). HBV transmission has also been reported by use of TDI; in 1982 a physician used semen from an unscreened donor (later found to carry HBsAg) to inseminate several women, one of whom later developed HBV (Ref. 14).

HBV-infected mothers can transmit the disease to their infants. Forty-two percent of infants born to women with HBsAg positivity (adjusted for HBeAg status) are at risk of HBV infection, and an additional 30 percent of infants born to HBsAg-positive mothers become infected between 1 and 5 years of age. Prospective studies of infected infants or young children, indicate that 25 percent will die from primary hepatocellular carcinoma (PHC) or cirrhosis as adults. The lifetime medical cost per case of PHC and cirrhosis is estimated to be $96,500 (Ref. 15). An analysis of the cost-effectiveness of prenatal screening and testing of mothers, with vaccination for positive screens, estimates that such screening and intervention would prevent 69 percent of the chronic HBV infections acquired perinatally or later in life (Ref. 16). This rate of effectiveness may provide an indication of the potential benefit of HBV screening in the proposed rule.

The risk of sexual transmission is estimated to be lower for HCV, compared to HBV. The CDC estimates the rate of transmission from female to male partners, and the rate of transmission from mother to child, to each be approximately 5 percent. However, there is no vaccine intervention available for HCV, although interferon-alpha therapy has been found effective in eliminating the virus for at least some patients and drug combinations (e.g., Interferon and Ribovirus) may be even more effective. Although most patients infected with HCV are relatively healthy during most of their lives, an estimated 30 percent of those infected will eventually die of liver-related causes; an estimated 8,000 patients per year (Ref. 15). The average cost of care per year for persons with liver disease from chronic HCV is estimated to range from $24,600 for patients without interferon-alpha therapy to $26,500 per year for those receiving a 12-month course of therapy. The latter is estimated to provide patients with an additional 0.37 quality-adjusted life-years (Ref. 16).

Screening third-party tissue donors is expected to significantly reduce the excess morbidity and mortality caused by hepatitis B and C. As noted earlier, there are an estimated 2,405 to 4,810 oocyte donors and 2,565 sperm donors

per year. If these populations experience recently reported prevalence rates for HVC (9.8 percent) and HBV (27.6 percent) (Ref. 12), then screening for significant risk factors and disease markers will result in reduced HBV and HCV exposures for the patient population at risk. The population at risk each year is estimated to include 1,600 to 4,700 women undergoing IVF with donor eggs, and 1,300 newborns delivered as a result of this therapy[1]; and 34,200 to 70,000 women receiving TDI, and 8,800 newborns delivered as a result of that therapy.

E. Initial Regulatory Flexibility Analysis

FDA's objectives and authority for issuing the proposed rule are described in section II of this document. Based on its initial analysis, FDA finds that a substantial number of the establishments required to comply with this proposed rule may be small business entities, particularly facilities involved with reproductive tissue products. The Small Business Administration defines a small business in this SIC industry sector to be an establishment with $5 million or less in annual receipts (Ref. 17). The economic impact analysis presented in section IV.C of this document includes estimates of the number of entities to which the proposed rule will apply. Each set of facilities involved in the tissue banking sectors includes some facilities that would be classified as small business entities.

A 1995 study of conventional tissue banks (Ref. 18) reports average annual revenues of $1.23 million per facility. Most nonreproductive tissue facilities are assumed to have a comparable level of average revenues. Reproductive tissue experts estimate that 65 percent of ART facilities have average revenues of approximately $2.5 million per year and the remaining 35 percent have average revenues of $11.5 million per year. Industry experts also estimate that 19 of the 20 largest sperm banks have average annual revenues of approximately $2 million per year, and 1 of the 20 largest facilities has annual revenues greater than $5 million. Thus, the majority of tissue facilities are small entities. Nevertheless, as noted in the preceding cost analysis, most of these facilities would not be significantly impacted by the proposed rule, because they are already performing the proposed infectious disease screening and recordkeeping.

Table 6 of this document presents estimates of the average cost per facility as a percentage of average annual revenues. In addition to facility revenues Table 6 presents the estimated annual practice income for Ob/Gyn practices, because some operate a small donor sperm bank as an additional service to patients, but may not currently comply with the screening and testing requirements of the proposed rule. The estimated annual revenue of $252,000 per year for individual physician practices is based on the mean physician income of $215,000 after expenses and before taxes for the Ob/Gyn specialty category reported in the 1992 American Medical Association survey (Ref. 19), adjusted to 1998 assuming an average annual wage inflation of 2.7 percent, based on yearly rates reported by the Bureau of Labor Statistics.

TABLE 6.—ESTIMATED ANNUALIZED COST PER FACILITY AS A PERCENTAGE OF ESTIMATED ANNUAL REVENUE

Number of Facilities That May Be Classified as Small Entities	Average Annualized Cost per Facility	Average Annual Revenue per Facility	Annualized Cost as Percentage of Annual Revenue
Nonreproductive Tissue—Eye Tissue, Conventional Tissue and Stem Cell			
380-all potentially small	$45 to $229	$1.2 million	0.004 to 0.019%
Reproductive Tissue—ART Facilities			
195 (65% of 300 facilities)	$2,103 to $4,340	$2.5 million	0.08 to 0.17%
Reproductive Tissue—Sperm Banks			
19-larger commercial banks	$1,234 to $1,456	$2.0 million	0.06 to 0.08%
90-physician practice-based banks	$1,234 to $1,456	$252,000	0.5 to 0.6%

As noted in Table 6 of this document, the greatest cost will be incurred by facilities involved with reproductive tissue. Nevertheless, the estimated impact on most small facilities does not appear to be significant. The expected increase in cost per facility ranges up to 0.6 percent of annual revenues. However, if current practices actually involve a much lower level of infectious disease screening than assumed in this analysis, the impact of the proposed screening and testing requirements would be higher than expected. Because accurate information on current industry practices is essential for a valid assessment of economic impact, FDA requests detailed industry comment on its estimate of the number of affected small facilities and their current donor screening, testing, tissue quarantine, and recordkeeping practices.

Although the proposed rule would impose some costs on small entities involved in the manufacture of cellular and tissue-based products, the agency believes that the proposed approach represents an effective means of protecting patient safety and public health in the collection of donor cells and tissue for manufacture. The less burdensome alternatives to the proposed approach involve fewer requirements for small entities (the vast majority of facilities in this industry), but fail to provide fundamental aspects of product safety. For example, reliance on published FDA guidance for donor suitability screening and testing, rather than establishing a regulatory requirement, would provide the agency with no basis for ensuring compliance. Thus, agency guidance may have no greater influence than current industry voluntary standards, which have similar provisions, but have failed to persuade all facilities to adopt comprehensive screening and testing practices. FDA's guidance, alone, therefore, would not be expected to provide adequate public protection from the safety risks

[1] The range of 1,600 to 4,700 IVF patients is based on a reported 4,783 cycles of IVF with donor egg reported for 1995, varying the assumed number of cycles of therapy per patient. The number of newborns is based on an assumed average delivery rate of 19.6 percent per cycle.

associated with infected donor-derived products.

Another alternative would involve the waiving of some of the donor screening and testing requirements for small facilities. However, as noted previously, nearly all facilities in this industry are small. Moreover, this alternative would increase tissue product safety risks, if small facilities that currently screen and test donors on a voluntary basis choose to discontinue this practice due to an FDA-granted waiver. For example, waiving a requirement for donor screening would eliminate an extremely cost-effective first-tier level of safety protection because prospective donors deferred or disqualified at this stage need not undergo further testing. Similarly, waiving the proposed requirements for blood testing would expose patients, as well as tissue facility and medical staff, to avoidable risks of infectious disease that may be undocumented in a patient's medical history, or be unknown to, or not mentioned by the living donor or donor family during screening.

A waiver of the requirements for tissue quarantine to allow for the window period of donor infectivity prior to detection through blood tests would expose product recipients and the public to risks of infectious disease agents that cannot be immediately detected through most currently available blood tests (e.g., tests for HIV and HCV). Recordkeeping for donor screening and testing is also critical to product recipient and public safety. Adequate documentation and record retention ensure that cellular and tissue-based products can be tracked to their source in the event of infection or other adverse reactions that result from donor tissue characteristics.

In summary, the agency believes that abridged requirements for donor screening and testing, based on voluntary standards or facility size criteria, would provide inadequate protection against the risk of infectious disease. Most notably, the absence of regulation allows reproductive tissue facilities to omit the proposed screening and testing of tissue donors that is routinely completed for other cellular and tissue-based products, thus exposing infertility patients to a disproportionate risk of several life-threatening infectious disease agents.

To alleviate the impact on small entities while continuing to protect public health, the agency is proposing to recommend, but not require, that manufacturers follow screening and testing procedures for relevant communicable disease agents and diseases when a cellular or tissue-based product is used in the same person from whom it is obtained, or in a sexually intimate partner of a reproductive-tissue donor. A recommendation is considered adequate in this instance because the risk of disease transmission from such activities is believed minimal.

Under the proposed rule, small entities involved with reproductive tissue will be required to meet the same safety and quality standards as large reproductive tissue facilities and other cellular and tissue-based product manufacturers, regardless of size. The specific requirements for donor screening and testing, the required recordkeeping, and the required types of professional skills are described in the economic analysis provided previously. This analysis includes an accounting of all major cost factors, with the exception of the reduced potential liability currently encountered by those reproductive tissue facilities that fail to provide the level of protection from infectious disease that is considered a standard of good practice in other sectors of the tissue-based product industry. The relevant Federal rules that are related to the proposed rule are discussed in section II of this document. This economic analysis provides a summary of the private industry standards that overlap the proposed Federal standard, but as discussed, there is no current regulation of reproductive tissue that would duplicate the proposed rule. Consequently, FDA finds that the proposed regulation would enhance both public health and public confidence in the safety and utility of transplanted cells and tissues, while imposing only a minimum burden on the affected industry sectors.

V. The Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520). A description of these provisions is shown as follows with an estimate of the annual reporting and recordkeeping burden. Included in the estimate is the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Documentation and Reporting of Suitability Determination for Donors of Human Cellular and Tissue-based Products.

Description: Under the authority of section 361 of the PHS Act, FDA is proposing new regulations to require manufacturers of human cellular and tissue-based products to screen and test the donors of cells and tissues used in those products for risk factors for and clinical evidence of relevant communicable disease agents and diseases. FDA is proposing that donor suitability determination regulations apply to all establishments covered by the proposed registration rule. The determination of whether a donor is suitable or unsuitable would be made by a responsible person and would be based on the results of required donor screening and testing. Manufacturers would be required to ship a human cellular or tissue-based product accompanied by documentation of the donor suitability determination. This requirement would apply to a human cellular or tissue-based product from a donor determined to be suitable as well as to a product from a donor determined to be unsuitable and made available for use under certain provisions. The accompanying documentation would contain a copy of the donor's relevant medical records, results of testing, the name and address of the establishment that made the donor suitability determination, and a statement whether, based on the results of the screening and testing of the donor, the donor has been determined to be suitable or unsuitable. With the use of a product from an unsuitable or incompletely tested donor, documentation by the manufacturer would be required showing that the recipient's physician was notified of the screening and testing results, the physician authorized the use of the product after determining there is an urgent medical need, the recipient or the recipient's legal representative was informed of the communicable disease risk, and the recipient or the recipient's legal representative consented to use of the product.

The agency proposes to require that records be retained at least 10 years instead of the current 5 years. This

increase in retention time is necessary because certain cellular and tissue-based products have storage periods longer than 5 years. In addition, advances in medical technology have created opportunities for diagnosis and therapy for up to 10 years after recipient exposure to a donor later determined to be at risk for communicable disease agents or diseases.

These proposed provisions are intended as safeguards to prevent the transmission of communicable diseases that may occur with the use of cells and tissues from infected donors. Through this action FDA will improve its ability to protect the public health by controlling the spread of communicable disease.

Description of Respondents: Manufacturers of cellular and tissue-based products.

Based upon recent information from trade organizations related to the manufacturing of products utilizing cells and tissues and the agency's experience, FDA has estimated the following burden for each provision that describes a collection of information.

In the proposed registration rule, the agency proposed § 1271.10 and estimated the burden of collection of information under that provision. In this proposed rule, the agency is modifying proposed § 1271.10. Consequently, a revised estimate for the reporting burden is provided as follows. Although the modifications to proposed § 1271.10 do not effect the original burden estimates, new information from trade associations supports an increase in the estimate of affected manufacturers from 680 to 806. Under proposed § 1271.10 each manufacturer would be required to update its product listings twice a year. For each update, the agency estimates approximately 0.75 hours to complete.

Under proposed § 1271.55(a), approximately 857 manufacturers (224 manufacturers of conventional and eye tissue, 157 manufacturers of peripheral and cord blood stem cell products, 410 manufacturers of reproductive tissue, and 66 manufacturers of products regulated under the act and/or section 351 of the PHS Act) would be required to provide a summary of records. An estimated total of 523,231 cells and tissues (approximately 309,000 conventional tissue products, 86,000 eye tissue products, 6,031 stem cell products, and 122,200 reproductive cells and tissue products) are manufactured into products per year. The agency estimates that for each product, a manufacturer will expend approximately 0.5 hours to prepare the summary of records. Manufacturers of conventional and eye tissue are currently required to provide a summary of records under § 1270.33(d), which proposed § 1271.55(a) would replace.

Under proposed § 1271.65(c)(2), when a cellular or tissue-based product is used prior to completion of screening and testing due to an urgent medical need, a manufacturer would provide a list of the completed and incomplete results with the product. This would be a new practice for 731 manufacturers. Out of 791 manufacturers who could be affected by this provision, approximately 60 manufacturers follow this procedure as usual and customary practice under AATB standards and would not be affected by this proposed section. The agency believes that the use of a product from an unsuitable or incompletely tested donor when there is an urgent medical need may occur approximately once a year and that each listing should result in approximately 0.25 hours to complete.

Under proposed § 1271.50(b), documentation of donor suitability would be required for the first time for approximately 410 manufacturers. Out of a total of 791 manufacturers of cellular and tissue-based products, there would be no added burden for approximately 381 manufacturers who document donor suitability as usual and customary practice under the trade organization standards. In table 5 of this document, FDA estimates that § 1271.50(b) would impose a new collection of information requirement on 410 manufacturers of reproductive cellular and tissue-based products, each of which would document the suitability of an estimated 11 donors per year, or 4,640 donors, expending approximately 5 hours per document for a total of 55 hours per manufacturer per year.

Under proposed § 1271.55(b), manufacturers would be required to retain records for 10 years. The requirement would affect 410 manufacturers of reproductive cells and tissues. Three hundred and eighty-one of a total 791 manufacturers already retain records for a minimum of 10 years as usual and customary practice under trade organization standards. FDA estimates 0.5 hours per manufacturer to annually retain records. This estimate reflects an average of time that would be necessary to create records for retention from advanced methods of recordkeeping, such as electronic formatting which can improve the ability of manufacturers to more easily retain and retrieve records, to copying records onto microfiche.

Under proposed §§ 1271.65(b)(3) and (c)(3), when a product that is unsuitable or not fully screened or tested is used, approximately 791 manufacturers of cellular and tissue-based products would be required to document notice of the results of testing and screening to the physician, the authorization from the physician after determining there is an urgent medical need, the agreement from the physician to explain the risk to the recipient, and to obtain consent from the recipient before using the product. The agency estimates that such documentation would occur approximately once annually per manufacturer and that each manufacturer would expend approximately 2.0 hours to create such document.

TABLE 7.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
1271.10	806	2	1,612	0.75	1,209
1271.55(a)	857	610.5	523,231	0.5	261,615.5
1271.65(c)(2)	731	1	731	0.25	183
Total					263,007.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 8.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
1271.50(b)	410	11	4,640	55	22,550
1271.55(b)	410	11	4,640	5.5	2,255
1271.65(b)(3) and (c)(3)	791	1	791	0.5	395.5
Total					25,200.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The agency estimates that there will be no new or significant increase in maintenance costs for the maintenance of records for the proposed 10-year period instead of the current 5-year retention period, because modern storage technology has markedly reduced the space needed to store records.

Under section 1320.3(c)(2) of the PRA the labeling requirements in proposed §§ 1271.65(c)(2) and (d), and 1271.90(b) and (c) do not constitute collection of information because information required to be on the labeling is originally supplied by FDA to the manufacturers for the purpose of disclosure to the public to help ensure a safe product supply and protect public health.

The reporting of screening and testing results to the consignee in proposed § 1271.65(c)(4) does not constitute collection of information burden because it is the customary and usual practice or procedure of all manufacturers to conduct screening and testing and provide the results to the consignee.

In compliance with section 3507(d) of the PRA of 1995 (44 U.S.C. 3507(d)), the agency has submitted a copy of this proposed rule to OMB for review of the information collection provisions.

VI. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Request for Comments and Proposed Effective Date

Interested persons may, on or before December 29, 1999, submit to the Dockets Management Branch (address above) written comments regarding this proposal, except that comments regarding information collection provisions should be submitted in accordance with the instructions in section V of this document. Two copies of any comments on issues other than information collection are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

FDA is proposing to delay the compliance date of all final rules implementing the proposed regulatory approach to human cellular and tissue-based products until the concluding final rule for registration, donor suitability, and CGTP has been published in the **Federal Register**. FDA will announce the compliance date for the final rules in a future issue of the **Federal Register**.

VIII. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. CDC, 1995 *ART Fertility Clinic Reports* at "www.cdc.gov/nccdphp/drh/arts/introduc.htm".

2. Published fee for blood testing, including Hepatitis B and Hepatitis C, HIV 1–2, HTLV–1, and syphilis, reported for direct donor screening by The Sperm Bank of California, at "www.thespermbankofca.org/fees96.htm".

3. The Sperm Bank of California at "www.thespermbankofca.org/fees96.htm".

4. Van Voorhis, B. J., A. E. T. Sparks, B. D. Allen, et al. "Cost-effectiveness of Infertility Treatments: A Cohort Study," *Fertility and Sterility*, vol. 67, No. 5, May 1997, pp. 830–836.

5. Margolis, H. S., P. J. Coleman, R. E. Brown, E. E. Mast, S. H. Sheingold, and J. A. Arevalo, "Prevention of Hepatitis B Virus Transmission by Immunization: An Economic Analysis of Current Recommendations," *Journal of the American Medical Association*, vol. 274, No. 15, 1995, pp. 1201–1208.

6. The National Summary of CDC 1995 *ART Fertility Clinic Reports* estimates that 11 percent of the ART therapy performed included ICSI at "www.cdc.gov/nccdphp/drh/arts/introduc.htm".

7. Wortley, P. M., T. A. Hammett, and P. L. Fleming, "Donor Insemination and Human Immunodeficiency Virus Transmission," *Obstetrics & Gynecology*, vol. 91, No. 4, 1998, pp. 515–518.

8. Sidhu, R. S., R. K. Sharma, S. Kachoria, C. Curtis, and A. Agarwal, "Reasons for Rejecting Potential Donors from a Sperm Bank Program," *Journal of Assisted Reproduction and Genetics*, vol.14, No. 6, 1997, pp. 354–360.

9. The American Fertility Society, "Guidelines for Therapeutic Donor Insemination: Sperm," *Fertility and Sterility*, vol. 62, No. 5, November 1994, pp. 101s–104s.

10. Government Accounting Office, *Human Tissue Banks: FDA Taking Steps to Improve Safety, but Some Concerns Remain*, GAO/HEHS–98–25.

11. AuBuchon, J. P., J. D. Birkmeyer, and M. P. Busch, "Safety of the Blood Supply to the United States: Opportunities and Controversies," *Annals of Internal Medicine*, vol. 127, No. 10, November 1997, vol. 127, No. 10.

12. Kaur, S., L. Rybicki, B. R. Bacon, J. L. Gollan, V. K. Rustgi, W. D. Carey and the National Hepatitis Surveillance Group, "Performance Characteristics and Results of a Large–Scale Screening Program for Viral Hepatitis and Risk Factors Associated with Exposure to Viral Hepatitis B and C: Results of the National Hepatitis Screening Survey," *Hepatology*, vol. 24, No. 5, 1996, pp. 979–986.

13. Kane, M., "Epidemiology of Hepatitis B Infection in North America," *Vaccine*, vol. 13, Supplement 1: 1995, pp. s16–s17.

14. Guinan, M. E., "Artificial Insemination by Donor: Safety and Secrecy," *Journal of the American Medical Association*, vol. 173, No. 11, March 1995, pp. 890–891.

15. U.S. Centers for Disease Control and Prevention, 1997.

16. Kim, W. R., J. J. Poterucha, J. E. Hermans, T. M. Therneau, E. R. Dickson, R. W. Evans, and J. B. Gross, Jr., "Cost-effectiveness of 6 and 12 Months of Interferon-α Therapy for Chronic Hepatitis C," *Annals of Internal Medicine*, vol. 127, No. 10, November 1997.

17. U.S. Small Business Administration, Table of Size Standards, March 1, 1996, Major Group 80—Health Services.

18. Prottas, J., "A study of the Tissue Procurement and Distribution System of the United States," Brandeis University, FDA/HRSA contract No. 240–090–0048, October 1995.

19. American Medical Association, *Socioeconomic Characteristics of Medical Practice*, Table 47, p. 150, 1994.

20. Hogan, R. N. et al., "Risk of Prion Disease Transmission From Ocular Donor

Tissue Transplantation," *Cornea*, vol. 18, No. 1, pp. 2–11, 1999.

List of Subjects

21 CFR Part 210

Drugs, Packaging and containers.

21 CFR Part 211

Drugs, Labeling, Laboratories, Packaging and containers, Prescription drugs, Reporting and recordkeeping requirements, Warehouses.

21 CFR Part 820

Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 1271

Human cellular and tissue-based products, Communicable diseases, HIV/AIDS, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed to amend 21 CFR Chapter I as follows:

I. Parts 210, 211, and 820 are amended as follows:

PART 210—CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURING, PROCESSING, PACKING, OR HOLDING OF DRUGS; GENERAL

1. The authority citation for 21 CFR part 210 is revised to read as follows:

Authority: 21 U.S.C. 321, 351, 352, 355, 360b, 371, 374; 42 U.S.C. 216, 262, 263a, 264.

2. Section 210.1 is amended by adding paragraph (c) to read as follows:

§ 210.1 Status of current good manufacturing practice regulations.

* * * * *

(c) Owners and operators of establishments engaged in the recovery, screening, testing, processing, storage, labeling, packaging or distribution of human cellular or tissue-based products, as defined in § 1271.3(e) of this chapter, that are regulated as drugs under the act and/or biological products under section 351 of the Public Health Service Act are subject to the donor suitability and current good tissue practice procedures set forth in part 1271 subparts C and D of this chapter, in addition to the regulations in this part and in parts 211 through 226 of this chapter. Failure to comply with any regulation set forth in this part, in parts 211 through 226 of this chapter, in part 1271 subpart C of this chapter, or in part 1271 subpart D of this chapter shall render such a human cellular or tissue-based product adulterated under section 501(a)(2)(B) of the act, and such product, as well as the person who is responsible for the failure to comply, shall be subject to regulatory action.

3. Section 210.2 is revised to read as follows:

§ 210.2 Applicability of current good manufacturing practice regulations.

(a) The regulations in this part and in parts 211 through 226 of this chapter as they may pertain to a drug, in parts 600 through 680 of this chapter as they may pertain to a biological product for human use, and in part 1271 of this chapter as they may pertain to a human cellular or tissue-based product that is regulated as a drug and/or biological product shall be considered to supplement, not supersede, each other, unless the regulations explicitly provide otherwise. In the event that it is impossible to comply with all applicable regulations in these parts, the regulations specifically applicable to the drug in question shall supersede the more general.

(b) If a person engages in only some operations subject to the regulations in this part, in parts 211 through 226 of this chapter, in parts 600 through 680 of this chapter, and in part 1271 of this chapter, and not in others, that person need only comply with those regulations applicable to the operations in which he or she is engaged.

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

4. The authority citation for 21 CFR part 211 is revised to read as follows:

Authority: 21 U.S.C. 321, 351, 352, 355, 360b, 371, 374; 42 U.S.C. 216, 262, 263a, 264.

5. Section 211.1 is amended by revising paragraph (b) to read as follows:

§ 211.1 Scope.

* * * * *

(b) The current good manufacturing practice regulations in this chapter as they pertain to drug products, in parts 600 through 680 of this chapter, as they pertain to biological products for human use, and in part 1271 of this chapter, as they pertain to human cellular or tissue-based products that are regulated as drugs and/or biological products shall be considered to supplement, not supersede, the regulations in this part unless the regulations explicitly provide otherwise. In the event it is impossible to comply with applicable regulations both in this part and in other parts of this chapter, in parts 600 through 680 of this chapter, or in part 1271 of this chapter, the regulation specifically applicable to the drug product in question shall supersede the regulation in this part.

* * * * *

PART 820—QUALITY SYSTEM REGULATION

6. The authority citation for 21 CFR part 820 is revised to read as follows:

Authority: 21 U.S.C. 351, 352, 360, 360c, 360d, 360e, 360h, 360i, 360j, 360l, 371, 374, 381, 383; 42 U.S.C. 216, 262, 263a, 264.

7. Section 820.1 is amended by adding two sentences to the end of paragraph (a)(1) and by revising the second sentence in paragraph (c) to read as follows:

§ 820.1 Scope.

(a) *Applicability.* (1) * * * Manufacturers of human cellular or tissue-based products, as defined in § 1271.3(e) of this chapter, that are regulated as medical devices under the act are subject to this part and are also subject to the donor-suitability procedures set forth in part 1271 subpart C of this chapter and current good tissue practice procedures in part 1271 subpart D of this chapter. In the event that it is impossible to comply with all applicable regulations in parts 820 and 1271 of this chapter, the regulations specifically applicable to the device in question shall supersede the more general.

* * * * *

(c) * * * The failure to comply with any applicable provision in this part or in part 1271 subpart C or D of this chapter renders a device adulterated under section 501(h) of the act. * * *

* * * * *

II. Part 1271 as proposed in the Federal Register of May 14, 1998 (63 FR 26744) is amended as follows:

PART 1271—HUMAN CELLULAR AND TISSUE–BASED PRODUCTS

1. The authority citation for 21 CFR part 1271 is revised to read as follows:

Authority: 42 U.S.C. 216, 243, 263a, 264, 271.

2. The heading for part 1271 is revised to read as set forth above.

3. Section 1271.1 is revised to read as follows:

§ 1271.1 Purpose and scope.

(a) *Purpose.* The purpose of this part, in conjunction with §§ 207.20(f), 210.1(c), 210.2, 807.20(e), and 820.1(a) of this chapter, is to establish procedures to prevent the introduction, transmission, and spread of communicable diseases and to create a

unified registration and product listing system for establishments that manufacture human cellular and tissue-based products.

(b) *Scope.* Manufacturers of human cellular and tissue-based products regulated solely under the authority of section 361 of the Public Health Service Act (the PHS Act) are required by this part to register and list their products with the Food and Drug Administration's (FDA's) Center for Biologics Evaluation and Research, and to comply with the other requirements contained in this part. Under §§ 207.20(f) and 807.20(e), manufacturers of human cellular and tissue-based products regulated under section 351 of the PHS Act and/or the Federal Food, Drug, and Cosmetic Act (the act) are required to register and list their products following the procedures in subpart B of this part; under §§ 210.1(c), 210.2, 211.1(b), and 820.1(a), manufacturers of those products are required to comply with the donor-suitability procedures in subpart C of this part and current good tissue practice procedures in subpart D of this part in addition to all other applicable regulations.

4. Section 1271.3 is amended by revising paragraph (e), and by adding paragraphs (i) through (ee) to read as follows:

§ 1271.3 Definitions.

* * * * *

(e) *Human cellular or tissue-based product* means a product containing or consisting of human cells or tissues that is intended for implantation, transplantation, infusion, or transfer into a human recipient, e.g., cadaveric ligament, skin, dura mater, heart valve, cornea, hematopoietic stem cells derived from peripheral and cord blood, manipulated autologous chondrocytes, and spermatozoa. The following products are not considered human cellular or tissue-based products:

(1) Vascularized human organs for transplantation;

(2) Whole blood or blood components or blood derivative products subject to listing under parts 607 and 207 of this chapter, respectively;

(3) Secreted or extracted human products, such as milk, collagen, and cell factors; except that semen is considered a human cellular or tissue-based product;

(4) Minimally manipulated bone marrow for homologous use and not combined with or modified by the addition of any component that is a drug or a device;

(5) Ancillary products used in the manufacture of cellular or tissue-based products;

(6) Cells, tissues, and organs derived from animals other than humans; and

(7) In vitro diagnostic products as defined in § 809.3(a) of this chapter.

* * * * *

(i) *Biohazard legend* appears on packaging as follows and is used to mark products that present a known or suspected relevant communicable disease risk.

(j) *Blood component* means any part of human blood separated by physical or mechanical means.

(k) *Colloid* means:

(1) A protein or polysaccharide solution, such as albumin, dextran, or hetastarch, that can be used to increase or maintain osmotic (oncotic) pressure in the intravascular compartment; or

(2) Certain blood components such as plasma and platelets.

(l) *Crystalloid* means a balanced salt and/or glucose solution used for electrolyte replacement or to increase intravascular volume, such as saline solution, Ringer's lactate solution, or 5 percent dextrose in water.

(m) *Directed donor* means a living person who is the source of cells or tissue designated for a specific potential recipient of a human cellular or tissue-based product.

(n) *Donor* means a person, living or dead, who is the source of cells or tissue for a human cellular or tissue-based product.

(o) *Donor medical history interview* means a documented dialogue with the donor, if living or, if the donor is not living or is unable to participate in the interview, with an individual or individuals knowledgeable about the donor's medical history and relevant social behavior, such as the donor's next-of-kin, the nearest available relative, a member of the donor's household, an individual with an affinity relationship, and/or the primary treating physician. With respect to relevant social behavior, the interview includes questions about whether or not the donor met certain descriptions or engaged in activities or behaviors considered to place the donor at increased risk for a relevant communicable disease.

(p) *Embryo* means the product from fertilization of the oocyte to the 8th week of development.

(q) *Gamete* means a male or female germ cell; i.e., spermatocyte or oocyte.

(r) *Physical assessment* means a limited autopsy or recent antemortem or postmortem physical examination of the donor to assess for signs or symptoms of a relevant communicable disease and for signs or symptoms suggestive of any risk factor for such disease.

(s) *Plasma dilution* means a decrease in the concentration of the donor's plasma proteins and circulating antigens or antibodies resulting from the transfusion of blood or blood components and/or infusion of fluids.

(t) *Quarantine* means the storage or identification of a human cellular or tissue-based product, in order to prevent improper release, in a physically separate area clearly identified for such use, or through use of other procedures, such as automated designation.

(u) *Reconstituted blood* means the blood produced by the extracorporeal resuspension of a blood unit labeled as "Red Blood Cells" through the addition of colloids and/or crystalloids to produce a product with a hematocrit in the normal range.

(v) *Relevant medical records* means a collection of documents that includes a current donor medical history interview; a current report of the

physical assessment of a cadaveric donor or the physical examination of a living donor; and, if available, the following:

(1) Laboratory test results (other than results of testing for relevant communicable disease agents required under this subpart);

(2) Medical records;

(3) Coroner and autopsy reports; and

(4) Records or other information received from any source pertaining to risk factors for relevant communicable disease (e.g., social behavior, clinical signs and symptoms of relevant communicable disease, and treatments related to medical conditions suggestive of risk for relevant communicable disease).

(w) *Responsible person* means a person who is authorized to perform designated functions for which he or she is trained and qualified.

(x) *Summary of records* means a condensed version of the records of required screening and testing and contains:

(1) A statement that the communicable disease testing was performed by a laboratory or laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA);

(2) A listing and interpretation of the results of all communicable disease tests performed;

(3) A statement describing the types of records which may have been reviewed as part of the relevant medical records; and

(4) The name and address of the establishment determining the suitability of the donor of cells or tissues.

(y) *Relevant communicable disease agent or disease* means:

(1) One of the following disease agents or diseases:

(i) Human immunodeficiency virus, types 1 and 2;

(ii) Hepatitis B virus;

(iii) Hepatitis C virus;

(iv) Human transmissible spongiform encephalopathies, icluding Creutzfeldt–Jakob disease;

(v) *Treponema pallidum*;

(vi) Human T-lymphotropic virus, types I and II;

(vii) Cytomegalovirus;

(viii) *Chlamydia trachomatis*; and

(ix) *Neisseria gonorrhea*.

(2) A disease agent or disease not listed in paragraph (z)(1) of this section:

(i) That is sufficiently prevalent among potential donors to warrant screening or testing of all donors;

(ii) For which there is a risk of transmission by a human cellular or tissue-based product, either to the recipient of the product or to those people who may handle or otherwise come in contact with the product, such as medical personnel;

(iii) That poses significant health risks, as measured by morbidity and mortality; and

(iv) For which appropriate screening measures have been developed and/or an appropriate screening test for donor specimens has been licensed, approved, or cleared for such use by FDA and is available.

(z) *Urgent medical need* means that no comparable human cellular or tissue-based product is available and the recipient is likely to suffer serious morbidity without the product.

(aa) *Xenotransplantation* means any procedure that involves the use of live cells, tissues, or organs from a nonhuman animal source, transplanted or implanted into a human, or used for ex vivo contact with human body fluids, cells, tissues, or organs that are subsequently given to a human recipient.

(bb) *Close contacts* means household members and others with whom the recipient participates in activities that could result in exchanges of bodily fluids.

(cc) *Act* means the Federal Food, Drug, and Cosmetic Act.

(dd) *PHS Act* means the Public Health Service Act.

(ee) *FDA* means the Food and Drug Administration.

5. Section 1271.10 is revised to read as follows:

§ 1271.10 Establishments subject to this part; criteria for regulation of human cellular and tissue-based products solely under section 361 of the PHS Act.

The owner or operator of an establishment, foreign or domestic, that manufactures a human cellular or tissue-based product, whether or not the product enters into interstate commerce, is required under this part to register with FDA, to submit to the agency a list of each human cellular or tissue-based product manufactured, and to comply with the other requirements of this part, if the product:

(a) Is minimally manipulated;

(b) Is not promoted or labeled for any use other than a homologous use;

(c) Is not combined with or modified by the addition of any component that is a drug or a device; and

(d)(1) Either does not have a systemic effect; or

(2) Has a systemic effect, and—

(i) Is for autologous use;

(ii) Is for a family-related allogeneic use; or

(iii) Is for reproductive use.

6. Section 1271.15 is added to read as follows:

§ 1271.15 Criteria for regulation of human cellular and tissue-based products under the act and/or section 351 of the PHS Act.

Human cellular or tissue-based products that are regulated as drugs, devices and/or biological products under the act and/or section 351 of the PHS Act, and the establishments that manufacture those products, are subject to all applicable regulations in title 21, chapter 1. In conjunction with those regulations, the procedures in part 1271, subparts B, C, and D shall be followed, as specified in §§ 207.20(f), 210.1(c), 210.2, 211.1(b), 807.20(e), and 820.1(a) of this chapter. A human cellular or tissue-based product is regulated under the act and/or section 351 of the PHS Act if it:

(a) Is more than minimally manipulated;

(b) Is promoted or labeled for any use other than a homologous use;

(c) Is combined with or modified by the addition of any component that is a drug or a device; or

(d) Has a systemic effect and—

(1) Is not for autologous use;

(2) Is not for a family-related allogeneic use; and

(3) Is not for reproductive use.

7. Section 1271.20 is revised to read as follows:

§ 1271.20 Establishments not required to comply with the requirements of this part.

The following establishments are not required to register, list, or meet the other requirements of this part:

(a) Establishments that use human cellular or tissue-based products solely for nonclinical scientific or educational purposes;

(b) Establishments that remove human cellular or tissue-based products from an individual and implant such cells or tissues into the same individual during the same surgical procedure;

(c) Carriers who accept, receive, carry, hold, or deliver human cellular or tissue-based products in the usual course of business as carriers;

(d) Establishments that do not, recover, screen, test, process, label, package, or distribute, but only receive or store human cellular or tissue-based products solely for pending scheduled implantation, transplantation, infusion, or transfer within the same facility.

8. Subpart C, consisting of §§ 1271.50 through 1271.90, is added to read as follows:

Subpart C—Donor Suitability

Sec.

1271.50 Determination of donor suitability.
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Subpart C—Donor Suitability

§ 1271.50 Determination of donor suitability.

(a) Except as provided under §§ 1271.65 and 1271.90 of this subpart, a human cellular or tissue-based product shall not be implanted, transplanted, infused, or transferred until the donor of the cells or tissue for the product has been determined to be suitable. In the case of an embryo, donor suitability shall be determined for both the oocyte donor and the sperm donor.

(b) Donor suitability shall be determined and documented by a responsible person as defined in § 1271.3(w).

(c) A determination that a donor is suitable or unsuitable shall be based upon the results of donor screening in accordance with § 1271.75 and donor testing in accordance with §§ 1271.80 and 1271.85.

(d) A donor may be determined to be suitable if:

(1) The results of donor screening in accordance with § 1271.75 indicate that the donor is free from risk factors for and clinical evidence of infection due to relevant communicable disease agents and diseases and is neither a xenotransplant recipient nor a close contact of a xenotransplant recipient; and

(2) The results of donor testing for relevant communicable disease agents in accordance with §§ 1271.80 and 1271.85 are negative or nonreactive.

§ 1271.55 Records of donor suitability determination.

(a) A human cellular or tissue-based product from a donor determined to be suitable or from a donor determined to be unsuitable and made available for use under the provisions of § 1271.65(b), (c), or (d) shall be accompanied by documentation of the donor-suitability determination required by § 1271.50 from which the donor's name has been deleted. This documentation shall include:

(1)(i) A copy of the donor's relevant medical records, as defined in § 1271.3(v), results of testing required under §§ 1271.80 and 1271.85, and the name and address of the establishment that made the donor-suitability determination; or

(ii) A summary of records, as defined in § 1271.3(x); and

(2) A statement whether, based on the results of donor screening and testing, the donor has been determined to be suitable or unsuitable.

(b) The establishment that generates records used in determining donor suitability and the establishment that makes the donor-suitability determination shall retain such records and shall make them available for authorized inspection by or upon request from FDA. Records that can be readily retrieved from another location by electronic means are considered "retained." Records shall be retained at least 10 years after the date of implantation, transplantation, infusion, or transfer of the product, or if the date of implantation, transplantation, infusion, or transfer is not known, then records shall be retained at least 10 years after the date of the product's distribution, disposition, or expiration, whichever is latest.

§ 1271.60 Quarantine pending determination of donor suitability.

(a) A human cellular or tissue-based product shall be kept in quarantine, as defined in § 1271.3(t), until completion of the donor-suitability determination required by § 1271.50. For reproductive cells and tissues that can reliably be stored, quarantine shall last until completion of the testing required under § 1271.85(d).

(b) A human cellular or tissue-based product in quarantine pending completion of a donor-suitability determination shall be clearly identified as in quarantine and shall be easily distinguishable from products that are available for release and distribution.

(c) A human cellular or tissue-based product shipped before it is available for release or distribution shall be kept in quarantine and shall be accompanied by records identifying the donor (e.g., by donor number), stating that the donor-suitability determination has not been completed, and stating that the product may not be implanted, transplanted, infused, or transferred until completion of the donor-suitability determination.

§ 1271.65 Quarantine and disposition of human cellular or tissue-based product from a donor determined to be unsuitable.

(a) If the donor of the cells or tissue for a human cellular or tissue-based product is determined to be unsuitable based on the results of required testing and/or screening, the product shall be kept in quarantine and physically separated from all other products until destruction or other disposition in accordance with paragraph (b) or (c) of this section is accomplished.

(b)(1) Except as provided in paragraph (b)(4) of this section, a human cellular or tissue-based product from a donor who has been determined to be unsuitable, based on the results of required testing and/or screening, is not prohibited by this subpart C of this part from use for implantation, transplantation, infusion, or transfer under the following circumstances:

(i) The product is for family-related, allogeneic use, as defined in § 1271.3(c);

(ii) The product contains reproductive tissue from a directed donor, as defined in § 1271.3(m); or

(iii) There is a documented urgent medical need as defined in § 1271.3(aa).

(2) A human cellular or tissue-based product made available for use under the provisions of paragraph (b)(1) of this section shall be labeled with the Biohazard legend shown in § 1271.3(i).

(3) The manufacturer of a human cellular or tissue-based product used under the provisions of paragraph (b)(1) of this section shall document that:

(i) The physician using the product was notified of the results of testing and screening;

(ii) The physician authorized the use of the product;

(iii) The physician agreed to explain the communicable disease risks associated with the use of the product to the recipient or the recipient's legally authorized representative; and

(iv) The physician agreed to obtain from the recipient or the recipient's legally authorized representative consent to use the product.

(4) A human cellular or tissue-based product from a donor who is identified under § 1271.75(a)(2) as either having received a xenotransplant or having been a close contact of a xenotransplant recipient shall not be made available for use under the provisions of paragraph (b)(1) of this section.

(c)(1) A human cellular or tissue-based product from a donor for whom the donor-suitability determination has not yet been completed is not prohibited by this subpart C from use for implantation, transplantation, infusion, or transfer if there is a documented urgent medical need as defined in § 1271.3(z).

(2) A human cellular or tissue-based product made available for use under the provisions of paragraph (c)(1) of this section shall be labeled "NOT EVALUATED FOR INFECTIOUS SUBSTANCES" and shall be accompanied by a statement of:

(i) The results of donor screening required under § 1271.75, if complete;

(ii) The results of any testing required under § 1271.80 or § 1271.85 that has been completed; and

(iii) A list of any testing required under § 1271.80 or § 1271.85 that has not yet been completed.

(3) The manufacturer of a human cellular or tissue-based product used under the provisions of paragraph (c)(1) of this section shall document that:

(i) The physician using the product was notified that the testing and screening were not complete;

(ii) The physician authorized the use of the product after determining there is an urgent medical need;

(iii) The physician agreed to explain the communicable disease risks associated with the use of the product to the recipient or the recipient's legally authorized representative; and

(iv) The physician agreed to obtain from the recipient or the recipient's legally authorized representative consent to use the product.

(4) In the case of a human cellular or tissue-based product used under the provisions of paragraph (c)(1) of this section, the donor-suitability determination shall be completed during or after the emergency use of the product, and the manufacturer shall inform the physician of the results of the determination.

(d) A human cellular or tissue-based product from a donor who has been determined to be unsuitable, based on the results of required testing and/or screening, is not prohibited by this subpart C of this part from use for nonclinical purposes, provided that it is labeled:

(1) "For Nonclinical Use Only"; and

(2) With the Biohazard legend shown in § 1271.3(i).

§ 1271.75 Donor screening.

(a)(1) Except as provided under § 1271.90, the relevant medical records of a donor of cells or tissue for a human cellular or tissue-based product shall be reviewed for risk factors for and clinical evidence of relevant communicable disease agents and diseases including, at a minimum, the following:

(i) Human immunodeficiency virus;

(ii) Hepatitis B virus;

(iii) Hepatitis C virus; and

(iv) Human transmissible spongiform encephalopathies including Creutzfeldt–Jakob disease.

(2) Except as provided under § 1271.90, the relevant medical records of a donor of cells or tissue for a human cellular or tissue-based product shall be reviewed to determine whether the donor has received a xenotransplant or has been a close contact of a xenotransplant recipient.

(b) Except as provided under § 1271.90, the relevant medical records of a donor of reproductive cells or tissue shall be reviewed for risk factors for and clinical evidence of infection due to relevant sexually transmitted and genitourinary diseases that can be transmitted with the recovery of the reproductive cells or tissue including at a minimum *Chlamydia trachomatis* and *Neisseria gonorrhea*, in addition to the relevant communicable disease agents and diseases for which screening is required under paragraph (a) of this section.

(c) A donor who is identified as having risk factors for or clinical evidence of any of the relevant communicable disease agents or diseases for which screening is required under paragraph (a)(1) or (b) of this section, or is identified under paragraph (a)(2) of this section as either a xenotransplant recipient or a close contact of a xenotransplant recipient, shall be determined to be unsuitable.

(d) An abbreviated donor screening procedure that determines and documents any changes in the donor's medical history including relevant social behavior since the previous donation that would make the donor unsuitable may be used for a living donor of human cellular and tissue-based products on subsequent donations. An abbreviated donor screening procedure may be used only when a complete donor screening procedure has been performed within the previous 6 months.

§ 1271.80 Donor testing; general requirements.

(a) To adequately and appropriately reduce the risk of transmission of relevant communicable diseases, and except as provided under § 1271.90, a donor specimen shall be tested for evidence of infection due to relevant communicable disease agents in accordance with paragraph (c) of this section. At a minimum, testing shall be performed for those relevant communicable disease agents specified in § 1271.85. In the case of a fetal or neonatal donor, a specimen from the mother is generally acceptable for testing.

(b) Except as provided in paragraphs (d)(2) and (d)(3) of this section, the donor specimen shall be collected at the time of recovery of cells or tissue from the donor or within 48 hours after recovery, except that the specimen from a living donor may be collected up to 7 days prior to recovery if:

(1) Recovery of the cells or tissue involves invasive procedures or substantial risk to the donor;

(2) Implantation, transplantation, infusion, or transfer of the recovered cells or tissue is necessary before results of testing performed on a specimen collected at the time of recovery or post recovery would be available; or

(3) Extensive processing of the recovered cells or tissue is necessary before results of testing performed on a specimen collected at the time of recovery or post recovery would be available.

(c) Testing shall be performed using appropriate FDA-licensed, approved, or cleared donor screening tests in accordance with the manufacturer's instructions to adequately and appropriately reduce the risk of transmission of relevant communicable disease agents or diseases; provided that, until such time as appropriate FDA-licensed, approved, or cleared donor screening tests for *Chlamydia trachomatis* and for *Neisseria gonorrhea* are available, FDA-licensed, approved, or cleared tests labeled for the detection of those organisms in an asymptomatic, low-prevalence population shall be used. Tests specifically labeled for cadaveric specimens shall be used instead of a more generally labeled test when applicable and when available. Testing shall be performed by a laboratory certified to perform testing on human specimens under the CLIA.

(d) The following donors shall be determined to be unsuitable:

(1) A donor whose specimen tests repeatedly reactive or positive on a test for a relevant communicable disease agent in accordance with § 1271.85, except for:

(i) A donor whose specimen tests repeatedly reactive for cytomegalovirus (CMV) and additional testing does not show the presence of an active infection, or

(ii) A donor whose specimen tests reactive on a non-Treponemal screening test for syphilis and negative on a specific Treponemal confirmatory test;

(2) A donor from whom blood loss is known or suspected to have occurred and who received a transfusion or infusion of more than 2,000 milliliters (mL) of blood (i.e., whole blood, reconstituted blood, or red blood cells) or colloids within 48 hours, or more than 2,000 mL of crystalloids within 1 hour, or any combination thereof prior to the collection of a specimen from the donor for testing, unless:

(i) A specimen taken from the donor after blood loss but before the transfusion or infusion is available for

relevant communicable disease testing; or

(ii) An algorithm designed to ensure that plasma dilution sufficient to affect test results has not occurred is utilized to evaluate the volumes administered in the 48 hours prior to collecting the specimen from the donor;

(3) A donor who is 12 years of age or younger and has received any transfusion of blood, colloids, and/or crystalloids prior to the recovery of the cells or tissue, unless:

(i) A specimen taken from the donor before the transfusion or infusion is available for relevant communicable disease testing; or

(ii) An algorithm designed to ensure that plasma dilution sufficient to affect test results has not occurred is utilized to evaluate the volumes administered in the 48 hours prior to collecting the specimen from the donor.

§ 1271.85 Donor testing; specific requirements.

(a) To adequately and appropriately reduce the risk of transmission of relevant communicable diseases, and except as provided under § 1271.90, a specimen from a donor of viable or nonviable cells or tissue for a human cellular or tissue-based product shall be tested for evidence of infection due to relevant communicable disease agents including, at a minimum, the communicable disease agents listed as follows.

(1) Human immunodeficiency virus, type 1;

(2) Human immunodeficiency virus, type 2;

(3) Hepatitis B virus;

(4) Hepatitis C virus; and

(5) Treponema pallidum.

(b) To adequately and appropriately reduce the risk of transmission of relevant communicable diseases, and except as provided under § 1271.90, a specimen from a donor of viable, leukocyte-rich cells or tissue shall be tested for evidence of infection due to the relevant cell-associated communicable disease agents including, at a minimum, the communicable disease agents listed as follows, in addition to the relevant communicable disease agents for which testing is required under paragraph (a) of this section.

(1) Human T-lymphotropic virus, type I;

(2) Human T-lymphotropic virus, type II; and

(3) Cytomegalovirus.

(c) To adequately and appropriately reduce the risk of transmission of relevant communicable diseases, and except as provided under § 1271.90, a specimen from a donor of reproductive cells or tissue shall be tested for evidence of infection due to relevant genitourinary disease agents. Testing shall include, at a minimum, the communicable disease agents listed in paragraphs (c)(1) and (c)(2) of this section, in addition to the relevant communicable disease agents for which testing is required under paragraphs (a) and (b) of this section. However, if the reproductive cells or tissue are procured by a method that ensures freedom from contamination of the cells or tissue by infectious disease organisms that may be present in the genitourinary tract, then tests for the communicable disease agents listed in paragraphs (c)(1) and (c)(2) of this section are not required. Minimum testing for genitourinary disease agents include:

(1) *Chlamydia trachomatis*; and

(2) *Neisseria gonorrhea*.

(d) Except as provided under § 1271.90, at least 6 months after the date of donation of reproductive cells or tissue that can be reliably stored, a new specimen shall be taken from the donor and retested for evidence of infection due to the relevant communicable disease agents for which testing is required under paragraphs (a), (b), and (c) of this section.

(e) For donors of dura mater, an assessment designed to detect evidence of transmissible spongiform encephalopathy shall be performed.

§ 1271.90 Exceptions from the requirement of donor suitability determination; labeling requirements.

(a) For the following human cellular and tissue-based products, a determination of donor suitability under § 1271.50 is not required, and donor screening under § 1271.75, and testing under §§ 1271.80 and 1271.85 are recommended but not required:

(1) Banked cells and tissues for autologous use;

(2) Reproductive cells or tissue donated by a sexually-intimate partner of the recipient for reproductive use.

(b) If all screening and testing applicable to a comparable human cellular or tissue-based product under §§ 1271.75, 1271.80, and 1271.85 are not performed on the donor of a human cellular or tissue-based product listed in paragraph (a) of this section, the product shall be labeled "NOT EVALUATED FOR INFECTIOUS SUBSTANCES." If any screening or testing is performed on a donor of a human cellular or tissue-based product listed in paragraph (a) of this section, and the results indicate the presence of relevant communicable disease agents and/or risk factors for or clinical evidence of relevant communicable disease agents or diseases, the product shall be labeled with the Biohazard legend shown in § 1271.3(i).

(c) Banked cells and tissues for autologous use shall be labeled "FOR AUTOLOGOUS USE ONLY."

Dated: February 19, 1999.

Jane E. Henney,

Commissioner of Food and Drugs.

Dated: August 29, 1999.

Donna E. Shalala,

Secretary of Health and Human Services.

[FR Doc. 99–25378 Filed 9–29–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110, and 165

[CGD05–99–068]

OPSAIL 2000, Port of Hampton Roads, VA

AGENCY: Coast Guard, DOT.

ACTION: Advanced notice of proposed rulemaking; request for comments.

SUMMARY: The Coast Guard requests public comment on the temporary establishment of several exclusion areas and anchorage grounds before, during, and after OPSAIL 2000 in the Port of Hampton Roads, Virginia, from June 14 through June 20, 2000. The Coast Guard anticipates rulemaking establishing Special Local Regulations to control vessel traffic within the Port of Hampton Roads 2 days prior to the event on June 14 and 15, 2000; establishing several exclusion areas; establishing new and/or assigning currently designated Anchorage Grounds for participating/spectator vessels; and establishing temporary safety zones for fireworks displays.

DATES: Comments must be received on or before November 15, 1999.

ADDRESSES: Comments may be mailed to the Port Operations Department (CGD05–99–068), Coast Guard Marine Safety Office Hampton Roads, 200 Granby Street, Norfolk, Virginia 23510, or delivered to the 7th floor at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The Port Operations Department of Marine Safety Office Hampton Roads maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at the Coast Guard Marine Safety Office

Hampton Roads, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander S. Moody or Lieutenant L. Greene, Port Operations Department, Coast Guard Marine Safety Office Hampton Roads (757) 441–3294, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in the early stages of this rulemaking by submitting written data, views, or arguments. Please explain your reasons for each comment so that we can carefully weigh the consequences and impacts of any future requirements we may propose. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05–99–068) and the specific section of this document to which each comment applies. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes. The Coast Guard will consider all comments received during the comment period.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Port Operations Department at the address under **ADDRESSES.** The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Opsail 2000 is sponsoring the OPSAIL 2000 Parade of Tall Ships, as well as a fireworks display. These events are scheduled to take place on June 16 and 17, 2000 respectively, in the Port of Hampton Roads, on the waters of Chesapeake Bay and the Elizabeth River. The Coast Guard expects a minimum of 10,000 spectator craft for this event. The anticipated rulemaking will provide specific guidance on temporary anchorage regulations, vessel movement controls, safety and security zones that will be in effect at various times in those waters during the period June 14—20, 2000. The Coast Guard may seek to establish additional regulated areas, Anchorage Grounds, and safety or security zones once confirmation of the exact number of vessels and dignitaries that will be participating in OPSAIL 2000 becomes available.

Schedule of Events

At the current time, marine related events will include the following:

1. June 15 and 16, 2000: The arrival of more than 200 Tall Ships and character vessels at Lynnhaven Anchorage.
2. June 16, 2000: Parade of approximately 200 Tall Ships and character vessels from Cape Henry to Town Point Park, Downtown Norfolk.
3. June 17, 2000: Fireworks display scheduled to take place adjacent to the Norfolk and Portsmouth Seawalls.
4. June 20, 2000: Scheduled departure for the majority of the vessels.

Discussion

The Coast Guard estimates there will be over 10,000 spectator craft and commercial vessels (passenger vessels and charter boats) in the area during June 16 through 20, 2000. The safety of parade participants and spectators will require that spectator craft be kept at a safe distance from the parade route. The Coast Guard intends to establish multiple limited access areas for the vessel parade, and to temporarily modify existing anchorage areas within the port area to provide for maximum spectator viewing areas and traffic patterns for deep draft and barge traffic.

The most severe traffic restrictions will be in place during the Parade of Sail, which will begin the morning of June 16 and end that evening. These restrictions will affect all vessels. The only other restriction anticipated for commercial deep draft and barge traffic will be during the fireworks display on Saturday night, June 17. The Coast Guard anticipates having vessels available on request to escort deep draft and barge traffic through congested areas of Town Point Reach during all other periods of June 16–20, 2000.

Regulatory Evaluation

At this early stage in what is still just a potential rulemaking, the Coast Guard has not determined whether any future rulemaking may be considered a significant regulatory action under section 3(f) of Executive Order 12866 or the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of any future rulemaking to be minimal. Although the Coast Guard anticipates restricting traffic from transiting a portion of the Elizabeth River, Newport News channel and some anchorages during the vessel parade, the effect of any future rulemaking will be minimized because of the limited duration of the event and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, facsimile, the internet, marine information broadcasts, Hampton Roads Maritime Association meetings, and Hampton Roads area newspapers, so mariners can adjust their plans accordingly. The Coast Guard anticipates that the majority of the maritime industrial activity in the Port of Hampton Roads will continue, relatively unaffected by any future rulemaking.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether any potential rulemaking, if it led to an actual rule, would have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard does not anticipate that its potential rulemaking will have anything but a minimal impact upon small entities, but expects that comments received on this advance notice will help it determine the number of potentially affected small entities and in weighing the impacts of various regulatory alternatives for the purpose of drafting any rules.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Act of 1996 [Pub. L. 104–121], the Coast Guard wants to assist small entities in understanding this advance notice so that they can better evaluate the potential effects of any future rulemaking on them and participate in the rulemaking. If you believe that your small business, organization, or agency may be affected by any future rulemaking, and if you have questions concerning this notice, please consult the Coast Guard point of contact designated in **FOR FURTHER INFORMATION CONTACT.** The Coast Guard is particularly interested in how any future rulemaking may affect small entities. If you are a small entity and believe that you may be affected by such a rulemaking, please tell how, and what flexibility or compliance alternatives the Coast Guard should consider to minimize the burden on small entities while promoting port safety.

Collection of Information

The Coast Guard anticipates that any future rulemaking will not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this advanced notice under the principles and criteria contained in Executive Order 12612. From the information available at this time, the Coast Guard cannot determine whether this potential rulemaking would have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this potential rulemaking will result in an annual expenditure by state, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. The Coast Guard does not anticipate that any future rulemaking will result in such expenditures, but welcomes comments addressing the issue from interested parties.

Environment

The Coast Guard anticipates that any potential rulemaking would be categorically excluded from further environmental documentation in accordance with Commandant Instruction M16475.1C. Any such rulemaking would be designed to minimize the likelihood of maritime disasters with their attendant environmental consequences and to enhance the safety of participants, spectators, and other maritime traffic. Therefore, any potential rulemaking should have no environmental impact. The Coast Guard invites comments addressing possible effects that any such rulemaking may have on the human environment or addressing possible inconsistencies with any Federal, State, or local law or administrative determinations relating to the environment. It will reach a final determination regarding the need for an environmental assessment after receipt of relevant comments.

J.E. Schrinner,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 99–25448 Filed 9–29–99; 8:45 am]

BILLING CODE 4910–15–U

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM98–2; Order No. 1263]

Revisions To Library Reference Rule; Further Changes

AGENCY: Postal Rate Commission.

ACTION: Supplementary notice of proposed rule.

SUMMARY: This document addresses comments on a previous proposal to revise rules on the use of library references. It also presents another set of revisions for comment. The revisions are intended to improve administrative aspects of the library reference practice.

DATES: File comments by October 20, 1999.

ADDRESSES: Send comments on this proposal to Margaret P. Crenshaw, Secretary of the Commission, Postal Rate Commission, 1333 H Street, NW., Suite 300, Washington, DC 20268–0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820.

SUPPLEMENTARY INFORMATION:

Regulatory History

On September 8, 1998, the Commission published order no. 1219 in the **Federal Register** (63 FR 47456) setting forth its initial proposal to revise rule 31(b) (39 CFR 3001.31(b)). The Commission received eight sets of comments on the proposal. In order no. 1223 (issued December 24, 1999), the Commission proposed further revisions. These were published in the **Federal Register** on December 24, 1998 (63 FR 71251). The Commission received three sets of comments on the amended version of the rule. Comments on both orders are available for public inspection in the Commission's docket section. They also can be accessed electronically at www.prc.gov. The Commission issued this order (no. 1263) proposing further revisions on September 23, 1999. It directed interested parties are invited to submit comments following publication of this proposal in the **Federal Register** (see Dates for the deadline) and directed the Secretary to cause this order to be published in the **Federal Register**, in accordance with all applicable regulations of the Office of the Federal Register.

Introduction

This is the third order the Commission has issued in a rulemaking revising rule 31(b) provisions on the practice of filing library references. It briefly describes previous proposals, addresses various comments, and presents further proposed revisions. The proposed changes reflect the same focus on limited administrative improvements as the earlier proposals, but place greater emphasis on the role of the notice in providing relevant information. Inclusion of a detailed preface or summary, which had been proposed as a mandatory requirement, is made optional. New provisions, based on a Postal Service analysis, identify six categories of library references. The proposal also clarifies when library references may be filed and when special requests for service can be made. The rule has been reorganized and renumbered to reflect these changes (consistent with Office of the Federal Register style.) Minor editorial revisions also have been made.

I. Summary of Initial Proposal (Order No. 1219)

The initial set of provisions issued in this rulemaking listed the circumstances when material could be filed as a library reference. The list reflected the practice that had grown up around the existing rule. It included the following independent considerations: When physical characteristics (such as bulk or volume) make service of the material unduly burdensome; when the material is of limited interest to the entire service list; when the material qualifies as a secondary source; when reference to the material is made easier or otherwise facilitated; or when otherwise justified by circumstances, as determined by the Commission or presiding officer.

The initial proposal also required those who file library references ("filers") to provide detailed information and related disclosures about the material in both an accompanying motion and in a preface or summary contained in the library reference. This represented a change in practice, as the long-standing rule has required only a notice with minimal information. The proposal also required submission of an electronic version of material.

II. Second Proposal (Order No. 1223)

A. Summary of Provisions

The second set of revisions eliminated the motion requirement. It reinstated the notice, specifying that it include the same type of information and disclosures the motion would have had to provide. It retained the separate preface requirement. The proposal limited the circumstances justifying submission of a library reference by requiring consideration of the material's physical characteristics (as they relate to service) in conjunction with one of the other long-recognized circumstances. It also clarified requirements for the contents of the notice; increased the number of hard copies required to be filed from one to two; and limited special requests for service.

B. Summary of Comments

The Commission received comments from the Postal Service, the Office of the Consumer Advocate (OCA) and David Popkin (Popkin) on the second version of the rule. Further Comments of the United States Postal Service (February 1, 1999); Renewed Request for Informal Conference and OCA Comments in Response to Order No. 1223 on Proposed Revisions to Commission Rules on Library References (February 1, 1999); and Correspondence of David B. Popkin (January 23, 1999). (Hereafter, "Postal Service Comments," "OCA Comments," and "Popkin Comments.")

C. Commenters' Positions in General

The Postal Service's position. The Service provides this perspective on its practice with respect to library references:

> In past general rate cases, the Postal Service typically has not filed as a 'library reference' material it intended to be admitted directly into the evidentiary record. Rather, such material has been filed as testimony. In Docket No. R97–1, however, this historical practice may have become obscured. As a result of the events of that proceeding, the Postal Service now anticipates (and would even in the absence of this rulemaking) that more material of the type that in the past may have been submitted as library references will simply be filed as testimony.

Postal Service Comments at 9 (footnotes omitted).

The Commission believes that the Service's representations regarding future filings provide a sound basis for assuming that the most serious problems associated with library references in Docket No. R97–1 will not recur. At the same time, the Commission finds that improvements in the basic administration of the library reference practice are still needed. In particular, the Commission wants to insure that the notice accompanying each library reference provides information that adequately identifies the contents and discloses how it relates to an issue or may be used in a case. Also, the Commission believes the practice of filing library references should be limited to appropriate circumstances and categories of material.

Other concerns. The Service objects to the proposal's across-the-board application to all library references, as well as to many specific provisions. It claims further revisions are needed if the Commission's apparent objectives are to be achieved without unduly burdening the Postal Service. The Service renews its request for an informal conference, but says the focus could be narrower than originally proposed. In support of this approach, the Service claims (without detailed explanation) that problems and solutions could be explored more efficiently in a conference than through the written comment-and-reply process.

The Service also notes that it has identified six categories of library references, and suggests that these groupings could serve as a basis for discussion at the conference. However, it further states that it believes five of the six categories—all but "All Other Material"—should be exempt from the proposed requirements (as amended to reflect other concerns the Service raises). The Service's rationale is that to the extent there was legitimate controversy over library references in Docket No. R97–1, all of the material at issue was within proposed Category 6 (All Other Material). Postal Service Comments at 1–2.

The OCA's position. The OCA generally asserts that the Commission's proposal is not sufficiently thorough. It urges further amendments incorporating some of the suggestions it offered in its initial comments. These include a comprehensive cross-walk or "road map" linking library references to witnesses; a continuing obligation to update the cross-walk; and production of survey data at the time survey results are filed, along with specific relief if such data are not contemporaneously filed. OCA Comments at 1–3.

The OCA asks that the Commission provide an avenue of relief if the new requirements are ignored or abused and seeks clarification of the circumstances under which a library reference can be filed. Id. at 2. It notes that it continues to believe that adjustments that are closely, but not necessarily directly related to, the library reference practice could be included in this rulemaking. Id. The OCA also questions the adequacy of the Commission's explanation of how it balanced the burdens associated with the library reference practice. Id. at 5–6. It emphasizes that reviewers shoulder a considerable burden, especially if the Commission does not require the Service to provide (and update) a cross-walk between testimony and library references. Id. at 6.

Mr. Popkin's position. Mr. Popkin raises a concern about his ability to participate in an economical and effective manner, given that he does not work or reside in the Washington, DC area. In particular, he emphasizes the need for requiring the filer to provide a detailed description of the contents of library references. He also supports extending the right to make a special request for service to all library references. Popkin Comments at 1.

D. Commission Response

Response to the Service's general concerns. The Commission has considered the Service's request for a conference, but is not convinced that this approach would be a more efficient way of developing improvements. The Service has not presented persuasive reasons why the issues under consideration are not suited to the notice-and-comment format traditionally used for changes of this nature. It is also not clear that a conference would elicit any more (or better informed) participation than the notice-and-comment approach. Therefore, the Commission plans to proceed with the rulemaking format.

In response to the Service's concern over the rule's "one-size fits all" approach, the Commission notes that the underlying proposal assumed that participants would avail themselves of the opportunity to seek waiver of all or part of the proposed provisions (under rule 22) whenever appropriate. To make clear that waiver is an option, the Commission is adding a provision similar to that in rule 54(r). The proposed language reads as follows:

> Upon the filing of a motion showing good cause, the Commission may waive one or more of the provisions relating to library references. Motions seeking waiver may request expedited consideration and may seek waiver for categories of library references.

The Commission considers this approach preferable to the Service's suggestion, which sets up a structure for categorizing library references, only to exempt all but one category from application of the rule. The Commission nevertheless believes the proposed categories have considerable utility for a

number of purposes, including as a frame of reference when requests for waiver are filed or when special requests for copies are made. Therefore, the proposed rule identifies and defines them essentially as suggested by the Service.

Response to OCA's general concerns. The OCA requests more extensive cross-referencing to library references than the Commission has proposed and wants survey data to be provided when the survey results are initially filed. In the rule proposed here, the Commission is not including the requested approach to survey data, as it believes this expands the rulemaking beyond the limits established early on. However, the Commission is adopting a limited cross-referencing requirement. The Commission does agree with the basic OCA premise that the rule should clearly set out the current expectation that testimony and exhibits presented in Commission proceedings should contain adequate citation for specifically referenced source material. Therefore, language is added to rule 31(b) to make current expectations more explicit. See rules 31(k) and 54(o).

With respect to the adequacy of the explanation of burden, the Commission assumed it was clear that complying with the new provisions would fall most heavily on the Service, as it generally files the most library references. Eliminating mandatory motion practice was one means of reducing burden on the Service. Increasing the amount of information provided in the notice was a way of reducing a reviewer's burden.

A comprehensive cross-walk linking testimony and library references would further assist a reviewer, but the Commission is not convinced that the job of preparing one, at least on the scale required for omnibus cases, is as simple as the OCA asserts. There are complexities associated with the Service's preparation of a formal request, and the Commission does not seek to add to them unnecessarily by mandating preparation of a cross-walk, unless it becomes apparent that this is essential as a matter of due process. However, should the Service prepare even a limited or partial cross-walk in the course of organizing its filing, the Commission hopes this document (and any updates) would be made available to the entire service list on a voluntary basis. Additionally, discovery requests for such information are permissible.

The elimination of the motion requirement, as the OCA notes, also eliminates an explicit avenue for relief, should the notice be deficient (or not filed at all). The Commission has considered the need for providing a specific enforcement mechanism in its revised proposal to address other situations, but has concluded that an aggrieved reviewer can seek redress either informally (preferably by asking the filer to provide any missing information) or by seeking special relief from the Commission.

Response to Popkin. The retention of requirements specifying that certain information and disclosures be made in the notice addresses Popkin's concerns about a reviewer's ability to determine the contents of a library reference. The Commission continues to believe that opportunities to make a special request for service of material filed as a library reference should be limited. In maintaining this position, the Commission notes its expectation that the Service (and other filers) will be including in testimony and exhibits much of the type of information that has been filed as a library reference in the past.

III. The Service's Proposed Library Reference Categories

The Service has grouped the library references it filed in Docket No. R97–1 into six categories. The categories are Reporting Systems Material (Category 1); Witness Foundational Material (Category 2); Pure Reference Material (Category 3); Material Provided in Response to Discovery (Category 4); Disassociated Material (Category 5); and All Other Material (Category 6). *See generally* Postal Service Comments at 16–27.

Under the Service's approach, Category 1 consists of library references relating to the Service's statistical cost and revenue reporting systems and their primary outputs. The Service notes that this category could be further subdivided into two groups, with one consisting of documentation (such as handbooks and manuals) and the other consisting of data generated by the reporting systems, related reports, or any data compilations generated in the process of producing final reports. Id. at 16–17.

Category 2 (Witness Foundational Material) consists of material relating to the testimony of specific witnesses. The Service says this material provides access to the information identified by rule 31 as necessary to the establishment of a proper foundation for receiving into evidence the results of studies and analyses. It also notes that much of this information is typically provided, at least in part, in electronic format. Id. at 20.

Category 3 (Pure Reference Material) consists of previously published material provided for the convenience of the reader. The Service says this category includes materials such as entire books, portions of books, articles, reports, manuals, handbooks, and contracts. Id. at 22. Category 4 (Material Provided in Response to Discovery) consists of material provided in response to discovery requests. Id. at 23. Category 5 (Disassociated Material) consists of material provided by a party, at the request of another, from which the filing party wishes to be disassociated. The Service characterizes this as material filed "under protest," when the filing party wishes to make clear that it is neither vouching for, nor in any way sponsoring, the material that is provided. Id. at 26. Category 6 (All Other Material) consists of library references not fitting any of the other categories. Id. at 27.

IV. Section-by-Section Summary

The following discussion assumes that the changes referred to are being made to the second set of rules issued in Order No. 1223 (also referred to here as the underlying proposal). Numbering reflects Office of Federal Register style preferences.

A. Paragraph (b)(1) of Section 31

General introduction to provisions on documentary material. The underlying proposal left this provision unchanged from the version currently in effect, except for minor editorial and organizational changes. These included changing the heading from "Documentary" to "Documentary material—(1) General." Also, the last two sentences of this provision (which address the evidentiary status of material contained in library references) were relocated to a separate paragraph under section 31(b)(2) and captioned "Status of library references."

Commenters positions. No commenter addresses the minor changes the Commission proposed in this subsection, but the OCA asks that a sentence be added to emphasize the need for specific references in all testimony and exhibits. The proposed language reads: "Exhibits prepared for Commission proceedings shall cite with specificity the page and, if necessary for comprehension, the line number, of specific portions of testimony, exhibits, library references or other referenced material." OCA Comments at 8.

Commission response. The Commission supports adequate citation to sources in all filings, and adopts a variation on the OCA's proposal.

B. Underlying Paragraph (b)(2) of Section 31—General Presentation of Provisions on Library References

To reduce the need for extensive renumbering of succeeding provisions in the Commission's rules of practice, both of the previous versions organized the provisions on library references into a newly-designated paragraph 31(b)(2). This approach is retained in the set of rules proposed here. Further changes affecting the numerical designation of internal subdivisions are identified below.

C. Underlying Paragraph 31(b)(2)(i)

Definition of library reference; recognition of related practice; circumstances for filing. In the underlying proposal, the first sentence stated that a library reference is a generic term or label that may be used to identify or refer to certain documents or things filed with the Commission's document room. The second sentence stated that the practice of filing library references is authorized primarily as a convenience to filing participants and the Commission. The third sentence identified the situations or circumstances when a library reference may be filed. These included when the physical characteristics make compliance with service requirements burdensome and any one of the following factors exist: limited interest; status as a secondary source; when reference to the material would be facilitated; or when otherwise justified by circumstances.

The formulation of the first sentence generated no opposition. It appears in the version presented here as it did in the underlying version. Following this sentence, the Commission is adding a new provision identifying and describing six categories of library references. The wording closely tracks the Postal Service's suggestions. This addition (paragraph (b)(2)(i) of section 31) reads as follows:

Participants are encouraged to identify and refer to library reference material in terms of the following categories:

Category 1—Reporting Systems Material (consisting of library references relating to the Postal Service statistical cost and revenue reporting systems, and their primary outputs); Category 2—Witness Foundational Material (consisting of material relating to the testimony of specific witnesses, primarily that which is essential to the establishment of a proper foundation for receiving into evidence the results of studies and analyses); Category 3—Reference Material (consisting of previously published material provided for the convenience of the reader, such as books, chapters or other portions of books, articles, reports, manuals, handbooks, guides, and contracts); Category 4—Material Provided in Response to Discovery (consisting of material submitted in answer to discovery requests); Category 5—Disassociated Material (consisting of material provided at the request of another, from which the filing party disassociates itself, especially in terms of vouching for or sponsoring the material); Category 6—All Other Material (consisting of library references not fitting any of the other categories).

Because of the addition of this language, the second sentence in the underlying version is redesignated as paragraph (b)(2)(ii) of section 31. The Commission has considered, but rejected, a change in the wording of this sentence based on the Postal Service's observation that in some instances, such as when it complies with a request for production of documents under rule 26, filing material as a library reference may be a convenience for the requesting party. The Commission notes that the reference to convenience is qualified with the term "primarily." This leaves open other possibilities, such as the situation the Service raises; therefore, this provision is not revised.

D. Underlying Paragraph (b)(2)(i)(A)–(E) of Section 31

Circumstances under which a library reference may be filed. The OCA points out that the Commission's revision links physical characteristics that presumably make service unduly burdensome with one of the circumstances enumerated in the following subsections. The OCA contends that this is contrary to the sense of the initial proposal, and asserts that this restricts the filing of library references to documents too burdensome to serve. OCA Comments at 12.

Commission response. The presentation in the underlying version was based on the Commission's assessment that the practice of filing library references should be limited, in accordance with the original intent of the rule. (The size of a document in terms of number of pages was a major concern when the rule was originally promulgated.) It also recognized that as the ability to produce material in electronic format increases, there are likely to be fewer instances when material is too voluminous to serve in the traditional hard-copy sense.

The Commission is retaining the more limited approach of the underlying version in the accompanying set of rules, but is revising it in two respects. First, the provision for filing when otherwise justified by circumstances—which now appears as paragraph (b)(2)(i)(E) of section 31—is established as a consideration independent of physical characteristics. It appears as paragraph (b)(2)(iii) of section 31. Second, a provision is added as paragraph (b)(2)(ii) of section 31 to recognize that a filer may seek to comply with a discovery request for production of documents or things by making the material available as a library reference, without the need for special approval or waiver.

Special requests. In the underlying version, the Commission proposed limiting special requests to situations meeting the terms of section 31(b)(2)(i)(A) and (B)—when the physical characteristics of the material would make service unduly burdensome and the material was of limited interest. The filer was to provide a copy of the requested material within three days or, in the alternative, inform the requesting participant of certain matters, including when the material would be available. The Commission's commentary noted that absence of a specific authorization for special requests in other instances did not automatically foreclose a participant from making a request.

The Service observes, with respect to special requests, that it "has serious concerns about any draft provision which might be construed to entitle parties to copies of substantial portions of the set of library references filed with the case." Postal Service Comments at 6–7. It says: "In this respect, directly limiting application of the 'extra copy' provisions of the proposed procedures by reference to the categories suggested by the Postal Service * * * would likely be more effective." Id. at 8.

Mr. Popkin notes that he has had a problem in the past with obtaining material that has been filed as a library reference. It appears that the material in question may have been filed in response to a request for production of documents (under rule 26). As the Service notes, the terms of rule 26 direct the responding party to make the material available for inspection and copying, but do not require service.

Special requests are a challenging issue. The Commission continues to oppose an across-the-board allowance for special requests. It also believes that the growing ability to produce and distribute most material in an electronic format reduces the need for participants to make special requests for hard-copy service. Also, the Commission believes that exposing the filer of a library

reference to the potential for repeated requests for service diminishes the extent to which the practice of filing a library reference is a convenience.

Based on further consideration of these points and others raised by the commenters, the Commission proposes a separate provision on special requests. This provision sets out the basic policy that special requests for service are not encouraged and that no blanket requests for service of library reference material may be made. It further provides that special requests must be made in the form of a detailed motion.

E. Underlying Paragraph (b)(2)(ii) of Section 31—Filing Procedure

In the underlying version, this paragraph states that library references are to be accompanied by a contemporaneous notice, and specifies that two hard copies of the material are to be filed. It also outlines the information that is to be included in the notice. The filer must describe what the material consists of or represents; how the material relates to the participant's case or to issues in the proceeding; and whether the material contains a survey or survey results. Filers must also address certain matters related to the material's potential use as evidence and its relationship to other documents. These include disclosing whether the participant anticipates seeking admission of the material into evidence; identifying authors or others who make a material contribution; identifying related documents; identifying portions of the material that may be entered into evidence; and identifying the expected sponsor. A companion provision, in underlying paragraph 31(b)(2)(iii), requires library references to include a preface, and sets out the information and disclosures that must be presented therein.

Commenters' positions. The Postal Service acknowledges that it opposed the motion requirement, but says it is not satisfied with the Commission's notice alternative because it does nothing to lessen the burden on the Postal Service. Instead, the Service says it "merely substitutes what amounts to virtually the same content requirements for the required notice as were initially proposed for the motion." Postal Service Comments at 2–3.

The OCA says it does not seek reinstatement of the motion requirement, but raises a concern that there is no clear avenue of relief for those who believe a filing participant has failed to satisfy the new requirements. It asks that the Commission explicitly provide one. OCA Comments at 1–2.

Commission response. Given the minimal information that has been provided in many notices, adoption of almost any new requirements would entail more effort from the Service or any other participant filing a library reference. However, the Commission believes that most of its proposed requirements are sound, and retains many of them in the final version. However, as discussed below, it is eliminating the preface as a mandatory item in library references.

Contents of the required notice. The Service supports requiring a description of the contents of the library reference and an explanation of how it relates to other material in the case. However, it asserts that requiring the filing party to state whether the material contains a survey or survey results, can "safely be omitted" because it is unclear why a special provision should be devoted exclusively to an indication of this nature. Postal Service Comments at 12.

The Service also claims that certain other requirements are "of mixed utility." For example, it notes that the notice is to set forth the reason why the material is being designated as a library reference. The Service observes that while wanting to know why the library reference is being submitted is understandable in the abstract, the reasons are usually fairly obvious in practice, especially for those involving entire categories the Service requests be exempted from the rules. Id. The Service also questions the provision requiring identification of authors or others materially contributing to the preparation of the library reference. Id. As an example, it cites the production of a spreadsheet, and questions why the filer must provide the identity of individuals who only assist in its preparation. Id. at 13.

The underlying version also includes a requirement that the filing participant disclose whether the material contains survey results. Both the Service and the OCA address this provision, but their interests are significantly different. The OCA's concern is that the Commission's proposal is not an adequate substitute for its original request that the Commission require survey data to be filed at the time the survey results are submitted. The Service, on the other hand, asks why this requirement is included, since it expects this information would be provided in the required description.

Commission response. Although the Service asserts that the reason for filing a library reference is "usually fairly obvious," the Commission continues to believe that the notice would be of more assistance to reviewers if this information is provided. The underlying version required filers to address this in terms of the circumstances set out in the rule. Given the addition of the list of categories, the Commission proposes that filers identify the category of the material as well.

The Commission believes the Service reads too much into the requirement for identification of "authors or others materially contributing to the preparation of the library reference." The rule does not require filing participants to list those providing clerical, secretarial, or related administrative assistance in connection with the material. The "others" referred to should be presumed to stand in essentially the same relationship to the material as does an "author." In providing direction regarding the interpretation of this phrase, the Commission expects filing participants and reviewers to exercise good judgment in complying with this requirement. For example, in the case of a spreadsheet prepared by an assistant, it may be adequate to indicate that the material was prepared under the direction of a certain witness.

With respect to survey results, the Commission notes that it regarded the OCA's original suggestion regarding contemporaneous filing of survey results among those that were beyond the scope of this limited rulemaking. However, the Commission also believed that one objective of the rule—more extensive disclosure of the contents of the material contained in the library reference—would be enhanced if survey results were specifically identified. As surveys may require more extensive or more expert analysis than other material, the Commission continues to believe it is appropriate for this information to be disclosed. However, in line with the Service's observation that survey results are the type of description that might be provided in response to the requirement of a general disclosure of contents, the wording of the accompanying set of rules is amended to reflect this. Several minor editorial changes are made to other provisions to clarify the extent of the required disclosures.

The OCA's proposal that this paragraph include a requirement for a cross-walk or "road map." In line with its interest in a cross-walk, the OCA proposes adding the following paragraph to this provision:

> The filing shall include a listing, by witness, of those witnesses who rely upon or cite to the library reference together with specific references to pages and schedules in testimony and exhibits where the library reference is cited. The listing shall be

updated as additional library references are filed.

OCA Comments at 7.

Commission response. The Commission declines to adopt the proposed amendment, for reasons discussed earlier.

F. Underlying paragraph (b)(2)(iii) of Section 31

Labels, descriptions (including information to be provided in a preface or summary with library reference itself), and related disclosures. The first sentence of the underlying provision directs the filing participant to use standard notation to label the library reference and to comply with any additional requirements that may be imposed by the presiding officer or the Commission. This provision has not been controversial. It is retained in the third version, but the caption is changed to "Labeling" to reflect a change in the organization of the rule. The second sentence in the underlying paragraph is replaced with text identifying the inclusion of a detailed preface as an option. It is also redesignated.

Elimination of mandatory inclusion of a preface or summary. The underlying proposal requires that material designated as a library reference include a preface or summary addressing the following points: the proceeding and document or issue involved; the identity of the designating participant; the identity of the sponsoring witness or witnesses (or the reason why this cannot be provided); to the extent feasible, other library references or testimony that utilize information or conclusions developed therein; and whether the library reference is an update or revision to a library reference filed in another Commission proceeding.

Commenters' positions. The Service says that to the extent it agrees information listed in this subsection is necessary, the information has been provided in the vast majority of instances. However, it also contends that not all of the information is necessary. It further notes that in some instances, such as when the material is a pre-existing document, it may be difficult or impossible to comply, and not necessary if the notice is adequate. Id. at 13–14. It also objects to the requirement of identifying "other library references or testimony that utilize information or conclusions developed therein" to the extent it calls for an exhaustive list of all downstream testimony or library references, but agrees to the extent it applies to material developed primarily to support a particular study or testimony.

Commission response. The version proposed here makes inclusion of a detailed preface or summary an option. In addition, the Commission is requiring some of the disclosures that were to be included in the preface to be set forth in the expanded notice requirement.

G. Subsection 31(b)(2)(iv)—Electronic Versions of Library References

The underlying version requires an electronic version, or an explanation of why an electronic version cannot be provided.

Commenters' positions. The Service observes, in connection with this requirement, that the universe of library references can largely be bifurcated into those which exist as library references because they are entirely electronic or have an electronic component, and those consisting of voluminous hard copy material for which no electronic version is available. It further says that increasingly, voluminous hard copy material is not likely to be filed if an electronic version could be filed more easily. The Service believes the intended result will be substantially achieved with or without any formal rule change. Id. at 15–16. It says it would prefer a rule which simply encourages parties to file electronic versions of library reference material whenever possible. Id. at 16.

Commission response. The Commission acknowledges the trend toward increased filing of material in an electronic format, but declines to alter the proposed provision in the manner suggested by the Postal Service. However, the Commission amends this provision to encourage the inclusion of a preface containing the information and disclosures required to be provided in the notice. The Commission believes that including a detailed preface would assist reviewers in instances where the notice is not readily available.

H. Underlying Paragraph (b)(2)(v) of Section 31—Status of Library References

This provision remains unchanged, but it is redesignated.

I. Waiver

As explained earlier, the Commission anticipated that the Service or other filers would file a motion for waiver of operation of various library reference provisions when deemed appropriate. To make clear this option exists, the Commission is including a specific provision (described earlier.)

J. Number of Copies

The accompanying version retains the requirement (in the underlying version) that two hard copies be provided. This language appears in a separate provision.

V. Set of Rules

The set of rules the Commission is proposing follows.

Dated: September 23, 1999.

Margaret P. Crenshaw,

Secretary.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure; Postal Service.

For the reasons discussed in the preamble, the Commission proposes to amend 39 CFR part 3001 as follows:

PART 3001—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(b); 3603, 3622–24, 3661, 3662.

2. Amend § 3001.31 by revising paragraph (b) to read as follows:

§ 3001.31 Evidence.

* * * * *

(b) *Documentary material.*—(1) *General.* Documents and detailed data and information shall be presented as exhibits. Testimony, exhibits and supporting workpapers prepared for Commission proceedings that are premised on data or conclusions developed in a library reference shall provide the location of that information within the library reference with sufficient specificity to permit ready reference, such as the page and line, or the file and the worksheet or spreadsheet page or cell. Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant or not intended to be put in evidence, the participant offering the same shall plainly designate the matter offered excluding the immaterial or irrelevant parts. If other matter in such document is in such bulk or extent as would unnecessarily encumber the record, it may be marked for identification, and, if properly authenticated, the relevant and material parts may be read into the record, or, if the Commission or presiding officer so directs, a true copy of such matter in proper form shall be received in evidence as an exhibit. Copies of documents shall be delivered by the participant offering the same to the other participants or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the entire document and to offer in evidence in like manner other material and relevant portions thereof.

(2) *Library references.* (i) The term "library reference" is a generic term or label that participants and others may use to identify or designate certain documents or things ("material") filed with the Commission's docket section. To the extent possible, material filed as a library reference shall be identified and referred to by participants in terms of the following categories:

Category 1—Reporting Systems Material (consisting of library references relating to the Service's statistical cost and revenue reporting systems, and their primary outputs); Category 2—Witness Foundational Material (consisting of material relating to the testimony of specific witnesses, primarily that which is essential to the establishment of a proper foundation for receiving into evidence the results of studies and analyses); Category 3—Reference Material (consisting of previously published material provided for the convenience of the reader, such as books, chapters or other portions of books, articles, reports, manuals, handbooks, guides, and contracts; Category 4—Material Provided in Response to Discovery (consisting of material provided in response to discovery requests); Category 5—Disassociated Material (consisting of material at the request of another, from which the filing party wishes to be disassociated, is not vouching for or sponsoring the material provided); Category 6—All Other Material (consisting of library references not fitting any of the other categories).

(ii) The practice of filing a library reference is authorized primarily as a convenience to filing participants and the Commission under certain circumstances. These include when the physical characteristics of the material, such as number of pages or bulk, are reasonably likely to render compliance with the service requirements unduly burdensome; and one of the following considerations apply:

(A) Interest in the material or things so labeled is likely to be so limited that service on the entire list would be unreasonably burdensome, and the participant agrees to serve the material on individual participants upon request within three days of a request, or to provide, within the same period, an explanation of why the material cannot be provided within three days, and to undertake reasonable efforts to promptly provide the material; or,

(B) The participant satisfactorily demonstrates that designation of material as a library reference is appropriate because the material constitutes a secondary source. A secondary source is one that provides background for a position or matter referred to elsewhere in a participant's case or filing, but does not constitute essential support and is unlikely to be a material factor in a decision on the merits of issues in the proceeding; or,

(C) Reference to, identification of, or use of the material would be facilitated if it is filed as a library reference; or

(D) The material is filed in compliance with a discovery request for production of documents or things.

(iii) *Other circumstances.* If a participant considers it appropriate to file material as a library reference, but for the inability to satisfy the terms set out in paragraphs (b)(2)(ii)(A)–(D) of this section, the material may be filed (by means of a notice) subject to the following conditions:

(A) Inclusion in the accompanying notice of a detailed explanation of the reason for filing the material under this provision;

(B) Satisfaction of all other applicable requirements relating to library references; and

(C) the Commission's right to refuse acceptance of the material in its docket room and its right to take other action to ensure participants' ability to obtain access to the material.

(iv) *Filing procedure.* Participants filing material as a library reference shall provide contemporaneous written notice of this action to the Commission and other participants, in accordance with applicable service rules. The notice shall:

(A) Set forth the reason(s) why the material is being designated as a library reference, with specific reference to paragraphs (b)(2) (ii) and (iii) of this section;

(B) Identify the category into which the material falls and describe in detail what the material consists of or represents, noting matters such as the presence of survey results;

(C) Explain in detail how the material relates to the participant's case or to issues in the proceeding;

(D) Identify authors or others materially contributing to substantive aspects of the preparation or development of the library reference;

(E) Identify the documents (such as testimony, exhibits, an interrogatory) or request to which the library reference relates, to the extent practicable;

(F) Identify other library references or testimony relied upon or referred to in the designated material, to the extent practicable;

(G) Indicate whether the library reference is an update or revision to a another library reference and, if it is, clearly identify the predecessor material; and

(H) To the extent feasible, identify portions expected to be entered and the expected sponsor (if the participant filing a library reference anticipates seeking, on its own behalf, to enter all or part of the material contained therein into the evidentiary record).

(v) *Labeling.* Material filed as a library reference shall be labeled in a manner consistent with standard Commission notation and any other conditions the presiding officer or Commission establishes.

(vi) *Optional preface or summary.* Inclusion of a preface or summary in a library reference addressing the matters set out in paragraphs (b)(2)(iv)(A)–(H) of this section is optional.

(vii) *Electronic version.* Material filed as a library reference shall also be made available in an electronic version, absent a showing of why an electronic version cannot be supplied or should not be required to be supplied. Participants are encouraged to include in the electronic version the information and disclosures required to be included in the accompanying notice.

(viii) *Number of copies.* Except for good cause shown, two hard copies of each library reference shall be filed.

(ix) *Special requests.* Special requests for service of material filed as a library reference are not encouraged. Special requests must be made in the form of a detailed motion setting forth the reasons why service is necessary or appropriate.

(x) *Waiver.* Upon the filing of a motion showing good cause, the Commission may waive one or more of the provisions relating to library references. Motions seeking waiver may request expedited consideration and may seek waiver for categories of library references.

(xi) *Status of library references.* Designation of material as a library reference and acceptance in the Commission's docket section does not confer evidentiary status. The evidentiary status of the material is governed by this section.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL–6448–4]

RIN 2060–AI45

Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of t-Butyl Acetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to revise EPA's definition of volatile organic

compounds (VOC) for purposes of Federal regulations related to attaining the national ambient air quality standards (NAAQS) for ozone under title I of the Clean Air Act (Act). This proposed revision would add t-butyl acetate (also known as tertiary butyl acetate or informally as TBAC or TBAc) to the list of compounds excluded from the definition of VOC on the basis that this compound has negligible contribution to tropospheric ozone formation. As a result, if you are subject to certain Federal regulations limiting emissions of VOCs, your emissions of TBAc may not be regulated for some purposes.

DATES: If you submit comments on this proposal, EPA must receive them by November 29, 1999. The EPA must receive requests for a hearing by October 12, 1999.

ADDRESSES: If you submit comments, please submit them in duplicate (if possible) to: Air and Radiation Docket and Information Center (6102), Attention: Docket No. A–99–02, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Please strictly limit comments to the subject matter of this proposal, the scope of which is discussed below.

Public Hearing: If you contact EPA requesting a public hearing, it will be held at Research Triangle Park, NC. If you wish to request a public hearing, wish to attend the hearing or wish to present oral testimony, you should notify Mr. William Johnson, Air Quality Strategies and Standards Division (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541–5245. The EPA will publish notice of a hearing, if a hearing is requested, in the **Federal Register**. Any hearing will be strictly limited to the subject matter of the proposal, the scope of which is discussed below.

The EPA has established a public docket for this action, A–99–02, which is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center, (6102), 401 M Street, SW, Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: William Johnson, Office of Air Quality Planning and Standards, Air Quality Management Division (MD–15), Research Triangle Park, NC 27711, phone (919) 541–5245. You may call Mr. Johnson to see if a hearing will be held and the date and location of any hearing.

SUPPLEMENTARY INFORMATION:

Sector Identification

Regulated entities. You may be an entity potentially regulated by this action if you use or emit VOCs or are a State which has programs to control VOC emissions.

Category	NAICS codes	SIC codes	Examples of potentially regulated entities
Industry	325510	2851	Industries that manufacture paints, varnishes, lacquers, enamels and allied products.
Industry	4226	2869	Industries that manufacture industrial organic chemicals
State Government	.....	.....	States which have regulations to control volatile organic compounds.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. How Does This Rule Fit Into Existing Regulations?

EPA is proposing to exclude tertiary butyl acetate (TBAC or TBAc) from the definition of volatile organic compounds (VOCs). If you use or produce TBAc and are subject to EPA regulations limiting the use of VOCs in your product, limiting the VOC emissions from your facility, or otherwise controlling your use of VOCs, then you would not count TBAc as a VOC in determining whether you meet your regulatory obligations. This proposal may also affect whether TBAc is considered a VOC for State regulatory purposes, depending on whether the State relies on EPA's definition of VOC. The EPA is basing its proposal on information in a petition submitted by Lyondell Chemical Company, which plans to manufacture TBAc.[1] This proposal also addresses policies that may govern whether EPA will exclude other chemicals from the definition of VOC.

Tropospheric ozone, commonly known as smog, occurs when VOCs and nitrogen oxides (NO_X) react in the atmosphere. Because of the harmful health effects of ozone, EPA and State governments limit the amount of VOCs and NO_X that can be released into the atmosphere. Volatile organic compounds are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) which form ozone through atmospheric photochemical reactions. Compounds of carbon (also known as organic compounds) have different levels of reactivity—that is, they do not react at the same speed or do not form ozone to the same extent. It has been EPA's policy that organic compounds with a negligible level of reactivity need not be regulated to reduce ozone. The EPA lists these compounds in its regulations (at 40 CFR 51.100(s)) and excludes them from the definition of VOCs. The chemicals on this list are often called "negligibly reactive" organic compounds.

II. Why Does Lyondell Think TBAc Is Not a VOC?

On January 17, 1997, Lyondell submitted a petition to EPA which requested that EPA add TBAc to the list of compounds which are designated negligibly reactive in the definition of VOC at 40 CFR 51.100(s). The petitioner subsequently submitted supplemental materials to EPA in support of its petition. These materials are contained in docket A–99–02. The petitioner based the request on a comparison of the reactivity of TBAc to that of ethane, the latter having already been listed, since 1977, as negligibly reactive. In the past, EPA has determined that ethane and several compounds with lower reactivity than ethane are negligibly reactive and therefore exempted them from the definition of VOC. Reactivity data presented by Lyondell in support of the petition included both k_{OH} values and incremental reactivity values. The k_{OH} values are values of the rate

[1] The petition was submitted on January 17, 1997, by ARCO Chemical Company. Lyondell is the successor to ARCO for this petition, and EPA will refer to the petitioner as Lyondell throughout this notice.

constant for the VOC + OH (hydroxyl radical) reaction. The incremental reactivity values, which support the petition and reflect TBAc's potential for producing ozone in the atmosphere, were produced and reported by Dr. William Carter of the University of California at Riverside.

Lyondell's primary case for TBAc being less reactive than ethane is based on the use of incremental reactivity data set forth in a report titled "Investigation of the Atmospheric Ozone Formation Potential of T-Butyl Acetate" by Carter, et al. In that study, Carter compared the incremental ozone formed per-gram of TBAc under urban atmosphere conditions to that formed, under the same conditions, per-gram of ethane. The study repeated these comparisons for 39 conditions scenarios, that is, sets of ambient conditions intended to represent 39 American urban areas across the United States. Carter concluded that, on average, TBAc formed 0.4 times as much ozone as an equal weight of ethane under the conditions assumed in the study.

There is another way to compare the reactivities of organic compounds with that of ethane. That approach is to compare the compound with ethane on a per-mole basis rather than on a per-gram basis. Using the per-mole basis, the incremental ozone formed under certain conditions per-mole of TBAc would be compared to the ozone formed by a mole of ethane under the same conditions. This approach compares the reactivity of an equal number of molecules of each compound rather than comparing equal weights of the two compounds. On a per-mole basis, the average reactivity of TBAc for the 39-cities set of conditions is about 1.5 times that of ethane. The difference in reactivity results between the two approaches is due to the fact that a molecule of TBAc is almost four times heavier than a molecule of ethane.

III. How Does EPA Determine Whether an Organic Compound Is Negligibly Reactive?

When EPA determines that a chemical is less reactive than ethane, EPA considers the chemical negligibly reactive and can exclude it from the definition of VOC. Reactivities can be compared on either a per-gram (or weight) basis or on a per-mole basis. Based on the information discussed above, TBAc is less reactive than ethane on a per-gram basis, but more reactive on a per-mole basis. Thus, in this situation, which basis EPA uses to make the reactivity comparison will determine whether TBAc should be exempted.

All of the compounds which EPA listed as negligibly reactive before 1994 are less reactive than ethane on both a per-gram basis and a per-mole basis. In those decisions, EPA did not explicitly state whether it was using a per-gram or per-mole test. However, as a matter of practice, EPA evaluated these compounds in a manner consistent with using a per-mole basis because it based the comparisons on k_{OH} values which were expressed on a molecule basis.

The Agency first addressed the use of the per-gram basis in the case of acetone, which the Agency determined was less reactive than ethane on a per-gram basis, but more reactive on a per-mole basis. In the proposal to classify acetone as negligibly reactive, the Agency stated that it had "elected to adopt the grams ozone per-gram VOC basis, since grams (or tons), rather than moles, is the mass unit used in regulations dealing with VOC emissions" (59 FR 49878, September 30, 1994). There were no adverse comments on this proposed decision to use the per-gram basis, and the Agency stated in the final rule that "[t]he EPA has chosen to use the weight basis rather than a mole basis for comparing results since emissions are regulated on a weight basis" (60 FR 31635, June 16, 1995). This is the only case in which EPA has classified a compound as negligibly reactive solely on the per-gram basis.

The EPA addressed this same issue in a report to Congress concerning VOC emissions from consumer and commercial products ("Study of Volatile Organic Compound Emissions from Consumer and Commercial Products: Report to Congress," March 1995). One chapter of this report discussed the Agency's approach for evaluating VOC reactivity and stated that under the protocol "presently favored—but not officially endorsed—" if a compound's "reactivity is found to be equal to or lower than that of ethane on a per-gram-of-VOC basis, * * * it is concluded that [it] can only have negligible O_3 potential * * *" (p. 3–5). A footnote to this discussion stated that "[c]omparison of VOC species reactivities to that of ethane can be made on either a per-gram-of-VOC basis or a per-mole-of-VOC basis" and added that EPA has "unofficially adopted the per-gram basis."

The EPA has determined that comparing reactivities on a per-mole basis is more appropriate than comparing them on a per-gram basis. The EPA reexamined the scientific basis for the inclusion of ethane in the original list of negligibly reactive compounds published in 1977 (42 FR 35314). The Agency made the original determination to include ethane, in part, based on the results of a series of smog chamber experiments conducted by EPA in the early 1970s. In those experiments individual organic compounds at the concentration of 4 parts per million (ppm) by volume (or moles) were subjected to simulated ambient urban (Los Angeles) conditions, and resultant maximum ozone build-up in the chamber was measured. Those compounds which resulted in ozone concentration lower than that of the oxidant air quality standard, i.e., 0.08 ppm, were taken to be "negligibly reactive." Ethane was one of the compounds EPA studied, and was the most reactive of those EPA identified as negligibly reactive in that study. Based on those findings and judgments, EPA designated ethane as negligibly reactive and ethane became the benchmark VOC species separating reactive from negligibly reactive compounds. Because EPA chose ethane as the "benchmark" species based on an equimolar comparison, comparisons with ethane for reactivity classification purposes are most appropriately made using equimolar concentrations, that is, on a per-mole basis.

Additionally, EPA has concluded that the argument previously used to justify the per-gram basis, i.e., that the per-gram basis is more practical since VOC emissions are regulated on a weight basis, is not the best approach when comparisons are made for reactivity classification purposes. Scientifically, chemical reactions are generally described on a molar basis, so the scientific convention is to compare chemicals on a molar basis. Relying on the number of moles of VOCs is consistent with the way EPA conducts photochemical modeling. For that, EPA takes VOC emissions measured by weight and converts them into moles to determine the impact on ozone formation. It is true that when EPA and States regulate, they generally do not regulate VOCs on a molar basis. Under the current state of information, doing so would impose great administrative burdens and costs on the Agency and on regulated industries. In many circumstances, regulating on a molar basis would pose significant practical compliance and enforcement problems. In contrast, it is practical for EPA to use the molar basis to make decisions on petitions to exempt a compound on an individual basis from the definition of VOCs. The EPA believes that it should use the most scientific approach that is currently feasible for exemption decisions. For that reason, EPA believes the per-mole test is better than the per-

gram test for determining whether a compound is less reactive than ethane and should be exempted from the definition of VOC. Use of the per-mole test is also consistent with the basis used to select ethane as a benchmark species.

Because of the determination that the per-mole basis is the proper scientific basis to use in comparing reactivities to ethane for decisions concerning negligible reactivity, EPA intends to employ the per-mole basis for all future negligible reactivity determinations made on VOC exemption petitions received after the date of publication of today's notice. The EPA will assess these future petitions using only the per-mole basis for comparison with ethane; EPA will not use the per-gram basis for evaluating future VOC exemption petitions.

The EPA has commenced a multi-year review of its policy to determine whether it needs revision. In the course of that review, EPA will investigate whether it is desirable, possible, and legally permissible to consider a compound's role in other air pollution problems (such as particulate matter, regional haze, toxicity, and stratospheric ozone depletion) when EPA determines whether a compound should be excluded from the definition of VOCs. The issue of an integrated approach to considering environmental problems was discussed by the Subcommittee for Ozone, Particulate Matter and Regional Haze, a Federal Advisory Committee Act (FACA) committee, which advised EPA on the implementation of the revised ozone and particulate matter ambient air quality standards. This FACA committee recommended an integrated approach to controlling ozone, fine particulates and regional haze. As part of that review, EPA will solicit comments from the public on these policy issues. If EPA revises its reactivity policy substantially, the current list of negligibly reactive compounds in the definition of VOC could be considerably altered to conform to the new policy.

IV. What Is EPA's Basis for Proposing That TBAc Is Negligibly Reactive and Excluding It From the Definition of VOC?

If EPA were to apply the per-mole test to TBAc, it would deny Lyondell's petition. Lyondell has argued that the appropriate test is the per-gram test, and that even if EPA decides the per-mole test is more appropriate, it would be unfair to apply the per-mole test without warning to petitions for which a company has significantly relied on EPA's prior statements. Because the per-mole test is a change from previous EPA regulatory statements, EPA believes that equitable considerations warrant use of the per-gram test in certain circumstances as described below. Therefore, if certain conditions are met, EPA will apply the per-gram test for currently pending petitions to exempt organic compounds from the definition of VOCs.

In deciding whether EPA will use the per-gram test for any particular pending petition (see Table 1),[2] EPA will consider the extent to which the petitioner actually relied on EPA's past statements regarding the per-gram test. In addition, EPA will also consider the extent to which the application of the per-mole test (rather than the per-gram test) would further the purposes of the Clean Air Act. This balances fairness to the regulated industry with adequate protection of the environment. Based on these considerations, EPA is proposing to use the per-gram test for TBAc and to exclude it from the definition of VOC.[3]

For TBAc, Lyondell has demonstrated substantial actual reliance on EPA's past statements adopting the per-gram test. Lyondell's reliance goes beyond the mere filing of its petition (which would not, by itself, demonstrate sufficient reliance to use the per-gram test). When Lyondell prepared and submitted its petition, these were the only explicit, policy statements the Agency had made regarding the gram versus mole issue. The petitioner has said: "In reliance on these statements, the Company invested substantial resources to identify and evaluate solvents that would meet the ethane standard on a gram basis. Company experts reviewed hundreds of potentially useful compounds to determine, based on their physical and chemical properties, which were most likely to have very low photochemical reactivity. After identifying TBAc as a promising candidate, the Company funded reactivity and other environmental studies on TBAc." (See written communication from Daniel Pourreau (Lyondell) to William Johnson (EPA) dated February 11, 1999). The petitioner has also claimed that: "In addition to these efforts, the Company has invested significant resources in research and development to evaluate whether TBAc can be used to replace more reactive solvents in a wide range of products. These efforts have included internal studies, studies with outside laboratories, marketing and development work with a number of product manufacturers." (See written communication from Daniel Pourreau (Lyondell) to William Johnson (EPA) dated February 11, 1999). Petitioner's reliance on EPA's prior statements is significant enough that it weighs in favor of using the per-gram test.

Another consideration for pending petitions is the extent to which application of the per-mole test would further the purpose of the Act. The specific purpose at issue here is the reduction of ozone. If the reactivity of TBAc on a per-mole basis were markedly higher than that of ethane, that might warrant the application of the per-mole test despite Lyondell's reliance on EPA's earlier statements. Due to scientific and practical concerns, we generally do not distinguish among VOCs on the basis of reactivity in rulemakings under the Act. In rulemakings relating to the definition of VOC, our current practice is to take reactivity into account only to decide whether a compound's reactivity is low enough to justify exempting the compound as negligibly reactive. However, in the very narrow circumstance that is presented here, where we are weighing the petitioner's reliance against the statutory interest in applying the per-mole test, we think it is appropriate to consider the extent to which TBAc's reactivity exceeds that of ethane. Because TBAc's reactivity is on the order of two times that of ethane on a per-mole basis, the extent to which the purpose of the Act would be furthered by denying the petition for an exemption does not outweigh Lyondell's reliance on EPA's previous statements.[4]

Therefore, EPA proposes to grant Lyondell's petition and exclude TBAc from the definition of VOC because TBAc is less reactive than ethane on a per-gram basis.

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[2] Table 1 gives a list of the pending petitions requesting exclusion from the definition of VOC. Preliminary review indicates that several of the compounds in Table 1 may be less reactive than ethane on a per-gram basis, but not on a per-mole basis. The EPA will determine whether to use the per-gram or per-mole test for each of these compounds based on a consideration of the petitioner's reliance on past EPA statements regarding the per-gram test and on the extent to which applying the per-mole test would further the purpose of the Clean Air Act. Any petitioner listed in Table 1 that can demonstrate substantial actual reliance on EPA's past statements should submit that information to EPA.

[3] Based on the considerations listed above, EPA currently intends to keep acetone in the list of chemicals that are negligibly reactive VOCs.

[4] Given the other information that has been submitted on TBAc, we do not believe that excluding TBAc from the definition of VOC would undermine other purposes of the Act. In certain circumstances, it might be appropriate to consider the volume of the compound's emissions. We do not believe we have sufficient information to consider that factor for TBAc, but we request comment on this issue.

V. Are There Environmental Benefits to Excluding TBAc From the Definition of VOC?

In addition to the reactivity data comparing TBAc and ethane, the petitioner also submitted other information in support of its petition. The petitioner argued that the VOC exemption of TBAc would benefit the environment because TBAc would be used as a replacement solvent for toluene and xylene. The petitioner claims that hazardous air pollutant (HAP) emissions would be reduced because toluene and xylene are both solvents that are listed in section 112 of the Act as HAPs, and TBAc is not listed. The petitioner also submitted health effects data on TBAc to support its claim that TBAc is less hazardous than xylene and toluene. Additionally, the petitioner claimed that there is potential for TBAc to replace to some degree other HAPs, including methanol, e-glycol ethers, methyl ethyl ketone, n-hexane, methyl isobutyl ketone, and trichloroethylene.

The possible use of TBAc in lieu of HAPs may, indeed, be a collateral benefit of the exemption of TBAc from the definition of VOC. However, this is not a basis for EPA's proposal. At this time, EPA does not believe that it is in a position to predict the market for TBAc or to evaluate Lyondell's claims in that regard. It should be noted that another company has notified EPA that it disagrees with Lyondell's market claims and related substitution benefits. [See letter (with attachments) from Ernest Rosenberg (Occidental International Corp.) to Rob Brenner (EPA) dated May 14, 1999].

Table 1

List of Compounds for Which EPA Has Received Petitions Prior to Today's Notice Requesting VOC Exempt Status and for Which EPA Has Published No Final Action

1. Chlorobromomethane—ICF Kaiser (SAI Division).
2. 1-Bromopropane (also known as n-propyl bromide)—Enviro Tech International. Petition also submitted by Albemarle Corp.
3. Methyl Bromide—Chemical Manufacturers Association.
4. n-Alkanes (C_{12}–C_{18})—The Aluminum Association.
5. Technical white oils—The Printing Industries of America and Pennzoil Products Company.
6. t-butyl acetate—Lyondell Chemical Company.
7. Benzotrifluoride—Occidental Chemical Company.
8. Carbonyl Sulfide (COS)—E.I. du Pont de Nemours and Company. Petition also submitted by Texas Mid-Continent Oil & Gas Association.
9. trans-1,2-dichloroethylene—3M Corporation.
10. Dimethyl succinate and dimethyl glutarate—Dibasic Esters Group, affiliated with the Synthetic Organic Chemical Manufacturers Association, Inc.
11. Carbon Disulfide—Texas Mid-Continent Oil & Gas Association.
12. Acetonitrile—BP Chemicals and GNI Chemicals Corporation.
13. Toluene Diisocyanate (TDI)—Chemical Manufacturers Association [The Diisocynate Panel of CMA reported the following members: ARCO Chemical Company, BASF Corporation, Bayer Corporation, The Dow Chemical Company, and ICI Americas, Inc.].
14. HFC-227ea (1,1,1,2,3,3,3-heptafluoropropane)—Great Lakes Chemical Corporation.
15. Methylene Diphenyl Diisocyanate (MDI)—Chemical Manufacturers Association [The Diisocynate Panel of CMA reported the following members: BASF Corporation, Bayer Corporation, The Dow Chemical Company, ICI Americas, Inc., and Lyondell Chemical Company].
16. 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$)—3M Corporation.
17. Propylene Carbonate—Huntsman Corporation.

VI. What Is Today's Proposal?

Today's proposed action is based on EPA's review of the material in Docket No. A–99–02. The EPA hereby proposes to amend its definition of VOC at 40 CFR 51.100(s) to exclude TBAc as a VOC. If this action is finalized, you would not count TBAc as a VOC for purposes of EPA regulations related to attaining the ozone NAAQS, including regulations limiting your use of VOCs or your emissions of VOCs; but you would record and report the use and emissions of TBAc as an "Exempt VOC." Your recordkeeping and reporting of TBAc would conform to those requirements that would apply to you for non-exempt VOCs used in the same manner or in the same application as TBAc. You should check with your State to determine whether you should count TBAc as a VOC for State regulations. However, if this action is made final, your State should not include TBAc in its VOC emissions inventories for determining reasonable further progress under the Act (e.g., section 182(b)(1)) or take credit for controlling this compound in its ozone control strategy. However, we urge your State to include TBAc and other VOC exempt compounds in inventories used for ozone modeling to assure that such emissions are not having a significant effect on ambient ozone levels.

VII. Administrative Requirements

A. Docket

The docket is an organized and complete file for all information submitted or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) To allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process; and, (2) to serve as the record in case of judicial review (except for interagency review materials) (section 307(d)(7)(A)).

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of this Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

C. Unfunded Mandates Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), PL. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit

analysis, for proposed and final rules with "Federal mandates" that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year. Before promulgation of an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost effective, or least burdensome alternative that achieves the objective of the rule, unless EPA publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments including tribal governments, it must have developed under section 203 of the UMRA a small government plan which informs, educates and advises small governments on compliance with the regulatory requirements. Finally, section 204 provides that for any proposed rule that imposes a mandate on a State, local or tribal government of $100 million or more in any 1 year, the Agency must provide an opportunity for such governmental entities to provide input in development of the proposed rule.

Since today's rulemaking is deregulatory in nature and does not impose any mandate on governmental entities or the private sector, EPA has determined that sections 202, 203, 204 and 205 of the UMRA do not apply to this action.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule would not have a significant impact on a substantial number of small entities because it imposes no adverse economic impacts on any small entities. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

E. Paperwork Reduction Act

This proposed rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

F. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. The rule is deregulatory in nature and does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

G. Executive Order 13045: Children's Health Protection

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

While this proposed rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, EPA has reason to believe that ozone has a disproportionate effect on active children who play outdoors. (See 62 FR 38856, 38859 (July 18, 1997).) The EPA has not identified any specific studies on whether or to what extent t-butyl acetate directly affects children's health. The EPA has placed the available data regarding the health effects of t-butyl acetate in docket no. A–99–02. The EPA invites the public to submit or identify peer-reviewed studies and data, of which EPA may not be aware, that assess results of early life exposure to t-butyl acetate.

H. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's proposed rule does not impose substantial direct compliance costs on the communities of Indian tribal governments. This proposed rule is deregulatory in nature and does not impose any direct compliance costs. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law No. 104–113, section 12(d), (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus

standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 24, 1999.

Carol M. Browner,

Administrator.

For reasons set forth in the preamble, part 51 of chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7412, 7413, 7414, 7470-7479, 7501–7508, 7601, and 7602.

2. Section 51.100 is proposed to be amended at the end of paragraph (s)(1) introductory text by removing the words "and perfluorocarbon compounds which fall into these classes:" and adding the words "; t-butyl acetate and perfluorocarbon compounds which fall into these classes:", as follows:

§ 51.100 Definitions.

* * * * *

(s) * * *

(1) * * * ; t-butyl acetate and perfluorocarbon compounds which fall into these classes:

* * * * *

[FR Doc. 99–25440 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 198–0175b; FRL–6445–7]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, San Luis Obispo County Air Pollution Control District South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve revisions to the California State Implementation Plan (SIP) which concern the recission of rules from the SIP.

The intended effect of this action is to bring the San Luis Obispo County Air Pollution Control District and the South Coast Air Quality Management District rules and regulations up to date in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by November 1, 1999.

ADDRESSES: Comments should be addressed to: Andrew Steckel, Chief, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule recision are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

San Luis Obispo County Air Pollution Control District, 3433 Roberto Court, San Luis Obispo, California 93401

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, California 91765–4182

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1184.

SUPPLEMENTARY INFORMATION: This document concerns San Luis Obispo County Air Pollution Control District (SLOCAPCD) Rule 102, Compliance by Existing Installation and Rule 408, Gasoline Specifications, and South Coast Air Quality Management District (SCAQMD) Rule 432, Gasoline Specifications. The SLOCAPCD rule recissions were submitted by the California Air Resources Board (CARB) to EPA on August 1, 1997 and the SCAQMD rule recission was submitted by CARB on September 29, 1998. For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

Dated: September 14, 1999.

Keith Takata,

Acting Regional Administrator, Region IX.

[FR Doc. 99–25305 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC040–2016b; FRL–6449–1]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; GSA Central and West Heating Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the District of Columbia for the purpose of limiting sulfur dioxide (SO_2) emissions at the General Services Administration's Central and West Heating Plants. In the Final Rules section of this **Federal Register**, EPA is approving the District's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct

final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by November 1, 1999.

ADDRESSES: Written comments should be addressed to Walter Wilkie, Acting Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; District of Columbia Department of Public Health, Air Quality Division, 51 N Street, N.E., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Denis Lohman (215) 814–2192, at the EPA Region III address above, or by e-mail at lohman.denny@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: September 21, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 99–25423 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[TN 222–1–9928b; FRL–6448–2]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the section 111(d) Plan submitted by the Tennessee Department of Environment and Conservation (DEC) for the State of Tennessee on January 8, 1999, for implementing and enforcing the Emissions Guidelines applicable to existing Municipal Solid Waste Landfills. The Plan was submitted by the Tennessee DEC to satisfy certain Federal Clean Air Act requirements. In the Final Rules section of this **Federal Register**, EPA is approving the Tennessee State Plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

DATES: Comments must be received in writing by November 1, 1999.

ADDRESSES: Written comments should be addressed to Steven M. Scofield at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit.

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Steven M. Scofield, 404/562–9034.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L&C Annex, 401 Church Street, Nashville, Tennessee 37243–1531, 615/532–0554.

FOR FURTHER INFORMATION CONTACT: Scott Davis at 404/562–9127 or Steven M. Scofield at 404/562–9034.

SUPPLEMENTARY INFORMATION:

See the information provided in the Direct Final action which is located in the Rules section of this **Federal Register**.

Dated: July 28, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 99–25432 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 96–45; FCC 99–204]

Federal-State Joint Board on Universal Service: Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document concerning the responsibilities and potential actions of the Federal-State Joint Board on Universal Service addresses the unique issues that may limit telecommunications deployment and subscribership in the unserved or underserved regions of our Nation, including on tribal lands and in insular areas. The Commission seeks comment on current levels of deployment and subscribership in unserved, tribal and insular areas, including penetration rates, availability of telecommunications services, and possible impediments to increased deployment and penetration. With respect to tribal areas, the Commission seeks comment on issues that may be affecting the availability of universal service in tribal areas, including who has jurisdiction, how eligible telecommunications carriers may be designated, and possible modifications to federal high-cost and low-income support mechanisms that may be necessary to promote deployment and subscribership in these areas.

DATES: Comments are due November 29, 1999 and reply comments are due December 29, 1999.

ADDRESSES: All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW, TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jack Zinman, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking released on September 3, 1999. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW, Washington, DC 20554.

I. Introduction

1. An important goal of the Telecommunications Act of 1996 is to preserve and advance universal service in a competitive telecommunications environment. The 1996 Act mandates that "consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high[-] cost areas, should have access to telecommunications and information services * * *." Congress also directed that the support mechanisms employed by the Commission for this task should be "specific, predictable and sufficient." Through decisions adopted over the past two years, the Commission has been striving to ensure that federal universal service support mechanisms for high-cost areas, low-income consumers, schools and libraries, and rural health care providers, enable consumers to obtain telecommunications services that would otherwise be prohibitively expensive.

2. The absence of telecommunications service in a home puts its occupants at a tremendous disadvantage in today's society. Parents cannot be reached when urgent situations arise at school. Job seekers cannot offer prospective employers a quick and convenient means of communication. People in immediate need of emergency services cannot contact police departments, fire departments, or medical providers. In short, telephone service provides a vital link between individuals and society as a whole. Given the importance of telephone service in modern society, it is imperative that the Commission take swift and decisive action to promote the deployment of facilities to unserved and underserved areas and to provide the support necessary to increase subscribership in these areas.

3. The Commission took additional steps in the Thirteenth Order on Reconsideration, 64 FR 30917 (June 9, 1999), toward realizing Congress's goal of bringing telecommunications services to all regions of the Nation. Specifically, in consultation with the Federal-State Joint Board on Universal Service (Joint Board), we adopted the framework for a new, forward-looking high-cost support mechanism for non-rural carriers. This new high-cost support mechanism is intended to ensure that high-cost areas receive support that is specific, predictable, and sufficient, even as local competition develops. Moreover, we believe that the forward-looking methodology, as opposed to a methodology based on book costs, will encourage efficient entry and investment in high-cost areas because forward-looking costs drive market decisions.

4. In addition to adopting the methodology for the new high-cost support mechanism for non-rural carriers, the Thirteenth Order on Reconsideration also sought comment on certain issues regarding the implementation of the new mechanism. The Commission intends to resolve these implementation issues in the fall of 1999, so that the new high-cost support mechanism will begin providing support to non-rural carriers beginning on January 1, 2000. In addition, the Commission reaffirmed its intention that rural carriers will receive support based on the forward-looking costs of providing supported services, but not before January 1, 2001, and only after further review by the Commission, the Joint Board, and a Rural Task Force appointed by the Joint Board. In the meantime, rural carriers will continue to receive high-cost support based on the existing mechanism until the Commission adopts an appropriate forward-looking mechanism for determining rural support.

5. The Commission has also recognized that, despite the steps it had taken to achieve the universal service goals of the 1996 Act, some areas of the nation remain unserved or inadequately served. In the *First Report and Order*, 62 FR 32862 (June, 17, 1999), the Commission stated that it would revisit certain issues pertaining to the availability of service in unserved areas and universal service support in insular areas. In its *Second Recommended Decision*, 63 FR 67837 (December 9, 1998), the Joint Board recommended that the special needs of unserved areas be investigated and subjected to a more comprehensive evaluation in a separate proceeding. Telephone penetration rates among low-income consumers, and in insular, high-cost, and tribal lands lag behind the penetration rates in the rest of the country. Indeed, while approximately 94.2 percent of all households in the United States have telephone service today, subscribership levels for very low income households (78.3 percent), insular areas, certain high-cost areas, and tribal lands (46.6 percent), are significantly lower than the national average. The Commission has stated that these low penetration rates are largely the result of "income disparity, compounded by the unique challenges these areas face by virtue of their location."

6. The Commission has been particularly concerned that Indians on reservations, in comparison to other Americans, have less access even to basic telecommunications services. In 1998, the Commission began formally examining its relationship with Indian tribes and the unique issues involved in providing access to telephone service for Indians on reservations. As a first step, Commissioners and staff met with many tribal leaders and other Indian representatives to obtain their input. In meetings on April 30, 1998, and July 7, 1998, Commissioners and staff heard from a variety of tribal leaders, tribal telephone company representatives, academics, government personnel, and others with experience and expertise in the deployment of telecommunications services on reservations. Experts discussed problems ranging from geographic isolation to lack of information to economic barriers. These meetings provided an unprecedented opportunity for the Commission to hear about the variety of interrelated obstacles that have resulted in the lowest penetration rates in the country. Following these meetings, several of the experts returned in the fall of 1998, to provide a tutorial on Indian law for Commission staff.

7. Based on this informal dialogue with experts, the Commission determined that it would conduct public hearings to explore further the reasons for the lack of telephone service and to determine what specific actions the Commission could take that would improve access to telephone service on Indian reservations. The hearings, entitled "Overcoming Obstacles to Telephone Service for Indians on Reservations," BO Docket No. 99–11, provided an opportunity to obtain formal testimony and comments on the range of problems the Commission had begun to identify. The first field hearing was held on January 29, 1999 at the Indian Pueblo Cultural Center in Albuquerque, New Mexico. The second field hearing was held on March 23, 1999 at the Gila River Indian Community in Chandler, Arizona. Each hearing consisted of three panels representing tribal authorities and tribal telephone companies, industry, and government and consumer groups. The Commission heard extensive testimony on issues including the costs of delivering services to remote areas having very low population densities; the impact of the size and extent of local calling areas on affordability of service; the quality of telephone service on reservations; the complexities of governmental jurisdiction and sovereignty issues; and the effects on telephone service of low incomes and high unemployment on reservations. Transcripts of the hearings and comments filed by interested parties are

available on the Commission's website. Comments filed in BO Docket Number 99–11 will be incorporated, where relevant, into the record of this proceeding.

8. Further, in connection with each of the field hearings, Commissioners and staff made site visits to Indian reservations and tribally-owned telephone companies. These included visits to the Rosebud Reservation, the Santa Domingo, Jemez, and Picuris Pueblos, and to Saddleback Communications, the Gila River Telephone Company, the Salt River Pima-Maricopa Reservation, the Navajo Nation, the Hopi Reservation, and the Havasupai Reservation. These site visits provided an opportunity for Commissioners and staff to observe firsthand the state of telephone service in these reservations and pueblos and to hear directly from tribal members about their experiences. For example, Commissioners and staff visited the home of an elderly couple who could not afford the cost of installing a telephone in their home. The husband of the couple explained that he was suffering from a chronic illness, but was unable to reach the hospital or his doctor by telephone to schedule medical appointments and discuss his treatment. During another site visit, a tribal member stated that a relative had died during a medical emergency when his family was unable to call an ambulance in time when critical medical attention was needed. In addition, the trips to Saddleback Communications and the Gila River Telephone Company enabled Commission staff to view the successful operations of some tribally-owned telephone companies.

9. In this Further Notice of Proposed Rulemaking (Further Notice), the Commission addresses the unique issues that may limit telecommunications deployment and subscribership in the unserved or underserved regions of our Nation, including on tribal lands and in insular areas. In particular, the Commission seeks comment on current levels of deployment and subscribership in unserved, tribal and insular areas, including penetration rates, availability of telecommunications services, and possible impediments to increased deployment and penetration. With respect to tribal areas, the Commission seeks comment on issues that may be affecting the availability of universal service in tribal areas, including the assignment of jurisdiction, designation of eligible telecommunications carriers, and possible modifications to federal high-cost and low-income support mechanisms that may be necessary to promote deployment and subscribership in these areas. In particular, the Commission seeks comment on the possibility of allowing carriers to establish separate tribal study areas, raising the cap on the high-cost fund to allow for growth based on separate tribal study areas, and revisions to its Lifeline rules. In a companion Notice of Proposed Rulemaking we are adopting today, we seek comment on the potential of wireless technology to provide basic telephone service to tribal lands.

10. With respect to unserved areas, the Commission seeks further comment regarding the implementation of section 214(e)(3) of the Act, which permits the Commission or state commissions to order a carrier to provide service to an unserved community, including the possibility of adopting a competitive bidding mechanism to identify the carrier or carriers best able to serve an unserved area. The Commission also seeks comment on possible modifications to the federal low-income and rural health care support mechanisms in underserved areas, including tribal and insular areas, including the possibility of expanding LinkUp to include facilities based charges, and providing support for intrastate toll-calling and rural health care infrastructure. The Commission seeks comment on rule changes designed to enhance the availability of support for rural health care providers in insular areas, including determining the urban rate and the nearest large city. Through these efforts, we seek to ensure that unserved and underserved areas have access to telecommunications services. With respect to tribal lands, we also seek to ensure that our efforts are consistent with principles of tribal sovereignty, the federal trust relationship, and support for tribal self-determination.

II. Current Levels of Deployment and Subscribership

A. Penetration Rates

11. The Industry Analysis Division of the Common Carrier Bureau publishes a Subscribership Report three times per year. The data in this report is based on the Current Population Survey (CPS), conducted monthly by the Census Bureau to keep track of the unemployment rate and other socio-economic conditions. The survey, however, is based on information from only 50,000 households nationwide and does not identify geographic areas with fewer than 100,000 people. Because many unserved, tribal and insular areas fall below this population threshold, the CPS cannot be used to estimate penetration rates for these areas. In addition, this data does not include areas of the United States that are not states, including Puerto Rico and the Virgin Islands. The long form of the decennial census, which is delivered to millions of households, contains a question about telephone subscribership. As a result, the census data can be used to estimate telephone penetration for smaller geographic areas. This data, however, is collected only every ten years and it takes the Census Bureau one year to compile results.

12. We seek detailed information, to the extent that it is available, on penetration rates in high-cost areas, insular areas, tribal lands, and any other areas considered to be underserved. By the term penetration rate, we mean the percentage of households within a specified area that have telephone service in the housing unit. We seek this information on a national level, on a state-by-state or territory-by-territory level, and on an area-by-area level. To the extent possible, we encourage commenters to provide the following additional information in each of the areas, and on each of the levels, where they measure penetration rates: (1) total population; (2) population density; (3) average annual income; and (4) average unemployment rate. We also ask that commenters briefly explain the methods by which they gather their data (e.g., census data, statistical sampling, etc.). We also seek comment on the difficulty of getting such information, such as the difficulty of mapping a telephone service territory onto the census territories (such as census block groups) because the boundaries may not always coincide, and questions concerning the definitions of the terms "household" and "telephone service."

B. Availability and Cost of Telecommunications Services

13. In each of the areas, and on each of the levels described, we seek to determine the nature of the telecommunications services available and the costs of such services. In particular, we seek comment on the extent to which these areas receive the following service, if any: basic telephone service, services included within the definition of universal service, and/or advanced telecommunications services. We also seek comment on whether any carrier is providing the following services and the approximate number of households served by each service: wireline, wireless, Basic Exchange Telecommunications Radio Systems (BETRS), or other telecommunications

services; cable television; direct broadcast satellite service; other satellite services that provide voice and data, such as those provided through VSAT networks; Internet service; and electric service. In addition, we seek comment on the monthly rate for each of these services. With specific regard to basic telephone service, we seek comment on the average monthly bill for local service, local toll service, and long-distance service.

14. To the extent that underserved, high-cost, insular, and/or tribal lands have basic telephone service, we seek comment on whether the local calling area includes the nearest metropolitan area or other area where the nearest medical, government, cultural or entertainment facilities exist, *i.e.*, the "community of interest." For unserved areas, and in particular tribal lands, we also seek comment to determine whether these areas fall within the designated service area of existing carriers, regardless of whether such carriers are providing service to the area.

15. We seek comment on the extent to which existing facilities currently used to provide other services (*e.g.*, radio broadcast towers, cable television plant, electrical poles and satellite infrastructure) could be adapted to provide the services included within the definition of universal service. We also seek comment on whether specific services included within the definition of universal service could not be provided via these facilities. We seek comment on the extent to which facilities used to provide telecommunications service to customers outside the unserved or underserved areas exist adjacent to or nearby the unserved or underserved areas. In particular, we seek comment on whether railroad tracks, or towers used for the placement of antennas, are found in these adjacent areas. We seek comment on what role the Commission might play in encouraging the use of these other facilities to provide service in underserved areas. For example, we seek comment on whether the Commission, or some other entity, should develop a database to maintain information about facilities that could be used to provide service in currently unserved or underserved areas, including tribal lands and insular areas.

16. We also seek comment on the possible shared use of existing federal telecommunications infrastructure, facilities or other resources, including government rights-of-way, to provide service in unserved or underserved areas, including tribal and insular areas. We seek comment on whether federal telecommunications resources could be made available in the short term to serve as connecting backbone infrastructure for health and safety telecommunications in unserved areas. We encourage federal entities with government owned telecommunications resources, particularly the Bureau of Indian Affairs, to comment on this issue.

17. Individuals from Indian communities, state agencies and the telecommunications industry have commented that satellite and terrestrial wireless systems may represent practical and cost-effective alternatives for providing service in unserved areas, including tribal lands. In the pending 2 GHz proceeding, which proposes policies and rules for licensing and operation of the 2 GHz mobile satellite service (MSS) systems in the United States, the Commission sought comment on incentives and policies to encourage provision of satellite services to unserved, rural, insular or economically isolated areas. The commenters generally support the Commission's tentative conclusion that satellites represent an excellent technology for providing basic and advanced telecommunications services to unserved areas, including tribal lands. Several commenters stated that the Commission should take positive steps to encourage access to Universal Service Funds by satellite operators or service providers. Several commenters also requested that the Commission should identify express and implicit regulatory provisions that may prevent satellite providers from seeking universal support subsidies and reform those provisions, or forbear from imposing these provisions, so that MSS providers can fully participate in the Universal Service Support initiative.

18. Satellite networks, used either on a stand alone basis or in combination with a terrestrial wireless network, may offer a cost advantage over wireline or other alternatives in remote areas where a limited population may not provide the economies of scale to support the deployment of wireline or other networks for each community. Because satellites have large coverage areas, and in many cases, can reach an entire nation, satellite providers may achieve greater economies of scale in serving isolated areas since the costs of deployment could be spread across a number of communities. The basic build-out required to obtain satellite service is for earth stations to transmit and receive satellite signals. We seek comment on why satellite or terrestrial wireless systems have not been used more extensively to serve these areas. Specifically, we seek comments regarding the particular characteristics of satellite or terrestrial wireless systems that render these technologies suited for serving unserved areas, the costs associated with deployment, the availability of federal universal service support, and any other impediments to deployment. To the extent that costs deter satellite and terrestrial wireless deployment, we seek comment on what actions the Commission should take to support the establishment and maintenance of satellite and terrestrial wireless services. We ask parties to comment on whether specific aspects of our universal service rules may deter both current and future satellite services providers from providing service to rural, insular, and other unserved communities, and what specific steps the Commission can undertake to encourage the use of universal service support by satellite service providers. We also seek comment on any other actions the Commission should take to encourage the deployment of the most cost-effective, practical solution in these geographically extreme areas.

C. Impediments to Increased Penetration

19. In addition to identifying impediments to increased penetration rates, we also ask commenters to discuss potential solutions for overcoming those impediments. We do not reach tentative conclusions on any of the proposals discussed. Instead, we seek comment on the need for the Commission to address the specific concerns set forth and the costs and benefits of the proposals discussed. We seek comment on how the Commission should measure its success in satisfying the mandate in the 1996 Act that consumers in all regions of the nation have access to telecommunications services. We seek comment on what measure we could use, other than penetration rates, to evaluate our success in achieving this goal.

1. Demographic Factors

20. We ask commenters to supply data for high-cost, insular, and tribal lands regarding: (1) total population; (2) population density; (3) average annual income; and (4) average unemployment rate. Bureau of Census data indicates that income and education levels greatly affect telephone penetration rates and that geographic location can also make a difference. In this section, we seek specific comments on how these demographic factors affect penetration rates. For example, do income levels have a greater effect on penetration rates than population density? Do the

combined effects of low income and low population density have an exponential effect on penetration rates? We seek comment on whether other demographic factors significantly affect penetration rates in high-cost, insular, and tribal lands, *e.g.*, education levels.

2. Geographic Factors

21. One of the more obvious explanations for low penetration rates in high-cost, insular, and tribal lands is that these areas are unusually expensive to serve. Distance appears to be one reason line extension charges are so high. During the New Mexico and Arizona Field Hearings, several tribes testified about the remoteness of their locations and the challenges that remote locations presented in terms of telecommunications services. For example, in 1997, the Navajo Communications Company issued 72 line extension charge estimates that averaged more than $40,000, including eight over $100,000 and one over $157,000. The cost for installation of a line on the Salt River Pima-Maricopa Indian Community (located in the heart of metropolitan Phoenix) is $5,000. We seek comment on the general terrain, including the existence of mountains, plains, swamps, water, plateaus, canyons, etc., that create challenges in providing telecommunications services. We also seek comment on the extent to which the absence of necessary infrastructure, for example roads or electrical capacity, constitutes a barrier to deployment in rural, insular, high-cost, and tribal lands.

3. Financial Factors

22. We seek comment on whether difficulties in obtaining access to financing limits the ability of carriers to provide service in unserved or underserved rural, insular, high-cost, and tribal lands. We seek comment on any specific provisions in loan agreements that serve to deter deployment in these areas. We also seek comment on any measures the Commission could take that would diminish the risks faced by investors and would enhance the ability of carriers to attract financing necessary to provide service in unserved or underserved rural, insular, high-cost, and tribal lands. We also seek comment on the availability and utility of existing programs that may provide funding and assistance to carriers seeking to provide telecommunications service in unserved areas and underserved areas, including tribal and insular areas, including whether the availability of existing sources of funding and assistance is adequately publicized.

4. Cultural Factors

23. We seek comment on the extent to which cultural values or lifestyle preferences deter consumer interest in subscribing to telecommunications services in unserved or underserved areas. For example, we seek comment on whether concerns about cultural preservation, religion, identity, and values may affect the willingness of tribal authorities to allow or promote the availability of telecommunications services in their communities. Similarly, we seek comment on whether there are a significant number of individuals that simply do not want telecommunications services because of personal lifestyle choices. We also seek comment on the extent to which carriers justify the lack of deployment in unserved or underserved rural, insular, high-cost, and tribal lands based on concerns for cultural preservation and whether these concerns are legitimate. In addition, we seek comment on whether the Commission's efforts to promote deployment and subscribership in unserved and underserved areas should be constrained by the cultural choices expressed by tribal authorities or other local leadership.

5. Regulatory Factors

24. We seek comment on impediments imposed by various laws, regulations or practices that may deter carriers from providing service to unserved or underserved areas, including federal, state, tribal or insular authorities.

25. *Federal Regulatory Impediments.* We seek comment on the current process for obtaining access to rights-of-way on tribal lands and to what extent this process deters carriers from providing service on tribal lands. Under the Right-of-Way Act of 1948, there are three critical components for obtaining rights-of-way over tribal land: (1) the Secretary of the Interior through the Bureau of Indian Affairs must grant the easement for the right-of-way; (2) compensation of not less than fair market value, as determined by the Secretary, plus severance damages must be paid to the property owner; and (3) tribal consent must be obtained. The first of these requires a service provider to undergo environmental assessments and secure cultural and archaeological clearances from the Bureau of Indian Affairs. The second component requires the service provider to obtain the standard appraisal it would for any easement but under standards set by Bureau of Indian Affairs. Finally, the service provider must also meet any conditions imposed by the particular tribe because the tribe has the ultimate authority to accept or reject the right-of-way. Carriers have indicated that this process is a significant barrier to entry. Tribal authorities have expressed concern about the ability of carriers to use existing rights-of-way to establish new terrestrial networks without obtaining the consent of the tribal authority. In addition, carriers and tribal authorities appear to have concerns concerning appropriate compensation for use of rights-of-way in tribal lands. To the extent rights-of-way management issues pose a barrier to entry on tribal lands, we seek comment on what role, if any, the Commission could play in addressing these issues.

26. We also seek comment on whether any aspect of our universal service rules deters carriers from providing service to unserved and underserved areas. For example, does the definition of supported services deter terrestrial wireless or satellite service providers from providing services in these areas? In our ongoing proceeding to reform the high-cost universal service support mechanism for non-rural carriers, several parties representing rural carriers have filed comments asking that we adjust or eliminate the cap on the high-cost loop fund to coincide with the anticipated transition of non-rural carriers to a new forward-looking support mechanism on January 1, 2000. We observe that the cap on the existing high-cost fund properly allows for growth based on the rate of growth in the total number of working loops nationwide. We also observe that carriers do invest in facilities in an amount greater than that which is supported through federal universal service support mechanisms. We seek comment regarding the extent to which the interim cap on the high-cost fund is a factor contributing to the lack of deployment in unserved areas, including tribal and insular areas.

27. We comment on whether existing LATA boundaries prevent calls from unserved or underserved areas, including tribal lands, to the nearest metropolitan area or community of interest from being included in local service. We seek comment on any other federal rules or Commission regulations which may deter carriers from providing service to unserved or underserved areas. We also observe that issues specific to wireless providers will be addressed in a separate proceeding.

28. *State Regulations.* We also seek comment on regulations or actions at the state level that may impact deployment and subscribership in unserved and underserved areas. We seek comment on the extent to which

statewide rate-averaging requirements or limited local calling areas may make the costs of telecommunications service unaffordable to low-income consumers living in unserved or underserved areas. We also seek comment on existing state programs designed to ensure that rates in remote and tribal lands are affordable.

29. *Tribal/Insular Regulatory Impediments.* We seek comment on any regulations or requirements imposed by tribal or insular authorities that may deter entry in tribal lands or in insular areas. For example, we seek comment on whether local governments own or operate the local exchange carrier in their areas and what impact this may have on competitive entry from other cost-effective wireline, terrestrial wireless, or satellite service providers. We seek comment on whether government ownership or operation affects the provision of services supported by universal service mechanisms in these areas. We seek comment on any ownership or employment requirements imposed by tribal authorities that may impair the ability of carriers to provide service and/or compete with tribally-owned carriers. For example, we seek comment on the extent to which tribes require an ownership interest in a carrier as a prerequisite to allowing the carrier to provide service on tribal lands. We seek comment on the impact such requirements may have on the deployment of telecommunications facilities and services on tribal lands.

III. Tribal Lands

30. For our universal service support mechanisms to be effective on tribal lands, we seek to promote active involvement and collaboration between the Commission and tribal authorities. As a general matter, we seek comment on how we can increase Indian participation in the Commission's decision-making process. At a more specific level, we seek comment throughout this section on issues unique to tribal lands that may affect the goals and incentives of federal universal service support mechanisms and consider additional, targeted assistance the Commission may want to provide to promote deployment and subscribership on tribal lands. As described, the trust relationship between the federal government and Indians as well as principles of tribal sovereignty suggest that the federal government may have the authority to implement particularized measures to address the factors causing the unusually low subscribership on tribal lands. We emphasize that these proposals are not meant to imply that the states have not, or will not, do their share in promoting the availability of universal service on tribal lands. In fact, many states have made significant efforts in this area. We commend them for doing so and we encourage them to continue. In this proceeding, however, we consider measures the Commission may take to fulfill its obligation to address telecommunications needs on tribal lands.

A. Jurisdiction

1. Issues for Comment

31. We recognize that principles of Indian law, including the trust relationship between the federal government and Indian tribes, tribal sovereignty, and tribal self-determination, must apply with equal force in the area of telecommunications. With respect to telecommunications services provided by tribal carriers on or off the reservation or by non-tribal carriers within tribal lands (all of which are referred to jointly as "tribal telecommunications") the parameters of federal, state and tribal authority, however, are not always clear. The Supreme Court, itself, has acknowledged that "generalizations on this subject have become treacherous." Nonetheless, some of the proposals presented in this Further Notice necessitate an effort to evaluate these jurisdictional relationships. In this Further Notice, we seek comment to determine how best to give effect to principles of Indian law in the context of rule changes intended to benefit unserved and underserved tribal lands.

32. *State Jurisdiction.* Three of the proposals detailed later in this Further Notice deal with provisions of sections 254 and 214 of the Act, and of our existing rules that are triggered when the state lacks jurisdiction over a carrier providing telephone exchange or access service in a particular area. First, the determination of whether a state has jurisdiction over a common carrier providing telephone exchange service and exchange access is key in determining whether the Commission is required to designate telecommunications carriers as eligible to receive federal universal service support in high-cost areas. Second, in unserved areas where the state lacks jurisdiction the Commission, pursuant to section 214(e)(3) shall determine which common carrier or carriers are best able to provide service. Third, we propose that revisions to our Lifeline rules to address the situation faced by carriers not subject to state jurisdiction.

33. The issue of the extent to which tribal authorities or state governments have authority to regulate activities occurring on tribal lands, whether by tribal members or not, has a long and complex legal history, involving considerations of whether state regulation is preempted by federal regulation, whether state regulation is consistent with tribal sovereignty and self-determination, and whether tribes have consented to state jurisdiction, either in treaties or pursuant to the Indian Civil Rights Act of 1968. In addition, Indian law jurisprudence finds state law generally inapplicable when states attempt to regulate the conduct of Indians directly within reservation boundaries.

34. We recognize that some state commissions have asserted jurisdiction over carriers seeking to provide service on tribal lands and regulate certain aspects of the provision of telecommunications service on tribal lands. We seek comment, in particular from state commissions as well as any other interested parties, concerning the extent of state and tribal regulation of telecommunications provided on tribal lands and by tribally-owned or operated carriers. In particular, we seek comment on the appropriate jurisdictional authority in the following situations: (1) tribally-owned or operated carriers providing service within the reservation (a) to tribal members, (b) to non-tribal members, and (c) to non-tribal members living on non-native fee lands (within the reservation); (2) non-tribally owned or operated carriers offering service both inside and outside of the reservation; and (3) tribally-owned or operated carriers offering service outside of the reservation. We refer parties commenting on these issues to the various ways in which tribal lands could be defined, as discussed, and seek comment on how these definitions inform the jurisdictional analysis requested in this section.

35. In addition, we seek comment on the jurisdictional treatment of the following geographic entities, as classified by the Bureau of the Census: (1) American Indian Reservations, which are areas with boundaries established by treaty, statute and /or executive or court order; (2) Trust Lands, which are real property held in trust by the federal government that is associated with a specific American Indian reservation or tribe and which may be located within or outside the reservation; (3) Tribal Jurisdiction Statistical Areas, which are delineated by those Federally-recognized tribes in Oklahoma that no longer have a reservation; (3) Tribal Designated

Statistical Areas, which encompasses federally and state-recognized tribes without reservation or trust lands; (4) Alaska Native Regional Corporations, which are corporate entities established under the Alaska Native Claims Settlement Act of 1972 (ANCSA) to conduct the commercial and nonprofit business of Alaska Natives; and (5) Alaska Village Statistical Areas, which are tribes, bands, clans, groups, villages, communities, or associations in Alaska that are recognized pursuant to the ANCSA.

36. We seek comment on whether there are any other kinds of tribal relationships that would inform our jurisdictional analysis. We seek comment on whether the state commission has jurisdiction over telecommunications in the situations described, the legal authority for such jurisdiction (*e.g.* the state constitution, state statute, Indian treaty, etc.); and the extent to which the particular state commission exercises that jurisdiction. We also seek comment on the existence of any concurrent jurisdiction.

37. In addition, we observe that wireline telephone calls between Indian tribal lands and the state in which tribal land is located are currently treated as intrastate calls, subject to state jurisdiction. We seek comment on whether this treatment is consistent with principles of tribal sovereignty and the Indian law jurisprudence regarding the limits of state authority, referenced. We also seek comment on whether the treatment of these calls as intrastate is consistent with the division of jurisdiction between the Commission and the states under section 2 of the Act. We seek comment as well on the need, impact, and Commission's authority to reclassify these calls as interstate for the purpose of giving effect to principles of tribal sovereignty.

38. We observe further that state jurisdiction may be preempted by the operation of federal law "if it interferes with or is incompatible with federal and tribal interests reflected in federal law, unless the state interests at stake are sufficient to justify the assertion of state authority." An express Congressional statement of preemption is not required. Instead, a preemption analysis "requires a particularized examination of the relevant state, federal and tribal interests." We seek comment on state interests in regulating telecommunications on tribal lands, including the ability to ensure reasonable rates, quality service, and the continued viability of local exchange carriers (LECs). We also seek comment from each tribal government, and any other interested parties, on the extent to which the state's exercise of jurisdiction over telecommunications on tribal lands and over tribal carriers that serve areas both inside and outside Indian sovereign territory is warranted.

39. *Tribal Regulation.* We seek comment from each tribal government, and any other interested parties, on the extent of tribal authority over regulation of telecommunications on tribal lands. As a threshold matter, we note that the Commission has previously spoken to some aspects of this issue in the *A.B. Fillins Order,* in which the Commission considered the extent of tribal regulatory authority over the provision of cellular service within a tribal reservation. In that order, the Commission held that under well-settled case law, the Communications Act applies with equal force to tribal reservations as to other areas, and that the Commission has sole authority under Title III of the Act with respect to management and licensing of radio spectrum in tribal areas. The Commission also concluded, however, that the Communications Act does not preempt tribal authority over access by telecommunications carriers to tribal lands, because the provisions of the Act that preempt state and local impediments to entry do not apply to tribal authorities.

40. In light of this statutory framework, we seek comment on the current extent to which tribal authorities have engaged in telecommunications regulation and on any future plans of tribal authorities to regulate telecommunications in tribal areas. We seek comment on the extent to which tribal authorities consider regulation of tribal telecommunications important to the right to self-government and self-determination. We also seek comment on whether tribal authorities should be considered as comparable to state authorities for purposes of regulating telecommunications services, and the degree to which the federal-tribal relationship on communications matters is similar or dissimilar to the federal-state relationship. Finally, while we have determined in the *A.B. Fillins Order* that tribal authorities are not subject to preemption under provisions of the Act applicable to state and local governments, we seek comment on what authority, if any, the Commission has to preempt tribal regulations that may be inconsistent with our federal regulatory scheme.

41. *Tribal Self-determination and Universal Service Goals.* We seek comment to determine how principles of Indian law and federal support for tribal self-determination affect the Commission's statutory mandate to ensure that consumers in all regions of the nation have access to the services supported by federal universal service support mechanisms. Pursuant to the Act, the Commission is bound by its statutory mandate to promote the availability of the services supported by federal universal service support mechanisms in all regions of the Nation. We seek comment on whether this statutory obligation is affected or constrained by any contrary interests, for cultural or other reasons, of certain tribal authorities. We seek comment, in particular from tribal authorities, to ascertain whether tribal authorities share the goals established by the 1996 Act, which the Commission is bound to implement. We seek comment on the extent to which tribal authorities seek to promote the availability of telecommunications services and competition among telecommunications providers.

42. We also seek comment on whether the services supported by federal universal service support mechanisms are consistent with the interests of tribal authorities in promoting service in tribal lands. We recognize that some tribal authorities may prefer a different mix of services to be supported. For example, some tribes may prefer support for terrestrial wireless or satellite services, rather than wireline services. Other tribes may want to prioritize the ability for each member to receive basic telecommunications service, rather than the entire package of services included in the definition of universal service. We seek comment on whether the Commission has the authority to and whether it should develop a procedure by which the Commission, the Joint Board and the sovereign Indian tribes could identify a single alternative definition of the services supported by federal universal service support mechanisms in tribal lands. We seek comment on additional administrative burdens that would be associated with implementing this procedure.

B. Defining "Tribal Lands"

43. The definition we adopt of "tribal lands" will be used to identify those areas in which, for reasons based on principles of Indian sovereignty, the Commission seeks comment to determine whether possible modifications to our federal universal service policies and rules may be warranted. In defining tribal lands, we seek to ensure that we limit the reach of these proposals to those areas in which principles of tribal sovereignty and tribal self-determination apply. We also seek to balance the reasonable exercise

of federal jurisdiction with appropriate deference to state sovereignty and jurisdiction.

44. We seek comment on defining tribal lands as all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation. Alternatively, we seek comment on defining tribal lands to have the same meaning as the term "Indian country," as that term is defined by the Bureau of Indian Affairs. "Indian country" means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

45. In addition, we seek comment on whether the geographic entities, as classified by the Bureau of the Census, should be included in the definition of tribal lands: (1) American Indian Reservations, which are areas with boundaries established by treaty, statute and/or executive or court order; (2) Trust Lands, which are real property held in trust by the federal government that is associated with a specific American Indian reservation or tribe and which may be located within or outside the reservation; (3) Tribal Jurisdiction Statistical Areas, which are delineated by those Federally-recognized tribes in Oklahoma that no longer have a reservation; (4) Tribal Designated Statistical Areas, which encompasses federally and state-recognized tribes without reservation or trust lands; (5) Alaska Native Regional Corporations, which are corporate entities established under the ANCSA to conduct the commercial and nonprofit business of Alaska Natives; and (6) Alaska Village Statistical Areas, which are tribes, bands, clans, groups, villages, communities, or associations in Alaska that are recognized pursuant to the ANCSA.

46. We observe that, with the exception of the first category, American Indian Reservations, the listed classifications used by the Bureau of the Census would not be encompassed in a definition of tribal lands that is limited to "all land within the limits of any Indian reservation under the jurisdiction of the United States Government." We recognize that tribes encompassed by these classifications may face obstacles in obtaining telecommunications services that are similar to those faced by tribes in living in American Indian Reservations. Commenters supporting the inclusion of any of these categories should explain the source of the Commission's authority to implement the additional measures proposed in this item with respect to these areas, including noting any jurisdictional arguments provided in response to questions raised.

C. High-Cost Support Mechanisms

1. Federal Share of High-Cost Support

47. As discussed, because the trust relationship creates a unique relationship between the federal government and Indian tribes, the federal government may have authority to undertake additional measures to promote deployment and subscribership on tribal lands and to provide universal service support necessary to offset the particular challenges facing these areas. With respect to high-cost support on tribal lands, we seek comment on the extent to which states currently support the costs of universal service in tribal lands and whether the Commission should provide an additional portion of the universal service support calculated by the federal support methodology in high-cost, tribal lands. For instance, with regard to the forward-looking high-cost support mechanism for non-rural carriers, we seek comment on whether, rather than providing support for costs that exceed both a national cost benchmark and the individual state's resources to support those costs, the mechanism should provide support for all costs in unserved tribal lands that exceed the national benchmark.

2. Separate Study Areas Option for Tribal Lands

48. In order to provide additional high-cost support to tribal lands, we seek comment on modifications to our study area rules. Our study area rules provide a mechanism through which the Commission has controlled the growth of the high-cost universal service support mechanism. Universal service support for high-cost areas is determined on the basis of average loop costs throughout a study area. Averaging costs on a study-area wide basis spreads the burden of serving high-cost areas among all of the telecommunications subscribers in that study area. As a result, however, carriers with relatively low average loop costs in a particular study area receive no support for serving additional customers in a high-cost portion of that study area if the loop costs in the high-cost portion do not raise the overall average loop costs for the study area above a specific national benchmark, currently 115% of the national average cost per loop. By freezing study area boundaries, the Commission sought to eliminate incentives for carriers to place high-cost exchanges in separate study areas in order to receive additional support for providing service to those study areas. As a result of these two policies, however, certain carriers may experience strong financial disincentives to serving unprofitable high-cost customers in their study areas and other carriers may lack incentives to purchase those unserved exchanges.

49. In order to promote the deployment of universal services on tribal lands, we seek comment on modifying our rules to permit carriers to treat tribal lands as a distinct study area. We seek comment on whether, by providing an exception to our study area rules, we can eliminate regulatory requirements that may deter carriers from serving high-cost, tribal lands. For example, one option may be that the tribal study area for a carrier will consist of all of the tribal lands served by the carrier within the borders of a single state. This means that carriers may have a tribal study area in each state in which it provides service on tribal lands. We seek comment on whether the tribal study area should include all of the tribal lands in a state (rather than, for example, a single nationwide tribal study area) because states use study areas for purposes of determining intrastate revenue requirements.

50. We emphasize that the proposal to allow tribal study areas is not related to the issue of the area over which costs are averaged to determine support using the new high-cost mechanisms, which is pending in the high-cost proceeding. We seek comment on how allowing a separate tribal study area could affect whether the carrier serving that area falls within the statutory definition of a rural carrier for providing service to that area. If a carrier designates the tribal lands within a state as a separate study area, the number of access lines or inhabitants in that newly created study area may qualify the carrier as a rural carrier with respect to that study area. We seek comment on whether this may result in some carriers, currently designated as non-rural, being considered rural for purposes of receiving universal service support in certain tribal study areas.

3. Interim Cap on the High-Cost Fund

51. In the *First Report and Order*, the Commission concluded that it would maintain the cap on the existing high-cost loop support mechanism until all carriers receive support based on the new high-cost funding mechanism. The cap on the high-cost loop fund was initially intended as an interim measure. Commission rules require that if total support, based on each carrier's actual costs, is above the total allowed capped amount, each recipient of high-cost loop support will receive a reduced amount of support to keep the total fund at the capped amount. The cap has served its purpose in controlling excessive growth in the size of the fund during the past six years as the Commission has reformed its universal service support mechanisms. We have stated that the rural carriers will receive support based on the new high-cost funding mechanism no earlier than January 1, 2001. The Commission has not established a timetable for moving rural carriers to a forward-looking high-cost support mechanism. Rather, this undertaking is on hold pending the Rural Task Force making its recommendation to the Joint Board; the Joint Board may recommend that the Commission conduct further proceedings on certain issues.

52. Allowing carriers to designate separate tribal study areas, as proposed, could mean that additional carriers may be entitled to a portion of the high-cost support fund. We seek comment on the need for the Commission to provide additional high-cost support under the existing mechanisms to tribal lands. In order to do so, the Commission may either lift the cap on the high-cost fund to allow for growth in the size of the fund attributable to the separate study area proposal or reallocate the existing funds among the expanded category of recipients. We seek comment on these options. We also seek comment on any other options that may assist the Commission in achieving the goal of targeting additional federal high-cost support to tribal lands.

D. Revisions to Lifeline

53. The Commission's Lifeline support program for low-income consumers is designed to reduce the monthly billed cost of basic service for low-income consumers, which we anticipate will increase telephone penetration. Lifeline provides carriers with three elements of universal service support. The support must be passed through to each qualifying low-income consumer by an equivalent reduction in his or her monthly bill for telephone service. All carriers receive a baseline amount of $3.50 per month per Lifeline customer in the form of a waiver of the federal subscriber line charge (SLC). An additional $1.75 per month is available per Lifeline customer if "the state commission approves an additional reduction of $1.75 in the amount paid by consumers * * *" Finally, carriers can receive federal matching funds of fifty percent of the amount of state Lifeline support, up to a maximum of an additional $1.75 per month, as long as the entire amount is passed on to subscribers. Federal Lifeline support per qualifying low-income consumer is capped at $7.00 per month.

1. State Commission Approval

54. The Commission has received petitions for waiver of our Lifeline rules to allow carriers not subject to the jurisdiction of a state commission to receive the second tier of federal support where no regulations issued by local authorities (including state commissions and tribal authorities) exist that would prevent an equivalent reduction in the monthly telephone bills of qualifying low-income consumers. In drafting our rule, we did not consider the situation faced by carriers not subject to the jurisdiction of a state commission. Based on these waiver petitions, it appears that our rule has given rise to certain situations that we did not anticipate. The requirement of state consent prior to making available the second tier of federal Lifeline support was intended to reflect deference to the states in such areas of traditional state expertise and authority. We did not intend to require carriers not subject to state commission jurisdiction to seek either state commission action or a Commission waiver in order to receive the additional $1.75 available under federal support mechanisms, where that additional support would be passed through to consumers. For these reasons, we propose to modify our rule to state that an additional $1.75 per qualifying low-income consumer will be provided to the carrier where the additional support will result in an equivalent reduction in the monthly bill of each qualifying low-income consumer. This proposed revision maintains deference to the state commission because the additional support will not be provided where a state commission with jurisdiction to do so has not permitted an equivalent reduction in the consumer's bill. The proposed revision is intended to eliminate the need for carriers not subject to the jurisdiction of a state commission to seek state commission action or a Commission waiver. We seek comment on the proposed revision.

2. Federal Support on Tribal Lands

55. In addition, in keeping with principles of tribal sovereignty, we seek comment on modifying our rule to provide that the third tier of federal support, a maximum of $1.75 per month per low-income consumer, is available to customers on tribal lands. As described, the federal government has a special trust relationship with Indian tribes, and this entails special responsibilities, particularly where tribal reservations appear to be particularly disadvantaged by a lack of important resources, like telecommunications. With respect to tribal lands, we seek comment on the extent to which states currently provide the support necessary to qualify for matching funds for the third tier of Lifeline support. We also seek comment on whether the federal government, in light of its trust relationship with Indian tribes, should provide carriers serving tribal lands the third tier of Lifeline support, $1.75 per qualifying Lifeline customer, as long as all such Lifeline customers receive an equivalent reduction in their bills. Unlike in other areas, this federal support amount would not be contingent upon the state in which the tribal lands are located providing support.

3. Amendments to Consumer Qualification Criteria

56. We seek comment on whether the Commission should expand the consumer qualifications for Lifeline assistance to ensure that low income consumers on tribal lands are able to participate fully in the Lifeline assistance program. Under our current rules, in states that provide intrastate matching funds, a consumer must meet the criteria established by the state commission to receive federal Lifeline support. In most states, a consumer can meet the criteria by demonstrating or certifying that he or she participates in one of several narrowly targeted low income assistance programs. We are concerned that some state commissions have established Lifeline criteria that may inadvertently exclude low income consumers on tribal lands because the criteria do not include low income assistance programs that are specifically targeted toward Indians living on tribal lands. Similarly, in those states that do not provide intrastate matching funds (and thus do not establish the consumer qualifications for Lifeline participation), a consumer seeking Lifeline support must certify his or her participation in one of the following Commission-

designated low income assistance programs: Medicaid; food stamps; Supplemental Security Income; federal public housing assistance; or Low-Income Home Energy Assistance Program.

57. We seek comment on how the Commission might expand the consumer qualifications for Lifeline support to enable low income consumers on tribal lands to participate in the Lifeline assistance program. In particular, we seek comment about whether we should amend our rules to allow low income consumers on tribal lands to qualify for Lifeline support by certifying their participation in additional means tested assistance programs, such as the programs administered by the Bureau of Indian Affairs or Indian Health Services. We encourage commenters to indicate whether there might be other suitable criteria—based solely on income or factors related to income—that should be used to determine qualification for low income members of tribal lands. We ask commenters to indicate whether providing Indians living on tribal lands with greater access to Lifeline assistance might increase incentives for eligible telecommunications carriers to serve these tribal lands. Finally, we seek comment on whether the Commission could apply any new criteria specifically targeted to low income Indians living on tribal lands both to states that do not provide matching funds and states that do provide such funds.

IV. Designating Eligible Telecommunications Carriers Pursuant to Section 214(e)(6)

58. Pursuant to section 254(e) of the 1996 Act, not all telecommunications providers are eligible for federal universal service support. For purposes of the universal service support mechanisms for high-cost areas and low income consumers "only an eligible telecommunications carrier designated under section 214(e) shall be eligible" to receive federal universal service support. To be designated as an eligible telecommunications carrier, a carrier must:

> (A) offer the services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and
>
> (B) advertise the availability of such services and the charges therefor using media of general distribution.

59. Under section 214(e), the primary responsibility for designating a prospective carrier as an eligible telecommunications carrier lies with the state commission. In a situation where there is no common carrier willing to provide supported services to an unserved community that requests such services, section 214(e)(3) states that:

> [T]he Commission, with respect to interstate services * * * or a State commission, with respect to intrastate services, shall determine which common carrier or carriers are best able to provide such service to the requesting unserved community or portion thereof and shall order such carrier or carriers to provide such service for that unserved community or portion thereof.

In the event that a common carrier is not subject to the jurisdiction of a state commission, section 214(e)(6) authorizes the Commission, upon request, to designate the carrier as an eligible telecommunications carrier, for a service area designated by the Commission, if the carrier meets the qualifications for eligible telecommunications carrier status.

60. Section 214(e) of the Act states that only an "eligible telecommunications carrier" designated under section 214(e) shall be eligible to receive federal universal service support. Pursuant to section 214(e)(2) and (e)(5) of the Act, state commissions are generally responsible for designating eligible telecommunications carriers and for designating service areas for such carriers. Initially, section 214(e) did not include a provision for designating carriers not subject to the jurisdiction of a state commission. The Act was amended in 1997 to address this "oversight." Section 214(e)(6) authorizes the Commission to designate as an eligible telecommunications carrier "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State Commission." We tentatively conclude that, by adding section 214(e)(6), Congress sought to ensure that carriers serving all regions of the United States have access to a mechanism that will allow them to be designated as eligible telecommunications carriers, if they meet the statutory requirements. Recognizing that the designation of eligible telecommunications carriers is primarily a state commission function, Congress granted this Commission the authority for this task in the event that a carrier is not subject to the jurisdiction of a state commission.

61. Although some of the legislative history of section 214(e)(6) focuses on the ability of tribally-owned carriers to be designated as eligible telecommunications carriers, the statutory language and other legislative history is not so limited. The other legislative history states that "the intent of this bill is to cover such situations where a State commission lacks jurisdiction over a carrier, in which case the FCC determines who is eligible to receive federal universal service support." The legislative history also makes clear that "nothing in this bill is intended to impact litigation regarding jurisdiction between State and federally recognized tribal entities" or to "expand or restrict the existing jurisdiction of State commissions over any common carrier or provider in any particular situation." In the following paragraphs, we seek comment on how section 214(e)(6) should be interpreted and implemented with respect to carriers (whether tribally owned or otherwise) that provide telecommunications services to tribal areas.

62. First, however, we seek comment identifying other situations in which carriers providing telephone exchange and exchange access services to areas other than tribal lands are not subject to state commission jurisdiction and thus must seek designation as eligible telecommunications carriers from the Commission. In this context, we seek comment on whether the Commission, rather than state commissions, has the jurisdiction to designate terrestrial wireless or satellite carriers as eligible telecommunications carriers. If such carriers submit applications for designation pursuant to section 214(e)(6) during the pendency of this proceeding, we will consider them on a case by case basis in light of the statutory language and the showings made by the affected parties. We also note that our analysis of the scope of the designation provision of section 214(e)(6) is not intended to affect any other decision with respect to the authority of state commissions or tribal authorities to regulate telecommunications on tribal lands or over terrestrial wireless or satellite carriers.

63. The statutory language of section 214(e)(6) is ambiguous with respect to when the Commission's authority to designate eligible telecommunications carriers is triggered. It is not clear whether the Commission's authority is triggered when a carrier is not subject to the jurisdiction of a state commission or when the service or access the carrier provides is not subject to the jurisdiction of a state commission. Thus, the initial question in interpreting section 214(e)(6) with respect to the provision of telecommunications service

in tribal lands is under what circumstances the Commission may designate carriers as eligible telecommunications carriers. The title of section 214(e)(6), "Common Carriers not Subject to State Commission Jurisdiction," suggests that the triggering inquiry is whether the carrier is subject to state commission jurisdiction. We tentatively conclude, however, that the better interpretation of section 214(e)(6) is that the determination of whether a carrier is subject to the jurisdiction of a state commission depends in turn on the nature of the service provided (*e.g.* telephone exchange or access service provided by wire, satellite or terrestrial wireless) or the geographic area in which the service is being provided (*e.g.* tribal lands). This interpretation is supported by the legislative history of section 214(e)(6). Representative Tauzin stated that "S.1354 makes a technical correction to the Act that will make it possible for telephone companies serving *areas* not subject to the jurisdiction of a State Commission, to be eligible to receive federal Universal Service support." Our tentative conclusion that the nature of the service or the geographic area in which the carrier provides it should be the basis for distinguishing between the designation authority of the Commission and state commission under section 214(e)(6), is consistent with other provisions of the Act. Section 2 of the Act similarly distinguishes between federal and state jurisdiction over telecommunications services based on the geographic area in which the service is provided. Section 332(3) of the Act limits state authority on the basis of the service provided (*i.e.* commercial and private mobile service). We seek comment on this analysis and on any other factors which may be relevant to this determination.

64. Our next question then is under what circumstances are telecommunications carriers providing telecommunications services on tribal lands subject to state commission authority? We seek comment on the extent to which a state commission has jurisdiction over tribally-owned carriers seeking to provide telecommunications service on tribal lands and over non-tribally-owned carriers seeking to provide such service on tribal lands. The answer to these questions will determine whether the Commission may designate carriers seeking to provide service on tribal lands as eligible telecommunications carriers. With respect to tribally-owned carriers seeking to provide telecommunications service on tribal lands, we note that state law is generally inapplicable when states attempt to regulate the conduct of tribal members directly within reservation boundaries, except in "exceptional circumstances." We seek comment on whether, for the purpose of eligible telecommunications carrier designation, tribally-owned carriers providing telecommunications services within tribal reservations would be subject to state regulatory authority.

65. We further recognize that when states seek to regulate non-tribal members and their activities conducted within a reservation, the appropriateness of the state's assertion of regulatory authority is determined by a "particularized inquiry" into the nature of the state, federal, and tribal interests at stake. Specifically, the analysis turns "on whether state authority is pre-empted by the operation of federal law; and '[s]tate jurisdiction is pre-empted * * * if it interferes or is incompatible with federal and tribal interests reflected in federal law, unless the state interests at stake are sufficient to justify the assertion of state authority.' The inquiry is to proceed in light of traditional notions of Indian sovereignty and the congressional goal of Indian self-government, including its 'overriding goal' of encouraging tribal self-sufficiency and economic development." We recognize that this inquiry is a particularized one, and thus specific to each state and the facts and circumstances surrounding the provision of telecommunications services by non-tribal members within those tribal lands. However, we seek comment on whether there are any general federal, state and tribal interests at stake which might inform the inquiry and help provide general guidance on the proper boundaries of state authority in this case. Specifically, we seek comment on the federal government's interest in assuming authority over the designation of eligible telecommunications services, and the extent to which state authority would be preempted by the operation of federal law—namely section 214 or other relevant provisions or other federal or tribal interests reflected in federal law.

66. We also seek comment on the states' interests in designating eligible telecommunications carriers, as well as the implications of state designation on Indian sovereignty, self-government and "tribal self-sufficiency and economic development." We recognize, however, that some state commissions have asserted jurisdiction over carriers seeking to provide service on tribal lands, and that these commissions regulate certain aspects of a carrier's provisions of service on tribal lands.

67. In implementing section 214(e)(6), we are concerned that the fact intensiveness and the legal complexity of determining whether a state has jurisdiction over carriers seeking designation as an eligible telecommunications carrier may lead to confusion, duplication of efforts and needless controversy among carriers, tribal authorities, state commissions and this Commission, which could undermine efforts to achieve our universal service goals. For these reasons, we propose the following process to treat applications for the Commission's designation of eligible telecommunications companies eligible to receive universal service support for serving tribal land. Carriers seeking designation as an eligible telecommunications carrier from this Commission, whether to serve tribal lands or on the basis of other jurisdictional arguments, should consult with the relevant tribal authority, where appropriate, and the state commission on the issue of whether the state commission has jurisdiction to designate the carrier. In situations where the tribal authority and the state commission agree that the state has jurisdiction, we anticipate that the state would conduct the designation proceeding. In instances where the tribal authority challenges the state's exercise of jurisdiction, we encourage the carriers, with the support of the tribal authority, to apply to this Commission for designation. In the public comment period subsequent to a carrier's application for designation as an eligible telecommunications carrier, the carriers and tribal authorities would be expected to demonstrate why Commission designation is appropriate. Interested parties, including the state commission, that disagree with the Commission's exercise of jurisdiction would also be expected to raise their challenges in that proceeding. We seek comment on this proposal and suggestions for other ways in which the determination of whether the designation must be performed by the Commission or a state commission could be simplified or streamlined.

V. Unserved Areas—Implementation of Section 214(e)(3)

A. Defining "Unserved Area"

68. In order to determine whether an allegedly unserved community is eligible for relief pursuant to section 214(e)(3), we must first decide whether the area at issue is unserved. Only after making this initial determination can

we proceed with the rest of the analysis required by section 214(e)(3). We propose defining an unserved area as "any area in which facilities would need to be deployed in order for its residents to receive each of the services designated for support by the universal service support mechanisms." In the *First Report and Order*, we identified the services that would be supported by universal service support mechanisms as: single-party service; voice grade access to the public switched network; DTMF signaling or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance; and toll limitation services for qualifying low-income consumers. These services were identified based on the statutory directive embodied in section 254(c)(1)(A)–(D), requiring the Joint Board and the Commission to "consider the extent to which * * * telecommunications services" included in the definition of universal service: (1) Are essential to education, public health, or public safety; (2) have, through the operation of market choices by customers, been subscribed to by a substantial majority of residential customers; (3) are being deployed in public telecommunications networks by telecommunications carriers; and (4) are consistent with the public interest, convenience and necessity.

69. The proposed definition is based on whether facilities would need to be deployed to provide the supported services to distinguish unserved areas from areas in which a large percentage of the population does not subscribe to available services. This definition is intended to help further our statutory mandate to promote the availability of services supported by federal universal service support mechanisms. We recognize that this definition may result in certain areas being deemed unserved, even though those areas are receiving some level of service that includes less than all of the services designated for support by the universal service support mechanisms. We also recognize that this definition may result in the existence of relatively small unserved areas within larger areas that are currently receiving service. We seek comment on whether this definition will enable us to appropriately target our efforts to those areas that do not receive all of the services supported by federal universal service support mechanisms.

70. We emphasize, however, that determining whether a particular area meets the definition of unserved area is only the beginning of the analysis under section 214(e)(3). To obtain relief pursuant to section 214(e)(3), each of the steps discussed must be followed. We seek comment on this analysis and we invite commenters to propose alternative definitions.

B. Determining When a Community Is Unserved

71. The language "or any portion thereof" in section 214(e)(3) suggests that we are not meant to impose minimum size requirements on the number of potential subscribers needed to invoke the authority of section 214(e)(3). We seek comment on whether the language should be interpreted differently or suggests a particular definition.

C. Determining When No Common Carrier Will Provide Service

72. By its terms, the relief afforded in section 214(e)(3) is not triggered until a determination is made that "no common carrier will provide" the services supported by the federal universal service support mechanisms. Therefore, we seek comment on the meaning of the phrase "no common carrier will provide" the supported services.

73. As an initial matter, section 214(e)(3) does not specify whether the request for service must be received from members of the unserved community or whether state, local, or tribal authorities must make an official request for service from the carrier on behalf of the unserved members of the community. We tentatively conclude that limitations on who may issue the request are not warranted by the terms of the statute or the goals it seeks to achieve. We seek comment on this tentative conclusion.

74. We tentatively conclude that the language "no common carrier will provide" the services supported by the federal universal service support mechanisms means something more than no common carrier is actually providing the supported services. We seek comment on how we can determine that no common carrier is willing to provide the supported services. We seek comment on which common carriers must be asked in order to reach the conclusion that no common carrier will provide the service. We seek comment on how a satellite services provider should be treated for this issue, given that they can potentially provide service to these unserved areas. We also seek comment on whether the reasons for the common carrier's refusal to provide service are relevant to a determination that the area is unserved. For example, what if the refusal to provide service is based on the poor credit histories of the individuals requesting service or an existing overdue debt? Given the extremely low annual incomes, on average, on tribal lands, it seems possible that inadequate credit histories of the potential customers may cause a carrier to be unwilling to provide service.

D. Identifying Carrier or Carriers Best Able To Serve Unserved Areas

75. Section 214(e)(3) authorizes the Commission, with respect to interstate service or an areas served by a carrier to which section 214(e)(6) applies, and state commissions, with respect to intrastate service, to determine which carrier or carriers are best able to provide service to the requesting, unserved community and order that carrier or carriers to provide service. We seek comment on the relative roles that the Commission and the states should play in determining which carriers are best able to provide the supported services in unserved areas, including any coordination that should occur in making this determination.

76. We seek comment on whether the Commission is authorized to and whether it should establish national guidelines by which states may or must make this determination, when they have jurisdiction to do so. We recognize that the selection of the carrier to serve some unserved areas pursuant to section 214(e)(3) of the Act is to be made by state commissions. We seek comment on whether a consistent, national approach is necessary to further the universal service goals of the Act or to provide certainty to carriers regarding the possible application of this important provision. We seek comment on whether, in situations where the state has jurisdiction to designate eligible telecommunications carriers, all aspects of this decision should be left to the states because states have more familiarity with the areas in question. We also seek comment on the role of tribal authorities with respect to the Commission's determination of the carrier or carriers best able to serve unserved, tribal lands. We also seek comment to determine whether the Commission's obligation to identify and order a carrier to provide service in tribal lands should be affected by the interests of the tribal authorities.

77. One approach for making a determination pursuant to section 214(e)(3) would be to conduct a fact-intensive inquiry, polling common carriers serving nearby or surrounding areas to determine where existing facilities are deployed, to estimate the costs for each carrier to provide the supported services, and to consider other possible factors that may be

relevant to the conclusion that a carrier is "best able." We tentatively conclude, however, that our preferred approach would be to adopt a competitive bidding mechanism for identifying the carrier or carriers best able to provide service in unserved areas for which the Commission has authority to order carriers to provide service. We seek comment on the use of a competitive bidding mechanism. We seek comment on whether it is within our authority to require states to adopt a competitive bidding mechanism to determine which carrier or carriers will be ordered to provide intrastate service in unserved areas to which section 214(e)(6) does not apply.

78. If the competitive bidding mechanism does not give rise to a carrier willing and able to provide the supported services in the unserved area at a reasonable cost, we seek comment on whether the Commission should then initiate an inquiry to determine the carrier or carriers best-able to provide service to the area. We seek comment on whether the following factors would be relevant in making that determination: (1) Whether the area falls within the designated service area of an existing carrier; (2) the extent to which a carrier has deployed facilities capable of providing supported services in the surrounding area; (3) the cost for that carrier to build facilities capable of providing the supported services; (4) the quality of services that would be provided; (5) the financial strength of the carrier; (6) the proportionate impact serving the area would have on the number of lines and the geographic area served by the carrier; (7) the amount of time required for the carrier to deploy facilities; and (8) a carrier's status as either an incumbent LEC or a competitive eligible telecommunications carrier. We seek comment on any other factors that may be relevant. We also seek comment on whether our inquiry must be limited to incumbent LECs and competitive eligible telecommunications carriers or whether we may also include other competitive LECs, interexchange carriers, terrestrial wireless or satellite service providers, or providers of cable or electric services that would be capable of providing the supported services to the unserved area. We seek comment on whether to exclude certain carriers from consideration, for example, carriers that are considered small entities for purposes of the Regulatory Flexibility Act. Finally, we seek comment on whether the preferences of the unserved community for a particular carrier or technology should be considered in making a determination of which carrier is best able to provide service to the area.

1. Competitive Bidding Proposal

79. We tentatively conclude that we should adopt a competitive bidding mechanism to identify the carrier or carriers best able to provide the supported services in unserved tribal lands and to set the level of support provided for serving the area. We are hopeful that we may be able to design a competitive bidding mechanism that will generate public awareness of the needs of a particular area for service and elicit proposals from one or more carriers that could be compared before determining which carrier or carriers should be designated as an eligible telecommunications carrier for the area. We seek comment on this proposal.

80. We seek comment on whether the possibility that a carrier will be ordered to provide service pursuant to section 214(e)(3) will provide incentives for carriers to participate in the competitive bidding mechanism in order to be able to set the terms on which they will provide service. We seek comment on whether the competitive bidding mechanism could bring unserved areas to the attention of carriers previously unaware of the need for telecommunications services in those areas and thus identify carriers that would be willing to provide service to the area for a support amount equal to or lower than the amount that would be provided under existing federal universal service support mechanisms. In addition, we seek comment on possible negative incentives and distortions that may be created by using a competitive bidding mechanism. For example, we seek comment on whether a competitive bidding approach will likely lead carriers to provide the lowest-cost, lowest-quality service that meets the definition of supported services, unfairly depriving residents of higher quality or advanced services.

81. We also seek comment on whether the Commission should conduct a trial to determine whether a competitive bidding mechanism is the most efficient means of identifying the carrier or carriers best able to provide the supported services in unserved areas. We seek comment on how large a service area would be appropriate for such a trial. We seek comment on whether the Commission should solicit volunteers from Indian tribes that currently have large unserved areas.

(a) *Participants.* 82. We seek comment on the possible participants in a competitive bidding proceeding. Section 214(e)(3) states that any carrier ordered to provide service pursuant to this section shall meet the requirements necessary and be designated an eligible telecommunications carrier for the unserved area. We seek comment on whether a carrier must first be designated an eligible telecommunications carrier for the area prior to participating in the competitive bidding mechanism. We seek comment on whether any carrier that can demonstrate that it can meet the requirements of section 214(e)(1) may participate in the competitive bidding mechanism. We seek comment on what kind of showing is necessary to demonstrate that a carrier can meet the requirements of section 214(e)(1). We seek comment on whether terrestrial wireless or satellite providers will be able to participate in the competitive bidding mechanism. We also seek comment on the number of bidders we should anticipate for auctions in the universal service context, and the extent to which we should consider that number in deciding the type of auction that should be used, as discussed.

(b) *Number of Winners.* 83. We seek comment on whether the characteristics of the unserved tribal lands may be such that it is not economically practical to support more than one provider to serve unserved, tribal lands. To the extent that supporting a single provider is more economical, permitting multiple providers to receive federal universal service support may not be in the public interest. In addition, if all carriers were entitled to receive support at the level determined in the competitive bidding auctions, bidders would have no incentive to bid below the opening level; that is, competitive bidding would not reveal the minimum amount of support necessary to provide service to the area. For these reasons, we propose that qualified eligible telecommunications carriers bid to secure an exclusive right to receive universal service support for serving the unserved tribal area. That is, the winning bidder would be the only carrier designated as an eligible telecommunications carrier for providing the supported services to the unserved, tribal lands subject to competitive bidding.

84. We seek comment on whether the Commission has the authority to and whether we should try to attract carriers by agreeing to designate only one carrier to serve the unserved tribal land or permitting only one carrier to receive federal universal service support for serving the area. We seek comment on whether a decision to limit support to a single carrier is consistent with the universal service provisions and pro-

competitive goals of the Act. We observe that, in the case of an area served by a rural carrier, the Commission "may" designate more than one eligible telecommunications carrier but must make a specific showing that an additional eligible telecommunications carrier would serve the public interest. With respect to all other carriers, the Commission "shall" designate more than one common carrier as an eligible telecommunications carrier. We seek comment on whether these provisions apply with respect to an unserved area. We seek comment on whether the statutory language that the Commission "shall determine which carrier or carriers are best able to provide such service" indicates that the Commission may determine that a single carrier shall be designated. Finally, we seek comment concerning the ability of bidders to accurately estimate the possible future challenges from other carriers for the more profitable customers in the previously unserved, tribal lands.

85. As an alternative to a single winner, we consider the possibility of supporting two or more winning bidders. We generally believe that customers benefit most when multiple providers are available, because competition leads to lower prices and provides an alternative where service quality is unsatisfactory. Supporting two winning bidders means that a second carrier would be able to compete vigorously with the lowest bidder. We seek comment on whether to use the competitive bidding mechanism to identify a level of support which would be provided for serving the area and to allow any carrier with a bid within a specific range of the winning bidder, who also satisfies the requirements of section 214(e)(1) of the Act, to receive that level of support for providing service to the area. We seek comment on whether the possibility of having multiple carriers receive support for these previously unserved areas would substantially diminish or even eliminate any incentives carrier might have to participate in competitive bidding. We seek comment on whether providing support sufficient to allow competing carriers to build the necessary infrastructure would generate customer benefits over the long-term that would offset the additional cost associated with supporting two carriers. In making this determination, we must consider the duration of the service term and the rate of change in network technology. For example, if technological change were so rapid that both the new entrant and incumbent carrier would need to install and recover the cost of new facilities for each contract term, the benefits of creating competing carriers would be significantly reduced. We seek comment on these issues.

(c) *Term of Exclusivity Period.* 86. If the Commission determines that a bidder should win the exclusive right to federal universal service support, we would seek to establish an exclusivity period that is of an adequate length to provide incentives for carriers to deploy facilities yet does not result in unnecessary support being provided. We seek comment on the appropriate duration of any exclusivity period. After the exclusivity period has ended, we could choose to re-auction the service obligation and consider multiple providers if the costs of providing service decreased or market conditions improved so that multiple providers became practical. we anticipate that the length of the exclusivity period will affect the bids for monthly support levels. In addition, the length of the exclusivity period will affect the average administrative and transaction costs for conducting the auction. Granting exclusivity periods that are too short could be harmful because the winning carrier is likely to need time to establish its network, and to amortize its investments. In addition, more frequent auctions entail increased administrative costs. Granting periods that are too long, however, also could be harmful. Technological advances over time can create more efficient means of providing communications, which would enable firms to offer service at a lower cost. To the extent that the winning bidder is shielded from competition during the exclusivity period, the benefits of adopting a more efficient technology will accrue to the carrier, rather than the customer. In addition, with longer contract terms, the carriers' prediction of their costs at later stages in the contract becomes more speculative, which could translate into higher bids in the auction. We seek comment on this analysis and the appropriate length of the exclusivity period. We suggest that commenters review the competitive bidding proposals and mechanisms summarized that may assist in determining the length of the exclusivity requirement.

(d) *Bidding Process.* 87. We seek comment on whether to use a single-round, sealed bid process or a descending, multi-round auction. Each bidder would submit an amount of support necessary per line given our universal service technical specifications. We observe that the Commission has successfully implemented multi-round auctions in other contexts. We seek comment on whether a descending multi-round bidding system would be preferable to a single-round sealed bid auction.

88. We also seek comment on how to establish the reservation price—the highest bid that would qualify for support—for the competitive bidding mechanism. One option would be to use the new high-cost mechanism to estimate the amount of support that would be available for providing the supported services in the unserved, tribal area and set that as the reservation price. We seek comment on what incentives carriers would have, if any, to bid an amount lower than the reservation price determined by the model. Alternatively, we seek comment on whether we should set a reservation price that is some percentage above the support amount determined under the new high-cost mechanisms. We seek comment on whether a rational percentage can be identified. We also seek comment on whether of conduct an auction without establishing a particular reservation price or specifically identifying the amount that would be provided under the new high-cost mechanism in an effort to determine the amount of support each carrier believes is necessary. We seek comment on whether, if we were to proceed in this manner, the Commission should reserve the right to conclude that the competitive bidding mechanism was not successful and to proceed to the fact-based inquiry.

(e) *Support Amount.* 89. A well-designed auction should provide incentives for carriers to disclose the minimum amount of support they require, even though this information may be competitively sensitive. We seek comment on how to provide incentives for carriers to reveal the minimum amount of support necessary to provide service to the unserved area. We seek comment on whether we should employ a "Second Price" or "Vickrey" auction, in which the successful bidder gets support at the level of the lowest bid made by a non-successful bidder. In theory, this style of auction appears to induce bidders to reveal their actual costs and would thereby generate the same total support requirements as a first price, sealed bid auction. Another factor relevant in setting the support level is whether the federal support provided constitutes the entire amount of subsidy available to the carrier. We tentatively conclude that we would need to establish that the competitive bidding mechanism for unserved areas would be used to determine the entire amount of support to be divided and the relevant share of support would be

allocated to the federal and state authorities, in whatever proportion is established for the high-cost support mechanism in general. We seek comment on this analysis.

(f) *Obligations Assumed by Winning Bidder.* 90. We tentatively conclude that, pursuant to section 214(e), a successful bidder must provide the services supported by the universal service support mechanisms to all customers requesting service in the designated area and advertise the availability of such service throughout the service area. We seek comment on this tentative conclusion.

2. Other Proposals and Examples of Competitive Bidding

91. A number of parties submitted competitive bidding proposals in the universal service docket, the most detailed of which were submitted by GTE, consultants to Ameritech, and Frank Kelly and Richard Steinberg of Cambridge University, Great Britain. These proposals were designed to determine the carrier or carriers entitled to receive universal service support and the level of support to be provided. In addition, other government agencies have used competitive bidding systems that may have features relevant to the market at issue here. We seek comment on these other competitive bidding proposals, because aspects of these proposals may be preferable to the competitive bidding approach proposed.

E. Ordering Carriers To Provide Service

92. We seek comment on the ramifications of ordering a carrier to provide service in an unserved area. We tentatively conclude that this requirement entails an obligation to deploy the facilities necessary to provide the services supported by federal universal service support mechanisms, to offer the services to all customers requesting service in the designated area, and to advertise the availability of such service throughout the service area. These requirements are consistent with the language in section 214(e)(3) of the Act, stating that the carrier ordered to provide service shall meet the requirements of section 214(e)(1) of the Act. We seek comment on this tentative conclusion.

93. We also seek comment whether additional measures may be necessary to ensure that the carrier ordered to provide service is able to earn an appropriate return on its investment. For example, a carrier may deploy facilities, advertise the availability of services and offer service to all customers and yet an inadequate number of customers may subscribe to the service, rendering the operation unprofitable. This result may occur due to faulty estimations by the carrier, but it may also be the result of unpredictable demand. Similarly, it is possible that carriers may provide services to all requesting customers, yet the customers might default on their bills. If the carrier is ordered to provide service, to what extent must it retain customers who cannot pay overdue debts or with poor credit records? How will the carrier recover its investment on the facilities deployed to provide service to subscribers who do not pay their bills? We seek comment on these issues, including the appropriate role for the Commission and state commissions to play in addressing these issues.

VI. Underserved Areas

94. In this section of the Further Notice, the Commission considers whether additional support for low-income consumers is necessary to promote subscribership in unserved and underserved areas, including tribal and insular areas.

A. Defining "Underserved Area"

95. In the *Thirteenth Order on Reconsideration*, the Commission observed that there may be inadequately served areas that are characterized by extremely low penetration, low population density, and high costs. We seek comment on the need for the Commission to establish a definition of "underserved area" that would be used in targeting supplemental universal service support to those areas. For example, a community may be considered underserved if the penetration rate of the community is significantly below the national average. In addition to the number of supported services available, and the percentage of the population receiving those supported services, there may be other identifying characteristics that describe an underserved area. We seek comment on an appropriate definition for underserved area. For example, we could define underserved area as a geographic area that meets certain statistical benchmarks, *i.e.*, a penetration rate below a certain percentage, a population density below a certain level, costs of providing supported services above a certain level, etc. We also seek comment on whether there is sufficient, readily available statistical data to make such a definitional approach viable.

B. Expanding LinkUp to Include Facilities-Based Charges

96. We seek comment on whether increasing federal support to offset initial connection charges may be necessary to increase the success of our universal service support mechanisms in underserved areas, including insular and tribal lands. In the proceeding leading up to the *Second Recommended Decision*, the Arizona Corporation Commission (Arizona Commission) submitted a proposal to use a portion of federal support to address the problem of unserved areas and the inability of low-income residents to obtain telecommunications service because they cannot afford to pay the required line extension or construction costs. The Arizona Commission's proposal was not intended to be a comprehensive alternative to the high-cost fund distribution model, but rather to address a discrete concern related to low-income residents in remote areas. We seek comment on the Arizona Commission's proposal and the extent to which the problem identified by the Arizona Commission is widespread. In particular, we seek further data on the cost of line extensions in rural areas and regarding the number of residents that are deprived of telecommunications services because of high line extension or construction costs and areas in which this problem is acute.

97. The Joint Board recognized that investments in line extensions historically have been an issue addressed by the states through intrastate proceedings that establish reasonable rates for line extension agreements and encourage carriers to minimize unserved regions of the states. The Joint Board suggested that these issues should continue to be dealt with by states, to the extent that the states are able to do so. We note that regulators generally require carriers to use rate averaging to reduce the rates for their highest-cost customers in rural and insular areas, but those regulators often still permit carriers to charge particularly isolated customers a supplementary "initial connection" charge for installing a new line. Moreover, while regulators also generally require carriers to amortize the cost of installing new lines, if there is a reasonable chance that those lines will not be used over their full life-span, regulators often permit carriers to charge most, if not all, of the initial connection charge up front. These charges can be prohibitive. We seek comment on whether states have the ability to address this problem, or, in the

alternative, whether federal assistance, in some instances, may be necessary.

98. We seek comment on what role the Commission might play in trying to alleviate this problem. We seek comment on whether we might provide additional support through the LinkUp America program—which provides federal support to reduce the price of initial connection charges—at least for locations with significantly lower than average telecommunications penetration rates, *e.g.*, below 75 percent. Commenters supporting such an approach should also explain whether support would be provided as a one-time payment or over a number of years. We also seek comment on what we might do to encourage carriers to offer installment loans for such extensions over a practical time frame. We seek comment on these and any other alternatives that might be more effective ways of addressing this problem. For example, we seek comment on whether the provision of telecommunication service to remote areas using terrestrial wireless or satellite technologies might allow service at lower cost compared to the cost of line extension or construction of wireline facilities. Commenters offering proposals should also explain how their proposals would avoid encouraging uneconomic investments in relatively high-cost technologies.

C. Support for Intrastate Toll Calling

99. We seek comment on the extent to which limited local calling areas impose a barrier to increased penetration in certain underserved areas. For example, the local calling area for the Jemez Pueblo in New Mexico includes only about half a dozen other towns. It does not include any other Pueblos or hospitals nor the cities of Albuquerque or Santa Fe, where most residents work. Similarly, the calling area for the Picuris Pueblo does not even include 911 calls. To the extent that limited local calling areas impose a barrier to increased penetration, we seek comment on how to remove this barrier. For example, expanding the local calling area to include the unserved or underserved area and the nearest metropolitan area or community of interest may entice more consumers to request service. Expanding local calling areas, however, would likely cause upward pressure on local rates. We seek comment on how expanded local calling areas would impact local rates, including rates for consumers living in communities outside of tribal lands. We seek comment on what role, if any, the Commission is authorized to and should play in seeking to address impediments caused by limited local calling areas.

100. We seek comment on whether federal universal service support mechanisms should provide additional support for low-income consumers living in remote areas or low-income consumers living on tribal lands. For example, the Commission could provide support for calls outside of the local calling area that fall within specified federally-designated support areas. Similarly, federal universal service support could be provided to pay for a foreign exchange (FX) line service from the remote or tribal area to the nearest metropolitan area or community of interest. We seek comment on whether such proposals would eliminate incentives for states to ensure affordable local rates. We also seek comment on whether the provision of service by terrestrial wireless or satellite providers would alleviate any problems associated with limited local calling areas.

D. Expanded Availability of Toll Limitation Devices

101. Many households may forgo telecommunications service because of past or anticipated future problems with high telephone bills. The general prevalence of this bill management problem was documented in a GTE-Pacific Bell commissioned survey done in 1993 by the Field Research Corp. for the California PUC. The Commission sought to address the problem, however, by requiring carriers offering low-income subscribers "Lifeline" service, to permit those subscribers to secure a "toll limitation" service—either toll blocking or toll control. We believe that our actions in this regard should alleviate this bill management problem. We seek comment on whether expanded options for toll-control or toll-blocking would make telecommunications service more desirable in unserved and underserved areas, including tribal lands. We ask that commenters identify any specific toll-control or toll-blocking features that would be useful, including, for example, the ability to require the use of a Personal Identification Number (PIN) in order to restrict access to toll calls. We also recognize that the benefits of these options are minimal if consumers are not aware of them. We seek comment on what additional measures, if any, the Commission should undertake to ensure consumers are educated about the availability of toll-limitation devices.

E. Publicizing Availability of Low-Income Support

102. We observe that customers may fail to subscribe to telecommunications service because they are unaware of the Commission's Lifeline and LinkUp programs, which are intended to make service more affordable, and the availability of toll-control and toll-blocking, which are intended to help low-income consumers control the amount of their monthly bills. Although the Commission's Lifeline and LinkUp programs have been providing universal service support to eligible customers for more than a decade, we are concerned that carriers may have failed to publicize the programs in some areas, particularly on Indian reservations. Unfortunately, it appears that in markets where carriers find it unprofitable to provide service, they have no particular incentive to publicize the availability of Lifeline and LinkUp. Thus, the Commission found that none of the representatives of the pueblos testifying in the January, 1999 Albuquerque field hearings were aware of the Lifeline and LinkUp programs. Furthermore, despite the 60-percent unemployment rate in the Cheyenne River Sioux Telephone Authority area, only about 10-percent of the subscribers there receive Lifeline service.

103. We seek comment on whether the Commission should play a role in ensuring the spread of information on tribal lands, or in other low-income, underserved areas, about the availability of low-income support that may make telecommunications service affordable. We recognize that carriers already have an incentive to convince potential customers of the value of their service—assuming the customers will be profitable to serve. We are concerned about those consumers whom carriers may consider unprofitable to serve. We tentatively conclude that a lack of information may contribute to the significantly low penetration rates on tribal lands.

104. We seek comment on what options the Commission may have to promote awareness of low-income support mechanisms on tribal lands. Section 214(e)(1)(B) of the Act requires an eligible telecommunications carrier to "advertise the availability of" the services supported by federal universal service support mechanisms "and the charges therefor using media of general distribution." We seek comment on the possibility of amending our current universal service rules to require carriers to publicize the availability of Lifeline and LinkUp and toll-limitation options. For example, we could revise section 54.405 of our rules by adding the following italicized language:

All telecommunications carriers shall *(a)* make available Lifeline service, as defined in

§ 54.401, to qualifying low-income consumers, *and (b) publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the services.*

105. We seek comment on the costs and benefits of requiring carriers to publicize the availability of Lifeline, LinkUp and toll-control devices. Alternatively, the Commission could encourage and participate in other marketing and information dissemination efforts, such as preparing consumer information fact-sheets that would be distributed in local communities. We seek comment on whether there is, or should be, some entity that would collect and verify the accuracy of data on Lifeline rates for each reservation, the eligibility standards for Lifeline in the relevant state, and how individuals who desired Lifeline service could confirm their eligibility and how they could sign up for service. We also seek comment on the best ways to disseminate this information to the relevant audience of potential Lifeline subscribers. We seek comment on any research or other data that indicates the most effective way of marketing to this population, whether via broadcast, print, wireline, or other media; whether separately or in combination with the marketing efforts of other social programs seeking to reach this audience; and whether on a federal, state or tribal level. Commenters aware of a particularly effective program are requested to provide us with sufficient information to enable us to contact that program administrator.

F. Support for Rural Health Care Infrastructure

106. We seek comment on the technical limitations of the telecommunications services available to rural health care providers throughout the United States, including Alaska and insular areas. We ask commenters to provide as much detail as possible regarding the extensions or improvements needed in areas lacking adequate infrastructure. We ask that commenters identify the most urgent needs, such as those that would address threats to the health and safety of residents. We particularly encourage providers of fixed satellite services, geo-stationary satellites, and emerging technologies, to describe the capability of these technologies to serve Alaska and insular areas, and ask these providers to estimate the costs, provide a timetable for deploying particular technologies, and provide information regarding the capability of different technologies to support telehealth and telemedicine applications. We ask providers of other technologies, such as fixed wireless technology, to describe whether these technologies could effectively supplement the apparently inadequate infrastructure in the rural areas of Alaska, insular areas, and the mainland United States.

107. We seek comment on whether and to what extent improvements to the telecommunications network required to meet the telecommunications needs of rural health care providers should be supported by federal universal service mechanisms and whether other mechanisms exist that would provide support for improving infrastructure. We ask parties to submit detailed descriptions of any programs supporting infrastructure development that would assist rural health care providers. We specifically ask the sponsors of programs cited in the State Health Care Report and other commenters familiar with these programs to detail their scope, identify any needs that are unmet by existing programs, and explain why.

108. We invite commenters to submit specific proposals that they have already prepared for expanding the federal universal service support for rural health care providers to include infrastructure improvement costs of telecommunications carriers. Any commenter submitting a proposal should analyze the extent to which the proposal is competitively neutral, technically feasible, and economically reasonable, as required pursuant to section 254(h)(2). Commenters should also file detailed cost information for any proposal submitted. We recognize that some improvements to the telecommunications network made to provide service to rural health care providers may also be used to provide commercial services. We seek comment on whether and to what extent we should take account of such additional revenue sources in the event that support is provided to extend or improve telecommunications networks.

VII. Insular Areas

A. Defining "Insular Area"

109. In articulating the principle that consumers in all regions of the nation should have access to telecommunications services, Congress explicitly included insular areas within this mandate. As the Joint Board noted in the *Recommended Decision,* however, the Act does not define the phrase insular areas. We tentatively conclude that we should adopt a definition of insular areas to provide clarity regarding the availability of universal service support in those areas.

110. We observe that, in other statutes, the term insular area generally refers to the island portions of the United States that are not states or portions of states. In addition, we observe that in common usage, the term insular area means "of, or having the form of an island." Accordingly, we propose the following definition of insular areas: "islands that are territories or commonwealths of the United States." By including the phrase "territories or commonwealths," we intend to restrict the definition to areas that are populated islands that have a local government. We also observe that the proposed definition comports with publications of the Department of Interior's Office of Insular Affairs (OIA) and various provisions of the United States Code. We seek comment on this proposal.

111. We seek comment on whether the definition of insular areas should include only those areas that are subject to the laws of the United States, and for which carriers serving those areas would be required to contribute to our universal service support mechanisms, and, if so, we seek comment on whether the proposed definition satisfies this goal. We seek comment on whether the definition of insular areas should exclude sovereign states that are not subject to the laws of the United States nor eligible to receive universal service support under the Act, unpopulated islands, and insular areas subject to the jurisdiction of, and receiving telecommunications service from, the United States military. We tentatively conclude that Puerto Rico, American Samoa, CNMI, Guam, and the U.S. Virgin Islands are properly included in the definition of insular areas and seek comment on this tentative conclusion.

112. We seek comment on whether the Freely Associated States (FAS), including the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, should be included in the definition of insular areas. These islands are associated with the United States through the terms of a Compact of Free Association, which gives the Commission authority and jurisdiction over various telecommunications services in the FAS, but carriers are not subject to universal service contribution requirements for the services they provide on these islands. We also observe that Midway Atoll is being transferred from the jurisdiction of the United States Navy to the U.S. Fish & Wildlife Service of the Department of Interior and has a population of 450 persons. We seek comment on whether Midway Atoll should be included in the

definition of insular areas. We invite commenters to provide alternative definitions of "insular areas" and to describe which areas would and would not be included with any alternative definition.

113. We seek comment on whether similarities between the historical experience of Indians and persons living in insular areas warrant the extension of federal trust-type principles, including supplemental measures to promote the availability of universal service, to insular areas.

B. Rural Health Care Support

114. Parties have already submitted information to us demonstrating that insular areas may have few hospitals and substantial undeveloped terrain and that travel between insular areas and more developed states or countries nearest to them may be very expensive. For these reasons, we anticipate that telehealth and telemedicine initiatives may be particularly important in insular areas. We encourage interested parties to highlight previous comments they have made on this issue or present any relevant new information to us. We are particularly interested in the differences between the needs and opportunities of rural health care providers in insular areas and those located in the remainder of the United States.

115. *Urban Rates.* In the *First Report and Order*, the Commission adopted rules requiring carriers to provide rural health care providers with access to telecommunications services permitting speeds up to 1 Mbps at rates comparable to those offered in urban areas. Consistent with the statute, the Commission's rules for rural health care providers calculate support amounts on the basis of the difference between the "urban rate" and the "rural rate" for the supported service. The urban rate is determined with reference to the rates charged other commercial customers of a similar service in the nearest large city in the state. The nearest large city is defined as having a population of at least 50,000 people.

116. In the *First Report and Order*, the Commission found that the mechanism of using urban rates as a benchmark for reasonable rates may be ill-suited to certain insular areas that are relatively rural all over. The Commission concluded that it required additional information about whether telecommunications rates differ in urban and non-urban areas or insular areas, including areas of the Pacific Islands and the U.S. Virgin Islands. Accordingly, we seek comment on whether the rules concerning calculation of rural health care support need modifications to address the geographic or demographic situation in insular areas. We invite commenters to propose specific revisions in this regard.

117. *Nearest Large City.* Consistent with the statute, the Commission's rules for providing universal service support to rural health care providers limit the length of the supported service to the distance between the health care provider and the point farthest from that provider on the jurisdictional boundary of the nearest large city in the state. The Governor of Guam proposed that we modify this rule to provide support for telecommunications services between an insular area's medical facilities and a supporting medical center in an urban area outside the insular area, such as in Hawaii or on the west coast of the continental United States. We seek comment on this proposal. We encourage commenters supporting this proposal to present detailed estimates of the cost of such a proposal and steps that must be taken to implement it. Commenters favoring this proposal should also provide legal analysis explaining whether it would be consistent with section 254 to treat insular areas differently from the remainder of the United States, where support is only provided based on intrastate distances, as section 254(h)(1)(A) appears to require.

118. Finally, we seek comment on whether health care providers and telecommunications carriers that serve insular areas face unique challenges that have not been documented previously in the record of this proceeding, and, if so, how we should tailor additional support mechanisms to address those problems, consistent with the statute. We encourage commenters to present proposals for additional support mechanisms through which rural health care providers located in insular areas could have access to the telecommunications services available in urban areas of the nation at affordable rates.

C. Access to Toll-Free Services in Insular Areas

119. Because of their traditional treatment as international destinations, the Pacific Island areas have faced high rates for interexchange service and have had limited ability to obtain access to toll-free and advanced services. Calls between these insular areas and the remainder of the United States also required callers to use the "011" international access code. Recent changes have begun to address these problems. Specifically, the 1996 Act requires that insular areas become subject to rate integration and averaging, which means that interexchange carriers are required to offer domestic interstate service using a uniform rate structure throughout the United States. In addition, many insular areas have been integrated into the North American Numbering Plan (NANP). In the *First Report and Order*, the Commission permitted residents of CNMI and Guam to access toll-free (*e.g.*, 800) services by using 880 and 881 codes and paying the cost of reaching Hawaii where the calls could be connected thereafter toll-free to the called party until July 1, 1998, and that date was subsequently extended indefinitely.

120. In the *First Report and Order*, the Commission determined that "these changes will have a significant impact on how residents of the[se] islands place interexchange calls and the rates that they, and toll-free access customers, will pay for the calls they place." Based upon the recommendation of the Joint Board, the Commission concluded that it should delay, until after July 1, 1998, consideration of whether the Commission should provide additional support for toll-free access and access to advanced and information services for insular areas so that the impact of rate integration and averaging and incorporation into the NANP could be evaluated. We seek comment on whether rate integration, rate-averaging, and incorporating insular areas into the NANP are leading toll-free customers to include insular areas in their toll-free calling areas. We seek comment on whether additional universal service support is needed to support toll-free calling from insular areas. We ask commenters to present any evidence that the marketplace will not fully solve this problem.

VIII. Procedural Matters

A. Ex Parte Procedures

121. The Further Notice is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules.

B. Comment Filing Procedures

122. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments as follows: comments are due November 29, 1999 and reply comments are due December 29, 1999. Comments may filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

123. Comments filed through the ECFS can be sent as an electronic file

via the Internet to *http://www.fcc.gov/e-file/ecfs.html*. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic copy by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov*, and should include the following words in the body of the message: "get form <your email address>." A sample form and directions will be sent in reply.

124. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All paper filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street S.W., Room TW–A325, Washington, DC 20554.

125. Parties who choose to file by paper should also submit their comments on diskette to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street SW, Room 5–A523, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM-compatible format using WordPerfect 5.1 for Windows or a compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read-only" mode. The diskette should be clearly labeled with the commenter's name, proceeding, including the lead docket number in the proceeding (CC Docket No. 96–45), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ("Disk Copy—Not an Original.") Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters should sent diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th St. NW, Washington DC 20037.

C. Initial Regulatory Flexibility Act Analysis

126. The Regulatory Flexibility Act (RFA) requires a Regulatory Flexibility Act analysis whenever an agency publishes a notice of proposed rulemaking or promulgates a final rule, unless the agency certifies that the proposed or final rule will not have "a significant economic impact on a substantial number of small entities," and includes the factual basis for such certification. Pursuant to section 603 of the RFA, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and actions considered in this Further Notice. The text of the IRFA is set forth. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided. The Commission will send a copy of the Further Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, summaries of the Further Notice and IRFA will be published in the **Federal Register**.

IX. Ordering Clauses

127. Accordingly, it is ordered that, pursuant to the authority contained in sections 1–4, 201–205, 214(e), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 214(e), and 254, this Further Notice of Proposed Rulemaking is hereby adopted and comments are requested as described.

128. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 54

Universal service.

Federal Communications Commission.

Shirley Suggs,

Chief, Publication Branch.

[FR Doc. 99–25479 Filed 9–29–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91–221, 87–8; FCC 99–240]

Comment Sought on Processing Order for Applications Filed Pursuant to the Commission's New Local Broadcast Ownership Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document seeks comment on how to resolve conflicts resulting from two or more applications being filed on the same day relating to stations in the same market pursuant to new rules in the local broadcast ownership proceeding. The intended effect is to determine a sufficient and fair method in determining the order in which applications filed on the same day will be processed.

DATES: Comments must be filed on or before October 4, 1999. Reply comments must be filed on or before October 12, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–A306, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Vicki Phillips, Chief, Legal Branch, Policy and Rules Division, Mass Media Bureau. Alternatively, comments may also be filed by using the Commission's Electronic Comment Filing System (ECFS), via the Internet to http://www.fcc.gov.e-file/ecfs.html.

FOR FURTHER INFORMATION CONTACT: Vicki Phillips, (202) 418–2120, Policy and Rules Division, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Public Notice*, FCC 99–240, adopted September 8, 1999 and released September 9, 1999. The full text of the Commission's *Public Notice* is available for inspection and copying during normal business hours in the FCC Docket Branch (Room TW-A306), 445 12 St. S.W., Washington, D.C. The complete text of this *Notice* may also be purchased from the Commission's copy contractor, International Transcription Services (202) 857–3800, 1231 20th St., N.W., Washington, D.C. 20036. It is also available on the Commission's web page at www.fcc.gov/Bureaus/Mass__Media/Public__Notices/fcc99240.txt. This Proposed Rule is being republished because it was inadvertently published under the "Notices" rather than the

"Proposed Rules" section in the **Federal Register**, (64 FR 50668, September 17, 1999). The dates for filing comments and replies have not changed.

Synopsis of the Proposed Notice

1. By this *Public Notice*, the Commission requests supplemental comment in MM Docket Numbers 91–221 and 87–8 on procedures for processing applications filed pursuant to the Local Ownership *Order* adopted in the local broadcast ownership proceeding on August 5, 1999 (64 FR 50651, September 17, 1999). In that *Order*, we stated that "[a]applications filed pursuant to this *Report and Order* will not be accepted by the Commission until the effective date" of the *Order*, which will be sixty days after publication in the **Federal Register**. We also said: "We realize that the rules adopted in this *Report and Order* could result in two or more applications being filed on the same day relating to stations in the same market and that due to the voice count all applications might not be able to be granted. We will address how to resolve such conflicts in a subsequent action." This *Notice* seeks comment on how to resolve such conflicts.

2. Ordinarily, we would process these applications in the order in which they are filed. Generally, however, we treat broadcast applications filed on the same day as being filed simultaneously, regardless of the time of filing. Under the commission's new local ownership rules, as we noted in the *Local Ownership Order*, we anticipate that applications for transfer or assignment might be filed on the same day relating to stations in the same market that will not all be able to be granted due to the voice counts that apply to the local ownership rules. The order in which the applications are processed would thus be determinative in these situations. Similar issues could arise in the radio-television cross ownership rule context, in situations in which grant of one application will bring the voice count down to ten or twenty, such that certain other applications relying on the minimum voice count for compliance with the rule could not be granted.

3. We believe that the most prudent, easy to administer, and fair method for determining the order in which applications filed on the same day will be processed is by random selection. Under this procedure, each potentially conflicting applicant in a market would be assigned a random number which would be determined by use of one or more forced-air blowers each containing numbered ping-pong balls. The applications would then be processed in ascending order based upon their randomly assigned numbers.

4. We thus seek comment on the use of random selection to determine processing order, as well as on any alternatives, such as auctions or first-come, first-served, that are both fair and easy to administer. We also seek comment on when the lotteries, if they are implemented, should be held relative to the filing of applications.

5. Because of timing concerns, we also anticipate that the rules adopted will be made effective upon publication in the **Federal Register** (see 5 U.S.C. 553(d)(3) (exception to 30-day effective date period for good cause).

6. *Filing of Comments and Reply Comments.* Pursuant to §§ 1.415 and 1.419 of the commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before October 4, 1999. Reply comments must be filed on or before October 12, 1999. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (May 1, 1998).

7. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

8. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary TW–A306, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. The Mass Media Bureau contact for this proceeding is Vicki Phillips at (202) 418–2120.

9. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room CY–A257) 445 12th Street, N.W., Washington, D.C. 20554.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–25450 Filed 9–29–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF59

Endangered and Threatened Wildlife and Plants; Reopening of the Comment Period on the Proposed Endangered Status of the Sierra Nevada Distinct Population Segment of the California Bighorn Sheep

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provide notice of the reopening of the comment period for the proposed endangered status for the Sierra Nevada distinct population segment of California bighorn sheep (*Ovis canadensis californiana*). The comment period has been reopened in response to a request from the Foundation for North American Wild Sheep and to conduct a peer review of the proposed rule.

DATES: Comments from all interested parties must be received by October 15, 1999.

ADDRESSES: Written comments, materials, data, and reports concerning this proposal should be sent to the Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Carl Benz, at the address listed above (telephone 805/644–1766; facsimile 805/644–3958).

SUPPLEMENTARY INFORMATION:

Background

The bighorn sheep (*Ovis canadensis*) is a large mammal (family Bovidae) originally described by Shaw in 1804 (Wilson and Reeder 1993). Several subspecies of bighorn sheep have been recognized on the basis of geography and differences in skull measurements (Cowan 1940; Buechner 1960). These

subspecies of bighorn sheep, as described in these early works, include *O.c. cremnobates* (Peninsular bighorn sheep), *O.c. nelsoni* (Nelson bighorn sheep), *O.c. mexicana* (Mexican bighorn sheep), *O.c. weemsi* (Weems bighorn sheep), *O.c. californiana* (California bighorn sheep), and *O.c. canadensis* (Rocky Mountain bighorn sheep). However, recent genetic studies question the validity of some of these subspecies and suggest a need to re-evaluate overall bighorn sheep taxonomy. For example, Sierra Nevada bighorn sheep appear to be more closely related to desert bighorn sheep than the *O.c. californiana* found in British Columbia (Ramey 1991, 1993). Regardless, the Sierra Nevada bighorn sheep meets our criteria for consideration as a distinct vertebrate population segment (as discussed below) and are treated as such in this final rule.

The historical range of the Sierra Nevada bighorn sheep (*Ovis canadensis californiana*) includes the eastern slope of the Sierra Nevada, and, for at least one subpopulation, a portion of the western slope, from Sonora Pass in Mono County south to Walker Pass in Kern County, a total distance of about 346 kilometers (km) (215 miles (mi)) (Jones 1950; Wehauser 1979, 1980). By the turn of the century, about 10 out of 20 subpopulations survived. The number dropped to five subpopulations at mid-century, and down to two subpopulations in the 1970s, near Mount Baxter and Mount Williamson in Inyo County (Wehauser 1979). Currently, five subpopulations of Sierra Nevada bighorn sheep occur at Lee Vining Canyon, Wheeler Crest, Mount Baxter, Mount Williamson, and Mount Langley in Mono and Inyo Counties, three of which have been reintroduced using sheep obtained from the Mount Baxter subpopulation from 1979 to 1986 (Wehausen et al. 1987).

The Sierra Nevada bighorn sheep is similar in appearance to other desert associated bighorn sheep. The species' pelage shows a great deal of color variation, ranging from almost white to fairly dark brown, with a white rump. Males and females have permanent horns; the horns are massive and coiled in males, and are smaller and not coiled in females (Jones 1950; Buechner 1960). As the animals age, their horns become rough and scarred with age, and will vary in color from yellowish-brown to dark brown. In comparison to many other desert bighorn sheep, the horns of the Sierra Nevada bighorn sheep are generally more divergent as they coil out from the base (Wehausen 1983). Adult male sheep stand up to a meter (m) (3 feet (ft)) tall at the shoulder; males weigh up to 99 kilograms (kg) (220 pounds (lbs)) and females 63 kg (140 lbs) (Buechner 1960).

The current and historical habitat of the Sierra Nevada bighorn sheep is almost entirely on public land managed by the U.S. Forest Service, Bureau of Land Management, and National Park Service. The Sierra Nevada is located along the eastern boundary of California, and peaks vary in elevation from 1825 to 2425 m (6000 to 8000 ft)) in the north, to over 4300 m (14,000 ft) in the south adjacent to Owens Valley, and then drop rapidly in elevation in the southern extreme end of the range (Wehausen 1980).

Sierra Nevada bighorn sheep inhabit the alpine and subalpine zones during the summer, using open slopes where the land is rough, rocky, sparsely vegetated and characterized by steep slopes and canyons (Wehausen 1980; Sierra Nevada Bighorn Sheep Interagency Advisory Group (Advisory Group) 1997). Most of these sheep live between 3,050 and 4,270 m (10,000 and 14,000 ft) in elevation in summer (John Wehausen, University of California, White Mountain Research Station, pers. comm. 1999). In winter, they occupy high, windswept ridges, or migrate to the lower elevation sagebrush-steppe habitat as low as 1,460 m (4,800 ft) to escape deep winter snows and find more nutritious forage. Bighorn sheep tend to exhibit a preference for south-facing slopes in the winter (Wehausen 1980). Lambing areas are on safe precipitous rocky slopes. They prefer open terrain where they are better able to see predators. For these reasons, forests and thick brush usually are avoided if possible (J. Wehausen, pers. comm. 1999).

Bighorn sheep are primarily diurnal, and their daily activity show some predictable patterns that consists of feeding and resting periods (Jones 1950). Bighorn sheep are inherently grazers; however, they may browse woody vegetation when it is growing and very nutritious. They are opportunistic feeders selecting the most nutritious diet from what is available.

Sierra Nevada bighorn sheep are gregarious, with group size and composition varying with gender and from season to season. Spatial segregation of males and females occurs outside the mating season, with males more than two years old living apart from females and younger males for most of the year (Jones 1950; Cowan and Geist 1971; Wehausen 1980). Ewes generally remain in the same band into which they were born (Cowan and Geist 1971). During the winter, Sierra Nevada bighorn sheep concentrate in those areas suitable for wintering, preferably Great Basin habitat (sagebrush steppe) at the very base of the eastern escarpment.

All five subpopulations of this species are threatened by mountain lion (Puma concolor) predation, disease, and random, naturally-occurring events.

We published an emergency rule to list the Sierra Nevada distinct population segment of California bighorn sheep as endangered on April 20, 1999 (64 FR 19300), as well as a proposed rule to list the species as endangered on that same date (64 FR 19333). The original comment period closed on June 21, 1999. In a memo dated June 16, 1999, the Foundation for North American Wild Sheep requested that the comment period be extended to allow us to consider additional information regarding the Sierra Nevada bighorn sheep. In addition, we will also conduct a peer review of this proposal and solicit the opinions of three appropriate and independent specialists regarding the data, assumptions, and supportive information presented for the Sierra Nevada bighorn sheep, per our Interagency Cooperative Policy for Peer Review in Endangered Species Act Activities (59 FR 34270).

References Cited

A complete list of references cited in this rule is available upon request from the Ventura Fish and Wildlife Office of the U.S. Fish and Wildlife Service (see **ADDRESSES** section).

Author

The primary author of this notice is Barbara Behan of the Regional Office, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181 (telephone 503/231–6131).

Authority

The authority of this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 24, 1999.

Elizabeth H. Stevens,

Acting Manager, California/Nevada Operations Office, Fish and Wildlife Service.

[FR Doc. 99–25466 Filed 9–29–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 092399D]

Western Pacific Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting/public scoping hearing/public hearing.

SUMMARY: The Western Pacific Fishery Council (Council) will hold its 72nd meeting of its Scientific and Statistical Committee (SSC) in Honolulu, HI. A public hearing will be held on the draft Coral Reef Ecosystem Fishery Management Plan (FMP). A public scoping hearing on the intent to prepare an Environmental Impact Statement (EIS) will be held on the Bottomfish and Seamount Groundfish FMP.

DATES: The SSC meeting will be held on October 12–14, 1999, from 8:30 a.m. to 5:00 p.m., each day, except for the first day, which will start at 9:00 a.m.

ADDRESSES: The 72th SSC meeting will be held at the Council office conference room, 1164 Bishop St., Suite 1400, Honolulu, HI; telephone: (808–522–8220).

Council address: Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone 808–522–8220.

SUPPLEMENTARY INFORMATION: The SSC will discuss and may make recommendations to the Council on the agenda items listed here. The order in which agenda items will be addressed are subject to change.

8:30 a.m. Tuesday, October 12, 1999

A. Draft Coral Reef Ecosystem FMP/ Draft Environmental Impact Statement (DEIS)

1. Introduction to the FMP
2. Description of the fisheries
3. Description of threats/management issues
4. Management objectives, program and impacts

a. Fishing permit (alternatives include, but are not limited to, exploratory permit and reporting requirement, general permit based on standard eligibility requirements, moratorium to prohibit all harvest of coral reef species, and status quo (no action))

b. Marine Protected Areas (alternatives include, but are not limited to, candidate areas, such as remote U.S. atolls, and the Northwestern Hawaiian Islands shallower than 20 meters, or status quo (no action))

c. Restrictions of gear and methods (alternatives include, but are not limited to, allow only selective, non-destructive gear and methods, allow no gear or methods, allow use of other gears and/ or methods, restrict other methods and practices, or status quo (no action))

d. Restrict harvest of a particular management unit species (alternatives include, but are not limited to, restrict harvest of corals and live rock, restrict harvest of other selected species, restrict the harvest of all management unit species, or no restrictions (no action))

e. Framework provisions (alternatives include, but are not limited to, establish a framework regulatory process with options for future consideration, or status quo (no action))

5. Description of resource ecosystem
6. Essential Fish Habitat
7. Sustainable Fishery Act determinations
8. Relationship to existing laws and policies
9. Future needs
10. Plan Team recommendations
11. Advisory Panel recommendations
12. Public hearing on draft FMP/DEIS

B. Bottomfish FMP issues

1. Update on status of activities

a. Main Hawaiian Islands bottomfish meeting

b. Need to prepare EIS for Bottomfish FMP

2. Public scoping hearing on Bottomfish FMP

C. Precious Corals FMP issues

1. Final action on adjustments to the FMP regarding harvest quotas, definitions, size limits, gear restrictions, bed classifications and reporting and recordkeeping requirements. Recent research and surveys have provided new information on precious corals in the waters around Hawaii, including information on the size and condition of certain classified precious coral beds, potential increases in fishing pressure on black corals, the presence of a new precious coral bed near French Frigate Shoals and the possible importance of precious coral beds as foraging areas for Hawaiian monk seals. Based on a discussion of these issues at the 100th Council meeting, the Council identified the following preferred actions: Suspend the harvest quota for gold coral at the Makapu'u Bed until additional information is available on the impact of harvesting on subsequent recruitment of gold coral at the Makapu'u Bed; redefine precious coral as precious coral that has live coral polyps or tissue, and redefine dead precious coral as precious coral that no longer has any live coral polyps or tissue; apply size limits to live coral only; prohibit the harvest of black coral unless it has attained either a minimum stem diameter of 1 inch (2.54 cm), measured 1 inch (2.54 cm) from the top of the living holdfast, or a minimum height of 48 inches (121.92 cm), measured from the base to the greatest vertical extremity of the colony; only selective gear may be used to harvest precious corals from all permit areas; apply the current size limit for pink coral to all permit areas; revise the boundaries of Brooks Bank, Permit Area C-B–3, to include the area within a radius of 2.5 nautical miles (nm) of a point 23° 58.8' N. lat. and 166° 42' W. long., and change the harvest quota for pink coral to 200 kg and suspend the harvest quota for gold coral until additional scientific information becomes available on the impact of harvesting gold coral on monk seal foraging habitat; classify the newly-discovered French Frigate Shoals-Gold Pinnacles Bed as a conditional bed, Permit Area C-B–5, which includes the area within a radius of 0.25 nm of a point at 23° 55' N. lat. and 165° 23.11' W. long., and set the annual harvest quota for all types of precious coral at zero until additional information becomes available on the impact of harvesting gold coral on monk seal foraging habitat; list all managed species of precious corals on the NMFS Daily Precious Coral Harvest Log and Precious Coral Sales Trip Report, and revise reporting and recordkeeping requirements as follows: A permit holder shall, within 72 hours of landing, mail to NMFS Pacific Island Area Office (PIAO) a copy of the NMFS Daily Precious Coral Harvest Log with complete information including:

(1) Vessel information -(i) Name of vessel; (ii) Call sign of vessel; and (iii) permit number of vessel.

(2) Fishing information - (i) beginning and ending time, and date, of all dives, including the dives when no harvest is made; (ii) beginning and ending position in degrees latitude and longitude of each dive, and distance traveled; (iii) maximum and minimum depth of each dive; (iv) number of live and dead colonies harvested on each dive, by species; (v) weight of harvested coral on each dive by species, to the nearest tenth of a kilogram (landed weight air dried for at least 24 hours); (vi) number of live and dead colonies

damaged but not harvested on each dive, by species; (vii) method of harvest; (viii) observations that may be made about the habitat (current, bottom type, bottom topography, bottom slope, etc.).

(3 Sale information - (i) amount of coral sold, by species; (ii) sale price; (iii) date of sale; (iv) name(s) and address(es) of buyer(s).

(4) any other information specified in the permit. Any video tapes made during harvest operations shall be made available to the NMFS PIAO upon request. The video recording should continuously display date and time. Although these measures were identified as the preferred actions, the other alternatives are still being analyzed and considered.

Plan Team Recommendations

8:30 a.m. Wednesday, October 13, 1999

D. Pelagic FMP issues

1. 2nd quarter 1999 Hawaii and American Samoa longline fishery report
2. Status of bigeye and yellowfin tuna tagging around the Hawaiian Islands
3. Shark incidental catch in the Hawaii longline fishery
   a. Update on catch trends and NMFS shark studies
   b. Cultural study of sharks and shark fishing in Western Pacific (WP) Region
   c. Management of shark fishing in the WP Region
   d. State of Hawaii Department of Land and Natural Resources and Council action on sharks in Hawaii.
4. Seabird interactions in the Hawaii longline fishery
   a. Update on trends and numbers
   b. Mitigation project final draft
   c. Final action on measures to reduce the incidental catch of seabirds in the Hawaii longline fishery.

Based on a discussion of these issues at the 100th Council meeting, the Council identified the following preferred actions: Require vessels with Hawaii Longline Limited Entry Permits operating with longline gear above 25° N. lat. to adhere to two or more of the following measures to mitigate seabird-longline interactions: maintain adequate quantities of blue dye on board and use only completely thawed, blue-dyed bait; use strategic offal discards while setting and hauling the line; tow a NMFS-approved deterrent (such as a tori line or a buoy) while setting and hauling the line; deploy line with a shooter so that the line is set faster than the vessel's speed; ensure that weights greater than 45 grams are attached to branch lines within 1 meter of each hook; begin setting 1 hour after sunset and complete setting 1 hour before sunrise, using minimal vessel lighting. In addition, vessels must make every reasonable effort to ensure that birds brought onboard alive are released alive and that hooks are removed without jeopardizing the life of the birds, and all vessel captains must complete an annual protected species educational workshop conducted by NMFS. Although these measures were identified as the preferred actions, the other alternatives are still being analyzed and considered.

5. Turtles longline fishery interactions
   a. Update on trends and numbers
   b. Update on mitigation studies
   c. Outcome of recent litigation
6. Marine debris
7. International meetings
8. Recreational fisheries data task force

8:30 am Thursday, October 14, 1999

E. Crustaceans FMP issues (NWHI lobster fishery)

1. Status of the fishery
2. Public Education Project
3. Status of state regulations for NWHI import license

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this document and any issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

F. Other Business

List of authorized fishing gear/ fisheries

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 27, 1999.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25463 Filed 9–27–99; 4:56 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 092499A]

Environmental Impact Statement (EIS) for the Proposed Fishery Management Plan (FMP) for Highly Migratory Species (HMS) off the West Coast

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare an EIS; request for comments.

SUMMARY: NOAA announces its intention to prepare an EIS in accordance with the National Environmental Policy Act for the proposed FMP for HMS fisheries off the West Coast. The NMFS and Pacific Fishery Management Council (Council) will jointly hold public scoping hearings in California, Oregon, and Washington on management issues and alternatives to be analyzed under the FMP and associated EIS.

DATES: Written comments on the intent to prepare the EIS will be accepted on or before November 1, 1999. Public scoping meetings are scheduled for October 12 and 13 and October 18 and 19, 1999 (see SUPPLEMENTARY INFORMATION).

ADDRESSES: Written comments on suggested alternatives and potential impacts should be sent to Larry D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201; and to Svein Fougner, Assistant Regional Administrator for Sustainable Fisheries, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. See SUPPLEMENTARY INFORMATION for specific dates and times.

FOR FURTHER INFORMATION CONTACT: Larry Six, at 503–326–6352.

SUPPLEMENTARY INFORMATION:

Dates and Times

The following locations and times have been set for scoping meetings:

1. California - San Pedro Hilton Hotel, Madeo Ristorante and Banquet Center, 2800 Via Cabrillo Marina, San Pedro, October 12, 1999, beginning at 7:00 P.M.;
2. California - Hilton Monterey, Vista del Mar Banquet Room, 1000 Aguajito Road, Monterey, October 13, beginning at 7:00 P.M.;

3. Washington - Driftwood Room, Islander Motel, 421 Westhaven Drive, Westport, October 18, 1999, beginning at 1:00 P.M.; and

4. Oregon - Hatfield Marine Science Center, Room 9, Newport, October 19, 1999, beginning at 7:00 P.M.

A summary of a background information document on HMS fisheries off the West Coast and on initial issues to be considered will be presented, as well as potential conservation and management actions that might be included in the FMP. Comments will be solicited from the public on these and any other issues and management alternatives the public cares to offer.

Management measures that may be adopted in the FMP for HMS Fisheries off the West Coast include permit and reporting requirements for commercial and recreational harvest of HMS resources, time and/or area closures to minimize gear conflicts or bycatch, adoption or confirmation of state regulations for HMS fisheries, and allocations of some species to non-commercial use. The FMP is likely to include a framework management process to add future new measures, including the potential for collaborative management efforts with other Regional Fishery Management Councils with interests in HMS resources. It would also include essential fish habitat and habitat areas of particular concern, including fishing and non-fishing threats, as well as other components of FMPs required under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The proposed FMP, and its associated EIS, would be the Council's fourth FMP for the exclusive economic zone off the West Coast. Development of the FMP is timely, considering the new mandates under the Magnuson-Stevens Act, efforts by the United Nations to promote conservation and management of HMS resources through domestic and international programs, and the increased scope of activity of the Inter-American Tropical Tuna Commission in HMS fisheries in the eastern Pacific Ocean.

Public Information Meetings

The planning process for the FMP will involve many meetings of the Council Plan Team, and these meetings are open to the public. The Council also will frequently discuss progress on the FMP at regular Council meetings. All Plan Team and Council meetings will be advertised in the **Federal Register** and local newspapers.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Larry Six, (see **ADDRESSES**), 503–326–6352 (voice) or 503–326–6831 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 27, 1999.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25462 Filed 9–27–99; 4:56 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 092499I]

Western Pacific Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting/public scoping hearing/public hearings.

SUMMARY: The Western Pacific Fishery Council (Council) will hold its 101st meeting in Honolulu, HI. The Council expects to initiate action on shark management and expects to adopt a draft Coral Reef Ecosystem Fishery Management Plan (FMP) at this meeting. The Council may take final action on regulatory amendments for precious corals and incidental catch of seabirds in the Hawaii longline fishery. A public hearing will be held on the management alternatives being considered in the draft Coral Reef Ecosystem FMP of the U.S. Western Pacific Region and being analyzed in associated documents, including a Draft Environmental Impact Statement (DEIS). A public scoping hearing on the intent to prepare an Environmental Impact Statement (EIS) will be held on the Bottomfish and Seamount Groundfish FMP.

DATES: The full Council meeting will be held on October 19–21, 1999. The Council's Standing Committees will meet on October 18, 1999. See **SUPPLEMENTARY INFORMATION** for specific dates and times for these meetings.

ADDRESSES: The Council meeting will be held at the Lanai Ballroom, Sheraton Waikiki Hotel, 2255 Kalakaua Ave., Honolulu, Phone: (808) 922–4422.

Council address: Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone 808–522–8220.

SUPPLEMENTARY INFORMATION:

Dates and Times

Enforcement/Vessel Monitoring System (VMS) from 8:00 a.m. to 10:00 a.m., International Fisheries/Pelagics Fisheries from 9:30 a.m. to 11:30 a.m., Bottomfish Fisheries from 10:30 a.m. to 11:30 a.m., Ecosystem & Habitat from 1:00 p.m. to 3:00 p.m., Native and Indigenous Rights from 1:00 p.m. to 3:00 p.m., Precious Corals Fisheries from 3:00 p.m. to 4:00 p.m., Crustaceans Fisheries from 3:00 p.m. to 4:00 pm, and Executive/Budget & Program from 4:00 p.m. to 6:00 p.m. The full Council will meet on October 19, 20 and 21, 1999, from 8:30 a.m. to 5:00 p.m., each day. Public hearings will be conducted as follows: Draft Coral Reef Ecosystem FMP/DEIS–October 19, 1999; regulatory amendment governing incidental catch of seabirds in Hawaii longline fishery–October 20, 1999; scoping on bottomfish FMP EIS–October 21, 1999; and regulatory amendment for precious corals–October 21, 1999.

Agenda

The agenda during the full Council meeting will include the items below. The order in which agenda items are addressed may change. The Council will meet as late as necessary to complete scheduled business.

1. Introductions
2. Approval of Agenda
3. Approval of 100st Meeting Minutes
4. Island Reports
   A. American Samoa
   B. Guam
   C. Hawaii
   D. Northern Mariana Islands
5. Reports from Fishery Agencies and Organizations
   A. Department of Commerce
   (1) NMFS
   (a) Southwest Region, Pacific Island Area Office
   (b) Southwest Fisheries Science Center LaJolla and Honolulu Laboratory
   (2) NOAA General Counsel, Southwest Region
   B. Department of the Interior
   (1) Fish and Wildlife Service
6. Enforcement
   A. Cooperative enforcement presentation to American Samoa B. U.S. Coast Guard enforcement activities
   C. NMFS enforcement activities and status of violations

D. Cooperative agreements for Guam
E. Illegal immigration related to the foreign fishing fleet
7. VMS
A. Hawaii VMS report
B. National VMS plans
8. Ecosystems and Habitat
A. Honolulu Lab Essential Fish Habitat (EFH) research
B. Draft coral reef ecosystem FMP/DEIS (Council will take initial action to select preferred management alternatives and may direct staff to finalize the draft FMP/DEIS for distribution for public review
(1) Introduction to the FMP
(2) Description of the fisheries
(3) Description of threats/management issues
(4) Management objectives, program and impacts
(a) Fishing permits (alternatives include, but are not limited to, exploratory permit and reporting requirements, general permit based on standard eligibility requirements, moratorium to prohibit all harvest of coral reef species, and status quo (no action))
(b) Marine Protected Areas (alternatives include, but are not limited to, candidate areas, such as remote U.S. atolls and the Northwestern Hawaiian Islands (NWHI) shallower than 20 meters, or status quo (no action))
(c) Restrictions of gear and methods (alternatives include, but are not limited to, allow only selective, non-destructive gear and methods, allow no gear or methods, allow use of other gears and/or methods, restrict other methods and practices, or status quo (no action))
(d) Restrict harvest of a particular management unit species (alternatives include, but are not limited to, restrict harvest of corals and live rock, restrict harvest of other selected species, restrict the harvest of all management unit species, or no restrictions (no action))
(e) Framework provisions (alternatives include, but are not limited to, establish a framework regulatory process with specified options for future consideration, or status quo (no action))
(5) Description of resource ecosystem
(6) EFH
(7) Sustainable Fisheries Act determinations
(8) Relationship to existing laws and policies
(9) Future needs
(10) Plan Team recommendations
(11) Advisory Panel recommendations
(12) Science and Statistical Committee recommendations
(13) Public hearing on draft FMP/DEIS
9. Fishery Rights of Indigenous Peoples
A. Review of marine conservation plans. Council will review the plan submitted by the Governor of Guam and any other plan submitted and may take final action.
B. Status of community development program/demonstration projects
10. Pelagic FMP issues
A. 2nd quarter 1999 Hawaii and American Samoa longline fishery report
B. Shark management
(1) Update on catch trends and NMFS shark studies
(2) Status of study of the cultural-historic significance of sharks to the indigenous peoples of Hawaii, American Samoa, Guam and the Northern Mariana Islands.
(3) Discussion of optimal utilization of sharks in the Western Pacific, including transshipment of shark products. The increase in shark finning has raised concerns about the perceived waste associated with this practice. In addition, there are concerns about the impacts of increased fishing pressure on shark stocks. The Council will discuss various management options to address these issues and expects to initiate action. Management options include, but are not limited to, harvest quotas, size limits, finning restrictions, release conditions and reporting requirements.
(4) Federal-State coordination in shark management in waters around the Hawaiian Islands
C. Incidental catch of seabirds in the Hawaii longline fishery
(1) Update on catch trends and numbers
(2) Final report by Garcia and Associates on evaluation of mitigation measures
(3) Final action on measures to reduce the incidental catch of seabirds in the Hawaii longline fishery. The preferred action initially identified by the Council at the June 16–18, 1999, Council meeting is to require vessels with Hawaii Longline Limited Entry Permits operating with longline gear above 25° N. latitude to adhere to two or more of the following measures to mitigate seabird-longline interactions: (i) Maintain adequate quantities of blue dye on board and use only completely thawed, blue-dyed bait; (ii) use strategic offal discards while setting and hauling the line; (iii) tow a NMFS-approved deterrent (such as a tori line or a buoy) while setting and hauling the line; (iv) deploy line with a shooter, so that the line is set faster than the vessel's speed; (v) ensure that weights greater than 45 grams are attached to branch lines within 1 meter of each hook; and (vi) begin setting at least 1 hour after sunset and complete setting at least 1 hour before sunrise, using minimal vessel lighting. In addition, vessels would be required to make every reasonable effort to ensure that birds brought onboard alive are released alive and that hooks are removed without jeopardizing the life of the birds, and all vessel captains must complete an annual protected species educational workshop conducted by NMFS. Although these measures were identified as the preferred actions, the other alternatives are still being analyzed and considered. This will be the second meeting under the Council's two-meeting framework process in the pelagics FMP for implementing "new management measures." The Council may take final action on the proposed adjustments to the regulations implementing the FMP.
(4) Public hearing
D. Turtles-longline fishery interactions
(1) Update on interaction trends and numbers
(2) Update on interaction mitigation studies
(3) Outcome of recent litigation
E. Marine debris
F. International meetings
G. Recreational fisheries data task force
H. Science and Statistical Committee recommendations
11. Bottomfish FMP issues
A. Bottomfish FMP issues
(1) Update on status of activities
(a) Main Hawaiian Islands bottomfish meeting
(b) Need to prepare an EIS for Bottomfish FMP
(2) Public scoping hearing on Bottomfish FMP
B. Science and Statistical Committee recommendations
12. Precious corals FMP issues
A. A final action on adjustments to regulations implementing the FMP regarding harvest quotas, definitions, size limits, gear restrictions, bed classifications and reporting and recordkeeping requirements. Recent research and surveys have provided new information on precious corals in the waters around Hawaii, including information on the size and condition of certain classified precious coral beds, potential increases in fishing pressure on black corals, the presence of a new precious coral bed near French Frigate Shoals and the possible importance of precious coral beds as foraging areas for Hawaiian monk seals. Based on a discussion of these issues at the 100th Council meeting, the Council identified the following preferred actions: Suspend the harvest quota for gold coral at the Makapu'u Bed until additional information is available on the impact of harvesting on subsequent recruitment of

gold coral at the Makapu'u Bed; redefine precious coral as precious coral that has live coral polyps or tissue, and redefine dead precious coral as precious coral that no longer has any live coral polyps or tissue; apply size limits to live coral only; prohibit the harvest of black coral unless it has attained either a minimum stem diameter of 1 inch (254 cm), measured 1 inch (254 cm) from the top of the living holdfast, or a minimum height of 48 inches (cm), measured from the base to the greatest vertical extremity of the colony; only selective gear may be used to harvest precious corals from all permit areas; apply the current size limit for pink coral to all permit areas; revise the boundaries of Brooks Bank, Permit Area C-B–3, to include the area within a radius of 2.5 nautical miles (nm) of a point 23° 58.8' N lat. and 166° 42' W long., and change the harvest quota for pink coral to 200 kg and suspend the harvest quota for gold coral until additional scientific information becomes available on the impact of harvesting gold coral on monk seal foraging habitat; classify the newly-discovered FFS-Gold Pinnacles Bed as a conditional bed, Permit Area C-B–5, which includes the area within a radius of 0.25 nm of a point at 23° 55' N lat. and 165° 23.11' W long., and set the annual harvest quota for all types of precious coral at zero until additional information becomes available on the impact of harvesting gold coral on monk seal foraging habitat; list all managed species of precious corals on the NMFS Daily Precious Coral Harvest Log and Precious Coral Sales Trip Report, and revise reporting and recordkeeping requirements as follows: A permit holder shall, within 72 hours of landing, mail to NMFS Pacific Island Area Office (PIAO) a copy of the NMFS Daily Precious Coral Harvest Log with complete information including:

(1) Vessel information - (i) Name of vessel; (ii) Call sign of vessel; and (iii) Permit number of vessel.

(2) Fishing information - (i) Beginning and ending time, and date, of all dives, including the dives when no harvest is made; (ii) beginning and ending position in degrees latitude and longitude of each dive and distance traveled; (iii) maximum and minimum depth of each dive; (iv) number of live and dead colonies harvested on each dive by species; (v) weight of harvested coral on each dive by species, to the nearest tenth of a kilogram (landed weight air dried for at least 24 hours); (vi) number of live and dead colonies damaged but not harvested on each dive by species; (vii) method of harvest; and (viii) observations that may be made about the habitat (current, bottom type, bottom topography, bottom slope, etc.).

(3) Sale information - (i) Amount of coral sold (by species); (ii) sale price; (iii) date of sale; and (iv) name(s) and address(es) of buyer(s).

(4) Any other information specified in the permit. Any video tapes made during harvest operations shall be made available to the NMFS PIAO upon request. The video recording should continuously display date and time. Although these measures were identified as the preferred actions, the other alternatives are still being analyzed and considered. This will be the second meeting under the Council's two-meeting framework process in the Precious Corals FMP for implementing "new management measures." The Council may take final action on the proposed adjustments to regulations implementing the FMP.

B. Plan Team recommendations

C. Science and Statistical Committee recommendations

D. Public Hearing

13. Crustaceans FMP issues

A. Crustaceans FMP issues (NWHI lobster fishery)

(1) Status of the fishery

(2) Public education project

(3) Necker Island refuge boundary

(4) Status of state regulations for NWHI import license

B. Science and Statistical Committee recommendations

C. Public comments

14. Program Planning

A. Magnuson-Stevens Fishery Conservation Management Act amendments

B. Carbon monoxide-treated tuna update

C. Food and Drug Administration Hazard Analysis Critical Control Point requirements aboard vessels

D. Western Pacific Fisheries Information Network

E. Educational initiatives and technical reports

F. Science and Statistical Committee recommendations

15. Administrative Matters

A. Administrative reports

B. Meetings and workshops

C. 102nd Council Meeting

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this document and any issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

16. Other Business

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 24, 1999.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25413 Filed 9–29–99; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 64, No. 189
Thursday, September 30, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 99–056–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of the National Animal Health Monitoring System's Layers '99 national study.

DATES: Comments on this notice must be received by November 29, 1999, to be assured of consideration.

ADDRESSES: We invite you to comment regarding the accuracy of burden estimate, ways to minimize the burden (such as through the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information. Please send your comment and three copies to: Docket No. 99–056–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 99–056–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: For information regarding the Layers '99 data collection activity, contact Ms. Marj Swanson, Program Specialist, Centers for Epidemiology and Animal Health, VS, APHIS, 555 S. Howes, Fort Collins, CO 80521; (970) 490–7978. For copies of more detailed information on the information collection, contact Ms. Cheryl Groves, APHIS' Information Collection Coordinator, at (301) 734–5360.

SUPPLEMENTARY INFORMATION:

Title: National Animal Health Monitoring System.

OMB Number: 0579–0079.

Expiration Date of Approval: December 31, 1999.

Type of Request: Extension of approval of an information collection.

Abstract: The mission of the Animal and Plant Health Inspection Service (APHIS), Veterinary Services, is to protect and improve the health, quality, and marketability of U.S. livestock and poultry by preventing, controlling, and monitoring animal diseases. Collection and dissemination of animal and poultry health data and information are mandated by 7 U.S.C. 391, the Animal Industry Act of 1884, which established the precursor of Veterinary Services, the Bureau of Animal Industry. Legal requirements for examining and reporting on animal disease control methods were further mandated by 21 U.S.C. 119, amended February 7, 1928, "Agents to examine and report on methods of treatment of animals and means for suppression of diseases."

Veterinary Services' National Animal Health Monitoring System (NAHMS) is charged with collecting, on a national basis, statistically valid and scientifically sound data on the prevalence and economic importance of livestock and poultry health and disease. Information from these national studies is disseminated to and used by animal and poultry producers, consumers, animal health officials, private practitioners, animal industry groups, policymakers, public health officials, media, educational institutions, and others to improve productivity and competitiveness.

NAHMS national studies have evolved into a collaborative industry and government initiative to help improve the quality of, and to determine the most effective production of, animal and poultry health and disease. Participation in a NAHMS study is strictly voluntary and confidential.

Layers '99 will collect data that will be used to describe baseline health and management practices used by the U.S. table egg layer industry, to estimate flock prevalence of Salmonella enteriditis, to identify potential risk factors associated with the presence of Salmonella enteriditis, to support and enhance quality assurance programs, and to describe biosecurity measures being used by the industry and their effects on flock health.

We are asking the Office of Management and Budget to approve the continued use of this information collection activity.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning these information collection activities. These comments will:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.9048 hours per response.

Respondents: Industry personnel, private veterinary practitioners, company and independent producers, academicians, as well as other interested parties involved with poultry health and management practices in the United States.

Estimated annual number of respondents: 2,657.

Estimated annual number of responses per respondent: 3.2013.

Estimated annual number of responses: 8,506.

Estimated total annual burden on respondents: 7,697 hours. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 24th day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–25426 Filed 9–29–99; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Forest Service

Revision of the Land and Resource Management Plan for the Tonto National Forest Located in Gila, Maricopa, Pinal and Yavapai Counties, Arizona

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Pursuant to 36 CFR 219.10(g), the Regional Forester for the Southwestern Region gives notice of the agency's intent to prepare an environmental impact statement (EIS) for the Revised Tonto National Forest Land and Resource Management Plan (Forest Plan). According to 36 CFR 219.10(g), Forest Plans are ordinarily revised on a 10-year cycle or at least every 15 years. The existing Tonto National Forest Plan was approved on October 31, 1985 and has been amended 23 times. The proposed action is to update the amended Forest Plan, make format changes and edit to improve clarity, and modify based on needs determined through the EIS process.

The responsible official for approving the Forest Plan revision is Eleanor S. Towns, Regional Forester, Southwestern Region, USDA Forest Service, 517 Gold Avenue SW, Albuquerque, New Mexico 87102. The Forest Supervisor, Tonto National Forest, is delegated responsibility for preparing the environmental impact statement.

DATES: Comments concerning the scope of the analysis (the need to revise, add or delete specific sections of the Forest Plan) should be received in writing by December 31, 1999. The Draft EIS should be available for public review in September 2002. The Final EIS and revised Forest Plan should be completed by March 2004.

ADDRESSES: Send written comments to Charles R. Bazan, Forest Supervisor, Tonto National Forest, 2324 E. McDowell Road, Phoenix, Arizona 85006, Attn: Forest Plan Revision.

FOR FURTHER INFORMATION CONTACT: Eddie Alford, Planning Group Leader or Paul Stewart, Acting Team Leader, (602) 225–5200.

SUPPLEMENTARY INFORMATION: The requirement and process for developing, adopting and revising land and resource management plans for the National Forest System are defined by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended and the National Forest Management Act of 1976. Implementing regulations are defined at Title 36, Chapter II, Part 219, Subpart A of the Code of Federal Regulations (36 CFR 219, Subpart A).

The Forest Supervisor has amended the Forest Plan, pursuant to 36 CFR 219.10(f), 23 times since its adoption in 1985. The "Five Year Review" was completed and approved on November 4, 1991. This report identified changed conditions and demands, and identified amendment and revision needs. In addition, new laws and revisions to the Code of Federal Regulations have resulted in the need to update portions of the Forest Plan.

Initiation of the Forest Plan revision process has been delayed since 1995 pending finalization of proposed changes to National Forest System planning regulations, which would significantly alter the current process. Amendments continued to be processed and approved to address immediate needs. Currently proposed or needed amendments may be acted upon, consistent with the National Environmental Policy Act, during the Forest Plan revision process. Regulations at 36 CFR 219.10(g) require that the Tonto National Forest proceed with revision at this time using existing planning regulations, regardless of the status of currently proposed changes in the regulations.

The content of the Forest Plan is prescribed in planning regulations (36 CFR 219.11) and includes:

(a) A brief summary of the management situation including demand and supply conditions for commodities and services, production potentials, and use and development opportunities;

(b) Forest multiple-use goals and objectives that include a description of the desired future condition of the Forest and an identification of the quantities of goods and services that are expected to be produced or provided during the planning period;

(c) Multiple-use prescriptions and associated standards and guidelines for each management area including proposed and probable management practices; and

(d) Monitoring and evaluation requirements that will provide a basis for a periodic determination and evaluation of the effects of management practices.

Planning regulations (36 CFR 219.13) also require that area planning for specific individual resources be integrated into the Forest Plan. These individual resource-planning requirements include but are not limited to:

(a) Timber resource land suitability (219.14);

(b) Roadless areas, unless otherwise provided by law (219.17);

(c) Grazing resource suitability (219.20);

(d) Recreation resource, including the visual resource (219.21); and

(e) Research natural areas (219.25).

Alternatives required by implementing regulations of the National Forest Management Act and the National Environmental Policy Act will be considered during the planning process. An alternative addressing the Resource Planning Act (RPA) program tentative resource objectives, a "no action" alternative that reflects the current Forest Plan direction, and a reasonable range of alternatives will be developed to respond to public issues, management concerns and resource opportunities identified during the planning process (36 CFR 219.12; 40 CFR 1501.7, 1502.14). The initial proposed action is to update the amended Forest Plan by reformatting and editing to improve clarity, and to ensure direction is consistent with new laws and regulations.

The Forest Service hereby gives notice that it is beginning a full environmental analysis and decision making process for this proposal so that interested or potentially affected people may know how they may contribute to the final decision. The Forest Service invites comments and suggestions from Federal, State, and local governments and agencies, Native American tribes, individuals, organizations and businesses on the scope of the analysis to be included in the draft environmental impact statement (DEIS). The scope of the analysis is limited to

those actions for which the Forest Supervisor has the legal authority to approve in a forest plan decision. Written comments are encouraged during the initial comment period, which ends December 31, 1999.

Specific information, which is needed at this stage of the process, includes:

(a) Names and addresses of interested parties, including specific agency or organization contacts, in order to update the Forest Plan mailing list;

(b) Suggestions for effective public involvement;

(c) Identification of areas or topics of interest; and

(d) New information or changed conditions which may indicate a need to change direction from the current Forest Plan.

Comments, as well as names and addresses on the Forest Plan mailing list, will be considered part of the public record on this proposed action and will be available to the public. Comments submitted anonymously will be accepted and considered. Any person may request the agency withhold their name, address or comment from the public record by showing how the Freedom of Information Act permits such confidentiality. The Forest Service will inform the requester of the agency's decision regarding a request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address.

Following this initial scoping, public meetings will be scheduled and/or informational newsletters will be produced consistent with public interest and involvement needs; and additional meetings with individuals or groups may also be arranged. It is anticipated that at least one additional comment period will be provided prior to issuance of the DEIS. The DEIS and proposed revised Forest Plan should be available for public review in September 2002. After a minimum comment period of 90 days, the final environmental impact statement and revised Forest Plan should be completed by March 2004.

The following information applies to review of the DEIS when it is issued. The 90-day public comment period on the DEIS will commence on the day the Environmental Protection Agency publishes a "Notice of Availability" in the **Federal Register**. It is very important that those interested in this proposed action have established their interest by that time. Written comments on the DEIS should be as specific as possible and may also address the adequacy of the statement or the merits of the alternatives formulated and discussed in the statement (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). Please note that comments you make on the DEIS will be regarded as public information.

In addition, Federal court decisions have established that reviewers of a DEIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions (*Vermont Yankee Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978)). Environmental objections that could have been raised at the draft stage may be waived or dismissed by the courts if not raised until after completion of the final environmental impact statement (*City of Angoon* v. *Hodel*, 9th Circuit, 803 F.2d 1018, (1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334 (E.D. Wis. 1980)). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 90 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

Dated: September 24, 1999.

James T. Gladen,

Deputy Regional Forester.

[FR Doc. 99–25401 Filed 9–29–99; 8:45 am]

BILLING CODE 3410–11–U

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plan, Uinta National Forest, Utah

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement and a revised Land and Resource Management Plan for the Uinta National Forest, located in Utah, Wasatch, Juab, Tooele, and Sanpete Counties, Utah.

SUMMARY: The Department of Agriculture, Forest Service will prepare an Environmental Impact Statement (EIS) in conjunction with revision of the Land and Resource Management Plan (Forest Plan), and a revised Forest Plan for the Uinta National Forest. The revised Forest Plan will supersede the current Forest Plan, which was approved October 3, 1984, and has been amended seven times.

This notice describes the needs for change in the current Forest Plan that to date have been identified by Uinta Forest Supervisor, Peter W. Karp, to be revised; the environmental issues considered in the revision; the estimated dates for filing the EIS; the information concerning public participation; and the names and addresses of the responsible agency official and the individual who can provide additional information.

DATES: Comments regarding the scope of the analysis should be received in writing by November 30, 1999. The agency expects to file a Draft EIS in the Fall of 2000, and a Final EIS in the Spring of 2001.

ADDRESSES: Send written comments to: Peter W. Karp, Forest Supervisor, Uinta National Forest, PO Box 1428, 88 West 100 North, Provo, UT 84603–1428.

FOR FURTHER INFORMATION CONTACT: Marlene DePietro, Planning Team Leader, Uinta National Forest (801) 342–5161.

Responsible Official: Jack Blackwell, Intermountain Regional Forester, 324 25th Street, Ogden, UT 84401.

SUPPLEMENTARY INFORMATION: Pursuant to part 36 Code of Federal Regulations (CFR) 219.10(g), the Regional Forester for the Intermountain Region gives notice of the agency's intent to prepare an Environmental Impact Statement to revise the Uinta National Forest Plan. According to 36 CFR 219.10(g), land and resource management plans shall ordinarily be revised on a 10 to 15 year cycle. The existing plan was approved October 3, 1984.

The Regional Forester gives notice that the Uinta National Forest is beginning an environmental analysis and the decision-making process for this proposed programmatic action to revise the Uinta Forest Plan.

Forest plans describe the long-term direction for managing national forests. Agency decisions in these plans do the following:

- Establish multiple use goals and objectives (36 CFR 219.11)
- Establish forest-wide management requirements (standards and guidelines) (36 CFR 219.13 to 219.26)
- Establish management areas and management area direction through the application of management prescriptions (36 CFR 219.11(c))
- Establish monitoring and evaluation requirements (36 CFR 219.11(d))
- Determine suitability and potential capability of lands for resource production. This includes identifying lands not suited for timber production

and establishment of allowable sale quantity (36 CFR 219.14)

• Where applicable, recommend official designation of special areas such as wilderness (36 CFR 219.17) and wild and scenic rivers to Congress.

The authorization of project-level activities on a forest occurs through project or site-specific decisions. Project-level decisions must comply with National Environmental Policy Act (NEPA) procedures and must include a determination that the project is consistent with the forest plan.

Need for Changes in the Current Forest Plan

It has been almost 15 years since the current Forest Plan was approved. Experience and monitoring have shown the need for changes in management direction for some resources or programs. Several sources have highlighted needed changes in the current Forest Plan. These sources include:

• Public involvement that has identified new information and public values,

• Monitoring and scientific research that has identified new information and knowledge gained, and

• Forest Plan implementation that has identified management concerns to find better ways for accomplishing desired conditions.

In addition to changing public views about how these lands should be managed, information and the scientific understanding of these ecosystems has evolved.

Proposed Action

The following topics are being considered for revision in the Forest Plan. Each need for change was placed into one of three categories: appropriate for inclusion in the revision; able to be postponed and later addressed through the continuous assessment process; or not requiring attention.

Identified needs for change are addressed in the following sections, with a short description of what each change entails and why it is necessary.

1. Topics Appropriate for Inclusion in the Forest Plan Revision

The following topics will be included in the Forest Plan revision because law and/or regulation require them to be considered in all forest plan revisions.

a. Wild and Scenic Rivers: The Wild and Scenic Rivers Act of 1968 was enacted to protect and preserve, in their free-flowing condition, certain selected rivers of the nation and their immediate environments. The Act established the National Wild and Scenic Rivers System (NWSRS), designated rivers included in the system, established policy for managing designated rivers, and prescribed a process for designating additional rivers to the system. The Act requires consideration of Wild and Scenic Rivers as part of the ongoing planning process. In 1997 the Uinta National Forest, in consultation with tribal governments and state and other federal agencies, undertook an inventory of the rivers on the Forest. Four segments were found to be free-flowing and in possession of at least one outstandingly remarkable value, making them eligible for designation. Until such time as a suitability determination and Congressional designation can be made, the Forest Service must protect the values that made the stream eligible for NWSRS, and maintain the rivers' free-flowing character. The proposed action is to establish direction to provide interim protection for these four rivers and to defer decisions on NWSRS recommendations until these decisions can be made through separate, more focused analyses later.

b. Wilderness Recommendation From Existing Roadless Inventory: Forest Service policy, the regulations in 36 CFR 219.17, and the 1984 Utah Wilderness Act require that roadless areas be evaluated and considered for recommendation as potential wilderness areas during the forest planning process. In 1997 the Forest began updating its inventory of roadless areas. A Draft Inventory of Unroaded and Undeveloped Lands on the Uinta National Forest was released for public review in April 1999, identifying 528,015 acres of roadless areas on the Uinta National Forest.

c. Reevaluation of Lands Not Suited for Timber: NFMA and its implementing regulations require identification of lands appropriate for timber management. The revision process provides an opportunity to reassess and better define the lands deemed appropriate for timber management, and to account for changes in land status and uses having occurred in the past 10–15 years. The revision will also use more accurate technology (such as GIS data) than was available during development of the original Forest Plan. The proposed action is to make any appropriate adjustments and better define the lands suited for timber production.

d. Areas Where Change May Be Needed: The topics in the following sections were included in the revision based on information found in monitoring reports, insight from Forest Service employees and their experience with the public regarding the effectiveness (or ineffectiveness) of the current Plan, requirements in Forest Service Handbooks and Manuals, and employment of new direction and policy.

The following topics will be included in the Forest Plan revision. Experience indicates that existing direction for the following topics is too limited or is inappropriate. Forest plan direction could be changed on a project by project basis through amendment; however, addressing these topics through the revision would eliminate the need for several future site-specific amendments and would facilitate achievement of other Forest Plan, ecosystem management, and Natural Resource Agenda goals.

e. Revise the List of Timber Practices: The Forest Plan identified the even-aged silvicultural system as the primary means of forest regeneration. While this may be appropriate for lodgepole pine and aspen, which develop an even-aged structure, many spruce/fir stands naturally develop an uneven-aged structure, and consequently, individual and group selection (instead of clearcutting) have been the preferred regeneration methods under an uneven-aged silvicultural system. The proposed action is to expand the array of silvicultural systems and harvest methods that may be used.

f. Eliminate Game Retrieval Policy: Although the Uinta Forest Plan does not make site-specific travel management decisions, it does contain direction allowing off-road and trail motorized vehicle use to retrieve legally taken big game animals. Monitoring has revealed that the practice often causes resource damage. The policy is inconsistent with other local national forests and other Uinta National Forest policies. Ghost roads are created that are difficult to control and that increase road densities. Limiting off-road motorized vehicle use to only game retrieval purposes is virtually impossible. The proposed action is to eliminate this provision. Site-specific travel management decisions will not be made through the Forest Plan revision.

g. Expand Management Direction for Areas of Heavy Dispersed Recreation Use: Dispersed recreation use on the Forest has increased significantly over the last several years, and this is expected to continue in the future. This use is resulting in resource damage and conflicts in some areas. The proposed action is to develop Limits of Acceptable Change (LAC) guidelines for determining unacceptable impacts to resources, and to use Meaningful Measures (another set of criteria developed by the Forest Service) for

defining recreation management objectives. Meaningful Measures blends both quantitative and qualitative aspects of recreation and will be more useful in budgeting and monitoring than were the reports previously used.

h. Revise Fuelwood Harvest Levels: The 1984 Forest Plan projected an annual fuelwood program of 18,000 cords (equivalent to 9 million board feet (MMBF)). Although there has been little interest in commercial fuelwood, the Forest has maintained a personal-use fuelwood program. Current annual demand is about 1,000 cords (equivalent to 0.5 MMBF). The proposed action is to revise the objective for fuelwood harvest to more closely reflect demand.

i. Update/Revise Management Indicator Species (MIS): The regulations in 36 CFR 219.19 require identification and monitoring of MIS to indicate the effects of management activities on fish and wildlife. A list of MIS were identified in the 1984 Forest Plan, and was subsequently amended in 1993. Experience with these MIS indicates additional refinements may be needed. Some of the species listed are difficult to monitor accurately, and/or their population trends may be affected by things other than forest management. The proposed action is to change the list of MIS.

j. Eliminate Emphasis On Adding Developed Recreation Capacity: The 1984 Forest Plan placed an emphasis on the construction of additional recreational facilities to accommodate an expected increase in demand. Since the Plan was written, inadequate funding and limited personnel have restricted both new construction and the expansion of existing facilities. As this trend is expected to continue, the proposed action is to change the focus in the Plan to managing existing facilities to increase utilization, and to provide for reconstruction when necessary.

k. Remove Post and Pole Harvest Objectives: Forest Plan timber objectives include providing posts and poles to the public as a service. While limited post and pole opportunities do exist on the Uinta National Forest, these stands are valuable for wildlife, and most requests are referred to the Ashley and Wasatch-Cache National Forests. The proposed action is to remove post and pole harvest objectives from the Forest Plan.

In addition to the topics previously listed, the following topics will be included in the revision. Experience has shown the lack of specificity or direction in the following areas has severely hampered implementation of the Forest Plan. Addressing these topics, while not required, would provide the over-arching framework needed to effectively implement the Forest Plan.

l. Refine Management Area Boundaries: To implement the Forest Plan, ecosystem boundaries must be delineated. The present management areas are less useful than they could be given the current understanding of ecosystems from both a social and biological standpoint. The seven current management areas range in size from 56,755 to 290,925 acres and are not easily recognized as distinct places. They are not directly related to ecological units such as watersheds, and their usefulness in examining actions and their effects is limited. The proposed action is to redefine management area boundaries, generally using watersheds as revised management areas.

m. Define Management Prescription Categories: A management prescription category is a set of management practices and intensities scheduled for application on a specific area. Management choices must be made in determining management prescription categories, as these in turn determine the direction for specific areas based on the resource emphasis. Once management areas are defined and potential Desired Future Conditions (DFCs) for those areas are identified, management prescription categories will be used to describe what is and is not allowed in a given area. With some exceptions, the current Forest Plan does not clearly identify the management prescription for any specific area. The proposed action is to identify the management prescription category applicable to each specific area of the Forest.

n. Identify Desired Future Conditions (DFCs) For All Ecosystems: DFCs describe the land, resources, or social and economic conditions that are expected in 50–100 years if objectives are achieved. It is a vision of the long-term conditions of the land. The current Forest Plan describes a DFC for each management area; however, these are often vague and/or do not address all components of the ecosystem. Failure to adequately describe the DFC results in a high degree of uncertainty as to what management actions were intended and needed. The proposed action is to develop, for each management area, DFCs addressing all affected ecosystems.

o. Identify Desired Recreation Environments Using the Recreation Opportunity Spectrum (ROS): The ROS allocation in the 1984 Forest Plan is incomplete and is not being utilized as intended. The Forest Plan references locations and acreages, but includes no map. ROS can be used together with Limits of Acceptable Change (LAC) to define capacity and establish standards and guidelines, particularly for wilderness and many types of dispersed recreation. ROS can be incorporated into the description of the DFC as a useful tool for allocating and separating conflicting or competing uses. Site-specific travel management decisions will not be made in the revision. However, establishing ROS will facilitate travel management planning, which strongly influences the supply of opportunity for various activities. The proposed action is to identify the ROS allocation for each area of the Forest and to incorporate ROS into the description of DFC.

p. Identify Desired Scenery Management Objectives: The visual quality objectives in the 1984 Forest Plan are incomplete and outdated. The 1974 Visual Management System used in the 1984 Forest Plan was replaced in 1995 with the Scenery Management System (SMS). The SMS process can assist in the establishment of overall resource goals and objectives to monitor the scenic resource and ensure high quality scenery for future generations. However, fully implementing SMS would not be practical during revision given the revision schedule and available staffing and funding. The proposed action is to identify desired scenery management conditions across the Forest, and initiate implementation of the SMS.

q. Delineate Areas Suitable For Domestic Livestock Grazing: The Forest Plan addresses suitability of lands for domestic livestock grazing, but discusses capability and suitability in terms of animal unit months of forage rather than acres. This makes comparison between the current Plan and current conditions difficult. Some large tracts of land, including the Strawberry Projects Lands, have been added to the Forest since the suitability analysis was completed. These areas were grazed for many years prior to their transfer to the Forest Service, and the Forest annually receives some requests to restore grazing on these lands. In addition, two domestic sheep allotments in the Pleasant Grove Management Area were identified as suited for grazing in the 1984 Forest Plan. These allotments are currently vacant and adjoin a proposed bighorn sheep reintroduction site. The Strawberry Project Lands and these two vacant allotments are part of important watersheds, provide valuable wildlife habitat, and support heavy recreation use. The proposed action is to delineate the areas of the Forest suited for

domestic livestock grazing using acres instead of animal unit months, identifying the Strawberry Project Lands and lands within the two allotments in the Pleasant Grove Management Area as not suited for domestic livestock grazing.

r. Establish Direction For Managing Cave Resources: Since the Forest Plan was written, the Federal Cave Management Act of 1988 was implemented. As the Forest Plan provides no direction for managing cave resources, the proposed action is to develop direction for accessing and managing cave resources on the Forest. Addressing the following topics in the Forest Plan revision would simplify and clarify the intent of the Forest Plan without requiring significant resource expenditures. Consequently, these topics will be addressed in the Forest Plan revision.

s. Remove Administrative or Procedural Direction: The proposed action is to remove information that is not related to land and resource management planning or to one of the six decisions made in forest plans, or that is redundant. Such information can be found in Forest Service Handbooks or Manuals or other reference materials.

t. Correct Typographical and Description Errors: The proposed action is to make editorial corrections, clarifications, and updates in order to present an accurate and more professional document.

u. Correct and Clarify Direction for 3-Pasture Rest Rotation: The proposed action is to reword an existing standard and guideline to identify the 3-pasture rest rotation as one of several recognized livestock management strategies, instead of it being the only management option.

v. Clarification of Existing Minerals Goals and Objectives: Current direction does not specify if goals and objectives for minerals management refer to locatable, leasable, or common variety minerals. Management of these minerals is governed by different laws and regulations. The proposed action is to refine the existing management direction to be more specific as to the type of mineral resource concerned.

w. Incorporate Best Management Practices (BMPs) and Air Quality Standards: The Utah Department of Environmental Quality has been working in cooperation with the Forest Service and other state and federal agencies to develop a set of BMPs as part of a statewide Non-point Source Management Plan for Silvicultural Activities. This plan, which will be adopted by the national forests in Utah, provides a set of standard management practices to reduce non-point source pollution from silvicultural activities. Air quality and visibility are national concerns, goals, and priorities. The proposed action is to add direction to the Forest Plan to address these issues.

x. Remove Direction for Afforestation of Oak Woodlands: Ecosystem management implies managing wildlands using vegetation native to the site. Past afforestation practices on the Uinta have included the planting of tree species on oak sites where such species would not have otherwise established. These plantings have sometimes done well for a number of years, but many have then exhibited a rapid decline. These plantings also have the potential to replace the vegetation natural to the site. Current thinking on ecosystem management is to manage wildlands using vegetation native to the site. The proposed action is to eliminate direction in the current Plan calling for afforestation of oak woodlands.

y. Elimination of Numerical Objectives and Implementation Schedules: Many of the objectives and schedules in the existing Plan are not required, are quickly out-of-date, and have lead to frequent confusion. The proposed action is to eliminate those that are not required by law or regulation.

z. Update Property Management Goals and Terminology: Right-of-Way and Land Adjustment Plans for the Forest have been updated since the 1984 Forest Plan was completed. The proposed action is to incorporate goals and objectives from these in the revised Forest Plan.

aa. Remove Direction Allowing Horse Use During Hunting Season in All Developed Sites: The Forest Plan allowed for this practice for the period of 1980–90, with no direction following that period. The Forest has not continued this practice outside of the designated time frame. The proposed action is to remove this direction.

bb. Identify the Jumpoff Point Research Natural Area (RNA) and Establish Management Direction for It: In 1987, the Chief of the Forest Service signed an Establishment Report designating the Jumpoff Point Research Natural Area (RNA). The Jumpoff Point RNA was designated after the completion of the Forest Plan, and no amendment was completed at the time of establishment. The proposed action is to map this 290 acre area as a unique management prescription category and to develop appropriate management direction.

cc. Identify Standards Versus Guidelines: Standards are not currently distinguished from guidelines. Standards are direction which must be followed; guidelines are direction which generally should be followed. The proposed action is to identify which management direction are standards and which are guidelines. This will clarify the intent of the Forest Plan and eliminate unnecessary site-specific amendments in implementation.

dd. Revise/Correct the Section Describing Amendment of the Forest Plan: The Forest Plan implies amendments may be needed when the list of projects proposed in the Forest Plan must be altered. A Forest Plan defines programmatic actions and does not make project decisions. The proposed action is to revise this section to state that amendment is needed when one of the six decisions made in the Forest Plan must be adjusted.

ee. Eliminate Redundant Monitoring Requirements: Currently, the Forest Plan requires monitoring of items pertaining to individual resource areas. This has lead to overlapping and redundant monitoring of items such as riparian habitat and water quality. The proposed action is to eliminate redundant and overlapping monitoring.

ff. Correct the Monitoring Frequency for Timber Suitability: Current direction requires suitability determination and monitoring to be completed every 10 years. The Forest Plan erroneously states it is to be completed every year. The proposed action is to correct this error.

gg. Update Acreages and Other "Current Situation" Data: Numerous changes in the environment have occurred since this section was prepared in 1984. This includes changes resulting from land adjustments, the Central Utah Project, implementation of the Forest Plan, and natural events such as wildfire. The proposed action is to update this section to reflect changes that have occurred.

hh. Use People At One Time (PAOTs) Instead of Recreation Visitor Days (RVDs) for Developed Recreation Supply Objectives: PAOTs are commonly used to define capacity; RVDs are used to define use. The Forest Plan uses RVDs for both, Using PAOTs to define capacity is more accurate. The proposed action is to revise objectives for developed recreation capacity using PAOTs rather than RVDs.

2. Topics Not Addressed in the Forest Plan Revision But To Be Addressed Through Continuous Assessment and Planning (CAP)

The following topics are areas where existing management direction needs to be clarified, refined, or changed. These topics will not be addressed in the Forest Plan revision, but will be

addressed through project or forest Plan amendments. Addressing these topics in the Forest Plan revision would likely require significant and unavailable resources, given time and funding limitations. These are topics where implementation can usually proceed and be consistent with existing Forest Plan direction (only occasional site-specific amendments to Forest Plan direction may be needed to allow implementation to proceed).

a. Refinement of grazing standards for stream channel types
b. Expansion of management direction for non-greenline conditions in streamside management zones
c. Development of species-specific conservation measures for threatened, endangered, or sensitive species.

There is a need for management decisions on the following topics, to the extent they involve Forest Service discretionary decisions. More thorough, detailed analysis and consideration of these topics and related issues would occur if they were analyzed through localized, site-specific analyses conducted outside of the revision process.

d. Wild and Scenic River suitability determinations (Little Provo Deer Creek, North Fork of the American Fork River, South Fork of the Provo River, and Fifth Water)
e. Wildlife reintroductions
f. Non-conforming uses in wilderness areas
g. Energy corridors

3. Topics Where No change Is Proposed

The following topics would not be addressed through the Forest Plan revision, except to the extent they are directly impacted by other revision topics being addressed. These topics cover areas where the Forest Plan provides management direction that some may want changed, but which otherwise appears to be adequate (and therefore, not a need for change).

a. Western Uinta Basin Oil and Gas leasing decisions
b. General intent of DFCs established through the Rangeland Ecosystem Amendment
c. Predator control direction established through the Predator Control EIS and in accordance with the Memorandum of Understanding between the U.S. Forest Service and the Animal Plant Health Inspection Service (APHIS)
d. Direction to harvest timber only where needed for forest health or other resource objectives
e. Identification of recreation residences
f. Direction established through the ongoing Utah Fire Amendment
g. Direction established through the ongoing Utah Goshawk Amendment
h. Direction emphasizing protection of water quality, particularly in watersheds providing water for domestic use.

Potential Alternatives

The No Action Alternative, continuing management under the present Forest Plan, will be considered in the analysis of the proposed action. The No Action Alternative would not include any of the legally mandated revision topics.

Topics to be addressed in the proposed action were described previously. No other alternatives have been developed at this time. However, additional alternatives will likely be developed based upon comments provided.

Involving the Public

The Forest Service is seeking information comments, and assistance from individuals, organizations, tribal governments, and federal, state, and local agencies who may be interested in or affected by the proposed action (36 CFR 219.6).

Public participation will be solicited by notifying (in person and/or by mail) known interested and affected publics. News releases will be used to give the public general notice, and public involvement opportunities will be offered at various locations. Public participation activities included written comments, open houses, focus groups, and collaborative forums.

Public participation will be sought throughout the revision process, but will be particularly important at several points along the way. The first formal opportunity to comment is during the scoping process (40 CFR 1501.7). Three public meetings are scheduled during the scoping process. These will run from 7 to 9 p.m. and be held October 26, 1999, at Wasatch County Chamber of Commerce Visitor Center, 475 N. Main Street, Heber City, Utah; October 27, 1999, at Mellor Banquets, 877 North 100 East, Lehi, Utah; and October 28, 1999, at Payson City Banquet Hall, 439 W. Utah Avenue, Payson, Utah.

Release and Review of the EIS

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and be available for public comment in late Fall of 2000. At that time, the EPA will publish a notice of availability in the **Federal Register**. The comment period on the Draft EIS will be at least 90 days from the date the EPA publishes the notice of availability in the **Federal Register**, as required by the planning regulations.

The Forest Service believes that at this early stage it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the Draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions; *Vermont Yankee Nuclear Power Corp.* v. *NRDC* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the Draft EIS stage but are not raised until after completion of the Final EIS may be waived or dismissed by the courts; *City of Angoon* v. *Hodel*, 803 F. 2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objectives are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the Final EIS.

To assist the Forest Service identifying and considering issues and concerns on the proposed programmatic actions, comments on the Draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the Draft EIS or the merits of the alternatives formulated and discussed in the statements. Reviewers may wish to refer to the Counsel on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) at 40 CFR 1503.3 in addressing these points.

After the comment period ends on the Draft EIS, comments will be analyzed, considered, and responded to by the Forest Service in preparing the Final EIS. The Final EIS is scheduled to be completed in the Spring of 2001. The responsible official will consider the comments, responses, and environmental consequences discussed in the Final EIS, and applicable laws, regulations, and policies in making decisions regarding the revision. The responsible official will document decisions and reasons for the decisions in a Record of Decision for the revised plan. The decisions will be subject to appeal in accordance with 36 CFR part 217. Jack A. Blackwell, Intermountain Regional Forester, is the responsible official for this EIS.

Dated; September 20, 1999.

Peter W. Karp,

Forest Supervisor.

[FR Doc. 99–25016 Filed 9–29–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Government-Owned Inventions Available for Licensing

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Government-owned inventions available for licensing.

SUMMARY: The inventions listed below are owned in whole or in part by the U.S. Government, as represented by the Department of Commerce. The Department of Commerce's ownership interest in the inventions is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of results of Federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Building 820, Room 213, Gaithersburg, MD 20899; Fax 301–869–2751. Any request for information should include the NIST Docket No. and Title for the relevant invention as indicated below.

SUPPLEMENTARY INFORMATION: NIST may enter into a Cooperative Research and Development Agreement ("CRADA") with the licensee to perform further research on the inventions for purposes of commercializations. The inventions available for licensing are:

NIST Docket Number: 95–036US.

Title: X-Ray Lithography Mask Inspection System.

Abstract: The invention is jointly owned by the U.S. Government, as represented by the Secretary of Commerce, and Wisconsin Alumni Research Foundation. The Department of Commerce's ownership interest in this invention is available for nonexclusive licensing. The invention uses an x-ray conversion microscope to form an enlarged image of the actual x-ray pattern that an x-ray mask would project onto a resist. Present x-ray mask inspection is done by electron microscopes where the image produced is representative of the interaction of high energy electrons with the features on the mask. The proposed technique would instead form images from the x-ray transmission of the mask, the quantity most relevant to the mask's performance in the x-ray lithography process.

NIST Docket Number: 96–045US.

Title: Electroenzymatic Reactor and Method for Enzymatic Catalysis.

Abstract: The invention is jointly owned by the U.S. Government, as represented by the Secretary of Commerce, and the University of California, Los Angeles. Interest in biocatlytic hydroxylation derives from its ability to transform organic substrates having no functional groups into oxygen-bearing compounds with high regio- or stereo-selectivity. Use of redox enzymes in these syntheses is hampered by intrinsic dependence on stoichiometric amounts of freely dissociated cofactors, such as NADH and/or redox partner proteins, which supply necessary reducing equivalents. Economic feasibility requires that simple, regeneration can meet these requirements. Previously, a bioelectrochemical process has been described in which electrons are transferred directly (without mediators) between an electrode and redox-active biological material, such as an enzyme or protein. In that work, electron transfer was achieved using various modified metal or graphite electrodes. Such processes suffer from either inefficiency (low redox reaction rates) or rapid decline in activity due to component fouling by proteins. In the present disclosure, the P450 enzymatic cycle, which requires a continuous supply of reducing equivalents, molecular oxygen and an amendable organic substrate, is utilized in an unique electroenzymatic reactor to catalyze the generation of stereochemical hydroxylation products. The reactor permits rapid and persistent electron transfer to a P450 protein cofactor (putidaredoxin) by using certain tin oxide or iridium oxide cathodes, while simultaneously providing necessary dissolved oxygen at platinum or ruthenium oxide counter electrodes. The need for NADH and the redox protein, flavin reductase, which are required in the native cycle, has been eliminated.

NIST Docket Number: 96–048US.

Title: Surface Immobilization of Biopolymers.

Abstract: In one embodiment, the present invention provides a biopolymer-containing monolayer comprising: thiol-derivatized biopolymers and organic thiols bound to a metal substrate. In another embodiment, the present invention provides a method for forming this biopoly-containing monolayer. Preferably, the biopolymers are single-stranded DNA probes.

NIST Docket Number: 98–024US.

Title: System for Stabilizing and Controlling a Hoisted Load.

Abstract: A load control method that can be adapted to single point lift mechanisms such as boom cranes can precisely control the position, velocity and force of a spreader bar or other tools in six degrees of freedom. Winches can be controlled manually by a multi-axis joystick, or can be automatically controlled by computer. Various combinations of manual and automatic control can also be implemented. The invention has application in preventing load pendulation during the off-loading of cargo from ships in high seas and in improving safety in the handling of loads in terrestrial applications.

NIST Docket Number: 99–008US.

Title: Test-Chip Carrier.

Abstract: The invention is jointly owned by the U.S. Government, as represented by the Secretary of Commerce, and Sandia National Laboratories. The Department of Commerce's ownership interest in this invention is available for nonexclusive licensing. A test-chip carrier includes a standard semiconductor wafer of single crystal material with a crystallographic lattice on at least one major surface. A mask is formed on the one major surface, including a coating of masking material, and patterning the masking material to define a rectangularly shaped test-chip receiving pit and one or more reference marks to facilitate location of target reference features. The test-chip receiving pit is positioned with one diagonal extending parallel to a first crystallographic lattice vector/direction and another diagonal extending parallel to a second crystallographic lattice vector/direction, *e.g.* the (010) and (001) crystallographic vectors. The semiconductor wafer is lattice-plans selective etched to form the test-chip receiving pit and the one or more reference marks. A plurality of pits can be formed if desired and a test-chip is mounted in each of the pits to provide multiple calibration artifacts, failure analysis, or product chip mounting.

Dated: September 23, 1999.

Karen Brown,

Deputy Director.

[FR Doc. 99–25420 Filed 9–29–99; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091599C]

National Plan of Action for the Conservation and Management of Sharks

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Availability of National Plan of Action Outline and request for comments.

SUMMARY: The United States is developing a National Plan of Action (NPOA) pursuant to the endorsement of the International Plan of Action (IPOA) for the Conservation and Management of Sharks by the United Nations Food and Agriculture Organization (FAO) Committee on Fisheries (COFI) Ministerial Meeting in March 1999. Noting the increased concern about the expanding catches of sharks and their potential negative impacts on shark populations, this IPOA calls on COFI member states to voluntarily develop national plans to ensure the conservation and management of sharks for their long-term sustainable use. The United States has committed to developing this national plan, and reporting on its implementation to COFI, no later than the 25th COFI session in February 2001. This document provides a time frame for the completion of this project and an outline of the contents of this NPOA. The public is invited to provide written comments and suggestions for items to be incorporated and addressed within the NPOA. Specifically the public is encouraged to provide NMFS with comments on the level of interactions between sharks and U.S. fisherman in the fisheries listed in the outline or whether the management measures already in place in these fisheries significantly decrease the occurrence of these interactions.

DATES: Comments on the Shark NPOA will be accepted from September 30, 1999 through November 1, 1999.

ADDRESSES: Written comments should be sent to Robyn Wingrove, NOAA Fisheries / SF1, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Robyn Wingrove, 301–713–2347, ext. 118, or fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Shark IPOA was endorsed in principle at the 23rd FAO COFI session in February 1999 and also at the Fisheries Ministerial in March 1999. As with the two other IPOAs on seabirds and fishing capacity, the Shark IPOA calls on members to voluntarily develop an NPOA on this issue. For the purposes of this document, the term "shark" includes all species of sharks, skates, rays, and chimaeras.

The FAO Fisheries Department will, to the extent directed by its Conference, support the development and implementation of the Shark NPOAs through specific, in-country technical assistance projects with Regular Programme funds and by use of extra-budgetary funds made available to the Organization for this purpose. FAO will assist its members by: (1) providing a list of experts and a mechanism of technical assistance while preparing NPOAs, and (2) assisting in the reporting process to COFI.

Many measures have already been taken in the United States to ensure that shark catches from directed and non-directed fisheries are sustainable as required under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). These are entirely consistent with, and may in some cases exceed, the measures suggested in the IPOA. The U.S. NPOA is currently under development by NMFS, with a draft Shark NPOA tentatively due for publication in the *Federal Register* in December 1999 and full completion by February 2000.

Written comments on the Shark NPOA are encouraged (see **ADDRESSES**).

Proposed Schedule

October 1999—Release approved schedule and outline to public via a *Federal Register* notice.

November 1999—Collect and incorporate review comments.

December 1999—Release Draft NPOA for public comment.

February 2000—Respond to public comments and release final version of Shark NPOA.

Proposed Outline of Shark NPOA

Executive Summary

I. Introduction: Description of the Problem

II. History of IPOA and NPOA Process

A. FAO Involvement
B. Delegation of National Authority and Cooperative Efforts

III. Methods Used in NPOA Development Process

A. Role of NMFS Headquarters and Regional Fishery Management Councils
B. Feedback and Constituent Input Process

IV. Implementation Framework

A. International : Role of Member Countries
B. International: Role of Fisheries Organizations
C. Domestic: Regional Fishery Management Councils, Secretarial Management, Fishery Management Plans, and Other Regulatory Documents

V. Biological Characteristics: General Overview

VI. Directed and Non-directed Shark Fisheries of the United States: Descriptions, Regulations, and Current Management, by Fishery Management Councils(FMC), Secretary of Commerce Management and / or International Agreements.

A. Directed Fisheries:
1. New England FMC: Dogfish (Fishery Management Plan (FMP)); Atlantic Skate (non FMP)
2. Mid-Atlantic FMC: Dogfish (FMP)
3. Gulf of Mexico FMC: Inshore Coastal Gillnet Fishery (non-FMP)
4. Caribbean FMC: Caribbean Pelagics Fishery (non-FMP)
5. Pacific FMC: Shark/Bonito Longline/Setline Fishery (non FMP); California Angel Shark/ Halibut and other species Large-Mesh Set Net Fishery (non-FMP); CA/OR Thresher shark / Swordfish Drift Gillnet Fishery (non-FMP); OR Blue shark Floating Longline Fishery
6. Western Pacific (WP) FMC:WP Pelagics Fishery (FMP and non-FMP); WP Coastal Pelagics Fishery (non-FMP)
7. Secretary of Commerce Authority: Atlantic and Gulf Sharks Fisheries (FMP)

B. Non-Directed Fisheries:
1. New England FMC: Northeast Multispecies Fishery (FMP); Atlantic Menhaden Purse Seine Fishery (non-FMP); Atlantic Halibut Fishery (non-FMP); Atlantic Herring Fishery (non-FMP); Weakfish Fishery (non-FMP); Monkfish(FMP)
2. Mid-Atlantic FMC: Summer Flounder, Scup, Black Sea Bass Fishery (FMP); Atlantic Mackerel, Squid and Butterfish Fishery (FMP); Atlantic Bluefish Fishery (FMP); Tilefish Fishery (non-FMP); Atlantic Menhaden Purse Seine Fishery (non-FMP); Northern Shrimp Trawl Fishery (non-FMP); Monkfish Fishery (FMP); Coastal Gillnet Fishery (non-FMP); Mixed Species Trawl Fishery (non-FMP)
3. South Atlantic FMC: Snapper / Grouper Complex Fishery (FMP), South Atlantic Coastal Migratory Pelagics Fishery (FMP); Shrimp Fishery of the South Atlantic Region (FMP); Coral, Coral Reefs, and Live/Hard Bottom Habitats (FMP)

4. Gulf of Mexico FMC: Gulf of Mexico Reef Fish Fishery (FMP); Gulf of Mexico Shrimp Fishery (FMP); Gulf of Mexico Coastal Migratory Pelagics Fishery (FMP); Mullet Fishery (non-FMP); Coastal Herring Trawl Fishery (non-FMP); Gulf of Mexico Menhaden Purse Fishery (non-FMP); Gulf of Mexico Groundfish Fishery (non-FMP); Butterfish Trawl Fishery (non-FMP); Sardine Purse Seine Fishery (non-FMP); Non-Groundfish Finfish Fishery(non-FMP); Gulf of Mexico Coastal Migratory Pelagics Fishery (FMP).

5. Caribbean FMC: Caribbean Shallow Water Reef Fish Fishery (FMP)

6. Pacific FMC: Washington, Oregon, and California Salmon Fishery (FMP); West Coast Groundfish Fishery (FMP); Pacific Shrimp/Prawn Fishery (non-FMP); California Halibut Trawl and Trammel Net Fishery (non-FMP); Pacific Halibut (non FMP); Pacific Albacore, Other Tuna Hook and Line Fishery (non-FMP); Pacific Yellowfin, Skipjack Tuna, Purse Seine Fishery (non-FMP); Coastal Pelagics Fishery (FMP).

7. North Pacific FMC: Bering Sea and Aleutian Islands Groundfish Fishery (FMP); Gulf of Alaska Groundfish Fishery (FMP); Octopus / Squid Longline Fishery (non-FMP); Alaska High Seas Salmon Fishery (FMP); Alaska Salmon Fishery (non-FMP); Finfish Purse Seine Fishery (non-FMP); Finfish Handline/Hook and Line Fishery (non-FMP)

8. Western Pacific (WP) FMC: WP Bottomfish/Seamount Groundfish Fishery (FMP); WP Pacific Shallow Reef Fishery (non-FMP)

9. Secretary of Commerce Control: Atlantic Tunas, and Swordfish Fisheries (FMP) C. International Fisheries Agreements

1. International Convention for the Conservation of Atlantic Tunas (ICCAT)

2. International Council for the Exploration of the Sea (ICES)

3. Latin America Organization for Fishery Development (OLDEPESCA)

4. Northwest Atlantic Fisheries Organization (NAFO)

5. Inter-American Tropical Tuna Commission (IATTC)

6. South Pacific Commission (SPC)

VII. References

VIII. Appendices

A. International Plan of Action for the Conservation and Management of Sharks

B. 1998 Report of the Stock Evaluation Workshop

C. NMFS National Bycatch Plan, Executive Summary

D. Summary of Magnuson-Stevens Act

E. NMFS Regional Science Center and Management Council Contact Information

Dated: September 27, 1999.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25414 Filed 9–29–99; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Cambodia

September 27, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 30, 1999.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 64 FR 6050, published on February 8, 1999.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 27, 1999.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on February 1, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Cambodia and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on September 30, 1999, you are directed to adjust the current limits for the following categories, as provided for under the terms of the current bilateral textile agreement between the Governments of the United States and Cambodia:

Category	Adjusted twelve-month limit [1]
331/631	1,300,000 dozen pairs.
338/339	2,800,000 dozen.
347/348/647/648	3,360,000 dozen.
438	96,300 dozen.
645/646	171,875 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–25458 Filed 9–29–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Indonesia

September 27, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: October 6, 1999.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S.

Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being increased for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 69055, published on December 15, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 27, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 8, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man–made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on October 6, 1999, you are directed to increase the limits for the categories listed below, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
200	917,590 kilograms.
300/301	4,601,560 kilograms.
338/339	1,377,688 dozen.
340/640	1,586,159 dozen.
345	493,382 dozen.
443	91,710 numbers.
634/635	350,445 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Troy H. Cribb,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–25461 Filed 9–29–99; 8:45 am]
BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Malaysia

September 27, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 6, 1999.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing and carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 59945, published on November 6, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 27, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 3, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Malaysia and exported during the period beginning on January 1, 1999 and extending through December 31, 1999.

Effective on October 6, 1999, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
300/301	4,072,680 kilograms.
645/646	285,828 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Troy H. Cribb,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–25459 Filed 9–29–99; 8:45 am]
BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines

September 27, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 4, 1999.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

Special shift between Categories 338/339 and 638/639 is being reversed, and the current limits for these categories are being adjusted to reflect this change.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 67050, published on December 4, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 27, 1999.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 30, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man–made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on October 4, 1999, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
338/339	2,851,226 dozen.
638/639	2,462,448 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.99–25460 Filed 9–29–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974: Notice of New System of Records

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of new system of records and proposed routine uses.

SUMMARY: This notice adds a new system of records to the Commission's system of records under the Privacy Act. The new system will contain information about employees of the Commission and third parties who are visiting or working at Commission offices who are accused of sexual or other unlawful harassment. The Commission is proposing that the routine uses of these records be limited to use in proceedings in which the Commission or any present or former member or employee is a party and in any investigation to which the information is relevant. In addition, the Commission is proposing that the records be available to any other federal or state agency for use in meeting the responsibilities assigned to them under the law or to another federal agency, if relevant, in connection with a personnel action concerning the employee about whom the record is maintained. The Commission is also publishing a notice of a proposed rule to exempt the system of records under 5 U.S.C. 552a(k)(2) from certain sections of the Privacy Act, as investigatory material compiled for law enforcement purposes.

DATES: Comments on the establishment of the new system of records and the proposed routine uses must be received no later than November 1, 1999. The new system of records and the routine uses will be effective November 9, 1999 unless the Commission receives comments which would mandate a contrary determination.

ADDRESSES: Comments should be addressed to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., NW., Washington, DC 20581. Comments may be sent via electronic mail to *secretary@cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Stacy Dean Yochum, Office of the Executive Director, (202) 418–5157, or Glynn L. Mays, Office of the General Counsel, (202) 418–5140, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, and the Commission's implementing regulations, 17 CFR part 146, the Commission is publishing a description of a new system of records. The new system will contain records generated in compliance with the Commission's Sexual Harassment Policy, which in relevant part permits persons complaining of harassment to invoke certain informal procedures to resolve the complaint and requires a report of the resolution to be forwarded to the Commission's Executive Director. The Policy also requires supervisors and managers to report observed and reported incidents of harassment to the Commission's EEO Director. Under the Policy, reports or complaints of incidents of harassment if not resolved at the supervisor level may be referred in-house or to an outside contractor for investigation. These investigations may result in disciplinary action. This system also would contain similar records of complaints of other violations of equal employment rights, although the Commission does not have a published policy for informal handling of such matters at this time.

The system is being numbered "CFTC–7", the number used for a system of records which was consolidated with other systems and is no longer being maintained. This new system of records, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Oversight and Reform of the U.S. House of Representatives, the Committee on Governmental Affairs of the U.S. Senate, and the Office of Management and Budget, pursuant to Appendix 1 to OMB Circular A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated July 15, 1994. Accordingly, the Commission is giving notice of the establishment of the following system of records:

CFTC–7

SYSTEM NAME:

Exempted Informal Employment Complaint Files.

SYSTEM LOCATION:

Office of the Executive Director, Three Lafayette Centre, 1155 21st St. NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, including Commission employees, contractors or visitors, who are accused of sexual or other harassment in violation of employment discrimination laws or Commission employment policies, including the Commission's Sexual Harassment Policy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports to Commission officials from supervisors, managers, or members of the Commission concerning complaints or concerning observed instances of sexual harassment. Records relating to

the complaint or incident, relating to any investigation, and to any disposition of the matter. The potential contents of the system are not limited to complaints or other material under the Commission's Sexual Harassment Policy. Complaints concerning other forms of illegal employment discrimination would be made part of this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302(b); 29 CFR 1614.102(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The four routine uses for this system are taken from the Commission's General Statement of Routine Uses, published 64 FR 33829: Number 1 (disclosed in an action where the Commission or a present or former member or employee of the Commission is a party); 2 (given to other federal or state agencies within the scope of their statutory mandates); 4 (disclosed in an investigation); and 6 (disclosed if relevant to a federal agency in connection with a personnel, contracting or licensing action concerning the person about whom the record is maintained).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records stored in files.

RETRIEVABILITY:

Records are retrievable by the name of the employee or third party about whom a complaint or report has been made.

SAFEGUARDS:

In addition to general building security, paper records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records or contesting the content of records about themselves should address written inquiries to the Assistant Secretary for FOI, Privacy and Sunshine Acts Compliance, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

RECORD ACCESS PROCEDURES:

See "Notification Procedures," above.

CONTESTING RECORD PROCEDURES:

See "Notification Procedures," above.

RECORD SOURCE CATEGORIES:

Internal complaints, internal investigations, reports of activity which apparently violate the Commission's Sexual Harassment Policy or other employment discrimination prohibitions, proceedings, as relevant, under the EEOC's Federal Sector Complaint Processing Rules, 29 CFR Part 1614.

(Authority: 5 U.S.C. 552a(e)(4))

Issued in Washington, DC, on September 22, 1999.

By the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–25190 Filed 9–29–99; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0321]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Contract Financing

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on its provisions. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through April 30, 2000, under OMB Control Number 0704–0321. DoD proposes that OMB extend its approval for use through April 30, 2003.

DATES: DoD will consider all comments received by November 29, 1999.

ADDRESSES: Interested parties should submit written comments and recommendations on the proposed information collection to: Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350.

Address E-mail comments submitted via the Internet to: dfars@acq.osd.mil.

Please cite OMB Control Number 0704–0321 in all correspondence related to this issue. E-mail comments should cite OMB Control Number 0704–0321 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, at (703) 602–0289. The information collection requirements addressed in this notice are available electronically via the Internet at: http://www.acq.osd.mil/dp/dars/dfars.html

Paper copies are available from Ms. Sandra Haberlin, PDUSD (A&T) (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Contract Financing, Progress Payments for Foreign Military Sales Acquisitions—Defense Federal Acquisition Regulation Supplement (DFARS) Part 232 and the clause at 252.232–7002; OMB Control Number 0704–0321.

Needs and Uses: Section 22 of the Arms Export Control Act (22 U.S.C. 2762) requires the U.S. government to use foreign funds, rather than U.S. appropriated funds, to purchase military equipment for foreign governments. To comply with this requirement, the government needs to know how much to charge each country. The clause at 252.232–7002, Progress Payments for Foreign Military Sales Acquisitions, requires each contractor whose contract includes foreign military sales (FMS) requirements to submit a separate progress payment request for each progress payment rate, and to submit a supporting schedule that clearly distinguishes the contract's FMS requirements from U.S. requirements. The Government uses this information to determine how much of each country's funds to disburse to the contractor.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 9,234 (includes 3,078 response hours plus 6,156 recordkeeping hours).

Number of Respondents: 513.

Responses Per Respondents: 12.

Annual Responses: 6,156.

Average Burden Per Response: .5 hours.

Frequency: On occasion.

Summary of Information Collection

This information collection includes requirements relating to DFARS Part 232, Contract Financing, and the related clause at DFARS 252.232–7002, Progress Payments for Foreign Military Sales Acquisitions.

a. DFARS 232.502–4–70(a) prescribes use of the clause at DFARS 252.232–7002 in any contract that provides for progress payments and contains FMS requirements.

b. DFARS 252.232–7002 requires each contractor whose contract includes FMS requirements to submit a separate progress payment request for each progress payment rate, and to submit a supporting schedule that distinguishes the contract's FMS requirements from U.S. requirements.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 99–25166 Filed 9–30–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity (National Advisory Committee); Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Department of Education.

ACTION: Notice of meeting.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the public meeting of the National Advisory Committee and invite third-party oral presentations before the Committee. This notice also presents the proposed agenda and informs the public of its opportunity to attend this meeting. The notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

When and Where Will the Meeting Take Place?

We will hold the public meeting on December 6–8, 1999 from 8:30 a.m. until 5:30 p.m. at the Ritz Carlton Hotel at Pentagon City Mall, 1250 South Hayes Street, Arlington, Virginia 22202. You may call the Hotel on (703) 415–5000 to inquire about rooms.

What Access Does the Hotel Provide for Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.*, interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Bonnie LeBold, who is the Executive Director of the National Advisory Committee on Institutional Quality and Integrity, if you have questions about the meeting. You may contact her at the US Department of Education, ROB–3, Room 3082, 400 Maryland Ave., SW, Washington, DC 20202–7592, telephone: (202) 260–3636, fax: (202) 260–5049. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

What Is the Authority for the National Advisory Committee?

The National Advisory Committee on Institutional Quality and Integrity is established under Section 114 of the Higher Education Act (HEA) as amended, 20 U.S.C. 1011.

What Are the Functions of the National Advisory Committee?

The Committee advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, HEA.
- The development of standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are not recognized accrediting agencies, associations, or State agencies in order to establish the interim eligibility of those institutions to participate in Federally funded programs.

What Agencies Will the Advisory Committee Review at the Meeting?

The Advisory Meeting will review the following agencies during its December 6–8, 1999 meeting.

Nationally Recognized Accrediting Agencies

Petition for Initial Recognition

1. Commission on Collegiate Nursing Education (Requested scope of recognition: Baccalaureate Degree Programs in Nursing Education and Graduate Degree Programs in Nursing Education)

Petitions for Renewal of Recognition

1. Accrediting Commission of Career Schools and Colleges of Technology (Requested scope of recognition: the accreditation of private, postsecondary, non-degree-granting institutions and degree-granting institutions, including those granting associate and baccalaureate degrees, that are predominantly organized to educate students for occupational, trade and technical careers).
2. American Psychological Association, Committee on Accreditation (Requested scope of recognition: the accreditation of doctoral programs in clinical, counseling, school and combined professional-scientific psychology, predoctoral internship programs in professional psychology, and postdoctoral residency programs in professional psychology)
3. Council on Naturopathic Medical Education (Requested scope of recognition: the accreditation and preaccreditation (Candidate for Accreditation) of institutions and graduate programs in Naturopathy that lead to the degree of Doctor of Naturopathy (N.D.) or Doctor of Naturopathic Medicine (N.M.D.))
4. National Accrediting Commission of Cosmetology Arts and Sciences (Scope of recognition: the accreditation of postsecondary schools and departments of cosmetology arts and sciences)
5. Translational Association of Christian Colleges and Schools, Accrediting Commission (Requested scope of recognition: the accreditation and preaccreditation ("Candidate for Accreditation") of postsecondary institutions that offer certificates, diplomas, and associate, baccalaureate, and graduate degrees)

Interim Reports

(An interim report is a follow-up report on an accrediting agency's compliance

with specific criteria for recognition that was requested by the Secretary when the Secretary granted renewed recognition to the agency.)

1. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar
2. Association for Clinical Pastoral Education, Inc., Accreditation Commission
3. Accrediting Council on Education in Journalism and Mass Communications
4. American Dental Association, Commission on Dental Accreditation
5. American Physical Therapy Association, Committee on Accreditation
6. Commission on Opticianry Accreditation
7. National Association of Nurse Practitioners in Reproductive Health, Council on Accreditation
8. North Carolina Association of Colleges and Schools, Commission on Schools

State Agency Recognized for the Approval of Public Postsecondary Vocational Education

Interim Report

1. Kansas State Department of Education

Interim Report

1. Kansas State Department of Education

State Agencies Recognized for the Approval of Nurse Education

Interim Report

1. New York State Board of Regents, Nursing Education

Federal Agency Seeking Degree-Granting Authority

In accordance with the Federal policy governing the granting of academic degrees by Federal agencies (approved by a letter from the Director, Bureau of the Budget, to the Secretary, Health, Education, and Welfare, dated December 23, 1954), the Secretary is required to establish a review committee to advise the Secretary concerning any legislation that may be proposed that would authorize the granting of degrees by a Federal agency. The review committee forwards its recommendation concerning a Federal agency's proposed degree-granting authority to the Secretary, who then forwards the committee's recommendation and the Secretary's recommendation to the Office of Management and Budget for review and transmittal to the Congress. The Secretary uses the Advisory Committee as the review committee required for this purpose. Accordingly, the Advisory Committee will review the following institution at this meeting:

Proposed Associate Degree-Granting Authority

1. Defense Language Institute (Accredited by the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges)

Who Can Make Third-Party Oral Presentations at This Meeting?

We invite you to make a third-party oral presentation before the National Advisory Committee concerning the recognition of any agency published in this notice.

How Do I Request To Make an Oral Presentation?

You must submit a written request to make an oral presentation concerning an agency listed in this notice to the contact person by November 1, 1999. Your request should include:

—The names of all persons seeking an appearance,
—The organization they represent, and
—A brief summary of the principal points to be made during the oral presentation.

This notice is not a call for third-party written comments. However, if you wish to provide the Advisoy Committee with a brief document (no more than 6 pages maximum) illustrating the main points of your oral testimony, please enclose one original and 25 copies of the document with your written request to make an oral presentation. Please do not distribute written materials at the meeting or send materials directly to Committee members.

Materials submitted by the deadline and in accordance with these instructions become part of the official record and are considered by the Committee in its deliberations. Department staff will not distribute documents submitted after the November 1, 1999, deadline to the Advisory Committee.

If I Cannot Attend the Meeting, Can I Submit Written Comments Regarding an Accrediting Agency in Lieu of Making an Oral Presentation?

This notice requests third-party oral testimony, not written comment. A request for writen comments on agencies that are being reviewed during this meeting was published in the **Federal Register** on June 9, 1999. The Advisory Committee will receive and consider only written comments submitted by the deadlines specified in that **Federal Register** notice.

How Do I Request To Present Comments Regarding General Issues Rather Than Specific Accrediting Agencies?

At the conclusion of the meeting, the Committee, at its discretion, may invite attendees to address the Committee briefly on issues pertaining to the functions of the Committee, which are listed earlier in this notice. If you are interested in making such comments, you should inform Ms. LeBold before or during the meeting.

How May I Obtain Access to the Records of the Meeting?

We will record the meeting and make a transcript available for public inspection at the US Department of Education, ROB–3, Room 3012, 7th and D Streets, SW, Washington, DC, telephone (202) 260–3636, between the hours of 9 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. It is preferred that an appointment be made in advance of such inspection.

Authority: 5 U.S.C. Appendix 2.

Greg Woods,

Chief Operating Officer, Student Financial Assistance.

[FR Doc. 99–25480 Filed 9–29–99; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Regional Educational Laboratory Program

AGENCY: Office of Educational Research and Improvement, Department of Education.

ACTION: Notice of public meetings.

SUMMARY: The Assistant Secretary announces three public meetings. The purpose of these meetings is to discuss issues relating to the FY 2000 Regional Educational Laboratory competition.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** section for meeting locations.

FOR FURTHER INFORMATION CONTACT: Jennifer Rinehart, US Department of Education, 555 New Jersey Avenue, NW, room 506f, Washington, DC 20202–5644. Telephone (202) 219–2193. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

Public Meetings

The dates, times, and locations of the meetings are as follows:

1. October 6, 1999, 8:30 a.m. to 10:20 a.m., Tampa Convention Center, 333 S. Franklin Street, Tampa, FL.

2. November 8, 1999, 8:30 a.m. to 10:20 a.m., Salt Palace Convention Center, 100 South West Temple, Salt Lake City, UT.

3. December 15, 1999, 8:30 a.m. to 10:20 a.m., Sheraton Chicago Hotel, 301 East North Water Street, Chicago, IL.

Note: Please check with the Improving America's Schools (IAS) Conference registration desk for exact meeting room locations.

Assistance to Individuals With Disabilities at the Public Meetings

The meeting sites are accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.*, interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request we receive after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Additional Information

The Regional Educational Laboratories are funded by the Office of Educational Research and Improvement to conduct research, development, and technical assistance for educational reform. In the year 2000, the ten contracts for Regional Educational Laboratories will be re-competed. A series of public meetings will be held at the IAS Conferences this fall. The meetings will provide an opportunity for attendees to offer input on the issues and priorities for the next competition. Federal program staff will meet with attendees to discuss what services a regional laboratory should offer its region and what priorities the labs should address to support educational reform at state and local levels. More specifically, attendees will be invited to provide feedback on a series of issues relating to the scope of work to be performed under the new laboratory contracts.

Interested parties may attend the public meeting without paying the registration fee for the conference; however, they may not attend other sessions at the conference without registering. For more information about the conferences, please visit the IAS Conference website at http://www.ncbe.gwu.edu/iasconferences.

Proceedings from the meetings will be made available on the Department's website. See the program website (http://www.ed.gov/prog_info/Labs/) for additional information about the laboratory competition.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, D.C. area, at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

Program Authority: 20 U.S.C. 6041(h).

Dated: September 27, 1999.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 99–25409 Filed 9–29–99; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Notice of Floodplain and Wetlands Involvement for Transfer of the Department of Energy Grand Junction Office to Non-DOE Ownership

AGENCY: Grand Junction Office, Department of Energy.

ACTION: Notice of floodplain and wetlands involvement for transfer of the Grand Junction Office to Non-DOE ownership.

SUMMARY: The Department of Energy (DOE) proposes to transfer the 56.4 acres and approximately 35 structures that comprise the DOE Grand Junction Office (GJO) to non-DOE ownership. A portion of the facility is located in the 100-year floodplain of the Gunnison River and there are several jurisdictional wetlands located within the property boundary. The facility is located in Mesa County, Colorado. In accordance with 10 CFR part 1022, DOE will prepare a floodplains and wetlands assessment and will perform this proposed action in a manner that will avoid or minimize potential harm to or within the affected floodplain and wetlands. The assessment will be conducted in conjunction with an Environmental Assessment (EA) that analyzes the potential environmental affects of the transfer of the property.

DATES: Written comments are due to the address below no later than October 15, 1999.

ADDRESSES: Written comments should be addressed to Mary Ann Rondinella, U.S. Department of Energy—Grand Junction Office, 2597 B ¾ Road, Grand Junction, Colorado 81503; or transmitted electronically by E-mail via Internet to: mrondinella@doegjpo.com; or by facsimile to (970)248–6023.

FOR FURTHER INFORMATION ON THIS PROPOSED ACTION CONTACT: Donna Bergman-Tabbert, Manager, U.S Department of Energy-Grand Junction Office 2597 B ¾ Road, Grand Junction, Colorado 81503, Telephone 1–970–248–6001 or 1–800–399–5618, Email via Internet to dbergman-tabbert@doegjpo.com, Facsimile to 1–970–248–6023.

FOR MORE INFORMATION ON GENERAL DOE FLOODPLAIN/WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: Under E.O. 11988—Floodplain Management, E.O. 11990—Protection of Wetlands, and 10 CFR part 1022—Compliance with Floodplain/Wetlands Environmental Review Requirements, notice is given that the DOE intends to transfer the 56.4 acres that comprise the GJO to non-DOE ownership. The facility includes offices, warehouses, computer and telecommunications centers, classrooms, a cafeteria, an occupational health facility, hazardous and radioactive waste storage facilities, and an analytical laboratory. DOE's primary missions at Grand Junction are environmental restoration, environmental science, technology development, long-term stewardship of inactive waste sites, and management of leases on government lands for uranium exploration and mining. The missions of the office have grown smaller over the past several years. As a result, DOE has determined that it no longer needs to own the GJO facility to perform its assigned missions. Upon completion of cleanup of residual radioactive

materials at the GJO site in 2000, DOE plans to transfer the facility to non-DOE ownership.

In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022), DOE will prepare a floodplain and wetlands assessment for this proposed DOE action. The assessment will be included in the EA being prepared for the proposed transfer of the property in accordance with the requirements of the National Environmental Policy Act. A floodplain statement of findings will be included in any finding of no significant impact that is issued following the completion of the EA or may be issued separately.

Issued in Albuquerque, NM on September 21, 1999.

Constance L. Soden,

Director, Environmental, Safety, and Health Division, Department of Energy, Albuquerque Operations Office.

[FR Doc. 99–25429 Filed 9–29–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–94–000]

Florida Gas Transmission Company; Notice of Intent To Participate in Meeting on FGT Phase IV Project

September 24, 1999.

The staff of the Federal Energy Regulatory Commission will attend a meeting in the City of Maitland, Florida, at 10 a.m., on Thursday, September 30, 1999, at 601 South Lake Destiny Drive, Suite 450. The purpose of attending the meeting is to coordinate the review of information required for evaluating the effects of the above-referenced docket and project, with regard to federally listed and protected species. The U.S. Fish and Wildlife Service and Florida Gas Transmission Company (FGT) will discuss the project status and species involved, and potential impacts and mitigation. The staff will use this information in preparing its biological assessment for the above-referenced docket and project.

For additional information, contact Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088.

Linwood A. Watson, Jr.,

Acting Secretary

[FR Doc. 99–25393 Filed 9–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–509–000]

Granite State Gas Transmission, Inc.; Notice of Proposed Changes in FERC Gas Tariff

September 24, 1999.

Take notice that on September 22, 1999, Granite State Gas Transmission, Inc. (Granite State) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the revised taroff sheets listed below for effectiveness on October 22, 1999:

First Revised Sheet No. 106
First Revised Sheet No. 121
First Revised Sheet No. 135
First Revised Sheet No. 200–A
Second Revised Sheet No. 204
Third Revised Sheet No. 278
Second Revised Sheet No. 297
Second Revised Sheet No. 323
Original Sheet No. 339
Third Revised Sheet Nos. 340–399

Granite State states that the purpose of this filing is to set forth in its tariff a negotiated rates provision pursuant to the Alternative Rates Policy Statement (74 FERC ¶61,076 (1996)).

Granite State further states that copies of its filing have been served on its firm and interruptible customers and on the regulatory agencies of the states of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25392 Filed 9–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–508–000]

KN Interstate Gas Transmission Co.; Notice of Tariff Filing

September 24, 1999.

Take notice that on September 22, 1999, KN Interstate Gas Transmission Co. (KNI) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–D the following tariff sheet, relating to its Buffalo Wallow System, with an effective date October 21, 1999:

Fourth Revised Sheet No. 18

KNI states that it is submitting this filing to clarify the tariff language regarding the methodology of allocating gas to receipt and delivery points as it relates to Firm and Interruptible Transportation services.

KNI states that copies of this filing have been served upon all affected firm customers of KNI and applicable state agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25391 Filed 9–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Maine Project Nos. 2364 and 2365]

Madison Paper Industries; Notice of Scoping Meetings and Site Visit and Soliciting Scoping Comments

September 24, 1999.

The Federal Energy Regulatory Commission's (Commission) regulations provide applicants with the option of preparing their own Environmental Assessment (EA) for hydropower projects, and filing this applicant-prepared EA (APEA) with their application as part of an alternative licensing procedure.[1] On July 1, 1999, Madison Paper Industries (MPI) requested, approval to use the alternative relicensing procedure in preparation of the license applications for the Anson (FERC No. 2365) and the Abenaki (FERC No. 2364) Hydroelectric Projects. The Commission approved MPI's request on September 10, 1999. The current licenses for the projects expire on May 1, 2004.

In February 1999, MPI initiated a collaborative consultation process with state and federal agencies, local interests, and non-governmental organizations (NGOs), which have formed an APEA Team for the alternative licensing procedures. MPI obtained support from the participants involved in the collaborative process to pursue the APEA process for the Anson and Abenaki Projects.

Based on APEA Team meetings and comments received from February through August 1999, the MPI APEA Team has prepared Scoping Document I (SDI), which provides information on the scoping process, APEA schedule, background information, environmental issues, and proposed project alternatives. In conjunction with the APEA Team, MPI has prepared, and is distributing with SDI, a comprehensive Initial Information Package (IIP) which describes in detail the alternative process that MPI intends to use, the projects and their operations, environmental resources potentially affected by the project, and proposed studies.

Scoping Process

The purpose of the scoping process is to identify issues related to the proposed Madison Paper Industries action and to determine what issues should be addressed in the APEA. SDI is being circulated to enable appropriate federal, state, and local resource agencies, Indian tribes, NGOs, and other interested individuals and entities to participate in the scoping process. SDI provides a brief description of the proposed action, alternatives to the proposed action, and a list of preliminary issues identified by the APEA Team.

Scoping Meeting and Site Visit

MPI will conduct two publics scoping meetings on October 21, 1999.

The times and locations of the scoping meeting are:

Afternoon Scoping Meeting
October 21, 1999, 1:00 PM, Madison Paper Industries Mill, Main Street, Madison, Maine.

Evening Scoping Meeting
October 21, 1999, 6:00 PM, Madison Paper Industries Mill, Main Street, Madison, Maine.

All interested individuals, organizations, and agencies are invited and encouraged to attend either or both meetings to assist in identifying and clarifying the scope of environmental issues that should be analyzed in the APEA. For more details or a copy of SDI, please contact David Lovley, MPI, (207) 696–1225. Copies of SDII and the IIP will be available at both meetings.

A site tour, conducted by MPI, will begin at 9:00 AM, on October 21, 1999, and is expected to last about three hours. The site tour will include the Anson and Abenaki Project works, including generating facilities, the Abenaki bypassed reach, and project recreation facilities (The Pines and Madison boat launch). Site tour participants will meet at the security building at the Madison Paper Industries Mill, Main Street, Madison, Maine. Transportation will be provided. Those who wish to attend should contact David Lovley at (207) 696–1225, before October 14, 1999.

Objectives

At the scoping meetings, MIP will: (1) summarize the environmental issues tentatively identified for analysis in the EA; (2) outline any resources they believe would not require a detailed analysis; (3) identify reasonable alternatives to be addressed in the Madison Paper Industries EA; (4) solicit from the meeting participants all available information, especially quantitative data, on the resources at issue; and (5) encourage statements from experts and the public on issues that should be analyzed in the APEA.

Meeting Procedures

The meeting will be conducted consistent with the procedures used at Commission scoping meetings. Because this meeting will be conducted pursuant to a National Environmental Policy Act scoping meeting, the Commission will not conduct another scoping meeting when the application and APEA are filed with the Commission in early 2002.

Both meetings will be recorded by a stenographer and become a part of the record of the Commission's relicensing proceedings on the Anson and Abenaki Projects. Individuals presenting statements at the meetings will be asked to identify themselves for the record. Speaking time allowed for individuals will be determined before each meeting, based on the number of persons wishing to speak and the approximate amount of time available for the session. Persons choosing not to speak but wishing to express an opinion, as well as speakers unable to summarize their positions within their allotted time, may submit written statements for inclusion in the record no later than December 21, 1999.

All comments should be submitted to: Mr. David Lovley, Madison Paper Industries, P.O. Box 129, Madison, ME 04950.

A copy of all comments should also be sent to MPI's agent: Ms. Maureen Winters, Kleinschmidt Associates, P.O. Box 576, Pittsfield, ME 04967.

Based on all written comments, a Scoping Document II (SDII) may be issued. SDII will include a revised list of issues, based on the scoping comments.

For further information regarding the APEA scoping process, please contact David Lovley of MPI at (207) 696–1225, or Nan Allen of the Commission at (202) 219–2938.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25389 Filed 9–29–99; 8:45 am]

BILLING CODE 6717–01–M

[1] 81 FERC ¶ 61,103 (1997).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–505–000]

Natural Gas Pipeline Company of America; Notice of Termination of Gathering Service

September 24, 1999.

Take notice that on September 20, 1999, Natural Gas Pipeline Company of America (Natural), tendered for filing in Docket No. RP99–505–000 a request pursuant to Section 4 of the Natural Gas Act, 15 U.S.C. 717C and the Commission's policy set forth in its order on rehearing in *Arkla Gathering*

Services Company, 69 FERC ¶61,280 (1994), for authorization to terminate service through two gathering areas—the Panhandle Gathering Area located in Carson, Moore, Hutchinson and Gray Counties, Texas, and the Quinduno Gathering Area located in Carson, Gray and Roberts Counties, Texas.

Collectively these two gathering areas are referred to as the West Panhandle Gathering System. Natural intends to sell the West Panhandle Gathering System to MidCon Gas Products Corp. (MidCon), a gathering affiliate. On August 26, 1999, Natural received authorization in Docket No. CP99–161–000 to abandon, by sale to MidCon, certain previously certificated facilities within the West Panhandle Gathering System.

Natural states that copies of the filing are being mailed to the customers which are currently receiving service in the West Panhandle Gathering System and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the Web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25390 Filed 9–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–234–000]

Southern Energy Wichita Falls, L.P. (d/b/a SEI Wichita Falls, L.P.); Notice of Application for Commission Determination of Exempt Wholesale Generator Status

September 22, 1999.

Take notice that on September 20, 1999, Southern Energy Wichita Falls, L.P. (SE Wichita Falls), 900 Ashwood Parkway, Suite 500, Atlanta, Georgia 30338–4780, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

SE Wichita Falls is a Delaware limited partnership that intends acquire an 80 MW natural gas-fired cogeneration facility located in Wichita Falls, Texas. SE Wichita Falls is engaged directly and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before October 13, 1999, and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection or on the Internet at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25411 Filed 9–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–624–000]

Wyoming Interstate Company, Ltd.; Notice of Application

September 24, 1999.

Take notice that on September 16, 1999, Wyoming Interstate Company, Ltd. (WIC), P.O. Box 1087, Colorado Springs, Colorado 80944 filed an application pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations to construct and operate facilities in order to increase the capacity of its Medicine Bow Lateral, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

WIC proposes to increase the capacity of the Medicine Bow Lateral from 260,000 dth per day to 380,000 dth per day by constructing: (1) 5.6 miles of 24-inch diameter pipeline from the interconnect with the WIC mainline and the Medicine Bow Lateral to the discharge side of WIC's Cheyenne Compressor Station all in Weld County, Colorado; and (2) a 7,170 horsepower compressor unit at the Douglas Compressor Station in converse County, Wyoming. WIC estimates that the proposed facilities will cost $12,101,200 and proposes to finance the construction of the facilities through funds on hand and internally generated cash from operations.

WIC states that it has entered into contracts for the full capacity of the proposed expansion with the existing Medicine Bow shippers. WIC proposes to charge these shippers the existing Medicine bow rate as previously approved in Docket Nos. CP99–102 and RP99–381.

Any questions regarding this application should be directed to James R. West, Manager, Certificates, Wyoming Interstate Company, Ltd., P.O. box 1087, Colorado Springs, Colorado 80944 at (719) 520–4679.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1999, file with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the

NGA (18 CFR 157.10). All protests field with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding must file a motion to intervene in accordance with the Commission's rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must serve copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of such comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provide for, unless otherwise advised, it will be unnecessary for WIC to appear or to be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–25387 Filed 9–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC99–108–000, et al.]

Central Illinois Public Service Company, et al.; Electric Rate and Corporate Regulation Filings

September 22, 1999.

Take notice that the following filings have been made with the Commission:

1. Central Illinois Public Service Company; Union Electric Company and Ameren Generating Company

[Docket Nos. EC99–108–000 and ER99–4115–000]

Take notice that on September 15, 1999, Central Illinois Public Service Company, Union Electric Company and Ameren Generating Company filed an amendment to their August 17, 1999 application in the above-captioned proceedings.

Comment date: October 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Cogeneration Corporation of America and Calpine Corporation

[Docket No. EC99–114–000]

Take notice that on September 17, 1999, Cogeneration Corporation of America (CogenAmerica) and Calpine Corporation (Calpine) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Joint Application for Approval of Merger Under Section 203 of the Federal Power Act and Request for Expedited Consideration in the above-referenced docket. In the proposed transactions, CogenAmerica will for purposes of Section 203 be considered to have disposed of its jurisdictional assets pursuant to the change in control effected by the proposed merger with Calpine; and Calpine will acquire control of, and ultimately an 80-percent equity interest in, CogenAmerica.

Comment date: November 16, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. SEI Texas, L.P.

[Docket No. EG99–235–000]

Take notice that on, SEI Texas, L.P. (SEI Texas), 900 Ashwood Parkway, Suite 500, Atlanta, Georgia 30338–4780, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

SEI Texas is a Delaware limited partnership that intends to construct, own, and operate a 450 MW natural gas-fired generation facility located in Bosque County, Texas. SEI Texas is engaged directly and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.

Comment date: October 13, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Central Maine Power Company

[Docket No. ER99–4460–000]

Take notice that on September 17, 1999, Central Maine Power Company (CMP) tendered for filing an executed service agreement for sale of capacity and/or energy entered into with NRG Power Marketing Inc. Service will be provided pursuant to CMP's Wholesale Market Tariff, designated rate schedule CMP–FERC Electric Tariff, Original Volume No. 4.

CMP requests that the Service Agreement become effective as of September 17, 1999.

Comment date: October 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Maine Electric Power Company

[Docket No. ER99–4461–000]

Take notice that on September 17, 1999, Maine Electric Power Company (MEPCO) tendered for filing a service agreement for Non-Firm Point-to-Point Transmission Service entered into with American Electric Power Service Corporation (AEPSC). Service will be provided pursuant to MEPCO's Open Access Transmission Tariff, designated rate schedule MEPCO–FERC Electric Tariff, Original Volume No. 1, as supplemented.

MEPCO requests that the Service Agreement become effective as of September 17, 1999.

Comment date: October 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. California Independent System Operator Corporation

[Docket No. ER99–4462–000]

Take notice that on September 17, 1999, the California Independent

System Operator Corporation (ISO) tendered for filing a proposed amendment (Amendment No. 21) to the ISO Tariff. Amendment No. 21 includes proposed changes to the ISO Tariff which would extend for one year the authority of the ISO to disqualify Energy and Ancillary Service bids that exceed levels specified by the ISO's Board of Governors.

The ISO states that this filing has been served upon the Public Utilities Commission of California, the California Energy Commission, the California Electricity Oversight Board, and all parties with effective Scheduling Coordinator Service Agreements under the ISO Tariff.

Comment date: October 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Northeast Generation Company

[Docket No. ER99–4463–000]

Take notice that on September 17, 1999, Northeast Generation Company (NGC) tendered for filing, under section 205 of the Federal Power Act, a rate schedule providing for the sale of energy, capacity and ancillary services at market-based rates and for the reassignment of transmission capacity.

NGC requests an effective date concurrent with the earlier of the date on which it closes the transaction to purchase certain generating facilities from The Connecticut Light and Power Company and the date on which it closes the transaction purchase certain generating facilities from Western Massachusetts Electric Company.

Comment date: October 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Orange and Rockland Utilities, Inc.

[Docket No. ER99–4464–000]

Take notice that on September 17, 1999, Orange and Rockland Utilities, Inc. (Orange and Rockland) filed a Service Agreement between Orange and Rockland and PP&L, Inc. (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of Orange and Rockland Open Access Transmission Tariff filed on July 9, 1996 in Docket No. OA96–210–000.

Orange and Rockland requests waiver of the Commission's sixty-day notice requirements and an effective date of August 15, 1999 for the Service Agreement.

Orange and Rockland has served copies of the filing on The New York State Public Service Commission and on the Customer.

Comment date: October 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Duquesne Light Company

[Docket No. ER99–4465–000]

Take notice that on September 17, 1999, Duquesne Light Company (DLC) filed a Service Agreement dated September 16, 1999 with Allegheny Power Service Corporation under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Allegheny Power Service Corporation as a customer under the Tariff.

DLC requests an effective date of September 16, 1999 for the Service Agreement.

Comment date: October 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Duquesne Light Company

[Docket No. ER99–4466–000]

Take notice that on September 17, 1999, Duquesne Light Company (DLC) filed a Service Agreement dated September 16, 1999 with Allegheny Power Service Corporation under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Allegheny Power Service Corporation as a customer under the Tariff.

DLC requests an effective date of September 16, 1999 for the Service Agreement.

Comment date: October 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Commonwealth Edison Company and Commonwealth Edison Company of Indiana

[Docket No. ER99–4470–000]

Take notice that on September 17, 1999, Commonwealth Edison Company and Commonwealth Edison Company of Indiana (collectively ComEd) filed amendments to ComEd's Open Access Transmission Tariff (OATT) to reduce and update the rates for transmission and ancillary services and to update the loss factors.

ComEd requests an effective date of October 1, 1999 for the above-described rate reductions.

Copies of the filing were served upon ComEd's jurisdictional customers, interested state commissions, and on the parties to the Illinois Commerce Commission (ICC) Docket Nos. 98–0894 and 99–0117 proceedings now pending before the ICC.

Comment date: October 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25410 Filed 9–29–99; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OH128; FRL–6447–5]

Delegation of Governor's Authority for the Preparation and Submittal of State Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The purpose of this document is to announce that on May 6, 1999, Bob Taft, Governor of Ohio notified EPA that he delegated his authority to develop and submit State Implementation Plans (SIPs) to Christopher Jones, Director of the Ohio Environmental Protection Agency (Ohio EPA).

ADDRESSES: The document relevant to the above action is available for public inspection during normal business hours at the following address: United States Environmental Protection Agency, Region 5, 77 West Jackson Blvd. (AR–18J), Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, United States Environmental Protection Agency, Region 5, 77 West Jackson (AR–18J), Chicago, Illinois 60604, (312) 886–6036.

SUPPLEMENTARY INFORMATION:

What Action Is USEPA Taking?

EPA is notifying the public that Bob Taft, Governor of Ohio, has delegated

his authority to submit State Implementation Plans (SIPs) and SIP revisions to Christopher Jones, Director of the Ohio EPA.

What Are SIPs?

Under section 110 and part D of the Clean Air Act, States are required to develop plans for attaining and maintaining the National Ambient Air Quality Standards (NAAQS) for six criteria pollutants: sulfur dioxide (SO_2), carbon monoxide (CO), lead (Pb), ozone, particulate matter(PM), and nitrogen dioxide (NO_2). These plans are referred to as state implementation plans or SIPs.

What Are NAAQS?

NAAQS are standards of air quality which are established to protect both human health and welfare.

What Are the Pertinent Requirements for SIP Submittals?

Federal requirements to which SIP submittals must conform are codified at PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS of title 40 of the Code of Federal Regulations. The requirement which is the subject of this document is contained in section 103 Submission of plans, preliminary review of plans. This section provides that the Governor or his designee must submit SIP revisions to EPA. By his May 6, 1999, letter, Governor Taft notified EPA that he delegated this task to the Director of the Ohio EPA, Christopher Jones.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 17, 1999.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 99–25437 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6448–1]

Acid Rain Program: Notice of Annual Adjustment Factors for Excess Emission Penalty

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of annual adjustment factors for excess emissions penalty.

SUMMARY: Under the Acid Rain Program, affected units must hold enough allowances to cover their sulfur dioxide emissions and meet an emission limit for nitrogen oxides. Under 40 CFR 77.6, units that do not meet these requirements must pay a penalty without demand to the Administrator based on the number of excess tons emitted times $2000 as adjusted by an annual adjustment factor that must be published in the **Federal Register**.

The annual adjustment factor for adjusting the penalty for excess emissions of sulfur dioxide and nitrogen oxides under 40 CFR part 77 for compliance year 1999 is 1.3114. This value is derived from the Consumer Price Index for 1990 and 1999, as defined in 40 CFR part 72, and corresponds to a penalty of $2623 per excess ton of sulfur dioxide or nitrogen oxides emitted.

The annual adjustment factor for adjusting the penalty for excess emissions of sulfur dioxide and nitrogen oxides under 40 CFR part 77 for compliance year 2000 is 1.3411. This value is derived from the Consumer Price Index for 1990 and 2000, as defined in 40 CFR part 72, and corresponds to a penalty of $2682 per excess ton of sulfur dioxide or nitrogen oxides emitted.

FOR FURTHER INFORMATION CONTACT: Robert Miller, Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460 at (202) 564–9077.

Dated: September 21, 1999.

Larry F. Kertcher,

Acting Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 99–25439 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6447–8]

Adoption of Environmental Assessment (EA) and Finding of No Significant Impact, Inyo County Saltcedar Control Program; Owens Valley, CA

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY:

Project Location and Description

The U.S. Environmental Protection Agency (EPA) proposes to adopt an EA for a long-term, comprehensive program to control and possibly eradicate saltcedar (also known as tamarix) from portions of the Owens Valley. This plant is an aggressive non-native shrub or tree that displaces native vegetation and wildlife. The work will primarily involve cutting stems and applying herbicides to cut stems in infested areas on land owned by the Los Angeles Department of Water and Power (LADWP). The project area extends from the Inyo County line north of Bishop to the southern end of the valley near Olancha. It consists of unincorporated land owned by the LADWP. The work area extends from the Inyo County line north of Bishop to the southern end of the valley near Olancha. Saltcedar stands occur in patches and encompass about 25,000 acres. The work will primarily occur during the months of October through March, and will continue for 5 or more years. Funding is provided by LADWP and a grant from the EPA.

Purpose and Need for the Proposed Action

The purpose of the program is to systematically eradicate saltcedar on City of Los Angeles land within Inyo County. The benefit of the program would be to facilitate the recovery of native plant communities in the affected areas, thereby increasing the abundance and variety of plant and animal life. The program would implement an element of the Inyo County/Los Angeles Long-term Water Agreement, result in beneficial impacts to the native habitats and wildlife, and assist in implementing the Lower Owens River Project.

Environmental Consequences and Conditions

The proposed saltcedar control program will represent a beneficial impact to the native habitats of the Owens Valley because there will be an increase in the amount and diversity of native plant communities, which will result in an increase in the abundance and diversity of fish and wildlife. The project includes 14 mitigation measures to avoid significant impacts, therefore, no significant impacts to the environment will result from the implementation of this project.

Preliminary Findings

EPA has determined that the proposed project will not have a significant adverse impact on the environment and that an environmental impact statement will not be required for the project.

The EA is available for public inspection at EPA Region 9 in San Francisco, California at 75 Hawthorne Street. To review the project document, to obtain a copy of the document, or to obtain additional information regarding the project, please contact Wendy Melgin of EPA Region 9 at (415) 744–1831 or via e-mail at *melgin.wendy@epamail.epa.gov.*

Comments on this Finding of No Significant Impact may be submitted for consideration by EPA on or before November 1, 1999. No administrative action will be taken by EPA on the project described above prior to the expiration of this public comment period. Comments should be: (1) Mailed to Wendy Melgin, U.S. EPA Region IX, (WTR–9), 75 Hawthorne Street, San Francisco, CA 94105; (2) faxed to Wendy Melgin at (415) 744–1873; or e-mailed to Wendy Melgin at *melgin.wendy@epamail.epa.gov.*

Dated: September 21, 1999.

Alexis Strauss,

Acting Regional Administrator, Region 9.

[FR Doc. 99–25438 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 30, 1999, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Vivian L. Portis, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

—August 12, 1999 (Open and Closed)

B. Report

—FCS Building Association Quarterly Report

C. New Business

—Regulations

1. Organization; Termination of Farm Credit Status [12 CFR Part 611] (Proposed).

2. Federal Agricultural Mortgage Corporation Risk-Based Capital [12 CFR Part 650] (Proposed).

**Closed Session*

D. Report

—OSMO Report

Dated: September 27, 1999.

Vivian L. Portis,

Secretary, Farm Credit Administration Board.

[FR Doc. 99–25557 Filed 9–28–99; 12:12 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

September 23, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before November 29, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0107.

Title: Private Radio Application for Renewal, Reinstatement and/or Notification of Change to License information.

Form Number: FCC 405A.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit; Small businesses or organizations; Individuals or households; State or Local Governments; Non-profit institutions.

Number of Respondents: 1,500.

Estimated Time Per Response: .33 hour.

Total Annual Burden: 495 hours.

Needs and Uses: FCC Rules require that radio station licensees renew their PRMS (Private Mobile Radio Service) radio station authorization every five years or their CMRS (Commercial Mobile Radio Service) radio station authorization every ten years. Data is used to update the existing database and make efficient use of the frequency spectrum. Data is also used by Compliance personnel in conjunction with Field Engineers for enforcement and interference resolutions.

The data collected is required by the Communications Act of 1934, as amended; International Treaties and FCC Rules 47 CFR Parts 1.926, 90.119, 90.135, and 90.157.

The form has been revised to delete the requirement to provide payment information. FCC Form 159 (Fee Remittance Advice) is required to be filed with any feeable Form 405A and applicants must provide payment information thereon. The collection is being revised to delete reference in General Mobile Radio Service use of the form. This radio service has been converted to ULS and will no longer use this form. This program change resulted in a reduction in the number of respondents from 2,700 to 1,500 and total burden hours from 891 to 495 hours. Total respondent cost is $80,000.

OMB Approval Number: 3060–0127.

Title: Assignment of Authorization.

Form Number: FCC 1046.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals; Business or other for-profit; State or local governments; Non-profit.

Session closed-exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

Number of Respondents: 3,000.

Estimated Time Per Response: 5 minutes (.083).

Total Annual Burden: 249 hours.

Needs and Uses: This form is required by the Communications Act, International Treaties and FCC Rules 47 CFR Parts 1.922, 1.924, 80.19, 87.21, and 90.119. To assign authorization of radio station to another entity, the assignor must, in writing, assign all right, title and interest of the authorization to the other entity.

The Commission uses the data to determine if assignment of authorization submitted with the application will meet the rule requirements for issuance of a station authorization.

The form is being revised to delete the reference to Microwave Radio Services use of the form, reducing the number of respondents from 6,000 to 3,000. Microwave Services have been converted to ULS and will use FCC Form 603 for assignment of authorization.

OMB Approval Number: 3060–0035.

Title: Application for Renewal of Auxiliary Broadcast License.

Form Number: FCC 313R.

Type or Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 50.

Estimated Time Per Response: 30 minutes (.50).

Total Annual Burden: 25 hours.

Total Respondent Costs: $2,250.

Needs and Uses: FCC 313–R is used by licensees of remote pickup and low power stations that are not broadcast licensees (e.g., cable operators, network entities, international broadcast services, motion picture producers and television producers) to renew their auxiliary broadcast license. Statutory authority for this collection of information is contained in Section 307 of the Communications Act. It is also required by 47 CFR 73.3500 and 73.3539.

The Commission intends to revise the application to include a place for the applicant to provide a Fax number; delete payment information and Taxpayer ID Number as the same information is provided on FCC Form 159 (Fee Remittance Advice) required with any feeable application.

OMB Approval Number: 3060–0250.

Title: Section 74.784 Rebroadcasts.

Form Number: None.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, state, local or tribal government.

Number of Respondents: 1,080 low power television, TV translator and TV booster stations.

Estimated Time per Response: 1 hour.

Frequency of Response: Reporting, on occasion.

Annual Burden: 1,080.

Annual Costs: $0.

Needs and Uses: Section 74.784(b) states that a licensee of a low power television or TV translator station shall not rebroadcast the programs of any other TV broadcast station without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. Section 74.784(b) requires licensees of low power television or TV translator stations to notify the Commission when rebroadcasting programs or signals of another station. This notification shall include the call letters of each station rebroadcast. The licensee of the low power television or TV translator station shall certify that written consent has been obtained from the licensee of the station whose programs are retransmitted. The data is used by FCC staff to ensure compliance with Section 325(a) of the Communications Act of 1934, as amended, which states that no broadcasting station shall rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station.

OMB Approval Number: 3060–0398.

Title: Equipment Authorization Measurement Standards, 47 CFR 2.948, 15.117(g)(2).

Form Number: None.

Type of Review: Extension of a currently approved collection.

Number of Respondents: 320.

Estimated Time per Response: 28.4375 hours.

Total Annual Burden: 9,100 hours.

Needs and Uses: The information gathered is used by the Commission to ensure that data accompanying all requests for equipment authorization are valid, and that proper testing procedures are used. Testing ensures that potential interference to radio communications is controlled, and if necessary, the data gathered may be used for investigating complaints or harmful interference, or for verifying the manufacture's compliance with the Commission rules. This collection eliminates the necessity for manufacture's to file UHF noise figure data documenting the performance of TV receivers tested and marketed in the U.S. The requirement was eliminated from the rules by a Report and Order in ET Docket 95–144.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–25405 Filed 9–29–99; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 23, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before November 1, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0874.

Title: Consumer Complaint Forms.

Form Number: FCC 475 and FCC 476.
Type of Review: Revision of a currently approved collection.
Respondents: Individuals or households; Business or other for-profit entities; Not-for-profit institutions; and Federal Government.
Number of Respondents: 80,000.
Estimate Time Per Response: 0.5 hours (avg.).
Frequency of Response: Recordkeeping; On occasion reporting requirements.
Total Annual Burden: 40,000 hours.
Total Annual Costs: None.
Needs and Uses: FCC Forms 475 and 476 allow the Commission to collect detailed data from consumers on the practices of common carriers. The information contained in these collections will allow consumers to provide the Commission with the relevant information required and help consumers to develop a concise statement outlining the issue in dispute. The information will then be used to assist in the resolution of informal complaints and to collect data required to assess the practices of common carriers.

Federal Communications Commission.
Magalie Roman Salas,
Secretary.
[FR Doc. 99–25404 Filed 9–29–99; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee; Notice of Public Meeting

AGENCY: Federal Communications Commission.
ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of a meeting of the Network Reliability and Interoperability Council ("NRIC" or "Council"), which will be held at the Federal Communications Commission in Washington, DC.

DATE: October 14, 1999 at 1:30 p.m.–3:30 p.m.
ADDRESS: Federal Communications Commission, Commission Meeting Room, Room TW–C305, 445 12th St. SW, Washington, DC 20554.
FOR FURTHER INFORMATION CONTACT: Marsha MacBride, Executive Director of the FCC Year 2000 Task Force and Designated Federal Officer of the Council, 445 12th St. SW, Washington, DC 20554; telephone (202) 418–2379, e-mail year2000@fcc.gov.

Press Contact, Audrey Spivak, Office of Public Affairs, 202–418–0512, aspivak@fcc.gov.
SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to bring together leaders of the telecommunications industry and telecommunications experts from academic, consumer and other organizations to explore and recommend measures that would enhance network reliability. One of the current issues before the Council is the risk that the Year 2000 date conversion problem presents for the telecommunications networks.

The agenda for the meeting is as follows: The Council will review status reports from Focus Groups 1 and 2 and test results of intercarrier and supplier contingency planning. Focus Group 3 will present a status report. Finally, the Network Reliability Steering Committee will present its quarterly report.

Information concerning the activities of NRIC can be reviewed at the Council's website <www.nric.org@>. Material relevant to the October 14, 1999 meeting will be posted there.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. A live RealAudio feed will be available over the Internet; information on how to tune in can be found at the Commission's website <www.fcc.gov>.

The public may submit written comments to the Council's designated Federal Officer before the meeting.

Federal Communications Commission.
Magalie Roman Salas,
Secretary.
[FR Doc. 99–25407 Filed 9–29–99; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Technological Advisory Council Meeting

AGENCY: Federal Communications Commission.
ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 USC App. 2, Public Law 92–463, as amended, this notice advises interested persons of the third meeting of the Technological Advisory Council ("Council"), which will be held at the Federal Communications Commission in Washington, DC.

DATES: Monday, December 13, 1999, at 10:00 a.m.
ADDRESSES: Federal Communications Commission, 445 12th St. S.W., Room TW-C305, Washington DC 20554.
FOR FURTHER INFORMATION CONTACT: Contact Stagg Newman at snewman@fcc.gov or 202–418–2478.
SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to provide a means by which a diverse array of recognized technical experts from a variety of interests such as industry, academia, government, citizens groups, etc., can provide advice to the FCC on innovation in the communications industry.

The purpose of this third meeting will be to hear and discuss the progress of the three focus groups established by the Council to consider the issues the FCC presented to it at its April 30, 1999 meeting. These issues include: (1) the current state of the art for software defined radios, cognitive radios, and similar devices, future developments for these technologies, and ways that the availability of such technologies might affect the FCC's traditional approaches to spectrum management; and the current state of knowledge of electromagnetic noise levels and the effects of such noise on the reliability of existing and future communications systems; (2) the current technical trends in telecommunications services, changes that might decrease, rather than increase, the accessibility of telecommunications services by persons with disabilities and ways the FCC might best communicate to designers of emerging telecommunications network architectures, the requirements for accessibility; and (3) the telecommunications common carrier network interconnection scenarios that are likely to develop, including the technical aspects of cross network (i.e., end-to-end) interconnection, quality of service, network management, reliability, and operations issues, as well as the deployment of new technologies such as dense wave division multiplexing and high speed packet/cell switching. The three focus groups will also report on their progress in implementing the suggestions for continued investigation of these issues presented to them at the September 22, 1999 meeting. The Council may also consider such other issues as come before the Council at the meeting.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many persons as possible. However,

admittance will be limited to the seating available. There will be no public oral participation, but the public may submit written comments to Stagg Newman, the Council's Designated Federal Officer, before the meeting.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–25406 Filed 9–29–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled "Interagency Notice of Change in Director or Senior Executive Officer."

DATES: Comments must be submitted on or before November 29, 1999.

ADDRESSES: Interested parties are invited to submit written comments to Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Room 4058, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429. All comments should refer to "Interagency Notice of Change in Director or Senior Executive Officer." Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov].

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Tamara R. Manly, at the address identified above.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently Approved Collection of Information

Title: Interagency Notice of Change in Director or Senior Executive Officer.

OMB Number: 3064–0097.

Frequency of Response: On occasion.

Affected Public: All financial institutions.

Estimated Number of Respondents: 300.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden: 600 hours.

General Description of Collection: The Interagency Notice of Change in Director or Senior Executive Officer is submitted regarding the proposed addition of any individual to the board of directors or the employment of any individual as a senior executive officer. The information is used by the FDIC to make an evaluation of the general character of individuals who will be involved in the management of depository institutions, as required by statute.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, this 27th day of September, 1999.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–25441 Filed 9–29–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting

Announcing an Open Meeting of the Board

TIME AND DATE: 10:00 a.m., October 4, 1999.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- Single-Family Member Mortgage Assets.
- Final Rule: Allocation of Joint and Several Liability on Consolidated Obligations Among the Federal Home Loan Banks.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

William W. Ginsberg,

Managing Director.

[FR Doc. 99–25603 Filed 9–28–99; 1:34 pm]

BILLING CODE 6725–01–P

FEDERAL TRADE COMMISSION

[File No. 992 3158]

Physicians Formula Cosmetics, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached analysis to Aid Public comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 29, 1999.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Elaine Kolish or Kent Howerton, FTC/S–4302, 600 Pennsylvania. Ave., NW, Washington, DC 20580. (202) 326–3042. or 326–3013.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is

hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 13, 1999), on the World Wide Web, at "http://www.ftc.gov/os/actions97.htm." A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW, Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania. Ave., NW, Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent Physicians Formula Cosmetics, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. after sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns "Made in USA" labeling of cosmetics, cosmetic brushes,and skin care products. The Commission's complaint charges that respondent, by labeling its products as "Made in USA," misrepresented that they were all or virtually all made in the United States when, in truth and in fact, a significant proportion of their components was of foreign origin.

The proposed consent order contains a provision designed to remedy the charges and to prevent the respondent from engaging in similar acts and practices in the future. Part I of the proposed order prohibits the respondent from misrepresenting the extent to which its products are made in the United States. The proposed order would allow respondent to represent that its products are made in the United States as long as all, or virtually all, of the components of the products are of U.S. origin and all, or virtually all, of the labor in manufacturing them is performed in the United States.

The proposed consent order additionally provides that the order shall not prohibit the respondent from depleting its inventory of products bearing a marking or labeling otherwise prohibited by the order and existing on the date the order is signed, in the normal course of business, provided that no such existing inventory may be shipped later than 120 days after the date the order becomes final.

Part II of the proposed order requires the respondent to maintain materials relied upon in disseminating any representation covered by the order. Part III of the proposed order requires the respondent to distribute copies of the order to certain company officials and employees. Part IV of the proposed order requires the respondent to notify the Commission of any change in the corporation that may affect compliance obligations under the order. Part V of the proposed order requires the respondent to file one or more compliance reports. Part VI of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed consent order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–25418 Filed 9–29–99; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 982–3588]

The Wire Works, Inc., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 29, 1999.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Elaine Kolish or Kent Howerton, FTC/S–4302, 600 Pennsylvania Ave., NW., Washington, DC 20580. (202) 326–3042 or 326–3013.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 13, 1999), on the World Wide Web, at "http://www.ftc.gov/os/actions97.htm." A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order

from respondents The Wire Works, Inc., and Electrodes, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns advertising, labeling, and promotional practices related to the sale of brass electrical discharge machining ("EDM") wire electrodes. Wire EDM is a metal removal technique that is used to cut metal parts. The Commission's complaint charges that respondents misrepresented that certain of its EDM wire electrodes were all or virtually all made in the United States when, in truth and in fact, a substantial portion of their content was of foreign origin.

The proposed consent order contains a provision that is designed to remedy the charges and to prevent the respondents from engaging in similar acts and practices in the future. Part I of the proposed order prohibits the respondents from misrepresenting the extent to which their EDM wire electrodes are made in the United States. The proposed order would allow respondents to represent that such EDM wire electrodes are made in the United States as long as all, or virtually all, of the components of the EDM wire electrodes are of U.S. origin and all, or virtually all, of the labor in manufacturing them is performed in the United States. It also would allow respondents to make a representation regarding the U.S. origin or U.S. content of their EDM wire electrodes product as permitted in future regulations, guides, or enforcement policy statements promulgated by the Commission. The proposed order further would allow respondents to describe the specific processing that is performed on the product in the United States, *e.g.*, that the product is "Drawn in the U.S.A.," "Annealed in U.S.A.," "Coldworked in U.S.A.," or "Strengthened in U.S.A.," so long as the claim is truthful and substantiated. If the product is not last substantially transformed in the United States, the proposed order would require the respondents to comply with regulations and rulings issued by the U.S. Customs Service under section 304 of the Tariff Act, 19 U.S.C. 1304.

Part II of the proposed order requires the respondents to maintain materials relied upon in disseminating any representation covered by the order. Part III of the proposed order requires the respondents to distribute copies of the order to certain company officials and employees. Part IV of the proposed order requires the respondents to notify the Commission of any change in the corporations that may affect compliance obligations under the order. Part V of the proposed order requires the respondents to file one or more compliance reports. Part VI of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed consent order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–25419 Filed 9–29–99; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Report of the "Tar," Nicotine, and Carbon Monoxide of the Smoke of 1262 Varieties of Domestic Cigarettes for the Year 1996 and Report of the "Tar," Nicotine, and Carbon Monoxide of the Smoke of 1252 Varieties of Domestic Cigarettes for the Year 1997

ACTION: Notice.

SUMMARY: The Federal Trade Commission publishes the "Report of the 'Tar,' Nicotine, and Carbon Monoxide of the Smoke of 1262 Varieties of Domestic Cigarettes for the Year 1996" and the "Report of the 'Tar,' Nicotine, and Carbon Monoxide of the Smoke of 1252 Varieties of Domestic Cigarettes for the Year 1997."

DATES: September 30, 1999.

ADDRESSES: Copies of the reports are available from the FTC's World Wide Web site at: http://www.ftc.gov and from the FTC's Public Reference Branch, Room 130, 600 Pennsylvania Ave., NW., Washington, DC 20580. Telephone (202) 326–3128.

FOR FURTHER INFORMATION CONTACT: Michael Ostheimer, Staff Attorney Federal Trade Commission, Bureau of Consumer Protection, 600 Pennsylvania Ave., NW., Washington, DC 20580. Telephone (202) 326–2699.

SUPPLEMENTARY INFORMATION: These reports contain data on the "tar," nicotine and carbon monoxide yields of 1262 varieties of cigarettes manufactured and sold in the United States in 1996, and of 1252 varieties sold in 1997. The Tobacco Institute Testing Laboratory (TITL), a private laboratory operated by the cigarette industry, conducted the "tar," nicotine, and carbon monoxide testing for the widely-available domestic cigarette varieties. This testing was conducted under the review of a representative of the FTC through periodic unannounced inspections. TITL provided the results to the respective cigarette companies, which then provided the data generated by TITL regarding their own brands to the Commission in response to compulsory process. Cigarette smoke from generic, private label, and not-widely-available cigarettes was not tested by TITL, but was tested by the cigarette companies and the test results were provided to the FTC in response to compulsory process.

In response to concerns that have been raised regarding the accuracy and utility of the testing method currently used to determine the "tar," nicotine, and carbon monoxide ratings of cigarettes, the Commission in 1998 requested the assistance of the Department of Health and Human Services in reviewing the scientific and public health questions surrounding the test method and, if appropriate, determining how the test method should be changed. In its July 1999 "Report to Congress for 1997, Pursuant to the Cigarette Labeling and Advertising Act," the Commission recommended that Congress consider giving authority over cigarette testing to one of the Federal government's science-based, public health agencies.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–25417 Filed 9–29–99; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Publication of the OIG Special Advisory Bulletin on the Effect of Exclusion From Participation in Federal Health Care Programs

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: In its role of identifying and eliminating fraud, waste and abuse in the Department's health care programs, the OIG periodically develops and

issues guidance, including Special Fraud Alerts and Advisory Bulletins, to alert and inform health care providers and program beneficiaries about potential problems or areas of special interest. This **Federal Register** notice sets forth the recently-issued OIG Special Advisory Bulletin addressing the effect of an OIG exclusion on an individual's or entity's participation in the Federal health care programs.

FOR FURTHER INFORMATION CONTACT: Robin Schneider, Office of Counsel to the Inspector General, (202) 619–1306.

SUPPLEMENTARY INFORMATION:

I. Background

This Special Advisory Bulletin is designed to help all affected parties better understand the scope of payment prohibitions that apply to items and services provided to Federal program beneficiaries, and to provide guidance to individuals and entities that have been excluded from the Federal health care programs and to those who employ or contract with an excluded individual or entity to provide such items or services.

II. Special Advisory Bulletin: Gainsharing Arrangements and CMPs for Hospital Payments to Physicians To Reduce or Limit Services to Beneficiaries

A. Introduction

The Office of Inspector General (OIG) was established in the U.S. Department of Health and Human Services to identify and eliminate fraud, waste, and abuse in the Department's programs and to promote efficiency and economy in Departmental operations. The OIG carries out this mission through a nationwide program of audits, inspections, and investigations. In addition, the OIG has been given the authority to exclude from participation in Medicare, Medicaid and other Federal health care programs [1] individuals and entities who have engaged in fraud or abuse, and to impose civil money penalties (CMPs) for certain misconduct related to Federal health care programs (sections 1128 and 1128A of the Social Security Act (the Act)).

Recent statutory enactments have strengthened and expanded the OIG's authority to exclude individuals and entities from the Federal health care programs. These laws also expanded the OIG's authority to assess CMPs against individuals and entities that violate the law. With this expanded authority, the OIG believes that it is important to explain the effect of program exclusions under the current statutory and regulatory provisions.

The Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104–191, authorized the OIG to provide guidance to the health care industry to prevent fraud and abuse, and to promote high levels of ethical and lawful conduct. To further these goals, the OIG issues Special Advisory Bulletins about industry practices or arrangements that potentially implicate the fraud and abuse authorities subject to enforcement by the OIG.

In order to assist all affected parties in understanding the breadth of the payment prohibitions that apply to items and services provided to Federal program beneficiaries,[2] this Special Advisory Bulletin provides guidance to individuals and entities that have been excluded from Federal health care programs, as well as to those who might employ or contract with an excluded individual or entity to provide items or services reimbursed by a Federal health care program.

B. Statutory Background

In 1977, in the Medicare-Medicaid Anti-Fraud and Abuse Amendments, Public Law 95–142, Congress first mandated the exclusion of physicians and other practitioners convicted of program-related crimes from participation in Medicare and Medicaid (now codified at section 1128 of the Act). This was followed in 1981 with Congressional enactment of the Civil Monetary Penalties Law (CMPL), Public Law 97–35, to further address health care fraud and abuse (section 1128A of the Act). The CMPL authorizes the Department and the OIG to impose CMPs, assessments and program exclusions against individuals and entities who submit false or fraudulent, or otherwise improper claims for Medicare or Medicaid payment. "Improper claims" include claims submitted by an excluded individual or entity for items or services furnished during a period of program exclusion.

To enhance the OIG's ability to protect the Medicare and Medicaid programs and beneficiaries, the Medicare and Medicaid Patient and Program Protection Act of 1987, Public Law 100–93, expanded and revised the OIG's administrative sanction authorities by, among other things, establishing certain mandatory and discretionary exclusions for various types of misconduct.

The enactment of HIPAA in 1996 and the Balanced Budget Act (BBA) of 1997, Public Law 105–33, further expanded the OIG's sanction authorities. These statutes extended the application and scope of the current CMP and exclusion authorities beyond programs funded by the Department to all "Federal health care programs." BBA also authorized a new CMP authority to be imposed against health care providers or entities that employ or enter into contracts with excluded individuals for the provision of services or items to Federal program beneficiaries.

In the discussion that follows, it should be understood that the prohibitions being described apply to items and services provided, directly or indirectly, to Federal program beneficiaries. The ability of an excluded individual or entity to render items and services to others is not affected by an OIG exclusion.

C. Exclusion From Federal Health Care Programs

The effect of an OIG exclusion from Federal health care programs is that no Federal health care program payment may be made for any items or services (1) furnished by an excluded individual or entity, or (2) directed or prescribed by an excluded physician (42 CFR 1001.1901). This payment ban applies to all methods of Federal program reimbursement, whether payment results from itemized claims, cost reports, fee schedules or a prospective payment system (PPS). Any items and services furnished by an excluded individual or entity are not reimbursable under Federal health care programs. In addition, any items and services furnished at the medical direction or prescription of an excluded physician are not reimbursable when the individual or entity furnishing the services either knows or should know of the exclusion. This prohibition applies even when the Federal payment itself is made to another provider, practitioner or supplier that is not excluded.

The prohibition against Federal program payment for items or services furnished by excluded individuals or entities also extends to payment for administrative and management services not directly related to patient care, but that are a necessary component of providing items and services to

[1] A Federal health care program is defined as any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the United States Government or a State health care program (with the exception of the Federal Employees Health Benefits Program) (section 1128B(f) of the Act). The most significant Federal health care programs are Medicare, Medicaid, Tricare and the Veterans programs.

[2] A Federal program beneficiary is an individual that receives health care benefits that are funded, in whole or in part, by a Federal health care program.

Federal program beneficiaries. This prohibition continues to apply to an individual even if he or she changes from one health care profession to another while excluded.[3] In addition, no Federal program payment may be made to cover an excluded individual's salary, expenses or fringe benefits, regardless of whether they provide direct patient care.

Set forth below is a listing of some of the types of items or services that are reimbursed by Federal health care programs which, when provided by excluded parties, violate an OIG exclusion. These examples also demonstrate the kinds of items and services that excluded parties may be furnishing which will subject their employer or contractor to possible CMP liability.

- Services performed by excluded nurses, technicians or other excluded individuals who work for a hospital, nursing home, home health agency or physician practice, where such services are related to administrative duties, preparation of surgical trays or review of treatment plans if such services are reimbursed directly or indirectly (such as through a PPS or a bundled payment) by a Federal health care program, even if the individuals do not furnish direct care to Federal program beneficiaries;
- Services performed by excluded pharmacists or other excluded individuals who input prescription information for pharmacy billing or who are involved in any way in filling prescriptions for drugs reimbursed, directly or indirectly, by any Federal health care program;
- Services performed by excluded ambulance drivers, dispatchers and other employees involved in providing transportation reimbursed by a Federal health care program, to hospital patients or nursing home residents;
- Services performed for program beneficiaries by excluded individuals who sell, deliver or refill orders for medical devices or equipment being reimbursed by a Federal health care program;
- Services performed by excluded social workers who are employed by health care entities to provide services to Federal program beneficiaries, and whose services are reimbursed, directly or indirectly, by a Federal health care program;
- Administrative services, including the processing of claims for payment, performed for a Medicare intermediary or carrier, or a Medicaid fiscal agent, by an excluded individual;
- Services performed by an excluded administrator, billing agent, accountant, claims processor or utilization reviewer that are related to and reimbursed, directly or indirectly, by a Federal health care program;
- Items or services provided to a program beneficiary by an excluded individual who works for an entity that has a contractual agreement with, and is paid by, a Federal health care program; and
- Items or equipment sold by an excluded manufacturer or supplier, used in the care or treatment of beneficiaries and reimbursed, directly or indirectly, by a Federal health care program.

D. Violation of an OIG Exclusion by an Excluded Individual or Entity

An excluded party is in violation of its exclusion if it furnishes to Federal program beneficiaries items or services for which Federal health care program payment is sought. An excluded individual or entity that submits a claim for reimbursement to a Federal health care program, or causes such a claim to be submitted, may be subject to a CMP of $10,000 for each item or service furnished during the period that the person or entity was excluded (section 1128A(a)(1)(D) of the Act). The individual or entity may also be subject to treble damages for the amount claimed for each item or service. In addition, since reinstatement into the programs is not automatic, the excluded individual may jeopardize future reinstatement into Federal health care programs (42 CFR 1001.3002).

E. Employing an Excluded Individual or Entity

As indicated above, BBA authorizes the imposition of CMPs against health care providers and entities that employ or enter into contracts with excluded individuals or entities to provide items or services to Federal program beneficiaries (section 1128A(a)(6) of the Act; 42 CFR 1003.102(a)(2)). This authority parallels the CMP for health maintenance organizations that employ or contract with excluded individuals (section 1857(g)(1)(G) of the Act). Under the CMP authority, providers such as hospitals, nursing homes, hospices and group medical practices may face CMP exposure if they submit claims to a Federal health care program for health care items or services provided, directly or indirectly, by excluded individuals or entities.

Thus, a provider or entity that receives Federal health care funding may only employ an excluded individual in limited situations. Those situations would include instances where the provider is both able to pay the individual exclusively with private funds or from other non-federal funding sources, and where the services furnished by the excluded individual relate solely to non-federal program patients.

In many instances, the practical effect of an OIG exclusion is to preclude employment of an excluded individual in any capacity by a health care provider that receives reimbursement, indirectly or directly, from any Federal health care program.

F. CMP Liability for Employing or Contracting With an Excluded Individual or Entity

If a health care provider arranges or contracts (by employment or otherwise) with an individual or entity who is excluded by the OIG from program participation for the provision of items or services reimbursable under such a Federal program, the provider may be subject to CMP liability if they render services reimbursed, directly or indirectly, by such a program. CMPs of up to $10,000 for each item or service furnished by the excluded individual or entity and listed on a claim submitted for Federal program reimbursement, as well as an assessment of up to three times the amount claimed and program exclusion may be imposed. For liability to be imposed, the statute requires that the provider submitting the claims for health care items or services furnished by an excluded individual or entity "knows or should know" that the person was excluded from participation in the Federal health care programs (section 1128A(a)(6) of the Act; 42 CFR 1003.102(a)(2)). Providers and contracting entities have an affirmative duty to check the program exclusion status of individuals and entities prior to entering into employment or contractual relationships, or run the risk of CMP liability if they fail to do so.

G. How to Determine If an Individual or Entity is Excluded

In order to avoid potential CMP liability, the OIG urges health care providers and entities to check the OIG List of Excluded Individuals/Entities on the OIG web site (www.hhs.gov/oig) prior to hiring or contracting with individuals or entities. In addition, if they have not already done so, health care providers should periodically check the OIG web site for determining the participation/exclusion status of current employees and contractors. The web site contains OIG program

[3] For example, the prohibition against Federal program payment for items and services would continue to apply in the situation where an excluded pharmacist completes his or her medical degree and becomes a licensed physician.

exclusion information and is updated in both on-line searchable and downloadable formats. This information is updated on a regular basis. The OIG web site sorts the exclusion of individuals and entities by: (1) The legal basis for the exclusion, (2) the types of individuals and entities that have been excluded, and (3) the State where the excluded individual resided at the time they were excluded or the State where the entity was doing business. In addition, the entire exclusion file may be downloaded for persons who wish to set up their own database. Monthly updates are posted to the downloadable information on the web site.

H. Conclusion

In accordance with the expanded sanction authority provided in HIPAA and BBA, and with limited exceptions,[4] an exclusion from Federal health care programs effectively precludes an excluded individual or entity from being employed by, or under contract with, any practitioner, provider or supplier to provide any items and services reimbursed by a Federal health care program. This broad prohibition applies whether the Federal reimbursement is based on itemized claims, cost reports, fee schedules or PPS. Furthermore, it should be recognized that an exclusion remains in effect until the individual or entity has been reinstated to participate in Federal health care programs in accordance with the procedures set forth at 42 CFR 1001.3001 through 1001.3005. Reinstatement does not occur automatically at the end of a term of exclusion, but rather, an excluded party must apply for reinstatement.

If you are an excluded individual or entity, or are considering hiring or contracting with an excluded individual or entity, and question whether or not the employment arrangement may violate the law, the OIG Advisory Opinion process is available to offer formal binding guidance on whether an employment or contractual arrangement may be in violation of the OIG's exclusion and CMP authorities. The process and procedure for submitting an advisory opinion request can be found at 42 CFR 1008, or on the OIG web site at www.hhs.gov/oig.

[4] In certain instances, a State health care program may request a waiver of an exclusion if an individual or entity is the sole community physician or the sole source of essential specialized services in a community (42 CFR 1001.1801(b)).

Dated: September 21, 1999.

June Gibbs Brown,

Inspector General.

[FR Doc. 99–25427 Filed 9–29–99; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Application for Approval

The following applicant has applied for approval to conduct certain activities with birds that are protected in accordance with the Wild Bird Conservation Act of 1992. This notice is provided pursuant to Section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Applicant: Jerry Jennings, on behalf of the Cooperative Breeding Program for Keel-billed toucan, Red-breasted toucan, Saffron toucanet, and Chestnut-eared aracari (CB006). The applicant wishes to amend the approved cooperative breeding program to include the Spot-billed toucanet (*Selenidera maculirostris*). The Toucan Preservation Center maintains responsibility for the oversight of the program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2095); FAX: (703/358–2298).

Dated: September 24, 1999.

Dr. Rosemarie Gnam,

Chief, Branch of Operations, Office of Management Authority.

[FR Doc. 99–25398 Filed 9–29–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management,

[NM–070–1430–01; NMNM 97495]

Notice of Realty action—Recreation and Public Purpose (R&PP) Act Classification, New Mexico

AGENCY: Bureau of Land Management Interior.

ACTION: Notice.

SUMMARY: The following described public land in San Juan County, New Mexico have been examined and found suitable for classification for lease or conveyance to the City of Farmington under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 et seq.). City of Farmington proposes to use the land for a sports complex with adjoining trail system.

New Mexico Principal Meridian

T. 29 N., R. 13 W.,
sec. 6, lots 9, 13, SE¼SE¼,
W½SW¼SE¼, S½SE¼SW¼SE¼.

containing 7.95 acres, more or less.

COMMENT DATES: On or before November 15, 1999 interested parties may submit comments regarding the proposed conveyance or classification of the lands to the Bureau of Land Management at the following address. Any adverse comments will be reviewed by the Field Office Manager, Bureau of Land Management, 1235 La Plata Highway, Suite A, Farmington, New Mexico 87401 who may sustain, vacate, or modify this reality action. In the absence of any adverse comments, this realty action becomes the final determination of the Department of the Interior and effective November 30, 1999.

FURTHER INFORMATION: Information related to this action, including the environmental assessment, is available for review at the Bureau of Land Management, Farmington Field Office, 1235 La Plata Highway, Suite A, Farmington, NM 87401.

SUPPLEMENTARY INFORMATION: Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws. The segregative effect will terminate upon issuance of the patent to City of Farmington, or two (2) years from the date of this publication, whichever occurs first.

The lease/patient, when issued, will be subject to the following terms, conditions and reservations:

1. Reservation to the United States of a right-of-way for ditches and canals in accordance with 43 U.S.C. 945.

2. Reservation to the United States of all minerals.

3. All valid existing rights, e.g., rights-of-way and leases of record.

4. Provisions that if the patentee or its successor attempts to transfer title to or control over the land to another or the land is devoted to a use other than that for which the land was conveyed, without the consent of the Secretary of the Interior or his delegate, or prohibits or restricts, directly or indirectly, or permits its agents employees, contractors, or subcontractors, including without limitation, lessees, sublessees and permittees), to prohibit or restrict, directly or indirectly, the use of any part of the patented lands or any of the facilities whereon by any person because of such person's race, creed, color, or national origin, title shall revert to the United States.

The lands are not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

Dated: September 24, 1999.

Lee Otteni,

Field Office Manager.

[FR Doc. 99–25402 Filed 9–29–99; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–100–1990–00]

Temporary Travel Restrictions

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Establishment of travel restrictions for the Irish Canyon and Lookout Mountain ACEC (Area of Critical Environmental Concern) areas of Moffat County, Colorado.

SUMMARY: This order closes certain public lands to motorized vehicle use in the Irish Canyon and Lookout Mountain ACEC in the Little Snake Field Office, Moffat County, Colorado. This order modifies the existing use "designated roads and trails" on 11,680 acres for the Irish Canyon ACEC and 6,500 acres for the Lookout Mountain ACEC. The existing restrictions now include an emergency limitation that prohibits the use of any motorized wheeled vehicles off existing roads and trails. This order is issued under the authority of 43 CFR 8364.1 and 43 CFR 8341.2(a) as a temporary measure while the off-highway vehicle (OHV) management portion of the Little Snake Resource Area (Field Office) Resource Management Plan is reviewed and modified as needed to address public issues, concerns, and needs, as well as resource uses, development, impacts, and protection.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: John E. Husband, Field Manager, Little Snake Field Office, 455 Emerson Street, Craig, Colorado 81625 at (970) 826–5000.

SUPPLEMENTARY INFORMATION: This order affects public lands in Moffat County, Colorado thus described:

(1) Irish Canyon ACEC

Public Lands within:
- T.11N., R.101W., Secs. 19, 29, 30, 32, and 33;
- T.10N., R.101W., Secs. 2 thru 5, 9 thru 11, 13 thru 16, 18, 22 thru 27, and 34 thru 36;
- T.10N., R.100W., Secs. 30 and 31;
- T.9N., R.101W., Secs. 1 thru 3, 11, and 12;
- T.9N., R.100W., Secs. 5 thru 8;

(2) Lookout Mountain ACEC

Public Lands within:
- T.11N., R.98W., Secs. 19, 20, 29, and 30;
- T.11N., R.99W., Secs. 25, 26, 32 thru 36
- T.10N., R.99W., Secs. 1 thru 7, 9, 10, 15, 16, and 18

This restriction order shall be effective October 1, 1999, and shall remain in effect until rescinded or modified by the Authorized Officer.

Current OHV use designations for public land in the area, established in the Little Snake Resource Area Management Plan, 1989, allow motorized vehicle use on designated road and trails year round. Increased OHV use in adjacent areas are impacting the Irish Canyon and Lookout Mountain ACECs. This is causing an unacceptable impact to natural resources and potentially to the significant cultural resources within the ACECs.

Given due consideration of concerns expressed by the public and the potential impacts of motorized vehicle use, a modification of existing OHV use designation is necessary to adequately protect natural resources and cultural resources on public land and ensure public safety. This modification is an emergency limitation that prohibits the use of motorized vehicles off existing roads and trails. These issues will be thoroughly addressed in upcoming activity planning for these two ACEC areas.

The ACEC area roads and trails affected by this order will be posted with appropriate regulatory signs. Maps of the roads and trails will be available at the Irish Canyon Interpretive site and in the Field Office at the address below.

Persons who are exempt from this restriction contained in this notice include:

1. Any Federal, State, or local Officers engaged in fire, emergency, and law enforcement activities.

2. BLM employees engaged in official duties.

3. Persons or agencies holding a special use permit or right-of-way for access to maintenance and operations of authorized facilities within the restricted area, for purposes related to access for maintenance and operation of said authorized facilities, and provided such motorized use is limited to the routes specifically identified in the special use permit or right-of-way.

4. Grazing permittee is authorized during the permitted grazing season for related motorized use to existing roads and trails. Grazing permittee is authorized in emergency situations, sick or injured animals, to recover the animal(s) with as little damage as possible to the area. Further, notify the Authorized Officer, within 10 working days, of such actions by phone and in a letter describing the location and reason for the action.

Penalties

Violations of this restriction order are punishable by fines not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Dated: September 24, 1999.

John E. Husband,

Field Manager.

[FR Doc. 99–25403 Filed 9–29–99; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Bay-Delta Advisory Council's Ecosystem Roundtable Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Meeting.

SUMMARY: The Bay-Delta Advisory Council's (BDAC) Ecosystem Roundtable will meet on October 13, 1999 to discuss potential projects for FY 2000 including additional 1999 watershed projects and other issues. This meeting is open to the public. Interested persons may make oral statements to the Ecosystem Roundtable or may file written statements for consideration .

DATES: The Bay-Delta Advisory Council's Ecosystem Roundtable meeting will be held from 9:30 a.m. to 3:30 p.m. on Wednesday October 13, 1999.

ADDRESSES: The Ecosystem Roundtable will meet at the Resources Building, Room 1131, 1416 Ninth Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Wendy Halverson Martin, CALFED Bay-Delta Program, at (916) 657–2666. If reasonable accommodation is needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653–6952 or TDD (916) 653–6934 at least one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan which addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta ecosystem, provide for a variety of beneficial uses, and minimize Bay-Delta system vulnerability. A group of citizen advisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long-term solutions for the problems affecting the Bay-Delta system has been chartered under the Federal Advisory Committee Act (FACA). The BDAC provides advise to CALFED on the program mission, problems to be addressed, and objectives for the Program. The BDAC provides a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. BDAC has established a subcommittee called the Ecosystem Roundtable to provide input on annual workplans to implement ecosystem restoration projects and programs.

Minutes of the meeting will be maintained by the Program, Suite 1155, 1416 Ninth Street, Sacramento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: September 23, 1999.

Donna E. Tegelman,

Acting Regional Director.

[FR Doc. 99–25279 Filed 9–29–99; 8:45 am]

BILLING CODE 4310–94–M

INTERNATIONAL TRADE COMMISSION

[USITC SE–99–041]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: October 5, 1999 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 701–TA–A and 731–TA–157 (Review) (Carbon Steel Wire Rod from Argentina)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on October 20, 1999.)
5. Outstanding action jackets:

1. Documents No. GC–99–076: Regarding Inv. No. 337–TA–409 (Certain CD–ROM Controllers and Products Containing Same–II).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: September 27, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25828 Filed 9–28–99; 3:37 pm]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: Application for benefits under the Family Unity Program.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on February 19, 1999 at 64 FR 8404, allowing for a 60-day public comment period. A 30-day notice, reinstating this information collection without change, was also published in the **Federal Register** on July 9, 1999 at 64 FR 37167. The INS received no comments on the proposed information collection.

The purpose of this notice is to notify the public that INS is reinstating with change this information collection and to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until November 1, 1999. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Stuart Shapiro, Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–7316.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement with change of a previously approved collection.

(2) *Title of the Form/Collection:* Application for Benefits Under the Family Unity Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–817. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The Family Unity Program provides for employment authorization and the voluntary departure of the spouse and unmarried children who are not eligible for the same status as the legalized alien they are related to.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 30,000 responses at 2 hours and 5 minutes (2.083) hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 62,490 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: September 24, 1999.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 99–25380 Filed 9–29–99; 8:45 am]

BILLING CODE 4410–10–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting; "Federal Register" Citation of Previous Announcement, Vol. 64, No. 164, at 46,422, August 25, 1999

PREVIOUSLY ANNOUNCED TIME AND DATE: 10:00 a.m., Thursday, September 30, 1999.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

STATUS: Open.

CHANGES IN MEETING: The Commission meeting to consider and act upon Hubb Corp., Docket No. KENT 97–302, has been changed to 10:00 a.m., Thursday, October 14, 1999.

TIME AND DATE: 2:00 p.m., Thursday, October 14, 1999.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Saab* v. *Dumbarton Quarry Assoc.*, Docket No. WEST 97–236–DM (Issues include whether substantial evidence supports the judge's finding that the operator's layoffs of the complainant did not violate section 105(c).)

TIME AND DATE: 10:00 a.m., Thursday, October 28, 1999.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Dolan* v. *F&E Erection Co.*, Docket No. CENT 97–24–DM (Issues include whether the judge erred in concluding that Dolan was discharged in violation of section 105(c), and whether the judge properly excluded from back pay the period of time Dolan was unavailable for work due to his physical condition.)

TIME AND DATE: 2:00 p.m., Thursday, October 28, 1999.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Pero* v. *Cyprus Plateau Mining Corp.*, Docket No. WEST 97–154–D (Issues include whether substantial evidence supports the judge's finding the operator did not discriminate against Pero in violation of section 105(c).)

Any person attending an open meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 99–25519 Filed 9–28–99; 10:05 am]

BILLING CODE 6735–01–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Cooperative Agreement for Communicating Information to Targeted Areas about Challenge America Small Grants

AGENCY: National Endowment for the Arts.

ACTION: Notification of availability.

SUMMARY: The National Endowment for the Arts is requesting proposals leading to the award of a Cooperative Agreement to communicate information to targeted areas of the country and communities that have historically been underrepresented as recipients of grants from the National Endowment for the Arts. The work will involve devising and implementing strategies to help inform organizations and provide guidance about a new grant program, Challenge America Small Grants. Those interested in receiving the solicitation package should reference Program Solicitation PS 2000–01 in their written request and include two (2) self-addressed labels. Verbal requests for the Solicitation will not be honored.

DATES: Program Solicitation PS 99–05 is scheduled for release approximately October 25, 1999 with proposals due on November 29, 1999.

ADDRESSES: Requests for the Solicitation should be addressed to the National Endowment for the Arts, Grants & Contracts Office, Room 618, 1100 Pennsylvania Ave., NW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: William Hummel, Grants & Contracts Office, National Endowment for the

Arts, Room 618, 1100 Pennsylvania Ave., NW, Washington, DC 20506 (202/682–5482).

William I. Hummel,

Coordinator, Cooperative Agreements and Contracts.

[FR Doc. 99–25381 Filed 9–29–99; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On August 17, 1999, the National Science Foundation published a notice in the **Federal Register** of permit application received. Permits were issued on September 21, 1999 to the following applicants:

Steven D. Emslie—Permit No. 2000–001
Paul J. Poganis—Permit No. 2000–004
Wayne Z. Trivelpiece—Permit No. 2000–006
W. Berry Lyons—Permit No. 2000–008
Ron Naveen—Permit No. 2000–012
Gary D. Miller—Permit No. 2000–014

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 99–25465 Filed 9–29–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–220 and 50–410]

Niagara Mohawk Power Corporation; New York State Electric & Gas Corporation; Nine Mile Point Nuclear Station, Units 1 and 2; Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Conforming Amendments, and Opportunity for a Hearing

The US Nuclear Regulatory Commission (the Commission) is considering the issuance of orders under 10 CFR 50.80 approving the transfer of Facility Operating License No. DRP–63 for Nine Mile Point Nuclear Station, Unit 1 (NMP1), and Facility Operating License No. NPF–69 for Nine Mile Point Nuclear Station, Unit 2 (NMP2). Niagara Mohawk Power Corporation (NMPC) is currently the sole owner and operator of NMP1. The transfer of the license for NMP1 would be to AmerGen Energy Company, LLC (AmerGen). NMPC currently holds a 41% undivided ownership interest in NMP2, is its exclusive licensed operator, and acts as agent for its other co-owners. The other current co-owners, who may possess but not operate NMP2, are New York Electric & Gas Corporation (NYSEG) with an 18% interest, Long Island Lighting Company with an 18% interest, Rochester Gas and Electric Corporation with a 14% interest, and the Central Hudson Gas & Electric Company with a 9% interest. Under the proposed transfer for NMP2, NMPC's and NYSEG's interests, and NMPC's operating authority under the license for NMP2, would be transferred to AmerGen. Accordingly, following the proposed transfers, AmerGen would become the licensed operator of both NMP units, the sole owner of NMP1, and a 59% co-owner of NMP2. The Commission is also considering amending the licenses for administrative purposes to reflect the proposed transfers. The NMP facility is located in Oswego County, New York.

Under the proposed transfers, AmerGen would be authorized to possess, use, and operate NMP1 and NMP2 under essentially the same conditions and authorizations included in the existing licenses. In addition, no physical changes would be made to either NMP1 or NMP2 as a result of the proposed transfer, and there would be no significant changes in the day-to-day operations of either unit. The proposed amendments to each unit's license would delete all references to "Niagara Mohawk Power Corporation" and "New York State Electric & Gas Corporation" (including variations of these names) and substitute "AmerGen Energy Company, LLC" (or its new position of "licensee" or "applicant"). The proposed amendments would also add to the licenses certain additional conditions arising from the license transfers; these conditions would (1) Preserve AmerGen's decision-making authority over safety issues, (2) Limit the foreign membership of AmerGen's Management Committee, (3) Assign to AmerGen's Chief Executive Officer and Chief Nuclear Officer the responsibility and authority for ensuring that AmerGen's business and activities with respect to the NMP units are conducted consistent with the protection of the public health and safety and common defense and security of the United States, and (4) Require AmerGen to report to the Commission the filing of any Schedules 13D or 13G with the U.S. Securities and Exchange Commission that disclose beneficial ownership of a registered class of Philadelphia Electric Energy Company (PECO Energy) stock.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendments application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the application for transfers of licenses, are discussed below.

By October 20, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR part

2. In particular, such requests must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon (1) Mark J. Wetterhahn, counsel for NMPC, at Winston & Strawn, 1400 L Street, NW, Washington, DC 20005 (tel: 202–371–5703; fax: 202–371–5950; e-mail: *mwetterh@winston.com*); (2) Samuel Behrends IV, counsel for NYSEG, at LeBoeuf, Lamb, Greene & MacRae, L.L.P., 1875 Connecticut Avenue, NW, Suite 1200, Washington, DC 20009–5728 (tel: 202–986–8018; fax: 202–986–8102; e-mail: *sbehrend@llgm.com*); (3) Kevin P. Gallen, counsel for AmerGen, at Morgan, Lewis & Bockius LLP, 1800 M Street, NW, Washington, DC 20036–5869 (tel: 202–467–7462; fax: 202–467–7176; e-mail: *Kpgallen@mlb.com*); (4) the General Counsel, US Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for license transfer cases only: ogclt@nrc.gov); and (5) the Secretary of the Commission, US Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by November 1, 1999, persons may submit written comments regarding the application for transfer of licenses, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, US Nuclear Regulatory Commission, Washington, DC 20555–001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated September 10, 1999, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 24th day of September 1999.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25473 Filed 9–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Peco Energy Company

[Docket Nos. 50–277 and 50–278]

Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The US Nuclear Regulatory Commission (the Commission) has granted the request of PECO Energy Company (the licensee) to withdraw its application dated August 6, 1999, for proposed amendments to Facility Operating License Nos. DPR–44 and DPR–56 for the Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania.

The proposed exigent amendments would have temporarily revised Technical Specification Surveillance Requirement 3.7.2.2, for the normal heat sink. The revision would have allowed a temporary increase to the limit for the average water temperature of the normal heat sink from less than or equal to 90 °F to less than or equal to 92 °F.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the **Federal Register** on August 13, 1999 (64 FR 44243). However, by letter dated September, 23, 1999, the licensee withdrew the proposed amendment application.

For further details with respect to this action, see the application for amendments dated August 6, 1999, and the licensee's letter dated September 23, 1999, which withdrew the application for license amendments. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Government Publications Section, State Library of Pennsylvania, (Regional Depository) Walnut Street and Commonwealth Avenue, Harrisburg, PA.

Dated at Rockville, Maryland, this 24th day of September 1999.

For the Nuclear Regulatory Commission.

Bartholomew C. Buckley,

Sr. Project Manager, Section 2, Project Directorate 1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25472 Filed 9–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388]

PP&L, INC., (Susquehanna Steam Electric Station, Units 1 and 2); Exemption

I

PP&L, Inc., (PP&L or the licensee) is the holder of Facility Operating License Nos. NPF–14 and NPF–22, which authorize operation of the Susquehanna Steam Electric Station, Units 1 and 2 (SSES 1 & 2 or the facilities) at power levels not to exceed 3441 megawatts thermal. The facilities consist of two boiling-water reactors located at the licensee's site in Salem Township, Luzerne County, Pennsylvania. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

II

Section IV.F.2.b of Appendix E to 10 CFR part 50 requires each licensee at each site to conduct an exercise of its onsite emergency plan every 2 years and indicates the exercise may be included in the full-participation biennial exercise required by paragraph 2.c. Paragraph 2.c requires offsite plans for each site to be exercised biennially with full participation by each offsite authority having a role under the plan. During such biennial full-participation exercises, the NRC evaluates onsite emergency preparedness activities and the Federal Emergency Management Agency (FEMA) evaluates offsite emergency preparedness activities. PP&L successfully conducted a full-participation exercise for SSES during the week of October 28, 1997. By letter dated January 29, 1999, as supplemented by letter dated May 24, 1999, the licensee requested an

exemption from Sections IV.F.2.b and c of Appendix E regarding the conduct of a full-participation exercise originally scheduled for November 15, 1999. This one-time change in the exercise schedule would increase the interval in this one instance between full-participation exercises from the current 2 years to 3 years.

The Commission, pursuant to 10 CFR 50.12(a)(1), may grant exemptions from the requirements of 10 CFR part 50 that are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security. The Commission, however, pursuant to 10 CFR 50.12(a)(2), will not consider granting an exemption unless special circumstances are present. Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

III

The licensee requests a one-time change in the schedule for the next full-participation exercise for the SSES facilities. Subsequent full-participation exercises for the facilities would be scheduled at no greater than two year intervals in accordance with 10 CFR part 50 Appendix E, Section IV.F.2.c. Accordingly, the exemption would provide only temporary relief from that regulation.

As indicated in the licensee's request for an exemption of January 29, 1999, the licensee had originally scheduled a full-participation exercise for the week of November 15, 1999. As further set forth in that letter, however, FEMA indicated that schedule conflicts precluded their participation in such an exercise in November 1999, and requested that the exercise be rescheduled. In a letter dated March 11, 1999, FEMA documented its position and noted that the affected Pennsylvania jurisdictions do not object to changing the date of the exercise. In addition, the NRC concurred with FEMA's request, and asked that the exercise be scheduled in the year 2000 to relieve resource demands. Accordingly, the licensee made a good faith effort to comply with the schedule requirements of Appendix E for full-participation exercises.

The staff completed its evaluation of the licensee's request for an exemption and the licensee's proposed compensatory measures that it would take to maintain the level of emergency preparedness over the third year. These compensatory measures include training for on-site emergency response organization personnel; on-site health physics drills; off-site emergency response training and plan preparation and drills involving county and municipal volunteers (with critique from trained licensee employees); and routine testing of emergency sirens and notification systems. The staff considered that these measures are adequate to maintain the level of emergency preparedness over the third year. The staff, having considered the schedule and resource issues within FEMA Region III and Region I of the Commission and the proposed licensee compensatory measures, believes that the request should be granted.

IV

The Commission has determined that, pursuant to 10 CFR part 50, appendix E, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Further, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances of 10 CFR 50.12(a)(v) are applicable in that the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. Therefore, the Commission hereby grants the exemption from Section IV.F.2.b and c of Appendix E to 10 CFR part 50.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (64 FR 33326).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 24th day of September 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25467 Filed 9–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–341]

Detroit Edison Company, Fermi 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–43, issued to the Detroit Edison Company (the licensee) for operation of Fermi 2, located in Monroe County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed amendment would replace the current Technical Specifications (CTS) in their entirety with Improved Technical Specifications (ITS) based on the guidance provided in NUREG–1433, Revision 1, "Standard Technical Specifications, General Electric Plants BWR/4," dated April 1995. The proposed action is in accordance with the licensee's application for amendment dated April 3, 1998, as supplemented by letters dated September 28, October 19, and December 10, 1998, and January 8, January 26, February 24, March 30, April 8, April 30, May 7, June 2, June 24, June 30, July 7, July 13, July 26, August 4, August 17, August 25, and September 8, 1999.

The Need for the Proposed Action

It has been recognized that nuclear safety in all plants would benefit from improvement and standardization of Technical Specifications (TSs). The "NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Reactors" (52 FR 3788) contained proposed criteria for defining the scope of TSs. Later, the "NRC Final Policy Statement on TS Improvement for Nuclear Power Reactors" (58 FR 39132) incorporated lessons learned since publication of the interim policy statement and formed the basis for a revision to 10 CFR 50.36. The "Final Rule" (60 FR 36953) codified criteria for determining the content of TSs. To facilitate the development of standard TSs, each reactor vendor owners group and the NRC staff developed standard TSs (STS). The NRC Committee to Review Generic Requirements reviewed the STS, made note of their safety merits, and indicated its support of conversion by operating plants to the STS. For Fermi 2, the STS are NUREG–1433, Revision 1, "Standard Technical Specifications, General Electric Plants BWR/4," dated April 1995. This document formed the basis for the Fermi 2 ITS conversion.

Description of the Proposed Change

The proposed revision of the CTS is based on NUREG–1433, and on guidance provided in the Final Policy Statement. Its objective is to completely rewrite, reformat, and streamline the CTS. Emphasis is placed on human factors principles to improve clarity and

understanding. The Bases section has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG–1433, portions of the CTS were also used as the basis for the development of the Fermi 2 ITS. Plant-specific issues (unique design features, requirements, and operating practices) were discussed at length with the licensee.

The proposed changes from the CTS can be grouped into four general categories. These groupings are characterized as administrative changes, technical changes-relocations, technical changes-more restrictive, and technical changes-less restrictive. They are described as follows:

1. Administrative changes are those that involve restructuring, renumbering, rewording, interpretation, and rearranging of requirements and other changes not affecting technical content or substantially revising an operational requirement. The reformatting, renumbering, and rewording processes reflect the attributes of NUREG–1433 and do not involve technical changes to the CTS. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG–1433 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG–1433 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not affect initiators of analyzed events or assumed mitigation of accident or transient events.

2. Technical changes—relocations are those changes involving relocation of requirements and surveillances from the CTS to licensee-controlled documents. The relocated requirements do not satisfy or fall within any of the four criteria specified in the Commission's Final Policy Statement and 10 CFR 50.36(c)(2)(ii)(A)–(D), and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in Volume 1 of its April 3, 1998, application, "Fermi 2 Improved Technical Specifications Submittal, Cover Letter and Split Report." The affected structures, systems, components, or variables are not assumed to be initiators of events analyzed in the Updated Final Safety Analysis Report (UFSAR) and are not assumed to mitigate accident or transient events analyzed in the UFSAR. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the CTS to administratively controlled documents such as the UFSAR, the Bases, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms.

3. Technical Changes—more restrictive are those changes that involve more stringent requirements for operation of the facility or eliminate existing flexibility. These more stringent requirements do not result in operation that will alter assumptions relative to mitigation of an accident or transient event. In general, these more restrictive technical changes have been made to achieve consistency, correct discrepancies, and remove ambiguities from the specifications.

4. Technical changes—less restrictive are changes where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the ITS may be appropriate. In most cases, relaxations granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of comments from the owners groups on the ITS. Generic relaxations contained in NUREG–1433 were reviewed by the NRC staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. Each less restrictive change in the Fermi 2 conversion was justified by the licensee in a Discussion of Change and reviewed by the NRC staff.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the CTS. Changes which are administrative in nature have been found to have no effect on the technical content of the TSs and are acceptable. The increased clarity and understanding these changes bring to the TSs are expected to improve the operators' control of the plant in normal and accident conditions. Relocation of requirements to other licensee-controlled documents does not change the requirements themselves nor does 10 CFR 50.36(c)(2)(ii) mandate that the TSs include these requirements. Further changes to these requirements may be made by the licensee under 10 CFR 50.59 or other NRC-approved control mechanisms that ensure continued maintenance of adequate requirements. All such relocations have been found to be in conformance with the guidelines of NUREG–1433 and the Final Policy Statement, and are, therefore, acceptable.

Changes involving more restrictive requirements have been found to enhance plant safety and to be acceptable.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit or to place unnecessary burden on the licensee, their removal from the TSs was justified. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of a generic action, or of agreements reached during discussions with the Owners Groups and found to be acceptable for Fermi 2. Generic relaxations contained in NUREG–1433 have also been reviewed by the NRC staff and have been found to be acceptable.

In summary, the proposed revisions to the CTS were found to provide control of plant operations such that reasonable assurance will be provided that the health and safety of the public will be adequately protected.

These TS changes will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed TS amendment.

With regard to potential nonradiological impacts, the proposed amendment involves features located entirely within the restricted area as defined in 10 CFR Part 20 and does not involve any historical sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed TS amendment.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed

action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Fermi 2.

Agencies and Persons Consulted

In accordance with its stated policy, on September 2, 1999, the Commission consulted with the State official, Mr. Michael McCarty of the Michigan Department of Environmental Quality, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's application dated April 3, 1998, as supplemented by letters dated September 28, October 19, and December 10, 1998, and January 8, January 26, February 24, March 30, April 8, April 30, May 7, June 2, June 24, June 30, July 7, July 13, July 26, August 4, August 17, August 25, and September 8, 1999, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, D.C. 20555, and at the local public document room located at the Monroe County Library System, Ellis Reference and Information Center, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 24th day of September 1999.

For the Nuclear Regulatory Commission.

Andrew J. Kugler,

Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25471 Filed 9–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414]

Duke Energy Corporation; Catawba Nuclear Station, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption to 10 CFR Section 54.17(c), for Facility Operating Licenses No. NPF–35 and NPF–52, issued to Duke Energy Corporation (the licensee) for operation of Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action would exempt the licensee from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 54.17(c), which specifies that a licensee may not apply for a renewed operating license earlier than 20 years before the expiration of the operating license currently in effect. Catawba Nuclear Station, Units 1 and 2, will not have met this schedular requirement by June 13, 2001 (the earliest date the licensee may apply concurrently for renewed licenses for the Catawba and McGuire units, see below). The proposed action is in response to the licensee's application dated June 22, 1999.

The Need for the Proposed Action

The licensee requested an exemption from the requirements of 10 CFR 54.17(c), which requires that an application for a renewed license may not be submitted to the U.S. Nuclear Regulatory Commission (NRC) earlier than 20 years before the expiration of the operating license currently in effect. The current operating license for McGuire, Unit 1, expires on June 12, 2021, and for McGuire, Unit 2, on March 3, 2023. The current operating license for Catawba, Unit 1, expires on December 6, 2024, and for Catawba, Unit 2, on February 24, 2026. If the licensee submits the renewal applications on the earliest possible date, June 13, 2001, when McGuire, Unit 1, meets the 20-year limit contained in Section 54.17(c), McGuire, Unit 2, will have approximately 18.3 years of operating experience and Catawba, Units 1 and 2, approximately 16.5 years and 15.3 years operating experience, respectively.

In its request, the licensee stated that business considerations dictate preparation and submission of concurrent license renewal applications for McGuire and Catawba. Further, the licensee stated that submission of such renewal applications in 2001, as opposed to some time thereafter, is necessary to obtain the full amount of the potential cost savings. To support preparation of the July 1998 Oconee Nuclear Station renewal applications, the licensee assembled a team of individuals with relevant experience in necessary disciplines to prepare the applications and to remain dedicated to the renewal effort throughout the period of NRC staff review. According to the licensee, granting the exemption request would allow it to use this same team of qualified and experienced professionals to prepare its McGuire and Catawba renewal applications. Thus, the licensee states that it can avoid redeployment costs that would arise if it were unable to proceed promptly with preparation of additional renewal applications.

The licensee's submittal of June 22, 1999, addressed both sites and all four units, but specifically sought schedular exemptions for Catawba, Units 1 and 2 and McGuire Unit 2. This Environmental Assessment only addresses the licensee's request for schedular exemption for Catawba, Units 1 and 2.

Environmental Impacts of the Proposed Action

The staff has completed its evaluation of the environmental impacts of the proposed exemption. The exemption, if granted, will permit the licensee to apply for renewal of the existing operating licenses sooner than would be allowed under the schedule specified by 10 CFR 54.17(c). Should the licensee apply to renew the licenses for the Catawba units, the environmental impacts of operating them under the renewed licenses would then be evaluated by the licensee and the staff. In short, granting of the exemption will not necessitate, or lead to, changes to the as-built plant design or existing procedures at the two Catawba units.

The staff evaluated potential radiological environmental impacts associated with granting the requested exemption. Since no plant design change or procedure change will be made, no new accident causal mechanisms would be introduced. For the same reason, the proposed exemption will not increase the probability or consequences of accidents previously evaluated by the staff (Catawba Safety Evaluation Report, NUREG–0954 dated February 1983 and supplements), will not change the types of effluents that may be released offsite,

and will not increase the allowable individual or public radiation exposure (Catawba Final Environmental Impact Statement, NUREG–0921 dated January 1983). Therefore, there are no significant radiological environmental impacts associated with the proposed action.

The staff also evaluated potential nonradiological impacts. On the basis that the proposed exemption involves no plant design change or procedure change, the staff finds that the proposed exemption does not affect any historic sites, does not increase or decrease nonradiological plant effluents, and has no other environmental impact from those previously evaluated by the staff (Catawba Final Environmental Impact Statement, NUREG–0921). Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the staff concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no action" alternative). Denial of the application would result in no change in current environmental impacts. Thus, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Impact Statement related to the Catawba Nuclear Station (NUREG–0921).

Agencies and Persons Contacted

In accordance with its stated policy, on September 22, 1999, the staff consulted with the South Carolina State official, Mr. Virgil Autrey, of the Bureau of Land and Waste Management, Department of Health and Environmental Control, regarding the environmental impact of the proposed action. Mr. Autrey had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the staff concludes that the proposed exemption will not have a significant effect on the quality of the human environment. Accordingly, the staff has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's request for the exemptions dated June 22, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington DC, and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina.

Dated at Rockville, Maryland, this 24th day of September 1999.

For the Nuclear Regulatory Commission.

Peter S. Tam,

Senior Project Manager, Section 1, Project Directorate II, Division of Licensing and Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25469 Filed 9–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–369 and 50–370]

Duke Energy Corporation; McGuire Nuclear Station, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption to 10 CFR Section 54.17(c), for Facility Operating License No. NPF–9, issued to Duke Energy Corporation (the licensee), for operation of McGuire Nuclear Station, Unit 2, located in Mecklenburg County, North Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action would exempt the licensee from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 54.17(c), which specifies that a licensee may not apply for a renewed operating license earlier than 20 years before the expiration of the operating license currently in effect. McGuire Nuclear Station, Unit 2, will not have met this schedular requirement by June 13, 2001 (the earliest date the licensee may apply concurrently for renewed licenses for the Catawba and McGuire units, see below). The proposed action is in response to the licensee's application dated June 22, 1999.

The Need for the Proposed Action

The licensee requested an exemption from the requirements of 10 CFR 54.17(c), which requires that an application for a renewed license may not be submitted to the U. S. Nuclear Regulatory Commission (NRC) earlier than 20 years before the expiration of the operating license currently in effect. The current operating license for McGuire, Unit 1, expires on June 12, 2021, and for McGuire, Unit 2, on March 3, 2023. The current operating license for Catawba, Unit 1, expires on December 6, 2024, and for Catawba, Unit 2, on February 24, 2026. If the licensee submits the renewal applications on the earliest possible date, June 13, 2001, when McGuire, Unit 1, meets the 20-year limit contained in Section 54.17(c), McGuire, Unit 2, will have approximately 18.3 years of operating experience and Catawba, Units 1 and 2, approximately 16.5 years and 15.3 years operating experience, respectively.

In its request, the licensee stated that business considerations dictate preparation and submission of concurrent license renewal applications for McGuire and Catawba. Further, the licensee stated that submission of such renewal applications in 2001, as opposed to some time thereafter, is necessary to obtain the full amount of the potential cost savings. To support preparation of the July 1998 Oconee Nuclear Station renewal applications, the licensee assembled a team of individuals with relevant experience in necessary disciplines to prepare the applications and to remain dedicated to the renewal effort throughout the period of NRC staff review. According to the licensee, granting the exemption request would allow it to use this same team of qualified and experienced professionals to prepare its McGuire and Catawba renewal applications. Thus, the licensee states that it can avoid redeployment costs that would arise if it were unable to proceed promptly with preparation of additional renewal applications.

The licensee's submittal of June 22, 1999, addressed both sites and all four units, but specifically sought schedular exemptions for Catawba, Units 1 and 2, and McGuire, Unit 2. This Environmental Assessment only addresses the licensee's request for schedular exemption for McGuire, Unit 2.

Environmental Impacts of the Proposed Action

The staff has completed its evaluation of the environmental impacts of the proposed exemption. The exemption, if granted, will permit the licensee to apply for renewal of the existing McGuire, Unit 2 operating license sooner than would be allowed under the schedule specified by 10 CFR 54.17(c). Should the licensee apply to renew the licenses for the McGuire units, the environmental impacts of operating them under renewed licenses would then be evaluated by the licensee and the staff. In short, granting of the

exemption will not necessitate, or lead to, changes to the as-built plant design or existing procedures at the two McGuire units.

The staff evaluated potential radiological environmental impacts associated with granting the requested exemption. Since no plant design change or procedure change will be made, no new accident causal mechanisms would be introduced. For the same reason, the proposed exemption will not increase the probability or consequences of accidents previously evaluated by the staff (McGuire Safety Evaluation Report, NUREG–0422 dated March 1978 and supplements), will not change the types of effluents that may be released offsite, and will not increase the allowable individual or public radiation exposure (McGuire Final Environmental Impact Statement, NUREG–0063 dated April 1976). Therefore, there are no significant radiological environmental impacts associated with the proposed action.

The staff also evaluated potential nonradiological impacts. On the basis that the proposed exemption involves no plant design change or procedure change, the staff finds that the proposed exemption does not affect any historic sites, does not increase or decrease nonradiological plant effluents, and has no other environmental impact from those previously evaluated by the staff (McGuire Final Environmental Impact Statement, NUREG–0063). Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the staff concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no action" alternative). Denial of the application would result in no change in current environmental impacts. Thus, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Impact Statement related to the McGuire Nuclear Station (NUREG–0063).

Agencies and Persons Contacted

In accordance with its stated policy, on September 22, 1999, the staff consulted with the North Carolina State official, Mr. Johnny James, of the Bureau of Land and Waste Management, Department of Health and Environmental Control, regarding the environmental impact of the proposed action. Mr. James had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the staff concludes that the proposed exemption will not have a significant effect on the quality of the human environment. Accordingly, the staff has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's request for the exemptions dated June 22, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington DC, and at the local public document room located at the J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, Charlotte, North Carolina.

Dated at Rockville, Maryland, this 24th day of September 1999.

For the Nuclear Regulatory Commission.

Frank Rinaldi,

Project Manager, Section 1, Project Directorate II, Division of Licensing and Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25470 Filed 9–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–368]

Entergy Operations, Inc.; Arkansas Nuclear One, Unit No. 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License No. NPF–6 issued to Entergy Operations, Inc. (the licensee), for operation of Arkansas Nuclear One, Unit 2 (ANO–2), located in Pope County, Arkansas.

Environmental Assessment

Identification of Proposed Action

The proposed action would exempt the licensee from the requirements of Title 10 of the *Code of Federal Regulations*, Part 50 (10 CFR part 50), appendix R, Section III.G.2.c, regarding the fire protection of the safe shutdown capability for equipment located below the 354 foot elevation of the ANO–2 intake structure. The licensee is requesting an exemption from the specific requirement to provide fire detectors and an automatic fire suppression system to protect redundant trains of safe shutdown equipment that are located in the same fire zone.

The proposed action is in accordance with the licensee's application for exemption dated October 8, 1997, as supplemented by letter dated February 25, 1999.

The purpose of 10 CFR part 50, appendix R, Section III.G.2, is to ensure that adequate fire protection features are provided for redundant cables or equipment located in the same fire area outside of primary containment such that at least one of the redundant trains of safe shutdown equipment will remain available during and after any postulated fire in the plant to achieve and maintain safe shutdown conditions. Section III.G.2.c requires the following means of assurance:

> Enclosure of cable and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

The ANO–2 intake structure below the 354 foot elevation consists of three service water intake bays, which contain service water (SW) piping and conduits. The bays are approximately 7 feet by 32 feet and are separated from one another by 2-foot thick, non-rated concrete walls. The bays are separated from the ground level by an 18-inch thick, non-rated concrete slab on metal decking. The floor of the bays is typically covered with water 16 feet deep. The ceiling height is approximately 14 feet above the normal pool level. Of the three bays, only the "A" SW intake bay contains redundant cables. The licensee stated that the total in-situ combustible loading is 3,469,060 BTUs, which is equivalent to a fire severity to a standard fire duration of less than 4 minutes. Each bay is administratively controlled as a "confined space," thus limiting access by personnel during routine operations and precluding the accumulation of combustibles. In addition, the licensee's administrative procedures limit the transient combustibles to 5 pounds unless personnel are continuously present in the area. In such cases, the personnel could be either the craft personnel responsible for using the combustible materials or a continuous fire watch. Water to the bay is normally provided

through a sluice gate for the bays where the circulating pumps take suction.

Service water is required to be available to supply cooling water for various safe shutdown components including the diesel generators and the shutdown cooling heat exchangers. Additionally, SW can be aligned to the emergency feedwater system in the event that the desired condensate source is depleted. The time critical function is to supply cooling for the diesel generators. The licensee stated that, on the basis of its calculations, the diesel generators (and therefore the SW system components) are not required to be operated during the first 30 minutes of a postulated fire event. The licensee allows the operators to manually align the SW system because the diesel generators are not required during the first 30 minutes of a fire event and sufficient time is available to complete the alignment.

The SW system consists of two independent seismic category 1 flow paths that furnish cooling water to two independent trains of 100 percent capacity engineered safety feature equipment, and two non-seismic category 1 flow paths. The SW system has three 100 percent capacity pumps. One pump is dedicated to each of the two SW trains while the third pump is designated as a swing pump and can be aligned to either train. The two loops of the SW system are also electrically independent with two separate divisions of electrical power designated as the red and green train. The red train power for SW is aligned to either SW pump 2P4A or SW pump 2P4B, while the green train power is aligned to either SW pump 2P4C or SW pump 2P4B.

The four power cables associated with the 2P4A, 2P4B, and 2P4C SW pumps interface with the "A" SW intake bay challenging the protection criteria specified in Section III.G.2 of Appendix R. The red train power to 2P4A is provided with a fire wrap rated as a 1-hour rated barrier. The red train power to 2P4B is embedded in the concrete wall of the "A" SW intake bay, which provides an equivalent 1-hour rated fire barrier. The green train power to 2P4B is provided with a fire wrap rated for a 1-hour barrier. The cables for the red train power to 2P4A and the green train power to 2P4B are routed together inside of a protective moisture barrier. The green train power to 2P4C is routed independently and is approximately 6 feet (horizontally) from the protective moisture barrier providing some physical separation. Therefore, based on the preceding discussion, this area would require the addition of fire detectors and an automatic fire suppression system in order to comply with the requirements of 10 CFR part 50, appendix R, Section III.G.2.c.

Power and control cables for the sluice gates are also located in the SW intake bays. Sluice gate valves 2CV1470–1, 2CV1472–5, and 2CV1474–2 are normally open, which corresponds to the safe shutdown position. The redundant control cables are separated horizontally by approximately 8 feet. As stated previously, the time critical function of the SW system is to provide cooling to the diesel generators. The licensee stated that if a fire were to cause the sluice gates to spuriously close, adequate time would be available before service water was required to manually realign any affected component.

The Need for the Proposed Action

The proposed action is needed because the addition of fire detectors and an automatic fire suppression system to the SW intake bays is considered infeasible due to the construction of the intake structure and the fact that the room is partially water-filled during normal conditions.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that there is no significant environmental impact if the exemption is granted.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regards to potential nonradioactive impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impacts. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the requested action (i.e., the "no-action" alternative). Based on the physical characteristics of the SW intake bays, the NRC staff has determined that there is a low probability of occurrence for a fire event in the ANO–2 intake structure below the 354 foot elevation. This low probability of occurrence combined with the lack of combustible material, administrative controls, and the fire protection features provided is sufficient to show adequate protection for redundant equipment in the SW system. Therefore, the features associated with the ANO–2 Intake Structure below the 354 foot elevation are sufficient to achieve the underlying purpose of Appendix R, Section III.G.2.c. Therefore, denial of the application would result in no change in the current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for Arkansas Nuclear One, Unit 2.

Agencies and Persons Consulted

In accordance with its stated policy, on June 24, 1999, the staff consulted with the Arkansas State official, Mr. Bernie Bevill, Supervisor, Quality and Evaluation Section, Division of Radiation Control and Emergency Management, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated October 8, 1997, as supplemented by letter dated February 25, 1999. These letters are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas.

For the Nuclear Regulatory Commission.

Robert A. Gramm,

Chief, Section 1, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25468 Filed 9–29–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy Small Disadvantaged Business Procurement: Reform of Affirmative Action in Federal Procurement

AGENCY: Office of Federal Procurement Policy (OFPP), OMB.

ACTION: Notice of Determination Concerning the Price Evaluation Adjustment Program and the Small Disadvantaged Business (SDB) Participation Program.

SUMMARY: The Federal Acquisition Regulation (FAR), 48 CFR subparts 19.11 and 19.12 contain procurement mechanisms applicable to the SDB reform program. FAR subpart 19.11 permits eligible SDBs to receive price evaluation adjustments in Federal procurement programs. FAR subpart 19.12 provides for an SDB participation program that evaluates the extent of participation of SDB concerns in contract performance. The FAR provides further that the Department of Commerce will determine on an annual basis the price evaluation adjustment by standard industrial classification (SIC) major groups for the price evaluation adjustment program and the authorized SIC major groups for the SDB participation program.

The Commerce Department, in the attached memorandum, determines that for fiscal year 2000 the price evaluation adjustment and the authorized SIC major groups are the same as used in fiscal year 1999. The OFPP notice of June 30, 1998 (63 Fed. Reg. 35714) includes the Commerce determination for fiscal year 1999 of the price evaluation adjustment by SIC major groups for the price evaluation adjustment program. Subsequently, OFPP published on December 29, 1998 (63 Fed. Reg. 71724) the Commerce determination of authorized SIC major groups for the SDB participation program which were the same SIC major groups applicable to the price evaluation adjustment program.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Gerich, Deputy Associate Administrator, Office of Federal Procurement Policy, Telephone, 202–395–3501. For information on the Commerce determination, contact Jeffrey Mayer, Director of Policy Development, Economics and Statistics Administration, U.S. Department of Commerce, Telephone 202–482–1728.

SUPPLEMENTARY INFORMATION:

Procurement Mechanisms and Factors

FAR subparts 19.11 and 19.12 contain procurement mechanisms applicable to the SDB reform program. FAR subpart 19.11 provides for the use of a price evaluation adjustment for eligible SDBs. FAR subpart 19.12 provides for an SDB participation program that consists of two mechanisms: (1) An evaluation factor or subfactor for evaluating the extent of participation of SDBs in performance of the contract; and (2) an incentive subcontracting program for exceeding SDB participation targets. OFPP gives notice that the attached memorandum from the Commerce Department determines that for fiscal year 2000 the price evaluation adjustment and the authorized SIC major groups are the same as used in fiscal year 1999. (See 63 FR 35714 (June 30, 1998) for the price evaluation adjustment and the listing of the eligible SIC major groups applicable in fiscal year 1999.) This determination affects solicitations issued on or after October 1, 1999.

Deidre A. Lee,

Administrator.

Attachment.

MEMORANDUM FOR OFFICE OF FEDERAL PROCUREMENT POLICY

From: Jeffrey L. Mayer, Director of Policy Development.

Subject: Determination on the Price Evaluation Adjustment for Small Disadvantaged Business Concerns and the Small Disadvantaged Business Participation Program for FY 2000.

Pursuant to Federal Acquisition Regulation paragraph 19.201(b) and subparts 19.11 and 19.12, transmitted herein is the Department of Commerce (DOC) determination on the Price Evaluation Adjustments for Small Disadvantaged Business Concerns and the Small Disadvantaged Business Participation Program for use in Federal procurements in FY 2000.

DOC transmitted a Notice of Determination Concerning Price Evaluation Adjustments to the Office of Federal Procurement Policy, which was published in the **Federal Register** on June 30, 1998 (see 63 FR 35714 (1998)). The Notice identified the standard industrial classification (SIC) major industry groups in which offers by small disadvantaged businesses on certain federal prime contracts would be eligible for ten percent price evaluation adjustments in FY 1999. In addition, DOC transmitted a Notice of Determination Concerning the Small Disadvantaged Business Participation Program to the Office of Federal Procurement Policy, which was published in the **Federal Register** on December 29, 1998 (see 63 FR 71724 (1998)). In both cases, the determinations were based on DOC's benchmark and utilization estimates derived from FY 1996 data.

In order to develop new benchmarks and utilization estimates for its FY 2001 determination, DOC plans to collect and analyze FY 1999 data along the lines of the methodology outlined in the June 30, 1998 Notice. The determination based on the resulting estimates will be published in June 2000 and will take effect on October 1, 2000. Based on its assessment of the consistency in recent federal procurement patterns, DOC proposes to develop new benchmarks and utilization estimates every three years. DOC will monitor procurement annually to see if benchmarks and utilization estimates should be updated more frequently than every three years.

DOC's determination of industries eligible for both the Price Evaluation Adjustment for Small Disadvantaged Business Concerns and the Small Disadvantaged Business Participation Program for FY 2000 is the same as its determination for FY 1999 and is reproduced in the table below.

INDUSTRIES ELIGIBLE FOR A TEN PERCENT PRICE EVALUATION ADJUSTMENT AND THE SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM

SIC major industry group	Eligibility (*)	Description of Industry Grouping
		Agriculture, Forestry, and Fishing
01	*	Agricultural production—crops.
02	*	Agricultural production—livestock.
07	*	Agricultural services.
08	*	Forestry.
09	*	Fishing, hunting, & trapping.

INDUSTRIES ELIGIBLE FOR A TEN PERCENT PRICE EVALUATION ADJUSTMENT AND THE SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM—Continued

SIC major industry group	Eligibility (*)	Description of Industry Grouping
		Mining
10	*	Metal mining.
12	*	Coal mining.
13	*	Oil & gas extraction.
14	*	Extraction of nonmetallic minerals, ex. Fuels
		Construction
15		Building construction—general contractors.
15	*	*East North Central.*
15	*	*East South Central.*
15	*	*Middle Atlantic.*
15		*Mountain.*
15		*New England.*
15		*Pacific.*
15		*South Atlantic.*
15		*West North Central.*
15	*	*West South Central.*
16		*Heavy construction other than buildings—contractors.*
16		*East North Central.*
16	*	*East South Central.*
16		*Middle Atlantic.*
16		*Mountain.*
16		*New England.*
16		*Pacific.*
16		*South Atlantic.*
16		*West North Central.*
16	*	*West South Central.*
17		Construction—special trade contractors.
17		*East North Central.*
17		*East South Central.*
17		*Middle Atlantic.*
17		*Mountain.*
17	*	*New England.*
17		*Pacific.*
17		*South Atlantic.*
17	*	*West North Central.*
17		*West South Central.*
		Manufacturing
20		Food & kindred products.
21		Tobacco products.
22	*	Textile mill products.
23	*	Apparel & other finished products made from fabrics.
24	*	Lumber & wood products, ex. Furniture.
25	*	Furniture & fixtures.
26	*	Paper & allied products.
27	*	Printing, publishing, & allied industries.
28	*	Chemicals & allied products.
29	*	Petroleum refining & related industries.
30	*	Rubber & miscellaneous plastics products.
31	*	Leather & leather products.
32		Stone, clay, glass, & concrete products.
33		Primary metal industries.
34	*	Fabricated metal products.
35		Industrial & commercial machinery & computer equipment.
36	*	Electronic & other electrical equipment & components, ex. Computers.
37	*	Transportation equipment.
38	*	Measuring, analyzing, & controlling instruments; photographic, medical & optical goods; watches & clocks.
39	*	Miscellaneous manufacturing industries.
		Transportation, Communications, Electric, Gas, Sanitary Services
40		Railroad transportation.
41	*	Local & suburban transit & interurban highway passenger transportation.
42	*	Motor freight transportation & warehousing.
44	*	Water transportation.
45		Transportation by air.

INDUSTRIES ELIGIBLE FOR A TEN PERCENT PRICE EVALUATION ADJUSTMENT AND THE SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM—Continued

SIC major industry group	Eligibility (*)	Description of Industry Grouping
46	*	Pipelines, exc. natural gas.
47	*	Transportation services.
48	*	Communications.
49	*	Electric, gas, & sanitary services
		Wholesale Trade
50	*	Wholesale trade—durable goods.
51	*	Wholesale trade—nondurable goods.
		Retail Trade
52	*	Building materials, hardware, garden supply, & mobile home dealers.
53	*	General Merchandise stores.
54	*	Food stores.
55	*	Automotive dealers & gasoline service stations.
56	*	Apparel & accessory stores.
57	*	Home furniture, furnishings, & equipment stores.
58	*	Eating & drinking places
59	*	Miscellaneous retail.
		Finance, Insurance, and Real Estate
60	*	Depository institutions.
61	*	Nondepository adjustment institutions.
62	*	Security & commodity brokers, dealers, exchanges, & services.
63	*	Insurance carriers.
64	*	Insurance agents, brokers, & services.
65	*	Real estate.
67	*	Holding & other investment offices.
		Services
70	*	Hotels, rooming houses, camps, & other lodging places.
72		Personal services.
73	*	Business services.
75	*	Automotive repair, services, & parking.
76	*	Miscellaneous repair services.
78		Motion pictures.
79		Amusement & recreation services.
80	*	Health services.
81		Legal services.
82	*	Educational services.
83		Social services.
84		Museums, art galleries, & botanical & zoological gardens.
86		Membership organizations.
87	*	Engineering, accounting, research, management, & related services.
88		Private households.
89	*	Miscellaneous services.

Recommendations specific to major industry groups (and combinations thereof) apply nation-wide for all industry groupings except the major construction industry groups (SIC Major Industry Groups 15, 16, and 17). Determinations in these three major groups apply regionally rather than nationally. Regional definitions are based on the nine multi-state Divisions used by the Bureau of the Census when it reports certain sub-national data. DOC augmented the Bureau's basic definitions for the Divisions by including Guam in the Pacific Region and Puerto Rico and the Virgin Islands in the South Atlantic Region. A complete list of the states and outlying areas that comprise each of the nine regions used by DOC follows:

East North Central: Illinois, Indiana, Michigan, Ohio, Wisconsin.

East South Central: Alabama, Kentucky, Mississippi, Tennessee.

Middle Atlantic: New Jersey, New York, Pennsylvania.

Mountain: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming.

New England: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Pacific: Alaska, California, Guam, Hawaii, Oregon, Washington.

South Atlantic: Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, Puerto Rico, South Carolina, Virgin Islands, Virginia, West Virginia.

West North Central: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

West South Central: Arkansas, Louisiana, Oklahoma, Texas.

[FR Doc. 99–25444 Filed 9–29–99; 8:45 am]
BILLING CODE 3110–01–P

OFFICE OF MANAGEMENT AND BUDGET

Public Availability of Agency Inventories Under the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) ("FAIR Act")

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of Public Availability of Commercial Activities Inventories.

SUMMARY: The Office of Management and Budget (OMB) hereby announces that the FAIR Act Commercial Activities Inventories are now available to the public from the agencies listed below.

The "Federal Activities Inventory Reform Act of 1998" (Pub. L. 105–270) ("FAIR Act") requires that OMB publish an announcement of public availability of agency Commercial Activities Inventories upon completion of OMB's review and consultation process concerning the agencies' inventory submissions. OMB has completed this process for the agencies listed below. Further announcements will be published as OMB completes the review process for additional agencies.

Commercial Activities Inventories are now available from the following agencies:

Agency	Contact
African Development Foundation	Tom Wilson, 202–673–3948.
Agency for International Development	Deborah Lewis, 202–712–0936.
American Battle Monuments Commission	Anthony Corea, 703–696–6898.
Appalachian Regional Commission	Guy Land, 202–884–7674.
Architectural and Transportation Barriers Compliance Board.	Lawrence W. Roffee, 202–272–5434.
Arlington National Cemetery	Rory Smith, 703–614–5060.
Barry Goldwater Scholarship and Excellence in Education Foundation.	Ms. Wanni Spence, 703–756–6012.
Chemical Safety Board	Phyllis Thompson, Chief Operating Officer, 202–261–7600.
Christopher Columbus Fellowship Foundation	Judith M. Shellenberger, Executive Director, 703–505–7700.
Committee for Purchase from People who are Blind or Severely Disabled.	Beverly L. Milkman, Executive Director, 703–603–7740.
Council on Environmental Quality	Ellen Athas, 202–456–6541.
Department of Agriculture	Richard M. Guyer, Director, Fiscal Policy Division, Office of the CFO, 202–690–0291.
Department of Commerce	Ms. Brenda Dolan, 202–482–3258.
Department of Education	Gary Weaver, 202–401–3848.
Department of Health and Human Services	Michael Colvin, 202–690–7887; web site: www.hhs.gov/progorg/oam/fair.
Department of Housing and Urban Development.	David Weaver, 202–708–0638 ext. 3894.
Environmental Protection Agency	George Ames, 202–564–4998.
Farm Credit Administration	Donald P. Clark, 703–883–4200.
Federal Labor Relations Authority	Solly Thomas, Executive Director, 202–482–6560.
Federal Maritime Commission	Edward P. Walsh, 202–523–5800.
Federal Mine Safety and Health Review Commission.	Dick Baker, 202–653–5625.
General Services Administration	Thomas Fitzpatrick, 202–501–0324; e-mail: Tom.Fitzpatrick@GSA.GOV.
Harry S. Truman Scholarship Foundation	Louis H. Blair, Executive Secretary, 202–395–4831.
Institute of Museum and Library Services	Linda Bell, Director of Policy, Planning and Budget, 202–606–8637.
Inter-American Foundation	Adolfo Franco, 703–306–4323.
James Madison Memorial Fellowship Foundation.	Paul A. Yost, President, 202–653–6045.
Marine Mammal Commission	Jacqueline L. Murphy, 301–504–0087.
Merit Systems Protection Board	Bob Lawshe, 202–653–7263.
Morris Udall Foundation	Chris Helms, Director, 520–670–5299.
National Aeronautics and Space Administration	Timothy Sullivan, 202–358–2215.
National Archives and Records Administration	Lori Lasowski, 301–713–7360 extension 257.
National Commission on Libraries and Information Science.	Judith C. Russell, 202–606–9200.
National Council on Disability	Ethel D. Briggs, 202–272–2004.
National Education Goals Panel	John Masaitis, 202–724–0015.
National Endowment for the Arts	Ron Fineman, 202–682–5767.
National Endowment for the Humanities	Barry Maynes, 202–606–8310.
National Labor Relations Board	Harding Darden, 202–273–3970.
National Mediation Board	June King, 202–692–5010.
Nuclear Waste Technical Review Board	Dr. William Barnard, Executive Director, 703–235–4473.
Occupational Safety & Health Review Commission.	Patricia Randle, 202–606–5390.
Office of Federal Housing Enterprise Oversight	Linda L. Gwinn, Deputy Director, Office of Finance and Administration, 202–414–3789.
Office of Government Ethics	Sean Donohue, 202–208–8000, ext. 1217.
Office of Management and Budget	Brian Gillis, 202–395–7250.
Office of National Drug Control Policy	Tilman Dean, Director of Administration, 202–395–6722.
Office of Navaho and Hopi Indian Relocation	Michael J. McAlister, 520–779–2721.
Office of Science & Technology Policy	Barbara Ferguson, 202–456–6001.

Agency	Contact
Office of the Special Counsel	Jane McFarland, 202–653–9001.
Office of the U.S. Trade Representative	John Hopkins, 202–395–5797.
Selective Service System	Calvin Montgomery, 703–605–4038.
Social Security Administration	Phil Kelly, 410–965–3099.
U.S. Commission for the Preservation of America's Heritage Abroad.	Chris Hill, 202–254–3824.
U.S. Trade and Development Agency	Julie Norton, 703–875–6066 .

Clarence Crawford,

Associate Director for Administration.

[FR Doc. 99–25550 Filed 9–29–99; 8:45 am]

BILLING CODE 3110–01–P

OFFICE OF PERSONNEL MANAGEMENT

Personnel Demonstration Project; Alternative Personnel Management System for the U.S. Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Notice of modification to Department of Commerce Personnel Management Demonstration Project.

SUMMARY: Title VI of the Civil Service Reform Act, now codified in 5 U.S.C. 4703, authorizes the Office of Personnel Management (OPM) to conduct demonstration projects that experiment with new and different human resources management concepts to determine whether changes in policies and procedures result in improved Federal human resources management. OPM approved a demonstration project covering several operating units of the U.S. Department of Commerce (DoC). 5 CFR 470.315 requires that modifications to approved demonstration project plans be approved by OPM.

This notice announces the following changes to the project plan: (1) Elimination of the assignment of numerical ranks from the performance payout process, (2) expansion of performance-based reduction-in-force (RIF) credit to include employees whose scores are in the top 30 percent of scores in a pay pool, (3) authorization to include clarifying guidance on bonuses in the Demonstration Project Operating Procedures, and (4) addition of a requirement for close-out ratings for demonstration project employees who are promoted or competitively reassigned with a pay adjustment within the last 120 days of the rating cycle.

All other existing provisions of the project plan will continue. Employees will be notified of these changes through distribution of copies of this notice within the participating organizations. Additional briefings and training for supervisors and employees will highlight the changes made by this notice.

DATES: This notice modifying the DoC Demonstration Project is effective September 30, 1999.

FOR FURTHER INFORMATION CONTACT: Department of Commerce: Darlene F. Haywood, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 5118, Washington, DC 20230, (202) 482–3620.

OPM: Gary Hacker, U.S. Office of Personnel Management, 1900 E Street, NW., Room 7460, Washington, DC 20415, (202) 606–4212.

SUPPLEMENTARY INFORMATION:

1. Background

OPM approved the Department of Commerce (DoC) Demonstration Project and published the final plan in the **Federal Register** on Wednesday, December 24, 1997, Volume 62, Number 247, Part II. The project was implemented on March 29, 1998, and it is expected to last for 5 years. The key features of the project involve increased delegation of authority and accountability to line managers, simplified classification and broad banding, pay for performance, hiring and pay-setting flexibilities, and modified RIF procedures.

2. Overview

The Departmental Personnel Management Board (DPMB) recently approved four changes to the DoC Demonstration Project. These involve: (1) Eliminating the assignment of numerical ranks as a factor in determining annual pay increases, (2) expansion of RIF credit to include employees whose scores are in the top 30 percent of scores in a pay pool, (3) including clarifying guidance on bonuses in the Demonstration Project Operating Procedures, and (4) adding a requirement for close-out ratings for employees who are promoted or reassigned with a pay adjustment during the last 120 days of the rating cycle. The changes are responsive to concerns raised by employees, supervisors, unions, and one employee organization. In addition to the policy changes, the notice clarifies the pay-setting policy for new hires into supervisory positions.

Office of Personnel Management.

Janice R. Lachance,

Director.

I. Executive Summary

The Department of Commerce (DoC) Demonstration Project utilizes many features similar to those implemented by the National Institute of Standards and Technology (NIST) Demonstration Project in 1988. The DoC project supports several of the key objectives of the National Performance Review: to simplify the classification system for greater flexibility in classifying work and paying employees; to establish a performance management and rewards system for improving individual and organizational performance; and to improve recruiting and examining to attract highly qualified candidates and hire them more quickly. The DoC project will test whether the interventions of the NIST project, which is now a permanent system, can be successful in other DoC environments. The participating organizations include the Technology Administration, the Bureau of Economic Analysis, the Institute for Telecommunication Sciences, and three units of the National Oceanic and Atmospheric Administration: Office of Oceanic and Atmospheric Research, National Marine Fisheries Service, and the National Environmental Satellite, Data, and Information Service.

II. Basis for Project Plan Modifications

A. Elimination of the Assignment of Numerical Ranks from the Performance Payout Process

Current policy requires that rating officials rate their employees and submit their recommended ratings and rankings to the pay pool manager. Pay pool managers make final determinations on scores recommended by subordinate rating officials and rank employees within the pay pool. All employees having the same score receive the same rank. Using rankings as a guide, pay pool managers make performance pay decisions for all employees in the pay pool. Within a

pool, an employee may not receive a higher relative pay increase than a higher-ranking employee or a lower relative increase than a lower-ranking employee.

Rankings are a major concern for many employees who believe that assigning numerical rankings to employees fosters divisive competition in the work environment and undermines efforts to promote teamwork. For these reasons, the Departmental Personnel Management Board (DPMB) approved a policy change that eliminates the assignment of numerical ranks as a factor associated with payout decisions. Instead, payout decisions will be tied to the employee's relative score within a pay pool and the pay increase ranges in the performance pay tables.

B. Close-Out Ratings

Under current policy, employees who are promoted or reassigned with a pay adjustment within the last 120 days of the rating cycle are considered unratable. Because they are unratable and receive no performance score, these employees are also ineligible for performance-based RIF credit. Since these employees are typically among the highest-performing employees, denying them the opportunity to earn additional RIF credit is inconsistent with the treatment of other employees under the project.

To ensure equitable treatment of all high-performing employees, the DPMB approved a modification to the project plan to require that supervisors prepare close-out ratings of employees who are promoted or reassigned with a pay adjustment within the last 120 days of the rating cycle. The rating (approved by the responsible pay pool manager) will serve as the rating of record for the current appraisal cycle, and the resulting score will be considered in determining eligibility for RIF credit.

C. Expansion of RIF Credit

Prior to conversion to the demonstration project, employees expressed concern that many high-performing employees would not receive any additional RIF credit under the demonstration project. In response to these concerns, the DPMB expanded the percentage of employees eligible for RIF credit from the top 10 percent to the top 20 percent of scores in a pay pool. This change was effected prior to implementation of the project.

The results of the first performance appraisal cycle indicate that current policy on awarding additional performance-based RIF credit under the project still does not provide a fair and equitable basis for recognizing the value of performance contributions made by many high-performing employees. As a result, some employees whose performance is above average may receive no benefit of performance-based RIF credit. Also, loss of a mechanism for recognizing these employees' valuable contributions through earned RIF credit has created a morale issue.

To address this situation, the DPMB authorized modification of demonstration project policy to further expand RIF credit to encompass all employees whose scores are within the top 30 percent of scores in a pay pool. These employees would earn a total of 10 years of credit for the rating cycle and could accumulate a maximum of 30 years.

D. Clarification of Bonus Criteria

Demonstration project policy requires that bonuses be linked to the annual performance appraisal and that they be awarded at the end of the performance year in conjunction with decisions on pay increases. However, after the first appraisal period, there was no consistency across organizational lines in how bonuses were awarded, and absent any definitive guidance, inconsistency in awarding bonuses will likely be a continuing concern for employees. To ensure greater consistency in the awarding of bonuses, the DPMB authorized the inclusion of guidance on awarding bonuses in the Demonstration Project Operating Procedures.

III. Changes to Project Plan

The following directs readers to the substantive changes and a technical clarification in the project plan. The following page numbers refer to the pages in the final plan, published in the **Federal Register** on December 24, 1997.

A. Page 67451: Revise the first sentence in Paragraph C.3, "Link Between Performance and Retention," as follows:

"An employee with an overall performance score in the top 30 percent of scores within a pay pool (See *Performance Evaluation and Rewards* below.) will be credited with 10 additional years of service for retention credit."

B. Page 67454: Eliminate references to numerical rankings by modifying the following paragraphs in Section E, "Performance Evaluation and Rewards:"

1. Modify the first section of Paragraph E.1, "Introduction," as follows:

"The most important feature of the performance evaluation system is that it is based on the application of a weighted 100-point scoring system in support of pay for performance. As in the current system, each employee has an individual performance plan composed of several performance elements. Through application of benchmark performance standards and a 100-point scoring system, pay pool managers grant performance pay increases according to employees' relative scores within a pay pool. High-scoring employees within a pay pool receive relatively high pay increases and lower-scoring employees receive relatively lower pay increases."

2. Eliminate Paragraph E.9, "Performance Ranking," renumber Paragraph E.10, "Performance Pay Decisions," as Paragraph E.9; renumber Paragraph E.11, "Performance Bonuses" as E.10, and E.12, "Actions Based on Unsatisfactory Performance," as E.11. Modify Paragraph E.9, "Performance Pay Decisions," as follows:

9. Performance Pay Decisions

"For all employees in a peer group, rating officials submit recommendations on ratings, scores, performance pay increases, and bonuses to pay pool managers. A pay pool manager is a line manager who manages his or her organization's pay increase and bonus funds. The pay pool manager makes final decisions on ratings and scores and determines the final order of scores for all peer groups in a pay pool.

The Performance Pay Table divides each band into three segments or intervals. Each pay interval is linked to a range of potential percentage pay increases beginning at zero and progressing to a maximum performance pay increase (e.g., 0–10 percent). The maximum pay increase an employee may receive, therefore, depends on the interval into which the employee's salary falls. Based on the final order of scores, the pay pool manager makes a performance pay decision for each employee. The payout to an employee is a percentage of basic salary that is all or a portion of the maximum potential pay increase. This amount is known as the "relative payout" or the "proportion-of-the-range." Within a pay pool, an employee may not receive a higher relative payout than a higher-scoring employee or a lower relative payout than a lower-scoring employee."

C. Page 67454: Add the following to Paragraph E.7, "Performance Ratings."

"If an employee is permanently promoted or competitively reassigned (with a pay adjustment) from one demonstration project position to another during the last 120 days of the rating cycle, the supervisor of the position from which the employee was promoted or competitively reassigned

will prepare a "close-out" rating within 30 days of the promotion or pay adjustment. This rating (when approved by the responsible pay pool manager over the old position) will serve as the rating of record for the current appraisal cycle, and the resulting score will be used in determining the employee's eligibility for reduction-in-force credit."

D. Page 67454: Add the following to paragraph E.10, "Performance Bonuses."

"Guidance on awarding bonuses is contained in the Demonstration Project Operating Procedures, which are available to all rating officials and to all employees covered by the project."

E. Technical Clarification

Page 67452: In paragraph D.4, "Supervisory Performance Pay," middle column: Modify the first full paragraph as follows:

"Incumbents of supervisory positions will be converted to the project at their basic pay rates (including special rates or locality pay) at the time of conversion. After the date of conversion, new hires into supervisory positions will have their pay set at any salary within the pay range of the applicable pay band, but not higher than the maximum rate of the pay band."

[FR Doc. 99–25606 Filed 9–28–99; 2:52 pm]

BILLING CODE 6325–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24051]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

September 24, 1999.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of September, 1999. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., N.W., Washington, DC 20549–0102 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 19, 1999, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, SEC, 450 Fifth Street, N.W., Washington, DC 20549–0609.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 fifth Street, N.W., Washington, DC 20549–0506.

PB Series Trust [File No. 811–7911]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 31, 1999, applicant made a liquidating distribution to its shareholders at net asset value per share. No expenses were incurred in connection with the liquidation.

Filing Dates: The application was filed on August 10, 1999, and amended on September 16, 1999.

Applicant's Address: 400 West Market Street, Louisville, Kentucky 40202.

Schroder Capital Funds II [File No. 811–7993]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On July 27, 1999, applicant made a liquidating distribution to its sole remaining shareholder based on net asset value. Approximately $5,000 in expenses incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on August 2, 1999, and amended on September 15, 1999.

Applicant's Address: 787 Seventh Avenue, 34th Floor, New York, New York 10019.

Select Asset Fund, Series, 1, Inc. [File No. 811–7530]

Huron Investment Fund, Inc. [File No. 811–7555]

Select Asset Fund, Series 2, Inc. [File No. 811–7636]

Lernoult Investment Fund, Inc. [File No. 811–8711]

Central Investment Fund, Inc. [File No. 811–8713]

Central Asset Fund, Inc. [File No. 811–8715]

Great Lakes Fund, Inc. [File No. 811–9042]

Summary: Each applicant, a registered closed-end management investment company, seeks an order declaring that it has ceased to be an investment company. On August 27, 1999, each applicant made a final liquidating distribution to its sole common shareholder at net asset value per share. Each applicant's auction market preferred stock and floating rate notes were redeemed in accordance with the terms of the relevant private placement memorandum. Expenses of $15,000 incurred in connection with each liquidation were paid by each applicant.

Filing Dates: Each application was filed on August 30, 1999.

Applicants' Address: c/o Comerica Bank, 411 W. Lafayette, Detroit, Michigan 48226.

United Gold & Government Fund, Inc. [File No. 811–4261]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 30, 1999, applicant transferred its assets to United Asset Strategy Fund, Inc. (the "Acquiring Fund") based on net asset value per share. Expenses of $89,940 incurred in connection with the reorganization were shared equally by applicant and the Acquiring Fund.

Filing Date: The application was filed on September 9, 1999.

Applicant's Address: 6300 Lamar Avenue, Overland Park, Kansas 66202.

Wayne Hummer Money Fund Trust [File No. 811–3359]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On July 30, 1999, applicant transferred its assets to the Wayne Hummer Money Market Fund series of Wayne Hummer Investment Trust (the "Acquiring Fund") based on net asset value. Expenses of approximately $41,000 were incurred in connection with the reorganization, of which Wayne Hummer Management Company, investment adviser to both applicant and the Acquiring Fund, paid $7,500. Applicant and the Acquiring Fund paid the remaining expenses.

Filing Date: The application was filed on September 1, 1999.

Applicant's Address: 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606.

UBS Investor Portfolios Trust [File No. 811–7553]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 21, 1998, applicant, a master fund in a master-feeder structure, made a liquidating distribution to its feeder funds at net asset value per share. All expenses incurred in connection with

the liquidation were paid by UBS A.G., applicant's investment adviser.

Filing Dates: The application was filed on July 8, 1999, and amended on August 27, 1999.

Applicant's Address: 200 Clarendon Street, Boston, Massachusetts 02116.

UBS Private Investor Funds, Inc. [File No. 811–7431]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 21, 1998, applicant transferred its assets to The Brinson Funds (the "Acquiring Fund") in exchange for shares based on net asset value per share. All expenses incurred in connection with the merger were paid by UBS A.G., applicant's investment adviser, and Brinson Partners, Inc., the Acquiring Fund's investment adviser.

Filing Dates: The application was filed on July 9, 1999, and amended on August 30, 1999, and September 23, 1999.

Applicant's Address: 200 Clarendon Street, Boston, Massachusetts 02116.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25382 Filed 9–29–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41904; File No. SR–CBOE–99–32]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. To Change the Participation Entitlement of Designated Primary Market-Makers

September 22, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on June 23, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to change the participation entitlement of designated primary market-makers ("DPMs").

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in section A, B, and C below, of the most significant aspects of such statements

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

A DPM's right to participate as principal in a transaction is generally governed by the principles of time and price priority as set forth in CBOE Rule 6.45. Under these principles, if a DPM is first to respond with the best bid (offer) in response to a request for a market from a member not acting on behalf of the DPM, the DPM is entitled to participate up to 100% in any resulting transaction. In addition to the rights granted by CBOE Rule 6.45, current CBOE Rule 8.80(c)(7)(ii) grants each DPM a right to participate "pro rata," with the market-makers present in the trading crowd. This pro-rata right applies to any transaction in a security that has been allocated to the DPM if the DPM's previously established principal bid (offer) was equal to the highest bid (lowest offer) in the trading crowd, even if the DPM's bid (offer) is not entitled to priority under CBOE Rule 6.45.[3] Because the term "pro rata" is not precisely defined by current CBOE Rule 8.80(c)(7)(ii), the scope of that term, and hence the DPM participation right, has historically been interpreted by the Exchange's Modified Trading System Appointments Committee ("MTS Committee"), which is the Exchange committee responsible for appointing DPMs and overseeing the Exchange's DPM program.

Since 1993, the MTS Committee has interpreted a DPM's participation right in transactions that occur in an allocated security (when the DPM's previously established principal bid (offer) was equal to the highest bid (lowest offer) in the trading crowd) to consist of the following: an initial 40% participation right, a 30% participation right when average daily volume in the security over the previous calendar quarter reaches 2501 contracts, and no guaranteed participation right when average daily volume in the security over the previous calendar quarter reaches 5,000 contracts. Additionally, the MTS Committee determined to maintain all multiply traded securities at the 40% participation level until further notice. This DPM participation entitlement has been communicated to the Exchange's membership in numerous Exchange circulars that have been issued to the Exchange's membership since 1993.

The MTS Committee has now decided to propose that the level of participation that a DPM may assert in transactions that occur at the DPM's previously established principal bid or offer be changed to 30%. Except as described below, this 30% participation right would apply to all classes that are allocated to DPMs regardless of the volume in a particular class and regardless of whether or not the class is multiply listed.

The MTS Committee believes that this proposed single-level DPM participation entitlement will be easier for members to apply than the current DPM participation entitlement formula. Under the current formula, as described above, the participation right varies from class to class based on volume level, which may change the participation right for a class each calendar quarter and based on a class's multiple list status.

Additionally, the MTS Committee believes that the proposed participation entitlement will be more equitable. The primary purpose of the DPM participation right is to provide Exchange members with an incentive to become and remain DPMs. Moreover, DPMs are required to assume additional affirmative obligations which are not imposed on other members. These additional obligations include, among other things, the obligation to be present at the trading post throughout every business day, the obligation to participate at all times in automated execution and order handling systems

[3] The right of a DPM to participate pro-rata, however, does not include trades executed on the Exchange's Retail Automatic Execution System. Telephone call between Arthur Reinstein, Assistant General Counsel, CBOE, and Kelly Riley, Attorney, Division of Market Regulation, SEC, on July 29, 1999.

such as the Exchange's Retail Automatic Execution System (RAES), and the obligation to act as the Exchange's Retail Automatic Execution System (RAES), and the obligation to act as an order book official and to maintain the public order book. Since these obligations exist regardless of the volume level in a DPM allocated class, the 30% DPM participation right is proposed to be applicable regardless of whether the volume level in the class exceeds a certain volume threshold as is required in the current formula. The MTS Committee also believes that a DPM participation right of 30% is sufficient to provide the requisite incentive for members to become and remain DPMs (as opposed to the 40% DPM participation right that is applicable in most classes that are allocated to DPMs under the current participation entitlement formula).

Although a DPM's participation right will generally be 30% as provided above, the MTS Committee would retain its current authority to condition a DPM's appointment in accordance with the Rules by establishing a lower participation right in a class or classes allocated to the DPM. For example, current CBOE Rule 8.80(b)(3) permits the MTS Committee to specify conditions with respect to a DPM appointment at the time the appointment is made, and current CBOE Rule 8.80 generally authorizes the MTS Committee to take remedial action against a DPM (including conditioning the DPM's appointment) if the DPM fails to satisfactorily perform its functions or incurs a material financial, operational, or personnel change.

The Exchange proposes to publish a circular notifying the Exchange's membership of the proposed DPM participation right upon its effectiveness and to publish to the membership and keep current a list setting forth the DPM participation right in any classes for which a DPM's participation entitlement is lower than 30%.

The Exchange recently submitted a rule filing to the Commission which proposes to update and reorganize the Exchange's rules relating to DPMs.[4] One part of the proposed rule change, which is currently pending before the Commission, is proposed CBOE Rule 8.87 which proposes to codify the authority of the MTS Committee to determine the appropriate participation right for DPMs. Specifically, proposed CBOE Rule 8.87 provides that, subject to the review of the Board of Directors, the MTS Committee may establish from time to time a participation entitlement formula that is applicable to all DPMs. In addition, proposed CBOE Rule 8.87 provides that, in accordance with this established formula, each DPM shall have a right to participate for its own account with the market-makers present in the trading crowd in transactions in the DPM's allocated securities that occur at the DPM's previously established principal bid or offer. The DPM participation right proposed by this rule change is consistent with the DPM participation entitlement provided for under proposed CBOE Rule 8.87 and would continue to be applicable following the approval of CBOE's pending rule filing to update and reorganize the DPM rules. The MTS Committee would also continue to have the authority to condition a DPM's appointment by establishing a lower participation right in a class or classes allocated to a DPM in accordance with the proposed DPM rules, including proposed CBOE Rules 8.83(d) and 8.90 (which contain similar provisions to those contained in current CBOE Rule 8.80(b)(3) and current CBOE Rule 8.80 which are discussed above).

The MTS Committee intends to continue to periodically review the DPM participation entitlement to ensure that it remains at an appropriate level given the market environment that prevails at the time, and, accordingly, that the Exchange may propose to the DPM participation entitlement in the future.

2. Basis

The Exchange believes that the proposed rule change will improve the operation of the DPM trading system by making the DPM participation entitlement more equitable and easier for members to apply while retaining the incentive for members to become and remain DPMs. Accordingly, the Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and Section 6(b)(5)[5] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submission should refer to File No. SR–CBOE–99–32 and should be submitted by October 21, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25385 Filed 9–29–99; 8:45 am]

BILLING CODE 8010–10–M

[4] Securities Exchange Act Release No. 41325 (April 22, 1999), 64 FR 23691 (May 3, 1999) (File No. SR–CBOE–98–54).

[5] 15 U.S.C. 78f(b)(5).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41900; File No. SR–CBOE–99–28]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Amending Exchange Rule 9.21 and Issuing a Regulatory Circular To Interpret Rules Relating to Customer Communications

September 22, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 25, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend Exchange Rule 9.21, *Communications to Customers*, and to issue a Regulatory Circular to its membership setting forth a clarifying interpretation to Exchange Rule 9.21, which governs communications from member firms to customers or members of the public. The text of the rule change and the Regulatory Circular are available at the Office of the Secretary, CBOE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 9.21, *Communications to Customers*, governs communications between Exchange members and their customers and other members of the public. In addition, the Exchange, along with the other options exchanges, has published *Guidelines for Options Communications* ("Guidelines").[4] The Guidelines explain the customer communications rules of the options exchanges and the interpretations of these rules.

The Exchange proposes to amend Exchange Rule 9.21 and issue a Regulatory Circular to formally install the clarifying interpretation concerning the manner in which a member or member organization may satisfy the requirement of Exchange Rule 9.21, Interpretations and Policies .02 and .03(v), which currently require that the name and address of a person from whom an Options Disclosure Document ("ODD") may be obtained be disclosed on Advertisements and Educational Materials. The Exchange believes that, given the varied marketing programs that members and member organizations utilize, the existing requirement unnecessarily excludes other reasonable methods for request an ODD. To allow flexibility without diminishing the effectiveness of the disclosure requirement, the Exchange is proposing that other reasonably specific disclosures about how to obtain an ODD be deemed to satisfy the requirements of Rule 9.21, Interpretations and Policies .02 and .03(v). Examples of alternative means of disclosure may include the use of one or more toll-free telephone numbers or directing existing clients to contact their registered representative. A member or member organization may utilize an internet address; however, such an address must be accompanied by either a telephone number or address for use by those investors who do not have access to the internet. A member or member organization may choose to continue to identify the name and address of a person from whom an ODD may be obtained.

2. Statutory Basis

The amendment to Exchange Rule 9.21 and the Regulatory Circular interpretations of Exchange Rule 9.21 are consistent with Section 6(b) of the Act[5] in general and further the objectives of Section 6(b)(5)[6] in particular in that they are designed to promote just and equitable principles of trade and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule, it has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[7] and subparagraph (f)(1) of Rule 19b–4 thereunder.[8] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning for foregoing, including whether the proposed rule change is consistent with the Act.[9] Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The CBOE originally submitted the proposal on June 18, 1999. On August 25 1999, the CBOE submitted a letter from Timothy Thompson, Director, Regulatory Affairs, CBOE, to Nancy Sanow, Senior Special Counsel, Division of Market Regulation, Commission ("Amendment No. 1"). In Amendment No. 1, the CBOE proposes to amend Exchange Rule 9.21 to provide member firms with notice on how these firms can comply with the requirement of providing customers or members of the public with the current options disclosure document(s). Because this filing was filed pursuant to Section 19(b)(3)(A) of the Act, it must be complete at the time it is filed. Therefore, the date of filing of Amendment No. 1 is the date of the filing of the proposal.

[4] Securities Exchange Act Release No. 29682 (Sept. 13, 1991), 56 FR 47973 (Sept. 23, 1991) (File No. SR–CBOE–90–27).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(i).

[8] 17 CFR 240.19b–4(f)(1).

[9] In reviewing this proposal, the Commission has considered its potential impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–99–28 and should be submitted by October 21, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25386 Filed 9–29–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41910; File No. SR–MBSCC–99–07]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Modifying Rules Regarding Year 2000

September 23, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on September 20, 1999, MBS Clearing Corporation ("MBSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which items have been prepared primarily by MBSCC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposal.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Under the proposed rule change, MBSCC will not activate any new or additional clearing participant accounts or electronic pool notification ("EPN") participant accounts (other than updating EPN subaccount information) or provide any new or additional services to clearing participants or EPN participants and will freeze all nonemergency code releases after November 30, 1999, through January 26, 2000, which is the completion date of the first settlement cycle in the Year 2000, or such later date as MBSCC reasonably determines.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MBSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MBSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change provides that MBSCC will not activate any new or additional clearing participant accounts or EPN participant accounts (other than updating EPN subaccount information) or provide any new or additional services to clearing participants or EPN participants and will freeze all nonemergency code release after November 30, 1999, through January 26, 2000, which is the completion date of the first settlement cycle in the Year 2000, or such later date as MBSCC reasonably determines.[3]

MBSCC believes that continuing to activate new or additional participant accounts (other than updating EPN subaccount information) or to provide new or additional services to participants or to implement nonemergency code release after November 30, 1999, could potentially be disruptive to the rest of its Year 2000 efforts. Accordingly, MBSCC believes that the proposed rule change will facilitate a smooth Year 2000 transition.

MBSCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder. In particular, the proposed rule change is consistent with Section 17A(b)(3)(F) and the Act[4] which requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, in general, to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comment on the Proposed Rule Change Received from Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. MBSCC will notify the Commission of any written comments received by MBSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Section 17A(b)(3)(F) of the Act[5] requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. The Commission finds that the proposed rule change is consistent with this obligation because the proposed modifications to MBSCC's Year 2000 rules will permit MBSCC sufficient time before year end to complete its Year 2000 preparations. As a result, MBSCC should be able to continue to provide prompt and accurate clearance and settlement of securities transactions before, on, and after Year 2000 without interruption.

MBSCC requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the publication of notice of the filing. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the publication of notice of the filing because such approval will allow MBSCC to better prepare for a smooth Year 2000 transition.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent

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[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by MBSCC.

[3] The proposed rule change modified Addendum A of MBSCC's rules regarding mandatory Year 2000 testing. *See* Securities Exchange Act Release No. 40889 (January 6, 1999), 64 FR 2691.

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] 15 U.S.C. 78q–1(b)(3)(F).

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of MBSCC. All submissions should refer to the File No. SR–MBSCC–99–07 and should be submitted by October 21, 1999.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[6] that the proposed rule change (file No. SR–MBSCC–99–07) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25384 Filed 9–29–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41907; File No. SR–NASD–99–32]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Firm Quotation Requirements

September 23, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 17, 1999, the National Association of Securities Dealers, Inc. ("NASD"), through its wholly owned subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. On August 25, 1999, Nasdaq filed Amendment No. 1 to the proposal with the Commission.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is proposing to amend NASD Rule 6750 to provide any Nasdaq officer at the executive vice president level or above with limited discretionary authority to reduce the minimum quotation size for securities quoted at a price exceeding $200 in the OTC Bulletin Board ("OTCBB"). Below is the text of the proposed rule change. Proposed new language is in *italics.*

* * *

6750. Minimum Quotation Size Requirements For OTC Equity Securities

(a) Every member firm that functions as a market maker in OTC Equity Securities by entering firm quotations into the OTC Bulletin Board Service (OTCBB) (or any other inter-dealer quotation system that permits quotation updates on a real-time basis) must honor those quotations for the minimum size defined in the table below. In this regard, it is the market maker's responsibility to determine the minimum size requirement applicable to its firm bid and/or offer in each of its registered securities (excluding OTC Equity Securities for which the OTCBB will not accept firm quotations). Depending on the price level of the bid or offer, a different minimum size can apply to each side of the market being quoted by the member firm in a given security.

Price (bid or offer)	Minimum quote size
0 to .50*	5,000
.51 to 1.00	2,500
1.01 to 10.00	500
10.01 to 100.00	200
100.01 to 200.00	100
200.01 plus	50

A Nasdaq officer at the Executive Vice President level or above, within its discretion, may modify the minimum quotation size for those securities with a price exceeding $200.

(b) no change.

* The OTCBB can accept bids/offers expressed in fractions as small as 1/256 or in decimals up to six places. In applying the price test for minimum quotation size, any increment beyond an upper limit in the right hand column will trigger application of the minimum quote size for the next tier. For example, a bid (or offer) of $.505 must be firm for a size of 2,500 shares.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to provide any officer at the executive vice president level or above[4] with limited discretionary authority to modify the minimum quotation size for securities quoted on the OTCBB that exceed a price of $200. Nasdaq believes that this authority is necessary to correct a previously unforeseen problem with the schedule contained in NASD Rule 6750, which presently mandates that securities priced over $200 be traded in units of 50 shares or more. For certain highly priced and/or thinly-traded securities, this rule has had an undesired and detrimental effect on transparency and liquidity.

NASD Rule 6750 was approved by the Commission in 1993[5] as the NASD and market makers were first beginning to gain significant experience in dealing with the OTCBB. Prior to implementation of the rule, all quotations on the OTCBB were required to be firm for 100 shares. This approach soon proved unworkable for lower priced securities because a quote for 100 shares could represent an insignificant aggregate dollar value commitment to the market.

To remedy this situation, the NASD implemented Rule 6750 which specified minimum quotation sizes for securities priced at $200 and below on a

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[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Robert E. Aber, Senior Vice President and General Counsel, Nasdaq, to Richard Strasser, Assistant Director, Division of Market Regulation, Commission, dated August 24, 1999 ("Amendment No. 1"). Amendment No. 1 was received by the Commission on August 25, 1999, the substance of which is incorporated into this notice.

[4] *See* Amendment No. 1.

[5] Exchange Act Release No. 32570 (July 1, 1993); 58 FR 36725 (July 8, 1993).

"graduated" or "tiered" basis.[6] For securities quoted at 50 cents or below, the market maker quoting such security is required to honor that quotation for a minimum of 5,000 shares. This approach was carried through to $200 with decreasing levels of 2,500, 500, 200, and 100 shares. For all quotations exceeding $200, the minimum quote size was determined to be 50 shares.

The ensuing six years since implementation of this rule have witnessed unanticipated changes to the OTCBB. Among those changes has been the quotation of certain securities for thousands of dollars per share, and, in a few isolated instances, securities quoted in excess of $100,000. Obviously, the presence of these highly priced securities was not considered when NASD Rule 6750 was originally proposed with the smallest minimum quotation size of 50 shares. This has resulted in a situation in which market makers have been unwilling to enter priced quotations for such highly priced and thinly traded securities for fear of potentially significant liability to their proprietary accounts.

In order to alleviate the potential exposure of quoting 50 shares of these highly priced securities, market makers have ceased entering quotations and instead post only indications of interest for these securities into the OTCBB. While posting an indication of interest is permitted in the OTCBB, the purpose of the OTCBB or any inter-dealer quotation medium is to permit multiple market participants to quickly and efficiently obtain the best bid or offer in a security and execute the transaction without unnecessary delay. Additionally, posting firm quotations on the OTCBB has the effect of increasing competition among market makers and fostering enhanced price discovery, ultimately benefiting the investing public.

Recognizing these goals and the present problems caused by the lack of flexibility within NASD Rule 6750, Nasdaq is proposing to allow any officer at the executive vice president level or above the flexibility to reduce the minimum display size for certain highly priced securities in the top tier (securities quoted in excess of $200) of the OTCBB schedule. Any modifications would be done within the spirit of NASD Rule 6750 and would be based primarily on the impact that the price of the security has upon liquidity, which would include consideration of the number of shares publicly available. Such quotation size modifications may change from time to time as conditions warrant. However, any modifications to the minimum quotation size will be clearly displayed on the Nasdaq Workstation II screen for the appropriate security to avoid any confusion among market makers or other market participants.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6)[7] and Section 15A(b)(11)[8] of the Act. Nasdaq believes that the proposed rule specifically promotes the objectives of Sections 15A(b)(6) and 15A(b)(11), respectively, by facilitating transactions free of impediments to a free and open market while producing fair and informative quotations. The rule will encourage market makers to display firm quotations in OTCBB securities thereby providing increased transparency, competition, and price discovery.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and argument concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies so such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–99–32 and should be submitted by October 21, 1999.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.[9] Specifically, the Commission believes that the proposal is consistent with Sections 15A(b)(6) and (b)(11) of the Act.[10] Section 15A(b)(6) requires, in part, that the rules of a national securities association be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national system, and, in general, to protect investors and the public interest.[11] Section 15A(b)(11) requires, among other things, that the rules of a national securities association include provisions governing the form and content of quotations, and that such rules must be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations.[12]

The proposal provides Nasdaq with the flexibility to reduce the minimum quote size of highly priced and thinly traded OTCBB securities when appropriate. Nasdaq asserts and the Commission agrees that market makers may be reluctant to quote 50 shares of a highly priced and thinly traded security and, as a result, may instead post indications of interest that are not firm. Therefore, the Commission supports granting any Nasdaq officer at the executive vice president level or above limited discretionary authority to reduce the minimum quote size for highly priced and thinly traded OTCBB securities as a means to enhance quote activity. The Commission finds that the increased opportunity for priced quotations in highly priced OTCBB securities that may result from this rule

[6] This requirement applies only to market makers entering priced quotations. Market makers are permitted to enter unpriced indications of interest into the OTCBB which are not held to the minimum quotation size standard.

[7] 15 U.S.C. 78*o*–3(b)(6).

[8] 15 U.S.C. 78*o*–3(b)(11).

[9] In approving this proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78*o*–3(b)(6) and (b)(11).

[11] 15 U.S.C. 78*o*–3(b)(6).

[12] 15 U.S.C. 78*o*–3(b)(11)

change will help improve liquidity and transparency for these securities. Moreover, with this rule change, market participants may be able to more quickly ascertain the best bid or offer in highly priced OTCBB securities. The Commission also believes that reducing the minimum quotation size for highly priced and thinly traded securities might attract market makers to such securities, thereby enhancing competition, which should result in more efficient pricing of these securities. As a result, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act because it will benefit investors and facilitate transactions in securities.

The Commission also finds that the proposal is consistent with Section 15A(b)(11) because it is intended to result in additional priced quotations for highly priced OTCBB securities. This should help produce fair and informative quotations for these highly priced OTCBB securities.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. Accelerated approval will permit Nasdaq to quickly redress an unforeseen consequence of NASD 6750, as originally adopted, which made quoting certain OTCBB securities prohibitive. Accordingly, the Commission believes that good cause exists, consistent with Section 15A(b)(6) and Section 19(b)(2) of the Act, to grant accelerated approval to the proposed rule change.[13]

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–NASD–99–32) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25383 Filed 9–29–99; 8:45 am]

BILLING CODE 8010–10–M

[13] 15 U.S.C. 78*o*–3(b)(6) and 78s(b)(2).

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 25–XX, Transport Airplane Propulsion Engine and Auxiliary Power Unit Installation Certification Handbook—The Propulsion Mega AC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) 25–XX and request for comments.

SUMMARY: This document announces the availability of and requests comment on a proposed advisory circular (AC) that provides guidance on methods acceptable to the Administrator for showing compliance with the type certification requirements for propulsion engine and auxiliary power unit (APU) installations as they apply to transport category airplanes. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATE: Comments must be received on or before December 29, 1999.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration (FAA), *Attention:* Steve Happenny, Propulsion/Mechanical Systems Branch, ANM–112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jill DeMarco, Program Management Branch, ANM–114, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–1313; fax (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters must identify the AC by title and submit comments in duplicate to the address specified above. The Transport Airplane Directorate of the Federal Aviation Administration (FAA) will consider all communications received on or before the closing date for comments before issuing the final AC.

Availability of Proposed AC

The proposed AC can be found and downloaded from the Internet at *http://www.faa.gov/avr/air/airhome.htm,* at the link titled "Draft Advisory Circulars."

Requests for copies should be directed to the person named above under the caption **FOR FURTHER INFORMATION CONTACT.** Please specify whether a paper copy or a CD–ROM (Microsoft Word Version 6.0/Windows 95 format) copy is needed. Because of the large size of this proposed AC (approximately 1,200 pages) and the time necessary for copying the document, expect extra time for fulfilling requests for paper copies.

Discussion

The proposed advisory circular (AC) provides one comprehensive source of FAA policy and guidance on various methods acceptable to the Administrator for showing compliance with the type certification requirements for propulsion engine and auxiliary power unit (APU) installations on transport category airplanes.

The proposed AC contains information and material concerning all facets of propulsion system certification that have been derived from various sources, such as:

- Title 14, Code of Federal Regulations (commonly referred to as the Federal Aviation Regulations),
- AC's,
- FAA Issue Papers,
- Special Conditions,
- Technical Standard Orders (TSO),
- FAA internal policy memos,
- FAA technical reports,
- documents issued by the Society of Automotive Engineers (SAE), and
- General Aviation Manufacturers Association (GAMA) specifications.

The material contained in the proposed AC is intended for use during propulsion certification activities by airplane manufacturers, modifiers, foreign regulatory authorities, and Federal Aviation Administration (FAA) airplane type certification engineers. The policy and guidance provided in the document has been applied previously and found to be acceptable to the FAA for demonstrating compliance with the certification regulations pertaining to propulsion (engine and APU) installations on transport category airplanes. The methods and procedures described have evolved through many years and represent current certification practice.

The FAA's objective in issuing this AC is to formalize existing policy and guidance so that the public and FAA

personnel have access to this information in one document. In gathering all relevant material into one document, the consequent size of the proposed AC is necessarily large; for this reason, the informal title of "The Propulsion Mega AC" is used throughout the document to distinguish it from others that are referenced.

Issued in Renton, Washington, on September 23, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25456 Filed 9–29–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 25.XX, Airworthiness Criteria for the Installation Approval of a Terrain Awareness and Warning System (TAWS) Approved Under Technical Standard Order (TSO) C151

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular 25.XX and request for comments.

SUMMARY: This notice announces the availability of and requests comment on a proposed advisory circular (AC) that provides guidance on one method for obtaining airworthiness approval for the installation of a Terrain Awareness and Warning System (TAWS) approved under Technical Standard Order (TSO) C151. The guidance provided in the proposed AC is specific to installations of these systems on transport category airplanes. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before December 29, 1999.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Attn: J. Kirk Baker, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jill DeMarco, Program Management Branch, ANM–114, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–1313.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters must identify the AC by title and submit comments in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Airplane Directorate before issuing the final AC.

Availability of Proposed AC

The proposed AC can also be found and downloaded from the Internet at *http://www.faa.gov/avr/air/airhome.htm*, at the link titled "Draft Advisory Circulars." A paper copy of the proposed AC may be obtained by contacting the person named above under the caption **FOR FURTHER INFORMATION CONTACT**.

Discussion

The FAA is proposing to issue an AC that describes an acceptable means, but not the only means, of obtaining airworthiness installation approval of a Terrain Awareness and Warning System (TAWS) that has been approved under Technical Standard Order (TSO) C151, "Terrain Awareness and Warning System." A TAWS is a system that provides the flightcrew with sufficient information and alerting to detect a potentially hazardous terrain situation and take effective action. The guidance provided in the proposed AC is specific to installations of these systems on transport category airplanes.

The FAA's TSO process is a means of obtaining FAA design and performance approval for an appliance, system, or product. However, the TSO does not provide installation approval or procedures for design or implementation of an installation. With heightened interest by manufacturers and operators to equip transport category airplanes with TAWS systems that are compliant with TSO–C151, the FAA has recognized the need to establish guidance material for the design and test requirements for the installation of such systems.

This proposed AC has been developed as the means for providing such guidance for designing an acceptable installation for a TAWS that is compliant with TSO–C151. It describes the airworthiness considerations for such installations as they apply to the unique features of the TAWS and the interface of the TAWS with other systems on the airplane.

Issued in Renton, Washington, on September 23, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25454 Filed 9–29–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Manchester Airport, Manchester, New Hampshire; Noise Exposure Map Notice

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Manchester Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR Part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is September 17, 1999.

FOR FURTHER INFORMATION CONTACT: John Silva, FAA New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Manchester Airport are in compliance with applicable requirements of Part 150, effective September 17, 1999.

Under section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has

taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Manchester Airport. The specific maps under consideration are Figure 4–4, Existing (1998) DNL Contours, and Figure 4–8, Forecast (2003) DNL Contours, each of which is published in "Noise Study for Manchester Airport", dated May, 1999. FAA has determined that these maps for Manchester Airport are in compliance with applicable requirements. This determination is effective on September 17, 1999. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, New England Region, Airports Division, 16 New England Executive Park, Burlington, Massachusetts 01803.

Manchester Airport, One Airport Road, Suite 300, Manchester, New Hampshire 03103–3395.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Burlington, Massachusetts, September 17, 1999.

Vincent A. Scarano,

Manager, Airports Division, New England Region.

[FR Doc. 99–25455 Filed 9–29–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the information collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. Described below is the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the subject collection was published on June 28, 1999, (64 FR 34696). No comments were received.

DATES: Comments must be submitted on or before November 1, 1999.

FOR FURTHER INFORMATION CONTACT: Daniel Ladd, Financial Analyst, Office of Ship Financing, Maritime Administration, 400 Seventh Street, SW, Room 8122, Washington, DC 20590, telephone number—202–366–5744. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Maritime Administration (MARAD)

Title of Collection: "Application for Construction Reserve Fund and Annual Statements."

OMB Control Number: 2133–0032.

Type of Request: Extension of currently approved collection.

Affected Public: Citizens who own or operate vessels in the U.S., foreign, or domestic commerce.

Form(s): N/A.

Abstract: In accordance with Section 511 of the Merchant Marine Act, 1936, as amended, all citizens who own or operate vessels in the U.S. foreign or domestic commerce and desire "tax" benefits under the Construction Reserve Fund (CRF) program, are required to submit to MARAD an application for benefits. The annual statement provided to MARAD officials sets forth a detailed analysis of the status of the CRF when each income tax return is filed. Checks for withdrawals from the CRF must be sent to MARAD for countersignature. The application is required in order for MARAD to determine whether the applicant is qualified for the benefits, and the annual statements are required in order for MARAD to assure that the requirements of the program are being satisfied.

Annual Estimated Burden Hours: 153.

Addresses: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention MARAD Desk Officer.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Dated: September 27, 1999.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99–25446 Filed 9–29–99; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With An International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the

meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Bahrain
Iraq
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Republic of

Dated: September 24, 1999.

Philip West,

International Tax Counsel, (Tax Policy).

[FR Doc. 99–25396 Filed 9–29–99; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

NIS Educational Advising Centers; Notice; Request for Proposals

SUMMARY: The Office of Academic Programs/Advising, Teaching, and Specialized Programs Division of the Bureau of Educational and Cultural Affairs of the United States Information Agency announces an open competition to operate educational advising centers in the NIS, including: Erevan, Armenia; Baku, Azerbaijan; Minsk, Belarus; Tbilisi, Georgia; Almaty, Kazakstan; Bishkek, Kyrgyzstan; Chisinau, Moldova; Moscow, Novosibirsk, St. Petersburg, and Vladivostok, Russia; Dushanbe, Tajikistan; Ashgabat, Turkmenistan; Kyiv, Ukraine; and Tashkent, Uzbekistan. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501C may submit proposals for administering advising centers in the NIS. The educational advising centers would be part of USIA's worldwide network of over 450 affiliated centers. These centers provide comprehensive and unbiased information to interested students, scholars, and other individuals about study opportunities in the U.S.

For applicants' information, on October 1, 1999, the Bureau will become part of the United States Department of State without affecting the content of this announcement or the nature of the program described. At that time, the Advising, Teaching, and Specialized Programs Division will be renamed the Office of Global Educational Programs.

Program Information

Overview

The advising centers in the NIS should provide access to comprehensive and unbiased information about study opportunities in the U.S. Services provided by the centers must include group and/or individual advising informational sessions. The advising centers should provide accurate information and advising on the following topics: all U.S. colleges, universities, and other higher education institutions; accreditation; the application process to a U.S. university; majors and fields of study; testing requirements; life in the U.S.; scholarship programs and financial aid; and pre-departure orientation. Advising centers should also provide information on grant opportunities sponsored by the USG and other institutions and organizations. Advisers will be eligible for training opportunities sponsored by the Bureau, which will also provide a limited selection of reference books and materials to the center.

Guidelines

The period of this grant is January 1, 2000 to December 31, 2000.

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Applicants must submit a comprehensive budget for each advising center in their proposal. Applicants may submit a proposal for one, several, or all of the advising centers listed. Awards may not exceed the following amounts for each educational advising center:

Erevan, Armenia—$21,000
Baku, Azerbaijan—$12,000
Minsk, Belarus—$15,000
Tbilisi, Georgia—$11,000
Almaty, Kazakstan—$12,000
Bishkek, Kyrgyzstan—$12,000
Chisinau, Moldova—$6,000
Moscow, Russia—$169,000
Novosibirsk, Russia—$17,000
St. Petersburg, Russia—$21,000
Vladivostok, Russia—$18,000
Dushanbe, Tajikistan—$7,000
Ashgabat, Turkmenistan—$8,000
Kyiv, Ukraine—$33,000
Tashkent, Uzbekistan—$18,000.

All administrative and indirect costs must be included in the maximum award amount for each center. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets.

Allowable costs for the program include the following:

(1) Salaries and benefits.

(2) Office supplies and expenses, including rent, communications, postage and shipping.

(3) Outreach and publicity costs.

(4) Indirect costs.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number: All correspondence with USIA concerning this RFP should reference the above title and number *E/ASA–00–07.*

FOR FURTHER INFORMATION CONTACT: The Education Information and Services Branch—ECA/ASA, (formerly known as the Advising and Student Services Branch—E/ASA), Room 349, U.S. Department of State, 301 4th Street, SW., Washington, DC 20547, phone: (202) 619–4731, email: ssheehan@usia.gov to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Officer Sharen Sheehan on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet: The entire Solicitation Package may be downloaded from the Bureau's website at http://e.usia.gov/education/rfps. Please read all information before downloading.

Deadline for Proposals: All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on *Monday, November 8, 1999.* Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and *6* copies of the application should be sent to: U.S.

Department of State, Bureau of Educational and Cultural Affairs, Ref.: *E/ASA–00–07*, Program Management Staff, ECA/EX/PM, Room 336, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5" diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to public diplomacy sections at U.S. Embassies overseas for their review, with the goal of reducing the time it takes to get Embassy comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy, the Bureau shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries. Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with the Bureau. The inability to process information in accordance with Federal requirements could result in grantees being required to return funds that have not been accounted for properly.

The Bureau therefore requires all organizations use Y2K complaint systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the U.S. Department of State's Office of the Senior Coordinator for the Newly Independent States and the public affairs sections overseas, where appropriate. Eligible proposals will be forwarded to panels of Bureau officers for advisory review. Proposals may also be reviewed by other Bureau elements. Final funding decisions are at the discretion of Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea: Proposals should exhibit originality, substance, precision, and relevance to the Agency's mission.

2. Program planning: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. Ability to achieve program objectives: Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. Multiplier effect/impact: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration and program content.

6. Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. Institution's Record/Ability: Proposals should demonstrate an institutional record of successful programs in international education, including responsible fiscal management and full compliance with all reporting requirements for past USIA grants as determined by the Bureau's Office of Contracts. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. Project Evaluation: Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit intermediate reports quarterly.

9. Cost-effectiveness: The overhead and administrative components of the proposal should be kept as low as possible. All other items should be necessary and appropriate.

10. Cost-sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

11. Value to U.S.-Partner Country Relations: Proposed projects should receive positive assessments by Bureau's geographic area officers and overseas officers of program need, potential impact, and significance in the partner countries.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of

the world." The funding authority for the program above is provided through the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1993 (Freedom Support Act).

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Department of State procedures.

Dated: September 21, 1999.

William P. Kiehl,

Acting Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 99–25333 Filed 9–29–99; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

Bureau of Education and Cultural Affairs; Performing Arts Presenters Exchange Program With China

NOTICE: Request for proposals.

SUMMARY: The Office of Citizen Exchanges of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for a Performing Arts Presenters Exchange Program with China. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to facilitate international cultural and educational exchange through a program that will bring performing arts presenters in China and the United States together to exchange strategies for presenting artists, discuss arts management techniques and recruit performing artists from each other's countries for presentation through this exchange. Interested applicants are invited to read the complete solicitation package before submitting their proposals. The solicitation package consists of the RFP; and Project Objectives, Goals and Implementation (POGI) statement; and Proposal Submission Instructions (PSI). On October 1, 1999, the U.S. Information Agency, including the Bureau of Educational and Cultural Affairs, will become part of the United States Department of State without affecting the content of this announcement or the nature of the program described.

Application Deadline and Reference Number: All proposal materials must be received at the Bureau of Educational and Cultural Affairs Grants Office by 5 p.m. Washington, D.C. time on Wednesday, October 27, 1999. Faxed documents will not be accepted, nor will documents postmarked on October 27, 1999, but received at a later date. All communications concerning this announcement should refer to the title and reference number—E/P–00–08. Please see section entitled "Guidelines".

Program Information

Overview

Differences in arts management between the U.S. and China may contribute to impediments in artistic exchange between the two countries. Cultural perceptions, contractual misunderstandings and incompatible management styles have, at times, created barriers to the exchange of performing artists between the two countries. The purpose of this program is to assist arts presenters in both countries understand how the other side operates, with the objective of achieving fruitful artistic exchanges. An ideal program should include the following three components:

1. Consultation/assessment visit by American arts presenters to China: A team of arts presenters from the U.S. will visit China to meet with leading arts presenters, increase their knowledge of performing arts presentation in China and assess performance venues.

2. Workshops in the U.S.: To be conducted for Chinese participants, by American experts in performing arts presentation in this country, focusing on legal, contractual, marketing, commercial and logistical issues involved with presenting American performing artists. Workshops should also cover similarities and differences between performing arts organizations in the U.S. and China, and an overview of the difficulties that American performing artists tend to encounter when conducting overseas tours.

3. An opportunity for leading arts presenters in China to attend one of the regional or national conferences for arts presenters in the U.S., where participants would have an opportunity to increase their understanding of trends in the arts presentation field and to view a wide range of American performing artists. At the conclusion of this component, the American and Chinese arts presenters will develop proposals and time lines to present specific artists in each other's country.

Guidelines

Eligible Applicants

The Office of Citizen Exchanges works with U.S. non-profit organizations to develop cooperative international group projects that introduce American and foreign participants to each other's cultural and artistic life and traditions. For this project, we look forward to working with an arts organization that has demonstrated expertise in presenting performing artists in the United States, extensive knowledge of presenting performing artists abroad, and interest and expertise in the performing arts of China.

Project Participants

The grantee organization will recruit American arts presenters for the initial assessment visit and the final phase of the project, which will result in a work plan for presenting performing artists from China in the U.S. The grantee organization must work with our colleagues at the American Embassy in Beijing to recruit appropriate performing arts presenters in China to participate this project. The U.S. Embassy in Beijing will also review the Chinese participants' final work plans to present American artists in China.

Programs must comply with J–1 visa regulations. Please refer to the Solicitation Package for further information regarding visas.

Grant Dates

We anticipate that the grant will begin on our about February 1, 2000, and end on March 1, 2001. However, a final award cannot be made until funds have been appropriated by Congress, and allocated and committed through internal Bureau procedures.

Budget Guidelines

Grants awarded to eligible organizations with less than 4 years of experience in conducting international exchange programs will be limited to $60,000.

Applicants must submit a comprehensive budget for the entire program. The Award may not exceed $100,000, and the Bureau expects to award one grant under the terms of this

competition. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Please note that strong preference will be given to proposals with a minimum of 30% cost sharing. Strong preference will also be given to proposals with administrative costs of no more than 20% of the total amount requested from the Bureau of Educational and Cultural Affairs.

Allowable costs for the program include the following:

1. International and domestic air fares; visas; transit costs; ground transportation costs.

2. Per Diem. For the activity in the U.S., organizations have the option of using a flat $160/day for program participants or the published U.S. federal per diem rates for individual American Cities. For activities outside the U.S., the published Federal per diem rates must be used. Per diem rates may be accessed at http.state.gov/www/perdiems.

3. Interpreters. If needed, interpreters for the U.S. program are provided by the State Department's Language Services Division. Typically, a pair of simultaneous interpreters is provided for every four visitors who need interpretation. Bureau grants do not pay for foreign interpreters to accompany delegations from their home country. Grant proposal budgets should contain a flat $160/day per diem for each Department of State interpreter, as well as home-to-program round trip air transportation of $400 per interpreter plus any U.S. travel expenses during the program.

4. Book and cultural allowance. Participants are entitled to a one-time cultural allowance of $150 per person, plus a book allowance of $50.

5. Consultants may be used to provide specialized expertise to make presentations. Daily honoraria generally do not exceed $250 per day.

6. Materials development. Proposals may contain costs to purchase, develop and translate materials for participants.

7. All Bureau-funded delegates will be covered under the terms of a Bureau-sponsored health insurance policy.

8. Other costs necessary for the effective administration of the program, including salaries and benefits for grant organization employees, as stated in the detailed instructions in the application package. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

FOR FURTHER INFORMATION CONTACT: The Office of Citizen Exchanges, ECA/PE/C/CU, Room 568, United States Department of State, Bureau of Educational and Cultural Affairs, 301 4th Street, SW., Washington, DC 20547, telephone: (202) 205–2209, fax: (202) 619–6315 or e-mail jjohanse@exchanges.usia.gov., to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Cultural Programs Officer Jill Johansen Staggs on all other inquires and correspondence.

Please read the complete **Federal Register** announcement before sending inquires or submitting proposals. Once the RFP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet: The entire Solicitation Package may be downloaded from the Bureau's website at http://e.usia.gov/education/rfps. Please read all information before downloading.

Deadline for Proposals: All proposal copies must be received at the Bureau by 5 p.m. Washington, D.C. time on *October 27, 1999.* Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and *8* copies of the application should be sent to: United States Department of State, The Bureau of Educational and Cultural Affairs, Ref.: *E/P –00–08,* Office of Program Management, ECA/EX/PM, Room 336, 301 4th Street, SW., Washington, DC. 20547.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5" diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. We will transmit these files electronically to our State Department colleagues at the embassy in Beijing for review, with the goal of reducing the time it takes to get posts' comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with the Bureau. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

The Bureau therefore requires all organizations use Y2K compliant systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process

The Office of Citizens Exchanges will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as Department of State regional authorities and the embassy overseas. Eligible proposals will be forwarded to panels of Bureau

officers for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department of State entities. Final funding decisions are at the discretion of the U.S. Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Grants Staff.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality and Clarity of Program Objectives: Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission. All activities should clearly support the project objective.

2. Program Planning: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

3. Multiplier Effect/Impact: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

4. Cross-Cultural Sensitivity: Proposals should reflect an understanding of the complex nature of U.S. Government foreign policy with China, strategies to address cross-cultural sensitivities among participants and relevant knowledge of the performing arts in China.

5. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. In this project, diversity should be especially evident in the selection of American participants and workshop presenters, and the performing arts presentations both in China and the U.S. to which participants will be exposed.

6. Institutional Capacity/Record: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the Bureau's Grants Staff.

7. Follow-on Activities: Proposals should provide a plan for continued follow-on activity (without State Department support) ensuring that Bureau supported programs are not isolated events.

8. Project Evaluation: Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

9. Cost-Effectiveness: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

10. Cost-sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The propose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: September 23, 1999.

William P. Kiehl,

Acting Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 99–25334 Filed 9–29–99; 8:45 am]

BILLING CODE 8230–01–M

Federal Register

Thursday
September 30, 1999

Part II

Environmental Protection Agency

40 CFR Part 60, et al.
NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

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[FRL–6413–3]

RIN 2050–AE01

NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors

ACTION: Final rule.

SUMMARY: We are promulgating revised standards for hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns. These standards are being promulgated under joint authority of the Clean Air Act (CAA) and Resource Conservation and Recovery Act (RCRA). The standards limit emissions of chlorinated dioxins and furans, other toxic organic compounds, toxic metals, hydrochloric acid, chlorine gas, and particulate matter. These standards reflect the performance of Maximum Achievable Control Technologies (MACT) as specified by the Clean Air Act. These MACT standards also will result in increased protection to human health and the environment over existing RCRA standards.

DATES: This final rule is in effect on September 30, 1999. You are required to be in compliance with these promulgated standards 3 years following the effective date of the final rule (i.e., September 30, 2002). You are provided with the possibility of a site-specific one year extension for the installation of controls to comply with the final standards or for waste minimization reductions. The incorporation by reference of certain publications listed in the rule was approved by the Director of the Federal Register as of September 30, 1999.

ADDRESSES: The official record (*i.e.*, public docket) for this rulemaking is identified as Docket Numbers: F–96–RCSP–FFFFF, F–97–CS2A–FFFFF, F–97–CS3A–FFFFF, F–97–CS4A–FFFFF, F–97–CS5A–FFFFF, F–97–CS6A–FFFFF, F–98–RCSF–FFFFF, and F–1999–RC2F–FFFFF. The official record is located in the RCRA Information Center (RIC), located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The mailing address for the official record is RCRA Information Center, Office of Solid Waste (5305W), U.S. Environmental Protection Agency Headquarters, 401 M Street, SW, Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RIC. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, you must make an appointment by calling 703–603–9230 or by sending a message via e-mail to: RCRA-Docket@epamail.epa.gov. You may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost 15 cent/page. The index for the official record and some supporting materials are available electronically. See the "Supplementary Information" section of this **Federal Register** notice for information on accessing the index and these supporting materials.

FOR FURTHER INFORMATION CONTACT: For general information, you can contact the RCRA Hotline at 1–800–424–9346 or TDD 1–800–553–7672 (hearing impaired). In the Washington metropolitan area, call 703–412–9810 or TDD 703–412–3323. For additional information on the Hazardous Waste Combustion MACT rulemaking and to access available electronic documents, please go to our Web page: www.epa.gov/hwcmact. Any questions or comments on this rule can also be sent to EPA via our Web page.

For more detailed information on technical requirements of this rulemaking, you can contact Mr. David Hockey, 703–308–8846, electronic mail: Hockey.David@epamail.epa.gov. For more detailed information on permitting associated with this rulemaking, you can contact Ms. Patricia Buzzell, 703–308–8632, electronic mail: Buzzell.Tricia@epamail.epa.gov. For more detailed information on compliance issues associated with this rulemaking, you can contact Mr. Larry Gonzalez, 703–308–8468, electronic mail: Gonzalez.Larry@epamail.epa.gov. For more detailed information on the assessment of potential costs, benefits and other impacts associated with this rulemaking, you can contact Mr. Lyn Luben, 703–308–0508, electronic mail: Luben.Lyn@epamail.epa.gov. For more detailed information on risk analyses associated with this rulemaking, you can contact Mr. David Layland, 703–308–0482, electronic mail: Layland.David@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Official Record. The official record is the paper record maintained at the address in **ADDRESSES** above. All comments that were received electronically were converted into paper form and placed in the official record, which also includes all comments submitted directly in writing. Our responses to comments, whether the comments are written or electronic, are located in the response to comments document in the official record for this rulemaking.

Supporting Materials Availability on the Internet. The index for the official record and the following supporting materials are available on the Internet as:

—Technical Support Documents for HWC MACT Standards:
  —Volume I: Description of Source Categories
  —Volume II: HWC Emissions Database
  —Volume III: Selection of MACT Standards and Technologies
  —Volume IV: Compliance with the MACT Standards
  —Volume V: Emission Estimates and Engineering Costs
—Assessment of the Potential Costs, Benefits and Other Impacts of the Hazardous Waste Combustion MACT Standards—Final Rule
—Risk Assessment Support to the Development of Technical Standards for Emissions from Combustion Units Burning Hazardous Wastes: Background Information Document
—Response to Comments for the HWC MACT Standards Document

To access the information electronically from the World Wide Web (WWW), type: *www.epa.gov/hwcmact*

Outline

Acronyms Used in the Rule

acfm—Actual cubic feet per minute
BIF—Boilers and industrial furnaces
CAA—Clean Air Act
CEMS—Continuous emissions monitors/monitoring system
CFR—Code of Federal Regulations
DOC—Documentation of Compliance
DRE—Destruction and Removal Efficiency
dscf—Dry standard cubic foot
dscm—Dry standard cubic meter
EPA/USEPA—United States Environmental Protection Agency
gr—Grains
HSWA—Hazardous and Solid Waste Amendments
kg—Kilogram
MACT—Maximum Achievable Control Technology
mg—Milligrams
Mg—Megagrams (metric tons)
NOC—Notification of Compliance
NESHAP—National Emission Standards for HAPs
ng—Nanograms
NODA—Notice of Data Availability
NPRM—Notice of Proposed Rulemaking
POHC—Principal Organic Hazardous Constituent

ppmv—Parts per million by volume
ppmw—Parts per million by weight
RCRA—Resource Conservation and Recovery Act
R & D—Research and Development
SSRA—Site specific risk assessment
TEQ—Toxicity equivalence
µg—Micrograms

Outline

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Part One: Overview and Background for This Rule

I. What Is the Purpose of This Rule?

In this final rule, we adopt hallmark standards to more rigorously control toxic emissions from burning hazardous waste in incinerators, cement kilns, and lightweight aggregate kilns. These emission standards and continuation of our RCRA risk policy create a national cap for emissions that assures that combustion of hazardous waste in these devices is properly controlled.

The standards themselves implement section 112 of the Clean Air Act (CAA) and apply to the three major categories of hazardous waste burners—incinerators, cement kilns, and lightweight aggregate kilns. For purposes of today's rule, we refer to these three categories collectively as hazardous waste combustors. Hazardous waste combustors burn about 80% of the hazardous waste combusted annually within the United States. As a result, we project that today's standards will achieve highly significant reductions in the amount of hazardous air pollutants being emitted each year by hazardous waste combustors. For example, we estimate that 70 percent of the annual dioxin and furan emissions from hazardous waste combustors will be eliminated. Mercury emissions already controlled to some degree under existing regulations will be further reduced by about 55 percent.

Section 112 of the CAA requires emissions standards for hazardous air pollutants to be based on the performance of the Maximum Achievable Control Technology (MACT). The emission standards in this final rule are commonly referred to as MACT standards because we use the MACT concept to determine the levels of emission control under section 112(d) of the CAA.[1] At the same time, these emissions standards satisfy our obligation under the main statute regulating hazardous waste management, the Resource Conservation Recovery Act (RCRA), to ensure that hazardous waste combustion is conducted in a manner adequately protective of human health and the environment. Our use of both authorities as the legal basis for today's rule and details of the MACT standard-setting process are explained more fully in later sections of this preamble. Most significantly, by using both authorities in a harmonized fashion, we consolidate regulatory control of hazardous waste combustion into a single set of regulations, thereby eliminating the potential for conflicting or duplicative federal requirements.

Today's rule also has other important features in terms of our legal obligations and public commitments. First, promulgation of these standards fulfills our legal obligations under the CAA to control emissions of hazardous air pollutants from hazardous-waste burning incinerators and Portland cement kilns.[2] Second, today's rule fulfills our 1993 and 1994 public commitments to upgrade emission standards for hazardous waste combustors. These commitments are the centerpiece of our Hazardous Waste Minimization and Combustion Strategy.[3] Finally, today's rulemaking satisfies key terms of a litigation settlement agreement entered into in 1993 with a number of groups that had challenged our previous rule addressing emissions from hazardous waste boilers and industrial furnaces.[4]

II. In Brief, What Are the Major Features of Today's Rule?

The major features of today's final rule are summarized below.

A. Which Source Categories Are Affected by This Rule?

This rule establishes MACT standards for three source categories, namely: Hazardous waste burning incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns. As mentioned earlier, we refer to these three source categories collectively as hazardous waste combustors.

B. How Are Area Sources Affected by This Rule?

This rule establishes that MACT standards apply to both major sources—sources that emit or have the potential to emit 10 tons or greater per year of any single hazardous air pollutant or 25 tons per year or greater of hazardous air pollutants in the aggregate—and area sources, all others. Area sources may be regulated under MACT standards if we find that the category of area sources "presents a threat of adverse effects to human health or the environment * * * warranting regulation (under the MACT standards)." We choose to regulate area sources in today's rule and, as a result, all hazardous waste burning incinerators, cement kilns, and lightweight aggregate kilns will be regulated under standards reflecting MACT.

C. What Emission Standards Are Established in This Rule?

This rule establishes emission standards for: Chlorinated dioxins and furans; mercury; particulate matter (as a surrogate for antimony, cobalt, manganese, nickel, and selenium); semivolatile metals (lead and cadmium); low volatile metals (arsenic, beryllium, and chromium); hydrogen chloride and chlorine gas (combined). This rule also establishes standards for carbon monoxide, hydrocarbons, and destruction and removal efficiency as surrogates in lieu of individual standards for nondioxin/furan organic hazardous air pollutants.

D. What Are the Procedures for Complying With This Rule?

This rule establishes standards that apply at all times (including during startup, shutdown, or malfunction), except if hazardous waste is not being burned or is not in the combustion chamber. When not burning hazardous waste (and when hazardous waste does not remain in the combustion chamber), you may either follow the hazardous waste burning standards in this rule or emission standards we promulgate, if any, for other relevant nonhazardous waste source categories.

Initial compliance is documented by stack performance testing. To document continued compliance with the carbon monoxide or hydrocarbon standards, you must use continuous emissions monitoring systems. For the remaining standards, you must document continued compliance by monitoring limits on specified operating parameters. These operating parameter

[1] The MACT standards reflect the "maximum degree of reduction in emissions of * * * hazardous air pollutants" that the Administrator determines is achievable, taking into account the cost of achieving such emission reduction and any nonair quality health and environmental impacts and energy requirements. Section 112(d)(2).

[2] In a 1992 **Federal Register** notice, we published the inital list of categories of major and area sources of hazardous air pollutants including hazardous waste incinerators and Portland cement plants. See 57 FR 31576 (July 16, 1992). Today's rule meets our obligation to issue MACT standards for hazardous waste incinerators. Today's rule also partially meets our obligation to issue MACT standards for Portland cement plants. To complete the obligation, we have finalized, in a separate rulemaking, MACT standards for the portland cement industry source category. Those standards apply to all cement kilns except those kilns that burn hazardous waste. See 64 FR 31898 (June 14, 1999). Those standards also apply to other HAP emitting sources at a cement plant (such as clinker coolers, raw mills, finish mills, and materials handling operations) regardless of whether the plant has hazardous waste burning cement kilns.

[3] EPA Document Number 530–R–94–044, Office of Solid Waste and Emergency Response, November 1994.

[4] "Burning of Hazardous Waste in Boilers and Industrial Furnaces" (56 FR 7134, February 21, 1991). These groups include the Natural Resources Defense Council, Sierra Club, Environmental Technology Council, National Solid Waste Management Association, and a number of local citizens' groups.

limits[5] are calculated based on performance test conditions using specified procedures intended to ensure that the operating conditions (and by correlation the actual emissions) do not exceed performance test levels at any time. You must also install an automatic waste feed cutoff system that immediately stops the flow of hazardous waste feed to the combustor if a continuous emissions monitoring system records a value exceeding the standard or if an operating parameter limit is exceeded (considering the averaging period for the standard or operating parameter). The standards and operating parameter limits apply when hazardous waste is being fed or remains in the combustion chamber irrespective of whether you institute the corrective measures prescribed in the startup, shutdown, and malfunction plan.

E. What Subsequent Performance Testing Must Be Performed?

You must conduct comprehensive performance testing every five years. This testing regime is referred to as "subsequent performance testing." You must revise the operating parameter limits as necessary based on the levels achieved during the subsequent performance test. In addition, you must conduct confirmatory performance testing of dioxins/furans emissions under normal operating conditions midway between subsequent performance tests.

F. What Is the Time Line for Complying With This Rule?

The compliance date of the standards promulgated in today's rule is three years after the date of publication of the rule in the **Federal Register**, or September 30, 2002 (See CAA section 112(i)(3)(A) indicating that the Environmental Protection Agency (EPA) may establish a compliance date no later than three years from the date of promulgation.) A one-year extension of the compliance date may be requested if you cannot complete system retrofits by the compliance date despite a good faith effort to do so.[6] CAA section 112(i)(3)(B). Continuous emissions monitoring systems and other continuous monitoring systems for the specified operating parameters must be fully operational by the compliance date. You must demonstrate compliance by conducting a performance test no later than 6 months after the compliance date (i.e., three and one-half years from the date of publication of today's rule in the **Federal Register**).

To ensure timely compliance with the standards, by the compliance date you must place in the operating record a Documentation of Compliance identifying limits on the specified operating parameters you believe are necessary and sufficient to comply with the emission standards. These operating parameter limits (and the carbon monoxide or hydrocarbon standards monitored with continuous monitoring systems) are enforceable until you submit to the Administrator a Notification of Compliance within 90 days of completion of the performance test.

The Notification of Compliance must document: (1) Compliance with the emission standards during the performance test; (2) the revised operating parameter limits calculated from the performance test; and (3) conformance of the carbon monoxide or hydrocarbon continuous emissions monitoring systems and the other continuous monitoring systems with performance specifications. You must comply with the revised operating parameter limits upon submittal of the Notification of Compliance.

G. How Does This Rule Coordinate With the Existing RCRA Regulatory Program?

You must have a RCRA permit for stack air emissions (or RCRA interim status) until you demonstrate compliance with the MACT standards. You do so by conducting a comprehensive performance test and submitting a Notification of Compliance to the Administrator, as explained above.[7] Hazardous waste combustors with RCRA permits remain subject to RCRA stack air emission permit conditions until the RCRA permit is modified to delete those conditions. (As discussed later in more detail, we recommend requesting modification of the RCRA permit at the time you submit the Notification of Compliance.) Only those provisions of the RCRA permit that are less stringent than the MACT requirements specified in the Notification of Compliance will be approved for deletion.[8] Hazardous waste combustors still in interim status without a full RCRA permit are no longer subject to the RCRA stack air emissions standards for hazardous waste combustors in Subpart O of Part 265 and subpart H of part 266 once compliance with the MACT standards has been demonstrated and a Notification of Compliance has been submitted to the Administrator.

You must satisfy both sets of requirements during the relatively short period when both RCRA and MACT stack air emissions standards and associated requirements in the RCRA permit or in RCRA interim status regulations are effective.

You also may have existing site-specific permit conditions. On a case-by-case basis during RCRA permit issuance or renewal, we determine whether further regulatory control of emissions is needed to protect human health and the environment, notwithstanding compliance with existing regulatory standards. Additional conditions may be included in the permit in addition to those derived from the RCRA emission standards as necessary to ensure that facility operations are protective of human health and the environment. Any of these risk-based permit provisions more stringent than today's MACT standards (or that address other emission hazards) will remain in the RCRA permit.

After the MACT compliance date, hazardous waste combustors must continue to comply with the RCRA permit issuance process to address nonMACT provisions (*e.g.*, general facility standards) and potentially conduct a risk review under § 270.32(b)(2) to determine if additional requirements pertaining to stack or other emissions are warranted to ensure protection of human health and the environment.

III. What Is the Basis of Today's Rule?

As stated previously, this rule issues final National Emissions Standards for Hazardous Air Pollutants (NESHAPS) under authority of section 112 of the Clean Air Act for three source categories of combustors: Hazardous waste burning incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns. The main purposes of the CAA are to protect and enhance the quality of our Nation's

[5] The term "operating parameter limit" and "operating limit" have the same meaning and are used interchangeably in the preamble and rule language.

[6] In June 1998, we promulgated a rule to allow hazardous waste combustors also to request a one-year extension to the MACT compliance date in cases where additional time will be needed to install pollution prevention and waste minimization measures to significantly reduce the amount or toxicity of hazardous waste entering combustion feedstreams. See 63 FR at 43501 (June 19, 1998). This provision is recodified in today's rule as 40 CFR 63.1213.

[7] Hazardous waste combustors, of course, also continue to be subject to applicable RCRA requirements for all other aspects of their hazardous waste management activities that are separate from the requirements being deferred to the CAA by this rule.

[8] RCRA permit requirements that may be less stringent than applicable MACT standards are nonetheless enforceable until the RCRA permit is modified.

air resources, and to promote the public health and welfare and the productive capacity of the population. CAA section 101(b)(1). To this end, sections 112(a) and (d) of the CAA direct EPA to set standards for stationary sources emitting (or having the potential to emit) ten tons or greater of any one hazardous air pollutant or 25 tons or greater of total hazardous air pollutants annually. Such sources are referred to as "major sources."

Today's rule establishes MACT emission standards for the following hazardous air pollutants emitted by hazardous waste burning incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns: Chlorinated dioxins and furans, mercury, two semivolatile metals (lead and cadmium), three low volatility metals (arsenic, beryllium, and chromium), and hydrochloric acid/chlorine gas. This rule also establishes MACT control for the other hazardous air pollutants identified in CAA section 112(b)(1) through the adoption of standards using surrogates. For example, we adopt a standard for particulate matter as a surrogate to control five metals that do not have specific emission standards established in today's rule. These five metals are antimony, cobalt, manganese, nickel, and selenium. Also, we adopt standards for carbon monoxide, hydrocarbons, and destruction and removal efficiency to control the other organic hazardous air pollutants listed in section 112(b)(1) that do not have specific emission standards established in this rule.

Today's standards meet our commitment under the Hazardous Waste Minimization and Combustion Strategy, first announced in May 1993, to upgrade the emission standards for hazardous waste burning facilities. EPA's Strategy has eight goals: (1) Ensure public outreach and EPA-State coordination; (2) pursue aggressive use of waste minimization measures; (3) continue to ensure that combustion and alternative and innovative technologies are safe and effective; (4) develop and impose more rigorous controls on combustion facilities; (5) continue aggressive compliance and enforcement efforts; (6) enhance public involvement opportunities in the permitting process for combustion facilities; (7) give higher priority to permitting those facilities where a final permit decision would result in the greatest environmental benefit or the greatest reduction in risk; and (8) advance scientific understanding on combustion issues and risk assessment and ensure that permits are issued in a manner that provides proper protection of human health and the environment.

We have made significant progress in implementing the Strategy. Today's rule meets the Strategy goal of developing and implementing rigorous state-of-the-art safety controls on hazardous waste combustors by using the best available technologies and the most current science.[9] We also developed a software tool (*i.e.*, the Waste Minimization Prioritization Tool) that allows users to access relative persistent, bioaccumulative and toxic hazard scores for any of 2,900 chemicals that may be present in RCRA waste streams. We also committed to the reduction of the generation of the most persistent, bioaccumulative and toxic chemicals by 50 percent by 2005. To facilitate this reduction we are developing a list of the persistent, bioaccumulative and toxic chemicals of greatest concern and a plan for working with the regulated community to reduce these chemicals. In addition, we promulgated new requirements to enhance public involvement in the permitting process [10] and performed risk evaluations during the permitting process for high priority facilities. We also made allowances for one-year extensions to the MACT compliance period as incentives designed to promote the installation of cost-effective pollution prevention technologies to replace or supplement emission control technologies for meeting MACT standards.

Finally, with regard to the regulatory framework that will result from today's rule, we are eliminating the existing RCRA stack emissions national standards for hazardous waste incinerators, cement kilns, and lightweight aggregate kilns. That is, after submittal of the Notification of Compliance established by today's rule (and, where applicable, RCRA permit modifications at individual facilities), RCRA national stack emission standards will no longer apply to these hazardous waste combustors. We originally issued air emission standards under the authority of section 3004(a) of RCRA, which calls for EPA to promulgate standards "as may be necessary to protect human health and the environment." In light of today's new MACT standards, we have determined that RCRA emissions standards for these sources would only be duplicative and so are no longer necessary to protect human health and the environment. Under the authority of section 3004(a), it is appropriate to eliminate such duplicative standards.

Emission standards for hazardous waste burning incinerators and other sources burning hazardous wastes as fuel must be protective of human health and the environment under RCRA. We conducted a multipathway risk assessment to assess the ecological and human health risks that are projected to occur under the MACT standards. We have concluded that the MACT standards are generally protective of human health and the environment and that separate RCRA emission standards are not needed. Please see a full discussion of the national assessment of exposures and risk in Part VIII of this preamble.

Additionally, RCRA section 1006(b) directs EPA to integrate the provisions of RCRA for purposes of administration and enforcement and to avoid duplication, to the maximum extent practicable, with the appropriate provisions of the Clean Air Act and other federal statutes. This integration must be done in a way that is consistent with the goals and policies of these statutes. Therefore, section 1006(b) provides further authority for EPA to eliminate the existing RCRA stack emissions standards to avoid duplication with the new MACT standards. Nevertheless, under the authority of RCRA's "omnibus" clause (section 3005(c)(3); see 40 CFR 270.32(b)(2)), RCRA permit writers may still impose additional terms and conditions on a site-specific basis as may be necessary to protect human health and the environment.

IV. What Was the Rulemaking Process for Development of This Rule?

We proposed MACT standards for hazardous waste burning incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns on April 19, 1996. (61 FR 17358) In addition, we published five notices of data availability (NODAs):

1. August 23, 1996 (61 FR 43501), inviting comment on information pertaining to a peer review of three aspects of the proposed rule and information pertaining to the since-promulgated "Comparable Fuels" rule (see 63 FR 43501 (June 19, 1998));

2. January 7, 1997 (62 FR 960), inviting comment on an updated hazardous waste combustor data base containing the emissions and ancillary

[9] The three source categories covered by today's final rule burn more than 80 percent of the total amount of hazardous waste being combusted each year. The remaining 15–20 percent is burned in industrial boilers and other types of industrial furnaces, which will be addressed in a future NESHAPS rulemaking for hazardous waste burning sources.

[10] See 60 FR 63417 (December 11, 1995).

data that the Agency used to develop the final rule;

3. March 21, 1997 (62 FR 13775), inviting comment on our approach to demonstrate the technical feasibility of monitoring particulate matter emissions from hazardous waste combustors using continuous emissions monitoring systems;

4. May 2, 1997 (62 FR 24212), inviting comment on several topics including the status of establishing MACT standards for hazardous waste combustors using a revised emissions data base and the status of various implementation issues, including compliance dates, compliance requirements, performance testing, and notification and reporting requirements; and

5. December 30, 1997 (62 FR 67788), inviting comment on several status reports pertaining to particulate matter continuous emissions monitoring systems.

Finally, we have had many formal and informal meetings with stakeholders, representing an on-going dialogue on various aspects of the rulemaking.

We carefully considered information and comments submitted by stakeholders on these rulemaking actions and during meetings. We address their comments in our Response to Comments documents, which can be found in the public docket supporting this rulemaking. In addition, we addressed certain significant comments at appropriate places in this preamble.

Part Two: Which Devices Are Subject to Regulation?

I. Hazardous Waste Incinerators

Hazardous waste incinerators are enclosed, controlled flame combustion devices, as defined in 40 CFR 260.10. These devices may be fixed or transportable. Major incinerator designs used in the United States are rotary kilns, fluidized beds, liquid injection and fixed hearth, while newer designs and technologies are also coming into operation. Detailed descriptions of the designs, types of facilities and typical air pollution control devices were presented in the April 1996 NPRM and in the technical background document prepared to support the NPRM. (See 61 FR 17361, April 19, 1996.) In 1997, there were 149 hazardous waste incinerator facilities operating 189 individual units in the U.S. Of these 149 facilities, 20 facilities (26 units) were commercial hazardous waste incinerators, while the remaining 129 facilities (163 units) were on-site hazardous waste incinerators.

II. Hazardous Waste Burning Cement Kilns

Cement kilns are horizontally inclined rotating cylinders, lined with refractory-brick, and internally fired. Cement kilns are designed to calcine, or drive carbon dioxide out of, a blend of raw materials such as limestone, shale, clay, or sand to produce Portland cement. When combined with sand, gravel, water, and other materials, Portland cement forms concrete, a material used widely in many building and construction applications.

Generally, there are two different processes used to produce Portland cement: a wet process and a dry process. In the wet process, raw materials are ground, wetted, and fed into the kiln as a slurry. In the dry process, raw materials are ground and fed dry into the kiln. Wet process kilns are typically longer in length than dry process kilns to facilitate water evaporation from the slurried raw material. Dry kilns use less energy (heat) and also can use preheaters or precalciners to begin the calcining process before the raw materials are fed into the kiln.

A number of cement kilns burn hazardous waste-derived fuels to replace some or all of normal fossil fuels such as coal. Most kilns burn liquid waste; however, cement kilns also may burn bulk solids and small containers containing viscous or solid hazardous waste fuels. Containers are introduced either at the upper, raw material end of the kiln or at the midpoint of the kiln.

All existing hazardous waste burning cement kilns use particulate matter control devices. These cement plants either use fabric filters (baghouses) or electrostatic precipitators to control particulate matter.

In 1997, there were 18 Portland cement plants operating 38 hazardous waste burning kilns. Of these 38 kilns, 27 kilns use the wet process to manufacture cement and 11 kilns use the dry process. Of the dry process kilns, one kiln uses a preheater and another kiln used a preheater and precalciner. Detailed descriptions of the design types of facilities and typical air pollution control devices are presented in the technical background document.[11]

In developing standards, the Agency considered the appropriateness of distinguishing among the different types of cement kilns burning hazardous waste. We determined that distinguishing subcategories of hazardous waste burning cement kilns was not needed to develop uniform, achievable MACT standards. (See Part Four, Section VII of the preamble for a discussion of subcategory considerations.)

III. Hazardous Waste Burning Lightweight Aggregate Kilns

The term "lightweight aggregate" refers to a wide variety of raw materials (such as clay, shale, or slate) that, after thermal processing, can be combined with cement to form concrete products. Lightweight aggregate concrete is produced either for structural purposes or for thermal insulation purposes. A lightweight aggregate plant is typically composed of a quarry, a raw material preparation area, a kiln, a cooler, and a product storage area. The material is taken from the quarry to the raw material preparation area and from there is fed into the rotary kiln.

A rotary kiln consists of a long steel cylinder, lined internally with refractory bricks, which is capable of rotating about its axis and is inclined horizontally. The prepared raw material is fed into the kiln at the higher end, while firing takes place at the lower end. As the raw material is heated, it melts into a semiplastic state and begins to generate gases that serve as the bloating or expanding agent. As temperatures reach their maximum, the semiplastic raw material becomes viscous and entraps the expanding gases. This bloating action produces small, unconnected gas cells, which remain in the material after it cools and solidifies. The product exits the kiln and enters a section of the process where it is cooled with cold air and then conveyed to the discharge. Kiln operating parameters such as flame temperature, excess air, feed size, material flow, and speed of rotation vary from plant to plant and are determined by the characteristics of the raw material.

In 1997, there were five lightweight aggregate kiln facilities in the United States operating 10 hazardous waste-fired kilns. Detailed descriptions of the lightweight aggregate process and air pollution control techniques are presented in the technical support document.[12]

[11] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume I: Description of Source Categories," July 1999.

[12] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume I: Description of Source Categories," July 1999.

Part Three: How Were the National Emission Standards for Hazardous Air Pollutants (NESHAP) in This Rule Determined?

I. What Authority Does EPA Have To Develop a NESHAP?

The 1990 Amendments to the Clean Air Act (CAA) significantly revised the requirements for controlling emissions of hazardous air pollutants. EPA is required to develop a list of categories of major and area sources of the hazardous air pollutants identified in section 112 and to develop, over specified time periods, technology-based performance standards for sources of these hazardous air pollutants. See CAA sections 112(c) and 112(d). These source categories and subcategories are to be listed pursuant to section 112(c)(1). We published an initial list of 174 categories of such major and area sources in the **Federal Register** on July 16, 1992 (57 FR 31576), which was later amended at 61 FR 28197 (June 4, 1996) [13] and 63 FR 7155 (February 12, 1998). That list includes the Hazardous Waste Incineration, Portland Cement Manufacturing, and Clay Products Manufacturing source categories.

Promulgation of technology-based standards for these listed source categories is not necessarily the final step in the process. CAA section 112(f) requires the Agency to report to Congress on the estimated risk remaining after imposition of technology-based standards and make recommendations as to additional legislation needed to address such risk. If Congress does not act on any recommendation presented in this report, we are required to impose additional controls if such controls are needed to protect public health with an ample margin of safety or (taking into account costs, energy, safety, and other relevant factors) to prevent adverse environmental effects. In addition, if the technology-based standards for carcinogens do not reduce the lifetime excess cancer risk for the most exposed individual to less than one in a million (1×10^{-6}), then we must promulgate additional standards.

We prepared the Draft Residual Risk Report to Congress and announced its release on April 22, 1998 (63 FR 19914–19916). In that report, we did not propose any legislative recommendation to Congress. In section 4.2.4 of the report, we state that: "The legislative strategy embodied in the 1990 CAA Amendments adequately maintains the goal of protecting the public health and the environment and provides a complete strategy for dealing with a variety of risk problems. The strategy recognizes that not all problems are national problems or have a single solution. National emission standards will be promulgated to decrease the emissions of as many hazardous air pollutants as possible from major sources."

II. What Are the Procedures and Criteria for Development of NESHAPs?

A. Why Are NESHAPs Needed?

NESHAPs are developed to control hazardous air pollutant emissions from both new and existing sources. The statute requires a NESHAP to reflect the maximum degree of reduction of hazardous air pollutant emissions that is achievable taking into consideration the cost of achieving the emission reduction, any nonair quality health and environmental impacts, and energy requirements. NESHAPs are often referred to as maximum achievable control technology (or MACT) standards.

We are required to develop MACT emission standards based on performance of the best control technologies for categories or sub-categories of major sources of hazardous air pollutants. We also can establish lower thresholds for determining which sources are major where appropriate. In addition, we may require sources emitting particularly dangerous hazardous air pollutants such as particular dioxins and furans to control those pollutants under the MACT standards for major sources.

In addition, we regulate area sources by technology-based standards if we find that these sources (individually or in the aggregate) present a threat of adverse effects to human health or the environment warranting regulation. After such a determination, we have a further choice whether to require technology-based standards based on MACT or on generally achievable control technology.

B. What Is a MACT Floor?

The CAA directs EPA to establish minimum emission standards, usually referred to as MACT floors. For existing sources in a category or subcategory with 30 or more sources, the MACT floor cannot be less stringent than the "average emission limitation achieved by the best performing 12 percent of the existing sources. * * *" For existing sources in a category or subcategory with less than 30 sources, the MACT floor cannot be less stringent than the "average emission limitation achieved by the best performing 5 sources. * * *" For new sources, the MACT floor cannot be "less stringent than the emission control that is achieved by the best controlled similar source. * * *"

We must consider in a NESHAP rulemaking whether to develop standards that are more stringent than the floor, which are referred to as "beyond-the-floor" standards. To do so, we must consider statutory criteria, such as the cost of achieving emission reduction, cost effectiveness, energy requirements, and nonair environmental implications.

Section 112(d)(2) specifies that emission reductions may be accomplished through the application of measures, processes, methods, systems, or techniques, including, but not limited to: (1) Reducing the volume of, or eliminating emissions of, such pollutants through process changes, substitution of materials, or other modifications; (2) enclosing systems or processes to eliminate emissions; (3) collecting, capturing, or treating such pollutants when released from a process, stack, storage, or fugitive emissions point; (4) design, equipment, work practice, or operational standards (including requirements for operator training or certification); or (5) any combination of the above. See section 112(d)(2).

Application of techniques (1) and (2) are consistent with the definitions of pollution prevention under the Pollution Prevention Act and the definition of waste minimization under RCRA. In addition, these definitions are in harmony with our Hazardous Waste Minimization and Combustion Strategy. These terms have particular applicability in the discussion of pollution prevention/waste minimization incentives, which were finalized at 63 FR 33782 (June 19, 1998) and which are summarized in the permitting and compliance sections of this final rule.

C. How Are NESHAPs Developed?

To develop a NESHAP, we compile available information and in some cases collect additional information about the industry, including information on emission source quantities, types and characteristics of hazardous air pollutants, pollution control technologies, data from emissions tests (e.g., compliance tests, trial burn tests) at controlled and uncontrolled facilities, and information on the costs and other energy and environmental impacts of emission control techniques. We use this information in analyzing and developing possible regulatory

[13] A subsequent Notice was published on July 18, 1996 (61 FR 37542) which corrected typographical errors in the June 4, 1996 Notice.

approaches. Of course, we are not always able to assemble the same amount of information per industry and typically base the NESHAP on information practically available.

NESHAPs are normally structured in terms of numerical emission limits. However, alternative approaches are sometimes necessary and appropriate. Section 112(h) authorizes the Administrator to promulgate a design, equipment, work practice, or operational standard, or a standard that is a combination of these alternatives.

III. How Are Area Sources and Research, Development, and Demonstration Sources Treated in This Rule?

A. Positive Area Source Finding for Hazardous Waste Combustors

1. How Are Area Sources Treated in This Rule?

In today's final rule, we make a positive area source finding pursuant to CAA section 112(c)(3) for hazardous waste burning incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns. This rule subjects both major and area sources in these three source categories to the same standards—the section 112(d) MACT standards. We make this positive area source determination because emissions from area sources subject to today's rule present a threat of adverse effects to human health and the environment. These threats warrant regulation under the section 112 MACT standards.

2. What Is an Area Source?

Area sources are sources emitting (or having the potential to emit) less than 10 tons per year of an individual hazardous air pollutant, and less than 25 tons per year of hazardous air pollutants in the aggregate. These sources may be regulated under MACT standards if we find that the sources "presen[t] a threat of adverse effects to human health or the environment (by such sources individually or in the aggregate) warranting regulation under this section." Section 112(c)(3).

As part of our analysis, we estimate that all hazardous waste burning lightweight aggregate kilns are major sources, principally due to their hydrochloric acid emissions. We also estimate that approximately 80 percent of hazardous waste burning cement kilns are major sources, again due to hydrochloric acid emissions. Only approximately 30 percent of hazardous waste burning incinerators appear to be major sources, considering only the stack emissions from the incinerator. However, major and area source status is determined by the entire facility's hazardous air pollutant emissions, so that many on-site hazardous waste incinerators are major sources because they are but one contributing source of emissions among others (sometimes many others at large manufacturing complexes) at the same facility.

3. What Is the Basis for Today's Positive Area Source Finding?

The consequences of us not making a positive area source finding in this rule would result in an undesirable bifurcated regulation. First, the CAA provides independent authority to regulate certain hazardous air pollutant emissions under MACT standards, even if the emissions are from area sources. These are the hazardous air pollutants enumerated in section 112(c)(6), and include 2,3,7,8 dichlorobenzo-p-dioxins and furans, mercury, and some specific polycyclic organic hazardous air pollutants—hazardous air pollutants regulated under this rule. See 62 FR at 24213–24214. Thus, all sources covered by today's rule would have to control these hazardous air pollutants to MACT levels, even if we were not to make a positive area source determination. Second, because all hazardous air pollutants are fully regulated under RCRA, area source hazardous waste combustors would have not only a full RCRA permit, but also (as just explained) a CAA title V permit for the section 112(c)(6) hazardous air pollutants. One purpose of this rule is to avoid the administrative burden to sources resulting from this type of dual permitting, and these burdensome consequences of not making a positive area source finding have influenced our decision that area source hazardous waste combustors "warrant regulation" under section 112(d)(2).

a. Health and Environmental Factors. Our positive area source finding is based on the threats presented by emissions of hazardous air pollutants from area sources. We find that these threats warrant regulation under the MACT standards given the evident Congressional intent for uniform regulation of hazardous waste combustion sources, as well as the common emission characteristics of these sources and amenability to the same emission control mechanisms.

As discussed in both the April 1996 proposal and May 1997 NODA, all hazardous waste combustion sources, including those that may be area sources, have the potential to pose a threat of adverse effects to human health or the environment, although some commenters disagree with this point. These sources emit some of the most toxic, bioaccumulative and persistent hazardous air pollutants—among them dioxins, furans, mercury, and organic hazardous air pollutants. As discussed in these **Federal Register** notices and elsewhere in today's final rule, potential hazardous waste combustor area sources can be significant contributors to national emissions of these hazardous air pollutants. (See 62 FR 17365 and 62 FR 24213.)

Our positive area source finding also is based on the threat posed by products of incomplete combustion. The risks posed by these hazardous air pollutants cannot be directly quantified on a national basis, because each unit emits different products of incomplete combustion in different concentrations. However, among the products of incomplete combustion emitted from these sources are potential carcinogens.[14] The potential threat posed by emissions of these hazardous air pollutants is manifest and, for several reasons, we do not believe that control of these products of incomplete combustion should be left to the RCRA omnibus permitting process. First, we are minimizing the administrative burden on sources from duplicative permitting in this rule by minimizing the extent of RCRA permitting and hence minimizing our reliance on the omnibus process. Second, we are dealing with hazardous air pollutant emissions from these sources on a national rather than a case-by-case basis. We conclude that the control of products of incomplete combustion from all hazardous waste combustors through state-of-the art organic pollution control is the best way to do so from an implementation standpoint. Finally, a basic premise of the CAA is that there are so many uncertainties and difficulties in developing effective risk-based regulation of hazardous air pollutants that the first step should be technology-based standards based on Maximum Available Control Technology. See generally S. Rep. No. 228, 101st Cong. 1st Sess. 128–32 (1990). The positive area source finding and consequent MACT controls is consistent with this primary legislative objective.

The quantitative risk assessment for the final rule did not find risk from

[14] *E.g.*, benzene, methylene chloride, hexachlorobenzene, carbon tetrachloride, vinal chloride, benzo(a)pyrene, and chlorinated dioxins and furans. Energy and Environmental Research Corp., surrogate Evaluation for Thermal Treatment Systems, Draft Report, October 1994. Also see: USEPA, "Final technical Support Document for HWC MACT Standards, Volume III: Section of MACT Standards and Technologies," July 1999.

mercury emissions from hazardous waste burning area source cement kilns to be above levels we generally consider acceptable. However, the uncertainties underlying the analysis are such that only qualitative judgments can be made. We do not believe our analysis can be relied upon to make a definitive quantitative finding about the precise magnitude of the risk. See Part Five, Section XIII for a discussion of uncertainty. Background exposures, which can be quite variable, were not considered in the quantitative assessment and are likely to increase the risk from incremental exposures to mercury from area source cement kilns. Commenters, on the other hand, believed that cement kilns did not pose significant risk and questioned our risk estimates made in the April 1996 NPRM and May 1997 NODA. However, taking into account the uncertainty of our mercury analysis and the likelihood of background exposures, a potential for risk from mercury may exist. Furthermore, the information available concerning the adverse human health effects of mercury, along with the magnitude of the emissions of mercury from area source cement kilns, also indicate that a threat of adverse effects is presumptive and that a positive area source finding is warranted.

b. Other Reasons Warranting Regulation under Section 112. Other special factors indicate that MACT standards are warranted for these sources.

The first reason is Congress's, our, and the public's strong preference for similar, if not identical, regulation of all hazardous waste combustors. Area sources are currently regulated uniformly under RCRA, with no distinction being made between smaller and larger emitters. This same desire for uniformity is reflected in the CAA. CAA section 112(n)(7) directs the Agency, in its regulation of HWCs under RCRA, to "take into account any regulations of such emissions which are promulgated under such subtitle (*i.e.*, RCRA) and shall, to the maximum extent practicable and consistent with the provisions of this section, ensure that the requirements of such subtitle and this section are consistent." Congress also dealt with these sources as a single class by excluding hazardous waste combustion units regulated by RCRA permits from regulation as municipal waste combustors under CAA section 129(g)(1). Thus, a strong framework in both statutes indicates that air emissions from all hazardous waste combustors should be regulated under a uniform approach. Failure to adopt such a uniform approach would therefore be inconsistent with Congressional intent as expressed in both the language and the structure of RCRA and the CAA. Although many disagree, several commenters support the approach to apply uniform regulations for all hazardous waste combustors and assert that it is therefore appropriate and necessary to make the positive area source finding.

Second, a significant number of hazardous waste combustors could plausibly qualify as area sources by the compliance date through emissions reductions of one or more less dangerous hazardous air pollutants, such as total chlorine. We conclude it would be inappropriate to exclude from CAA 112(d) regulation and title V permitting a significant portion of the sources contributing to hazardous air pollutant emissions, particularly nondioxin products of incomplete combustion should this occur.

Third, the MACT controls identified for major sources are reasonable and appropriate for potential area sources. The emissions control equipment (and where applicable, feedrate control) defined as floor or beyond-the-floor control for each source category is appropriate and can be installed and operated at potential area sources. There is nothing unique about the types and concentrations of emissions of hazardous air pollutants from any class of hazardous waste combustors that would make MACT controls inappropriate for that particular class of hazardous waste combustors, but not the others. Commenters also raised the issue of applying generally available control technologies (GACT), in lieu of MACT, to area sources. Consideration of GACT lead us to the conclusion that GACT would likely involve the same types and levels of control as we identified for MACT. We believe GACT would be the same as MACT because the standards of this rule, based on MACT, are readily achievable, and therefore would also be determined to be generally achievable, *i.e.*, GACT.

Finally, we note that the determination here is unique to these RCRA sources, and should not be viewed as precedential for other CAA sources. In the language of the statute, there are special reasons that these RCRA sources warrant regulation under section 112(d)(2)—and so warrant a positive area source finding—that are not present for usual CAA sources. These reasons are discussed above—the Congressional desire for uniform regulation and our desire (consistent with this Congressional objective) to avoid duplicative permitting of these sources wherever possible. We repeat, however, that the positive area source determination here is not meant as a precedent outside the dual RCRA/CAA context.

B. How Are Research, Development, and Demonstration (RD&D) Sources Treated in This Rule?

Today's rule excludes research, development, and demonstration sources from the hazardous waste burning incinerator, cement kiln, and lightweight aggregate kiln source categories. We discuss below the statutory mandate to give special consideration to research and development (R&D) sources, an Advanced Notice of Proposed Rulemaking to list R&D facilities that we published in 1997, and qualifications for exclusion of R&D sources from the hazardous waste combustor source categories.

1. Why Does the CAA Give Special Consideration to Research and Development (R&D) Sources?

Section 112(c)(7) of the Clean Air Act requires EPA to "establish a separate category covering research or laboratory facilities, as necessary to assure the equitable treatment of such facilities." Congress included such language in the Act because it was concerned that research and laboratory facilities should not arbitrarily be included in regulations that cover manufacturing operations. The Act defines a research or laboratory facility as "any stationary source whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for commercial sale in commerce, except in a *de minimis* manner."

We interpret the Act as requiring the listing of R&D major sources as a separate category to ensure equitable treatment of such facilities. Language in the Act specifying special treatment of R&D facilities (section 112(c)(7)), along with language in the legislative history of the Act, suggests that Congress considered it inequitable to subject the R&D facilities of an industry to a standard designed for the commercial production processes of that industry. The application of such a standard may be inappropriate because the wide range of operations and sizes of R&D facilities. Further, the frequent changes in R&D operations may be significantly different from the typically large and continuous production processes.

We have no information indicating that there are R&D sources, major or

area, that are required to be listed and regulated, other than those associated with sources already included in listed source categories listed today. Although we are not aware of other R&D sources that need to be added to the source category list, such sources may exist, and we requested information about them in an Advance Notice of Proposed Rulemaking, as discussed in the next section.

2. When Did EPA Notice Its Intent To List R&D Facilities?

In May 1997 (62 FR 25877), we provided advanced notice that we were considering whether to list R&D facilities. We requested public comments and information on the best way to list and regulate such sources. Comment letters were received from industry, academic representatives, and governmental entities. After we compile additional data, we will respond to these comments in that separate docket. As a result we are not deciding how to address the issue in today's rule. The summary of comments and responses will be one part of the basis for our future decision whether to list R&D facilities as a source category of hazardous air pollutants.

3. What Requirements Apply to Research, Development, and Demonstration Hazardous Waste Combustor Sources?

This rule excludes research, development, and demonstration sources from the hazardous waste incinerator, cement kiln, or lightweight aggregate kiln source categories and therefore from compliance with today's regulations. We are excluding research, development, and demonstration sources from those source categories because the emission standards and compliance assurance requirements for those source categories may not be appropriate. The operations and size of a research, development, and demonstration source may be significantly different from the typical hazardous waste incinerator that is providing ongoing waste treatment service or hazardous waste cement kiln or hazardous waste lightweight aggregate kiln that is producing a commercial product as well as providing ongoing waste treatment.

We also are applying the exclusion to demonstration sources because demonstration sources are operated more like research and development sources than production sources. Thus, the standards and requirements finalized today for production sources may not be appropriate for demonstration sources. Including demonstration sources in the exclusion is consistent with our current regulations for hazardous waste management facilities. See § 270.65 providing opportunity for special operating permits for research, development, and demonstration sources that use an innovative and experimental hazardous waste treatment technology or process.

To ensure that research, development, and demonstration sources are distinguished from production sources, we have drawn from the language in section 112(c)(7) to define a research, development, and demonstration source. Specifically, these are sources engaged in laboratory, pilot plant, or prototype demonstration operations: (1) Whose primary purpose is to conduct research, development, or short-term demonstration of an innovative and experimental hazardous waste treatment technology or process; and (2) where the operations are under the close supervision of technically-trained personnel.[15]

In addition, today's rule limits the exclusion to research, development, and demonstration sources that operate for not longer than one year after first processing hazardous waste, unless the Administrator grants a time extension based on documentation that additional time is needed to perform research development, and demonstration operations. We believe that this time restriction will help distinguish between research, development, and demonstration sources and production sources. This time restriction draws from the one-year time restriction (unless extended on a case-by-case basis) currently applicable to hazardous waste research, development, and demonstration sources under § 270.65.

The exclusion of research, development, and demonstration sources applies regardless of whether the sources are located at the same site as a production hazardous waste combustor that is subject to the MACT standards finalized today. A research, development, and demonstration source that is co-located at a site with a production source still qualifies for the exclusion. A research, development, and demonstration source co-located with a production source is nonetheless expected to experience the type and range of operations and be of the size typical for other research, development, and demonstration sources.

Finally, hazardous waste research, development, and demonstration sources remain subject to RCRA permit requirements under § 270.65, which direct the Administrator to establish permit terms and conditions that will assure protection of human health and the environment.

Although we did not propose this exclusion specifically for hazardous waste combustor research, development, and demonstration sources, the exclusion is an outgrowth of the May 1997 notice discussed above. In that notice we explain that we interpret the CAA as requiring the listing of research and development major sources as a separate category to ensure equitable treatment of such facilities. A commenter on the April 1996 hazardous waste combustor NPRM questioned whether we intended to apply the proposed regulations to research and development sources. We did not have that intent, and in response are finalizing today an exclusion of research, development, and demonstration sources from the hazardous waste incinerator, hazardous waste burning cement kiln, and hazardous waste burning lightweight aggregate kiln source categories.

IV. How Is RCRA's Site-Specific Risk Assessment Decision Process Impacted by This Rule?

RCRA Sections 3004(a) and (q) mandate that standards governing the operation of hazardous waste combustion facilities be protective of human health and the environment. To meet this mandate, we developed national combustion standards under RCRA, taking into account the potential risk posed by direct inhalation of the emissions from these sources.[16] With advancements in the assessment of risk since promulgation of the original national standards (*i.e.*, 1981 for incinerators and 1991 for boilers and industrial furnaces), we recognized in the 1993 Hazardous Waste Minimization and Combustion Strategy that additional risk analysis was appropriate. Specifically, we noted that the risk posed by indirect exposure (e.g., ingestion of contamination in the food chain) to long-term deposition of metals,

[15] The statute also qualifies that research and development sources do not engage in the manufacture of products for commercial sale except in a *de minimis* manner. Although this qualification is appropriate for research and development sources, engaged in short-term demonstration of an innovative or experimental treatment technology or process may produce products for use in commerce. For example, a cement kiln engaged in a short-term demonstration of an innovative process may nonetheless produce marketable clinker in other than *de minimis* quantities. Consequently, we are not including this qualification in the definition of a research, development, and demonstration source.

[16] See No CFR part 264, subpart O for incinerator standards and 40 CFR part 266, subpart H for BIF standards.

dioxin/furans and other organic compounds onto soils and surface waters should be assessed in addition to the risk posed by direct inhalation exposure to these contaminants. We also recognized that the national assessments performed in support of the original hazardous waste combustor standards did not take into account unique and site-specific considerations which might influence the risk posed by a particular source. Therefore, to ensure the RCRA mandate was met on a facility-specific level for all hazardous waste combustors, we strongly recommended in the Strategy that site-specific risk assessments (SSRAs), including evaluations of risk resulting from both direct and indirect exposure pathways, be conducted as part of the RCRA permitting process. In those situations where the results of a SSRA showed that a facility's operations could pose an unacceptable risk (even after compliance with the RCRA national regulatory standards), additional risk-based, site-specific permit conditions could be imposed pursuant to RCRA's omnibus authority (section 3005(c)(3)).

Today's MACT standards were developed pursuant to section 112(d) of the CAA, which does not require a concurrent risk evaluation of those standards. To determine if the MACT standards would satisfy the RCRA protectiveness mandate in addition to the requirements of the CAA, we conducted a national RCRA evaluation of both direct and indirect risk as part of this rulemaking. If we found the MACT standards to be sufficiently protective so as to meet the RCRA mandate as well, we could consider modifying our general recommendation that SSRAs be conducted for all hazardous waste combustors, thereby lessening the regulatory burden to both permitting authorities and facilities.

In this section, we discuss: The applicability of both the RCRA omnibus authority and the SSRA policy to hazardous waste combustors subject to today's rulemaking; the implementation of the SSRA policy; the relationship of the SSRA policy to the residual risk requirement of section 112(f) of the CAA; and public comments received on these topics. A discussion of the national risk characterization methodology and results is provided in Part Five, Section XIII of today's notice.

A. What Is the RCRA Omnibus Authority?

Section 3005(c)(3) of RCRA (codified at 40 CFR 270.32(b)(2)) requires that each hazardous waste facility permit contain the terms and conditions necessary to protect human health and the environment. This provision is commonly referred to as the "omnibus authority" or "omnibus provision." It is the means by which additional site-specific permit conditions may be incorporated into RCRA permits should such conditions be necessary to protect human health and the environment.[17] SSRAs have come to be used by permitting authorities as a quantitative basis for making omnibus determinations for hazardous waste combustors.

In the April 1996 NPRM and May 1997 NODA, we discussed the RCRA omnibus provision and its relation to the new MACT standards. Commenters question whether the MACT standards supersede the omnibus authority with respect to hazardous waste combustor air emissions. Other commenters agree in principle with the continued applicability of the omnibus authority after promulgation of the MACT standards. These commenters recognize that there may be unique conditions at a given site that may warrant additional controls to those specified in today's notice. For those sources, the commenters acknowledge that permit writers must retain the legal authority to place additional operating limitations in a source's permit.

As noted above, the omnibus provision is a RCRA statutory requirement and does not have a CAA counterpart. The CAA does not override RCRA. Each statute continues to apply to hazardous waste combustors unless we determine there is duplication and use the RCRA section 1006(b) deferral authority to create a specific regulatory exemption.[18] Promulgation of the MACT standards, therefore, does not duplicate, supersede, or otherwise modify the omnibus provision or its applicability to sources subject to today's rulemaking. As indicated in the April 1996 NPRM, a RCRA permitting authority (such as a state agency) has the responsibility to supplement the national MACT standards as necessary, on a site-specific basis, to ensure adequate protection under RCRA. We recognize that this could result in a situation in which a source may be subject to emission standards and operating conditions under two regulatory authorities (*i.e.*, CAA and RCRA). Although our intent, consistent with the integration provision of RCRA section 1006(b), is to avoid regulatory duplication to the maximum extent practicable, we may not eliminate RCRA requirements if a source's emissions are not protective of human health and the environment when complying with the MACT standards.[19]

B. How Will the SSPA Policy Be Applied and Implemented in Light of This Mandate?

1. Is There a Continuing Need for Site-Specific Risk Assessments?

As stated previously, EPA's Hazardous Waste Minimization and Combustion Strategy recommended that SSRAs be conducted as part of the RCRA permitting process for hazardous waste combustors where necessary to protect human health and the environment. We intended to reevaluate this policy once the national hazardous waste combustion standards had been updated. We view today's MACT standards as more stringent than those earlier standards for incinerators, cement kilns and lightweight aggregate kilns. To determine if the MACT standards as proposed in the April 1996 NPRM would satisfy the RCRA mandate to protect human health and the environment, we conducted a national evaluation of both human health and ecological risk. That evaluation, however, did not quantitatively assess the proposed standards with respect to mercury and nondioxin products of incomplete combustion. This was due to a lack of adequate information regarding the behavior of mercury in the environment and a lack of sufficient emissions data and parameter values (*e.g.*, bioaccumulation values) for nondioxin products of incomplete combustion. Since it was not possible to suitably evaluate the proposed standards for the potential risk posed by mercury and nondioxin products of incomplete combustion, we elected in the April 1996 NPRM to continue recommending that SSRAs be conducted as part of the permitting process until we could conduct a further assessment once final MACT standards are promulgated and implemented.

Although some commenters agree with this approach, a number of other commenters question the necessity of a quantitative nondioxin product of incomplete combustion assessment to demonstrate RCRA protectiveness of the MACT standards. These commenters

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[17] The risk-based permit conditions are in addition to those conditions required by the RCRA national regulatory standards for hazardous waste combustors (*e.g.*, general facility requirements).

[18] The risk-based permit conditions are in addition to those conditions required by the RCRA national regulatory standards for hazardous waste combustors (*e.g.*, general facility requirements).

[19] RCRA section 1006(b) authorizes deferral of RCRA provisions to other EPA-implemented authorities provided, among other things, that key RCRA policies and protections are not sacrificed. See *Chemical Waste Management* v. *EPA*, 976 F. 2d 2, 23, 25 (D.C. Cir. 1992).

assert that existing site-specific assessments demonstrate that emissions of nondioxin products of incomplete combustion are unlikely to produce significant adverse human health effects. However, we do not agree that sufficient SSRA information exists to conclude that emissions from these compounds are unlikely to produce significant adverse effects on human health and the environment on a national basis. First, only a limited number of completed SSRAs are available from which broader conclusions can be drawn. Second, nondioxin products of incomplete combustion emissions can vary widely depending on the type of combustion unit, hazardous waste feed and air pollution control device used. Third, a significant amount of uncertainty exists with respect to identifying and quantifying these compounds. Many nondioxin products of incomplete combustion cannot be characterized by standard analytical methodologies and are unaccounted for by standard emissions testing.[20] (On a site-specific basis, uncharacterized nondioxin products of incomplete combustion are typically addressed by evaluating the total organic emissions.) Fourth, nondioxin products of incomplete combustion can significantly contribute to the overall risk posed by a particular facility. For example, in the Waste Technologies Industries incinerator's SSRA, nondioxin organics were estimated to contribute approximately 30% of the total cancer risk to the most sensitive receptor located in the nearest subarea to the facility.[21] Fifth, national risk management decisions concerning the protectiveness of the MACT standards must be based on data that are representative of the hazardous waste combustors subject to today's rulemaking. We do not believe that the information afforded by the limited number of SSRAs now available is sufficiently complete or representative to render a national decision.[22]

Some commenters recommend discontinuing conducting SSRAs altogether. Other commenters, however, advocate continuing to conduct SSRAs, where warranted, as a means of addressing uncertainties inherent in the national risk evaluation and of addressing unique, site-specific circumstances not considered in the assessment.

In developing the national risk assessment for the final MAC standards, we expanded our original analysis to include a quantitative assessment of mercury patterned after the recently published Mercury Study Report to Congress.[23] We were unable to perform a similar assessment of nondioxin products of incomplete combustion emissions because of continuing data limitations for these compounds, despite efforts to collect additional data since publication of the April 1996 NPRM . Thus, we conclude that sufficient data are not available to quantitatively assess the potential risk from these constituents on a national level as part of today's rulemaking.

Given the results of the final national risk assessment for other hazardous air pollutants, we generally anticipate that sources complying with the MACT standards will not pose an unacceptable risk to human health or the environment. However, we cannot make a definitive finding in this regard for all hazardous waste combustors subject to today's MACT standards for the reasons discussed.

First, as discussed above, the national risk evaluation did not include an assessment of the risk posed by nondioxin products of incomplete combustion. As reflected in the Waste Technologies Industries SSRA, these compounds can significantly contribute to the overall risk posed by a hazardous waste combustor. Without a quantitative evaluation of these compounds, we cannot reliably predict whether the additional risk contributed by nondioxin products of incomplete combustion would or would not result in an unacceptable increase in the overall risk posed by hazardous waste combustors nationally.

Second, the quantitative mercury risk analysis conducted for today's rulemaking contains significant uncertainties. These uncertainties limit the use of the analysis for drawing quantitative conclusions regarding the risks associated with the national mercury MACT standard. Among others, the uncertainties include an incomplete understanding of the fate and transport of mercury in the environment and the biological significance of exposures to mercury in fish. (See Part Five, Section XIII.) Given these uncertainties, we believe that conducting a SSRA, which will assist a permit writer to reduce uncertainty on a site-specific basis, may be still warranted in some cases.[24] As the science regarding mercury fate and transport in the environment and exposure improves, and greater certainty is achieved in the future, we may be in a better position from which to draw national risk management conclusions regarding mercury risk.

Third, we agree with commenters who indicated that, by its very nature, the national risk assessment, while comprehensive, cannot address unique, site-specific risk considerations.[25] As a result of these considerations, a separate analysis or "risk check" may be necessary to verify that the MACT standards will be adequately protective under RCRA for a given hazardous waste combustor.

Thus, we are recommending that for hazardous waste combustors subject to the Phase I final MACT standards, permitting authorities should evaluate the need for a SSRA on a case-by-case basis.[26] SSRAs are not anticipated to be necessary for every facility, but should be conducted for facilities where there is some reason to believe that operation

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[20] USEPA, "Development of a Hazardous Waste Incinerator Target Analyte List of Products of Incomplete Combustion" EPA–600/R–98–076. 1998.

[21] The total cancer risk for this receptor was 1 x 10E–6. The results derived for the Waste Technologies Industries incinerator's SSRA are a combination of measurements and conservative estimates of stack and fugitive emissions, which were developed in tandem with an independent external peer review. USEPA, "Risk Assessment for the Waste Technologies Industries Hazardous Waste Incineration Facility (East Livepool, Ohio)" EPA–905–R97–002.

[22] Since publication of the April 1996 NPRM, we have expanded our national risk evaluation of the other hazardous waste combustor emissions (*e.g.*, metals) from 11 facilities to 76 facilities assessed for today's final rulemaking. The 76 facilities were selected using a stratified random sampling approach that allowed for a 90 percent probability of including at least one "high risk" facility. However, this larger set of facility assessments does not include an evaluation nondioxin products of incomplete combustion. See Part Five, Section XIII for further discussion.

[23] USEPA, "Mercury Study Report to Congress, Volume III: Fate and Transport of Mercury in the Environment," EPA 452/R–97–005, December 1997.

[24] An example of the possible reduction in uncertainty which may be derived through the performance of a SSRA includes the degree of conversion of mercury to methyl mercury in water bodies. Due to the wide range of chemical and physical properties associated with surface water bodies, there appears to be a great deal of variability concerning mercury methylation. In conducting a SSRA, a risk assessor may choose to use a default value to represent the percentage of mercury assumed to convert to methyl mercury. Conversely, the risk assessor may choose to reduce the uncertainty in the analysis by deriving a site-specific value using actual surface water data. Chemical and physical properties that may influence mercury methylation include, but are not limited to: dissolved oxygen content, pH, dissolved organic content, salinity, nutrient concentrations, and temperature. See USEPA, "Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities," EPA–530–D–98–001A, External Peer Review Draft, 1998.

[25] Including for example, unusual terrain or dispersion features, particularly sensitive ecosystems, unusually high contaminant background concentrations, and mercury methylation rates in surface water.

[26] We continue to recommend that for those HWCs not subject to the Phase I final MACT standards, as SSRA should be conducted as part of the RCRA permitting process.

in accordance with the MACT standards alone may not be protective of human health and the environment. If a SSRA does demonstrate that operation in accordance with the MACT standards may not be protective of human health and the environment, permitting authorities may require additional conditions as necessary. We consider this an appropriate course of action to ensure protection of human health and the environment under RCRA, given current limits to our scientific knowledge and risk assessment tools.

2. How Will the SSRA Policy Be Implemented?

Some commenters suggest that EPA provide regulatory language specifically requiring SSRAs. Adequate authority and direction already exists to require SSRAs on a case-by-case basis through current regulations and guidance (none of which are being reconsidered, revised or otherwise reopened in today's rulemaking). The omnibus provision (codified in 40 CFR 270.32(b)(2)) directs the RCRA permitting authority to include terms and conditions in the RCRA permit as necessary to ensure protection of human health and the environment. Under 40 CFR 270.10(k), the permitting authority may require a permittee or permit applicant to submit information where the permitting authority has reason to believe that additional permit conditions may be warranted under § 270.32(b)(2). Performance of a SSRA is a primary, although not exclusive mechanism by which the permitting authority may develop the information necessary to make the determination regarding what, if any, additional permit conditions are needed for a particular hazardous waste combustor. Thus, for hazardous waste combustors, the information required to establish permit conditions could include a SSRA, or the necessary information required to conduct a SSRA.

In 1994, we provided guidance concerning the appropriate methodologies for conducting hazardous waste combustor SSRAs.[27] This guidance was updated in 1998 and released for publication as an external peer review draft.[28] We anticipate that use of the updated and more detailed guidance will result in a more standardized assessments for hazardous waste combustors.

To implement the RCRA SSRA policy, we expect permitting authorities to continue evaluating the need for an individual hazardous waste combustor risk assessment on a case-by-case basis. We provided a list of qualitative guiding factors in the April 1996 NPRM to assist in this determination. One commenter is concerned that the subjectivity inherent in the list of guiding factors might lead to inconsistencies when determining if a SSRA is necessary and suggested that we provide additional guidance on how the factors should be used. We continue to believe that the factors provided, although qualitative, generally are relevant to the risk potential of hazardous waste combustors and therefore should be considered when deciding whether or not a SSRA is necessary. However, as a practical matter, the complexity of the multipathway risk assessment methodology precludes conversion of these qualitative factors into more definitive criteria. We will continue to compile data from SSRAs to determine if there are any trends which would assist in developing more quantitative or objective criteria for deciding on the need for a SSRA at any given site. In the interim, SSRAs provide the most credible basis for comparisons between risk-based emission limits and the MACT standards.

The commenter further suggests that EPA emphasize that the factors should be considered collectively due to their complex interplay (*e.g.*, exposure is dependent on fate and transport which is dependent on facility characteristics, terrain, meteorological conditions, etc.). We agree with the commenter. The elements comprising multipathway risk assessments are highly integrated. Thus, the considerations used in determining if a SSRA is necessary are similarly interconnected and should be evaluated collectively.

The guiding factors as presented in the April 1996 NPRM contained several references to the proposed MACT standards. As a result, we modified and updated the list to reflect promulgation of the final standards and to re-focus the factors to specifically address the types of considerations inherent in determining if a SSRA is necessary. The revised guiding factors are: (1) Particular site-specific considerations such as proximity to receptors, unique dispersion patterns, *etc.;* (2) identities and quantities of nondioxin products of incomplete combustion most likely to be emitted and to pose significant risk based on known toxicities (confirmation of which should be made through emissions testing); (3) presence or absence of other off-site sources of pollutants in sufficient proximity so as to significantly influence interpretation of a facility-specific risk assessment; (4) presence or absence of significant ecological considerations, such as high background levels of a particular contaminant or proximity of a particularly sensitive ecological area; (5) volume and types of wastes being burned, for example wastes containing highly toxic constituents both from an acute and chronic perspective; (6) proximity of schools, hospitals, nursing homes, day care centers, parks, community activity centers that would indicate the presence of potentially sensitive receptors; (7) presence or absence of other on-site sources of hazardous air pollutants so as to significantly influence interpretation of the risk posed by the operation of the source in question; and (8) concerns raised by the public. The above list of qualitative guiding factors is not intended to be all-inclusive; we recognize that there may be other factors equally relevant to the decision of whether or not a SSRA is warranted in particular situations.

With respect to existing hazardous waste combustion sources, we do not anticipate a large number of SSRAs will need to be performed after the compliance date of the MACT standards. SSRAs already have been initiated for many of these sources. We strongly encourage facilities and permitting authorities to ensure that the majority of those risk assessments planned or currently in progress be completed prior to the compliance date of the MACT standards. The results of these assessments can be used to provide a numerical baseline for emission limits. This baseline then can be compared to the MACT limits to determine if site-specific risk-based limits are appropriate in addition to the MACT limits for a particular source.

Several commenters suggest that completed risk assessments should not have to be repeated. We do not anticipate repeating many risk assessments. It should be emphasized that changes to comply with the MACT standards should not cause an increase in risk for the vast majority of the facilities given that the changes, in all probability, will be the addition of pollution control equipment or a reduction in the hazardous waste being burned. For those few situations in which the MACT requirements might result in increased potential risk for a particular facility due to unique site-specific considerations, the RCRA permit writer, however, may determine

[27] USEPA. "Guidance for Performing Screening Level Risk Analyses at Combustion Facilities Burning Hazardous Wastes" Draft, April 1994; USEPA. "Implementation of Exposure Assessment Guidance for RCRA Hazardous Waste Combustion Facilities" Draft, 1994.

[28] USEPA. "Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities" EPA–520–D–98–001A, B&C. External Peer Review Draft, 1998.

that a risk check of the projected MACT emission rates is in order.[29] Should the results of the risk check demonstrate that compliance with the MACT requirements does not satisfy the RCRA protectiveness mandate, the permitting authority should invoke the omnibus provision to impose more stringent, site-specific, risk-based permit conditions as necessary to protect human health and the environment.

With respect to new hazardous waste combustors and existing combustors for which a SSRA has never been conducted, we recommend that the decision of whether or not a SSRA is necessary be made prior to the approval of the MACT comprehensive performance test protocol, thereby allowing for the collection of risk emission data at the same time as the MACT performance testing, if appropriate (see Part Five, Section V). In those instances where it has been determined a SSRA is appropriate, the assessment should take into account both the MACT standards and any relevant site-specific considerations.

We emphasize that the incorporation of site-specific, risk-based permit conditions into a permit is not anticipated to be necessary for the vast majority of hazardous waste combustors. Rather, such conditions would be necessary only if compliance with the MACT requirements is insufficient to protect human health and the environment pursuant to the RCRA mandate and if the resulting risk-based conditions are more stringent than those required under the CAA. Risk-based permit conditions could include, but are not limited to, more stringent emission limits, additional operating parameter limits, waste characterization and waste tracking requirements.

C. What Is the Difference Between the RCRA SSRA Policy and the CAA Residual Risk Requirement?

Section 112(f) of the CAA requires the Agency to conduct an evaluation of the risk remaining for a particular source category after compliance with the MACT standards. This evaluation of residual risk must occur within eight years of the promulgation of the MACT standards for each source category. If it is determined that the residual risk is unacceptable, we must impose additional controls on that source category to protect public health with an ample margin of safety and to prevent adverse environmental effects.

Our SSRA policy is intended to address the requirements of the RCRA protectiveness mandate, which are different from those provided in the CAA. For example, the omnibus provision of RCRA requires that the protectiveness determination be made on a permit-by-permit or site-specific basis. The CAA residual risk requirement, conversely, requires a determination be made on a source category basis. Further, the time frame under which the RCRA omnibus determination is made is more immediate; the SSRA is generally conducted prior to final permit issuance. The CAA residual risk determination, on the other hand, is made at any time within the eight-year time period after promulgation of the MACT standards for a source category. Thus, the possibility of a future section 112(f) residual risk determination does not relieve RCRA permit writers of the present obligation to determine whether the RCRA protectiveness requirement is satisfied. Finally, nothing in the RCRA national risk evaluation for this rule should be taken as establishing a precedent for the nature or scope of any residual risk procedure under the CAA.

Part Four: What Is the Rationale for Today's Final Standards?

I. Emissions Data and Information Data Base

A. How Did We Develop the Data Base for This Rule?

To support the emissions standards in today's rule, we use a "fourth generation" data base that considers and incorporates public comments on previous versions of the data base. This final data base[24] summarizes emissions data and ancillary information on hazardous waste combustors that was primarily extracted from incinerator trial burn reports and cement and lightweight aggregate kiln Certification of Compliance test reports prepared as part of the compliance process for the current regulatory standards. Ancillary information in the data base includes general facility information (*e.g.*, location) process operating data (*e.g.*, waste, fuel, raw material compositions, feed rates), and facility equipment design and operational information (*e.g.*, air pollution control device temperatures).

The data base supporting the April 1996 proposal was the initial data base released for public comment.[25] We received a substantial number of public comments on this data base including identification of data errors and submission of many new trial burn and compliance test reports not already in the data base. Subsequently, we developed a "second generation" data base addressing these comments and, on January 7, 1997, published a NODA soliciting public comment on the updated data base. Numerous industry stakeholders submitted comments on the second generation data base. The data base was revised again to accommodate these public comments resulting in a "third generation" data base. We also published for comment a document indicating how specific public comments submitted in response to the January NODA were addressed.[26] In the May 1997 NODA, we used this third generation data base to re-evaluate the MACT standards. Since the completion of the third generation data base, we have incorporated additional data base comments and new test reports resulting in the "fourth generation" data base. This final data base is used to support all MACT analyses discussed in today's rule. Compared to the changes made to develop the third generation data base, those changes made in the fourth generation are relatively minor. The majority of these changes (e.g., incorporating a few trial burn reports and incorporating suggested revisions to the third generation data base) were in response to public comments received to May 1997 NODA.

B. How Are Data Quality and Data Handling Issues Addressed?

We selected approaches to resolve several data quality and handling issues regarding: (1) Data from sources no longer burning hazardous waste; (2) assigning values to reported nondetect measurements; (3) data generated under normal conditions versus worst-case compliance conditions; and (4) use of imputation techniques to fill in missing or unavailable data. This section discusses our selected approaches to these four issues.

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[29] For example, hazardous waste burning cement kilns that previously monitored hydrocarbons in the main stack may elect to install a mid-kiln sampling port for carbon monoxide or hydrocarbon monitoring to avoid restrictions on hydrocarbon levels in the main stack. Thus, their stack hydrocarbon emissions may increase.

[24] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume II: HWC Emissions Database," July 1999.

[25] USEPA, "Draft Technical Support Document for HWC MACT Standards, Volume II: HWC Emissions Database," February 1996.

[26] See USEPA, "Draft Report of Revisions to Hazardous Waste Combustor Database Based on Public Comments Submitted in Response to the January 7, 1997 Notice of Data Availability (NODA)," May 1997.

1. How Are Data From Sources No Longer Burning Hazardous Waste Handled?

Data and information from sources no longer burning hazardous waste are not considered in the MACT standards evaluations promulgated today. We note that some facilities have recently announced plans to cease burning hazardous waste. Because we cannot continually adjust our data base and still finalize this rulemaking, we concluded revisions to the data base in early 1998. Announcements or actual facility changes after that date simply could not be incorporated.

Numerous commenters responded to our request for comment on the appropriate approach to handle emissions data from sources no longer burning hazardous waste. In the April 1996 proposal, we considered all available data, including data from sources that had since ceased waste burning operations. However, in response to comments to the April 1996 NPRM, in the May 1997 NODA we excluded data from sources no longer burning hazardous waste and reevaluated the MACT floors with the revised data base. Of the data included in the fourth generation data base, the number of sources that have ceased waste burning operations include 18 incineration facilities comprising 18 sources; eight cement kiln facilities comprising 12 sources; and one lightweight aggregate kiln facility comprising one source.

Several commenters support the inclusion in the MACT analyses of data from sources no longer burning hazardous waste. They believe the performance data from these sources are representative of emissions control achievable when burning hazardous waste because the data were generated under compliance testing conditions. Other commenters suggest that data from sources no longer burning hazardous waste should be excluded from consideration when conducting MACT floor analyses to ensure that the identified MACT floor levels are achievable.

The approach we adopt today is identical to the one we used for the May 1997 NODA. Rather than becoming embroiled in a controversy over continued achievability of the MACT standards, we exercise our discretion and use a data base consisting of only facilities now operating (at least as of the data base finalization date). Ample data exist to support setting the MACT standards without using data from facilities that no longer burn hazardous waste. To the extent that some previous data from facilities not now burning hazardous waste still remain in the data base, we ascribe to the view that these data are representative of achievable emissions control and can be used.

2. How Are Nondetect Data Handled?

In today's rule, as in the May 1997 NODA, we evaluated nondetect values, extracted from compliance test reports and typically associated with feedstream input measurements rather than emissions concentrations, as concentrations that are present at one-half the detection limit. In the proposal, we assumed that nondetect analyses were present at the value of the full detection limit.

Some commenters support our approach to assume that nondetect values are present at one-half the detection limit. The commenter states that this approach is consistent with the data analysis techniques used in other EPA environmental programs such as in the evaluation of groundwater monitoring data. Other commenters oppose treating nondetect values at one-half the detection limit, especially for dioxins/furans because Method 23 for quantitating stack emissions states that nondetect values for congeners be treated as zero when calculating total congeners and the toxicity equivalence quotient for dioxins/furans. As explained in the NODA, the assumption that nondetect measurements are present at one-half the reported detection limit is more technically and environmentally conservative and increases our confidence that standards and risk findings are appropriate. Further, we considered assuming that nondetect values were present at the full detection limit, but found that there were no significant differences in the MACT data analysis results.[27] Therefore, in today's rule, we assume nondetect measurements are present at one-half the detection limit.

3. How Are Normal Versus Worst-Case Emissions Data Handled?

The majority of the available emissions data for all of the hazardous air pollutants except mercury can be considered worst-case because they were generated during RCRA compliance testing. Because limits on operating parameters are established based on compliance test operations, sources generally operate during compliance testing under worst-case conditions to account for variability in operations and emissions. However, the data base also contains some normal data for these hazardous air pollutants. Normal data include those where hazardous waste was burned, but neither spiking of the hazardous waste with metals or chlorine nor operation of the combustion unit and emission control equipment under detuned conditions occurred.

In the MACT analyses supporting today's rule, normal data were not used to identify or define MACT floor control, with the exception of mercury, as discussed below. This approach is identical to the one used in the May 1997 NODA. 62 FR 24216.

Several commenters support the use of normal emissions data in defining MACT controls because the effect of ignoring the potentially lower emitters from these sources would skew the analysis to higher floor results. Other commenters oppose the use of normal data because they would not be representative of emissions under compliance test conditions—the conditions these same sources will need to operate under during MACT performance tests to establish limits on operating conditions.[28]

We conclude that it is inappropriate to perform the MACT floor analysis for a particular hazardous air pollutant using emissions data that are a mixture of normal and worst-case data. The few normal emissions data would tend to dominate the identification of best performing sources while not necessarily being representative of the range of normal emissions. Because the vast majority of our data is based on worst-case compliance testing, the definition of floor control is based on worst-case data.[29] Using worst-case emissions data to establish a MACT

[27] Using dioxins and furans as an example, for those sources using MACT control, this difference is no more than approximately 10 percent of the standard. USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

[28] These commenters are concerned that, if the standards were based on normal emissions data, sources would be inappropriately constrained to emissions that are well below what is currently normal. This is because of the double ratcheting effect of the compliance regime whereby a source must first operate below the standard during compliance testing, and then again operate below compliance testing levels (and associated operating parameters) to maintain day-to-day compliance.

[29] We considered adjusting the emissions data to account for spiking to develop a projected normal emissions data base. However, we conclude that this is problematic and have not done so. For example, it is difficult to project (lower) emissions from semivolatile metal-spiked emissions data given that system removal efficiency does not correlate linearly with semivolatile metal feedrate. In addition, we did not know for certain whether some data were spiked. Thus, we would have to use either a truncated data base of despiked data or a mixed data base of potentially spiked data and despiked data, neither of which would be fully satisfactory.

floor also helps account for emissions variability, as discussed in Section V.D. below.

Sources did not generally spike mercury emissions during RCRA compliance testing because they normally feed mercury at levels resulting in emissions well below current limits.[30] Consequently, sources are generally complying with generic, conservative feedrate limits established under RCRA rather than feedrate limits established during compliance testing. Because our data base is comprised essentially of normal emissions, we believe this is one instance where use of normal data to identify MACT floor is appropriate. See discussion in Section V.D. below of how emissions variability is addressed for the mercury floors.

4. What Approach Was Used To Fill In Missing or Unavailable Data?

With respect to today's rule, the term "imputation" refers to a data handling technique where a value is filled-in for a missing or unavailable data point. We only applied this technique to hazardous air pollutants that are comprised of more than one pollutant (*i.e.*, semivolatile metals, low volatile metals, total chlorine). We used imputation techniques in both the proposal and May 1997 NODA; however, we decided not to use imputation procedures in the development of today's promulgated standards. We used only complete data sets in our MACT determinations. Several commenters to the proposal and May 1997 NODA oppose the use of imputation techniques. Commenters express concern that the imputation approach used in the proposal did not preserve the statistical characteristics (average and standard deviation) of the entire data set. Thus, commenters suggest that subsequent MACT analyses were flawed. We reevaluated the data base and determined that a sufficient number of data sets are complete without the use of an imputation technique.[31] A complete discussion of various data handling conventions is presented in the technical support document.[32]

[30] Three of 23 incinerators used to define MACT floor (*i.e.*, sources for which mercury feedrate data are available) are known to have spiked mercury. No cement kilns used to define MACT floor (*e.g.*, excluding sources that have stopped burning hazardous waste) are known to have spiked mercury. Only one of ten lightweight aggregate kilns used to define MACT floor is known to have spiked mercury.

[31] This is especially true because antimony is no longer included in the low volatile metal standard.

[32] See USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

II. How Did We Select the Pollutants Regulated by This Rule?

Section 112(b) of the Clean Air Act, as amended, provides a list of 188[33] hazardous air pollutants for which the Administrator must promulgate emission standards for designated major and area sources. The list is comprised of metal, organic, and inorganic compounds.

Hazardous waste combustors emit many of the hazardous air pollutants. In particular, hazardous waste combustors can emit high levels of dioxins and furans, mercury, lead, chromium, antimony, and hydrogen chloride. In addition, hazardous waste combustors can emit a wide range of nondioxin/furan organic hazardous air pollutants, including benzene, chloroform, and methylene chloride.

In today's rule, we establish nine emission standards to control hazardous air pollutants emitted by hazardous waste combustors. Specifically, we establish emission standards for the following hazardous air pollutants: Chlorinated dioxins and furans, mercury, two semivolatile metals (*i.e.*, lead and cadmium), three low volatility metals (*i.e.*, arsenic, beryllium, chromium), and hydrochloric acid/chlorine gas. In addition, MACT control is provided for other hazardous air pollutants via standards for surrogates: (1) A standard for particulate matter will control five metal hazardous air pollutants—antimony, cobalt, manganese, nickel, and selenium; and (2) standards for carbon monoxide, hydrocarbons, and destruction and removal efficiency will control nondioxin/furan organic hazardous air pollutants.

A. Which Toxic Metals Are Regulated by This Rule?[34]

1. Semivolatile and Low Volatile Metals

The Section 112(b) list of hazardous air pollutants includes 11 metals: antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, mercury, nickel, and selenium. To establish an implementable approach for controlling these metal hazardous air pollutants, we proposed to group the metals by their relative volatility and established emission standards for each volatility group. We placed six of the eleven metals in volatility groups. The high-volatile group is comprised of mercury, the semivolatile group is comprised of lead and cadmium, and the low volatile group is comprised of arsenic, beryllium, and chromium.[35] We refer to these six metals for which we have established standards based on volatility group as "enumerated metals." We have chosen to control the remaining five metals using particulate matter as a surrogate as discussed in the next section.

Grouping metals by volatility is reasonable given that emission control strategies are governed primarily by a metal's volatility. For example, while semivolatile metals and low volatile metals are in particulate form in the emission control train and can be removed as particulate matter, mercury species are generally emitted from hazardous waste combustors in the vapor phase and cannot be controlled by controlling particulate matter unless a sorbent, such as activated carbon, is injected into the combustion gas. In addition, low volatile metals are easier to control than semivolatile metals because semivolatile metals volatilize in the combustion chamber and condense on fine particulate matter, which is somewhat more difficult to control. Low volatile metals do not volatilize significantly in hazardous waste combustors and are emitted as larger, easier to remove, particles entrained in the combustion gas.[36]

Commenters agree with our proposal to group metals by their relative volatility. We adopt these groupings for the final rule.

We note that the final rule does not require a source to control its particulate matter below the particulate matter standard to control semivolatile and low

[33] The initial list consisted of 189 HAPs, but we have removed caprolactam (CAS number 105602) from the list of hazardous air pollutants. See § 63.60.

[34] RCRA standards currently control emissions of three toxic metals that have not been designated as Clean Air Act hazardous air pollutants: Barium, silver, and thallium. These RCRA metals are incidentally controlled by today's MACT controls for metal hazardous air pollutants in two ways. First, the RCRA metals are semivolatile or nonvolatile and will, in part, be controlled by the air pollution control systems used to meet the semivolatile metal and low volatile metal standards in today's rule. Second, these RCRA metals will be controlled by the measures used to meet today's MACT participate matter standard. See text that follows.

[35] Antimony was included in the low volatile group at proposal, but we subsequently determined that the MACT particulate matter standard serves as an adequate surrogate for this metal. See the May 1997 NODA (62 FR at 24216). In making this determination, we noted that antimony is an noncarcinogen with relatively low toxicity compared with the other five nonmercury metals that were placed in volatility groups. To be of particular concern, antimony would have to be present in hazardous waste at several orders of magnitude higher than shown in the available data.

[36] The dynamics associated with the fate of metals in a hazardous waste combustor are much more complex than presented here. For more information, see USEPA, "Draft Technical Support Document for HWC MACT Standards, Volume VII: Miscellaneous Technical Issues," February 1996.

volatile metals. It is true that when we were determining the semivolatile and low volatile metal floor standards, we did examine the feedrates from only those facilities that were meeting the numerical particulate standard. See Part Four, Section V.B.2.c. This is because we believe that facilities, in practice, use both feedrate and particulate matter air pollution control devices in a complementary manner to address metals emissions (except mercury). However, our setting of the semivolatile and low volatile metal floor standards does not require MACT particulate matter control to be installed, either directly or indirectly, as a matter of CAA compliance. We do not think it is necessary to require compliance with a particulate matter standard as an additional express element of the semivolatile/low volatile metal emission standards because the particulate matter standard is already required to control the nonenumerated metals, as discussed below. However, we could have required compliance with a particulate matter standard as part of the semivolatile or low volatile metal emission standard because of the practice of using particulate matter control as at least part of a facility's strategy to control or minimize metal emissions (other than mercury).

2. How Are the Five Other Metal Hazardous Air Pollutants Regulated?

We did not include five metal hazardous air pollutants (*i.e.*, antimony, cobalt, manganese, nickel, selenium) in the volatility groups because of: (1) Inadequate emissions data for these metals [37]; (2) relatively low toxicity of antimony, cobalt, and manganese; and (3) the ability to achieve control, as explained below, by means of surrogates. Instead, we chose the particulate matter standard as a surrogate control for antimony, cobalt, manganese, nickel, and selenium. We refer to these five metals as "nonenumerated metals" because standards specific to each metal have not been established. We conclude that emissions of these metals is effectively controlled by the same air pollution control devices and systems used to control particulate matter.

Some commenters suggest that particulate matter is not a surrogate for the five nonenumerated metals. Commenters also note that our own study, as well as investigations by commenters, did not show a relationship between particulate matter and semivolatile metals and low volatile metals when emissions from multiple sources were considered. However, we conclude that such a relationship is not expected when multiple sources are considered because wide variations in source operations can affect: (1) Metals and particulate matter loadings at the inlet to the particulate matter control device; (2) metals and particulate matter collection efficiency; and (3) metals and particulate matter emissions. Factors that can contribute to variability in source operations include metal feed rates, ash levels, waste types and physical properties (*i.e.*, liquid vs. solid), combustion temperatures, and particulate matter device design, operation, and maintenance.

Conversely, emissions of semivolatile metals and low volatile metals are directly related to emissions of particulate matter at a given source when other operating conditions are held constant (*i.e.*, as particulate matter emissions increase, emissions of these metals also increase) because semivolatile metals and low volatile metals are present as particulate matter at the typical air pollution control device temperatures of 200 to 400°F that are required under today's rule.[38] A strong relationship between particulate matter and semivolatile/low volatile metal emissions is evident from our emissions data base of trial burn emissions at individual sources where particulate matter varies and metals feedrates and other conditions that may affect metals emissions were held fairly constant. Other work also has clearly demonstrated that improvement in particulate control leads to improved metals control.[39]

We also requested comment on whether particulate matter could be used as a surrogate for all semivolatile and low volatile metal hazardous air pollutants (*i.e.*, all metal hazardous air pollutants except mercury). See the May 1997 NODA. This approach is strongly recommended by the cement industry. In that Notice, we concluded that, because of varying and high levels of metals concentrations in hazardous waste, use of particulate matter control alone may not provide MACT control for metal hazardous air pollutants.[40] Our conclusion is the same today. Without metal-specific MACT emission standards or MACT feedrate standards, sources could feed high levels of one or more metal hazardous air pollutant metals. This practice could result in high metal emissions, even though the source's particulate matter is controlled to the emission standard (*i.e.*, a large fraction of emitted particulate matter could be comprised of metal hazardous air pollutants). Thus, the use of particulate matter control alone would not constitute MACT control of that metal and would be particularly troublesome for the enumerated semivolatile and low volatile metal because of their toxicity.[41]

Many commenters suggest that particulate matter is an adequate surrogate for all metal hazardous air pollutants. They suggest that, given current metal feedrates and emission rates, particularly in the cement industry, a particulate matter standard is sufficient to ensure that metal hazardous air pollutants (other than mercury) are controlled to levels that would not pose a risk to human health or the environment. While this may be true in some cases as a theoretical matter, it may not be in all cases. Data demonstrating this conclusively were not available for all cement kilns. Moreover, this approach may not ensure MACT control of the potentially problematic (*i.e.*, high potential risk) metals for reasons discussed above (*i.e.*, higher metal feedrates will result in higher metals emissions even though particulate matter capture efficiency remains constant). Consequently, we conclude that semi-volatile metals and low volatile metals standards are appropriate in addition to the particulate matter standard.

Finally, several commenters suggest that a particulate matter standard is not needed to control the five nonenumerated metals because the standards for the enumerated semivolatile and low volatile metals would serve as surrogates for those

[37] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume II: HWC Emissions Database," July 1999.

[38] The dioxin/furan emission standard requires that gas temperatures at the inlet to electrostatic precipitators and fabric filters not exceed 400°F. Wet particulate matter control devices reduce gas temperatures to below 400°F by virtue of their design and operation. The vapor phase contribution (*i.e.*, nonparticulate form that will not be controlled by a particulate matter control device) of semivolatile metal and low volatile metal at these temperatures is negligible.

[39] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

[40] However, for sources not burning hazardous waste and without a significant potential for extreme variability in metals feedrates, particulate matter is an adequate surrogate for metal hazardous air pollutants (*e.g.*, for nonhazardous waste burning cement kilns).

[41] Using particulate matter as a surrogate for metals is, however, the approach we used in the final rule for five metals: Antimony, cobalt, manganese, nickel, selenium. Technical and practical reasons unique to these metals support this approach. First, these metals exhibit relatively low toxicity. Second, for some of these metals, we did not have emissions data adequate to establish specific standards. Therefore, the best strategy for these particular metals, at this time, is to rely on particulate matter as a surrogate.

metals. Their rationale is that because the nonenumerated metals can be classified as either semivolatile or nonvolatile[42], they would be controlled along with the enumerated semivolatile and low volatile metals. However, MACT control would not be assured for the five nonenumerated metals even though they would be controlled by the same emission control device as the enumerated semivolatile and low volatile metals. For example, a source with high particulate matter emissions could achieve the semivolatile and low volatile metal emission standards (*i.e.*, MACT control) by feeding low levels of enumerated semivolatile and low volatile metals. But, if that source also fed high levels of nonenumerated metals, MACT control for those metals would not be achieved unless the source was subject to a particulate matter MACT standard. Consequently, we do not agree that the semivolatile and low volatile metal standards alone can serve as surrogates for the nonenumerated metals.

We also proposed to use particulate matter as a supplemental control for nondioxin/furan organic hazardous air pollutants that are adsorbed onto the particulate matter. Commenters state, however, that the Agency had not presented data showing that particulate matter in fact contains significant levels of adsorbed nondioxin/furan organic hazardous air pollutants. We now concur with commenters that, for cement kiln and lightweight aggregate kiln particulate matter, particulate matter emissions have not been shown to contain significant levels of adsorbed organic compounds. This is likely because cement kiln and lightweight aggregate kiln particulate matter is primarily inert process dust (*i.e.*, entrained raw material). Although particulate matter emissions from incinerators could contain higher levels of carbon that may adsorb some organic compounds, this is not likely a significant means of control for those organic hazardous air pollutants.[43]

B. How Are Toxic Organic Compounds Regulated by This Rule?

1. Dioxins/Furans

We proposed that dioxin/furan emissions be controlled directly with a dioxin/furan emission standard based on toxicity equivalents. The final rule adopts a TEQ approach for dioxin/furans. In terms of a source determining compliance, we expect sources to use accepted TEQ references.[44]

2. Carbon Monoxide and Hydrocarbons

We proposed that emissions of nondioxin/furan organic hazardous air pollutants be controlled by compliance with continuously monitored emission standards for either of two surrogates: carbon monoxide or hydrocarbons. Carbon monoxide and hydrocarbons are widely accepted indicators of combustion conditions. The current RCRA regulations for hazardous waste combustors use emissions limits on carbon monoxide and hydrocarbons to control emissions of nondioxin/furan toxic organic emissions. See 56 FR 7150 (February 21, 1991) documenting the relationship between carbon monoxide, combustion efficiency, and emissions of organic compounds. In addition, Clean Air Act emission standards for municipal waste combustors and medical waste incinerators limit emissions of carbon monoxide to control nondioxin/furan organic hazardous air pollutants. Finally, hydrocarbon emissions are an indicator of organic hazardous air pollutants because hydrocarbons are a direct measure of organic compounds.

Nonetheless, many commenters state that EPA's own surrogate evaluation[45] did not demonstrate a relationship between carbon monoxide or hydrocarbons and nondioxin/furan organic hazardous air pollutants at the carbon monoxide and hydrocarbon levels evaluated. Several commenters note that this should not have been a surprise given that the carbon monoxide and hydrocarbon emissions data evaluated were generally from hazardous waste combustors operating under good combustion conditions (and thus, relatively low carbon monoxide and hydrocarbon levels). Under these conditions, emissions of nondioxin/furan organic hazardous air pollutants were generally low, which made the demonstration of a relationship more difficult. These commenters note that there may be a correlation between carbon monoxide and hydrocarbons and nondioxin/furan organic hazardous air pollutants, but it would be evident primarily when actual carbon monoxide and hydrocarbon levels are higher than the regulatory levels. We agree, and conclude that carbon monoxide and hydrocarbon levels higher than those we establish as emission standards are indicative of poor combustion conditions and the potential for increased emissions of nondioxin/furan organic hazardous air pollutants. Consequently, we have adopted our proposed approach for today's final rule.[46]

3. Destruction and Removal Efficiency

We have determined that a destruction and removal efficiency (DRE) standard is needed to ensure MACT control of nondioxin/furan organic hazardous air pollutants.[47] We adopt the implementation procedures from the current RCRA requirements for DRE (see §§ 264.342, 264.343, and 266.104) in today's final rule. The rationale for adopting destruction and removal efficiency as a MACT standard is discussed later in Section IV of the preamble.

C. How Are Hydrochloric Acid and Chlorine Gas Regulated by This Rule?

We proposed that hydrochloric acid and chlorine gas emissions be controlled by a combined total chlorine MACT standard because: (1) The test method used to determine hydrochloric acid and chlorine gas emissions may not be able to distinguish between the compounds in all situations;[48] and (2) both of these hazardous air pollutants can be controlled by limiting feedrate of chlorine in hazardous waste and wet scrubbing. We have adopted this approach in today's final rule.

One commenter questions whether it is appropriate to establish a combined standard for hydrochloric acid and chlorine gas because the removal efficiency of emission control equipment is substantially different for the two pollutants. Although we agree that the efficiency of emission control equipment is substantially different for the two pollutants, we conclude that the MACT control techniques will readily

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[42] As a factual matter, selenium can be classified as a semivolatile metal and the remaining four nonenumerated metals can be classified as low volatile metals.

[43] We recognize that sorbent (*e.g.*, activated carbon) may be injected into the combustion system to control mercury or dioxin/furan. In these cases, particulate matter would be controlled as a site-specific compliance parameter for these organics. See the discussion in Part Five of this preamble.

[44] For example, USEPA, "Interim Procedure for Estimating Risks Associated With Exposures to Mixtures of Chlorinated Dibenzo-p-Dioxin and -Dibenzofurans (CDDs and CDFs) and 1989 Update", March 1989; Van den Berg, M., *et al.* "Toxic Equivalency Factors (TEFs) for PCBs, PCDDs, PCDFs for Humans and Wildlife" *Environmental Health Perspectives*, Volume 106, Number 12, December 1998.

[45] See Energy and Environmental Research Corporation, "Surrogate Evaluation of Thermal Treatment Systems," Draft Report, October 17, 1994.

[46] As discussed at proposal, however, this relationship does not hold for certain types of cement kilns where carbon monoxide and hydrocarbons emissions evolve from raw materials. See discussion in Section VII of Part Four.

[47] Under this standard, several difficult to combust organic compounds would be identified and destroyed or removed by the combustor to at least a 99.99% (or 99.9999%, as applicable) efficiency.

[48] See the proposed rule, 61 FR at 17376.

enable sources to achieve the hydrochloric acid/chlorine gas emission standard. As discussed in Sections VI, VII, and VIII below, MACT control for all hazardous waste combustors is control of the hazardous waste chlorine feedrate. This control technique is equally effective for hydrochloric acid and chlorine gas and represents MACT control for cement kilns. MACT control for incinerators also includes wet scrubbing. Although wet scrubbing is more efficient for controlling hydrochloric acid, it also provides some control of chlorine gas. MACT control for lightweight aggregate kilns also includes wet or dry scrubbing. Although dry scrubbing does not control chlorine gas, chlorine feedrate control combined with dry scrubbing to remove hydrochloric acid will enable lightweight aggregate kilns to achieve the emission standard for hydrochloric acid/chlorine gas.

III. How Are the Standards Formatted in This Rule?

A. What Are the Units of the Standards?

With one exception, the final rule expresses the emission standards on a concentration basis as proposed, with all standards expressed as mass per dry standard cubic meter (*e.g.*, μg/dscm), with hydrochloric acid/chlorine gas, carbon monoxide, and hydrocarbon standards being expressed at parts per million by volume (ppmv). The exception is the particulate matter standard for hazardous waste burning cement kilns where the standard is expressed as kilograms of particulate matter per Mg of dry feed to the kiln.

Several commenters suggest that the standards should be expressed on a mass emission basis (*e.g.*, mg/hour) because of equity concerns across source categories and environmental loading concerns. They are concerned that expressing the standards on a concentration basis allows large gas flow rate sources such as cement kilns to emit a much greater mass of hazardous air pollutants per unit time than smaller sources such as some on-site incinerators. Concomitantly, small sources would incur a higher cost/lb of pollutant removed, they contend, than a large source.[49] Further, they reason that the larger sources would pose a much greater risk to human health and the environment because risk is a function of mass emissions of pollutants per unit of time.

[49] This result is not evident given that the cost of an emission control device is generally directly proportional to the gas flow rate, not the mass emission rate of pollutants per unit time.

Although we agree with commenters' point about differential environmental loadings attributable to small versus large sources with a concentration-based standard, we note that the mass-based standard urged here is inherently incompatible with technology-based MACT standards for several reasons.[50] A mass-based standard does not ensure MACT control at small sources. Small sources have lower flow rates and thus would be allowed to emit hazardous air pollutants at high concentrations. They could meet the standard with no or minimal control. In addition, this inequity between small and large sources would create an incentive to divert hazardous waste from large sources to small sources (existing and new), causing an increase in emissions nationally.

B. Why Are the Standards Corrected for Oxygen and Temperature?

As proposed, the final standards are corrected to 7 percent oxygen and 20°C because the data we use to establish the standards are corrected in this manner and because the current RCRA regulations for these sources require this correction. These corrections normalize the emissions data to a common base, recognizing the variation among the different combustors and modes of operation.

Several commenters note that the proposed oxygen correction equation does not appropriately address hazardous waste combustors that use oxygen enrichment systems. They recommend that the Agency promulgate the oxygen correction factor equation proposed in 1990 for RCRA hazardous waste incinerators. See 55 FR at 17918 (April 27, 1990). We concur, and adopt the revised oxygen correction factor equation.

C. How Does the Rule Treat Significant Figures and Rounding?

As proposed, the final rule establishes standards and limits based on two significant figures. One commenter notes that a minimum of three significant figures must be used for all intermediate calculations when rounding the results to two significant figures. We concur. Sources should use standard procedures, such as ASTM procedure E–29–90, to round final emission levels to two significant figures.

[50] Although the particulate matter standard for hazardous waste burning cement kilns in today's rule is the New Source Performance Standard expressed as on a mass basis (*i.e.*, kg of particulate matter per megagram of dry feed to the kiln), this standard is not based on a "mass of particulate matter emissions per unit of time" that commenters suggest. Rather, the cement kiln standard can be equated to a concentration basis given that cement kilns emit a given quantity of combustion gas per unit of dry feed to the kiln. In fact, we proposed the cement kiln particulate matter standard on a concentration basis, 0.03 gr/dscf, that was calculated from the New Source Performance Standard when applied to a typical wet process cement kiln.

IV. How Are Nondioxin/Furan Organic Hazardous Air Pollutants Controlled?

Nondioxin/furan organic hazardous air pollutants are controlled by a destruction and removal efficiency (DRE) standard and the carbon monoxide and hydrocarbon standards. Previous DRE tests demonstrating compliance with the 99.99% requirement under current RCRA regulations may be used to document compliance with the DRE standard provided that operations have not been changed in a way that could reasonably be expected to affect ability to meet the standard. However, if waste is fed at a point other than the flame zone, then compliance with the 99.99% DRE standard must be demonstrated during each comprehensive performance test, and new operating parameter limits must be established to ensure that DRE is maintained. A 99.9999% DRE is required for those hazardous waste combustors burning dioxin-listed wastes. These requirements are discussed in Section IV.A. below.

In addition, the rule establishes carbon monoxide and hydrocarbons emission standards as surrogates to ensure good combustion and control of nondioxin/furan organic hazardous air pollutants. Continuous monitoring and compliance with either the carbon monoxide or hydrocarbon emissions standard is required. If you choose to continuously monitor and comply with the carbon monoxide standard, you must also demonstrate during the comprehensive performance test compliance with the hydrocarbon emission standard. Additionally, you must also set operating limits on key parameters that affect combustion conditions to ensure continued compliance with the hydrocarbon emission standard. Alternatively, continuous monitoring and compliance with the hydrocarbon emissions standard eliminates the need to monitor carbon monoxide emissions because hydrocarbon emissions are a more direct surrogate of nondioxin/furan organic hazardous air pollutant emissions. These requirements are discussed in Section IV.B below.

A. What Is the Rationale for DRE as a MACT Standard?

All sources must demonstrate the ability to destroy or remove 99.99

percent of selected principal organic hazardous compounds in the waste feed as a MACT standard. This requirement, commonly referred to as four-nines DRE, is a current RCRA requirement. We are promulgating the DRE requirement as a MACT floor standard to control the emissions of nondioxin organic hazardous air pollutants. The rule also requires sources to establish limits on specified operating parameters to ensure compliance with the DRE standard. See Part Five Section VII(B).

In the April 1996 NPRM, we proposed that the four-nines DRE test requirement be retained under RCRA and be performed as part of a RCRA approved trial burn because we did not believe that the DRE test could be adequately implemented using the generally self-implementing MACT performance test and notification process.[51] See 61 FR 17447.

In response to the April proposal, however, we received comments that suggest the MACT comprehensive performance test and RCRA DRE trial burn could and should be combined, and that we should combine all stack air emission requirements for hazardous waste combustors into a single permit. Commenters are concerned that our proposed approach required sources to obtain two permits for air emissions and potentially be unnecessarily subject to dual enforcement.

We investigated approaches that would achieve the goals of a single air emission permit and inclusion of DRE in MACT. We determined that the 40 CFR part 63 general provisions, applicable to all MACT regulated sources unless superseded, includes a process similar to the process to develop a RCRA trial burn test plan and allows permitting authorities to review and approve MACT performance test plans. See 40 CFR 63.7. Additionally, we determined that, because all hazardous waste combustors are currently required to achieve four-nines DRE, the DRE requirement could be included as a MACT floor standard rather than a RCRA requirement. In the May 1997 NODA, we discussed an alternative approach that used a modified form of the general provision's performance test plan and approval process. The approach would allow combination of the DRE test with the comprehensive performance test and, therefore, facilitate implementation of DRE as a MACT standard. We also discussed modifying the general approach to extend the performance test plan review period to one year in advance of the date a source plans to perform the comprehensive performance test. This extended review period would provide sufficient time for negotiations between permitting authorities and sources to develop and approve comprehensive performance test plans. These test plans would identify operating parameter limits necessary to ensure compliance with all the proposed MACT standards, as well as, implement the four-nines DRE test as a MACT floor standard. See 62 FR at 24241. Commenters support the process to combine the applicable stack emission requirements into a single permit. As for making the DRE test a MACT standard, we received no negative comments. Many commenters, however, question the need for subsequent DRE testing once a unit demonstrates four-nines DRE. See discussion and our response in Subsection 2 below.

We believe that requiring the DRE test as a MACT standard is appropriate. As we previously noted, the four-nines DRE is firmly grounded statutory and regulatory requirement that has proven to be an effective method to determine appropriate process controls necessary for the combustion of hazardous waste. Specifically, RCRA requires that all hazardous waste incinerators must demonstrate the minimum technology requirement of four-nines DRE (RCRA section 3004(o)(1)(B)). Additionally, the current RCRA BIF regulations require that all boiler and industrial furnaces meet the four-nines DRE standard. Moreover, current RCRA regulations require all sources incinerating certain dioxin-listed contaminated wastes (F020–023 and F026–27) to achieve 99.9999% (six-nines) DRE. See §§ 264.343(a)(2) and 266.104(a)(3).

The statutory requirement for incinerators to meet four-nines DRE can be satisfied if the associated MACT requirements ensure that incinerators will continue to meet the four-nines DRE minimum technology requirement, *i.e.*, that MACT standards provide at least the "minimum" RCRA section 3004(o)(1) level of control. To determine if the RCRA statutory requirements could be satisfied, we investigated whether DRE could be replaced with universal standards for key operating parameters based on previous DRE demonstrations (*i.e.*, standards for carbon monoxide and hydrocarbon emissions). We found that, in the vast majority of DRE test conditions, if a unit operated with carbon monoxide levels of less than 100 ppmv and hydrocarbon emissions of less than 10 ppmv, the unit met or surpassed four-nines DRE. In a small number of test conditions, units emitted carbon monoxide and hydrocarbons at levels less than 100 and 10 ppmv respectively, but failed to meet four-nines DRE. Most failed test conditions were either due to questionable test results or faulty test design.[52] See U.S. EPA, "Draft Technical Support Document for HWC MACT Standards (NODA), Volume II: Evaluation of CO/HC and DRE Database," April 1997. Even though we could potentially explain the reasons these units failed to achieve four-nines DRE, we determined that universal carbon monoxide and hydrocarbon emissions limits may not ensure that all units achieve four-nines DRE because carbon monoxide and hydrocarbon emissions may not be representative of good combustion for all operating conditions that facilities may desire to operate. In addition, we could not identify a better method than the DRE test to limit combustion failures modes.

Commenters state that the test conditions under which the DRE failures occurred involved feeding practices that were not common in the hazardous waste combustion industry. They further state that, if it could be ensured that hazardous waste ignited, hydrocarbon and carbon monoxide limits would be sufficient to ensure four-nines DRE is achieved continuously. Therefore, a DRE demonstration would not be warranted. Although we might agree in theory, the fact that tests were performed under these test conditions indicates that a source desired to operate in that fashion. Only the DRE test identified that the combustion failure occurred and was not susceptible to control via carbon monoxide and hydrocarbon emissions. This and other similar failures can lead to increased emissions of products of incomplete combustion and organic hazardous air pollutants. Also, as commenters acknowledge, carbon monoxide and hydrocarbon emissions were effective surrogates to ensure four-nines DRE only when

[51] Historically, under RCRA regulations, the permittiing authority and hazardous waste combustion source found it necessary to go through lengthy negotiations to develop a RCRA trial burn plan that adequately demonstrates the unit's ability to achieve four-nines DRE.

[52] In many of the failed test conditions that we investigated, the facility fed a low concentration of organic compound on which the DRE was being calculated. As has been observed many times, organic compounds can be reformed in the post combustion gas stream at concentrations sufficient to fail DRE. This is not indicative of a failure in the systems ability to destroy the compound, but is more likely the result of a poorly designed test. If the facility had fed a higher concentration of organic compound in the waste to the combustor, the unit would have been more likely to meet four-nines DRE with no change in the operating conditions used during the test. In other cases, poor test design (*i.e.*, firing aqueous organic waste into an unfired secondary combustion chamber) is considered to be the cause.

hazardous waste ignited. However, as we identified in the May 1997 NODA, there are a number of hazardous waste combustion sources that operate in a manner that does not ensure ignition of hazardous waste.

As a result of the DRE test investigation, we determined that a successful DRE demonstration is an effective, appropriate, and necessary method to identify operating parameter limits that ensure proper and achievable combustion of hazardous waste and to limit the emissions of organic hazardous air pollutants. Additionally, the DRE standard is a direct measure to ensure that the RCRA section 3004(o)(1) mandate and its protectiveness goals are being met, and also serves to maintain a consistent test protocol for sources combusting hazardous waste. The DRE demonstration requirement is also reasonable, provides a sound means to allow deferral of a RCRA mandate to the CAA, and simplifies implementation by having all stack emissions-related testing and compliance requirements promulgated under one statute, the CAA. Therefore, we retain the DRE demonstration as part of the MACT comprehensive performance test unless a DRE test has already been performed with no relevant changes.

1. MACT DRE Standard

In today's rule, all affected sources are required to meet 99.99% DRE of selected Principal Organic Hazardous Constituents (POCs) that are as or more difficult to destroy than any organic hazardous pollutant fed to the unit. With one exception discussed in subsection 3 below, this demonstration need be made only once during the operational life of a source, either before or during the initial comprehensive performance test, provided that the design, operation, and maintenance features do not change in a manner that could reasonably be expected to affect the ability to meet the DRE standard.

The DRE demonstration involves feeding a known mass of POHC(s) to a combustion unit, and then measuring for that POHC(s) in stack emissions. If the POHC(s) is emitted at a level that exceeds 0.01% of the mass of the individual POHC(s) fed to the unit, the unit fails to demonstrate sufficient DRE.

Operating limits for key combustion parameters are used to ensure four-nines DRE is maintained. The operating parameter limits are established based on operations during the DRE test. Examples of combustion parameters that are used to set operating limits include minimum combustion chamber temperature, minimum gas residence time, and maximum hazardous waste feedrate by mass. See § 63.1209(j).

Today's MACT DRE requirement is essentially the same as that currently required under RCRA. The main difference is that the vast majority of the MACT DRE demonstrations would not have to be repeated as often as currently required under RCRA, as discussed in section 3 below.

2. How Can Previous Successful Demonstrations of DRE Be Used To Demonstrate Compliance?

Except as discussed below, today's rule requires that, at least once during the operational life of a source during or before the initial comprehensive performance test, the source must demonstrate the ability to achieve 99.99% DRE and must set operating parameter limits to ensure that DRE is maintained. However, we recognize that many sources have already undergone approved DRE testing. Further, many facilities do not intend to modify their units design or operations in such a way that DRE performance or parameters would be adversely affected. Therefore, the Agency is allowing sources to use results from previous EPA or State-approved DRE demonstrations to fulfill the MACT four-nines DRE requirement, as well as to set the necessary operating limits on parameters that ensure continued compliance.

If a facility wishes to operate under new operating parameter limits that could reasonably be expected to affect the ability to meet the standard, a new DRE demonstration must be performed before or concurrent with the comprehensive performance test. If the DRE operating limits conflict with operating parameter limits that are set to ensure compliance with other MACT standards, the unit must comply with the more stringent limits. Additionally, if a source is modified in such a way that its DRE operating limits are no longer applicable or valid, the source must perform a new DRE test. Moreover, if a source is modified in any way such that DRE performance or parameters are affected adversely, the source must perform a new DRE test.

3. DRE for Sources That Feed Waste at Locations Other Than the Flame Zone

Today's rule requires sources that feed hazardous waste in locations other than the flame zone to perform periodic DRE tests to ensure that four-nines DRE continues to be achieved over the life of the unit. As indicated in the May 1997 NODA at 62 FR 25877, the Agency is concerned that these types of sources have a greater potential of varying DRE performance due to their waste firing practices. That is, due to the unique design and operation of the waste firing system, the DRE may vary over time, and those variations cannot be identified or limited through operating limits set during a single DRE test. For these units, we are requiring that DRE be verified during each comprehensive performance test and that new operating parameter limits be established to ensure continued compliance.

4. Sources That Feed Dioxin Wastes

In today's rule, we are requiring all sources that feed certain dioxin-listed wastes (*i.e.*, F020–F023, F026, F027) to demonstrate the ability to achieve 99.9999 percent (six-nines) DRE as a MACT standard. This requirement will serve to achieve a number of goals associated with today's regulations. First, under RCRA, six-nines DRE is required when burning certain dioxin-listed wastes. If we did not promulgate this requirement as a MACT standard, sources that feed dioxin-listed waste would be required to maintain two permits to manage their air emissions. Thus, by including this requirement as a MACT standard, we eliminate any unnecessary duplication. That outcome is contrary to our goal which is to limit, to the greatest extent possible, the need for sources to obtain two permits governing air emissions under different statutory authorities. Second, six-nines DRE helps to improve control of nondioxin organic hazardous air pollutants as well. Finally, this requirement properly reflects floor control for sources that feed dioxin-listed wastes. Currently, all sources that feed dioxin listed wastes must achieve six-nines DRE. Before making the decision to include six-nines DRE as a MACT standard, we considered whether the requirements could be eliminated given that we are issuing dioxin/furan emission standards with today's rule. We concluded, first, that we had not provided sufficient notice and comment to depart from the current regulations applicable to these sources. Second, we also decided that because we currently require other similar highly toxic bioaccumulative and persistent compounds (*e.g.*, PCB wastes) to be fed to units that demonstrate six-nines DRE, a departure from that policy for RCRA dioxin wastes would be inconsistent. Finally, we are in discussions that may cause us to reevaluate our overall approach to dioxin-listed wastes, with the potential to impact this rule and the land disposal restrictions program. Any changes to our approach will be included in a single rulemaking that would be proposed later.

B. What Is the Rationale for Carbon Monoxide or Hydrocarbon Standards as Surrogate Control of Organic Hazardous Air Pollutants?

Today's rule adopts limits on emissions of carbon monoxide and hydrocarbons as surrogates to ensure good combustion and control of nondioxin organic hazardous air pollutants. We require continuous emissions monitoring and compliance with either the carbon monoxide or hydrocarbon emissions standard. Sources can choose which of these two standards it wishes to continuously monitor for compliance. If a source chooses the carbon monoxide standard, it must also demonstrate during the comprehensive performance test compliance with the hydrocarbon emission standard. During this test the source also must set operating limits on key parameters that affect combustion conditions to ensure continued compliance with the hydrocarbon emission standard. These parameters relate to good combustion practices and are identical to those for which you must establish limits under the DRE standard. See § 63.109(a)(7) and 63.1209(j). However, this source need not install and use a continuous hydrocarbon monitor to ensure continued compliance with the hydrocarbon standard. As discussed previously, the limits established for DRE are identical. If a source elects to use the hydrocarbon limit for compliance, then it must continuously monitor and comply with the hydrocarbon emissions standard. However, this type of source need not monitor carbon monoxide emissions or carbon monoxide operating parameters because hydrocarbon emissions are a more direct surrogate of nondioxin organic hazardous air pollutant emissions.

The April 1996 NPRM proposed MACT emission standards for both carbon monoxide and hydrocarbon as surrogates to control emissions of nondioxin organic hazardous air pollutants. We also proposed that cement kilns comply with either a carbon monoxide or hydrocarbons standard due to raw material considerations.[53] See 61 FR at 17375–6. Our reliance on only carbon monoxide or only hydrocarbon has drawbacks, and therefore we proposed that incinerators and lightweight aggregate kilns comply with emissions standards for both. Nonetheless, we also acknowledged that requiring compliance with both carbon monoxide and hydrocarbon standards may be redundant, and requested comment on: (1) Giving sources the option of complying with either carbon monoxide or hydrocarbon emission standards; or (2) establishing a MACT standard for either carbon monoxide or hydrocarbon, but not both.

Comments to our proposed approach question the necessity of two related surrogates to control organic hazardous air pollutants. Many commenters assert they are capable of controlling hydrocarbon emissions effectively, but due to their system's unique design, they could not comply continuously with the carbon monoxide emission standard. In general, commenters prefer an approach that would afford them maximum flexibility in demonstrating compliance with organic control standards, *i.e.*, more like option (1) in the NPRM.

The May 1997 NODA included a refined version of the option that commenters prefer that allowed sources to monitor and comply with either a carbon monoxide or hydrocarbon emission standard. In response to the May 1997 NODA, commenters nearly unanimously support the option that allowed facilities to monitor and comply with either the carbon monoxide or hydrocarbon standard as surrogates to limit emissions of nondioxin organic hazardous air pollutants. However, a few commenters suggest that compliance with carbon monoxide or hydrocarbons in combination with DRE testing is redundant and unnecessary. However, in their comments, they do not address the issue of DRE failures associated with low carbon monoxide or hydrocarbon emissions, other than to state that if ignition failure was avoided, emissions of carbon monoxide or hydrocarbons would be good indicators of combustion efficiency and four-nines DRE. This does not address our concerns, which reflect cases in which ignition failures did not occur and in which destruction and removal efficiencies were not met.

In the May 1997 NODA, we discussed another option that required sources to comply with the hydrocarbon emission standard and establish a site-specific carbon monoxide limit higher than 100 ppmv. This option was developed because compliance with the hydrocarbon standard assures control of nondioxin organic hazardous air pollutants, and a site-specific carbon monoxide limit aids compliance by providing advanced information regarding combustion efficiency. However, we conclude that this option may be best applied as a site-specific remedy in situations where a source has trouble maintaining compliance with the hydrocarbon standard.

Today's final rule modifies the May 1997 NODA approach slightly. Complying with the carbon monoxide standard now requires documentation that hydrocarbon emissions during the performance test are lower than the standard, and requires operating limits on parameters that affect hydrocarbon emissions. We adopt this modification because some data show that high hydrocarbon emissions are possible while simultaneously low carbon monoxide emissions are found.[54]

In the BIF rule (56 FR at 7149–50), we found that both monitoring and compliance with either carbon monoxide or hydrocarbon limits and achieving four-nines DRE is needed to ensure control of products of incomplete combustion (including nondioxin organic hazardous air pollutants) that are a result of hazardous waste combustion. DRE, although sensitive to identifying combustion failure modes, cannot independently ensure that emissions of products of incomplete combustion or organic hazardous air pollutants are being controlled. DRE can only provide the assurance that, if a hazardous waste combustor is operating normally, the source has the capability to transform hazardous and toxic organic compounds into different compounds through oxidation. These other compounds can include carbon dioxide, water, and other organic hazardous air pollutants. Because carbon monoxide provides immediate information regarding combustion efficiency potentially leading to emissions of organic hazardous air pollutants and hydrocarbon provides a direct measure of organic emissions, these two parameters individually or in combination provide additional control that would not be realized with the DRE operating parameter limits alone.[55] Neither our data nor data supplied by commenters show that only monitoring

[53] See discussion regarding cement kilns compliance with the carbon monoxide and/or hydrocarbon standards in Part Four, Section VII.D.

[54] In a number of instances, RCRA compliance test records showed that sources emitting carbon monoxide at less than 100 ppmv emitted hydrocarbons in excess of 10 ppmv.

[55] We acknowledge that although hydrocarbon emissions are a direct measure of organic emissions, they are measured with a continuous emissions monitoring system known as a flame ionization detector. Some data suggest hydrocarbon flame ionization detectors do not respond with the same sensitivity to the full spectrum of organic compounds that may be present in the combustion gas. Additionally, combustion gas conditions also may affect the sensitivity and accuracy of the monitor. Nonetheless, monitoring hydrocarbons with these detectors appears to be the best method reasonably available to provide real-time monitoring of organic emissions from a hazardous waste combustor.

carbon monoxide, hydrocarbons, or DRE by itself can adequately ensure control of nondioxin organics. Therefore, the approach used in the BIF rule still provides the best regulatory model. We conclude in today's rule that hydrocarbons and carbon monoxide monitoring are not redundant with the DRE testing requirement to control emissions of organic hazardous air pollutants and require both standards. For an additional discussion regarding the use of hydrocarbons and carbon monoxide to control emissions of organic hazardous air pollutants, see USEPA, "Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

V. What Methodology Is Used To Identify MACT Floors?

This section discusses: (1) Methods used to identify MACT floor controls and emission levels for the final rule; (2) the rationale for using hazardous waste feedrate control as part of MACT floor control for the metals and total chlorine standards; (3) alternative methods for establishing floor levels considered at proposal and in the May 1997 NODA; and (4) our consideration of emissions variability in identifying MACT floor levels.

A. What Is the CAA Statutory Requirement To Identify MACT Floors?

We identify hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns as source categories to be regulated under section 112. We must, therefore, develop MACT standards for each category to control emissions of hazardous air pollutants. Under CAA section 112, we may distinguish among classes, types and sizes of sources within a category in establishing such standards.

Section 112 prescribes a minimum baseline or "floor" for standards. For new sources, the standards for a source category cannot be less stringent than the emission control that is achieved in practice by the best-controlled similar source. Section 112(d)(3). The standards for existing sources may be less stringent than standards for new sources, but cannot be less stringent than "(A) * * * the average emissions limitation achieved by the best performing 12 percent of the existing sources (for which the Administrator has emissions information) * * *, in the category or subcategory for categories and subcategories with 30 or more sources, or (B) the average emissions limitation achieved by the best performing 5 sources (for which the Administrator has or could reasonably obtain emissions information) in the category or subcategory for categories and subcategories with fewer than 30 sources." *Id.*

We also must consider a more stringent standard than the floor, referred to in today's rule as a "beyond-the-floor" standard. For each beyond-the-floor analysis, we evaluate the maximum degree in reduction of hazardous air pollutants determined to be achievable, taking into account the cost of achieving those reductions, nonair quality health and environmental impacts, and energy costs. Section 112(d)(2). The object of a beyond-the-floor standard is to achieve the maximum degree of emission reduction without unreasonable economic, energy, or secondary environmental impacts.

B. What Is the Final Rule Floor Methodology?

Today's rule establishes MACT standards for the following hazardous air pollutants, hazardous air pollutant groups or hazardous air pollutant surrogates: dioxin/furans, mercury, two semivolatile metals (lead and cadmium), three low volatile metals (arsenic, beryllium, and chromium), particulate matter, total chlorine (hydrochloric acid and chlorine gas), carbon monoxide, hydrocarbons, and destruction and removal efficiency. This subsection discusses the overall engineering evaluation and data analysis methods we used to establish MACT floors for these standards. Additional detail on the specific application of these methods for each source category and standard is presented in Part Four, Sections VI–VIII, of the preamble and in the technical support document.[56]

1. What Is the General Approach Used in This Final Rule?

The starting point in developing standards is to determine a MACT floor emission level, the most lenient level at which a standard can be set. To identify the floor level, we first identified the control techniques used by the best performing sources. We designate these best performing sources the "MACT pool" and the emission control technologies they use we call "MACT floor controls."

After identifying the MACT pool and MACT floor controls, we determine the emission level that the MACT floor controls are routinely achieving—that is, an achievable emission level taking into account normal operating variability (*i.e.*, variability inherent in a properly designed and operated control system). This is called the floor emission level. To ensure that the floor emission level is being achieved by all sources using floor controls (*i.e.*, not just the MACT pool sources), we generally consider emissions data from all sources in a source category that use well-designed and properly operated MACT floor controls. (We call the data set of all sources using floor controls the "expanded MACT pool.") Floor levels in this rule are generally established as the level achieved by the source in the expanded MACT pool with the highest emissions average[57] using well-designed and properly operated MACT floor controls.

Several commenters oppose considering emissions data from all sources using MACT floor controls (*i.e.*, the expanded MACT pool) because they assert the expansion of the MACT pool results in inflated floors. If we adopt these commenters' recommendation, then many sources using MACT controls would not meet the standard, even though they were using MACT floor control. (Indeed, in some cases, other test conditions from the very system used to establish the MACT pool would not meet the standard, notwithstanding no significant change in the system's design and operation.) This result is inappropriate in that all sources using properly designed and operated MACT floor controls should achieve the floor emission level if the technology is well designed and operated. In the absence of data indicating a design or operation problem, we assume the floor emission level based on an expanded MACT pool reflects an emission level consistently achievable by MACT floor technology. Our resulting limits account for the fact that sources and emissions controls will experience normal operating variability even when properly designed and operated.

The MACT floor methodology in this rule does not use a single uniform data analysis approach consistently across all three source categories and standards. Our data analysis methods vary due to: (1) Limitations of our emissions data and ancillary information; (2) emissions of some hazardous air pollutants being related to the feedrate of the hazardous air pollutant (*e.g.*, semivolatile metal emissions are affected by semivolatile metal feedrates) while emissions of

[56] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

[57] Each source's emissions usually are expressed as an average of three or more emission measurements at the same set of operating parameters. This is because compliance is based on the average of three or more runs.

other hazardous air pollutants are not (*e.g.*, dioxin/furan emissions are related to postcombustion dioxin/furan formation rather than dioxin/furan feedrates); (3) the various types of emissions controls currently in use which do not lend themselves to one type of MACT analysis; and (4) consideration of existing regulations as themselves establishing floor levels.

Finally, as discussed in Section D, the MACT floor levels established through our data analysis approaches account for emissions variability without the separate addition of a statistically-derived emissions variability factor.

2. What MACT Floor Approach Is Used for Each Standard?

a. Dioxins and Furans. For dioxins and furans, we adopt the MACT floor methodology discussed in the May 1997 NODA. Based on engineering information and principles, we identify temperature of combustion gas at the particulate matter control device of 400°F or less as MACT floor control of dioxin/furan. This technology and level of control has been selected because postcombustion formation of dioxin/furan is suppressed by lowering postcombustion gas temperatures, and formation is reasonably minimized at gas temperatures of 400°F or below. Sources controlling gas temperatures to 400°F or less at the particulate matter control device represent the level achieved by the median of the best performing 12 percent of sources where the source category has more than 30 sources (or the median of the best performing five sources where the source category has fewer than 30 sources).

The next step is to identify an emissions level that MACT floor control achieved on a routine basis. We analyzed the emissions data from all sources (within each source category) using MACT floor control and establish the floor level equal to the highest test condition average.

As discussed in greater detail in Part Four, Section VI, incinerators with waste heat recovery boilers present a unique situation for dioxin/furan control. Our data base shows that incinerators equipped with waste heat recovery boilers have significantly higher dioxin/furan emissions compared to other incinerators. In the waste heat recovery boiler, combustion gas is exposed to particles on boiler tubes within the temperature window of 450° F to 650° F, which promotes surface-catalyzed formation of dioxin/furan. Therefore, we establish separate dioxin/furan standards for incinerators with waste heat boilers and incinerators without waste heat boilers.[58] The specified floor control for both waste heat boilers and nonwaste heat boilers is combustion gas temperature control to 400°F or less at the particulate matter control device.[59] Floor levels for waste heat boiler incinerators are much higher, however, because of the dioxin/furan formation during the relatively slow temperature quench in the boiler. See the incinerator dioxin/furan discussion in Part Four, Section VI, of today's rule for more details.

b. What MACT Floor Methodology Is Used for Particulate Matter? We adopt a final MACT floor methodology for particulate matter based on the approaches discussed in the May 1997 NODA. For incinerators, the final MACT floor is determined through engineering principles and information, coupled with analysis of the emissions data base. For cement kilns, we base final MACT on the existing requirements of the New Source Performance Standard applicable to Portland cement kilns. Finally, for lightweight aggregate kilns, the final floor level is derived directly from the emissions data base (*i.e.*, the highest test condition average for sources using properly designed and operated floor control).

i. Incinerators. Today's rule identifies MACT floor control as either a well-designed, operated, and maintained fabric filter, ionizing wet scrubber, or electrostatic precipitator, based on engineering information and an evaluation of the particulate matter control equipment used by at least the median of the best performing 12 percent of sources and the emission levels achieved. These types of particulate matter control equipment routinely and consistently achieve superior particulate matter performance relative to other controls used by the incinerator source category and thus represent MACT. Using generally accepted engineering information and principles, we then identify an emission level that well-designed, operated and maintained fabric filters, ionizing wet scrubbers, and electrostatic precipitators routinely achieve.

The floor level is not directly identified from the emissions data base as the highest test condition average for sources using a fabric filter, ionizing wet scrubber, or electrostatic precipitator. The hazardous waste combustor incinerator data base, however, was used as a tool to determine if the identified floor level, established on generally accepted engineering information and principles, is in general agreement with available particulate matter data. This is because we do not have adequate data on the features of the control devices to accurately distinguish only those devices that are well-designed, operated, and maintained and thus representative of MACT. Several sources in the emissions data base that are equipped with fabric filters, ionizing wet scrubbers, or electrostatic precipitators have emission levels well above the emission levels of other sources equipped with those devices. This strongly suggests that the higher levels are not representative of those achieved by well-designed, operated, and maintained units, even when normal operating variability is considered. We accordingly did not use these data in establishing the standard. See *Kennecott* v. *EPA*, 780 F.2d 445, 458 (4th Cir. 1985) (EPA "can reject data it reasonably believes to be unreliable including performance data that is higher than other plants operating the same control technology.")

ii. Cement Kilns. As discussed in the May 1997 NODA and in more detail in the standards section for cement kilns in Part Four, Section VII, we base the MACT floor emission level on use of a fabric filter or electrostatic precipitator to achieve the New Source Performance Standard for Portland cement kilns. The MACT floor is equivalent to and expressed as the current New Source Performance Standard of 0.15 kg/Mg dry feed (0.30 lb/ton dry feed). In the NPRM and the May 1997 NODA, we proposed to express the particulate matter standard on a concentration basis. However, because we are not yet requiring sources to document compliance with the particulate matter standard by using a particulate matter continuous emissions monitoring system in this final rule, we establish and express the floor emission level equivalent to the New Source Performance Standard. Commenters' concerns about separate MACT pools for particulate matter, semivolatile metals, and low volatile metals are discussed in Part Four, Section VII.

iii. Lightweight Aggregate Kilns. All lightweight aggregate kilns burning

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[58] We concluded that separate standards to control other hazardous air pollutants were not needed for waste heat boiler-equipped incinerators versus other incinerators. That is, whether or not the incinerator is equipped with a waste heat recovery boiler is only of concern for dioxin/furan emissions, not the other hazardous air pollutants.

[59] Wet particulate matter control devices (*e.g.*, venturi scrubbers) inherently preclude dioxin/furan formation because: (1) They do not suspend particulate matter in the combustion gas flow as do fabric filters and electrostatic precipitators, and (2) gas temperatures are below 400°F in the scrubber. Given this, floor control is use of a wet particulate matter control device or control of combustion gas temperature to 400°F or below at the inlet to a dry particulate matter control device.

hazardous waste are equipped with fabric filters. We could not distinguish only those sources with fabric filters better designed, operated, and maintained than others, and thus represent MACT control. Because we could not independently use engineering information and principles to otherwise distinguish which well-designed, operated, and maintained fabric filters are routinely achieving levels below the highest test condition average in the emissions data base (*i.e.*, considering the high inlet grain loadings for lightweight aggregate kilns), we establish the floor level as that highest test condition average emission level. Commenters concerns about a high floor level and separate MACT pools for particulate matter, semivolatile metals, and low volatile metals are discussed in Part Four, Section VIII.

c. Metals and Total Chlorine. This rule establishes MACT standards for mercury; semivolatile metals comprised of combined emissions of lead and cadmium; low volatility metals comprised of combined emissions of arsenic, beryllium, and chromium; and total chlorine comprised of combined emissions of hydrogen chloride and chlorine gas. As shown by the following analysis, these hazardous air pollutants are all controlled by the best performing sources, at least in part, by feedrate control of the metal or chlorine in the hazardous waste. In addition to hazardous waste feedrate control, some of the hazardous air pollutants also are controlled by air pollution control equipment. Both semivolatile metals and low volatile metals are controlled by a combination of hazardous waste metal feedrate control and by particulate matter control equipment. Total chlorine is controlled by a combination of feedrate control and, for hazardous waste incinerators, scrubbing equipment designed to remove acid gases.

i. How Are the Metals and Chlorine Floor Control(s) Identified? We follow the language of CAA section 112(d)(3) to identify the control techniques used by the best performing sources. The hazardous waste incinerator and hazardous waste cement kiln source categories are comprised of 186 and 33 sources, respectively. From the statutory language, we conclude that for this analysis the control techniques used by the best performing 6% of sources represents the average of the best performing 12% of the sources in those categories. It follows, therefore, that floor control for metals and chlorine is the technique(s) used by the best performing 12 incinerators and two cement kilns.

Because the hazardous waste lightweight aggregate kiln source category is comprised of only 10 sources, we follow the language of section 112(d)(3)(B) to identify the control technique(s) used by the three best performing sources, which represents the median of the best performing five sources.

Our floor control analysis indicates that the best performing 12 incinerators, two cement kilns, and three lightweight aggregate kilns all use hazardous waste feedrate control to limit emissions of mercury, semivolatile metal, low volatile metal, and total chlorine. For the semivolatile and low volatile metals, the best performing sources also use particulate matter control as part of the floor control technique. In addition, the best performing incinerator sources also control total chlorine and mercury with wet scrubbing. Accordingly, we identify floor control for semivolatile metal and low volatile metal as hazardous waste feedrate control plus particulate matter control, and floor control for incinerators for total chlorine and mercury as hazardous waste feedrate control plus wet scrubbing.

ii. What is the Rationale for Using Hazardous Waste Feedrate Control as MACT Floor Control Technique? As discussed above, MACT floor control for mercury, semivolatile metals, low volatile metals, and total chlorine is based on, or at least partially based on, feedrate control of metal and chlorine in the hazardous waste. The feedrate of metal hazardous air pollutants will affect emissions of those pollutants, and the feedrate of chlorine will affect emissions of total chlorine (*i.e.*, hydrochloric acid and chlorine gas) because metals and chlorine are elements and are not destroyed during combustion. Emissions controls, if any, control only a percentage of the metal or total chlorine fed. Therefore, as concentrations of metals and total chlorine in the inlet to the control device increase, emissions increase.

At proposal, we identified hazardous waste feedrates as part of the technology basis for the proposed floor emission standards.[60] MACT maximum theoretical emission concentrations[61] (MTECs) were established individually for mercury, semivolatile metals, low volatile metals, and total chlorine at a level equal to the highest MTEC of the average of the best performing 12% of sources. For some hazardous air pollutants, hazardous waste feedrate control of metals and chlorine was identified as the sole component of floor control (*i.e.*, where the best performing existing sources do not use pollution control equipment to remove the hazardous air pollutant). Examples include mercury and total chlorine from cement kilns. For other hazardous air pollutants, we identified hazardous waste feedrate control of metals and chlorine as a partial component of MACT floor control (*e.g.*, floor control for semivolatile metals include good particulate matter control in addition to feedrate control of semivolatile metals in hazardous waste).

In the May 1997 NODA, we continued to consider hazardous waste feedrate control of metals and chlorine as a valid floor control technology. However, rather than defining a specific MACT control feedrate level (expressed as a MTEC), we instead relied on another analysis tool, an emissions breakpoint analysis, to identify sources feeding metals and/or chlorine at high (and not MACT) levels. At the time, we believed that the breakpoint analysis was a less problematic approach to identify sources using MACT floor control than the approaches proposed initially.[62]

Given commenters' subsequent concerns with the emissions breakpoint analysis as well (see discussion in Section C below), we conclude that specifying MTECs as MACT control (partially or solely) is necessary to properly reflect the feedrate component of MACT control.

Notwithstanding how the MACT floor MTEC is defined, many commenters suggest that our consideration of hazardous waste feedrate as a floor control technique is inappropriate in a technology-based rulemaking and not permissible under the CAA. Commenters also state that hazardous waste feedrate control is not a control technique due to the wide variations in metals and chlorine in the hazardous waste generated at a single facility location. Further, they believe even greater variations occur in metals and chlorine levels in the hazardous waste generated at multiple production sites representing different industrial sectors. Thus, commenters suggest that basing a floor emission level on data from sources that feed hazardous waste with low levels of metals or chlorine is tantamount to declaring that wastes with higher levels of metals or chlorine are not to be generated. Other

[60] See 61 FR at 17366.

[61] We developed a term, Maximum Theoretical Emissions Concentration, to compare metals and chlorine feedrates across sources of different sizes. MTEC is defined as the metals or chlorine feedrate divided by the gas flow rate, and is expressed in µg/dscm.

[62] Comments had objected to our proposed approach of defining MTECs as too reliant on engineering inspection of the data.

commenters note, however, that hazardous waste feedrate control must be considered as a floor control technique because feedrate control is being used as a control means to comply with existing RCRA regulations for these combustors. Still other commenters recommend that we establish uniform hazardous waste feedrate limits (*i.e.*, base the standard on an emission concentration coupled with a hazardous waste feedrate limit on metals and chlorine) across all three hazardous waste combustor source categories. Please refer to Part Five, Section VII.D.3.c.iv of today's preamble and the Comment Response Document for detailed responses to these comments.

We do not accept the argument that control of hazardous waste metals and chlorine levels in hazardous waste cannot be part of the floor technology. First, control of hazardous air pollutants in hazardous waste feedstock(s) can be part of a MACT standard under section 112(d)(2)(A), which clearly indicates that material substitution can be part of MACT. Second, hazardous waste combustors are presently controlling the level of metal hazardous air pollutants and chlorine in the hazardous waste combusted because of RCRA regulatory requirements. (See § 266.103(c)(1) and (j) where metal and chlorine feedrate controls are required, and where monitoring of feedrates are required.) Simply because these existing controls are risk-based, rather than technology-based, does not mean that they are not means of controlling air emissions cognizable under the CAA. Floor standards are to be based on "emission limitation[s]" achieved by the best existing sources. An "emission limitation" includes "a requirement established by the * * * Administrator which limits the quantity, rate, or concentration of emissions. * * * including any requirement relating to the operation * * * of a source. * * *" CAA section 302(k). This is precisely what current regulations require to control metal and chlorine levels in hazardous waste feed.

Commenters also note that contemplated floor levels were lower than the feed limits specified in current regulations for boilers and industrial furnaces. This is true, but not an impediment to identifying achievable MACT floor levels. Actual performance levels can serve as a basis for a floor. An analogy would be where a group of facilities achieve better capture efficiency from air pollution control devices than required by existing rule. That level of performance (if generally achievable) can serve as the basis for a floor standard. Accordingly, we use hazardous waste feedrate, entirely or partially, to determine floor levels and beyond-the-floor levels for mercury, semivolatile metals, low volatile metals, and total chlorine.

iii. How Are Feedrate and Emissions Levels Representative of MACT Floor Control Identified? After identifying feedrate control as floor control, we use a data analysis method called the "aggregate feedrate approach" to establish floor control hazardous waste feedrate levels and emission levels for mercury, semivolatile metals, low volatile metals, and total chlorine. The first step in the aggregate feedrate approach is to identify an appropriate level of aggregated mercury, semivolatile metals, low volatile metals, and total chlorine feedrate control, expressed as a MTEC, being achieved in practice by the best performing incinerator, cement kiln and lightweight aggregate kiln sources. This aggregate MTEC level is derived only from the sources using MACT floor emission controls.

The aggregate feedrate approach involves four steps: (1) Identifying test conditions in the data base where data are available to calculate hazardous waste feedrate MTECs for all three metal hazardous air pollutant groups and total chlorine; (2) screening out test conditions where a source was not using the MACT floor emission control device for hazardous air pollutants that are cocontrolled by an air pollution control device[63]; (3) ranking the individual hazardous air pollutant MTECs, from the different source test conditions, from lowest to highest and assigning each a numerical rank, with a rank of one being the lowest MTEC; and (4) summing, for each test condition, the individual ranking for each of the hazardous air pollutants to determine a composite ranking. The total sum is used to provide an overall assessment of the aggregate level of hazardous air pollutants in the hazardous waste for each test condition. The hazardous waste feed streams with lower total sums (*i.e.*, hazardous air pollutant levels) are "cleaner" in aggregate than those with higher total sums.[64] (See the technical support document for more details on this procedure.[65])

The aggregate MTEC ranking process results in aggregate feedrate data from nine incinerators, 10 cement kilns, and 10 lightweight aggregate kilns from which to select an appropriate level of feedrate control representative of MACT floor control.[66] We considered selecting the source with either the highest or lowest aggregate MTEC in each source category to represent MACT floor control, but did not believe this was appropriate based on concerns about representativeness and achievability. We conclude that it is reasonable, however, to consider the best 50% of the sources for which we have data in each source category as the best performing sources. This is because, for incinerators and cement kilns, we have only a few sources with complete aggregate MTEC data relative to the size of the source category. The best 50% of the sources for these categories equates to five sources, given that we have aggregate MTEC data for nine incinerators and 10 cement kilns. For lightweight aggregate kilns, this equates also to five sources given that we have aggregate MTEC data for 10 lightweight aggregate kiln sources.

Additionally, we conclude it is appropriate to identify a feedrate MTEC representative of floor control based on the median of the best performing five sources. In selecting a representative sample and identifying the appropriate MTEC floor control level, we draw guidance from section 112(d)(3)(B), in which Congress requires the Agency to use the average of the best performing five sources when faced with small source categories (*i.e.*, less than 30 sources), and therefore limited data, to establish a MACT floor. In addition, this methodology is reasonable and appropriate because it allows consideration of a number of best performing sources (*i.e.*, five), which is within the range of reasonable values we could have selected.

We considered an approach that selected both the control technique and level of control as the average of the best performing 12% of incinerator and

[63] For example, to potentially be considered a MACT-controlled incinerator with respect to both the emissions control device and hazardous waste metals and chlorine feedrate, the incinerator must use a wet scrubber for hydrochloric acid and mercury control and must use either a fabric filter, ionizing wet scrubber, or electrostatic precipitator *and* achieve the floor particulate matter level of 0.015 gr/dscf. Similarly, cement kilns must achieve the particulate matter MACT floor (for this analysis only, the New Source Performance Standard was converted to an estimated equivalent stack gas concentration of 0.03 gr/dscf) and lightweight aggregate kilns must meet the particulate matter MACT floor of 0.025 gr/dscf. There is no MACT floor hydrochloric acid emissions control device for cement kilns and lightweight aggregate kilns.

[64] This aggregate hazardous waste MTEC ranking is done separately for each of the three combustor source categories.

[65] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999

[66] Only nine incinerators were ultimately used because (1) We have complete metal emissions data on relatively few sources, and (2) many sources do not use particulate matter floor control, a major means of controlling semivolatile metals and low volatile metals.

cement kiln sources for which we have aggregate MTEC data. This approach resulted in using only the best single source as representative of MACT floor control for all existing sources because there are only nine incinerators and 10 cement kilns for which we have adequate aggregate data. However, the level of feedrate control achieved by the single best performing existing source is likely not representative of the range of higher feedrate levels achieved by the best performing existing sources and, indeed, would inappropriately establish as a floor what amounts to a new source standard.

The final step of the aggregate feedrate approach is to determine an emission level that is routinely achieved by sources using MACT floor control(s). Similar to the April 1996 NPRM and May 1997 NODA, we evaluated all available data for each test condition to determine if a hazardous air pollutant is fed at levels at or below the MACT floor control MTEC. If so, the test condition is added to the expanded MACT pool for that hazardous air pollutant.[67] We then define the floor emission level for the hazardous air pollutant/hazardous air pollutant group as the level achieved by the source with the highest emissions average in the MACT expanded pool.

The aggregate feedrate approach is a logical and reasonable outgrowth of the aggregate hazardous air pollutant approach to establish floor emission levels that we discussed in the April 1996 NPRM. The initial proposal determined MACT floors separately for each hazardous air pollutant controlled by a different control technology, but we also proposed an alternative whereby floors would be set on the basis of a source's performance for all hazardous air pollutants.

Many commenters prefer the total aggregate hazardous air pollutant approach over the individual hazardous air pollutant approach because it better ensures that floor levels would be simultaneously achievable. However, we reject the total aggregate approach because it tends to result in floors that are likely to be artificially high, reflective of limited emissions data for all hazardous air pollutants at each facility. These floor levels, therefore, would not reflect performances of the best performing sources for particular hazardous air pollutants. We are assured of simultaneous achievability in our final methodology by: (1) Establishing the MACT floor feedrate control levels on an aggregate basis for metals and chlorine, as discussed above, rather than for each individual hazardous air pollutant; (2) using the particulate matter MACT pool to establish floor levels for particulate matter, semivolatile metals, and low volatile metals; and (3) ensuring that floor controls are not technically incompatible. In fact, our resulting floor emission levels are already achieved in practice by 9 to 40 percent of sources in each of the three source categories, clearly indicating simultaneously achievable standards.[68]

C. What Other Floor Methodologies Were Considered?

This is a brief overview of the major features of the MACT floor methodologies that we proposed in the April 1996 NPRM or discussed in the May 1997 NODA, accompanied by our rationale for not pursuing those methodologies in this final rule.

1. April 19, 1996 Proposal

We proposed the same general approach to identify floor control and floor emission levels as used in today's final rule. The proposal contained an approach to identify the controls used by the best performing sources (*i.e.*, the MACT pool) and then identify an emission level that those controls are achieving. To identify the floor emission level, we considered emissions from all sources using properly designed and operated controls (*i.e.*, the expanded MACT pool) and established a preliminary floor level as the highest test condition average for those sources.

There are three major differences between the proposed approach and today's final approach, however:

a. Emissions Variability. At proposal, we added a statistically-derived emissions variability factor to the highest test condition average in the expanded MACT pool. Today we conclude that emissions variability is considered inherently in the floor methodology. (See discussion in section D below for our rationale for not using a statistically-derived variability factor.)

b. MACT Pool for Particulate Matter, Semivolatile Metals, and Low Volatile Metals. At proposal, we identified separate and different MACT pools (and associated MACT controls) for particulate matter, semivolatile metals, and low volatile metals, even though all three are controlled by a particulate matter control device. Commenters said this is inappropriate and we concur. Specifying the MACT floor particulate matter emission control device individually for these pollutants is likely to result in three different definitions of floor control. Thus, the same particulate matter control device would need to meet three different design specifications. As a practical matter, the more stringent specification would prevail. But, this highlights the impracticability of evaluating floor emission control for these standards individually rather than in the aggregate.

As discussed in the May 1997 NODA, today's approach uses the same initial MACT pool to establish the floor levels for particulate matter, semivolatile metals, and low volatile metals. The initial MACT pool is comprised of those sources meeting the emission control component of MACT control. To establish the semivolatile metal and low volatile metal floor levels, the particulate matter MACT pool is then analyzed to consider MACT hazardous waste feedrate control first for semivolatile metals and then for low volatile metals, using the aggregate feedrate approach discussed above.

c. Definition of MACT Control. At proposal, we defined MACT emissions control by specifying the design of the emissions control device. Commenters suggested that this was problematic because: (1) Our data base had limited data on design of the control device; (2) some of our available data were incorrect; and (3) the parameters the Agency was using to characterize MACT control did not adequately correlate with control efficiency. Given these concerns, our May 1997 NODA contained an emissions breakpoint approach to identify those sources that appeared to have anomalously higher emissions than other sources in the potential MACT pool. Our rationale was that given the anomalously high emissions, those sources were not, in fact, using MACT control.

Commenters express serious concerns about the validity of the nonstatistical approach used to identify the breakpoint. After considering various statistical approaches to identify an emissions breakpoint, we conclude that the emissions breakpoint approach is problematic.[69] For these reasons, we are

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[67] The expanded MACT pool for each hazardous air pollutant is comprised of test conditions from sources equipped with the prescribed MACT floor emission control device, if any, and feeding hazardous waste at an MTEC not exceeding the MACT floor MTEC for that hazardous air pollutant.

[68] Our analysis shows that approximately nine percent of incinerators, 27 percent of cement kilns, and 40 percent of lightweight aggregate kilns currently operating can meet all of the floor levels simultaneously. See USEPA, "Final Technical Support Document For HWC MACT Standards, Volume V: Emissions Estimates and Engineering Costs," July 1999.

[69] To improve the rigor of our breakpoint approach, we investigated a modified Rosner "outlier" test that: (1) Uses a single tailed test to consider only high "outliers" (*i.e.*, test conditions

not defining MACT emissions control by design parameters or using an emissions breakpoint approach to identify MACT emissions or feedrate control. Rather, the MACT floor emission control equipment, where applicable, is defined generically (*e.g.*, electrostatic precipitator, fabric filter), and the aggregate feedrate approach is used to define MACT floor feedrates. We believe the aggregate feedrate approach addresses the concerns that commenters raise on the proposed approach because it more clearly defines MACT control and relies less on engineering judgment.

2. May 1997 NODA

We have incorporated into the final rule several of the procedures discussed in the May 1997 NODA. The NODA explained why it is inappropriate to add a statistically-derived emissions variability factor to the highest test condition average of the expanded MACT pool. Despite comments to the contrary, we conclude that emissions variability is inherently considered in the floor methodology. See discussion in section D below.

In addition, the NODA discussed using the same initial MACT pool to establish the floor levels for particulate matter, semivolatile metals, and low volatile metals. We use this same approach in this final rule. Commenters generally concurred with that approach.

As discussed above, we considered using an emissions breakpoint technique, but conclude that this approach is problematic and did not use the approach for this rule.

D. How Is Emissions Variability Accounted for in Development of Standards?

The methodology we use to establish the final MACT emission standards intrinsically accounts for emissions variability without adding statistically-derived emissions variability factors. Many commenters strongly suggest that statistically-derived emissions variability factors must be added to the emission levels we identify from the data base as floor emission levels to ensure that the standards are routinely achievable.[70] Other commenters suggest that our floor methodology inherently accounts for emissions variability. We discuss below the types of emissions variability and why we conclude that emissions variability is inherently accounted for by our methodology.

We account for three types of emissions variability in establishing MACT standards: (1) Within test condition variability among test runs (a test condition is comprised of at least three runs that are averaged); (2) imprecision in the stack test method; and (3) source-to-source emissions variability attributable to source-specific factors affecting the performance of the same MACT control device. (See, *e.g. FMC Corp.* v. *Train*, 539 F.2d 973, 985–86 (4th Cir. 1976), holding that variability in performance must be considered when ascertaining whether a technology-based standard is achievable.) The following sections discuss the way in which we account for these types of variability in the final rule.

1. How Is Within-Test Condition Emissions Variability Addressed?

Inherent process variability will cause emissions to vary from run-to-run within a test condition, even if the stack method is 100 percent precise and even though the source is attempting to maintain constant operating conditions. This is caused by many factors including: Minor changes in the feedrate of feedstreams; combustion perturbations (*e.g.*, uncontrollable, minor fluctuations in combustion temperature or fan velocity); changes in the collection efficiency of the emission control device caused by fluctuations in key parameters (*e.g.*, power input to an electrostatic precipitator); and changes in emissions of materials (*e.g.*, sulfur dioxide) that may cause test method interferences.

At proposal, we used a statistical approach to account for emissions variability. See 61 FR at 17366. The statistical approach identified an emissions variability factor, which was added to the log-mean of the emission level being achieved based on the available "short-term" compliance test data. We called this emission level the "design level." The variability factor was calculated to ensure that the design level could be achieved 99 percent of the time, assuming average within-test condition emissions variability for the source using MACT control.

In the May 1997 NODA, we discussed alternative emission standards developed without using a statistically-derived variability factor. Adding such a variability factor was determined inappropriate because it sometimes resulted in nonsensical results. For example, the particulate matter MACT floor level for incinerators under one floor methodology would have been higher than the current RCRA standard allows, simply due to the impact of an added variability factor. In other cases, the floor levels would have been much higher than our experience would indicate are routinely being achieved using MACT control. We reasoned that these inappropriate and illogical results may flow from either the data base used to derive the variability factor (*e.g.*, we did not have adequate information to screen out potentially outlier runs on a technical basis) or selecting an inappropriate floor-setting test condition as the design level (*e.g.*, we did not have adequate information on design, operation, and maintenance of emissions control equipment used by sources in the emissions data base to definitively specify MACT control).

Consequently, we reasoned that adequately accounting for within test condition emissions variability is achieved where relatively large data sets are available to evaluate for identifying the floor level. Large sets of emissions data from MACT sources, which have emissions below the floor level, are likely to represent the range of emissions variability. For small data sets (*e.g.*, dioxin/furan emissions for waste heat recovery boiler equipped incinerators; dioxin/furan emissions data for lightweight aggregate kilns), we acknowledged that the same logic would not apply. For these small data sets, the floor level was set at the highest run for the MACT source with the highest test condition average emissions. Many commenters suggest that our logic was flawed. Commenters say that, if we desire the floor level to be achievable 99 percent of the time (*i.e.*, the basis for the statistically-derived variability factor at proposal), the emissions data base is far too small to identify the floor level as the highest test condition average for sources using MACT control.

We conclude, however, that the final floor levels identified, using the procedures discussed above (*i.e.*, without adding a statistically-derived emissions variability factor), are levels that can be consistently achieved by well designed, operated, and maintained MACT sources. We

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that anomalously high emissions, not necessarily true outliers in the statistical sense); (2) presumes that any potential "outliers" are at the 80th percentile value or higher; and (3) has a confidence level of 90 percent. We abandoned this statistical approach because: (1) Although modifications to the standard Rosner test were supportable, the modified test has not been peer-reviewed; (2) although the target confidence level was 90 percent, the true significance level of the test, as revised, is inappropriately low—approximately 80 percent; and (3) the "outlier" test does not identify MACT-like test conditions because it only identifies anomalously high test conditions rather than the best performing test conditions.

[70] One commenter recommends specific statistical approaches to calculate variability factors and provides examples of how the statistical methods should be applied to our emissions data base. See comment number CS4A–00041.

conclude this because our emissions data base is comprised of compliance test data generated when sources have an incentive to operate under worst case conditions (*e.g.*, spiking metals and chlorine in the waste feed; detuning the emissions control equipment). Sources choose to operate under worst case conditions during compliance testing because the current RCRA regulations require that limits on key operating parameters not exceed the values occurring during the trial burn. Therefore, these sources conduct tests in a manner that will establish a wide envelope for their operating parameter limits in order to accommodate the expected variability (*e.g.*, variability in types of wastes, combustion system parameters, and emission control parameters). See 56 FR at 7146 where EPA likewise noted that certain RCRA operating permit test conditions are to be "representative of worst-case operating conditions" to achieve needed operating flexibility. One company that operates several hazardous waste incinerators at three locations comments that, because of the current RCRA compliance regime, which is virtually identical to the compliance procedures of today's MACT rule, "the result is that units must be tested at rates which are at least three standard deviations harsher than normal operations and normal variability in order to simulate most of the statistical likelihood of allowable emission rates."[71] The commenter also states that because of the consequences of exceeding an operating parameter limit under MACT, "* * * clearly a source will test under the worst possible operating conditions in order to minimize future (exceedances of the limits)." Finally, the commenter says that "Because of variability and the stiff consequences of exceeding these limits, operators do not in fact operate their units anywhere near the limits for sustained periods of time, but instead tend to operate several standard deviations below them, or at about 33 to 50% of the limits."[72]

We conclude from these comments, which are consistent with engineering principles and with many discussions with experts from the regulated community, that MACT sources with compliance test emissions at or below the selected floor level are achieving those levels routinely because these test conditions are worst-case and are defined by the source itself to ensure 100 percent compliance with the relevant standard.

We acknowledge, however, that mercury is a special case because our mercury emission data may not be representative of worst-case conditions. As discussed in Section I.B.3 above, sources did not generally spike mercury emissions during RCRA compliance testing because they normally feed mercury at levels resulting in emissions well below current limits.[73] Although our data base for mercury is comprised essentially of normal emissions, emissions variability is adequately accounted for in setting floor levels. First, mercury emissions variability is minimal because the source can readily control emissions by controlling the feedrate of mercury.[74] For cement and lightweight aggregate kilns, mercury is controlled solely by controlling feedrate. Given that there is no emission control device that could have perturbations affecting emission rates, emissions variability at a given level of mercury feedrate control is relatively minor. Any variability is attributable to variability in feedrate levels due to feedstream sampling and analysis imprecision, and stack method imprecision (see discussion below).

Second, our emissions data indicate that the mercury floor levels are being achieved by a wide margin, which is a strong indication that a variability factor is not needed. Only one of the 15 incinerators using MACT floor control exceeds the design level for the floor emission level.[75] In addition, only seven of 45 incinerators for which we have mercury emissions data exceed the design level, and two of those eight are know to have spiked mercury in the hazardous waste feed during compliance testing. Only six of the 45 incinerators exceed the floor emission level.

The situation is similar for cement kilns and lightweight aggregate kilns. Only two of 22 cement kilns using floor control exceed the design level, only five of the 33 kilns in the source category exceed the design level, and only one of the 33 kilns exceeds the floor emission level. Only one of nine lightweight aggregate kilns using floor control exceeds the design level, and only two of the 10 kilns in the source category exceed the design level (and one of those kilns is known to have spiked mercury in the hazardous waste feed during compliance testing). Only one of the 10 kilns exceeds the floor emission level, and that kiln spiked mercury.

We conclude from this analysis that the mercury floor emission levels in this rule are readily achieved in practice even though our mercury emissions data were not spiked (*i.e.*, they may not represent worst-case emissions), and therefore a separate variability factor is not needed.

2. How Is Waste Imprecision in the Stack Test Method Addressed?

Method precision is a measure of how closely emissions data are grouped together when measuring the same level of stack emissions (*e.g.*, using a paired or quad test train). Method imprecision is largely a function of the ability of the sampling crew and analytical laboratory to routinely follow best practices. Precision can be affected by: (1) Measurement of ancillary parameters including gas flow rate, pressure, and temperature; (2) recovery of materials from the sampling train; and (3) cleaning, concentrating, and quantitating the analyte.

Several commenters state that we must add a factor to the selected floor level to account for method imprecision in addition to a factor to account for within-test condition emissions variability. We investigated the imprecision for the stack methods used to document compliance with today's rule and determined that method imprecision may be significant for some hazardous air pollutant/method combinations.[76] Our results indicate, however, that method precision is much better than commenters claim, and that as additional data sets become available,

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[71] See Comment No. CS4A–00029.A, dated August 16, 1996.

[72] To estimate the compliance cost of today's rule, we assumed that sources would design their systems to meet an emission level that is 70% of the standard, herein after called the "design level."

[73] Three of 23 incenerators used to define MACT floor (*i.e.*, sources for which mercury feedrate data are available) are known to have spiked mercury. No cement kilns used to define MACT floor (*e.g.*, excluding sources that have stopped burning hazardous waste) are known to have spiked mercury. Only one of ten lightweight aggregate kilns used to define MACT floor is known to have spiked mercury.

[74] Although incenerators are generally equipped with wet scrubbers that can have a mercury removal efficiency of 15 to 60 percent, feedrate control is nonetheless the primary means of mercury emissions control because of the relatively low removal effiçiency provided by wet scrubbers.

[75] Commenters note that the mercury levels fed during RCRA compliance testing may not represent the normal range of feedrates, and thus the compliance test emission levels may not be representative of emission levels achieved in practice. Given that only one of 15 incinerators using floor control exceeds the design level, it appears that the floor emission level is, in fact, being achieved in practice. Some of these 15 sources were likely feeding mercury at the high end of their normal range, even though others may have been feeding mercury at normal or below normal levels. This is also the situation of cement kilns where only two of 2 kilns using floor control exceed the design level, and for lightweight aggregate kilns where only one of nine kilns using floor exceeds the design level.

[76] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

the statistically-derived precision bars for certain pollutants are reasonably expected to be reduced significantly. This is mainly because data should become available over a wider range of emission levels thus reducing the uncertainty that currently results in large precision bar projections for some hazardous air pollutants at emission levels that are not close to the currently available paired and quad-train emissions data.

We conclude that method imprecision, in selecting the floor levels for hazardous waste combustors, is adequately addressed for the same reasons that we accounted for within-test condition emissions variability. Method precision is simply a factor that contributes to within-test condition variability. As discussed above, sources consider emissions variability when defining their compliance test operating conditions to balance emissions standards compliance demonstrations with the need to obtain a wide operating envelope of operating parameter limits.

3. How Is Source-to-Source Emissions Variability Addressed?

If the same MACT control device (*i.e.*, same design, operating, and maintenance features) were used at several sources within a source category, emissions of hazardous air pollutants from the sources could vary. This is because factors that affect the performance of the control device could vary from source to source. Even though a device has the same nominal design, operating, and maintenance features, those features could never be duplicated exactly. Thus, emissions could vary from source to source.

We agree that this type of emissions variability must be accounted for in the standards to ensure the standards are achieved in practice. Source-to-source emissions variability is addressed by identifying the floor emission level as the highest test condition average for sources in the expanded MACT pool, as discussed above.[77]

[77] Because of the need to account for this type of variability, we disagree with those commenters recommending that: (1) The floor emission level be identified as the average emission level achieved by the 12 percent of source with the lowest emissions; and (2) it is inappropriate to base the floor emission level on sources using floor control but that are not within the 12 percent of sources with the lowest emissions (*i.e.*, the expanded MACT pool should not be used to identify floor emission levels). The floor emission level must be achieved in practice by sources using the appropriately designed and operated floor control. Thus, emission levels being achieved by all sources using the appropriately designed and operated floor control (*i.e.*, including sources using floor control but having emission levels greater than the average of the emissions achieved by the 12 percent of sources with the lowest emissions) must be considered when identifying the floor emission level.

The test condition average emissions for sources in the expanded MACT pool for most standards often vary over several orders of magnitude. That variability is attributable partially to the type of source-to-source emissions variability addressed here as well as the inclusion of sources with varying levels of MACT control in the pool. Sources are included in the expanded MACT pool if they have controls equivalent to or better than MACT floor controls. We are unable to identify true source-to-source emissions variability for sources that actually have the same MACT controls because we are unable to specify in sufficient detail the design, operating, and maintenance characteristics of MACT control. Such information is not readily available. Therefore, we define MACT control only in general terms. This problem (and others) are addressed in today's rule by selecting the MACT floor level based on the highest test condition average in the expanded MACT pool, which accounts for source-to-source variability.

We also conclude that the characteristics of the emissions data base coupled with the methodology used to identify the floor emission level adequately accounts for emissions variability so that the floor level is routinely achieved in practice by sources using floor control. As further evidence, we note that a large fraction—50 to 100 percent—of sources in the data base currently meet the floor levels regardless of whether they currently use floor control.[78]

VI. What Are the Standards for Existing and New Incinerators?

A. To Which Incinerators Do Today's Standards Apply?

The standards promulgated today apply to each existing, reconstructed, and newly constructed incinerator (as defined in 40 CFR 260.10) burning hazardous waste. These standards apply to all major source and area source incinerator units and to all units whether they are transportable or fixed sources. These standards also apply to incinerators now exempt from RCRA stack emission standards under §§ 264.340(b) and (c).[79] Additionally, these standards apply to thermal desorbers that meet the definition of a RCRA incinerator, and therefore, are not regulated under subpart X of part 264.

[78] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

[79] Sections 264.340(b) and (c) exempt from stack emission standards incinerators (a) burning solely ignitable, corrosive or reactive wastes under certain conditions, and (b) if the waste contains no or insignificant levels of hazardous constituents.

B. What Subcategorization Options Did We Evaluate?

We considered whether it would be appropriate to subcategorize incinerators based on several factors discussed below and conclude that subcategorization is not necessary. However, for waste heat recovery boiler-equipped incinerators, we establish a separate emission standard solely for dioxin/furan. We explained our rationale for separate dioxin/furan standards for waste heat recovery boilers in the May 1997 NODA (62 FR 24220). We said that waste heat recovery boilers emit significantly higher dioxin/furan emissions than other incinerators, probably because the heat recovery boiler precludes rapid temperature quench of the combustion gases to below 400°F, therefore warranting separate standards for dioxin/furan only (*i.e.*, the waste heat boiler does not affect achievability of the other emission standards).

We considered several options for subcategorizing the hazardous waste incinerator source category based on: (1) Size of the unit (*e.g.*, small and large incinerators); (2) method of use of the hazardous waste incinerator (*e.g.*, commercial hazardous waste incinerator, captive (on-site) unit); (3) facility design (*e.g.*, rotary kiln, liquid injection, fluidized bed, waste heat boiler), and (4) type of waste fed (*e.g.*, hazardous waste mixed with radioactive waste, munitions, liquid, solid or aqueous wastes). Subcategorization would be appropriate if one or more of these factors affected achievability of emission standards that were established without subcategorization. In the May 1997 NODA (62 FR 24219), we stated that subdividing the hazardous waste incinerator source category by size or method of use (such as commercial or on-site) would be inappropriate because it would not result in standards that are more achievable. Many of the standards would be the same for the subcategories while the remainder would be more stringent. That conclusion is not altered by any of the changes in today's final rule. Therefore, subcategorization would add complexity without any tangible achievability benefits.

In the same notice, we also requested comment on subcategorization and/or a deferral of standards for mixed waste incinerators based on a comment from the Department of Energy that this type of incinerator has several unique features that warrant subcategorization.

There are three Department of Energy mixed waste incinerators. Each mixed waste incinerator has a different type of operation and different air pollution control devices, and two of the sources have high dioxin/furan and mercury emissions (several times the dioxin/furan standards adopted in today's rule). We received several comments on the mixed waste incinerator issue. These commenters contend that, because of the radioactive component of the wastes, mixed waste incinerators pose greater than average risk, and regulating these facilities should not be deferred. These commenters also note that the MACT controls are not incompatible with mixed waste incinerators and thus these incinerators can readily achieve the emission standards. We agree that MACT controls are compatible with mixed waste incinerators, with one exception discussed below, and do not establish a mixed waste incinerator subcategory.

The standards promulgated today are generally achievable by all types and sizes of incinerators when using MACT controls. We recognize, however, that each of the possible subcategories considered has some unique features. At the same time, upon consideration of each individual issue, we conclude that unique features of a particular hazardous waste incinerator can be better dealt with on an individual basis (through the permit process or through petitions) instead of through extensive subcategorization. As an example, we agree with the Department of Energy's contentions that feedstream testing for metals is problematic for mixed waste incinerators due to radioactivity of the waste and because risk from metal emissions is minimal in mixed waste incinerators that use HEPA filters to prevent radioactive emissions. Section 63.1209(g)(1) of today's rule provides a mechanism for petitioning the Administrator for use of an alternative monitoring method.[80] This petition process appears to be an appropriate vehicle for addressing the concerns expressed by the Department of Energy about feedstream testing for metals and use of HEPA filters at its mixed waste incinerators.

In summary, our decision not to subcategorize hazardous waste incinerators is based on four reasons:

(1) Size differences among hazardous waste incinerators do not necessarily reflect process, equipment or emissions differences among the incinerators. Many small size hazardous waste incinerators have emissions lower than those promulgated today even though they are not regulated to those low levels.

(2) Types and concentrations of uncontrolled hazardous air pollutants are similar for all suggested subcategories of hazardous waste incinerators.

(3) The same type of control devices, such as electrostatic precipitators, fabric filters, and scrubbers, are used by all hazardous waste incinerators to control emissions of particular hazardous air pollutants.

(4) The standards are achievable by all types and sizes of well designed and operated incinerators using MACT controls.

C. What Are the Standards for New and Existing Incinerators?

1. What Are the Standards for Incinerators?

We discuss in this section the basis for the emissions standards for incinerators. The emissions standards are summarized below:

STANDARDS FOR EXISTING AND NEW INCINERATORS

Hazardous air pollutant or hazardous air pollutant surrogate	Emissions standard [1]	
	Existing sources	New sources
Dioxin /Furan	0.20 ng TEQ [2]/dscm; or 0.40 ng TEQ/dscm and temperature at inlet to the initial particulate matter control device ≤ 400°F.	0.20 ng TEQ/dscm.
Mercury	130 µg/dscm	45 µg/dscm.
Particulate Matter	34mg/dscm (0.015gr/dscf)	34mg/dscm (0.015gr/dscf).
Semivolatile Metals	240 µg/dscm	24 µg/dscm.
Low Volatile Metals	97 µg/dscm	97 µg/dscm.
Hydrochloric Acid/Chlorine Gas	77 ppmv	21 ppmv.
Hydrocarbons [3,4]	10 ppmv (or 100 ppmv carbon monoxide)	10 ppmv (or 100 ppmv carbon monoxide).
Destruction and Removal Efficiency	99.99% for each specific principal organic hazardous constituent, except 99.9999% for specified dioxin-listed wastes.	Same as for existing incinerators.

[1] All emission levels are corrected to 7 percent oxygen.
[2] Toxicity equivalent quotient, the international method of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8–TCDD.
[3] Hourly rolling average. Hydrocarbons reported as propane.
[4] Incinerators that elect to continuously comply with the carbon monoxide standard must demonstrate compliance with the hydrocarbon standard of 10ppmv during the comprehensive performance test.

2. What Are the Standards for Dioxins and Furans?

We establish a dioxin/furan standard for existing incinerators of either 0.20 ng TEQ/dscm, or a combination of dioxin/furan emissions up to 0.40 ng TEQ/dscm and temperature at the inlet to the initial dry particulate matter control device not to exceed 400°F.[81] Expressing the standard as a temperature limit as well as a dioxin/furan concentration limit provides better control of dioxin/furan, because sources operating at temperatures below 400°F generally have lower emissions and is consistent with the current practice of many sources. Further, without the lower alternative TEQ limit of 0.20 ng/dscm, sources that may be operating dry particulate matter control devices at temperatures higher than 400°F while achieving dioxin/furan emissions below 0.20 ng TEQ/dscm would nonetheless be required to incur costs to lower gas temperatures. This would not be appropriate because lowering gas temperatures in this case would likely

[80] The petition for an alternative monitoring method should be included in the comprehensive performances test plan submitted for review and approval.

[81] Incinerators that use wet scrubbers as the initial particulate matter control device are presumed to meet the 400°F temperature requirement. Consequently, as a practical matter, the standard for such incinerators is simply 0.4 ng TEQ/dscm.

achieve limited reductions in dioxin/furan emissions (*i.e.*, because emissions are already below 0.20 ng TEQ).

For new incinerators, the dioxin/furan standard is 0.20 ng TEQ/dscm. We discuss below the rationale for these standards.

a. What is the MACT Floor for Existing Sources? We establish the same MACT floor control, as was evaluated in the May 1997 NODA, based on the revised data base and the refinements to the analytical approaches. This floor control is based on quenching of combustion gases to 400°F or below at the dry particulate matter control device.[82] We selected a temperature of 400°F because that temperature is below the temperature range for optimum surface-catalyzed dioxin/furan formation reactions—450°F to 650°F—and most sources operate their particulate matter control device below that temperature. In addition, temperature is an important control parameter because dioxin/furan emissions increase exponentially as combustion gas temperatures at the dry particulate matter control device increase above 400°F.

We identify a MACT floor level of 0.40 ng TEQ/dscm for incinerators other than those equipped with waste heat recovery boilers. As discussed in the May 1997 NODA, the floor level of 0.40 ng TEQ/dscm is based on the highest nonoutlier test condition for sources equipped with dry particulate matter control devices operated at temperatures of 400°F or below or wet particulate matter control devices. We screened out four test conditions from three facilities because they have anomalously high dioxin/furan emissions and are not representative of MACT control practices.[83] Three of these test conditions are from sources that had other test conditions with emission averages well below 0.40 ng TEQ/dscm, indicating that the same facilities can achieve lower emission levels in different operating modes.

We identify a MACT floor level for waste heat boiler-equipped hazardous waste incinerators of 12 ng TEQ/dscm based on the highest emitting individual run for sources equipped with dry particulate matter control devices operated at temperatures of 400°F or below or wet particulate matter control devices. We use the highest run to set the floor level rather than the average of the runs for the test condition to address emissions variability concerns given that we have a very small data set for waste heat boilers. All waste heat boiler-equipped hazardous waste incinerators meet this floor level, except for a new test conducted after the publication of the May 1997 NODA at high temperature conditions that resulted in dioxin/furan emission levels of 47 ng TEQ/dscm. This source is not using MACT control, however, because the temperature at the particulate matter control device exceeded 400°F. Thus, we do not consider emissions from this source in identifying the floor level.

We received numerous and diverse comments on the April 1996 proposal and the May 1997 NODA. While some commenters consider the dioxin/furan standards too high, a large number comment that the standards are too stringent. Many comment that the methodology used for calculating the dioxin/furan MACT floor level is inappropriate and that the cost-effectiveness of the standards is not reasonable. In particular, some commenters suggest separating "fast quench" and "slow quench" units. We have fully addressed this latter concern because we now establish separate dioxin/furan standards for waste heat boilers given that they are a fundamentally different type of process and that they have higher dioxin/furan emissions because of the slow quench across the boiler. We address the other comments elsewhere in the preamble and in the comment response document.

Approximately 65% of all test conditions at all incinerator sources are achieving the 0.40 ng TEQ/dscm level, and over 50% of all test conditions achieve the 0.20 ng TEQ/dscm level. We estimate that approximately 60 percent of incinerators currently meet the TEQ limit as well as the temperature limit. Under the statute, compliance costs are not to be considered in MACT floor determinations. For purposes of compliance with Executive Order 12866 and the Regulatory Flexibility Act, we calculated the annualized cost for hazardous waste incinerators to achieve the dioxin/furan MACT floor levels. Assuming that no hazardous waste incinerator exits the market due to MACT standards, the annual cost is estimated to be $3 million, and the standards will reduce dioxin/furan emissions nationally by 3.4 g TEQ per year from the baseline emissions level of 24.8 g TEQ per year.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? We investigated the use of activated carbon injection, along with limiting temperatures at the inlet to the initial dry particulate matter control device to 400°F,[84] to achieve two alternative beyond-the-floor emission levels: (1) 0.40 ng TEQ/dscm for waste heat boiler-equipped incinerators (*i.e.*, slow quench) to reduce their emissions to the floor level for other incinerators; and (2) 0.20 ng TEQ/dscm for all incinerators. Activated carbon injection technology is feasible and proven to reduce dioxin/furan emissions by 99 percent or greater.[85] It is currently used by one waste heat boiler-equipped hazardous waste incinerator (Waste Technologies Industries in East Liverpool, Ohio) and many municipal waste combustors.[86] The removal efficiency of an activated carbon injection system is affected by several factors including carbon injection rate and adsorption quality of the carbon. Thus, activated carbon injection systems can be used by waste heat boiler-equipped incinerators to achieve alternative beyond-the-floor emissions of either 0.40 ng TEQ/dscm or 0.20 ng TEQ/dscm.

We conclude that a beyond-the-floor emission level of 0.40 ng TEQ/dscm for waste heat boiler-equipped incinerators is cost-effective but a 0.20 ng TEQ/dscm emission level for all incinerators is not cost-effective. We estimate that 23 waste heat boiler-equipped incinerators will need to install activated carbon injection systems at an annualized cost of approximately $6.6 million. This will result in a sizable reduction of 17.9 g TEQ dioxin/furan emissions per year and will provide an 84 percent reduction in emissions from the floor emission level (21.4 g TEQ per year) for all hazardous waste incinerators. This represents a cost-effectiveness of $370,000 per gram TEQ removed.

When we evaluated the alternative beyond-the-floor emission level of 0.20 ng TEQ/dscm for all incinerators, we determined that 80 hazardous waste incinerators would incur costs to reduce dioxin/furan emissions by 19.5 g TEQ from the floor level (21.4 g TEQ) at an annualized cost of $16.1 million. The cost-effectiveness would be $827,000 per gram of TEQ removed. In addition,

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[82] The temperature limit applies at the inlet to a dry particulate matter control device that suspends particulate matter in the combustion gas stream (*e.g.*, electrostatic precipitator, fabric filter) such that surface-catalyzed formation of dioxin/furan is enhanced. The temperature limit does not apply to a cyclone control device, for example.

[83] USEPA, "Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999, Section 3.1.1.

[84] Limiting the temperature at the dry particulate matter control device reduces surface-catalyzed formation of dioxin/furan and enhances the adsorption of dioxin/furan on the activated carbon.

[85] USEPA, "Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

[86] We have established in a separate rulemaking that activated carbon injection is MACT floor control for municipal waste combustors.

we determined that the vast majority of these emissions reductions would be provided by waste heat boiler-equipped incinerators, and would be provided by the beyond-the-floor emission level of 0.40 ng TEQ/dscm discussed above. The incremental annualized cost of the 0.20 ng TEQ/dscm option for incinerators other than waste heat boiler-equipped incinerators would be $9.5 million, and would result in an incremental reduction of only 1.6 g TEQ per year. This represents a high cost for a very small additional emission reduction from the floor, or a cost-effectiveness of $6.0 million per additional gram of TEQ dioxin/furan removed. Accordingly, we conclude that the 0.20 ng TEQ/dscm beyond-the-floor option is not cost-effective.

We note that dioxin/furan are some of the most toxic compounds known due to their bioaccumulative potential and wide range of adverse health effects, including carcinogenesis, at exceedingly low doses. We consider beyond-the-floor reduction of dioxin/furan emissions a prime environmental and human health consideration. As discussed above, our data base indicates that a small subset of incinerators—those equipped with waste heat recovery boilers—can emit high levels of dioxin/furan, up to 12 ng TEQ/dscm, even when operating the dry particulate matter control device at ≤400°F. We are concerned that such high dioxin/furan emission levels are not protective of human health and the environment, as mandated by RCRA. If dioxin/furan emissions from waste heat boiler-equipped incinerators are not reduced by a beyond-the-floor emission standard, omnibus RCRA permit conditions would likely be needed in many cases. This would defeat our objective of having only one permitting framework for stack air emissions at hazardous waste incinerators (except in unusual cases). Thus, the beyond-the-floor standard promulgated today for waste heat boiler-equipped incinerators is not only cost-effective, but also an efficient approach to meed the Agency's RCRA mandate.

Some commenters suggest that the standard for waste heat boiler-equipped hazardous waste incinerators, which is based on activated carbon injection, be set at levels achieved by activated carbon injection at the Waste Technologies Industries facility—an average of 0.07 ng TEQ/dscm. We determined that this would not be appropriate because of concerns that such a low emission level may not be routinely achievable. An emission level of 0.07 ng TEQ/dscm represents a 99.4 percent reduction in emissions from the floor level of 12 ng TEQ/dscm. Although activated carbon injection can achieve dioxin/furan emissions reductions of 99 percent and higher, we are concerned that removal efficiency may decrease at low dioxin/furan emission levels. We noted our uncertainty about how much activated carbon injection control efficiency may be reduced at low dioxin/furan concentrations in the May 1997 NODA (62 FR at 24220). Several commenters agree with our concern, including Waste Technologies Industries.[87] No commenters provide data or information to the contrary. Because we have data from only one hazardous waste incinerator documenting that an emission level of 0.07 ng TEQ can be achieved, we are concerned that an emission level that low may not be routinely achievable by all sources.

c. What Is the MACT Floor for New Sources? For new sources, the CAA requires that the MACT floor be the level of control used by the best controlled single source. As discussed above, one source, the Waste Technologies Industries (WTI) incinerator in Liverpool, Ohio, uses activated carbon injection. Therefore, we identify activated carbon injection as MACT floor control for new sources. To establish the MACT floor emission level that is being achieved in practice for sources using activated carbon injection, data are available from only WTI. WTI is achieving an emission level of 0.07 ng TEQ/dscm. As discussed above, we are concerned that emission level may not be routinely achievable because the removal efficiency of activated carbon injection may be reduced at such low emission levels. An emission level of 0.20 ng TEQ/dscm is routinely achievable, however. We note that activated carbon injection is MACT floor control for dioxin/furan at new large municipal waste combustors. We established a standard of 13 ng/dscm total mass "equal to about 0.1 to 0.3 ng/dscm TEQ" for these sources (60 FR 65396 (December 19, 1995)), equivalent to approximately 0.20 ng TEQ/dscm. We conclude, therefore, that a floor level of 0.20 ng TEQ/dscm is achievable for new sources using activated carbon injection and accordingly set this as the standard.

d. What Are Our Beyond-the-Floor Considerations for New Sources? As discussed in the May 1997 NODA, a beyond-the-floor standard below 0.20 ng TEQ/dscm would not be appropriate. Although installation of carbon beds would enable new hazardous waste incinerators to achieve lower dioxin/furan levels, we do not consider the technology to be cost-effective. The reduction in dioxin/furan emissions would be very small, while the costs of carbon beds would be prohibitively high. In addition, due to the very small dioxin/furan reduction, the benefit in terms of cancer risks reduced also will be very small. Therefore, we conclude that a beyond-the-floor standard for dioxin/furan is not appropriate.

3. What Are the Standards for Mercury?

We establish a mercury standard for existing and new incinerators of 130 and 45 μg/dscm respectively. We discuss below the rationale for these standards.

a. What Is the MACT Floor for Existing Sources? We are establishing the same MACT floor level as proposed, 130 μg/dscm although, as discussed below, the methodology underlying this standard has changed from proposal. At proposal, the floor standard was based on the performance of either: (1) Feedrate control of mercury at a maximum theoretical emission concentration not exceeding 19 μg/dscm; or (2) wet scrubbing in combination with feedrate control of mercury at a level equivalent to a maximum theoretical emission concentration not exceeding 51 μg/dscm. In the May 1997 NODA, we reevaluated the revised data base and defined MACT control as based on performance of wet scrubbing in combination with feedrate control of mercury at a level equivalent to a maximum theoretical emission concentration of 50 μg/dscm and discussed a floor level of 40 μg/dscm.

Several commenters object to our revised methodology and are concerned that we use low mercury feedrates to define floor control. These commenters state that standards should not be based on sources feeding very small amounts of a particular metal, but rather on their ability to minimize the emissions by removing the hazardous air pollutant. As discussed previously, we maintain that hazardous waste feedrate is an appropriate MACT control technique. We agree with commenters' concerns, however, that previous methodologies to define floor feedrate control may have identified sources feeding anomalously low levels of a metal (or chlorine). To address this concern, we have revised the floor determination methodology for mercury, semivolatile metals, low volatile metals and total chlorine. A

[87] Waste Technologies Industries suggested, however, that after experience with activated carbon injection systems has been attained by several hazardous waste incinerators, the Agency could then determine whether an emission level of 0.07 ng TEQ/dscm is routinely achievable. See comment number 064 in Docket F–97–CS4A–FFFFF.

detailed description of this methodology—the aggregate feedrate approach—is presented in Part Four, Section V of this preamble. Adopting this aggregate feedrate approach, we identify a mercury feedrate level that is approximately five times higher than the May 1997 NODA level and higher than approximately 70% of the test conditions in our data base.

Wet scrubbers also provide control of mercury (particularly mercury chlorides). Given that virtually all incinerators are equipped with wet scrubbers (for control of particulate matter or acid gases), we continue to define floor control as both hazardous waste feedrate control of mercury and wet scrubbing. The MACT floor based on the use of wet scrubbing and feedrate control of mercury is 130 µg/dscm.[88]

The floor level is being achieved by 80% of the test conditions in our data base of 30 hazardous waste incinerators. As already discussed above, consideration of costs to achieve MACT floor standards play no part in our MACT floor determinations, but we nevertheless estimate costs to the hazardous waste incinerator universe for administrative purposes. We estimate that 35 hazardous waste incinerators, assuming no market exit by any facility, will need to adopt measures to reduce mercury emissions at their facilities by 3.46 Mg from the current baseline of 4.4 Mg at an estimated annualized cost $12.2 million, yielding a cost-effectiveness of $3.6 million per Mg of mercury reduced.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? As required by statute, we evaluated more stringent beyond-the-floor controls for further reduction of mercury emissions from the floor level. Activated carbon injection systems can achieve mercury emission reductions of over 85 percent and we proposed them as beyond-the-floor control in the April 1996 NPRM. In the May 1997 NODA, we reevaluated the use of activated carbon injection[89] as beyond-the-floor control, but cited significant cost-effectiveness concerns. We reiterate these concerns here. Our technical support document[90] provides details of annualized costs and reductions that can be achieved.

In addition, we considered a beyond-the-floor level of 50 µg/dscm based on limiting the feedrate of mercury in the hazardous waste (*i.e.*, additional feedrate control beyond floor control), and conducted an evaluation of the cost of achieving this reduction to determine if this beyond-the-floor level would be appropriate. The national incremental annualized compliance cost to meet this beyond-the-floor level, rather than comply with the floor controls, would be approximately $4.2 million for the entire hazardous waste incinerator industry and would provide an incremental reduction in mercury emissions nationally beyond the MACT floor controls of 0.7 Mg/yr, yielding a cost-effectiveness of $10 million per additional Mg of mercury reduced. Thus, potential benefits in relation to costs are disproportionately low, and we conclude that beyond-the-floor mercury controls for hazardous waste incinerators are not warranted. Therefore, we are not adopting a mercury beyond-the-floor standard.

Many commenters object to our beyond-the-floor standards as proposed, citing high costs for achieving relatively small mercury emission reductions, and compare the cost-effectiveness numbers with regulations of other sources (electric utilities, municipal and medical waste incinerators). Although comparison between rules for different sources is not directly relevant (see, *e.g.*, *Portland Cement Association* v. *Ruckelshaus* 486 F.2d 375, 389 (D.C. Cir. 1973)), we nevertheless agree that the cost of a mercury beyond-the-floor standard in relation to benefits is substantial. Some commenters, as well as the peer review panel, state that beyond-the-floor levels are not supported by a need based on risk. Although the issue of residual risk can be deferred under the CAA, an immediate question must be addressed if RCRA regulation of air emissions is to be deferred. Our analysis[91] indicates that mercury emissions at the floor level do not pose a serious threat to the human health and environment and that these standards are adequately protective to satisfy RCRA requirements as a matter of national policy, subject, of course, to the possibility of omnibus permit conditions for individual facilities in appropriate cases.

Some commenters state that the technical performance of activated carbon injection for mercury control is not adequately proven. Activated carbon injection performance has been adequately demonstrated at several hazardous waste incinerators, municipal waste combustors, and other devices.[92] Our peer review panel also states that activated carbon injection can achieve 85% reduction of mercury emissions.[93] Some commenters also state that we underestimate the cost and complexities of retrofitting incinerators to install activated carbon injection systems (*e.g.*, air reheaters would be required in many cases). We reevaluated the modifications needed for retrofits of activated carbon injection systems and have revised the costs of installation.

c. What Is the MACT Floor for New Sources? Floor control must be based on the level of control used by the best controlled single source. The best controlled source in our data base uses wet scrubbing and hazardous waste feedrate control of mercury at a feedrate corresponding to a maximum theoretical emission concentration of 0.072 µg/dscm. We conclude that this feedrate is atypically low, however, given that the next lowest mercury feedrates in our data base are 63, 79, 110, and 130 µg/dscm, expressed as maximum theoretical emission concentrations. Accordingly, we select the mercury feedrate for the second best controlled source under the aggregate feedrate approach to represent the floor control mercury feedrate for new sources. That feedrate is 110 µg/dscm[94] expressed as a maximum theoretical emission concentration, and corresponds to an emission level of 45 µg/dscm after considering the expanded MACT pool (*i.e.*, the highest emission level from all sources using floor control). Therefore, we establish a MACT floor level for mercury for new sources of 45 µg/dscm.[95] We note that, at proposal and in

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[88] This is coincidentally the same floor level as proposed, notwithstanding the use of a different methodology.

[89] Flue gas temperatures would be limited to 400°F at the point of carbon injection to enhance mercury removal.

[90] USEPA, "Technical Support Document for HWC MACT Standards, Volume V: Emission Estimates and Engineering Costs," July 1999.

[91] USEPA, "Risk Assessment Support to the Development of Technical Standards for Emissions from Combustion Units Burning Hazardous Wastes: Background Information Document," July 1999.

[92] USEPA, "Technical Support Document for HWC MACT Standards, Volume III: Selection of Proposed MACT Standards and Technologies," July 1999.

[93] Memo from Mr. Shiva Garg, EPA to Docket No. F–96–RCSP–FFFFF entitled "Peer Review Panel Report in support of proposed rule for revised standards for hazardous waste combustors", dated August 5, 1996.

[94] The test conditions with mercury feedrates of 63 and 79 µg/dscm do not have complete data sets for all metals and chlorine. Thus, these conditions cannot be used under the aggregate feedrate approach to define the floor level of feedrate control. Mercury emissions from those test conditions are used, however, to identify a floor emission level that is being achieved.

[95] In addition, this floor emission level may be readily achievable for new sources using activated carbon injection as floor control for dioxiin/furan without the need for feedrate control of mercury. Activated carbon injection can achieve mercury emissions reductions of 85 percent. Given that the upper bound mercury feedrate for "normal" wastes (*i.e.*, without mercury spiking) in our data base corresponds to a maximum theoretical emission concentration of 300 µg/dscm, such sources could

Continued

the May 1997 NODA, mercury standards of 50 and 40 μg/dscm respectively were proposed for new sources. Today's final rule is in the same range as those proposed emission levels.

d. What Are Our Beyond-the-Floor Considerations for New Sources? We evaluated the use of activated carbon injection as beyond-the-floor control for new sources to achieve emission levels lower than floor levels. In the April 1996 NPRM and May 1997 NODA, we stated that new sources could achieve a beyond-the-floor level of 4 μg/dscm based on use of activated carbon injection. We cited significant cost-effectiveness concerns at that level, however. We reiterate those concerns today.

Many commenters object to our beyond-the-floor standards as proposed, citing high costs for achieving relatively small mercury emission reductions. They compare the proposed standards unfavorably with other sources' regulations (*e.g.*, electric utilities, municipal and medical waste incinerators), where the cost-effectiveness values are much lower. As stated earlier, comparison between rules for different sources is not directly relevant. Nonetheless, we conclude that use of activated carbon injection as a beyond-the-floor control for mercury for new sources would not be cost-effective. We also note that the floor levels are adequately protective to satisfy RCRA requirements.

We also considered additional feedrate control of mercury as beyond-the-floor control. We conclude, however, that significant emission reductions using feedrate control may be problematic because the detection limit of routine feedstream analysis procedures for mercury is such that a beyond-the-floor mercury emission limit could be exceeded even though mercury is not present in feedstreams at detectable levels. Although sources could potentially perform more sophisticated mercury analyses, cost-effectiveness considerations would likely come into play and suggest that a beyond-the-floor standard is not warranted.

4. What Are the Standards for Particulate Matter?

We establish standards for existing and new incinerators which limit particulate matter emissions to 0.015 grains/dry standard cubic foot (gr/dscf) or 34 milligrams per dry standard cubic meter (mg/dscm).[96] We chose the particulate matter standard as a surrogate control for the metals antimony, cobalt, manganese, nickel, and selenium. We refer to these five metals as "nonenumerated metals" because standards specific to each metal have not been established. We discuss below the rationale for adopting these standards.

a. What Is the MACT Floor for Existing Sources? Our data base consists of particulate matter emissions from 75 hazardous waste incinerators that range from 0.0002 gr/dscf to 1.9 gr/dscf. Particle size distribution greatly affects the uncontrolled particulate matter emissions from hazardous waste incinerators, which, in turn, is affected by incinerator type and design, particulate matter entrainment rates, waste ash content, waste sooting potential and waste chlorine content. Final emissions from the stacks of hazardous waste incinerators are affected by the degree of control provided to uncontrolled particulate matter emissions by the air pollution control devices. Dry collection devices include fabric filters or electrostatic precipitators, while wet collection devices include conventional wet scrubbers (venturi type) or the newer patented scrubbers like hydrosonic, free jet, or the collision type. Newer hazardous waste incinerators now commonly use ionizing wet scrubbers or wet electrostatic precipitators or a combination of both dry and wet devices.

The MACT floor setting procedure involves defining MACT level of control based on air pollution control devices used by the best performing sources. Control devices used by these best performing sources can be expected to routinely and consistently achieve superior performance. Then, we identify an emissions level that well designed, well-operated and well-maintained MACT controls can achieve based on demonstrated performance, and engineering information and principles.

The average of the best performing 12 percent of hazardous waste incinerators use either fabric filters, electrostatic precipitators (dry or wet), or ionizing wet scrubbers (sometimes in combination with venturi, packed bed, or spray tower scrubbers). As explained in Part Four, Section V, we define floor control for particulate matter for incinerators as the use of a well-designed, operated, and maintained fabric filter, electrostatic precipitator, or ionizing wet scrubber. Sources using certain wet scrubbing techniques such as high energy venturi scrubbers, and novel condensation, free-jet, and collision scrubbers can also have very low particulate matter emission levels. We do not consider these devices to be MACT control, however, because, in general, a fabric filter, electrostatic precipitator, or ionizing wet scrubber will provide superior particulate matter control. In some cases, sources using medium or low energy wet scrubbers are achieving very low particulate matter emissions, but only for liquid waste incinerators, which typically have low ash content waste. Thus, this control technology demonstrates high effectiveness only under atypical conditions, and we do not consider it to be MACT floor control for particulate matter.

We conclude that fabric filters, electrostatic precipitators, and ionizing wet scrubbers are routinely achieving an emission level of 0.015 gr/dscf based upon the following considerations:

i. Sources in our data base are achieving this emission level. Over 75 percent of the sources in the expanded MACT pool are achieving an emission level of 0.015 gr/dscf. We investigated several sources in our data base using floor control but failing to achieve this level, and we found that the control devices do not appear to be well-designed, operated, and maintained. Some of these sources are not using superior fabric filter bags (*e.g.*, Gore-tex®, Nomex felt, or tri-lift fabrics), some exhibit salt carry-over and entrainment from a poorly operated wet scrubber located downstream of the fabric filter, and some are poorly maintained in critical aspects (such as fabric cleaning cycle or bag replacements).[97]

ii. Well-designed, operated, and maintained fabric filters and electrostatic precipitators can routinely achieve particulate matter levels lower than the floor level of 0.015 gr/dscf. Levels less than 0.005 gr/dscf were demonstrated on hazardous waste incinerators and municipal waste combustors in many cases. Well-designed fabric filters have a surface collection area of over 0.5 ft^2/acfm and high performance filter fabrics such as Nomex and Gore-tex. Well-designed electrostatic precipitators have advanced power system controls (with intermittent or pulse energization), internal plate and electrode geometry to

achieve the mercury floor emission level of 45 μg/dscm using activated carbon injection alone.

[96] Particulate matter is a surrogate for the metal hazardous air pollutants for which we are not establishing metal emission standards: Antimony, cobalt, manganese, nickel, and selenium.

[97] USEPA, "Technical Support Document for HWC, MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

allow for high voltage potential, flue gas conditioning by addition of water or reagents such as sulfur trioxide or ammonia to condition particulate matter for lower resistivity, and optimized gas distribution within the electrostatic precipitator. The technical support document identifies many hazardous waste incinerators using such well designed control equipment.

iii. The 0.015 gr/dscf level is well within the accepted capabilities of today's particulate matter control devices in the market place. Vendors typically guarantee emission levels for the particulate matter floor control devices at less than 0.015 gr/dscf and in some cases, as low as 0.005 gr/dscf.

iv. The 0.015 gr/dscf level is consistent with standards promulgated for other incinerator source categories burning municipal solid waste and medical waste, both of which are based on performance of fabric filters or electrostatic precipitators as MACT. Comparison of hazardous waste incinerator floor level to these standards is appropriate because particulate matter characteristics such as particle size distribution, loading and particulate matter type are comparable within the above three types of waste burning source categories.

v. Hazardous waste incinerators that meet the 0.015 gr/dscf particulate matter level also generally achieve semivolatile metal system removal efficiencies of over 99% and low volatile metal system removal efficiencies over 99.9%. This indicates superior particulate matter collection efficiency because these metals are controlled by controlling fine and medium-sized particulate matter.

vi. Over 50 percent of all test conditions in the data base, regardless of the type of air pollution control device used, design of the hazardous waste incinerator, or the type of waste burned, currently meet the 0.015 gr/dscf level. This includes hazardous waste incinerators with high particulate matter entrainment rates (such as fluidized bed and rotary kilns) as well as those with wastes that generate difficult to capture fine particulate matter, such as certain liquid injection facilities.

vii. Many incinerators conducted several tests to develop the most flexible operating envelope for day-to-day operations, keeping in view the existing RCRA particulate matter standard of 0.08 gr/dscf. In many test conditions, they elected to meet (and be limited to) the 0.015 gr/dscf level, although they were only required to meet a 0.08 gr/dscf standard.

Many commenters object to the use of engineering information and principles in the selection of the MACT floor level. Some consider engineering information and principles highly subjective and dependent on reviewers' interpretation of the data, while others suggest the use of accepted statistical methods for handling the data. We performed analyses based on available statistical tools for outlier analysis and variability, as discussed previously, but conclude that those approaches are not appropriate. We continue to believe that the use of engineering information and principles is a valid approach to establish the MACT floor (*i.e.*, to determine the level of performance consistently achievable by properly designed and operated floor control technology).

Some commenters object to the use of "well-designed, operated and maintained" MACT controls. They consider the term too vague and want specific parameters and features (*e.g.*, air to cloth ratio for fabric filters and power input for electrostatic precipitators) identified. We understand commenters' concerns but such information is simply not readily available. Further, many parameters work in relation with several others making it problematic to quantify optimum values separate from the other values. The system as a whole needs to be optimized for best control efficiency on a case-by-case basis.

Some commenters object to our justification of particulate matter achievability on the basis of vendors' claims. They contend that: (1) Vendors' claims lack quality control and are driven by an incentive for sales; (2) vendors' claims are based on normal operating conditions, not on trial burn type conditions; and (3) MACT floor should not be based on theoretical performance of state-of-the-art technology. We would agree with the comments if the vendor information were from advertising literature, but instead, our analysis was based on warranties. The financial consequences of vendors' warranties require those warranties to be conservative and based on proven performance records, both during normal operations and during trial burn conditions. In any case, we are using vendor information as corroboration, not to establish a level of performance.

In the May 1997 NODA (62 FR at 24222), we requested comments on the alternative MACT evaluation method based on defining medium and low energy venturi-scrubbers burning low ash wastes as an additional MACT control, but screening out facilities from the expanded MACT floor universe that have poor semivolatile metal system removal efficiency. The resulting MACT floor emission level under this approach would be 0.029 gr/dscf. Many commenters agree with the Agency that this technique is unacceptable because it ignores a majority (over 75 percent) of the available particulate matter data in identifying the MACT standard. This result is driven by the fact that corresponding semivolatile metal data are not available from those sources. Other commenters, however, suggest that venturi scrubbers should be designated as MACT particulate matter control. These commenters suggest that sources using venturi scrubbers are within the average of the best performing 12 percent of sources, and there is no technical basis for their exclusion. As stated above, we agree that well-designed and operated venturi scrubbers can achieve the MACT floor level of 0.015gr/dscf under some conditions (as when burning low ash wastes), but their performance is generally not comparable to that of a fabric filter, electrostatic precipitator, or ionizing wet scrubber. Thus, we conclude that sources equipped with venturi scrubbers may not be able to achieve the floor emission level in all cases, and the floor level would have to be inappropriately increased to accommodate unrestricted use of those units.

Some commenters state that we must demonstrate health or environmental benefits if the rule were to require sources to replace existing, less efficient air pollution control devices (*e.g.*, venturi scrubbers incapable of meeting the standard) with a better performing device, particularly because particulate matter is not a hazardous air pollutant under the CAA. These comments are not persuasive and are misplaced as a matter of law. The MACT floor process was established precisely to obviate such issues and to establish a minimum level of control based on performance of superior air pollution control technologies. Indeed, the chief motivation for adopting the technology-based standards to control emissions of hazardous air pollutants in the first instance was the evident failure of the very type of risk-based approach to controlling air toxics as is suggested by the commenters. (See, *e.g.*, H. Rep. No. 490, 101st Cong. 2d Sess., at 318–19.) Inherent in technology-based standard setting, of course, is the possibility that some technologies will have to be replaced if they cannot achieve the same level of performance as the best performing technologies. Finally, with regard to the commenters' points regarding particulate matter not being a hazardous air pollutant, we explain

above why particulate matter is a valid surrogate for certain hazardous air pollutants, and can be used as a means of controlling hazardous air pollutant emissions. In addition, the legislative history appears to contemplate regulation of particulate matter as part of the MACT process. (See S. Rep. No. 228, 101st Cong. 1st Sess., at 170.[98])

We do not consider cost in selecting MACT floor levels. Nevertheless, for purposes of administrative compliance with the Regulatory Flexibility Act and various Executive Orders, we estimate the cost burden on the hazardous waste incinerator universe to achieve compliance. Approximately 38 percent of hazardous waste incinerators currently meet the floor level of 0.015 gr/dscf. The annualized cost for the remaining 115 incinerators to meet the floor level, assuming no market exits, is estimated to be $17.4 million. Nonenumerated metals and particulate matter emissions will be reduced nationally by 5.1 Mg/yr and 1345 Mg/yr, respectively, or over 50 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the NPRM, we proposed a beyond-the-floor emission level of 69 mg/dscm (0.030 gr/dscf) and solicited comment on an alternative beyond-the-floor emission level of 34 mg/dscm (0.015 gr/dscf) based on improved particulate matter control. (61 FR at 17383.) In the May 1997 NODA, we concluded that a beyond-the-floor standard may not be warranted due to significant cost-effectiveness considerations. (62 FR at 24222.)

In the final rule, we considered more stringent beyond-the-floor controls that would provide additional reductions of particulate matter emissions using fabric filters, electrostatic precipitators, and wet ionizing scrubbers that are designed, operated, and maintained to have improved collection efficiency. We considered a beyond-the-floor level of 16 mg/dscm (0.007 gr/dscf), approximately one-half the floor emission level, for existing incinerators based on improved particulate matter control. We then determined the cost of achieving this reduction in particulate matter, with corresponding reductions in the nonenumerated metals for which particulate matter is a surrogate, to determine if this beyond-the-floor level would be appropriate. The national incremental annualized compliance cost for incinerators to meet this beyond-the-floor level, rather than comply with the floor controls, would be approximately $6.8 million for the entire hazardous waste incinerator industry and would provide an incremental reduction in nonenumerated metals emissions nationally beyond the MACT floor controls of 1.7 Mg/yr. Based on these costs of approximately $4.1 million per additional Mg of nonenumerated metals emissions removed, we conclude that this beyond-the-floor option for incinerators is not acceptably cost-effective nor otherwise justified. Therefore, we do not adopt this beyond-the-floor standard. Poor cost-effectiveness would be particularly unacceptable here considering that these metals also have relatively low toxicity. Thus, the particulate matter standard for new incinerators is 34 mg/dscm. Therefore, the cost-effectiveness threshold we would select would be less than for more toxic pollutants such as dioxin, mercury or other metals.

c. What Is the MACT Floor for New Sources? We proposed a floor level of 0.030 gr/dscf for new sources based on the best performing source in the data base, which used a fabric filter with an air-to-cloth ratio of 3.8 acfm/ft^2. In the May 1997 NODA, we reevaluated the particulate matter floor level and indicated that floor control for existing sources would also appear to be appropriate for new sources. We are finalizing the approach discussed in the May 1997 NODA whereby floor control is a well-designed, operated, and maintained fabric filter, electrostatic precipitator, or ionizing wet scrubber, and the floor emission level is 0.015 gr/dscf.

d. What Are Our Beyond-the-Floor Considerations for New Sources? We considered more stringent beyond-the-floor controls that would provide additional reductions of particulate matter emissions using fabric filters, electrostatic precipitators, and wet ionizing scrubbers that are designed, operated, and maintained to have improved collection efficiency. We considered a beyond-the-floor level of 16 mg/dscm (0.007 gr/dscf), approximately one-half the emissions level for existing sources, for new incinerators based on improved particulate matter control. For analysis purposes, improved particulate matter control assumes the use of higher quality fabric filter bag material. We then determined the cost of achieving this reduction in particulate matter, with corresponding reductions in the nonenumerated metals for which particulate matter is a surrogate, to determine if this beyond-the-floor level would be appropriate. The incremental annualized compliance cost for one new large incinerator to meet this beyond-the-floor level, rather than comply with floor controls, would be approximately $39,000 and would provide an incremental reduction in nonenumerated metals emissions of approximately 0.05 Mg/yr.[99] For a new small incinerator, the incremental annualized compliance cost would be approximately $7,500 and would provide an incremental reduction in nonenumerated metals emissions of approximately 0.008 Mg/yr. Based on these costs of approximately $0.8–1.0 million per additional Mg of nonenumerated metals removed, we conclude that a beyond-the-floor standard of 16 mg/dscm is not warranted due to the high cost of compliance and relatively small nonenumerated metals emission reductions. Poor cost-effectiveness would be particularly unacceptable here considering that these metals also have relatively low toxicity. Thus, the particulate matter standard for new incinerators is 34 mg/dscm.

5. What Are the Standards for Semivolatile Metals?

Semivolatile metals are comprised of lead and cadmium. We establish standards which limit semivolatile metal emissions to 240 µg/dscm for existing sources and 24 µg/dscm for new sources. We discuss below the rationale for adopting these standards.

a. What Is the MACT Floor for Existing Sources? As discussed in Part Four, Section V of the preamble, floor control for semivolatile metals is hazardous waste feedrate control of semivolatile metals plus MACT floor particulate matter control. We use the aggregate feedrate approach to define the level of semivolatile metal feedrate control. We have aggregate feedrate data for 20 test conditions from nine hazardous waste incinerators that are using MACT floor control for particulate matter. The semivolatile metal feedrate levels, expressed as maximum theoretical emission concentrations, for these sources range from 100 µg/dscm to 1.5 g/dscm while the semivolatile emissions range from 1 to 6,000 µg/dscm. The MACT-defining maximum theoretical emission concentration is

[98] Control of particulate matter also helps assure that the standards are sufficiently protective to make RCRA regulation of these sources' air emissions unnecessary (except potentially on a site-specific basis through the omnibus permitting process). See Technical Support Document on Risk Assessment.

[99] Based on the data available, the average emissions in sum of the five nonenumerated metals from incinerators using MACT particulate matter control is approximately 229 µg/dscm. To estimate emission reductions of the nonenumerated metals for specific test conditions, we assume a linear relationship between a reduction in particulate matter and these metals.

5,300 µg/dscm. Upon expanding the MACT pool, only the highest emissions test condition of 6,000 µg/dscm was screened out because the semivolatile metal maximum theoretical emission concentration for this test condition was higher than the MACT-defining maximum theoretical emission concentration. The highest emission test condition in the remaining expanded MACT pool identifies a MACT floor emission level of 240 µg/dscm.

We originally proposed a semivolatile metal floor standard of 270 µg/dscm based on semivolatile metal feedrate control. We subsequently refined the emissions data base and reevaluated the floor methodology, and discussed in the May 1997 NODA a semivolatile metal floor level of 100 µg/dscm. Commenters express serious concerns with the May 1997 NODA approach in two areas. First, they note that the MACT-defining best performing sources have very low emissions, not entirely due to the performance of MACT control, but also due to atypically low semivolatile metal feedrates. Second, they object to our use of a "breakpoint" analysis to screen out the outliers from the expanded MACT pool (which was already small due to the screening process to define the feedrate level representative of MACT control). Our final methodology makes adjustments to address these concerns. Under the aggregate feedrate approach, sources with atypically low feedrates of semivolatile metals would not necessarily drive the floor control feedrate level. This is because the aggregate feedrate approach identifies as the best performing sources (relative to feedrate control) those with low feedrates in the aggregate for all metals and chlorine. In addition, the floor methodology no longer uses the breakpoint approach to identify sources not using floor control. These issues are discussed above in detail in Part Four, Section V, of the preamble.

Although cost-effectiveness of floor emission levels is not a factor in defining floor control or emission levels, we have estimated compliance costs and emissions reductions at the floor for administrative purposes. Approximately 66 percent of sources currently meet the semivolatile metal floor level of 240 µg/dscm. The annualized cost for the remaining 64 incinerators to meet the floor level, assuming no market exits, is estimated to be $1.8 million. Semivolatile metal emissions will be reduced nationally by 55.9 Mg per year from the baseline emissions level of 58.5 Mg per year, a reduction of 95.5%.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? We considered more stringent semivolatile metal feedrate control as a beyond-the-floor control to provide additional reductions in emissions. Cost effectiveness considerations would likely come into play, however, and suggest that a beyond-the-floor standard is not warranted. Therefore, we conclude that a beyond-the-floor standard for semivolatile metals for existing sources is not appropriate. We note that a beyond-the-floor standard is not needed to meet our RCRA protectiveness mandate.

c. What Is the MACT Floor for New Sources? Floor control for new sources is: (1) The level of semivolatile metal feedrate control used by the source with the lowest aggregate feedrate for all metals and chlorine;[100] and (2) use of MACT floor particulate matter control for new sources (*i.e.*, a fabric filter, electrostatic precipitator, or wet ionizing scrubber achieving a particulate matter emission level of 0.015 gr/dscf). Three sources in our data base are currently using the floor control selected for all new sources and are achieving semivolatile emissions ranging from 2 µg/dscm to 24 µg/dscm. To ensure that the floor level is achievable by all sources using floor control, we are establishing the floor level for semivolatile metals for new sources at 24 µg/dscm.

d. What Are Our Beyond-the-Floor Considerations for New Sources? We considered more stringent beyond-the-floor controls (*i.e.*, a more restrictive semivolatile metal feedrate) to provide additional reduction in emissions. We determined that cost-effectiveness considerations would likely be unacceptable due to the relatively low concentrations achieved at the floor. This suggests that a beyond-the-floor standard is not warranted. We note that a beyond-the-floor standard is not needed to meet our RCRA protectiveness mandate.

6. What Are the Standards for Low Volatile Metals?

Low volatile metals are comprised of arsenic, beryllium, and total chromium. We establish standards that limit emissions of these metals to 97 µg/dscm for both existing and new incinerators. We discuss below the rationale for adopting these standards.

a. What Is the MACT Floor for Existing Sources? We are using the same approach for low volatile metals as we did for semivolatile metals to define floor control. Floor control for low volatile metals is use of particulate matter floor control and control of the feedrate of low volatile metals to a level identified by the aggregate feedrate approach.

The low volatile metal feedrates for sources using particulate matter floor control range from 300 µg/dscm to 1.4 g/dscm when expressed as maximum theoretical emission concentrations. Emission levels for these sources range from 1 to 803 µg/dscm. Approximately 60 percent of sources using particulate matter floor control have low volatile metal feedrates below the MACT floor feedrate—24,000 µg/dscm, expressed as a maximum theoretical emission concentration.

Upon expanding the MACT pool, the source using floor control with the highest emissions is achieving an emission level of 97 µg/dscm. Accordingly, we are establishing the floor level for low volatile metals for existing sources at 97 µg/dscm to ensure that the floor level is achievable by all sources using floor control.

We identified a low volatile metal floor level of 210 µg/dscm in the April 1996 proposal. The refined data analysis in the May 1997 NODA, based on the revised data base, reduced the low volatile metal floor level to 55 µg/dscm. As with semivolatile metals, commenters express serious concerns with the May 1997 NODA approach, including selection of the breakpoint "outlier" screening approach and use of hazardous waste incinerator data with atypically low feedrates for low volatile metals. We acknowledge those concerns and adjusted our methodology accordingly. See discussions above in Part Four, Section V.

We estimated compliance costs to the hazardous waste incinerator universe for administrative purposes. Approximately 63 percent of incinerators currently meet the 97 µg/dscm floor level. The annualized cost for the remaining 69 incinerators to meet the floor level, assuming no market exits, is estimated to be $1.9 million, and would reduce low volatile metal emissions nationally by 6.9 Mg per year from the baseline emissions level of 8 Mg per year.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? We considered more stringent beyond-the-floor controls (*i.e.*, a more restrictive low volatile metal feedrate) to provide additional reduction in emissions. Due to the relatively low concentrations achieved at the floor, we determined that cost-effectiveness considerations would likely be unacceptable. Therefore, we conclude that a beyond-the-floor standard for low volatile metals for existing sources is not

[100] *I.e.*, a semivolatile metal feedrate equivalent to a maximum theoretical emission concentration of 3,500 µg/dscm.

appropriate. We note that a beyond-the-floor standard is not needed to meet our RCRA protectiveness mandate.

c. What Is the MACT Floor for New Sources? We identified a floor level of 260 μg/dscm for new sources at proposal based on the best performing source in the data base. That source uses a venturi scrubber with a low volatile metal feedrate equivalent to a maximum theoretical emission concentration of 1,000 μg/dscm. Our reevaluation of the data base in the May 1997 NODA identified a floor level of 55 μg/dscm based on use of floor control for particulate matter and feedrate control of low volatile metals. Other than the comments on the two issues of low feedrate and the inappropriate use of a breakpoint analysis discussed above, no other significant comments challenged this floor level.

Floor control for new sources is the same as discussed in the May 1997 NODA (*i.e.*, use of particulate matter floor control and feedrate control of low volatile metals), except the floor feedrate level under the aggregate feedrate approach used for today's final rule is 13,000 μg/dscm. Upon expanding the MACT pool, the source using floor control with the highest emissions is achieving an emission level of 97 μg/dscm.[101] Accordingly, we are establishing the floor level for low volatile metals for new sources at 97 μg/dscm to ensure that the floor level is achievable by all sources using floor control.

d. What Are Our Beyond-the-Floor Considerations for New Sources? We considered more stringent beyond-the-floor controls (*i.e.*, a more restrictive low volatile metal feedrate) to provide additional reduction in emissions. Because of the relatively low concentrations achieved, we determined that cost-effectiveness considerations would likely be unacceptable. Therefore, we conclude that a beyond-the-floor standard for low volatile metals for new sources is not appropriate. We note that a beyond-the-floor standard is not needed to meet our RCRA protectiveness mandate.

[101] The emission level for new sources achieving a feedrate control of 13,000 μg/dscm (expressed as a maximum theoretical emission concentration) is the same as the emission level for existing sources achieving a feedrate control of 24,000 μg/dscm because sources feeding low volatile metals in the range of 13,000 to 24,000 μg/dscm have emission levels at or below 97 μg/dscm. Although these sources feel low volatile metals at higher levels than the single best feedrate-controlled source, their emission control devices apparently are more efficient. Thus, they achieved lower emissions than the single best feedrate-controlled source.

7. What Are the Standards for Hydrochloric Acid and Chlorine Gas?

We establish standards for hydrochloric acid and chlorine gas, combined, for existing and new incinerators of 77 and 21 ppmv respectively. We discuss below the rationale for adopting these standards.

a. What Is the MACT Floor for Existing Sources? Almost all hazardous waste incinerators currently use some type of add-on stack gas wet scrubbing system, in combination with control of the feedrate of chlorine, to control emissions of hydrochloric acid and chlorine gas. A few sources use dry or semi-dry scrubbing, alone or in combination with wet scrubbing, while a few rely upon feedrate control only. Wet scrubbing consistently provides a system removal efficiency of over 99 percent for various scrubber types and configurations. Current RCRA regulations require 99% removal efficiency and most sources are achieving greater than 99.9 percent removal efficiency. Accordingly, floor control is defined as wet scrubbing achieving a system removal efficiency of 99 percent or greater combined with feedrate control of chlorine.

The floor feedrate control level for chlorine is 22 μg/dscm, expressed as a maximum theoretical emission concentration, based on the aggregate feedrate approach. The source in the expanded MACT pool (*i.e.*, all sources using floor control) with the highest emission levels of hydrogen chloride and chlorine gas is achieving an emission level of 77 ppmv. Thus, MACT floor for existing sources is 77 ppmv.

At proposal, we also defined floor control as wet scrubbing combined with feedrate control of chlorine. We proposed a floor emission level of 280 ppmv based on a chlorine feedrate control level of 21 μg/dscm, expressed as a maximum theoretical emission concentration. The best performing sources relative to emission levels all use wet scrubbing and feed chlorine at that feedrate or lower. We identified a floor level of 280 ppmv based on all sources in our data base using floor control and after applying a statistically-derived emissions variability factor. In the May 1997 NODA, we again defined floor control as wet (or dry) scrubbing with feedrate control of chlorine. We discussed a floor emission level of 75 ppmv based on the revised data base and break-point floor methodology. Rather than using a break-point analysis in the final rule, we use a floor methodology that identifies floor control as an aggregate chlorine feedrate combined with scrubbing that achieves a removal efficiency of at least 99 percent.

We estimated compliance costs to the hazardous waste incinerator universe for administrative purposes. Approximately 70 percent of incinerators currently meet the hydrochloric acid and chlorine gas floor level of 77 ppmv. The annualized cost for the remaining 57 incinerators to meet that level, assuming no market exits, is estimated to be $4.75 million and would reduce emissions of hydrochloric acid and chlorine gas nationally by 2,670 Mg per year from the baseline emissions level of 3410 Mg per year, a reduction of 78%.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? We considered more stringent beyond-the-floor controls to provide additional reduction in emissions. Due to the relatively low concentrations achieved at the floor, we determined that cost-effectiveness considerations would likely be unacceptable. Therefore, we conclude that a beyond-the-floor standard for hydrochloric acid and chlorine gas for existing sources is not appropriate. We note that a beyond-the-floor standard is not needed to meet our RCRA protectiveness mandate.

c. What Is the MACT Floor for New Sources? We identified a floor level of 280 ppmv at proposal based on the best performing source in the data base. That source uses wet scrubbing and a chlorine feedrate of 17 μg/dscm, expressed as a maximum theoretical emission concentration. Our reevaluation of the revised data base in the May 1997 NODA defined a floor level of 75 ppmv. Based on the aggregate feedrate approach used for today's final rule, we are establishing a floor level of 21 ppmv, based on a chlorine feedrate of 4.7 μg/dscm expressed as a maximum theoretical emission concentration.

d. What Are Our Beyond-the-Floor Considerations for New Sources? We considered more stringent beyond-the-floor controls to provide additional reduction in emissions. Due to the relatively low concentrations achieved at the floor, we determined that cost-effectiveness considerations would likely be unacceptable. Therefore, we conclude that a beyond-the-floor standard for hydrochloric acid and chlorine gas for new sources is not appropriate. We note that a beyond-the-floor standard is not needed to meet our RCRA protectiveness mandate.

8. What Are the Standards for Carbon Monoxide?

We use carbon monoxide as a surrogate for organic hazardous air pollutants. Low carbon monoxide

concentrations in stack gas are an indicator of good control of organic hazardous air pollutants and are achieved by operating under good combustion practices.

We establish carbon monoxide standards of 100 ppmv for both existing and new sources based on the rationale discussed below. Sources have the option to comply with either the carbon monoxide or the hydrocarbon emission standard. Sources that elect to comply with the carbon monoxide standard must also document compliance with the hydrocarbon standard during the performance test to ensure control of organic hazardous air pollutants. See discussion in Part Four, Section IV.B.

a. What Is the MACT Floor for Existing Sources? As proposed, floor control for existing sources is operating under good combustion practices (*e.g.*, providing adequate excess oxygen; providing adequate fuel (waste) and air mixing; maintaining high temperatures and adequate combustion gas residence time at those temperatures).[102] Given that there are many interdependent parameters that affect combustion efficiency and thus carbon monoxide emissions, we were not able to quantify "good combustion practices."

We are identifying a floor level of 100 ppmv on an hourly rolling average, as proposed, because it is being achieved by sources using good combustion practices. More than 80 percent of test conditions in our data base have carbon monoxide levels below 100 ppmv, and more than 60 percent have levels below 20 ppmv. Of approximately 20 test conditions with carbon monoxide levels exceeding 100 ppmv, we know the characteristics of many of these sources are not representative of good combustion practices (*e.g.*, use of rotary kilns without afterburners; liquid injection incinerators with rapid combustion gas quenching). In addition, we currently limit carbon monoxide concentrations for hazardous waste burning boilers and industrial furnaces to 100 ppmv to ensure good combustion conditions and control of organic toxic compounds. Finally, we have established carbon monoxide limits in the range of 50 to 150 ppmv on other waste incineration sources (*i.e.*, municipal waste combustors, medical waste incinerators) to ensure good combustion conditions. We are not aware of reasons why it may be more difficult for a hazardous waste incinerator to achieve carbon monoxide levels of 100 ppmv.

We estimated compliance costs to the hazardous waste incinerator universe for administrative purposes. Because carbon monoxide emissions from these sources are already regulated under RCRA, approximately 97 percent of incinerators currently meet the floor level of 100 ppmv. The annualized cost for the remaining six incinerators to meet the floor level, assuming no market exits, is estimated to be $0.9 million and would reduce carbon monoxide emissions nationally by 45 Mg per year from the baseline emissions level of 9170 Mg per year.[103] Although we cannot quantify a corresponding reduction of organic hazardous air pollutant emissions, we estimate these reductions would be significant based on the carbon monoxide reductions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? We considered more stringent beyond-the-floor controls (*i.e.*, better combustion practices resulting in lower carbon monoxide levels) to provide additional reduction in emissions. Although it is difficult to quantify the reduction in emissions of organic hazardous air pollutants that would be associated with a lower carbon monoxide limit, we concluded that cost-effectiveness considerations would likely come into play, and suggest that a beyond-the-floor standard is not warranted. Therefore, we conclude that a beyond-the-floor standard for carbon monoxide for existing sources is not appropriate. We note that, although control of carbon monoxide (or hydrocarbon) is not an absolute guarantee that nondioxin/furan products of incomplete combustion will not be emitted at levels of concern, this problem (where it may exist) can be addressed through the RCRA omnibus permitting process.

c. What Is the MACT Floor for New Sources? At proposal and in the May 1997 NODA, we stated that operating under good combustion practices defines MACT floor control for new (and existing) sources,[104] and the preponderance of data indicate that a floor level of 100 ppmv over an hourly rolling average is readily achievable. For reasons set forth in the proposal, and absent data to the contrary, we conclude that this floor level is appropriate.

d. What Are Our Beyond-the-Floor Considerations for New Sources? We considered more stringent beyond-the-floor controls (*i.e.*, better combustion practices resulting in lower carbon monoxide levels) to provide additional reduction in emissions. For the reasons discussed above in the context of beyond-the-floor controls for existing sources, however, we conclude that a beyond-the-floor standard for carbon monoxide for new sources is not appropriate.

9. What Are the Standards for Hydrocarbon?

Hydrocarbon concentrations in stack gas are a direct surrogate for emissions of organic hazardous pollutants. We establish hydrocarbon standards of 10 ppmv for both existing and new sources based on the rationale discussed below. Sources have the option to comply with either the carbon monoxide or the hydrocarbon emission standard. Sources that elect to comply with the carbon monoxide standard, however, must nonetheless document compliance with the hydrocarbon standard during the comprehensive performance test.

a. What Is the MACT Floor for Existing Sources? We proposed a hydrocarbon emission standard of 12 ppmv [105] based on good combustion practices, but revised it in the May 1997 NODA to 10 ppmv based on refinements of analysis and the corrected data base.

As proposed, floor control for existing sources is operating under good combustion practices (*e.g.*, providing adequate excess oxygen; providing adequate fuel (waste) and air mixing; maintaining high temperatures and adequate combustion gas residence time at those temperatures). Given that there are many interdependent parameters that affect combustion efficiency and thus hydrocarbon emissions, we are not able to quantify good combustion practices.

We are identifying a floor level for the final rule of 10 ppmv on an hourly rolling average because it is being achieved using good combustion practices. More than 85 percent of test conditions in our data base have hydrocarbon levels below 10 ppmv, and nearly 75 percent have levels below 5 ppmv. Although 13 test conditions in our data base representing 7 sources have hydrocarbon levels higher than 10 ppmv, we conclude that these sources

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[102] USEPA, "Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

[103] As discussed previously in the text, you have the option of complying with the hydrocarbon emission standard rather than the carbon monoxide standard. This is because carbon monoxide is a conservative indicator of the potential for emissions of organic compounds while hydrocarbon concentrations in stack gas are a direct measure of emissions of organic compounds.

[104] Because we cannot quantify good combustion practices, floor control for the single best controlled source is the same as for existing sources (*i.e.*, that combination of design, operation, and maintenance that achieves good combustion as evidenced by carbon monoxide levels of 100 ppmv or less on an hourly rolling average).

[105] Based on an hourly rolling average, reported as propane, corrected to 7 percent oxygen, dry basis.

are not operating under good combustion practices. For example, one source is a rotary kiln without an afterburner. Another source is a fluidized bed type incinerator that operates at lower than typical combustion temperatures without an afterburner while another source is operating at high carbon monoxide levels, indicative of poor combustion efficiency.[106]

Some commenters on the May 1997 NODA object to the 10 ppmv level and suggest adopting a level of 20 ppmv based on the BIF rule (§ 266.104(c)), and an earlier hazardous waste incinerator proposal (55 FR 17862 (April 27, 1990)). These commenters cite sufficient protectiveness at the 20 ppmv level. We conclude that this comment is not on point because the MACT standards are technology rather than risk-based. The MACT standards must reflect the level of control that is not less stringent than the level of control achieved by the best performing sources. Because hazardous waste incinerators are readily achieving a hydrocarbon level of 10 ppmv using good combustion practices, that floor level is appropriate.

Some commenters also object to the requirement to use heated flame ionization hydrocarbon detectors [107] in hazardous waste incinerators that use wet scrubbers. The commenters state that these sources have a very high moisture content in the flue gas that hinders proper functioning of the specified hydrocarbon detectors. We agree that hydrocarbon monitors may be hindered in these situations. For this and other reasons (*e.g.*, some sources can have high carbon monoxide but low hydrocarbon levels), the final rule gives sources the option of: (1) Continuous hydrocarbon monitoring; or (2) continuous carbon monoxide monitoring and demonstration of compliance with the hydrocarbon standard only during the performance test.

We estimated compliance costs to the hazardous waste incinerator universe for administrative purposes. Approximately 97 percent of incinerators currently meet the hydrocarbon floor level of 10 ppmv. The annualized cost for the remaining six incinerators to meet the floor level, assuming no market exits, is estimated to be $0.35 million, and would reduce hydrocarbon emissions nationally by 28 Mg per year from the baseline emissions level of 292 Mg per year. Although the corresponding reduction of organic hazardous air pollutant emissions cannot be quantified, these reductions are qualitatively assessed as significant.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? We considered more stringent beyond-the-floor controls (*i.e.*, better combustion practices resulting in lower hydrocarbon levels) to provide additional reduction in emissions. Although it is difficult to quantify the reduction in emissions of organic hazardous air pollutants that would be associated with a lower hydrocarbon limit, cost-effectiveness considerations would likely come into play, however, and suggest that a beyond-the-floor standard is not warranted. Therefore, we conclude that a beyond-the-floor standard for hydrocarbon emissions for existing sources is not appropriate. We note further that, although control of hydrocarbon emissions is not an absolute guarantee that nondioxin products of incomplete combustion will not be emitted at levels of concern, this problem (where it may exist) can be addressed through the RCRA omnibus permitting process.

c. What Is the MACT Floor for New Sources? At proposal and in the May 1997 NODA, we stated that operation under good combustion practices at new (and existing) hazardous waste incinerators defines the MACT control.[108] As discussed above, sources using good combustion practices are achieving hydrocarbon levels of 10 ppmv or below. Comments on this subject were minor and did not identify any problems in achieving the 10 ppmv level by new sources. Thus, we conclude that a floor level of 10 ppmv on hourly rolling average is appropriate for new sources.

d. What Are Beyond-the-Floor Considerations for New Sources? We considered more stringent beyond-the-floor controls (*i.e.*, better combustion practices) to provide additional reduction in emissions. For the reasons discussed above in the context of beyond-the-floor controls for existing sources, however, we conclude that a beyond-the-floor standard for hydrocarbons for new sources is not appropriate.

10. What Are the Standards for Destruction and Removal Efficiency?

We establish a destruction and removal efficiency (DRE) standard for existing and new incinerators to control emissions of organic hazardous air pollutants other than dioxins and furans. Dioxins and furans are controlled by separate emission standards. See discussion in Part Four, Section IV.A. The DRE standard is necessary, as previously discussed, to complement the carbon monoxide and hydrocarbon emission standards, which also control these hazardous air pollutants.

The standard requires 99.99 percent DRE for each principal organic hazardous constituent (POHC), except that 99.9999 percent DRE is required if specified dioxin-listed hazardous wastes are burned. These wastes are listed as—F020, F021, F022, F023, F026, and F027—RCRA hazardous wastes under Part 261 because they contain high concentrations of dioxins.

a. What Is the MACT Floor for Existing Sources? Existing sources are currently subject to DRE standards under § 264.342 and § 264.343(a) that require 99.99 percent DRE for each POHC, except that 99.9999 percent DRE is required if specified dioxin-listed hazardous wastes are burned. Accordingly, these standards represent MACT floor. Since all hazardous waste incinerators are currently subject to these DRE standards, they represent floor control, *i.e.*, greater than 12 percent of existing sources are achieving these controls.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? Beyond-the-floor control would be a requirement to achieve a higher percentage DRE, for example, 99.9999 percent DRE for POHCs for all hazardous wastes. A higher DRE could be achieved by improving the design, operation, or maintenance of the combustion system to achieve greater combustion efficiency.

Sources will not incur costs to achieve the 99.99 percent DRE floor because it is an existing RCRA standard. A substantial number of existing incinerators are not likely to be routinely achieving 99.999 percent DRE, however, and most are not likely to be achieving 99.9999 percent DRE. Improvements in combustion efficiency will be required to meet these beyond-the-floor DREs. Improved combustion efficiency is accomplished through better mixing, higher temperatures, and longer residence times. As a practical matter, most combustors are mixing-limited. Thus, improved mixing is

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[106] USEPA, "Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

[107] See Performance Specification 8A, appendix B, part 60, "Specifications and test procedures for carbon monoxide and oxygen continuous monitoring systems in stationary sources."

[108] Because we cannot quantify good combustion practices, floor control for the single best controlled soruce is the same as for existing sources (*i.e.*, that combination of design, operation, and maintenance that achieves good combustion as evidenced by hydrocarbon levels of 10 ppmv or less on an hourly rolling average).

necessary for improved DREs. For a less-than-optimum burner, a certain amount of improvement may typically be accomplished by minor, relatively inexpensive combustor modifications—burner tuning operations such as a change in burner angle or an adjustment of swirl—to enhance mixing on the macro-scale. To achieve higher and higher DREs, however, improved mixing on the micro-scale may be necessary requiring significant, energy intensive and expensive modifications such as burner redesign and higher combustion air pressures. In addition, measurement of such DREs may require increased spiking of POHCs and more sensitive stack sampling and analysis methods at added expense.

Although we have not quantified the cost-effectiveness of a beyond-the-floor DRE standard, we do not believe that it would be cost-effective. For reasons discussed above, we believe that the cost of achieving each successive order-of-magnitude improvement in DRE will be at least constant, and more likely increasing. Emissions reductions diminish substantially, however, with each order of magnitude improvement in DRE. For example, if a source were to emit 100 gm/hr of organic hazardous air pollutants assuming zero DRE, it would emit 10 gm/hr at 90 percent DRE, 1 gm/hr at 99 percent DRE, 0.1 gm/hr at 99.9 percent DRE, 0.01 gm/hr at 99.99 percent DRE, and 0.001 gm/hr at 99.999 percent DRE. If the cost to achieve each order of magnitude improvement in DRE is roughly constant, the cost-effectiveness of DRE decreases with each order of magnitude improvement in DRE. Consequently, we conclude that this relationship between compliance cost and diminished emissions reductions associated with a more stringent DRE standard suggests that a beyond-the-floor standard is not warranted.

c. What Is the MACT Floor for New Sources? The single best controlled source, and all other hazardous waste incinerators, are subject to the existing RCRA DRE standard under § 264.342 and § 264.343(a). Accordingly, we adopt this standard as the MACT floor for new sources.

d. What Are Our Beyond-the-Floor Considerations for New Sources? As discussed above, although we have not quantified the cost-effectiveness of a more stringent DRE standard, diminishing emissions reductions with each order of magnitude improvement in DRE suggests that cost-effectiveness considerations would likely come into play. We conclude that a beyond-the-floor standard is not warranted.

VII. What Are the Standards for Hazardous Waste Burning Cement Kilns?

A. To Which Cement Kilns Do Today's Standards Apply?

The standards promulgated today apply to each existing, reconstructed, and newly constructed Portland cement manufacturing kiln that burns hazardous waste. These standards apply to all hazardous waste burning cement kilns (both major source and area source cement plants). Portland cement kilns that do not engage in hazardous waste burning operations are not subject to this NESHAP. However, these hazardous waste burning kilns would be subject to the NESHAP for other sources of hazardous air pollutants at the facility (*e.g.*, clinker cooler stack) that we finalized in June 1999.[109]

B. How Did EPA Initially Classify Cement Kilns?

1. What Is the Basis for a Separate Class Based on Hazardous Waste Burning?

Portland cement manufacturing is one of the initial 174 categories of major and area sources of hazardous air pollutants listed pursuant to section 112(c)(1) for which section 112(d) standards are to be established.[110] We divided the Portland cement manufacturing source category into two different classes based on whether the cement kiln combusts hazardous waste. This action was taken for two principal reasons: If hazardous wastes are burned in the kiln, emissions of hazardous air pollutants can be different for the two types of kilns in terms of both types and concentrations of hazardous air pollutants emitted, and metals and chlorine emissions are controlled in a significantly different manner.

A comparison of metals levels in coal and in hazardous waste fuel burned in lieu of coal on a heat input basis reveals that hazardous waste frequently contains higher concentrations of hazardous air pollutant metals (*i.e.*, mercury, semivolatile metals, low volatile metals) than coal. Hazardous waste contains higher levels of semivolatile metals than coal by more than an order of magnitude at every cement kiln in our data base.[111] In addition, coal concentrations of mercury and low volatile metals were less than hazardous waste by approximately an order of magnitude at every facility except one. Thus, a cement kiln feeding a hazardous waste fuel is likely to emit more metal hazardous air pollutants than a nonhazardous waste burning cement kiln. Given this difference in emissions characteristics, we divided the Portland cement manufacturing source category into two classes based on whether hazardous waste is burned in the cement kiln.

Today's rule does not establish hazardous air pollutant emissions limits for other hazardous air pollutant-emitting sources at a hazardous waste burning cement plant. These other sources of hazardous air pollutants may include materials handling operations, conveyor system transfer points, raw material dryers, and clinker coolers. Emissions from these sources are subject to the requirements promulgated in the June 14, 1999 Portland cement manufacturing NESHAP. See 64 FR 31898. These standards are applicable to these other sources of hazardous air pollutants at all Portland cement plants, both for nonhazardous waste burners and hazardous waste burners.

In addition, this regulation does not establish standards for cement kiln dust management facilities (*e.g.*, cement kiln dust piles or landfills). We are developing cement kiln dust storage and disposal requirements in a separate rulemaking.

2. What Is the Basis for Differences in Standards for Hazardous Waste and Nonhazardous Waste Burning Cement Kilns?

Today's final standards for hazardous waste burning cement kilns are identical in some respects to those finalized for nonhazardous waste burning cement kilns on June 14, 1999. The standards differ, however, in several important aspects. A comparison of the major features of the two sets of standards and the basis for major differences is discussed below.

a. How Does the Regulation of Area Sources Differ? As discussed earlier, this rule makes a positive area source finding under section 112(c)(3) of the CAA (*i.e.*, a finding that hazardous air pollutant emissions from an area source can pose potential risk to human health and the environment) for existing hazardous waste burning cement kilns and subjects area sources to the same standards that apply to major sources. (See Part Three, Section III.B of today's preamble.) For nonhazardous waste burning cement kilns, however, we regulate area sources under authority of

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[109] On June 14, 1999, we promulgated regulations for kiln stack emissions for nonhazardous waste burning cement kilns and other sources of hazardous air pollutants at all Portland manufacturing plants. (See 64 FR 31898.)

[110] EPA published an initial list of 174 categories of area and major sources in the **Federal Register** on July 16, 1992. (See 57 FR at 31576.)

[111] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

section 112(c)(6) of the CAA, and so apply MACT standards only to the section 112(c)(6) hazardous air pollutants emitted from such sources.

The positive finding for hazardous waste burning cement kilns is based on several factors and, in particular, on concern about potential health risk from emissions of mercury and nondioxin/furan organic hazardous air pollutants which are products of incomplete combustion.

However, we do not have this same level of concern with hazardous air pollutant emissions from nonhazardous waste burning cement kilns located at area source cement plants, and so did not make a positive area source finding. As discussed above, mercury emissions from hazardous waste burning cement kilns are generally higher than those from nonhazardous waste burning cement kilns. Also, nondioxin and nonfuran organic hazardous air pollutants emitted from hazardous waste burning cement kilns have the potential to be greater than those from nonhazardous waste burning cement kilns because hazardous waste can contain high concentrations of a wide-variety of organic hazardous air pollutants. In addition, some hazardous waste burning cement kilns feed containers of hazardous waste at locations (*e.g.*, midkiln, raw material end of the kiln) other than the normal coal combustion zone. If such firing systems are poorly designed, operated, or maintained, emissions of nondioxin and furan organic hazardous air pollutants could be substantial (and, again, significantly greater than comparable emissions from nonhazardous waste Portland cement plants). Finally, hazardous air pollutant emissions from nonhazardous waste burning cement kilns currently are not regulated uniformly under another statute as is the case for hazardous waste burning cement kilns which affects which pollutants are controlled at the floor for each class.

Under the June 1999 final rule, existing and new nonhazardous waste burning cement kilns at area source plants are subject to dioxin and furan emission standards, and a hydrocarbon [112] standard for new nonhazardous waste burning cement kilns that are area sources. These standards are promulgated under the authority of section 112(c)(6). That section requires the Agency to establish MACT standards for source categories contributing significantly in the aggregate to emissions of identified, particularly hazardous air pollutants. The MACT process was also applied to the control of mercury, although the result was a standard of no control.

b. How Do the Emission Standards Differ? The dioxin, furan and particulate matter emission standards for nonhazardous waste burning cement kilns are identical to today's final standard for hazardous waste burning cement kilns. The standards for both classes of kilns are floor standards and are identical because hazardous waste burning is not likely to affect emissions of either dioxin/furan [113] or particulate matter. We also conclude that beyond-the-floor standards for these pollutants would not be cost-effective for either class of cement kilns.

Under today's rule, hazardous waste burning cement kilns are subject to emission standards for mercury, semivolatile metals, low volatile metals, and hydrochloric acid/chlorine gas, but we did not finalize such standards for nonhazardous waste burning cement kilns. Currently, emissions of these hazardous air pollutants from hazardous waste burning cement kilns are regulated under RCRA. Therefore, we could establish floor levels for each pollutant under the CAA. These hazardous air pollutants, however, currently are not controlled for nonhazardous waste burning cement kilns and floor levels would be uncontrolled levels (*i.e.*, the highest emissions currently achieved).[114] We considered beyond-the-floor controls and emission standards for mercury and hydrochloric acid for nonhazardous waste burning cement kilns, but conclude that beyond-the-floor standards are not cost-effective, especially considering the lower rates of current emissions for nonhazardous waste burning plants.

Finally, under today's rule, hazardous waste burning cement kilns are subject to emission limits on carbon monoxide and hydrocarbon and a destruction and removal efficiency standard to control nondioxin/furan organic hazardous air pollutants. We identified these controls as floor controls because carbon monoxide and hydrocarbon emissions are controlled for these sources under RCRA regulations, as is destruction and removal efficiency.[115] For nonhazardous waste burning cement kilns, carbon monoxide and hydrocarbon emissions currently are not controlled, and the destruction and removal efficiency standard, established under RCRA, does not apply. Therefore, carbon monoxide, hydrocarbon control and the destruction and removal efficiency standard are not floor controls for this second group of cement kilns. We considered beyond-the-floor controls for hydrocarbon from nonhazardous waste burning cement kilns and determined that beyond-the-floor controls for existing sources are not cost-effective. The basis of this conclusion is discussed in the proposed rule for nonhazardous waste burning cement kilns (see 63 FR at 14202). We proposed and finalized, however, a hydrocarbon emission standard for new source nonhazardous waste cement kilns based on feeding raw materials without an excessive organic content.[116] See 63 FR at 14202 and 64 FR 31898.

We did not consider a destruction and removal efficiency standard as a beyond-the-floor control for nonhazardous waste burning cement kilns because, based historically on a unique RCRA statutory provision, the DRE standard is designed to ensure destruction of organic hazardous air pollutants in hazardous waste fed to hazardous waste combustors. The underlying rationale for such a standard is absent for nonhazardous waste burning cement kilns that do not combust hazardous waste and that feed materials (*e.g.*, limestone, coal) that contain only incidental levels of organic hazardous air pollutants.

c. How Do the Compliance Procedures Differ? We finalized compliance procedures for nonhazardous waste burning cement kilns that are similar to those finalized today for hazardous waste burning cement kilns. For particulate matter, we are implementing a coordinated program to document the feasibility of particulate matter continuous emissions monitoring

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[112] Hydrocarbon emissions would be limited as a surrogate for polycyclic organic matter, a category of organic hazardous air pollutants identified in section 112(c)(6).

[113] Later in the text, however, we discuss how hazardous waste burning may potentially affect dioxin and furan emissions and the additional requirements for hazardous waste burning cement kilns that address this concern.

[114] Although semivolatile metal and low volatile metal are controlled by nonhazardous waste burning cement kilns, along with other metallic hazardous air pollutants, by controlling particulate matter. These metals are not individually controlled by nonhazardous waste burning cement kilns as they are for hazardous waste burning cement kilns by virtue of individual metal feedrate limits established under existing RCRA regulations.

[115] For hazardous waste burning cement kilns, existing RCRA carbon monoxide and hydrocarbon standards do not apply to the main stack of a kiln equipped with a by-pass or other means of measuring carbon monoxide or hydrocarbon at mid kiln to ensure good combustion of hazardous waste. Therefore, there is no carbon monoxide or hydrocarbon floor control for such stacks, and we conclude that beyond-the-floor controls would not be cost-effective.

[116] Consistent with the nonhazardous waste burnign cement kiln proposal, however, we subject the main stack of such new source hazardous waste burning cemen tkilns to a hydrocarbon standard.

systems on both nonhazardous waste and hazardous waste burning cement kilns. We plan to establish a continuous emissions monitoring systems-based emission level through future rulemaking that is achievable by sources equipped with MACT control (*i.e.*, an electrostatic precipitator or fabric filter designed, operated, and maintained to meet the New Source Performance Standard particulate matter standard). In the interim, we use the opacity standard as required by the New Source Performance Standard for Portland cement plants under § 60.62 to ensure compliance with the particulate matter standard for both hazardous waste and nonhazardous waste burning cement kilns.

For dioxin/furan, the key compliance parameter will be identical for both hazardous waste and nonhazardous waste burning cement kilns—control of temperature at the inlet to the particulate matter control device. Other factors that could contribute to the formation of dioxins and furans, however, are not completely understood. As a result, hazardous waste burning cement kilns have additional compliance requirements to ensure that hazardous waste is burned under good combustion conditions. These additional controls are necessary because of the dioxin and furan precursors that can be formed from improper combustion of hazardous waste, given the hazardous waste firing systems used by some hazardous waste burning cement kilns and the potential for hazardous waste to contain high concentrations of many organic hazardous air pollutants not found in conventional fuels or cement kiln raw materials.

We also require both hazardous waste and nonhazardous waste burning cement kilns to conduct performance testing midway between the five-year periodic comprehensive performance testing to confirm that dioxin/furan emissions do not exceed the standard when the source operates under normal conditions.

C. What Further Subcategorization Considerations Are Made?

We also fully considered further subdividing the class of hazardous waste burning cement kilns itself. For the reasons discussed below, we decided that subcategorization is not needed to determine achievable MACT standards for all hazardous waste burning cement kilns.

We considered, but rejected, subdividing the hazardous waste burning cement kiln source category on the basis of raw material feed preparation, more specifically wet process versus dry process. In the wet process, raw materials are ground, wetted, and fed into the kiln as a slurry. Approximately 70 percent of the hazardous waste burning cement kilns in operation use a wet process. In the dry process, raw materials are ground dry and fed into the kiln dry. Within the dry process there are three variations: Long kiln dry process, preheater process, and preheater-precalciner process. We decided not to subcategorize the hazardous waste burning cement kiln category based on raw material feed preparation because: (1) The wet process kilns and all variations of the dry process kilns use similar raw materials, fossil fuels, and hazardous waste fuels; (2) the types and concentrations of uncontrolled hazardous air pollutant emissions are similar for both process types;[117] (3) the same types of particulate matter pollution control equipment, specifically either fabric filters or electrostatic precipitators, are used by both process types, and the devices achieve the same level of performance when used by both process types; and (4) the MACT controls we identify are applicable to both process types of cement kilns. For example, MACT floor controls for metals and chlorine include good particulate matter control and hazardous waste feedrate control, as discussed below, the particulate matter standard promulgated today is based on the New Source Performance Standard, which applies to all cement kilns irrespective of process type. Further, a cement kiln operator has great discretion in the types of hazardous waste they accept including the content of metals and chlorine in the waste. These basic control techniques—particulate matter control and feedrate control of metals and chlorine—clearly show that subcategorization based on process type is not appropriate.

Some commenters stated that it is not feasible for wet process cement kilns to use fabric filters, especially in cold climates, and thus subcategorization based on process type is appropriate. The problem, commenters contend, is that the high moisture content of the flue gas will clog the fabric if the cement-like particulate is wetted and subsequently dried, resulting in reduced performance and early replacement of the fabric filter bags. Other commenters disagreed with these assertions and stated that fabric filter technology can be readily applied to wet process kilns given the exit temperatures of the combustion gases and the ease of insulating fabric filter systems to minimize cold spots in the baghouse to avoid dew point problems and minimize corrosion. These commenters pointed to numerous wet process applications currently in use at cement kilns with fabric filter systems located in cold climates to support their claims.[118] In light of the number of wet process kilns already using fabric filters and their various locations, we conclude that wet process cement kilns can be equipped with fabric filter systems and that subdividing by process type on this basis is not necessary or warranted. A review of the particulate matter emissions data for one wet hazardous waste burning cement kiln using a fabric filter shows that it is achieving the particulate matter standard. We do not have data in our data base from the only other wet hazardous waste burning cement kiln using a fabric filter; however, this cement kiln recently installed and upgraded to a new fabric filter system.

We also fully considered, but ultimately rejected, subdividing the hazardous waste burning cement kiln source category between long kilns and short kilns (preheater and preheater-precalciner) technologies, and those with in-line kiln raw mills. This subcategorization approach was recommended by many individual cement manufacturing member companies and a cement manufacturing trade organization. Based on information on the types of cement kilns that are currently burning hazardous waste, these three subcategories consist of the following four subdivisions: (1) Short kilns with separate by-pass and main stacks; (2) short kilns with a single stack that handles both by-pass and preheater or precalciner emissions; (3) long dry kilns that use kiln gas to dry raw meal in the raw mill; and (4) others wet kilns, and long dry kilns not using in-line kiln raw mill drying. Currently, each of the first three categories consists of only one cement kiln facility while

[117] Although dry process kilns with a separate by-pass stack can have higher metals emissions from that stack compared to the main stack of other kilns, today's rule allows such kilns to flowrate-average its emissions between the main and by-pass stack. The average emissions are similar to the emissions from dry and wet kilns that have only one stack. Similarly, kilns with in-line raw mills have higher mercury emissions when the raw mill is off. Today's rule allows such kilns to time-weight average their emissions, however, and the time-weighted emissions for those kilns are similar to emissions from other hazardous waste burning cement kilns.

[118] We are aware of four wet process cement kiln facilities operating with fabric filters: Dragon (Thomaston, ME), Giant (Harleyville, SC), Holnam (Dundee, MI), and LaFarge (Paulding, OH). Commenters also identified kilns in Canada operating with fabric filters.

the kilns at the remaining 15 facilities are in the fourth category: wet kilns or long dry kilns that do not use in-line kiln raw mill drying.

Commenters state that these subcategories should be considered because the unique design or operating features of the different types of kilns could have a significant impact on emissions of one or more hazardous air pollutants that we proposed to regulate. Specifically, commenters noted the potential flue gas characteristic differences for cement kilns using alkali bypasses on short kilns and in-line kiln raw mills. For example, kilns with alkali bypasses are designed to divert a portion of the flue gas, approximately 10–30%, to remove the problematic alkalis, such as potassium and sodium oxides, that can react with other compounds in the cool end of the kiln resulting in operation problems. Thus, bypasses allow evacuation of the undesirable alkali metals and salts, including semivolatile metals and chlorides, entrained in the kiln exit gases before they reach the preheater cyclones. As a result, the commenters stated that the emission concentration of semivolatile metals in the bypass stack is greater than in the main stack, and therefore the difference in emissions supports subcategorization.

We agree, in theory, that the emissions profile for some hazardous air pollutants can be different for the three kilns types—short kilns with and without separate bypass stacks, long kilns with in-line kiln raw mills. To consider this issue further, we analyzed floor control and floor emissions levels based only on the data and information from the other long wet kilns and long dry kilns not using raw mill drying. We then considered whether the remaining three kiln types could apply the same MACT controls and achieve the resulting emission standards. We conclude that these three types of kilns at issue can use the MACT controls and achieve the corresponding emission levels identified in today's rule for the wet kilns and long dry kilns not using raw mill drying.[119] As a result, we conclude that there is no practical necessity driving a subcategorization approach even though one would be theoretically possible. Further, to ensure that today's standards are achievable by all cement kilns, we establish a provision that allows cement kilns operating in-line kiln raw mills to average their emissions based on a time-weighted average concentration that considers the length of time the in-line raw mill is on-line and off line. We also adopt a provision that allows short cement kilns with dual stacks to average emissions on a flow-weighted basis to demonstrate compliance with the emissions standards. (See Part Five, Section X—Special Provisions for a discussion of these provisions.)

In the case of hydrocarbons and carbon monoxide, we developed final standards that reflect the concerns raised by several commenters. We determined that this approach best accommodated the unique design and operating differences between long wet and long dry process and short kilns using either a preheater or a preheater and precalciner.

Existing hazardous waste preheater and preheater-precalciner cement kilns, one of each type is burning hazardous waste, are equipped with bypass ducts that divert a portion of the kiln off-gas through a separate particulate matter control device to remove problematic alkali metals. Long cement kilns do not use bypasses designed to remove alkali metals. The significance of this operational difference is that hydrocarbon and carbon monoxide levels in the bypass gas of short kilns is more representative of the combustion efficiency of burning hazardous waste and other fuels in the kiln than the measurements made in the main stack. Main stack gas measurements of hydrocarbons and carbon monoxide, regardless of process type, also include contributions from trace levels of organic matter volatilized from the raw materials, which can mask the level of combustion efficiency achieved in the kiln.

Today's tailored standards require cement kilns to monitor hydrocarbons and carbon monoxide at the location best indicative of good combustion. For short kilns with bypasses, the final rule requires monitoring of hydrocarbons and carbon monoxide in the bypass. Long kilns are required to comply with the hydrocarbon and carbon monoxide standards in the main stack. However, long kilns that operate a mid-kiln sampling system, for the purpose of removing a representative portion of the kiln off-gas to measure combustion efficiency, can comply with the hydrocarbon and carbon monoxide standards at the midkiln sampling point.

In addition, establishing separate hydrocarbon and carbon monoxide standards reflects the long and short kiln subcategorization approach recommended by some commenters. The standards differ because MACT floor control for hydrocarbons and carbon monoxide is based primarily on the existing requirements of the Boiler and Industrial Furnace rule. In that rule, the unique design and operating features of long and short kilns were considered in establishing type specific emission limits for hydrocarbons and carbon monoxide. Thus, MACT floor control for long and short kilns is different. However, we note these same unique design and operating features were not a factor in establishing standards for other pollutants, including mercury, semivolatile and low volatile metals, and hydrochloric acid/chlorine gas, in the Boiler and Industrial Furnace rule.

For the reasons discussed above, subcategorization would not appear to be needed to establish uniform, achievable MACT standards for all cement kilns burning hazardous waste. Thus, because the differences among kiln types "does not affect the feasibility and effectiveness of air pollution control technology," subcategorization is not appropriate. S. Rep. No. 228, 101st Cong. 1st sess. 166.

D. What Are The Standards for Existing and New Cement Kilns?

1. What Are the Standards for Cement Kilns?

In this section, the basis for the emissions standards for cement kilns is discussed. The kiln emission limits apply to the kiln stack gases, in-line kiln raw mill stack gases if combustion gases pass through the in-line raw mill, and kiln alkali bypass stack gases if discharged through a separate stack from cement plants that burn hazardous waste in the kiln. The emissions standards are summarized below:

[119] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

STANDARDS FOR EXISTING AND NEW CEMENT KILNS

Hazardous air pollutant or hazardous air pollutant surrogate	Emissions standard [1]	
	Existing sources	New sources
Dioxin and furan	0.20 ng TEQ/dscm; or 0.40 ng TEQ/dscm and control of flue gas temperature not to exceed 400°F at the inlet to the particulate matter control device.	0.20 ng TEQ/dscm; or 0.40 ng TEQ/dscm and control of flue gas temperature not to exceed 400°F at the inlet to the particulate matter control device.
Mercury	120 µg/dscm	56 µg/dscm.
Particulate matter [2]	0.15 kg/Mg dry feed and 20% opacity	0.15 kg/Mg dry feed and 20% opacity.
Semivolatile metals	240 µg/dscm	180 µg/dscm.
Low volatile metals	56 µg/dscm	54 µg/dscm.
Hydrochloric acid and chlorine gas	130 ppmv	86 ppmv.
Hydrocarbons: kilns without by-pass [3, 6]	20 ppmv (or 100 ppmv carbon monoxide) [3]	Greenfield kilns: 20 ppmv (or 100 ppmv carbon monoxide and 50 ppmv [5] hydrocarbons).
		All others: 20 ppmv (or 100 ppmv carbon monoxide) [3].
Hydrocarbons: kilns with by-pass; main stack [4, 6].	No main stack standard	50 ppmv [5].
Hydrocarbons: kilns with by-pass; by-pass duct and stack [3, 4, 6].	10 ppmv (or 100 ppmv carbon monoxide)	10 ppmv (or 100 ppmv carbon monoxide).
Destruction and removal efficiency	For existing and new sources, 99.99% for each principal organic hazardous constituent (POHC) designated. For sources burning hazardous wastes F020, F021, F022, F023, F026, or F027, 99.9999% for each POHC designated.	

[1] All emission levels are corrected to 7% O_2, dry basis.
[2] If there is an alkali by-pass stack associated with the kiln or in-line kiln raw mill, the combined particulate matter emissions from the kiln or in-line kiln raw mill and the alkali by-pass must be less than the particulate matter emissions standard.
[3] Cement kilns that elect to comply with the carbon monoxide standard must demonstrate compliance with the hydrocarbon standard during the comprehensive performance test.
[4] Measurement made in the by-pass sampling system of any kiln (e.g., alkali by-pass of a preheater and/or precalciner kiln; midkiln sampling system of a long kiln).
[5] Applicable only to newly-constructed cement kilns at greenfield sites (see discussion in Part Four, Section VII.D.9). 50 ppmv standard is a 30-day block average limit. Hydrocarbons reported as propane.
[6] Hourly rolling average. Hydrocarbons are reported as propane.

2. What Are the Dioxin and Furan Standards?

In today's rule, we establish a standard for new and existing cement kilns that limits dioxin/furan emissions to either 0.20 ng TEQ/dscm; or 0.40 ng TEQ/dscm and temperature at the inlet to the particulate matter control device not to exceed 400°F.[120] Our rationale for these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? In the April 1996 proposal, we identified floor control as either temperature control at the inlet to the particulate matter control device of less than 418°F, or achieving a specific level of dioxin/furan emissions based upon levels achievable using proper temperature control. (61 FR at 17391.) The proposed floor emission level was 0.20 ng TEQ/dscm, or temperature at the inlet to the electrostatic precipitator or fabric filter not to exceed 418°F. In the May 1997 NODA, we identified an alternative data analysis method to identify floor control and the floor emission level. Floor control for dioxin/furan was defined as temperature control at the inlet to the electrostatic precipitator or fabric filter at 400°F, which was based on further engineering evaluation of the emissions data and other available information. That analysis resulted in a floor emission level of 0.20 ng TEQ/dscm, or 0.40 ng TEQ/dscm and temperature at the inlet to the electrostatic precipitator or fabric filter not to exceed 400°F. (62 FR at 24226.) The 0.40 ng TEQ/dscm standard is the level that all cement kilns, including data from nonhazardous waste burning cement kilns, are achieving when operating at the MACT floor control level or better. We considered a data set that included dioxin/furan emissions from nonhazardous waste burning cement kilns because these data are adequately representative of general dioxin/furan behavior and control in either type of kiln. The impacts of hazardous waste constituents (HAPs) on the emissions of those HAPs prevent us from expanding our database for other HAPs in a similar way.

We conclude that the floor methodology discussed in the May 1997 NODA is appropriate and we adopt this approach in today's final rule. We identified two technologies for control of dioxin/furan emissions from cement kilns in the May 1997 NODA. The first technology achieves low dioxin/furan emissions by quenching kiln gas temperatures at the exit of the kiln so that gas temperatures at the inlet to the particulate matter control device are below the temperature range of optimum dioxin/furan formation. For example, we are aware of several cement kilns that have recently added flue gas quenching units upstream of the particulate matter control device to reduce the inlet particulate matter control device temperature resulting in significantly reduced dioxin/furan levels.[121] The other technology is activated carbon injected into the kiln exhaust gas. Since activated carbon injection is not currently used by any hazardous waste burning cement kilns, this technology was evaluated only as part of a beyond-the-floor analysis.

As discussed in the May 1997 NODA, specifying a temperature limitation of 400°F or lower is appropriate for floor control because, from an engineering perspective, it is within the range of

[120] The temperature limit applies at the inlet to a dry particulate matter control device that suspends particulate matter in the combustion gas stream (*e.g.*, electrostatic precipitator, fabric filter) such that surface-catalyzed formation of dioxin/furan is enhanced. The temperature limit does not apply to a cyclone control device, for example.

[121] USEPA, "Final Technical Support Document for HWC MACT Standards. Volume III: Selection of Proposed MACT Standards and Technologies", July 1999. See Section 3.2.1.

reasonable values that could have been selected considering that: (1) The optimum temperature window for surface-catalyzed dioxin/furan formation is approximately 450–750°F; and (2) temperature levels below 350°F can cause dew point condensation problems resulting in particulate matter control device corrosion, filter cake cementing problems, increased dust handling problems, and reduced performance of the control device. (62 FR at 24226.)

Several commenters disagreed with our selection of 400°F as the particulate matter control device temperature limitation and stated that other higher temperature limitations were equally appropriate as MACT floor control. Based on these NODA comments, we considered selecting a temperature limitation of 450°F, generally regarded to be the lower end of the temperature range of optimum dioxin/furan formation. However, available data indicate that dioxin/furan formation can be accelerated at kilns operating their particulate matter control device at temperatures between 400–450°F. Data from several kilns show dioxin/furan emissions as high as 1.76 ng TEQ/dscm when operating in the range of 400–450°F. Identifying a higher temperature limit such as 450°F is not consistent with other sources achieving much lower emissions at 400°F, and thus identifying a higher temperature limit would not be MACT floor control.

Some commenters also state that EPA has failed to demonstrate that the best performing 12 percent of existing sources currently use temperature control to reduce dioxin/furan emissions, and therefore, temperature control is more appropriately considered in subsequent beyond-the-floor analyses. However, particulate matter control device operating temperatures associated with the emissions data used to establish the dioxin/furan standard are based on the maximum operating limits set during compliance certification testing required by the Boiler and Industrial Furnace rule. See 40 CFR 266.103(c)(1)(viii). As such, cement kilns currently must comply with these temperature limits on a continuous basis during day-to-day operations, and therefore, these temperature limits are properly assessed during an analysis of MACT floors.

Several commenters also oppose consideration of dioxin/furan emissions data from nonhazardous waste burning cement kilns in establishing the floor standard. Commenters state that pooling the available emissions data from hazardous waste burning cement kiln with data from nonhazardous waste burning cement kilns to determine the MACT floor violates the separate category approach that EPA decided upon for the two classes of cement kilns. Notwithstanding our decision to divide the Portland cement manufacturing source category based on the kiln's hazardous waste burning status, we considered both hazardous waste burning cement kiln and nonhazardous waste burning cement kiln data together because both data sets are adequately representative of general dioxin/furan behavior and control in either type of kiln. This similarity is based on our engineering judgement that hazardous waste burning does not have an impact on dioxin/furan formation, dioxin/furan is formed post-combustion. Though the highest dioxin/furan emissions data point from MACT (*i.e.*, operating control device less than 400°F) hazardous waste and nonhazardous waste burning cement kiln sources varies somewhat (0.28 vs 0.37 ng TEQ/dscm respectively), it is our judgment that additional emissions data, irrespective of hazardous waste burning status, would continue to point to a floor of within the range of 0.28 to 0.37 ng TEQ/dscm. This approach ensures that the floor levels for hazardous waste burning cement kilns are based on the maximum amount of relevant data, thereby ensuring that our judgment on what floor level is achievable is as comprehensive as possible.

We estimate that approximately 70 percent of test condition data from hazardous waste burning cement kilns are currently emitting less than 0.40 ng TEQ/dscm (irrespective of the inlet temperature to the particulate matter control device). In addition, approximately 50 percent of all test condition data are less than 0.20 ng TEQ/dscm. The national annualized compliance cost for cement kilns to reduce dioxin/furan emissions to comply with the floor standard is $4.8 million for the entire hazardous waste burning cement industry and will reduce dioxin/furan emissions by 5.4 g TEQ/yr or 40 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? We considered in the April 1996 proposal and May 1997 NODA a beyond-the-floor standard of 0.20 ng TEQ/dscm based on activated carbon injection at a temperature of less than 400°F. We continue to believe that a beyond-the-floor standard 0.20 ng TEQ/dscm based on activated carbon injection is the appropriate beyond-the-floor standard to evaluate given the risks posed by dioxin/furan emissions.

Carbon injection is routinely effective at removing 99 percent of dioxin/furans for numerous municipal waste combustor and mixed waste incinerator applications and one hazardous waste incinerator application. However, currently no hazardous waste burning cement kilns use activated carbon injection for dioxin/furan removal. For cement kilns, we believe that it is conservative to assume only 95 percent is achievable given that the floor level is already low at 0.40 ng/dscm. As dioxin/furans decrease, activated carbon injection efficiency is expected to decrease. In addition, we assumed for cost-effectiveness calculations that cement kilns needing activated carbon injection to achieve the beyond-the-floor standard would install the activated carbon injection system after the normal particulate matter control device and add a new, smaller fabric filter to remove the injected carbon with the absorbed dioxin/furan and mercury.[122] The costing approach addresses commenter's concerns that injected carbon may interfere with cement kiln dust recycling practices.

The national incremental annualized compliance cost for the remaining cement kilns to meet this beyond-the-floor level, rather than comply with the floor controls, would be approximately $2.5 million for the entire hazardous waste burning cement industry and would provide an incremental reduction in dioxin/furan emissions nationally beyond the MACT floor controls of 3.7 g TEQ/yr. Based on these costs, approximately $0.66 million per g dioxin/furan removed, we determined that this dioxin/furan beyond-the-floor option for cement kilns is not justified. Therefore, we are not adopting a beyond-the-floor standard of 0.2 ng TEQ/dscm.

We note that one possible explanation of high cost-effectiveness of the beyond-the-floor standard may be due to the significant reduction in national dioxin/furan emissions achieved over the past several years by hazardous waste burning cement kilns due to emissions improving modifications. The hazardous waste burning cement kiln national dioxin/furan emissions estimate for 1997 decreased by nearly

[122] We received many comments on the use of activated carbon injection as a beyond-the-floor control techniques at cement kilns. Since we do not adopt a beyond-the-floor standard based on activated carbon injection in the final rule, these comments and our responses to them are only discussed in our document that responds to public comments.

97% since 1990, from 431 g TEQ/yr to 13.1 g TEQ/yr.[123]

c. What Is the MACT Floor for New Sources? At proposal, we identified floor control for new sources as temperature control at the inlet to the particulate matter control device at 409°F. The proposed floor emission level was 0.20 ng TEQ/dscm, or temperature at the inlet to the particulate matter control device not to exceed 409°F. In the May 1997 NODA, we identified an alternative data analysis method to identify floor control and the floor emission level. The May 1997 NODA dioxin/furan floor control for new sources was defined as temperature control at the inlet to the electrostatic precipitator or fabric filter at 400°F, which was based on an engineering evaluation of the emissions data and other available information. That analysis resulted in a floor emission level of 0.20 ng TEQ/dscm, or 0.40 ng TEQ/dscm and temperature at the inlet to the electrostatic precipitator or fabric filter not to exceed 400°F. We continue to believe that the floor methodology is appropriate for new sources and we adopt this approach in this final rule.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In both the April 1996 proposal and May 1997 NODA, we proposed activated carbon injection as beyond-the-floor control and a beyond-the-floor standard of 0.20 ng TEQ/dscm for new sources. For reasons discussed above for existing sources, we conclude that it is also not cost-effective for new cement kilns to achieve this level. Thus, we do not adopt a beyond-the-floor dioxin/furan standard for new cement kilns.

3. What Are the Mercury Standards?

In today's rule, we establish a standard for existing and new cement kilns that limits mercury emissions to 120 and 56 µg/dscm, respectively. The rationale for these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? All cement kilns use either electrostatic precipitators or fabric filters for particulate matter control. However, since mercury is generally in the vapor form in and downstream of the combustion chamber, including the air pollution control device, electrostatic precipitators and fabric filters do not achieve good mercury control. Mercury emissions from cement kilns are currently regulated by the Boiler and Industrial Furnace rule, which establishes limits on the maximum feedrate of mercury in total feedstreams (e.g., hazardous waste, raw materials, coal). Thus, MACT floor control is based on hazardous waste feed control.

In the April 1996 proposal, we identified floor control as hazardous waste feedrate control not to exceed a feedrate level of 110 µg/dscm, expressed as a maximum theoretical emission concentration, and proposed a floor standard of 130 µg/dscm based on an analysis of data from all cement kilns with a hazardous waste mercury feedrate of this level or lower. (61 FR at 17393.) In May 1997 NODA, we conducted a breakpoint analysis on low to high ranked mercury emissions data from sources floor control and established the floor level as the test condition average emission of the breakpoint source. The breakpoint analysis was intended to reflect an engineering-based evaluation of the data so that the few cement kilns spiking mercury during compliance testing did not drive the floor standard to levels higher than the preponderance of the emissions data. We reasoned that sources with emissions higher than the breakpoint source were not controlling the hazardous waste feedrate of mercury to levels representative of MACT. This analysis resulted in a MACT floor level of 72 µg/dscm. (62 FR at 24227.)

For today's rule, in response to comments questioning our May 1997 NODA approach, we use a revised engineering evaluation and data analysis method to establish the MACT floor for mercury. As discussed in greater detail in the methodology section previously, we use an aggregate feedrate approach to establish MACT floors for the three metal hazardous air pollutant groups and hydrochloric acid/chlorine gas. The aggregate feedrate approach first identifies a MACT floor feedrate level for mercury and then establishes the floor emission level as the highest emissions level achieved by any cement kilns using floor control or better. Using this approach, the resulting mercury floor emission level is 120 µg/dscm.

We received comments on several overarching issues including the appropriateness of considering feedrate control of mercury in hazardous waste as a MACT floor control technique and the specific procedure of identifying breakpoints in arrayed emissions data. These issues and our response to them are discussed in the floor methodology section in Part Four, Section V. In addition, we received comment on a special provision that would allow cement kilns (and lightweight aggregate kilns) to petition the Administrator for an alternative mercury standard for kilns with mercury concentrations in their mineral and related process raw materials that causes an exceedance of the emission standard. This issue and the alternative standard promulgated in the final rule is fully discussed in Part Five, Section X.A.

We also received comments from the cement manufacturing industry indicating that cement kilns with in-line raw mills have unique design and operating procedures that necessitate the use of emission averaging when demonstrating compliance with the emission standards. These commenters stated that the mercury standard is not achievable without a procedure for kilns to emissions average. The commenters supported a provision allowing cement kilns with in-line raw mills to demonstrate compliance with the emission standards on a time-weighted average basis to account for different emission characteristics when the raw mill is active as opposed to when it is inactive. After fully considering comments received, we adopt an emission averaging provision in the final rule. This provision is fully discussed in Part Five, Section X.E.

Several commenters expressed concern that the mercury emissions data base for cement kilns is comprised of normal data, that is, cement kilns did not spike mercury during RCRA compliance testing as they did for other metals and chlorine. Thus, commenters stated that an emissions variability factor should be added to a floor level derived directly from the emissions data to ensure that the floor emission level is being achieved in practice. As discussed in Section V.D.1 above, we conclude that emissions variability is adequately accounted for by the MACT floor methodology finalized today.

We estimate that 85 percent of cement kilns currently meet the floor level. The national annualized compliance cost for cement kilns to reduce mercury emissions to comply with the floor level is $1.1 million for the entire hazardous waste burning cement industry and will reduce mercury emissions by 0.2 Mg/yr or 15 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the April 1996 NPRM, we proposed a beyond-the-floor standard of 50 µg/dscm based on flue gas temperature reduction to 400 °F followed by activated carbon injection for mercury capture. (61 FR at 17394.) In the May 1997 NODA, we considered a beyond-the-floor standard of 30 µg/dscm based on activated carbon

[123] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume V: Emission Estimates and Engineering Costs", July 1999. See also 63 FR 17338, April 10, 1998.

injection; however, an evaluation was not conducted to determine if such a level would be cost-effective. (62 FR at 24227.)

In developing the final rule, we identified three techniques for control of mercury as a basis to evaluate a beyond-the-floor standard: (1) Activated carbon injection; (2) limiting the feed of mercury in the hazardous waste; and (3) limiting the feed of mercury in the raw materials. The results of each analysis are discussed below.

i. Activated Carbon Injection. To investigate activated carbon injection, we applied a carbon injection capture efficiency of 80 percent to the floor emission level of 120 µg/dscm. Our basis for selecting a capture efficiency of 80 percent [124] is discussed in the support document.[125] The resulting beyond-the-floor emission level is 25 µg/dscm.

We then determined the cost of achieving this reduction to determine if a beyond-the-floor standard of 25 µg/dscm would be appropriate. The national incremental annualized compliance cost for the remaining cement kilns to meet this beyond-the-floor level, rather than comply with the floor controls, would be approximately $11.1 million for the entire hazardous waste burning cement kiln industry and would provide an incremental reduction in mercury emissions nationally beyond the MACT floor controls of 0.7 Mg/yr. Based on these costs of approximately $16 million per additional Mg of mercury removed, we conclude that this mercury beyond-the-floor option for cement kilns is not acceptably cost-effective nor otherwise justified. Therefore, we do not adopt this beyond-the-floor standard.

ii. Limiting the Feedrate of Mercury in the Hazardous Waste. We also considered a beyond-the-floor standard of 50 µg/dscm based on limiting the feedrate of mercury in the hazardous waste. An emission level of 50 µg/dscm represents the practicable extent that additional feedrate control of mercury in hazardous waste (beyond feedrate control needed to achieve the floor emission level) can be used and still achieve modest emissions reductions. We investigated the cost of achieving this reduction to determine if this beyond-the-floor standard would be appropriate. The national incremental annualized compliance cost for cement kilns to meet a beyond-the-floor level of 50 µg/dscm, rather than comply with the floor controls, would be approximately $4.2 million for the entire hazardous waste burning cement kiln industry and would provide an incremental reduction in mercury emissions nationally beyond the MACT floor controls of 0.4 Mg/yr. Based on these costs of approximately $10.9 million per additional Mg of mercury removed, we conclude that this mercury beyond-the-floor option for cement kilns is not warranted. Therefore, we did not adopt this mercury beyond-the-floor standard.

iii. Limiting the Feedrate of Mercury in Raw Materials. Finally, we considered a beyond-the-floor standard based on limiting the feedrate of mercury in the raw materials. Cement manufacturing involves the heating of raw materials such as limestone, clay, shale, sand, and iron ore. Limestone, shale, and clay comprise the vast majority of raw material feed to the kiln, and these materials are typically mined at quarries nearby the cement kiln. Since feed materials can contain significant quantities of hazardous air pollutants, we considered establishing a beyond-the-floor standard based on limiting the feedrate of mercury in these raw materials. A source can achieve a reduction in mercury emissions by substituting a feed material containing lower levels of mercury for a primary raw material with higher mercury levels. For example, shale is the primary feed material used as a source of silica. Under this beyond-the-floor option, a source using a high mercury-containing shale could substitute a feed material lower in mercury such as a coal ash to achieve lower mercury emissions. This beyond-the-floor option appears to be less cost-effective compared to either of the options evaluated above, however. This conclusion is based on the fact that cement kilns are sited proximate to primary raw material supply and transporting large quantities of an alternative source of raw material(s) is likely to be cost-prohibitive, thereby making a beyond-the-floor standard not cost-effective. Therefore, we do not adopt this mercury beyond-the-floor standard.

Thus, the promulgated mercury standard for existing hazardous waste burning cement kilns is the floor level of 120 µg/dscm.

c. What Is the MACT Floor for New Sources? In the April 1996 proposal, we identified floor control for new sources as hazardous waste mercury feedrate control not to exceed a feedrate level of 28 µg/dscm expressed as a maximum theoretical emission concentration. We proposed a floor level of 82 µg/dscm. We discussed a floor emission level for new cement kilns in the May 1997 NODA of 72 µg/dscm, based on a floor feedrate control level of 110 µg/dscm.

Today we identify floor control for new cement kilns as feedrate control of mercury in the hazardous waste, expressed as a maximum theoretical emission concentration, based on the single source with the best aggregate feedrate of mercury in hazardous waste. Using the aggregate feedrate approach to establish this floor level of control and the corresponding floor emission level, we identify a MACT floor emission level of 56 µg/dscm for new hazardous waste burning cement kilns.[126]

d. What Are Our Beyond-the-Floor Considerations for New Sources? At proposal, we based beyond-the-floor control for new cement kilns on activated carbon injection and proposed a standard of 50 µg/dscm. In the May 1997 NODA we considered a beyond-the-floor standard of 30 µg/dscm based on activated carbon injection as done for existing sources.

We identified two techniques for control of mercury as a basis to evaluate a beyond-the-floor standard for new sources: (1) Activated carbon injection; and (2) limiting the feedrate of mercury in the hazardous waste. The results of each analysis are discussed below.

i. Activated Carbon Injection. As discussed above, we conclude that flue gas temperature reduction to 400°F followed by activated carbon injection to remove mercury is an appropriate beyond-the-floor control option for improved mercury control at cement kilns. Based on the MACT floor emission level of 56 µg/dscm and assuming a carbon injection capture efficiency of 80 percent, we identified a beyond-the-floor emission level of 10 µg/dscm. We then determined the cost of achieving this reduction to determine if a beyond-the-floor standard of 10 µg/dscm would be appropriate. The incremental annualized compliance cost for one new large cement kiln to meet this beyond-the-floor level, rather than comply with floor controls, would be approximately $2.3 million and would provide an incremental reduction in mercury emissions beyond the MACT floor controls of approximately 0.17 Mg/yr. For a new small cement kiln, the

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[124] We received many comments on the use of activated carbon injection as a beyond-the-floor control technique at cement kilns. Since we do not adopt a beyond-the-floor standard based on activated carbon injection in the final rule, these comments and our responses to them are only discussed in our document that responds to public comments.

[125] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies." July 1999.

[126] Given that the emission level is substantially higher than the feedrate level expressed as a maximum theoretical emission concentration, 56 vs 7 µg/dscm, the contributions of mercury from raw materials and coal for the floor-setting source must be substantial.

incremental annualized compliance cost would be approximately $0.9 million and would provide an incremental reduction in mercury emissions beyond the MACT floor controls of approximately 0.04 Mg/yr. Based on these costs of approximately $13–22 million per additional Mg of mercury removed, we concluded that a beyond-the-floor standard of 10 μg/dscm is not justified due to the high cost of compliance and relatively small mercury emissions reductions.

ii. Limiting the Feedrate of Mercury in Hazardous Waste. We also considered a beyond-the-floor standard based on limiting the feedrate of mercury in the hazardous waste. Considering that the floor emission level for new cement kilns is approximately half of the floor emission level for existing kilns (56 versus 120 μg/dscm), we conclude that a mercury beyond-the-floor standard for cement kilns is not warranted. This conclusion is based on the limited incremental emissions reductions achieved [127] and because the cost-effectiveness of beyond-the-floor controls for new cement kilns would be even higher than for existing sources, which we found unacceptable in paragraph (b) above. Therefore, we do not adopt a mercury beyond-the-floor standard based on limiting feedrate of mercury in hazardous waste.

Thus, the promulgated mercury standard for new hazardous waste burning cement kilns is the floor emissions level of 56 μg/dscm.

4. What Are the Particulate Matter Standards?

We establish standards for both existing and new cement kilns which limit particulate matter emissions to 0.15 kg/Mg dry feed.[128] In addition, opacity cannot exceed 20 percent. We chose the particulate matter standard as a surrogate control for the metals antimony, cobalt, manganese, nickel, and selenium. We refer to these five metals as "nonenumerated metals" because standards specific to each metal have not been established. The rationale for adopting these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? In the April 1996 proposal, we discussed particulate matter floor control based upon the performance of a fabric filter with an air-to-cloth ratio of 2.3 acfm/f,[2] resulting in a nominal floor emission level of 0.065 gr/dscf. However, we believed it more appropriate to establish the floor standard based on the cement kiln 1971 New Source Performance Standard. (See discussion in 61 FR at 17392.) The 1971 New Source Performance Standard is 0.15 kg/Mg dry feed (0.30 lb/ton of dry feed). (see 40 CFR 60.60.) Cement kilns currently achieve this standard with well-designed and properly operated electrostatic precipitators and fabric filters.

In the May 1997 NODA, we considered two data analysis methods to identify the particulate matter floor emission level. The first method established and expressed the floor level equivalent to the existing New Source Performance Standard promulgated in 1971. We subsequently proposed and finalized this approach for nonhazardous waste burning cement kilns. See 63 FR at 14198–199 and 64 FR 31898, respectively. The second approach discussed expressed the New Source Performance Standard as a stack gas concentration limit, as opposed to a production-based emission limit format. The May 1997 reevaluation suggested that the 1971 New Source Performance Standard was approximately equivalent to a particulate matter concentration of 0.03 gr/dscf (69 mg/dscm).[129] We indicated a preference for expressing the particulate matter standard on a concentration basis because we also proposed that sources would comply with the particulate matter standard with a particulate matter continuous emissions monitoring system.

However, we now conclude that basing the floor on the 1971 New Source Performance Standard is the most appropriate approach. Cement kilns achieve the 1971 New Source Performance Standard with well-designed and properly operated fabric filters and electrostatic precipitators. Since approximately 20% of hazardous waste burning cement kilns now are subject to the 1971 New Source Performance Standard, consideration of this existing federal regulation as a floor is appropriate because greater than 12% of existing sources are achieving it. The available emissions test data show a wide range of particulate matter results—some emissions data are well below while other data are at the 1971 New Source Performance Standard level.[130] Even though the hazardous waste burning cement kiln particulate matter data span two orders of magnitude,[131] we have limited data on design parameters of the particulate matter control device and could not identify a cause (i.e., differentiate among control equipment) for the wide range in particulate matter emissions. We thus believe that the variation reflects normal operating variability. Therefore, the MACT floor emission level for existing cement kilns is the 1971 New Source Performance Standard.

The New Source Performance Standard at § 60.62 also specifies that opacity must be monitored continuously and establishes an opacity standard of 20 percent as a measure to ensure compliance with the particulate matter standard. We are therefore also adopting this opacity standard for today's rule.[132] We are adopting it for the final rule because: (1) We proposed to base the particulate matter standard for hazardous waste burning cement kilns on the New Source Performance Standard, and the opacity standard is an integral component of that standard; and (2) we proposed to base the MACT particulate matter standard for nonhazardous waste burning cement kilns on the New Source Performance Standard and explicitly identified both the particulate emission and opacity components of the standard. Hazardous waste burning cement kiln stakeholders have commented on both the nonhazardous waste and hazardous waste cement kiln proposed rules and suggest that there is little or no difference in emissions from the two classes of kilns and that they should be regulated the same. Although we do not agree that emissions of all hazardous pollutants are the same for both classes of kilns and should be regulated the same, we agree that particulate

[127] Achieving substantial additional mercury emissions reductions by further controls on hazardous waste feedrate may be problematic because the mercury contribution from raw materials and coal represents an even larger proportion of the total mercury fed to the kiln.

[128] Approximately equivalent to a particulate matter concentration of 0.03 gr/dscf (69 mg/dscm) as expressed in the April 1996 NPRM and May 1997 NODA. The calculation is approximate due to the different types of cement kilns and their associated flow rates.

[129] See USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999 for a discussion of the approximate equivalency.

[130] The variation in the particulate matter data is consistent with data from nonhazardous waste burning cement kilns. We neither expect nor have any data indicating that waste-burning operations increase particulate matter emissions at a cement kiln. An estimated 30% of existing nonhazardous waste burning cement kilns are subject to the requirements of the new Source Performance Standard for cement plants. The particulate matter data for these kilns also exhibit a wide range in measurements. (63 FR at 14198.)

[131] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

[132] Given that we adopt the New Source Performance Standard for particulate matter and opacity for the MACT standards for hazardous waste burning cement kilns, we exempt these sources from the New Source Performance Standard to avoid duplicative regulation. See § 63.1204(h).

emissions are comprised largely of entrained raw material and are not significantly affected by burning hazardous waste. Thus, we concur that the standard for particulate matter should be the same for both classes of sources and are therefore adopting the New Source Performance Standard opacity standard for the final rule.[133] In the NPRM and the May 1997 NODA, we proposed to express the particulate matter standard on a concentration basis rather than express it as the same format as the 1971 New Source Performance Standard, which is a production-based emission limit format. However, because we are not yet requiring sources to document compliance with the particulate matter standard by using a particulate matter continuous emissions monitoring system in this final rule[134], we establish and express the floor emission level equivalent to the 1971 New Source Performance Standard. Thus, the particulate matter floor is 0.15 kg/Mg dry feed based on the performance of a well-designed and operated fabric filter or electrostatic precipitator.

Several commenters expressed concern in their comments to the NPRM that the Agency identified separate, different MACT pools and associated MACT controls for particulate matter, semivolatile metals, and low volatile metals, even though all three are controlled, at least in part, by a particulate matter control device. Commenters stated that our approach is likely to result in three different design specifications. We agree with the need to use the same pool for particulate matter, semivolatile metals, and low volatile metals and used the same initial MACT pool to establish the floor levels for these pollutants. See Part Four, Section V for a detailed discussion of our floor methodology.

We estimate that over 60 percent of cement kilns currently meet the floor emission level. The national annualized compliance cost for cement kilns to reduce particulate matter emissions to comply with the floor level is $6.2 million for the entire hazardous waste burning cement industry and will reduce nonenumerated metals and particulate matter emissions by 1.1 Mg/yr and 873 Mg/yr, respectively, or over 30 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the proposal and May 1997 NODA, we considered a beyond-the-floor level of 34 mg/dscm (0.015 gr/dscf) based on improved particulate matter control. However, after examining the costs of such control and the relatively low incremental reductions in air emissions that would result, we determined that a beyond-the-floor standard would not likely be cost-effective. (61 FR at 17393.)

Several commenters support a beyond-the-floor option for particulate matter because some cement kilns are readily achieving particulate matter levels well below the floor emission level based on the New Source Performance Standard. Other commenters oppose a beyond-the-floor option for cement kilns because of the high costs and anticipated poor cost-effectiveness. In the final rule, we evaluated a beyond-the-floor emission level for existing cement kilns to determine if such a level would be appropriate.

Improved particulate matter control for existing cement kilns would require the use of high efficiency electrostatic precipitators and fabric filters. These may include fabric filters with low air-to-cloth ratios, high performance fabrics, electrostatic precipitators with large specific collection areas, and advanced control systems. Currently, the majority of hazardous waste burning cement kilns use electrostatic precipitators for particulate matter control and usually achieve removal efficiencies greater than 99.8%. Cement kilns can meet the MACT floor with well designed and properly operated particulate matter control equipment that for many kilns may require only minor system upgrades from their current systems. A beyond-the-floor standard, however, would likely involve more than a minor system upgrade, and may require new control equipment or retrofitting a baghouse with new higher performance fabric materials. The total annualized costs associated with such major system upgrades would be significant, while only achieving modest incremental emissions reductions in particulate matter and nonenumerated metals.

In the final rule, we considered a beyond-the-floor level of 34 mg/dscm, approximately one-half the New Source Performance Standard, for existing cement kilns based on improved particulate matter control. For analysis purposes, improved particulate matter control entails the use of higher quality fabric filter bag material. We then determined the cost of achieving this level of particulate matter, with corresponding reductions in the nonenumerated metals for which particulate matter is a surrogate, to determine if this beyond-the-floor level would be appropriate. The national incremental annualized compliance cost for cement kilns to meet this beyond-the-floor level, rather than comply with the floor controls, would be approximately $7.4 million for the entire hazardous waste burning cement kiln industry and would provide an incremental reduction in nonenumerated metals emissions nationally beyond the MACT floor controls of 0.7 Mg/yr. Based on these costs of approximately $10.7 million per additional Mg of nonenumerated metals emissions removed, we conclude that this beyond-the-floor option for cement kilns is not acceptably cost-effective nor otherwise justified. Therefore, we do not adopt this beyond-the-floor standard. The promulgated particulate matter standard for existing hazardous waste burning cement kilns is the floor emission level of 0.15 kg/Mg dry feed and opacity not to exceed 20 percent.

c. What Is the MACT Floor for New Sources? In the proposal, we defined floor control based on the performance of a fabric filter with an air-to-cloth ratio of less than 1.8 acfm/ft2. As discussed for existing sources, we proposed the floor level based on the existing cement kiln New Source Performance Standard. 61 FR at 17400. In the May 1997 NODA, we again considered basing the floor emission level on the New Source Performance Standard and solicited comment on the two alternatives to express the standard identical to those discussed above for existing cement kilns. (62 FR at 24228.)

All cement kilns use fabric filters and electrostatic precipitators to control particulate matter. As discussed earlier, we have limited detailed information on the design and operation characteristics of existing control equipment currently used by cement kilns. As a result, we are unable to identify a specific design or technology that can consistently achieve lower emission levels than the controls used by cement kilns achieving the New Source Performance Standard. Cement kilns meet the New Source Performance Standard with well-

[133] We are not adopting the opacity standard component of the New Source Performance Standard for hazardous waste burning lightweight aggregate kilns, however. This is because that opacity standard (see § 60.732) is a measure to ensure compliance with the particulate emissions component of that standard, which is substantially higher than the MACT standard that we promulgate today. Thus, the NSPS opacity standard for lightweight aggregate kilns would not be a useful measure of compliance with today's particulate matter standard for lightweight aggregate kilns.

[134] We anticipate rulemaking on a particulate matter continuous emissions monitoring system requirement for hazardous waste combustors in the near future. Under this rulemaking, combustors would be required to document compliance with national emission standards by complying with continuous emissions monitoring system-based particulate matter levels that are being achieved by sources equipped with MACT controls. See Part Five, Section VII.C. for details.

designed and properly operated fabric filters and electrostatic precipitators. Thus, floor control for new cement kilns is also a well-designed and properly operated fabric filter and electrostatic precipitator. As discussed for existing sources, we conclude that expressing the floor based on the New Source Performance Standards is appropriate for the final rule. Therefore, the MACT floor level for new cement kilns is 0.15 kg/Mg dry feed and opacity not to exceed 20 percent.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the April 1996 NPRM and May 1997 NODA, we considered a beyond-the-floor standard based on improved particulate matter control to be consistent with existing sources. However, we proposed that such a beyond-the-floor level was not likely cost-effective.

As discussed for existing sources, we considered a beyond-the-floor level of 34 mg/dscm, approximately one-half the New Source Performance Standard, for new cement kilns based on improved particulate matter control. For analysis purposes, improved particulate matter control entails the use of higher quality fabric filter bag material. We then determined the cost of achieving this level of particulate matter, with corresponding reductions in the nonenumerated metals for which particulate matter is a surrogate, to determine if this beyond-the-floor level would be appropriate. The incremental annualized compliance cost for one new large cement kiln to meet this beyond-the-floor level, rather than comply with floor controls, would be approximately $309,000 and would provide an incremental reduction in nonenumerated metals emissions of approximately 0.18 Mg/yr.[135] For a new small cement kiln, the incremental annualized compliance cost would be approximately $120,000 and would provide an incremental reduction in nonenumerated metals emissions of approximately 0.04 Mg/yr. Based on these costs of approximately $1.7–3.0 million per additional Mg of nonenumerated metals removed, we conclude that a beyond-the-floor standard of 0.015 gr/dscf is not justified due to the high cost of compliance and relatively small nonenumerated metals emission reductions. Thus, the particulate matter standard for new cement kilns is the floor level of 0.15 kg/Mg dry feed and opacity not to exceed 20 percent.

5. What Are the Semivolatile Metals Standards?

Today's rule establishes standards for existing and new cement kilns that limit semivolatile metals emissions to 240 and 180 μg/dscm, respectively. The rationale for these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? In the April 1996 proposal, we defined floor control as a fabric filter with an air-to-cloth ratio less than 2.1 acfm/ft^2 and a hazardous waste feedrate level of 84,000 μg/dscm, expressed as a maximum theoretical emission concentration. The proposed floor emission level was 57 μg/dscm, based on the level a source with properly designed and operated floor technology could achieve. In the proposed rule, we also solicited comment on an alternative floor approach whereby "equivalent technology" to MACT control is identified and evaluated. This approach resulted in an emission level of 160 μg/dscm (See 61 FR at 17395.) In the May 1997 NODA, we discussed a floor methodology where we used a breakpoint analysis to identify sources that were not using floor control with respect either to semivolatile metals hazardous waste feedrate or emissions control. Under this approach, we ranked semivolatile metals emissions data from sources that were using MACT floor particulate matter control, i.e., sources achieving the New Source Performance Standard or better. We identified the floor level as the test condition average associated with the breakpoint source. Thus, sources with atypically high emissions because of high semivolatile metals feedrates or poor semivolatile metals control even though they appeared to be using floor control for particulate matter were screened from the pool of sources used to define the floor emission level. Based on this analysis, we identified a floor level in the May 1997 NODA of 670 μg/dscm. (See 62 FR at 24228.)

As discussed previously in the methodology section, we use a revised engineering evaluation and data analysis method to establish the MACT floor for semivolatile metals based on the same underlying data previously noticed for comment. The aggregate feedrate approach, in conjunction with floor control for particulate matter, identified a semivolatile metals floor emission level of 650 μg/dscm.

In addition, several commenters stated strongly that the feedrate of semivolatile metals in hazardous waste cannot be considered MACT floor control in conjunction with particulate matter control. These commenters believe that floor control for semivolatile metals is control of particulate matter only. We disagree with these commenters for reasons we discuss in Part Four, Section V of the preamble, mainly that feedrate is currently control for hazardous waste combustors under RCRA regulations, and conclude that control of the feedrate of semivolatile metals in hazardous waste is floor control, in conjunction with particulate matter control.

We estimate that approximately 60 percent of cement kilns currently meet this floor level. The national annualized compliance cost for cement kilns to reduce semivolatile metal emissions to comply with the floor level is $1.3 million for the entire hazardous waste burning cement industry and will reduce semivolatile metal emissions by 19.5 Mg/yr or 65 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the proposal, we considered a beyond-the-floor standard for semivolatile metals based on improved particulate matter control below the New Source Performance Standard. However, we concluded that a beyond-the-floor standard would not be cost-effective, given that the semivolatile metal floor level of 57 μg/dscm alone resulted in an estimated 94 percent semivolatile metal reduction in emissions. (see 61 FR at 17396.) In the May 1997 NODA, we considered a lower particulate matter emissions level of 0.015 gr/dscf, based on improved particulate matter control, as a beyond-the-floor standard to further reduce semivolatile and low volatile metals. Even though we did not quantify cost-effectiveness values, we expressed concern that a beyond-the-floor standard would not likely be cost-effective. (see 62 FR at 24229.)

Commenters believed there were several control techniques that should be considered, therefore, we identified three potential beyond-the-floor control techniques in developing the final rule: (1) Limiting the feedrate of semivolatile metals in hazardous waste; (2) improved particulate matter control; and (3) limiting the feedrate of semivolatile metals in raw materials. We conclude that a beyond-the-floor standard is warranted based on limiting the feedrate of semivolatile metals in hazardous waste. The results of each analysis are discussed below.

i. Limiting the Feedrate of Semivolatile Metals in Hazardous Waste. Under this approach, we selected a beyond-the-floor emission level of 240

[135] Based on the data available, the average emissions in sum of the five nonenumerated metals from cement kilns using MACT particulate matter control is approximately 80 μg/dscm. To estimate emission reductions of the nonenumerated metals, we assume a linear relationship between a reduction in particulate matter and these metals.

µg/dscm from among the range of possible levels that reflect improved feedrate control. This emission level represents a significant increment of emission reduction from the floor of 650 µg/dscm, it is within the range of levels that are likely to be reasonably achievable using feedrate control, and it is consistent with the incinerator standard thereby advancing a potential policy objective of essentially common standards among combustors of hazardous waste.

The national incremental annualized compliance cost for the remaining cement kilns to meet this beyond-the-floor level, rather than comply with the floor controls, would be approximately $2.7 million for the entire hazardous waste burning cement kiln industry and would provide an incremental reduction, beyond emissions at the MACT floor, in semivolatile metal emissions nationally of 5.5 Mg/yr. The cost-effectiveness of this standard would be approximately $500,000 per additional Mg of semivolatile metals removed. Notwithstanding the relatively poor cost-effectiveness of this standard on a dollar per Mg removed basis, we conclude that additional beyond-the-floor control of the feedrate of semivolatile metals in hazardous waste to achieve an emission level of 240 µg/dscm is warranted because this standard would reduce lead and cadmium emissions which are particularly toxic hazardous air pollutants. See Health Human Effects discussion in USEPA, "Technical Background Document for HWC MACT Standards: Health and Ecological Risk Assessment", July 1999. Further, approximately 90% of the lead and cadmium fed to the cement kiln is from the hazardous waste,[136] not the raw material (about 9%) or coal (about 1%). We are willing to accept a more marginal cost-effectiveness to ensure that hazardous waste combustion sources are using the best controls for pollutants introduced almost exclusively for the burning of hazardous waste. We do so to provide a strong incentive for waste minimization of lead and cadmium sent for combustion. By providing stringent limits, we can help assure that hazardous waste with lead does not otherwise move from better controlled units in other subcategories to units in this subcategory because of a lesser degree of control. Moreover, this beyond-the-floor semivolatile metal standard supports our Children's Health Initiative in that lead emissions, which are of highest significance to children's health, will be reduced by another 20–25 percent from today's baseline. As part of this initiative, we are committed to reducing lead emissions wherever and whenever possible. Finally, this beyond-the-floor standard is consistent with European Union standards for hazardous waste incinerators of approximately 200 µg/dscm for lead and cadmium combined. For all these reasons, we accept the cost-effectiveness of this level of feedrate control and adopt a beyond-the-floor standard of 240 µg/dscm for existing cement kilns.

Additionally, we received comments shortly before promulgation from the cement kiln industry that expressed their achievability and economic concerns with a beyond-the-floor standard in the range of 240 µg/dscm based on limiting the feedrate of semivolatile metals in the hazardous waste. We considered their comments in adopting the 240 µg/dscm beyond-the-floor standard and included a copy of their November 18, 1998 presentation to the Office of Management and Budget in the docket along with our responses to their concerns, many of which are addressed above.

ii. Improved Particulate Matter Control. We also evaluated improved particulate matter control as a beyond-the-floor control option for improved semivolatile metals control. Cadmium and lead are volatile at the high temperatures within the cement kiln itself, but typically condense onto the fine particulate at control device temperatures, where they are collected. As a result, control of semivolatile metals emissions is closely associated with particulate matter control. Examples of improved particulate matter control include the use of more expensive fabric filter bags, optimizing the design and operation features of the existing control equipment, and the addition to or the replacement of control equipment with a new fabric filter.

We evaluated the costs to achieve a beyond-the-floor emission level of 240 µg/dscm based on improved particulate matter control. The national incremental annualized compliance cost for cement kilns to meet this beyond-the-floor level, rather the floor level, would be approximately $4.1 million for the entire hazardous waste burning cement kiln industry and would provide an incremental reduction in semivolatile metal emissions beyond the MACT floor controls of 5.5 Mg/yr. Because this beyond-the-floor control option would have a cost-effectiveness of approximately $800,00 per additional Mg of semivolatile metal removed, contrasted to a cost-effectiveness of approximately $500,000 using hazardous waste feedrate control and remove an identical amount of semivolatile metals, we conclude that basing the beyond-the-floor standard on improved particulate matter control is not warranted.

iii. Limiting the Feedrate of Semivolatile Metals in Raw Materials. A source can achieve a reduction in semivolatile metal emissions by substituting a feed material containing lower levels of lead and/or cadmium for a primary raw material with higher levels of these metals. We expect this beyond-the-floor option to be less cost-effective compared to either of the options evaluated above. Cement kilns are sited proximate to primary raw material supply and transporting large quantities of an alternative source of raw material(s) is likely to be cost-prohibitive. Therefore, we are not adopting a semivolatile metal beyond-the-floor standard based on limiting the feedrate of semivolatile metals in raw materials.[137]

Thus, the promulgated semivolatile metals standard for existing hazardous waste burning cement kilns is a beyond-the-floor standard of 240 µg/dscm based on limiting the feedrate of semivolatile metals in the hazardous waste.

c. What Is the MACT Floor for New Sources? In the proposal, we defined floor control as a fabric filter with an air-to-cloth ratio less than 2.1 acfm/ft^2 and a hazardous waste feedrate level of 36,000 µg/dscm, expressed as a maximum theoretical emission concentration. The proposed floor emission level for new cement kilns was 55 µg/dscm. (See 61 FR at 17400.) In the May 1997 NODA, we concluded that the floor control and emission level for existing sources for semivolatile metals also would be appropriate for new sources. Floor control was based on a combination of good particulate matter control *and* limiting hazardous waste feedrate of semivolatile metals. We used a breakpoint analysis of the semivolatile metal emissions data to exclude sources achieving substantially poorer semivolatile metal control than the majority of sources because of atypically high semivolatile metals feedrates or poor emission control. We established the floor level at the test condition average of the breakpoint source: 670 µg/dscm. (See 62 FR at 24229.)

As discussed above for existing sources, we developed the final rule

[136] USEPA, "Final Technical Support document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies", July 1999.

[137] We, however, reject the proposition in comments that we are without legal authority to regulate HAPs in raw materials processed in cement kilns based on legislative history to the 1990 amendments. This legislative history is not reflected in the statutory text, which unambiguously gives us that authority.

using the aggregate feedrate approach to identify MACT floors for the metals. See Methodology Section for detailed discussion of aggregate feedrate approach. Using this approach, we establish the semivolatile metal floor emission level for new sources at 180 µg/dscm.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the April 1996 NPRM and May 1997 NODA, we considered a semivolatile metal beyond-the-floor emission level for new sources, but determined that it would not be cost-effective.

For the final rule, we do not consider a beyond-the-floor level for new cement kilns because the MACT floor for new cement kilns is already lower than the beyond-the-floor emission standard for existing sources. As a result, a beyond-the-floor standard for new cement kilns is not warranted due to the likely significant costs of control and the minimal incremental emissions reductions. In addition, our policy goal of state of the art control of lead is achieved at the floor standard for new sources. We, therefore, adopt a semivolatile metal floor standard of 180 µg/dscm for new hazardous waste burning cement kilns.

6. What Are the Low Volatile Metals Standards?

We establish standards for existing and new cement kilns in today's rule that limit low volatile metal emissions to 56 and 54 µg/dscm, respectively. The rationale for these standards is discussed below.

a. What Is the MACT Floor tor Existing Sources? In the April 1996 NPRM, we defined floor control as either: (1) A fabric filter with an air-to-cloth ratio less than 2.3 acfm/ft ^{2} and a hazardous waste feedrate level of 140,000 µg/dscm, expressed as a maximum theoretical emission concentration; or (2) an electrostatic precipitator with a specific collection area of 350 ft ^{2}/kacfm and the same hazardous waste feedrate level of 140,000 µg/dscm. The proposed floor level was 130 µg/dscm. (See 61 FR at 17396.) In the May 1997 NODA, we used a breakpoint analysis to identify sources that were not using floor control with respect either to low volatile metals hazardous waste feedrate or emissions control. Under this approach, we ranked low volatile metals emissions data from sources that were achieving the particulate matter floor of 69 mg/dscm or better. We identified the floor level as the test condition average associated with the breakpoint source. Thus, sources with atypically high emissions because of high low volatile metals feedrates or poor low volatile metals control, even though they were using floor control for particulate matter, were screened from the pool of sources used to define the floor emission level. The May 1977 NODA MACT floor level was 63 µg/dscm. (See 62 FR at 24229.)

We received limited comments in response to the NPRM and May 1997 NODA concerning the low volatile metals floor standard. We received comments, however, on several overarching issues including the appropriateness of considering feedrate control of metals including low volatile metals in hazardous waste as a MACT floor control technique and the specific procedure of identifying breakpoints in arrayed emissions data. These issues and our responses to them are discussed in the floor methodology section in Part Four, Section V.

Today we use a revised engineering evaluation and data analysis method to establish the MACT floor for low volatile metals on the same underlying data previously noticed for comment. As explained earlier, the aggregate feedrate approach, in conjunction with floor control for particulate matter, replaces the breakpoint analysis for metals and results in a low volatile metal floor emission level of 56 µg/dscm.

We estimate that over 76 percent of cement kilns in our data base meet the floor level. The national annualized compliance cost for cement kilns to reduce low volatile metal emissions to comply with the floor level is $0.8 million for the entire hazardous waste burning cement industry, and will reduce low volatile metal emissions by 0.2 Mg/yr or approximately 25 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the proposal, we considered a beyond-the-floor standard for low volatile metals based on improved particulate matter control. However, we concluded that a beyond-the-floor standard would not likely be cost-effective based on the limited emissions reductions of low volatility metals. In the May 1997 NODA, we considered a lower particulate matter emissions level, based on improved particulate matter control, as a beyond-the-floor standard with corresponding beyond-the-floor reductions in low volatile and semivolatile metals. Even though we did not quantify cost-effectiveness values, we expressed concern that a beyond-the-floor standard would not likely be cost-effective. (62 FR at 24229.)

For today's final rule, we identified three potential beyond-the-floor techniques for control of low volatile metals: (1) Improved particulate matter control; (2) limiting the feedrate of low volatile metals in the hazardous waste; and (3) limiting the feedrate of low volatile metals in the raw materials. We discuss the results of our analysis of each option below.

Improved Particulate Matter Control. Our judgment is that a beyond-the-floor standard based on improved particulate matter control would be less cost-effective than a beyond-the-floor standard based on limiting the feedrate of low volatile metals in the hazardous waste. First, our data show that all cement kilns are already achieving greater than a 99% system removal efficiency for low volatile metals, with most attaining 99.99% removal. Thus, equipment retrofit costs for improved control would be significant and result in only a small increment in reduction of emissions. Our beyond-the-floor analysis for semivolatile metals supports this conclusion. There, the semivolatile metals analysis showed that the beyond-the-floor option based on limiting the feedrate of semivolatile metals was approximately 30% more cost-effective than a beyond-the-floor option based on improved particulate matter control. We believe the low volatile metals would require similar particulate matter control device retrofits at cement kilns as for semivolatile metals. However, the total emissions reduction achieved would be less because hazardous waste burning cement kilns emit less low volatile metals than semivolatile metals. We do not have any of the serious concerns present for semivolatile metals that suggest we should accept a more marginal cost-effectiveness. Thus, we conclude that a beyond-the-floor standard for low volatile metals based on improved particulate matter control is not warranted.

Limiting the Feedrate of Low Volatile Metals in the Hazardous Waste. We also considered a beyond-the-floor standard of 40 µg/dscm for low volatile metals based on additional feedrate control of low volatile metals in the hazardous waste. This would reduce the floor emission level by approximately 30 percent. Our investigation shows that this beyond-the-floor option would achieve an incremental reduction in low volatile metals of only 0.1 Mg/yr. Given that this beyond-the-floor level would not achieve appreciable emissions reductions, we conclude that cost-effectiveness considerations would likely come into play suggesting that this beyond-the-floor standard is not warranted.

Limiting the Feedrate of Low Volatile Metals in the Raw Materials. Sources can achieve a reduction in low volatile metal emissions by substituting a feed material containing lower levels of arsenic, beryllium, and/or chromium for a primary raw material with higher levels of these metals. We believe that this beyond-the-floor option would be even less cost-effective than either of the options evaluated above, however. Cement kilns are sited proximate to primary raw material supply and transporting large quantities of an alternative source of raw material(s) is likely to be cost-prohibitive. Therefore, we do not adopt a low volatile metal beyond-the-floor standard based on limiting the feedrate of low volatile metals in raw materials.

For the reasons discussed above, we do not adopt a beyond-the-floor level for low volatile metals and establish the emission standard for existing hazardous waste burning cement kilns at 56 μg/dscm.

c. What Is the MACT Floor for New Sources? In the proposal, we defined floor control as a fabric filter with an air-to-cloth ratio less than 2.3 acfm/ft^2 and a hazardous waste feedrate control level of 25,000 μg/dscm, expressed as a maximum theoretical emission concentration. The proposed floor for new cement kilns was 44 μg/dscm. (61 FR at 17400.) In the May 1997 NODA, we concluded that the floor control and emission level for existing sources for low volatile metals would also be appropriate for new sources. Floor control was based on a combination of good particulate matter control and limiting hazardous waste feedrate of low volatile metals. We used a breakpoint analysis of the low volatile metal emissions data to exclude sources achieving substantially poorer low volatile metal control than the majority of sources. We established the floor level at the test condition average of the breakpoint source. The NODA floor was 63 μg/dscm. (62 FR at 24230.)

As discussed above for existing sources, in developing the final rule we use the aggregate feedrate approach to identify MACT floors for the metals and hydrochloric acid/chlorine gas in combination with MACT floor control for particulate matter. Based on the low volatile metal feedrate in hazardous waste from the single best performing cement kiln using floor control for particulate matter, the MACT floor for new hazardous waste burning cement kilns is 54 μg/dscm.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the proposal and May 1997 NODA, we considered a low volatile metal beyond-the-floor level for new sources, but determined it would not be cost effective. For reasons similar to those discussed for existing sources, we do not believe that a beyond-the-floor standard is warranted for new cement kilns due to the high expected compliance cost and relatively low reductions in emissions of low volatile metals. Therefore, we adopt a low volatile metals standard of 54 μg/dscm for new hazardous waste burning cement kilns.

7. What Are the Hydrochloric Acid and Chlorine Gas Standards?

In today's rule, we establish standards for existing and new cement kilns that limit hydrochloric acid and chlorine gas emissions to 130 and 86 ppmv, respectively. The rationale for these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? In the proposal, we identified floor control for hydrochloric acid/chlorine gas as feedrate control of chlorine in the hazardous waste and proposed a floor standard of 630 ppmv. (61 FR at 17396.) In the May 1997 NODA, we used a data analysis method similar to that at proposal and discussed a floor emission level of 120 ppmv. (62 FR at 24230.)

Some commenters to the May 1997 NODA expressed concern that cement kilns may not be able to meet the hydrochloric acid/chlorine gas standard while making low alkali cement. Commenters noted that chlorine is sometimes added specifically to volatilize potassium and sodium compounds that must be removed to produce low alkali cement. One commenter manufacturing a low alkali cement submitted data showing a large range in hydrochloric acid/chlorine gas emissions while operating under varying conditions and production requirements. This commenter stated that they may not be able to meet the NODA hydrochloric acid/chlorine gas standard of 120 ppmv while making low alkali cement. We conclude, however, that the data they submitted do not adequately support this ultimate conclusion. The commenter's emissions data range from 6 ppmv to 83 ppmv while operating under RCRA compliance testing conditions. These emission levels are well below the final standard of 130 ppmv, and the expected operational range in this rule is 70% of the standard. We conclude that the hydrochloric acid/chlorine gas standard of 130 ppmv finalized today is readily achievable by all cement kilns irrespective of the type of cement manufactured.

For today's rule, we use a revised engineering evaluation and data analysis method to establish the MACT floor for hydrochloric acid and chlorine gas on the same underlying data previously noticed for comment. Using the aggregate feedrate approach discussed previously, we establish a hydrochloric acid/chlorine gas floor emission level of 130 ppmv.

We estimate that approximately 88 percent of cement kilns in our data base currently meet the floor level. The national annualized compliance cost for cement kilns to reduce hydrochloric acid/chlorine gas emissions to comply with the floor level is $1.4 million for the entire hazardous waste burning cement industry and will reduce hydrochloric acid/chlorine gas emissions by 383 Mg/yr or 12 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the proposal, we defined beyond-the-floor control as wet scrubbing with a 99 percent removal efficiency, but determined that a beyond-the-floor standard would not be cost-effective. (61 FR at 17397.) In the May 1997 NODA, we identified a more stringent floor standard and therefore reasoned that a beyond-the-floor standard based on wet scrubbing would likely also not be cost-effective. (62 FR at 24230.)

For today's rule, we identified three potential beyond-the-floor techniques for control of hydrochloric acid/chlorine gas emissions: (1) Scrubbing; (2) limiting the feedrate of chlorine in the hazardous waste; and (3) limiting the feedrate of chlorine in the raw materials. We discuss our analysis of each option below.

Scrubbing. We continue to believe that a beyond-the-floor standard based on dry or wet scrubbing is not likely to be cost-effective. Cement kilns achieve control of hydrochloric acid/chlorine gas emissions from alkaline raw materials in the kiln. Control effectiveness varies among kilns based on the alkalinity of the raw materials. Thus, the cement manufacturing process serves essentially as a dry scrubber. We conclude, therefore, that the addition of a dry scrubber will only marginally improve hydrochloric acid/chlorine gas removal and is not warranted as beyond-the-floor control.

It is also our judgment that a beyond-the-floor standard based on wet scrubbing is not warranted. The total estimated engineering retrofit costs would be approximately equivalent to those identified at proposal for this option. However, emissions reductions would be less given that the final MACT floor level is more stringent than the

level proposed. Therefore, the cost-effectiveness of a beyond-the-floor standard would be less attractive than the number we rejected at proposal. As a result, we must reaffirm that conclusion here.

Limiting the Feedrate of Chlorine in the Hazardous Waste. We also considered a beyond-the-floor standard for hydrochloric acid/chlorine gas based on additional feedrate control of chlorine in the hazardous waste. We are concerned, however, that cement kilns making low alkali cement may not be able to achieve a beyond-the-floor standard by controlling feedrate of chlorine in the hazardous waste. As noted above, chlorine is sometimes added specifically to volatilize potassium and sodium compounds that must be removed from the clinker to produce low alkali cement. Based on limited data submitted by a cement facility manufacturing low alkali cement, achievability of a beyond-the-floor standard of 70 ppmv, representing a 45% reduction from the floor level, may not be feasible for this source using feedrate control and others by inference. Therefore, we conclude that a beyond-the-floor standard based on chlorine feedrate control in the hazardous waste is not appropriate.

Limiting the Feedrate of Chlorine in the Raw Materials. A source can achieve a reduction in hydrochloric acid/chlorine gas emissions by substituting a feed material containing lower levels of chlorine for a primary raw material with higher levels of chlorine. This beyond-the-floor option is less cost-effective compared to the scrubbing options evaluated above because cement kilns are sited proximate to the primary raw material supply and transporting large quantities of an alternative source of raw material(s) is not technically achievable. Therefore, we do not adopt a hydrochloric acid/chlorine gas beyond-the-floor standard based on limiting the feedrate of chlorine in raw materials.

In summary, we establish the hydrochloric acid/chlorine gas standard for existing hazardous waste burning cement kilns at the floor level of 130 ppmv.

c. What Is the MACT Floor for New Sources? At proposal, we defined floor control for new sources as hazardous waste feedrate control for chlorine and the proposed floor level was 630 ppmv. (See 61 FR at 17401.) In the May 1997 NODA, we concluded that the floor control and emission level for existing sources for hydrochloric acid/chlorine gas would also be appropriate for new sources. Floor control was based on limiting hazardous waste feedrates of chlorine. After screening out some data with anomalous system removal efficiencies compared to the majority of sources, we established the floor level at the test condition average of the breakpoint source. We identified a floor level for new kilns of 120 ppmv. (See 62 FR at 24230.)

As discussed above for existing sources, in developing the final rule, we use the aggregate feedrate approach to identify MACT floors for hydrochloric acid/chlorine gas. The resulting MACT emissions floor for new hazardous waste burning cement kilns is 86 ppmv.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the proposal, we considered a beyond-the-floor standard for new cement kilns of 67 ppmv based on wet scrubbing and concluded that it would not be cost-effective. In the May 1997 NODA, we also concluded that a beyond-the-floor standard based on wet scrubbing would likewise not be cost-effective. Considering the level of the floor standard for new kilns, we do not believe that a more stringent beyond-the-floor standard is warranted for the final rule, especially considering our concerns for cement kilns manufacturing low alkali cements.

In summary, we adopt the floor level of 86 ppmv as the standard for hydrochloric acid/chlorine gas for new sources.

8. What Are the Hydrocarbon and Carbon Monoxide Standards for Kilns Without By-Pass Sampling Systems? [138]

See § 63.1205(a)(5) and (b)(5).

In today's rule, we establish hydrocarbon and carbon monoxide standards for new and existing cement kilns without by-pass sampling systems as surrogates to control emissions of nondioxin organic hazardous air pollutants. The standards for existing sources limit hydrocarbon or carbon monoxide concentrations to 20 ppmv [139] or 100 ppmv, [140] respectively. The standards for new sources limit: (1) Hydrocarbons to 20 ppmv; or (2) carbon monoxide to 100. New, greenfield [141] kilns that elect to comply with the 100 ppmv carbon monoxide standard, however, must also comply with a 50 ppmv [142] hydrocarbon standard. New and existing sources that elect to comply with the 100 ppmv carbon monoxide standard, including new greenfield kilns that elect to comply with the carbon monoxide standard and 50 ppmv hydrocarbon standard, must also demonstrate compliance with the 20 ppmv hydrocarbon standard during the comprehensive performance test. [143] (See Part Four, Section IV.B of the preamble for the rationale for this requirement.) We discuss the rationale for these standards below.

a. What Is the MACT Floor for Existing Sources? As discussed in Part Four, Section II.B.2, we proposed limits on hydrocarbon emissions for kilns without by-pass sampling systems as a surrogate to control nondioxin organic hazardous air pollutants. In the April 1996 proposal (61 FR at 17397), we identified a hydrocarbon floor emission level of 20 ppmv for cement kilns not equipped with by-pass sampling systems, and proposed that floor control be based on the current federally-enforceable RCRA boiler and industrial furnace standards, control of organics in raw materials coupled with operating under good combustion practices to minimize fuel-related hydrocarbon. In the May 1997 NODA, we also indicated that this approach was appropriate.

Some commenters stated that a carbon monoxide limit of 100 ppmv was necessary for these cement kilns to better control organic hazardous air pollutants. Commenters also wrote that, alone, neither carbon monoxide nor hydrocarbons is an acceptable surrogate for organic hazardous air pollutant emissions. Additionally, commenters suggested that by requiring both carbon monoxide and hydrocarbon limits, we would further reduce emissions of organic hazardous air pollutants.

We conclude that continuous compliance with both a carbon monoxide and hydrocarbon standard is unwarranted for the following reasons. First, stack gas carbon monoxide levels are not a universally reliable indicator

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[138] See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume I: Description of Source Categories," July 1999, for further explanation of by-pass and midkiln sampling systems. Hydrocarbon and carbon monoxide standards for kilns equipped with by-pass sampling systems are discussed in Section VI.D.9 f the text.

[139] Hourly rolling average, reported as propane, dry basis, and corrected to 7% oxygen.

[140] Hourly rolling average, dry basis, corrected to 7% oxygen.

[141] A greenfield cement kiln is a kiln that commenced construction or reconstruction after April 19, 1996 at a site where no cement kiln previously existed, irrespective of the class of kiln (i.e., nonhazardous waste or hazardous waste burning). A newly constructed or reconstructed cement kiln at an existing site would not be classified as a greenfield cement kiln, and would be subject to the same carbon monoxide and hydrocarbon standards as an existing cement kiln.

[142] Thirty day block average, reported as propane, dry basis, and corrected to 7 percent oxygen.

[143] As discussed in Part 5, Section X.F, sources that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired must comply with the 20 ppmv hydrocarbon standard i.e., these sources do not have the option to comply with the carbon monoxide standard).

of combustion intensity and efficiency for kilns without by-pass sampling systems. This is due to carbon monoxide generation by disassociation of carbon dioxide to carbon monoxide at the high sintering zone temperatures and evolution of carbon monoxide from the trace organic constituents in raw material feedstock.[144] (See 56 FR at 7150, 7153–55). Thus, carbon monoxide can be a too conservative surrogate for this type of kiln for potential emissions of hazardous air pollutants from combustion of hazardous waste. There are other sources of carbon monoxide unrelated to combustion of hazardous waste.[145]

Second, requiring continuous compliance with both a carbon monoxide and hydrocarbon emission limitation in the stack can be redundant for control of organic emissions from combustion of hazardous waste because: (1) Hydrocarbon alone is a direct and reliable surrogate for organic hazardous air pollutants; and (2) in most cases carbon monoxide is a conservative indicator of good combustion conditions and thus good control of organic hazardous air pollutants. As discussed in the following paragraphs, however, we have concluded that a source must demonstrate compliance with the hydrocarbon standard during the comprehensive performance test if it elects to continuously comply with the carbon monoxide standard to ensure that carbon monoxide is an adequate continuously monitored indicator of combustion efficiency. See Part Four, Section IV of the preamble for a discussion of the merits of using limits on stack gas concentrations of carbon monoxide and hydrocarbon to control organic emissions.

One commenter suggested cement kilns be given the option to comply with a carbon monoxide limit of 100 ppmv instead of the 20 ppmv hydrocarbon limit. The commenter emphasized that this option is currently allowed under the RCRA boiler and industrial furnace regulations, and that it would be conservative because hydrocarbon levels would always be below 20 ppmv when carbon monoxide levels are below 100 ppmv. As discussed below, we agree that cement kilns should be given the option to comply with either standard, but do not agree that compliance with the carbon monoxide standard ensures compliance with the hydrocarbon standard.

We have determined that it is necessary to require a source that elects to continuously comply with the carbon monoxide standard to also demonstrate compliance with the 20 ppmv hydrocarbon standard during the comprehensive performance test. We concluded that this requirement is necessary because we have limited data that shows a source can produce high hydrocarbon emissions while simultaneously producing low carbon monoxide emissions. This requirement to demonstrate compliance with the hydrocarbon standard during the performance test is sufficient to ensure that carbon monoxide alone is an appropriate continuously monitored indicator of combustion efficiency. See Part 4, Section IV.B, for a more detailed discussion. Consistent with this principle, incinerators and lightweight aggregate kilns are also required to demonstrate compliance with hydrocarbon standard during the comprehensive performance test if they elect to comply with the carbon monoxide standard.

In today's final rule, we are identifying a carbon monoxide level of 100 ppmv and a hydrocarbon level of 20 ppmv as floor control for existing sources because they are currently enforceable Federal standards for hazardous waste burning cement kilns. See § 266.104(b) and (c). As current rules allow, sources would have the option of complying with either limit. However, sources that elect to comply with the carbon monoxide standard must also demonstrate compliance with the hydrocarbon standard during the comprehensive performance test.

Given that these are current RCRA rules, all cement kilns without by-pass sampling systems can currently achieve these emission levels. Thus, we estimate no emissions reductions (or new costs) for compliance with these floor levels.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the April 1996 proposal, we identified beyond-the-floor control levels for carbon monoxide and hydrocarbon in the main stack of 50 ppmv and 6 ppmv, respectively. (See 61 FR at 17397.) These beyond-the-floor levels were based on the use of a combustion gas afterburner. We indicated in the proposal, however, that the beyond-the-floor control was not practical since no kilns currently achieved these emission levels, and because of the high costs to retrofit a kiln with an afterburner.

One commenter wrote that we rejected the 50 ppmv and 6 ppmv beyond-the-floor carbon monoxide and hydrocarbon standards, respectively, without providing any justification. In order to confirm the reasoning discussed above, we have now estimated that the annualized cost for an afterburner for cement kilns will range from $3–8 million dollars per facility.[146] As proposed, and as we reiterated in the May 1997 NODA a beyond-the-floor standard based on an afterburner would be not be cost-effective due to the high retrofit costs and minimal incremental emissions reductions, and we do not adopt a beyond-the-floor standard for existing cement kilns.

In summary, we adopt the floor emission levels as standards for carbon monoxide, 100 ppmv, and hydrocarbons, 20 ppmv.

c. What Is the MACT Floor for New Sources? In the April 1996 proposal (see 61 FR at 17401) and the May 1997 NODA, we identified a new source hydrocarbon floor emission level of 20 ppmv for new cement kilns not equipped with by-pass sampling systems based on the current Federally-enforceable BIF standards. The hydrocarbon limit is based on control of organics in raw materials coupled with good combustion practices.

In developing the final rule, we considered the comment discussed above that the rule should allow compliance with either a carbon monoxide standard of 100 ppmv or a hydrocarbon standard of 20 ppmv. Given that this option is available under the current BIF rule for new and existing sources, we now conclude that it represents MACT floor for new sources, except as discussed below.

As discussed previously, we have also proposed MACT standards for nonhazardous waste burning cement kilns. See 63 FR 14182, March 24, 1998. In that proposal, we determined that some existing sources have used the combination of feed material selection, site location, and feed material blending to optimize operations. We then concluded that site selection based on availability of acceptable raw material hydrocarbon content is a feasible approach to control hydrocarbon emissions at new sources. See 63 FR at 14202–03. We proposed a new source

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[144] Raw materials enter the upper end of the kiln and move counter-current to the combustion gas. Thus, as the raw materials are heated in the kiln, organic compounds can evolve from trace levels of organics in the raw materials. These organic compounds can be measured as hydrocarbons and, when only partially oxidized, carbon monoxide. This process is not related to combustion of hazardous waste or other fuels in the combustion zone at the other end of the kiln.

[145] Of course, if a source elects to comply with the carbon monoxide standard, then we are more assured of good combustion conditions in the combustion zone, and thus good control of organic hazardous air pollutants that could be potentially emitted from feeding hazardous waste in the combustion zone.

[146] See 'Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume V: Emission Estimates and Engineering Costs", February, 1999.

floor hydrocarbon emission level of 50 ppmv at nonhazardous waste burning Portland cement kilns because it is being consistently achieved during thirty-day block averaging periods when high hydrocarbon content raw materials are avoided. We have since promulgated a standard of 50 ppmv for hydrocarbons for new nonhazardous waste burning cement kilns. 64 FR 31898.

We now conclude for the same reasons that site selection is floor control for new source, greenfield hazardous waste burning cement kilns [147] and that the floor hydrocarbon emission level is 50 ppmv.[148] Sources must document compliance with this standard for each thirty-day block period of operation. We reconcile this hydrocarbon floor level of 50 ppmv with the floor levels discussed above of 20 ppmv hydrocarbons or 100 ppmv carbon monoxide by establishing the floor as follows. For new source greenfield kilns, the floor is either: (1) 20 ppmv hydrocarbons; or (2) 100 ppmv carbon monoxide and 50 ppmv hydrocarbons. For other new sources not located at greenfield sites, the floor is either 20 ppmv hydrocarbons or 100 ppmv carbon monoxide, which is identical to the standards for existing sources.

The combined 20 ppmv hydrocarbon and 100 ppmv carbon monoxide standards control organic hazardous air pollutant emissions that originate from the incomplete combustion of hazardous waste. The 50 ppmv hydrocarbon standard for new greenfield kilns controls organic hazardous air pollutant emissions that originate from the raw material. We conclude that the 50 ppmv hydrocarbon standard is necessary to deter new kilns from siting at locations that have on-site raw material that is high in organic content, since siting a cement kiln at such a location could result in elevated hydrocarbon emissions.

We considered whether new greenfield kilns would be required to monitor hydrocarbons continuously, or just document compliance with the 50 ppmv limit during the comprehensive performance test. We determined that hydrocarbons must be continuously monitored because compliance with the 100 ppmv carbon monoxide limit may not always ensure compliance with the 50 ppmv hydrocarbon limit. This is because hydrocarbons could potentially evolve from raw materials in the upper drying zone end of the kiln under conditions that inhibit sufficient oxidation of the hydrocarbons to form carbon monoxide.

As with existing sources, we are requiring new sources that elect to continuously comply with the carbon monoxide standard, and new greenfield sources that elect to comply with the carbon monoxide and 50 ppmv hydrocarbon standard, to also demonstrate compliance with the 20 ppmv hydrocarbon standard during the comprehensive performance test. Consistent with this principle, incinerators and lightweight aggregate kilns are also required to demonstrate compliance with the hydrocarbon standard during the comprehensive performance test if they elect to comply with the carbon monoxide standard.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the April 1996 proposal, we identified beyond-the-floor emission levels for carbon monoxide and hydrocarbon of 50 ppmv and 6 ppmv, respectively, for new sources. (See 61 FR at 17401.) These beyond-the-floor levels were based on the use of a combustion gas afterburner. We indicated in the proposal, however, that beyond-the-floor control was not practical since none of the kilns in our data base are achieving these emission levels, and because of the high costs to retrofit kilns with an afterburner. We reiterated in the May 1997 NODA that a beyond-the-floor standard based on use of an afterburner would not be cost-effective.

One commenter supported these beyond-the-floor standards for new sources, but did not explain why these were considered to be appropriate standards. As discussed above for existing sources, we continue to believe that a beyond-the-floor standard based on use of an afterburner would not be cost-effective.

In summary, we adopt the floor levels as standards for new sources. For new source greenfield kilns, the standard monitored continuously is either: (1) 20 ppmv hydrocarbons; or (2) 100 ppmv carbon monoxide and 50 ppmv hydrocarbons. For other new source kilns, the standard is either 20 ppmv hydrocarbons or 100 ppmv carbon monoxide monitored continuously. New sources that elect to comply with the carbon monoxide standard, and new greenfield sources that elect to comply with the carbon monoxide and 50 ppmv hydrocarbon standard, must also demonstrate compliance with the 20 ppmv hydrocarbon standard, but only during the comprehensive performance test.

9. What Are the Carbon Monoxide and Hydrocarbon Standards for Kilns With By-Pass Sampling Systems? [149]

See § 63.1204(a)(5) and (b)(5).

We establish carbon monoxide and hydrocarbon standards for existing and new cement kilns with by-pass sampling systems as surrogates to control emissions of nondioxin organic hazardous air pollutants.[150] Existing kilns are required to comply with either a carbon monoxide standard of 100 ppmv or a hydrocarbon standard of 10 ppmv on an hourly rolling average basis. Both standards apply to combustion gas sampled in the by-pass or a midkiln sampling port that samples representative kiln gas. Sources that elect to comply with the carbon monoxide standard, however, must also document compliance with the hydrocarbon standard during the comprehensive performance test.[151] See Part Four, Section IV.B of the preamble for the rationale for this requirement.

New kilns are subject to the same by-pass gas carbon monoxide and hydrocarbon standards as existing sources. But, new, greenfield [152] kilns must also comply with a 50 ppmv hydrocarbon standard continuously monitored in the main stack. Sources must document compliance with this standard for each thirty-day block period of operation.

We discuss the rationale for adopting these standards below.

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[147] At least one hazardous waste burning cement kiln in our data base used raw material substitution to control hydrocarbon emissions.

[148] We concluded that this new source hydrocarbon standard of 50 ppms should not apply to new sources that are not located at greenfield sites since these kilns are not capable of using site-selection to control hydrocarbon emissions.

[149] This also includes cement kilns which have midkiln sampling systems. See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume I: Description of Source Categories," July 1999, for further explanation of by-pass and midkiln sampling systems.

[150] As discussed in Part 5, Section X.F, cement kilns equipped with bypass sampling systems that feed hazardous waste at a location other than the end where products are normally discharged and at a location downstream of the bypass sampling location (relative to the combustion gas flow direction) must comply with the 20 ppmv main stack hydrocarbon standard discussed in the previous section in lieu of the bypass gas hydrocarbon standard.

[151] As discussed in Part 5, Section X.F, cement kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired must comply wit the 10 ppmv hydrocarbon standard (i.e., these sources do not have the option to comply with the carbon monoxide standard).

[152] A greenfield cement kiln is a kiln that commenced construction or reconstruction after April 19, 1996 at a site where no cement kiln previously existed, irrespective of the class of kiln (i.e., nonhazardous waste or hazardous waste burning). A newly constructed or reconstructed cement kiln at an existing site would not be classified as a greenfield cement kiln, and would be subject to the same carbon monoxide and hydrocarbon standards as an existing cement kiln.

a. What Is the MACT Floor for Existing Sources? In the April 1996 proposal, we identified floor carbon monoxide and hydrocarbon emission standards for by-pass gas of 100 ppmv and 6.7 ppmv, respectively. Floor control was good combustion practices. (See 61 FR at 17397.) In the May 1997 NODA, we used an alternative data analysis method to identify a hydrocarbon floor level of 10 ppmv.[153] See 62 FR at 24230. Our decision to use engineering information and principles to set the proposed floor standard was based, in part, on the limited hydrocarbon data in our data base. In addition, we reasoned that the hydrocarbon levels being achieved in an incinerator, (*i.e.*, 10 ppmv) are also being achieved in a cement kiln's by-pass duct.[154]

Some commenters stated that we did not have sufficient hydrocarbon emissions data from cement kilns equipped with by-pass sampling systems to justify a by-pass duct hydrocarbon standard. We disagree and conclude that we have adequate data because the MACT data base includes seven cement kilns that monitored hydrocarbons at the bypass sampling location. These sources are achieving hydrocarbon levels of 10 ppmv or less.[155] The fact that these sources achieve hydrocarbon levels below 10 ppmv supports our use of engineering information and principles to set the floor limit at 10 ppmv.[156]

Many commenters questioned whether cement kilns with by-pass sampling systems should comply with both a hydrocarbon and carbon monoxide standard. Those in favor of requiring cement kilns to comply with both standards wrote that neither carbon monoxide nor hydrocarbons are sufficient surrogates for organic hazardous air pollutant emissions. Commenters also noted that by requiring both a carbon monoxide and hydrocarbon limit, we would achieve appropriate organic hazardous air pollutant emission reductions. Other commenters wrote that continuous compliance with both a hydrocarbon and a carbon monoxide standard would be redundant and unnecessarily costly. We agree with the latter view, in that requiring continuous compliance with both standards for bypass gas is redundant for control of organic emissions from combustion of hazardous waste because, as previously discussed: (1) Hydrocarbon alone is a direct and reliable surrogate for organic hazardous air pollutants; and (2) in most cases, carbon monoxide is a conservative indicator of good combustion conditions and thus good control of organic hazardous air pollutants. However, as discussed earlier, we have concluded that a source must demonstrate compliance with the hydrocarbon standard during the comprehensive performance test if it elects to continuously comply with the carbon monoxide standard to ensure that carbon monoxide is an adequate continuously monitored indicator of combustion efficiency. See discussion in Part Four, Section IV.B of the preamble for more discussion on this issue.

One commenter stated that due to some by-pass gas quenching methods, and the need to correct for moisture and oxygen, it may not be possible to accurately measure hydrocarbons to the level of the proposed standard, i.e., 6.7 ppmv. We disagree with this reasoning because, as explained in the technical support document, cement kiln by-pass hydrocarbon levels should be reasonably achievable and measurable by decreasing the span and increasing the calibration frequency of the hydrocarbon monitor.[157] We also note that a cement kiln has the option to petition the Administrator for alternative monitoring approaches under § 63.8(f) if the source has valid reasons why a total hydrocarbon monitor cannot be used to document compliance.

We conclude that floor control can achieve by-pass gas emission levels of 100 ppmv for carbon monoxide and 10 ppmv for hydrocarbons. As discussed in Part Four, Section IV.B, a source may comply with either standard. If the source elects to comply with the carbon monoxide standard, however, it must also demonstrate compliance with the hydrocarbon standard during comprehensive performance testing.

We estimate that all cement kilns with by-pass sampling systems can currently achieve the carbon monoxide floor of 100 ppmv. We also estimate that approximately 97 percent of cement kilns with by-pass sampling systems meet the hydrocarbon floor level of 10 ppmv. The national annualized compliance cost for cement kilns to comply with the floor level is $37K and hydrocarbon emissions will be reduced by 11 Mg/yr, two percent from current baseline emissions .

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the April 1996 proposal, we identified a beyond-the-floor control level for carbon monoxide and hydrocarbons in the main stack of 50 ppmv and 6 ppmv, respectively, based on the use of a combustion gas afterburner. (See 61 FR at 17399.) We indicated in the proposal that this beyond-the-floor level was not practical, however, since none of the kilns currently achieve these emission levels and because of the high costs of retrofitting kilns with an afterburner. We estimate that the annualized cost for each cement kiln to operate afterburners range from three to eight million dollars.[158] We continue to believe that it is not cost-effective based on the high retrofit costs and minimal incremental emissions reductions to adopt these beyond-the-floor standards.

In the April 1996 NPRM, we also considered limiting main stack hydrocarbon emissions to a beyond-the-floor level of 20 ppmv based on the use of a low-organic raw material.[159] This was in addition to floor controls limiting carbon monoxide and/or hydrocarbon levels in the by-pass. See 61 FR at 17398. We considered this beyond-the-floor option to address concerns that: (1) organics desorbed from raw materials may contain hazardous air pollutants, even absent any influence from burning hazardous waste; and, (2) it is reasonable to hypothesize that the chlorine released from burning hazardous waste can react with the organics desorbed from the raw material to form generally more toxic chlorinated hazardous air pollutants. Many commenters supported this approach. For the reasons discussed below, however, we conclude it is not appropriate to adopt this beyond-the-

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[153] The proposed hydrocarbon standard of 6.7 ppmv was based on a statistical and breakpoint analysis. Today's final rule, consistent with May 1997 NODA, instead uses engineering information and principles to identify the floor hydrocarbon level of 10 ppmv.

[154] See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume III: Selection of MACT Standards and Technologies," February, 1999.

[155] Four of these kilns have ceased hazardous waste operations, and one of the kilns collected that data during time periods other than Certification of Compliance testing.

[156] We note that we could have elected to establish this 10 ppmv hydrocarbon standard as a beyond-the-floor standard rather than a floor standard.

[157] See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume III: Selection of MACT Standards and Technologies," February, 1999.

[158] See "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume V: Emission Estimates and Engineering Costs", February, 1999.

[159] The definition of floor control for existing cement kilns equipped with by-pass sampling systems does not include the use of low organic raw material. Although we have limited data indicating that some kilns used low organic raw material to control hydrocarbon emissions, there are enough facilities using this method of control to establish it as a floor control for existing sources.

floor hydrocarbon standard for existing sources.

Also, many commenters stated that we should establish a main stack hydrocarbon standard because, as stated above, hazardous waste combustion byproducts from cement kilns, particularly chlorine, can react with organic compounds desorbed from raw materials to form hazardous air pollutants. Commenters believe that an additional main stack hydrocarbon emission standard would limit the emissions of chlorinated organic hazardous air pollutants that are generated due to the interaction of the hazardous waste combustion byproducts and the organics desorbed from the raw material.

We disagree that a main stack hydrocarbon emission limit is an appropriate beyond-the-floor control for existing sources. First, we do not believe it is cost-effective to require an existing kiln to substitute its raw material with an off-site raw material.[160] Cement kilns are sited proximate to the primary raw material supply and transporting large quantities of an alternative source of raw material(s) is likely to be very costly. Second, establishing a main stack hydrocarbon limit for existing sources is likely to be counter-productive in controlling organic hazardous air pollutants. It may compel the operator to avoid the unacceptable costs of importing low organic raw material by increasing back-end kiln temperatures to oxidize organics desorbed from raw material, thus lowering hydrocarbon levels. This increase in temperature may result in increased dioxin formation and is counter to our dioxin control strategy. Third, it is debatable whether there is a strong relationship between chlorine feedrates and chlorinated organic hazardous air pollutant emissions, as is suggested by commenters.[161] Finally, we anticipate that any potential risks associated with the possible formation of these chlorinated hazardous air pollutants at high hydrocarbon emission levels can be adequately addressed in a site-specific risk assessment conducted as part of the RCRA permitting process. This increased potential for emissions of chlorinated hazardous air pollutants is not likely to warrant evaluation via a site-specific risk assessment under RCRA, however, unless main stack hydrocarbon levels are substantially higher than the 20 ppmv limit currently applicable under RCRA for cement kilns not equipped with by-pass systems.

In summary, we adopt the floor levels as standards for carbon monoxide, 100 ppmv, and hydrocarbons, 10 ppmv. As discussed above, a source may comply with either standard. If the source elects to comply with the carbon monoxide standard, however, it must also demonstrate compliance with the hydrocarbon standard during comprehensive performance testing.

c. What Is the MACT Floor for New Sources? In the April 1996 proposal, we identified new source floor standards for carbon monoxide and hydrocarbon emissions in the by-pass of 100 ppmv and 6.7 ppmv, respectively. We identified good combustion practices as floor control. (See 61 FR at 17401.) In the May 1997 NODA, we used an alternative data analyses method, in part, to identify an alternative new source hydrocarbon floor level. (See 62 FR at 24230.) As a result of this analysis and the use of engineering information and principles, we identified a floor hydrocarbon emission level of 10 ppmv in the by-pass for new cement kilns. We continue to believe that the new source hydrocarbon floor methodology discussed in the May 1997 NODA, and the new source carbon monoxide floor methodology discussed in the April 1996 proposal, are appropriate. Therefore, we adopt these floor emission levels for by-pass gas in today's final rule.

We also establish a 50 ppmv hydrocarbon floor level for the main stack of new greenfield kilns. As discussed above (Part Four, Section VII.8.c), we concluded during development of the final rule that some cement kilns are currently controlling their feed material selection, site location, and feed material blending to optimize operations. Because these controls can be used to control hydrocarbon content of the raw material and, thus, hydrocarbon emissions in the main stack, they represent floor control for main stack hydrocarbons for new sources.[162] We established a floor hydrocarbon emission level of 50 ppmv because it is being consistently achieved during thirty-day block averaging periods when high hydrocarbon content raw materials are avoided.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the April 1996 proposal, we identified main stack beyond-the-floor emission levels for carbon monoxide and hydrocarbon of 50 ppmv and 6 ppmv, respectively, for new sources. (See 61 FR at 17401.) These beyond-the-floor levels were based on the use of a combustion gas afterburner. We indicated in the proposal, however, that beyond-the-floor control was not practical since none of the kilns in our data base are achieving these emission levels, and because of the high costs to retrofit kilns with an afterburner. We reiterated in the May 1997 NODA, that a beyond-the-floor standard based on use of an afterburner would not be cost-effective.

One commenter wrote that we rejected these beyond-the-floor carbon monoxide and hydrocarbon standards without providing any justification. Another commenter supported these beyond-the-floor standards for new sources. As discussed above (in greater detail) for existing sources, we continue to believe that a beyond-the-floor standard based on use of an afterburner would not be cost-effective.

In the April 1996 proposal, we considered limiting main stack hydrocarbon emissions at new sources equipped with by-pass sampling systems to a beyond-the-floor level of 20 ppmv.[163] This addressed concerns that: (1) Organics desorbed from raw materials contain hazardous air pollutants, even absent any influence from burning hazardous waste; and (2) it is reasonable to hypothesize that the chlorine released from burning hazardous waste can react with the organics desorbed from the raw material to form generally more toxic chlorinated hazardous air pollutants. Although not explicitly stated, beyond-the-floor control would have been control of feed material selection, site location, and feed material blending to control the hydrocarbon content of the raw material and, thus, hydrocarbon emissions in the main stack. As discussed above, however, we adopt today a main stack hydrocarbon floor standard of 50 ppmv for newly constructed greenfield cement kilns equipped with by-pass systems. We are not adopting a main stack beyond-the floor hydrocarbon standard of 20 ppmv for these kilns because we

[160] We did not quantify actual costs associated with raw material substitution due to the lack of information.

[161] It is true that some studies have shown a relationship between chlorine levels in the flue gas and the generation of chlorobenzene in cement kiln emissions: the more chlorine, the more chlorobenzene is generated. Some full-scale tests, however, have shown that there is no observable or consistent trend when comparing "baseline" (*i.e.*, nonhazardous waste operation) organic hazardous air pollutant emissions with organic hazardous air pollutant emissions associated with hazardous waste operations, as well as comparing hazardous waste conditions with varying levels of chlorine. See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999, for further discussion.

[162] At least one hazardous waste burning cement kiln in our data base used raw material substitution to control hydrocarbon emissions.

[163] This was in addition to limiting hydrocarbon and/or carbon monoxide at the by-pass sampling location.

are concerned that it may not be readily achievable using beyond-the-floor control.

In summary, we establish the following standards for new sources based on floor control: (1) By-pass gas emission standards for carbon monoxide and hydrocarbons of 100 ppmv and 10 ppmv, respectively;[164] and (2) a main stack hydrocarbon standard of 50 ppmv at greenfield sites.

10. What Are the Destruction and Removal Efficiency Standards?

We establish a destruction and removal efficiency (DRE) standard for existing and new cement kilns to control emissions of organic hazardous air pollutants other than dioxins and furans. Dioxins and furans are controlled by separate emission standards. See discussion in Part Four, Section IV.A. The DRE standard is necessary, as previously discussed, to complement the carbon monoxide and hydrocarbon emission standards, which also control these hazardous air pollutants.

The standard requires 99.99 percent DRE for each principal organic hazardous constituent (POHC), except that 99.9999 percent DRE is required if specified dioxin-listed hazardous wastes are burned. These wastes are listed as—F020, F021, F022, F023, F026, and F027—RCRA hazardous wastes under part 261 because they contain high concentrations of dioxins.

a. What Is the MACT Floor for Existing Sources? Existing sources are currently subject to DRE standards under § 266.104(a) that require 99.99 percent DRE for each POHC, except that 99.9999 percent DRE is required if specified dioxin-listed hazardous wastes are burned. Accordingly, these standards represent MACT floor. Since all hazardous waste cement kilns are currently subject to these DRE standards, they represent floor control, *i.e.*, greater than 12 percent of existing sources are achieving these controls.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? Beyond-the-floor control would be a requirement to achieve a higher percentage DRE, for example, 99.9999 percent DRE for POHCs for all hazardous wastes. A higher DRE could be achieved by improving the design, operation, or maintenance of the combustion system to achieve greater combustion efficiency.

Sources will not incur costs to achieve the 99.99% DRE floor because it is an existing RCRA standard . A substantial number of existing hazardous waste combustors are not likely to be routinely achieving 99.999% DRE, however, and most are not likely to be achieving 99.9999% DRE. Improvements in combustion efficiency will be required to meet these beyond-the-floor DREs. Improved combustion efficiency is accomplished through better mixing, higher temperatures, and longer residence times. As a practical matter, most combustors are mixing-limited. Thus, improved mixing is necessary for improved DREs. For a less-than-optimum burner, a certain amount of improvement may typically be accomplished by minor, relatively inexpensive combustor modifications—burner tuning operations such as a change in burner angle or an adjustment of swirl—to enhance mixing on the macro-scale. To achieve higher and higher DREs, however, improved mixing on the micro-scale may be necessary requiring significant, energy intensive and expensive modifications such as burner redesign and higher combustion air pressures. In addition, measurement of such DREs may require increased spiking of POHCs and more sensitive stack sampling and analysis methods at added expense.

Although we have not quantified the cost-effectiveness of a beyond-the-floor DRE standard, we do not believe that it would be cost-effective. For reasons discussed above, we believe that the cost of achieving each successive order-of-magnitude improvement in DRE will be at least constant, and more likely increasing. Emissions reductions diminish substantially, however, with each order of magnitude improvement in DRE. For example, if a source were to emit 100 gm/hr of organic hazardous air pollutants assuming zero DRE, it would emit 10 gm/hr at 90 percent DRE, 1 gm/hr at 99 percent DRE, 0.1 gm/hr at 99.9 percent DRE, 0.01 gm/hr at 99.99 percent DRE, and 0.001 gm/hr at 99.999 percent DRE. If the cost to achieve each order of magnitude improvement in DRE is roughly constant, the cost-effectiveness of DRE decreases with each order of magnitude improvement in DRE. Consequently, we conclude that this relationship between compliance cost and diminished emissions reductions associated with a more stringent DRE standard suggests that a beyond-the-floor standard is not warranted.

c. What Is the MACT Floor for New Sources? The single best controlled source, and all other hazardous waste cement kilns, are subject to the existing RCRA DRE standard under § 266.104(a). Accordingly, we adopt this standard as the MACT floor for new sources.

d. What Are Our Beyond-the-Floor Considerations for New Sources? As discussed above, although we have not quantified the cost-effectiveness of a more stringent DRE standard, diminishing emissions reductions with each order of magnitude improvement in DRE suggests that cost-effectiveness considerations would likely come into play. We conclude that a beyond-the-floor standard is not warranted.

VIII. What Are the Standards for Existing and New Hazardous Waste Burning Lightweight Aggregate Kilns?

A. To Which Lightweight Aggregate Kilns Do Today's Standards Apply?

The standards promulgated today apply to each existing, reconstructed, and newly constructed lightweight aggregate plant where hazardous waste is burned in the kiln. These standards apply to major source and area source lightweight aggregate facilities. Lightweight aggregate kilns that do not engage in hazardous waste burning operations are not subject to this NESHAP; however, these kilns will be subject to future MACT standards for the Clay Products source category.

B. What Are the Standards for New and Existing Hazardous Waste Burning Lightweight Aggregate Kilns?

1. What Are the Standards for Lightweight Aggregate Kilns?

In this section, the basis for the emissions standards for hazardous waste burning lightweight aggregate kilns is discussed. The kiln emission limits apply to the kiln stack gases from lightweight aggregate plants that burn hazardous waste. The emissions standards are summarized below:

[164] A source may comply with either bypass gas standard. If the source elects to comply with the carbon monoxide standard, however, it must also demonstrate compliance with the hydrocarbon standard during comprehensive performance testing.

STANDARDS FOR EXISTING AND NEW LIGHTWEIGHT AGGREGATE KILNS

Hazardous air pollutant or hazardous air pollutant surrogate	Emissions standard [1]	
	Existing sources	New sources
Dioxin/furan	0.20 ng TEQ/dscm; or 0.40 ng TEQ/dscm and rapid quench of the flue gas at the exit of the kiln to less than 400°F.	0.20 ng TEQ/dscm; or 0.40 ng TEQ/dscm and rapid quench of the flue gas at the exit of the kiln to less than 400°F.
Mercury	47 µg/dscm	43 µg/dscm.
Particulate matter	57 mg/dscm (0.025 gr/dscf)	57 mg/dscm (0.025 gr/dscf).
Semivolatile metals [2]	250 µg/dscm	43 µg/dscm.
Low volatile metals [3]	110 µg/dscm	110 µg/dscm.
Hydrochloric acid/chlorine gas	230 ppmv	41 ppmv.
Hydrocarbons [2,3]	20 ppmv (or 100 ppmv carbon monoxide)	20 ppmv (or 100 ppmv carbon monoxide).
Destruction and removal efficiency	For existing and new sources, 99.99% for each principal organic hazardous constituent (POHC) designated. For sources burning hazardous wastes F020, F021, F022, F023, F026, or F027, 99.9999% for each POHC designated.	

[1] All emission levels are corrected to 7% O_2, dry basis.
[2] Hourly rolling average. Hydrocarbons are reported as propane.
[3] Lightweight aggregate kilns that elect to continuously comply with the carbon monoxide standard must demonstrate compliance with the hydrocarbon standard of 20 ppmv during the comprehensive performance test.

2. What Are the Dioxin and Furan Standards?

In today's rule, we establish a standard for new and existing lightweight aggregate kilns that limits dioxin/furan emissions to either 0.20 ng TEQ/dscm; or 0.40 ng TEQ/dscm and rapid quench of the flue gas at the exit of the kiln to less than 400°F. Our rationale for adopting these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? In the April 1996 proposal, we had dioxin/furan emissions data from only one lightweight aggregate kiln and pooled that data with the dioxin/furan data for hazardous waste burning cement kilns to identify the MACT floor emission level. We stated that it is appropriate to combine the two data sets because they are adequately representative of general dioxin/furan behavior and control in either type of kiln. Consequently, floor control and the floor emission level for lightweight aggregate kilns were the same as for cement kilns. We proposed a floor emission level of 0.20 ng TEQ/dscm, or temperature at the inlet to the fabric filter not to exceed 418°F. (61 FR at 17403.)

Several commenters opposed our proposed approach of pooling the lightweight aggregate kiln data with the cement kiln dioxin/furan data for the MACT floor analysis. In order to respond to commenter concerns, we obtained additional dioxin/furan emissions data from lightweight aggregate kiln sources. In a MACT reevaluation discussed in the May 1997 NODA, we presented an alternative data analysis method to identify floor control and the floor emission level. In that NODA, dioxin/furan floor control was defined as temperature control not to exceed 400°F at the inlet to the fabric filter. That analysis resulted in a floor emission level of 0.20 ng TEQ/dscm, or 4.1 ng TEQ/dscm and temperature at the inlet to the fabric filter not to exceed 400°F. (62 FR at 24231.) An emission level of 4.1 ng TEQ/dscm represents the highest single run from the test condition with the highest run average. We concluded that 4.1 ng TEQ/dscm was a reasonable floor level, from an engineering perspective, given our limited dioxin/furan data base for lightweight aggregate kilns. (We noted that if this were a large data set, we would have identified the floor emission level simply as the highest test condition average.) Due to variability among the runs of the test condition with the highest condition average and because a floor level of 4.1 ng TEQ/dscm is 40 percent higher than the highest test condition average of 2.9 ng TEQ/dscm lightweight aggregate kilns using floor control will be able to meet routinely a floor emission level of 4.1 ng TEQ/dscm.

We maintain that the floor methodology discussed in the May 1997 NODA is appropriate and we adopt this approach in today's rule. In that NODA we identified two technologies for control of dioxin/furan emissions from lightweight aggregate kilns. The first technology controls dioxin/furans by quenching kiln gas temperatures at the exit of the kiln so that gas temperatures at the inlet to the particulate matter control device are below the temperature range of optimum dioxin/furan formation. The other technology is activated carbon injected into the kiln exhaust gas. Because activated carbon injection is not currently used by any hazardous waste burning lightweight aggregate kilns, this technology was evaluated only as part of a beyond-the-floor analysis.

One commenter opposes our approach specifying a MACT floor control temperature limitation of 400°F at the particulate matter control device. Instead, the commenter supports a temperature limitation of 417°F, which is the highest temperature associated with any dioxin/furan test condition in our data base. Although only two of the three test conditions for which we have dioxin/furan emissions data operated the fabric filter at 400°F or lower (the third operated at 417°F), we do have other fabric filter operating temperatures from kilns performing RCRA compliance testing for other hazardous air pollutants that document fabric filter operations at 400°F or lower. From these data, we conclude that lightweight aggregate kilns can operate the fabric filter at temperatures of 400°F or lower. Thus, identifying floor control at a temperature limitation of 400°F ensures that all lightweight aggregate kilns will be operating consistent with sound operational practices for controlling dioxin/furan emissions.

As discussed in the May 1997 NODA, specifying a temperature limitation of 400°F or lower is appropriate for floor control because, from an engineering perspective, it is within the range of reasonable values that could have been selected considering that: (1) The optimum temperature window for surface-catalyzed dioxin/furan formation is approximately 450–750°F; and (2) temperature levels below 350°F can cause dew point condensation problems resulting in particulate matter control device corrosion. Further, lightweight aggregate kilns can operate at air pollution control device temperatures between 350 to 400°F. In

fact, all lightweight aggregate kilns use (or have available) fabric filter "tempering" air dilution and water quench for cooling kiln exit gases prior to the fabric filter (some kilns also augment this with uninsulated duct radiation cooling). Thus, the capability of operating fabric filters at temperatures lower than 400°F currently exists and is practical. See the technical support document for further discussion.[165]

In summary, today's floor emission level for dioxin/furan emissions for existing lightweight kilns is 0.20 ng TEQ/dscm or 4.1 ng TEQ/dscm and control of temperature at the inlet to the fabric filter not to exceed 400°F. We estimate that all lightweight aggregate kiln sources currently are meeting the floor level.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? We considered in the April 1996 proposal a beyond-the-floor standard of 0.20 ng TEQ/dscm based on injection of activated carbon at a flue gas temperature of less than 400°F. (61 FR at 17403.) In the May 1997 NODA, we considered a beyond-the-floor standard of 0.20 ng TEQ/dscm standard based on rapidly quenching combustion gases at the exit of the kiln to 400°F, and insulating the duct-work between the kiln exit and the fabric filter to maintain gas temperatures high enough to avoid dew point problems. (62 FR at 24232.)

One commenter, however, disagrees that there is adequate evidence (test data) supporting rapid quench of kiln exit gases to less than 400°F can achieve a level of 0.20 ng TEQ/dscm. Based on these NODA comments and upon closer analysis of all available data, we find that a level of 0.20 ng TEQ/dscm has not been clearly demonstrated for lightweight aggregate kilns with rapid quench less than 400°F prior to the particulate matter control device. The data show that some lightweight aggregate kilns can achieve a level of 0.20 TEQ ng/dscm with rapid quench. In addition, one commenter, who operates two lightweight aggregate kilns with heat exchangers that cool the flue gas to a temperature of approximately 400°F at the fabric filter, stated that they achieve dioxin/furan emissions slightly below 0.20 ng TEQ/dscm. However, because of the small dioxin/furan data base we are concerned that these limited data may not show the full range of emissions. Due to the similarity of dioxin/furan control among cement kilns and lightweight aggregate kilns, we looked to the cement kiln data to complement our limited lightweight aggregate kiln dataset. As discussed earlier, cement kilns are able to control dioxin/furans to 0.40 ng TEQ/dscm with temperature control. Since we do not expect a lightweight aggregate kiln to achieve lower dioxin/furan emissions than a cement kiln with rapid quench, we agree with these commenters and conclude that lightweight aggregate kilns can control dioxin/furans to 0.40 ng TEQ/dscm with rapid quench of kiln exit gases to less than 400°F.

Thus, for the final rule, we considered two beyond-the-floor levels: (1) Either 0.20 ng TEQ/dscm; or 0.40 ng TEQ/dscm and rapid quench of the kiln exhaust gas to a temperature less than 400°F; and (2) a level of 0.20 ng TEQ/dscm based on activated carbon injection.

The first option is a beyond-the-floor standard of either 0.20 ng TEQ/dscm, or 0.40 ng TEQ/dscm and rapid quench of the kiln exhaust gas to less than 400°F. The national incremental annualized compliance cost for lightweight aggregate kilns to meet this beyond-the-floor level rather than comply with the floor controls would be approximately $50,000 for the entire hazardous waste burning lightweight aggregate kiln industry, and would provide an incremental reduction in dioxin/furan emissions beyond the MACT floor controls of nearly 2 g TEQ/yr.

Based on these costs of approximately $25 thousand per additional g of dioxin/furan removed and on the significant reduction in dioxin/furan emissions achieved, we have determined that this dioxin/furan beyond-the-floor option for lightweight aggregate kilns is justified, especially given our special concern about dioxin/furans. Dioxin/furans are some of the most toxic compounds known due to their bioaccumulation potential and wide range of health effects, including carcinogenesis, at exceedingly low doses. Exposure via indirect pathways is a chief reason that Congress singled out dioxin/furans for priority MACT control in section 112(c)(6) of the CAA. See S. Rep. No. 128, 101st Cong. 1st Sess. at 154–155.

We also evaluated, but rejected, activated carbon injection as a beyond-the-floor option. Carbon injection is routinely effective at removing 99 percent of dioxin/furans at numerous municipal waste combustor and medical waste combustor applications and one hazardous waste incinerator application. However, no hazardous waste burning lightweight aggregate kiln currently uses activated carbon injection for dioxin/furan removal. We believe that it is conservative to assume that only 95 percent is achievable given potential uncertainties in its application to lightweight aggregate kilns. In addition, we assumed for cost-effectiveness calculations that lightweight aggregate kilns needing activated carbon injection would install the activated carbon injection system after the existing fabric filter device and add a new smaller fabric filter to remove the injected carbon with the absorbed dioxin/furans and mercury. This costing approach addresses commenter's concerns that injected carbon may interfere with current dust recycling practices.

The national incremental annualized compliance cost for lightweight aggregate kilns to meet a beyond-the-floor level based on activated carbon injection rather than comply with the floor controls would be approximately $1.2 million for the entire hazardous waste burning lightweight aggregate kiln industry. This would provide an incremental reduction in dioxin/furan emissions beyond the MACT floor controls of 2.2 g TEQ/yr, or 90 percent. Based on these costs of approximately $0.53 million per additional g of dioxin/furan removed and the small incremental dioxin/furan emissions reduction beyond the dioxin/furan beyond-the-floor option discussed above (2.0 g TEQ/yr versus 2.2 g TEQ/ yr), we have determined that this second beyond-the-floor option for lightweight aggregate kilns is not justified. Therefore, we are not promulgating a beyond-the-floor standard of 0.20 ng TEQ/dscm for lightweight aggregate kilns based on activated carbon injection.

Thus, the promulgated dioxin/furan standard for existing lightweight aggregate kilns is a beyond-the-floor standard of 0.20 ng TEQ/dscm; or 0.40 ng TEQ/dscm and rapid quench to a temperature not to exceed 400°F based on rapid quench of flue gas at the exit of the kiln.

c. What Is the MACT Floor for New Sources? In the April 1996 proposal, the floor analysis for new lightweight aggregate kilns was the same as for existing kilns, and the proposed standard was the same. The proposed floor emission level was 0.20 ng TEQ/dscm, or temperature at the inlet to the particulate matter control device not to exceed 418°F. (61 FR at 17408.) In the May 1997 NODA, we used an alternative data analysis method to identify floor control and the floor emission level. As done for existing sources, floor control for new sources was defined as temperature control at the inlet to the particulate matter control device to less than 400°F. That

[165] USEPA, "Final Technical Support document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

analysis resulted in a floor emission level of 0.20 ng TEQ/dscm, or 4.1 ng TEQ/dscm and temperature at the inlet to the fabric filter not to exceed 400°F. Our engineering evaluation indicated that the best controlled source is one that is controlling temperature control at the inlet to the fabric filter at 400°F. (62 FR at 24232.) We continue to believe that the floor methodology discussed in the May 1997 NODA is appropriate for new sources and we adopt this approach in the final rule. The floor level for new lightweight aggregate kilns is 0.20 ng TEQ/dscm, or 4.1 ng TEQ/dscm and temperature at the inlet to the particulate matter control device not to exceed 400°F.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the April 1996 proposal, we proposed activated carbon injection as beyond-the-floor control and a beyond-the-floor standard of 0.20 ng TEQ/dscm. (61 FR at 17408.) In the May 1997 NODA, we identified a beyond-the-floor standard of 0.20 ng TEQ/dscm based on rapid quench of kiln gas to less than 400°F combined with duct insulation or activated carbon injection operated at less than 400°F. (62 FR at 24232.) These beyond-the-floor considerations are identical to those discussed above for existing sources.

The beyond-the-floor standard identified for existing sources continues to be appropriate for new sources for the same reasons. Thus, the promulgated dioxin/furan standard for new lightweight aggregate kilns is the same as the standard for existing standards, i.e., 0.20 ng TEQ/dscm or 0.40 ng TEQ/dscm and rapid quench of the kiln exhaust gas to less than 400°F.

3. What Are the Mercury Standards?

In the final rule, we establish a standard for existing and new lightweight aggregate kilns that limits mercury emissions to 47 and 33 μg/dscm, respectively. The rationale for adopting these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? All lightweight aggregate kilns use fabric filters, and one source uses a venturi scrubber in addition to a fabric filter. However, since mercury is generally in the vapor form in and downstream of the combustion chamber, including in the air pollution control device, fabric filters alone do not achieve significant mercury control. Mercury emissions from lightweight aggregate kilns are currently controlled under existing regulations through limits on the maximum feedrate of mercury in total feedstreams (e.g., hazardous waste, raw materials). Thus, MACT floor control is based on limiting the feedrate of mercury in hazardous waste.

In the April 1996 proposal, we identified floor control as hazardous waste feedrate control not to exceed a feedrate level of 17 μg/dscm, expressed as a maximum theoretical emissions concentration, and proposed a floor emission level of 72 μg/dscm based on an analysis of data from all lightweight aggregate kilns with a hazardous waste feedrate of mercury of this level or lower. (61 FR at 17404.) In the May 1997 NODA, we conducted a breakpoint analysis on ranked mercury emissions data and established the floor emission level equal to the test condition average of the breakpoint source. (62 FR at 24232.) The breakpoint analysis was intended to reflect an engineering-based evaluation of the data whereby the few lightweight aggregate kilns spiking extra mercury during testing procedures did not drive the floor emission level to levels higher than the preponderance of the emission data. We reasoned that sources with emissions higher than the breakpoint source were not controlling the hazardous waste feedrate of mercury to levels representative of MACT. The May 1997 NODA analysis resulted in a MACT floor level of 47 μg/dscm.

One commenter states that the use of mercury stack gas measurements from RCRA compliance test reports is inappropriate for setting the MACT floor since they are based on feeding normal wastes. With the exception of one source, no mercury spiking was done during the RCRA compliance testing because lightweight aggregate kilns complied with Tier I levels allowable in the Boiler and Industrial Furnace rule. The commenter notes that the Tier I allowable levels are above, by orders of magnitude, the total mercury fed into lightweight aggregate kilns. Thus, to set the mercury MACT floor, the commenter states that we need to consider the potential range of mercury levels in the hazardous waste and raw materials, which may not represented by the RCRA compliance stack gas measurements.

We recognize that stack gas tests generating mercury emissions data were conducted with normal unspiked waste streams containing normal levels of mercury in hazardous waste. However, we concluded that it is appropriate in this particular circumstance to use unspiked data to define a MACT floor. See discussion in Part Four, Section V.D.1. It would hardly reflect MACT to base the floor emission level on a feedrate of mercury greater than that which actually occurs in hazardous waste fuels burned in these units. Furthermore, the final rule standard is projected to be achievable by lightweight aggregate kilns for the vast majority of the wastes they are currently handling. The standard would allow lightweight aggregate kilns to burn wastes with about 0.5 ppmw mercury, without use of add-on mercury control techniques such as carbon injection. Data provided by a commenter indicates that approximately 90% of the waste streams lightweight aggregate kilns currently burn do not contain mercury levels at 2 ppmw. Further, the commenter indicates that these wastes are typically less than 0.02 ppmw mercury when more refined and costly analysis techniques are used. Thus, the standard is consistent with the current practice of lightweight aggregate kilns burning low-mercury waste.

We received comments from the lightweight aggregate kiln industry expressing concern with the stringency of the mercury standard. These commenters oppose a mercury standard of 47 μg/dscm, in part, because of the difficulty and increased cost of demonstrating compliance with day-to-day mercury feedrate limits. One potential problem pertains to raw material mercury detection limits. The commenter states that mercury is generally not measured in the raw material at detectable levels at their facilities. The commenter points out that if a kiln assumes mercury is present in the raw material at the detection limit, the resulting calculated uncontrolled mercury emission concentration could exceed, or be a significant percentage of, the mercury emission standard. This may prevent a kiln from complying with the mercury emission standard even though MACT control is used. Further, the commenter anticipates that more frequent analysis, additional laboratory equipment and staff, and improved testing and analysis procedures will be required to show compliance with a standard of 47 μg/dscm. The commenter states that the costs of compliance will increase significantly at each facility to address this nondetect issue.

Four provisions in the final rule offer flexibility in complying with the mercury standard. For example, one provision allows sources to petition for an alternative mercury standard that only requires compliance with a hazardous waste mercury feedrate limitation, provided that mercury not been present historically in the raw material at detectable levels. This approach ensures that kilns using MACT controls can achieve the mercury standard. The details of this provision are discussed in Part Five, Section

X.A.2. Another provision allows kilns a waiver of performance testing requirements when the source feeds low levels of mercury. Under this provision, a kiln qualifies for a waiver of the performance testing requirements for mercury if all mercury from all feedstreams fed to the combustion unit does not exceed the mercury emission standard. For kilns using this waiver, we allow kilns to assume mercury in the raw material is present at one-half the detection limit whenever the raw materials feedstream analysis determines that mercury is not present at detectable levels. The details of this provision are presented in Part Five, Section X.B. For a discussion of the other two methods that can be used to comply with the mercury emission standard, see Part Five, Section VII.B.6.

For today's rule we use a revised engineering evaluation and data analysis method to establish the MACT floor emission level for mercury. The approach used to establish MACT floors for the three metal hazardous air pollutant groups and hydrochloric acid/chlorine gas is the aggregate feedrate approach. Using this approach, the resulting mercury floor emission level is 47 µg/dscm.

We estimate that approximately 75 percent of lightweight aggregate kiln sources currently are meeting the floor emission level. The national annualized compliance cost for lightweight aggregate kilns to reduce mercury emissions to comply with the floor emission level is $0.7 million for the entire hazardous waste burning lightweight aggregate kiln industry, and will reduce mercury emissions by approximately 0.03 Mg/yr or 47 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the April 1996 NPRM, we considered a beyond-the-floor standard based on flue gas temperature reduction to 400°F or less followed by activated carbon injection, but determined that a beyond-the-floor level would not be cost-effective and therefore warranted. (61 FR at 17404.) In the May 1997 NODA, we considered a beyond-the-floor standard of 15 µg/dscm based on an activated carbon injection. However, we indicated in the NODA that a beyond-the-floor standard would not likely be justified given the high cost of treatment and the relatively small amount of mercury removed from air emissions. (62 FR at 24232.)

In developing the final rule, we identified three techniques for control of mercury as a basis to evaluate a beyond-the-floor standard: (1) Activated carbon injection; (2) limiting the feed of mercury in the hazardous waste; and (3) limiting the feed of mercury in the raw materials. The results of each analysis are discussed below.

Activated Carbon Injection. To investigate this beyond-the-floor control option, we applied a carbon injection capture efficiency of 80 percent to the floor emission level of 47 µg/dscm. The resulting beyond-the-floor emission level is 10 µg/dscm.

The national incremental annualized compliance cost for lightweight aggregate kilns to meet this beyond-the-floor level rather than comply with the floor controls would be approximately $0.6 million for the entire hazardous waste burning lightweight aggregate kiln industry and would provide an incremental reduction in mercury emissions beyond the MACT floor controls of 0.02 Mg/yr. Based on these costs of approximately $34 million per additional Mg of mercury removed and the small emissions reductions that would be realized, we conclude that this mercury beyond-the-floor option for hazardous waste burning lightweight aggregate kilns is not acceptably cost-effective nor otherwise justified. Therefore, we do not adopt this beyond-the-floor standard.

Limiting the Feedrate of Mercury in Hazardous Waste. We also considered, but rejected, a beyond-the-floor emission level based on limiting the feed of mercury in the hazardous waste. This mercury beyond-the-floor option for lightweight aggregate kilns is not warranted because data submitted by commenters indicate that approximately 90% of the hazardous waste burned by lightweight aggregate kilns contains mercury at levels below method detection limits. We conclude from these data that there are little additional mercury reductions possible by reducing the feed of mercury in the hazardous waste. Therefore, we are not adopting a beyond-the-floor emission level because it will not be cost-effective due to the relatively small amount of mercury removed from air emissions and likely problems with method detection limitations.

Limiting the Feedrate of Mercury in Raw Materials. A source can achieve a reduction in mercury emissions by substituting a feed material containing lower levels of mercury for a primary raw material higher mercury levels. This beyond-the-floor option appears to be less cost effective compared to either of the options evaluated above. Because lightweight aggregate kilns are sited proximate to primary raw material supply and transporting large quantities of an alternative source of raw material(s) is expected to be cost prohibitive. Therefore, we do not adopt this mercury beyond-the-floor standard.

Thus, the promulgated mercury standard for existing hazardous waste burning lightweight aggregate kilns is the floor emission level of 47 µg/dscm.

c. What Is the MACT Floor for New Sources? In the April 1996 proposal, we identified floor control for new sources as hazardous waste feedrate control of mercury not to exceed a feedrate level of 17 µg/dscm expressed as a maximum theoretical emissions concentration. We proposed a floor emission level of 72 µg/dscm. (61 FR at 17408.) In May 1997 NODA, we conducted a breakpoint analysis on ranked mercury emissions data from sources utilizing the MACT floor technology and established the floor emission level as the test condition average of the breakpoint source. The breakpoint analysis was intended to reflect an engineering-based evaluation of the data so that the one lightweight aggregate kiln spiking extra mercury during testing procedures did not drive the floor emission level to levels higher than the preponderance of the emissions data. This analysis resulted in a MACT floor level of 47 µg/dscm. (62 FR at 24233.)

For the final rule, we identify floor control for new lightweight aggregate kilns as feed control of mercury in the hazardous waste, based on the single source with the best aggregate feedrate of mercury in hazardous waste. Using the aggregate feedrate approach to establish this floor level of control and corresponding floor emission level, we identify a MACT floor emission level of 33 µg/dscm for new lightweight aggregate kilns.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In both the proposal and the NODA, we considered a beyond-the-floor standard for new sources based on activated carbon injection, but determined that it would not be cost-effective to adopt the beyond-the-floor standard given the high cost of treatment and the relatively small amount of mercury removed from air emissions. (61 FR at 17408 and 62 FR at 24233.)

In the final rule, we identified three techniques for control of mercury as a basis to evaluate a beyond-the-floor standard: (1) Activated carbon injection; and (2) limiting the feed of mercury in the hazardous waste. The results of each analysis are discussed below.

Activated Carbon Injection. As discussed above, we conclude that flue gas temperature reduction to 400 °F followed by activated carbon injection to remove mercury is an appropriate beyond-the-floor control option for improved mercury control at

lightweight aggregate kilns. The control of flue gas temperature is necessary to ensure good collection efficiency. Based on the MACT floor emission level of 33 µg/dscm and assuming a carbon injection capture efficiency of 80 percent, we identified a beyond-the-floor emission level of 7 µg/dscm. As discussed above for existing sources, we do not believe that a beyond-the-floor standard of 7 µg/dscm is warranted for new lightweight aggregate kilns due to the high cost of treatment and relatively small amount of mercury removed from air emissions. The incremental annualized compliance cost for one new lightweight aggregate kiln to meet this beyond-the-floor level, rather than comply with floor controls, would be approximately $0.46 million and would provide an incremental reduction in mercury emissions beyond the MACT floor controls of approximately 0.008 Mg/yr. Based on these costs of approximately $58 million per additional Mg of mercury removed, a beyond-the-floor standard of 7 µg/dscm is not warranted due to the high cost of compliance and relatively small mercury emissions reductions. Notwithstanding our goal of reducing the loading to the environment by bioaccumulative pollutants such as mercury whenever possible, these costs are not justified.

Limiting the Feedrate of Mercury in Hazardous Waste. As discussed above for existing sources, we conclude that a beyond-the-floor based on limiting the feed of mercury in the hazardous waste is not justified. Considering that the floor emission level for new lightweight aggregate kilns is approximately one third lower than the floor emission level for existing kilns (33 versus 47 µg/dscm), we again conclude that a mercury beyond-the-floor standard is not warranted because emission reductions of mercury would be less than existing sources at comparable costs. Thus, the cost-effectiveness is higher for new kilns than for existing kilns. Further, achieving substantial additional mercury reductions by further controls on hazardous waste feedrate may be problematic because the mercury contribution from raw materials and coal represents an even larger proportion of the total mercury fed to the kiln. Therefore, we do not adopt a mercury beyond-the-floor standard based on limiting feed of mercury in hazardous waste for new sources.

Thus, the promulgated mercury standard for new hazardous waste burning lightweight aggregate kilns is the floor emission level of 33 µg/dscm.

4. What Are the Particulate Matter Standards?

We establish standards for both existing and new lightweight aggregate kilns that limit particulate matter emissions to 57 mg/dscm. The particulate matter standard is a surrogate control for the metals antimony, cobalt, manganese, nickel, and selenium. We refer to these five metals as "nonenumerated metals" because standards specific to each metal have not been established. The rationale for adopting these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? In the April 1996 NPRM, we defined floor control based upon the performance of a fabric filter with an air-to-cloth ratio of 2.8 acfm/ft^2. The MACT floor was 110 mg/dscm (0.049 gr/dscf). (61 FR at 17403.) In the May 1997 NODA, we defined the technology basis as a fabric filter for a MACT floor, but did not characterize the design and operation characteristics of the particulate matter control equipment, air-to-cloth ratio of a fabric filter, because we had limited information on these parameters. (62 FR at 24233.) Instead, for each particulate matter test condition, we evaluated the corresponding semivolatile metal system removal efficiency and screened out sources with relatively poor system removal efficiencies as a means to identify and eliminate from consideration those sources not using MACT floor control. Our reevaluation of the lightweight aggregate kiln particulate matter data resulted in a MACT floor of 50 mg/dscm (0.022 gr/dscf).

Some commenters state that a floor emission level of 50 mg/dscm (0.022 gr/dscf) is too high and a particulate matter standard of 23 mg/dscm (0.010 gr/dscf) is more appropriate because it is consistent with the level of performance achieved by incinerators using fabric filters. Even though we agree that well designed and properly operated fabric filters in use at all lightweight aggregate kilns can achieve low levels, we are concerned that an emission level of 23 mg/dscm would not be appropriate given the high inlet grain loading inherent with the lightweight aggregate manufacturing process, typically much higher than the particulate loading to incinerators.

Commenters also express concern that the Agency identified separate, different MACT pools and associated MACT controls for particulate matter, semivolatile metals, and low volatile metals, even though all three are controlled, at least in part, by the particulate matter control device. These commenters stated that our approach is likely to result in three different design specifications. We agree with these commenters and, in the final rule, the same initial MACT pool is used to establish the floor levels for particulate matter, semivolatile metals, and low volatile metals. See discussion in Part Four, Section V.

For the final rule, we conclude that the general floor methodology discussed in the May 1997 NODA is appropriate. MACT control for particulate matter is based on the performance of fabric filters. Since we lack data to fully characterize control equipment from all sources and we lack information on the relationship between the design parameters and the system performance, we evaluated both low and semivolatile metal system removal efficiencies associated with the source's particulate matter emissions to identify those sources not using MACT floor control. Our data show that all lightweight aggregate kilns are achieving greater than 99 percent system removal efficiency for both low and semivolatile metals, with some attaining 99.99 percent removal. Since we found no sources with system removal efficiencies indicative of poor performance, we conclude that all lightweight aggregate kilns are using MACT controls and the floor emission limit is identified as 57 mg/dscm (0.025 gr/dscf).

The performance level of 57 mg/dscm is generally consistent with that expected from well designed and operated fabric filters, and that achieved by other similar types of combustion sources operating with high inlet grain loadings. We have particulate matter data from all lightweight aggregate kiln sources, and multiple test conditions, conducted at 3 year intervals, are available for many of the sources. We conclude that the number of test conditions available adequately covers the range of variability of well operated and designed fabric filters.[166]

We considered, but rejected, basing the particulate matter floor for lightweight aggregate kilns on the New Source Performance Standard. The New Source Performance Standard limits particulate matter emissions to 92 mg/dscm (0.040 gr/dscf), uncorrected for oxygen. (See 40 CFR 60.730, Standards of Performance for Calciners and Dryers in Mineral Industries.) We rejected the New Source Performance Standard as the basis for the floor emission level

[166] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

because our MACT analysis of data from existing sources indicates that a particulate matter floor level lower than the New Source Performance Standard is currently being achieved by existing hazardous waste burning lightweight aggregate kilns. Further, all available emission data for hazardous waste burning lightweight aggregate kilns are well below the New Source Performance Standard particulate matter standard. Thus, the particulate matter floor emission level is 57 mg/dscm based on an analysis of existing emissions data.

We estimate that, based on a design level of 70 percent of the standard, over 90 percent of lightweight aggregate kiln sources currently are meeting the floor level. The national annualized compliance cost for lightweight aggregate kilns to reduce particulate matter emissions to comply with the floor emission level is $18,000 for the entire hazardous waste burning lightweight aggregate kiln industry, and our floor will reduce nonenumerated metals and particulate matter emissions by 0.01 Mg/yr and 2.7 Mg/yr, respectively, or 7 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the NPRM, we proposed a beyond-the-floor emission level of 69 mg/dscm (0.030 gr/dscf) and solicited comment on an alternative beyond-the-floor emission level of 34 mg/dscm (0.015 gr/dscf) based on improved particulate matter control. (61 FR at 17403.) In the May 1997 NODA, we concluded that a beyond-the-floor standard may not be warranted given a reduced particulate matter floor level compared to the proposed floor emission level. (62 FR at 24233.)

In the final rule, we considered a beyond-the-floor level of 34 mg/dscm for existing lightweight aggregate kilns based on improved particulate matter control. For analysis purposes, improved particulate matter control entails the use of higher quality fabric filter bag material. We then determined the cost of achieving this level of particulate matter, with corresponding reductions in the nonenumerated metals for which particulate matter is a surrogate, to determine if this beyond-the-floor level would be appropriate. The national incremental annualized compliance cost for lightweight aggregate kilns to meet this beyond-the-floor level, rather than comply with the floor controls, would be approximately $110,000 for the entire hazardous waste burning lightweight aggregate kiln industry and would provide an incremental reduction in nonenumerated metals emissions nationally beyond the MACT floor controls of 0.03 Mg/yr. Based on these costs of approximately $3.7 million per additional Mg of nonenumerated metals emissions removed, we conclude that this beyond-the-floor option for lightweight aggregate kilns is not acceptably cost-effective nor otherwise justified. Therefore, we do not adopt this beyond-the-floor standard. Thus, the promulgated particulate matter standard for existing hazardous waste burning lightweight aggregate kilns is the floor emission level of 57 mg/dscm.

c. What Is the MACT Floor for New Sources? In the April 1996 proposal, we defined floor control for new sources based on the level of performance of a fabric filter with an air-to-cloth ratio of 1.5 acfm/ft2. The MACT floor emission level was 120 mg/dscm (0.054 gr/dscf). (61 FR at 17408.) In the May 1997 NODA, MACT control was defined as a well-designed and properly operated fabric filter, and the floor emission level for new lightweight aggregate kilns was 50 mg/dscm (0.022 gr/dscf). (62 FR at 24233.)

All lightweight aggregate kilns use fabric filters to control particulate matter. As discussed earlier, we have limited information on the design and operation characteristics of existing control equipment currently used by lightweight aggregate kilns. As a result, we are unable to identify a specific technology that can consistently achieve lower emission levels than the controls used by lightweight aggregate kilns achieving the MACT floor level for existing sources. Lightweight aggregate kilns achieve the floor emission level with well-designed and properly operated fabric filters. Thus, floor control for new kilns is likewise a well-designed and properly operated fabric filter. Therefore, as discussed for existing sources, the MACT floor level for new lightweight aggregate kilns is 57 mg/dscm (0.025 gr/dscf).

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the April 1996 NPRM, we proposed a beyond-the-floor standard of 69 mg/dscm (0.030 gr/dscf) based on improved particulate matter control, which was consistent with existing sources. (61 FR at 17408.) In the May 1997 NODA, we concluded, as we did for existing sources, that a beyond-the-floor level for particulate matter may not be warranted due to the high costs of control and relatively small amount of particulate matter removed from air emissions. (62 FR at 24233.)

As discussed for existing sources, we considered a beyond-the-floor level of 34 mg/dscm for new lightweight aggregate kilns based on improved particulate matter control. For analysis purposes, improved particulate matter control entails the use of higher quality fabric filter bag material. We then determined the cost of achieving this level of particulate matter, with corresponding reductions in the nonenumerated metals for which particulate matter is a surrogate, to determine if this beyond-the-floor level would be appropriate. The incremental annualized compliance cost for one new lightweight aggregate kiln to meet this beyond-the-floor level, rather than comply with floor controls, would be approximately $38 thousand and would provide an incremental reduction in nonenumerated metals emissions of approximately 0.012 Mg/yr.[167] Based on these costs of approximately $3.1 million per additional Mg of nonenumerated metals removed, we conclude that a beyond-the-floor standard of 34 mg/dscm is not justified due to the high cost of compliance and relatively small nonenumerated metals emission reductions. Further, a standard of 57 mg/dscm would adequately control the unregulated hazardous air pollutant metals for which it is being used as a surrogate. Thus, the particulate matter standard for new lightweight aggregate kilns is the floor level of 57 mg/dscm.

5. What Are the Semivolatile Metals Standards?

In the final rule, we establish a standard for existing and new lightweight aggregate kilns that limits semivolatile metal emissions to 250 and 43 µg/dscm, respectively. The rationale for adopting these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? All lightweight aggregate kilns use a combination of particulate matter control, *i.e.*, a fabric filter, and hazardous waste feedrate to control emissions of semivolatile metals. Current RCRA regulations establish limits on the maximum feedrate of lead and cadmium in all feedstreams. Thus, hazardous waste feedrate control is part of MACT floor control.

In the April 1996 proposal, we defined floor control as either (1) a fabric filter with an air-to-cloth ratio of 1.5 acfm/ft^2 and a hazardous waste feedrate level of 270,000 µg/dscm,

[167] Based on the data available, the average emissions in sum of the five nonenumerated metal from lightweight aggregate kilns using MACT particulate matter control is approximately 83 µg/dscm. To estimate emission reductions of the nonenumerated metals, we assume a linear relationship between a reduction in particulate matter and these metals.

expressed as a maximum theoretical emissions concentration; or (2) a combination of a fabric filter and venturi scrubber with an air-to-cloth ratio of 4.2 acfm/ft^2 and a hazardous waste feedrate level of 54,000 µg/dscm. The proposed floor emission level was 12 µg/dscm. (61 FR at 17405.) In the May 1997 NODA, we discussed a floor methodology where we used a breakpoint analysis to identify sources that were not using floor control with respect either to semivolatile metals hazardous waste feedrate or emissions control. Under this approach, we ranked semivolatile metal emissions data from sources that were achieving the particulate matter floor level of 50 mg/dscm or better. We identified the floor level as the test condition average associated with the breakpoint source. Thus, sources with atypically high emissions because of high semivolatile feedrate levels or poor semivolatile metals control were screened from the pool of sources used to define the floor emission level. Based on this analysis, we identified a floor emission level of 76 µg/dscm. (62 FR at 24234.)

We received few public comments in response to the proposal and May 1997 NODA concerning the lightweight aggregate kiln semivolatile metals floor emission level. We did receive comments on the application of techniques to identify breakpoints in the arrayed emissions data. This issue and our response to it are discussed in the floor methodology section in Part Four, Section V. We also received comments that our semivolatile metals analysis in the proposal and May 1997 NODA included several data base inaccuracies that, when corrected, would result in a higher floor level. We agree with the commenters and we revised the data base as necessary for the final rule analysis.

In the final rule, in general response to these comments, we use a revised engineering evaluation and data analysis method to establish the floor emission level for semivolatile metals. We use the aggregate feedrate approach in conjunction with floor control for particulate matter of 57 mg/dscm to identify a semivolatile metal floor emission level of 1,700 µg/dscm. We estimate that all lightweight aggregate kiln sources currently are meeting the floor level.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the April 1996 NPRM, we considered a beyond-the-floor emission level for semivolatile metals based on improved particulate matter control. We concluded that a beyond-the-floor emission level would not be cost-effective given that the proposed semivolatile metal floor level of 12 µg/dscm alone would result in an estimated 97 percent reduction in semivolatile metal emissions. (61 FR at 17405.) In the May 1997 NODA, we considered a beyond-the-floor emission level based on improved particulate matter control, but indicated that such a standard was not likely to be cost-effective due to the high costs of control. (62 FR at 24234.)

In developing the final rule, we identified three techniques for control of semivolatile metals as a basis to evaluate a beyond-the-floor standard: (1) Limiting the feed of semivolatile metals in the hazardous waste; (2) improved particulate matter control; and (3) limiting the feed of semivolatile metals in the raw materials. The results of each analysis are discussed below.

Limiting the Feedrate of Semivolatile Metals in Hazardous Waste. Under this option, as with cement kilns, we selected for evaluation a beyond-the-floor emission level of 240 µg/dscm to evaluate from among the range of possible levels that reflect improved feedrate control of semivolatile metals in hazardous waste. This emission level represents a significant increment of emission reduction from the floor level of 1700 µg/dscm, it is within the range of levels that are likely to be reasonably achievable using feedrate control, and it is generally consistent with the incinerator and cement kiln standards, thereby advancing a policy objective of essentially common standards among combustors of hazardous waste.

In performing an analysis of the 240 µg/dscm beyond-the-floor limit, we found that additional reductions beyond 250 µg/dscm represent a significant reduction in cost-effectiveness of incremental beyond-the-floor levels. A beyond-the-floor standard of 250 µg/dscm achieves the same goals as a beyond-the-floor standard of 240 µg/dscm in a more cost-effective manner. The national incremental annualized compliance cost for the lightweight aggregate kilns to meet this 250 µg/dscm beyond-the-floor level, rather than comply with the floor controls, would be approximately $88,000 and would provide an incremental reduction beyond emissions at the MACT floor in semivolatile metal emissions of an additional 0.17 Mg/yr. The cost-effectiveness of this emission level is approximately $530,000 per additional Mg of semivolatile metal removed.

We conclude that additional control of the feedrate of semivolatile metals in hazardous waste to achieve an emission level of 250 µg/dscm is warranted because this standard would reduce lead and cadmium emissions, which are particularly toxic hazardous air pollutants. In addition, Solite Corporation, which operates the majority of the hazardous waste burning lightweight aggregate kilns, stated in their public comments that a standard of 213 µg/dscm is achievable and adequately reflects the variability of lead and cadmium in raw material for their kilns. Further, the vast majority of the lead and cadmium fed to the lightweight aggregate kiln is from the hazardous waste,[168] not from the raw material or coal. We are willing to accept a more marginal cost-effectiveness for sources voluntarily burning hazardous waste in lieu of other fuels to ensure that sources are using best controls.

Moreover, this beyond-the-floor semivolatile metal standard better supports our Children's Health Initiative in that lead emissions, which are of highest significance to children's health, will be reduced by another 60 percent from today's baseline. We are committed to reducing lead emissions wherever and whenever possible. Finally, we note that this beyond-the-floor standard is also consistent with European Union standards for hazardous waste incinerators of approximately 200 µg/dscm for lead and cadmium combined. Therefore, we are adopting today a beyond-the-floor standard of 250 µg/dscm for existing lightweight aggregate kilns.

Improved Particulate Matter Control. We also evaluated improved particulate matter control as another beyond-the-floor control option for improved semivolatile metals control. We investigated a beyond-the-floor standard of 250 µg/dscm, an emission level consistent with the preferred option based on limiting the feedrate of semivolatile metals in hazardous waste. The national incremental annualized compliance cost for lightweight aggregate kilns to meet this beyond-the-floor level, rather than comply with the floor controls, would be approximately $88,000 thousand for all lightweight aggregate kilns and would provide an incremental reduction in semivolatile metal emissions beyond the MACT floor controls of 0.17 Mg/yr. Based on these costs of approximately $530,000 per additional Mg of semivolatile metal removed, we determined that this beyond-the-floor option may be warranted. However, as discussed below, the cost-effectiveness for this beyond-the-floor option is approximately equivalent to the costs

[168] USEPA, "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies", July 1999.

estimated for a beyond-the-floor option based on limiting the feed of semivolatile metals in the hazardous waste. We decided to base the beyond-the-floor standard for semivolatile metals on the feedrate option to be consistent with the cement kiln approach. Of course light-weight aggregate kilns are free to choose to improve particulate matter control in lieu of feedrate controls as their vehicle to achieve compliance with 250 ug/dscm.

Limiting the Feedrate of Semivolatile Metals in Raw Materials. A source can achieve a reduction in semivolatile metals emissions by substituting a feed material containing lower levels of lead and/or cadmium for a primary raw material higher in lead and/or cadmium levels. This beyond-the-floor option appears to be less cost effective compared to either of the options evaluated above because lightweight aggregate kilns are sited proximate to primary raw material supply. Transporting large quantities of an alternative source of raw material(s) is expected to be cost prohibitive. Therefore, we do not adopt this semivolatile metal beyond-the-floor standard.

Thus, the promulgated semivolatile metals standard for existing hazardous waste burning lightweight aggregate kilns is a beyond-the-floor standard of 250 µg/dscm based on limiting the feedrate of semivolatile metals in the hazardous waste.

c. What Is the MACT Floor for New Sources? In the April 1996 proposal, we defined floor control as a fabric filter with an air-to-cloth ratio of 1.5 acfm/ft^2 and a hazardous waste feedrate level of 270,000 µg/dscm, expressed as a maximum theoretical emissions concentration. The proposed floor emission level was 5.2 µg/dscm. (61 FR at 17408.) In the May 1997 NODA, we concluded that the floor control and emission level for existing sources for semivolatile metals would also be appropriate for new sources. Floor control was based on a combination of good particulate matter control and limiting hazardous waste feedrates of semivolatile metals to control emissions. We used a breakpoint analysis of the semivolatile metal emissions data to exclude sources achieving substantially poorer semivolatile metal control than the majority of sources. The NODA floor emission level was 76 µg/dscm for new sources. (62 FR at 24234.)

In the final rule, as discussed previously, we use a revised engineering evaluation and data analysis method to establish the floor emission level for semivolatile metals. We use the aggregate feedrate approach in conjunction with floor control for particulate matter of 57 mg/dscm to identify a semivolatile metal floor emission level of 43 µg/dscm.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the April 1996 NPRM and May 1997 NODA, we considered a semivolatile metal beyond-the-floor emission level for new sources, but determined that the standard would not be cost-effective because the floor emission levels already achieved significant reductions in semivolatile metals emissions. (61 FR at 17408 and 62 FR at 24234.)

For the final rule, we do not adopt a beyond-the-floor emission level because the MACT floor for new sources is already substantially lower than the beyond-the-floor emission standard for existing sources. As a result, a beyond-the-floor standard for new lightweight aggregate kilns is not warranted due to the high costs of control versus the minimal emissions reductions that would be achieved. Therefore, we adopt the semivolatile metal MACT floor standard of 43 µg/dscm for new hazardous waste burning lightweight aggregate kilns.

6. What Are the Low Volatile Metals Standards?

In the final rule, we establish a standard for both existing and new lightweight aggregate kilns that limits low volatile metal emissions to 110 µg/dscm. The rationale for adopting these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? In the April 1996 proposal, we defined floor control based on the performance of a fabric filter with an air-to-cloth ratio of 1.8 acfm/ft^2 and a hazardous waste feedrate level of 46,000 µg/dscm, expressed as a maximum theoretical emissions concentration. The proposed floor emission level was 340 µg/dscm. (61 FR at 17405.) In the May 1997 NODA, we discussed a floor methodology where we used a breakpoint analysis to identify sources that were not using floor control with respect either to low volatile metals hazardous waste feedrate or emissions control. Under this approach, we ranked low volatile metal emissions data from sources that were achieving the particulate matter floor level of 50 mg/dscm or better. We identified the floor level as the test condition average associated with the breakpoint source. Thus, sources with atypically high emissions because of high low volatile feedrate levels or poor low volatile metals control were screened from the pool of sources used to define the floor emission level. Based on this analysis, we identified a floor emission level of 37 µg/dscm. (62 FR at 24234.)

We received few comments, in response to the April 1996 NPRM and May 1997 NODA, concerning the low volatile metals floor emission level. We received comments, however, on several overarching issues including the appropriateness of considering feedrate control of metals (including low volatile metals) in hazardous waste as a MACT floor control technique and the specific procedure of identifying breakpoints of arrayed emissions data. These issues and our responses to them are discussed in the floor methodology section in Part Four, Section V.

For today's rule, we use a revised engineering evaluation and data analysis method to establish the MACT floor level for low volatile metals. The aggregate feedrate approach in conjunction with MACT particulate matter control to 57 mg/dscm results in a low volatile metal floor emission level of 110 µg/dscm.

We estimate that over 80 percent of existing lightweight aggregate kiln sources in our data base meet the floor level. The national annualized compliance cost for lightweight aggregate kilns to reduce low volatile metal emissions to comply with the floor emission level is $52,000 for the entire hazardous waste burning lightweight aggregate kiln industry, and will reduce low volatile metal emissions by 0.04 Mg/yr or 40 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the April 1996 NPRM and May 1997 NODA, we considered a beyond-the-floor standard for low volatile metals based on improved particulate matter control. However, we concluded that a beyond-the-floor standard would not be cost-effective due to the high cost of emissions control and relatively small amount of low volatile metals removed from air emissions. (61 FR at 17406 and 62 FR at 24235.)

For today's rule, we identified three potential beyond-the-floor techniques for control of low volatile metals: (1) Improved particulate matter control; (2) limiting the feed of low volatile metals in the hazardous waste; and (3) limiting the feed of low volatile metals in the raw materials. The results of each analysis are discussed below.

Improved Particulate Matter Control. Our judgment is that a beyond-the-floor standard based on improved particulate matter control would be less cost-effective that a beyond-the-floor option based on limiting the feedrate of low

volatile metals in the hazardous waste. Our data show that lightweight aggregate kilns are already achieving a 99.9% system removal efficiency of low volatile metals and some sources are even attaining 99.99%. Thus, pollution control equipment retrofit costs for improved control would be significant. Thus, we conclude a beyond-the-floor emission level for low volatile metals based on improved particulate matter control for lightweight aggregate kilns is not warranted.

Limiting the Feedrate of Low Volatile Metals in the Hazardous Waste. We also considered a beyond-the-floor level of 70 μg/dscm based on additional feedrate control of low volatile metals in the hazardous waste. Our investigation shows that this beyond-the-floor option would achieve an incremental reduction in low volatile metals of only 0.01 Mg/yr. Given that this beyond-the-floor level would not achieve appreciable emissions reductions, significant cost-effectiveness considerations would likely arise, thus suggesting that this beyond-the-floor standard is not warranted.

Limiting the Feedrate of Low Volatile Metals in Raw Materials. A source can achieve a reduction in low volatile metal emissions by substituting a feed material containing lower levels of these metals for a primary raw material higher low volatile metal levels. This beyond-the-floor option appears to be less cost-effective compared to either of the options evaluated above because lightweight aggregate kilns are sited proximate to primary raw material supply. Transporting large quantities of an alternative source of raw material(s) is expected to be very costly and not cost-effective considering the limited emissions reductions that would be achieved. Therefore, we do not adopt this low volatile metals beyond-the-floor standard.

For reasons discussed above, we do not adopt a beyond-the-floor level for low volatile metals, and establish the emissions standard for existing hazardous waste burning lightweight aggregate kilns at 110 μg/dscm.

c. What Is the MACT Floor for New Sources? At proposal, we defined floor control based on the performance of a fabric filter with an air-to-cloth ratio of 1.3 acfm/ft^2 a hazardous waste feedrate level of 37,000 μg/dscm, expressed as a maximum theoretical emissions concentration. The proposed floor level was 55 μg/dscm. (61 FR at 17408.) In the May 1997 NODA, we concluded that the floor control and emission level for existing sources for low volatile metals would also be appropriate for new sources. Floor control was based on a combination of good particulate matter control and limiting hazardous waste feedrate of low volatile metals to control emissions. We used a breakpoint analysis of the low volatile metal emissions data to exclude sources achieving substantially poorer low volatile metal control than the majority of sources. The NODA floor was 37 μg/dscm. (62 FR at 24235.)

In the final rule, in response to general comments on the May 1997 NODA, we use a revised engineering evaluation and data analysis method to establish the floor emission level for low volatile metals. We use the aggregate feedrate approach in conjunction with floor control for particulate matter of 57 mg/dscm to identify a low volatile metal floor emission level of 110 μg/dscm.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the April 1996 NPRM and May 1997 NODA, we considered a low volatile metal beyond-the-floor level, but determined that a beyond-the-floor standard would not be cost-effective due to the high cost of treatment and relatively small amount of low volatile metals removed from air emissions. We received no comments to the contrary.

For the final rule, as discussed for existing sources, we do not adopt a beyond-the-floor level for new sources, and conclude that the floor emission level is appropriate. Therefore, we adopt the low volatile metal floor level of 110 μg/dscm as the emission standard for new hazardous waste burning lightweight aggregate kilns.

7. What Are the Hydrochloric Acid and Chlorine Gas Standards?

In the final rule, we establish a standard for existing and new lightweight aggregate kilns that limits hydrochloric acid and chlorine gas emissions to 230 and 41 ppmv, respectively. The rationale for adopting these standards is discussed below.

a. What Is the MACT Floor for Existing Sources? In the April 1996 proposal, we identified floor control for hydrochloric acid/chlorine gas as either: (1) Hazardous waste feedrate control of chlorine to 1.5 g/dscm, expressed as a maximum theoretical emissions concentration; or (2) a combination of a venturi scrubber and hazardous waste feedrate level of 14 g/dscm, expressed as a maximum theoretical emissions concentration. The proposed floor emission level was 2100 ppmv. (61 FR at 17406.) In the May 1997 NODA, we used the same data analysis method as proposed, except that a computed emissions variability factor was no longer added. The floor emission level was 1300 ppmv. (62 FR at 24235.)

We received few comments concerning the hydrochloric acid/chlorine gas floor methodology and emission level. One commenter supports the use of a variability factor in calculating the floor emission level. Generally, the final emission standards, including hydrochloric acid/chlorine gas, already accounts for emissions variability without adding a statistically-derived emissions variability factor. This issue and our response to it are discussed in detail in the floor methodology section in Part Four, Section V.

For today's rule, we use a revised engineering evaluation and data analysis method to establish the MACT floor level for hydrochloric acid and chlorine gas. The aggregate feedrate approach results in a floor emission level of 1500 ppmv.

We estimate that approximately 31 percent of lightweight aggregate kilns in our data base currently meet the floor emission level. The national annualized compliance cost for sources to reduce hydrochloric acid and chlorine gas emissions to comply with the floor level is $350,000 for the entire hazardous waste burning lightweight aggregate kiln industry, and will reduce hydrochloric acid and chlorine gas emissions by 182 Mg/yr or 10 percent from current baseline emissions.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the April 1996 proposal, we defined beyond-the-floor control as wet or dry lime scrubbing with a control efficiency of 90 percent. We proposed a beyond-the-floor standard of 450 ppmv, which included a statistical variability factor. (61 FR at 17406.) In the May 1997 NODA, the beyond-the-floor standard was 130 ppmv based on wet or dry scrubbing with a control efficiency of 90 percent. (62 FR at 24235.)

We identified three potential beyond-the-floor techniques for control of hydrochloric acid and chlorine gas emissions: (1) Dry lime scrubbing; (2) limiting the feed of chlorine in the hazardous waste; and (3) limiting the feed of chlorine in the raw materials. The result of each analysis is discussed below.

Dry Lime Scrubbing. Based on a joint emissions testing program with Solite Corporation in 1997, dry lime scrubbing at a stoichiometric lime ratio of 3:1 achieved greater than 85 percent removal of hydrochloric acid and chlorine gas. For the final rule, we considered a beyond-the-floor emission level of 230 ppmv based on a 85 percent removal efficiency from the floor level of 1500 ppmv.

The national incremental annualized compliance cost for all lightweight aggregate kilns to meet this beyond-the-floor level is approximately $1.5 million. This would provide an incremental reduction in hydrochloric acid/chlorine gas emissions beyond the MACT floor controls of an additional 1320 Mg/yr, or 80 percent. Based on these costs of approximately $1,100 per additional Mg hydrochloric acid/chlorine gas removed, this hydrochloric acid/chlorine gas beyond-the-floor option for lightweight aggregate kilns is justified. Therefore, we are adopting a beyond-the-floor standard of 230 ppmv for existing lightweight aggregate kilns.

One commenter disagreed with our proposal to base the beyond-the-floor standard on dry lime scrubbing achieving 90% removal. The commenter states that dry lime scrubbing cannot cost-effectively achieve 90 percent control of hydrochloric acid and chlorine gas emissions. To achieve a 90 percent capture efficiency at a stoichiometric ratio of 3:1, the commenter maintains that a source would need to install special equipment and make operational modifications that are less cost-effective than simple dry lime scrubbing at a lower removal efficiency. The commenter identifies this lower level of control at 80 percent based on the joint emissions testing program.[169] The commenter does agree, however, that dry lime scrubbing can achieve 90 percent capture without the installation of special equipment by operating at a stoichiometric lime ratio greater than 3:1. One significant consequence of operating at higher stoichiometric lime ratios, the commenter states, is the adverse impact to the collected particulate matter. Currently, the collected particulate matter is recycled into the lightweight aggregate product. At higher stoichiometric lime ratios, unreacted lime and collected chloride and sulfur salts would prevent this recycling practice and would require the disposal of all the collected particulate matter at significant and unjustified costs.

We agree with the commenter that data from the joint emissions testing program does not support a 90 percent capture efficiency by simple dry lime scrubbing at a stoichiometric lime ratio of 3:1. We disagree with the commenter that the data support an efficiency no greater than 80 percent. In the testing program, we evaluated the capture efficiency of lime during four runs at a stoichiometric lime ratio of approximately 3:1. The results show that hydrochloric acid was removed at rates ranging from 86 to 91 percent with one exception. For that one run, the removal was calculated as 81 percent. For reasons detailed in the Comment Response Document and in the technical support document,[170] we conclude that the data from this run should not be considered because the calculated stoichiometric lime ratio is suspect. When we remove this data point from consideration, the available information clearly indicates that dry lime scrubbing at a stoichiometric ratio of 3:1 can achieve greater than 85 percent removal. Therefore, in the final rule, we base the beyond-the-floor standard of 230 ppmv on 85 percent removal.

Limiting the Feedrate of Chlorine in the Hazardous Waste. We also considered a beyond-the-floor standard for hydrochloric acid/chlorine gas based on additional feedrate control of chlorine in the hazardous waste. This option achieves lower emission reductions and is less cost-effective than the dry lime scrubbing option discussed above. Therefore, we are not adopting a hydrochloric acid/chlorine gas beyond-the-floor standard based on limiting the feed of chlorine in the hazardous waste.

Limiting the Feedrate of Chlorine in the Raw Materials. A source can achieve a reduction in hydrochloric acid/chlorine gas emissions by substituting a feed material containing lower levels of chlorine for a primary raw material higher chlorine levels. This beyond-the-floor option appears to be less cost effective compared to either of the options evaluated above because lightweight aggregate kilns are sited proximate to primary raw material supply. Transporting large quantities of an alternative source of raw material(s) is expected to be very costly and not cost-effective considering the limited emissions reductions that would be achieved. Therefore, we do not adopt this hydrochloric acid/chlorine gas beyond-the-floor standard.

In summary, we establish the hydrochloric acid/chlorine gas standard for existing lightweight aggregate kilns at 230 ppmv based on scrubbing.

c. What Is the MACT Floor for New Sources? In the April 1996 proposal, we defined MACT floor control for new sources as a venturi scrubber with a hazardous waste feedrate level of 14 g/dscm, expressed as a maximum theoretical emissions concentration. We proposed a floor emission level of 62 ppmv. (61 FR at 17409.) In the May 1997 NODA, we concluded that the floor control and emission level for existing sources for hydrochloric acid/chlorine gas would also be appropriate for new sources. Floor control was based on limiting hazardous waste feedrates of chlorine to control hydrochloric acid/chlorine gas emissions. We screened out some data with anomalous system removal efficiencies compared to the majority of sources. The floor emission level for new lightweight aggregate kilns was 43 ppmv. (62 FR at 24235.)

In the final rule, we use a similar engineering evaluation and data analysis method as discussed in the May 1997 NODA to establish the floor emission level for hydrochloric acid/chlorine gas. We identified MACT floor control as wet scrubbing since the best controlled source is using this control technology. One lightweight aggregate facility uses venturi-type wet scrubbers for the control of hydrochloric acid/chlorine gas. We evaluated the chlorine system removal efficiencies achieved by wet scrubbing at this facility. Our data show that this facility is consistently achieving greater than 99 percent control of hydrochloric acid/chlorine gas. Because we have no data with system removal efficiencies indicative of poor performance, we conclude that all data from this facility are reflective of MACT control (wet scrubbers), and, therefore, the floor emission limit for new sources is set equal to the highest test condition average of these data. Thus, the MACT floor emission limit for new lightweight aggregate kilns is identified as 41 ppmv.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the April 1996 proposal and May 1997 NODA, we did not propose a beyond-the-floor standard for new sources because the floor emission level was based on wet scrubbing, which is the best available control technology for hydrochloric acid/chlorine gas. (61 FR at 17409 and 62 FR at 24235.) We continue to believe that a beyond-the-floor emission level for new sources is not warranted due to the high costs of treatment and the small additional amount of chlorine that would be removed. Therefore, the MACT standard for new lightweight aggregate kilns is identified as 41 ppmv.

8. What Are the Hydrocarbon and Carbon Monoxide Standards?

In the final rule, we establish hydrocarbon and carbon monoxide standards as surrogates to control emissions of nondioxin organic hazardous air pollutants for existing and

[169] See "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

[170] See "Final Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards and Technologies," July 1999.

new lightweight aggregate kilns. The standards limit hydrocarbon and carbon monoxide concentrations to 20 ppmv [171] or 100 ppmv, [172] respectively. Existing and new lightweight aggregate kilns can elect to comply with either the hydrocarbon limit or the carbon monoxide limit on a continuous basis. Lightweight aggregate kilns that choose to comply with the carbon monoxide limit on a continuous basis must also demonstrate compliance with the hydrocarbon standard during the comprehensive performance test. However, continuous hydrocarbon monitoring following the performance test is not required.[173] We discuss the rationale for establishing these standards below.

a. What Is the MACT Floor for Existing Sources? As discussed in Part Four, Section II.A.2, we proposed limits on hydrocarbon and carbon monoxide emissions as surrogates to control nondioxin organic hazardous air pollutants. In the April 1996 NPRM, we identified floor control as combustion of hazardous waste under good combustion practices to minimize the generation of fuel-related hydrocarbons. We proposed a hydrocarbon emission level of 14 ppmv and a carbon monoxide level of 100 ppmv. The hydrocarbon level was based on an analysis of the available emissions data, while the basis of the carbon monoxide level was existing federal regulations (see § 266.104(b)). (61 FR at 17407.) In the May 1997 NODA, we solicited comment a hydrocarbon emission level of 10 ppmv. The hydrocarbon floor level was changed to 10 ppmv from 14 ppmv because of a change in the lightweight aggregate kiln universe of facilities. The lightweight aggregate kiln with the highest hydrocarbon emissions stopped burning hazardous waste. With the exclusion of the hydrocarbon data from this one source, the remaining lightweight aggregate kilns appeared to be able to meet a hydrocarbon standard on the order of 6 ppmv. However, since we were unable to identify an engineering reason why lightweight aggregate kilns using good combustion practices should be able to achieve lower hydrocarbon emissions than incinerators, we indicated that it may be more appropriate to establish the hydrocarbon standard at 10 ppmv, which was equal to the incinerator emission level discussed in that NODA. In the NODA, we also continued to indicate our preference for a carbon monoxide emission level of 100 ppmv. (62 FR at 24235.)

One commenter states that some lightweight aggregate kilns may not be able to meet a 10 ppmv hydrocarbon standard due to organics in raw materials. Notwithstanding our data base of short-term data indicating the achievability of a hydrocarbon standard of 10 ppmv, the commenter states that this standard may be unachievable over the long-term because trace levels of organic matter in the raw materials vary significantly. Hydrocarbon emissions could increase as the source uses raw materials from different on-site quarry locations. Thus, the commenter supports a hydrocarbon emission level consistent with cement kilns (*i.e.*, 20 ppmv), and opposes a floor emission level that is comparable to incinerators for which low temperature organics desorption from raw materials is not a complicating issue.

Our limited hydrocarbon data, as discussed above, indicates that a hydrocarbon level of 10 ppmv is achievable for lightweight aggregate kilns.[174] However, we agree that over long-term operations, lightweight aggregate kilns may encounter variations in the level of trace organics in raw materials, similar to cement kilns, that may preclude some kilns from achieving a hydrocarbon limit of 10 ppmv. Thus, we conclude that a hydrocarbon emission level of 20 ppmv, the same floor level for cement kilns, is also appropriate for lightweight aggregate kilns. A hydrocarbon standard of 20 ppmv also is based on existing federally-enforceable RCRA regulations, to which lightweight aggregate kilns are currently subject. (See § 266.104(c).)

Some commenters also support a requirement for both a carbon monoxide and hydrocarbon limit for lightweight aggregate kilns. These commenters state that requiring both hydrocarbon and carbon monoxide limits would further reduce emissions of organic hazardous air pollutants. One commenter notes that 83 percent of existing lightweight aggregate kilns are currently achieving both a hydrocarbon level of 20 ppmv and a carbon monoxide standard of 100 ppmv.

We carefully considered the merits and drawbacks to requiring both a hydrocarbon and carbon monoxide standard. First, stack gas carbon monoxide levels may not be a universally reliable indicator of combustion intensity and efficiency for some lightweight aggregate kilns due, first, to carbon monoxide generation by disassociation of carbon dioxide to carbon monoxide at high temperatures and, second, to evolution of carbon monoxide from the trace organic constituents in raw material feedstock.[175] One commenter supports our view by citing normal variability in carbon monoxide levels at their kiln with no apparent relationship to combustion conditions, such as temperature, residence time, excess oxygen levels. Thus, carbon monoxide can be overly conservative surrogate for some kilns.[176]

Second, requiring both continuous monitoring of carbon monoxide and hydrocarbon in the stack is at least somewhat redundant for control of organic emissions from combustion of hazardous waste because: (1) Hydrocarbons alone are a direct and reliable surrogate for measuring the destruction of organic hazardous air pollutants; and (2) carbon monoxide is generally a conservative indicator of good combustion conditions and thus good control of organic hazardous air pollutants. See Part Four, Section IV.B of the preamble for a discussion of our approach to using carbon monoxide or hydrocarbons to control organic emissions.

We identify a carbon monoxide level of 100 ppmv and a hydrocarbon level of 20 ppmv as floor control for existing sources because they are existing federally enforceable standards for hazardous waste burning lightweight aggregate kilns. See § 266.104(b) and (c). As current rules allow, sources would have the option of complying with either limit. Given that these are current rules, all lightweight aggregate kilns can currently achieve these emission levels. Thus, we estimate no emissions reductions or costs for these floor levels.

Lightweight aggregate kilns that choose to continuously monitor and

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[171] Hourly rolling average, reported as propane, dry basis and corrected to 7 percent oxygen.

[172] Hourly rolling average, dry basis, corrected to 7 percent oxygen.

[173] As discussed in Part 5, Section X.F, lightweight aggregate kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired must comply with the 20 ppmv hydrocarbon standards (*i.e.*, these sources do not have the option to comply with the carbon monoxide standard).

[174] Our data base for hydrocarbons consists of short-term emissions data.

[175] Raw materials enter the upper end of the kiln and move counter-current to the combustion gas. Thus, as the raw materials are convectively heated in the upper end kiln above the flame zone, organic compounds can evolve from trace levels of organics in the raw materials. These organic compounds can be measured as hydrocarbons, and when only partially oxidized, carbon monoxide. This process is not related to combustion of hazardous waste or other fuels in the combustion zone at the other end of the kiln.

[176] Of course, if a source elects to comply with the carbon monoxide standard, then we are sure that it is achieving good combustion conditions and good control of organic hazardous air pollutants that could be potentially emitted from hazardous waste fed into the combustion zone.

comply with the carbon monoxide standard must demonstrate during the performance test that they are also in compliance with the hydrocarbon emission standard. In addition, kilns that monitor carbon monoxide alone must also set operating limits on key parameters that affect combustion conditions to ensure continued compliance with the hydrocarbon emission standard. We developed this modification because of some limited data that show a source can produce high hydrocarbon emissions while simultaneously producing low carbon monoxide emissions. We conclude from this information that it is necessary to confirm the carbon monoxide-hydrocarbon emissions relationship for every source that selects to monitor carbon monoxide emissions alone. See discussion in Part Four, Section IV.B.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? In the April 1996 proposal, we identified beyond-the-floor control levels for carbon monoxide and hydrocarbon in the main stack of 50 ppmv and 6 ppmv, respectively. (61 FR at 17407.) These beyond-the-floor levels were based on the use of a combustion gas afterburner. We indicated in the proposal, however, that this type of beyond-the-floor control would be cost prohibitive. Our preliminary estimates suggested that going beyond-the-floor for carbon monoxide and hydrocarbons would more than double the national costs of complying with the proposed standards. We continue to believe that a beyond-the-floor standard for carbon monoxide and hydrocarbons based on an afterburner is not justified and do not adopt a beyond-the-floor standard for existing lightweight aggregate kilns.

In summary, we adopt the floor emission levels for hydrocarbons, 20 ppmv, or carbon monoxide, 100 ppmv, as standards in the final rule.

c. What Is the MACT Floor for New Sources? In the April 1996 NPRM, we identified MACT floor control as operating the kiln under good combustion practices. Because we were unable to quantify good combustion practices, floor control for the single best controlled source was the same as for existing sources. We proposed, therefore, a floor emission level of 14 ppmv for hydrocarbons and a 100 ppmv limit for carbon monoxide. (61 FR at 17409.) In the May 1997 NODA, we continued to identify MACT floor control as good combustion practices and we took comment on the same emission levels as existing sources: 20 ppmv for hydrocarbons and 100 ppmv for carbon monoxide. (62 FR at 24235.)

In developing the final rule, we considered the comment that the rule should allow compliance with either a carbon monoxide standard of 100 ppmv or a hydrocarbon standard of 20 ppmv. Given that this option is available under the existing regulations for new and existing sources, we conclude that this represents MACT floor for new sources. These emission levels are achieved by operating the kiln under good combustion practices to minimize fuel-related hydrocarbons and carbon monoxide emissions. As current rules allow, sources would have the option of complying with either limit. See § 266.104(b) and (c).

We also considered site selection based on availability of acceptable raw material hydrocarbon content as an approach to establish a hydrocarbon emission level at new lightweight aggregate kilns. This approach is similar to that done for new hazardous waste burning cement kilns at greenfield sites (see discussion above). For cement kilns, we finalize a new source floor hydrocarbon emission standard at a level consistent with the proposed standard for nonhazardous waste burning cement kilns. Because we are planning to issue MACT emission standards for nonhazardous waste lightweight aggregate kiln sources, we will revisit establishing a hydrocarbon standard at new lightweight aggregate kilns at that time so that a hydrocarbon standard, if determined appropriate, is consistent for these sources. We are deferring this decision to a later date to ensure that hazardous waste sources are regulated no less stringently than nonhazardous waste lightweight aggregate kilns.

In summary, we are identifying a carbon monoxide level of 100 ppmv and a hydrocarbon level of 20 ppmv as floor control for new sources because they are existing federally enforceable standards for hazardous waste burning lightweight aggregate kilns. As discussed for existing sources above, lightweight aggregate kilns that choose to continuously monitor and comply with the carbon monoxide standard must demonstrate during the performance test that they are also in compliance with the hydrocarbon emission standard.

d. What Are Our Beyond-the-Floor Considerations for New Sources? In the April 1996 proposal, we identified beyond-the-floor emission levels for hydrocarbons and carbon monoxide of 6 ppmv and 50 ppmv, respectively for new sources. These beyond-the-floor levels were based on the use of a combustion gas afterburner. (61 FR at 17409.) We indicated in the proposal, however, that beyond-the-floor control was not justified due to the significant costs to retrofit kilns with afterburner controls. We estimated that going beyond-the-floor for hydrocarbons and carbon monoxide would more than double the national costs of complying with the proposed standards. We concluded that beyond-the-floor standards were not warranted. In the May 1996 NODA, we again indicated that a beyond-the-floor standard based on use of an afterburner would not be cost-effective and, therefore, justified. As discussed above for existing sources, we conclude that a beyond-the-floor standard for carbon monoxide and hydrocarbons based on use of an afterburner would not be justified and do not adopt a beyond-the-floor standard for new lightweight aggregate kilns. (62 FR 24235.)

In summary, we adopt the floor emission levels for hydrocarbons, 20 ppmv, or carbon monoxide, 100 ppmv, as standards in the final rule.

9. What Are the Standards for Destruction and Removal Efficiency?

We establish a destruction and removal efficiency (DRE) standard for existing and new lightweight aggregate kilns to control emissions of organic hazardous air pollutants other than dioxins and furans. Dioxins and furans are controlled by separate emission standards. See discussion in Part Four, Section IV.A. The DRE standard is necessary, as previously discussed, to complement the carbon monoxide and hydrocarbon emission standards, which also control these hazardous air pollutants.

The standard requires 99.99 percent DRE for each principal organic hazardous constituent (POHC), except that 99.9999 percent DRE is required if specified dioxin-listed hazardous wastes are burned. These wastes—F020, F021, F022, F023, F026, and F027—are listed as RCRA hazardous wastes under part 261 because they contain high concentrations of dioxins.

a. What Is the MACT Floor for Existing Sources? Existing sources are currently subject to DRE standards under § 266.104(a) that require 99.99 percent DRE for each POHC, except that 99.9999 percent DRE is required if specified dioxin-listed hazardous wastes are burned. Accordingly, these standards represent MACT floor. Since all hazardous waste lightweight aggregate kilns must currently achieve these DRE standards, they represent floor control.

b. What Are Our Beyond-the-Floor Considerations for Existing Sources? Beyond-the-floor control would be a requirement to achieve a higher

percentage DRE, for example, 99.9999 percent DRE for POHCs for all hazardous wastes. A higher DRE could be achieved by improving the design, operation, or maintenance of the combustion system to achieve greater combustion efficiency.

Even though the 99.99 percent DRE floor is an existing RCRA standard, a substantial number of existing hazardous waste combustors are not likely to be routinely achieving 99.999 percent DRE, however, and most are not likely to be achieving 99.9999 percent DRE. Improvements in combustion efficiency will be required to meet these beyond-the-floor DREs. Improved combustion efficiency is accomplished through better mixing, higher temperatures, and longer residence times. As a practical matter, most combustors are mixing-limited and may not easily achieve 99.9999 percent DRE. For a less-than-optimum burner, a certain amount of improvement may typically be accomplished by minor, relatively inexpensive combustor modifications—burner tuning operations such as a change in burner angle or an adjustment of swirl—to enhance mixing on the macro-scale. To achieve higher DREs, however, improved mixing on the micro-scale may be necessary. This involves significant, energy intensive and expensive modifications such as burner redesign and higher combustion air pressures. In addition, measurement of such DREs may require increased spiking of POHCs and more sensitive stack sampling and analysis methods at added expense.

Although we have not quantified the cost-effectiveness of a beyond-the-floor DRE standard, it would not appear to be cost-effective. For reasons discussed above, the cost of achieving each successive order-of-magnitude improvement in DRE will be at least constant, and more likely increasing. Emissions reductions diminish substantially, however, with each order of magnitude improvement in DRE. For example, if a source were to emit 100 gm/hr of organic hazardous air pollutants assuming zero DRE, it would emit 10 gm/hr at 90 percent DRE, 1 gm/hr at 99 percent DRE, 0.1 gm/hr at 99.9 percent DRE, 0.01 gm/hr at 99.99 percent DRE, and 0.001 gm/hr at 99.999 percent DRE. If the cost to achieve each order of magnitude improvement in DRE is roughly constant, the cost-effectiveness of DRE decreases with each order of magnitude improvement in DRE. Consequently, we conclude that this relationship between compliance cost and diminished emissions reductions suggests that a beyond-the-floor standard is not warranted in light of the resulting, poor cost-effectiveness.

c. What Is the MACT Floor for New Sources? The single best controlled source, and all other hazardous waste lightweight aggregate kilns, are subject to the existing RCRA DRE standard under § 266.104(a). Accordingly, we adopt this standard of 99.99% DRE for most wastes and 99.9999% DRE for dioxin listed wastes as the MACT floor for new sources.

d. What Are Our Beyond-the-Floor Considerations for New Sources? As discussed above, although we have not quantified the cost-effectiveness of a more stringent DRE standard, diminishing emissions reductions with each order of magnitude improvement in DRE suggests that cost-effectiveness considerations would likely come into play. We conclude that a beyond-the-floor standard is not warranted.

Part Five: Implementation

I. How Do I Demonstrate Compliance with Today's Requirements?

If you operate a hazardous waste burning incinerator, cement kiln, or lightweight aggregate kiln, you are required to comply with the standards and requirements in today's rule at all times, with one exception. If you are not feeding hazardous waste to the combustion device and if hazardous waste does not remain in the combustion chamber, these rules do not apply under certain conditions discussed below. You must comply with all of the notification requirements, emission standards, and compliance and monitoring provisions of today's rule by the compliance date, which is three years after September 30, 1999. As referenced later, the effective date of today's rule is September 30, 1999. The compliance and general requirements of this rule are discussed in detail in the follow sections. Also, we have included the following time line that will assist you in determining when many of the notifications and procedures, discussed in the later sections of this part, are required to be submitted or accomplished.

A. What Sources Are Subject to Today's Rules?

Sources affected by today's rule are defined as all incinerators, cement kilns and lightweight aggregate kilns burning hazardous waste on, or following September 30, 1999. This definition is essentially the same as we proposed in the April 1996 NPRM. Comments, regarding this definition, suggested that there was confusion as to when and under what conditions you would be subject to today's hazardous waste MACT regulations. In this rule, we specify that once you are subject to today's regulations, you remain subject to these regulations until you comply with the requirements for sources that permanently suspend hazardous waste burning operations, as discussed later.

However, just because you are subject to today's regulations does not mean that you must comply with the emission standards or operating limits at all times. In later sections of today's rule, we identify those limited periods and situations in which compliance with today's emission standards and operating limits may not be required.

1. What Is an Existing Source?

Today's rule clarifies that existing sources are sources that were constructed or under construction on the publication date for our NPRM—April 19, 1996. This is consistent with the current regulatory definition of existing sources, but is different from the definition in our April 1996 NPRM. In the April 1996 NPRM, we defined existing sources as those burning hazardous waste on the proposal date (April 19, 1996) and defined new sources as sources that begin burning hazardous waste after the proposal date. Commenters note that the proposed definition of new sources is not consistent with current regulations found in 40 CFR part 63 or the Clean Air Act. Commenters also believe that our definition does not consider the intent of Congress, i.e., to require only those sources that incur significant costs during upgrade or modification to meet the most stringent new source emission standards. Commenters note that a large number of sources that are currently not burning hazardous waste could modify their combustion units to burn hazardous waste at a cost that would not surpass the reconstruction threshold and therefore they should not be required to meet the new source emission standards. Commenters suggest we use the statutory definition of an existing source found at section 112(a)(4) of the CAA and codified at 40 CFR 63.2. We agree with commenters and therefore adopt the definition of an existing source found at 40 CFR 63.2.

2. What Is a New Source?

Today's rule clarifies that new sources are those that commence construction or meet the definition of a reconstructed source following the proposal date of April 19, 1996. In the proposal, we define new sources as those that newly begin to burn hazardous waste after the proposal date. However, as noted earlier, commenters object to the

proposed definition because of conflicts with the statutory language of the CAA and the current definition found in MACT regulations. In the CAA regulations, we define new sources as those that are newly constructed or reconstructed after a rule is proposed. Here again, we agree with commenters and adopt the current regulatory definition of new sources. We also adopt the CAA definition of reconstruction. This definition also is generally consistent with the RCRA definition of reconstruction and should avoid any confusion regarding what standards apply to reconstructed sources.

B. How Do I Cease Being Subject to Today's Rule?

Once you become an affected source as defined in § 63.2, you remain an affected source until you: (1) Cease hazardous waste burning operations, (*i.e.*, hazardous waste is not in the combustion chamber); (2) notify the Administrator, and other appropriate regulatory authorities, that you have ceased hazardous waste burning operations; and (3) begin complying with other applicable MACT standards and regulations, if any, including notifications, monitoring and performance tests requirements.

If you permanently stop burning hazardous waste, the RCRA regulations require you to initiate closure procedures within three months of the date you received your last shipment of hazardous waste, unless you have obtained an extension from the Administrator. The requirement to initiate closure pertains to your RCRA status and should not be a barrier to operational changes that affect your regulatory status under today's MACT requirements. This approach is a departure from the requirements proposed in the April 1996 NPRM, but is consistent with the approach we identified in the May 1997 NODA.

Once you permanently stop burning hazardous waste, you may only begin burning hazardous waste under the procedures outlined for new or existing sources that become affected sources following September 30, 1999. See later discussion.

C. What Requirements Apply If I Temporarily Cease Burning Hazardous Waste?

Under today's rule, if you temporarily cease burning hazardous waste for any reason, you remain subject to today's requirements as an affected source. However, even as an affected source, you may not have to comply with the emission standards or operating limits of today's rule when hazardous waste is not in the combustion chamber. Today's standards, associated operating parameter limits, and monitoring requirements are applicable at all times unless hazardous waste is not in the combustion chamber and either: (1) You elect to comply with other MACT standards that would be applicable if you were not burning hazardous waste (e.g. the nonhazardous waste burning Portland Cement Kiln MACT, the nonhazardous waste burning lightweight aggregate kiln MACT (Clay Products Manufacturing), or the Industrial Incinerator MACT); or (2) you are in a startup, shutdown, or malfunction mode of operation. We note that until these alternative MACT standards are promulgated, you need to comply only with other existing applicable air requirements if any. This approach is consistent with the current RCRA regulatory approach for hazardous waste combustion sources, but differs from our April 1996 proposed approach.

In our April 1996 NPRM, we proposed that sources always be subject to all of the proposed regulatory requirements, regardless of whether hazardous waste was in the combustion chamber. Commenters question the legitimacy of this requirement because the requirement was: (1) more stringent than current requirements; (2) not based on CAA statutory authority; and (3) contrary to current allowances under current MACT general provisions.

In response, we agree with commenters on issues (1) and (3) above. However, we disagree with commenters on issue number (2). The CAA does not allow sources to be subject to multiple MACT standards simultaneously. Because current CAA regulations also allow sources to modify their operations such that they can become subject to different MACT rules so long as they provide notification to the Administrator, our proposed approach appears to further complicate a situation that it was intended to resolve. One of the main reasons we proposed to subject hazardous waste burning sources to the final standards at all times was to eliminate the ability of sources to arbitrarily switch between regulation as a hazardous waste burning source and regulation as a nonhazardous waste burning source. We were concerned about the compliance implications associated with numerous notifications to the permitting authority to govern operations that may only occur for a short period of time. However, our concern appears unfounded because the MACT general provisions currently allow sources to change their regulatory status following notification, and we cannot achieve this goal without restructuring the entire MACT program. Therefore, consistent with the current program, we adopt an approach that allows a source to comply with alternative compliance requirements, while remaining subject to today's rule. This regulatory approach eliminates the reporting requirements and compliance determinations we intended to avoid with our proposed approach, while preserving the essence of the current RCRA approach, which applies more stringent emissions standards when hazardous waste is in the combustor.

1. What Must I Do to Comply with Alternative Compliance Requirements?

If you wish to comply with alternative compliance requirements, you must: (1) Comply with all of the applicable notification requirements of the alternative regulation; (2) comply with all the monitoring, record keeping and testing requirements of the alternative regulation; (3) modify your Notice Of Compliance (or Documentation of Compliance) to include the alternative mode(s) of operation; and (4) note in your operating record the beginning and end of each period when complying with the alternative regulation.

If you intend to comply with an alternative regulation for longer than three months, then you also must comply with the RCRA requirements to initiate RCRA closure. You may be able to obtain an extension of the date you are required to begin RCRA closure by submitting a request to the Administrator.

2. What Requirements Apply If I Do Not Use Alternative Compliance Requirements?

If you elect not to use the alternative requirements for compliance during periods when you are not feeding hazardous waste, you must comply with all of the operating limits, monitoring requirements, and emission standards of this rule at all times.[177] However, if you are a kiln operator, you also may be able to obtain and comply with the raw material variance discussed later.

D. What Are the Requirements for Startup, Shutdown and Malfunction Plans?

Sources affected by today's rule are subject to the provisions of 40 CFR 63.6 with regard to startup, shutdown and malfunction plans. However, the plan applies only when hazardous waste is

[177] The operating requirements do not apply during startup, shutdown, or malfunction provided that hazardous waste is not in the combustion chamber. See the discussion below in the text.

not in the combustion chamber. If you exceed an operating requirement during startup, shutdown, or malfunction when hazardous waste is in the combustion chamber, your exceedance is not excused by following your plan. If you exceed an operating requirement during startup, shutdown, or malfunction when hazardous waste is not in the combustion chamber, you must follow your startup, shutdown, and malfunction plan to come back into compliance as quickly as possibly, unless you have elected to comply with the requirements of alternative section 112 or 129 regulations that would apply if you did not burn hazardous waste. Failure to comply with the operating requirements to follow your startup, shutdown, and malfunction plan during the applicable periods is representative of a violation and may subject you to appropriate enforcement action.

In the April 1996 NPRM (see 63 FR at 17449), we proposed that startup, shutdown, and malfunction plans would not be applicable to sources affected by the proposed rule because affected sources must be in compliance with the standards at all times hazardous waste is in the combustion chamber. We reasoned that hazardous waste could not be fired unless you were in compliance with the emission standards and operating requirements, and stated that the information contained in the plan and the purpose of the plan was not intended to apply to sources affected by this rule.

In response, commenters state that startup, shutdown, and malfunction plans are appropriate for hazardous waste burning sources because malfunctioning operations are going to occur, and these plans are designed to reestablish compliant or steady state operations as quickly as possible. Furthermore, commenters maintain that because sources must prepare and follow facility-specific plans to address situations that could lead to increased emissions, rather than just note such an occurrence in the operating record, the public and we are better assured that the noncompliant operations are being remedied rather than awaiting for an after-the-fact enforcement action. Commenters also note that hazardous waste burning sources are no different than other MACT sources who are required to use such plans.

After considering comments, we agree with commenters that startup, shutdown, and malfunction plans are valuable compliance tools and should be applicable to hazardous waste burning sources. However, we are concerned that some sources may attempt to use startup, shutdown, and malfunction plans to circumvent enforcement actions by claiming they were never out of compliance if they followed their plan. Therefore, we restrict the applicability of startup, shutdown, and malfunction plans to periods when hazardous waste is not in the combustion chamber. This restriction addresses the concern that operations under startup, shutdown, and malfunction could lead to increased emissions of hazardous air pollutants.

We considered whether to specifically prohibit sources from feeding hazardous waste during periods of startup and shutdown. However, we decided not to adopt this requirement because of a potential regulatory problem. The requirement could have inadvertently subjected sources that experience unscheduled shutdowns to enforcement action if hazardous waste remained in the combustion chamber during the shutdown process even if operating requirements were not exceeded. Additionally, we decided that the prohibition was unnecessary because performance test protocols restrict the operations of all sources when determining operating parameter limits. The following factors are pertinent in this regard: (1) Sources are required to be in compliance with their operating parameter limits at all times hazardous waste is in the combustion chamber; (2) operating parameter limits are determined through a performance test which must be performed under steady-state conditions (see § 63.1207(g)(1)(iii)); and (3) periods of startup and shutdown are not steady state conditions and therefore operating parameter limits determined through performance testing would not be indicative of those periods. Accordingly, burning hazardous waste during startup or shutdown would significantly increase the potential for a source to exceed an operating parameter limit, and we expect that sources would be unwilling to take that chance as a practical matter.

E. What Are the Requirements for Automatic Waste Feed Cutoffs?

As proposed, you must operate an automatic waste feed cutoff system that immediately and automatically cuts off hazardous waste feed to the combustion device when:

(1) Any of the following are exceeded: Operating parameter limits specified in § 63.1209; an emission standard monitored by a continuous emissions monitoring system; and the allowable combustion chamber pressure; (2) The span value of any continuous monitoring system, except a continuous emissions monitoring system, is met or exceeded; (3) A continuous monitoring system monitoring an operating parameter limit under § 63.1209 or emission level malfunctions; or (4) Any component of the automatic waste feed cutoff system fails.

These requirements are provided at § 63.1206(c)(3). The system must be fully functional on the compliance date and interlocked with the operating parameter limits you specify in the Document of Compliance (as discussed later) as well as the other parameters listed above.

Also as proposed, after an automatic waste feed cutoff, you must continue to route combustion gases through the air pollution control system and maintain minimum combustion chamber temperature as long as hazardous waste remains in the combustion chamber. These requirements minimize emissions of regulated pollutants, including organic hazardous air pollutants, that could result from a perturbation caused by the waste feed cutoff. Additionally, you must continue to calculate all rolling averages and cannot restart feeding hazardous waste until all operating limits are within allowable levels.

Additionally, as currently required for BIFs, we proposed that the automatic waste feed cutoff system and associated alarms must be tested at least once every seven days. This must be done when hazardous waste is burned to verify operability, unless you document in the operating record that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, you must conduct operational testing at least once every 30 days.

Commenters express the following concerns with the proposed automatic waste feed cutoff requirements: (1) Violations of the automatic waste feed cutoff linked operating parameters should not constitute a violation of the associated emission standard; (2) apparent redundancy exists between the proposed MACT requirements with the current RCRA requirements; (3) the proposed automatic waste feed cutoff requirements are inappropriate for all sources; and (4) uncertainty exists about how "instantaneous" is defined with regard to the nature of the automatic waste feed cutoff requirement.

We address issue (1) later in this section. With respect to issue (2), our permitting approach (*i.e.*, a single CAA title V permit to control all stack emissions) minimizes the potential redundancy of two permitting programs.

In response to issue (3), we acknowledge that not all sources may be capable of setting operating limits or

continuously monitoring all of the prescribed operating parameters due to unique design characteristics inherent to individual units. However, you may take advantage of the provisions found in § 63.8(f) which allow you to request the use of alternative monitoring techniques. See also § 63.1209(g)(1).

For issue (4), commenters express concern that requiring an immediate, instantaneous, and abrupt cutoff of the entire waste feed can cause perturbations in the combustion system that could result in exceedances of additional operating limits. We agree with commenters that a ramping down of the waste feedrate could preclude this problem in many cases and in the final rule allow a one-minute ramp down for pumpable wastes. To ensure that your ramp down procedures are bona fide and not simply a one-minute delay ending in an abrupt cutoff, you must document your ramp down procedures in the operating and maintenance plan. The procedures must specify that the ramp down begins immediately upon initiation of automatic waste feed cutoff and provides for a gradual ramp down of the hazardous waste feed. Note that if an emission standard or operating limit is exceeded during the ramp down, you nonetheless have failed to comply with the emission standards or operating requirements. The ramp down is not applicable, however, if the automatic waste feed cutoff is triggered by an exceedance of any of the following operating limits: minimum combustion chamber temperature; maximum hazardous waste feedrate; or any hazardous waste firing system operating limits that may be established for your combustor on a site-specific basis. This is because these operating conditions are fundamental to proper combustion of hazardous waste and an exceedance could quickly result in an exceedance of an emission standard. We restrict the ramp down to pumpable wastes because: (1) Solids are often fed in batches where ramp down is not relevant (*i.e.*, ramp down is only relevant to continuously fed wastes); and (2) incinerators burning solids also generally burn pumpable wastes and ramping down on pumpables only should preclude the combustion perturbations that could occur if all wastes were abruptly cutoff.

Finally, with respect to issue number (1), if you exceed an operating parameter limit while hazardous waste is in the combustion chamber, then you have failed to ensure compliance with the associated emission standard. Accordingly, appropriate enforcement action on the exceedance can be initiated to address the exceedance. This enforcement process is consistent with current RCRA enforcement procedures regarding exceedances of operating parameter limits. However, as commenters note, we acknowledge that an exceedance of an operating parameter limit does not necessarily demonstrate that an associated emissions standard is exceeded. Nevertheless, in general, an exceedance of an operating parameter limit in a permit or otherwise required is an actionable event for enforcement purposes.

Operating parameter limits are developed through performance tests that successfully demonstrate compliance with the standards. If a source exceeds an operating limit set during the performance test to show compliance with the standard, the source can no longer assure compliance with the associated standard. Furthermore, these operating parameter limits appear in enforceable documents, such as your NOC or your title V permit.

F. What Are the Requirements of the Excess Exceedance Report?

In today's rule, we finalize the requirement to report to the Administrator when you incur 10 exceedances of operating parameter limits or emissions standards monitored with a continuous emissions monitoring system within a 60 day period. See § 63.1206(c)(3)(vi). If a source has 10 exceedances within the 60 day period, the 60 day period restarts after the notification of the 10th exceedance. This provision is intended to identify sources that have excess exceedances due to system malfunction or performance irregularities. This notification requirement both highlights the source to regulatory officials and provides an added impetus to the facility to correct the problem(s) that may exist to limit future exceedances. For example, a source that must submit an excess exceedance report may be unable to operate under its current operating limits, which suggests that the source may need to perform a new comprehensive performance test to establish more appropriate operating limits.

We discussed this provision in the April 1996 NPRM. Some commenters may have misunderstood our proposal while others felt that 10 exceedances in sixty days was not a feasible number to set the reporting limit. Other commenters state that an industry wide MACT-like analysis is necessary to identify an achievable or appropriate number of exceedances upon which to set the reporting limit.

We disagree with such comments. A MACT-like analysis is not called for in this case because this requirement is not an emission standard. This is a notification procedure that is a compliance tool to identify sources that cannot operate routinely in compliance with their operating parameter limits and emissions standards monitored with a continuous emissions monitoring system. Ideally, all sources should operate in compliance with all the standards and operating parameter limits at all times. Because, in the past, sources have been able to exceed their operating limits without having to notify the Agency, this does not mean that we condone, expect, or are unconcerned with such activity. In fact, the main reason we require this notification is because such activity exists to the current extent and because the Regions and States have identified it as a problem. We select 10 exceedances in sixty days as the value that triggers reporting after discussions with Regional and State permit writers. Our discussions revealed that many hazardous waste combustion sources are required to notify regulatory officials following a single exceedance of an operating limit, while others don't have any reporting requirements linked to exceedances. Regions and States noted that because there is no current regulatory requirement for exceedance notifications, it is very difficult to require such notifications on a site-specific basis. Following these discussions, we contemplated requiring a notification following a single exceedance, but decided that the such a reporting limit might unnecessarily burden regulatory officials with reports from facilities that have infrequent exceedances. Therefore, our approach of 10 exceedances in a 60 day period is a reasonably implementable limit and is not overly burdensome. Adopting this approach achieves an appropriate balance between burden on facilities and regulators and the need to identify underlying operational problems that may present unacceptable risks to the public and environment.

To reiterate, this provision applies to any 10 exceedances of operating parameter limits or emission standards monitored with a continuous emissions monitoring system.

G. What Are the Requirements for Emergency Safety Vent Openings?

In today's rule, we finalize requirements that govern the operation of emergency safety vents. See § 63.1206(c)(4). These requirements: clarify the regulatory status of emergency safety vent events; require

development of an emergency safety vent operating plan that specifies procedures to minimize the frequency and duration of emergency safety vent openings; and specify procedures to follow when an emergency safety vent opening occurs.

Key requirements regarding emergency safety vent openings include:

(1) Treatment of combustion gases—As proposed, you must route combustion system off-gases through the same emission control system used during the comprehensive performance test. Any bypass of the pollution control system is considered an exceedance of operating limits defined in the Documentation of Compliance (DOC) or Notification of Compliance (NOC);

(2) Emergency safety vent operating plan—As proposed, if you use an emergency safety vent in your system design, you must develop and submit with the DOC and NOC an emergency safety vent operating plan that outlines the procedures you will take to minimize the frequency and duration of emergency safety vent openings and details the procedure you will follow during and after an emergency safety vent opening; and

(3) Emergency safety vent reporting requirements—As proposed, if you operate an emergency safety vent, you must submit a report to the appropriate regulatory officials within five days of an emergency safety vent opening. In that report, you must detail the cause of the emergency safety vent opening and provide information regarding corrective measures you will institute to minimize such events in the future.

Commenters on the April 1996 NPRM (61 FR at 17440) state that emergency safety vent openings are safety devices designed to prevent catastrophic failures, safeguard the unit and operating personnel from pressure excursions and protect the air pollution control train from high temperatures and pressures. They suggest that restricting these operations is contrary to common sense. Furthermore, they state that emergency safety vent openings are most often due to local power outages and fluctuations in water flows going to the air pollution equipment. Commenters believe that emergency safety vent openings should not be considered violations and that not every emergency safety vent opening should be reportable for a variety of reasons including:

—Emergency safety vent openings have not been shown to be acutely hazardous. A study finds that they will not have any short-term impact on the health of workers on-site or residents of the nearby off-site community.

—Proper use of emergency safety vent systems minimizes the potential for impacts on operators and the neighboring public.

—Many emergency safety vents are downstream of the secondary combustion chamber and thus have low organic emissions.

—Some facilities have emergency safety vents connected to the air pollution control system and should be considered in compliance as long as the continuous emissions monitoring systems monitoring data does not indicate an exceedance.

Commenters propose several alternatives:

—Recording emergency safety vent openings (including the time, duration and cause of each event) in the operating record, available to the Administrator, or any authorized representative, upon request.

—Making emergency safety vent openings a part of startup, shutdown, malfunction and abatement plans.

—Reporting openings that occurs more frequently than once in any 90 day period, whereupon the Administrator may require corrective measures.

—Reporting only emergency safety vent openings in excess of 10 in a 60 day period.

—Conditions relating to an emergency safety vent operation should be a part of the site-specific permit.

—Rely on the present RCRA permit process which provides the opportunity for permit writers and hazardous waste combustion device owner/operators to review emergency safety vent system designs.

We agree that emergency safety vents are necessary safety devices for some incinerator designs that are intended to safeguard employees and protect the equipment from the dangers associated with system over-pressures or explosions. However, simply because emergency safety vents are necessary safety devices for some incinerator designs in the event of a major malfunction does not mean that their routine use is acceptable. We cannot overlook an event when combustion gases are emitted into the environment prior to proper treatment by the pollution control system. Therefore, an emergency safety vent opening is evidence that compliance is not being achieved. Nonetheless, we expect sources to continue to use safety vents when the alternative could be a catastrophic failure and substantial liability even though opening the vent is evidence of failure to comply with the emission standards.

Today's requirements are based on the fundamental need to ensure protection of human health and the environment against unquantified and uncontrolled hazardous air pollutant emissions. We do not agree that a change in the proposed emergency safety vent reporting requirement is warranted. These events are indicative of serious operational problems, and each event should be reported and investigated to reduce the potential of future similar events. As for including the emergency safety vent operating plan in the source-specific startup, shutdown, and malfunction plan, we see no reason to discourage that practice provided that a combined plan specifically addresses the events preceding and following an emergency safety vent opening.

H. What Are the Requirements for Combustion System Leaks?

You must prevent leaks of gaseous, liquid or solid materials from the combustion system when hazardous waste is being fed to or remains in the combustion chamber. To demonstrate compliance with this requirement you must either: (1) Maintain the combustion system pressure lower than ambient pressure at all times; (2) totally enclose the system; or (3) gain approval from the Administrator to use an alternative approach that provides the same level of control achieved by options 1 and 2.

Currently, these requirements exist for all sources under RCRA regulations. Many commenters question whether they were capable of meeting this requirement for various technical reasons. We acknowledge that certain situations may exist that prevent or limit a source from instantaneously monitoring pressure inside the combustion system, but in such situations, we can approve alternative techniques (under § 63.1209(g)(1)) that allow sources to achieve the objectives of the requirements. Because this requirement is identical to the current RCRA requirements, and because we have specifically provided alternative techniques to demonstrate compliance, modifications to this provision are not warranted.

I. What Are the Requirements for an Operation and Maintenance Plan?

You must prepare and at all times operate according to a operation and maintenance plan that describes in detail procedures for operation, inspection, maintenance, and corrective measures for all components of the combustor, including associated pollution control equipment, that could affect emissions of regulated hazardous

air pollutants. The plan must prescribe how you will operate and maintain the combustor in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels achieved during the comprehensive performance test. You must record the plan in the operating record. See § 63.1206(c)(7)(i).

In addition, if you own or operate a hazardous waste incinerator or hazardous waste burning lightweight aggregate kiln equipped with a baghouse, your operation and maintenance plan for the baghouse must include a prescribed inspection schedule for baghouse components and use of a bag leak detection system to identify malfunctions. This baghouse operation and maintenance plan must be submitted to the Administrator with the initial comprehensive performance test for review and approval. See § 63.1206(c)(7)(ii).

We require an operation and maintenance plan to implement the provisions of § 63.6(e). That paragraph requires you to operate and maintain your source in a manner consistent with good air pollution control practices for minimizing emissions. That paragraph, as all Subpart A requirements, applies to all MACT sources unless requirements in the subpart for a source category state otherwise. In addition, § 63.6(e)(2) states that the Administrator will determine whether acceptable operation and maintenance procedures are used by reviewing information including operation and maintenance procedures and records. Thus, paragraph (e)(2) effectively requires you to develop operation and maintenance procedures. Consequently, explicitly requiring you to develop an operation and maintenance plan is a logical outgrowth of the proposed rule.

Similarly, although we did not prescribe baghouse inspection requirements or require a bag leak detection system at proposal for incinerators and lightweight aggregate kilns, this is a logical outgrowth of the proposed rule. Section 63.6(e) requires sources to operate and maintain emission control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Inspection of baghouse components is required to provide adequate maintenance, and a bag leak detection system is a state-of-the-art monitoring system that identifies major baghouse malfunctions. Absent use of a particulate matter CEMS or opacity monitor, use of a bag leak detection system is an essential monitoring approach to ensure that the baghouse continues to operate in a manner consistent with good air pollution control practices. Bag leak detection systems are required under the MACT standards for secondary lead smelters. See § 63.548. We have also proposed to require them as MACT requirements for several other source categories including primary lead smelters (see 63 FR 19200 (April 17, 1998)) and primary copper smelters (see 63 FR 19581 (April 20, 1998)). In addition, we have published a guidance document on the installation and use of bag leak detection systems: USEPA, "Fabric Filter Bag Leak Detection," September 1997, EPA–454/R–98–015. Thus, although not explicitly required at proposal, a requirement to use bag leak detection systems is a logical outgrowth of the (proposed) requirements of § 63.6(e).

We are not prescribing a schedule for inspection of baghouse components or requiring a bag leak detection system for cement kilns because cement kilns must use a continuous opacity monitoring system (COMS) to demonstrate compliance with an opacity standard. A COMS is a better indicator of baghouse performance than a bag leak detection system. We could not use COMS for incinerators and lightweight aggregate kilns, however, because we do not have data to identify an opacity standard that is achievable by MACT sources (i.e., sources using MACT control and achieving the particulate matter standard).

We are not specifying the type of sensor that must be used other than: (1) The system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 1.0 milligram per actual cubic meter; and (2) the sensor must provide output of relative particulate matter loadings. Several types of instruments are available to monitor changes in particulate emission rates for the purpose of detecting fabric filter bag leaks or similar failures. The principles of operation of these instruments include electrical charge transfer and light scattering. The guidance document cited above applies to charge transfer monitors that use triboelectricity to detect changes in particle mass loading, but other types of monitors may be used. Specifically, opacity monitors may be used.

The economic impacts of requiring fabric filter bag leak detection systems are minimal. These systems are relatively inexpensive. They cost less than $11,000 to purchase and install. Further, we understand that most hazardous waste burning lightweight aggregate kilns are already equipped with triboelectric sensors. Finally, there are few hazardous waste incinerators that are currently equipped with fabric filters.

II. What Are the Compliance Dates for this Rule?

A. How Are Compliance Dates Determined?

In today's rule, as with other MACT rules, we specify the compliance date and then provide you additional time to demonstrate compliance through performance testing. Generally, you must be in compliance with the emission standards on September 30, 2002 unless you are granted a site-specific extension of the compliance date of up to one year. By September 30, 2002, you must complete modifications to your unit and establish preliminary operating limits, which must be included in the Documentation of Compliance (DOC) and recorded in the operating record. Following the compliance date you have up to 180 days to complete the initial comprehensive performance test and an additional 90 days to submit the results of the performance test in the Notification of Compliance (NOC). In the NOC, you also must certify compliance with applicable emission standards and define the operating limits that ensure continued compliance with the emission standards.

In the April 1996 NPRM, we proposed that sources comply with all the substantive requirements of the rule on the compliance date. This required sources to conduct their performance test as well as submit results in the NOC by the compliance date. The compliance date discussed in the April 1996 NPRM contained a statutory limitation of three years following the effective date of the final rule (*i.e.*, the publication date of the final rule) with the possibility of a site-specific extension of up to one year for the installation of controls to comply with the final standards, or to allow for waste minimization reductions.

In the May 1997 NODA, we acknowledged that the April 1996 NPRM definition of compliance date and our approach to implementation created a number of unforseen difficulties (see 63 FR at 24236). Commenters note that the proposed compliance date definition and the ramifications of noncompliance create the potential for an unnecessarily large number of source shut-downs due to an insufficient period to perform all the required tasks. Commenters recommend we follow the general provisions applicable to all MACT regulated sources, which allow sources to demonstrate compliance through

performance testing and submission of emission test results up to 270 days following the compliance date.

In the May 1997 NODA, we outlined an approach that allowed facilities to use the Part 63 general approach, which requires sources to complete performance testing within 180 days of the compliance date and submit test results 90 days after completing the performance test.[178] Today, we adopt this approach to foster consistent implementation of this rule as a CAA regulation.

Your individual dates for: (1) Compliance; (2) comprehensive performance testing; (3) submittal of test results; and (4) submittal of your NOC and title V permit requests depend on whether you were an existing source on April 19, 1996. Compliance dates for existing and new sources are discussed in the following two subsections.

B. What Is the Compliance Date for Sources Affected on April 19, 1996?

The compliance date for all affected sources constructed, or commencing construction or reconstruction before April 19, 1996 is September 30, 2002.

C. What Is the Compliance Date for Sources That Become Affected After April 19, 1996?

If you began construction or reconstruction after April 19, 1996, your compliance date is the latter of September 30, 1999 or the date you commence operations. If today's final emission standards are less stringent or as stringent as the standards proposed on April 19, 1996, you must be in compliance with the 1996 proposed standards upon startup. If today's final standards are more stringent than the proposed standards, you must be in compliance with the more stringent standards by September 30, 2002.

III. What Are the Requirements for the Notification of Intent to Comply?

For the reader's convenience, we summarize here the Notice of Intent to Comply (NIC) requirements finalized in the "fast-track" rule of June 19, 1998. (See 63 FR at 33782.)

The NIC requires you to prepare an implementation plan that identifies your intent to comply with the final rule and the basic means by which you intend to do so. That plan must be released to the public in a public forum and formally submitted to the Agency. The notice of intent certifies your intentions—either to comply or not to comply—and identifies milestone dates that measure your progress toward compliance with the final emission standards or your progress toward closure, if you choose not to comply. Prior to submitting the NIC to the regulatory Agency, you must provide notice of a public meeting and conduct an informal public meeting with your community to discuss the draft NIC and your plans for achieving compliance with the new standards.

We have redesignated the existing NIC provisions to meld them into the appropriate sections of subpart EEE. We have also revised the regulatory language to include references to the new provisions promulgated today. See Part Six, Section IX of today's preamble.

IV. What Are the Requirements for Documentation of Compliance?

A. What Is the Purpose of the Documentation of Compliance?

The purpose of the Documentation of Compliance[179] (DOC) is for you to certify by the compliance date that: (1) You have made a good faith effort to establish limits on the operating parameters specified in § 63.1209 that you believe ensure compliance with the emissions standards; (2) required continuous monitoring systems are operational and meet specifications; and (3) you are in compliance with the other operating requirements. See § 63.1211(d). This is necessary because all sources must be in compliance by the compliance date even though they are not required to demonstrate compliance, through performance testing, until 180 days after the compliance date. To fulfill the requirements of the DOC, you must place it in the operating record by the compliance date, September 30, 2002. (See compliance dates in Section II above.) Information that must be in the DOC includes all information necessary to determine your compliance status (e.g., operating parameter limits; functioning automatic waste feed cutoff system). All operating limits identified in the DOC are enforceable limits. However, if these limits are determined, after the initial comprehensive performance test, to have been inadequate to ensure compliance with the MACT standards, you will not be deemed to be out of compliance with the MACT emissions standards, if you complied with the DOC limits.[180]

B. What Is the Rationale for the DOC?

In the May 1997 NODA, we discussed the concept of the precertification of compliance (Pre-COC). The discussion required sources to precertify their compliance status on the compliance date by requiring them to submit a notification to the appropriate regulatory agency. This notification would detail the operating limits under which a source would operate during the period following the compliance date, but before submittal of the initial comprehensive performance test results in the Notification of Compliance.

Commenters question this provision since the Pre-COC operating limits would be effective only for the 270 days following the compliance date. Other commenters support the Pre-COC requirements provided the process is focused, straightforward, and limited to the minimum operating parameters necessary to document compliance. Commenters also stress that the Agency needed to specify the requirements of the prenotification, using appropriate sections of 40 CFR 266.103(b) and Section 63.9 when developing the specific regulatory requirements. In addition, commenters suggest that the Agency clarify the relationship between the Pre-COC and the title V permit, and indicate how or if the Pre-COC operating limits would be placed in the title V permit.

Other commenters state that the rationale underlying the Pre-COC is faulty because sources would remain subject to the RCRA permit conditions until the NOC is submitted or until the title V permit is issued, which was our proposed approach to permitting at that time. Therefore, the Agency's concern that sources could be between regulatory regimes is not relevant. Commenters also state that Pre-COC requirements would be resource intensive and a needless exercise that diverted time and attention from preparing to come into compliance with MACT standards.

The DOC requirements and process adopted today provide the Agency and public a sound measure of assurance

[178] The general provisions of part 63 allow for 180 days after the compliance date to conduct a performance test and 60 days to submit its results to the appropriate regulatory agency. However, as commenters note, dioxin/furan analyses can require 90 days to complete. Therefore, the time allowed for submission of test results should be extended to 90 days, increasing the total time following the compliance date to 270 days. We agree with commenters and increase the time allowed for submission of test results from 60 to 90 days.

[179] We renamed the proposed Precertification of Compliance as the Documentation of Compliance to avoid any confusion with the RCRA requirement of similar name.

[180] Once you determine that you failed to demonstrate compliance during the performance test, all monitoring data is subject to potential case-by-case use as credible evidence to show noncompliance following that determination. Therefore, you could potentially find yourself in noncompliance for the period which the DOC limits were in effect following that determination, but before submission of the NOC.

that, on the compliance date, combustion sources are operated within limits that should ensure compliance with the MACT standards and protection to human health and the environment. We agree that operating limits in the DOC will be in effect only for a short period of time and that affected sources will not be between regulatory regimes at any time. Given the relatively short period of time the DOC conditions will be in effect, however, we chose for the final rule not to specify whether the conditions need to be incorporated into a title V permit and do not require the permitting authority to do so. We provide flexibility for agencies implementing title V programs to determine the appropriate level of detail to include in the permit, thereby allowing them to minimize the potential need for permit revisions. In addition, we do not require that the DOC be submitted to the permitting authority, to avoid burdening the permitting agency with unnecessary paper work during the period that they are reviewing site-specific performance test plans. In today's rule, we better define the period during which the DOC applies by specifying that the DOC is superseded by the NOC upon the postmark date for submittal of the NOC. Once you mail the NOC, its contents become enforceable unless and until superseded by test results submitted within 270 days following subsequent performance testing. This approach provides clarity on when the NOC supersedes the DOC.

C. What Must Be in the DOC?

You must complete your site-specific DOC and place it in your operating record by the compliance date. The DOC must contain all of the information necessary to determine your compliance status during periods of operation including all operating parameter limits. You must identify the DOC operating limits through the use of available data and information. If your unit requires modification or upgrades to achieve compliance with the emission standards, you can base this judgment on results of shakedown tests and/or manufacturers assertions or specifications. If your unit does not require modifications or upgrades to meet the emission standards of today's rule, you can develop the operating limits through analysis of previous performance tests or knowledge of the performance capabilities of your control equipment.

Your limitations on operating parameters must be based on an engineering evaluation prepared under your direction or supervision in accordance with a system designed. This evaluation must ensure that qualified personnel properly gathered and evaluated the information and supporting documentation, and considering at a minimum the design, operation, and maintenance characteristics of the combustor and emissions control equipment, the types, quantities, and characteristics of feedstreams, and available emissions data.

This requirement should not involve a significant effort because your decisions on whether to upgrade and modify your units will be based on the current performance of your control equipment and the performance capabilities of new equipment you purchase. We expect that, by the compliance date, you will have an adequate understanding of your unit's capabilities, given the three years to develop this expertise. Therefore, by the compliance date, you are expected to identify operating limits that are based on technical or engineering judgment that should ensure compliance with the emission standards.

V. What Are the Requirements for MACT Performance Testing?

A. What Are the Compliance Testing Requirements?

Today's final rule requires two types of performance testing to demonstrate compliance with the MACT emission standards: Comprehensive and confirmatory performance testing. See § 63.1207. The purpose of comprehensive performance testing is to demonstrate compliance and establish operating parameter limits. You must conduct your initial comprehensive performance tests by 180 days (i.e., approximately six months) after your compliance date. You must submit results within 90 days (i.e., approximately 3 months) of completing your comprehensive performance test. If you fail a comprehensive performance test, you must stop burning hazardous waste until you can demonstrate compliance with today's MACT standards. Comprehensive performance testing must be repeated at least every five years, but may be required more frequently if you change operations or fail a confirmatory performance test.

The purpose of confirmatory performance tests is to confirm compliance with the dioxin/furan emission standard during normal operations. You must conduct confirmatory performance tests midway between comprehensive performance tests. Confirmatory performance tests may be conducted under normal operating conditions. If you fail a confirmatory performance test, you must stop burning hazardous waste until you demonstrate compliance with the dioxin/furan standard by conducting a comprehensive performance test to establish revised operating parameter limits.

The specific requirements and procedures for these two performance tests are discussed later in this section. In addition, this section discusses the interaction between the RCRA permitting process and the MACT performance test.

1. What Are the Testing and Notification of Compliance Schedules?

Section 63.7 of the CAA regulations contains the general requirements for testing and notification of compliance. In today's rule, we adopt some § 63.7 requirements without change and adopt others with modifications. As summarized earlier, you must commence your initial comprehensive performance test within 180 days after your compliance date, consistent with the general § 63.7 requirements. You must complete testing within 60 days of commencement, unless a time extension is granted. This requirement is necessary because testing and notification of compliance deadlines are based on the date of commencement or completion of testing. Those deadlines could be meaningless if a source had unlimited time to complete testing. Although we propose to require testing to be completed within 30 days of commencement, commenters state that unforeseen events could occur (e.g., system breakdown causing extensive repairs; loss of samples from breakage of equipment or other causes requiring additional test runs) that could extend the testing period beyond normal time frames. We concur, and provide for a 60-day test period as well as a case-by-case time extension that may be granted by permit officials if warranted because of problems beyond our control.

Additionally, you must submit comprehensive performance test results to the Administrator within 90 days of test completion, unless a time extension is granted. We are allowing an additional 30 days for result submittal beyond the §§ 63.7(g) and 63.8(e)(5) 60-day deadlines because the dioxin/furan analyses required in today's rule may take this additional time to complete. We also are including a provision for a case-by-case time extension in the final rule because commenters express concern that the limited laboratory facilities nationwide may be taxed by the need to handle analyses simultaneously for many hazardous

waste combustors. The available analytical services may not be able to handle the workload, that could cause some sources to miss the proposed 90-day deadline. We concur with commenters' concerns and have added a provision to allow permit officials to grant a case-by-case time extension, if warranted.

Test results must be submitted as part of the notification of compliance (NOC) submitted to the Administrator under §§ 63.1207(j) and 63.1210(d) documenting compliance with the emission standards and continuous monitoring system requirements, and identifying applicable operating parameter limits. These provisions are similar to §§ 63.7(g) and 63.8(e)(5), except that the NOC must be postmarked by the 90th day following the completion of performance testing and the continuous monitoring system performance evaluation.

Overall, the initial NOC must be postmarked within 270 days (i.e., approximately nine months) after your compliance date. You must initiate subsequent comprehensive performance tests within 60 months (i.e., five years) of initiating your initial comprehensive performance test. You must submit subsequent NOCs, containing test results, within 90 days after the completion of subsequent tests.

The rule allows you to initiate subsequent tests any time up to 30 days after the deadline for the subsequent performance test. Thus, you can modify the combustor or add new emission control equipment at any time and conduct new performance testing to document compliance with the emission standards. In addition, this testing window allows you to plan to commence testing well in advance of the deadline to address unforseen events that could delay testing.[181] This testing window applies to both comprehensive performance tests and confirmatory performance tests. For example, if the deadline for your second comprehensive performance test is January 10, 2008, you may commence the test at any time after completing the initial comprehensive performance test but not later than February 10, 2008. The deadline for subsequent comprehensive and confirmatory performance tests are based on the commencement date of the previous comprehensive performance test.

[181] We note that a case-by-case time extension for commencement of subsequent performance testing is also provided under § 63.1207(i).

2. What Are the Procedures for Review and Approval of Test Plans and Requirements for Notification of Testing?

In the April 1996 NPRM, we proposed in § 63.7(b)(1) to require submittal of a "notification of performance test" to the Administrator 60 days prior to the planned test date. This notification included the site-specific test plan itself for review and approval by the Administrator (§ 63.8(e)(3)). In the May 1997 NODA, to ensure coordination of destruction removal efficiency (DRE) and MACT performance testing, we considered requiring you to submit the test plan one year rather than 60 days prior to the scheduled test date to allow the regulatory official additional time to consider DRE testing in context with MACT comprehensive performance testing. This one-year test review period would only have applied to sources required to perform a DRE test.

In today's final rule, we maintain the requirement for you to submit the test plan one year prior to the scheduled test date, but apply that requirement to all sources, not just those performing a DRE test. After consideration of comments (described below), we determined that this one-year period is needed to provide regulatory officials sufficient time (i.e., nine months) to review and approve or notify you of intent to disapprove the plan. Nine months is needed for the review for all sources given the amount of technical information that would be included in the test plan, and would also allow time to assess whether a source is required to perform a DRE test (see Part IV, Section IV, for discussion of DRE testing requirements; see also § 63.1206(b)(8)). During this nine-month period, the regulatory officials will review your test plan and determine if it is adequate to demonstrate compliance with the emission standards and establish operating requirements.

After submittal of the test plan, review and approval or notification of intent to deny approval of the test plan will follow the requirements of § 63.7(c)(3). That section provides procedures for you to provide additional information before final action on the plan. It also requires you to comply with the testing schedule even if permit officials have not approved your test plan. The only exception to this requirement is if you proposed to use alternative test methods to those specified in the rule. In that case, you may not conduct the performance test until the test plan is approved, and you have 60 days after approval to conduct the test.

Several commenters suggest that it would be difficult for permit officials to review and approve test plans within the nine-month window given that many test plans may be submitted at about the same time. They cite experiences under RCRA trial burn plan approvals where permit officials have taken much longer than nine months to approve a plan, and have requested that the final rule allow for a longer review period. Commenters are concerned with the consequences of being required to conduct the performance test even though permit officials may not have had time to approve the test plan. They recite various concerns that permit officials may at a later date determine that the performance test was inadequate and require retesting. Commenters suggest that the rule establish the date for the initial comprehensive performance test as 60 days following approval of the test plan, whenever that may occur, thus extending the deadline for the performance test indefinitely from the current requirement of six months after the compliance date.

We maintain that the nine-month review period is appropriate for several reasons. First, we are unwilling to build into the regulations an indefinite period for review. This would have the potential to delay implementation of the MACT emission standards without any clear and compelling reason to do so.

Second, the RCRA experience with protracted approval schedules, sometimes over a decade ago, is not applicable or analogous to the MACT situation. Under the RCRA regulatory regime, particularly at the early stages, there were few incentives for either permit officials or owners or operators to expeditiously negotiate acceptable test plans. No statutory deadlines existed for a compliance date, and existing facilities operated under interim status (a type of grand fathering tantamount to a permit). This interim status scheme placed at least some controls on hazardous waste combustors during the permit application and trial burn test plan review periods. As a result, regulatory officials could take significant amounts of time to address what was then a new type of approval, that for trial burn testing to meet RCRA final permit standards.

Under MACT, the situation today is quite different. In light of the statutory compliance date of 3 years and the existing regulatory framework, sources know as of today's final rule that they need to respond promptly and effectively to permit officials' concerns about the test plan because the performance test must be conducted

within six months after the compliance date whether or not the test plan is approved. And they have at least two years to prepare and submit these plans, and to work with regulatory officials even before doing so. For their part, permit officials recognize that they have the responsibility to review and approve the plan or notify the source of their intent to deny approval within the nine-month window given that the source must proceed with expensive testing on a fixed deadline whether or not the plan is approved. To the extent regulatory officials anticipate that many test plans will be submitted at about the same time, the agencies have at least two years to figure out ways to accommodate this scenario from a resource and a prioritization standpoint. If permit officials nevertheless fail to act within the nine-month review and approval period, a source could argue that this failure is tacit approval of the plan and that later "second-guessing" is not allowable. This should be a very strong incentive for regulatory officials to act within the nine months, especially with a two-year lead time to avoid this type of situation

In addition, the RCRA experience is not a particularly good harbinger of the future MACT test plan approval, as commenters suggest, because most sources will have already completed trial burn testing under RCRA. Thus, both the regulatory agencies and the facilities have been through one round of test plan submittal, review, and approval for their combustion units. Given that MACT testing is very similar to RCRA testing, approved RCRA test protocols can likely be modified as necessary to accommodate any changes required under the MACT rule. Although some of these changes may be significant, we expect that many will not be. For example, RCRA trial burn testing always included DRE testing. Under the MACT rule, DRE testing will not be required for most sources. And for sources where DRE testing is required under MACT, most will have already been through a RCRA approval of the DRE test protocol, which should substantially simplify the process under MACT.

The third reason that we maintain the nine-month review and approval window is appropriate is that discussions with several states leads us to conclude that they are prepared to meet their obligations under this provision. This is a highly significant indicator that the nine-month review and approval period is a reasonable period of time, particularly since all permitting agencies have at least two years to plan for submittal of test plans from the existing facilities in their jurisdictions.

In summary, sound reasons exist to expect that today's final rule provides sufficient time for the submittal, review, and approval of test plans. Furthermore, clear incentives exist for both owners and operators and permit officials to work together expeditiously to ensure that an approval or notice of intent to disapprove the test plan can be provided within the nine-months allotted.

On a separate issue, we also retain, in today's final rule, the 60-day time frame and requirements of § 63.7(b)(1) for submittal of the notification of performance test. Additionally, the final rule continues to provide an opportunity for, but does not require, the regulatory agency to review and oversee testing.

3. What Is the Provision for Time Extensions for Subsequent Performance Tests?

The Administrator may grant up to a one year time extension for any performance test subsequent to the initial comprehensive performance test. This enables you to consolidate MACT performance testing and any other emission testing required for issuance or reissuance of Federal/State permits.[182]

At the time of proposal, we were concerned about how to allow coordination of MACT performance tests and RCRA trial burns. As discussed elsewhere, the RCRA trial burn is superseded by MACT performance testing. However, a one-year time extension may still be necessary for you to coordinate performance of a RCRA risk burn. In addition, commenters state that there may be additional reasons to grant extension requests (*e.g.* some TSCA-regulated hazardous waste combustors may be required to perform stack tests beyond those required by MACT). Furthermore, some sources may have to comply with state programs requiring RCRA trial burn testing. To address these situations, to promote coordinated testing, and to avoid unnecessary source costs, the final rule allows up to a one-year time extension for the performance test.

When performance tests and other emission tests are consolidated, the deadline dates for subsequent comprehensive performance tests are adjusted correspondingly. For example, if the deadline for your confirmatory performance test is January 1 and your state-required trial burn is scheduled for September 1 of the same year, you can apply to adjust the deadline for the confirmatory performance test to September 1. If granted, this also would delay by a corresponding time period the deadline dates for subsequent comprehensive performance tests.

The procedures for granting or denying a time extension for subsequent performance tests are the same as those found in § 63.6(i), which allow the Administrator to grant sources up to one additional year to comply with standards.[183] These are also the same procedures apply to a request for a time extension for the initial NOC.

4. What Are the Provisions for Waiving Operating Parameter Limits During Subsequent Performance Tests?

Operating parameter limits are automatically waived during subsequent comprehensive performance tests under an approved performance test plan. See § 63.1207(h). This waiver applies only for the duration of the comprehensive performance test and during pretesting for an aggregate period up to 720 hours of operation. You are still required to be in compliance with MACT emissions standards at all times during these tests, however.

In the April 1996 NPRM, we proposed to allow the burning of hazardous waste only under the operating limits established during the previous comprehensive performance test (to ensure compliance with emission standards not monitored with a continuous emissions monitoring system). Two types of waivers from this requirement would have been provided during subsequent comprehensive performance tests: (1) An automatic waiver to exceed current operating limits up to 5 percent; and (2) a waiver that the Administrator may grant if warranted to allow the source to exceed the current operating limits without restriction. We proposed an automatic waiver because, without the waiver, the operating limits would become more and more stringent with subsequent comprehensive performance tests. This is because sources would be required to operate within the more stringent conditions to ensure that they did not exceed a current operating limit. This would result in a shrinking operating envelope over time.

A number of commenters question the comprehensive performance test's 5%

[182] In addition, this provision also may assist you when unforseen events beyond your control (*e.g.*, power outage, natural disaster) prevent you from meeting the testing deadline.

[183] Note, however, that § 63.6(i) applies to an entirely different situation: extension of time for initial compliance with the standards, not subsequent performance testing.

limit over existing permit conditions. Some commenters state that the EPA should not limit a facility's operating envelope from test to test based on operating conditions established during the previous test. The operator should be free to set any conditions for the comprehensive performance test, short of what the regulator deems to pose a short-term environmental or health threat or inadequate to ensure compliance with an emission standard. Commenters also state that the requirement that the facility accept the more stringent of the existing 5% limit or the test result will inevitably result in the ratcheting down of limits over time. Since certain conditions have much greater variation than 5% over a limit, sufficient variability must be allowed so the operator can run a test under the conditions it wishes to use as the basis for worst case operation.

We agree that a waiver is necessary to avoid ratcheting down the operating limits in subsequent tests. Further, in view of the natural variability in hazardous waste combustor operations, a 5% waiver may be insufficient. Because you are required to comply with the emission standards, there does not appear to be any reason to establish national restrictions on operations during subsequent performance tests. Therefore, the final rule allows a waiver from previously established operating parameter limits, as long as you comply with MACT emission standards and are operating under an approved comprehensive performance test plan. Operating parameter limits will be reset based on the new tests. Furthermore, the permitting authority will review and has the opportunity to disapprove any proposed test conditions which may result in an exceedance of an emission standard.

B. What Is the Purpose of Comprehensive Performance Testing?

The purposes of the comprehensive performance test are to: (1) Demonstrate compliance with the continuous emissions monitoring systems-monitored emission standards for carbon monoxide and hydrocarbons; (2) conduct manual stack sampling to demonstrate compliance with the emission standards for pollutants that are not monitored with a continuous emissions monitoring system (e.g., dioxin/furan, particulate matter, DRE, mercury, semivolatile metal, low volatile metal, hydrochloric acid/chlorine gas); (3) establish limits on the operating parameters required by § 63.1209 (Monitoring Requirements) to ensure compliance is maintained with those emission standards for which a continuous emissions monitoring system is not used for compliance monitoring; and (4) demonstrate that performance of each continuous monitoring system is consistent with applicable requirements and the quality assurance plan. In general, the comprehensive performance test is similar in purpose to the RCRA trial burn and BIF interim status compliance test, but with relatively less Agency oversight and a higher degree of self-implementation, as discussed below.

The basic framework for comprehensive performance testing is set forth in the existing general requirements of subpart A, part 63. Therefore, for convenience of the reader, we will review key elements of those regulations and highlight any modifications made specifically for hazardous waste combustors.

1. What Is the Rationale for the Five Year Testing Frequency?

As discussed earlier, you must perform comprehensive performance testing every five years. We require periodic comprehensive performance testing because we are concerned that long-term stress to the critical components of a source (e.g., firing systems, emission control equipment) could adversely affect emissions.

In the April 1996 NPRM, we proposed that large sources (i.e., those with a stack gas flow rate greater than 23,127 acfm) and sources that accept off-site wastes would be required to perform comprehensive performance testing every three years. We also proposed that small, on-site sources perform comprehensive performance testing every five years unless the Administrator determined otherwise on a case-specific basis. Commenters suggest that the proposed three year testing frequency is too restrictive. They said that test plan approval time, bad weather, mechanical failure, and the testing itself combine to make the proposed test frequency too tight for tests of this magnitude.

We agree that, due to the magnitude of the comprehensive performance test, a more appropriate testing schedule is required. Therefore, we adopt a comprehensive performance testing frequency of every five years for small and large sources. In addition, this comprehensive performance testing schedule should correspond to the renewal of the title V permit. More frequent comprehensive performance testing is required, however, if there is a change in design, operation, or maintenance that may adversely affect compliance. See § 63.1206(b)(6).

2. What Operations Are Allowed During a Comprehensive Performance Test?

Because day-to-day limits are established for operating parameters during the comprehensive performance test, we allow operation during the performance test as necessary provided the unit complies with the emission standards. Accordingly, you can spike feedstreams with metals or chlorine, for example, to ensure that the feedrate limits are sufficient to accommodate normal operations while allowing some flexibility to feed higher rates. See Part Four, Section I. B. above for further discussion of normal operations. We note that this differs from § 63.7(e) which requires performance testing under "normal" operating conditions. See § 63.1207(g).

Most commenters agree that the comprehensive performance test should be conducted under extreme conditions at the edge of the operating envelope. Commenters point out that they needed to operate in this mode to establish operating parameter limits to cover all possible normal operating emissions values. Commenters also state that feedstreams may need to be spiked with metals or chlorine to ensure limits high enough to allow operational flexibility. We agree that these modes of operation are needed to establish operating parameter limits that cover all possible normal operating emissions values.[184] There is precedent for this approach in current rules regulating hazardous waste combustors (e.g., the RCRA incinerator and BIF rules).

In addition, two or more modes of operation may be identified, for which separate performance tests must be conducted and separate limits on operating conditions must be established. If you identify two modes of operation for your source, you must note in the operating record which mode you are operating under at all times. For example, two modes of operation must be identified for a cement kiln that routes kiln off-gas through the raw meal mill to help dry the raw meal. When the raw meal mill is not operating (perhaps 15% of the time), the kiln gas bypasses the raw meal mill. Emissions of particulate matter and other hazardous air

[184] Allowing sources to operate during MACT comprehensive performance testing under the worst-case conditions, as allowed during RCRA compliance testing, rather than under normal conditions as provided by § 63.7(e) for other MACT sources, ensures that the emissions standards do not restrict hazardous waste combustors using MACT control to operations resulting in emissions that are lower than normal. Therefore, allowing performance testing on a worst-case basis provides that the MACT emission standards are achievable in practice by sources using MACT control.

pollutants or surrogates may vary substantially depending on whether the kiln gas bypasses the raw meal mill.

As discussed below for confirmatory testing, when conducting the comprehensive performance test, you also must operate under representative conditions for specified parameters that may affect dioxin/furan emissions. These conditions must ensure that emissions are representative of normal operating conditions. Also, when demonstrating compliance with the particulate matter, semivolatile metal, and low volatile metal emission standards, when using manual stack sampling, and when demonstrating compliance with the dioxin/furan and mercury emission standards using carbon injection or carbon bed, you must operate under representative conditions for the cleaning cycle of the particulate matter control device. This is because particulate matter emissions increase momentarily during cleaning cycles and can affect emissions of these pollutants.

3. What Is the Consequence of Failing a Comprehensive Performance Test?

If you determine that you failed any emission standard during the performance test based on: (1) Continuous emissions monitoring systems recordings; (2) results of analysis of samples taken during manual stack sampling; or (3) results of the continuous emissions monitoring systems performance evaluation, you must immediately stop burning hazardous waste. However, if you conduct the comprehensive performance test under two or more modes of operation, and you meet the emission standards when operating under one or more modes of operation, you are allowed to continue burning under the mode of operation for which the standards were met.

If you fail one or more emission standards during all modes of operation tested, you may burn hazardous waste only for a total of 720 hours and only for the purposes of pretesting (i.e., informal testing to determine if the combustor can meet the standards operating under modified conditions) or comprehensive performance testing under modified conditions. The same standards apply for the retest as applied for the original test. These conditions apply when you fail the initial or subsequent comprehensive performance test.

A number of commenters suggest that the 720 operating hours allowed after a failed performance test should be renewable, as they are under existing incinerator and BIF rules. We are persuaded by the commenters' rationale and will adopt this practice in today's rule. The final rule allows the 720 hours of operation following a failed performance test to be renewed as often as the Administrator deems reasonable. We note that hazardous waste combustors are currently subject to virtually these same requirements under RCRA rules.

If you fail a comprehensive performance test, you must still submit a NOC as required indicating the failure. We want to ensure that the regulatory authorities are fully aware of a failure and the need for the facility to initiate retesting.

We do not specifically address other consequences of failing the comprehensive performance test in the regulatory language. We will instead rely on the regulating agency's enforcement policy to govern the type of enforcement response at a facility that exceeds an emission standard, fails to ensure compliance with the standards, or fails to meet a compliance deadline.

C. What Is the Rationale for Confirmatory Performance Testing?

Confirmatory performance testing for dioxin/furan is required midway between the cycle required for comprehensive performance testing to ensure continued compliance with the emission standard. We require such testing only for dioxin/furan given: (1) The health risks potentially posed by dioxin/furan emissions; (2) the lack of a continuous emissions monitoring system for dioxin/furan; (3) the lack of a material that directly and unambiguously relates to dioxin/furan emissions which could be monitored continuously by means of feedrate control (as opposed to, for example, metals feedrates, which directly relate to metals emissions); and (4) wear and tear on the equipment, including any emission control equipment, which over time could result in an increase in dioxin/furan emissions even though the source stays in compliance with applicable operating limits.

Although emissions of dioxins/furans appear to be primarily a function of whether particulate matter is retained in post-combustion regions of the combustor (e.g., in an electrostatic precipitator or fabric filter, or on boiler tubes) in the temperature range that enhances dioxin/furan formation, the factors that affect dioxin/furan formation are imperfectly understood. Certain materials seem to inhibit formation while others seem to enhance formation. Some materials seem to be precursors (e.g., PCBs). Changes in the residence time of particulate matter in a control device may affect the degree of chlorination of dioxins/furans, and thus the toxicity equivalents of the dioxins/furans. Given these uncertainties, the health risks posed by dioxins/furans, and the relatively low cost of dioxin/furan testing, it appears prudent to require confirmatory testing to determine if changes in feedstocks or operations that are not limited by the MACT rule may have increased dioxin/furan emissions to levels exceeding the standard. We also note that confirmatory dioxin/furan testing is required for municipal waste combustors (60 FR at 65402 (December 19, 1995)).

Confirmatory testing differs from comprehensive testing, however, in that you are required to operate under normal, representative conditions during confirmatory testing. This will reduce the cost of the test, while providing the essential information, because you will not have to establish new operating limits based on the confirmatory test.

1. Do the Comprehensive Testing Requirements Apply to Confirmatory Testing?

The following comprehensive performance testing requirements discussed above also apply to confirmatory testing: Agency oversight, notification of performance test, notification of compliance, time extensions, and failure to submit a timely notice of compliance. However, we modify some of the comprehensive test requirement for confirmatory tests, as discussed below.

2. What Is the Testing Frequency for Confirmatory Testing?

You are required to conduct confirmatory performance testing 30 months (i.e., 2.5 years) after the previous comprehensive performance test. The same two-month testing window, applicable for comprehensive tests, also applies to confirmatory tests.

Several commenters state that the proposed schedule for confirmatory tests is too frequent. The April 1996 NPRM would have required large and off-site sources to conduct confirmatory performance testing 18 months after the previous comprehensive performance test. Small, on-site sources would have been required to conduct the testing 30 months after the previous comprehensive performance test. One commenter suggests that the frequency should be at multiples of 12 months to avoid seasonal weather problems in many locations. Other commenters state that EPA's justification for confirmatory tests is not supported by evidence

showing increased emissions due to equipment aging and that the performance of combustion practice parameters is already assured through continuous monitoring systems.

We agree that due to the magnitude and expense of the test, a more appropriate testing schedule would be every 2.5 years, mid-way between the comprehensive performance test cycle. In addition, we agree that testing in certain locations at certain times of the year (e.g., northern states in the winter) can be undesirable. Although possible, it would add to the difficulty and expense of the testing. As previously discussed, sources can request a time extension to allow for a more appropriate testing season. However, the regulatory date for confirmatory testing remains midcycle to the comprehensive performance testing.

3. What Operations Are Allowed During Confirmatory Performance Testing?

As proposed, you are required to operate under normal conditions during confirmatory performance testing. Normal operating conditions are defined as operations during which: (1) The continuous emissions monitoring systems that measure parameters that could relate to dioxin/furan emissions—carbon monoxide or hydrocarbons—are recording emission levels within the range of the average value for each continuous emissions monitoring system (the sum of all one-minute averages, divided by the number of one minute averages) over the previous 12 months to the maximum allowed; (2) each operating parameter limit established to maintain compliance with the dioxin/furan emission standard (see discussion in Part Five, Section VI.D.1 below and § 63.1209(k)) is held within the range of the average values over the previous 12 months and the maximum or minimums, as appropriate, that are allowed; (3) chlorine feedrates are set at normal or greater; and (4) when using carbon injection or carbon bed, the test is conducted under representative conditions for the cleaning cycle of the particulate matter control device. See § 63.1207(g)(2).

We define normal operating conditions in this manner because, otherwise, sources could elect to limit levels of the regulated dioxin/furan operating parameters (e.g., hazardous waste feedrate, combustion chamber temperature, temperature at the inlet to the dry particulate matter control device) to ensure minimum emissions. Thus, without specifying what constitutes normal conditions, the confirmatory test could be meaningless. On the other hand, the definition of normal conditions is broad enough to allow adequate flexibility in operations during the test. The confirmatory test confirms that your under day-to-day operations are meeting the dioxin/furan standard. Thus, the confirmatory test differs from the comprehensive performance test in which you may choose to extend to the edge of the operating envelope to establish operating parameters.

The April 1996 NPRM would have required normal operating conditions for particulate matter continuous emissions monitoring systems. For the final rule, particulate matter levels are limited during confirmatory testing to ensure normal operations only when your source is equipped with carbon injection or carbon bed for dioxin/furan emissions control (see dioxin/furan operating limits discussion below).

The April 1996 NPRM also would have required you to operate under representative conditions for types of organic compounds in the waste (e.g., aromatics, aliphatics, nitrogen content, halogen/carbon ratio, oxygen/carbon ratio) and volatility of wastes when demonstrating compliance with the dioxin/furan emission standard. Several commenters object to this requirement. We agree that restrictions on these organic compounds in the waste are redundant and not necessary to assure good combustion. In addition, the requirement would be impracticable because in most cases measured data would not be available on these parameters. Therefore, the final rule does not require "representative" wastes with regard to these organic compounds for confirmatory testing.

It is prudent to require that chlorine be fed at normal levels or greater during the dioxin/furan confirmatory performance test. Although most studies show poor statistical correlation between dioxin/furan emissions and chlorine feedrate, some practical considerations are important. Chlorinated dioxin/furan obviously contain chlorine and some level of chlorine is necessary for its formation. During the confirmatory testing for dioxin/furan, we want you to operate your combustor under normal conditions relative to factors that can affect emissions of dioxin/furan. Therefore, you must feed chlorine at normal or greater levels given the potential for chlorine feedrates to affect dioxin/furan emissions. For the confirmatory performance test, normal is defined as the average chlorine fed over the previous 12 months. If you have established a maximum chlorine value for metals or total chlorine compliance in your previous comprehensive performance test, then that value can be used in the confirmatory test.

Several commenters suggest that when defining normal operation, a provision should be made to exclude inappropriate data, such as those occurring during instrument malfunction, at unit down time, or during instrument zero/calibration adjustment. The April 1996 NPRM did not allow for any data to be excluded. To define "normal" operation, we agree it is reasonable to exclude inappropriate data. For the final rule, calibration data, malfunction data, and data obtained when not burning hazardous waste do not fall into the definition of "normal" operation.

4. What Are the Consequences of Failing a Confirmatory Performance Test?

If you determine that you failed the dioxin/furan emission standard based on results of analysis of samples taken during manual stack sampling, you must immediately stop burning hazardous waste. You must then modify the design or operation of the unit, conduct a new comprehensive performance test to demonstrate compliance with the dioxin/furan emission standard (and other standards if the changes could adversely affect compliance with those standards), and establish new operating parameter limits. Further, prior to submitting a NOC based on the new comprehensive performance test, you can burn hazardous waste only for a total of 720 hours (renewable based on the discretion of the Administrator) and only for purposes of pretesting or comprehensive performance testing. These conditions apply when you fail the initial or any periodic confirmatory performance test.

However, if you conduct the comprehensive performance test under two or more modes of operation, and meet the dioxin/furan emission standards during confirmatory testing when operating under one or more modes of operation, you may continue burning under the modes of operation for which you meet the standards.

Other than stopping burning of hazardous waste, we do not specifically address the consequences of failing the confirmatory performance test in the regulatory language but will instead rely on the regulating agency's enforcement policy to govern the type of enforcement response at a facility that exceeds an emission standard, fails to ensure compliance with the standards, or fails to meet a compliance deadline. This approach is consistent with the way

other MACT standards are implemented.

Some commenters suggest that the requirement to stop burning waste after a failed confirmatory test is overly harsh. They suggest that temporarily restricted burning should be allowed, conservative enough to insure compliance, while a permanent solution is developed. We continue to believe that a source should stop burning hazardous waste until it reestablishes operating parameter limits that ensure compliance with the dioxin/furan emission standard. We note that hazardous waste combustors are currently subject to virtually these same requirements under RCRA rules.

D. What Is the Relationship Between the Risk Burn and Comprehensive Performance Test?

1. Is Coordinated Testing Allowed?

Traditionally, a RCRA trial burn serves three primary functions: (1) Demonstration of compliance with performance standards such as destruction and removal efficiency; (2) determination of operating conditions that assure the hazardous waste combustor can meet applicable performance standards; and (3) collection of emissions data for incorporation into a SSRA that, subsequently, is used to establish risk-based permit conditions where necessary.[185] Today's rulemaking transfers the first two functions of a RCRA trial burn from the RCRA program to the CAA program. The responsibility for collecting emissions data needed to perform a SSRA is not transferred because SSRAs are exclusively a RCRA matter.

Generally speaking, the type of emissions data needed to conduct a SSRA includes concentration and gas flow rate data for dioxin/furans, nondioxin/furan organics, metals, hydrogen chloride, and chlorine gas. Additionally, particle-size distribution data are normally needed for the air modeling component of the SSRA. We have recently published guidance on risk burns and the data to be collected. See USEPA, "Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities" External Peer Review Draft, EPA–530–D–98–001A, B & C and USEPA, "Guidance on Collection of Emissions Data to Support Site-Specific Risk Assessments at Hazardous Waste Combustion Facilities," EPA 530–D–98–002, August 1998.

A large number of hazardous waste combustors subject to today's rule will have completed a RCRA trial burn and SSRA emissions testing prior to the date of the MACT comprehensive performance test. There may exist, however, some facilities for which this is not the case. For these facilities, the Agency proposed, in both the April 1996 NPRM and the May 1997 NODA, an option of coordinating SSRA emissions data collection with MACT performance testing. Facilities choosing to perform coordinated testing would be expected to factor SSRA data collection requirements into the MACT performance test plan. Commenters support this approach, emphasizing that coordinated testing would conserve the resources of both the regulatory authority and regulated source. The Agency agrees with the commenters and continues to support coordinated testing. There is no need, however, for today's final rule to include regulatory language for coordinated testing since it is simply matter of submitting and implementing a test plan which accomplishes the objectives of both a risk burn and MACT performance test.

Coordinated testing may not be possible for all hazardous waste combustors subject to today's MACT standards. Some sources may not be able to test under one set of conditions that addresses all data needs for both MACT implementation and SSRAs. SSRA emissions testing traditionally is performed under worst-case conditions, but may be obtained under normal testing conditions when necessary.[186] As noted in the April 1996 NPRM, as well as in this preamble, we generally anticipate sources will conduct MACT performance testing under conditions that are at the edge of the operating envelope or the worst-case to ensure operating flexibility. Regardless of which test conditions are used to collect SSRA emissions data, under the coordinated testing scenario, those conditions should be consistent with the MACT performance test to the extent possible.

Similarly, a source may experience difficulty integrating MACT performance testing with SSRA emissions testing due to conflicting goals in establishing enforceable operating parameters, i.e., a parameter cannot be maximized for purposes of the SSRA data collection while at the same time be properly maximized or minimized for purposes of performance testing. It is additionally important to ensure that the feed material used during the performance testing is appropriate for SSRA emissions testing. When collecting emissions data for a SSRA, testing with actual worst-case waste is preferred to ensure that the testing material is representative of the toxic, persistence and bioaccumulative characteristics of the waste that ultimately will be burned. However, even if multiple tests need to be performed to accomplish all of the objectives, it is still advantageous to conduct these tests in the same general time frame to minimize mobilization and sampling costs.

The timing of the required tests may cause difficulty for some sources wishing to use coordinated testing. As we discussed in the May 1997 NODA, if the timing of the SSRA data collection does not coincide with the MACT performance test requirement, the performance test should not be unduly delayed. Commenters agree with this approach.

2. What Is Required for Risk Burn Testing?

We expect that sources for which coordinated testing is not possible will need to obtain SSRA emissions data through a separate risk burn. Similar to a traditional RCRA trial burn, risk burn testing should be conducted pursuant to a test plan that is reviewed and approved by the RCRA permitting authority. 40 CFR 270.10(k) provides that the permitting authority may require the submittal of information to establish permit conditions to ensure a facility's operations will be protective of human health and the environment. This regulatory requirement provides for the collection of emissions data, as appropriate, for incorporation into a SSRA as well as for the performance of the SSRA itself. We clarify in amendments to §§ 270.19, 270.22, 270.62 and 270.66 that the Director may apply provisions from those sections, on a case-by-case basis, to establish a regulatory framework for conducting the risk burn under § 270.10(k) and imposing risk-based conditions under § 270.32(b)(2) (omnibus provisions). This clarifying language is intended to prevent any confusion from other language added to §§ 270.19, 270.22, 270.62 and 270.66 today stating that

[185] Under 40 CFR 270.10(k), which is the RCRA Part B information requirement that supports implementation of the RCRA omnibus permitting authority, a regulatory authority may require a RCRA permittee or an applicant to submit information to establish permit conditions as necessary to protect human health and the environment. Under this authority, risk burns and SSRAs may be required.

[186] Criteria for determining the circumstances under which SSRA emissions data should be collected using normal versus worst-case testing conditions are provided in EPA's Guidance on Collection of Emissions Data to Support Site-Specific Risk Assessments at Hazardous Waste Combustion Facilities (EPA 530–D–98–002, August 1998).

these provisions otherwise no longer apply once a source has demonstrated compliance with the MACT standards and limitations of 40 CFR part 63, subpart EEE. (See Part Five, Section XI.B.3 for further discussion.) Facilities and regulatory authorities may consult existing EPA guidance documents for information regarding the elements of risk burn testing.[187]

E. What Is a Change in Design, Operation, and Maintenance? (See § 63.1206(b)(6).)

The April 1996 NPRM noted that sources may change their design, operation, or maintenance practices in a manner that may adversely affect their ability to comply with the emission standards. These sources would be required to conduct a new comprehensive performance test to demonstrate compliance with the affected emission standards and would be required to re-establish operating limits on the affected parameters specified in § 63.1209. (See 61 at FR 17518.) The proposal stated that until a complete and accurate revised NOC is submitted to the Administrator, sources would be permitted to burn hazardous waste following such changes for time a period not to exceed 720 hours and only for the purposes of pretesting or comprehensive performance testing. The approach in the April 1996 NPRM remains appropriate, and we are adopting it in today's final rule with minor modifications.

For changes made after submittal of your NOC that may adversely affect compliance with any emission standard, as defined later in this section, today's rule requires you to notify the Administrator at least 60 days prior to the change unless you document circumstances that dictate that such prior notice is not reasonably feasible. The notification must include a description of the changes and which emission standards may be affected. The notification must also include a comprehensive performance test schedule and test plan that will document compliance with the affected emission standard(s). You must conduct a comprehensive performance test to document compliance with the affected emission standard(s) and establish operating parameter limits as required and submit a revised NOC to the Administrator. You also must not burn hazardous waste for more than a total of 720 hours after the change and prior to submitting your NOC, and you must burn hazardous waste during this time period only for the purposes of pretesting or comprehensive performance testing.

Some commenters are uncomfortable with the proposed regulatory language, stating that it was too generic and that the Agency could require a comprehensive performance test even after minor changes in maintenance practices. One commenter suggests that EPA incorporate a list of changes significant enough to affect compliance, similar to what is currently done in the RCRA permit modification classification scheme in Appendix I of § 270.42.

We intentionally proposed an approach that provides some degree of flexibility to permit authorities. Individual facilities will need to consult with these permit authorities who will make the decision on the site-specific facts. We do not intend to require a comprehensive performance test after minor modifications to system design, or after implementing minor changes to operating or maintenance practices. We considered incorporating sections of Appendix I of § 270.42 to further clarify when comprehensive performance tests would be required.[188] However, it is impossible to envision all scenarios in which changes in design, operation, or maintenance practices may or may not trigger the requirement of a complete, or even partial, comprehensive performance test. Discussion of specific scenarios is more suitable in an Agency guidance document as opposed to regulatory provisions, and implemented on a site-specific basis. Thus, the April 1996 NPRM set out the regulatory approach as well as can be done, and we are adopting it today with minor modifications.

In the April 1996 NPRM, we did not address what must be done when you change design, operation, or maintenance practices during the time period between the compliance date and when you submit your NOC. If you make a change during this time period, today's rule requires you to revise your DOC, which is maintained on-site, to incorporate any revised limits necessary to comply with the standards. For purposes of this provision, today's rule defines "change" as any change in reported design, operation, or maintenance practices you previously documented to the Administrator in your comprehensive performance test plan, NOC, DOC, or startup, shutdown, and malfunction plan.

Commenters point out that the proposal did not discuss recordkeeping requirements necessary for the Administrator to determine if you are adequately concluding that changes in design, operation, or maintenance practices do not trigger a comprehensive performance test requirement[189]. As a result, today's rule requires you to document in your operating record whenever you make a change (as defined above) in design, operation, or maintenance practices, regardless of whether the change may adversely affect your ability to comply with the emission standards. See § 63.1206(b)(6)(ii). You are also required to maintain on site an updated comprehensive performance test plan, NOC, and startup, shutdown, and malfunction plan that reflect these changes. See § 63.1211(c).

F. What Are the Data In Lieu Allowances?

You are allowed to submit data from previous emissions tests in lieu of performing a MACT performance test to set operating limits. See § 63.1207(c)(2). To use previous emissions test data, the data must have been collected less than 5 years before the date you intend to submit your notification of compliance. The data must also have been collected as part of a test that was for the purpose of demonstrating compliance with RCRA or CAA requirements. Additionally, you must submit your request to use previous test data in your comprehensive performance test plan which is submitted 1 year in advance of the MACT performance test. Finally, you must schedule your subsequent MACT performance test and MACT confirmatory test 5 years and 2.5 years respectively following the date the emissions test data your submitting was collected.

We developed this allowance in response to comments that suggested we should allow previous RCRA testing to be used in lieu of performing a new MACT performance test if the data could be used to demonstrate compliance and establish operating limits to ensure compliance with the MACT emissions standards. Commenters reasoned, and we agreed, that such an allowance was reasonable and necessary for those sources that

[187] USEPA. "Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities" External Peer Review Draft. EPA–530–D–98–001A,B&C. Date.; USEPA, "Guidance on Collection of Emissions Data to Support Site-Specific Risk Assessments at Hazardous Waste Combustion Facilities" EPA 530–D–98–002. August 1998.

[188] One approach would be to require performance tests for modifications covered by the class 2 and class 3 permit modifications associated with combustion source design and operating parameter changes.

[189] We cannot determine if a source has accurately concluded that a change does not adversely affect its ability to comply with the emission standards if we are never aware that changes were made to the source.

must perform emissions tests to satisfy other state or federal requirements. As we developed this allowance, we decided that it is necessary to limit the age of the data and specify the date of the following performance test because we need to be consistent with the MACT performance test requirements with respect to testing frequency. We can further justify the time and testing limitations of the data in lieu of allowance by acknowledging that we don't want some sources gaining an advantage over others by extending the date between performance tests. However, we also weighed the fact that some sources may be required to perform RCRA testing fairly close to the compliance date or promulgation date of today's rule and we didn't want to penalize them by forcing them to perform a new performance test before five years had elapsed since their previous test. So we settled on an approach that allows the use of previous emissions test data and effectively sets the same testing frequency as is applied to test data collected via a MACT performance test following the compliance date. This approach doesn't penalize or favor any source over another and it allows each source to take advantage of this provision when it makes sense. For instance, a source may be granted approval to use data from a RCRA trial burn performed 1 year before today's date, thus not requiring the source to perform a comprehensive performance test 270 days following the compliance date. Instead, the source must schedule its next MACT performance test five years after the date the test was performed. However, the source must perform a confirmatory test 270 days following the compliance date because the test schedule for the confirmatory test is also linked to the date of the performance test. So in this situation the source must determine if its better to run the comprehensive performance test on a normal schedule after the compliance date or delay the comprehensive test and perform a confirmatory test instead.

VI. What Is the Notification of Compliance?

A. What Are the Requirements for the Notification of Compliance?

You must submit to the Administrator the results of the comprehensive performance test in a notification of compliance (NOC) no later than three months after the conclusion of the performance test. You must submit the initial NOC later than nine months following the compliance date.

B. What Is Required in the NOC?

You must include the following information in the NOC:

—Results of the comprehensive performance test, continuous monitoring system performance evaluation, and any other monitoring procedures or methods that you conducted;
—Test methods used to determine the emission concentrations and feedstream concentrations, as well as a description of any other monitoring procedures or methods that you conducted;
—Limits for the operating parameters;
—Procedures used to identify the operating parameter limits specified in § 63.1209;
—Other information documenting compliance with the operating requirements, including but not limited to automatic waste feed cutoff system operability and operator training;
—A description of the air pollution control equipment and the associated hazardous air pollutant that each device is designed to control; and
—A statement from you or your company's responsible official that the facility is in compliance with the standards and requirements of this rule.

C. What Are the Consequences of Not Submitting a NOC?

The normal CAA enforcement procedures apply if you fail to submit a timely notification of compliance. We do not adopt our proposed approach that would have required you to immediately stop burning hazardous waste if you failed to submit a timely NOC.

We proposed regulatory language stating that failure to submit a notification of compliance by the required date would result in the source being required to immediately stop burning hazardous waste. This proposal was similar to requirements applied to BIFs certifying compliance under RCRA. Under the proposal, if you wanted to burn hazardous waste in the future, you would be required to comply with the standards and permit requirements for new MACT and RCRA sources.

In the 1997 NODA, however, we proposed to rely on the regulating agency's policy regarding enforcement response to govern the type of enforcement response at a facility that fails to submit a notification of compliance. Based on NODA comments and review of this enforcement process, we are not including in the final rule regulatory language addressing the consequences of failure to submit a timely or complete NOC. Instead, we rely on the regulating agency's policy regarding enforcement response to govern the type of enforcement response at a facility that fails to meet a compliance deadline. This approach is more practical to implementing today's MACT standards and is more consistent with the way other MACT standards are implemented.

D. What Are the Consequences of an Incomplete Notification of Compliance?

In response to our April 1996 NPRM, commenters state that we were unclear as to the consequences of an incomplete NOC. Furthermore, commenters state that it was important that we specify what is needed and the consequences if an NOC is incomplete or more information is needed. Additionally, commenters recommend that if the NOC contains emission information, the certification statement, and a signature, we should judge the NOC to be administratively complete and an acceptable submission. In addition, commenters suggest that if the regulatory official reviewing the NOC determines that additional information is required, the source should be given ample time to submit that information.

Our enforcement approach to incomplete submissions, under RCRA or the CAA, is generally determined on a site-specific basis. We will not attempt to foresee and develop enforcement responses to all the possible levels of incompleteness for the NOC. This is beyond the scope of our national rulemaking. Furthermore, defining what constitutes an incomplete submission requires us to specifically prescribe a complete submission, which is not possible for all situations or all source designs. Some sources may require more detail than others in defining the parameters necessary to determine compliance on a continuous basis. Therefore, we instead define the minimum information necessary in the submission and allow the implementing agency to determine if more information is necessary in a facility's site-specific NOC.

In response to comments advocating that facilities be given ample time to submit additional information required by the regulatory official, we prefer to allow the implementing agency to determine the time periods that will be granted to submit additional information because some information requests may require widely varying degrees of time and effort to develop. Many potential problems associated with incomplete submissions can be prevented through interaction between

the source and the regulatory agency during the test plan review and approval process. We do not want our rules to act as disincentive to those discussions by providing a complete shield, regardless of the severity of the omission.

E. Is There a Finding of Compliance?

We adopt the requirement we proposed for the regulatory agencies to make a finding of compliance based on performance test results (see § 63.1206(b)(3)). This provision specifies that the regulatory agency must determine whether an affected source is in compliance with the emissions standards and other requirements of subpart EEE, as provided by the general provisions governing findings of compliance in § 63.6(f)(3). Thus, the regulatory agency is obligated to make this finding upon obtaining all the compliance information required by the standards, including the written reports of performance test results, monitoring results, and other applicable information. This includes, but may not be limited to, the information submitted by the source in its NOC.

VII. What Are the Monitoring Requirements?

In this section, we discuss the following topics: (1) The compliance monitoring hierarchy that places a preference on compliance with a CEMS; (2) how limits on operating parameters are established from comprehensive performance test data; (3) status and use of CEMS other than carbon monoxide, hydrocarbon, and oxygen CEMS; and (4) final compliance monitoring requirements for each emission standard.

A. What Is the Compliance Monitoring Hierarchy?

We proposed the following three-tiered compliance monitoring hierarchy in descending order of preference to ensure compliance with the emission standards: (1) Use of a continuous emission monitoring system (CEMS) for a hazardous air pollutant; (2) absent a CEMS for that hazardous air pollutant, use of a CEMS for a surrogate of that hazardous air pollutant and, when necessary, setting limits on operating parameters to account for the limitations of using surrogates; and (3) lacking a CEMS for either, requiring periodic emissions testing and site-specific limits on operating parameters. Accordingly, we proposed to require the use of carbon monoxide, hydrocarbon, oxygen, particulate matter, and total mercury CEMS. We also proposed performance specifications for multimetal, hydrochloric acid, and chlorine gas CEMS to give sources the option of using a CEMS for compliance with the semivolatile and low volatile metal emissions standards, and the hydrochloric acid/chlorine gas emission standard.

Commenters question the availability and reliability of CEMS other than those for carbon monoxide, hydrocarbon, and oxygen. We concur with some of the commenters' concerns and are not requiring use of a total mercury CEMS in the final rule or specifying the installation deadline and performance specifications for particulate matter CEMS. In addition, we have not promulgated performance specifications for these CEMS or multimetal, hydrochloric acid, and chlorine gas CEMS. We nonetheless continue to encourage sources to evaluate the feasibility of using these CEMS to determine the performance specifications, correlation acceptance criteria, and detector availability that can be achieved. Sources may request approval from permitting officials under § 63.8(f) to use CEMS to document compliance with the emission standards in lieu of periodic performance testing and compliance with limits on operating parameters. See discussion in Section VII.C below on these issues.

B. How Are Comprehensive Performance Test Data Used To Establish Operating Limits?

In this section, we discuss: (1) The definitions of terms related to monitoring and averaging periods; (2) the rationale for the averaging periods for operating parameter limits, (3) how comprehensive performance test data are averaged to calculate operating parameter limits; (4) how the various types of operating parameters are monitored/established; (5) how nondetect performance test feedstream data are handled; and (6) how rolling averages are calculated initially, upon intermittent operations, and when the hazardous waste feed is cut off.

1. What Are the Definitions of Terms Related to Monitoring and Averaging Periods?

In the April 1996 NPRM, we proposed definitions for several terms that relate to monitoring and averaging periods. For the reasons discussed below, we conclude that the proposed definitions are appropriate and are adopting them in today's rule. We also finalize definitions for "average run average" and "average highest or lowest rolling average" which were not proposed. We conclude these new definitions are necessary to clarify the meaning and intent of regulatory provisions associated with the monitoring requirements that are discussed in Part 5, Section VII.D. of this preamble.

We promulgate the following definitions in today's rule (see § 63.1201).

"Average highest or lowest rolling average" means the average of each run's highest or lowest rolling average run within the test condition for the applicable averaging period.

"Average run average" means the average of each run's average of all associated one minute values.

"Continuous monitor" means a device that: (1) Continuously samples a regulated parameter without interruption; (2) evaluates the detector response at least once every 15 seconds; and (3) computes and records the average value at least every 60 seconds, except during allowable periods of calibration and as defined otherwise by the CEMS Performance Specifications in appendix B of part 60.

"Feedrate operating limits" means limits on the feedrate of materials (e.g., metals, chlorine) to the combustor that are established based on comprehensive performance testing. The limits are established and monitored by knowing the concentration of the limited material (e.g., chlorine) in each feedstream and the flow rate of each feedstream.

"Feedstream" means any material fed into a hazardous waste combustor, including, but not limited to, any pumpable or nonpumpable solid, liquid, or gas.

"Flowrate" means the rate at which a feedstream is fed into a hazardous waste combustor.

"Instantaneous monitoring" means continuously sampling, detecting, and recording the regulated parameter without use of an averaging period.

"One-minute average" means the average of detector responses calculated at least every 60 seconds from responses obtained at least each 15 seconds.

"Rolling average" means the average of all one-minute averages over the averaging period.

One commenter opposes the requirement to take instrument readings every 15 seconds. This commenter contends that such an approach is simply impractical, unnecessary, and imposes a harsh burden upon members of the regulated community. Another commenter maintains that the CEMS Data Acquisition System should be capable of sampling the analyzer outputs at least every 15 seconds. With today's processing power and speed, the commenter states that this can easily be achieved. We agree with the second commenter and are requiring instrument

readings at least every 15 seconds because this is currently required in the Boilers and Industrial Furnace rulemaking. (See § 266.102(e)(6))

Another commenter states that the Agency's definition of "instantaneous monitoring" of combustion chamber pressure to control combustion system leaks is not clear.[190] The commenter states that, although an instantaneous limit cannot be exceeded at any time, continuous monitoring systems are required to detect parameter values only once every 15 seconds. We note that the final rule requires instantaneous monitoring only for the combustion chamber pressure limit to control combustion system leaks. The rule requires an automatic waste feed cutoff if the combustion chamber pressure at any time (i.e., instantaneously) exceeds ambient pressure (see § 63.1209(p)). The definition of a continuous monitoring system is that it must record instrument readings at least every 15 seconds. For instantaneous monitoring of pressure, the detector must clearly record a response more frequently than every 15 seconds.[191] It must detect and record pressure constantly without interruption and without any averaging period.

2. What Is the Rationale for the Averaging Periods for the Operating Parameter Limits?

The final rule establishes the following averaging periods: (1) No averaging period (i.e., instantaneous monitoring) for maximum combustion chamber pressure to control combustion system leaks; (2) 12-hour rolling averages for maximum feedrate of mercury, semivolatile metals, low volatile metals, chlorine, and ash (for incinerators); and, (3) one-hour averaging periods for all other operating parameters. As discussed later in this section, we conclude that the proposed ten-minute averaging periods are not necessary, on a national basis, to better ensure compliance with the emission standards at hazardous waste combustors, and have not adopted these averaging periods in this rulemaking.

a. When Is an Instantaneous Limit Used? An instantaneous limit is required only for maximum combustion chamber pressure to control combustion system leaks. This is because any perturbation above the limit may result in uncontrolled emissions exceeding the standards.

b. When Is an Hourly Rolling Average Limit Used? An hourly rolling average limit is required for all parameters that are based on operating data from the comprehensive performance test, except combustion chamber pressure and feedrate limits. Hourly rolling averages are required for these parameters rather than averaging periods based on the duration of the performance test because we are concerned that there may be a nonlinear relationship between operating parameter levels and emission levels of hazardous air pollutants.

c. Why Has the Agency Decided Not to Adopt Ten-Minute Averaging Periods? Dual ten-minute and hourly rolling averages were proposed for most parameters for which limits are based on the comprehensive performance test. See 61 FR at 17417. We proposed ten-minute rolling averages in addition to hourly rolling averages for these parameters because short term excursions of the parameter can result in a disproportionately large excursion of the hazardous air pollutant being controlled.

Commenters claim that the Agency's concerns with emission excursions due to short term perturbations of these operating parameters were not supported with data and are therefore unjustified, and claim that averaging periods shorter than those required in the existing BIF regulations would provide no environmental benefit.

We acknowledge that the Agency does not have extensive short-term emission data that show operating parameter excursions can result in disproportionately large excursions of hazardous air pollutants being emitted. These short-term data cannot be obtained without the use of continuous emission monitors that measure dioxin/furans, metals, and chlorine on a real-time basis. Such monitors, for the most part, are not currently used for compliance purposes at hazardous waste combustors. However, known relationships between operating parameters and hazardous air pollutant emissions indicate that a nonlinear relationship exists between operating parameter levels and emissions. This nonlinear relationship can result in source emissions that exceed levels demonstrated in the performance test if the operating parameters are not properly controlled. An explanation of these nonlinear relationships, including examples that explain why this relationship can result in daily emissions that exceed levels demonstrated in the performance test, are included in the Final Technical Support Document.[192] Thus, at least in theory, an environmental benefit can result from shorter averaging periods, including ten-minute rolling averages and perhaps instantaneous readings in certain situations.

We also acknowledge, however, that the Agency's ability to assess this potential benefit in practice for all hazardous waste combustors affected by this final rule is limited significantly by the paucity of short-term, minute-by-minute, operating parameter data. Without this data we cannot effectively evaluate whether operating parameter excursions occur to an extent that warrant national ten-minute averaging period requirements for all hazardous waste combustors. We therefore conclude that averaging period requirements shorter than those required by existing BIF regulations are not now appropriate for adoption on a national level, and do not adopt ten-minute averaging period requirements in this rulemaking.

We maintain, however, that there may be site-specific circumstances that warrant averaging periods shorter than one hour in duration, including possibly instantaneous measurements. Regulatory officials may determine, on a site-specific basis, that shorter averaging periods are necessary to better assure compliance with the emission standards. The provisions in § 63.1209(g)(2) authorize the regulatory official to make such a determination. Factors that may be considered when determining whether shorter averaging periods are appropriate include (1) the ability of a source to effectively control operating parameter excursions to levels achieved during the performance test; (2) the source's previous compliance history regarding operating parameter limit exceedances; and (3) the difference between the source's performance test emission levels and the relevant emission standard. For additional information, see the Final Technical Support Document, Volume 4, Chapter 2.

d. What Is the Basis for 12-Hour Rolling Averages for Feedrates? The rule requires 12-hour averages for the feedrate of mercury, semivolatile metals, low volatile metals, chlorine, and ash (for incinerators) because feedrate and emissions are, for the most part, linearly

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[190] "Combustion system leaks" is the term used in today's rule to refer to leaks that are called fugitive emissions under current RCRA regulations. We use the term combustion system leaks to refer to those emissions because the term fugitive emissions has other meanings under part 63.

[191] Typical pressure transducers in use today are capable of responding to pressure changes once every fifty milliseconds. See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume IV: Compliance with the Hazardous Waste Combustor Standard," July 1999.

[192] See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume IV: Compliance With the Hazardous Waste Combustor Standards, July 1999, Chapters 2 and 3.

related. A 12-hour averaging period for feedrates is appropriate because it is the upper end of the range of time required to perform three runs of a comprehensive performance test. Thus, a 12-hour averaging period will ensure (if all other factors affecting emissions are constant) that emissions will not exceed performance test levels during any interval of time equivalent to the time required to conduct a performance test. A 12-hour averaging period is also achievable and appropriate from a compliance perspective because the emission standards are based on emissions data obtained over (roughly) these sampling periods.[193]

e. Has the Agency Over-Specified Compliance Requirements? Some commenters state that the Agency is over-specifying compliance requirements by requiring limits on many operating parameters, requiring dual ten-minute and hourly rolling average limits on many parameters, and requiring that sources interlock the operating parameter limits with the automatic waste feed cutoff system. These commenters wrote that this compliance regime may lead to system over-control and instability, and an unreasonable and unnecessary increase in automatic waste feed cutoffs, a result that is contrary to good process control principles. They propose that we work with industry to develop a process control system and performance specification regulatory approach to establish minimum system standards. These would include: (1) Minimum process instrument sampling time; (2) maximum calculation capability for output signals; (3) minimum standard for process control sequences; and (4) minimum requirements for incorporating automatic waste feed cutoffs into the control scheme. The specifications would be incorporated into guidance, rather than regulation. Commenters suggest that the rule should only specify general goals, similar to the guidance approach we took for hazardous waste incinerators in the 1981 RCRA regulations.[194]

We evaluated these comments carefully, balancing the need to provide industry with operational flexibility with the need for compliance assurance. As previously discussed, we are not adopting ten-minute averaging period requirements in this rulemaking, although it can be imposed on a site-specific basis under appropriate circumstances. This addresses commenter's concerns that relate to the complexity of the proposed dual averaging period requirements. We acknowledge, however, that today's rule requires that more operating parameter limits be interlocked to the automatic waste feed cutoff system than is currently required by RCRA regulations. Nonetheless, we conclude that the compliance regime of today's final rule is necessary to ensure compliance with the emission standards and will not overly constrain process control systems for the following reasons.

Automatic waste feed cutoffs are (by definition) automatic, and the control systems used to avoid automatic waste feed cutoffs require adequate response time and are primarily site-specific in design. The closer a source pushes the edge of the operating envelope, the better that control system must perform to ensure that an operating parameter limit (and emission standard) is not exceeded. Therefore, a source has extensive control over the impact of these requirements.

Under the compliance regime of today's rule, sources will continue to perform comprehensive performance testing under "worst case" conditions as they currently do under RCRA requirements to establish limits on operating parameters that are well beyond normal levels. This cushion between normal operating levels and operating parameter limits enables the source to take corrective measures well before a limit is about to be exceeded, thus avoiding an automatic waste feed cutoff.

Regulatory officials do not have the extensive resources that would be required to develop and implement industry-specific control guidelines and we are not confident that this approach would provide adequate compliance assurance. Although specifying only emissions standards and leaving the compliance method primarily up to the source and the permit writer (aided by guidance) would provide flexibility, it would place a burden on the permit writers and the source during the development and approval of the performance test plan and the finding of compliance subsequent to Notification of Compliance. In addition, this level of interaction between permitting officials and the source is contrary to our policy of structuring the MACT standards to be as self-implementing as possible.[195] The Agency therefore maintains its position that the compliance scheme adopted in today's rule, is appropriate.

f. Why Isn't Risk Considered in Determining Averaging Periods? Several commenters state that long averaging periods (e.g., monthly metal feedrate rolling averages) for the operating parameter limits and CEMS-monitored emission standards would be appropriate. These commenters believe that long averaging periods would be appropriate given that the Agency has performed a risk assessment and concluded that the emission standards would be protective over long periods of exposure. They state that long averaging periods would ensure that emissions are safe and reduce compliance costs.

Consideration of risk is not an appropriate basis for determining averaging periods to ensure compliance with the technology-based MACT emission standards.[196] As previously stated, we must establish averaging periods that ensure compliance with the emission standard for time durations equivalent to the emission sampling periods used to demonstrate compliance. Longer averaging periods would not ensure compliance with the emission standard because many of the operating parameters do not relate to emissions linearly.

In addition, a longer averaging period is not warranted even for those operating parameters than may relate linearly to emissions because this would allow a source to emit hazardous air pollutants in excess of the emission standard for times periods equivalent to the stack emission sampling periods used to demonstrate compliance. For example, a monthly averaging period for metal feedrates could result in a source emitting metals at a level three times the regulatory standard continuously for a one week period.[197] This would not be consistent with the level of control that was achieved by the best performing sources in our data base. Modifying the results of the MACT process based on risk considerations is thus contrary to Congressional intent that MACT

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[193] See *Chemical Waste Management* v. *EPA*, 976 F.2d, 2, 34 (D.C. Cir. 1992) (It is inherently reasonable to base compliance on the same type of data used to establish the requirement).

[194] The incinerator regulations promulgated in 1981, at the outset of the RCRA regulatory program, used such a general guidance approach. However, sources have had over 15 years since then to gain experience with process control techniques associated with the combustion of hazardous waste.

[195] The time that would be associated with this type of review and negotiation between permit writer and source would be better spent on developing, reviewing, and approving the comprehensive performance test plan under today's compliance regime.

[196] We note, however, that within eight years of promulgating MACT standards for a source category, we must consider risk in determining under section 112(f) whether standards more stringent than MACT are necessary to provide an ample margin of safety to protect public health and the environment.

[197] For this to occur, the source would have to emit metals far below the standard for time periods before and after this one-week period.

standards, at a minimum, must represent the level of control being achieved by the average of the best performing 12 percent of the sources. We therefore conclude that we must limit averaging times at least to time durations equivalent to the emission sampling periods used to demonstrate compliance.

g. Will Relaxing Feedrate Averaging Times Increase Environmental Loading? One commenter questions whether relaxing the averaging time for the feedrate of metals and chlorine from an hourly rolling average under current RCRA regulations to the 12-hour rolling average of today's rule would increase total environmental loading of pollutants and be counter to the Agency's pollution prevention objectives. Contrary to the commenter's concern, we conclude that today's rule will decrease environmental loading of hazardous air pollutants because the emission standards are generally more stringent than current RCRA standards. Today's standards more than offset any difference in environmental loading associated with longer averaging times. As previously discussed, the averaging periods in today's rule were chosen to ensure compliance with the emission standard for intervals of time equivalent to the time required to conduct a performance test.

Although current RCRA standards generally establish hourly rolling averages for the feedrate of metals, sources are actually allowed to establish up to 24-hour rolling averages for arsenic, beryllium, chromium, cadmium, and lead, provided they restrict the feedrate of these metals at any time to ten times what would be normally allowed under an hourly rolling average basis. For these reasons, the commenter's concern is not persuasive.

3. How Are Performance Test Data Averaged To Calculate Operating Parameter Limits?

The rule specifies which of two techniques you must use to average data from the comprehensive performance test to calculate limits on operating parameters: (1) Calculate the limit as the average of the maximum (or minimum, as specified) rolling averages for each run of the test; or (2) calculate the limit as the average of the test run averages for each run of the test.

Hourly rolling averages for two parameters—combustion gas flowrate (or kiln production rate as a surrogate) and hazardous waste feedrate—are based on the average of the maximum hourly rolling averages for each run. Hourly rolling average and 12-hour rolling average limits for all other parameters, however, are based on the average level occurring during the comprehensive performance test. We determined that this more conservative approach is appropriate for these parameters because they can have a greater effect on emissions, and because it is consistent with how manual method emissions results are determined.[198]

These are examples of how the averages work. The hourly rolling average hazardous waste feedrate limit for a source is calculated using the first technique. If the highest hourly rolling averages for each run of the comprehensive performance test were 200 lbs/hour, 210 lbs/hr, 220 lbs/hr, the hourly rolling average feedrate limit would be 210 lbs/hr.

The second approach uses the average of the test run averages for a given test condition to calculate the limit. Each test run average is calculated by summing all the one-minute readings within the test run and dividing that sum by the number of one-minute readings. For example, if: (1) The sum of all the one-minute semivolatile metal feedrate readings for each run within a test condition is 2,400 lbs/hour, 2,500 lbs/hour, and 2,600 lbs/hour; and (2) there are 240, 250, and 200 one-minute readings in each run, respectively; then (3) the average feedrate for each of these three runs is 10 lbs/hour, 10 lbs/hour, and 13 lbs/hour, respectively. The 12-hour rolling average semivolatile metal feed rate limit for this example is the average of these three values: 11 lbs/hour. This averaging methodology is not equivalent to an approach where the limit is calculated by taking the time-weighted average over all three runs within the test condition, because, as noted by the example, sampling times may be different for each run. The time-weighted average feedrate over all three test runs for the previous example is equivalent to 10.9 lbs/hr.[199] Although the two averaging techniques may not result in averages that are significantly different, we conclude that basing the limits on the average of the test run averages is more appropriate, because this approach is identical to how we determine compliance with the emission standards.

These averaging techniques are the same as we proposed (see 61 FR at 17418).[200] A number of commenters object to the more conservative second technique of basing the limits on the average levels that occur during the test. The commenters claim that this approach ensures a source would not comply with the limits 50% of the time when operating under the same conditions as the performance test. Further, they are concerned that this approach would establish operating parameter limits that would "ratchet" emissions to levels well below the standards, and further ratcheting would occur with each subsequent performance test (i.e., because the current operating limits could not be exceeded during subsequent performance testing). Some commenters prefer the approach of setting the limit as the average of the highest (or lowest) rolling average from each run, technique one above, which is the same approach used in the BIF rule.

Notwithstanding the conservatism of the promulgated approach (technique two above) for many operating parameter limits, we maintain that the approach results in achievable limits and is necessary to ensure compliance with the emission standards. Comprehensive performance tests are designed to demonstrate compliance with the emission standards and establish corresponding operating parameter limits. Thus, sources will operate under "worst-case" conditions during the comprehensive performance tests, just as they do currently for RCRA trial burns. Given that the source can readily control (during the performance test and thereafter) the parameters for which limits are established based on the average of the test run averages during performance testing (i.e., rather than on the average of the highest (or lowest) hourly rolling averages), and that these parameters will be at their extreme levels during the performance test, the limits are readily achievable.

There may be situations, however, where a source cannot simultaneously demonstrate worst-case operating conditions for all the regulated operating parameters. An example of this may be minimum combustion chamber temperature and maximum temperature at the inlet to the dry particulate matter control device because when the combustion chamber temperature is minimized, the inlet temperature to the control device may also be minimized. Sources should consult permitting officials to resolve

[198] Manual method emission test results for each run represents average emissions over the entire run.

[199] This time weighted average is calculated by summing all the one-minute feedrate values in the test condition and dividing that sum by the number of one minute readings in the test condition.

[200] Except that average hourly rolling average limits are calculated as the average of the test run averages rather than simply the average over all runs as proposed.

compliance difficulties associated with conflicting operating parameters. Potential solutions to conflicting parameters could be to conduct the performance test under two different modes of operation to set these conflicting operating parameter limits, or for the Administrator to use the discretionary authority provided by § 63.1209(g)(2) to set alternative operating parameter limits.

We address commenters' concern that subsequent performance tests would result in a further ratcheting down of operating parameter limits by waiving the operating limits during subsequent comprehensive performance tests (see § 63.1207(h)). The final rule also waives operating limits for pretesting prior to comprehensive performance testing for a total operating time not to exceed 720 hours. See discussion in Part Five, Section VI for more information on this provision.

Some commenters suggest that we use a statistical analysis to determine rolling average limits, such that the limits are calculated as the mean plus or minus three standard deviations of all rolling averages for all runs. Commenters state that this would ensure that the operating parameter limits are achievable. If such an approach were adopted, there would be no guarantee that a source is maintaining compliance with the emission standards for the time durations of the manual stack sampling method used to demonstrate compliance during the comprehensive performance test. Such an approach could conceivably encourage a source to intentionally vary operating parameter levels during the comprehensive performance test to such an extent that the statistically-derived rolling average limits would be significantly higher than the true average of the test condition. This could also result in widely varying statistical correction factors from one source to another, which is undesirable for reasons of consistency and fairness.

Such a statistical approach prevents us from establishing the minimum emission standards that Congress generally envisioned under MACT because we would not be assured that the sources are achieving the emission standard. We would also have difficulty estimating environmental benefits if this statistical approach were used because we would not know what level of emission control each source achieves. Again, the methodology promulgated for averaging performance test data to calculate operating parameter limits results in limits that are achievable and necessary to ensure compliance with the emission standards for time durations equivalent to emission sampling periods.

Several commenters oppose the compliance regime whereby limits on operating parameters are established during performance testing. They are concerned that this approach encourages sources to operate under worst-case conditions during testing. One commenter states that this approach effectively punishes sources for demonstrating emissions during their performance test that are lower than the standards (i.e., by establishing limits on operating parameters that would be well below those needed to comply with the standards).

We understand these concerns, but absent the availability of continuous emissions monitoring systems, we are unaware of another compliance assurance approach that effectively addresses the (perhaps unique) problem posed by hazardous waste combustors. The Agency is using this same approach to implement the RCRA regulations for these sources. Compliance assurance for hazardous waste combustors cannot be maintained using the general provisions of Subpart A in Part 63—procedures that apply to all MACT sources unless we promulgate superseding provisions for a particular source category. Those procedures require performance testing under normal operating conditions, but operating limits are not established based on performance test operations. This approach is appropriate for most industrial processes because process constraints and product quality typically limit "normal" operations to a fairly narrow range that is easily defined.

Hazardous waste combustors may be somewhat unique MACT sources, however, in that the characteristics of the hazardous waste feed (e.g., metals concentration, heating value) can vary over a wide range and have a substantial effect on emissions of hazardous air pollutants. In addition, system design, operating, and maintenance features can substantially affect pollutant emissions. This is not the same situation for many other MACT source categories where feedstream characteristics and system design, operation, and maintenance features must be confined to a finite range so that the source can continue to produce a product. Hazardous waste incinerators do not have such inherent controls (i.e., because they provide a waste treatment service rather than produce a product), and cement and lightweight aggregate kilns can vary substantially hazardous waste characteristics in the fuel, as well as system design, operation, and maintenance features and still produce marketable product.

To address commenters' concerns at least in part, however, we have included a metals feedrate extrapolation provision in the final rule. This will reduce the incentive to spike metals in feedstreams during performance testing (and thus reduce the cost of testing, the hazard to test crews, and the environmental loading) by explicitly allowing sources to request approval to establish metal feedrate limits based on extrapolating upward from levels fed during performance testing. See discussion in Section VII.D.4 below, and §§ 63.1209(l)(1) and 63.1209(n)(2)(ii).

4. How Are the Various Types of Operating Parameters Monitored or Established?

The operating parameters for which you must establish limits can be categorized according to how they are monitored or established as follows: (1) Operating parameters monitored directly with a continuous monitoring system; (2) feedrate limits; and (3) miscellaneous operating parameters. (Each of these parameters is discussed in Section VII.D below.)

a. What Operating Parameters Are Monitored Directly with a Continuous Monitoring System? Operating parameters that are monitored directly with a continuous monitoring system include: Combustion gas temperature in the combustion chamber and at the inlet to a dry particulate matter control device; baghouse pressure drop; for wet scrubbers, pressure drop across a high energy wet scrubber (*e.g.*, venturi, calvert), liquid feed pressure, pH, liquid-to-gas ratio, blowdown rate (coupled with either a minimum recharge rate or a minimum scrubber water tank volume or level), and scrubber water solids content; minimum power input to each field of an electrostatic precipitator; flue gas flowrate or kiln production rate; hazardous waste flowrate; and adsorber carrier stream flowrate. These operating parameters are monitored and recorded on a continuous basis during the comprehensive performance test and during normal operations. The continuous monitoring system also transforms and equates the data to its associated averaging period during the performance test so that operating parameter limits can be established. The continuous monitoring system must operate in conformance with § 63.1209(b).

b. How Are Feedrate Limits Monitored? Feedrate limits are monitored by knowing the concentration of the regulated parameter

in each feedstream and continuously monitoring the flowrate of each feedstream. See § 63.1209(c)(4). You must establish limits on the feedrate parameters specified in § 63.1209, including: semivolatile metals, low volatile metals, mercury; chlorine, ash (for incinerators), activated carbon, dioxin inhibitor, and dry scrubber sorbent. The flowrate continuous monitoring system must operate in conformance with § 63.1209(b).

c. How Are the Miscellaneous Operating Parameters Monitored/ Established? Other operating parameters specified in § 63.1209 include: Specifications for activated carbon, acid gas sorbent, catalyst for catalytic oxidizers, and dioxin inhibitor; and maximum age of carbon in a carbon bed. Because each of these operating parameters may be unique to your source, you are expected to characterize the parameter (*e.g.*, using manufacturer specifications) and determine how it will be monitored and recorded. This information must be included in the comprehensive performance test plan that will be reviewed and approved by permitting officials.

5. How Are Rolling Averages Calculated Initially, Upon Intermittent Operations, and When the Hazardous Waste Feed Is Cut Off?

a. How Are Rolling Averages Calculated Initially? You must begin complying with the limits on operating parameters specified in the Documentation of Compliance on the compliance date.[201] See § 63.1209(b)(5)(i). Given that the one-hour, and 12-hour rolling averages for limits on various parameters must be updated each minute, this raises the question of how rolling averages are to be calculated upon initial startup of the rolling average requirements. We have determined that an operating parameter limit will not become effective on the compliance date until you have recorded enough monitoring data to calculate the rolling average for the limit. For example, the hourly rolling average limit on the temperature at the inlet to an electrostatic precipitator does not become effective until you have recorded 60 one-minute average temperature values on the compliance date. Given that compliance with the standards begins nominally at 12:01 am on the compliance date, the hourly rolling average temperature limit does not become effective as a practical matter until 1:01 am on the compliance date. Similarly, the 12-hour rolling average limit on the feedrate of mercury does not become effective until you have recorded 12 hours of one-minute average feedrate values after the compliance date. Thus, the 12-hour rolling average feedrate limits become effective as a practical matter at 12:01 pm on the compliance date.

Although we did not specifically address this issue at proposal, commenters raised the question in the context of CEMS. Given that the same issue applies to all continuous monitoring systems, we adopt the same approach for all continuous monitoring systems, including CEMS. See discussion below in Section VII.C.5.b. We adopt the approach discussed here because a rolling average limit on an operating parameter does not exist until enough one-minute average values have been obtained to calculate the rolling average.

b. How Are Rolling Averages Calculated upon Intermittent Operations? We have determined that you are to ignore periods of time when one-minute average values for a parameter are not recorded for any reason (*e.g.*, source shutdown) when calculating rolling averages. See § 63.1209(b)(5)(ii). For example, consider how the hourly rolling average for a parameter would be calculated if a source shuts down for yearly maintenance for a three week period. The first one-minute average value recorded for the parameter for the first minute of renewed operations is added to the last 59 one-minute averages before the source shutdown for maintenance to calculate the hourly rolling average.

We adopt this approach for all continuous monitoring systems, including CEMS (see discussion below in Section VII.C.5.b) because it is simple and reasonable. If, alternatively, we were to allow the "clock to be restarted" after an interruption in recording parameter values, a source may be tempted to "clean the slate" of high values by interrupting the recording of the parameter values (*e.g.*, by taking the monitor off-line for a span or drift check). Not only would this mean that operating limits would not be effective again until an averaging period's worth of values were recorded, but it would be contrary to our policy of penalizing a source for operating parameter limit exceedances by not allowing hazardous waste burning to resume until the parameter is within the limit. Not being able to burn hazardous waste during the time that the parameter exceeds its limit is intended to be an immediate economic incentive to minimize the frequency, duration, and intensity of exceedances.

c. How Are Rolling Averages Calculated when the Hazardous Waste Feed Is Cut Off? Even though the hazardous waste feed is cut off, you must continue to monitor operating parameters and calculate rolling averages for operating limits. See § 63.1209(b)(5)(iii). This is because the emission standards and operating parameter limits continue to apply even though hazardous waste is not being burned. See, however, the discussion in Part Five, Sections I.C and I.D above for exceptions (*i.e.*, when a hazardous waste combustor is not burning hazardous waste, the emission standards and operating requirements do not apply: (1) During startup, shutdown, and malfunctions; or (2) if you document compliance with other applicable CAA section 112 or 129 standards).

6. How Are Nondetect Performance Test Feedstream Data Handled?

You must establish separate feedrate limits for semivolatile metal, low volatile metal, mercury, total chlorine, and/or ash for each feedstream for which the comprehensive performance test feedstream analysis determines that these parameters are not present at detectable levels. The feedrate limit must be defined as nondetect at the full detection limit achieved during the performance test. See § 63.1207(n).

You will not be deemed to be exceeding this feedrate limit when detectable levels of the constituent are measured, provided that: (1) Your total system constituent feedrate, considering the detectable levels in the feedstream (whether above or below the detection limit achieved during the performance test) that is limited to nondetect levels, is below your total system constituent feedrate limit; or (2) except for ash, your uncontrolled constituent emission rate for all feedstreams, calculated in accordance with the procedures outlined in the performance test waiver provisions (see § 63.1207(m)) are below the applicable emission standards.

We did not address in the April 1996 NPRM how you must handle nondetect compliance test feedstream results when determining feedrate limits, nor did commenters suggest an approach. After careful consideration, we conclude that the approach presented above is reasonable and appropriate.

The LWAK industry has expressed concern about excessive costs with compliance activities that would be needed for the mercury standard. They

[201] The operating parameters for which you must specify limits are provided in § 63.1209. You must include these limits in the Documentation of Compliance, and you must record the Documentation of Compliance in the operating record.

claim that the increased costs associated with achieving lower mercury detection limits are large, and does not result in significant environmental benefits.

The final rule includes four different methods an LWAK can use to comply with the mercury emission standard in order to provide maximum flexibility. The basic compliance approach (described below) does not require an LWAK to achieve specified minimum mercury detection limits for mercury standard compliance purposes.[202] Under this approach, analytical procedures that achieve given detection limits are evaluated on a site-specific basis as part of the waste analysis plan review and approval process, which is submitted as part of the performance test plan. An LWAK can make the case to the regulatory official that the increased costs associated with achieving a very low mercury detection limit is not warranted. We therefore do not believe that the LWAK industry will incur significant additional analytical costs over current practices for daily mercury compliance activities. We acknowledge, however, that site-specific circumstances may lead a regulatory official to conclude that lower detection limits are warranted. To better understand this concept, the following paragraphs summarize this basic mercury emission standard compliance scheme and discusses why a regulatory official may determine, on a site-specific basis, that lower detection limits are needed to better assure compliance with the emission standard.

Under this basic approach, the source conducts a performance test and samples the emissions for mercury to demonstrate compliance with the emission standard. To ensure compliance with the emission standard during day-to-day operations, the source must comply with mercury feedrate limits that are based on levels achieved during the performance test. A source must establish separate mercury feedrate limits for each feed location. As previously discussed in this section, for feedstreams where mercury is not present at detectable levels, the feedrate limit must be defined as "nondetect at the full detection limit".

There is no regulatory requirement for a source to achieve a given detection limit under this approach. We acknowledge, however, that feedstream detection limits can be high enough such that a mercury feedrate limit that is based on nondetect performance test results may not completely ensure compliance with the emission standard during day-to-day operations. For example, the LWAK industry has indicated that a hazardous waste mercury detection limit of 2 ppm is reasonably achievable at an on-site laboratory. If we assume that mercury is present in the hazardous waste at a concentration of 1.99 ppm (just below the detection limit), the expected mercury emission concentration would be approximately 80 µg/dscm, which is above the standard.[203] (Note also that this does not consider mercury emission contributions from the raw material.) This is not to say that this LWAK will be exceeding the mercury emission standard during day-to-day operations. However, their inability to achieve low mercury detection limits results in less assurance that the source is continuously complying with the emission standard.

The regulatory official should consider such emission standard compliance assurance concerns when reviewing the waste analysis plan to determine if lower detection limits are appropriate (if, in fact such lower detection limits are reasonably achievable). Factors that should be considered in this review should include: (1) The costs associated with achieving lower detection limits; and (2) the estimated maximum mercury concentrations that can occur if the source's feedstreams contain mercury just below the detection limit (as described above).

C. Which Continuous Emissions Monitoring Systems Are Required in the Rule?

Although the final rule does not require you to use continuous emissions monitoring systems (CEMS) for parameters other than carbon monoxide, hydrocarbon, oxygen, and particulate matter[204] we have a strong preference for CEMS because they: (1) Are a direct measure of the hazardous air pollutant or surrogate for which we have established emission standards; (2) lead to a high degree of certainty regarding compliance assurance; and (3) allow the public to be better informed of what a source's emissions are at any time. Additionally, from a facility standpoint, CEMs provide you with real time feedback on your combustion operations and give you a greater degree of process control. Therefore, we encourage you to use CEMS for other parameters such as total mercury, multimetals, hydrochloric acid, and chlorine gas. You may use the alternative monitoring provision of § 63.8(f) to petition the Administrator (i.e., permitting officials) to use CEMS to document compliance with the emission standards in lieu of emissions testing and the operating parameter limits specified in § 63.1209. You may submit the petition at any time, such as with the comprehensive performance test plan. See Section VII.C.5.c below for a discussion of the incentives for using CEMS.

In this section, we discuss the status of development of particular CEMS and provide guidance on issues that pertain to case-by-case approval of CEMS in lieu of compliance using operating parameter limits and periodic emissions testing. Key issues include appropriate CEMS performance specifications, reference methods for determining the performance of CEMS, averaging periods, and temporary waiver of emission standards if necessary to enable sources to correlate particulate matter CEMS to the reference method.

1. What Are the Requirements and Deferred Actions for Particulate Matter CEMS?

In the April 1996 NPRM, we proposed the use of particulate matter CEMS to document compliance with the particulate matter emission standards. Particulate matter CEMS are used for compliance overseas[205], but are not yet a regulatory compliance tool in the U.S. Concurrent with this proposal, we undertook a demonstration of particulate matter CEMS at a hazardous waste incinerator to determine if these CEMS were feasible in U.S. applications. We selected the test incinerator as representative of a worst-case application for a particulate matter CEMS at any hazardous waste

[202] The other three approaches are (1) performance test waiver provisions (see preamble, part 5, section X.B); (2) alternative standards when raw materials cause an exceedance of the emission standard (see preamble, part 5, section X.A); and, (3) alternative mercury standards for kilns that have non-detect levels of mercury in the raw material (see preamble, part 5, section X.A). These mercury standard compliance alternatives require a source to achieve feedstream detection limits that either ensure compliance with an emission standard or ensure compliance with a hazardous waste feedrate limit that is used in lieu of a numerical emission standard. See previous referenced preamble for further discussion.

[203] This assumes that all the mercury fed to the unit is emitted, and is based on typical LWAK gas emission rates.

[204] The final rule requires that particulate matter CEMS be installed, but defers the effective date of the requirement to install, calibrate, maintain, and operate PM CEMS until these actions can be completed.

[205] The EU guidelines for hazardous waste combustion state that particulate matter is a parameter for which compliance must be documented continuously. In addition, proposals from vendors that we received in response to our February 27, 1996 NODA (see 61 FR 7262) indicate that there are many installations elsewhere overseas where particulate matter CEMS are used for compliance assurance.

combustor. It was important to document feasibility of the CEMS at a worst-case application to minimize time and resources needed to determine whether the CEMS were suitable for compliance assurance at all hazardous waste combustors.

We published preliminary results of our CEMS testing and sought comment on our approach to demonstrating particulate matter CEMS in the March 1997 NODA. We then revised our approach and sought comment on the final report in the December 1997 NODA. The December 1997 NODA also clarified several issues that came to light during the demonstration test pertaining to the manual reference method, particulate matter CEMS, and general quality assurance issues. These clarifications were embodied in a new manual method, Method 5–I (Method 5i), a revision to the proposed Performance Specification 11 for particulate matter CEMS, and a new quality assurance procedure, Procedure 2.

We believe that our tests adequately demonstrate that particulate matter CEMS are a feasible, accurate, and reliable technology that can and should be used for compliance assurance. In addition, preliminary analyses of the cost of PM CEMS applied to hazardous waste combustors suggest that these costs are reasonable. Accordingly, the final rule contains a requirement to install PM CEMS. However, we agree with comments that indicate a need to develop source-specific performance requirements for particulate matter CEMS and to resolve other outstanding technical issues. These issues include all questions related to implementation of the particulate matter CEMS requirement (i.e. relation to all other testing, monitoring, notification, and recordkeeping), relation of the particulate matter CEMS requirement to the PM emission standard, as well as technical issues involving performance, maintenance and correlation of the particulate matter CEMS itself. These issues will be addressed in a subsequent rulemaking. Therefore, we defer the effective date of this requirement pending further testing and additional rulemaking.

As a result, in today's final rule, we require that particulate matter CEMS be installed at all hazardous waste burning incinerators, cement kilns, and lightweight aggregate kilns. However, since we have not finalized the performance specifications for the use of these instruments or resolved some of the technical issues noted above, we are deferring the effective date of the requirement to install, calibrate, maintain and operate particulate matter CEMS until these actions can be completed. The particulate matter CEMS installation deadline will be established through future rulemaking, along with other pertinent requirements, such as final Performance Specification 11, Appendix F Procedure 2. Finally, it should be noted that EPA has a concurrent rulemaking process underway for nonhazardous waste burning cement kilns and plans to adopt the same approach in that rule.

2. What Are the Test Methods, Specifications, and Procedures for Particulate Matter CEMS?

a. What Is Method 5i? We promulgate in the final rule a new manual method for measuring particulate matter, Method 5i. See appendix A to part 60. We first published this new method in the December 1997 NODA. One outgrowth of these particulate matter CEMS demonstration tests is that we made significant improvements in making low concentration Method 5 particulate measurements. We first discussed these improvements in the preliminary report released in the March 1997 NODA, and commenters to that NODA ask that these improvements be documented. We documented these improvements by creating Method 5i.

We incorporated the following changes to Method 5 into Method 5i: Improved sample collection; minimization of possible contamination; Improved sample analysis; and an overall emphasis on elimination of systemic errors in measurement. These improvement achieved significant improvements in method accuracy and precision at low particulate matter concentrations, relative to Method 5.

We are promulgating Method 5i today, in advance of any particulate matter CEMS requirement, for several reasons. We expect this new method will be preferred in all cases where low concentration (i.e., below 45 mg/dscm (~0.02 gr/dscf) [206]) measurements are required for compliance with the standard. Given that all incinerators, nearly all lightweight aggregate kilns, and some cement kilns are likely to have emissions lower than 45 mg/dscm, we expect that Method 5i will become the particulate method of choice for most hazardous waste combustors. In addition, we expect that Method 5i will be used to correlate manual method results to particulate matter CEMS outputs for those sources that elect to petition the Administrator to use a CEMS in lieu of operating parameter limits for compliance assurance with the particulate matter standard.[207] This is because, unlike the worst-case particulate matter measurements normally used to verify compliance with the standard, low (or lower than normal) concentration particulate matter data are required to develop a good correlation between the CEMS output and the manual, reference method.

Many of the issues commenters raise relate to how Method 5i should be used to correlate particulate matter CEMS outputs to manual method measurements. Even though we are deferring a CEMS requirement, we address several key issues here given that sources may elect to petition the Administrator under § 63.8(f) to use a CEMS. This discussion may provide a better understanding on our thinking on particulate matter CEMS issues. In addition, certain comments are specific to how Method 5i is performed. These comments and our responses are relevant even if you use Method 5i only as a stack particulate method and not to correlate a particulate matter CEMS to the reference method.

i. Why Didn't EPA Validate Method 5i Against Method 5? Several commenters recommend that we perform a full Method 301 validation to confirm that Method 5i is equivalent to Method 5. We determined that a full Method 301 validation is not necessary because the differences in the two methods do not constitute a major change in the way particulate samples are collected from an operational or an analytical standpoint. We validated the filter extraction and weighting process—the only modification from Method 5 (see "Particulate Matter CEMS Demonstration Test Final Report," Appendix A, in the Technical Support Document [208]) " and documented that Method 5i gives nearly identical results as Method 5. Therefore, we disagree with the commenters' underlying concern and conclude that Method 5i has been validated.

ii. When Are Paired Trains Required? We have included in Method 5i a requirement that paired trains must be

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[206] As noted later in the text, the filter and assembly used for Method 5i is smaller than the one used for Method 5. This means that the Method 5i filter plugs more easily than the one used for Method 5. This issue becomes important at particulate matter concentrations above 45 mg/dscm, or 0.02 gr/dscf.

[207] As alluded to previously, sources may elect to use a CEMS to comply with the numerical value of the particulate matter emission standard on a six-hour rolling average in lieu of complying with operating parameter limits specified by § 63.1209(m).

[208] See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume IV: Compliance With the Hazardous Waste Combustor Standards," July 1999.

used to increase method precision. This requirement applies whether you use Method 5i to demonstration compliance with the emission standard or to correlate a particulate matter CEMS. In addition, if you elect to petition the Administrator for approval to use a particulate matter CEMS and elect to use Method 5 to correlate the CEMS, you must also obtain paired Method 5 data to improve method precision and, thus, the correlation.

During our CEMS testing, we collected particulate matter data using two simultaneously-conducted manual method sampling trains. We called the results from these simultaneous runs "paired data." We discussed the use of paired trains in the December 1997 NODA as being optional but requested comment on whether we should require paired trains, state a strong preference for them, or be silent on the issue. Many commenters believe paired trains should be used at all times so precision can be documented. With these comments in mind, and consistent with our continued focus on the collection of high quality emission measurements, we include a requirement in Method 5i to obtain paired data. Method 5i also includes a minimum acceptable relative standard deviation between these data pairs. As discussed below, both data in the pair are rejected if the data exceed the acceptable relative standard deviation.

To improve the correlation between the manual method and a particulate matter CEMS, we also recommend that sources electing to use Method 5 also obtain paired Method 5 data. Again, data sets that exceed an acceptable relative standard deviation, as discussed below, should be rejected. This recommendation will be implemented during the Administrator's review of your petition requesting use a particulate matter CEMS. If you elect to correlate the CEMS using Method 5, you are expected to include in your petition a statement that you will obtain paired data and will conform with our recommended relative standard deviation for the paired data.

iii. What Are the Procedures for Identifying Outliers? We have established maximum relative standard deviation values for paired data for both Method 5i and Method 5. If a data pair exceed the relative standard deviation, the pair is identified as an outlier and is not considered in the correlation of a particulate matter CEMS with the reference method. In addition, Method 5i pairs that exceed the relative standard deviation are considered outliers and cannot be used to document compliance with the emission standard.

In the initial phase of our CEMS tests, we established a procedure for eliminating imprecise data. This consisted of eliminating a set of paired data if the data disagree by more than some previously established amount. Two identical methods running at the same time should yield the same result; if they do not, the precision of both data is suspect. Commenters agree with the need to identify and eliminate imprecise data to enhance method precision. This is an especially important step when comparing manual particulate matter measurements to particulate matter CEMS measurements. As a result, we include criteria in Method 5i to ensure data precision.

When evaluating the particulate matter CEMS Demonstration Test data, we screened the data to remove these precision outliers. Data outliers at that time were defined as paired data points with a relative standard deviation [209] of greater than 30 percent. We developed this 30% criterion by analyzing historical Method 5 data. Several commenters, including a particulate matter CEMS vendor with extensive European experience with correlation programs, recommend that we tighten the relative standard deviation criteria. We concur, because Method 5i is more precise than Method 5 given the improvements discussed above. Therefore, one would logically expect a reasonable precision criterion such as the relative standard deviation derived from Method 5i data to be less than a similarly reasonable one derived from Method 5 data. We investigated the particulate matter CEMS Demonstration Test data base as well other available Method 5i data (such as the data from a test program recently conducted at another US incinerator). We conclude that a 10% relative standard deviation for particulate matter emissions greater than or equal to 10 mg/dscm, increased linearly to 25% for concentrations down to 1 mg/dscm, is a better representation of acceptable, precise Method 5i paired data [210]. Data obtained at concentrations lower than 1 mg/dscm have no relative standard deviation limit.

The relative standard deviation criterion for Method 5 data used for particulate matter CEMS correlations continues to be 30%.

iv. Why Didn't EPA Issue Method 5i as Guidance Rather than Promulgating It as a Method? Most commenters state that Method 5i should be guidance rather than a published method and it should not be a requirement for performing particulate matter CEMS correlation testing or documenting compliance with the emission standard. In particular, several commenters in the cement kiln industry express concern over the limitations of Method 5i regarding the mass of particulate it could collect. This section addresses these concerns.

We have promulgated Method 5i as a method because it provides significant improvement in precision and accuracy of low level particulate matter measurements relative to Method 5. Consequently, although Method 5i is not a required method, we expect that permitting officials will disapprove comprehensive performance test plans that recommend using Method 5 for low level particulate levels. Further, we expect that petitions to use a particulate matter CEMS that recommend performance acceptance criteria (e.g., confidence level, tolerance level, correlation coefficient) based on correlating the CEMS with Method 5 measurements will be disapproved. This is because we expect the CEMS to be able to achieve better acceptance criteria values using Method 5i (because it is more accurate and precise than Method 5), and expect better relative standard deviation between test pairs (resulting in lower cost of correlation testing because fewer data would be screened out as outliers).

Given that we expect and want widespread use of Method 5i, and to ensure that its key provisions are followed, it is appropriate to promulgate it as a method rather than guidance. If the procedure were issued only as guidance, the source or stack tester could choose to omit key provisions, thus negating the benefits of the method.

Relative to the direct reference in Method 5i that the method is "most effective for total particulate matter catches of 50 mg or less," this means the method is most effective at hazardous waste combustors with particulate matter emissions below approximately 45 mg/dscm (~0.02 gr/dscf). This applicability statement is not intended to be a bright line; total train catches exceeding 50 mg would not invalidate

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[209] RSD, or "relative standard deviation", is a dimensionless number greater than zero defined as the standard deviation of the samples, divided by the mean of the samples. In the special case where only 2 data represent the sample, the mathematics of determining the relative standard deviation simplifies greatly to $|C_A - C_B|/(C_A + C_B)$, where C_A and C_B are the concentration results from the two trains that represent the pair.

[210] See Chapter 11, Section 2 of the technical background document for details on the statistical procedures used to derive these benchmarks: USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume IV: Compliance With the Hazardous Waste Combustor Standards," July 1999.

the method. Rather, we include this guidance to users of the method to help them determine whether the method is applicable for their source. Note that this statement is found in the applicability section of the method, rather than the method description sections that follow. As such, the reference is clearly an advisory statement, not a quality assurance criterion. Total train catches above 50 mg are acceptable with the method and the results from such trains can be used to document compliance with the emission standard and for correlating CEMS. But; users of Method 5i are advised that problems (such as plugging of the filter) may arise when emissions are expected to exceed 45 mg/dscm.[211]

v. What Additional Costs Are Associated with Method 5i? Commenters raise several issues regarding the additional costs of performing Method 5i testing relative to using Method 5. There is an added cost for the purchase of new Method 5i filter housings. These new lightweight holders are the key addition to the procedure needed to improve precision and accuracy and represent a one-time expense that emission testing firms or sources that perform testing in-house will have to incur to perform Method 5i. We do not view this cost as significant and conclude that the use of a light-weight filter housing is a reasonable and appropriate feature of the method.

Other commenters suggest that the requirement for pesticide-grade acetone in the version of Method 5i contained in the December 1997 NODA unnecessarily raises the cost of performing the method. Instead, they ask us to identify a performance level for the acetone instead of a grade requirement because it would allow test crews to meet that performance in the most economical manner. We agree that prescribing a certain type of acetone may unnecessarily increase costs and removed the requirement for pesticide-grade acetone. Accordingly, the same purity requirements cited in Method 5 for acetone are maintained for Method 5i. The prescreening of acetone purity in the laboratory prior to field use, consistent with present Method 5 requirements, is also maintained in Method 5i.

Commenters make similar cost-related comments relative to the requirement for Teflon® beakers. At the request of several commenters, we have expanded the requirement for Teflon® beakers to allow the use of beakers made from other similar light-weight materials. Because materials other than Teflon® can be used to fabricate light-weight breakers, changing the requirement from a technology basis to a performance basis will reduce costs while achieving the performance goals of the method.

There were no significant comments regarding the added cost of paired-train testing.

vi. What Is the Practical Quantification Limit of the Method 5i Filter Sample? We received several comments related to the minimum detection limit of Method 5i, including: the minimum sample required, guidance on how long to sample, what mass should ideally be collected on any filter, and the practical quantification limit.

Commenters are concerned that while we address the maximum amount of particulate matter the method could handle, we are silent on the issue of what minimum sample is required. This is important because analytical errors, such as weighing of the filters, tend to have the same error value associated with it irrespective of the mass loading. To address this concern, Method 5i provides guidance on determining the minimum mass of the collected sample based on estimated particulate matter concentrations.

Related to the particulate mass collection issue is the issue of how long a user of Method 5i needs to sample in order to an adequate amount of particulate on the filter. The amount of particulate matter collected is directly related to time duration of the sampling period, i.e., the longer one samples, the more particulate is collected and vice-versa. Therefore, Method 5i provides guidance on selecting a suitable sampling time based on the estimated concentration of the gas stream.

Both these issues directly relate to how much particulate matter should ideally be collected on any individual filter. Our experience indicates a minimum target mass is 10 to 20 mg.

Finally, we conclude that the targeted practical quantification limit for Method 5i is 3.0 mg of sample. Discussion of how this quantification limit is determined is highly technical and beyond the scope of this preamble. See the technical support document for more details.[212]

vii. How Are Blanks Used with Method 5i? Several commenters question the use of acetone blanks or made recommendations for additional blanks. We clarify in this section the collection and use of sample blank data.

We recognize that high blank results can adversely effect the analytical results, especially at low particulate matter concentrations. To avoid the effect high blank results can have on the analytical results, today's Method 5i adopts a strategy similar to several of the organic compound test procedures (such as Method 23 in part 60 and Method 0010 in SW–846) that require collection of blanks but do not permit correction to the analytical results. Collection and analysis of blanks remains an important component in the sampling and analysis process for documenting the quality of the data, however. If a test run has high blank results, the data may be suspect. Permitting officials will address this issue on a case-by-case basis.

The importance of minimizing contamination is stressed throughout Method 5i for both sample handling and use of high purity sample media. If proper handling procedures are observed, we expect that the blank values will be less than the method detection limit or within the value for constant weight determination (0.5 mg). Therefore, the allowance for blank correction that is provided in Method 5 is not permitted in Method 5i. The method also recommends several additional types of blanks to provide further documentation of the integrity and purity of the acetone throughout the duration of the field sampling program.

b. What Is the Status of Particulate Matter CEMS Performance Specification 11 and Quality Assurance/Quality Control Procedure 2? We are not finalizing proposed Performance Specification 11 and Quality Assurance/Quality Control Procedure 2 because the final rule does not require the use of particulate matter CEMS. We considered stakeholder comments on these documents, however, and have incorporated many comments into the current drafts. We plan to publish these documents when we address the particulate matter CEMS requirement. In the interim, we will make them available as guidance to sources that are

[211] Stack testers have developed ways to deal with plugging of a filter. Many stack testers simply remove the filter before it plugs, install a new, clean filter, and continue the sampling process where they left off with the old filter. The mass gain is then the total mass accumulated on all filters during the run. However, using multiple filters for a single run takes more time, not only to install the new filter but also to condition and weigh multiple filters for a single run. For Method 5i, it would also involve more capital cost because the stack tester would need more light-weight filter assemblies to perform the same number of runs. For these reasons and even though the situation can be acceptably managed, it is impractical to have the filter plug. This led to our recommendation that Method 5i is best suited for particulate matter (i.e., filter) loadings of at most 50 mg, or stack concentrations of less than 45 mg/dscm (roughly 0.02 gr/dscf).

[212] See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume IV: Compliance With the Hazardous Waste Combustor Standards," July 1999.

considering the option of using a particulate matter CEMS to document compliance.

c. How Have We Resolved Other Particulate Matter CEMS Issues? In this section we discuss two additional issues: (1) Why didn't we require continuous opacity monitors for compliance with the particulate matter standard for incinerators and lightweight aggregate kilns; and (2) can high correlation emissions testing runs exceed the particulate matter standard?

i. Why Didn't We Require Continuous Opacity Monitors for Compliance Assurance for Incinerators and Lightweight Aggregate Kilns? As discussed elsewhere in today's notice, we require cement kilns to use continuous opacity monitors (COMS) to comply with a 20 percent opacity standard to ensure compliance with the particulate matter emission standard. This is the opacity component of the New Source Performance Standard for particulate matter for Portland cement plants. See § 60.62. Because we are adopting the mass-based portion of the New Source Performance Standard for particulate matter as the MACT standard (i.e., 0.15 kg/Mg dry feed), the opacity component of the New Source Performance Standard is useful for compliance assurance.

We do not require that incinerators and lightweight aggregate kilns use opacity monitors for compliance assurance because we are not able to identify an opacity level that is achievable by sources using MACT control and that would ensure compliance with the particulate matter standards for these source categories. This is the same issue discussed above in the context of particulate matter CEMS and is the primary reason that we are not requiring use of these CEMS at this time.

Although we are requiring that cement kilns use COMS for compliance assurance, these monitors cannot provide the same level of compliance assurance as particulate matter CEMS. Opacity monitors measure a characteristic of particulate matter (i.e., opacity) and cannot correlate with the manual stack method as well as a particulate matter CEMS. COMS are particularly problematic for sources with small stack diameters (e.g., incinerators) and low emissions because both of these factors contribute to very low opacity readings which results in high measurement error as a percentage of the opacity value. Thus, we are obtaining additional data to support rulemaking in the near future to require use of particulate matter CEMS for compliance assurance.

Approximately 80 percent of hazardous waste burning cement kilns are not currently subject to the New Source Performance Standard and many of these sources may not be equipped with COMS that meet Performance Specification 1 in appendix B, part 60. Thus, many hazardous waste burning cement kilns will be required to install COMS, even though we intend to require use of particulate matter CEMS in the near future. We do not believe that this requirement will be overly burdensome, however, because sources may request approval to install particulate matter CEMS rather than COMS. See § 63.8(f). Our testing of particulate matter CEMS at a cement kiln will be completed well before sources need to make decisions on how best to comply with the COMS requirement of the rule. We will develop regulations and guidance on performance specifications and correlation criteria for particulate matter CEMS as a result of that testing, and sources can use that guidance to request approval to use a particulate matter CEMS in lieu of a COMS. We expect that most sources will elect to use this approach to minimize compliance costs over the long term.

ii. Can High Correlation Runs Exceed the Particulate Matter Standard? The final rule states that the particulate matter and opacity standards of parts 60, 61, 63, 264, 265, and 266 (i.e., all applicable parts of Title 40) do not apply during particulate matter CEMS correlation testing, provided that you comply with certain provisions discussed below that ensure that the provision is not abused. This provision, as the rest of the rule, is effective immediately. Thus, you need not wait for the compliance date to take advantage of this particulate matter CEMS correlation test provision.

We include this provision in the rule because many commenters question whether high correlation test runs that exceed the particulate matter emission standard constitute noncompliance with the standard. We have responded to this concern previously by stating that a single manual method test run that exceeds the standard does not constitute noncompliance with the standard because compliance is based on the average of a minimum of three runs.[213] We now acknowledge, however, that during high run correlation testing a source may need to exceed the emission standard even after averaging emissions across runs. Similarly, a source may need to exceed a particulate matter operating parameter limit. Given the benefits of compliance assurance using a CEMS, we agree with commenters that short-term excursions of the particulate matter standard or operating parameter limits for the purpose of CEMS correlation testing is warranted. The benefits that a CEMS provides for compliance assurance outweighs the short-term emissions exceedances that may occur during high end emissions correlation testing. Consequently, we have included a conditional waiver of the applicability of all Federal particulate matter and opacity standards (and associated operating parameter limits).

The waiver of applicability of the particulate matter and opacity emission standards and associated operating parameter limits is conditioned on the following requirements to ensure that the waiver is not abused. Based on information from commenters and expertise gained during our testing, the rule requires that you develop and submit to permitting officials a particulate matter CEMS correlation test plan along with a statement of when and how any excess emissions will occur during the correlation tests (i.e., how you will modify operating conditions to ensure a wide range of particulate emissions, and thus a valid correlation test). If the permitting officials fail to respond to the test plan in 30 days, you can proceed with the tests as described in the test plan. If the permitting officials comment on the plan, you must address those comments and resubmit the plan for approval.

In addition, runs that exceed any particulate matter or opacity emission standard or operating parameter limit are limited to no more than a total of 96 hours per correlation test (i.e., including all runs of all test conditions). We determined that the 96 hour total duration for exceedances for a correlation test is reasonable because it is comprised of one day to increase emissions to the desired level and reach system equilibrium, two days of testing[214] at the equilibrium condition followed by a return to normal equipment settings indicative of compliance with emissions standards and operating parameter limits, and one

[213] One exception is the destruction and removal efficiency standard, for which compliance is based on a single test run and not the average of three runs.

[214] The two days assumes sources will conduct a total of 18 runs, 6 runs in each of the low, medium, and high particulate matter emission ranges. To approve use of a particulate matter CEMS, we will likely require that a minimum of 15 runs comprise a correlation test. If this is the case, some runs will likely be eliminated because they fail method or source-specific quality assurance/quality control procedures.

day to reach equilibrium at normal conditions. Finally, to ensure these periods of high emissions are due to the *bona fide* need described here, a manual method test crew must be on-site and making measurements (or in the event some unforseen problem develops, prepared to make measurements) at least 24 hours after you make equipment or workplace modifications to increase particulate matter emissions to levels of the high correlation runs.

3. What Is the Status of Total Mercury CEMS?

We are not requiring use of total mercury CEMS in this rulemaking because data in hand do not adequately demonstrate nationally that these CEMS are reliable compliance assurance tools at all types of facilities. Nonetheless, we are committed to the development of CEMS that measure total mercury emissions and are continuing to pursue the development of these CEMS in our research efforts.

In the April 1996 NPRM, we proposed that total mercury CEMS be used for compliance with the mercury standards. We also said if you elect to use a multimetals CEMS that passed proposed acceptability criteria, you could use that CEMS instead of a total mercury CEMS to document compliance with the mercury standard. Finally, we indicated that if neither mercury nor multimetal CEMS were required in the final rule (*i.e.*, because they have not been adequately demonstrated), compliance assurance would be based on specified operating parameter limits.

In the March 1997 NODA, we elicited comment on early aspects of our approach to demonstrate total mercury CEMS. And, in the December 1997 NODA, we presented a summary of the demonstration test results and our preliminary conclusion that we were unable to adequately demonstrate total mercury CEMS at a cement kiln, a site judged to be a reasonable worst-case for performance of the total mercury CEMS. As new data are not available, we continue to adhere to this conclusion, and comments received in response to the December 1997 NODA concur with this conclusion. Therefore, we are not requiring total mercury CEMS in this rulemaking.

Nonetheless, the current lack of data to demonstrate total mercury CEMS at a cement kiln or otherwise on a generic bases (*i.e.*, for all sources within a category) does not mean that the technology, as currently developed, cannot be shown to work at particular sources. Consequently, the final rule provides you the option of using total mercury CEMS in lieu of complying with the operating parameter limits of § 63.1209(l). As for particulate matter and other CEMS, the rule allows you to petition the Administrator (*i.e.*, permitting officials) under § 63.8(f) to use a total mercury CEMS based on documentation that it can meet acceptable performance specifications, correlation acceptance criteria (*i.e.*, correlation coefficient, tolerance level, and confidence level). Although we are not promulgating the proposed performance specification for total mercury CEMS (Performance Specification 12) given that we were not able to document that a mercury CEMS can meet the specification in a (worst-case) cement kiln application, the proposed specification may be useful to you as a point of departure for a performance specification that you may recommend is achievable and reasonable.

4. What Is the Status of the Proposed Performance Specifications for Multimetal, Hydrochloric Acid, and Chlorine Gas CEMS?

We are not promulgating proposed Performance Specifications 10, 13, and 14 for multimetal, hydrochloric acid, and chlorine gas CEMS because we have not determined that the CEMS can achieve the specifications.

In the April 1996 NPRM, we proposed performance specifications for multimetal, hydrochloric acid, and chlorine gas CEMS to allow sources to use these CEMS for compliance with the metals and hydrochloric acid/chlorine gas standards. Given that we have not demonstrated that these CEMS can meet their performance specifications and our experience with a mercury CEMS where we were not able to demonstrate that the mercury CEMS could meet our proposed performance specification, we are not certain that these CEMS can meet the proposed performance specifications. Accordingly, it would be inappropriate to promulgate them.

As discussed previously, we encourage sources to investigate the use of CEMS and to petition permitting officials under § 63.8(f) to obtain approval to use them. The proposed performance specifications may be useful to you as a point of departure in your efforts to document performance specifications that are achievable and that ensure reasonable correlation with reference manual methods.

5. How Have We Addressed Other Issues: Continuous Samplers as CEMS, Averaging Periods for CEMS, and Incentives for Using CEMS?

a. Are Continuous Samplers a CEMS? Several commenters, mostly owner/operators of on-site incinerators, suggest that we should adjust certain CEMS criteria (*e.g.*, averaging period, response time) to allow use of a continuous sampler known as the 3M Method. The 3M Method is a continuous metals sampling system. It automatically extracts stack gas and accumulates a sample on a filter medium over any desired period—24 hours, days, or weeks. The sample is manually extracted, analyzed, and reported. Various incinerator operators are using or have expressed an interest in using this type of approach to demonstrate compliance with current RCRA metals emission limits. Many commenters contend that the 3M Method is a CEMS and that we developed our performance specifications for CEMS to exclude techniques like the 3M Method.

After careful analysis, we conclude that the 3M Method is not a CEMS. It does not meet our long-standing definition of a CEMS in parts 60 or 63. Specifically, it is not a fully automated piece(s) of equipment used to extract a sample, condition and analyze the sample, and report the results of the analysis in the units of the standard. Also, the 3M Method is unable to "complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period" as required by § 63.8(c)(4)(ii). As a result, making the subtle changes (*e.g.*, to the averaging period, response time) to our multimetal CEMS performance specification that commenters recommend would not alter the fact that the device does not automatically analyze the sample on the frequency required for a CEMS.

A continuous sampler (coupled with periodic analysis of the sample) is inferior to a CEMS for two reasons. First, if the sampling period is longer than the time it takes to perform three manual performance tests, compliance with the standard cannot be assured. Approaches like the 3M Method tend to have reporting periods on the order of days, weeks, or even a month. The reporting period is comprised of the time required to accumulate the sample and the additional time to analyze the sample and report results. Because the stringency of a standard is a function of both the numerical value of the standard and the averaging period (*e.g.*, at a given numerical limit, the longer the averaging period the less stringent the standard), a compliance approach having a sampling period greater than the 12 hours we estimate it may take to conduct three manual method stack test runs using Method 29 cannot ensure

compliance with the standard.[215] If the sampling period were greater than the time required to conduct three test runs, the numerical value of the standard would have to be reduced to ensure an equally stringent standard. Unfortunately, we do not know how to derive alternative emission limits as a function of the averaging period that would be equivalent to the emission standard. We raised this issue at proposal, and commenters did not offer a solution.

Second, the results from a continuous sampler are reported after the fact, resulting in higher excess emissions than with a CEMS. Depending on the sample analysis frequency, it could take days or weeks to determine that an exceedance has occurred and that corrective measures need to be taken. A CEMS can provide near real-time information on emissions such that exceedances can be avoided or minimized.

Absent the generic availability of multimetal CEMS, continuous samplers such as the 3M Method may nonetheless be a valuable compliance tool. We have acknowledged that relying on operating parameter limits may be an imperfect approach for compliance assurance. Sampling and analysis of feedstreams to determine metals feedrates can be problematic given the complexities of some waste matrices. In addition, the operating parameters for the particulate matter control device for which limits must be established may not always correlate well with the device's control efficiency for metals and thus metals emissions. Because of these concerns, we encourage sources to investigate the feasibility of multimetal CEMS. But, absent a CEMS, a continuous sampler may provide an attractive alternative or complement to some of the operating parameter limits under §§ 63.1209 (l) and (n). You may petition permitting officials under § 63.8(f) to use the 3M Method (or other sampler) as an alternative method of compliance with the emissions standards. Permitting officials will balance the benefits of a continuous sampler with the benefits of the operating parameter limits on a case-by-case basis.

b. What Are the Averaging Periods for CEMS and How Are They Implemented? We discuss the following issues in this section: (1) Duration of the averaging period; (2) frequency of updating the averaging period; and (3) how averaging periods are calculated initially and under intermittent operations.

i. What Is the Duration of the Averaging Period? We conclude that a six-hour averaging period is most appropriate for particulate matter CEMS, and a 12-hour averaging period is most appropriate for total mercury, multi metals, hydrogen chloride, and chlorine gas CEMS.

We proposed that the averaging period for CEMS (*i.e.*, other than carbon monoxide, hydrocarbon, and oxygen) be equivalent to the time required to conduct three runs of the comprehensive performance test using manual stack methods. As discussed above and at proposal, we proposed this approach because, to ensure compliance with the standard, the CEMS averaging period must be the same as the time required to conduct the performance test.[216]

Commenters suggest two general approaches to establish averaging periods for CEMS: technology-based and risk-based. Commenters supporting a technology-based approach favor our proposed approach and rationale where the time duration of three emissions tests would be the averaging period for CEMS. Commenters favoring a risk-based approach state that the averaging period should be years rather than hours because the risk posed by emissions at levels of the standard were not found to be substantial, assuming years of exposure. We disagree with this rationale. CEMS are an option (that sources may request under § 63.8(f)) to document compliance with the emission standard. As discussed above, if the averaging period for CEMS were longer than the duration of the comprehensive performance test, we could not ensure that a source maintains compliance with the standards.

Establishing an averaging period based on the time to conduct three manual method stack test runs is somewhat subjective. There is no fixed sampling time for manual methods—sampling periods vary depending on the amount of time required to "catch" enough sample. Thus, we have some discretion in selecting an averaging period using this approach. Commenters generally favor longer averaging periods as an incentive for using CEMS (i.e., because a limit is less stringent if compliance is based on a long versus short averaging period). We agree that choosing a longer averaging period would provide an incentive for the use of CEMS, but conclude that the selected averaging period must be within the range (i.e., high end) of times required to perform the three stack test runs.

We derive the averaging period for particulate matter CEMS as follows. Most particulate matter manual method tests are one hour in duration, but a few stack sampling companies sample for longer periods, up to two hours. Therefore, we use the high end of the range of values, 2 hours, as the basis for calculating the averaging period. We recommend a six-hour rolling average considering that it may require 2 hours to conduct each of three stack tests.

For mercury, multi-metals, hydrochloric acid, and chlorine gas CEMS, we recommend a 12-hour rolling averaging. The data base we used to determine the standards shows that the sampling periods for manual method tests for these standards ranged from one to four hours. Choosing the high end of the range of values, 4 hours, as the basis for calculating the averaging period, we conclude that a 12-hour rolling average would be appropriate.

ii. How Frequently Is the Rolling Average Updated? We conclude that the rolling average for particulate matter, total mercury, and multimetal CEMS should be updated hourly, while the rolling average for hydrochloric acid and chlorine gas CEMS should be updated each minute.

We proposed that all rolling averages would be updated every minute and would be based on the average of the one-minute block average CEMS observations that occurred over the averaging period. This proposed one-minute update is the same that is used for carbon monoxide and total hydrocarbon CEMS under the RCRA BIF regulations. (We are retaining that update frequency in the final rule for those monitors, and recommend it for hydrochloric acid and chlorine gas CEMS.)

Commenters favor selecting the frequency of updating the rolling average taking into account the variability of the CEMS and limitations concerning how the correlation data are collected. We agree with this approach, as discussed below.

1. Particulate Matter CEMS. Commenters said that particulate matter CEMS correlation tests are approximately one hour in duration and, if the rolling average were updated

[215] A technical support document for the February 1991 municipal waste combustor rule contains a good description of how not only the numerical limit, but the averaging period as well, determines the overall stringency of the standard. See Appendices A and B found in "Municipal Waste Combustion: Background Information for Promulgated Standards and Guidelines—Summary of Public Comments and Responses Appendices A to C", EPA–450/3–91–004, December 1990.

[216] Actually, the CEMS averaging period can be no longer than the time required to conduct three runs of the performance test to ensure compliance with the standard. Although compliance with the standard would be ensured if the CEMS averaging period were less than the time required to conduct the performance test, this approach would be overly stringent because it would ensure compliance with an emission level lower than the standard.

each minute, the CEMS would observe more variability in emissions within this one hour than the manual method (which is an average of those emissions during the hour). For this reason, we conclude it is reasonable that particulate matter CEMS data be recorded as a block-hour and that the rolling average be updated every hour as the average of the previous six block-hours. Updating the particulate matter CEMS every hour also means the number of compliance opportunities is the same irrespective of whether a light-scattering or beta-gage particulate matter CEMS is used (i.e., because beta-gage CEMS make observations periodically while light-scattering CEMS make observations continuously).

Furthermore, to ensure consistency with existing air rules governing CEMS other than opacity, a valid hour should be comprised of four or more equally spaced measurements during the hour. See § 60.13(h). This means that batch systems, such as beta gages, must complete one cycle of operation every 15 minutes, or more frequently if possible. See § 63.8(c)(4)(ii). CEMS that produce a continuous stream of data, such as light-scattering CEMS, will produce data throughout the hour.

You may not be able to have four valid 15-minute measurement in an hour, however, to calculate an hourly block-average. Examples include when the source shuts down or the CEMS produces flagged (i.e., problematic) data. In addressing this issue, we balanced the need for the average of the measurements taken during the hour to be representative of emissions during the hour with the need to accommodate problems with data availability that will develop. We conclude that a particulate matter CEMS needs to sample stack gas and produce a valid result from this sample for most of the hour. This means that the CEMS needs to be observing stack gas at least half (30 minutes, or two 15-minute cycles of operation) of the block-hour. Emissions from less than one hour might be unrepresentative of emissions during the hour, and on balance we conclude that this approach is reasonable. If a particulate matter CEMS does not sample stack gas and produce a valid result from that sample for at least 30 minutes of a given hour, the hour is not a valid block-hour. In documenting compliance with the data availability recommendation in the draft performance specification, invalid block-hours due to unavailability of the CEMS that occur when the source is in operation count against data availability. If the hour is not valid because the source was not operating for more than 30 minutes of the hour, however, the invalid block-hour does not count against the data availability recommendation.[217]

2. Total Mercury and Multimetal CEMS. As discussed for particulate matter CEMS, we also expect manual methods will be required to correlate total mercury and multimetal CEMS prior to using them for compliance. For the reasons discussed above in the context of particulate matter CEMS, we therefore recommend the observations from these CEMS be recorded as block-hour averages and that the 12-hour rolling average be updated every hour based on the average of the previous 12 block-hour averages.

3. Hydrochloric Acid and Chlorine Gas CEMS. Unlike the particulate matter, total mercury, and multimetal CEMS, hydrochloric acid and chlorine gas CEMS are likely to be calibrated using Protocol 1 gas bottles rather than correlated to manual method stack test results. Therefore, the variability of observations measured by the CEMS over some averaging period versus the duration of a stack test is not an issue. We conclude that it is appropriate to update the 12-hour rolling average for these CEMS every minute, as required for carbon monoxide and hydrocarbons CEMS.

iii. How Are Averaging Periods Calculated Initially and under Intermittent Operations?

1. Practical Effective Date of Rolling Averages for CEMS. As discussed in Part Five, Sections VII.B.4 above in the context of continuous monitoring systems in general, CEMS recordings will not become effective for compliance monitoring on the compliance date until you have recorded enough observations to calculate the rolling average applicable to the CEMS. For example, the six hourly rolling average for particulate matter CEMS does not become effective until you have recorded six block-hours of observations on the compliance date. Given that compliance with the standards begins nominally at 12:01 am on the compliance date, the six hour rolling average for particulate matter CEMS does not become effective as a practical matter until 6:01 am on the compliance date. Similarly, the 12-hour rolling average for a multimetal CEMS does not become effective until you have recorded 12 block-hours of observations after the compliance date. Thus, the 12-hour rolling average for multimetals CEMS becomes effective as a practical matter at 12:01 p.m. on the compliance date.

We adopt this approach simply because a rolling average does not exist until enough observations have been recorded to calculate the rolling average.

2. How Rolling Averages Are Calculated Upon Intermittent Operations. We have determined that you are to ignore periods of time when CEMS observations are not recorded for any reason (*e.g.*, source shutdown) when calculating rolling averages. For example, consider how the six hour rolling average for a particulate matter CEMS would be calculated if a source shuts down for yearly maintenance for a three week period. The first one-hour block average value recorded when the source renews operations is added to the last 5 one-hour block averages recorded before the source shut down for maintenance to calculate the six hour rolling average.

We adopt this approach for all continuous monitoring systems, including CEMS, because it is simple and reasonable. See discussion in Part Five, Section B.4 above.

c. What Are the Incentives for Using CEMS as Alternative Monitoring? We strongly support the use of CEMS for compliance with standards, even though we are not requiring their use in today's rule (except for carbon monoxide, hydrocarbon, and oxygen CEMS) for the reasons discussed above. We endorse the principle that, as technology advances, current rules should not act as an obstacle to adopting new CEMS technologies for compliance. For instance, today's rule does not require total mercury CEMS because implementation and demonstration obstacles observed during our tests under what we consider worst-case conditions (*i.e.*, a cement kiln) could not be resolved in sufficient time to require total mercury CEMS at all hazardous waste combustors. However, we fully expect total mercury CEMS will improve to the point that the technical issues encountered in our tests can be resolved. At that point, we do not want the compliance regime of today's rule—comprised of emissions testing and limits on operating parameters—to be so rigid as to preclude the use of CEMS. Commenters are generally supportive of this concept, but note that facilities would be reluctant to adopt new technologies without adequate incentives. This section describes potential incentives: emissions testing would not be required; limits on operating parameters would not apply while the CEMS is in service; and the feedstream analysis requirements for the

[217] Data availability is defined as the fraction, expressed as a percentage, of the number of block-hours the CEMS is operational and obtaining valid data during facility operations, divided by the number of block-hours the facility was operating.

parameters measured by the CEMS (*i.e.*, metals or chlorine) would not apply.

i. What Incentives Do Commenters Suggest? Several commenters suggest that we provide various incentives to encourage development and implementation of new and emerging CEMS. Comments by the Coalition for Responsible Waste Incineration (CRWI) include a variety of actions to encourage voluntary installation of CEMS,[218] including: Reduce testing for any parameter measured by a CEMS to the correlation and maintenance of that CEMS; waive operating parameter limits that are linked to the pollutant measured by the CEMS; minimize regulatory oversight on waste analysis if compliance is consistently demonstrated by a CEMS; increase the emission limit for a source using a CEMS to account for the uncertainty of CEMS observations; allow a phase-in period when a source can evaluate CEMS performance and develop maintenance practices and the CEMS would not be used for compliance; allow a phase-in period to establish a reasonable availability requirement for that CEMS at a particular location; and allow sources to evaluate CEMS on a trial basis to determine if these instruments are appropriate for their operations with no penalties if the units do not work or have excessive downtime. Many of CRWI's suggestions have merit, as discussed below.

ii. How Do We Respond to Commenter's Recommended Incentives?

1. Waiver of Emissions Testing and Operating Parameter Limits. CRWI's first two suggestions (reduced testing and waiver of operating parameter limits) are closely linked. The purpose of conducting a comprehensive performance test is to document compliance with emission standard initially (and periodically thereafter) and establish limits on specified operating parameters to ensure that compliance is maintained. Because a CEMS ensures compliance continuously, it serves the purpose of both the performance test and compliance with operating parameter limits. Accordingly, we agree with CRWI that both emissions testing and operating parameter limits for the pollutant in question would not apply to sources using a CEMS.

There is one key caveat to this position, however. Because 100% availability of any CEMS is unrealistic, we require a means of assuring compliance with the emission standards during periods when the CEMS is not available. To meet that need, you may elect to install redundant CEMS or assure continuous compliance by monitoring and recording traditional operating parameter limits during periods when the CEMS is not available. Most likely, you will elect to use operating parameters as the back-up when the CEMS is unavailable because it would be a less expensive approach. You could establish these operating parameter limits, though, through CEMS measurements rather than comprehensive performance test measures. In fact, it may be prudent for you to evaluate relationships between various operating parameters for the particulate matter control device[219] and emission levels recorded by the CEMS to develop a good predictive model of emissions. You could then petition the Administrator (*i.e.*, permitting officials) under § 63.8(f) to base compliance during CEMS malfunctions on limits on alternative monitoring parameters derived from the predictive model.

2. Waiver of Feedstream Analysis Requirements. If you obtain approval to use a CEMS for compliance under the petitioning provisions of § 63.8(f), we agree with the commenter's recommendation that you should not be subject to the feedstream analysis requirements pertinent to the pollutant you are measuring with a CEMS. As examples, if you use a total mercury CEMS, you are not subject to a feedrate limit for mercury, and if you operate an incinerator and use a particulate matter CEMS, you are not subject to a feedrate limit for total ash.

If you are not subject to a feedrate limit for ash, metals, or chorine because you use a CEMS for compliance, you are not subject to the feedstream analysis requirements for these materials. As a practical matter, however, this waiver may be moot because, as discussed above, you will probably elect to comply with operating parameter limits during CEMS malfunctions. However, a second, back-up CEMS would also be acceptable. Absent a second CEMS, you would need to establish feedrate limits for these materials as a back-up compliance approach, and you would need to know the feedrate at any time given that the CEMS may malfunction at any time. In addition, even when the CEMS is operating within the performance specifications approved by the permitting officials, you have the responsibility to minimize exceedances by, for example, characterizing your feedstreams adequately to enable you to take corrective measures if a CEMS-monitored emission is approaching the standard. This level of feedstream characterization, however, is less than the characterization required to establish and comply with feedrate operating limits during CEMS malfunctions or absent a CEMS.

3. Increase the Averaging Period for CEMS-Monitored Pollutants. The averaging period for a CEMS-monitored pollutant should not be artificially inflated (*i.e.*, increased beyond the time required to conduct three manual method test runs) because the standard would be less stringent. See previous discussions on this issue.

4. Increase Emission Limits to Account for CEMS Uncertainty. We do not agree with the suggestion that an emission limit needs to be increased on a site-specific basis to accommodate CEMS inaccuracy and imprecision (*i.e.*, the acceptance criteria in the CEMS performance specification that the source recommends and the permitting officials approve will necessarily allow some inaccuracy and imprecision). Again, we encourage sources to use a CEMS because it is a better indicator of compliance than the promulgated compliance regime (*i.e.*, periodic emissions testing and operating parameter limits). We established the final emission standards with achievability (through the use of the prescribed compliance methods) in mind. We have accounted for the inaccuracies and imprecisions in the emissions data in the process of establishing the standard. See previous discussions in Part Four, Section V.D. If the CEMS performance specification acceptance criteria (that must be approved by permitting officials under a § 63.8(f) petition) were to allow the CEMS measurements to be more inaccurate or imprecise than the promulgated compliance regime of performance testing coupled with limits on operating parameters, the potential for improved compliance assurance with the CEMS would be negated. Consequently, we reject the idea that the standards need to be increased on a site-specific basis as an incentive for sources to use CEMS.

5. Allow a CEMS Phase-In Period. CRWI's final three incentive suggestions deal with the need for a CEMS phase-in period. This phase-in period would be used to evaluate CEMS performance, including identifying acceptable performance specification levels, maintenance requirements, and measurement location. CRWI further suggested that the Agency not penalize

[218] By "optional use of CEMS", we mean using CEM not required by this rule, *i.e.*, other than those for carbon monoxide, oxygen, and hydrocarbon.

[219] You are not restricted to those specified in § 63.1209. You may identify parameters for your source that correlate better with particulate emissions than those we have specified generically.

a source if the CEMS does not work or has excessive downtime.

CRWI provided these comments in response to our proposal to require compliance using CEMS and that sources document that the CEMS meets a prescribed performance specification and correlation acceptance criteria. Although we agree that a phase-in period would be appropriate, the issue is moot given that we are not requiring the use of CEMS.[220] Prior to submitting a petition under § 63.8(f) to gain approval to use a CEMS, we presume a source will identify the performance specification, correlation criteria, and availability factors they believe are achievable. (We expect sources to use the criteria we have proposed, as revised after considering comments and further analysis and provided through guidance, as a point of departure.) Thus, each source will have unlimited opportunity to phase-in CEMS and subsequently recommend under § 63.8(f) performance specifications and correlation acceptance criteria.

We do not agree as a legal matter that we can state generically that CEMS data obtained during the demonstration period are shielded from enforcement if the CEMS data are credible and were to indicate exceedance of an emission standard. In this situation, we cannot shield a source from action by either by a regulatory agency or a citizen suit. On balance, given our legal constraints, our policy desire to have CEMS used for compliance, and uncertainty about the ultimate accuracy of the CEMS data, we can use our enforcement discretion whether to use particulate matter CEMS data as credible evidence in the event the CEMS indicates an exceedance until the time the CEMS is formally adopted as a compliance tool. Sources and regulators may decide to draft a formal testing agreement that states that the CEMS data obtained prior to the time the CEMS is accepted as a compliance tool cannot be used as credible evidence of exceedance of an emission standard.

D. What Are the Compliance Monitoring Requirements?

In this section we discuss the operating parameter limits that ensure compliance with each emission standard.

1. What Are the Operating Parameter Limits for Dioxin/Furan?

You must maintain compliance with the dioxin/furan emission standard by establishing and complying with limits on operating parameters. See § 63.1209(k). The following table summarizes these operating parameter limits. All sources must comply with the operating parameter limits applicable to good combustion practices. Other operating parameter limits apply if you use the dioxin/furan control technique to which they apply.

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[220] Other than carbon monoxide, hydrocarbon, and oxygen CEMS.

Summary of Dioxin/Furan Monitoring Requirements

Control Technique	Compliance Using	Limits From	Averaging Period	How Limit Is Established
Combustion Gas Temperature Quench	Continuous monitoring system (CMS) for maximum temperature at the inlet to the dry particulate matter control device, except lightweight aggregate kilns must monitor gas temperature at the kiln exit	Comprehensive performance test	1-hour	Avg of the test run averages
Good Combustion Practices	CMS for maximum waste feedrates for pumpable and total wastes for each feed system	Comprehensive performance test	1-hour	Avg of the maximum hourly rolling averages for each run
	CMS for minimum gas temperature for each combustion chamber	Comprehensive performance test	1-hour	Avg of the test run averages
	CMS for maximum gas flowrate or kiln production rate	Comprehensive performance test	1-hour	Avg of the maximum hourly rolling averages for each run
	Monitoring of parameters recommended by the source to maintain operation of each hazardous waste firing system[1]	Based on source recommendation	To be determined case-by-case	To be determined case-by-case
Activated Carbon Injection[2]	Good particulate matter control: Monitoring requirements are the same as required for compliance assurance with the particulate matter standard. See Section VII.D.6 below.			
	CMS for minimum carbon feedrate	Comprehensive performance test	1-hour	Avg of the test run averages
	CMS for minimum carrier fluid flowrate or nozzle pressure drop	Manufacturer specifications	1-hour	n/a
	Identification of carbon brand and type or adsorption properties	Comprehensive performance test	n/a	Same properties based on manufacturer's specifications
Activated Carbon Bed[2]	Good particulate matter control: Monitoring requirements are the same as required for compliance assurance with the particulate matter standard. See Section VII.D.6 below.			
	Determination of maximum age of each carbon bed segment	Comprehensive performance test[3]	n/a	Maximum age of each segment during testing[3]
	Identification of carbon brand and type or adsorption properties	Comprehensive performance test	n/a	Same properties based on manufacturer's specifications

	CMS for maximum gas temperature at the inlet or exit of the bed	Comprehensive performance test	1-hour	Avg of the test run averages
Catalytic Oxidizer	CMS for minimum gas temperature at inlet to catalyst	Comprehensive performance test	1-hour	Avg of the test run averages
	Identification of maximum catalyst time in-use	Manufacturer specifications	as specified	
	Identification of catalytic metal loading	Comprehensive performance test	n/a	Same as used during comprehensive test
	Identification of maximum space-time for the catalyst			
	Identification of substrate construct: materials, pore size			
	CMS for maximum flue gas temperature at inlet to catalyst	Manufacturer specifications	1-hour	As specified
Dioxin/Furan Formation Inhibitor	CMS for minimum inhibitor feedrate	Comprehensive performance test	1-hour	Avg of the test run averages
	Identification of inhibitor brand and type or inhibitor properties	Comprehensive performance test	n/a	Same properties based on manufacturer's specifications

[1] You must recommend operating parameters, monitoring approaches, and limits in the comprehensive performance test plan to maintain operation of each hazardous waste firing system.

[2] A CMS for gas flowrate or kiln production rate is also required with the same provisions as required for those parameters under the Good Combustion Practices control technique.

[3] Maximum carbon age limits for the compliance period after the initial comprehensive performance test may be based on manufacturer specifications. See discussion in part d.2 of this section.

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Dioxin/furan emissions from hazardous waste combustors are primarily attributable to surface-catalyzed formation reactions downstream from the combustion chamber when gas temperatures are in the 450 °F to 650 °F window (*e.g.*, in an electrostatic precipitator or fabric filter; in extensive ductwork between the exit of a lightweight aggregate kiln and the inlet to the fabric filter; as combustion gas passes through an incinerator waste heat recovery boiler). In addition, dioxin/furan partition in two phases in stack emissions: a portion is adsorbed onto particulate matter and a portion is emitted as a vapor (gas). Because of these factors, and absent a CEMS for dioxin/furan, we are requiring a combination of approaches to control dioxin/furan emissions: (1) Temperature control at the inlet to a dry particulate matter control device to limit dioxin/furan formation in the control device; (2) operation under good combustion conditions to minimize dioxin/furan precursors and dioxin/furan formation during combustion; and (3) compliance with operating parameter limits on dioxin/furan emission control equipment (*e.g.*, carbon injection) that you may elect to use.

We discuss below the operating parameter limits that apply to each dioxin/furan control technique.

a. Combustion Gas Temperature Quench. To minimize dioxin/furan formation in a dry particulate matter control device that suspends collected particulate matter in the gas flow (e.g., electrostatic precipitator, fabric filter), the rule limits the gas temperature at the inlet to these control devices [221] to levels occurring during the comprehensive performance test. For lightweight aggregate kilns, however, you must monitor the gas temperature at the kiln exit rather than at the inlet to the particulate matter control device. This is because the dioxin/furan emission standard for lightweight aggregate kilns specifies rapid quench of combustion gas to 400 °F or less at the kiln exit. [222]

If your combustor is equipped with a wet scrubber as the initial particulate matter control device, you are not required to establish limits on combustion gas temperature at the scrubber. This is because wet scrubbers do not suspend collected particulate matter in the gas stream and gas temperatures are well below 400 °F in the scrubber.[223] Thus, scrubbers do not enhance surface-catalyzed formation reactions.

We proposed limits on the gas temperature at the inlet to a dry particulate matter control device (see 61 FR at 17424). Temperature control at this location is important because surface-catalyzed formation reactions can increase by a factor of 10 for every 150 °F increase in temperature within the window of 350 °F to approximately 700 °F. We received no adverse comments on the proposal, and thus, are adopting this compliance requirement in the final rule.

You must establish an hourly rolling average temperature limit based on operations during the comprehensive performance test. The hourly rolling average limit is established as the average of the test run averages. See Part Five, Sections VII.B.1 and B.3 above for a discussion on the approach for calculating limits from comprehensive performance test data.

b. Good Combustion Practices. All hazardous waste combustors must use good combustion practices to control dioxin/furan emissions by: (1) Destroying dioxin/furan that may be present in feedstreams; (2) minimizing formation of dioxin/furan during combustion; and (3) minimizing dioxin/furan precursor that could enhance post-combustion formation reactions. As proposed, you must establish and continuously monitor limits on three key operating parameters that affect good combustion: (1) Maximum hazardous waste feedrate; (2) minimum temperature at the exit of each combustion chamber; and (3) residence time in the combustion chamber as indicated by gas flowrate or kiln production rate. We have also determined that you must establish appropriate monitoring requirements to ensure that the operation of each hazardous waste firing system is maintained. We discuss each of these parameters below.

i. Maximum Hazardous Waste Feedrate. You must establish and continuously monitor a maximum hazardous waste feedrate limit for pumpable and nonpumpable wastes. See 61 FR at 17422. An increase in waste feedrate without a corresponding increase in combustion air can cause inefficient combustion that may produce (or incompletely destroy) dioxin/furan precursors. You must also establish hazardous waste feedrate limits for each location where waste is fed.

One commenter suggests that there is no reason to limit the feedrate of each feedstream; a limit on the total hazardous waste feedrate to each combustion chamber would be a more appropriate control parameter. We concur in part. Limits are not established for each feedstream. Rather, limits apply to total and pumpable wastes feedrates for each feed location. Limits on pumpable wastes are needed because the physical form of the waste can affect the rate of oxygen demand and thus combustion efficiency. Pumpable wastes often will expose a greater surface area per mass of waste than nonpumpable wastes, thus creating a more rapid oxygen demand. If that demand is not satisfied, inefficient combustion will occur. We also note that these waste feedrate limit requirements are consistent with current RCRA permitting requirements for hazardous waste combustors.

As proposed, you must establish hourly rolling average limits for hazardous waste feedrate from comprehensive performance test data as the average of the highest hourly rolling averages for each run. See Part Five, Section VII.B.3 above for the rationale for this approach for calculating limits from comprehensive performance test data.

ii. Minimum Gas Temperature in the Combustion Zone. You must establish and continuously monitor limits on minimum gas temperature in the combustion zone of each combustion chamber irrespective of whether hazardous waste is fed into the chamber. See 61 FR at 17422. These limits are needed because, as combustion zone temperatures decrease, combustion efficiency can decrease resulting in increased formation of (or incomplete destruction of) dioxin/furan precursors.[224]

Monitoring combustion zone temperatures can be problematic, however, because the actual burning zone temperature cannot be measured at many units (e.g., cement kilns). For this reason, the BIF rule requires

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[221] The temperature at the inlet to a cyclone separator used as a prefiltering process for removing larger particles is not limited. Cyclones do not suspend collected particulate matter in the gas stream. Thus, these devices do not have the same potential to enhance dioxin/furan formation as electrostatic precipitators and fabric filters.

[222] As discussed in Part Four, Section VIII, lightweight aggregate kilns can have extensive ducting between the kiln exit and the inlet to the fabric filter. If gas temperatures are limited at the inlet to the fabric filter, substantial dioxin/furan formation could occur in the ducting.

[223] For this reason, you are not required to document during the comprehensive performance test that gas temperatures in the wet scrubber are not greater than 400 °F. Also, we note that the 400 °F temperature limit of the dioxin/furan standard does not apply to wet scrubbers, but rather to the inlet to a dry particulate matter control device and the kiln exit of a lightweight aggregate kiln.

[224] See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume IV: Compliance with the Hazardous Waste Combustor Standards", February, 1999.

measurement of the "combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible." See § 266.103(c)(1)(vii). In some cases, temperature is measured at a location quite removed from the combustion zone due to extreme temperatures and the harsh conditions at the combustion zone. We discussed this issue at proposal and indicated that we were concerned that monitoring at such remote locations may not accurately reflect changes in combustion zone temperatures. See 61 FR at 17423.

We requested comment on possible options to address the issue. Under one option, the final rule would have allowed the source to identify a parameter that correlates with combustion zone temperature and to provide data or information to support the use of that parameter in the operating record. Under another option, the final rule would have enabled regulatory officials on a case-specific basis to require the use of alternate parameters as deemed appropriate, or to determine that there is no practicable approach to ensure that minimum combustion chamber temperature is maintained (and what the recourse/consequence would be).

Some commenters recommend the status quo as identified by the BIF rule requirements for monitoring combustion zone temperature. These commenters suggest that more prescriptive requirements would not be implementable for cement kilns because use of the temperature measurement instrumentation would simply not be practicable under combustion zone conditions in a cement kiln. We agree that combustion zone temperature monitoring for certain types of sources requires some site-specific considerations (as evidenced in our second proposed option discussed above), and conclude that more specific language than that used in the BIF rule to address this issue would not be appropriate. Accordingly, we adopt language similar to the BIF rule in today's final rule. You must measure the temperature of each combustion chamber at a location that best represents, as practicable, the bulk gas temperature in the combustion zone of that chamber. You are required to identify the temperature measurement location and method in the comprehensive performance test plan, which is subject to Agency approval.

The temperature limit(s) apply to each combustion zone, as proposed. See 61 FR at 17423. For incinerators with a primary and secondary chamber, you must establish separate limits for the combustion zone in each chamber.[225] For kilns, you must establish separate temperature limits at each location where hazardous waste may be fired (e.g., the hot end where clinker is discharged; and the upper end of the kiln where raw material is fed). We also proposed to include temperature limits for hazardous waste fired at the midkiln. One commenter indicates that it is technically infeasible to measure temperature directly at the midkiln waste feeding location, however. We agree that midkiln gas temperature is difficult to measure due to the rotation of the kiln.[226] Thus, the final rule allows temperature measurement at the kiln back-end as a surrogate.

You must establish an hourly rolling average temperature limit based on operations during the comprehensive performance test. The hourly rolling average limit is established as the average of the test run averages. See Part Five, Sections VII.B.1 and B.3 above for a discussion on the approach for calculating limits from comprehensive performance test data.

iii. Maximum Flue Gas Rate or Kiln Production Rate. As proposed, you must establish and continuously monitor a limit on maximum flue gas flowrate or, as a surrogate, kiln production rate. See 61 FR at 17423. Flue gas flowrates in excess of those that occur during comprehensive performance testing reduce the time that combustion gases are exposed to combustion chamber temperatures. Thus, combustion efficiency can decrease potentially causing an increase in dioxin/furan precursors and, ultimately, dioxin/furan emissions.[227]

For cement kilns and lightweight aggregate kilns, the rule allows the use of production rate as a surrogate for flue gas flowrate. This is the approach currently used for the BIF rule for these devices, given that flue gas flowrate correlates with production rate (e.g., feedrate of raw materials or rate of production of clinker or aggregate).

At proposal, however, we expressed concern that production rate may not relate well to flue gas flowrate in situations where the moisture content of the feed to the combustor changes dramatically. See 61 FR at 17423. Some commenters concur and also express concern that production rate is not a reliable surrogate for flue gas flowrate because changes in ambient temperature can cause increased heat rates and changes in operating conditions can result in variability in excess air rates. Based on an analysis of kiln processes, however, we conclude that these issues should not be a concern. With respect to changes in moisture content of the feed, kilns tend to have a steady and homogeneous waste and raw material processing system. Thus, the feed moisture content does not fluctuate widely, and variation in moisture content of the stack does not significantly affect gas flowrate.[228] Thus, production rate should be an adequate surrogate for gas flowrate for our purposes here.

You must establish a maximum gas flowrate or production rate limit as the average of the maximum hourly rolling averages for each run of the comprehensive performance test. See Part Five, Sections VII.B.3 above for the rationale for the approach for calculating limits from comprehensive performance test data.

iv. Operation of Each Hazardous Waste Firing System. You must recommend in the comprehensive performance test plan that you submit for review and approval operating parameters, limits, and monitoring approaches to ensure that each hazardous waste firing system continues to operate as efficiently as demonstrated during the comprehensive performance test.

It is important to maintain operation of the hazardous waste firing system at levels of the performance test to ensure that the same or greater surface area of the waste is exposed to combustion conditions (e.g., temperature and oxygen). Oxidation takes place more quickly and completely as the surface area per unit of mass of the waste increases. If the firing system were to degrade over time such that smaller surface area is exposed to combustion conditions, inefficient combustion could result leading potentially to an increase in dioxin/furan precursors.

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[225] The temperature limits apply to a combustion chamber even if hazardous waste is not burned in the chamber for two reasons. First, an incinerator may rely on an afterburner that is fired with a fuel other than hazardous waste to ensure good combustion of organic compounds volatilized from hazardous waste in the primary chamber. Second, MACT controls apply to total emissions (except where the rule makes specific provisions), irrespective of whether they derive from burning hazardous waste or other material, or from raw materials.

[226] See USEPA, "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume IV: Compliance with the Hazardous Waste Combustor Standards", February, 1999, for further discussion.

[227] We note that an increase in gas flowrate can also adversely affect the performance of a dioxin/furan emission control device (e.g., carbon injection, catalytic oxidizer). Thus, gas flowrate is controlled for this reason as well.

[228] See USEPA, "Final TSD for hazardous Waste Combustor MACT Standards, Volume IV: Compliance with the Hazardous Waste Combustor Standards", February, 1999 for further discussion.

At proposal, we discussed establishing operating parameter limits only for minimum nozzle pressure and maximum viscosity of wastes fired using a liquid waste injection system. In developing the final rule, however, we determined that RCRA permit writers currently establish operating parameter limits on each waste firing system to ensure compliance with the RCRA destruction and removal efficiency (DRE) standard. We are continuing the DRE requirement as a MACT standard, and as discussed in Section VII.D.7 below, the DRE operating parameter limits are identical to those required to maintain good combustion practices for compliance with the dioxin/furan standard. This is because compliance with the DRE standard is ensured by maintaining good combustion practices. Consequently, we include a requirement to establish limits on operating parameters for each waste or fuel firing system as a measure of good combustion practices for the dioxin/furan standard as well to be technically correct and for purposes of completeness.[229] Because this requirement is identical to an existing RCRA requirement, it will not impose an incremental burden.

The rule does not prescribe generic operating parameters and how to identify limits because, given the variety of firing systems and waste and fuel properties, they are better defined on a site-specific basis. Examples of monitoring parameters for a liquid waste firing system would be, as proposed, minimum nozzle pressure established as an hourly rolling average based on the average of the minimum hourly rolling averages for each run, coupled with a limit on maximum waste viscosity. The viscosity limit could be monitored periodically based on sampling and analysis. Examples of monitoring parameters for a lance firing system for sludges could be minimum pressure established as discussed above, plus a limit on the solids content of the waste.

v. Consideration of Restrictions on Batch Size, Feeding Frequency, and Minimum Oxygen Concentration. We proposed site-specific limits on maximum batch size, batch feeding frequency, and minimum combustion gas oxygen concentration as additional compliance requirements to ensure good combustion practices. See 61 FR at 17423. After carefully considering all comments, and for the reasons discussed below, we conclude that the carbon monoxide and hydrocarbon emission standards assure use of good combustion practices during batch feed operations. This is because the carbon monoxide and hydrocarbon CEMS are reliable and continuous indicators of combustion efficiency. In situations where batch feed operating requirements may be needed to better assure good combustion practices, however, we rely on the permit writer's discretionary authority under § 63.1209(g)(2) to impose additional operating parameter limits on a site-specific basis.

Many hazardous waste combustors burn waste fuel in batches, such as metal drums or plastic containers. Some containerized waste can volatilize rapidly, causing a momentary oxygen-deficient condition that can result in an increase in emissions of carbon monoxide, hydrocarbon, and dioxin/furan precursors. We proposed to limit batch size, batch feeding frequency, and minimum combustion gas oxygen concentration to address this concern.

Commenters suggest that the proposed batch feed requirements (that would limit operations to the smallest batch, the longest time interval, and the maximum oxygen concentration demonstrated during the comprehensive performance test) would result in extremely conservative limits that would severely limit a source's ability to batch-feed waste. Given these concerns and our reanalysis of the need for these limits, we conclude that the carbon monoxide and hydrocarbon emission standards will effectively ensure good combustion practices for most batch feed operations. Consequently, the final rule does not require limits for batch feed operating parameters.

Carbon monoxide or hydrocarbon monitoring may not be adequate for all batch feed operations, however, to ensure good combustion practices are maintained. We anticipate that permitting officials will determine on a site-specific basis, typically during review of the initial comprehensive performance test plan, whether limits on one or more batch feed operating parameters need to be established to ensure good combustion practices are maintained. This review should consider your previous compliance history (e.g., frequency of automatic waste feed cutoffs attributable to batch feed operations that resulted in an exceedance of an operating limit or standard under RCRA regulations prior to the compliance date), together with the design and operating features of the combustor. Providing permitting officials the authority under § 63.1209(g)(2) to establish batch feed operating parameter limits only where warranted precludes the need to impose the limits on all sources.

Permitting officials may also determine that limits on batch feed operating parameters are needed for a particular source based on the frequency of automatic waste feed cutoffs after the MACT compliance date. Permitting officials would consider cutoffs that are attributable to batch feed operations and that result in an exceedance of an operating parameter limit or the carbon monoxide or hydrocarbon emission standard. Given that you must notify permitting officials if you have 10 or more automatic waste feed cutoffs in a 60-day period that result in an exceedance of an operating parameter limit or CEMS-monitored emission standard, permitting officials should take the opportunity to determine if batch feed operations contributed to the frequency of exceedances. If so, permitting officials should use the authority under § 63.1209(g)(2) to establish batch feed operating parameter limits.

Although we are not finalizing batch feed operating parameter limits, we anticipate that permitting officials will require you (during review and approval of the test plan) to simulate worst-case batch feed operating conditions during the comprehensive performance test when demonstrating compliance with the dioxin/furan and destruction and removal efficiency standards. It would be inappropriate for you to operate your batch feed system during the comprehensive performance test in a manner that is not considered worst-case, considering the types and quantities of wastes you may burn, and the range of values you may encounter during operations for batch feed-related operating parameters (e.g., oxygen levels, batch size and/or btu content, waste volatility, batch feeding frequency).

To ensure that the CEMS-monitored carbon monoxide and hydrocarbon emission standards ensure good combustion practices for batch feed operations, the final rule includes special requirements to ensure that "out-of-span" carbon monoxide and hydrocarbon CEMS readings are adequately accounted for. We proposed batch feed operating parameter limits in part because of concern that the carbon monoxide and hydrocarbon CEMS may not accurately calculate hourly rolling averages when you encounter emission concentrations that exceed the span of the CEMS. This is an important

[229] Because incomplete combustion of fuels (e.g., oil, coal, tires) could contribute to increased dioxin/furan emissions by producing dioxin/furan precursors, permitting official may require (during review and approval of the comprehensive performance test plan) that you establish limits on operating parameters for firing systems in addition to those firing hazardous waste.

consideration because batch feed operations have the potential to generate large carbon monoxide or hydrocarbon spikes—large enough at times to exceed the span of the detector. When this occurs, the CEMS in effect "pegs out" and the analyzer may only record data at the upper end of its span, while in fact carbon monoxide/hydrocarbon concentrations are much higher. In these situations, the true carbon monoxide/hydrocarbon concentration is not being used to calculate the hourly rolling average. This has two significant consequences of concern to us.[230]

First, you could experience a large carbon monoxide/hydrocarbon spike (as a result of feeding a large or highly volatile batch) which causes the monitor to "peg out." In this situation, the CEMS would record carbon monoxide/hydrocarbon levels that are lower than actual levels. This under-reporting of emission levels would result in an hourly rolling average that is biased low. You may in fact be exceeding the emission standard even though the CEMS indicates you are in compliance. Second, if a carbon monoxide/hydrocarbon excursion causes an automatic waste feed cutoff, you may be allowed to resume hazardous waste burning much sooner than you would be allowed if the CEMS were measuring true hourly rolling averages. This is because you must continue monitoring operating parameter limits and CEMS-monitored emission standards after an automatic waste feed cutoff and you may not restart hazardous waste feeding until all limits and CEMS-monitored emission standards are within permissible levels.[231]

As explained in Part Five, Section VII.D.4 below, we have resolved these "out of span" concerns by including special provisions in today's rule for instances when you encounter hydrocarbon/carbon monoxide CEMS measurements that are above the upper span required by the performance specifications.[232] These special provisions require you to assume hydrocarbons and carbon monoxide are being emitted at levels of 500 ppmv and 10,000 ppmv, respectively, when any one minute average exceeds the upper span level of the detector.[233] Although we did not propose these special provisions, they are a logical outgrowth of the proposed batch feed requirements and commenters concerns about those requirements.

For the reasons discussed above, we conclude that national requirements for batch feed operating parameter limits are not warranted.

c. Activated Carbon Injection. If your combustor is equipped with an activated carbon injection system, you must establish and comply with limits on the following operating parameters: Good particulate matter control, minimum carbon feedrate, minimum carrier fluid flowrate or nozzle pressure drop, and identification of the carbon brand and type or the adsorption characteristics of the carbon. These are the same compliance parameters that we proposed. See 61 FR at 17424.

i. Good Particulate Matter Control. You must comply with the operating parameter limits for particulate matter control (see discussion in Section VII.D.6 below and § 63.1209(m)) because carbon injection controls dioxin/furan in conjunction with particulate matter control. Dioxin/furan is adsorbed onto carbon that is injected into the combustion gas, and the carbon is removed from stack gas by a particulate control device.

Although we proposed to require good particulate matter control as a control technique for dioxin/furan irrespective of whether carbon injection was used, commenters indicate that we have no data demonstrating the relationship between particulate matter and dioxin/furan emissions. Commenters further indicate that dioxin/furan occur predominately in the gas phase, not adsorbed onto particulate. We agree with commenters that hazardous waste combustors operating under the good combustion practices required by this final rule are not likely to have significant carbon particulates in stack gas (i.e., because carbonaceous particulates (soot) are indicative of poor combustion efficiency). Thus, unless activated carbon injection is used as a control technique, dioxin/furan will occur predominately in the gas phase. We therefore conclude that requiring good particulate control as a control technique for dioxin/furan is not warranted unless a source is equipped with activated carbon injection.[234]

ii. Minimum Carbon Feedrate. As proposed, you must establish and continuously monitor a limit on minimum carbon feedrate to ensure that dioxin/furan removal efficiency is maintained. You must establish an hourly rolling average feedrate limit based on operations during the comprehensive performance test. The hourly rolling average limit is established as the average of the test run averages. See Part Five, Sections VII.B.1 and B.3 above for a discussion of the approach for calculating limits from comprehensive performance test data.

iii. Minimum Carrier Fluid Flowrate or Nozzle Pressure Drop. A carrier fluid, gas or liquid, is necessary to transport and inject the carbon into the gas stream. As proposed, you must establish and continuously monitor a limit on either minimum carrier fluid flowrate or pressure drop across the nozzle to ensure that the flow and dispersion of the injected carbon into the flue gas stream is maintained.

We proposed to require you to base the limit on the carbon injection manufacturer's specifications. One commenter notes that there are no manufacturer specifications for carrier gas flowrate or pressure drop. Therefore, the final rule allows you to use engineering information and principles to establish the limit for minimum carrier fluid flowrate or pressure drop across the injection nozzle. You must identify the limit and the rationale for deriving it in the comprehensive performance test plan that you submit for review and approval.

iv. Identification of Carbon Brand and Type or Adsorption Properties. You must either identify the carbon brand and type used during the comprehensive performance test and continue using that carbon, or identify the adsorption properties of that carbon and use a carbon having equivalent or better properties. This will ensure that the carbon's adsorption properties are maintained.[235]

We proposed to require you to use the same brand and type of carbon that was

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[230] As explained in Part Five, Section VII.D.4 of the text, this concern is not limited to batch feed operations.

[231] A higher hourly rolling average carbon monoxide level that is above the standard requires a longer period of time to drop below the standard.

[232] The carbon monoxide CEMS upper span level for the high range is 3000 ppmv. The upper span level for hydrocarbon CEMS is 100 ppmv. (See Performance Specifications 4B and 8A in Appendix B, part 60, and the appendix to subpart EEE, part 63—Quality Assurance Procedures for Continuous Emissions Monitors Used for Hazardous Waste Combustors, Section 6.3).

[233] You would not be required to assume these one-minute values if you use a CEMS that meets the performance specifications for a range that is higher than the recorded one-minute average. In this case, the CEMS must meet performance specifications for the higher range as well as the ranges specified in the performance specifications in Appendix B, part 60. See § 63.1209 (a)(3) and (a)(4).

[234] We discuss below, however, that good particulate matter control is also required if a source is equipped with a carbon bed. This is to ensure that particulate control upstream of the carbon bed is maintained to performance test levels to prevent blinding of the bed and loss of removal efficiency.

[235] Examples of carbon properties include specific surface area, pore volume, average pore size, pore size distribution, bulk density, porosity, carbon source, impregnation, and activization procedure. See USEPA, "Technical Support Document for HWC MACT Standards, Volume IV: Compliance with the HWC MACT Standards," July 1999.

used during the comprehensive performance test. Commenters object to this requirement and suggest that they should have the option of using alternative types of carbon that would achieve equivalent or better performance than the carbon used during the performance test. We concur, and the final rule allows you to document in the comprehensive performance test plan key parameters that affect adsorption and the limits you have established on those parameters based on the carbon to be used during the performance test. You may substitute at any time a different brand or type of carbon provided that the replacement has equivalent or improved properties and conforms to the key sorbent parameters you have identified. You must include in the operating record written documentation that the substitute carbon will provide the same level of control as the original carbon.

d. Activated Carbon Bed. If your combustor is equipped with an activated carbon bed, you must establish and comply with limits on the following operating parameters: good particulate matter control; maximum age of each carbon bed segment; identification of carbon brand and type or adsorption properties, and maximum temperature at the inlet or exit of the bed. These are the same compliance parameters that we proposed. See 61 FR at 17424.

i. Good Particulate Matter Control. You must comply with the operating parameter limits for particulate matter control (see discussion in Section VII.D.6 below and § 63.1209(m)). If good control of particulate matter is not maintained prior to the inlet to the carbon bed, particulate matter could contaminate the bed and affect dioxin/furan removal efficiency. In addition, if particulate matter control is used downstream from the carbon bed, those controls must conform to good particulate matter control. This is because this "polishing" particulate matter control device may capture carbon-containing dioxin/furan that may escape from the carbon bed. Thus, the efficiency of this polishing control must be maintained to ensure compliance with the dioxin/furan emission standard.

ii. Maximum Age of Each Bed Segment. As proposed, you must establish a maximum age of each bed segment to ensure that removal efficiency is maintained. Because activated carbon removes dioxin/furan (and mercury) by adsorption, carbon in the bed becomes less effective over time as the active sites for adsorption become occupied. Thus, bed age is an important operating parameter.

At proposal, we requested comment on using carbon aging or some form of a breakthrough calculation to identify a limit on carbon age. See 61 FR at 17424. A breakthrough calculation would give a theoretical minimum carbon change-out schedule that you could use to ensure that breakthrough (i.e., the dramatic reduction in efficiency of the carbon bed due to too many active sites being occupied) does not occur.

Commenters indicate that carbon effectiveness depends on the carbon bed age and pollutant types and concentrations in the gas streams, and therefore a carbon change-out schedule should be based on a breakthrough calculation rather than carbon age. We agree that a breakthrough calculation may be a better measurement of carbon effectiveness, but it would be difficult to define generically for all situations. A breakthrough calculation could be performed only after experimentation determines the relationship between incoming adsorbed chemicals and the adsorption rate of the carbon. The adsorption rate of carbon could be determined experimentally, but the speciation of adsorbed chemicals in a flue gas stream is site-specific and may vary greatly at a given site over time.

We conclude that because carbon age contributes to carbon ineffectiveness, it serves as an adequate surrogate and is less difficult to implement on a national basis. Therefore, the rule requires sources to identify maximum carbon age as the maximum age of each bed segment during the comprehensive performance test. Carbon age is measured in terms of the cumulative volume of combustion gas flow through the carbon since its addition to the bed. Sources may use the manufacturer's specifications rather than actual bed age during the initial comprehensive performance test to identify the initial limit on maximum bed age. If you elect to use manufacturer's specifications for the initial limit on bed age, you must also recommend in the comprehensive performance test plan submitted for review and approval a schedule of dioxin/furan testing prior to the confirmatory performance test that will confirm that the manufacturer's specification of bed age is sufficient to ensure that you maintain compliance with the emission standard.

If either existing or new sources prefer to use some form of breakthrough calculation to establish maximum bed age, you may petition permitting officials under § 63.1209(g)(1) [236] to apply for an alternative monitoring scheme.

iii. Identification of Carbon Brand and Type or Adsorption Properties. You must either identify the carbon brand and type used during the comprehensive performance test and continue using that carbon, or identify the adsorption properties of that carbon and use a carbon having equivalent or better properties. This requirement is identical to that discussed above for activated carbon injection systems.

iv. Maximum Temperature at the Inlet or Exit of the Bed. You must establish and continuously monitor a limit on the maximum temperature at the inlet or exit of the carbon bed. This is because a combustion gas temperature spike can cause adsorbed dioxin/furan (and mercury) to desorb and reenter the gas stream. In addition, the adsorption properties of carbon are adversely affected at higher temperatures.

At proposal, we requested comment on whether it would be necessary to control temperature at the inlet to the carbon bed. See 61 FR at 17425. Some commenters support temperature control noting the concern that temperature spikes could cause desorption of dioxin/furan (and mercury). We concur, and are requiring you to establish a maximum temperature limit at the inlet or exit of the bed. We are allowing you the option of measuring temperature at either end of the bed to give you greater flexibility in locating the temperature continuous monitoring system. Monitoring temperature at either end of the bed should be adequate to ensure that bed temperatures are maintained at levels not exceeding those during the comprehensive performance test (because the temperature remains relatively constant across the bed).

You must establish an hourly rolling average temperature limit based on operations during the comprehensive performance test. The hourly rolling average limit is established as the average of the test run averages. See Part Five, Sections VII.B.1 and B.3 above for a discussion of the approach for calculating limits from comprehensive performance test data.

e. Catalytic Oxidizer. If your combustor is equipped with a catalytic oxidizer, you must establish and comply with limits on the following operating parameters: minimum gas temperature

[236] We have incorporated the alternative monitoring provisions of § 63.8(f) in § 63.1209(g)(1) so that alternative monitoring provisions for nonCEMS CMS can be implemented by authorized States. The alternative monitoring provisions of § 63.1209(g)(1) do not apply to CEMS, however. The alternative monitoring provisions of § 63.8(f) continue to apply to CEMS because implementation of those provisions is not eligible to be delegated to States at this time.

at the inlet of the catalyst; maximum age in use; catalyst replacement specifications; and maximum flue gas temperature at the inlet of the catalyst. These are the same compliance parameters that we proposed. See 61 FR at 17425.

Catalytic oxidizers used to control stack emissions are similar to those used in automotive and industrial applications. The flue gas passes over catalytic metals, such as palladium and platinum, supported by an alumina washcoat on some metal or ceramic substrate. When the flue gas passes through the catalyst, a reaction takes place similar to combustion, converting hydrocarbons to carbon monoxide, then carbon dioxide. Catalytic oxidizers can also be "poisoned" by lead and other metals in the same manner as automotive and industrial catalysts.

i. Minimum Gas Temperature at the Inlet of the Catalyst. You must establish and continuously monitor a limit on the minimum flue gas temperature at the inlet of the catalyst to ensure that the catalyst is above light-off temperature. Light-off temperature is that minimum temperature at which the catalyst is hot enough to catalyze the reactions of hydrocarbons and carbon monoxide.

You must establish an hourly rolling average temperature limit based on operations during the comprehensive performance test. The hourly rolling average limit is established as the average of the test run averages.

ii. Maximum Time In-Use. You must establish a limit on the maximum time in-use of the catalyst because a catalyst is poisoned and generally degraded over use. You must establish the limit based on the manufacturer's specifications.

iii. Catalytic Metal Loading, Maximum Space-Time, and Substrate Construct. When you replace a catalyst, the replacement must be of the same design to ensure that destruction efficiency is maintained. Consequently, the rule requires that you specify the following catalyst properties: Loading of catalytic metals; space-time; and monolith substrate construction.

Catalytic metal loading is important because, without sufficient catalytic metal on the catalyst, it does not function properly. Also, some catalytic metals are more efficient than others. Therefore, the replacement catalyst must have at least the same catalytic metal loading for each catalytic metal as the catalyst used during the comprehensive performance test.

Space-time, expressed in inverse seconds (s^{-1}), is defined as the maximum rated volumetric flow through the catalyst divided by the volume of the catalyst. This is important because it is a measure of the gas flow residence time and, hence, the amount of time the flue gas is in the catalyst. The longer the gas is in the catalyst, the more time the catalyst has to cause hydrocarbons and carbon monoxide to react. Replacement catalysts must have the same or lower space-time as the one used during the comprehensive performance test.

Substrate construction is also an important parameter affecting destruction efficiency of the catalyst. Three factors are important. First, substrates for industrial applications are typically monoliths, made of rippled metal plates banded together around the circumference of the catalyst. Ceramic monoliths and pellets can also be used. Because of the many types of substrates, you must use the same materials of construction, monolith or pellets and metal or ceramic, used during the comprehensive performance test as replacements. Second, monoliths form a honeycomb like structure when viewed from one end. The pore density (i.e., number of pores per square inch) is critical because the pores must be small enough to ensure intimate contact between the flue gas and the catalyst but large enough to allow unrestricted flow through the catalyst. Therefore, if you use a monolith substrate during the comprehensive performance test, the replacement catalyst must have the same pore density. Third, catalysts are supported by a washcoat, typically alumina. We require that replacement catalysts have the same type and loading of washcoat as was on the catalyst used during the comprehensive performance test.

iv. Maximum Flue Gas Temperature at the Inlet to the Catalyst. You must establish and continuously monitor a limit on maximum flue gas temperature at the inlet to the catalyst. Inlet temperature is important because sustained high flue gas temperature can result in sintering of the catalyst, degrading its performance. You must establish the limit as an hourly rolling average, based on manufacturer specifications.

In the proposed rule, we would have allowed a waiver from these operating parameter limits if you documented to the Administrator that establishing limits on other operating parameters would be more appropriate to ensure that the dioxin/furan destruction efficiency of the oxidizer is maintained after the performance test. See 61 FR at 17425. We are not finalizing a specific waiver for catalytic oxidizer parameters because you are eligible to apply for the same relief under the existing alternative monitoring provisions of § 63.1209(g)(1).

f. Dioxin/Furan Formation Inhibitor. If you feed a dioxin/furan formation inhibitor into your combustor as an additive (e.g., sulfur), you must: (1) Establish a limit on minimum inhibitor feedrate; and (2) identify either the brand and type of inhibitor or the properties of the inhibitor.

i. Minimum Inhibitor Feedrate. As proposed, you must establish and continuously monitor a limit on minimum inhibitor feedrate to help ensure that dioxin/furan formation reactions continue to be inhibited at levels of the comprehensive performance test. See 61 FR at 17425. You must establish an hourly rolling average feedrate limit based on operations during the comprehensive performance test. The hourly rolling average limit is established as the average of the test run averages.

This minimum inhibitor feedrate pertains to additives to feedstreams, not naturally occurring inhibitors that may be found in fossil fuels, hazardous waste, or raw materials. At proposal, we requested comment on whether it would be appropriate to establish feedrate limits on the amount of naturally occurring inhibitors based on levels fed during the comprehensive performance test. See 61 FR at 17425. For example, it is conceivable that a source would choose to burn high sulfur fuel or waste only during the comprehensive performance test and then switch back to low sulfur fuels or waste after the test, thus reducing dioxin/furan emissions during the comprehensive test to levels that would not be maintained after the test. Commenters do not provide information on this matter and we do not have enough information on the types or effects of naturally occurring substances that may act as inhibitors. Therefore, the final rule does not establish limits on naturally occurring inhibitors. Permitting officials, however, may choose to address the issue of naturally occurring inhibitors when warranted during review of the comprehensive performance test plan. (See discretionary authority of permitting officials under § 63.1209(g)(2) to impose additional or alternative operating parameter limits on a site-specific basis.)

ii. Identification of Either the Brand and Type of Inhibitor or the Properties of the Inhibitor. As proposed, you must either identify the inhibitor brand and type used during the comprehensive performance test and continue using that inhibitor, or identify the properties of that inhibitor that affect its ability to inhibit dioxin/furan formation reactions and use an inhibitor having equivalent

or better properties. This requirement is identical to that discussed above for activated carbon systems.

2. What Are the Operating Parameter Limits for Mercury?

You must maintain compliance with the mercury emission standard by establishing and complying with limits on operating parameters. See § 63.1209(l). The following table summarizes these operating parameter limits. All sources must comply with the limits on mercury feedrate. Other operating parameter limits apply if you use the mercury control technique to which they apply.

Summary of Mercury Monitoring Requirements

Control Technique	Compliance Using	Limits From	Averaging Period	How Limit Is Established
Limit on Maximum Total Mercury Feedrate in all Feedstreams	Sampling and analysis of feedstreams for mercury concentration and a continuous monitoring system for feedstream flowrate[1]	Comprehensive performance test	12-hour	Average of the test run averages
Activated Carbon Injection	Monitoring requirements are the same as required for compliance assurance with the dioxin/furan emission standard. See Section VII.D.1 above.			
Activated Carbon Bed	Monitoring requirements are the same as required for compliance assurance with the dioxin/furan emission standard. See Section VII.D.1 above.			
Wet Scrubber	Monitoring requirements are the same as required for compliance assurance with the hydrochloric acid/chlorine gas emission standard. See Section VII.D.5 below.			

[1] This limit applies to all feedstreams, except natural gas, process air, and feedstreams from vapor recovery systems. See the discussion on maximum semivolatile metal and low volatile metal feedrate limits below in the text.

Mercury emissions from hazardous waste combustors are controlled by controlling the feedrate of mercury, wet scrubbing to remove soluble mercury species (e.g, mercuric chloride), and carbon adsorption. We discuss below the operating parameter limits that apply to each control technique. We also discuss why we are not limiting the temperature at the inlet to the dry particulate matter control device as a control parameter for mercury.

a. Maximum Mercury Feedrate. As proposed, you must establish and comply with a maximum total feedrate limit for mercury for all feedstreams. See 61 FR at 17428. The amount of mercury fed into the combustor directly affects emissions and the removal efficiency of emission control equipment. To establish and comply with the feedrate limit, you must sample and analyze and continuously monitor the flowrate of all feedstreams (including hazardous waste, raw materials, and other fuels and additives) except natural gas, process air, and feedstreams from vapor recovery systems for mercury content.[237] As proposed, you must establish a maximum 12-hour rolling average feedrate limit based on operations during the comprehensive performance test as the average of the test run averages.

Rather than establish mercury feedrate limits as the levels fed during the comprehensive performance test, you may request as part of your performance test plan to use the mercury feedrates and associated emission rates during the performance test to extrapolate to higher allowable feedrate limits and emission rates. See Section VII.D.3 below for a discussion of the rationale and procedures for obtaining approval to extrapolate metal feedrates.

In addition, you may use the performance test waiver provision under § 63.1207(m) to document compliance with the emission standard. Under that provision, you must monitor the total mercury feedrate from all feedstreams and the gas flowrate and document that the maximum theoretical emission concentration does not exceed the mercury emission standard. Thus, this is another compliance approach where you would not establish feedrate limits on mercury during the comprehensive performance test.

b. Wet Scrubbing. As proposed, if your combustor is equipped with a wet scrubber, you must establish and comply with limits on the same operating parameters (and in the same manner) that apply to compliance assurance with the hydrochloric acid/chlorine gas emission standard for wet scrubbers. See Section VII.D.5 below for a discussion of those parameters.

c. Activated Carbon Injection. As proposed, if your combustor is equipped with an activated carbon injection system, you must establish and comply with limits on the same operating parameters (and in the same manner) that apply to compliance assurance with the dioxin/furan emission standard for activated carbon injection systems.

d. Activated Carbon Bed. As proposed, if your combustor is equipped with an activated carbon bed, you must establish and comply with limits on the same operating parameters (and in the same manner) that apply to compliance assurance with the dioxin/furan emission standard for activated carbon beds.

e. Consideration of a Limit on Maximum Inlet Temperature to a Dry Particulate Matter Control Device. The final rule does not require you to control inlet temperature to a dry particulate

[237] See discussion in Section VII.D.3. below in the text for rationale for exempting these feedstreams for monitoring for mercury content.

matter air pollution control device to control mercury emissions. At proposal, we expressed concern that high inlet temperatures to a dry particulate matter control device could cause low mercury removal efficiency because mercury volatility increases with increasing temperature. See 61 FR at 17428. Therefore, we proposed to limit inlet temperatures to levels during the comprehensive performance test.

Commenters suggest that a maximum inlet temperature for dry particulate matter control devices is not needed because mercury is generally highly volatile within the range of inlet temperatures of all dry particulate matter control devices. We are persuaded by the commenters that inlet temperature to these devices is not critically important to mercury control, although temperature can potentially have an impact on the volatility of certain mercury species (e.g., oxides). We conclude that the other operating parameter limits are sufficient to ensure compliance with the mercury emission standard. In particular, we note that a limit on maximum inlet temperature to these control devices is required for compliance assurance with the dioxin/furan, semivolatile metal, and low volatile metal emission standards.

3. What Are the Operating Parameter Limits for Semivolatile and Low Volatile Metals?

You must maintain compliance with the semivolatile metal and low volatile metal emission standards by establishing and complying with limits on operating parameters. See § 63.1209(n). The following table summarizes these operating parameter limits. All sources must comply with the limits on feedrates of semivolatile metals, low volatile metals, and chlorine. Other operating parameter limits apply depending on the type of particulate matter control device you use.

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Summary of Semivolatile and Low Volatile Metals Monitoring Requirements

Control Technique	Compliance Using	Limit From	Averaging Period	How Limit Is Established
Good Particulate Matter Control	Monitoring requirements are the same as required for compliance assurance with the particulate matter standard. See Section VII.D.6 below.			
Limit on Maximum Inlet Temperature to Dry Particulate Matter Control Device	Continuous monitoring system (CMS)	Comprehensive performance test		
			1-hour	Avg of the test run averages
Limit on Maximum Total Semivolatile and Low Volatile Metal Feedrates from all Feedstreams	Sampling and analysis of feedstreams[1] for metals concentrations and a CMS for feedstream flowrate	Comprehensive performance test	12-hour	Avg of the average hourly rolling averages for each run
Limit on Maximum Total Pumpable Low Volatile Metal Feedrate from all Feedstreams	Sampling and analysis of feedstreams[1] for metals concentrations and a CMS for feedstream flowrate	Comprehensive performance test	12-hour	Avg of the average hourly rolling averages for each run
Limit on Maximum Total Chlorine Feedrate from all Feedstreams	Sampling and analysis of feedstreams[1] for chlorine and chloride concentrations and a CMS for feedstream flowrate	Comprehensive performance test	12-hour	Avg of the average hourly rolling averages for each run

[1] This limit applies to all feedstreams, except natural gas, process air, and feedstreams from vapor recovery systems. See the discussion on maximum semivolatile metal and low volatile metal feedrate limits below in the text.

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Semivolatile and low volatile metal emissions from hazardous waste combustors are controlled by controlling the feedrate of the metals and particulate matter emissions. In addition, because chlorine feedrate can affect the volatility of metals and thus metals levels in the combustion gas, and because the temperature at the inlet to the dry particulate matter control device can affect whether the metal is in the vapor (gas) or solid (particulate) phase, control of these parameters is also important to control emissions of these metals. We discuss below the operating parameter limits that apply to each control technique. We also discuss use of metal surrogates during performance testing, provisions for allowing extrapolation of performance test feedrate levels to calculate metal feedrate limits, and conditional waiver of the limit on low volatile metals in pumpable feedstreams.

a. Good Particulate Matter Control. As proposed, you must comply with the operating parameter limits for particulate matter control (see discussion in Section VII.D.6 below and § 63.1209(m)) because semivolatile and low volatile metals are primarily in the solid (particulate) phase at the gas temperature (i.e., 400°F or lower) of the particulate matter control device. Thus, these metals are largely removed from flue gas as particulate matter.

b. Maximum Inlet Temperature to Dry Particulate Matter Control Device. As proposed, you must establish and continuously monitor a limit on the maximum temperature at the inlet to a dry particulate matter control device. Although most semivolatile and low volatile metals are in the solid, particulate phase at the temperature at the inlet to the dry control device mandated by today's rule (i.e., 400°F or lower), some species of these metals remain in the vapor phase. We are requiring a limit on maximum temperature at the inlet to the control device to ensure that the fraction of these metals that are volatile (and thus not controlled by the particulate matter control device) does not increase during operations after the comprehensive performance test.

As proposed, you must establish an hourly rolling average temperature limit based on operations during the comprehensive performance test. The hourly rolling average limit is established as the average of the test run averages. See Part Five, Sections VII.B.1 and B.3 above for a discussion of the approach for calculating limits from comprehensive performance test data.

Commenters suggest that this limit may conflict with the maximum temperature limit at the inlet to the particulate matter control device that is also required for compliance assurance with the dioxin/furan emission standard. We do not understand commenters' concern. If for some reason the dioxin/furan and metals emissions tests are not conducted simultaneously, the governing temperature limit will be the lower of the limits established from the separate tests. This provides compliance assurance for both standards.

c. Maximum Semivolatile and Low Volatile Metals Feedrate Limits. You must establish limits on the maximum total feedrate of both semivolatile metals and low volatile metals from all feedstreams at levels fed during the comprehensive performance test. Metals feedrates are related to emissions in that, as metals feedrates increase at a source, metals emissions increase. See Part Four, Section II.A above for discussion on the relationship between metals feedrates and emissions. Thus, metals feedrates are an important control technique.

For low volatile metals, you must also establish a limit on the maximum total feedrate of pumpable liquids from all feedstreams. The rule requires a separate limit for pumpable feedstreams because metals present in pumpable feedstreams may partition between the combustion gas and bottom ash (or kiln product) at a higher rate than metals in nonpumpable feedstreams (i.e., low volatile metals in pumpable feedstreams tend to partition primarily to the combustion gas). The rule does not require a separate limit for semivolatile metals in pumpable feedstreams because partitioning between the combustion gas and bottom ash or product for these metals does not appear to be affected by the physical state of the feedstream.[238]

To establish and comply with the feedrate limits, you must sample and analyze and continuously monitor the flowrate of all feedstreams (including hazardous waste, raw materials, and other fuels and additives) except natural gas, process air, and feedstreams from vapor recovery systems for semivolatile and low volatile metals content. As proposed, you must establish maximum 12-hour rolling average feedrate limits based on operations during the comprehensive performance test as the average of the test run averages.

i. Use of Metal Surrogates. You may use one metal within a volatility group as a surrogate during comprehensive performance testing for other metals in that volatility group. For example, you may use chromium as a surrogate during the performance test for all low volatile metals. Similarly, you may use lead as a surrogate for cadmium, the other semivolatile metal. This is because the metals within a volatility group have generally the same volatility. Thus, they will generally be equally difficult to control with an emissions control device.

In addition, you may use either semivolatile metal as a surrogate for any low volatile metal because semivolatile metals will be more difficult to control than low volatile metals.[239] This will help alleviate concerns regarding the need to spike each metal during comprehensive performance testing. If you want to spike metals, you need not spike each metal to comply with today's rule but only one metal within a volatility group (or potentially one semivolatile metal for both volatility groups).

ii. Extrapolation of Performance Test Feedrate Levels to Calculate Metal Feedrate Limits.[240] You may request under § 63.1209(n)(2)(ii) to use the metal feedrates and emission rates associated with the comprehensive performance test to extrapolate feedrate limits and emission rates at levels higher than demonstrated during the performance test. Extrapolation can be advantageous because it avoids much of the spiking that sources normally undertake during compliance testing and the associated costs, risks to operating and testing personnel, and environmental loading from emissions.

Under an approved extrapolation approach, you would be required to feed metals at no less than normal rates to narrow the amount of extrapolation requested. Further, we expect that some spiking would be desired to increase confidence in the measured, performance test feedrate levels that will be used to project feedrate limits (i.e., the errors associated with sampling and analyzing heterogeneous feedstreams can be minimized by spiking known quantities). Extrapolation approaches that request feedrate limits that are significantly higher than the historical range of

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[238] See USEPA., "Technical Support Document for HWC MACT Standards, Volume IV: Compliance with the MACT Standards," February 1998.

[239] This is because a greater portion of semivolatile metals volatilize in the combustion chamber and condenses in the flue gas on small particulates or as fume. The major portion of low volatile metals in flue gas are entrained on larger particulates (rather than condensing from volatile species) and are thus easier to remove with a particulate control device.

[240] Although this extrapolation discussion is presented in context of semivolatile and low volatile metal feedrates, similar provisions could be implemented for mercury feedrates.

feedrates should not be approved. Extrapolated feedrate limits should be limited to levels within the range of the highest historical feedrates for the source. We are taking this policy position to avoid creating an incentive to burn wastes with higher than historical levels of metals. Metals are not destroyed by combustion but rather are emitted as a fraction of the amount fed to the combustor. If you want to burn wastes with higher than historical levels of metals, you must incur the costs and address the hazards to plant personnel and testing crews associated with spiking metals into your feedstreams during comprehensive performance testing.

Although we also investigated downward interpolation (i.e., between the measured feedrate and emission level and zero), we are concerned that downward interpolation may not be conservative. Our data indicates that system removal efficiency can decrease as metal feedrate decreases. Thus, actual emissions may be higher than emissions projected by interpolation for lower feedrates. Consequently, we are not allowing downward interpolation.

We are not specifying an extrapolation methodology to provide as much flexibility as possible to consider extrapolation methodologies that would best meet individual needs. We have investigated extrapolation approaches [241] and discussed in the May 1997 NODA a statistical extrapolation methodology. Commenters raise concerns, however, about defining a single acceptable extrapolation method. They note that other methods might be developed in the future that prove to be better, especially for a given source. We agree that the approach discussed in the NODA may be too inflexible and are not promulgating it today.[242] Consequently, today's rule does not specify a single method but allows you to recommend a method for review and approval by permitting officials.

Your recommended extrapolation methodology must be included in the performance test plan. See § 63.1207(f)(1)(x). Permitting officials will review the methodology considering in particular whether: (1) Performance test metal feedrates are appropriate (i.e., whether feedrates are at least at normal levels, whether some level of spiking would be appropriate depending on the heterogeneity of the waste, and whether the physical form and species of spiked material is appropriate); and (2) the requested, extrapolated feedrates are warranted considering historical metal feedrate data.

We received comments both in favor of and in opposition to metals extrapolation and interpolation. Those in favor suggest extrapolation would simplify the comprehensive performance test procedure, reduce costs, and decrease emissions during testing. Those in opposition are concerned about: (1) Whether there is a predictable relationship between feedrates and emission rates; (2) the possibility of higher overall metals loading to the environment over the life of the facility (i.e., because higher feedrate limits would be relatively easy to obtain); (3) the difficulty in defining a "normal" feedrate for facilities with variable metal feeds; and (4) whether all conditions influencing potential metals emissions, such as combustion temperature and metal compound speciation, could be adequately considered.

Given the pros and cons associated with various extrapolation methodologies and policies, we are still concerned that sources would be able to: (1) Feed metals at higher rates without a specific compliance demonstration of the associated metals emissions; and (2) obtain approval to feed metals at higher levels than normal, even though all combustion sources should be trying to minimize metals feedrates. However, because the alternative is metal spiking (as evidenced in facility testing for BIF compliance) and metal spiking is a significant concern as well, we find that the balance is better struck by allowing, with site-specific review and where warranted approval, extrapolation as a means to reduce unnecessary emissions, reduce unnecessary costs incurred by facilities, and better protect the health of testing personnel during performance tests.

iii. Conditional Waiver of Limit on Low Volatile Metals in Pumpable Feedstreams. Commenters indicate that they may want to base feedrate limits only on the worst-case feedstream—pumpable hazardous waste. The feedrate limit would be based only on the feedrate of the pumpable hazardous waste during the comprehensive performance test, even though nonpumpable feedstreams would be contributing some metals to emissions. In this situation, commenters suggest that separate feedrate limits for total and pumpable feedstreams would not be needed. We agree that if you define the total feedstream feedrate limit as the pumpable feedstream feedrate during the performance test, dual limits are not required. The feedrate of metals in total feedstreams must be monitored and shown to be below the pumpable feedstream-based limit. See § 63.1209(n)(2)(C).

iv. Response to other Comments. We discuss below our response to several other comments: (1) Recommendation for national uniform feedrate limits; (2) concerns that feedstream monitoring is problematic; and (3) recommendations that monitoring natural gas and vapor recovery system feedstreams is unnecessary.

A commenter states that nationally uniform feedrate limits are needed for metals and chlorine and that any other approach would be inconsistent with the CAA. The commenter stated that hazardous waste combustion device operators should not be allowed to self-select any level of toxic metal feedrate just because they can show compliance with the MACT standard. We believe that standards prescribing national feedrate limits on metals or chlorine are not necessary to ensure MACT control of metals and hydrochloric acid/chlorine gas and may be overly restrictive. Emissions of metals and hydrochloric acid/chlorine gas are controlled by controlling the feedrate of metals and chlorine, and emission control devices. In developing MACT standards for a source category, if we can identify emission levels that are being achieved by the best performing sources using MACT control, we generally establish the MACT standard as an emission level rather than prescribed operating limits (e.g., feedrate limits). This approach is preferable because it gives the source the option of determining the most cost-effective measures to comply with the standard. Some sources may elect to comply with the emission standards using primarily feedrate control, while others may elect to rely primarily on emission controls. Under either approach, the emission levels are equivalent to those being achieved by the best performing existing sources. Other factors that we considered in determining to express the standards as an emission level rather than feedrate limits include: (1) There is not a single, universal correlation factor between feedrate and metal emissions to use to determine a national feedrate that would be equivalent to the emission levels achieved by the best performing sources; (2) emission standards communicate better to the public that meaningful controls are being applied because the hazardous waste combustor

[241] See USEPA, "Draft Technical Support Document for HWC MACT Standards (NODA), Volume III: Evaluation of Metal Emissions Database to Investigate Extrapolation and Interpolation Issues," April 1997.

[242] We plan to develop guidance on approaches that provide greater flexibility.

emission standards can be compared to standards for other waste combustors (e.g., municipal and medical waste combustors) and combustion devices; and (3) CEMS, the ultimate compliance assurance tool that we encourage sources to use,[243] are incompatible with standards expressed as feedrate limits.

Another commenter is concerned that feedrate monitoring of highly heterogeneous waste streams is problematic and analytical turnaround times can be rather long. The commenter suggests that alternatives beyond feedstream monitoring (such as predictive emissions monitoring) should be allowed. Although we acknowledge that there may be difficulties in monitoring the feedrate of metals or chlorine in certain waste streams, there generally is no better way to assure compliance with these standards other than using CEMS. Predictive modeling appears to introduce unnecessarily some greater compliance uncertainty than feedstream testing. Thus, we conclude that feedstream monitoring is a necessary monitoring tool if a multimetals CEMS is not used. (We also note that feedstream monitoring under MACT will not be substantially more burdensome or problematic than the requirements now in place under RCRA regulations.)

In addition, another commenter suggests that sources should not have to monitor metals and chlorine in natural gas feedstreams because it is impractical and levels are low and unvarying. The commenter suggests that sources should be allowed to use characterization data from natural gas vendors. We agree that the cost and possible hazards of monitoring natural gas for metals and chlorine is not warranted because our data shows metals are not present at levels of concern. Therefore, you are not required to monitor metals and chlorine levels in natural gas feedstreams. However, you must document in the comprehensive performance test plan the expected levels of these constituents and account for the expected levels in documenting compliance with feedrate limits (e.g., by assuming worst-case concentrations and monitoring the natural gas flowrate). See § 63.1209(c)(5).

Finally, some commenters are concerned that feedstreams from vapor recovery systems (e.g., waste fuel tank and container emissions) are difficult, costly, and often dangerous to monitor frequently for metals and chlorine levels. Particularly because of some of the safety issues concerned, the rule does not require continuous monitoring of metals and chlorine for feedstreams from vapor recovery systems. However, as is the case for natural gas, you must document in the comprehensive performance test plan the expected levels of these constituents and account for the expected levels in documenting compliance with feedrate limits.

d. Maximum Chlorine Feedrate. As proposed, you must establish a limit on the maximum feedrate for total chlorine (both organic and inorganic) in all feedstreams based on the level fed during the comprehensive performance test. A limit on maximum chlorine feedrate is necessary because most metals are more volatile in the chlorinated form. Thus, for example, more low volatile metals may report to the combustion gas as a vapor than would be otherwise be entrained in the combustion gas absent the presence of chlorine. In addition, the vapor form of the metal is more difficult to control. Although most semivolatile and low volatile metal species are in the particulate phase at gas temperatures at the inlet to the particulate matter control device, semivolatile metals that condense from the vapor phase partition to smaller particulates and are more difficult to control than low volatile metals that are emitted in the form of entrained, larger particulates.

To establish and comply with the feedrate limit, you must sample and analyze, and continuously monitor the flowrate, of all feedstreams (including hazardous waste, raw materials, and other fuels and additives) except natural gas, process air, and feedstreams from vapor recovery systems for total chlorine content. As proposed, you must establish a maximum 12-hour rolling average feedrate limit based on operations during the comprehensive performance test as the average of the test run averages.

Commenters suggest that chlorine feedrate limits are not needed for sources with semivolatile and low volatile metal feedrates, when expressed as maximum theoretical emission concentrations, less than the emission standard. We agree. In this situation, you would be eligible for the waiver of performance test under § 63.1207(m). The requirements of that provision (e.g., monitor and record metals feedrates and gas flowrates to ensure that metals feedrate, expressed as a maximum theoretical emission concentration, does not exceed the emission standard) apply in lieu of the operating parameter limits based on performance testing discussed above. We note, however, that you would still need to establish a maximum feedrate limit for total chlorine as an operating parameter limit for the hydrochloric acid/chlorine gas emission standard (discussed below), unless you also qualified for a waiver of that emission standard under § 63.1207(m).

4. What Are the Monitoring Requirements for Carbon Monoxide and Hydrocarbon?

You must maintain compliance with the carbon monoxide and hydrocarbon emission standards using continuous emissions monitoring systems (CEMS). In addition, you must use an oxygen CEMS to correct continuously the carbon monoxide and hydrocarbon levels recorded by their CEMS to 7 percent oxygen.

As proposed, the averaging period for carbon monoxide and hydrocarbon CEMS is a one-hour rolling average updated each minute. This is consistent with current RCRA requirements and commenters did not recommend an alternative averaging period.

We also are promulgating performance specifications for carbon monoxide, hydrocarbon, and oxygen CEMS. The carbon monoxide and oxygen CEMS performance specifications are codified as Performance Specification 4B in appendix B, part 60. This performance specification is the same as the specification currently used for BIFs in appendix IX, part 266. It also is very similar to existing appendix B, part 60 Performance Specifications 3 (for oxygen) and 4A (for carbon monoxide). New specification 4B references many of the provisions of Specifications 3 and 4A.

The hydrocarbon CEMS performance specification is codified as Performance Specification 8A in appendix B, part 60. This specification is also identical to the specification currently used for BIFs in section 2.2 of appendix IX, part 266, with one exception. We deleted the quality assurance section and placed it in the appendix to subpart EEE of part 63 promulgated today to be consistent with our approach to part 60 performance specifications.

We discuss below several issues pertaining to monitoring with these CEMS: (1) The requirement to establish site-specific alternative span values in some situations; (2) consequences of exceeding the span value of the CEMS; and (3) the need to adjust the oxygen correction factor during startup and shutdown.

a. When Are You Required to Establish Site-Specific Alternative Span

[243] As discussed previously in the text, feedrate limits as a compliance tool can be problematic for difficult to sample or analyze feedstreams. Further, the emissions resulting from a given feedrate level may increase (or decrease) over time, providing uncertainty about actual emissions.

Values? As proposed, if you normally operate at an oxygen correction factor of more than 2 (e.g., a cement kiln monitoring carbon monoxide in the by-pass duct), you must use a carbon monoxide or hydrocarbon CEMS with a span proportionately lower than the values prescribed in the performance specifications relative to the oxygen correction factor at the CEMS sampling point. See the appendix to Subpart EEE, part 63: Quality Assurance Procedures for Continuous Emissions Monitors Used for Hazardous Waste Combustors.

This requirement arose from our experience with implementing the BIF rule when we determined that the prescribed span values for the carbon monoxide and hydrocarbon CEMS may lead to high error in corrected emission values due to the effects of making the oxygen correction. For example, a cement kiln may analyze for carbon monoxide emissions in the by-pass duct with oxygen correction factors on the order of 10. At the low range of the carbon monoxide CEMS span—200 ppm as prescribed by Performance Specification 4B—with an acceptable calibration drift of three percent, an error of 6 ppm is the result. Accounting for the oxygen correction factor of 10, however, drives the error in the measurement due to calibration drift up to 60 ppm. This is more than half the carbon monoxide emission standard of 100 ppm and is not acceptable. At carbon monoxide readings close to the 100 ppm standard, true carbon monoxide levels may be well above or well below the standard.

Consider the same example under today's requirement. For an oxygen correction factor of 10, the low range span for the carbon monoxide CEMS must be 200 divided by 10, or 20 ppm. The allowable calibration drift of three percent of the span allows an error of 0.6 ppm at 20 ppm. Applying an oxygen correction factor of 10 results in an absolute calibration drift error of 6ppm at an oxygen-corrected carbon monoxide reading of 200.

b. What Are the Consequences of Exceeding the Span Value for Carbon Monoxide and Hydrocarbon CEMS? If you do not elect to use a carbon monoxide CEMS with a higher span value of 10,000 ppmv and a hydrocarbon CEMS with a higher span value of 500 ppmv, you must configure your CEMS so that a one-minute carbon monoxide value reported as 3,000 ppmv or greater must be recorded (and used to calculate the hourly rolling average) as 10,000 ppmv, and a one-minute hydrocarbon value reported as 200 ppmv or greater must be recorded as 500 ppmv.

If you elect to use a carbon monoxide CEMS with a span range of 0–10,000 ppmv, you must use one or more carbon monoxide CEMS that meet the Performance Specification 4B for three ranges: 0–200 ppmv; 1–3,000 ppmv; and 0–10,000 ppmv. Specification 4B provides requirements for the first two ranges. For the (optional) high range of 0–10,000 ppmv, the CEMS must also comply with Performance Specification 4B, except that the calibration drift must be less than 300 ppmv and calibration error must be less than 500 ppmv. These values are based on the allowable drift and error, expressed as a percentage of span, that the specification requires for the two lower span levels.

If you elect to use a hydrocarbon CEMS with a span range of 0–500 ppmv, you must use one or more hydrocarbon CEMS that meet Performance Specification 8A for two ranges: 0–100 ppmv, and 0–500 ppmv. Specification 8A provides requirements for the first range. For the (optional) high range of 0–500 ppmv, the CEMS must also comply with Performance Specification 8A, except: (1) The zero and high-level daily calibration gas must be between 0 and 100 ppmv and between 250 and 450 ppmv, respectively; (2) the strip chart recorder, computer, or digital recorder must be capable of recording all readings within the CEMS measurement range and must have a resolution of 2.5 ppmv; (3) the CEMS calibration must not differ by more than ±15 ppmv after each 24 hour period of the seven day test at both zero and high levels; (4) the calibration error must be no greater than 25 ppmv; and (5) the zero level, mid-level, and high level values used to determine calibration error must be in the range of 0–200 ppmv, 150–200 ppmv, and 350–400 ppmv, respectively. These requirements for the optional high range (0–500 ppmv) are derived proportionately from the requirements in Specification 8A for the lower range (0–100 ppmv).

The rule provides this requirement because we are concerned that, when carbon monoxide and hydrocarbon monitors record a one-minute value at the upper span level, the actual level of carbon monoxide or hydrocarbons may be much higher (i.e., these CEMS often "peg-out" at the upper span level). This has two inappropriate consequences. First, the source may actually be exceeding the carbon monoxide or hydrocarbon standard even though the CEMS indicates that it is not. Second, if the carbon monoxide or hydrocarbon hourly rolling average were to exceed the standard, triggering an automatic waste feed cutoff, the emission level may drop back below the standard much sooner than it otherwise would if the actual one-minute average emission levels were recorded (i.e., rather than one-minute averages pegged at the upper span value). Thus, this diminishes the economic disincentive for incurring automatic waste feed cutoffs of not being able to restart the hazardous waste feed until carbon monoxide and hydrocarbon levels are below the standard.

We considered applying these "out-of-span" requirements when any recorded value (i.e., any value recorded by the CEMS on a frequency of at least every 15 seconds), rather than one-minute average values, exceeded the upper span level. Commenters point out, however, that CEMS may experience short-term electronic glitches that cause the monitored output to spike for a very short time period. We concur, and conclude that we should be concerned only about one-minute average values because these short-term electronic glitches (that are not caused by emission excursions) could result in an undesirable increase in automatic waste feed cutoffs.

You may prefer to use carbon monoxide or hydrocarbon CEMS that have upper span values between 3,000 and 10,000 ppmv and between 100 and 500 ppmv, respectively. If you believe that you would not have one-minute average carbon monoxide or hydrocarbon levels as high as 10,000 ppmv and 500 ppmv, respectively, you may determine that it would be less expensive to use monitors with lower upper span levels (e.g., you may be able to use a single carbon monoxide CEMS to meet performance specifications for all three spans—the two lower spans required by Specification 4B, and a higher span (but less than 10,000)). You must still record, however, any one-minute average carbon monoxide or hydrocarbon levels that are at or above the span as 10,000 ppmv and 500 ppmv, respectively.

c. How Is the Oxygen Correction Factor Adjusted during Startup and Shutdown? You must identify in your Startup Shutdown, and Malfunction Plan a projected oxygen correction factor to use during periods of startup and shutdown. The projected oxygen correction factor should be based on normal operations. See § 63.1206(c)(2)(iii). The rule provides this requirement because the oxygen concentration in the combustor can exceed 15% during startup and shutdown, causing the correction factor to increase exponentially from the normal value. Such large correction factors result in corrected carbon

monoxide and hydrocarbon levels that are inappropriately inflated.

5. What Are the Operating Parameter Limits for Hydrochloric Acid/Chlorine Gas?

You must maintain compliance with the hydrochloric acid/chlorine gas emission standard by establishing and complying with limits on operating parameters. See § 63.1209(o). The following table summarizes these operating parameter limits. All sources must comply with the maximum chlorine feedrate limit. Other operating parameter limits apply depending on the type of hydrochloric acid/chlorine gas emission control device you use.

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Summary of Hydrochloric Acid/Chlorine Gas Monitoring Requirements

Control Technique	Compliance Using	Limits From	Averaging Period	How Limit Is Established
Limit on Maximum Chlorine Feedrate	Sampling and analysis of feedstreams[1] for chlorine (organic and inorganic) and a continuous monitoring system (CMS) for feedstream flowrate	Comprehensive performance test	12-hour	Avg of the average hourly rolling averages for each run
Wet Scrubber	CMS for maximum flue gas flowrate or kiln production rate	Comprehensive performance test	1-hour	Avg of the maximum hourly rolling averages for each run
	High energy scrubbers: CMS for minimum pressure drop across scrubber	Comprehensive performance test	1-hour	Avg of the test run averages
	Low energy scrubbers: CMS for minimum pressure drop across scrubber	Manufacturer specifications	1-hour	n/a
	Low energy scrubbers: CMS for minimum liquid feed pressure	Manufacturer specifications	1-hour	n/a
	CMS for minimum liquid pH	Comprehensive performance test	1-hour	Avg of the test run averages
	CMS for limit on minimum scrubber liquid flowrate and maximum flue gas flowrate or CMS for limit on minimum liquid/gas ratio	Comprehensive performance test	1-hour	Avg of the test run averages
Dry Scrubber[2]	CMS for minimum sorbent feedrate	Comprehensive performance test	1-hour	Avg of the test run averages
	CMS for minimum carrier fluid flowrate or nozzle pressure drop	Manufacturer specification	1-hour	n/a
	Identification of sorbent brand and type or adsorption properties	Comprehensive performance test	n/a	Same properties based on manufacturer's specifications

[1] This limit applies to all feedstreams, except natural gas, process air, and feedstreams from vapor recovery systems. See the discussion in Section VII.D.3 above in the text for the rationale for these exceptions.

[2] A CMS for gas flowrate or kiln production rate is also required with the same provisions as required for that compliance parameter for wet scrubbers.

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Hydrochloric acid/chlorine gas emissions from hazardous waste combustors are controlled by controlling the feedrate of total chlorine (organic and inorganic) and either wet or dry scrubbers. We discuss below the operating parameter limits that apply to each control technique.

a. Maximum Chlorine Feedrate Limit. As proposed, you must establish a limit on the maximum feedrate of chlorine, both organic and inorganic, from all feedstreams based on levels fed during the comprehensive performance test. Chlorine feedrate is an important emission control technique because the amount of chlorine fed into a combustor directly affects emissions of hydrochloric acid/chlorine gas. To establish and comply with the feedrate limit, you must sample and analyze, and continuously monitor the flowrate, of all feedstreams (including hazardous waste, raw materials, and other fuels and additives) except natural gas, process air, and feedstreams from vapor recovery systems for chlorine content.[244] Also as proposed, you must establish a maximum 12-hour rolling average feedrate limit based on operations during the comprehensive performance test as the average of the test run averages.

One commenter states that a chlorine feedrate is not necessary for cement kilns because cement kilns have an inherent incentive to control chlorine feedrates: to avoid operational problems such as the formation of material rings in the kiln or alkali-chloride condensation on the walls. Although we understand that cement kilns must monitor chlorine feedrates for operational reasons, several cement kilns in our data base emit levels of hydrochloric acid/chlorine gas at levels above today's emissions standard. We conclude, therefore, that the operational incentive to limit chlorine feedrates is not adequate to ensure compliance with the hydrochloric acid/chlorine gas emission standard.

b. Wet Scrubbers. If your combustor is equipped with a wet scrubber, you must establish, continuously monitor, and comply with limits on the following operating parameters:

i. Maximum Flue Gas Flowrate or Kiln Production Rate. As proposed, you must establish a limit on maximum flue gas flowrate or kiln production rate as a surrogate. See 61 FR at 17433. Gas flowrate is a key parameter affecting the control efficiency of a wet scrubber (and any emissions control device). As gas flowrate increases, control efficiency generally decreases unless other operating parameters are adjusted to accommodate the increased flowrate. Cement kilns and lightweight aggregate kilns may establish a limit on maximum production rate (e.g., raw material feedrate or clinker or aggregate production rate) in lieu of a maximum gas flowrate given that production rate directly relates to flue gas flowrate.

As proposed, you must establish a maximum gas flowrate or production rate limit as the average of the maximum hourly rolling averages for each run of the comprehensive performance test.

We did not receive adverse comment on this compliance parameter.

ii. Minimum Pressure Drop Across the Scrubber. You must establish a limit on minimum pressure drop across the scrubber. If your combustor is equipped with a high energy scrubber (e.g., venturi, calvert), you must establish an hourly rolling average limits based on operations during the comprehensive performance test. The hourly rolling average is established as the average of the test run averages.

If your combustor is equipped with a low energy scrubber (e.g., spray tower), you must establish a limit on minimum pressure drop based on the manufacturer's specification. You must comply with the limit on an hourly rolling average basis.

Pressure drop across a wet scrubber is an important operating parameter because it is an indicator of good mixing of the two fluids, the scrubber liquid and the flue gas. A low pressure drop indicates poor mixing and, hence, poor efficiency. A high pressure drop indicates good removal efficiency.

One commenter states that wet scrubber pressure drop is not an important parameter for packed-bed, low energy wet scrubbers. The commenter states that the performance of a packed-bed scrubber is based on good liquid-to-gas contacting. Thus, performance is dependent on packing design and scrubber fluid flow. In addition, the commenter states that scrubber liquid flow rate (and recirculation rate and make-up water flow rate) are adequate for assuring proper scrubber operation. We note that for many types of low energy wet scrubbers, pressure drop can be a rough indicator of scrubber liquid and flue gas contacting. Thus, although it is not a critical parameter, the minimum pressure drop of a low energy scrubber should still be monitored and complied with on a continuous basis.

Because pressure drop for a low energy scrubber (e.g., spray towers, packed beds, or tray towers) is not as important as for a high energy scrubber to maintain performance, however, the rule requires you to establish a limit on the minimum pressure drop for a low energy scrubber based on manufacturer specifications, rather than levels demonstrated during compliance testing. You must comply with this limit on an hourly rolling average basis. The pressure drop for high energy wet scrubbers, such as venturi or calvert scrubbers, however, is a key operating parameter to ensure the scrubber maintains performance. Accordingly, you must base the minimum pressure drop for these devices on levels achieved during the comprehensive test, and you must establish an hourly rolling average limit.

iii. Minimum Liquid Feed Pressure. You must establish a limit on minimum liquid feed pressure to a low energy scrubber. The limit must be based on manufacturer's specifications and you must comply with it on an hourly rolling average basis.

The rule requires a limit on liquid feed pressure because the removal efficiency of a low energy wet scrubber can be directly affected by the atomization efficiency of the scrubber. A drop in liquid feed pressure may be an indicator of poor atomization and poor scrubber removal efficiency. We are not requiring a limit on minimum liquid feed pressure for high energy scrubbers because liquid flow rate rather than feed pressure is the dominant operating parameter for high energy scrubbers.

We acknowledge, however, that not all wet scrubbers rely on atomization efficiency to maintain performance. If manufacturer's specifications indicate that atomization efficiency is not an important parameter that controls the efficiency of your scrubber, you may petition permitting officials under § 63.1209(g)(1) to waive this operating parameter limit.

iv. Minimum Liquid pH. You must establish dual ten-minute and hourly rolling average limits on minimum pH of the scrubber water based on operations during the comprehensive performance test. The hourly rolling average is established as the average of the test run averages.

The pH of the scrubber liquid is an important operating parameter because, at low pH, the scrubber solution is more acidic and removal efficiency of hydrochloric acid and chlorine gas decreases.

These requirements, except for the proposed ten-minute averaging period, are the same as we proposed. See 61 FR at 17433. We did not receive adverse comments.

[244] See discussion in Section VII.D.3 above in the text for the rationale for exempting these feedstreams for monitoring for chlorine content.

v. Minimum Scrubber Liquid Flowrate or Minimum Liquid/Gas Ratio. You must establish an hourly rolling average limits on either minimum scrubber liquid flowrate and maximum flue gas flowrate or minimum liquid/gas ratio based on operations during the comprehensive performance test. The hourly rolling average is established as the average of the test run averages.

Liquid flowrate and flue gas flowrate or liquid/gas ratio are important operating parameters because a high liquid-to-gas-flowrate ratio is indicative of good removal efficiency.

We had proposed to limit the liquid-to-gas ratio only. Commenters suggest that a limit on liquid-to-gas flow ratio would not be needed if the liquid flowrate and flue gas flowrate were limited instead. They reason that, because gas flowrate is already limited, limiting liquid flowrate as well would ensure that the liquid-to-gas ratio is maintained. We agree. During normal operations, the liquid flowrate can only be higher than levels during the performance test, and gas flowrate can only be lower than during the performance test. Thus, the numerator in the liquid flowrate/gas flowrate ratio could only be larger, and the denominator could only be smaller. Consequently, the liquid flowrate/gas flowrate during normal operations will always be higher than during the comprehensive performance test. Consequently, we agree that a limit on liquid-to-gas-ratio is not needed if you establish a limit on liquid flowrate and flue gas flowrate. Establishing limits on these parameters is adequate to ensure that the liquid flowrate/gas ratio is maintained.[245]

c. Dry Scrubbers. A dry scrubber removes hydrochloric acid from the flue gas by adsorbing the hydrochloric acid onto sorbent, normally an alkaline substance like limestone. As proposed, if your combustor is equipped with a dry scrubber, you must establish, continuously monitor, and comply with limits on the following operating parameters: Gas flowrate or kiln production rate; sorbent feedrate; carrier fluid flowrate or nozzle pressure drop; and sorbent specifications. See 61 FR at 17434.

i. Maximum Flue Gas Flowrate or Kiln Production Rate. As proposed, you must establish a limit on maximum flue gas flowrate or kiln production rate as a surrogate. The limit is established and monitored as discussed above for wet scrubbers.

ii. Minimum Sorbent Feedrate. You must establish an hourly rolling average limit on minimum sorbent feedrate based on feedrate levels during the comprehensive performance test. The hourly rolling average is established as the average of the test run averages.

Sorbent feedrate is important because, as more sorbent is fed into the dry scrubber, removal efficiency of hydrochloric acid and chlorine gas increases.[246] Conversely, lower sorbent feedrates tend to cause removal efficiency to decrease.

At proposal, we invited comment on whether a ten-minute rolling average is appropriate for sorbent feedrate (61 FR at 17434). We were concerned that some facilities may not automate their dry scrubbers to add sorbent solutions but instead add batches of virgin sorbent solution. Thus, we were concerned that a ten-minute rolling average may not be practicable in all cases. Some commenters are concerned that a ten-minute limit would be difficult to measure, especially in the case of batch addition of sorbent. Nonetheless, we have determined upon reanalysis that sorbent is not injected into the flue gas in "batches." Although sorbent may be added in batches to storage or mixing vessels, it must be injected into the flue gas continuously to provide continuous and effective removal of acid gases. Thus, ten-minute rolling average limits would be practicable and appropriate for sorbent injection feedrates if ten-minute averages were required in this final rule.[247] However, as discussed in Part Five, Section VII.B, we have decided to not require ten-minute averaging periods on a national basis. Permitting officials may, however, determine that shorter averaging periods are needed to better assure compliance with the emission standard.

iii. Minimum Carrier Fluid Flowrate or Nozzle Pressure Drop. A carrier fluid, normally air or water, is necessary to transport and inject the sorbent into the gas stream. As proposed, you must establish and continuously monitor a limit on either minimum carrier gas or water flowrate or pressure drop across the nozzle to ensure that the flow and dispersion of the injected sorbent into the flue gas stream is maintained. You must base the limit on manufacturer's specifications, and comply with the limit on a one-hour rolling average basis.

Without proper carrier flow to the dry scrubber, the sorbent flow into the scrubber will decrease causing the efficiency to decrease. Nozzle pressure drop is also an indicator of carrier gas flow into the scrubber. At higher pressure drops, more sorbent is carried to the dry scrubber.

iv. Identification of Sorbent Brand and Type or Adsorption Properties. You must either identify the sorbent brand and type used during the comprehensive performance test and continue using that sorbent, or identify the adsorption properties of that sorbent and use a sorbent having equivalent or better properties. This will ensure that the sorbent's adsorption properties are maintained.

We proposed to require sources to continue to use the same sorbent brand and type as they used during the comprehensive performance test or obtain a waiver from this requirement from the Administrator. See 61 FR at 17434. As discussed above in the context of specifying the brand of carbon used in carbon injection systems to control dioxin/furan, we have determined that sources should have the option of using manufacturer's specifications to specify the sorption properties of the sorbent used during the comprehensive performance test. You may use sorbent of other brands or types provided that it has equivalent or better sorption properties. You must include in the operating record written documentation that the substitute sorbent will provide the same level of control as the original sorbent.

6. What Are the Operating Parameter Limits for Particulate Matter?

You must maintain compliance with the particulate matter emission standard by establishing and complying with limits on operating parameters. See § 63.1209(m). The following table summarizes these operating parameter limits. All incinerators must comply with the limit on maximum ash feedrate. Other operating parameter limits apply depending on the type of particulate matter control device you use.

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[245] In fact, complying with limits on liquid flowrate and gas flowrate, rather than complying with a liquid flowrate/gas flowrate ratio, is a more conservative approach to ensure that the performance test ratio is maintained (at a minimum). Thus, we prefer that you establish a limit on liquid flowrate (in conjunction with the limit gas flowrate) in lieu of a limit on the ratio.

[246] We note that sorbent should be fed to a dry scrubber in excess of the stoichiometric requirements for neutralizing the anion component in the flue gas. Lower levels of sorbent, even above stoichiometric requirements, would limit the removal of acid gasses.

[247] We note that flowrate measurement devices are available for ten-minute average times (e.g., those based on volumetric screw feeders which provide instantaneous measurements).

Summary of Particulate Matter Monitoring Requirements

Control Technique	Compliance Using	Limits From	Averaging Period	How Limit Is Established
For Incinerators, Limit on Maximum Ash Feedrate	Sampling and analysis of feedstreams for ash and a continuous monitoring system (CMS) for feedstream flowrate	Comprehensive performance test	12-hour	Avg of the average hourly rolling averages for each run.
Wet Scrubber: High Energy and Ionizing Scrubbers	CMS for maximum flue gas flowrate or kiln production rate	Comprehensive performance test	1-hour	Avg of the maximum hourly rolling averages for each run
	For high energy wet scrubbers only, CMS for minimum pressure drop across scrubber	Comprehensive performance test	1-hour	Avg of the test run averages
	For high energy wet scrubbers only, CMS for limit on minimum scrubber liquid flowrate and maximum flue gas flowrate or CMS for limit on minimum liquid/gas ratio	Comprehensive performance test	1-hour	Avg of the test run averages
All Wet Scrubbers	CMS for limit on minimum blowdown rate plus a CMS for either minimum scrubber tank volume or level, or	Comprehensive performance test	1-hour	Avg of the test run averages
	CMS for solids content of scrubber water, or	Comprehensive performance test	12-hour	Avg of the test run averages
	Manual sampling for solids content of scrubber water[1]	Comprehensive performance test	1-hour	Avg of manual sampling run averages
Fabric Filter[2]	CMS for minimum pressure drop and maximum pressure drop across each cell	Manufacturer's specifications	1-hour	n/a
Electrostatic Precipitator and Ionizing Wet Scrubber[2]	CMS for secondary voltage and current to each field to monitor limits on minimum power input (kVA)	Comprehensive performance test	1-hour	Avg of the test run averages

[1] Unless you elect to comply with a default sampling/analysis frequency for solids content of the scrubber water of once per hour, you must recommend an alternative frequency in the comprehensive performance test plan that you submit for review and approval.

[2] A CMS for gas flowrate or kiln production rate is also required with the same provisions as required for those parameters for wet scrubbers.

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Particulate matter emissions from hazardous waste combustors are controlled by controlling the feedrate of ash to incinerators and using a particulate matter control device. We discuss below the operating parameter limits that apply to each control technique.

a. Maximum Ash Feedrate. As proposed, if you own or operate an incinerator, you must establish a limit on the maximum feedrate of ash from all feedstreams based on the levels fed during the comprehensive performance test. To establish and comply with the feedrate limit, you must sample and analyze, and continuously monitor the flowrate of all feedstreams (including hazardous waste, and other fuels and additives) except natural gas, process air, and feedstreams from vapor recovery systems for ash content.[248] Also as proposed, you must establish a maximum 12-hour rolling average feedrate limit based on operations during the comprehensive performance test as the average of the test run averages. See 61 FR at 17438.

Ash feedrate for incinerators is an important particulate matter control parameter because ash feedrates can relate directly to emissions of particulate matter (i.e., ash contributes to particulate matter in flue gas). We are not requiring an ash feedrate limit for cement or lightweight aggregate kilns because particulate matter from those combustors is dominated by raw materials entrained in the flue gas. The contribution to particulate matter of ash from hazardous waste or other feedstreams is not significant. We discussed this issue at proposal.

A commenter states that ash feedrate limits are not needed for combustors using fabric filters, suggesting that fabric filter pressure drop and opacity monitoring are sufficient for compliance assurance. We discuss previously in this section (i.e., Part Five, Section VII) our concern that neither opacity monitors, nor limits on control device operating parameter, nor limits on the feedrates of constituents that can contribute directly to emissions of hazardous air pollutants comprise an ideal compliance assurance regime. We would prefer the use of a particulate matter CEMS for compliance assurance but cannot achieve that goal at this time. Absent the use of a CEMS and given the limitations of the individual compliance tools currently available, we are reluctant to forgo on a national, generic basis requiring limits on an operating parameter such as ash feedrate that we know can relate directly to particulate emissions. However, you may petition permitting officials under § 63.1209(g)(1) for approval to waive the ash feedrate limit based on data or information documenting that pressure drop across the fabric filter coupled with an opacity monitor would provide equivalent or better compliance assurance than a limit on ash feedrate.

b. Wet Scrubbers. As proposed, if your combustor is equipped with a wet scrubber, you must establish, continuously monitor, and comply with limits on the operating parameters discussed below. High energy wet scrubbers (e.g., venturi, calvert) remove particulate matter by capturing particles in liquid droplets and separating the droplets from the gas stream. Ionizing wet scrubbers use both an electrical charge and wet scrubbing to remove particulate matter. Low energy wet scrubbers that are not ionizing wet scrubbers (e.g., packed bed, spray tower) are only subject to the scrubber water solids content operating parameter requirements for particulate matter control because they are primarily used to control emissions of acid gases and only provide incidental particulate matter control.

i. Maximum Flue Gas Flowrate or Kiln Production Rate. For high energy and ionic wet scrubbers, you must establish a limit on maximum flue gas flowrate or kiln production rate as a surrogate. See 61 FR at 17438. Gas flowrate is a key parameter affecting the control efficiency of a wet scrubber (and any emissions control device). As gas flowrate increases, control efficiency generally decreases unless other operating parameters are adjusted to accommodate the increased flowrate. Cement kilns and lightweight aggregate kilns may establish a limit on maximum production rate (e.g., raw material feedrate or clinker or aggregate production rate) in lieu of a maximum gas flowrate given that production rate directly relates to flue gas flowrate.

As proposed, you must establish a maximum gas flowrate or production rate limit as the average of the maximum hourly rolling averages for each run of the comprehensive performance test.

ii. Minimum Pressure Drop Across the Scrubber. For high energy scrubbers only, you must establish an hourly rolling average limits on minimum pressure drop across the scrubber based on operations during the comprehensive performance test. The hourly rolling average is established as the average of the test run averages. See the discussion in Section VII.D.5.b above for a discussion on the approach for calculating limits from comprehensive performance test data.

iii. Minimum Scrubber Liquid Flowrate or Minimum Liquid/Gas Ratio. For high energy wet scrubbers, you must establish an hourly rolling average limits on either minimum scrubber liquid flowrate and maximum flue gas flowrate or minimum liquid/gas ratio based on operations during the comprehensive performance test. The hourly rolling average is established as the average of the test run averages. See the discussion in Section VII.D.5.b above for a discussion on the approach for calculating limits from comprehensive performance test data.

iv. Maximum Solids Content of Scrubber Water or Minimum Blowdown Rate Plus Minimum Scrubber Tank Volume or Level. For all wet scrubbers, to maintain the solids content of the scrubber water to levels no higher than during the comprehensive performance test, you must establish a limit on either: (1) Maximum solids content of the scrubber water; or (2) minimum blowdown rate plus minimum scrubber tank volume or level. If you elect to establish a limit on maximum solids content of the scrubber water, you must comply with the limit either by: (1) Continuously monitoring the solids content and establishing 12-hour rolling average limits based on solids content during the comprehensive performance test; or (2) periodic manual sampling and analysis of scrubber water for solids content. Under option 1, the 12-hour rolling average is established as the average of the test run averages. Under option 2, you must either comply with a default sampling and analysis frequency for scrubber water solids content of once per hour or recommend an alternative frequency in your comprehensive performance test plan that you submit for review and approval.

Solids content in the scrubber water is an important operating parameter because as the solids content increases, particulate emissions increase. This is attributable to evaporation of scrubber water and release of previously captured particulate back into the flue gas. Blowdown is the amount of scrubber liquid removed from the process and not recycled back into the wet scrubber. As scrubber liquid is removed and not recycled, solids are removed. Thus, blowdown is an operating parameter that affects solids content and can be used as a surrogate for measuring solids content directly. See 61 FR 17438.

The proposed rule would have required continuously monitored limits on either minimum blowdown or a

[248] See discussion in Section VII.D.3 above in the text for the rationale for exempting these feedstreams from monitoring for ash content.

maximum solids content. In response to comments and upon reanalysis of the issues, we conclude that we need to make two revisions to these requirements. First, we are concerned that it may be problematic to continuously monitor the solids content of scrubber water. Consequently, we revised the requirements to allow manual sampling and analysis on an hourly basis, unless you justify an alternative frequency. Second, we are concerned that a limit on blowdown rate without an associated limit on either minimum scrubber water tank volume or level would not be adequate to provide control of solids content. The solids concentration in blowdown tanks could be higher at lower water levels. Therefore, water levels need to be at least equivalent to the levels during the comprehensive performance test. This should not be a significant additional burden. Sources should be monitoring the water level in the scrubber water tank as a measure of good operating practices. Consequently, we revise the requirement to require a minimum tank volume or level in conjunction with a minimum blowdown rate for sources that elect to use that compliance option.

c. Fabric Filter. If your combustor is equipped with a fabric filter, you must establish, continuously monitor, and comply with limits on the operating parameters discussed below.

i. Maximum Flue Gas Flowrate or Kiln Production Rate. As proposed, you must establish a limit on maximum flue gas flowrate or kiln production rate as a surrogate. Gas flowrate is a key parameter affecting the control efficiency of a fabric filter (and any emissions control device). As gas flowrate increases, control efficiency generally decreases unless other operating parameters are adjusted to accommodate the increased flowrate. Cement kilns and lightweight aggregate kilns may establish a limit on maximum production rate (e.g., raw material feedrate or clinker or aggregate production rate) in lieu of a maximum gas flowrate given that production rate directly relates to flue gas flowrate.

As proposed, you must establish a maximum gas flowrate or production rate limit as the average of the maximum hourly rolling averages for each run of the comprehensive performance test.

ii. Minimum Pressure Drop and Maximum Pressure Drop Across the Fabric Filter. You must establish a limit on minimum pressure drop and maximum pressure drop across each cell of the fabric filter based on manufacturer's specifications.

Filter failure is typically due to filter holes, bleed-through migration of particulate through the filter and cake, and small "pin holes" in the filter and cake. Because low pressure drop is an indicator of one of these types of failure, pressure drop across the fabric filter is an indicator of fabric filter failure.

We had proposed to establish limits on minimum pressure drop based on the performance test. Commenters indicate, however, that maintaining a pressure drop not less than levels during the performance test will not ensure baghouse performance. We concur. The pressure change caused by fabric holes may not be measurable, especially at large sources with multiple chamber filter housing units that operate in parallel. In addition, operating at high pressure drop may not be desirable because high pressures can create pin holes.

Nonetheless, establishing a limit on minimum pressure drop based on manufacturer's recommendations, as suggested by a commenter, is a reasonable and prudent approach to help ensure fabric filter performance. We have since determined that an operating parameter limit for maximum pressure drop across each cell of the fabric filter, based on manufacturer specifications, is also necessary. As discussed above, a high pressure drop in a cell of a fabric filter may cause small pinholes to form or may be indicative of bag blinding or plugging, which could result in increased particulate emissions. We do not consider this additional provision to be burdensome, especially because both the maximum and minimum pressure drop limits are based on manufacturer specifications on an hourly rolling average. These pressure drop monitoring requirements, in combination with COMS for cement kilns and bag leak detection systems for incinerators and lightweight aggregate kilns, provide a significant measure of assurance that control performance is maintained.

d. Electrostatic Precipitators and Ionizing Wet Scrubbers. As proposed, if your combustor is equipped with an electrostatic precipitator or ionizing wet scrubber, you must establish, continuously monitor, and comply with limits on the operating parameters discussed below.

i. Maximum Flue Gas Flowrate or Kiln Production Rate. You must establish a limit on maximum flue gas flowrate or kiln production rate as a surrogate. Gas flowrate is a key parameter affecting the control efficiency of an emissions control device. As gas flowrate increases, control efficiency generally decreases unless other operating parameters are adjusted to accommodate the increased flowrate. Cement kilns and lightweight aggregate kilns may establish a limit on maximum production rate (e.g., raw material feedrate or clinker or aggregate production rate) in lieu of a maximum gas flowrate given that production rate directly relates to flue gas flowrate.

As proposed, you must establish a maximum gas flowrate or production rate limit as the average of the maximum hourly rolling averages for each run of the comprehensive performance test.

ii. Minimum Secondary Power Input to Each Field. You must establish an hourly rolling average limit on minimum secondary power (kVA) input to each field of the electrostatic precipitator or ionizing wet scrubber based on operations during the comprehensive performance test. The hourly rolling average is established as the average of the test run averages.

Electrostatic precipitators capture particulate matter by charging the particulate in an electric field and collecting the charged particulate on an inversely charged collection plate. Higher voltages improve magnetic field strength, resulting in charged particle migration to the collection plate. High current leads to an increased particle charging rate and increased electric field strength near the collection electrode, increasing collection at the plate, as well. Therefore, maximizing both voltage and current by specifying minimum power input to the electrostatic precipitator is desirable for good particulate matter collection in electrostatic precipitators. For these reasons, the rule requires you to monitor power input to each field of the electrostatic precipitator to ensure that collection efficiency is maintained at performance test levels.

Power input to an ionizing wet scrubber is important because it directly affects particulate removal. Ionizing wet scrubbers charge the particulate prior to it entering a packed bed wet scrubber. The charging aids in the collection of the particulate onto the packing surface in the bed. The particulate is then washed off the packing by the scrubber liquid. Therefore, power input is a key parameter to proper operation of an ionizing wet scrubber.

One commenter suggests that a minimum limit on electrostatic precipitator voltage be used instead of power input because, at low particulate matter loadings, operation at maximum power input is inefficient. Another commenter suggests that neither a limit on voltage or power input is appropriate because a minimum limit would

actually cause a potential decrease in operational efficiency (required power input and voltage are strong functions of gas and particulate characteristics, electrostatic precipitator arcing and sparking at high voltage and power requirements, etc.). Alternatively, they recommend that a limit on the minimum number of energized electrostatic precipitator fields be established. We continue to maintain that a minimum limit on power input to each field of the electrostatic precipitator is generally accepted as an appropriate parameter for assuring electrostatic precipitator performance. Consequently, it is an appropriate parameter for a generic, national standard. If you believe, however, that in your situation limits on alternative operating parameters may better assure that control performance is maintained you may request approval to use alternative monitoring approaches under § 63.1209(1).

Another commenter suggests that, in addition to a minimum power input for an ionizing wet scrubber, a limit should be set on the maximum time allowable to be below the minimum voltage. While feasible, we conclude that this limit is not necessary on a national basis because the one hour rolling average requirement limits the amount of time a source can operate below its minimum voltage limit. We acknowledge, however, that a permit writer may find it necessary to require shorter averaging periods (e.g., ten-minute or instantaneous limits) to better control the amount of time a source can operate at levels below its limit.

7. What Are the Operating Parameter Limits for Destruction and Removal Efficiency?

You must establish, monitor, and comply with the same operating parameter limits to ensure compliance with the destruction and removal efficiency (DRE) standard as you establish to ensure good combustion practices are maintained for compliance with the dioxin/furan emission standard. See § 63.1209(j) and the discussion in Section VII.D.1 above. This is because compliance with the DRE standard is ensured by maintaining combustion efficiency using good combustion practices. Thus, the DRE operating parameters are: maximum waste feedrate for pumpable and nonpumpable wastes, minimum gas temperature for each combustion chamber, maximum gas flowrate or kiln production rate, and parameters that you recommend to ensure the operations of each hazardous waste firing system are maintained.[249]

VIII. Which Methods Should Be Used for Manual Stack Tests and Feedstream Sampling and Analysis?

This part discusses the manual stack test and the feedstream sampling and analysis methods required by today's rule.

A. Manual Stack Sampling Test Methods

To demonstrate compliance with today's rule, you must use: (1) Method 0023A for dioxin and furans; (2) Method 29 for mercury, semivolatile metals, and low volatile metals; (3) Method 26A for hydrochloric acid and chlorine; and (4) Method 5 or 5i for particulate matter. These methods are found at 40 CFR part 60, appendix A, and in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA publication.

In the NPRM, we proposed that BIF manual stack test methods currently located in SW–846 be required to demonstrate compliance with the proposed standards. Based on public comments from the proposal, in the December 1997 NODA we considered simply citing the "Air Methods" found in appendix A to part 60. Our rationale was that facilities may be required to perform two identical tests, one from SW–846 for compliance with MACT or RCRA and one from part 60, appendix A, for compliance with other air rules using identical test methods simply because one method is an SW–846 method and the other an Air Method. See 62 FR at 67803. To facilitate compliance with all air emissions stack tests, we stated that we would list the methods found in 40 CFR part 60, appendix A, as the stack test methods used to comply with the standards. Later in this section we present an exception for dioxin and furan testing.

In today's rule, we adopt the approach of the December 1997 NODA and require that the test methods found in 40 CFR part 60, appendix A be used to demonstrate compliance with the emission standards of today's rule, except for dioxin and furan. Specifically, today's rule requires you to use Method 0023A in SW–846 for sampling dioxins and furans from stack emissions. As noted by commenters, improvements have been made to the dioxin and furan Method 0023A in the Third Update of SW–846 that have been previously incorporated into today's regulations. See the 40 CFR 63.1208(a), incorporation of SW–846 by reference. However, these have not yet been incorporated into 40 CFR part 60, Appendix A. To capture these improvements to the method, today's rule incorporates by reference SW–846 Method 0023A. We have evaluated both methods. Use of the improved Method 0023A will not affect the achievability of the dioxin and furan standard.

In the proposal, we sought comment on the handling of nondetect values for congeners analyzed using the dioxin and furan method. We also sought comment on whether the final rule should specify minimum sampling times. We proposed allowing facilities to assume that emissions of dioxins and furans congeners are zero if the analysis showed a nondetect for that congener and the sample time for the test method run was at least 3 hours. See 61 FR 17378. Dioxin/furan results may not be blank corrected. We received several comments this proposed approach, which are summarized below.

One commenter believes that a minimum dioxin/furan sampling time of two hours is sufficient. Another commenter believes that a minimum sample time as well as a minimum sample volume should be specified. Several commenters agree that nondetects should be treated as zero (which is consistent with the German standard) and prefer the three hour minimum sample period because this would help eliminate intra-laboratory differences and difficulties with matrix effects in attaining low detection limits. One commenter believes that EPA should specify the required detection limit for each congener analysis, otherwise the provision to assign zeroes to nondetected congeners in the TEQ calculation is open to abuse and could result in an understatement of the true dioxin/furan emissions. This commenter also believes that a source should not be allowed to sample dioxin/furans for time periods less than three hours, even if they assume nondetects are present at the detection limit.

Upon carefully considering all the above comments, we conclude that the following approach best addresses the nondetect issue. The final rule requires all sources to sample dioxin/furans for a minimum of three hours for each run,

[249] You are required to establish operating requirements only for hazardous waste firing systems because of DRE standard applies only to hazardous waste. Permitting officials may determine on a site-specific basis under authority of § 63.1209(g)(2), however, that combustion of other fuels or wastes may affect your ability to maintain DRE for hazardous waste. Accordingly, permitting officials may define operating requirements for other (i.e., other than hazardous waste) waste or fuel firing systems. Permitting officials may also determine under that provision on a site-specific basis that operating requirements other than those prescribed for DRE (and good combustion practices) may be needed to ensure compliance with the DRE standard.

and requires all sources to collect a flue gas sample of at least 2.5 dscm. We conclude both these requirements are necessary to maintain consistency from source to source, and to better assure that the dioxin/furan emission results are accurate and representative. We conclude that these two requirements are achievable and appropriate [250]. These requirements are consistent with the requirements included in the proposed Portland Cement Kiln MACT rule (see 64 FR at 31898). The final rule also allows a source to assume all nondetected congeners are not present in the emissions when calculating TEQ values for compliance purposes.

We considered whether it would be appropriate to specify required minimum detection limits for each congener analysis in order to better assure that sources achieved reasonable detection limits, as one commenter recommended. Such a requirement would prevent abuse and understatements of the true dioxin/furan emissions. We conclude, however, that it is not appropriate to finalize minimum detection limits in this rulemaking without giving the opportunity to all interested parties to review and comment on such an approach.

However, we are concerned that (1) sources have no incentive to achieve low detection limits; and (2) sources may abuse the provision that allows nondetected congener results to be treated as if they were not present. As explained in the Final Technical Support Document referenced in the preceding paragraph, if one assumes that all dioxin/furan congeners are present at what we consider to be poor detection limits using Method 23A, the resultant TEQ can approach the emission standard. This outcome is clearly inappropriate from a compliance perspective.

As a result, we highly recommend that this issue be addressed in the review process of the performance test workplan. Facilities should submit information that describes the target detection limits for all congeners, and calculate a dioxin/furan TEQ concentration assuming all congeners are present at the detection limit (similar to what is done for risk assessments). If this value is close to the emission standard, both the source and the regulatory official should determine if it is appropriate to either sample for longer time periods or investigate whether it is possible to achieve lower detection limits by using different analytical procedures that are approved by the Agency.

Also, EPA has developed analytical standards for certain mono-through trichloro dioxin and furan congeners. We encourage you to test for these congeners in addition to the congeners that comprise today's standards. This can be done at very little increased cost. If you test for these additional congeners, please include the results in your Notification of Compliance. We would like this data so we can develop a database from which to determine which (if any) of these compounds can act as surrogate(s) for the dioxin and furan congeners which comprise the total and TEQ. If easily measurable surrogate(s) can be found, we can then start the development of a CEMS for these surrogates. A complete list of these congeners will be included in the implementation document for this rule and updated periodically through guidance.

One commenter suggests that a source be allowed to conduct one extended dioxin/furan sampling event as opposed to three separate runs with three separate sampling trains because this would minimize the radioactive waste generated for sources that combust mixed waste. We conclude this issue should be handled on a site-specific basis, although an allowance of such an approach seems reasonable. A source can petition the Agency under the provisions of § 63.7(f) for an alternative test method for such a site-specific determination.

The final rule also adopts the approach discussed in the December 1997 NODA for sampling of mercury, semi-volatile metals, and low-volatile metals. Therefore, for stack sampling of mercury, semi-volatile metals, and low-volatile metals, you are required to use Method 29 in 40 CFR part 60, appendix A. No adverse comments were received concerning this approach in the December 1997 NODA.

For compliance with the hydrochloric acid and chlorine standards, today's rule requires that you use Method 26A in 40 CFR part 60, appendix A. Commenters state that we should instead require a method involving the Fourier Transform Infrared and Gas Filter Correlation Infrared instrumental techniques. Commenters contend that Method 26A is biased high at cement kilns because it collects ammonium chloride in addition to the hydrochloric acid and chlorine gas emissions it was designed to report. Commenters also indicate that the Fourier Transform Infrared and Gas Filter Correlation Infrared were validated against Method 26A and that these alternative methods do not bias the results high due to ammonium chloride [251]. The data for today's hydrochloric acid standard was derived using the SW–846 equivalent to Method 26A (Method 0050) as the reference method. Therefore, today's standard accounts for the ammonium chloride collection bias. We reject the idea that we should require other methods. If the commenters are correct, other methods would not sample the ammonium chloride portion, thus making the standard less stringent. You can obtain Administrator approval for using Fourier Transform Infrared or Gas Filter Correlation Infrared techniques following the provisions found in 40 CFR 63.7 if those methods are found to pass a part 63, appendix A, Method 301 validation at the source.

Compliance with the particulate matter standards requires the use of either Method 5 or Method 5i in 40 CFR part 60, appendix A. See a related discussion of Method 5i in Part 5, section VII.C.2.a of the preamble to today's rule. Although Method 5i has better precision than Method 5, your choice of methods depends on the emissions during the performance test. In cases of low levels of particulate matter (*i.e.*, for total train catches of less than 50 mg), we prefer that Method 5i be used. For higher emissions, Method 5 may be used [252]. In practice this will likely mean that all incinerators and most lightweight aggregate kilns will use Method 5i for compliance, while some lightweight aggregate kilns and most cement kilns will use Method 5.

Today's rule also allows the use of any applicable SW–846 test methods to demonstrate compliance with requirements of this subpart. As an example, some commenters noted a preference to perform particulate matter and hydrochloric acid tests together using Method 0050. Today's rule would allow that practice. Applicable SW–846 test methods are incorporated for use into today's rule via reference. See section 1208(a).

B. Sampling and Analysis of Feedstreams

Today's rule does not require the use of SW–846 methods for the sampling and analysis of feedstreams. Consistent with our approach to move toward performance based measurement

[250] See Final Technical Support Document, Volume IV, Chapter 3, for further discussion.

[251] After further review and consideration of the GFCIR Method (322), we will not be promulgating its use in the Portland Cement Kiln NESHAP rulemaking due to problems encountered with the method during emission testing at lime manufacturing plants.

[252] We note that this total train catch is *not* intended to be a data acceptance criteria. Thus, total train catches exceeding 50 mg *do not* invalidate the method.

systems for other than method-defined parameters,[253] today's rule allows the use of any reliable analytical method to determine feedstream concentrations of metals, halogens, and other constituents. It is your responsibility to ensure that the sampling and analysis are unbiased, precise, and representative of the waste. For the waste, you must demonstrate that: (1) Each constituent of concern is not present above the specification level at the 80% upper confidence limit around the mean; and (2) the analysis could have detected the presence of the constituent at or below the specification level at the 80% upper confidence limit around the mean. You can refer to the Guidance for Data Quality Assessment—Practical Methods for Data Analysis, EPA QA/G–9, January 1998, EPA/600/R–96/084 for more information. Proper selection of an appropriate analytical method and analytical conditions (as allowed by the scope of that method) are demonstrated by adequate recovery of spiked analytes (or surrogate analytes) and reproducible results. Quality control data obtained must also reflect consistency with the data quality objectives and intent of the analysis. You can read the January 31, 1996, memorandum from Barnes Johnson, Director of the Economics, Methods, and Risk Assessment Division, to James Berlow, Director of the Hazardous Waste Minimization and Management Division for more information on this topic.

IX. What Are the Reporting and Recordkeeping Requirements?

We discuss in this section reporting and recordkeeping requirements and a provision in the rule for allowing data compression to reduce the recordkeeping burden.

A. What Are the Reporting Requirements?

The reporting requirements of the rule include notifications and reports that must be submitted to the Administrator as well as notifications, requests, petitions, and applications that you must submit to the Administrator only if you elect to request approval to comply with certain reduced or alternative requirements. These reporting requirements are summarized in the following tables. We discuss previously in various sections of today's preamble the rationale for additional or revised reporting requirements to those currently required under subpart A of part 63 for all MACT sources. In other cases, the reporting requirements for hazardous waste combustors are the same as for other MACT sources (e.g., initial notification under existing § 63.9(b). We also show in the tables the reference(s) in the regulations for the reporting requirement.

SUMMARY OF NOTIFICATIONS THAT YOU MUST SUBMIT TO THE ADMINISTRATOR

Reference	Notification
63.9(b)	Initial notifications that you are subject to Subpart EEE.
63.1210(b) and (c).	Notification of intent to comply.
63.9(d)	Notification that you are subject to special compliance requirements.
63.1207(e), 63.9(e) 63.9(g) (1) and (3).	Notification of performance test and continuous monitoring system evaluation, including the performance test plan and CMS performance evaluation plan.
163.1210(d), 63.1207(j), 63.9(h), 63.10(d)(2), 63.10(e)(2).	Notification of compliance, including results of performance tests and continuous monitoring system performance evaluations.
63.1206(b)(6)	Notification of changes in design, operation, or maintenance.
63.9(j)	Notification and documentation of any change in information already provided under § 63.9.

[1] You may also be required on a case-by-case basis to submit a feedstream analysis plan under § 63.1209(c)(3).

SUMMARY OF REPORTS THAT YOU MUST SUBMIT TO THE ADMINISTRATOR

Reference	Report
63.1211(b)	Compliance progress report associated and submitted with the notification of intent to comply.
63.10(d)(4)	Compliance progress reports, if required as a condition of an extension of the compliance date granted under § 63.6(i).
63.1206(c)(3)(vi)	Excessive exceedances reports.
63.1206(c)(4)(iv)	Emergency safety vent opening reports.
63.10(d)(5)(i)	Periodic startup, shutdown, and malfunction reports.
63.10(d)(5)(ii)	Immediate startup, shutdown, and malfunction reports.
63.10(e)(3)	Excessive emissions and continuous monitoring system performance report and summary report.

SUMMARY OF NOTIFICATIONS, REQUESTS, PETITIONS, AND APPLICATIONS THAT YOU MUST SUBMIT TO THE ADMINISTRATOR ONLY IF YOU ELECT TO COMPLY WITH REDUCED OR ALTERNATIVE REQUIREMENTS

Reference	Notification, request, petition, or application
63.1206(b)(5), 63.1213, 63.6(i), 63.9(c)	You may request an extension of the compliance date for up to one year.
63.9(i)	You may request an adjustment to time periods or postmark deadlines for submittal and review of required information.
63.1209(g)(1)	You may request approval of: (1) alternative monitoring methods, except for standards that you must monitor with a continuous emission monitoring system (CEMS) and except for requests to use a CEMS in lieu of operating parameter limits; or (2) a waiver of an operating parameter limit.
63.1209(a)(5), 63.8(f)	You may request: (1) approval of alternative monitoring methods for compliance with standards that are monitored with a CEMS; and (2) approval to use a CEMS in lieu of operating parameter limits.

[253] Feedstream sampling and analysis are not method defined parameters.

SUMMARY OF NOTIFICATIONS, REQUESTS, PETITIONS, AND APPLICATIONS THAT YOU MUST SUBMIT TO THE ADMINISTRATOR ONLY IF YOU ELECT TO COMPLY WITH REDUCED OR ALTERNATIVE REQUIREMENTS—Continued

Reference	Notification, request, petition, or application
63.1204(d)(4)	Notification that you elect to comply with the emission averaging requirements for cement kilns with in-line raw mills.
63.1204(e)(4)	Notification that you elect to comply with the emission averaging requirements for preheater or preheater/precalciner kilns with dual stacks.
63.1206(b)(1)(ii)(A)	Notification that you elect to document compliance with all applicable requirements and standards promulgated under authority of the Clean Air Act, including Sections 112 and 129, in lieu of the requirements of Subpart EEE when not burning hazardous waste.
63.1206(b)(9)(iii)(B)	If you elect to conduct particulate matter CEMS correlation testing and wish to have federal particulate matter and opacity standards and associated operating limits waived during the testing, you must notify the Administrator by submitting the correlation test plan for review and approval.
63.1206(b)(10)	Owners and operators of lightweight aggregate kilns may request approval of alternative emission standards for mercury, semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas under certain conditions.
63.1206(b)(11)	Owners and operators of cement kilns may request approval of alternative emission standards for mercury, semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas under certain conditions.
63.1207(c)(2)	You may request to base initial compliance on data in lieu of a comprehensive performance test.
63.1207(i)	You may request up to a one-year time extension for conducting a performance test (other than the initial comprehensive performance test) to consolidate testing with other state or federally-required testing.
63.1209(l)(1)	You may request to extrapolate mercury feedrate limits.
63.1209(n)(2)(ii)	You may request to extrapolate semivolatile and low volatile metal feedrate limits.
63.10(e)(3)(ii)	You may request to reduce the frequency of excess emissions and CMS performance reports.
63.10(f)	You may request to waive recordkeeping or reporting requirements.
63.1211(e)	You may request to use data compression techniques to record data on a less frequent basis than required by § 63.1209.

Some commenters suggest that the rule needs to provide additional reporting of information regarding metals fed to cement kilns, including quarterly reporting of daily average metal feedrates, maximum hourly feedrates, and all testing and analytical information on the toxic metal content of cement kiln dust and clinker product. Also, they suggest that toxic metals that are Toxics Release Inventory pollutants and that are released to the land from cement kiln dust disposal should be reported. While these reports might have some value for other purposes, we must carefully scrutinize all reporting and recordkeeping burdens for a rulemaking and determine whether the reporting and recordkeeping requirements are necessary to ensure compliance with the standards. (We, as an agency, cannot increase overall our reporting and recordkeeping burden.)

We do not believe that these reports are needed to ensure compliance with the standards and therefore are not requiring them. On balance, quarterly filing requirements would be too burdensome. A source must document compliance with all operating parameter limits and emission standards at all times, and its records are subject to inspection at any time. There is no additional need to provide quarterly reports.

One commenter suggests that the proposed rule incorrectly focuses on maximizing data collection as opposed to ensuring performance, thus frustrating the use of better technology and methods. We, of course, are also interested in ensuring performance by all reasonable means, which for example accounts for our continued focus on continuous emission monitors. However, we are not able to sacrifice data collection as a means for ensuring compliance as well as a means to undergird future rulemakings, assess achievability, and determine site-specific compliance limits, where necessary.

B. What Are the Recordkeeping Requirements?

You must keep the records summarized in the table below for at least five years from the date of each occurrence, measurement, maintenance, corrective action, report, or record. See existing § 63.10(b)(1). At a minimum, you must retain the most recent two years of data on site. You may retain the remaining three years of data off site. You may maintain such files on: microfilm, a computer, computer floppy disks, optical disk, magnetic tape, or microfiche.

We discuss previously in various sections of today's preamble the rationale for additional or revised recordkeeping requirements to those currently required under subpart A of part 63 for all MACT sources. In other cases, the recordkeeping requirements for hazardous waste combustors are the same as for other MACT sources (e.g., record of the occurrence and duration of each malfunction of the air pollution control equipment; see existing § 63.10(b)(2)(ii)). We also show in the table the reference(s) in the regulations for the recordkeeping requirement.

SUMMARY OF DOCUMENTS, DATA, AND INFORMATION THAT YOU MUST INCLUDE IN THE OPERATING RECORD

Reference	Document, data, or information
63.1201(a), 63.10 (b) and (c).	General. Information required to document and maintain compliance with the regulations of Subpart EEE, including data recorded by continuous monitoring systems (CMS), and copies of all notifications, reports, plans, and other documents submitted to the Administrator.
63.1211(d)	Documentation of compliance.
63.1206 (c)(3)(vii).	Documentation and results of the automatic waste feed cutoff operability testing.
63.1209 (c)(2)	Feedstream analysis plan.
63.1204 (d)(3)	Documentation of compliance with the emission averaging requirements for cement kilns with in-line raw mills.
63.1204 (e)(3)	Documentation of compliance with the emission averaging requirements for preheater or preheater/precalciner kilns with dual stacks.
63.1206(b)(1)(ii)(B).	If you elect to comply with all applicable requirements and standards promulgated under authority of the Clean Air Act, including Sections 112 and 129, in lieu of the requirements of Subpart EEE when not burning hazardous waste, you must document in the operating record that you are in compliance with those requirements.
63.1206 (c)(2)	Startup, shutdown, and malfunction plan.
63.1206(c)(3)(v).	Corrective measures for any automatic waste feed cutoff that results in an exceedance of an emission standard or operating parameter limit.
63.1206(c)(4)(ii).	Emergency safety vent operating plan.
63.1206 (c)(4)(iii).	Corrective measures for any emergency safety vent opening.
63.1206 (c)(6)	Operator training and certification program.
63.1209 (k)(6)(iii), 63.1209 (k)(7)(ii), 63.1209 (k)(9)(ii), 63.1209 (o)(4)(iii).	Documentation that a substitute activated carbon, dioxin/furan formation reaction inhibitor, or dry scrubber sorbent will provide the same level of control as the original material.

Some commenters are concerned that the specification of media on which these files may be maintained unnecessarily limits the options to facilities, especially those not equipped with computer or other electronic data gathering equipment. We conclude, however, that the options listed under § 63.10(b)(1) seem to provide the greatest flexibility possible, including the reasonable management of paper records through the use of microfilm or microfiche. We encourage the use of computer and electronic equipment, however, for logistical reasons (retrieval and inspection can be easier) and as a means to enhance dissemination to the local community to foster an atmosphere of full and open disclosure about facility operations.

C. How Can You Receive Approval to Use Data Compression Techniques?

You may submit a written request to the Administrator under § 63.1211(f) for approval to use data compression techniques to record data from CMS, including CEMS, on a frequency less than that required by § 63.1209. You must submit the request for review and approval as part of the comprehensive performance test plan. For each CEMS or operating parameter for which you request to use data compression techniques, you must provide: (1) A fluctuation limit that defines the maximum permissible deviation of a new data value from a previously generated value without requiring you to revert to recording each one-minute average; and (2) a data compression limit defined as the closest level to an operating parameter limit or emission standard at which reduced recording is allowed.

You must record one-minute average values at least every ten minutes. If after exceeding a fluctuation limit you remain below the limit for a ten-minute period, you may reinitiate your data compression technique provided that you are not exceeding the data compression limit.

The fluctuation limit should represent a significant change in the parameter measured, considering the range of normal values. The data compression limit should reflect a level at which you are unlikely to exceed the specific operating parameter limit or emission standard, considering its averaging period, with the addition of a new one-minute average.

We provide the following table of recommended fluctuation and data compression limits as guidance. These are the same limits that we discussed in the May 1997 NODA.

RECOMMENDED FLUCTUATION AND DATA COMPRESSION LIMITS

CEMS or control technique and parameter	Fluctuation limit (±)	Data compression limit
Continuous Emission Monitoring System:		
Carbon monoxide	10 ppm	50 ppm.
Hydrocarbon	2 ppm	60% of standard.
Combustion Gas Temperature Quench: Maximum inlet temperature for dry particulate matter control device or, for lightweight aggregate kilns, temperature at kiln exit.	10°F	Operating parameter limit (OPL) minus 30°F.
Good Combustion Practices:		
Maximum gas flowrate or kiln production rate	10% of OPL	60% of OPL.
Maximum hazardous waste feedrate	10% of OPL	60% of OPL.
Maximum gas temperature for each combustion chamber	20°F	OPL plus 50°F.
Activated Carbon Injection:		
Minimum carbon injection feedrate	5% of OPL	OPL plus 20%.
Minimum carrier fluid flowrate or nozzle pressure drop	20% of OPL	OPL plus 25%.
Activated Carbon Bed: Maximum gas temperature at inlet or exit of the bed	10°F	OPL minus 30°F.
Catalytic Oxidizer:		
Minimum flue gas temperature at entrance	20°F	OPL plus 40°F.
Maximum flue gas temperature at entrance	20°F	OPL minus 40°F.
Dioxin Inhibitor: Minimum inhibitor feedrate	10% of OPL	60% of OPL.
Feedrate Control:		

RECOMMENDED FLUCTUATION AND DATA COMPRESSION LIMITS—Continued

CEMS or control technique and parameter	Fluctuation limit (±)	Data compression limit
Maximum total metals feedrate (all feedstreams)	10% of OPL	60% of OPL.
Maximum low volatile metals feedrate, pumpable feedstreams	10% of OPL	60% of OPL.
Maximum total ash feedrate (all feedstreams)	10% of OPL	60% of OPL.
Maximum total chlorine feedrate (all feedstreams)	10% of OPL	60% of OPL.
Wet scrubber:		
Minimum pressure drop across scrubber	0.5 inches water	OPL plus 2 inches water.
Minimum liquid feed pressure	20% of OPL	OPL plus 25%.
Minimum liquid pH	0.5 pH unit	OPL plus 1 pH unit.
Maximum solids content in liquid	5% of OPL	OPL minus 20%.
Minimum blowdown (liquid flowrate)	5% of OPL	OPL plus 20%.
Minimum liquid flowrate or liquid flowrate/gas flowrate ratio	10% of OPL	OPL plus 30%.
Dry scrubber:		
Minimum sorbent feedrate	10% of OPL	OPL plus 30%.
Minimum carrier fluid flowrate or nozzle pressure drop	10% of OPL	OPL plus 30%.
Fabric filter: Minimum pressure drop across device	1 inch water	OPL plus 2 inches water.
Electrostatic precipitator and ionizing wet scrubber: Minimum power input (kVA: current and voltage).	5% of OPL	OPL plus 20%.

Data compression is the process by which a facility automatically evaluates whether a specific data point needs to be recorded. Data compression does not represent a change in the continuous monitoring requirement in the rule. One-minute averages will continue to be generated. With data compression, however, each one-minute average is automatically compared with a set of specifications (i.e., fluctuation limit and data compression limit) to determine whether it must be recorded. New data are recorded when the one-minute average value falls outside these specifications.

We did not propose data compression techniques in the April 1996 NPRM. In response to the proposed monitoring and recording requirements, however, commenters raise concerns about the burden of recording one-minute average values for the array of operating parameter limits that we proposed. Commenters suggest that allowing data compression would significantly reduce the recordkeeping burden while maintaining the integrity of the data for compliance monitoring. We note that data compression should also benefit regulatory officials by allowing them to focus their review on those data that are indicative of nonsteady-state operations and that are close to the operating parameter limit or, for CEMS, the emission standard.

In response to these concerns, we presented data compression specifications in the May 1997 NODA. Public comments on the NODA are uniformly favorable. Therefore, we are including a provision in the final rule that allows you to request approval to use data compression techniques. The fluctuation and data compression limits presented above are offered as guidance to assist you in developing your recommended data compression methodology.

We are not promulgating data compression specifications because the dynamics of monitored parameters are not uniform across the regulated universe. Thus, establishing national specifications would be problematic. Various data compression techniques can be successfully implemented for a monitored parameter to obtain compressed data that reflect the performance on a site-specific basis. Thus, the rule requires you to recommend a data compression approach that addresses the specifics of your operations. The fluctuation and data compression limits presented above are offered solely as guidance and are not required.

The rule requires that you record a value at least once every ten minutes to ensure that a minimum, credible data base is available for compliance monitoring. If you operate under steady-state conditions at levels well below operating parameter limits and CEMS-monitored emission standards, data compression techniques may enable you to achieve a potential reduction in data recording up to 90 percent.

X. What Special Provisions Are Included in Today's Rule?

A. What Are the Alternative Standards for Cement Kilns and Lightweight Aggregate Kilns?

In the May 1997 NODA, we discussed alternative standards for cement kilns and lightweight aggregate kilns that have metal or chlorine concentrations in their mineral and related process raw materials that might cause an exceedance of today's standard(s), even though the source uses MACT control. (See 62 FR 24238.) After carefully considering commenters input, we adopt a process that allows sources to petition the Administrator for alternative mercury, semivolatile metal, low volatile metal, or hydrochloric acid/chlorine gas standards under two different sets of circumstances. One reason for a source to consider a petition is when a kiln cannot achieve the standard, while using MACT control, because of raw material contributions to their hazardous air pollutant emissions. The second reason is limited to mercury, and applies when mercury is not present at detectable levels in the source's raw material. These alternative standards are discussed separately below.

1. What Are the Alternative Standards When Raw Materials Cause an Exceedance of an Emission Standard? See sections 1206(b) (10) and (11)

a. What Approaches Have We Publicly Discussed? We acknowledge that a kiln using properly designed and operated MACT control technologies, including control of metals levels in hazardous waste feedstocks, may not be capable of achieving the emission standards (i.e., the mercury, semivolatile metal, low volatile metal, and/or hydrochloric acid/chlorine gas standards). This can occur when hazardous air pollutants (i.e., metals and chlorine) contained in the raw material volatilize or are entrained in the flue gas such that their contribution to total metal and chlorine emissions cause an exceedance of the emission standard.

Our proposal first acknowledged this possible situation. In the April 1996 NPRM, we proposed metal and chlorine standards that were based, in part, on specified levels of hazardous waste feedrate control as MACT control. To address our concern that kilns may not

be able to achieve the standards when using MACT control technologies, given raw material contributions to emissions, we performed an analysis. Our analysis estimated the total emissions of each kiln including emissions from raw materials, while also assuming the source was using MACT hazardous waste feedrate and particulate matter control. Results of this analysis, which were discussed in the proposal, indicated that there may be several kilns that would not be able to achieve the proposed emission standards while using MACT control, due to levels of metals and chlorine in raw material and/or conventional fuel. (See 61 FR at 17393–17406.) Commenters requested that we provide an equivalency determination to allow sources to comply with a control efficiency requirement (e.g., a minimum metal system removal efficiency) in lieu of the emission standard. (See response below.)

In the May 1997 NODA, we discussed revised standards that defined MACT control, in part, based on hazardous waste metal and chlorine feedrate control—as did the NPRM. (See 62 FR 24225–24235.) However, our revised approach did not define specific levels of hazardous waste metal and chlorine feedrate control, therefore, making it difficult to attribute a kiln's failure to meet emission standards to metals levels in raw materials.[254] In response to a commenter's request, we discussed, in the May 1997 NODA, an alternative approach to address raw material contributions. Our approach did not subject a source to the MACT standards if the source could document that metal or chlorine concentrations in their hazardous waste, and any nonmineral feedstock, is within the range of normal industry levels. The purpose of this requirement was to ensure that metal and chlorine emissions attributable to nonmineral feedstreams were roughly equivalent to those from sources achieving the MACT emission standards. The use of an industry average, or normal metal and chlorine level, was to serve as a surrogate MACT feedrate control level for the alternative standard because we did not define a specific level of control as MACT. We also requested comment on how best to determine normal hazardous waste metal and chlorine levels.

Today's final rule uses a revised standard setting methodology that defines specific levels of hazardous waste metal and chlorine feedrates as MACT control.[255] As a result, we do not need to define normal, or average, metal and chlorine levels for the purposes of this alternative standard provision.

b. What Comments Did We Receive on Our Approaches? There were many comments supporting and many opposing the concept of allowing alternative standards. Several commenters focus on the Agency's legal basis for this type of alternative standard. Some, supporting an alternative standard, wrote that feedrate control of raw materials at mineral processing plants is not a permissible basis for MACT control. In support of their position, some directed our attention to the language found in the Conference Report to the 1990 CAA amendments.[256] However, as we noted in the April 1996 NPRM and as was mentioned by many commenters[257], the Conference Report language is not reflected in the statute. Section 112(d)(2)(A) of the statute states, without caveat, that MACT standards may be based on "process changes, substitution of materials or other modifications."

As noted above, our MACT approach in today's rule relies on metal and chlorine hazardous waste feedrate control as part of developing MACT emission standards. It should be noted, that we do not directly regulate raw material metal and chlorine input under this approach, although there is no legal bar for us to do so. Since raw material feedrate control is not an industry practice, raw material feedrate control is not part of the MACT floor. In addition, we do not adopt such control as a beyond-the-floor standard. We conclude it is not cost-effective to require kilns to control metal and chlorine emissions by substituting their current raw materials with off-site raw materials. (See metal and chlorine emission standard discussions for cement kilns and lightweight aggregate kilns in Part Four, Sections VII and VIII.)[258]

Although today's rule offers a petition process, we considered varying levels of metal and chlorine emissions attributable to raw material in identifying the metal and chlorine emission standards through our MACT floor methodology. This consideration helps to ensure that the emission standards are achievable for sources using MACT control. Therefore, we anticipate very few sources, if any, will need to petition the Administrator for alternative standards. However, it is possible that raw material hazardous air pollutant levels, at a given kiln location, could vary over time and preclude kilns from achieving the emission standards. We believe, therefore, that it is appropriate to adopt a provision to allow kilns to petition for alternative standards so that future changes in raw material feedstock will not prevent compliance with today's emission standards.

Other commenters believe that alternative standards are not necessary because there are kilns with relatively high raw material metal concentrations already achieving the proposed standards. To address this point, and to reevaluate the ability of kilns to achieve the emission standards without new control of metals and chlorine in raw material and conventional fuel, we again estimated the total metal and chlorine emissions, assuming each kiln fed metal and chlorine at the defined MACT feedrate control levels.[259]

The following table summarizes the estimated achievability of the emission standards assuming kilns used MACT control. Our analysis determined achievability both at the emission standard and at the design level—70 percent of the standard. (To ensure compliance most kilns will "design" their system to operate, at a minimum, 30 percent below the standard.) The table describes the number of test conditions in our data base that would not meet the emission standard or meet the design level by estimating total emissions. For example, all cement kiln test conditions achieve the mercury emission standard, assuming all cement

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[254] We could not estimate a cement kiln's total emissions (i.e., to determine emission standard achievability) based on the assumption that the kiln is feeding metals in the hazardous waste at the MACT control feedrate levels.

[255] As explained earlier, the emission standards for metals and chlorine reflect the performance of MACT control, which includes control of metals and chlorine in the hazardous waste feed materials. As further explained, sources are not required to adopt MACT control. Sources must, however, achieve the level of performance which MACT control achieves. Therefore, sources are not required to control metals and chlorine hazardous waste feedrates to the same levels as MACT control in order to comply with the standards for metals and chlorine. Rather, the source can elect to achieve the emission standard by any means, which may or may not involve hazardous waste feedrate control

[256] H.R. Rep. No. 101–952, at p. 339, 101st Cong., 2d Sess. (Oct. 26, 1990).

[257] See 62 FR 24239, May 2, 1997.

[258] The nonhazardous waste Portland Cement Kiln MACT rulemaking likewise controls semivolatile metal and low volatile metal emissions by limiting particulate matter emissions, and did not adopt beyond-the-floor standards based on raw material metal and chlorine feedrate control—see 64 FR 31898.

[259] When estimating emissions, the Agency assumed the kiln was feeding metals and chlorine in its hazardous waste at the lower of the MACT defining maximum theoretical emission concentration levels or the level actually demonstrated during its performance test. See Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume II: Selection of MACT Standards and Technologies, July 1999, for further discussion.

kilns used MACT control. On the other hand, the table also indicates that four cement kiln test conditions out of 27 do not achieve the design level for mercury. In our analysis, if all test conditions achieved both the standard and the design level, we concluded that there is no reason to believe raw material contributions to metal and chlorine emissions might cause a compliance problem.

CEMENT KILN AND LIGHTWEIGHT AGGREGATE KILN EMISSION STANDARD ACHIEVABILITY RESULTS

Source category	Mercury	Semivolatile metal	Low Volatile metal	Total chlorine
No. of cement kiln test conditions in MACT data base not achieving standard	[1]0/27	[1]1/38	[1]1/39	[1]2/42
No of cement kiln test conditions in MACT data base not achieving 70 % design level	4/27	6/38	3/39	3/42
No of lightweight aggregate kiln test conditions in MACT data base not achieving standard	0/17	5/22	2/22	3/18
No of lightweight aggregate kiln test conditions in MACT data base not achieving 70% design level	0/17	5/22	4/22	10/18

[1]Number after slash denotes total number of test conditions.

Our analysis illustrates that, subject to the assumptions made, some lightweight aggregate kilns and cement kilns have raw material hazardous air pollutant levels that could affect their ability to achieve the emission standard if no additional emission controls were implemented (e.g., additional hazardous waste feedrate control, or better air pollution control device efficiency). Nevertheless, we conclude that it is difficult to determine whether raw material hazardous air pollutant contributions to the emissions result in unachievable emission standards because of the difficulty associated with differentiating raw material hazardous air pollutant emissions from hazardous waste pollutant emissions. This uncertainty has led us to further conclude that it is appropriate to allow kilns to petition for alternative standards, provided that they submit site-specific information that shows raw material hazardous air pollutant contributions to the emissions prevent the kiln from complying with the emission standard even though the kiln is using MACT control.

Many commenters dislike the idea of an alternative standard. They wrote that regulation of raw material metal content may be necessary to control semivolatile metal and low volatile metal emissions at hazardous waste burning kilns because: (1) These kilns have relatively high chlorine levels in the flue gas (which predominately originate from the hazardous waste); and (2) chlorine tends to increase metal volatility. We agree that increased flue gas chlorine content from hazardous waste burning operations may result in increased metals volatility, which then could result in higher raw material metal emissions.[260] The increased presence of chlorine at hazardous waste burning kilns presents a concern. To address this concern, we require kilns to submit data or information, as part of the alternative standard petition, documenting that increased chlorine levels associated with the burning of hazardous waste, as compared to nonhazardous waste operations, do not significantly increase metal emissions attributable to raw material. This requirement is explained in greater detail later in this section.

Many commenters also point out that the alternative standard, at least as originally proposed, could result in metal and chlorine emissions exceeding the standard to possible levels of risk to human health and the environment. We agree that this potential could exist; however, the RCRA omnibus process serves as a safeguard against levels of emissions that present risk to human health or the environment. Therefore, sources operating pursuant to alternative standards may likely be required to perform a site-specific risk assessment to demonstrate that their emissions do not pose an unacceptable risk. The results of the risk assessment would then be used to develop facility-specific metal and chlorine emission limits (if necessary), which would be implemented and enforced through omnibus conditions in the RCRA permit.[261]

c. How Do I Demonstrate Eligibility for the Alternative Standard? To demonstrate eligibility, you must submit data or information which shows that raw material hazardous air pollutant contributions to the emissions prevent you from complying with the emission standard, even though you use MACT control for the standard from which you seek relief. To allow flexibility in implementation, we do not mandate what this demonstration must entail. However, we believe that a demonstration should include a performance test while using MACT control or better (i.e., the hazardous waste feedrate control and air pollution control device efficiencies that are the basis of the emission standard from which you seek an alternative). If you still do not achieve the emission standards when operating under these conditions, you may be eligible for the alternative standard (provided you further demonstrate that you meet the additional eligibility requirements discussed below). If you choose to conduct this performance test after your compliance date, you should first obtain approval to temporarily exceed the emission standards (for testing purposes only) to make this demonstration, otherwise you may be subject to enforcement action.

In addition, you must make a showing of adequate system removal efficiency to be eligible for an alternative standard for semivolatile metal, low volatile metal, or hydrochloric acid/chlorine gas. This requirement provides a check to ensure that you are exceeding the emission standard solely because of raw material contributions to the emissions, and not because of poor system removal efficiency for the hazardous air pollutants for which you are seeking relief. (It is possible that poor system removal efficiencies for these hazardous air pollutants result in emissions that are higher than the emission standards, even though the particulate matter emission standard is met.) This check could be done without the expense of a second performance test. The system removal efficiency achieved in the performance test described above could be calculated for the hazardous air pollutants at issue. You would then

[260] The potential for increased metal emissions is stronger for semivolatile metals (lead, in particular), but low volatile metal emissions still have potential to increase with increased flue gas chlorine concentrations. See Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume II: Selection of MACT Standards and Technologies, July 1999, for further discussion.

[261] RCRA permits for hazardous waste combustors address total emissions, regardless of the source of the pollutant due to the nexus with the hazardous waste treatment activities. See *Horsehead* v *Browner*, 16 F. 3d 1246, 1261–63 (D.C. Cir. 1994)(Hazardous waste combustion standards may address hazardous constituents attributable to raw material inputs so long as thee is a reasonable nexus with the hazardous waste combustion activites).

multiply the MACT control hazardous waste feedrate level (or the feedrate level you choose to comply with)[262] for the same hazardous air pollutant by a factor of one minus the system removal efficiency. This estimated emission value would then be compared to the emission standard, and would have to be below the standard for you to qualify for the alternative standard.

As discussed in the next section, this alternative standard requires you to use MACT control as defined in this rulemaking. For lightweight aggregate kilns, MACT control for chlorine is feedrate control and use of an air pollution control system that achieves a given system removal efficiency for chlorine. Thus, lightweight aggregate kilns that petition the Administrator for an alternative chlorine standard must also demonstrate, as part of a performance test, that it achieves a specified minimum system removal efficiency for chlorine. This eligibility requirement is identical to the above-mentioned eligibility demonstration that requires sources to make a showing of adequate system removal efficiency, with the exception that here we specify the system removal efficiency that must be achieved.[263]

For an alternative mercury standard, you do not have to perform a performance test demonstration and evaluation. We do not require this test because the mandatory hazardous waste mercury feedrate specified in § 63.1206(b)(10) and (11) ensures that your hazardous waste mercury contribution to the emissions will always be below the mercury standard.[264]

Finally, if you apply for semivolatile metal or low volatile metal alternative standards, you also must demonstrate, by submitting data or information, that increased chlorine levels associated with the burning of hazardous waste, as compared to nonhazardous waste operations, do not significantly increase metal emissions attributable to raw material. We expect that you will have to conduct two different emission tests to make this demonstration (although the number of tests should be determined on a site-specific basis). The first test is to determine metal emission concentrations when the kiln is burning conventional fuel with typical chlorine levels. The second test is to determine metal emissions when chlorine feedrates are equivalent to allowable chlorine feedrates when burning hazardous waste. You should structure these tests so that metal feedrates for both tests are equivalent. You would then compare metal emission data to determine if increased chlorine levels significantly affects raw material metal emissions.

d. What Is the Format of the Alternative Standard? The alternative standard requires that you use MACT control, or better, as applicable to the standard for which you seek the alternative. MACT control, as previously discussed, consists of hazardous waste feed control plus (for all relevant hazardous air pollutants except mercury) further control via air pollution control devices. Cement kilns and lightweight aggregate kilns will first have to comply with a specified hazardous waste metal and chlorine feedrate limit, as defined by the MACT defining maximum theoretical emission concentration level for the applicable hazardous air pollutant or hazardous air pollutant group. This work practice is necessary because there is no other reliable means of measuring that hazardous air pollutants in hazardous waste are controlled to the MACT control levels, i.e., that hazardous air pollutants in raw material are the sole cause of not achieving the emission standard. (See CAA section 112(h).) To demonstrate control of hazardous air pollutant metals emissions to levels reflecting the air pollution control device component of MACT control, you must be in compliance with the particulate matter standard. Finally, we require lightweight aggregate kilns to use an air pollution control device that achieves the specified MACT control total chlorine removal efficiency. This work practice is necessary because there is no other way to measure whether the failure to achieve the chlorine emission standard is caused by chlorine levels in raw materials.[265] See § 63.1206(b)(10) and (11) for a list of the maximum achievable control technology requirements for purposes of this alternative standard.[266]

There may be site-specific circumstances which require other provisions, imposed by the Administrator, in addition to the mandatory requirement to use MACT control. These provisions could be operating parameter requirements such as a further hazardous waste feedrate limitation. For instance, a kiln that petitions the Administrator for an alternative semivolatile emission standard may need to limit its hazardous waste chlorine feedrate to better assure that chlorine originating from the hazardous waste does not significantly affect semivolatile metal emissions attributable to the raw material. As discussed above, a kiln must demonstrate that increased chlorine levels from hazardous waste do not adversely affect raw material metal emissions to be eligible for this alternative standard. For this scenario, the alternative standard would be in the form of a semivolatile metal hazardous waste feedrate restriction which would require you to use MACT control, in addition to a hazardous waste chlorine feedrate limit.

Additional provisions also could include emission limitations that differ from those included in today's rulemaking. For example, the Administrator may determine it appropriate to require you to comply with metal or chlorine emission limitations that are than the standards in this final rulemaking. The emission limitation would likely consider the elevated levels of metal or chlorine in your raw material. This type of emission limitation would be no different, except for the numerical difference than the emission limitations in today's rule because it would limit total metal and chlorine emissions while at the same time ensuring MACT control is used. If the Administrator determines that such an emission limitation is appropriate, you must comply with both a hazardous waste feedrate restriction, which requires you to use MACT control, and an emission limitation. A potential method of determining an appropriate emission limitation would be to base the limit on levels demonstrated in the comprehensive performance test.

e. What Is the Process for an Alternative Standard Petition? If you are seeking alternative standards because raw materials cause you to exceed the standards, you must submit a petition request to the Administrator that includes your recommended alternative

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You may choose to comply with a hazardous waste feedrate limit that is lower than the MACT control levels required by this alternative standard.

[263] The requirement to achieve an 85.0% and 99.6% chlorine system removal efficiency for existing and new lightweight aggregate kilns, respectively, together with the requirement to comply with a hazardous waste chlorine feedrate limitation, ensures that chlorine emissions attributable to hazardous waste are below the standards.

[264] The MACT defining hazardous waste maximum theoretical emission concentration for mercury is less than mercury standard itself, thus hazardous waste mercury contributions to the emissions will always be below the standard.

[265] There is no corresponding chlorine air pollution control device efficiency requirement for cement kilns since air pollution control is not the basis for MACT control of cement kiln chlorine emissions.

[266] See also "Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume IV: Selection of MACT Standards and Technologies", Chapter 11, July 1999, for further discussion on how the maximum achievable control technologies were chosen for the hazardous air pollutants.

standard provisions. At a minimum, your petition must include data or information which demonstrates that you meet the eligibility requirements and that ensure you use MACT control, as defined in today's rule.

Until the authorized regulatory agency approves the provisions of the alternative standard in your petition (or establishes other alternative standards) and until you submit a revised NOC that incorporates the revised standards, you may not operate under your alternative standards in lieu of the applicable emission standards found in §§ 63.1204 and 63.1205. We recommend that you submit a petition well in advance of your scheduled comprehensive performance test, perhaps including the petition together with your comprehensive performance test plan. You may need to submit this petition in phases to ultimately receive approval to operate pursuant to the alternative standard provisions, similar to the review process associated with performance test workplans and performance test reports. After initial approval, alternative standard petitions should be resubmitted every five years for review and approval, concurrent with subsequent future comprehensive performance tests, and should contain all pertinent information discussed above.

You may find it necessary to complete any testing associated with documenting your eligibility requirements prior to your comprehensive performance test to determine if in fact you are eligible for this alternative standard, or you may choose to conduct this testing at the same time you conduct your comprehensive performance test. This should be determined on a site-specific basis, and will require coordination with the Administrator or Administrator's designee.

2. What Special Provisions Exist for an Alternative Mercury Standard for Kilns?

See § 63.1206(b)(10) and (11).

a. What Happens if Mercury Is Historically Not Present at Detectible Levels? Situations may exist in which a kiln cannot comply with the mercury standard pursuant to the provisions in § 63.1207(m) when using MACT control and when mercury is not present in the raw material at detectable levels.[267] As a result, today's rule provides a petition process for an alternative mercury standard which only requires compliance with a hazardous waste mercury feedrate limitation, provided that historically mercury not been present in the raw material at detectable levels.

We received comments from the lightweight aggregate kiln industry expressing concern with the stringency of the mercury standard. Commenters oppose stringent mercury standards, in part, because of the difficulty of complying with day-to-day mercury feedrate limits. One potential problem cited pertains to raw material mercury detection limits. Commenters point out that if a kiln assumed mercury is present in the raw material at the detection limit, the resulting calculated uncontrolled mercury emission concentration could exceed, or be a significant percentage of, the mercury emission standard. This may prevent a kiln from complying with the mercury emission standard pursuant to the provisions of § 63.1207(m), even though MACT control was used.

We agree with commenters that this is a potential problem. In addition, it is not appropriate to implement a mercury standard compliance scheme that is relatively more burdensome for kilns with no mercury present in raw material, as compared to kilns with high levels of mercury in their raw material.[268] Because we establish provisions that provide alternatives to kilns with high levels of mercury in the raw material, we are doing the same for those kilns which do not have mercury present in raw material at detectable levels.

b. What Are the Alternative Standard Eligibility Requirements? To be eligible for this alternative mercury standard, you must submit data or information which demonstrates that historically mercury has not been present in your raw material at detectable levels. You do not need to show that mercury has never been present at detectable levels. The determination of whether your data and information sufficiently demonstrate that mercury has not historically been present in your raw material at detectable levels will be made on a site-specific basis. To assist in this determination, you also should provide information that describes the analytical methods (and their associated detection limits) used to measure mercury in the raw material, together with information describing how frequently you measured raw material mercury content.

If you are granted this alternative standard, you will not be required to monitor mercury content in your raw material for compliance purposes. However, after initial approval, this alternative standard must be reapproved every five years (see discussion below). Therefore, you should develop a raw material mercury sampling and analysis program that can be used in future alternative mercury standard petition requests for the purpose of demonstrating that mercury has not historically been present in raw material at detectable levels.

c. What Is the Format of Alternative Mercury Standard? The alternative standard requires you to use MACT control for mercury (i.e., the level of hazardous waste feedrate control specified in today's rule). This alternative standard for mercury is conceptually identical to the emission standards in this final rule, because it requires the use of an equivalent level of hazardous air pollutant MACT control as compared to the MACT control used to determine the emission standards.

The mercury feedrate control level will differ for new and existing sources, and will differ for cement kilns and lightweight aggregate kilns. See § 63.1206(b) (10) and (11) for a list of the mercury hazardous waste feedrate control levels for purposes of this alternative standard.[269]

d. What Is the Process for The Alternative Mercury Standard Petition? If you are seeking this alternative mercury standard, you must submit a petition request to the Administrator that includes the required information discussed above. You will not be allowed to operate under this alternative standard, in lieu of the applicable emission standards found in §§ 63.1204 and 63.1205, unless and until the Administrator approves the provisions of this alternative standard and until you submit a revised NOC that incorporates this alternative standard.

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[267] The provisions in § 63.1207(m) waive the requirement for you to conduct a performance test, and the requirement to set operating limits based on performance test data, provided you demonstrate that uncontrolled mercury emissions are below the emission standard (see Part 4, Section X.B). These provisions allow you to assume mercury is present at half the detection limit in the raw material, when a feedstream analysis determines that mercury is not present at detectable levels, when calculating your uncontrolled emissions.

[268] Kilns that comply with alternative mercury standards because of high mercury levels in their raw material are not required to monitor the mercury content of their raw material unless the Administrator requires this as an additional alternative standard requirement. Thus, absent the alternative mercury standard discussed in this section, a source that does not have mercury present in their mercury at detectable levels would be subject to more burdensome raw material feedstream analysis requirements.

[269] Also see Final Technical Support Document for Hazardous Waste Combustor MACT Standards, Volume IV: Selection of MACT Standards and Technologies, Chapeter 11, July 1999, for further discussion on how the maximum achievable control technologies were chosen for mercury.

We recommend that you submit these petitions well in advance of your scheduled comprehensive performance test, perhaps including the petition together with your comprehensive performance test plan. After initial approval, alternative standard petitions should be resubmitted every five years for review and approval, concurrent with subsequent future comprehensive performance tests, and should contain all pertinent information discussed above.

B. Under What Conditions Can the Performance Testing Requirements Be Waived? See § 63.1207(m).

In the April 1996 NPRM, we proposed a waiver of performance testing requirements for sources that feed low levels of mercury, semivolatile metal, low volatile metal, or chlorine (see 61 FR at 17447). Under the proposed waiver, a source would be required to assume that all mercury, semivolatile metal, low volatile metal, or chlorine (dependent on which hazardous air pollutant(s) the source wishes to petition for a waiver) fed to the combustion unit, for all feedstreams, is emitted from the stack. The source also would need to show that these uncontrolled emission concentrations do not exceed the associated emission standards, taking into consideration stack gas flow rate. The above requirements would apply for all periods that a source elects to operate under this waiver and for which the source is subject to the requirements of this rulemaking. All comments received on this topic support this approach, and no commenters suggest alternative procedures to implement this provision. Today's rule finalizes the proposed performance test waiver provision, with one minor change expected to provide industry with greater flexibility when demonstrating compliance without compromising protectiveness.

1. How Is This Waiver Implemented?

The April 1996 proposal identified two implementation methods to document compliance with this waiver provision. In today's rule we finalize both proposed methods and add another implementation method to provide greater flexibility when demonstrating compliance with the provisions of this performance test waiver. As proposed, the first approach allows establishment and continuous compliance with one maximum total feedstream feedrate limit for mercury, semivolatile metal, low volatile metal, or chlorine and one minimum stack gas flow rate. The combined maximum feedrate and minimum stack gas flow rate must result in uncontrolled emissions below the applicable mercury, semivolatile metal, low volatile metal, or chlorine emission standards. Both limits would be complied with continuously; any exceedance would require the initiation of an automatic waste feed cut-off.

Also as proposed, the second approach accommodates operation under different ranges of stack gas flow rates and/or metal and chlorine feedrates. Today's rule allows establishment of different modes of operation with corresponding minimum stack gas flow rate limits and maximum feedrates for metals or chlorine. If you use this approach, you must clearly identify in the operating record which operating mode is in effect at all times, and you must properly adjust your automatic waste feed cutoff levels accordingly.

The third approach, which is an outgrowth of our proposed approaches, allows continuous calculation of uncontrolled stack gas emissions, assuming all metals or chlorine fed to combustion unit are emitted out the stack. If you use this approach, you must record these calculated values and comply with the mercury, semivolatile metal, low volatile metal, or chlorine emission standards on a continuous basis. This approach provides greater operational flexibility, but increases recordkeeping since the uncontrolled emission level must be continuously recorded and included in the operating record for compliance purposes.

If you claim this waiver provision, you must, in your performance test workplan, document your intent to use this provision and explain which implementation approach is used. Other than those limits required by this provision, you will not be required to establish or comply with operating parameter limits associated with the metals or chlorine for which the waiver is claimed. Your NOC also must specify which implementation method is used. The NOC must incorporate the minimum stack gas flowrate and maximum metal and chlorine feedrate as operating parameter limits, or include a statement which specifies that you will comply with emission standard(s) by continuously recording your uncontrolled metal and chlorine emission rate.

If you cannot continuously monitor stack gas flow rate, for the purpose of demonstrating compliance with the provisions of this waiver, you may use an appropriate surrogate in place of stack gas flow rate (e.g., cement kiln production rate). However, if you use a surrogate, you must provide in your performance test workplan data that clearly and reasonably correlates the surrogate parameter to stack gas flow rate.

2. How Are Detection Limits Handled Under This Provision?

We did not address in April 1996 NPRM how nondetect metal and chlorine feedstream results are handled when demonstrating compliance with the feedrate limits or when calculating uncontrolled emission concentrations under this provision. Commenters likewise did not offer suggestions of how to handle nondetect data for this provision. After careful consideration, for the purposes of this waiver, we require that you must assume that the metals and chlorine are present at the full detection limit value when the analysis determines the metals and chlorine are not detected in the feedstream (except as described in the following paragraph). Because performance testing is waived under this provision, it is appropriate to adopt a more conservative assumption that metals and chlorine are present at the full detection limit for the purposes of this waiver. (In other portions of today's rule we make the assumption that 50 percent presence is appropriate given the different context involved). Assuming full detection limits provides an additional level of assurance that resulting emissions still reflect MACT and do not pose a threat to human health and the environment. If you cannot demonstrate compliance with the provisions of this waiver when assuming full detection limits, then you should not claim this waiver and should conduct emissions testing to demonstrate compliance with the emission standard.

Based on the comments and as discussed in the previous section (Section A.2.a), we conclude it is not appropriate, for purposes of this performance test waiver provision, to require a kiln to assume mercury is present at the full detection limit in its raw material when the feedstream analysis determines mercury is not present at detectable levels. As a result, we allow kilns to assume mercury is present at one-half the detection limit in raw materials when demonstrating compliance with the performance test waiver provisions whenever the raw material feedstream analysis determines that mercury is not present at detectable levels.

C. What Other Waiver Was Proposed, But Not Adopted?

Waiver of the Mercury, Semivolatile Metal, Low Volatile Metal, or Chlorine Standard

We proposed not to subject sources to one or more of the mercury, semivolatile metal, low volatile metal, or chlorine emission standards (and other requirements)[270] if their feedstreams did not contain detectable levels of that associated metal or chlorine (e.g., if their feedstreams did not contain a detectable level of chlorine, the hydrochloric acid/chlorine gas standard would be waived—see 61 FR at 17447). As part of this waiver, a feedstream sampling and analysis plan would be developed and implemented to document that feedstreams did not contain detectable levels of the metals or chlorine.

Several commenters supported this waiver, stating that it is of no benefit to human health or the environment to require performance testing, monitoring, notification, and record-keeping of constituents not fed to the combustion unit. However, commenters were divided in their support of the need to set minimum feedstream detection limits. Those supporting specified detection limits wrote that detection limits are needed to ensure that appropriate analytical procedures are used and needed to provide consistency between sources. Those opposing specified detection limits believed that detection limits are highly dependent on feedstream matrices. Therefore, to impose a detection limit that applies to all sources and all feedstreams would not be practicable. One commenter questioned basing this waiver on nondetect values because a feedstream analyses that detects, at any time, a quantity of the metal or chlorine just above the detection limit may be considered to be out of compliance.

We agree that little or no environmental benefit may be gained by requiring performance testing, monitoring, notification, and record keeping for a constituent not fed to the combustion unit. However, based on our careful analysis of comments and on our reevaluation of the practical implementation issue inherent in this type of waiver, we find that it may not always be practicable to use detection limits to determine if a waste does or does not contain metals or chlorine. We are concerned that facility-specific detection limits may vary, from source to source, at levels such that sources with detection limits in the high-end of the distribution (due to their complex waste matrix) have the potential for significant metal or chlorine emissions. Under the facility-specific detection limit approach, a high-end detection limit source with relatively high emissions could qualify for the waiver; however, a source with a simpler feedstream matrix with significantly lower amounts of metals in the feedstream (but just above the detection limit) would not qualify. This not only turns the potential benefit of a waiver provision on its head, but raises serious questions of national consistency, fairness, and evenness of environmental protection to surrounding communities. We also conclude that it is impractical to set one common detection limit for each hazardous air pollutant as part of this waiver because, as commenters stated, detection limits are matrix dependent.

Due to these issues, we were unable to devise an implementable and acceptable nondetect waiver provision, and therefore do not adopt one in today's final rule. As is described in the previous section (Section B), however, we do provide a waiver of performance testing requirements to sources that feed low levels of mercury, semivolatile metal, low volatile metal, or chlorine. Although this waiver provision does not waive the emission standard, monitoring, notification, recordkeeping, and reporting requirements, it does waive emission tests and compliance with operating parameter limits for the associated metals or chlorine.

D. What Equivalency Determinations Were Considered, But Not Adopted?

In response to comments we received from the April 1996 NPRM, we included in the May 1997 NODA a discussion of an allowance of a one-time compliance demonstration for hydrocarbon and carbon monoxide at cement kilns equipped with temporary midkiln sampling locations. (See 62 FR 24239.) This equivalency determination required that alternative, continuously monitored, operating parameters be used in lieu of continuous monitoring of hydrocarbon/carbon monoxide. As discussed below, we conclude that the shortcomings associated with the proposed alternative operating parameters created sufficient uncertainties, for implementation and overall environmental protection, that we are not adopting an equivalency determination option in this rulemaking. However, cement kilns have the opportunity to petition the Administrator under § 63.8(f) and 63.1209(g)(1) to make a site-specific case for this type of equivalency determination.

In response to the April 1996 NPRM, we received comments indicating that some kilns would need to either operate at inefficient back-end temperatures (to oxidize hydrocarbons desorbed from the raw material) or be required to install and maintain a midkiln sampling system to demonstrate compliance with the hydrocarbon/carbon monoxide standards. Commenters believe that this may not be feasible for some kilns because: (1) Raising back end temperatures may increase dioxin formation; (2) most long kilns are not equipped to sample emissions at the midkiln location; (3) costs associated with retrofit and maintenance may be considered high; and (4) maintenance problems associated with the sampling duct are difficult to overcome.

We received numerous comments on the proposed hydrocarbon/carbon monoxide equivalency approach described in the May 1997 NODA. Many cement kilns support the option and defend the use of alternative operating parameters in lieu of continuous carbon monoxide and hydrocarbon monitors. Many commenters oppose using any parameters other than carbon monoxide or hydrocarbon as a combustion efficiency indicator and as surrogate emission standards for the nondioxin organic hazardous air pollutants. We have found that a number of factors suggest that a special provision allowing use of alternative operating parameters, in lieu of carbon monoxide and/or hydrocarbon, is neither necessary nor appropriate to include in this rulemaking.

The alternative operating parameters associated with a one-time demonstration would have to assure that compliance with the carbon monoxide/hydrocarbon standard is maintained at the midkiln location on a continuous basis. We considered adopting several different operating parameters in lieu of hydrocarbon/carbon monoxide monitoring to achieve this goal. Maximum production rate was considered as a continuous residence time indicator. Minimum combustion zone temperature, continuously monitored destruction and removal efficiency using sulphur hexafluoride, and minimum effluent NO_X limits were also examined to ensure adequate temperature is continuously maintained in the combustion zone. To ensure adequate turbulence, we considered using minimum kiln effluent oxygen concentration. Commenters did not suggest additional alternative operating parameters.

Each of these operating parameters have potential shortcomings, and we are not convinced that use of these parameters, even in combination, provides a combustion efficiency indicator as reliable as continuous

[270] Ancillary performance testing, monitoring, notification, record keeping, and reporting requirements.

hydrocarbon/carbon monoxide monitoring. We have identified the following potential problems with these alternative operating parameters: (1) Effluent kiln oxygen concentration may not correlate well to carbon monoxide/hydrocarbon produced from oxygen deficient zones in the kiln;[271,272] (2) pyrometers, or other temperature monitoring systems, may not provide direct and reliable measurements of combustion zone temperature;[273] (3) some combustion products of sulphur hexaflouride are toxic and regulated hazardous air pollutants;[274] (4) there are no demonstrated performance specifications for continuous sulphur hexaflouride monitors; and (5) it is contrary to other air emission limitations (in principle) to require minimum (not maximum) NO_X limits.

On balance, the lack of adequate documentation allowing us to resolve these uncertainties and potential problem areas prevents us from further considering this type of hydrocarbon/carbon monoxide equivalency determination provision for inclusion in today's final rule. As stated above, however, cement kilns have the opportunity to petition the Administrator under § 63.8(f) to make a site-specific case for this type of equivalency determination.

As is explained in Part Four, Section VII.C(9)(c), today's rulemaking subjects newly constructed hazardous waste burning cement kilns at greenfield sites to a main stack hydrocarbon standard of either 20 or 50 ppmv. We clarify that this standard applies to these sources even if they applied and received approval for an alternative monitoring approach described above, because the intent of this hydrocarbon standard is to control organic hazardous air pollutants desorbed from raw material and not to control combustion efficiency.

[271] An oxygen deficient zone in the kiln due to inadequate mixing, which could potentially result in the emission of significant amounts of carbon monoxide and organic hazardous air pollutants, could be well mixed with excess air by the time it reaches the kiln exit, where oxygen is monitored. Thus the oxygen monitor may not record any oxygen concentration change and would not serve as an adequate control to ensure proper combustion turbulence.

[272] We do not have, nor did commenters submit, data which show whether effluent kiln oxygen concentration adequately correlates with carbon monoxide/hydrocarbon produced from oxygen deficient zones in the kiln.

[273] See Part Five, Section VII.D.(2)(b)(iii), for further discussion on combustion zone temperature measurements.

[274] Hydrofluoric acid, a CAA hazardous air pollutant, is a possible combustion byproduct of sulphur hexafluoride.

E. What are the Special Compliance Provisions and Performance Testing Requirements for Cement Kilns with In-line Raw Mills and Dual Stacks?

Preheater/precalciner cement kilns with dual stacks and cement kilns with in-line raw mills require special compliance provisions and performance testing requirements because they are unique in design.

Preheater/precalciner kilns with dual stacks have two separate air pollution control systems. As discussed in Section F below, emission characteristics from these separate stacks could be different. As a result, these kilns must conduct emission testing in both stacks to document compliance with the emission standards[275] and must establish separate operating parameter limits for each air pollution control device. See § 63.1204(e)(1).

Cement kilns with in-line raw mills either operate with the raw mill on-line or with the raw mill off-line. As discussed in Section F below, these two different modes of operation could have different emission characteristics. As a result, cement kilns with in-line raw mills must conduct emission testing when the raw mill is off-line and when the raw mill is on-line to document compliance with the emission standards and must establish separate operating parameters for each mode of operation. These kilns must document in the operating record each time they change from one mode of operation to the alternate mode. They must also begin calculating new rolling averages for operating parameter limits and comply with the operating parameter limits for that mode of operation, after they officially switch modes of operation. If there is a transition period associated with changing modes of operation, the kiln operator has the discretion to determine when, during this transition, the kiln has officially switched to the alternate mode of operation and when it must begin complying with the operating parameter limits for that alternate mode of operation. See 63.1204(d)(1).

Preheater/precalciner kilns with dual stacks that also have in-line raw mills do not have to conduct dioxin/furan testing in the bypass stack to demonstrate compliance with the standard when the raw mill is off-line. We have concluded that dioxin/furan emissions in the bypass stack are not dependent on the raw mill operating status because dioxin/furan emissions are primarily dependent on temperature control. A kiln may assume that when the raw mill is off-line, the dioxin/furan emissions in the bypass stack are identical to the dioxin/furan emissions when the raw mill is on-line and may comply with the bypass stack dioxin/furan raw mill on-line operating parameters for both modes of operation. See § 63.1204(d)(1).

[275] This does not apply to the hydrocarbon and carbon monoxide standard. See discussion in Part Four, Section VII.D on hydrocarbon and carbon monoxide standards for cement kilns.

F. Is Emission Averaging Allowable for Cement Kilns with Dual Stacks and In-line Raw Mills?

In the April 1996 NPRM, we did not subdivide cement kilns by process type when setting emission standards (see 61 FR at 17372–17373). As a result, we received many comments from the cement kiln industry indicating that preheater/precalciner cement kilns with dual stacks and cement kilns with in-line raw mills have unique design and operating procedures that necessitate the use of emission averaging when demonstrating compliance with the emission standards. We addressed these comments in the May 1997 NODA by discussing an allowance for emission averaging (for all standards except for hydrocarbon/carbon monoxide) at preheater/precalciner cement kilns with dual stacks when demonstrating compliance with the emission standards (see 62 FR at 24240). We also discussed allowing cement kilns with in-line raw mills to demonstrate compliance with the emission standards on a time-weighted average basis to account for different emission characteristics when the raw mill is active as opposed to when it is inactive. In light of the favorable comments received, and the lack of significant concerns to the contrary, we adopt these emission averaging provisions in today's rule.

1. What Are the Emission Averaging Provisions for Cement Kilns with In-line Raw Mills?

See § 63.1204(d).

As explained in the May 1997 NODA, emissions of hazardous air pollutants can be different when the raw mill is active versus periods of time when the mill is out of service. We received many comments on this issue, all in favor of an emissions averaging approach to accommodate these different modes of operation. As a result, we adopt a provision that allows cement kilns that operate in-line raw mills to average their emissions on a time-weighted basis to show compliance with the metal and chlorine emission standards.

Emission averaging for in line raw mills will not be allowed when they demonstrate compliance with the hydrocarbon/carbon monoxide standard

because hydrocarbon and carbon monoxide are monitored continually and serve as a continuous indicator of combustion efficiency. No commenter states that emission averaging is needed for hydrocarbon/carbon monoxide. Emission averaging for particulate matter will not be allowed because this standard is based on the New Source Performance Standards found in § 60.60 subpart F. We interpret these standards to apply regardless if the raw mill is on or off. (Note that this is consistent with the proposed Nonhazardous Waste Portland Cement Kiln Rule. See 56 FR 14188). In addition, emission averaging for dioxin/furan will not be allowed because cement kilns with in-line raw mills are expected to control temperature during both modes of operation to comply with the standard. No commenter stated that emission averaging was needed for dioxin/furan.

a. What Is the Averaging Methodology? In the May 1997 NODA, we did not specify an averaging methodology. As a result, commenters suggested that the following equation would adequately calculate the time-weighted average concentration of a regulated constituent when considering the length of time the in-line raw mill is on-line and off-line:

$$C_{total} = \left\{\left(C_{mill\text{-}off}\right)\times\left(T_{mill\text{-}off} / \left(T_{mill\text{-}off} + T_{mill\text{-}on}\right)\right)\right\} + \left\{\left(C_{mill\text{-}on}\right)\times\left(T_{mill\text{-}on} / \left(T_{mill\text{-}off} + T_{mill\text{-}on}\right)\right)\right\}$$

Where:

C_{total} = time-weighted average concentration of a regulated constituent considering both raw mill on time and off time.

$C_{mill\text{-}off}$ = average performance test concentration of regulated constituent with the raw mill off-line.

$C_{mill\text{-}on}$ = average performance test concentration of regulated constituent with the raw mill on-line.

$T_{mill\text{-}off}$ = time when kiln gases are not routed through the raw mill.

$T_{mill\text{-}on}$ = time when kiln gases are routed through the raw mill.

We agree that this equation properly calculates the time-weighted average concentration of the regulated constituent when considering both raw mill operation and raw mill down time and are adopting it in today's rule.

b. What Is Required During Emission Testing? As discussed, sources that use this emission averaging provision must conduct performance testing for both modes of operation (with the raw mill both on-line and off-line), demonstrating appropriate operating parameters during both test conditions. One commenter suggests that the Agency allow sources to demonstrate both raw mill on-line and off-line operations within the same test runs. This would allow a test under one condition instead of two and would give more flexibility by ensuring identical operating parameters for raw mill on-line operations as opposed to off-line operations. This also could theoretically result in fewer automatic waste feed cutoffs when transitioning from one mode of operation to another. Although this approach may have some benefit, we conclude that it is necessary to demonstrate, through separate emission testing, the comparison of emissions when operating with the raw mill on-line as opposed to the raw mill off-line. The separate emission testing is necessary to demonstrate whether emissions are higher or lower when the raw mill is not active to assure compliance with the emission standards on a time-weighed basis.[276]

c. How Is Compliance Demonstrated? In the May 1997 NODA, we did not discuss specific compliance provisions of an emission averaging approach. After careful consideration, however, we determine that to use this emission averaging provision, you must document and demonstrate compliance with the emission standards on an annual basis by using the above equation. Shorter averaging times were considered, but were not chosen since it may be difficult for a kiln with an in-line raw mill to comply with a short averaging period if the raw mill must be off-line for an extended period of time. Therefore, you must annually document in your operating record that compliance with the emission standard was demonstrated for the previous year's operation by calculating your estimated annual emissions with the above equation. The one-year block average begins on the day you submit your NOC. You must include all hazardous waste operations in that one year block period, and you also must include all nonhazardous waste operations that you elect to comply with hazardous waste MACT standards, when demonstrating annual compliance.[277]

d. What Notification Is Required? Again, in the May 1997 NODA, we did not discuss specific notification requirements. After careful consideration, we determined that if you use this emission averaging provision, you must notify the Administrator of your intent to do so in your performance test workplan. Several commenters favor allowing time-weighted emissions averaging, so long as historical data are submitted to justify allowable time weighting factors (explained below). We agree with these comments and require that you submit historical raw mill operation data in your performance test workplan. These data should be used to estimate the future down-time the raw mill will experience. You must document in your performance test workplan that estimated emissions and estimated raw mill down-time will not result in an exceedance of the emission standard on an annual basis. You also must document in your NOC that the emission standard will not be exceeded based on the documented emissions from the compliance test and predicted raw mill down-time.

2. What Emission Averaging Is Allowed for Preheater or Preheater-Precalciner Kilns with Dual Stacks? (See § 63.1204(e).)

As explained in the May 1997 NODA, and in an earlier section of this preamble (see Part Four, Section V.II.B), emissions of hazardous air pollutants can be different in a preheater or preheater-precalciner cement kiln's main stack as opposed to the bypass stack. We received many comments on this issue, all in favor of the emissions averaging approach discussed in the NODA to accommodate the different emission characteristics in these stacks. Therefore, we today finalize a provision to allow preheater or preheater-precalciner cement kilns with dual stacks to average emissions on a flow-weighted basis to demonstrate compliance with chlorine and metal emission standards.

Emission averaging to demonstrate compliance with the hydrocarbon/carbon monoxide standard is not

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[276] The Agency does not have, nor did commenters submit, sufficient data to determine whether emissions will be higher or lower when the raw mill is inactive.

[277] Today's rulemaking allows a hazardous waste source, when not burning hazardous waste, to either comply with the hazardous waste cement kiln MACT standards or the non hazardous waste cement kiln standards (see Part Five, Section I).

needed at preheater and preheater-precalciner cement kilns with dual stacks since today's rule requires these kilns to monitor hydrocarbon or carbon monoxide in the bypass stack only.[278] Emission averaging for particulate matter is no longer needed since the format of the standard (0.15 kg/Mg dry feed) implicitly requires the kiln to consider mass emissions from both stacks to demonstrate compliance with the emission standard. In addition, emission averaging for dioxin/furan will not be allowed because cement kilns with dual stacks are expected to control temperature in both air pollution control systems to comply with the standard. No commenter stated that emission averaging was needed for dioxin/furan.

a. What Is the Average Methodology? In the May 1997 NODA, we did not specify an averaging methodology. However, commenters suggested that the following is an appropriate equation to calculate the flow-weighted average concentration of a regulated constituent when considering emissions from both stacks:

$$C_{tot} = \left\{(C_{main}) \times \left(Q_{main} / (Q_{main} + Q_{bypass})\right)\right\} + \left\{(C_{bypass}) \times \left(Q_{bypass} / (Q_{main} + Q_{bypass})\right)\right\}$$

Where:
C_{tot} = flow-weighted average concentration of the regulated constituent
C_{main} = average performance test concentration demonstrated in the main stack
C_{bypass} = average performance test concentration demonstrated in the bypass stack
Q_{main} = volumetric flowrate of main stack effluent gas
Q_{bypass} = volumetric flowrate of bypass effluent gas

We agree that this equation properly calculates the flow-weighted average concentration of the regulated constituent when considering emissions from both stacks and it is adopted in today's rule.

b. What Emissions Testing and Compliance Demonstrations Are Necessary? To use this emission averaging provision, you must simultaneously conduct performance testing in both stacks during your comprehensive performance test to compare emission levels of the regulated constituents (as proposed). These emission data must be used as inputs to the above equation to demonstrate compliance with the emission standard.

You must develop operating parameter limits, and incorporate these limits into your NOC, that ensures your emission concentrations, as calculated with the above equation, do not exceed the emission standards on a twelve-hour rolling average basis. These operating parameters should limit the ratio of the bypass stack flowrate and combined bypass and main stack flowrate such that the emission standard is complied with on a twelve-hour rolling average basis. Whereas this was not proposed, we conclude that this provision is necessary to assure compliance with the standards since the ratio of stack gas flowrate and bypass stack flowrate could deviate from the levels demonstrated during the performance test.

c. What Notification Is Required? In the May 1997 NODA, we did not discuss specific notification requirements. After careful consideration, however, we determine that to use this emission averaging provision, you must notify the Administrator of your intent to do so in your performance test workplan. The performance test workplan must include, at a minimum, information that describes your proposed operating limits. You must document your use of this emission averaging provision in your NOC and document the results of your emissions averaging analysis after estimating the flow weighted average emissions with the above equation. You must also incorporate into the NOC the operating limits that ensures compliance with emission standards on a twelve-hour rolling average basis.

G. What Are the Special Regulatory Provisions for Cement Kilns and Lightweight Aggregate Kilns that Feed Hazardous Waste at a Location Other Than the End Where Products Are Normally Discharged and Where Fuels Are Normally Fired? (§ 63.1206(b)(12) and (b)(8)(ii))

As discussed in Part Four, Section IV.B., the Agency is allowing you to comply with either a carbon monoxide or hydrocarbon standard. However, we have concluded that this option to comply with either standard should not apply if you operate a cement kiln or lightweight aggregate kiln and feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired these other locations include, at the mid kiln or the cold, upper end of the kiln. Consistent with the Boilers and Industrial Furnace regulations (see § 266.104(d)), we are today requiring you to comply with the hydrocarbon standard, and are not giving you the option to comply with the carbon monoxide standard, if you feed hazardous waste in this manner. This is because we are concerned that hazardous waste could be fired into a location such that nonmetal compounds in the waste may be merely evaporated or thermally cracked to form pyrolysis byproducts rather than be completely combusted.[279] If this occurs, there is the potential that little carbon monoxide will be generated even though significant hydrocarbons are being emitted. Carbon monoxide monitoring would thus not ensure that organic hazardous air pollutant emissions are being properly controlled. We do not anticipate this requirement to be overly burdensome, since it is a current requirement of the Boilers and Industrial Furnace regulation.

We have also concluded that it would not be appropriate for you to comply with the hydrocarbon standard in the bypass duct if you operate a cement kiln and feed hazardous waste into a location downstream of your bypass sampling location relative to flue gas flow direction. Such operation would result in hazardous waste combustion that would not be monitored by a hydrocarbon monitor. Today's rulemaking thus requires you to comply with the main stack hydrocarbon standard of 20 ppmv if you feed hazardous waste in this manner. This is also consistent with the Boilers and Industrial Furnace regulations, which do not allow you to monitor hydrocarbons in the bypass duct if you operate a short kiln and if you feed hazardous waste in the preheater or precalciner (see § 266.104(f)(1)).

In addition to the above requirements, if you operate a cement kiln or

[278] New kilns at greenfield locations must also comply with a main stack hydrocarbon standards. For these sources, emission averaging for hydrocarbons would not appropriate because the purpose of the main stack hydrocarbon standard is to control organic hazardous air pollutants that originate from the raw material.

[279] See Final Rule, Burning of Hazardous Waste in Boilers and Industrial Furances, February 21, 1991, 56 FR at 7158.

lightweight aggregate kiln and feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired, you are also required to demonstrate compliance with the destruction and removal efficiency standard every five years as opposed to a one-time destruction and removal demonstration We require you to do this because the unique design and operation of such a waste firing system necessitates a compliance demonstration for this standard every five years (see previous discussion in part Four, Section IV.A.3.).

H. What is the Alternative Particulate Matter Standard for Incinerators? See § 63.1206(b)(15).

As discussed in Part Four, Section II.A.2, today's rule establishes a particulate matter standard of 0.015 gr/dscf for incinerators as a surrogate to control nonenumerated metal hazardous air pollutants (i.e., antimony, cobalt, manganese, nickel, selenium). Of course, particulate matter air pollution control devices also exert control on other metals (except highly volatile species such as mercury), including the enumerated metals. (The enumerated metal hazardous air pollutants are those CAA metal hazardous air pollutants regulated directly via individual emission standards in today's rule, i.e., mercury, semivolatile metals, low volatile metals). A number of commenters, primarily incinerator operators, assert that a particulate matter standard should not be used as a surrogate control for metals in situations where the particulate matter does not contain any metal hazardous air pollutants (i.e., situations when the waste does not contain any metals, except perhaps mercury and the resulting ash contains only relatively benign ash or soot). These commenters argue that the cost associated with reducing particulate matter levels below 0.015 gr/dscf would be excessive and that some type of alternative standard (reflecting superior metal feedrate control) be created.

After considering these comments and another type of particulate matter control technology, we conclude that it is appropriate to offer an alternative particulate matter standard of 0.03 gr/dscf for incinerators that have de minimis levels of hazardous air pollutant metals in their feedstreams, and we have adopted a petition process to allow incinerators to seek this alternative standard. An alternative particulate matter standard is within the scope of our overall preamble discussions of the control of particulate matter and metal emissions, the ways in which the Agency was considering feedrate as part of its MACT analysis, our approaches to enumerated and non-enumerated CAA hazardous air pollutant metals, and the presentation of options for compliance testing when only de minimis levels of metals are present.

1. Why is this Alternative Particulate Matter Standard Appropriate under MACT?

An alternative particulate matter floor level of 0.030 gr/dscf is appropriate for an incinerator that can demonstrate it has de minimis levels of CAA hazardous air pollutant metals (except mercury), as defined below, in its feedstreams. As discussed in other portions of this preamble and in our technical background documents for this rulemaking, control of metals (other than mercury) is a function, in a practical sense, of both the feedrate of those metals into the combustion device as well as the design, operation, and maintenance of a source's air pollution control devices for particulate matter. Given the intertwined relationship between these two factors, the Agency has concluded that a particulate matter floor control level of 0.015 gr/dscf is not warranted for sources using superior feedrate control (i.e. beyond MACT) to reduce metal emissions, which in this case would be shown by having non-detectable levels of metals in their feedstreams (discussed in more detail below).[280]

We also conclude that the floor control for this alternative standard is the use of a venturi scrubber or the use of the same, but less sophisticated, particulate matter control technologies that were established for the 0.015 gr/dscf standard.[281] These floor technologies, including venturi scrubbers, were the basis of our particulate matter floor standard of 0.029 gr/dscf which was published for comment in the May 1997 NODA. See 62 FR at 24221. Although we have since determined that 0.015 gr/dscf is a technically achievable and appropriate MACT floor control level for incinerators based on a suite of technologies that does not include venturi scrubbers, we conclude that an alternative floor level of 0.030 gr/dscf that includes venturi scrubbers in the floor is appropriate for sources using superior metal feedrate control. Put another way, we view the average of the 12 percent best performing incinerators as including incinerators with venturi scrubbers when the incinerator is exercising beyond-MACT feed control of hazardous air pollutant metals.[282] We also note that the final rule for medical waste incinerators establishes a particulate matter standard of 0.030 gr/dscf for medium sized existing sources and small new sources that is based on medium efficiency venturi scrubbers. See 62 FR at 48348. The alternative floor level of 0.030 gr/dscf that is adopted in this final rulemaking is appropriate when we include venturi scrubbers as an alternative floor control technology when superior feed rate control is being employed.[283]

Particulate matter control below 0.030 gr/dscf is still necessary to control metal emissions at sources with de minimis levels of hazardous air pollutant metals in their feedstreams for several reasons. Even if an incinerator obtains non-detect analytical results for one or more metals in its feedstream, this does not conclusively prove that metals are absent. Rather, all that such laboratory results mean is that the metals are not contained in the feedstream above the detection limit used in the analysis. This detection limit may be low but it can also be fairly high depending on the waste matrix. As previously discussed in Part Five, Section X.C.1, commenters have indicated that feedstream metal detection limits are highly dependent on the feedstream matrix.

Given that our prerequisite for the alternative standard is that de minimis levels of metals are present, we must take into account this phenomenon of matrix-dependent detection limits. We are unwilling simply to allow facilities upon a showing of non-detectable levels of metals to avoid particulate matter controls entirely, especially given the complementary controls in practice provided by both feedrate control and

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[280] We do not require you to document that your feedstreams have de minimis mercury levels to qualify for this alternative standard because mercury is a volatile metal and is generally not controlled with particulate matter control technologies.

[281] As discussed in Part Four, Section VI.C.4.a, particulate matter floor control for hazardous waste incinerators is defined as the use of either fabric filters, electrostatic precipitators (dry or wet), or ionizing wet scrubbers (sometimes in combination with venturi, packed bed, or spray tower scrubbers) that achieve particulate matter emission levels of 0.015 gr/dscf or less.

[282] See Final Technical Support Document, Volume 3, Chapter Four, July, 1999, for further discussion.

[283] The cement kilns and lightweight aggregate kilns that are also covered by today's final rule have feedrates of metals far above any de minimis threshold. See Final Technical Support Document, Volume 3, Chapter Four, July, 1999, for further discussion. Therefore, in light of the commenters requesting alternative standards and in light of the feedstream levels of metals going into the kilns, we have elected to offer an alternative particulate matter standard only to incinerators.

particulate matter air pollution control devices. On the other hand, it would be overly narrow to give essentially no credit for superior feedrate control (shown by non-detectable levels of metals) by requiring these incinerators to meet 0.015 gr/dscf. It appears, therefore, to be an appropriate balance to allow facilities with non-detectable levels of metals (other than mercury) to meet a standard of 0.030 gr/dscf. This will assure control reflecting performance of the best performing plants that use superior (i.e., beyond MACT) feedrate control, especially in the event that detection limits for a particular waste matrix are unusually high. Because we are moving to a Performance Based Measurement System (PBMS) we cannot rely upon previously approved EPA standard methods as a means to predict detection levels in various matrices. Therefore, we are retaining a particulate matter standard 0.030 gr/dscf to offset the potential for high detection limits.

2. How Do I Demonstrate Eligibility for the Alternative Standard?

Although we adopt a particulate matter standard as a surrogate to control nonenumerated metal hazardous air pollutants, particulate matter control is an integral part of the semivolatile and low volatile metal emission standards as well, as discussed above. See Part Four, Section II.A.1, for further discussion. We therefore conclude that you must document that not only the nonenumerated metals meet the de minimis criteria explained below, but that the semivolatile and low volatile metals do as well. This provides assurance that superior feedrate control is being achieved for all hazardous air pollutant metals, which in turn allows us to provide you with the opportunity to use the alternative particulate matter standard.

To demonstrate eligibility, you must document that you meet two qualification requirements. First, you must document that your feedstreams do not contain detectable levels of CAA hazardous air pollutant metals, apart from mercury (i.e., antimony, cobalt, manganese, nickel, selenium, lead, cadmium, chromium, arsenic and beryllium). This requirement is necessary to ensure that you have de minimis levels of metals in your feedstreams, and assures us that you are using superior feedrate control. You must conduct feedstream analyses at least annually to document that your feedstreams do not contain detectable levels of these metals. Permitting officials may, on a site-specific basis, require more frequent feedstream analyses to better ensure that you comply with this eligibility requirement.

Second, you must document that your calculated uncontrolled metal emissions, i.e., no system removal efficiency, are below the numerical semivolatile and low volatile metal emission standards. When calculating these uncontrolled emissions, you must assume metals are present at one-half the detection limit and are categorized into their appropriate volatility grouping for purposes of this requirement. The one-half detection limit assumption provides a relatively, but not overly, conservative way assuring that de minimis determinations are not given to sources with very high detection limits.

For example, the combined uncontrolled emissions for lead, cadmium and selenium, when assuming these metals are present at one-half the detection limit, must be below 240 μg/dscm. The combined uncontrolled emissions for antimony, cobalt, manganese, nickel, chromium, arsenic and beryllium, when assuming these metals are present at one-half the detection limit, must be below 97 μg/dscm. We require this second eligibility requirement because (1) it ensures you have de minimis levels of metals in your feedstreams even though metals can be present at levels below the detection limit, and (2) it encourages you to obtain reasonable detection limits.

3. What Is the Process for the Alternative Standard Petition?

If you are seeking this alternative particulate matter standard, you must submit a petition request to the Administrator, or authorized regulatory Agency, that includes the documentation discussed above. You will not be allowed to operate under this alternative standard until the Administrator determines that you meet the above qualification requirements. Although we are not requiring that you include this petition as part of the comprehensive performance test workplan, we strongly recommend that you do so. This approach has several advantages: (1) It will clarify which PM standard you are complying with as of your documentation of compliance, and avoid potential confusion about your state of compliance; (2) it will help ensure that the planned performance tests cover all of the relevant parameters and standards and will facilitate interpretation of performance test results; (3) it will help avoid costs of having to conduct a separate performance test to show compliance with the alternative standard, which would include re-testing and re-establishment of many of the same parameters as would be covered in the initial comprehensive performance test; and (4) it will help maximize the time that the regulatory agency needs to evaluate your demonstration of the prerequisite, non-detect levels of metals in your feed, including the time needed for you to respond to any additional information that may be requested by the agency. Agency approval of a comprehensive performance test workplan that also includes this petition request will be deemed as approval for you to operate pursuant to this alternative standard. In our implementation of today's final rule, we will address as appropriate various considerations related to processing these petitions, including the timing of the submittal, review and approval. We fully expect that Agency permit officials will act expeditiously on these petitions so that both the source and the reviewing official know what particulate matter level the comprehensive performance test must show is being achieved.

XI. What Are the Permitting Requirements for Sources Subject to this Rule?

As indicated in Part One, we intend the requirements of this rule to meet our obligations for hazardous waste combustor air emission standards under two environmental statutes, the Clean Air Act and the Resource Conservation and Recovery Act. The overlapping air emission requirements of these two statutes have historically resulted in some duplication of effort. In developing a permitting scheme that accommodates the requirements of both statutes, with regard to the new air emissions limitations and standards being promulgated in this rule, our goal is to avoid any such duplication to the extent possible. This goal is consistent with the RCRA statutory directive of section 1006(b)(1) to "integrate all provisions of (RCRA) for purposes of administration and enforcement and (* * *) avoid duplication, to the maximum extent practicable, with the appropriate provisions of the Clean Air Act." [284] It also is consistent with our objectives to streamline requirements and follow principles that promote "good government."

[284] See also CAA section 112(n)(7) (requirements of section 112 should be consistent with those of RCRA Subtitle C to the maximum extent practicable).

A. What Is the Approach to Permitting in this Rule?

1. In General What Was Proposed and What Was Commenters' Reaction?

In the April 1996 NPRM, we proposed placing the MACT air emissions standards in the CAA regulations at 40 CFR part 63 and proposed to reference the standards in the RCRA regulations at 40 CFR parts 264 and 266. (see 61 FR 17451, April 19, 1996). At that time, we believed that placing the standards in both the CAA and RCRA regulations would provide maximum flexibility to regulatory authorities at the Regional, State, or local levels to coordinate permitting and enforcement activities in the manner most appropriate for their individual circumstances.[285] We also believed that this approach would alleviate the potential for duplicative requirements across permitting programs.

In addition, we presented two examples of ways for permitting hazardous waste combustors subject to the new MACT standards. These examples reflected, in part, the proposed approach of incorporating the new MACT standards into both RCRA and CAA implementing regulations.[286] (See 61 FR 17451, April 19, 1996.) In the first example, the two permitting programs would work together to issue one permit, under joint CAA and RCRA authority, that would meet all the requirements of both programs. In the second example, the two permitting programs would coordinate their efforts with each program issuing a separate permit; the items common to both (e.g., the air emissions standards) would be included in one permit and incorporated by reference into the other permit.

Comments on the April 1996 NPRM expressed widespread support for providing flexibility for regulatory agencies to implement common sense permitting schemes that fit their organization and resources. However, commenters disagreed as to which approach would best provide such flexibility. A few commenters thought that the April 1996 NPRM approach, placing the standards in both CAA and RCRA regulations, would both provide flexibility to choose which program would issue permits and therefore avoid duplication.

On the other hand, we received several comments challenging our assumption that placement of the standards in both CAA and RCRA regulations would optimize flexibility for regulatory agencies. These commenters believed that the regulatory agencies would be, in fact, more limited. They noted that both the RCRA and CAA programs would be responsible for incorporating the standards, to some extent, into their permits, even if just by referencing the other. Commenters also were concerned with the potential for conflicting conditions between the two permits, particularly with regard to testing, monitoring, and certification requirements. In addition, they felt that the conditions common to both permits might be subject to separate decision-making processes. For example, they might potentially be subject to two different administrative or judicial appeals procedures and two permit modification procedures. If this happened, the Agency would not achieve its stated objective of avoiding duplication between the two programs. Additionally, our example pointing to close coordination between programs to avoid duplication was countered by commenters examples where such coordination has not occurred, either due to logistical problems within regulatory agencies or to differences in administrative processes between the two programs.

Commenters also expressed concern about the potential for enforcement of the same requirement under two different statutes that they believed the proposed approach would create. Since the requirements would have to be incorporated into both RCRA permits and CAA title V permits, sources would have to comply with both. Although we stated in the proposal that we did not expect to take enforcement action under both permits (see 62 FR 17452), commenters noted that this would not restrain State or local authorities from initiating dual enforcement actions. In addition, commenters pointed out that they would be vulnerable to citizen suits under both statutes.

The majority of the commenters voiced a desire for the Agency to avoid duplicate requirements or redundant processes. We received several suggestions for alternative approaches, which can be grouped in three ways: (1) Requiring regulatory agencies to develop a separate permitting program to cover elements common to both CAA and RCRA (i.e., air emissions and related operating requirements) while maintaining separate permits for the other elements; (2) Developing a single multi-media permit to cover all RCRA and CAA requirements applicable to hazardous waste combustors; and (3) placing the standards only in CAA regulations and incorporation only into the title V permits.

The first alternative, i.e., requiring a separate permitting program for air emissions and related parameters, is a very different approach that would likely require the development of more new regulations. However, duplication may be avoided without promulgation of an "independent" permitting scheme just for the elements common to both RCRA and CAA programs. Other alternatives would not involve the time and effort needed to craft and adopt a new regulatory scheme, such as that suggested.

We believe that the second alternative, pursuing multi-media permits, had some merit. As commenters pointed out, the Agency's Permits Improvement Team expressed support for multimedia permits in its "Concept Paper." The Permits Improvement Team also acknowledged, however, that true multimedia permits have been difficult to develop. We still support multimedia permitting, and this rule does not preclude this approach. Nevertheless, we do not believe that, at this point, we can rely on multimedia permitting as an overall approach to implementing this rule. Some States have successfully piloted multi-media permitting or implemented "one-stop" permits that address both RCRA and CAA requirements. We encourage States to continue these efforts and to apply them to hazardous waste combustor permitting to the extent possible. Even for States that do not currently pursue multimedia or one-stop permits, this rule presents unique opportunities to start moving in that direction.

The third alternative had a couple of variations. The straightforward version was simply to place the MACT air emission standards in the CAA regulations, incorporate them into title V permits, and continue to issue RCRA permits for other RCRA-regulated aspects of the combustion unit, as well as of the rest of the facility (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units). A variation of this was to develop a RCRA permit-by-rule provision to defer to title V permits. The straightforward approach was favored by the majority of the commenters. Some offered, as further support for this

[285] When referring to permitting under the CAA, we mean operating permits under title V of the CAA. The regulations governing state and federal title V permit programs are codified in 40 CFR parts 70 and 71, respectively.

[286] The possibility of issuing only one EPA permit under either CAA or RCRA authority, and the ensuing legal barriers rendering that approach infeasible, also were discussed in the preamble for the proposed rule (61 FR 17451, April 19, 1996).

position, a reference to the recommendation put forth by the Permit Improvement Team's Alternatives to Individual Permits Task Force that called for permitting air emissions from hazardous waste combustors under the CAA. The variation of developing a RCRA permit-by-rule provision is not as responsive to commenters' concerns because, among other things, that approach would not avoid the potential for dual enforcement. Although the permit-by-rule has the effect of deferring to the title V permit, the facility is still considered to have a RCRA permit for the combustor's air emissions.

2. What Permitting Approach Is Adopted in Today's Rule?

We found the arguments for the straightforward approach (i.e., placing the standards only in the CAA regulations and relying on the title V permitting program) persuasive. Based on the comments we received, and our subsequent analysis, we narrowed our options for how to permit hazardous waste combustors subject to the new MACT standards and elaborated on our preferred approach in the May 1997 NODA (see 62 FR 24249). In the NODA, we described an approach to place the MACT emissions standards only in the CAA regulations at 40 CFR part 63 Subpart EEE, and rely on implementation through the air program, including operating permit programs developed under title V. Under this approach, which we are adopting in today's final rule, MACT air emissions and related operating requirements are to be included in title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

Placement of the emissions standards solely in part 63 appears to be the most feasible way to avoid duplicative permitting requirements. We agree with the commenters' views that placement of the standards in both RCRA and CAA regulations would require both permits to address air emissions. Permitting authorities would not be able to choose which program would be responsible for implementing the requirements. Placing the standards in both sets of regulations would obligate both programs to address the standards in permits issued under their respective authorities. Simply put, permitting authorities would not be free to incorporate the new standards into either CAA title V permits or RCRA permits; rather, they would need to incorporate the new standards, to some degree, into both permits.[287] Having determined that placement of the standards in both sets of regulations is not desirable, we revisited the question of whether one program could defer to the other. The CAA does not provide authority to defer to other environmental statutes,[288] so we could not place the MACT standards solely in RCRA regulations, which would have consequently allowed them to be incorporated only into a RCRA permit. On the other hand, RCRA does provide authority to forego RCRA emissions standards in favor of MACT standards imposed under the CAA. As stated above in Part One, Section I, under the authority of RCRA section 3004(a), it is appropriate to eliminate these RCRA standards because they would only be duplicative and so are no longer necessary to protect human health and the environment. Also as discussed there, RCRA section 1006(b) provides further authority for the Administrator to eliminate the existing RCRA air emissions standards in order to avoid duplication with the new MACT standards. Thus, we use our authority to defer RCRA controls on the air emissions to the part 63 MACT standards, which ultimately are incorporated into title V permits issued under the CAA.

The majority of the comments received following publication of the May 1997 NODA supported our preferred approach to permitting the hazardous waste combustors. Several commenters expressed appreciation for this effort, and concluded that our approach would avoid duplication and have the RCRA and title V permits work to complement each other rather than potentially contradict each other. Although sources will still have two permits, the scope and subject matter of each will be distinguishable. The title V permit will focus on the operation of the combustion unit (e.g., air emissions and related parameters) while the RCRA permit will continue to focus on basic hazardous waste management at the facility (e.g., general facility standards, corrective action, other units, and so on). The only time there might be conditions in both RCRA and title V permits that address the same hazardous waste combustor operating requirements and limits is when there is a need to impose more stringent risk-based conditions, e.g., under RCRA "omnibus" authority, in the RCRA permit. The RCRA permitting authority would add terms and conditions based on the omnibus clause only if it found, at a specific facility, that the MACT standards were not sufficient to protect human health or the environment. This issue is discussed in greater detail in Part III, Section IV (RCRA Decision Process). In those limited cases, sources and permitting agencies may agree to identify the RCRA limit in the title V permit. Since one goal of the title V program is to clarify a source's compliance obligations, it will be beneficial, and convenient, to acknowledge the existence of more stringent limits or operating conditions derived from RCRA authority for the source in the title V permit, even though the requirements would not reflect CAA requirements. We strongly encourage Regional, State, and local permitting authorities to take advantage of this beneficial option.

Some commenters continued to maintain that flexibility to choose which program would permit air emissions would only be provided if we were to promulgate the standards in both CAA and RCRA regulations. They reiterated the position they had taken in their comments on the initial proposal that this approach would not result in duplication across the programs; they discounted concerns over duplicative requirements or dual enforcement scenarios by saying that it was basically not in a permitting authority's best interests to issue duplicate permits. We found the contrary, that placement of the standards in both sets of regulations does not provide flexibility for a regulatory agency to choose one permit program or another. Such an approach would obligate both permits to cover air emissions and related operating requirements. This result does not achieve our or the commenters' objective of avoiding duplication across programs. Although the actual burden on permit writers may not be significant if, for example, the title V permit were to just cross-reference the appropriate sections of the RCRA permit, the requirements would still be enforceable under both vehicles, and would go through dual administrative processes. As mentioned above, EPA would like to

[287] As discussed earlier, states may be able to develop combined permits that address both RCRA and CAA requirements. Such permits would have to cite the appropriate authority (CAA or RCRA) for each condition, and have to be signed by the appropriate officials of each program. Permit conditions would continue to be enforced under their respective authorities as well.

[288] Although CAA section 112(n)(7) is directed at harmonizing requirements with RCRA, it does not provide a jurisdictional basis for deferral (i.e., nonpromulgation of mandated section 112(d) MACT standards in light of the existence of RCRA standards).

avoid this type of dual enforcement and dual process scenario in implementing the new standards.

3. What Considerations Were Made for Ease of Implementation?

Our approach in the final rule does not limit the options available to state permitting authorities for implementing the new standards. The primary concern about which program (RCRA or CAA) assumes lead responsibility for administering air emissions requirements appears to revolve around resource issues. The RCRA program has been the lead program for permitting hazardous waste combustors for many years, consequently, RCRA program staff have developed a great deal of expertise in this area. They are familiar with source owners and operators, the combustion units, and special considerations associated with permitting hazardous waste combustion activities. Some commenters are concerned that by deferring regulation of air emissions standards to the CAA, that expertise will no longer be available. They express doubt about the ability of air toxics implementation programs and title V programs to take on these sources, given the complexity of hazardous waste combustor operations and the volume of title V permits that need to be issued over the next several years.[289]

In response to these comments, we note that many State Air programs currently play key roles in permitting hazardous waste combustors under RCRA. Furthermore, States may find that much of the expertise used to regulate other air sources is directly applicable to regulating the hazardous waste combustor sources subject to the new MACT standards, and that the resources in their air programs are sufficient to handle these additional sources. If, however, a State shares commenters' concerns that its air program, as it currently exists, may not be able to take on these sources, the State may continue using the resources and expertise of its RCRA program even though the new standards are being promulgated as part of the CAA regulations.

In the May 1997 NODA, we discussed the flexibility afforded to States by codifying the standards under only one statute (see 62 FR 24246). Two potential options were described in the NODA for how this might be achieved: (1) A State could simply have its RCRA staff implement the hazardous waste combustor MACT standards; or (2) a State could formally incorporate the standards into its State RCRA program. In response to the NODA, some State environmental agencies commented that, as a matter of State law, they would not be able to incorporate the new standards into their authorized hazardous waste programs unless they are included in federal RCRA regulations. We acknowledge, therefore, that some States may not be able to pursue the second option. In any case, we recommend against this option because, as discussed below, it would perpetuate having duplication between two permits. The first option would, however, still be feasible. For example, the States could explore the flexibility provided through Performance Partnership Agreements [290] if they would like to have their RCRA program staff continue their work with the hazardous waste combustors.

If a State chooses to use either of the above options to continue applying RCRA expertise to hazardous waste combustors, we anticipate that RCRA program staff would be responsible for many of the implementation activities, such as reviewing documents submitted by the source (e.g., the Notice of Intent to Comply, the progress report, and the performance test plan), and working with the source to resolve any differences (e.g., on anticipated operating requirements or on results of comprehensive performance tests).

Where the process issues would start to diverge between the two options is at the actual permitting stage. Under the first option (RCRA staff implementing CAA regulations), the standards would be incorporated only into title V permits. Title V permits cover a wide range of applicable requirements under the CAA; the hazardous waste combustor MACT standards are likely to be just one piece.[291] We believe that the RCRA permit writer would draft the hazardous waste combustor portion of the title V permit, and would coordinate with the title V permit writer in the CAA program who has responsibility for the source's overall permit to ensure that the hazardous waste combustor portion is properly incorporated. In short, the RCRA permit writer would simply be developing a component of a title V permit instead of developing a component of a RCRA permit. State permitting authorities that wish to continue using their RCRA expertise will undoubtedly explore this approach.

If a State pursues the second option of incorporating the new hazardous waste combustor MACT standards into its State RCRA program, there may still be a need to incorporate the standards into both title V and RCRA permits. The CAA does not provide authority to defer title V permitting to other environmental programs. Thus, the source would still be subject to title V requirements (i.e., a RCRA permit could not "replace" a title V permit). Furthermore, an EPA Region or a State who chooses to obtain authorization for the hazardous waste combustor MACT standards under RCRA would also have to start implementing the new standards under CAA authority (including title V permitting requirements) even as the State begins efforts to incorporate the standards into its State RCRA program.

Although close cooperation between the RCRA and title V permit writers could minimize duplicative efforts in developing permits and avoid conflicting conditions in the two permits (for example, by putting the conditions in one permit and just referencing them in the other), this approach still results in the potential for enforcement and citizen suits under both permits. [292] As discussed above, we intend to avoid duplicate permitting and enforcement scenarios for hazardous waste combustor MACT standards; thus, we strongly encourage States that choose to pursue this approach to develop implementation schemes that minimize the potential for such duplication to the extent practicable.

B. What Is the Applicability of the Title V and RCRA Permitting Requirements?

This section briefly summarizes the applicability of both title V and RCRA permitting requirements under the permitting scheme discussed in Section XI. A. above. It also discusses the relationship of this permitting scheme to both the proposed revisions to combustion permitting procedures from June 1994 and to the RCRA preapplication meeting requirements. Our decision to subject hazardous waste combustors that are considered area

[289] Title V permits are required for many more sources than those subject to the HWC MACT standards. Currently, there are approximately 20,000 sources that are subject to title V; there are only about HWCs subject to today's rule.

[290] Within negotiated agreements, there is flexibility in Performance Partnership Grants to strategically move funds, and flexibility in Performance Partnership Agreements found in the National Environmental Performance Partnership System to strategically integrate programs.

[291] If the HWC MACT standards are the only applicable CAA requirements, however, then there would be no other components of a title V permit for the source.

[292] Some States have successfully issued "one-stop" multimedia permits which include provisions from both the CAA and RCRA programs in a single permit. However, it is EPA's understanding that these permits cite both the RCRA and CAA authority; thus, the potential for enforcement under both statutes still remains.

sources under the CAA to title V permitting is discussed in a separate section.

1. How Are the Title V Permitting Requirements Applicable?

We intend, by placing the new standards only in 40 CFR part 63 and not cross-referencing them in RCRA regulations, to rely on existing air programs to implement the new requirements, including operating permits programs developed under title V. All hazardous waste combustors subject to the MACT standards promulgated in this rule will thus be subject to title V permitting requirements for air emissions and related operating requirements (this includes hazardous waste combustors that are considered area sources under the CAA, as discussed in more detail below). In this rule, we are not amending any of the existing air permitting procedures. The procedures of 40 CFR part 71 for federal operating permits, or a State title V program approved under part 70, will remain applicable. Thus, all current CAA requirements governing permit applications, permit content, permit issuance, renewal, reopenings and revisions will apply to air emissions from hazardous waste combustors pursuant to promulgation of the hazardous waste combustor MACT standards.[293]

The public participation requirements for title V permits in parts 70 and 71, such as allowing an opportunity for public hearing and public comments on draft permits, also apply (see 40 CFR 70.7(h) and 71.11). We are committed to enhancing public participation in all of our programs. In 1996, we published a guidance manual on public involvement in the RCRA program intended to improve cooperation and communication among all participants in the RCRA permitting process (*RCRA Public Participation Manual*, EPA530–R–96–007, September 1996). Although the Manual is written in the context of the RCRA program, the principles are common to all program areas. For example, the Manual encourages early and meaningful involvement for communities and open access to information. It also acknowledges the important role of public participation in addressing environmental justice concerns. Since these principles are applicable in all situations, we encourage air programs and sources subject to the hazardous waste combustor MACT standards to refer to the RCRA manual for additional guidance on implementing effective public participation activities.

2. What Is the Relationship Between the Notification of Compliance and the Title V Permit?

The hazardous waste combustor MACT standards promulgated in this final rule include emissions limitations for several hazardous air pollutants, as well as detailed compliance, testing, monitoring, and notification requirements. Under these provisions, you not only demonstrate compliance with the emissions limitations, but also demonstrate that you have established operating requirements and monitoring methods that ensure continuous compliance with those limits. These demonstrations are made during a comprehensive performance test and subsequently documented in an NOC.

We are requiring, in § 63.1210(f), that you comply with the general provisions governing the NOC codified in § 63.9(h). Those provisions specify that in addition to describing the air pollution control equipment (or method) for each emission point for each hazardous air pollutant, the NOC also must include information such as: methods that were used to demonstrate compliance; performance test results; and methods for determining continuous compliance (including descriptions of monitoring and reporting requirements and test methods). We also are requiring in § 63.1207(j) that you comply with the all of the operating requirements specified in the NOC upon submittal to the Administrator.

Although these requirements are self-implementing, in that you must comply in accordance with the time frames set forth in today's rule, the requirements are ultimately implemented through title V operating permits (see 40 CFR parts 70 and 71). Section 63.1206(c)(1) specifies that: (1) You can only operate under the operating requirements specified in the DOC or NOC (with some exceptions as laid out in the regulations); (2) the DOC and NOC must contain operating requirements including, but not limited to, those in § 63.1206 (compliance with the standards and general requirements) and § 63.1209 (monitoring requirements); (3) operating requirements in the NOC are applicable requirements for the purposes of 40 CFR parts 70 and 71; and, (4) operating requirements in the NOC must be incorporated into the title V permit. In addition, because title V permits can only be issued if, among other conditions, "the conditions of the permit provide for compliance with all applicable requirements" (see §§ 70.7(a)(1)(iv) and 71.7(a)(1(iv)), parts 70 and 71 are clear that title V permits must contain the operating requirements documented in the NOC.

As mentioned above, you must comply with all operating requirements specified in the NOC as of the postmark date when the NOC is submitted to the Administrator. Operating requirements documented in the NOC must be included in your title V permit—either through initial issuance if you do not yet have a title V permit, or through a permit revision if you already have a permit. Including information from the initial NOC in title V permits should not create the potential for any compliance conflicts. Because it is the first time the NOC operating requirements are incorporated into the permit, there would be no requirements already on permit with which the NOC would conflict.

However, the potential for compliance conflicts could be created when a subsequent NOC is submitted. For example, you are required to conduct periodic comprehensive performance testing (see § 63.1207(d)(1)). Subsequent to each test, you must submit another NOC to the Administrator. Because of the dynamics of the testing and permitting cycles, it is possible that once you have information from the initial NOC in the permit, you could find yourself, after subsequent testing, in a situation where there might be potentially conflicting requirements with which you must comply (i.e., requirements in the title V permit and requirements in the most recently submitted NOC). This might occur, for example, if any of the operating requirements changed from the previous test.[294] The potential for compliance conflicts that might arise from this situation can be avoided, however, by following the guidance presented below.

The requirements in parts 70 and 71 govern the timing and procedures for permit issuance, revisions, and renewals, and you should refer to those requirements when obtaining or maintaining your permit. For today's rule, we provide guidance on what we recommend as to how operating requirements in the NOC should be incorporated into title V permits.[295]

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[293] Requirements of other CAA permitting programs, such as construction permits, will continue to apply, as appropriate, to the HWC's sources subject to today's rule.

[294] On the other hand, if the limits did not change, there would be no conflict between the NOC and the permit.

[295] We are recommending this approach as guidance in the preamble, but not including any associated regulatory provisions. This guidance is

Continued

For incorporating information from an initial NOC into a title V permit, when you have an existing title V permit, we recommend that you and your permitting agency follow the procedures for significant modifications. The primary rationale for using these procedures is to afford the public an opportunity to review all of the information pertinent to your compliance obligations. We want to ensure a level of public involvement when including operating requirements in title V permits that is commensurate with that under RCRA. In RCRA, operating parameters are initially developed pursuant to trial burns and incorporated into permits either through initial issuance (in the case of facilities operating under RCRA interim status) or through a RCRA class 2 or 3 permit modification (in the case of new facilities). In either situation, significant opportunities exist for public review and input parallel to those under initial title V permit issuance or significant permit modification procedures.

With regard to a subsequent NOC developed pursuant to periodic performance tests, we prefer an implementation scheme for this rule that avoids unnecessary permit revisions. Thus, we recommend that you coordinate your five-year comprehensive performance testing schedule with your five-year permit term to the extent possible. This would allow changes in the NOC to be incorporated into the permit at renewal rather than through separate permit revisions. This also helps to minimize the number of permit revisions, as well as, the likelihood of having two sets of requirements with which to comply.

We recognize, however, that such coordination may not always be possible or feasible. At times, it may be necessary to include information from the most recent NOC through a permit revision. We expect that this will be accomplished using, at most, the minor permit modification procedures in § 70.7(e)(2) or § 71.7(e)(1). Keeping in mind that the information from the initial NOC was included either as part of the initial permit issuance or as a significant revision, the information was already subject to review by both the regulatory agency and the public. Thus, the public should have a clear understanding of your compliance obligations. The obligation to comply with the emissions limitations in §§ 63.1203, 63.1204, or § 63.1205 does not change even if any of the associated compliance information, such as operating limits, is revised pursuant to subsequent performance tests. Given our experience in regulating (under RCRA) the types of sources subject to today's MACT standards, we do not expect the information in a NOC to change significantly over time. We have been regulating these sources for almost twenty years; the testing and monitoring requirements we are promulgating in this rule reflect the "lessons learned" over time. Thus, the initial set of compliance parameters are likely to need primarily minor changes over time. You and your regulatory agency also are experienced in setting operating parameter limits and monitoring systems to ensure compliance with performance standards. Again, this expertise and experience suggests that primarily minor adjustments will need to be made. In light these factors, we are confident that changes in the NOC may be appropriately incorporated into title V permits using the minor permit revisions procedures. Furthermore, regulatory agencies are obligated under § 63.1206(b)(3) to make a finding of compliance based on performance test results. This requirement provides an additional administrative safeguard to ensure that you are setting the proper operating limits.

The minor permit modification process will allow you to meet your compliance obligations under § 63.1207(j) and begin to comply with the conditions in the NOC upon submittal (i.e., post-mark). Under §§ 70.7(e)(2)(v) and 71.7(e)(1)(v), you may make the change proposed in the minor permit modification application immediately after filing such application. Following this, you must comply with both the applicable requirements governing the change and the proposed permit terms and conditions (i.e., the information from the NOC that you are incorporating into your permit). The provisions in this section also ensure that you will not be in the position of having to choose between compliance with the NOC or compliance with your permit because this section also specifies that during this time period, you need not comply with the existing permit terms and conditions you seek to modify.[296] Since the NOC is submitted to the Administrator once you have a title V permit (see § 63.9(h)(3)), we expect that you will submit the NOC together with a minor permit modification application. Any modifications added to the permit through this process can be reviewed by the public at the time of permit renewal.

We encourage permitting authorities to develop permits in a way that minimizes the need for future permit revisions and is consistent with the requirements in parts 70 and 71. For example, you may request that your permitting authority develop a permit that contains alternative operating scenarios. This would allow you to alternate among various approved operating scenarios while concurrently noting the change in your operating record.

3. Which RCRA Permitting Requirements Are Applicable?

The RCRA permitting requirements particular to incinerators and boilers and industrial furnaces are found in 40 CFR 270.19, 270.22, 270.62, and 270.66. These permitting requirements apply to new facilities, to those operating under interim status while they pursue a permit, and to sources seeking to renew their permits. In today's final rule, we amend the introductory text in each of these sections to reflect that RCRA permitting requirements for hazardous waste combustor air emissions and related operating parameters will not apply once you demonstrate compliance with the requirements of the new MACT standards by completing a comprehensive performance test and submitting a NOC to the Administrator.[297] The timing for the deferral of the RCRA permitting requirements is consistent with the timing in today's rule for the deferral of applicable standards in 40 CFR parts 264 and 265.

Even though we rely on the title V permitting program to address air emissions from hazardous waste combustors, we still need RCRA permits at these sources to address: (1) Other RCRA regulations applicable to all types of RCRA units, including hazardous waste combustors, that are not duplicated under the CAA; (2) any risk-based emissions limits and operating parameters, as appropriate; and (3) other RCRA units at the facility. Also, new facilities (including new hazardous waste combustor units) must obtain RCRA permits prior to starting construction. Thus, the remaining RCRA permitting requirements in 40 CFR part 270 governing permit applications and permit content continue to apply. These

essentially an interpretation of the current part 70 and 71 rules.

[296] If, however, the source fails to comply with its proposed permit terms and conditions during this time period, the existing terms and conditions it seeks to modify may be enforced against it (§§ 70.7(e)(2)(v) and 71.7(e)(1)(v)).

[297] The final rule language in these sections differs from that in the NPRM to reflect placement of the standards only in part 63 and deferral of RCRA controls to the air program.

include the provisions in §§ 270.10(k) and 270.32(b)(2), which together provide authority to require a facility owner or operator to submit information necessary to establish permit conditions and to impose site-specific conditions, including risk-based conditions, through the RCRA permit.

Even though you will still have two permits, the scope and subject matter of each are distinguishable. The title V permit will focus on the operation of the combustion unit (e.g., air emissions and related parameters) while the RCRA permit will continue to focus on the other basic aspects of hazardous waste management. The RCRA permit would thus include conditions to ensure compliance with relevant requirements in 40 CFR part 264, including: General facility standards; preparedness and prevention; contingency planning and emergency procedures; manifesting; recordkeeping and reporting; releases from solid waste management units; closure; post-closure; financial responsibility; corrective action; storage; materials handling; and air emissions standards for process vents and equipment leaks from tanks and containers.

The only time we foresee that conditions in both RCRA and title V permits may govern the same hazardous waste combustor operating parameters and limits is when there is a need to impose more stringent or more extensive risk-based conditions, e.g., under RCRA omnibus authority, to ensure protection of public health and the environment. This situation is discussed in greater detail in Part Three, Section IV (RCRA Site Specific Risk Assessment Decision Process).

4. What Is the Relationship of Permit Revisions to RCRA Combustion Permitting Procedures?

In June, 1994, we published a proposed rule for RCRA Expanded Public Participation and Revisions to Combustion Permitting Procedures (59 FR 28680, June 2, 1994). The proposal contained amended procedures for interim status combustion facilities during the trial burn period that were intended to make the procedures for interim status facilities more like those governing permitted facilities. We finalized the expanded public participation requirements (see section immediately below), but did not finalize the proposed permitting revisions. At the time we began to finalize the proposal, we were already committed to issuing comprehensive air emissions standards under MACT. It was anticipated that there would be overlap between the emissions standards in the proposed MACT rule and the combustion permitting procedures in the June 1994 proposed rule. It did not make sense to finalize provisions in one rulemaking effort only to propose changing them yet again in another rulemaking effort. Now, given the approach being adopted in today's final rule to permit hazardous waste combustor air emissions under title V of the CAA, there is no longer as strong a need to pursue the amended procedures for RCRA permitting in the June 1994 proposal. We do not, therefore, intend at this time to finalize these proposed permitting amendments.

5. What Is the Relationship to the RCRA Preapplication Meeting Requirements?

In 1995, we finalized the expanded RCRA public participation requirements (60 FR 63417, December 11, 1995). These included requirements for a facility to advertise and conduct an informal meeting with the neighboring community to discuss anticipated operations prior to submitting a RCRA Part B permit application. Since hazardous waste combustors subject to the new MACT standards (and title V permitting) still need RCRA permits for other hazardous waste management activities, you are still subject to the RCRA preapplication meeting requirements in 40 CFR 124.31. Even though operations and emissions associated with the combustor unit are now to be addressed primarily under CAA requirements, we anticipate that the public will continue to exhibit a great deal of interest in combustor activities at RCRA meetings. They may not always be familiar with our administrative "boundaries" dictated by the various environmental statutes. Given this potential lack of familiarity, and because combustor units and emissions are already discussed at these meetings, we strongly encourage you to continue including combustor unit operations in discussions during RCRA preapplication meetings. Furthermore, conditions for hazardous waste combustor activities may sometimes be imposed under RCRA, for example, in cases where the results of a site-specific risk assessment indicate a need for conditions more stringent or more extensive than those imposed under MACT. You should be prepared to discuss the site-specific risk assessment process and how it may result in additional conditions being included to their RCRA permits.

All other public participation requirements in 40 CFR part 124 associated with the RCRA permitting process continue to apply. These include requirements for public notice at application submittal, public notice of the draft permit, opportunity for public comments on the draft permit, and opportunity for public hearings. These requirements also are explained in the *RCRA Public Participation Manual* (EPA530–R–96–007, September 1996), which provides guidance on how to implement RCRA public participation requirements, as well as, recommendations on how to tailor public involvement activities to the situation at hand. For example, if the community around a facility does not speak English as a primary language, the manual encourages use of multilingual fact sheets. As mentioned previously, we encourage you and States to apply the principles contained in the RCRA manual to hazardous waste combustor MACT compliance and title V activities as well.

C. Is Title V Permitting Applicable to Area Sources?

Under today's rule, hazardous waste combustors meeting the definition of an area source will be subject to today's MACT standards (see discussion in Part One, Section III.B). As discussed in the May 1997 NODA, under § 63.1(c)(2), area sources subject to MACT are subject to title V permitting as well, unless the standards for that source category (e.g., subpart EEE for hazardous waste combustors) specify that: (1) States will have the option to exclude area sources from title V permit requirements; or (2) States will have the option to defer permitting of area sources. We received several comments on our NODA discussion (see 62 FR 24215) on the issue of subjecting area sources to title V permitting. The comments were fairly evenly split—several supported requiring area sources to obtain title V permits, while several were against it. After considering the comments, we have chosen not to provide the option to the States to exclude hazardous waste combustor area sources from title V permitting requirements or to defer permitting of these sources.

Commenters that support the Agency's position affirm that title V permits serve an important role to incorporate all requirements applicable to a source in one enforceable permitting document. They maintain that the compliance certifications and opportunities for public involvement inherent in the title V program will serve a useful and valuable public service. Other supporters note that requiring all hazardous waste combustors to obtain title V permits will help to ensure that the permits are both consistent and adequate. The idea of

consistency being a desirable end result is echoed by others as well. One commenter points out that area sources in several other source categories are not exempt from title V permitting requirements, and recommends that hazardous waste combustor area sources also be subject to title V to maintain consistency with the rest of the MACT program. Finally, some commenters state that if the Agency were not to pursue title V permitting for hazardous waste combustor area sources, then the Agency would have to strengthen the nontitle V permitting programs with respect to public involvement and agency approval of modifications relating to facility emissions.

We agree with these points. Title V permits clarify your regulatory obligation, thereby making it easier for you to keep track of your many compliance obligations across several air programs. Clarifying the regulatory obligations improves compliance in many cases; we have seen an increase in compliance among air sources with the advent of the title V permitting program. For example, through the process of applying for and issuing title V permits, applicable requirements of which a source is unaware or with which it is found to be out of compliance are identified. Once these requirements are included in a title V permit, the source must certify compliance with these requirements both initially and then on an annual basis.

We concur with commenters about the benefits of the public involvement opportunities afforded by the title V permit program. Our experience in the RCRA combustion program has shown that many of the sources that would fall into the area source classification (e.g., some commercial incinerators and cement kilns burning hazardous waste as fuel) are the ones in which the public is generally most interested. Subjecting hazardous waste combustor area sources to title V permitting will ensure that the public will continue to be involved in permit decisions under the CAA, as they have been under RCRA. For example, the public will have an opportunity to comment on and request a public hearing for a draft title V permit. They have access to State or Federal court to challenge title V permits, depending upon whether the permit is a part 70 or part 71 permit. Title V also provides greater access to information about sources in many cases. Under title V, States and EPA cannot deny basic information about sources to citizens unless it is protected as confidential business information. Conversely, there could be disparity in what information citizens might be able to obtain under State non-title V operating permits.

Consistency is a key objective as well. Part 70 sets out the minimum criteria that a State program must meet. If a State fails to develop and implement a program that meets these minimum criteria, then a part 71 federal operating permits program is put into place. These minimum criteria provide for consistency across State and Federal title V permitting programs, which might not occur under other State air permitting programs. Consistency within CAA programs is not the only concern. We also are, as part of our approach to integrating regulation of these sources under RCRA and the CAA, striving to maintain consistency with how sources have been regulated under RCRA. Under RCRA, all of the sources that would fall into an area source classification are currently treated the same as the sources that are classified as major under the CAA. It is appropriate to continue treating all hazardous waste combustor sources in the same manner (i.e., to apply the same permitting requirements to all of these sources) under the CAA.

Commenters that do not support applying title V requirements to area sources generally base their position on three arguments. First, they argue that Congress had consciously differentiated between area and major sources when developing the CAA, so that there would be a strong incentive for facilities to limit emissions and thus avoid the additional requirements imposed on major sources. These commenters maintain that subjecting area sources to title V requirements would create a disincentive for these sources to minimize emissions. Secondly, they suggest that other CAA permitting mechanisms, such as federally enforceable state operating permits, might be more appropriate for the hazardous waste combustor area sources. One commenter notes that some sources have already invested a lot of time and effort working with permitting authorities to develop federally enforceable state operating permits that limit their potential to emit below major source levels, and that the Agency's action subjecting these sources to title V permits would render this work meaningless. Finally, they assert that this would be the first time the Agency did not provide the option to the States to either defer title V permitting for area sources or exempt them entirely, and they express concern about the precedent that would be set if the Agency were to start requiring area sources to obtain title V permits in this rule.

After careful consideration, we are not persuaded by these counter-arguments. Although the CAA does differentiate in some provisions between area and major sources, it did not specify that area sources should be exempt from the title V permitting program. On the contrary, it provides discretionary authority in section 502(a) for the Administrator to decide whether to exempt a source category, in whole or in part, from title V permitting requirements. Furthermore, the implementing regulations in 40 CFR 70.3(b)(2), 71.3(b)(2), and 63.1(c)(2) specify that the Administrator will determine whether to exempt any or all area sources from the requirement to obtain a title V permit at the time new MACT standards are promulgated. Clearly, the decision to subject area sources to title V permitting is intended to be made in the context of both the source category and the applicable standards. The exemption from title V may only be provided if compliance with the requirements would be "impracticable, infeasible, or unnecessarily burdensome." CAA section 502(a). Given that the hazardous waste combustors subject to today's rule, including those that may meet the definition of area sources, have all been subject to common permitting regulations under RCRA, subjecting these sources to title V permitting is not impracticable, infeasible, or unnecessarily burdensome. Furthermore, if we exempt area sources from title V permitting requirements, we would most likely have continued to apply RCRA permit requirements for stack emissions to these sources. Thus, the area sources would have been subject to dual permitting regimes (e.g., federally enforceable state operating permits under the CAA and RCRA permits) and the resulting burden associated with duplicative regulation. This would be contrary to a major goal of today's rule. In conclusion, we decided that it is appropriate to subject all hazardous waste combustor sources subject to today's MACT standards to title V permitting requirements. As noted earlier in this preamble, this is also consistent with the Congressional scheme under RCRA that mandates regulation of all hazardous waste combustors for all pollutants of concern.

Although we provided the option to defer title V permitting for some area sources subject to other MACT standards, this rule is not the first time we have not allowed States to defer area sources from title V requirements. See, e.g., 64 FR 31898, 31925 (June 14, 1999) (NESHAP for Portland Cement Manufacturing Industry to be codified at

40 CFR part 63, subpart LLL). Moreover, EPA regulations governing other categories of solid waste combustors under CAA section 129 do not differentiate between major and minor sources in imposing title V permitting requirements. See, e.g., CAA section 129(e); 40 CFR 70.3(a) and 70.3(b)(1), and 40 CFR 60.32e(i). Given that the decision to apply title V requirements is made in a specific context, we do not share commenters' concern about the precedent our approach might set for other situations. We will continue to evaluate each situation on its own merit. Finally, we do not agree with commenters that this approach will provide a disincentive to limit emissions because sources will still be "capped" by the emissions limits being promulgated in today's rule. Neither would progress already achieved in developing federally enforceable state operating permits be rendered meaningless, as suggested by some commenters. We anticipate that a source will likely be able to use the information gathered during the process of developing a federally enforceable state operating permit (e.g., information about its emissions and applicable requirements) in completing a title V application. Commenters appear to think that sources will have to start totally anew and without an ability to use past experience and results. This is neither a realistic nor practical view of how sources are likely to act.

Commenters opposed to subjecting hazardous waste combustor area sources to title V had also noted that these sources would be receiving RCRA permits for the air emissions as well. This argument would have merit if we choose to promulgate the new standards in both CAA and RCRA regulations. Since we are promulgating the MACT standards only in the CAA regulations, however, requirements on air emissions from hazardous waste combustor area sources would not be included in RCRA permits.[298] Commenters also discount our position in the NODA about difficulties that would arise if an area source were to move from one permitting program to another as they make modifications to their emissions levels that could change their major/area source determination. They point to our "once in, always in" approach to MACT standards that is stringently applied. Under this approach, once a MACT standard goes into effect, a major source will always be regulated under that standard, even if it later decreases its emissions to below major source levels. This ensures that sources cannot routinely "flip" between being regulated or unregulated, which in turn means that sources would not be moving in and out of the title V permitting universe. The commenter was correct in raising this to our attention. We are not relying on this argument to support our decision to subject hazardous waste combustor area sources to the standards or to title V.

D. How will Sources Transfer from RCRA to MACT Compliance and Title V Permitting?

1. In General, How Will this Work?

As discussed in Section A (Placement of Standards and Approach to Permitting), we are deferring RCRA controls on hazardous waste combustor air emissions to the part 63 hazardous waste combustor MACT standards, which are ultimately incorporated into title V permits issued under the CAA. Promulgation of the new hazardous waste combustor MACT standards under the CAA does not, however, by itself implement this deferral or eliminate the need to continue complying with applicable RCRA requirements—either those in a source's RCRA permit or in RCRA interim status performance standards. These requirements include obligations for RCRA permitting (for example, interim status facilities will continue to be subject to RCRA permitting requirements, including trial burn planning and testing).

Therefore, today's rule adopts specific provisions that address the transition from RCRA permitting to the CAA regulatory scheme. As discussed in Section B.3 (Applicability of RCRA permitting requirements), the requirements in §§ 270.19, 270.22, 270.62, and 270.66 do not apply once a source demonstrates compliance with the standards in part 63 subpart EEE by conducting a comprehensive performance test and submitting an NOC to the regulatory agency.[299] In this section, we discuss how regulators can implement the deferral from RCRA to hazardous waste combustor MACT compliance and title V permitting.

a. What Requirements Apply Prior to Compliance Date? You have three years following promulgation of the MACT standards to achieve compliance with the emissions standards. However, the rule is effective shortly after promulgation. During the approximately three years between the effective date and the compliance date, you will be subject to applicable requirements for hazardous waste combustor MACT compliance and title V permitting. For example, there are compliance-related requirements in 40 CFR part 63 subpart EEE that are separate from the actual standards for emissions levels, such as those in §§ 63.1210(b) and 63.1211(b) for submitting a Notice of Intent to Comply and a progress report, respectively. Requirements in 40 CFR parts 70 and 71 for operating permit programs developed under title V will also apply. These include requirements governing timing for submitting initial applications, reopenings to include the standards, and revisions to incorporate applicable requirements into title V permits. The interface between an NOC and the title V permit has already been discussed. Consequently, our discussion on implementing the deferral of RCRA controls focuses on the transition away from RCRA permits and permit processing once a facility demonstrates compliance with the standards through a comprehensive performance test and submits a NOC to the regulatory agency.

Many of the activities undertaken during the three year compliance period play a role in implementing the transition of RCRA controls to MACT compliance and title V. For example, some of you may have to make changes to their design or operations to come into compliance with the new standards. If you have a RCRA permit, you may need to modify the RCRA permit to reflect any of these changes before they are actually made. This may be necessary to remain in compliance with the RCRA permit while setting the stage for demonstrating compliance with CAA MACT requirements. We urge you (the source) to seek guidance from your RCRA permitting authorities as early as possible in this process. As part of our "fast track rule" (see 63 FR 33781, June 19, 1998), we promulgated a streamlined process in 40 CFR 270.42(j) for modifying the RCRA permit, so that you can make these necessary changes and begin operating in accordance with the new limits before the compliance date arrives. To take advantage of the streamlined process, however, you must first comply with the Notice of Intent to Comply requirements in § 63.1210. The Notice of Intent to Comply requirements obligate you to advertise and conduct an informal meeting with the neighboring community to discuss plans to comply with the new standards, and to subsequently provide information about

[298] The exception would be, as discussed earlier, cases where States, at their own choosing, have incorporated the HWC MACT standards into their State RCRA programs.

[299] If, however, there is a need to collect information under § 270.10(k) then the permitting authority may require, on a case-by-case basis, that facilities use the provisions found in these sections.

these plans to the regulatory agency.[300] We anticipate discussion at this meeting will include modifications to the RCRA permit that must be processed before you can start upgrading equipment to meet the emissions limits set by MACT. The goal of these activities is to ensure that by the end of the three-year compliance period, you will be in compliance with both the MACT standards and their RCRA permits or interim status requirements.

b. What Requirements Apply After Compliance Date? After the compliance date, a transition period exists during which there will be, in effect, two sets of standards concerning emissions from hazardous waste combustors: (1) The MACT standards in 40 CFR part 63; and (2) the performance standards that are still in the RCRA permit or in the 40 CFR part 265 interim status regulations. During this period, in cases where operating parameters and limits are addressed by both programs (MACT and RCRA), you must comply with all applicable parameters and limits; those which are more stringent will govern. We anticipate that the MACT standards will be compatible with the RCRA performance standards, although in some cases the DOC is likely to set narrower or different operating conditions. Thus, in complying with the MACT standards, you also will comply with corresponding conditions in the RCRA permit or in the RCRA interim status regulations. However, at some sites, certain RCRA permit conditions may be more stringent than the corresponding MACT standards or may establish independent operating requirements. Some potential reasons why such a situation would occur are discussed in the May 2, 1997 Notice of Data Availability (62 FR 21249, 5/2/97). In these situations, you must comply with the more stringent or more extensive conditions in the RCRA permit.

We also note that there may be situations where it is not clear whether a RCRA compliance requirement is less stringent than a MACT requirement. This can occur, for example, when the two compliance requirements have different averaging periods and different numerical limits. In this situation, we recommend that the source coordinate with permitting officials early in the MACT process, perhaps when the source submits RCRA permit modification pursuant to the fast-track rulemaking, in order to determine which requirement is more stringent. We believe the permitting officials should give sources an appropriate level of flexibility when making this determination.

Our approach of placing the MACT air emission standards for hazardous waste combustors in 40 CFR part 63 subpart EEE and not including them, even by reference, in the RCRA regulations means that the air emissions must ultimately be incorporated into title V permits issued under the CAA. To completely implement the deferral of RCRA controls, conditions governing air emissions and related operating parameters should also be ultimately removed from RCRA permits. (For the special case of risk-based conditions derived from RCRA omnibus authority, see earlier discussions.) Similarly, hazardous waste combustors that are in the process of obtaining RCRA permits will likely need to have the combustor air emissions and related parameters transitioned to MACT compliance and title V permits at some point.

We intend to avoid duplication between the CAA and RCRA programs. We encourage you and regulators to work together to defer permit conditions governing air emissions and related operating parameters from RCRA to MACT compliance and title V, and to eliminate any RCRA provisions that are no longer needed from those permits. As discussed below, we are adopting a provision in today's final rule to help permitting authorities accomplish this task in the most streamlined way possible. The RCRA permits will, of course, retain conditions governing all other aspects of the hazardous waste combustor unit and the rest of the facility that continue to be regulated under RCRA (e.g., general facility standards, corrective action, financial responsibility, closure, and other hazardous waste management units). Furthermore, if any risk-based site-specific conditions have been previously included in the RCRA permit, based either on the BIF metals and/or hydrochloric acid/chlorine requirements[301] or the omnibus authority, the regulatory authority will need to evaluate those conditions vis-a-vis the MACT standards and the operating parameters identified in the NOC. If the MACT-based counterparts do not adequately address the risk in question, those conditions would need to be retained in the RCRA permit or included within an appropriate air mechanism. In those limited cases, sources and permitting agencies may instead agree to identify the RCRA limit in the title V permit. Since one goal of the title V program is to clarify a source's compliance obligations, it will be beneficial, and convenient, to acknowledge the existence of more stringent limits or operating conditions derived from RCRA authority for the source in the title V permit, even though the requirements would not reflect CAA requirements. We strongly encourage Regional, State, and local permitting authorities to take advantage of this beneficial option.

2. How Will I Make the Transition to CAA Permits?

In the May 1997 NODA, we expressed our intent to rely on the title V permitting program for implementation of the new standards, and asked for comments on how and when the transition from RCRA should occur (see 62 FR 24250, May 2, 1997). We are amending the regulations in 40 CFR part 270 to specify the point at which the RCRA regulatory requirements for permitting would cease to apply. However, once you have a permit, you must comply with the conditions in that permit until they are either removed or they expire. Many commenters expressed an interest in what happens to conditions in a RCRA permit once the new standards are published. We received a variety of suggestions, but a common thread was a request for EPA to lay out a clear path through the permit transition process. While we recognize the desirability of having a uniformly defined route for getting from one permit to another, it is important to provide flexibility to allow a plan that makes the most sense for the situation at hand. There is not a "one size fits all" approach that would be appropriate in all cases. Thus, we are not prescribing a transition process via regulation, but providing guidance in the following discussion which we hope will assist regulatory agencies in determining a route that makes the most sense in a given situation. Given the level of interest expressed, we will, in the ensuing discussion, map out a process for implementing the deferral of air emissions controls from RCRA to MACT compliance and title V permitting. We address key considerations that should factor into the decision of how and when to implement the deferral of permit conditions.[302]

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[300] The requirements for providing notice of and conducting the public meeting as part of the Notice of Intent to Comply provisions are based on the RCRA preapplication meeting requirements in 40 CFR 124.31.

[301] The BIF limits for metals under RCRA are based on different level of site-specific testing and risk analysis (Tier I through Tier III). It is possible that, if it were based on the more stringent analysis, a RCRA BIF limit could be more stringent than the corresponding MACT standard.

[302] Although we are not mandating an approach to transition by regulation, we are, as discussed in Section 2. How Should RCRA Permit Be Modified?

In identifying key aspects of the transition, we seek the optimal balance of three basic considerations raised by commenters and other stakeholders. The considerations are to: (1) Address public perception issues associated with taking conditions out of a RCRA permit; (2) minimize the amount of time a source might be potentially subject to overlapping requirements of RCRA and the CAA (and thus subject to enforcement under both RCRA and the CAA for the same violation); and (3) provide flexibility to do what makes the most sense in a given situation. The first two considerations are primarily factors of time—when should conditions be removed from the RCRA permit? The third consideration is more a factor of how—what mechanism should be used for removing RCRA conditions?

Why do these particular considerations carry such importance? As for the first, one of the points emphasized in our National Hazardous Waste Minimization and Combustion Strategy is the importance of bringing hazardous waste combustors under permits as quickly as possible. The Strategy has been driving EPA Regions and authorized States to place their top permitting priority on the hazardous waste combustor universe. Consequently, the Strategy may have created a certain perception on behalf of the public about the importance of the actual permit document. The actual issue we are trying to address here is more of a concern about a potential break in regulatory coverage of a source as it transitions from RCRA permitting requirements to the CAA regulatory scheme.

While it might appear that we are altering the policy expressed in the Strategy if we allow removal of conditions from a RCRA permit before the title V permit is in place, it is not the actual permit document that is of paramount importance. Rather, our focus is and has been on maintaining a complete and enforceable set of operating conditions and standards. One of the underlying tenets of the position taken on permitting in the Combustion Strategy was a commitment to bring hazardous waste combustors under enforceable controls that demonstrate compliance with performance standards. Under RCRA, the permit was the available vehicle to achieve better enforcement of tighter conditions than exist in interim status.

We remain committed to this underlying tenet. However, the mechanism for achieving this objective under the CAA is not necessarily the title V permit. In RCRA, the permitting process provides the vehicle for the regulatory agency to approve testing protocols (including estimated operating parameters), to ensure completion of the testing, and to develop final operating parameters proven to achieve performance standards. The final RCRA permit is the culmination of these activities. Under MACT, these activities do not culminate in a permit, but in a NOC. The development of the NOC is separate from the development of the title V permit. The title V permitting process is primarily a vehicle for consolidating in one document all of the requirements applicable to the source. Conversely, it is the NOC that contains enforceable operating conditions demonstrated through the comprehensive performance test to achieve compliance with the hazardous waste combustor MACT standards (which are generally more stringent than the RCRA combustion performance standards). Thus, the NOC captures the intent of the Strategy with regard to ensuring enforceable controls demonstrated to achieve compliance with relevant standards are in place.

Another basis for our position on permitting in the Combustion Strategy is the level of oversight by the regulatory agency during the permitting process, which is typically greater than that which occurs during interim status. For example, although BIFs operating under interim status are required to conduct compliance testing and subsequently operate under conditions they identify in a certification of compliance, there are no requirements for the regulatory agency to review and approve compliance test plans or results. On the other hand, oversight by the regulatory agency is more intensive during the permitting process, *e.g.*, through the trial burn planning (including regulatory approval of the trial burn plan), testing, and development of permit conditions. Although the process required for interim status BIFs under RCRA may, at first, seem analogous to the CAA MACT process, *i.e.*, sources being required to conduct comprehensive performance tests and subsequently operate under conditions in an NOC, there is a significant difference. The difference is the level of oversight that occurs in the MACT process. According to the MACT requirements in 40 CFR 63.1207(e) and 63.1206(b)(3), the regulatory agency must review and approve the performance test protocol and must make a finding of compliance based on the test results that are reported in the NOC. The NOC consequently represents a level of agency oversight that is actually more analogous to the RCRA permit process than to interim status procedures.

An additional reason for the importance, under the Combustion Strategy, of bringing hazardous waste combustors under permits was to allow for the imposition of additional permit conditions where necessary to protect human health and the environment. In general, these conditions are established based on the results of a site-specific risk assessment and imposed under the RCRA omnibus authority. This objective will continue to be met even though we are deferring regulation of hazardous waste combustor air emissions, in general, to the CAA. Coming into compliance with the more stringent and more encompassing MACT standards will accomplish part of the Combustion Strategy's goal of improved protection. For any cases where the protection afforded by the MACT standards is not sufficient, the RCRA omnibus authority and RCRA permitting process will continue to be used to impose additional conditions in the RCRA permit (or, as discussed earlier, in a title V permit).

With regard to the remaining considerations, we seek here to reduce duplicative requirements across environmental media programs (*i.e.*, air emissions under the CAA and RCRA). This objective to reduce duplication is behind our goal of minimizing the amount of time a source might be potentially subject to dual permitting and enforcement scenarios. In order to allow for common sense in implementing environmental regulations, we need to provide flexibility here to do what makes sense in a given situation. We have provided this flexibility in today's rule by not prescribing only one process for transitioning from RCRA to the CAA.

3. When Should RCRA Permits Be Modified?

We identified two options in the May, 1997, NODA for when conditions should be ultimately removed from RCRA permits (see 62 FR 24250). Our preferred option at the time is to wait until the source had completed its comprehensive performance test and the standards had been included in its title V permit. The alternative option we identified would be to modify the RCRA permit once the facility submits the results of its comprehensive performance test.

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below, providing a tool in the RCRA permit modification table in 40 CFR 270.42, Appendix I, that may be used to assist regulators and sources in effecting the transition.

Of the comments that spoke to the timing issue, some advocate waiting for the title V permit, but most opposed this position. The majority of commenters favor effecting the transition either on the compliance date, since we had said in the NODA that the pre-NOC would be due to the regulatory agency on that date [303] and would contain enforceable conditions, or upon submittal of the NOC, since it contains enforceable operating conditions demonstrated to achieve compliance with the standards. All three of these approaches are identified in the time line shown in Figure 1. Readers will note that the time line shows two potential points for the title V permit to be issued (options 1A and 1B). Option 1A is based on the statutory time frames for issuing title V permits. Under this option, the title V permit may be issued prior to the compliance date for the new standards, but it might only include the standards themselves and a schedule of compliance. Under option 1B, the operating requirements in the NOC that actually have been demonstrated to achieve compliance would be included in the permit.

We evaluated each of the options in terms of the two timing-related considerations listed above: addressing the perception issue that stems from removing conditions from the RCRA permit (which, as discussed above, is really a concern about a break in regulatory coverage—*i.e.*, that there might be a period of time when the source would not have enforceable controls demonstrated to achieve compliance with stack emissions standards), and minimizing the amount of time sources would potentially be subject to the same requirement(s) under both RCRA and CAA. These considerations may not always be compatible. For example, one way to address the perception of creating a break in regulatory coverage would be to continue to place emphasis on the permit, rather than on the tenet behind the permit (of having enforceable controls that demonstrate compliance with performance standards). This would mean waiting to remove conditions from a RCRA permit until a source has demonstrated compliance with the MACT standards and incorporated the appropriate combustion operating requirements in its NOC into the title V permit (*i.e.*, option 1B). However, this approach would maximize the amount of time the source potentially would be subject to overlapping requirements under RCRA and the CAA. On the other hand, one way to address the overlapping requirements consideration would be to allow removal of conditions from the RCRA permit at the time the standards are promulgated. But, this would create a time period during which the source would not have enforceable controls proven to achieve compliance, which would not address the concern about avoiding a break in regulatory coverage. Clearly neither of these extremes can provide a good balance between the two timing-related considerations.

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[303] We are adopting a DOC (previously the pre-NOC) requirement in today's final rule, but it is amended from how we presented it in the NODA (as discussed in Part Five, Section IV). Rather than submitting the DOC to the regulatory agency, a source must maintain it in their operating record. We encourage source owners and operators to set up the operating record in an unrestricted location that is reasonably accessible by the public.

FIGURE1:

HAZARDOUS WASTE COMBUSTOR MACT IMPLEMENTATION TIME LINE: OPTIONS FOR TIMING OF PERMIT TRANSITION

				Option 1A	*Option 2*		*Option 3*	*Option 1B*	
HWC MACT rule published	NIC due to regulatory agency		Progress report due to regulatory agency	Performance test plans due	DOC in operating record [3]	Notification of test plan approval or intent to deny	Performance tests completed	NOC, including test results, due to regulatory agency	
Year 0	**Year 1**	**Year 1.5**	**Year 2**	**Year 2.5**	**Year 3**	**Year 3.25**	**Year 3.5**	**Year 3.75**	**Year 4.5 [4]**
EFFECTIVE DATE					**COMPLIANCE DATE**				
	Title V permit applications due to permitting authority [1]	Reopenings complete for sources with 3 or more years left in permit term		Title V permit decisions made [2]				Revise title V NOC	permit to include

Notes:

1/ Sources newly subject to title V as a result of the hazardous waste combustor (HWC) MACT rule have 12 months to submit applications. Sources that have title V permits with a remaining permit term of 3 or more years when the HWC MACT rule is promulgated must reopen the permit to address HWC MACT. Such a reopening must be completed within 18 months of rule promulgation. Sources with title V permits with less than 3 years remaining in the permit term do not have to reopen, they can wait until renewal to address HWC MACT. However, in the interim, sources must meet the HWC MACT requirements

2/ By statute, permitting authorities have 18 months to act on title V applications, if they are submitted after the first full year of a title V permit program. This means that decisions on title V applications or reopening requests submitted at Year 1 would be made by Year 2.5 -- still a year before sources conduct the performance test (which

(1) provides operating parameters for the unit, (2) demonstrates compliance with the standards, and (3) provides data for the notification of compliance (NOC)). However, permitting authorities are behind schedule in issuing title V permits; thus, we cannot assume that permits will have been issued by this point. We also cannot assume they will not be issued, because the permitting authorities may "catch up" with their schedule.

3/ Although the source is subject to enforceable *requirements* from the time of MACT promulgation (e.g., requirements for the Notice of Intent to Comply (NIC), the progress report, performance tests, and so on), this is the first point at which the source is subject to enforceable *operating conditions* (those contained in the DOC maintained in the source's operating record); however, these conditions have not yet been demonstrated to actually achieve the standards.

4/ It could take up to nine months to incorporate significant permit revisions (see 40 CFR 70.7(e)(4)(ii) and 71.7(e)(3)(ii)).

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We evaluated each option to determine which most effectively balances the relevant issues. Options 1A and 1B focus primarily on tying the transition timing to title V permitting. Option 2 links the timing for transition to the DOC (previously called the pre-NOC). Option 3, which we are recommending be followed, ties transition to submittal of the NOC.

a. Option 1A. This option is a variation of an option discussed in the May, 1997, NODA. There we stated, "The Agency's current thinking is that the RCRA permit should continue to apply until a facility completes its comprehensive performance testing and its title V permit is issued (or its existing title V permit is modified) to include the MACT standards. The RCRA permit would then be modified to remove the air emissions limitations which are covered in the title V permit." (see 62 FR 24250). Although this description basically applies to option 1B, the discussion in the NODA might also have been interpreted to mean that once the standards are in a title V permit, the corresponding emissions limits should be removed from the RCRA permit. When reviewing the implementation time line in terms of the statutory and regulatory time frames governing the title V process, we found that sources might well have title V permits issued or modified to include the new standards a year before they ever conduct performance testing. Although the permit would likely include the standards and a schedule for complying with the new limits, it would not include any of the key combustion operating requirements demonstrated in the performance test. Thus, even though option 1A would seem to address the concern about a break in coverage because the title V permit would have been issued, in actuality, the underlying tenet of the Combustion Strategy—that the source have enforceable operating parameters proven to achieve the new standards—is not fully addressed.

b. Option 1B. This option calls for the NOC to be incorporated into title V permits before any conditions could be removed from RCRA permits. As discussed earlier, this approach would not be consistent with our goal of minimizing duplication across permitting programs, even though it was identified as our current thinking in the NODA. As discussed in the NOC/title V Interface Section, the initial NOC must be incorporated into the title V permit as a significant permit modification, which could add another nine months to the transition period. Moreover, commenters express concern over impacts that existing delays in title V permitting activities might have. Commenters wrote that given the tremendous volume of permits to be issued (hazardous waste combustors being just one small subset) there would be no way to predict how long it might take regulatory agencies to initially issue or modify title V permits to include the standards, or to modify permits to include NOCs, despite time frames set forth in the title V regulations. We agree that delaying removal of air emissions and related parameters from RCRA permits until this occurs would unnecessarily extend the amount of time sources might be subject to overlapping requirements. As pointed out by commenters, having overlapping requirements may present technical and administrative difficulties. Examples of technical difficulties include, but are not limited to, the potential for conflicting requirements with regard to testing, monitoring, and compliance certifications. Examples of administrative difficulties include, but are not limited to, permit maintenance issues stemming from different permit modification procedures and appeals procedures.

c. Option 2. Option 2 reflects the time frame suggested by some commenters for effecting the transition upon submittal of the DOC, which, under the NODA discussion, would have been due to the regulatory agency on the compliance date (note: commenters appear to use the terms "compliance date" and "effective date" interchangeably, but they are quite different). Basing transition on the DOC was still a viable option to consider, even with our amended approach of having the source maintain the DOC in its operating record. The DOC contains enforceable operating conditions for key combustion parameters that the source anticipates will achieve compliance with the new standards. Although the source would have had to comply with other enforceable part 63 requirements by this point (*e.g.*, requirements for the Notice of Intent to Comply, the progress report, and the performance test plan), this would be the first point where a source might have overlapping requirements governing air emissions and related operating parameters—those in the DOC and those in the RCRA permit. Recommending removal of RCRA permit conditions at this point would thus minimize the potential for duplicative requirements. However, we conclude that it would still not address the perception issue adequately. Specifically, even though the source is subject to enforceable operating requirements, the source has not actually demonstrated compliance with the new standards.

d. Option 3. This option reflects the alternative approach we suggested in the May, 1997, NODA, as well as the preferred option of the majority of those who submitted comments on the timing issue. Under this recommended option, a source might well have a title V permit that addresses the new standards to some extent, even if just by including the standards themselves and a schedule for compliance. More importantly, the source will have conducted its comprehensive performance test, and submitted an NOC containing key operating parameters demonstrated to actually achieve compliance (and which are enforceable). Although there would be some time during which a source might have overlapping requirements (those in its NOC and those in its RCRA permit), this would be a finite and predictable amount of time. After considering all the comments, we conclude that option 3 best meets the dual challenges of ensuring the source is continuously subject to enforceable controls demonstrated to achieve compliance while minimizing the time you would be subject to permitting requirements for, and enforcement of, operating parameters and limits under both RCRA and the CAA. Therefore, today's rule adopts option 3.

We acknowledge that this approach does not completely eliminate concerns expressed by some commenters about the potential for facilities to be subject to dual enforcement mechanisms. Although this potential may exist during the brief transition period when a source has enforceable conditions under both CAA and RCRA, we will exercise enforcement discretion to avoid any duplicative inspections or actions, and we encourage States to do so as well. If any inspections are scheduled to occur during the brief transition period (which may be unlikely given how short this period is), the regulatory agency could conduct joint inspections by RCRA and CAA enforcement staff. Joint inspections might help to alleviate some of the potential for any duplicative efforts, either in terms of individual inspections targeting the same areas, or enforcement actions being taken under both RCRA and CAA authorities.

Under Option 3, you would most likely have a title V permit that addresses the hazardous waste combustor MACT standards to some extent. We expect that if the permit were issued prior to the comprehensive performance test and the submittal of the NOC, it would contain the standards

themselves, and related requirements in part 63 subpart EEE, such as the requirements to develop and public notice performance test protocols, to develop and maintain in its operating record the DOC with anticipated (and enforceable) operating limits, to conduct the comprehensive performance test and periodic confirmatory tests, and to submit the NOC, including the test results, to the regulatory agency.

The public would have had an opportunity to comment on the requirements in the title V permit as part of the normal CAA administrative process for issuing permits. Furthermore, the public would have had other opportunities to be involved in your compliance planning. For example, under the requirements for the Notice of Intent to Comply in § 63.1210(b), you would have had to conduct an informal meeting with the community to discuss how you intend to come into compliance with the new standards. You also are required in § 63.1207(e) to provide public notice of the performance test plan, so the public would have the opportunity to review the detailed testing protocol that describes how the operating parameters will achieve compliance.

4. How Should RCRA Permits Be Modified?

Once you have been issued a RCRA permit, you must comply with the conditions of that permit. Unless the conditions have been written into the permit with sunset (*i.e.*, automatic expiration) clauses governing their applicability, conditions remain in effect until the permit is either modified to remove them or the permit is terminated or expires. Promulgation of final MACT standards for hazardous waste combustors does not in itself eliminate your obligation to comply with your RCRA permit. In the May 1997 NODA, we stated that the RCRA permit would be modified to remove air emission limitations that are covered under MACT, but did not elaborate on what modification procedures would be followed. We solicited comments on how the transition should occur.

Of the commenters that addressed this issue, the recurring theme in the comments is for EPA to provide a mechanism that would impose minimal burden on sources and permit writers to process the modifications. Some express a desire to see the RCRA conditions removed in some automatic fashion once the MACT standards became effective. A mechanism for accomplishing this, suggests one commenter, would be to include a requirement in the final rule that would effect removal of conditions from all RCRA permits. One commenter suggests adding a new line item to Appendix I in § 270.42, designated as class 1, to address the transition to MACT. Another suggests a new line item designated as class 1 requiring prior agency approval. A third suggests a new line item designated as class 2.

We do not agree with eliminating conditions from all RCRA permits as part of a national rulemaking effort (*i.e.*, we do not agree with an "automatic" removal), particularly given the existence of authorized sate programs and state-issued permits. Permits may contain site-specific conditions developed to address particular situations, *e.g.*, conditions based on the results of a site-specific risk assessment. To ensure that the regulatory agency continues to meet its RCRA obligation to ensure protection of human health and the environment, these conditions may need to be evaluated on a case-by-case basis vis-a-vis the MACT standards before they are removed. If the RCRA risk-based conditions are more stringent or more extensive than the corresponding MACT requirements, the conditions must remain in the RCRA permit.

We do agree with commenters that there should be a streamlined approach to removing conditions from a RCRA permit that are covered by the hazardous waste combustor MACT regulations at the time an NOC demonstrating compliance is submitted to the regulatory agency. All other conditions would, of course, remain in the RCRA permit. Once you demonstrate compliance with MACT, we consider the transition from RCRA to be primarily an administrative matter since you will not only be subject to comparable enforceable requirements under CAA authority, but also will continue to be subject to any site-specific conditions under RCRA that are more stringent than MACT. Our intent is not to impose an additional burden on you or permit writers for a largely administrative requirement. To this end, we are adding a new line item to the permit modification table in 40 CFR 270.42, Appendix I, to specifically address the transition from RCRA to the CAA.

The approach of adding a new line item to the permit modification table is consistent with the comments we received pursuant to the May 1997 NODA. We agree with the commenter who suggests the new item be designated as a class 1 modification requiring prior Agency approval. This classification effectively balances the need to retain some regulatory oversight of the changes with the goal of minimizing the amount of time a source will be subject to regulation under both RCRA and the CAA for essentially the same requirements. A class 1 modification without prior approval, suggests one commenter, would not be sufficient to accomplish the transition with adequate confidence in proper regulatory coverage. Even though we consider the deferral to be an administrative matter, it is important to retain some level of regulatory oversight prior to effecting the change to provide the opportunity to address any differences between the two programs. On the other hand, the administrative exercise of transitioning from RCRA to the CAA does not warrant the extra measures (and attendant time commitment) of a class 2 modification procedure.

We are designating the new line item (A.8.) in the Appendix I table as class 1 requiring prior Agency approval. Thus, the administrative procedures associated with this mechanism will not be overly burdensome, yet RCRA permit writers will have an opportunity to confer with their counterparts in the air program prior to approving the request to eliminate conditions from the RCRA permit. This allows the RCRA permit writer to verify that you have completed the comprehensive performance test and submitted your NOC. In the few situations where site-specific, risk-based conditions have been incorporated into RCRA permits, it also provides the RCRA permit writer with the opportunity to review such conditions vis-a-vis the MACT standards to ensure any conditions that are more stringent or extensive than those applicable under MACT are retained in the RCRA permit. The public also would be informed that the transition from RCRA was being effected because the modification procedures require a notice to the facility mailing list. We recommend that the public notice for the RCRA permit modification also briefly mention that you have completed performance testing under the CAA, and are operating under enforceable conditions that are at least as stringent as those being removed from your RCRA permit.

One commenter offered suggestions for preparing the RCRA modification requests. We found some of these suggestions helpful and recommend that, to facilitate processing of the RCRA modification requests, you (1) identify in your modification requests which RCRA conditions should be removed, and (2) attach your NOC to the requests.

From another perspective, today's approach for removing conditions from the RCRA permit also may encourage

you to work closely with the air program to expeditiously resolve any potential or actual disagreements on the results of the comprehensive performance test and conditions in the NOC. The RCRA permit writer is not likely to approve the modification request until he or she has received confirmation that their air program counterpart is satisfied with your compliance demonstration under MACT (*i.e.*, that they have made the finding of compliance based on the test results documented in the NOC, as discussed in the following paragraph). Thus, you should continue to be subject to requirements under both RCRA and the CAA until the differences, if any, are resolved.

We are not including a requirement in either part 63 subpart EEE or part 270 specifically for the regulatory agency to approve the NOC before approving the RCRA modification request. We have incorporated the general provision for making a finding of compliance (see § 63.6(f)(3)) into the requirements of subpart EEE at § 63.1206(b)(3). According to these provisions, the regulatory agency has an obligation to make a finding of compliance with applicable emissions standards upon obtaining all of the compliance information, including the written reports of performance test results. Because of this obligation, air program staff currently review stack test results that are submitted in NOCs subsequent to performance testing, and routinely transmit an official letter to you indicating the acceptability of the test results. Furthermore, if you fail the comprehensive performance test, there are requirements in part 63 subpart EEE specifying what you must then do. Given this combination of regulatory obligations and current practices, we see no need to impose additional requirements governing review of performance test results. This approach is also consistent with the timing for when permit requirements are deferred to CAA (see the amended rule language for 40 CFR 270.19, 270.22, 270.62, and 270.66)).

5. How Should Sources in the Process of Obtaining RCRA Permits Be Switched Over to Title V?

In the initial NPRM and the May, 1997, NODA, we did not specifically describe, or solicit comment on, permit process issues for facilities operating under RCRA interim status, or facilities seeking to renew their RCRA permits (which can occur even after the nominal permit term has expired). In the above sections, we focused on implementing the deferral of RCRA controls by determining how and when to move conditions out of existing RCRA permits. For facilities that do not yet have RCRA permits, or that need to renew their RCRA permits, the focus of the discussion shifts to how and when to move nonrisk-based air emissions considerations out of the RCRA permitting process. As indicated earlier, RCRA interim status facilities will continue to be subject to RCRA permitting requirements for air emissions standards and related operating parameters, including trial burn planning and testing, until they have demonstrated compliance with the new standards by conducting a comprehensive performance test and submitting an NOC to the agency. Facilities in the process of renewing their RCRA permits will also continue to be subject to RCRA permitting requirements until the same point.

Again, there is no single approach for moving these two categories of facilities out of the RCRA permitting process (*i.e.*, for stack air emissions requirements). The most appropriate route to follow in each case depends on a host of factors, including, for example: (1) The status of the facility in the RCRA permitting process at the time this rule is published; (2) the priorities and schedule of the regulatory agency; (3) the level of environmental concern at a given site; and (4) the number of similar facilities in the permitting queue. The regulatory agency (presumably in coordination with the facility) will balance all of these factors. In mapping out a site-specific approach, we are encouraging permitting agencies to give weight to two key factors. First, we should minimize to the extent practicable the amount of time a facility would be subject to duplicative requirements between RCRA and CAA programs. Second, as indicated in Part Five, Section V.B (Risk Burn/ Comprehensive Performance Testing), testing under one program should not be unnecessarily delayed in order to coordinate with testing under the other. For example, if a facility is planning to conduct a RCRA trial burn within a fairly short amount of time after the rule is promulgated, they generally should not be allowed to delay the trial burn to coordinate with comprehensive performance testing under MACT that may not occur for three more years.[304]

[304] There may be a short delay allowed for the purpose of combining RCRA trial burn and MACT performance test plans. Of course, even if the timing for the two tests is such that they may be coordinated, that does not mean that one can simply replace the other, particularly because test conditions for one may not be applicable to the other (refer to Section V.B for additional discussion on this topic).

Even though we cannot prescribe a single national approach for the transition from RCRA permitting for air emissions, we can provide some other recommendations to help permitting authorities and facility owners or operators determine a sound approach. In this section, we walk through some examples, intended as guidance, for transitioning facilities that are in the process of obtaining or renewing a RCRA permit. We hope that these examples will also enhance consistency among the various regulatory agencies.

a. Example 1. Facility has submitted a RCRA permit renewal application. Some sources, particularly hazardous waste incinerators, have RCRA permits that are close to expiring. These sources may already have initiated the renewal process by the time this rule is promulgated. In these situations, we anticipate the source might need to modify its current permit to accommodate any upgrades necessary to comply with the new standards. Facilities may modify RCRA permits that have been continued under § 270.51 pending final disposition of the renewal application. Thus, facilities will be able to use the streamlined permit modification procedures that were promulgated in § 270.42(j) to effect the necessary changes pending resolution of their renewal application. Depending on where they are in the renewal process, the permitting authority may, alternatively, elect to fold the modifications into the actual renewal process, thereby streamlining some of the administrative requirements.

Issuance of RCRA hazardous waste combustor permits often takes several years. If the source and the permitting authority are in the early stages of renewal, the schedule of permitting activities may not call for a trial burn to be conducted until sometime close to when the source would be required to conduct comprehensive performance testing under MACT. If so, the source may be able to either coordinate the testing requirements of the two programs, *e.g.*, if a RCRA risk burn is necessary, or to perform just the comprehensive performance test under MACT. If, on the other hand, they are further along in the renewal process, the trial burn might be scheduled for the near future. In this case, the approach outlined in Example 2 below might be more appropriate to follow.

Regardless of the approach followed to transition the air emissions and related operating parameters for the combustion unit to the Air program, the

RCRA permit must still be renewed for all other aspects of hazardous waste management at the facility.

b. Example 2. Permitting authority has approved, or is close to approving, the RCRA trial burn plan at the time the final MACT standards are promulgated. Both interim status facilities and those seeking permit renewal are subject to requirements in §§ 270.62 and 270.66 to develop and obtain approval for trial burn plans. Requirements in these sections also call for permitting authorities to provide public notice of approved (or tentatively approved) trial burn plans and projected schedules for conducting the burns. We anticipate that many of the hazardous waste combustors seeking permits who are subject to this rulemaking will have already had their trial burn plans approved, or close to being approved, by the time this rule is promulgated. In such situations, we expect the facility to continue with the trial burn as planned.

If the burn is successful, we anticipate the permitting authority will issue a final RCRA permit that covers both the operations of the hazardous waste combustor unit as well as all other hazardous waste management activities at the site. We recommend that the permit be worded flexibly to facilitate transition to title V once the source subsequently demonstrates compliance with the MACT standards. For example, conditions in the RCRA permit that would ultimately be covered under title V might have associated sunset provisions indicating that the conditions will cease to apply once the combustor unit demonstrates compliance with the MACT standards. This would ensure that the amount of time the source might be subject to emissions limits and operating parameters under both RCRA and the CAA would be minimized. It would also eliminate the need to engage in a separate permit modification action to remove the conditions after the MACT compliance demonstration.

Facilities in this scenario may determine they need to make some changes to their equipment or operations to meet the new emissions limits. These facilities will be able to use the streamlined permit modification procedures that were promulgated in § 270.42(i).

If the trial burn is not successful, we expect permitting authorities to refer to the RCRA trial burn failure policy (see Memorandum on Trial Burns, EPA530–F–94–023, July 1994). This policy includes discussion in the following areas: (1) Taking immediate steps to restrict operations; (2) initiating procedures for permit denial (which would be appropriate for interim status or renewal candidates); (3) initiating proceedings to terminate the permit (which would be appropriate for proposed new facilities); and (4) authorizing trial burn retesting after the facility investigates reasons for the failure and makes changes to address them.

c. Example 3. The permitting authority does not anticipate approving the trial burn plan, or the trial burn is not scheduled to occur until after the Notice of Intent to Comply is submitted. As suggested in the previous example, if a facility is ready to proceed with a trial burn at the time the final hazardous waste combustor MACT rule is promulgated, we expect that activities will proceed as planned. Once the Notice of Intent to Comply is submitted, however, the regulatory authority will have a better understanding of how and when the facility intends to comply with the emissions standards, and how the trial burn would fit in with the MACT compliance demonstration. Thus, we expect the regulatory authority may wish to decide whether to separately continue with the trial burn schedule laid out in the RCRA permitting process or, conversely, coordinate with MACT comprehensive performance testing, based on a number of considerations, including, for example: (1) The facility's schedule and planned modifications for MACT compliance; (2) progress on completing and approving the RCRA trial burn plan; (3) whether the risk testing that may be necessary under RCRA is likely to fit in with the MACT performance test schedule; and (4) whether the facility wants to combine risk testing under RCRA with the MACT performance test.

Even after a source conducts its comprehensive performance test and subsequently submits the NOC to the regulatory agency, separate risk testing might be necessary. For example, if the comprehensive performance test did not generate sufficient data for a site-specific risk assessment, a RCRA "risk burn" might be required (see discussion in Part Five, Section V.B.).

E. What Is Meant by Certain Definitions?

When we considered incorporating MACT standards into both RCRA and CAA regulations, we anticipated some confusion about definitions that differ between the two programs. In the NPRM, we solicited comments on our expressed preference not to reconcile these issues on a national basis. (See 61 FR 17452). Several commenters suggest that EPA reconcile the issues and clarify definitions. In the final rule, we have made some changes, as discussed below, to ensure consistency of interpretation and to minimize uncertainty for facilities seeking to comply with today's rule. With these changes, we believe that revisions to the definitions themselves are not necessary.

1. Prior Approval

In the proposed rule, we stated that RCRA and CAA are similar in that they both require EPA prior approval before construction or reconstruction of a facility. There were no adverse comments received regarding this statement. The requirements for obtaining prior approval are apparently clear under both programs.

We suggested in the proposed rule that readers of part 63 might be unaware of their obligations under RCRA. Therefore, as proposed, we are inserting the following note into § 63.1206 Compliance Dates, "An owner or operator wishing to commence construction of a hazardous waste incinerator or hazardous waste-burning equipment for a cement kiln or lightweight aggregate kiln must first obtain some type of RCRA authorization, whether it be a RCRA permit, a modification to an existing RCRA permit, or a change under already existing interim status. See 40 CFR part 270". No adverse comments were submitted.

2. 50 Percent Benchmark

As stated in the proposed rule, RCRA and CAA both classify "reconstruction" as any modifications of a facility that cost more than 50 percent of the replacement cost of the facility. However, the significance of this term is different depending on which statute is being applied. Two commenters confirmed that the distinction is critical. Therefore, they concluded that, to avoid confusion, EPA should defer to the CAA definition of "reconstruction" under RCRA Section 1006(b) because it is the more flexible and appropriate definition.

The primary concern about the 50 percent benchmark is in relation to the limit imposed on RCRA interim status facilities for making modifications. To ensure that this limit would not present a barrier to making upgrades necessary to comply with MACT, we finalized a revision to § 270.72(b) to specify that interim status facilities can exceed the 50 percent limit if necessary to comply with MACT. (See 63 FR 33829, June 19, 1998). Therefore, there is no potential for practical conflict among the CAA and RCRA regulatory regimes, and no further amendment or clarification is needed.

3. Facility Definition

As stated in the NPRM, the definition of "facility" differs between CAA and RCRA. The definition has bearing in determining the value of the facility with respect to the 50 percent rule on modifications as discussed above. We proposed that the RCRA definition should be used for the RCRA application to changes during interim status, and the CAA definition should be used when determining applicability of MACT standards to new versus existing sources. Commenters disagreed with this approach and concluded that EPA should defer to the CAA definition of facility because it encompasses the entire operations at a site. We continue to believe that the CAA definition should apply to CAA requirements and that the RCRA definition should apply to RCRA requirements, since the definitions are used for a different purpose under each statute. By clarifying the 50 percent benchmark issue for RCRA interim status facilities as discussed above, we believe this satisfies commenters' concerns and, thus, it is not necessary to reconcile the facility definition.

4. No New Eligibility for Interim Status

RCRA bestows interim status on facilities that were in existence on November 19, 1980, or are in existence on the effective date of statutory or regulatory changes that render the facility subject to RCRA permitting requirements. The original RCRA rules for hazardous waste incinerators and BIFs were finalized in 1980 and 1991, respectively. Because these rules established the dates on which incinerators and BIFs were first subject to RCRA permitting requirements, the effective dates of those rules created the *only* opportunity for interim status eligibility. The interim status windows that occurred in 1980 and 1991 thus are not modified by this rule. The lone exception is that facilities currently burning only nonhazardous wastes that become newly listed or identified hazardous waste under other future rules would still be able, under existing law, to qualify for interim status (§ 270.42(g)).

5. What Constitutes Construction Requiring Approval?

The proposed rule noted that RCRA and CAA both have restrictions requiring approval prior to construction, but that each statute defines construction differently. We expressed our intent in the NPRM to retain the two definitions. In the final rule, we continue to support retaining the two definitions. Since most facilities currently possess RCRA and CAA permits, these definitions are already being applied concurrently with no apparent problems. Consequently, this is the most practical and least confusing approach for permittees and regulators.

XII. State Authorization

A. What Is the Authority for Today's Rule?

Today's rule is being issued under the joint authority of the Clean Air Act (CAA), 42 U.S.C. 7401 *et seq.*, and the Resource Conservation Recovery Act (RCRA), 42 U.S.C. 6924(o), 6924(q) and 6925. The new MACT air emissions standards are located in 40 CFR part 63. Pursuant to sections 1006(b) and 3004(a) of RCRA, 42 U.S.C. 6905(b) and 6924(a), the MACT program will only be carried out under the CAA delegated program. We strongly encourage States to adopt today's MACT standards under their CAA statute and to apply for delegation under the CAA if they do not have section 112 delegation. State implementation of the MACT portions of this rule through its delegated CAA program will facilitate coordination between the regulated entity and its State and reduce duplicative permitting requirements under the CAA and RCRA.

In addition to promulgating the MACT standards, today's rule modifies the RCRA program in other various respects and States authorized for the RCRA base program must revise their programs accordingly. For example, this rule revises the test for determining whether a facility's waste retains the Bevill exclusion by adding dioxins/furans to the list of constituents to be analyzed.

B. How Is the Program Delegated Under the Clean Air Act?

States can implement and enforce the new MACT standards through their delegated 112(l) CAA program and/or by having title V authority. A State's title V authority is independent of whether it has been delegated section 112(l) of the CAA.

Section 112(l) of the CAA allows us to approve State rules or programs to implement and enforce emission standards and other requirements for air pollutants subject to section 112. Under this authority, we developed delegation procedures and requirements located at 40 CFR part 63, subpart EEE, for National Emission Standards for Hazardous Air Pollutants (NESHAPS) under section 112 of the CAA (see 58 FR 62262, November 26, 1993, as amended, 61 FR 36295, July 10, 1996). Similar authority for our approval of state operating permit programs under title V of the CAA is located at 40 CFR part 70 (see 57 FR 32250, July 21, 1992).

Submission of rules or programs by States under 40 CFR part 63 (section 112) is voluntary. Once a State receives approval from us for a standard under section 112(l) of the CAA, the State is delegated the authority to implement and enforce the part 63 standards under the State's rules and regulations (the approved State standard would be federally enforceable). States also may apply for a partial 112 program, such that the State is not required to adopt all rules promulgated in 40 CFR part 63. We will implement the portions of the 112 program not delegated to the State. For example, documents such as the NOC will be submitted to the Administrator when due, if the State is not approved for the standards in today's rule.

Under 40 CFR 70.4(a) and section 502(d) of the CAA, States were required to submit to the Administrator a proposed part 70 (title V) permitting program by November 15, 1993. If a State did not receive our approval by November 15, 1995 for its title V program, the title V program had to be implemented by us in that State. As of today's rule, all States have approved title V programs.[305] This means that all States have the authority to incorporate all MACT standards (changes to section 112 of the CAA) into the title V permits as permit conditions, and have the authority to enforce all the terms and conditions of the title V permits. *See* 40 CFR 70.4(3)(vii).

The MACT standards are effective upon promulgation of this rule. Facilities with a remaining permit term of three or more years will be required to submit title V applications to their permitting authorities to revise their permits.[306] States will write the new

[305] Under the CAA, Indian tribes may apply to EPA to be treated as States and obtain approval of their own Clean Air Act programs. Section 301(d) of the Clean Air Act, 42 U.S.C. 7601(d); see also 40 CFR part 49. Tribes may thus become empowered to implement the section 112 and title V portions of today's rule is areas where they demonstrate jurisdiction and the capacity to do so. Currently under RCRA, there is no Tribal authorization for the RCRA Subtitle C hazardous waste program and thus EPA generally implements the RCRA portions of today's rule in Indian Country.

EPA has authority to implement the federal operating permits program 940 CFR part 71) where a State fails to adequately administer and enforce an approved part 70 program, or where a State fails to appropriately respond to an EPA objection to a part 70 permit. Additionally, some sources in U.S. Territories, the Outer Continental Shelf, and Indian Country, are subject, or will soon be subject, to part 71.

[306] Title V permits are issued for a period not to exceed five years. *See* 40 CFR 70.4(b)(3)(iii). You

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MACT standards into any new, renewed, or revised title V permit and enforce all terms and conditions in the title V permit. A State's authority to write and enforce title V permits is independent of its authority to implement the changes to the MACT standards (changes to section 112 of the CAA). Therefore, while both we and the State can enforce the federal MACT standards within a title V permit, until the State receives approval from us for required changes to section 112 of the CAA, we will implement the 112 program.

C. How Are States Authorized Under RCRA?

Under section 3006(g) of RCRA, enacted as part of the Hazardous and Solid Waste Amendments (HSWA) of 1984, new requirements imposed by us as a result of authorities provided by HSWA take effect in authorized States at the same time as they do in unauthorized States—as long as the new requirements are more stringent than the requirements a State is authorized to implement. We implement these new requirements until the State is authorized for them. After receiving authorization, the State administers the program in lieu of the Federal government, although we retain enforcement authority under sections 3008, 3013, and 7003 of RCRA.

Most of the new Federal RCRA requirements in today's final rule are being promulgated through the HSWA amendments to RCRA. Regulatory changes based on HSWA authorities are considered promulgated through HSWA. The following RCRA sections, enacted as part of HSWA, apply to today's rule: 3004(o) (changes to the MACT standards), 3004(q) (fuel blending), and 3005 (omnibus). As a part of HSWA, these RCRA provisions are federally enforceable in an authorized State until the necessary changes to a State's authorization are approved by us. See RCRA section 3006, 42 U.S.C. 6926. The Agency is adding these requirements to Table 1 in § 271.1(j), which identifies rulemakings that are promulgated pursuant to HSWA.

In contrast, the change to the permit modification table (Appendix I to § 270.42) is promulgated through authorities provided to us prior to HSWA. Therefore, this change does not become effective until States adopt the revision and become authorized for that revision.

Under RCRA, States that have received authorization to implement and enforce RCRA regulatory programs are required to review and, if necessary, to modify their programs when we promulgate changes to the federal standards that result in the new federal program being more stringent or broader in scope than the existing federal standards. This is because under section 3009 of RCRA, States are barred from implementing requirements that are less stringent than the federal program. See also 40 CFR 271.21.

In four respects, we consider today's final rule to be more stringent than current federal RCRA requirements: (1) The added definitions for dioxins/furans and TEQ (40 CFR 260.10); (2) the requirement that permits for miscellaneous units must include appropriate terms and conditions from part 63, subpart EEE standards (40 CFR 264.601); (3) the establishment of new standards to control particulate matter (40 CFR 266.105(c)); and (4) the addition of dioxin/furans as listed potential Products of Incomplete Combustion (PIC) (40 CFR 266.112; Appendix VIII to 40 CFR part 266). Authorized States must adopt these requirements as part of their State programs and apply to us for approval of their program revisions. The procedures and deadlines for State program revisions are set forth in 40 CFR 271.21.

Section 3009 of RCRA allows States to impose standards that are more stringent or more extensive (*i.e.*, broader) in scope than those in the Federal program (see also 40 CFR 271.1(i)(1)). Thus, for those Federal changes that are less stringent, or reduce the scope of the Federal program, States are not required to modify their programs. Further, EPA will not implement those provisions promulgated under HSWA authority that are not more stringent than the previous federal regulations in States that have been authorized for those previous federal provisions. EPA will implement these new provisions in States that are not authorized to implement the previous federal regulations.

In two respects, we consider today's rule to be less stringent than current federal requirements: (1) The inapplicability of certain provisions of RCRA once specified part 63, subpart EEE and other requirements have been met (40 CFR 264.340(b)(1); 265.340(b)(1); 266.100(b)(1), 266.100(d)(1) and (d)(3); 266.100(h); 270.19; 270.22; 270.62; and 270.66); and (2) the provision for RCRA permit modifications to remove inapplicable RCRA conditions (Appendix I to 40 CFR part 270.42).[307]

The rest of the requirements in today's rule, in our view, are neither more nor less stringent than current regulatory requirements. They are either reiterations or clarifications of our existing regulations or policies (40 CFR 264.340(b)(2), 265.340(b)(2), 266.100(b)(2), and 266.101).

Although States must adopt only those requirements that are more stringent, in the spirit of RCRA section 1006(b), which directs us to avoid duplicative RCRA and CAA requirements, we strongly urge States to adopt all aspects of today's final rule (including the clarifying as well as less stringent sections). The adoption of all portions of today's final rule by state agencies will ensure clear, consistent requirements for owners, operators, affected sources, State regulators, and the public. Pursuant to today's rule, the permitting requirements will be implemented solely through the CAA title V program. If a RCRA permitted facility is required to use RCRA risk-based air emissions standards in addition to the CAA designated technology based standards, we will exercise our omnibus authority in section 3005 of RCRA to modify the facility's RCRA permit.[308] Therefore, we believe that the standards promulgated today properly implement the goals of sections 3004(o) and (q) of RCRA to ensure the safe and proper management of the affected combustion units and the goal of section 1006(b) of RCRA to avoid duplicative and potentially confusing permitting requirements under two different environmental statutes (RCRA and CAA). For these reasons, we encourage States to adopt these

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will have three years to come into compliance with the new MACT standards. If you have fewer than three years remaining on your title V permit term, our part 70 regulations do not require you to reopen and revise your permit to incorporate the new MACT standard into the title V permit. *See* 40 CFR 70.7(f)(1)(i). However, the CAA does allow State programs to require revisions to your permit to incorporate the new MACT standard. Therefore, if you have fewer than three years remaining on your title V permit, you should consult your state permitting program regulations to determine whether a revision to your permit is necessary to incorporate the new part 63 MACT standards. If your are not required to revise your permit to incorporate the new standard, you must still fully comply with today's standard.

[307] States choosing to adopt the other less stringent changes to RCRA in today's rule also should adopt the change to 40 CFR 270.42. The change to 40 CFR 270.42 provides the RCRA permit modification procedure to eliminate inapplicable RCRA requirements once specified part 63, subpart EEE and other requirements have been met.

[308] If a State has a provision in its State air statute or regulation that is equivalent to the RCRA omnibus authority (RCRA section 3005(c)), we expect that the State will be able to use its air authority in pace of its RCRA omnibus authority.

regulations as quickly as their legislative and regulatory processes will allow.

Part Six: Miscellaneous Provisions and Issues

I. Does the Waiver of the Particulate Matter Standard or the Destruction and Removal Efficiency Standard Under the Low Risk Waste Exemption of the BIF Rule Apply?

Section 266.109 of the current BIF regulation provides a conditional exemption from the destruction and removal efficiency standard and the particulate matter standard for low risk wastes. We proposed to restrict eligibility for the waiver of the particulate matter standard to BIFs other than cement and lightweight aggregate kilns because the waiver could supersede the MACT requirements for the particulate matter standards. We had the same concern for the destruction and removal efficiency requirements. See 61 FR at 17470. After reconsidering the issue, we are clarifying that today's MACT requirements are separately applicable and enforceable and that no action is needed to ensure that a BIF waiver does not supersede the MACT requirements. See the discussions in Part Five of today's preamble regarding integration of the MACT and RCRA standards.

II. What Is the Status of the "Low Risk Waste" Exemption?

Section 264.340(b) and (c) exempts certain incinerators from the RCRA emission standards if the hazardous waste burned contains (or could reasonably be expected to contain) insignificant concentrations of Appendix VIII, part 261, hazardous constituents. We proposed that this "low risk waste" provision no longer be applicable incinerators on the MACT compliance date because a risk-based exemption from technology-based MACT standards seemed inappropriate. See 61 FR at 17470. After reconsidering the issue, we have determined that no specific action is necessary because the MACT standards are separately applicable and enforceable standards. See the discussion in Part Five of today's preamble regarding integration of the MACT and RCRA standards.

III. What Concerns Have Been Considered for Shakedown?

In the proposal, we expressed concern that some new units do not effectively use their allotted 720-hour pre-trial burn shakedown period or appropriate extensions to correct operational problems. This can potentially lead to trial burn failures and emission exceedances, which pose unnecessary risks to human health and the environment. Therefore, we proposed three shakedown options to enhance regulatory control over trial burn testing:

(1) Prior to scheduling trial burns, we would require facilities to provide the Director a minimum showing of operational readiness.

(2) We would require notification of operational readiness prior to, and following, the shakedown period.

(3) We would provide guidance on how to effectively prepare for a trial burn. These options were proposed for inclusion under both the CAA and RCRA regulations, and comments were requested regarding their usefulness.

A few commenters preferred Option 3 because it would be useful in determining how to effectively prepare for a trial burn. Regarding Options 1 and 2, two commenters felt the cost, time, and resources required for a trial burn already provide adequate financial incentive to prepare, plan, and conduct trial burns efficiently. Two commenters felt that Option 3 provided the potential for inequities in implementation of the guidance by the permit writer. In general, most commenters agreed that additional regulatory requirements are not necessary.

In light of the comments, we decided not to adopt any of the proposed options. We acknowledge that it is in the facility's best interest to conduct a successful trial burn that most facilities will properly utilize their shakedown period. However, during the transition period from RCRA to MACT compliance, we strongly encourage facilities to properly use their shakedown period to correct operational problems that pose unnecessary risks to human health and the environment.

Therefore, with the exception of risk burns, we are pursuing the deferral of RCRA trial burns to the MACT performance test requirements. A source remains subject to RCRA trial burns during the transition period to MACT compliance. For facilities where unique considerations make a SSRA necessary, risk-based permit conditions may result. In such cases, there likely would need to be conditions for all phases of operation in the RCRA permit. Thus, start-up and shakedown would still be an issue for some RCRA combustor facilities given that they would have to be in compliance with the unique RCRA emission standards even during startup and shakedown (unless the permit conditions specify otherwise).

IV. What Are the Management Requirements Prior to Burning?

Today, we are finalizing the proposal to revise 40 CFR 266.101 ("Management prior to burning") to clarify that fuel blending activities are regulated under RCRA. See 61 FR at 17474 (April 19, 1996). As described in detail in the proposal, this is already implicit (and for some units, explicit) in existing rules. Therefore, today's rule is more an interpretive clarification. See 52 FR 11820 (April 13, 1987). By incorporating the term "treatment" into the regulation, we are clarifying that fuel blending activities that are conducted in units other than 90-day tanks or containers also are subject to regulation.

We received two comments expressing concern that this would subject all fuel blending-related equipment permitting, without allowing for case-by-case determinations. For example, these commenters believe that some pre-processing activities conducted by blenders (shredding, drum crushing, and other physical handling) do not meet the definition of treatment and should not be subject to permitting standards. However, we feel that these activities meet the existing definition of treatment. They are "processe(s) . . . designed to change the physical . . . composition of . . . hazardous waste so as to . . . render such waste amenable for recovery" via combustion. See 40 CFR 260.10 (definition of "treatment").

Moreover, these pre-processing activities should be subject to permitting requirements. Controls on these activities are necessary to protect against releases of hazardous constituents to the environment due to the nature of those operations (*e.g.*, crushing or shredding of drums containing hazardous wastes, grinding of waste materials, etc.). *See Shell Oil* v. *EPA*, 950 F. 2d 741, 753–56 (D.C. Cir. 1991), which broadly construes the definition of treatment to assure that the RCRA goal of cradle-to-grave management of hazardous wastes is satisfied and that specific types of units remain subject to subtitle C regulation. For units that do not already meet the definition of a specific unit, subpart X is available to provide the appropriate standards.

V. Are There Any Conforming Changes to Subpart X?

In today's rule, we are making a *conforming change* to part 264 subpart X (§ 264.601) to make reference to part 63 subpart EEE.

Hazardous waste treatment, storage, and disposal facilities that are not

classified under other categories (*e.g.*, tank systems, surface impoundments, waste piles, incinerators, *etc.*) are classified as miscellaneous units and regulated under part 264 subpart X. However, due to the varying types and designs of miscellaneous units, subpart X does not include specific performance standards. Instead, subpart X makes reference to requirements in other sections of the regulations. Section 264.601 of subpart X states that "Permit terms and provisions shall include those requirements of subparts I through O and subparts AA through CC of this part, part 270, and part 146 that are appropriate for the miscellaneous unit being permitted ." This statement directs the permitting agency to look at the requirements (*e.g.*, performance standards, operating parameters, monitoring requirements, *etc.*) from other sections in the regulations when developing appropriate permit conditions for miscellaneous units.

In the past, permitting authorities have often looked to the part 264 subpart O regulations for incinerators to develop the appropriate permit conditions for units such as thermal desorbers and carbon regeneration units. Since today's rule upgrades the air emission standards for certain source categories, these new standards also should be considered when determining the appropriate requirements for miscellaneous units, most notably those engaged in any type of thermal operation. Therefore, the language in § 264.601 of subpart X is being modified to incorporate a reference to part 63 subpart EEE.

VI. What Are the Requirements for Bevill Residues?

A. Dioxin Testing of Bevill Residues

In the proposal, we proposed to add polychlorinated dibenzo-p-dioxin and polychlorinated dibenzo-furan compounds to appendix VIII of part 266. Appendix VIII lists those compounds that may be generated as products of incomplete combustion and that must be included in testing of Bevill residues conducted pursuant to 40 CFR 266.112. Products of incomplete combustion can be unburned organic compounds that were originally present in the waste, thermal decomposition products resulting from organic constituents in the waste, or compounds synthesized during or immediately after combustion. We noted in the proposal that there is a considerable body of evidence to show that dioxin and furan compounds can be formed in the post-combustion regions of hazardous waste burning boilers, industrial furnaces, and incinerators, especially at temperatures between 250–450°C.[309 310] Collected particulate matter in the post-combustion regions of furnaces can provide sites for adsorption of precursors, formation of dioxins and furans by surface chlorination of precursors, catalytic production of chlorine for subsequent chlorination of dioxin and furan precursors, and *de novo* synthesis of dioxins and furans. This same particulate matter may be subsequently managed as excluded Bevill residue.

No evidence was provided by commenters to show that dioxins and furans cannot be formed in cooler, post-combustion regions of furnaces (*e.g.*, ductwork, boiler tubes, heat exchange surfaces, and air pollution control devices). A few commenters referenced the total number of nondetects for all of the compounds in the cement kiln dust database. However, the relevance of this information specifically to dioxins and furans was unclear. Dioxins and furans have repeatedly been detected in cement kiln dust, as well as other Bevill residues.[311 312]

The majority of commenters were concerned about implementation issues. Many felt that the addition of dioxins and furans to part 266 appendix VIII, in conjunction with the proposed requirement for daily sampling and analysis of Bevill residues, would make Bevill demonstrations prohibitively expensive. They also noted that the turnaround time for daily dioxin and furan analyses would delay compliance demonstrations and result in shortages in storage capacity. One commenter felt that daily sampling for dioxins and furans is not warranted because cement kiln dust at their site has already been shown to meet the proposed Bevill exclusion criteria for dioxins and furans. None of these arguments directly address our basic premise that dioxin and furan compounds can be generated in combustion systems, are of concern to the protection of human health and the environment, and, as such, should be included in part 266 appendix VIII. Rather, these comments pertain to issues that are more readily and appropriately resolved within the context of site-specific Bevill testing plans.

The proposed daily residue test frequency, which was cited most often as an impediment in conjunction with dioxin and furan analysis, is not being promulgated as part of today's rule. The rule will leave maximum flexibility for development of appropriate dioxin and furan analysis frequencies considering site-specific factors. Most facilities should be able to substantially limit the number of dioxin and furan analyses after an initial sampling effort. Most residue test plans rely on the concentration-based comparisons to F039 nonwastewater levels (40 CFR 266.112(b)(2)) in combination with a phased testing approach. Under the phased approach, test frequency can be substantially reduced for those constituents where initial sampling efforts reveal that concentrations are well below the F039 levels. Of the facilities where residue testing for dioxins and furans has been performed, we are aware of only two facilities where dioxins and furans have exceeded the F039 levels. Thus, the burden of higher analytical costs is expected to be appropriately limited to those few sites with significant dioxin and furan residue concentrations.

Several commenters pointed out that some Bevill residues (*e.g.*, slag from primary smelters) are generated prior to the post-combustion regions typically associated with dioxin and furan formation. Indeed, the preamble discussion in the proposal focused exclusively on post-combustion residues and did not address Bevill-exempt primary smelter slags. We currently do not have analytical data on dioxins and furans in smelter slag. However, our current information on dioxin and furan formation mechanisms suggests that it would be highly unlikely to expect significant dioxins and furans in smelter slag. Therefore, we agree that dioxin and furan analyses should be limited to those residues where there is a reasonable expectation that dioxins and furans could be present (*e.g.*, post-combustion residues).

Finally, two commenters disagreed with our assertion that dioxins and furans have been shown, in a national comparison, to be higher in residues from hazardous waste burning cement kilns than from other cement kilns. Although this information was included in the proposal as background, it is not necessary to reconcile various interpretations regarding national trends for today's rule. The 40 CFR 266.112 provisions are site-specific, and 40 CFR 266.112(b)(1) provides ample opportunity for you to demonstrate, on a site-specific basis as necessary, that waste-derived residues are not

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[309] USEPA, "Estimating Exposure to Dioxin-Like Compounds", EPA/600/6-88/005Ca, June 1994.

[310] USEPA, "Combustion Emissions Technical Resource Document (CETRED)". EPA/530/R–94/014, May 1994.

[311] USEPA, "Report to Congress on Cement Kiln Dust", EPA/530/R–94/001, December 1993.

[312] USEPA, "Dioxins/Furans, Metals, Chlorine, Hydrochloric acid, and Related Testing at a Hazardous Waste-Burning Light-Weight Aggregate Kiln", June 1997 Draft Report.

significantly different from normal residues.

After considering all of the comments on the proposal, we are adding dioxins and furans to part 266 appendix VIII in today's rule. A notation has been included to clarify that dioxin and furan analyses are required only for post-combustion residues. Commenters provided no compelling information to challenge the classification of dioxins and furans as products of incomplete combustion which can be formed in post-combustion regions of combustion systems, and the presence of dioxin and furan compounds in several post-combustion Bevill residues is clearly documented. Also, the increased use of carbon injection technology to achieve dioxin and furan stack emissions reductions could increase dioxin and furan contamination of Bevill residues in the future. The addition of dioxins and furans to part 266 appendix VIII is not expected to unduly burden the regulated community because facilities with dioxins and furans well below exclusion levels should be able to justify a minimum test frequency.

Dioxins and furans will be listed in part 266 appendix VIII simply as "Polychlorinated dibenzo-p-dioxins" and "Polychlorinated dibenzo-furans". However, the specific form of dioxins and furans that must be determined analytically will depend on the portion of the two-part test that is being implemented. If you are performing a comparison with normal residues pursuant to 40 CFR 266.112(b)(1), specific congeners and homologues must be measured and converted to TEQ values using the procedure provided in part 266, appendix IX, section 4.0. We received no comments regarding this portion of the proposal. If you are utilizing the concentration-based comparison to the F039 nonwastewater levels in 40 CFR 268.43 as outlined in 40 CFR 266.112(b)(2), then only the tetra-, penta-, and hexa-homologues need to be measured (these are the only homologues with established F039 concentration limits). One commenter seemed uncertain as to whether the tetra-, penta-, and hexa-homologue concentrations should be converted to TEQ values. We have revised the regulatory language to clarify that total concentrations for each homologue, not TEQs, should be used for the F039 comparisons. Another commenter objected to the use of F039 levels for the health-based comparison, noting that the F039 concentrations are technology-based levels. Our rationale for relying on the F039 concentrations has been explained previously (see 58 FR at 59598, November 9, 1993) and is not being revisited in today's rule.

B. Applicability of Part 266 Appendix VIII Products of Incomplete Combustion List

In the proposal, we noted the confusion regarding whether every constituent listed on the part 266 appendix VIII list must be included in residue testing at every facility. We proposed to clarify that the part 266 appendix VIII list is applicable in its entirety to every facility.

The only comments received on this issue were objections to our characterization of this change as a clarification. The commenters felt this was a substantive change that should not be enforced prior to the effective date of any final rule establishing the revision as law. The Agency is proceeding in today's rule to make the part 266 appendix VIII list applicable in its entirety to every facility by changing the title of the appendix from "Potential PICs for Determination of Exclusion of Waste-Derived Residues" to "Organic Compounds for Which Residues Must Be Analyzed." This change is considered a revision to the part 266 regulations effective 30 days after the date of publication of today's rule. We will not seek to retroactively enforce this provision.

VII. Have There Been Any Changes in Reporting Requirements for Secondary Lead Smelters?

We proposed that secondary lead smelters subject to MACT standards for the secondary lead source category not be subject to RCRA air emission standards. 61 FR at 17474 (April 19, 1996). This exemption would apply only if a secondary lead smelter processed the type of feed material we evaluated in promulgating the secondary lead MACT standards, namely, lead-bearing hazardous wastes containing less than 500 ppm toxic nonmetals and/or hazardous wastes listed in appendix XI to 40 CFR part 266. *Id.* at 14475. Secondary lead smelters are presently not subject to RCRA air emission standards under these circumstances. See existing § 266.100 (c)(1) and (c)(3). However, they are subject to certain notification and recordkeeping requirements found in § 266.100 (c)(1)(I) and (c) (3) and on-going sampling and analysis requirements in § 266.100 (c)(1)(ii) and § 266.100 (c)(3)(i)(D). The practical effect of the proposal was to continue to relieve secondary lead smelters of these administrative requirements.

The proposal was supported by the public commenters. The reason for the proposal remains. That is, now that secondary lead smelters are complying with MACT standards for their source category, it is not necessary for them to be regulated under RCRA also for their air emissions. 60 FR 29750 (June 23, 1995). For the same reason, it is unnecessary to have the same level of recordkeeping and other administrative oversight as when these units were exempt from RCRA air emission requirements but not yet complying with CAA standards for hazardous air pollutants. 61 FR at 14474. Consequently, we are finalizing this portion of the proposal.

Today's rule takes the form of an amendment to the RCRA BIF rule (new § 266.100 (h)) and indicates that secondary lead smelters are exempt from all provisions of the BIF rule except for § 266.101, which contains the restrictions on types of hazardous waste which may be burned, as described in the first paragraph above. As proposed, a secondary lead smelter must provide a one-time notice to the Regional Administrator or State Director identifying each hazardous waste burned and stating that the facility claims an exemption from other requirements in the BIF rules. Those secondary lead smelters which have already notified pursuant to existing regulatory provisions (namely § 266.100 (c) (1) (i) or § 266.100 (c) (3) (i) (D)) would not have to renotify.

VIII. What Are the Operator Training and Certification Requirements?

Section 129 of the CAA requires us to develop and promulgate a program for training and certification of operators of facilities that burn municipal and medical wastes. We accordingly promulgated operator training and certification requirements for the operators of municipal waste combustors (60 FR 65424 (December 19, 1995)) and medical waste incinerators (62 FR 48348 (September 15, 1997)). At proposal, we considered similar requirements for hazardous waste combustor operators also and requested comments on whether: (1) Operator certification requirements are necessary for hazardous waste combustors, and (2) the American Society of Mechanical Engineers (ASME) standards (or an equivalent state certification program) are appropriate and sufficient. We note that ASME has established a Standard for the Qualification and Certification of Hazardous Waste Incinerator Operators in collaboration with the American National Standards Institute (ASME Standard Number QHO–1–1994) and has been providing certifications since 1996.

Commenters differed widely on two key issues: (1) Whether such a training program should be voluntary, mandatory, or even necessary, considering that RCRA already requires some site-specific training program (40 CFR 264.16); and (2) whether the certifying agency should be an independent body like ASME versus an industry organization like the Cement Kiln Recycling Coalition. Most commenters favored the establishment of a mandatory operator certification program by an independent organization that develops consensus standards (*e.g.*, ASME, American Society for Testing and Materials, or American National Standards Institute) in order to preserve the integrity of certification. We agree and note that ASME has already done commendable work in developing certification programs for operators of municipal waste combustors, medical waste incinerators, high capacity fossil-fuel fired plants, and hazardous waste incinerators. Each combustor program includes defined criteria for certification, including operator qualifications, recommended training, examination content, minimum passing grades, and due process. These programs are incorporated (at least in part) into EPA's combustion regulations to satisfy the CAA section 129 mandate, and we are extending similar requirements in today's rule to all hazardous waste combustor operators also. We find that the concerns about good operator training and certification that underlie the section 129 requirement for municipal waste combustors and medical waste incinerators apply as well to those persons charged with the responsibility for safe handling and burning of hazardous waste.

Some kiln operators and the Cement Kiln Recycling Coalition have commented that cement and lightweight aggregate kilns are much larger and more diverse facilities than most hazardous waste incinerators, that these kilns operate with employee unions that object to additional outside certification when site-specific training programs are already in place, and that the ASME certification programs are not pertinent or applicable to them. We recognize that there are some differences in the operation of incinerators and cement and lightweight aggregate kilns. However, these differences do not suggest that operator training and certification should be abandoned. Rather, they serve to emphasize the importance of having a rigorous operator training and certification program in place and having it subject to regulatory agency scrutiny. In that regard, we are aware of the Cement Kiln Recycling Coalition's efforts to develop a suitable industry-wide training and certification program for the kilns. However, the Cement Kiln Recycling Coalition's efforts to date have not resulted in a final industry-wide set of standards that can be relied upon in today's rule, and we note that the current general facility training programs under § 264.16 do not fully cover the areas that would need to be addressed at facilities burning hazardous waste. For example, § 264.16 neither identifies important areas of training with respect to daily operations (such as hazardous waste and residues handling operations, air pollution control device operations, troubleshooting, normal start-up and shut-down procedures, continuous emissions monitoring system operation and maintenance *etc.*) nor discriminates among the different categories of operators. Also, § 264.16 does not specify any operator certification nor minimum standards for certification, which are needed to ensure the initial and continual competence of the hazardous waste combustor facility operators.

We expect that kiln specific programs will be developed in the near future after complete analysis for consistency, reliability and conformance with principles of good operating and operator practices (including training and certification). Today's rule therefore specifies that each hazardous waste combustor facility must develop an operator training and certification program. In the case of cement and lightweight aggregate kilns, the facility must submit its program to the Agency for approval. The submittal will be evaluated for completeness, reliability and conformance with appropriate principles of good operator and operating practices (including training and certification). If a state-approved certification program becomes available, the facility's program must conform to that state program. These are to ensure that sufficient specifics are included in each facility program. In the case of hazardous waste incinerators, the facility's program must conform to either a state-approved certification program or, if none exists, to the ASME certification program (Standard No. QHO–1–1994). Again, this is to ensure that sufficient specifics are contained in a facility program.

IX. Why Did the Agency Redesignate Existing Regulations Pertaining to the Notification of Intent To Comply and Extension of the Compliance Date?

In today's final rule, we redesignate existing regulations pertaining to the Notification of Intent to Comply with subpart EEE and extensions of the compliance date to install pollution prevention or waste minimization controls to meld them into the new provisions of the subpart. This ensures that similar topics (*e.g.*, notifications, compliance requirements) are grouped together in the rule. We also revise those existing regulations to: (1) Convert the regulatory language to plain language consistent with the new provisions; (2) include references to the new provisions; and (3) include references to the actual effective date of the rule.

We promulgated these regulations as Part 1 of revised standards for hazardous waste combustors. See 63 FR 33782 (June 19, 1998). We are promulgating part 2 today, which comprises the emission standards and compliance requirements. Today's revisions to the existing standards does not constitute a repromulgation and does not reopen the comment period for those standards.

We are redesignating the existing regulations as indicated in the following table:

Existing regulation	Topic	Predesignated regulation
§ 63.1211(a) and (b)	Notification requirements for the notification of intent to comply	§ 63.1210(b) and (c)
§ 63.1211(c)	Requirements for sources that do not intend to comply	§ 63.1206(a)(2)
§ 63.1212	Progress report requirements for the notification of intent to comply	§ 63.1211(b)
§ 63.1213	Certification that must accompany the notice of intent to comply	§ 63.1212(a)
§ 63.1214	Extension of the compliance date	§ 63.1206(a)(1)
§ 63.1215	Requirements for sources that become affected sources after the effective date of the emission standards.	§ 63.1212(b)

Existing regulation	Topic	Predesignated regulation
§63.1216	Extension of the compliance date to install pollution prevention or waste minimization controls.	§63.1213

Part Seven: National Assessment of Exposures and Risks

We received many public comments on the risk assessment for the proposed rule.[313] In addition, the risk assessment was peer reviewed in accordance with EPA guidelines. Many of the commenters commented on similar topics. These topics included the representativeness of the HWC facilities modeled, the estimation of facility emissions, the exposure scenarios evaluated, and the assessment of risks from mercury. As of result of these comments, we made significant changes in the risk assessment for the final rule. Also, new information became available after proposal on food intake rates for home-produced foods and methods for assessing exposures to mercury. In addition, EPA issued guidance for use of probabilistic techniques in risk assessments and a policy for evaluating risks to children. These were also considered in making revisions to the risk assessment. A complete discussion of the risk assessment for today's rule may be found in the background document.[314]

I. What Changes Were Made to the Risk Methodology?

A. How Were Facilities Selected for Analysis?

The representativeness of the example facilities used in the risk assessment at proposal was widely questioned by commenters. We analyzed eleven example facilities for the proposed rule: two commercial incinerators, two on-site incinerators, two lightweight aggregate kilns, and five cement kilns.[315] While these facilities represented a geographically diverse set of facilities in each source category, it was not possible to demonstrate in any formal way that the facilities were representative of the universe of facilities covered by the rule.

Because of this difficulty, we concluded that the most efficient approach for assuring the representativeness of the facilities analyzed was to select a stratified random sample. The number of strata was determined by the number of categories and subcategories of sources for which risk information was desired. The final sample of facilities chosen for analysis includes 66 randomly selected facilities and 10 of the 11 facilities selected at proposal for a total sample of 76 facilities out of a universe of 165 facilities within the contiguous United States.[316] The sample sizes are as follows:

HAZARDOUS WASTE COMBUSTION FACILITY STRATUM AND SAMPLE SIZES

Combustion facility category	Stratum size	Random sample size	NPRM sample size	Final sample size	High end sampling probability [1]
Cement Kilns	18	10	5	15	98
Lightweight Aggregate Kilns	5	3	2	5	100
Commercial Incinerators:					
Including Waste Heat Boilers	20	11	2	13	97
Excluding Waste Heat Boilers	12	7	2	9	95
Large On-Site Incinerators:					
Including Waste Heat Boilers	43	17	1	18	94
Excluding Waste Heat Boilers	36	15	0	15	90
Small On-Site Incinerators:					
Including Waste Heat Boilers	79	25	0	25	96
Excluding Waste Heat Boilers	65	16	0	16	88
Incinerators With Waste Heat Boilers	29	15	1	16	92

[1] Probability that a facility that lies in the upper 10% of the distribution of risk will be sampled.

For the randomly selected facilities, sample sizes within a given category were chosen such that the probability of sampling a facility in the upper ten percent of the distribution of risk would be 90 percent or greater. The probabilities actually achieved range from 88 to 100 percent depending on the size of the original, non-randomly chosen sample and changes in the sampling frame that occurred during the random sampling process.[317]

We did not target area sources specifically for sampling because the statutory definition of major sources versus area sources is based on facility-wide emissions of hazardous air pollutants and such information was not available at the time the sampling was performed. Therefore, it was not possible to determine the sampling frame. We expect that on-site incinerators, both large and small, at large industrial facilities are major sources rather than area sources. Because area sources are of interest, we made risk inferences based on those area source incinerators that could be identified and had otherwise been

[313] "Risk Assessment Support to the Development of Technical Standards for Emissions from Combustion Units Burning Hazardous Wastes: Background Information Document," February, 1996.

[314] See the background document, "Human Health and Ecological Risk Assessment Support to the Development of Technical Standards for Emissions from Combustion Units Burning Hazardous Wastes: Background Document—Final Report," July, 1999.

[315] See 61 FR 17370 and "Risk Assessment Support to the Development of Technical Standards for Emissions from Combustion Units Burning Hazardous Wastes: Background Information Document" (February, 1996).

[316] A large on-site incinerator analyzed at proposal that is undergoing RCRA closure was excluded from the analysis.

[317] Changes in the sampling frame occurred as a result of facilities that were missing from the original sampling frame were misclassified, or were no longer burning hazardous waste and had begun RCRA closure.

sampled.[318] For cement kilns, all area sources were sampled and used for making such inferences.

B. How Were Facility Emissions Estimated?

At proposal, we estimated baseline emissions (reflecting current conditions) for the example facilities from the distribution of stack gas concentrations for the corresponding category of sources. Both central tendency and high end emissions estimates were made based on the 50th and 90th percentiles of the stack gas concentration distributions. For the purpose of evaluating risks associated with the proposal, we assumed that facilities emitted at the design level determined to be necessary to meet the standard, even if this meant an increase in emissions over baseline. Many commenters thought that using percentiles to estimate emissions was inappropriate and that site-specific emissions should be used instead. Commenters also thought that it was incorrect to project an increase in risk with the proposed standards (which occurred as a result of allowing emissions to increase over baseline). We agree with these comments. For the final rule, we estimated emissions based on site-specific stack gas emission concentrations and flow rates. Site-specific stack gas concentration data were used where emissions measurements were available; otherwise, stack gas concentrations were imputed. For today's rule, we assumed emissions would remain unchanged from baseline in instances where a facility's emissions are already below the design level (which is taken as 70 percent of the MACT standard).[319] In instances where a facility's emissions exceed the design level, we determined the percentage reduction in emissions required to meet the design level. We then applied this reduction to each chemical constituent to which the standard applies.

The imputation approach we used in instances where measured data were not available involves the random selection of emissions concentrations from a pool of emissions concentrations for other facilities and test conditions that are believed to be reasonably representative of the facility in question. For groups of interrelated constituents (*e.g.*, different dioxin congeners or mercury species), imputation was carried out for the group of interrelated constituents taken together rather than each individual constituent separately. We used the random imputation approach to preserve the variability in emissions exhibited by the pooled data. Another commonly used approach for estimating emissions, emissions factors, generally represents average conditions and does not reflect the variability in emissions across facilities in a given source category. Because the objective of the risk assessment is to characterize the distribution of risks across a given source category, we deemed the use of average emissions to be inappropriate except where only very limited data are available (*i.e.*, for cobalt, copper, and manganese). Although the random imputation approach may significantly over or under estimate emissions for a given facility (a problem also inherent in emission factors), we expect that the distributions of risk across a given source category are better characterized using random imputation than with an emissions factor approach or any other approach that does not account for the variation in emissions from one facility to the next.

Emissions estimates were made for all chemical constituents covered by the rule for which sufficient data were available, including all 2,3,7,8-chlorine substituted dibenzo(p)dioxins and dibenzofurans, elemental mercury (Hg^0), divalent mercury (Hg^{+2}), lead, cadmium, arsenic, beryllium, trivalent chromium (Cr^{+3}), hexavalent chromium (Cr^{+6}), chlorine, and hydrogen chloride. In addition, emissions estimates were made for particulate matter (PM_{10} and $PM_{2.5}$) and nine other metals, three of which (cobalt, copper, and manganese) were not assessed at proposal but were included in the risk assessment for the final rule. Chemical-specific emissions estimates could not be made for organic constituents other than dioxins and furans (*e.g.*, various products of incomplete combustion) due to the lack of sufficient emission measurements. We assessed the risks from all constituents for which chemical-specific emissions estimates could be made, as well as from particulate matter. A complete discussion of the emissions estimates used in the risk assessment may be found in the technical support documents for today's rule.[320]

C. What Receptor Populations Were Evaluated?

The risk assessment at proposal examined risks to individuals engaged in subsistence activities such as farming and fishing. Some commenters viewed these types of activities as unlikely to occur and questioned whether these types of exposures are representative of actual exposures and risk. Other commenters thought the exposure pathways included in the analysis did not fully reflect potential exposures to individuals living a true subsistence lifestyle. We share the concerns raised by commenters and have refocused the assessment on non-subsistence receptor populations such as commercial farmers, recreational anglers, and non-farm residents whose numbers and locations can be estimated from available census data. At the same time, we retained the subsistence scenarios and revised them to be more reflective of a subsistence lifestyle. Although it is not known precisely how many individuals are engaged in subsistence activities or exactly where those activities take place, subsistence does occur in some segments of the U.S. population, and we believe it is important to evaluate the associated risks.

D. How Were Exposure Factors Determined?

Since the risk assessment at proposal, we have developed new information on factors that are used to estimate exposures. We obtained data collected from previously published studies and used the data to derive exposure factor information, including information for children.[321] In particular, we reanalyzed data collected by USDA to estimate consumption of home-produced foods, such as meat, milk, poultry, fish, and eggs. Over half of farm households report consuming home-produced meats, including nearly 40 percent that report consumption of home-produced beef. In the Northeast, nearly 40 percent of farm households report consuming home-produced dairy products, and, in the Midwest, nearly 20 percent do. The percentage is lower elsewhere, averaging about 13 percent nationally. Presumably most of these households are associated with dairy farms. Most farm households that consume home-produced foods are engaged in farming as an occupation rather than a means of subsistence.

The data indicate that individual consumption of home-produced foods is

[318] Area source incinerators that were identified included commercial incinerators and on-site incinerators at U.S. Department of Defense installations.

[319] This is also consistent with the assumption made in the cost and economic analysis that facilities that are currently emitting below the design level will not need to retrofit using new control technology.

[320] See "Final technical Support Document for HWC MACT Standards, Volume V: Emission Estimates and Engineering Costs." July, 1999.

[321] EPA published the new exposure factor information in the "Exposure Factors Handbook," EPA/600/P–95/002Fb, August, 1997.

higher than consumption of the same foods in the general populace. We have used the information on home-produced foods to estimate the exposures to farm households and to households engaged in subsistence farming. Only the primary food commodity produced on the farm was assumed to be consumed by farm households. In contrast, a wide variety of foods was assumed to be produced and consumed by households engaged in subsistence farming.

E. How Were Risks from Mercury Evaluated?

Commenters viewed the absence of a quantitative assessment of risks from mercury as a significant failing at proposal. However, a number of issues related to assessing risks from mercury had not been adequately resolved at the time of proposal that would have allowed us to proceed with a quantitative analysis. We have since issued our Mercury Study Report to Congress, a study that has been subject to extensive peer review, and the Utility Study Report to Congress.[322] [323] With today's rule, we conclude that sufficient technical basis exists for conducting a quantitative assessment of mercury risks from hazardous waste combustors. We recognize, however, that significant uncertainties remain and the results of our mercury analysis should be interpreted with caution and be used only qualitatively.

Although the mercury analysis that accompanies today's rule is patterned after the analysis done for the Mercury Study, there are differences between the two studies in the methods used. The model we used for evaluating the fate and transport of mercury in lakes is the same as the IEM–2M model used in the Mercury Study Report to Congress. However, modifications were made to adapt it for use with rivers and streams.[324] Both studies used the ISC air dispersion model for modeling wet deposition of mercury. However, for the Mercury Study the ISC model was modified to include dry deposition of mercury vapor whereas, for the current analysis, we used a simplified treatment of dry vapor deposition. In the Mercury Study, air modeling was carried out to a distance of 50 kilometers whereas, for the current analysis, air modeling (and, therefore, the effective size of the modeled watersheds) was limited to a distance of 20 kilometers. Long-range transport of mercury emissions (beyond 50 kilometers) was considered in the Mercury Study but was not included in the current analysis. In the Mercury Study, a large number of different sources were investigated to identify whether reductions in anthropogenic or environmental sources of mercury would reduce the total exposures of mercury to the general population. The current analysis was designed to assess what reductions may occur in incremental exposures from specific industrial sources of mercury to specific individuals rather than what reductions would occur in total exposures of mercury. Also, the Mercury Study modeled exposures under varying background assumptions, but the current analysis did not assess the impact that variable background concentrations would have on the risk results. In addition, the Mercury Study received external peer review, whereas we have not conducted an external peer review of the current analysis.

In addition, there are a variety of uncertainties related to the fate and transport of mercury in the environment, such as the deposition of mercury emitted to the atmosphere via wet and dry removal processes, the transport of mercury deposited in upland areas of a watershed to a body of water, and the disposition of mercury in the water body itself, including methylation and demethylation processes, sequestering in the water column and sediments, and uptake in aquatic organisms. Furthermore, the form of mercury emitted by a given facility is thought to be a determining factor in the fate and transport of mercury in the atmosphere. Only limited data are available on the form of the mercury emitted from hazardous waste combustors. A more complete discussion of the uncertainties related to the fate and transport of mercury may be found in the Mercury Study Report to Congress.

Also important to consider is that the reference dose for methyl mercury represents a "no-effects" level that is presumed to be without appreciable risk. We used an uncertainty factor of 10 to derive the reference dose for methyl mercury from a benchmark dose that represents the lower 95% confidence level for the 10% incidence rate of neurologic abnormalities in children.[325] Therefore, there is a margin of safety between the reference dose and the level corresponding to the threshold for adverse effects, as indicated by the human health data. Furthermore, we applied the reference dose, which was developed for maternal exposures, to childhood exposures. This introduces additional uncertainty in the risk estimates for children. Additional uncertainties associated with assessing individual mercury risks to nonsubsistence populations and subsistence receptors are discussed under the "Human Health Risk Characterization" section below.

We do not know the direction or magnitude of many of the uncertainties discussed above and did not attempt to quantify the overall uncertainty of the analysis. Thus, the cumulative impact of these uncertainties is unknown, and the uncertainties implicit in the quantitative mercury analysis continue to be sufficiently great so as to limit its ultimate use for decision-making. Therefore, we have used the quantitative assessment to make qualitative judgments about the risks from mercury but have not relied on the quantitative assessment (nor do we believe it is appropriate) to draw quantitative conclusions about the risks associated with particular national emissions standards.

F. How Were Risks From Dioxins Evaluated?

Few changes have been made to the methods used for assessing risk from dioxins since proposal. Some commenters thought we should modify the toxicity equivalence factors that are used to characterize the relative risk from 2,3,7,8-chlorine substituted congeners relative to that from 2,3,7,8,-tetrachlorodibenzo(p)dioxin. As a matter of policy, we continue to use the international consensus values that were published by EPA in 1989. We are aware that revisions to the toxicity equivalence factors are being considered by the international scientific community. However, we have not adopted revised values and continue to use the 1989 toxicity equivalence factors.

We have changed the data being relied upon to characterize the bioaccumulation of dioxins in fish. Specifically, we believe that the biota-

[322] "Mercury Study Report to Congress, Volume III: Fate and Transport of Mercury in the Environment," U.S. Environmental Protection Agency, EPA–452/R–97–005, December 1997.

[323] "Study of Hazardous Air Pollutant Emissions from Electric Utility Steam Generating Units—Final Report to Congress," U.S. Environmental Protection Agency, EPA–453/R–98–004a and b, February 1998.

[324] For a discussion of the mercury surface water model, see the background document, "Human Health and Ecological Risk Assessment Support to the Development of Technical Standards for Emissions from Combustion Units Burning Hazardous Wastes: Background Document—Final Report," July, 1999.

[325] The uncertainty factor is intended to cover three areas of uncertainty: Lack of data from a two-generation reproductive assay; variability in the human population, in particular the wide variation in the distribution and biological half-life of methyl mercury; and lack of data on long term sequelae of developmental effects.

sediment accumulation factors used at proposal, which were derived from data for the Great Lakes, significantly understate the bioaccumulation potential in aquatic systems that have recent and ongoing contamination. Studies in Sweden and elsewhere show that where contamination is ongoing, biota-sediment accumulation factors may be higher by as much as an order of magnitude or more relative to the Great Lakes and other aquatic systems where levels in biota are influenced primarily by past contamination. For the risk assessment for today's rule, biota-sediment accumulation factors were derived from data collected by the Connecticut Department of Environmental Protection. The Connecticut study, which is discussed in detail in the dioxin reassessment, involved extensive monitoring of soils, sediments, and fish near resource recovery facilities operating in the state.[326] The data show biota-sediment accumulation factors that are a factor of two to nine times higher (depending on the individual congener) than those used previously.

G. How Were Risks from Lead Evaluated?

Risks from exposures to lead were assessed at proposal by comparing model-predicted lead levels in soil to a health-based soil benchmark criterion. Commenters pointed out that there are pathways of exposure other than those related to soils and that we should look at the overall impact of lead emissions on blood lead levels in children. We agree with these comments and have modified the risk assessment to include other pathways of exposure such as inhalation and dietary exposures, in addition to soil ingestion. The revised assessment employs the Intake/Exposure Uptake BioKinetic model to assess the incremental impact of lead intake on blood lead levels in children. The results of the blood lead modeling are used together with information on background levels of blood lead in the general population to estimate the number of children whose blood levels exceed 10 micrograms per deciliter. Our goal is to reduce children's blood lead to below this level.

H. What Analytical Framework Was Used To Assess Human Exposures and Risk?

As a result of the public and peer review comments received on the risk assessment at proposal, we modified the analysis to focus on the entire population of persons that are exposed to facility emissions rather than persons living on a few individual farms and residences. A study area was defined for each sample facility as the area surrounding the facility out to a distance of 20 kilometers (or about 12 miles). All persons residing within the study area were included in the analysis.[327] The study area was divided up into sixteen (16) sectors defined by the intersection of rings at two, five, ten and twenty kilometers and radii extending to the north, south, east, and west. For each sector, census data were used to estimate the population of those persons living in farm households by type of farm and the population of those persons living in non-farm households. Census data were also used to determine the age of all household members. Four age groups were delineated: Preschoolers (0 to 5 years), preteens (6 to 11 years), adolescents (12 to 19 years) and adults (20 years and older).

Within each study area, three or four bodies of water were chosen for analysis based on their proximity to the sample facility and the likelihood of their being used for recreational purposes, as indicated by factors such as size and accessibility. Water bodies were also chosen if they were used to supply drinking water to the surrounding community. The watershed of each water body was delineated out to a distance of 20 kilometers from the facility.

We conducted a multi-pathway exposure analysis for all the human receptors considered in the risk assessment. Household members regardless of the type of household were assumed to be exposed to facility emissions through direct inhalation and incidental ingestion of soil. In addition, in study areas where surface waters are used for drinking water, household members were also assumed to be exposed through tap water ingestion. A portion of non-farm households were assumed to engage in home gardening based on the prevalence of home gardening in national surveys. Farm households were assumed to consume the primary food commodity produced on the farm. This contrasts with the subsistence farmer who was assumed to consume predominantly home-produced foods, including meat, milk, poultry, fish, and eggs, as well as fruits and vegetables. For the purpose of characterizing the range of risks that could result from subsistence farming, it was assumed that a subsistence farm was located in every sector in a given study area. A portion of the households in each study area were assumed to engage in recreational fishing based on the prevalence of recreational fishing in national surveys. It was assumed that individual recreational anglers would fish at all of the water bodies delineated in a given study area. In contrast, households engaged in subsistence fishing were assumed to consume fish from only a single body of water. For the purpose of characterizing the range of risks that could result from subsistence fishing, the assumption was made that every body of water delineated in a given study area was used for subsistence fishing.

Air dispersion and deposition modeling were performed for each study area at all sample facilities using facility-specific information on stack configuration and emissions, along with site-specific meteorological data, terrain data (in areas of elevated terrain), and land use data. Air modeling was conducted to a distance of 20 kilometers. Long-range transport of emissions beyond this distance was not considered. Bioaccumulation in the terrestrial food chain was modeled from estimates of deposition and uptake in plants and subsequent uptake in agricultural livestock from consumption of forage and silage. Bioaccumulation in the aquatic food chain was modeled from estimates of deposition to watershed soils (and subsequent soil erosion and runoff) and direct deposition to water bodies and subsequent uptake in fish. Surface water modeling was conducted for each body of water using site-specific information relative to watershed size, surface runoff, soil erosion, water body size, and dilution flow.

Exposure modeling was performed using central tendency exposure factors (*e.g.*, duration of exposure and daily food intake) for all receptor populations. As noted below, an exposure variability analysis was also performed for selected constituents and receptor populations using exposure factor distributions. Exposure pathways varied depending on the particular human receptor and the types of activities that lead to human exposures. Age-specific rates of mean daily food intake and media contact rates, in conjunction with sector-specific media concentrations and concentrations in food, were used

[326] "Estimating Exposure to Dioxin-Like Compounds, Volume III: Site-Specfic Assessment Procedures, U.S. Environmental Protection Agency, External Review Draft, EPA/600/6–88/005Cc, June 1994

[327] Because the analysis at proposal indicated that exposures beyond 20 kilometers were well below levels of concern, we did not consider persons exposed to facility emissions that are transported beyond 20 kilometers. Also, as discussed elsewhere, the risk assessment was peer reviewed in accordance with EPA guidelines, and peer reviewes did not comment that the range of the local scale study area was insufficient (or recommend that it be increased to 50 or more kilometers).

to calculate the total (administered or potential) dose from all exposure pathways combined. Lifetime average daily dose was used as the exposure metric for assessing cancer risk and average daily dose (reflecting less than lifetime exposure) was used for assessing risks of non-cancer effects.

We estimated the risk of developing cancer from the estimated lifetime average daily dose and the slope of the dose-response curve. A cancer slope factor is derived from either human or animal data and is taken as the upper bound on the slope of the dose-response curve in the low-dose region, generally assumed to be linear, expressed as a lifetime excess cancer risk per unit exposure. Total carcinogenic risk was determined for each receptor population assuming additivity. The same approach was used for estimating cancer risks in both adults and children. This is also the same approach we used at proposal for estimating lifetime cancer risks stemming from childhood exposures. However, individuals exposed to carcinogens in the first few years of life may be at increased risk of developing cancer. For this reason, we recognize that significant uncertainties and unknowns exist regarding the estimation of lifetime cancer risks in children. Although the risk assessment at proposal was externally peer reviewed, EPA's charge to the peer review panel did not specifically identify the issue of cancer risk in children and the peer review panel did not address it.

To characterize the potential risk of non-cancer effects, we compared the average daily dose (reflecting less than lifetime exposure) to a reference dose and expressed the result as a ratio or hazard quotient. The reference dose is an estimate of a daily exposure to the human population, including sensitive subgroups, that is likely to be without an appreciable risk of deleterious effects during a lifetime. The hazard quotient, by indicating how close the average daily dose is to the reference dose, is a measure of relative risk. However, the hazard quotient is not an absolute measure of risk. For inhalation exposures, we compared modeled air concentrations to a reference concentration and expressed the result as a ratio or inhalation hazard quotient. The reference concentration is an estimate of a concentration in air that is likely to be without an appreciable risk of deleterious effects in the human population, including sensitive subgroups, from continuous exposures over a lifetime. In addition, inhalation and ingestion hazard indices were generated for each receptor population by adding the constituent-specific hazard quotients by route of exposure. The hazard index is an indicator of the potential for risk from exposures to chemical mixtures.

For dioxins, we used a margin of exposure approach to assess the potential risks of non-cancer effects. The average daily dose, in terms of 2,3,7,8-TCDD toxicity equivalents (TEQ), was compared to background TEQ exposures in the general population and expressed as a ratio or incremental margin of exposure. An incremental margin of exposure was generated for infants exposed through intake of breast milk and for other age groups exposed through dietary intake and other pathways of exposure. For lead, we characterized the risk of adverse effects in children by modeling body burden levels in blood that result from intake of lead in the diet, direct inhalation, and incidental soil ingestion and comparing these levels to levels at which community-wide efforts aimed at prevention of elevated blood levels are indicated.

Distributions of individual risk were generated for a given category of sources by weighting the individual risks using sector-specific population weights and facility-specific sampling weights. Such distributions, which were derived using central tendency exposure factors, were generated for all constituents and receptor populations. In addition, for those receptor populations and chemical constituents that exhibited risks within an order of magnitude of a potential level of concern (using central tendency exposure factors), we performed an exposure variability analysis. Normalized, age-specific distributions of food intake and exposure duration were used to adjust the risk estimates to generate a distribution of risks in each sector. For children, food intake changes significantly with age, which can affect the lifetime average daily dose. To adjust for this, a life table analysis was conducted in which individuals were followed over the duration of exposure to arrive at an age adjustment factor. The individual sector distributions were combined for a given source category using Monte Carlo sampling and the appropriate sector-specific population weights and facility-specific sampling weights.

Estimates of population risk, or the incidence of health effects in the exposed population, were made for selected receptor populations and chemical constituents. Local excess cancer incidence was estimated from the mean individual risk for a given sector and the number of persons who reside in a sector. These sector-specific cancer incidence rates were then adjusted using facility-specific sampling weights and summed for a given category of sources. Cancer incidence associated with the consumption of dioxin contaminated beef, pork, and milk by the general population was estimated at the sector level from the number of dairy cattle and the number of beef cattle and hogs slaughtered annually, adjusted using facility-specific sampling weights, and summed by source category. Excess incidence of lead poisoning in children (over and above background) was estimated at the sector level from the intake of lead in the diet, direct inhalation, and incidental soil ingestion, adjusted using facility-specific sampling weights, and summed.

Generally speaking, incidence rates for non-cancer effects can be estimated from the number of persons exposed above the reference dose (*i.e.*, the number of exceedances) and the annual turnover in the exposed population. However, non-cancer incidence rates of interest, such as the incidence of exceedances of the methyl mercury reference dose from consumption of freshwater fish, could not be estimated due to the difficulty in determining the number and frequency of visits made by recreational anglers to a given body of water. However, by making certain assumptions, it was possible to make an estimate of the portion of recreational anglers who consume fish from local water bodies that may be at risk.[328]

Due to concerns of commenters about the representativeness of the risk assessment, we also made estimates of confidence intervals about the risk estimates. Estimation of confidence intervals was made possible by virtue of the sampling design used for facility selection. The confidence intervals quantify the magnitude of the uncertainty of the risk estimates associated with sampling error only. We emphasize that the confidence intervals do not reflect other sources of uncertainty, which may be of considerably greater magnitude.

In addition to the risk estimates for individual chemical constituents, we estimated the incidence of excess mortality and morbidity associated with particulate matter emissions. Mortality and morbidity estimates were made for children and the elderly, as well as the general population, using concentration-response functions derived from human epidemiological studies. Incidence rates

[328] The assumption is that fishing activity typical of recreational fishing takes place only at the particular water bodies delineated in the analysis.

in a given sector were estimated from the size of the exposed population, including susceptible populations such as children and the elderly, and either annual mean PM_{10} and $PM_{2.5}$ concentrations or distributions of daily PM_{10} and $PM_{2.5}$ concentrations. Morbidity effects include respiratory and cardiovascular illnesses requiring hospitalization, as well as other illnesses not requiring hospitalization, such as acute and chronic bronchitis, acute upper and lower respiratory symptoms, and asthmatic attacks. As with other incidence estimates, sector-specific incidence rates were adjusted using facility-specific sampling weights and summed for a given source category.

I. What Analytical Framework Was Used to Assess Ecological Risk?

Public comments on the ecological assessment at proposal expressed the view that we should expand the assessment beyond water quality criteria. We agree with these commenters and have extended the ecological analysis to include the use of soil and sediment criteria, in addition to water quality criteria. Also, the analysis was expanded to include additional metals that are of ecological concern, such as mercury and copper.

The ecological assessment represents a screening level analysis that uses media-specific ecological criteria thought to be protective of a range of ecological receptors. Modeled surface water concentrations were compared to water quality criteria protective of aquatic life, such as algae, fish, and aquatic invertebrates, as well as piscivorous wildlife. Similarly, modeled soil concentrations were compared to soil criteria protective of the terrestrial soil community, as well as terrestrial plants and mammalian and avian wildlife. Modeled sediment concentrations were compared to sediment criteria protective of the benthic aquatic community. As a screening level analysis, we did not attempt to determine whether the specific ecological receptors upon which the media-specific criteria are based are actually present at a given site. Furthermore, we did not ascertain the occurrence of threatened or endangered species at individual sites. However, the ecological receptors upon which the media-specific criteria are based are commonly occurring species and may not be any less sensitive than other species and may be more sensitive than some, including perhaps threatened or endangered species.[329]

II. How Were Human Health Risks Characterized?

This section describes the conclusions of the human health risk assessment. For a full discussion of the methodology and the results of the assessment, see the background document for today's rule.[330]

A. What Potential Health Hazards Were Evaluated?

This section summarizes the potential health hazards from exposures to emissions from hazardous waste combustors, in particular the human health hazards associated with the chemical constituents evaluated in the risk assessment, including dioxins, mercury, lead, other metals, hydrogen chloride and chlorine, and particulate matter.

1. Dioxins

A large body of evidence demonstrates that chlorinated dibenzo(p)dioxins and dibenzofurans can have a wide variety of health effects, ranging from cancer to various developmental, reproductive and immunological effects. Dioxins are persistent and highly bioaccumulative in the environment and most human exposures occur through consumption of foods derived from animal products such as meat, milk, fish, poultry, and eggs. In 1985, we developed a carcinogenic slope factor for 2,3,7,8-TCDD of 1.56e–4 per picogram per kilogram body weight per day.[331] The slope factor represents the 95 percent upper confidence limit estimate of the lifetime excess cancer risk. Re-analysis of data from laboratory animals and cancer in humans lends support to the slope factor derived in 1985, and we continue to use the 1985 estimate pending completion of our dioxin reassessment.[332 333]

For non-cancer effects, we believe it is inappropriate to develop a reference dose, or level which is without appreciable risk, using standard uncertainty factors. This is due to the high levels of background exposures in the general population and the low levels at which effects have been seen in laboratory animals. Instead, we have chosen to use a margin of exposure approach in which the average daily dose from a given facility is compared to the average daily dose in the general population. The ratio of the two represents the incremental margin of exposure and, as such, measures the relative increase in exposures over background.

2. Mercury

The most bioavailable form of mercury is methyl mercury, and most human exposures to methyl mercury occur through consumption of fish. Methyl mercury is known to cause neurological and developmental effects in humans at low levels. The most susceptible human population is thought to be developing fetuses. We have developed a reference dose for methyl mercury of 0.1 microgram per kilogram body weight per day that is presumed to be protective of the most sensitive human populations.[334] The reference dose is based on neurotoxic effects observed in children exposed *in utero*. Although epidemiological studies in fish-eating populations are ongoing, we believe that the reference dose is the best estimate at the present time of a daily exposure that is likely to be without an appreciable risk of deleterious effects. However, because it was derived from maternal exposures, application of the reference dose to assess children's exposures carries with it additional uncertainty beyond that otherwise related to the data and methods used for its development.

3. Lead

Exposures to lead in humans are associated with toxic effects in the nervous system at low doses and at higher doses in the kidneys and cardiovascular system. Infants and children are particularly susceptible to

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[329] Multiple ecological criteria were available for most constituents and the lowest criteria were used to establish the media-specific values that were in the eco-analysis. In addition, ecotoxicological benchmarks for mammals and birds were typically derived from studies involving measures of reproductive success.

[330] "Human Health and Ecological Risk Assessment Support to the Development of Technical Standards for Emissions from Combustion Units Burning Hazardous Wastes: Background Document—Final Report," July 1999.

[331] USEPA, "Health Assessment Document for Polychlorinated Dibenzo-p-Dioxins," EPA/600/8–84–014F, September 1985.

[332] USEPA, "Health Assessment Document for 2,3,7,8-Tetrachlorodibenzo-p-Dioxin (TCDD) and Related Compounds," External Review Draft, EPA/600/BP–92/001b, June 1994.

[333] USEPA, "Dose Response Modeling of 2,3,7,8–TCDD," Workshop Review Draft, EPA/600/P–92/100C8, January 1997.

[334] USEPA, "Mercury Study Report to Congress," EPA–452/R–97–007, December 1997.

[335] For a complete description of the derivation of the chronic toxicity benchmark for chlorine, see the

the effects of lead due to behavioral characteristics such as mouthing behavior, heightened absorption in the respiratory and gastrointestinal tracts, and the intrinsic sensitivity of developing organ systems. Symptoms of neurotoxicity include impairment in psychomotor, auditory, and cognitive function. These effects extend down to levels in blood of at least 10 micrograms lead per deciliter. Impairment of intellectual development, as measured by standardized tests, is thought to occur at levels below 10 micrograms per deciliter. Maternal lead exposure has been shown to be a risk factor in premature infant mortality, lead being associated with reduced birth weight and decreases in gestational age. Lead has also been associated with hypertension in both men and women and, as such, may be a risk factor for coronary disease, stroke, and premature mortality. Although dose-response relationships have been developed between blood lead levels and many of these health effects, EPA has not applied the relationships in the HWC risk analysis due to uncertainties related to the relatively small changes in blood lead expected to occur as a consequence of the MACT standards and the uncertain significance of any health benefits that might be attributed to such changes. Instead, our characterization of risks from lead focuses on the reductions in blood levels themselves and EPA's goal of reducing blood lead in children to below 10 micrograms per deciliter.

4. Other Metals

Metals that pose a risk for cancer include arsenic, cadmium, and chromium. Human epidemiological studies have shown an increase in lung cancer from inhalation exposures to arsenic, primarily in occupationally exposed individuals, and multiple internal cancers (such as liver, lung, kidney, and bladder), as well as skin cancer, from exposures to arsenic through drinking water. Human epidemiological studies have also shown an association between exposures to cadmium and lung cancer in occupational settings. These studies have been confirmed by animal studies which have shown significant increases in lung tumors from inhalation exposures to cadmium. However, cadmium administered orally has shown no evidence of carcinogenic response. A strong association between occupational exposures to chromium and lung cancer has been found in multiple studies. Although workers were exposed to both trivalent and hexavalent chromium, animal studies have shown that only hexavalent chromium is carcinogenic. There have been no studies that have reported that either hexavalent or trivalent chromium is carcinogenic by the oral route of exposure.

Other metals may pose a risk of noncancer effects. For example, in animal studies thallium has been shown to have ocular, neurological, and dermatological effects and effects on blood chemistry and the reproductive system. Signs and symptoms of similar and other effects have been observed in occupational studies of thallium exposures.

5. Hydrogen Chloride

Data on the effects of low-level inhalation exposures to hydrogen chloride are limited to studies in laboratory animals. Based on a lifetime study in rats which showed histopathological changes in the nasal mucosa, larynx, and trachea associated with exposures to hydrogen chloride, we estimated a reference concentration of 0.02 milligrams per cubic meter. The reference concentration was derived from a human equivalent lowest observed adverse effects level of 6 milligrams per cubic meter using an uncertainty factor of 300 to account for extrapolation from a lowest observed adverse effects level to a no observed adverse effects level, as well as extrapolation from animals to humans (including sensitive individuals).

6. Chlorine

Chlorine gas is a potent irritant of the eyes and respiratory system. Based on a lifetime study in rats and mice which showed histopathological changes affecting all airway tissues in the nose, we derived an interim chronic toxicity benchmark for chlorine gas of 0.001 milligrams per cubic meter. This value was derived from a human equivalent no observed adverse effects level of 0.04 milligrams per cubic meter and an uncertainty factor of 30 to account for extrapolation from animals to humans (including sensitive individuals). The human equivalent no observed adverse effects level from this study is also supported by a year-long study in monkeys.[335]

[335] For a complete description of the derivation of the chronic toxicity benchmark for chlorine, see the background document, "Human Health and Ecological Risk Assessment Support to the Development of Technical Standards for Emissions from Combustion Units Burning Hazardous Wastes: Background—Final Report," July, 1999.

B. What Are the Health Risks to Individuals Residing Near HWC Facilities?

In this section, we address risks to populations that could be enumerated using estimation methods based on U.S. Census data and Census of Agriculture data. Estimates of the population of persons residing within 20 kilometers of hazardous waste combustion facilities were made for beef, dairy, produce, and pork farming households and for non-farm households. The number of home gardeners was estimated using national survey data on the portion of households that engage in home gardening. Estimates were made for each of four different age groups. In addition, population estimates were made for recreational anglers age 16 and older based on U.S. Fish and Wildlife Service survey data on recreational fishing and hunting.[336]

The risks to individuals of carcinogenic effects are expressed as the estimated increase in the probability that an individual will develop cancer over a lifetime. For non-cancer effects, risks are expressed as a hazard quotient, which is the ratio of an estimate of an individual's exposure to a health benchmark thought to be without appreciable risk. Both cancer and non-cancer risks are summarized in terms of percentiles of the national distribution of risks to individuals across a combustor category. High end risks are represented by the 90th to 99th percentiles of the distribution. Distributions for only the most highly exposed receptor populations are discussed here. The most highly exposed population varies depending on the particular chemical constituent, its fate and transport in the environment, and the pathways that lead to human exposures. Also, 90 percent confidence limits are estimated for each percentile. The size of the confidence interval reflects sampling error which is introduced by not sampling all the facilities in a given category of sources.[337] In some instances, estimates of the 90 percent confidence limits could not be made either because there were too few data points or there was insufficient spread in the data. For lightweight aggregate kilns, there is no sampling error because the sample included all known

[336] However, it was not possible to determine the number of recreational anglers that fish specifically at water bodies located in the vicinity of hazardous waste combustion facilities, such as those that were selected for modeling analyses.

[337] A 90 percent confidence interval indicates that there is a 10 percent chance that the actual value could lie outside the interval indicated, either higher or lower.

hazardous waste burning lightweight aggregate kilns.

1. Dioxins

For dioxins, our analysis shows that the most exposed population is children of dairy farmers who consume home-produced milk. High exposures were estimated for this population due to the relatively high consumption of milk by households that consume home-produced milk, the relatively high intake of milk by children compared to other age groups, and the tendency of chlorinated dioxins and furans to bioaccumulate in milk fat. A distribution of cancer risks for dioxins was generated which reflects variability in individual exposures due to site-specific differences in dioxin emissions, location of exposure, and other factors, as well as differences between individuals in exposure factors such as the length of exposure and the amount of milk consumed.

As a result of today's rule, we project that high end lifetime excess cancer risks will be reduced in this population from 2 in 100,000 (99th percentile) for both lightweight aggregate kilns and incinerators with waste heat recovery boilers to below one in one million (99th percentile) for lightweight aggregate kilns and 1 in one million (99th percentile, 90 percent upper confidence limit of 2 in one million) for incinerators with waste heat recovery boilers. For cement kilns, high end lifetime excess cancer risks are reduced only slightly, from 7 in one million (99th percentile) to 5 in one million (99th percentile). These reductions, which represent the reduction in the increment of exposure that results from dioxin emissions from hazardous waste combustors, are relatively small in relation to background exposures to dioxins generally. Considering that the number of individuals in the affected population is relatively small, only a few individuals may benefit from such reductions.

We also project that the incremental margin of exposure relative to background will be reduced in the same population from 0.2 (99th percentile for lightweight aggregate kilns) and 0.3 (99th percentile for incinerators with waste heat recovery boilers, 90 percent upper confidence limit of 0.5) to below 0.1 across all categories of combustors. Therefore, the risks associated with non-cancer effects from hazardous waste combustors are an order of magnitude or more lower than any (unknown and unquantifiable) risks that may be attributable to background exposures.

Unlike the distribution of cancer risks, the distribution of the margin of exposure reflects only site-to-site differences and does not reflect differences between individuals in the amount of milk consumed. Therefore, the exposures at the upper percentiles are likely to be underestimated.[338] Additional uncertainty is introduced because background exposures to dioxins in children have not been well characterized.

Other uncertainties include milk consumption rates and the limitations of the data available to assess consumption of home-produced milk. In addition, there are a variety of uncertainties related to the fate and transport of dioxins in the environment, including partitioning behavior into vapor and particle phases following release to the atmosphere and subsequent deposition via various wet and dry removal processes, uptake in plants such as forage and silage used by dairy cows for grazing and feeding, and the factors which affect the disposition of dioxins in dairy cattle and the extent of bioaccumulation in cow's milk.

2. Mercury

For mercury, our analysis shows that the most exposed population is recreational anglers and their families who consume recreationally-caught freshwater fish. This is because methyl mercury is readily formed in aquatic ecosystems and bioaccumulates in fish. Children have the highest exposures due to their higher consumption of fish, relative to body weight, compared to adults. Risks from exposures to methyl mercury are expressed here in terms of a hazard quotient, which is defined as the ratio of the modeled average daily dose to our reference dose. Although the reference dose was developed to be protective of exposures *in utero*, we applied the reference dose not just to maternal exposures but also to non-maternal adult and childhood exposures based on the presumption that the reference dose should be protective of neurological and developmental effects in these populations as well.

A distribution of hazard quotients was generated that reflects variability in individual exposures due to site-specific differences in mercury emissions, location of water bodies, and other factors, as well as differences between individuals in the amount of fish consumed. Other factors, such as water body-specific differences in the extent of methylation of inorganic mercury and the age and species of fish consumed were not reflected in the risk distribution. However, it is unclear what effect such factors would have on the distribution given the high degree of variability that is attributable to the factors that were considered in our analysis.

The results of our quantitative analysis for mercury are as follows. For cement kilns, we project that high end hazard quotients in adults will be reduced from a range of 0.09 to 0.4 (90th percentile, upper confidence limit of 0.1, and 99th percentile, respectively) at baseline to a range from 0.06 to 0.2 under today's rule (90th percentile, upper confidence limit of 0.08, and 99th percentile, respectively). In children, high end hazard quotients are projected to be reduced from a range of 0.2 to 0.8 (90th percentile, upper confidence limit of 0.3, and 99th percentile, respectively) at baseline to a range of 0.2 to 0.6 under today's rule (90th percentile, upper confidence limit of 0.2, and 99th percentile, respectively). For lightweight aggregate kilns, high end hazard quotients in both adults and children are below 0.1 at baseline and under today's rule. For incinerators, high end hazard quotients are below 0.01 in adults and below 0.1 in children at baseline and under today's rule. Taken together, these results appear to suggest that risks from mercury emissions (on an incremental basis) are likely to be small, although we cannot be certain of this for the reasons discussed below.

The risk results for mercury are subject to a considerable degree of uncertainty. In addition to the uncertainties discussed above in "Overview of Methodology—Mercury", there are other uncertainties when assessing individual mercury risks to nonsubsistence populations. In order to assess exposures to mercury emissions, we assumed that recreational anglers fish only at the water bodies within a given study area that were selected for modeling (and at no other water bodies) and that the extent of fishing activity at a given water body is related to the size of the water body.[339] As a result, in those situations where relatively low fish concentrations were modeled (and particularly if the water body was relatively large), a large portion of fish were assumed to have relatively low levels of mercury contamination and, therefore, recreational anglers who consume relatively large amounts of recreationally-caught fish were estimated to have relatively low levels

[338] The precise extent of underestimation at the upper percentiles associated with variability in milk consumption is unknown but is expected to be a factor of two.

[339] Ideally, detailed information on the fishing activities of individual anglers, including the size of the catch taken from individual locations, would be used to better assess exposures from consumption of recreationally-caught fish.

of exposure. In reality, some portion of the fish consumed by recreational anglers is likely to be contaminated with mercury at levels typical of background conditions. The effect of such background exposures is to increase actual exposures, except perhaps at the high end of the exposure distribution.[340]

We believe that the uncertainties implicit in the quantitative mercury analysis continue to be sufficiently great so as to limit its ultimate use for decision-making. Therefore, we have used the quantitative analysis to make qualitative judgments about the risks from mercury but have not relied on the quantitative analysis (nor do we believe it is appropriate) to draw quantitative conclusions about the risks associated with the MACT standards.

3. Lead

For lead, children are the population of primary concern for several reasons, including behavioral factors, absorption, and the susceptibility of the nervous system during a child's development. We have chosen to use blood lead level as the exposure metric, consistent with the U.S. Centers for Disease Control criteria for initiating intervention efforts. Lead exposures occur through a variety of pathways, including inhalation, incidental ingestion of soil and household dust, and dietary intake. Our analysis indicates that the population having the highest exposures are children who consume home-produced fruits and vegetables. However, children who do not consume home-produced foods also have relatively high exposures due to incidental ingestion of soil and household dust.

Blood lead distributions were generated that represent incremental exposures to lead emissions from hazardous waste combustors. These distributions reflect variability in individual exposures due to site-specific differences in lead emissions, location of exposure, and other factors, as well as differences between individual children in behavior patterns, absorption, and other pharmacokinetic factors. The IEUBK model that was used to estimate blood lead levels considers inter-individual variability in behavior related to lead exposure, such as mouthing activity. However, the model does not explicitly consider variability for the specific dietary pathways assessed for children of home gardeners, that is, consumption of home-produced fruits and vegetables. Therefore, the blood lead distributions may not fully reflect inter-individual variability that results from such individual differences.

Modeled blood lead (PbB) levels can be compared with background exposures in the same age group (children ages 0 to 5 years) in the general population. The median blood lead level in children in the general population is 2.7 micrograms per deciliter (μg/dL), and 4.4 and 1.3 percent of children have blood lead levels that exceed 10 and 15 μg/dL, the levels at which community wide prevention and individual intervention efforts, respectively, are recommended.[341] However, the percentages vary widely depending on such factors as race, ethnicity, income, and age of the housing units occupied. Children whose blood lead levels are already elevated are the most susceptible to further increases in blood lead levels.

As a result of today's rule, we project that high end (90th to 99th percentile) incremental blood lead (PbB) levels in children will decrease from 0.24 to 0.50 micrograms per deciliter to 0.02 to 0.03 μg/dL for cement kilns. For incinerators, incremental PbB levels are projected to decrease from 0.6 to 1.2 μg/dL (90th to 99th percentile) to 0.02 to 0.03 μg/dL. For lightweight aggregate kilns, incremental PbB levels are projected to decrease from 0.02 to 0.03 μg/dL (90th to 99th percentile) to less than 0.01 μg/dL under the MACT standards. Although these reductions in incremental exposures represent only a fraction of the PbB level of concern (10 μg/dL), they can be significant in children with PbB levels that are already elevated from exposures to other sources of lead. In addition, there is evidence that effects on the neurological development of children may occur at blood lead levels so low as to be essentially without a threshold. Under the MACT standards, blood lead levels attributable to HWCs will be one percent or less of background levels typical of children in the general population.

4. Other Metals

We assessed both direct and indirect human exposures to a dozen different metals in addition to mercury. Exposures to non-mercury metals are generally quite low. Under today's rule, we project that lifetime excess cancer risks from exposures to carcinogenic metals (i.e., arsenic) will be below 1 in 10 million for all source categories. Hazard quotients for all source categories are projected to be at or below 0.01 (99th percentile) for all non-mercury metals under the MACT standards. These risks reflect variability in individual exposures due to site-specific differences in emissions, location of exposure, and other factors. However, the risks do not reflect differences between individuals in exposure factors such as the length of exposure and the amount of food ingested. Therefore, we may have underestimated risks at the upper percentiles of the distribution.[342] A full exposure factor variability analysis was not carried out because the risks using mean exposure factors are comparatively low. Risks from exposure to metals are also subject to uncertainty related to modeling of fate and transport in the environment such as deposition of airborne metals to soils, forage, and silage and subsequent uptake in farm animals.

5. Inhalation Carcinogens

We also assessed the combined cancer risk associated with inhalation exposures to all inhalation carcinogens, assuming additivity of the risks from individual compounds. The populations that have the highest inhalation exposures are adult farm or non-farm residents. Adults have the longest exposure duration relative to other age groups and adult farmers have less mobility and, therefore, longer durations of exposure than non-farm residents. However, depending on the location of farms and non-farm households, adult non-farm residents can have lifetime average exposures that are as high as adult farm residents.

Under today's rule, we project that lifetime excess cancer risks from inhalation exposures will be below 1 in 10 million for all source categories. The risks for inhalation carcinogens reflect variability in individual exposures due to site-specific differences in metals emissions, location of exposure, and other factors. However, they do not reflect differences between individuals

[340] We have previously estimated that median exposures to methyl mercury in the general population from seafood consumption are in the range of 0.01 to 0.03 μg/kg BW/day (Mercury Study Report to Congress, December 1997). These exposures correspond to hazard quotients of 0.1 to 0.3, values which (except for cement kilns) are higher than the 90th to 99th percentile hazard quotients estimated here for incremental exposures among recreational anglers.

[341] Data from the Centers for Disease Control's National Health and Nutrition Examination survey (NHANES III, phase 2) conducted from October 1991 to September 1994.

[342] For dioxins, inclusion of exposure factor variability increased the risk of cancer at the upper (90th to 99th) percentiles by less than a factor of two to a factor of five. However, the effect on the distribution of risks could differ for metals depending on the health effect of concern (i.e., cancer versus non-cancer), the pathway of exposure, and relative differences in the site-to-site variability of emissions.

in the length of exposure or other exposure factors. Therefore, we may have underestimated risks at the upper percentiles of the distribution.[343] A full exposure factor variability analysis was not carried out for inhalation carcinogens because the risks using mean exposure factors are comparatively low.

Estimates of inhalation risks are subject to a number of uncertainties. Individuals spend a majority of their time indoors and it is uncertain how representative modeled, outdoor, ambient air concentrations are of concentrations indoors. Also, the daily activities of individuals living in the vicinity of a given facility will tend to moderate actual exposures compared to modeled exposures at a fixed location. Meteorological information was generally obtained from locations well removed from modeled facilities and, therefore, may not be representative of conditions in the immediate vicinity of the stack. Limited information was available on the size of structures located near or adjacent to stacks at the modeled facilities. Building downwash, that can result from the presence of such structures, may significantly increase ground-level ambient air concentrations, particularly at locations that are relatively close to the point of release. In addition, the effect of elevated terrain was only considered when the terrain rose above the height of the stack. However, elevated terrain below stack height can lead to an increase in ground-level concentrations depending on the distance from the stack. Nevertheless, our projections of inhalation cancer risks are sufficiently low that we do not believe the uncertainties introduced by these factors impacts our conclusion that these risks are relatively low.

6. Other Inhalation Exposures

Of the compounds we evaluated that are not carcinogenic, the highest inhalation exposures are for hydrogen chloride and chlorine gas. We express the risks from these in terms of an inhalation hazard quotient, which is defined as the ratio of the modeled air concentration to our reference concentration. The receptor population with the highest inhalation hazard quotients is variable and depends on site-to-site differences in the location of farm and non-farm households and differences in emissions. A distribution of hazard quotients was generated that reflects variability in individual exposures due to site-specific differences in chlorine emissions, location of exposure, and other factors. However, the distribution does not reflect individual differences in activity patterns or breathing rates.[344] Also, because the reference concentration is intended to be protective of long-term, chronic exposures over a lifetime, the distribution does not reflect temporal variations in exposure.[345]

Under today's rule, we project that inhalation hazard quotients will be at or below 0.01 for both hydrogen chloride and chlorine gas for all source categories. The same uncertainties related to indoor versus outdoor concentrations and atmospheric dispersion modeling are also applicable to hydrogen chloride and chlorine. However, our projections of non-cancer inhalation risks are sufficiently low that we do not believe the uncertainties impact our conclusion that these risks are relatively low.

C. What Are the Potential Health Risks to Highly Exposed Individuals?

We also assessed exposures to individuals that could be more highly exposed than the populations that could be characterized using census data. These include persons engaged in subsistence activities such as farming and fishing. Although the frequency of these activities is unknown, such activities do occur in some segments of the U.S. population, and we believe that it is important to evaluate risks associated with such activities. In addition, risks associated with subsistence farming place a bound on potential risks to farmers who raise more than one type of livestock. Information on the numbers of farms that produce more than one food commodity (*e.g.*, beef and milk) is not available from the U.S. Census of Agriculture. Therefore, in assessing risks to farm populations, we may have underestimated the risks to farmers and their families that consume more than one type of home-produced food commodity.

We assumed that subsistence farmers obtain substantially all of their dietary intake from home-produced foods, including meats, milk, poultry, fish, and fruits and vegetables. We used data on the mean rate of consumption of home-produced foods in households that consume home-produced foods to estimate the average daily intakes from subsistence farming. For subsistence fishing, we used data on the mean rate of fish consumption among Native American tribes that rely on fish for a major part of their dietary intake.

We do not have specific information on the existence or location of subsistence farms or water bodies used for subsistence fishing at sites where hazardous waste combustors are located. Therefore, we hypothetically assumed that subsistence farming does occur at each of the modeled facilities and, furthermore, that it occurs within each of the sixteen sectors within a study area. We also assumed that subsistence fishing takes places at each of the modeled water bodies. The results of the analysis are summarized in the form of frequency distributions of individual risk. The distributions must be interpreted in relation to the frequency of the modeled scenarios and not the likelihood of such exposures actually occurring.[346]

The risk results for subsistence receptors are highly uncertain, primarily due to the lack of information on the location of subsistence farms (or even the occurrence of subsistence farms within the study area of a given facility) and the assumption that individuals engaged in subsistence farming obtain essentially their entire dietary intake from home-produced foods.

1. Dioxins

Under today's rule, we project that lifetime excess cancer risks from dioxin exposures associated with subsistence farming will be below 1 in 100,000 for all categories of combustors, with the exception of cement kilns at the lowest frequency of occurrence. The lifetime excess cancer risk for cement kilns is estimated to be 2 in 100,000 at a frequency of 1 percent. This indicates that only 1 in 100 sectors are expected to have risks of this magnitude or greater, assuming that subsistence farms are located in all sectors at all hazardous waste burning cement kilns. However, because the sectors increase in size with increasing distance, the probability that a subsistence farm would be exposed to

[343] The precise extent of underestimation at the upper percentiles associated with variability in the duration of exposure is unknown but is expected to be a factor of three or less.

[344] Differences in breathing rates are not considered because the exposure factors used in deriving the reference concentration are fixed.

[345] Although short-term exposures to hydrogen chloride and chlorine gas resulting from routine releases can be significantly higher than long-term exposures, we do not believe that such exposures are high enough to pose a health concern because the threshold for acute effects is quite high in comparison to that for chronic effects.

[346] Moreover, the modeled scenarios cannot be considered equally probable because the sectors in which farms were located are of unequal area, being much smaller closer to a facility and much larger farther away and because any particular sector may be more or less likely to support farming activities depending on soils, precipitation, existing land uses, and other conditions. Similarly, the modeled water bodies may be more or less likely to support intensive fishing activity depending on their size, productivity, and other characteristics.

this level of risk is probably considerably less than 1 percent.

We project that the incremental margin of exposure relative to background will be reduced to 0.1 or below for incinerators under today's rule except at the lowest frequency of occurrence (*i.e.*, 1 percent) for which a margin of exposure of 0.2 is projected. However, the incremental margins of exposure for cement kilns and lightweight aggregate kilns are projected to remain above 0.1 at a frequency of 10 percent or greater (ranging up to 0.2 at a frequency of 5 percent for lightweight aggregate kilns and 0.7 at a frequency of 1 percent for cement kilns). This indicates that more than 1 in 10 sectors are expected to have risks associated with non-cancer effects that are within an order of magnitude of any (unknown and unquantifiable) risks that may be attributable to background exposures. However, for the reasons stated previously, the probability that a subsistence farm would be exposed to this level of risk is probably considerably lower than indicated by the number of sectors.

Under today's rule, we project lifetime excess cancer risks from dioxin exposures associated with subsistence fishing will be below 1 in one million for incinerators and lightweight aggregate kilns. For cement kilns, high end cancer risks under today's rule range from 3 in one million to 4 in one million (at frequencies of 10 and 5 percent, respectively) in adults and from 2 in one million to 4 in one million (at frequencies of 10 and 5 percent, respectively) in children (6 to 11 years of age). We project that the incremental margin of exposure relative to background will be below 0.1 for subsistence fishing for both children and adults for all categories of combustors under today's rule.

2. Metals

Our analysis indicates that the highest risks from metals (other than mercury) are from arsenic, thallium, and lead. Under today's rule, we project that lifetime excess cancer risks from arsenic exposures associated with subsistence farming will be below 1 in one million for all source categories. Hazard quotients for thallium are projected to be at or below 0.01 (99th percentile) under today's rule, except for cement kilns. For cement kilns, hazard quotients for thallium are projected to range from 0.03 to 0.4 (90th to 99th percentiles). Incremental blood lead levels are projected to be at or below 0.03 µg/dL for all source categories under today's rule. Blood lead at these levels are about one percent of background levels typical of children in the general population.

3. Mercury

From the results of our quantitative analysis we project that, under today's rule, hazard quotients for incremental exposures to mercury associated with subsistence fishing will be at or below 1 in both adults and children. These results apply to incinerators, lightweight aggregate kilns, and cement kilns at the very lowest frequency of occurrence that was analyzed (*i.e.*, 1 percent).

The risk results for mercury are subject to a considerable degree of uncertainty. In addition to the uncertainties discussed above in "Overview of Methodology—Mercury", there are other uncertainties when assessing individual mercury risks to subsistence receptors. We assumed that individuals engaged in subsistence fishing obtain all the fish they consume from a single water body. To the extent that individuals may fish at more than one water body, the effect of this assumption may be to exaggerate the risk from water bodies having relatively high modeled fish concentrations.

The uncertainties implicit in the quantitative mercury analysis continue to be sufficiently great so as to limit its ultimate use for decision-making. Therefore, we have used the quantitative analysis to make qualitative judgments about the risks from mercury but have not relied on the quantitative analysis (nor do we believe it is appropriate) to draw quantitative conclusions about the risks associated with the MACT standards.

D. What Is the Incidence of Adverse Health Effects in the Population?

We estimated the overall risk to human receptor populations for those chemical constituents that posed the highest individual risks and whose populations could be enumerated. These included excess cancer incidence in the general population from the consumption of agricultural commodities produced in the vicinity of hazardous waste burning facilities, excess cancer incidence in the local population, and excess incidence of children with elevated blood lead levels. In addition, we estimated the avoided incidence of mortality and morbidity in the local population associated with reductions in exposures to particulate matter emissions.[347]

[347] Excess incidence refers to the incidence of disease beyond that which would otherwise be observed in the population, absent exposures to the sources in question. Avoided incidence is the reduction in incidence of disease in the population that would be expected from a reduction in exposures to the sources in question.

Incidence is generally expressed in terms of the annual number of new cases of disease in the exposed population. However, for diseases such as cancer which have a long latency period, the annual incidence represents the lifetime incidence associated with an exposure of one year. For diseases with recurring symptoms, the annual incidence represents the number of episodes of disease over a year's time.

1. Cancer Risk in the General Population

Agricultural commodities produced in the vicinity of hazardous waste combustors may be consumed by the general population (*i.e.*, individuals who reside outside the study area). Commodities such as meat and milk may be contaminated with dioxins and, therefore, pose some risk to individuals that consume them. We estimated the amount of "diet accessible" dioxin in meat and milk produced at hazardous waste combustors that would be consumed by the general population and estimated the number of additional cancer cases that could result from such exposures. The approach is predicated on the assumption that cancer risks follow a linear, no-threshold model in the low dose region.

Our agricultural commodity analysis indicates that, as a result of today's rule, annual excess cancer incidence in the general population will be reduced from 0.5 cases per year (90 percent confidence interval, 0.4 to 0.6) to 0.1 cases per year (90 percent confidence interval, 0.1 to 0.2). Most of the risk is associated with the consumption of milk and other dairy products. The combustor categories that contribute most to the reduction are incinerators with waste heat recovery boilers and lightweight aggregate kilns.

2. Cancer Risk in the Local Population

Individuals that live and work in the vicinity of hazardous waste combustors are exposed to a number of compounds that are carcinogenic by oral or inhalation routes of exposure or both. These include dioxin, arsenic, beryllium, cadmium, chromium, and nickel. We estimated the annual cancer incidence in each of the enumerated receptor populations based on the mean individual risk in each sector and sector-specific population estimates. The resulting incidence estimates were weighted using facility-specific sampling weights and summed.

Our analysis of cancer risks in the local population indicates that, as a result of today's rule, annual excess

cancer incidence will be reduced from 0.1 cases per year (90 percent confidence interval, 0.08 to 0.2) to 0.02 cases per year (90 percent confidence interval, 0.01 to 0.03). Nearly all of the risk reduction, which occurs almost entirely among non-farm residents, is attributable to incinerators and results mainly from reductions in emissions of metals, primarily arsenic, cadmium, and chromium.

3. Risks From Lead Emissions

Children that live near hazardous waste combustor are exposed to lead emissions through the diet and through inhalation and incidental soil ingestion. Children that already have elevated blood lead levels may have their levels further increased as a result of such exposures, some of whom may have their blood lead levels increased beyond 10 µg/dL. We estimated the increase, or excess incidence, of elevated blood levels above 10 µg/dL by estimating the number of children in each sector with blood lead levels above 10 µg/dL as a result of background exposure and subtracting that from the number of children above 10 µg/dL as a result of both background exposure and incremental exposures from hazardous waste combustors. This estimate represents the annual rate of increase in the number of children with elevated blood lead beyond background.

Our analysis indicates that, as a result of today's rule, the excess incidence of elevated blood lead will be reduced from 7 cases per year to less than 0.1 cases per year. The reduction is primarily attributable to incinerators, although a small reduction (0.4 cases per year) is attributable to cement kilns. These reductions occur entirely among non-farm residents. Children of minority and low income households generally have higher background exposures to lead and are more likely to have blood levels elevated above 10 µg/dL than children from other demographic groups and, therefore, are more likely to benefit from reductions in lead exposures. However, our analysis did not consider the influence of such socioeconomic factors. For this reason, we believe that we may have underestimated the reductions in excess incidence of elevated blood lead levels, including potential reductions attributable to cement kilns and lightweight aggregate kilns.

4. Risks From Emissions of Particulate Matter

Human epidemiological studies have demonstrated a correlation between community morbidity and mortality and ambient levels of particulate matter, particularly fine particulate matter (below 2.5 or 10 microns in diameter, depending on the study), across a wide variety of geographic settings. Lower particulate matter is associated with lower mortality, lower rates of hospital admissions, and a lower incidence of respiratory disease. Concentration-response functions for various health endpoints have been derived from these studies, and we used these functions to estimate the reduction in the incidence of mortality and morbidity associated with a reduction in emissions of particulate matter.

Our analysis indicates that, as a result of today's rule, there will be between 1 and 4 fewer premature mortalities per year associated with particulate matter emissions (depending on which study is used). In addition, we project there will be 6 fewer hospitalizations, 25 fewer cases of chronic bronchitis, 180 fewer cases of lower respiratory disease, per year.

The mortality estimates are subject to some uncertainty due to the fact that the lower estimate (which is derived from long-term studies) assumes no threshold for effects and the upper estimate (which is derived from short-term studies) may include mortalities that are premature by as little as a few days. The no threshold assumption may be appropriate, however, considering that the reduction in mortality is projected to occur entirely from incinerators, especially on-site incinerators. Such incinerators are located at manufacturing facilities that are likely to have other particulate matter emissions and both on-site, and commercial incinerators are typically located in industrial areas where there may be many other sources of particulate matter emissions, resulting in ambient particulate matter levels that are well above any threshold. Also, because the particulate matter modeling was conducted to 20 rather than 50 kilometers, the inhalation risks may be understated, especially from PM that is 2.5 microns in diameter and smaller which can be transported over long distances from HWCs.

III. What Is the Potential for Adverse Ecological Effects?

The ecological assessment is based on a screening level analysis in which model-estimated media concentrations are compared to media-specific ecotoxicological criteria that are protective of multiple ecological receptors. The analysis used an ecological hazard quotient as the metric for assessing ecological risk. The ecological hazard quotient is the ratio of the model-estimated media concentration to the ecotoxicological criterion. Hazard quotients above 1 suggest that a potential for adverse ecological effects may exist. Ecotoxicological criteria for soils, surface waters, and sediments were used in the analysis. Ecotoxicological criteria for soil are intended to be broadly protective of terrestrial ecosystems, including the soil community, terrestrial plants, and consumers such as mammals and birds. Ecotoxicological criteria for surface water are intended to be protective of the aquatic community, including fish and aquatic invertebrates, primary producers such as algae and aquatic plants, and fish-eating mammals and birds. Sediment criteria are intended to be protective of the benthic community. The analysis was conducted for dioxins, mercury, and fourteen other metals. Only the results for dioxins and mercury are discussed here. Very low or no potential for ecological risk was found for the other metals.[348] For a full discussion of the ecological assessment, see the background document for today's rule.[349]

A. Dioxins

A variation on the general screening level approach was used for assessing ecological risks from dioxins in surface water. Rather than basing the assessment on ambient water quality criteria for the protection of wildlife, ecotoxicological benchmarks for 2,3,7,8-tetrachlorodibenzo(p)dioxin (TCDD) for fish-eating birds and mammals (i.e., no observed adverse effects levels) were used to make a direct comparison with estimated intakes of dioxins in fish in terms of 2,3,7,8–TCDD toxicity equivalents (TEQ). This approach accounts for the different rates of bioaccumulation of the various 2,3,7,8 dibenzo(p)dioxin and dibenzofuran congeners and avoids the conservatism of comparing an ambient water quality criterion for 2,3,7,8–TCDD to model-estimated water concentrations in terms of 2,3,7,8–TCDD TEQs. The results of our analysis indicate no exceedances of the ecotoxicological benchmarks for 2,3,7,8–TCDD for any category of hazardous waste combustors. One limitation of the ecological assessment for dioxins is that water quality criteria for the protection of aquatic life are not

[348] Although minor exceedances of the ecotoxicological criteria for lead were noted for incinerators, the exceedances were eliminated under today's rule.

[349] "Human Health and Ecological Risk Assessment Support to the Development of Technical Standards for Emissions from Combustion Units Burning Hazardous Wastes: Background Document—Final Report," July, 1999.

available. However, fish and aquatic invertebrates are generally less sensitive to dioxins than mammals and birds.

For assessing the potential for ecological risk in terrestrial ecosystems, soil criteria developed for 2,3,7,8–TCDD for the protection of mammals and birds were compared to model-estimated soil concentrations in terms of 2,3,7,8–TCDD TEQs. Because the more highly chlorinated 2,3,7,8 dibenzo(p)dioxin and dibenzofuran congeners are expected to bioaccumulate in prey species more slowly than 2,3,7,8–TCDD, the potential for ecological risk is likely to be overstated. Our analysis indicates that, at baseline, less than one percent of the study areas surrounding hazardous waste combustors have the potential for ecological risk from dioxins in soil. Under today's rule, we project no exceedances of the ecotoxicological criteria for dioxins in soil. The soil ecotoxicological criterion for dioxins is derived from studies of reproductive and developmental effects in mammals. Potential impacts to terrestrial plant and soil communities could not be evaluated due to a lack of sufficient ecological toxicity data. However, vertebrates such as mammals and birds are known to be more sensitive to dioxin exposure than invertebrates. Therefore, we consider the potential for risk to invertebrate receptors to be low.

B. Mercury

The ecological assessment of mercury is based on water quality criteria for the protection of wildlife that were developed for the Mercury Study Report to Congress. The assessment used the lowest of the available water quality criteria for individual fish-eating avian and mammalian wildlife species. The frequency distribution of ecological hazard quotients for total mercury indicates the potential for adverse ecological effects for cement kilns. Our analysis indicates that, for cement kilns, exceedances of the ecotoxicological criteria for total mercury may occur over 40 percent of study area surface waters at baseline. Above a hazard quotient of 1, the frequency of exceedances drops off quickly, with hazard quotients above 2 occurring at a frequency of 1 percent. The ecological hazard quotients remain essentially unchanged under today's rule. However, we project no exceedances of the ecotoxicological criteria for methyl mercury. Because methyl mercury is the form of mercury that is of greatest concern for fish-eating mammals and birds, the lack of exceedances suggests that the potential for ecological effects is relatively low. Our analysis also suggests relatively low potential for ecological effects for incinerators and lightweight aggregate kilns. Although our analysis indicates that exceedances of the ecotoxicological criteria for total mercury may occur over 22 percent of study area surface waters for lightweight aggregate kilns and 6 percent for incinerators at baseline, these are reduced to no exceedances and less than 1 percent, respectively, under today's rule. Moreover, we project no exceedances of the ecotoxicological criteria for methyl mercury. The significance of these results must be judged in the context of the considerable uncertainties related to the fate and transport of mercury in the environment, as discussed elsewhere in today's notice, the presence of background levels of mercury, and the level of protection afforded by the underlying ecotoxicological criteria.

For soils, our analysis indicates that less than one percent of the study areas surrounding hazardous waste combustors have the potential for ecological risk at baseline. Under today's rule, we project no exceedances of the ecotoxicological criteria for mercury for incinerators and lightweight aggregate kilns. For cement kilns, we project exceedances at a frequency of much less than one percent. The soil ecotoxicological criterion for mercury is derived from studies of the reproductive capacity of earthworms. Although earthworms serve a vital function in the soil community, given the redundancy and abundance of soil organisms and the low frequency of exceedances, we believe that adverse impacts to the terrestrial ecosystem, including higher trophic levels such as terrestrial mammals, are unlikely.

As a screening level analysis, the ecological assessment is subject to a number of limitations. The analysis assumes the occurrence of the ecological receptors on which the ecotoxicological criteria are based in all modeled sectors and water bodies. Although the ecological receptors included in the analysis are commonly occurring species, they may not be present in the same locations at which exceedances are predicted due to a lack of suitable habitat or other factors. Furthermore, the range of predator and prey species may exceed the spatial extent of the estimated exceedances. Many primary and secondary consumers are opportunistic feeders with substantial variability in both the type of food items consumed as well as the seasonal patterns of feeding and foraging. These behaviors can be expected to moderate exposures to chemical contaminants and reduce the potential for risk. On the other hand, gaps exist in the ecotoxicological data base such that not all combinations of chemical constituents and ecological receptors could be evaluated. In addition, media concentrations could not be estimated for all habitats that may be important to ecological receptors, such as wetlands. Also, our analysis did not consider the possible impact of background concentrations. Therefore, although as a screening level analysis the ecological assessment has a tendency toward conservatism, we cannot say for certain that no potential exists for ecological risks that fall beyond the scope of the assessment.

Part Eight: Analytical and Regulatory Requirements

I. Executive Order 12866: Regulatory Planning and Review (58 FR 51735)

Is This a Significant Regulatory Action?

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether a regulatory action is "significant" and, therefore, subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Under the terms of Executive Order 12866, we have reviewed today's rule and determined that it does not represent an "economically significant" regulatory action, as defined under point one above. The aggregate annualized social costs for this rule are under $100 million (ranging from $50 to $63 million for the final standards). However, it has been determined that this rule is a "significant regulatory action" because it may raise novel legal or policy issues (point four above). As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

We have prepared economic support materials for today's final action. These documents are entitled: Assessment of the Potential Costs, Benefits, and Other Impacts of the Hazardous Waste Combustion MACT Standards—Final Rule, and, Addendum To The Assessment of the Potential Costs, Benefits, and Other Impacts of the Hazardous Waste Combustion MACT Standards—Final Rule. The Addendum and Assessment documents were designed to adhere to analytical requirements established under the Executive Order, and corresponding Agency and OMB guidance; subject to data, analytical, and resource limitations.

This part of the Preamble is organized as follows: I. Executive Order 12866 (as addressed above), II. What Activities have Led to Today's Rule?—presenting a summary of the analytical methodology and findings from the 1996 RIA for the proposed action, and, a summary of substantive peer review and public stakeholder comments on this document, with Agency responses, III. Why is Today's Rule Needed?—justifying the need for Federal intervention, IV. What Were The Regulatory Options?—presenting a brief discussion of the scope of alternative regulatory options examined, V. What Are the Potential Costs and Benefits of Today's Rule?—summarizing methodology and findings from the final Assessment document, VI. What Considerations Were Given to Issues Like Equity and Children's Health?, VII. Is Today's Rule Cost-Effective?, VIII. How Do the Costs of Today's Rule Compare to the Benefits?, IX. What Consideration Was Given to Small Businesses? X. Were Derived Air Quality and Non-Air Impacts Considered? XI. Is Today's Rule Subject to Congressional Review?, XII. How is the Paperwork Reduction Act Considered in Today's Rule?, XIII. Was the National Technology Transfer and Advancement Act Considered?, and, XIV. Were Tribal Government Issues Considered? (Executive Order 13084).

The RCRA docket established for today's final rulemaking maintains a copy of the complete final Assessment and Addendum documents for public review. Readers interested in these economic support materials are strongly encouraged to read both documents to ensure full understanding of the methodology, data, findings, and limitations of the analysis.

II. What Activities Have Led to Today's Rule?

In May of 1993, we introduced a draft Waste Minimization and Combustion Strategy designed to reduce reliance on the combustion of hazardous waste and encourage reduced generation of these wastes. Among the key objectives of the strategy was the reduction of health and ecological risks posed by the combustion of hazardous wastes. As part of this strategy, we initiated the development of MACT emissions standards for hazardous waste combustion facilities.

On April 19, 1996, we published the proposal, which included revisions to standards for hazardous waste incinerators and hazardous waste burning cement kilns and lightweight aggregate kilns. These proposed MACT standards were designed to address a variety of hazardous air pollutants, including dioxins/furans, mercury, semivolatile and low volatile metals, and chlorine. We also proposed to use emissions of carbon monoxide and hydrocarbons as surrogates for products of incomplete combustion.

A. What Analyses Were Completed for the Proposal?

We completed an economic analysis in support of the proposal. This Regulatory Impact Assessment (RIA), examined and compared the costs and benefits of the proposed standards, as required under Executive Order 12866. Industry economic impacts, environmental justice, waste minimization incentives, and other impacts were also examined. This RIA also fulfilled the requirements of the Regulatory Flexibility Act by evaluating the effects of regulations on small entities. This document, Regulatory Impact Assessment for Proposed Hazardous Waste Combustion MACT Standards (November 13, 1995), Appendices (November 13, 1995), and two Addenda (November 13, 1995 and February 12, 1996) are available in the docket established for the proposed action.

Throughout the development of the proposal, we considered many alternative regulatory options. A full discussion of the methodology and findings of all options considered is in the Regulatory Impact Assessment (RIA). Only the floor option and our preferred option (*i.e.*, the floor option and beyond-the-floor options for selected hazardous air pollutants) are discussed in this summary.

1. Costs

To develop industry compliance cost estimates, we categorized or modeled combustion units based on source category and size and estimated engineering costs for the air pollution control devices needed to achieve the proposed standards. Based on current emissions and air pollution control device information, we developed assumptions regarding the type of upgrades that units would require. This "model plants" engineering cost analysis was used because our data were limited.

Total annual compliance cost estimates for the floor option and the beyond-the-floor standards ranged from $93 million to $136 million, respectively, beyond the baseline. For the floor option, on-site incinerators represented 55 percent of total nationwide costs, cement kilns represented 29 percent, commercial incinerators represented 14 percent, and lightweight aggregate kilns represented 2 percent. Of the total beyond-the-floor costs, on-site incinerators represented 50 percent, cement kilns represented 32 percent, commercial incinerators represented 15 percent, and lightweight aggregate kilns represented 3 percent. For the incremental impacts of going from the floor to beyond-the-floor, lightweight aggregate kilns were projected to experience a 100 percent increase in compliance costs, cement kilns would experience a 63 percent increase, commercial incinerators and on'site incinerators, at 54 and 34 percent, respectively. Overall, compliance costs associated with the proposed action were projected to result in significant economic impacts to the combustion industry.

The RIA also examined average total annual compliance costs per combustion unit. This indicator was designed to assess the relative impact of the rule on each facility type in the combustion universe. Findings projected that cement kilns were likely to incur the greatest average incremental cost per unit, totaling $770,000 annually at the floor and $1.1 million annually for the proposed beyond-the-floor standards. The costs for LWAKs ranged from $490,000 to $825,000. The costs for on-site incinerators ranged from $340,000 to $486,000. The costs for commercial incinerators ranged from $493,000 to $730,000. These costs assume no market exits. Once market exit occurs, average per unit costs may be significantly lower, particularly for on-site incinerators.

The analysis also examined the floor and proposed beyond-the-floor impacts on a per ton basis. In the baseline, average prices charged to burn hazardous waste were estimated to be $178 per ton for cement kilns, $188 per ton for lightweight aggregate kilns, $646 per ton for commercial incinerators, and $580 per ton for on-site incinerators (approximate internal transfer price).

Baseline burn costs (before consolidation) for these facilities were found to average $104 per ton for cement kilns, $194 per ton for lightweight aggregate kilns, $806 per ton for commercial incinerators, and $28,460 per ton for on-site incinerators.[350] Incremental compliance costs at the floor and proposed BTF levels were estimated to be $23 to $31 per ton for commercial incinerators, $40 to $50 per ton for cement kilns, $39 to $56 per ton for lightweight aggregate kilns, and $47 to $57 per ton for on-site incinerators.

From comparison of these prices and baseline burn costs, some high-cost facilities, especially commercial and on-site incinerators, appeared to be burning below break-even levels. The incremental compliance costs of the proposal would make these facilities even less competitive. The RIA estimated that, of the facilities which are currently burning hazardous waste, three cement kilns, two lightweight aggregate kilns, six commercial incinerators, and eighty-two on-site incinerators would likely stop burning hazardous waste over the long term. These were incremental to projected baseline market exits estimated at the time of proposal. Most of the facilities that exit the market were ones that burned smaller amounts of hazardous waste.

We also conducted a generalized cost effectiveness analysis for the proposal. We found that the cost per hazardous air pollutant is often difficult to estimate because the air pollution control devices often control more than one pollutant. Therefore, it was not feasible to estimate precise costs per pollutant. Once the compliance expenditures had been estimated, the total mass emission reduction achieved when facilities comply with the standards option was estimated. The total incremental cost per incremental reduction in pollutant emissions was then estimated. Considering all facilities together, dioxin, mercury, and metals costs per unit reduction are quite high because small amounts of the dioxin and metals are released into the environment. For other pollutants, expenditures per ton are much lower. Please refer to the November 13, 1995 draft RIA for a complete discussion of the methodology and findings.

2. Benefits

Our evaluation showed that background levels of dioxin in beef, milk, pork, chicken, and eggs were approximately 0.50, 0.07, 0.30, 0.20, and 0.10 parts per trillion fresh weight, respectively, on a toxicity equivalent (TEQ) basis. These background levels and information on food consumption were then used to estimate dietary intake in the general population. That estimate was 120 picograms TEQ per day. We also collected background data on dioxins in fish, taken from 388 locations nationwide. At 89 percent of the locations, fish contained detectable levels of at least two of the dioxin and furan compounds for which analyses were conducted. We then estimated total dioxin emissions from hazardous waste combustors at 0.94 kg TEQ per year. This represented about 9 percent of total anthropogenic emissions of dioxins in the U.S. at the time. The dioxin estimates have been revised since then.

While no one-to-one relationship between emissions and risk exists, it was inferred that hazardous waste-burning sources were likely to contribute significantly to dioxin levels in foods. In the proposal, we estimated that these dioxin emissions would be reduced to 0.07 kg TEQ per year at the floor levels and to 0.01 kg TEQ per year at the beyond the floor levels. We estimated this to result in decreases of approximately 8 and 9 percent in total estimated anthropogenic U.S. emissions, respectively. Our position at proposal was that reductions in these emissions, in conjunction with reductions from other dioxin-emitting sources, would help reduce dioxin levels in foods over time and, therefore, reduce the likelihood of adverse health effects, including cancer.

Mercury is a concern in both occupational and environmental settings. Human exposures to methyl mercury occur primarily from ingestion of fish. Mercury contamination results in routine fish consumption bans or advisories in over two thirds of the States. At the proposal, we estimated a safe exposure level to methyl mercury (the reference dose) at 0.0001 mg per kg per day. We collected data on chemical residues in fish from 388 locations nationwide and found that fish contained detectable levels of mercury at 92 percent of the locations. Similar results have been obtained in other studies, strongly suggesting that long-range atmospheric transport and deposition of anthropogenic emissions is occurring. Our research found that, for persons who eat significant amounts of freshwater fish, exposures to mercury may be significant compared to the threshold at which effects may occur in susceptible individuals.

Our estimates for the proposal indicated that hazardous waste combustors emitted a total of 10.1 Mg of mercury per year, representing about 4 percent of the U.S. anthropogenic total. Implementation of the floor levels were estimated to reduce mercury emissions from all hazardous waste-burning sources to 3.3 Mg per year. The proposed beyond-the-floor levels would drop this to an estimated 2.0 Mg per year. Such reductions were estimated to lower total anthropogenic U.S. emissions by approximately 3 percent. Reductions in these mercury emissions, in conjunction with the Agency's efforts to reduce emissions from other mercury-emitting sources, would help diminish mercury levels in fish over time and, therefore, reduce the likelihood of adverse health effects occurring in fish-consuming populations.

Other benefits we investigated for the proposal included ecological benefits, property value benefits, soiling and material damage, aesthetic damages, and recreational and commercial fishing impacts. Overall, the analysis of the ecological risk suggested that water quality criteria may be exceeded only in small watersheds located near waste combustion facilities. Furthermore, such exceedances would occur only when assuming very high emissions. The preliminary analysis for the proposal indicated that property value impacts may be very significant because of emission reductions from hazardous waste combustion facilities. A detailed review of this analysis, as well as other benefits (*e.g.*, avoided clean-up as result of reduced particulate matter releases), is presented in chapter 5 of the November 13, 1995 Regulatory Impact Assessment.

3. Other Regulatory Issues

We also examined other issues associated with the proposal. These included environmental justice, unfunded federal mandates, regulatory takings, and waste minimization.

a. Environmental Justice. We completed an analysis of demographic characteristics of populations near cement plants and commercial hazardous waste incinerators and compared them to county and state populations. This analysis focused on spatial relationships between these

[350] Baseline costs were calculated by identifying all costs of hazardous waste burning. For commercial incinerators and on-site incinerators, all costs of construction, operation and maintenance are included. This also includes RCRA permits and existing air pollution control devices. The costs for on-site burners are extremely high because the costs are distributed across the small amount of hazardous waste burned. For cement kilns and lightweight aggregate kilns, only the incremental costs of with burning hazardous waste are included (e.g., permits). The cost of the actual units (which are primarily for producing cement or aggregate) are not included in the baseline.

facilities and the adjacent minority and low income populations. The study did not describe the actual health status of these populations nor how their health might be affected in proximity to hazardous waste facilities. Results indicated that 27 percent of all cement plants and 37 percent of the sample of incinerators had minority percentages within a one mile radius which exceed the corresponding county minority percentages by more than five percentage points. Eighteen percent of all cement plants and 36 percent of the sample of incinerators had poverty percentages which exceed the county poverty percentages by more than five percentage points. Please see chapter seven of the November 13, 1995 RIA for a full discussion of the environmental justice methodology and findings conducted for the proposal.

b. Unfunded Federal Mandates. Our analysis of compliance with the Unfunded Mandates Reform Act (UMRA) of 1995 found that the proposal contained no State, local, tribal government, or private sector Federal mandates as defined under the regulatory provisions of Title II of UMRA. We concluded that the rule implements requirements specifically set forth by Congress, as stated in the CAA and RCRA. The proposed standards were not projected to result in mandated annualized costs of $100 million or more to any state, local, or tribal government. Furthermore, the proposed standards would not significantly or uniquely affect small governments.

c. Regulatory Takings. We found no indication that the proposed MACT standards would be considered a taking, as defined by legislation being considered by Congress at the time. Property would not be physically invaded or taken for public use without the consent of the owner. Also, the proposed standards would not deprive property owners of economically beneficial or productive use of their property or reduce the property's value.

d. Incentives for Waste Minimization and Pollution Prevention. We briefly examined the potential for waste minimization in the proposal. Preliminary results suggested that generators have a number of options for reducing or eliminating waste. To evaluate whether facilities would adopt applicable waste minimization measures, a simplified pay back analysis was used. Using information on per-facility capital costs for each technology, we estimated the time period required for the cost of the waste minimization measure to be returned in reduced combustion expenditures. Our assessment of waste minimization found that approximately 630,000 tons of waste may be amenable to waste minimization. For a complete description of the analysis please see the November 13, 1995 Regulatory Impact Assessment.

4. Small Entity Impacts

The Regulatory Flexibility Act (RFA) of 1980 requires Federal agencies to consider impacts on small entities throughout the regulatory process. Section 603 of the RFA calls for an initial screening analysis to determine whether small entities will be adversely affected by the regulation. If affected small entities are identified, regulatory alternatives must be considered to mitigate the potential impacts. Small entities, as described by the Act, are only those "businesses, organizations, and governmental jurisdictions subject to regulation." We used information from Dunn & Bradstreet, the American Business Directory, and other sources to identify small businesses. Based on the number of employees and annual sales information, we identified eleven firms which might be considered directly affected small entities. We found that directly affected small entities were unlikely to be significantly affected and that over one-third of those that were considered small, while having a relatively small number of employees, had annual sales in excess of $50 million per year. Also, small entities impacted by the proposal were found to be those that burn very little waste and hence face very high cost per ton burned. These facilities were expected to discontinue burning hazardous waste rather than complying with the proposal. These costs of discontinuing waste burning would not be so high as to be a significant impact. Thus, we found that the proposal may, at most, have a minor impact on a limited number of affected small businesses.

B. What Major Comments Were Received on the Proposal RIA?

The November 13, 1995 Regulatory Impact Assessment (RIA) received comment from many concerned stakeholders. We also conducted a formal peer review of the RIA. We appreciate all comments received and incorporated many of the suggestions into the final Assessment document to improve the analysis. A summary of the key issues presented by stakeholders and the peer reviewers is presented below, along with our responses. You are requested to review the complete documents: Comment Response Document—Addressing The Public Comments Received On: Regulatory Impact Assessment for Proposed Hazardous Waste Combustion MACT Standards, Draft, November 13, 1995, and, Peer Review Response Document—Addressing The Peer Review Received On: Regulatory Impact Assessment for Proposed Hazardous Waste Combustion MACT Standards, Draft, November 13, 1995. These documents, available in the RCRA docket established for today's action, present complete responses to all substantive comments received on the 1995 RIA.

1. Public Comments

We received several general comments on the accuracy of the baseline and compliance costs applied in the RIA. Several commenters suggested that we revise baseline and compliance costs to improve their accuracy, which we did. Instead of using a model plant approach for assigning compliance and baseline costs to modeled combustion facilities, costs for today's rule have been estimated using combustion system-specific parameters including gas flow rate, baseline emissions, air pollution control devices currently in place, total chlorine in feed, stack moisture, and temperature at the inlet to the air pollution control device. These system-specific baseline and compliance costs allow for greater accuracy in estimating national costs and predicting which facilities are likely to stop burning hazardous waste. Also, the baseline costs include clinker production penalties at cement kilns and use updated incinerator capital costs, labor requirements, and ash disposal costs.

Various commenters were concerned that the consolidation routine in the economic modeling was unrealistic. For the final economic assessment, we revised the consolidation routine to incorporate capacity constraints that affect the ability of combustion facilities to consolidate wastes into fewer systems at a given facility. Maximum capacity rates (tons per year) were derived by using the feed rates in OSW's database (pounds per year) and assuming 8,000 hours per year of operation. Wastes are assumed to be consolidated into fewer combustion systems at a single facility to the extent that the capacity constraints allow the systems to absorb the displaced hazardous wastes.

Many commenters felt that the waste minimization analysis of the 1995 RIA was unrealistic and overestimated gains. They suggested that the waste minimization analysis be improved to reflect other constraints faced by waste generators. For the 1999 Assessment, we conducted an expanded and significantly improved analysis of waste

minimization alternatives, using a more detailed decision framework for evaluating waste minimization investment decisions. This framework attempts to capture the full inventory of costs, savings, and revenues, including indirect, less tangible items typically omitted from waste minimization analysis, such as liability and corporate image. For each alternative that was identified as viable for currently combusted waste streams, cost curves were developed for a range of waste quantities, as cost varies by waste quantity. These cost curves were then used to determine whether a waste generator would shift from combustion to waste minimization alternatives as combustion prices rise.

Some commenters suggested that we model waste markets to reflect segmentation across waste types, instead of simply applying different prices for kilns and incinerators. In response, we have developed a revised pricing approach that covers seven categories of waste types and prices. The economic model used for the 1999 Assessment incorporates these seven different waste types and prices. Waste management prices depend on several factors: Waste form (solid/liquid/sludge), heat content, method of delivery (*e.g.*, bulk versus drum), and contamination level (*e.g.*, metals or chlorine content). In addition, regulatory constraints (*e.g.*, prohibitions against burning certain types of wastes) and technical constraints (*e.g.*, adverse effects of certain waste streams on cement product quality) also influence combustion prices. Although data limitations prevent the inclusion of all factors, the information on heat content and constituent concentrations from EPA's National Hazardous Waste Constituent Survey (NHWCS) allowed us to enhance the characterization of combusted waste.

A few commenters indicated that the baseline costs of waste burning for cement kilns should include the shared joint costs of cement production. We do not include cement production costs in the costs of waste burning because they are not part of the incremental costs introduced by hazardous waste burning at kilns. We believe this assumption is appropriate, given that cement production is the principal activity of cement kilns that burn hazardous waste. Furthermore, that same kiln would be required in the production of cement regardless of hazardous waste combustion activities. We did, however, evaluate whether some of the more economical marginal kilns may be covering cement production costs with hazardous waste burning revenues. These findings are reported in the 1999 Assessment document.

Some were concerned that shutdown costs and environmental risks associated with combustion facility closures were not accounted for in the 1995 economic analysis. We found that many of the facilities that are expected to close are those that are were operating significantly below capacity in the baseline. This suggests that such facilities may not have been fully recovering their capital costs and are likely to close, even in the absence of the MACT standards. Therefore, while closure is not costless, closure costs attributable directly to the MACT standards are likely to be relatively small. With regard to increased risks from transportation of hazardous wastes, the incremental health risks will be minimal since these facilities are burning small quantities of waste. In fact, we estimate that less than 1.5 percent of the wastes currently burned at combustion facilities will be reallocated due to facility closure. Moreover, spills and other accidents caused by trucking hazardous waste (the most common means of shipment for hazardous materials) generally are considered low-probability events, especially relative to the total number of accidents occurring within transportation overall.

Some commenters felt that potential impacts on generators and fuel blenders were not adequately addressed. In the 1995 RIA, we considered these costs and determined that hazardous waste generators and fuel blenders would likely see price increases for combusted waste streams, though the magnitude of the price increase will depend on the type of waste and the non-combustion waste management alternatives available for that waste type. The price increase faced by generators was estimated at 10 percent of market prices.

The major hazardous waste burning sectors frequently presented alternative views regarding various key waste burning issues. These included: Facility market exits, revenues, impacts resulting from waste feedrate modifications, impacts from alternative fuel usage, price impacts, and available practical capacity. We have reviewed and evaluated the substantiative information submitted by all concerned stakeholders and believe our final Assessment and Addendum documents reflect a fair and balanced representation of baseline conditions and post-rule incremental economic impacts.

2. Peer Review

The peer reviewers suggested that we clarify the aims, objectives, and organizing principles for the 1995 RIA. They stated that, while the 1995 RIA generally meets the requirements set forth by OMB's Guidance regarding the economic analysis of federal regulations under Executive Order 12866, the RIA would be substantially improved if it fully conformed with OMB's Guidance, especially with regard to organization and statement of objectives. For the 1999 Assessment, we have tried to restructure the document to be more in line with OMB's 1996 Guidance for conducting Economic Analysis of Federal Regulations Under Executive Order 12866. The 1999 Assessment includes the following elements in the first chapter to address concerns of the reviewers: the objectives of the Economic Assessment, the analytical requirements the document fulfills, the rationale for regulatory action, an examination of alternative regulatory options, the anticipated effect of the MACT standards, and the analytic approach and organization for the subsequent chapters.

The peer reviewers also suggested that the compliance costs need to be clearly distinguished from social costs, as defined by the theory of applied welfare economics. For the 1999 Assessment, we have been careful to clarify the difference between compliance costs and social costs and explain how the rule will likely affect producers and consumers. The final Assessment explicitly lays out the economic framework for the social cost analysis and distinguishes these from compliance cost estimates. The hazardous waste combustion market is diverse, dynamic, and segmented. Because data are not adequate to support a full econometric analysis at this level of complexity, we have applied a simplified approach that brackets the welfare loss attributable to today's rule. This approach bounds potential economic welfare losses by considering two scenarios: (1) Compliance costs assuming no market adjustments (the upper bound) and (2) market adjusted compliance costs (the lower bound).

The peer reviewers also suggested that the benefits analysis was not fully responsive to the requirements of Executive Order 12866. For the 1999 Assessment, we have applied results from an extensive multi-pathway risk assessment to develop human health and ecological benefit estimates. For the human health analysis, benefits are estimated from cancer and noncancer

risk reductions. Cancer risk reduction estimates are monetized by applying the value of a statistical life (VSL) to the risk reduction expected to result from the MACT standards. Monetary values are assigned to noncancer benefits using a direct-cost approach which focuses on the expenditures averted by decreasing the occurrence of an illness or other health effect. Ecological benefits are also included in the 1999 Assessment.

The peer reviewers suggested that easily burned waste streams would command lower prices and that this should be reflected in the economic modeling. They also indicated that certain combustion sectors may only handle these easy-to-burn waste types and that this should be reflected in baseline costs for these combustors. The pricing approach used in the 1999 Assessment assigns different prices to different types of wastes. Waste management prices depend on several factors, which include: waste form (solid/liquid/sludge), heat content, method of delivery (*e.g.*, bulk versus drum), and contamination level (*e.g.*, metals or chlorine content). In addition, regulatory constraints (*e.g.*, prohibitions against burning certain types of wastes) and technical constraints (*e.g.*, adverse effects of certain waste streams on cement product quality) also influence combustion prices. Although data limitations prevent us from accounting for all factors, the information on heat content and constituent concentrations from EPA's National Hazardous Waste Constituent Survey (NHWCS) allowed us to enhance the characterization of combusted waste. In addition to pricing refinements, the 1999 Assessment adjusts baseline costs to reflect differences in the performance and capabilities across combustion systems.

The peer reviewers were also concerned that the 1995 RIA applied outdated data in the analysis. The most recent available data were used in the 1995 RIA. The 1999 Assessment, once again, applies the most recently available, and verified data.

The peer reviewers suggested that fully-loaded cost-per-ton estimates should be provided for each waste minimization alternative so that these could be compared with combustion prices. For the 1999 Assessment, we conducted an expanded and significantly improved analysis of waste minimization alternatives. This analysis used a more detailed decision framework for evaluating waste minimization investment decisions that captures the full inventory of costs, savings, and revenues, including indirect, less tangible items typically omitted from waste minimization analysis, such as liability and corporate image. For each viable waste minimization alternative for currently combusted waste streams, cost curves were developed for a range of waste quantities because cost varies by waste quantity. These cost curves were then used to determine whether a waste generator would shift from combustion to waste minimization alternatives as combustion prices rise.

III. Why Is Today's Rule Needed?

Today's rule will reduce the level of several hazardous air pollutants, including dioxins and furans, mercury, semi-volatile and low volatile metals, and chlorine gas. Carbon monoxide, hydrocarbons, and particulate matter will also be reduced. Most hazardous waste combustion facilities are currently operating with some air pollution control devices in place. However, existing pollutants from these facilities are still emitted at levels found to result in risks to human health and the environment. Human exposure to these combustion air toxics occurs both directly and indirectly and leads to cancer, respiratory diseases, and possibly developmental abnormalities. A preliminary screening analysis suggests that ecosystems are also at risk from these air pollutants.

The hazardous waste combustion industry operates in a dynamic market. Several combustion facilities and systems have closed or consolidated over the past several years and this trend is likely to continue. These closures and consolidations may lead to reduced air pollution, in the aggregate, from hazardous waste facilities. However, the ongoing demand for hazardous waste combustion services will ultimately result in a steady equilibrium as the market adjusts over the long-term. We therefore expect that air pollution problems from these facilities, and the corresponding threats to human health and ecological receptors, will continue if today's rule were not implemented.

The market has generally failed to correct the air pollution problems resulting from the combustion of hazardous wastes. This has occurred for several reasons. First, there exists no natural market incentive for hazardous waste combustion facilities to incur additional costs implementing control measures because the individuals and entities who bear the negative human health and ecological impacts associated with these actions have no direct control over waste burning decisions. This may be referred to as an environmental externality, where the private industry costs of combustion do not fully reflect the human health and environmental costs of hazardous waste combustion. Second, the parties injured by the combusted pollutants are not likely to have the resources or technological expertise to seek compensation from the damaging entity (combustion facility) through legal or other means. Finally, emissions from hazardous waste combustion facilities directly affect a "public good," the air. Improved air quality benefits human health and the environment. These benefits cannot be limited to just those who pay for reduced pollution. The absence of government intervention, therefore, will result in a free market that does not provide the socially optimal quantity and quality of public goods, such as air.

We recognize the need for federal regulation as the optimal means of correcting market failures leading to the negative environmental externalities resulting from the combustion of hazardous waste. The complex nature of the pollutants, waste feeds, waste generators, and the diverse nature of the combustion market would limit the effectiveness of a non-regulatory approach such as taxes, fees, or an educational-outreach program. Furthermore, requirements for MACT standards under the Clean Air Act, as mandated by Congress, has compelled us to select today's regulatory approach.

IV. What Were the Regulatory Options?

We carefully assembled and evaluated all data and relevant information acquired since the proposal. We considered several alternative MACT options since the proposal, ultimately leading to today's rule. Please refer to Part Four of this preamble for more detail on option development and the specific approach and methodology used in developing the final standards. This section of today's preamble briefly discusses and assesses the final regulatory levels and two primary options. The final regulatory levels, as discussed in Part Four, establish a combination of floor and beyond-the-floor standards for the pollutants of concern. Of the options analyzed, one addresses a floor only scenario and the other examines beyond-the-floor levels for dioxins/furans and mercury, based on activated carbon injection (ACI). The reader may wish to examine the Assessment document for a complete discussion of the analytical methodology, costs, benefits, and other projected impacts of today's rule and options. This Assessment document is available in the RCRA docket for today's rule.

V. What Are the Potential Costs and Benefits of Today's Rule?

A. Introduction

The value of any regulatory policy is traditionally measured by the net change in social welfare that it generates. Our economic assessment for today's rule evaluates costs, benefits, economic impacts, and other impacts such as environmental justice, children's health, unfunded mandates, waste minimization incentives, and small entity impacts. To conduct this analysis, we examined the current combustion market and practices, developed and implemented a methodology for examining compliance and social costs, applied an economic model to analyze industry economic impacts, quantified (and, where possible, monetized) benefits, and followed appropriate guidelines and procedures for examining equity considerations, children's health, and other impacts. The data we used in this analysis were the most recently available at the time of the analysis. Data verification, relevance, and public disclosure issues prevented us from incorporating data from certain sources. Furthermore, because our data were limited, the estimated findings from these analyses should be viewed as national, not site specific impacts.

B. Combustion Market Overview

The hazardous waste industry comprises three key segments: hazardous waste generators, fuel blenders and intermediaries, and hazardous waste incinerators. Hazardous waste is combusted at three main types of facilities: Commercial incinerators, on-site incinerators, and waste burning kilns (cement kilns and lightweight aggregate kilns). Commercial incinerators are generally larger in size and designed to manage virtually all types of solids, as well as liquid wastes. On-site incinerators are more often designed as liquid-injection systems that handle liquids and pumpable solids. Waste burning kilns burn hazardous wastes to generate heat and power for their manufacturing processes.

As of the date of our analysis, 172 combustion facilities are permitted to burn hazardous waste in the United States. On-site incinerators (private and government) represent 129 facilities (or 75 percent of this total), commercial incinerators represent 20 facilities, cement kilns represent 18 facilities, and lightweight aggregate kilns represent five facilities. A facility may have one or more combustion systems. Companies that generate large quantities of uniform hazardous wastes generally find it more economical and efficient to combust these wastes on-site using their own noncommercial systems. Commercial incineration facilities manage a wide range of waste streams generated in small to medium quantities by diverse industries. Cement kilns and lightweight aggregate kilns derive heat and energy by combining clean burning (solvents and organics) high-Btu liquid hazardous wastes with conventional fuels. The EPA Biennial Reporting System (BRS) reports a total demand for all combusted hazardous waste, across all three types of facilities, at nearly 3.3 million tons in 1995.

Most of the waste managed by combustion comes from a relatively narrow set of industries. The entire chemical industry in 1995 generated 74 percent of all combusted waste. Within this sector, the organic chemicals subsector was the largest source of waste sent to combustion, providing about 32 percent of all combusted waste. The pesticide and agricultural chemical industry generated 12 percent of the total. No other single sector generated more than 10 percent of the total.

Regulatory requirements, liability concerns, and economics influence the demand for combustion services. Regulatory forces influence the demand for combustion by mandating certain hazardous waste treatment standards (land disposal restriction requirements, etc.). Liability concerns of waste generators affect combustion demand because combustion, by destroying organic wastes, greatly reduces the risk of future environmental problems. Finally, if alternative waste management options are more expensive, hazardous waste generators will likely choose to send their wastes to combustion facilities in order to increase their overall profitability.

Throughout much of the 1980s, hazardous waste combustors enjoyed a strong competitive position and generally maintained a high level of profitability. During this period, EPA regulations requiring combustion greatly expanded the waste tonnage for this market. In addition, federal permitting requirements, as well as powerful local opposition to siting of new incinerators, constrained the entry of new combustion systems. As a result, combustion prices rose steadily, ultimately reaching record levels in 1987. The high profits of the late 1980s induced many firms to enter the market, in spite of the difficulties and delays anticipated in the permitting and siting process. Hazardous waste markets have changed significantly since the late 1980s. In the early 1990s, substantial overcapacity resulted in fierce competition, declining prices, poor financial performance, numerous project cancellations, and some facility closures. Since the mid 1990s, several additional combustion facilities have closed, while many of those that have remained open have consolidated their operations. There still remains significant overcapacity throughout the hazardous waste combustion industry.

C. Baseline Specification

Proper and consistent baseline specification is vital to the accurate assessment of incremental costs, benefits, and other economic impacts associated with today's rule. The baseline essentially describes the world absent today's rule. The incremental impacts of today's rule are evaluated by predicting post MACT compliance responses with respect to the baseline. The baseline, as applied in this analysis, is the point at which today's rule is promulgated. We recognize that the baseline should not simply describe a point in time, but rather should describe the state of the world over time, absent today's rule. The Assessment describes the data sources used in specifying the baseline and examines how each of these factors are likely to change over time in the absence of today's rule. Finally, because this analysis precedes final rule promulgation, data sources used to determine the baseline will necessarily predate the point of rule promulgation. A full discussion of baseline specification is presented in the Assessment document for today's rule.

D. Analytical Methodology and Findings—Engineering Compliance Cost Analysis

The total compliance costs for existing hazardous waste combustion facilities are developed using engineering models that assign pollution control measures and costs to each modeled combustion system. The engineering model also incorporates other compliance costs, such as monitoring requirements, permit modifications, sampling and analyses, and other recordkeeping and reporting requirements. We applied the same basic approach in developing compliance costs for new sources as was used for existing sources. Please see the Assessment document for a complete discussion of the analytical methodology applied for existing and new facilities.

Compliance costs presented in this section are based on a static analysis assuming no market adjustments.

Results from this static analysis should therefore be considered "high-end" estimates. The engineering compliance cost analysis reveals that each combustion system will likely comply with the final standards through a different combination of pollution control measures. This is likely to result in widely diverse per system compliance costs across combustion sectors. The average annualized per system costs, across all sectors, are projected to range from about $0.16 to $0.72 million for compliance with the final standards. Per system costs at the floor are estimated to range from $0.16 to $0.68 million, while these costs under the beyond-the-floor activated carbon injection (ACI) option would range from $0.36 to $0.99 million. Cement kilns were generally found to experience the highest per system compliance costs, while the commercial and on-site incinerators would generally experience the lowest per system costs. The compliance costs per ton of hazardous waste burned are projected to increase from 31 to 41 percent for cement kilns and about 35 percent for lightweight aggregate kilns. The increase for commercial incinerators is estimated at 20 percent of the baseline burn costs. The regulated community is also likely to experience some cost savings as a result of the streamlined administrative procedures established through today's final rule.

The compliance cost analysis contains a variety of uncertainties. The most significant include: The limited availability of emissions data upon which engineering controls are based, lack of baseline air pollution control device data for a number of facilities, and the difficulty in determining the extent to which feed control may be used as a feasible alternative method of compliance. While uncertainties are acknowledged, we do not believe that the above data limitations significantly bias the results either upward or downward.

In addition to costs incurred by the private sector, today's rule is also likely to result in incremental costs and savings to government regulatory entities at different levels as they administer and enforce the new emissions standards and related requirements. EPA Regional offices, state agencies, as well as some local agencies may incur some combination of incremental costs associated with permitting. Modifications of the permitting process related to Clean Air Act provisions could cost governmental entities, nationwide, approximately $330,000 per year. Potential government activities could also include the state rulemaking efforts necessary for agencies to modify their RCRA permitting processes as part of the "Fast-Track" provisions. State rulemakings and authorization of the modified procedures could cost states between $500,000 and $700,000, nationwide. Streamlined RCRA permit modification procedures may also result in aggregate savings ranging from $0.4 to $2.1 million. Overall economic impacts on particular governmental regulatory entities will depend on a variety of factors that are difficult to characterize with precision. Furthermore, economic impacts associated with governmental activities will differ in the way in which a particular governmental entity may choose to implement the requirements.

E. Analytical Methodology and Findings—Social Cost Analysis

We examined social cost impacts potentially associated with today's rule. Total social costs include the value of resources used to comply with the standards by the private sector, the value of resources used to administer the regulation by the government, and the value of output lost due to shifts of resources to less productive uses. To evaluate these shifts in resources and changes in output requires predicting changes in behavior by all affected parties in response to the regulation, including responses of directly-affected entities, as well as indirectly-affected private parties.

For this analysis, social costs are grouped into two categories: economic welfare (changes in consumer and producer surplus), and government administrative costs. The economic welfare analysis conducted for today's rule uses a simplified partial equilibrium approach to estimate social costs. In this analysis, changes in economic welfare are measured by summing the changes in consumer and producer surplus. This simplified approach bounds potential economic welfare losses associated with the rule by considering two scenarios: Compliance costs assuming no market adjustments, and market adjusted compliance costs.

Social costs presented in this section assume market adjustments. Under this scenario, increased compliance costs are examined in the context of likely incentives combustion facilities would have to continue burning hazardous wastes and the competitive balance in different combustion sectors. Furthermore, combustion facilities are likely to try to recover these increased costs by charging higher prices to generators and fuel blenders. This scenario estimates market adjusted compliance costs by assessing baseline profitability, profitability post-rule using different price increase scenarios, and waste management alternatives in order to help predict combustion price increases.

Overall, the difference in aggregate compliance costs for all sectors of the existing regulated community to meet any of the examined scenarios is not substantial. Total annualized market adjusted costs for all sectors are estimated to range from $44 to $50 million under the floor option. Under the beyond-the-floor (ACI) option, these costs are estimated to range from $98 to $107 million. For all sectors to meet the final standards, our best estimate of total annualized costs ranges from $50 to $63 million, depending upon level of price pass-through. All cost estimates are incremental to the baseline. These estimates, however, are not incremental to any mutual requirements potentially associated with cement kilns meeting standards established under the nonhazardous waste burner cement kiln rule.

Cement kilns ($17–24 million) and private on-site incinerators ($20–24 million) make up about 76 percent of aggregate national costs under the final standards. For cement kilns, this is due primarily to the high costs per system. For private on-site incinerators, the high costs are primarily due to the large number of combustion systems. Total costs are less for commercial incinerators ($5–6 million, or 10 percent) because of lower costs per system relative to cement kilns and due to the limited number of commercial units relative to on-site incinerators. Lightweight aggregate kilns ($3 million) represent about 5 to 6 percent of the total costs, due primarily to the limited number of units. Government on-site units make up the remainder.

F. Analytical Methodology and Findings—Economic Impact Analysis

Various market adjustments are expected in response to the increased costs of hazardous waste combustion associated with today's rule. Economic impacts may be measured through numerous factors. This analysis examines market exit estimates, waste reallocations, employment impacts, combustion price increases, industry impacts, and the multirule or joint impacts analysis. Economic impacts presented in this section are distinct from the social costs analysis, which represents only the monetary value of market disturbances.

1. Market Exit Estimates

The hazardous waste combustion industry operates in a dynamic market, with a number of systems/facilities projected to exit the hazardous waste burning market under baseline conditions (see Section V. B of this Part). As a result, this analysis presents market exit estimates expected to result under the baseline, as well as from today's rule. This approach is developed in an effort to present a more accurate estimate of "real-world" incremental impacts resulting from the final standards. Market exit estimates are derived from a breakeven analysis designed to determine system and facility viability. This analysis is subject to several assumptions, including: engineering cost data on the baseline costs of waste burning, cost estimates for pollution control devices, prices for combustion services, and assumptions about the waste quantities burned at these facilities. It is important to note that, for most sectors, exiting the hazardous waste combustion market is not equivalent to closing a plant. (Actual plant closure would only be expected in the case of an exit from the hazardous waste combustion market of a commercial incinerator closing all its systems.)

A relatively small percentage of facilities (including no lightweight aggregate kilns) are projected to stop burning hazardous waste as a result of the incremental requirements associated with today's rule. Those facilities that do exit were found to be marginally profitable in the baseline, burning low quantities of hazardous waste. The economic model post-consolidation results indicate that, in response to today's rule, the following number of combustion facilities are expected to cease burning hazardous waste in the short term: Cement kilns, zero out of 18 facilities; lightweight aggregate kilns, zero out of five facilities; commercial incinerators, zero out of 20 facilities; and private on-site incinerators, 16 out of 111 facilities.

The number of anticipated market exits increases in the long term due to the necessity of recovering the capital costs of combustion. However, because this also holds true in the baseline, an increased number of projected long-term baseline market exits may, in some cases, actually decrease the number of incremental long-term exits. There remain zero incremental market exits for LWAKs and commercial incinerators over the long-term. Incremental market exits for cement kilns, however, increase from zero in the short-term to up to two over the long-term. Incremental market exits for private on-site incinerators decline from 16 in the short-term to 13 over the long-term. This is due to a 62 percent increase in baseline market exits from the short-term to the long-term.

2. Quantity of Waste Reallocated

Combustion systems that can no longer cover costs (i.e., those below the dynamic breakeven quantity) are projected to stop burning hazardous waste. Hazardous wastes from these systems will likely be reallocated to other viable combustion systems at the same facility if there is sufficient capacity, alternative combustion facilities that continue burning, or waste management alternatives (*e.g.*, solvent reclamation). Because combustion is likely to remain the lowest cost option, we expect most reallocated wastes will continue to be managed at combustion facilities.

The economic model indicates that, in response to today's rule, between 14,000 to 42,000 tons of currently burned hazardous waste could be reallocated to other facilities or waste management alternatives. This estimate represents between 0.4 and 1.3 percent of the total quantity of combusted hazardous wastes and is incremental to projected long-term baseline reallocations of approximately 100,000 tons. Currently, there is more than adequate capacity within the remaining sources of the combustion market to accommodate this reallocated waste, even at the high-end estimate.

3. Employment Impacts

Today's rule is likely to cause employment shifts across all of the hazardous waste combustion sectors. These shifts will occur as specific combustion facilities find it no longer economically feasible to keep all of their systems running, or to stay in the hazardous waste market at all. When this occurs, workers at these locations may lose their jobs. At the same time, the rule may result in employment gains, as new purchases of pollution control equipment stimulate additional hiring in the pollution control manufacturing sector and as additional staff are required at combustion facilities for various compliance activities.

a. Employment Impacts—Losses. Primary employment losses in the combustion industry are likely to occur when combustion systems consolidate the waste they are burning into fewer systems or when a facility exits the hazardous waste combustion market altogether. Operation and maintenance labor hours are expected to be reduced for each system that stops burning hazardous waste. For each facility that completely exits the market, employment losses will likely also include supervisory and administrative labor.

Total incremental employment dislocations potentially resulting from the final standards range from approximately 100 to 230 full-time-equivalent (FTE) jobs under the floor and the recommended options. Under the beyond-the-floor (ACI) option the high-end estimate of employment dislocations increases by almost 9 percent to approximately 250 FTEs. Among the different sectors, on-site incinerators are responsible for most of the total estimated number of job losses. Their significant share of the losses is a function of both the large number of on-site incinerators in the universe as well as the relatively high number of expected exits within this sector. Cement kilns are responsible for the second largest number of expected employment losses due to the number of systems that consolidate waste-burning at these facilities.

b. Employment Impacts—Gains. In addition to employment losses, today's rule will also lead to job gains as firms invest to comply with the various requirements of the rule and add additional operation and maintenance personnel for the new pollution equipment and other compliance activities, such as new reporting and record keeping requirements.

The total annual employment gains (without particulate matter continuous emission monitors) associated with the floor and recommended final standards are approximately 300 FTEs. The beyond-the-floor (ACI) option may increase the high-end employment gain estimate to as much as 620 FTEs. About one-third to one-half of all estimated job gains are projected to occur in the pollution control equipment industry. The remaining job gains will occur at the combustion facilities as additional personnel are hired for operation and maintenance and permitting requirements.

While it may appear that this analysis suggests overall net job creation under particular options and within particular combustion sectors, such a conclusion would be inappropriate. Because the gains and losses occur in different sectors of the economy, they should not be added together. Doing so would mask important distributional effects of the rule. In addition, the employment gain estimates reflect within sector impacts only and therefore do not account for job displacement across sectors as

investment funds are diverted from other areas of the larger economy.

4. Combustion Price Increases

All combustion facilities that remain in operation will experience increased operational costs under today's rule. To protect their profits, each facility will have an incentive to pass these increased costs on to their customers (generators and blenders) in the form of higher combustion prices. Generators and blenders are expected to pay these higher prices unless they have less expensive waste management alternatives.

Under the theory of market price adjustments, as applied in the economic model, waste would be sent to the least expensive alternatives first, all else being equal. At the same time, prices would rise to the point at which all demand for waste management is met. In theory, the last tons would be managed by substituting non-combustion or waste minimization alternatives. The most efficient waste management substitute for these wastes would cap price increases, resulting in a new market price. Combustion facilities, in turn, would each set their prices at this market price in order to maximize profits. Less efficient waste management scenarios may earn just enough to stay in business over the short term, but would not recover capital costs. Combustion systems operating above the market price would lower their prices or exit the market. In reality, the hazardous waste combustion marketplace is very complex, and the determination of an adjusted market price would be an ongoing process affected by numerous factors, including price differentials among regions, waste stream types, and generators.

Available economic data on the cost of waste management alternatives for combusted hazardous waste, including source reduction and other waste minimization options, are not precise enough to allow for an accurate estimate of the maximum price increase that combustors may pass through to generators and fuel blenders. However, available data do indicate that the demand for hazardous waste combustion is relatively inelastic and that combustion facilities are likely to pass through approximately 75 percent of compliance costs in the least-cost sector. High-cost sectors, however, may pass through less than the 75 percent estimate. We also analyzed a 25 percent price pass through scenario. Under the recommended final standards, the weighted average combustion price per ton is projected to increase anywhere from about 0.5 to 11 percent, depending upon sector and scenario. Prices were found to increase by as much as 25 percent under the beyond-the-floor (ACI) option.

5. Industry Profits

Hazardous waste-burning profits for all combustion sectors, on average, are expected to decline post-rule. This decline, however, will not be consistent across sectors. Hazardous waste-burning profits for cement kilns are projected to decrease by no more than 10 percent, while profits for commercial incinerators would decrease by no more than 2 percent. These profit margin estimates are based on a simple calculation that subtracts projected operating costs from revenues. These estimates provide relative measures of profit changes and should not be used to predict absolute profit margins in these industries.

Compliance costs associated with meeting today's rule are estimated to represent less than 2 percent of the pollution control expenditures in industries that contain facilities with on-site incinerators. For cement kilns, however, compliance costs are expected to increase total pollution control expenditures by no more than 60 percent at waste-burning facilities.

To comply with today's rule, many facilities will need to purchase additional pollution control equipment. From the perspective of the pollution control industry, these expenditures will translate into additional revenues and profits. Total profits for the air pollution control industry are likely to increase as a result of today's rule.

6. National-Level Joint Economic Impacts

Analyzing national-level economic impacts in a market context provides an opportunity to assess the distributional effects on cement producers, lightweight aggregate kilns, and commercial incinerators. As a supplement to today's analysis, we used the model developed for the Portland Cement MACT rulemaking to estimate national-level economic impacts of today's Hazardous Waste Combustion (HWC) MACT rule in an interactive market context. This analysis was conducted to estimate joint impacts of today's rule in conjunction with the Portland Cement MACT rule and the Cement Kiln Dust rule. The Portland Cement MACT model incorporates compliance costs for each affected cement kiln, lightweight aggregate kiln, and commercial incinerator and then projects national level impacts associated with these facilities and for the general Portland cement market. On-site incinerators were not included in this analysis because they do not generally compete in the commercial hazardous waste combustion market. Results from this analysis are separated into three categories: Market-, industry-, and social-level impacts associated with imposition of the recommended final standards and the two HWC MACT options (floor and beyond-the-floor (ACI)).

Joint national-level economic impact results combining the HWC MACT options with the Portland Cement MACT and Cement Kiln Dust Rule are summarized in this section. Market, industry, and social cost impacts are discussed. This analysis assumes simultaneous implementation of all three rules.

Market-level impacts for this joint scenario, assuming the floor option, result in increased costs of cement production and burning hazardous waste at affected cement kilns. The national market price of Portland cement is projected to increase by about 2.0 percent, while domestic production would decline by about 4.0 percent. Market impacts for the joint scenario with the recommended final standards and the beyond-the-floor (ACI) option were found to be generally equivalent to results under the floor option. The extent to which domestic cement producers face competition from foreign cement imports will limit the degree of domestic price increases. Furthermore, the U.S. cement market is regionally specific. While nationwide average market price and production impacts are estimated to be relatively minor, producers in selected regions may experience significant revenue and production impacts, either positive or negative.

Under the joint scenario with the floor option, the market prices for both liquid and solid hazardous waste incineration are projected to increase by about 8.6 percent and 1.4 percent, respectively. The price change for liquids is higher than that observed for the floor only, while the price change for solids is virtually the same. For cement kilns, the increased costs associated with all three regulations, combined with their reductions in cement production, is projected to cause their supply of hazardous waste incineration services to fall by around 11.0 percent for both liquids and solids. In response to the regulatory costs, lightweight aggregate kilns also reduce their supply of liquid hazardous waste incineration by around 9.0 percent. For commercial incinerators, the supply of hazardous waste incineration increases by nearly 6.0 percent for liquids and close to 3.0

percent for solids. The market impacts for the joint scenario, using the recommended final standards and the beyond-the-floor (ACI) alternative, were found to be similar to those for the floor option. One exception is the market price for liquids, which increases by a greater percentage under the joint scenario with the beyond-the-floor (ACI) alternative. This results in a greater reduction in liquid hazardous waste burned at cement kilns and lesser decreases in liquids incinerated at commercial incinerators.

Industry-level impacts under the joint impacts scenario with the floor option indicate that Portland cement plants may see total gross revenues decline by nearly 3.0 percent from their current baseline. This decline in total revenue results from foregone revenues associated with producing less Portland cement and lost revenues from burning hazardous waste. The total net costs for these cement plants are also projected to decrease, reflecting the increase in costs associated with burning hazardous waste, plus the increase in cement kiln dust management costs, and the decrease in costs associated with producing less cement. The net result, indicates a decline in aggregate nationwide earnings before interest and taxes (EBIT) of about 5.5 percent from the current baseline. Lightweight aggregate kilns are also projected to incur a decline in hazardous waste-related EBIT of about 5.5 percent. Alternatively, as a group, the commercial incinerators are expected to experience a net gain of around 11.0 percent in annual earnings under this joint scenario with the floor option. These joint industry-level impacts on EBIT indicate a similar pattern across each regulatory scenario, except for lightweight aggregate kilns under the beyond-the-floor (ACI) option, where EBIT declines by nearly 14.0 percent. Industry-level impacts under the joint impact analysis also includes estimates of plant or system closures. The joint analysis under each hazardous waste combustion scenario indicates that three cement plants and 14 to 15 kilns may cease production. Furthermore, five cement kilns are projected to stop burning hazardous waste. The analysis also indicates that one lightweight aggregate kiln may discontinue burning hazardous waste and one to two commercial incinerators may close operations and stop burning hazardous waste with the joint implementation of all three rules. These market exit estimates include projected baseline closures.

Social-level impacts, or social costs, under the joint scenarios indicate that, for both Portland cement and hazardous waste incineration services, consumers are worse off due to the increase in prices and reductions in consumption. For producers of Portland cement and incineration services, cement kilns and lightweight aggregate kilns are worse off (on a nationwide basis) due to the decline in market share, while commercial incinerators are better off due to the increase in prices and market share.

Refer to the final Assessment document and appendices for a complete discussion of joint impacts.

G. Analytical Methodology and Findings—Benefits Assessment

This section discusses the benefits assessment for today's rule. Results from our multi-pathway human health and ecological risk assessment are used to evaluate incremental benefits to society of emission reductions at hazardous waste combustion facilities.[351] Total monetized benefits are estimated at $19.2 million. This section also summarizes how today's rule may lead to changes in the types and quantities of wastes generated and managed at combustion facilities through increased waste minimization.

1. Human Health and Ecological Benefits

a. Risk Assessment Overview. The basis for the benefits assessment is our multi-pathway risk assessment model. This model estimates baseline risks from hazardous waste combustion emissions, as well as expected risks after today's rule is implemented. The model examines both inhalation and ingestion pathways to estimate human health risks. A less detailed screening-level analysis is used to identify the potential for ecological risks. The risk assessment is carried out for the regulatory baseline (no regulation), the final recommended standards, and the two MACT options (floor and beyond-the-floor (ACI)). The assessment uses a case study approach in which 76 hazardous waste combustion facilities and their site-specific land uses and environmental settings are characterized. The randomly selected facilities in the study include 43 on-site incinerators, 13 commercial incinerators, 15 cement kilns, and five lightweight aggregate kilns.

The pollutants analyzed in the risk assessment are dioxins and furans, selected metals, particulate matter, chlorine, and hydrogen chloride. The metals modeled in the analysis include antimony, arsenic, barium, beryllium, cadmium, chromium, copper, cobalt, lead, manganese, mercury, nickel, selenium, silver, and thallium. The fate and transport of the emissions of these pollutants is modeled to arrive at concentrations in air, soil, surface water, and sediments. To assess human health risks, these concentrations can be converted to estimated doses to the exposed populations using exposure factors such as inhalation and ingestion rates. These doses are then used to calculate cancer and noncancer risks, if the appropriate health benchmarks are available. To assess potential ecological risks, soil, surface water and sediment concentrations are compared with eco-toxicological criteria representing protective screening values for ecological risks. Because these criteria are based on *de minimis* ecological effects and thus represent conservative values, an exceedance of the eco-toxicological criteria does not necessarily indicate ecological damages. It simply suggests that potential damages cannot be ruled out.

To characterize the cancer and noncancer risks to the populations listed above, the risk assessment breaks down the area surrounding each modeled combustion facility into 16 polar grid sectors. For each polar grid sector, risk estimates can be developed for different age groups and receptor populations (*e.g.*, 0 to 5 year old children of subsistence fishers). This approach is used because geographic and demographic differences across polar grid sectors leads to sectoral variation in individual risks. Thus, individual risk results are aggregated across sectors to generate the distribution of risk to individuals in the affected area. An additional Monte Carlo analysis was conducted to incorporate variability in other exposure factors such as inhalation and ingestion rates for three scenarios that were thought to comprise the majority of the risk to the study area population. These scenarios address cancer risk from dioxin exposure to beef and dairy farms and noncancer risk from methyl mercury exposure to recreational anglers.

b. Human Health Benefits—Methodology. Human health benefits are assessed by identifying those pollutants for which emission reductions are expected to result in improvements to human health or the

[351] The RIA for the proposal included results from a screening analysis designed to assess the potential magnitude of property value benefits caused by the MACT standards. This analysis is not included in the Economic Assessment for the Final Rule due to limitations of the benefits transfer approach and because property value benefits likely overlap with human health and ecological benefits. Including property value benefits would result in double-counting.

environment. The relevant results from the risk assessment for the pollutants of concern are then examined, focusing on population risk results based on central tendency exposure parameters. The risk assessment data are expressed as indicators of potential benefits, such as reduced cancer incidence or reduced potential for developing particular illnesses or abnormalities. Where possible, monetary values are assigned to these benefits using a benefits transfer approach.

To assign monetary values to cancer risk reduction estimates, we apply the value of a statistical life to the risk reduction expected to result from the MACT standards. The value of a statistical life is based on an individual's willingness to pay to reduce a risk of premature death or their willingness to accept increases in mortality risk. Because there are many different estimates of value of a statistical life in the economic literature, we estimate the reduced mortality benefits using a range of value of a statistical life estimates from 26 policy-relevant value-of-life studies. The estimated value of a statistical life figures from these studies range from $0.7 million to $15.9 million (adjusted to 1996 dollars), with a mean value of $5.6 million. The expected number of annual premature statistical deaths avoided are multiplied by the value of a statistical life estimate to determine the estimated monetary value of the mortality risk reductions.

A variety of approaches are used to evaluate the benefits associated with noncancer risk reductions. For particulate matter, both morbidity and mortality benefits are estimated. Particulate matter is the only non-carcinogen in the risk assessment for which there is sufficient dose-response information to estimate numbers of cases of disease and deaths from exposures. For lead and mercury, upper bound estimates of the population at risk are used. This is because information is only available on the potential of an adverse effect, with no estimates available on the likelihood of these effects.

We assign monetary values to noncancer benefits using a direct cost approach which focuses on the expenditures averted, and the opportunity cost of time spent in the hospital, by decreasing the occurrence of an illness or other health effect. While the willingness to pay approach used for valuing the cancer risk reductions is conceptually superior to the direct cost approach, measurement difficulties, such as estimating the severity of various illnesses, precludes us from using this approach here. Direct cost measures are expected to understate true benefits because they do not include cost of pain, suffering, and time lost. On the other hand, because we use upper bound estimates of the population at risk, we cannot conclude that the results are biased in one direction or the other.

c. Human Health Benefits—Results. Human health benefits are expected from both cancer and noncancer risk reductions. Less than one cancer case per year is expected to be avoided due to reduced emissions from combustion facilities. The majority of the cancer risk reductions are linked to consumption of dioxin-contaminated agricultural products exported beyond the boundaries of the study area. Less than one-third of the cancer risk reductions occur in local populations living near combustion facilities. Cancer risks for local populations are attributed primarily to reductions in arsenic and chromium emissions. These pollutants account for almost 85 percent of total local cancer incidences in the baseline. By applying value of a statistical life estimates to these cases, the total annual cancer risk reductions (benefits) in going from the baseline to the final standards, are valued at between $0.13 and $9.9 million, with a best estimate of approximately $2.02 million.

Across all receptor populations, individual cancer risks are greatest for subsistence farmers. Dioxin is the primary pollutant that drives the cancer risk for this sensitive receptor population. A lack of population data prevented us from quantifying benefits for this sub-population. It is possible, however, to characterize the reduction in risk from baseline to implementation of today's rule. With the exception of one particular scenario, the cancer risk for all subsistence farmers is reduced to below levels of concern after implementation of today's rule. Today's rule is also expected to result in lower cancer risks for children of subsistence farmers.

Most of the noncancer human health benefits from today's rule come from reductions in particulate matter. Some additional noncancer benefits come from reduced blood lead levels in children living near combustion facilities. Total annual noncancer benefits from quantifiable sources are valued at between $9.85 and $73.8 million, with a best estimate of about $17.2 million. Uncertainties implicit in the quantitative mercury analysis continue to be sufficiently great so as to limit its ultimate use in the monetization of noncancer benefits. Please review the Addendum and chapter six of the Assessment document for a complete discussion of human health benefits resulting from today's rule.

d. Ecological Benefits—Methodology. Ecological benefits are based on a screening analysis for ecological risks that compares soil, surface water, and sediment concentrations with eco-toxicological criteria based on *de minimis* thresholds for ecological effects. Because these criteria represent conservative values, an exceedance of the eco-toxicological criteria only indicates the potential for adverse ecological effects and does not necessarily indicate ecological damages. For this reason, benefits of avoiding adverse ecological impacts are discussed only in qualitative terms.

The basic approach for determining whether ecosystems or biota are potentially at risk consists of five steps: (1) Identify susceptible ecological receptors that represent relatively common species and communities of wildlife, (2) develop eco-toxicological criteria for receptors that represent acceptable pollutant concentrations, (3) estimate baseline and post-rule pollutant concentrations in sediments, soils, and surface waters of the study areas, (4) for each land area or water body modeled, compare the modeled media concentrations to ecologically protective levels to estimate eco-toxicological hazard quotients, and (5) total the land and water areas containing hazard quotients exceeding one and compare this number for the baseline and post-rule scenario. The reduction in the land and water area potentially at risk indicates a potential for avoiding adverse ecological impacts. Monetary values are not assigned to these potential benefits.

e. Ecological Benefits—Results. Ecological benefits are attributable primarily to reductions in dioxin and mercury for terrestrial ecosystems. For these ecosystems, hazard quotients are reduced to acceptable levels for approximately 115 to 150 square kilometers of land located within 20 kilometers of all combustion facilities. Ecological benefits associated with freshwater aquatic ecosystems are attributable to reductions in lead, with hazard quotients reduced to acceptable levels for approximately 35 to 40 square kilometers of these surface waters. These reductions of ecological risk criteria below levels of concern only indicates a potential for ecological improvement.

2. Waste Minimization Benefits

While many facilities may implement end-of-pipe controls such as fabric

filters and high-energy scrubbers to achieve MACT control, emission reductions may also be accomplished by reducing the volume or toxicity of wastes currently combusted. In addition, generators may also consider waste management alternatives such as solvent recycling. For purposes of this analysis, these types of responses will be referred to as "waste minimization." This section summarizes the potential waste minimization benefits resulting from implementation of today's rule.

As today's rule is implemented, the costs of burning hazardous waste will increase, resulting in market incentives for greater waste minimization. To predict the quantity of waste that could be reallocated from combustion to waste minimization due to economic considerations, we conducted a comprehensive waste minimization analysis that considered in-process recycling, out-of-process recycling, and source reduction. The objective of the analysis was to predict the quantity of hazardous wastes that may be reallocated to these waste minimization alternatives under different combustion price increase scenarios.

Overall, the analysis shows that a variety of waste minimization alternatives are available for managing those hazardous waste streams that are currently combusted. The quantity projected to be reallocated from combustion to waste minimization alternatives, however, depends upon the expected price increase for combustion services. At potential price increases ranging from $10 to $20 per ton, as much as 240,000 tons of hazardous waste may be reallocated from combustion to waste minimization alternatives. This represents approximately 7 percent of the total quantity of hazardous waste currently combusted.

VI. What Considerations Were Given to Issues Like Equity and Children's Health?

By applicable statute and executive order, we are required to complete an analysis of today's rule with regard to equity considerations and other regulatory concerns. This section assesses the potential impacts of today's rule as it relates to environmental justice, children's health issues, and unfunded federal mandates. Small entity impacts are examined in a separate section.

A. Executive Order 12898, "Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations" (February 11, 1994)

This Order is designed to address the environmental and human health conditions of minority and low-income populations. To comply with the Executive Order, we have assessed whether today's rule may have disproportionate effects on minority populations or low-income populations. We have analyzed demographic data presented in the reports "Race, Ethnicity, and Poverty Status of the Populations Living Near Cement Plants in the United States" (EPA, August 1994) and "Race, Ethnicity, and Poverty Status of the Populations Living Near Hazardous Waste Incinerators in the United States" (EPA, October 1994). These reports examine the number of low-income and minority individuals living near a relatively large sample of cement kilns and hazardous waste incinerators and provide county, state, and national population percentages for various sub-populations. The demographic data in these reports provide several important findings when examined in conjunction with the risk reductions projected from today's rule.

We find that combustion facilities, in general, are not located in areas with disproportionately high minority and low-income populations. However, there is evidence that hazardous waste burning cement kilns are somewhat more likely to be located in areas that have relatively higher low-income populations. Furthermore, there are a small number of commercial hazardous waste incinerators located in highly urbanized areas where there is a disproportionately high concentration of minorities and low-income populations within one and five mile radii. The reduced emissions at these facilities due to today's rule could represent meaningful environmental and health improvements for these populations. Overall, today's rule should not result in any adverse environmental or health effects on minority or low-income populations. Any impacts on these populations are likely to be positive due to the reduction in emissions from combustion facilities near minority and low-income population groups. The Assessment document available in the RCRA docket established for today's rule presents the full Environmental Justice Analysis.

B. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997)

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

Today's final rule is not subject to the Executive Order because it is not economically significant as defined under point one of the Order, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

The topic of environmental threats to children's health is growing in regulatory importance as scientists, policy makers, and village members continue to recognize the extent to which children are particularly vulnerable to environmental hazards. Recent EPA actions including today's rule, are in the forefront of addressing environmental threats to the health of children. The risk assessment conducted in support of today's rule indicates that children are the beneficiaries of much of the reduction in potential illnesses and other adverse effects associated with combustion facility emissions. The risk assessment used a multi-pathway and multi-constituent evaluation in order to examine potential effects of combined exposures on children. Setting environmental standards that address combined exposures and that are protective of the heightened risks faced by children are both goals named within EPA's "National Agenda to Protect Children's Health from Environmental Threats." Areas for potential reductions in risks and related health effects that were identified by the risk assessment are all targeted as priority issues within EPA's September 1996 report, Environmental Health Threats to Children.

A few significant physiological characteristics are largely responsible for children's increased susceptibility to

environmental hazards. First, children eat proportionately more food, drink proportionately more fluids, and breathe more air per pound of body weight than do adults. As a result, children potentially experience greater levels of exposure to environmental threats than do adults. Second, because children's bodies are still in the process of development, their immune systems, neurological systems, and other immature organs can be more easily and considerably affected by environmental hazards. The connection between these physical characteristics and children's susceptibility to environmental threats are reflected in the higher baseline risk levels for children living near hazardous waste combustion facilities. The risk assessment addresses threats to children's health associated with hazardous waste combustion by evaluating reductions in risk for children as well as for adults and the population overall. For all exposed sub-populations, the assessment evaluated risks to four different age groups: 0 to 5 years, 6 to 11 years, 12 to 19 years, and adults over 20 years. Where possible, the risk assessment has provided both population and individual risk results for children. Both cancer and noncancer risks are examined across the age groups of children, focusing on the most susceptible sub-populations. The combined effects of several carcinogens, one of the goals named within the Agency's "National Agenda to Protect Children's Health from Environmental Threats," were examined.

The key findings from the risk assessment indicate that children do not face significant cancer risks from hazardous waste combustion emissions. Only in the case of children of subsistence farmers do baseline cancer risks exceed 1×10^{-5} for the most highly exposed children. Implementation of the final standards would reduce these risks below levels of concern [352].

The analysis also found that much of the noncancer risk reductions resulting from implementation of today's rule may benefit children specifically. These are projected as a result of lower exposures to mercury, lead, and particulate matter, three types of pollutants addressed in the noncancer risk reductions which primarily affect children. Mercury emission reductions may reduce risks of developmental abnormalities in potential future offspring of recreational anglers and subsistence fishermen. In addition, particulate matter reductions may prevent some asthma attacks affecting children, but these benefits have not been quantified. Finally, reduced lead exposures for children are expected from today's rule. This benefit may help prevent cognitive and nervous system developmental abnormalities for children of the most highly exposed sub-populations, including subsistence fishermen and beef and dairy farmers. Analytical and data limitations prevented reasonable monetization of these findings.

[352] Also, the analysis used the same approach to estimate cancer risks in both adults and children. However, individuals exposed to carcinogens in the first few years of life may be at increased risk of developing cancer. For this reason, we recognize that significant uncertainties and unknowns exist regarding the estimation of lifetime cancer risks in children. We also note that this analysis of cancer risks in children has not been externally peer reviewed.

C. Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4)

Executive Order 12875, "Enhancing the Intergovernmental Partnership" (October 26, 1993), calls on federal agencies to provide a statement supporting the need to issue any regulation containing an unfunded federal mandate and describing prior consultation with representatives of affected state, local, and tribal governments. Signed into law on March 22, 1995, the Unfunded Mandates Reform Act (UMRA) supersedes Executive Order 12875, reiterating the previously established directives while also imposing additional requirements for federal agencies issuing any regulation containing an unfunded mandate.

Today's rule is not subject to the requirements of sections 202, 204 and 205 of UMRA. In general, a rule is subject to the requirements of these sections if it contains "Federal mandates" that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Today's final rule does not result in $100 million or more in expenditures. The aggregate annualized social costs for today's rule are projected to range from $50 to $63 million under the final standards.

For rules that are subject to the requirements of these sections, key requirements include a written statement with an analysis of benefits and costs; input from state, local and tribal governments; and selection of the least burdensome option (if allowed by law) or an explanation for the option selected. We recognize the potential for aggregate one-time capital expenditures to exceed $100 million in any one year should various industry sectors choose not to amortize capital expenditures. Under this scenario, the Assessment document for today's rule meets analytical requirements established under UMRA.

Today's rule is not subject to the requirements of section 203 of UMRA. Section 203 requires agencies to develop a small government Agency plan before establishing any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments. EPA has determined that this rule will not significantly or uniquely affect small governments. The small entity impacts analysis, presented in Appendix G of the final Assessment, found that no hazardous waste combustion units are owned by small governments.

Finally, because we are issuing today's rule under the statutory authority of the Clean Air Act, the rule should be exempt from all relevant requirements of the UMRA. In addition, compliance with the rule is voluntary for nonfederal governmental entities since state and local agencies choose whether or not to apply to EPA for the permitting authority necessary to implement today's rule.

VII. Is Today's Rule Cost Effective?

We have developed a cost-effectiveness measure that examines cost per unit reduction of emissions for each hazardous air pollutant, pollutant group, or surrogate. Cost-effectiveness measures are useful for comparing across different air pollution regulations. Moreover, we have typically used cost-effectiveness measures (defined as "dollar-per-unit of pollutant removed") to assess the decision to go beyond-the-floor for MACT standards.

Developing cost-effectiveness estimates for individual air pollutants assists us in making beyond-the-floor decisions for individual pollutants. The two analytic components of the individual cost-effectiveness analysis are: (1) Estimates of emission control expenditures per air pollutant for each regulatory option, and (2) estimates of emission reductions under each regulatory option. Individual cost-effectiveness measures for each MACT option are calculated as follows:

- HWC MACT Floor—Costs and emission reductions are incremental to the baseline,
- HWC MACT Final Standards—Costs and emission reductions are incremental to the MACT Floor, and
- Beyond-the-Floor—Activated Carbon Injection (ACI) MACT—Costs and emission reductions are incremental to the MACT Floor.

Single-level cost-effectiveness results across all HWC MACT options range

from seven hundred dollars to $34.3 million per megagram reduced for all pollutants, individually, except dioxin. Dioxin control ranges from $25,000 to $903,000 per gram reduced. Dioxin control for incinerators to meet the floor standard is estimated at $903,000 per gram, with an additional $368,000 per gram to go from the floor to the final BTF TEQ standard. The control of SVM emitted from cement kilns is estimated to cost $67,000 per megagram from the baseline to the floor. Moving from the floor standard to the final BTF SVM standard for cement kilns is estimated to cost $502,000 per megagram. These results indicate that the more highly toxic pollutants such as dioxin are often much more expensive to control on a per-gram basis.

We did not apply cost-effectiveness alone in establishing beyond-the-floor levels for selected constituents regulated under the final HWC MACT standards. Several other measurement factors were incorporated into the beyond-the-floor decision, including: health benefits (especially those for children), regulatory precedent, cost-effectiveness of other MACT standards, and reliability of baseline data.

The method for calculating cost-effectiveness makes several simplifying assumptions. The two most important address the metrics employed for measuring cost-effectiveness and the actual methodology used to estimate the cost and emission reduction figures. Alternative measurement criteria for different constituents may lead to perceived distortions in scope. The cost-effectiveness methodology assumes that all facilities continue operating and install pollution control equipment or implement feed reductions to comply with the MACT standards. Both of these limiting assumptions may lead to overstatement or understatement of results. Other limitations that will influence these cost-effectiveness estimates include: (1) The feed control costing approach, which may lead to the overstatement of expenditures per pollutant due to the assumption of upper-bound cost estimates, (2) apportionment of costs, which are currently assigned according to the percentage reduction required to meet the standard for each pollutant controlled by the device, and (3) the assumption that units control emissions to the 70 percent design level.

VIII. How Do the Costs of Today's Rule Compare to the Benefits?

Comparing overall costs and benefits may help provide an assessment of this rule's overall efficiency and impacts on society. This section compares the total social costs of today's rule with its total monetized and nonmonetized benefits. The total annual monetized benefits of today's rule are estimated at $19.2 million (undiscounted) for the recommended final standards. These monetized benefits, however, may represent only a subset of potential avoided health effects, both cancer and noncancer cases. In comparison, the total annualized social costs of the rule are projected to range from $50 to $63 million. Social costs also include government administrative costs.

Across regulatory options, costs exceed monetized benefits more than two-fold. However, today's rule is expected to provide benefits that cannot be readily expressed in monetary terms. These benefits include health benefits to sensitive sub-populations such as subsistence anglers and improvements to terrestrial and aquatic ecological systems. When these benefits are taken into account, along with equity-enhancing effects such as environmental justice and impacts on children's health, the benefit-cost comparison becomes more complex but also more favorable. Consequently, the final regulatory decision becomes a policy judgment which takes into account efficiency as well as equity concerns and the positive direction of real, but unquantifiable, benefits.

IX. What Consideration Was Given to Small Businesses?

A. Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 USC 601 et seq.

This Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

We have determined that hazardous waste combustion facilities are not owned by small entities (local governments, tribes, etc.) other than businesses. Therefore, only businesses were analyzed. For the purposes of the impact analyses, small entity is defined either by the number of employees or by the dollar amount of sales. The level at which a business is considered small is determined for each Standard Industrial Classification (SIC) code by the Small Business Administration.[353]

Affected individual waste combustors (incinerators, cement kilns, and lightweight aggregate kilns) will bear the impacts of today's rule. These units will incur direct economic impacts as a result of today's rule. While not required under the Act and guidelines, we have also examined potential secondary impacts on small business units potentially affected by today's rule, such as hazardous waste generators and fuel blenders. Although hazardous waste combustors are the only group that would bear direct economic impacts from today's rule, this "secondary impacts" analysis was conducted because we assume that some portion of the burden would be passed on to customers of combustion facilities through price increases. This section describes the small entity analysis we conducted in support of today's rule.

B. Analytical Methodology

For combustors and blenders, we conducted facility-by-facility analyses of small businesses. We examined company data on employment and sales and then compared these data to statutory small business thresholds based on employment or annual sales, as defined for its industry by the Small Business Administration in 13 CFR part 121. Combustion or blender units where the facility or parent company data fell below the small business thresholds were classified as small businesses. The analysis was more complex for generators, however, because the rule may indirectly affect more than 11,000 generators. Given the large number of generators who would be affected by today's rule, it was necessary to conduct an initial, broad screening analysis to identify small business generators that might face significant secondary impacts. This screening analysis involved assigning each facility to an industry group, identifying industry groups that are dominated by small businesses, and then assuming that all generators in those small business dominated industries are small. Further analyses were then conducted on these groups or specific facilities.

We next compiled compliance cost data in an effort to establish a threshold for measuring "significant economic impact." This threshold was set where compliance costs exceed one percent of

[353] SIC codes are used rather than the new NAICS codes because waste generator, blender, and combustor data were only available according to SIC code. However, a general conversion table containing NAICS codes for each reported SIC code is presented in the Assessment document.

facility gross sales. If costs do not exceed one percent of sales, then the regulation is unlikely to have a significant economic impact on small businesses within the category examined. Finally, we examined whether the significant economic impact (if any) would be borne by a "substantial number" of small businesses. If the regulation results in required compliance costs exceeding one percent of gross sales for more than 100 small businesses or 20 percent of all small businesses within the industry category examined, then the "substantial number" threshold is exceeded.

The cost of compliance with the new standards will determine the severity of impacts on small businesses. The costs to combustors used in this analysis coincide with the 70 percent engineering standard analyzed in the full economic assessment. The price increases experienced by generators and blenders were calculated on a per ton basis of waste shipped using 25 and 75 percent price pass-through scenarios. The price impacts were assumed to be uniform across facility types, with both generators and blenders experiencing the price pass-through effect. In practice, this pass through would likely be split between the two, depending on market factors. Note that the impacts from these price increases are indirect effects, as only hazardous waste combustors bear direct economic impact of today's rule.

C. Results—Direct Impacts

Only six facilities, out of the total universe of 172 hazardous waste combustion facilities, met the definition of small businesses. Of these six, two were found to experience annual compliance costs exceeding one percent of sales. Both of these facilities are owned by a common parent that qualifies as a small business. Therefore, this final rule affects a very limited number of small business combustors and has effects of greater than one percent on only two of these facilities (one business).

While the significant economic impact threshold was exceeded for two facilities (one corporation), these impacts do not extend to a substantial number of small entities. With just two facilities exceeding the one percent threshold, neither a substantial number of facilities nor a substantial fraction of an affected industry would face these impacts. After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Although this final rule will not have a significant economic impact on a substantial number of directly impacted small entities, EPA nonetheless has assessed the potential of this rule to adversely impact small entities subject to the rule.

D. Results—Indirect Impacts

Direct impacts of the rule extend only to combustors of hazardous waste. To supplement our analysis, indirect impacts on generators and blenders were also examined. We understand that some portion of the combustor's compliance costs would most likely be passed on to generators and blenders, and we have made an effort to analyze these impacts in the spirit of the legislation.

We found that indirect economic effects on generators would not impose a significant impact on a substantial number of small generators. Under both price pass-through scenarios (25 and 75 percent), some generators exceeded the one percent cost as percentage of sales threshold for "significant impacts." In no case, however, was the "substantial number" threshold exceeded. Under the 25 percent pass-through scenario, 18 generators had a cost as percentage of sales greater than one percent, but that accounts for only 0.85 percent of all small business generators. While the impact threshold was exceeded by 58 generators in the 75 percent pass through scenario, this is still less than the 100 entity threshold established for a substantial number. You should note that the sales thresholds were selected conservatively as the average sales for the smallest establishments in the SIC code.

Like generators, blenders do not incur direct costs as a result of the rule. However, they may bear a portion of its impact indirectly as costs are passed through from combustors. A total of 21 small business blenders were identified. Depending on the pass-through assumption, between six and 14 blenders exceed the significant impact threshold. Impacts for some of these facilities were found to represent a significant share of their annual gross sales.

Under the 25 percent price pass-through scenario, the number of blenders exceeding the cost as percentage of sales threshold do not represent a substantial number of facilities, either in absolute number or as a percentage of total blenders. Under the 75 percent scenario, however, the 14 establishments with cost as percentage of sales greater than one percent represent just over 20 percent of the 67 blenders identified for this analysis. In a few cases, the cost as percentage of sales could exceed 10 percent.

E. Key Assumptions and Limitations

This analysis was based on several simplifying assumptions. Four key assumptions may have the most significant impact on findings. First, not all small generators may be captured in our analysis of small business dominated industries. This exclusion may be offset by the fact that some generators who are not small may be incorporated in the small business dominated industries. Second, to calculate the benchmark sales for generators, we used average sales by four-digit SIC code for firms with fewer than 20 employees. This may understate economic impacts for the smallest firms in the industry while overstating impacts for larger firms. Third, compliance costs were assumed to be passed through almost completely to the shipper of the waste. This may overstate the impact on generators and blenders. Finally, we assumed that all waste currently managed by combustion continues to be disposed of in this manner. Impacts on combustors, generators, and blenders may be overstated if waste minimization or other lower cost alternatives are available.

Results from this report should also be evaluated within the context of some key analytical limitations. For example, in recent years there has been significant volatility in market behavior and pricing practices in the hazardous waste combustion industry. Furthermore, combustion prices have experienced a general downward tend since 1985 as a result of overcapacity in the market and slow growth in the generation of hazardous waste. Accounting for this price trend, the increase expected under today's rule may affect generators and blenders less significantly than anticipated. Finally, many hazardous waste generators may be more concerned about other aspects of waste management than with prices.

X. Were Derived Air Quality and Non-Air Impacts Considered?

The final Combustion MACT standards are projected to result in the reallocation and diversion of relatively small amounts of hazardous waste resulting in an unspecified increase in the level of fossil fuel substitution. This substitution with nonhazardous waste fuel sources may result in marginal increases in the annual number of mining and transport injuries, in addition to potential increased emissions of criteria pollutants (SO_x, NO_x, and CO_2). We recognize these

concerns but feel any potential non-air impacts are largely addressed through alternative regulatory or market scenarios. First, some of the hazardous waste reallocated from current combustors will likely be sent to other waste-burning facilities, thereby off-setting primary or supplementary fossil fuel usage. Even if fossil fuel burning does increase to some degree, these SO_2 and NO_x emissions are expected to be regulated under existing standards, *e.g.*, criteria pollutant emissions are currently addressed by the Clean Air Act. Finally, we find that even if fossil fuel use is increased, the risks to miners (primarily coal miners) are voluntary risks. Miners are compensated for these increased risks through wage premiums established in response to market dynamics and recurrent negotiations between union and corporate representatives.

While the primary environmental impact of the MACT standards are improvements in air quality resulting from emissions reductions at combustion facilities, other non-air environmental impacts also result from the rule. Namely, use of some air pollution control equipment and shifts in waste burning result in increased water, solid waste, and energy impacts. We did not assess the monetary costs of these impacts because we expect the incremental costs will be small relative to the total compliance costs of the rule. You are requested to review the Addendum prepared in support of today's final rule for an expanded discussion of these impacts.

XI. The Congressional Review Act (5 U.S.C. 801 et seq., as Added by the Small Business Regulatory Enforcement Fairness Act of 1996)

Is Today's Rule Subject to Congressional Review?

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective September 30, 1999.

XII. Paperwork Reduction Act (PRA), 5 U.S.C. 3501–3520

How Is the Paperwork Reduction Act Considered in Today's Rule?

The Office of Management and Budget (OMB) has approved the information collection requirements (ICR) contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control numbers 2050–0073 ("New and Amended RCRA Reporting and Recordkeeping Requirements for Boilers and Industrial Furnaces Burning Hazardous Waste") for the RCRA provisions and 2060–0349 ("New and Amended Reporting and Recordkeeping Requirements for National Emissions Standards for Hazardous Air Pollutants from Hazardous Waste Combustors") for the CAA provisions.

EPA is required under section 112(d) of the Clean Air Act to regulate emissions of HAPs listed in section 112(b). The requested information is needed as part of the overall compliance and enforcement program. The ICR requires that affected sources retain records of parameter and emissions monitoring data at facilities for a period of five years, which is consistent with the General Provisions to 40 CFR part 63 and the permit requirements under 40 CFR part 70. All sources subject to this rule will be required to obtain operating permits either through the State-approved permitting program or, if one does not exist, in accordance with the provisions of 40 CFR part 71, when promulgated. Section 3007(b) of RCRA and 40 CFR part 2, subpart B, which defines EPA's general policy on the public disclosure of information, contain provisions for confidentiality.

The public reporting burden for this collection of information for the CAA provisions under OMB control number 2060–0349 is estimated to average 297 hours per respondent per year for an estimated 229 respondents. The annual public reporting and record keeping burden for collection of information is estimated to be 67,977 hours and a cost of approximately $1.6 million. The total annualized capital costs and total annualized operation and maintenance costs associated with these requirements are $15,000 and nearly $1.6 million, respectively.

The estimates for RCRA provisions under OMB control number 2050–0073 include an annual public reporting and record keeping burden *reduction* for collection of information of 131,228 hours and a cost burden *reduction* of $4.9 million. The reductions in total annualized capital costs and total annualized operation and maintenance costs associated with these requirements are $2.1 million and $2.8 million, respectively. The negative cost represents the reduced burden on 25 facilities getting out of the hazardous waste combustor universe due to the comparable fuels exemption. A further reduction in this RCRA information collection requirement burden will occur after three years when the combustors will start reporting under the CAA information collection requirements.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. EPA is amending the table in 40 CFR part 9 of currently approved ICR control numbers issued by OMB for various regulations to list the information requirements contained in this final rule.

XIII. National Technology Transfer and Advancement Act of 1995 (Pub L. 104–113, § 12(d) (15 U.S.C. 272 Note)

Was the National Technology Transfer and Advancement Act Considered?

The rulemaking involves technical standards. Therefore, EPA conducted a search to identify potentially applicable voluntary consensus standards (VCS). However, we identified no such standards, and none were brought to our attention in the comments, that would ensure consistency throughout the regulated community. Our response-to-comments document discusses this determination. Therefore, we have decided to use the Air Methods contained in part 60, appendix A.

As noted in the proposed rule, the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

In the proposal, we discussed the manual emission test methods that would be required for emission tests and calibration of continuous emission monitors and relied heavily on the BIF methods in 40 CFR part 266, appendix IX. On December 30, 1997, we published a NODA which in part questioned whether the task of determining the appropriate manual method tests to be used for compliance should be simplified. The stack sampling and analysis methods for hazardous waste combustors are under the current BIF and incinerator rules for compliance tests (with a few exceptions) that are located in SW–846. For compliance with the New Source Performance Standard and other air rules, methods are located in 40 CFR part 60, appendix A. Potentially, you could be required to perform two identical tests, one for compliance with MACT or RCRA and one for compliance with other air rules, using identical test methods simply because one method is an "SW–846" method and the other an "air method." Further, the NODA stated that stack test methods hazardous waste combustors use for compliance should be found in one place to facilitate compliance. Therefore, we stated our intention to reference 40 CFR part 60, appendix A (Except for dioxin/furans, where we stated method 0023A of SW–846.), when it requires a specific stack-sampling test method.

Since the time of the proposal, we instituted the "Performance-Based Measurement System." This system identifies performance related criteria that can be used to evaluate alternative methods. Methods determined to contain criteria or are a "Methods-Based Parameters" method are required, and are the only methods that can be used for regulatory tests.

Commenters generally supported use of the Air Methods contained in part 60, appendix A, or their "SW–846" equivalent. Furthermore, because these methods were used to establish the final standards contained in today's rulemaking, application of non approved methods would result in unreliable and inconsistent measurements. Therefore, today's rule will require the use of the Air Methods contained in part 60, appendix A. Section 63.7 describes procedures for the use of alternative test methods for MACT sources. This procedure involves using Method 301 of part 63, appendix A, to validate an alternate test method and submitting the data to us. We then decide if the proposed method is acceptable. Absent this approval under § 63.7 procedures, alternate methods cannot be used.

Today's rule, by requiring the use of only part 60, appendix A methods (method 0023A of SW–846 for dioxin/furans) for compliance determinations and particulate matter continuous emission monitor correlations, would maintain national consistency with the selection of specific manual stack sampling methods. We have determined that this approach would facilitate ease of implementation with today's "self implementing" MACT rule. Again, alternate methods may be approved by the Administrator via the provisions of § 63.7(f) and part § 63, appendix A, Method 301, Field Validation or Pollutant Measurement Methods from Various Waste Media.

XIV. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments (63 FR 27655)

Were Tribal Government Issues Considered?

The requirements of section 3(b) of Executive Order 13084 do not apply to this rule. They apply to rules that are not required by statute, that significantly or uniquely affect the communities of Indian tribal governments, and that impose substantial direct compliance costs on those communities. EPA cannot issue those rules unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments and gives required information to OMB. But today's rule does not significantly or uniquely affect the communities of Indian tribal governments.

For many of the same reasons described in the Unfunded Mandates Reform Act discussion (section VI.C above), the requirements of Executive Order 13084 do not apply to today's rule. Promulgation of today's rule is under the statutory authority of the CAA. Also, while Executive Order 13084 does not provide a specific gauge for determining whether a regulation "significantly or uniquely affects" an Indian tribal government, today's rule does not impose substantial direct compliance costs on tribal governments and their communities. Tribal communities are not predominantly located near hazardous waste combustion facilities, when compared with other communities throughout the nation. Finally, tribal governments will not be required to assume any permitting responsibilities associated with this final rule because permitting authority is voluntary for nonfederal government entities.

Shortly after forming the regulatory workgroup for this rulemaking in April 1994, we looked for ways to obtain the input of state, local, and tribal governments into the rulemaking process. As a result, representatives from four State environmental agencies agreed to participate in the workgroup. These representatives were asked to consider the impacts of this rule of the state, local, and tribal level. These representatives served on the workgroup until Final Agency Review in November 1998. As members of the workgroup, they participated in workgroup meetings and conference calls resulting in the development of rulemaking issues and their solutions. They also provided written comments on our work products on several occasions, including the proposal, the May 1997 NODA, and the Final Agency Review package.

In their comments on the proposal and subsequent notices of data availability, these representatives raised concerns over the following issues:

—Use of site-specific risk assessments under RCRA
—Continuous emissions monitors
—Manual sampling methods
—Compliance schedule
—Use of test data to establish operating limits
—Automatic waste feed cutoffs
—Performance testing schedule
—Recordkeeping requirements
—Permitting issues
—Assessment of potential costs and benefits
—Human health benefits
—Area sources
—Notification and reporting requirements
—Protectiveness of human health as required by RCRA
—Redundant requirements
—State authorization
—Public participation
—CAAA and RCRA coordination

—Adequate public comment
—Implementation flexibility
—Allocation of grants
—And many other technical issues

We addressed the issues raised by these four representatives to the fullest extent possible in today's rule. The comments received from these representatives are included in the rulemaking docket, together with all other comments received. We highlighted and addressed some of these comments in today's preamble. We responded to all comments in the Response to Comments document, which has been made available to the Office of Management and Budget and is available in the docket for today's rule.

Part Nine: Technical Amendments to Previous Regulations

I. Changes to the June 19, 1998 "Fast-Track" Rule

A. Permit Streamlining Section

Today's regulations correct a typographical error to § 270.42 Appendix I entry L(9) promulgated in the Fast-track rule. Entry L(9) incorrectly cited § 270.42(i), whereas today's regulations correctly amends entry L(9) to cite § 270.42(j).

B. Comparable Fuels Section

In the June 19th rule, we explained that our methodology for identifying the comparable fuels specifications was to select the highest benchmark fuel value in our data base for each constituent (see 63 FR at 33786). However, the results reported in the final rule—Table 1 to § 261.38—do not consistently follow our methodology. In several instances, the highest value was not presented in the table, as pointed out by commenters to the final rule. Therefore, in today's rule, we are amending the comparable fuels portion of the Fast-track rule to make necessary conforming changes to the comparable fuels specifications as listed in Table 1 of § 261.38—Detection and Detection Limit Values for Comparable Fuel Specifications. Please see the USEPA, "Final Technical Support Document for HWC MACT Standards, Volume 4" July 1999, for a detailed discussion of the changes to Table 1.

In addition, because these are technical corrections (i.e. corrections where we made arithmetic or other inadvertent mistakes in applying our stated methodology for calculating the comparative fuel levels) we find that giving notice and opportunity for public comment is unnecessary within the meaning of 5 U.S.C. 553 (b) (B). In fact, the errors were brought to our attention by an entity that applied the stated methodology and derived the correct values which we are restoring in this amendment. (We did, however, provide actual notice of these intended corrections to entities we believed most interested in the issue, so that these entities did have an opportunity for comment to us.) For the same reasons, we find that there is good cause for the rule to take effect immediately, rather than wait 30 days. See 5 U.S.C. 553 (d) (3). Finally, since notice and comment is unnecessary, this correction is not a "rule" for purposes of the Regulatory Flexibility Act (see 5 U.S.C. 601 (2)), and may take effect immediately before submission to Congress for review (see 5 U.S.C. 808 (2)).

List of Subjects

40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Ammonium sulfate plants, Batteries, Beverages, Carbon monoxide, Cement industry, Coal, Copper, Dry cleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Heaters, Household appliances, Insulation, Intergovernmental relations, Iron, Labeling, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Polymers, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Sulfuric acid plants, Tires, Urethane, Vinyl, Volatile organic compounds, Waste treatment and disposal, Zinc.

40 CFR Part 63

Air pollution control, Hazardous substances, Incorporation by Reference, Reporting and recordkeeping requirements

40 CFR Part 260

Administrative practice and procedure, Confidential business information, Environmental protection, Hazardous waste.

40 CFR Part 261

Environmental Protection Hazardous waste, Recycling, Reporting and recordkeeping requirements.

40 CFR Part 264

Air pollution control, Environmental protection, Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds.

40 CFR Part 265

Air pollution control, Environmental protection, Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Water supply.

40 CFR Part 266

Environmental protection, Energy, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

40 CFR Part 270

Administrative practice and procedure, Confidential business information, Environmental Protection Agency, Hazardous materials transportation, Hazardous waste, Reporting and recordkeeping requirements, Water pollution control, Water supply.

40 CFR Part 271

Administrative practice and procedure, Confidential business information, Environmental Protection Agency, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: July 30, 1999.

Carol M. Browner,

Administrator..

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations is amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401–7601.

2. Appendix A to part 60 is amended by adding a new entry for "Method 5I" in numerical order to read as follows:

Appendix A—Test Methods

* * * * *

Method 5I—Determination of Low Level Particulate Matter Emissions From Stationary Sources

Note: This method does not include all of the specifications (*e.g.*, equipment and supplies) and procedures (*e.g.*, sampling and analytical) essential to its performance. Certain information is contained in other EPA procedures found in this part. Therefore, to obtain reliable results, persons using this method should have experience with and a thorough knowledge of the following Methods: Methods 1, 2, 3, 4 and 5.

1. *Scope and Application.*

1.1 Analyte. Particulate matter (PM). No CAS number assigned.

1.2 Applicability. This method is applicable for the determination of low level particulate matter (PM) emissions from stationary sources. The method is most effective for total PM catches of 50 mg or less. This method was initially developed for performing correlation of manual PM measurements to PM continuous emission monitoring systems (CEMS), however it is also useful for other low particulate concentration applications.

1.3 Data Quality Objectives. Adherence to the requirements of this method will enhance the quality of the data obtained from air pollutant sampling methods. Method 5I requires the use of paired trains. Acceptance criteria for the identification of data quality outliers from the paired trains are provided in Section 12.2 of this Method.

2. *Summary of Method.*

2.1. Description. The system setup and operation is essentially identical to Method 5. Particulate is withdrawn isokinetically from the source and collected on a 47 mm glass fiber filter maintained at a temperature of 120 ± 14°C (248 ± 25°F). The PM mass is determined by gravimetric analysis after the removal of uncombined water. Specific measures in this procedure designed to improve system performance at low particulate levels include:

1. Improved sample handling procedures
2 Light weight sample filter assembly
3. Use of low residue grade acetone

Accuracy is improved through the minimization of systemic errors associated with sample handling and weighing procedures. High purity reagents, all glass, grease free, sample train components, and light weight filter assemblies and beakers, each contribute to the overall objective of improved precision and accuracy at low particulate concentrations.

2.2 Paired Trains. This method must be performed using a paired train configuration. These trains may be operated as co-located trains (to trains operating collecting from one port) or as simultaneous trains (separate trains operating from different ports at the same time). Procedures for calculating precision of the paired trains are provided in Section 12.

2.3 Detection Limit. a. Typical detection limit for manual particulate testing is 0.5 mg. This mass is also cited as the accepted weight variability limit in determination of "constant weight" as cited in Section 8.1.2 of this Method. EPA has performed studies to provide guidance on minimum PM catch. The minimum detection limit (MDL) is the minimum concentration or amount of an analyte that can be determined with a specified degree of confidence to be different from zero. We have defined the minimum or target catch as a concentration or amount sufficiently larger than the MDL to ensure that the results are reliable and repeatable. The particulate matter catch is the product of the average particulate matter concentration on a mass per volume basis and the volume of gas collected by the sample train. The tester can generally control the volume of gas collected by increasing the sampling time or to a lesser extent by increasing the rate at which sample is collected. If the tester has a reasonable estimate of the PM concentration from the source, the tester can ensure that the target catch is collected by sampling the appropriate gas volume.

b. However, if the source has a very low particulate matter concentration in the stack, the volume of gas sampled may need to be very large which leads to unacceptably long sampling times. When determining compliance with an emission limit, EPA guidance has been that the tester does not always have to collect the target catch. Instead, we have suggested that the tester sample enough stack gas, that if the source were exactly at the level of the emission standard, the sample catch would equal the target catch. Thus, if at the end of the test the catch were smaller than the target, we could still conclude that the source is in compliance though we might not know the exact emission level. This volume of gas becomes a target volume that can be translated into a target sampling time by assuming an average sampling rate. Because the MDL forms the basis for our guidance on target sampling times, EPA has conducted a systematic laboratory study to define what is the MDL for Method 5 and determined the Method to have a calculated practical quantitation limit (PQL) of 3 mg of PM and an MDL of 1 mg.

c. Based on these results, the EPA has concluded that for PM testing, the target catch must be no less than 3 mg. Those sample catches between 1 mg and 3 mg are between the detection limit and the limit of quantitation. If a tester uses the target catch to estimate a target sampling time that results in sample catches that are less than 3 mg, you should not automatically reject the results. If the tester calculated the target sampling time as described above by assuming that the source was at the level of the emission limit, the results would still be valid for determining that the source was in compliance. For purposes other than determining compliance, results should be divided into two categories—those that fall between 3 mg and 1 mg and those that are below 1 mg. A sample catch between 1 and 3 mg may be used for such purposes as calculating emission rates with the understanding that the resulting emission rates can have a high degree of uncertainty. Results of less than 1 mg should not be used for calculating emission rates or pollutant concentrations.

d. When collecting small catches such as 3 mg, bias becomes an important issue. Source testers must use extreme caution to reach the PQL of 3 mg by assuring that sampling probes are very clean (perhaps confirmed by low blank weights) before use in the field. They should also use low tare weight sample containers, and establish a well-controlled balance room to weigh the samples.

3. *Definitions.*

3.1 *Light Weight Filter Housing.* A smaller housing that allows the entire filtering system to be weighed before and after sample collection. (See. 6.1.3)

3.2 *Paired Train.* Sample systems trains may be operated as co-located trains (two sample probes attached to each other in the same port) or as simultaneous trains (two separate trains operating from different ports at the same time).

4. *Interferences.*

a. There are numerous potential interferents that may be encountered during performance of Method 5I sampling and analyses. This Method should be considered more sensitive to the normal interferents typically encountered during particulate testing because of the low level concentrations of the flue gas stream being sampled.

b. Care must be taken to minimize field contamination, especially to the filter housing since the entire unit is weighed (not just the filter media). Care must also be taken to ensure that no sample is lost during the sampling process (such as during port changes, removal of the filter assemblies from the probes, etc.).

c. Balance room conditions are a source of concern for analysis of the low level samples. Relative humidity, ambient temperatures variations, air draft, vibrations and even barometric pressure can affect consistent reproducible measurements of the sample media. Ideally, the same analyst who performs the tare weights should perform the final weights to minimize the effects of procedural differences specific to the analysts.

d. Attention must also be provided to weighing artifacts caused by electrostatic charges which may have to be discharged or neutralized prior to sample analysis. Static charge can affect consistent and reliable gravimetric readings in low humidity environments. Method 5I recommends a relative humidity of less than 50 percent in the weighing room environment used for sample analyses. However, lower humidity may be encountered or required to address sample precision problems. Low humidity conditions can increase the effects of static charge.

e. Other interferences associated with typical Method 5 testing (sulfates, acid gases, etc.) are also applicable to Method 5I.

5. *Safety.*

Disclaimer. This method may involve hazardous materials, operations, and equipment. This test method may not address all of the safety concerns associated with its use. It is the responsibility of the user to establish appropriate safety and health practices and to determine the applicability and observe all regulatory limitations before using this method.

6. *Equipment and Supplies.*

6.1 Sample Collection Equipment and Supplies. The sample train is nearly identical in configuration to the train depicted in Figure 5–1 of Method 5. The primary difference in the sample trains is the lightweight Method 5I filter assembly that attaches directly to the exit to the probe. Other exceptions and additions specific to Method 5I include:

6.1.1 Probe Nozzle. Same as Method 5, with the exception that it must be constructed of borosilicate or quartz glass tubing.

6.1.2 Probe Liner. Same as Method 5, with the exception that it must be

constructed of borosilicate or quartz glass tubing.

6.1.3 Filter Holder. The filter holder is constructed of borosilicate or quartz glass front cover designed to hold a 47-mm glass fiber filter, with a wafer thin stainless steel (SS) filter support, a silicone rubber or Viton O-ring, and Teflon tape seal. This holder design will provide a positive seal against leakage from the outside or around the filter. The filter holder assembly fits into a SS filter holder and attaches directly to the outlet of the probe. The tare weight of the filter, borosilicate or quartz glass holder, SS filter support, O-ring and Teflon tape seal generally will not exceed approximately 35 grams. The filter holder is designed to use a 47-mm glass fiber filter meeting the quality criteria in of Method 5. These units are commercially available from several source testing equipment vendors. Once the filter holder has been assembled, desiccated and tared, protect it from external sources of contamination by covering the front socket with a ground glass plug. Secure the plug with an impinger clamp or other item that will ensure a leak-free fitting.

6.2 Sample Recovery Equipment and Supplies. Same as Method 5, with the following exceptions:

6.2.1 Probe-Liner and Probe-Nozzle Brushes. Teflon® or nylon bristle brushes with stainless steel wire handles, should be used to clean the probe. The probe brush must have extensions (at least as long as the probe) of Teflon, nylon or similarly inert material. The brushes must be properly sized and shaped for brushing out the probe liner and nozzle.

6.2.2 Wash Bottles. Two Teflon wash bottles are recommended however, polyethylene wash bottles may be used at the option of the tester. Acetone should not be stored in polyethylene bottles for longer than one month.

6.2.3 Filter Assembly Transport. A system should be employed to minimize contamination of the filter assemblies during transport to and from the field test location. A carrying case or packet with clean compartments of sufficient size to accommodate each filter assembly can be used. This system should have an air tight seal to further minimize contamination during transport to and from the field.

6.3 Analysis Equipment and Supplies. Same as Method 5, with the following exception:

6.3.1 Lightweight Beaker Liner. Teflon or other lightweight beaker liners are used for the analysis of the probe and nozzle rinses. These light weight liners are used in place of the borosilicate glass beakers typically used for the Method 5 weighings in order to improve sample analytical precision.

6.3.2 Anti-static Treatment. Commercially available gaseous anti-static rinses are recommended for low humidity situations that contribute to static charge problems.

7. *Reagents and Standards.*

7.1 Sampling Reagents. The reagents used in sampling are the same as Method 5 with the following exceptions:

7.1.1 Filters. The quality specifications for the filters are identical to those cited for Method 5. The only difference is the filter diameter of 47 millimeters.

7.1.2 Stopcock Grease. Stopcock grease cannot be used with this sampling train. We recommend that the sampling train be assembled with glass joints containing O-ring seals or screw-on connectors, or similar.

7.1.3 Acetone. Low residue type acetone, ≤0.001 percent residue, purchased in glass bottles is used for the recovery of particulate matter from the probe and nozzle. Acetone from metal containers generally has a high residue blank and should not be used. Sometimes, suppliers transfer acetone to glass bottles from metal containers; thus, acetone blanks must be run prior to field use and only acetone with low blank values (≤0.001 percent residue, as specified by the manufacturer) must be used. Acetone blank correction is not allowed for this method; therefore, it is critical that high purity reagents be purchased and verified prior to use.

7.1.4 Gloves. Disposable, powder-free, latex surgical gloves, or their equivalent are used at all times when handling the filter housings or performing sample recovery.

7.2 Standards. There are no applicable standards or audit samples commercially available for Method 5I analyses.

8. *Sample Collection, Preservation, Storage, and Transport.*

8.1 Pretest Preparation. Same as Method 5 with several exceptions specific to filter assembly and weighing.

8.1.1 Filter Assembly. Uniquely identify each filter support before loading filters into the holder assembly. This can be done with an engraving tool or a permanent marker. Use powder free latex surgical gloves whenever handling the filter holder assemblies. Place the O-ring on the back of the filter housing in the O-ring groove. Place a 47 mm glass fiber filter on the O-ring with the face down. Place a stainless steel filter holder against the back of the filter. Carefully wrap 5 mm (¼ inch) wide Teflon" tape one timearound the outside of the filter holder overlapping the stainless steel filter support by approximately 2.5 mm (⅛ inch). Gently brush the Teflon tape down on the back of the stainless steel filter support. Store the filter assemblies in their transport case until time for weighing or field use.

8.1.2 Filter Weighing Procedures. a. Desiccate the entire filter holder assemblies at 20 ± 5.6°C (68 ± 10°F) and ambient pressure for at least 24 hours. Weigh at intervals of at least 6 hours to a constant weight, *i.e.*, 0.5 mg change from previous weighing. Record the results to the nearest 0.1 mg. During each weighing, the filter holder assemblies must not be exposed to the laboratory atmosphere for a period greater than 2 minutes and a relative humidity above 50 percent. Lower relative humidity may be required in order to improve analytical precision. However, low humidity conditions increase static charge to the sample media.

b. Alternatively (unless otherwise specified by the Administrator), the filters holder assemblies may be oven dried at 105°C (220°F) for a minimum of 2 hours, desiccated for 2 hours, and weighed. The procedure used for the tare weigh must also be used for the final weight determination.

c. Experience has shown that weighing uncertainties are not only related to the balance performance but to the entire weighing procedure. Therefore, before performing any measurement, establish and follow standard operating procedures, taking into account the sampling equipment and filters to be used.

8.2 Preliminary Determinations. Select the sampling site, traverse points, probe nozzle, and probe length as specified in Method 5.

8.3 Preparation of Sampling Train. Same as Method 5, Section 8.3, with the following exception: During preparation and assembly of the sampling train, keep all openings where contamination can occur covered until justbefore assembly or until sampling is about to begin. Using gloves, place a labeled (identified) and weighed filter holder assembly into the stainless steel holder. Then place this whole unit in the Method 5 hot box, and attach it to the probe. Do not use stopcock grease.

8.4 Leak-Check Procedures. Same as Method 5.

8.5 Sampling Train Operation.

8.5.1. Operation. Operate the sampling train in a manner consistent with those described in Methods 1, 2, 4 and 5 in terms of the number of sample points and minimum time per point. The sample rate and total gas volume should be adjusted based on estimated grain loading of the source being characterized. The total sampling time must be a function of the estimated mass of particulate to be collected for the run. Targeted mass to be collected in a typical Method 5I sample train should be on the order of 10 to 20 mg. Method 5I is most appropriate for total collected masses of less than 50 milligrams, however, there is not an exact particulate loading cutoff, and it is likely that some runs may exceed 50 mg. Exceeding 50 mg (or less than 10 mg) for the sample mass does not necessarily justify invalidating a sample run if all other Method criteria are met.

8.5.2 Paired Train. This Method requires PM samples be collected with paired trains.

8.5.2.1 It is important that the systems be operated truly simultaneously. This implies that both sample systems start and stop at the same times. This also means that if one sample system is stopped during the run, the other sample systems must also be stopped until the cause has been corrected.

8.5.2.2 Care should be taken to maintain the filter box temperature of the paired trains as close as possible to the Method required temperature of 120 ± 14°C (248 ± 25°F). If separate ovens are being used for simultaneously operated trains, it is recommended that the oven temperature of each train be maintained within ± 14°C (± 25°F) of each other.

8.5.2.3 The nozzles for paired trains need not be identically sized.

8.5.2.4 Co-located sample nozzles must be within the same plane perpendicular to the gas flow. Co-located nozzles and pitot assemblies should be within a 6.0 cm × 6.0 cm square (as cited for a quadruple train in Reference Method 301).

8.5.3 Duplicate gas samples for molecular weight determination need not be collected.

8.6 Sample Recovery. Same as Method 5 with several exceptions specific to the filter housing.

8.6.1 Before moving the sampling train to the cleanup site, remove the probe from the train and seal the nozzle inlet and outlet of the probe. Be careful not to lose any condensate that might be present. Cap the filter inlet using a standard ground glass plug and secure the cap with an impinger clamp. Remove the umbilical cord from the last impinger and cap the impinger. If a flexible line is used between the first impinger condenser and the filter holder, disconnect the line at the filter holder and let any condensed water or liquid drain into the impingers or condenser.

8.6.2 Transfer the probe and filter-impinger assembly to the cleanup area. This area must be clean and protected from the wind so that the possibility of losing any of the sample will be minimized.

8.6.3 Inspect the train prior to and during disassembly and note any abnormal conditions such as particulate color, filter loading, impinger liquid color, etc.

8.6.4 Container No. 1, Filter Assembly. Carefully remove the cooled filter holder assembly from the Method 5 hot box and place it in the transport case. Use a pair of clean gloves to handle the filter holder assembly.

8.6.5 Container No. 2, Probe Nozzle and Probe Liner Rinse. Rinse the probe and nozzle components with acetone. Be certain that the probe and nozzle brushes have been thoroughly rinsed prior to use as they can be a source of contamination.

8.6.6 All Other Train Components. (Impingers) Same as Method 5.

8.7 Sample Storage and Transport. Whenever possible, containers should be shipped in such a way that they remain upright at all times. All appropriate dangerous goods shipping requirements must be observed since acetone is a flammable liquid.

9. *Quality Control.*

9.1 Miscellaneous Field Quality Control Measures.

9.1.1 A quality control (QC) check of the volume metering system at the field site is suggested before collecting the sample using the procedures in Method 5, Section 4.4.1.

9.1.2 All other quality control checks outlined in Methods 1, 2, 4 and 5 also apply to Method 5I. This includes procedures such as leak-checks, equipment calibration checks, and independent checks of field data sheets for reasonableness and completeness.

9.2 Quality Control Samples.

9.2.1 Required QC Sample. A laboratory reagent blank must be collected and analyzed for each lot of acetone used for a field program to confirm that it is of suitable purity. The particulate samples cannot be blank corrected.

9.2.2 Recommended QC Samples. These samples may be collected and archived for future analyses.

9.2.2.1 A field reagent blank is a recommended QC sample collected from a portion of the acetone used for cleanup of the probe and nozzle. Take 100 ml of this acetone directly from the wash bottle being used and place it in a glass sample container labeled "field acetone reagent blank." At least one field reagent blank is recommended for every five runs completed. The field reagent blank samples demonstrate the purity of the acetone was maintained throughout the program.

9.2.2.2 A field bias blank train is a recommended QC sample. This sample is collected by recovering a probe and filter assembly that has been assembled, taken to the sample location, leak checked, heated, allowed to sit at the sample location for a similar duration of time as a regular sample run, leak-checked again, and then recovered in the same manner as a regular sample. Field bias blanks are not a Method requirement, however, they are recommended and are very useful for identifying sources of contamination in emission testing samples. Field bias blank train results greater than 5 times the method detection limit may be considered problematic.

10. *Calibration and Standardization* Same as Method 5, Section 5.

11. *Analytical Procedures.*

11.1 Analysis. Same as Method 5, Sections 11.1—11.2.4, with the following exceptions:

11.1.1 Container No. 1. Same as Method 5, Section 11.2.1, with the following exception: Use disposable gloves to remove each of the filter holder assemblies from the desiccator, transport container, or sample oven (after appropriate cooling).

11.1.2 Container No. 2. Same as Method 5, Section 11.2.2, with the following exception: It is recommended that the contents of Container No. 2 be transferred to a 250 ml beaker with a Teflon liner or similar container that has a minimal tare weight before bringing to dryness.

12. *Data Analysis and Calculations.*

12.1 Particulate Emissions. The analytical results cannot be blank corrected for residual acetone found in any of the blanks. All other sample calculations are identical to Method 5.

12.2 Paired Trains Outliers. a. Outliers are identified through the determination of precision and any systemic bias of the paired trains. Data that do not meet this criteria should be flagged as a data quality problem. The primary reason for performing dual train sampling is to generate information to quantify the precision of the Reference Method data. The relative standard deviation (RSD) of paired data is the parameter used to quantify data precision. RSD for two simultaneously gathered data points is determined according to:

$$RSD = 100\% * \left|(C_a - C_b)\right| / (C_a + C_b)$$

where, Ca and Cb are concentration values determined from trains A and B respectively. For RSD calculation, the concentration units are unimportant so long as they are consistent.

b. A minimum precision criteria for Reference Method PM data is that RSD for any data pair must be less than 10% as long as the mean PM concentration is greater than 10 mg/unit volume. If the mean PM concentration is less than 10 mg/unit volume higher RSD values are acceptable. At mean PM concentration of 1 mg/unit volume acceptable RSD for paired trains is 25%. Between 1 and 10 mg/unit volume acceptable RSD criteria should be linearly scaled from 25% to 10%. Pairs of manual method data exceeding these RSD criteria should be eliminated from the data set used to develop a PM CEMS correlation or to assess RCA.

13. *Method Performance. [Reserved]*

14. *Pollution Prevention. [Reserved]*

15. *Waste Management. [Reserved]*

16. *Alternative Procedures.* Same as Method 5.

17. *Bibliography.* Same as Method 5.

18. *Tables, Diagrams, Flowcharts and Validation Data.* Figure 5I–1 is a schematic of the sample train.

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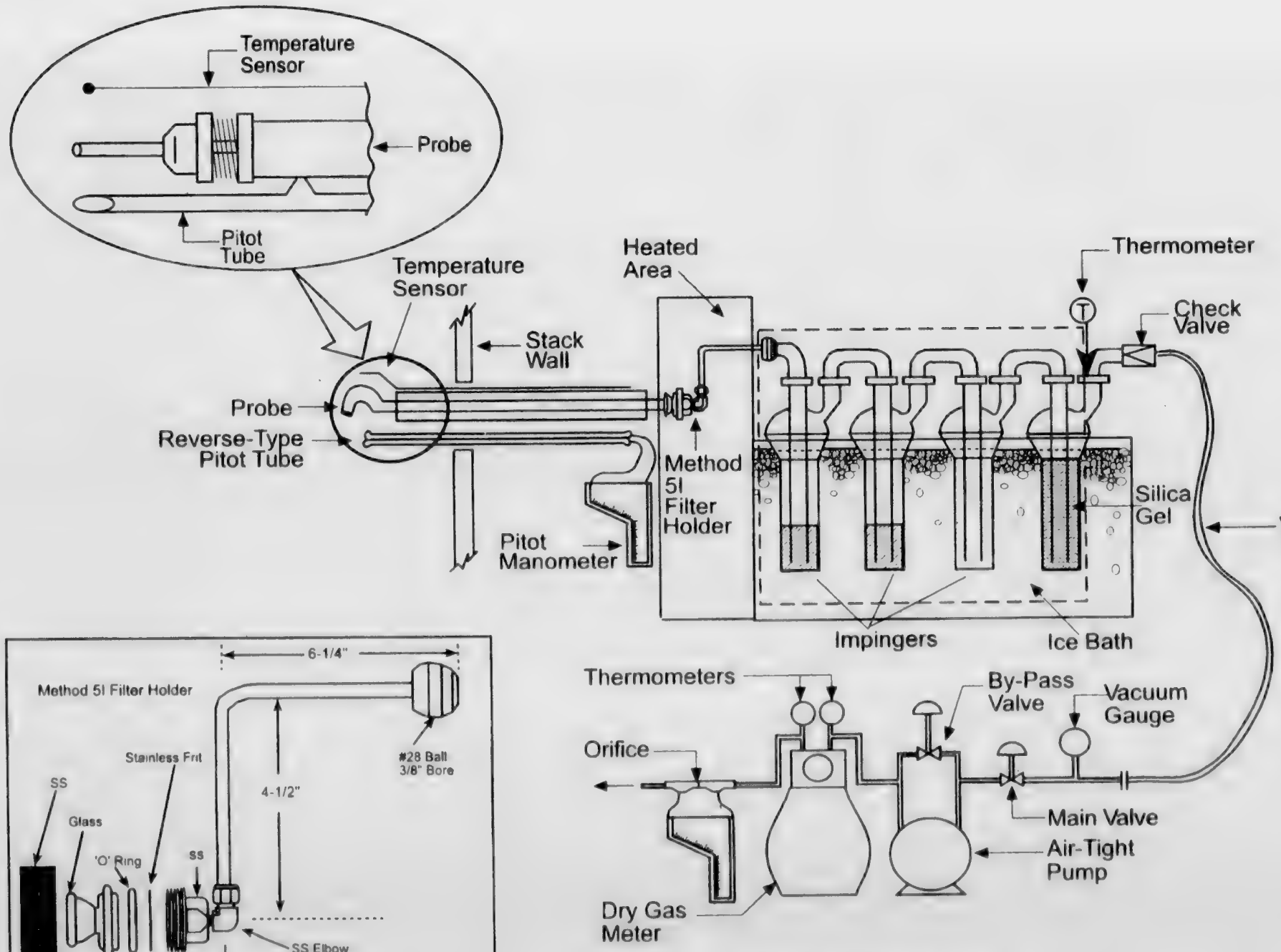

Figure 5I-1. Method 5I sampling train.

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3. Appendix B to part 60 is amended by adding Performance Specifications 4B and 8A in numerical order to read as follows:

Appendix B—Performance Specifications

* * * * *

Performance Specification 4B—Specifications and test procedures for carbon monoxide and oxygen continuous monitoring systems in stationary sources

a. Applicability and Principle

1.1 Applicability. a. This specification is to be used for evaluating the acceptability of carbon monoxide (CO) and oxygen (O_2) continuous emission monitoring systems (CEMS) at the time of or soon after installation and whenever specified in the regulations. The CEMS may include, for certain stationary sources, (a) flow monitoring equipment to allow measurement of the dry volume of stack effluent sampled, and (b) an automatic sampling system.

b. This specification is not designed to evaluate the installed CEMS' performance over an extended period of time nor does it identify specific calibration techniques and auxiliary procedures to assess the CEMS' performance. The source owner or operator, however, is responsible to properly calibrate, maintain, and operate the CEMS. To evaluate the CEMS' performance, the Administrator may require, under section 114 of the Act, the operator to conduct CEMS performance evaluations at times other than the initial test.

c. The definitions, installation and measurement location specifications, test procedures, data reduction procedures, reporting requirements, and bibliography are the same as in PS 3 (for O_2) and PS 4A (for CO) except as otherwise noted below.

1.2 Principle. Installation and measurement location specifications, performance specifications, test procedures, and data reduction procedures are included in this specification. Reference method tests, calibration error tests, calibration drift tests, and interferant tests are conducted to determine conformance of the CEMS with the specification.

b. Definitions

2.1 *Continuous Emission Monitoring System (CEMS).* This definition is the same as PS 2 Section 2.1 with the following addition. A continuous monitor is one in which the sample to be analyzed passes the measurement section of the analyzer without interruption.

2.2 *Response Time.* The time interval between the start of a step change in the system input and when the pollutant analyzer output reaches 95 percent of the final value.

2.3 *Calibration Error (CE).* The difference between the concentration indicated by the CEMS and the known concentration generated by a calibration source when the entire CEMS, including the sampling interface is challenged. A CE test procedure is performed to document the accuracy and linearity of the CEMS over the entire measurement range.

3. Installation and Measurement Location Specifications

3.1 *The CEMS Installation and Measurement Location.* This specification is the same as PS 2 Section 3.1 with the following additions. Both the CO and O_2 monitors should be installed at the same general location. If this is not possible, they may be installed at different locations if the effluent gases at both sample locations are not stratified and there is no in-leakage of air between sampling locations.

3.1.1 *Measurement Location.* Same as PS 2 Section 3.1.1.

3.1.2 *Point CEMS.* The measurement point should be within or centrally located over the centroidal area of the stack or duct cross section.

3.1.3 *Path CEMS.* The effective measurement path should: (1) Have at least 70 percent of the path within the inner 50 percent of the stack or duct cross sectional area, or (2) be centrally located over any part of the centroidal area.

3.2 *Reference Method (RM) Measurement Location and Traverse Points.* This specification is the same as PS 2 Section 3.2 with the following additions. When pollutant concentration changes are due solely to diluent leakage and CO and O_2 are simultaneously measured at the same location, one half diameter may be used in place of two equivalent diameters.

3.3 *Stratification Test Procedure.* Stratification is defined as the difference in excess of 10 percent between the average concentration in the duct or stack and the concentration at any point more than 1.0 meter from the duct or stack wall. To determine whether effluent stratification exists, a dual probe system should be used to determine the average effluent concentration while measurements at each traverse point are being made. One probe, located at the stack or duct centroid, is used as a stationary reference point to indicate change in the effluent concentration over time. The second probe is used for sampling at the traverse points specified in Method 1 (40 CFR part 60 appendix A). The monitoring system samples sequentially at the reference and traverse points throughout the testing period for five minutes at each point.

d. Performance and Equipment Specifications

4.1 Data Recorder Scale. For O_2, same as specified in PS 3, except that the span must be 25 percent. The span of the O_2 may be higher if the O_2 concentration at the sampling point can be greater than 25 percent. For CO, same as specified in PS 4A, except that the low-range span must be 200 ppm and the high range span must be 3000 ppm. In addition, the scale for both CEMS must record all readings within a measurement range with a resolution of 0.5 percent.

4.2 *Calibration Drift.* For O_2, same as specified in PS 3. For CO, the same as specified in PS 4A except that the CEMS calibration must not drift from the reference value of the calibration standard by more than 3 percent of the span value on either the high or low range.

4.3 *Relative Accuracy (RA).* For O_2, same as specified in PS 3. For CO, the same as specified in PS 4A.

4.4 *Calibration Error (CE).* The mean difference between the CEMS and reference values at all three test points (see Table I) must be no greater than 5 percent of span value for CO monitors and 0.5 percent for O_2 monitors.

4.5 *Response Time.* The response time for the CO or O_2 monitor must not exceed 2 minutes.

e. Performance Specification Test Procedure

5.1 *Calibration Error Test and Response Time Test Periods.* Conduct the CE and response time tests during the CD test period.

F. The CEMS Calibration Drift and Response Time Test Procedures

The response time test procedure is given in PS 4A, and must be carried out for both the CO and O_2 monitors.

7. Relative Accuracy and Calibration Error Test Procedures

7.1 *Calibration Error Test Procedure.* Challenge each monitor (both low and high range CO and O_2) with zero gas and EPA Protocol 1 cylinder gases at three measurement points within the ranges specified in Table I.

TABLE I. CALIBRATION ERROR CONCENTRATION RANGES

Measurement point	CO Low range (ppm)	CO High range (ppm)	O_2 (%)
1	0–40	0–600	0–2
2	60–80	900–1200	8–10
3	140–160	2100–2400	14–16

Operate each monitor in its normal sampling mode as nearly as possible. The calibration gas must be injected into the sample system as close to the sampling probe outlet as practical and should pass through all CEMS components used during normal sampling. Challenge the CEMS three non-consecutive times at each measurement point and record the responses. The duration of each gas

injection should be sufficient to ensure that the CEMS surfaces are conditioned.

7.1.1 *Calculations.* Summarize the results on a data sheet. Average the differences between the instrument response and the certified cylinder gas value for each gas. Calculate the CE results according to:

$$CE = |d/FS| \times 100 \qquad (1)$$

where *d* is the mean difference between the CEMS response and the known reference concentration and *FS* is the span value.

7.2 *Relative Accuracy Test Procedure.* Follow the RA test procedures in PS 3 (for O_2) section 3 and PS 4A (for CO) section 4.

7.3 *Alternative RA Procedure.* Under some operating conditions, it may not be possible to obtain meaningful results using the RA test procedure. This includes conditions where consistent, very low CO emission or low CO emissions interrupted periodically by short duration, high level spikes are observed. It may be appropriate in these circumstances to waive the RA test and substitute the following procedure.

Conduct a complete CEMS status check following the manufacturer's written instructions. The check should include operation of the light source, signal receiver, timing mechanism functions, data acquisition and data reduction functions, data recorders, mechanically operated functions, sample filters, sample line heaters, moisture traps, and other related functions of the CEMS, as applicable. All parts of the CEMS must be functioning properly before the RA requirement can be waived. The instrument must also successfully passed the CE and CD specifications. Substitution of the alternate procedure requires approval of the Regional Administrator.

8. Bibliography

1. 40 CFR Part 266, Appendix IX, Section 2, "Performance Specifications for Continuous Emission Monitoring Systems."

* * * * *

Performance Specification 8A—Specifications and test procedures for total hydrocarbon continuous monitoring systems in stationary sources

1. Applicability and Principle

1.1 *Applicability.* These performance specifications apply to hydrocarbon (HC) continuous emission monitoring systems (CEMS) installed on stationary sources. The specifications include procedures which are intended to be used to evaluate the acceptability of the CEMS at the time of its installation or whenever specified in regulations or permits. The procedures are not designed to evaluate CEMS performance over an extended period of time. The source owner or operator is responsible for the proper calibration, maintenance, and operation of the CEMS at all times.

1.2 *Principle.* A gas sample is extracted from the source through a heated sample line and heated filter to a flame ionization detector (FID). Results are reported as volume concentration equivalents of propane. Installation and measurement location specifications, performance and equipment specifications, test and data reduction procedures, and brief quality assurance guidelines are included in the specifications. Calibration drift, calibration error, and response time tests are conducted to determine conformance of the CEMS with the specifications.

2. Definitions

2.1 *Continuous Emission Monitoring System (CEMS).* The total equipment used to acquire data, which includes sample extraction and transport hardware, analyzer, data recording and processing hardware, and software. The system consists of the following major subsystems:

2.1.1 *Sample Interface.* That portion of the system that is used for one or more of the following: Sample acquisition, sample transportation, sample conditioning, or protection of the analyzer from the effects of the stack effluent.

2.1.2 *Organic Analyzer.* That portion of the system that senses organic concentration and generates an output proportional to the gas concentration.

2.1.3 *Data Recorder.* That portion of the system that records a permanent record of the measurement values. The data recorder may include automatic data reduction capabilities.

2.2 *Instrument Measurement Range.* The difference between the minimum and maximum concentration that can be measured by a specific instrument. The minimum is often stated or assumed to be zero and the range expressed only as the maximum.

2.3 *Span or Span Value.* Full scale instrument measurement range. The span value must be documented by the CEMS manufacturer with laboratory data.

2.4 *Calibration Gas.* A known concentration of a gas in an appropriate diluent gas.

2.5 *Calibration Drift (CD).* The difference in the CEMS output readings from the established reference value after a stated period of operation during which no unscheduled maintenance, repair, or adjustment takes place. A CD test is performed to demonstrate the stability of the CEMS calibration over time.

2.6 *Response Time.* The time interval between the start of a step change in the system input (e.g., change of calibration gas) and the time when the data recorder displays 95 percent of the final value.

2.7 *Accuracy.* A measurement of agreement between a measured value and an accepted or true value, expressed as the percentage difference between the true and measured values relative to the true value. For these performance specifications, accuracy is checked by conducting a calibration error (CE) test.

2.8 *Calibration Error (CE).* The difference between the concentration indicated by the CEMS and the known concentration of the cylinder gas. A CE test procedure is performed to document the accuracy and linearity of the monitoring equipment over the entire measurement range.

2.9 *Performance Specification Test (PST) Period.* The period during which CD, CE, and response time tests are conducted.

2.10 *Centroidal Area.* A concentric area that is geometrically similar to the stack or duct cross section and is no greater than 1 percent of the stack or duct cross-sectional area.

3. Installation and Measurement Location Specifications

3.1 *CEMS Installation and Measurement Locations.* The CEMS must be installed in a location in which measurements representative of the source's emissions can be obtained. The optimum location of the sample interface for the CEMS is determined by a number of factors, including ease of access for calibration and maintenance, the degree to which sample conditioning will be required, the degree to which it represents total emissions, and the degree to which it represents the combustion situation in the firebox (where applicable). The location should be as free from in-leakage influences as possible and reasonably free from severe flow disturbances. The sample location should be at least two equivalent duct diameters downstream from the nearest control device, point of pollutant generation, or other point at which a change in the pollutant concentration or emission rate occurs and at least 0.5 diameter upstream from the exhaust or control device. The equivalent duct diameter is calculated as per 40 CFR part 60, appendix A, method 1, section 2.1. If these criteria are not achievable or if the location is otherwise less than optimum, the possibility of stratification should be investigated as described in section 3.2. The measurement point must be within the centroidal area of the stack or duct cross section.

3.2 *Stratification Test Procedure.* Stratification is defined as a difference in excess of 10 percent between the average concentration in the duct or stack and the concentration at any point more than 1.0 meter from the duct or stack wall. To determine whether effluent stratification exists, a dual probe system should be used to determine the average effluent concentration while measurements at each traverse point are being made. One probe, located at the stack or duct centroid, is used as a stationary reference point to indicate the change in effluent concentration over time. The second probe is used for sampling at the traverse points specified in 40 CFR part 60 appendix A, method 1. The monitoring system samples sequentially at the reference and traverse points throughout the testing period for five minutes at each point.

4. CEMS Performance and Equipment Specifications

If this method is applied in highly explosive areas, caution and care must be exercised in choice of equipment and installation.

4.1 *Flame Ionization Detector (FID) Analyzer.* A heated FID analyzer capable of meeting or exceeding the requirements of these specifications. Heated systems must maintain the temperature of the sample gas between 150 °C (300 °F) and 175 °C (350 °F) throughout the system. This requires all system components such as the probe, calibration valve, filter, sample lines, pump, and the FID to be kept heated at all times such that no moisture is condensed out of the

system. The essential components of the measurement system are described below:

4.1.1 *Sample Probe.* Stainless steel, or equivalent, to collect a gas sample from the centroidal area of the stack cross-section.

4.1.2 *Sample Line.* Stainless steel or Teflon tubing to transport the sample to the analyzer.

Note: Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

4.1.3 *Calibration Valve Assembly.* A heated three-way valve assembly to direct the zero and calibration gases to the analyzer is recommended. Other methods, such as quick-connect lines, to route calibration gas to the analyzers are applicable.

4.1.4 *Particulate Filter.* An in-stack or out-of-stack sintered stainless steel filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter must be heated.

4.1.5 *Fuel.* The fuel specified by the manufacturer (e.g., 40 percent hydrogen/60 percent helium, 40 percent hydrogen/60 percent nitrogen gas mixtures, or pure hydrogen) should be used.

4.1.6 *Zero Gas.* High purity air with less than 0.1 parts per million by volume (ppm) HC as methane or carbon equivalent or less than 0.1 percent of the span value, whichever is greater.

4.1.7 *Calibration Gases.* Appropriate concentrations of propane gas (in air or nitrogen). Preparation of the calibration gases should be done according to the procedures in EPA Protocol 1. In addition, the manufacturer of the cylinder gas should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change by more than ±2 percent from the certified value.

4.2 *CEMS Span Value.* 100 ppm propane. The span value must be documented by the CEMS manufacturer with laboratory data.

4.3 *Daily Calibration Gas Values.* The owner or operator must choose calibration gas concentrations that include zero and high-level calibration values.

4.3.1 The zero level may be between zero and 0.1 ppm (zero and 0.1 percent of the span value).

4.3.2 The high-level concentration must be between 50 and 90 ppm (50 and 90 percent of the span value).

4.4 *Data Recorder Scale.* The strip chart recorder, computer, or digital recorder must be capable of recording all readings within the CEMS' measurement range and must have a resolution of 0.5 ppm (0.5 percent of span value).

4.5 *Response Time.* The response time for the CEMS must not exceed 2 minutes to achieve 95 percent of the final stable value.

4.6 *Calibration Drift.* The CEMS must allow the determination of CD at the zero and high-level values. The CEMS calibration response must not differ by more than ±3 ppm (±3 percent of the span value) after each 24-hour period of the 7-day test at both zero and high levels.

4.7 *Calibration Error.* The mean difference between the CEMS and reference values at all three test points listed below must be no greater than 5 ppm (±5 percent of the span value).

4.7.1 *Zero Level.* Zero to 0.1 ppm (0 to 0.1 percent of span value).

4.7.2 *Mid-Level.* 30 to 40 ppm (30 to 40 percent of span value).

4.7.3 *High-Level.* 70 to 80 ppm (70 to 80 percent of span value).

4.8 *Measurement and Recording Frequency.* The sample to be analyzed must pass through the measurement section of the analyzer without interruption. The detector must measure the sample concentration at least once every 15 seconds. An average emission rate must be computed and recorded at least once every 60 seconds.

4.9 *Hourly Rolling Average Calculation.* The CEMS must calculate every minute an hourly rolling average, which is the arithmetic mean of the 60 most recent 1-minute average values.

4.10 *Retest.* If the CEMS produces results within the specified criteria, the test is successful. If the CEMS does not meet one or more of the criteria, necessary corrections must be made and the performance tests repeated.

5. Performance Specification Test (PST) Periods

5.1 *Pretest Preparation Period.* Install the CEMS, prepare the PTM test site according to the specifications in section 3, and prepare the CEMS for operation and calibration according to the manufacturer's written instructions. A pretest conditioning period similar to that of the 7-day CD test is recommended to verify the operational status of the CEMS.

5.2 *Calibration Drift Test Period.* While the facility is operating under normal conditions, determine the magnitude of the CD at 24-hour intervals for seven consecutive days according to the procedure given in section 6.1. All CD determinations must be made following a 24-hour period during which no unscheduled maintenance, repair, or adjustment takes place. If the combustion unit is taken out of service during the test period, record the onset and duration of the downtime and continue the CD test when the unit resumes operation.

5.3 *Calibration Error Test and Response Time Test Periods.* Conduct the CE and response time tests during the CD test period.

6. Performance Specification Test Procedures

6.1 *Relative Accuracy Test Audit (RATA) and Absolute Calibration Audits (ACA).* The test procedures described in this section are in lieu of a RATA and ACA.

6.2 *Calibration Drift Test.*

6.2.1 *Sampling Strategy.* Conduct the CD test at 24-hour intervals for seven consecutive days using calibration gases at the two daily concentration levels specified in section 4.3. Introduce the two calibration gases into the sampling system as close to the sampling probe outlet as practical. The gas must pass through all CEM components used during normal sampling. If periodic automatic or manual adjustments are made to the CEMS zero and calibration settings, conduct the CD test immediately before these adjustments, or conduct it in such a way that the CD can be determined. Record the CEMS response and subtract this value from the reference (calibration gas) value. To meet the specification, none of the differences may exceed 3 percent of the span of the CEM.

6.2.2 *Calculations.* Summarize the results on a data sheet. An example is shown in Figure 1. Calculate the differences between the CEMS responses and the reference values.

6.3 *Response Time.* The entire system including sample extraction and transport, sample conditioning, gas analyses, and the data recording is checked with this procedure.

6.3.1 Introduce the calibration gases at the probe as near to the sample location as possible. Introduce the zero gas into the system. When the system output has stabilized (no change greater than 1 percent of full scale for 30 sec), switch to monitor stack effluent and wait for a stable value. Record the time (upscale response time) required to reach 95 percent of the final stable value.

6.3.2 Next, introduce a high-level calibration gas and repeat the above procedure. Repeat the entire procedure three times and determine the mean upscale and downscale response times. The longer of the two means is the system response time.

6.4 *Calibration Error Test Procedure.*

6.4.1 *Sampling Strategy.* Challenge the CEMS with zero gas and EPA Protocol 1 cylinder gases at measurement points within the ranges specified in section 4.7.

6.4.1.1 The daily calibration gases, if Protocol 1, may be used for this test.

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SOURCE:	DATE:
MONITOR:	LOCATION:
SERIAL NUMBER:	SPAN:

	DAY	DATE	TIME	CALIBRATION VALUE	MONITOR RESPONSE	DIFFE RENCE	PERCENT OF SPAN[1]
ZERO/ LOW LEVEL	1						
	2						
	3						
	4						
	5						
	6						
	7						
HIGH LEVEL	1						
	2						
	3						
	4						
	5						
	6						
	7						

1/ = Acceptance Criteria: ≤ 3% of span each day for seven days.

FIGURE 1: Calibration Drift Determination

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6.4.1.2 Operate the CEMS as nearly as possible in its normal sampling mode. The calibration gas should be injected into the sampling system as close to the sampling probe outlet as practical and must pass through all filters, scrubbers, conditioners, and other monitor components used during normal sampling. Challenge the CEMS three non-consecutive times at each measurement point and record the responses. The duration of each gas injection should be for a sufficient period of time to ensure that the CEMS surfaces are conditioned.

6.4.2 *Calculations.* Summarize the results on a data sheet. An example data sheet is shown in Figure 2. Average the differences between the instrument response and the certified cylinder gas value for each gas. Calculate three CE results according to Equation 1. No confidence coefficient is used in CE calculations.

7. Equations

Calibration Error. Calculate CE using Equation 1.

$$CE = |d/FS| \times 100 \qquad \text{(Eq. 1)}$$

Where:

d= Mean difference between CEMS response and the known reference concentration, determined using Equation 2.

$$d = \frac{1}{n}\sum_{i=1}^{n} d_i \qquad \text{(Eq. 2)}$$

Where:

d_i = Individual difference between CEMS response and the known reference concentration.

8. Reporting

At a minimum, summarize in tabular form the results of the CD, response time, and CE test, as appropriate. Include all data sheets, calculations, CEMS data records, and cylinder gas or reference material certifications.

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SOURCE:	DATE:
MONITOR:	LOCATION:
SERIAL NUMBER:	SPAN:

RUN NUMBER	CALIBRATION VALUE	MONITOR RESPONSE	DIFFERENCE		
			Zero/Low	Mid	High
1 - Zero					
2 - Mid					
3 - High					
4 - Mid					
5 - Zero					
6 - High					
7 - Zero					
8 - Mid					
9 - High					
		Mean Difference =			
		Calibration Error =	%	%	%

FIGURE 2: Calibration Error Determination

BILLING CODE 6560–50–C

9. References

1. Measurement of Volatile Organic Compounds-Guideline Series. U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, EPA–450/2–78–041, June 1978.

2. Traceability Protocol for Establishing True Concentrations of Gases Used for Calibration and Audits of Continuous Source Emission Monitors (Protocol No. 1). U.S. Environmental Protection Agency ORD/EMSL, Research Triangle Park, Nortn Carolina, 27711, June 1978.

3. Gasoline Vapor Emission Laboratory Evaluation-Part 2. U.S. Environmental Protection Agency, OAQPS, Research Triangle Park, North Carolina, 27711, EMB Report No. 76–GAS–6, August 1975.

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PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

2. Part 63, subpart EEE, is revised to read as follows:

Subpart EEE—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors

General

Sec.
63.1200 Who is subject to these regulations?
63.1201 Definitions and acronyms used in this subpart.
63.1202 [Reserved]

Emissions Standards and Operating Limits

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Monitoring and Compliance Provisions

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63.1213 How can the compliance date be extended to install pollution prevention or waste minimization controls?
Table 1 to Subpart EEE of Part 63—General Provisions Applicable to Subpart EEE
Appendix A to Subpart EEE—Quality Assurance Procedures for Continuous Emissions Monitors Used for Hazardous Waste Combustors

Subpart EEE—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors General

§ 63.1200 Who is subject to these regulations?

The provisions of this subpart apply to all hazardous waste combustors: hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns, except as provided in Table 1 of this section. Hazardous waste combustors are also subject to applicable requirements under parts 260–270 of this chapter.

(a) *What if I am an area source?* (1) Both area sources and major sources are subject to this subpart.

(2) Both area sources and major sources, not previously subject to title V, are immediately subject to the requirement to apply for and obtain a title V permit in all States, and in areas covered by part 71 of this chapter.

(b) These regulations in this subpart do not apply to sources that meet the criteria in Table 1 of this Section, as follows:

TABLE 1 TO § 63.1200.— HAZARDOUS WASTE COMBUSTORS EXEMPT FROM SUBPART EEE

If	And if	Then
(1) You are a previously affected source	(i) You ceased feeding hazardous waste for a period of time greater than the hazardous waste residence time (*i.e.*, hazardous waste no longer resides in the combustion chamber);. (ii) You are in compliance with the closure requirements of subpart G, parts 264 or 265 of this chapter;. (iii) You begin complying with the requirements of all other applicable standards of this part (Part 63); and. (iv) You notify the Administrator in writing that you are no longer an affected source under this subpart (Subpart EEE).	You are no longer subject to this subpart (Subpart EEE).
(2) You are a research, development, and demonstration source.	You operate for no longer than one year after first burning hazardous waste (Note that the Administrator can extent this one-year restriction on a case-by-case basis upon your written request documenting when you first burned hazardous waste and the justification for needing additional time to perform research, development, or demonstration operations.).	You are not subject to this subpart (Subpart EEE). This exemption applies even if there is a hazardous waste combustor at the plant site that is regulated under this subpart. You still, however, remain subject to § 270.65 of this chapter.
(3) The only hazardous wastes you burn are exempt from regulation under § 266.100(b) of this chapter.	.....	You are not subject to the requirements of this subpart (Subpart EEE).

(c) Table 1 of this section specifies the provisions of subpart A (General Provisions, §§ 63.1–63.15) that apply and those that do not apply to sources affected by this subpart.

§ 63.1201 Definitions and acronyms used in this subpart.

(a) The terms used in this subpart are defined in the Act, in subpart A of this part, or in this section as follows:

Air pollution control system means the equipment used to reduce the release of particulate matter and other pollutants to the atmosphere.

Automatic waste feed cutoff (AWFCO) system means a system comprised of cutoff valves, actuator, sensor, data manager, and other necessary components and electrical circuitry designed, operated and maintained to stop the flow of hazardous waste to the combustion unit automatically and immediately (except as provided by § 63.1206(c)(2)(viii)) when any operating requirement is exceeded.

By-pass duct means a device which diverts a minimum of 10 percent of a cement kiln's off gas, or a device which the Administrator determines on a case-by-case basis diverts a sample of kiln gas that contains levels of carbon monoxide or hydrocarbons representative of the levels in the kiln.

Combustion chamber means the area in which controlled flame combustion of hazardous waste occurs.

Continuous monitor means a device which continuously samples the regulated parameter specified in § 63.1209 without interruption, evaluates the detector response at least once every 15 seconds, and computes and records the average value at least every 60 seconds, except during allowable periods of calibration and except as defined otherwise by the CEMS Performance Specifications in appendix B, part 60 of this chapter.

Dioxin/furan and dioxins and furans mean tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins and furans.

Existing source means any affected source that is not a new source.

Feedrate operating limits means limits on the feedrate of materials (*e.g.*, metals, chlorine) to the combustor that are established based on comprehensive performance testing. The limits are established and monitored by knowing the concentration of the limited material (*e.g.*, chlorine) in each feedstream and the flowrate of each feedstream.

Feedstream means any material fed into a hazardous waste combustor, including, but not limited to, any pumpable or nonpumpable solid, liquid, or gas.

Flowrate means the rate at which a feedstream is fed into a hazardous waste combustor.

Hazardous waste is defined in § 261.3 of this chapter.

Hazardous waste burning cement kiln means a rotary kiln and any associated preheater or precalciner devices that produce clinker by heating limestone and other materials for subsequent production of cement for use in commerce, and that burns hazardous waste at any time.

Hazardous waste combustor means a hazardous waste incinerator, hazardous waste burning cement kiln, or hazardous waste burning lightweight aggregate kiln.

Hazardous waste incinerator means a device defined as an incinerator in § 260.10 of this chapter and that burns hazardous waste at any time.

Hazardous waste lightweight aggregate kiln means a rotary kiln that produces clinker by heating materials such as slate, shale and clay for subsequent production of lightweight aggregate used in commerce, and that burns hazardous waste at any time.

Hazardous waste residence time means the time elapsed from cutoff of the flow of hazardous waste into the combustor (including, for example, the time required for liquids to flow from the cutoff valve into the combustor) until solid, liquid, and gaseous materials from the hazardous waste, excluding residues that may adhere to combustion chamber surfaces, exit the combustion chamber. For combustors with multiple firing systems whereby the residence time may vary for the firing systems, the hazardous waste residence time for purposes of complying with this subpart means the longest residence time for any firing system in use at the time of waste cutoff.

Initial comprehensive performance test means the comprehensive performance test that is used as the basis for initially demonstrating compliance with the standards.

In-line kiln raw mill means a hazardous waste burning cement kiln design whereby kiln gas is ducted through the raw material mill for portions of time to facilitate drying and heating of the raw material.

Instantaneous monitoring means continuously sampling, detecting, and recording the regulated parameter without use of an averaging period.

Monovent means an exhaust configuration of a building or emission control device (*e.g.* positive pressure fabric filter) that extends the length of the structure and has a width very small in relation to its length (*i.e.*, length to width ratio is typically greater than 5:1). The exhaust may be an open vent with or without a roof, louvered vents, or a combination of such features.

MTEC means maximum theoretical emissions concentration of metals or HCl/Cl, expressed as µg/dscm, and is calculated by dividing the feedrate by the gas flowrate.

New source means any affected source the construction or reconstruction of which is commenced after April 19, 1996.

One-minute average means the average of detector responses calculated at least every 60 seconds from responses obtained at least every 15 seconds.

Operating record means a documentation retained at the facility for ready inspection by authorized officials of all information required by the standards to document and maintain compliance with the applicable regulations, including data and information, reports, notifications, and communications with regulatory officials.

Operating requirements means operating terms or conditions, limits, or operating parameter limits developed under this subpart that ensure compliance with the emission standards.

Raw material feed means the prepared and mixed materials, which include but are not limited to materials such as limestone, clay, shale, sand, iron ore, mill scale, cement kiln dust and flyash, that are fed to a cement or lightweight aggregate kiln. Raw material feed does not include the fuels used in the kiln to produce heat to form the clinker product.

Research, development, and demonstration source means a source engaged in laboratory, pilot plant, or prototype demonstration operations:

(1) Whose primary purpose is to conduct research, development, or short-term demonstration of an innovative and experimental hazardous waste treatment technology or process; and

(2) Where the operations are under the close supervision of technically-trained personnel.

Rolling average means the average of all one-minute averages over the averaging period.

Run means the net period of time during which an air emission sample is collected under a given set of operating conditions. Three or more runs constitutes a test. Unless otherwise specified, a run may be either intermittent or continuous.

Run average means the average of the one-minute average parameter values for a run.

TEQ means toxicity equivalence, the international method of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

You means the owner or operator of a hazardous waste combustor.

(b) The acronyms used in this subpart refer to the following:

AWFCO means automatic waste feed cutoff.

CAS means chemical abstract services registry.

CEMS means continuous emissions monitoring system.

CMS means continuous monitoring system.

DRE means destruction and removal efficiency.

MACT means maximum achievable control technology.

MTEC means maximum theoretical emissions concentration.

NIC means notification of intent to comply.

§ 63.1202 [Reserved]

Emissions Standards and Operating Limits

§ 63.1203 What are the standards for hazardous waste incinerators?

(a) *Emission limits for existing sources* You must not discharge or cause combustion gasses to be emitted into the atmosphere that contain:

(1) For dioxins and furans:

(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or

(ii) Emissions in excess of 0.40 ng TEQ/dscm corrected to 7 percent oxygen provided that the combustion gas temperature at the inlet to the initial particulate matter control device is 400°F or lower based on the average of the test run average temperatures; [1]

(2) Mercury in excess of 130 μg/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 240 "g/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 97 "g/dscm, combined emissions, corrected to 7 percent oxygen;

(5) For carbon monoxide and hydrocarbons, either:

(i) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen, and hydrocarbons in excess of 10 parts per million by volume over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7); or

(ii) Hydrocarbons in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane;

(6) Hydrochloric acid and chlorine gas in excess of 77 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 34 mg/dscm corrected to 7 percent oxygen.

(b) *Emission limits for new sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) Dioxins and furans in excess of 0.20 ng TEQ/dscm, corrected to 7 percent oxygen;

(2) Mercury in excess of 45 μg/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 24 μg/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 97 μg/dscm, combined emissions, corrected to 7 percent oxygen;

(5) For carbon monoxide and hydrocarbons, either:

(i) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen, and hydrocarbons in excess of 10 parts per million by volume over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7); or

(ii) Hydrocarbons in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane;

(6) Hydrochloric acid and chlorine gas in excess of 21 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 34 mg/dscm corrected to 7 percent oxygen.

(c) *Destruction and removal efficiency (DRE) standard.* (1) *99.99% DRE.* Except as provided in paragraph (c)(2) of this section, you must achieve a destruction and removal efficiency (DRE) of 99.99% for each principle organic hazardous constituent (POHC) designated under paragraph (c)(3) of this section. You must calculate DRE for each POHC from the following equation:

$$DRE = \left[1 - \left(W_{out} / W_{in}\right)\right] \times 100\%$$

Where:

W_{in}=mass feedrate of one principal organic hazardous constituent (POHC) in a waste feedstream; and

W_{out}=mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere

(2) *99.9999% DRE.* If you burn the dioxin-listed hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27 (see § 261.31 of this chapter), you must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principle organic hazardous constituent (POHC) that you designate under paragraph (c)(3) of this section. You must demonstrate this DRE performance on POHCs that are more difficult to incinerate than tetro-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. You must use the equation in paragraph (c)(1) of this section calculate DRE for each POHC. In addition, you must notify the Administrator of your intent to incinerate hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27.

(3) *Principal organic hazardous constituents (POHCs).* (i) You must treat the Principal Organic Hazardous Constituents (POHCs) in the waste feed that you specify under paragraph (c)(3)(ii) of this section to the extent required by paragraphs (c)(1) and (c)(2) of this section.

(ii) You must specify one or more POHCs from the list of hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by § 63.60, for each waste to be burned. You must base this specification on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses or other data and information.

(d) *Significant figures.* The emission limits provided by paragraphs (a) and (b) of this section are presented with two significant figures. Although you must perform intermediate calculations using at least three significant figures, you may round the resultant emission levels to two significant figures to document compliance.

[1] For purposes of compliance, operation of a wet particulate control device is presumed to meet the 400°F or lower requirement.

(e) *Air emission standards for equipment leaks, tanks, surface impoundments, and containers.* You are subject to the air emission standards of subparts BB and CC, part 264, of this chapter.

§ 63.1204 What are the standards for hazardous waste burning cement kilns?

(a) *Emission limits for existing sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) For dioxins and furans:

(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or

(ii) Emissions in excess of 0.40 ng TEQ/dscm corrected to 7 percent oxygen provided that the combustion gas temperature at the inlet to the initial dry particulate matter control device is 400°F or lower based on the average of the test run average temperatures;

(2) Mercury in excess of 120 µg/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 240 µg/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 56 µg/dscm, combined emissions, corrected to 7 percent oxygen;

(5) Carbon monoxide and hydrocarbons. (i) For kilns equipped with a by-pass duct or midkiln gas sampling system, either:

(A) Carbon monoxide in the by-pass duct or midkiln gas sampling system in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen, and hydrocarbons in the by-pass duct in excess of 10 parts per million by volume over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7); or

(B) Hydrocarbons in the by-pass duct or midkiln gas sampling system in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane;

(ii) For kilns not equipped with a by-pass duct or midkiln gas sampling system, either:

(A) Hydrocarbons in the main stack in excess of 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(B) Carbon monoxide in the main stack in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen, and hydrocarbons in the main stack in excess of 20 parts per million by volume over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7).

(6) Hydrochloric acid and chlorine gas in excess of 130 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis, corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 0.15 kg/Mg dry feed and opacity greater than 20 percent.

(i) You must use suitable methods to determine the kiln raw material feedrate.

(ii) Except as provided in paragraph (a)(7)(iii) of this section, you must compute the particulate matter emission rate, E, from the following equation:

$$E = (C_s \times Q_{sd})/P$$

where:

E = emission rate of particulate matter, kg/Mg of kiln raw material feed;

C_s = concentration of particulate matter, kg/dscm;

Q_{sd} = volumetric flowrate of effluent gas, dscm/hr;

P = total kiln raw material feed (dry basis), Mg/hr.

(iii) If you operate a preheater or preheater/precalciner kiln with dual stacks, you must test simultaneously and compute the combined particulate matter emission rate, E_c, from the following equation:

$$E_c = (C_{sk} \times Q_{sdk} + C_{sb} \times Q_{sdb})/P$$

where:

E_c = the combined emission rate of particulate matter from the kiln and bypass stack, kg/Mg of kiln raw material feed;

C_{sk} = concentration of particulate matter in the kiln effluent, kg/dscm;

Q_{sdk} = volumetric flowrate of kiln effluent gas, dscm/hr;

C_{sb} = concentration of particulate matter in the bypass stack effluent, kg/dscm;

Q_{sdb} = volumetric flowrate of bypass stack effluent gas, dscm/hr;

P = total kiln raw material feed (dry basis), Mg/hr.

(b) *Emission limits for new sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) For dioxins and furans:

(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or

(ii) Emissions in excess of 0.40 ng TEQ/dscm corrected to 7 percent oxygen provided that the combustion gas temperature at the inlet to the initial dry particulate matter control device is 400 °F or lower based on the average of the test run average temperatures;

(2) Mercury in excess of 56 µg/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 180 µg/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 54 µg/dscm, combined emissions, corrected to 7 percent oxygen;

(5) Carbon monoxide and hydrocarbons. (i) For kilns equipped with a by-pass duct or midkiln gas sampling system, carbon monoxide and hydrocarbons emissions are limited in both the bypass duct or midkiln gas sampling system and the main stack as follows:

(A) Emissions in the by-pass or midkiln gas sampling system are limited to either:

(1) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen, and hydrocarbons in excess of 10 parts per million by volume over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7); or

(2) Hydrocarbons in the by-pass duct or midkiln gas sampling system in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; and

(B) Hydrocarbons in the main stack are limited, if construction of the kiln

commenced after April 19, 1996 at a plant site where a cement kiln (whether burning hazardous waste or not) did not previously exist, to 50 parts per million by volume, over a 30-day block average (monitored continuously with a continuous monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane.

(ii) For kilns not equipped with a by-pass duct or midkiln gas sampling system, hydrocarbons and carbon monoxide are limited in the main stack to either:

(A) Hydrocarbons not exceeding 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(B) (*1*) Carbon monoxide not exceeding 100 part per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen; and

(*2*) Hydrocarbons not exceeding 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7); and

(*3*) If construction of the kiln commenced after April 19, 1996 at a plant site where a cement kiln (whether burning hazardous waste or not) did not previously exist, hydrocarbons are limited to 50 parts per million by volume, over a 30-day block average (monitored continuously with a continuous monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane.

(6) Hydrochloric acid and chlorine gas in excess of 86 parts per million, combined emissions, expressed as hydrochloric acid equivalents, dry basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 0.15 kg/Mg dry feed and opacity greater than 20 percent.

(i) You must use suitable methods to determine the kiln raw material feedrate.

(ii) Except as provided in paragraph (a)(7)(iii) of this section, you must compute the particulate matter emission rate, E, from the equation specified in paragraph (a)(7)(ii) of this section.

(iii) If you operate a preheater or preheater/precalciner kiln with dual stacks, you must test simultaneously and compute the combined particulate matter emission rate, Ec, from the equation specified in paragraph (a)(7)(iii) of this section.

(c) *Destruction and removal efficiency (DRE) standard*—(1) *99.99% DRE.* Except as provided in paragraph (c)(2) of this section, you must achieve a destruction and removal efficiency (DRE) of 99.99% for each principle organic hazardous constituent (POHC) designated under paragraph (c)(3) of this section. You must calculate DRE for each POHC from the following equation:

$$DRE = \left[1 - \left(W_{out} / W_{in}\right)\right] \times 100\%$$

Where:

W_{in}=mass feedrate of one principal organic hazardous constituent (POHC) in a waste feedstream; and

W_{out}=mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere

(2) *99.9999% DRE.* If you burn the dioxin-listed hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27 (see § 261.31 of this chapter), you must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principle organic hazardous constituent (POHC) that you designate under paragraph (c)(3) of this section. You must demonstrate this DRE performance on POHCs that are more difficult to incinerate than tetro-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. You must use the equation in paragraph (c)(1) of this section calculate DRE for each POHC. In addition, you must notify the Administrator of your intent to burn hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27.

(3) *Principal organic hazardous constituents (POHCs).* (i) You must treat the Principal Organic Hazardous Constituents (POHCs) in the waste feed that you specify under paragraph (c)(3)(ii) of this section to the extent required by paragraphs (c)(1) and (c)(2) of this section.

(ii) You must specify one or more POHCs from the list of hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by § 63.60, for each waste to be burned. You must base this specification on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses or other data and information.

(d) *Cement kilns with in-line kiln raw mills*—(1) *General.* (i) You must conduct performance testing when the raw mill is on-line and when the mill is off-line to demonstrate compliance with the emission standards, and you must establish separate operating parameter limits under § 63.1209 for each mode of operation, except as provided by paragraph (d)(1)(iv) of this section.

(ii) You must document in the operating record each time you change from one mode of operation to the alternate mode and begin complying with the operating parameter limits for that alternate mode of operation.

(iii) You must establish rolling averages for the operating parameter limits anew (*i.e.*, without considering previous recordings) when you begin complying with the operating limits for the alternate mode of operation.

(iv) If your in-line kiln raw mill has dual stacks, you may assume that the dioxin/furan emission levels in the by-pass stack and the operating parameter limits determined during performance testing of the by-pass stack when the raw mill is off-line are the same as when the mill is on-line.

(2) *Emissions averaging.* You may comply with the mercury, semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas emission standards on a time-weighted average basis under the following procedures:

(i) *Averaging methodology.* You must calculate the time-weighted average emission concentration with the following equation:

Where:

C_{total}=time-weighted average concentration of a regulated constituent considering both raw mill on time and off time.

$C_{mill\text{-}off}$=average performance test concentration of regulated constituent with the raw mill off-line.

$C_{mill\text{-}on}$=average performance test concentration of regulated constituent with the raw mill on-line.

$T_{mill\text{-}off}$=time when kiln gases are not routed through the raw mill

$T_{mill\text{-}on}$=time when kiln gases are routed through the raw mill

$$C_{total} = \left\{C_{mill\text{-}off} \times \left(T_{mill\text{-}off} / \left(T_{mill\text{-}off} + T_{mill\text{-}on}\right)\right)\right\} + \left\{C_{mill\text{-}on} \times \left(T_{mill\text{-}on} / \left(T_{mill\text{-}off} + T_{mill\text{-}on}\right)\right)\right\}$$

(ii) *Compliance.* (A) If you use this emission averaging provision, you must document in the operating record compliance with the emission standards on an annual basis by using the equation provided by paragraph (d)(2) of this section.

(B) Compliance is based on one-year block averages beginning on the day you submit the initial notification of compliance.

(iii) *Notification.* (A) If you elect to document compliance with one or more emission standards using this emission averaging provision, you must notify the Administrator in the initial comprehensive performance test plan submitted under § 63.1207(e).

(B) You must include historical raw mill operation data in the performance test plan to estimate future raw mill down-time and document in the performance test plan that estimated emissions and estimated raw mill down-time will not result in an exceedance of an emission standard on an annual basis.

(C) You must document in the notification of compliance submitted under § 63.1207(j) that an emission standard will not be exceeded based on the documented emissions from the performance test and predicted raw mill down-time.

(e) *Preheater or preheater/precalciner kilns with dual stacks.*—(1) *General.* You must conduct performance testing on each stack to demonstrate compliance with the emission standards, and you must establish operating parameter limits under § 63.1209 for each stack, except as provided by paragraph (d)(1)(iv) of this section for dioxin/furan emissions testing and operating parameter limits for the by-pass stack of in-line raw mills.

(2) *Emissions averaging.* You may comply with the mercury, semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas emission standards specified in this section on a gas flowrate-weighted average basis under the following procedures:

(i) *Averaging methodology.* You must calculate the gas flowrate-weighted average emission concentration using the following equation:

$$C_{tot} = \left\{C_{main} \times \left(Q_{main} / \left(Q_{main} + Q_{bypass}\right)\right)\right\} + \left\{C_{bypass} \times \left(Q_{bypass} / \left(Q_{main} + Q_{bypass}\right)\right)\right\}$$

Where

C_{tot}=gas flowrate-weighted average concentration of the regulated constituent

C_{main}=average performance test concentration demonstrated in the main stack

C_{bypass}=average performance test concentration demonstrated in the bypass stack

Q_{main}=volumetric flowrate of main stack effluent gas

Q_{bypass}=volumetric flowrate of bypass effluent gas

(ii) *Compliance.* (A) You must demonstrate compliance with the emission standard(s) using the emission concentrations determined from the performance tests and the equation provided by paragraph (e)(1) of this section; and

(B) You must develop operating parameter limits for bypass stack and main stack flowrates that ensure the emission concentrations calculated with the equation in paragraph (e)(1) of this section do not exceed the emission standards on a 12-hour rolling average basis. You must include these flowrate limits in the Notification of Compliance.

(iii) *Notification.* If you elect to document compliance under this emissions averaging provision, you must:

(A) Notify the Administrator in the initial comprehensive performance test plan submitted under § 63.1207(e). The performance test plan must include, at a minimum, information describing the flowrate limits established under paragraph (e)(2)(ii)(B) of this section; and

(B) Document in the Notification of Compliance submitted under § 63.1207(j) the demonstrated gas flowrate-weighted average emissions that you calculate with the equation provided by paragraph (e)(2) of this section.

(f) *Significant figures.* The emission limits provided by paragraphs (a) and (b) of this section are presented with two significant figures. Although you must perform intermediate calculations using at least three significant figures, you may round the resultant emission levels to two significant figures to document compliance.

(g) *Air emission standards for equipment leaks, tanks, surface impoundments, and containers.* You are subject to the air emission standards of subparts BB and CC, part 264, of this chapter.

(h) When you comply with the particulate matter requirements of paragraphs (a)(7) or (b)(7) of this section, you are exempt from the New Source Performance Standard for particulate matter and opacity under § 60.60 of this chapter.

§ 63.1205 What are the standards for hazardous waste burning lightweight aggregate kilns?

(a) *Emission limits for existing sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) For dioxins and furans:

(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or

(ii) Emissions in excess of 0.40 ng TEQ/dscm corrected to 7 percent oxygen provided that the combustion gas temperature at the exit of the (last) combustion chamber (or exit of any waste heat recovery system) is rapidly quenched to 400°F or lower based on the average of the test run average temperatures;

(2) Mercury in excess of 47 μg/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 250 μg/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 110 μg/dscm, combined emissions, corrected to 7 percent oxygen;

(5) Carbon monoxide and hydrocarbons. (i) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen, and hydrocarbons in excess of 20 parts per million by volume over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7); or

(ii) Hydrocarbons in excess of 20 parts per million by volume, over an hourly rolling average, dry basis, corrected to 7 percent oxygen, and reported as propane;

(6) Hydrochloric acid and chlorine gas in excess of 230 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry

basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 57 mg/dscm corrected to 7 percent oxygen.

(b) *Emission limits for new sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) For dioxins and furans:

(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or

(ii) Emissions in excess of 0.40 ng TEQ/dscm corrected to 7 percent oxygen provided that the temperature at the exit of the (last) combustion chamber (or exit of any waste heat recovery system) is rapidly quenched to 400°F or lower based on the average of the test run average temperatures;

(2) Mercury in excess of 33 µg/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 43 µg/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 110 µg/dscm, combined emissions, corrected to 7 percent oxygen;

(5) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen, and hydrocarbons in excess of 20 parts per million by volume over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7); or

(ii) Hydrocarbons in excess of 20 parts per million by volume, over an hourly rolling average, dry basis, corrected to 7 percent oxygen, and reported as propane;

(6) Hydrochloric acid and chlorine gas in excess of 41 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 57 mg/dscm corrected to 7 percent oxygen.

(c) *Destruction and removal efficiency (DRE) standard—(1) 99.99% DRE.* Except as provided in paragraph (c)(2) of this section, you must achieve a destruction and removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated under paragraph (c)(3) of this section. You must calculate DRE for each POHC from the following equation:

$$DRE = \left[1 - \left(W_{out} / W_{in}\right)\right] \times 100\%$$

Where:

W_{in}=mass feedrate of one principal organic hazardous constituent (POHC) in a waste feedstream; and

W_{out}=mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere

(2) *99.9999% DRE.* If you burn the dioxin-listed hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27 (see § 261.31 of this chapter), you must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic hazardous constituent (POHC) that you designate under paragraph (c)(3) of this section. You must demonstrate this DRE performance on POHCs that are more difficult to incinerate than tetro-, penta-, and hexachlorodibenzo-dioxins and dibenzofurans. You must use the equation in paragraph (c)(1) of this section calculate DRE for each POHC. In addition, you must notify the Administrator of your intent to burn hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27.

(3) *Principal organic hazardous constituents (POHCs).* (i) You must treat the Principal Organic Hazardous Constituents (POHCs) in the waste feed that you specify under paragraph (c)(3)(ii) of this section to the extent required by paragraphs (c)(1) and (c)(2) of this section.

(ii) You must specify one or more POHCs from the list of hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by § 63.60, for each waste to be burned. You must base this specification on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses or other data and information.

(d) *Significant figures.* The emission limits provided by paragraphs (a) and (b) of this section are presented with two significant figures. Although you must perform intermediate calculations using at least three significant figures, you may round the resultant emission levels to two significant figures to document compliance.

(e) *Air emission standards for equipment leaks, tanks, surface impoundments, and containers.* You are subject to the air emission standards of subparts BB and CC, part 264, of this chapter.

Monitoring and Compliance Provisions

§ 63.1206 When and how must you comply with the standards and operating requirements?

(a) *Compliance dates—* (1) *Compliance date for existing sources.* You must comply with the standards of this subpart no later than September 30, 2002 unless the Administrator grants you an extension of time under § 63.6(i) or § 63.1213, or you comply with the requirements of paragraph (a)(2) of this section for sources that do not intend to comply with the emission standards.

(2) *Sources that do not intend to comply.* Except for those sources meeting the requirements of § 63.1210(b)(1)(iv), sources:

(i) That signify in their Notification of Intent to Comply (NIC) an intent not to comply with the requirements of this subpart, must stop burning hazardous waste on or before October 1, 2001.

(ii) That do not intend to comply with this subpart must include in their NIC a schedule that includes key dates for the steps to be taken to stop burning hazardous waste. Key dates include the date for submittal of RCRA closure documents required under subpart G, part 264, of this chapter.

(3) *New or reconstructed sources.* (i) If you commenced construction or reconstruction of your hazardous waste combustor after April 19, 1996, you must comply with this subpart by the later of September 30, 1999 or the date the source starts operations, except as provided by paragraph (a)(3)(ii) of this section.

(ii) For a standard in this subpart that is more stringent than the standard proposed on April 19, 1996, you may achieve compliance no later than September 30, 2002 if you comply with the standard proposed on April 19, 1996 after September 30, 1999. This exception does not apply, however, to new or reconstructed area source hazardous waste combustors that become major sources after September 30, 1999. As provided by § 63.6(b)(7), such sources must comply with this subpart at startup.

(b) *Compliance with standards—*(1) *Applicability.* The emission standards

and operating requirements set forth in this subpart apply at all times except:

(i) During startup, shutdown, and malfunction, provided that hazardous waste is not in the combustion chamber (*i.e.*, the hazardous waste feed to the combustor has been cutoff for a period of time not less than the hazardous waste residence time) during those periods of operation, as provided by paragraph (c)(2)(ii) of this section; and

(ii) When hazardous waste is not in the combustion chamber (i.e., the hazardous waste feed to the combustor has been cutoff for a period of time not less than the hazardous waste residence time), and you have:

(A) Submitted a written, one-time notice to the Administrator documenting compliance with all applicable requirements and standards promulgated under authority of the Clean Air Act, including sections 112 and 129; and

(B) Documented in the operating record that you are complying with such applicable requirements in lieu of the emission standards and operating requirements of this subpart.

(2) *Methods for determining compliance.* The Administrator will determine compliance with the emission standards of this subpart as provided by § 63.6(f)(2). Conducting performance testing under operating conditions representative of the extreme range of normal conditions is consistent with the requirements of §§ 63.6(f)(2)(iii)(B) and 63.7(e)(1) to conduct performance testing under representative operating conditions.

(3) *Finding of compliance.* The Administrator will make a finding concerning compliance with the emission standards and other requirements of this subpart as provided by § 63.6(f)(3).

(4) *Extension of compliance with emission standards.* The Administrator may grant an extension of compliance with the emission standards of this subpart as provided by §§ 63.6(i) and 63.1213.

(5) *Changes in design, operation, or maintenance*—(i) *Changes that may adversely affect compliance.* If you plan to change (as defined in paragraph (b)(6)(iii) of this section) the design, operation, or maintenance practices of the source in a manner that may adversely affect compliance with any emission standard that is not monitored with a CEMS:

(A) *Notification.* You must notify the Administrator at least 60 days prior to the change, unless you document circumstances that dictate that such prior notice is not reasonably feasible. The notification must include:

(1) A description of the changes and which emission standards may be affected; and

(2) A comprehensive performance test schedule and test plan under the requirements of § 63.1207(f) that will document compliance with the affected emission standard(s);

(B) *Performance test.* You must conduct a comprehensive performance test under the requirements of §§ 63.1207(f)(1) and (g)(1) to document compliance with the affected emission standard(s) and establish operating parameter limits as required under § 63.1209, and submit to the Administrator a Notification of Compliance under §§ 63.1207(j) and 63.1210(d); and

(C) *Restriction on waste burning.* (1) Except as provided by paragraph (b)(5)(i)(C)(2) of this section, after the change and prior to submitting the notification of compliance, you must not burn hazardous waste for more than a total of 720 hours and only for purposes of pretesting or comprehensive performance testing.

(2) You may petition the Administrator to obtain written approval to burn hazardous waste in the interim prior to submitting a Notification of Compliance for purposes other than testing or pretesting. You must specify operating requirements, including limits on operating parameters, that you determine will ensure compliance with the emission standards of this subpart based on available information. The Administrator will review, modify as necessary, and approve if warranted the interim operating requirements.

(ii) *Changes that will not affect compliance.* If you determine that a change will not adversely affect compliance with the emission standards or operating requirements, you must document the change in the operating record upon making such change. You must revise as necessary the performance test plan, Documentation of Compliance, Notification of Compliance, and start-up, shutdown, and malfunction plan to reflect these changes.

(iii) *Definition of "change".* For purposes of paragraph (b)(6) of this section, "change" means any change in design, operation, or maintenance practices that were documented in the comprehensive performance test plan, Notification of Compliance, or startup, shutdown, and malfunction plan.

(6) *Compliance with the carbon monoxide and hydrocarbon emission standards.* This paragraph applies to sources that elect to comply with the carbon monoxide and hydrocarbon emissions standards under §§ 63.1203 through 63.1205 by documenting continuous compliance with the carbon monoxide standard using a continuous emissions monitoring system and documenting compliance with the hydrocarbon standard during the destruction and removal efficiency (DRE) performance test or its equivalent.

(i) If a DRE test performed after March 30, 1998 is acceptable as documentation of compliance with the DRE standard, you may use the highest hourly rolling average hydrocarbon level achieved during those DRE test runs to document compliance with the hydrocarbon standard. An acceptable DRE test is a test that was used to support successful issuance or reissuance of an operating permit under part 270 of this chapter.

(ii) If during this acceptable DRE test you did not obtain hydrocarbon emissions data sufficient to document compliance with the hydrocarbon standard, you must either:

(A) Perform, as part of the performance test, an "equivalent DRE test" to document compliance with the hydrocarbon standard. An equivalent DRE test is comprised of a minimum of three runs each with a minimum duration of one hour during which you operate the combustor as close as reasonably possible to the operating parameter limits that you established based on the initial DRE test. You must use the highest hourly rolling average hydrocarbon emission level achieved during the equivalent DRE test to document compliance with the hydrocarbon standard; or (B) Perform a DRE test as part of the performance test.

(7) *Compliance with the DRE standard.* (i) Except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section:

(A) You must document compliance with the Destruction and Removal Efficiency (DRE) standard under §§ 63.1203 through 63.1205 only once provided that you do not modify the source after the DRE test in a manner that could affect the ability of the source to achieve the DRE standard; and

(B) You may use DRE testing performed after March 30, 1998 for purposes of issuance or reissuance of a RCRA permit under part 270 of this chapter to document conformance with the DRE standard if you have not modified the design or operation of the source since the DRE test in a manner that could affect the ability of the source to achieve the DRE standard.

(ii) For sources that feed hazardous waste at a location in the combustion system other than the normal flame zone:

(A) You must demonstrate compliance with the DRE standard during each comprehensive performance test; and

(B) You may use DRE testing performed after March 30, 1998 for purposes of issuance or reissuance of a RCRA permit under part 270 of this chapter to document conformance with the DRE standard in lieu of DRE testing during the initial comprehensive performance test if you have not modified the design or operation of the source since the DRE test in a manner that could affect the ability of the source to achieve the DRE standard.

(iii) For sources that do not use DRE testing performed prior to the compliance date to document conformance with the DRE standard, you must perform DRE testing during the initial comprehensive performance test.

(8) *Applicability of particulate matter and opacity standards during particulate matter CEMS correlation tests.* (i) Any particulate matter and opacity standards of parts 60, 61, 63, 264, 265, and 266 of this chapter (*i.e.*, any title 40 particulate or opacity standards) applicable to a hazardous waste combustor do not apply while you conduct particulate matter continuous emissions monitoring system (CEMS) correlation tests (*i.e.*, correlation with manual stack methods) under the conditions of paragraphs (b)(8)(iii) through (vii) of this section.

(ii) Any permit or other emissions or operating parameter limits or conditions, including any limitation on workplace practices, that are applicable to hazardous waste combustors to ensure compliance with any particulate matter and opacity standards of parts 60, 61, 63, 264, 265, and 266 of this chapter (*i.e.*, any title 40 particulate or opacity standards) do not apply while you conduct particulate matter CEMS correlation tests under the conditions of paragraphs (b)(8)(iii) through (vii) of this section.

(iii) For the provisions of this section to apply, you must:

(A) Develop a particulate matter CEMS correlation test plan that includes the following information. This test plan may be included as part of the comprehensive performance test plan required under §§ 63.1207(e) and (f):

(1) Number of test conditions and number of runs for each test condition;

(2) Target particulate matter emission level for each test condition;

(3) How you plan to modify operations to attain the desired particulate matter emission levels; and

(4) Anticipated normal particulate matter emission levels; and

(B) Submit the test plan to the Administrator for approval at least 90 calendar days before the correlation test is scheduled to be conducted.

(iv) The Administrator will review and approve/disapprove the correlation test plan under the procedures for review and approval of the site-specific test plan provided by § 63.7(c)(3)(i) and (iii). If the Administrator fails to approve or disapprove the correlation test plan within the time period specified by § 63.7(c)(3)(i), the plan is considered approved, unless the Administrator has requested additional information.

(v) The particulate matter and opacity standards and associated operating limits and conditions will not be waived for more than 96 hours, in the aggregate, for a correlation test, including all runs of all test conditions.

(vi) The stack sampling team must be on-site and prepared to perform correlation testing no later than 24 hours after you modify operations to attain the desired particulate matter emissions concentrations, unless you document in the correlation test plan that a longer period of conditioning is appropriate.

(vii) You must return to operating conditions indicative of compliance with the applicable particulate matter and opacity standards as soon as possible after correlation testing is completed.

(9) *Alternative standards for existing or new hazardous waste burning lightweight aggregate kilns using MACT.* (i) You may petition the Administrator to recommend alternative semivolatile metal, low volatile metal, mercury, or hydrochloric acid/chlorine gas emission standards if:

(A) You cannot achieve one or more of these standards while using maximum achievable control technology (MACT) because of the raw material contribution to emissions of the regulated metals or hydrochloric acid/chlorine gas; or

(B) You determine that mercury is not present at detectable levels in your raw material.

(ii) The alternative standard that you recommend under paragraph (b)(9)(i)(A) of this section may be an operating requirement, such as a hazardous waste feedrate limitation for metals and/or chlorine, and/or an emission limitation.

(iii) The alternative standard must include a requirement to use MACT, or better, applicable to the standard for which the source is seeking relief, as defined in paragraphs (b)(9)(viii) and (ix) of this section.

(iv) *Documentation required.* (A) The alternative standard petition you submit under paragraph (b)(9)(i)(A) of this section must include data or information documenting that raw material contributions to emissions of the regulated metals or hydrochloric acid/chlorine gas prevent you from complying with the emission standard even though the source is using MACT, as defined in paragraphs (b)(9)(viii) and (ix) of this section, for the standard for which you are seeking relief.

(B) Alternative standard petitions that you submit under paragraph (b)(9)(i)(B) of this section must include data or information documenting that mercury is not present at detectable levels in raw materials.

(v) You must include data or information with semivolatile metal and low volatility metal alternative standard petitions that you submit under paragraph (b)(9)(i)(A) of this section documenting that increased chlorine feedrates associated with the burning of hazardous waste, when compared to non-hazardous waste operations, do not significantly increase metal emissions attributable to raw materials.

(vi) You must include data or information with semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas alternative standard petitions that you submit under paragraph (b)(9)(i)(A) of this section documenting that semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas emissions attributable to the hazardous waste only will not exceed the emission standards in § 63.1205(a) and (b).

(vii) You must not operate pursuant to your recommended alternative standards in lieu of emission standards specified in § 63.1205(a) and (b):

(A) Unless the Administrator approves the provisions of the alternative standard petition request or establishes other alternative standards; and

(B) Until you submit a revised Notification of Compliance that incorporates the revised standards.

(viii) For purposes of this alternative standard provision, MACT for existing hazardous waste burning lightweight aggregate kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 24μg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 280,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 120,000 μg/dscm or less, and use of a particulate matter control

device that achieves particulate matter emissions of 57 mg/dscm or less; and

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 2,000,000 μg/dscm or less, and use of an air pollution control device with a hydrochloric acid/chlorine gas removal efficiency of 85 percent or greater.

(ix) For purposes of this alternative standard provision, MACT for new hazardous waste burning lightweight aggregate kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 4 μg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 280,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 46,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less;

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 14,000,000 μg/dscm or less, and use of a wet scrubber with a hydrochloric acid/chlorine gas removal efficiency of 99.6 percent or greater.

(10) *Alternative standards for existing or new hazardous waste burning cement kilns using MACT.* (i) You may petition the Administrator to recommend alternative semivolatile, low volatile metal, mercury, and/or hydrochloric acid/chlorine gas emission standards if:

(A) You cannot achieve one or more of these standards while using maximum achievable control technology (MACT) because of raw material contributions to emissions of the regulated metals or hydrochloric acid/chlorine gas; or (B) You determine that mercury is not present at detectable levels in your raw material.

(ii) The alternative standard that you recommend under paragraph (b)(10)(i)(A) of this section may be an operating requirement, such as a hazardous waste feedrate limitation for metals and/or chlorine, and/or an emission limitation.

(iii) The alternative standard must include a requirement to use MACT, or better, applicable to the standard for which the source is seeking relief, as defined in paragraphs (b)(10)(viii) and (ix) of this section.

(iv) *Documentation required.* (A) The alternative standard petition you submit under paragraph (b)(10)(i)(A) of this section must include data or information documenting that raw material contributions to emissions prevent you from complying with the emission standard even though the source is using MACT, as defined in paragraphs (b)(10)(viii) and (ix) of this section, for the standard for which you are seeking relief.

(B) Alternative standard petitions that you submit under paragraph (b)(10)(i)(B) of this section must include data or information documenting that mercury is not present at detectable levels in raw materials.

(v) You must include data or information with semivolatile metal and low volatile metal alternative standard petitions that you submit under paragraph (b)(10)(i)(A) of this section documenting that increased chlorine feedrates associated with the burning of hazardous waste, when compared to non-hazardous waste operations, do not significantly increase metal emissions attributable to raw materials.

(vi) You must include data or information with semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas alternative standard petitions that you submit under paragraph (b)(10)(i)(A) of this section documenting that emissions of the regulated metals and hydrochloric acid/chlorine gas attributable to the hazardous waste only will not exceed the emission standards in § 63.1204(a) and (b).

(vii) You must not operate pursuant to your recommended alternative standards in lieu of emission standards specified in § 63.1204(a) and (b):

(A) Unless the Administrator approves the provisions of the alternative standard petition request or establishes other alternative standards; and

(B) Until you submit a revised Notification of Compliance that incorporates the revised standards.

(viii) For purposes of this alternative standard provision, MACT for existing hazardous waste burning cement kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 88μg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 31,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 54,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less; and

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 720,000 μg/dscm or less.

(ix) For purposes of this alternative standard provision, MACT for new hazardous waste burning cement kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 7 μg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 31,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 15,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 420,000 μg/dscm or less.

(11) *Calculation of hazardous waste residence time.* You must calculate the hazardous waste residence time and include the calculation in the performance test plan under § 63.1207(f) and the operating record. You must also provide the hazardous waste residence time in the Documentation of Compliance under § 63.1211(d) and the Notification of Compliance under §§ 63.1207(j) and 63.1210(d).

(12) *Documenting compliance with the standards based on performance testing.* (i) You must conduct a minimum of three runs of a performance test required under § 63.1207 to document compliance with the emission standards of this subpart.

(ii) You must document compliance with the emission standards based on the arithmetic average of the emission results of each run, except that you must document compliance with the destruction and removal efficiency standard for each run of the comprehensive performance test individually.

(13) *Cement kilns and lightweight aggregate kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired.* (i) Cement kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired must comply with the hydrocarbon standards of § 63.1204 as follows:

(A) Existing sources must comply with the 20 parts per million by volume hydrocarbon standard in the main stack under § 63.1204(a)(5)(ii)(A);

(B) New sources must comply with the 20 parts per million by volume hydrocarbon standard in the main stack under § 63.1204(b)(5)(ii)(A).

(ii) Lightweight aggregate kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired must comply with the hydrocarbon standards of § 63.1205 as follows:

(A) Existing sources must comply with the 20 parts per million by volume hydrocarbon standard under § 63.1205(a)(5)(ii);

(B) New sources must comply with the 20 parts per million by volume hydrocarbon standard under § 63.1205(b)(5)(ii).

(14) *Alternative particulate matter standard for incinerators with de minimis metals.* (i) *General.* You may petition the Administrator for an alternative particulate matter standard of 68 mg/dscm, corrected to 7% oxygen, if you meet the *de minimis* metals criteria of paragraph (b)(14)(ii) of this section.

(ii) *Documentation required.* The alternative standard petition you submit under paragraph (b)(14)(i) of this section must include data or information documenting that:

(A) Your feedstreams do not contain detectable levels of antimony, cobalt, manganese, nickel, selenium, lead, cadmium, chromium, arsenic and beryllium;

(B) Your combined uncontrolled lead, cadmium and selenium emissions, when assuming these metals are present in your feedstreams at one-half the detection limit, are below 240 ug/dscm, corrected to 7% oxygen.

(C) Your combined uncontrolled antimony, cobalt, manganese, nickel, chromium, arsenic and beryllium emissions, when assuming these metals are present in your feedstreams at one-half the detection limit, are below 97 ug/dscm, corrected to 7% oxygen.

(iii) *Frequency of analysis.* You must sample and analyze your feedstreams at least annually to document that you meet the de minimis criteria in paragraph (b)(14)(ii) of this section.

(iv) You must not operate pursuant to this alternative standard unless the Administrator determines and provides written confirmation that you meet the eligibility requirements in paragraph (b)(14)(ii) of this section.

(c) *Operating requirements.*—(1) *General.* (i) You must operate only under the operating requirements specified in the Documentation of Compliance under § 63.1211(d) or the Notification of Compliance under §§ 63.1207(j) and 63.1210(d), except:

(A) During performance tests under approved test plans according to § 63.1207(e), (f), and (g), and

(B) Under the conditions of paragraph (b)(1)(i) or (ii) of this section;

(ii) The Documentation of Compliance and the Notification of Compliance must contain operating requirements including, but not limited to, the operating requirements in this section and § 63.1209

(iii) Failure to comply with the operating requirements is failure to ensure compliance with the emission standards of this subpart;

(iv) Operating requirements in the Notification of Compliance are applicable requirements for purposes of parts 70 and 71 of this chapter;

(v) The operating requirements specified in the Notification of Compliance will be incorporated in the title V permit.

(2) *Startup, shutdown, and malfunction plan.* (i) Except as provided by paragraph (c)(2)(ii) of this section, you are subject to the startup, shutdown, and malfunction plan requirements of § 63.6(e)(3).

(ii) Even if you follow the startup and shutdown procedures and the corrective measures upon a malfunction that are prescribed in the startup, shutdown, and malfunction plan, the emission standards and operating requirements of this subpart apply if hazardous waste is in the combustion chamber (*i.e.*, if you are feeding hazardous waste or if startup, shutdown, or a malfunction occurs before the hazardous waste residence time has transpired after hazardous waste cutoff).

(iii) You must identify in the plan a projected oxygen correction factor based on normal operations to use during periods of startup and shutdown.

(iv) You must record the plan in the operating record.

(3) *Automatic waste feed cutoff (AWFCO).*— (i) *General.* Upon the compliance date, you must operate the hazardous waste combustor with a functioning system that immediately and automatically cuts off the hazardous waste feed, except as provided by paragraph (c)(3)(viii) of this section:

(A) When any of the following are exceeded: Operating parameter limits specified under § 63.1209; an emission standard monitored by a CEMS; and the allowable combustion chamber pressure;

(B) When the span value of any CMS detector, except a CEMS, is met or exceeded;

(C) Upon malfunction of a CMS monitoring an operating parameter limit specified under § 63.1209 or an emission level; or

(D) When any component of the automatic waste feed cutoff system fails.

(ii) *Ducting of combustion gases.* During an AWFCO, you must continue to duct combustion gasses to the air pollution control system while hazardous waste remains in the combustion chamber (*i.e.*, if the hazardous waste residence time has not transpired since the hazardous waste feed cutoff system was activated).

(iii) *Restarting waste feed.* You must continue to monitor during the cutoff the operating parameters for which limits are established under § 63.1209 and the emissions required under that section to be monitored by a CEMS, and you must not restart the hazardous waste feed until the operating parameters and emission levels are within the specified limits.

(iv) *Failure of the AWFCO system.* If the AWFCO system fails to automatically and immediately cutoff the flow of hazardous waste upon exceedance of parameter required to be interlocked with the AWFCO system under paragraph (c)(3)(i) of this section, you have failed to comply with the AWFCO requirements of paragraph (c)(3) of this section.

(v) *Corrective measures.* If, after any AWFCO, there is an exceedance of an emission standard or operating requirement, irrespective of whether the exceedance occurred while hazardous waste remained in the combustion chamber (*i.e.*, whether the hazardous waste residence time has transpired since the hazardous waste feed cutoff system was activated), you must investigate the cause of the AWFCO, take appropriate corrective measures to minimize future AWFCOs, and record the findings and corrective measures in the operating record.

(vi) *Excessive exceedance reporting.* (A) For each set of 10 exceedances of an emission standard or operating requirement while hazardous waste remains in the combustion chamber (*i.e.*, when the hazardous waste residence time has not transpired since the hazardous waste feed was cutoff) during a 60-day block period, you must submit to the Administrator a written report within 5 calendar days of the 10th exceedance documenting the exceedances and results of the investigation and corrective measures taken.

(B) On a case-by-case basis, the Administrator may require excessive exceedance reporting when fewer than 10 exceedances occur during a 60-day block period.

(vii) *Testing.* The AWFCO system and associated alarms must be tested at least weekly to verify operability, unless you

document in the operating record that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, you must conduct operability testing at least monthly. You must document and record in the operating record AWFCO operability test procedures and results.

(viii) *Ramping down waste feed.* (A) You may ramp down the waste feedrate of pumpable hazardous waste over a period not to exceed one minute, except as provided by paragraph (c)(3)(viii)(B) of this section. If you elect to ramp down the waste feed, you must document ramp down procedures in the operating and maintenance plan. The procedures must specify that the ramp down begins immediately upon initiation of automatic waste feed cutoff and the procedures must prescribe a bona fide ramping down. If an emission standard or operating limit is exceeded during the ramp down, you have failed to comply with the emission standards or operating requirements of this subpart.

(B) If the automatic waste feed cutoff is triggered by an exceedance of any of the following operating limits, you may not ramp down the waste feed cutoff: Minimum combustion chamber temperature, maximum hazardous waste feedrate, or any hazardous waste firing system operating limits that may be established for your combustor.

(4) *ESV openings.*—(i) *Failure to meet standards.* If an emergency safety vent (ESV) opens when hazardous waste remains in the combustion chamber (*i.e.*, when the hazardous waste residence time has not transpired since the hazardous waste feed cutoff system was activated) such that combustion gases are not treated as during the most recent comprehensive performance test (*e.g.*, if the combustion gas by-passes any emission control device that was operating during the performance test), it is evidence of your failure to comply with the emission standards of this subpart.

(ii) *ESV operating plan.* (A) You must develop an ESV operating plan, comply with the operating plan, and keep the plan in the operating record.

(B) The ESV operating plan must provide detailed procedures for rapidly stopping the waste feed, shutting down the combustor, and maintaining temperature and negative pressure in the combustion chamber during the hazardous waste residence time, if feasible. The plan must include calculations and information and data documenting the effectiveness of the plan's procedures for ensuring that combustion chamber temperature and negative pressure are maintained as is reasonably feasible.

(iii) *Corrective measures.* After any ESV opening that results in a failure to meet the emission standards as defined in paragraph (c)(4)(i) of this section, you must investigate the cause of the ESV opening, take appropriate corrective measures to minimize such future ESV openings, and record the findings and corrective measures in the operating record.

(iv) *Reporting requirement.* You must submit to the Administrator a written report within 5 days of an ESV opening that results in failure to meet the emission standards of this subpart (as defined in paragraph (c)(4)(i) of this section) documenting the result of the investigation and corrective measures taken.

(5) *Combustion system leaks.* (i) Combustion system leaks of hazardous air pollutants must be controlled by:

(A) Keeping the combustion zone sealed to prevent combustion system leaks; or

(B) Maintaining the maximum combustion zone pressure lower than ambient pressure using an instantaneous monitor; or

(C) Upon prior written approval of the Administrator, an alternative means of control to provide control of combustion system leaks equivalent to maintenance of combustion zone pressure lower than ambient pressure; and

(ii) You must specify in the operating record the method used for control of combustion system leaks.

(6) *Operator training and certification.* (i) You must establish a training and certification program for each person who has responsibilities affecting operations that may affect emissions of hazardous air pollutants from the source. Such persons include, but are not limited to, chief facility operators, control room operators, continuous monitoring system operators, persons that sample and analyze feedstreams, persons that manage and charge feedstreams to the combustor, persons that operate emission control devices, ash and waste handlers, and maintenance personnel.

(ii) You must ensure that the source is operated and maintained at all times by persons who are trained and certified to perform these and any other duties that may affect emissions of hazardous air pollutants.

(iii) For hazardous waste incinerators, the training and certification program must conform to a state-approved training and certification program or, if there is no such state program, to the American Society of Mechanical Engineers Standard Number QHO–1–1994.

(iv) For hazardous waste burning cement and lightweight aggregate kilns, the training and certification program must be approved by the state or the Administrator, and must be complete and reliable and conform to principles of good operator and operating practices (including training and certification).

(v) You must record the operator training and certification program in the operating record.

(7) *Operation and maintenance plan.*—(i) *General.* (A) You must prepare and at all times operate according to an operation and maintenance plan that describes in detail procedures for operation, inspection, maintenance, and corrective measures for all components of the combustor, including associated pollution control equipment, that could affect emissions of regulated hazardous air pollutants.

(B) The plan must prescribe how you will operate and maintain the combustor in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels achieved during the comprehensive performance test.

(C) This plan ensures compliance with the operation and maintenance requirements of § 63.6(e) and minimizes emissions of pollutants, automatic waste feed cutoffs, and malfunctions.

(D) You must record the plan in the operating record.

(ii) *Requirements for baghouses at lightweight aggregate kilns and incinerators.* If you own or operate a hazardous waste incinerator or hazardous waste burning lightweight aggregate kiln equipped with a baghouse (fabric filter), you must prepare and at all times operate according to an operations and maintenance plan that describes in detail procedures for inspection, maintenance, and bag leak detection and corrective measures for each baghouse used to comply with the standards under this subpart.

(A) The operation and maintenance plan for baghouses must be submitted to the Administrator with the initial comprehensive performance test plan for review and approval.

(B) The procedures specified in the operations and maintenance plan for inspections and routine maintenance of a baghouse must, at a minimum, include the following requirements:

(*1*) Daily visual observation of baghouse discharge or stack;

(*2*) Daily confirmation that dust is being removed from hoppers through visual inspection, or equivalent means

of ensuring the proper functioning of removal mechanisms;

(*3*) Daily check of compressed air supply for pulse-jet baghouses;

(*4*) Daily visual inspection of isolation dampers for proper operation;

(*5*) An appropriate methodology for monitoring cleaning cycles to ensure proper operation;

(*6*) Weekly check of bag cleaning mechanisms for proper functioning through visual inspection or equivalent means;

(*7*) Weekly check of bag tension on reverse air and shaker-type baghouses. Such checks are not required for shaker-type baghouses using self-tensioning (spring loaded) devices;

(*8*) Monthly confirmation of the physical integrity of the baghouse through visual inspection of the baghouse interior for air leaks;

(*9*) Monthly inspection of bags and bag connections;

(*10*) Quarterly inspection of fans for wear, material buildup, and corrosion through visual inspection, vibration detectors, or equivalent means; and

(*11*) Continuous operation of a bag leak detection system as a continuous monitor.

(C) The procedures for maintenance specified in the operation and maintenance plan must, at a minimum, include a preventative maintenance schedule that is consistent with the baghouse manufacturer's instructions for routine and long-term maintenance.

(D) The bag leak detection system required by paragraph (c)(7)(ii)(B)(*11*) of this section must meet the following specifications and requirements:

(*1*) The bag leak detection system must be certified by the manufacturer to be capable of continuously detecting and recording particulate matter emissions at concentrations of 1.0 milligram per actual cubic meter or less;

(*2*) The bag leak detection system sensor must provide output of relative particulate matter loadings;

(*3*) The bag leak detection system must be equipped with an alarm system that will sound an audible alarm when an increase in relative particulate loadings is detected over a preset level;

(*4*) The bag leak detection system shall be installed and operated in a manner consistent with available written guidance from the U.S. Environmental Protection Agency or, in the absence of such written guidance, the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system;

(*5*) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time;

(*6*) Following initial adjustment, you must not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in the operation and maintenance plan required under paragraph (c)(7)(ii)(A) of this section. You must not increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365 day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition;

(*7*) For negative pressure or induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detector must be installed downstream of the baghouse and upstream of any wet acid gas scrubber; and

(*8*) Where multiple detectors are required, the system's instrumentation and alarm system may be shared among the detectors.

(E) The operation and maintenance plan required by paragraph (c)(7)(ii) of this section must include a corrective measures plan that specifies the procedures you will follow in the case of a bag leak detection system alarm. The corrective measures plan must include, at a minimum, the procedures used to determine and record the time and cause of the alarm as well as the corrective measures taken to correct the control device malfunction or minimize emissions as specified below. Failure to initiate the corrective measures required by this paragraph is failure to ensure compliance with the emission standards in this subpart.

(*1*) You must initiate the procedures used to determine the cause of the alarm within 30 minutes of the time the alarm first sounds; and

(*2*) You must alleviate the cause of the alarm by taking the necessary corrective measure(s) which may include, but are not to be limited to, the following measures:

(i) Inspecting the baghouse for air leaks, torn or broken filter elements, or any other malfunction that may cause an increase in emissions;

(ii) Sealing off defective bags or filter media;

(iii) Replacing defective bags or filter media, or otherwise repairing the control device;

(iv) Sealing off a defective baghouse compartment;

(v) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system; or

(vi) Shutting down the combustor.

§ 63.1207 What are the performance testing requirements?

(a) *General.* The provisions of § 63.7 apply, except as noted below.

(b) *Types of performance tests*—(1) *Comprehensive performance test.* You must conduct comprehensive performance tests to demonstrate compliance with the emission standards provided by §§ 63.1203, 63.1204, and 63.1205, establish limits for the operating parameters provided by § 63.1209, and demonstrate compliance with the performance specifications for continuous monitoring systems.

(2) *Confirmatory performance test.* You must conduct confirmatory performance tests to:

(i) Demonstrate compliance with the dioxin/furan emission standard when the source operates under normal operating conditions; and

(ii) Conduct a performance evaluation of continuous monitoring systems required for compliance assurance with the dioxin/furan emission standard under § 63.1209(k).

(c) *Initial comprehensive performance test*—(1) *Test date.* Except as provided by paragraph (c)(2) of this section, you must commence the initial comprehensive performance test not later than six months after the compliance date.

(2) *Data in lieu of the initial comprehensive performance test.* (i) You may request that previous emissions test data serve as documentation of conformance with the emission standards of this subpart provided that the previous testing was:

(A) Initiated after March 30, 1998;

(B) For the purpose of demonstrating emissions under a RCRA permit issuance or reissuance proceeding under part 270 of this chapter;

(C) In conformance with the requirements of paragraph (g)(1) of this section; and

(D) Sufficient to establish the applicable operating parameter limits under § 63.1209.

(ii) You must submit data in lieu of the initial comprehensive performance test in lieu of (i.e., if the data are in lieu of all performance testing) or with the notification of performance test required under paragraph (e) of this section.

(d) *Frequency of testing.* You must conduct testing periodically as prescribed in paragraphs (d)(1) through (3) of this section. The date of commencement of the initial comprehensive performance test is the basis for establishing the deadline to commence the initial confirmatory performance test and the next

comprehensive performance test. You may conduct performance testing at any time prior to the required date. The deadline for commencing subsequent confirmatory and comprehensive performance testing is based on the date of commencement of the previous comprehensive performance test. Unless the Administrator grants a time extension under paragraph (i) of this section, you must conduct testing as follows:

(1) *Comprehensive performance testing.* You must commence testing no later than 61 months after the date of commencing the previous comprehensive performance test. If you submit data in lieu of the initial performance test, you must commence the subsequent comprehensive performance test within 61 months of the date six months after the compliance date.

(2) *Confirmatory performance testing.* You must commence confirmatory performance testing no later than 31 months after the date of commencing the previous comprehensive performance test. If you submit data in lieu of the initial performance test, you must commence the initial confirmatory performance test within 31 months of the date six months after the compliance date. To ensure that the confirmatory test is conducted approximately midway between comprehensive performance tests, the Administrator will not approve a test plan that schedules testing within 18 months of commencing the previous comprehensive performance test.

(3) *Duration of testing.* You must complete performance testing within 60 days after the date of commencement, unless the Administrator determines that a time extension is warranted based on your documentation in writing of factors beyond your control that prevent you from meeting the 60-day deadline.

(e) *Notification of performance test and CMS performance evaluation, and approval of test plan and CMS performance evaluation plan.* (1) The provisions of § 63.7(b) and (c) and § 63.8(e) apply, except:

(i) *Comprehensive performance test.* You must submit to the Administrator a notification of your intention to conduct a comprehensive performance test and CMS performance evaluation and a site-specific test plan and CMS performance evaluation plan at least one year before the performance test and performance evaluation are scheduled to begin.

(A) The Administrator will notify you of approval or intent to deny approval of the test plan and CMS performance evaluation plan within 9 months after receipt of the original plan.

(B) You must submit to the Administrator a notification of your intention to conduct the comprehensive performance test at least 60 calendar days before the test is scheduled to begin.

(ii) *Confirmatory performance test.* You must submit to the Administrator a notification of your intention to conduct a confirmatory performance test and CMS performance evaluation and a test plan and CMS performance evaluation plan at least 60 calendar days before the performance test is scheduled to begin. The Administrator will notify you of approval or intent to deny approval of the test and CMS performance evaluation plans within 30 calendar days after receipt of the original plans.

(2) After the Administrator has approved the test and CMS performance evaluation plans, you must make the plans available to the public for review. You must issue a public notice announcing the approval of the plans and the location where the plans are available for review.

(f) *Content of performance test plan.* The provisions of §§ 63.7(c)(2)(i)–(iii) and (v) regarding the content of the test plan apply. In addition, you must include the following information in the test plan:

(1) *Content of comprehensive performance test plan.* (i) An analysis of each feedstream, including hazardous waste, other fuels, and industrial furnace feedstocks, as fired, that includes:

(A) Heating value, levels of ash (for hazardous waste incinerators only), levels of semivolatile metals, low volatile metals, mercury, and total chlorine (organic and inorganic); and

(B) Viscosity or description of the physical form of the feedstream;

(ii) For organic hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by § 63.60:

(A) An identification of such organic hazardous air pollutants that are present in the feedstream, except that you need not analyze for organic hazardous air pollutants that would reasonably not be expected to be found in the feedstream. You must identify any constituents you exclude from analysis and explain the basis for excluding them. You must conduct the feedstream analysis according to § 63.1208(g);

(B) An approximate quantification of such identified organic hazardous air pollutants in the feedstreams, within the precision produced by the analytical procedures of § 63.1208(g); and

(C) A description of blending procedures, if applicable, prior to firing the feedstream, including a detailed analysis of the materials prior to blending, and blending ratios;

(iii) A detailed engineering description of the hazardous waste combustor, including:

(A) Manufacturer's name and model number of the hazardous waste combustor;

(B) Type of hazardous waste combustor;

(C) Maximum design capacity in appropriate units;

(D) Description of the feed system for each feedstream;

(E) Capacity of each feed system;

(F) Description of automatic hazardous waste feed cutoff system(s);

(G) Description of the design, operation, and maintenance practices for any air pollution control system; and

(H) Description of the design, operation, and maintenance practices of any stack gas monitoring and pollution control monitoring systems;

(iv) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(v) A detailed test schedule for each hazardous waste for which the performance test is planned, including date(s), duration, quantity of hazardous waste to be burned, and other relevant factors;

(vi) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feedrate for each feed system, and, as appropriate, the feedrates of other fuels and feedstocks, and any other relevant parameters that may affect the ability of the hazardous waste combustor to meet the emission standards;

(vii) A description of, and planned operating conditions for, any emission control equipment that will be used;

(viii) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction;

(ix) A determination of the hazardous waste residence time;

(x) If you are requesting to extrapolate metal feedrate limits from comprehensive performance test levels:

(A) A description of the extrapolation methodology and rationale for how the approach ensures compliance with the emission standards;

(B) Documentation of the historical range of normal (*i.e.*, other than during compliance testing) metals feedrates for each feedstream;

(C) Documentation that the level of spiking recommended during the

performance test will mask sampling and analysis imprecision and inaccuracy to the extent that extrapolation of feedrates and emission rates from performance test data will be as accurate and precise as if full spiking were used;

(xi) If you do not continuously monitor regulated constituents in natural gas, process air feedstreams, and feedstreams from vapor recovery systems, you must include documentation of the expected levels of regulated constituents in those feedstreams;

(xii) Documentation justifying the duration of system conditioning required to ensure the combustor has achieved steady-state operations under performance test operating conditions, as provided by paragraph (g)(1)(iii) of this section; and

(xiii) Such other information as the Administrator reasonably finds necessary to determine whether to approve the performance test plan.

(2) *Content of confirmatory test plan.* (i) A description of your normal hydrocarbon or carbon monoxide operating levels, as specified in paragraph (g)(2)(i) of this section, and an explanation of how these normal levels were determined;

(ii) A description of your normal applicable operating parameter levels, as specified in paragraph (g)(2)(ii) of this section, and an explanation of how these normal levels were determined;

(iii) A description of your normal chlorine operating levels, as specified in paragraph (g)(2)(iii) of this section, and an explanation of how these normal levels were determined;

(iv) If you use carbon injection or a carbon bed, a description of your normal cleaning cycle of the particulate matter control device, as specified in paragraph (g)(2)(iv) of this section, and an explanation of how these normal levels were determined;

(v) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(vi) A detailed test schedule for each hazardous waste for which the performance test is planned, including date(s), duration, quantity of hazardous waste to be burned, and other relevant factors;

(vii) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feedrate for each feed system, and, as appropriate, the feedrates of other fuels and feedstocks, and any other relevant parameters that may affect the ability of the hazardous waste combustor to meet the dioxin/furan emission standard;

(viii) A description of, and planned operating conditions for, any emission control equipment that will be used;

(ix) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction; and

(x) Such other information as the Administrator reasonably finds necessary to determine whether to approve the confirmatory test plan.

(g) *Operating conditions during testing.* You must comply with the provisions of § 63.7(e). Conducting performance testing under operating conditions representative of the extreme range of normal conditions is consistent with the requirement of § 63.7(e)(1) to conduct performance testing under representative operating conditions.

(1) *Comprehensive performance testing.*—(i) *Operations during testing.* For the following parameters, you must operate the combustor during the performance test under normal conditions (or conditions that will result in higher than normal emissions):

(A) *Chlorine feedrate.* You must feed normal (or higher) levels of chlorine during the dioxin/furan performance test;

(B) *Ash feedrate.* For hazardous waste incinerators, you must conduct the following tests when feeding normal (or higher) levels of ash: The semivolatile metal and low volatile metal performance tests; and the dioxin/furan and mercury performance tests if activated carbon injection or a carbon bed is used; and

(C) *Cleaning cycle of the particulate matter control device.* You must conduct the following tests when the particulate matter control device undergoes its normal (or more frequent) cleaning cycle: The particulate matter, semivolatile metal, and low volatile metal performance tests; and the dioxin/furan and mercury performance tests if activated carbon injection or a carbon bed is used.

(ii) *Modes of operation.* Given that you must establish limits for the applicable operating parameters specified in § 63.1209 based on operations during the comprehensive performance test, you may conduct testing under two or more operating modes to provide operating flexibility.

(iii) *Steady-state conditions.* (A) Prior to obtaining performance test data, you must operate under performance test conditions until you reach steady-state operations with respect to emissions of pollutants you must measure during the performance test and operating parameters under § 63.1209 for which you must establish limits. During system conditioning, you must ensure that each operating parameter for which you must establish a limit is held at the level planned for the performance test. You must include documentation in the performance test plan under paragraph (f) of this section justifying the duration of system conditioning.

(B) If you own or operate a hazardous waste cement kiln that recycles collected particulate matter (*i.e.*, cement kiln dust) into the kiln, you must sample and analyze the recycled particulate matter prior to obtaining performance test data for levels of selected metals that must be measured during performance testing to document that the system has reached steady-state conditions (*i.e.*, that metals levels have stabilized). You must document the rationale for selecting metals that are indicative of system equilibrium and include the information in the performance test plan under paragraph (f) of this section. To determine system equilibrium, you must sample and analyze the recycled particulate matter hourly for each selected metal, unless you submit in the performance test plan a justification for reduced sampling and analysis and the Administrator approves in writing a reduced sampling and analysis frequency.

(2) *Confirmatory performance testing.* You must conduct confirmatory performance testing for dioxin/furan under normal operating conditions for the following parameters:

(i) Carbon monoxide (or hydrocarbon) CEMS emission levels must be within the range of the average value to the maximum value allowed. The average value is defined as the sum of the hourly rolling average values recorded (each minute) over the previous 12 months divided by the number of rolling averages recorded during that time;

(ii) Each operating limit (specified in § 63.1209) established to maintain compliance with the dioxin/furan emission standard must be held within the range of the average value over the previous 12 months and the maximum or minimum, as appropriate, that is allowed. The average value is defined as the sum of the rolling average values recorded over the previous 12 months divided by the number of rolling averages recorded during that time. The average value must not include calibration data, malfunction data, and data obtained when not burning hazardous waste;

(iii) You must feed chlorine at normal feedrates or greater; and (iv) If the

combustor is equipped with carbon injection or carbon bed, normal cleaning cycle of the particulate matter control device.

(h) *Operating conditions during subsequent testing.* (1) Current operating parameter limits established under § 63.1209 are waived during subsequent comprehensive performance testing under an approved test plan.

(2) Current operating parameter limits are also waived during pretesting prescribed in the approved test plan prior to comprehensive performance testing for an aggregate time not to exceed 720 hours of operation. Pretesting means:

(i) Operations when stack emissions testing for dioxin/furan, mercury, semivolatile metals, low volatile metals, particulate matter, or hydrochloric acid/chlorine gas is being performed; and

(ii) Operations to reach steady-state operating conditions prior to stack emissions testing under paragraph (g)(1)(iii) of this section.

(i) *Time extension for subsequent performance tests.* After the initial comprehensive performance test, you may request up to a one-year time extension for conducting a comprehensive or confirmatory performance test to consolidate performance testing with other state or federally required emission testing, or for other reasons deemed acceptable by the Administrator. If the Administrator grants a time extension for a comprehensive performance test, the deadlines for commencing the next comprehensive and confirmatory tests are based on the date that the subject comprehensive performance test commences.

(1) You must submit in writing to the Administrator any request under this paragraph for a time extension for conducting a performance test.

(2) You must include in the request for an extension for conducting a performance test the following:

(i) A description of the reasons for requesting the time extension;

(ii) The date by which you will commence performance testing.

(3) The Administrator will notify you in writing of approval or intention to deny approval of your request for an extension for conducting a performance test within 30 calendar days after receipt of sufficient information to evaluate your request. The 30-day approval or denial period will begin after you have been notified in writing that your application is complete. The Administrator will notify you in writing whether the application contains sufficient information to make a determination within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that you submit.

(4) When notifying you that your application is not complete, the Administrator will specify the information needed to complete the application. The Administrator will also provide notice of opportunity for you to present, in writing, within 30 calendar days after notification of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(5) Before denying any request for an extension for performance testing, the Administrator will notify you in writing of the Administrator's intention to issue the denial, together with:

(i) Notice of the information and findings on which the intended denial is based; and

(ii) Notice of opportunity for you to present in writing, within 15 calendar days after notification of the intended denial, additional information or arguments to the Administrator before further action on the request.

(6) The Administrator's final determination to deny any request for an extension will be in writing and will set forth specific grounds upon which the denial is based. The final determination will be made within 30 calendar days after the presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(j) *Notification of compliance.*—(1) *Comprehensive performance test.* (i) Except as provided by paragraph (j)(4) of this section, within 90 days of completion of a comprehensive performance test, you must postmark a Notification of Compliance documenting compliance or noncompliance with the emission standards and continuous monitoring system requirements, and identifying operating parameter limits under § 3.1209.

(ii) Upon postmark of the Notification of Compliance, you must comply with all operating requirements specified in the Notification of Compliance in lieu of the limits specified in the Documentation of Compliance required under § 63.1211(d).

(2) *Confirmatory performance test.* Except as provided by paragraph (j)(4) of this section, within 90 days of completion of a confirmatory performance test, you must postmark a Notification of Compliance documenting compliance or noncompliance with the applicable dioxin/furan emission standard.

(3) See §§ 63.7(g), 63.9(h), and 63.1210(d) for additional requirements pertaining to the Notification of Compliance (e.g., you must include results of performance tests in the Notification of Compliance).

(4) *Time extension.* You may submit a written request to the Administrator for a time extension documenting that, for reasons beyond your control, you may not be able to meet the 90-day deadline for submitting the Notification of Compliance after completion of testing. The Administrator will determine whether a time extension is warranted.

(k) *Failure to submit a timely notification of compliance.* (1) If you fail to postmark a Notification of Compliance by the specified date, you must cease hazardous waste burning immediately.

(2) Prior to submitting a revised Notification of Compliance as provided by paragraph (k)(3) of this section, you may burn hazardous waste only for the purpose of pretesting or comprehensive performance testing and only for a maximum of 720 hours (renewable at the discretion of the Administrator).

(3) You must submit to the Administrator a Notification of Compliance subsequent to a new comprehensive performance test before resuming hazardous waste burning.

(l) *Failure of performance test.*—(1) *Comprehensive performance test.* (i) If you determine (based on CEM recordings, results of analyses of stack samples, or results of CMS performance evaluations) that you have exceeded any emission standard during a comprehensive performance test for a mode of operation, you must cease hazardous waste burning immediately under that mode of operation. You must make this determination within 90 days following completion of the performance test.

(ii) If you have failed to demonstrate compliance with the emission standards for any mode of operation:

(A) Prior to submitting a revised Notification of Compliance as provided by paragraph (l)(1)(ii)(C) of this section, you may burn hazardous waste only for the purpose of pretesting or comprehensive performance testing under revised operating conditions, and only for a maximum of 720 hours (renewable at the discretion of the Administrator), except as provided by paragraph (l)(3) of this section;

(B) You must conduct a comprehensive performance test under revised operating conditions following

the requirements for performance testing of this section; and

(C) You must submit to the Administrator a Notification of Compliance subsequent to the new comprehensive performance test.

(2) *Confirmatory performance test.* If you determine (based on CEM recordings, results of analyses of stack samples, or results of CMS performance evaluations) that you have failed the dioxin/furan emission standard during a confirmatory performance test, you must cease burning hazardous waste immediately. You must make this determination within 90 days following completion of the performance test. To burn hazardous waste in the future:

(i) You must submit to the Administrator for review and approval a test plan to conduct a comprehensive performance test to identify revised limits on the applicable dioxin/furan operating parameters specified in § 63.1209(k);

(ii) You must submit to the Administrator a Notification of Compliance with the dioxin/furan emission standard under the provisions of paragraphs (j) and (k) of this section and this paragraph (l). You must include in the Notification of Compliance the revised limits on the applicable dioxin/furan operating parameters specified in § 63.1209(k); and

(iii) Until the Notification of Compliance is submitted, you must not burn hazardous waste except for purposes of pretesting or confirmatory performance testing, and for a maximum of 720 hours (renewable at the discretion of the Administrator), except as provided by paragraph (l)(3) of this section.

(3) You may petition the Administrator to obtain written approval to burn hazardous waste in the interim prior to submitting a Notification of Compliance for purposes other than testing or pretesting. You must specify operating requirements, including limits on operating parameters, that you determine will ensure compliance with the emission standards of this subpart based on available information including data from the failed performance test. The Administrator will review, modify as necessary, and approve if warranted the interim operating requirements. An approval of interim operating requirements will include a schedule for submitting a Notification of Compliance.

(m) *Waiver of performance test.* (1) The waiver provision of this paragraph applies in addition to the provisions of § 63.7(h).

(2) You are not required to conduct performance tests to document compliance with the mercury, semivolatile metal, low volatile metal or hydrochloric acid/chlorine gas emission standards under the conditions specified below. You are deemed to be in compliance with an emission standard if the twelve-hour rolling average maximum theoretical emission concentration (MTEC) determined as specified below does not exceed the emission standard:

(i) Determine the feedrate of mercury, semivolatile metals, low volatile metals, or total chlorine and chloride from all feedstreams;

(ii) Determine the stack gas flowrate; and

(iii) Calculate a MTEC for each standard assuming all mercury, semivolatile metals, low volatile metals, or total chlorine (organic and inorganic) from all feedstreams is emitted;

(3) To document compliance with this provision, you must:

(i) Monitor and record the feedrate of mercury, semivolatile metals, low volatile metals, and total chlorine and chloride from all feedstreams according to § 63.1209(c);

(ii) Monitor with a CMS and record in the operating record the gas flowrate (either directly or by monitoring a surrogate parameter that you have correlated to gas flowrate);

(iii) Continuously calculate and record in the operating record the MTEC under the procedures of paragraph (m)(2) of this section; and

(iv) Interlock the MTEC calculated in paragraph (m)(2)(iii) of this section to the AWFCO system to stop hazardous waste burning when the MTEC exceeds the emission standard.

(4) In lieu of the requirement in paragraphs (m)(3)(iii) and (iv) of this section, you may:

(i) Identify in the notification of compliance a minimum gas flowrate limit and a maximum feedrate limit of mercury, semivolatile metals, low volatile metals, and/or total chlorine and chloride from all feedstreams that ensures the MTEC as calculated in paragraph (m)(2)(iii) of this section is below the applicable emission standard; and

(ii) Interlock the minimum gas flowrate limit and maximum feedrate limit in paragraph (m)(3)(iv) of this section to the AWFCO system to stop hazardous waste burning when the gas flowrate or mercury, semivolatile metals, low volatile metals, and/or total chlorine and chloride feedrate exceeds the limit in paragraph (m)(4)(i) of this section.

(5) When you determine the feedrate of mercury, semivolatile metals, low volatile metals, or total chlorine and chloride for purposes of this provision, except as provided by paragraph (m)(6) of this section, you must assume that the analyte is present at the full detection limit when the feedstream analysis determines that the analyte is not detected in the feedstream.

(6) Owners and operators of hazardous waste burning cement kilns and lightweight aggregate kilns may assume that mercury is present in raw material at half the detection limit when the raw material feedstream analysis determines that mercury is not detected.

(7) You must state in the site-specific test plan that you submit for review and approval under paragraph (e) of this section that you intend to comply with the provisions of this paragraph. You must include in the test plan documentation that any surrogate that is proposed for gas flowrate adequately correlates with the gas flowrate.

(n) *Feedrate limits for nondetectable constituents.* (1) You must establish separate semivolatile metal, low volatile metal, mercury, and total chlorine (organic and inorganic), and/or ash feedrate limits for each feedstream for which the comprehensive performance test feedstream analysis determines that these constituents are not present at detectable levels.

(2) You must define the feedrate limits established under paragraph (n)(1) of this section as nondetect at the full detection limit achieved during the performance test.

(3) You will not be deemed to be in violation of the feedrate limit established in paragraph (n)(2) of this section when detectable levels of the constituent are measured, whether at levels above or below the full detection limit achieved during the performance test, provided that:

(i) Your total feedrate for that constituent, including the detectable levels in the feedstream which is limited to nondetect levels, is below your feedrate limit for that constituent; or

(ii) Except for ash, your maximum theoretical emission concentration (MTEC) for the constituent (*i.e.*, semivolatile metal, low volatile metal, mercury, and/or hydrochloric acid/chlorine gas) calculated according to paragraph (m) of this section, and considering the contribution from all feedstreams including the detectable levels in the feedstream which is limited to nondetect levels, is below the emission standard in §§ 63.1203, 63.1204, and 63.1205.

§ 63.1208 What are the test methods?

(a) *References.* When required in subpart EEE of this part, the following publication is incorporated by reference, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW–846 Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), and III (December 1996). The Third Edition of SW–846 and Updates I, II, IIA, IIB, and III (document number 955–001–00000–1) are available for the Superintendent of Document, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800. Copies of the Third Edition and its updates are also available from the National Technical Information Services (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 487–4650. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(b) *Test methods.* You must use the following test methods to determine compliance with the emissions standards of this subpart:

(1) *Dioxins and furans.* (i) You must use Method 0023A, Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans emissions from Stationary Sources, EPA Publication SW–846, as incorporated by reference in paragraph (a) of this section, to determine compliance with the emission standard for dioxins and furans;

(ii) You must sample for a minimum of three hours, and you must collect a minimum sample volume of 2.5 dscm;

(iii) You may assume that nondetects are present at zero concentration.

(2) *Mercury.* You must use Method 29, provided in appendix A, part 60 of this chapter, to demonstrate compliance with emission standard for mercury.

(3) *Cadmium and lead.* You must use Method 29, provided in appendix A, part 60 of this chapter, to determine compliance with the emission standard for cadmium and lead (combined).

(4) *Arsenic, beryllium, and chromium.* You must use Method 29, provided in appendix A, part 60 of this chapter, to determine compliance with the emission standard for arsenic, beryllium, and chromium (combined).

(5) *Hydrochloric acid and chlorine gas.* You may use Methods 26A, 320, or 321 provided in appendix A, part 60 of this chapter, to determine compliance with the emission standard for hydrochloric acid and chlorine gas (combined). You may use Methods 320 or 321 to make major source determinations under § 63.9(b)(2)(v).

(6) *Particulate matter.* You must use Methods 5 or 5I, provided in appendix A, part 60 of this chapter, to demonstrate compliance with the emission standard for particulate matter.

(7) *Other Test Methods.* You may use applicable test methods in EPA Publication SW-846, as incorporated by reference in paragraph (a) of this section, as necessary to demonstrate compliance with requirements of this subpart, except as otherwise specified in paragraphs (b)(2)–(b)(6) of this section.

(8) *Feedstream analytical methods.* You may use any reliable analytical method to determine feedstream concentrations of metals, chlorine, and other constituents. It is your responsibility to ensure that the sampling and analysis procedures are unbiased, precise, and that the results are representative of the feedstream. For each feedstream, you must demonstrate that:

(i) Each analyte is not present above the reported level at the 80% upper confidence limit around the mean; and

(ii) The analysis could have detected the presence of the constituent at or below the reported level at the 80% upper confidence limit around the mean. (See Guidance for Data Quality Assessment—Practical Methods for Data Analysis, EPA QA/G–9, January 1998, EPA/600/R–96/084).

(9) *Opacity.* If you determine compliance with the opacity standard under the monitoring requirements of §§ 63.1209(a)(1)(iv) and (a)(1)(v), you must use Method 9, provided in appendix A, part 60 of this chapter.

§ 63.1209 What are the monitoring requirements?

(a) *Continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS).* (1)(i) You must use a CEMS to demonstrate and monitor compliance with the carbon monoxide and hydrocarbon standards under this subpart. You must also use an oxygen CEMS to continuously correct the carbon monoxide and hydrocarbon levels to 7 percent oxygen.

(ii) For cement kilns, except as provided by paragraphs (a)(1)(iv) and (a)(1)(v) of this section, you must use a COMS to demonstrate and monitor compliance with the opacity standard under §§ 63.1204(a)(7) and (b)(7) at each point where emissions are vented from these affected sources including the bypass stack of a preheater or preheater/precalciner kiln with dual stacks.

(A) You must maintain and operate each COMS in accordance with the requirements of § 63.8(c) except for the requirements under § 63.8(c)(3). The requirements of § 63.1211(d) shall be complied with instead of § 63.8(c)(3); and

(B) Compliance is based on six-minute block average.

(iii) You must install, calibrate, maintain, and operate a particulate matter CEMS to demonstrate and monitor compliance with the particulate matter standards under this subpart. However, compliance with the requirements in their section to install, calibrate, maintain and operate the PM CEMS is not required until such time that the Agency promulgates all performance specifications and operational requirements applicable to PM CEMS.

(iv) If you operate a cement kiln subject to the provisions of this subpart and use a fabric filter with multiple stacks or an electrostatic precipitator with multiple stacks, you may, in lieu of installing the COMS required by paragraph (a)(1)(ii) of this section, comply with the opacity standard in accordance with the procedures of Method 9 to part 60 of this chapter:

(A) You must conduct the Method 9 test while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day;

(B) The duration of the Method 9 test shall be at least 30 minutes each day;

(C) You must use the Method 9 procedures to monitor and record the average opacity for each six-minute block period during the test; and

(D) To remain in compliance, all six-minute block averages must not exceed the opacity standard under §§ 63.1204(a)(7) and (b)(7).

(v) If you operate a cement kiln subject to the provisions of this subpart and use a particulate matter control device that exhausts through a monovent, or if the use of a COMS in accordance with the installation specification of Performance Specification 1 (PS–1) of appendix B to part 60 of this chapter is not feasible, you may, in lieu of installing the COMS required by paragraph (a)(1)(ii) of this section, comply with the opacity standard in accordance with the procedures of Method 9 to part 60 of this chapter:

(A) You must conduct the Method 9 test while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day;

(B) The duration of the Method 9 test shall be at least 30 minutes each day;

(C) You must use the Method 9 procedures to monitor and record the

average opacity for each six-minute block period during the test; and

(D) To remain in compliance, all six-minute block averages must not exceed the opacity standard under §§ 63.1204(a)(7) and (b)(7).

(2) *Performance specifications.* You must install, calibrate, maintain, and continuously operate the CEMS and COMS in compliance with the quality assurance procedures provided in the appendix to this subpart and Performance Specifications 1 (opacity), 4B (carbon monoxide and oxygen), and 8A (hydrocarbons) in appendix B, part 60 of this chapter.

(3) *Carbon monoxide readings exceeding the span.* (i) Except as provided by paragraph (a)(3)(ii) of this section, if a carbon monoxide CEMS detects a response that results in a one-minute average at or above the 3,000 ppmv span level required by Performance Specification 4B in appendix B, part 60 of this chapter, the one-minute average must be recorded as 10,000 ppmv. The one-minute 10,000 ppmv value must be used for calculating the hourly rolling average carbon monoxide level.

(ii) Carbon monoxide CEMS that use a span value of 10,000 ppmv when one-minute carbon monoxide levels are equal to or exceed 3,000 ppmv are not subject to paragraph (a)(3)(i) of this section. Carbon monoxide CEMS that use a span value of 10,000 are subject to the same CEMS performance and equipment specifications when operating in the range of 3,000 ppmv to 10,000 ppmv that are provided by Performance Specification 4B for other carbon monoxide CEMS, except:

(A) Calibration drift must be less than 300 ppmv; and

(B) Calibration error must be less than 500 ppmv.

(4) *Hydrocarbon readings exceeding the span.* (i) Except as provided by paragraph (a)(4)(ii) of this section, if a hydrocarbon CEMS detects a response that results in a one-minute average at or above the 100 ppmv span level required by Performance Specification 8A in appendix B, part 60 of this chapter, the one-minute average must be recorded as 500 ppmv. The one-minute 500 ppmv value must be used for calculating the hourly rolling average HC level.

(ii) Hydrocarbon CEMS that use a span value of 500 ppmv when one-minute hydrocarbon levels are equal to or exceed 100 ppmv are not subject to paragraph (a)(4)(i) of this section. Hydrocarbon CEMS that use a span value of 500 ppmv are subject to the same CEMS performance and equipment specifications when operating in the range of 100 ppmv to 500 ppmv that are provided by Performance Specification 8A for other hydrocarbon CEMS, except:

(A) The zero and high-level calibration gas must have a hydrocarbon level of between 0 and 100 ppmv, and between 250 and 450 ppmv, respectively;

(B) The strip chart recorder, computer, or digital recorder must be capable of recording all readings within the CEM measurement range and must have a resolution of 2.5 ppmv;

(C) The CEMS calibration must not differ by more than ±15 ppmv after each 24-hour period of the seven day test at both zero and high levels;

(D) The calibration error must be no greater than 25 ppmv; and

(E) The zero level, mid-level, and high level calibration gas used to determine calibration error must have a hydrocarbon level of 0–200 ppmv, 150–200 ppmv, and 350–400 ppmv, respectively.

(5) *Petitions to use CEMS for other standards.* You may petition the Administrator to use CEMS for compliance monitoring for particulate matter, mercury, semivolatile metals, low volatile metals, and hydrochloric acid/chlorine gas under § 63.8(f) in lieu of compliance with the corresponding operating parameter limits under this section.

(6) *Calculation of rolling averages.*— (i) *Calculation of rolling averages initially.* The carbon monoxide and hydrocarbon CEMS must begin recording one-minute average values by 12:01 am and hourly rolling average values by 1:01 am, when 60 one-minute values will be available for calculating the initial hourly rolling average.

(ii) *Calculation of rolling averages upon intermittent operations.* You must ignore periods of time when one-minute values are not available for calculating the hourly rolling average. When one-minute values become available again, the first one-minute value is added to the previous 59 values to calculate the hourly rolling average.

(iii) *Calculation of rolling averages when the hazardous waste feed is cutoff.* (A) Except as provided by paragraph (a)(6)(iii)(B) of this section, you must continue to monitoring carbon monoxide and hydrocarbon when the hazardous waste feed is cutoff if the source is operating. You must not resume feeding hazardous waste if the emission levels exceed the standard.

(B) You are not subject to the CEMS requirements of this subpart during periods of time you meet the requirements of § 63.1206(b)(1)(ii) (compliance with emissions standards for nonhazardous waste burning sources when you are not burning hazardous waste).

(7) *Operating parameter limits for hydrocarbons.* If you elect to comply with the carbon monoxide and hydrocarbon emission standards by continuously monitoring carbon monoxide with a CEMS, you must demonstrate that hydrocarbon emissions during the comprehensive performance test do not exceed the hydrocarbon emissions standard. In addition, the limits you establish on the destruction and removal efficiency (DRE) operating parameters required under paragraph (j) of this section also ensure that you maintain compliance with the hydrocarbon emission standard. If you do not conduct the hydrocarbon demonstration and DRE tests concurrently, you must establish separate operating parameter limits under paragraph (j) of this section based on each test and the more restrictive of the operating parameter limits applies.

(b) *Other continuous monitoring systems (CMS).* (1) You must use CMS (e.g., thermocouples, pressure transducers, flow meters) to document compliance with the applicable operating parameter limits under this section.

(2) Except as specified in paragraphs (b)(2)(i) through (ii) of this section, you must install and operate non-CMS in conformance with § 63.8(c)(3) that requires you, at a minimum, to comply with the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system:

(i) *Calibration of thermocouples.* The calibration of a thermocouple or other temperature sensor must be verified at least once every three months; and

(ii) *Accuracy and calibration of weight measurement devices.* The accuracy of weight measurement devices used to monitor flowrate of a feedstream (e.g., activated carbon feedrate, sorbent feedrate, nonpumpable waste) must be ± 1 percent of the weight being measured. The calibration of the device must be verified at least once every three months.

(3) CMS must sample the regulated parameter without interruption, and evaluate the detector response at least once each 15 seconds, and compute and record the average values at least every 60 seconds.

(4) The span of the non-CEMS CMS detector must not be exceeded. You must interlock the span limits into the automatic waste feed cutoff system required by § 63.1206(c)(3).

(5) *Calculation of rolling averages.*— (i) *Calculation of rolling averages*

initially. Continuous monitoring systems must begin recording one-minute average values at 12:01 am on the compliance data and begin recording rolling averages when enough one-minute average values are available to calculate the required rolling average (e.g., when 60 one-minute averages are available to calculate an hourly rolling average; when 720 one-minute averages are available to calculate a 12-hour rolling average).

(ii) *Calculation of rolling averages upon intermittent operations.* You must ignore periods of time when one-minute values are not available for calculating rolling averages. When one-minute values become available again, the first one-minute value is added to the previous one-minute values to calculate rolling averages.

(iii) *Calculation of rolling averages when the hazardous waste feed is cutoff.* (A) Except as provided by paragraph (b)(5)(iii)(B) of this section, you must continue to monitoring operating parameter limits with a CMS when the hazardous waste feed is cutoff if the source is operating. You must not resume feeding hazardous waste if an operating parameter exceeds its limit.

(B) You are not subject to the CMS requirements of this subpart during periods of time you meet the requirements of § 63.1206(b)(1)(ii) (compliance with emissions standards for nonhazardous waste burning sources when you are not burning hazardous waste).

(c) *Analysis of feedstreams.*—(1) *General.* Prior to feeding the material, you must obtain an analysis of each feedstream that is sufficient to document compliance with the applicable feedrate limits provided by this section.

(2) *Feedstream analysis plan.* You must develop and implement a feedstream analysis plan and record it in the operating record. The plan must specify at a minimum:

(i) The parameters for which you will analyze each feedstream to ensure compliance with the operating parameter limits of this section;

(ii) Whether you will obtain the analysis by performing sampling and analysis or by other methods, such as using analytical information obtained from others or using other published or documented data or information;

(iii) How you will use the analysis to document compliance with applicable feedrate limits (*e.g.*, if you blend hazardous wastes and obtain analyses of the wastes prior to blending but not of the blended, as-fired, waste, the plan must describe how you will determine the pertinent parameters of the blended waste);

(iv) The test methods which you will use to obtain the analyses;

(v) The sampling method which you will use to obtain a representative sample of each feedstream to be analyzed using sampling methods described in appendix I, part 26, of this chapter, or an equivalent method; and

(vi) The frequency with which you will review or repeat the initial analysis of the feedstream to ensure that the analysis is accurate and up to date.

(3) *Review and approval of analysis plan.* You must submit the feedstream analysis plan to the Administrator for review and approval, if requested.

(4) *Compliance with feedrate limits.* To comply with the applicable feedrate limits of this section, you must monitor and record feedrates as follows:

(i) Determine and record the value of the parameter for each feedstream by sampling and analysis or other method;

(ii) Determine and record the mass or volume flowrate of each feedstream by a CMS. If you determine flowrate of a feedstream by volume, you must determine and record the density of the feedstream by sampling and analysis (unless you report the constituent concentration in units of weight per unit volume (e.g., mg/l)); and

(iii) Calculate and record the mass feedrate of the parameter per unit time.

(5) *Waiver of monitoring of constituents in certain feedstreams.* You are not required to monitor levels of metals or chlorine in the following feedstreams to document compliance with the feedrate limits under this section provided that you document in the comprehensive performance test plan the expected levels of the constituent in the feedstream and account for those assumed feedrate levels in documenting compliance with feedrate limits: natural gas, process air, and feedstreams from vapor recovery systems.

(d) *Performance evaluations.* (1) The requirements of §§ 63.8(d) (Quality control program) and (e) (Performance evaluation of continuous monitoring systems) apply, except that you must conduct performance evaluations of components of the CMS under the frequency and procedures (for example, submittal of performance evaluation test plan for review and approval) applicable to performance tests as provided by § 63.1207.

(2) You must comply with the quality assurance procedures for CEMS prescribed in the appendix to this subpart.

(e) *Conduct of monitoring.* The provisions of § 63.8(b) apply.

(f) *Operation and maintenance of continuous monitoring systems.* The provisions of § 63.8(c) apply except:

(1) *Section 63.8(c)(3).* The requirements of § 63.1211(d), that requires CMSs to be installed, calibrated, and operational on the compliance date, shall be complied with instead of section 63.8(c)(3);

(2) *Section 63.8(c)(4)(ii).* The performance specifications for carbon monoxide, hydrocarbon, and oxygen CEMSs in subpart B, part 60 of this chapter that requires detectors to measure the sample concentration at least once every 15 seconds for calculating an average emission rate once every 60 seconds shall be complied with instead of section 63.8(c)(4)(ii); and

(3) Sections 63.8(c)(4)(i), (c)(5), and (c)(7)(i)(C) pertaining to COMS apply only to owners and operators of hazardous waste burning cement kilns..

(g) *Alternative monitoring requirements other than continuous emissions monitoring systems (CEMS).*—(1) *Requests to use alternative methods.* (i) You may submit an application to the Administrator under this paragraph for approval of alternative monitoring requirements to document compliance with the emission standards of this subpart. For requests to use additional CEMS, however, you must use paragraph (a)(5) of this section and § 63.8(f).

(A) The Administrator will not approve averaging periods for operating parameter limits longer than specified in this section unless you document using data or information that the longer averaging period will ensure that emissions do not exceed levels achieved during the comprehensive performance test over any increment of time equivalent to the time required to conduct three runs of the performance test.

(B) If the Administrator approves the application to use an alternative monitoring requirement, you must continue to use that alternative monitoring requirement until you receive approval under this paragraph to use another monitoring requirement.

(ii) You may submit an application to waive an operating parameter limit specified in this section based on documentation that neither that operating parameter limit nor an alternative operating parameter limit is needed to ensure compliance with the emission standards of this subpart.

(iii) You must comply with the following procedures for applications submitted under paragraphs (g)(1)(i) and (ii) of this section:

(A) *Timing of the application.* You must submit the application to the Administrator not later than with the comprehensive performance test plan.

(B) *Content of the application.* You must include in the application:

(1) Data or information justifying your request for an alternative monitoring requirement (or for a waiver of an operating parameter limit), such as the technical or economic infeasibility or the impracticality of using the required approach;

(2) A description of the proposed alternative monitoring requirement, including the operating parameter to be monitored, the monitoring approach/technique (*e.g.*, type of detector, monitoring location), the averaging period for the limit, and how the limit is to be calculated; and

(3) Data or information documenting that the alternative monitoring requirement would provide equivalent or better assurance of compliance with the relevant emission standard, or that it is the monitoring requirement that best assures compliance with the standard and that is technically and economically practicable.

(C) *Approval of request to use an alternative monitoring requirement or waive an operating parameter limit.* The Administrator will notify you of approval or intention to deny approval of the request within 90 calendar days after receipt of the original request and within 60 calendar days after receipt of any supplementary information that you submit. The Administrator will not approve an alternative monitoring request unless the alternative monitoring requirement provides equivalent or better assurance of compliance with the relevant emission standard, or is the monitoring requirement that best assures compliance with the standard and that is technically and economically practicable. Before disapproving any request, the Administrator will notify you of the Administrator's intention to disapprove the request together with:

(1) Notice of the information and findings on which the intended disapproval is based; and

(2) Notice of opportunity for you to present additional information to the Administrator before final action on the request. At the time the Administrator notifies you of intention to disapprove the request, the Administrator will specify how much time you will have after being notified of the intended disapproval to submit the additional information.

(D) *Responsibility of owners and operators.* You are responsible for ensuring that you submit any supplementary and additional information supporting your application in a timely manner to enable the Administrator to consider your application during review of the comprehensive performance test plan. Neither your submittal of an application, nor the Administrator's failure to approve or disapprove the application, relieves you of the responsibility to comply with the provisions of this subpart.

(2) *Administrator's discretion to specify additional or alternative requirements.* The Administrator may determine on a case-by-case basis at any time (e.g., during review of the comprehensive performance test plan, during compliance certification review) that you may need to limit additional or alternative operating parameters (e.g., opacity in addition to or in lieu of operating parameter limits on the particulate matter control device) or that alternative approaches to establish limits on operating parameters may be necessary to document compliance with the emission standards of this subpart.

(h) *Reduction of monitoring data.* The provisions of § 63.8(g) apply.

(i) *When an operating parameter is applicable to multiple standards.* Paragraphs (j) through (p) of this section require you to establish limits on operating parameters based on comprehensive performance testing to ensure you maintain compliance with the emission standards of this subpart. For several parameters, you must establish a limit for the parameter to ensure compliance with more than one emission standard. An example is a limit on minimum combustion chamber temperature to ensure compliance with both the DRE standard of paragraph (j) of this section and the dioxin/furan standard of paragraph (k) of this section. If the performance tests for such standards are not performed simultaneously, the most stringent limit for a parameter derived from independent performance tests applies.

(j) *DRE.* To remain in compliance with the destruction and removal efficiency (DRE) standard, you must establish operating limits during the comprehensive performance test (or during a previous DRE test under provisions of § 63.1206(b)(7)) for the following parameters, unless the limits are based on manufacturer specifications, and comply with those limits at all times that hazardous waste remains in the combustion chamber (*i.e.*, the hazardous waste residence time has not transpired since the hazardous waste feed cutoff system was activated):

(1) *Minimum combustion chamber temperature.* (i) You must measure the temperature of each combustion chamber at a location that best represents, as practicable, the bulk gas temperature in the combustion zone. You must document the temperature measurement location in the test plan you submit under § 63.1207(e);

(ii) You must establish a minimum hourly rolling average limit as the average of the test run averages;

(2) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish and comply with a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.

(ii) You must comply with this limit on a hourly rolling average basis;

(3) *Maximum hazardous waste feedrate.* (i) You must establish limits on the maximum pumpable and total (i.e., pumpable and nonpumpable) hazardous waste feedrate for each location where hazardous waste is fed.

(ii) You must establish the limits as the average of the maximum hourly rolling averages for each run.

(iii) You must comply with the feedrate limit(s) on a hourly rolling average basis;

(4) *Operation of waste firing system.* You must specify operating parameters and limits to ensure that good operation of each hazardous waste firing system is maintained.

(k) *Dioxins and furans.* You must comply with the dioxin and furans emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.

(1) *Gas temperature at the inlet to a dry particulate matter control device.* (i) For hazardous waste burning incinerators and cement kilns, if the combustor is equipped with an electrostatic precipitator, baghouse (fabric filter), or other dry emissions control device where particulate matter is suspended in contact with combustion gas, you must establish a limit on the maximum temperature of the gas at the inlet to the device on an hourly rolling average. You must establish the hourly rolling average limit as the average of the test run averages.

(ii) For hazardous waste burning lightweight aggregate kilns, you must establish a limit on the maximum temperature of the gas at the exit of the (last) combustion chamber (or exit of

any waste heat recovery system) on an hourly rolling average. The limit must be established as the average of the test run averages;

(2) *Minimum combustion chamber temperature.* (i) You must measure the temperature of each combustion chamber at a location that best represents, as practicable, the bulk gas temperature in the combustion zone. You must document the temperature measurement location in the test plan you submit under §§ 63.1207(e) and (f);

(ii) You must establish a minimum hourly rolling average limit as the average of the test run averages.

(3) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish and comply with a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.

(ii) You must comply with this limit on a hourly rolling average basis;

(4) *Maximum waste feedrate.* (i) You must establish limits on the maximum pumpable and total (pumpable and nonpumpable) waste feedrate for each location where waste is fed.

(ii) You must establish the limits as the average of the maximum hourly rolling averages for each run.

(iii) You must comply with the feedrate limit(s) on a hourly rolling average basis;

(5) *Particulate matter operating limit.* If your combustor is equipped with an activated carbon injection or a carbon bed system, you must limit particulate matter emissions to the level achieved during the comprehensive performance test as prescribed by paragraph (m) of this section;

(6) *Activated carbon injection parameter limits.* If your combustor is equipped with an activated carbon injection system:

(i) *Carbon feedrate.* You must establish a limit on minimum carbon injection rate on an hourly rolling average calculated as the average of the test run averages. If your carbon injection system injects carbon at more than one location, you must establish a carbon feedrate limit for each location.

(ii) *Carrier fluid.* You must establish a limit on minimum carrier fluid (gas or liquid) flowrate or pressure drop as an hourly rolling average based on the manufacturer's specifications. You must document the specifications in the test plan you submit under §§ 63.1207(e) and (f);

(iii) *Carbon specification.* (A) You must specify and use the brand (*i.e.,* manufacturer) and type of carbon used during the comprehensive performance test until a subsequent comprehensive performance test is conducted, unless you document in the site-specific performance test plan required under §§ 63.1207(e) and (f) key parameters that affect adsorption and establish limits on those parameters based on the carbon used in the performance test.

(B) You may substitute at any time a different brand or type of carbon provided that the replacement has equivalent or improved properties compared to the carbon used in the performance test and conforms to the key sorbent parameters you identify under paragraph (k)(6)(iii)(A) of this section. You must include in the operating record documentation that the substitute carbon will provide the same level of control as the original carbon.

(7) *Carbon bed parameter limits.* If your combustor is equipped with a carbon bed system:

(i) *Maximum bed age.* (A) Except as provided by paragraph (k)(7)(i)(C) of this section, the maximum age of the carbon in each segment of the bed before you must replace the carbon is the age of the bed during the comprehensive performance test.

(B) You must measure carbon age in terms of the cumulative volume of combustion gas flow through carbon since its addition. For beds with multiple segments, you must establish the maximum age for each segment.

(C) For the initial comprehensive performance test, you may base the initial limit on maximum age of the carbon in each segment of the bed on manufacturer's specifications. If you use manufacturer's specifications rather than actual bed age to establish the initial limit, you must also recommend in the initial comprehensive performance test plan a schedule for subsequent dioxin/furan emissions testing, prior to the confirmatory performance test, that you will use to document to the Administrator that the initial limit on maximum bed age ensures compliance with the dioxin/furan emission standard. If you fail to confirm compliance with the emission standard during this testing, you must conduct additional testing as necessary to document that a revised lower limit on maximum bed age ensures compliance with the standard.

(ii) *Carbon specification.* (A) You must specify and use the brand (*i.e.,* manufacturer) and type of carbon used during the comprehensive performance test until a subsequent comprehensive performance test is conducted, unless you document in the site-specific performance test plan required under §§ 63.1207(e) and (f) key parameters that affect adsorption and establish limits on those parameters based on the carbon used in the performance test.

(B) You may substitute at any time a different brand or type of carbon provided that the replacement has equivalent or improved properties compared to the carbon used in the performance test. You must include in the operating record documentation that the substitute carbon will provide an equivalent or improved level of control as the original carbon.

(iii) *Maximum temperature.* You must measure the temperature of the carbon bed at either the bed inlet or exit and you must establish a maximum temperature limit on an hourly rolling average as the average of the test run averages.

(8) *Catalytic oxidizer parameter limits.* If your combustor is equipped with a catalytic oxidizer, you must establish limits on the following parameters:

(i) *Minimum flue gas temperature at the entrance of the catalyst.* You must establish a limit on minimum flue gas temperature at the entrance of the catalyst on an hourly rolling average as the average of the test run averages.

(ii) *Maximum time in-use.* You must replace a catalytic oxidizer with a new catalytic oxidizer when it has reached the maximum service time specified by the manufacturer.

(iii) *Catalyst replacement specifications.* When you replace a catalyst with a new one, the new catalyst must be equivalent to or better than the one used during the previous comprehensive test, as measured by:

(A) Catalytic metal loading for each metal;

(B) Space time, expressed in the units s^{-1}, the maximum rated volumetric flow of combustion gas through the catalyst divided by the volume of the catalyst; and

(C) Substrate construction, including materials of construction, washcoat type, and pore density.

(iv) *Maximum flue gas temperature.* You must establish a maximum flue gas temperature limit at the entrance of the catalyst as an hourly rolling average, based on manufacturer's specifications.

(9) *Inhibitor feedrate parameter limits.* If you feed a dioxin/furan inhibitor into the combustion system, you must establish limits for the following parameters:

(i) *Minimum inhibitor feedrate.* You must establish a limit on minimum inhibitor feedrate on an hourly rolling

average as the average of the test run averages.

(ii) *Inhibitor specifications.* (A) You must specify and use the brand (*i.e.*, manufacturer) and type of inhibitor used during the comprehensive performance test until a subsequent comprehensive performance test is conducted, unless you document in the site-specific performance test plan required under §§ 63.1207(e) and (f) key parameters that affect the effectiveness of the inhibitor and establish limits on those parameters based on the inhibitor used in the performance test.

(B) You may substitute at any time a different brand or type of inhibitor provided that the replacement has equivalent or improved properties compared to the inhibitor used in the performance test and conforms to the key parameters you identify under paragraph (k)(9)(ii)(A) of this section. You must include in the operating record documentation that the substitute inhibitor will provide the same level of control as the original inhibitor.

(l) *Mercury.* You must comply with the mercury emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.

(1) *Feedrate of total mercury.* You must establish a 12-hour rolling average limit for the total feedrate of mercury in all feedstreams as the average of the hourly rolling averages for each run, unless mercury feedrate limits are extrapolated from performance test feedrate levels under the following provisions.

(i) You may request as part of the performance test plan under §§ 63.7(b) and (c) and §§ 63.1207(e) and (f) to use the mercury feedrates and associated emission rates during the comprehensive performance test to extrapolate to higher allowable feedrate limits and emission rates.

(ii) The extrapolation methodology will be reviewed and approved, as warranted, by the Administrator. The review will consider in particular whether:

(A) Performance test metal feedrates are appropriate (*i.e.*, whether feedrates are at least at normal levels; depending on the heterogeneity of the waste, whether some level of spiking would be appropriate; and whether the physical form and species of spiked material is appropriate); and

(B) Whether the extrapolated feedrates you request are warranted considering historical metal feedrate data.

(iii) The Administrator will review the performance test results in making a finding of compliance required by §§ 63.6(f)(3) and 63.1206(b)(3) to ensure that you have interpreted emission test results properly and that the extrapolation procedure is appropriate for your source.

(2) *Wet scrubber.* If your combustor is equipped with a wet scrubber, you must establish operating parameter limits prescribed by paragraph (o)(3) of this section.

(3) *Activated carbon injection.* If your combustor is equipped with an activated carbon injection system, you must establish operating parameter limits prescribed by paragraph (k)(7) of this section.

(4) *Activated carbon bed.* If your combustor is equipped with a carbon bed system, you must establish operating parameter limits prescribed by paragraph (k)(8) of this section.

(m) *Particulate matter.* You must comply with the particulate matter emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.

(1) *Control device operating parameter limits (OPLs).* (i) *Wet scrubbers.* For sources equipped with wet scrubbers, including ionizing wet scrubbers, high energy wet scrubbers such as venturi, hydrosonic, collision, or free jet wet scrubbers, and low energy wet scrubbers such as spray towers, packed beds, or tray towers, you must establish limits on the following parameters:

(A) For high energy scrubbers only, minimum pressure drop across the wet scrubber on an hourly rolling average, established as the average of the test run averages;

(B) For all wet scrubbers:

(*1*) To ensure that the solids content of the scrubber liquid does not exceed levels during the performance test, you must either:

(i) Establish a limit on solids content of the scrubber liquid using a CMS or by manual sampling and analysis. If you elect to monitor solids content manually, you must sample and analyze the scrubber liquid hourly unless you support an alternative monitoring frequency in the performance test plan that you submit for review and approval; or

(ii) Establish a minimum blowdown rate using a CMS and either a minimum scrubber tank volume or liquid level using a CMS.

(*2*) For maximum solids content monitored with a CMS, you must establish a limit on a twelve-hour rolling average as the average of the test run averages.

(*3*) For maximum solids content measured manually, you must establish an hourly limit, as measured at least once per hour, unless you support an alternative monitoring frequency in the performance test plan that you submit for review and approval. You must establish the maximum hourly limit as the average of the manual measurement averages for each run.

(*4*) For minimum blowdown rate and either a minimum scrubber tank volume or liquid level using a CMS, you must establish a limit on an hourly rolling average as the average of the test run averages.

(C) For high energy wet scrubbers only, you must establish limits on either the minimum liquid to gas ratio or the minimum scrubber water flowrate and maximum flue gas flowrate on an hourly rolling average. If you establish limits on maximum flue gas flowrate under this paragraph, you need not establish a limit on maximum flue gas flowrate under paragraph (m)(2) of this section. You must establish these hourly rolling average limits as the average of the test run averages; and

(D) You must establish limits on minimum power input for ionizing wet scrubbers on an hourly rolling average as the average of the test run averages.

(ii) *Baghouses.* If your combustor is equipped with a baghouse, you must establish a limit on minimum pressure drop and maximum pressure drop across each baghouse cell based on manufacturer's specifications. You must comply with the limit on an hourly rolling average.

(iii) *Electrostatic precipitators.* If your combustor is equipped with an electrostatic precipitator, you must establish a limit on minimum secondary power input (kVa) for each field on an hourly rolling average as the average of the test run averages. Secondary power is power actually fed to the electrostatic precipitator rather than primary power fed to the transformer-rectifier sets.

(iv) *Other particulate matter control devices.* For each control device that is not a high energy or ionizing wet scrubber, baghouse, or electrostatic precipitator but is operated to comply with the particulate matter emission standards of this subpart, you must ensure that the control device is properly operated and maintained as required by § 63.1206(c)(7) and by monitoring the operation of the control device as follows:

(A) During each comprehensive performance test conducted to demonstrate compliance with the particulate matter emissions standard, you must establish a range of operating values for the control device that is a representative and reliable indicator that the control device is operating within the same range of conditions as during the performance test. You must establish this range of operating values as follows:

(*1*) You must select a set of operating parameters appropriate for the control device design that you determine to be a representative and reliable indicator of the control device performance.

(*2*) You must measure and record values for each of the selected operating parameters during each test run of the performance test. A value for each selected parameter must be recorded using a continuous monitor.

(*3*) For each selected operating parameter measured in accordance with the requirements of paragraph (m)(1)(iv)(A)(*1*) of this section, you must establish a minimum operating parameter limit or a maximum operating parameter limit, as appropriate for the parameter, to define the operating limits within which the control device can operate and still continuously achieve the same operating conditions as during the performance test.

(*4*) You must prepare written documentation to support the operating parameter limits established for the control device and you must include this documentation in the performance test plan that you submit for review and approval. This documentation must include a description for each selected parameter and the operating range and monitoring frequency required to ensure the control device is being properly operated and maintained.

(B) You must install, calibrate, operate, and maintain a monitoring device equipped with a recorder to measure the values for each operating parameter selected in accordance with the requirements of paragraph (m)(1)(iv)(A)(*1*) of this section. You must install, calibrate, and maintain the monitoring equipment in accordance with the equipment manufacturer's specifications. The recorder must record the detector responses at least every 60 seconds, as required in the definition of continuous monitor.

(C) You must regularly inspect the data recorded by the operating parameter monitoring system at a sufficient frequency to ensure the control device is operating properly. An excursion is determined to have occurred any time that the actual value of a selected operating parameter is less than the minimum operating limit (or, if applicable, greater than the maximum operating limit) established for the parameter in accordance with the requirements of paragraph (m)(1)(iv)(A)(3) of this section.

(D) Operating parameters selected in accordance with paragraph (m)(1)(iv) of this section may be based on manufacturer specifications provided you support the use of manufacturer specifications in the performance test plan that you submit for review and approval.

(2) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.

(ii) You must comply with this limit on a hourly rolling average basis;

(3) *Maximum ash feedrate.* Owners and operators of hazardous waste incinerators must establish a maximum ash feedrate limit as the average of the highest hourly rolling averages for each run.

(n) *Semivolatile metals and low volatility metals.* You must comply with the semivolatile metal (cadmium and lead) and low volatile metal (arsenic, beryllium, and chromium) emission standards by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.

(1) *Maximum inlet temperature to dry particulate matter air pollution control device.* You must establish a limit on the maximum inlet temperature to the primary dry metals emissions control device (*e.g.*, electrostatic precipitator, baghouse) on an hourly rolling average basis as the average of the test run averages.

(2) *Maximum feedrate of semivolatile and low volatile metals.* (i) *General.* You must establish feedrate limits for semivolatile metals (cadmium and lead) and low volatile metals (arsenic, beryllium, and chromium) as follows, except as provided by paragraph (n)(2)(ii) of this section:

(A) You must establish a 12-hour rolling average limit for the feedrate of cadmium and lead, combined, in all feedstreams as the average of the average hourly rolling averages for each run;

(B) You must establish a 12-hour rolling average limit for the feedrate of arsenic, beryllium, and chromium, combined, in all feedstreams as the average of the average hourly rolling averages for each run; and

(C) You must establish a 12-hour rolling average limit for the feedrate of arsenic, beryllium, and chromium, combined, in all pumpable feedstreams as the average of the average hourly rolling averages for each run. Dual feedrate limits for both pumpable and total feedstreams are not required, however, if you base the total feedrate limit solely on the feedrate of pumpable feedstreams.

(ii) *Feedrate extrapolation.* (A) You may request as part of the performance test plan under §§ 63.7(b) and (c) and §§ 63.1207(e) and (f) to use the semivolatile metal and low volatile metal feedrates and associated emission rates during the comprehensive performance test to extrapolate to higher allowable feedrate limits and emission rates.

(B) The extrapolation methodology will be reviewed and approved, as warranted, by the Administrator. The review will consider in particular whether:

(*1*) Performance test metal feedrates are appropriate (*i.e.*, whether feedrates are at least at normal levels; depending on the heterogeneity of the waste, whether some level of spiking would be appropriate; and whether the physical form and species of spiked material is appropriate); and

(*2*) Whether the extrapolated feedrates you request are warranted considering historical metal feedrate data.

(C) The Administrator will review the performance test results in making a finding of compliance required by §§ 63.6(f)(3) and 63.1206(b)(3) to ensure that you have interpreted emission test results properly and that the extrapolation procedure is appropriate for your source.

(3) *Control device operating parameter limits (OPLs).* You must establish operating parameter limits on the particulate matter control device as specified by paragraph (m)(1) of this section;

(4) *Maximum total chlorine and chloride feedrate.* You must establish a 12-hour rolling average limit for the feedrate of total chlorine and chloride in all feedstreams as the average of the average hourly rolling averages for each run.

(5) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish a limit on the maximum flue gas flowrate, the

maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.

(ii) You must comply with this limit on a hourly rolling average basis.

(o) *Hydrochloric acid and chlorine gas.* You must comply with the hydrogen chloride and chlorine gas emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.

(1) *Feedrate of total chlorine and chloride.* You must establish a 12-hour rolling average limit for the total feedrate of chlorine (organic and inorganic) in all feedstreams as the average of the average hourly rolling averages for each run.

(2) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.

(ii) You must comply with this limit on a hourly rolling average basis;

(3) *Wet scrubber.* If your combustor is equipped with a wet scrubber:

(i) If your source is equipped with a high energy wet scrubber such as a venturi, hydrosonic, collision, or free jet wet scrubber, you must establish a limit on minimum pressure drop across the wet scrubber on an hourly rolling average as the average of the test run averages;

(ii) If your source is equipped with a low energy wet scrubber such as a spray tower, packed bed, or tray tower, you must establish a minimum pressure drop across the wet scrubber based on manufacturer's specifications. You must comply with the limit on an hourly rolling average;

(iii) If your source is equipped with a low energy wet scrubber, you must establish a limit on minimum liquid feed pressure to the wet scrubber based on manufacturer's specifications. You must comply with the limit on an hourly rolling average;

(iv) You must establish a limit on minimum pH on an hourly rolling average as the average of the test run averages;

(v) You must establish limits on either the minimum liquid to gas ratio or the minimum scrubber water flowrate and maximum flue gas flowrate on an hourly rolling average as the average of the test run averages. If you establish limits on maximum flue gas flowrate under this paragraph, you need not establish a limit on maximum flue gas flowrate under paragraph (o)(2) of this section; and

(vi) You must establish a limit on minimum power input for ionizing wet scrubbers on an hourly rolling average as the average of the test run averages.

(4) *Dry scrubber.* If your combustor is equipped with a dry scrubber, you must establish the following operating parameter limits:

(i) *Minimum sorbent feedrate.* You must establish a limit on minimum sorbent feedrate on an hourly rolling average as the average of the test run averages.

(ii) *Minimum carrier fluid flowrate or nozzle pressure drop.* You must establish a limit on minimum carrier fluid (gas or liquid) flowrate or nozzle pressure drop based on manufacturer's specifications.

(iii) *Sorbent specifications.* (A) You must specify and use the brand (*i.e.,* manufacturer) and type of sorbent used during the comprehensive performance test until a subsequent comprehensive performance test is conducted, unless you document in the site-specific performance test plan required under §§ 63.1207(e) and (f) key parameters that affect adsorption and establish limits on those parameters based on the sorbent used in the performance test.

(B) You may substitute at any time a different brand or type of sorbent provided that the replacement has equivalent or improved properties compared to the sorbent used in the performance test and conforms to the key sorbent parameters you identify under paragraph (o)(4)(iii)(A) of this section. You must record in the operating record documentation that the substitute sorbent will provide the same level of control as the original sorbent.

(p) *Maximum combustion chamber pressure.* If you comply with the requirements for combustion system leaks under § 63.1206(c)(5) by maintaining the maximum combustion chamber zone pressure lower than ambient pressure, you must monitor the pressure instantaneously and the automatic waste feed cutoff system must be engaged when negative pressure is not maintained at any time.

(q) *Operating under different modes of operation.* If you operate under different modes of operation, you must establish operating parameter limits for each mode. You must document in the operating record when you change a mode of operation and begin complying with the operating parameter limits for an alternative mode of operation. You must begin calculating rolling averages anew (*i.e.,* without considering previous recordings) when you begin complying with the operating parameter limits for the alternative mode of operation.

Notification, Reporting and Recordkeeping

§ 63.1210 What are the notification requirements?

(a) *Summary of requirements.* (1) You must submit the following notifications to the Administrator:

Reference	Notification
63.9(b)	Initial notifications that you are subject to Subpart EEE of this Part.
63.1210(b) and (c)	Notification of intent to comply.
63.9(d)	Notification that you are subject to special compliance requirements.
63.1207(e), 63.9(e) 63.9(g)(1) and (3)	Notification of performance test and continuous monitoring system evaluation, including the performance test plan and CMS performance evaluation plan.[1]
63.1210(d), 63.1207(j), 63.9(h), 63.10(d)(2), 63.10(e)(2).	Notification of compliance, including results of performance tests and continuous monitoring system performance evaluations.
63.1206(b)(6)	Notification of changes in design, operation, or maintenance.
63.9(j)	Notification and documentation of any change in information already provided under § 63.9.

[1] You may also be required on a case-by-case basis to submit a feedstream analysis plan under § 63.1209(c)(3).

(2) You must submit the following notifications to the Administrator if you request or elect to comply with alternative requirements:

Reference	Notification, request, petition, or application
63.1206(b)(5), 63.1213, 63.6(i), 63.9(c)	You may request an extension of the compliance date for up to one year.
63.9(i)	You may request an adjustment to time periods or postmark deadlines for submittal and review of required information.
63.1209(g)(1)	You may request approval of: (1) alternative monitoring methods, except for standards that you must monitor with a continuous emission monitoring system (CEMS) and except for requests to use a CEMS in lieu of operating parameter limits; or (2) a waiver of an operating parameter limit.
63.1209(a)(5), 63.8(f)	You may request: (1) approval of alternative monitoring methods for compliance with standards that are monitored with a CEMS; and (2) approval to use a CEMS in lieu of operating parameter limits.
63.1204(d)(4)	Notification that you elect to comply with the emission averaging requirements for cement kilns with in-line raw mills.
63.1204(e)(4)	Notification that you elect to comply with the emission averaging requirements for preheater or preheater/precalciner kilns with dual stacks.
63.1206(b)(1)(ii)(A)	Notification that you elect to document compliance with all applicable requirements and standards promulgated under authority of the Clean Air Act, including Sections 112 and 129, in lieu of the requirements of Subpart EEE of this Part when not burning hazardous waste.
63.1206(b)(5)(i)(C)(2)	You may request to burn hazardous waste for more than 720 hours and for purposes other than testing or pretesting after a making a change in the design or operation that could affect compliance with emission standards and prior to submitting a revised Notification of Compliance.
63.1206(b)(9)(iii)(B)	If you elect to conduct particulate matter CEMS correlation testing and wish to have federal particulate matter and opacity standards and associated operating limits waived during the testing, you must notify the Administrator by submitting the correlation test plan for review and approval.
63.1206(b)(10)	Owners and operators of lightweight aggregate kilns may request approval of alternative emission standards for mercury, semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas under certain conditions.
63.1206(b)(11)	Owners and operators of cement kilns may request approval of alternative emission standards for mercury, semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas under certain conditions.
63.1206(b)(14)	Owners and operators of incinerators may comply with an alternative particulate matter standard of 68 mg/dscm, corrected to 7% oxygen, under a petition documenting de minimis metals levels in feedstreams.
63.1207(c)(2)	You may request to base initial compliance on data in lieu of a comprehensive performance test.
63.1207(d)(3)	You may request more than 60 days to complete a performance test if additional time is needed for reasons beyond your control.
63.1207(i)	You may request up to a one-year time extension for conducting a performance test (other than the initial comprehensive performance test) to consolidate testing with other state or federally-required testing.
63.1207(j)(4)	You may request more than 90 days to submit a Notification of Compliance after completing a performance test if additional time is needed for reasons beyond your control.
63.1207(l)(3)	After failure of a performance test, you may request to burn hazardous waste for more than 720 hours and for purposes other than testing or pretesting.
63.1209(l)(1)	You may request to extrapolate mercury feedrate limits.
63.1209(n)(2)(ii)	You may request to extrapolate semivolatile and low volatile metal feedrate limits.
63.10(e)(3)(ii)	You may request to reduce the frequency of excess emissions and CMS performance reports.
63.10(f)	You may request to waive recordkeeping or reporting requirements.
63.1211(e)	You may request to use data compression techniques to record data on a less frequent basis than required by § 63.1209.

(b) *Notification of intent to comply (NIC).* (1) You must prepare a Notification of Intent to Comply that includes the following information:

(i) General information:

(A) The name and address of the owner/operator and the source;

(B) Whether the source is a major or an area source;

(C) Waste minimization and emission control technique(s) being considered;

(D) Emission monitoring technique(s) you are considering;

(E) Waste minimization and emission control technique(s) effectiveness;

(F) A description of the evaluation criteria used or to be used to select waste minimization and/or emission control technique(s); and

(G) A statement that you intend to comply with the emission standards of this subpart.

(ii) Information on key activities and estimated dates for these activities that will bring the source into compliance with emission control requirements of this subpart. The submission of key activities and dates is not intended to be static and you may revise them during the period the NIC is in effect. You must submit revisions to the Administrator and make them available to the public. You must include the following key activities and dates:

(A) The dates for beginning and completion of engineering studies to evaluate emission control systems or process changes for emissions;

(B) The date by which you will award contracts for emission control systems or process changes for emission control, or the date by which you will issue orders for the purchase of component parts to accomplish emission control or process changes;

(C) The date by which you will submit construction applications;

(D) The date by which you will initiate on-site construction, installation of emission control equipment, or process change;

(E) The date by which you will complete on-site construction, installation of emission control equipment, or process change; and

(F) The date by which you will achieve final compliance. The individual dates and milestones listed in paragraphs (b)(1)(ii)(A) through (F) of this section as part of the NIC are not requirements and therefore are not enforceable deadlines; the requirements of paragraphs (b)(1)(ii)(A) through (F) of this section must be included as part of the NIC only to inform the public of

your intention to comply with the emission standards of this subpart.

(iii) A summary of the public meeting required under paragraph (c) of this section.

(iv) If you do not intent to comply, but will not stop burning hazardous waste by October 1, 2001 a certification that:

(A) You will stop burning hazardous waste on or before September 30, 2002; and

(B) It is necessary to combust the hazardous waste from another on-site source, during the year prior to September 30, 2002 because that other source is:

(*1*) Installing equipment to come into compliance with the emission standards of this subpart; or

(*2*) Installing source reduction modifications to eliminate the need for further combustion of wastes.

(2) You must make a draft of the NIC available for public review no later than 30 days prior to the public meeting required under paragraph (c)(1) of this section.

(3) You must submit the final NIC to the Administrator no later than October 2, 2000.

(c) *NIC public meeting and notice.* (1) Prior to the submission of the NIC to the permitting agency, and no later than July 31, 2000, you must hold at least one informal meeting with the public to discuss anticipated activities described in the draft NIC for achieving compliance with the emission standards of this subpart. You must post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.

(2) You must submit a summary of the meeting, along with the list of attendees and their addresses developed under paragraph (b)(1) of this section, and copies of any written comments or materials submitted at the meeting, to the Administrator as part of the final NIC, in accordance with paragraph (b)(1)(iii) of this section.

(3) You must provide public notice of the NIC meeting at least 30 days prior to the meeting. You must provide public notice in all of the following forms:

(i) *Newspaper advertisement.* You must publish a notice in a newspaper of general circulation in the county or equivalent jurisdiction of your facility. In addition, you must publish the notice in newspapers of general circulation in adjacent counties or equivalent jurisdiction where such publication would be necessary to inform the affected public. You must publish the notice as a display advertisement.

(ii) *Visible and accessible sign.* You must post a notice on a clearly marked sign at or near the source. If you place the sign on the site of the hazardous waste combustor, the sign must be large enough to be readable from the nearest spot where the public would pass by the site.

(iii) *Broadcast media announcement.* You must broadcast a notice at least once on at least one local radio station or television station.

(iv) *Notice to the facility mailing list.* You must provide a copy of the notice to the facility mailing list in accordance with § 124.10(c)(1)(ix) of this chapter.

(4) You must include the following in the notices required under paragraph (c)(3) of this section:

(i) The date, time, and location of the meeting;

(ii) A brief description of the purpose of the meeting;

(iii) A brief description of the source and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the source location;

(iv) A statement encouraging people to contact the source at least 72 hours before the meeting if they need special access to participate in the meeting;

(v) A statement describing how the draft NIC can be obtained; and

(vi) The name, address, and telephone number of a contact person for the NIC.

(d) *Notification of compliance.* (1) The Notification of Compliance status requirements of § 63.9(h) apply, except that:

(i) The notification is a Notification of Compliance, rather than compliance status;

(ii) The notification is required for the initial comprehensive performance test and each subsequent comprehensive and confirmatory performance test; and

(iii) You must postmark the notification before the close of business on the 90th day following completion of relevant compliance demonstration activity specified in this subpart rather than the 60th day as required by § 63.9(h)(2)(ii).

(2) Upon postmark of the Notification of Compliance, the operating parameter limits identified in the Notification of Compliance, as applicable, shall be complied with, the limits identified in the Documentation of Compliance or a previous Notification of Compliance are no longer applicable.

(3) The Notification of Compliance requirements of § 63.1207(j) also apply.

§ 63.1211 What are the recordkeeping and reporting requirements?

(a) *Summary of reporting requirements.* You must submit the following reports to the Administrator:

Reference	Report
63.1211(b)	Compliance progress report associated and submitted with the notification of intent to comply.
63.10(d)(4)	Compliance progress reports, if required as a condition of an extension of the compliance date granted under § 63.6(i).
63.1206(c)(3)(vi)	Excessive exceedances reports.
63.1206(c)(4)(iv)	Emergency safety vent opening reports.
63.10(d)(5)(i)	Periodic startup, shutdown, and malfunction reports.
63.10(d)(5)(ii)	Immediate startup, shutdown, and malfunction reports.
63.10(e)(3)	Excessive emissions and continuous monitoring system performance report and summary report.

(b) *Compliance progress reports associated with the notification of intent to comply.* (1) General. Not later than October 1, 2001, you must comply with the following, unless you comply with paragraph (b)(2)(ii) of this section:

(i) Complete engineering design for any physical modifications to the source needed to comply with the emission standards of this subpart;

(ii) Submit applicable construction applications to the Administrator; and

(iii) Enter into a binding contractual commitment to purchase, fabricate, and install any equipment, devices, and ancillary structures needed to comply with the emission standards of this subpart.

(2) *Demonstration.* (i) You must submit to the Administrator a progress report on or before October 1, 2001 which contains information demonstrating that you have met the requirements of paragraph (b)(1) of this section. This information will be used by the Administrator to determine if you have made adequate progress towards compliance with the emission standards of this subpart.

(ii) If you intend to comply with the emission standards of this subpart, but can do so without undertaking any of the activities described in paragraph (b)(1) of this section, you must submit documentation either:

(A) Demonstrating that you, at the time of the progress report, are in compliance with the emission standards and operating requirements; or

(B) Specifying the steps that you will take to comply, without undertaking any of the activities listed in paragraphs (b)(1)(i) through (b)(1)(iii) of this section.

(iii) If you do not comply with paragraph (b)(1) or (b)(2)(ii) of this section, you must stop burning hazardous waste on or before October 1, 2001.

(3) *Schedule.* (i) You must include in the progress report a detailed schedule that lists key dates for all projects that will bring the source into compliance with the emission standards and operating requirements of this subpart (i.e., key dates for the activities required under paragraphs (b)(1)(i) through (iii) of this section). Dates must cover the time frame from the progress report through the compliance date of the emission standards and operating requirements of this subpart.

(ii) The schedule must contain the following dates:

(A) Bid and award dates for construction contracts and equipment supply contractors;

(B) Milestones such as ground breaking, completion of drawings and specifications, equipment deliveries, intermediate construction completions, and testing;

(C) The dates on which applications were submitted for or obtained operating and construction permits or licenses;

(D) The dates by which approvals of any permits or licenses are anticipated; and

(E) The projected date by which you will comply with the emission standards and operating requirements of this subpart.

(4) *Notice of intent to comply.* You must include a statement in the progress report that you intend or do not intend to comply with the emission standards and operating requirements of this subpart.

(5) *Sources that do not intend to comply.* (i) If you indicated in your NIC your intent not to comply with the emission standards and operating requirements of this subpart and stop burning hazardous waste prior to submitting a progress report, or if you meet the requirements of § 63.1206(a)(2), you are exempt from the requirements of paragraphs (b)(2) and (b)(3) of this section. However, you must include in your progress report the date on which you stopped burning hazardous waste and the date(s) you submitted RCRA closure documents.

(ii) If you signify in the progress report, submitted not later than October 1, 2001, your intention not to comply with the emission standards and operating requirements of this subpart, you must stop burning hazardous waste on or before October 1, 2001.

(c) *Summary of recordkeeping requirements.* You must retain the following in the operating record:

Reference	Document, data, or information
63.1201(a), 63.10(b) and (c)	General. Information required to document and maintain compliance with the regulations of Subpart EEE, including data recorded by continuous monitoring systems (CMS), and copies of all notifications, reports, plans, and other documents submitted to the Administrator.
63.1211(d)	Documentation of compliance.
63.1206(c)(3)(vii)	Documentation and results of the automatic waste feed cutoff operability testing.
63.1209(c)(2)	Feedstream analysis plan.
63.1204(d)(3)	Documentation of compliance with the emission averaging requirements for cement kilns with in-line raw mills.
63.1204(e)(3)	Documentation of compliance with the emission averaging requirements for preheater or preheater/precalciner kilns with dual stacks.
63.1206(b)(1)(ii)(B)	If you elect to comply with all applicable requirements and standards promulgated under authority of the Clean Air Act, including Sections 112 and 129, in lieu of the requirements of Subpart EEE when not burning hazardous waste, you must document in the operating record that you are in compliance with those requirements.
63.1206(c)(2)	Startup, shutdown, and malfunction plan.
63.1206(c)(3)(v)	Corrective measures for any automatic waste feed cutoff that results in an exceedance of an emission standard or operating parameter limit.
63.1206(c)(4)(ii)	Emergency safety vent operating plan.
63.1206(c)(4)(iii)	Corrective measures for any emergency safety vent opening.
63.1206(c)(6)	Operator training and certification program.
63.1206(c)(7)	Ramp down procedures for waste feed cutoffs.
63.1209(k)(6)(iii), 63.1209(k)(7)(ii), 63.1209(k)(9)(ii), 63.1209(o)(4)(iii).	Documentation that a substitute activated carbon, dioxin/furan formation reaction inhibitor, or dry scrubber sorbent will provide the same level of control as the original material.

(d) *Documentation of compliance.* (1) By the compliance date, you must develop and include in the operating record a Documentation of Compliance.

(2) The Documentation of Compliance must identify the applicable emission standards under this subpart and the limits on the operating parameters under § 63.1209 that will ensure compliance with those emission standards.

(3) You must include a signed and dated certification in the Documentation of Compliance that:

(i) Required CEMs and CMS are installed, calibrated, and continuously operating in compliance with the requirements of this subpart; and

(ii) Based on an engineering evaluation prepared under your direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation, and considering at a minimum the design, operation, and maintenance characteristics of the combustor and emissions control equipment, the types, quantities, and characteristics of feedstreams, and available emissions data:

(A) You are in compliance with the emission standards of this subpart; and

(B) The limits on the operating parameters under § 63.1209 ensure compliance with the emission standards of this subpart.

(4) You must comply with the emission standards and operating parameter limits specified in the Documentation of Compliance.

(e) *Data compression.* You may submit a written request to the Administrator for approval to use data compression techniques to record data from CMS, including CEMS, on a frequency less than that required by § 63.1209. You must submit the request for review and approval as part of the comprehensive performance test plan.

(1) You must record a data value at least once each ten minutes.

(2) For each CEMS or operating parameter for which you request to use data compression techniques, you must recommend:

(i) A fluctuation limit that defines the maximum permissible deviation of a new data value from a previously generated value without requiring you to revert to recording each one-minute value.

(A) If you exceed a fluctuation limit, you must record each one-minute value for a period of time not less than ten minutes.

(B) If neither the fluctuation limit nor the data compression limit are exceeded during that period of time, you may reinitiate recording data values on a frequency of at least once each ten minutes; and

(ii) A data compression limit defined as the closest level to an operating parameter limit or emission standard at which reduced data recording is allowed.

(A) Within this level and the operating parameter limit or emission standard, you must record each one-minute average.

(B) The data compression limit should reflect a level at which you are unlikely to exceed the specific operating parameter limit or emission standard, considering its averaging period, with the addition of a new one-minute average.

§ 63.1212 What are the other requirements pertaining to the NIC and associated progress reports?

(a) *Certification of intent to comply.* (1) The Notice of Intent to Comply (NIC) and Progress Report must contain the following certification signed and dated by an authorized representative of the source: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(2) An authorized representative should be a responsible corporate officer (for a corporation), a general partner (for a partnership), the proprietor (of a sole proprietorship), or a principal executive officer or ranking elected official (for a municipality, State, Federal, or other public agency).

(b) *Sources that begin burning hazardous waste after September 30, 1999.* (1) If you begin to burn hazardous waste after September 30, 1999 but prior to June 30, 2000 you must comply with the requirements of §§ 63.1206(a)(2), 63.1210(b) and (c), 63.1211(b), and paragraph (a) of this section, and associated time frames for public meetings and document submittals.

(2) If you intend to begin burning hazardous waste after June 30, 2000, you must comply with the requirements of §§ 63.1206(a)(2), 63.1210(b) and (c), 63.1211(b), and paragraph (a) of this section prior to burning hazardous waste. In addition:

(i) You must make a draft NIC available to the public, notice the public meeting, conduct a public meeting, and submit a final NIC prior to burning hazardous waste; and

(ii) You must submit your progress report at the time you submit your final NIC.

Other

§ 63.1213 How can the compliance date be extended to install pollution prevention or waste minimization controls?

(a) *Applicability.* You may request from the Administrator or State with an approved Title V program an extension of the compliance data of up to one year. An extension may be granted if you can reasonably document that the installation of pollution prevention or waste minimization measures will significantly reduce the amount and/or toxicity of hazardous wastes entering the feedstream(s) of the hazardous waste combustor(s), and that you could not install the necessary control measures and comply with the emission standards and operating requirements of this subpart within three years after their effective date.

(b) *Requirements for requesting an extension.* (1) You must make your requests for a (up to) one-year extension in writing, and it must be received not later than 12 months before the compliance date. The request must contain the following information:

(i) A description of pollution prevention or waste minimization controls that, when installed, will significantly reduce the amount and/or toxicity of hazardous wastes entering the feedstream(s) of the hazardous waste combustor(s). Pollution prevention or waste minimization measures may include: equipment or technology modifications, reformulation or redesign of products, substitution of raw materials, improvements in work practices, maintenance, training, inventory control, or recycling practices conducted as defined in § 261.1(c) of this chapter;

(ii) A description of other pollution controls to be installed that are necessary to comply with the emission standards and operating requirements;

(iii) A reduction goal or estimate of the annual reductions in quantity and/or toxicity of hazardous waste(s) entering combustion feedstream(s) that you will achieve by installing the proposed pollution prevention or waste minimization measures;

(iv) A comparison of reductions in the amounts and/or toxicity of hazardous wastes combusted after installation of pollution prevention or waste minimization measures to the amounts and/or toxicity of hazardous wastes combusted prior to the installation of these measures. If the difference is less than a fifteen percent reduction, include a comparison to pollution prevention and waste minimization reductions recorded during the previous five years;

(v) Reasonable documentation that installation of the pollution prevention or waste minimization changes will not result in a net increase (except for documented increases in production) of hazardous constituents released to the environment through other emissions, wastes or effluents;

(vi) Reasonable documentation that the design and installation of waste minimization and other measures that are necessary for compliance with the emission standards and operating requirements of this subpart cannot otherwise be installed within the three year compliance period, and

(vii) The information required in § 63.6(i)(6)(i)(B) through (D).

(2) You may enclose documentation prepared under an existing State-required pollution prevention program that contains the information prescribed in paragraph (b) of this section with a request for extension in lieu of complying with the time extension requirements of that paragraph.

(c) *Approval of request for extension of compliance date.* Based on the information provided in any request made under paragraph (a) of this section, the Administrator or State with an approved title V program may grant an extension of the compliance date of this subpart. The extension will be in writing in accordance with §§ 63.6(i)(10)(i) through 63.6(i)(10)(v)(A).

TABLE 1 TO SUBPART EEE.—GENERAL PROVISIONS APPLICABLE TO SUBPART EEE

Reference	Applies to Subparts EEE	Explanation
63.1	Yes.	
63.2	Yes.	
63.3	Yes.	
63.4	Yes.	
63.5	Yes.	
63.6(a), (b), (c), and (d)	Yes.	
63.6(e)	Yes	Except § 63.1206(b)(1) and (c)(2)(ii) require compliance with the emission standards during startup, shutdown, and malfunction if hazardous waste is burned or remains in the combustion chamber during those periods of operation.
63.6(f)(1)	Yes	Same exception that applies to § 63.6(e).
63.6(f)(2)	Yes	Except that the performance test requirements of § 63.1207 apply instead of § 63.6(f)(2)(iii)(B).
63.6(f)(3)	Yes.	
63.6(g)	Yes.	
63.6(h)	Yes	Except only cement kilns are subject to an opacity standard, and § 63.1206(b)(1) requires compliance with the opacity standard at all times that hazardous waste is in the combustion chamber.
63.6(i)	Yes	Section § 63.1213 specifies that the compliance date may also be extended for inability to install necessary emission control equipment by the compliance date because of implementation of pollution prevention or waste minimization controls.
63.6(j)	Yes.	
63.7(a)	Yes.	
63.7(b)	Yes	Except § 63.1207(e) requires you to submit the site-specific test plan for approval at least one year before the comprehensive performance test is scheduled to begin.
63.7(c)	Yes	Except § 63.1207(e) requires you to submit the site-specific test plan (including the quality assurance provisions under § 63.7(c)) for approval at least one year before the comprehensive performance test is scheduled to begin.
63.7(d)	Yes.	
63.7(e)	Yes	Except: (1) § 63.1207 prescribes operations during performance testing; (2) § 63.1209 specifies operating limits that will be established during performance testing (such that testing is likely to be representative of the extreme range of normal performance); and (3) §§ 63.1206(b)(1) and (c)(2) require compliance with the emission standards during startup, shutdown, and malfunction if hazardous waste is burned or remains in the combustion chamber during those periods of operation.
63.7(f)	Yes.	
63.7(g)	Yes	Except that § 63.1207(j) requiring the results of the performance test (and the notification of compliance) to be submitted within 90 days of completing the test, unless the Administrator grants a time extension, applies instead of § 63.7(g)(1).
63.7(h)	Yes	Except § 63.1207(c)(2) allows data in lieu of the initial comprehensive performance test, and § 63.1207(m) provides a waiver of certain performance tests. You must submit requests for these waivers with the site-specific test plan.
63.8(a) and (b)	Yes.	
63.8(c)	Yes	Except: (1) § 63.1211(d) that requires CMS to be installed, calibrated, and operational on the compliance date applies instead of § 63.8(c)(3); (2) the performance specifications for CO, HC, and O_2 CEMS in subpart B, part 60, of this chapter requiring that the detectors measure the sample concentration at least once every 15 seconds for calculating an average emission level once every 60 seconds apply instead of § 63.8(c)(4)(ii); and (3) §§ 63.8(c)(4)(i), (c)(5), and (c)(7)(i)(C) pertaining to COMS apply only to cement kilns.
63.8(d)	Yes.	
63.8(e)	Yes	Except § 63.1207(e) requiring sources to submit the site-specific comprehensive performance test plan and the CMS performance evaluation plan for approval at least one year prior to the planned test date applies instead of §§ 63.8(e)(2) and (3)(iii).
63.8(f)	Yes.	
63.8(g)	Yes	Except § 63.8(g)(2) regarding data reduction for COMS applies only to cement kilns.
63.9(a)	Yes.	
63.9(b)	Yes	NOTE: Section 63.9(b)(1)(ii) pertains to notification requirements for area sources that become a major source, and § 93.9(b)(2)(v) requires a major source determination. Although area sources are subject to all provisions of this subpart (Subpart EEE), these sections nonetheless apply because the major source determination may affect the applicability of part 63 standards or title V permit requirements to other sources (i.e., other than a hazardous waste combustor) of hazardous air pollutants at the facility.
63.9(c) and (d)	Yes.	
63.9(e)	Yes	Except § 63.1207(e) which requires the comprehensive performance test plan to be submitted for approval one year prior to the planned performance test date applies instead of § 63.9(e).
63.9(f)	No.	
63.9(g)	Yes	Except § 63.9(g)(2) pertaining to COMS does not apply.
63.9(h)	Yes	Except § 63.1207(j) requiring the notification of compliance to be submitted within 90 days of completing a performance test unless the Administrator grants a time extension applies instead of § 63.9(h)(2)(ii). *Note:* Even though area sources are subject to this subpart, the major source determination required by § 63.9(h)(2)(i)(E) is applicable to hazardous waste combustors for the reasons discussed above.
63.9(i) and (j)	Yes.	

TABLE 1 TO SUBPART EEE.—GENERAL PROVISIONS APPLICABLE TO SUBPART EEE—Continued

Reference	Applies to Subparts EEE	Explanation
63.10	Yes	Except reports of performance test results required under § 63.10(d)(2) may be submitted up to 90 days after completion of the test.
63.11	No.	
63.12–63.15	Yes.	

Appendix to Subpart EEE of Part 63—Quality Assurance Procedures for Continuous Emissions Monitors Used for Hazardous Waste Combustors

1. Applicability and Principle

1.1 Applicability. a. These quality assurance requirements are used to evaluate the effectiveness of quality control (QC) and quality assurance (QA) procedures and the quality of data produced by continuous emission monitoring systems (CEMS) that are used for determining compliance with the emission standards on a continuous basis as specified in the applicable regulation. The QA procedures specified by these requirements represent the minimum requirements necessary for the control and assessment of the quality of CEMS data used to demonstrate compliance with the emission standards provided under subpart EEE of this part 63. Owners and operators must meet these minimum requirements and are encouraged to develop and implement a more extensive QA program. These requirements superede those found in part 60, appendix F of this chapter. Appendix F does not apply to hazardous waste-burning devices.

b. Data collected as a result of the required QA and QC measures are to be recorded in the operating record. In addition, data collected as a result of CEMS performance evaluations required by Section 5 in conjunction with an emissions performance test are to be submitted to the Administrator as provided by § 63.8(e)(5). These data are to be used by both the Agency and the CEMS operator in assessing the effectiveness of the CEMS QA and QC procedures in the maintenance of acceptable CEMS operation and valid emission data.

1.2 Principle. The QA procedures consist of two distinct and equally important functions. One function is the assessment of the quality of the CEMS data by estimating accuracy. The other function is the control and improvement of the quality of the CEMS data by implementing QC policies and corrective actions. These two functions form a control loop. When the assessment function indicates that the data quality is inadequate, the source must immediately stop burning hazardous waste. The CEM data control effort must be increased until the data quality is acceptable before hazardous waste burning can resume.

a. In order to provide uniformity in the assessment and reporting of data quality, this procedure explicitly specifies the assessment methods for response drift and accuracy. The methods are based on procedures included in the applicable performance specifications provided in appendix B to part 60 of this chapter. These procedures also require the analysis of the EPA audit samples concurrent with certain reference method (RM) analyses as specified in the applicable RM's.

b. Because the control and corrective action function encompasses a variety of policies, specifications, standards, and corrective measures, this procedure treats QC requirements in general terms to allow each source owner or operator to develop a QC system that is most effective and efficient for the circumstances.

2. Definitions

2.1 *Continuous Emission Monitoring System (CEMS).* The total equipment required for the determination of a pollutant concentration. The system consists of the following major subsystems:

2.1.1 *Sample Interface.* That portion of the CEMS used for one or more of the following: sample acquisition, sample transport, and sample conditioning, or protection of the monitor from the effects of the stack effluent.

2.1.2 *Pollutant Analyzer.* That portion of the CEMS that senses the pollutant concentration and generates a proportional output.

2.1.3 *Diluent Analyzer.* That portion of the CEMS that senses the diluent gas (O2) and generates an output proportional to the gas concentration.

2.1.4 *Data Recorder.* That portion of the CEMS that provides a permanent record of the analyzer output. The data recorder may provide automatic data reduction and CEMS control capabilities.

2.2 *Relative Accuracy (RA).* The absolute mean difference between the pollutant concentration determined by the CEMS and the value determined by the reference method (RM) plus the 2.5 percent error confidence coefficient of a series of test divided by the mean of the RM tests or the applicable emission limit.

2.3 *Calibration Drift (CD).* The difference in the CEMS output readings from the established reference value after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

2.4 *Zero Drift (ZD).* The difference in CEMS output readings at the zero pollutant level after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

2.5 *Calibration Standard.* Calibration standards produce a known and unchanging response when presented to the pollutant analyzer portion of the CEMS, and are used to calibrate the drift or response of the analyzer.

2.6 *Relative Accuracy Test Audit (RATA).* Comparison of CEMS measurements to reference method measurements in order to evaluate relative accuracy following procedures and specification given in the appropriate performance specification.

2.7 *Absolute Calibration Audit (ACA).* Equivalent to calibration error (CE) test defined in the appropriate performance specification using NIST traceable calibration standards to challenge the CEMS and assess accuracy.

2.8 *Rolling Average.* The average emissions, based on some (specified) time period, calculated every minute from a one-minute average of four measurements taken at 15-second intervals. CEMS other than carbon monoxide and total hydrocarbon CEMS may have rolling averages calculated every hour from a one-hour average of at least four measurements taken at intervals not exceeding 15 minutes.

c. QA/QC Requirements

3.1 QC Requirements. a. Each owner or operator must develop and implement a QC program. At a minimum, each QC program must include written procedures describing in detail complete, step-by-step procedures and operations for the following activities.

1. Checks for component failures, leaks, and other abnormal conditions.
2. Calibration of CEMS.
3. CD determination and adjustment of CEMS.
4. Integration of CEMS with the automatic waste feed cutoff (AWFCO) system.
5. Preventive Maintenance of CEMS (including spare parts inventory).
6. Data recording, calculations, and reporting.
7. Checks of record keeping.
8. Accuracy audit procedures, including sampling and analysis methods.
9. Program of corrective action for malfunctioning CEMS.
10. Operator training and certification.
11. Maintaining and ensuring current certification or naming of cylinder gasses, metal solutions, and particulate samples used for audit and accuracy tests, daily checks, and calibrations.

b. Whenever excessive inaccuracies occur for two consecutive quarters, the current written procedures must be revised or the CEMS modified or replaced to correct the deficiency causing the excessive inaccuracies. These written procedures must be kept on record and available for inspection by the enforcement agency.

3.2 QA Requirements. Each source owner or operator must develop and implement a QA plan that includes, at a minimum, the following.

1. QA responsibilities (including maintaining records, preparing reports, reviewing reports).

2. Schedules for the daily checks, periodic audits, and preventive maintenance.

3. Check lists and data sheets.

4. Preventive maintenance procedures.

5. Description of the media, format, and location of all records and reports.

6. Provisions for a review of the CEMS data at least once a year. Based on the results of the review, the owner or operator must revise or update the QA plan, if necessary.

d. CD and ZD Assessment and Daily System Audit

4.1 *CD and ZD Requirement.* Owners and operators must check, record, and quantify the ZD and the CD at least once daily (approximately 24 hours) in accordance with the method prescribed by the manufacturer. The CEMS calibration must, at a minimum, be adjusted whenever the daily ZD or CD exceeds the limits in the Performance Specifications. If, on any given ZD and/or CD check the ZD and/or CD exceed(s) two times the limits in the Performance Specifications, or if the cumulative adjustment to the ZD and/or CD (see Section 4.2) exceed(s) three times the limits in the Performance Specifications, hazardous waste burning must immediately cease and the CEMS must be serviced and recalibrated. Hazardous waste burning cannot resume until the owner or operator documents that the CEMS is in compliance with the Performance Specifications by carrying out an ACA.

4.2 *Recording Requirements for Automatic ZD and CD Adjusting Monitors.* Monitors that automatically adjust the data to the corrected calibration values must record the unadjusted concentration measurement prior to resetting the calibration, if performed, or record the amount of the adjustment.

4.3 *Daily System Audit.* The audit must include a review of the calibration check data, an inspection of the recording system, an inspection of the control panel warning lights, and an inspection of the sample transport and interface system (e.g., flowmeters, filters, etc.) as appropriate.

4.4 *Data Recording and Reporting.* All measurements from the CEMS must be retained in the operating record for at least 5 years.

5. Performance Evaluation

Carbon Monoxide (CO), Oxygen (O_2), and Hydrocarbon (HC) CEMS. An Absolute Calibration Audit (ACA) must be conducted quarterly, and a Relative Accuracy Test Audit (RATA) (if applicable, see sections 5.1 and 5.2) must be conducted yearly. An Interference Response Tests must be performed whenever an ACA or a RATA is conducted. When a performance test is also required under § 63.1207 to document compliance with emission standards, the RATA must coincide with the performance test. The audits must be conducted as follows.

5.1 *Relative Accuracy Test Audit (RATA).* This requirement applies to O_2 and CO CEMS. The RATA must be conducted at least yearly. Conduct the RATA as described in the RA test procedure (or alternate procedures section) described in the applicable Performance Specifications. In addition, analyze the appropriate performance audit samples received from the EPA as described in the applicable sampling methods.

5.2 *Absolute Calibration Audit (ACA).* The ACA must be conducted at least quarterly except in a quarter when a RATA (if applicable, see section 5.1) is conducted instead. Conduct an ACA as described in the calibration error (CE) test procedure described in the applicable Performance Specifications.

5.3 *Interference Response Test.* The interference response test must be conducted whenever an ACA or RATA is conducted. Conduct an interference response test as described in the applicable Performance Specifications.

5.4 *Excessive Audit Inaccuracy.* If the RA from the RATA or the CE from the ACA exceeds the criteria in the applicable Performance Specifications, hazardous waste burning must cease immediately. Hazardous waste burning cannot resume until the owner or operator takes corrective measures and audit the CEMS with a RATA to document that the CEMS is operating within the specifications.

6. Other Requirements

6.1 *Performance Specifications.* CEMS used by owners and operators of HWCs must comply with the following performance specifications in appendix B to part 60 of this chapter:

TABLE I: PERFORMANCE SPECIFICATIONS FOR CEMS

CEMS	Performance specification
Carbon monoxide	4B
Oxygen	4B
Total hydrocarbons	8A

6.2 *Downtime due to Calibration.* Facilities may continue to burn hazardous waste for a maximum of 20 minutes while calibrating the CEMS. If all CEMS are calibrated at once, the facility must have twenty minutes to calibrate all the CEMS. If CEMS are calibrated individually, the facility must have twenty minutes to calibrate each CEMS. If the CEMS are calibrated individually, other CEMS must be operational while the individual CEMS is being calibrated.

6.3 Span of the CEMS.

6.3.1 *CO CEMS.* The CO CEM must have two ranges, a low range with a span of 200 ppmv and a high range with a span of 3000 ppmv at an oxygen correction factor of 1. A one-range CEM may be used, but it must meet the performance specifications for the low range in the specified span of the low range.

6.3.2 *O_2 CEMS.* The O_2 CEM must have a span of 25 percent. The span may be higher than 25 percent if the O_2 concentration at the sampling point is greater than 25 percent.

6.3.3 *HC CEMS.* The HC CEM must have a span of 100 ppmv, expressed as propane, at an oxygen correction factor of 1.

6.3.4 *CEMS Span Values.* When the Oxygen Correction Factor is Greater than 2. When an owner or operator installs a CEMS at a location of high ambient air dilution, *i.e.*, where the maximum oxygen correction factor as determined by the permitting agency is greater than 2, the owner or operator must install a CEM with a lower span(s), proportionate to the larger oxygen correction factor, than those specified above.

6.3.5 *Use of Alternative Spans.* Owner or operators may request approval to use alternative spans and ranges to those specified. Alternate spans must be approved in writing in advance by the Administrator. In considering approval of alternative spans and ranges, the Administrator will consider that measurements beyond the span will be recorded as values at the maximum span for purposes of calculating rolling averages.

6.3.6 *Documentation of Span Values.* The span value must be documented by the CEMS manufacturer with laboratory data.

6.4.1 *Moisture Correction.* Method 4 of appendix A, part 60 of this chapter, must be used to determine moisture content of the stack gasses.

6.4.2 *Oxygen Correction Factor.* Measured pollutant levels must be corrected for the amount of oxygen in the stack according to the following formula:

$$P_c = P_m \times 14/(E - Y)$$

Where:

P_c = concentration of the pollutant or standard corrected to 7 percent oxygen, dry basis;

P_m = measured concentration of the pollutant, dry basis;

E = volume fraction of oxygen in the combustion air fed into the device, on a dry basis (normally 21 percent or 0.21 if only air is fed);

Y = measured fraction of oxygen on a dry basis at the sampling point.

The oxygen correction factor is:

$$OCF = 14/(E - Y)$$

6.4.3 *Temperature Correction.* Correction values for temperature are obtainable from standard reference materials.

6.5 *Rolling Average.* A rolling average is the arithmetic average of all one-minute averages over the averaging period.

6.5.1 *One-Minute Average for CO and HC CEMS and Operating Parameter Limits.* One-minute averages are the arithmetic average of the four most recent 15-second observations and must be calculated using the following equation:

$$\bar{c} = \sum_{i=1}^{4} \frac{c_i}{4}$$

Where:

$\bar{c}$ = the one minute average

c_i = a fifteen-second observation from the CEM

Fifteen second observations must not be rounded or smoothed. Fifteen-second observations may be disregarded only as a

result of a failure in the CEMS and allowed in the source's quality assurance plan at the time of the CMS failure. One-minute averages must not be rounded, smoothed, or disregarded.

6.5.2 Ten Minute Rolling Average Equation. The ten minute rolling average must be calculated using the following equation:

$$C_{RA} = \sum_{i=1}^{10} \frac{\bar{c}_i}{10}$$

Where:

C_{RA} = The concentration of the standard, expressed as a rolling average

$\bar{c}_i$ = a one minute average

6.5.3 *Hourly Rolling Average Equation for CO and THC CEMS and Operating Parameter Limits.* The rolling average, based on a specific number integer of hours, must be calculated using the following equation:

$$C_{RA} = \sum_{i=1}^{60} \frac{\bar{c}_i}{60}$$

Where:

c_{RA} = The concentration of the standard, expressed as a rolling average

$\bar{c}_i$ = a one minute average

6.5.4 Averaging Periods for CEMS other than CO and THC. The averaging period for CEMS other than CO and THC CEMS must be calculated as a rolling average of all one-hour values over the averaging period. An hourly average is comprised of 4 measurements taken at equally spaced time intervals, or at most every 15 minutes. Fewer than 4 measurements might be available within an hour for reasons such as facility downtime or CEMS calibration. If at least two measurements (30 minutes of data) are available, an hourly average must be calculated. The *n*-hour rolling average is calculated by averaging the *n* most recent hourly averages.

6.6 Units of the Standards for the Purposes of Recording and Reporting Emissions. Emissions must be recorded and reported expressed after correcting for oxygen, temperature, and moisture. Emissions must be reported in metric, but may also be reported in the English system of units, at 7 percent oxygen, 20°C, and on a dry basis.

6.7 Rounding and Significant Figures. Emissions must be rounded to two significant figures using ASTM procedure E–29–90 or its successor. Rounding must be avoided prior to rounding for the reported value.

7. Bibliography

1. 40 CFR Part 60, Appendix F, "Quality Assurance Procedures: Procedure 1. Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used For Compliance Determination".

Subpart LLL—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

3. Section 63.1350 is amended by revising paragraph (k) to read as follows:

§ 63.1350 Monitoring requirements.

* * * * *

(k) The owner or operator of an affected source subject to a particulate matter standard under § 63.1343 shall install, calibrate, maintain, and operate a particulate matter continuous emission monitoring system (PM CEMS) to measure the particulate matter discharged to the atmosphere. All requirements relating to installation, calibration, maintenance, operation or performance of the PM CEMS and implementation of the PM CEMS requirement are deferred pending further rulemaking.

* * * * *

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921–6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

Subpart B—Definitions

2. Section 260.10 is amended by adding definitions in alphabetical order to read as follows:

§ 260.10 Definitions.

* * * * *

Dioxins and furans (D/F) means tetra, penta, hexa, hepta, and octa-chlorinated dibenzo dioxins and furans.

* * * * *

TEQ means toxicity equivalence, the international method of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

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PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y), and 6938.

2. Section 261.38 is amended by revising Table 1 to read as follows:

§ 261.38 Comparable/Syngas Fuel Exclusion.

* * * * *

TABLE 1 TO § 261.38.—DETECTION AND DETECTION LIMIT VALUES FOR COMPARABLE FUEL SPECIFICATION

Chemical name	CAS No.	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 BTU/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen as N	NA	9000	18400	4900	.....
Total Halogens as Cl	NA	1000	18400	540	.....
Total Organic Halogens as Cl	NA	.....	.....	(1)	.....
Polychlorinated biphenyls, total [Arocolors, total]	1336–36–3	ND	.....	ND	1.4
Cyanide, total	57–12–5	ND	.....	ND	1.0
Metals:					
Antimony, total	7440–36–012	ND	.....	0.23	.....
Arsenic, total	7440–38–2	ND	.....	0.23	.....
Barium, total	7440–39–3	ND	.....	23	.....
Beryllium, total	7440–41–7	ND	.....	1.2	.....
Cadmium, total	7440–43–9	.....	ND	.....	1.2
Chromium, total	7440–47–3	ND	.....	2.3	.....
Cobalt	7440–48–4	ND	.....	4.6	.....
Lead, total	7439–92–1	57	18100	31	.....
Manganese	7439–96–5	ND	.....	1.2	.....
Mercury, total	7439–97–6	ND	.....	0.25	.....
Nickel, total	7440–02–0	106	18400	58	.....
Selenium, total	7782–49–2	ND	.....	0.23	.....

TABLE 1 TO § 261.38.—DETECTION AND DETECTION LIMIT VALUES FOR COMPARABLE FUEL SPECIFICATION—Continued

Chemical name	CAS No.	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 BTU/lb)	Minimum required detection limit (mg/kg)
Silver, total	7440–22–4	ND	.....	2.3	.....
Thallium, total	7440–28–0	ND	.....	23	.....
Hydrocarbons:					
Benzo[a]anthracene	56–55–3	ND	.....	2400	.....
Benzene	71–43–2	8000	19600	4100	.....
Benzo[b]fluoranthene	205–99–2	ND	.....	2400	.....
Benzo[k]fluoranthene	207–08–9	ND	.....	2400	.....
Benzo[a]pyrene	50–32–8	ND	.....	2400	.....
Chrysene	218–01–9	ND	.....	2400	.....
Dibenzo[a,h]anthracene	53–70–3	ND	.....	2400	.....
7,12-Dimethylbenz[a]anthracene	57–97–6	ND	.....	2400	.....
Fluoranthene	206–44–0	ND	.....	2400	.....
Indeno(1,2,3-cd)pyrene	193–39–5	ND	.....	2400	.....
3-Methylcholanthrene	56–49–5	ND	.....	2400	.....
Naphthalene	91–20–3	6200	19400	3200	.....
Toluene	108–88–3	69000	19400	36000	.....
Oxygenates:					
Acetophenone	98–86–2	ND	.....	2400	.....
Acrolein	107–02–8	ND	.....	39	.....
Allyl alcohol	107–18–6	ND	.....	30	.....
Bis(2-ethylhexyl)phthalate [Di-2-ethylhexyl phthalate]	117–81–7	ND	.....	2400	.....
Butyl benzyl phthalate	85–68–7	ND	.....	2400	.....
o-Cresol [2-Methyl phenol]	95–48–7	ND	.....	2400	.....
m-Cresol [3-Methyl phenol]	108–39–4	ND	.....	2400	.....
p-Cresol [4-Methyl phenol]	106–44–5	ND	.....	2400	.....
Di-n-butyl phthalate	84–74–2	ND	.....	2400	.....
Diethyl phthalate	84–66–2	ND	.....	2400	.....
2,4-Dimethylphenol	105–67–9	ND	.....	2400	.....
Dimethyl phthalate	131–11–3	ND	.....	2400	.....
Di-n-octyl phthalate	117–84–0	ND	.....	2400	.....
Endothall	145–73–3	ND	.....	100	.....
Ethyl methacrylate	97–63–2	ND	.....	39	.....
2-Ethoxyethanol [Ethylene glycol monoethyl ether]	110–80–5	ND	.....	100	.....
Isobutyl alcohol	78–83–1	ND	.....	39	.....
Isosafrole	120–58–1	ND	.....	2400	.....
Methyl ethyl ketone [2-Butanone]	78–93–3	ND	.....	39	.....
Methyl methacrylate	80–62–6	ND	.....	39	.....
1,4-Naphthoquinone	130–15–4	ND	.....	2400	.....
Phenol	108–95–2	ND	.....	2400	.....
Propargyl alcohol [2-Propyn-1-ol]	107–19–7	ND	.....	30	.....
Safrole	94–59–7	ND	.....	2400	.....
Sulfonated Organics:					
Carbon disulfide	75–15–0	ND	.....	ND	39
Disulfoton	298–04–4	ND	.....	ND	2400
Ethyl methanesulfonate	62–50–0	ND	.....	ND	2400
Methyl methanesulfonate	66–27–3	ND	.....	ND	2400
Phorate	298–02–2	ND	.....	ND	2400
1,3-Propane sultone	1120–71–4	ND	.....	ND	100

TABLE 1 TO § 261.38.—DETECTION AND DETECTION LIMIT VALUES FOR COMPARABLE FUEL SPECIFICATION—Continued

Chemical name	CAS No.	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 BTU/lb)	Minimum required detection limit (mg/kg)
Tetraethyldithiopyrophosphate [Sulfotepp]	3689–24–5	ND	.....	ND	2400
Thiophenol [Benzenethiol]	108–98–5	ND	.....	ND	30
O,O,O-Triethyl phosphorothioate	126–68–1	ND	.....	ND	2400
Nitrogenated Organics:					
Acetonitrile [Methyl cyanide]	75–05–8	ND	.....	ND	39
2-Acetylaminofluorene [2-AAF]	53–96–3	ND	.....	ND	2400
Acrylonitrile	107–13–1	ND	.....	ND	39
4-Aminobiphenyl	92–67–1	ND	.....	ND	2400
4-Aminopyridine	504–24–5	ND	.....	ND	100
Aniline	62–53–3	ND	.....	ND	2400
Benzidine	92–87–5	ND	.....	ND	2400
Dibenz[a,j]acridine	224–42–0	ND	.....	ND	2400
O,O-Diethyl O-pyrazinyl phosphorothioate [Thionazin]	297–97–2	ND	.....	ND	2400
Dimethoate	60–51–5	ND	.....	ND	2400
p-(Dimethylamino) azobenzene [4-Dime thylaminoazobenzene]	60–11–7	ND	.....	ND	2400
3,3′-Dimethylbenzidine	119–93–7	ND	.....	ND	2400
α,α-Dimethylphenethylamine	122–09–8	ND	.....	ND	2400
3,3′-Dimethoxybenzidine	119–90–4	ND	.....	ND	100
1,3-Dinitrobenzene [m-Dinitrobenzene]	99–65–0	ND	.....	ND	2400
4,6-Dinitro-o-cresol	534–52–1	ND	.....	ND	2400
2,4-Dinitrophenol	51–28–5	ND	.....	ND	2400
2,4-Dinitrotoluene	121–14–2	ND	.....	ND	2400
2,6-Dinitrotoluene	606–20–2	ND	.....	ND	2400
Dinoseb [2-sec-Butyl-4,6-dinitrophenol]	88–85–7	ND	.....	ND	2400
Diphenylamine	122–39–4	ND	.....	ND	2400
Ethyl carbamate [Urethane]	51–79–6	ND	.....	ND	100
Ethylenethiourea (2-Imidazolidinethione)	96–45–7	ND	.....	ND	110
Famphur	52–85–7	ND	.....	ND	2400
Methacrylonitrile	126–98–7	ND	.....	ND	39
Methapyrilene	91–80–5	ND	.....	ND	2400
Methomyl	16752–77–5	ND	.....	ND	57
2-Methyllactonitrile, [Acetone cyanohydrin]	75–86–5	ND	.....	ND	100
Methyl parathion	298–00–0	ND	.....	ND	2400
MNNG (N-Metyl-N-nitroso-N'-nitroguanidine)	70–25–7	ND	.....	ND	110
1-Naphthylamine, [α-Naphthylamine]	134–32–7	ND	.....	ND	2400
2-Naphthylamine, [β-Naphthylamine]	91–59–8	ND	.....	ND	2400
Nicotine	54–11–5	ND	.....	ND	100
4-Nitroaniline, [p-Nitroaniline]	100–01–6	ND	.....	ND	2400
Nitrobenzene	98–95–3	ND	.....	ND	2400
p-Nitrophenol, [p-Nitrophenol]	100–02–7	ND	.....	ND	2400
5-Nitro-o-toluidine	99–55–8	ND	.....	ND	2400
N-Nitrosodi-n-butylamine	924–16–3	ND	.....	ND	2400
N-Nitrosodiethylamine	55–18–5	ND	.....	ND	2400
N-Nitrosodiphenylamine, [Diphenylnitrosamine]	86–30–6	ND	.....	ND	2400
N-Nitroso-N-methylethylamine	10595–95–6	ND	.....	ND	2400
N-Nitrosomorpholine	59–89–2	ND	.....	ND	2400
N-Nitrosopiperidine	100–75–4	ND	.....	ND	2400
N-Nitrosopyrrolidine	930–55–2	ND	.....	ND	2400
2-Nitropropane	79–46–9	ND	.....	ND	30
Parathion	56–38–2	ND	.....	ND	2400
Phenacetin	62–44–2	ND	.....	ND	2400
1,4-Phenylene diamine, [p-Phenylenediamine]	106–50–3	ND	.....	ND	2400
N-Phenylthiourea	103–85–5	ND	.....	ND	57
2-Picoline [alpha-Picoline]	109–06–8	ND	.....	ND	2400
Propylthioracil, [6-Propyl-2-thiouracil]	51–52–5	ND	.....	ND	100
Pyridine	110–86–1	ND	.....	ND	2400

TABLE 1 TO § 261.38.—DETECTION AND DETECTION LIMIT VALUES FOR COMPARABLE FUEL SPECIFICATION—Continued

Chemical name	CAS No.	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 BTU/lb)	Minimum required detection limit (mg/kg)
Strychnine	57–24–9	ND	.....	ND	100
Thioacetamide	62–55–5	ND	.....	ND	57
Thiofanox	39196–18–4	ND	.....	ND	100
Thiourea	62–56–6	ND	.....	ND	57
Toluene-2,4-diamine [2,4-Diaminotoluene]	95–80–7	ND	.....	ND	57
Toluene-2,6-diamine [2,6-Diaminotoluene]	823–40–5	ND	.....	ND	57
o-Toluidine	95–53–4	ND	.....	ND	2400
p-Toluidine	106–49–0	ND	.....	ND	100
1,3,5-Trinitrobenzene, [sym-Trinitobenzene]	99–35–4	ND	.....	ND	2400
Halogenated Organic:					
Allyl chloride	107–05–1	ND	.....	ND	39
Aramite	140–57–8	ND	.....	ND	2400
Benzal chloride [Dichloromethyl benzene]	98–87–3	ND	.....	ND	100
Benzyl chloride	100–44–77	ND	.....	ND	100
bis(2-Chloroethyl)ether [Dichoroethyl ether]	111–44–4	ND	.....	ND	2400
Bromoform [Tribromomethane]	75–25–2	ND	.....	ND	39
Bromomethane [Methyl bromide]	74–83–9	ND	.....	ND	39
4-Bromophenyl phenyl ether [p-Bromo diphenyl ether]	101–55–3	ND	.....	ND	2400
Carbon tetrachloride	56–23–5	ND	.....	ND	39
Chlordane	57–74–9	ND	.....	ND	14
p-Chloroaniline	106–47–8	ND	.....	ND	2400
Chlorobenzene	108–90–7	ND	.....	ND	39
Chlorobenzilate	510–15–6	ND	.....	ND	2400
p-Chloro-m-cresol	59–50–7	ND	.....	ND	2400
2-Chloroethyl vinyl ether	110–75–8	ND	.....	ND	39
Chloroform	67–66–3	ND	.....	ND	39
Chloromethane [Methyl chloride]	74–87–3	ND	.....	ND	39
2-Chloronaphthalene [beta-Chloronaphthalene]	91–58–7	ND	.....	ND	2400
2-Chlorophenol [o-Chlorophenol]	95–57–8	ND	.....	ND	2400
Chloroprene [2-Chloro-1,3-butadiene]	1126–99–8	ND	.....	ND	39
2,4-D [2,4-Dichlorophenoxyacetic acid]	94–75–7	ND	.....	ND	7.0
Diallate	2303–16–4	ND	.....	ND	2400
1,2-Dibromo-3-chloropropane	96–12–8	ND	.....	ND	39
1,2-Dichlorobenzene [o-Dichlorobenzene]	95–50–1	ND	.....	ND	2400
1,3-Dichlorobenzene [m-Dichlorobenzene]	541–73–1	ND	.....	ND	2400
1,4-Dichlorobenzene [p-Dichlorobenzene]	106–46–7	ND	.....	ND	2400
3,3′-Dichlorobenzidine	91–94–1	ND	.....	ND	2400
Dichlorodifluoromethane [CFC–12]	75–71–8	ND	.....	ND	39
1,2-Dichloroethane [Ethylene dichloride]	107–06–2	ND	.....	ND	39
1,1-Dichloroethylene [Vinylidene chloride]	75–35–4	ND	.....	ND	39
Dichloromethoxy ethane [Bis(2-chloroethoxy)methane	111–91–1	ND	.....	ND	2400
2,4-Dichlorophenol	120–83–2	ND	.....	ND	2400
2,6-Dichlorophenol	87–65–0	ND	.....	ND	2400
1,2-Dichloropropane [Propylene dichloride]	78–87–5	ND	.....	ND	39
cis-1,3-Dichloropropylene	10061–01–5	ND	.....	ND	39
trans-1,3-Dichloropropylene	10061–02–6	ND	.....	ND	39
1,3-Dichloro-2-propanol	96–23–1	ND	.....	ND	30
Endosulfan I	959–98–8	ND	.....	ND	1.4
Endosulfan II	33213–65–9	ND	.....	ND	1.4
Endrin	72–20–8	ND	.....	ND	1.4

TABLE 1 TO § 261.38.—DETECTION AND DETECTION LIMIT VALUES FOR COMPARABLE FUEL SPECIFICATION—Continued

Chemical name	CAS No.	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 BTU/lb)	Minimum required detection limit (mg/kg)
Endrin aldehyde	7421–93–4	ND	.....	ND	1.4
Endrin Ketone	53494–70–5	ND	.....	ND	1.4
Epichlorohydrin [1-Chloro-2,3-epoxy propane]	106–89–8	ND	.....	ND	30
Ethylidene dichloride [1,1-Dichloroethane]	75–34–3	ND	.....	ND	39
2-Fluoroacetamide	640–19–7	ND	.....	ND	100
Heptachlor	76–44–8	ND	.....	ND	1.4
Heptachlor epoxide	1024–57–3	ND	.....	ND	2.8
Hexachlorobenzene	118–74–1	ND	.....	ND	2400
Hexachloro-1,3-butadiene [Hexachlorobutadiene]	87–68–3	ND	.....	ND	2400
Hexachlorocyclopentadiene	77–47–4	ND	.....	ND	2400
Hexachloroethane	67–72–1	ND	.....	ND	2400
Hexachlorophene	70–30–4	ND	.....	ND	59000
Hexachloropropene [Hexachloropropylene]	1888–71–7	ND	.....	ND	2400
Isodrin	465–73–6	ND	.....	ND	2400
Kepone [Chlordecone]	143–50–0	ND	.....	ND	4700
Lindane [gamma-BHC] [gamma-Hexachlorocyclohexane]	58–89–9	ND	.....	ND	1.4
Methylene chloride [Dichloromethane]	75–09–2	ND	.....	ND	39
4,4′-Methylene-bis(2-chloroaniline)	101–14–4	ND	.....	ND	100
Methyl iodide [Iodomethane]	74–88–4	ND	.....	ND	39
Pentachlorobenzene	608–93–5	ND	.....	ND	2400
Pentachloroethane	76–01–7	ND	.....	ND	39
Pentachloronitrobenzene [PCNB] [Quintobenzene] [Quintozene]	82–68–8	ND	.....	ND	2400
Pentachlorophenol	87–86–5	ND	.....	ND	2400
Pronamide	23950–58–5	ND	.....	ND	2400
Silvex [2,4,5-Trichlorophenoxypropionic acid]	93–72–1	ND	.....	ND	7.0
2,3,7,8-Tetrachlorodibenzo-p-dioxin [2,3,7,8-TCDD]	1746–01–6	ND	.....	ND	30
1,2,4,5-Tetrachlorobenzene	95–94–3	ND	.....	ND	2400
1,1,2,2-Tetrachloroethane	79–34–5	ND	.....	ND	39
Tetrachloroethylene [Perchloroethylene]	127–18–4	ND	.....	ND	39
2,3,4,6-Tetrachlorophenol	58–90–2	ND	.....	ND	2400
1,2,4-Trichlorobenzene	120–82–1	ND	.....	ND	2400
1,1,1-Trichloroethane [Methyl chloroform]	71–55–6	ND	.....	ND	39
1,1,2-Trichloroethane [Vinyl trichloride]	79–00–5	ND	.....	ND	39
Trichloroethylene	79–01–6	ND	.....	ND	39
Trichlorofluoromethane [Trichlormonofluoromethane]	75–69–4	ND	.....	ND	39
2,4,5-Trichlorophenol	95–95–4	ND	.....	ND	2400
2,4,6-Trichlorophenol	88–06–2	ND	.....	ND	2400
1,2,3-Trichloropropane	96–18–4	ND	.....	ND	39
Vinyl Chloride	75–01–4	ND	.....	ND	39

Notes:
NA—Not Applicable.
ND—Nondetect.
[1] 25 or individual halogenated organics listed below.

* * * * *

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

2. Section 264.340 is amended by redesignating paragraphs (b), (c), and (d) as paragraphs (c), (d), and (e), respectively, and adding paragraph (b), to read as follows:

§ 264.340 Applicability.

* * * * *

(b) *Integration of the MACT standards.* (1) Except as provided by paragraph (b)(2) of this section, the standards of this part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of part 63, subpart EEE of this chapter by conducting a comprehensive performance test and submitting to the Administrator a Notification of Compliance under §§ 63.1207(j) and 63.1210(d) of this chapter documenting compliance with the requirements of subpart EEE of part 63 of this Chapter. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

(2) The MACT standards do not replace the closure requirements of § 264.351 or the applicable requirements of subparts A through H, BB and CC of this part.

* * * * *

3. Section 264.601 is amended by revising the introductory text to read as follows:

§ 264.601 Environmental performance standards.

A miscellaneous unit must be located, designed, constructed, operated,

maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions must include those requirements of subparts I through O and subparts AA through CC of this part, part 270, part 63 subpart EEE, and part 146 of this chapter that are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to:

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6906, 6912, 6922, 6923, 6924, 6925, 6935, 6936 and 6937.

2. Section 265.340 is amended by redesignating paragraph (b) as paragraph (c), and adding paragraph (b), to read as follows:

§ 265.340 Applicability.

* * * * *

(b) *Integration of the MACT standards.* (1) Except as provided by paragraph (b)(2) of this section, the standards of this part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of part 63, subpart EEE, of this chapter by conducting a comprehensive performance test and submitting to the Administrator a Notification of Compliance under §§ 63.1207(j) and 63.1210(d) of this chapter documenting compliance with the requirements of part 63, subpart EEE of this chapter.

(2) The following requirements continue to apply even where the owner or operator has demonstrated compliance with the MACT requirements of part 63, subpart EEE of this chapter: § 265.351 (closure) and the applicable requirements of subparts A through H, BB and CC of this part.

* * * * *

PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

1. The authority citation for part 266 continues to read as follows:

Authority: Secs. 1006, 2002 (a), 3004, 6905, 6906, 6912, 6922, 6924, 6925, and 6937.

2. Section 266.100 is amended by redesignating paragraphs (b), (c), (d), (e), and (f) as paragraphs (c), (d), (e), (f), and (g), adding paragraph (b), revising introductory text to newly designated paragraph (d)(1), revising the introductory text to newly designated paragraph (d)(3), and adding paragraph (h), to read as follows:

§ 266.100 Applicability.

* * * * *

(b) *Integration of the MACT standards.* (1) Except as provided by paragraph (b)(2) of this section, the standards of this part no longer apply when an affected source demonstrates compliance with the maximum achievable control technology (MACT) requirements of part 63, subpart EEE, of this chapter by conducting a comprehensive performance test and submitting to the Administrator a Notification of Compliance under §§ 63.1207(j) and 63.1210(d) of this chapter documenting compliance with the requirements of subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

(2) The following standards continue to apply:

(i) The closure requirements of §§ 266.102(e)(11) and 266.103(l);

(ii) The standards for direct transfer of § 266.111;

(iii) The standards for regulation of residues of § 266.212; and

(iv) The applicable requirements of subparts A through H, BB and CC of parts 264 and 265 of this chapter.

* * * * *

(d) * * *

(1) To be exempt from §§ 266.102 through 266.111, an owner or operator of a metal recovery furnace or mercury recovery furnace must comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, must comply with the requirements of paragraph (d)(3) of this section, and owners or operators of lead recovery furnaces that are subject to regulation under the Secondary Lead Smelting NESHAP must comply with the requirements of paragraph (h) of this section.

* * * * *

(3) To be exempt from §§ 266.102 through 266.111, an owner or operator of a lead or nickel-chromium or mercury recovery furnace, except for owners or operators of lead recovery furnaces subject to regulation under the Secondary Lead Smelting NESHAP,

* * * * *

(h) Starting June 23, 1997, owners or operators of lead recovery furnaces that process hazardous waste for recovery of lead and that are subject to regulation under the Secondary Lead Smelting NESHAP, are conditionally exempt from regulation under this subpart, except for § 266.101. To be exempt, an owner or operator must provide a one-time notice to the Director identifying each hazardous waste burned and specifying that the owner or operator claims an exemption under this paragraph. The notice also must state that the waste burned has a total concentration of non-metal compounds listed in part 261, appendix VIII, of this chapter of less than 500 ppm by weight, as fired and as provided in paragraph (d)(2)(i) of this section, or is listed in appendix XI to this part 266.

3. Section 266.101 is amended by revising paragraph (c)(1) to read as follows:

§ 266.101 Management prior to burning.

* * * * *

(c) *Storage and treatment facilities.* (1) Owners and operators of facilities that store or treat hazardous waste that is burned in a boiler or industrial furnace are subject to the applicable provisions of parts 264, 265, and 270 of this chapter, except as provided by paragraph (c)(2) of this section. These standards apply to storage and treatment by the burner as well as to storage and treatment facilities operated by intermediaries (processors, blenders, distributors, etc.) between the generator and the burner.

* * * * *

4. Section 266.105 is amended by redesignating paragraph (c) as paragraph (d) and adding paragraph (c), to read as follows:

§ 266.105 Standards to control particulate matter.

* * * * *

(c) Oxygen correction. (1) Measured pollutant levels must be corrected for the amount of oxygen in the stack gas according to the formula:

$$Pc = Pm \times 14/(E - Y)$$

Where:

Pc is the corrected concentration of the pollutant in the stack gas, Pm is the measured concentration of the pollutant in the stack gas, E is the oxygen concentration on a dry basis in the combustion air fed to the device, and Y is the measured oxygen concentration on a dry basis in the stack.

(2) For devices that feed normal combustion air, E will equal 21 percent. For devices that feed oxygen-enriched air for combustion (that is, air with an oxygen concentration exceeding 21 percent), the value of E will be the concentration of oxygen in the enriched air.

(3) Compliance with all emission standards provided by this subpart must be based on correcting to 7 percent oxygen using this procedure.

* * * * *

5. Section 266.112, paragraph (b)(1) introductory text is amended by adding a sentence at the end and paragraph (b)(2)(i) is revised to read as follows:

§ 266.112 Regulation of residues.

* * * * *

(b) * * *

(1) * * * For polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed to determine specific congeners and homologues, and the results converted to 2,3,7,8–TCDD equivalent values using the procedure specified in section 4.0 of appendix IX of this part.

* * * * *

(2) * * *

(i) *Nonmetal constituents.* The concentration of each nonmetal toxic constituent of concern (specified in paragraph (b)(1) of this section) in the waste-derived residue must not exceed the health-based level specified in appendix VII of this part, or the level of detection (using analytical procedures prescribed in SW–846), whichever is higher. If a health-based limit for a constituent of concern is not listed in appendix VII of this part, then a limit of 0.002 micrograms per kilogram or the level of detection (using analytical procedures contained in SW–846, or other appropriate methods), whichever is higher, must be used. The levels specified in appendix VII of this part (and the default level of 0.002 micrograms per kilogram or the level of detection for constituents as identified in Note 1 of appendix VII of this paragraph) are administratively stayed under the condition, for those constituents specified in paragraph (b)(1) of this section, that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in § 268.43 of this chapter for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of best good-faith efforts as defined by applicable Agency guidance or standards, the owner or operator is deemed to be in compliance for that constituent. Until new guidance or standards are developed, the owner or operator may demonstrate such good faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above the level provided by § 268.43 of this chapter for F039 nonwastewaters. In complying with the § 268.43 of this chapter F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans, total tetrachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans.

Note to this paragraph: The administrative stay, under the condition that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in § 268.43 of this chapter for F039 nonwastewaters, remains in effect until further administrative action is taken and notice is published in the **Federal Register** and the Code of Federal Regulations.

* * * * *

6. Appendix VIII to part 266 is revised to read as follows:

APPENDIX VIII TO PART 266.—ORGANIC COMPOUNDS FOR WHICH RESIDUES MUST BE ANALYZED

Volatiles	Semivolatiles
Benzene	Bis(2-ethylhexyl)phthalate
Toluene	Naphthalene
Carbon tetrachloride	Phenol
Chloroform	Diethyl phthalate
Methylene chloride	Butyl benzyl phthalate
Trichloroethylene	2,4–Dimethylphenol
Tetra chloroethylene	o-Dichlorobenzene
1,1,1–Trichloroethane	m-Dichlorobenzene
Chlorobenzene	p-Dichlorobenzene
cis-1,4–Dichloro-2-butene.	Hexachlorobenzene
Bromochloromethane	2,4,6–Trichlorophenol
Bromodichloromethane.	Fluoranthene
Bromoform	o-Nitrophenol
Bromomethane	1,2,4–Trichlorobenzene
Methylene bromide	o-Chlorophenol
Methyl ethyl ketone	Pentachlorophenol
	Pyrene
	Dimethyl phthalate
	Mononitrobenzene
	2,6–Toluene diisocyanate
	Polychlorinated dibenzo-p-dioxins [1]
	Plychlorinated dibenzo-furans [1]

[1] Analyses for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans are required only for residues collected from areas downstream of the combustion chamber (*e.g.*, ductwork, boiler tubes, heat exchange surfaces, air pollution control devices, *etc.*).

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

1. The authority citation for part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939, and 6974.

2. Section 270.19 is amended by revising the introductory text and adding paragraph (e) to read as follows:

§ 270.19 Specific part B information requirements for incinerators.

* * * * *

Except as § 264.340 of this Chapter and § 270.19(e) provide otherwise, owners and operators of facilities that incinerate hazardous waste must fulfill the requirements of paragraphs (a), (b), or (c) of this section.

* * * * *

(e) When an owner or operator demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE, of this chapter (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this section do not apply. Nevertheless, the Director may apply the provisions of this section, on a case-by-case basis, for purposes of information collection in accordance with §§ 270.10(k) and 270.32(b)(2).

3. Section 270.22 is amended by adding introductory text to read as follows:

§ 270.22 Specific part B information requirements for boilers and industrial furnaces burning hazardous waste.

When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this section do not apply. Nevertheless, the Director may apply the provisions of this section, on a case-by-case basis, for purposes of information collection in accordance with §§ 270.10(k) and 270.32(b)(2).

* * * * *

4. Appendix I to § 270.42 is amended by adding an entry 8 in numerical order in section A and revising entry 9 in section L to read as follows:

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	Federal Register reference	Effective date
* *	* *	* *	*
September 30, 1999	Standards for Hazardous Air Pollutants for Hazardous Waste Combustors.	[Insert FR page numbers].	September 30, 1999.

APPENDIX I TO § 270.42—CLASSIFICATION OF PERMIT MODIFICATION

Modification	Class
A. General Permit Provisions:	
* * * * *	
8. Changes to remove permit conditions that are no longer applicable (*i.e.*, because the standards upon which they are based are no longer applicable to the facility).	[1] 1
* * * * *	
L. Incinerators, Boilers, and Industrial Furnaces:	
* * * * *	
9. Technology Changes Needed to meet Standards under 40 CFR part 63 (Subpart EEE—National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of § 270.42(j) are followed.	[1] 1
* * * * *	

[1] Class 1 modifications requiring prior Agency approval.

5. Section 270.62 is amended by adding introductory text to read as follows:

§ 270.62 Hazardous waste incinerator permits.

When an owner or operator demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE (*i.e.*, by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this section do not apply. Nevertheless, the Director may apply the provisions of this section, on a case-by-case basis, for purposes of information collection in accordance with §§ 270.10(k) and 270.32(b)(2).

* * * * *

6. Section 270.66 is amended by adding introductory text to read as follows:

§ 270.66 Permits for boilers and industrial furnaces burning hazardous waste.

When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE (*i.e.*, by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this section do not apply. Nevertheless, the Director may apply the provisions of this section, on a case-by-case basis, for purposes of information collection in accordance with §§ 270.10(k) and 270.32(b)(2).

* * * * *

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

1. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

2. Section 271.1(j) is amended by adding the following entries to Table 1 in chronological order by date of publication in the **Federal Register**, to read as follows:

§ 271.1 Purpose and scope.

* * * * *

(j) * * *

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	Federal Register reference	Effective date
* *	* *	* *	*
September 30, 1999	Standards for Hazardous Air Pollutants for Hazardous Waste Combustors.		Sept. 30, 1999.

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Federal Register

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September 30, 1999

Part III

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 46 and 48
Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines; Final Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 46 and 48

RIN 1219–AB17

Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Final rule.

SUMMARY: This final rule amends MSHA's existing health and safety training regulations by establishing new training requirements for shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines. Congress has prohibited MSHA from expending funds to enforce training requirements at these mines since fiscal year 1980. This final rule implements the training requirements of section 115 of the Federal Mine Safety and Health Act of 1977 and provides for effective miner training at the affected mines. At the same time, the final rule allows mine operators the flexibility to tailor their training programs to the specific needs of their miners and operations.

EFFECTIVE DATE: This regulation is effective October 2, 2000.

FOR FURTHER INFORMATION CONTACT: Carol J. Jones, Acting Director, Office of Standards, Regulations, and Variances, MSHA; 4015 Wilson Boulevard, Room 631, Arlington, VA 22203; Ms. Jones may be reached at cjones@msha.gov (Internet E-mail); 703–235–1910 (voice); or 703–235–5551 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Plain Language

We (MSHA) wrote this final rule in the more personal style advocated by the President's executive order on "plain language." "Plain language" encourages the use of—

- personal pronouns (we and you);
- sentences in the active voice;
- a greater use of headings, lists, and questions, as well as charts, figures, and tables.

In this final rule, "you" refers to production-operators and independent contractors because they have the primary responsibility for compliance with MSHA regulations. We received several comments on the use of plain language. Commenters generally supported the use of plain language, but suggested that using "you" to refer to two entities was somewhat confusing. In response, the Agency uses the terms "production-operators" and "independent contractors" where the use of the term "you" could be confusing.

II. Paperwork Reduction Act of 1995

The information collection requirements contained in this final rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), as implemented by OMB in regulations at 5 CFR Part 1320. The Paperwork Reduction Act of 1995 (PRA 95) defines collection of information as "the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public of facts or opinions by or for an agency regardless of form or format" (44 U.S.C. 3502(3)(A)). Under PRA 95, no person may be required to respond to, or may be subjected to a penalty for failure to comply with, these information collection requirements until they have been approved and MSHA has announced the assigned OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**. In accordance with § 1320.11(h) of the implementing regulations, OMB has 60 days from today's publication date in which to approve, disapprove, or instruct MSHA to make a change to the information collection requirements in this final rule.

Recordkeeping requirements in the final rule are found in §§ 46.3, 46.5, 46.6, 46.7, 46.8, 46.9, and 46.11. MSHA did not receive any comments on the methodology or assumptions used. Comments received on specific provisions of the proposed rule are addressed in the section-by-section discussion of § 46.9 "Records of Training." The final rule provides that records are not required to be maintained at the mine site, and therefore can be electronically filed in a central location, so long as the records are made available upon request to the authorized representative of the Secretary and to miners or their representatives.

Although the final rule does not require backing up the data, some means are necessary to ensure that electronically stored information is not compromised or lost. MSHA encourages mine operators who store records electronically to provide a mechanism that will allow the continued storage and retrieval of records in the year 2000. Table 1 provides, by section, the paperwork requirements for Year 1 and then for every other succeeding year. Table 2 provides, by section, the annual paperwork requirements starting with the first year. Table 3 provides, by section, the paperwork requirements for Year 1 and then for every other succeeding year for miners and their representatives. Table 4 provides, by section, the annual paperwork requirements for miners and their representatives. Mine operators will incur a total of 233,594 burden hours at a cost of about $7.6 million in the first year, and in every other succeeding year (i.e., 3, 5, 7, 9). Mine operators will incur 220,776 burden hours at a cost of $7.1 million in years 2, 4, 6, 8, etc. The first year burden hours and costs are composed by summing the figures in Tables 1, 2, 3, and 4.

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Table 1 Mine Operators' First Year/Recurring Burden Hours and Costs								
	Mines (1-5)		Mines (6-19)		Mines (>20)		Totals	
Prov.	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs
46.3	7,670	$259,458	3,360	$113,653	1,243	$43,321	12,273	$416,432

Table 2 Mine Operators' Annual Burden Hours and Costs								
	Mines (1-5)		Mines (6-19)		Mines (>20)		Totals	
Prov.	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs
46.3	255	$8,614	166	$5,620	124	$4,321	545	$18,554
46.5	41,153	$1,481,519	21,604	$777,757	4,963	$178,654	67,720	$2,437,930
46.6	8,534	$307,213	4,641	$167,066	1,092	$39,327	14,267	$513,606
46.7	3,940	$141,828	7,299	$262,776	7,085	$255,049	18,324	$659,653
46.8	34,944	$1,257,994	15,538	$559,369	5,552	$199,882	56,035	$2,017,246
46.9	1,541	$40,829	3,145	$83,345	2,995	$79,357	7,680	$203,531
46.11	25,298	$581,843	22,155	$509,565	8,730	$200,790	56,183	$1,292,198
Total	115,664	$3,819,839	74,549	$2,365,499	30,541	$957,379	220,753	$7,142,717

Table 3 Miners and Miners' Representatives First Year/Recurring Burden Hours and Costs								
	Mines (1-5)		Mines (6-19)		Mines (>20)		Totals	
Prov.	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs
46.3	358	$8,223	157	$3,601	31	$709	545	$12,534

Table 4 Miners and Miners' Representatives Annual Burden Hours and Costs								
	Mines (1-5)		Mines (6-19)		Mines (>20)		Totals	
Prov.	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs
46.3	12	$273	8	$178	3	$71	23	$522

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III. Executive Order 12866 and Regulatory Flexibility Analysis

Executive Order (E.O.) 12866 requires that regulatory agencies assess both the costs and benefits of intended regulations. Based upon the economic analysis, we have determined that this final rule is not an economically significant regulatory action pursuant to section 3(f)(1) of E.O. 12866. MSHA does consider the final rule to be significant under section 3(f)(4) of the E.O. because of widespread interest in the rule, and has submitted the final rule to OMB for review.

The Regulatory Flexibility Act (RFA) requires regulatory agencies to consider a rule's impact on small entities. Under the RFA, MSHA must use the Small Business Administration's (SBA's) definition for a small mine of 500 or fewer employees or, after consultation with the SBA Office of Advocacy, establish an alternative definition for the mining industry by publishing that definition in the **Federal Register** for notice and comment. In this rule, none of the affected mines have 500 or more employees. Therefore for the purposes of the RFA, all of the affected mines are considered small. MSHA has analyzed the impact of the final rule on mines with 20 or more employees, mines with 6–19 employees, and mines with 1–5 employees. MSHA has determined that this rule will not impose a significant cost increase on a substantial number of small mines.

MSHA has prepared a Regulatory Economic Analysis (REA) and Regulatory Flexibility Certification Statement to fulfill the requirements of E.O. 12866 and the Regulatory Flexibility Act. This REA is available from MSHA upon request and is posted on our Internet Home Page at www.msha.gov.

Regulatory Flexibility Certification Statement

Based on MSHA's analysis of costs and benefits, the Agency certifies that this rule will not impose a significant economic impact on a substantial number of small entities.

Factual Basis for Certification

General approach: The Agency's analysis of impacts on "small entities" begins with a "screening" analysis. The screening compares the estimated compliance costs of the rule for small mine operators in the affected sector to the estimated revenues for that sector. When estimated compliance costs are less than 1 percent of estimated revenues (for the size categories considered) the Agency believes it is generally appropriate to conclude that there is no significant impact on a substantial number of small entities. When estimated compliance costs approach or exceed 1 percent of revenue, it tends to indicate that further analysis may be warranted.

Derivation of costs and revenues: In the case of this rule, because the compliance costs must be absorbed by the nonmetal mines affected by this rule, the Agency decided to focus its attention exclusively on the relationship between costs and revenues for these mines, rather than looking at the entire metal and nonmetal mining sector as a whole.

In deriving compliance costs there were areas where different assumptions had to be made for small mines in different employment sizes in order to account for the fact that the mining operations of small mines are not the same as those of large mines. For example, different assumptions for mine size categories were used to derive compliance costs concerning: the number of persons trained per mine and the number of training sessions a mine would have annually. In determining revenues for the nonmetal mines affected by this rulemaking, MSHA multiplied the production data (in tons) by the price per ton of the commodity.

Results of screening analysis. As shown in Table V–1 from the REA, with respect to the nonmetal mines covered by this rule that have 1 to 5 workers, the estimated annual costs of the rule as a percentage of their annual revenues are 0.32 percent. For nonmetal mines covered by this rule that have between 6 and 19 workers, the estimated annual costs of the rule as a percentage of their annual revenues are 0.14 percent. For nonmetal mines covered by this rule that have 20 or more workers, the estimated annual costs of the rule as a percentage of their annual revenues are 0.04 percent. Finally, for all nonmetal mines covered by this rule (all of which have 500 or fewer workers) the estimated annual costs of the rule as a percentage of their annual revenues are 0.10 percent.

In every case, the estimated compliance costs are substantially less than 1 percent of revenues, well below the level suggesting that the rule might have a significant impact on a substantial number of small entities. Accordingly, MSHA has certified that there is no such impact for small entities that mine the commodities that are affected by this rule.

As required under the law, MSHA has complied with its obligation to consult with the Chief Counsel for Advocacy at the Small Business Administration on this rule, and on the Agency's certification of no significant economic impact on the mines affected by this rule.

TABLE V–1.—EXEMPT NONMETAL MINES COVERED BY THE FINAL RULE [a]

[dollars in thousands]

Employment size	Estimated costs	Estimated revenues [b]	Costs as percentage of revenues
1–5	6,197	1,950,102	0.32
6–19	6,384	4,556,847	0.14
20 or more	3,975	9,756,081	0.04
All Mines [c]	16,556	16,263,030	0.10

[a] All mines covered by the final rule are surface mines.
[b] Data for revenues derived from U.S. Department of the Interior/U.S. Geological Survey. Mining and Quarrying Trends, 1997 Annual Review. 1997. Tables 2 and 3. Revenues for the three U.S. colloidal phosphate mines estimated using average revenues of the other exempt mines in the same size categories covered by the final rule.
[c] Every mine affected by the rule has 500 or fewer employees.

As required under the law, MSHA complied with its obligation to consult with the Chief Counsel for Advocacy on this rule, and on the Agency's certification of no significant economic impact on the mines affected by this rule.

Compliance Costs

MSHA estimates that the total net cost of the final 30 CFR part 46 training requirements will be approximately $17.94 million annually, of which about $16.55 million will be borne by mine operations in the following surface nonmetal mining sectors: shell dredging, sand, gravel, stone, clay, colloidal phosphate, and limestone.[1] Since fiscal year 1980, Congress has prohibited MSHA from enforcing existing MSHA health and safety training regulations in 30 CFR part 48 at mines ("exempt mines") in these sectors of the surface nonmetal mining industry. The exempt mines that are not currently in compliance with the existing part 48 training requirements will incur costs of approximately $17.43 million annually to comply with the final rule, while those currently in compliance with the existing part 48 training requirements will derive net savings of approximately $0.89 million annually.

Over the past 20 years, MSHA has consistently categorized a mine as being small if it employs fewer than 20 workers and as being large if it employs 20 or more workers. For the purposes of this Regulatory Economic Analysis (REA), however, MSHA has identified three mine size categories based on the number of employees, which are relevant to the estimation of the cost of the final rule: (1) Mines employing 5 or fewer workers; (2) mines employing between 6 and 19 workers; and (3) mines employing 20 or more workers. These mine categories are important because they are believed to have significantly different compliance rates for existing part 48 training requirements. For this final rule, MSHA estimates that the following percentages of exempt mines by size category are currently *not* in compliance with existing part 48 requirements: 60 percent of mines with 5 or fewer employees; 40 percent of mines with between 6 and 19 employees; and 20 percent of mines with 20 or more employees.

In 1997, there were 10,152 exempt mines covered by the final rule. MSHA estimates that the average cost per exempt mine to comply with the final rule will be approximately $1,600 annually. For the 5,297 exempt mines with 5 or fewer employees, MSHA estimates that the average cost of the final rule per mine will be approximately $1,200 annually. For the 3,498 exempt mines with between 6 and 19 employees, MSHA estimates that the average cost of the final rule per mine will be approximately $1,800 annually. For the 1,357 exempt mines with 20 or more employees, MSHA estimates that the average cost of the final rule per mine will be approximately $2,900 annually.

These costs per mine may be slightly misleading insofar as the exempt mines currently in compliance with existing part 48 training requirements will also be, for the most part, in compliance with the final rule and will therefore incur only relatively modest compliance costs. In fact, as previously stated, these mines would derive net savings of approximately $0.89 million annually as a result of the final rule.[2] For the exempt mine operators (including independent contractors that employ miners) not currently in compliance with existing part 48 training requirements, the annual cost of complying with the final rule will, on average, be approximately $1,900 per mine operator with 5 or fewer workers; $4,500 per mine operator with between 6 and 19 workers; and $15,800 per mine operator with 20 or more workers.

Table IV–1 from the REA summarizes MSHA's estimate of the yearly costs of the final rule by mine size and by provision. These costs reflect first year costs of $18,140,889 and second year costs of $17,694,277.

TABLE IV–1.—SUMMARY OF YEARLY COMPLIANCE COSTS FOR THE FINAL RULE*

Requirement provision	Mines with 1–5 employees	Mines with 6–19 employees	Mines with 20+ employees	Total cost for all mines	Total cost for other parties	Total cost
§ 46.3	$158,780	$71,467	$28,827	$259,074	$7,628	$266,702
§ 46.5	2,436,253	1,953,064	774,018	5,163,335	.....	5,163,335
§ 46.6	426,676	313,628	113,382	853,686	.....	853,686
§ 46.7	351,365	828,761	1,183,662	2,363,787	.....	2,363,787
§ 46.8	2,139,686	2,540,586	1,527,819	6,208,091	.....	6,208,091
§ 46.9	45,449	92,781	88,338	226,568	.....	226,568
§ 46.11	581,912	509,544	200,597	1,292,053	1,292,053	2,584,105
§ 46.12	56,860	74,440	57,896	189,196	85,744	274,940
Total	6,196,980	6,384,271	3,974,539	16,555,790	1,385,425	17,941,215

* Source: Table IV–20, Table IV–25, Table IV–27, Table IV–30, Table IV–33, Table IV–35, Table IV–36 and Table IV–37.

Benefits

Safety and health professionals from all sectors of industry recognize that training is a critical element of an effective safety and health program. Training informs miners of safety and health hazards inherent in the workplace and enables them to identify and avoid such hazards. Training becomes even more important in light of certain conditions that can exist when production demands increase, such as: an influx of new and less experienced miners and mine operators; longer work hours to meet production demands; and increased demand for contractors who may be less familiar with the dangers on mine property.

Although there may be some differences in production technology and the production environment between the exempt mining industry and other surface nonexempt mining industries, the data presented in Chapter III of this document indicate that the lack of training in exempt mines contributes significantly to the disproportionate number of fatalities

[1] The remaining $1.39 million in costs associated with the final rule will be borne primarily by non-miners who receive hazard awareness training, or by their empolyers.

[2] The net savings consist of $1.18 million in compliance costs and $2.07 million in savings. The $2.07 million in savings arise from paragraph (e) of §46.4, which allows all documented employee safety meetings, *regardless of duration*, to be credited toward training requirements. (Under the existing part 48 training requirements, employee safety meetings lasting less than 30 minutes may not be credited toward training requirements.) For details about these savings, see Table IV–32 and the text that precedes it.

that occur at such mines. Chapter III points out that in the period from 1993 to 1997, there were 200 fatalities at surface mines. Of these, 163 occurred at exempt mines. Thus, exempt mines accounted for 82 percent of all fatalities at surface mines during this period. During the same period, however, employees at exempt mines accounted for only 64 percent of the total number of hours worked at surface mines.

One of the major reasons that exempt mines have experienced a higher fatality rate than the surface mining industry as a whole is that smaller operations, those which employ fewer than 20 workers, make up the vast majority of exempt mines. These small operations, as a group, have the highest rates of noncompliance with part 48 training requirements and also the highest fatality rates.

It is plausible to assert that at least some of these fatalities might have been prevented if victims had received appropriate miner safety training. Similarly, MSHA believes that compliance with the requirements of this final training rule will, in turn, reduce the number of fatalities at formerly exempt mines. As discussed in greater detail in Chapter III of this document, MSHA estimates that compliance with the final rule will prevent about 10 fatalities and 557 injuries per year. MSHA believes that this final rule will make training more responsive to the needs of the industry and more effective for individual miners, thereby raising the compliance rate and reducing mine injuries and fatalities.

IV. Unfunded Mandates Reform Act of 1995

We have determined that, for purposes of section 202 of the Unfunded Mandates Reform Act of 1995, this rule does not include any federal mandate that may result in increased expenditures by State, local, or tribal governments in the aggregate of more than $100 million, or increased expenditures by the private sector of more than $100 million. Moreover, the Agency has determined that for purposes of § 203 of that Act, this rule does not significantly or uniquely affect these entities.

Background

The Unfunded Mandates Reform Act was enacted in 1995. While much of the Act is designed to assist the Congress in determining whether its actions will impose costly new mandates on State, local, and tribal governments, the Act also includes requirements to assist federal agencies to make this same determination with respect to regulatory actions.

Analysis

Based on the analysis in the Agency's REA, the yearly compliance costs (annualized costs plus annual costs) resulting from the final rule will be approximately $17.9 million, of which about $16.6 million will be borne by the affected nonmetal operators. Accordingly, there is no need for further analysis under § 202 of the Unfunded Mandates Reform Act.

MSHA has concluded that small governmental entities would not be significantly or uniquely impacted by the regulation. The final rule will affect 10,152 surface nonmetal mining operations. MSHA data indicate that there are 185 nonmetal mines affected by this rule that are state or local government owned.

When MSHA issued the proposed rule, the Agency affirmatively sought input of any state, local, and tribal government which may be affected by the training rulemaking. This included state and local governmental entities who operate sand and gravel mines in the construction and repair of highways and roads. MSHA mailed a copy of the proposed rule to these entities. The Agency received comments from several state agencies and local government entities. No tribal government entity commented on the proposed rule. A speaker at the Pittsburgh public hearing on the proposed rule asserted that (in New York State, at least) there were many mines operated by local governments not counted or inspected by MSHA and not in compliance with existing part 48 training requirements. Even if this assertion were true, MSHA's analysis of regulatory impacts indicates that the cost of the final rule will range from only $1,900 per mine to $15,800 per mine not currently in compliance with existing part 48 training requirements. MSHA believes that these costs do not significantly or uniquely impact these small government entities. MSHA will mail a copy of the final rule to approximately 185 such entities.

We have determined that, for purposes of § 202 of the Unfunded Mandates Reform Act of 1995, this rule does not include any federal mandate that may result in increased expenditures by State, local, or tribal governments in the aggregate of more than $100 million, or increased expenditures by the private sector of more than $100 million. Moreover, the Agency has determined that for purposes of § 203 of that Act, this rule does not significantly or uniquely affect these entities.

V. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

In accordance with E.O. 13045, MSHA has evaluated the environmental health and safety effects of the final rule on children. MSHA has determined that the final rule will have no effect on children.

VI. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

MSHA certifies that the final rule will not impose substantial direct compliance costs on Indian tribal governments.

VII. Executive Order 12612: Federalism

Executive Order 12612, regarding federalism, requires that agencies, to the extent possible, refrain from limiting state policy options, consult with states prior to taking any actions which would restrict state policy options, and take such actions only when there is clear constitutional authority and the presence of a problem of national scope. Because this final rule does not limit state policy options, it complies with the principles of federalism and with Executive Order 12612.

VIII. Executive Order 12630: Government Actions and Interference With Constitutionally Protected Property Rights

This final rule is not subject to Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, because it does not involve implementation of a policy with takings implications.

IX. Executive Order 12875: Enhancing the Intergovernmental Partnership

Executive Order (E.O.) 12875 requires executive agencies and departments to reduce unfunded mandates on State, local, and tribal governments; to consult with these governments prior to promulgation of any unfunded mandate; and to develop a process that permits meaningful and timely input by State, local, and tribal governments in the development of regulatory proposals containing a significant unfunded mandate. E.O. 12875 also requires executive agencies and departments to increase flexibility for State, local, and tribal governments to obtain a waiver from Federal statutory or regulatory requirements.

MSHA estimates that there are 185 sand and gravel, surface limestone, and stone operations that are run by State, local, or tribal governments for the construction and repair of highways and

roads. When MSHA issued the proposed rule, the Agency affirmatively sought input of any state, local, and tribal government which may be affected by the training rulemaking. This included state and local governmental entities who operate sand and gravel mines in the construction and repair of highways and roads. MSHA mailed a copy of the proposed rule to these entities. The Agency received comments from several state agencies and local government entities. No tribal government entity commented on the proposed rule.

X. Executive Order 12988: Civil Justice Reform

The Agency has reviewed Executive Order 12988, Civil Justice Reform, and determined that this rulemaking will not unduly burden the Federal court system. The regulation has been written so as to provide a clear legal standard for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

XI. Statutory and Rulemaking Background

Section 115 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 801 *et seq.*, directed the Secretary of Labor to promulgate regulations requiring that mine operators subject to the Mine Act establish health and safety training programs for their miners. MSHA issued final miner training regulations in 30 CFR part 48 on October 13, 1978 (43 FR 47453). At that time, some industry representatives expressed concern over the appropriateness of applying the requirements of part 48 to smaller, less technical surface nonmetal mining operations. They also maintained that many small nonmetal operators would have difficulties in complying with part 48.

In 1979, various segments of the metal and nonmetal mining industry raised these concerns with Congress and requested relief from the comprehensive specifications of part 48. In response, Congress inserted language in the Department of Labor's appropriations bill that prohibited the expenditure of appropriated funds to enforce miner health and safety training requirements at approximately 10,200 surface nonmetal work sites. Congress has inserted this language into each Department of Labor appropriations bill since fiscal year 1980. This language specifically prohibits the use of appropriated funds to:

> * * * carry out § 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of § 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

This language remains in place under MSHA's appropriations contained in the Omnibus Appropriations Act for 1999, Pub. L. 105–277, signed by the President on October 21, 1998. The congressional appropriations rider for fiscal year 1999, however, authorized us to expend funds to propose and promulgate final training regulations by September 30, 1999, for operations affected by the prohibition ("exempt mines"). The 1999 rider also directed us to work with the affected industry representatives, mine operators, workers, labor organizations, and other interested parties to promulgate the training regulations and to base the regulations on a draft submitted to MSHA no later than February 1, 1999, by the Coalition for Effective Miner Training (Coalition).

The Coalition is comprised of producers, associations that represent producers, and three labor organizations. Coalition members are:

American Portland Cement Alliance
Arizona Rock Products Association
Construction Materials Association of California
China Clay Producers Association
Dry Branch Kaolin Company
Georgia Crushed Stone Association
Georgia Mining Association
Indiana Mineral Aggregates Association
International Brotherhood of Teamsters
International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers
Laborers-AGC Education and Training Fund
National Aggregates Association
National Industrial Sand Association
National Lime Association
National Stone Association
North Carolina Aggregates Association
Sorptive Minerals Institute
United Metro Materials, Inc.
Virginia Aggregates Association

On November 3, 1998, we published a **Federal Register** notice (63 FR 59258) announcing seven preproposal public meetings. These meetings were held in California, Colorado, Georgia, Illinois, New York, Oregon, and Texas in December 1998 and January 1999 to receive comments from the public on development of the training rule for miners at exempt mines. We selected the meeting locations to provide as many miners, miners' representatives, and mine operators, both large and small, with the opportunity to attend at least one of the meetings and present their views. More than 220 individuals, including representatives from the Coalition, labor, contractors, mining associations, State agencies, small and large operators, and trainers, attended the meetings. Many attendees made oral presentations of their views on effective miner health and safety training. We also received a number of written comments on pertinent training issues.

The Coalition presented us with a final joint industry/labor draft proposed rule on February 1, 1999, the congressionally established deadline. We considered this draft, along with written comments and oral testimony received during the preproposal period, in developing a proposed rule, which we published in the **Federal Register** on April 14, 1999 (64 FR 18498). The notice of proposed rulemaking also included language that would amend existing part 48 to specify that mines covered under part 46 are not subject to part 48 training requirements.

The notice of public hearings on the proposed rule appeared in the **Federal Register** on the same day as the proposal (64 FR 18528). In May 1999, we held four public hearings in Florida, California, Pennsylvania, and Washington, D.C., to receive public comment on the proposal. The rulemaking record closed on June 16, 1999. The agency received many comments concerning training and retraining of miners. We held 7 informational meetings around the country to seek input from the mining community. In response, we received a total of 30 written and electronic comments. In addition, 67 speakers provided oral comments. After publication of the proposed rule, we received 136 written and electronic comments, and 15 speakers provided oral comments. We received comments from various entities including mine operators, organized labor groups, such as United Steelworkers of America, United Mine Workers of America, International Union of Operating Engineers, State agencies and local municipalities, colleges and universities, and the Coalition.

XII. General Discussion

Crushed stone and sand and gravel account for the majority of operations where we have been prohibited from enforcing training requirements. The United States Geological Survey, United States Department of the Interior (USGS), derives domestic production data for crushed stone and sand and gravel from voluntary surveys of U.S. producers. USGS makes these data available in quarterly Mineral Industry Surveys and in annual Mineral Commodities Summaries. Annual crushed stone tonnage ranks first in the nonfuel minerals industry, with annual sand and gravel tonnage ranking second. USGS data show that domestic

production of sand and gravel and crushed stone increased every year between 1991 and 1999, an indication of the continuing strong demand for construction aggregates in the United States. The most recent USGS data show that sand and gravel production increased approximately 14 percent and crushed stone production increased approximately 7 percent in the first three months of 1999, as compared to the first three months of 1998.

The number of hours worked at sand and gravel and crushed stone operations has been increasing steadily since 1991. In 1991, the hours worked at crushed stone operations totaled approximately 104 million employee-hours, rising to 121 million employee-hours in 1998. Similarly, the number of employee-hours at sand and gravel operations rose from approximately 65 million in 1991 to 75 million in 1998. Based on hours reported for the first three months of 1999, the total hours worked for 1999 will exceed the total hours worked in 1998. Although some of the increase in hours worked may be attributable to longer workdays, the data show that the aggregates industry workforce is growing.

Crushed stone and sand and gravel are essential and used widely in all major construction activities, including highway, road, and bridge construction and repair projects, as well as residential and nonresidential construction. Although crushed stone is used mostly by the construction industry, it is also used as a basic raw material in agricultural and chemical and metallurgical processes. The construction industry is by far the largest consumer of sand and gravel. Consequently, the level of construction activity largely determines the demand for, and resulting production levels of, these aggregate materials.

In 1998, President Clinton signed the Transportation Equity Act for the 21st Century, commonly known as "TEA–21" (Pub. L. 105–178), which authorizes highway, highway safety, transit, and other surface transportation programs for the fiscal years 1998 to 2003. The demand for materials produced by the surface nonmetal mining industry is anticipated to increase substantially due to, in significant part, transportation infrastructure construction resulting from the enactment of TEA–21. As the largest public works legislation in the nation's history, appropriating almost $218 billion for highway and transit programs, TEA–21 provides a 40 percent funding increase over the levels for such programs established by the Intermodal Surface Transportation Efficiency Act of 1991, which was the last major authorizing legislation for surface transportation.

In addition to the passage of TEA–21, other factors may also contribute to the continued growth in construction activity and, thus, the demand for aggregate materials. These include a healthy U.S. economy in general, low interest rates, and adverse weather conditions that have damaged and destroyed homes, roads, and bridges in various parts of the country.

Since fiscal year 1980, the year in which the congressional appropriations rider took effect, more than 650 miners have been killed in occupationally related incidents at mines where we cannot enforce miner training requirements. The rider affects approximately 10,200 surface nonmetal mines and 120,000 miners. Approximately 9,200 of these sites are surface aggregate operations (sand and gravel and crushed stone); the remainder are surface operations that mine other commodities such as clay or colloidal phosphate.

Our data indicate that, of the 243 miners involved in fatal accidents at surface metal and nonmetal mines from 1993 to 1998, about 80 percent (199 miners) worked at exempt mines. During this same period, exempt mines accounted for only 64 percent of the number of hours worked at surface mines. From 1993 to 1997, the annual number of fatal accidents at exempt mines almost doubled (from 24 fatalities in 1993 to 45 fatalities in 1997). In each of the years 1996 and 1997, 90 percent of fatalities at surface metal and nonmetal mines occurred at operations affected by the appropriations rider.

A large proportion of exempt mines are smaller operations, which experience a higher fatality rate than larger operations. For example, of the 9,200 surface aggregate mines, approximately 4,900 employ five or fewer miners, and approximately 8,100 employ fewer than 20 miners. Long-term data show that mines with fewer than six employees are three times as likely to experience fatalities as mines with 20 or more workers. Also, mines with between six and 19 employees are more than two times as likely to have fatal accidents as operations with larger workforces.

Several other factors may contribute to the number of fatal accidents, including—

(1) An influx of new and less experienced miners and mine operators;

(2) Longer work hours to meet production demands; and

(3) Increased demand for independent contractors, who may be less familiar with the hazards on mine property. All of these factors are also more likely to exist when production activity accelerates to meet increases in demand.

We believe that some of these fatalities may have been prevented if victims had received appropriate, basic miner safety training. Our fatal accident investigations show that the majority of miners involved in fatal accidents at mines affected by the rider had not received health and safety training that complied with the requirements of part 48. In 1997, 80 percent of fatal accident victims at exempt mines had not received health and safety training in accordance with part 48. In 1998, this increased to 86 percent.

Safety and health professionals from all sectors of industry recognize that training is a critical element of an effective health and safety program. Training of new employees, refresher training for experienced miners, and training for new tasks serve to inform workers of health and safety hazards inherent in the workplace and, just as important, to enable workers to identify and avoid those hazards. Congress clearly recognized these principles by specifically including training provisions in the Mine Act.

XIII. Discussion of the Final Rule

A. Statutory Requirements

Section 115(a) of the Mine Act authorizes the Secretary of Labor to promulgate miner health and safety training regulations. Section 115(a), (b), and (c) set forth minimum requirements for miner training programs. These requirements include:

- Each operator must have a health and safety program approved by the Secretary of Labor;
- Each approved training program for new surface miners must provide for at least 24 hours of training in specified courses, including:

The statutory rights of miners and their representatives under the Act;

Use of self-rescue and respiratory devices, where appropriate;

Hazard recognition;

Emergency procedures;

Electrical hazards;

First aid;

Walkaround training; and

The health and safety aspects of the task to which the miner will be assigned;

- Each approved training program must provide for at least eight hours of refresher training every 12 months for all miners;
- Miners reassigned to new tasks must receive task training prior to performing that task;
- New miner training and new task training must include a period of

training as closely related as is practicable to the miner's work assignment;

- Training must be provided during normal working hours;
- During training, miners must be paid at their normal rate of compensation and reimbursed for any additional cost for attending training;
- Upon completion of each training program, each operator must certify, on a form approved by the Secretary, that the miner has received the specified training in each subject area of the approved health and safety training plan;
- A certificate for each miner must be maintained by the operator and available for inspection at the mine site;
- A copy of the certificate must be given to each miner at the completion of the training;
- When a miner leaves the operator's employ, the miner is entitled to a copy of his or her health and safety training certificates;
- False certification by an operator that training was given is punishable under section 110(a) and (f) of the 1977 Mine Act; and
- Each health and safety training certificate must indicate on its face, in bold letters, printed in a conspicuous manner, that such false certification is so punishable.

The final training rule takes a performance-oriented approach, where possible, to afford currently exempt operations, particularly small operations, the flexibility to tailor miner training to their particular needs and methods of operation.

B. Summary of the Final Rule

The final rule requires you to develop and implement a written training plan that includes programs for training new and newly hired experienced miners, training miners for new tasks, annual refresher training, and site-specific hazard awareness training. Plans that include the minimum information specified in the final rule are considered approved by us and are not required to be submitted to us for formal review, unless you, the miners, or miners' representative requests it.

The final rule requires new miners to receive 24 hours of new miner training, with a minimum of four hours of training in specific areas before they begin work; instruction in additional subjects no later than 60 days after beginning employment; and the balance of new miner training no later than 90 days after beginning employment.

Under the final rule, newly hired experienced miners must receive instruction in the same subjects required for new miners before they begin work, and in one additional subject no later than 60 days after beginning work.

Every 12 months, all miners must receive no less than eight hours of refresher training that addresses relevant occupational health and safety subjects. The refresher training must include instruction on changes at the mine that could adversely affect the miners' health or safety. You have the flexibility to determine other health and safety subjects addressed in refresher training, although the final rule identifies a number of recommended subjects.

The final rule requires training for every miner before the miner is reassigned to a task for which he or she has no previous experience. Training must also be given when a miner's task has changed. The training must cover the health and safety aspects and safe work procedures specific to the task. Site-specific hazard awareness training is required for persons who do not fall within the definition of "miner" and who are therefore not required to receive comprehensive training (i.e., new miner training or newly hired experienced miner training, as appropriate). The final rule also requires site-specific hazard awareness training for miners employed by production-operators and independent contractors who move from mine to mine as a regular part of their employment. These miners are required to receive comprehensive training but also need orientation in the hazards at the mines where they will be working.

You are required to certify that a miner has received required training and retain a copy of each miner's training records and certificates for the duration of the miner's employment, except that you must keep certificates of annual refresher training for at least two years. You must keep training records and certificates for miners who have terminated their employment with you for at least 60 days after the employment ends. You may use our existing form for the certification (MSHA Form 5000–23) or maintain the certificate in another format, so long as it contains the minimum information required in the final rule. You are also required to maintain a copy of the current training plan at the mine or have the capability to produce it upon request within one business day. You may keep training records and certificates at the mine site or at a different location, but must provide copies of the records to us and to miners and their representatives upon request.

We do not approve training instructors under the final rule. Instead, training must be provided by a competent person—someone with sufficient ability, training, knowledge, or experience in a specific area, who is also able to communicate the subject of the training and evaluate the effectiveness of the training provided.

The final rule adopts the Mine Act requirement that miners be trained during normal work hours and compensated at normal rates of pay. Miners must also be reimbursed for incidental costs, such as mileage, meals, and lodging, if training is given at a location other than the normal place of work.

The final rule also allows you, where appropriate, to substitute equivalent training required by OSHA or other federal or state agencies to satisfy your training obligations under part 46.

The final rule addresses responsibility for training and gives primary responsibility to the production-operator for ensuring that site-specific hazard awareness training is given to employees of independent contractors who are required to receive such training. Additionally, independent contractors who employ miners required to receive comprehensive training under the final rule are primarily responsible for ensuring that their employees are given training that satisfies these requirements.

C. Effective Date

Although the proposed rule did not specify an effective date, we solicited comment in the preamble to the proposal on how much time should be allowed for the mining community to come into compliance with the final rule. In the preamble, we stated that we recognized that a very large number of operations would attempt to come into compliance at the same time, and we wanted to allow a reasonable period of time after the final rule's publication for a smooth transition. We also indicated that speakers at the seven preproposal public meetings had recommended compliance periods ranging from six months to a year after the final rule is published. We questioned whether phased-in compliance deadlines, where certain part 46 requirements would go into effect at different stages, would facilitate compliance.

We received many comments on this issue. Only a few commenters favored phased-in compliance deadlines. One commenter suggested that the final rule designate a six-month preparation period during which operators could develop their training plans, establish recordkeeping systems, experiment with

training methods, and enroll trainers in instruction courses. This commenter believed that, after the six-month period, the rule should take effect and be enforceable, except that no citations would be issued for violations under this part during the first regular MSHA inspection. Other commenters believed that phased-in compliance deadlines would only serve as a source of confusion or impose unnecessary administrative burdens. These commenters strongly recommended against adoption of phased-in deadlines in the final rule.

Several commenters favored a six-month effective date, stating it would provide adequate time for compliance if MSHA and state agencies were available to assist operators in such areas as the development of training plans and training materials. One commenter indicated that many operators in his state were already in compliance with existing part 48 and that these operators would need to take little action to comply with part 46. One commenter believed that operators should be required to comply with the final rule no later than 90 days after it is published in the **Federal Register**, while another suggested a 24-month compliance deadline. However, the vast majority of commenters favored a one-year period before the final rule would take effect and become enforceable. One commenter who supported a one-year compliance period stated that many small operators will require assistance in preparing plans and in locating appropriate trainers and training materials. Other commenters advocated a one-year compliance period because they believed it would ensure that the mining community would be able to implement the final rule in a rational manner. Another commenter who advocated a one-year deadline stated that we needed to allow sufficient time for development of training materials appropriate for the mines affected by the final rule. This commenter also believed that significant time was needed to ensure that operators, many of whom are not currently providing training, were familiar with the new requirements in the final rule.

We have concluded that a one-year effective date, without interim compliance deadlines, will ensure that production-operators, independent contractors, and others affected by the final part 46 rule will have sufficient time to become familiar with the rule's requirements and take steps to come into compliance. Many operators, particularly larger mine operators, are currently in compliance with the majority of part 48 requirements and would need little time to ensure that their training programs are consistent with the provisions of the final rule. However, we are concerned that many small operations affected by this rule have limited or no training programs currently in place. These small operators typically also have limited resources from which to develop and implement new training programs. We recognize that we have an essential role to play in compliance assistance and outreach effort in the coming year, particularly to small operators. This is discussed in greater detail below under the heading "Implementation of the Final Rule."

The final rule takes effect one year after the rule's publication in the **Federal Register**, giving the mining community an adequate period of time in which to come into compliance with the rule's requirements. You must comply with § 46.3(a) and § 46.8(a) as prescribed in the following table:

COMPLIANCE DATES FOR PRODUCTION-OPERATORS/INDEPENDENT CONTRACTORS

Training plans	Compliance date
You must develop and implement a written plan, approved by us under either § 46.3(b) or (c), that contains effective programs for training new miners and newly hired experienced miners, training miners for new tasks, annual refresher training, and site-specific hazard awareness training..	October 2, 2000.
Annual refresher training	**Compliance dates**
You must provide each miner with no less than 8 hours of annual refresher training—.	(1) No later than 12 months after the miner begins work at the mine, or no later than March 30, 2001, whichever is later; and (2) Thereafter, no later than 12 months after the previous annual refresher training was completed.

D. Implementation of the Final Rule

Many commenters observed that effective compliance assistance is critical to the successful implementation of the final rule, and that small operations in particular are in need of assistance from state and federal agencies to be able to fulfill their training responsibilities. A number of commenters addressed the type of assistance that we should provide to facilitate compliance with the final rule.

We appreciate the commenters suggestions about the types of resources that would provide the greatest benefit to the mining community in complying with the final rule. We acknowledge that compliance assistance for the mining community will be a key element in the successful implementation of the final rule. We intend to provide extensive compliance assistance to you as our resources permit, not only through our staff in Metal and Nonmetal Mine Safety and Health, but also through our newly formed Educational Field Services Division in the Directorate of Educational Policy and Development. We also expect recipients of federal funds through our State Grants program to play a significant role in assisting you to develop effective training plans and, at the same time, to satisfy the requirements of the final rule.

We solicited comments in the preamble to the proposal on whether we should include examples of model training plans, appropriate for different types and sizes of mining operations, in a nonmandatory appendix to the final rule. One of the few commenters who addressed this issue supported including examples of training plans in a nonmandatory appendix. Another commenter recommended that we should encourage mine operators to contact agencies that are designed to provide compliance assistance services, such as our Educational Field Services Division and state grantees, instead of providing them as part of the final rule. This commenter believed that operators would receive more effective compliance assistance in plan development by reaching out to appropriate agencies for guidance. This commenter was concerned that including sample plans as an appendix to the regulation would make it less likely that operators would contact these agencies for assistance. We agree with this commenter, and we are also concerned that placing sample plans in a regulatory appendix could restrict our flexibility in making future refinements and improvements to the sample plans. We have concluded that it is more appropriate to provide mine operators with sample plans as part of an overall compliance assistance and outreach effort that we will initiate for the mining community after publication of the final

rule. We anticipate that other organizations, including state grantees and large operators, also may develop sample training plans and make them available to small operators to assist in training plan development.

A number of commenters who addressed implementation of the final rule advocated increased funding for our State Grants program. Under this program, authorized by section 503(a) of the Mine Act, we distribute federal funds to 43 states and the Navajo Nation to supplement their mining health and safety programs. Grants are made to the state agency responsible for miners' health and safety to support health and safety programs, and most of these funds are used to support health and safety training courses. State grantees play an essential role in workplace health and safety by providing effective training to thousands of miners across the country. MSHA's current budget includes $5 million for the States Grants program. Our budget request for fiscal year 2000 would increase that sum to $6.1 million, an increase of 22%.

E. Section-by-Section Discussion

This portion of the preamble discusses each final provision section-by-section. The text of the final rule is included at the end of the document.

Section 46.1 Scope

This section adopts with minor changes proposed § 46.1 and states that the provisions of part 46 set forth mandatory requirements for the training and retraining of miners and other persons at all shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines. Additionally, § 48.21, the existing scope section in part 48, is amended by this final rule to specifically exclude mines that now are covered by the training requirements of part 46. Part 46 requirements supersede the requirements of part 48 at those mines that have been subject to the congressional appropriations rider since fiscal year 1980.

The final rule states that the provisions of part 46 contain the mandatory requirements for training and retraining of "miners and other persons" at the mines covered by the final rule. Proposed § 46.1 would have provided that the training requirements of part 46 were for "miners working" at the covered mines. This adjustment in the final rule language recognizes that the final rule's requirements for site-specific hazard awareness training also apply to persons who are not miners and who may not in fact work at the mine, such as visitors or delivery personnel.

We have promulgated these regulations under a separate part of Title 30 of the Code of Federal Regulations to minimize confusion about which training requirements apply at what mines. We were concerned that if we promulgated these regulations as a subpart to existing part 48, it would make it more difficult for the mining community to distinguish between the two sets of requirements. The few commenters who addressed this issue generally favored the placement of these regulations under a new part.

As explained in the preamble to the proposed rule, the mining community should recognize that the list of the types of mines where part 46 will now apply, set forth in this section of the final rule, mirrors the language of the congressional budget rider and describes the affected operations in broad terms. The list of mines in this section does not detail every type of operation that falls within the scope of these requirements. For example, part 46 training requirements supersede part 48 requirements at operations that produce marble, granite, sandstone, slate, shale, traprock, kaolin, cement, feldspar, and lime, although these operations are not specifically included in the list of mines in this section.

As stated in the proposed preamble, part 48 remains in effect at all underground metal and nonmetal mines, all surface metal mines, and a few surface nonmetal mines, such as surface boron and talc mines. Operators at those mines continue to be responsible for complying with the provisions of part 48.

The final rule takes a flexible and performance-oriented approach to miner health and safety training requirements. This recognizes that the mines that were subject to the congressional budget rider and that are now governed by part 46 are different in size and type from many of the mines under part 48. When the rider was first included as a restriction to our budget appropriations for fiscal year 1980, some mining industry representatives contended that the part 48 regulations were inappropriate for the smaller and less complex operations that are covered by this final rule. There was concern in the industry that the part 48 requirements would be extremely burdensome and costly to implement, forcing many small operations to curtail production during training periods or go out of business altogether. Industry representatives also contended that the part 48 regulations were neither tailored to fit the needs of the various types of mining operations nor flexible enough to be adaptable to those needs. Additionally, the legislative history of the Mine Act reflects Congress' concern that "miner training may strain the financial resources of many small operators." Conference Report No. 95–461, 95th Cong., 1st Sess., 63 (1977).

In recognition of these concerns, we have developed this rule with small businesses in mind. Almost 9,000 of the approximately 10,000 mines affected by the rule have fewer than 20 employees. All of the operations fall well within the Small Business Administration's definition of small business, which for the mining industry is a mine with 500 or fewer employees. Many of these smaller operations typically do not have a formal health and safety program in place.

A few commenters raised the issue of whether the performance-oriented requirements of the final rule provide less protection to miners than the existing training requirements in part 48, contrary to the mandate of the Mine Act. However, most commenters from industry and labor supported the proposed rule. In addition, the National Institute for Occupational Safety and Health (NIOSH) supported the proposed rule, stating the following:

> The National Institute for Occupational Safety and Health (NIOSH) supports MSHA in its effort to establish new training requirements for shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines. We believe that the proposed Part 46 regulations should provide numerous opportunities for effective training. We also support the performance-oriented approach taken by MSHA to make training responsive to the needs of small operators by tailoring miner training to their operations, thus making the training more meaningful and, as a result, reducing the number of injuries and fatalities.

Section 101(a)(9) of the Mine Act provides that "[n]o mandatory health or safety standard promulgated under this title shall reduce the protection afforded miners by an existing mandatory health or safety standard." We interpret section 101(a)(9), consistent with the interpretation adopted by the U.S. Court of Appeals for the D.C. Circuit, to require that all of the health or safety benefits resulting from a new standard must be at least equivalent, taken together, to all of the health or safety benefits resulting from the existing standard. We have concluded that, especially in a time of rapid technological advancement and constantly changing mining methods, a more restrictive interpretation would frustrate Congress' intent to "provide

more effective means and measures for improving the working conditions and practices in the Nation's coal or other mines in order to prevent death and serious physical harm * * *." Section 2(c) of the Mine Act, 30 U.S.C. section 801(c).

The requirements of this final rule amend the training requirements in part 48 for more than 10,000 surface nonmetal mines, requirements that we have been prohibited from enforcing at these mines for almost 20 years. We carefully considered the requirements of the final rule in light of the statutory requirement that no new standard shall reduce the protection afforded miners by our existing mandatory health and safety standards. Although the final rule will allow you greater flexibility in training development and implementation, MSHA has determined that the new requirements will not reduce the protection afforded to surface nonmetal miners under existing part 48. While the means used under part 46 may be more flexible and performance-oriented than part 48, the ultimate result—the effective safety and health training of surface nonmetal miners—will be attained under the new standard.

The final rule is intended to provide production-operators and independent contractors with the necessary flexibility to devise training programs that best suit their operations and employees. This also recognizes that a large number of the mines affected by the final rule are very small operations, many of which are sand and gravel operations with limited equipment and facilities. These mines frequently are small in size, employ few workers, use less complex equipment, and consist of relatively uncomplicated mining operations. The type of training appropriate for miners at such mines will differ from miner training at a large mine or processing facility with highly specialized and sophisticated equipment and hundreds of employees. The final rule allows operators, with the assistance of miners and their representatives, the latitude to tailor miner training programs to the specific needs of their operations and workforces.

We also wish to emphasize the enhanced safety and health benefits that result from the reduction in administrative burdens on operators under the final rule, which will allow them to concentrate on ensuring that effective training is being given at their specific operations. For example, the final rule does not require the traditional submission and review of training plans to gain our approval. Instead, operators may choose to develop training plans that are considered approved by us if they meet certain minimum requirements in the final rule. This approach will allow us to focus our resources on verification of plan execution and assistance to you in providing effective training at your mines, rather than on a paper review and approval of more than 10,000 training plans at our offices. Likewise, you and training providers would be able to focus on the development of training plans that address the safety and health concerns at your specific operations, rather than on traditional procedures to gain our approval.

The flexibility included within several sections of the final rule, offering the option of presenting training in short durations and in various formats, will allow miners to more easily retain information and receive effective training in close proximity to their work and associated hazards. Under existing part 48 requirements for annual refresher training, training sessions must last a minimum of 30 minutes. Under the part 46 final rule, training sessions may be of any duration and can be conducted at the work site near potential safety and health hazards. This approach would allow miners to receive training at a time and location close to where the training is needed.

Additional safety and health benefits will also result from the specific requirement in part 46 that provides that training must be presented in language understood by the miners who are receiving the training. The final rule also includes specific provisions which require production-operators to provide information about site-specific hazards to independent contractors who perform work at their mine. Similarly, the final rule provides that independent contractors must inform production-operators of any hazards they might present at the work site. In addition, unlike existing part 48, the requirements of this final rule would apply to construction workers who perform work at mine sites and are faced with similar hazards presented to other miners.

The final rule also includes a requirement for task training when a miner is reassigned to a task in which he or she has no previous work experience, or when a change occurs to the safety and health risks encountered by the miner while performing his or her tasks. Part 48 only applies to changes in "regularly assigned tasks," and therefore would not provide for task training for the one-time assignment of tasks, such as emergency repairs. Accident and injury data show that miners under the scope of the final rule are routinely injured while performing such emergency repair tasks, even though it may be a one-time task. In addition, the part 46 final rule provides that a miner must be able to demonstrate that he or she can perform a new task in a safe and healthful manner, even if the miner has had previous experience or training in the task. Under part 48, a miner is allowed to perform the new task if he or she has experience or received training within the previous 12 months. Specific knowledge and skills can be lost or diminished significantly if they are not used. For these reasons, the final rule requires miners to demonstrate that they have retained the needed knowledge and skills to perform the task safely.

In developing the final rule, we have also attempted to develop practical requirements for effective safety and health training programs at mines covered by the rule. For example, the final rule does not require instructors to receive formal approval by MSHA, but instead provides that "competent persons" designated by the production-operator or independent contractor may instruct miners in subjects in the areas of the competent persons' expertise.

Additionally, the final rule recognizes the difficulty that some small operators may have in providing all 24 hours of new miner training before a miner starts work. Many operators indicated that it is not practical for all of this training to be provided before the miner is assigned job duties. In addition, commenters stated that training can be more effective if it is given over a two-or three-month period.

The final rule requires that a new miner receive a minimum of four hours of training in specific subjects before the miner begins work. The amount of time needed for this training will depend on the size and complexity of the mine where the training is given. In some cases this training may require eight hours or more to adequately introduce new employees to the work environment and mine site hazards, such as at a larger mine with complex operations. In other cases, no more than the required minimum of four hours of pre-work training may be needed to cover the necessary subjects at a very small mine with only a couple of employees and a few pieces of equipment.

The requirements of the final rule are sufficiently consistent with existing requirements in part 48, so that those of you who currently comply with part 48 will have to make little adjustment in your existing training programs to comply with the part 46 rule. As mentioned above, part 46 includes

several different requirements from part 48 which will result in the enhanced safety and health of workers at the mines covered by the final rule. These differences include such things as the application of training requirements to construction workers, the retention of certain training records for longer durations, and the requirement that training must be presented in language understood by the miners who are receiving the training. Certain provisions may require you to make adjustments to your existing training programs, for example:

Part 48	Part 46
DEFINITION	
48.22(a)(1)(i) This definition of miners does not include construction workers..	46.2 The definition of miner includes any construction worker who is exposed to hazards of mining operations.
RECORDS OF TRAINING	
(a) Upon a miner's completion of each MSHA approved training program, the operator must record and certify on MSHA Form 5000–23 that the miner has received the specified training.	(a) You must record and certify on MSHA Form 5000–23, or on a form that contains the information listed in § 46.9(b), that each miner has received training required under this part.
N/A	(b)(5) The record must include a statement signed by the person designated in the MSHA-approved training plan for the mine as responsible for health and safety training, that states "I certify that the above training has been completed."
(c) Copies of training certificates for currently employed miners must be kept at the mine site for 2 years, or for 60 days after termination of employment.	(h) You must maintain copies of training certificates and training records for each currently employed miner during his or her employment, except records and certificates of annual refresher training under § 46.8, which you must maintain for only two years. You must maintain copies of training certificates and training records for at least 60 calendar days after a miner terminates employment.

In the preamble to the proposed rule, we solicited comment on whether the final rule should specifically allow you the option of complying with the requirements of part 48 in lieu of part 46. Only a few commenters addressed this issue. One commenter stated that giving mine operators the option of complying with part 48 would adversely affect implementation of the rule. This commenter indicated that allowing such an option would make our enforcement of training requirements more difficult. Another commenter supported this option, stating that many of the operators who are covered by the final rule currently comply with part 48 and should be allowed to continue to do so.

The final rule does not allow operators the option of complying with part 48 in lieu of the requirements of part 46. We have concluded that providing such an option would provide less effective training and protection for the miners working at your mines. Part 46 requires training for construction workers and it takes a proactive approach toward the training of independent contractor employees that come onto mine property. We believe that these provisions, along with other enhancements included in part 46, will result in improved safety and health for the construction workers, independent contractor workers, and miners who work near these individuals at the mine. For these reasons, we have not adopted this compliance option in the final rule. However, the final rule does allow production-operators and independent contractors to substitute relevant training given under part 48 for training required under part 46.

Section 46.2 Definitions

This section of the final rule includes definitions of certain terms used in part 46. We are providing these definitions to assist the mining community in understanding the requirements of the rule.

We have adopted most of the definitions included in the proposal into the final rule. In some cases, we have made changes to the definitions to respond to concerns of commenters. We explain these changes in the preamble discussion for each term.

Act. Section 46.2(a) states that all references to the "Act" in the final rule mean the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.*

Competent person. Under the final rule, a "competent person" must conduct the training required under this part, and final § 46.2(b) adopts the proposed definition of this term, with some changes. The final rule defines "competent person" as a person designated by the production-operator or independent contractor who has the ability, training, knowledge, or experience to provide training to miners in his or her area of expertise. The competent person must be able both to communicate the training subject effectively to miners and to evaluate whether the training given to miners is effective.

The final definition of "competent person" is similar to the definition included in the proposed rule, but we have made several changes in the final definition in response to commenters. Instead of providing that the "operator" designate the competent person, as in the proposal, the final rule provides that the "production-operator or independent contractor" designate the competent person. Although the proposal would have defined the term "operator" to include both production-operators and independent contractors, we have concluded, based on comments, that the final rule definition should refer specifically to both. This emphasizes that independent contractors are "operators" under the Mine Act and are responsible for providing effective training to their employees under the requirements of the final rule. Use of both terms also eliminates any confusion that the use of the generic term "operator" may create. The proposed definition also did not include a specific reference to the competent person's ability to communicate. The final rule includes this requirement in response to commenters who believe that communication skills are critical to effective training.

Many commenters generally supported the proposed definition of "competent person." They stated that instructors should not have to satisfy extensive qualification requirements or obtain MSHA approval before providing training to miners. A number of commenters indicated that the flexible provisions proposed would allow operators to have access to more than adequate resources to ensure quality training for miners.

Several commenters recommended that we insert language in the definition of "competent person" that requires instructors to have knowledge of mining and of the specific hazards miners face on the job. These commenters believed that this language would enhance the quality of training. Another commenter suggested that the definition include a requirement that the competent person have at least one year of mining experience.

We considered adopting these recommendations in the final rule. We have concluded, however, that such requirements would not guarantee quality instruction and may unnecessarily restrict otherwise qualified persons from providing training under the final rule. We agree with the views of one commenter who stated that there may be some situations where mining experience could enhance the quality of training, but that persons without such experience could still be competent in educating people and communicating necessary subjects to them. A wide variety of subjects will be relevant to health and safety conditions at the various mine sites covered by this rule. Persons who have expertise in certain relevant areas, but who lack actual mining experience or experience applicable to mining, can be effective instructors in their specialized areas. For example, the final rule requires that you instruct new miners and newly hired experienced miners in the statutory rights of miners. A requirement that the person who teaches this subject have either actual mining experience or mine-specific knowledge would serve no purpose. Someone without mining experience but with a legal background, such as a paralegal or an attorney familiar with the provisions of the Mine Act, could provide effective instruction on that subject. In the same vein, someone without mining experience but with a medical background, such as a nurse practitioner or an emergency medical technician, could provide effective instruction in first aid. Finally, an individual with expertise in electrical hazards on specific types of equipment that are used in both mining and non-mining applications could provide appropriate training on those hazards, even if that person has no mine-specific experience.

Several commenters stated that there are certain skills a person must have in order to be considered competent. One commenter stated that a person who conducts training should have not only substantive knowledge of the subject area but also the ability to effectively communicate the information to the persons receiving the training. Some commenters recommended that the definition of "competent person" address communication skills, such as lecturing and writing, and the ability to train adults. Several commenters recommended that, at a minimum, persons designated to provide training receive specific instructor training to ensure that they are able to teach miners effectively. Other commenters stated that the proposed definition was appropriate and that the final rule should not require specific training for instructors. These commenters maintained that production-operators and independent contractors were in the best position to determine who was capable of providing training and that the final rule should give them flexibility and latitude in designating competent persons. A number of commenters also stated that formal instructor training would not guarantee quality training.

As under the proposed rule, the definition in the final rule does not specify the type or extent of ability, training, knowledge, or experience needed for a person to be "competent" and, therefore, qualified to provide training under the final rule. This is consistent with the overall performance-oriented approach taken in the final rule. We agree with commenters who were concerned that more stringent requirements could seriously limit the pool of potential instructors, without any assurance that these requirements enhance the quality of the training provided. However, this approach places the responsibility on production-operators and independent contractors to ensure that their employees receive adequate health and safety training under the final rule. Production-operators and independent contractors must assess whether the person who will provide training has the requisite expertise, communication skills, and ability to evaluate the training.

The final rule does not adopt the recommendation of some commenters that the definition of "competent person" specifically require training in effective instruction or communication. However, in response to commenters who indicated that communication skills were essential for good training, the final rule definition of "competent person" includes language requiring that the competent person be able to effectively communicate the training subject to miners.

The final rule, like the proposal, also requires that the competent person have the ability to evaluate whether the training given to miners is effective. As addressed in greater detail in the preamble discussion for § 46.4, the final rule does not specify how the competent person should conduct such an evaluation. Instead, as part of our outreach efforts, we intend to provide compliance assistance to you to help you to identify competent persons to provide training for your miners.

One commenter stated that the "competent person" should be able to demonstrate the ability to identify hazards and should have the authority to take prompt corrective measures to eliminate existing or potential hazards. The definition suggested by this commenter is similar to the definition of "competent person" under OSHA regulations at 29 CFR 1926.32(f). OSHA regulations define "competent person" as—

> * * * one who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

You should not confuse the OSHA definition of "competent person" with the same term under this final rule. Under OSHA regulations, a "competent person" is not only responsible for worker training, but also must have the authority to correct workplace hazards. Our final rule, like existing part 48, limits instructors' responsibilities to providing training to miners and does not require the instructor to have the authority to eliminate workplace hazards. Correction of hazards remains the responsibility of the production-operator and the independent contractor.

Equivalent experience. Final § 46.2(c) defines "equivalent experience" as work experience where the person performed duties similar to duties performed in mining operations at surface mines. The proposed rule included this term in several provisions but did not define the term. Several commenters questioned what constituted equivalent experience, stating that the final rule should provide mine operators with guidance in determining the kinds of experience that would be considered equivalent, in such areas as construction or public utility work. In response to these comments, the final rule provides examples of the types of experience that may be equivalent, such as work as a heavy equipment operator, truck driver, skilled craftsman, or plant operator. We intend that these examples serve to illustrate the types of work that may be counted as equivalent experience under the final rule, but these examples are not an exhaustive list. As we stated in the preamble to the proposal,

"equivalent experience" includes such things as work at a construction site or other types of jobs where the miner has duties similar to the duties at the mine where he or she is employed, in a work environment similar to the mine environment.

Experienced miner. A number of commenters addressed the proposed definition of "experienced miner." Like the proposal, final § 46.2(d) provides that a miner is "experienced" if he or she satisfies one of several criteria. The final rule adopts the criteria included in the proposal and, in response to comments, adds a provision that a miner with 12 months of cumulative surface mining or equivalent experience on or before the effective date of the final rule is an "experienced miner."

Section 46.2(d)(1)(i) of the final rule, like the proposal, brings within the definition of "experienced miner" any person employed as a miner on April 14, 1999—the date that the proposed rule was published in the **Federal Register**. Most regularly employed miners will be "experienced" under this definition, and therefore not subject to the new miner training requirements in § 46.5 of the final rule. This is similar to the approach taken in 1978 when part 48 went into effect. The definition of "experienced miner" in part 48 included all persons employed as miners on the effective date of the regulation, regardless of the length of their mining experience or the extent of their health and safety training. Most miners who were employed on April 14, 1999, even those at intermittent operations, will have accrued at least several months of experience by the rule's effective date.

Under final § 46.2(d)(1)(ii), a person will be considered an "experienced miner" if he or she has at least 12 months of cumulative surface mining or equivalent experience on or before the effective date of the final rule. In the preamble to the proposed rule, we pointed out that a miner with many years of experience who happened to be out of work on April 14, 1999, would not be an "experienced miner" under the proposal. We solicited comment on whether this would have an adverse impact at some operations, particularly those that operate on an intermittent or seasonal basis. Many commenters responded, expressing their concern that the proposed definition would mean that miners with extensive mine employment would not be considered experienced and would be required to receive new miner training. In contrast, a miner who was employed on one specific day—April 14, 1999—would be considered experienced and subject to less comprehensive training requirements. These commenters strongly recommended that the final rule include miners who had accrued at least 12 months of experience before the effective date of the final rule within the definition of "experienced miner." We agree with the point made by these commenters, and the final rule adopts the suggestion of these commenters. Additionally, the final rule clarifies the intent of the proposal that the 12 months of experience are cumulative and may be accrued in non-consecutive months. This recognizes that many operations affected by this rule operate seasonally or intermittently, and that it is not uncommon for miners to work several months on and several months off. These patterns of employment make it difficult, if not impossible, for many miners to accrue 12 months of experience in one continuous period.

Commenters supported this interpretation, but strongly recommended that the language of the rule itself specifically provide that miners may accrue experience in non-consecutive months. We agree with commenters that this interpretation should be clarified, and the final rule provides that the requisite experience must total at least 12 "cumulative" months.

The final rule, like the proposal, allows equivalent experience to be counted toward the required 12 months of cumulative experience. We recognize that the operations and equipment at many of the mines covered by this final rule are very similar to the operations and equipment used at many non-mining operations, such as road construction sites. Although commenters generally supported credit for equivalent work under the definition of "experienced miner," one commenter recommended against such credit. This commenter contended that credit for equivalent experience would not enhance miner health and safety because many injuries and deaths occur among newly hired experienced miners. We acknowledge that miners who are unfamiliar with a new mine site, even those with extensive experience, may be at risk of injury. To address such concerns, § 46.6 of the final rule requires newly hired experienced miners to receive specified training. This training is intended to ensure that experienced miners are thoroughly familiar with the particular environment and hazards present at a mine that is new to them.

Several commenters recommended that the final rule provide guidance on what constitutes equivalent experience. In response, the term "equivalent experience" has been defined in § 46.2 as "work experience where the person performed duties similar to duties performed in mining operations at surface mines." This definition is described in more detail elsewhere in this section of the preamble.

Under the final rule, operators must determine the extent of the miner's experience, and also whether any non-mining experience is equivalent. The final rule imposes no specific requirements for tracking or recording the accumulated experience. It is the responsibility of production-operators and independent contractors to determine the miner's experience, based on the miner's work and training history.

Paragraph (d)(1)(iii) of final § 46.2 includes within the definition of "experienced miner" a person who began employment at a mine after April 14, 1999, the date of publication of the proposal, but before the effective date of the final rule, and who has received new miner training consistent with the requirements proposed under § 46.5 or with existing requirements for surface miners at § 48.25. This is similar to a provision included in the proposal and is intended to provide flexibility to those of you who are already providing training to your miners under part 48, or who wish to provide training under the requirements of proposed part 46 before the final rule takes effect. This provision is not intended to require compliance with the proposed rule, but was proposed as a voluntary option for those of you who wanted to begin developing a training program before the publication of the final rule.

This aspect of the proposed rule received little substantive comment. However, the final rule clarifies which miners are affected by this provision. Under the final rule, this paragraph will apply to miners who began employment as miners after April 14, 1999, but before the effective date of the final rule. You should be aware that a miner who began employment between these dates may otherwise be considered "experienced" under paragraph (d)(1)(ii) because he or she will accrue 12 months of experience by the rule's effective date. Miners who have not accrued the necessary experience and who do not otherwise fall within the definition of "experienced miner" must receive new miner training under the final rule.

Final § 46.2(d)(1)(iv) provides that a person employed as a miner on or after the effective date of the final rule who has completed 24 hours of new miner training under either § 46.5 or § 48.25 and who has at least 12 months of

cumulative surface mining or equivalent experience would be an "experienced miner" under the final rule. As discussed earlier, the use of the term "cumulative" in the final rule is intended to make clear that the necessary experience need not have been gained in consecutive months, but can be accumulated over a period of time. Also as discussed earlier, the final rule reflects the intent of the proposal and clarifies that this provision applies to miners who are employed as miners on or after the effective date of the final rule.

Several commenters recommended that the final rule define the term "experienced miner" as a person who either has 12 months of experience or has received the required 24 hours of new miner training, but not both. These commenters believed that either training or experience provided a sufficient basis to consider a miner "experienced" under the final rule.

As we indicated in the preamble to the proposed rule, we have concluded that an "experienced miner" should have both training and work experience. Nothing offered by commenters has persuaded us otherwise. However, we continue to recognize that many miners currently working at mining operations affected by the final rule have extensive experience in the industry and should not be treated as inexperienced miners when the final rule takes effect. The final rule therefore provides that a miner will be considered experienced on the rule's effective date if he or she either has accrued a certain level of mining experience or has received specified health and safety training. This recognizes that there will be a period of transition for the mining community on the effective date of the final rule and is intended to facilitate compliance. The definition in the final rule, like that in the proposal, allows equivalent experience to be counted towards the 12-month requirement.

Final § 46.2(d)(2) is adopted without change from the proposal and provides that an experienced miner retains that status permanently under part 46. This is consistent with recent revisions to part 48. This aspect of the proposal received little comment, but was generally supported by those commenters who addressed it. This provision applies in those situations where a miner is returning to work in the mining industry after being away, either because the miner took a job in another industry, such as construction, or because he or she had been laid off. Once a miner attains the status of an "experienced miner" under the final rule, he or she is considered experienced permanently. However, you should be aware that final § 46.6 requires that newly hired experienced miners complete newly hired experienced miner training no later than 60 days after beginning their employment.

Independent contractor. Final § 46.2(e), like the proposal, defines "independent contractor" as a person or entity that contracts to perform services at a mine under this part. This is consistent with the language of the Act, which includes independent contractors who perform services or construction at a mine within the definition of the term "operator." This aspect of the proposal received little comment, except that several commenters found that the proposal's use of the term "operator" to refer to both production-operators and independent contractors was confusing. In response to these comments, the final rule use both "production-operator" and "independent contractor," where appropriate, to avoid any misunderstanding.

Mine Site. Section 46.2(f) of the final rule defines the term "mine site" for purposes of part 46 as "an area of the mine where mining operations occur." The final rule defines the term "mining operations" as "mine development, drilling, blasting, extraction, milling, crushing, screening, or sizing of minerals at a mine; maintenance and repair of mining equipment; and associated haulage of materials within the mine from these activities." The proposed rule used the term "mine site" but did not define it. At some mines, there may be portions of mine property where no mining operations occur and where mining hazards are limited or nonexistent, such as an office building that is on mine property but is isolated from mining activities. This situation may be more common at larger mines with more extensive operations. The term "mine site" does not include such areas within its definition.

Miner. The term miner is defined in final § 46.2(g)(1)(i) as any person, including any operator or supervisor, who works at a mine and is engaged in mining operations. This definition specifically includes within its scope independent contractors and employees of independent contractors who are engaged in mining operations. Section 42.2(g)(1)(ii) also clarifies that the definition of "miner" includes any construction worker who is exposed to hazards of mining operations.

The definition of "miner" in the final rule differs from the definition in the proposal, which would have defined "miner" as a person engaged in mining operations integral to extraction or production. The proposed rule defined "extraction or production" as the mining, removal, milling, crushing, screening, or sizing of minerals, as well as the haulage of these materials, a narrower range of activities than the term "mining operations" under the final rule.

Many commenters supported the proposed definition of "miner," stating that it was consistent with the overall approach of the proposal to provide training commensurate with the risks experienced by the person to be trained. The definition of "miner" in the final rule is intended to address the concerns of several commenters that the proposed definition was not sufficiently inclusive. Some of these commenters stated that workers are killed and disabled at mine sites every year even though they do not directly participate in the extraction and production process. Several commenters recommended that the final rule define "miner" to include persons who are regularly or frequently exposed to mine hazards. These commenters were concerned that limiting comprehensive training to those engaged in activities that were integral to extraction or production would mean that some workers exposed to hazards would not have the proper training and would be unable to recognize the hazards and protect themselves. One commenter pointed out that individuals who enter mine property to service, maintain, assemble, or disassemble mine extraction or production equipment are at risk, but it was not clear that the proposed definition of "miner" would include these workers.

We intend that the definition of "miner" include persons who are engaged in activities related to day-to-day mining operations. The final rule defines "miner" in terms of the activities the individual performs at the mine, which are activities that would expose workers to hazards associated with mining operations. We intend that workers who provide regular maintenance of mining equipment on the mine site be considered "miners" under the final rule. However, the proposed rule was not clear on this point. To address this, the definition of "mining operations" in the final rule specifically includes maintenance and repair within its scope, and those workers who maintain and repair equipment would be "miners."

You should be aware, however, that § 42.2(g)(2) provides that maintenance and service workers who do not work at a mine site for frequent or extended periods are excluded from the definition of "miner." This means that maintenance and service workers who

come onto mine property infrequently or for short periods of time, and whose exposure to mine hazards is consequently limited, are not considered "miners" for purposes of part 46.

The final rule, like the proposal, specifically includes operators and supervisors within the definition of "miner" if they are engaged in mining operations; operators and supervisors who fall within the definition are covered by the same training requirements in the final rule as rank-and-file miners. Commenters were generally supportive of this aspect of the proposal and stated that the type of training that workers receive should depend on the types of work they are performing and the hazards that they encounter in performing that work, not on their job titles. The final rule also clarifies the intent of the proposal that independent contractors and independent contractor employees who are engaged in mining operations are also "miners" under the final rule. This clarification responds to several commenters who were concerned that the proposed rule did not make clear that independent contractors are included within this definition.

Final § 46.2(g)(1)(ii) provides that "miner" also means any construction worker who is exposed to hazards of mining operations. Although the proposed rule itself was not explicit that construction workers exposed to mining hazards were included, we stated in the proposed preamble that the requirements of this rule would apply to construction workers who work at mines covered by the rule. To ensure that there is no question under the final rule as to the status of construction workers, the final definition of "miner" specifically references construction workers.

Our intention under the proposal was that construction workers who were engaged in activities integral to extraction and production would be considered "miners." We provided an example in the proposed preamble of a construction worker who might be a miner under the proposal. In this example the construction worker was building a new crusher in an active quarry. A number of commenters seriously questioned this example, stating that until the crusher is operational, extraction and production activities have not begun, and the construction worker would not be a "miner" under the definition in the proposed rule. We agree with commenters that this example may not be consistent with the language in the proposed rule. These comments highlight the fact that construction workers, because of the nature of their work, are not typically engaged in mining operations, such as in the example in the preamble to the proposal. However, construction workers who are at an active mine site will be exposed to significant hazards of mining. Construction workers are also typically at the mine site for extended periods because of the nature of their work, unlike many other employees of independent contractors. For these reasons, the final rule now provides that construction workers who are exposed to hazards of mining operations are considered "miners" under the final rule. This means that construction workers who work in an active mine site are considered "miners" and must receive comprehensive training (i.e., new miner training or newly hired experienced miner training, as appropriate). Construction workers who are not "miners" must receive site-specific hazard awareness training under § 46.11(b). We solicited comment in the preamble to the proposal on whether we should promulgate separate training standards for construction workers. Most commenters who addressed this issue opposed the development of separate training requirements for construction workers and supported the application of the final rule to those workers. These commenters maintained that it was appropriate to include construction workers under the training regulations that apply to other workers at mine sites, pointing out that many of the serious injuries and fatalities in the aggregates industry involve contract construction workers. Only one commenter expressed strong opposition to applying the requirements of the final rule to construction workers. This commenter asserted that including construction workers under the final rule was directly contrary to the Mine Act's statutory language directing MSHA to promulgate appropriate training standards specifically governing construction workers at mine sites. This commenter also maintained that construction workers should not be subject to mandatory training requirements until MSHA promulgates separate regulations under section 115(d) of the Mine Act.

We do not agree that the Mine Act mandates that training requirements for construction workers at mines must be developed as separate standards. As we indicated in the preamble to the proposal, the Mine Act does not prohibit the application of part 46 requirements to construction workers. Section 115(d) of the Mine Act simply directs the Secretary of Labor to "promulgate appropriate standards for safety and health training for coal or other mine construction workers." There is nothing in the statutory language that requires independent training requirements that apply exclusively to mine construction workers.

Final § 46.2(g)(2) is adopted from the proposal with a minor change and further clarifies that the definition of "miner" does not include scientific workers, delivery workers, customers, vendors, visitors, or maintenance or service workers who do not work at a mine site for frequent or extended periods. The proposed rule would have excluded "occasional, short-term maintenance or service workers" as well as "manufacturers' representatives" from the definition of miner. The final rule adopts language that we use in our policy under part 48 to characterize maintenance and service workers who are not regularly exposed to mine hazards and who are therefore not required to receive comprehensive training. We determined that it would be more straightforward to adopt existing terms into the final rule rather than attempt to define new terms—i.e., "occasional" and "short-term"—that we intend to mean essentially the same thing. We intend that the terms "frequent" and "extended" have the same meaning as under part 48. That is, "frequent" exposure is a pattern of exposure to mine hazards occurring intermittently and repeatedly over time. "Extended" exposure means exposure to mine hazards of more than five consecutive work days. Consequently, maintenance or service workers who are not at a mine site for frequent or extended periods would not be "miners" under the final rule.

Upon further consideration and in response to commenters, we have not adopted the proposed blanket exclusion of "manufacturers' representatives" from the definition of "miner". Instead, under the final rule, whether or not a manufacturer's representative is a "miner" depends on the circumstances of each case. A manufacturer's representative is a "miner" if he or she is engaged in mining operations at mine sites—such as maintaining or repairing equipment—for frequent or extended periods. Manufacturers' representatives who are frequently at mine sites but who are not engaged in mining operations would not be "miners" under this definition. For example, a manufacturers' representative who is merely marketing mine equipment

would not be a miner, even if he or she is at a mine site on a daily basis.

Several commenters suggested that the final rule provide examples of the types of workers who are considered "miners." Commenters believed that examples would greatly benefit operators in determining who is a "miner" under the final rule. Although we agree that examples would provide clarification, we believe that this guidance is best provided in the compliance materials that we will be developing to assist production-operators and independent contractors in complying with the final rule.

Mining operations. As indicated in the preamble discussion of the definition of "miner," the final rule defines "miner" as a person engaged in mining operations, and final § 46.2(h) defines "mining operations". The proposal would have defined "miners" as workers engaged in mining operations integral to "extraction and production." This definition would also have specifically included the associated haulage of these materials at the mine. The proposed rule would have defined "extraction or production" as "the mining, removal, milling, crushing, screening, or sizing of minerals at a mine."

"Mining operations" was not defined in the proposal, and, as discussed above, essentially replaces the proposed definition of "extraction or production". "Mining operations" is a slightly broader definition that includes mine development, drilling, blasting, extraction, milling, crushing, screening, or sizing of minerals at a mine; maintenance and repair of mining equipment; and associated haulage of materials within the mine from these activities. This change responds to commenters who were concerned that the proposed definition of "miner" was too narrow and that workers who were exposed to significant mining hazards, such as maintenance workers, would not be included within the definition. The definition of "mining operations" specifically includes maintenance and repair of mining equipment, as well as haulage of materials within the mine site. Because the enumerated activities are broader than "extraction and production," they are referred to in the final rule by the term "mining operations."

One commenter stated that the haulage of processed materials from stockpiles to offsite customers should be excluded from the definition of "extraction or production." The commenter believed that this would therefore exclude delivery drivers and customer drivers from the definition of "miner." In fact, we intended to exclude customers and delivery personnel from the definition of "miner." To clarify this point, the definition of "mining operations" includes the haulage of materials within the mine. Haulage of materials away from the mine is not included in the final rule's definition of "mining operations," and persons who perform only this type of work do not fall within the definition of "miner." Section 42.2(g)(2) also indicates that commercial over-the-road truck drivers may be considered "customers" under the final rule and excluded from the definition of "miner."

The definition of "mining operations" includes "mine development", to make clear that certain activities preliminary to extraction would be included. These activities include such things as drilling, mining and developmental work on both newly discovered and established mineral deposits. We have historically considered this phase of activities part of the extraction phase of mining and thus subject to our jurisdiction. However, this would not include exploratory drilling, reconnaissance, search, or prospecting that takes place off of an existing mine site and that is conducted in the search of the initial discovery of mineral deposits.

New miner. Section 46.2(i) of the final rule adopts the proposed definition of "new miner" with minor changes. The final rule defines a new miner as a person who is beginning employment as a miner with a production-operator or independent contractor and who is not an experienced miner. As discussed elsewhere in the preamble, the final rule substitutes the terms "production-operator or independent contractor" for the broader term of "operator," to make it consistent with the wording of the definition in the final rule for "newly hired experienced miner."

Newly hired experienced miner. The definition of this term is similar to the definition of "new miner". "Newly hired experienced miner" was not defined in the proposed rule, but is defined in § 46.2(j) of the final rule as an experienced miner who is beginning employment with a production-operator or independent contractor.

Commenters questioned whether certain miners, such as those employed by an independent contractor who move from mine to mine, would be considered new miners or newly hired experienced miners. We agree with these commenters that the proposed rule was not clear on this distinction, and the definition of "newly hired experienced miner" specifically provides that experienced miners who move from one mine to another, such as drillers and blasters, but who remain employed by the same production-operator or independent contractor are not considered newly hired experienced miners and do not need training under § 46.6 of the final rule. However, final § 46.11 specifically requires that these miners receive site-specific hazard awareness training for each mine.

Normal working hours. Section 46.10 of the final rule, like the proposal, requires that training be conducted during "normal working hours." Final § 46.2(k) adopts the proposed definition of "normal working hours" and provides that "normal working hours" means a period of time during which a miner is otherwise scheduled to work. This definition is based on a similar provision in part 48 and also provides that the sixth or seventh working day may be used to conduct training, provided that the miner's work schedule has been in place long enough to be accepted as a common practice. This aspect of the proposed rule did not receive much comment, and the final definition is adopted with a minor change from the proposal. The final rule references "production-operator and independent contractor" rather than "operator." As discussed earlier, this change is intended to eliminate any confusion that may have been caused by the use of the term "operator" in the proposal.

As discussed under § 46.10 of the preamble, we intend that the schedule must have been in place long enough to provide reasonable assurance that the schedule change was not motivated by the desire to train miners on what had traditionally been a non-work day.

Comments received on the proposed definition raised the issue of whether travel to an off-site location and the training conducted at that location must be conducted during normal working hours. These issues are addressed under the preamble discussion for final § 46.10.

Operator. Operator is defined in § 46.2(l) of the final rule to mean both production-operators (defined in this section as owners, lessees, or other persons who operate or control a mine) and independent contractors who perform services at a mine. This definition is consistent with the definition of "operator" in section 3(d) of the Act. The term "operator" is used throughout the preamble to refer to the person or entities responsible for providing health and safety training under part 46. However, we use the terms "production-operator" and "independent contractor" in the final rule to distinguish between the two

types of operators and to emphasize that independent contractors also have responsibility for training.

Production-operator. Final § 46.2(m) defines "production-operator" as any owner, lessee, or other person who operates, controls, or supervises a mine covered by this part. This would mean the person or entity that actually operates the mine as a whole, as opposed to an independent contractor who provides services. Commenters were generally silent on this aspect of the proposal. This definition is derived from the definition of "operator" in section 3(d) of the Mine Act and is adopted without change from the proposal into the final rule.

Task. Final § 46.2(n) defines "task" as a work assignment or component of a job that requires specific job knowledge or experience. The proposal would have defined "task" as a component of a job that is performed on a regular basis. One commenter pointed out that a task may or may not be performed on a regular basis and questioned why that limitation was included in the proposed definition. The commenter was concerned that there could be instances where a miner is assigned to perform a task on a one-time basis, but a literal reading of the proposed definition of "task" suggests that task training would not be required in such a situation. We agree with this commenter, and the wording in the final rule has been clarified accordingly.

This definition identifies the type of job duties that would be subject to the new task training requirements under final § 46.7. Under that section, a miner must be provided with training when reassigned to a task for which he or she has no previous experience, or when the miner's assigned task is changed.

We and *us.* These terms are adopted in the final rule to refer to the Mine Safety and Health Administration (MSHA). We have written the final rule in the more personal style advocated by the President's executive order on "plain language," which, among other things, encourages the use of personal pronouns. Commenters generally supported the use of plain language in both the regulatory language and the preamble, and "we" and us" are used throughout the final rule and preamble to refer to MSHA.

You. The final rule, like the proposal, uses the term "you" to refer to production-operators and independent contractors, consistent with "plain language" concepts. However, a number of commenters indicated that using "you" to refer both to production-operators and independent contractors created some confusion. In response to these comments, we have limited our use of "you", both in the final rule language and the preamble, to instances where it is unlikely to be misunderstood or unclear.

The final rule, unlike the proposal, does not include a definition of "hazard training." "Hazard training" was defined in the proposal as information or instructions on the hazards a person could be exposed to while on mine property, as well as on applicable emergency procedures. In response to comments, the concepts that were outlined in the proposed definition have been consolidated into final § 46.11, the section of the final rule that specifically addresses site-specific hazard awareness training. A separate definition for "hazard training" is not needed as a result, and the proposed definition has not been adopted in the final rule.

Section 46.3 Training Plans

Section 46.3 of the final rule requires production-operators and independent contractors to develop and implement a training plan and also addresses MSHA approval of training plans, how and where a copy of the training plan must be maintained, and who has access to the plan. The requirements of section 46.3 apply to production-operators and those independent contractors who have employees who fit the definition of "miner" under final § 46.2. These requirements have been adopted, with some changes, from the proposed rule.

In developing the final rule, we have attempted to develop practical requirements for health and safety training programs at the wide range of mines covered by part 46. Section 115 of the Mine Act provides that mine operators shall have a health and safety training program that shall be "approved by the Secretary [of Labor]." The Mine Act does not set forth a specific method by which we must approve an operator's health and safety training plan. We believe, therefore, that the drafters of the Mine Act intended some flexibility concerning the procedures to be followed by us when implementing MSHA approval of health and safety training plans. We are also mindful that regulatory considerations under section 115 of the Mine Act must be balanced with the congressional intent expressed in section 103(e) of the Mine Act. This provision directs us not to impose an unreasonable burden on mine operators, especially those operating small businesses, when requesting information consistent with the underlying purposes of the Act. As a result, we believe that the Mine Act provides us with the discretion to approve health and safety programs by requiring something other than the operator's submission to us of a proposed training plan.

While not establishing specific procedures to be followed, Congress did provide minimum requirements in section 115 of the Mine Act to guide us in determining what should be considered an approved health and safety training program. First, we interpret section 115(a) of the Act to require that each operator develop and implement an approved health and safety training program under which miners are provided certain minimum training as specified by section 115. For example, section 115 provides that "new miners having no surface mining experience shall receive no less than 24 hours of training if they are to work on the surface" and that any training must be provided "during normal working hours." As a result, an operator's training program can only be approved if the proposed training fulfills the operator's compliance obligations under section 115 of the Act. In addition, we believe that in order for an operator's training program to be approved, it must be in compliance with any minimum requirements established in training standards developed by us in accordance with section 115 of the Act. Accordingly, we believe the Mine Act provides us with the authority to include a requirement in the part 46 final rule that would consider an operator's health and safety training plan to be approved by MSHA without formal submission and review, provided such a plan comports with the minimum requirements of section 115 of the Mine Act as well as the provisions for approved plans set forth in this section of the final rule.

Once the final rule goes into effect, we intend to have our inspectors review your health and safety training plans at the mine site during the normal inspection cycle. This will be accomplished in a manner similar to how our inspectors review other mine-specific plans for compliance. Inspectors and other MSHA personnel who review your plan would simply determine—

(1) That you in fact have developed a written training plan;

(2) That the written plan contains at a minimum the information specified in this section; and

(3) That the plan is being implemented consistent with the plan specifications.

Although final § 46.3 allows you greater flexibility in training plan content and implementation, MSHA has determined that the new requirements do not reduce the protection afforded to

surface nonmetal miners under similar standards in existing part 48. While the means used under part 46 may be more flexible and performance-oriented than part 48, the ultimate result—the effective health and safety training of surface nonmetal miners—will be attained under the new standard. In addition, because miners are in a good position to evaluate the health and safety concerns at their workplace, the final rule includes requirements that provide for the notification and involvement of miners and their representatives in the development of approved training plans before implementation. We also wish to emphasize the enhanced health and safety benefits to miners resulting from final § 46.3, which will allow us to focus our resources on verification of plan execution and assistance to you in providing effective training at your mines, rather than on a paper review and approval of training plans at our offices. Likewise, you and training providers can focus on the development of training plans that address the health and safety concerns at your operation, rather than on traditional procedures to gain our approval.

Final § 46.3(a) requires production-operators and independent contractors who have employees who are "miners" under the final rule to develop and implement a written plan, approved by us under either paragraph (b) or (c) of final § 46.3, that contains effective programs for training new miners and newly hired experienced miners, training miners for new tasks, annual refresher training, and site-specific hazard awareness training. We received few comments on this aspect of the proposal, and we have adopted this provision unchanged into the final rule.

Final § 46.3(b) provides that a training plan is considered approved by us if it contains—

(1) The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification number(s) or independent contractor identification number(s);

(2) The name and position of the person designated by you who is responsible for the health and safety training at the mine. This person may be the production-operator or independent contractor;

(3) A general description of the teaching methods and the course materials that are to be used in each training program, including the subject areas to be covered and the approximate time to be spent on each subject area;

(4) A list of the persons and/or organizations who will provide the training, and the subject areas in which each person and/or organization is competent to instruct; and

(5) The evaluation procedures used to determine the effectiveness of training.

Plans that include the information listed in this section are considered "approved," and you are not required to submit the plan to us for traditional review and approval. The required information is virtually the same information that would have been required by the proposal, with a few minor changes, explained below.

A number of commenters supported the proposed guidelines for plan content, emphasizing the wide variety in size and type of mining operations falling under part 46 requirements. These commenters stated that the most effective training plans are those that can be tailored to the particular operation, directed toward specific mine processes or hazards or on the accident and injury experience at the mine. These commenters favored the latitude that the proposed rule would give production-operators and independent contractors in developing training programs.

A number of commenters addressed the minimum information that the proposal would require in the operator's written training plan. One commenter believed that it was unnecessary for the training plan to specify the approximate time that would be spent on a particular subject and recommended that the final rule not require it. This commenter contended that the time spent on a particular topic is unique to the persons attending a specific training session, because different groups learn at different rates.

Commenters questioned the need for the plan to include the name of the persons providing the training and the subjects in which they are competent to instruct. These commenters recommended that the final rule not require this information. Other commenters contended that requiring instructors to be identified suggests that all training under part 46 must be provided in a classroom setting and recommended that the final rule clarify that operators can use alternative and innovative training methods as well as classroom training.

As stated in the preamble to the proposal, our intention is that the information that operators must include in their training plans will be sufficient to allow us to make a determination of your compliance with training plan requirements, without imposing an unnecessary paperwork or recordkeeping burden. Additionally, the training plan serves as an essential framework for the operator's training programs. We expect that operators will direct adequate time and resources to the development of their training plans. We intend that the flexible written plan requirements in the final rule will allow operators to devote the time saved from the reduction in administrative burden to be directed towards development of their training programs. Although part 46 gives operators flexibility in designing their training programs and attempts to minimize paperwork burdens, we do not intend that part 46 allow operators to deliver training to miners on an ad hoc basis. Although we strongly encourage operators to tailor their training programs to the needs of their particular operations, this does not mean that we advocate that operators change fundamental components of their miner training programs from one day to the next, at their convenience.

We do not believe that it is unduly burdensome to require operators to indicate the approximate amount of time that will be spent on a particular subject area. As a practical matter, operators must determine how much time will be spent on a particular subject as part of the development of an effective training program. We would point out that the final rule, like the proposal, requires that the "approximate" amount of time spent on a particular subject be included in the training plan. This provides operators with some leeway in organizing their training and also addresses the concern of one commenter that different groups learn at different rates of speed. For example, if an annual refresher training program includes a course in traffic hazards, the training plan could indicate that the course will last over a specified range of time, such as from one to two hours. For the same reasons, requiring a list of competent persons who will provide training is not unreasonably limiting. It would be acceptable under the final rule for the operator to include names of all potential instructors in a particular subject, even though the course will ultimately be taught by only one of the instructors listed. Further, we disagree with commenters who contend that requiring a list of instructors suggests that training must be conducted in a classroom setting. In fact, final § 46.4(d) specifically provides that training methods may consist of classroom instruction, instruction at the mine, interactive computer technology or any other innovative training methods, alternative training technologies, or any combination of methods. Additionally, we believe that the final rule's requirements are sufficiently flexible to allow operators to

readily address new or emerging health and safety concerns at their operations. For these reasons, we have not adopted these commenters' recommendations in the final rule.

Several commenters expressed concern that several of the informational requirements in § 46.3(b) were inappropriate and too restrictive for new task training and site-specific hazard awareness training. Some of these commenters indicated that it was unrealistic to require an operator to foresee all of the types of task and hazard awareness training that may be needed for all job categories and to write them up in the plan. One commenter stated that an operator needs the flexibility to offer such training by the most qualified person available at the time the training is to be conducted, and that requiring an operator to indicate the identity of the competent person who will provide this training in the plan will restrict this flexibility. These commenters also contended that evaluation of training effectiveness, particularly hazard awareness training for vendors and visitors, would be difficult to accomplish without the needed flexibility. These commenters therefore recommended that the required documentation of site-specific hazard awareness training and new task training be limited to a statement of the training objectives and the method of instruction.

We disagree that the plan information included in the proposed rule and adopted into the final rule is unduly restrictive for new task and hazard awareness training. As discussed above, it would be acceptable for an operator to include a list of potential instructors for a particular subject in the training plan, even though only one of the instructors will actually end up providing the training. Additionally, most operations covered by the final rule are small and typically operate with limited equipment, and the number of new tasks miners at these mines will be assigned is also limited. Including a list of these tasks in the training plan would not impose an unreasonable burden on production-operators and independent contractors at many mines. As mentioned above, the plan could identify several potential instructors for training in a particular task. Similarly, the plan could summarize the site-specific hazard awareness training that will be given based on the type of worker who will receive it. For example, the type of hazard awareness training given to independent contractors who are at the mine site to repair mining equipment would most likely differ in scope and content from the training given to truck drivers who come onto the mine site for brief periods to deliver supplies. The plan should provide a description of the training that will be given to different categories of workers. We believe that the final rule language affords operators adequate flexibility with regard to task and site-specific hazard awareness training. Consequently, we have not adopted the recommendation of these commenters that the final rule reduce the plan information requirements for these types of training.

One commenter pointed out that if an operator arranges with an outside organization to provide some or all of the required training, the operator probably will not know the names of the instructors from the training organization who will provide the training. For these reasons, this commenter asserted, it would not be possible for the operator to indicate the names of the instructors in the training plan. We agree that in such situations production-operators or independent contractors will be unable to indicate the specific instructors who will provide training. We also agree that it is appropriate to allow flexibility in these cases. The final rule therefore provides that the plan may indicate the person or organization that will provide the training, as appropriate. This means, for example, if a production-operator or independent contractor arranges for some portion of part 46 training to be provided by XYZ Training Company, the plan may simply indicate that an instructor from that company will provide training in specified areas. You should be aware, however, that final § 46.9 requires that the training records and certificates for this training indicate the name of the person who provided the training. Obviously, the identity of the instructor will be known at the time that the training is provided, and recording this information should present no problem to the production-operator or independent contractor.

One other commenter questioned the use of certain terms in the proposal, and asked whether there was a difference between a training "plan" and a training "program." This commenter observed that the proposal provided that the training plan must cover five different programs—(1) New miner training; (2) newly hired experienced miner training; (3) annual refresher training; (4) new task training; and (5) site-specific hazard awareness training. Each training program is in turn made up of one or more courses, with each course covering a subject area. This commenter suggested that if his observation is correct, then the information in paragraphs (b)(1) through (b)(5) should be required for each training "program," not each training "plan."

This commenter's understanding of the scheme of the plan requirements is correct. In response to this comment, we have made a minor change in paragraph (b)(3). The final rule requires that the plan include a general description of the teaching methods and the course materials that are to be used in each "training program." If the operator is using the same teaching methods and course materials for all programs, the operator need not describe each individually but may simply state that methods and materials will be used for all programs. The proposal would simply have required that this description be provided for methods and materials used in "providing the training."

We have also made small clarifications in final § 46.3(b)(1). Instead of requiring the "company" name, as under the proposal, the final rule requires the "name of the production-operator or independent contractor." This paragraph now also references the MSHA independent contractor identification number in addition to the MSHA mine identification number. This is intended to be consistent with the fact that both production-operators and independent contractors with employees who are miners under the final rule are responsible for developing training plans for their employees. Section 46.3(b)(1) also indicates that there may be multiple mine names and MSHA identification numbers indicated on a plan. This may be true in cases where a production-operator operates several mines and has one training plan that covers all of the mines. Additionally, independent contractors typically provide services at multiple mines, and the language of the final rule addresses those instances where a training plan is relevant for more than one mine.

The final rule, like the proposal, requires you to list or describe the evaluation procedures that you will use to determine the effectiveness of training. Evaluation of the effectiveness of training must be an integral part of the training process if accidents, injuries, and deaths resulting from unsafe conditions and work practices are to be reduced. We have retained a performance-oriented approach that allows you to select the method that you will use to determine that training has been effective. Possible evaluation methods include administering written or oral tests to miners, or a demonstration by a miner that he or she can perform all required duties or tasks

in a safe and healthful manner. You could also evaluate work practices to ensure that the miner retains and uses the skills, knowledge and ability to perform his or her duties safely. This evaluation could be accomplished by periodic work observations to identify areas where additional training may be needed. In addition, such observations, along with feedback from miners, could be used to modify and enhance the training program.

The final rule, like the proposal, uses the term "effective programs" to deal with instances where a training plan, as implemented, is inadequate or deficient. If we determine that you have not implemented an effective training program, we will issue a citation for a violation of § 46.3(a) that indicates how and why the training program fails to meet this requirement. In cases where the plan as designed falls short in some way, you must revise your plan to address the deficiencies that we have identified to abate the violation. In cases where the plan as designed is adequate but the plan is inadequately implemented, you must take steps to improve the quality of the implementation of the plan. In some cases, you may need both to revise your plan and address inadequacies in implementation. For example, if you have designated an individual as a "competent person" who in fact is incompetent to instruct, you must designate someone else to provide training as well as revise your plan to include the new competent person.

Under final section 46.3(a), production-operators and independent contractors are responsible for maintaining an effective training plan at all times at their operation. As a result, it will be necessary for production-operators and independent contractors to monitor the implementation of training plans to determine whether it is effective and therefore in compliance with section 46.3(a) of the standard. We expect production-operators and independent contractors to modify ineffective or deficient segments of their training plan in order to bring them into compliance.

The final rule reflects our determination that, while our review of your written training plan could provide an initial check on the quality of the written program, such review does not ensure that the program is successful in its implementation. This is the same approach taken in the proposal and was the subject of a number of comments. A number of commenters favored the implicit approval of a training plan that meets the minimum requirements in the rule, believing that this approach would allow operators to direct the time saved from the streamlined administrative process towards better plans and plan implementation. On the other hand, some commenters recommended that we maintain oversight of training plans through the plan submission and review process, to ensure that plans meet minimum standards of quality.

The final rule adopts the approach taken in the proposal, and provides that a training plan is considered approved by us if it includes the minimum information specified in this section. This reflects our conclusion that it is not necessary for production-operators and independent contractors to formally submit their training plans to us to achieve the protective purposes of the Mine Act. We believe that a training program can be effective if the operator develops and implements a health and safety training plan consistent with the requirements for an approved plan under this final rule. As we have indicated elsewhere in this preamble, we will provide compliance assistance to operators in developing effective training plans as our resources permit and will develop sample training plans that operators can use as the basis for their own mine-specific plans. Additionally, we will direct our resources toward verification of the effectiveness of training plans in their implementation. Similarly, operators and training instructors will be able to focus on the development and administration of training plans tailored specifically to mine operators' needs rather than on traditional procedures to gain our approval.

The final rule adopts the proposed rule's alternate process for plan approval, for those cases where a plan you develop does not include the minimum required information, where you choose to obtain traditional approval, or where the miners or miners' representative requests such approval. Final § 46.3(c) provides that a plan that does not include the minimum information listed in paragraphs (b)(1) through (b)(5) must be submitted for review and approval by the Educational Field Services Division Regional Manager, or designee, for the region in which the mine is located. The term "Regional Manager" refers to the Regional Manager in the Educational Field Services Division (EFS) of MSHA's Directorate of Educational Policy and Development (EPD). The EFS Division is divided into an Eastern and a Western region. In response to requests from the mining community, the responsibility for the approval of training plans was moved from District Managers in Coal and Metal and Nonmetal Mine Safety and Health to the EFS Regional managers or their designees in 1997. Paragraph (k) of this section includes the titles, postal and e-mail addresses, and facsimile and telephone numbers of both EFS Managers.

We anticipate that the majority of plans developed under this part will satisfy the requirements of paragraph (b) and consequently will not be required to be submitted to us for traditional approval. However, final § 46.3(c) allows you to voluntarily submit a training plan for Regional Manager approval. We expect that some of you may prefer to obtain our traditional approval to ensure that there is no question that your training plan satisfies minimum requirements. This aspect of the final rule addresses those concerns. Only a few commenters addressed this aspect of the proposal, and these commenters were generally supportive of it. One commenter endorsed voluntary submission of training plans to us and predicted that it would be used by many mine operators.

Final § 46.3(c), like the proposal, also allows miners and their representatives to request our traditional approval if they choose. Several commenters were opposed to this provision, contending that it was unnecessary and potentially burdensome and could be subject to abuse. One commenter was concerned that a single request from a miner or a miners' representative could trigger our traditional review of a plan. This commenter maintained that miners and their representatives have direct and effective recourse if they believe a training plan is inadequate—they can contact us and request that the plan be reviewed by an MSHA inspector. This commenter was of the opinion that the possibility that the inspector may cite the operator for an inadequate plan is a strong incentive for compliance, and that it was therefore unnecessary to give miners the right to request MSHA review of a training plan.

We disagree with those commenters who believe that miners' participation in the plan development and approval process is unnecessary. The Mine Act explicitly recognizes that miners have an important role in assisting mine operators in preventing unsafe and unhealthful conditions and practices in the nation's mines. The final rule appropriately allows miners and their representatives the right to request MSHA review of operators' training plans within two weeks of receiving the proposed plan from the mine operator in accordance with paragraph (e). The final rule clarifies the intent of the proposal that miners and their

representatives must request MSHA approval within the two-week period allowed for their review. The proposal was silent on when miners and their representatives must request MSHA approval, and the final rule addresses this omission.

Contrary to the assertions of some commenters, we believe that miners should have a role in the process before the plan is implemented. We encourage operators to involve the miners at their mines as much as possible in the plan development process and solicit miners' input in determining the subject areas to be covered and emphasized in the various training programs.

In most cases, we anticipate that miners and their representatives will bring concerns they may have about the training plan to your attention and that any concerns that miners or their representatives have will be resolved informally. However, there may be occasions when attempts at informal resolution of issues raised by miners or their representatives are unsuccessful. For these reasons, the final rule provides a mechanism for our direct involvement to resolve issues or concerns on the part of the miners or their representatives that cannot be resolved informally.

The proposed rule provided miners and their representatives the right to request MSHA review of operators' training plans. However, commenters questioned how an operator would know that miners or their representatives had requested MSHA review of the operator's plan or, conversely, how miners and their representatives would know if the operator requested MSHA review. The proposed rule was silent on these issues. To address these concerns, we have included additional notification requirements in the final rule. The final rule requires miners or their representatives to notify the production-operator or independent contractor when they request our approval of the training plan. In addition, the final rule also requires you to notify the miners or miners' representative when you request our approval of your training plan. The final rule does not specify how this notice must be given. We expect that, in most cases, the party requesting MSHA approval will provide a copy of the request to the operator or the miners' representative, as appropriate. Where an operator requests MSHA approval and there is no designated miners' representative, posting of the request on the mine bulletin board would satisfy this requirement. These provisions will ensure that affected parties are informed when a training plan is submitted to MSHA for review and approval.

Section 46.3(d) of the final rule, like the proposal, requires you to furnish the miners' representative, if any, with a copy of the training plan at least two weeks before the plan will be implemented or, if you request MSHA approval of your plan, at least two weeks before you submit the plan to the EFS Regional Manager for approval. At mines where no miners' representative has been designated, a copy of the plan must either be posted at the mine or a copy provided to each miner at least two weeks before the plan will be implemented or submitted to the Regional Manager for approval. This ensures that miners and their representatives are notified of the contents of your training plan before the plan goes into effect or is submitted to us for approval. This also provides them with an opportunity to comment on the proposed plan and suggest additions or improvements. This aspect of the proposal received little comment and has been adopted without change into the final rule.

We recognize that at many mines, particularly small operations, there may be no miners' representative, and the mine may also lack a mine office and therefore have no appropriate place for posting the plan. Therefore, the final rule, like the proposal, allows an alternative method for notifying miners of proposed training plan contents. Under the final rule, operators may provide a copy of the plan to each miner in lieu of posting.

Final § 46.6(e) gives miners and their representatives two weeks after the posting or receipt of the proposed training plan to submit comments on the plan to you, or to the Regional Manager if the plan is before the Manager for approval. This provision has been adopted unchanged from the proposal. This will provide miners and their representatives with a means to provide input on the training plan, either to you, if traditional approval is not being sought, or to the Regional Manager who is reviewing and approving the plan. This aspect of the proposal received little comment. Although some commenters questioned allowing miners and their representatives to request MSHA review and approval of an operator's training plan, no commenters took issue with giving miners and their representatives the opportunity to comment on a plan.

Final § 46.3(f) provides that the Regional Manager must notify you and miners or their representative, in writing, of the approval or the status of the approval of the training plan within 30 days of receipt of a training plan submitted to us for approval, or 30 days from the receipt of the request by the miner or miners' representative that we review and approve the plan. This requirement has been adopted with minor changes from the proposal and ensures that affected parties are notified of the status of our review of the training plan.

This aspect of the proposal received little comment. The proposed rule did not specify that the 30-day notification requirement would be triggered by a request by miners or their representatives for our review and approval of the plan, but the final rule clarifies this point. Additionally, the proposed rule would have provided that the notice be given within 30 days of the plan submission by the operator or the request for approval by miners or their representatives. We have modified the final rule slightly from the proposal to provide that the 30 day time period will begin to run upon our receipt of the submission or request. This small change will make it easier for us to track and fulfill this notification requirement.

As indicated earlier in this preamble, we anticipate that many of you will not seek our traditional approval of your training plans, and that in most cases concerns of miners or their representatives will be resolved informally. In those limited cases where we become directly involved in approval of a plan, we intend for the Regional Manager to provide reasonable notice to you and miners or their representatives of the status of plan approval or perceived deficiencies in the plan. The notice will also provide parties with a reasonable opportunity to express their views or offer solutions to the problem, without the need for detailed procedures.

A few commenters raised the issue of whether an operator could go ahead and implement a proposed plan pending formal approval by MSHA, in cases where the plan includes the minimum information required by § 46.3(b). These commenters maintained that an operator should not have to delay implementation of safety-related changes while a plan is undergoing review. One commenter also questioned whether a plan would be deemed approved if the 30-day deadline has passed and we have not made a final decision on approval.

Although we agree with commenters that improvements in training plans should be implemented as quickly as possible, we do not agree that the final rule should allow operators to implement plans that are before us for review and approval but that we have

not yet approved. To allow pre-approval implementation could make the approval process meaningless. In addition, such a provision would be inconsistent with the approval procedures contained in other MSHA regulations. Miners or miners' representatives who submit comments will expect MSHA to act on their concerns in the same manner that we do in other regulations. In other regulations a plan does not go into effect until we approve it. We assume that operators who are anxious to implement improved training plans would not seek our traditional review and approval of the plan in the first place, so this would not be an issue. Consequently, the situation referred to by commenters would most likely arise where the miner or miners' representative has requested our review and approval of the plan. We expect that a miner or miners' representative will request our review and approval because there is some concern or disagreement about one or more elements of the plan and the adequacy or effectiveness of the plan as proposed. In such cases, we believe that we should address the concerns or resolve the disagreement before the operator implements the plan. Similarly, we are not in favor of a provision that would deem a plan "approved" after a certain period of time has passed. Such a provision could mean that the concerns of miners or their representatives would not be addressed or considered through no fault of their own. We believe that this would be an unfair result, and we have not adopted such a provision in the final rule. We will direct our resources to ensure that we review the plans before us for approval as quickly as possible. We are committed to expeditious review, approval, and implementation of operators' training plans. For these reasons, the final rule does not allow plans to be implemented that are before us for review but that we have not yet approved.

The requirements of § 46.3(g) are new to the final rule, and we have included them in response to comments. This new paragraph (g) will only apply if you submit a plan to MSHA for approval. Under this paragraph, you must provide the miners' representative, if any, with a copy of the approved plan within one week after approval. At mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy of the plan to each miner within one week after approval. This responds to commenters who were concerned that the proposed rule did not specifically provide that operators must provide miners or their representatives with copies of the approved training plan.

Section 46.3(h) of the final rule, like the proposal, provides you, miners, and miners' representatives the right to appeal the EFS Regional Manager's decision on a training plan to the Director for Educational Policy and Development. A Regional Manager's decision on a plan will be reviewed on appeal by the Director for EPD. Under this paragraph, an appeal must be submitted in writing within 30 days after notification of the Regional Manager's decision on the training plan. The Director for EPD will issue a decision on the appeal within 30 days after receipt of the appeal. We anticipate that this provision will be rarely used and expect that when a disagreement arises between us, you, and miners and their representatives about plan design or content, it can be resolved without the need for intervention of the Director for EPD. However, in those rare cases where the parties are unable to come to terms on the content of a particular training plan, the final rule provides parties the option of seeking review by the Director for EPD of the Regional Manager's decision on a plan. As indicated, parties have 30 days in which to file a written appeal of the Regional Manager's decision on a plan, and the Director for EPD has 30 days from the date of receipt of the appeal to reach a decision. This aspect of the proposal received little comment and is adopted without change into the final rule.

Final § 46.3(i), like the proposal, requires you to make available at the mine site a copy of the current training plan for inspection by us and for examination by miners and their representatives. If the training plan is not maintained at the mine site, you must have the capability to provide the plan upon request to us, the miners, or their representatives. Although the proposed rule was silent as to how quickly you must provide the plan upon request, the final rule specifies that the plan must be provided within one business day of the request. Under the final rule, you have the flexibility to maintain your training plan at a location other than the mine site, provided that you are able to produce a copy of the plan upon request to our inspectors or miners and their representatives within one business day.

Many commenters supported allowing the training plan to be maintained at a location away from the mine, observing that many small mines do not have a formal office. Commenters stated that flexibility in recordkeeping for these mines was appropriate. However, a few commenters recommended that a copy of the plan be kept at the mine site, even if it is in the glove compartment of the supervisor's truck. As indicated in the preamble discussion of final § 46.9, addressing recordkeeping requirements, we recognize that many operations covered by the final rule do not have facilities suitable for extensive recordkeeping. Additionally, § 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on mine operators, especially those operating small businesses, when requesting information consistent with the underlying purposes of the Act. For these reasons, we have concluded that it is appropriate to allow mine operators some flexibility in maintaining their training plans. The final rule, like the proposal, allows you to maintain your training plan at a location other than at the mine site, provided that you can produce a copy upon request by us or miners or their representatives. Unlike the proposal, the final rule includes a deadline of one business day after the request for you to provide a copy of the plan. In the proposal, we solicited comments on whether the final rule should specify a deadline for an operator to produce a plan after a request has been made. A number of commenters recommended a deadline of one business day. We agree with these commenters that this would be reasonable, given the wide availability of overnight mail, electronic mail, and fax machines, and we have adopted this deadline in the final rule.

The requirements of § 46.3(j) have been added to the final rule in response to comments. Under this paragraph, you must follow the plan approval procedures of this section whenever you revise your training plan. In the preamble to the proposal, we indicated our intent that a training plan that underwent significant revisions would be required to go through the approval process of this section, just as though it was a new plan. However, the proposed rule did not include language that would have required this. A number of commenters strongly recommended that we include a provision in the final rule that addressed this.

Several commenters questioned what the process should be when operators revise their training plans. One commenter indicated that obtaining formal MSHA approval every time a training plan is amended is a tedious task that in no way relates to protecting workers. Other commenters recommended that operators be allowed to easily revise the plan when changing information such as the time spent on

a particular subject or on the emphasis given to particular training subjects. These commenters indicated that refresher training needs to be flexible as operators determine the subjects that need to be emphasized within the workforce, and that the training plan should not have to be changed each time such adjustments are made. Other commenters questioned whether adding a new subject to the task training program would necessitate a modification of the training plan and reposting the plan or resubmitting the plan to MSHA for reapproval.

We agree with those commenters who believe that it would be unduly burdensome to require operators to obtain traditional MSHA approval of their training plans even when they make minor revisions to their training plan. We attempted to develop a reasonable definition of "significant revision," so that it would be clear what type of revisions would require an operator to go through the approval process. However, we concluded that what constitutes a "significant revision" is extremely subjective and incapable of definition. For example, many people would probably not consider the addition or deletion of one or two training subjects from a training program to be a significant revision of the plan. However, in limited cases, particular subjects may be of concern to miners at the mine, and the miners may consider minor changes to the subjects covered by a plan significant. Changes in training methods or course materials may be of little consequence in most situations. On the other hand, a change from primarily classroom training to interactive computer-based training could be considered a significant change by the miners who will be receiving the training, and they should be notified of this change and have the opportunity to provide input. Because one type of revision may be significant in one set of circumstances but not particularly significant in another situation, we are reluctant to define "significant revision" in the final rule. We are concerned that if the final rule were to define the term, there may be instances where a change may not fall within the definition, but nonetheless is something that miners or their representatives would want to be notified of and have the opportunity to comment on. For these reasons, the final rule requires you to follow the procedures for approval in § 46.3 whenever you make a revision to your training plan, including posting or providing copies of the proposed plan to miners, or submitting the plan to us for review and approval.

We anticipate that operators who make minor revisions to their plans will follow the informal plan approval procedures in final § 46.3(b) rather than request our traditional approval under § 46.3(c), even if we have formally approved previous versions of your training plan. Obtaining traditional MSHA approval of your plan does not lock you into the traditional approval procedures hereafter. We expect that when you make minor changes to your plan miners or their representatives will have limited comments on the revisions. However, this process will ensure that miners are notified of plan changes that may appear unimportant, but that represent significant changes to the miners who are trained under the plan.

The provisions of final § 46.3(k) are new to the final rule and include the postal and e-mail addresses, phone numbers, and fax numbers of the Eastern and Western Regional Managers for our Educational Field Services Division. The information is included in the final rule as a convenience to mine operators, miners, and miners' representatives who wish to contact EFS representatives, submit training plans to those offices for review and approval, or obtain information or assistance from MSHA on miner training issues. We have also provided the address of MSHA's Internet Home Page to allow those of you with access to the Internet to obtain current information about the EFS organization.

In the preamble to the proposal, we requested comment on whether we should include sample training plans as a nonmandatory appendix to the final rule. As indicated under the discussion in this preamble on implementation of the final rule, we have concluded that placing sample training plans in a regulatory appendix could restrict our flexibility in making future refinements and improvements to the sample plans. Instead, we will provide operators with sample plans as part of an overall compliance assistance and outreach effort for the mining community. To assist the mining community in complying with the training plan requirements in the final rule, we will post sample plans on our Internet Home Page at www.msha.gov. These plans can serve as the basis for operators' training plans tailored to their specific operations. Additionally, we are currently developing an interactive computer-based program that will assist operators in developing training plans appropriate for their specific operations.

Section 46.4 Training Plan Implementation

Section 46.4 of the final rule, which has been adopted with minor changes from the proposal, requires that training given under this part be consistent with the written training plan required under § 46.3 and be presented by a competent person. Under this section, training may be provided by outside instructors and may include the use of innovative training methods. This section also allows credit for equivalent training, provided to satisfy the requirements of the Occupational Safety and Health Administration (OSHA) or other federal or state agencies, to satisfy part 46 requirements. Finally, § 46.4 permits short health and safety talks and other informal instruction to satisfy training requirements under this part.

Although § 46.4 of the final rule will allow operators greater flexibility in training instruction and implementation, MSHA has determined that the new requirements will not reduce the protection afforded to surface nonmetal miners under similar standards in existing part 48. The flexibility included within final § 46.4, permitting the option of presenting training in short durations and in various formats, will allow miners to more easily retain information and receive effective training in close proximity to their work and associated hazards. Additional health and safety benefits will result from the specific requirement in final § 46.4(a)(3), which provides that training must be presented in language understood by the miners who are receiving the training.

This section was originally entitled "Training Program Instruction." However, one commenter, who supported our use of plain language in the proposal, suggested that a clearer and more appropriate title for this section would be "Training Plan Implementation," given that this section addresses various aspects of plan implementation. We agree that suggested title is more descriptive and makes the final rule easier to understand, and we have adopted the commenter's suggestion in the final rule.

Section 46.4(a)(1) of the final rule, like the proposal, requires that training provided under part 46 be conducted in accordance with the written training plan. No commenter addressed this aspect of the proposal, and it has been adopted without change into the final rule. This provision makes clear that training given to miners to satisfy the requirements of this part must be consistent with the training programs

outlined in your plan and the information included in the plan, such as course content and listed instructors.

Paragraph (a)(2) of final § 46.4 provides that the training must be presented "by a competent person." A number of commenters recommended that the final rule allow training to be given "under the direction of" a competent person, to address those situations where a miner may receive training through an interactive computer program rather than through traditional face-to-face training from a live instructor. These commenters stated that this language would be consistent with the use of state-of-the-art training technologies that now exist and would give needed flexibility for the use of other training methods that may be developed in the future, where live instructors may not directly provide training to miners. Some of these commenters also indicated that inclusion of the suggested language in the final rule would allow other individuals to assist the competent person in providing training, even though those persons may not themselves meet the definition of "competent person."

Although we agree with commenters that instructors should have the flexibility to use a wide variety of training methods and technologies in providing training under the final rule, we believe that the language proposed allows sufficient flexibility to use new and innovative training methods, and we have not adopted the recommendation of commenters on this issue. As we indicated in the preamble to the proposed rule, we strongly encourage the use of computer-based and other innovative training methods, where a "competent person" would facilitate the delivery of training rather than provide it directly. Section 46.4(d) of the final rule specifically allows the use of these types of training methods in part 46 training. However, we are concerned that if the final rule specified that training may be provided "under the direction of" a competent person, some operators could wrongly interpret it to mean that computer-based or any other type of electronic or interactive training method could serve as a total substitute for a human instructor and human interaction under part 46. We consider computer-based or other interactive training technologies to be training "methods," to be employed by an instructor effectively and appropriately.

We disagree with those commenters who believed that the language of the final rule should be amended to allow other individuals to assist the competent person in providing training, even though those persons may not themselves meet the definition of "competent person." As a practical matter, a person who does not meet the definition of "competent person" does not have the minimum qualifications to provide effective training. The final rule does not allow such a person to instruct miners, even if under the oversight or direction of a competent person.

Like the proposal, the final rule does not require our approval of training instructors, but instead provides that training be given to miners by a "competent person." "Competent person" is defined in final § 46.2 as a person designated by the production-operator or independent contractor who has the ability, training, knowledge, or experience to provide training to miners in his or her area of expertise. Additionally, under this definition, the competent person must be able both to effectively communicate the training subject to miners and to evaluate whether the training is effective. The definition of "competent person" is addressed in greater detail under the preamble discussion of § 46.2, the section that contains definitions of terms used in the final rule.

Many commenters supported the proposed requirements for training instructors, stating that the final rule should neither impose rigid minimum requirements for instructors nor require MSHA approval of instructors. Several commenters indicated that the flexibility of the proposed provisions would allow operators to have access to more than adequate resources to ensure quality training for miners. Other commenters stated that the approach taken in the proposal would minimize unnecessary administrative burdens on mine operators and allow them to focus their efforts on the effectiveness of their training programs. Commenters maintained that this would allow operators to utilize the best training available, without worrying about whether the instructor has obtained formal approval from MSHA to provide the training. Other commenters stated that operators are in the best position to judge who can most effectively provide required training. One commenter stated that a formal instructor approval program would unnecessarily tie the hands of operators in crafting effective, specifically tailored training programs and would be unlikely to have a significant positive effect on the quality of training delivered. Still others asserted that it is impractical to require certification of instructors, given the widely dispersed operations in the aggregates industry.

Several commenters observed that certifying an individual as an instructor does not guarantee that the person knows how to teach. Instead, commenters asserted that instructors should be judged on the basis of the effectiveness of the training they provide, not on their paper credentials. Along the same lines, one commenter noted that an individual with knowledge and experience in a particular subject may not be an outstanding speaker in the public arena, but nonetheless can be more effective in conveying information than an MSHA-approved instructor. One commenter favored the flexibility in the proposed rule, but recommended that federal and state agencies continue to provide training for instructors to assist the instructors in developing new training methods and techniques. Another commenter stated that there are many tools available to mine operators to ensure that training is effective, including support from trade associations and labor organizations, assistance from our Educational Field Services Division, videotapes, interactive training tools, literature, and, where appropriate, instructor training. This commenter endorsed the flexibility afforded mine operators in designating training instructors in the proposed rule and supported adopting such an approach in the final rule.

Several commenters disagreed with the approach taken in the proposal and instead recommended formal MSHA approval of instructors. These commenters maintained that operators would be unable to determine whether someone was competent to provide training. Several of these commenters were also concerned about whether a person who had extensive substantive knowledge in one area would have the necessary communication skills to provide effective training to miners. Some of these commenters stated that if the existing instructor approval scheme in existing part 48 is in need of improvement, necessary adjustments should be made, but that some form of instructor approval should be adopted in the final part 46 rule to ensure the quality of training.

Under existing part 48, instructors generally obtain our approval to provide training based on written evidence of their qualifications and teaching experience. Several commenters questioned whether these criteria ensured quality training. One commenter stated that becoming a polished instructor by meeting some criteria for MSHA instructor approval is secondary to the person being competent and knowledgeable.

Some of the commenters who supported a formal instructor approval scheme similar to the part 48 approach recommended that if the final rule did not require our approval of instructors, trainers should, at a minimum, receive some form of communications training to ensure that they will present training materials correctly and effectively. Several commenters contended that a person who is going to conduct training needs not only substantive knowledge of the subject area but also the ability to convey the material effectively to the persons receiving the training. One commenter suggested that instructors be required to attend a formal program of instruction to prepare them to instruct adults.

A number of commenters stated that the final rule should impose no additional qualifications for trainers beyond those that were included in the proposed rule. Some indicated that operators should have broad latitude to use on-site trainers for some, or all, of their training needs. Other commenters believed that it is impossible to regulate the quality of instruction with minimum criteria such as academic training, mining experience, years of training experience, etc., and that an instructor certification program would not guarantee the quality of instruction.

The final rule, like the proposal, does not require a formal program for the approval or certification of instructors, or establish extensive minimum qualifications for instructors. We are persuaded by those commenters who insisted that a formal instructor approval program would not guarantee that training will be effective and that any benefits realized from a formal program would not justify the additional administrative burden. We are also persuaded by commenters who stated that there are many experienced and knowledgeable people currently working in the industry who can provide effective training in a wide variety of subject areas, and that their abilities would not be enhanced by a formal instructor approval program.

We are also persuaded by the statements of some commenters that a formal instructor approval program would place limitations on the pool of people who can provide effective training under the final rule, which could have an adverse impact on the successful implementation of the rule's requirements. The large majority of mines covered by the final rule are small operations, employing fewer than 20 people; a significant percentage of these mines have fewer than 5 employees. The flexibility of the final rule will enhance their ability to meet their training obligations. We expect that many small mines will arrange with outside training providers to conduct some portion of required training, supplemented by site-specific health and safety training provided by experienced miners who are competent to instruct in their areas of expertise.

We have not included in the final rule a requirement that trainers receive instruction in how to provide training before they serve as instructors. We agree with the commenters who indicated that such a requirement would provide no real guarantee of the quality of training provided and would instead serve as an unnecessary hurdle for an individual with the knowledge and experience to provide effective training to qualify as a "competent person" under the final rule. Instead, the final rule's definition of the term "competent person" provides that the competent person must be able to effectively communicate the training subject to miners. We intended in the proposal that the ability to communicate effectively would be an essential element of being a "competent person." However, because many commenters emphasized the importance of communications skills and expressed concerns about the lack of a reference to these skills in the proposal, we have included such a reference in the final rule. Under the final rule you must, therefore, make an assessment of how well a person can communicate in determining whether he or she is capable of providing training for your miners. A person with extensive knowledge in a particular subject area may not be a good choice as an instructor if he or she is unable to convey the information to miners clearly and effectively. If a person has extensive knowledge in a subject area but has weak communication skills, you must either designate someone else as the competent person or take steps to enhance the person's skills, such as by arranging for the person to take a course in effective communication.

Under the final rule, as under the proposal, a competent person must be able to evaluate whether the training given to miners is effective. Several commenters suggested that the final rule provide specific guidance in how the competent person should evaluate the effectiveness of training. One commenter questioned whether the final rule should require that a paper-based evaluation form be distributed to miners at the conclusion of the training session, to be reviewed by us at some later point. This commenter also asked whether the rule should require that students be interviewed after the fact to determine whether the training was adequate.

Another commenter expressed concern over how a competent person who neither works at the mine site nor regularly visits the site will be able to evaluate the effectiveness of the training that has been given. This commenter suggested that the competent person have some mechanism to follow up to evaluate the effectiveness of the training either in person or through the operator.

The final rule does not provide specifications for conducting such an evaluation, because the evaluation method will be determined to a large extent by the type of training given. For example, a written test might be appropriate in a traditional classroom setting, while a miner receiving new task training may be asked to demonstrate to the trainer that he or she can perform the task in a safe and healthful manner. We have concluded that the final rule is not the place to address the wide variety of appropriate evaluation methods that may be used. However, we intend to provide assistance to production-operators and independent contractors in all aspects of the final rule's requirements, including ensuring that the training provided to miners is effective.

A few commenters questioned whether we would have the authority to revoke an individual's status as a "competent person" if we conclude that the person does not have the ability to deliver effective training. As a practical matter, because the final rule does not establish a formal instructor approval program, there is no basis for including formal rules to revoke such an approval. Instead, in cases where we determine that an instructor lacks the ability to provide effective miner training, we will cite the mine operator for a violation of § 46.4 of the final rule, for failing to designate a person who is competent to provide required training. To abate the violation, the operator could either designate someone else to provide training, or take steps to address the deficiencies we identify in the abilities of the person providing the training.

Section 46.4(a)(3) has been added to the final rule in response to comments. It provides that training must be presented in a language understood by the miners who are receiving the training. This provision has been added in response to several commenters who were concerned about language barriers that exist at mines across the country where miners are not fluent in English. These commenters stated that failure to address this issue would present a serious obstacle to effective training and that the final rule should be specific in

dealing with such situations. We agree with these commenters, and the final rule has adopted their recommendation. You should be aware that this requirement applies to both oral presentations and written materials. For example, if an instructor is giving oral presentations in Spanish to Spanish-speaking miners who are not fluent in English, any written materials that are used to supplement the oral presentation must also be in Spanish. Similarly, if warning signs at the mine serve as a component of the site-specific hazard awareness training, the signs must be in a language or languages that are understood by the persons who come onto the mine site.

Section 46.4(b) has been adopted with a nonsubstantive change from the proposal and provides that you may conduct your own training or may arrange for training to be conducted by state or federal agencies; associations of production-operators or independent contractors; miners' representatives; consultants; manufacturers' representatives; private associations; educational institutions; or other training providers.

The proposal used the term "associations of operators." The final rule refers to "associations of production-operators and independent contractors," in response to commenters who stated that the term "operator," referring to both production-operators and independent contractors, was ambiguous and a possible source of confusion. The final rule, therefore, includes a specific reference to both production-operators and independent contractors, to eliminate any possible misunderstanding. We have also deleted redundant references to "other operators" and "contractors" that were included in the proposed rule, and have eliminated the specific reference to "us." Although MSHA works to facilitate effective training, we typically do not provide miner health and safety training. This will avoid creating the impression in the final rule that MSHA will serve as a training provider.

This provision makes clear that you may arrange with a wide variety of training providers to satisfy the requirements of the final rule. This aspect of the proposal received little comment, but those commenters who addressed this provision generally supported it. Although some production-operators and independent contractors, particularly larger companies with formal health and safety programs, may choose to provide all required training in-house, we expect that many operators will make arrangements with outside organizations to provide at least some portion of the required training. A wide variety of effective miner training is available from many types of organizations across the country, and this section of the final rule makes clear that you are free to contract with outside training providers to satisfy your training obligations. In addition, we will be available to assist you in determining what training is appropriate for your specific operations.

Section 46.4(c) has been adopted from the proposal with some change and provides that training required by OSHA or other federal and state agencies may be used to satisfy the training requirements under part 46, provided that the training is relevant to the subjects required in part 46. The final rule also specifies that you must document the training in accordance with § 46.9 of this part. The final rule includes the added language that the training must be relevant to training subjects required in this part, to make clear that only some of the training used to satisfy OSHA requirements or the requirements of other agencies may be credited under part 46. This provision recognizes that many operations regulated by us, such as sand and gravel or crushed stone sites, are also associated with other facilities not regulated by MSHA, such as OSHA-regulated construction sites. In many instances, employees may be shared across several operations under the same management and may perform the same duties at both sites.

The preamble to the proposed rule stated that training provided in accordance with § 46.4(c) must be documented in accordance with § 46.9 to be credited toward part 46 requirements. However, the proposed rule itself did not specifically require documentation. This requirement has been included in final § 46.4(c) to ensure that you are aware of these recordkeeping obligations. This record must not only reflect the duration of the training but must also provide evidence of the relevance and equivalency of the training. We anticipate that miners will in many cases provide you with a record of the equivalent training that was made at the time that the training was given. In cases where such a record is not available, you must document the necessary information in accordance with § 46.9.

A number of commenters supported the acceptance of OSHA training under part 46, stating that much of the training given to satisfy OSHA requirements is relevant to hazards and conditions at the mines covered by this rule. One commenter expressed concern that accepting OSHA or other training to satisfy part 46 requirements could create serious problems, because those programs do not cover all of the subjects required under the Mine Act, such as the rights of miners and their representatives, or address MSHA health and safety standards. Although the commenter is correct in his assertion that such subjects typically would not be covered in OSHA or other types of non-MSHA training, this provision in no way is intended to relieve production-operators or independent contractors of their obligations to ensure that those subjects are covered as part of new miner and newly hired experienced miner training. A production-operator or independent contractor who uses OSHA training to satisfy part 46 requirements must ensure that miners receive instruction in all required subjects. As a practical matter, we expect that OSHA training and other types of training can be used to satisfy only a portion of part 46 requirements, because this training will be relevant only to some of the subjects required under the final rule.

To illustrate how crediting would work, assume that you hire a new miner who worked in the construction industry and whose previous employer provided him with some health and safety training. You determine that the new miner has received four hours of training on first aid methods; one hour of training on instruction and demonstration on the use, care and maintenance of respiratory devices; six hours of training on the safe operation of a front-end loader; and four hours of instruction on the following subjects: electrical hazards, silica, fall prevention and protection, excavations, material handling and moving equipment.

You would be able to credit the miner for four hours for the first aid training. Additionally, if the miner will be required to use a respirator that is the same type as the one for which he received training, you may credit the miner with one hour of training on this subject. Further, if the new miner will be operating the same type of front-end loader that he was trained on as one of his tasks, you may credit some, if not all, of the six hours of training. Finally, you would have to determine how much of the training on electrical hazards, silica, fall prevention and protection, excavations, material handling, and moving equipment are relevant to the miner's exposure to hazards at your mine. If you determine that all of the training is relevant, you could credit the new miner with four hours of training. In this example you would be able to credit the new miner with up to 15 hours of training.

As mentioned above, you must document the previous training in order for it to be credited. One method of accomplishing this is obtaining documentation of the previous training. If this documentation is not available, you must create a written record that identifies the miner, the training which is being credited, when the training was given, the duration of the training, the training methods used, and the person who provided the training. Finally, you must ensure that this individual receives training in all of the other subject areas required to be covered under § 46.5 (b) and (c).

Section 46.4(d) adopts the proposed provision with a minor change and provides that training methods under part 46 may consist of classroom instruction, instruction at the mine, interactive computer-based instruction or other innovative training methods, alternative training technologies, or any combination thereof. The final rule includes a specific reference to "interactive computer-based instruction" to make clear that we encourage the use of computer technology in satisfying training requirements under this part. This provision also recognizes that a combination of different training methods can be extremely effective. Commenters were generally supportive of this aspect of the proposed rule.

One commenter stated that the most effective training will include a blend of classroom instruction and on-site workplace interaction. We anticipate that many of you will use a combination of approaches to provide training, including innovative technologies. The classroom may serve as the most appropriate forum for training on some subjects, such as instruction in first aid or the statutory rights of miners and their representatives. On the other hand, mine-site training in such areas as the hazards of certain equipment or mining operations also has a place in an effective training program.

Final § 46.4(e), like the proposal, allows employee safety meetings, including informal health and safety talks and instruction, to be credited toward new miner training, newly hired experienced miner training, or annual refresher training requirements. The final rule, also like the proposal, does not impose a minimum duration for training sessions. Several commenters recommended that the final rule adopt the requirement in part 48 that training sessions last at least 30 minutes. Other commenters suggested, in the alternative, that a 10- or 15-minute minimum be imposed. One commenter recommended that if the final rule allows short sessions to be credited toward training requirements, language should be included in the rule that spells out that only actual instruction be counted. This commenter was concerned that only a portion of a 15-minute session given to a group may be devoted to actual training, taking into account the time required to gather the group together and to focus their attention on the subject at hand. Many other commenters supported not requiring a minimum period of instruction, because in their view some of the best training occurs in sessions of less than 15 minutes. These commenters maintained that the rule should not impose an arbitrary restriction on the length of training sessions. Some commenters stated that trainees can and will retain information given to them in short concise sessions rather than in long classroom courses. One commenter stated that short safety meetings are often pointedly specific and can be given in close proximity to the particular work to which it relates. This commenter also stated that such training is often more memorable than material given in the context of lengthy classroom instruction.

A number of commenters indicated that short training sessions provided throughout the year can be very effective. One commenter stated that safety meetings that cover only job assignments and the expectations for production for the week should not be used to satisfy the requirements under the rule. However, this commenter added that safety meetings that review safe work procedures for a specific job or a specific piece of equipment should count toward part 46 requirements, provided that the competent person takes steps to ensure that the training has been effective within a reasonable period of time after the training has been given. This commenter stated that there are various ways the competent person could conduct such an evaluation, including asking informal questions or watching miners perform a task.

We are persuaded by those commenters who advocate flexibility in the length of training sessions, and this determination is reflected in the final rule. Final § 46.4(e), like the proposal, requires that short training sessions that are used to satisfy part 46 requirements be documented in accordance with § 46.9 of the final rule. This paragraph also provides that you must include only the portion of the session actually spent in training when you record how long the training lasted. This provision has been included in response to commenters who were concerned that a training session that is 20 minutes in length might include only 10 minutes of actual instruction. This commenter was of the opinion that credit should be given only for the time spent in actual training. The added language in this paragraph responds to these concerns. For example, if safety talks are scheduled to last 20 minutes but in reality only 10 minutes of that time is spent in delivering an actual safety or health message, only 10 minutes may be recorded and credited to training under part 46. Additionally, if the session addresses other subjects besides those relevant to health and safety, such as operational or production issues, only that portion of the session that actually covers relevant health and safety subjects may be counted and recorded.

Several commenters questioned when a record must be made of such training. For example, if short sessions are used to satisfy the eight-hour annual refresher training requirement under § 46.8, must mine operators document the training at the time that the training session is completed, or is the record required at the completion of the entire eight hours of training? We agree with commenters that this aspect of the proposal requires clarification, and final § 46.9, which contains the recordkeeping requirements under the final rule, addresses this issue in detail.

Section 46.5 New Miner Training

Final § 46.5 reflects changes from the proposed rule. The final rule, unlike the proposal, requires that a minimum of four hours of training be given to new miners before they begin work at the mine. Additionally, the final rule adjusts the time periods in which you must provide new miner training and includes a table that presents when and what new miner training must be provided. The final rule also clarifies the oversight under which new miners must work before they complete the full 24 hours of new miner training.

As in the proposal, final § 46.5 includes minimum requirements for training new miners when they begin work at a mine, lists subject areas that the training must address, and identifies the subjects that must be covered before new miners begin work at the mine and no later than 60 days after employment begins. The final rule also specifies the minimum number of hours of instruction required by the Mine Act for new miner training and the circumstances where previous training may satisfy new miner training requirements.

As in the proposed rule, § 46.5(a) of the final rule requires that new miners receive a minimum of 24 hours of

training. A few commenters questioned the need for a full 24 hours of training for new miners at very small operations, citing the expenses associated with training, the lack of complexity of their operations, and the limited number of hazards that are present at very small surface mines.

We recognize that there are expenses associated with providing new miner training. However, we believe that the cost of not providing effective training for new miners is considerable. As voiced by several commenters, prudent operators recognize that an investment in health and safety training for employees makes economic sense. Commenters pointed out that a safe and healthful workplace is typically a highly productive one. Attention to health and safety through effective worker training can minimize workers' compensation expenses and avoid extensive medical costs and elevated insurance rates that result from accidents and injuries. We do not agree with commenters who contended that there are fewer workplace hazards at exempt mines compared to other mines. Most significantly, we do not have the authority to reduce the 24-hour new miner training requirement. As noted in the preamble to the proposed rule, section 115(a)(2) of the Mine Act requires mine operators to provide at least 24 hours of training to inexperienced surface miners. It is beyond the scope of our rulemaking authority, and only within Congress' legislative powers, to reduce the 24-hour new miner training requirement. Consequently, we are committed to implementing the congressional directive of section 115(a)(2) of the Mine Act.

Proposed § 46.5(b) would have required that new miners be given instruction in certain subject areas prior to beginning work, but the proposal did not establish a minimum number of hours to be devoted to this initial training. Instead of requiring a minimum number of hours, the proposal delineated four subject areas on which new miners would receive pre-work training to ensure that they are familiar with the operations and environment at the mine, their job duties, and the hazards they may encounter at the mine site. We solicited comment on the appropriateness of this approach, including whether a minimum number of hours should be devoted to initial training, or whether certain criteria, such as mine size or complexity or type of operation or equipment, should govern how much initial training is required. We also described alternative approaches that we considered in developing this provision, including requiring that miners receive the full 24 hours of training, or a lesser amount such as two or four hours, before they begin work duties.

A number of commenters supported requiring a minimum number of hours of training before new miners begin work. One commenter favored an eight-hour minimum of a combination of hazard awareness training and task-specific training before a miner begins work. Another commenter recommended that the final rule require a minimum number of hours of pre-work training and that the minimum number of hours be tied to mine size. This commenter provided as examples an eight-hour minimum for new miners at small mine operations, a 16-hour minimum at mines of moderate size, and the full 24 hours of pre-work training at large mines. Another suggested an eight-hour minimum pre-work training requirement for operations with five or more miners and a minimum of two hours for operations employing fewer than five miners. One commenter who supported an eight-hour minimum stated that small aggregate mines, for example, could meet the requirement by having the new miner perform tasks to which he or she will be assigned. A few commenters stated that all 24 hours of new miner training should be required for some miners, such as independent contractor employees, before they start work at a mine, because these miners are frequently not on the site long enough to receive adequate comprehensive training.

Several commenters strongly advocated adoption of the 24-hour pre-work training requirement in part 48 and cautioned against allowing initial training in periods shorter than eight hours. Under part 48, an operator must give new miners the full 24 hours of training before assigning miners work at the mine, unless the district manager specifically permits the operator to do otherwise. Even with district manager approval, however, part 48 requires operators to provide new miners with a minimum of eight hours of training in certain subjects before they begin work duties. One commenter, who supported a 24-hour pre-work training requirement, maintained that inexperienced miners can be overwhelmed, often tragically, by too many hazards at one time. Supporters of the part 48 approach were particularly concerned that not requiring a specific length of time for training prior to assigning work duties is inconsistent with the Mine Act and part 48 and would lead to abuse in favor of production expediency. According to these commenters, various factors, such as the hazardous nature of mining, the cyclical nature of work, frequent employee turnover, and the inexperience of new miners, reinforce the need for comprehensive and complete training before work duties commence. One commenter added that tracking the amount of training to fulfill the mandated 24-hour requirement would be complicated if fewer than eight hours of initial training were permitted at certain mines based on their size or complexity.

Many commenters opposed any minimum initial training period requirement and asserted that it would be unduly burdensome and unnecessary to apply a minimum number of hours requirement at many mines, particularly at small mines with few employees and limited equipment. Several of these commenters endorsed the proposal's emphasis on a minimum curriculum requirement for new miners before they begin performing assigned job duties, rather than on the amount of time to be spent initially training new miners. Some commenters stated that by requiring a minimum course content, and not a minimum time for initial training, we would permit a more flexible approach to training that recognizes the wide variety of mines covered by part 46. This would allow mine operators to vary the length of individual training topics depending on their needs, mining operations, and experience of their new miners. According to the commenters, a "one-size-fits-all" miner training regulation could be costly and ultimately ineffective. One of these commenters maintained that the minimum curriculum requirement combined with the overall 24-hour new miner training requirement is, in fact, protective of the miner. A different commenter pointed out that specifying a minimum number of hours for initial training based upon mine size or complexity could have the unintended effect of depressing mine employment opportunities because operators would limit mine size to avoid stepping up to the next level of training requirements.

We believe it is imperative that new miners are trained and familiar with the operations and environment at the mine, their job duties, and the fundamental hazards they may encounter at the mine site before they actually commence work duties. After reviewing and considering the comments received, we have concluded that the final rule should establish a minimum number of hours of pre-work

training. As noted elsewhere in this preamble, our fatal accident investigations show that a majority of miners involved in fatal accidents at mines that have been exempt from enforcement under the training rider had not received health and safety training that complied with part 48. Moreover, miners at smaller mining operations, many of which are covered by the final rule, also experience higher fatality rates than those at larger operations. We are concerned that by not establishing a minimum number of hours of pre-work training we may inadvertently encourage some operators to devote less than an appropriate amount of time and attention to the pre-work training subjects and essential orientation of new miners. As pointed out by some commenters, inexperienced miners who are unfamiliar with mining methods in general and with the mine site in particular are especially vulnerable to the hazards of their new work environment. We believe that these miners need fundamental and critical health and safety information relevant to their work sites at the earliest stage of their employment. In addition, the time spent presenting this information must be of a sufficient minimum duration to ensure that the training is thorough, meaningful, and effective to orient the new miner to his or her workplace and its health and safety hazards.

We have determined, after reviewing the comments, that at least four hours of pre-work training is needed to provide a new miner with the knowledge and skills to work safely. For the most part, new miners do not possess the knowledge and skills they need to work at a mine in a safe and healthful manner. New miners need some formal and practical training and practice under observation to acquire the knowledge and master the skills they need to avoid endangering themselves or others.

For example, a new miner needs to know how to stop the conveyor belts in use at the mine before he or she begins work there, so that the miner can stop the belt in the event of an emergency. If a co-worker becomes entangled in a moving conveyor, quick action is essential to save the person's life. Unfortunately, some miners have lost their lives because a fellow miner did not know that he could pull the stop cord, located less than a foot away, to stop the belt and save his co-worker. New miners must also be aware that it is unsafe to walk close to storage piles or on top of surge piles. The miner also needs to be aware that he or she must exercise extra care around the mine site, because equipment operators' visibility is typically limited compared to the visibility of a driver in a car on a highway. New miners also need to be familiar with the mine's emergency procedures, including the location of the nearest telephone.

Consequently, final § 46.5(b) requires you to provide no less than four hours of training on the subjects specified before a new miner begins work at the mine. The four-hour pre-work training requirement is a minimum. Clearly, if your mining operation is large and complex, or if the new miner will be performing multiple tasks, more time may be necessary to present the pre-work training materials effectively and in accordance with your training plan. We believe that you are in the best position, with the assistance of miners and their representatives, to determine the correct amount of pre-work new miner training, beyond the four-hour minimum, that is warranted at your operation. You still have the flexibility to address specific problems that may exist at your mine and to vary the length of training time spent on each subject. In this way, you can provide the most effective learning situations for your new miners before they begin work. The length of time devoted to each subject may depend on such factors as the miners' prior experience and familiarity with the aspects of their new assignments, the mining methods used, the environmental conditions at the mine, the tasks to be performed, and the mine's health and safety procedures.

We recognize that some operators of very small mines with limited equipment and facilities may be initially concerned that the four-hour minimum presents too large a burden and is unnecessary. However, these operators should be aware that final § 46.5(e) permits you to satisfy some part of the pre-work training requirements by having the miner practice assigned tasks under controlled conditions.

Proposed § 46.5(b) would have required that operators provide instruction for new miners in four areas before they begin work—

(1) An introduction to the work environment, including a visit and tour of the mine, or portions of the mine that are representative of the entire mine. The method of mining or operation utilized must be explained;

(2) Instruction on the recognition and avoidance of hazards, including electrical hazards, at the mine;

(3) A review of the escape and emergency evacuation plans in effect at the mine and instruction on the firewarning signals and firefighting procedures; and

(4) Instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, and the mandatory health and safety standards pertinent to such tasks.

Proposed § 46.5(d) also would have required that within 60 days after a new miner begins work at a mine, the balance of the 24 hours of new miner training would be provided on the following subjects—

(1) Instruction on the statutory rights of miners and their representatives under the Act;

(2) A review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives;

(3) An introduction to your rules and procedures for reporting hazards;

(4) Instruction and demonstration on the use, care, and maintenance of self-rescue and respiratory devices, if used at the mine; and

(5) A review of first aid methods.

In the final rule, we have added three subject areas that were proposed as post-work training subjects under § 46.5(d)(1), (2), and (3), listed above, to the pre-work training requirements under final § 46.5(b)(5), (6), and (7). These additional subjects include miners' rights; company rules and procedures for reporting hazards; and the hierarchy of authority of supervisors and miners' representatives and their associated responsibilities. We explained in the preamble to the proposed rule that instruction in the delineated initial subjects is intended to ensure that new miners—

(1) Are sufficiently familiar with the hazards at the mine;

(2) Can avoid exposing themselves and others to unnecessary risks;

(3) Can perform their job assignments safely; and

(4) Are able to respond to mine emergencies.

After evaluating comments and testimony, we have concluded that these objectives are best served by requiring that instruction on the three additional subjects be given to new miners before they start work at the mine. Some commenters supported requiring instruction on the company safety policy and on miners' statutory rights as part of the pre-work training curriculum. They indicated that allowing operators up to 60 days to inform miners of this critical information was inappropriate and not protective of miners. To ensure that the health and safety of new miners is not compromised or jeopardized, we believe instruction on the three subject areas must be provided before a miner begins work at the mine. This information will ensure that a new miner knows what fundamental steps to take at the mine to prevent or respond to hazards, who the

management personnel and miners' representatives are at the mine, and what specific statutory rights protect the miner from an unsafe or unhealthful work environment.

The subject areas for new miner training specified in the proposed rule, which were based on those mandated by section 115(a)(2) of the Mine Act, have been retained with minor modifications in the final rule. The topics are sufficiently broad to provide operators with the flexibility not only to introduce new miners to the mining industry but also to address particular conditions and practices that present safety and health hazards at their mines. In addition, as mentioned earlier, portions of final § 46.5 are presented in a table format to make it easy for you to determine the subjects that you must cover for new miner training and when the subjects must be addressed.

We received few comments on the appropriateness of the subject areas delineated in the proposal. Of those who commented on the pre-work training subjects, several commenters supported the mandatory subject areas that were specified in the proposed rule. One of these commenters maintained that it was unacceptable to give operators total discretion on the subjects to be covered in new miner training. The commenter stated that to do so would leave many of these new miners, who are at high adverse occupational risk, unprepared for work at the mine.

We believe that it is not enough for new miners to receive only a general orientation before they begin work. The initial training must also address potential hazards and risks that new miners may encounter at the specific mine site where they will work. As a result, we have clarified the language of § 46.5(b) to provide that the pre-work new miner training in the specified subject areas must also address site-specific hazards at the mine.

Several other commenters suggested revisions in the language for the mandatory pre-work subjects. As a result, final provisions of § 46.5(b)(1) through (b)(3) vary slightly from the proposed rule. One commenter recommended that § 46.5(b)(1) include the term "walkaround training" within the description of "introduction to the work environment." We have inserted this term in the referenced paragraph to clarify that the visit and tour of the mine, which is part of the introduction to the work environment, is considered the "walkaround training" specified in § 115(a)(2) of the Mine Act. One commenter recommended that the words "and observed" be inserted after the word "explained" in proposed § 46.5(b)(1) so that it would read that "the method of mining or operation utilized must be explained and observed" (emphasis added).

As indicated in the preamble discussion in the proposed rule, we had intended that proposed § 46.5(b)(1) would read essentially the same as the commenter has suggested. We inadvertently failed to include the language we had specified in the preamble in proposed § 46.5(b)(1). Accordingly, the final rule includes the language that was mistakenly omitted from the proposal.

Many commenters generally recommended that the final rule language include more illustrative examples to provide guidance to the regulated community. One commenter generally asserted that we should designate mandatory training subjects based on an analysis of accidents and injuries in our accident and injury database, which he indicated should show the subjects on which miners need training. Some commenters specifically recommended that final § 46.5(b)(2) include examples of hazards, other than just electrical, that might be included as training subjects. In response to these commenters' suggestions, we have identified other types of common mine hazards derived from our accident and injury database as examples of subject areas that might be relevant for new miner training, including traffic patterns and control, mobile equipment (haul trucks and front-end loaders), and adverse ground conditions. We intend these examples to serve only as illustrations of possible subjects for new miner training. They are not mandatory topics.

Proposed § 46.5(b)(3) covered general subject areas associated with emergencies, such as "escape and emergency evacuation plans in effect at the mine and instruction on the firewarning signals and firefighting procedures," that would be required before a new miner begins assigned work duties. One commenter stated that comprehensive first aid training should be addressed, while another commenter advocated that emergency medical procedures be covered during this initial training period. We believe that it is not necessary for miners to receive first aid training and/or a review of first aid methods before they start work. MSHA regulations at 30 CFR 56.18010 already require that an individual capable of providing first aid be available on all shifts, which ensures that a trained person is on site in case of emergency. For this reason, the final rule does not require first aid subjects to be covered as part of the pre-work training. On the other hand, instruction on emergency medical procedures at the mine will ensure that new miners will know from the beginning what steps must be taken in the event of a medical emergency. We have included this topic as part of pre-work training for new miners in paragraph (b)(3). Basically, training on emergency medical procedures could include, as appropriate, a briefing on what steps a miner should take in the event of a medical emergency, the identification of the people at the mine who have satisfactorily completed first aid training, the locations of first-aid equipment and supplies, arrangements that the mine operator has made for 24-hour emergency medical assistance (e.g., with local physicians, medical services, or hospitals, and with emergency transportation services), and where the information on these arrangements are posted at the mine.

Proposed § 46.5(c) would have allowed new miners to practice under the "close supervision of a competent person" to satisfy the § 46.5(b)(4) requirement for training on the health and safety aspects of an assigned task, provided that hazard recognition training for the assigned task is given before the miner actually performs the task. Although we did not define the term "close supervision" in the proposed rule, we explained in the preamble that we considered it to mean that the "competent person is in the immediate vicinity of the miner and focusing his or her complete attention on the actions of the miner being trained." We also stated that "[a] miner would not be considered under 'close supervision' if the competent person is occupied with any other task or is not in close proximity to the miner."

The term "close supervision" was also used in proposed § 46.5(a), which would have required a new miner who had not completed the full 24 hours of new miner training to work "under the close supervision of an experienced miner." Our rationale for this proposed requirement, which is modeled after a similar requirement in § 48.25(a), was to protect the health and safety of a new untrained miner until the miner had completed new miner training.

We received considerable comment on the use of the term "close supervision" in § 46.5 (a) and (c) of the proposed rule. Generally, commenters did not object to the concept that inexperienced personnel should be closely supervised or have a mentor until they acquire the knowledge, experience, and skills to perform their assigned duties in a safe and healthful manner.

A clear majority of commenters, however, provided unfavorable comment on the term "close supervision," either disagreeing with our interpretation of how it would apply in proposed § 46.5(a) and (c) or disagreeing with the use of the term altogether. One sentiment echoed by most commenters was that the description of "close supervision" in the proposed rule preamble was too restrictive and appeared to prohibit the experienced miner in proposed § 46.5(a) and the competent person in proposed § 46.5(c) from training or supervising several people at one time. One commenter indicated that the level of supervision required in § 46.5(a) should be different from the level required in § 46.5(c) and suggested that "appropriate supervision" would be the more suitable term for purposes of the requirements in § 46.5(a). Another commenter stated that some of the work assignments appropriate for new miners to practice under § 46.5(c) may be relatively low-risk activities that do not warrant the undivided attention of a competent person.

Similarly, commenters expressed specific concern with proposed § 46.5(a) because of the impracticality of requiring an experienced miner to provide close supervision, as that term was described, of a miner who had not received the full 24 hours of new miner training. In some cases, commenters noted, for each miner trainee needing close supervision, the activities of one experienced miner could be restricted for up to 60 days under this provision. Several commenters pointed out that the greatest impact and burden of complying with these requirements would be on small operators, who have limited personnel and resources and cannot afford to dedicate personnel to supervise new miners in lieu of performing their normal work duties. One commenter indicated that operators' flexibility to provide quality training tailored to their needs would be weakened if they had to choose between providing 24 hours of new miner training quickly or assigning experienced miners to supervise the new miners for lengthy periods. Commenters also suggested more limited periods of time, ranging from 16 to 40 hours, for a new miner to be closely supervised by an experienced miner under § 46.5(a). One commenter maintained that continuous oversight of the new miner under § 46.5(a) was necessary for a limited period of time, but after that, new miners should be able to work, but not alone or in an area where an experienced miner cannot see or hear the new miner. A few commenters characterized a situation where the new miner could work under a "loose buddy system" until the miner received adequate training to function safely and independently. Still another stated that new miners should be "under observation" so that negative effects do not result.

A few commenters recommended that if the final rule adopts the term "close supervision," the rule should define the term so that people understand what is required without having to refer to the preamble. Some urged that either the term "close supervision" be more flexible and redefined, or another term or standard be adopted instead. Many commenters stated that the decision on how closely the miner trainee should be supervised should be within the discretion of the operator and based on the level of perceived risk, evaluating the hazards involved in performing work duties and the employee's work experience. Some commenters recommended that the final rule define "close supervision" as "appropriate attention commensurate with the risks of the supervised activity." Another commenter suggested that the experienced miner (or competent person) should be "close enough to the trainee so that they can communicate in a normal conversational tone" while the new miner is performing tasks that may expose the miner to mining hazards. Some commenters objected to the term "supervision" since it could be incorrectly interpreted to mean that the rank-and-file worker, who may be the designated competent person or experienced miner, was operating in a supervisory capacity or as an agent of the operator.

We carefully considered the comments received and admit that our characterization of the term "close supervision" in the proposal was too narrow and did not afford the flexibility that operators need to provide effective new miner training. We also recognize that the term caused considerable confusion and disagreement among commenters. We do not agree, however, with many of the commenters' suggested alternatives because many of the alternatives are themselves vague or subjective.

In § 46.5(a) of the final rule, we adopt the proposed approach of requiring an experienced miner to provide adequate oversight until the new miner has received all 24 hours of new miner training. However, we do not use the term "close supervision," adopting instead performance-based language. Until the training is completed, an experienced miner designated by the operator will be required to observe the new miner's work practices to ensure the miner is not jeopardizing his or her health or safety or the health or safety of others. We do not mean that the experienced miner must abandon his or her normal duties or be assigned to oversee only one new miner. However, in some situations, that may be necessary to ensure that this performance-based standard is met. The relevant portion of final § 46.5(a) is revised to read as follows:

> Miners who have not received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is performing his or her work in a safe and healthful manner.

For reasons similar to those stated above, we do not adopt in the final rule the term "close supervision" used in proposed § 46.5(c), which we have redesignated § 46.5(e) in the final rule. Instead, the final rule requires that practice to fulfill the requirement for training under § 46.5(b)(4) on the health and safety aspects of an assigned task must be performed under the "close observation" of a competent person. We would like to emphasize that practice is only allowed to fulfill the § 46.5(b)(4) training requirement and not all pre-work training requirements. We recognize that having the miner practice the actual assigned task may be an appropriate method of training for the health and safety aspects of the task, provided that training, and not production, is the primary goal of performing the task. This interpretation is consistent with Congress' intent that training include a period conducted in circumstances that duplicate actual mining facilities. Conference Rep. No. 95–461, 95th Cong., 1st Sess., 63 (1977).

Proposed § 46.5(d), which has been redesignated § 46.5(c) in the final rule, listed the training subjects that new miners would be required to receive no later than 60 days after they begin work at the mine. As discussed earlier, proposed § 46.5(d) would have required "review of first-aid methods" within this 60-day time frame, and this requirement has been retained in § 46.5(c) of the final rule. For a variety of reasons, a requirement of comprehensive first-aid training for many miners is impracticable. A comprehensive first-aid course may last eight hours or longer, a significant portion of the required 24 hours of new miner training. There are a number of other areas that could be addressed during this time that will be of greater overall benefit to the health and safety of miners in the workplace. Additionally, one commenter was

concerned that some people are not physically, mentally, or emotionally equipped to perform first-aid procedures. Nevertheless, the commenter stated that a review of first-aid methods is valuable.

As noted in the proposed rule preamble, you would not be required to hire an approved first-aid instructor or obtain first-aid teaching equipment to provide this instruction. Typically there are miners and designated supervisors at the mine who have already been trained in first aid under the requirements of 30 CFR part 56. One of these individuals could serve as a competent person to provide the first-aid review for new miners.

A few commenters suggested that instruction on respiratory protection be required before a miner begins work at a mine. Although this is an important topic, the final rule does not require new miners to receive training in this subject before they start work. We have determined that allowing this training to take place after miners begin work is unlikely to adversely affect miners' health and safety. As a practical matter, part 48 allows operators to cover this subject after the miner begins work but within 60 days, in those cases where the district manager permits a production-operator or independent contractor to provide new miners with training after assignment of work duties. Additionally, if the miner must use respiratory protection while performing his or her duties, the operator must provide appropriate instruction in the use of the respirator under § 46.5(b)(4) of the final rule, which requires that instruction on the health and safety aspects of the tasks assigned be provided to a new miner before the miner begins work. For that reason, we do not believe that every new miner needs instruction on respiratory protection before their work commences and have not included language to that effect in the final rule.

As previously mentioned, § 46.5(d) of the proposed rule would have required that the balance of statutorily-mandated new miner training be given within 60 days after the new miner begins work. For practical reasons outlined in the preamble, we explained that the 60 days would be measured in calendar days, not working days, and we solicited comment on the proposed schedule and approach.

Only a handful of commenters agreed with the proposed 60-calendar day time limit; the majority of commenters did not support the time period in the proposed rule. A few commenters opposed the 60-day time frame or any suggestions to extend the time frame. Instead, these commenters urged the adoption of a shorter time period. They endorsed either the full 24 hours of new miner training being given before the miner begins work duties, or a 30-day time period after the miner begins work within which to complete the remainder of the 24 hours of new miner training. One of these commenters stated that some employers might exploit a longer time period and deprive short-term miners of valuable training. One commenter echoed general concerns that, if the time frames are promulgated as proposed, part 46 will provide less protection for new miners than existing part 48.

Most commenters who opposed the proposed 60 calendar-day period, however, suggested that either a 60 working-day or longer time period be allowed for completion of the mandated 24 hours of new miner training. One commenter who advocated a 60 working-day deadline appeared to believe, mistakenly, that we intended to require a production-operator or independent contractor to provide new miner training even when the proposed 60 calendar days occurred during a period that a miner was laid off and not working for the operator. This was not our intent. However, we want to make it clear that if this worker were rehired as a miner, an operator employing that miner would be required to provide new miner training in accordance with § 46.5, although certain new miner training taken previously could be credited towards the new miner training requirements. This is discussed in greater detail below.

A few commenters indicated their concern with recouping the substantial economic investment incurred for training if the balance of training were required to be provided within the proposed 60-day period. In justifying support for a 60- to 120-day time period, one commenter stated that the investment in training should be required closer to the time when the operator decides whether to permanently hire that miner. Another commenter, concerned with the employee turnover in the industry, made a similar argument and recommended increasing the 60-day time period to 6 months, or to stipulate that the training should be completed within six months or by the end of the new miner's probationary period, whichever comes first. Still others noted that a 60-day period would not be practical for miners who are employed intermittently. One of these commenters proposed a one-calendar-year time period for intermittent employees to complete the required 24 hours of new miner training.

For a number of reasons, the majority of commenters opposing the proposed 60-day period maintained that it was too short, especially for small operations. They either favored a 90 calendar-day time period to complete new miner training or stated that they would not object to such a requirement. Some asserted that it would be unduly burdensome for operators to schedule with outside training contractors within the proposed 60-day time period and then to provide such training several times within one year as new miners are hired. They argued that a 90 calendar-day period was preferable and that in most cases would add up to approximately 60 working days. One commenter endorsed the 90 calendar-day option since it seemed to balance the needs of employers to arrange for training and the needs of new miners to receive training in a timely manner.

Under § 46.5(c) of the final rule, you must provide training on the balance of the new miner subject areas required under the Mine Act (i.e., self-rescue and respiratory devices, and first aid review) no later than 60 days after a new miner begins work at the mine. In addition, after a miner has received the required minimum training in § 46.5(b) and (c), § 46.5(d) allows the operator up to 90 days to provide training on other subjects that promote occupational safety and health for their new miners and to count the amount of time spent on presenting that instruction towards fulfillment of the 24-hour new miner training requirement. Until the new miner receives the full 24 hours of new miner training, the miner must work where an experienced miner can observe that the new miner is working in a safe and healthful manner.

In this way, operators may select and present additional, appropriate instruction on subjects that will increase the knowledge and ability of each new miner to work safely, avoid injuries and illness, and respond to emergencies at the mine. Operators will also gain the added flexibility to spread the remainder of the 24 hours of new miner training over a longer period of time, if they wish, which should alleviate some of their concerns with scheduling training and meeting the 24-hour training requirement. At the same time, we believe this will provide necessary and meaningful training to new miners within a relatively short period after the worker accrues some work experience at the mine. We wish to reiterate that there are advantages to training new miners over a longer period of time. New miners, even if they have worked a short

period of time at the mine, will retain training information better because they will have some practical work experience and will recognize the relevance of the training material to their work duties.

As in the proposed rule, both the 60-day and 90-day periods prescribed by the final rule are calendar days and not working days. As stated in the preamble to the proposal, a deadline measured in working days would be impractical, particularly given the intermittent and seasonal work schedules of many operations. A deadline measured in working days would not only present an administrative burden to you, both for paperwork and for class scheduling, but would also make enforcement extremely difficult for us.

To minimize the likelihood that a miner would have to repeat new miner training unnecessarily, the final rule, like the proposal, allows training credit to be given where a new miner had not attained experienced miner status for training purposes but had previously completed new miner training under part 46 or 48. Under certain conditions, credit for relevant courses may be given towards the 24-hour new miner training requirement under § 46.5(a) and towards the mandatory subject requirements under § 46.5(b) and (c) for that miner. Although we solicited comment in the proposed preamble on whether the final rule should allow such crediting and how it should be addressed, only one commenter specifically responded to our solicitation and endorsed the proposed approach, without suggesting any modifications. Accordingly, we have adopted the provisions of proposed § 46.5(e) and (f) in the final rule, which we have redesignated paragraphs (f) and (g), respectively.

Under § 46.5(f) of the final rule, a miner who has completed new miner training under § 46.5 or § 48.25 within the previous 36 months but who does not have the 12 cumulative months of experience for "experienced miner" status is not required to repeat new miner training, with one exception. The operator is still required to provide this miner with pre-work training on the seven subjects specified in § 46.5(b) to ensure that the miner has site-specific familiarity with the mine's operations and practices before work duties commence.

Similarly, final § 46.5(g) permits an operator to credit a new miner training course completed by a miner under § 48.5 or § 48.25, provided that the course was completed within a 36-month period prior to the miner beginning work at the mine and is relevant to subject areas specified in § 46.5(b) and (c). For example, a new miner may have completed an hour of instruction at an underground mine on the statutory rights of miners and their representatives, and an hour on the use, care, and maintenance of self-rescuers or respiratory devices within the previous 36-month period. The final rule allows credit towards the 24-hour new miner training requirement, as well as toward the mandatory subject requirement, for the one hour spent on the miners' rights course. The final rule also allows credit for the one hour spent on the respiratory protective equipment course, but only if such equipment is used at the mine where the miner is currently employed.

A few commenters indicated that it was not clear when new miner training requirements would apply to a miner who is employed by an independent contractor and moves from mine to mine performing services, or to a miner employed by a production-operator who works at multiple mines operated by the same production-operator. Commenters raised this question because we defined a new miner in the proposal as "a newly hired miner who is not an experienced miner" (emphasis added) but did not explain what we meant by "newly hired." It was our intent that new miner status and new miner training requirements would apply when two conditions were met: first, when the miner does not fit the definition of "experienced miner;" and second, when the miner begins employment with a new employer. We acknowledge that our use of the term "newly hired" in the proposed new miner definition did not expressly convey the second condition and, as explained elsewhere in this preamble, we have revised that definition. Under the final rule, the requirements of § 46.5 are triggered when a miner, who is not an experienced miner, begins employment with a new employer, not necessarily when the miner starts work at a different mine. In other words, the final rule does not require a miner to receive new miner training each time the miner moves from mine to mine, if the miner remains continuously employed by the same production-operator or independent contractor.

Section 46.6 Newly Hired Experienced Miner Training

Section 46.6 of the final rule, like the proposal, addresses training requirements for "newly hired experienced miners" as that term is now defined in § 46.2. Section 46.6 lists the subject areas that must be covered in training newly hired experienced miners before they begin work at the mine and no later than 60 days after they begin work. Final § 46.6 also contains less rigorous training requirements for newly hired experienced miners who are returning to the same mine after an absence of 12 months or less, and allows, under certain conditions, training credit to be given for practice of assigned tasks. As in final § 46.5, which addresses new miner training, we have used a table to set forth the final rule's requirement. This is intended to make it easier for you to determine the training you must provide to newly hired experienced miners and when the training must be provided.

We received numerous comments on proposed § 46.6, many of which addressed issues that were similar to those raised in the context of new miner training under § 46.5. One commenter raised a general issue concerning the term "newly hired experienced miner." This commenter indicated that because the requirements for training under this section are triggered before and after an experienced miner begins work, the phrase "newly hired" is superfluous and should be deleted. The commenter also pointed out that recent amendments to part 48 eliminated use of the term "newly employed" in § 48.26 for similar reasons. We agree that it may be somewhat redundant to use the term "newly hired." However, the final rule defines "newly hired experienced miner" in § 46.2 and retains the term in both the section heading for § 46.6 and the regulatory text. We have taken this approach to emphasize and make clear that this section applies only to experienced miners at the time they begin employment with a production-operator or independent contractor.

Proposed § 46.6(a) would have required you to train newly hired experienced miners in four subject areas before they begin work but did not specify a minimum amount of time to be spent on this pre-work training. One commenter who addressed this aspect of the proposal supported minimum courses of pre-work instruction as in § 48.26. Another commenter agreed that the final rule should not specify a minimum number of hours for training before the miner begins work, while another commenter recommended that emergency medical procedures be added to the list of pre-work training requirements. Several commenters strongly opposed any requirement for pre-work training for experienced miners, based on the commenters' concerns over the economic impact of such a requirement on small operations. Several commenters also maintained

that such training is not needed for workers who already have mining knowledge and experience. A few other commenters recommended that the final rule require only mine-specific hazard awareness training for experienced miners. Some of these commenters suggested that we should require only limited training on such subjects as company policies, safety and environmental response plans, hazard recognition and avoidance, and "walkaround" and task training.

Although section 115 of the Mine Act specifically requires that miner training regulations address training for new miners, there is no express statutory directive that we promulgate training regulations for newly hired experienced miners. However, we have concluded that experienced miners should receive orientation on the mining environment in general and be instructed in specific potential hazards at a mine before they begin work there, and the final rule reflects this conclusion.

For the same reasons outlined in today's preamble discussion on final § 46.5(b) for new miners, we are requiring training on seven subject areas before newly hired experienced miners begin work at a mine. We believe that all miners beginning employment with a production-operator or independent contractor, whether experienced or not, should receive instruction in these critical areas. Unlike final training requirements for new miners, however, final § 46.6 does not specify a minimum length of time that must be devoted to pre-work training for newly hired experienced miners. This conclusion is based primarily on the fact that experienced miners have far greater variability in their occupational experience, skills, and knowledge than untrained workers who are new to mining. The scope and amount of training needed by a newly hired experienced miner is more dependent on the occupational experience of the miner, the work duties that the miner will perform, and the methods of mining and workplace conditions at your mine. Clearly, if an experienced miner received training on a subject, such as the statutory rights of miners, within the last year, you would not need to spend as much time on that subject as you would for a new miner. Similarly, a newly hired experienced miner would not require much training on the health and safety aspects of an assigned task in which the miner has 15 years' prior experience. You are in the best position to assess the amount of training time needed to ensure the miner is adequately trained before he or she begins work at your mine, and the final rule is consistent with this. The final rule allows you to tailor the newly hired experienced miner training to the individual miners and concentrate the training on appropriate areas. For these reasons, it would be impractical and inappropriate for us to impose a minimum hour requirement for pre-work training for newly hired experienced miners.

For the same reasons as those stated in the preamble discussion of final § 46.5(b), the final rule includes instruction on emergency medical procedures as a required pre-work training subject under final § 46.6(b)(3). In addition, we have revised the final rule from the proposal so that the pre-work training subject language in final § 46.6(b)(1) and (2) for newly hired experienced miners is consistent with that in final § 46.5(b)(1) and (2) for new miners (e.g., clarified that the mine tour in paragraph (b)(1) is "walkaround" training, and provided examples of potentially hazardous conditions on which training may be given in paragraph (b)(2)).

The proposal would have required you to provide annual refresher training to newly hired experienced miners on an accelerated schedule—within 90 days after they begin their assigned work duties. The proposal would also have required that the refresher training cover four specified subjects.

A few commenters supported the proposed requirement that miners receive annual refresher training within the 90-day period after employment. One of these commenters stated that MSHA accident and injury data show that a significant number of deaths and injuries occur during miners' initial periods of employment. In contrast, a significant number of commenters objected to the inclusion of annual refresher training as part of the training requirements for newly hired experienced miners. Many of these commenters also opposed the 90-day deadline for the training.

One commenter who opposed the proposed requirements stated that experienced miners at mines covered by the rule should receive the same training within the same time periods as part 48 requires for experienced miners. Generally, § 48.26 requires operators to give pre-work instruction on specified subjects for all experienced miners, except miners returning to the same mine following an absence of 12 months or less. Part 48 also requires that experienced miners returning to mining after an absence of five years or more must receive this pre-work training in no less than eight hours.

One commenter recommended that the 90-day period in proposed part 46 be increased to 120 days in the final rule to provide a greater opportunity for operators to train miners during the normal cycle of refresher training and to credit the eight-hour refresher requirement with smaller training sessions. However, given the high employee turnover rate in the mines covered by the final rule, most commenters maintained that the refresher training requirement would create significant scheduling problems for small- to medium-sized mine operators, who would be forced to hold multiple refresher training sessions. Commenters stated that small operators do not have the resources to provide an eight-hour annual refresher training course to each newly hired experienced miner on a schedule that varies from the normal refresher training cycle. In addition, commenters asserted that refresher training was not necessary if the miner had received refresher training at another mine within the previous year or if miners receive initial pre-work training coupled with task training.

One commenter pointed out that it would not be efficient to require smaller and more frequent training sessions, which the commenter believed was the practical effect of the refresher training requirement. Another commenter noted that the proposed requirement would necessitate breaking up work crews on a frequent basis and assigning other workers to fill in for the absent miner being trained. This commenter believed this would have an adverse impact on safety at those workplaces.

We have carefully considered the comments submitted on proposed § 46.6(b) and agree that a requirement for eight hours of refresher training on an accelerated schedule for newly hired experienced miners would create unnecessary burdens for many operators, without providing a clear benefit to the health and safety of miners. For these reasons, the final rule does not adopt the proposed refresher training requirement for experienced miners. Instead, final § 46.6(c) provides that newly hired experienced miners must receive training on self-rescue and respiratory devices if they are used at the mine. This is in addition to the pre-work training requirements under final § 46.6(b), which must also address site-specific hazards at the mine.

We do not agree with the commenter who recommended that experienced miner training requirements in part 46 be made identical to § 48.26. As stated elsewhere in this preamble, the conditions and workforce at the mines

covered by part 46, as well as the resources available to small operations, are different from those at mines covered by part 48. The final rule requires initial training for these miners before they begin work, as well as training on additional subjects no later than 60 days after they begin work. This will ensure that these miners have the appropriate orientation and instruction before and shortly after they begin work, to prepare them to work in a safe and healthful manner at their new places of employment.

As mentioned above, the final rule requires that newly hired experienced miner training on the specified subjects be completed no later than 60 days after the miner begins work. The 60-day deadline is consistent with a similar deadline for completion of the training subjects for new miners under final § 46.5(c). This responds to some commenters who were concerned that it was confusing to have different deadlines for similar training for new miners and experienced miners. Additionally, under final § 46.4(e), operators may credit short training sessions towards experienced miner training as long as they are documented properly.

Some commenters recommended that the final rule include a provision for newly hired experienced miners similar to the proposed provision that would allow new miners to practice under the "close supervision" of a competent person to satisfy the requirement for training on the health and safety aspects of an assigned task. According to one commenter, there is no justification for requiring more of experienced miners if they can demonstrate through practice, to the satisfaction of a competent person, that they are familiar with the health and safety aspects of an assigned task. We agree with this commenter, and § 46.6(d) of the final rule specifically allows experienced miners to practice as part of the training on the health and safety aspects of a task, under the close observation of a competent person. As discussed in the preamble for final § 46.5(e), the final rule replaces the term "close supervision" with the term "close observation."

Final § 46.6(e) is new to the final rule and makes clear that the scope of training for newly hired experienced miners is not limited to the subjects listed in § 46.6 (b) and (c). The courses listed in these paragraphs are only minimum courses of instruction. Operators should tailor their newly hired experienced miner training program to their specific mining operations and the needs of the individual miners.

Final § 46.6(f) adopts language that was proposed in § 46.6(c). Under this provision, you are not required to provide the training specified under § 46.6 (b) and (c) if the newly hired experienced miner returns to your mine after an absence of 12 months or less. The final rule requires, that, before the miner begins work, a competent person inform the miner of changes at the mine that occurred during the miner's absence that could endanger his or her safety or health. This provision was adopted from recent revisions to § 48.26. A miner's absence of 12 months or less does not warrant requiring the miner to repeat experienced miner training at the same mine. Instead, the final rule treats the returning miner almost as though he or she never left. Consistent with this approach, the returning miner must receive any annual refresher training that was missed during his or her absence, no later than 90 days after the miner starts work. We received little comment on this aspect of the proposal. However, one commenter was concerned that miners who returned to a mine after an absence of more than 12 months would not be informed about changes at the mine that occurred during his or her absence. Although the final rule does not specifically require that a miner be informed of such changes, the final rule does require that any experienced miner returning to the same mine after an absence greater than 12 months receive newly hired experienced miner training under § 46.6. We expect that this training would cover any changes at the mine that would have an impact on the miner's health or safety.

Proposed § 46.6(d) would have allowed miners who are employees of independent contractors and who work at the mine on a short-term basis, such as drillers or blasters, to receive either newly hired experienced miner training or site-specific hazard training. We received considerable adverse comment on this aspect of the proposal. One commenter believed that operators, given the choice, would always opt to provide contractors with hazard training, not the more extensive experienced miner training under § 46.6. This commenter was concerned that contractors would receive little training under part 46. In fact, under the final rule, independent contractor employees who are "miners" must receive comprehensive training, either as "new miners" under § 46.5 or as "newly hired experienced miners" under § 46.6. These workers must also receive appropriate task training under § 46.7, annual refresher training under § 46.8, and site-specific hazard awareness training under § 46.11.

Several commenters correctly pointed out that these contractor employees are not "newly hired" because they are still employed by the same employer, in this case, the independent contractor. Commenters contended that these miners should receive only site-specific hazard awareness training for each mine where they work and not be required to repeat experienced miner training under § 46.6 each time they move from mine to mine. For the same reason, other commenters requested that we clarify that miners who move among mines operated by the same company are not "newly hired experienced miners" for training purposes. Commenters noted that the proposed rule was unclear on whether the event that triggers newly hired experienced miner training is the miner beginning work at a new mine or the miner beginning employment with a new employer.

We agree that it is unnecessary for miners to receive newly hired experienced miner training whenever they move from one mine to another, while remaining employed by the same employer, whether production-operator or independent contractor. In response to these comments, the final rule includes a definition of the term "newly hired experienced miner," and provides that experienced miners who move from one mine to another, such as drillers and blasters, but who remain employed by the same production-operator or independent contractor are not considered newly hired experienced miners.

You should be aware that final § 46.11, which addresses site-specific hazard awareness training, requires you to provide miners who move from one mine to another mine while remaining employed by the same production-operator or independent contractor with site-specific hazard awareness training for each mine.

Section 46.7 New Task Training

Section 115(a)(4) of the Mine Act provides that:

> * * * any miner who is reassigned to a new task in which he has had no previous work experience shall receive training in accordance with a training plan approved by the Secretary . . . in the safety and health aspects specific to that task prior to performing that task.

This section of the final rule implements this statutory provision by requiring operators to provide miners with training for new tasks and new health and safety information concerning assigned tasks before the miners perform the tasks. This section

generally adopts the proposed provisions, but includes several changes from the proposal in response to comments.

In developing final § 46.7, we have attempted to address the comments received and to develop practical requirements for effective health and safety training programs at the mines covered by this rule. Although § 46.7 will allow you greater flexibility in the implementation of new task training to fit your specific mining operations and workforce, we have determined that the new requirements will not reduce protection afforded to surface nonmetal miners under similar standards in existing part 48. While the approach taken under part 46 may be less structured and more flexible than part 48, the ultimate result will be the effective health and safety training of surface nonmetal miners who are assigned new tasks or whose assigned tasks are modified and the modification has some impact on the health and safety risks encountered by the miner.

The task training requirements in the final rule are intended to reduce the likelihood of accidents resulting from a miner's lack of knowledge about the potential hazards of a task. This section requires operators to provide miners with important health and safety information before they perform a new or modified task. This will ensure that miners are prepared to protect themselves and to avoid endangering other workers at the mine.

Many commenters supported the task training requirements in the proposed rule. These commenters stated that employees need to be aware of the hazards and the risks associated with the jobs or tasks that they perform and be familiar with the systems, tools, equipment, and procedures required to control, reduce, or eliminate hazards. Several commenters noted that proper task training is the key to preventing injuries and fatalities.

Some commenters recommended that new task training requirements be patterned after the requirements in part 48. Under part 48, a program for training on certain enumerated tasks must include instruction, in an on-the-job environment, in the health and safety aspects and safe operating procedures of the task; supervised practice during nonproduction times is also required. Other commenters were supportive of the performance-oriented requirements in the proposed rule.

The final rule, like the proposal, does not include detailed requirements for task training. This is intended to allow you to design task training programs that are suitable for your workforce and your operation. We expect that effective new task training will include, at a minimum, instruction in the elements of the task, including hands-on training, and an explanation of the potential health or safety hazards associated with the task and ways of minimizing or avoiding exposure to these hazards.

Many commenters stated that effective task training includes a combination of different types of training, such as classroom instruction, demonstration by the competent person, practical hands-on training, and evaluation of the miner's ability to apply the training in the workplace. We agree with these commenters, and the flexibility provided in the final rule is intended to allow each operator to design and implement an effective task training program that is suitable for each miner.

Final § 46.7(a) and (b) adopt the requirements of proposed § 46.7(a). The requirements in these two paragraphs were included in the proposal in a single paragraph but have been separated into two paragraphs in the final rule for clarity.

Section 46.7(a) of the final rule requires you to provide any miner who is reassigned to a new task in which he or she has no previous work experience with training in the health and safety aspects and safe work procedures specific to that new task. This training must be provided before the miner performs the new task. This is adopted with a minor change from the proposed rule.

The final rule provides that task training must be provided to any miner who is "reassigned to a new task." The proposal would have required task training for a miner who was "assigned" to a new task. This terminology is used in the final rule in response to commenters who indicated they were confused about the relationship between new task training requirements in this section and new miner training requirements in proposed § 46.5. This language is intended to clarify that task training requirements in this section supplement the new task training-referred to as "instruction in the health and safety aspects of assigned tasks"—that miners must receive as part of new miner training and newly hired experienced miner training under §§ 46.5 and 46.6. This change is made in response to several commenters who pointed out that operators must provide miners with instruction in "health and safety aspects of the task" as part of the 24 hours of new miner training. These commenters questioned what the distinction was between that aspect of new miner training and task training under this section. Another commenter observed that the proposed rule seemed to suggest that new miner training must include training in the health and safety aspects of all tasks that he or she will perform in the first year of employment. This commenter emphasized that task training is an ongoing effort, conducted each time a miner will perform a task for the first time.

Task training should in fact be an ongoing process, and neither the proposed rule nor the final rule requires a new miner to receive instruction, as part of new miner or newly hired experienced miner training, in every task he or she will perform in the first year. We agree that the final rule should clarify the relationship between task instruction for new miners under § 46.5 and for newly hired experienced miners under § 46.6, and new task training under § 46.7. Training in the health and safety aspects of tasks for new miners under § 46.5 and for newly hired experienced miners under § 46.6 is the same type of training as new task training under this section. Newly hired miners must receive task training in the tasks they will perform, either as part of new miner training or newly hired experienced miner training, as appropriate. After miners have received this initial training and they are "reassigned" to a new task (from the task that they were initially assigned and for which they already received task training), final § 46.7(a) requires task training in that newly assigned task before the miner performs it.

Final § 46.7(b) requires you to provide task training if a change occurs in a miner's task that affects the health and safety risks encountered by the miner. This requirement has been adopted with some change from the proposed rule. The final rule clarifies that a requirement for task training is triggered by changes that affect the health and safety risks encountered by the miner, rather than by a change in the assigned task. This means that task training is required whenever any change in the task could impact the health and safety conditions under which the miner works.

Many commenters questioned what type of change in a task would trigger the requirement for task training. Although it would be impractical to compile a comprehensive list of such changes, we can provide a few examples. Task training is intended to ensure that miners receive new training before they are exposed to new health and safety hazards, so that they can avoid, control, or eliminate potential hazards as they perform their job. Such a change could involve a modification

to a piece of equipment that introduces new potential safety hazards for the miner that operates the equipment. For example, the controls on a loader may be modified, causing the loader to respond more quickly. The miners who operate this equipment must be informed of the modifications to the controls and must be given task training that allows them to become familiar and comfortable with the new controls before they begin to use the loader for work. Another example would be a change to a piece of equipment that increases the occupational noise or dust exposure levels for the miner who operates it. Before the miner is exposed to the increased noise or dust hazards, the operator must ensure that the miner is informed of the new health concerns and receives instruction in how to avoid, control or eliminate the new health concerns. In any case, if an operator is in doubt as to whether a change warrants additional task training, the operator should opt in favor of providing the training.

Final § 46.7(c) provides that you are not required to provide task training under paragraphs (a) and (b) to miners who have received training in a similar task or who have previous work experience in the task, and who can demonstrate the necessary skills to perform the task in a safe and healthful manner. The final rule, unlike the proposal, requires you to observe that the miner can perform the task in a safe and healthful manner to determine whether the miner needs task training. This is intended to prevent unnecessary or duplicative training, while ensuring that miners are adequately trained for unfamiliar tasks. For example, if an equipment operator is already trained in the health and safety aspects of loader operation, has been evaluated, and has demonstrated the ability to perform the duties of a loader operator, there is no reason to require the equipment operator to repeat task training.

In the preamble to the proposed rule, we indicated that we intended that task training would not be required for miners who have performed a task before and who are able to safely perform the task. We noted that you must first determine that task training is not necessary, typically by having the miner demonstrate that he or she is able to perform the task safely. A number of commenters questioned this statement in the preamble, believing that such a requirement would be too restrictive. These commenters were of the opinion that a miner's experience, references, or other information could provide a satisfactory basis for a conclusion that task training is not required. These commenters recommended that the final rule clarify that a demonstration is not required in all cases to determine whether task training is needed and that the basis of the determination is within the discretion of the operator.

We do not agree with these commenters. Although a miner may be able to document prior work experience, this does not ensure that the miner has retained sufficient expertise in the task to make task training unnecessary. Under part 48, task training is not required if the miner has either been trained in the task or has performed the task, and has demonstrated safe operating procedures for the task within the last 12 months. We agree with this approach, and the final rule reflects our conclusion that an actual demonstration of a miner's ability to perform a task safely and healthfully will guarantee that miners who need task training will receive it. A paper review would not adequately ensure that the miner has the current ability and knowledge to safely perform the task. Operators would also be able to evaluate whether training is needed on elements of the task that may be site-specific. For example, a miner who is reassigned to operate a particular piece of mobile equipment may have already operated the same type of equipment at another mine. However, the terrain of the area where the equipment will be operated at the current mine may warrant additional task training to ensure that the miner can safely operate the equipment in the new terrain. For these reasons, the final rule specifies that a miner must make such a demonstration before an operator can determine that task training is not needed. In making this determination, you must observe the miner performing the task to verify that the miner has the requisite knowledge and skills to perform the task safely.

The requirements of final § 46.7(d) have been adopted from the proposal with some changes and provide that practice under the close observation of a competent person may be used to satisfy task training requirements if hazard recognition training specific to the task is given before the miner performs the task. The proposal would have allowed practice under the "close supervision" of a competent person to be used to fulfill task training requirements. Commenters generally supported the concept of permitting hands-on practice to fulfill the requirement for task training. Commenters stated that very effective and safe training in a new or modified task can include the miner practicing the task while under the close observation of a competent person, who instructs the individual in how to perform the task in a safe manner. However, a number of commenters objected to the restrictive nature of the requirement that the practice had to be "under the close supervision of a competent person." Some commenters were concerned that in cases where the competent person was a fellow miner, the competent person would not have the authority to supervise or direct the work of the miner receiving the training. These commenters suggested a term other than "supervision" be used to describe the monitoring of the performance of the task. Other commenters took issue with the term "close supervision" as well as with the explanation of the requirement in the preamble to the proposal. These commenters believed that "close supervision" was not practical, because it suggested that the undivided attention of the person providing the training was necessary. Some commenters recommended that the person providing the training be the judge of how closely the miner needs to be supervised, depending on the person's understanding of the miner's knowledge and experience and of the risks involved in the task.

The final rule, in response to commenters, allows practice under the "close observation of a competent person" to be used to fulfill some of the task training required by this section. This allows the miner to gain experience in the task and to learn how to avoid the hazards presented by the performance of the task in the surrounding environment. "Close observation" means that the competent person is in the immediate vicinity of the miner and is watching the actions of the miner being trained to make sure that the miner is performing the task in a safe and healthful manner. The nature of the task will determine the degree of attention that is needed, and the level of observation should be commensurate with the risks inherent in the task being performed. The competent person who is observing the miner should also be assessing the miner's proficiency in performing the task, as part of the training itself as well as the competent person's evaluation of whether the training is effective.

The final rule includes the additional requirement that the miner must be provided with hazard recognition training for the task before he or she begins to practice the task. This is similar to the provision for practice for new miners in final § 46.5(e). Without a requirement for the miner to receive this important information, the miner would learn by trial and error, an approach that

relies on mistakes (which can often involve accidents, injuries, and fatalities) for learning to occur. For example, if you assign a miner to operate a loader for the first time, you should explain that the loader can be tipped over much more easily than other vehicles the miner may have operated. The potential for the loader to tip over could be explained with the use of photographs, illustrations, or graphs. This tip-over potential cannot be safely taught through hands-on training, because it would require the miner to tip over the loader.

The most effective training program will include a combination of training methods and be flexible enough to apply in different work environments and for miners with varying levels of education and work experience. Classroom training is one way that preliminary instruction can be provided as a prelude to practical hands-on training exercises.

Final § 46.7(e), like the proposal, allows you to credit task training provided under this section toward new miner training, as appropriate. Many commenters supported this aspect of the proposal, and it has been adopted unchanged into the final rule. We envision that crediting would occur when a new miner's work assignment changes during the first 90 days of employment. The miner would have received training in the health and safety aspects of assigned tasks before he or she begins work under § 46.5(b)(4). If the miner is reassigned to a new task within the initial 90-day period, training in the new task given to comply with § 46.7 could be credited toward the 24 hours of new miner training.

Some commenters recommended that the final rule allow task training to be credited to newly hired experienced miner training. However, we have not included a specific provision for this in the final rule. Because the final rule does not specify a minimum number of hours for newly hired experienced miner training, there is no need to explicitly provide for task training to be credited toward newly hired experienced miner training.

We solicited comment in the preamble to the proposal on whether the final rule should allow task training to be credited toward annual refresher training requirements. Although some commenters supported credit for task training to satisfy annual refresher training, other commenters strongly opposed it. These commenters stated that miners who were trained on a number of different tasks during the course of a year could accumulate enough hours of task training to satisfy the annual refresher requirement, yet the miner would not have received refresher training on other hazards and important health and safety concerns.

We agree with those commenters who recommended against allowing task training to be credited towards annual refresher training. Task training is designed to ensure that the miner can perform a new or modified job in a safe manner and may only be relevant to a small portion of the miner's work at the mine. In contrast, refresher training is intended to reinforce previous training and enhance the miner's general knowledge and skills so that he or she can work in a safe and healthful manner at all times. For these reasons, the final rule does not allow crediting of task training toward the annual refresher training requirements.

Finally, one commenter recommended that the final rule specify that task training must be conducted by a person who is experienced in the task. The final rule does not adopt this specific recommendation, because the final rule requires that training must be given by a "competent person," defined as a person with the ability, training, experience, or knowledge to provide training to miners in his or her area of expertise. We believe that this definition adequately addresses the necessary level of expertise, and, for these reasons, the requirement recommended by the commenter is not needed and has not been adopted in the final rule.

Section 46.8 Annual Refresher Training

This section of the final rule addresses requirements for refresher health and safety training for miners. Section 115(a)(3) of the Mine Act requires all miners to receive at least eight hours of refresher training no less frequently than once every 12 months. The Act does not specify the subject areas that must be covered as part of this training. In the **Federal Register** notice announcing the public hearings for the proposed rule, we requested comment on whether the final rule should require that specific subject areas be covered by refresher training, and if so, what subjects should be required.

Commenters generally supported the concept of annual refresher training. Commenters recognized that refresher training provides miners with an important review of information that helps them to minimize the health and safety risks at their workplaces. The annual refresher training requirements in the final rule are intended to reduce the likelihood of accidents and illnesses by reinforcing previous training and enhancing miners' ability to work in a safe and healthful manner.

The final rule takes a performance-oriented approach to annual refresher training to allow operators, particularly small operators, to direct their training resources to subjects that are relevant to their workforce and operations. The proposed rule would have required that you provide each miner with no less than eight hours of refresher training at least once every 12 months. A few commenters believed that eight hours of training every year was an excessive requirement for many small operations and that this requirement appears to assume that all mining operations are large and complex. Another commenter recommended that the final rule require refresher training every 24 months, not every 12 months.

The Mine Act is very specific in its requirement that miners receive no less than eight hours of refresher training at least every 12 months. We therefore have no discretion to adjust or reduce these minimum requirements.

Several commenters maintained that the language in the proposed rule suggested that miners must receive all of their refresher training in one eight-hour session. One commenter stated that eight hours of refresher training on one day a year, or even over several days within a short period of time leaves a lot to be desired. This commenter favored shorter training sessions over a longer period of time. A number of commenters recommended that the final rule make clear that miners may receive refresher training in shorter sessions over the 12-month period.

We agree that providing refresher training in shorter installments over 12 months is an appropriate way for operators to satisfy refresher training requirements under the final rule. We did not intend the language of the proposed rule to leave you with the impression that such an approach would be unacceptable. We have attempted to clarify this in the final rule. The final rule does not adopt the language of the proposed rule that requires refresher training to be completed "once every 12 months." Instead, under final § 46.8(a)(1), you must provide each miner with no less than eight hours of annual refresher training no later than 12 months after the miner begins work at the mine, or no later than March 30, 2001, whichever is later. Thereafter, final § 46.8(a)(2) requires you to provide each miner with eight hours of training no later than 12 months after the previous annual refresher training was completed. Under the final rule, you must provide miners at your mine with annual refresher

training no later than 6 months after the rule has gone into effect, unless the miner is newly employed at the mine. In that case, the miner has 12 months from the date of employment to complete the first installment of refresher training.

The deadline of six months after the rule's effective date for completion of annual refresher training is intended to ensure that there is no question as to when miners must receive the first installment of annual refresher training under the final rule. We considered allowing one year after the effective date for annual refresher training to be completed, which would be two years after publication of the final rule in the **Federal Register**. We determined that a one-year deadline beyond the effective date would result in a significant delay in miners receiving this training. We believe that it is important for those miners who may not have been receiving regular refresher training to be provided with this training as soon as practicable. However, we recognize that many operators need time to prepare for compliance with the final rule. For these reasons, we have allowed six months beyond the effective date for completion of the first eight-hour installment of refresher training.

Under the final rule, you may provide annual refresher training in one eight-hour session once every 12 months. You may also satisfy the refresher training requirement by providing miners with smaller blocks of training over the entire year, so long as the total training time adds up to at least eight hours.

Some commenters stated that the 12-month deadline should begin to run only after a miner has completed 24 hours of new miner training or an experienced miner has completed newly hired experienced miner training. For example, if a new miner begins work on the first of January 2001 and completes new miner training on March 31, 2001, these commenters believe that the deadline for the miner to complete eight hours of annual refresher training should be March 2002 rather than January 2002. Other commenters pointed out that such an approach would unnecessarily delay the annual refresher training for a new miner. We agree with commenters who were concerned about a delay in miners receiving annual refresher training, and we are not persuaded by commenters recommending that the 12-month period be extended, particularly for new miners in their first year at the mine. Timely refresher training serves to reinforce the initial training received by new miners, who are more vulnerable to accidents and injuries than experienced miners. For these reasons, final § 46.8(a)(1) makes clear that all miners, whether new miners or newly hired experienced miners, must receive their first eight-hour installment of refresher training no later than 12 months after they begin work at the mine.

The proposed rule would have required refresher training to cover instruction on changes at the mine that could adversely affect the miner's health and safety. Under the proposal, mine operators would have discretion to select other training topics, although the proposal did include a list of suggested training topics.

Most commenters believed that the subjects covered in refresher training should not be mandated, but that operators should instead have the discretion to select subjects that are relevant to the health and safety needs of the miners at their particular mining operation. Several commenters indicated that they believed this flexibility could only enhance worker safety, not detract from it. Many of these commenters indicated that training subjects could vary from year to year, based on such factors as the mine's accident and injury experience.

Final § 46.8 (b) and (c) generally adopt the requirements of proposed § 46.8(b). Section 46.8(b) of the final rule requires you to provide annual refresher training on changes at the mine that affect the health and safety risks encountered by the miners in performing their work. Commenters generally supported this requirement in the proposed rule. However, some commenters were concerned that information on changes at the mine should be provided to the miners as soon as the operator becomes aware of the change or before the operator implements a planned change. These commenters stated that this information should not be communicated to miners on a 12-month rotation. We agree with these commenters that operators should convey such information to miners as soon as possible. However, this information must be reiterated during refresher training to ensure that miners are adequately informed of changes in conditions that could affect their health or safety.

Commenters generally recommended that we provide examples in the preamble to assist operators in understanding their compliance responsibilities. Some commenters questioned what type of changes would fall within the requirements § 46.8(b) and must be addressed as part of refresher training. One example would be if you plan to change the traffic patterns at your mine. Other examples include the introduction of new or retrofitted equipment into the work environment, or a new blasting schedule.

Final § 46.8(c) clarifies that refresher training must also address other health and safety subjects that are relevant to mining operations at the mine. The proposal would simply have provided that training may include instruction on certain subjects and listed several examples. The final rule also includes a list of possible subjects, indicating that training may address these subjects. The language in the final rule has been amended slightly to clarify that the additional subjects are recommended but are not mandatory.

In the preamble of the proposed rule, we stated that we expected that you would carefully select the subjects covered in refresher training at your mine, to ensure that your miners received practical and useful instruction that effectively addresses the health and safety conditions at your operation. We requested comments on whether the final rule should include more detailed requirements or guidance for refresher training programs. In addition, we specifically requested comments on whether the final rule should require instruction on particular topics, similar to part 48, and if so, which subjects should be included.

Several commenters stated that, although general guidelines for possible training subjects were a good idea, the final rule should allow operators flexibility in choosing subjects. By allowing operators to identify the subjects to be covered, the relevance of the training to the work environment will be increased. The commenters stated that refresher training should cover subject areas relevant to the safety problems at the mine. One commenter suggested that the subjects listed in the proposal, which were derived from topics listed in part 48, should be covered at least once every three years as part of refresher training. Other commenters stated that the final rule should take the approach of part 48 and include a list of required courses of instruction. Several commenters recommended that the final rule list the courses included in part 48 and indicate that the courses would be mandatory "where applicable." These commenters stated that the additional language would allow operators to forgo course subjects that are not applicable to their operation, giving them more time for other relevant subjects. Other commenters stated that a review of health and safety standards should be included in annual refresher training.

We are persuaded by commenters' recommendations that the final rule afford operators flexibility in selecting subjects for refresher training. Refresher training that is tailored to address subjects relevant to the mine's methods of operation, equipment, accident and illness history, etc., can be extremely effective. The final rule reflects this determination and provides a performance-oriented approach that allows you to implement a refresher training program that will provide the most health and safety benefits to your miners.

The performance-oriented approach to annual refresher training in the final rule is designed to allow you to develop and implement the type of training that will be most beneficial for your miners. We believe this approach will enable all production-operators and independent contractors to design and implement an effective annual refresher training program that maximizes the impact of the required training for their miners.

The list of recommended subjects contained in final § 46.8(c) includes subjects that were not included in the proposed rule. The final rule references subjects that address specific types of equipment and work activities that have been involved in the most serious accidents in the mines covered by the final rule. This list is derived from our analysis of the fatal, disabling, and lost time injury data from 1991 to 1998 for the mines covered by this rule. For example, the final rule recommends that refresher training address the hazards of mobile equipment, such as haulage trucks, service trucks, tractors, and front-end loaders, because that type of equipment has been involved in the most number of accidents. Equipment that follows mobile equipment in the greatest number of accidents includes conveyor systems; cranes; crushers; excavators; and dredges. We recommend that annual refresher training address the safe operation of this equipment if you use it at your mine or, if you are an independent contractor, your employees operate the equipment or are exposed to its hazards.

The final rule includes other recommended training subjects that we identified based on our analysis of the injury data, including maintenance and repair; material handling; fall prevention and protection; and machine guarding. We intend to continue to analyze the accident and injury data to identify areas that should be covered as part of refresher training. In that way, we can develop relevant course materials that will be useful in the training given under the final rule.

One commenter stated that it takes at least eight hours to provide comprehensive first aid training. This commenter advocated a separate requirement for first aid for all miners and recommended that the eight hours for annual refresher training be focused on other subjects. We acknowledge that comprehensive first aid training can require a significant amount of time, often at least eight hours according to commenters. However, for purposes of annual refresher training, the final rule allows you to provide miners with a review of first aid subjects, rather than extensive comprehensive first aid training. Further, the requirements of the final rule are minimum requirements, and the final rule does not prevent you from providing miners with more than the mandated eight hours of health and safety refresher training each year. In fact, we encourage you to provide as much training as possible to miners to enhance their abilities to perform their assigned duties without endangering themselves or others.

A number of commenters raised the issue of whether the final rule should impose a minimum duration on refresher training sessions, such as 15 minutes or half an hour. This issue is also relevant to other types of training and is discussed in detail in the preamble discussion of final § 46.4(e).

Several commenters had general questions about the application of refresher training requirements. One commenter stated that he provides annual refresher training during a scheduled maintenance shutdown that occurs each year in April or May. He indicated that he would like to continue to provide training in this manner, even though miners could receive annual refresher training 13 months after the previous year's training. Our interpretation of the requirements of the Mine Act would not allow such a training schedule. Miners must receive annual refresher training no later than 12 months after the previous annual refresher training was completed, as required by final § 46.8(a)(2).

Another commenter stated that truck drivers that come to the mine to deliver or haul away materials should not be required to receive eight hours of refresher training every year. This commenter indicated that the drivers spend 10 minutes loading their trucks at the mine site, and one to two hours delivering the load, for a total of about one hour per day spent at the mine site.

Although we are unable to give a definitive answer on this scenario since we may not have all of the facts, we can provide a general response. Delivery and customer or haul truck drivers, such as those described by the commenter, are not included in the definition of a "miner" in the final rule. Because the annual refresher training requirements apply to miners, the drivers described by the commenter would not be considered miners, and you would not be required to provide them with eight hours of refresher training. However, you must provide the drivers with site-specific hazard awareness training under § 46.11 of the final rule.

Section 46.9 Records of Training

This section of the final rule requires you to record and certify that miners have received health and safety training under this part. The final rule adopts many of the proposed provisions, but includes several changes to address commenters' concerns.

Like the proposal, the final rule requires production-operators and independent contractors to record and certify the training provided to miners and to provide miners with a copy of their training certificates at the completion of the training. Copies of a miner's training records and certificates must be provided to the miner at the termination of employment, upon the miner's request. The final rule adopts the flexible approach of the proposal and does not require that these records and certificates be maintained on a prescribed form, but allows operators the option of using alternate forms or methods to MSHA Form 5000–23 for making and keeping these records. The final rule, like the proposal, also allows you to maintain training records and certificates away from the mine site, if you have the capability of producing them upon request. In response to comments, the final rule specifies when records of training must be made, certified, and provided to miners. Finally, the record retention period under the final rule has been changed from the proposal and responds partially to commenters who recommended that the final rule adopt the record retention requirements of part 48.

Section 46.9 of the final rule, unlike the proposal, references both "training records" and "training certificates." This terminology recognizes that there is a distinction between a record and a certificate. Operators are required to make records of miner training at specified intervals, but the final rule does not require that certain records be signed and certified by the person responsible for training at the mine until some time after the record has been made. For example, an operator who provides miners with one hour of

annual refresher training every month must record the training after each session, but is not required to certify the record until miners have received the full eight hours of refresher training. A training "record" made under final § 46.9(c) becomes a training "certificate" after the training has been certified under § 46.9(b)(5). To make clear that the provisions of final § 46.9 apply to both "records" and "certificates," the final rule includes both terms, where appropriate.

A number of commenters addressed the issue of recordkeeping. Many commenters supported the flexibility in recordkeeping allowed by the proposal, stating that recordkeeping requirements beyond those included in the proposal would be particularly excessive and onerous for small operators. Other commenters believed that the proposed recordkeeping requirements were too burdensome for small operators. One commenter recommended that recordkeeping requirements under the final rule be flexible and recognize that the offices of many small operators are their homes, and these operators typically do not maintain their records electronically.

Final § 46.9(a) requires you to record and certify that each miner has received training required under this part. Consistent with the Mine Act requirement that certifications be kept on a form approved by the Secretary of Labor, the final rule provides that training records and certificates may be kept on MSHA Form 5000–23, which is the approved form used by operators under part 48 regulations to certify that training has been completed. If you choose to use Form 5000–23, you should be aware that the form was not specifically designed for use under part 46. For that reason, you should take care to include on that form all the information required by part 46. However, under the final rule, as under the proposal, you may also use any other format that contains the minimum information listed in paragraph (b) of this section.

Commenters generally supported the proposal allowing operators the flexibility to choose the appropriate form for their training records. However, one commenter strongly opposed the use of MSHA Form 5000–23, stating that the form is confusing and fraught with ambiguity. This commenter recommended that Form 5000–23 be revised, and until that time it would not be technically feasible to use the form. Another commenter recommended revision of Form 5000–23 to make it more appropriate for the recordkeeping requirements of part 46 and also easier for small operators to use.

Although we do not agree that Form 5000–23 is so confusing as to be unusable, the final rule does not mandate the form's use. An operator may elect not to use that form, and instead may adopt or develop any other form, so long as the information required by final § 46.9(b) is included on the form.

The requirements of final § 46.9(a) allow those of you who may already be using MSHA Form 5000–23 for recording training to continue to use this form under the final rule. However, the final rule allows operators, particularly small operators who are less likely to have formal health and safety programs at their mines, the flexibility to use other formats that are compatible with the information requirements specified in paragraph (b). This provision has been adopted unchanged from the proposed rule. Under this paragraph, a form is approved by us if it contains the information listed in paragraphs (b)(1) through (b)(5), including—

(1) The printed full name of the person who received the training;

(2) The type of training that was received, the duration of the training, the date the training was received, and the name of the competent person who provided the training; and

(3) The name of the mine or independent contractor, MSHA mine identification number or independent contractor identification number, and the location where the training was given.

In response to comments, the final rule requires the "printed full name" of the person who received the training, but does not specifically require the first, middle, and last name, as the proposal would have required. One commenter was concerned that many miners used shortened forms of proper names or other nicknames to identify themselves and that some people never go by their first names and middle initials. Another commenter stated that the final rule should allow the use of the name on a miner's payroll record, even though it may not be the miner's full given name. These commenters believed that requiring that training records include all three given names was unnecessary and could result in confusion. In response, the final rule does not specifically require that the record include the trainee's first, middle, and last name. Instead, the miner's "full name" must be included. Our expectation is simply that the name indicated on the training form allows ready identification of the miner who received the training.

Final § 46.9(b)(3) requires, where appropriate, the training record to include the name of the independent contractor and MSHA independent contractor identification number. This requirement was not included in the proposal but has been added to the final rule to be consistent with the fact that independent contractors with employees who are miners as well as production-operators are responsible for training for their miner employees.

Section 46.9(b)(4) of the final rule, like the proposal, also incorporates the provisions of section 115(c) of the Mine Act and requires that the form include the statement, printed on the form in bold letters and in a conspicuous manner, that "false certification is punishable under section 110(a) and (f) of the Federal Mine Safety and Health Act." Section 110(a) of the Mine Act provides that an operator who violates a mandatory standard or any other provision of the Act shall be assessed a civil penalty of up to $55,000. Section 110(f) of the Act provides that a person who makes a false statement, representation, or certification in records or other documents filed or maintained under the Act may be subject to criminal prosecution and fined up to $10,000 and imprisoned for up to 5 years.

Under § 46.9(b)(5), the form must also include the statement "I certify that the above training has been completed," signed by the person designated in the MSHA-approved training plan as responsible for health and safety training. This has been adopted without change from the proposal.

In the proposed preamble, we solicited comment on whether miners should be required to sign their training certificates and whether other persons besides the person responsible for training at the mine should be allowed to sign the certificates. In response, one commenter stated that miners should not be required to sign certificates, but that operators or the operator's designee should be allowed to make the certification. Another commenter stated that the operator is ultimately responsible for providing training and should be responsible for certifying that training has been received.

The final rule adopts the proposed requirement that the person designated by the operator as responsible for health and safety training certify that the training has been received as indicated in the record. Although the competent person who provides the training would have the knowledge to certify that the training reflected on the certificate was

provided, we agree with commenters who recommended that the operator or the operator's designee be responsible for training certification. For these reasons, the final rule provides that the individual who oversees health and safety training at the mine must verify and certify that required training has been provided.

The final rule does not require our approval of your recordkeeping format. Your records must simply include the minimum information listed in the final rule. This allows operators to tailor their methods of recordkeeping to their particular operations. We expect that many operators will use a computer-based recordkeeping system. Others may choose to keep certifications on MSHA Form 5000–23. Still others whose records are not computerized may choose to use another paper-based form.

It should be noted that the information required under the final rule differs from the information called for on MSHA Form 5000–23. In some cases, the final rule requires more information than the form, in some cases, less. The required information will allow us to determine compliance with the training requirements. The information will also enable miners and their representatives to determine that necessary training has been provided for every miner.

We will be available to assist you in determining whether alternate record formats are suitable for use in complying with the final rule. We will also provide MSHA Form 5000–23 training certificate forms upon request, for those of you who choose to use them in complying with part 46. You may also obtain copies of Form 5000–23 from out Internet Home Page at www.msha.gov.

The requirements of final § 46.9(c)(1) through (5) have been added to the final rule in response to commenters who questioned when records and certificates of training must be made. One commenter observed that the proposed rule did not recognize the difference between a training record and a certificate of training and that requiring training certification and distribution of copies of the certificates for all attendees after a brief safety meeting would result in an unnecessary recordkeeping burden. This commenter stated that the time needed to issue the training certificates in such a situation could easily exceed the amount of time spent providing the training. Another commenter stated that the final rule should require operators to issue training certificates to miners only upon completion of the entire training program, and not each time incremental training is provided. Still another commenter recommended that the final rule should allow the maintenance of periodic training records in a form consistent with how the training records are kept and that certification should only be required for training programs that have been completed.

The proposed rule did not clearly indicate when operators must make records of miner training and when they must provide training certificates to miners. Some of the comments on the proposed recordkeeping requirements led us to conclude that the proposal was not sufficiently clear on the timing of these requirements and that the final rule must detail the deadlines for both recordkeeping and certification, so there is no question as to when operators must take these actions. The final rule's recordkeeping requirements are also designed to allow us to verify that training has been received by miners by the appropriate deadline. Although these provisions are relatively extensive, we believe that this level of detail is needed to avoid confusion and assist operators in complying with their training responsibilities.

Final § 46.9(c)(1) clarifies when operators must make a record of new miner training under the final rule. A record of new miner training must be made under § 46.9(b) no later than—

(1) When the miner begins work at the mine;

(2) 60 days after the miner begins work at the mine; and

(3) 90 days after the miner begins work at the mine, if applicable.

This means that you must make a record of new miner training that includes the information required in paragraphs (b)(1) through (b)(4) no later than these specified intervals. This will allow us to verify that a new miner has received required training before he or she begins work and also that training in all required subjects has been received by the 60-day deadline. Additionally, operators who provide training to new miners in other subjects to make up the 24 hours of required training must document this training no later than 90 days after the miner begins work. For example, if an MSHA inspector wants to verify that a new miner working at a mine has received all required pre-work training, the inspector will inspect the records required for new miner training under paragraph (c)(1)(i). However, the final rule does not require operators to certify these records and provide them to miners until a miner has completed new miner training. Specifically, final § 46.9(d)(1) requires operators to certify new miner training records when the full 24 hours of training has been completed and also to provide miners with copies of their certificates at that time.

The final rule takes a similar approach in § 46.9(c)(2) for records of newly hired experienced miner training under § 46.6 and requires operators to make records of training no later than—

(1) When the miner begins work at the mine; and

(2) 60 days after the miner begins work at the mine.

Final § 46.9(d) requires newly hired experienced miner records to be certified and provided to miners after the miners have completed all of the newly hired experienced miner training. This is similar to the requirement for certification of new miner training.

Final § 46.9(c)(3) requires operators to record new task training upon completion of the training, and final § 46.9(c)(4) requires operators to make a record of annual refresher training upon completion of each training session. Consistent with the other types of training already discussed, records of annual refresher training are not required to be certified and provided to miners until the miner has received all eight hours of annual refresher training. For example, if an operator satisfies refresher training requirements for miners by providing a one-hour health and safety talk once a month, the operator must document each one-hour session upon its completion under § 46.9(c)(4). However, operators are not required to ensure that these records are certified and copies provided to miners under § 46.9(d) until after miners have received the full eight hours of training.

Final § 46.9(c)(5) provides that a record must be made upon completion of site-specific hazard awareness training provided to miners under § 46.11. This clarifies the intent of the proposal, reflected in the preamble, that records of site-specific hazard awareness training would be required only for "miners," not for those persons at the mine site who do not fall within this definition. Because it was obvious that this distinction was not clear to many commenters, we have included this provision in the final rule. Additionally, final § 46.9(i) further clarifies this issue, which the preamble addresses in greater detail below. You must make a record of training under paragraphs (c)(1) through (c)(5) as prescribed in the following table:

RECORDKEEPING DEADLINES FOR TRAINING PROVISIONS

Type of training	When the record of training must be made
New miner training	No later than when the miner begins to perform work at the mine; 60 calendar days after the miner begins work at the mine, if applicable; and 90 calendar days after the miner begins work at the mine, if applicable.
Newly-hired experienced miner training	No later than when the miner begins to perform work at the mine; and 60 calendar days after the miner begins work at the mine, if applicable.
New task training	Upon completion of new task training.
Annual refresher training	After each session of annual refresher training.
Site-specific hazard awareness training	Upon completion by miners of site-specific hazard awareness training.

Final § 46.9(d)(1) through (d)(5), as already discussed, require operators to ensure that all records of training under paragraphs (c)(1) through (c)(5) have been certified under paragraph (b)(5) and a copy provided to the miner at the completion of the training. Paragraphs (d)(1) through (d)(5) clarify when the different categories of training are considered completed under the final rule and must be certified. These provisions are consistent with § 115(c) of the Mine Act, which requires that operators give miners copies of their training certificates at the completion of each training program. The final rule specifies that certification and distribution of certificates to miners is required—

(1) Upon completion of the 24 hours of new miner training;

(2) Upon completion of newly hired experienced miner training;

(3) At least once every 12 months for new task training, or upon the miner's request, if applicable;

(4) Upon completion of 8 hours of annual refresher training; and

(5) Upon completion of site-specific hazard awareness training provided to miners.

The 12-month certification requirement for task training has been adopted into the final rule from our policy in this area under part 48. Under that policy, operators may provide miners with copies of their task training certificates at 12-month intervals. This is intended to reduce unnecessary paperwork. However, in the event that a miner wishes a copy of the certificate of the task training that he or she has received before the 12-month period has elapsed, the final rule provides that operators must provide a miner with a copy of the task training certificate upon request. You must certify records of training under paragraphs (d)(1) through (d)(5) and provide a copy to the miner as prescribed in the following table:

CERTIFICATION OF RECORDS AND COPY TO MINERS

Type of training	Record must be certified and copy provided to miner—
New miner training	Upon completion of the 24 hours of new miner training.
Newly hired experienced miner training	Upon completion of newly hired experienced miner training.
New task training	At least once every 12 months or upon request by the miner.
Annual refresher training	Upon completion of the 8 hours of annual refresher training.
Site-specific hazard awareness training	Upon completion by miners of site specific hazard awareness training.

Final § 46.9(e), like the proposal, adopts the statutory provision that false certification that training was completed is punishable under section 110(a) and (f) of the Mine Act. This aspect of the proposal received no comment and has been adopted without change into the final rule.

Several commenters were opposed to requiring operators to provide copies of training certificates to miners automatically upon completion of a training program, stating that it would impose an unnecessary, impractical, and burdensome paperwork requirement. These commenters strongly recommended that the final rule require training certificates to be provided to miners only "upon request," similar to the approach taken in the proposal for miners who leave an operator's employ. Other commenters specifically questioned the need for this requirement for records of task training, stating that to require a certificate to be prepared and provided each time task training is given would be administratively difficult and would result in a proliferation of certificates that would not be helpful to employees. These commenters recommended that operators be permitted to maintain records of task training without having to provide copies of the certified records to miners.

The final rule does not adopt these recommendations. The Mine Act clearly requires operators to provide miners with copies of their training certificates upon completion of the training, and the requirements of the final rule are consistent with this statutory requirement. Additionally, the final rule clarifies that operators must provide miners with copies of their certificates only after all training of a particular type has been completed. This minimizes the recordkeeping and paperwork burden on operators, while fulfilling the statutory mandate.

Under final § 46.9(f), as under the proposed rule, you must give a miner a copy of his or her training records and certificates when the miner leaves your employ, upon the miner's request. This adopts the provision in § 115(c) of the Mine Act that miners are "entitled" to a copy of their certificates when they terminate their employment with an operator. We interpret the statutory language to mean that a miner must be provided a copy if he or she requests it, but that you do not have to provide copies to miners who do not make such a request. Those commenters who addressed this aspect of the proposal supported this interpretation, and this provision is adopted from the proposal unchanged.

As we indicated in the proposal, we anticipate that miners who are leaving for another job in the mining industry or who intend to return to the mining industry at some point in the future will request copies of their training records. This will enable miners to document their training status under part 46 at other mining operations. However, we also anticipate that some miners will

terminate their employment because they are retiring or otherwise have no expectation of returning to mining, and for these reasons the final rule does not require that you provide these records to the miner automatically.

Final § 46.9(g), like the proposal, requires you to make available at the mine site a copy of each miner's training records and certificates for inspection by us and for examination by miners and their representatives. Under this paragraph, you must also have the capability to produce the records and certificates upon request by us, miners, or their representatives, if you do not maintain these records at the mine site.

Commenters generally supported the flexibility that the proposal would give operators to maintain training records at a location other than the mine site. One commenter contended that it would be highly impractical for many small operators to maintain training records at the mine site, because many mines have no offices or other places to maintain records. Another commenter indicated that some aggregate operations are so small that there are no office facilities, computers, fax machines, or even conventional telephones. This commenter recommended that the final rule allow the retention of training records where the operation's other business records are maintained. If the records were requested by us for examination or by miners or their representative, the commenter suggested that the operator could fax or e-mail them to the person who made the request. However, one commenter expressed concern about allowing training certificates to be maintained away from the mine site, because it could delay MSHA inspectors from identifying untrained miners, who could continue to be exposed to hazards while attempts are made to produce the miners' training records.

Although the proposed rule would have allowed training certificates to be kept at a location away from the mine site, the proposal did not specify a time within which copies of the certificates must be produced after a request by us or by miners. We indicated in the preamble to the proposal that we expected that operators would be able to produce copies of training certificates within a reasonable time, which in most cases would be a relatively short period of time. We solicited comment on whether commenters supported imposing a deadline for operators to produce training certificates that are maintained away from the mine site. Many commenters who addressed this issue recommended that the final rule establish a deadline of one business day after the request for these certificates to be produced.

Section 115(c) of the Mine Act provides that miner training records be "maintained by the operator" and "available for inspection at the mine site." The clear purpose of section 115 is to ensure that training records can be inspected by us and examined by miners and their representatives to determine whether miners have received required training at a specific operation.

The use of electronic information accessed by computers is an increasingly common business practice in general industry as well as in the mining industry. This type of technology can provide almost instantaneous communication and transfer of documents, even to remote locations. Electronic recordkeeping is typically more efficient and access to electronic records is often much faster than with traditional paper-based recordkeeping. As a result, we have concluded that if an operator's training records can be quickly accessed at the mine site by e-mail or fax machine, those records are "available at the mine site" for purposes of section 115(c) of the Mine Act. Allowing operators to maintain miner training records at a central location will promote the Mine Act's intent of flexibility in minimizing the paperwork burden and will further the objectives of the Paperwork Reduction Act of 1995.

However, we have determined that allowing a specific deadline, such as one business day, for operators to produce training records and certificates could unduly delay us in verifying that miners have received required training. Under section 104(g)(1) of the Mine Act, miners who have not received training required under section 115 must be immediately withdrawn from the mine. For those reasons, the final rule does not allow operators a specific period of time in which to produce training records and certificates. Instead, our expectation is that operators will produce these documents upon request. However, if an operator does not have the ability at the mine site to quickly access records and certificates maintained elsewhere, the operator must maintain the records and certificates at the mine site so that they can be produced in a short period of time for inspection and examination.

We do not believe that this requirement places an unreasonable burden on those operations where electronic access to records is not feasible. These are typically small operations with few employees and, as a result, a limited number of training records and certificates. Because of the small number of records, recordkeeping at the mine site is less problematic.

Final § 46.9(h) requires you to maintain copies of training records and certificates for each currently employed miner during his or her employment, except records and certificates of annual refresher training under § 46.8, which you must maintain for two years. You must also maintain copies of training certificates and training records for at least 60 days after a miner terminates employment.

Under the proposal, operators would have been required to maintain all of a miner's training records as long as the miner continued to be employed by the operator and for one year after the miner terminated his or her employment with that operator. A number of commenters questioned why the proposal would require such a long retention period for training records of currently employed miners. Commenters believed that this was quite burdensome in comparison to the two-year retention period of part 48 for currently employed miners and recommended that the part 48 retention periods be adopted in the part 46 final rule. Another commenter recommended that the final rule require that training records be kept a minimum of 12 months, regardless of whether the miner is still employed by the operator.

We acknowledge that the retention period for records of currently employed miners in the proposed rule could result in a significant recordkeeping burden for miners who remain employed with the same operator over a period of many years. However, we use these records to verify that miners have received required training. It makes sense to require retention of records of new miner training, newly hired experienced miner training, and task training as long as the miner remains employed with the operator, not just for two years. This will allow us to determine that miners have received the necessary initial training and training in new or modified tasks, even several years after the training has been given. On the other hand, retention of records of annual refresher training would not be necessary for more than two years, which is the retention period under part 48. Typically, examination of records over the last 24 months will provide us with a sufficient basis to verify that an operator has complied with refresher training requirements. For these reasons, the final rule does not require you to retain refresher training records and certificates longer than two years.

In response to comments, the final rule requires operators to maintain training records and certificates for at

least 60 days after the miner terminates his or her employment. This is consistent with existing part 48 requirements. As stated above, the proposal would have required operators to keep these records for one year after miners terminate their employment. We are persuaded by those commenters who advocated a 60-day retention period, which allows us to verify that required training has been given to all miners, including miners who recently terminated their employment, while minimizing the recordkeeping burden placed on operators.

Finally, one other commenter recommended that training records for miners be retained for at least 36 months after they terminate their employment with the operator, to be consistent with § 46.5, which allows new miner training courses to be credited towards the final rule's new miner training requirements for up to 36 months after the miner takes the courses. This commenter believed that a 36-month retention period would make it easier for miners to take advantage of this provision. Although this commenter makes a reasonable point, we do not believe it is necessary to impose a 36-month record retention period to address this situation. Instead of requiring a longer retention period in the final rule, we encourage miners to retain copies of their training records and certificates from previous employment. A miner who is terminating his or her employment with an operator and who wants evidence of prior training may obtain copies of his or her training records and certificates. The miner will then be able to document his or her prior training at the new mine.

Paragraph (i) has been added to final § 46.9 in response to comments that reflected commenters' confusion about the recordkeeping requirements for site-specific hazard awareness training. This provision states that you are not required to make a record of site-specific hazard awareness training under § 46.11 for persons who are not miners under § 46.2. However, you must be able to provide evidence to us, upon request, that the training was provided, such as by producing the training materials that are used, the written information distributed to persons upon their arrival at the mine, or a visitor log book that reflects that site-specific hazard awareness training has been given. Many operators already maintain log books where they track visitors to the mine and make entries in the book that indicate that visitors have received appropriate site-specific training. This would be an effective and acceptable method of demonstrating compliance with the requirements for site-specific hazard awareness training under the final rule.

Section 46.10 Compensation for Training

This section of the final rule addresses when training under this part must be conducted and how miners must be compensated when they receive training. This section, like the proposal, adopts the provisions of section 115 of the Mine Act that address compensation for miners who receive required training.

Section 115(b) of the Mine Act provides that health and safety training shall be provided during normal working hours and that miners shall be paid at their normal rate of compensation when they take such training. Section 115(b) also requires that if training is given at a location other than the normal place of work, miners shall be compensated for the additional costs incurred in attending such training.

Paragraph (a) of final § 46.10 incorporates this statutory requirement and provides that health and safety training must be conducted during normal working hours. As discussed earlier in this preamble, the part 48 definition of "normal working hours" has been included in the final rule in § 46.2 and provides that normal working hours means ". . . a period of time during which a miner is otherwise scheduled to work." The definition also indicates that training may be conducted on the sixth or seventh working day provided that such work schedules have been established for a period of time to be accepted as the common practice. As discussed under the preamble for § 46.2, we intend that the schedule must have been in place long enough to provide reasonable assurance that the schedule change was not motivated by the desire to train miners on what had traditionally been a non-work day.

Final § 46.10(a), like the proposal, also provides that persons attending such training must be paid at a rate of pay that corresponds to the rate of pay they would have received had they been performing their normal work tasks. This provision has been adopted from part 48, received little comment, and has been adopted unchanged from the proposal.

Final § 46.10(b) requires that miners be compensated for the additional costs, such as mileage, meals, and lodging they may incur in attending training sessions at a location other than the normal place of work. Although we anticipate that much of the training provided under this part will be given at or near miners' normal workplaces, in those cases where miners must travel to receive required training, they are to be fully compensated for their expenses of travel.

Although commenters generally supported the proposed training compensation requirements, they requested clarification on a few issues. One commenter noted that training provided to miners after a long work day or on what would ordinarily be a day off would not be very effective. This commenter's concern reflects the rationale for the statutory requirement that training be conducted during normal working hours. Training provided to miners when they are tired after working an entire shift typically will be less effective than training provided when they are rested and alert.

Several commenters questioned whether travel time to training at locations away from the mine must occur during normal working hours. These commenters indicated that they may need to schedule miners to work longer than their normal shifts on days that the miners receive training. For example, if a miner's normal work shift is eight hours, would the final rule prohibit the miner traveling an hour each way to attend an eight-hour training session, for a total of ten hours?

We do not interpret the statute to mandate such a restrictive result. Under our interpretation, the final rule would not prohibit travel to an off-site training location outside of normal working hours, so long as the actual training occurs during normal working hours. However, a miner is entitled to compensation for travel to off-site training. As a practical matter, we expect that little, if any, off-site training will require extensive travel.

One commenter questioned whether mileage costs must be provided to miners who attend training at a site that is immediately adjacent to the mine site. This commenter stated that because the training location did not qualify as the normal place of work, a strict interpretation of this aspect of the proposal would require the miners to be compensated for mileage costs.

We agree that the statute and this aspect of the final rule can be interpreted in such a way as to produce unreasonable results. However, our intention is to interpret and enforce the final rule in a reasonable manner. In the case described by the commenter, we expect that the costs incurred by miners in traveling to a training location in the vicinity of the normal place of work would be the same as their ordinary

costs of getting to work. Because the statute requires that miners be compensated for additional costs of attending off-site training, we would not require reimbursement for travel costs in such a case. However, miners must be reimbursed for mileage costs in the more typical case where miners must drive a number of miles beyond their normal place of work to an off-site training location.

Finally, a few commenters noted that certain types of training may not be available during normal working hours. For example, miners who wish to take training from the Red Cross may need to take it at night. Although we are sympathetic to these commenters' concerns, the Mine Act specifically prohibits such a practice for training that is provided to satisfy part 46 requirements. We have no discretion to allow training to be provided outside of normal working hours if it is used to satisfy training requirements under this part. As a result, while we do not discourage the participation of miners in relevant safety and health training, such training must be conducted during normal working hours in order for it to be credited toward the minimum requirements of part 46.

Section 46.11 Site-Specific Hazard Awareness Training

This section of the final rule generally adopts the proposed provisions for site-specific hazard awareness training, but includes several changes from the proposal in response to comments. Under the final rule, like the proposal, persons who do not fall within the definition of "miner" under § 46.2 are required to receive site-specific hazard awareness training. The final rule also adopts, with some change, the proposed requirement that employees of independent contractors who are "miners" must also receive site-specific hazard awareness training at the mines where they work. Site-specific hazard awareness training must be given under the final rule before persons are exposed to mine hazards.

Several commenters stated that the title of proposed § 46.11 should be changed to more accurately describe the type of training that is required by the section. Commenters observed that the training under this section is intended to make persons aware of site-specific hazards before they enter the mine site and are exposed to these hazards. These commenters believed that the meaning of the term "hazard training" was unclear and could be confused with task training. We agree with these commenters, and the title of this section has been change to "Site-Specific Hazard Awareness Training" to more precisely identify the type of training that is required by this section of the final rule.

Commenters generally supported the concept of providing site-specific hazard awareness training to persons before they are exposed to mine hazards. Several commenters observed that the type of people who come to the mine site and the degree of their exposure to hazards varies tremendously. These commenters stated that the extent of hazard awareness training required by the final rule should vary greatly as well. Several commenters indicated that the type, duration, and delivery of this training should be commensurate with the hazards to which persons at the mine site are exposed.

Paragraph (a) of the final rule adopts the requirements of proposed § 46.11(c) and requires you to provide site-specific hazard awareness training before the affected person is exposed to mine hazards. We believe there is no reason to allow any delay in providing hazard awareness training. In fact, allowing persons to be exposed to mine hazards before they receive hazard awareness training would defeat the purpose of the training. We expect that hazard awareness training will not be overly burdensome and can be effectively provided to affected persons before they enter the mine site. We have moved this provision to the first paragraph of this section in the final rule to emphasize that site-specific hazard awareness training must be provided before the affected person is exposed to mine hazards.

A number of commenters questioned whether operators must provide hazard awareness training to persons who are on mine property but who are not exposed to mine hazards. One commenter used as examples soft drink delivery personnel or other visitors who go no further than the office to perform their work. These commenters recommended that the final rule clarify that hazard awareness training is not required for individuals who come onto mine property but who do not travel or perform work in the portion of the property upon which extraction or production is conducted. Some of these commenters also recommended that the final rule clarify what constitutes a "mine site" as that term is used in § 46.11.

As discussed in the preamble for final § 46.2, the final rule defines "mine site" as an area of the mine where mining operations occur. The final rule also defines "mining operations" to include activities such as mine development, drilling, blasting; maintenance and repair of mining equipment; and associated haulage of materials within the mine. For example, the mine site would include areas where mining operations take place, such as the pit, quarry, stockpiles, mine haul roads, or areas where customers travel or haul material. These definitions are intended to make clear that hazard awareness training is required for persons who are in the area of the mine property where mining-related activity takes place. Persons who are on mine property but who are never in the area of the property where mining operations occur are not required to receive hazard awareness training. For example, we do not intend that hazard awareness training be required for office or staff personnel whose offices are located some distance from the mine site and whose duties never require their presence at the mine site. However, office or staff personnel who travel occasionally about the mine site must receive hazard awareness training, unless they are accompanied by an experienced miner under final § 46.11(f).

Final § 46.11(b) requires that you provide site-specific hazard awareness training to any person who is not a miner as defined in § 46.2 but who is present at a mine site. This section also includes examples of such persons. Paragraphs (b)(1) through (b)(7) include examples of persons who are required to receive hazard awareness training, and the provisions of these paragraphs have been adopted with minor changes from the proposal. These persons include office or staff personnel; scientific workers; delivery workers; customers, including commercial over-the-road truck drivers; construction workers or employees of independent contractors who are not miners under § 46.2; maintenance or service workers who do not work at a mine site for frequent or extended periods; and vendors or visitors. This mirrors the list included in final § 46.2(g)(2) of persons who do not fall within the definition of "miner" and is discussed in greater detail in the preamble for that section. This list is intended to assist operators in determining the types of persons who must receive hazard awareness training, but is not meant to be all-inclusive.

The final rule requires hazard awareness training for vendors and visitors who are present at a mine site. Some commenters stated that these individuals are not usually exposed to mine hazards, and therefore they should not have to receive hazard awareness training. However, other commenters stated that this training should be

provided to visitors and vendors before they are exposed to mine hazards. We agree with commenters who believe that a vendor or visitor who will be in the vicinity of mine hazards, even for a limited period of time, should receive hazard awareness training.

We have added the provisions of § 46.11(b)(5) to the final rule to make clear that you must provide site-specific hazard awareness training to construction workers and employees of independent contractors who are not miners. This was the intent under the proposal, but language to that effect has been included in the final rule to ensure that there is no uncertainty about the requirements of final § 46.11. As discussed earlier, we stated in the preamble to the proposal that construction workers would be covered by part 46. However, the proposed rule itself made no specific mention of construction workers. We have addressed that omission in the final rule.

The provisions of final § 46.11(c) have been adopted with some change from proposed § 46.6(d) and take the place of provisions proposed under § 46.11(b). Under final § 46.11(c), you are required to provide miners, such as drillers or blasters, who move from one mine to another mine while remaining employed by the same production-operator or independent contractor with site-specific hazard awareness training for each mine. The provision of the final rule covers miners employed by both the independent contractor and the production-operator. The proposal would have required you to provide hazard training to each person who is an employee of an independent contractor and who is working at the mine as a miner, unless the miner has received newly hired experienced miner training at the mine. However, as explained in the preamble discussion of § 46.6 and in response to comments, we have concluded that miners who move from mine to mine are not "newly hired" when the begin work at a new mine if they remain employed by the same employers, whether production-operators or independent contractors. As a result, the final rule does not adopt the proposed option of newly hired experienced miner training for these miners.

Commenters generally supported a requirement for site-specific hazard awareness training for miners if they move from mine site to mine site. Contract drilling and blasting personnel are only two examples of these types of miners. Although these employees must receive comprehensive training because they are "miners" under the final rule, they must also receive site-specific hazard awareness training at each new mine before they begin work at the mine. As a practical matter, we expect that many, if not most, independent contractor employees will receive hazard awareness training under final § 46.11(b) because they do not meet the definition of "miner" under § 46.2. However, employees of independent contractors who do fall within the definition of "miner" also need effective orientation to their new work environments before they begin their job duties. This is consistent with the observations of commenters who stated that some miners move from mine to mine while remaining employed by the same production-operator and that these miners need to receive site-specific hazard awareness training as a minimum before they begin to work at each new mine. We agree with these commenters and § 46.11(c) specifically requires these miners to receive this training, whether employed by production-operators or independent contractors. This requirement recognizes that miners may encounter new or unfamiliar site-specific hazards as they travel from mine to mine.

Final § 46.11(d) has been adopted from the definition of "hazard training" that was included in proposed § 46.2. Commenters recommended that we move the definition of "hazard training" from § 46.2 to § 46.11, because § 46.11 specifically addresses hazard awareness training requirements. Commenters believed that this would make it easier for the mining community to understand the requirements of § 46.11. We agree with commenters that consolidation of this language in one place is more straightforward, and we have incorporated the language from the definition in proposed § 46.2 into § 46.11 of the final rule. Site-specific hazard awareness training is defined in this paragraph as information or instructions on the hazards a person may be exposed to while on mine property, as well as on applicable emergency procedures. Paragraph (d) further provides that the training must address site-specific health and safety risks, such as unique geologic or environmental conditions, recognition and avoidance of hazards such as electrical and powered-haulage hazards, traffic patterns and control, restricted areas, warning and evacuation signals, evacuation and emergency procedures, or other special safety procedures. The proposal would have provided that the hazards may include site-specific risks and included a similar list.

The final rule makes it mandatory that hazard awareness training cover site-specific risks. This is in response to commenters who pointed out that the purpose of the training is to ensure that persons who are unfamiliar with the mine and with the hazards of a particular operation have been provided with enough information to avoid exposure to hazards while they are at the mine. We recommend that you review the examples of hazards set forth in the final rule and ensure that the site-specific hazard awareness training addresses, at a minimum, all of the risks that are applicable at your mine.

Under final § 46.11(e), like proposed § 46.11(d), you may provide site-specific hazard awareness training through the use of written hazard warnings, oral instruction, signs and posted warnings, walkaround training, or other appropriate means that alert affected persons to site-specific hazards at the mine.

Commenters had varying opinions on how long hazard awareness training should last and what form it should take. Some commenters were concerned that the proposed rule allowed too much flexibility in how the site-specific hazard awareness information would be presented to affected persons. These commenters observed that, in some cases, operators could comply with the requirement for site-specific training exclusively through the use of warning signs, and that such training would be insufficient to protect persons who are unfamiliar with mining operations from the hazards that they may be exposed to at the mine. One commenter recommended that hazard awareness training include some form of personal instruction or interaction, such as walkaround training. Other commenters stated that the final rule should allow operators the flexibility to tailor their hazard awareness training to the specific conditions at their mine.

The final rule, like the proposal, affords operators the discretion to tailor site-specific hazard awareness training to the unique operations and conditions at their mines. However, the training must in all cases be sufficient to alert affected persons to site-specific hazards. Depending on the circumstances and the type and degree of the person's exposure to mine hazards, you may provide hazard awareness training through informal but informative conversations. In other cases, you may choose to provide some form of walkaround training by guiding the trainee around the mine site, pointing out particular hazards or indicating those areas that the person should avoid, or by some combination of these methods.

We also intend that hazard awareness training be appropriate for the individual who is receiving it and that the breadth and depth of training vary depending on the skills, background, and job duties of the recipient. For example, it may be appropriate for you to provide hazard awareness training to customer truck drivers by handing out a card to the drivers alerting them to the mine hazards or directing them away from certain areas of the mine site. More extensive hazard awareness training might be needed for an equipment manufacturer's representative who comes onto mine property to service or inspect a piece of mining equipment. Although this individual may not be on mine property for an extended period, the person's exposure to mine hazards may warrant more training. Appropriate hazard awareness training would typically be more comprehensive for contractor employees who fit the definition of "miner" because they are engaged in mining operations. These employees receive comprehensive training but also need orientation to the mine site and information on the mining operations and mine hazards.

The final rule allows you the flexibility to tailor your hazard awareness training to the specific conditions and practices at your mine. However, in most cases, an effective site-specific hazard awareness training program will include a combination of the different types of training listed in this paragraph. For example, you may want to provide oral instructions on the site-specific hazards and give the affected person the opportunity to ask questions about the mine in addition to the use of written handout materials and/or signs and posted warnings. The flexibility provided in the final rule is intended to allow operators to design and implement effective site-specific hazard awareness training programs that are suitable for their mine sites and the persons affected.

Under final § 46.11(f), like proposed § 46.11(e), you are not required to provide site-specific hazard awareness training to any person who is accompanied at all times by an experienced miner who is familiar with the hazards specific to the mine site. The experienced miner is not a "competent person" as defined in § 46.2, but the miner must be sufficiently familiar with the mine's operations and its hazards to ensure that the person the miner accompanies is protected from danger while at the mine site. This provision gives you the option of foregoing site-specific hazard awareness training, most likely for one-time visitors. We expect that, in many situations, it may be more expedient for the person to be accompanied, such as a visitor who is being taken on a mine tour.

Several commenters supported this provision and recommended that it be adopted in the final rule. Other commenters took issue with this provision, stating that an escort may not prevent a person unfamiliar with the mining environment from being inadvertently exposed to mine hazards. Other commenters stated that they believed that providing a visitor with an escort while the visitor is at the mine site is the most effective way to protect the visitor from mine hazards. We agree that people unfamiliar with mining can be protected if they are accompanied by an experienced miner at all times. However, although not required, there may be circumstances where it is advisable to provide individuals with some oral instructions before they enter the mine site, even though they will be accompanied by an experienced miner.

You should note that § 46.9(i) of the final rule specifically provides that you are not required to make a record of site-specific hazard awareness training for persons who are not "miners." However, as indicated in § 46.9, you must be able to demonstrate to inspectors that you are in compliance with site-specific hazard awareness training requirements. This issue is addressed in greater detail under the preamble discussion for final § 46.9.

Finally, several commenters questioned whether government agents at the mine site would be covered by the site-specific hazard awareness training requirements in the final rule. The commenter pointed out that current MSHA policy for part 48 exempts government agents from hazard awareness training requirements. We intend that this issue be addressed in the same manner as it is under part 48. Although an argument could be made in favor of requiring government officials to receive hazard awareness training, we believe that these factors are outweighed by the need for these officials to be unimpeded in the exercise of their duties at the mine site. We expect that government agencies whose personnel visit mine sites will ensure that their employees receive adequate instruction and training so that the employees can carry out their duties in a safe and healthful manner.

Section 46.12 Responsibility for Independent Contractor Training

Section 46.12 of the final rule generally adopts the provisions proposed for the responsibility of training, which address the allocation of responsibility for training between production-operators and independent contractors with workers at the production-operators' mine sites. Under the final rule, independent contractors are responsible for ensuring that their employees who are "miners" receive comprehensive miner training. This is based on our determination that the contractor, not the production-operator, is in the best position to train his or her employees in the health and safety aspects of their particular tasks. Similarly, production-operators are primarily responsible for ensuring that independent contractor employees who work at the mine site receive required site-specific hazard awareness training. This is consistent with the fact that production-operators are in the best position to provide necessary information about hazards at their operations. Final § 46.12 also includes provisions that are intended to ensure that production-operators and independent contractors share information with one another about hazards at the mine, so that all employees can work safely.

Final § 46.12(a)(1) provides that each production-operator is primarily responsible for ensuring that site-specific hazard awareness training is given to employees of independent contractors. Under the proposal, production-operators would have been primarily responsible for "providing" site-specific hazard training to employees of independent contractors.

This aspect of the proposal was the subject of much comment. Many commenters objected to holding production-operators responsible for any aspect of training for independent contractor employees. These commenters maintained that it would be appropriate for the production-operator to provide the independent contractor with information about site-specific hazards, but that responsibility for providing the actual training should rest with the independent contractor. One commenter asserted that production-operators do not always have control of people who come on and off site. Another commenter stated that a requirement that production-operators train contractor employees would require the production-operators to accept responsibility for a very large number of individuals who may visit the mine only on occasion or for relatively low-risk activity. This commenter was concerned that production-operators would have to redirect their attention to contractor employees, away from their own employees who may be working at higher risk jobs.

Other commenters agreed with placing primary responsibility for site-specific hazard awareness training on production-operators. One commenter maintained that the production-operator is the only entity knowledgeable enough to ensure that independent contractor employees are aware of site-specific hazards at the mine site to which they may be exposed. Other commenters insisted that the proposal placed responsibility for training contractor employees where it belongs-on the production-operator for hazard awareness training and on the independent contractor for comprehensive training. Several commenters believed that the proposed requirements would enhance communication between production-operators and independent contractors.

We continue to believe, as indicated in the preamble to the proposed rule, that it is appropriate to place primary responsibility for site-specific hazard awareness training on production-operators. Production-operators have overall responsibility for health and safety conditions at their mine sites and are in the best position to convey information about site-specific hazards to workers who come onto mine property. However, as we explained in the preamble to the proposed rule, final § 46.12(a)(1) does not require production-operators to personally provide site-specific hazard awareness training to the employees of an independent contractor. For these reasons, the language of the final rule varies slightly from the language in the proposal. The final rule provides that production-operators are primarily responsible for "ensuring" that independent contractor employees receive required site-specific hazard awareness training. This is intended to clarify that production-operators do not need to provide the training themselves but must ensure that the training has been given. For example, one commenter recommended that the production-operator and the independent contractor coordinate whether the production-operator will provide site-specific hazard awareness training information to independent contractor management, who would then train the contractor employees, or whether the production-operator will provide the information directly to the contractor employees. This is an acceptable approach under the final rule. Consistent with final § 46.4, production-operators may provide independent contractors with site-specific hazard awareness information or training materials and arrange for the contractors to provide the training to the contractors' employees. However, production-operators retain the primary responsibility of ensuring that everyone who comes onto mine sites has received the necessary site-specific hazard awareness training.

A few commenters appeared to misunderstand the requirements of proposed § 46.12(a). For example, one commenter observed that production-operators often hire contractors because production-operators often do not have the equipment or knowledge to do the job. In that instance, the commenter maintained, it would be wrong to expect the production-operator to provide comprehensive training to contractor employees when the production-operator may not be familiar with their work and the associated hazards. In response to this comment, we would like to clarify that the final rule, like the proposal, places primary responsibility on production-operators to ensure training for contractor employees only with regard to site-specific hazard awareness training. Final § 46.12(b)(1), discussed below, explicitly provides that independent contractors are primarily responsible for providing their miner employees with any other training required under this part.

Final § 46.12(a)(2) adopts the proposed requirement that production-operators inform independent contractors of site-specific hazards associated with the mine and the obligation of the contractor to comply with our regulations, including part 46. This aspect of the proposal received little comment, and we have adopted it unchanged into the final rule.

Final § 46.12(b)(1) provides that independent contractors who employ "miners" are primarily responsible for providing comprehensive training to their employees (i.e., training under §§ 46.5 through 46.8). Virtually all commenters agreed with this aspect of the proposal. We would point out that this provision does not preclude independent contractors from arranging for the production-operator to provide comprehensive training to the contractors' employees. However, the primary responsibility for comprehensive training for contractor employees continues to rest on the independent contractor.

A few commenters suggested that the final rule require production-operators to verify that independent contractor employees have received all training required under part 46. As we indicated in the preamble to the proposal, the requirements of this section are consistent with our current policy on independent contractors, which provides that production-operators have overall compliance responsibility at their mines, which includes ensuring compliance by independent contractors with the Mine Act and regulations. Independent contractors are responsible for compliance with the Act and regulations with respect to their activities at a particular mine. We also cite independent contractors for violations committed by them and their employees. However, neither this policy nor the provisions of this section change the production-operators' basic responsibilities for compliance with the Act. Production-operators are subject to all provisions of the Act and to all standards and regulations applicable to their mining operations. One way for production-operators to address this responsibility is to confirm when contracting with independent contractors that the contractors' employees will receive health and safety training and to include this as a provision in the contract. It may also be prudent for them to request and maintain evidence of independent contractors' compliance with training requirements.

Under final § 46.12(b)(2), as under the proposal, an independent contractor must inform the production-operator of any hazards of which the contractor is aware that may be created by the performance of the contractor's work at the mine. We did not receive any comments specifically addressing the provisions of this paragraph, and we have adopted it without change into the final rule.

XIV. References

Conference Rep. No. 95–461, 95th Cong., 1st Sess., (1977).

Federal Metal and Nonmetallic Mine Safety Act, September 16, 1966.

Federal Coal Mine Health and Safety Act, December 30, 1969.

Federal Mine Safety and Health Act, November 9, 1977.

H.R. Rep. No. 105–825 for H.R. 4328, 105th Cong., 2d Sess. (1998).

Joint Industry and Labor draft proposed rule for Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines, February 1, 1999.

MSHA, Health and Safety Training and Retraining of Miners, Final Rule, October 13, 1978 [43 FR 47454–47468].

MSHA, Notice of Public Meetings, November 3, 1998 [63 FR 59258].

MSHA, Notice of Public Hearings, April 14, 1999 [63 FR 18528].

MSHA, Experienced Miner and Supervisor Training, Final Rule, October 6, 1998 [63 FR 53750].

MSHA, Training and Retraining of Miners Engaged in Shell Dredging or Employed at

Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines, Proposed Rule, April 14, 1999, [64 FR 18498–18528].

Omnibus Appropriations Act for 1999, P.L. 105–277, October 21, 1998.

S. Rep. No. 105–300 for S. 2440, 105th Cong., 2d Sess., (1998).

Transportation Equity Act "TEA–21" (P.L. 105–178), June 9, 1998.

U.S. Geological Survey, U.S. Department of the Interior, Mineral Industry Surveys, Crushed Stone and Sand and Gravel in the Third Quarter of 1998, December 1998, pp. 1–5.

U.S. Geological Survey, U.S. Department of the Interior, Mineral Industry Surveys, Crushed Stone and Sand and Gravel in the First Quarter of 1999, June 1999, pp. 1–6.

U.S. Geological Survey, Mineral Commodity Summaries, Stone (Crushed), Valentin V. Tepordei, January 1996, pp. 1–2.

U.S. Geological Survey, Mineral Commodity Summaries, Stone (Crushed), Valentin V. Tepordei, February 1997, pp. 1–2.

U.S. Geological Survey, Mineral Commodity Summaries, Stone (Crushed), Valentin V. Tepordei, January 1998, pp. 1–2.

U.S. Geological Survey, Mineral Commodity Summaries, Stone (Crushed), Valentin V. Tepordei, January 1999, pp. 1–2.

U.S. Geological Survey, Mineral Commodity Summaries, Sand and Gravel (Construction), Wallace P. Bolen, January 1996, pp. 1–2.

U.S. Geological Survey, Mineral Commodity Summaries, Sand and Gravel (Construction), Wallace P. Bolen, February 1997, pp. 1–2.

U.S. Geological Survey, Mineral Commodity Summaries, Sand and Gravel (Construction), Wallace P. Bolen, January 1998, pp. 1–2.

U.S. Geological Survey, Mineral Commodity Summaries, Sand and Gravel (Construction), Wallace P. Bolen, January 1999, pp. 1–2.

List of Subjects

30 CFR Part 46

Mine safety and health, Reporting and recordkeeping requirements, Surface mining, Training programs.

30 CFR Part 48

Mine safety and health, Reporting and recordkeeping requirements, Training programs.

Dated: September 23, 1999.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

Accordingly, under the authority of 30 U.S.C. 811 and for the reasons set out in the preamble, MSHA is amending chapter I, title 30 of the Code of Federal Regulations, as follows:

PART 48—[AMENDED]

1. The authority citation for part 48 continues to read as follows:

Authority: 30 U.S.C. 811, 825.

2. Section 48.21 is amended by adding a new sentence to read as follows:

§ 48.21 Scope.

* * * This part does not apply to training and retraining of miners at shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines, which are covered under 30 CFR Part 46.

3. A new part 46 is added to subchapter H of Title 30 of the Code of Federal Regulations to read as follows:

PART 46—TRAINING AND RETRAINING OF MINERS ENGAGED IN SHELL DREDGING OR EMPLOYED AT SAND, GRAVEL, SURFACE STONE, SURFACE CLAY, COLLOIDAL PHOSPHATE, OR SURFACE LIMESTONE MINES.

Sec.

46.1 Scope.
46.2 Definitions.
46.3 Training plans.
46.4 Training plan implementation.
46.5 New miner training.
46.6 Newly hired experienced miner training.
46.7 New task training.
46.8 Annual refresher training.
46.9 Records of training.
46.10 Compensation for training.
46.11 Site-specific hazard awareness training.
46.12 Responsibility for independent contractor training.

Authority: 30 U.S.C. 811, 825.

§ 46.1 Scope.

The provisions of this part set forth the mandatory requirements for training and retraining miners and other persons at shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines.

§ 46.2 Definitions.

The following definitions apply in this part:

(a) *Act* means the Federal Mine Safety and Health Act of 1977.

(b) *Competent person* means a person designated by the production-operator or independent contractor who has the ability, training, knowledge, or experience to provide training to miners in his or her area of expertise. The competent person must be able both to effectively communicate the training subject to miners and to evaluate whether the training given to miners is effective.

(c) *Equivalent experience* means work experience where the person performed duties similar to duties performed in mining operations at surface mines. Such experience may include, but is not limited to, work as a heavy equipment operator, truck driver, skilled craftsman, or plant operator.

(d)(1) *Experienced miner* means:

(i) A person who is employed as a miner on April 14, 1999;

(ii) A person who has at least 12 months of cumulative surface mining or equivalent experience on or before October 2, 2000;

(iii) A person who began employment as a miner after April 14, 1999, but before October 2, 2000 and who has received new miner training under § 48.25 of this title or under proposed requirements published April 14, 1999, which are available from the Office of Standards, Regulations and Variances, MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203; or

(iv) A person employed as a miner on or after October 2, 2000 who has completed 24 hours of new miner training under § 46.5 of this part or under § 48.25 of this title and who has at least 12 cumulative months of surface mining or equivalent experience.

(2) Once a miner is an experienced miner under this section, the miner will retain that status permanently.

(e) *Independent contractor* means any person, partnership, corporation, subsidiary of a corporation, firm, association, or other organization that contracts to perform services at a mine under this part.

(f) *Mine site* means an area of the mine where mining operations occur.

(g)(1) *Miner* means:

(i) Any person, including any operator or supervisor, who works at a mine and who is engaged in mining operations. This definition includes independent contractors and employees of independent contractors who are engaged in mining operations; and

(ii) Any construction worker who is exposed to hazards of mining operations.

(2) The definition of "miner" does not include scientific workers; delivery workers; customers (including commercial over-the-road truck drivers); vendors; or visitors. This definition also does not include maintenance or service workers who do not work at a mine site for frequent or extended periods.

(h) *Mining operations* means mine development, drilling, blasting, extraction, milling, crushing, screening, or sizing of minerals at a mine; maintenance and repair of mining equipment; and associated haulage of materials within the mine from these activities.

(i) *New miner* means a person who is beginning employment as a miner with a production-operator or independent contractor and who is not an experienced miner.

(j) *Newly hired experienced miner* means an experienced miner who is beginning employment with a production-operator or independent contractor. Experienced miners who move from one mine to another, such as drillers and blasters, but who remain employed by the same production-operator or independent contractor are not considered newly hired experienced miners.

(k) *Normal working hours* means a period of time during which a miner is otherwise scheduled to work, including the sixth or seventh working day if such a work schedule has been established for a sufficient period of time to be accepted as the common practice of the production-operator or independent contractor, as applicable.

(l) *Operator* means any production-operator, or any independent contractor whose employees perform services at a mine.

(m) *Production-operator* means any owner, lessee, or other person who operates, controls, or supervises a mine under this part.

(n) *Task* means a work assignment or component of a job that requires specific job knowledge or experience.

(o) *We* or *us* means the Mine Safety and Health Administration (MSHA).

(p) *You* means production-operators and independent contractors.

§ 46.3 Training plans.

(a) You must develop and implement a written plan, approved by us under either paragraph (b) or (c) of this section, that contains effective programs for training new miners and newly hired experienced miners, training miners for new tasks, annual refresher training, and site-specific hazard awareness training.

(b) A training plan is considered approved by us if it contains, at a minimum, the following information:

(1) The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification number(s) or independent contractor identification number(s);

(2) The name and position of the person designated by you who is responsible for the health and safety training at the mine. This person may be the production-operator or independent contractor;

(3) A general description of the teaching methods and the course materials that are to be used in the training program, including the subject areas to be covered and the approximate time or range of time to be spent on each subject area.

(4) A list of the persons and/or organizations who will provide the training, and the subject areas in which each person and/or organization is competent to instruct; and

(5) The evaluation procedures used to determine the effectiveness of training.

(c) A plan that does not include the minimum information specified in paragraphs (b)(1) through (b)(5) of this section must be submitted to and approved by the Regional Manager, Educational Field Services Division, or designee, for the region in which the mine is located. You also may voluntarily submit a plan for Regional Manager approval. You must notify miners or their representatives when you submit a plan for Regional Manager approval. Within two weeks of receipt or posting of the plan, miners and their representatives may also request review and approval of the plan by the Regional Manager and must notify the production-operator or independent contractor of such request.

(d) You must provide the miners' representative, if any, with a copy of the plan at least 2 weeks before the plan is implemented or, if you request MSHA approval of your plan, at least two weeks before you submit the plan to the Regional Manager for approval. At mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner at least 2 weeks before you implement the plan or submit it to the Regional Manager for approval.

(e) Within 2 weeks following the receipt or posting of the training plan under paragraph (d) of this section, miners or their representatives may submit written comments on the plan to you, or to the Regional Manager, as appropriate.

(f) The Regional Manager must notify you and miners or their representatives in writing of the approval, or status of the approval, of the training plan within 30 calendar days of the date we received the training plan for approval, or within 30 calendar days of the date we received the request by a miner or miners' representative that we approve your plan.

(g) You must provide the miners' representative, if any, with a copy of the approved plan within one week after approval. At mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner within one week after approval.

(h) If you, miners, or miners' representatives wish to appeal a decision of the Regional Manager, you must send the appeal, in writing, to the Director for Educational Policy and Development, MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 calendar days after notification of the Regional Manager's decision. The Director will issue a final decision of the Agency within 30 calendar days after receipt of the appeal.

(i) You must make available at the mine a copy of the current training plan for inspection by us and for examination by miners and their representatives. If the training plan is not maintained at the mine, you must have the capability to provide the plan within one business day upon request by us, miners, or their representatives.

(j) You must comply with the procedures for plan approval under this section whenever the plan undergoes revisions.

(k) The addresses for the EFS Regional Managers are as follows. Current information on the EFS organization is available on MSHA's Internet Home Page at http://www.msha.gov.

Eastern Regional Manager

Educational Field Services, National Mine Health and Safety Academy, 1301 Airport Road, Beaver, WV 25813–9426, Telephone: (304) 256–3223, FAX: (304) 256–3319, E-mail: EFS__EAST@MSHA.GOV

Western Regional Manager

Educational Field Services, P.O. Box 25367, Denver, CO 80225–0367, Telephone: (303) 231–5434, FAX: (304) 231–5474, E-mail: EFS__WEST@MSHA.GOV

§ 46.4 Training plan implementation.

(a) You must ensure that each program, course of instruction, or training session is:

(1) Conducted in accordance with the written training plan;

(2) Presented by a competent person; and

(3) Presented in language understood by the miners who are receiving the training.

(b) You may conduct your own training programs or may arrange for training to be conducted by: state or federal agencies; associations of production-operators or independent contractors; miners' representatives; consultants; manufacturers' representatives; private associations; educational institutions; or other training providers.

(c) You may substitute, as applicable, health and safety training required by the Occupational Safety and Health Administration (OSHA), or other federal or state agencies to meet requirements under this part. This training must be relevant to training subjects required in this part. You must document the

training in accordance with § 46.9 of this part.

(d) Training methods may consist of classroom instruction, instruction at the mine, interactive computer-based instruction or other innovative training methods, alternative training technologies, or any combination of training methods.

(e) Employee health and safety meetings, including informal health and safety talks and instruction, may be credited under this part toward either new miner training, newly hired experienced miner training, or annual refresher training requirements, as appropriate, provided that you document each training session in accordance with § 46.9 of this part. In recording the duration of training, you must include only the portion of the session actually spent in training.

§ 46.5 New miner training.

(a) Except as provided in paragraphs (f) and (g) of this section, you must provide each new miner with no less than 24 hours of training as prescribed by paragraphs (b), (c), and (d). Miners who have not yet received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is performing his or her work in a safe and healthful manner.

(b) Before a new miner begins work at the mine—	You must provide the miner with no less than 4 hours of training in the following subjects, which must also address site-specific hazards: (1) An introduction to the work environment, including a visit and tour of the mine, or portions of the mine that are representative of the entire mine (walkaround training). The method of mining or operation utilized must be explained and observed; (2) Instruction on the recognition and avoidance of electrical hazards and other hazards present at the mine, such as traffic patterns and control, mobile equipment (e.g., haul trucks and front-end loaders), and loose or unstable ground conditions; (3) A review of the emergency medical procedures, escape and emergency evacuation plans, in effect at the mine, and instruction on the firewarning signals and firefighting procedures; (4) Instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, and the mandatory health and safety standards pertinent to such tasks; (5) Instruction on the statutory rights of miners and their representatives under the Act; (6) A review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives; and (7) An introduction to your rules and procedures for reporting hazards.
(c) No later than 60 calendar days after a new miner begins work at the mine—	You must provide the miner with training in the following subject: (1) Instruction and demonstration on the use, care, and maintenance of self-rescue and respiratory devices, if used at the mine; and (2) A review of first aid methods.
(d) No later than 90 calendar days after a new miner begins work at the mine—	You must provide the miner with the balance, if any, of the 24 hours of training on any other subjects that promote occupational health and safety for miners at the mine.

(e) Practice under the close observation of a competent person may be used to fulfill the requirement for training on the health and safety aspects of an assigned task in paragraph (b)(4) of this section, if hazard recognition training specific to the assigned task is given before the miner performs the task.

(f) A new miner who has less than 12 cumulative months of surface mining or equivalent experience and has completed new miner training under this section or under § 48.25 of this title within 36 months before beginning work at the mine does not have to repeat new miner training. However, you must provide the miner with training specified in paragraph (b) of this section before the miner begins work at the mine.

(g) A new miner training course completed under § 48.5 or § 48.25 of this title may be used to satisfy the requirements of paragraphs (a), (b), and (c) of this section, if the course was completed by the miner within 36 months before beginning work at the mine; and the course is relevant to the subjects specified in paragraphs (b) and (c) of this section.

§ 46.6 Newly hired experienced miner training.

(a) Except as provided in paragraph (f) of this section, you must provide each newly hired experienced miner with training as prescribed by paragraphs (b) and (c).

(b) Before a newly hired experienced miner begins work at the mine—	You must provide the miner with training in the following subjects, which must also address site-specific hazards: (1) An introduction to the work environment, including a visit and tour of the mine, or portions of the mine that are representative of the entire mine (walkaround training). The method of mining or operation utilized must be explained and observed; (2) Instruction on the recognition and avoidance of electrical hazards and other hazards present at the mine, such as traffic patterns and control, mobile equipment (e.g., haul trucks and front-end loaders), and loose or unstable ground conditions; (3) A review of the emergency medical procedures, escape and emergency evacuation plans, in effect at the mine, and instruction on the firewarning signals and firefighting procedures; (4) Instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, and the mandatory health and safety standards pertinent to such tasks; (5) Instruction on the statutory rights of miners and their representatives under the Act; (6) A review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives; and (7) An introduction to your rules and procedures for reporting hazards.

(c) No later than 60 calendar days after a newly hired experienced miner begins work at the mine—	You must provide the miner with an instruction and demonstration on the use, care, and maintenance of self-rescue and respiratory devices, if used at the mine.

(d) Practice under the close observation of a competent person may be used to fulfill the requirement for training on the health and safety aspects of an assigned task in paragraph (b)(4) of this section, if hazard recognition training specific to the assigned task is given before the miner performs the task.

(e) In addition to subjects specified in paragraphs (b) and (c) of this section, you may provide training on any other subjects that promote occupational health and safety for miners.

(f) You are not required to provide a newly hired experienced miner who returns to the same mine, following an absence of 12 months or less, with the training specified in paragraphs (b) and (c) of this section. Instead you must provide such miner with training on any changes at the mine that occurred during the miner's absence that could adversely affect the miner's health or safety. This training must be given before the miner begins work at the mine. If the miner missed any part of annual refresher training under § 46.8 of this part during the absence, you must provide the miner with the missed training no later than 90 calendar days after the miner begins work at the mine.

§ 46.7 New task training.

(a) You must provide any miner who is reassigned to a new task in which he or she has no previous work experience with training in the health and safety aspects and safe work procedures specific to that new task. This training must be provided before the miner performs the new task.

(b) If a change occurs in a miner's assigned task that affects the health and safety risks encountered by the miner, you must provide the miner with training under paragraph (a) of this section that addresses the change.

(c) You are not required to provide new task training under paragraphs (a) and (b) of this section to miners who have received training in a similar task or who have previous work experience in the task, and who can demonstrate the necessary skills to perform the task in a safe and healthful manner. To determine whether task training under this section is required, you must observe that the miner can perform the task in a safe and healthful manner.

(d) Practice under the close observation of a competent person may be used to fulfill the requirement for task training under this section, if hazard recognition training specific to the assigned task is given before the miner performs the task.

(e) Training provided under this section may be credited toward new miner training, as appropriate.

§ 46.8 Annual refresher training.

(a) You must provide each miner with no less than 8 hours of annual refresher training—

(1) No later than 12 months after the miner begins work at the mine, or no later than March 30, 2001, whichever is later; and

(2) Thereafter, no later than 12 months after the previous annual refresher training was completed.

(b) The refresher training must include instruction on changes at the mine that could adversely affect the miner's health or safety.

(c) Refresher training must also address other health and safety subjects that are relevant to mining operations at the mine. Recommended subjects include, but are not limited to: applicable health and safety requirements, including mandatory health and safety standards; transportation controls and communication systems; escape and emergency evacuation plans, firewarning and firefighting; ground conditions and control; traffic patterns and control; working in areas of highwalls; water hazards, pits, and spoil banks; illumination and night work; first aid; electrical hazards; prevention of accidents; health; explosives; and respiratory devices. Training is also recommended on the hazards associated with the equipment that has accounted for the most fatalities and serious injuries at the mines covered by this rule, including: mobile equipment (haulage and service trucks, front-end loaders and tractors); conveyor systems; cranes; crushers; excavators; and dredges. Other recommended subjects include: maintenance and repair (use of hand tools and welding equipment); material handling; fall prevention and protection; and working around moving objects (machine guarding).

§ 46.9 Records of training.

(a) You must record and certify on MSHA Form 5000–23, or on a form that contains the information listed in paragraph (b) of this section, that each miner has received training required under this part.

(b) The form must include:

(1) The printed full name of the person trained;

(2) The type of training, the duration of the training, the date the training was received, the name of the competent person who provided the training:

(3) The name of the mine or independent contractor, MSHA mine identification number or independent contractor identification number, and location of training (if an institution, the name and address of the institution).

(4) The statement, "False certification is punishable-under § 110(a) and (f) of the Federal Mine Safety and Health Act," printed in bold letters and in a conspicuous manner; and

(5) A statement signed by the person designated in the MSHA-approved training plan for the mine as responsible for health and safety training, that states "I certify that the above training has been completed."

(c) You must make a record of training under paragraphs (b)(1) through (b)(4) of this section—

(1) For new miner training under § 46.5, no later than—

(i) when the miner begins work at the mine as required under § 46.5(b);

(ii) 60 calendar days after the miner begins work at the mine as required under § 46.5(c); and

(iii) 90 calendar days after the miner begins work at the mine as required under § 46.5(d), if applicable.

(2) For newly hired experienced miner training under § 46.6, no later than—

(i) when the miner begins work at the mine; and

(ii) 60 calendar days after the miner begins work at the mine.

(3) Upon completion of new task training under § 46.7;

(4) After each session of annual refresher training under § 46.8; and

(5) Upon completion by miners of site-specific hazard awareness training under § 46.11.

(d) You must ensure that all records of training under paragraphs (c)(1) through (c)(5) of this section are certified under paragraph (b)(5) of this section and a copy provided to the miner—

(1) Upon completion of the 24 hours of new miner training;

(2) Upon completion of newly hired experienced miner training;

(3) At least once every 12 months for new task training, or upon request by the miner, if applicable;

(4) Upon completion of the 8 hours of annual refresher training; and

(5) Upon completion by miners of site-specific hazard awareness training.

(e) False certification that training was completed is punishable under § 110(a) and (f) of the Act.

(f) When a miner leaves your employ, you must provide each miner with a copy of his or her training records and certificates upon request.

(g) You must make available at the mine a copy of each miner's training records and certificates for inspection by us and for examination by miners and their representatives. If training certificates are not maintained at the mine, you must be able to provide the certificates upon request by us, miners, or their representatives.

(h) You must maintain copies of training certificates and training records for each currently employed miner during his or her employment, except records and certificates of annual refresher training under § 46.8, which you must maintain for only two years. You must maintain copies of training certificates and training records for at least 60 calendar days after a miner terminates employment.

(i) You are not required to make records under this section of site-specific hazard awareness training you provide under § 46.11 of this part to persons who are not miners under § 46.2. However, you must be able to provide evidence to us, upon request, that the training was provided, such as the training materials that are used; copies of written information distributed to persons upon their arrival at the mine; or visitor log books that indicate that training has been provided.

§ 46.10 Compensation for training.

(a) Training must be conducted during normal working hours. Persons required to receive training must be paid at a rate of pay that corresponds to the rate of pay they would have received had they been performing their normal work tasks.

(b) If training is given at a location other than the normal place of work, persons required to receive such training must be compensated for the additional costs, including mileage, meals, and lodging, they may incur in attending such training sessions.

§ 46.11 Site-specific hazard awareness training.

(a) You must provide site-specific hazard awareness training before any person specified under this section is exposed to mine hazards.

(b) You must provide site-specific hazard awareness training, as appropriate, to any person who is not a miner as defined by § 46.2 of this part but is present at a mine site, including:

(1) Office or staff personnel;

(2) Scientific workers;

(3) Delivery workers;

(4) Customers, including commercial over-the-road truck drivers;

(5) Construction workers or employees of independent contractors who are not miners under § 46.2 of this part;

(6) Maintenance or service workers who do not work at the mine site for frequent or extended periods; and

(7) Vendors or visitors.

(c) You must provide miners, such as drillers or blasters, who move from one mine to another mine while remaining employed by the same production-operator or independent contractor with site-specific hazard awareness training for each mine.

(d) Site-specific hazard awareness training is information or instructions on the hazards a person could be exposed to while at the mine, as well as applicable emergency procedures. The training must address site-specific health and safety risks, such as unique geologic or environmental conditions, recognition and avoidance of hazards such as electrical and powered-haulage hazards, traffic patterns and control, and restricted areas; and warning and evacuation signals, evacuation and emergency procedures, or other special safety procedures.

(e) You may provide site-specific hazard awareness training through the use of written hazard warnings, oral instruction, signs and posted warnings, walkaround training, or other appropriate means that alert persons to site-specific hazards at the mine.

(f) Site-specific hazard awareness training is not required for any person who is accompanied at all times by an experienced miner who is familiar with hazards specific to the mine site.

§ 46.12 Responsibility for independent contractor training.

(a)(1) Each production-operator has primary responsibility for ensuring that site-specific hazard awareness training is given to employees of independent contractors who are required to receive such training under § 46.11 of this part.

(2) Each production-operator must provide information to each independent contractor who employs a person at the mine on site-specific mine hazards and the obligation of the contractor to comply with our regulations, including the requirements of this part.

(b)(1) Each independent contractor who employs a miner, as defined in § 46.2, at the mine has primary responsibility for complying with §§ 46.3 through 46.10 of this part, including providing new miner training, newly hired experienced miner training, new task training, and annual refresher training.

(2) The independent contractor must inform the production-operator of any hazards of which the contractor is aware that may be created by the performance of the contractor's work at the mine.

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Part IV

Office of Management and Budget

1998 Standard Occupational Classification; Notice

OFFICE OF MANAGEMENT AND BUDGET

1998 Standard Occupational Classification

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of final decisions.

SUMMARY: Under title 44 U.S.C. 3504, the Office of Management and Budget (OMB) is announcing final decisions for the 1998 Standard Occupational Classification (SOC). In consultation with the Standard Occupational Classification Revision Policy Committee (SOCRPC), OMB based its decisions on public comments received in response to the SOCRPC's final recommendations that were published in the **Federal Register** on August 5, 1998 (63 FR 41895–41923). The 1998 Standard Occupational Classification replaces the 1980 version. It covers all jobs in the national economy, including occupations in the public, private, and military sectors.

All Federal agencies that collect occupational data will use the 1998 SOC. Similarly, all State and local government agencies, as well as private sector organizations, are strongly encouraged to use this national system that provides a common language for categorizing occupations in the world of work. The new SOC system will be used by the Occupational Employment Statistics program of the Bureau of Labor Statistics for gathering occupational information. It will also replace the Bureau of the Census' 1990 occupational classification system and will be used for the 2000 Census. In addition, the new SOC will serve as the framework for information being gathered through the Department of Labor's Occupational Information Network (O*NET) which will replace the Dictionary of Occupational Titles (DOT).

In four prior **Federal Register** notices (February 28, 1995, 60 FR 10998–11002; October 5, 1995, 60 FR 52284–52286; July 7, 1997, 62 FR 36337–36409; and August 5, 1998 (63 FR 41895–41923)), OMB and the SOCRPC requested comment on the uses of occupational data; the existing 1980 SOC classification principles, purpose and scope, and conceptual options; the SOCRPC's proposed revision process; the composition of detailed occupations; the hierarchical structure and numbering system; and update procedures.

The hierarchical structure, numbering system, and occupational categories of the 1998 SOC are presented in Appendix A of this notice. Changes from the SOCRPC's final recommendations are outlined below in the **SUPPLEMENTARY INFORMATION** section. The SOCRPC is preparing the 1998 Standard Occupational Classification Manual for publication. Committee members have completed definitions and assigned associated titles; agencies with occupational classification systems are developing crosswalks from their existing systems to the 1998 SOC. To ensure that the successful efforts of the SOCRPC continue and that the 1998 SOC remains appropriate to the world of work, OMB plans to establish a new standing committee, the Standard Occupational Classification Policy Committee (SOCPC). The SOCPC will consult periodically to ensure that the implementation of the 1998 SOC is comparable across Federal agencies. This consultation will include regularly scheduled interagency communication to ensure a smooth transition to the 1998 SOC. The SOCPC will also perform SOC maintenance functions, such as recommending changes in the SOC occupational definitions and placement of new occupations. It is anticipated that the next major review and revision of the SOC will begin in 2005 in preparation for use in the 2010 Decennial Census.

DATES: Publication of the 1998 Standard Occupational Classification Manual is planned for the first half of 2000. Federal statistical agencies will begin using the 1998 SOC for occupational data they publish for reference years beginning on or after January 1, 2000. (The Bureau of Labor Statistics will begin using it for some data series for the last quarter of 1999.) Further information can be found in the **SUPPLEMENTARY INFORMATION** section below. Use of the SOC for nonstatistical purposes (*e.g.*, for administrative, regulatory, or taxation functions) will be determined by the agency or agencies that have chosen to use the SOC for nonstatistical purposes. Readers interested in the effective dates for the use of the 1998 SOC for nonstatistical purposes should contact the relevant agency to determine the agency's plans, if any, for a transition from the 1980 SOC to the 1998 SOC.

ADDRESSES: Correspondence about the adoption and implementation of the SOC as described in this **Federal Register** notice should be sent to: Katherine K. Wallman, Chief Statistician, Office of Management and Budget, 10201 New Executive Office Building, Washington, DC 20503, telephone number: (202) 395–3093, FAX number: (202) 395–7245 or E-mailed to <soc@omb.eop.gov≤.

Electronic Availability: This document is available on the Internet from the Bureau of Labor Statistics via WWW browser and E-mail. To obtain this document via WWW browser, connect to <http://stats.bls.gov/soc/soc__home.htm>. This WWW page contains links to the 1998 SOC major groups; the complete 1998 SOC hierarchical structure and detailed occupational definitions; a numerical index of detailed occupations; an SOC user's guide; and an SOC search capability, as well as previous SOC **Federal Register** notices and related documents. To obtain this document via E-mail, send a message to <socrevision@bls.gov>.

Inquiries about the definitions of particular occupations or requests for electronic copies of the SOC structure that cannot be satisfied by use of the web site should be addressed to Laurie Salmon, Standard Occupational Classification Revision Policy Committee, Bureau of Labor Statistics, Room 4840, Washington, DC 20212, telephone number: (202) 606–6511, FAX number: (202) 606–6645.

FOR FURTHER INFORMATION CONTACT: Paul Bugg, 10201 New Executive Office Bldg., Washington, DC 20503, E-mail address: soc@omb.eop.gov, telephone number: (202) 395–3093, FAX number: (202) 395–7245.

SUPPLEMENTARY INFORMATION:

Purpose

The 1998 SOC was developed in response to a concern that the 1980 SOC did not meet the need for a universal occupational classification system that all Federal Government agencies and other collectors of occupational information would adopt. Despite the existence of the 1980 SOC, a variety of Government agencies have continued to collect and use occupational data based on unique classification systems designed for their individual needs. The existence of different occupational data collection systems in the Federal Government presents a major problem. Comparisons across these systems are limited by the completeness and accuracy of crosswalks between them. For example, data on occupation by educational attainment collected through the Current Population Survey can only be used with data on employment from the Occupational Employment Statistics program for those occupations that are considered comparable in both data collections. Observing this problem, the Bureau of Labor Statistics hosted an International

Occupational Classification Conference in September 1992 to establish a new context for the SOC revision process. Many new ideas and approaches were presented that subsequently influenced the SOCRPC. Similarly, the Employment and Training Administration's Advisory Panel for the Dictionary of Occupational Titles had completed a review of the dictionary and in May 1993 had recommended substantial changes. It became increasingly clear that development of an occupational classification standard that garners universal adherence would aid analysis of demographic, economic, educational, and other factors that affect employment, wages, and other worker characteristics.

Revision Process

Persuaded that a reconciliation was in order, OMB invited all Federal agencies with occupational classification systems to join together to revise the SOC and chartered the SOC Revision Policy Committee (SOCRPC) in October 1994. The SOCRPC included representatives from the Bureau of Labor Statistics, the Bureau of the Census, the Defense Manpower Data Center, the Employment and Training Administration, and the Office of Personnel Management. In addition, *ex-officio* members included the National Occupational Information Coordinating Committee, the National Science Foundation, and OMB. Other Federal agencies, such as the Department of Education, the Department of Health and Human Services, and the Equal Employment Opportunity Commission, participated either in meetings of the SOCRPC or in the Federal Consultation Group, a group of Federal agency representatives with interests in the outcome of the SOC revision.

In February 1995, the Standard Occupational Classification Revision Policy Committee published a notice in the **Federal Register** (February 28, 1995, 60 FR 10998–11002) calling for comments specifically on the following: (1) the uses of occupational data, (2) the purpose and scope of occupational classification, (3) the principles underlying the 1980 SOC, (4) conceptual options for the new SOC, and (5) the SOC revision process. The SOCRPC chose the Occupational Employment Statistics system, an occupational classification currently used by the Bureau of Labor Statistics to gather occupational information, as the starting point for the new Standard Occupational Classification framework. The Committee also relied heavily on the Department of Labor's Occupational Information Network (O*NET), which is replacing the Dictionary of Occupational Titles. To carry out the bulk of the revision effort, the Committee created six work groups to examine occupations in the following areas:

Administrative and Clerical occupations;
Science, Engineering, Law, Health, Education, and Arts occupations;
Services and Sales occupations;
Agriculture, Construction, Extraction, and Transportation occupations;
Mechanical and Production occupations; and
Military Specific occupations.

The Committee charged the work groups with ensuring that the occupations under their consideration conformed to the criteria laid out in the October 5, 1995, **Federal Register** notice (60 FR 52284–52286):

> The Classification should cover all occupations in which work is performed for pay or profit, including work performed in family-operated enterprises by family members who are not directly compensated. It should exclude occupations unique to volunteers.
>
> The Classification should reflect the current occupational structure of the United States and have sufficient flexibility to assimilate new occupations into the structure as they become known.
>
> While striving to reflect the current occupational structure, the Classification should maintain linkage with past systems. The importance of historical comparability should be weighed against the desire for incorporating substantive changes to occupations occurring in the work force.
>
> Occupations should be classified based upon work performed, skills, education, training, licensing, and credentials.
>
> Occupations should be classified in homogeneous groups that are defined so that the content of each group is clear.
>
> Each occupation should be assigned to only one group at the lowest level of the Classification.
>
> The employment size of an occupational group should not be the major reason for including or excluding it from separate identification.
>
> Supervisors should be identified separately from the workers they supervise wherever possible in keeping with the real structure of the world of work. An exception should be made for professional and technical occupations where supervisors or lead workers should be classified in the appropriate group with the workers they supervise.
>
> Apprentices and trainees should be classified with the occupations for which they are being trained, while helpers and aides should be classified separately since they are not in training for the occupation they are helping.
>
> Comparability with the International Standard Classification of Occupations (ISCO–88) should be considered in the structure, but should not be an overriding factor.

In carrying out their reviews, the work groups carefully considered all proposals received in response to **Federal Register** notices issued by OMB and the SOCRPC. The work groups invited experts from many areas to testify and also requested written recommendations using the SOC revision guidelines. Their procedure was to develop a proposed structure plus a title, a definition, and a list of associated job titles. Each proposed occupation was reviewed by the SOCRPC.

General Characteristics of the Revised SOC

The 1998 SOC is designed to ensure comparable occupational classification across the spectrum of surveys of the world of work while mirroring the current occupational structure in the Nation. The new system should lead to the collection of meaningful data about the workforce and benefit various users of occupational data. These users include education and training planners; job seekers, students, and others seeking career guidance; various government programs, including occupational safety and health, welfare-to-work, and equal employment opportunity; and private companies wishing to relocate or to set salary scales.

Reflecting advances in factory and office automation and information technology, the shift to a services-oriented economy, and increasing concern for the environment, the new classification structure has more professional, technical, and service occupations and fewer production and administrative support occupations. Although the designation "professional" does not exist in the 1998 SOC, the new classification system reflects expanded coverage of major occupational groups, such as computer and mathematical occupations, community and social services occupations, healthcare practitioners and technical occupations, and legal occupations. Designers, systems analysts, drafters, counselors, dentists, physicians, artists, and social scientists are among the occupations that are covered in greater detail in the 1998 SOC. For example, the SOC breaks out a number of designer specialties " commercial and industrial, fashion, floral, graphic, interior, and set and exhibit designers. Similarly, the new classification breaks out additional social science specialties " market and survey researchers, sociologists, anthropologists and archeologists, geographers, historians, and political scientists.

Examples of new occupations include environmental engineers; environmental engineering technicians; environmental

scientists and specialists, including health; environmental science and protection technicians, including health; computer software engineers; multimedia artists and animators; and forensic science technicians. In the services groups, gaming occupations, such as gaming and sports book writers and runners, have been added as a result of growth among these occupations in several States. Other relatively new service occupations include skin care specialists, concierges, massage therapists, and fitness trainers and aerobics instructors.

Production occupations, on the other hand, have undergone significant consolidation. For example, various printing machine operators have been combined into one occupation in the 1998 SOC. Because many factories now employ one person to perform the tasks of setting up and operating machines, both tasks have been combined into one occupation. In addition, many factories now employ teams in which each team member is able to perform all or most of the team assembly activities; these people are included in the occupation, team assemblers. The SOC also includes relatively new production occupations such as semiconductor processors and fiberglass laminators and fabricators.

Office and administrative support occupations " for example, office machine operators " also have been consolidated. Relatively new office and administrative support occupations include customer service representatives and executive secretaries and administrative assistants.

To accommodate the needs of different data collection agencies, the SOC enables data collection at more detailed or less detailed levels, while still allowing data comparability at given levels of the hierarchy. In response to comments received in reference to the July 7, 1997, **Federal Register** notice (62 FR 36337–36409), the SOCRPC significantly modified the hierarchical structure and numbering system of the revised SOC to ensure that all detailed occupations are placed within a broad occupation. In the 1998 SOC, there are four levels of aggregation: (1) Major group; (2) minor group; (3) broad occupation; and (4) detailed occupation. All occupations are clustered into 23 major groups (listed below), such as Management Occupations or Healthcare Practitioners and Technical Occupations. These major groups are broken down into occupationally-specific minor groups, such as Operations Specialties Managers in the Management Occupations major group or Health Diagnosing and Treating Practitioners in the Healthcare Practitioners and Technical Occupations major group. Minor groups, in turn, are divided into broad occupations, such as Human Resources Managers or Therapists, which are further divided into detailed occupations, such as Compensation and Benefits Managers, or Physical Therapists.

The 1998 SOC contains 822 detailed occupations, aggregated into 452 broad occupations. These broad occupations are grouped into 98 minor groups, that are, in turn, grouped into the 23 major groups. For comparison purposes, the 1980 SOC included 664 unit groups (comparable to detailed occupations in the 1998 SOC), 223 minor groups (comparable to broad occupations in the 1998 SOC), 60 major groups (comparable to minor groups in the 1998 SOC), and 22 divisions (comparable to major groups in the 1998 SOC).

Each item in the hierarchy is designated by a six-digit code. The first two digits of the 1998 SOC code represent the major group; the third digit represents the minor group; the fourth and fifth digits represent the broad occupation; and the sixth digit represents the detailed occupation. Major group codes end with 0000 (*e.g.*, 29–0000, Healthcare Practitioners and Technical Occupations), minor groups end with 000 (*e.g.*, 29–1000, Health Diagnosing and Treating Practitioners), broad occupations end with 0 (*e.g.*, 29–1120, Therapists), and detailed occupations end with a nonzero digit (*e.g.*, 29–1123, Physical Therapists). The hyphen between the second and third digit is used only for presentation clarity.

All residuals ("Other," "Miscellaneous," or "All Other"), whether at the minor group, broad occupation, or detailed occupation level, will contain a 9 at the level of the residual. Minor groups that are major group residuals will end in 9000 (*e.g.*, 11–9000, Other Management Occupations); broad occupations that are minor group residuals will end in 90 (*e.g.*, 11–9190, Miscellaneous Managers); and residual detailed occupations will end in 9 (*e.g.*, 11–9199, Managers, All Other):

11–0000 Management Occupations
  11–9000 Other Management Occupations
    11–9190 Miscellaneous Managers
    11–9199 Managers, All Other

In cases where there are more than 9 broad occupations in a minor group (or more than eight, if there is no residual), the xx-x090 will be skipped (reserved for residuals), the xx-x000 will be skipped (reserved for minor groups), and the numbering system will go to xx-x110. The residual broad occupation will then be xx-x190 or xx-x290 (*e.g.*, 51–9190, Miscellaneous Production Workers).

The 1998 SOC occupational groups and detailed occupations presented in Appendix A are not always consecutively numbered, both to accommodate these coding conventions and to allow for the insertion of additional occupational groups in future revisions of the SOC. In addition, data collection agencies wanting more detail to measure additional worker characteristics can split a defined occupation into more detailed occupations by adding a decimal point and more digits to the SOC code. For example, Secondary School Teachers, Except Special and Vocational Education (25–2031) is a detailed occupation. Agencies wishing to collect more particular information on teachers by subject matter might use 25–2031.1 for secondary school science teachers or 25–2031.12 for secondary school biology teachers. Additional levels of detail also may be used to distinguish workers who have different training, demographic characteristics, or years of experience. It is recommended that users needing extra detail use the structure currently being implemented for the Employment and Training Administration's O*NET.

Each occupation in the revised SOC will be placed within one of the following 23 major groups:

11–0000 Management Occupations
13–0000 Business and Financial Operations Occupations
15–0000 Computer and Mathematical Occupations
17–0000 Architecture and Engineering Occupations
19–0000 Life, Physical, and Social Science Occupations
21–0000 Community and Social Services Occupations
23–0000 Legal Occupations
25–0000 Education, Training, and Library Occupations
27–0000 Arts, Design, Entertainment, Sports, and Media Occupations
29–0000 Healthcare Practitioners and Technical Occupations
31–0000 Healthcare Support Occupations
33–0000 Protective Service Occupations
35–0000 Food Preparation and Serving Related Occupations
37–0000 Building and Grounds Cleaning and Maintenance Occupations
39–0000 Personal Care and Service Occupations
41–0000 Sales and Related Occupations
43–0000 Office and Administrative Support Occupations

45–0000 Farming, Fishing, and Forestry Occupations
47–0000 Construction and Extraction Occupations
49–0000 Installation, Maintenance, and Repair Occupations
51–0000 Production Occupations
53–0000 Transportation and Material Moving Occupations
55–0000 Military Specific Occupations

For users wanting less detail in data tabulations, the SOCRPC suggests combining the 23 major groups into 11, or even 6, groups as presented below.

Intermediate Level Aggregation (11 groups)

11–0000–13–0000 Management, Business, and Financial Occupations
15–0000–29–0000 Professional and Related Occupations
31–0000–39–0000 Service Occupations
41–0000 Sales and Related Occupations
43–0000 Office and Administrative Support Occupations
45–0000 Farming, Fishing, and Forestry Occupations
47–0000 Construction and Extraction Occupations
49–0000 Installation, Maintenance, and Repair Occupations
51–0000 Production Occupations
53–0000 Transportation and Material Moving Occupations
55–0000 Military Specific Occupations

High Level Aggregation (6 groups)

11–0000–29–0000 Management, Professional, and Related Occupations
31–0000–39–0000 Service Occupations
41–0000–43–0000 Sales and Office Occupations
45–0000–49–0000 Natural Resources, Construction, and Maintenance Occupations
51–0000–53–0000 Production, Transportation, and Material Moving Occupations
55–0000 Military Specific Occupations

Significant Changes and Responses to Comments

In response to public comments received on the August 5, 1998, **Federal Register** notice (63 FR 41895–41923), OMB, in consultation with the SOCRPC, revised the SOCRPC's final recommendations by adding a few occupations, mostly in the gaming occupations (to reflect their growth) and the primary and secondary teaching occupations (to distinguish further special and vocational education teachers); changing some occupational titles; and making necessary renumbering changes. These changes are reflected in the listing of the 1998 SOC presented in Appendix A. New broad occupations added include the following:

11–9070 Gaming Managers
25–2010 Preschool and Kindergarten Teachers
25–2020 Elementary and Middle School Teachers
25–2030 Secondary School Teachers
33–9030 Security Guards and Gaming Surveillance Officers

New detailed occupations added include the following:

11–9071 Gaming Managers
25–1194 Vocational Education Teachers, Postsecondary
25–2011 Preschool Teachers, Except Special Education
25–2012 Kindergarten Teachers, Except Special Education
25–2021 Elementary School Teachers, Except Special Education
25–2022 Middle School Teachers, Except Special and Vocational Education
25–2023 Vocational Education Teachers, Middle School
25–2031 Secondary School Teachers, Except Special and Vocational Education
25–2032 Vocational Education Teachers, Secondary School
25–2041 Special Education Teachers, Preschool, Kindergarten, and Elementary School
25–2042 Special Education Teachers, Middle School
25–2043 Special Education Teachers, Secondary School
27–4011 Audio and Video Equipment Technicians
33–9031 Gaming Surveillance Officers and Gaming Investigators
39–1011 Gaming Supervisors
39–1012 Slot Key Persons
39–3011 Gaming Dealers
39–3012 Gaming and Sports Book Writers and Runners
39–3019 Gaming Service Workers, All Other
41–2012 Gaming Change Persons and Booth Cashiers
43–3041 Gaming Cage Cashiers
47–4091 Segmental Pavers

Next Steps in Process

Implementation of the 1998 SOC

The SOCRPC is preparing the 1998 Standard Occupational Classification Manual for publication. Committee members have completed definitions and assigned associated titles, while agencies with occupational classification systems are developing crosswalks from their existing systems to the 1998 SOC. The SOCRPC will consult periodically to ensure that the implementation of the 1998 SOC is comparable across Federal agencies. This consultation will include regularly scheduled interagency communication to ensure that there is a smooth Federal transition to the 1998 SOC. It is anticipated that the next major review and revision of the SOC will begin in 2005 in preparation for use in the 2010 Decennial Census.

All Federal Government agencies that collect occupational data are expected to adopt the 1998 SOC over the next few years. The following implementation schedule will be used by the Bureau of Labor Statistics and the Bureau of the Census—the agencies with the most comprehensive occupational data collection systems.

Bureau of Labor Statistics

The annual Occupational Employment Statistics survey will first reflect the 1998 SOC in 1999; national, State, and Metropolitan Statistical Area data are expected to be available in early 2001. The Bureau of Labor Statistics' Office of Employment Projections develops new national employment projections every 2 years, reflected in its "industry-occupation matrix." This matrix presents estimates of current and projected employment—covering a 10-year period—by detailed industry and occupation. The occupational staffing pattern, or detailed occupational makeup, of each industry in the matrix reflects Occupational Employment Statistics survey data. The 1998 SOC will first be reflected in the industry-occupation matrix covering the 2002–12 period, which is expected to be released in late 2003.

The Office of Employment Projections also produces the Occupational Outlook Handbook, which is among the most widely used career guidance resources in the Nation, and related publications based on the Bureau's biennial employment projections. Occupational definitions and data completely based on the 1998 SOC will be incorporated for the first time in the 2004–05 edition of the Handbook, which is expected to be published in early 2004.

Bureau of the Census

Data collected by the 2000 Census of Population will be coded to the 1998 SOC and published in 2002. Data from the Current Population Survey will be based on the new classification for the first time in 2003.

Where To Find More Information

The complete occupational structure of the 1998 SOC will be contained in Bureau of Labor Statistics Report 929, forthcoming. The final 1998 SOC ultimately will be published in a two-volume 1998 Standard Occupational Classification Manual. Volume I will contain the hierarchical structure, a complete list of occupational titles and their definitions, a description of the SOC revision process, and a section on frequently asked questions. Volume II will contain a list of some 30,000 job titles that are commonly used by

individuals and establishments when reporting employment by occupation with their corresponding SOC codes. The second volume also will include an alphabetical index of all associated titles and industries and will reference them to the occupations in which they are found. Volumes I and II of the 1998 SOC also will be available at the following Internet address: http://stats.bls.gov/soc/soc__home.htm

O*NET, the Occupational Information Network of the Employment and Training Administration, adheres to the 1998 SOC. Information on this occupational classification system appears in "Replace with a Database: O*NET Replaces the Dictionary of Occupational Titles," Occupational Outlook Quarterly (Bureau of Labor Statistics, Spring 1999). O*NET also may be accessed at the following Internet address: http://www.doleta.gov/programs/onet

The 1998 SOC will be incorporated into the Occupational Outlook Handbook and the Bureau of Labor Statistics industry-occupation matrix. Both the Handbook and matrix can be accessed at the following Internet address: http://stats.bls.gov/emphome.htm

To facilitate historical comparisons, the Bureau of Labor Statistics will develop a crosswalk showing the relationship between occupations in the 1998 SOC and the 1997 Occupational Employment Statistics survey. The Bureau of the Census also is developing a crosswalk showing the relationship between the occupations in the 1998 SOC and those of the 1990 and 2000 Censuses. This crosswalk will be available at the following Bureau of the Census Internet address: http://www.census.gov/hhes/www/occupation.html.

Standard Occupational Classification Policy Committee

It has been eighteen years since the last revision of the SOC. OMB plans to establish a new standing committee, the Standard Occupational Classification Policy Committee (SOCPC), to ensure that the successful efforts of the SOCRPC continue and that the 1998 SOC remains appropriate to the world of work. The new committee will meet twice per year to perform SOC maintenance functions, such as recommending changes in the SOC occupational definitions and placement of new occupations. In addition, it will provide timely advice to the Bureau of the Census during its 2000 Census occupation coding operation, particularly with respect to the proper classification of unfamiliar job descriptions and job titles. The committee will also undertake a thorough review of the entire SOC once per decade, in conjunction with preparations for the decennial census. The next major review and revision of the SOC is expected to begin in 2005 in preparation for use in the 2010 Decennial Census.

It is anticipated that the SOCPC will consist of representatives of the following agencies:

Department of Commerce, Bureau of the Census
Department of Defense, Defense Manpower Data Center
Department of Education
Department of Health and Human Services, Bureau of Health Professions
Department of Labor, Bureau of Labor Statistics
Department of Labor, Employment and Training Administration
Equal Employment Opportunity Commission
National Occupational Information Coordinating Committee
National Science Foundation
Office of Management and Budget (*ex-officio*)
Office of Personnel Management

The Bureau of Labor Statistics will chair the committee and staff its secretariat which will carry out the day-to-day work of the SOCPC, such as organizing working groups to make recommendations for changes.

Nonstatistical Uses of the SOC

The 1998 SOC was designed, as was the 1980 SOC, solely for statistical purposes. Although it is likely that the 1998 SOC, like the 1980 SOC, will also be used for various nonstatistical purposes (*e.g.*, for administrative, regulatory, or taxation functions), the requirements of government agencies that choose to use the 1998 SOC for nonstatistical purposes have played no role in its development, nor will OMB modify the classification to meet the requirements of any nonstatistical program.

Consequently, as has been the case with the 1980 SOC (Statistical Policy Directive No. 10, Standard Occupational Classification), the 1998 SOC is not to be used in any administrative, regulatory, or tax program unless the head of the agency administering that program has first determined that the use of such occupational definitions is appropriate to the implementation of the program's objectives. If the terms, "Standard Occupational Classification" or "SOC" are to be used in the operative text of any law or regulation to define an occupation or group of occupations, language similar to the following should be used to ensure sufficient flexibility: "An occupation or grouping of occupations shall mean a Standard Occupational Classification detailed occupation or grouping of occupations as defined by the Office of Management and Budget, subject to such modifications with respect to individual occupations or groupings of occupations as the Secretary (Administrator) may determine to be appropriate for the purpose of this Act (regulation)."

In addition, if an agency decides to require its respondents to provide an SOC code for a nonstatistical purpose, the agency needs to have trained personnel available to answer the respondent's questions and otherwise assist them in providing the appropriate SOC codes.

John T. Spotila,

Administrator, Office of Information and Regulatory Affairs.

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APPENDIX A: 1998 SOC Occupations and Structure

11-0000 Management Occupations
- 11-1000 Top Executives
  - 11-1010 Chief Executives
    - 11-1011 Chief Executives
  - 11-1020 General and Operations Managers
    - 11-1021 General and Operations Managers
  - 11-1030 Legislators
    - 11-1031 Legislators
- 11-2000 Advertising, Marketing, Promotions, Public Relations, and Sales Managers
  - 11-2010 Advertising and Promotions Managers
    - 11-2011 Advertising and Promotions Managers
  - 11-2020 Marketing and Sales Managers
    - 11-2021 Marketing Managers
    - 11-2022 Sales Managers
  - 11-2030 Public Relations Managers
    - 11-2031 Public Relations Managers
- 11-3000 Operations Specialties Managers
  - 11-3010 Administrative Services Managers
    - 11-3011 Administrative Services Managers
  - 11-3020 Computer and Information Systems Managers
    - 11-3021 Computer and Information Systems Managers
  - 11-3030 Financial Managers
    - 11-3031 Financial Managers
  - 11-3040 Human Resources Managers
    - 11-3041 Compensation and Benefits Managers
    - 11-3042 Training and Development Managers
    - 11-3049 Human Resources Managers, All Other
  - 11-3050 Industrial Production Managers
    - 11-3051 Industrial Production Managers
  - 11-3060 Purchasing Managers
    - 11-3061 Purchasing Managers
  - 11-3070 Transportation, Storage, and Distribution Managers
    - 11-3071 Transportation, Storage, and Distribution Managers
- 11-9000 Other Management Occupations
  - 11-9010 Agricultural Managers
    - 11-9011 Farm, Ranch, and Other Agricultural Managers
    - 11-9012 Farmers and Ranchers
  - 11-9020 Construction Managers
    - 11-9021 Construction Managers
  - 11-9030 Education Administrators
    - 11-9031 Education Administrators, Preschool and Child Care Center/Program
    - 11-9032 Education Administrators, Elementary and Secondary School
    - 11-9033 Education Administrators, Postsecondary
    - 11-9039 Education Administrators, All Other
  - 11-9040 Engineering Managers
    - 11-9041 Engineering Managers
  - 11-9050 Food Service Managers
    - 11-9051 Food Service Managers
  - 11-9060 Funeral Directors
    - 11-9061 Funeral Directors
  - 11-9070 Gaming Managers
    - 11-9071 Gaming Managers
  - 11-9080 Lodging Managers
    - 11-9081 Lodging Managers
  - 11-9110 Medical and Health Services Managers
    - 11-9111 Medical and Health Services Managers
  - 11-9120 Natural Sciences Managers
    - 11-9121 Natural Sciences Managers
  - 11-9130 Postmasters and Mail Superintendents
    - 11-9131 Postmasters and Mail Superintendents
  - 11-9140 Property, Real Estate, and Community Association Managers
    - 11-9141 Property, Real Estate, and Community Association Managers
  - 11-9150 Social and Community Service Managers
    - 11-9151 Social and Community Service Managers

11-9190 Miscellaneous Managers
11-9199 Managers, All Other

13-0000 Business and Financial Operations Occupations
13-1000 Business Operations Specialists
13-1010 Agents and Business Managers of Artists, Performers, and Athletes
13-1011 Agents and Business Managers of Artists, Performers, and Athletes

13-1020 Buyers and Purchasing Agents
13-1021 Purchasing Agents and Buyers, Farm Products

13-1022 Wholesale and Retail Buyers, Except Farm Products

13-1023 Purchasing Agents, Except Wholesale, Retail, and Farm Products

13-1030 Claims Adjusters, Appraisers, Examiners, and Investigators
13-1031 Claims Adjusters, Examiners, and Investigators

13-1032 Insurance Appraisers, Auto Damage

13-1040 Compliance Officers, Except Agriculture, Construction, Health and Safety, and Transportation
13-1041 Compliance Officers, Except Agriculture, Construction, Health and Safety, and Transportation
13-1050 Cost Estimators
13-1051 Cost Estimators

13-1060 Emergency Management Specialists
13-1061 Emergency Management Specialists

13-1070 Human Resources, Training, and Labor Relations Specialists
13-1071 Employment, Recruitment, and Placement Specialists

13-1072 Compensation, Benefits, and Job Analysis Specialists

13-1073 Training and Development Specialists

13-1079 Human Resources, Training, and Labor Relations Specialists, All Other

13-1080 Logisticians
13-1081 Logisticians

13-1110 Management Analysts
13-1111 Management Analysts

13-1120 Meeting and Convention Planners
13-1121 Meeting and Convention Planners

13-1190 Miscellaneous Business Operations Specialists
13-1199 Business Operations Specialists, All Other

13-2000 Financial Specialists
13-2010 Accountants and Auditors
13-2011 Accountants and Auditors

13-2020 Appraisers and Assessors of Real Estate
13-2021 Appraisers and Assessors of Real Estate

13-2030 Budget Analysts
13-2031 Budget Analysts

13-2040 Credit Analysts
13-2041 Credit Analysts

13-2050 Financial Analysts and Advisors
13-2051 Financial Analysts

13-2052 Personal Financial Advisors

13-2053 Insurance Underwriters

13-2060 Financial Examiners
13-2061 Financial Examiners

13-2070 Loan Counselors and Officers
13-2071 Loan Counselors

13-2072 Loan Officers

13-2080 Tax Examiners, Collectors, Preparers, and Revenue Agents
13-2081 Tax Examiners, Collectors, and Revenue Agents

13-2082 Tax Preparers

13-2090 Miscellaneous Financial Specialists
13-2099 Financial Specialists, All Other

15-0000 Computer and Mathematical Occupations
15-1000 Computer Specialists
15-1010 Computer and Information Scientists, Research
15-1011 Computer and Information Scientists, Research

15-1020 Computer Programmers
15-1021 Computer Programmers

15-1030 Computer Software Engineers
15-1031 Computer Software Engineers, Applications

15-1032 Computer Software Engineers, Systems Software

15-1040 Computer Support Specialists
15-1041 Computer Support Specialists

15-1050 Computer Systems Analysts
15-1051 Computer Systems Analysts

15-1060 Database Administrators
15-1061 Database Administrators

15-1070 Network and Computer Systems Administrators
15-1071 Network and Computer Systems Administrators

15-1080 Network Systems and Data Communications Analysts
15-1081 Network Systems and Data Communications Analysts

15-1090 Miscellaneous Computer Specialists
15-1099 Computer Specialists, All Other

15-2000 Mathematical Scientists
15-2010 Actuaries
15-2011 Actuaries

15-2020 Mathematicians
15-2021 Mathematicians

15-2030 Operations Research Analysts
15-2031 Operations Research Analysts

15-2040 Statisticians
15-2041 Statisticians

15-2090 Miscellaneous Mathematical Scientists
15-2099 Mathematical Scientists, All Other

15-3000 Mathematical Technicians
15-3010 Mathematical Technicians
15-3011 Mathematical Technicians

17-0000 Architecture and Engineering Occupations
17-1000 Architects, Surveyors, and Cartographers
17-1010 Architects, Except Naval
17-1011 Architects, Except Landscape and Naval

17-1012 Landscape Architects

17-1020 Surveyors, Cartographers, and Photogrammetrists
17-1021 Cartographers and Photogrammetrists

17-1022 Surveyors

17-2000 Engineers
17-2010 Aerospace Engineers
17-2011 Aerospace Engineers

17-2020 Agricultural Engineers
17-2021 Agricultural Engineers

17-2030 Biomedical Engineers
17-2031 Biomedical Engineers

17-2040 Chemical Engineers
17-2041 Chemical Engineers

17-2050 Civil Engineers
17-2051 Civil Engineers

17-2060 Computer Hardware Engineers
17-2061 Computer Hardware Engineers

17-2070 Electrical and Electronics Engineers
17-2071 Electrical Engineers

17-2072 Electronics Engineers, Except Computer

17-2080 Environmental Engineers
17-2081 Environmental Engineers

17-2110 Industrial Engineers, Including Health and Safety
17-2111 Health and Safety Engineers, Except Mining Safety Engineers and Inspectors

17-2112 Industrial Engineers

17-2120 Marine Engineers and Naval Architects
17-2121 Marine Engineers and Naval Architects

17-2130 Materials Engineers
17-2131 Materials Engineers

17-2140 Mechanical Engineers
17-2141 Mechanical Engineers

17-2150 Mining and Geological Engineers, Including Mining Safety Engineers
17-2151 Mining and Geological Engineers, Including Mining Safety Engineers

17-2160 Nuclear Engineers
17-2161 Nuclear Engineers

17-2170 Petroleum Engineers
17-2171 Petroleum Engineers

17-2190 Miscellaneous Engineers
17-2199 Engineers, All Other

17-3000 Drafters, Engineering, and Mapping Technicians
17-3010 Drafters
17-3011 Architectural and Civil Drafters

17-3012 Electrical and Electronics Drafters

17-3013 Mechanical Drafters

17-3019 Drafters, All Other

17-3020 Engineering Technicians, Except Drafters
17-3021 Aerospace Engineering and Operations Technicians

17-3022 Civil Engineering Technicians

17-3023 Electrical and Electronic Engineering Technicians

17-3024 Electro-Mechanical Technicians

17-3025 Environmental Engineering Technicians

17-3026 Industrial Engineering Technicians

17-3027 Mechanical Engineering Technicians

17-3029 Engineering Technicians, Except Drafters, All Other

17-3030 Surveying and Mapping Technicians
17-3031 Surveying and Mapping Technicians

19-0000 Life, Physical, and Social Science Occupations
19-1000 Life Scientists
19-1010 Agricultural and Food Scientists
19-1011 Animal Scientists

19-1012 Food Scientists and Technologists

19-1013 Soil and Plant Scientists

19-1020 Biological Scientists
19-1021 Biochemists and Biophysicists

19-1022 Microbiologists

19-1023 Zoologists and Wildlife Biologists

19-1029 Biological Scientists, All Other

19-1030 Conservation Scientists and Foresters
19-1031 Conservation Scientists

19-1032 Foresters

19-1040 Medical Scientists
19-1041 Epidemiologists

19-1042 Medical Scientists, Except Epidemiologists

19-1090 Miscellaneous Life Scientists
19-1099 Life Scientists, All Other

19-2000 Physical Scientists
19-2010 Astronomers and Physicists
19-2011 Astronomers

19-2012 Physicists

19-2020 Atmospheric and Space Scientists
19-2021 Atmospheric and Space Scientists

19-2030 Chemists and Materials Scientists
19-2031 Chemists

19-2032 Materials Scientists

19-2040 Environmental Scientists and Geoscientists
19-2041 Environmental Scientists and Specialists, Including Health

19-2042 Geoscientists, Except Hydrologists and Geographers

19-2043 Hydrologists

19-2090 Miscellaneous Physical Scientists
19-2099 Physical Scientists, All Other

19-3000 Social Scientists and Related Workers
19-3010 Economists
19-3011 Economists

19-3020 Market and Survey Researchers
19-3021 Market Research Analysts

19-3022 Survey Researchers

19-3030 Psychologists
19-3031 Clinical, Counseling, and School Psychologists

19-3032 Industrial-Organizational Psychologists

19-3039 Psychologists, All Other

19-3040 Sociologists
19-3041 Sociologists

19-3050 Urban and Regional Planners
19-3051 Urban and Regional Planners

19-3090 Miscellaneous Social Scientists and Related Workers
19-3091 Anthropologists and Archeologists

19-3092 Geographers

19-3093 Historians

19-3094 Political Scientists

19-3099 Social Scientists and Related Workers, All Other

19-4000 Life, Physical, and Social Science Technicians
19-4010 Agricultural and Food Science Technicians
19-4011 Agricultural and Food Science Technicians

19-4020 Biological Technicians
19-4021 Biological Technicians

19-4030 Chemical Technicians
19-4031 Chemical Technicians

19-4040 Geological and Petroleum Technicians
19-4041 Geological and Petroleum Technicians

19-4050 Nuclear Technicians
19-4051 Nuclear Technicians

19-4060 Social Science Research Assistants
19-4061 Social Science Research Assistants

19-4090 Miscellaneous Life, Physical, and Social Science Technicians
19-4091 Environmental Science and Protection Technicians, Including Health

19-4092 Forensic Science Technicians

19-4093 Forest and Conservation Technicians

19-4099 Life, Physical, and Social Science Technicians, All Other

21-0000 Community and Social Services Occupations
21-1000 Counselors, Social Workers, and Other Community and Social Service Specialists
21-1010 Counselors
21-1011 Substance Abuse and Behavioral Disorder Counselors

21-1012 Educational, Vocational, and School Counselors

21-1013 Marriage and Family Therapists

21-1014 Mental Health Counselors

21-1015 Rehabilitation Counselors

21-1019 Counselors, All Other

21-1020 Social Workers
21-1021 Child, Family, and School Social Workers

21-1022 Medical and Public Health Social Workers

21-1023 Mental Health and Substance Abuse Social Workers

21-1029 Social Workers, All Other

21-1090 Miscellaneous Community and Social Service Specialists
21-1091 Health Educators

21-1092 Probation Officers and Correctional Treatment Specialists

21-1093 Social and Human Service Assistants

21-1099 Community and Social Service Specialists, All Other

21-2000 Religious Workers
21-2010 Clergy
21-2011 Clergy

21-2020 Directors, Religious Activities and Education
21-2021 Directors, Religious Activities and Education

21-2090 Miscellaneous Religious Workers
21-2099 Religious Workers, All Other

23-0000 Legal Occupations
23-1000 Lawyers, Judges, and Related Workers
23-1010 Lawyers
23-1011 Lawyers

23-1020 Judges, Magistrates, and Other Judicial Workers
23-1021 Administrative Law Judges, Adjudicators, and Hearing Officers

23-1022 Arbitrators, Mediators, and Conciliators

23-1023 Judges, Magistrate Judges, and Magistrates

23-2000 Legal Support Workers
23-2010 Paralegals and Legal Assistants
23-2011 Paralegals and Legal Assistants

23-2090 Miscellaneous Legal Support Workers
23-2091 Court Reporters

23-2092 Law Clerks

23-2093 Title Examiners, Abstractors, and Searchers

23-2099 Legal Support Workers, All Other

25-0000 Education, Training, and Library Occupations
25-1000 Postsecondary Teachers
25-1010 Business Teachers, Postsecondary
25-1011 Business Teachers, Postsecondary

25-1020 Math and Computer Teachers, Postsecondary
25-1021 Computer Science Teachers, Postsecondary

25-1022 Mathematical Science Teachers, Postsecondary

25-1030 Engineering and Architecture Teachers, Postsecondary
25-1031 Architecture Teachers, Postsecondary

25-1032 Engineering Teachers, Postsecondary

25-1040 Life Sciences Teachers, Postsecondary
25-1041 Agricultural Sciences Teachers, Postsecondary

25-1042 Biological Science Teachers, Postsecondary

25-1043 Forestry and Conservation Science Teachers, Postsecondary

25-1050 Physical Sciences Teachers, Postsecondary
25-1051 Atmospheric, Earth, Marine, and Space Sciences Teachers, Postsecondary

25-1052 Chemistry Teachers, Postsecondary

25-1053 Environmental Science Teachers, Postsecondary

25-1054 Physics Teachers, Postsecondary

25-1060 Social Sciences Teachers, Postsecondary
25-1061 Anthropology and Archeology Teachers, Postsecondary

25-1062 Area, Ethnic, and Cultural Studies Teachers, Postsecondary

25-1063 Economics Teachers, Postsecondary

25-1064 Geography Teachers, Postsecondary

25-1065 Political Science Teachers, Postsecondary

25-1066 Psychology Teachers, Postsecondary

25-1067 Sociology Teachers, Postsecondary

25-1069 Social Sciences Teachers, Postsecondary, All Other

25-1070 Health Teachers, Postsecondary
25-1071 Health Specialties Teachers, Postsecondary

25-1072 Nursing Instructors and Teachers, Postsecondary

25-1080 Education and Library Science Teachers, Postsecondary
25-1081 Education Teachers, Postsecondary

25-1082 Library Science Teachers, Postsecondary

25-1110 Law, Criminal Justice, and Social Work Teachers, Postsecondary
25-1111 Criminal Justice and Law Enforcement Teachers, Postsecondary

25-1112 Law Teachers, Postsecondary

25-1113 Social Work Teachers, Postsecondary

25-1120 Arts, Communications, and Humanities Teachers, Postsecondary
25-1121 Art, Drama, and Music Teachers, Postsecondary

25-1122 Communications Teachers, Postsecondary

25-1123 English Language and Literature Teachers, Postsecondary

25-1124 Foreign Language and Literature Teachers, Postsecondary

25-1125 History Teachers, Postsecondary

25-1126 Philosophy and Religion Teachers, Postsecondary

25-1191 Graduate Teaching Assistants

25-1192 Home Economics Teachers, Postsecondary

25-1193 Recreation and Fitness Studies Teachers, Postsecondary

25-1194 Vocational Education Teachers Postsecondary

25-1199 Postsecondary Teachers, All Other

25-2000 Teachers, Primary, Secondary, and Special Education
25-2010 Preschool and Kindergarten Teachers
25-2011 Preschool Teachers, Except Special Education

25-2012 Kindergarten Teachers, Except Special Education

25-2020 Elementary and Middle School Teachers
25-2021 Elementary School Teachers, Except Special Education

25-2022 Middle School Teachers, Except Special and Vocational Education

25-2023 Middle School Vocational Education Teachers

25-2030 Secondary School Teachers
25-2031 Secondary School Teachers, Except Special and Vocational Education

25-2032 Secondary School ,Vocational Education Teachers

25-2040 Special Education Teachers
25-2041 Special Education Teachers, Preschool, Kindergarten, and Elementary School

25-2042 Special Education Teachers, Middle School

25-2043 Special Education Teachers, Secondary School

25-3000 Other Teachers and Instructors
25-3010 Adult Literacy, Remedial Education, and GED Teachers and Instructors
25-3011 Adult Literacy, Remedial Education, and GED Teachers and Instructors

25-3020 Self-Enrichment Education Teachers
25-3021 Self-Enrichment Education Teachers

25-3090 Miscellaneous Teachers and Instructors
25-3099 Teachers and Instructors, All Other

25-4000 Librarians, Curators, and Archivists
25-4010 Archivists, Curators, and Museum Technicians
25-4011 Archivists

25-4012 Curators

25-4013 Museum Technicians and Conservators

25-4020 Librarians
25-4021 Librarians

25-4030 Library Technicians
25-4031 Library Technicians

25-9000 Other Education, Training, and Library Occupations
25-9010 Audio-Visual Collections Specialists
25-9011 Audio-Visual Collections Specialists

25-9020 Farm and Home Management Advisors
25-9021 Farm and Home Management Advisors

25-9030 Instructional Coordinators
25-9031 Instructional Coordinators

25-9040 Teacher Assistants
25-9041 Teacher Assistants

25-9090 Miscellaneous Education, Training, and Library Workers
25-9099 Education, Training, and Library Workers, All Other

27-0000 Arts, Design, Entertainment, Sports, and Media Occupations
27-1000 Art and Design Workers
27-1010 Artists and Related Workers
27-1011 Art Directors

27-1012 Craft Artists

27-1013 Fine Artists, Including Painters, Sculptors, and Illustrators

27-1014 Multi-Media Artists and Animators

27-1019 Artists and Related Workers, All Other

27-1020 Designers
27-1021 Commercial and Industrial Designers

27-1022 Fashion Designers

27-1023 Floral Designers

27-1024 Graphic Designers

27-1025 Interior Designers

27-1026 Merchandise Displayers and Window Trimmers

27-1027 Set and Exhibit Designers

27-1029 Designers, All Other

27-2000 Entertainers and Performers, Sports and Related Workers
27-2010 Actors, Producers, and Directors
27-2011 Actors

27-2012 Producers and Directors

27-2020 Athletes, Coaches, Umpires, and Related Workers
27-2021 Athletes and Sports Competitors

27-2022 Coaches and Scouts

27-2023 Umpires, Referees, and Other Sports Officials

27-2030 Dancers and Choreographers
27-2031 Dancers

27-2032 Choreographers

27-2040 Musicians, Singers, and Related Workers
27-2041 Music Directors and Composers

27-2042 Musicians and Singers

27-2090 Miscellaneous Entertainers and Performers, Sports and Related Workers
27-2099 Entertainers and Performers, Sports and Related Workers, All Other

27-3000 Media and Communication Workers
27-3010 Announcers
27-3011 Radio and Television Announcers

27-3012 Public Address System and Other Announcers

27-3020 News Analysts, Reporters and Correspondents
27-3021 Broadcast News Analysts

27-3022 Reporters and Correspondents

27-3030 Public Relations Specialists
27-3031 Public Relations Specialists

27-3040 Writers and Editors
27-3041 Editors

27-3042 Technical Writers

27-3043 Writers and Authors

27-3090 Miscellaneous Media and Communication Workers
27-3091 Interpreters and Translators

27-3099 Media and Communication Workers, All Other

27-4000 Media and Communication Equipment Workers
27-4010 Broadcast and Sound Engineering Technicians and Radio Operators
27-4011 Audio and Video Equipment Technicians

27-4012 Broadcast Technicians

27-4013 Radio Operators

27-4014 Sound Engineering Technicians

27-4020 Photographers
27-4021 Photographers

27-4030 Television, Video, and Motion Picture Camera Operators and Editors
27-4031 Camera Operators, Television, Video, and Motion Picture

27-4032 Film and Video Editors

27-4090 Miscellaneous Media and Communication Equipment Workers
27-4099 Media and Communication Equipment Workers, All Other

29-0000 Healthcare Practitioners and Technical Occupations
29-1000 Health Diagnosing and Treating Practitioners
29-1010 Chiropractors
29-1011 Chiropractors

29-1020 Dentists
29-1021 Dentists, General

29-1022 Oral and Maxillofacial Surgeons

29-1023 Orthodontists

29-1024 Prosthodontists

29-1029 Dentists, All Other Specialists

29-1030 Dietitians and Nutritionists
29-1031 Dietitians and Nutritionists

29-1040 Optometrists

29-1041 Optometrists

29-1050 Pharmacists
29-1051 Pharmacists

29-1060 Physicians and Surgeons
29-1061 Anesthesiologists

29-1062 Family and General Practitioners

29-1063 Internists, General

29-1064 Obstetricians and Gynecologists

29-1065 Pediatricians, General

29-1066 Psychiatrists

29-1067 Surgeons

29-1069 Physicians and Surgeons, All Other

29-1070 Physician Assistants
29-1071 Physician Assistants

29-1080 Podiatrists
29-1081 Podiatrists

29-1110 Registered Nurses
29-1111 Registered Nurses

29-1120 Therapists
29-1121 Audiologists

29-1122 Occupational Therapists

29-1123 Physical Therapists

29-1124 Radiation Therapists

29-1125 Recreational Therapists

29-1126 Respiratory Therapists

29-1127 Speech-Language Pathologists

29-1129 Therapists, All Other

29-1130 Veterinarians

29-1131 Veterinarians

29-1190 Miscellaneous Health Diagnosing and Treating Practitioners
29-1199 Health Diagnosing and Treating Practitioners, All Other

29-2000 Health Technologists and Technicians
29-2010 Clinical Laboratory Technologists and Technicians
29-2011 Medical and Clinical Laboratory Technologists

29-2012 Medical and Clinical Laboratory Technicians

29-2020 Dental Hygienists
29-2021 Dental Hygienists

29-2030 Diagnostic Related Technologists and Technicians
29-2031 Cardiovascular Technologists and Technicians

29-2032 Diagnostic Medical Sonographers

29-2033 Nuclear Medicine Technologists

29-2034 Radiologic Technologists and Technicians

29-2040 Emergency Medical Technicians and Paramedics
29-2041 Emergency Medical Technicians and Paramedics

29-2050 Health Diagnosing and Treating Practitioner Support Technicians
29-2051 Dietetic Technicians

29-2052 Pharmacy Technicians

29-2053 Psychiatric Technicians

29-2054 Respiratory Therapy Technicians

29-2055 Surgical Technologists

29-2056 Veterinary Technologists and Technicians

29-2060 Licensed Practical and Licensed Vocational Nurses
29-2061 Licensed Practical and Licensed Vocational Nurses

29-2070 Medical Records and Health Information Technicians
29-2071 Medical Records and Health Information Technicians

29-2080 Opticians, Dispensing
29-2081 Opticians, Dispensing

29-2090 Miscellaneous Health Technologists and Technicians

29-2091 Orthotists and Prosthetists

29-2099 Health Technologists and Technicians, All Other

29-9000 Other Healthcare Practitioners and Technical Occupations
29-9010 Occupational Health and Safety Specialists and Technicians
29-9011 Occupational Health and Safety Specialists

29-9012 Occupational Health and Safety Technicians

29-9090 Miscellaneous Health Practitioners and Technical Workers
29-9091 Athletic Trainers

29-9099 Healthcare Practitioners and Technical Workers, All Other

31-0000 Healthcare Support Occupations
31-1000 Nursing, Psychiatric, and Home Health Aides
31-1010 Nursing, Psychiatric, and Home Health Aides
31-1011 Home Health Aides

31-1012 Nursing Aides, Orderlies, and Attendants

31-1013 Psychiatric Aides

31-2000 Occupational and Physical Therapist Assistants and Aides
31-2010 Occupational Therapist Assistants and Aides
31-2011 Occupational Therapist Assistants

31-2012 Occupational Therapist Aides

31-2020 Physical Therapist Assistants and Aides
31-2021 Physical Therapist Assistants

31-2022 Physical Therapist Aides

31-9000 Other Healthcare Support Occupations
31-9010 Massage Therapists
31-9011 Massage Therapists

31-9090 Miscellaneous Healthcare Support Occupations
31-9091 Dental Assistants

31-9092 Medical Assistants

31-9093 Medical Equipment Preparers

31-9094 Medical Transcriptionists

31-9095 Pharmacy Aides

31-9096 Veterinary Assistants and Laboratory Animal Caretakers

31-9099 Healthcare Support Workers, All Other

33-0000 Protective Service Occupations
33-1000 Supervisors, Protective Service Workers
33-1010 First-Line Supervisors/Managers, Law Enforcement Workers
33-1011 First-Line Supervisors/Managers of Correctional Officers

33-1012 First-Line Supervisors/Managers of Police and Detectives

33-1020 First-Line Supervisors/Managers, Fire Fighting and Prevention Workers
33-1021 First-Line Supervisors/Managers of Fire Fighting and Prevention Workers

33-1090 Miscellaneous Supervisors, Protective Service Workers
33-1099 Supervisors, Protective Service Workers, All Other

33-2000 Fire Fighting and Prevention Workers
33-2010 Fire Fighters
33-2011 Fire Fighters

33-2020 Fire Inspectors
33-2021 Fire Inspectors and Investigators

33-2022 Forest Fire Inspectors and Prevention Specialists

33-3000 Law Enforcement Workers
33-3010 Bailiffs, Correctional Officers, and Jailers
33-3011 Bailiffs

33-3012 Correctional Officers and Jailers

33-3020 Detectives and Criminal Investigators
33-3021 Detectives and Criminal Investigators

33-3030 Fish and Game Wardens
33-3031 Fish and Game Wardens

33-3040 Parking Enforcement Workers
33-3041 Parking Enforcement Workers

33-3050 Police Officers
33-3051 Police and Sheriff's Patrol Officers

33-3052 Transit and Railroad Police

33-9000 Other Protective Service Workers
33-9010 Animal Control Workers
33-9011 Animal Control Workers

33-9020 Private Detectives and Investigators
33-9021 Private Detectives and Investigators

33-9030 Security Guards and Gaming Surveillance Officers
33-9031 Gaming Surveillance Officers and Gaming Investigators

33-9032 Security Guards

33-9090 Miscellaneous Protective Service Workers
33-9091 Crossing Guards

33-9092 Lifeguards, Ski Patrol, and Other Recreational Protective Service Workers

33-9099 Protective Service Workers, All Other

35-0000 Food Preparation and Serving Related Occupations
35-1000 Supervisors, Food Preparation and Serving Workers
35-1010 First-Line Supervisors/Managers, Food Preparation and Serving Workers
35-1011 Chefs and Head Cooks

35-1012 First-Line Supervisors/Managers of Food Preparation and Serving Workers

35-2000 Cooks and Food Preparation Workers
35-2010 Cooks
35-2011 Cooks, Fast Food

35-2012 Cooks, Institution and Cafeteria

35-2013 Cooks, Private Household

35-2014 Cooks, Restaurant

35-2015 Cooks, Short Order

35-2019 Conks, All Other

35-2020 Food Preparation Workers
35-2021 Food Preparation Workers

35-3000 Food and Beverage Serving Workers
35-3010 Bartenders
35-3011 Bartenders

35-3020 Fast Food and Counter Workers
35-3021 Combined Food Preparation and Serving Workers, Including Fast Food

35-3022 Counter Attendants, Cafeteria, Food Concession, and Coffee Shop

35-3030 Waiters and Waitresses

35-3031 Waiters and Waitresses

35-3040 Food Servers, Nonrestaurant
35-3041 Food Servers, Nonrestaurant

35-9000 Other Food Preparation and Serving Related Workers
35-9010 Dining Room and Cafeteria Attendants and Bartender Helpers
35-9011 Dining Room and Cafeteria Attendants and Bartender Helpers

35-9020 Dishwashers
35-9021 Dishwashers

35-9030 Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop
35-9031 Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop

35-9090 Miscellaneous Food Preparation and Serving Related Workers
35-9099 Food Preparation and Serving Related Workers, All Other

37-0000 Building and Grounds Cleaning and Maintenance Occupations
37-1000 Supervisors, Building and Grounds Cleaning and Maintenance Workers
37-1010 First-Line Supervisors/Managers, Building and Grounds Cleaning and Maintenance Workers

37-1011 First-Line Supervisors/Managers of Housekeeping and Janitorial Workers

37-1012 First-Line Supervisors/Managers of Landscaping, Lawn Service, and Groundskeeping Workers

37-2000 Building Cleaning and Pest Control Workers
37-2010 Building Cleaning Workers
37-2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners

37-2012 Maids and Housekeeping Cleaners

37-2019 Building Cleaning Workers, All Other

37-2020 Pest Control Workers
37-2021 Pest Control Workers

37-3000 Grounds Maintenance Workers
37-3010 Grounds Maintenance Workers
37-3011 Landscaping and Groundskeeping Workers

37-3012 Pesticide Handlers, Sprayers, and Applicators, Vegetation

37-3013 Tree Trimmers and Pruners

37-3019 Grounds Maintenance Workers, All Other

39-0000 Personal Care and Service Occupations

39-1000 Supervisors, Personal Care and Service Workers
39-1010 First-Line Supervisors/Managers of Gaming Workers
39-1011 Gaming Supervisors

39-1012 Slot Key Persons

39-1020 First-Line Supervisors/Managers of Personal Service Workers
39-1021 First-Line Supervisors/Managers of Personal Service Workers

39-2000 Animal Care and Service Workers
39-2010 Animal Trainers
39-2011 Animal Trainers

39-2020 Nonfarm Animal Caretakers
39-2021 Nonfarm Animal Caretakers

39-3000 Entertainment Attendants and Related Workers
39-3010 Gaming Services Workers
39-3011 Gaming Dealers

39-3012 Gaming and Sports Book Writers and Runners

39-3019 Gaming Service Workers, All Other

39-3020 Motion Picture Projectionists
39-3021 Motion Picture Projectionists

39-3030 Ushers, Lobby Attendants, and Ticket Takers
39-3031 Ushers, Lobby Attendants, and Ticket Takers

39-3090 Miscellaneous Entertainment Attendants and Related Workers
39-3091 Amusement and Recreation Attendants

39-3092 Costume Attendants

39-3093 Locker Room, Coatroom, and Dressing Room Attendants

39-3099 Entertainment Attendants and Related Workers, All Other

39-4000 Funeral Service Workers
39-4010 Embalmers
39-4011 Embalmers

39-4020 Funeral Attendants
39-4021 Funeral Attendants

39-5000 Personal Appearance Workers
39-5010 Barbers and Cosmetologists
39-5011 Barbers

39-5012 Hairdressers, Hairstylists, and Cosmetologists

39-5090 Miscellaneous Personal Appearance Workers
39-5091 Makeup Artists, Theatrical and Performance

39-5092 Manicurists and Pedicurists

39-5093 Shampooers

39-5094 Skin Care Specialists

39-6000 Transportation, Tourism, and Lodging Attendants
39-6010 Baggage Porters, Bellhops, and Concierges
39-6011 Baggage Porters and Bellhops

39-6012 Concierges

39-6020 Tour and Travel Guides
39-6021 Tour Guides and Escorts

39-6022 Travel Guides

39-6030 Transportation Attendants
39-6031 Flight Attendants

39-6032 Transportation Attendants, Except Flight Attendants and Baggage Porters

39-9000 Other Personal Care and Service Workers
39-9010 Child Care Workers
39-9011 Child Care Workers

39-9020 Personal and Home Care Aides
39-9021 Personal and Home Care Aides

39-9030 Recreation and Fitness Workers
39-9031 Fitness Trainers and Aerobics Instructors

39-9032 Recreation Workers

39-9040 Residential Advisors
39-9041 Residential Advisors

39-9090 Miscellaneous Personal Care and Service Workers
39-9099 Personal Care and Service Workers, All Other

41-0000 Sales and Related Occupations
41-1000 Supervisors, Sales Workers
41-1010 First-Line Supervisors/Managers, Sales Workers
41-1011 First-Line Supervisors/Managers of Retail Sales Workers

41-1012 First-Line Supervisors/Managers of Non-Retail Sales Workers

41-2000 Retail Sales Workers
41-2010 Cashiers
41-2011 Cashiers

41-2012 Gaming Change Persons and Booth Cashiers

41-2020 Counter and Rental Clerks and Parts Salespersons
41-2021 Counter and Rental Clerks

41-2022 Parts Salespersons

41-2030 Retail Salespersons
41-2031 Retail Salespersons

41-3000 Sales Representatives, Services
41-3010 Advertising Sales Agents
41-3011 Advertising Sales Agents

41-3020 Insurance Sales Agents
41-3021 Insurance Sales Agents

41-3030 Securities, Commodities, and Financial Services Sales Agents
41-3031 Securities, Commodities, and Financial Services Sales Agents

41-3040 Travel Agents
41-3041 Travel Agents

41-3090 Miscellaneous Sales Representatives, Services
41-3099 Sales Representatives, Services, All Other

41-4000 Sales Representatives, Wholesale and Manufacturing
41-4010 Sales Representatives, Wholesale and Manufacturing
41-4011 Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products

41-4012 Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products

41-9000 Other Sales and Related Workers
41-9010 Models, Demonstrators, and Product Promoters
41-9011 Demonstrators and Product Promoters

41-9012 Models

41-9020 Real Estate Brokers and Sales Agents
41-9021 Real Estate Brokers

41-9022 Real Estate Sales Agents

41-9030 Sales Engineers
41-9031 Sales Engineers

41-9040 Telemarketers
41-9041 Telemarketers

41-9090 Miscellaneous Sales and Related Workers
41-9091 Door-To-Door Sales Workers, News and Street Vendors, and Related Workers

41-9099 Sales and Related Workers, All Other

43-0000 Office and Administrative Support Occupations
43-1000 Supervisors, Office and Administrative Support Workers
43-1010 First-Line Supervisors/Managers of Office and Administrative Support Workers
43-1011 First-Line Supervisors/Managers of Office and Administrative Support Workers
43-2000 Communications Equipment Operators
43-2010 Switchboard Operators, Including Answering Service
43-2011 Switchboard Operators, Including Answering Service

43-2020 Telephone Operators
43-2021 Telephone Operators

43-2090 Miscellaneous Communications Equipment Operators
43-2099 Communications Equipment Operators, All Other

43-3000 Financial Clerks
43-3010 Bill and Account Collectors
43-3011 Bill and Account Collectors

43-3020 Billing and Posting Clerks and Machine Operators
43-3021 Billing and Posting Clerks and Machine Operators

43-3030 Bookkeeping, Accounting, and Auditing Clerks
43-3031 Bookkeeping, Accounting, and Auditing Clerks

43-3040 Gaming Cage Workers
43-3041 Gaming Cage Workers

43-3050 Payroll and Timekeeping Clerks
43-3051 Payroll and Timekeeping Clerks

43-3060 Procurement Clerks
43-3061 Procurement Clerks

43-3070 Tellers

43-3071 Tellers

43-4000 Information and Record Clerks
43-4010 Brokerage Clerks
43-4011 Brokerage Clerks

43-4020 Correspondence Clerks
43-4021 Correspondence Clerks

43-4030 Court, Municipal, and License Clerks
43-4031 Court, Municipal, and License Clerks

43-4040 Credit Authorizers, Checkers, and Clerks
43-4041 Credit Authorizers, Checkers, and Clerks

43-4050 Customer Service Representatives
43-4051 Customer Service Representatives

43-4060 Eligibility Interviewers, Government Programs
43-4061 Eligibility Interviewers, Government Programs

43-4070 File Clerks
43-4071 File Clerks

43-4080 Hotel, Motel, and Resort Desk Clerks
43-4081 Hotel, Motel, and Resort Desk Clerks

43-4110 Interviewers, Except Eligibility and Loan
43-4111 Interviewers, Except Eligibility and Loan

43-4120 Library Assistants, Clerical
43-4121 Library Assistants, Clerical

43-4130 Loan Interviewers and Clerks
43-4131 Loan Interviewers and Clerks

43-4140 New Accounts Clerks
43-4141 New Accounts Clerks

43-4150 Order Clerks
43-4151 Order Clerks

43-4160 Human Resources Assistants, Except Payroll and Timekeeping
43-4161 Human Resources Assistants, Except Payroll and Timekeeping

43-4170 Receptionists and Information Clerks
43-4171 Receptionists and Information Clerks

43-4180 Reservation and Transportation Ticket Agents and Travel Clerks
43-4181 Reservation and Transportation Ticket Agents and Travel Clerks

43-4190 Miscellaneous Information and Record Clerks
43-4199 Information and Record Clerks, All Other

43-5000 Material Recording, Scheduling, Dispatching, and Distributing Workers
43-5010 Cargo and Freight Agents
43-5011 Cargo and Freight Agents

43-5020 Couriers and Messengers
43-5021 Couriers and Messengers

43-5030 Dispatchers
43-5031 Police, Fire, and Ambulance Dispatchers

43-5032 Dispatchers, Except Police, Fire, and Ambulance

43-5040 Meter Readers, Utilities
43-5041 Meter Readers, Utilities

43-5050 Postal Service Workers
43-5051 Postal Service Clerks

43-5052 Postal Service Mail Carriers

43-5053 Postal Service Mail Sorters, Processors, and Processing Machine Operators

43-5060 Production, Planning, and Expediting Clerks
43-5061 Production, Planning, and Expediting Clerks

43-5070 Shipping, Receiving, and Traffic Clerks
43-5071 Shipping, Receiving, and Traffic Clerks

43-5080 Stock Clerks and Order Fillers
43-5081 Stock Clerks and Order Fillers

43-5110 Weighers, Measurers, Checkers, and Samplers, Recordkeeping
43-5111 Weighers, Measurers, Checkers, and Samplers, Recordkeeping

43-6000 Secretaries and Administrative Assistants
43-6010 Secretaries and Administrative Assistants
43-6011 Executive Secretaries and Administrative Assistants

43-6012 Legal Secretaries

43-6013 Medical Secretaries

43-6014 Secretaries, Except Legal, Medical, and Executive

43-9000 Other Office and Administrative Support Workers

43-9010 Computer Operators
43-9011 Computer Operators

43-9020 Data Entry and Information Processing Workers
43-9021 Data Entry Keyers

43-9022 Word Processors and Typists

43-9030 Desktop Publishers
43-9031 Desktop Publishers

43-9040 Insurance Claims and Policy Processing Clerks
43-9041 Insurance Claims and Policy Processing Clerks

43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service
43-9051 Mail Clerks and Mail Machine Operators, Except Postal Service

43-9060 Office Clerks, General
43-9061 Office Clerks, General

43-9070 Office Machine Operators, Except Computer
43-9071 Office Machine Operators, Except Computer

43-9080 Proofreaders and Copy Markers
43-9081 Proofreaders and Copy Markers

43-9110 Statistical Assistants
43-9111 Statistical Assistants

43-9190 Miscellaneous Office and Administrative Support Workers
43-9199 Office and Administrative Support Workers, All Other

45-0000 Farming, Fishing, and Forestry Occupations
45-1000 Supervisors, Farming, Fishing, and Forestry Workers
45-1010 First-Line Supervisors/Managers of Farming, Fishing, and Forestry Workers
45-1011 First-Line Supervisors/Managers of Farming, Fishing, and Forestry Workers

45-2000 Agricultural Workers
45-2010 Agricultural Inspectors
45-2011 Agricultural Inspectors

45-2020 Animal Breeders
45-2021 Animal Breeders

45-2030 Farm Labor Contractors
45-2031 Farm Labor Contractors

45-2040 Graders and Sorters, Agricultural Products
45-2041 Graders and Sorters, Agricultural Products

45-2090 Miscellaneous Agricultural Workers
45-2091 Agricultural Equipment Operators

45-2092 Farmworkers and Laborers, Crop, Nursery, and Greenhouse

45-2093 Farmworkers, Farm and Ranch Animals

45-2099 Agricultural Workers, All Other

45-3000 Fishing and Hunting Workers
45-3010 Fishers and Related Fishing Workers
45-3011 Fishers and Related Fishing Workers

45-3020 Hunters and Trappers
45-3021 Hunters and Trappers

45-4000 Forest, Conservation, and Logging Workers
45-4010 Forest and Conservation Workers
45-4011 Forest and Conservation Workers

45-4020 Logging Workers
45-4021 Fallers

45-4022 Logging Equipment Operators

45-4023 Log Graders and Scalers

45-4029 Logging Workers, All Other

45-9000 Other Farming, Fishing, and Forestry Workers
45-9090 Miscellaneous Farming, Fishing, and Forestry Workers
45-9099 Farming, Fishing, and Forestry Workers, All Other

47-0000 Construction and Extraction Occupations
47-1000 Supervisors, Construction and Extraction Workers
47-1010 First-Line Supervisors/Managers of Construction Trades and Extraction Workers
47-1011 First-Line Supervisors/Managers of Construction Trades and Extraction Workers

47-2000 Construction Trades Workers
47-2010 Boilermakers
47-2011 Boilermakers

47-2020 Brickmasons, Blockmasons, and Stonemasons
47-2021 Brickmasons and Blockmasons

47-2022 Stonemasons

47-2030 Carpenters

47-2031 Carpenters

47-2040 Carpet, Floor, and Tile Installers and Finishers
47-2041 Carpet Installers

47-2042 Floor Layers, Except Carpet, Wood, and Hard Tiles

47-2043 Floor Sanders and Finishers

47-2044 Tile and Marble Setters

47-2050 Cement Masons, Concrete Finishers, and Terrazzo Workers
47-2051 Cement Masons and Concrete Finishers

47-2053 Terrazzo Workers and Finishers

47-2060 Construction Laborers
47-2061 Construction Laborers

47-2070 Construction Equipment Operators
47-2071 Paving, Surfacing, and Tamping Equipment Operators

47-2072 Pile-Driver Operators

47-2073 Operating Engineers and Other Construction Equipment Operators

47-2080 Drywall Installers, Ceiling Tile Installers, and Tapers
47-2081 Drywall and Ceiling Tile Installers

47-2082 Tapers

47-2110 Electricians
47-2111 Electricians

47-2120 Glaziers
47-2121 Glaziers

47-2130 Insulation Workers
47-2131 Insulation Workers, Floor, Ceiling, and Wall

47-2132 Insulation Workers, Mechanical

47-2140 Painters and Paperhangers
47-2141 Painters, Construction and Maintenance

47-2142 Paperhangers

47-2150 Pipelayers, Plumbers, Pipefitters, and Steamfitters
47-2151 Pipelayers

47-2152 Plumbers, Pipefitters, and Steamfitters

47-2160 Plasterers and Stucco Masons
47-2161 Plasterers and Stucco Masons

47-2170 Reinforcing Iron and Rebar Workers
47-2171 Reinforcing Iron and Rebar Workers

47-2180 Roofers
47-2181 Roofers

47-2210 Sheet Metal Workers
47-2211 Sheet Metal Workers

47-2220 Structural Iron and Steel Workers
47-2221 Structural Iron and Steel Workers

47-3000 Helpers, Construction Trades
47-3010 Helpers, Construction Trades
47-3011 Helpers--Brickmasons, Blockmasons, Stonemasons, and Tile and Marble Setters

47-3012 Helpers--Carpenters

47-3013 Helpers--Electricians

47-3014 Helpers--Painters, Paperhangers, Plasterers, and Stucco Masons

47-3015 Helpers--Pipelayers, Plumbers, Pipefitters, and Steamfitters

47-3016 Helpers--Roofers

47-3019 Helpers, Construction Trades, All Other

47-4000 Other Construction and Related Workers
47-4010 Construction and Building Inspectors
47-4011 Construction and Building Inspectors

47-4020 Elevator Installers and Repairers
47-4021 Elevator Installers and Repairers

47-4030 Fence Erectors
47-4031 Fence Erectors

47-4040 Hazardous Materials Removal Workers
47-4041 Hazardous Materials Removal Workers

47-4050 Highway Maintenance Workers
47-4051 Highway Maintenance Workers

47-4060 Rail-Track Laying and Maintenance Equipment Operators
47-4061 Rail-Track Laying and Maintenance Equipment Operators

47-4070 Septic Tank Servicers and Sewer Pipe Cleaners
47-4071 Septic Tank Servicers and Sewer Pipe Cleaners

47-4090 Miscellaneous Construction and Related Workers
47-4091 Segmental Pavers

47-4099 Construction and Related Workers, All Other

47-5000 Extraction Workers
47-5010 Derrick, Rotary Drill, and Service Unit Operators, Oil, Gas, and Mining
47-5011 Derrick Operators, Oil and Gas

47-5012 Rotary Drill Operators, Oil and Gas

47-5013 Service Unit Operators, Oil, Gas, and Mining

47-5020 Earth Drillers, Except Oil and Gas
47-5021 Earth Drillers, Except Oil and Gas

47-5030 Explosives Workers, Ordnance Handling Experts, and Blasters
47-5031 Explosives Workers, Ordnance Handling Experts, and Blasters

47-5040 Mining Machine Operators
47-5041 Continuous Mining Machine Operators

47-5042 Mine Cutting and Channeling Machine Operators

47-5049 Mining Machine Operators, All Other

47-5050 Rock Splitters, Quarry
47-5051 Rock Splitters, Quarry

47-5060 Roof Bolters, Mining
47-5061 Roof Bolters, Mining

47-5070 Roustabouts, Oil and Gas
47-5071 Roustabouts, Oil and Gas

47-5080 Helpers--Extraction Workers
47-5081 Helpers--Extraction Workers

47-5090 Miscellaneous Extraction Workers
47-5099 Extraction Workers, All Other

49-0000 Installation, Maintenance, and Repair Occupations
49-1000 Supervisors of Installation, Maintenance, and Repair Workers
49-1010 First-Line Supervisors/Managers of Mechanics, Installers, and Repairers

49-1011 First-Line Supervisors/Managers of Mechanics, Installers, and Repairers

49-2000 Electrical and Electronic Equipment Mechanics, Installers, and Repairers
49-2010 Computer, Automated Teller, and Office Machine Repairers
49-2011 Computer, Automated Teller, and Office Machine Repairers

49-2020 Radio and Telecommunications Equipment Installers and Repairers
49-2021 Radio Mechanics

49-2022 Telecommunications Equipment Installers and Repairers, Except Line Installers

49-2090 Miscellaneous Electrical and Electronic Equipment Mechanics, Installers, and Repairers

49-2091 Avionics Technicians

49-2092 Electric Motor, Power Tool, and Related Repairers

49-2093 Electrical and Electronics Installers and Repairers, Transportation Equipment

49-2094 Electrical and Electronics Repairers, Commercial and Industrial Equipment

49-2095 Electrical and Electronics Repairers, Powerhouse, Substation, and Relay

49-2096 Electronic Equipment Installers and Repairers, Motor Vehicles

49-2097 Electronic Home Entertainment Equipment Installers and Repairers

49-2098 Security and Fire Alarm Systems Installers

49-3000 Vehicle and Mobile Equipment Mechanics, Installers, and Repairers
49-3010 Aircraft Mechanics and Service Technicians
49-3011 Aircraft Mechanics and Service Technicians

49-3020 Automotive Technicians and Repairers
49-3021 Automotive Body and Related Repairers

49-3022 Automotive Glass Installers and Repairers

49-3023 Automotive Service Technicians and Mechanics

49-3030 Bus and Truck Mechanics and Diesel Engine Specialists
49-3031 Bus and Truck Mechanics and Diesel Engine Specialists

49-3040 Heavy Vehicle and Mobile Equipment Service Technicians and Mechanics
49-3041 Farm Equipment Mechanics

49-3042 Mobile Heavy Equipment Mechanics, Except Engines

49-3043 Rail Car Repairers

49-3050 Small Engine Mechanics
49-3051 Motorboat Mechanics

49-3052 Motorcycle Mechanics

49-3053 Outdoor Power Equipment and Other Small Engine Mechanics

49-3090 Miscellaneous Vehicle and Mobile Equipment Mechanics, Installers, and Repairers

49-3091 Bicycle Repairers

49-3092 Recreational Vehicle Service Technicians

49-3093 Tire Repairers and Changers

49-9000 Other Installation, Maintenance, and Repair Occupations
49-9010 Control and Valve Installers and Repairers
49-9011 Mechanical Door Repairers

49-9012 Control and Valve Installers and Repairers, Except Mechanical Door

49-9020 Heating, Air Conditioning, and Refrigeration Mechanics and Installers
49-9021 Heating, Air Conditioning, and Refrigeration Mechanics and Installers

49-9030 Home Appliance Repairers
49-9031 Home Appliance Repairers

49-9040 Industrial Machinery Installation, Repair, and Maintenance Workers
49-9041 Industrial Machinery Mechanics

49-9042 Maintenance and Repair Workers, General

49-9043 Maintenance Workers, Machinery

49-9044 Millwrights

49-9045 Refractory Materials Repairers, Except Brickmasons

49-9050 Line Installers and Repairers
49-9051 Electrical Power-Line Installers and Repairers

49-9052 Telecommunications Line Installers and Repairers

49-9060 Precision Instrument and Equipment Repairers

49-9061 Camera and Photographic Equipment Repairers

49-9062 Medical Equipment Repairers

49-9063 Musical Instrument Repairers and Tuners

49-9064 Watch Repairers

49-9069 Precision Instrument and Equipment Repairers, All Other

49-9090 Miscellaneous Installation, Maintenance, and Repair Workers
49-9091 Coin, Vending, and Amusement Machine Servicers and Repairers

49-9092 Commercial Divers

49-9093 Fabric Menders, Except Garment

49-9094 Locksmiths and Safe Repairers

49-9095 Manufactured Building and Mobile Home Installers

49-9096 Riggers

49-9097 Signal and Track Switch Repairers

49-9098 Helpers--Installation, Maintenance, and Repair Workers

49-9099 Installation, Maintenance, and Repair Workers, All Other

51-0000 Production Occupations
51-1000 Supervisors, Production Workers
51-1010 First-Line Supervisors/Managers of Production and Operating Workers
51-1011 First-Line Supervisors/Managers of Production and Operating Workers

51-2000 Assemblers and Fabricators
51-2010 Aircraft Structure, Surfaces, Rigging, and Systems Assemblers
51-2011 Aircraft Structure, Surfaces, Rigging, and Systems Assemblers

51-2020 Electrical, Electronics, and Electromechanical Assemblers
51-2021 Coil Winders, Tapers, and Finishers

51-2022 Electrical and Electronic Equipment Assemblers

51-2023 Electromechanical Equipment Assemblers

51-2030 Engine and Other Machine Assemblers
51-2031 Engine and Other Machine Assemblers

51-2040 Structural Metal Fabricators and Fitters

51-2041 Structural Metal Fabricators and Fitters

51-2090 Miscellaneous Assemblers and Fabricators
51-2091 Fiberglass Laminators and Fabricators

51-2092 Team Assemblers

51-2093 Timing Device Assemblers, Adjusters, and Calibrators

51-2099 Assemblers and Fabricators, All Other

51-3000 Food Processing Workers
51-3010 Bakers
51-3011 Bakers

51-3020 Butchers and Other Meat, Poultry, and Fish Processing Workers
51-3021 Butchers and Meat Cutters

51-3022 Meat, Poultry, and Fish Cutters and Trimmers

51-3023 Slaughterers and Meat Packers

51-3090 Miscellaneous Food Processing Workers
51-3091 Food and Tobacco Roasting, Baking, and Drying Machine Operators and Tenders

51-3092 Food Batchmakers

51-3093 Food Cooking Machine Operators and Tenders

51-4000 Metal Workers and Plastic Workers
51-4010 Computer Control Programmers and Operators
51-4011 Computer-Controlled Machine Tool Operators, Metal and Plastic

51-4012 Numerical Tool and Process Control Programmers

51-4020 Forming Machine Setters, Operators, and Tenders, Metal and Plastic
51-4021 Extruding and Drawing Machine Setters, Operators, and Tenders, Metal and Plastic

51-4022 Forging Machine Setters, Operators, and Tenders, Metal and Plastic

51-4023 Rolling Machine Setters, Operators, and Tenders, Metal and Plastic

51-4030 Machine Tool Cutting Setters, Operators, and Tenders, Metal and Plastic
51-4031 Cutting, Punching, and Press Machine Setters, Operators, and Tenders, Metal and Plastic

51-4032 Drilling and Boring Machine Tool Setters, Operators, and Tenders, Metal and Plastic

51-4033 Grinding, Lapping, Polishing, and Buffing Machine Tool Setters, Operators, and Tenders, Metal and Plastic

51-4034 Lathe and Turning Machine Tool Setters, Operators, and Tenders, Metal and Plastic

51-4035 Milling and Planing Machine Setters, Operators, and Tenders, Metal and Plastic

51-4040 Machinists
51-4041 Machinists

51-4050 Metal Furnace and Kiln Operators and Tenders
51-4051 Metal-Refining Furnace Operators and Tenders

51-4052 Pourers and Casters, Metal

51-4060 Model Makers and Patternmakers, Metal and Plastic
51-4061 Model Makers, Metal and Plastic

51-4062 Patternmakers, Metal and Plastic

51-4070 Molders and Molding Machine Setters, Operators, and Tenders, Metal and Plastic

51-4071 Foundry Mold and Coremakers

51-4072 Molding, Coremaking, and Casting Machine Setters, Operators, and Tenders, Metal and Plastic

51-4080 Multiple Machine Tool Setters, Operators, and Tenders, Metal and Plastic
51-4081 Multiple Machine Tool Setters, Operators, and Tenders, Metal and Plastic

51-4110 Tool and Die Makers
51-4111 Tool and Die Makers

51-4120 Welding, Soldering, and Brazing Workers
51-4121 Welders, Cutters, Solderers, and Brazers

51-4122 Welding, Soldering, and Brazing Machine Setters, Operators, and Tenders

51-4190 Miscellaneous Metalworkers and Plastic Workers
51-4191 Heat Treating Equipment Setters, Operators, and Tenders, Metal and Plastic

51-4192 Lay-Out Workers, Metal and Plastic

51-4193 Plating and Coating Machine Setters, Operators, and Tenders, Metal and Plastic

51-4194 Tool Grinders, Filers, and Sharpeners

51-4199 Metalworkers and Plastic Workers, All Other

51-5000 Printing Workers
51-5010 Bookbinders and Bindery Workers
51-5011 Bindery Workers

51-5012 Bookbinders

51-5020 Printers
51-5021 Job Printers

51-5022 Prepress Technicians and Workers

51-5023 Printing Machine Operators

51-6000 Textile, Apparel, and Furnishings Workers
51-6010 Laundry and Dry-Cleaning Workers
51-6011 Laundry and Dry-Cleaning Workers

51-6020 Pressers, Textile, Garment, and Related Materials
51-6021 Pressers, Textile, Garment, and Related Materials

51-6030 Sewing Machine Operators
51-6031 Sewing Machine Operators

51-6040 Shoe Workers
51-6041 Shoe and Leather Workers and Repairers

51-6042 Shoe Machine Operators and Tenders

51-6050 Tailors, Dressmakers, and Sewers
51-6051 Sewers, Hand

51-6052 Tailors, Dressmakers, and Custom Sewers

51-6060 Textile Machine Setters, Operators, and Tenders
51-6061 Textile Bleaching and Dyeing Machine Operators and Tenders

51-6062 Textile Cutting Machine Setters, Operators, and Tenders

51-6063 Textile Knitting and Weaving Machine Setters, Operators, and Tenders

51-6064 Textile Winding, Twisting, and Drawing Out Machine Setters, Operators, and Tenders

51-6090 Miscellaneous Textile, Apparel, and Furnishings Workers
51-6091 Extruding and Forming Machine Setters, Operators, and Tenders, Synthetic and Glass Fibers

51-6092 Fabric and Apparel Patternmakers

51-6093 Upholsterers

51-6099 Textile, Apparel, and Furnishings Workers, All Other

51-7000 Woodworkers
51-7010 Cabinetmakers and Bench Carpenters
51-7011 Cabinetmakers and Bench Carpenters

51-7020 Furniture Finishers
51-7021 Furniture Finishers

51-7030 Model Makers and Patternmakers, Wood
51-7031 Model Makers, Wood

51-7032 Patternmakers, Wood

51-7040 Woodworking Machine Setters, Operators, and Tenders
51-7041 Sawing Machine Setters, Operators, and Tenders, Wood

51-7042 Woodworking Machine Setters, Operators, and Tenders, Except Sawing

51-7090 Miscellaneous Woodworkers
51-7099 Woodworkers, All Other

51-8000 Plant and System Operators
51-8010 Power Plant Operators, Distributors, and Dispatchers
51-8011 Nuclear Power Reactor Operators

51-8012 Power Distributors and Dispatchers

51-8013 Power Plant Operators

51-8020 Stationary Engineers and Boiler Operators
51-8021 Stationary Engineers and Boiler Operators

51-8030 Water and Liquid Waste Treatment Plant and System Operators
51-8031 Water and Liquid Waste Treatment Plant and System Operators

51-8090 Miscellaneous Plant and System Operators
51-8091 Chemical Plant and System Operators

51-8092 Gas Plant Operators

51-8093 Petroleum Pump System Operators, Refinery Operators, and Gaugers

51-8099 Plant and System Operators, All Other

51-9000 Other Production Occupations
51-9010 Chemical Processing Machine Setters, Operators, and Tenders
51-9011 Chemical Equipment Operators and Tenders

51-9012 Separating, Filtering, Clarifying, Precipitating, and Still Machine Setters, Operators, and Tenders

51-9020 Crushing, Grinding, Polishing, Mixing, and Blending Workers
51-9021 Crushing, Grinding, and Polishing Machine Setters, Operators, and Tenders

51-9022 Grinding and Polishing Workers, Hand

51-9023 Mixing and Blending Machine Setters, Operators, and Tenders

51-9030 Cutting Workers
51-9031 Cutters and Trimmers, Hand

51-9032 Cutting and Slicing Machine Setters, Operators, and Tenders

51-9040 Extruding, Forming, Pressing, and Compacting Machine Setters, Operators, and Tenders

51-9041 Extruding, Forming, Pressing, and Compacting Machine Setters, Operators, and Tenders

51-9050 Furnace, Kiln, Oven, Drier, and Kettle Operators and Tenders
51-9051 Furnace, Kiln, Oven, Drier, and Kettle Operators and Tenders

51-9060 Inspectors, Testers, Sorters, Samplers, and Weighers
51-9061 Inspectors, Testers, Sorters, Samplers, and Weighers

51-9070 Jewelers and Precious Stone and Metal Workers
51-9071 Jewelers and Precious Stone and Metal Workers

51-9080 Medical, Dental, and Ophthalmic Laboratory Technicians
51-9081 Dental Laboratory Technicians

51-9082 Medical Appliance Technicians

51-9083 Ophthalmic Laboratory Technicians

51-9110 Packaging and Filling Machine Operators and Tenders
51-9111 Packaging and Filling Machine Operators and Tenders

51-9120 Painting Workers
51-9121 Coating, Painting, and Spraying Machine Setters, Operators, and Tenders

51-9122 Painters, Transportation Equipment

51-9123 Painting, Coating, and Decorating Workers

51-9130 Photographic Process Workers and Processing Machine Operators
51-9131 Photographic Process Workers

51-9132 Photographic Processing Machine Operators

51-9140 Semiconductor Processors
51-9141 Semiconductor Processors

51-9190 Miscellaneous Production Workers
51-9191 Cementing and Gluing Machine Operators and Tenders

51-9192 Cleaning, Washing, and Metal Pickling Equipment Operators and Tenders

51-9193 Cooling and Freezing Equipment Operators and Tenders

51-9194 Etchers and Engravers

51-9195 Molders, Shapers, and Casters, Except Metal and Plastic

51-9196 Paper Goods Machine Setters, Operators, and Tenders

51-9197 Tire Builders

51-9198 Helpers--Production Workers

51-9199 Production Workers, All Other

53-0000 Transportation and Material Moving Occupations
53-1000 Supervisors, Transportation and Material Moving Workers
53-1010 Aircraft Cargo Handling Supervisors
53-1011 Aircraft Cargo Handling Supervisors

53-1020 First-Line Supervisors/Managers of Helpers, Laborers, and Material Movers, Hand

53-1021 First-Line Supervisors/Managers of Helpers, Laborers, and Material Movers, Hand

53-1030 First-Line Supervisors/Managers of Transportation and Material-Moving Machine and Vehicle Operators

53-1031 First-Line Supervisors/Managers of Transportation and Material-Moving Machine and Vehicle Operators

53-2000 Air Transportation Workers
53-2010 Aircraft Pilots and Flight Engineers
53-2011 Airline Pilots, Copilots, and Flight Engineers

53-2012 Commercial Pilots

53-2020 Air Traffic Controllers and Airfield Operations Specialists
53-2021 Air Traffic Controllers

53-2022 Airfield Operations Specialists

53-3000 Motor Vehicle Operators
53-3010 Ambulance Drivers and Attendants, Except Emergency Medical Technicians
53-3011 Ambulance Drivers and Attendants, Except Emergency Medical Technicians

53-3020 Bus Drivers
53-3021 Bus Drivers, Transit and Intercity

53-3022 Bus Drivers, School

53-3030 Driver/Sales Workers and Truck Drivers
53-3031 Driver/Sales Workers

53-3032 Truck Drivers, Heavy and Tractor-Trailer

53-3033 Truck Drivers, Light or Delivery Services

53-3040 Taxi Drivers and Chauffeurs
53-3041 Taxi Drivers and Chauffeurs

53-3090 Miscellaneous Motor Vehicle Operators
53-3099 Motor Vehicle Operators, All Other

53-4000 Rail Transportation Workers
53-4010 Locomotive Engineers and Operators
53-4011 Locomotive Engineers

53-4012 Locomotive Firers

53-4013 Rail Yard Engineers, Dinkey Operators, and Hostlers

53-4020 Railroad Brake, Signal, and Switch Operators
53-4021 Railroad Brake, Signal, and Switch Operators

53-4030 Railroad Conductors and Yardmasters
53-4031 Railroad Conductors and Yardmasters

53-4040 Subway and Streetcar Operators
53-4041 Subway and Streetcar Operators

53-4090 Miscellaneous Rail Transportation Workers
53-4099 Rail Transportation Workers, All Other

53-5000 Water Transportation Workers
53-5010 Sailors and Marine Oilers
53-5011 Sailors and Marine Oilers

53-5020 Ship and Boat Captains and Operators
53-5021 Captains, Mates, and Pilots of Water Vessels

53-5022 Motorboat Operators

53-5030 Ship Engineers
53-5031 Ship Engineers

53-6000 Other Transportation Workers
53-6010 Bridge and Lock Tenders
53-6011 Bridge and Lock Tenders

53-6020 Parking Lot Attendants
53-6021 Parking Lot Attendants

53-6030 Service Station Attendants
53-6031 Service Station Attendants

53-6040 Traffic Technicians
53-6041 Traffic Technicians

53-6050 Transportation Inspectors
53-6051 Transportation Inspectors

53-6090 Miscellaneous Transportation Workers
53-6099 Transportation Workers, All Other

53-7000 Material Moving Workers
53-7010 Conveyor Operators and Tenders
53-7011 Conveyor Operators and Tenders

53-7020 Crane and Tower Operators
53-7021 Crane and Tower Operators

53-7030 Dredge, Excavating, and Loading Machine Operators
53-7031 Dredge Operators

53-7032 Excavating and Loading Machine and Dragline Operators

53-7033 Loading Machine Operators, Underground Mining

53-7040 Hoist and Winch Operators
53-7041 Hoist and Winch Operators

53-7050 Industrial Truck and Tractor Operators

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53-7051 Industrial Truck and Tractor Operators

53-7060 Laborers and Material Movers, Hand
53-7061 Cleaners of Vehicles and Equipment

53-7062 Laborers and Freight, Stock, and Material Movers, Hand

53-7063 Machine Feeders and Offbearers

53-7064 Packers and Packagers, Hand

53-7070 Pumping Station Operators
53-7071 Gas Compressor and Gas Pumping Station Operators

53-7072 Pump Operators, Except Wellhead Pumpers

53-7073 Wellhead Pumpers

53-7080 Refuse and Recyclable Material Collectors
53-7081 Refuse and Recyclable Material Collectors

53-7110 Shuttle Car Operators
53-7111 Shuttle Car Operators

53-7120 Tank Car, Truck, and Ship Loaders
53-7121 Tank Car, Truck, and Ship Loaders

53-7190 Miscellaneous Material Moving Workers
53-7199 Material Moving Workers, All Other

55-0000 Military Specific Occupations
55-1000 Military Officer Special and Tactical Operations Leaders/Managers
55-1010 Military Officer Special and Tactical Operations Leaders/Managers
55-1011 Air Crew Officers

55-1012 Aircraft Launch and Recovery Officers

55-1013 Armored Assault Vehicle Officers

55-1014 Artillery and Missile Officers

55-1015 Command and Control Center Officers

55-1016 Infantry Officers

55-1017 Special Forces Officers

55-1019 Military Officer Special and Tactical Operations Leaders/Managers, All Other

55-2000 First-Line Enlisted Military Supervisor/Managers
55-2010 First-Line Enlisted Military Supervisors/Managers
55-2011 First-Line Supervisors/Managers of Air Crew Members

55-2012 First-Line Supervisors/Managers of Weapons Specialists/Crew Members

55-2013 First-Line Supervisors/Managers of All Other Tactical Operations Specialists

55-3000 Military Enlisted Tactical Operations and Air/Weapons Specialists and Crew Members

55-3010 Military Enlisted Tactical Operations and Air/Weapons Specialists and Crew Members

55-3011 Air Crew Members

55-3012 Aircraft Launch and Recovery Specialists

55-3013 Armored Assault Vehicle Crew Members

55-3014 Artillery and Missile Crew Members

55-3015 Command and Control Center Specialists

55-3016 Infantry

55-3017 Radar and Sonar Technicians

55-3018 Special Forces

55-3019 Military Enlisted Tactical Operations and Air/Weapons Specialists and Crew Members, All Other

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September 30, 1999

Part V

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 171, et al.
Hazardous Materials; Miscellaneous Amendments; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 175, 177, 178, 179 and 180

[Docket No. RSPA–99–6213 (HM–218)]

RIN 2137–AD16

Hazardous Materials; Miscellaneous Amendments

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA proposes to make miscellaneous amendments to the Hazardous Materials Regulations (HMR) based on petitions for rulemaking and RSPA initiative. These proposed amendments are intended to update, clarify or provide relief from certain regulatory requirements.

DATES: Comments must be received by November 29, 1999.

ADDRESSES: Submit written comments to the Dockets Management System, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–0001. Comments should identify Docket Number RSPA–99–6213 and be submitted in two copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. Comments may also be submitted to the docket electronically by logging onto the Dockets Management System website at *http://dms.dot.gov*. Click on "Help & Information" to obtain instructions for filing the document electronically. In every case, the comment should refer to the Docket number "RSPA–99–6213".

The Dockets Management System is located on the Plaza Level of the Nassif Building, at the above address. Public dockets may be reviewed at the address above between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding Federal holidays. In addition, the NPRM and all comments can be reviewed on the Internet by accessing the Hazmat Safety Homepage at "http://hazmat.dot.gov."

FOR FURTHER INFORMATION CONTACT: Charles Betts or Diane LaValle, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001, telephone (202) 366–8553.

SUPPLEMENTARY INFORMATION:

Background

This NPRM is designed primarily to reduce regulatory burden on industry by incorporating changes into the HMR based on RSPA's own initiative and petitions for rulemaking submitted in accordance with 49 CFR 106.31. This NPRM also is consistent with the goals of the President's Regulatory Reinvention Initiative. On March 4, 1995, the President directed Federal agencies to perform an extensive review of all agency regulations and eliminate or revise those requirements that are outdated or in need of reform. In a continuing effort to review the HMR for necessary revisions, RSPA is also proposing to eliminate, revise, clarify and relax certain other regulatory requirements.

The following is a section-by-section summary of the proposed changes.

Section-by-Section Review

Part 171

Section 171.7

RSPA proposes to update the incorporation by reference of the American Society of Mechanical Engineers (ASME) Code to the 1998 Edition. Currently, the 1992 Edition and the Addenda through December 31, 1993 are incorporated by reference. After a review, RSPA believes that the 1998 Edition should be incorporated by reference. However, at this time RSPA is not proposing to adopt any Addenda to the 1998 Edition of the ASME Code because we have not fully reviewed them.

Section 171.8

The definition for "Aerosol" would be revised to remove reference to a "metal" receptacle to align the HMR with the UN Recommendations.

RSPA proposes to revise the definition for "EX number." Currently, the definition states that an EX number is assigned by the Associate Administrator for Hazardous Materials Safety (AAHMS) to identify an explosive which has been approved. However, RSPA presently assigns EX numbers to track materials evaluated by the AAHMS under the provisions of § 173.56, regardless of whether or not they are approved under a different hazard class.

The definition for "Placarded car" would be revised to remove reference to a "FUMIGATION placard." As used in the HMR, a railcar containing lading which has been fumigated or is undergoing fumigation is required to display the "FUMIGANT marking" shown in § 173.9.

Section 171.11

RSPA is proposing to remove paragraph (d)(5), which requires the identification of a poison material on the shipping paper. The International Civil Aviation Organization (ICAO) Technical Instruction already requires the shipping paper to identify subrisks and RSPA believes paragraph (d)(5) is unnecessary. RSPA is proposing to add a new paragraph (d)(5) to require that the original approval (EX) number or traceable product code issued to an air bag inflator or seat-belt pretensioner be entered on the shipping paper in association with the basic description, as specified in § 173.166 (c). Currently, shipping papers for devices offered under the ICAO Technical Instruction are not required to contain the EX number or product code for an approved inflator or pretensioner. RSPA believes this shipping paper provision should include air bags or seat-belt pretensioners when offered and transported in the United States under the authority of international regulations. Devices containing a pressure vessel and transported as Division 2.2 (UN3353) would be excluded from this shipping paper notation requirement. In addition, paragraph (d)(14) would be revised to clarify that "Aerosols" transported in the U.S. under the provisions of the ICAO Technical Instructions must be in metal packagings if the packaging exceeds 7.22 cubic inches.

Section 171.12

RSPA is proposing to revise paragraph (a) to clarify that the shipping paper documentation required under the International Maritime Dangerous Goods Code (IMDG) or International Atomic Energy Agency (IAEA) must be written in English as currently required by § 172.201(a)(2). Similar to the proposed change to § 171.11 above, RSPA proposes to add paragraph (b)(5) to require that the approval (EX) number or traceable product code be entered on shipping papers for airbag inflators and seat belt pretensioners offered under the International Maritime Dangerous Goods (IMDG) Code.

Part 172

Section 172.101

Paragraphs (b)(2) and (b)(6) would be revised to clarify that proper shipping names denoted with an "A" or "W" in Column (1), in the HMT, may be used to describe hazardous materials transported by all modes when all applicable requirements are met.

RSPA proposes to remove paragraph (c)(8), which is specific to determining

a proper shipping description for hazardous substances as it is redundant with § 172.101(c).

Paragraph (c)(8) would be replaced to allow the words "liquid" or "solid" to be added to a proper shipping name when a hazardous material specifically listed by name may due to differing physical states be a liquid or solid. This is consistent with existing provisions in the UN Recommendations, the ICAO TI and the IMDG Code.

The entry "Chemical kits *or* First aid kits *(containing hazardous materials)*" would be separated into two individual entries for easier reference. In addition, the wording *"(containing hazardous materials)"* is unnecessary and would be removed.

The entry " 1-chloro-3-bromopropane" would be changed to read "1-bromo-3-chloropropane" to be in accordance with the UN Recommendations.

A new entry *"Fumigated transport vehicle or freight container, see § 173.9"* would be added to reference § 173.9 which contains requirements for transporting fumigated lading. This change would facilitate the location of these requirements by readers.

For the entries, "Polychlorinated biphenyls, liquid" and "Polychlorinated biphenyls, solid," UN2315, in Column 1, the symbols "A, W" would be removed and a new Special Provision 140 would be added in Column 7. Special Provision 140 would state that the material is only regulated when it meets the defining criteria for a hazardous substance or a marine pollutant.

For the entry "Air, compressed," Special Provision 78 would be added in Column 7 to specify that only mixtures with not more than 23.5 percent oxygen may be transported under this entry. An OXIDIZER label is not required for mixtures containing not more than 23.5 percent oxygen. This change will align the HMR with a recent amendment adopted in the eleventh revised edition of the UN Recommendations. In addition, for the entry "Rare gases and oxygen mixtures, compressed," Special Provision 79 would be added to state that this entry may not be used for mixtures meeting the criteria for oxidizing gas in § 171.8. RSPA believes that it is more appropriate to use a generic oxidizing gas entry (i.e., Compressed gas, oxidizing, n.o.s.) when such mixtures meet the criteria of an oxidizing gas.

For the entry, "Sodium chlorate, aqueous solution," PG II, Special Provision "B6" would be removed. It was pointed out to RSPA that similar entries (Potassium chlorate, aqueous solution and Chlorates, inorganic, aqueous solution) are not assigned this Special Provision. RSPA agrees that the Special Provision was mistakenly assigned.

In response to comments submitted by the Vessel Operators Hazardous Materials Association (VOHMA), in response to the NPRM of HM–215C, RSPA is proposing to revise a number of HMT entries with inconsistently applied Codes 34 and 95 in column 10B. These codes pertain to segregation of Division 2.3 and 6.1 and Class 8 hazardous materials with foodstuffs. These changes will align the HMR with the IMDG Code. In total, there are twenty (20) deletions of Code 95, nine (9) additions of Code 95, three (3) changes from Code 34 to 95, and three (3) deletions of Code 34 from Column 10B.

Section 172.102

In paragraph (c)(1), a new Special Provision 78 would be added to specify that the entry "Air, compressed" may not be used to describe compressed air which contains more than 23.5% of oxygen. This change would align the HMR with a recent amendment adopted in the eleventh revised edition of the UN Recommendations. In addition, a new Special Provision 79 would be added to specify that the entry "Rare gases and oxygen mixtures, compressed" may not be used for gas mixtures which meet the criteria for an oxidizing gas. This change would ensure that the correct emergency response information is provided for mixtures which meet the criteria for oxidizing gas. We are also proposing to add a new Special Provision 140 to the entries "Polychlorinated biphenyls, liquid" and "Polychorinated biphenyl, solid," UN 2315 to state that the material is only regulated when it meets the defining criteria for a hazardous substance or marine pollutant. This change would be consistent with international regulations.

We propose, in paragraph (c)(5), to revise Special Provision N10 regarding lighters. Currently, approvals for lighters require the approval number to be marked on the package and on the shipping papers. We believe that this requirement should be contained in the regulations.

Section 172.201

Paragraph (a)(1)(ii) would be revised to clarify that when a reproduced shipping paper identifies hazardous materials entries by highlighting the basic description in a contrasting color, the packing group must be highlighted. The packing group is identified as a basic description element by § 172.202(a)(4) and (b).

Section 172.204

For consistency with paragraphs (a)(1), (a)(2) and the ICAO Technical Instructions, paragraph (c)(1) would be revised to change the word "packed" to read "packaged." A transition period of 10 years would be provided for depletion of preprinted shipping papers showing the word "packed" to reduce costs.

Sections 172.332 and 172.336

In response to a petition for rulemaking from the American Trucking Association (ATA) [P–1364], RSPA proposes to amend §§ 172.332(a) and 172.336(b) to authorize the use of white square-on-point configurations for display of identification number markings regardless of whether a placard is required for that material. RSPA agrees with ATA that it is unnecessarily restrictive to prevent the use of identification number markings displayed on square-on-point configurations in conjunction with placards.

Section 172.504

RSPA proposes to revise the Class 9 table entry to reference § 172.504(f)(9), which provides an exception from displaying a Class 9 placard for domestic transportation. In addition, paragraph (f)(8), regarding the placarding of a material classed as a combustible liquid that also meets the definition of a Class 9, would be removed. A new paragraph (f)(8) would be added to provide an exception, in domestic transportation, for placarding a transport vehicle displaying a POISON INHALATION placard if it is already placarded with a POISON GAS placard.

Section 172.516

Paragraph (a) would be revised by changing the wording "motor vehicle" to "transport vehicle" the second time it appears in the first sentence, to correct an inaccurate usage of the term "motor vehicle". This change clarifies that each placard on a motor vehicle must be clearly visible from the direction it faces, except from the direction of another transport vehicle to which the motor vehicle is coupled.

Section 172.519

Paragraph (b)(3) would be revised to clarify that text is required on the DANGEROUS placard. In addition, the provision would be revised to clarify that text is not required on an OXYGEN placard when the specific identification number is displayed.

Section 172.604

Paragraph (c)(2) would be revised to clarify that hazardous materials transported under the proper shipping name "Consumer commodity" do not require emergency response information, regardless of whether the hazard class is "ORM–D" as provided by the HMR, or "9" as provided by the ICAO Technical Instructions.

Section 172.704

In § 172.704, paragraph (b) would be revised to add the reference, "29 CFR 1910.1200," in addition to 29 CFR 1910.120 of the Department of Labor's Occupational Safety and Health Administration (OSHA). This change is needed to clarify that any training received due to OSHA's requirements need not be repeated to meet DOT training requirements.

Part 173

Section 173.4

RSPA proposed to revise paragraphs (a)(1)(i) (ii) and (iii) to clarify that the limit of one gram for Division 6.1 material per inner receptacle applies only to materials that are poisonous by inhalation. In addition, RSPA proposes to add a note to § 173.4(a)(6)(ii) to clarify that one package need not be subjected to all of the tests specified in § 173.4; a separate, but identical, packaging may be used for each test.

Section 173.5

In § 173.5, paragraph (a) would be revised to grant an exception from the emergency response and training requirements in subparts G and H of Part 172 respectively to Class 2 agricultural products that are transported over local roads between fields of the same farm. Currently, agricultural products other than Class 2 materials are completely excepted from the HMR when transported between fields of the same farm. RSPA believes that similar relief is warranted for Class 2 materials.

Section 173.7

We are proposing to add a new paragraph (e) which would incorporate and expand the existing exception in § 173.62, paragraph (d) for Class 1 explosives owned by the Department of Defense (DOD). Section 173.62, paragraph (d) would be deleted. Currently DOD is authorized to ship their Class 1 materials that were packaged prior to January 1, 1990, without regard to the current packaging requirements in Part 178. In addition to the existing exception, we are proposing to also except these packagings from the marking and labeling requirements. This would alleviate the need to remark and re-label DOD stockpiled hazardous materials. Considering that the revised exception applies to marking and labeling of DOD packagings in addition to packaging requirements, RSPA believes it is more appropriate that the exceptions appear in § 173.7.

Section 173.12

In § 173.12, paragraph (b)(3) would be revised to clarify that materials poisonous by inhalation are not authorized for the lab pack provisions.

Section 173.13

In § 173.13, paragraph (a) would be revised to clarify that use of the CARGO AIRCRAFT ONLY label is required. As discussed in the preamble to Docket HM–222 [May 30,1996; 61 FR 27169], it was RSPA's intention to except use of primary and subsidiary hazard labels only. Hazardous materials transported under the provisions of § 173.13 are not authorized for transportation by passenger carrying aircraft. When transported without the CARGO AIRCRAFT ONLY label, RSPA believes that some packagings offered for transportation under § 173.13 may inadvertently be placed on a passenger carrying aircraft in violation of the HMR. This change would be consistent with § 172.402(c) regarding display of the CARGO AIRCRAFT ONLY label.

Section 173.32

In § 173.32, we propose to amend paragraph (e)(3) to authorize smaller markings on specification portable tanks that were originally authorized to be marked with letters and numerals as small as 1/8 of an inch in height. The specification plates originally attached to these packagings do not have sufficient space to accommodate larger size markings after retesting.

Section 173.60

In § 173.60, a new paragraph (b)(14) would be added consistent with the UN Recommendations to allow large explosive articles normally intended for military use, to be transported unpackaged under specific conditions. This provision is currently found in § 173.62 Packing Instruction (PI) 130; however, the provision only applies to those explosives assigned to PI 130. Inclusion of this new paragraph would allow any large explosive article normally intended for military use to be transported unpackaged under the specified conditions.

Section 173.61

In § 173.61, paragraph (a) would be revised to clarify that explosives may be packed with non hazardous materials that will not adversely affect the explosive. RSPA believes that relaxation of this provision will avoid the need for exemptions.

Section 173.62

In § 173.62, paragraph (d) would be removed. Reference the preamble discussion under § 173.7.

Section 173.150

RSPA proposes to remove the wording "and combustible liquids" in the first sentence of § 173.150(b). Referring to combustible liquids is unnecessary because there is no requirement for labeling or specification packaging. In addition, paragraph (f)(3)(iv) would be revised to clarify that placards are not required for a combustible liquid that is a hazardous substance, hazardous waste or marine pollutant in a non-bulk packaging.

We propose to revise paragraph (f)(3)(viii) by changing a reference from § 177.834 to § 177.834(j). Paragraph (j) requires that manholes and valves be closed during transportation. This proposed change would clarify that combustible liquids are not subject to other provisions of § 177.834, such as those pertaining to attendance, and is responsive to a petition for rulemaking (P–1386) from the Petroleum Marketers Association of America.

Section 173.166

We propose to revise the introductory text in paragraph (e) to clarify that all airbag modules and inflators and seat belt pretensioners including those in Division 2.2 that are transported under UN 3353 must be packaged in UN packagings meeting the Packing Group III performance level. At present, since no packing group is provided in § 172.101 for UN 3353, the required level of testing for UN packagings authorized for use in paragraph (e) for devices transported under UN 3353 is not stated in the HMR. The proposal to require a Packing Group III performance level is consistent with the provisions in the eleventh revised edition of the UN Recommendations.

We also propose to authorize an air bag module or a seat belt pretensioner that has been removed from a motor vehicle that was manufactured as required for use in the United States to be offered for transportation in commerce without marking the EX number or product code on the shipping paper, as required by current paragraph (c). Instead, the word "Recycled" would

be entered immediately after the basic description prescribed in § 172.202. This proposed change will facilitate transportation of these devices for recycling and eliminate the need for exemption, DOT–E 12189 granted to the Automotive Recyclers Association and several other grantees.

Section 173.242

In paragraph (c)(1), a reference to obsolete § 178.253–4 would be removed and replaced with the specific portable tank venting requirements that were contained in that section.

Section 173.247

Paragraph (g)(1)(iii)(C) would be revised to clarify the pressure relief device requirements for bulk packagings transported by rail. The current regulatory text may be misunderstood as requiring the use of a combination pressure relief device, such as a reclosing pressure relief device (a safety valve) incorporating a rupture disc on the upstream side. The paragraph would be revised to clarify the requirement for a nonreclosing pressure relief device that incorporates a rupture disc conforming to the requirements of § 179.15.

Section 173.306

Paragraph (h)(2) would be revised to clarify that shipping papers are required for a Class 2 material that has been reclassed as a consumer commodity if it also meets the definition for "marine pollutant." This change would provide consistency with corresponding HMR limited quantity provisions.

Section 173.307

Paragraph (a)(4) would be revised to except from the HMR, refrigerating machines, including dehumidifiers and air conditioners and components thereof, containing up to 12 kg (25 pounds) or less of a non-flammable, non-toxic gas; 12 L (3 gallons) or less of ammonia solution (UN2672) and except for air transportation, 12 kg (25 pounds) of flammable non-toxic gas, and 20 kg (44 pounds) or less of a Group A1 refrigerant specified in ANSI/ASHRAE Standard 15. In addition, for air transportation consistent with Special Provision A103 of the ICAO Technical Instructions an exception would be provided for refrigerating machines containing 100 g (4 ounces) or less of a flammable, non-toxic liquified gas. This paragraph is also revised for clarity and to reference both International System of Units (SI) and customary units.

Part 174

Section 174.26

The section heading would be revised by removing the phrase "of placarded cars." This change clarifies that the prescribed shipping paper requirements apply to any person who accepts hazardous materials for transportation by rail.

Section 174.50

As set forth in § 174.50, the Federal Railroad Administration (FRA) has authority to approve for movement a tank car not conforming to the HMR. Since the adoption of the provision, FRA has issued approximately 400 movement approvals for tank cars that no longer conform to the regulations, for reasons such as leaking fittings, accident damage and exceeding the gross rail load. RSPA proposes to expand FRA's approval authority from tank cars to all rail cars. This would allow FRA to grant approval for the movement of covered hopper cars, gondola cars, and other types of railroad equipment when they no longer conform to Federal law, but may safely be moved to a repair location and eliminate the need for exemption for such movements.

Part 175

Section 175.25

Paragraph (a)(2)(ii) would be revised to authorize lettering of at least 4 mm (.16 inch) in height, based on RSPA initiative. Currently, the height requirement is 6mm (0.2 inch) minimum for some of the information required on the notification to air passengers of hazardous materials restrictions. The smaller lettering does not significantly impact readability and encourages use of space on signs for other information such as graphics.

Section 175.30

An exception in paragraph (d)(1) for inspecting packages of consumer commodities packaged in a freight container would be expanded to include consumer commodities that are palletized or overpacked. RSPA believes that it is impracticable for consumer commodities that are palletized or overpacked to be broken down and inspected by the operator of the aircraft. This amendment would allow consumer commodities that are overpacked or palletized to be handled in the same manner as consumer commodities in freight containers.

Part 177

Section 177.848

Paragraph (c) would be revised to clarify that the prohibition against loading or storing cyanides or cyanide mixtures with acids applies only if hydrogen cyanide would be generated when the materials come into contact with each other.

Part 178

Section 178.3

RSPA proposes to amend the introductory text to paragraph (a) to clarify that the specification markings on a UN standard packaging may not be marked on a removable component of a packaging.

Section 178.345–13

In paragraph (a), a reference to obsolete §§ 178.346–13(a), 178.347–13(a), and 178.348–13(a) would be removed.

Section 178.603

RSPA proposes to revise paragraph (f)(5) to allow a slight discharge from a closure if it ceases immediately after impact with no further leakage. Currently this allowance applied only to drums, jerricans or bags. This proposed change would align the criteria for passing the drop test with international regulations.

Section 178.605

RSPA proposes to revise the last sentence in paragraph (d)(1) to correctly reference the maximum filling limits in § 173.24a(d).

Section 178.703

RSPA proposes to revise § 178.703(a)(1)(ii) to correctly reference all of paragraph (a) of § 178.702, and not merely paragraphs (a)(1) and (2), for the code number used to designate an IBC design type.

Section 178.815

Paragraph (c)(4)(iii) would be added to authorize dynamic compression testing for IBCs in the same manner as is currently authorized for non-bulk packagings. RSPA considers the dynamic compression test to be an equivalent test method and that by allowing more flexibility in the stacking test requirements will provide a cost saving to the regulated industry.

Part 179

Section 179.100–20

RSPA proposes to remove the water capacity entry in the table that requires each DOT–105A100W tank car to be

stamped with the water capacity in pounds because it is redundant. Section 179.22 requires a tank car to be marked in accordance with Appendix C of the Association of American Railroads (AAR) Tank Car Manual. Section C3.03 of the AAR manual already requires marking the water capacity, in gallons and liters, on the side of the tank car. Consequently, the requirement proposed for deletion is redundant and conflicting with other requirements. Therefore, as a result, its removal will have no effect on safety.

Part 180

Section 180.417

RSPA proposes to revise paragraph (a)(2) to allow a cargo tank owner to retain the vehicle certification report and related papers at a company's principal place of business or at the location where the vehicle is housed or maintained, without obtaining prior approval from the Regional Director, Office of Motor Carrier Safety, Federal Highway Administration. This change offers motor carriers greater flexibility in the location where these documents are retained.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This rule is not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

The costs and benefits associated with this proposed rule are considered to be so minimal as to not warrant preparation of a regulatory impact analysis or regulatory evaluation. This determination may be revised as a result of public comment.

B. Executive Order 12612

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 ("Federalism"). Federal law expressly preempts State, local, and Indian tribe requirements, applicable to the transportation of hazardous materials, that cover certain subjects and are not substantively the same as the Federal requirements. 49 U.S.C. 5125(b)(1). These subjects are:

(i) The designation, description, and classification of hazardous materials;

(ii) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(iii) The preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of those documents;

(iv) the written notification, recording, and reporting of the unintentional release in transportation of hazardous materials; or

(v) the design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

This proposed rule concerns the classification, packaging, marking, labeling, and handling of hazardous materials, among other covered subjects.

If adopted as final, this rule would preempt any State, local, or Indian tribe requirements concerning these subjects unless the non-Federal requirements are "substantively the same" (see 49 CFR 107.202(d)) as the Federal requirements.

Federal law (49 U.S.C. 5125(b)(2)) provides that if DOT issues a regulation concerning any of the covered subjects after November 16, 1990, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. That effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. RSPA requests comments on what the effective date of Federal preemption should be for the requirements in this proposed rule that concern covered subjects.

C. Executive Order 13084

This propose rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this proposed rule would not significantly or uniquely affect the communities, the funding and consultation requirements of the Executive Order do not apply.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. This proposed rule would amend miscellaneous provisions in the HMR, generally to clarify those provisions and to relax requirements that are overly burdensome. The proposed changes in this rule are generally intended to provide relief to shippers, carriers, and packaging manufacturers, some of whom are small entities (*e.g.*, governmental jurisdictions and not-for-profit organizations). The costs and benefits associated with this proposed rule are considered to be so minimal as to not warrant preparation of a regulatory impact analysis or regulatory evaluation. Therefore, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid Office of Management and Budget (OMB) control number. This NPRM does not propose any new information collection burdens. The information collection associated with the proposal to provide for nonconforming railcars under § 174.50 is currently being reported under the information collection for exemption applications under § 107.105. Information collection requirements contained in § 174.50 have been approved by the OMB under control number 2137–0559.

F. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

G. Unfunded Mandates Reform Act

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

H. Impact on Business Processes and Computer Systems

Many computers that use two digits to keep track of dates will, on January 1, 2000, recognize "double zero" not as 2000 but as 1900. This glitch, the year 2000 problem, could cause computers to stop running or to start generating erroneous data. The Year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 Conversion, Federal agencies are reaching out to increase awareness

of the problem and to offer support. We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 problem. This proposed rule does not mandate business process changes or require modifications to computer systems. Because this proposed rule does not affect organizations' ability to respond to the Year 2000 problem, we do not intend to delay the effectiveness of the requirements.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 175

Air Carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR chapter I is proposed to be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127, 49 CFR 1.53.

§ 171.7 [Amended]

2. In § 171.7, in paragraph (a)(3), in the table of material incorporated by reference, the entry "ASME Code, Sections II (Parts A and B), V, VIII (Division 1), and IX of 1992 Edition of American Society of Mechanical Engineers Boiler and Pressure Vessel Code and Addenda through December 31, 1993" would be removed and the wording "ASME Code, Sections II (Parts A and B), V, VIII (Division 1), and IX of 1998 Edition of American Society of Mechanical Engineers Boiler and Pressure Vessel Code" would be added in its place.

3. In § 171.8, the definitions of "Aerosol," "EX number" and "Placarded car" would be revised to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Aerosol means any non-refillable receptacle containing a gas compressed, liquefied or dissolved under pressure, the sole purpose of which is to expel a nonpoisonous (other than an Division 6.1 Packing Group III material) liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.

* * * * *

EX number means a number preceded by the prefix "EX", assigned by the Associated Administrator for Hazardous Materials Safety, to an item that has been evaluated under the provisions of § 173.56 of this subchapter pertaining to explosives.

* * * * *

Placarded car means a rail car which is placarded in accordance with the requirements of part 172 of this subchapter.

* * * * *

4. In § 171.11, paragraph (d)(5) would be revised and a sentence would be added at the end of paragraph (d)(14) to read as follows:

§ 171.11 Use of ICAO Technical Instructions.

* * * * *

(d) * * *

(5) Except for a Division 2.2 air bag, air bag module, or seat-belt pretensioner, the shipping paper description must conform to the requirements of § 173.166(c) of this subchapter.

* * * * *

(14) * * * In addition, an aerosol must be in a metal packaging if the packaging exceeds 7.22 cubic inches.

* * * * *

5. In § 171.12, a sentence would be added at the end of paragraph (a) and a new paragraph (b)(19) would be added to read as follows:

§ 171.12 Imports and export shipments.

(a) * * * All shipping paper information required under paragraph (b) or (d) of this section must be in English.

(b) * * *

(19) Except for Division 2.2, the shipping paper description for an air bag, air bag module, or seat-belt pretensioner must conform to the requirements of § 173.166(c) of this subchapter.

* * * * *

Part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements

6. The authority citation for part 172 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

7. In § 172.101, paragraphs (b)(2), (b)(6), as redesignated at 64 FR 10753 effective October 1, 1999, and (c)(8) would be revised to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(b) * * *

(2) The letter "A" denotes a material that is subject to the requirements of this subchapter only when offered or intended for transportation by aircraft, unless the material is a hazardous substance or a hazardous waste. A shipping description entry preceded by an "A" may be used to describe a material for other modes of transportation provided all applicable requirements for the entry are met.

* * * * *

(6) The letter "W" denotes a material that is subject to the requirements of this subchapter only when offered or intended for transportation by vessel, unless the material is a hazardous substance or a hazardous waste. A shipping description entry preceded by

a "W" may be used to describe a material for other modes of transportation provided all applicable requirements for the entry are met.

(c) * * *

(8) Use of the words "*liquid*" or "*solid*". The words "liquid" or "solid" may be added to a proper shipping name when a hazardous material specifically listed by name may due to differing physical states be a liquid or solid. When the packaging specified in Column 8 is inappropriate for the physical state of the material the table provided in paragraph (i)(4) of this section should be used to determine the appropriate packaging section.

* * * * *

§ 172.101 [Amended]

8. In addition, in § 172.101, in the Hazardous Materials Table, the following changes would be made:

a. For the entry "Air, compressed", Special Provision "78" would be added in column 7.

b. For the entry, "Polychlorinated biphenyls, liquid, UN2315" in Column (1) Symbols, "A, W" would be removed and Special Provision "140" would be added in column 7 in numerical order.

c. For the entry, "Polychlorinated biphenyls, solid, UN2315" in Column (1) Symbols "A, W" would be removed and Special Provision "140" would be added in column 7 in numerical order.

d. For the entry, "Sodium chlorate, aqueous solution", PG II, Special Provision "B6," would be removed in column 7.

9. In § 172.101, the Hazardous Materials Table would be amended by removing and adding, in appropriate alphabetical sequence, the following entries to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

§ 172.101 HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification numbers	PG	Label codes	Special provisions	(8) Packaging authorizations (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage requirements	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[REMOVE:]												
	Chemical kits *or* First aid kits (*containing hazardous materials*).	9	UN3316		9	15	None	None	None	10 kg	10 kg	A	
	1-Chloro-3-bromopropane.	6.1	UN2688	III	6.1	T2	153	203	241	60 L	220 L	A	
	[ADD:]												
	1-bromo-3-chloropropane.	6.1	UN2688	III	6.1	T2	153	203	241	60 L	220 L	A	
	Chemical kits	9	UN3316		9	15	None	None	None	10 kg	10 kg	A	
	First aid kits	9	UN3316		9	15	None	None	None	10 kg	10 kg	A	
	Fumigated transport vehicle or freight container see § 173.9.												

9a. In addition, in § 172.101, in the Hazardous Materials Table, for the following entries, Column 10B would be revised to read as follows:

Column (2) entry	Column (4) entry	PG	Old column (10B) entry	Revised to read:
Chloroacetone, stabilized	UN1695	I	20, 40, 95	20, 40.
Compressed gases, toxic, flammable, n.o.s. Inhalation hazard Zone A.	UN1953		40, 95	40.
Cupriethylenediamine solution	UN1761	II	95	
Cyclohexyl isocyanate	UN2488	I	20, 40, 95	20, 40.
3,5-Dichloro-2,4,6-trifluoropyridine	NA9264	I	40, 95	40.
Ethyl phosphonothioic dichloride, anhydrous.	NA2927	I	20, 40, 95	20, 40.
Ethyl phosphorodichloridate	NA2927	I	20, 40, 95	20, 40.
Hydrofluoric acid and Sulfuric acid mixtures.	UN1786	I	40, 95	40.
Lead dioxide	UN1872	III	34	
Methyldichloroarsine	NA1556	I	40, 95	40.
Oxidizing liquid, corrosive, n.o.s.	UN3098	I/II/II	34, 56, 58, 69, 106	56, 58, 69, 106.
Oxidizing liquid, toxic, n.o.s.	UN3099	I/II/II	56, 58, 95, 106	56, 58, 106.
Oxidizing solid, corrosive, n.o.s.	UN3085	I/II/II	13, 34, 56, 58, 69, 106	13, 56, 58, 69, 106.
Oxidizing solid, toxic, n.o.s.	UN3087	I/II/II	56, 58, 69, 95, 106	56, 58, 69, 106.
Phenyl isocyanate	UN2487	I	20, 40, 95	20, 40.
Polychlorinated biphenyls	UN2315	II	34	95.
Polyhalogenated biphenyls, liquid or Polyhalogenated terphenyls liquid.	UN3151	II	34	95.
Polyhalogenated biphenyls, solid or Polyhalogenated terphenyls, solid.	UN3152	II	34	95.
Potassium hydrogendifluoride, [solution].	UN1811	II	26, 40, 95	20, 40.
Radioactive material, low specific activity, n.o.s. or Radioactive material, LSA, n.o.s.	UN2912			95.
Radioactive material, special form, n.o.s.	UN2974			95.
Radioactive material, surface contaminated object, n.o.s. or Radioactive material, SCO, n.o.s.	UN2913			95.
Sodium hydrosulfide, solution	NA2922	II	40, 95	40.
Thorium metal, pyrophoric	UN2975			95.
Thorium nitrate, solid	UN2976			95.
Toxic liquids, corrosive, organic, n.o.s., inhalation hazard, Packing Group I, Zone A.	UN2927	I	20, 40, 95	20, 40.
Toxic liquids, corrosive, organic, n.o.s., inhalation hazard, Packing Group I, Zone B.	UN2927	I	20, 40, 95	20, 40.
Toxic liquids, flammable, organic, n.o.s., inhalation hazard, Packing Group I, Zone A.	UN2929	I	20, 40, 95	20, 40.
Toxic liquids, flammable, organic, n.o.s., inhalation hazard, Packing Group I, Zone B.	UN2929	I	20, 40, 95	20, 40.
Toxic, liquids, organic, n.o.s. Inhalation hazard, Packing Group I, Zone B.	UN2810	I	20, 40, 95	20, 40.
Toxic, liquids, organic, n.o.s. Inhalation hazard, Packing Group I, Zone A.	UN2810	I	20, 40, 95	20, 40.
Uranium hexafluoride, fissile (with more than 1 percent U-235).	UN2977			95.
Uranium metal, pyrophoric	UN2979			95.
Uranyl nitrate hexahydrate solution	UN2980			95.
Uranyl nitrate, solid	UN2981			95.

10. In § 172.102, in paragraph (c)(1), Special Provisions 78, 79 and 140 would be added and in paragraph (c)(5) Special Provision N10 would be amended by adding a sentence at the end to read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

Code/Special Provisions

* * * * *

78 This entry may not be used to describe compressed air which contains more than 23.5 percent oxygen. An oxidizer label is not required for any oxygen concentration less than or equal to 23.5 percent.

79 This entry may not be used for mixtures that meet the definition for oxidizing gas.

* * * * *

140 This material is regulated only when it meets the defining criteria for a hazardous substance or a marine pollutant.

* * * * *

(5) * * *

Code/Special Provisions

* * * * *

N10 * * * The approval number (*i.e.*, T–* * *) must be marked on each outer package and on the shipping paper.

* * * * *

§ 172.201 [Amended]

11. In § 172.201, paragraph (a)(1)(ii) would be amended by revising the reference "§ 172.202(a)(1) and (2), and (3)), or" to read "§ 172.202(a)(1), (2), (3), and (4)), or".

12. In § 172.204, in paragraph (c)(1), in the certification the word "packed" would be removed and the word "packaged" would be added in its place and a note would be added following the certification to read as follows:

§ 172.204 Shipper's certification.

* * * * *

(c) * * *

(1) * * *

Note to paragraph (c)(1): In the certification, the word "packed" may be substituted for the word "package" until [10 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE].

* * * * *

13. In § 172.332, paragraph (a) would be revised to read as follows:

§ 172.332 Identification number markings.

(a) *General.* When required by §§ 172.302, 172.336, 172.328, 172.330, or § 172.331, identification number markings must be displayed on orange panels or placards as specified in this section, or on white square-on-point configurations as prescribed in § 172.336(b).

* * * * *

§ 172.336 [Amended]

14. In § 172.336, in paragraph (b), the first sentence would be amended by removing the wording "in hazard classes for which hazard warning placards are not specified,".

15. In § 172.504, in paragraph (e), Table 2 would be amended by revising the entry for category 9, and paragraph (f)(8) would be revised to read as follows:

§ 172.504 General placarding requirements.

* * * * *

(e) * * *

TABLE 2

Category of material (Hazard class or division number and additional description, as appropriate)	Placard name	Placard design section reference (§)
* * * * * * *		
9	Class 9 (see § 172.504(f)(9))	172.560
* * * * * * *		

(f) * * *

(8) For domestic transportation, a POISON INHALATION HAZARD placard is not required on a transport vehicle or freight container that is already placarded with the POISON GAS placard.

* * * * *

16. In § 172.516, the first sentence of paragraph (a) would be revised to read as follows:

§ 172.516 Visibility and display of placards.

(a) Each placard on a motor vehicle and each placard on a rail car must be clearly visible from the direction it faces, except from the direction of another transport vehicle or rail car to which the motor vehicle or rail car is coupled. * * *

* * * * *

17. In § 172.519, paragraph (b)(3) would be revised to read as follows:

§ 172.519 General specifications for placards.

* * * * *

(b) * * *

(3) For other than Class 7 or the DANGEROUS placard, text indicating a hazard (for example, "FLAMMABLE") is not required. In addition, text is not required on the OXYGEN placard provided that the specific identification number is displayed.

* * * * *

18. In § 172.604, paragraph (c)(2) would be revised to read as follows:

§ 172.604 Emergency response telephone number.

* * * * *

(c) * * *

(2) Materials properly described under the shipping names:

Battery powered equipment
Battery powered vehicle
Carbon dioxide, solid
Castor bean
Castor pomace
Castor flake
Castor meal
Consumer commodity
Dry ice
Engines, internal combustion
Fish meal, stabilized
Refrigerating machine
Wheelchair, electric

§ 172.704 [Amended]

19. In § 172.704, the second parenthetical notation in paragraph (b) would be amended by adding the wording "or 1910.1200" immediately after the wording "1910.120".

Part 173—Shippers—General Requirements for Shipments and Packagings

20. The authority citation for part 173 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 44701; 49 CFR 1.45, 1.53.

§ 173.4 [Amended]

21. In § 173.4 the following changes would be made:

a. In paragraph (a)(1)(i), the wording "Division 6.1, Packing Group I materials" would be removed and "materials poisonous by inhalation" added in its place.

b. In paragraph (a)(1)(ii), the wording "Division 6.1, Packing Group I materials" would be removed and "materials poisonous by inhalation" added in its place.

c. In paragraph (a)(1)(iii), the wording "Division 6.1, Packing Group I" would be removed and "materials poisonous by inhalation" added in its place.

22. In addition, in § 173.4, a note would be added following paragraph (a)(6)(ii) to read as follows:

§ 173.4 Small quantity exceptions

(a) * * *

(6) * * *

(ii) * * *

Note to paragraph (a)(6): Each of the tests in paragraph (a)(6) of this section may be performed on a different but identical package; i.e., all tests need not be performed on the same package.

* * * * *

23. In § 173. 5, paragraph (a) introductory text would be revised to read as follows:

§ 173.5 Agricultural operations.

(a) For other than a Class 2 material, the transportation of an agricultural product over local roads between fields of the same farm is excepted from the requirements of this subchapter. A Class 2 material transported over local roads between fields of the same farm is excepted from subparts G and H of part 172 of this subchapter. In either case, transportation of the hazardous material is subject to the following conditions:

* * * * *

24. In § 173.7, a new paragraph (e) would be added to read as follows:

§ 173.7 U.S. Government material.

* * * * *

(e) Class 1 (explosive) materials owned by the Department of Defense and packaged prior to January 1, 1990, in accordance with the requirements of this subchapter in effect at that time, are excepted from the marking and labeling requirements of part 172 of this subchapter and the packaging and package marking requirements of part 178 of this subchapter provided the packagings have maintained their integrity and the explosive material is declared as "government-owned goods packaged prior to January 1, 1990" on the shipping papers.

25. In § 173.12, paragraph (b)(3) would be revised to read as follows:

§ 173.12 Exceptions for shipment of waste materials

* * * * *

(b) * * *

(3) *Prohibited materials.* Materials meeting the definition of Division 6.1 Packing Group I, or Division 4.2 Packing Group I, and bromine pentafluoride; bromine trifluoride; chloric acid; and oleum (fuming sulfuric acid) may not be packaged or described under the provisions of this paragraph (b). In addition, a material that meets the definition of a material poisonous by inhalation may not be offered for transportation or transported under the provisions of this paragraph (b).

* * * * *

§ 173.13 [Amended]

26. In § 173.13, paragraph (a) would be amended by adding the parenthetical phrase "(except for the CARGO AIRCRAFT ONLY label)" after the word "labeling" in the first sentence.

27. In § 173.32, paragraph (e)(3) is revised to read as follows:

§ 173.32 Qualification, maintenance and use of portable tanks other than Specification IM portable tanks.

* * * * *

(e) * * *

(3) *Marking.* The date of the most recent periodic retest must be marked on the tank, on or near the metal certification plate. Marking must be in accordance with § 178.3 of this subchapter, except that a container manufactured under previously authorized specifications may continue to be marked with smaller markings if originally authorized under that specification (e.g., DOT Specification 57 portable tanks).

* * * * *

28. In § 173.60, a new paragraph (b)(14) would be added, to read as follows:

§ 173.60 General packaging requirements for explosives.

* * * * *

(b) * * *

(14) Large and robust explosives articles, normally intended for military use, without their means of initiation or with their means of initiation containing at least two effective protective features, may be carried unpackaged. When such articles have propelling charges or are self-propelled, their ignition systems shall be protected against stimuli encountered during normal conditions of transport. A negative result in Test Series 4 on an unpackaged article indicates that the article can be considered for transport unpackaged. Such unpackaged articles may be fixed to cradles or contained in crates or other suitable handling, storage or launching devices in such a way that they will not become loose during normal conditions of transport and are in accordance with established and approved DOD procedures.

29. In § 173.61, paragraph (a) would be revised to read as follows:

§ 173.61 Mixed packaging requirements.

(a) An explosive may not be packed in the same outside packaging with any material that will adversely affect the explosive. This provision does not apply to an explosive packaged by the DOD or DOE in accordance with § 173.7(a).

* * * * *

§ 173.62 [Amended]

30. In § 173.62, paragraph (d) would be removed.

§ 173.150 [Amended]

31. In § 173.150, the following changes would be made:

a. In paragraph (b) introductory text, the first sentence would be amended by removing the wording "and combustible liquids".

b. In paragraph (f)(3)(iv), the wording "Placarding" would be removed and the wording "For bulk packagings only, placarding" added in its place.

c. In paragraph (f)(3)(viii) the wording "177.834" would be removed and the wording "177.834(j)" added in its place.

32. In § 173.166, paragraph (e) introductory text would be revised, paragraph (f) would be redesignated as paragraph (g) and a new paragraph (f) would be added to read as follows:

§ 173.166 Air bag inflators, air bag modules and seat-belt pretensioners.

* * * * *

(e) *Packagings.* The following packagings at the Packing Group III performance level are authorized:

* * * * *

(f) *Shipments for recycling.* When offered for domestic transportation by highway or cargo aircraft only, a serviceable air bag module or seat-belt pretensioner that has been removed from a motor vehicle manufactured as required for use in the United States may be offered for transportation and transported without compliance with the shipping paper requirement prescribed in paragraph (c) of this section. However, the word "Recycled" must be entered on the shipping paper immediately after the basic description prescribed in § 172.202 of this subchapter. No more than one device is authorized in the packaging prescribed in paragraph (e)(1), (2) or (3) of this section. The device must be cushioned and secured within the package to prevent movement during transportation.

* * * * *

33. In § 173.242, paragraph (c)(1) would be revised to read as follows:

§ 173.242 Bulk packaging for certain medium hazard liquids and solids, including solids with dual hazards.

* * * * *

(c) * * *

(1) Each tank must have a minimum design pressure of 62 kPa (9 psig) and be equipped in accordance with the following, except that frangible devices are not authorized:

(i) Each tank must be equipped with at least one pressure relief device such as a spring-loaded valve or fusible plug.

(ii) Each pressure relief device must communicate with the vapor space of the tank when the tank is in a normal transportation attitude. Shutoff valves may not be installed between the tank opening and any pressure relief device. Pressure relief devices must be mounted, shielded, or drained to prevent the accumulation of any material that could impair the operation or discharge capability of the device.

(iii) The total emergency venting capacity (cu. ft./hr.) of each portable tank must be at least that determined from the following table:

Total surface area square feet [1] [2]	Cubic feet free air per hour
20	15,800
30	23,700
40	31,600
50	39,500
60	47,400
70	55,300
80	63,300
90	71,200
100	79,100
120	94,900
140	110,700
160	126,500

[1] Interpolate for intermediate sizes.
[2] Surface area excludes area of logs.

(A) The pressure operated relief device must open at not less than 3 psig and at not more than the design test pressure of the tank. The minimum venting capacity for pressure activated vents must be 6,000 cubic feet of free air per hour (measured at 14.7 psia and 60° F.) at not more than 5 psig.

(B) If a fusible device is used for relieving pressure, the device must have a minimum area of 1.25 square inches. The device must function at a temperature between 220° F. and 300° F. and at a pressure less than the design test pressure of the tank, unless this latter function is accomplished by a separate device.

(iv) No relief device may be used which would release flammable vapors under normal conditions of transportation (temperature up to and including 130° F.).

* * * * *

34. In § 173.247, paragraph (g)(1)(iii)(C) would be revised to read as follows:

§ 173.247 Bulk packaging for certain elevated temperature materials (Class 9) and certain flammable elevated temperature materials (Class 3).

* * * * *

(g) * * *

(1) * * *

(iii) * * *

(C) For transportation by rail, a nonreclosing pressure relief device incorporating a rupture disc conforming to the requirements of § 179.15 of this subchapter.

* * * * *

§ 173.306 [Amended]

35. In § 173.306, in paragraph (h)(2), the wording "hazardous substance or hazardous waste" would be removed and the wording "hazardous substance, a hazardous waste, or a marine pollutant" would be added in its place.

36. In § 173.307, paragraph (a)(4) would be revised to read as follows:

§ 173.307 Exceptions for compressed gases.

(a) * * *

(4) Refrigerating machines, including dehumidifiers and air conditioners, and components thereof such as precharged tubing containing:

(i) 12 kg (25 pounds) or less of a non-flammable, non-toxic gas;

(ii) 12 L (3 gallons) or less of ammonia solution (UN2672);

(iii) Except when offered or transported by air, 12 kg of a flammable, non-toxic gas;

(iv) Except when offered or transported by air or vessel, 20 kg (44 pounds) or less of a Group A1 refrigerant specified in ANSI/ASHRAE Standard 15; or

(v) 100 g (4 ounces) of a flammable, non-toxic liquified gas.

* * * * *

PART 174—CARRIAGE BY RAIL

37. The authority citation for part 174 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 174.26 [Amended]

38. In § 174.26, the section heading is revised to read as follows:

§ 174.26 Notice to train crews.

* * * * *

39. Section 174.50 would be revised to read as follows:

§ 174.50 Nonconforming or leaking packages.

Leaking non-bulk packages may not be forwarded until repaired, reconditioned, or overpacked in accordance with § 173.3 of this subchapter. Except as otherwise provided in this section, a bulk packaging that no longer conforms to this subchapter may not be forwarded by rail unless repaired or approved for movement by the Associate Administrator for Safety, Federal Railroad Administration. Notification and approval must be in writing, or through telephonic or electronic means, with subsequent written confirmation provided within two weeks. For the applicable address and telephone number, see § 107.117(d)(4) of this chapter. A leaking bulk package containing a hazardous material may be moved without repair or approval only so far as necessary to reduce or eliminate an immediate threat or harm to human health or the environment when it is determined its movement would provide greater safety than allowing the car to remain in place. In the case of a liquid leak, measures must be taken to prevent the spread of liquid.

PART 175—CARRIAGE BY AIRCRAFT

40. The authority citation for part 175 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 175.25 [Amended]

41. In § 175.25, in paragraph (a)(2)(ii), the wording "6.0 mm (0.2 inch)" would be removed and the wording "4.0 mm (0.16 inch)" would be added in its place.

§ 175.30 [Amended]

42. In § 175.30, paragraph (d)(1) would be amended by adding the wording ", on a pallet or in an overpack" after the words "freight container".

PART 177—CARRIAGE BY PUBLIC HIGHWAY

43. The authority citation for part 177 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

44. In § 177.848, paragraph (c) would be revised to read as follows:

§ 177.848 Segregation of hazardous materials.

* * * * *

(c) In addition to the provisions of paragraph (d) of this section, cyanides or cyanide mixtures may not be loaded or stored with acids if the cyanide

material or mixture, when placed in an acid solution, would generate hydrogen cyanide.

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

45. The authority citation for part 178 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 178.3 [Amended]

46. In § 178.3, in paragraph (a) introductory text, the wording "on a non-removable component of the packaging" would be added immediately following the word "marked".

§ 178.345–13 [Amended]

47. In § 178.345–13, in paragraph (a), the wording "and §§ 178–346–13(a), 178–347–13(a) or 178.348–13(a), as applicable" would be removed.

48. In § 178.603, paragraph (f)(5) is revised to read as follows:

§ 178.603 Drop test.

* * * * *

(f) * * *

(5) Any discharge from a closure is slight and ceases immediately after impact with no further leakage; and

* * * * *

§ 178.605 [Amended]

49. In § 178.605, in paragraph (d)(1), in the last sentence, the reference "§ 173.24a (b)(3)" would be revised to read "§ 173.24a (d)".

§ 178.703 [Amended]

50. In § 178.703, in paragraph (a)(1)(ii), the wording "(1) and (2)" would be removed.

51. In § 178.815, a new paragraph (c)(4)(iii) would be added to read as follows:

§ 178.815 Stacking test.

* * * * *

(c) * * *

(4) * * *

(iii) The packaging may be tested using a dynamic compression testing machine. The test must be conducted at room temperature on an empty, unsealed packaging. The test sample must be centered on the bottom platen of the testing machine. The top platen must be lowered until it comes in contact with the test sample. Compression must be applied end to end. The speed of the compression tester must be one-half inch plus or minus one-fourth inch per minute. An initial preload of 50 pounds must be applied to ensure a definite contact between the test sample and the platens. The distance between the platens at this time must be recorded as zero deformation. The force "A" to then be applied must be calculated using the applicable formula:

Liquids: $A=(n-1)[w+(s\times v\times 8.3\times .98)]\times 1.5$; or

Solids: $A=(n-1)[w+(s\times v\times 8.3\times .95)]\times 1.5$

Where:

A=applied load in pounds.

n=minimum number of containers that, when stacked, reach a height of 3 m.

s=specific gravity of lading.

w=maximum weight of one empty container in pounds.

v=actual capacity of container (rated capacity + outage) in gallons.

And:

8.3 corresponds to the weight in pounds of 1.0 gallon of water.

1.5 is a compensation factor that converts the static load of the stacking test into a load suitable for dynamic compression testing.

* * * * *

Part 179—Specifications for Tank Cars

52. The authority citation for part 179 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 179.100–20 [Amended]

53. In the table to § 179.100–20, the last entry for "Water capacity" would be removed.

Part 180—Continuing Qualification and Maintenance of Packagings

54. The authority citation for part 180 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

55. In § 180.417, paragraph (a)(2) would be revised to read as follows:

§ 180.417 Reporting and record retention requirements.

(a) * * *

(2) Each motor carrier who uses a specification cargo tank motor vehicle must obtain a copy of the manufacturer's certificate and related papers or the alternative report authorized by paragraph (a)(3)(i) or (ii) of this section and retain the documents as specified in this paragraph. A motor carrier who is not the owner of a cargo tank motor vehicle must also retain a copy of the vehicle certification report for as long as the cargo tank motor vehicle is used by that carrier and for one year thereafter. The vehicle certification report and related papers must be maintained at the company's principal place of business or at the location where the vehicle is housed or maintained. The provisions of this section do not apply to a motor carrier who leases a cargo tank for less than 30 days.

* * * * *

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Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.R. 457/P.L. 106–56

Organ Donor Leave Act (Sept. 24, 1999; 113 Stat. 407)

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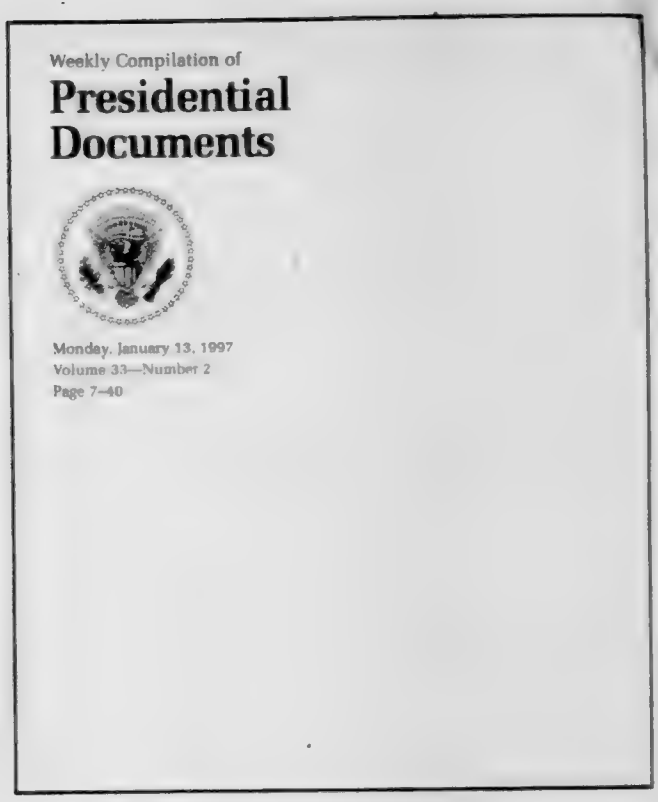

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TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the volume number, the inclusive page numbers, and the corresponding Federal Register issue dates for the period covered.

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INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

INQUIRIES AND SUGGESTIONS

Rob Sheehan was Chief Editor of the LSA, assisted by Dwayne Dehlbom. The LSA was prepared under the direction of Raymond A. Mosley, assisted by Gwen Henderson. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to Raymond A. Mosley, Director, Office of

the Federal Register, National Archives and Records Administration, Washington, DC 20408 or e-mail info@fedreg.nara.gov.

CHECKLIST OF CFR VOLUMES FOR THIS MONTH

(Comprising a Complete CFR Set)

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–034–00001–1)	5.00	[5] Jan. 1, 1999
3 (1997 Compilation and Parts 100 and 101)	(869–038–00002–4)	20.00	[1] Jan. 1, 1999
4	(869–034–00003–7)	7.00	[5] Jan. 1, 1999
5 Parts:			
1–699	(869–038–00004–1)	37.00	Jan. 1, 1999
700–1199	(869–038–00005–9)	27.00	Jan. 1, 1999
1200–End, 6 (6 Reserved)	(869–038–00006–7)	44.00	Jan. 1, 1999
7 Parts:			
1–26	(869–038–00007–5)	25.00	Jan. 1, 1999
27–52	(869–038–00008–3)	32.00	Jan. 1, 1999
53–209	(869–038–00009–1)	20.00	Jan. 1, 1999
210–299	(869–038–00010–5)	47.00	Jan. 1, 1999
300–399	(869–038–00011–3)	25.00	Jan. 1, 1999
400–699	(869–038–00012–1)	37.00	Jan. 1, 1999
700–899	(869–038–00013–0)	32.00	Jan. 1, 1999
900–999	(869–038–00014–8)	41.00	Jan. 1, 1999
1000–1199	(869–038–00015–6)	46.00	Jan. 1, 1999
1200–1599	(869–038–00016–4)	34.00	Jan. 1, 1999
1600–1899	(869–038–00017–2)	55.00	Jan. 1, 1999
1900–1939	(869–038–00018–1)	19.00	Jan. 1, 1999
1940–1949	(869–038–00019–9)	34.00	Jan. 1, 1999
1950–1999	(869–038–00020–2)	41.00	Jan. 1, 1999
2000–End	(869–038–00021–1)	27.00	Jan. 1, 1999
8	(869–038–00022–9)	36.00	Jan. 1, 1999
9 Parts:			
1–199	(869–038–00023–7)	42.00	Jan. 1, 1999
200–End	(869–038–00024–5)	37.00	Jan. 1, 1999
10 Parts:			
1–50	(869–038–00025–3)	42.00	Jan. 1, 1999
51–199	(869–038–00026–1)	34.00	Jan. 1, 1999
200–499	(869–038–00027–0)	33.00	Jan. 1, 1999
500–End	(869–038–00028–8)	43.00	Jan. 1, 1999
11	(869–038–0002–6)	20.00	Jan. 1, 1999
12 Parts:			
1–199	(869–038–00030–0)	17.00	Jan. 1, 1999
200–219	(869–038–00031–8)	20.00	Jan. 1, 1999
220–299	(869–038–00032–6)	40.00	Jan. 1, 1999
300–499	(869–038–00033–4)	25.00	Jan. 1, 1999
500–599	(869–038–00034–2)	24.00	Jan. 1, 1999
600–End	(869–038–00035–1)	45.00	Jan. 1, 1999
13	(869–038–00036–9)	25.00	Jan. 1, 1999
14 Parts:			
1–59	(869–038–00037–7)	50.00	Jan. 1, 1999
60–139	(869–038–00038–5)	42.00	Jan. 1, 1999
140–199	(869–038–00039–3)	17.00	Jan. 1, 1999
200–1199	(869–038–00040–7)	28.00	Jan. 1, 1999
1200–End	(869–038–00041–5)	24.00	Jan. 1, 1999
15 Parts:			
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800–End	(869–038–00044–0)	24.00	Jan. 1, 1999

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200–239	(869–038–00049–1)	34.00	Apr. 1, 1999
240–End	(869–038–00050–4)	44.00	Apr. 1, 1999
18 Parts:			
1–399	(869–038–00051–2)	48.00	Apr. 1, 1999
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19 Parts:			
1–140	(869–038–00053–9)	37.00	Apr. 1, 1999
141–199	(869–038–00054–7)	36.00	Apr. 1, 1999
200–End	(869–038–00055–5)	18.00	Apr. 1, 1999
20 Parts:			
1–399	(869–038–00056–3)	30.00	Apr. 1, 1999
400–499	(869–038–00057–1)	51.00	Apr. 1, 1999
500–End	(869–038–00058–0)	44.00	[7] Apr. 1, 1999
21 Parts:			
1–99	(869–038–00059–8)	24.00	Apr. 1, 1999
100–169	(869–038–00060–1)	28.00	Apr. 1, 1999
170–199	(869–038–00061–0)	29.00	Apr. 1, 1999
200–299	(869–038–00062–8)	11.00	Apr. 1, 1999
300–499	(869–038–00063–6)	50.00	Apr. 1, 1999
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600–799	(869–038–00065–2)	9.00	Apr. 1, 1999
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1300–End	(869–038–00067–9)	14.00	Apr. 1, 1999
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300–End	(869–038–00069–5)	32.00	Apr. 1, 1999
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0–199	(869–038–00071–7)	34.00	Apr. 1, 1999
200–499	(869–034–00072–0)	28.00	Apr. 1, 1998
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§§ 1.1001–1.1400	(869–038–00087–3)	40.00	Apr. 1, 1999
§§ 1.1401–End	(869–038–00088–1)	55.00	Apr. 1, 1999
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300–499	(869–038–00093–8)	37.00	Apr. 1, 1999
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600–End	(869–038–00095–4)	11.00	Apr. 1, 1999
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43–end	(869–034–00099–1)	30.00	July 1, 1998
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100–499	(869–034–00101–7)	12.00	July 1, 1998
500–899	(869–034–00102–5)	40.00	July 1, 1998
900–1899	(869–034–00103–3)	20.00	July 1, 1998
1900–1910 (§§ 1900 to 1910.999)	(869–034–00104–1)	44.00	July 1, 1998
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1926	(869–034–00107–6)	30.00	July 1, 1998
1927–End	(869–034–00108–4)	41.00	July 1, 1998
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400–629	(869–034–00116–5)	33.00	July 1, 1998
630–699	(869–034–00117–3)	22.00	[4] July 1, 1998
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800–End	(869–034–00119–0)	27.00	July 1, 1998
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200–End	(869–034–00122–0)	30.00	July 1, 1998
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300–399	(869–034–00124–6)	25.00	July 1, 1998
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200–299	(869–034–00128–9)	21.00	July 1, 1998
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1–49	(869–034–00134–3)	31.00	July 1, 1998
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52 (52.1019–End)	(869–034–00137–8)	33.00	July 1, 1998
53–59	(869–034–00138–6)	17.00	July 1, 1998
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61–62	(869–034–00140–8)	18.00	July 1, 1998
63	(869–034–00141–6)	57.00	July 1, 1998
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81–85	(869–034–00144–1)	31.00	July 1, 1998
86	(869–034–00144–9)	53.00	July 1, 1998
87-135	(869–034–00146–7)	47.00	July 1, 1998
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150–189	(869–034–00148–3)	34.00	July 1, 1998
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425–699	(869–034–00154–8)	42.00	July 1, 1998
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790–End	(869–034–00156–4)	22.00	July 1, 1998
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41–69	(869–034–00172–6)	21.00	Oct. 1, 1998
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90–139	(869–034–00174–2)	26.00	Oct. 1, 1998
140–155	(869–034–00175–1)	14.00	Oct. 1, 1998
156–165	(869–034–00176–9)	19.00	Oct. 1, 1998
166–199	(869–034–00177–7)	25.00	Oct. 1, 1998
200–499	(869–034–00178–5)	22.00	Oct. 1, 1998
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29–End	(869–034–00191–2)	24.00	Oct. 1, 1998
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186–199	(869–034–00194–7)	11.00	Oct. 1, 1998
200–399	(869–034–00195–5)	46.00	Oct. 1, 1998
400–999	(869–034–00196–3)	54.00	Oct. 1, 1998
1000–1199	(869–034–00197–1)	17.00	Oct. 1, 1998
1200–End	(869–034–00198–0)	13.00	Oct. 1, 1998
50 Parts:			
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600–End	(869–034–00201–3)	33.00	Oct. 1, 1998
CFR Index and Findings Aids	(869–038–00047–4)	48.00	Jan. 1, 1999
Complete 1998 CFR set		951.00	1998
Microfiche CFR Edition:			
Subscription (mailed as issued)		247.00	1998
Individual copies		1.00	1998
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1]Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

CHECKLIST OF CFR VOLUMES FOR THIS MONTH

(Comprising a Complete CFR Set)

Title	Stock Number	Price	Revision Date

[2]The July 1, 1985 edition of 32 CFR Parts 1 to 189 contains a note only for Parts 1 to 39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1 to 39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3]The July 1, 1985 edition of 41 CFR Chapters 1 to 100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the 11 CFR volumes issued as of July 1, 1984, containing those chapters.

[4]No amendments to this volume were promulgated during the period April 1, 1990 to March 31, 1997. The CFR volume issued April 1, 1990, should be retained.

[5]No amendments were promulgated during the period October 1, 1995 to September 30, 1996. The CFR volume issued October 1, 1995 should be retained.

[6]No amendments to this volume were promulgated during the period July 1, 1996 to June 30, 1997. The volume issued July 1, 1996, should be retained.

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Title	*Price*		*Revision Date*
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Individual copies	8.00		daily
LSA (List of CFR Sections Affected):			
Yearly subscription	27.00		
Federal Register Index:			
Yearly subscription	25.00		
CFR Index and Finding Aids	46.00		1998

CHANGES JANUARY 4, 1999 THROUGH JULY 30, 1999

TITLE 1—GENERAL PROVISIONS

No amendments to 1 CFR have been published in the FEDERAL REGISTER since January 1, 1999.

TITLE 2—[RESERVED]

There is no regulatory text to this title.

TITLE 3—THE PRESIDENT

Chapter II—Executive Office of the President (Parts 100—199)

100.1 Revised 12881

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12544 *See* Notice of Dec. 30, 1998 383
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12703 Amended by EO 13118 16595
12759 Revoked by EO 13123 30851

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12831 *See* Notice of May 27, 1999 29205
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12846 *See* Notice of May 27, 1999 29205
12852 Amended by EO 13114 10099
12884 Amended by EO 13118 16595
12902 Revoked by EO 13123 30851
12934 *See* Notice of May 27, 1999 29205
12938 Amended by EO 13128 30851
12947 *See* Notice of Jan. 20, 1999 3393
12957 *See* Notice of Mar. 10, 1999 12239
12959 *See* Notice of Mar. 10, 1999 12239
12981 Amended by EO 13117 16391
13028 *See* EO 13131 40733
13035 Amended by EO 13113 7489
13047 *See* Notice of May 18, 1999 27443
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13078 Revoked by EO 13127 30851
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330.603 Revised; interim....40509
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330.606 (d)(27) revised; (d)(29) and (30) added; interim....40509
330.607 (b) revised; interim....40509
330.702 Revised; interim....40509
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330.705 (a)(3) and (c)(8) revised; (c)(17) through (c)(20) added; interim....40509
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353.106 (c) introductory text amended; (c)(1), (2) and (3) added....31487
353.110 (a)(1)(iii) revised; (a)(2) amended....31487
353.203 (a)(4)(ii) revised....31487
353.208 Amended....31487
353.210 Revised....31487
353.211 (b) amended....31487
531.304 (d) revised....36771
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550.181 Revised; interim....4520
550.182 (b) through (f) redesignated as (c) through (g); new (b) added; (a) and new (d) revised; interim....4520
550.184 (e) revised; interim....4520
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831.201 (g)(3), (4) and (5) redesignated as (g)(4), (5) and (6); new (g)(3) and (i) added; new (g)(5) revised; interim....15288
837.101 (a)(2) revised; interim....15288
837.102 Amended; interim....15288
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846 Authority citation revised....15289
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870.801 (a) introductory text revised; (d) and (e) redesignated as (e) and (f); new (d) added; interim....16602
870.802 (a) amended; (i) added; interim....16602
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890 Authority citation revised....15289, 31487, 36238

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890.102 (c)(8) revised; interim 15289
890.303 (i) revised 31487
890.304 (a)(1)(vi), (vii) and (viii) revised 31487
890.305 (a) revised 31488
890.501 Regulation at 63 FR 45934 confirmed 15633
(e), (f) and (g) revised 31488
890.502 (f) revised 31488
890.1301—890.1308 (Subpart M) Added; interim 36238
950.102 Regulation at 64 FR 65637 confirmed 27169

Chapter II—Merit Systems Protection Board (Parts 1200—1299)

1200.10 (a)(9) and (b)(9) removed; (a)(10) and (b)(10) redesignated as (a)(9) and (b)(9); (b)(8) revised 15916
1201.22 (b)(1) revised 27899
1201.111 (c)(1) designation and (2) added 27900
1201.115 (b) and (c) revised 27900

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1620 Added 31057
1650.15 (c) and (d) added 31062
1651.1 Amended 31062
1651.2 (c) added 31062
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2430 Authority citation revised 30861
2430.4 (a) amended 30861

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2604.201—2604.202 (Subpart B) Heading revised 28090
2604.201 Heading revised; (a)(1) designation and (2) added; new (a)(1), (b) and (c) amended; (b)(4) redesignated as (b)(5); new (b)(4) added 28090
2604.202 (a) amended 28090
2604.301 (a) amended; (e) added 28090
2604.302 (b) heading and (c) revised; (b) amended 28090
2604.303 (b)(2) amended; (b)(3) redesignated as (b)(4); new (b)(3) added 28091
2604.305 (a)(1) designation and (2) added; new (a)(1) amended 28091
2604.402 (b) amended 28091
2604.501 (b)(1)(i) and (3) amended 28091
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2634.304 (f)(3)(iii) amended 2422
2634.904 (b) amended 2422
2635.207 (b)(7) note amended 2422
2635.601 Amended 13064
2635.602 Amended 13064
2635.603 (d) revised 13064
2635.604 (a) amended 13064
2635.605 (a) and (b) amended 13064
2635.606 (a) amended 13064
2635.902 (o) and (z) amended; (q) revised 2422
2636.303 (a) introductory text revised; (a)(4) amended 2422
2641 Appendix B amended 5710

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1.1—1.23 (Subpart A) Appendix A amended....3395
2.20 (a)(1)(vii) added....32797
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2.21 (a)(9) removed; (a)(10) redesignated as (a)(9)....40735
2.29 (a)(11) added....40735
2.60 (a)(47) and (b)(7) added....34967
2.67 (a)(11), (12), and (13) removed; (a)(14) redesignated as (a)(11)....40736
2.73 Added....40736
3.10 Amended....11755
6.20—6.36 (Subpart) Appendixes 1, 2 and 3 revised....17502
11 Revised....33373

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28.909 (b) revised....28884
28.911 (a) amended....28884
37 Added....30867
47 Authority citation revised....38105
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47.2 (j)(2) removed; (j)(1) redesignated as (j); (e), (g), (h), (i), (s), and (t) revised....38105
47.3 (a)(2) introductory text and (vii) amended; (a)(2)(iv) revised; (a)(4) added; (c) removed....38106
47.4 Heading, (b)(1), (3), (c)(1) and (d)(1) revised....38106
47.6 (a) and (c) revised....38106
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47.11 (c) introductory text, (4), (9), (10), and (13) revised....38106
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47.16 (a) introductory text and (b)(1) revised....38107
47.17 (a) amended....38107
47.19 (d)(1), (4), (5), and (6) revised....38107
47.20 Heading, (b)(1), (2), and (h) introductory text revised; (a) amended....38107
47.21 Revised....38108
47.24 Heading and (a) revised; (d) added....38108
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57.1—57.970 Designated as Subpart A; heading added....40738
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246.4 (a)(14)(v) through (x) redesignated as (a)(14)(vi) through (xi); new (a)(14)(v) added....13322
246.12 (f)(2)(xviii), (3) and (k) revised; (f)(2)(xix) and (xx) redesignated as (f)(2)(xxiii) and (xxiv); new (f)(2)(xix), new (xx), (xxi) and (xxii) added....13322
246.15 (b) amended....13324
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271 Authority citation revised....38293
271.1 (g)(155) added....38294
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272 Authority citation revised....38293
273 Authority citation revised....38293
274 Authority citation revised....38293
275 Authority citation revised....38293
275.3 (c)(1)(i) introductory text, (3)(i) introductory text and table revised; (c)(1)(i) table removed; (c)(1)(i)(A), (B), and (C) redesignated as (c)(1)(i)(C), (D), and (E); new (c)(1)(i)(A) and B) added; (c) introductory text, new (C),

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(3)(i)(A) introductory text and (ii) amended 38294
275.10 (a) amended 38294
275.11 (a)(2)(iii) removed; (a)(2)(iv) redesignated as (a)(2)(iii); new (a)(2)(iv) added; (a)(3), (b)(1)(ii) table, (iii) table, (2), (3), (e)(2), (f)(2) introductory text, (iv), (2)(v) and (ix) revised; (b)(1)(ii), (iii), (iv) and (c)(1) amended 38295
275.12 (c)(1) introductory text revised; (f)(2) amended; (g)(2) introductory text revised 38296
275.13 (a) and (e)(2) revised; (b), (c)(1), (2) and (f) amended; (e)(1) heading added 38296
275.23 (c)(4), (e)(6)(i) and (8)(iii) amended; (e)(6)(iii) and (9) revised 38297
276 Authority citation revised 38293
277 Authority citation revised 38293
278 Authority citation revised 38293
278.1 (o) removed; (k)(2) amended; (k)(2), (l)(1)(iii), (iv), (v) and (p) through (t) redesignated as (k)(7), (l)(1)(v), (vi), (vii) and (o) through (s); (a), (b)(3), (j), new (l)(1)(vi), (m) introductory text and new (o) revised; new (k)(2), (3) through (6), new (l)(1)(iii) and new (iv) added; new (q) amended 23171
278.6 (a) and (n) revised; (b)(1), (2)(i), (c) and (i)(1)(v) amended; (e)(1)(iii), (3)(vi) and (8) added 23172
278.8 (a) revised 23174
279 Authority citation revised 38293
279.3 (a)(2) revised 23174
279.7 (a) amended 23174
279.10 (a) amended; (d) revised 23174
280 Authority citation revised 38293
281 Authority citation revised 38293
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285 Authority citation revised 38293

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture (Parts 300—399)

300.1 (a) introductory text revised 37665
301.45 Regulation at 63 FR 38280 confirmed 4286
301.45–3 Regulation at 63 FR 38280 confirmed 4286
(a) amended; interim 40510
301.50–3 (c) amended; (d) removed; interim 387
Regulation at 64 FR 387 confirmed 15918
301.51–3 (c) amended; interim 28715
Regulation at 63 FR 63387 confirmed 29208
301.64 (a) amended; interim 40282
301.64–3 (c) amended 31965
(c) amended; interim 40282
301.64–10 (e) amended 37665
301.75–1 Regulation at 61 FR 1521 confirmed 38815
301.75–4 (a) revised; interim 4780
Regulations at 61 FR 1521 and 64 FR 4780 confirmed 38815
301.78–3 (c) amended; interim 30214
301.81–3 (e) amended; interim 27658
301.81—301.81–10 (Subpart) Appendix amended; interim 27659
301.89–1 Amended 23752
301.89–3 (e) and (f) revised 23752
301.89–4 Revised 23754
301.89–6 (b) amended; (d) removed; (e) redesignated as (d) 23754
301.89–9 (a) table amended 29550
301.89–12 (b) removed 23754
301.89–13 (f) removed 23754
301.89–15 Heading, introductory text, (a) introductory text, (b) and (c) introductory text revised; (c)(2) amended 34113
301.89–16 Heading, introductory text, (a), (b), (c)(1), and (2) amended 34113
301.93–3 (c) revised 31964
319.56–2 (h) revised 2994
319.74–1—319.74–4 (Subpart) Revised 38110

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353.1 Amended 1105
353.7 (a)(4), (b)(4) and (c)(4) amended 1105
353.8 Added 1105
354.2 Table amended 25800
360.200 (a) and (c) amended 12883
360.300 (a) through (d) redesignated as (b) through (e); new (a) added; heading, new (b) and new (e) revised; interim 41009
361.6 (a)(1) amended 12884

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture (Parts 400—499)

400.650—400.657 (Subpart T) Regulation at 63 FR 40633 confirmed 40742
400.651 Regulation at 63 FR 40633 confirmed; amended 40742
400.653 Introductory text and (a) amended 40742
400.654 (b) and (c)(4) amended 40742
400.655 Regulation at 63 FR 40634 confirmed 40742
400.677 Regulation at 63 FR 40631 confirmed 40740
400.700—400.711 (Subpart V) Added 38542
402 Regulation at 63 FR 40631 confirmed 40740
402.4 Regulation at 63 FR 40631 confirmed; amended 40740
407 Added 30219
457.8 Regulation at 63 FR 40634 confirmed; amended 40742
457.134 Amended 33378
457.135 Amended; introductory text revised 33385
457.138 Amended; introductory text revised 24932
Amended 24933

Chapter VII—Farm Service Agency, Department of Agriculture (Parts 700—799)

723.113 (f) added 15295
723.114 (f) added 15295
723.115 (f) added 15295
723.116 (f) added 15295
723.117 (f) added 15295
760.1—760.34 (Subpart) Authority citation revised 17942
761 Added; interim 6496
762 Added 7378
762.106 (g)(2)(ix) correctly revised 38298
762.122 (a)(1), (4) and (c)(1) correctly revised 38298
762.145 (e)(7) corrected 38298
762.150 (e)(2) correctly revised; (g)(4) and (7) corrected 38298
762.160 (a)(2)(ii) correctly revised 38298
782.2 Amended 12885
782.12 (a) introductory text revised; (a)(6) through (9) redesignated as (a)(8) through (11); new (a)(6) and (7) added 12885

Chapter VIII—Grain Inspection, Packers and Stockyard Administration (Federal Grain Inspection Service), Department of Agriculture (Parts 800—899)

800.71 (a) amended 6783
Regulation at 63 FR 35504 confirmed 19022
800.86 (c)(2) Table 4 revised 6783
801.6 Regulation at 63 FR 34554 confirmed 731
801.7 Regulation at 63 FR 35505 confirmed 19022
868.91 Revised 7058

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture (Parts 900—999)

905.306 Regulation at 63 FR 62922 confirmed 15636
905.350 Regulation at 63 FR 51518 confirmed 3814
915.235 Revised 26273
916.350 (a)(3), (4)(i), (ii), (iv) Tables 1 and 2, (8)(i) and (d) revised 19031
916.356 (a)(1) introductory text, (iv) Table 1, (4) introductory text and (6) introductory text revised; (a)(1)(i) Table 1 removed 19031
917.442 (a)(3), (4)(ii), (iv) Tables 1 and 2, (9)(i) and (d) revised 19033

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917.459 (a)(1) introductory text, (iv) Table 1, (3) introductory text, (5) introductory text and (6) introductory text revised; (a)(1)(i) Table 1 removed; (a)(4) introductory text added 19033
920.155 Stayed; eff. 8–1–99 through 7–31–00 41018
920.302 (a)(2), (4)(ii), and (iv) revised; (b)(2) removed; (b)(1) redesignated as (b) 41019
(a)(4)(iii) stayed; eff. 8–1–99 through 7–31–00 41019
920.303 (c)(3), (5), and (d) revised 41019
923.322 (e) revised; interim 33743
925.304 Regulation at 63 FR 28480 confirmed 37838
929.69 (d) amended; interim 24025
Regulation at 64 FR 24025 confirmed 34707
930 Marketing percentages 392
930.158 (b)(2) and (3) revised; interim 30219
930.200 Revised; interim 40513
932.159 Revised; interim 4288
(a) revised; (f) removed; (d) and (e) redesignated as (e) and (f); new (d) added 9268
Regulation at 64 FR 4288 confirmed 23011
Regulation at 64 FR 9265 confirmed; (a) and (d) revised 33009
932.160 Removed; interim 4288
Regulation at 64 FR 4288 confirmed 23011
932.230 Revised 14813
944.106 Regulation at 63 FR 62923 confirmed 15636
944.503 Regulation at 63 FR 28480 confirmed 37838
947.120 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
947.123 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
947.125 Added; interim; eff. 7–1–99 through 6–30–99 34117
947.130 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
947.132 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
947.133 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
947.134 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
947.180 Undesignated center heading added; interim; eff. 7–1–99 through 6–30–99 34117
947.340 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
956.15 Added 4933
956.16 Added 4933
956.20 (a) amended 4933
956.60 Added 4933
956.62 Revised 4933
956.64 Revised 4934
956.70 Undesignated center heading added 4934
979.180 Amended 23759
Regulation at 64 FR 23759 confirmed 41023
979.304 Amended; (b)(4), (c)(4) and (e)(3) revised; (e)(4) removed; (e)(5) redesignated as (e)(4) 23759
Regulation at 64 FR 23759 confirmed 41023
981.441 (a) and (e)(6)(ii) amended; (b), (e)(3), (4)(ii), and (iv) revised 41028
981.472 (a) revised 18802
982 Marketing percentages 2425
982.246 Regulation at 64 FR 2425 confirmed 23011
985 Marketing percentages 2802
989 Marketing percentages 10922
989.212 Regulation at 63 FR 56785 confirmed 2428
989.213 Regulation at 63 FR 56785 confirmed 2428
989.252 Marketing percentages 30236
989.347 Regulation at 64 FR 9056 confirmed 25422
993 Undersized regulation 23763
993.347 Revised 3623
Revised; interim 9056

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture (Parts 1000—1199)

1065.2 (a) suspended in part 4959
1079.7 (b) corrected; CFR correction 19034
(b) introductory text amended 25194

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Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture (Parts 1200—1299)

1205.510 (b)(2) and (3)(ii) table revised 30238
1216 Added 20105
1216.1—1216.88 (Subpart A) Added 41256
1260.141 (a) revised 3815

Chapter XIII—Northeast Dairy Compact Commission (Parts 1300—1399)

1301.13 (e) revised 34514
1307.4 Redesignated as 1307.5; new 1307.4 added 23538
1307.5 Redesignated from 1307.4 23538
1308.1 Introductory text revised 23538
1308.2 Added 23538
1361.11 (a) and (b) revised; interim 18324
1381.4 (a) revised 11756

Chapter XIV—Commodity Credit Corporation, Department of Agriculture (Parts 1400—1499)

1430.500—1430.509 (Subpart D) Added 24934
1434 Added 10924
1437 Heading revised; interim 17272
1437.2 (f) and (g) revised; (h) added; interim 17272
1437.3 Amended; interim 17272
1437.4 (a) revised; interim 17272
1439 Authority citation revised 13498
1439.1—1439.12 (Subpart) Revised 13498
1439.101—1439.104 (Subpart) Removed 13499
1439.201—1439.202 (Subpart) Removed 13499
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1439.601—1439.602 (Subpart) Removed 13499
1439.701—1439.702 (Subpart) Removed 13499
1439.800—1439.810 (Subpart) Removed 13499
1439.101—1439.108 (Subpart) Added 13500
1464.13 (f) added 15295
1464.14 (f) added 15296
1464.15 (f) amended 15296
1464.16 (f) added 15296
1464.17 (f) added 15296
1469 Added 10930
1464.101 (b) amended 2803
1477 Added 18554
1477.110 Correctly designated 35559

Chapter XV—Foreign Agricultural Service, Department of Agriculture (Parts 1500—1599)

1530 Revised 7062

Chapter XVII—Rural Utilities Service, Department of Agriculture (Parts 1700—1799)

1703 Authority citation revised 14356
1703.100—1703.112 (Subpart D) Revised 14357
1703.103 (a)(3) corrected 25422
1703.105 (c) and (e)(6) corrected 25422
1703.108 (a) corrected 25422
1703.120—1703.129 (Subpart E) Added 14360
1703.123 (a)(13) and (14) corrected 25422
(a)(5) revised 25423
1703.125 (b)(9) added; (i)(1) through (7) revised; (i)(8) through (11) removed 25423
1703.126 (a) corrected 25422
1703.127 (c)(1) and (3) corrected 25422
1703.130—1703.137 (Subpart F) Added 14366
1703.134 (l) corrected 25422
(g)(1) through (7) revised; (g)(8) through (11) removed 25423
1703.140—1703.147 (Subpart G) Added 14369
1703.140 Introductory text amended 25423
1703.141 (i) amended 25423

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1703.142 (a) and (b)(4) revised; (b)(5) added 25423
1703.144 (c)(4), (d)(2), (3), (f)(2) and (4) corrected 25422
(g)(1) through (7) revised; (g)(8), (9) and (10) removed 25423
1703.145 (b) corrected 25422
1703.300—1703.313 Redesignated as Subpart H 14356
1710 Authority citation revised 33178
1710.106 (a)(1)(i) and (2)(i) revised; (a)(3) removed; (a)(4), (5) and (6) redesignated as (a)(3), (4) and (5) 33178
1710.250 (f) amended 33178
1728 Bulletin 14813
1753 Authority citation revised 16604
1753.1 (a) revised 16604
1753.2 Amended 16604
1753.3 (a) amended 16604
1753.5 (b)(1) revised; (b)(2) redesignated as (b)(3); new (b)(2) added 16604
1753.6 (a) revised; (e) added 16605
1753.7 (c) and (e) revised 16605
1753.8 (a)(1), (11)(i), (ii) introductory text, (iii) introductory text and (12)(i) revised; (a)(11)(iv) added 16605
1753.11 (a)(3), (b) and (d) revised 16605
1753.15 (a)(2) through (5) redesignated as (a)(3) through (6); (a)(1), new (5)(i) and (ii) revised; new (a)(2) added 16605
1753.16 (b)(1) through (4) revised 16606
1753.17 (b)(1)(ii)(D) amended; (b)(1)(ii)(E) added; (c)(1)(i)(C) and (2)(i)(A) revised 16606
1753.18 Added 16606
1753.25 (a), (c) and (d) revised 16606
1753.26 (a) through (d) redesignated as (b) through (e); new (a) added; new (b)(1) revised 16606
1753.30 (b), (c)(2) and (3) revised 16606
1753.36 (g) revised 16607
1753.37 (c) revised 16607
1753.38 (a)(1)(i), (v), (2)(i), (v), (b)(1), (3), (5), (e)(2) and (3) amended 16607
1753.39 (a), (e)(1), (2), (f) introductory text, (1)(ii)(A), (iii), (iv) and (g) revised; (e)(3) removed; (h) added 16608
1753.46 (c)(2) and (3) revised 16608
1753.47 (c) revised 16609
1753.48 (a)(4) and (b)(1) revised 16609
1753.49 (b), (c)(2) and (3) revised 16609
1753.50 Removed 16610
1753.58 (b), (c)(2) and (5) revised 16610
1753.68 (b)(2)(i) through (v), (4)(i), (ii), (c)(2) and (d)(3) revised 16611
1753.76 (a) revised 16611
1753.77 Revised 16612
1753.80 (b) revised 16612
1753 Appendixes A through F removed 16612
1755.26 Added 6500
1755.27 Added 6500
1755.28 Added 6500
1755.29 Added 6500
1755.30 Added 6501
1755.93 Removed 6501
1755.217 Removed 6501
1755.525 Removed 6501
1780.7 (h) removed 29946
1780.10 (b)(2) revised 29946
1780.35 (c) revised 29946
1780.39 (e)(2) and (f) introductory text revised 29946
1780.45 (a)(2) revised 29946
1780.48 (b) introductory text revised 29946
1780.49 (c)(4) and (d) revised 29946
1780.55 Revised 29946
1780.57 (o) added 29946
1780.94 (j)(3) revised 29947
1788 Revised 2

Chapter XVIII—Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, Department of Agriculture (Parts 1800—2099)

1940 Authority citation revised 24480
1940.560 Regulation at 63 FR 39458 confirmed 32371
1940.579 Revised 24480
1944.153 Amended 24480
1944.157 (a)(1) and (3) revised 24480

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1944.160 Added 24480
1944.164 (b) revised; (d) introductory text and (1)(i) amended 24480
1944.169 (a)(1) revised 24480
1944.170 Heading, introductory text, (a) and (b) revised; (c) redesignated as (f); new (c), (d) and (e) added; new (f)(5)(i), (ii)(B) and (C) amended; new (f)(7) removed 24480
1944.151—1944.200 (Subpart D) Exhibits A and A–1 amended 24482
1951.914 Heading and (b) introductory text revised; (h) added; interim 19865
1951.951 Amended; interim 393
1951.952 Amended; interim 394
1951.953 (b) revised; interim 394
1951.954 (a)(1), (5), (7), (b)(2), (4) and (5) revised; interim 394
1980.1 Revised 7402
1980.6 (a) and (b) amended 7402
1980.11 Amended 7402
1980.13 (b) introductory text amended; (b)(4) introductory text revised 7402
1980.20 (a) introductory text amended 7402
1980.21 Revised 7402
1980.22 (a) revised; (b) introductory text and (3) amended 7402
1980.46 Removed 7402
1980.60 Heading, (a) introductory text, (1), (6), (7), (9) through (12), (b) and (c) amended 7402
1980.61 (a)(2) and (c) removed; (a)(3) and (d) through (h) redesignated as (a)(2) and (c) through (g); heading, (a)(1), new (2), (b)(1), (3), (4), new (c) and new (d) amended 7402
1980.61 (f) and (g) amended 7403
1980.62 Amended 7403
1980.63 (a) amended 7403
1980.64 (a) and (b) amended 7403
1980.65 Amended 7403
1980.66 Amended 7403
1980.67 (a) and (b) amended 7403
1980.68 Amended 7403
1980.83 Regulation at 56 FR 8259 confirmed 7378
(a) amended 7403
1980.84 Heading, (b)(1)(iv), (v) and (4) amended 7403
1980.100 Regulation at 56 FR 8260 confirmed 7378
1980.1—1980.100 (Subpart A) Regulations at 56 FR 8261 and 8263 confirmed 7378
Appendixes D through L removed 7403
1980.101 Regulation at 56 FR 8264 confirmed 7378
1980.110 Regulation at 56 FR 8264 confirmed 7378
1980.113 Regulation at 56 FR 8264 confirmed 7378
1980.115 Regulation at 56 FR 8264 confirmed 7378
1980.122 Regulation at 56 FR 8264 confirmed 7378
1980.124 Regulation at 56 FR 8264 confirmed 7378
1980.125 Regulation at 56 FR 8264 confirmed 7378
1980.145 Regulation at 56 FR 8264 confirmed 7378
1980.175 Regulation at 56 FR 8264 confirmed 7378
1980.200 Regulation at 56 FR 8264 confirmed 7378
1980.101—1980.200 (Subpart B) Regulations at 56 FR 8265, 8266 and 8271 confirmed 7378
1980.340 Regulation at 56 FR 8271 confirmed 7378
1980.354 Regulation at 56 FR 8271 confirmed 7378
1980.424 Regulation at 56 FR 8271 confirmed 7378
1980.451 Regulation at 56 FR 8271 confirmed 7378
1980.452 Regulation at 56 FR 8271 confirmed 7378
1980.628 Regulation at 56 FR 8271 confirmed 7378
1980.646 Regulation at 56 FR 8271 confirmed 7378
1980.648 Regulation at 56 FR 8271 confirmed 7378
1980.801 (b) amended 28336
1980.802 Amended 28336
1980.805 Amended 28336
1980.813 (a)(2), (b)(1) and (2) removed; (a)(3), (b)(3) and (4) redesignated as (a)(2), (b)(1) and (2); (a) introductory text and new (2)(i) amended 28336

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1980.814 (d) removed; (e) through (h) redesignated as (d) through (g) 28336
1980.844 Revised 28336
1980.853 Regulation at 56 FR 8271 confirmed 7378
2003 Authority citation revised 32388
2003.18 (b)(5)(i) amended 32388

Chapter XXXIV—Cooperative State Research, Education, and Extension Service, Department of Agriculture (Parts 3400—3499)

3400 Authority citation revised 34103
3400.1 Revised 34103
3400.7 (c) revised 34103
3400.20—3400.22 (Subpart C) Added 34104
3400.23 (Subpart D) Added 34104

Chapter XXXV—Rural Housing Service, Department of Agriculture (Parts 3500—3599)

3565 Regulation at 63 FR 39458 confirmed 32371
3565.5 (b) revised 32371
3565.6 Revised 32371
3565.8 Revised 32371
3565.9 (e) removed; (f) redesignated as (e) 32372
3565.13 Revised 32372
3565.52 Introductory text amended 32372
3565.53 (a) revised; (b) amended 32372
3565.103 (d)(9) added 32372
3565.303 (d)(8) amended 32372
3565.351 (a) amended 32372
3570.51—3570.100 (Subpart B) Revised 32388
3575 Added 28337

Chapter XXX—Office of Chief Financial Officer, Department of Agriculture (Parts 3000—3099)

3700.3 (g) removed 40736

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27—209 (Ch. I) 8014
28 15937
29 ..... 25462, 39432
47 4342
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900—999 (Ch. IX) 8014
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1728 17219
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2812 41049
3400 14348
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TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice (Parts 1—599)

3.1 (b)(12) revised; interim 25766
3.23 Heading revised; (b)(4)(i) amended; interim 8487
3.42 (d) and (f) revised; interim 8487
3.43 (b)(4)(v), (vi) and (c)(2) revised; (c)(3) added 13666
103.1 (g)(3)(ii) amended; interim 27875
103.5a (a)(3) added 17944
103.7 (b)(1) table amended; interim 27875
103.12 (a)(5) revised; interim 8487
207.2 (d) amended; interim 27661
208.1 Revised; interim 8487
208.2 (a), (b)(1)(ii) and (3) revised; interim 8487
208.4 (a) introductory text and (b)(2) revised; interim 8488
(b)(2) corrected 13881
208.5 (b)(1) introductory text revised; interim 8488
208.11 (b)(2) revised; interim 8488
208.12 (a) revised; interim 8488
208.13 (c)(1) revised; interim 8488
208.14 Heading revised; (f) added; interim 27875
208.16 (c) and (d) redesignated as (d) and (e); heading, (a), (b) introductory text and new (d) and (e) revised; new (c) and (f) added; interim 8488
208.17 Revised; interim 8489
208.18 Redesignated as 208.19; new 208.18 added; interim 8490
(b)(2) corrected 13881
208.19 Redesignated as 208.20; new 208.19 redesignated from 208.18; interim 8490
Revised; interim 8492
208.20 Redesignated as 208.21; new 208.20 redesignated from 208.19; interim 8490
208.21 Redesignated as 208.22; new 208.21 redesignated from 208.20; interim 8490
Revised; interim 8492

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208.22 Redesignated as 208.23; new 208.22 redesignated from 208.21; interim 8490
208.23 Redesignated from 208.22; interim 8490
208.30 (b), (d), (e), (f)(1), (2) and (3) revised; interim 8492
208.31 Added; interim 8493
(e) and (g) corrected 13881
212.1 (b) revised; interim 7990
212.2 (d) amended; (g)(3) added; interim 25766
212.7 (a)(1)(iii) and (b)(2)(iv) added; (b)(2)(ii) and (iii) amended; interim 25766
212.15 (c) introductory text, (e) and (g)(4)(i) revised; (c)(3) added; interim 23177
214.2 (h)(16)(i) and (l)(16) revised; interim 29211
(h)(16)(i)(C) and (D) correctly added 30103
(f)(5)(i) and (j)(1)(ii) revised; (f)(5)(vi) and (j)(1)(vi) added; interim 32147
(j)(1)(iv) corrected 33346
Corrected 36423
235.1 (d)(4) revised; interim 8494
Regulation at 62 FR 47751 confirmed; (e) introductory text amended; (e)(1)(v), (4) and (5)(ii) revised 36561
235.3 (b)(4) introductory text and (i)(D) revised; interim 8494
235.6 (a)(1)(ii), (iii) and (2)(i) revised; interim 8494
235.8 (b)(4) added; interim 8494
238.1 (b)(2)(i) and (c)(1) revised; (f)(3) added; interim 8494
240 Authority citation revised 25766, 27875
240.1 (a) revised; interim 8495
(a)(1)(ii) amended; interim 25766
240.11 (a)(1) amended; interim 25766
240.20 (c) added; interim 27875
240.31 Amended; interim 25766
240.41 (a) amended; interim 25767
240.58 Added; interim 27875
240.60—240.70 (Subpart H) Added; interim 27876
240.64 (d)(1) corrected 33386
241 Technical correction 39560
241.8 (d) revised; interim 8495
241.11 (d)(1) revised; interim 8495
244.1 Amended; interim 4781
244.6 Revised; interim 4781
244.10 Heading, (a), (b), (d)(2), (f)(2)(iii) and (4)(ii) amended; interim 4782
244.12 (a) amended; interim 4782
244.15 (a) amended; interim 4782
244.18 (b) amended; interim 4782
245 Authority citation revised 25767
245.2 (a)(4)(ii) revised; interim 29211
245.15 Added; interim 25767
246.1 Amended; interim 27881
246.2 Amended; interim 27881
253.1 (f) revised; interim 8495
274a.2 (b)(1)(vi)(B) and (C) revised; interim 6189
(b)(1)(vi)(B)(*2*) and (C)(*1*) corrected 11533
274a.12 (c)(9) amended; interim 25773
(c)(10) amended; interim 27881
274a.13 (d) amended; interim 25773
299.1 Table amended; interim 25773, 27881
299.5 Table amended; interim 25774, 27881
312.1 (b)(3) amended 7993
312.2 (b)(1) and (2) amended 7993
499.1 Table amended 7993
507 Added; interim 8496

Proposed Rules:

2 17128
103 26698
212 28676
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TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture (Parts 1—199)

1 Policy statement 38546
1.1 Suspended in part 15920
2 Policy statement 38546
3 Policy statement 38546
3.6 Regulation at 63 FR 37482 confirmed 19253
3.111 Suspended 15920
50.1 Regulation at 63 FR 72122 eff. 2-1-99 3340
52 Added; interim 2549

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Regulation at 64 FR 2549 eff. date extended 37395
52.4 Revised 13065
72.5 Revised 41266
77.1—77.6 (Subpart A) Regulation at 63 FR 72122 eff. 2–1–99 3340
77.1 Regulation at 63 FR 72122 eff. 2–1–99 3340
77.3 Regulation at 63 FR 72122 eff. 2–1–99 3340
77.6 Regulation at 63 FR 72122 eff. 2–1–99 3340
77.7 Regulation at 63 FR 72122 eff. 2–1–99 3340
77.8—77.18 (Subpart B) Regulation at 63 FR 72122 eff. 2–1–99 3340
78.1 Amended 15298
78.41 Regulation at 63 FR 44545 confirmed 395
Regulation at 63 FR 53781 confirmed 15298
(a) and (b) amended 36777
78.43 Regulation at 63 FR 44777 confirmed 5
Regulation at 63 FR 53782 confirmed 5
91 Effective date confirmation 41266
91.1 Regulation at 63 FR 72129 eff. 2–1–99 3340
91.7 Regulation at 63 FR 72129 eff. 2–1–99 3340
91.14 (a)(11) and (12) revised 29949
93 Effective date confirmed 34707
93.303 (d) amended 23179
93.308 (a)(3) revised 31967
93.403 (e) amended 23179
93.503 (e) amended 23179
94 Footnotes 5 through 14, 15 and 16 redesignated as footnotes 6 through 15, 17 and 18; new footnote 13 revised 38550
94.6 Heading revised; (c)(5) redesignated as (c)(6); new (c)(5) added 38550
94.17 Footnote 2 redesignated as footnote 16 and revised 38550
98 Effective date confirmed 34707
98.303 (d) amended 23179

Chapter III—Food Safety and Inspection Service, Department of Agriculture (Parts 300—599)

Chapter III Policy statement 2803
Technical correction 3340
301 Authority citation revised 744
301.2 Amended 744
317.2 (l) introductory text revised 744
318.7 (c)(4) table amended 27904
318.17 Revised 744
318.23 Revised 744
319.104 (d) amended 27904
320 Authority citation revised 745
320.1 (b)(4) removed 745
320.4 Amended 745
331.2 Table amended 37667
331.6 Table amended 37667
381 Authority citation revised 745
381.1 (b) amended 745
381.125 (b) introductory text amended 746
381.150 Revised 746
381.221 Table amended 37667
381.224 Table amended 37667
391.2 Revised 19868
391.3 Revised 19868
391.4 Revised 19868
391.5 (a) revised 19868
416 Request for comment 28351
417 Request for comment 28351

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TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission (Parts 0—199)

2.715 (c) revised 29213

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TITLE 10 Chapter I—Con.

2.790 (d)(1) revised 15641
2.1006 (a) corrected 15920
2.1203 (e) revised 29214
2.1205 (f)(2), (g), (k)(1)(i) and (ii) revised 29214
2.1211 (b) revised 29213
9 Implementation 24936, 39393
Technical correction 27041
10 Authority citation revised 15641
10.1 Revised 15641
10.2 (d) revised 15641
10.5 Amended 15641
10.10 (d) introductory text revised 15641
10.12 (a) and (c) revised 15642
10.20 Revised 15642
10.21 Revised 15642
10.22 Revised 15642
10.23 (a) revised 15642
10.25 (a) and (c) revised 15643
10.27 (c) revised 15643
10.28 (n) revised 15643
10.31 Revised 15643
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10.33 Revised 15644
10.34 (a) revised 15645
10.35 Revised 15645
11.3 (a) revised 15645
11.7 Amended 15645
11.15 Revised 15645
11.16 Revised 15647
11.21 (c) and (d) revised 15647
25.5 Amended 15647
25.9 Revised 15647
25.11 Revised 15647
25.19 Revised 15648
25.21 (c) revised 15648
25.23 (a) revised 15648
25.25 Revised 15648
25.27 (b) revised 15648
25.31 (a), (b) and (c) revised 15648
25.33 (a) and (b) revised 15649
25.35 (b) revised 15649
25.37 (b) revised 15649
25 Appendix A revised 15649
40 Appendix A amended 17510
50.54 (a)(3) revised; (a)(4) added 9034
(p)(3) and (t) revised; (p)(4) added 14817
50.55a (h) revised 17946
(h)(1) and (2) corrected 23763
50.65 Introductory text and (a)(4) added; (a)(3) revised (effective date pending) 38557
55.8 (c)(4) revised 19878
55.40 Added 19878
55.49 Revised 19878
72.1 Revised 33182
72.2 (e) removed; (f) redesignated as (e); new (f) added 33183
72.4 Revised 33183
72.44 (d)(3) revised 33183
72.75 (d)(2) revised; (d)(3) through (7) added 33183
72.82 (e) removed 17512
72.122 (h)(4) and (i) revised 33184
72.124 (b) revised 33184
72.140 (d) revised 33184
72.216 (c) revised 33184
73.55 (g)(4) revised 14818
(g)(4)(i) introductory text, (A), (B) and (ii) correctly designated 17947
73 Appendix C amended 14818
95 Heading revised 15649
95.5 Amended 15649
95.8 (b) revised 15650
95.9 Revised 15650
95.11 Revised 15650
95.15 (a) revised 15650
95.17 (a) introductory text and (1) revised 15650
95.19 Revised 15650
95.20 Revised 15651
95.21 Revised 15651
95.25 Heading, (a) introductory text, (2), (b), (c)(2), (f), (g), (h), (i), (j)(1), (6) and (7) revised 15651
95.27 Revised 15651
95.29 (a), (c)(2) and (4) revised 15652
95.33 (f) revised 15652
95.34 Added 15652
95.36 (a), (c) and (d) revised 15652
95.37 (c)(1)(iv) removed; (c)(1)(i) and (h)(2) revised 15652
95.39 (b)(3) and (c)(2) revised 15652
95.45 (a) revised 15653
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95.57 Revised 15653
170.2 (r) added 31469
170.3 Amended 31469
170.5 Revised 31469
170.11 (a)(11) removed; (a)(12) added 31469
170.12 Revised 31469
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170.21 Amended 31470
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171 Heading revised 31475
171.9 Revised 31475
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171.17 Revised 31480
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490.2 Amended 26829
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600.27 (b)(2)(i)(B) amended 4029

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708 Revised 12870
708.40 Added; interim 37397
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4.32 Regulation at 63 FR 62929 confirmed; (b)(1)(vii) revised.....29216
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91.11 Heading revised 1079
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91.702 Added 1079
91 SFAR No. 84 added 15121
93 SFAR No. 50-2 amended 5154
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121 SFAR No. 36 amended 960
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121.306 Added 1080
121.580 Added 1080
125 Heading revised 1080
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125.1 (a) revised; (d) added 1080
125.204 Added 1080
125.328 Added 1080
135 SFAR No. 36 amended 960
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135.120 Added 1080
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255.12 Revised 15129
257 Added 12851
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258 Added 12860
293 Added 40674
399 Authority citation revised 12852
399.88 Removed 12852
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401 Authority citation revised 19613

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TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce (Parts 30—199)

30.1 (c) added 40976
30.7 Introductory text revised 40976
30.39 Revised 40976
30.60—30.66 (Subpart E) Added 40977
30.70 (Subpart E) Redesignated as Subpart F: 40977
30.80—30.83 (Subpart F) Redesignated as Subpart G 40977
30.80 (d) revised 24943
30.90—30.99 (Subpart G) Redesignated as Subpart H 40977
30.91 (a) revised 40981
30 Appendixes A, B, and C added 40981

Chapter VII—Bureau of Export Administration, Department of Commerce (Parts 700—799)

734 Authority citation revised 27140
734.2 (b)(1) and (4) amended 13339
734.4 (b) revised 13339
734.5 (a) revised; interim 27141
736 Authority citation revised 27141
736.2 (b)(7)(i) revised; interim 27141
738 Authority citation revised 17970, 27141
738.2 (d)(2)(i)(A) amended; interim 17970, 27141
738 Supplement No. 1 amended; interim 17970
Supplement No. 1 amended 28908
740 Authority citation revised 2430, 17970, 27141, 28908, 40108
740.2 (a)(5) amended 13339
740.7 (d)(4) redesignated as (d)(5); new (d)(4) and (5)(v)(A)(*8*) note added; new (d)(5)(iii), (v) introductory text and (A) introductory amended; new (d)(5)(v)(B) revised; interim 2430
Amended 28908
740.11 Heading and introductory text revised; (c) added; interim 27141
(a)(2) and Supplement No. 1 revised 40108
740.14 (e)(1)(iii) amended; interim 17973
740 Supplement No. 1 amended 28908
742 Authority citation revised 2430, 17970, 27141
742.2 (a) introductory text revised; interim 27142
Amended 28909
742.8 (a)(4)(ii) amended; interim 27142
742.9 (a)(3)(ii) amended; interim 27142
742.10 (a)(4)(ii) amended; interim 27142
742.12 (b)(3)(i)(C) and (iv)(B) revised; interim 2431
742.14 Revised 13339
742.15 Second (b)(6)(v) redesignated as (b)(6)(vi) 3214
742.17 Added; interim 17973
742.18 Added; interim 27142
742 Supplement No. 4 amended 3214
Supplement No. 2 amended; interim 27143
743 Authority citation revised 40108
743.1 (b) amended 3214
(c)(1) revised 40110
744 Authority citation revised 1121
744.10 Revised 14605
744.13 Added; interim 1121
744.14 Added; interim 1122
744 Supplement No. 4 amended 14606, 28910
Supplement No.1, Category 1 (ECCN 1C004 and ECCN 1C996) amended 40110
Supplement No.1, Category 2 (ECCN 2B001, 2B004, 2B005, 2D001 and 2E003) amended 40111
Supplement No.1, Category 2 amended 40113
Supplement No.1, Category 3 (ECCN 3A001, 3A002, 3A991, 3B001, 3B991, 3C002, 3E001, 3C992 and 3E002) 40117
Supplement No.1, Category 4 (ECCN 4A003) amended 40124

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TITLE 15 Chapter VII—Con.

Supplement No.1, Category 4 amended 40125
Supplement No.1, Category 5 amended 40128
Supplement No.1, Category 5 (ECCN 5A001, 5A991, 5B001, 5C001, 5C9991, 5D001 and 5E001) 40129
Supplement No.1, Category 6 (ECCN 6A003, 6A005, 6C002 and 6C992) 40132
Supplement No.1, Category 7 amended 40135
745 Added; interim 27143
745.1 (b)(3) amended 28909
745 Supplement No. 3 amended 28909
746 Authority citation revised 24018
746.2 (b)(4)(iii) added 25808
746.9 Revised 24019
748 Authority citation revised 2430, 17970
748.8 (q) added; interim 27146
748.9 (b)(2)(i)(*1*) removed; (b)(2)(i)(*2*) and (*3*) redesignated as (b)(2)(i)(A) and (B); interim 2431
(a) introductory text revised; interim 17973
748.10 (b)(2) amended; (b)(3) redesignated as (b)(4); new (b)(3) added; new (b)(4) introductory text revised; interim 2431
748.14 Added; interim 17973
748 Supplement No. 6 added; interim 17974
Supplement No. 2 amended; interim 27146
752.3 (a)(8) removed; (a)(9), (10) and (11) redesignated (a)(8), (9) and (10) 13339
758 Authority citation revised 27141
758.3 (h)(2) amended; interim 27146
762 Authority citation revised 17970
772 Authority citation revised 1121, 5932
Amended; interim 1122, 5932
Amended 13339, 27146
774 Authority citation revised 5932, 17970, 27141
Supplement No. 1, Category 1 (ECCN 1B115, 1C111, 1C118, 1E001 and 1E101) amended; interim 5932
Supplement No. 1, Category 0 (ECCN 0A982, 0D001 and 0E001) amended 10854
Supplement No. 1, Category 1 (ECCN 1A002, 1A005, 1C001, 1D390, 1D993, 1E994 and 1E001) amended 10854
Supplement No. 1, Category 2 (ECCN 2B001, 2B003, 2B004, 2B005, 2B104, 2B996 and 23003) amended 10855
Supplement No. 1, Category 3 (ECCN 3A001, 3A002, 3B001 and 3C002) amended 10857
Supplement No. 1, Category 4 (ECCN 4A003, 4D001 and 4E001) amended 10860
Supplement No. 1, Category 5 (ECCN 5A991, 5D001 and 5E001) amended 10861
Supplement No. 1, Category 6 (ECCN 6A001, 6A003, 6A005, 6A007, 6A008, 6D001, 6D003, 6E001 and 6E002) amended
Supplement No. 1, Category 7 (ECCN 7D003) amended 10867
Supplement No. 1, Category 8 (ECCN 8A002, 8A992, 8D001 and 8E001) amended 10867
Supplement No. 1, Category 9 (ECCN 9A018) 10869
Supplement No. 1, Category 4 (ECCN 4D001, 4E001) corrected 12745
Supplement No. 1, Category 9 (ECCN 9A004) amended 13340
Supplement No. 1, Category 0 (ECCN 0A984, 0A985 and 0A987) amended; interim 17975
Supplement No. 1, Category 1 (ECCN 1C350) amended; interim 27146
Supplement No. 1, Category 1 (ECCN 1C351) amended; interim 27148
Supplement No. 1, Category 1 (ECCN 1C355) amended; interim 27149
Supplement No. 1, Category 1 (ECCN 1E001) amended; interim 27150
Supplement No. 1 corrected 27854
Supplement No. 1, Category 1 (ECCN 1E001) amended 28909
Supplement No. 1, Category 1 (ECCN 1C350) corrected 30103

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Supplement No. 1, Category 3 (ECCN 3A001) amended 36780

Chapter VIII—Bureau of Economic Analysis, Department of Commerce (Parts 800—899)

806.15 (i) amended 10389

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900—999)

902.1 (b) table amended (OMB numbers)...14, 3627, 4036, 14054, 29133, 36781, 39019

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922 ..... 19945, 27484, 30929, 35102, 38853

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission (Parts 0—999)

4.1 (b)(1) introductory text, (iii) and (5)(vii) amended 14830
4.8 (b)(4) and (6) revised 3012
4.11 (a)(1)(i)(A), (B), (iii)(A), (2)(i)(A), (B) and (ii)(A) revised; (a)(1)(i)(E) and (iii)(D) redesignated as (a)(1)(i)(F) and (iii)(E); new (a)(1)(i)(E), new (iii)(D) and (h) added 3013
(c) and (d) amended; (e) revised 32180
(d)(1) corrected 35256
4.13 (c) and (i)(1) amended 3014
23.0 Amended 33194
239 Announcement 19700
245 Removed 30902
305.9 (a) revised 7785
305 Appendix H corrected 926
Appendix F revised 32403
700 Announcement 19700
701 Announcement 19700
702 Announcement 19700
703 Announcement 19700
901.3 Introductory text and (d) amended 34533
901.4 (b) revised 34533

Chapter II—Consumer Product Safety Commission (Parts 1000—1799)

1615 Authority citation revised 34535
1615.1 Introductory text, (c) introductory text, (1) and (3) revised 2838
(c)(1) amended 34533
(c)(10) and (11) added; eff. 6-28-00 34535
1615.2 (a), (b), and (c) amended 34533
1615.4 Footnotes 2, 3, and 4 redesignated as footnotes 3, 4, and 5; eff. 6-28-00 34536
1615.64 (d) introductory text revised 2832
(a)(1) and (b) amended 34533
1616 Authority citation revised 34536
1616.2 Introductory text, (m) introductory text, (1) and (3) revised 2841
(m)(10) and (11) added; eff. 6-28-00 34536
1616.5 Footnotes 2 through 6 redesignated as footnotes 3 through 7; eff. 6-28-00 34538
1616.65 (d) introductory text revised 2833
1700.14 (a)(29) added; eff. 6-19-00 32803

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TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission (Parts 1—199)

1 Fee schedules 19711
1.31 (b), (c) and (d) revised 28742
(b)(4) stayed; eff. 7-7-99 through 9-27-99 36569
1.61 Removed 24046
3 Advisory 39912
5 Fee schedules 19711, 30384
5 Appendix A revised 29217
Appendix E added 29224
9 Order 39913
Advisory 39915
10.1 (d) revised 30903
10.68 (a)(2) amended 30903
10.92 (b)(1) revised 30903
10.101 (a)(5)(iii) revised 30903
10.102 (e)(1) amended 30903
10.106 (b)(3) amended 30903
10 Appendix A amended 30903
17.00 (b)(1) introductory text revised; (b)(1) designation, (2) and (c) removed; (b)(1)(i) and (ii) redesignated as (b)(1) and (2); (b)(3) added 24046
18.01 Revised 24046
30 Technical correction 30103
30.5 Introductory text and (e) added; (a) revised 28914
30.6 Revised 28914
31 Fee schedules 19711
60.41c Corrected; CFR correction 24049
150.1 (d) introductory text, (2), (e)(2) and (5) revised 24046
150.2 Revised 24047
150.4 Revised 24047
150.5 Added 24048

Chapter II—Securities and Exchange Commission (Parts 200—399)

200.30-5 (e)(2) revised 34540
202.3 (b)(2) revised 19451
230.485 (f)(1) designation and (2) removed 27894
230.486 (f)(1) designation and (2) removed 27894
230.487 (d)(1) designation and (2) removed 27894
230.495 (e)(1) designation and (2) removed 27894
230.497 (k)(2)(ii) amended 27894
232.10 (b) revised 27894
232.11 Amended 27894
232.101 (a)(1)(iv) and (c)(11) amended 19471
(a)(1)(iii) note revised; (b)(7) removed 27894
232.102 (e) revised 27894
232.104 Added 27895
232.105 Added 27895
232.106 Added 27895
232.301 Revised 27898
232.302 (a) revised 27895
232.303 (a)(3) revised 27895
232.304 Heading, (a) and (b) revised; (c) amended 27895
232.305 Existing text designated as (a); (b) added 27896
232.306 (b) revised 27896
232.307 Existing text designated as (a); (b) added 27896
232.310 Revised 27896
239.14 Form N-2 amended 27897
239.15 Form N-1 amended 27897
239.15A Form N-1A amended 27897
239.16 Form S-6 amended 27896
239.17a Form N-3 amended 27897
239.17b Form N-4 amended 27897
239.24 Form N-5 amended 27897
240.3a12-8 (a)(1)(xviii) and (xix) amended; (a)(1)(xx) added 29553
Corrected 31493
240.14a-101 Amended 27896
240.15b1-1 (c) revised 25147
240.15b3-1 (c) revised 25147
(b) removed; (c) redesignated as (b); new (c) added 37593
240.15b6-1 Revised 25147
240.15Ba2-2 (d) revised 25148
(e) added 37594
240.15Bc3-1 Revised 25148
240.15Ca1-1 (c) revised 25148
240.15Cc1-1 Revised 25148
240.15Ca2-1 (b) removed; (c) redesignated as (b); new (c) added 37594
240.17a-5 (g)(2) and (3) correctly added; CFR correction 39918
249.501a Form BDW revised 25149
249 Appendix B—Form BD revised 37594
270 Compliance date extension 24488
270.8b-23 (a) revised 27896

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TITLE 17 Chapter II—Con.

270.8b–32 (c) revised 27896
270.8f–1 Revised 19471
274.5 Form N–5 amended 27897
274.11 Form N–1 amended 27897
274.11a–1 Form N–2 amended 27897
274.11b Form N–3 amended 27897
274.11c Form N–4 amended 27897
274.11A Form N–1A amended 27897
274.101 Form N–SAR amended 27896
274.218 Revised 19471
275.203A–6 Added; eff. 5–3–99 15683
279.1 Form ADV amended; eff. 12–31–99 15683

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1 ..... 17439, 22588, 32829, 38159
5 ..... 19730, 40528
30 ..... 22588, 32829
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240 ..... 18393, 18481, 25153, 29608, 41056
249 25153
270 ..... 18481, 24489

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy (Parts 1—399)

1b Authority citation revised 17097
1b.1 (d) added 17097
1b.21 Added 17097
2.1 (a)(1)(viii)(A) through (I) removed 26603
2.55 (a) and (b)(1)(ii) revised; (b)(4)(i) and (d) removed; (b)(4)(ii) redesignated as (b)(4) 26603
2.69 Removed 26603
2.102 Removed 26603
2 Appendix A added 26603
37.5 (c) redesignated as (f); new (c), (d), and (e) added 34124
37.6 Heading, (a) introductory text, (4), (5), and (e)(3)(ii) revised; (a)(6) added 34124
37.8 Added 34124
153.8 (a)(7) revised 26604
153.21 (b) revised 26604
157.6 (a) and (b) heading revised; (b)(6) added; (b)(7) amended 26604
157.8 Revised 26605
157.9 Amended 26605
157.10 Revised 26605
157.14 (a) amended; (a)(6–a) and (14)(i) through (iv) revised; (a)(6–b), (6–c), (6–d), (12) and (14)(vii) through (xiii) removed 26605
157.16 (c)(1) revised 26605
157.17 (a) and (b) amended 26606
157.18 Introductory text, (f)(2) and (3) amended 26606
157.20 (c) introductory text and (d) introductory text amended; (c)(2), (d)(1) and (f) removed; (c)(3), (4), (d)(2), (3) and (g) redesignated as (c)(2), (3), (d)(1), (2) and (f); (b) and new (d)(2) revised 26606
157.21 Removed 26606
157.102 (a)(1) amended; (b)(1)(v) revised 26606
157.103 (j) amended 26606
157.201 (a) amended 26606
157.202 (b)(2)(i), (ii)(A), (B), (D), (E), (4) through (7), (10) and (12) revised; (b)(13), (14) removed; (b)(2)(i)(F) added 26606
(b)(2)(ii)(G) correctly removed; first (b)(2)(ii)(F) correctly redesignated as (b)(2)(ii)(G) 37037
157.203 (b) and (c) amended 26607
157.204 (d)(2), (4), (5) and (e) removed; (d)(3) redesignated as (d)(2) 26607
157.205 (c) removed; (d) through (i) redesignated as (c) through (h); (a) introductory text, (b) introductory text and new (c) revised; (a)(2), (b)(5), (6) and new (d), (e)(2), (f) and (g) amended 26607
157.206 (b), (c), (e) and (h) removed; (d), (f) and (g) redesignated as (b), (c) and (d); new (b) introductory text added; new (b)(1), (5) and (6) revised; new (b)(3)(i), (ii) and (iii) amended 26607
157.207 (b) and (c) revised; (f) removed; (g) and (h) redesignated as (f) and (g) 26607
157.208 Heading, (e) introductory text, (2) and (f)(2) revised; (c)(6), (8) and (4) through (7) removed; (c)(7), (9), (10), (11),

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(e)(8) and (9) redesignated as (c)(6), (7), (8), (9), (e)(4) and (5); (a), (b), new (c)(9), (d) and (g) amended 26608
157.209 Added 26608
157.210 Removed 26608
157.211 (a), (b)(1) through (5), (c)(1), (2) and (3) revised; (c)(4) added; (d) removed 26608
157.212 Removed 26609
157.213 Removed 26609
157.215 (a) introductory text and (b)(1)(iii) revised 26609
157.216 (a) introductory text amended; (a)(1), (2), (b), (c)(1), (3), (d)(1), (2) and (4) revised; (c)(5) and (d)(5) added 26609
157.217 (a) and (b)(2) revised 26609
157.218 (a) revised 26609
157.201—157.218 (Subpart F) Appendix I amended 26609
Appendix II revised 26610
284.10 (b)(1)(i) through (v) revised 17278
284.221 (d)(1), (f)(3) and (h)(3) amended; (d)(3) removed; (f)(4) revised 26610
284.262 Revised 26610
284.288 Removed 26611
343.2 (c) revised 17097
343.4 (a) revised 17097
375.307 (a)(2), (8), (9), (17), (18), (b)(4), (5), (c), (e)(3) and (7) removed; (a)(3), (4), (5), (6), (7), (10), (11), (12), (14), (15), (16), (d), (e)(4), (5) and (6) redesignated as (a)(2) through (9), (11), (12), (13), (c), (e)(3), (4) and (5); (e), (f) and (g) redesignated as (d), (e) and (f); (a)(1) and new (2), (3), (4) and (e)(3) revised; new (a)(10) added 26611
380.3 (c)(2) amended 26611
380.4 (a)(28) amended 26611
380.12 Added 26611
380.13 Added 26617
380.14 Added 26618
380.15 Added 26619
380 Appendix A revised 26619
385.206 (b) and (c) redesignated as (f) and (j); new (b), new (c), (d), (e), (g), (h) and (i) added; new (f) revised 17097
385.213 (c)(4) and (5) added 17099
385.218 Added 17099
385.604 (d)(2) revised; (d)(3) and (g) removed; (d)(4), (5) and (6) redesignated as (d)(3), (4) and (5) 17099
385.605 (a)(4) and (e)(2) revised; (f) removed 17099
385.606 (d) redesignated as (d)(1); (d)(2) and (l) added 17099
385.2001 (b)(3) revised 26621
(a)(1)(ii) and (b)(3) correctly revised 37037
385.2010 (f) revised 31496

Chapter III—Delaware River Basin Commission (Parts 400—499)

430.13 (i)(3) revised 35566

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TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury (Parts 1—199)

4.76 Added 40986
10.62 (a) amended 16347
10.62b (c)(1) introductory text and (ii)(C) revised 16347
12 Authority citation amended 17531
12.104g (b) table amended 17531
101.1 Amended 40987
122.13 Amended 18566
178.2 (b) table amended (OMB numbers) 16347, 16639
Table amended 40987
192 Authority citation revised 16639, 40987
192.0 Amended 40987
192.1 Amended 16639
192.2 (a) amended; (b), (c) and (d) revised 16639
192.11—192.13 (Subpart B) Added 40987

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TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board (Parts 200—399)

220 Appendix 3 corrected; CFR correction 36239

Chapter III—Social Security Administration (Parts 400—499)

404.403 (g) added 17101
404.1220 (a) revised 33016
404.1501—404.1599 (Subpart P) Appendix I amended 29788
404.1574 (b)(2), (3) and (4) revised 18570
(b)(3) table corrected 22903
416.200 Revised 31972
416.203 (b) revised 31972
416.211 (a)(1) revised 31972
416.262 (a) revised 31972
416.305 (a)(2) revised 31972
416.315 (c) revised 31972
416.330 Revised 31973
416.335 Revised 31973
416.420 (b)(1), (2) and (3) revised 31973
416.421 (a) and (b) amended 31973
416.501 Revised 31973
416.502 Amended 31974
416.520 (a) amended; (b)(1), (4), (c) introductory text, (1) and (d) revised 31974
416.974 (b)(2), (3) and (4) revised 18570
(b)(4) table corrected 22903
416.1160 (b)(2)(i) revised; (b)(2)(ii) and (iii) redesignated as (b)(2)(iii) and (iv); new (b)(2)(ii) added 31974
416.1163 (e)(1) revised 31974
416.1165 (f) revised 31974
416.1166 (d) revised 31975
416.1245 (b)(1), (2)(v) and (5) revised 31975
416.1335 Amended 31975
416.1801 Amended 31975
416.1902 Amended 31975
422.112 (b) revised 33016

Chapter V—Employment and Training Administration, Department of Labor (Parts 600—699)

652.1 (a) revised; (h) amended; interim 18761
652.3 (d) revised; interim 18762
652.5 Revised; interim 18762
652.6 Removed; interim 18762
652.7 Removed; interim 18762
652.8 (j)(1) and (5) amended; interim 18762
652.200—652.216 (Subpart C) Added; interim 18762
654 (Subpart E) Authority citation revised 34965
654.403 (a)(1) and (3) amended 34965
655.100 (a)(1) amended 34966
655.101 (c) introductory text, (1), (2), and (3) amended 34966
655.106 (e) revised 34966
660 Added; interim 18693
661 Added; interim 18694
662 Added; interim 18701
663 Added; interim 18704
664 Added; interim 18713
665 Added; interim 18717
666 Added; interim 18719
667 Added; interim 18722
668 Added; interim 18736
669 Added; interim 18746
670 Added; interim 18750
671 Added; interim 18760

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services (Parts 1—1299)

2 Effective date confirmation 26657
3 Effective date confirmation 26657
5 Effective date confirmation 26657
5.61 (i) added 33194
5.83 (c)(1) revised 23184
10 Effective date confirmation 26657
12 Effective date confirmation 26657
16 Effective date confirmation 26657
20 Effective date confirmation 26657
25 Effective date confirmation 26657
26.1 (c) corrected 16348
26.31—26.50 (Subpart B) Appendix B corrected 16348
50 Effective date confirmation 26657
54 Effective date confirmation 26657

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56 Effective date confirmation 26657
58 Effective date confirmation 26657
60 Effective date confirmation 26657
70 Effective date confirmation 26657
71 Effective date confirmation 26657
74 Effective date confirmation 39414
74.3045 (c)(1) introductory text revised 23186
74.3602 (b)(4) redsignated as (b)(5); new (b)(4) added 32805
101 Workshop 34125
172.883 Added 29958
173.310 (c) table amended 29226
173.315 (a)(2) table amended; (a)(5) added 38564
173.325 (b)(1) revised 26841
175.105 (c)(5) table amended 29554
176.170 (a)(5) table amended 27915
177.1211 Added 28098
177.1520 (c) table amended 27916
177.1585 (a) and (c)(1) revised 27178
178 Technical correction 27854
178.2010 (b) table amended 24944, 25429, 26282, 30386
178.3295 Table amended 26843
178.3297 (e) table amended 26842
184.1148 Added 19894
184.1150 Added 19895
184.1250 Added 28361
200 Effective date confirmation 26657
201 Effective date confirmation 26657
201.63 Regulation at 64 FR 13286 eff. date corrected to 5–16–99 18571
201.64 Regulation at 64 FR 13286 eff. date corrected to 5–16–99 18571
201.66 Regulation at 64 FR 13286 eff. date corrected to 5–16–99 18571
201.319 Regulation at 64 FR 13292 eff. date corrected to 5–16–99 18571
201 Regulation at 64 FR 13292 eff. date corrected to 5–16–99 18571
202 Effective date confirmation 26657
206 Effective date confirmation 26657
207 Effective date confirmation 26657
210 Effective date confirmation 26657
211 Effective date confirmation 26657
299 Effective date confirmation 26657
300 Effective date confirmation 26657
310 Effective date confirmation 26657
310.545 (a)(29) and (d)(31) added; (d) introductory text revised; eff. 5–21–01 27687
312 Effective date confirmation 19269, 26657
314 Effective date confirmation 26657
315 Added 26667
316 Effective date confirmation 26657
320 Effective date confirmation 26657
330.1 Regulation at 64 FR 13294 eff. date corrected to 5–16–99 18571
331.30 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
333 Effective date confirmation 26657
341.74 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
341.76 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
341.80 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
346.50 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
352 Added; eff. 5–21–01 27687
355.50 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
358.650 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
369 Effective date confirmation 26657
369.9 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
369.20 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571

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369.21 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
510 Effective date confirmation 26657
510.600 (c)(1) table and (2) table amended 15683, 18571, 23187
514 Effective date confirmation 26657
514.1 (b)(8)(ii) and (v) revised 40756
514.4 Added 40756
514.111 (a)(5) revised 40757
520 Effective date confirmation 26657
520.260 (b) amended 15684
520.309 (a) revised; (c) redesignated as (d); new (d)(1) and (2) revised 32181
520.446b (d)(4)(iii)(C) amended 37673
520.534 (d) heading amended 30387
520.600 (i) revised 18571
520.1310 Added 39919
520.1484 Revised 31497
520.1615 Added 18573
520.1807 Added 23018
520.2184 (b) amended 15684
520.2220a (a)(2) amended 18572
520.2220b (a) removed; (b), (d) and (e) redesignated as (a), (b) and (d); new (a) and new (d)(2) revised 15684
520.2345d (a)(1) amended 37673
522 Effective date confirmation 26657
522.690 (b) amended 15685
522.723 (c) amended 15684
522.800 (b) amended 15684
522.1192 (d)(2)(ii) amended 26671
522.1193 (d)(2) amended 26671
522.1660 (b) and (d)(2)(iii) amended 23187
(d)(2)(iii) revised 26670
522.2100 (a)(1), (b)(1), (c)(1), (d)(1) and (e)(1) amended 27916
522.2478 (c) redesignated as (d); new (d)(1)(ii) revised 18573
524 Effective date confirmation 26657
524.2098 Added 37401
529 Effective date confirmation 26657
556.175 Added 35923
556.344 (b)(2)(ii) added 26671
556.430 Revised 31498
556.490 Revised 26672
556.513 Added 23019
556.640 Revised 26672
556.739 Revised 18574
558.15 (g)(1) and (2) amended 37673
558.76 (d)(3)(xxi) added 18574
558.78 (d)(3)(xii) revised 26844
558.128 (d)(1) table amended 23539
558.140 (a) amended 15684
558.198 Added 35923
558.258 (c)(1)(i) introductory text amended 26844
558.363 (d)(2)(iii) added 18574
(d)(2)(iv) added 20164
556.366 (c) table amended 18574, 20164
558.485 (a)(17) removed 15684
558.530 (d)(5)(xxv) added 18575
(d)(5)(xxvi) added 20164
558.575 (a) revised; (c) redesignated as (d); (d)(7) added 26672
558.635 (b)(2) amended 15684
601 Authority citation revised 26668
601.33 Redesignated as 601.28 26668
601.28 Redesignated from 601.33 26668
601.30—601.35 (Subpart D) Revised 26668
640.80 (a) amended; (b) revised 26286
640.81 (c) and (e) amended; (f) revised 26286
640.82 (a) heading, (c) heading, (d) and (e) revised 26286
640.84 (a) introductory text and (b) removed; (a)(1) through (4) redesignated as (a) through (d); introductory text, new (a) and new (d) revised 26286
640.90 (a) amended; (b) revised 26286
640.91 (b)(2) and (f) revised; (c) and (e) amended 26286
640.92 (a) heading, (c) heading, (d) and (e) revised 26286
640.94 (a) revised 26286
640.100 (a) amended; (b) and (c) revised 26287
640.101 (b) amended; (e)(3), (4) and (f) removed 26287
640.102 (e) amended 26287
640.103 (b) revised 26287
640.104 (b)(2), (3), (c)(1) and (2) revised 26287
700.35 Added; eff. 5–21–01 27693
701.3 Regulation at 64 FR 13297 eff. date corrected to 5–16–99 18571
740.19 Added; eff. 5–22–00 27693

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800 Effective date confirmation 26657
801 Effective date confirmation 26657
807 Effective date confirmation 26657
809 Effective date confirmation 26657
812 Effective date confirmation 26657
860 Effective date confirmation 26657
874.5350 (c) revised 18329
874.5370 (c) revised 18329
882.5860 (c) revised 18329
890.5275 (c) revised 18331
890.5300 (c) revised 18331
890.5860 (c) revised 18331
900.2 (yy) added 32407
900.4 (a)(4) amended; (c)(3)(ii), (5) introductory text, (i), (ii), and (6)(ii) revised 32407
900.12 (b)(5) and (e)(5)(vii)(A) revised 18333
(c)(2), (f)(3), and (j)(2) revised 32408
1020.30 (b) amended 35927
1020.31 (a)(2)(i), (f)(3), and (m) revised 35927

Chapter II—Drug Enforcement Administration, Department of Justice (Parts 1300—1399)

1308 Technical correction 39560
1308.12 (f)(1) removed; (f)(2) redesignated as (f)(1) 35930
1308.13 (g) added 35930
(c)(5) through (c)(11) redesignated as (c)(6) through (c)(12); new (c)(5) added 37675
1309.29 Regulation at 62 FR 53960 confirmed 40516
1310.09 Regulation at 62 FR 53960 confirmed 40516
1312.30 (a) added 35930

Proposed Rules:

1 ..... 15944, 32442
5 34608
16 ..... 36492, 36516
101 ..... 15948, 17295, 36492, 36516, 36824
111 32830
115 ..... 36492, 36516
206 34608
207 26330
250 34608
291 39810
310 17985
314 34608
333 39452
510 35966
514 ..... 35966, 40321
558 35966
600 34608
601 34608
607 26330
640 26344
801 41710
807 26330
878 41710
880 41710
884 ..... 24967, 31164
900 32443
1020 23811
1308 ..... 17298, 17299, 24094, 25405

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State (Parts 1—199)

41.2 (j) revised 28916
41.114 Removed 28916
42.72 (e)(4) amended 28916
50 Authority citation revised 19714
50.7 (d) added 19714
51 Authority citation revised 19714
51.72 (b) revised; (c) added 19714
51.80 Revised 19714
51.83 Amended 19715
51.84 Amended 19715
51.89 Revised 19715
121.1 Amended 17533
121.9 (a) revised 17533
123.4 (a) revised 17533
123.15 (b) revised 17533
123.17 (a) revised 17534
124.13 (e) revised 17534
126.5 Revised 17534
171.20—171.26 (Subpart C) Revised 25430
171.32 (j)(1), (2) and (5) amended 18808

Chapter II—Agency for International Development (Parts 200—299)

Chapter II Heading revised 15685
201.03 Revised 17535
201.23 (c) amended 17535
201.31 (f) and (g) amended 17535

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TITLE 22 Chapter II—Con.

201.32 (b) and (c) amended 17535
201.51 (c)(4) amended 17535
201.52 (a)(2)(iii)(C), (4)(iii) introductory text and (B) amended 17535
201.67 (a)(5)(ii) amended 17535

Chapter V—United States Information Agency (Parts 500—599)

514 Policy statement 34982
514.21 (f) revised 17976
514.32 Added 17976
514.80 (Subpart G) Removed 17976
514.90 Regulation at 63 FR 34810 comfirmed 40286

Chapter VI—United States Arms Control and Disarmament Agency (Parts 600—699)

Chapter VI Removed 15686

Chapter VII—Overseas Private Investment Corporation (Parts 700—799)

Chapter VII Heading revised 32806

Proposed Rules:

22 28946
514 17988

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation (Parts 1—999)

180 Added 29750
655.601 Regulation at 61 FR 29626 confirmed; (c) and (d) revised; (e) removed 33753
Regulation at 64 FR 33753 eff. date corrected to 7–16–99 38307
661 Added; interim 38573

Chapter II—National Highway Traffic Safety Administration and Federal Highway Administration, Department of Transportation (Parts 1200--1299)

1200 Regulation at 62 FR 34402 confirmed 40764
1200.4 (d)(1) and (2) amended 40764
1200.10 (b) and (d) revised 40764
1200.13 (b) revised 40764
1200.22 Amended 40764
1200.33 (a) and (b) revised 40764
1205.4 Regulation at 62 FR 34404 confirmed 40764
1225 Regulation at 63 FR 46886 confirmed 35573
1225.4 (a)(1) and (5) revised; (a)(6) removed 35573
1225.6 Revised 35573

Chapter III—National Highway Traffic Safety Administration, Department of Transportation (Parts 1300—1399)

1327.3 Regulation at 62 FR 63657 confirmed 19271
1327.5 Regulation at 62 FR 63657 confirmed; (a)(1)(ii) and (c)(2) amended; (c)(3) redesignated as (c)(4); new (c)(3) added 19271
1327.6 Regulation at 62 FR 63657 confirmed 19271
(a) through (f) revised; (g) and (h) redesignated as (h) and (i); new (g) added 19272
1327.7 Added 19273

Proposed Rules:

655 33802
668 30263
777 16870

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development (Parts 0—99)

5.501 Removed 25731
5.508 (b)(1), (2), (h)(2) and (3) revised 25731
5.510 (b) revised 25731
5.512 (a) revised; (b), (c) and (d) redesignated as (c), (d) and (e); new (b) added 25731
5.514 (b), (c)(1), (e)(1) and (f)(1) revised 25731
5.516 (c) introductory text revised 25732
5.518 (a), (b)(3) and (5) revised 25732

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5.526 Revised 25732
5.801 (c) revised 33755

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development (Parts 100—199)

100.304 Revised 16329
100.305 Added 16329
100.306 Added 16330
100.307 Added 16330
100.308 Added 16330
103.10 Revised; interim 18540
103.15 Revised; interim 18540
103.20 Revised; interim 18540
103.25 Revised; interim 18540
103.30 Revised; interim 18540
103.35 Added; interim 18540
103.40 Revised; interim 18540
103.42 Removed; interim 18540
103.45 Redesignated as 103.201; interim 18540
103.50 Redesignated as 103.202; interim 18540
103.55 Redesignated as 103.203; interim 18540
103.201 Redesignated from 103.45; interim 18540
103.202 Redesignated from 103.50; interim 18540
103.203 Redesignated from 103.55; interim 18540
103.202 (b) revised; interim 18541
103.204 Added; interim 18541

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Parts 200—299)

203.10 Added 29765
(e) revised 34984
203.14 Regulation at 64 FR 14574 withdrawn 19895
203.18 Regulation at 64 FR 14574 withdrawn 19895
203.200 Regulation at 64 FR 14574 withdrawn 19895
203.201 Regulation at 64 FR 14574 withdrawn 19895
203.202 Regulation at 64 FR 14574 withdrawn 19895
203.203 Regulation at 64 FR 14574 withdrawn 19895
203.204 Regulation at 64 FR 14574 withdrawn 19895
203.205 Regulation at 64 FR 14574 withdrawn 19895
203.206 Regulation at 64 FR 14574 withdrawn 19895
203.207 Regulation at 64 FR 14574 withdrawn 19895
203.208 Regulation at 64 FR 14574 withdrawn 19895
203.209 Regulation at 64 FR 14574 withdrawn 19895
234.1 Regulation at 64 FR 14574 withdrawn 19895
248.101 Amended; interim 26639
248.141 (c)(3) amended; interim 26639
248.147 (e)(1) amended; interim 26639
248.165 (a) revised; (i) amended; interim 26639
248.173 (m)(2) revised; interim 26639
248.201 Amended; interim 26639
291.500—291.590 (Subpart F) Added; interim 36212

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development (Parts 300—399)

320.5 (a) amended; (e) and (f) revised; (g) added 34106
320.13 Revised 34107

Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 500—599)

570.506 (h) revised; interim 38813

Chapter VII—Office of the Secretary, Department of Housing and Urban Development (Housing Assistance Programs and Public and Indian Housing Programs) (Parts 700—799)

791 Heading revised; interim 26639
791.101 Revised; interim 26639
791.102 Amended; interim 26639
791.401—791.407 (Subpart C) Removed; interim 26639
791.401 Amended; interim 26639

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TITLE 24 Chapter VII—Con.

791.402 (c)(1) designation and (2) removed; (d) revised; interim 26639
791.403 (a) and (b)(1)(i) revised; interim 26640
791.404 (c) revised; interim 26640
792 Heading revised; nomenclature change; interim 26640
792.101 Revised; interim 26640
792.102 (a) and (b) amended; interim 26640
792.103 Amended; interim 26640
792.202 (a)(1) and (2) amended; interim 26640

Chapter IX—Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development (Parts 900—999)

903 Forum 22550
968.110 (a) revised 33637
968.120 Revised 33637
982 Heading revised; nomenclature change; interim 26640
982.1 Heading, (a)(1), (2), (4) and (b)(2) revised; (a)(3) and (b)(1) amended; interim 26640
982.2 (a) amended; interim 26640
982.4 (a)(2), (4) and (b) amended; interim 26640
(b) amended; interim 26641
982.51 (a) revised; interim 26641
982.53 (b) and (c) revised; (d) added; interim 26641
982.54 (d)(1), (2), (14), (15) revised; (d)(16) removed; (d)(17) through (22) redesignated as (d)(16) through (21); (d)(27) added; interim 26641
982.101 (a) and (b)(2)(i) revised; interim 26642
982.103 (a) revised; (c) added; interim 26642
982.151 (a)(1) and (2) amended; (b) revised; interim 26642
982.152 (a)(1), (b)(1) and (c) revised; interim 26642
982.154 Revised; interim 26642
982.155 (a) introductory text revised; interim 26642
982.157 (b)(1) revised; (c) added; interim 26642
982.162 (a)(3) revised; interim 26642
982.201 (a), (d)(1), (2) and (e) amended; (b) and (f)(2) revised; interim 26642
982.202 (b)(1) removed; (b)(2), (3) and (4) redesignated as (b)(1), (2) and (3); new (b)(3) introductory text and (d) revised; interim 26643
982.203 (b)(1) amended; interim 26643
982.204 (b)(4) revised; (b)(5) amended; (f) added; interim 26643
982.205 (a) removed; (b) and (c) redesignated as (a) and (b); new (a)(2), (b)(1) and (3) amended; interim 26643
982.206 (b)(2) revised; (c)(1) designation and (2) removed; interim 26643
982.207 Revised; interim 26643
982.301 (b)(1) amended; (b)(2), (5) and (6) revised; interim 26644
982.302 Revised; interim 26644
982.303 Amended; heading revised; (c) amended; interim 26644
982.305 Heading, (a)(3), (4) and (b) revised; (a) introductory text, (d) and (e) amended; (a)(5) removed; interim 26644
982.306 (a), (b) introductory text and (c) introductory text amended; (c)(3) revised; (c)(5) and (6) redesignated as (c)(6) and (7); new (c)(5) added; interim 26644
982.307 Heading and (a) revised; interim 26645
982.308 Revised; interim 26645
982.309 Revised; interim 26645
982.310 (a)(1) and (d)(1)(iv) revised; (d)(2) amended; (e)(3) removed; interim 26645
982.352 (b)(1) revised; interim 26645
982.353 (b), (c)(2) and (d) revised; (f) amended; interim 26646
982.354 Removed; interim 26646
982.355 (b), (c)(1) and (6) revised; (c)(4), (8), (d)(1) and (6) amended; interim 26646
982.401 (a)(4) revised; interim 26646
982.402 (a)(3) amended; (c) revised; interim 26646

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982.403 Heading and (c) introductory text revised; (a)(1) removed; (a)(2) and (3) redesignated as (a)(1) and (2); (a)(1), (b)(2) and (4) amended; interim 26647
982.405 Heading and (a) revised; (f) added; interim 26647
982.451 (b)(5) revised; interim 26647
982.452 (b)(1) amended; interim 26647
982.453 (a)(5) amended; interim 26647
982.454 Amended; interim 26647
982.455 Revised; interim 26647
982.456 (b) revised; interim 26647
982.457 Removed; interim 26647
982.501 Revised; interim 26647
982.502 Redesignated as 982.506; new 982.502 added; interim 26648
982.503 Redesignated as 982.507; new 982.503 added; interim 26648
982.504 Removed; interim 26647
Added; interim 26649
982.505 Removed; interim 26647
Added; interim 26649
982.506 Removed; interim 26647
Redesignated from 982.502; interim 26648
982.507 Redesignated as 982.518; new 982.507 redesignated from 982.503; interim 26648
982.508 Removed; interim 26647
Added; interim 26649
982.509 Redesignated as 982.519; new 982.509 redesignated from 982.511; interim 26648
Heading revised; interim 26649
982.510 Redesignated as 982.520; new 982.510 redesignated from 982.513; interim 26648
982.511 Redesignated as 982.509; interim 26648
982.512 Removed; interim 26647
982.513 Redesignated as 982.510; interim 26648
982.516 (d)(2) revised; (e) amended; (f) added; interim 26649
982.518 Redesignated from 982.507; interim 26648
982.519 Redesignated from 982.509; interim 26648
982.520 Redesignated from 982.510; interim 26648
982.521 Added; interim 26650
982.551 (b)(2) and (3) amended; interim 26650
982.552 (a)(2) amended; (b) and (c) revised; (d) and (e) removed; (f) redesignated as (d); interim 26650
982.554 (c)(4) amended; (c)(5) revised; interim 26650
982.555 (b)(4) amended; interim 26650
982.602 Revised; interim 26650
982.604 Revised; interim 26650
982.608 Heading and (a) revised; interim 26650
982.613 Heading and (c) revised; (b)(2) amended; interim 26651
982.617 Heading and (c) revised; (b)(2) amended; interim 26651
982.619 (b)(1) and (4) amended; interim 26651
982.623 Revised; interim 26651
985.1 (a) amended; interim 40497
985.2 (b) amended; interim 40497
985.3 Introductory text and (a)(2) amended; (a)(3) introductory text, (i) introductory text (i)(B), (ii), (b)(2), (3) introductory text, (i) introductory text, (i)(B), (ii), (iii), (c)(2), (3) introductory text, (i) introductory text, (ii), (iii), (d)(2), (3), (e), (f)(2), (3), (g)(2), (3) introductory text, (i) introductory text, (ii), (h)(2), and (3) revised; interim 40497
985.103 (d) redesignated as (e); new (d) added; new (e)(3) revised; interim 40498

Proposed Rules:

0—99 (Ch. IX) 24546
5 ..... 23460, 40262
200 ..... 23480, 36216, 40262
203 23480
234 23480
245 32782
247 40262
290 38284
761 25736
880 40262
882 40262
884 40262
888 24866
891 40262

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TITLE 24 *Proposed Rules:—Con.*

900—999 (Ch. IX).....20232, 20234, 26923, 30450, 38853
902.....33348
960.....23460, 33640, 40262
964.....33644
966.....23460, 40262
968.....23484
972.....40232, 40240
982.....23488, 40262
984.....23460
990.....17301, 30451

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior (Parts 1—299)

61 Authority citation revised.....19898
61.4 (s) revised.....19898
291 Added.....17543

Proposed Rules:

1—299 (Ch. I).....18585
20.....24296, 34173
151.....17574, 30929
500—599 (Ch. III).....22888
516.....38164

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury (Parts 1—799)

1 Authority citation amended.....23189, 26851, 36099, 36125, 36177, 37676
1.61–8 (b) amended.....26851
1.79–1 (d)(7) revised.....29790
1.79–3 (d)(2) revised; (e) and (f) redesignated as (f) and (g); new (e) added.....29790
1.148–11 (b)(4), (h) and (i) added.....37037
1.170–14 (h)(4) amended.....23228
1.170A–6 (c)(5) Example 2 amended.....23189
(c)(5) Examples 1, 2 and 3 amended.....23228
(c)(5) Examples 2 and 3 corrected.....33196
1.170A–12 (b)(2), (c), (e)(2) and (3) amended.....23228
1.170A–12T Added.....23189
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1.664–2 (c) amended 23229
1.664–4 (a)(1) and (f) revised; (d) removed; (e) heading, (1) through (5), (6) heading, introductory text and Table U(1) redesignated as 1.664–4A(e) heading, (1) through (5), (6) heading, introductory text and Table U(1); (d) through (e)(5), new (6) heading and introductory text added 23199
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1.954–1 (c)(1)(iv) removed 37677
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1.1397E–1T (b) and (j) revised; (h) redesignated as (i); new (h) added 35573
1.1502–1 (f)(4) revised 36101
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1.1502–43 (b)(2)(iv), (v), (vi)(A), (vii) and (viii) amended 36100
1.1502–44 (b)(2) and (3) amended 36100
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1.1502–55T (h)(4)(iii)(B)(*4*) amended 36100
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1.1502–90 Added 36128
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1.1502–94 Added 36155
1.1502–94T (a)(1)(i) and (b)(4) Example 1 amended 36100
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1.1503–2 (d)(2)(i), (ii), (4) Example 1, (g)(2)(vii)(B)(*1*), (*2*), (G) Examples 1 and 2 and (h)(3) amended 36101
1.1502–23A (a) and (b) amended 36099
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1.1502–95A Redesignated from 1.1502–95T; heading revised 36128
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1.1502–99A Redesignated from 1.1502–99T; heading and (a) revised; (b)(2)(ii) and (c)(2)(i) amended 36128
1.1503–2A (f)(1)(i) introductory text, (C), (2)(i) and (ii) amended 36101
1.1520–20 (g)(5) redesignated as (g)(4); (g)(1), new (4)(i)(A) and new (B) amended; new (g)(4)(ii) redesignated as (g)(4)(iii); new (g)(4)(ii) added 36127
1.6038B–1 (b)(1)(i), (3) introductory text, (c) and (g) corrected 15686
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1.6038B–2 (j)(1)(ii) corrected 15686
1.6302–4 Revised 37676

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1.7520 (c)(1) heading, (2) heading, introductory text and (d) revised; (b)(2) and (c)(2)(iii) amended 23210
1.7520–1 (a)(2), (3) and (c)(1) amended 23229
1.7520–1T Added 23210
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20 Authority citation amended 23210, 37676
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20.2031–7 Heading, (c) through (d)(5), (6) heading, introductory text and (e) revised; (d)(6) Tables S and 80CNSMT transferred to 20.2031–7A 23212
20.2031–7T Added 23212
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20.2031–7A Undesignated center heading revised 23211
20.2031–7A Heading revised; (e) added 23211
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20.7520–1 (b)(2) and (c)(2)(iii) amended; (c)(1) heading, (2) heading, introductory text and (d) revised 23222
20.7520–1T Added 23223
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25.2512–5T Added 23224
25.2512–5A Undesignated center heading revised 23226
25.2512–5A Heading revised; (e) added 23226
25.6302–1 Added 37676
25.7520–1 (b)(2) and (c)(2)(iii) amended; (c)(1) heading, (2) heading and (d) revised 23227
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31.3121(v)(2)–1 (b)(5) Examples 10 and 11 and (g)(5) Example 8 corrected 15687
31.6302–1 (f)(4) revised 32409
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40 Authority citation amended 37677
40.6302(a)–1 Added 37677
54 Technical correction 15873
301 Authority citation amended 17285
301.6104(d)–2 Added 17285
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301.6104(d)–4 Added 17288
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301.6311–2T (c)(2) amended 36569
301.6402–7 (g)(2)(iii), (3) Example 2 and (h)(1)(ii) Example amended 36101
301.7122–1 Removed 39024
301.7122–0T Added 39024
301.7211–1T Added 39024
301.7701–3 (f)(1) amended 37678
301.7701–3T Removed 37678
602 Technical correction 15687
Technical correction 15873
602.101 (a) amended; (b) removed; (c) redesignated as (b) 15688
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553.10 Amended 36753
553.11 Revised 36753
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1614.102 (b)(2) through (6) redesignated as (b)(3) through (7); (b)(2) added; (c)(5) revised 37655
1614.103 (b)(3) amended; (b)(4) revised; (5), (6), and (7) added 37655
1614.105 (b) redesignated as (b)(1); new (b)(1) and (d) amended; (b)(2) added; (f) revised 37656
1614.106 (d) redesignated as (e); new (d) added; (e) revised 37656
1614.107 (a) through (h) redesignated as (a)(1) through (8); introductory text redesignated as (a) introductory text and revised; (7) and (8) revised; (9) and (b) added 37656
1614.108 (b) amended; (f) revised; (g) added 37656
1614.109 (b) through (g) redesignated as (d) through (i); (a), new (f)(3) introductory text and new (i) revised; new (b) and new (c) added; new (f) introductory text removed 37657
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1614.201 (a), (c)(1), and (2) amended 37658
1614.204 (b) revised; (d)(2) through (6) amended; (d)(7), (e)(1), (g)(2), (4), and (l)(3) revised; (j)(7) amended 37658
1614.302 (d)(1)(i) amended 37659
1614.401 (a) revised; (b), (c), and (d) redesignated as (c), (d), and (e); new (b) added; new (c) revised 37659
1614.402 (a) revised 37659
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1614.501 (e)(1) introductory text and (2)(ii) amended; (e)(1)(iv), (2)(i), (ii)(A) and (B) revised 37659
1614.502 (a) amended; (b) introductory text and (2) revised; (b)(3) added 37660
1614.504 (a) and (b) amended 37660
1614.505 Added 37660
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1614.604 (b) amended 37661
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210 Authority citation revised 38122
210.10 (c)(1), (2), (7), and (d) revised 38122
210.20—210.22 (Subpart A) Added 38122
210.52 Revised 38123
216 Authority citation revised 38123
216.11 Added 38123
216.50 (a) revised; (b), (c), and (d) redesignated as (f), (g), and (h); new (b) through (e) added 38123
216.53 Revised 38123
216.55 Revised 38123
216.56 (b) revised; (c) added 38123
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920.15 Table amended 36786
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100 Authority citation revised 39920
100.11 (b) revised 39920
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306.2 (c) revised 38125
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306.15 (a) revised; (b) introductory text amended; (b)(2) revised 38125
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306.43 Amended 38126
306.56 (a) and (b) amended 38126
306.57 (c)(1) amended 38126
306.117 Heading and (d) revised; (b) amended 38126

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315.31 (b) and (c) amended; (h)(2) and (7) removed; (h)(3) through (6), (8) and (i) redesignated as (h)(2) through (5), (6) and (7); (h)(1), new (5), new (6) and new (7) revised 40486

353.31 (c)(2), (d), and (e) removed; (c)(1), (f), (g), and (h) redesignated as (c) through (f); (b) and new (c) amended; new (f)(2) and new (7) removed; new (f)(3) through (f)(6), new (f)(8), and (i) redesignated as (f)(2) through (5), (6) and (7); new (f)(1), (5)(ii), (6), and (7) revised 40487

357.26 Heading, (a), and (b) heading revised; (b)(1)(i), (iv), (2), (3), (c) and (d) removed; (b)(1)(ii), (iii), (v), and (vi) redesignated as (b), (c), (d) and (e); new (c) heading, new (d) heading, and (e) heading added 40487

357.30 Revised 40487

370 Revised 40487

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100.114 (a) table corrected 37583

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100.1104 Removed 39030

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110.155 (c)(6) added 38829

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117.723 (f) revised; interim 38831

117.869 (a)(3) added; eff. 7–26–99 through 9–15–00 37679

117.911 (f) revised; interim 38830

165 Technical correction 36572

165.T01–030 Added (temporary) 36572

165.T01–102 Added (temporary) 36573

165.T01–104 Added (temporary) 39033

165.T01–110 Added (temporary) 39034

165.T01–115 Added (temporary) 37681

165.1112 Added 39030

173 Authority citation revised 36243

173.85 Revised 36243

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No amendments to 35 CFR have been published in the FEDERAL REGISTER since July 1, 1999.

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242.24 Revised 35780
242.25 Added; eff. 7-1-99 through 6-30-00 35788
242.24 (a) introductory text and (1) correctly revised 35823
251.80—251.102 (Subpart C) Authority citation revised 37846
251.84 Existing text designated as (a); (b) added 37846
251.90 (c) revised 37846
251.91 (a) revised 37846
251.92 (a)(8) added; (c) revised 37846
251.93 (b) revised 37846
251.94 (b) revised 37846
251.103 Added 37846

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201.1 (b) amended 36574
201.3 (c)(5) and (8) amended 36574
201.10 (b)(1)(v) and (e)(2) amended 36574
201.11 (d)(1), (e)(6), (7) and (h)(2)(i) amended 36574
201.17 (d)(1), (e)(2)(i), (h)(4)(iii), (j)(3)(iv)(A) and (k) amended 36574
201.18 (a)(1) and (3) amended 36574
(a)(4) added; (c)(1)(vi) amended; interim 41288
201.19 (a)(1), (2) and (4) amended 36574
(c)(4), (e)(4)(i) and (f)(3)(viii) amended 36575
(a)(5), (6) and (7) redesignated as (a)(6), (8) and (9); new (a)(5), new (7), (10), (11) and (e)(3)(ii)(E) added; new (a)(6), (e)(3)(i)(A), (B) and (4)(ii) amended; (e)(3)(ii)(D) revised; interim 41288
201.27 (c) and (e)(1) amended 36575
201.29 (e)(3) amended 36575
201.35 (a) amended 36575
201.36 (b)(1) and (c) amended 36575
201.37 (a) and (b)(1) amended 36575
202.3 (b)(7)(ii) amended 36575
202.17 (f)(2) amended 36575
202.20 (c)(2)(vii)(D)(*3*), (*4*), (*5*) and (xi)(A)(*2*) amended 36575
202.22 (a) and (c)(1) amended 36575
202.23 (c)(1), (2) and (d) amended 36575
203.3 (g) amended 36575
203.4 (f)(2) amended 36575
204.4 (a) amended 36575
204.5 (a) amended 36575
204.7 (a) amended 36575
204.8 (a) amended 36575
211.4 (e) amended 36575
211.5 (c)(2) and (d) amended 36575
212 Added; interim 36578
251.54 (e) amended 36575
251.56 (a) and (b) amended 36576
251.58 (b) amended 36576
253.3 (e)(4) amended 36576
253.8 (b)(1)(i)(A) and (ii)(D) amended 36576
259.3 (a)(5) amended 36576
260.2 (c)(1)(v) and (2) amended 36576
260.7 Amended 36576

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212 36829
255 38861

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Department of Veterans Affairs (Parts 0—99)

21.7135 (f)(1) introductory text and (2) authority citation and (3) authority citation revised 38577

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TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service (Parts 1—999)

111 DMM amended; incorporation by reference 38832
261.4 Revised 41290
262.2 (b) revised; (d) added 41290
262.4 (a) and (b) amended 41290
262.5 (d)(2) amended 41290
263.3 (a) amended 41290
263.4 Removed; new 263.4 redesignated from 263.5 and amended 41290
263.5 Redesignated as 263.4; new 263.5 redesignated from 263.6 and revised 41290
263.6 Redesignated as 263.51290
264.3 (a) and (b) revised 41290
264.4 Amended 41290
265.3 (b) revised 41290
265.4 Amended 41290
265.6 (b) introductory text amended 41290
265.9 (b)(2)(ii) and (g)(4) amended 41290
265.7 (a)(2) amended 41290
265.12 (b)(7) amended 41291
266.3 (a), (c), and (d)(2) revised 41291
266.4 (b)(6)(i), (iii) and (iv) amended 41291
266.5 (d) amended 41291
266.6 (a)(1) amended 41291
266.7 (a)(4) amended 41291
266.10 (b) amended 41291
267.5 (e)(3)(i) amended 41291

Chapter III—Postal Rate Commission (Parts 3000—3099)

3002.7 (c) amended 37402
3002 Appendix A revised 37402

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency (Parts 1—799)

9.1 (b) table amended (OMB numbers) 36585, 37636
22 Revised 40176
51 Authority citation revised 35763
51.300 (a), (b)(1) introductory text and (2) revised; (b)(3) added; eff. 8–31–99 35763
51.301 Amended; eff. 8–31–99 35763
(v) amended; eff. 8–31–99 35774
51.302 Heading, (a), (c) introductory text, (1), (2) introductory text, (4) introductory text and (iv) revised; eff. 8–31–99 35764
(c)(2)(i) and (4)(i) amended; eff. 8–31–99 35774
51.303 (a)(1), (c), (d), (g) and (h) amended; eff. 8–31–99 35774
51.304 (c) amended; eff. 8–31–99 35774
51.305 Heading and (a) revised; eff. 8–31–99 35764
51.306 Heading, (a)(1), (c) introductory text and (d) revised; eff. 8–31–99 35764
(a)(1) and (c)(6) amended; eff. 8–31–99 35774
51.307 (a) introductory text, (2) and (c) revised; eff. 8–31–99 35765
(b)(1) and (c) amended; eff. 8–31–99 35774
51.308 Added; eff. 8–31–99 35765
51.309 Added; eff. 8–31–99 35769
52 State implementation plan determinations 36243, 40287, 40767
52.220 (c)(168)(i)(F)(*2*), (173)(i)(C)(*2*), (196)(i)(E), (224)(i)(D), (244)(i)(A)(*3*) and (258)(i)(A)(*2*) added; eff. 8–2–99 35578
(b)(3)(ii) and (c)(6)(xv)(B) removed 37406
(c)(202)(i)(B), (254)(i)(H)(2), and (K) added 38836
(c)(263) and (264) added 39040
(c)(194)(i)(C)(*4*) and (199)(i)(D)(*6*) added 39920
(c)(235) removed; (c)(265) added 39926
52.719 Removed 37851
52.720 (c)(150) added 37851
52.725 (g) added 37851
52.820 Regulation at 64 FR 25827 withdrawn 35941
52.970 (c) table amended 35939
(d) table and (e) table amended 35940
(e) table amended 38580
52.993 (d) and (e) added 35941
52.1070 (c)(129) added 38838

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TITLE 40 Chapter I—Con.

52.1170 (c)(112) added 39036
52.1620 (c) table amended 36790
52.1885 (a)(12) added 37406
52.2220 (d) table amended 37410
(c) table amended 38582
52.2270 Redesignated as 52.2299; new 52.2270 added 36589
(c) table amended 36794
52.2299 Redesignated from 52.2270; heading and (a) revised 36589
52.2320 (c)(41) added 36252
52.2520 (c)(42) added 37683
60 Appendix A corrected 37196, 38241
62.3340—62.3342 Undesignated center heading and sections added 36605
62.5340 Added and undesignated center heading added 37855
62.5345 Added and undesignated center heading added 37855
62.8104 Undesignated heading and section added 38586
62.11860 (Subpart WW) Undesignated center heading and section added 41294
62.11870 (Subpart WW) Undesignated center heading and section added 41294
63.468 (j) revised 37687
63.680 (a)(2)(v), (b)(1)(ii), (iii), (2)(v), (vi), (c), (d), and (e) revised; (b)(2)(viii) added 38963
63.681 Amended 38964
63.683 Revised 38965
63.684 (a), (b) introductory text, (1)(ii), (3) introductory text, (4) introductory text, (5), (d) through (g) revised 38967
63.685 (b), (c)(2), (f)(1)(ii)(A), (g)(2)(i)(B), (h)(2), (3), and (i) introductory text revised; (i)(3) added 38968
63.686 (b) introductory text revised; (b)(3) added 38969
63.687 (b) introductory text revised 38969
63.688 (b) and (c) revised 38969
63.689 (b), (c), (d) introductory text, and (5) introductory text revised 38970
63.690 Revised 38970
63.691 Revised 38970
63.693 Revised 38970
63.694 (a)(12) and (m) added; (b)(2)(ii), (iii), (3)(i), (c), (e) through (i) and (k) revised 38974
63.695 Revised 38977
63.697 (a) and (b) revised 38981
63.680—63.698 (Subpart DD) Table 1 revised 38981
63 (Subpart DD) Table 2 revised 38983
63.901 Amended 38985
63.902 (a) and (b)(3) introductory text revised 38986
63.905 Revised 38986
63.906 (a)(2) and (b)(2) revised; (d) added 38986
63.921 Amended 38987
63.925 (a) revised 38987
63.926 (a) revised 38988
63.941 Amended 38988
63.945 Revised 38988
63.946 (a)(2) and (b)(1)(ii) revised; (d) added 38989
63.961 Amended 38989
63.962 (b) revised 38990
63.964 (b)(2) revised 38990
63.965 (b) revised 38991
63.966 Revised 38991
63.1041 Revised 38991
63.1045 Added 38991
63.1046 (a) and (b)(3) revised 38991
63.1047 (a)(2) and (c)(1)(ii) revised; (e) added 38992
75.19 (c)(4)(ii)(A) corrected 37582
75.57 (c)(4)(iv) table corrected 37582
75 Appendixes A, B, D and E corrected 37582
80.41 (f) table amended 37689
80.101 (f)(4) introductory text, (i) and (ii) added 37689
81.305 Amended 39418
81.343 Amended 37411
82 Technical correction 39040
90.706 Corrected 36423
180.102 Removed 39077
180.106 (b) added 41305
180.109 Removed 39053
180.124 Removed 39077
180.125 Removed 39053
180.130 Revised 39077
180.141 Removed 39053
180.150 Removed 39077
180.161 Removed 39077
180.189 Revised 39077
180.201 Removed 39053
180.205 (a) amended 39077

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180.207 (a) table amended 39082
180.216 Removed 39053
180.221 Revised 39077
180.222 (a) table amended 39082
180.226 (a) table and (b) table amended 39082
180.244 Removed 39078
180.250 Removed 39078
180.252 Revised 39053
180.259 (a) heading and (2) added; (a) and (b) redesignated as (a)(1) and (c); new (a)(1) table amended; new (c) revised 39072
180.262 (a) amended 39078
180.265 Removed 39053
180.266 Removed 39053
180.267 Revised 39053
180.282 Removed 39053
180.283 Removed 39053
180.284 (b) amended 40767
180.292 (a)(1) table amended 39082
180.299 Table amended 39082
180.300 (a) table amended 39082
180.304 (a) introductory text revised; (a) table amended 39083
180.346 (a) amended 39083
180.355 (b) table amended 37863
(a) table amended 39083
180.363 Removed 39078
180.384 Amended 39078
180.398 Removed 39053
180.402 Removed 39053
180.415 Revised 36801
(b) revised 37875
180.434 (b) table amended 41297
180.443 (b) table corrected 38308
180.472 (b) table amended 39048
180.475 Revised 36254
180.482 (a) table amended 37870
(a) introductory text redesignated as (a)(1); new (a)(1) table amended; (a)(2) added 39068
180.495 (b) added 39059
180.508 (b) added 37861
180.520 Removed 39078
180.1013 Removed 39053
185.1500 Removed 39078
185.2500 Revised 39083
185.2700 Table amended 39083
(a) amended 39083
185.4650 Removed 39078
185.5000 Removed 39072
186.1500 Removed 39078
228.15 (l)(3)(vi) amended; (l)(3)(vii), (viii)(A)(*1*), (*2*), (*4*), (*5*), (*7*), (*11*), (*12*), and (*13*) revised 39933
260.10 Amended 36487
261.9 (b) and (c) revised; (d) added 36487
262.90 Added 37636
264.1 (g)(11)(ii) and (iii) revised; (g)(11)(iv) added 36488
(g)(12) added 37638
265.1 (c)(14)(ii) and (iii) revised; (c)(14)(iv) added 36488
(c)(15) added 37638
268.1 (f)(2) and (3) revised; (f)(4) added 36488
270.1 (c)(2)(viii)(B) and (C) revised; (c)(2)(viii)(D) added 36488
(c)(2)(ix) added 37638
273.1 (a)(2) and (3) revised; (a)(4) added 36488
273.2 (a)(1), (b)(2) and (3) revised 36488
273.3 (a) introductory text revised 36488
273.4 (a) revised 36488
273.5 Revised 36488
273.6 Redesignated as 273.9 36488
273.8 Added 36488
273.9 Redesignated from 273.6 36488
273.9 Amended 36489
273.10 Revised 36489
273.13 (d) added 36489
273.14 (e) added 36489
273.30 Revised 36489
273.32 (b)(4) and (5) revised 36489
273.33 (d) added 36489
273.34 (e) added 36489
273.50 Revised 36490
273.60 (a) revised 36490
273.81 (a) revised 36490
300 Appendix B amended 39884
430.24 (b)(2) revised; (c) added 36586
745.107 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.110 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.113 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.115 Regulation at 61 FR 9087 eff. 4–22–97 39420

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35 ..... 40064, 40084
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62 ..... 36426, 37923, 38617, 41364

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101-35 (Subchapter F) Regulation at 61 FR 41003 effective date extended through 8-8-00.....38588
101-42.1102-10 (a) and (b) revised.....40772
101-43.304-2 (b) revised.....40773
101-43.305 Heading and (b)(2) revised.....40773
101-43.4801 Revised.....40773

Chapter 102—Federal Management Regulations (Parts 102-1—102-99)

Chapter 102 Established; interim.....39084

Chapter 301—Travel Allowances (Parts 301-1—301-99)

301-51 Revised; interim.....38528
301-52.17—301.52.21 Added; interim.....38529
301.54 Added; interim.....38529
301-70.700—301-70.706 (Subpart H) Added; interim.....38529
301-71.204 Revised; interim.....38530
301-71.208—301-71.211 (Subpart C) Added; interim.....38530
301-76 Added; interim.....38530
Chapter 301 Appendix A amended.....38587

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TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services (Parts 1—199)

50.401 Revised **66062**
50.402 Revised **66062**
50.403 Amended **66062**
50.404 (a) introductory text revised; (b) amended **66062**
50.405 Amended **66063**
50.406 (a), (c), (d) and (g) revised; (e) amended **66063**
68a Added **58312**
100 Authority citation revised 40518
100.3 (c)(3) redesignated as (c)(4); (a) table, (c)(1) and (3) added 40518

Chapter IV—Health Care Financing Administration, Department of Health and Human Services (Parts 400—499)

400.200 Corrected **52611**
Amended **68690**
402 Added **68690**
403 Technical correction **52610**
405 Technical correction **52614**
Technical correction 25456
405.400—405.455 (Subpart D) Added **58901**
405.517 Revised **58905**
405.520 Added **58905**
409 Comment period reopening **65560**
Authority citation revised 41681
409.10 (a)(1) through (6) amended; (a)(8) added 3648
409.20 (a) introductory text and (1) through (6) amended; (a)(8) added 3648
(a)(8) removed 41681
409.27 (a) and (b) amended; (c) added 41681
409.30 Introductory text amended 41681
409.33 (a), (b), and (c) redesignated as (b), (c), and (d); new (a) added; new (b)(2) revised 41681
410 Technical correction **52610**
Comment period reopening **65560**
410.1 (a) amended **58905**
410.32 (d)(7) correctly designated **53307**
(a)(3) amended **58906**
410.40 Revised 3648
410.41 Added 3649
410.59 Added **58906**
410.60 Revised **58906**
410.61 Heading and (a) through (d) revised **58907**
410.62 Heading and (a)(3) revised; (d) added **58907**
410.74 Added **58907**
(c)(1) and (2) corrected 25457
410.75 Added **58908**
(b) corrected 25457
410.76 Added **58908**
410.77 Added **58909**
410.78 Added **58909**
410.150 (b)(15) and (16) added **58910**
410.152 (a)(1)(v) revised **58910**
411 Technical correction **52610**
Comment period reopening **65560**
411.15 (g) amended; (p)(3)(iii) revised 41682
412 Technical correction **52614**
Hospital wage data revisions **64191**
Notice 9378
412.2 (e)(4) revised 41540
412.22 (h) added 41540
412.25 (b) and (c) revised; (e) added 41540
412.105 (f)(1)(iii) and (2)(v) amended 41541
412.256 (c)(2) revised 41541
412.276 (a) revised 41541
413 Technical correction **52614**
Comment period reopening **65560**
Technical correction 25456
Authority citation revised 41541, 41682
413.40 (a)(3) amended; (b)(1)(iii), (c)(4)(v), (f)(2)(ii)(A), and (g)(1) revised 41541
413.64 (h)(2)(iii) revised 41682
413.86 (b), (e)(1)(ii)(C), (iv) and (g)(6)(iii) amended; (g)(1)(i), (ii), (iii), (6) introductory text, (i) and (ii) revised; (g)(7) redesignated as (g)(9); (f)(4)(iii), new (g)(7) and (8) added 41542
413.125 Existing text designated as (a); (b) added **58910**
413.333 Corrected **53307**
413.343 (b) amended 41682
413.350 Added 41682
414.1 Amended **58910**

NOTE: **Boldface page numbers indicate 1998 changes.**

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TITLE 42 Chapter IV—Con.

414.20—414.62 Designated as Subpart B and heading added **58910**
414.22 Introductory text revised; (b)(5) added **58910**
414.32 Heading and (b) revised **58911**
(a)(6) correctly added 25457
414.34 Heading revised; (a)(2)(iii) added **58911**
414.52 Heading and introductory text revised; (d) added **58911**
414.56 Revised **58911**
414.65 Added **58911**
415 Techincal correction 25456
415.110 Revised **58912**
416.180—416.200 (Subpart F) Added 32205
417.600 Reinstated **52611**
417.602 Reinstated **52611**
417.604 Reinstated **52611**
417.605 Reinstated **52611**
417.606 Reinstated **52611**
417.608 Reinstated **52611**
417.609 Reinstated **52611**
417.610 Reinstated **52611**
417.612 Reinstated **52611**
417.614 Reinstated **52611**
417.616 Reinstated **52611**
417.617 Reinstated **52611**
417.618 Reinstated **52611**
417.620 Reinstated **52611**
417.622 Reinstated **52611**
417.624 Reinstated **52611**
417.626 Reinstated **52611**
417.630 Reinstated **52611**
417.632 Reinstated **52611**
417.634 Reinstated **52611**
417.636 Reinstated **52611**
417.638 Reinstated **52611**
417.800 Corrected **52611**
422.50—422.80 (Subpart B) Heading corrected **52611**
422.50 (a) introductory text and (1) corrected **52611**
422.54 (d)(2)(i) corrected **52611**
422.56 (d) corrected **52612**
422.60 (a)(1), (b)(1), (c)(1) and (e)(4)(i) corrected; (f) correctly added **52612**
(e)(4)(i) corrected **54526**
(a)(1) revised 7980
422.62 (b) introductory text, (c), (d) heading, (1) and (2) introductory text corrected **52612**
422.66 (f) correctly added **52612**
422.74 (b)(3) corrected **52612**
422.80 (c)(3), (d), (e)(1)(iv), (3)(i) and (f) corrected **52612**
422.110 (c) corrected **52612**
(c) revised 7980
422.111 (d) revised 7980
422.112 Correctly revised **52612**
Revised 7980
422.202 Revised 7981
422.204 (c) revised 7982
422.250 (b) correctly revised **52612**
422.268 (b) corrected **52613**
422.308 (b) correctly designated as (b)(1); (b)(2) correctly added **52613**
422.310 (c)(4) corrected **52614**
422.502 (a)(2), (3)(i) and (4) corrected; (m) correctly designated as (l)(4) **52614**
(h)(1) revised 7982
422.550 (b)(1) corrected **52614**
422.608 Heading corrected **52614**
422.612 (a)(1), (b) heading and introductory text corrected **52614**
422.616 (a) corrected **52614**
422.620 (a) corrected **52614**
422.622 (c)(1)(i) corrected **52614**
422.752 (a)(6) corrected **52614**
424 Comment period reopening **65560**
Techincal correction 25456
424.20 Corrected **53307**
424.24 (a)(2) correctly revised **53307**
(c) introductory text, (1)(ii), (iii), (3)(i), (ii), (4), (f)(2) and (3) revised **58912**
424.124 (c)(2) amended 3649
431.153 (b)(3) removed; interim 39937
440.160 Revised **64198**
441.151 (b) and (c) revised; (d) added **64198**
482.13 Added; interim 36088
483 Comment period reopening **65560**
483.20 (b)(2) introductory text revised **53307**
(b)(2) introductory text revised 41543
484.11 Added; interim 3763
484.18 (c) revised 3784
484.20 Added; interim 3763
484.55 Added 3784
485.618 (d) revised 41544
485.645 (d)(6) revised 41544
485.705 Revised **58912**
(c)(8) correctly revised; (c)(10)(i), (ii) and (iii) corrected 25457
485.711 (b)(3) revised **58913**

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488 Authority citation revised 3763
488.68 Added; interim 3763
488.402 (f)(5) revised 13353
488.408 (d)(1)(iv), (e)(1)(iv) and (2)(ii) revised 13360
488.430 (a) revised 13360
488.432 Heading, (a)(2), (b) and (c) revised 13360
488.434 (a)(2)(iii), (v) and (vi) revised 13360
488.438 (a) introductory text, (1) and (2) redesignated as (a)(1) introductory text, (i) and (ii); new (a)(2) added; (c) and (d) revised 13360
488.440 (a), (b) introductory text, (c), (d), (e) introductory text, and (f)(1), (g), (h) revised 13361
448.442 (a) heading revised; (b) through (f) redesignated as (c) through (g); new (b) added 13361
488.454 (a) introductory text revised; (d) redesignated as (e); new (d) added 13361
489 Comment period reopening **65560**
489.21 (h) added 41683
493.1202 Heading amended **55034**
493.1203 Heading amended **55034**
493.1443 (b)(3)(ii) introductory text and (C) amended **55034**
498.3 (a) revised 24957
(b)(13) and (d)(10)(iii) revised; (b)(15) added; interim 39937

Chapter V—Office of Inspector General–Health Care, Department of Health and Human Services (Parts 1000—1999)

1001.1 (a) revised 39426
1001.2 Amended 39426
1001.102 (b)(4) revised **57918**
(b)(6) and (7) revised; (b)(8) redesignated as (b)(9); new (b)(8) and (d) added 39426
1001.201 Heading and (b)(3)(iii)(A) revised 39426
1001.301 (b)(2)(ii) revised 39426
1001.401 Heading and (c)(2)(ii) revised 39426
1001.1001 (a)(1)(ii) revised; (a)(2) amended 39427
1001.1301 (b)(2)(iii) revised 39427
1001.1401 (b)(1) and (4) revised 39427
1001.1501 (a)(3) revised 39427
1001.1901 (a), (b)(1), (c)(3) introductory text and (5)(i) revised 39427
1001.2001 (a) revised; (b) and (c) redesignated as (c) and (d); new (b) added **57918**
1001.3002 (b)(3), (4) and (c)(1) revised; (b)(6) added 39427
1001.3003 Revised 39428
1001.3005 (a) introductory text, (b) and (d) revised 39428
1002.2 (a) revised 39428
1003 Authority citation revised 39428
1003.100 (a), (b)(1)(iv), (viii), (x) and (xi) revised; (b)(1)(xii) added 39428
1003.102 (a)(2) and (b)(5) revised; (b)(11) added 39428
1003.103 (a) revised; (g) and (h) added 39429
1003.104 Revised 39429
1003.105 Heading, (a)(1) introductory text and (b)(1) revised 39429
1003.106 (a)(1)(vii) redesignated as (a)(1)(ix); new (a)(1)(vii) and (a)(1)(viii) added; (a)(1)(ii), (iii), (vi), (2)(i), (ii) and (iii) revised 39429
1003.109 (a) introductory text and (3) revised 39429
1003.114 (a) revised 39429

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15 Revised 31137
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62 Appendix A amended 27709
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144.101 Revised; interim **57558**
144.102 (b) revised; interim **57558**
146.101 (a) revised; (b)(2), (3) and (4) redesignated as (b)(3), (4) and (5); new (b)(2) added; interim **57559**
146.130 Added; interim **57559**
148.101 Revised; interim **57561**
148.102 (a) heading, (2) and (b) revised; interim **57562**
148.170 (Subpart C) Added; interim **57562**

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260 Added 17878
260.30 Corrected 40291
260.59 Heading correctly revised 40291
261 Added 17884
261.56 (b)(2)(ii) corrected 40291
262 Added 17890
262.5 (b)(1)(ii) corrected 40291
263 Added 17893
263.2 (b)(1)(iii) correctly revised; (d) corrected 40291
264 Added 17896
264.3 (b) corrected 40292
264.10 (b) corrected 40292
265 Added 17900
265.3 (f) introductory text, (1), (2) and (3) redesignated as (f)(1) introductory text, (i), (ii) and (iii); new (f)(2) added 40292
276 Added; interim **57926**
283 Added 18493

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302 Nomenclature change; interim 6247
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302.31 (a)(2), (b) and (c) amended; (a)(3) removed; interim 6247
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302.75 (b)(4) amended; interim 6249
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303.31 (c) introductory text amended; (c)(1) and (2) removed; interim 6250
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108.500 (a) and (b) revised; eff. 11–2–98 ..... **52814**
108.540 (h)(3) and (4) revised; eff. 11–2–98 ..... **52814**
108.565 (a)(3) revised; eff. 11–2–98 ..... **52814**
108.570 (c)(1) amended; eff. 11–2–98 ..... **52814**
108.575 Table amended; eff. 11–2–98 ..... **52814**
108.580 (b)(3)(i) and (c)(2)(i) revised; eff. 11–2–98 ..... **52814**
108.645 Regulation at 61 FR 25298 confirmed **52813**
(a)(1)(ii), (2) and (b)(2) revised; eff. 11–2–98 ..... **52815**
108.646 Regulation at 61 FR 25298 confirmed **52813**
(c) revised; eff. 11–2–98 ..... **52815**
108.647 Regulation at 61 FR 25298 confirmed **52813**
108.649 Regulation at 61 FR 25298 confirmed **52813**
(b), (c), (e)(1) and (g) revised; eff. 11–2–98 ..... **52815**
108.650 Regulation at 61 FR 25299 confirmed **52813**
108.655 Regulation at 61 FR 25298 confirmed **52813**
108.901 (Subpart J) Regulation at 61 FR 25298 confirmed **52813**
(b) introductory text, (6) introductory text, (ix), (x), (7) introductory text and (c) introductory text; eff. 11–2–98 ..... **52815**
109.207 Regulation at 61 FR 25298 confirmed **52813**
109.208 Regulation at 61 FR 25298 confirmed **52813**
109.213 Regulation at 61 FR 25298 confirmed **52813**
(a)(2)(vi), (ix), (b), (c)(2), (d)(5), (7), (f)(2)(vii), (g)(7)(v)(G) and (h)(1)(iv) revised; eff. 11–2–98 ..... **52815**
109.215 Regulation at 61 FR 25301 confirmed **52813**
109.217 Regulation at 61 FR 25301 confirmed **52813**
109.219 Regulation at 61 FR 25301 confirmed **52813**
109.221 Regulation at 61 FR 25301 confirmed **52813**
109.225 Regulation at 61 FR 25301 confirmed **52813**
109.301 Regulation at 61 FR 25301 confirmed **52813**
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109.305 Regulation at 61 FR 25302 confirmed **52813**
109.307 Regulation at 61 FR 25302 confirmed **52813**
109.313 Regulation at 61 FR 25302 confirmed **52813**
109.314 Regulation at 61 FR 25302 confirmed **52813**
109.317 Regulation at 61 FR 25302 confirmed **52813**
109.320 Regulation at 61 FR 25302 confirmed **52813**
109.321 Regulation at 61 FR 25302 confirmed **52813**
109.323 Regulation at 61 FR 25302 confirmed **52813**
109.325 Regulation at 61 FR 25303 confirmed **52813**
109.341 Regulation at 61 FR 25303 confirmed **52813**
109.425 Regulation at 61 FR 25303 confirmed **52813**
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109.433 Regulation at 61 FR 25303 confirmed **52813**

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109.501 Regulation at 61 FR 25303 confirmed **52813**
109.503 (Subpart E) Regulation at 61 FR 25303 confirmed **52813**
109.505 Regulation at 61 FR 25303 confirmed **52813**
125.160 Regulation at 61 FR 25303 confirmed **52813**
133 Regulation at 61 FR 25304 confirmed **52813**
133.70 (a)(3)(ii), (b)(4), (c)(3) and (4) revised; eff. 11–2–98 ..... **52816**
133.130 (a)(2) revised; eff. 11–2–98 ..... **52816**
133.150 (c)(6) revised; eff. 11–2–98 ..... **52816**
133.160 (a) revised; eff. 11–2–98 ..... **52816**
167.05–25 Regulation at 61 FR 25311 confirmed **52813**
167.05–35 Regulation at 61 FR 25311 confirmed **52813**
167.15–28 Regulation at 61 FR 25311 confirmed **52813**
167.35–1 Regulation at 61 FR 25311 confirmed **52813**
167.35–2 Regulation at 61 FR 25311 confirmed **52813**
167.35–3 Regulation at 61 FR 25311 confirmed **52813**
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167.35–10 Regulation at 61 FR 25311 confirmed **52813**
167.35–15 Regulation at 61 FR 25311 confirmed **52813**
167.35–20 Regulation at 61 FR 25311 confirmed **52813**
167.35–25 Regulation at 61 FR 25311 confirmed **52813**
167.35–30 Regulation at 61 FR 25311 confirmed **52813**
167.35–35 Regulation at 61 FR 25311 confirmed **52813**
167.35–40 Regulation at 61 FR 25311 confirmed **52813**
167.35–45 Regulation at 61 FR 25311 confirmed **52813**
167.35–50 Regulation at 61 FR 25311 confirmed **52813**
167.35–60 Regulation at 61 FR 25311 confirmed **52813**
167.35–65 Regulation at 61 FR 25311 confirmed **52813**
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167.35–72 Regulation at 61 FR 25311 confirmed **52813**
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167.35–80 Regulation at 61 FR 25311 confirmed **52813**
167.35–85 Regulation at 61 FR 25311 confirmed **52813**
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167.55–5 Regulation at 61 FR 25311 confirmed **52813**
167.65–1 Regulation at 61 FR 25311 confirmed **52813**
167.65–55 Regulation at 61 FR 25311 confirmed **52813**
168.05–5 Regulation at 61 FR 25312 confirmed **52813**
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168.10–1 Regulation at 61 FR 25312 confirmed **52813**
168.10–5 Regulation at 61 FR 25312 confirmed **52813**
188.10–5 Regulation at 61 FR 25312 confirmed **52813**
188.10–52 Regulation at 61 FR 25312 confirmed **52813**
188.10–53 Regulation at 61 FR 25312 confirmed **52813**
188.27–1 (Subpart 188.27) Regulation at 61 FR 25312 confirmed **52813**
189.15–1 Regulation at 61 FR 25312 confirmed **52813**
189.20–20 Regulation at 61 FR 25312 confirmed **52813**
189.25–15 Regulation at 61 FR 25312 confirmed **52813**
192 Regulation at 61 FR 25312 confirmed **52813**
195.06–1 (Subpart 195.06) Regulation at 61 FR 25312 confirmed **52813**
196.13–1 Regulation at 61 FR 25313 confirmed **52813**
196.13–5 Regulation at 61 FR 25313 confirmed **52813**
196.13–10 Regulation at 61 FR 25313 confirmed **52813**
196.13–15 Regulation at 61 FR 25313 confirmed **52813**
196.13–20 Regulation at 61 FR 25313 confirmed **52813**
196.14–1—196.14–20 (Subpart 196.14) Regulation at 61 FR 25313 confirmed **52813**

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196.15–25 Regulation at 61 FR 25313 confirmed **52813**
196.15–35 Regulation at 61 FR 25313 confirmed **52813**
196.15–37 Regulation at 61 FR 25313 confirmed **52813**
196.15–40 Regulation at 61 FR 25313 confirmed **52813**
196.15–45 Regulation at 61 FR 25313 confirmed **52813**
196.15–50 Regulation at 61 FR 25313 confirmed **52813**
196.15–65 Regulation at 61 FR 25313 confirmed **52813**
196.15–70 Regulation at 61 FR 25313 confirmed **52813**
196.35–5 Regulation at 61 FR 25313 confirmed **52813**
196.37–37 Regulation at 61 FR 25313 confirmed **52813**
196.37–40 Regulation at 61 FR 25313 confirmed **52813**
196.37–43 Regulation at 61 FR 25313 confirmed **52813**
196.37–49 Regulation at 61 FR 25313 confirmed **52813**
196.39–1 (Subpart 196.39) Regulation at 61 FR 25313 confirmed **52813**
196.90–1—196.90–10 (Subpart 196.90) Regulation at 61 FR 25313 confirmed **52813**
199 Regulation at 61 FR 25313 confirmed **52813**
199.03 (b)(9) and (10) revised; eff. 11–2–98 ..... **52816**
199.10 Revised; eff. 11–2–98 ..... **52817**
Table correctly revised **56066**
(a) table amended **63798**
199.70 (b)(2)(ii) removed; (a)(2) and (c)(3) revised; eff. 11–2–98 ..... **52818**
(a)(2) corrected **56066**
199.80 (b)(4) revised; eff. 11–2–98 ..... **52818**
199.100 (f) revised; eff. 11–2–98 ..... **52819**
199.110 (f)(4) amended; eff. 11–2–98 ..... **52819**
199.140 (a)(1) revised; eff. 11–2–98 ..... **52819**
199.153 (f) revised; (h)(1), (2) and (i) amended; eff. 11–2–98 ..... **52819**
199.175 (b)(21)(i)(B) revised; eff. 11–2–98 ..... **52819**
199.176 (a)(1)(ii), (2) and (b)(2) revised; eff. 11–2–98 ..... **52819**
199.180 (a)(2)(vi), (ix), (d)(11) and (f)(2)(i) revised; eff. 11–2–98 ..... **52819**
199.190 (d)(2) and (g)(4) revised; eff. 11–2–98 ..... **52819**
199.610 (a) revised; eff. 11–2–98 ..... **52819**
199.620 (a) table and (e) revised; (k)(2)(1) redesignated as (l); (o) and (p) added; eff. 11–2–98 ..... **52820**
Table corrected **56066**
199.630 (a) table, (c), (d)(2), (f) introductory text, (2)(iv) and (g) revised; (l) and (m) added; eff. 11–2–98 ..... **52821**
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(a) table amended **63798**
199.640 (h)(2) revised; (i)(2) table amended; eff. 11–2–98 ..... **52821**

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351 Authority citation amended **55039**
351.1 Authority citation removed **55039**
351.2 (a) revised; authority citation removed **55039**

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401 Annual review findings **68697**

Chapter IV—Federal Maritime Commission (Parts 500—599)

500 Redesignated as part 508 23546
501.2 (d) revised 23546
502 Authority citation revised 7807
502.1 Amended 7807
502.2 (c) and (d) amended; (e) added 7807
502.11 Heading revised; (a) and (b) heading removed; (b)(1) through (7) redesignated as (a) through (g) 7807
Corrected 23551
(d)(i), (ii) and (iii) correctly redesignated as (d)(1), (2) and (3); (b), new (d)(2) and (e) corrected
502.12 Amended 7807

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502.21 (c) heading revised 7807
502.23 Revised 7807
502.24 (b) revised 7807
502.26 Revised 7807
502.27 (a)(1) amended 7807
502.21—502.31 (Subpart B) Exhibit No. 1 amended 7807
502.42 Revised 7807
502.51 Revised 7808
502.56 Amended 7808
502.61 (d) amended 7808
(c) corrected 23551
502.62 (g) redesignated as (h); new (g) added; new (h) revised 7808
502.63 Heading revised; (a) removed; (b) through (e) redesignated as (a) through (d) 7808
502.64 (a) and (d) amended 7808
502.67 Added 7808
502.71 Amended 7808
502.75 (a) revised 7808
502.61—502.76 (Subpart E) Exhibit 1 amended 7808
502.91 (d) amended 7808
502.92 Removed 7808
502.91—502.95 (Subpart F) Exhibit 1 removed 7808
502.94 (c) amended 7808
502.102 Revised 7808
502.104 Amended 7809
502.105 Revised 7809
502.111 Revised 7809
502.112 Heading revised; (c)(2) amended 7809
502.113 Revised 7809
502.114 Heading and (a) revised; (b) amended 7809
502.116 Revised 7809
502.118 (b)(2) revised 7809
502.119 (a) and (b) revised 7809
502.133 Revised 7809
502.143 Amended 7810
502.144 Heading revised; existing text designated as (a); new (a) amended; (b) added 7810
(a) corrected 23551
502.146 (a) and (c) revised 7810
502.147 (a) amended; (b) revised 7810
502.201 (a), (d) heading and (f) heading revised 7810
502.221 (f) revised 7810
502.223 Revised 7810
502.225 Revised 7810
502.227 Heading revised; (a)(4), (5) and (6) redesignated as (a)(5), (6) and (7); new (a)(4) and (e) added; (d) amended 7810
502.253 Revised 7810
502.254 (a) amended; (c)(1)(i) revised 7811
502.271 (Subpart Q) Revised 7811
502.301 (b) removed; (c) and (d) redesignated as (b) and (c) 7812
502.302 (b) removed; (c) redesignated as (b) 7812
502.305 Revised 7812
502.301—502.305 (Subpart S) Exhibit 1 amended 7812
502.321 Revised 7812
502.401 (b) amended; (d) removed; (e) redesignated as (d) 7812
502.501 (d)(2)(vi) and (e)(3) added; (f)(2) and (g) amended 7812
502.502 (d)(3) amended 7812
502.503 (j)(2) amended 7812
502.601 Revised 7812
502.602 (h) revised; (i) amended 7812
502.603 (c) amended 7812
502.604 (b) amended 7812
502.604 (g) amended 7813
502.605 (a) revised; (c) amended 7813
503 Authority citation revised **53308**
503.21—503.24 (Subpart C) Revised **53308**
503.11 (b) and (c) removed; (a) introductory text and (1) through (5) redesignated as introductory text and (a) through (e) 23547
503.22 (b) revised 23547
503.23 (a)(3) removed; (a)(4) and (5) redesignated as (a)(3) and (4); new (a)(3) and (b) revised 23547
503.24 (b)(5)(iii) and (10) revised; (b)(11) and (12) added 23547
503.31—503.34 (Subpart D) Revised **53310**
503.51 Revised 23547
503.52 Revised 23547
503.53 (a) and (d) revised 23548
503.54 (a) and (b) revised 23548
503.55 (a), (b) and (c) revised; (d) removed 23548
503.56 Heading revised; (a) amended 23548

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503.57 (a) introductory text, (1), (c), (e) and (i) revised; (j) added 23548
503.58 (c) revised 23548
503.59 (d), (e) introductory text, (g)(2), (h), (q)(1), (2) and (3) revised 23548
503.71 (c) introductory text revised 23549
503.86 (b) revised 23549
504 Authority citation revised 23549
504.1 (c) revised 23549
504.2 (a), (b), (h) and (i) revised 23549
504.3 Revised 23549
504.4 (a)(7) removed; (a)(1), (3), (5), (6), (19), (b) and (c) revised 23549
504.5 (b) revised 23549
504.6 Revised 23549
504.7 (a)(1), (b)(1) and (c)(1) revised 23550
504.9 (a) introductory text, (c) and (d) revised 23550
506.4 (d) revised 23550
507.170 (b) amended; (c) revised 23551
508 Redesignated from part 500 23546
510—540 (Subchapter B) Heading revised 11171
510 Waiver **64876**
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514 Waiver **64876**
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515 Added 11171
515.11 Regulation at 64 FR 11173 confirmed; (a)(3) corrected 23020
520 Added 11225
520.2 Amended 23022
525 Added 9283
530 Added; interim 11206
Regulation at 64 FR 11206 confirmed 23792
530.3 (m) revised 23792
(k) revised 41042
530.5 (c)(1) revised; (c)(3), (4), and (5) removed 41042
530.8 (c) revised; (e) added 23793
(a) and (c) revised 41042
530.10 (d)(1) revised 23793
530.11 Removed 41042
530.12 Second (c) and (d) through (g) redesignated as (d) and (e) through (h); (c) and new (d) through new (h) revised 23793
530.13 Revised 23793
530 Appendix A amended 23793, 41042
535 Redesignated from 572; authority citation revised 11240
535.101 Revised 11241
535.102 Amended 11241
535.103 (h) added 11241
535.104 (u) removed; (v) through (kk) redesignated as (u) through (jj); (f), (g), (j), (m), (q) and new (cc) and (dd) revised 11241
535.201 (a)(5), (6), (7) and (b) revised 11241
535.202 (d) and (e) revised; (f) and (g) removed 11241
535.301 (a) and (c) revised; (d) and (e) removed; (f) redesignated as (d) 11241
535.301 Heading corrected 23794
535.307 (b) revised 11242
535.309 (a)(2) revised 11242
535.310 (a) revised 11242
535.402 (a), (b) introductory text, (d) and (e) revised; (f) and (g) removed 11242
535.403 Revised 11242
535.404 Revised 11242
535.405 (a) through (e) revised; (f) and (g) removed 11243
535.501 (a) revised 11243
535.502 (a)(1), (3), (4), (5), (b)(1) and (2) revised 11243
535.503 Existing text designated as (a); (b) added 11243
535.706 (c)(1) revised 11243
535.801—535.802 (Subpart H) Heading revised 11243
535.801 (a), (b)(1), (d) and (e) revised; (f)(1) and (2) amended; (j) and (k) redesignated as (i) and (j) 11243
535.802 Revised 11244
535 Appendixes A and B corrected 23794
540 Heading and authority citation revised 23551
545 Redesignated from 571 7813
545.1 (a) revised 7813
(a) corrected 9922
550—565 (Subchapter C) Heading revised 8008

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550 Redesignated from 585; authority citation revised 8008
550 Note added 8009
550.102 Added 8009
550.103 (a) and (b) revised 8009
550.201 (a) revised 8009
550.202 (b) introductory text and (3) revised 8009
550.301 Introductory text and (d) revised 8009
550.601 (c) revised 8009
550.602 Revised 8009
551 Redesignated from 586; authority citation revised; note added 8009
551.2 Removed 30248
551.3 Removed 8009
555 Redesignated from 588; authority citation revised; note added 8010
555.1 Revised 8010
555.2 (a), (c) and (d) revised 8010
555.4 (a) and (c) revised 8010
(a) corrected 23551
555.8 (a)(2) revised 8010
560 Redesignated from 587; authority citation revised 8009
560.1 (a) revised 8009
560.2 (c) revised 8010
560.5 (a) introductory text amended 8010
560.7 (b)(3)(i) revised 8010
565 Added 8010
565.10 Heading correctly revised 10395
571 Redesignated as 545 7813
572 Redesignated as 535 11240
582 Waiver **64876**
Removed 23551
583 Removed 11171
585 Redesignated as 550 8006
586 Redesignated as 551 8009
587 Redesignated as 560 8009
588 Redesignated as 555 8010

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0 Order 14834
0.21 (j) added 5950
0.41 (g) removed; (h) through (o) redesignated as (g) through (n) 5950

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0.121 (b) revised **68918**
0.241 (g) added 4995
0.251 (g) removed; (h) and (i) redesignated as (g) and (h) 5950
0.291 (i) added 4995
0.304 Added 5950
0.401 (b)(3) added **68919**
0.408 Revised (OMB numbers) **52618**
(b) table amended (OMB numbers) **68919**
0.453 (g)(1) removed; (h) introductory text and (1) revised **68919**
Introductory text, (g) introductory text and (h) introductory text revised 28936
(o) added (effective date pending) 28936
0.455 (f) revised (effective date pending) 28937
0.457 (d)(1)(ii) revised; eff. 10–25–99 22561
(d)(1)(vi) added (effective date pending) 34740
0.467 (a)(1) table and (2) revised 31139
0.482 Revised **68919**
0.491 Revised **68919**
0.601 (b) amended 2149
0.605 (e) amended 2150
1 Nomenclature change **54077**
Order **63612**
Authority citation revised **67429**, **71036**
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1.4 (f) amended **68919**, **70047**
(f) revised 27201
1.41 Amended **68919**
1.45 Introductory text amended; (a), (b) and (c) revised **68919**
1.47 (h) revised 41330
1.49 (e) amended **68920**
1.50 Revised **68920**
1.51 (f), (g) and (h) added **68920**
1.52 Amended **68920**
1.83 (b) amended **68920**
1.84 Removed **68920**
1.85 Revised **68920**
1.106 (o) added **68920**
1.115 Regulation at 63 FR 41446 eff. 10–5–98 ..... **52983**
1.419 (e) revised **56091**
1.720 Regulation at 63 FR 41446 eff. 10–5–98 ..... **52983**
1.721 Regulation at 63 FR 41446 eff. 10–5–98 ..... **52983**
1.724 Regulation at 63 FR 41446 eff. 10–5–98 ..... **52983**
1.726 Regulation at 63 FR 41447 eff. 10–5–98 ..... **52983**
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1.729 Regulation at 63 FR 41447 eff. 10–5–98 ..... **52983**
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1.763 (b) amended 39939
1.767 (a)(5), (6), (7) and (e) revised; (a)(8) and (9) added 19061
1.821 Revised **68920**
1.823 Removed **68920**
1.825 Removed **68920**
1.901 Revised **68921**
1.902 Added **68921**
1.903 Added **68921**
1.907 Added **68921**
1.911 Revised **68922**
1.912 Removed **68922**
1.913 Revised **68922**
1.914 Removed **68923**
1.915 Added **68923**
1.916 Removed **68923**
1.917 Added **68923**
1.918 Removed **68923**
1.919 Added **68923**
1.921 Removed **68924**
1.922 Removed **68924**
1.923 Revised **68924**
1.924 Revised **68924**
1.925 Revised **68926**
1.926 Revised **68927**
1.927 Added **68927**
1.929 Added **68927**
1.931 Revised **68928**
1.933 Revised **68929**
1.934 Revised **68930**
1.935 Added **68931**
1.937 Added **68931**
1.939 Added **68931**
1.945 Added **68932**
1.946 Added **68933**
1.947 Added **68933**
1.948 Added **68933**
1.949 Added **68934**
1.951 Revised **68934**
1.952 Removed **68934**
1.953 Removed **68934**
1.955 Revised **68934**
1.956 Added **68935**
1.957 Added **68935**

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1.958 Removed **68935**
1.959 Removed **68935**
1.961 Removed **68935**
1.962 Removed **68935**
1.971 Removed **68935**
1.972 Removed **68935**
1.973 Removed **68935**
1.981 Revised **68935**
1.1102 Revised **68935**
1.1111 (b) amended; (c) added **68941**
1.1152 Revised **68941**
Revised 35840
1.1153 Revised 35841
1.1154 Revised 35842
1.1306 Note 1 amended 19061
1.1307 (b)(1) Table 1 amended (OMB number pending) **65099**
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1.2003 Amended **68942**
1.2107 (e) added **68942**
1.2111 (a) amended **68942**
1.4000 Revised (effective date pending) **67429**
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2 Nomenclature change **54077**
Authority citation revised **58650**
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Rule confirmation **69562**
2.103 Revised **58650**
2.106 Table amended 2587, 2591
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2.960 Added 4995
2.962 Added 4996
2.1033 (b)(11) revised; eff. 10–25–99 22561
3.10 (e) revised 40776
5 Revised **64202**
11 Order 5950
13.5 Revised **68942**
13.9 (d), (e) and (f) redesignated as (e), (f) and (g); (b), (c) and new (f) introductory text revised; new (d) added **68942**
13.13 (a), (b) and (c) revised; (e) and (f) removed; (d) redesignated as (e); new (d) added **68942**
13.17 (b), (c) and (d) revised **68943**
15.3 (v) revised; (dd) added; eff. 10–25–99 22561
15.37 (f) revised; (h) added; eff. 10–25–99 22561
15.101 (a) revised 4997
15.121 Revised; eff. 10–25–99 22561
17.23 Revised 27474
18.213 (d) added; eff. 10–13–99 37419
18.307 (c) table revised; eff. 10–13–99 37419
20 Nomenclature change **54077**
Clarification 38313
20.9 (b) introductory text and (1) revised 26887
21 Nomenclature change 4055
21.2 Amended **65100**
Regulation at 63 FR 65100 eff. date corrected to 2-8-99 4054
21.11 (f) and (g) redesignated as (e) and (f); heading, (a), (d) and new (e) revised **65100**
Regulation at 63 FR 65100 eff. date corrected to 2-8-99 4054
21.27 (d) added (OMB number pending) **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.30 (a)(4) revised **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.31 (e)(6)(iv) revised **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.42 (b)(3) revised; (c)(8) added (OMB number pending) **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.101 (a) Footnote 2 revised **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.118 (c) revised **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.201 Revised (OMB number pending) **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.304 Revised (OMB number pending) **65102**
Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.900 Revised (OMB number pending) **65102**
Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.901 (a), (b), (d) and Note 1 revised; (g) added (OMB number pending) **65102**
Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.902 Heading, (b)(3), (4), (5)(i), (f)(1) and (2) revised; (b)(7) and (l) added **65102**

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Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.903 (a) and (b)(1) revised; (d) added (OMB number pending) **65103**
Regulation at 63 FR 65103 eff. date corrected to 2-8-99 4054
21.904 Revised **65103**
Regulation at 63 FR 65103 eff. date corrected to 2-8-99 4054
21.905 (b) revised; (d) added (OMB number pending) **65104**
Regulation at 63 FR 65104 eff. date corrected to 2-8-99 4054
21.906 (a) and (d) revised (OMB number pending) **65104**
Regulation at 63 FR 65104 eff. date corrected to 2-8-99 4054
21.907 Removed **65104**
Regulation at 63 FR 65104 eff. date corrected to 2-8-99 4054
21.908 (b) redesignated as (a); heading and new (a) revised; (c), (d) and (e) removed; new (b) through (e) added **65104**
Regulation at 63 FR 65104 eff. date corrected to 2-8-99 4054
21.909 Revised (OMB number pending) **65105**
Regulation at 63 FR 65105 eff. date corrected to 2-8-99 4054
21.910 Heading, introductory text, (a) and (b) introductory text revised; (d) added **65109**
Regulation at 63 FR 65109 eff. date corrected to 2-8-99 4054
21.913 Revised (OMB number pending) **65109**
Regulation at 63 FR 65109 eff. date corrected to 2-8-99 4054
21.925 (b) revised **65112**
Regulation at 63 FR 65112 eff. date corrected to 2-8-99 4054
21.938 (b) introductory text, (c)(4), (e) and (f) revised **65112**
Regulation at 63 FR 65112 eff. date corrected to 2-8-99 4054
21.940 Added (OMB number pending) **65112**
Second 21.940 correctly redesignated as 21.949 4055
21.949 Correctly redesignated from second 21.940 4055
22.99 Amended **68943**
22.101 Removed **68943**
22.103 Removed **68943**
22.105 Removed **68943**
22.106 Removed **68943**
22.108 Removed **68943**
22.115 Removed **68943**
22.117 Removed **68943**
22.119 Removed **68943**
22.120 Removed **68943**
22.121 Removed **68943**
22.122 Removed **68943**
22.123 Removed **68943**
22.124 Removed **68943**
22.125 Removed **68943**
22.127 Removed **68943**
22.128 Removed **68943**
22.129 Removed **68943**
22.130 Removed **68943**
22.131 (b) introductory text, (1), (c) introductory text, (1) and (2) revised; (d)(3) removed **68943**
22.132 Removed **68943**
22.135 Removed **68943**
22.137 Removed **68943**
22.139 Removed **68943**
22.142 Removed **68943**
22.144 Removed **68943**
22.145 Removed **68944**
22.150 (d) introductory text amended **68944**
22.163 Removed **68944**
22.165 (b) and (e) revised **68944**
22.213 Removed **68944**
Added 33781
22.215 (a) revised 33781
22.217 (a) revised; (b)(4) added 33781
22.219 Removed 33781
22.221 (b) revised **68944**
(b) and (c) revised 33781
22.223 (b)(1)(i), (ii) and (2) amended; (b)(4) and (e) added 33781
22.225 (a)(1), (b)(1), and (e) revised 33782
22.315 Removed **68944**
22.317 Amended **68944**
22.323 (d) revised **68944**
22.352 (c)(6) revised **68944**
22.369 Removed **68944**
22.411 (d)(1) revised **68944**
22.413 (b)(1) revised **68944**
22.415 (b)(1) revised **68944**
22.417 (b)(1) revised **68944**
22.503 (k) revised **68945**
(b)(2), (3), (h), (i), (k)(1) and (2) amended 33782
22.507 (c) revised **68945**
(c) amended 33784
22.509 (c) removed 33784

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22.513 Added 33784
22.529 (a) and (b) introductory text amended; (b)(1), (3) introductory text, (i) and (iii) revised **68945**
22.531 (c) revised **68945**
(f) amended 33784
22.539 Introductory text revised **68945**
22.577 (b) amended; (d) revised **68945**
22.625 (b)(1) revised **68946**
22.627 (b)(1)(i) and (2) revised **68946**
22.657 (a), (d), (e)(1) and (f) revised **68947**
22.659 (b)(1) and (c)(1) revised **68947**
22.709 Introductory text, (b) introductory text, (1) and (2) revised (effective date pending in part) **68948**
22.803 Introductory text, (a) introductory text, (b) introductory text, (1) and (2) revised (effective date pending in part) **68948**
22.821 Removed **68948**
22.859 Introductory text and table revised **68948**
22.873 (a) and (b) revised **68950**
22.875 (d)(7) removed (effective date pending in part) **68951**
22.907 (b) revised **68951**
22.911 (b) amended **68951**
22.921 Added (OMB number pending) 34568
22.929 Revised (effective date pending in part) **68951**
22.935 (a) amended **68951**
22.936 (a) amended **68951**
22.941 (b) amended; (c) revised **68951**
22.944 Removed **68951**
22.946 Introductory text and (b) removed; (a) introductory text revised; (a)(1) redesignated as (b) **68951**
22.947 (b) introductory text amended **68951**
22.953 (a) and (b) revised; (c) added **68951**
22.966 Removed **68952**
24 Order 63612
24.2 (b) amended **68952**
24.5 Amended **68952**
24.11 (a) revised **68952**
24.18 Removed **68952**
24.202 Introductory text amended **68952**
24.203 (b) amended 26890
24.307 Revised **68952**
24.405 Removed **68952**
24.406 Removed **68952**
24.409 Removed **68952**
24.411 Removed **68952**
24.413 Removed **68952**
24.419 Removed **68952**
24.420 Removed **68952**
24.421 Removed **68952**
24.422 Removed **68953**
24.423 Removed **68953**
24.425 Removed **68953**
24.426 Removed **68953**
24.427 Removed **68953**
24.428 Removed **68953**
24.429 Removed **68953**
24.432 Removed **68953**
24.439 Removed **68953**
24.443 Removed **68953**
24.444 Removed **68953**
24.714 (b)(1) revised **68953**
24.803 Removed **68953**
24.805 Removed **68953**
24.806 Removed **68953**
24.809 Removed **68953**
24.811 Removed **68953**
24.813 Removed **68953**
24.819 Removed **68953**
24.820 Removed **68953**
24.821 Removed **68953**
24.822 Removed **68953**
24.823 Removed **68953**
24.825 Removed **68953**
24.826 Removed **68953**
24.827 Removed **68953**
24.828 Removed **68953**
24.829 Removed **68953**
24.832 Removed **68953**
24.839 (a), (b) and (c) removed; (d) and (e) redesignated as (a) and (b) **68953**
24.844 Removed **68953**
25 Orders 14394
25.200 Added 4997
25.202 (a)(1) table revised 2591
(a)(1) corrected 6565
26.2 (b) amended **68953**
26.4 Amended **56577, 68953**
26.11 (a) revised **68953**
26.56 Added **71041**
26.104 (e) revised **68953**
26.203 Revised **56578**
26.204 Removed **56578**
26.205 Revised **56578**
26.206 Revised **56578**

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26.207 Revised **56578, 68954**
26.208 Revised **56578**
26.209 (b)(2) revised **68954**
26.210 Revised **56578**
26.303 Removed **68954**
26.304 Removed **68954**
26.305 Removed **68954**
26.306 Removed **68954**
26.307 (a) revised **56578**
Removed **68954**
26.309 Removed **71041**
26.310 Removed **68954**
26.311 Removed **68954**
26.312 Removed **68954**
26.313 Removed **56578**
Removed **68954**
26.314 Removed **68954**
26.315 Removed **68954**
26.316 Removed **68954**
26.317 Revised **56578**
Removed **68954**
26.318 Removed **68954**
26.319 Removed **68954**
26.320 Revised **56578**
Removed **68954**
26.322 Removed **68954**
26.323 (a) revised **68954**
26.324 Removed **68954**
26.325 Removed **68954**
26.326 Removed **68954**
27.3 (b) amended **68954**
27.4 Amended **68954**
27.11 (a) revised **68954**
27.15 (b)(1) revised **68954**
27.59 Removed **68954**
27.61 Removed **68954**
27.62 Removed **68954**
27.207 Removed **68954**
27.301 Removed **68954**
27.303 Removed **68954**
27.304 Removed **68954**
27.306 Removed **68954**
27.307 Removed **68954**
27.310 Removed **68955**
27.311 Removed **68955**
27.312 Removed **68955**
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27.314 Removed **68955**
27.315 Removed **68955**
27.316 Removed **68955**
27.317 Removed **68955**
27.319 Removed **68955**
27.320 Removed **68955**
27.322 Removed **68955**
27.324 Removed **68955**
27.325 Removed **68955**

36 Order **63993**
36.601 Amended **64651**
(c) amended 30924
41 Removed 13916
42.10 Added 19725
42.11 Undesignated center heading revised 19725
42.11 (a) revised 19725
43.51 (a), (b), and (e) amended; (f) and (g) added (effective date pending) 34740
43.61 (c) revised 19061
51.5 Amended 23241
51.321 (c) and (f) revised; (h) and (i) added (effective date pending) 23241
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Regulation at 64 FR 23241 eff. date corrected to 6–1–99 34138
51.323 (b), (c), (h) and (i) revised; (k) added (effective date pending) 23242
Regulation at 64 FR 23242 eff. 5–13–99 29598
Regulation at 64 FR 23242 eff. date corrected to 6–1–99 34138
51.325 (a)(1) and (2) revised; (a)(3) added (effective date pending) 14148
51.507 (f) stayed 32207
52.16 (b) and (c) revised 41330
52.17 Revised 41331
52.19 (a) revised **63617**
52.21 (c) and (q) revised **68203**
52.27 Revised **68203**
52.31 (a), (b) and (e) revised **68204**
(a) revised 22563
52.32 (b) and (c) revised; (d) added 41331
54 Order **63993**
Guidelines **68208**
54.5 Amended **70571**
54.504 (b)(1), (2)(vii), (3) and (c) amended; (b)(4) revised **70572**
54.505 (b)(3) and (c) amended **70572**
54.507 (e), (f), (g) introductory text and (1) amended; (c), (g)(2)(i) and (iv) revised **70572**
(b) revised 22810
(a)(1) revised 30442
(g)(1)(iii) Note added 33788
54.509 (b) amended; (c) revised **70572**
54.511 (c)(3) amended **70572**
(d) revised 22810

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54.515 (a) and (b) revised; (c) and (d) removed **67009**
54.516 (b) amended **70572**
54.603 (a)(1) through (5) amended **70572**
54.604 (c) amended **70572**
(d) revised 2594, 22810
54.605 (e) amended **70572**
54.609 (b) amended **70572**
54.619 (b) and (d) amended **70572**
54.623 (c), (e) and (f) amended **70572**
(b) and (c) revised 2594
(a) revised 30442
54.625 (a) amended **70572**
54.701 Revised **70572**
54.702 Added **70573**
54.703 Revised (effective date pending in part) **70573**
54.704 Added **70574**
54.705 Revised **70574**
54.706 Added **70575**
54.708 Added **70576**
Revised 41331
54.709 (a)(2) amended; (a)(3) revised **70576**
(a) introductory text, (2), and (d) revised 41331
54.711 (a) and (b) revised **67009**
(b) amended **70576**
Revised 41332
54.713 Revised 41332
54.715 Revised **70576**
54.717 Added **70576**
54.719—54.725 (Subpart I) Added **70577**
54.721 Effective date pending **70578**
54.725 Revised **33788**
61 Orders 14394
63 Authority citation revised 19061
Heading and authority citation revised 39939
63.01 Removed; new 63.01 redesignated from 63.07 and revised 39939
63.02 Removed; new 63.02 added 39939
63.03 Removed 39939
63.04 Redesignated as 63.25 39939
63.05 Removed 39939
63.06 Removed 39939
63.07 Redesignated as 63.01 39939
63.08 Removed 39939
63.09 Added 19062
63.10 (a) introductory text and (c)(5) amended; (a)(4) revised 19062
63.11 Heading, (a), (c)(1), (2), (e)(1) and (2) revised; (b) and (f) amended; note removed 19062
Corrected 22903
63.12 (c)(2) amended; (c)(5) redesignated as (c)(4); (a), (b), (c)(1), new (c)(4) and (d) revised 19063
63.14 (a) amended; (b) introductory text revised 19063
(a) and (c) revised; (d) removed (effective date pending) 34741
63.15 Removed 19063
63.16 Added 19063
(a) revised (effective date pending) 34741
63.17 (b)(4) revised 19064
63.18 (e), (g), (h) and (i) revised; (j) and (k) redesignated as (o) and (p); (j) through (n) added 19064
63.20 (b) and (c) revised; (d) amended 19065
63.21 Heading and (a) revised; (i) and (j) added 19065
63.22 Added 19065
(e) revised (effective date pending) 34741
63.23 Added 19066
(d) revised (effective date pending) 34741
63.24 Added 19066
63.25 Redesignated from 63.04; heading revised 39939
63.62 Heading and (b) revised 39939
63.71 Revised 39939
64 Order **54379**
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64.604 (c)(4)(iii)(I) revised **67010**
(c)(4)(iii)(A), (B), and (I) revised 41332
64.702—64.710 (Subpart G) Heading amended (effective date pending) 14148
64.702 (b), (c) and (d)(2) amended; (effective date pending) 14148
64.1001 (b) through (g) revised; (h) through (l) removed (effective date pending) 34742
64.1002 Amended 19067
Removed (effective date pending) 34742
64.1100 Revised (effective date pending in part) 7759
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64.1150 Revised 7760
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64.1160 Added 7760
Regulation at 64 FR 7760 eff. date corrected to 4-27-99 9219
64.1170 Added (effective date pending) 7761
64.1180 Added (effective date pending) 7761
64.1190 Added 7762
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64.1300 (c) revised; (d) removed 13719
64.2000 Added (effective date pending) 34497
64.2001 Revised (effective date pending) 34497
68.160 Added 4997
68.162 Added 4998
68.300 (c) added 3048
69 Order **63993**
69.152 (h) added 16358
69.153 (c) introductory text, (2), (d)(1) introductory text, (ii), (2) introductory text, (ii) and (e) revised **55335**
69.600 Removed **70578**
69.603 (c), (d) and (e) removed **70578**
69.613 Removed **70578**
69.614 Removed **70578**
69.615 Removed **70578**
69.616 (e) added **67010**
Removed **70578**
69.617 Removed **70578**
69.618 Removed **70578**
69.619 Removed **70578**
69.620 Removed **70578**
69.621 Removed **70578**
69.622 Removed **70578**
73 Actions on petitions **54380, 71389**
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Actions on petitions 3650, 9923, 14397
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73.202 (b) table amended ..... **52984, 54379, 54380, 54600, 55807—55809, 55958, 55959, 57609, 57610, 59238, 59239, 62956, 62957, 63617—63619, 64877, 67430**
(b) table amended ..... 995, 2858, 3874, 3875, 5718—5720, 7813, 8725, 9923, 12903, 13720—13723, 17109, 19067, 19300, 22564—22567, 23022, 23243, 23244, 24522, 26697, 31140—31143, 31511, 32821—32824, 33224, 33225, 34743, 36254—36258, 37875, 37876, 38589—38592, 39940, 39941, 40292, 40293
73.316 (c) revised **70047**
73.606 (b) table amended 12767, 36258
73.622 (b) amended 4326
(e) revised 4327
73.623 (f) redesignated as (g); new (f) added 4327
73.624 (g) added **69216**
(b) revised 4327
(c) introductory text corrected; CFR correction 26327
73.686 (d) added 7127
73.1030 (a) revised **70048**
73.1125 Regulation at 63 FR 49497 eff. 10-30-98 ..... **56578**
73.1675 (a) revised **70049**
73.3500 Existing text designated as (a); (b) added **70049**
73.3517 (e) added 19501
73.3526 Regulation at 63 FR 49497 eff. 10-30-98 ..... **56578**
(e)(11)(iii) revised **70049**
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(c)(2) and (e)(9) revised 35947
73.3527 Regulation at 63 FR 49499 eff. 10-30-98 ..... **56578**
(c)(2) and (e)(9) revised; (e)(4) amended 35947
73.3534 Revised **70049**
73.3535 Removed **70049**
73.3550 Revised **71603**
73.3571 (a)(1) and (f) revised 19501
73.3573 (a)(1) and (e) revised 19502
73.3597 (c)(1)(iii) added **70050**
73.3598 Revised **70050**
73.3599 Removed **70050**
73.3613 (b)(7) added **70050**
73.3615 (a) introductory text, (1), (3)(i)(A), (c), (d) introductory text, (e) and (f) revised; (a)(2) amended **70050**
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73.5002 (c) and (d) revised 24526
73.5006 (b) and (c) revised 24526
73.5007 Revised 24526
73.5008 (b) and (c) revised 24527
73.5009 Revised 24527
74 Rule confirmation **69562**
Nomenclature change 4055
74.406 (d)(1) revised 4327
74.783 (e) revised **71604**
74.901 Amended **65113**

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Regulation at 63 FR 65113 eff. date corrected to 2-8-99 4054
74.902 (f) through (j) redesignated as (g) through (k); (c), (d) and (e) revised; new (f) added (OMB number pending) **65113**
74.903 (a)(1), (2), (3), (b) introductory text, (1), (2), (4), (5), (c) and (d) revised; (a)(6) added; (e) and (f) removed **65114**
Regulation at 63 FR 65114 eff. date corrected to 2-8-99 4054
74.911 (a)(1) revised; (d) added (OMB number pending) **65115**
Regulation at 63 FR 65115 eff. date corrected to 2-8-99 4054
74.912 Added **65115**
Regulation at 63 FR 65115 eff. date corrected to 2-8-99 4054
Revised 24527
74.931 (d), (e), (f) through (k) redesignated as (b), (c) and (e) through (j); new (b) and new (c) revised; new (d) added (OMB number pending) **65116**
Regulation at 63 FR 65116 eff. date corrected to 2-8-99 4054
74.935 (a) and (b) revised **65117**
Regulation at 63 FR 65117 eff. date corrected to 2-8-99 4054
74.936 Revised (OMB number pending) **65117**
Regulation at 63 FR 65117 eff. date corrected to 2-8-99 4054
74.937 (a) amended; (b) revised **65118**
Regulation at 63 FR 65118 eff. date corrected to 2-8-99 4054
74.938 Revised **65119**
Regulation at 63 FR 65119 eff. date corrected to 2-8-99 4054
74.939 Revised (OMB number pending) **65119**
Regulation at 63 FR 65119 eff. date corrected to 2-8-99 4054
74.940 Added (OMB number pending) **65124**
Correctly redesignated as 74.949 4055
74.949 Correctly redesignated from 74.940 4055
74.950 Removed **65124**
Regulation at 63 FR 65124 eff. date corrected to 2-8-99 4054
74.951 (b) revised (OMB number pending) **65124**
Regulation at 63 FR 65124 eff. date corrected to 2-8-99 4054
74.952 Revised **65124**
Regulation at 63 FR 65124 eff. date corrected to 2-8-99 4054
74.961 (a) revised **65124**
Regulation at 63 FR 65124 eff. date corrected to 2-8-99 4054
74.965 Revised (OMB number pending) **65125**
Regulation at 63 FR 65125 eff. date corrected to 2-8-99 4054
74.982 (b) revised; (g) added **65125**
Regulation at 63 FR 65125 eff. date corrected to 2-8-99 4054
74.985 Revised (OMB number pending) **65125**
Regulation at 63 FR 65125 eff. date corrected to 2-8-99 4054
74.986 (a) introductory text revised; (a)(8) added **65127**
Regulation at 63 FR 65127 eff. date corrected to 2-8-99 4054
74.1233 (a)(1), (b) and (d)(1) revised 19502
74 Index amended **65127**
Regulation at 63 FR 65127 eff. date corrected to 2-8-99 4054
76 Order 5950
Authority citation and heading revised 6569
Authority citation revised 28108
76.6 Added 6569
Regulation at 64 FR 6569 eff. 7-15-99 36605
76.7 Revised 6569
Regulation at 64 FR 6569 eff. 7-15-99 36605
76.8 Revised 6569
Regulation at 64 FR 6569 eff. 7-15-99 36605
76.9 Revised 6569
Regulation at 64 FR 6569 eff. 7-15-99 36605
76.10 Revised 6569
Regulation at 64 FR 6569 eff. 7-15-99 36605
76.55 (e)(1) through (6) revised 33796
76.59 (b) and (c) revised 33796
76.61 (a)(3), (4) and (b) revised; (a)(5) added 6572
Regulation at 64 FR 6572 eff. 7-15-99 36605
76.403 Revised (effective date pending) 28108

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76.615 Introductory text and (a) revised 28109
76.701 (b) note added 35950
76.901 (f) added 35950
76.905 (g) revised 35950
76.907 Added 35950
76.911 (a) introductory text and (1) revised; (b) removed; (c), (d) and (e) redesignated as (b), (c) and (d) 35950
76.914 (c) revised 6572
Regulation at 64 FR 6569 eff. 7–15–99 36605
76.915 Removed 35950
76.934 Note added 35950
76.950 (b) revised 35950
76.952 (a) revised (effective date pending) 35950
76.956 (a) revised 35950
76.961 (b) revised 35951
76.984 (b) amended; (c)(2) revised; (c)(3) added; 35951
76.990 Added (effective date pending) 35951
76.1003 Regulation at 63 FR 45739 eff. 12–23–98 2595
Revised 6572
Regulation at 64 FR 6569 eff. 7–15–99 36605
76.1204 (f) added 29600
76.1302 Revised 6574
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76.1401 (a), (b) designation, (c), and (d) removed 35951
76.1403 Removed 35951
76.1513 Heading, (a) and (d) through (h) revised; (i) through (u) removed 6575
Regulation at 64 FR 6575 eff. 7–15–99 36605
76.1603 (e) revised 35951
78 Rule confirmation **69562**
79.1 (b), (d)(3), (7), (8), (9) and (e)(3) revised; (d)(13) and (e)(10) added **55962**
(e)(3) revised 33424
80.3 (k) revised **68955**
80.19 Removed **68955**
80.21 (a), (b) and (f) removed; (c), (d) and (e) redesignated as (a), (b) and (c); introductory text and new (c) revised (effective date pending) **68955**
80.23 Removed **68955**
80.25 (a) and (b) revised **68955**
80.29 Removed **68955**
80.31 Revised **68955**
80.33 (b) introductory text and (c) introductory text revised (effective date pending) **68955**
80.45 Revised **68955**
80.49 Revised **68955**
80.51 (a) removed **68955**
80.53 Revised (effective date pending) **68956**
80.56 Removed **68956**
80.57 (b)(6) revised; (c)(6) amended **68956**
80.59 (c) revised **68956**
80.371 (c)(1)(i) table amended 26887
80.383 (a) table amended **53313**
80.469 (c) revised (effective date pending) **68956**
80.511 (c) revised (effective date pending) **68956**
80.513 (c)(1) amended (effective date pending) **68956**
80.514 Introductory text revised **68956**
80.553 Introductory text revised **68956**
80.605 (a) and (c)(9) revised; (d) amended (effective date pending) **68956**
80.751 Revised 26887
80.773 (c) added 26887
87.5 Amended 27474
87.17 Revised **68957**
87.21 Removed **68957**
87.23 Removed **68957**
87.25 Introductory text removed; (b) revised **68957**
87.27 (a) and (b) revised **68957**
87.31 Removed **68957**
87.33 Removed **68957**
87.35 Revised **68957**
87.37 (a) introductory text revised **68957**
87.45 Revised **68957**
87.51 (a) removed **68957**
87.79 Removed **68957**
87.131 Amended 27474
87.133 (a) table amended 27475
87.137 (d) removed **68957**
(a) table amended 27475
87.139 (a) introductory text and (j) revised 27475
87.171 Amended 27475
87.173 (b) table amended 27475
87.187 (bb) and (cc) revised **68957**

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(y) introductory text and (4) introductory text revised 27475
87.215 (d) amended (effective date pending) **68957**
87.219 Added 27475
87.239 Revised **68957**
87.261 (e) and (f) added 27476
87.301 (b) revised **68957**
87.307 (d) introductory text revised **68958**
87.321 Revised **68958**
87.323 (b) amended **68958**
87.347 (b)(1), (2), (3) and (c) revised (effective date pending) **68958**
87.419 (b) revised **68958**
Revised 27476
87.421 (b) revised **68958**
87.423 Revised **68958**
87.447 Introductory text revised **68958**
87.473 (a) removed; (b) and (c) redesignated as (a) and (b) **68958**
87.475 (a) amended **68958**
(e) added 27476
87.481 (a) introductory text and (4) revised **68958**
87.525—87.529 (Subpart S) Heading revised 27476
87.525 Revised 27476
87.527 (b) revised **68958**
(b) and (c) revised 27476
87.529 Amended 27476
90 Authority citation revised **58651**
Waiver 6253
Authority citation revised 39942
90.5 (b), (i)(1) and (m) revised **68958**
90.7 Amended **68958**
90.20 (c)(3) table amended; (d)(77) added **58651**
(f)(4) revised 10397
(c)(3) table amended; (d)(66)(ii), (iii) and (iv) revised; (d)(66)(v), (vi) and (77) added 36261
90.22 Revised **68958**
Introductory text revised 36262
90.35 (c)(61)(iv) revised **68959**
(d)(7) added 10397
(b)(2), (c)(6) and (52) revised; (b)(3) table amended; (c)(79), (80) and (81) added 36262
90.103 (c)(22) revised 10397
90.111 Revised **68963**
90.113 Removed **68963**
90.117 Removed **68963**
90.119 Revised **68963**
90.123 Removed **68963**
90.125 Removed **68963**
90.127 Revised **68963**
90.129 Introductory text revised; (c) and (e) removed **68963**
90.131 Removed **68963**
90.135 Revised **68963**
(a)(2) revised; (b)(5) removed; (d) amended 36269
90.137 (a) introductory text revised **68963**
90.139 Removed **68963**
90.141 Removed **68964**
90.143 Removed **68964**
90.145 Removed **68964**
90.147 Removed **68964**
90.149 (a) revised; (b) removed **68964**
90.151 Removed **68964**
90.153 Removed **68964**
90.155 (d) revised **68964**
90.157 Revised **68964**
90.159 (a), (b) introductory text, (c), (d) and note revised **68964**
90.160 Removed **68965**
90.161 Removed **68965**
90.162 Removed **68965**
90.163 Removed **68965**
90.164 Removed **68965**
90.165 Introductory text, (b) introductory text, (1), (c) introductory text and (1) revised; (d)(3) removed **68965**
90.166 Removed **68965**
90.167 Revised **68965**
90.173 (a) revised; (j) added 36269
90.175 Introductory text, (b), (e) and (f) revised **68965**
(i)(5) revised 10397
(f) revised 33784
Introductory text amended; (b) revised 36270
90.177 Removed **68965**
90.187 (a) revised **68965**
(b)(2)(i) revised; (b)(2)(ii) amended 36270
90.203 (a) introductory text revised; (l) added **64208**
90.205 (i) revised **58651**
90.207 (l) amended 36270
90.211 Removed 36270
90.237 (b) removed **68965**
90.241 (c)(7) revised **68965**
90.248 Added **64208**
90.259 Revised **64209**
90.267 (a)(3) revised; (b), (c) and (d) added 36270

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90.273 (c) revised **68965**
90.303 Revised **68965**
90.311 (a) table revised 36270
90.350 Revised **68965**
90.365 (a)(1), (b) and (d)(2) revised; (d)(1)(ii) removed; (d)(1)(iii) redesignated as (d)(1)(ii) **68966**
90.437 (c) revised; (d) removed **68966**
90.477 (a) introductory text and (d)(3) revised **68966**
90.501 Revised **68967**
90.521—90.551 (Subpart R) Added **58651**
90.523 Regulation at 63 FR 58651 eff. 1-20-98 3048
90.527 Regulation at 63 FR 58652 eff. 1-20-98 3048
90.545 Regulation at 63 FR 58656 eff. 1-20-98 3048
90.551 Regulation at 63 FR 58658 eff. 1-20-98 3048
90.601 Revised **68967**
90.605 Revised **68967**
90.607 (b)(1) and (c)(1) revised; (d) removed **68967**
90.609 (a) removed **68967**
90.611 Removed **68967**
90.619 (d)(5) amended **68968**
90.621 Table 1 amended; (b)(3), (e)(5) and (f)(1) revised **68968**
90.625 (a) amended (effective date pending) **68969**
90.629 (c) amended **68969**
90.631 (d) amended; (f) revised **68969**
90.633 (c) and (d) revised 10397
90.635 Table 1 revised **68969**
90.645 (g) and (h) amended **68970**
90.651 Revised **68970**
(c) revised 10397
90.655 Amended **68970**
(c) revised 39942
90.657 Removed **68970**
90.658 (a) revised **68970**
90.659 Removed **68970**
90.683 (a)(4) revised; (a)(5) removed (effective date pending) **68970**
90.687 Amended **68970**
90.693 (b) and (c) revised **68970**
90.701 (a) revised **68971**
90.705 Revised **68971**
90.711 (a) introductory text revised; (a)(5) removed **68971**
90.733 (h)(2) revised **68971**
90.737 (d) and (e) revised **68971**
90.741 Revised **68971**
90.751 Revised **68973**
90.753 (d) and (e) revised **68973**
90.755 Removed **68973**
90.763 (b)(4) revised (effective date pending) **68973**
90.767 (c) revised **68973**
90.769 (c) revised **68973**
90.911 (b)(1) amended **68973**
90.1013 Revised **68973**
90.1019 (d) removed; (e) redesignated as (d); heading, (a), (b), (c) and new (d) revised **68973**
90.1023 (b) introductory text revised **68974**
95 Nomenclature change 54077
Actions on petitions 14639
95.1—95.7 Undesignated center heading removed **68974**
95.5 Revised **68974**
95.7 (b) amended **68974**
95.21—95.61 Undesignated center heading removed **68974**
95.71—95.89 Undesignated center heading removed **68974**
95.101—95.143 Undesignated center heading removed **68974**
95.171—95.181 Undesignated center heading removed **68974**
95.21 Revised **68974**
95.23 (b) revised; (d) removed **68974**
95.25 (a) introductory text, (d)(2)(i) and (f) revised; (c) removed **68974**
95.29 (a), (b), (e) introductory text and (2) revised; (c) and (d) removed **68974**
95.31 Removed **68975**
95.33 (b) removed **68975**
95.35 Removed **68975**
95.37 Removed **68975**
95.39 Removed **68975**
95.41 Removed **68975**
95.42 Removed **68975**
95.43 Removed **68975**
95.45 Revised **68975**
95.47 Removed **68975**
95.49 Removed **68975**
95.51 Revised **68975**
95.53 Removed **68975**
95.55 Removed **68975**
95.57 Removed **68975**
95.59 Removed **68975**
95.61 Removed **68975**
95.71 Removed **68975**
95.72 Removed **68975**

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95.73 Removed 68975
95.75 Removed 68975
95.77 Removed 68975
95.79 Removed 68975
95.83 Removed 68975
95.85 Removed 68975
95.87 Removed 68975
95.89 Removed 68975
95.101 (a) revised 68975
95.103 Revised 68975
95.105 Revised 68975
95.107 Removed 68975
95.109 Removed 68975
95.111 Removed 68975
95.113 Removed 68975
95.115 Amended 68975
95.117 Revised 68975
95.119 (a) introductory text, (b) and (d) revised 68975
95.121 Removed 68975
95.123 Removed 68975
95.125 Removed 68975
95.127 Removed 68975
95.129 Revised 68975
95.131 Removed 68975
95.133 Removed 68975
95.135 (b) removed; (d) revised 68976
95.137 Removed 68976
95.139 (b) removed; (c) redesignated as (b) 68976
95.171 Revised 68976
95.173 Removed 68976
95.175 Removed 68976
95.177 Removed 68976
95.179 (a) introductory text, (b) introductory text and (1) revised; (f) removed 68976
95.181 (f) revised; (i) and (j) removed 68976
95.183 Added 68976
95.1—95.181 (Subpart A) Appendix A amended; Appendix B removed 68976
95.192 (b) and (c) removed 68976
95.217 (b) revised 68976
95.225 Revised 68976
95.419 (b) revised 68976
95.428 Revised 68976
95.801 Revised 68977
95.811 (a) revised; (b) amended 68977
95.815 Revised 68977
95.816 (c)(2)(ii) revised 68977
95.817 Removed 68977
95.819 (c) amended 68977
95.821 Removed 68977
95.833 (b) introductory text amended 68977
95.839 Removed 68977
95.840 Removed 68977
95.841 Removed 68977
97 Nomenclature change 54077
97.3 Amended 68977
97.5 (a) introductory text, (b), (c) and (d) revised; (e) added 68977
97.7 Revised 68978
97.9 Revised 68978
97.13 (a) revised; (b) and (c)(2) amended 68978
97.15 Revised 68978
97.17 Revised 68978
97.19 (a), (b), (c) and (d)(1) revised 68978
97.21 Revised 68979
97.23 Revised 68979
97.25 Revised 68979
97.27 Heading and (a) introductory text revised 68979
97.29 Revised 68979
97.107 Revised 68979
97.119 (g) revised 68980
97.201 (a) revised 68980
97.203 (a) revised 68980
97.205 (f) and (h) removed 68980
97.207 (g) introductory text, (h) and (i) revised 68980
97.301 (a) introductory text and (b) introductory text revised 68980
97.505 (a)(10) revised 68980
97.509 (i) revised 68980
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100.5 Added 5956
101 Rule confirmation 69562
101.1 (a) and (b) redesignated as (b) and (c); new (a) added 68981
101.3 Amended 68981
101.5 (a) and (c) removed; (b) revised 68981
101.9 Removed 68981
101.11 Removed 68981
101.13 Removed 68981
101.15 Removed 68981
101.19 Removed 68981
101.21 (a), (c) and (d) removed; (b), (e) and (g) revised 68981
101.23 Revised 68981
101.25 Removed 68981
101.27 Removed 68981
101.29 Removed 68981

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101.31 (a), (c), (d) removed; (b) and (e) redesignated as (a) and (b); heading and new (a)(1)(i), (2), (3) introductory text, (vii), (6) and (b)(1)(v) revised; new (b)(1)(vi) and (3) amended **68981**
101.33 Removed **68982**
101.35 Removed **68982**
101.37 Removed **68982**
101.39 Removed **68982**
101.41 Removed **68982**
101.43 Removed **68982**
101.45 (b) introductory text, (d), (f) introductory text, (1), (2) and (4) revised; (h) removed **68982**
101.47 Removed **68982**
101.51 (a)(3) revised **68982**
101.53 Removed **68982**
101.55 (b) removed **68982**
101.56 (a)(2)(ii) amended; (a)(3) removed **68982**
101.57 Removed **68982**
101.59 Removed **68982**
101.61 Revised (effective date pending) **68982**
101.63 (b), (d) and (e) revised **68983**
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101.103 (d)(1) amended **68983**
101.105 (c)(3) introductory text amended **68983**
101.121 Removed **68983**
101.123 Removed **68983**
101.127 Removed **68983**
101.129 (b) removed **68983**
101.205 (a) and (c) revised **68983**
101.305 (a), (b), (c) and (d)(1) revised **68983**
101.413 (a) introductory text revised **68983**
101.503 Amended **68983**
101.701 (c) revised (effective date pending) **68983**
101.705 Revised **68984**
101.815 (a)(2) and (b) revised **68984**
101.817 (a) introductory text revised **68984**
101.1009 (a)(1)(iii) and (b) revised **68984**
101.1015 Removed **68984**
101.1017 (a), (b)(2) and (c)(2) revised **68984**
101.1106 Removed **68984**

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TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

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4.203 Revised; interim.....**58588**
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4.603 (b) revised.....10532
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5.102 (a)(2) and (7) revised; interim.....**58592**
5.202 (a)(13) revised; (a)(14) removed; (a)(15) redesignated as (a)(14); interim.....**58592**
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5.207 (c)(2)(xi), (e)(3) and (h) amended; interim.....**58593**
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6.205 Added; interim.....**70267**
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7.105 (b)(1) amended; interim.....**70267**
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11.105 Redesignated as 11.106; new 11.105 redesignated from 11.104; introductory text and (a) amended.....32742
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13.102 (a) introductory text revised; interim.....**58593**
13.104 (b) amended; interim.....**58593**
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13.106–2 (b)(3) introductory text revised; interim **58593**
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13.302–1 (e) revised 10540
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14.201–6 (b)(2) removed; interim **58589**
(k) removed 10532
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14.400 Amended; interim **58594**
14.405 (d)(2) amended; (e) removed; (f) redesignated as (e) 10532
14.407–4 (a) amended **58602**
14.502 (b)(5) redesignated as (b)(6); new (b)(5) added; interim **70267**
15.209 (d) removed; interim **58589**
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15.403–1 (c)(4) revised 10545
15.404–1 (a)(7) amended **58602**
15.408 (g) revised **58596**
15.503 (a)(2) revised; interim **70267**
16.504 (a) introductory text and (1) amended; (a)(4)(ii) revised **70282**
16.505 (a)(6)(viii) redesignated as (a)(6)(ix); new (a)(6)(viii) added 10540
(b)(1) revised; (b)(2), (3), and (4) redesignated as (4), (5), and (6); new (b)(2) and (3) added; (b)(4)(i) and (ii) revised 32746
19.000 (a)(3) and (8) revised; interim **70268**
(a)(8) and (9) amended; (a)(10) added; interim 10536
19.001 Amended; interim **70268, 71723**
Amended; interim 10536
Amended 36223
19.101 (g)(2) amended; interim 32743
19.102 (f)(4) amended **58602**
(g) amended **70292**
(g) redesignated as (h); new (g) added; interim 10536
19.201 (b) amended **56738**
(a) and (c) amended; (d)(4), (6), (7)(ii), (8) and (9) revised; interim **70268**
19.202 Amended; interim **70268**
19.202–2 Introductory text revised; (a) amended; interim **70268**
19.202–4 Introductory text revised; interim **70268**
19.202–5 (a) and (b) revised; interim **70268**
19.202–6 Introductory text removed; (a) revised; interim **70268**
19.301—19.306 (Subpart 19.3) Heading revised; interim **70268**
19.301 (d) amended; interim **70268**
19.302 (a) revised; interim 32743
19.304 (c)(1) revised 36223
19.306 (b) amended **56738**
Redesignated as 19.307; new 19.306 added; interim **70269**
19.307 Redesignated from 19.306; heading and (a) revised; interim **70269**
19.402 (c)(1) revised; interim **70269**
19.501 (a) and (b) amended; (c) through (g) redesignated as (d) through (h); new (c) added; new (d) and new (h) revised; interim **70269**
19.502–1 Revised; interim **70270**
19.502–2 Heading revised; (a), (c) and (d) amended; interim **70270**
(a) amended; interim 10536
19.502–4 (a) amended; interim **70270**
19.502–5 (b), (c) and (g) amended; interim **70270**
(e) amended **70292**
19.503 Heading revised; (a), (b), (c) introductory text and (d) amended; interim **70270**
19.506 Heading, (a) and (c) revised; (b) amended; interim **70270**
19.507 Heading revised; (a) amended; interim **70270**
19.701—19.708 (Subpart 19.7) Heading revised; interim **70270**
19.702 Introductory text and (b)(4) revised; interim **70270**
19.703 (a) introductory text and (1) revised; (b) amended; interim **70270**
(b) revised; interim **71723**
(b) amended 36223

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19.704 (a)(1), (2), (3), (6), (8), (9) and (11) revised; (b) amended; interim **70271**
19.705–2 (d) amended; interim **70271**
19.705–4 (b), (c), (d)(1) and (6) amended; (d)(5) revised; interim **70271**
19.705–6 (a) and (b) revised; interim **70271**
19.705–7 (f) introductory text revised; (a) and (d) amended; interim **70272**
19.706 (b) and (c) revised; interim **70272**
19.708 Heading and (b) revised; (a) introductory text, (c)(1), (2) and (3) amended; (b) revised; interim **70272**
19.800 (d) added; interim **70272**
(d) redesignated as (e); new (d) and (f) added; interim 32743
19.802 Amended; interim 32744
19.803 (c) amended; interim **70272**
(c) amended 32748
19.804–2 (a)(12) revised; interim **70272**
(a)(5), (8), (9), (12), (13), and (14) revised; (a)(15) redesignated as (a)(16); new (a)(15) added; interim 32744
19.804–3 (a) revised; (c) and (d) added; interim 32744
19.804–4 Revised; interim 32744
19.804–5 Added; interim 32744
19.804–6 Added; interim 32744
19.805–1 (a)(2) amended; (b)(2) and (d) revised; interim 32744
19.805–2 (a) removed; (b) through (e) redesignated as (a) through (d); new (a) and new (d) amended 32745
19.806 (c) amended; interim 32745
(a) amended 32748
19.808–2 Revised; interim 32745
19.809 Revised; interim 32745
19.810 (a) and (b) revised; interim 32745
19.811–1 (c) introductory text amended; (d) added; interim 32745
19.811–2 (a) introductory text amended; interim 32745
19.812 (d) revised; interim 32745
19.901—19.905 (Subpart 19.9) Added; interim 10536
19.1004 Amended **58602**
19.1006 (b)(1) amended; interim **70272**
19.1102 (b) revised; interim **70272**
Revised 36223
19.1103 (a)(2) through (5) and (b) revised 36223
19.1104 Amended; heading revised 36223
19.1202–2 (b)(1) revised; interim **70272**
19.1202–3 Introductory text revised 36224
19.1202–4 (c) added; interim **71723**
(c) removed 36224
19.1301—19.1308 (Subpart 19.13) Added; interim **70272**
22.609 Revised 32748
22.800 Amended **70283**
22.801 Revised **70283**
22.802 (a) and (b) amended **70283**
(b) and (c) amended **70285**
22.803 (b) amended; (d) revised **70283**
(a)(1), (2) and (b) amended **70285**
22.804–1 Revised **70284**
22.804–2 (b) amended **70284**
22.805 (a)(4) through (8) redesignated as (a)(5) through (9); (a) introductory text, (1), (2), (3) and new (5) introductory text, (ii), (v) and (6) through (9) revised; new (a)(4) added; (b) amended **70284**
22.806 Revised **70284**
22.807 (a)(1), (b)(1), (3) and (6) amended; (a)(2), (b)(5), (c) and (d) introductory text revised; (d)(2) removed **70284**
(a) introductory text, (b)(2), (3) and (4) amended **70285**
22.808 Amended **70285**
22.809 Introductory text, (a) and (d) amended **70285**
Introductory text, (c) and (d) amended **70285**
22.810 (a), (c) and (e) revised; (b) and (f) amended; (g) removed; (h) redesignated as (g) **70285**
22.1200 Amended 10546
22.1201 Amended 10546
22.1202 Amended 10546
22.1203–1 (b)(1) amended 10546
22.1400—22.1408 (Subpart 22.14) Regulation at 63 FR 34074 confirmed **58599**
22.1400 Regulation at 63 FR 34074 confirmed **58599**
22.1401 Regulation at 63 FR 34074 confirmed **58599**

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22.1402 Regulation at 63 FR 34074 confirmed **58599**
22.1403 Regulation at 63 FR 34074 confirmed **58599**
22.1404 Regulation at 63 FR 34074 confirmed **58599**
22.1405 Regulation at 63 FR 34074 confirmed **58599**
22.1406 Regulation at 63 FR 34074 confirmed **58599**
22.1407 Regulation at 63 FR 34074 confirmed **58599**
22.1408 Regulation at 63 FR 34074 confirmed **58599**
24.202 (c) added **58594**
25.402 (b) amended 10549
26.103 (a), (b) and (e) amended 10532
26.104 (a) amended; interim **70274**
26.304 Revised 36224
27.404 (d)(2) and (e)(3) amended 10532
27.409 (g) amended 10532
31.001 Amended **58596**
31.201–5 Amended **58596**
31.205–1 (d) revised 10547
31.205–5 Removed **58599**
31.205–6 (j)(1) through (6) revised **58597**
Regulation at 63 FR 9067 confirmed; (k) heading and (p)(2)(ii) revised; (p)(2)(iv) added **70287**
(p) introductory text amended; (p)(2)(ii)(A), (B) and (C) redesignated as (p)(2)(ii)(A)(*1*), (*2*) and (*3*); new (p)(2)(ii)(A) introductory text and (B) added 10548
(o)(6) amended 32748
31.205–34 (a) introductory text and (b) revised; (c) removed 10547
31.205–47 (b) introductory text and (e)(3) revised; (c) redesignated as (c)(1); (c)(2) added **58600**
31.1103 (a) amended; interim **58594**
32.703–3 Revised **58601**
32.705–1 (b) revised **58603**
32.805 (a) revised 10533
32.905 (a) introductory text revised **58602**
32.908 (a)(3) and (c)(3) added **58602**
(a)(3) and (c)(3) amended **70292**
32.1100—32.1110 (Subpart 32.11) Revised 10540
33.104 (e) amended **58603**
33.201 Amended **58594**
33.204 Amended **58595**
33.207 (a) revised **58595**
33.214 (a)(3) and (4) amended; (a)(5) removed; (b) revised; (f) and (g) added **58595**
36.601–4 (a)(4) amended **58603**
(a)(4) amended 32747
37.106 (b) revised **58601**
37.602–1 (a) amended 32742
37.602–3 Amended **70292**
39.101 Existing paragraph redesignated (b); (a) added 32748
41.103 (a)(2) and (3) amended **58603**
41.201 (e) amended 10533
42.203 Amended **70292**
Amended 32748
44.302 Revised **70288**
44.303 Introductory text revised **70288**
46.202–4 Revised **70289**
46.311 Revised **70289**
46.402 (e) and (g) removed; (f) and (h) redesignated as (e) and (f); new (e) amended **70290**
48.104–3 Regulation at 63 FR 34079 confirmed **70291**
52.204–3 Revised; interim **58589**
Regulation at 63 FR 58589 confirmed 32741
52.204–5 Revised 10533
Corrected 30103
52.204–6 Amended 32749
52.211–6 Added 32742
52.211–16 Introductory text revised 10538
52.212–1 Amended 32749
52.212–3 Amended; interim **58590, 70274**
Amended **70285**
Amended 10533, 32749, 36224
Regulation at 63 FR 58590 confirmed 32741
52.212–4 Amended 10542
52.212–5 Regulation at 63 FR 34075 confirmed **58599**
Amended **58603, 70292**
Amended; interim **70274**
Amended; interim 10537
Amended 10542
52.213–4 Regulation at 63 FR 34075 confirmed **58599**
Amended 10542
Amended 32749
52.214–2 Removed; interim **58590**

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Regulation at 63 FR 58590 confirmed 32741
52.214–17 Removed 10533
52.214–21 Amended; introductory text revised 10533
52.215–2 Amended 32749
52.215–4 Removed; interim **58590**
Regulation at 63 FR 58590 confirmed 32741
52.215–15 Revised **58598**
52.219–1 Amended; interim **70274**
Amended 10533, 32749
52.219–2 Introductory text amended; interim **70274**
52.219–3 Added; interim **70274**
52.219–4 Added; interim **70275**
52.219–5 Added; interim 10537
52.219–8 Revised; interim **70275**
Amended; interim **71723**
Amended; interim 3196, 10549
Amended 32749, 36224
52.219–9 Amended; interim **70276**
Amended **70293**
Amended 36224
52.219–10 Amended; interim **70277**
52.219–14 Introductory text revised 32749
52.219–16 Amended; interim **70277**
52.219–18 Amended; interim 32745
52.219–21 Amended 10533
52.219–22 Introductory text amended; interim **70277**
Amended 32749, 36224
52.219–23 Amended 36224
52.219–25 Amended; interim **71723**
Amended 36225
52.222–21 Revised **70285**
52.222–22 Amended; introductory text revised **70286**
52.222–23 Amended; heading and introductory text revised **70286**
52.222–24 Revised **70286**
52.222–25 Introductory text revised **70286**
52.222–26 Amended; introductory text revised **70286**
52.222–27 Amended; introductory text revised **70286**
52.222–28 Removed **70286**
52.222–29 Revised **70286**
52.222–36 Regulation at 63 FR 34075 confirmed **58599**
52.222–37 Amended **70293**
52.222–50 Amended 10546
52.226–1 Amended; interim **70277**
Amended 10533
52.227–15 Revised 10533
52.228–8 Amended; introductory text revised 10534
52.228–9 Revised 10534
52.232–12 Amended; introductory text revised 10534
52.232–33 Revised 10542
52.232–34 Revised 10543
52.232–35 Added 10544
52.232–36 Added 10544
52.232–37 Added 10544
52.232–38 Added 10544
52.233–1 Amended **58595**
52.241–1 Revised 10534
52.244–6 Amended **58603**
52.246–11 Revised **70289**
52.247–48 Revised **70292**
53.214 (c) amended 32749
53.215–1 (c) amended 32749
53.219 (a) revised; (b) amended; interim **70277**
53.228 (h) and (i) revised **58603**
(a), (b), (c), (e), (j) and (m) revised **70293**
(n) revised 10549
53.301–24 Revised **70293**
53.301–25 Revised **70296**
53.301–25A Revised **70298**
53.301–28 Revised **70300**
53.301–273 Revised **58603**
53.301–274 Revised **58605**
53.301–275 Revised **70302**
53.301–294 Revised; interim **70277**
53.301–295 Revised; interim **70280**
53.301–1416 Revised **70304**
53.301–1418 Revised 10549

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201.103 Redesignated as 201.104 39430
201.104 Redesignated as 201.105; new 201.104 redesignated from 201.103 39430
201.104–3 Removed 39430
201.105 Redesignated from 201.104 39430
201.105–3 Added 39430
201.304 (6) revised 39430
201.402 (1) introductory text and (i) revised; (3)(iii) amended 8727
203.570 Revised 14398
203.570–2 Revised 14398
203.570–5 Revised 14398
204.101 (a)(i) revised **69006**
204.670–2 (c) revised 2595

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204.804–1 Amended 2596
206.302–4 Revised **67803**
207.471 Added 31732
208.405–2 Revised 2596
208.7204 (a) revised 2596
208.7305 (a)(3) revised 2596
209.104–1 Regulation at 63 FR 14837 confirmed **64427**
209.104–70 Regulation at 63 FR 14837 confirmed **64427**
209.405–2 Regulation at 63 FR 14837 confirmed **64427**
209.409 Regulation at 63 FR 14837 confirmed **64427**
209.471 Added 31733
211.201 (b) amended; (d) introductory text revised 8727
211.273–2 (b) revised 14399
211.273–3 Revised 14399
212.301 (f)(ii) amended; (f)(v) added; interim 8728
212.503 (c)(ii) amended **55040**
213 Regulation at 63 FR 33587 confirmed **64427**
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213.302–5 Revised 24528
215 Revised **55041**
215.304 Revised; interim **64428**
215.404–4 (b)(1) introductory text, (c)(2) introductory text, (A) and (B) revised **63799**
215.404–72 Revised **63799**
215.404–75 Redesignated as 215.404–76; new 215.404–75 added **63800**
215.404–76 Redesignated from 215.404–75 ..... **63800**
216.203–4 (a) introductory text amended; (a)(i) and (b)(i) revised 2597
217.401 Revised; interim **64429**
217.500 Added 14400
217.7103–3 (b) revised **55052**
(b) correctly revised **56290**
217.7103–4 Revised **55052**
217.7302 (b) revised 2597
217.7404–3 (a) introductory text and (1) revised **67803**
217.7404–5 (b) revised **67804**
217.7406 (b) amended **55052**
217.7504 (a)(2) revised 2598
219.001 Revised; interim **64429**
219.201 (c) and (d) redesignated as (d) and (e); new (d)(9)(A) revised 2598
219.702 Regulation at 63 FR 14640 confirmed **64427**
219.708 (c)(1) revised; (c)(2) removed; interim **64429**
219.800 Regulation at 63 FR 33587 confirmed **64427**
219.804–2 Regulation at 63 FR 33587 confirmed **64427**
219.804–3 Regulation at 63 FR 33587 confirmed **64427**
219.805 Regulation at 63 FR 33588 confirmed **64427**
219.805–2 Regulation at 63 FR 33588 confirmed **64427**
219.806 Regulation at 63 FR 33588 confirmed **64427**
219.808 Regulation at 63 FR 33588 confirmed **64427**
219.808–1 Regulation at 63 FR 33588 confirmed **64427**
219.811 Regulation at 63 FR 33588 confirmed **64427**
219.811–1 Regulation at 63 FR 33588 confirmed **64427**
219.811–2 Regulation at 63 FR 33588 confirmed **64427**
219.811–3 Regulation at 63 FR 33588 confirmed **64427**
219.812 Regulation at 63 FR 33588 confirmed **64427**
219.1203—219.1204 (Subpart 219.12) Added; interim **64429**
222.101–3 Revised 28109
222.101–3–70 (b) introductory text revised 28109
223.570–4 (b) revised 2598
223.7000—223.7002 (Subpart 223.70) Removed **67804**
225.74 Regulation at 63 FR 31937 confirmed 24530
225.105 (5)(ii)(B) revised 2598
225.408 (a)(ii) and (iv) amended 8730
225.770–3 (a) revised 2598
225.771 Added; interim 8728
225.771–1 Added; interim 8728
225.771–2 Added; interim 8728
225.771–3 Added; interim 8728
225.771–4 Added; interim 8728
225.872–3 (g) amended **55052**
225.872–6 (c) introductory text amended **55052**
225.7002–2 (k) added; interim 2599
(j) revised; (k) removed 24529
225.7005 Regulation at 63 FR 43888 confirmed **64427**

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225.7007–4 Regulation at 63 FR 43888 confirmed **64427**
225.7010–3 Regulation at 63 FR 43888 confirmed **64427**
225.7016–1 Regulation at 63 FR 43888 confirmed **64427**
225.7016–2 Regulation at 63 FR 43888 confirmed **64427**
225.7016–3 Regulation at 63 FR 43888 confirmed **64427**
225.7019–1 Regulation at 63 FR 43888 confirmed **64427**
225.7019–3 Regulation at 63 FR 43888 confirmed **64427**
225.7022–1 Regulation at 63 FR 43888 confirmed **64427**
225.7022–2 Regulation at 63 FR 43888 confirmed **64427**
225.7022–3 Regulation at 63 FR 43888 confirmed **64427**
225.7303–2 (c) introductory text amended 8729
226.7007 (b) revised; interim **64429**
227.7203–10 (a)(1) amended **55052**
228.370 (f) revised **69006**
230 Heading revised 8727
230.7002 (b) amended **55052**
230.7004–1 Heading and (a) amended **55052**
230.7103 Amended **55052**
231.205–6 Regulation at 63 FR 63036 confirmed **64427**
231.205–18 Revised 8729
231.205–70 Regulation at 63 FR 7309 confirmed **64427**
(f) added 18828
232.501 Revised 8731
232.501–1 (a)(iii) removed 8731
232.501–2 Amended 8731
232.502–1–71 Removed 8731
232.502–4–70 (b) removed; (c) redesignated as (b) 8731
232.703–3 Added 28110
232.905 (f)(6) revised **69007**
232.1101—232.1103 (Subpart 232.11) Removed 18829
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235.006–70 Added; interim 18830
235.015–71 Removed **69007**
235.7000—235.7003–4 (Subpart 235.70) Regulation at 63 FR 34605 confirmed **64427**
236.102 Regulation at 63 FR 11538 confirmed **64427**
236.274 Regulation at 63 FR 11538 confirmed **64427**
236.570 Regulation at 63 FR 11538 confirmed **64427**
236.601 (1)(ii) amended **69008**
236.602–1 (a)(i)(6)(C) revised; interim **64430**
237.106 Revised **67805**
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237.201 Revised 39430
237.203 (2) revised 39431
237.270 Correctly removed; CFR correction **54078**
237.270–1 Correctly removed; CFR correction **54078**
237.270–2 Correctly removed; CFR correction **54078**
237.270–3 Correctly removed; CFR correction **54078**
237.270–4 Correctly removed; CFR correction **54078**
237.271 Revised 39431
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237.7302 Amended 2598
242.203 (a)(ii)(P) and (Q) amended; (a)(i)(R) removed 2598
242.771 Revised; interim 8729
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242.771–2 Revised; interim 8729
242.771–3 Revised; interim 8729
242.7205 (b)(4)(iv) amended **55052**
246.370 (b)(1) revised 2598
247.271–3 (b)(1) and (2)(iv)(B) revised 2598
247.572–2 (f)(3)(i) amended; (f)(3)(ii) revised **55052**
247.573 (a), (b) and (c) revised 2598
252.203–7001 Amended; heading revised 14398
252.209–7001 Regulation at 63 FR 14837 confirmed **64427**
252.209.7004 Regulation at 63 FR 14837 confirmed **64427**
252.211–7005 Revised 14399
(b) corrected 28875
252.212–7001 Amended; interim **64430**
252.215–7000 Introductory text amended **55052**
252.215–7002 Amended; introductory text revised **55052**
252.217–7027 Amended **55052**
252.219–7005 Amended **55052**
Removed; interim **64430**
252.219–7009 Regulation at 63 FR 33588 confirmed **64427**
252.219–7010 Regulation at 63 FR 33588 confirmed **64427**

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252.219–7011 Regulation at 63 FR 33588 confirmed....64427
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252.225–7021 Amended....8730
252.225–7029 Regulation at 63 FR 43889 confirmed....64427
252.225–7043 Regulation at 63 FR 31937 confirmed....24530
252.228–7006 Amended....69006
252.232–7003 Removed....8731
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252.235–7007 Removed....39431
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252.235–7009 Removed....39431
252.236–7010 Regulation at 63 FR 11544 confirmed....64427
252.236–7012 Regulation at 63 FR 11544 confirmed....64427
252.243–7000 Amended....55052
253 Note amended....69007
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253.204–70 (b)(6)(i) introductory text amended....55052
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253.213 (e) redesignated as (f); heading and new (f) introductory text and (1) revised....2599
253.213–70 (e) amended....2600
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542.302 (b)(5) revised; interim....4789
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552.238–72 Amended; interim....4789
552.238–76 Amended; interim....4789
552.243–72 Amended; interim....4789

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701.105 (a) amended; (c) revised....16648
703.104–5 Revised....16648
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705.502 Added....5006
706.501 Amended....5006
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715.303–70 Redesignated from 715.604–70; (b)(3) revised....16648
715.305 Added....16648
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(b) and (c) revised 16649
(b) correctly designated 25405
715.604 Redesignated as 715.304; new 715.604 redesignated from 715.504 16648
Heading and (a) revised; (c) added 16649
715.604–70 Redesignated as 715.303–70 16648
715.605 Removed 16648
715.613–71 Redesignated as 715.370–2 16648
716.406 Added 5007
722.805–70 (Subpart 722.8) Revised 5007
(e) corrected 18481
731.205–6 (b) added; (d) removed 5008
731.205–71 Added 16649
731.371 (b)(1) revised 5008
732.402 (e)(1) revised 5008
732.406–73 Existing text designated as (a); (b) added 5008
(b) corrected 18481
745 Added 5008
747 Added 5008
752.204–2 Amended 5008
752.209–71 Introductory text revised 5008
752.216–70 Added 5008
752.231–71 Added 16649
752.245–71 Amended 5009
752.247–70 Added 5009
752.7003 Amended 5009
752.7005 Added 5010
(b)(2)(iv) corrected 18481
752.7018 Revised 5010
752.7019 Revised 5011

Chapter 8—Department of Veterans Affairs (Parts 800—899)

801.000 Amended **69217**
801.101 (a) amended **69217**
801.102 Redesignated as 801.103 ..... **69217**
801.103 Redesignated as 801.104; new 801.103 redesignated from 801.102 and amended **69217**
801.104 Redesignated from 801.103; (a) amended **69217**
801.301–70 (b)(2) amended **69217**
801.303 Heading revised **69217**
801.601—801.690–6 (Subpart 801.6) Heading revised **69217**
801.602–3 (a)(2) and (b)(2) amended **69217**
801.603–71 (b) amended; (c), (d) and (e) removed **69217**
801.670–1 Amended **69217**
801.670–2 (a)(1) removed; (a)(2) and (3) redesignated as (a)(1) and (2) **69217**
801.670–3 (a) amended **69217**
801.670–4 (a)(1), (2), (b)(1), (2) and (c) amended **69217**
801.670–5 (a)(3) through (6), (8), (9) and (b) amended **69218**
801.680 (c) and (d) amended **69218**
801.690–3 (c) introductory text, (1) and (2) amended **69218**
801.690–4 (c)(1)(i) amended; (c)(3)(ii) revised **69218**
801.690–6 (b) amended **69218**
803.101–3 (b) amended **69218**
(c) removed 30442
803.405 Redesignated from 803.409 ..... **69218**
803.409 Redesignated as 803.405 ..... **69218**
803.7000 Introductory text amended **69218**
805.205 Amended **69218**
806.302–3 Amended **69218**
806.302–5 (a), (b), (c) introductory text, (1), (2), (4), (5) and (6) amended; (c)(3) revised **69218**
806.304 (a)(1)(i) and (2)(i) amended **69218**
806.501 (b) amended **69218**
806.570 Heading revised; introductory text amended **69218**
808.001 (a)(4) amended **69219**
808.401 Amended **69219**
808.404–1 (a) and (b) amended **69219**
808.404–3 Amended **69219**
814.201 (a) amended **69219**
814.304–4 Amended **69219**
814.403 Amended **69219**
814.404–1 (b) amended **69219**
814.404–70 Amended **69219**
814.406 Redesignated as 814.407 ..... **69219**
814.406–3 Redesignated as 814.407–3 ..... **69219**
814.406–4 Redesignated as 814.409–4 ..... **69219**
814.407 Redesignated as 814.408; new 814.407 redesignated from 814.406 ..... **69219**
814.407–3 Redesignated from 814.406–3; (a), (b) and (c) amended **69219**
814.407–70 Redesignated as 814.408–70 ..... **69219**

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814.407–71 Redesignated as 814.408–71 69219
814.408 Redesignated as 814.409; new 814.408 redesignated from 814.407 69219
814.408–70 Redesignated from 814.407–70 69219
814.408–71 Redesignated from 814.407–71 69219
814.409 Redesignated from 814.408 69219
814.409–4 Redesignated from 814.406–4; (a), (b) and (c) amended 69219
817.102 Redesignated as 817.105 69219
817.102–1 Redesignated as 817.105–1 69219
817.105 Redesignated from 817.105 69219
817.105–1 Redesignated from 817.105–1; (b)(2) and (c) amended 69219
819 Authority citation revised 69219
819.201 (a), (b) and (d) amended 69219
819.202–5 (c) introductory text, (g) and (h) amended; (c)(6) removed; (c)(7) through (12) redesignated as (c)(6) through (11) 69219
819.202–70 Introductory text, (a), (c), (j) and (k) amended 69220
819.502–2 (b) removed; (c) and (d) redesignated as (b) and (c) 69220
819.502–3 Revised 69220
819.602–3 (a) through (d) amended 69220
819.800 Redesignated from 819.801; (b) and (d) amended 69220
819.801 Redesignated as 819.800 69220
819.804 Amended; heading revised 69220
819.806 Redesignated from 819.806–3 and heading revised 69220
819.806–2 Redesignated as 819.807 69220
819.806–3 Redesignated as 819.806 69220
819.807 Redesignated from 819.806–2; heading revised; (b) amended 69220
819.807–70 Amended; heading revised 69220
819.7004 Amended 69220
822.478 (a), (b) and (c) amended 69220
825 Authority citation revised 69220
825.102–70 (b) and (c) amended 69220
825.105 Amended 69220
825.202–70 (b) and (c) amended 69220
825.203 Amended 69220
825.302–70 Amended 69220
825.701 Removed 69220
825.703 Amended 69220
825.870 Amended 69220
825.901 Redesignated from 825.902; heading revised; existing text designated as (a) and amended; (b) added 69220
825.902 Redesignated as 825.901 69220
825.904 Removed 69221
828.101—828.106–6 (Subpart 828.1) Heading revised 40519
828.101–3 Redesignated as 828.101–2 40519
828.101–2 Redesignated from 828.101–3 40519
828.101–70 (a), (b), and (c) amended 40519
828.106 Added 40519
828.106–6 Amended 69221
Revised 40519
828.106–70 Redesignated from 828.7000 40519
828.203–7 (Subpart 828.2) Added 40519
828.306 (b) amended 40519
828.7000 (Subpart 828.70) Heading removed 40519
828.7000 Redesignated as 828.106–70 40519
828.7100 (a) and (c) amended 69221
(a) amended 40519
828.7101 (b) amended 69221
828.7102 (a) introductory text, (1) and (b) introductory text amended 69221
828.7103 (a) amended 40519
829 Authority citation revised 38593
829.000 Revised 38593
829.101 (Subpart 829.1) Removed 38593
829.270 Removed 38593
829.270–1 Removed 38593
829.270–2 Removed 38593
831 Authority citation revised 69221
831.7001–4 (a) and (b)(2) amended 69221
831.7001–5 (b) amended 69221
832 Authority citation revised 69221
832.502–2 Amended 69221

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832.805–70 (b) amended **69221**
833.104 (a)(1), (2), (b) and (c) amended **69221**
833.212 (a) and (b)(4) amended **69221**
836.208 Amended **69221**
836.209 Amended **69221**
836.602–2 (a) and (b) amended **69221**
838.606–72 Amended **69221**
837.203—873.271–4 (Subpart 837.2) Heading revised **69221**
837.203 Revised **69221**
837.270 (a) introductory text, (1), (3), (c) and (d) amended; (e) revised **69221**
837.271 Removed **69222**
837.271–1 Removed **69222**
837.271–2 Removed **69222**
837.271–3 Removed **69222**
837.271–4 Removed **69222**
837.403 Amended **69222**
837.7001 Amended **69222**
837.7002 Amended **69222**
837.7003 (a), (b) introductory text, (5), (c) and (d) amended; (e) revised **69222**
842 Authority citation revised **69222**
842.102 (b) amended **69222**
842.202 Amended **69222**
842.705 (b) amended **69222**
842.801–70 Amended **69222**
842.1203 Amended **69222**
846.408–70 (b) introductory text amended **69222**
846.408–71 (a) amended **69222**
846.471 (a) and (b) amended **69222**
847 Authority citation revised **69222**
847.303–1 (b) amended **69222**
847.305–70 Amended **69222**
849 Authority citation revised **69222**
849.106 Amended **69222**
849.107 Amended **69223**
849.111–70 Amended **69223**
849.111–72 (c) amended **69223**
852.203–70 Removed 30443
852.203–71 Amended **69223**
852.211–70 (d) amended **69223**
852.216–70 (a) amended **69223**
852.222–70 Amended **69223**
852.228–70 Introductory text amended 40519
852.236–88 Introductory text, (a) and (b) amended **69223**
852.236–89 Amended **69223**
852.247–70 Amended **69223**
852.270–3 Heading revised **69223**
852.271–73 Amended **69223**
853 Authority citation revised **69223**
853.107 Amended **69223**
870 Authority citation revised **69223**
870.114–3 Introductory text amended **69223**
870.114–4 Amended **69223**
870.115 (a) amended **69223**
871.102 (a) amended **69223**

Chapter 9—Department of Energy (Parts 900—999)

903.104–3 Added **56851**
909.104–3 Added 16651
913.507 Removed 12876
915 Revised **56851**
915.404–4–71–5 (d), (f) and (h) revised 12227
915.404–4–72 (a) introductory text revised 12229
916.504—916.505 Designated as Subpart 916.5 and heading added **56860**
919.602–1 (a)(2) amended **56860**
919.805–2 Revised **56860**
922.7101 Revised 12876
935.016 Removed **56860**
935.016–1 Removed **56860**
935.016–2 Removed **56860**
935.016–8 Removed **56860**
970.0902 Added 16651
970.15404–4—970.15407–2–3 (Subpart 970.15) Revised **56861**
970.1504–4 Revised 12229
970.1504–4–1 Revised 12229
970.1504–4–2 Revised 12229
970.1504–4–3 Revised 12230
970.1504–4–4 Revised 12231
970.1504–4–5 Revised 12231
970.1504–4–6 Revised 12233
970.1504–4–7 Revised 12233
970.1504–4–8 Revised 12233
970.1504–4–9 Added 12234
970.1504–4–10 Added 12234
970.1504–4–11 Added 12234
970.2274–1 (a) introductory text and (d) amended; (a)(1), (2) and (3) removed; (b) and (c) revised 12876
970.3102–1 (c) amended **56867**
970.3102–15 (b)(1) and (2) amended **56867**
970.5202 Revised **56867**
970.5204–9 Amended **56867**
970.5204–15 Amended **56867**
970.5204–22 Amended **56867**
970.5204–44 Amended **56867**

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970.5204–54 Amended **56867**
Revised 12335
970.5204–59 Revised 12876
970.5204–76 Amended **56867**
970.5204–86 Added 12336
970.5204–87 Added 12336
970.5204–88 Added 12337
970.5204–89 Added 16651

Chapter 12—Department of Transportation (Parts 1200—1299)

1201.103 Removed 2436
1201.201–1 (d) removed 2436
1201.301 (a)(2) and (b) added 2436
1205.9000 (Subpart 1205.90) Revised 2436
1206.9000 (Subpart 1206.90) Revised 2436
1211.204–90 (Subpart 1211.2) Revised 2437
1213.106—1213.106–190 (Subpart 1213.1) Revised 2437
1213.302—1213.302–590 (Subpart 1213.3) Added 2437
1215 Revised 2437
1237.104 Revised 2438
1237.104–90 Revised 2438
1237.104–91 Revised 2438
1237.9000 (Subpart 1237.90) Revised 2438
1252.211–71 Amended 2439
1252.215–70 Amended 2439
1252.216–71 Amended 2439
1252.216–72 Amended 2439
1252.216–73 Amended 2439
1252.211–90 Added 2439
1252.213–90 Revised 2439
1252.220–90 Revised 2439
1252.228–90 Revised 2439
1252.237–90 Revised 2439
1252.237–91 Revised 2440
1252.237–92 Revised 2440
1252.237–93 Revised 2440
1252.237–94 Revised 2440
1252.237–95 Revised 2440
1252.237–96 Revised 2440
1252.237–97 Revised 2440
1252.237–98 Revised 2440
1252.237–99 Revised 2440
1252 Appendix redesignated from 1253 appendix in part; new appendix revised 2442
1253.215 Removed 2441
1253.215–270 Removed 2441
1253.3 Appendix redesignated in part as 1253 appendix 2442

Chapter 13—Department of Commerce (Parts 1300—1399)

1333.101 Added 16652
1333.102 Added 16652
1333.103 Revised 16653
1352.219–1 Removed 35080

Chapter 15—Environmental Protection Agency (Parts 1500—1599)

1509.170–1 Amended 20202
1509.170–2 Revised 20203
1509.170–3 Revised 20203
1509.170–4 Revised 20203
(b) revised 41043
1509.170–5 Added 20203
(d) revised 41043
1509.170–6 Added 20204
1509.170–7 Added 20204
1509.170–8 Added 20204
1516.405 (b) amended 3876
1533.103 Revised 17110
1537.110 (g) added 30444
1552.209–76 Added 20204
1552.216–75 Revised 3876
1552.233–70 Added 17110
1552.237–76 Added 30444
1552.242–70 Amended 3876

Chapter 16—Office of Personnel Management Federal Employees Health Benefits Acquisition Regulation (Parts 1600—1699)

1609.7101—1609.7101–2 (Subpart 1609.71) Added **55337**
1615.802 (e) added; interim 36272
1632.1 (c) added; interim 36272
1632.170 (a) and (b)(1) revised **55338**
1652.215–70 Amended; interim 36273
1652.216–70 (c) amended; interim 36273
1652.216–71 Amended; interim 36273
1652.232–70 Amended **55339**
1652.232–71 Amended **55339**
Amended; interim 36274
1652.244–70 Amended **55339**
1652.370 Table amended **55339**

Chapter 18—National Aeronautics and Space Administration (Parts 1800—1899)

1801.105–1 (a) revised 36606
1801.105–3 Removed 36606

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1801.105–370 Removed 36606
1801.270 Revised 36606
1801.270–1 Removed 36606
1801.270–2 Removed 36606
1801.270–3 Removed 36606
1801.270–4 Removed 36606
1802.101 Amended 19926
1804.202 Revised 36606
1804.203 Added 1528
1804.805 (a) revised 5620
1804.805–70 (b)(2) amended 5620
1804.904 (Subpart 1804.9) Added 1528
1804.7102 (a) amended 19926
1804.7301 Revised 14640
1806.501 (3) revised 10571
1807.105 (a)(2) added 14641
1807.7203 Revised 5620
1808.002–70 Revised 5620
1809.200 Revised 36606
1812.301 Revised 19926
1813.003 (h) redesignated as (g) 5620
1815.304 Heading revised; (c) added 25214
1815.304–70 (b)(2) revised 25215
1815.403–170 Revised 10573
1815.404–470 (c)(5) revised 25215
1815.670 Revised 36606
1816.203–4 (d)(2) amended 5620
1816.405–274 (f) revised 25215
1817.7300—1817.7302 (Subpart 1873.73) Added **56091**
1819.201 Heading and (a) revised; (f)(1) added 25215
1819.202–170 Amended 25215
1819.302 (Subpart 1819.3) Heading revised 5620
1819.506 Heading revised 5620
1819.705–2—1819.708–70 (Subpart 1819.7) Heading revised 5620
1819.705–470 Amended 25215
1819.708 Heading revised 5621
1819.708–70 Revised 25215
1819.7201 Revised 10571
1819.7205 (b) revised; (c) and (d) removed 10571
1819.7206 Revised 10571
1819.7209 (a)(1) and (b) revised 10571
1819.7210 (c) revised; (d) removed 10572
1819.7214 (i) removed; (e), (g) and (h) revised 10572
1819.7215 (b) revised 10572
1819.7216 (a)(2), (3) and (b) revised 10572
1819.7217 (c) revised 10572
1819.7219 (a) revised 10572
1822.101–1 (e) added 14148
1822.103–5 Added 14149
1827.301 Amended **63209**
1827.303 (a)(5) added 36606
1827.406–70 (c) revised 5621
1832.906 (a) amended 36606
1832.908 Revised 5621
1832.970 Removed 5621
1832.1110 (Subpart 1832.11) Added 18373
1833.103 Heading revised; (b) redesignated as (f); (c), (d) introductory text and (4) added 36607
1833.104 (c)(2) revised 5621
1834.003 (a) revised **56093**
1834.7001—1834.7004 (Subpart 1834.70) Removed **56093**
1835.016 (a)(iii) added 14641
1836.213–70 Redesignated as 1836.213–370 5621
1836.213–370 Redesignated from 1836.213–70 5621
1842.270 (f) revised 19928
1842.302 (Subpart 1842.3) Added 10574
1842.7401—1842.7402 (Subpart 1842.74) Added 10574
1844.201–1 (a)(iii) revised 5621
1845.406 Redesignated as 1845.407; new 1845.406 redesignated from 1845.407 36606
1845.407 Redesignated as 1845.406; new 1845.407 redesignated from 1845.406 36606
1852.103 (b)(i) amended 19926
1852.217–71 Added **56093**
1852.217–72 Added **56093**
1852.219–73 Amended 25215
1852.219–75 Amended 25216
1852.219–77 Amended 10572
1852.219–79 (b) introductory text, (e) and (f) revised 10572
1852.227–70 Amended **63209**
1852.234–70 Removed **56094**
1852.234–71 Removed **56094**
1852.235–70 Introductory text amended 5621
Amended 36606
1852.242–74 Added 10574
1852.242–75 Added 10575
1852.242–76 Added 10575
1852.242–77 Added 10575
1853.208–70 Heading and (c) revised 5621
1853.271 Added 19926

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1871.101—1871.104 (Subpart 1871.1) Revised 19926
1871.204 Revised **71604**
(a), (d) and (f) revised; (h) added 19927
1871.401-1 (b)(3) revised; (b)(5) added 19927
1871.401-2 Heading revised; (b)(5) added 19927
1871.401-3 Heading revised; (a)(4) added 19927
1871.401-4 (a)(5) added 19928
1871.401-5 (b) revised 19928
1871.401-6 (a)(2) amended **71604**
(a)(2) correctly revised; (a)(3) correctly added; CFR correction 1529
1871.405 Removed 19928
1871.505 Revised 19928
1871.602 Amended 19928
Revised 36606
1871.603 (b) and (c) redesignated as (d) and (e); new (b) and new (c) added 19928
1872.102 (a)(1) revised 14641
1872.303 (b) amended 36606
1872.305 (c) amended 36606

Chapter 28—Department of Justice (Parts 2800—2899)

2832.1110 (Subpart 2832.11) Added 37045

Chapter 53—Department of the Air Force Federal Acquisition Regulation Supplement (Parts 5300—5399)

5315 Removed 995
5316 Removed **67600**
5350 Removed **71390**

Chapter 61—General Services Administration Board of Contract Appeals (Parts 6100—6199)

6103 Authority citation revised 38143
6103.1 (a) and (b) amended 38143
6103.2 (a)(5), (c), and (d) amended 38143
6103.3 Amended 38143
6103.4 Revised 38143
6103.5 Amended 38143
6103.6 Amended 38143
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9 37360
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TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation (Parts 1—99)

1.46 (ppp) added **59475**
(ppp) correctly designated 3876
(qqq) added 7814
(rrr) added 29601
(sss) added 36802
1.48 (ll) added 7814
1.49 (kk) added **57610**
(ll) added 7814
1.66 (bb) added 2150
(cc) added 24958
(dd) added 36802
23 Heading and authority citation revised 5126
23.1—23.7 (Subpart A) Removed 5126
23.41—23.55 (Subpart C) Removed 5126
23.61—23.69 (Subpart D) Removed 5126
23.73—23.87 (Subpart E) Removed 5126
23.89 Amended 5126
23.93 (a) introductory text amended 5126
23.95 (a)(1), (f)(1), (2) and (g)(1) amended; (f)(5) removed 5126

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26.67 (a)(2)(i) revised; (a)(2)(ii) redesignated as (a)(2)(iii); new (a)(2)(ii) added....34570
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172.203 (m)(1) amended....**52849**
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173.28 (c)(2) revised; (c)(5) added....10776
173.29 (b)(2)(iv)(B) revised....10776
173.32b (b)(1) and (2) amended....10776
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173.58 (a) introductory text amended....**52849**

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173.59 Amended 10777
173.62 (c) table amended **52849**
173.121 (b)(1)(ii) revised 10777
173.159 (g)(2) amended 10777
173.162 Revised 10777
173.164 (a)(1), (2) and (3) revised; (a)(4) added 10777
(c) introductory text amended 10778
173.166 (a), (b) introductory text, (2), (3)(ii), (c) and (f) amended 10778
173.196 (a)(1)(iii) amended 10778
173.220 Revised 10778
173.221 Revised 10779
173.222 Revised 10779
173.224 (c)(3) introductory text amended 10779
173.225 (b) table amended 10779
(b) table and (c)(2) amended 10780
173.243 (e)(2) amended; (e)(3) added 10780
173.247 (a) amended **52849**
173.301 (i) revised 10780
173.306 (d) removed; (f)(4) and (5) added 10781
173.315 (k) and (n) revised; (p) added 28046
173.403 Amended **52849**
173.416 (f) amended **52849**
173.422 (b)(1) amended **52849**
173.425 Table 7 amended **52849**
173.427 (a)(3) amended **52849**
173.433 (g) table amended **52849**
173.461 (a) introductory text and (b) amended **52850**
174.81 (f) table amended; (g)(3)(vi) added 10781
174.680 Revised 10781
175.630 (a) amended 10781
175.700 (b) amended **52850**
176.76 (i) added 10781
176.83 (a)(1), (3) and (8) revised; (a)(10) added 10781
176.83 (g)(3) table amended 10782
176.600 Heading, (a) and (c) revised 10782
176.704 (e)(1) and (f) table amended **52850**
177 Response to petitions **58323**
177.834 (i)(3) revised; (i)(5) removed 28048
177.835 (g) introductory text amended **52850**
177.840 (l) through (u) added 28048
(t) amended 36806
177.841 (e)(1) amended; (e)(3) revised 10782
177.842 (a) amended **52850**
177.843 (c) amended **52850**
177.848 (f) table amended; (g)(3)(vi) added 10782
177.854 Introductory text removed **52850**
178.270–3 (e) amended 10782
178.337–1 (g) added 28049
178.337–8 Revised 28049
178.337–9 (b)(7) redesignated as (b)(8); (b)(6), new (8) and (c) revised; new (b)(7) added 28050
178.337–11 Revised 28050
178.338 Heading amended **52850**
178.509 (b)(1) amended 10782
178.703 (b)(6)(ii) revised 10782
178.813 (b) amended 10782
179 Authority citation revised **52850**
179.2 (a)(2) revised **52850**
179.3 (a) revised **52850**
179.4 (a) amended; (b) revised **52850**
179.5 (a) and (b) revised **52850**
179.100—179.103–5 (Subpart C) Heading revised **52850**
180.352 Heading, (b)(1), (2), (3) introductory text, (c) heading and introductory text revised; (d) and (e) redesignated as (e) and (f); new (d) added 10782
180.403 Introductory text amended **52850**
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180.405 (m) and (n) added 28051
180.407 (h)(4) redesignated as (h)(5); (h)(1)(iii) and new (4) added 28051
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180.416 Added 28051
180.417 (a)(3)(ii) amended **52850**
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180.509 (c)(3)(ii) amended **52851**
180.515 (b) amended **52851**
180 Appendixes A and B added 28052
195 Response to petitions **63210**
195.1 (c) revised 15934
Regulation at 64 FR 15934 eff. date corrected to 4–2–99 40777
195.3 (b)(7) and (c)(6) added; (c) introductory text, (2) and (3)(v) revised 15934
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195.132 Revised 15935

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Regulation at 64 FR 15935 eff. date corrected to 4–2–99 40777
195.205 Added 15935
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195.242 (c) and (d) added 15935
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195.264 Revised 15935
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195.302 (b)(4) added; (a) amended; (c) introductory text revised **59479**
195.303 Redesignated as 195.304; new 195.303 added **59480**
195.304 Redesignated as 195.305; new 195.304 redesignated from 195.303 ..... **59480**
195.305 Redesignated from 195.304 ..... **59480**
195.307 Added 15936
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195.405 Added 15936
Regulation at 64 FR 15936 eff. date corrected to 4–2–99 40777
195.406 (a)(4) amended **59480**
195.416 (j) added 15936
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195.428 Heading revised; (c) and (d) added 15936
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195.432 Revised 15936
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195 Appendix B added **59480**
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199 Announcement **58324**

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213.57 (g)(4) corrected **54078**
213.345 (d) corrected **54078**
216 Authority citation revised 25659
216.1 (a) revised 25659
216.3 (b) amended 25659
216.5 (c) amended 25659
216.11—216.17 (Subpart B) Nomenclature change 25659
216.13 (a) amended 25659
216.14 Added 25659
216.17 (a) amended 25659
219 Determination **71789**
219.5 Amended; interim **71791**
219.201 (a)(1) introductory text, (2) and (4) revised; interim **71791**
223 Authority citation revised 25659
223.8 Added 25659
225.19 (c) amended; interim **71791**
225 Appendix B amended; interim **71791**
229 Authority citation revised 25659
229.3 (a) revised; (c), (d) and (e) added 25659
231 Authority citation revised 25660
231.0 (a) revised; (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added 25660
232 Authority citation revised 25660
232.0 (a) revised; (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added 25660
238 Added 25660
261 Added 29753
268 Added; interim **54606**
268.3 (b) through (f) revised; interim 7134
268.13 Revised; interim 7134

Chapter III—Federal Highway Administration, Department of Transportation (Parts 300—399)

360 Added 7137
381 Added; interim **67608**
383.7 Removed; interim **67612**
385 Appendix B amended **62959**
393.13 Added 15605
395 Deadline extension **71791**
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531 Authority citation revised 27203
531.5 (b)(13) added 12092
531.6 (b) added 27203
533.5 (a) Table IV revised; (f) added 16862
538.5 (b) added **66068**
538.6 Revised **66069**
538.7 Added **66069**
541 Appendixes A, A–I, A–II and B revised 28112
544.5 (a) revised **70053**
544 Appendixes A, B and C revised **70053**

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555 Heading and authority citation revised 2861
555.1 Revised 2861
555.2 Existing text designated as (a); (b) added 2861
555.3 Revised 2861
555.4 Amended 2861
555.5 Heading, (b) introductory text and (5) amended; (a) and (b)(7) revised 2861
555.6 Heading, (a) introductory text, (1)(v), (2)(iv), (b)(5), (c)(5) and (d)(4) amended; (b) introductory text, (1), (2) introductory text, (i), (iii), (4), (c) introductory text, (1), (2) introductory text, (iv), (d) introductory text, (1) introductory text, (ii), (iv) and (v) revised 2861
Corrected 5866
555.7 (b), (c), (d) introductory text and (e) amended 2861
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555.8 (e) and (f)(1) amended 2861
555.10 (a) amended 2862
567 Authority citation revised 6816, 38595
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567.4 (g)(5)(iii) added 6817
567.7 (a) revised 38595
571 Policy statement **59482**
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571.105 Amended; interim 9449
571.108 Amended **63801**
571.201 Amended 7140
571.208 Amended **53851, 71394**
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571.209 Amended 27206
571.213 Regulations at 62 FR 18724 and 30466 confirmed **52629**
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571.225 Added 10823
571.304 Amended **66765**
571 Figure 6 revised **71395**
572.31 (a)(1), (3) and (4) revised; (b) removed **53851**
572.34 (b) revised **53851**
575 Clarification 20209
575.2 (c) amended 27924
574.5 (d) and Figures 1 and 2 revised; eff. 7–2–00 36812
575.6 (a)(1), (d)(1)(i), (ii) and (2) revised 27924
574.7 Figures 3a and 4 revised; eff. 7–2–00 36815
575.104 (c)(1), (d)(1)(i) and (iii) revised 27925
575.105 Revised 11733
578 Authority citation revised 37878
578.6 (a) and (d) amended; (c)(2) and (f)(2) revised 37878
580 Authority citation revised **52632**
580.16 Regulation at 62 FR 47765 confirmed **52632**
580.17 Regulation at 62 FR 47765 confirmed; (a)(3) revised **52632**
581 Authority citation revised 2862, 16360
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581.5 (c)(1) revised 16360
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583.5 (a)(4), (5), (b), and (i) revised; eff. 6–1–00 40780
583.6 (a), (c)(1)(ii), (3)(ii), and (6) revised; eff. 6–1–00 40780
583.7 (a) revised; eff. 6–1–00 40781
583.8 (b) and (d) revised; eff. 6–1–00 40781
583.10 (a)(5) revised; eff. 6–1–00 40781
591 Authority citation revised 37882
591.5 (j)(1) revised 37882
591.6 (f)(1) and (2) revised 37882
591.7 (c) amended; (d) and (e) revised 37883
596 Added 10847

Chapter VI—Federal Transit Administration, Department of Transportation (Parts 600—699)

639 Authority citation revised **68366**
639.1 Revised **68366**
639.3 Revised **68367**
639.5 Revised **68367**
639.13 (a) revised **68367**
640 Added 29753
653.7 Amended 426
653.45 (d) added **67613**
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654.33 (d) added **67613**

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Chapter VIII—National Transportation Safety Board (Parts 800—899)

800.2 Introductory text and (b) through (j) revised; (k) added **71605**
(b), (d) and (j) corrected 5621
800.24 (j) added **71606**
800.25 Heading and introductory text revised **71606**
800.26 Revised **71606**
800.28 Added **71606**
800 Appendix amended **71606**
831.3 Revised **71606**
831.11 (a)(2) revised **71606**
835 Authority citation revised **71607**
835.1 Revised **71607**
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835.3 (c) through (f) added **71607**
(c) corrected 5622
835.4 (a) revised **71607**
835.5 Heading, (a), (c) and (d) revised **71607**
835.6 Revised **71607**
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835.10 Added **71608**
835.11 Added **71608**

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1002.1 (b), (c), (d), (e)(1) and (f)(6) table revised 5192
1002.2 (f) revised 5192
1146 Added **71401**
1147 Added **71402**
1180.1 (f) corrected; (g) and (h) reinstated; CFR correction 10234
1180.2 Introductory text through (d)(2) reinstated; CFR correction 10234
1312.1 (c) amended 5195
1312.6 (c) revised 5195
1312.17 Removed 5195

Chapter XI—Bureau of Transportation Statistics, Department of Transportation (Parts 1400—1499)

1420 Authority citation revised 13921
1420.1 Revised 13921
1420.2 (a) amended; (b)(4) revised 13921
1420.2 (b)(5) and (c) amended 13922
1420.8 Added 13922
1420.9 Added 13922
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2.2 (a), (c), (d) and (e) revised.....**52633**
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17.22 (a)(1) introductory text and (b)(1) introductory text revised; (a)(1)(ix) and (b)(1)(iv) removed.....**52635**
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17.32 (a)(1)(ix) and (b)(1)(iv) removed; (a)(1) introductory text and (b)(1)(i) revised.....**52635**
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17.44 (v) correctly added; CFR correction.....**63421**
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17.62 (a)(3)(iii) removed; (a) introductory text and (4) revised.....**52635**
17.72 (a) introductory text and (4) revised; (a)(3)(iii) removed.....**52636**
17.84 (g) revised.....**52837**
17.95 (e) amended.....36288
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17.96 (a) amended.....37450
17.108 (a)(7) and figure revised.....**55556**
18.30 (i)(1) introductory text revised.....1539
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20.11 (g) through (m) revised 29804
20.21 (j)(2) revised **54019**
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(j) introductory text revised; (j)(4) added **67624**
(b) and (g) revised 7517
Heading and (i) revised 29804
(b) and (g) revised 32780
20.22 Amended 7527
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20.104 Seasonal hunting adjustments **63584**
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21.3 Amended 32774
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21.23 (b) introductory text revised **52637**
21.24 (b) introductory text revised **52637**
21.25 (b) introductory text revised **52637**
21.26 Added 32774
21.27 (b) introductory text revised **52637**
21.30 (b) introductory text revised **52637**
21.41 (b) introductory text revised **52637**
21.60 (Subpart E) Added 7527
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22.4 Added **52637**
22.21 (a) introductory text revised **52638**
22.22 (a) introductory text revised **52638**
22.23 (a) introductory text revised **52638**
22.24 (a) introductory text revised **52638**
22.25 (a) introductory text revised **52638**
23.15 (c) introductory text revised and (g) added **52638**
23.23 (f) table amended **58327, 63214**
(d) revised; (f) table amended **63212**
(f) table amended 31991
23.53 Revised 774
25.12 Amended; heading revised 14150
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36.1 Heading and (b) revised; (c) added 14151
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216.23 (e) added; interim 27927
216.120—216.128 (Subpart K) Added; eff. 3-1-99 through 12-31-03 9930
216.130—216.137 (Subpart L) Added; eff. 7-1-99 through 6-30-04 28120
216.161—216.166 (Subpart O) Added; eff. 1-1-99 through 9-30-04 ..... **66076**
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The CFR is revised annually according to the following schedule:

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INQUIRIES AND SUGGESTIONS

Rob Sheehan was Chief Editor of the LSA, assisted by Dwayne Dehlbom. The LSA was prepared under the direction of Raymond A. Mosley, assisted by Gwen Henderson. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to Raymond A. Mosley, Director, Office of

the Federal Register, National Archives and Records Administration, Washington, DC 20408 or e-mail info@fedreg.nara.gov.

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[1]Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

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[2]The July 1, 1985 edition of 32 CFR Parts 1 to 189 contains a note only for Parts 1 to 39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1 to 39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3]The July 1, 1985 edition of 41 CFR Chapters 1 to 100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the 11 CFR volumes issued as of July 1, 1984, containing those chapters.

[4]No amendments to this volume were promulgated during the period July 1, 1997 to June 30, 1998. The volume issued July 1, 1997, should be retained.

[5]No amendments to this volume were promulgated during the period January 1, 1998 through December 31, 1998. The CFR volume issued as of January 1, 1997 should be retained.

[7]No amendments to this volume were promulgated during the period April 1, 1998, through April 1, 1999. The CFR volume issued as of April 1, 1998, should be retained.

[8]No amendments to this volume were promulgated during the period July 1, 1998, through July 1, 1999. The CFR volume issued as of July 1, 1998, should be retained.

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275.11 (a)(2)(iii) removed; (a)(2)(iv) redesignated as (a)(2)(iii); new (a)(2)(iv) added; (a)(3), (b)(1)(ii) table, (iii) table, (2), (3), (e)(2), (f)(2) introductory text, (iv), (2)(v) and (ix) revised; (b)(1)(ii), (iii), (iv) and (c)(1) amended....38295
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275.13 (a) and (e)(2) revised; (b), (c)(1), (2) and (f) amended; (e)(1) heading added....38296
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278.6 (a) and (n) revised; (b)(1), (2)(i), (c) and (i)(1)(v) amended; (e)(1)(iii), (3)(vi) and (8) added....23172
278.8 (a) revised....23174
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Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture (Parts 300—399)

300.1 (a) introductory text revised....37665
301.45 Regulation at 63 FR 38280 confirmed....4286
301.45–3 Regulation at 63 FR 38280 confirmed....4286
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301.50–3 (c) amended; (d) removed; interim....387
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301.51–3 (c) amended; interim....28715

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Regulation at 63 FR 63387 confirmed 29208
301.64 (a) amended; interim 40282
301.64–3 (c) amended 31965
(c) amended; interim 40282
301.64–10 (e) amended 37665
301.75–1 Regulation at 61 FR 1521 confirmed 38815
301.75–4 (a) revised; interim 4780
Regulations at 61 FR 1521 and 64 FR 4780 confirmed 38815
301.78–3 (c) amended; interim 30214, 45860
301.81–3 (e) amended; interim 27658
301.81—301.81–10 (Subpart) Appendix amended; interim 27659
301.89–1 Amended 23752
301.89–3 (e) and (f) revised 23752
301.89–4 Revised 23754
301.89–6 (b) amended; (d) removed; (e) redesignated as (d) 23754
301.89–9 (a) table amended 29550
301.89–12 (b) removed 23754
301.89–13 (f) removed 23754
301.89–15 Heading, introductory text, (a) introductory text, (b) and (c) introductory text revised; (c)(2) amended 34113
301.89–16 Heading, introductory text, (a), (b), (c)(1), and (2) amended 34113
301.93–3 (c) revised 31964
319.37–5 (p) added; interim 45866
319.40–2 (f) added; interim 45866
319.56–2 (h) revised 2994
319.74–1—319.74–4 (Subpart) Revised 38110
319.77–1—319.77–5 (Subpart) Added; interim 45866
353.1 Amended 1105
353.7 (a)(4), (b)(4) and (c)(4) amended 1105
353.8 Added 1105
354.2 Table amended 25800
360.200 (a) and (c) amended 12883
360.300 (a) through (d) redesignated as (b) through (e); new (a) added; heading, new (b) and new (e) revised; interim 41009
361.6 (a)(1) amended 12884

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture (Parts 400—499)

400.650—400.657 (Subpart T) Regulation at 63 FR 40633 confirmed 40742
400.651 Regulation at 63 FR 40633 confirmed; amended 40742
400.653 Introductory text and (a) amended 40742
400.654 (b) and (c)(4) amended 40742
400.655 Regulation at 63 FR 40634 confirmed 40742
400.677 Regulation at 63 FR 40631 confirmed 40740
400.700—400.711 (Subpart V) Added 38542
402 Regulation at 63 FR 40631 confirmed 40740
402.4 Regulation at 63 FR 40631 confirmed; amended 40740
407 Added 30219
457.8 Regulation at 63 FR 40634 confirmed; amended 40742
457.134 Amended 33378
457.135 Amended; introductory text revised 33385
457.138 Amended; introductory text revised 24932
Amended 24933

Chapter VI—Natural Resources Conservation Service, Department of Agriculture (Parts 600—699)

610 Authority citation revised 42003
610.2 Revised 42003
610.21—610.25 (Subpart C) Added 42003

Chapter VII—Farm Service Agency, Department of Agriculture (Parts 700—799)

723.113 (f) added 15295
723.114 (f) added 15295
723.115 (f) added 15295
723.116 (f) added 15295
723.117 (f) added 15295
760.1—760.34 (Subpart) Authority citation revised 17942
761 Added; interim 6496
761.4 Amended; interim 47099
761.5 Amended; interim 47099

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761.6 Revised; interim 47099
762 Added 7378
762.106 (g)(2)(ix) correctly revised 38298
762.122 (a)(1), (4) and (c)(1) correctly revised 38298
762.145 (e)(7) corrected 38298
762.150 (e)(2) correctly revised; (g)(4) and (7) corrected 38298
762.160 (a)(2)(ii) correctly revised 38298
782.2 Amended 12885
782.12 (a) introductory text revised; (a)(6) through (9) redesignated as (a)(8) through (11); new (a)(6) and (7) added 12885

Chapter VIII—Grain Inspection, Packers and Stockyard Administration (Federal Grain Inspection Service), Department of Agriculture (Parts 800—899)

800.71 (a) amended 6783
Regulation at 63 FR 35504 confirmed 19022
800.86 (c)(2) Table 4 revised 6783
801.6 Regulation at 63 FR 34554 confirmed 731
801.7 Regulation at 63 FR 35505 confirmed 19022
868.91 Revised 7058

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture (Parts 900—999)

905.306 Regulation at 63 FR 62922 confirmed 15636
905.350 Regulation at 63 FR 51518 confirmed 3814
906.235 Revised 45409
906.340—906.365 (Subpart) Heading revised; interim 47357
906.340 (a)(2)(i) and (ii) revised; interim 47357
906.365 (a)(2) and (4) revised 47358
915.235 Revised 26273
916.350 (a)(3), (4)(i), (ii), (iv) Tables 1 and 2, (8)(i) and (d) revised 19031
916.356 (a)(1) introductory text, (iv) Table 1, (4) introductory text and (6) introductory text revised; (a)(1)(i) Table 1 removed 19031
917.442 (a)(3), (4)(ii), (iv) Tables 1 and 2, (9)(i) and (d) revised 19033
917.459 (a)(1) introductory text, (iv) Table 1, (3) introductory text, (5) introductory text and (6) introductory text revised; (a)(1)(i) Table 1 removed; (a)(4) introductory text added 19033
920.155 Stayed; eff. 8–1–99 through 7–31–00 41018
920.302 (a)(2), (4)(ii), and (iv) revised; (b)(2) removed; (b)(1) redesignated as (b) 41019
(a)(4)(iii) stayed; eff. 8–1–99 through 7–31–00 41019
920.303 (c)(3), (5), and (d) revised 41019
923.322 (e) revised; interim 33743
925.304 Regulation at 63 FR 28480 confirmed 37838
929.69 (d) amended; interim 24025
Regulation at 64 FR 24025 confirmed 34707
930 Marketing percentages 392
930.158 (b)(2) and (3) revised; interim 30219
930.200 Revised; interim 40513
932.159 Revised; interim 4288
(a) revised; (f) removed; (d) and (e) redesignated as (e) and (f); new (d) added 9268
Regulation at 64 FR 4288 confirmed 23011
Regulation at 64 FR 9265 confirmed; (a) and (d) revised 33009
932.160 Removed; interim 4288
Regulation at 64 FR 4288 confirmed 23011
932.230 Revised 14813
944.106 Regulation at 63 FR 62923 confirmed 15636
944.503 Regulation at 63 FR 28480 confirmed 37838
947.120 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
947.123 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
947.125 Added; interim; eff. 7–1–99 through 6–30–99 34117
947.130 Suspended; interim; eff. 7–1–99 through 6–30–00 34117

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947.132 Suspended; interim; eff. 7-1-99 through 6-30-00 34117
947.133 Suspended; interim; eff. 7-1-99 through 6-30-00 34117
947.134 Suspended; interim; eff. 7-1-99 through 6-30-00 34117
947.180 Undesignated center heading added; interim; eff. 7-1-99 through 6-30-99 34117
947.340 Suspended; interim; eff. 7-1-99 through 6-30-00 34117
956.15 Added 4933
956.16 Added 4933
956.20 (a) amended 4933
956.60 Added 4933
956.62 Revised 4933
956.64 Revised 4934
956.70 Undesignated center heading added 4934
966.323 (d)(1) amended 45413
979.180 Amended 23759
Regulation at 64 FR 23759 confirmed 41023
979.304 Amended; (b)(4), (c)(4) and (e)(3) revised; (e)(4) removed; (e)(5) redesignated as (e)(4) 23759
Regulation at 64 FR 23759 confirmed 41023
981.441 (a) and (e)(6)(ii) amended; (b), (e)(3), (4)(ii), and (iv) revised 41028
981.472 (a) revised 18802
982 Marketing percentages 2425
982.246 Regulation at 64 FR 2425 confirmed 23011
985 Marketing percentages 2802
989 Marketing percentages 10922
989.154—989.156 Undesignated center heading revised 43902
989.154 Revised 43902
989.157—989.160 Undesignated center heading added 43902
989.212 Regulation at 63 FR 56785 confirmed 2428
989.213 Regulation at 63 FR 56785 confirmed 2428
989.252 Marketing percentages 30236
989.347 Regulation at 64 FR 9056 confirmed 25422
993 Undersized regulation 23763
993.347 Revised 3623
Revised; interim 9056

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture (Parts 1000—1199)

1065.2 (a) suspended in part 4959
1079.7 (b) corrected; CFR correction 19034
(b) introductory text amended 25194

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture (Parts 1200—1299)

1205.510 (b)(2) and (3)(ii) table revised 30238
1216 Added 20105
1216.1—1216.88 (Subpart A) Added 41256
1220.10—1220.46 (Subpart F) Added 45416
1230.110 (b) revised 44644
1260.141 (a) revised 3815

Chapter XIII—Northeast Dairy Compact Commission (Parts 1300—1399)

1301.13 (e) revised 34514
1307.4 Redesignated as 1307.5; new 1307.4 added 23538
1307.5 Redesignated from 1307.4 23538
1308.1 Introductory text revised 23538
1308.2 Added 23538
1361.11 (a) and (b) revised; interim 18324
1381.4 (a) revised 11756

Chapter XIV—Commodity Credit Corporation, Department of Agriculture (Parts 1400—1499)

1430.500—1430.509 (Subpart D) Added 24934
1434 Added 10924
1437 Heading revised; interim 17272
1437.2 (f) and (g) revised; (h) added; interim 17272
1437.3 Amended; interim 17272

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1437.4 (a) revised; interim 17272
1439 Authority citation revised 13498
1439.1—1439.12 (Subpart) Revised 13498
1439.101—1439.104 (Subpart) Removed 13499
1439.101 (c) amended; interim 47360
1439.201—1439.202 (Subpart) Removed 13499
Added; interim 47360
1439.301—1439.302 (Subpart) Removed 13499
1439.401—1439.403 (Subpart) Removed 13499
1439.501—1439.504 (Subpart) Removed 13499
1439.601—1439.602 (Subpart) Removed 13499
1439.701—1439.702 (Subpart) Removed 13499
1439.800—1439.810 (Subpart) Removed 13499
1439.101—1439.108 (Subpart) Added 13500
1464.13 (f) added 15295
1464.14 (f) added 15296
1464.15 (f) amended 15296
1464.16 (f) added 15296
1464.17 (f) added 15296
1469 Added 10930
1464.101 (b) amended 2803
1477 Added 18554
1477.110 Correctly designated 35559

Chapter XV—Foreign Agricultural Service, Department of Agriculture (Parts 1500—1599)

1530 Revised 7062

Chapter XVII—Rural Utilities Service, Department of Agriculture (Parts 1700—1799)

1703 Authority citation revised 14356
1703.100—1703.112 (Subpart D) Revised 14357
1703.103 (a)(3) corrected 25422
1703.105 (c) and (e)(6) corrected 25422
1703.108 (a) corrected 25422
1703.120—1703.129 (Subpart E) Added 14360
1703.123 (a)(13) and (14) corrected 25422
(a)(5) revised 25423
1703.125 (b)(9) added; (i)(1) through (7) revised; (i)(8) through (11) removed 25423
1703.126 (a) corrected 25422
1703.127 (c)(1) and (3) corrected 25422
1703.130—1703.137 (Subpart F) Added 14366
1703.134 (l) corrected 25422
(g)(1) through (7) revised; (g)(8) through (11) removed 25423
1703.140—1703.147 (Subpart G) Added 14369
1703.140 Introductory text amended 25423
1703.141 (i) amended 25423
1703.142 (a) and (b)(4) revised; (b)(5) added 25423
1703.144 (c)(4), (d)(2), (3), (f)(2) and (4) corrected 25422
(g)(1) through (7) revised; (g)(8), (9) and (10) removed 25423
1703.145 (b) corrected 25422
1703.300—1703.313 Redesignated as Subpart H 14356
1710 Authority citation revised 33178
1710.106 (a)(1)(i) and (2)(i) revised; (a)(3) removed; (a)(4), (5) and (6) redesignated as (a)(3), (4) and (5) 33178
1710.250 (f) amended 33178
1728 Bulletin 14813, 42005
1753 Authority citation revised 16604
1753.1 (a) revised 16604
1753.2 Amended 16604
1753.3 (a) amended 16604
1753.5 (b)(1) revised; (b)(2) redesignated as (b)(3); new (b)(2) added 16604
1753.6 (a) revised; (e) added 16605
1753.7 (c) and (e) revised 16605
1753.8 (a)(1), (11)(i), (ii) introductory text, (iii) introductory text and (12)(i) revised; (a)(11)(iv) added 16605
1753.11 (a)(3), (b) and (d) revised 16605
1753.15 (a)(2) through (5) redesignated as (a)(3) through (6); (a)(1), new (5)(i) and (ii) revised; new (a)(2) added 16605
1753.16 (b)(1) through (4) revised 16606

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1753.17 (b)(1)(ii)(D) amended; (b)(1)(ii)(E) added; (c)(1)(i)(C) and (2)(i)(A) revised 16606
1753.18 Added 16606
1753.25 (a), (c) and (d) revised 16606
1753.26 (a) through (d) redesignated as (b) through (e); new (a) added; new (b)(1) revised 16606
1753.30 (b), (c)(2) and (3) revised 16606
1753.36 (g) revised 16607
1753.37 (c) revised 16607
1753.38 (a)(1)(i), (v), (2)(i), (v), (b)(1), (3), (5), (e)(2) and (3) amended 16607
1753.39 (a), (e)(1), (2), (f) introductory text, (1)(ii)(A), (iii), (iv) and (g) revised; (e)(3) removed; (h) added 16608
1753.46 (c)(2) and (3) revised 16608
1753.47 (c) revised 16609
1753.48 (a)(4) and (b)(1) revised 16609
1753.49 (b), (c)(2) and (3) revised 16609
1753.50 Removed 16610
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1753.68 (b)(2)(i) through (v), (4)(i), (ii), (c)(2) and (d)(3) revised 16611
1753.76 (a) revised 16611
1753.77 Revised 16612
1753.80 (b) revised 16612
1753 Appendixes A through F removed 16612
1755.26 Added 6500
1755.27 Added 6500
1755.28 Added 6500
1755.29 Added 6500
1755.30 Added 6501
1755.93 Removed 6501
1755.217 Removed 6501
1755.525 Removed 6501
1780.7 (h) removed 29946
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1780.35 (c) revised 29946
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1780.45 (a)(2) revised 29946
1780.48 (b) introductory text revised 29946
1780.49 (c)(4) and (d) revised 29946
1780.55 Revised 29946
1780.57 (o) added 29946
1780.94 (j)(3) revised 29947
1788 Revised 2

Chapter XVIII—Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, Department of Agriculture (Parts 1800—2099)

1940 Authority citation revised 24480
1940.560 Regulation at 63 FR 39458 confirmed 32371
1940.579 Revised 24480
1944.153 Amended 24480
1944.157 (a)(1) and (3) revised 24480
1944.160 Added 24480
1944.164 (b) revised; (d) introductory text and (1)(i) amended 24480
1944.169 (a)(1) revised 24480
1944.170 Heading, introductory text, (a) and (b) revised; (c) redesignated as (f); new (c), (d) and (e) added; new (f)(5)(i), (ii)(B) and (C) amended; new (f)(7) removed 24480
1944.151—1944.200 (Subpart D) Exhibits A and A-1 amended 24482
1951.914 Heading and (b) introductory text revised; (h) added; interim 19865
1951.951 Amended; interim 393
1951.952 Amended; interim 394
1951.953 (b) revised; interim 394
1951.954 (a)(1), (5), (7), (b)(2), (4) and (5) revised; interim 394
1980.1 Revised 7402
1980.6 (a) and (b) amended 7402
1980.11 Amended 7402
1980.13 (b) introductory text amended; (b)(4) introductory text revised 7402
1980.20 (a) introductory text amended 7402
1980.21 Revised 7402
1980.22 (a) revised; (b) introductory text and (3) amended 7402
1980.46 Removed 7402
1980.60 Heading, (a) introductory text, (1), (6), (7), (9) through (12), (b) and (c) amended 7402
1980.61 (a)(2) and (c) removed; (a)(3) and (d) through (h) redesignated as (a)(2) and (c)

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1980.83 Regulation at 56 FR 8259 confirmed....7378
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1980.84 Heading, (b)(1)(iv), (v) and (4) amended....7403
1980.100 Regulation at 56 FR 8260 confirmed....7378
1980.1—1980.100 (Subpart A) Regulations at 56 FR 8261 and 8263 confirmed....7378
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1980.125 Regulation at 56 FR 8264 confirmed....7378
1980.145 Regulation at 56 FR 8264 confirmed....7378
1980.175 Regulation at 56 FR 8264 confirmed....7378
1980.200 Regulation at 56 FR 8264 confirmed....7378
1980.101—1980.200 (Subpart B) Regulations at 56 FR 8265, 8266 and 8271 confirmed....7378
1980.340 Regulation at 56 FR 8271 confirmed....7378
1980.354 Regulation at 56 FR 8271 confirmed....7378
1980.424 Regulation at 56 FR 8271 confirmed....7378
1980.451 Regulation at 56 FR 8271 confirmed....7378
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1980.646 Regulation at 56 FR 8271 confirmed....7378
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1980.814 (d) removed; (e) through (h) redesignated as (d) through (g)....28336
1980.844 Revised....28336
1980.853 Regulation at 56 FR 8271 confirmed....7378
2003 Authority citation revised....32388
2003.18 (b)(5)(i) amended....32388

Chapter XXXIV—Cooperative State Research, Education, and Extension Service, Department of Agriculture (Parts 3400—3499)

3400 Authority citation revised....34103
3400.1 Revised....34103
3400.7 (c) revised....34103
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3565 Regulation at 63 FR 39458 confirmed....32371
3565.5 (b) revised....32371
3565.6 Revised....32371
3565.8 Revised....32371
3565.9 (e) removed; (f) redesignated as (e)....32372
3565.13 Revised....32372
3565.52 Introductory text amended....32372
3565.53 (a) revised; (b) amended....32372
3565.103 (d)(9) added....32372
3565.303 (d)(8) amended....32372

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3565.351 (a) amended 32372
3570.51—3570.100 (Subpart B) Revised 32388
3575 Added 28337

Chapter XXX—Office of Chief Financial Officer, Department of Agriculture (Parts 3000—3099)

3700.3 (g) removed 40736

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201.52 Heading revised; (c) added 41770
208 Authority citation revised 10199
208 Appendix A amended 10199
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614.4360 Redesignated as 614.4361; new 614.4360 redesignated from 614.4359; heading, (a), (b), (c), and (d) amended; (d) redesignated as (e); new (d) added (effective date pending) 34517
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615.5131 Revised (effective date pending) 28895
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615.5133 Revised (effective date pending) 28895
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615.5141 Redesignated as 615.5142; new 615.5141 added (effective date pending) 28899
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615.5142 Redesignated as 615.5143; new 615.5142 redesignated from 615.5141 and revised (effective date pending) 28899
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615.5143 Redesignated as 615.5144; new 615.5143 redesignated from 615.5142 and revised (effective date pending) 28899
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618.8210—618.8270 (Subpart F) Removed (effective date pending) 43049
618.8320 (b)(7) removed; (b)(8), (b)(9), and (b)(10) redesignated as (b)(7), (b)(8), and (b)(9) (effective date pending) 43049
618.8330 Revised (effective date pending) 43049
618.8440 (b)(6) amended (effective date pending) 34519
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701.12 Removed 41035
701.13 Removed 41035
701.14 (b)(3) introductory text and (c)(2) revised; (b)(4) added; (d)(1) amended 28717
701.20 Removed 28719
701.21 (c)(7)(ii)(C) Revised 5929
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701.25 Added 19443
701.30 Removed 28718
703.20 (c) amended 33187
707.4 Regulation at 63 FR 71574 confirmed 33010
707.5 Regulation at 63 FR 71574 confirmed 33010
707.8 Regulation at 63 FR 71574 confirmed 33010
707.9 Regulation at 63 FR 71575 confirmed 33010
707 Regulation at 63 FR 71575 confirmed 33010
708a.4 (b) amended 28735
708a.5 (c) amended 28735
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712.2 Heading revised; (a) and (c) amended; (d) and (e) added 33187
712.3 (a) and (b) amended; (c) revised 33187
712.5 (p) added 33187
712.6 (b) revised; interim 33188
713 Added 28720
715 Added 41035
722.3 Regulation at 63 FR 51799 confirmed 28729
723 Regulation at 63 FR 51799 confirmed; revised 28729
741.3 (a)(3) amended 41040
741.6 (a) amended; (b) redesignated as (d); new (b) and (c) added 41040
741.201 (a) and (b) amended 28721
741.202 (a) and (b) amended 41040
741.203 Regulation at 63 FR 51802 confirmed 28729

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745.4 Revised; interim 19687
745.8 Revised; interim 19687
745 Appendix amended; interim 19687, 19688
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902.6 Removed 30883
903 Added 30883
904.9 (f)(2) revised 5930
905 Added; interim 44106
935 Authority citation revised 16621
935.1 Amended 16621
935.9 (a) revised; (b) heading, (c) heading and (e) heading amended 16621
935.11 (b) revised 16621
935.15 (b) revised; interim 16791
960 Interpretation 12079
960.1 Amended; interim 24027
960.3 (b)(4) revised; interim 24027
960.5 (b)(10)(ii) revised 23015
(b)(2)(ii)(B) amended; interim 24027
960.6 (b)(4)(iv)(D) and (F)(*8*) revised 23015
(b)(4)(iv)(D) and (F)(*1*) revised; interim 24028
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960.9 Introductory text revised 23016

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1730 Added; interim 34969

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114.105 (b) and (c) revised 40283
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120.10 Amended 2117
120.111 Amended 2117
120.131 Revised 2117
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120.414 Undesignated center heading and section redesignated from 120.430; undesignated center heading revised 6509
120.420 Undesignated center heading and section revised 6507
120.421 Added 6508
120.422 Added 6508
120.423 Added 6508
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120.430—120.435 Undesignated center heading and sections added 6509
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120.540 Heading and (d) revised; (b)(4) added 44110
120.801 (a) amended; (c)(3) revised 2118
120.802 Amended 2118
120.845 Revised 26274
120.862 (b)(3) amended; (b)(7) revised 2118
120.870 (a)(1) revised; (c) added 2118
120.883 Revised 2118
120.884 (e) removed 2118
120.910 Revised 2118
120.920 Revised 2118
120.921 (d) and (e) redesignated as (e) and (f); new (d) added; new (e) and new (f) revised 2118
120.971 (a)(2) amended; (a)(3) and (d)(2) revised 2119
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121 Authority citation revised 26280
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123.3 (a)(4) amended 13667

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13 Policy statement 19443
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25.731 (e) corrected 45589
25.735 (e)(1) corrected 45589
27 Special FAA conditions 27447
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27.2 Introductory text, (a), (b), (c), (d) introductory text, (d)(1), and (d)(2) redesignated as (a) introductory text, (a)(1), (a)(2), (a)(3), (a)(4) introductory text, (a)(4)(i), and (a)(4)(ii); new (b) added 45094
27.25 (c) revised 43019
27.602 Added 46232
27.610 heading revised; (d) added 45094
27.805 Added 45094
27.807 Revised 45094
27.853 (a) amended; (b) removed 45095

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27.865 (c) and (d) redesignated as (e) and (f); undesignated center heading, heading, (a) introductory text, (b), new (e) and new (f) revised; new (c) and new (d) added 43019
27.1027 (a) through (d) redesignated as (b) through (e); new (a) added; new (c)(2) and new (d) amended 45095
27.1185 (d) added 45095
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27.1337 (e) revised 45095
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29.67 (a)(2) introductory text, (i), (3)(i) and (b) revised; (a)(2)(ii) removed; (a)(2)(iii) and (a)(2)(iv) redesignated as (a)(2)(ii) and (a)(2)(iii) 45337
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29.602 Added 46232
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221 Revised 40657
250.4 Removed 40674
254.4 Amended 41783
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257 Added 12851
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257.6 Added 46821
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258.6 Added 46821
293 Added 40674
382.43 (b) revised 41783
399 Authority citation revised 12852
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734 Authority citation revised 27140, 42011, 47105
734.2 (b)(1) and (4) amended 13339
734.4 (b) revised.....13339
(a) revised.....42011
734.5 (a) revised; interim 27141
(a) amended.....47105
736 Authority citation revised.....27141, 47105
736.2 (b)(7)(i) revised; interim 27141
(b)(3)(ii)(A)(*1*) revised 47105
738 Authority citation revised 17970, 27141, 42011
738.2 (d)(2)(i)(A) amended; interim.....17970, 27141
738 Supplement No. 1 amended; interim.....17970
Supplement No. 1 amended 28908, 42011
740 Authority citation revised 2430, 17970, 27141, 28908, 40108, 42011
740.2 (a)(5) amended 13339
740.7 (d)(4) redesignated as (d)(5); new (d)(4) and (5)(v)(A)(*8*) note added; new (d)(5)(iii), (v)

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introductory text and (A) introductory amended; new (d)(5)(v)(B) revised; interim 2430
Amended 28908
(b)(1), (c), (d)(2), (3), (5)(i) and (v) introductory text revised 42011
740.11 Heading and introductory text revised; (c) added; interim 27141
(a)(2) and Supplement No. 1 revised 40108
(a)(2)(ii), (iii), (c)(2)(i) and Supplement No.1 amended 42012
740.14 (e)(1)(iii) amended; interim 17973
740 Supplement No. 1 amended 28908
742 Authority citation revised 2430, 17970, 27141, 42011, 47105
742.2 (a) introductory text revised; interim 27142
Amended 28909
742.8 (a)(4)(ii) amended; interim 27142
742.9 (a)(3)(ii) amended; interim 27142
742.10 (a)(4)(ii) amended; interim 27142
742.12 (b)(3)(i)(C) and (iv)(B) revised; interim 2431
(b)(2)(i), (3)(i)(A), (i)(B), (ii), and (c) amended 42012
742.14 Revised 13339
742.15 Second (b)(6)(v) redesignated as (b)(6)(vi) 3214
742.17 Added; interim 17973
742.18 Added; interim 27142
742 Supplement No. 4 amended 3214
Supplement No. 2 amended; interim 27143
Supplement No. 2 amended 47105
743 Authority citation revised 40108, 47105
743.1 (b) amended 3214
(c)(1) revised 40110
(c)(1)(v) revised 47105
744 Authority citation revised 1121
744.10 Revised 14605
744.13 Added; interim 1121
744.14 Added; interim 1122
744 Supplement No. 4 amended 14606, 28910
Supplement No.1, Category 1 (ECCN 1C004 and ECCN 1C996) amended 40110
Supplement No.1, Category 2 (ECCN 2B001, 2B004, 2B005, 2D001 and 2E003) amended 40111
Supplement No.1, Category 2 amended 40113
Supplement No.1, Category 3 (ECCN 3A001, 3A002, 3A991, 3B001, 3B991, 3C002, 3E001, 3C992 and 3E002) 40117
Supplement No.1, Category 4 (ECCN 4A003) amended 40124
Supplement No.1, Category 4 amended 40125
Supplement No.1, Category 5 amended 40128
Supplement No.1, Category 5 (ECCN 5A001, 5A991, 5B001, 5C001, 5C9991, 5D001 and 5E001) 40129
Supplement No.1, Category 6 (ECCN 6A003, 6A005, 6C002 and 6C992) 40132
Supplement No.1, Category 7 amended 40135
745 Added; interim 27143
745.1 (b)(3) amended 28909
745 Supplement No. 3 amended 28909
746 Authority citation revised 24018
746.2 (b)(4)(iii) added 25808
746.9 Revised 24019
748 Authority citation revised 2430, 17970, 47105
748.8 (q) added; interim 27146
748.9 (b)(2)(i)(*1*) removed; (b)(2)(i)(*2*) and (*3*) redesignated as (b)(2)(i)(A) and (B); interim 2431
(a) introductory text revised; interim 17973
748.10 (b)(2) amended; (b)(3) redesignated as (b)(4); new (b)(3) added; new (b)(4) introductory text revised; interim 2431
748.14 Added; interim 17973
748 Supplement No. 6 added; interim 17974
Supplement No. 2 amended; interim 27146
Supplements No. 2 and 4 amended 47105
750 Authority citation revised 47106

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750.7 (i) redesignated as (j); new (i) added 47106
752.3 (a)(8) removed; (a)(9), (10) and (11) redesignated (a)(8), (9) and (10) 13339
758 Authority citation revised 27141
758.3 (h)(2) amended; interim 27146
762 Authority citation revised 17970
772 Authority citation revised 1121, 5932
Amended; interim 1122, 5932
Amended 13339, 27146
774 Authority citation revised 5932, 17970, 27141, 47106
774 Supplement No. 1, Category 1 (ECCN 1B115, 1C111, 1C118, 1E001 and 1E101) amended; interim 5932
Supplement No. 1, Category 0 (ECCN 0A982, 0D001 and 0E001) amended 10854
Supplement No. 1, Category 1 (ECCN 1A002, 1A005, 1C001, 1D390, 1D993, 1E994 and 1E001) amended 10854
Supplement No. 1, Category 2 (ECCN 2B001, 2B003, 2B004, 2B005, 2B104, 2B996 and 23003) amended 10855
Supplement No. 1, Category 3 (ECCN 3A001, 3A002, 3B001 and 3C002) amended 10857
Supplement No. 1, Category 4 (ECCN 4A003, 4D001 and 4E001) amended 10860
Supplement No. 1, Category 5 (ECCN 5A991, 5D001 and 5E001) amended 10861
Supplement No. 1, Category 6 (ECCN 6A001, 6A003, 6A005, 6A007, 6A008, 6D001, 6D003, 6E001 and 6E002) amended
Supplement No. 1, Category 7 (ECCN 7D003) amended 10867
Supplement No. 1, Category 8 (ECCN 8A002, 8A992, 8D001 and 8E001) amended 10867
Supplement No. 1, Category 9 (ECCN 9A018) 10869
Supplement No. 1, Category 4 (ECCN 4D001, 4E001) corrected 12745
Supplement No. 1, Category 9 (ECCN 9A004) amended 13340
Supplement No. 1, Category 0 (ECCN 0A984, 0A985 and 0A987) amended; interim 17975
Supplement No. 1, Category 1 (ECCN 1C350) amended; interim 27146
Supplement No. 1, Category 1 (ECCN 1C351) amended; interim 27148
Supplement No. 1, Category 1 (ECCN 1C355) amended; interim 27149
Supplement No. 1, Category 1 (ECCN 1E001) amended; interim 27150
Supplement No. 1 corrected 27854
Supplement No. 1, Category 1 (ECCN 1E001) amended 28909
Supplement No. 1, Category 1 (ECCN 1C350) corrected 30103
Supplement No. 1, Category 3 (ECCN 3A001) amended 36780
Supplement No. 1 Category 0 (ECCN 0A984) and Supplement No. 2 amended 47106

Chapter VIII—Bureau of Economic Analysis, Department of Commerce (Parts 800—899)

806.15 (i) amended 10389

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900—999)

902.1 (b) table amended (OMB numbers) ... 14, 3627, 4036, 14054, 29133, 36781, 39019, 42828

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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission (Parts 0—999)

2.32 Revised.....46268
2.34 Revised.....46269
2.41 (f)(3) removed; (f)(4) and (f)(5) redesignated as (f)(3) and (f)(4).....43599
3 Authority citation revised.....46269
3.25 (f) revised.....46269
4 Authority citation revised.....46269
4.1 (b)(1) introductory text, (iii) and (5)(vii) amended.....14830
4.8 (b)(4) and (6) revised.....3012
4.9 (b)(6) revised.....46269
4.11 (a)(1)(i)(A), (B), (iii)(A), (2)(i)(A), (B) and (ii)(A) revised; (a)(1)(i)(E) and (iii)(D) redesignated as (a)(1)(i)(F) and (iii)(E); new (a)(1)(i)(E), new (iii)(D) and (h) added.....3013
(c) and (d) amended; (e) revised.....32180
(d)(1) corrected.....35256
4.13 (c) and (i)(1) amended.....3014
5.1 Amended.....42594
23.0 Amended.....33194
239 Announcement.....19700
245 Removed.....30902
305.9 (a) revised.....7785
305 Appendix H corrected.....926
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700 Announcement.....19700
701 Announcement.....19700
702 Announcement.....19700
703 Announcement.....19700
901.3 Introductory text and (d) amended.....34533
901.4 (b) revised.....34533

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1615 Authority citation revised.....34535
1615.1 Introductory text, (o) introductory text, (1) and (3) revised.....2838
(c)(1) amended.....34533
(o)(10) and (11) added; eff. 6-28-00.....34535
1615.2 (a), (b), and (c) amended.....34533
1615.4 Footnotes 2, 3, and 4 redesignated as footnotes 3, 4, and 5; eff. 6-28-00.....34536
1615.64 (d) introductory text revised.....2832
(a)(1) and (b) amended.....34533
1616 Authority citation revised.....34536
1616.2 Introductory text, (m) introductory text, (1) and (3) revised.....2841
(m)(10) and (11) added; eff. 6-28-00.....34536
1616.5 Footnotes 2 through 6 redesignated as footnotes 3 through 7; eff. 6-28-00.....34538
1616.65 (d) introductory text revised.....2833
1700.14 (a)(29) added; eff. 6-19-00.....32803

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TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission (Parts 1—199)

1 Fee schedules 19711
1.31 (b), (c) and (d) revised 28742
(b)(4) stayed; eff. 7-7-99 through 9-27-99 36569
1.61 Removed 24046
3 Advisory 39912
5 Fee schedules 19711, 30384
5 Appendix A revised 29217
Appendix E added 29224
9 Order 39913
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Technical correction 43254
9.9 (b)(1) introductory text, (3) and (4) revised 46270
10.1 (d) revised 30903
10.68 (a)(2) amended 30903
10.92 (b)(1) revised 30903
10.101 (a)(5)(iii) revised 30903
10.102 (e)(1) amended 30903
10.106 (b)(3) amended 30903
10.109 Introductory text, (a)(2)(ii), and (b) revised; (d) removed 43071
10 Appendix A amended 30903
12.408 Introductory text and (b) revised 43071
17.00 (b)(1) introductory text revised; (b)(1) designation, (2) and (c) removed; (b)(1)(i) and (ii) redesignated as (b)(1) and (2); (b)(3) added 24046
18.01 Revised 24046
30 Technical correction 30103
30.5 Introductory text and (e) added; (a) revised 28914
30.6 Revised 28914
31 Fee schedules 19711
60.41c Corrected; CFR correction 24049
150.1 (d) introductory text, (2), (e)(2) and (5) revised 24046
150.2 Revised 24047
150.4 Revised 24047
150.5 Added 24048
171.50 Heading, (a)(1) introductory text, (c) and (d) revised 46271

Chapter II—Securities and Exchange Commission (Parts 200—399)

200.30-3 (a)(67) added 42595
200.30-5 (e)(2) revised 34540
202.3 (b)(2) revised 19451
211 Staff accounting bulletin 45150
230.485 (f)(1) designation and (2) removed 27894
230.486 (f)(1) designation and (2) removed 27894
230.487 (d)(1) designation and (2) removed 27894
230.495 (e)(1) designation and (2) removed 27894
230.497 (k)(2)(ii) amended 27894
232.10 (b) revised 27894
232.11 Amended 27894
232.101 (a)(1)(iv) and (c)(11) amended 19471
(a)(1)(iii) note revised; (b)(7) removed 27894
232.102 (e) revised 27894
232.104 Added 27895
232.105 Added 27895
232.106 Added 27895
232.301 Revised 27898
232.302 (a) revised 27895
232.303 (a)(3) revised 27895
232.304 Heading, (a) and (b) revised; (c) amended 27895
232.305 Existing text designated as (a); (b) added 27896
232.306 (b) revised 27896
232.307 Existing text designated as (a); (b) added 27896
232.310 Revised 27896
239.14 Form N-2 amended 27897, 46837
239.15 Form N-1 amended 27897
239.15A Form N-1A amended 27897, 45836
239.16 Form S-6 amended 27896
239.17a Form N-3 amended 27897, 45837
239.17b Form N-4 amended 27897
239.24 Form N-5 amended 27897, 46837, 46838
240.3a12-8 (a)(1)(xviii) and (xix) amended; (a)(1)(xx) added 29553
Corrected 31493
240.14a-101 Amended 27896
240.15b1-1 (c) revised 25147
240.15b3-1 (c) revised 25147
(b) removed; (c) redesignated as (b); new (c) added 37593
(c)(4) added 42595

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240.15b6–1 Revised 25147
(e) added 42595
240.15b7–3T Added 42028
240.15Ba2–2 (d) revised 25148
(e) added 37594
(e)(4) added 42596
240.15Bc3–1 Revised 25148
(e) added 42596
240.15Ca1–1 (c) revised 25148
240.15Cc1–1 Revised 25148
240.15Ca2–1 (b) removed; (c) redesignated as (b); new (c) added 37594
(c)(4) added 42596
240.15Cc1–1 (d) added 42596
240.17a–5 (g)(2) and (3) correctly added; CFR correction 39918
240.17a–9T Added 42029
240.17Ad–21T Added 42029
249.501a Form BDW revised 25149
Existing text designated as (a); (b) added 42596
249 Appendix B—Form BD revised 37594
270 Compliance date extension 24488
Authority citation amended 46834
270.8b–23 (a) revised 27896
270.8b–32 (c) revised 27896
270.8f–1 Revised 19471
270.17j–1 Revised 46834
274.5 Form N–5 amended 27897, 46837, 46838
274.11 Form N–1 amended 27897
274.11a–1 Form N–2 amended 27897, 46837
274.11b Form N–3 amended 27897, 46837
274.11c Form N–4 amended 27897
274.11A Form N–1A amended 27897, 46836
274.101 Form N–SAR amended 27896
274.218 Revised 19471
274.12 Form N–8B–2 amended 46838
275.203A–6 Added; eff. 5–3–99 15683
275.204–2 (a)(12)(i) and (13)(i) revised; (a)(12)(ii), (iii), (13)(ii) and (iii) redesignated as (a)(12)(iii), (iv), (13)(iii) and (iv); new (a)(12)(iii)(B), (13)(iii)(B) and (C) redesignated as (a)(12)(iii)(C), (13)(iii)(C) and (D); new (a)(12)(ii), (iii)(B), (13)(ii) and (iii)(B) added 46838
279.1 Form ADV amended; eff. 12–31–99 15683

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1 ..... 17439, 22588, 32829, 38159, 47151
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30 ..... 22588, 32829, 46613, 46618
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TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy (Parts 1—399)

1b Authority citation revised 17097
1b.1 (d) added 17097
1b.21 Added 17097
2.1 (a)(1)(viii)(A) through (I) removed 26603
2.55 (a) and (b)(1)(ii) revised; (b)(4)(i) and (d) removed; (b)(4)(ii) redesignated as (b)(4) 26603
2.69 Removed 26603
2.102 Removed 26603
2 Appendix A added 26603
3.4 Removed 44404
37.5 (c) redesignated as (f); new (c), (d), and (e) added 34124
37.6 Heading, (a) introductory text, (4), (5), and (e)(3)(ii) revised; (a)(6) added 34124
37.8 Added 34124
153.8 (a)(7) revised 26604
153.21 (b) revised 26604
157.6 (a) and (b) heading revised; (b)(6) added; (b)(7) amended 26604
157.8 Revised 26605
157.9 Amended 26605
157.10 Revised 26605
157.14 (a) amended; (a)(6–a) and (14)(i) through (iv) revised; (a)(6–b), (6–c), (6–d), (12) and (14)(vii) through (xiii) removed 26605
157.16 (c)(1) revised 26605

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157.17 (a) and (b) amended 26606
157.18 Introductory text, (f)(2) and (3) amended 26606
157.20 (c) introductory text and (d) introductory text amended; (c)(2), (d)(1) and (f) removed; (c)(3), (4), (d)(2), (3) and (g) redesignated as (c)(2), (3), (d)(1), (2) and (f); (b) and new (d)(2) revised 26606
157.21 Removed 26606
157.102 (a)(1) amended; (b)(1)(v) revised 26606
157.103 (j) amended 26606
157.201 (a) amended 26606
157.202 (b)(2)(i), (ii)(A), (B), (D), (E), (4) through (7), (10) and (12) revised; (b)(13), (14) removed; (b)(2)(i)(F) added 26606
(b)(2)(ii)(G) correctly removed; first (b)(2)(ii)(F) correctly redesignated as (b)(2)(ii)(G) 37037
157.203 (b) and (c) amended 26607
157.204 (d)(2), (4), (5) and (e) removed; (d)(3) redesignated as (d)(2) 26607
157.205 (c) removed; (d) through (i) redesignated as (c) through (h); (a) introductory text, (b) introductory text and new (c) revised; (a)(2), (b)(5), (6) and new (d), (e)(2), (f) and (g) amended 26607
157.206 (b), (c), (e) and (h) removed; (d), (f) and (g) redesignated as (b), (c) and (d); new (b) introductory text added; new (b)(1), (5) and (6) revised; new (b)(3)(i), (ii) and (iii) amended 26607
157.207 (b) and (c) revised; (f) removed; (g) and (h) redesignated as (f) and (g) 26607
157.208 Heading, (e) introductory text, (2) and (f)(2) revised; (c)(6), (8) and (4) through (7) removed; (c)(7), (9), (10), (11), (e)(8) and (9) redesignated as (c)(6), (7), (8), (9), (e)(4) and (5); (a), (b), new (c)(9), (d) and (g) amended 26608
157.209 Added 26608
157.210 Removed 26608
157.211 (a), (b)(1) through (5), (c)(1), (2) and (3) revised; (c)(4) added; (d) removed 26608
157.212 Removed 26609
157.213 Removed 26609
157.215 (a) introductory text and (b)(1)(iii) revised 26609
157.216 (a) introductory text amended; (a)(1), (2), (b), (c)(1), (3), (d)(1), (2) and (4) revised; (c)(5) and (d)(5) added 26609
157.217 (a) and (b)(2) revised 26609
157.218 (a) revised 26609
157.201—157.218 (Subpart F) Appendix I amended 26609
Appendix II revised 26610
284.10 (b)(1)(i) through (v) revised 17278
284.221 (d)(1), (f)(3) and (h)(3) amended; (d)(3) removed; (f)(4) revised 26610
284.262 Revised 26610
284.288 Removed 26611
341.0 (a)(7) revised 44404
341.2 (c)(1) revised 44404
341.6 (d)(3) revised 44404
342.3 (b) and (d)(3) revised 44404
343.2 (c) revised 17097
(c)(4) revised 44405
343.4 (a) revised 17097
346.2 (c)(7) revised 44405
357.3 Revised 44405
362 (Subchapter S) Removed 44405
375.307 (a)(2), (8), (9), (17), (18), (b)(4), (5), (c), (e)(3) and (7) removed; (a)(3), (4), (5), (6), (7), (10), (11), (12), (14), (15), (16), (d), (e)(4), (5) and (6) redesignated as (a)(2) through (9), (11), (12), (13), (c), (e)(3), (4) and (5); (e), (f) and (g) redesignated as (d), (e) and (f); (a)(1) and new (2), (3), (4) and (e)(3) revised; new (a)(10) added 26611
380.3 (c)(2) amended 26611
380.4 (a)(28) amended 26611
380.12 Added 26611
380.13 Added 26617
380.14 Added 26618
380.15 Added 26619
380 Appendix A revised 26619
381.302 (a) amended 44653
381.303 (a) amended 44653
381.304 (a) amended 44653
381.305 (a) amended 44653
381.403 Amended 44653
381.505 (a) amended 44653

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381.801 Amended 44653
Corrected 47107
385.101 (b)(3) and (4)(i) removed; (b)(4)(ii) redesignated as (b)(4) 44405
385.102 (a) and (e)(2) revised 44405
385.206 (b) and (c) redesignated as (f) and (j); new (b), new (c), (d), (e), (g), (h) and (i) added; new (f) revised 17097
(g)(2) removed; (g)(1) introductory text, (i), (ii) and (g)(1)(iii) redesignated as (g) introductory text, (1), (2) and (3); (b)(7), (8), (9)(i), (c), (e)(3), new (g)(1) and (h)(1) revised 43608
385.208 Removed 44405
385.213 (c)(4) and (5) added 17099
(c)(4), (5)(ii), (iii) and (d)(2) introductory text revised 43608
385.218 Added 17099
385.502 (a)(1) and (2) revised; (a)(3) removed 44405
385.604 (d)(2) revised; (d)(3) and (g) removed; (d)(4), (5) and (6) redesignated as (d)(3), (4) and (5) 17099
385.605 (a)(4) and (e)(2) revised; (f) removed 17099
385.606 (d) redesignated as (d)(1); (d)(2) and (l) added 17099
385.1403 Removed; new 385.1403 redesignated from 385.1404 44405
385.1404 Redesignated as 385.1403; new 385.1404 redesignated from 385.1415 44405
385.1405 Removed 44405
385.1406 Removed 44405
385.1407 Removed 44405
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385.1412 Removed 44405
385.1413 Removed 44405
385.1414 Removed 44405
385.1415 Redesignated as 385.1404 44405
385.1902 (a) revised; (b) removed; (c) redesignated as (b) 44405
385.2001 (b)(3) revised 26621
(a)(1)(ii) and (b)(3) correctly revised 37037
385.2010 (f) revised 31496

Chapter III—Delaware River Basin Commission (Parts 400—499)

430.13 (i)(3) revised 35566

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385 ..... 29614, 33034, 37718, 42307

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury (Parts 1—199)

4.9 (f) amended 43265
4.12 (a)(5) amended 43265
4.61 (b)(3) amended 43265
4.76 Added 40986
4.82 (a) amended 43265
4 Footnotes 112 and 113 removed 43265
10.41b (b)(1), (2)(iv), and (4) amended 43265
10.62 (a) amended 16347
10.62b (c)(1) introductory text and (ii)(C) revised 16347
12 Authority citation amended 17531
12.8 (b) amended 43265
12.104g (b) table amended 17531
24 Authority citation amended 42031
24.21 (b)(9) amended 43266
24.23 (c)(3) revised 42031
24.24 (g) amended 43266
101.1 Amended 40987
102.20 (p) amended 43266
112.41 Amended 43266
113.38 (c)(4) amended 43266
118.12 Amended 43266
122.13 Amended 18566
122.162 (b) amended 43266
133.26 Amended 43266
133.46 Amended 43266
141.64 Amended 43266
141.68 (b) amended 43266
141.90 (a) removed 43266
141.103 Amended 43266

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141.113 (b) amended 43266
143.21 (j) amended 43266
144.37 (h)(2)(vi) amended 43266
148.51 (a)(1) amended 43267
151.16 Added 43611
162.65 (c) amended 43267
162.72 (b)(1), (2), and (3)(ii) amended 43267
162.73 (a)(2)(i), (ii), (3)(i), (ii), (b)(1)(i), (ii), and (2) amended 43267
162.74 (c) amended 43267
162.79b Amended 43267
173.6 Removed 43267
174 Authority citation amended 43612
174.13 (a)(7), (8), and (9) amended 43267
174.21 (b) revised 43612
174.31 (a) and (b) amended; (c) added 43612
178.2 (b) table amended (OMB numbers) 16347, 16639
Table amended 40987, 43612
181.82 (b)(1)(ii) amended 43267
181.93 (b)(5)(i)(B)(4) amended 43267
192 Authority citation revised 16639, 40987
192.0 Amended 40987
192.1 Amended 16639
192.2 (a) amended; (b), (c) and (d) revised 16639
192.11—192.13 (Subpart B) Added 40987

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TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board (Parts 200—399)

220 Appendix 3 corrected; CFR correction 36239

Chapter III—Social Security Administration (Parts 400—499)

404.403 (g) added 17101
404.1220 (a) revised 33016
404.1574 (b)(2), (3) and (4) revised 18570
(b)(3) table corrected 22903
404.1501—404.1599 (Subpart P) Appendix 1 amended 29788, 46128
416.200 Revised 31972
416.203 (b) revised 31972
416.211 (a)(1) revised 31972
416.262 (a) revised 31972
416.305 (a)(2) revised 31972
416.315 (c) revised 31972
416.330 Revised 31973
416.335 Revised 31973
416.420 (b)(1), (2) and (3) revised 31973
416.421 (a) and (b) amended 31973
416.501 Revised 31973
416.502 Amended 31974
416.520 (a) amended; (b)(1), (4), (c) introductory text, (1) and (d) revised 31974
416.974 (b)(2), (3) and (4) revised 18570
(b)(4) table corrected 22903
416.1160 (b)(2)(i) revised; (b)(2)(ii) and (iii) redesignated as (b)(2)(iii) and (iv); new (b)(2)(ii) added 31974
416.1163 (e)(1) revised 31974
416.1165 (f) revised 31974
416.1166 (d) revised 31975
416.1245 (b)(1), (2)(v) and (5) revised 31975
416.1335 Amended 31975
416.1801 Amended 31975
416.1902 Amended 31975
422.112 (b) revised 33016

Chapter V—Employment and Training Administration, Department of Labor (Parts 600—699)

652.1 (a) revised; (h) amended; interim 18761
652.3 (d) revised; interim 18762
652.5 Revised; interim 18762
652.6 Removed; interim 18762
652.7 Removed; interim 18762
652.8 (j)(1) and (5) amended; interim 18762
652.200—652.216 (Subpart C) Added; interim 18762

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654 (Subpart E) Authority citation revised 34965
654.403 (a)(1) and (3) amended 34965
655.100 (a)(1) amended 34966
655.101 (c) introductory text, (1), (2), and (3) amended 34966
655.106 (e) revised 34966
660 Added; interim 18693
661 Added; interim 18694
662 Added; interim 18701
663 Added; interim 18704
664 Added; interim 18713
665 Added; interim 18717
666 Added; interim 18719
667 Added; interim 18722
668 Added; interim 18736
669 Added; interim 18746
670 Added; interim 18750
671 Added; interim 18760

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TITLE 21—FOOD AND DRUGS

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2 Effective date confirmation 26657
3 Effective date confirmation 26657
5 Effective date confirmation 26657
5.61 (i) added 33194
5.83 (c)(1) revised 23184
10 Effective date confirmation 26657
12 Effective date confirmation 26657
16 Effective date confirmation 26657
20 Effective date confirmation 26657
25 Effective date confirmation 26657
26.1 (c) corrected 16348
26.31—26.50 (Subpart B) Appendix B corrected 16348
50 Effective date confirmation 26657
54 Effective date confirmation 26657
56 Effective date confirmation 26657
58 Effective date confirmation 26657
60 Effective date confirmation 26657
70 Effective date confirmation 26657
71 Effective date confirmation 26657
74 Effective date confirmation 39414
74.3045 (c)(1) introductory text revised 23186
74.3602 (b)(4) redsignated as (b)(5); new (b)(4) added 32805
101 Workshop 34125
Comment period reopening 42277
172.831 Introductory text removed; (c) revised 43909
172.883 Added 29958
(c) corrected 43072
172.886 (c)(2) revised 44122
173.310 (c) table amended 29226
173.315 (a)(2) table amended; (a)(5) added 38564
173.325 (b)(1) revised 26841
(d) redesignated as (e); new (d) added 44123
175.105 (c)(5) table amended 29554, 45872
176.170 (a)(5) table amended 27915
176.180 (b)(2) table amended 46130
176.300 (c) table amended 46130
177.1211 Added 28098
177.1350 (a) introductory text, (1) through (6) and (b) redesignated as (a)(1) introductory text, (i) through (vi) and (b)(1); new (a)(2) and (b)(2) added 47108
177.1390 (c)(1)(i)(f) revised 46272
177.1500 (b) table amended 46272
177.1520 (c) table amended 27916
(a)(2) redesignated as (a)(2)(i); (a)(2)(ii) and (3)(vi) added; (d)(7) table amended 47108
177.1585 (a) and (c)(1) revised 27178
178 Technical correction 27854
178.2010 (b) table amended 24944, 25429, 26282, 30386
(b) table corrected 46130
178.3295 Table amended 26843
178.3297 (e) table amended 26842, 44406, 44407
178.3400 (c) table amended 45874
178.3910 (a)(2) table amended 47110
184.1148 Added 19894
184.1150 Added 19895
184.1250 Added 28361
200 Effective date confirmation 26657
201 Effective date confirmation 26657
201.63 Regulation at 64 FR 13286 eff. date corrected to 5–16–99 18571
201.64 Regulation at 64 FR 13286 eff. date corrected to 5–16–99 18571

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201.66 Regulation at 64 FR 13286 eff. date corrected to 5–16–99 18571
201.319 Regulation at 64 FR 13292 eff. date corrected to 5–16–99 18571
201 Regulation at 64 FR 13292 eff. date corrected to 5–16–99 18571
202 Effective date confirmation 26657
206 Effective date confirmation 26657
207 Effective date confirmation 26657
210 Effective date confirmation 26657
211 Effective date confirmation 26657
299 Effective date confirmation 26657
300 Effective date confirmation 26657
310 Effective date confirmation 26657
310.545 (a)(29) and (d)(31) added; (d) introductory text revised; eff. 5–21–01 27687
310.548 Added 44658
312 Effective date confirmation 19269, 26657
314 Effective date confirmation 26657
315 Added 26667
316 Effective date confirmation 26657
320 Effective date confirmation 26657
330.1 Regulation at 64 FR 13294 eff. date corrected to 5–16–99 18571
331.30 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
333 Effective date confirmation 26657
341.74 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
341.76 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
341.80 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
346.50 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
352 Added; eff. 5–21–01 27687
355.50 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
358.650 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
369 Effective date confirmation 26657
369.9 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
369.20 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
369.21 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
510 Effective date confirmation 26657
510.600 (c)(1) table and (2) table amended 15683, 18571, 23187, 42597
514 Effective date confirmation 26657
514.1 (b)(8)(ii) and (v) revised 40756
514.4 Added 40756
514.111 (a)(5) revised 40757
520 Effective date confirmation 26657
520.48 (b) amended 42597
520.260 (b) amended 15684
520.309 (a) revised; (c) redesignated as (d); new (d)(1) and (2) revised 32181
520.446b (d)(4)(iii)(C) amended 37673
520.534 (d) heading amended 30387
520.600 (i) revised 18571
520.1310 Added 39919
520.1484 Revised 31497
520.1615 Added 18573
520.1807 Added 23018
520.2184 (b) amended 15684
520.2220a (a)(2) amended 18572
520.2220b (a) removed; (b), (d) and (e) redesignated as (a), (b) and (d); new (a) and new (d)(2) revised 15684
520.2345d (a)(1) amended 37673
522 Effective date confirmation 26657
522.690 (b) amended 15685
522.723 (c) amended 15684
522.800 (b) amended 15684

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522.1192 (d)(2)(ii) amended 26671
522.1193 (d)(2) amended 26671
522.1660 (b) and (d)(2)(iii) amended 23187
(d)(2)(iii) revised 26670
(d)(1)(iii) amended 42831
522.2100 (a)(1), (b)(1), (c)(1), (d)(1) and (e)(1) amended 27916
522.2476 (b) amended 42597
522.2477 (a) amended 42597
522.2478 (c) redesignated as (d); new (d)(1)(ii) revised 18573
522.2680 (d)(3)(ii) amended 46840
524 Effective date confirmation 26657
524.1660a (b) revised; (c)(1)(i) footnote, (ii) footnote, (iii) footnote, (2)(i) footnote, and (2)(ii) footnote removed 42831
524.2098 Added 37401
529 Effective date confirmation 26657
556.175 Added 35923
556.344 (b)(2)(ii) added 26671
556.430 Revised 31498
556.490 Revised 26672
556.513 Added 23019
556.640 Revised 26672
556.739 Revised 18574
558.15 (g)(1) and (2) amended 37673
558.76 (d)(3)(xxi) added 18574
558.78 (d)(3)(xii) revised 26844
558.128 (d)(1) table amended 23539
558.140 (a) amended 15684
558.198 Added 35923
558.258 (c)(1)(i) introductory text amended 26844
558.265 (a) amended 42597
558.363 (d)(2)(iii) added 18574
(d)(2)(iv) added 20164
556.366 (c) table amended 18574, 20164
558.485 (a)(17) removed 15684
558.530 (d)(5)(xxv) added 18575
(d)(5)(xxvi) added 20164
558.575 (a) revised; (c) redesignated as (d); (d)(7) added 26672
(d)(4)(ii)(a) amended 43909
558.635 (b)(2) amended 15684
573 Announcement 46841
573.625 Revised 46840
601 Authority citation revised 26668
601.33 Redesignated as 601.28 26668
601.28 Redesignated from 601.33 26668
601.30—601.35 (Subpart D) Revised 26668
606.3 (c), (e), (f) and (j) revised 45370
606.100 (b) introductory text, (b)(7), (18) and (d) introductory text revised 45370
606.121 (a), (d)(2) and (e)(1)(ii) revised 45370
606.122 (f) and (n)(4) revised 45371
606.151 (b), (c) and (e) revised 45371
606.160 (b)(2)(v) revised 45371
606.170 (b) revised 45371
640.2 (b) and (d) removed; (c), (e) and (f) redesignated as (b), (c) and (d); new (b) and new (c)(2) revised 45371
640.3 (b) introductory text, (3), (c)(1), (2) and (3) revised; (e) removed 45371
640.4 (d)(1) through (4) and (h) removed; (i) redesignated as (h); (b), (d), (g) introductory text, (1), (2), (4) and (5) revised 45371
640.5 Introductory text and (c) revised 45372
640.6 (c) removed 45372
640.13 (a) revised 45372
640.15 Revised 45372
640.16 (a) and (b) revised 45372
640.22 (a) revised 45372
640.23 (a) revised 45372
640.24 (b) revised 45372
640.31 (c) removed 45372
640.32 (a) amended 45372
640.34 (a) through (d), (e)(1), (2), (3) and (g)(2) revised 45372
640.51 (c) removed 45373
640.52 (a) revised 45373
640.54 (a)(2) revised 45373
640.56 (c) introductory text revised 45373
640.62 Revised 45373
640.63 (c)(3), (5), (11), (12) and (13) revised 45373
640.65 (b)(4) and (5) revised; (b)(8) added 45373
640.69 (d) revised 45374
640.71 (a) introductory text revised 45374
640.72 (a)(1) revised 45374
640.80 (a) amended; (b) revised 26286
640.81 (c) and (e) amended; (f) revised 26286
640.82 (a) heading, (c) heading, (d) and (e) revised 26286

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640.84 (a) introductory text and (b) removed; (a)(1) through (4) redesignated as (a) through (d); introductory text, new (a) and new (d) revised 26286
640.90 (a) amended; (b) revised 26286
640.91 (b)(2) and (f) revised; (c) and (e) amended 26286
640.92 (a) heading, (c) heading, (d) and (e) revised 26286
640.94 (a) revised 26286
640.100 (a) amended; (b) and (c) revised 26287
640.101 (b) amended; (e)(3), (4) and (f) removed 26287
640.102 (e) amended 26287
640.103 (b) revised 26287
640.104 (b)(2), (3), (c)(1) and (2) revised 26287
700.35 Added; eff. 5-21-01 27693
701.3 Regulation at 64 FR 13297 eff. date corrected to 5-16-99 18571
740.19 Added; eff. 5-22-00 27693
800 Effective date confirmation 26657
801 Effective date confirmation 26657
807 Effective date confirmation 26657
809 Effective date confirmation 26657
812 Effective date confirmation 26657
860 Effective date confirmation 26657
874.5350 (c) revised 18329
874.5370 (c) revised 18329
878.3530 Regulation at 64 FR 45161 eff. date corrected to 8-19-99 46010
882.5860 (c) revised 18329
890.5275 (c) revised 18331
890.5300 (c) revised 18331
890.5860 (c) revised 18331
900.2 (yy) added 32407
900.4 (a)(4) amended; (c)(3)(ii), (5) introductory text, (i), (ii), and (6)(ii) revised 32407
900.12 (b)(5) and (e)(5)(vii)(A) revised 18333
(c)(2), (f)(3), and (j)(2) revised 32408
1020.30 (b) amended 35927
1020.31 (a)(2)(i), (f)(3), and (m) revised 35927

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1308 Technical correction 39560, 42432
1308.12 (f)(1) removed; (f)(2) redesignated as (f)(1) 35930
1308.13 (g) added 35930
(c)(5) through (c)(11) redesignated as (c)(6) through (c)(12); new (c)(5) added 37675
1309.29 Regulation at 62 FR 53960 confirmed 40516
1310.09 Regulation at 62 FR 53960 confirmed 40516
1312 Technical correction 42432
1312.30 (a) added 35930

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41.33 Revised.....45164
41.114 Removed.....28916
42.72 (e)(4) amended.....28916
50 Authority citation revised.....19714
50.7 (d) added.....19714
51 Authority citation revised.....19714
51.72 (b) revised; (c) added.....19714
51.80 Revised.....19714
51.83 Amended.....19715
51.84 Amended.....19715
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121.1 Amended.....17533
121.9 (a) revised.....17533
123.4 (a) revised.....17533
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123.17 (a) revised.....17534
124.13 (e) revised.....17534
126.5 Revised.....17534
171.20—171.26 (Subpart C) Revised.....25430
171.32 (j)(1), (2) and (5) amended.....18808

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201.32 (b) and (c) amended.....17535
201.51 (c)(4) amended.....17535
201.52 (a)(2)(iii)(C), (4)(iii) introductory text and (B) amended.....17535
201.67 (a)(5)(ii) amended.....17535

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514 Policy statement.....34982
514.21 (f) revised.....17976
514.32 Added.....17976
514.45 Added; interim.....44126
514.80 (Subpart G) Removed.....17976
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180 Added.....29750
655.601 Regulation at 61 FR 29626 confirmed; (c) and (d) revised; (e) removed.....33753
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661 Added; interim.....38573

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1200 Regulation at 62 FR 34402 confirmed.....40764
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1200.10 (b) and (d) revised.....40764
1200.13 (b) revised.....40764
1200.22 Amended.....40764
1200.33 (a) and (b) revised.....40764
1205.4 Regulation at 62 FR 34404 confirmed.....40764
1225 Regulation at 63 FR 46886 confirmed.....35573
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1225.6 Revised.....35573

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1327.3 Regulation at 62 FR 63657 confirmed 19271
1327.5 Regulation at 62 FR 63657 confirmed; (a)(1)(ii) and (c)(2) amended; (c)(3) redesignated as (c)(4); new (c)(3) added.....19271
1327.6 Regulation at 62 FR 63657 confirmed 19271
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1327.7 Added.....19273

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5.512 (a) revised; (b), (c) and (d) redesignated as (c), (d) and (e); new (b) added.....25731
5.514 (b), (c)(1), (e)(1) and (f)(1) revised 25731
5.516 (c) introductory text revised 25732
5.518 (a), (b)(3) and (5) revised 25732
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103.15 Revised; interim 18540
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103.20 Revised; interim 18540
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103.25 Revised; interim 18540
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103.30 Revised; interim 18540
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103.35 Added; interim.....18540
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103.42 Removed; interim 18540
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108.25 (a), (b), (d) through (h) revised.....44096
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203.200 Regulation at 64 FR 14574 withdrawn.....19895
203.201 Regulation at 64 FR 14574 withdrawn.....19895
203.202 Regulation at 64 FR 14574 withdrawn.....19895
203.203 Regulation at 64 FR 14574 withdrawn.....19895
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791.404 (c) revised; interim 26640
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792 Heading revised; nomenclature change; interim 26640
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792.101 Revised; interim 26640
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792.102 (a) and (b) amended; interim 26640
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792.103 Amended; interim 26640
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792.202 (a)(1) and (2) amended; interim 26640
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982 Heading revised; nomenclature change; interim 26640
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982.151 (a)(1) and (2) amended; (b) revised; interim 26642
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982.152 (a)(1), (b)(1) and (c) revised; interim 26642
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982.157 (b)(1) revised; (c) added; interim 26642
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982.202 (b)(1) removed; (b)(2), (3) and (4) redesignated as (b)(1), (2) and (3); new (b)(3) introductory text and (d) revised; interim 26643
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982.206 (b)(2) revised; (c)(1) designation and (2) removed; interim 26643
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982.301 (b)(1) amended; (b)(2), (5) and (6) revised; interim 26644
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982.402 (a)(3) amended; (c) revised; interim 26646
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982.453 (a)(5) amended; interim 26647
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982.617 Heading and (c) revised; (b)(2) amended; interim 26651
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982.619 (b)(1) and (4) amended; interim 26651
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982.623 Revised; interim 26651
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985.1 (a) amended; interim 40497
985.2 (b) amended; interim 40497
985.3 Introductory text and (a)(2) amended; (a)(3) introductory text, (i) introductory text (i)(B), (ii), (b)(2), (3) introductory text, (i) introductory text, (i)(B), (ii), (iii), (c)(2), (3) introductory text, (i) introductory text, (ii), (iii), (d)(2), (3), (e), (f)(2), (3), (g)(2), (3) introductory text, (i) introductory text, (ii), (h)(2), and (3) revised; interim 40497
985.103 (d) redesignated as (e); new (d) added; new (e)(3) revised; interim 40498

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TITLE 25—INDIANS

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61 Authority citation revised 19898
61.4 (s) revised 19898
291 Added 17543

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TITLE 26—INTERNAL REVENUE

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1 Authority citation amended 23189, 26851, 36099, 36125, 36177, 37676, 43075, 43272, 43615
1.61–8 (b) amended 26851
1.79–1 (d)(7) revised 29790
1.79–3 (d)(2) revised; (e) and (f) redesignated as (f) and (g); new (e) added 29790
1.367(e)–0 Added 43075
1.367(e)–0T Removed 43075
1.367(e)–1 Added 43076
1.367(e)–1T Removed 43075
1.367(e)–2 Added 43077
1.367(e)–2T Removed 43075
1.148–11 (b)(4), (h) and (i) added 37037
1.170–14 (h)(4) amended 23228
1.170A–6 (c)(5) Example 2 amended 23189
(c)(5) Examples 1, 2 and 3 amended 23228
(c)(5) Examples 2 and 3 corrected 33196
1.170A–12 (b)(2), (c), (e)(2) and (3) amended 23228
1.170A–12T Added 23189

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(b)(2) corrected 33195
1.367(a)–3 (a) and (d)(3) Example 6 corrected 15687
1.367(b)–4 (b)(5)(i) and (ii) Example corrected 15687
1.382–1 Amended 36177
1.382–2 (a)(1)(iv) removed; new (a)(1)(iv), (15) and (16) redesignated from 1.382–2T (f)(1)(ii), (4) and (5) 36177
(a)(1)(iii), (iv), (3)(i), (5) and (6) amended; (a)(1)(iv) added 36178
1.382–2T (e)(2)(iv) Example 2 and (h)(2)(i)(A) amended; (f)(1)(ii), (4) and (5) redesignated as 1.382–2 (a)(1)(iv), (15) and (16); (f)(1) removed; new (f)(4) and (5) added 36177
1.382–4 (b) revised 36178
1.382–5 Removed; new 1.382–5 redesignated from 1.382–5T; heading revised; (e) amended 36178
1.382–5T Redesignated as 1.382–5 36178
1.382–8 Removed; new 1.382–8 redesignated from 1.382–8T; heading revised; (b) introductory text, (1) and (2) redesignated as (b)(1) introductory text, (i) and (ii); new (b)(1) heading, (2) and (i) added; (f), (g) Examples 1, 2 and 4 and (h)(1) amended 36178
1.382–8T Redesignated as 1.382–8 36178
1.411(d)–4 Amended 38826
1.451–1 (g) added 26851
1.453–12 Added 45875
1.461–1 (a)(1) amended; (a)(2)(iii)(E) added 26851
1.461–4 (d)(3)(ii)(A) designation, heading and (B) added; (d)(7) introductory text amended 26851
1 467–0 Added 26851
1.467–1 Added 26852
1.467–2 Added 26859
1.467–3 Added 26860
1.467–4 Added 26863
1.467–5 Added 26865
1.467–7 Added 26867
1.467–8 Added 26875
1.467–9 Added 26875
1.469–1 (h)(2) amended 36099
1.597–2 (c)(5) amended 36099
1.597–4 (g)(3) amended 36099
1.642(c)–6 Heading, (d) and (f) revised; (e) redesignated as 1.642(c)–6A(e); new (e) added 23190
1.642(c)–6T Added 23190
1.642(c)–6A Undesignated center heading revised 23199
1.642(c)–6A (e) redesignated from 1.642(c)–6(e) 23190
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1.643(h)–1 Added 43272
1.664–1 (a)(5)(ii)(*b*)(*1*) and (iv) introductory text amended 23228
(e)(6) introductory text amended 23229
1.664–2 (c) amended 23229
1.664–4 (a)(1) and (f) revised; (d) removed; (e) heading, (1) through (5), (6) heading, introductory text and Table U(1) redesignated as 1.664–4A(e) heading, (1) through (5), (6) heading, introductory text and Table U(1); (d) through (e)(5), new (6) heading and introductory text added 23199
1.664–4T Added 23200
1.664–4A Undesignated center heading revised 23209
1.664–4A (e) heading, (1) through (5), (6) heading, introductory text, Table U(1) redesignated from 1.664–4(e) heading, (1) through (5), (6) heading, introductory text and Table U(1) 23199
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1.671–2 (e) revised 43274
1.671–2T Added 43274
1.672(f)–1 Added 43275
1.672(f)–2 Added 43276
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1.672(f)–4 Added 43278
1.672(f)–5 Added 43280

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1.904–4 (c)(1) and (2)(i)(A) amended 32181
1.904–5 (o) amended 37677
1.904–5T Removed 37677
1.904(f)–3 (a) and (b) amended 36099
1.954–1 (c)(1)(iv) removed 37677
1.954–1T Removed 37678
1.954–2T Removed 37678
1.954–9T Removed 37678
1.1397E–1T (b) and (j) revised; (h) redesignated as (i); new (h) added 35573
1.1502–1 (f)(4) revised 36101
1.1502–2 (h) amended 36099
1.1502–3T (c)(2)(iii) amended 36099
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1.1502–9 (a) amended 36099
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1.1502–9T Removed 43618
1.1502–11 (a)(2), (3), (4), (b)(2)(iii) Examples 1 and 2 amended 36099
1.1502–12 (b) amended 36099
1.1502–13 (c)(7)(ii) Example 10, (g)(5) Example 4 and (h)(2) Examples 1 and 2 amended 36099
1.1502–15 Added 36101
(d) Examples 3 and 4 and (g)(6) Example 1 corrected; (g)(4)(i) and (ii) correctly revised 41784
1.1502–15T Removed 36105
1.1502–20 (c)(4) Example 7 and (g)(3) Examples 1 and 2 amended 36099
1.1502–21 Added 36105
(c)(2) introductory text, (viii) Examples 1, 2 and 3, and (g)(5) Examples 4, 5 and 9 corrected 41784
1.1502–21T Removed 36114
1.1502–22 Added 36114
1.1502–22T Removed 36115
1.1502–23 Added 36115
(d)(1) corrected 41784
1.1502–23T Removed 36116
1.1502–26 (a)(1) amemded 36099
1.1502–32 (b)(5)(ii) Example 2 amended 36099
1.1502–42 (f)(4)(i)(A) amended 36100
1.1502–43 (b)(2)(iv), (v), (vi)(A), (vii) and (viii) amended 36100
1.1502–44 (b)(2) and (3) amended 36100
1.1502–47 (h)(2)(i) through (iv), (3)(iii), (4)(i), (ii), (iii), (k)(5) introductory text, (l)(3)(i), (m)(2)(ii), (3)(i), (vi)(A), (vii)(A), (ix) and (q) amended 36100
1.1502–55T (h)(4)(iii)(B)(*4*) amended 36100
1.1502–78 (a) amended 36100
1.1502–79 (a), (b), (c)(1), (d)(1) and (e)(1) amended 36100
1.1502–90 Added 36128
1.1502–90T Redesignated as 1.1502–90A 36127
1.1502–91 Added 36129
1.1502–91T (a)(2), (c)(3) Example, (d)(1)(iii), (6) Examples 1 and 2 and (f)(2) Example 36100
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1.1502–92 Added 36137
1.1502–92T (b)(2) Example 3 amended 36100
(a), (b)(1)(i)(A), (B), (ii) introductory text, (A), (2) Examples 1, 3, 4, (3)(iii) Examples 2 and 3, (4), (e)(1)(ii) and (2) amended 36125
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1.1502–93 Added 36153
1.1502–93T (e) amended 36100
(a)(2) and (b)(2) amended 36125
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1.1502–94 Added 36155
1.1502–94T (a)(1)(i) and (b)(4) Example 1 amended 36100
(a)(1)(i), (ii), (3) and (4) amended 36125
(a)(4), (5), (b)(4) Examples 1, 2 and 3, (c) and (d) amended 36126
Redesignated as 1.1502–94A 36128
1.1502–95 Added 36159
1.1502–95T (b)(1)(i), (4) Example 1 and (c)(7) Example 7 amended 36101
(a)(3), (b)(1) introductory text, (2) introductory text, (4) Example 2, (c)(2) introductory

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text, (7) Example 1, (d)(2) Examples 1 and 3 and (e)(1) introductory text amended 36126
Redesignated as 1.1502–95A 36128
1.1502–96 Added 36170
1.1502–96T (a)(1) introductory text, (2), (5), (b)(2)(ii)(A) and (B) amended 36101
(a)(2) introductory text, (ii), (3), (5), (b)(1) introductory text, (3) and (c) amended 36126
Redesignated as 1.1502–96A 36128
1.1502–97 Added 36174
1.1502–97T Redesignated as 1.1502–97A 36128
1.1502–98 Added 36174
1.1502–98T Amended 36126
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1.1502–99 Added 36174
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(c)(2)(i) and (ii) amended 36101
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1.1502–100 (c)(2) amended 36101
1.1503–2 (d)(2)(i), (ii), (4) Example 1, (g)(2)(vii)(B)(*1*), (*2*), (G) Examples 1 and 2 and (h)(3) amended 36101
1.1502–9A Undesignated center heading added 43615
1.1502–9A Redesignated from 1.1502–9; heading revised; (a) redesignated as (a)(2); (a) heading, (1), (b)(1)(v) and (vi) added 43615
1.1502–23A (a) and (b) amended 36099
1.1502–41A (c) amended 36099, 36100
1.1502–79A Undesignated centerheading added 36127
1.1502–90A Redesignated from 1.1502–90T; amended; heading and introductory text revised 36127
1.1502–91A Redesignated from 1.1502–91T; heading revised; (h)(2) amended 36127
1.1502–92A Redesignated from 1.1502–92T; heading revised 36127
1.1502–93A Redesignated from 1.1502–93T; heading revised; (c) amended 36128
1.1502–94A Redesignated from 1.1502–94A; heading revised; (b)(4) Example 3 amended 36128
1.1502–95A Redesignated from 1.1502–95T; heading revised 36128
1.1502–96A Redesignated from 1.1502–96T; heading revised 36128
1.1502–97A Redesignated from 1.1502–97T; heading revised; 36128
1.1502–98A Redesignated from 1.1502–98T; heading revised 36128
1.1502–99A Redesignated from 1.1502–99T; heading and (a) revised; (b)(2)(ii) and (c)(2)(i) amended 36128
1.1503–2A (f)(1)(i) introductory text, (C), (2)(i) and (ii) amended 36101
1.1520–20 (g)(5) redesignated as (g)(4); (g)(1), new (4)(i)(A) and new (B) amended; new (g)(4)(ii) redesignated as (g)(4)(iii); new (g)(4)(ii) added 36127
1.6038B–1 (b)(1)(i), (3) introductory text, (c) and (g) corrected 15686
(b)(2)(i) introductory text corrected 15687
(a) amended; (b)(1)(i), (d), (e) and (g) revised 43082
1.6038B–1T Heading and (e) revised; (g) amended 43083
1.6038B–2 (j)(1)(ii) corrected 15686
1.6109–2 (a) introductory text amended; (d) added 43911
1.6109–2T Added 43911
1.6302–4 Revised 37676
1.7520 (c)(1) heading, (2) heading, introductory text and (d) revised; (b)(2) and (c)(2)(iii) amended 23210
1.7520–1 (a)(2), (3) and (c)(1) amended 23229
1.7520–1T Added 23210
(c)(2) heading and (iii) corrected 33195
7 Technical correction 15687
20 Authority citation amended 23210, 37676
20.2031–0 Revised 23211
20.2031–7 Heading, (c) through (d)(5), (6) heading, introductory text and (e) revised; (d)(6) Tables S and 80CNSMT transferred to 20.2031–7A 23212
20.2031–7T Added 23212

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(c) table and (d)(7) table corrected 33195
20.2031–7A Undesignated center heading revised 23211
20.2031–7A Heading revised; (e) added 23211
(e)(4) Tables S and 80CNSMT transferred from 20.2031–7 and amended 23212
(e)(4) corrected 33195
20.2032–1 (f)(1) and (2)(iv) Examples 1, 2 and 3 amended 23229
20.2055–2 (f)(4) revised 23222
(f)(2)(iv) Example 3 corrected 33196
20.2056A–4 (c)(4)(ii)(B) and (d) Example 4 amended 23229
(c)(4)(ii)(B) corrected 33196
20.6302–1 Added 37676
20.7520–1 (b)(2) and (c)(2)(iii) amended; (c)(1) heading, (2) heading, introductory text and (d) revised 23222
20.7520–1T Added 23223
(c)(2) heading corrected 33195
25 Authority citation amended 23223, 37676
25.2512–0 Revised 23223
25.2512–5 Heading, (c), (d) and (e) revised 23224
25.2512–5T Added 23224
25.2512–5A Undesignated center heading revised 23226
25.2512–5A Heading revised; (e) added 23226
25.6302–1 Added 37676
25.7520–1 (b)(2) and (c)(2)(iii) amended; (c)(1) heading, (2) heading and (d) revised 23227
(c)(1) corrected 33196
25.7520–1T Added 23227
(c)(2) heading corrected 33195
25.7520–3 (b)(2)(v) Example 5 and (4) Example revised 23228
31 Authority citaiton amended 32408
31.3121(v)(2)–1 (b)(5) Examples 10 and 11 and (g)(5) Example 8 corrected 15687
31.3221–4 Added 42833
31.6302–1 (f)(4) revised 32409
(h)(2) heading and (ii) revised; (j), (k), (m) redesignated as (k), (m), and (n); (h)(2)(i) heading, (C), (iii) and new (j) added 37676
31.6302–1T Removed 32409
40 Authority citation amended 37677
40.6302(a)–1 Added 37677
54 Technical correction 15873
301 Authority citation amended 17285
Technical correction 41783
301.6104(d)–2 Added 17285
301.6104(d)–3 Added 17285
301.6104(d)–4 Added 17288
301.6104(d)–5 Added 17289
301.6311–2T (c)(2) amended 36569
301.6402–7 (g)(2)(iii), (3) Example 2 and (h)(1)(ii) Example amended 36101
301.7122–1 Removed 39024
301.7122–0T Added 39024
301.7211–1T Added 39024
301.7701–3 (f)(1) amended 37678
301.7701–3T Removed 37678
602 Technical correction 15687
Technical correction 15873, 41783
602.101 (a) amended; (b) removed; (c) redesignated as (b) 15688
(b) table amended (OMB numbers) 17290, 36116, 36175, 38181, 37678, 43083, 43618
801 Added 42835

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1 ..... 16372, 23245, 23554, 23811, 24096, 25222, 26348, 26924, 27221, 27730, 27936, 31770, 32209, 32305, 35579, 37727, 43117, 43323, 43462, 43969, 46155, 46320, 46876, 46878
20 ..... 23245, 23811
25 ..... 23245, 23811, 33235
31 23811
40 23811
49 22819
54 15873
301 ..... 16640, 19217, 31529, 35102, 37727, 39106, 43324
602 ..... 15873, 43462

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury (Parts 1—299)

24.177 Amended 46844

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24.180 Amended 46845
178.11 Amended 17291
178.22 (a)(3) and (b) amended 17291
178.25 Amended 17291
178.35 Amended 17291
178.41 (b) and (c) amended 17291
178.45 Amended 17291
178.47 Amended 17291
178.48 Amended 17291
178.52 Amended 17291
178.53 Amended 17291
178.54 Amended 17291
178.56 (b) amended 17291
178.57 (a) amended 17291
178.60 Amended 17291
178.71 Amended 17291
178.72 Amended 17291
178.73 Amended 17291
178.74 Amended 17291
178.76 Amended 17291
178.78 Amended 17291
178.95 Amended 17291
178.111 (b)(1) and (c) amended 17291
178.115 (a) amended 17291
178.122 (c) amended 17291
178.123 (c) amended 17291
178.124 (i) amended 17291
178.125 (h) amended 17291
178.126 Amended 17291
178.127 Amended 17291
178.130 (e) amended 17291
178.144 (i)(4) amended 17291
252.62 (c) amended 46845

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9 24308
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179 33450

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22.29 Rev
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36.504 (a)
71 Autho
71.3 Am
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553.13 (b)
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TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice (Parts 0—199)

0.14 Removed 37042
0.137 Removed 46846
0.138 Revised 46846
0.157 (b), (c) and (d) revised; (e) removed 46846
20 Authority citation revised 47102
20.25 Amended 47102
22 Authority citation revised 47102
22.29 Revised 47102
36 Authority citation revised 47103
36.504 (a)(3)(i) and (ii) revised 47103
71 Authority citation revised 47103
71.3 Amended; (a) introductory text and (f) introductory text revised; (a) concluding text and (f) concluding text 47103
76 Authority citation revised 47103
76.3 (a) revised 47103
85 Added 47103
90 Authority citation revised 39783
90.100—90.106 (Subpart E) Added 39783

Chapter V—Bureau of Prisons, Department of Justice (Parts 500—599)

505 Revised 43881
553 Authority citation revised 36753
553.10 Amended 36753
553.11 Revised 36753
553.12 Revised 36754
553.13 (b)(2)(iii) amended 36754
553.14 Revised 36754

Chapter VI—Offices of Independent Counsel, Department of Justice (Parts 600—699)

600 Revised 37042

Proposed Rules:

5 37065
540 40718

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor (Parts 0—99)

18.9 (e)(2) revised 47089

Chapter II—Office of Labor-Management Programs, Department of Labor (Parts 200—299)

215 Guidelines 40990

Chapter X—National Mediation Board (Parts 1200—1299)

1203.1 Amended 40287
1203.2 Amended 40287
1203.3 (a) amended 40287
1205.4 Amended 40287
1209 Authority citation revised 40287
1209.7 (f) amended 40287
1209.8 (d) amended 40287

Chapter XIV—Equal Employment Opportunity Commission (Parts 1600—1699)

1610.4 Regulation at 63 FR 1341 confirmed 45164
1610.5 Regulation at 63 FR 1341 confirmed 45164
1610.8 Regulation at 63 FR 1341 confirmed 45164
1610.9 Regulation at 63 FR 1341 confirmed 45164
1610.10 Regulation at 63 FR 1342 confirmed 45164
1610.11 Regulation at 63 FR 1342 confirmed 45164
1610.14 Regulation at 63 FR 1342 confirmed 45164
1610.15 Regulation at 63 FR 1342 confirmed 45164
1610.18 Regulation at 63 FR 1342 confirmed 45164
1610.21 Regulation at 63 FR 1342 confirmed 45164
1610.34 Regulation at 63 FR 1342 confirmed 45164
1614.102 (b)(2) through (6) redesignated as (b)(3) through (7); (b)(2) added; (c)(5) revised 37655
1614.103 (b)(3) amended; (b)(4) revised; (5), (6), and (7) added 37655

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1614.105 (b) redesignated as (b)(1); new (b)(1) and (d) amended; (b)(2) added; (f) revised 37656
1614.106 (d) redesignated as (e); new (d) added; (e) revised 37656
1614.107 (a) through (h) redesignated as (a)(1) through (8); introductory text redesignated as (a) introductory text and revised; (7) and (8) revised; (9) and (b) added 37656
1614.108 (b) amended; (f) revised; (g) added 37656
1614.109 (b) through (g) redesignated as (d) through (i); (a), new (f)(3) introductory text and new (i) revised; new (b) and new (c) added; new (f) introductory text removed 37657
1614.110 Revised 37657
1614.201 (a), (c)(1), and (2) amended 37658
1614.204 (b) revised; (d)(2) through (6) amended; (d)(7), (e)(1), (g)(2), (4), and (l)(3) revised; (j)(7) amended 37658
1614.302 (d)(1)(i) amended 37659
1614.401 (a) revised; (b), (c), and (d) redesignated as (c), (d), and (e); new (b) added; new (c) revised 37659
1614.402 (a) revised 37659
1614.403 Revised 37659
1614.404 (c) added 37659
1614.405 (a) and (b) revised 37659
1614.407 Removed; new 1614.407 redesignated from 1614.408; (a) and (b) amended; 37659
1614.408 Redesignated as 1614.407; new 1614.408 redesignated from 1614.409 37659
1614.409 Redesignated as 1614.408; new 1614.409 redesignated from 1614.410 37659
1614.410 Redesignated as 1614.409 37659
1614.501 (e)(1) introductory text and (2)(ii) amended; (e)(1)(iv), (2)(i), (ii)(A) and (B) revised 37659
1614.502 (a) amended; (b) introductory text and (2) revised; (b)(3) added 37660
1614.504 (a) and (b) amended 37660
1614.505 Added 37660
1614.603 Amended 37661
1614.604 (b) amended 37661
1614.605 (d) amended 37661
1614.606 Revised 37661

Chapter XVII—Occupational Safety and Health Administration, Department of Labor (Parts 1900—1999)

1917.1 (a)(2)(xiv) revised 46847
1918.1 (b)(10) revised 46847

Chapter XXV—Pension and Welfare Benefits Administration, Department of Labor (Parts 2500—2599)

2575 Added 42246
2570 Authority citation revised 42246
2570.100—2570.502c–3 (Subpart E) Redesignated as 2575.100—2575.502c–3 (Subpart A) 42246
2575.100—2575.502c–3 (Subpart A) Redesignated from 2570.100—2570.502c–3 (Subpart E) 42246

Chapter XL—Pension Benefit Guaranty Corporation (Parts 4000—4999)

4044 Appendix B amended 38115, 44128

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1908 35972
1910 45098
1926 ..... 38078, 47461
2510 38390
2520 ..... 42792, 42797
2560 ..... 42792, 42797
2570 42797
4044 38534

TITLE 30—MINERAL RESOURCES

Chapter I—Mine Safety and Health Administration, Department of Labor (Parts 1—199)

26 Removed 43282
29 Removed 43282
57.22303 Revised 43283
70 Authority citation revised 43285
70.204 (a) and (e) revised 43285

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71 Authority citation revised 43285
71.204 (a) and (e) revised 43286
75.360 Heading and (a)(1) revised 45170
75.506 (d) revised 43283
75.800–4 Revised 43287
75.1800–75.1808 (Subpart S) Removed 43287
90.201—90.220 (Subpart C) Authority citation revised 43286
90.204 (a) and (e) revised 43286

Chapter II—Minerals Management Service, Department of the Interior (Parts 200—299)

202.51 (b) revised 43513
202.150—202.152(Subpart D) Heading revised 43513
202.150 (b)(1), (e)(1), (2) and (f) amended 43513
202.151 (a)(2) amended 43513
202.550—202.558 (Subpart J) Added 43514
206.51 Amended 43288
206.53 (c) amended 43288
206.151 Amended 43288
206.156 (d) amended 43288
206.158 (e) amended 43288
206.159 (a)(1)(i) and (e)(2) amended 43288
206.160 Correctly designated 43288
206.170—206.181 (Subpart E) Revised 43515
206.172 (h) amended 43288
206.173 (a)(2) amended 43288
206.174 (d)(2) amended 43288
206.176 (c)(3) amended 43288
206.177 (b)(3)(ii) and (d)(1) amended 43288
206.251 Amended 43288
206.258 (a) amended 43288
206.259 (c)(2)(ii) amended 43288
206.261 (b) revised 43288
206.262 (c)(2)(v) redesignated as (c)(2)(iv); (d)(2) and (3) added; (e)(2) revised 43288
206.263 (b) amended 43289
206.264 Amended 43289
206.451 Amended 43289
206.457 (a) amended 43289
206.460 (b) revised 43289
206.461 (e)(1) amended 43289
206.462 (b) and (c) amended 43289
206.463 Amended 43289
206.464 (a) amended 43289
210 Authority citation revised 38122
210.10 (c)(1), (2), (7), and (d) revised 38122
210.20—210.22 (Subpart A) Added 38122
210.52 Revised 38123
216 Authority citation revised 38123
216.11 Added 38123
216.50 (a) revised; (b), (c), and (d) redesignated as (f), (g), and (h); new (b) through (e) added 38123
216.53 Revised 38123
216.55 Revised 38123
216.56 (b) revised; (c) added 38123
227.101 Revised 36784
250.1010 (a) amended 42598
256.46 (b) revised 40767

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior (Parts 700—999)

914.15 Table amended 43913
920.15 Table amended 36786
920.16 (l) revised 36786
934.15 Table amended 38827
943.15 Table amended 43923

Proposed Rules:

57 ..... 36632, 36826, 40533
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75 ..... 36632, 36826, 40533
206 45213
904 37067
913 44674
914 ..... 38165, 44448
916 40323
917 38391
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924 40326
935 42887
936 43327
938 36828
946 45489

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury (Parts 51—199)

100 Authority citation revised 39920
100.11 (b) revised 39920

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TITLE 31 Chapter I—Con.

100.12 (b) revised 39920
103 Exception 41041
103.11 (c)(7) and (n)(3) revised; (i), (n)(4), (5) and (10) removed; (n)(6) through (n)(9) redesignated as (n)(4) through (n)(7); new (n)(5), new (6) and new (7) amended; (uu) and (vv) added 45450
103.36 (b)(10) amended 45453
103.37 (c) added 45453
103.41—103.54 (Subpart D) Redesignated as 103.51—103.64 (Subpart E); new 103.41 (Subpart D) added 45451
103.56 (b)(7) amended 45453
103.57 (d) and (e) amended 45453
103.61—103.67 (Subpart E) Redesignated as 103.71—103.77 (Subpart F) 45451
103.72 Introductory text amended 45453
103.73 (a) introductory text, (1), (b) introductory text and (1) amended 45453
103.74 (a) amended 45453
103.75 (a) and (c) introductory text amended 45453
103.76 Amended 45453
103.70—103.77 (Subpart F) Redesignated as 103.80—103.87 (Subpart G) 45451
103.82 Amended 45453
103.83 (b) amended 45453
103.85 Amended 45453
103.86 (a) introductory text and (b) amended 45453

Chapter II—Fiscal Service, Department of the Treasury (Parts 200—399)

306.1 Revised 38125
306.2 (c) revised 38125
306.3 Revised 38125
306.12 Amended 38125
306.15 (a) revised; (b) introductory text amended; (b)(2) revised 38125
306.17 Revised 38126
306.19 Revised 38126
306.23 (c) revised; (g) amended 38126
306.24 Amended 38126
306.25 (a) amended 38126
306.26 Revised 38126
306.27 Revised 38126
306.28 Removed 38126
306.37 (d) revised 38126
306.38 Revised 38126
306.40 Amended 38126
306.41 Amended 38126
306.43 Amended 38126
306.56 (a) and (b) amended 38126
306.57 (c)(1) amended 38126
306.117 Heading and (d) revised; (b) amended 38126
315.31 (b) and (c) amended; (h)(2) and (7) removed; (h)(3) through (6), (8) and (i) redesignated as (h)(2) through (5), (6) and (7); (h)(1), new (5), new (6) and new (7) revised 40486
353.31 (c)(2), (d), and (e) removed; (c)(1), (f), (g), and (h) redesignated as (c) through (f); (b) and new (c) amended; new (f)(2) and new (7) removed; new (f)(3) through (f)(6), new (f)(8), and (i) redesignated as (f)(2) through (5), (6) and (7); new (f)(1), (5)(ii), (6), and (7) revised 40487
357.26 Heading, (a), and (b) heading revised; (b)(1)(i), (iv), (2), (3), (c) and (d) removed; (b)(1)(ii), (iii), (v), and (vi) redesignated as (b), (c), (d) and (e); new (c) heading, new (d) heading, and (e) heading added 40487
357.30 Revised 40487
370 Revised 40487

Chapter V—Office of Foreign Assets Control, Department of the Treasury (Parts 500—599)

538.405 Revised 41786
538.523 Added 41787
538.524 Added 41787
538.525 Added 41788
538.526 Added 41788
538 Appendix A added 41788
550 Authority citation revised 41789
550.405 Revised 41789
550.569 Added 41789
550.570 Added 41790
550.571 Added 41790
550.572 Added 41790
550.573 Added 41791
550 Appendix A added 41791
560.405 Added 41791

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560.530 Added 41791
560.531 Added 41792
560.532 Added 41793
560.533 Added 41793
560 Appendix designated as Appendix A; Appendix B added 41793
590 Revised 43926
Chapter V Appendix A amended 35576, 35577

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1 46627
203 41748
375 42626

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense (Parts 1—399)

199.2 (b) amended 46134
199.3 Revised 46135
199.4 (d)(3)(vii) and (g)(48) revised; interim 45454
(e)(5)(iii)(B), (f)(1), (2) introductory text, (ii) introductory text, (iii), (iv), (3) introductory text, (i), (iii), (4) introductory text and (ii) revised 46140
199.8 (a) and (d)(1) revised 46141
199.13 (i) revised 38576
199.20 (d)(1)(iv) added 46141

Chapter V—Department of the Army (Parts 400—699)

505.5 (e)(13) revised 45877

Chapter VII—Department of the Air Force (Parts 800—1099)

989 Revised 38129

Proposed Rules:

230 43856
231a 43856
231 43858
775 37069
776 37473

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation (Parts 1—199)

100.35–T05–064 Added (temporary) 39416
100.35–T05–070 Added (temporary) 46273
100.35–T08–046 Added (Temporary) 42278
100.35T–08–048 Added (temporary) 42598
100.35–T08–049 Added (temporary) 43290
100.114 (a) table corrected 37583
100.515 Implementation 46274
100.1103 Revised 39029
100.1104 Removed 39030
100.1203 Removed 39030
110.155 (c)(6) added 38829
110.183 (b) revised 42279
117 Temporary drawbridge operations regulations 36239, 36569, 36570, 42033, 44131, 44826, 46273, 47389
117.595 Revised 46275
117.723 (f) revised; interim 38831
117.755 Revised 44130
117.799 (d) revised 46276
117.869 (a)(3) added; eff. 7–26–99 through 9–15–00 37679
117.911 (f) revised; interim 38830
117.949 Suspended; eff. 7–26–99 through 10–1–99 42600
117.T950 Added (Temporary) 42600
160.307 (g) revised; interim; eff. 8–2–99 through 3–31–00 41794
160.313 (a)(1), (2), and (b)(2) revised; interim; eff. 8–2–99 through 3–31–00 41794
160.315 (b)(2) revised; interim; eff. 8–2–99 through 3–31–00 41795
160.317 (a)(1), (2), and (b)(2) revised; (f) and (g) redesignated as (e) and (f); interim; eff. 8–2–99 through 3–31–00 41795
160.301—160.317 (Subpart D) Appendix A revised; eff. 8–2–99 through 3–31–00 41796
165 Technical correction 36572
165.T01–030 Added (temporary) 36572
165.T01–094 Added (temporary) 46849
165.T01–102 Added (temporary) 36573

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TITLE 33 Chapter I—Con.

165.T01–104 Added (temporary) 39033
165.T01–110 Added (temporary) 39034
165.T01–115 Added (temporary) 37681
165.T01–118 Added (temporary) 43291
165.T01–141 Added (temporary) 45880
165.T01–145 Added (temporary) 46277
165.T01–149 Added (temporary) 46567
165.T05–041 Added (temporary) 45879
165.T13–023 Added (temporary) 43292
165.161 Removed.....44659
165.166 Removed.....44659
165.167 Removed.....44659
165.170 Removed.....44659
165.174 Removed.....44659
165.175 Removed.....44659
165.178 Removed.....44659
165.1112 Added.....39030
173 Authority citation revised.....36243
173.85 Revised 36243

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117.....36318, 39454, 44145, 44147—44149, 44151, 46322, 46323
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TITLE 34—EDUCATION

Chapter VI—Office of Postsecondary Education, Department of Education (Parts 600—699)

611 Added.....42839
685.202 (a) and (c)(1) revised.....46254
685.400 (d) added.....46255
685.401 Removed.....46255

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668.....38272, 38504, 41752, 43024, 43582
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TITLE 35—PANAMA CANAL

No amendments to 35 CFR have been published in the FEDERAL REGISTER since July 1, 1999.

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter II—Forest Service, Department of Agriculture (Parts 200—299)

242.24 Revised 35780
242.25 Added; eff. 7–1–99 through 6–30–00.....35788
242.24 (a) introductory text and (1) correctly revised 35823
251.80—251.102 (Subpart C) Authority citation revised.....37846
251.84 Existing text designated as (a); (b) added 37846
251.90 (c) revised 37846
251.91 (a) revised 37846
251.92 (a)(8) added; (c) revised 37846
251.93 (b) revised 37846
251.94 (b) revised 37846
251.103 Added 37846

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13 41854
51 47336
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TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress (Parts 200—299)

201.1 (b) amended.....36574
201.3 (c)(5) and (8) amended.....36574
201.10 (b)(1)(v) and (e)(2) amended 36574
201.11 (d)(1), (e)(6), (7) and (h)(2)(i) amended 36574
201.17 (d)(1), (e)(2)(i), (h)(4)(iii), (j)(3)(iv)(A) and (k) amended 36574
201.18 (a)(1) and (3) amended.....36574
(a)(4) added; (c)(1)(vi) amended; interim 41288

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201.19 (a)(1), (2) and (4) amended 36574
(c)(4), (e)(4)(i) and (f)(3)(viii) amended 36575
(a)(5), (6) and (7) redesignated as (a)(6), (8) and (9); new (a)(5), new (7), (10), (11) and (e)(3)(ii)(E) added; new (a)(6), (e)(3)(i)(A), (B) and (4)(ii) amended; (e)(3)(ii)(D) revised; interim 41288
201.27 (c) and (e)(1) amended 36575
201.29 (e)(3) amended 36575
201.35 (a) amended 36575
201.36 (b)(1) and (c) amended 36575
201.37 (a) and (b)(1) amended 36575
202.3 (b)(7)(ii) amended 36575
202.17 (f)(2) amended 36575
202.20 (c)(2)(vii)(D)(*3*), (*4*), (*5*) and (xi)(A)(*2*) amended 36575
202.22 (a) and (c)(1) amended 36575
202.23 (c)(1), (2) and (d) amended 36575
203.3 (g) amended 36575
203.4 (f)(2) amended 36575
204.4 (a) amended 36575
204.5 (a) amended 36575
204.7 (a) amended 36575
204.8 (a) amended 36575
211.4 (e) amended 36575
211.5 (c)(2) and (d) amended 36575
212 Added; interim 36578
251.54 (e) amended 36575
251.56 (a) and (b) amended 36576
251.58 (b) amended 36576
253.3 (e)(4) amended 36576
253.8 (b)(1)(i)(A) and (ii)(D) amended 36576
259.3 (a)(5) amended 36576
260.2 (c)(1)(v) and (2) amended 36576
260.7 Amended 36576

Proposed Rules:

201 42316
212 36829
255 38861

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Department of Veterans Affairs (Parts 0—99)

2 Authority citation revised 47111
2.1 Redesignated as 2.2; new 2.1 added 47111
2.2 Redesignated as 2.3; new 2.2 redesignated from 2.1 47111
2.3 Redesignated from 2.2 47111
2.6 (a) introductory text, heading, (1), (3) and (7) amended; (e)(1) removed; (g) authority citation revised 47111
14 Heading and authority citation revised 47111
14.600 Revised 47112
14.601—14.604 Undesignated center heading removed 47112
14.601 (a) heading revised; (b) heading and authority citation added 47112
14.602 (a) amended 47112
14.604 (a) and (c) amended; authority citation added 47112
14.605 Undesignated center heading removed 47112
14.605 (b) and (d) amended; authority citation added 47112
14.615 (a) amended; authority citation added 47112
17.133 Undesignated center heading and section added 44660
21.5820 (b)(1), (2)(ii) introductory text, (A), (B), (3)(ii) introductory text, (A), and (B) amended; (b)(2)(ii)(C) and (3)(ii)(C) revised 44661
21.5822 (a) introductory text, (b)(1)(i), (ii), (2)(i), and (ii) amended 44661
Corrected 46974
21.7135 (f)(1) introductory text and (2) authority citation and (3) authority citation revised 38577

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service (Parts 1—999)

20 IMM amended; incorporation by reference 43293, 46142, 46278
111 DMM amended; incorporation by reference 38832
261.4 Revised 41290
262.2 (b) revised; (d) added 41290
262.4 (a) and (b) amended 41290
262.5 (d)(2) amended 41290
263.3 (a) amended 41290
263.4 Removed; new 263.4 redesignated from 263.5 and amended 41290

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263.5 Redesignated as 263.4; new 263.5 redesignated from 263.6 and revised 41290
263.6 Redesignated as 263.51290
264.3 (a) and (b) revised 41290
264.4 Amended 41290
265.3 (b) revised 41290
265.4 Amended 41290
265.6 (b) introductory text amended 41290
265.9 (b)(2)(ii) and (g)(4) amended 41290
265.7 (a)(2) amended 41290
265.12 (b)(7) amended 41291
266.3 (a), (c), and (d)(2) revised 41291
266.4 (b)(6)(i), (iii) and (iv) amended 41291
266.5 (d) amended 41291
266.6 (a)(1) amended 41291
266.7 (a)(4) amended 41291
266.10 (b) amended 41291
267.5 (e)(3)(i) amended 41291

Chapter III—Postal Rate Commission (Parts 3000—3099)

3002.7 (c) amended 37402
3002 Appendix A revised 37402

Proposed Rules:

111 44681
265 46630

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency (Parts 1—799)

9.1 (b) table amended (OMB numbers) 36585, 37636, 42461, 43937
Regulation at 64 FR 42461 eff. date corrected to 12–2–99 43426
22 Revised 40176
51 Authority citation revised 35763
51.300 (a), (b)(1) introductory text and (2) revised; (b)(3) added; eff. 8–31–99 35763
51.301 Amended; eff. 8–31–99 35763
(v) amended; eff. 8–31–99 35774
51.302 Heading, (a), (c) introductory text, (1), (2) introductory text, (4) introductory text and (iv) revised; eff. 8–31–99 35764
(c)(2)(i) and (4)(i) amended; eff. 8–31–99 35774
51.303 (a)(1), (c), (d), (g) and (h) amended; eff. 8–31–99 35774
51.304 (c) amended; eff. 8–31–99 35774
51.305 Heading and (a) revised; eff. 8–31–99 35764
51.306 Heading, (a)(1), (c) introductory text and (d) revised; eff. 8–31–99 35764
(a)(1) and (c)(6) amended; eff. 8–31–99 35774
51.307 (a) introductory text, (2) and (c) revised; eff. 8–31–99 35765
(b)(1) and (c) amended; eff. 8–31–99 35774
51.308 Added; eff. 8–31–99 35765
51.309 Added; eff. 8–31–99 35769
52 State implementation plan determinations 36243, 40287, 40767, 45454
52.220 (c)(168)(i)(F)(*2*), (173)(i)(C)(*2*), (196)(i)(E), (224)(i)(D), (244)(i)(A)(*3*) and (258)(i)(A)(*2*) added; eff. 8–2–99 35578
(b)(3)(ii) and (c)(6)(xv)(B) removed 37406
(c)(202)(i)(B), (254)(i)(H)(2), and (K) added 38836
(c)(263) and (264) added 39040
(c)(194)(i)(C)(*4*) and (199)(i)(D)(*6*) added 39920
(c)(235) removed; (c)(265) added 39926
(c)(254)(i)(D)(*2*) added 44135
(c)(179)(i)(E)(*3*), (G)(*2*), (184) introductory text, (i)(D) introductory text, (F)(*2*), (186)(i)(F), (197)(i)(C)(*3*) and (241)(i)(D) added 45174
(c)(39)(ii)(G), (225)(i)(A)(*4*) and (256)(i)(F)(*1*) added 45178
(c)(231)(i)(B)(*6*), (239)(i)(E)(*5*), (244)(i)(A)(*4*) and (262)(i)(C) added 45182
(c)(201) added 46852
(c)(226) added 47392
(c)(262)(i)(B)(*2*) and (264)(i)(A)(*2*) added 47395
52.320 (c)(86) added 46288
52.336 Amended 47116
52.349 (c) added 46288
52.370 (c)(79) added 44414
52.385 Table amended 44414

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52.473 Removed 42602
52.476 Added 42602
52.719 Removed 37851
52.720 (c)(150) added 37851
52.725 (g) added 37851
52.820 Regulation at 64 FR 25827 withdrawn 35941
52.970 (c) table amended 35939
(d) table and (e) table amended 35940
(e) table amended 38580
52.993 (d) and (e) added 35941
52.1070 (c)(129) added 38838
(c)(139) added 45184
52.1170 (c)(112) added 39036
52.1220 (c)(50) added 44133
(c)(49) added 44411
52.1520 (c)(63) added 44420
52.1525 Table amended 44420
52.1620 (c) table amended 36790
52.1820 (c)(31) added 47401
52.1870 (c)(118) added 47116
52.1881 (a)(4) and (8) revised; (a)(13) added 47116
52.1885 (a)(12) added 37406
52.2070 Redesignated as 52.2087; new 52.2070 added 43085
52.2087 Redesignated from 52.2070; heading and (a) revised 43085
52.2220 (d) table amended 37410
(c) table amended 38582
52.2270 Redesignated as 52.2299; new 52.2270 added 36589
(c) table amended 36794
52.2299 Redesignated from 52.2270; heading and (a) revised 36589
52.2320 (c)(41) added 36252
52.2520 (c)(42) added 37683
52.2570 (c)(99) added 44417
58.50 Revised 42547
58 Appendix G revised 42547
60 Appendix A corrected 37196, 38241
60.4 (c) table amended 47401
62.3340—62.3342 Undesignated center heading and sections added 36605
62.5340 Undesignated center heading and section added 37855
62.5425 Undesignated center heading and section added 37855
62.6358 Undesignated center heading and section added 45187
62.8104 Undesignated heading and section added 38586
62.8105 Section and undesignated heading added 43094
62.8610—62.8612 (Subpart JJ) Undesignated center heading and sections revised 44421
62.9640—62.9642 Undesignated center heading and sections added 45884
62.10100 (b)(4) and (c)(4) added 46151
62.10160 Undesignated heading and section added 46151
62.11860 Undesignated center heading and section added 41294
62.11870 Undesignated center heading and section added 41294
63.99 (a)(3) table corrected 42764
63.461 Amended 45193
63.462 (c) introductory text and (8) revised; (c)(9) added 45194
63.463 (a) introductory text, (c) introductory text, (d) introductory text, (e) introductory text and (2) introductory text revised; (e)(2)(viii), (ix), (x) and (g) added 45194
63.465 (f) added 45195
63.466 (a) introductory text revised; (a)(3), (4) and (5) added 45196
63.467 (a) introductory text revised; (a)(6) and (7) added 45196
63.468 (j) revised 37687
63.680 (a)(2)(v), (b)(1)(ii), (iii), (2)(v), (vi), (c), (d), and (e) revised; (b)(2)(viii) added 38963
63.681 Amended 38964
63.683 Revised 38965
63.684 (a), (b) introductory text, (1)(ii), (3) introductory text, (4) introductory text, (5), (d) through (g) revised 38967
63.685 (b), (c)(2), (f)(1)(ii)(A), (g)(2)(i)(B), (h)(2), (3), and (i) introductory text revised; (i)(3) added 38968
63.686 (b) introductory text revised; (b)(3) added 38969
63.687 (b) introductory text revised 38969
63.688 (b) and (c) revised 38969
63.689 (b), (c), (d) introductory text, and (5) introductory text revised 38970
63.690 Revised 38970
63.691 Revised 38970
63.693 Revised 38970

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63.694 (a)(12) and (m) added; (b)(2)(ii), (iii), (3)(i), (c), (e) through (i) and (k) revised 38974
63.695 Revised 38977
63.697 (a) and (b) revised 38981
63.680—63.698 (Subpart DD) Table 1 revised 38981
63 (Subpart DD) Table 2 revised 38983
63.901 Amended 38985
63.902 (a) and (b)(3) introductory text revised 38986
63.905 Revised 38986
63.906 (a)(2) and (b)(2) revised; (d) added 38986
63.921 Amended 38987
63.925 (a) revised 38987
63.926 (a) revised 38988
63.941 Amended 38988
63.945 Revised 38988
63.946 (a)(2) and (b)(1)(ii) revised; (d) added 38989
63.961 Amended 38989
63.962 (b) revised 38990
63.964 (b)(2) revised 38990
63.965 (b) revised 38991
63.966 Revised 38991
63.1041 Revised 38991
63.1045 Added 38991
63.1046 (a) and (b)(3) revised 38991
63.1047 (a)(2) and (c)(1)(ii) revised; (e) added 38992
75.19 (c)(4)(ii)(A) corrected 37582
75.57 (c)(4)(iv) table corrected 37582
75 Appendixes A, B, D and E corrected 37582
80.41 (f) table amended 37689
80.101 (f)(4) introductory text, (i) and (ii) added 37689
81.305 Amended 39418
81.306 Amended 46289
81.343 Amended 37411
82 Technical correction 39040
86.000–7 Regulation at 61 FR 54878 eff. 8–27–97 43936
86.000–8 Regulation at 61 FR 54878 eff. 8–27–97 43936
86.000–9 Regulation at 61 FR 54879 eff. 8–27–97 43936
86.000–21 Regulation at 61 FR 54882 eff. 8–27–97 43936
86.000–23 Regulation at 61 FR 54882 eff. 8–27–97 43936
86.000–24 Regulation at 61 FR 54882 eff. 8–27–97 43936
86.000–25 Regulation at 61 FR 54883 eff. 8–27–97 43936
86.000–26 Regulation at 61 FR 54883 eff. 8–27–97 43936
86.000–28 Regulation at 61 FR 54884 eff. 8–27–97 43936
86.004–9 Regulation at 61 FR 54889 eff. 8–27–97 43936
86.004–28 Regulation at 61 FR 54890 eff. 8–27–97 43936
86.108–00 Regulation at 61 FR 54890 eff. 8–27–97 43936
86.129–00 Regulation at 61 FR 54892 eff. 8–27–97 43936
86.159–00 Regulation at 61 FR 54894 eff. 8–27–97 43936
86.160–00 Regulation at 61 FR 54895 eff. 8–27–97 43936
86.161–00 Regulation at 61 FR 54897 eff. 8–27–97 43936
86.162–00 Regulation at 61 FR 54898 eff. 8–27–97 43936
86.162–03 Regulation at 61 FR 54899 eff. 8–27–97 43936
90.706 Corrected 36423
122.2 Amended 42462
Regulation at 64 FR 42462 eff. date corrected to 12–2–99 43426
122.21 (a), (c)(2), (e), (f) introductory text and (j) revised; (d)(3) removed; (q) added 42462
Regulation at 64 FR 42462 eff. date corrected to 12–2–99 43426
122.44 (j)(2) revised 42469
Regulation at 64 FR 42469 eff. date corrected to 12–2–99 43426
122 Appendix J added 42469
Regulation at 64 FR 42469 eff. date corrected to 12–2–99 43426
123.25 (a)(4) revised 42470
Regulation at 64 FR 42470 eff. date corrected to 12–2–99 43426
123.43 (b) added 42470
Regulation at 64 FR 42470 eff. date corrected to 12–2–99 43426
124.8 (b)(9) added 42470
Regulation at 64 FR 42470 eff. date corrected to 12–2–99 43426
180.102 Removed 39077
180.106 (b) added 41305
180.109 Removed 39053
180.124 Removed 39077
180.125 Removed 39053
180.130 Revised 39077
180.141 Removed 39053
180.150 Removed 39077

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180.157 Revised 41822
180.161 Removed 39077
180.184 Revised 41822
180.189 Revised 39077
180.201 Removed 39053
180.205 (a) amended 39077
180.207 (a) table amended 39082
180.216 Removed 39053
180.221 Revised 39077
180.222 (a) table amended 39082
180.226 (a) table and (b) table amended 39082
180.244 Removed 39078
180.250 Removed 39078
180.252 Revised 39053
180.259 (a) heading and (2) added; (a) and (b) redesignated as (a)(1) and (c); new (a)(1) table amended; new (c) revised 39072
180.262 (a) amended 39078
180.265 Removed 39053
180.266 Removed 39053
180.267 Revised 39053
180.282 Removed 39053
180.283 Removed 39053
180.284 (b) amended 40767
180.292 (a)(1) table amended 39082
180.299 Table amended 39082
180.300 (a) table amended 39082
180.304 (a) introductory text revised; (a) table amended 39083
180.346 (a) amended 39083
180.353 (b) table amended 46292
180.355 (b) table amended 37863
(a) table amended 39083
180.362 (b) redesignated as (c); (a) heading and (c) heading added; (c) table amended 41822
180.363 Removed 39078
180.364 (a)(1) table amended 41823
180.384 Amended 39078
180.398 Removed 39053
180.402 Removed 39053
180.415 Revised 36801
(b) revised 37875
180.434 (b) table amended 41297, 41815
180.443 (b) table corrected 38308
180.462 (b) added 46292
180.472 (b) table amended 39048
(a) table amended 41810
180.473 (b)(1) and (b)(2) redesignated as (a)(3) and (a)(4); (b) added 44835
180.475 Revised 36254
180.482 (a) table amended 37870
(a) introductory text redesignated as (a)(1); new (a)(1) table amended; (a)(2) added 39068
180.495 (b) added 39059
180.508 (b) added 37861
180.510 (b) table amended 41812, 44829
180.511 (b) table amended 45887
180.515 (b) table amended 45890
180.520 Removed 39078
180.524 Removed 41823
180.527 (b) added 42846
180.597 (b) table amended 42286
180.1013 Removed 39053
180.1020 (b) amended 42849
180.1032 Removed 41818
185.1500 Removed 39078
185.2500 Revised 39083
185.2700 Table amended 39083
(a) amended 39083
180.3550 (b) removed 41823
185.4650 Removed 39078
185.5000 Removed 39072
186.1500 Removed 39078
228.15 (l)(3)(vi) amended; (l)(3)(vii), (viii)(A)(*1*), (*2*), (*4*), (*5*), (*7*), (*11*), (*12*), and (*13*) revised 39933
260.10 Amended 36487
261.9 (b) and (c) revised; (d) added 36487
261 Appendix IX amended 42037
262.90 Added 37636
264.1 (g)(11)(ii) and (iii) revised; (g)(11)(iv) added 36488
(g)(12) added 37638
265.1 (c)(14)(ii) and (iii) revised; (c)(14)(iv) added 36488
(c)(15) added 37638
268.1 (f)(2) and (3) revised; (f)(4) added 36488
270.1 (c)(2)(viii)(B) and (C) revised; (c)(2)(viii)(D) added 36488
(c)(2)(ix) added 37638
271 State hazardous waste management program authorizations 41823, 42602, 44836, 46298, 46302
272.1851 Revised 46570
272 Appendix A amended 46571
273.1 (a)(2) and (3) revised; (a)(4) added 36488
273.2 (a)(1), (b)(2) and (3) revised 36488
273.3 (a) introductory text revised 36488
273.4 (a) revised 36488

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273.5 Revised 36488
273.6 Redesignated as 273.9 36488
273.8 Added 36488
273.9 Redesignated from 273.6 36488
273.9 Amended 36489
273.10 Revised 36489
273.13 (d) added 36489
273.14 (e) added 36489
273.30 Revised 36489
273.32 (b)(4) and (5) revised 36489
273.33 (d) added 36489
273.34 (e) added 36489
273.50 Revised 36490
273.60 (a) revised 36490
273.81 (a) revised 36490
300 Appendix B amended 39884, 44136, 47402
403 Appendix G revised 42567
430.24 (b)(2) revised; (c) added 36586
501.15 (d)(1)(i)(B) reinstated 42434
(a)(4) removed 42470
Regulation at 64 FR 42470 eff. date corrected to 12–2–99 43426
503.2 (d) added 42568
503.10 (b)(1), (c)(1) and (d) through (g) revised 42568
503.16 (a)(1) and (2) revised 42569
503.17 (a)(1)(ii), (2)(ii), (3)(i)(B), (ii)(A), (4)(i)(B), (ii)(A), (5)(i)(B), (ii)(C), (F), (H), (J), (L), (6)(iii), (b)(3), (6) and (7) revised; (a)(4)(ii)(E) added 42569
503.18 (a)(2) revised 42570
503.21 (c) revised 42570
503.22 (b) revised 42570
503.26 (a)(1) and (2) revised 42570
503.27 (a)(1)(ii), (2)(ii), (b)(1)(i) and (2)(i) revised 42571
503.31 (g) revised 42571
503.32 (b)(2)(i) and (5)(v) revised 42571
503.33 (b)(10)(i) revised 42571
503.41 (c) through (o) redesignated as (d) through (h), (j) and (l) through (r); new (c), (i) and (k) added 42571
503.43 (c) and (d) revised; (e) added 42572
503.45 (a)(1), (b) through (f) revised; (h) added 42573
503.46 (a)(1), (3), and (c) revised 42573
503.47 (f) revised 42573
503 Appendix B revised 42573
745.107 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.110 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.113 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.115 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.226 (a)(5), (d)(2), and (f)(1) revised 42851
745.227 (a)(1) revised 42852
745.239 (b) and (c) revised 42852

Proposed Rules:

35 ..... 40064, 40084, 46234
51 45491
52 ..... 36635, 36639, 36830, 36831, 37491, 37492, 37734, 37923, 38616, 38617, 38862, 38863, 39110, 39963, 40328, 40791, 42629, 42888, 42891, 42892, 44152, 44450, 44451, 44452, 45215—45217, 46325, 46331, 46878, 47464, 47465
55 45217
60 ..... 47465, 47234, 47276
62 ..... 36426, 37923, 38617, 41364, 43123, 45221, 45937, 46165
63 ..... 37734, 38993, 45116, 45221
81 ..... 37492, 46331
90 40940
97 ..... 43124, 44452
122 46058
123 46058
124 46058
130 46012
131 ..... 37072, 46058
147 43329
148 ..... 40192, 46476
180 36640
197 46976
259 45632
261 ..... 40192, 42317, 44866, 45632, 46166, 46476
262 40696
264 46476
265 46476
266 45632
268 ..... 40192, 40534, 46476
270 45632
271 ..... 40192, 42630, 43331, 44876, 46332, 46476
272 46632
281 ..... 43336, 46178
300 ..... 39886, 40328, 41875, 42328, 42630, 43129, 43641, 43970, 44452, 44454, 44456, 44458, 45222, 45224, 46333, 46632, 47465, 47478, 47481
302 ..... 40192, 46476
372 42222
403 39564
441 45072

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442.....38863
710.....46722
745.....40064

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations (Parts 101-1—101-99)

101-35 (Subchapter F) Regulation at 61 FR 41003 effective date extended through 8-8-00 38588
101-42.1102-10 (a) and (b) revised 40772
101-43.304-2 (b) revised 40773
101-43.305 Heading and (b)(2) revised 40773
101-43.4801 Revised 40773

Chapter 102—Federal Management Regulations (Parts 102-1—102-99)

Chapter 102 Established; interim 39084

Chapter 301—Travel Allowances (Parts 301-1—301-99)

301-51 Revised; interim 38528
301-52.17—301.52.21 Added; interim 38529
301.54 Added; interim 38529
301-70.700—301-70.706 (Subpart H) Added; interim 38529
301-71.204 Revised; interim 38530
301-71.208—301-71.211 (Subpart C) Added; interim 38530
301-76 Added; interim 38530
Chapter 301 Appendix A amended 38587

Chapter 303—Payment of Expenses Connected with the Death of Certain Employees (Parts 303-1—303-2)

303-70.100 Revised 45891
303-70.403 Heading revised 45891
303-70.600—303-70.602 (Subpart G) Added 45891

Proposed Rules:

51-2 41882
51-5 41882

CHANGES OCTOBER 1, 1998 THROUGH JULY 30, 1999

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services (Parts 1—199)

50.401 Revised **66062**
50.402 Revised **66062**
50.403 Amended **66062**
50.404 (a) introductory text revised; (b) amended **66062**
50.405 Amended **66063**
50.406 (a), (c), (d) and (g) revised; (e) amended **66063**
68a Added **58312**
100 Authority citation revised 40518
100.3 (c)(3) redesignated as (c)(4); (a) table, (c)(1) and (3) added 40518

Chapter IV—Health Care Financing Administration, Department of Health and Human Services (Parts 400—499)

400.200 Corrected **52611**
Amended **68690**
402 Added **68690**
403 Technical correction **52610**
405 Technical correction **52614**
Technical correction 25456
405.400—405.455 (Subpart D) Added **58901**
405.517 Revised **58905**
405.520 Added **58905**
409 Comment period reopening **65560**
Authority citation revised 41681
409.10 (a)(1) through (6) amended; (a)(8) added 3648
409.20 (a) introductory text and (1) through (6) amended; (a)(8) added 3648
(a)(8) removed 41681
409.27 (a) and (b) amended; (c) added 41681
409.30 Introductory text amended 41681
409.33 (a), (b), and (c) redesignated as (b), (c), and (d); new (a) added; new (b)(2) revised 41681
410 Technical correction **52610**
Comment period reopening **65560**
410.1 (a) amended **58905**
410.32 (d)(7) correctly designated **53307**
(a)(3) amended **58906**
410.40 Revised 3648
410.41 Added 3649
410.59 Added **58906**
410.60 Revised **58906**
410.61 Heading and (a) through (d) revised **58907**
410.62 Heading and (a)(3) revised; (d) added **58907**
410.74 Added **58907**
(c)(1) and (2) corrected 25457
410.75 Added **58908**
(b) corrected 25457
410.76 Added **58908**
410.77 Added **58909**
410.78 Added **58909**
410.150 (b)(15) and (16) added **58910**
410.152 (a)(1)(v) revised **58910**
411 Technical correction **52610**
Comment period reopening **65560**
411.15 (g) amended; (p)(3)(iii) revised 41682
412 Technical correction **52614**
Hospital wage data revisions **64191**
Notice 9378
412.2 (e)(4) revised 41540
412.22 (h) added 41540
412.25 (b) and (c) revised; (e) added 41540
412.105 (f)(1)(iii) and (2)(v) amended 41541
412.256 (c)(2) revised 41541
412.276 (a) revised 41541
413 Technical correction **52614**
Comment period reopening **65560**
Technical correction 25456
Authority citation revised 41541, 41682, 42612
413.30 Revised 42612
413.40 (a)(3) amended; (b)(1)(iii), (c)(4)(v), (f)(2)(ii)(A), and (g)(1) revised 41541
413.64 (h)(2)(iii) revised 41682
413.86 (b), (e)(1)(ii)(C), (iv) and (g)(6)(iii) amended; (g)(1)(i), (ii), (iii), (6) introductory text, (i) and (ii) revised; (g)(7) redesignated as (g)(9); (f)(4)(iii), new (g)(7) and (8) added 41542
413.88 Added; interim 44855
413.125 Existing text designated as (a); (b) added **58910**
413.333 Corrected **53307**
413.343 (b) amended 41682

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TITLE 42 Chapter IV—Con.

413.350 Added 41682
414.1 Amended **58910**
414.20—414.62 Designated as Subpart B and heading added **58910**
414.22 Introductory text revised; (b)(5) added **58910**
414.32 Heading and (b) revised **58911**
(a)(6) correctly added 25457
414.34 Heading revised; (a)(2)(iii) added **58911**
414.52 Heading and introductory text revised; (d) added **58911**
414.56 Revised **58911**
414.65 Added **58911**
415 Techincal correction 25456
415.110 Revised **58912**
416.180—416.200 (Subpart F) Added 32205
417.600 Reinstated **52611**
417.602 Reinstated **52611**
417.604 Reinstated **52611**
417.605 Reinstated **52611**
417.606 Reinstated **52611**
417.608 Reinstated **52611**
417.609 Reinstated **52611**
417.610 Reinstated **52611**
417.612 Reinstated **52611**
417.614 Reinstated **52611**
417.616 Reinstated **52611**
417.617 Reinstated **52611**
417.618 Reinstated **52611**
417.620 Reinstated **52611**
417.622 Reinstated **52611**
417.624 Reinstated **52611**
417.626 Reinstated **52611**
417.630 Reinstated **52611**
417.632 Reinstated **52611**
417.634 Reinstated **52611**
417.636 Reinstated **52611**
417.638 Reinstated **52611**
417.800 Corrected **52611**
422.50—422.80 (Subpart B) Heading corrected **52611**
422.50 (a) introductory text and (1) corrected **52611**
422.54 (d)(2)(i) corrected **52611**
422.56 (d) corrected **52612**
422.60 (a)(1), (b)(1), (c)(1) and (e)(4)(i) corrected; (f) correctly added **52612**
(e)(4)(i) corrected **54526**
(a)(1) revised 7980
422.62 (b) introductory text, (c), (d) heading, (1) and (2) introductory text corrected **52612**
422.66 (f) correctly added **52612**
422.74 (b)(3) corrected **52612**
422.80 (c)(3), (d), (e)(1)(iv), (3)(i) and (f) corrected **52612**
422.110 (c) corrected **52612**
(c) revised 7980
422.111 (d) revised 7980
422.112 Correctly revised **52612**
Revised 7980
422.202 Revised 7981
422.204 (c) revised 7982
422.250 (b) correctly revised **52612**
422.268 (b) corrected **52613**
422.308 (b) correctly designated as (b)(1); (b)(2) correctly added **52613**
422.310 (c)(4) corrected **52614**
422.502 (a)(2), (3)(i) and (4) corrected; (m) correctly designated as (l)(4) **52614**
(h)(1) revised 7982
422.550 (b)(1) corrected **52614**
422.608 Heading corrected **52614**
422.612 (a)(1), (b) heading and introductory text corrected **52614**
422.616 (a) corrected **52614**
422.620 (a) corrected **52614**
422.622 (c)(1)(i) corrected **52614**
422.752 (a)(6) corrected **52614**
424 Comment period reopening **65560**
Techincal correction 25456
424.20 Corrected **53307**
424.24 (a)(2) correctly revised **53307**
(c) introductory text, (1)(ii), (iii), (3)(i), (ii), (4), (f)(2) and (3) revised **58912**
424.124 (c)(2) amended 3649
431.153 (b)(3) removed; interim 39937
440.160 Revised **64198**
441.151 (b) and (c) revised; (d) added **64198**
482.13 Added; interim 36088
483 Comment period reopening **65560**
483.20 (b)(2) introductory text revised **53307**
(b)(2) introductory text revised 41543
484.11 Added; interim 3763
484.18 (c) revised 3784
484.20 Added; interim 3763
484.55 Added 3784
485.618 (d) revised 41544
485.645 (d)(6) revised 41544
485.705 Revised **58912**
(c)(8) correctly revised; (c)(10)(i), (ii) and (iii) corrected 25457

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485.711 (b)(3) revised **58913**
488 Authority citation revised 3763
488.68 Added; interim 3763
488.402 (f)(5) revised 13353
488.408 (d)(1)(iv), (e)(1)(iv) and (2)(ii) revised 13360
488.430 (a) revised 13360
488.432 Heading, (a)(2), (b) and (c) revised 13360
488.434 (a)(2)(iii), (v) and (vi) revised 13360
488.438 (a) introductory text, (1) and (2) redesignated as (a)(1) introductory text, (i) and (ii); new (a)(2) added; (c) and (d) revised 13360
488.440 (a), (b) introductory text, (c), (d), (e) introductory text, and (f)(1), (g), (h) revised 13361
448.442 (a) heading revised; (b) through (f) redesignated as (c) through (g); new (b) added 13361
488.454 (a) introductory text revised; (d) redesignated as (e); new (d) added 13361
489 Comment period reopening **65560**
489.21 (h) added 41683
493.1202 Heading amended **55034**
493.1203 Heading amended **55034**
493.1443 (b)(3)(ii) introductory text and (C) amended **55034**
498.3 (a) revised 24957
(b)(13) and (d)(10)(iii) revised; (b)(15) added; interim 39937
(b)(12) correctly revised 43295

Chapter V—Office of Inspector General-Health Care, Department of Health and Human Services (Parts 1000—1999)

1001.1 (a) revised 39426
1001.2 Amended 39426
1001.102 (b)(4) revised **57918**
(b)(6) and (7) revised; (b)(8) redesignated as (b)(9); new (b)(8) and (d) added 39426
1001.201 Heading and (b)(3)(iii)(A) revised 39426
1001.301 (b)(2)(ii) revised 39426
1001.401 Heading and (c)(2)(ii) revised 39426
1001.1001 (a)(1)(ii) revised; (a)(2) amended 39427
1001.1301 (b)(2)(iii) revised 39427
1001.1401 (b)(1) and (4) revised 39427
1001.1501 (a)(3) revised 39427
1001.1901 (a), (b)(1), (c)(3) introductory text and (5)(i) revised 39427
1001.2001 (a) revised; (b) and (c) redesignated as (c) and (d); new (b) added **57918**
1001.3002 (b)(3), (4) and (c)(1) revised; (b)(6) added 39427
1001.3003 Revised 39428
1001.3005 (a) introductory text, (b) and (d) revised 39428
1002.2 (a) revised 39428
1003 Authority citation revised 39428
1003.100 (a), (b)(1)(iv), (viii), (x) and (xi) revised; (b)(1)(xii) added 39428
1003.102 (a)(2) and (b)(5) revised; (b)(11) added 39428
1003.103 (a) revised; (g) and (h) added 39429
1003.104 Revised 39429
1003.105 Heading, (a)(1) introductory text and (b)(1) revised 39429
1003.106 (a)(1)(vii) redesignated as (a)(1)(ix); new (a)(1)(vii) and (a)(1)(viii) added; (a)(1)(ii), (iii), (vi), (2)(i), (ii) and (iii) revised 39429
1003.109 (a) introductory text and (3) revised 39429
1003.114 (a) revised 39429

Proposed Rules:

5 ..... **58679**
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36 ..... 14560, 28778
51c **58679**
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63 ..... **58336**
66 35119
84 46178
400—499 (Ch. IV) 69, 43338
405 ..... 3474, 14666, 24550, 38395
409 ..... **63429**
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413 ..... **63429**
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414 ..... 6827, 39608, 40534
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1003 ..... **63429**
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TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior (Parts 1—199)

4.271 Revised 46152
4.320 Introductory text revised 46152
4.350 (b), (c)(3) and (6) revised 13363
4.352 (b)(2) amended 13363
4.901—4.909 (Subpart J) Added 26259

Chapter II—Bureau of Land Management, Department of the Interior (Parts 1000—9999)

2200.0–7 (b) revised; eff. 11–2–98 ..... **52617**
2210 Removed; eff. 11–2–98 ..... **52617**
2240 Removed; eff. 11–2–98 ..... **52617**
2250 Removed; eff. 11–2–98 ..... **52617**
2270 Removed; eff. 11–2–98 ..... **52617**
3100 Authority citation revised **52952**
3100.4 Added; eff. 11–2–98 ..... **52952**
3150 Authority citation revised **52952**
3152.6 (b) revised **52952**
3160 Authority citation revised **52952**
3162.8 Removed; eff. 11–2–98 ..... **52952**
3180 Authority citation revised **52952**
3181.2 Amended; eff. 11–2–98 ..... **52953**
3195 Regulation at 63 FR 40178 confirmed **66762**
3200 Authority citation revised **52953**
3255.13 Added; eff. 11–2–98 ..... **52953**
3255.14 Added; eff. 11–2–98 ..... **52953**
3255.15 Added; eff. 11–2–98 ..... **52953**
3500 Authority citation revised **52953**
3500.5 Revised; eff. 11–2–98 ..... **52953**
3500.5–1 Added; eff. 11–2–98 ..... **52953**
3500.5–2 Added; eff. 11–2–98 ..... **52953**
3510 Authority citation revised **52954**
3514.5 Revised; eff. 11–2–98 ..... **52954**
3520 Authority citation revised **52954**
3524.5 Revised; eff. 11–2–98 ..... **52954**
3530 Authority citation revised **52954**
3534.5 Revised; eff. 11–2–98 ..... **52954**
3540 Authority citation revised **52954**
3544.5 Revised; eff. 11–2–98 ..... **52954**
3550 Authority citation revised **52954**
3554.5 Revised; eff. 11–2–98 ..... **52954**
3580 Authority citation revised **52954**
3585.5–9 Revised; eff. 11–2–98 ..... **52954**
3590 Authority citation revised **52954**
3590.1 Removed; eff. 11–2–98 ..... **52954**
3600 Authority citation added **52954**
3600.0–8 Added; eff. 11–2–98 ..... **52954**
3602.2 (a) amended; eff. 11–2–98 ..... **52954**
3730 Authority citation revised 47021
3730.0–9 (a) amended; interim 47021
3800 Authority citation revised **52954**
3802.6 Revised; eff. 11–2–98 ..... **52954**
3821.0–3 Revised; interim 47021
3830 Authority citation revised 47021
3833.0–3 (a) and (e) amended; interim 47021
3833.0–5 (o), (v), (w) and (y) amended; interim 47021
3833.0–9 (a) amended; interim 47021
3833.1–3 (c)(2) amended; interim 47021
3833.1–4 (b) amended; interim 47021

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3833.1–5 Introductory text, (a)(1), (b) and (e) amended; interim 47021
3833.1–6 Heading and (a)(1) amended; interim 47021
(b), (d)(2) and (e) amended 47021
3833.1–7 (d) introductory text and (3) amended; interim 47022
3833.2–3 Heading, (d) and (e) amended; interim 47022
3833.4 (a)(1) amended; interim 47022
3833.4–1 Added; interim 47022
3851.3 (c) amended; interim 47022
3860 Authority citation revised **52955**
3862.9 Added; eff. 11–2–98 ..... **52955**
4300 Revised **55550**

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3100 ..... **66776, 66840**
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3120 ..... **66840**
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3130 ..... **66776, 66840**
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3150 ..... **66840**
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3730 47023
3800 ..... 6422, 9960
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3820 47023
3830—3840 47023
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TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency (Parts 0—399)

7.11 (b) revised 38309
15 Revised 31137
61.9 Revised 13116
61.17 Revised 41306
61 Appendixes A(1), (2), and (3) amended; interim 41826
62 Appendix A amended 27709
64.6 Table amended ... **54370, 54372, 55957, 59236, 63797, 70036, 70038**
Table amended ... 4979, 7505, 9919, 24513, 24958, 38310, 38312, 42852, 44422
65.4 Flood elevation determinations **54374, 54377, 55035, 58316, 58319, 64418, 64419, 67002, 67004**
Flood elevation determinations 1522, 3045, 7107, 7109, 7506, 11379, 11381, 11383, 11385, 17568, 17569, 24515, 24516, 26690, 26693, 28932, 28934, 32817, 41307, 41309, 41313
67.11 Flood elevation determinations **54378, 55038, 58322, 64421, 67005**
Flood elevation determinations 1523, 3045, 3047, 7110, 11386, 11388, 17571, 24518, 26695, 28936, 32818, 41315, 41318
77 Removed 28106
80 Removed 28106
81 Removed 28106
82 Removed 28106
83 Removed 28106
152 Removed 28106
206.47 Added 19498
206.101 (e)(1) revised 46853
206.200 (b) revised; interim **64425**
206.201 (i) and (j) revised; interim **64425**
206.202 Revised; interim **64425**
206.207 Reinstated; CFR correction **71026**
Reinstated; CFR correction 47402
206.228 (a)(2)(i) introductory text revised; interim **64426**
Corrected 41827
207 Removed 28106
220 Removed 28106
221 Removed 28106
222 Removed 28106

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TITLE 44 Chapter I—Con.

301 Removed 28106
303 Removed 28106
306 Removed 28106
308 Removed 28106
320 Removed 28106
324 Removed 28106
328 Removed 28106
333 Removed 28106
336 Removed 28106
354 Revised; interim **69003**

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59 24256
61 ..... 3909, 24256, 42632
62 ..... **63431, 63432**
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TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Service (Parts 1—199)

60.12 (a) amended 9922
144.101 Revised; interim **57558**
Revised; interim 45795
144.102 (b) revised; interim **57558**
(d) added; interim 45795
144.103 Amended; interim 45795
146.101 (a) revised; (b)(2), (3) and (4) redesignated as (b)(3), (4) and (5); new (b)(2) added; interim **57559**
146.130 Added; interim **57559**
146.180 (i)(2) and (3) amended; interim 45795
146.184 Removed; interim 45795
148.101 Revised; interim **57561**
148.102 (a) heading, (2) and (b) revised; interim **57562**
148.170 (Subpart C) Added; interim **57562**
148.200 Removed; interim 45795
148.202 Removed; interim 45795
150 Added; interim 45795

Chapter II—Office of Family Assistance (Assistance Programs), Administration for Children and Families, Department of Health and Human Services (Parts 200—299)

260 Added 17878
260.30 Corrected 40291
260.59 Heading correctly revised 40291
261 Added 17884
261.56 (b)(2)(ii) corrected 40291
262 Added 17890
262.5 (b)(1)(ii) corrected 40291
263 Added 17893
263.2 (b)(1)(iii) correctly revised; (d) corrected 40291
264 Added 17896
264.3 (b) corrected 40292
264.10 (b) corrected 40292
265 Added 17900
265.3 (f) introductory text, (1), (2) and (3) redesignated as (f)(1) introductory text, (i), (ii) and (iii); new (f)(2) added 40292
276 Added; interim **57926**
283 Added 18493

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Administration for Children and Families, Department of Health and Human Services (Parts 300—399)

301.1 Amended; interim 6247
302 Nomenclature change; interim 6247
302.12 (a)(1)(i) removed; (a)(1)(ii) and (iii) redesignated as (a)(1)(i) and (ii); interim 6247

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302.31 (a)(2), (b) and (c) amended; (a)(3) removed; interim 6247
302.32 Revised; interim 6247
302.34 Amended; interim 6248
302.35 (c)(1), (2) and (4) amended; (c)(5) and (d) added; interim 6248
302.50 Revised; interim 6248
302.51 Revised; interim 6248
302.52 (b)(5) amended; interim 6249
302.54 (a)(1) amended; interim 6249
302.57 Removed; interim 6249
302.70 (a) introductory text, (d)(1) and (2) amended; interim 6249
(a)(5)(iii) introductory text and (B) revised; (a)(5)(iii)(C) added 11809
302.75 (b)(4) amended; interim 6249
302.80 (a) amended; interim 6249
303 Nomenclature change; interim 6249
303.3 (b)(1) amended; interim 6249
303.5 (d)(1) and (e)(3) revised; (d)(2) and (e)(1) amended; interim 6249
(g) revised 11809
303.7 (a)(1), (b)(2), (3), (6), (c)(4), (7)(iii), (iv) and (v) amended; (d)(3) revised; interim 6250
303.8 Revised; interim 6250
303.11 (b)(1) revised; (b)(2) removed; (b)(3) and (4) redesignated as (b)(2) and (3); (b)(3)(iv) added 11817
(b)(5) through (12) redesignated as (b)(4) through (11); (b)(2), (4), (5), new (b)(4), new (9), new (10), (c) and (d) revised; new (b)(12) added; 11818
303.15 (a)(1)(i), (ii), (2), (b) introductory text, (2) and (c)(1) amended; interim 6250
303.20 (b)(3) amended; interim 6250
303.21 Removed; interim 6250
303.30 (b) removed; (c) redesignated as (b); new (b) amended; interim 6250
303.31 (c) introductory text amended; (c)(1) and (2) removed; interim 6250
303.70 (c)(1), (2), (d)(1) and (2) amended; interim 6250
(e)(1)(i), (ii), (2)(i), (3) and (4)(i) amended; (e)(1)(iii) added; interim 6251
303.71 (b), (f) and (g) amended; interim 6251
303.72 (i) amended; interim 6249
(a)(1), (2), (h)(1), (3) and (4) amended; interim 6251
303.80 Removed; interim 6251
303.100 (a)(9), (c)(2), (d)(1)(iv), (v), (2), (e), (g) removed; (a)(10), (c)(3), (d)(1)(i), (ii), (iii), (f), (h) redesignated as (a)(9), (c)(2), (d)(2), (3), (4), (e), (f); heading, (a)(1), (b)(1), (2)(i), (c) introductory text, (1) introductory text and new (e)(1) introductory text, (i), (ii), (vi), (vii), (viii) and (2) amended; (d) introductory text, (1), new (e)(1)(ix) and (3) revised; (d)(5) added; interim 6251
(i) redesignated as (g); new (g) amended; interim 6252
303.101 (a) revised; (c)(4) and (5) removed; (c)(6) redesignated as (c)(4); (b)(1) and new (c)(4) amended; interim 6252
303.102 (g)(1)(i), (ii), (iii) removed; (c), (d), (e), (g)(1) introductory text and (iv) redesignated as (d), (e), (c), (g)(1)(i) and (ii); new (d)(1) designation and (2) removed; (a)(1) and new (d), (g)(1)(i) and (ii) amended; interim 6252
303.103 Removed; interim 6252
303.105 Removed; interim 6252
303.109 Added 15136
304 Nomenclature change; interim 6252
304.12 (a) amended; interim 6252
304.20 (b)(1)(viii)(C) and (ix)(D) removed; (b)(1)(viii)(D) and (ix)(D) redesignated as (b)(1)(viii)(C) and (ix)(D); (b)(1)(ix)(C) and (3)(iv) amended; interim 6252
(b)(2)(vi), (vii) and (viii) revised 11810
304.21 (a) introductory text amended; interim 6252
304.26 Revised; interim 6252
304.29 Amended; interim 6253
304.40 (a)(2) and (b)(2) amended; interim 6253
305 Removed; interim 6253

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TITLE 45

Chapter VIII—Office of Personnel Management (Parts 800—899)

801 Appendix A amended 42039

Chapter XII—Corporation for National and Community Service (Parts 1200—1299)

1201 Authority citation revised **64199**
1201.2 (b) and (c) added **64199**
1207 Redesignated as Part 2551 14115
1208 Redesignated as Part 2552 14126
1209 Redesignated as Part 2553 14135
1224 Redesignated as part 2508 19294

Chapter XIII—Office of Human Development Services, Department of Health and Human Services (Parts 1300—1399)

1309 Added 5945
1309.10 OMB number pending 5946
1309.40 OMB number pending 5949
1309.41 OMB number pending 5949

Chapter XVI—Legal Services Corporation (Parts 1600—1699)

1606 Revised **64643**
1611 Appendix A revised 17108
Appendix A corrected 18372
1623 Revised **64648**
1625 Removed **64646**

Chapter XXV—Corporation for National and Community Service (Parts 2500—2599)

2500 Removed **66063**
2501 Removed **66063**
2502 Removed **66063**
2503 Removed **66063**
2504 Removed **66063**
2505 Removed **66063**
2506 Removed **66063**
Added; interim 4316
2508 Redesignated from part 1224 and revised 19294
2522.200 Revised 37413
2522.230 Revised 37413
2525.10 Revised 37414
2525.20 Amended 37414
2526 Heading revised 37414
2526.10 Revised 37414
2526.20 Revised 37415
2526.30 Removed; new 2526.30 redesignated from 2526.60 37415
2526.40 Removed; new 2526.40 redesignated from 2526.70; (b)(2) amended 37415
2526.50 Removed; new 2526.50 redesignated from 2526.80 and revised 37415
2526.60 Redesignated as 2526.30; new 2526.60 redesignated from 2526.90 and revised 37415
2526.70 Redesignated as 2526.40 37415
2526.80 Redesignated as 2526.50 37415
2526.90 Redesignated as 2526.60 37415
2526.100 Removed 37415
2527 Heading revised 37415
2527.10 Revised 37415
2528 Revised 37415
2529 Revised 37417
2551 Redesignated from Part 1207 and revised 14115
2552 Redesignated from Part 1208 and revised 14126
2553 Redesignated from Part 1209 and revised 14135

Proposed Rules:

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61 ..... **58341, 71819**
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1628 ..... **56591**
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2522 17302
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TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation (Parts 1—199)

1.03–15 (h)(3) revised 4984
1.03–45 Revised 4984
2.10–1 Regulation at 62 FR 19232 confirmed **59474**
2.10–5 Regulation at 62 FR 19232 confirmed; (c)(2) revised **59474**
2.10–25 Regulation at 62 FR 19232 confirmed; amended **59474**
2.10–101 Regulation at 62 FR 19232 confirmed **59474**
5.1—5.5 (Subpart A) Heading revised; interim 28075
5.1 Removed; interim 28075
5.3 Amended; interim 28075
5.11 Removed; interim 28075
5.13 Removed; interim 28075
5.23 Removed; interim 28075
5.25 Removed; interim 28075
5.33 Amended; interim 28075
5.35 Amended; interim 28075
5.53 Removed; interim 28075
5.55 Heading and (a) amended; interim 28075
5.63 Removed; interim 28075
5.105 (a) amended; interim 28075
5.107 Revised; interim 28075
5.305 Revised; interim 28075
5.501 Revised; interim 28075
5.503 Removed; interim 28075
5.505 Removed; interim 28075
5.507 Removed; interim 28075
5.509 Removed; interim 28075
5.511 Removed; interim 28075
5.513 Removed; interim 28075
5.515 Removed; interim 28075
5.517 Removed; interim 28075
5.519 Removed; interim 28075
5.523 Removed; interim 28075
5.525 Removed; interim 28075
5.527 Removed; interim 28075
5.529 Removed; interim 28075
5.531 Removed; interim 28075
5.533 Removed; interim 28075
5.535 Removed; interim 28075
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5.539 Removed; interim 28075
5.541 Removed; interim 28075
5.543 Removed; interim 28075
5.545 Removed; interim 28075
5.547 Removed; interim 28075
5.549 Removed; interim 28075
5.551 Removed; interim 28075
5.553 Removed; interim 28075
5.555 Removed; interim 28075
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5.561 Removed; interim 28075
5.563 Removed; interim 28075
5.565 Removed; interim 28075
5.567 (a) revised; interim 28075
5.571 Removed; interim 28075
5.573 Removed; interim 28075
5.577 Removed; interim 28075
5.601—5.607 (Subpart I) Removed; interim 28075
5.701 Revised; interim 28075
5.703 Removed; interim 28075
5.705 Removed; interim 28075
5.709 Removed; interim 28075
5.711 Removed; interim 28075
8.110 (b) revised 30439
10.109 Revised; eff. 10–4–99 42814
Table correctly revised 44786
10.110 Revised; eff. 10–4–99 42815
10.209 (e)(4) amended; eff. 10–4–99 42815
10.205 (a) amended; eff. 10–4–99 42815
10.207 (a) amended; eff. 10–4–99 42815
10.209 (a)(1), (e)(3)(i)(A), and (f)(1) amended; eff. 10–4–99 42815
10.217 (a)(1) and (2) amended; eff. 10–4–99 42815
10.219 (c) amended; eff. 10–4–99 42815
10.302 (a) introductory text revised; (c) and (d) amended; (e), (f) and (g) added 4984
10.303 (e) revised 4984
12.02–18 Revised; eff. 10–4–99 42815
Table correctly revised 44786
12.02–23 (b) and (c)(2) amended; eff. 10–4–99 42816
12.02–27 (a)(1), (e)(3)(i)(A), (4), and (f) amended; eff. 10–4–99 42816
15.1050 Added **57255**
16 Technical correction 25405
16.500 Revised 22559
(b)(2) corrected 31989
28.130 (d) amended; eff. 11–2–98 ..... **52813**
30.01–5 Regulation at 61 FR 25286 confirmed **52813**
30.01–6 Regulation at 61 FR 25286 confirmed **52813**
31.01–1 Regulation at 61 FR 25286 confirmed **52813**
31.01–3 (b) revised 30439
31.05–1 Regulation at 61 FR 25286 confirmed **52813**

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31.36–1 (Subpart 31.36) Regulation at 61 FR 25286 confirmed **52813**
32 Authority citation revised **71764**
Meeting 18576
32.15–15 (a) and (d) revised; (f) added; interim **71764**
(e) added; interim; eff. 12–11–00 ..... **71764**
33 Regulation at 61 FR 25286 confirmed **52813**
35.07–10 Regulation at 61 FR 25286 confirmed **52813**
35.10–1 Regulation at 61 FR 25286 confirmed **52813**
35.10–5 Regulation at 61 FR 25287 confirmed **52813**
35.10–6 Regulation at 61 FR 25287 confirmed **52813**
35 10–7 Regulation at 61 FR 25287 confirmed **52813**
35.10–9 Regulation at 61 FR 25287 confirmed **52813**
35.10–20 Regulation at 61 FR 25287 confirmed **52813**
35.10–25 Regulation at 61 FR 25287 confirmed **52813**
35.10–30 Regulation at 61 FR 25287 confirmed **52813**
35.30–50 Regulation at 61 FR 25287 confirmed **52813**
35.30–55 Regulation at 61 FR 25287 confirmed **52813**
35.40–1—35.40–40 (Subpart 35.40) Regulation at 61 FR 25287 confirmed **52813**
35.40–40 Regulation at 61 FR 25287 confirmed **52813**
69.117 (d)(2) introductory text and (e)(3) amended; (d)(4) revised; (d)(5) redesignated as (d)(7); new (d)(5) and (6) added; eff. 11–29–99 47404
70.05–10 Regulation at 61 FR 25287 confirmed **52813**
70.10–3 Regulation at 61 FR 25287 confirmed **52813**
70.10–34 Regulation at 61 FR 25287 confirmed **52813**
70.10–35 Regulation at 61 FR 25287 confirmed **52813**
70.10–43 Regulation at 61 FR 25287 confirmed **52813**
70.28–1 (Subpart 70.28) Regulation at 61 FR 25287 confirmed **52813**
71.15–1 Regulation at 61 FR 25287 confirmed **52813**
71.15–5 (b) revised 30439
71.20–20 Regulation at 61 FR 25287 confirmed **52813**
71.25–15 Regulation at 61 FR 25287 confirmed **52813**
75 Regulation at 61 FR 25288 confirmed **52813**
77.06–1 (Subpart 77.06) Regulation at 61 FR 25288 confirmed **52813**
78.13–1 Regulation at 61 FR 25288 confirmed **52813**
78.13–5 Regulation at 61 FR 25288 confirmed **52813**
78.13–10 Regulation at 61 FR 25288 confirmed **52813**
78.13–15 Regulation at 61 FR 25288 confirmed **52813**
78.13–20 Regulation at 61 FR 25288 confirmed **52813**
78.14–1—78.14–20 (Subpart 78.14) Regulation at 61 FR 25288 confirmed **52813**
78.17–40 Regulation at 61 FR 25288 confirmed **52813**
78.17–50 Regulation at 61 FR 25288 confirmed **52813**
78.17–52 Regulation at 61 FR 25288 confirmed **52813**
78.17–55 Regulation at 61 FR 25288 confirmed **52813**
78.17–60 Regulation at 61 FR 25288 confirmed **52813**
78.17–70 Regulation at 61 FR 25288 confirmed **52813**
78.17–85 Regulation at 61 FR 25288 confirmed **52813**
78.17–90 Regulation at 61 FR 25288 confirmed **52813**
78.37–5 Regulation at 61 FR 25288 confirmed **52813**
78.47–43 Regulation at 61 FR 25288 confirmed **52813**
78.47–45 Regulation at 61 FR 25288 confirmed **52813**
78.47–47 Regulation at 61 FR 25288 confirmed **52813**
78.47–50 Regulation at 61 FR 25288 confirmed **52813**
78.47–51 Regulation at 61 FR 25288 confirmed **52813**
78.47–60 Regulation at 61 FR 25288 confirmed **52813**

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90.05–10 Regulation at 61 FR 25288 confirmed....52813
90.10–3 Regulation at 61 FR 25288 confirmed....52813
90.10–29 Regulation at 61 FR 25288 confirmed....52813
90.27–1 (Subpart 90.27) Regulation at 61 FR 25288 confirmed....52813
91.15–1 Regulation at 61 FR 25289 confirmed....52813
91.15–5 (b) revised....30439
91.20–20 Regulation at 61 FR 25289 confirmed....52813
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94 Regulation at 61 FR 25289 confirmed....52813
96.06–1 (Subpart 90.06) Regulation at 61 FR 25289 confirmed....52813
97.13–1 Regulation at 61 FR 25289 confirmed....52813
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97.13–20 Regulation at 61 FR 25289 confirmed....52813
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107 Authority citation revised....52813
107.111 Regulation at 61 FR 25289 confirmed....52813
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107.205 (b) revised....30439
107.231 Regulation at 61 FR 25290 confirmed....52813
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107.239 Regulation at 61 FR 25290 confirmed....52813
107.243 Regulation at 61 FR 25290 confirmed....52813
107.305 Regulation at 61 FR 25290 confirmed....52813
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108.101 Regulation at 61 FR 25290 confirmed....52813
108.103 Regulation at 61 FR 25291 confirmed....52813
108.105 Regulation at 61 FR 25291 confirmed....52813
108.500—108.597 (Subpart E) Regulation at 61 FR 25291 confirmed....52813
108.500 (a) and (b) revised; eff. 11–2–98....52814
108.540 (h)(3) and (4) revised; eff. 11–2–98....52814
108.565 (a)(3) revised; eff. 11–2–98....52814
108.570 (c)(1) amended; eff. 11–2–98....52814

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108.575 Table amended; eff. 11-2-98 ..... **52814**
108.580 (b)(3)(i) and (c)(2)(i) revised; eff. 11-2-98 ..... **52814**
108.645 Regulation at 61 FR 25298 confirmed **52813**
(a)(1)(ii), (2) and (b)(2) revised; eff. 11-2-98 ..... **52815**
108.646 Regulation at 61 FR 25298 confirmed **52813**
(c) revised; eff. 11-2-98 ..... **52815**
108.647 Regulation at 61 FR 25298 confirmed **52813**
108.649 Regulation at 61 FR 25298 confirmed **52813**
(b), (c), (e)(1) and (g) revised; eff. 11-2-98 ..... **52815**
108.650 Regulation at 61 FR 25299 confirmed **52813**
108.655 Regulation at 61 FR 25298 confirmed **52813**
108.901 (Subpart J) Regulation at 61 FR 25298 confirmed **52813**
(b) introductory text, (6) introductory text, (ix), (x), (7) introductory text and (c) introductory text; eff. 11-2-98 ..... **52815**
109.207 Regulation at 61 FR 25298 confirmed **52813**
109.208 Regulation at 61 FR 25298 confirmed **52813**
109.213 Regulation at 61 FR 25298 confirmed **52813**
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109.215 Regulation at 61 FR 25301 confirmed **52813**
109.217 Regulation at 61 FR 25301 confirmed **52813**
109.219 Regulation at 61 FR 25301 confirmed **52813**
109.221 Regulation at 61 FR 25301 confirmed **52813**
109.225 Regulation at 61 FR 25301 confirmed **52813**
109.301 Regulation at 61 FR 25301 confirmed **52813**
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109.305 Regulation at 61 FR 25302 confirmed **52813**
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109.325 Regulation at 61 FR 25303 confirmed **52813**
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109.425 Regulation at 61 FR 25303 confirmed **52813**
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109.433 Regulation at 61 FR 25303 confirmed **52813**
109.501 Regulation at 61 FR 25303 confirmed **52813**
109.503 (Subpart E) Regulation at 61 FR 25303 confirmed **52813**
109.505 Regulation at 61 FR 25303 confirmed **52813**
125.160 Regulation at 61 FR 25303 confirmed **52813**
133 Regulation at 61 FR 25304 confirmed **52813**
133.70 (a)(3)(ii), (b)(4), (c)(3) and (4) revised; eff. 11-2-98 ..... **52816**
133.130 (a)(2) revised; eff. 11-2-98 ..... **52816**
133.150 (c)(6) revised; eff. 11-2-98 ..... **52816**
133.160 (a) revised; eff. 11-2-98 ..... **52816**
167.05-25 Regulation at 61 FR 25311 confirmed **52813**
167.05-35 Regulation at 61 FR 25311 confirmed **52813**
167.15-28 Regulation at 61 FR 25311 confirmed **52813**
167.35-1 Regulation at 61 FR 25311 confirmed **52813**
167.35-2 Regulation at 61 FR 25311 confirmed **52813**
167.35-3 Regulation at 61 FR 25311 confirmed **52813**
167.35-5 Regulation at 61 FR 25311 confirmed **52813**
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167.35-15 Regulation at 61 FR 25311 confirmed **52813**

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168.10–5 Regulation at 61 FR 25312 confirmed....52813
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189.15–1 Regulation at 61 FR 25312 confirmed....52813
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195.06–1 (Subpart 195.06) Regulation at 61 FR 25312 confirmed....52813
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196.15–25 Regulation at 61 FR 25313 confirmed....52813
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196.90–1—196.90–10 (Subpart 196.90) Regulation at 61 FR 25313 confirmed....52813
199 Regulation at 61 FR 25313 confirmed....52813
199.03 (b)(9) and (10) revised; eff. 11–2–98....52816

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199.10 Revised; eff. 11–2–98 ..... **52817**
Table correctly revised **56066**
(a) table amended **63798**
199.70 (b)(2)(ii) removed; (a)(2) and (c)(3) revised; eff. 11–2–98 ..... **52818**
(a)(2) corrected **56066**
199.80 (b)(4) revised; eff. 11–2–98 ..... **52818**
199.100 (f) revised; eff. 11–2–98 ..... **52819**
199.110 (f)(4) amended; eff. 11–2–98 ..... **52819**
199.140 (a)(1) revised; eff. 11–2–98 ..... **52819**
199.153 (f) revised; (h)(1), (2) and (i) amended; eff. 11–2–98 ..... **52819**
199.175 (b)(21)(i)(B) revised; eff. 11–2–98 ..... **52819**
199.176 (a)(1)(ii), (2) and (b)(2) revised; eff. 11–2–98 ..... **52819**
199.180 (a)(2)(vi), (ix), (d)(11) and (f)(2)(i) revised; eff. 11–2–98 ..... **52819**
199.190 (d)(2) and (g)(4) revised; eff. 11–2–98 ..... **52819**
199.610 (a) revised; eff. 11–2–98 ..... **52819**
199.620 (a) table and (e) revised; (k)(2)(1) redesignated as (l); (o) and (p) added; eff. 11–2–98 ..... **52820**
Table corrected **56066**
199.630 (a) table, (c), (d)(2), (f) introductory text, (2)(iv) and (g) revised; (l) and (m) added; eff. 11–2–98 ..... **52821**
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(a) table amended **63798**
199.640 (h)(2) revised; (i)(2) table amended; eff. 11–2–98 ..... **52821**

Chapter II—Maritime Administration, Department of Transportation (Parts 200—399)

351 Authority citation amended **55039**
351.1 Authority citation removed **55039**
351.2 (a) revised; authority citation removed **55039**

Chapter III—Saint Lawrence Seaway Development Corporation (Great Lakes Pilotage), Department of Transportation (Parts 400—499)

401 Annual review findings **68697**

Chapter IV—Federal Maritime Commission (Parts 500—599)

500 Redesignated as part 508 23546
501.2 (d) revised 23546
502 Authority citation revised 7807
502.1 Amended 7807
502.2 (c) and (d) amended; (e) added 7807
502.11 Heading revised; (a) and (b) heading removed; (b)(1) through (7) redesignated as (a) through (g) 7807
Corrected 23551
(d)(i), (ii) and (iii) correctly redesignated as (d)(1), (2) and (3); (b), new (d)(2) and (e) corrected
502.12 Amended 7807
502.21 (c) heading revised 7807
502.23 Revised 7807
502.24 (b) revised 7807
502.26 Revised 7807
502.27 (a)(1) amended 7807
502.21—502.31 (Subpart B) Exhibit No. 1 amended 7807
502.42 Revised 7807
502.51 Revised 7808
502.56 Amended 7808
502.61 (d) amended 7808
(c) corrected 23551
502.62 (g) redesignated as (h); new (g) added; new (h) revised 7808
502.63 Heading revised; (a) removed; (b) through (e) redesignated as (a) through (d) 7808
502.64 (a) and (d) amended 7808
502.67 Added 7808
502.71 Amended 7808
502.75 (a) revised 7808
502.61—502.76 (Subpart E) Exhibit 1 amended 7808
502.91 (d) amended 7808
502.92 Removed 7808

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502.91—502.95 (Subpart F) Exhibit 1 removed 7808
502.94 (c) amended 7808
502.102 Revised 7808
502.104 Amended 7809
502.105 Revised 7809
502.111 Revised 7809
502.112 Heading revised; (c)(2) amended 7809
502.113 Revised 7809
502.114 Heading and (a) revised; (b) amended 7809
502.116 Revised 7809
502.118 (b)(2) revised 7809
502.119 (a) and (b) revised 7809
502.133 Revised 7809
502.143 Amended 7810
502.144 Heading revised; existing text designated as (a); new (a) amended; (b) added 7810
(a) corrected 23551
502.146 (a) and (c) revised 7810
502.147 (a) amended; (b) revised 7810
502.201 (a), (d) heading and (f) heading revised 7810
502.221 (f) revised 7810
502.223 Revised 7810
502.225 Revised 7810
502.227 Heading revised; (a)(4), (5) and (6) redesignated as (a)(5), (6) and (7); new (a)(4) and (e) added; (d) amended 7810
502.253 Revised 7810
502.254 (a) amended; (c)(1)(i) revised 7811
502.271 (Subpart Q) Revised 7811
502.301 (b) removed; (c) and (d) redesignated as (b) and (c) 7812
502.302 (b) removed; (c) redesignated as (b) 7812
502.305 Revised 7812
502.301—502.305 (Subpart S) Exhibit 1 amended 7812
502.321 Revised 7812
502.401 (b) amended; (d) removed; (e) redesignated as (d) 7812
502.501 (d)(2)(vi) and (e)(3) added; (f)(2) and (g) amended 7812
502.502 (d)(3) amended 7812
502.503 (j)(2) amended 7812
502.601 Revised 7812
502.602 (h) revised; (i) amended 7812
502.603 (c) amended 7812
502.604 (b) amended 7812
502.604 (g) amended 7813
502.605 (a) revised; (c) amended 7813
503 Authority citation revised **53308**
503.21—503.24 (Subpart C) Revised **53308**
503.11 (b) and (c) removed; (a) introductory text and (1) through (5) redesignated as introductory text and (a) through (e) 23547
503.22 (b) revised 23547
503.23 (a)(3) removed; (a)(4) and (5) redesignated as (a)(3) and (4); new (a)(3) and (b) revised 23547
503.24 (b)(5)(iii) and (10) revised; (b)(11) and (12) added 23547
503.31—503.34 (Subpart D) Revised **53310**
503.51 Revised 23547
503.52 Revised 23547
503.53 (a) and (d) revised 23548
503.54 (a) and (b) revised 23548
503.55 (a), (b) and (c) revised; (d) removed 23548
503.56 Heading revised; (a) amended 23548
503.57 (a) introductory text, (1), (c), (e) and (i) revised; (j) added 23548
503.58 (c) revised 23548
503.59 (d), (e) introductory text, (g)(2), (h), (q)(1), (2) and (3) revised 23548
503.71 (c) introductory text revised 23549
503.86 (b) revised 23549
504 Authority citation revised 23549
504.1 (c) revised 23549
504.2 (a), (b), (h) and (i) revised 23549
504.3 Revised 23549
504.4 (a)(7) removed; (a)(1), (3), (5), (6), (19), (b) and (c) revised 23549
504.5 (b) revised 23549
504.6 Revised 23549
504.7 (a)(1), (b)(1) and (c)(1) revised 23550
504.9 (a) introductory text, (c) and (d) revised 23550
506.4 (d) revised 23550
507.170 (b) amended; (c) revised 23551

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TITLE 46 Chapter IV—Con.

508 Redesignated from part 500 23546
510—540 (Subchapter B) Heading revised 11171
510 Waiver **64876**
Revised 11171
514 Waiver **64876**
Removed; interim 11206
Regulation at 64 FR 11206 confirmed 23792
515 Added 11171
515.11 Regulation at 64 FR 11173 confirmed; (a)(3) corrected 23020
520 Added 11225
520.2 Amended 23022
525 Added 9283
530 Added; interim 11206
Regulation at 64 FR 11206 confirmed 23792
530.3 (m) revised 23792
(k) revised 41042
530.5 (c)(1) revised; (c)(3), (4), and (5) removed 41042
530.8 (c) revised; (e) added 23793
(a) and (c) revised 41042
530.10 (d)(1) revised 23793
530.11 Removed 41042
530.12 Second (c) and (d) through (g) redesignated as (d) and (e) through (h); (c) and new (d) through new (h) revised 23793
530.13 Revised 23793
530 Appendix A amended 23793, 41042
535 Redesignated from 572; authority citation revised 11240
535.101 Revised 11241
535.102 Amended 11241
535.103 (h) added 11241
535.104 (u) removed; (v) through (kk) redesignated as (u) through (jj); (f), (g), (j), (m), (q) and new (cc) and (dd) revised 11241
535.201 (a)(5), (6), (7) and (b) revised 11241
535.202 (d) and (e) revised; (f) and (g) removed 11241
535.301 (a) and (c) revised; (d) and (e) removed; (f) redesignated as (d) 11241
535.301 Heading corrected 23794
535.307 (b) revised 11242
535.309 (a)(2) revised 11242
535.310 (a) revised 11242
535.402 (a), (b) introductory text, (d) and (e) revised; (f) and (g) removed 11242
535.403 Revised 11242
535.404 Revised 11242
535.405 (a) through (e) revised; (f) and (g) removed 11243
535.501 (a) revised 11243
535.502 (a)(1), (3), (4), (5), (b)(1) and (2) revised 11243
535.503 Existing text designated as (a); (b) added 11243
535.706 (c)(1) revised 11243
535.801—535.802 (Subpart H) Heading revised 11243
535.801 (a), (b)(1), (d) and (e) revised; (f)(1) and (2) amended; (j) and (k) redesignated as (l) and (j) 11243
535.802 Revised 11244
535 Appendixes A and B corrected 23794
540 Heading and authority citation revised 23551
545 Redesignated from 571 7813
545.1 (a) revised 7813
(a) corrected 9922
550—565 (Subchapter C) Heading revised 8008
550 Redesignated from 585; authority citation revised 8008
550 Note added 8009
550.102 Added 8009
550.103 (a) and (b) revised 8009
550.201 (a) revised 8009
550.202 (b) introductory text and (3) revised 8009
550.301 Introductory text and (d) revised 8009
550.601 (c) revised 8009
550.602 Revised 8009
551 Redesignated from 586; authority citation revised; note added 8009
551.2 Removed 30248
551.3 Removed 8009
555 Redesignated from 588; authority citation revised; note added 8010
555.1 Revised 8010
555.2 (a), (c) and (d) revised 8010
555.4 (a) and (c) revised 8010
(a) corrected 23551
555.8 (a)(2) revised 8010
560 Redesignated from 587; authority citation revised 8009

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560.1 (a) revised 8009
560.2 (c) revised 8010
560.5 (a) introductory text amended 8010
560.7 (b)(3)(i) revised 8010
565 Added 8010
565.10 Heading correctly revised 10395
571 Redesignated as 545 7813
572 Redesignated as 535 11240
582 Waiver **64876**
Removed 23551
583 Removed 11171
585 Redesignated as 550 8008
586 Redesignated as 551 8009
587 Redesignated as 560 8009
588 Redesignated as 555 8010

Proposed Rules:

10 ..... 15709, 39455
15 ..... 15709, 39455
16 ..... **71257**
24 15709
25 15709
26 15709
28 15709
45 ..... **58679, 71411**
70 15709
90 39455
98 39455
125 39455
126 39455
127 39455
128 39455
129 39455
130 39455
131 39455
132 39455
133 39455
134 39455
169 15709
170 39455
174 39455
175 ..... 15709, 39455
249 1175
298 44152
356 24311
381 ..... 4382, 14676
388 36831
401 1585
502 ..... **66512**
510 ..... **70710**
514 ..... **70368, 71062**
515 ..... **70710**
..... 34183
520 ..... **70368**
..... 2615, 34183
525 ..... **69603**
530 ..... **71062**
..... 34183
535 ..... **69034**
..... 34183, 42057
545 ..... **66512**
550 ..... **67030**
551 ..... **67030**
555 ..... **67030**
560 ..... **67030**
565 ..... **67030**
571 ..... **66512**
572 ..... **69034**
583 ..... **70710**
585 ..... **67030**
586 ..... **67030**
587 ..... **67030**
588 ..... **67030**

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission (Parts 0—199)

0 Order 14834
0.21 (j) added 5950
0.41 (g) removed; (h) through (o) redesignated as (g) through (n) 5950
0.121 (b) revised **68918**
0.241 (g) added 4995
0.251 (g) removed; (h) and (i) redesignated as (g) and (h) 5950
0.291 (i) added 4995
0.304 Added 5950
0.401 (b)(3) added **68919**
0.408 Revised (OMB numbers) **52618**
(b) table amended (OMB numbers) **68919**
0.453 (g)(1) removed; (h) introductory text and (1) revised **68919**
Introductory text, (g) introductory text and (h) introductory text revised 28936
(o) added (effective date pending) 28936
0.455 (f) revised (effective date pending) 28937
0.457 (d)(1)(ii) revised; eff. 10–25–99 22561
(d)(1)(vi) added (effective date pending) 34740

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Regulation at 64 FR 34740 eff. 7–29–99 43618
0.467 (a)(1) table and (2) revised 31139
0.482 Revised **68919**
0.491 Revised **68919**
0.601 (b) amended 2149
0.605 (e) amended 2150
1 Nomenclature change **54077**
Order **63612**
Authority citation revised **67429, 71036**
Waiver 26884
Order 42854
1.4 (f) amended **68919, 70047**
(f) revised 27201
1.41 Amended **68919**
1.45 Introductory text amended; (a), (b) and (c) revised **68919**
1.47 (h) revised 41330
1.49 (e) amended **68920**
1.50 Revised **68920**
1.51 (f), (g) and (h) added **68920**
1.52 Amended **68920**
1.83 (b) amended **68920**
1.84 Removed **68920**
1.85 Revised **68920**
1.106 (o) added **68920**
1.115 Regulation at 63 FR 41446 eff. 10–5–98 ..... **52983**
1.419 (e) revised **56091**
1.720 Regulation at 63 FR 41446 eff. 10–5–98 ..... **52983**
1.721 Regulation at 63 FR 41446 eff. 10–5–98 ..... **52983**
1.724 Regulation at 63 FR 41446 eff. 10–5–98 ..... **52983**
1.726 Regulation at 63 FR 41447 eff. 10–5–98 ..... **52983**
1.727 Regulation at 63 FR 41447 eff. 10–5–98 ..... **52983**
1.729 Regulation at 63 FR 41447 eff. 10–5–98 ..... **52983**
1.730 Regulation at 63 FR 41448 eff. 10–5–98 ..... **52983**
1.733 Regulation at 63 FR 41449 eff. 10–5–98 ..... **52983**
1.763 (b) amended 39939
1.767 (a)(5), (6), (7) and (e) revised; (a)(8) and (9) added 19061
1.821 Revised **68920**
1.823 Removed **68920**
1.825 Removed **68920**
1.901 Revised **68921**
1.902 Added **68921**
1.903 Added **68921**
1.907 Added **68921**
1.911 Revised **68922**
1.912 Removed **68922**
1.913 Revised **68922**
1.914 Removed **68923**
1.915 Added **68923**
1.916 Removed **68923**
1.917 Added **68923**
1.918 Removed **68923**
1.919 Added **68923**
1.921 Removed **68924**
1.922 Removed **68924**
1.923 Revised **68924**
1.924 Revised **68924**
1.925 Revised **68926**
1.926 Revised **68927**
1.927 Added **68927**
1.929 Added **68927**
1.931 Revised **68928**
1.933 Revised **68929**
1.934 Revised **68930**
1.935 Added **68931**
1.937 Added **68931**
1.939 Added **68931**
1.945 Added **68932**
1.946 Added **68933**
1.947 Added **68933**
1.948 Added **68933**
1.949 Added **68934**
1.951 Revised **68934**
1.952 Removed **68934**
1.953 Removed **68934**
1.955 Revised **68934**
1.956 Added **68935**
1.957 Added **68935**
1.958 Removed **68935**
1.959 Removed **68935**
1.961 Removed **68935**
1.962 Removed **68935**
1.971 Removed **68935**
1.972 Removed **68935**
1.973 Removed **68935**
1.981 Revised **68935**
1.1102 Revised **68935**
1.1111 (b) amended; (c) added **68941**
1.1152 Revised **68941**
Revised 35840
1.1153 Revised 35841
1.1154 Revised 35842
1.1306 Note 1 amended 19061
1.1307 (b)(1) Table 1 amended (OMB number pending) **65099**
Regulation at 63 FR 65099 eff. date corrected to 2-8-99 4054
1.2003 Amended **68942**
1.2107 (e) added **68942**

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1.2111 (a) amended **68942**
1.4000 Revised (effective date pending) **67429**
Revised **71036**
2 Nomenclature change **54077**
Authority citation revised **58650**
Order **63798**
Rule confirmation **69562**
2.103 Revised **58650**
2.106 Table amended 2587, 2591
Table corrected 6138
2.960 Added 4995
2.962 Added 4996
2.1033 (b)(11) revised; eff. 10–25–99 22561
3.10 (e) revised 40776
5 Revised **64202**
5.3 (f) correctly revised 43094
5.59 (d) corrected; (f) correctly removed 43095
5.61 (c) introductory text, (6) and (9) correctly revised 43095
5.89 (c) corrected 43095
5.105 Corrected 43095
5.109 (b) correctly revised 43095
11 Order 5950
13.5 Revised **68942**
13.9 (d), (e) and (f) redesignated as (e), (f) and (g); (b), (c) and new (f) introductory text revised; new (d) added **68942**
13.13 (a), (b) and (c) revised; (e) and (f) removed; (d) redesignated as (e); new (d) added **68942**
13.17 (b), (c) and (d) revised **68943**
15.3 (v) revised; (dd) added; eff. 10–25–99 22561
15.37 (f) revised; (h) added; eff. 10–25–99 22561
15.101 (a) revised 4997
15.121 Revised; eff. 10–25–99 22561
17.23 Revised 27474
18.213 (d) added; eff. 10–13–99 37419
18.307 (c) table revised; eff. 10–13–99 37419
20 Nomenclature change **54077**
Clarification 38313
20.9 (b) introductory text and (1) revised 26887
21 Nomenclature change 4055
21.2 Amended **65100**
Regulation at 63 FR 65100 eff. date corrected to 2-8-99 4054
21.11 (f) and (g) redesignated as (e) and (f); heading, (a), (d) and new (e) revised **65100**
Regulation at 63 FR 65100 eff. date corrected to 2-8-99 4054
21.27 (d) added (OMB number pending) **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.30 (a)(4) revised **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.31 (e)(6)(iv) revised **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.42 (b)(3) revised; (c)(8) added (OMB number pending) **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.101 (a) Footnote 2 revised **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.118 (c) revised **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.201 Revised (OMB number pending) **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.304 Revised (OMB number pending) **65102**
Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.900 Revised (OMB number pending) **65102**
Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.901 (a), (b), (d) and Note 1 revised; (g) added (OMB number pending) **65102**
Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.902 Heading, (b)(3), (4), (5)(i), (f)(1) and (2) revised; (b)(7) and (l) added **65102**
Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.903 (a) and (b)(1) revised; (d) added (OMB number pending) **65103**
Regulation at 63 FR 65103 eff. date corrected to 2-8-99 4054
21.904 Revised **65103**
Regulation at 63 FR 65103 eff. date corrected to 2-8-99 4054

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21.905 (b) revised; (d) added (OMB number pending) **65104**
Regulation at 63 FR 65104 eff. date corrected to 2-8-99 4054
21.906 (a) and (d) revised (OMB number pending) **65104**
Regulation at 63 FR 65104 eff. date corrected to 2-8-99 4054
21.907 Removed **65104**
Regulation at 63 FR 65104 eff. date corrected to 2-8-99 4054
21.908 (b) redesignated as (a); heading and new (a) revised; (c), (d) and (e) removed; new (b) through (e) added **65104**
Regulation at 63 FR 65104 eff. date corrected to 2-8-99 4054
21.909 Revised (OMB number pending) **65105**
Regulation at 63 FR 65105 eff. date corrected to 2-8-99 4054
21.910 Heading, introductory text, (a) and (b) introductory text revised; (d) added **65109**
Regulation at 63 FR 65109 eff. date corrected to 2-8-99 4054
21.913 Revised (OMB number pending) **65109**
Regulation at 63 FR 65109 eff. date corrected to 2-8-99 4054
21.925 (b) revised **65112**
Regulation at 63 FR 65112 eff. date corrected to 2-8-99 4054
21.938 (b) introductory text, (c)(4), (e) and (f) revised **65112**
Regulation at 63 FR 65112 eff. date corrected to 2-8-99 4054
21.940 Added (OMB number pending) **65112**
Second 21.940 correctly redesignated as 21.949 4055
21.949 Correctly redesignated from second 21.940 4055
22.99 Amended **68943**
22.101 Removed **68943**
22.103 Removed **68943**
22.105 Removed **68943**
22.106 Removed **68943**
22.108 Removed **68943**
22.115 Removed **68943**
22.117 Removed **68943**
22.119 Removed **68943**
22.120 Removed **68943**
22.121 Removed **68943**
22.122 Removed **68943**
22.123 Removed **68943**
22.124 Removed **68943**
22.125 Removed **68943**
22.127 Removed **68943**
22.128 Removed **68943**
22.129 Removed **68943**
22.130 Removed **68943**
22.131 (b) introductory text, (1), (c) introductory text, (1) and (2) revised; (d)(3) removed **68943**
22.132 Removed **68943**
22.135 Removed **68943**
22.137 Removed **68943**
22.139 Removed **68943**
22.142 Removed **68943**
22.144 Removed **68943**
22.145 Removed **68944**
22.150 (d) introductory text amended **68944**
22.163 Removed **68944**
22.165 (b) and (e) revised **68944**
22.213 Removed **68944**
Added 33781
22.215 (a) revised 33781
22.217 (a) revised; (b)(4) added 33781
22.219 Removed 33781
22.221 (b) revised **68944**
(b) and (c) revised 33781
22.223 (b)(1)(i), (ii) and (2) amended; (b)(4) and (e) added 33781
22.225 (a)(1), (b)(1), and (e) revised 33782
22.315 Removed **68944**
22.317 Amended **68944**
22.323 (d) revised **68944**
22.352 (c)(6) revised **68944**
22.369 Removed **68944**
22.411 (d)(1) revised **68944**
22.413 (b)(1) revised **68944**
22.415 (b)(1) revised **68944**
22.417 (b)(1) revised **68944**
22.503 (k) revised **68945**
(b)(2), (3), (h), (i), (k)(1) and (2) amended 33782
22.507 (c) revised **68945**
(c) amended 33784
22.509 (c) removed 33784
22.513 Added 33784
22.529 (a) and (b) introductory text amended; (b)(1), (3) introductory text, (i) and (iii) revised **68945**
22.531 (c) revised **68945**
(f) amended 33784
22.539 Introductory text revised **68945**
22.577 (b) amended; (d) revised **68945**

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22.625 (b)(1) revised **68946**
22.627 (b)(1)(i) and (2) revised **68946**
22.657 (a), (d), (e)(1) and (f) revised **68947**
22.659 (b)(1) and (c)(1) revised **68947**
22.709 Introductory text, (b) introductory text, (1) and (2) revised (effective date pending in part) **68948**
22.803 Introductory text, (a) introductory text, (b) introductory text, (1) and (2) revised (effective date pending in part) **68948**
22.821 Removed **68948**
22.859 Introductory text and table revised **68948**
22.873 (a) and (b) revised **68950**
22.875 (d)(7) removed (effective date pending in part) **68951**
22.907 (b) revised **68951**
22.911 (b) amended **68951**
22.921 Added (OMB number pending) 34568
22.929 Revised (effective date pending in part) **68951**
22.935 (a) amended **68951**
22.936 (a) amended **68951**
22.941 (b) amended; (c) revised **68951**
22.944 Removed **68951**
22.946 Introductory text and (b) removed; (a) introductory text revised; (a)(1) redesignated as (b) **68951**
22.947 (b) introductory text amended **68951**
22.953 (a) and (b) revised; (c) added **68951**
22.966 Removed **68952**
24 Order **63612**
24.2 (b) amended **68952**
24.5 Amended **68952**
24.11 (a) revised **68952**
24.18 Removed **68952**
24.202 Introductory text amended **68952**
24.203 (b) amended 26890
24.307 Revised **68952**
24.405 Removed **68952**
24.406 Removed **68952**
24.409 Removed **68952**
24.411 Removed **68952**
24.413 Removed **68952**
24.419 Removed **68952**
24.420 Removed **68952**
24.421 Removed **68952**
24.422 Removed **68953**
24.423 Removed **68953**
24.425 Removed **68953**
24.426 Removed **68953**
24.427 Removed **68953**
24.428 Removed **68953**
24.429 Removed **68953**
24.432 Removed **68953**
24.439 Removed **68953**
24.443 Removed **68953**
24.444 Removed **68953**
24.714 (b)(1) revised **68953**
24.803 Removed **68953**
24.805 Removed **68953**
24.806 Removed **68953**
24.809 Removed **68953**
24.811 Removed **68953**
24.813 Removed **68953**
24.819 Removed **68953**
24.820 Removed **68953**
24.821 Removed **68953**
24.822 Removed **68953**
24.823 Removed **68953**
24.825 Removed **68953**
24.826 Removed **68953**
24.827 Removed **68953**
24.828 Removed **68953**
24.829 Removed **68953**
24.832 Removed **68953**
24.839 (a), (b) and (c) removed; (d) and (e) redesignated as (a) and (b) **68953**
24.844 Removed **68953**
25 Orders 14394
25.200 Added 4997
25.202 (a)(1) table revised 2591
(a)(1) corrected 6565
26.2 (b) amended **68953**
26.4 Amended **56577**, **68953**
26.11 (a) revised **68953**
26.56 Added 71041
26.104 (e) revised **68953**
26.203 Revised **56578**
26.204 Removed **56578**
26.205 Revised **56578**
26.206 Revised **56578**
26.207 Revised **56578**, **68954**
26.208 Revised **56578**
26.209 (b)(2) revised **68954**
26.210 Revised **56578**
26.303 Removed **68954**
26.304 Removed **68954**
26.305 Removed **68954**
26.306 Removed **68954**
26.307 (a) revised **56578**
Removed **68954**

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26.309 Removed **71041**
26.310 Removed **68954**
26.311 Removed **68954**
26.312 Removed **68954**
26.313 Removed **56578**
Removed **68954**
26.314 Removed **68954**
26.315 Removed **68954**
26.316 Removed **68954**
26.317 Revised **56578**
Removed **68954**
26.318 Removed **68954**
26.319 Removed **68954**
26.320 Revised **56578**
Removed **68954**
26.322 Removed **68954**
26.323 (a) revised **68954**
26.324 Removed **68954**
26.325 Removed **68954**
26.326 Removed **68954**
27.3 (b) amended **68954**
27.4 Amended **68954**
27.11 (a) revised **68954**
27.15 (b)(1) revised **68954**
27.59 Removed **68954**
27.61 Removed **68954**
27.62 Removed **68954**
27.207 Removed **68954**
27.301 Removed **68954**
27.303 Removed **68954**
27.304 Removed **68954**
27.306 Removed **68954**
27.307 Removed **68954**
27.310 Removed **68955**
27.311 Removed **68955**
27.312 Removed **68955**
27.313 Removed **68955**
27.314 Removed **68955**
27.315 Removed **68955**
27.316 Removed **68955**
27.317 Removed **68955**
27.319 Removed **68955**
27.320 Removed **68955**
27.322 Removed **68955**
27.324 Removed **68955**
27.325 Removed **68955**
36 Order **63993**
36.601 Amended **64651**
(c) amended 30924
41 Removed 13916
42.10 Added 19725
42.11 Undesignated center heading revised 19725
42.11 (a) revised 19725
43.51 (a), (b), and (e) amended; (f) and (g) added (effective date pending) 34740
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43.61 (c) revised 19061
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52.17 Revised 41331
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54.504 (b)(1), (2)(vii), (3) and (c) amended; (b)(4) revised **70572**
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54.507 (e), (f), (g) introductory text and (1) amended; (c), (g)(2)(i) and (iv) revised **70572**
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54.509 (b) amended; (c) revised **70572**
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54.703 Revised (effective date pending in part) **70573**
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61.38 (a) revised; (b)(3) removed; (g) added 46588
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90.203 (a) introductory text revised; (l) added **64208**
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90.207 (l) amended 36270
90.211 Removed 36270
90.237 (b) removed **68965**
90.241 (c)(7) revised **68965**
90.248 Added **64208**
90.259 Revised **64209**
90.267 (a)(3) revised; (b), (c) and (d) added 36270
90.273 (c) revised **68965**
90.303 Revised **68965**
90.311 (a) table revised 36270
90.350 Revised **68965**
90.365 (a)(1), (b) and (d)(2) revised; (d)(1)(ii) removed; (d)(1)(iii) redesignated as (d)(1)(ii) **68966**
90.437 (c) revised; (d) removed **68966**
90.477 (a) introductory text and (d)(3) revised **68966**
90.501 Revised **68967**
90.521—90.551 (Subpart R) Added **58651**
90.523 Regulation at 63 FR 58651 eff. 1-20-98 3048
90.527 Regulation at 63 FR 58652 eff. 1-20-98 3048
90.545 Regulation at 63 FR 58656 eff. 1-20-98 3048
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90.601 Revised **68967**
90.605 Revised **68967**
90.607 (b)(1) and (c)(1) revised; (d) removed **68967**
90.609 (a) removed **68967**
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90.619 (d)(5) amended **68968**
90.621 Table 1 amended; (b)(3), (e)(5) and (f)(1) revised **68968**
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90.629 (c) amended **68969**
90.631 (d) amended; (f) revised **68969**
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90.659 Removed **68970**
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90.687 Amended **68970**
90.693 (b) and (c) revised **68970**
90.701 (a) revised **68971**
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90.711 (a) introductory text revised; (a)(5) removed **68971**
90.733 (h)(2) revised **68971**
90.737 (d) and (e) revised **68971**
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90.751 Revised **68973**
90.753 (d) and (e) revised **68973**
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90.1019 (d) removed; (e) redesignated as (d); heading, (a), (b), (c) and new (d) revised **68973**
90.1023 (b) introductory text revised **68974**
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95.21 Revised **68974**
95.23 (b) revised; (d) removed **68974**
95.25 (a) introductory text, (d)(2)(i) and (f) revised; (c) removed **68974**
95.29 (a), (b), (e) introductory text and (2) revised; (c) and (d) removed **68974**
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95.129 Revised **68975**
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95.133 Removed **68975**
95.135 (b) removed; (d) revised **68976**
95.137 Removed **68976**
95.139 (b) removed; (c) redesignated as (b) **68976**
95.171 Revised **68976**
95.173 Removed **68976**
95.175 Removed **68976**
95.177 Removed **68976**
95.179 (a) introductory text, (b) introductory text and (1) revised; (f) removed **68976**
95.181 (f) revised; (i) and (j) removed **68976**
95.183 Added **68976**
95.1—95.181 (Subpart A) Appendix A amended; Appendix B removed **68976**
95.192 (b) and (c) removed **68976**
95.217 (b) revised **68976**
95.225 Revised **68976**
95.419 (b) revised **68976**
95.428 Revised **68976**
95.801 Revised **68977**
95.811 (a) revised; (b) amended **68977**
95.815 Revised **68977**
95.816 (c)(2)(ii) revised **68977**
95.817 Removed **68977**
95.819 (c) amended **68977**
95.821 Removed **68977**
95.833 (b) introductory text amended **68977**
95.839 Removed **68977**
95.840 Removed **68977**
95.841 Removed **68977**
97 Nomenclature change **54077**
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97.207 (g) introductory text, (h) and (i) revised **68980**
97.301 (a) introductory text and (b) introductory text revised **68980**
97.505 (a)(10) revised **68980**
97.509 (i) revised **68980**
97.519 (b) introductory text, (1), (2) and (3) revised **68981**
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100.5 Added 5956
101 Rule confirmation **69562**
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101.3 Amended **68981**
101.5 (a) and (c) removed; (b) revised **68981**
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101.31 (a), (c), (d) removed; (b) and (e) redesignated as (a) and (b); heading and new (a)(1)(i), (2), (3) introductory text, (vii), (6) and (b)(1)(v) revised; new (b)(1)(vi) and (3) amended **68981**
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101.56 (a)(2)(ii) amended; (a)(3) removed **68982**
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101.61 Revised (effective date pending) **68982**
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(a) revised; eff. 10–22–99 45893
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101.103 (d)(1) amended **68983**
(i)(1) revised; eff. 10–22–99 45893
101.105 (c)(3) introductory text amended **68983**
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101.129 (b) removed **68983**
101.147 (u)(2) revised; eff. 10–22–99 45893
101.205 (a) and (c) revised **68983**
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101.413 (a) introductory text revised **68983**
101.503 Amended **68983**
101.701 (c) revised (effective date pending) **68983**
101.705 Revised **68984**
101.815 (a)(2) and (b) revised **68984**
101.817 (a) introductory text revised **68984**
101.1009 (a)(1)(iii) and (b) revised **68984**
101.1015 Removed **68984**
101.1017 (a), (b)(2) and (c)(2) revised **68984**
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TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

Chapter 1—Federal Acquisition Regulation (Parts 1—99)

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1.106 Table amended (OMB numbers); interim **58588**
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Regulation at 63 FR 58588 confirmed 32741
2.101 Amended; interim **58591**
4.203 Revised; interim **58588**
Regulation at 63 FR 58588 confirmed 32741
4.500—4.502 (Subpart 4.5) Revised; interim **58592**
4.603 (b) revised 10532
4.900—4.905 (Subpart 4.9) Revised; interim **58589**
Regulation at 63 FR 58589 confirmed 32741

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5.101 (a)(2)(ii) revised; (a)(2)(iv) amended; interim **58592**
5.102 (a)(2) and (7) revised; interim **58592**
5.202 (a)(13) revised; (a)(14) removed; (a)(15) redesignated as (a)(14); interim **58592**
(a)(2) through (12) and (14) amended; interim **58593**
5.203 (b) revised; interim **58592**
Introductory text, (a) introductory text, (c), (d), (e) and (g) amended; interim **58593**
5.205 (d)(2) amended; interim **58593**
5.207 (c)(2)(xi), (e)(3) and (h) amended; interim **58593**
(d) revised; interim **70266**
(c)(2)(xviii) added; (d) revised; interim 10536
5.301 (b)(7) revised; interim **58593**
5.503 (a)(2) revised; interim **58593**
6.205 Added; interim **70267**
6.302–3 (a)(2)(iii) revised **58594**
(a)(2) introductory text, (i) and (ii) amended **58602**
6.302–5 (b)(6) added; interim **70267**
7.105 (b)(1) amended; interim **70267**
8.404 (a) amended; interim **70267**
(a) revised; interim 10536
9.104–3 (b) amended; interim **70267**
9.505 (b)(1) amended 32748
11.104 Redesignated as 11.105; new 11.104 added 32742
11.105 Redesignated as 11.106; new 11.105 redesignated from 11.104; introductory text and (a) amended 32742
11.106 Redesignated from 11.105 32742
11.107 Added 32742
11.703 (a) revised 10538
12.102 (d)(3) and (4) amended; (d)(5) added; interim 32743
12.301 (b)(2) amended; interim **70267**
(b)(3) revised 32748
12.303 (b)(1) amended; interim 10536
12.503 (b)(5) revised 10532
13.003 (c) removed; (d) through (i) redesignated as (c) through (h); new (f) and new (h)(3) revised; interim **58593**
(b)(2) redesignated as (b)(3); new (b)(2) added; interim **70267**
13.005 (a)(9) added; interim **70267**
13.102 (a) introductory text revised; interim **58593**
13.104 (b) amended; interim **58593**
13.105 (a)(1) revised; interim **58593**
13.106–1 (c)(1)(ii) and (f) revised; interim **58593**
13.106–2 (b)(3) introductory text revised; interim **58593**
13.106–3 (e) added; interim **58589**
(c) revised; interim **58593**
Regulation at 63 FR 58589 confirmed 32741
13.201 (d) amended 10539
13.301 (b) amended 10539
13.302–1 (e) revised 10540
13.307 (b)(1) amended; interim **58593**
14.201–6 (b)(2) removed; interim **58589**
(k) removed 10532
Regulation at 63 FR 58589 confirmed 32741
14.205–1 (a) amended; interim **58594**
14.206 Removed; interim **70267**
14.400 Amended; interim **58594**
14.405 (d)(2) amended; (e) removed; (f) redesignated as (e) 10532
14.407–4 (a) amended **58602**
14.502 (b)(5) redesignated as (b)(6); new (b)(5) added; interim **70267**
15.209 (d) removed; interim **58589**
Regulation at 63 FR 58589 confirmed 32741
15.403–1 (c)(4) revised 10545
15.404–1 (a)(7) amended **58602**
15.408 (g) revised **58596**
15.503 (a)(2) revised; interim **70267**
16.504 (a) introductory text and (1) amended; (a)(4)(ii) revised **70282**
16.505 (a)(6)(viii) redesignated as (a)(6)(ix); new (a)(6)(viii) added 10540
(b)(1) revised; (b)(2), (3), and (4) redesignated as (4), (5), and (6); new (b)(2) and (3) added; (b)(4)(i) and (ii) revised 32746
19.000 (a)(3) and (8) revised; interim **70268**
(a)(8) and (9) amended; (a)(10) added; interim 10536
19.001 Amended; interim **70268, 71723**
Amended; interim 10536
Amended 36223
19.101 (g)(2) amended; interim 32743
19.102 (f)(4) amended **58602**
(g) amended **70292**

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(g) redesignated as (h); new (g) added; interim 10536
19.201 (b) amended **56738**
(a) and (c) amended; (d)(4), (6), (7)(ii), (8) and (9) revised; interim **70268**
19.202 Amended; interim **70268**
19.202–2 Introductory text revised; (a) amended; interim **70268**
19.202–4 Introductory text revised; interim **70268**
19.202–5 (a) and (b) revised; interim **70268**
19.202–6 Introductory text removed; (a) revised; interim **70268**
19.301—19.306 (Subpart 19.3) Heading revised; interim **70268**
19.301 (d) amended; interim **70268**
19.302 (a) revised; interim 32743
19.304 (c)(1) revised 36223
19.306 (b) amended **56738**
Redesignated as 19.307; new 19.306 added; interim **70269**
19.307 Redesignated from 19.306; heading and (a) revised; interim **70269**
19.402 (c)(1) revised; interim **70269**
19.501 (a) and (b) amended; (c) through (g) redesignated as (d) through (h); new (c) added; new (d) and new (h) revised; interim **70269**
19.502–1 Revised; interim **70270**
19.502–2 Heading revised; (a), (c) and (d) amended; interim **70270**
(a) amended; interim 10536
19.502–4 (a) amended; interim **70270**
19.502–5 (b), (c) and (g) amended; interim **70270**
(e) amended **70292**
19.503 Heading revised; (a), (b), (c) introductory text and (d) amended; interim **70270**
19.506 Heading, (a) and (c) revised; (b) amended; interim **70270**
19.507 Heading revised; (a) amended; interim **70270**
19.701—19.708 (Subpart 19.7) Heading revised; interim **70270**
19.702 Introductory text and (b)(4) revised; interim **70270**
19.703 (a) introductory text and (1) revised; (b) amended; interim **70270**
(b) revised; interim **71723**
(b) amended 36223
19.704 (a)(1), (2), (3), (6), (8), (9) and (11) revised; (b) amended; interim **70271**
19.705–2 (d) amended; interim **70271**
19.705–4 (b), (c), (d)(1) and (6) amended; (d)(5) revised; interim **70271**
19.705–6 (a) and (b) revised; interim **70271**
19.705–7 (f) introductory text revised; (a) and (d) amended; interim **70272**
19.706 (b) and (c) revised; interim **70272**
19.708 Heading and (b) revised; (a) introductory text, (c)(1), (2) and (3) amended; (b) revised; interim **70272**
19.800 (d) added; interim **70272**
(d) redesignated as (e); new (d) and (f) added; interim 32743
19.802 Amended; interim 32744
19.803 (c) amended; interim **70272**
(c) amended 32748
19.804–2 (a)(12) revised; interim **70272**
(a)(5), (8), (9), (12), (13), and (14) revised; (a)(15) redesignated as (a)(16); new (a)(15) added; interim 32744
19.804–3 (a) revised; (c) and (d) added; interim 32744
19.804–4 Revised; interim 32744
19.804–5 Added; interim 32744
19.804–6 Added; interim 32744
19.805–1 (a)(2) amended; (b)(2) and (d) revised; interim 32744
19.805–2 (a) removed; (b) through (e) redesignated as (a) through (d); new (a) and new (d) amended 32745
19.806 (c) amended; interim 32745
(a) amended 32748
19.808–2 Revised; interim 32745
19.809 Revised; interim 32745
19.810 (a) and (b) revised; interim 32745
19.811–1 (c) introductory text amended; (d) added; interim 32745
19.811–2 (a) introductory text amended; interim 32745

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19.812 (d) revised; interim 32745
19.901—19.905 (Subpart 19.9) Added; interim 10536
19.1004 Amended **58602**
19.1006 (b)(1) amended; interim **70272**
19.1102 (b) revised; interim **70272**
Revised 36223
19.1103 (a)(2) through (5) and (b) revised 36223
19.1104 Amended; heading revised 36223
19.1202–2 (b)(1) revised; interim **70272**
19.1202–3 Introductory text revised 36224
19.1202–4 (c) added; interim **71723**
(c) removed 36224
19.1301—19.1308 (Subpart 19.13) Added; interim **70272**
22.609 Revised 32748
22.800 Amended **70283**
22.801 Revised **70283**
22.802 (a) and (b) amended **70283**
(b) and (c) amended **70285**
22.803 (b) amended; (d) revised **70283**
(a)(1), (2) and (b) amended **70285**
22.804–1 Revised **70284**
22.804–2 (b) amended **70284**
22.805 (a)(4) through (8) redesignated as (a)(5) through (9); (a) introductory text, (1), (2), (3) and new (5) introductory text, (ii), (v) and (6) through (9) revised; new (a)(4) added; (b) amended **70284**
22.806 Revised **70284**
22.807 (a)(1), (b)(1), (3) and (6) amended; (a)(2), (b)(5), (c) and (d) introductory text revised; (d)(2) removed **70284**
(a) introductory text, (b)(2), (3) and (4) amended **70285**
22.808 Amended **70285**
22.809 Introductory text, (a) and (d) amended **70285**
Introductory text, (c) and (d) amended **70285**
22.810 (a), (c) and (e) revised; (b) and (f) amended; (g) removed; (h) redesignated as (g) **70285**
22.1200 Amended 10546
22.1201 Amended 10546
22.1202 Amended 10546
22.1203–1 (b)(1) amended 10546
22.1400—22.1408 (Subpart 22.14) Regulation at 63 FR 34074 confirmed **58599**
22.1400 Regulation at 63 FR 34074 confirmed **58599**
22.1401 Regulation at 63 FR 34074 confirmed **58599**
22.1402 Regulation at 63 FR 34074 confirmed **58599**
22.1403 Regulation at 63 FR 34074 confirmed **58599**
22.1404 Regulation at 63 FR 34074 confirmed **58599**
22.1405 Regulation at 63 FR 34074 confirmed **58599**
22.1406 Regulation at 63 FR 34074 confirmed **58599**
22.1407 Regulation at 63 FR 34074 confirmed **58599**
22.1408 Regulation at 63 FR 34074 confirmed **58599**
24.202 (c) added **58594**
25.402 (b) amended 10549
26.103 (a), (b) and (e) amended 10532
26.104 (a) amended; interim **70274**
26.304 Revised 36224
27.404 (d)(2) and (e)(3) amended 10532
27.409 (g) amended 10532
31.001 Amended **58596**
31.201–5 Amended **58596**
31.205–1 (d) revised 10547
31.205–5 Removed **58599**
31.205–6 (j)(1) through (6) revised **58597**
Regulation at 63 FR 9067 confirmed; (k) heading and (p)(2)(ii) revised; (p)(2)(iv) added **70287**
(p) introductory text amended; (p)(2)(ii)(A), (B) and (C) redesignated as (p)(2)(ii)(A)(*1*), (*2*) and (*3*); new (p)(2)(ii)(A) introductory text and (B) added 10548
(o)(6) amended 32748
31.205–34 (a) introductory text and (b) revised; (c) removed 10547
31.205–47 (b) introductory text and (e)(3) revised; (c) redesignated as (c)(1); (c)(2) added **58600**
31.1103 (a) amended; interim **58594**
32.703–3 Revised **58601**
32.705–1 (b) revised **58603**

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32.805 (a) revised 10533
32.905 (a) introductory text revised **58602**
32.908 (a)(3) and (c)(3) added **58602**
(a)(3) and (c)(3) amended **70292**
32.1100—32.1110 (Subpart 32.11) Revised 10540
33.104 (e) amended **58603**
33.201 Amended **58594**
33.204 Amended **58595**
33.207 (a) revised **58595**
33.214 (a)(3) and (4) amended; (a)(5) removed; (b) revised; (f) and (g) added **58595**
36.601–4 (a)(4) amended **58603**
(a)(4) amended 32747
37.106 (b) revised **58601**
37.602–1 (a) amended 32742
37.602–3 Amended **70292**
39.101 Existing paragraph redesignated (b); (a) added 32748
41.103 (a)(2) and (3) amended **58603**
41.201 (e) amended 10533
42.203 Amended **70292**
Amended 32748
44.302 Revised **70288**
44.303 Introductory text revised **70288**
46.202–4 Revised **70289**
46.311 Revised **70289**
46.402 (e) and (g) removed; (f) and (h) redesignated as (e) and (f); new (e) amended **70290**
48.104–3 Regulation at 63 FR 34079 confirmed **70291**
52.204–3 Revised; interim **58589**
Regulation at 63 FR 58589 confirmed 32741
52.204–5 Revised 10533
Corrected 30103
52.204–6 Amended 32749
52.211–6 Added 32742
52.211–16 Introductory text revised 10538
52.212–1 Amended 32749
52.212–3 Amended; interim **58590, 70274**
Amended **70285**
Amended 10533, 32749, 36224
Regulation at 63 FR 58590 confirmed 32741
52.212–4 Amended 10542
52.212–5 Regulation at 63 FR 34075 confirmed **58599**
Amended **58603, 70292**
Amended; interim **70274**
Amended; interim 10537
Amended 10542
52.213–4 Regulation at 63 FR 34075 confirmed **58599**
Amended 10542
Amended 32749
52.214–2 Removed; interim **58590**
Regulation at 63 FR 58590 confirmed 32741
52.214–17 Removed 10533
52.214–21 Amended; introductory text revised 10533
52.215–2 Amended 32749
52.215–4 Removed; interim **58590**
Regulation at 63 FR 58590 confirmed 32741
52.215–15 Revised **58598**
52.219–1 Amended; interim **70274**
Amended 10533, 32749
52.219–2 Introductory text amended; interim **70274**
52.219–3 Added; interim **70274**
52.219–4 Added; interim **70275**
52.219–5 Added; interim 10537
52.219–8 Revised; interim **70275**
Amended; interim **71723**
Amended; interim 3196, 10549
Amended 32749, 36224
52.219–9 Amended; interim **70276**
Amended **70293**
Amended 36224
52.219–10 Amended; interim **70277**
52.219–14 Introductory text revised 32749
52.219–16 Amended; interim **70277**
52.219–18 Amended; interim 32745
52.219–21 Amended 10533
52.219–22 Introductory text amended; interim **70277**
Amended 32749, 36224
52.219–23 Amended 36224
52.219–25 Amended; interim **71723**
Amended 36225
52.222–21 Revised **70285**
52.222–22 Amended; introductory text revised **70286**
52.222–23 Amended; heading and introductory text revised **70286**
52.222–24 Revised **70286**
52.222–25 Introductory text revised **70286**
52.222–26 Amended; introductory text revised **70286**
52.222–27 Amended; introductory text revised **70286**
52.222–28 Removed **70286**
52.222–29 Revised **70286**

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52.222–36 Regulation at 63 FR 34075 confirmed **58599**
52.222–37 Amended **70293**
52.222–50 Amended 10546
52.226–1 Amended; interim **70277**
Amended 10533
52.227–15 Revised 10533
52.228–8 Amended; introductory text revised 10534
52.228–9 Revised 10534
52.232–12 Amended; introductory text revised 10534
52.232–33 Revised 10542
52.232–34 Revised 10543
52.232–35 Added 10544
52.232–36 Added 10544
52.232–37 Added 10544
52.232–38 Added 10544
52.233–1 Amended **58595**
52.241–1 Revised 10534
52.244–6 Amended **58603**
52.246–11 Revised **70289**
52.247–48 Revised **70292**
53.214 (c) amended 32749
53.215–1 (c) amended 32749
53.219 (a) revised; (b) amended; interim **70277**
53.228 (h) and (i) revised **58603**
(a), (b), (c), (e), (j) and (m) revised **70293**
(n) revised 10549
53.301–24 Revised **70293**
53.301–25 Revised **70296**
53.301–25A Revised **70298**
53.301–28 Revised **70300**
53.301–273 Revised **58603**
53.301–274 Revised **58605**
53.301–275 Revised **70302**
53.301–294 Revised; interim **70277**
53.301–295 Revised; interim **70280**
53.301–1416 Revised **70304**
53.301–1418 Revised 10549

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201.103 Redesignated as 201.104 39430
201.104 Redesignated as 201.105; new 201.104 redesignated from 201.103 39430
201.104–3 Removed 39430
201.105 Redesignated from 201.104 39430
201.105–3 Added 39430
201.304 (6) revised 39430
201.402 (1) introductory text and (i) revised; (3)(iii) amended 8727
202.101 Amended 43096
203.570 Revised 14398
203.570–2 Revised 14398
203.570–5 Revised 14398
204.101 (a)(i) revised **69006**
204.203 Added 43098
204.404–70 (c) added 45197
204.602–70 Removed 43099
204.603 Added 43099
(2)(ii) corrected 46474
204.670–2 (c) revised 2595
Revised 45197
204.670–9 Removed 45198
204.804–1 Amended 2596
204.902—204.905 (Subpart 204.9) Revised 43099
204.902 Heading corrected 46474
204.7200 Revised 43099
Heading corrected 46474
204.7201 Revised 43099
204.7202 Revised 43100
204.7202–1 Revised 43100
204.7202–2 Revised 43100
204.7202–3 Revised 43100
204.7203 Revised 43100
204.7204 Revised 43100
(b) corrected 46474
204.7302 Revised 43100
204.7303 Revised 43100
(b) introductory text and (1) corrected 46474
204.7304 Revised 43101
206.302–4 Revised **67803**
207.471 Added 31732
208.405–2 Revised 2596
208.7204 (a) revised 2596
208.7305 (a)(3) revised 2596
209.104–1 Regulation at 63 FR 14837 confirmed **64427**
209.104–70 Regulation at 63 FR 14837 confirmed **64427**
209.405–2 Regulation at 63 FR 14837 confirmed **64427**
209.409 Regulation at 63 FR 14837 confirmed **64427**
209.471 Added 31733
211.201 (b) amended; (d) introductory text revised 8727
211.273–2 (b) revised 14399
211.273–3 Revised 14399
212.301 (Subpart 212.3) Added 43101
212.301 (f)(ii) amended; (f)(v) added; interim 8728

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(b)(2) added 43101
212.503 (c)(ii) amended **55040**
213 Regulation at 63 FR 33587 confirmed **64427**
Revised 2596
213.106–3 (Subpart 213.1) Added 43101
213.302–5 Revised 24528
215 Revised **55041**
215.304 Revised; interim **64428**
215.404–4 (b)(1) introductory text, (c)(2) introductory text, (A) and (B) revised **63799**
215.404–72 Revised **63799**
215.404–75 Redesignated as 215.404–76; new 215.404–75 added **63800**
215.404–76 Redesignated from 215.404–75 ..... **63800**
216.203–4 (a) introductory text amended; (a)(i) and (b)(i) revised 2597
217.170 Revised 43096
217.171 Revised 43097
217.172 Revised 43097
217.173 Revised 43097
217.174 Revised 43097
217.401 Revised; interim **64429**
217.500 Added 14400
217.7103–3 (b) revised **55052**
(b) correctly revised **56290**
217.7103–4 Revised **55052**
217.7302 (b) revised 2597
217.7404–3 (a) introductory text and (1) revised **67803**
217.7404–5 (b) revised **67804**
217.7406 (b) amended **55052**
217.7504 (a)(2) revised 2598
219.001 Revised; interim **64429**
219.201 (c) and (d) redesignated as (d) and (e); new (d)(9)(A) revised 2598
219.702 Regulation at 63 FR 14640 confirmed **64427**
219.708 (c)(1) revised; (c)(2) removed; interim **64429**
219.800 Regulation at 63 FR 33587 confirmed **64427**
219.804–2 Regulation at 63 FR 33587 confirmed **64427**
219.804–3 Regulation at 63 FR 33587 confirmed **64427**
219.805 Regulation at 63 FR 33588 confirmed **64427**
219.805–2 Regulation at 63 FR 33588 confirmed **64427**
219.806 Regulation at 63 FR 33588 confirmed **64427**
219.808 Regulation at 63 FR 33588 confirmed **64427**
219.808–1 Regulation at 63 FR 33588 confirmed **64427**
219.811 Regulation at 63 FR 33588 confirmed **64427**
219.811–1 Regulation at 63 FR 33588 confirmed **64427**
219.811–2 Regulation at 63 FR 33588 confirmed **64427**
219.811–3 Regulation at 63 FR 33588 confirmed **64427**
219.812 Regulation at 63 FR 33588 confirmed **64427**
219.1006 (d) amended 45198
219.1203—219.1204 (Subpart 219.12) Added; interim **64429**
222.101–3 Revised 28109
222.101–3–70 (b) introductory text revised 28109
223.570–4 (b) revised 2598
223.7000—223.7002 (Subpart 223.70) Removed **67804**
225.74 Regulation at 63 FR 31937 confirmed 24530
225.105 (5)(ii)(B) revised 2598
225.408 (a)(ii) and (iv) amended 8730
225.770–3 (a) revised 2598
225.771 Added; interim 8728
225.771–1 Added; interim 8728
225.771–2 Added; interim 8728
225.771–3 Added; interim 8728
225.771–4 Added; interim 8728
225.872–3 (g) amended **55052**
225.872–6 (c) introductory text amended **55052**
225.7002–2 (k) added; interim 2599
(j) revised; (k) removed 24529
225.7005 Regulation at 63 FR 43888 confirmed **64427**
225.7007–4 Regulation at 63 FR 43888 confirmed **64427**
225.7010–3 Regulation at 63 FR 43888 confirmed **64427**
225.7016–1 Regulation at 63 FR 43888 confirmed **64427**
225.7016–2 Regulation at 63 FR 43888 confirmed **64427**
225.7016–3 Regulation at 63 FR 43888 confirmed **64427**
225.7019–1 Regulation at 63 FR 43888 confirmed **64427**

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225.7019–3 Regulation at 63 FR 43888 confirmed **64427**
225.7022–1 Regulation at 63 FR 43888 confirmed **64427**
225.7022–2 Regulation at 63 FR 43888 confirmed **64427**
225.7022–3 Regulation at 63 FR 43888 confirmed **64427**
225.7303–2 (c) introductory text amended 8729
226.7007 (b) revised; interim **64429**
227.7203–10 (a)(1) amended **55052**
228.370 (f) revised **69006**
230 Heading revised 8727
230.7002 (b) amended **55052**
230.7004–1 Heading and (a) amended **55052**
230.7103 Amended **55052**
231.205–6 Regulation at 63 FR 63036 confirmed **64427**
231.205–18 Revised 8729
231.205–70 Regulation at 63 FR 7309 confirmed **64427**
(f) added 18828
232.501 Revised 8731
232.501–1 (a)(iii) removed 8731
232.501–2 Amended 8731
232.502–1–71 Removed 8731
232.502–4–70 (b) removed; (c) redesignated as (b) 8731
232.703–3 Added 28110
232.905 (f)(6) revised **69007**
232.1101—232.1103 (Subpart 232.11) Removed 18829
235.006 Revised; interim 18830
235.006–70 Added; interim 18830
235.015–71 Removed **69007**
235.7000—235.7003–4 (Subpart 235.70) Regulation at 63 FR 34605 confirmed **64427**
236.102 Regulation at 63 FR 11538 confirmed **64427**
236.274 Regulation at 63 FR 11538 confirmed **64427**
236.570 Regulation at 63 FR 11538 confirmed **64427**
236.601 (1)(ii) amended **69008**
236.602–1 (a)(i)(6)(C) revised; interim **64430**
237.106 Revised **67805**
Revised 28110
237.201 Revised 39430
237.203 (2) revised 39431
237.270 Correctly removed; CFR correction **54078**
237.270–1 Correctly removed; CFR correction **54078**
237.270–2 Correctly removed; CFR correction **54078**
237.270–3 Correctly removed; CFR correction **54078**
237.270–4 Correctly removed; CFR correction **54078**
237.271 Revised 39431
237.7204 Amended **55052**
237.7302 Amended 2598
242.203 (a)(ii)(P) and (Q) amended; (a)(i)(R) removed 2598
242.771 Revised; interim 8729
242.771–1 Revised; interim 8729
242.771–2 Revised; interim 8729
242.771–3 Revised; interim 8729
242.7205 (b)(4)(iv) amended **55052**
246.370 (b)(1) revised 2598
247.271–3 (b)(1) and (2)(iv)(B) revised 2598
247.572–2 (f)(3)(i) amended; (f)(3)(ii) revised **55052**
247.573 (a), (b) and (c) revised 2598
252.203–7001 Amended; heading revised 14398
252.204–7001 Revised 43101
252.204–7005 Added 45197
252.209–7001 Regulation at 63 FR 14837 confirmed **64427**
252.209.7004 Regulation at 63 FR 14837 confirmed **64427**
252.211–7005 Revised 14399
(b) corrected 28875
252.212–7001 Amended; interim **64430**
252.215–7000 Introductory text amended **55052**
252.215–7002 Amended; introductory text revised **55052**
252.217–7027 Amended **55052**
252.219–7005 Amended **55052**
Removed; interim **64430**
252.219–7009 Regulation at 63 FR 33588 confirmed **64427**
252.219–7010 Regulation at 63 FR 33588 confirmed **64427**
252.219–7011 Regulation at 63 FR 33588 confirmed **64427**
252.223–7005 Removed **67804**
252.225–7007 Amended 8730
252.225–7012 Amended; interim 2599
Amended 24529
252.225–7016 Regulation at 63 FR 43889 confirmed **64427**
252.225–7017 Added; interim 8728
252.225–7021 Amended 8730

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252.225–7029 Regulation at 63 FR 43889 confirmed....64427
252.225–7043 Regulation at 63 FR 31937 confirmed....24530
252.228–7006 Amended....69006
252.232–7003 Removed....8731
252.232–7004 Introductory text revised....8731
252.232–7009 Removed....18829
252.235–7004 Removed....39431
252.235–7005 Removed....39431
252.235–7006 Removed....39431
252.235–7007 Removed....39431
252.235–7008 Removed....39431
252.235–7009 Removed....39431
252.236–7010 Regulation at 63 FR 11544 confirmed....64427
252.236–7012 Regulation at 63 FR 11544 confirmed....64427
252.243–7000 Amended....55052
253 Note amended....69007
Note amended....8727, 28109
253.204–70 (b)(6)(i) introductory text amended....55052
(b)(5)(ii)(A), (B)(*1*), (13)(i)(A), (B) introductory text, (C), (E), (G), (iv)(I), (14)(iii), (iv), (d)(5)(vi), (e)(1), (2) and (3) amended....60217
Regulation at 63 FR 33589 confirmed....64427
(d)(5)(iv)(A)(*2*) amended....2598
(b)(5)(ii)(F)(3) revised....43101
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253.204–71 Regulation at 63 FR 33589 confirmed....64427
(a)(3) introductory text, (g)(2)(ii)(C) and (i)(1) revised....2598
(g) revised....45206
253.213 (e) redesignated as (f); heading and new (f) introductory text and (1) revised....2599
253.213–70 (e) amended....2600
253.215–70 (a), (b)(4), (c)(12) and (14) revised; (b)(7) removed; (b)(8) and (9) redesignated as (b)(7) and (8); (c)(15) and (16) amended....55052
(b)(4) amended....63800
Chapter 2 Appendix I amended; interim....64430
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453.213 Amended; eff. 10–22–99....45895

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516.505 (a) revised; interim....4789
542.302 (b)(5) revised; interim....4789
552.216–73 Amended; interim....4789
552.219–72 Revised....15306
552.219–73 Revised....15306
552.219–74 Revised....15307
552.238–72 Amended; interim....4789
552.238–76 Amended; interim....4789
552.243–72 Amended; interim....4789

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601.105–3 Added....43619
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601.602–3 Removed....43620
601.602–3–70 Removed....43620
601.603–3 (a) heading and (d) added; (a) amended; (b) revised....43620
601.603–70 (a)(1) introductory text, (2), (3), (7), (8), (b) introductory text and (1) through (6) amended; (a)(3) heading and (9) revised; (b)(7) added....43620
601.670 Removed....43620
602.101–70 Amended....43620
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603.203 Removed....43621
603.303 (Subpart 603.3) Removed....43621
603.405 Added....43621

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603.408 Removed....43621
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603.670 Removed....43621
603.905—603.906 (Subpart 603.9) Added....43621
604.202 (Subpart 604.2) Removed....43621
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604.502 (Subpart 604.5) Added....43621
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605.202–70 (a) amended....43621
605.207 Removed....43621
605.303 (a) amended....43621
606.101—606.101–70 (Subpart 606.1) Removed....43621
606.302–6 (c)(1) introductory text and (c)(1)(vi) amended....43621
606.304 (a)(2) amended....43621
606.501 (b) amended....43622
606.570 Revised....43622
608 Removed....43622
609.206 Added....43622
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609.404 Heading revised....43622
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609.406–3 (a)(1) and (b)(7) revised....43622
609.5 Heading revised....43622
610 Removed....43622
611 Added....43622
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614.404–1 (f) added....43623
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614.407 Redesignated from 614.406....43623
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616.506–70 Redesignated from 616.505–70....43624
616.603—616.603–2 (Subpart 616.6) Removed....43624
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617.503 Added....43624
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619 Heading revised....43624
619.201 (d)(5) amended; (d)(18) revised....43624
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619.505 Heading revised....43624
619.705—619.708–70 (Subpart 619.7) Heading revised....43624
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622.1303—622.1308 (Subpart 622.13) Heading revised....43626
622.1403—622.1402 (Subpart 622.14) Heading revised....43626
623.400—623.404 (Subpart 623.4) Revised....43626
625.901—625.903 (Subpart 625.9) Removed....43626
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626 Added....43627
628.305 (b) introductory text revised; (b)(1), (2), and (3) removed....43627
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631.205—231.205–6 (Subpart 631.2) Added....43627
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632.114 (Subpart 632.1) Added....43627
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632.803 (b) amended 43628
633.102 Amended 43628
633.103 Revised 43628
633.104 Revised 43628
633.105 Removed 43628
633.211 Removed 43628
633.214–70 (c) introductory text and (c)(2), (4), (5), and (6)(iii) amended 43628
633.270–1 Amended 43628
633.270–2 Amended 43628
633.270–3 Amended 43628
634.001 Removed 43628
634.001–70 Removed 43628
634.002 Removed 43628
634.003 (a) amended 43628
634.005–6 Amended 43628
636.101–70 Amended 43628
636.513 (Subpart 636.5) Added 43628
636.602–1 Added 43628
637.104–70 Heading revised; (g) and (h) amended; (i) added 43629
637.106 Removed 43629
637.110 (c) amended 43629
637.204 (Subpart 637.2) Added 43629
639 Removed 43629
641 Added 43629
642 Heading revised 43629
642.270—642.271 (Subpart 642.2) Heading revised 43629
642.271 Revised 43629
642.703—642.703–2 (Subpart 642.7) Added 43629
643.102–70 (a) designation and (b) removed 43629
643.104 Added 43629
643.104–70 Added 43629
644 Added 43629
645.403 (Subpart 645.4) Added 43629
646 Removed 43629
647.207—647.207–7 (Subpart 647.2) Added 43629
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652.203–70 Removed 43629
652.203–71 Removed 43629
652.204–70 Removed 43629
652.204–71 Removed 43629
652.206–70 Revised 43629
652.214–70 Removed 43630
652.214–71 Removed 43630
652.216–70 Introductory text revised 43630
652.216–71 Revised 43630
652.219–71 Added 43630
652.223–70 Removed 43631
652.223–71 Removed 43631
652.223–72 Removed 43631
652.223–73 Removed 43631
652.223–74 Removed 43631
652.223–75 Removed 43631
652.223–76 Removed 43631
652.223–77 Removed 43631
652.223–78 Removed 43631
652.225–70 Added 43631
652.225–71 Added 43631
652.226–70 Added 43631
652.228–70 Introductory text revised 43632
652.228–71 Revised 43632
652.228–72 Removed 43632
652.228–73 Removed 43632
652.228–74 Revised 43632
652.228–75 Removed 43632
652.228–76 Revised 43632
652.228–77 Removed 43632
652.229–70 Introductory text revised 43633
652.229–71 Added 43633
652.232–70 Amended 43633
652.232–71 Amended 43633
652.232–72 Added 43633
652.236–70 Added 43633
652.237–71 Amended 43634
652.237–72 Amended 43634
652.242–70 Amended 43634
652.242–71 Introductory text revised 43634
652.242–72 Introductory text revised 43634
652.242–73 Added 43634
652.243–70 Added 43634
652.246–70 Removed 43634
653.213–70 Removed 43634
653.219 Heading revised 43634
653.219–70 Revised 43634

Chapter 7—Agency for International Development (Parts 700—799)

701.105 (a) amended; (c) revised 16648
701.301—701.303 (Subpart 701.3) Revised 42040
701.601—701.603–70 (Subpart 701.6) Heading revised 42041
701.601 (a) and (b) redesignated as (b) and (c); new (a) added; new (c)(1) removed; new (c)(2), (3) and (4) redesignated as (c)(1), (2) and (3) 42041
701.602–3 Amended 42040

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702.170–9 Amended 42041
702.170–13 Revised 42041
702.170–14 Removed 42041
702.170–17 Revised 42041
703.104–5 Revised 16648
703.104–10.1 Added 16648
703.104–11 Removed 42041
705.502 Added 5006
(a) amended 42042
706.302–70 (b)(4) amended 42042
706.501 Amended 5006, 42040
709.403 Amended 42040
709.503 Amended 5006
Revised 42042
709.507–2 (c) revised 5006
714.406–3 Amended 42040
714.406–4 Amended 42040
715.303–70—715.370–2 Designated as Subpart 715.3 16648
715.303–70 Redesignated from 715.604–70; (b)(3) revised 16648
715.305 Added 16648
(c) corrected 25405
715.370 Added 16649
715.370–1 Redesignated from 715.613–70 16648
Corrected 19217
715.370–2 Redesignated from 715.613–71 16648
715.413–2 (Subpart 715.4) Removed 16648
715.502 Redesignated as 715.602 16648
715.504 Redesignated as 715.604 16648
715.506 Removed 16648
715.506–1 Removed 16648
715.602—715.604 Designated as Subpart 715.6 16648
715.602 Redesignated from 715.502 16648
(b) and (c) revised 16649
(b) correctly designated 25405
715.604 Redesignated as 715.304; new 715.604 redesignated from 715.504 16648
Heading and (a) revised; (c) added 16649
715.604–70 Redesignated as 715.303–70 16648
715.605 Removed 16648
715.613–71 Redesignated as 715.370–2 16648
716.303 (c) amended 42042
716.306 Removed 42042
716.406 Added 5007
719 Heading revised 42042
719.271–6 (a)(3) amended 42042
722.805–70 (Subpart 722.8) Revised 5007
(e) corrected 18481
726.7005 Amended 42040
731.205–6 (b) added; (d) removed 5008
731.205–71 Added 16649
731.371 (b)(1) revised 5008
732.402 (e)(1) revised 5008, 42042
732.406–72 (b)(2) amended 42042
732.406–73 Existing text designated as (a); (b) added 5008
(b) corrected 18481
733.101 (a) removed; (b) and (c) redesignated as (a) and (b) 42042
733.103–71 Amended 42040
733.103–72 Amended 42040
733.103–73 Amended 42040
734.002–70 Amended 42040
745 Added 5008
747 Added 5008
749.111–70 Amended 42040
749.111–71 Amended 42040
750.7101 Amended; (a) designation and (b) removed 42042
750.7105 Amended 42040
750.7110–1 Amended 42042
750.7110–2 Amended 42040
750.7110–3 Amended 42040
750.7110–4 Amended 42040
752.202–1 Amended 42042
752.204–2 Amended 5008
752.209–71 Introductory text revised 5008
752.216–70 Added 5008
752.231–71 Added 16649
752.245–71 Amended 5009
752.247–70 Added 5009
752.7003 Amended 5009
752.7005 Added 5010
(b)(2)(iv) corrected 18481
752.7018 Revised 5010
752.7019 Revised 5011
752.7026 Removed 42042

Chapter 8—Department of Veterans Affairs (Parts 800—899)

801.000 Amended **69217**
801.101 (a) amended **69217**
801.102 Redesignated as 801.103 ..... **69217**
801.103 Redesignated as 801.104; new 801.103 redesignated from 801.102 and amended **69217**
801.104 Redesignated from 801.103; (a) amended **69217**

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801.301–70 (b)(2) amended **69217**
801.303 Heading revised **69217**
801.601—801.690–6 (Subpart 801.6) Heading revised **69217**
801.602–3 (a)(2) and (b)(2) amended **69217**
801.603–71 (b) amended; (c), (d) and (e) removed **69217**
801.670–1 Amended **69217**
801.670–2 (a)(1) removed; (a)(2) and (3) redesignated as (a)(1) and (2) **69217**
801.670–3 (a) amended **69217**
801.670–4 (a)(1), (2), (b)(1), (2) and (c) amended **69217**
801.670–5 (a)(3) through (6), (8), (9) and (b) amended **69218**
801.680 (c) and (d) amended **69218**
801.690–3 (c) introductory text, (1) and (2) amended **69218**
801.690–4 (c)(1)(i) amended; (c)(3)(ii) revised **69218**
801.690–6 (b) amended **69218**
803.101–3 (b) amended **69218**
(c) removed 30442
803.405 Redesignated from 803.409 ..... **69218**
803.409 Redesignated as 803.405 ..... **69218**
803.7000 Introductory text amended **69218**
805.205 Amended **69218**
806.302–3 Amended **69218**
806.302–5 (a), (b), (c) introductory text, (1), (2), (4), (5) and (6) amended; (c)(3) revised **69218**
806.304 (a)(1)(i) and (2)(i) amended **69218**
806.501 (b) amended **69218**
806.570 Heading revised; introductory text amended **69218**
808.001 (a)(4) amended **69219**
808.401 Amended **69219**
808.404–1 (a) and (b) amended **69219**
808.404–3 Amended **69219**
814.201 (a) amended **69219**
814.304–4 Amended **69219**
814.403 Amended **69219**
814.404–1 (b) amended **69219**
814.404–70 Amended **69219**
814.406 Redesignated as 814.407 ..... **69219**
814.406–3 Redesignated as 814.407–3 ..... **69219**
814.406–4 Redesignated as 814.409–4 ..... **69219**
814.407 Redesignated as 814.408; new 814.407 redesignated from 814.406 ..... **69219**
814.407–3 Redesignated from 814.406–3; (a), (b) and (c) amended **69219**
814.407–70 Redesignated as 814.408–70 ..... **69219**
814.407–71 Redesignated as 814.408–71 ..... **69219**
814.408 Redesignated as 814.409; new 814.408 redesignated from 814.407 ..... **69219**
814.408–70 Redesignated from 814.407–70 ..... **69219**
814.408–71 Redesignated from 814.407–71 ..... **69219**
814.409 Redesignated from 814.408 ..... **69219**
814.409–4 Redesignated from 814.406–4; (a), (b) and (c) amended **69219**
817.102 Redesignated as 817.105 ..... **69219**
817.102–1 Redesignated as 817.105–1 ..... **69219**
817.105 Redesignated from 817.105 ..... **69219**
817.105–1 Redesignated from 817.105–1; (b)(2) and (c) amended **69219**
819 Authority citation revised **69219**
819.201 (a), (b) and (d) amended **69219**
819.202–5 (c) introductory text, (g) and (h) amended; (c)(6) removed; (c)(7) through (12) redesignated as (c)(6) through (11) **69219**
819.202–70 Introductory text, (a), (c), (j) and (k) amended **69220**
819.502–2 (b) removed; (c) and (d) redesignated as (b) and (c) **69220**
819.502–3 Revised **69220**
819.602–3 (a) through (d) amended **69220**
819.800 Redesignated from 819.801; (b) and (d) amended **69220**
819.801 Redesignated as 819.800 ..... **69220**
819.804 Amended; heading revised **69220**
819.806 Redesignated from 819.806–3 and heading revised **69220**
819.806–2 Redesignated as 819.807 ..... **69220**

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819.806–3 Redesignated as 819.806 ..... **69220**
819.807 Redesignated from 819.806–2; heading revised; (b) amended **69220**
819.807–70 Amended; heading revised **69220**
819.7004 Amended **69220**
822.478 (a), (b) and (c) amended **69220**
825 Authority citation revised **69220**
825.102–70 (b) and (c) amended **69220**
825.105 Amended **69220**
825.202–70 (b) and (c) amended **69220**
825.203 Amended **69220**
825.302–70 Amended **69220**
825.701 Removed **69220**
825.703 Amended **69220**
825.870 Amended **69220**
825.901 Redesignated from 825.902; heading revised; existing text designated as (a) and amended; (b) added **69220**
825.902 Redesignated as 825.901 ..... **69220**
825.904 Removed **69221**
828.101—828.106–6 (Subpart 828.1) Heading revised 40519
828.101–3 Redesignated as 828.101–2 40519
828.101–2 Redesignated from 828.101–3 40519
828.101–70 (a), (b), and (c) amended 40519
828.106 Added 40519
828.106–6 Amended **69221**
Revised 40519
828.106–70 Redesignated from 828.7000 40519
828.203–7 (Subpart 828.2) Added 40519
828.306 (b) amended 40519
828.7000 (Subpart 828.70) Heading removed 40519
828.7000 Redesignated as 828.106–70 40519
828.7100 (a) and (c) amended **69221**
(a) amended 40519
828.7101 (b) amended **69221**
828.7102 (a) introductory text, (1) and (b) introductory text amended **69221**
828.7103 (a) amended 40519
829 Authority citation revised 38593
829.000 Revised 38593
829.101 (Subpart 829.1) Removed 38593
829.270 Removed 38593
829.270–1 Removed 38593
829.270–2 Removed 38593
831 Authority citation revised **69221**
831.7001–4 (a) and (b)(2) amended **69221**
831.7001–5 (b) amended **69221**
832 Authority citation revised **69221**
832.502–2 Amended **69221**
832.805–70 (b) amended **69221**
833.104 (a)(1), (2), (b) and (c) amended **69221**
833.212 (a) and (b)(4) amended **69221**
836.208 Amended **69221**
836.209 Amended **69221**
836.602–2 (a) and (b) amended **69221**
838.606–72 Amended **69221**
837.203—873.271–4 (Subpart 837.2) Heading revised **69221**
837.203 Revised **69221**
837.270 (a) introductory text, (1), (3), (c) and (d) amended; (e) revised **69221**
837.271 Removed **69222**
837.271–1 Removed **69222**
837.271–2 Removed **69222**
837.271–3 Removed **69222**
837.271–4 Removed **69222**
837.403 Amended **69222**
837.7001 Amended **69222**
837.7002 Amended **69222**
837.7003 (a), (b) introductory text, (5), (c) and (d) amended; (e) revised **69222**
842 Authority citation revised **69222**
842.102 (b) amended **69222**
842.202 Amended **69222**
842.705 (b) amended **69222**
842.801–70 Amended **69222**
842.1203 Amended **69222**
846.408–70 (b) introductory text amended **69222**
846.408–71 (a) amended **69222**
846.471 (a) and (b) amended **69222**
847 Authority citation revised **69222**
847.303–1 (b) amended **69222**
847.305–70 Amended **69222**
849 Authority citation revised **69222**
849.106 Amended **69222**
849.107 Amended **69223**
849.111–70 Amended **69223**
849.111–72 (c) amended **69223**
852.203–70 Removed 30443
852.203–71 Amended **69223**
852.211–70 (d) amended **69223**
852.216–70 (a) amended **69223**
852.222–70 Amended **69223**

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852.228–70 Introductory text amended 40519
852.236–88 Introductory text, (a) and (b) amended **69223**
852.236–89 Amended **69223**
852.247–70 Amended **69223**
852.270–3 Heading revised **69223**
852.271–73 Amended **69223**
853 Authority citation revised **69223**
853.107 Amended **69223**
870 Authority citation revised **69223**
870.114–3 Introductory text amended **69223**
870.114–4 Amended **69223**
870.115 (a) amended **69223**
871.102 (a) amended **69223**

Chapter 9—Department of Energy (Parts 900—999)

903.104–3 Added **56851**
909.104–3 Added 16651
913.507 Removed 12876
915 Revised **56851**
915.404–4–71–5 (d), (f) and (h) revised 12227
915.404–4–72 (a) introductory text revised 12229
916.504—916.505 Designated as Subpart 916.5 and heading added **56860**
919.602–1 (a)(2) amended **56860**
919.805–2 Revised **56860**
922.7101 Revised 12876
935.016 Removed **56860**
935.016–1 Removed **56860**
935.016–2 Removed **56860**
935.016–8 Removed **56860**
970.0902 Added 16651
970.15404–4—970.15407–2–3 (Subpart 970.15) Revised **56861**
970.1504–4 Revised 12229
970.1504–4–1 Revised 12229
970.1504–4–2 Revised 12229
970.1504–4–3 Revised 12230
970.1504–4–4 Revised 12231
970.1504–4–5 Revised 12231
970.1504–4–6 Revised 12233
970.1504–4–7 Revised 12233
970.1504–4–8 Revised 12233
970.1504–4–9 Added 12234
970.1504–4–10 Added 12234
970.1504–4–11 Added 12234
970.2274–1 (a) introductory text and (d) amended; (a)(1), (2) and (3) removed; (b) and (c) revised 12876
970.3102–1 (c) amended **56867**
970.3102–15 (b)(1) and (2) amended **56867**
970.5202 Revised **56867**
970.5204–9 Amended **56867**
970.5204–15 Amended **56867**
970.5204–22 Amended **56867**
970.5204–44 Amended **56867**
970.5204–54 Amended **56867**
Revised 12335
970.5204–59 Revised 12876
970.5204–76 Amended **56867**
970.5204–86 Added 12336
970.5204–87 Added 12336
970.5204–88 Added 12337
970.5204–89 Added 16651

Chapter 12—Department of Transportation (Parts 1200—1299)

1201.103 Removed 2436
1201.201–1 (d) removed 2436
1201.301 (a)(2) and (b) added 2436
1205.9000 (Subpart 1205.90) Revised 2436
1206.9000 (Subpart 1206.90) Revised 2436
1211.204–90 (Subpart 1211.2) Revised 2437
1213.106—1213.106–190 (Subpart 1213.1) Revised 2437
1213.302—1213.302–590 (Subpart 1213.3) Added 2437
1215 Revised 2437
1237.104 Revised 2438
1237.104–90 Revised 2438
1237.104–91 Revised 2438
1237.9000 (Subpart 1237.90) Revised 2438
1252.211–71 Amended 2439
1252.215–70 Amended 2439
1252.216–71 Amended 2439
1252.216–72 Amended 2439
1252.216–73 Amended 2439
1252.211–90 Added 2439
1252.213–90 Revised 2439
1252.220–90 Revised 2439
1252.228–90 Revised 2439
1252.237–90 Revised 2439
1252.237–91 Revised 2440
1252.237–92 Revised 2440
1252.237–93 Revised 2440
1252.237–94 Revised 2440
1252.237–95 Revised 2440
1252.237–96 Revised 2440
1252.237–97 Revised 2440
1252.237–98 Revised 2440

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1252.237–99 Revised 2440
1252 Appendix redesignated from 1253 appendix in part; new appendix revised 2442
1253.215 Removed 2441
1253.215–270 Removed 2441
1253.3 Appendix redesignated in part as 1253 appendix 2442

Chapter 13—Department of Commerce (Parts 1300—1399)

1333.101 Added 16652
1333.102 Added 16652
1333.103 Revised 16653
1352.219–1 Removed 35080

Chapter 15—Environmental Protection Agency (Parts 1500—1599)

1503.101–370—1503.104–5 (Subpart 1503.1) Revised 47410
1509.170–1 Amended 20202
1509.170–2 Revised 20203
1509.170–3 Revised 20203
1509.170–4 Revised 20203
(b) revised 41043
1509.170–5 Added 20203
(d) revised 41043
1509.170–6 Added 20204
1509.170–7 Added 20204
1509.170–8 Added 20204
1515 Revised 47410
1516.405 (b) amended 3876
1533.103 Revised 17110
1537.110 (g) added 30444
1552.209–76 Added 20204
1552.215–70 Amended; heading and introductory text revised 47415
1552.215–71 Revised 47415
1552.215–72 Redesignated from 1552.215–73 and revised 47415
1552.215–73 Redesignated as 1552.215–72 47415
Redesignated from 1552.215–74 and revised 47417
1552.215–74 Redesignated as 1552.215–73 47417
Added 47418
1552.216–75 Revised 3876
1552.233–70 Added 17110
1552.237–76 Added 30444
1552.242–70 Amended 3876

Chapter 16—Office of Personnel Management Federal Employees Health Benefits Acquisition Regulation (Parts 1600—1699)

1609.7101—1609.7101–2 (Subpart 1609.71) Added **55337**
1615.802 (e) added; interim 36272
1632.1 (c) added; interim 36272
1632.170 (a) and (b)(1) revised **55338**
1652.215–70 Amended; interim 36273
1652.216–70 (c) amended; interim 36273
1652.216–71 Amended; interim 36273
1652.232–70 Amended **55339**
1652.232–71 Amended **55339**
Amended; interim 36274
1652.244–70 Amended **55339**
1652.370 Table amended **55339**

Chapter 18—National Aeronautics and Space Administration (Parts 1800—1899)

1801.105–1 (a) revised 36606
1801.105–3 Removed 36606
1801.105–370 Removed 36606
1801.270 Revised 36606
1801.270–1 Removed 36606
1801.270–2 Removed 36606
1801.270–3 Removed 36606
1801.270–4 Removed 36606
1802.101 Amended 19926
1804.202 Revised 36606
1804.203 Added 1528
1804.805 (a) revised 5620
1804.805–70 (b)(2) amended 5620
1804.904 (Subpart 1804.9) Added 1528
1804.7102 (a) amended 19926
1804.7301 Revised 14640
1806.501 (3) revised 10571
1807.105 (a)(2) added 14641
1807.7203 Revised 5620
1808.002–70 Revised 5620
1809.200 Revised 36606
1812.301 Revised 19926
1813.003 (h) redesignated as (g) 5620
1815.304 Heading revised; (c) added 25214
1815.304–70 (b)(2) revised 25215
1815.403–170 Revised 10573
1815.404–470 (c)(5) revised 25215
1815.670 Revised 36606
1816.203–4 (d)(2) amended 5620
1816.405–274 (f) revised 25215

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1817.7300—1817.7302 (Subpart 1873.73) Added **56091**
1819.201 Heading and (a) revised; (f)(1) added 25215
1819.202–170 Amended 25215
1819.302 (Subpart 1819.3) Heading revised 5620
1819.506 Heading revised 5620
1819.705–2—1819.708–70 (Subpart 1819.7) Heading revised 5620
1819.705–470 Amended 25215
1819.708 Heading revised 5621
1819.708–70 Revised 25215
1819.7201 Revised 10571
1819.7205 (b) revised; (c) and (d) removed 10571
1819.7206 Revised 10571
1819.7209 (a)(1) and (b) revised 10571
1819.7210 (c) revised; (d) removed 10572
1819.7214 (i) removed; (e), (g) and (h) revised 10572
1819.7215 (b) revised 10572
1819.7216 (a)(2), (3) and (b) revised 10572
1819.7217 (c) revised 10572
1819.7219 (a) revised 10572
1822.101–1 (e) added 14148
1822.103–5 Added 14149
1827.301 Amended **63209**
1827.303 (a)(5) added 36606
1827.406–70 (c) revised 5621
1832.906 (a) amended 36606
1832.908 Revised 5621
1832.970 Removed 5621
1832.1110 (Subpart 1832.11) Added 18373
1833.103 Heading revised; (b) redesignated as (f); (c), (d) introductory text and (4) added 36607
1833.104 (c)(2) revised 5621
1834.003 (a) revised **56093**
1834.7001—1834.7004 (Subpart 1834.70) Removed **56093**
1835.016 (a)(iii) added 14641
1836.213–70 Redesignated as 1836.213–370 5621
1836.213–370 Redesignated from 1836.213–70 5621
1842.270 (f) revised 19928
1842.302 (Subpart 1842.3) Added 10574
1842.7401—1842.7402 (Subpart 1842.74) Added 10574
1844.201–1 (a)(iii) revised 5621
1845.406 Redesignated as 1845.407; new 1845.406 redesignated from 1845.407 36606
1845.407 Redesignated as 1845.406; new 1845.407 redesignated from 1845.406 36606
1852.103 (b)(i) amended 19926
1852.217–71 Added **56093**
1852.217–72 Added **56093**
1852.219–73 Amended 25215
1852.219–75 Amended 25216
1852.219–77 Amended 10572
1852.219–79 (b) introductory text, (e) and (f) revised 10572
1852.227–70 Amended **63209**
1852.234–70 Removed **56094**
1852.234–71 Removed **56094**
1852.235–70 Introductory text amended 5621
Amended 36606
1852.242–74 Added 10574
1852.242–75 Added 10575
1852.242–76 Added 10575
1852.242–77 Added 10575
1853.208–70 Heading and (c) revised 5621
1853.271 Added 19926
1871.101—1871.104 (Subpart 1871.1) Revised 19926
1871.204 Revised **71604**
(a), (d) and (f) revised; (h) added 19927
1871.401–1 (b)(3) revised; (b)(5) added 19927
1871.401–2 Heading revised; (b)(5) added 19927
1871.401–3 Heading revised; (a)(4) added 19927
1871.401–4 (a)(5) added 19928
1871.401–5 (b) revised 19928
1871.401–6 (a)(2) amended **71604**
(a)(2) correctly revised; (a)(3) correctly added; CFR correction 1529
1871.405 Removed 19928
1871.505 Revised 19928
1871.602 Amended 19928
Revised 36606
1871.603 (b) and (c) redesignated as (d) and (e); new (b) and new (c) added 19928
1872.102 (a)(1) revised 14641
1872.303 (b) amended 36606
1872.305 (c) amended 36606

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Chapter 24—Department of Housing and Urban Development (Parts 2400—2499)

2401.105 Amended; interim 46094
2401.105–2 (c) amended; interim 46094
2401.601–70 Amended; interim 46094
2401.601–71 Revised; interim 46094
2401.601–72 Removed; interim 46094
2401.601–73 Removed; interim 46094
2401.603–2 Introductory text and (d) revised; interim 46094
2401.603–3 Revised; interim 46094
2402.101 Revised; interim 46094
2403.101 Revised; interim 46095
2403.408–1 Removed; interim 46095
2403.409 Redesignated as 2403.405; interim 46095
2403.405 Redesignated from 2403.409; interim 46095
2403.502 Redesignated as 2403.502–70; interim 46095
2403.502–70 Redesignated from 2403.502 and revised; interim 46095
2403.601 Redesignated as 2403.602; interim 46095
2403.602 Redesignated from 2403.601; interim 46095
2409.500—2409.507–2 (Subpart 2409.5) Title amended; interim 46095
2409.500 Removed; interim 46095
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2409.504 Removed; interim 46095
2409.701 Redesignated as 2409.7001; interim 46095
2409.7001 Redesignated from 2409.701; interim 46095
2413.106–2 Removed; interim 46095
2413.301—2413.307 (Subpart 2413.3) Heading added; interim 46095
2413.301 Redesignated from 2413.601; heading revised; interim 46095
2413.305–2 Redesignated from 2413.402; interim 46095
2413.305–3 Redesignated from 2413.403 and amended; interim 46095
2413.307 Redesignated from 2413.505–1 and amended; interim 46095
2413.402 Redesignated as 2413.305–2; interim 46095
2413.403 Redesignated as 2413.305–3; interim 46095
2413.505–1 Redesignated as 2413.307; interim 46095
2413.601 (Subpart 2413.6) Redesignated as 2413.301; heading removed; interim 46095
2414.407–4 Amended; interim 46095
2415.204 (Subpart 2415.2) Added; interim 46095
2415.209 Redesignated from 2415.407 and revised; interim 46095
2415.303—2415.308 (Subpart 2415.3) Heading added; interim 46096
2415.303 Redesignated from 2415.604; interim 46096
2415.304 Redesignated from 2415.605; interim 46095
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2415.305 Redesignated from 2415.608; (a)(3) amended (b) removed; interim 46096
2415.308 Redesignated from 2415.611 and revised; interim 46096
2415.407 Redesignated as 2415.209; interim 46095
2415.413—2415.413–2 (Subpart 2415.4) Removed; interim 46095
2415.505 Redesignated as 2415.605; interim 46095
2415.505–70 Redesignated as 2415.605–70; interim 46095
2415.506 Redesignated as 2415.606; interim 46096
2415.605 Redesignated as 2415.304; new 2415.605 redesignated from 2415.505; interim 46095
2415.605–70 Redesignated from 2415.505–70 and amended; interim 46095
2415.606 Redesignated from 2415.506 and revised; interim 46096
2415.507 Redesignated from 2415.1005; interim 46096
2415.604 Redesignated as 2415.303; interim 46096
2415.608 Redesignated as 2415.305; interim 46096
2415.610 Removed; interim 46096
2415.611 Redesignated as 2415.308; interim 46096
2415.613 Removed; interim 46096
2415.613–70 Removed; interim 46096

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2415.613–71 Removed; interim.....46096
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2416.405 Redesignated as 2416.406; interim 46096
2416.406 Redesignated from 2416.405; interim 46096
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2419.503 Amended; interim.....46097
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2424 Authority citation revised; interim 46097
2424.103 (Subpart 2424.1) Heading revised; interim.....46097
2424.202 Redesignated as 2424.203; interim 46097
2424.203 Redesignated from 2424.202; interim 46097
2424.202–70 Removed; interim.....46097
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2426.701 Redesignated as 2426.7001; interim 46097
2426.7001 Redesignated from 2426.701; interim 46097
2426.702 Redesignated as 2426.7002; interim 46097
2426.7002 Redesignated from 2426.702; interim 46097
2428.106–6 Revised; interim 46097
2432.402 (Subpart 2432.4) Heading revised; interim.....46097
2432.402 (e)(1) revised; interim 46097
2432.906 Existing text designated as (a); interim 46097
2432.908 Revised; interim 46097
2433.101–70 Removed; interim.....46097
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2436.602–5 Amended; interim 46098
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2437.110 Footnote 4 and (e) removed; (f) and (h) redesignated as (e) and (f); (g) redesignated as 2439.107 (a); (d) and new (e) revised; interim 46098
2439.107 (a) redesignated from 2439.110 (g) and revised; interim 46098
2437.205 Removed; interim 46098
2442.1502 (Subpart 2442.15) Added; interim 46098
2446.6 (Subpart) Removed; interim 46098
2451 Authority citation revised 46098
2451.303 (Subpart 2451.3) Redesignated as 2451.7001 (Subpart 2451.70); interim.....46098
2451.7001 (Subpart 2451.70) Redesignated from 2451.303 (Subpart 2451.3); interim.....46098
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2452.239–70 Redesignated from 2452.237–76; interim 46100
2452.237–77 Revised; interim.....46100
2452.251–70 Revised; interim.....46101
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2453.213 Removed; interim 46101
2453.213–70 Removed; interim.....46101
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2453.215–70 Removed; interim.....46101
2453.237–70 Removed; interim.....46101
2453.246–70 Removed; interim.....46101

Chapter 28—Department of Justice (Parts 2800—2899)

2832.1110 (Subpart 2832.11) Added 37045

Chapter 53—Department of the Air Force Federal Acquisition Regulation Supplement (Parts 5300—5399)

5315 Removed.....995
5316 Removed 67600
5350 Removed 71390

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Chapter 54—Defense Logistics Agency, Department of Defense (Parts 5400—5499)

5416 Added 41835

Chapter 61—General Services Administration Board of Contract Appeals (Parts 6100—6199)

6103 Authority citation revised 38143
6103.1 (a) and (b) amended 38143
6103.2 (a)(5), (c), and (d) amended 38143
6103.3 Amended 38143
6103.4 Revised 38143
6103.5 Amended 38143
6103.6 Amended 38143
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TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation (Parts 1—99)

1.46 (ppp) added **59475**
(ppp) correctly designated 3876
(qqq) added 7814
(rrr) added 29601
(sss) added 36802
(ww) revised 46594
1.48 (ll) added 7814
1.49 (kk) added **57610**
(ll) added 7814
1.66 (bb) added 2150
(cc) added 24958
(dd) added 36802
23 Heading and authority citation revised 5126
23.1—23.7 (Subpart A) Removed 5126
23.41—23.55 (Subpart C) Removed 5126
23.61—23.69 (Subpart D) Removed 5126
23.73—23.87 (Subpart E) Removed 5126
23.89 Amended 5126
23.93 (a) introductory text amended 5126
23.95 (a)(1), (f)(1), (2) and (g)(1) amended; (f)(5) removed 5126
(f)(2) and (3) removed 34570
23.97 Amended 5126
23.111 Removed 5126
24.2 Amended 7131
24.102 (k) amended 7132
24.103 (c) amended 7132
24.105 (c) amended 7132
24.202 Amended 7132
24.203 (a)(4) redesignated as (a)(5); new (a)(4) added; (b) amended 7132
24.204 (a) amended 7132
24.205 (c)(2)(ii)(B) amended 7132
24.208 Redesignated as 24.209; new 24.208 added 7132
24.209 Redesignated from 24.208 7132
24.301 Introductory text amended 7132
24.303 (a) amended 7132
24.304 Introductory text amended 7132
24.306 (a)(6) and (c) amended 7132
24.307 (a) amended 7132

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24.401 (c)(4)(ii) amended 7132
24.403 (a) and (b) amended 7132
24.404 (c)(2) amended 7132
24 Appendix A amended 7132
26 Added 5126
Authority citation revised 34570
26.5 Amended 34570
26.21 (a)(2) revised; (b)(1) amended 34570
26.45 (c)(5) amended 34570
26.67 (a)(2)(i) revised; (a)(2)(ii) redesignated as (a)(2)(iii); new (a)(2)(ii) added 34570
37.15 Revised **64837, 64838**
40.29 (e)(1) table and (f)(1) table amended **65129**
80 Added 29750

Chapter I—Research and Special Programs Administration, Department of Transportation (Parts 100—199)

107.503 (a)(3) amended **52846**
107.606 (a)(5) amended **52847**
171.2 (d)(1) amended 10752
171.5 (a)(3) amended 9925
Removed 28046
171.7 (a)(3) table amended **52847, 57930**
(a)(3) table amended 10752, 10753, 28046
(a)(3) table amended; eff. 3–1–00 45396
171.8 Amended **52847**
Amended 10753, 28046
171.11 (d)(4)(ii) revised **57930**
(d)(14) amended 10753
(d)(15) revised; (d)(16) added; eff. 3–1–00 45396
(d)(9)(iii) corrected; CFR correction 45457
171.12 (b)(17) amended 10753
(b)(18) revised; eff. 3–1–00 45396
(b)(8)(iii) corrected; CFR correction 45457
171.12a (b)(16) amended 10753
(b)(17) revised; eff. 3–1–00 45396
(b)(5)(iii) corrected; CFR correction 45457
171.14 (c)(1) revised **52847**
(b) table and (d)(2) amended; (d) introductory text and (1) revised; (d)(3) added 10753
172.101 (c)(11) introductory text, (f) and table amended **52847**
Table amended **52849**
(b) introductory text revised; (b)(4) and (5) redesignated as (b)(5) and (6); new (b)(4) added; (g) table amended 10753
Table amended 10754, 10772
Table and Appendix B amended 10773, 44428
Appendix B amended 10774, 10775
Corrected 44578
Table amended; eff. 3–1–00 45396
172.102 (c)(1) amended **52849**
(c)(1), (2), (3) and (5) amended 10775
(c)(1) and (2) amended; eff. 3–1–00 45397
172.203 (m)(1) amended **52849**
(k) introductory text and (1) amended 10775
(k)(3) removed; (k)(4) redesignated as (k)(3) 10776
(k) introductory text amended; (k)(1) and (m)(2) removed; (k)(2), (k)(3), and (m)(3) redesignated as (k)(1), (k)(2), and (m)(2) 44428
172.313 (d) added 10776
172.400 (b) amended 10776
172.400a (a)(7) amended **52849**
(d) removed 10776
172.405 (c) added 10776
172.407 (c)(4) revised 10776
172.431 Removed 10776
172.504 Table amended **52849**
(e) Table 2 amended; (f)(10) revised 10776
172.553 Removed 10776
173.1 (d) amended 10776
173.2a (b) table amended 10776
173.6 (c)(2) amended **52849**
173.25 Heading and (b) revised 10776
173.28 (c)(2) revised; (c)(5) added 10776
(c)(2) introductory text amended; (c)(2)(iii) revised 44428
173.29 (b)(2)(iv)(B) revised 10776
173.32b (b)(1) and (2) amended 10776
173.32c (j) revised 10777
(j) amended 44428
173.33 (a)(3) amended **52849**
173.34 (e)(18)(i) table amended **52849**
(e) table amended 10777
173.35 Heading and (b) revised 10777
173.56 (b)(2)(i) and (3)(i) amended 10777
173.58 (a) introductory text amended **52849**

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173.59 Amended 10777
173.62 (c) table amended **52849**
173.121 (b)(1)(ii) revised 10777
173.159 (g)(2) amended 10777
173.162 Revised 10777
173.164 (a)(1), (2) and (3) revised; (a)(4) added 10777
(c) introductory text amended 10778
173.166 (a), (b) introductory text, (2), (3)(ii), (c) and (f) amended 10778
173.196 (a)(1)(iii) amended 10778
173.220 Revised 10778
173.221 Revised 10779
173.222 Revised 10779
(c) introductory text and (4) amended 44428
173.224 (c)(3) introductory text amended 10779
173.225 (b) table amended 10779
(b) table and (c)(2) amended 10780
173.243 (e)(2) amended; (e)(3) added 10780
173.247 (a) amended **52849**
173.301 (i) revised 10780
173.306 (d) removed; (f)(4) and (5) added 10781
173.315 (k) and (n) revised; (p) added 28046
173.403 Amended **52849**
173.416 (f) amended **52849**
173.422 (b)(1) amended **52849**
173.425 Table 7 amended **52849**
173.427 (a)(3) amended **52849**
173.433 (g) table amended **52849**
173.461 (a) introductory text and (b) amended **52850**
174.81 (f) table amended; (g)(3)(vi) added 10781
174.680 Revised 10781
175.10 (a)(24) removed; (b) added; eff. 3–1–00 45397
175.85 (h) and (i) added; eff. 3–1–00 45397
175.630 (a) amended 10781
175.700 (b) amended **52850**
176.76 (i) added 10781
176.83 (a)(1), (3) and (8) revised; (a)(10) added 10781
176.83 (g)(3) table amended 10782
176.600 Heading, (a) and (c) revised 10782
176.704 (e)(1) and (f) table amended **52850**
177 Response to petitions **58323**
177.834 (i)(3) revised; (i)(5) removed 28048
177.835 (g) introductory text amended **52850**
177.840 (l) through (u) added 28048
(t) amended 36806
177.841 (e)(1) amended; (e)(3) revised 10782
177.842 (a) amended **52850**
177.843 (c) amended **52850**
177.848 (f) table amended; (g)(3)(vi) added 10782
177.854 Introductory text removed **52850**
178.270–3 (e) amended 10782
178.337–1 (g) added 28049
178.337–8 Revised 28049
178.337–9 (b)(7) redesignated as (b)(8); (b)(6), new (8) and (c) revised; new (b)(7) added 28050
178.337–11 Revised 28050
178.338 Heading amended **52850**
178.509 (b)(1) amended 10782
178.703 (b)(6)(ii) revised 10782
178.813 (b) amended 10782
179 Authority citation revised **52850**
179.2 (a)(2) revised **52850**
179.3 (a) revised **52850**
179.4 (a) amended; (b) revised **52850**
179.5 (a) and (b) revised **52850**
179.100—179.103–5 (Subpart C) Heading revised **52850**
180.352 Heading, (b)(1), (2), (3) introductory text, (c) heading and introductory text revised; (d) and (e) redesignated as (e) and (f); new (d) added 10782
180.403 Introductory text amended **52850**
Amended 28050
180.405 (m) and (n) added 28051
180.407 (h)(4) redesignated as (h)(5); (h)(1)(iii) and new (4) added 28051
Corrected 36806
180.416 Added 28051
180.417 (a)(3)(ii) amended **52850**
(a)(1) revised 28052
180.509 (c)(3)(ii) amended **52851**
180.515 (b) amended **52851**
180 Appendixes A and B added 28052
192.801—192.809 (Subpart N) Added; eff. 10–26–99 46865
195 Response to petitions **63210**
195.1 (c) revised 15934

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195.3 (b)(7) and (c)(6) added; (c) introductory text, (2) and (3)(v) revised 15934
Regulation at 64 FR 15935 eff. date corrected to 4-2-99 40777
195.132 Revised 15935
Regulation at 64 FR 15935 eff. date corrected to 4-2-99 40777
195.205 Added 15935
Regulation at 64 FR 15935 eff. date corrected to 4-2-99 40777
195.242 (c) and (d) added 15935
Regulation at 64 FR 15935 eff. date corrected to 4-2-99 40777
195.264 Revised 15935
Regulation at 64 FR 15935 eff. date corrected to 4-2-99 40777
195.302 (b)(4) added; (a) amended; (c) introductory text revised **59479**
195.303 Redesignated as 195.304; new 195.303 added **59480**
195.304 Redesignated as 195.305; new 195.304 redesignated from 195.303 ..... **59480**
195.305 Redesignated from 195.304 ..... **59480**
195.307 Added 15936
Regulation at 64 FR 15936 eff. date corrected to 4-2-99 40777
195.403 Revised; eff. 10-26-99 46866
195.405 Added 15936
Regulation at 64 FR 15936 eff. date corrected to 4-2-99 40777
195.406 (a)(4) amended **59480**
195.416 (j) added 15936
Regulation at 64 FR 15936 eff. date corrected to 4-2-99 40777
195.428 Heading revised; (c) and (d) added 15936
Regulation at 64 FR 15936 eff. date corrected to 4-2-99 40777
195.432 Revised 15936
Regulation at 64 FR 15936 eff. date corrected to 4-2-99 40777
195.501—195.509 (Subpart G) Added; eff. 10-26-99 46866
195 Appendix B added **59480**
Appendix B corrected 6815
199 Announcement **58324**

Chapter II—Federal Railroad Administration, Department of Transportation (Parts 200—299)

213.57 (g)(4) corrected **54078**
213.345 (d) corrected **54078**
216 Authority citation revised 25659
216.1 (a) revised 25659
216.3 (b) amended 25659
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216.11—216.17 (Subpart B) Nomenclature change 25659
216.13 (a) amended 25659
216.14 Added 25659
216.17 (a) amended 25659
219 Determination **71789**
219.5 Amended; interim **71791**
219.201 (a)(1) introductory text, (2) and (4) revised; interim **71791**
223 Authority citation revised 25659
223.8 Added 25659
225.19 (c) amended; interim **71791**
225 Appendix B amended; interim **71791**
229 Authority citation revised 25659
229.3 (a) revised; (c), (d) and (e) added 25659
231 Authority citation revised 25660
231.0 (a) revised; (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added 25660
232 Authority citation revised 25660
232.0 (a) revised; (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added 25660
238 Added 25660
261 Added 29753
268 Added; interim **54606**
268.3 (b) through (f) revised; interim 7134
268.13 Revised; interim 7134

Chapter III—Federal Highway Administration, Department of Transportation (Parts 300—399)

360 Added 7137
381 Added; interim **67608**
383.7 Removed; interim **67612**
385 Appendix B amended **62959**
393.13 Added 15605
395 Deadline extension **71791**
Deadline extension 37689
396.19 (b) reinstated; CFR correction 45207

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531 Authority citation revised.....27203
531.5 (b)(13) added 12092
531.6 (b) added.....27203
533.5 (a) Table IV revised; (f) added.....16862
538.5 (b) added **66068**
538.6 Revised.....**66069**
538.7 Added.....**66069**
541 Appendixes A, A–I, A–II and B revised 28112
544.5 (a) revised.....**70053**
544 Appendixes A, B and C revised **70053**
555 Heading and authority citation revised.....2861
555.1 Revised 2861
555.2 Existing text designated as (a); (b) added 2861
555.3 Revised 2861
555.4 Amended.....2861
555.5 Heading, (b) introductory text and (5) amended; (a) and (b)(7) revised 2861
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226.204 Redesignated from 226.21; heading revised 14067
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229.6 (a) amended; (b) revised 9087
229.7 (c)(4)(vi) and (6) removed; (c)(4)(vii) through (x) redesignated as (c)(4)(vi) through (ix); (b) introductory text, (c) heading, (1), (2), (4) introductory text, (i), new (v), (5) and (d)(4) revised 9087
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600.502 (a) revised; (h) added 39020
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600.725 (v) added 4037
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List of CFR Sections Affected

September 1999

Title 1–16
Changes January 2, 1999
through September 30, 1999

Title 17–27
Changes April 1, 1999
through September 30, 1999

Title 28–41
Changes July 1, 1999
through September 30, 1999

Title 42–50
Changes October 1, 1998
through September 30, 1999

LSA—LIST OF CFR SECTIONS AFFECTED

The LSA (List of CFR Sections Affected) is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

To bring these regulations up to date, consult the most recent LSA for any changes, additions, or removals published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

The page numbers listed to the right of each LSA entry indicate where the specific amendments begin in the Federal Register. **Boldface** page numbers under a particular title indicate that the page numbers span 2 years. **Boldface** is used to distinguish the previous year from the current year.

Cite a page reference from this publication using the volume number (63 FR for 1997, 64 FR for 1998) and the page number. Example: 24727 in bold cite as 63 FR 24727. For your convenience, the volume number has been included in the Table of Federal Register Issue Pages and Dates.

ISSUES TO BE SAVED

There is no single annual issue of the LSA. Four ANNUAL ISSUES must be saved; the DECEMBER issue is the ANNUAL for Titles 1–16; the MARCH issue is the ANNUAL for Titles 17–27; the JUNE issue is the ANNUAL for Titles 28–41; the SEPTEMBER issue is the ANNUAL for Titles 42–50. ANNUAL ISSUES to be saved are clearly designated on the cover.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the volume number, the inclusive page numbers, and the corresponding Federal Register issue dates for the period covered.

ONLINE LSA

The LSA is on the internet at http://www.access.gpo.gov/nara/lsa/aboutlsa.html.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

INQUIRIES AND SUGGESTIONS

Rob Sheehan was Chief Editor of the LSA, assisted by Dwayne Dehlbom. The LSA was prepared under the direction of Raymond A. Mosley, assisted by Gwen Henderson. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to Raymond A. Mosley, Director, Office of

the Federal Register, National Archives and Records Administration, Washington, DC 20408 or e-mail info@fedreg.nara.gov.

CHECKLIST OF CFR VOLUMES FOR THIS MONTH

(Comprising a Complete CFR Set)

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–034–00001–1)	5.00	[5] Jan. 1, 1999
3 (1997 Compilation and Parts 100 and 101)	(869–038–00002–4)	20.00	[1] Jan. 1, 1999
4	(869–034–00003–7)	7.00	[5] Jan. 1, 1999
5 Parts:			
1–699	(869–038–00004–1)	37.00	Jan. 1, 1999
700–1199	(869–038–00005–9)	27.00	Jan. 1, 1999
1200–End, 6 (6 Reserved)	(869–038–00006–7)	44.00	Jan. 1, 1999
7 Parts:			
1–26	(869–038–00007–5)	25.00	Jan. 1, 1999
27–52	(869–038–00008–3)	32.00	Jan. 1, 1999
53–209	(869–038–00009–1)	20.00	Jan. 1, 1999
210–299	(869–038–00010–5)	47.00	Jan. 1, 1999
300–399	(869–038–00011–3)	25.00	Jan. 1, 1999
400–699	(869–038–00012–1)	37.00	Jan. 1, 1999
700–899	(869–038–00013–0)	32.00	Jan. 1, 1999
900–999	(869–038–00014–8)	41.00	Jan. 1, 1999
1000–1199	(869–038–00015–6)	46.00	Jan. 1, 1999
1200–1599	(869–038–00016–4)	34.00	Jan. 1, 1999
1600–1899	(869–038–00017–2)	55.00	Jan. 1, 1999
1900–1939	(869–038–00018–1)	19.00	Jan. 1, 1999
1940–1949	(869–038–00019–9)	34.00	Jan. 1, 1999
1950–1999	(869–038–00020–2)	41.00	Jan. 1, 1999
2000–End	(869–038–00021–1)	27.00	Jan. 1, 1999
8	(869–038–00022–9)	36.00	Jan. 1, 1999
9 Parts:			
1–199	(869–038–00023–7)	42.00	Jan. 1, 1999
200–End	(869–038–00024–5)	37.00	Jan. 1, 1999
10 Parts:			
1–50	(869–038–00025–3)	42.00	Jan. 1, 1999
51–199	(869–038–00026–1)	34.00	Jan. 1, 1999
200–499	(869–038–00027–0)	33.00	Jan. 1, 1999
500–End	(869–038–00028–8)	43.00	Jan. 1, 1999
11	(869–038–0002–6)	20.00	Jan. 1, 1999
12 Parts:			
1–199	(869–038–00030–0)	17.00	Jan. 1, 1999
200–219	(869–038–00031–8)	20.00	Jan. 1, 1999
220–299	(869–038–00032–6)	40.00	Jan. 1, 1999
300–499	(869–038–00033–4)	25.00	Jan. 1, 1999
500–599	(869–038–00034–2)	24.00	Jan. 1, 1999
600–End	(869–038–00035–1)	45.00	Jan. 1, 1999
13	(869–038–00036–9)	25.00	Jan. 1, 1999
14 Parts:			
1–59	(869–038–00037–7)	50.00	Jan. 1, 1999
60–139	(869–038–00038–5)	42.00	Jan. 1, 1999
140–199	(869–038–00039–3)	17.00	Jan. 1, 1999
200–1199	(869–038–00040–7)	28.00	Jan. 1, 1999
1200–End	(869–038–00041–5)	24.00	Jan. 1, 1999
15 Parts:			
0–299	(869–038–00042–3)	25.00	Jan. 1, 1999
300–799	(869–038–00043–1)	36.00	Jan. 1, 1999
800–End	(869–038–00044–0)	24.00	Jan. 1, 1999

CHECKLIST OF CFR VOLUMES FOR THIS MONTH—Continued

(Comprising a Complete CFR Set)

Title	Stock Number	Price	Revision Date
16 Parts:			
0–999	(869–038–00045–8)	32.00	Jan. 1, 1999
1000–End	(869–038–00046–6)	37.00	Jan. 1, 1999
17 Parts:			
1–199	(869–038–00048–2)	29.00	Apr. 1, 1999
200–239	(869–038–00049–1)	34.00	Apr. 1, 1999
240–End	(869–038–00050–4)	44.00	Apr. 1, 1999
18 Parts:			
1–399	(869–038–00051–2)	48.00	Apr. 1, 1999
400–End	(869–038–00052–1)	14.00	Apr. 1, 1999
19 Parts:			
1–140	(869–038–00053–9)	37.00	Apr. 1, 1999
141–199	(869–038–00054–7)	36.00	Apr. 1, 1999
200–End	(869–038–00055–5)	18.00	Apr. 1, 1999
20 Parts:			
1–399	(869–038–00056–3)	30.00	Apr. 1, 1999
400–499	(869–038–00057–1)	51.00	Apr. 1, 1999
500–End	(869–038–00058–0)	44.00	[7] Apr. 1, 1999
21 Parts:			
1–99	(869–038–00059–8)	24.00	Apr. 1, 1999
100–169	(869–038–00060–1)	28.00	Apr. 1, 1999
170–199	(869–038–00061–0)	29.00	Apr. 1, 1999
200–299	(869–038–00062–8)	11.00	Apr. 1, 1999
300–499	(869–038–00063–6)	50.00	Apr. 1, 1999
500–599	(869–038–00064–4)	28.00	Apr. 1, 1999
600–799	(869–038–00065–2)	9.00	Apr. 1, 1999
800–1299	(869–038–00066–8)	35.00	Apr. 1, 1999
1300–End	(869–038–00067–9)	14.00	Apr. 1, 1999
22 Parts:			
1–299	(869–038–00068–7)	44.00	Apr. 1, 1999
300–End	(869–038–00069–5)	32.00	Apr. 1, 1999
23	(869–038–00070–9)	27.00	Apr. 1, 1999
24 Parts:			
0–199	(869–038–00071–7)	34.00	Apr. 1, 1999
200–499	(869–038–00072–5)	32.00	Apr. 1, 1999
500–699	(869–038–00073–3)	18.00	Apr. 1, 1999
700–1699	(869–038–00074–1)	40.00	Apr. 1, 1999
1700–End	(869–038–00075–0)	18.00	Apr. 1, 1999
25	(869–038–00076–8)	47.00	Apr. 1, 1999
26 Parts:			
§§ 1.0–1–1.60	(869–038–00077–6)	27.00	Apr. 1, 1999
§§ 1.61–1.169	(869–038–00078–4)	50.00	Apr. 1, 1999
§§ 1.170–1.300	(869–038–00079–2)	34.00	Apr. 1, 1999
§§ 1.301–1.400	(869–038–00080–6)	25.00	Apr. 1, 1999
§§ 1.401–1.440	(869–038–00081–4)	43.00	Apr. 1, 1999
§§ 1.441–1.500	(869-038-00082-2)	30.00	Apr. 1, 1999
§§ 1.501–1.640	(869–038–00083–1)	27.00	[7] Apr. 1, 1999
§§ 1.641–1.850	(869–038–00084–9)	35.00	Apr. 1, 1999
§§ 1.851–1.907	(869–038–00085–7)	40.00	Apr. 1, 1999
§§ 1.908–1.1000	(869–038–00086–5)	38.00	Apr. 1, 1999
§§ 1.1001–1.1400	(869–038–00087–3)	40.00	Apr. 1, 1999
§§ 1.1401–End	(869–038–00088–1)	55.00	Apr. 1, 1999
2–29	(869–038–00089–0)	39.00	Apr. 1, 1999

CHECKLIST OF CFR VOLUMES FOR THIS MONTH—Continued

(Comprising a Complete CFR Set)

Title	Stock Number	Price	Revision Date
30–39	(869–038–00090–3)	28.00	Apr. 1, 1999
40–49	(869–038–00091–1)	17.00	Apr. 1, 1999
50–299	(869–038–00092–0)	21.00	Apr. 1, 1999
300–499	(869–038–00093–8)	37.00	Apr. 1, 1999
500–599	(869–038–00094–6)	11.00	Apr. 1, 1999
600–End	(869–038–00095–4)	11.00	Apr. 1, 1999
27 Parts:			
1–199	(869–038–00096–2)	53.00	Apr. 1, 1999
200–End	(869–038–00097–1)	17.00	Apr. 1, 1999
28 Parts:.			
0-42	(869–034–00098–9)	39.00	July 1, 1999
43-end	(869-034-00099-7)	32.00	July 1, 1999
29 Parts:			
0–99	(869–034–00100–4)	28.00	July 1, 1999
100–499	(869–038–00101–2)	13.00	July 1, 1999
500–899	(869–034–00102–1)	40.00	[8]July 1, 1999
900–1899	(869–034–00103–3)	20.00	July 1, 1998
1900–1910 (§§ 1900 to 1910.999)	(869–034–00104–7)	46.00	July 1, 1999
1910 (§§ 1910.1000 to end)	(869–034–00105–5)	28.00	July 1, 1999
1911–1925	(869–034–00106–3)	18.00	July 1, 1999
1926	(869–034–00107–1)	30.00	July 1, 1999
1927–End	(869–034–00108–0)	43.00	July 1, 1999
30 Parts:			
1–199	(869–034–00109–8)	35.00	July 1, 1999
200–699	(869–038–00110–1)	30.00	July 1, 1999
700–End	(869–034–00111–0)	35.00	July 1, 1999
31 Parts:			
0–199	(869–038–00112–8)	21.00	July 1, 1999
200–End	(869–034–00113–1)	46.00	July 1, 1998
32 Parts:			
1–39, Vol. I		15.00	[2]July 1, 1984
1–39, Vol. II		19.00	[2]July 1, 1984
1–39, Vol. III		18.00	[2]July 1, 1984
1–190	(869–034–00114–4)	46.00	July 1, 1999
191–399	(869–034–00115–7)	51.00	July 1, 1998
400–629	(869–034–00116–1)	32.00	July 1, 1999
630–699	(869–034–00117–9)	23.00	July 1, 1999
700–799	(869–034–00118–7)	27.00	July 1, 1999
800–End	(869–034–00119–5)	27.00	July 1, 1999
33 Parts:			
1–124	(869–034–00120–3)	29.00	July 1, 1998
125–199	(869–034–00121–7)	41.00	July 1, 1999
200–End	(869–034–00122–5)	33.00	July 1, 1999
34 Parts:			
1–299	(869–034–00123–8)	27.00	July 1, 1998
300–399	(869–034–00124–1)	25.00	July 1, 1999
400–End	(869–034–00125–4)	44.00	July 1, 1998
35	(869–034–00126–2)	14.00	July 1, 1998
36 Parts			
1–199	(869–034–00127–6)	21.00	July 1, 1999
200–299	(869–034–00128–9)	21.00	July 1, 1998
300–End	(869–034–00129–2)	38.00	July 1, 1999
37	(869–034–00130–1)	27.00	July 1, 1998

CHECKLIST OF CFR VOLUMES FOR THIS MONTH—Continued

(Comprising a Complete CFR Set)

Title	Stock Number	Price	Revision Date
38 Parts:			
0–17	(869–034–00131–9)	34.00	July 1, 1998
18–End	(869–034–00132–2)	41.00	July 1, 1999
39	(869–034–00133–1)	24.00	July 1, 1999
40 Parts:			
1–49	(869–034–00134–9)	33.00	July 1, 1999
50–51	(869–034–00135–7)	25.00	July 1, 1999
52 (52.01–52.1018)	(869–034–00136–0)	28.00	July 1, 1998
52 (52.1019–End)	(869–034–00137–8)	33.00	July 1, 1998
53–59	(869–034–00138–6)	17.00	July 1, 1998
60	(869–034–00139–4)	53.00	July 1, 1998
61–62	(869–034–00140–3)	19.00	July 1, 1999
63	(869–034–00141–6)	57.00	July 1, 1998
64–71	(869–034–00143–8)	11.00	July 1, 1999
72–80	(869–034–00143–2)	36.00	July 1, 1998
81–85	(869–034–00144–1)	31.00	July 1, 1998
86	(869–034–00144–9)	53.00	July 1, 1998
87–135	(869–034–00146–7)	47.00	July 1, 1998
136–149	(869–034–00147–5)	37.00	July 1, 1998
150–189	(869–034–00148–3)	34.00	July 1, 1998
190–259	(869–034–00150–1)	23.00	July 1, 1999
260–265	(869–034–00150–9)	29.00	July 1, 1998
266–299	(869–034–00151–3)	30.00	July 1, 1998
300–399	(869–034–00152–1)	26.00	July 1, 1998
400–424	(869–034–00153–0)	33.00	July 1, 1998
425–699	(869–034–00154–8)	42.00	July 1, 1998
700–789	(869–034–00155–6)	41.00	July 1, 1998
790–End	(869–034–00156–4)	22.00	July 1, 1998
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–034–00157–2)	13.00	July 1, 1998
101	(869–034–00159–4)	39.00	July 1, 1999
102–200	(869–034–00160–8)	16.00	July 1, 1999
201–End	(869–034–00161–6)	15.00	July 1, 1999
42 Parts:			
1–399	(869–034–00161–1)	34.00	Oct. 1, 1998
400–429	(869–034–00162–9)	41.00	Oct. 1, 1998
430–End	(869–034–00163–7)	51.00	Oct. 1, 1998
43 Parts:			
1–999	(869–034–00164–5)	30.00	Oct. 1, 1998
1000–end	(869–034–00165–3)	48.00	Oct. 1, 1998
44	(869–034–00166–1)	48.00	Oct. 1, 1998
45 Parts:			

CHECKLIST OF CFR VOLUMES FOR THIS MONTH—Continued

(Comprising a Complete CFR Set)

Title	Stock Number	Price	Revision Date
1–199	(869–034–00167–0)	30.00	Oct. 1, 1998
200–499	(869–034–00168–8)	14.00	Oct. 1, 1998
500–1199	(869–034–00169–6)	30.00	Oct. 1, 1998
1200–End	(869–034–00170–0)	39.00	Oct. 1, 1998
46 Parts:			
1–40	(869–034–00171–8)	26.00	Oct. 1, 1998
41–69	(869–034–00172–6)	21.00	Oct. 1, 1998
70–89	(869–034–00173–4)	8.00	Oct. 1, 1998
90–139	(869–034–00174–2)	26.00	Oct. 1, 1998
140–155	(869–034–00175–1)	14.00	Oct. 1, 1998
156–165	(869–034–00176–9)	19.00	Oct. 1, 1998
166–199	(869–034–00177–7)	25.00	Oct. 1, 1998
200–499	(869–034–00178–5)	22.00	Oct. 1, 1998
500–End	(869–034–00179–3)	16.00	Oct. 1, 1998
47 Parts:			
0–19	(869–034–00180–7)	36.00	Oct. 1, 1998
20–39	(869–034–00181–5)	27.00	Oct. 1, 1998
40–69	(869–034–00182–3)	24.00	Oct. 1, 1998
70–79	(869–034–00183–1)	37.00	Oct. 1, 1998
80–End	(869–034–00184–0)	40.00	Oct. 1, 1998
48 Chapters:			
1 (Parts 1–51)	(869–034–00185–8)	51.00	Oct. 1, 1998
1 (Parts 52–99)	(869–034–00186–6)	29.00	Oct. 1, 1998
2 (Parts 201–299)	(869–034–00187–4)	34.00	Oct. 1, 1998
3–6	(869–034–00188–2)	29.00	Oct. 1, 1998
7–14	(869–034–00189–1)	32.00	Oct. 1, 1998
15–28	(869–034–00190–4)	33.00	Oct. 1, 1998
29–End	(869–034–00191–2)	24.00	Oct. 1, 1998
49 Parts:			
1–99	(869–034–00192–1)	31.00	Oct. 1, 1998
100–185	(869–034–00193–9)	50.00	Oct. 1, 1998
186–199	(869–034–00194–7)	11.00	Oct. 1, 1998
200–399	(869–034–00195–5)	46.00	Oct. 1, 1998
400–999	(869–034–00196–3)	54.00	Oct. 1, 1998
1000–1199	(869–034–00197–1)	17.00	Oct. 1, 1998
1200–End	(869–034–00198–0)	13.00	Oct. 1, 1998
50 Parts:			
1–199	(869–034–00199–8)	42.00	Oct. 1, 1998
200–599	(869–034–00200–5)	22.00	Oct. 1, 1998
600–End	(869–034–00201–3)	33.00	Oct. 1, 1998
CFR Index and Findings Aids	(869–038–00047–4)	48.00	Jan. 1, 1999
Complete 1998 CFR set		951.00	1998
Microfiche CFR Edition:			
Subscription (mailed as issued)		247.00	1998
Individual copies		1.00	1998
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1]Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

CHECKLIST OF CFR VOLUMES FOR THIS MONTH

(Comprising a Complete CFR Set)

Title	Stock Number	Price	Revision Date

[2]The July 1, 1985 edition of 32 CFR Parts 1 to 189 contains a note only for Parts 1 to 39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1 to 39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3]The July 1, 1985 edition of 41 CFR Chapters 1 to 100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the 11 CFR volumes issued as of July 1, 1984, containing those chapters.

[5]No amendments to this volume were promulgated during the period January 1, 1998 through December 31, 1998. The CFR volume issued as of January 1, 1997 should be retained.

[7]No amendments to this volume were promulgated during the period April 1, 1998, through April 1, 1999. The CFR volume issued as of April 1, 1998, should be retained.

[8]No amendments to this volume were promulgated during the period July 1, 1998, through July 1, 1999. The CFR volume issued as of July 1, 1998, should be retained.

Other Related Publications

Title	*Price*		*Revision Date*
Federal Register:			
Yearly subscription (with FR Index and LSA)	607.00		
Yearly subscription (without FR Index and LSA)	555.00		
Individual copies	8.00		daily
LSA (List of CFR Sections Affected):			
Yearly subscription	27.00		
Federal Register Index:			
Yearly subscription	25.00		
CFR Index and Finding Aids	48.00		1999

CHANGES JANUARY 4, 1999 THROUGH SEPTEMBER 30, 1999

TITLE 1—GENERAL PROVISIONS

No amendments to 1 CFR have been published in the FEDERAL REGISTER since January 1, 1999.

TITLE 2—[RESERVED]

There is no regulatory text to this title.

TITLE 3—THE PRESIDENT

Chapter II—Executive Office of the President (Parts 100—199)

100.1 Revised 12881

Presidential Documents

Proclamations

5030 *See* Proc. 7219 48701
7103 *See* Proc. 7202 29773
See Proc. 7214 42265
7162 2989
7163 2991
7164 5583
7165 5585
7166 6181
7167 6777
7168 10101
7169 10381
7170 10383
7171 10385
7172 11373
7173 12879
7174 14353
7175 14807
7176 15123
7177 17075
7178 17077
7179 17499
7180 17939
7181 18317
7182 18321
7183 19017
7184 19439
7185 19681
7186 19683
7187 22777
7188 23005
7189 24275
7190 24277
7191 24279
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7194 25191
7195 25797
7196 27437
7197 27439
7198 28083
7199 28709
7200 28711
7201 29769
7202 29773
See Proc. 7214 42265
7203 32379
7204 32381
See Proc. 7214 42265
7205 33737
7206 36229
7207 36549
7208 37389
7209 39895
7210 40723
7211 41001
7212 41003
7213 41005
7214 42265
7215 46813
7216 47091
7217 47093
7218 47337
7219 48701
Corrected 49276, 49844
7220 50417
7221 50731
7222 51183
7223 51185
7224 51415
7225 51417
7226 52625

Executive Orders

June 14, 1839 Revoked in part by PLO 7385 19386
July 2, 1910 Revoked in part by PLO 7388 23856
July 12, 1911 Revoked in part by PLO 7400 38212
Mar. 24, 1914 Revoked in part by PLO 7404 41131
Apr. 1, 1915 Revoked in part by PLO 7410 48849
Nov. 14, 1917 Revoked in part by PLO 7391 28211
Mar. 30, 1922 Revoked in part by PLO 7390 28211
5327 Revoked in part by PLO 7411 49235
11223 Amended by EO 13118 16595
11269 Amended by EO 13118 16595

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TITLE 3 Executive Orders—Con.

11348 *See* EO 13111 2793
11958 Amended by EO 13118 16595
11987 Revoked by EO 13112 6183
12163 Amended by EO 13118 16595
12170 *See* Notice of Mar. 10, 1999 12239
12188 Amended by EO 13118 16595
12216 Amended by EO 13135 47339
12260 Amended by EO 13118 16595
12722 *See* Notice of July 20, 1999 39897
12724 *See* Notice of July 20, 1999 39897
12757 Amended by 13131 40733
12293 Amended by EO 13118 16595
12301 Amended by EO 13118 16595
12372 Supplemented by EO 13132 43255
12543 *See* Notice of Dec. 30, 1998 383
12544 *See* Notice of Dec. 30, 1998 383
12599 Amended by EO 13118 16595
12612 Revoked by EO 13132 43255
12703 Amended by EO 13118 16595
12759 Revoked by EO 13123 30851
12808 *See* Notice of May 27, 1999 29205
12810 *See* Notice of May 27, 1999 29205
12823 *See* EO 13131 40733
12831 *See* Notice of May 27, 1999 29205
12845 Revoked by EO 13123 30851
12846 *See* Notice of May 27, 1999 29205
12852 Amended by EO 13114 10099
12865 *See* Notice of Sept. 21, 1999 51419
12866 Supplemented by EO 13132 43255
12875 Revoked by EO 13132 43255
12884 Amended by EO 13118 16595
12902 Revoked by EO 13123 30851
12934 *See* Notice of May 27, 1999 29205
See Notice of Aug. 10, 1999 44101
12938 Amended by EO 13128 30851
12947 *See* Notice of Jan. 20, 1999 3393
12957 *See* Notice of Mar. 10, 1999 12239
12959 *See* Notice of Mar. 10, 1999 12239
12975 Amended by EO 13137 50733
12981 Amended by EO 13117 16391
12988 Supplemented by EO 13132 43255
13028 *See* EO 13131 40733
13035 Amended by EO 13113 7489
13047 *See* Notice of May 18, 1999 27443
13059 *See* Notice of Mar. 10, 1999 12239
13069 *See* Notice of Sept. 21, 1999 51419
13078 Revoked by EO 13127 30851
13083 Revoked by EO 13132 43255
13088 Amended by EO 13121 24021
See Notice of May 27, 1999 29205
13090 Amended by EO 13136 48931
13095 Revoked by EO 13132 43255
13098 *See* Notice of Sept. 21, 1999 51419
13099 *See* Notice of Jan. 20, 1999 3393
13110 2419
13111 2793
13112 6183
13113 7489
13114 10099
13115 15283
13116 16333
13117 16591
13118 16595
13119 18797
13120 23007
13121 24021
13122 29201
13123 30851
13124 31193
13125 31105
13126 32383
13127 32793
13128 34703
13129 36759
13130 38535
13131 40733
13132 43255
13133 43895
13134 44639
13135 47339
13136 48931
13137 50733

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Amended by EO 13118 16595
Mar. 31, 1999 17079
May 26, 1999 29539
June 10, 1999 32795

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July 7, 1999 37393
July 16, 1999 40503
Aug. 17, 1999 47345

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Presidential Determinations:

No. 96–7 of Dec. 27, 1995 *See* Notice of May 27, 1999 29205
No. 98–35 of Sept. 11, 1998 *See* Presidential Determination No. 99–36 of Sept. 10, 1999 51885
No. 98–39 of Sept. 30, 1998 *See* Presidential Determination No. 99–33 of Aug. 12, 1999 47341
No. 99–9 of Dec. 24, 1998 983
No. 99–10 of Jan. 25, 1999 5925
No. 99–11 of Jan. 28, 1999 6773
No. 99–12 of Feb. 3, 1999 6779
No. 99–13 of Feb. 4, 1999 6781
No. 99–14 of Feb. 16, 1999 9263
No. 99–15 of Feb. 26, 1999 11319
No. 99–16 of Mar. 4, 1999 13495
No. 99–18 of Mar. 25, 1999 16337
No. 99–19 of Mar. 31, 1999 17081
No. 99–20 of Mar. 31, 1999 17083
No. 99–21 of Apr. 8, 1999 18551
No. 99–22 of Apr. 29, 1999 24501
No. 99–23 of May 18, 1999 28085
No. 99–24 of May 18, 1999 28087
No. 99–25 of May 24, 1999 29537
No. 99–26 of June 3, 1999 31109
No. 99–27 of June 3, 1999 31111
No. 99–28 of June 3, 1999 31113
No. 99–29 of June 17, 1999 33739
No. 99–30 of June 23, 1999 35921
No. 99–31 of June 30, 1999 37033
Corrected 38075
No. 99–32 of July 1, 1999 37035
Corrected 38075
No. 99–33 of Aug. 12, 1999 47341
No. 99–34 of Aug. 13, 1999 47343
No. 99–35 of Aug. 17, 1999 47347
No. 99–36 of Sept. 10, 1999 51885

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office (Parts 1—99)

27.1 Revised; interim 15125
28.3 Amended; interim 15125

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Office of Personnel Management (Parts 1—1199)

300.705 (a) revised 28713
316.201 (b) revised 15286
330 Authority citation revised 24504, 40508
330.301 (b) revised; interim 40508
330.401—330.407 (Subpart D) Revised; interim 40506
330.603 Revised; interim 40509
330.605 (b) and (c)(1) revised; interim 40509
330.606 (d)(27) revised; (d)(29) and (30) added; interim 40509
330.607 (b) revised; interim 40509
330.702 Revised; interim 40509
330.703 (b)(3) revised; interim 40509
330.705 (a)(3) and (c)(8) revised; (c)(17) through (c)(20) added; interim 40509
330.1201—330.1204 (Subpart L) Added 24504
351.503 Revised 16800
(c)(3) and (e) correctly revised 23531
351.505 Revised 16800
353.103 (a) amended 31487
353.106 (c) introductory text amended; (c)(1), (2) and (3) added 31487
353.110 (a)(1)(iii) revised; (a)(2) amended 31487
353.203 (a)(4)(ii) revised 31487
353.208 Amended 31487
353.210 Revised 31487
353.211 (b) amended 31487
531.304 (d) revised 36771
531.606 (d) revised 36771
531.703 (c) revised 36771
532.279 Regulation at 62 FR 67258 confirmed 33175
532.201—532.285 (Subpart B) Regulation at 61 FR 47661 confirmed 9905

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TITLE 5 Chapter I—Con.

Regulations at 61 FR 49649 and 62 FR 66973 confirmed 9906
Regulation at 62 FR 51759 confirmed 17941
Regulation at 63 FR 6471 confrimed 17942
Appendix A amended; interim 23532
Regulation at 62 FR 28978 confirmed 33176
532.501—532.513 (Subpart E) Appendix A amended 15916
550.101—550.187 (Subpart A) Authority citation revised 4519
550.103 Amended; interim 4519
550.111 (f) revised; (h) added; interim 4520
550.181 Revised; interim 4520
550.182 (b) through (f) redesignated as (c) through (g); new (b) added; (a) and new (d) revised; interim 4520
550.184 (e) revised; interim 4520
550.185 (a) revised; interim 4521
550.186 (b) revised; interim 4521
(c) removed; (d) redesignated as (c) 36771
550.901—550.907 (Subpart I) Appendix A amended 1502
550.1201—550.1207 (Subpart L) Added 36771
591.210 (c)(1) amended 36775
630.308 (a) revised 46258
630.310 Added 46259
831 Authority citation revised 15287
831.201 (g)(3), (4) and (5) redesignated as (g)(4), (5) and (6); new (g)(3) and (i) added; new (g)(5) revised; interim 15288
837.101 (a)(2) revised; interim 15288
837.102 Amended; interim 15288
842 Authority citation revised 15288
842.104 (g) added; interim 15289
842.107 (c) revised; interim 15289
842.108 Added; interim 15289
846 Authority citation revised 15289
846.201 (d)(1) revised; interim 15289
870 Authority citation revised 15289, 16602, 22544
870.101 Amended; interim 16602
870.302 (a)(3) revised; interim 15289
870.401 (b)(1) and (d) revised; interim 22544
870.402 (d)(1) table and (e)(1) table, (f)(1) and (g) revised; interim 22544
870.506 (e)(2) amended; interim 16602
870.801 (a) introductory text revised; (d) and (e) redesignated as (e) and (f); new (d) added; interim 16602
870.802 (a) amended; (i) added; interim 16602
870.901 (i) added; interim 16602
890 Authority citation revised 15289, 31487, 36238
890.102 (c)(8) revised; interim 15289
890.303 (i) revised 31487
890.304 (a)(1)(vi), (vii) and (viii) revised 31487
890.305 (a) revised 31488
890.501 Regulation at 63 FR 45934 confirmed 15633
(e), (f) and (g) revised 31488
890.502 (f) revised 31488
890.1301—890.1308 (Subpart M) Added; interim 36238
950.102 Regulation at 64 FR 65637 confirmed 27169

Chapter II—Merit Systems Protection Board (Parts 1200—1299)

1200.10 (a)(9) and (b)(9) removed; (a)(10) and (b)(10) redesignated as (a)(9) and (b)(9); (b)(8) revised 15916
1201.22 (b)(1) revised 27899
1201.111 (c)(1) designation and (2) added 27900
1201.115 (b) and (c) revised 27900
1204 Revised 51039
1205 Revised 51043

Chapter III—Office of Management and Budget (Parts 1300—1399)

1315 Added 52586

Chapter IV—Advisory Committee on Federal Pay (Parts 1400—1499)

Chapter IV Removed 49639

Chapter VI—Federal Retirement Thrift Investment Board (Parts 1600--1699)

1620 Added 31057
1650.15 (c) and (d) added 31062
1651.1 Amended 31062
1651.2 (c) added 31062
1690.2 Added 31052

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Chapter XIV—Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel (Parts 2400—2499)

2411.8 Revised 18799
2430 Authority citation revised 30861
2430.4 (a) amended 30861

Chapter XVI—Office of Government Ethics (Parts 2600—2699)

2604.103 Amended 28090
2604.201—2604.202 (Subpart B) Heading revised 28090
2604.201 Heading revised; (a)(1) designation and (2) added; new (a)(1), (b) and (c) amended; (b)(4) redesignated as (b)(5); new (b)(4) added 28090
2604.202 (a) amended 28090
2604.301 (a) amended; (e) added 28090
2604.302 (b) heading and (c) revised; (b) amended 28090
2604.303 (b)(2) amended; (b)(3) redesignated as (b)(4); new (b)(3) added 28091
2604.305 (a)(1) designation and (2) added; new (a)(1) amended 28091
2604.402 (b) amended 28091
2604.501 (b)(1)(i) and (3) amended 28091
2604.601—2604.602 (Subpart F) Revised 28091
2634 Authority citation revised 47096
2634.101 Revised 47096
2634.304 (f)(3)(iii) amended 2422
(f)(1) introductory text, (i), (2) and (3) revised; (f)(1)(ii) Example added 49640
2634.701 (b) amended 47096
2634.702 (a) and (b) amended 47097
2634.703 Amended 47097
2634.904 (b) amended 2422
2635.207 (b)(7) note amended 2422
2635.601 Amended 13064
2635.602 Amended 13064
2635.603 (d) revised 13064
2635.604 (a) amended 13064
2635.605 (a) and (b) amended 13064
2635.606 (a) amended 13064
2635.902 (o) and (z) amended; (q) revised 2422
2636 Authority citation revised 47097
2636.104 (a) revised 47097
2636.303 (a) introductory text revised; (a)(4) amended 2422
2641 Appendix B amended 5710

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300 14842
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731 4336
831 33429
841 33429
1204 35952
1205 35957
1620 13924
1630 50012
1650 13725
1651 6818
2634 25849

TITLE 6—[RESERVED]

There is no regulatory text to this title.

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture (Parts 0—26)

1.1—1.23 (Subpart A) Authority citation revised 3395
1.20 Revised 33372
1.1—1.23 (Subpart A) Appendix A amended 3395
2.20 (a)(1)(vii) added 32797
(a)(1)(viii) added 34967
2.21 (a)(9) removed; (a)(10) redesignated as (a)(9) 40735
2.29 (a)(11) added 40735
2.60 (a)(47) and (b)(7) added 34967
2.67 (a)(11), (12), and (13) removed; (a)(14) redesignated as (a)(11) 40736
2.73 Added 40736
3.10 Amended 11755
6.20—6.36 (Subpart) Appendixes 1, 2 and 3 revised 17502
11 Revised 33373
Heading correctly revised 43043

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TITLE 7

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture (Parts 27—209)

28.909 (b) revised 28884
28.911 (a) amended 28884
29.81 (a) revised; interim 51888
37 Added 30867
47 Authority citation revised 38105
Nomenclature change 38108
47.2 (j)(2) removed; (j)(1) redesignated as (j); (e), (g), (h), (i), (s), and (t) revised 38105
47.3 (a)(2) introductory text and (vii) amended; (a)(2)(iv) revised; (a)(4) added; (c) removed 38106
47.4 Heading, (b)(1), (3), (c)(1) and (d)(1) revised 38106
47.6 (a) and (c) revised 38106
47.8 (a) amended 38106
47.9 (b) and (c) revised 38106
47.11 (c) introductory text, (4), (9), (10), and (13) revised 38106
47.12 Introductory text revised 38107
47.15 (a)(1), (2), (b), and (d)(1) revised 38107
47.16 (a) introductory text and (b)(1) revised 38107
47.17 (a) amended 38107
47.19 (d)(1), (4), (5), and (6) revised 38107
47.20 Heading, (b)(1), (2), and (h) introductory text revised; (a) amended 38107
47.21 Revised 38108
47.24 Heading and (a) revised; (d) added 38108
47.25 Heading and (d) revised; (e) removed; (f) redesignated as (e) 38108
51.882 (i)(1)(ii) amended 14576
51.884 (i)(1)(i) amended 14576
51.885 (h)(1)(i) amended 14576
51.888 (a)(2) amended 14577
56.46 Revised 51672
56.52 (a)(4) revised 51672
56.54 (a)(2) revised 51672
57.1—57.970 Designated as Subpart A; heading added 40738
57.760 Reinstated in part; CFR correction 47349
57.1000 (Subpart B) Added 40738
59 Technical correction 3340
70.71 Revised 51673
70.76 (a)(2) revised 51673
70.77 (a)(4) and (5) revised 51673

Chapter II—Food and Nutrition Service, Department of Agriculture (Parts 210—299)

210.2 Amended; Note removed 50740
210.8 (c)(1) amended 50740
210.9 (b) heading revised; (b) introductory text amended 50740
210.13 (b) redesignated as (c); new (b) added 50740
210.18 (a), (i)(3)(i)(B) concluding text, (j), (q) and (r) amended 50740
210.18a Removed 50741
210.19 (a)(6) and (c)(2)(ii) amended; (b) revised 50741
210.20 (a)(7) and (b)(11) amended 50741
210.21 (d) added 50741
210.23 (b) amended 50741
210.26 Amended 50741
210.27 Amended 50741
210.28 Removed; new 210.28 redesignated from 210.29 50741
210.29 Redesignated as 210.28; new 210.29 redesignated from 210.30 50741
210.30 Redesignated as 210.29; new 210.30 redesignated from 210.31 50741
210.31 Redesignated as 210.30; new 210.31 redesignated from 210.32 50741
210.32 Redesignated as 210.31 50741
215.2 (e-1) amended; (x-1) and (y) revised; (x-2) redesignated as (x-5); (x-2), (x-3) and (x-4) added; (x-1) Note removed 50741
215.6 (b) amended 50741
215.7 (b) introductory text and (d) introductory text amended 50741
215.10 (b) amended 50742
215.13 (a), (b) and (c) removed; (d) and (e) redesignated as (c) and (d); new (a) and new (b) added 50742
215 Appendix removed 50742
220.2 (c) and (u) amended; (x-1) and (y) revised; (x-2), (x-3) and (x-4) added 50742

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220.6 (b)(1) amended 50742
220.7 (a–2) added; (e) introductory text amended 50742
220.11 (b) amended 50742
220.13 (k) removed 50742
220.15 (a) through (d) removed; (e) and (f) redesignated as (c) and (d); new (a) and new (b) added 50742
220.16 (d) added 50743
220.17 (a) amended 50743
235.2 (o), (q–1) and (r) revised; (q–2), (q–3) and (q–4) added 50743
235.4 (b) amended; (h) added 50743
235.5 (a), introductory text and (d) amended; (b) and (c) revised 50743
235.6 (a), (a–2) and (g)(1) amended 50744
235.11 (b)(2) amended 50744
235.12 Revised 50744
245.5 (a) introductory text and (1)(x) amended 50744
245.6a (d) amended 50744
245.10 (a) introductory text and (c) amended; (a)(2) revised 50744
245.11 (a)(1) amended 50744
245.12 (a)(1) amended 50744
245.13 Removed; new 245.13 redesignated from 245.14 50744
245.14 Redesignated as 245.13 50744
246.2 Amended 13322
246.4 (a)(14)(v) through (x) redesignated as (a)(14)(vi) through (xi); new (a)(14)(v) added 13322
246.12 (f)(2)(xviii), (3) and (k) revised; (f)(2)(xix) and (xx) redesignated as (f)(2)(xxiii) and (xxiv); new (f)(2)(xix), new (xx), (xxi) and (xxii) added 13322
246.15 (b) amended 13324
246.18 (a)(1) and (b)(1) revised; (a)(3) amended 13324
248.2 Amended 48076
248.4 (a)(19) revised 48076
248.5 Revised 48076
248.14 (a)(1)(i) and (e) revised 48076
254 Effective date confirmation 17085
254.5 (b) amended 1098
271 Authority citation revised 38293
271.1 (g)(155) added 38294
271.2 Amended 23171
Revised 38293
272 Authority citation revised 38293
272.1 (g)(156) added; interim 48255
(g)(154) added; interim 48937
273 Authority citation revised 38293
273.7 (d)(1)(i) revised; (d)(1)(ii), (iii), and (iv) redesignated as (d)(1)(v), (vi) and (vii); (c)(4)(ii), new (d)(1)(v) and (3) amended; (c)(6)(vi), (vii), (d)(1)(ii), (iii) and (iv) added; interim 48255
273.13 (a)(3)(vii) added; interim 48937
273.15 (k)(1) amended; interim 48938
273.24 Added; interim 48257
274 Authority citation revised 38293
274.12 (f)(4) and (l)(1)(iii) revised; (f)(7)(iii) amended; (f)(10)(viii) added; interim 48938
275 Authority citation revised 38293
275.3 (c)(1)(i) introductory text, (3)(i) introductory text and table revised; (c)(1)(i) table removed; (c)(1)(i)(A), (B), and (C) redesignated as (c)(1)(i)(C), (D), and (E); new (c)(1)(i)(A) and B) added; (c) introductory text, new (C), (3)(i)(A) introductory text and (ii) amended 38294
275.10 (a) amended 38294
275.11 (a)(2)(iii) removed; (a)(2)(iv) redesignated as (a)(2)(iii); new (a)(2)(iv) added; (a)(3), (b)(1)(ii) table, (iii) table, (2), (3), (e)(2), (f)(2) introductory text, (iv), (2)(v) and (ix) revised; (b)(1)(ii), (iii), (iv) and (c)(1) amended 38295
275.12 (c)(1) introductory text revised; (f)(2) amended; (g)(2) introductory text revised 38296
275.13 (a) and (e)(2) revised; (b), (c)(1), (2) and (f) amended; (e)(1) heading added 38296
275.23 (c)(4), (e)(6)(i) and (8)(iii) amended; (e)(6)(iii) and (9) revised 38297
276 Authority citation revised 38293
277 Authority citation revised 38293
278 Authority citation revised 38293
278.1 (o) removed; (k)(2) amended; (k)(2), (l)(1)(iii), (iv), (v) and (p) through (t) redesignated as (k)(7), (l)(1)(v), (vi), (vii) and (o) through (s); (a), (b)(3), (j), new (l)(1)(vi), (m)

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TITLE 7 Chapter II—Con.

introductory text and new (o) revised; new (k)(2), (3) through (6), new (l)(1)(iii) and new (lv) added; new (q) amended 23171
278.6 (a) and (n) revised; (b)(1), (2)(i), (c) and (i)(1)(v) amended; (e)(1)(iii), (3)(vi) and (8) added 23172
278.8 (a) revised 23174
279 Authority citation revised 38293
279.3 (a)(2) revised 23174
279.7 (a) amended 23174
279.10 (a) amended; (d) revised 23174
280 Authority citation revised 38293
281 Authority citation revised 38293
282 Authority citation revised 38293
283 Authority citation revised 38293
285 Authority citation revised 38293

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture (Parts 300—399)

300 Effective date confirmation 49079
300.1 (a) introductory text revised 37665
301 Effective date confirmation 49079
301.45 Regulation at 63 FR 38280 confirmed 4286
301.45–3 Regulation at 63 FR 38280 confirmed 4286
(a) amended; interim 40510
301.50–3 (c) amended; (d) removed; interim 387
Regulation at 64 FR 387 confirmed 15918
301.51–3 (c) amended; interim 28715
Regulation at 63 FR 63387 confirmed 29208
301.64 (a) amended; interim 40282
301.64–3 (c) amended 31965
(c) amended; interim 40282, 52212
301.64–10 (e) amended 37665
301.75–1 Regulation at 61 FR 1521 confirmed 38815
301.75–4 (a) revised; interim 4780
Regulations at 61 FR 1521 and 64 FR 4780 confirmed 38815
301.78–3 (c) amended; interim 30214, 45860
(c) revised; interim 48246
301.81–3 (e) amended; interim 27658
301.81—301.81–10 (Subpart) Appendix amended; interim 27659
301.89–1 Amended 23752
301.89–3 (e) and (f) revised 23752
301.89–4 Revised 23754
301.89–6 (b) amended; (d) removed; (e) redesignated as (d) 23754
301.89–9 (a) table amended 29550
301.89–12 (b) removed 23754
301.89–13 (f) removed 23754
301.89–15 Heading, introductory text, (a) introductory text, (b) and (c) introductory text revised; (c)(2) amended 34113
301.89–16 Heading, introductory text, (a), (b), (c)(1), and (2) amended 34113
301.93–3 (c) revised 31964
(c) amended; interim 52214
319.37–5 (p) added; interim 45866
319.40–2 (f) added; interim 45866
319.56–2 (h) revised 2994
319.74–1—319.74–4 (Subpart) Revised 38110
319.77–1—319.77–5 (Subpart) Added; interim 45866
353.1 Amended 1105
353.7 (a)(4), (b)(4) and (c)(4) amended 1105
353.8 Added 1105
354.2 Table amended 25800
360.200 (a) and (c) amended 12883
360.300 (a) through (d) redesignated as (b) through (e); new (a) added; heading, new (b) and new (e) revised; interim 41009
361.6 (a)(1) amended 12884

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture (Parts 400—499)

400.650—400.657 (Subpart T) Regulation at 63 FR 40633 confirmed 40742
400.651 Regulation at 63 FR 40633 confirmed; amended 40742
400.653 Introductory text and (a) amended 40742
400.654 (b) and (c)(4) amended 40742
400.655 Regulation at 63 FR 40634 confirmed 40742
400.677 Regulation at 63 FR 40631 confirmed 40740

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400.700—400.711 (Subpart V) Added 38542
400.765—400.768 (Subpart A) Regulation at 64 FR 70313 confirmed 50246
400.765 (b) revised 50246
400.767 (a)(1) amended 50246
402 Regulation at 63 FR 40631 confirmed 40740
402.4 Regulation at 63 FR 40631 confirmed; amended 40740
407 Added 30219
457.8 Regulation at 63 FR 40634 confirmed; amended 40742
457.134 Amended 33378
457.135 Amended; introductory text revised 33385
457.138 Amended; introductory text revised 24932
Amended 24933

Chapter VI—Natural Resources Conservation Service, Department of Agriculture (Parts 600—699)

610 Authority citation revised 42003
610.2 Revised 42003
610.21—610.25 (Subpart C) Added 42003

Chapter VII—Farm Service Agency, Department of Agriculture (Parts 700—799)

723.113 (f) added 15295
723.114 (f) added 15295
723.115 (f) added 15295
723.116 (f) added 15295
723.117 (f) added 15295
729.216 (c) revised 48942
760.1—760.34 (Subpart) Authority citation revised 17942
761 Added; interim 6496
761.4 Amended; interim 47099
761.5 Amended; interim 47099
761.6 Revised; interim 47099
762 Added 7378
762.106 (g)(2)(ix) correctly revised 38298
762.122 (a)(1), (4) and (c)(1) correctly revised 38298
762.145 (e)(7) corrected 38298
762.150 (e)(2) correctly revised; (g)(4) and (7) corrected 38298
762.160 (a)(2)(ii) correctly revised 38298
782.2 Amended 12885
782.12 (a) introductory text revised; (a)(6) through (9) redesignated as (a)(8) through (11); new (a)(6) and (7) added 12885

Chapter VIII—Grain Inspection, Packers and Stockyard Administration (Federal Grain Inspection Service), Department of Agriculture (Parts 800—899)

800.71 (a) amended 6783
Regulation at 63 FR 35504 confirmed 19022
800.86 (c)(2) Table 4 revised 6783
801.6 Regulation at 63 FR 34554 confirmed 731
801.7 Regulation at 63 FR 35505 confirmed 19022
868.91 Revised 7058

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture (Parts 900—999)

905.153 (d) and (e) revised; (f) added; interim 51892
905.306 Regulation at 63 FR 62922 confirmed 15636
905.350 Regulation at 63 FR 51518 confirmed 3814
Revised; interim 50425
906.235 Revised 45409
906.340—906.365 (Subpart) Heading revised; interim 47357
906.340 (a)(2)(i) and (ii) revised; interim 47357
906.365 (a)(2) and (4) revised 47358
915.235 Revised 26273
916.350 (a)(3), (4)(i), (ii), (iv) Tables 1 and 2, (8)(i) and (d) revised 19031
916.356 (a)(1) introductory text, (iv) Table 1, (4) introductory text and (6) introductory text revised; (a)(1)(i) Table 1 removed 19031
917.442 (a)(3), (4)(ii), (iv) Tables 1 and 2, (9)(i) and (d) revised 19033
917.459 (a)(1) introductory text, (iv) Table 1, (3) introductory

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text, (5) introductory text and (6) introductory text revised; (a)(1)(i) Table 1 removed; (a)(4) introductory text added 19033
920.155 Stayed; eff. 8–1–99 through 7–31–00 41018
920.302 (a)(2), (4)(ii), and (iv) revised; (b)(2) removed; (b)(1) redesignated as (b) 41019
(a)(4)(iii) stayed; eff. 8–1–99 through 7–31–00 41019
920.303 (c)(3), (5), and (d) revised 41019
923.322 (e) revised; interim 33743
Regulation at 64 FR 33743 confirmed 49352
924.236 Revised 48079
925.304 Regulation at 63 FR 28480 confirmed 37838
929.69 (d) amended; interim 24025
Regulation at 64 FR 24025 confirmed 34707
930 Marketing percentages 392
930.158 (b)(2) and (3) revised; interim 30219
Regulation at 64 FR 30232 confirmed 50748
930.159 (a) revised; (f) removed; (d) and (e) redesignated as (e) and (f); new (d) added; interim 9268
Regulation at 64 FR 9268 confirmed; (a) and (d) revised 33009
930.200 Revised; interim 40513
931.231 Revised 52216
932.159 Revised; interim 4288
Regulation at 64 FR 4288 confirmed 23011
932.160 Removed; interim 4288
Regulation at 64 FR 4288 confirmed 23011
932.230 Revised 14813
944.106 Regulation at 63 FR 62923 confirmed 15636
944.503 Regulation at 63 FR 28480 confirmed 37838
947.120 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
Regulation at 64 FR 34117 confirmed 49355
947.123 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
Regulation at 64 FR 34117 confirmed 49355
947.125 Added; interim; eff. 7–1–99 through 6–30–99 34117
Regulation at 64 FR 34117 confirmed 49355
947.130 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
Regulation at 64 FR 34117 confirmed 49355
947.132 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
Regulation at 64 FR 34117 confirmed 49355
947.133 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
Regulation at 64 FR 34117 confirmed 49355
947.134 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
Regulation at 64 FR 34117 confirmed 49355
947.180 Undesignated center heading added; interim; eff. 7–1–99 through 6–30–99 34117
Regulation at 64 FR 34117 confirmed 49355
947.340 Suspended; interim; eff. 7–1–99 through 6–30–00 34117
Regulation at 64 FR 34117 confirmed 49355
948.215 Revised 48081
955.101—955.209 (Subpart) Heading added; interim 48245
955.113 Added; interim 48245
955.209 Regulation at 63 FR 51271 confirmed 52219
956.15 Added 4933
956.16 Added 4933
956.20 (a) amended 4933
956.60 Added 4933
956.62 Revised 4933
956.64 Revised 4934
956.70 Undesignated center heading and section added 4934
966.323 (d)(1) amended 45413
979.180 Amended 23759
Regulation at 64 FR 23759 confirmed 41023
979.304 Amended; (b)(4), (c)(4) and (e)(3) revised; (e)(4) removed; (e)(5) redesignated as (e)(4) 23759
Regulation at 64 FR 23759 confirmed 41023
981.441 (a) and (e)(6)(ii) amended; (b), (e)(3), (4)(ii), and (iv) revised 41028

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981.472 (a) revised 18802
982 Marketing percentages 2425
982.246 Regulation at 64 FR 2425 confirmed 23013
985 Marketing percentages 2802
989 Marketing percentages 10922
989.154—989.156 Undesignated center heading revised 43902
989.154 Revised 43902
989.157—989.160 Undesignated center heading added 43902
989.212 Regulation at 63 FR 56785 confirmed 2428
989.213 Regulation at 63 FR 56785 confirmed 2428
989.252 Marketing percentages 30236
989.347 Revised; interim 9056
Regulation at 64 FR 9056 confirmed 25422
993 Undersized regulation 23763
993.347 Revised 3623
Revised 50428

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture (Parts 1000—1199)

1000 Revised 47899
1001 Revised 47954
1002 Removed 47899
1004 Removed 47899
1005 Revised 47960
1006 Revised 47966
1007 Revised 47971
1012 Removed 47899
1013 Removed 47899
1030 Revised 47978
1032 Revised 47985
1033 Revised 47991
1036 Removed 47899
1040 Removed 47899
1044 Removed 47899
1046 Removed 47899
1049 Removed 47899
1050 Removed 47899
1064 Removed 47899
1065 Removed 47899
1065.2 (a) suspended in part 4959
1068 Removed 47899
1076 Removed 47899
1079 Removed 47899
1079.7 (b) corrected; CFR correction 19034
(b) introductory text amended 25194
1106 Removed 47899
1106.6 Suspended in part; eff. 9–1–99 through 8–31–00 48083
1106.7 (b)(1) suspended in part; eff. 9–1–99 through 8–31–00 48083
1106.13 (d)(1) suspended; eff. 9–1–99 through 8–31–00 48083
1124 Revised 47998
1126 Revised 48004
1131 Revised 48010
1131.7 (c) stayed in part; eff. 9–21–99 through 9–30–99 50749
1134 Removed 47899
1135 Revised 48015
1137 Removed 47899
1138 Removed 47899
1139 Removed 47899

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture (Parts 1200—1299)

1205.510 (b)(2) and (3)(ii) table revised 30238
1216 Added 20105
1216.1—1216.88 (Subpart A) Added 41256
1220 Referendum request 49349
1220.10—1220.46 (Subpart F) Added 45416
1230.110 (b) revised 44644
1260.141 (a) revised 3815

Chapter XIII—Northeast Dairy Compact Commission (Parts 1300—1399)

1301.13 (e) revised 34514
1307.4 Redesignated as 1307.5; new 1307.4 added 23538
1307.5 Redesignated from 1307.4 23538
1308.1 Introductory text revised 23538
1308.2 Added 23538
1361.11 (a) and (b) revised; interim 18324
1381.4 (a) revised 11756

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Chapter XIV—Commodity Credit Corporation, Department of Agriculture (Parts 1400—1499)

1430.500—1430.509 (Subpart D) Added 24934
1434 Added 10924
1437 Heading revised; interim 17272
1437.2 (f) and (g) revised; (h) added; interim 17272
1437.3 Amended; interim 17272
1437.4 (a) revised; interim 17272
1439 Authority citation revised 13498
1439.1—1439.12 (Subpart) Revised 13498
1439.101—1439.104 (Subpart) Removed 13499
1439.101 (c) amended; interim 47360
1439.201—1439.202 (Subpart) Removed 13499
Added; interim 47360
1439.301—1439.302 (Subpart) Removed 13499
1439.401—1439.403 (Subpart) Removed 13499
1439.501—1439.504 (Subpart) Removed 13499
1439.601—1439.602 (Subpart) Removed 13499
1439.701—1439.702 (Subpart) Removed 13499
1439.800—1439.810 (Subpart) Removed 13499
1439.101—1439.108 (Subpart) Added 13500
1446.310 (c) added 48942
1446.311 (c) added 48942
1464.13 (f) added 15295
1464.14 (f) added 15296
1464.15 (f) amended 15296
1464.16 (f) added 15296
1464.17 (f) added 15296
1469 Added 10930
1464.101 (b) amended 2803
1477 Added 18554
1477.110 Correctly designated 35559

Chapter XV—Foreign Agricultural Service, Department of Agriculture (Parts 1500—1599)

1530 Revised 7062
1550 Revised 52630

Chapter XVII—Rural Utilities Service, Department of Agriculture (Parts 1700—1799)

1703 Authority citation revised 14356
1703.100—1703.112 (Subpart D) Revised 14357
1703.103 (a)(3) corrected 25422
1703.105 (c) and (e)(6) corrected 25422
1703.108 (a) corrected 25422
1703.120—1703.129 (Subpart E) Added 14360
1703.123 (a)(13) and (14) corrected 25422
(a)(5) revised 25423
1703.125 (b)(9) added; (i)(1) through (7) revised; (i)(8) through (11) removed 25423
1703.126 (a) corrected 25422
1703.127 (c)(1) and (3) corrected 25422
1703.130—1703.137 (Subpart F) Added 14366
1703.134 (l) corrected 25422
(g)(1) through (7) revised; (g)(8) through (11) removed 25423
1703.140—1703.147 (Subpart G) Added 14369
1703.140 Introductory text amended 25423
1703.141 (i) amended 25423
1703.142 (a) and (b)(4) revised; (b)(5) added 25423
1703.144 (c)(4), (d)(2), (3), (f)(2) and (4) corrected 25422
(g)(1) through (7) revised; (g)(8), (9) and (10) removed 25423
1703.145 (b) corrected 25422
1703.300—1703.313 Redesignated as Subpart H 14356
1710 Authority citation revised 33178
1710.106 (a)(1)(i) and (2)(i) revised; (a)(3) removed; (a)(4), (5) and (6) redesignated as (a)(3), (4) and (5) 33178
1710.250 (f) amended 33178
1728 Bulletin 14813, 42005
1735 Authority citation revised 50429
1735.14 (c) revised 50429
1753 Authority citation revised 16604
1753.1 (a) revised 16604

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1753.2 Amended 16604
1753.3 (a) amended 16604
1753.5 (b)(1) revised; (b)(2) redesignated as (b)(3); new (b)(2) added 16604
1753.6 (a) revised; (e) added 16605
1753.7 (c) and (e) revised 16605
1753.8 (a)(1), (11)(i), (ii) introductory text, (iii) introductory text and (12)(i) revised; (a)(11)(iv) added 16605
1753.11 (a)(3), (b) and (d) revised 16605
1753.15 (a)(2) through (5) redesignated as (a)(3) through (6); (a)(1), new (5)(i) and (ii) revised; new (a)(2) added 16605
1753.16 (b)(1) through (4) revised 16606
1753.17 (b)(1)(ii)(D) amended; (b)(1)(ii)(E) added; (c)(1)(i)(C) and (2)(i)(A) revised 16606
1753.18 Added 16606
1753.25 (a), (c) and (d) revised 16606
1753.26 (a) through (d) redesignated as (b) through (e); new (a) added; new (b)(1) revised 16606
1753.30 (b), (c)(2) and (3) revised 16606
1753.36 (g) revised 16607
1753.37 (c) revised 16607
1753.38 (a)(1)(i), (v), (2)(i), (v), (b)(1), (3), (5), (e)(2) and (3) amended 16607
1753.39 (a), (e)(1), (2), (f) introductory text, (1)(ii)(A), (iii), (iv) and (g) revised; (e)(3) removed; (h) added 16608
1753.46 (c)(2) and (3) revised 16608
1753.47 (c) revised 16609
1753.48 (a)(4) and (b)(1) revised 16609
1753.49 (b), (c)(2) and (3) revised 16609
1753.50 Removed 16610
1753.58 (b), (c)(2) and (5) revised 16610
1753.68 (b)(2)(i) through (v), (4)(i), (ii), (c)(2) and (d)(3) revised 16611
1753.76 (a) revised 16611
1753.77 Revised 16612
1753.80 (b) revised 16612
1753 Appendixes A through F removed 16612
1755.26 Added 6500
1755.27 Added 6500
1755.28 Added 6500
1755.29 Added 6500
1755.30 Added 6501
1755.93 Removed 6501
1755.217 Removed 6501
1755.525 Removed 6501
1780.7 (h) removed 29946
1780.10 (b)(2) revised 29946
1780.35 (c) revised 29946
1780.39 (e)(2) and (f) introductory text revised 29946
1780.45 (a)(2) revised 29946
1780.48 (b) introductory text revised 29946
1780.49 (c)(4) and (d) revised 29946
1780.55 Revised 29946
1780.57 (o) added 29946
1780.94 (j)(3) revised 29947
1788 Revised 2

Chapter XVIII—Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, Department of Agriculture (Parts 1800—2099)

1924.1—1924.50 (Subpart A) Exhibit D amended 48085
1940 Authority citation revised 24480
1940.560 Regulation at 63 FR 39458 confirmed 32371
1940.579 Revised 24480
1944.153 Amended 24480
1944.157 (a)(1) and (3) revised 24480
1944.160 Added 24480
1944.164 (b) revised; (d) introductory text and (1)(i) amended 24480
1944.169 (a)(1) revised 24480
1944.170 Heading, introductory text, (a) and (b) revised; (c) redesignated as (f); new (c), (d) and (e) added; new (f)(5)(i), (ii)(B) and (C) amended; new (f)(7) removed 24480
1944.151—1944.200 (Subpart D) Exhibits A and A-1 amended 24482
1951.914 Heading and (b) introductory text revised; (h) added; interim 19865
1951.951 Amended; interim 393
1951.952 Amended; interim 394

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1951.953 (b) revised; interim 394
1951.954 (a)(1), (5), (7), (b)(2), (4) and (5) revised; interim 394
1980.1 Revised 7402
1980.6 (a) and (b) amended 7402
1980.11 Amended 7402
1980.13 (b) introductory text amended; (b)(4) introductory text revised 7402
1980.20 (a) introductory text amended 7402
1980.21 Revised 7402
1980.22 (a) revised; (b) introductory text and (3) amended 7402
1980.46 Removed 7402
1980.60 Heading, (a) introductory text, (1), (6), (7), (9) through (12), (b) and (c) amended 7402
1980.61 (a)(2) and (c) removed; (a)(3) and (d) through (h) redesignated as (a)(2) and (c) through (g); heading, (a)(1), new (2), (b)(1), (3), (4), new (c) and new (d) amended 7402
1980.61 (f) and (g) amended 7403
1980.62 Amended 7403
1980.63 (a) amended 7403
1980.64 (a) and (b) amended 7403
1980.65 Amended 7403
1980.66 Amended 7403
1980.67 (a) and (b) amended 7403
1980.68 Amended 7403
1980.83 Regulation at 56 FR 8259 confirmed 7378
(a) amended 7403
1980.84 Heading, (b)(1)(iv), (v) and (4) amended 7403
1980.100 Regulation at 56 FR 8260 confirmed 7378
1980.1—1980.100 (Subpart A) Regulations at 56 FR 8261 and 8263 confirmed 7378
Appendixes D through L removed 7403
1980.101 Regulation at 56 FR 8264 confirmed 7378
1980.110 Regulation at 56 FR 8264 confirmed 7378
1980.113 Regulation at 56 FR 8264 confirmed 7378
1980.115 Regulation at 56 FR 8264 confirmed 7378
1980.122 Regulation at 56 FR 8264 confirmed 7378
1980.124 Regulation at 56 FR 8264 confirmed 7378
1980.125 Regulation at 56 FR 8264 confirmed 7378
1980.145 Regulation at 56 FR 8264 confirmed 7378
1980.175 Regulation at 56 FR 8264 confirmed 7378
1980.200 Regulation at 56 FR 8264 confirmed 7378
1980.101—1980.200 (Subpart B) Regulations at 56 FR 8265, 8266 and 8271 confirmed 7378
1980.340 Regulation at 56 FR 8271 confirmed 7378
1980.354 Regulation at 56 FR 8271 confirmed 7378
1980.424 Regulation at 56 FR 8271 confirmed 7378
1980.451 Regulation at 56 FR 8271 confirmed 7378
1980.452 Regulation at 56 FR 8271 confirmed 7378
1980.628 Regulation at 56 FR 8271 confirmed 7378
1980.646 Regulation at 56 FR 8271 confirmed 7378
1980.648 Regulation at 56 FR 8271 confirmed 7378
1980.801 (b) amended 28336
1980.802 Amended 28336
1980.805 Amended 28336
1980.813 (a)(2), (b)(1) and (2) removed; (a)(3), (b)(3) and (4) redesignated as (a)(2), (b)(1) and (2); (a) introductory text and new (2)(i) amended 28336
1980.814 (d) removed; (e) through (h) redesignated as (d) through (g) 28336
1980.844 Revised 28336
1980.853 Regulation at 56 FR 8271 confirmed 7378
2003 Authority citation revised 32388
2003.18 (b)(5)(i) amended 32388

Chapter XXXIV—Cooperative State Research, Education, and Extension Service, Department of Agriculture (Parts 3400—3499)

3400 Authority citation revised 34103
3400.1 Revised 34103
3400.7 (c) revised 34103

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3400.20—3400.22 (Subpart C) Added 34104
3400.23 (Subpart D) Added 34104

Chapter XXXV—Rural Housing Service, Department of Agriculture (Parts 3500—3599)

3565 Regulation at 63 FR 39458 confirmed 32371
3565.5 (b) revised 32371
3565.6 Revised 32371
3565.8 Revised 32371
3565.9 (e) removed; (f) redesignated as (e) 32372
3565.13 Revised 32372
3565.52 Introductory text amended 32372
3565.53 (a) revised; (b) amended 32372
3565.103 (d)(9) added 32372
3565.303 (d)(8) amended 32372
3565.351 (a) amended 32372
3570.51—3570.100 (Subpart B) Revised 32388
3575 Added 28337

Chapter XXX—Office of Chief Financial Officer, Department of Agriculture (Parts 3000—3099)

3700.3 (g) removed 40736

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2812 41049
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TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice (Parts 1—599)

3.1 (b)(12) revised; interim 25766
3.23 Heading revised; (b)(4)(i) amended; interim 8487
3.42 (d) and (f) revised; interim 8487
3.43 (b)(4)(v), (vi) and (c)(2) revised; (c)(3) added 13666
103.1 (g)(3)(ii) amended; interim 27875
103.5a (a)(3) added 17944
103.7 (b)(1) table amended; interim 27875
103.12 (a)(5) revised; interim 8487
207.2 (d) amended; interim 27661
208.1 Revised; interim 8487
208.2 (a), (b)(1)(ii) and (3) revised; interim 8487
208.4 (a) introductory text and (b)(2) revised; interim 8488
(b)(2) corrected 13881
208.5 (b)(1) introductory text revised; interim 8488
208.11 (b)(2) revised; interim 8488
208.12 (a) revised; interim 8488
208.13 (c)(1) revised; interim 8488
208.14 Heading revised; (f) added; interim 27875
208.16 (c) and (d) redesignated as (d) and (e); heading, (a), (b) introductory text and new (d) and (e) revised; new (c) and (f) added; interim 8488
208.17 Revised; interim 8489
208.18 Redesignated as 208.19; new 208.18 added; interim 8490
(b)(2) corrected 13881
208.19 Redesignated as 208.20; new 208.19 redesignated from 208.18; interim 8490
Revised; interim 8492
208.20 Redesignated as 208.21; new 208.20 redesignated from 208.19; interim 8490
208.21 Redesignated as 208.22; new 208.21 redesignated from 208.20; interim 8490
Revised; interim 8492
208.22 Redesignated as 208.23; new 208.22 redesignated from 208.21; interim 8490
208.23 Redesignated from 208.22; interim 8490
208.30 (b), (d), (e), (f)(1), (2) and (3) revised; interim 8492
208.31 Added; interim 8493
(e) and (g) corrected 13881
212.1 (b) revised; interim 7990

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212.2 (d) amended; (g)(3) added; interim 25766
212.7 (a)(1)(iii) and (b)(2)(iv) added; (b)(2)(ii) and (iii) amended; interim 25766
212.15 (c) introductory text, (e) and (g)(4)(i) revised; (c)(3) added; interim 23177
214.2 (h)(16)(i) and (l)(16) revised; interim 29211
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(f)(5)(i) and (j)(1)(ii) revised; (f)(5)(vi) and (j)(1)(vi) added; interim 32147
(j)(1)(iv) corrected 33346
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217.2 (a) amended; interim 42007
235.1 (d)(4) revised; interim 8494
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235.3 (b)(4) introductory text and (i)(D) revised; interim 8494
235.6 (a)(1)(ii), (iii) and (2)(i) revised; interim 8494
235.8 (b)(4) added; interim 8494
238.1 (b)(2)(i) and (c)(1) revised; (f)(3) added; interim 8494
240 Authority citation revised 25766, 27875
240.1 (a) revised; interim 8495
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240.11 (a)(1) amended; interim 25766
240.20 (c) added; interim 27875
240.31 Amended; interim 25766
240.41 (a) amended; interim 25767
240.58 Added; interim 27875
240.60—240.70 (Subpart H) Added; interim 27876
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241.8 (d) revised; interim 8495
241.11 (d)(1) revised; interim 8495
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244.10 Heading, (a), (b), (d)(2), (f)(2)(iii) and (4)(ii) amended; interim 4782
244.12 (a) amended; interim 4782
244.15 (a) amended; interim 4782
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245 Authority citation revised 25767
245.2 (a)(4)(ii) revised; interim 29211
245.15 Added; interim 25767
246.1 Amended; interim 27881
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253.1 (f) revised; interim 8495
270 Authority citation revised 47101
270.3 (b)(1)(ii) revised 47101
274a Authority citation revised 47101
274a.2 (b)(1)(vi)(B) and (C) revised; interim 6189
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274a.8 (b) revised 47101
274a.10 (b)(1)(ii) and (b)(2) introductory text revised 47101
274a.12 (c)(9) amended; interim 25773
(c)(10) amended; interim 27881
274a.13 (d) amended; interim 25773
280 Authority citation revised 47102
280.53 Added 47102
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299.5 Table amended; interim 25774, 27881
312.1 (b)(3) amended 7993
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499.1 Table amended 7993
507 Added; interim 8496

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2 Policy statement 38546
3 Policy statement 38546
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50.1 Regulation at 63 FR 72122 eff. 2-1-99 3340
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77.3 Regulation at 63 FR 72122 eff. 2–1–99 3340
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78.43 Regulation at 63 FR 44777 confirmed 5
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91.1 Regulation at 63 FR 72129 eff. 2–1–99 3340
91.7 Regulation at 63 FR 72129 eff. 2–1–99 3340
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93 Effective date confirmed 34707
93.303 (d) amended 23179
93.308 (a)(3) revised 31967
(a)(2) revised 48259
93.403 (e) amended 23179
93.503 (e) amended 23179
94 Footnotes 5 through 14, 15 and 16 redesignated as footnotes 6 through 15, 17 and 18; new footnote 13 revised 38550
94.6 Heading revised; (c)(5) redesignated as (c)(6); new (c)(5) added 38550
94.17 Footnote 2 redesignated as footnote 16 and revised 38550
98 Effective date confirmed 34707
98.33 (d) amended 23179
101.2 Amended 43044
102.5 (e) amended 43044
105.1 (a)(1) amended 43044
112.5 (d)(2)(ii) amended 43044
112.6 (c) introductory text amended 43044
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113.70 Introductory text, (b)(1) and (3) amended 43044
113.113 (a)(2), (3), (c)(2)(iv)(A) and (B) amended 43044
113.209 (b)(1) and (d)(3) revised 45420
113.327 (d)(2)(ii) table amended 43045
113.331 (d)(3) amended 43045
113.332 (d)(3) amended 43045
113.451 (a) introductory text amended 43045
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318 Effective date confirmed 44644
318.7 (c)(4) table amended 27904
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319 Effective date confirmed 44644
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320 Authority citation revised 745
320.1 (b)(4) removed 745
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331.2 Table amended 37667
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381 Authority citation revised 745
381.1 (b) amended 745
381.125 (b) introductory text amended 746
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2.701 (a)(1) revised 48948
2.715 (c) revised 29213
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2.750 (a) revised 48948
2.790 (d)(1) revised 15641
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2.804 (b)(2) revised 48949
2.809 (a) revised 48949
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2.1007 (a)(2) revised; (a)(3) removed 48949
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2.1303 Heading and introductory text revised 48949
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72.82 (e) removed 17512
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72.216 (c) revised 33184
73.55 (g)(4) revised 14818
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73 Appendix C amended 14818
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95 Heading revised 15649
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95.19 Revised 15650
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490 Authority citation revised 27174
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611.340 Regulation at 63 FR 64843 eff. 2-11-99 6784
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611.505 Regulation at 63 FR 64844 eff. 2-11-99 6784
611.1122 Regulation at 63 FR 64844 eff. 2-11-99 6784
612.2165 (b)(7) amended (effective date pending) 43048
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614.4000 (e)(4) removed (effective date pending) 43049
614.4010 (f)(1) revised; (f)(4) removed (effective date pending) 43049
614.4030 (c)(4) removed (effective date pending) 43049
614.4040 (c)(4) removed (effective date pending) 43049
614.4050 (d)(4) removed (effective date pending) 43049
614.4232 Introductory text amended; (c) revised (effective date pending) 34517
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614.4325 (a)(3) amended (effective date pending) 34517
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614.4350—614.4360 (Subpart J) Heading revised (effective date pending) 34517

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614.4352 (a), (b)(1), and (2) amended (effective date pending) 34517
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614.4353 Amended (effective date pending) 34517
Regulation at 64 FR 34517 eff. 8–6–99 43049
614.4354 Amended (effective date pending) 34517
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614.4355 (a) heading and (b) heading amended (effective date pending) 34517
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614.4356 Redesignated as 614.4357; new 614.4356 added (effective date pending) 34517
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614.4357 Redesignated as 614.4358; new 614.4357 redesignated from 614.4356 (effective date pending) 34517
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614.4358 Redesignated as 614.4359; new 614.4358 redesignated from 614.4357; (a) introductory text, (1), (3) and (b) introductory text amended; (b)(5) redesignated as (b)(6); new (b)(5) added (effective date pending) 34517
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614.4710 Introductory text, (a)(2), and (3) amended (effective date pending) 34518
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615.5133 Revised (effective date pending) 28895
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615.5141 Redesignated as 615.5142; new 615.5141 added (effective date pending) 28899
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615.5142 Redesignated as 615.5143; new 615.5142 redesignated from 615.5141 and revised (effective date pending) 28899
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618.8440 (b)(6) amended (effective date pending) 34519
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701.12 Removed 41035
701.13 Removed 41035
701.14 (b)(3) introductory text and (c)(2) revised; (b)(4) added; (d)(1) amended 28717
701.20 Removed 28719
701.21 (c)(7)(ii)(C) Revised 5929
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701.25 Added 19443
701.30 Removed 28718
703.20 (c) amended 33187
707.4 Regulation at 63 FR 71574 confirmed 33010
707.5 Regulation at 63 FR 71574 confirmed 33010
707.8 Regulation at 63 FR 71574 confirmed 33010
707.9 Regulation at 63 FR 71575 confirmed 33010
707 Regulation at 63 FR 71575 confirmed 33010
708a.4 (b) amended 28735
708a.5 (c) amended 28735
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712.2 Heading revised; (a) and (c) amended; (d) and (e) added 33187
712.3 (a) and (b) amended; (c) revised 33187
712.5 (p) added 33187
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713 Added 28720
715 Added 41035
722.3 Regulation at 63 FR 51799 confirmed 28729
723 Regulation at 63 FR 51799 confirmed; revised 28729
741.3 (a)(3) amended 41040
741.6 (a) amended; (b) redesignated as (d); new (b) and (c) added 41040
741.201 (a) and (b) amended 28721
741.202 (a) and (b) amended 41040
741.203 Regulation at 63 FR 51802 confirmed 28729
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745 Authority citation revised 19687
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745 Appendix amended; interim 19687, 19688
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903 Added 30883
904.9 (f)(2) revised 5930

905 Added; interim 44106
935 Authority citation revised 16621
935.1 Amended 16621
935.9 (a) revised; (b) heading, (c) heading and (e) heading amended 16621
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960.3 (b)(4) revised; interim 24027
960.5 (b)(10)(ii) revised 23015
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960.6 (b)(4)(iv)(D) and (F)(8) revised 23015
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960.7 Corrected 2550
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1730 Added; interim 34969
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107.610 (e) added 52646
107.835 (d) redesignated as (e); new (d) added 52646
107.850 (a) introductory text revised 52646
107.855 (g)(12) added 52646
107.865 (d)(3) and (4) amended; (d)(5) added; (e)(3) revised 52646
114.102 Revised 40283
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114.108 Revised 40283
115.31 (a)(2) revised 18324
120.10 Amended 2117
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120.131 Revised 2117
(a) corrected 27445
120.414 Undesignated center heading and section redesignated from 120.430; undesignated center heading revised 6509

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120.422 Added 6508
120.423 Added 6508
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120.430—120.435 Undesignated center heading and sections added 6509
120.453 (a) and (b) revised; (c) removed 6510
120.540 Heading and (d) revised; (b)(4) added 44110
120.801 (a) amended; (c)(3) revised 2118
120.802 Amended 2118
120.845 Revised 26274
120.862 (b)(3) amended; (b)(7) revised 2118
120.870 (a)(1) revised; (c) added 2118
120.883 Revised 2118
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120.921 (d) and (e) redesignated as (e) and (f); new (d) added; new (e) and new (f) revised 2118
120.971 (a)(2) amended; (a)(3) and (d)(2) revised 2119
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121 Authority citation revised 26280
121.201 Table amended 26280
121.302 (c) amended 48276
123.3 (a)(4) amended 13667
123.107 Amended 48276
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301.4 (b) revised; interim 32975

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14.20 (a) and (c) revised 32936
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17 Added 32936
17.15 (f) corrected 47362
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21 Design standards availability 13501
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25.145 (c)(3) concluding text designated as (d); (c) introductory text and new (d) revised 6164
(d) corrected 10740
25.731 (e) corrected 45589
25.735 (e)(1) corrected 45589
27 Special FAA conditions 27447
27.1 (a) revised 45094
27.2 Introductory text, (a), (b), (c), (d) introductory text, (d)(1), and (d)(2) redesignated as (a) introductory text, (a)(1), (a)(2), (a)(3), (a)(4) introductory text, (a)(4)(i), and (a)(4)(ii); new (b) added 45094
27.25 (c) revised 43019
27.602 Added 46232
27.610 heading revised; (d) added 45094
27.805 Added 45094
27.807 Revised 45094
27.853 (a) amended; (b) removed 45095
27.865 (c) and (d) redesignated as (e) and (f); undesignated center heading, heading, (a) introductory text, (b), new (e) and new (f) revised; new (c) and new (d) added 43019
27.1027 (a) through (d) redesignated as (b) through (e); new (a) added; new (c)(2) and new (d) amended 45095
27.1185 (d) added 45095
27.1187 Revised 45095
27.1305 (v) added 45095
Heading corrected 47563
27.1337 (e) revised 45095
29.25 (c) revised 43020
29.59 (c), (d) and (e) redesignated as (d), (e) and (c); 45337
29.62 (a) revised 45337
29.67 (a)(2) introductory text, (i), (3)(i) and (b) revised; (a)(2)(ii) removed; (a)(2)(iii) and (a)(2)(iv) redesignated as (a)(2)(ii) and (a)(2)(iii) 45337
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29.602 Added 46232
29.865 (c) and (d) redesignated as (e) and (f); undesignated center heading, heading, (a) introductory text, (b), new (e) and new (f) revised; new (c) and new (d) added 43020
29.1323 (c)(1) amended 45338
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34.60 (c) revised 5559
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71.5 Amended; eff. 9–16–99 through 9–15–00.....50444

71.31 Amended; eff. 9–16–99 through 9–15–00.....50444

71.33 (c) amended; eff. 9–16–99 through 9–15–00.....50444

71.41 Amended; eff. 9–16–99 through 9–15–00.....50444

71.51 Amended; eff. 9–16–99 through 9–15–00.....50444

71.61 Amended; eff. 9–16–99 through 9–15–00.....50444

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71.79 Amended; eff. 9–16–99 through 9–15–00.....50445

71.901 (a) amended; eff. 9–16–99 through 9–15–00.....50445

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SFAR No. 86 added 44816

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91.1 (a) revised; (c) added 1079

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91.701—91.715 (Subpart H) Heading revised 1079

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91.702 Added 1079
91 SFAR No. 84 added 15121
93 SFAR No. 50–2 amended 5154
93.51 Revised 14976
93.53 Revised 14976
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93.55 Revised 14976
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93.69 Revised 14978
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93.305 Regulation at 61 FR 69330 eff. date delayed to 1–31–00 5154
93.307 Regulation at 61 FR 69330 eff. date delayed to 1–31–00 5154
93 Appendix A removed 14978
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121 SFAR No. 36 amended 960
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121.306 Added 1080
121.339 (a)(2) corrected; CFR correction 49981
121.580 Added 1080
121 Appendix M amended 46120
125 Heading revised 1080
Technical correction 7066
125.1 (a) revised; (d) added 1080
125.204 Added 1080
125.328 Added 1080
125 Appendix E amended 46121
135 SFAR No. 36 amended 960
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SFAR No. 50–2 amended 5154
Enforcement policy 32176
135.120 Added 1080
135.144 Added 1080
145 SFAR No. 36 amended 960
Technical correction 3837

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221 Revised 40657
250.4 Removed 40674
254.4 Amended 41783
255.12 Revised 15129
257 Added 12851
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257.6 Added 46821
258 Added 12860
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258.6 Added 46821
293 Added 40674
382.43 (b) revised 41783
399 Authority citation revised 12852
399.88 Removed 12852
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401 Authority citation revised 19613
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411 Removed 19614
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413 Revised 19614
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415 Revised 19616
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1214.900—1214.912 (Subpart 1214.9) Removed; interim.....19886
1214.1000—1214.1004 (Subpart 1214.10) Removed; interim 19887

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TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce (Parts 30—199)

30.1 (c) added.....40976
30.7 Introductory text revised.....40976
30.39 Revised.....40976
30.60—30.66 (Subpart E) Added.....40977
30.70 (Subpart E) Redesignated as Subpart F;.....40977
30.80—30.83 (Subpart F) Redesignated as Subpart G.....40977
30.80 (d) revised.....24943
30.90—30.99 (Subpart G) Redesignated as Subpart H.....40977
30.91 (a) revised.....40981
30 Appendixes A, B, and C added.....40981

Chapter VII—Bureau of Export Administration, Department of Commerce (Parts 700—799)

734 Authority citation revised.....27140, 42011, 47105
734.2 (b)(1) and (4) amended.....13339
734.4 (b) revised.....13339
(a) revised.....42011
734.5 (a) revised; interim.....27141
(a) amended.....47105
736 Authority citation revised.....27141, 47105
736.2 (b)(7)(i) revised; interim.....27141
(b)(3)(ii)(A)(*1*) revised.....47105
738 Authority citation revised.....17970, 27141, 42011
738.2 (d)(2)(i)(A) amended; interim.....17970, 27141
738 Supplement No. 1 amended; interim.....17970
Supplement No. 1 amended.....28908, 42011
740 Authority citation revised.....2430, 17970, 27141, 28908, 40108, 42011
740.2 (a)(5) amended.....13339
740.7 (d)(4) redesignated as (d)(5); new (d)(4) and (5)(v)(A)(*8*) note added; new (d)(5)(iii), (v) introductory text and (A) introductory amended; new (d)(5)(v)(B) revised; interim.....2430
Amended.....28908
(b)(1), (c), (d)(2), (3), (5)(i) and (v) introductory text revised.....42011
740.11 Heading and introductory text revised; (c) added; interim.....27141
(a)(2) and Supplement No. 1 revised.....40108
(a)(2)(ii), (iii), (c)(2)(i) and Supplement No.1 amended.....42012
740.14 (e)(1)(iii) amended; interim.....17973
740 Supplement No. 1 amended.....28908
742 Authority citation revised.....2430, 17970, 27141, 42011, 47105, 47667, 49381, 50248
742.2 (a) introductory text revised; interim.....27142
Amended.....28909
742.8 (a)(4)(ii) amended; interim.....27142
742.9 (a)(3)(ii) amended; interim.....27142
(b)(1)(vii) added; interim.....47667
(b)(1)(iv) revised; interim.....50248
742.10 (a)(4)(ii) amended; interim.....27142
(b)(1)(vii) added; interim.....47667
742.12 (b)(3)(i)(C) and (iv)(B) revised; interim.....2431
(b)(2)(i), (3)(i)(A), (i)(B), (ii), and (c) amended.....42012
742.14 Revised.....13339
742.15 Second (b)(6)(v) redesignated as (b)(6)(vi).....3214
742.17 Added; interim.....17973
742.18 Added; interim.....27142

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TITLE 15 Chapter VII—Con.

(b)(2)(i) removed; (b)(2)(ii) and (b)(2)(iii) redesignated as (b)(2)(i) and (b)(2)(ii); new (b)(2)(i)(A) revised; interim 49381
742 Supplement No. 4 amended 3214
Supplement No. 2 amended; interim 27143
Supplement No. 2 amended 47105
743 Authority citation revised 40108, 47105
743.1 (b) amended 3214
(c)(1) revised 40110
(c)(1)(v) revised 47105
744 Authority citation revised 1121
744.10 Revised 14605
744.13 Added; interim 1121
744.14 Added; interim 1122
744 Supplement No. 4 amended 14606, 28910
Supplement No.1, Category 1 (ECCN 1C004 and ECCN 1C996) amended 40110
Supplement No.1, Category 2 (ECCN 2B001, 2B004, 2B005, 2D001 and 2E003) amended 40111
Supplement No.1, Category 2 amended 40113
Supplement No.1, Category 3 (ECCN 3A001, 3A002, 3A991, 3B001, 3B991, 3C002, 3E001, 3C992 and 3E002) 40117
Supplement No.1, Category 4 (ECCN 4A003) amended 40124
Supplement No.1, Category 4 amended 40125
Supplement No.1, Category 5 amended 40128
Supplement No.1, Category 5 (ECCN 5A001, 5A991, 5B001, 5C001, 5C9991, 5D001 and 5E001) 40129
Supplement No.1, Category 6 (ECCN 6A003, 6A005, 6C002 and 6C992) 40132
Supplement No.1, Category 7 amended 40135
Supplement No. 1, Category 0 (ECCN 0A018) amended; interim 47667
Supplement No. 1, Category 1 (ECCN 1C018, 1C992 and 1C998) amended; interim 47667
745 Added; interim 27143
Authority citation revised 49381
745.1 (b)(3) amended 28909
745.2 (a)(1) amended; interim 49381
745 Supplement No. 3 amended 28909
Supplement No. 2 amended; interim 49381
Supplement No. 3 amended; interim 49382
746 Authority citation revised 24018, 49383
746.2 (b)(4)(iii) added 25808
746.4 (b)(2)(ii)(G) revised 49383
746.9 Revised 24019
748 Authority citation revised 2430, 17970, 47105
748.8 (q) added; interim 27146
748.9 (b)(2)(i)(*1*) removed; (b)(2)(i)(*2*) and (*3*) redesignated as (b)(2)(i)(A) and (B); interim 2431
(a) introductory text revised; interim 17973
748.10 (b)(2) amended; (b)(3) redesignated as (b)(4); new (b)(3) added; new (b)(4) introductory text revised; interim 2431
748.14 Added; interim 17973
748 Supplement No. 6 added; interim 17974
Supplement No. 2 amended; interim 27146
Supplements No. 2 and 4 amended 47105
750 Authority citation revised 47106
750.7 (i) redesignated as (j); new (i) added 47106
752.3 (a)(8) removed; (a)(9), (10) and (11) redesignated (a)(8), (9) and (10) 13339
758 Authority citation revised 27141
758.3 (h)(2) amended; interim 27146
762 Authority citation revised 17970
772 Authority citation revised 1121, 5932
Amended; interim 1122, 5932
Amended 13339, 27146
774 Authority citation revised 5932, 17970, 27141, 47106, 48956
774 Supplement No. 1, Category 1 (ECCN 1B115, 1C111, 1C118, 1E001 and 1E101) amended; interim 5932
Supplement No. 1, Category 0 (ECCN 0A982, 0D001 and 0E001) amended 10854

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Supplement No. 1, Category 1 (ECCN 1A002, 1A005, 1C001, 1D390, 1D993, 1E994 and 1E001) amended 10854
Supplement No. 1, Category 2 (ECCN 2B001, 2B003, 2B004, 2B005, 2B104, 2B996 and 23003) amended 10855
Supplement No. 1, Category 3 (ECCN 3A001, 3A002, 3B001 and 3C002) amended 10857
Supplement No. 1, Category 4 (ECCN 4A003, 4D001 and 4E001) amended 10860
Supplement No. 1, Category 5 (ECCN 5A991, 5D001 and 5E001) amended 10861
Supplement No. 1, Category 6 (ECCN 6A001, 6A003, 6A005, 6A007, 6A008, 6D001, 6D003, 6E001 and 6E002) amended
Supplement No. 1, Category 7 (ECCN 7D003) amended 10867
Supplement No. 1, Category 8 (ECCN 8A002, 8A992, 8D001 and 8E001) amended 10867
Supplement No. 1, Category 9 (ECCN 9A018) 10869
Supplement No. 1, Category 4 (ECCN 4D001, 4E001) corrected 12745
Supplement No. 1, Category 9 (ECCN 9A004) amended 13340
Supplement No. 1, Category 0 (ECCN 0A984, 0A985 and 0A987) amended; interim 17975
Supplement No. 1, Category 1 (ECCN 1C350) amended; interim 27146
Supplement No. 1, Category 1 (ECCN 1C351) amended; interim 27148
Supplement No. 1, Category 1 (ECCN 1C355) amended; interim 27149
Supplement No. 1, Category 1 (ECCN 1E001) amended; interim 27150
Supplement No. 1 corrected 27854
Supplement No. 1, Category 1 (ECCN 1E001) amended 28909
Supplement No. 1, Category 1 (ECCN 1C350) corrected 30103
Supplement No. 1, Category 3 (ECCN 3A001) amended 36780
Supplement No. 1 Category 0 (ECCN 0A984) and Supplement No. 2 amended 47106
Supplement No.1 (ECCN 0A984) amended 48956

Chapter VIII—Bureau of Economic Analysis, Department of Commerce (Parts 800—899)

806.15 (i) amended 10389

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900—999)

902.1 (b) table amended (OMB numbers)...14, 3627, 4036, 14054, 29133, 36781, 39019, 42828, 52428

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806 ..... 2454, 48568
922 ..... 19945, 27484, 30929, 35102. 38853

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission (Parts 0—999)

2.32 Revised 46268
2.34 Revised 46269
2.41 (f)(3) removed; (f)(4) and (f)(5) redesignated as (f)(3) and (f)(4) 43599
3 Authority citation revised 46269
3.25 (f) revised 46269
4 Authority citation revised 46269
4.1 (b)(1) introductory text, (iii) and (5)(vii) amended 14830

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TITLE 16 Chapter I—Con.

4.8 (b)(4) and (6) revised 3012
4.9 (b)(6) revised 46269
4.11 (a)(1)(i)(A), (B), (iii)(A), (2)(i)(A), (B) and (ii)(A) revised; (a)(1)(i)(E) and (iii)(D) redesignated as (a)(1)(i)(F) and (iii)(E); new (a)(1)(i)(E), new (iii)(D) and (h) added 3013
(c) and (d) amended; (e) revised 32180
(d)(1) corrected 35256
4.13 (c) and (i)(1) amended 3014
5.1 Amended 42594
23.0 Amended 33194
239 Announcement 19700
245 Removed 30902
305.9 (a) revised 7785
305 Appendix H corrected 926
Appendix F revised 32403
700 Announcement 19700
701 Announcement 19700
702 Announcement 19700
703 Announcement 19700
901.3 Introductory text and (d) amended 34533
901.4 (b) revised 34533

Chapter II—Consumer Product Safety Commission (Parts 1000—1799)

1051.1 (c) amended 48704
1615 Authority citation revised 34535
1615.1 Introductory text, (o) introductory text, (1) and (3) revised 2838
(c)(1) amended 34533
(o)(10) and (11) added; eff. 6–28–00 34535
(o)(10)(i) and (ii) amended; eff. 6–28–00 48704
(o)(11) amended; eff. 6–28–00 48705
1615.2 (a), (b), and (c) amended 34533
1615.4 Footnotes 2, 3, and 4 redesignated as footnotes 3, 4, and 5; eff. 6–28–00 34536
1615.64 (d) introductory text revised 2832
(a)(1) and (b) amended 34533
1616 Authority citation revised 34536
1616.2 Introductory text, (m) introductory text, (1) and (3) revised 2841
(m)(10) and (11) added; eff. 6–28–00 34536
(m)(10)(i), (ii) and (11) amended; eff. 6–28–00 48705
1616.5 Footnotes 2 through 6 redesignated as footnotes 3 through 7; eff. 6–28–00 34538
1616.65 (d) introductory text revised 2833
1700.14 (a)(29) added; eff. 6–19–00 32803

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1213 ..... 3456, 10245, 14158, 37051
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1513 ..... 3456, 10245, 14158, 37051
1615 ..... 2867, 10963, 13126, 34597
1616 ..... 2867, 10963, 13126, 34597
1630 13132
1631 13132
1632 13137

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TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission (Parts 1—199)

1 Fee schedules 19711
1.31 (b), (c) and (d) revised 28742
(b)(4) stayed; eff. 7-7-99 through 9-27-99 36569
1.61 Removed 24046
3 Advisory 39912
5 Fee schedules 19711, 30384
5 Appendix A revised 29217
Appendix E added 29224
9 Order 39913
Advisory 39915
Technical correction 43254
9.9 (b)(1) introductory text, (3) and (4) revised 46270
10.1 (d) revised 30903
10.68 (a)(2) amended 30903
10.92 (b)(1) revised 30903
10.101 (a)(5)(iii) revised 30903
10.102 (e)(1) amended 30903
10.106 (b)(3) amended 30903
10.109 Introductory text, (a)(2)(ii), and (b) revised; (d) removed 43071
10 Appendix A amended 30903
12.408 Introductory text and (b) revised 43071
17.00 (b)(1) introductory text revised; (b)(1) designation, (2) and (c) removed; (b)(1)(i) and (ii) redesignated as (b)(1) and (2); (b)(3) added 24046
18.01 Revised 24046
30 Technical correction 30103
30.5 Introductory text and (e) added; (a) revised 28914
30.6 Revised 28914
30 Appendix C amended 50251
31 Fee schedules 19711
60.41c Corrected; CFR correction 24049
150.1 (d) introductory text, (2), (e)(2) and (5) revised 24046
150.2 Revised 24047
150.4 Revised 24047
150.5 Added 24048
171.50 Heading, (a)(1) introductory text, (c) and (d) revised 46271

Chapter II—Securities and Exchange Commission (Parts 200—399)

200.30-3 (a)(67) added 42595
200.30-5 (e)(2) revised 34540
202.3 (b)(2) revised 19451
211 Staff accounting bulletin 45150
230.485 (f)(1) designation and (2) removed 27894
230.486 (f)(1) designation and (2) removed 27894
230.487 (d)(1) designation and (2) removed 27894
230.495 (e)(1) designation and (2) removed 27894
230.497 (k)(2)(ii) amended 27894
232.10 (b) revised 27894
232.11 Amended 27894
232.101 (a)(1)(iv) and (c)(11) amended 19471
(a)(1)(iii) note revised; (b)(7) removed 27894
232.102 (e) revised 27894
232.104 Added 27895
232.105 Added 27895
232.106 Added 27895
232.301 Revised 27898
232.302 (a) revised 27895
232.303 (a)(3) revised 27895
232.304 Heading, (a) and (b) revised; (c) amended 27895
232.305 Existing text designated as (a); (b) added 27896
232.306 (b) revised 27896
232.307 Existing text designated as (a); (b) added 27896
232.310 Revised 27896
239.14 Form N-2 amended 27897, 46837
239.15 Form N-1 amended 27897
239.15A Form N-1A amended 27897, 45836
239.16 Form S-6 amended 27896
239.17a Form N-3 amended 27897, 45837
239.17b Form N-4 amended 27897
239.24 Form N-5 amended 27897, 46837, 46838
240.3a12-8 (a)(1)(xviii) and (xix) amended; (a)(1)(xx) added 29553
Corrected 31493
240.10b-18 (a)(15) and (d) added; (c) revised 52433
240.14a-101 Amended 27896
240.15b1-1 (c) revised 25147
240.15b3-1 (c) revised 25147

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TITLE 17 Chapter II—Con.

(b) removed; (c) redesignated as (b); new (c) added 37593
(c)(4) added 42595
240.15b6–1 Revised 25147
(e) added 42595
240.15b7–3T Added 42028
240.15Ba2–2 (d) revised 25148
(e) added 37594
(e)(4) added 42596
240.15Bc3–1 Revised 25148
(e) added 42596
240.15Ca1–1 (c) revised 25148
240.15Cc1–1 Revised 25148
240.15Ca2–1 (b) removed; (c) redesignated as (b); new (c) added 37594
(c)(4) added 42596
240.15Cc1–1 (d) added 42596
240.17a–5 (g)(2) and (3) correctly added; CFR correction 39918
240.17a–9T Added 42029
240.17Ad–21T Added 42029
249.501a Form BDW revised 25149
Existing text designated as (a); (b) added 42596
249 Appendix B—Form BD revised 37594
270 Compliance date extension 24488
Authority citation amended 46834
270.8b–23 (a) revised 27896
270.8b–32 (c) revised 27896
270.8f–1 Revised 19471
270.17j–1 Revised 46834
274.5 Form N–5 amended 27897, 46837, 46838
274.11 Form N–1 amended 27897
274.11a–1 Form N–2 amended 27897, 46837
274.11b Form N–3 amended 27897, 46837
274.11c Form N–4 amended 27897
274.11A Form N–1A amended 27897, 46836
274.101 Form N–SAR amended 27896
274.218 Revised 19471
274.12 Form N–8B–2 amended 46838
275.203A–6 Added; eff. 5–3–99 15683
275.204–2 (a)(12)(i) and (13)(i) revised; (a)(12)(ii), (iii), (13)(ii) and (iii) redesignated as (a)(12)(iii), (iv), (13)(iii) and (iv); new (a)(12)(iii)(B), (13)(iii)(B) and (C) redesignated as (a)(12)(iii)(C), (13)(iii)(C) and (D); new (a)(12)(ii), (iii)(B), (13)(ii) and (iii)(B) added 46838
279.1 Form ADV amended; eff. 12–31–99 15683

Proposed Rules:

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30 ..... 22588, 32829, 46613, 46618
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270 ..... 18481, 24489, 52476
275 43556

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy (Parts 1—399)

1b Authority citation revised 17097
1b.1 (d) added 17097
1b.21 Added 17097
2.1 (a)(1)(viii)(A) through (I) removed 26603
2.55 (a) and (b)(1)(ii) revised; (b)(4)(i) and (d) removed; (b)(4)(ii) redesignated as (b)(4) 26603
2.69 Removed 26603
2.102 Removed 26603
2 Appendix A added 26603
3.4 Removed 44404
37.5 (c) redesignated as (f); new (c), (d), and (e) added 34124
37.6 Heading, (a) introductory text, (4), (5), and (e)(3)(ii) revised; (a)(6) added 34124
37.8 Added 34124
153.8 (a)(7) revised 26604
153.12 Added 51220
153.21 (b) revised 26604
157.1 Added 51220
157.6 (a) and (b) heading revised; (b)(6) added; (b)(7) amended 26604
157.8 Revised 26605

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157.9 Amended 26605
157.10 Revised 26605
157.14 (a) amended; (a)(6-a) and (14)(i) through (iv) revised; (a)(6-b), (6-c), (6-d), (12) and (14)(vii) through (xiii) removed 26605
157.16 (c)(1) revised 26605
157.17 (a) and (b) amended 26606
157.18 Introductory text, (f)(2) and (3) amended 26606
157.20 (c) introductory text and (d) introductory text amended; (c)(2), (d)(1) and (f) removed; (c)(3), (4), (d)(2), (3) and (g) redesignated as (c)(2), (3), (d)(1), (2) and (f); (b) and new (d)(2) revised 26606
157.21 Removed 26606
157.22 Added 51221
157.102 (a)(1) amended; (b)(1)(v) revised 26606
157.103 (j) amended 26606
157.201 (a) amended 26606
157.202 (b)(2)(i), (ii)(A), (B), (D), (E), (4) through (7), (10) and (12) revised; (b)(13), (14) removed; (b)(2)(i)(F) added 26606
(b)(2)(ii)(G) correctly removed; first (b)(2)(ii)(F) correctly redesignated as (b)(2)(ii)(G) 37037
157.203 (b) and (c) amended 26607
157.204 (d)(2), (4), (5) and (e) removed; (d)(3) redesignated as (d)(2) 26607
157.205 (c) removed; (d) through (i) redesignated as (c) through (h); (a) introductory text, (b) introductory text and new (c) revised; (a)(2), (b)(5), (6) and new (d), (e)(2), (f) and (g) amended 26607
157.206 (b), (c), (e) and (h) removed; (d), (f) and (g) redesignated as (b), (c) and (d); new (b) introductory text added; new (b)(1), (5) and (6) revised; new (b)(3)(i), (ii) and (iii) amended 26607
157.207 (b) and (c) revised; (f) removed; (g) and (h) redesignated as (f) and (g) 26607
157.208 Heading, (e) introductory text, (2) and (f)(2) revised; (c)(6), (8) and (4) through (7) removed; (c)(7), (9), (10), (11), (e)(8) and (9) redesignated as (c)(6), (7), (8), (9), (e)(4) and (5); (a), (b), new (c)(9), (d) and (g) amended 26608
157.209 Added 26608
157.210 Removed 26608
157.211 (a), (b)(1) through (5), (c)(1), (2) and (3) revised; (c)(4) added; (d) removed 26608
157.212 Removed 26609
157.213 Removed 26609
157.215 (a) introductory text and (b)(1)(iii) revised 26609
157.216 (a) introductory text amended; (a)(1), (2), (b), (c)(1), (3), (d)(1), (2) and (4) revised; (c)(5) and (d)(5) added 26609
157.217 (a) and (b)(2) revised 26609
157.218 (a) revised 26609
157.201—157.218 (Subpart F) Appendix I amended 26609
Appendix II revised 26610
284.10 (b)(1)(i) through (v) revised 17278
284.221 (d)(1), (f)(3) and (h)(3) amended; (d)(3) removed; (f)(4) revised 26610
284.262 Revised 26610
284.288 Removed 26611
341.0 (a)(7) revised 44404
341.2 (c)(1) revised 44404
341.6 (d)(3) revised 44404
342.3 (b) and (d)(3) revised 44404
343.2 (c) revised 17097
(c)(4) revised 44405
343.4 (a) revised 17097
346.2 (c)(7) revised 44405
357.3 Revised 44405
362 (Subchapter S) Removed 44405
375.307 (a)(2), (8), (9), (17), (18), (b)(4), (5), (c), (e)(3) and (7) removed; (a)(3), (4), (5), (6), (7), (10), (11), (12), (14), (15), (16), (d), (e)(4), (5) and (6) redesignated as (a)(2) through (9), (11), (12), (13), (c), (e)(3), (4) and (5); (e), (f) and (g) redesignated as (d), (e) and (f); (a)(1) and new (2), (3), (4) and (e)(3) revised; new (a)(10) added 26611
(h) added 51222
380.3 (c)(2) amended 26611
380.4 (a)(28) amended 26611
380.12 Added 26611

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380.13 Added 26617
380.14 Added 26618
380.15 Added 26619
380 Appendix A revised 26619
381.302 (a) amended 44653
381.303 (a) amended 44653
381.304 (a) amended 44653
381.305 (a) amended 44653
381.403 Amended 44653
381.505 (a) amended 44653
381.801 Amended 44653
Corrected 47107
385.101 (b)(3) and (4)(i) removed; (b)(4)(ii) redesignated as (b)(4) 44405
(b)(4)(ii) removed; (b)(4)(i) redesignated as (b)(4) 51234
385.102 (a) and (e)(2) revised 44405
385.206 (b) and (c) redesignated as (f) and (j); new (b), new (c), (d), (e), (g), (h) and (i) added; new (f) revised 17097
(g)(2) removed; (g)(1) introductory text, (i), (ii) and (g)(1)(iii) redesignated as (g) introductory text, (1), (2) and (3); (b)(7), (8), (9)(i), (c), (e)(3), new (g)(1) and (h)(1) revised 43608
385.208 Removed 44405
385.213 (c)(4) and (5) added 17099
(c)(4), (5)(ii), (iii) and (d)(2) introductory text revised 43608
385.218 Added 17099
385.502 (a)(1) and (2) revised; (a)(3) removed 44405
385.604 (d)(2) revised; (d)(3) and (g) removed; (d)(4), (5) and (6) redesignated as (d)(3), (4) and (5) 17099
385.605 (a)(4) and (e)(2) revised; (f) removed 17099
385.606 (d) redesignated as (d)(1); (d)(2) and (l) added 17099
385.915 Revised 51234
385.1012 Revised 51234
385.1403 Removed; new 385.1403 redesignated from 385.1404 44405
385.1404 Redesignated as 385.1403; new 385.1404 redesignated from 385.1415 44405
385.1405 Removed 44405
385.1406 Removed 44405
385.1407 Removed 44405
385.1408 Removed 44405
385.1409 Removed 44405
385.1410 Removed 44405
385.1411 Removed 44405
385.1412 Removed 44405
385.1413 Removed 44405
385.1414 Removed 44405
385.1415 Redesignated as 385.1404 44405
Removed 51234
385.1902 (a) revised; (b) removed; (c) redesignated as (b) 44405
385.2001 (b)(3) revised 26621
(a)(1)(ii) and (b)(3) correctly revised 37037
385.2010 (f) revised 31496
385.2201—385.2202 (Subpart V) Heading revised 51234
385.2201 Revised 51234
385.2202 Heading revised 51236

Chapter III—Delaware River Basin Commission (Parts 400—499)

430.13 (i)(3) revised 35566

Proposed Rules:

2 27717
35 ..... 31390, 40533, 51933
101 42304
153 27717
157 27717
330 37718
357 ..... 42623, 45931
380 27717
385 ..... 29614, 33034, 37718, 42307

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury (Parts 1—199)

4.9 (f) amended 43265
4.12 (a)(5) amended 43265
4.61 (b)(3) amended 43265
4.76 Added 40986
4.82 (a) amended 43265
4 Footnotes 112 and 113 removed 43265
10.41b (b)(1), (2)(iv), and (4) amended 43265
10.62 (a) amended 16347
10.62b (c)(1) introductory text and (ii)(C) revised 16347
12 Authority citation amended 17531
12.8 (b) amended 43265

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12.104g (b) table amended 17531
12.131 Existing text designated as (a); new (a) heading and (b) added; 48092
24 Authority citation amended 42031
24.21 (b)(9) amended 43266
24.23 (c)(3) revised 42031
24.24 (g) amended 43266
101.1 Amended 40987
102.20 (p) amended 43266
112.41 Amended 43266
113.38 (c)(4) amended 43266
113.67 (a)(1)(ii) and (b)(1)(ii) amended 48534
118.12 Amended 43266
122.13 Amended 18566
122.162 (b) amended 43266
133.26 Amended 43266
133.46 Amended 43266
141.64 Amended 43266
141.68 (b) amended 43266
141.90 (a) removed 43266
141.103 Amended 43266
141.113 (b) amended 43266
143.21 (j) amended 43266
144.37 (h)(2)(vi) amended 43266
148.51 (a)(1) amended 43267
151.12 Added 48534
151.13 Revised 48539
151.14 Amended 48543
151.16 Added 43611
162.65 (c) amended 43267
162.72 (b)(1), (2), and (3)(ii) amended 43267
162.73 (a)(2)(i), (ii), (3)(i), (ii), (b)(1)(i), (ii), and (2) amended 43267
162.74 (c) amended 43267
162.79b Amended 43267
173.6 Removed 43267
174 Authority citation amended 43612
174.13 (a)(7), (8), and (9) amended 43267
174.21 (b) revised 43612
174.31 (a) and (b) amended; (c) added 43612
178.2 (b) table amended (OMB numbers) 16347, 16639
Table amended 40987, 43612, 48543
181.82 (b)(1)(ii) amended 43267
181.93 (b)(5)(i)(B)(4) amended 43267
192 Authority citation revised 16639, 40987
192.0 Amended 40987
192.1 Amended 16639
192.2 (a) amended; (b), (c) and (d) revised 16639
192.11—192.13 (Subpart B) Added 40987

Chapter III—International Trade Administration, Department of Commerce (Parts 300—399)

351.206 (c)(2) revised 48707
351.222 (b) and (c) revised 51240
Regulation at 64 FR 48707 eff. date corrected to 9–8–99 50553

Proposed Rules:

4 ..... 19508, 29975
12 41851
19 16868
111 ..... 22726, 34748
113 ..... 41851, 42872
141 ..... 41851, 49423
146 15873
159 ..... 19508, 29975
351 29818

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board (Parts 200—399)

220 Appendix 3 corrected; CFR correction 36239

Chapter III—Social Security Administration (Parts 400—499)

404.403 (g) added 17101
404.942 (g) revised 51893
404.1220 (a) revised 33016
404.1574 (b)(2), (3) and (4) revised 18570
(b)(3) table corrected 22903
404.1501—404.1599 (Subpart P) Appendix 1 amended 29788, 46128
416.200 Revised 31972
416.203 (b) revised 31972
416.211 (a)(1) revised 31972
416.262 (a) revised 31972
416.305 (a)(2) revised 31972
416.315 (c) revised 31972
416.330 Revised 31973
416.335 Revised 31973
416.420 (b)(1), (2) and (3) revised 31973
416.421 (a) and (b) amended 31973
416.501 Revised 31973

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TITLE 20 Chapter III—Con.

416.502 Amended 31974
416.520 (a) amended; (b)(1), (4), (c) introductory text, (1) and (d) revised 31974
416.974 (b)(2), (3) and (4) revised 18570
(b)(4) table corrected 22903
416.1160 (b)(2)(i) revised; (b)(2)(ii) and (iii) redesignated as (b)(2)(iii) and (iv); new (b)(2)(ii) added 31974
416.1163 (e)(1) revised 31974
416.1165 (f) revised 31974
416.1166 (d) revised 31975
416.1245 (b)(1), (2)(v) and (5) revised 31975
416.1335 Amended 31975
416.1442 (g) revised 51893
416.1801 Amended 31975
416.1902 Amended 31975
422.112 (b) revised 33016

Chapter V—Employment and Training Administration, Department of Labor (Parts 600—699)

652.1 (a) revised; (h) amended; interim 18761
652.3 (d) revised; interim 18762
652.5 Revised; interim 18762
652.6 Removed; interim 18762
652.7 Removed; interim 18762
652.8 (j)(1) and (5) amended; interim 18762
652.200—652.216 (Subpart C) Added; interim 18762
654 (Subpart E) Authority citation revised 34965
654.403 (a)(1) and (3) amended 34965
655.100 (a)(1) amended 34966
655.101 (c) introductory text, (1), (2), and (3) amended 34966
655.106 (e) revised 34966
660 Added; interim 18693
661 Added; interim 18694
662 Added; interim 18701
663 Added; interim 18704
664 Added; interim 18713
665 Added; interim 18717
666 Added; interim 18719
667 Added; interim 18722
668 Added; interim 18736
669 Added; interim 18746
670 Added; interim 18750
671 Added; interim 18760

Proposed Rules:

375 44670
404 42310
416 42310

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services (Parts 1—1299)

2 Effective date confirmation 26657
3 Effective date confirmation 26657
5 Effective date confirmation 26657
5.22 (a)(13)(viii) removed 49383
5.31 (f)(3) revised 49383
5.61 (i) added 33194
5.67 Heading and introductory text revised; (e) added 47669
5.83 (c)(1) revised 23184
5.93 (b) revised 49383
10 Effective date confirmation 26657
12 Effective date confirmation 26657
16 Effective date confirmation 26657
20 Effective date confirmation 26657
25 Effective date confirmation 26657
26.1 (c) corrected 16348
26.31—26.50 (Subpart B) Appendix B corrected 16348
50 Effective date confirmation 26657
54 Effective date confirmation 26657
56 Effective date confirmation 26657
58 Effective date confirmation 26657
60 Effective date confirmation 26657
70 Effective date confirmation 26657
71 Effective date confirmation 26657
74 Effective date confirmation 39414
74.1102 (b)(1) and (c)(1) removed; (b)(2) and (c)(2) redesignated as (b) and (c) 48290
74.3045 (c)(1) introductory text revised 23186
74.3102 Added 48290
74.3602 (b)(4) redsignated as (b)(5); new (b)(4) added 32805
101 Workshop 34125
Comment period reopening 42277
101.4 (b)(23) added 50448
172.831 Introductory text removed; (c) revised 43909
172.883 Added 29958
(c) corrected 43072
172.886 (c)(2) revised 44122
173.310 (c) table amended 29226

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173.315 (a)(2) table amended; (a)(5) added 38564
173.325 (b)(1) revised 26841
(d) redesignated as (e); new (d) added 44123
(e) redesignated as (f); new (e) added 49982
175.105 (c)(5) table amended ... 29554, 45872
175.125 (b)(2) amended 48291
176.170 (a)(5) table amended 27915
176.180 (b)(2) table amended 46130
176.300 (c) table amended 46130
177.1211 Added 28098
177.1350 (a) introductory text, (1) through (6) and (b) redesignated as (a)(1) introductory text, (i) through (vi) and (b)(1); new (a)(2) and (b)(2) added 47108
177.1390 (c)(1)(i)(f) revised 46272
177.1500 (b) table amended 46272
177.1520 (c) table amended 27916
(a)(2) redesignated as (a)(2)(i); (a)(2)(ii) and (3)(vi) added; (d)(7) table amended 47108
177.1585 (a) and (c)(1) revised 27178
178 Technical correction 27854
178.2010 (b) table amended 24944, 25429, 26282, 30386, 48293
(b) table corrected 46130
178.3295 Table amended 26843
178.3297 (e) table amended 26842, 44406, 44407
178.3400 (c) table amended 45874
178.3570 (a)(3) table amended 47670
178.3725 Table amended 48292
178.3910 (a)(2) table amended 47110
184.1148 Added 19894
184.1150 Added 19895
184.1250 Added 28361
200 Effective date confirmation 26657
201 Effective date confirmation 26657
201.63 Regulation at 64 FR 13286 eff. date corrected to 5–16–99 18571
201.64 Regulation at 64 FR 13286 eff. date corrected to 5–16–99 18571
201.66 Regulation at 64 FR 13286 eff. date corrected to 5–16–99 18571
201.319 Regulation at 64 FR 13292 eff. date corrected to 5–16–99 18571
201 Regulation at 64 FR 13292 eff. date corrected to 5–16–99 18571
202 Effective date confirmation 26657
206 Effective date confirmation 26657
207 Effective date confirmation 26657
210 Effective date confirmation 26657
211 Effective date confirmation 26657
299 Effective date confirmation 26657
300 Effective date confirmation 26657
310 Effective date confirmation 26657
310.545 (a)(29) and (d)(31) added; (d) introductory text revised; eff. 5–21–01 27687
310.548 Added 44658
312 Effective date confirmation 19269, 26657
314 Effective date confirmation 26657
315 Added 26667
316 Effective date confirmation 26657
320 Effective date confirmation 26657
330.1 Regulation at 64 FR 13294 eff. date corrected to 5–16–99 18571
331.30 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
333 Effective date confirmation 26657
341.74 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
341.76 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
341.80 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
343.80 (a)(1) revised 49653
346.50 Regulation at 64 FR 13295 eff. date corrected to 5–16–99 18571
352 Added; eff. 5–21–01 27687
355.50 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571

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358.650 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
369 Effective date confirmation 26657
369.9 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
369.20 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
369.21 Regulation at 64 FR 13296 eff. date corrected to 5–16–99 18571
510 Effective date confirmation 26657
510.105 (a) and (b) amended 51241
510.600 (c)(1) table and (2) table amended 15683, 18571, 23187, 42597, 48294
514 Effective date confirmation 26657
514.1 (b)(8)(ii) and (v) revised 40756
514.4 Added 40756
514.111 (a)(5) revised 40757
520 Effective date confirmation 26657
520.48 (b) amended 42597
520.260 (b) amended 15684
520.309 (a) revised; (c) redesignated as (d); new (d)(1) and (2) revised 32181
520.446b (d)(4)(iii)(C) amended 37673
520.534 (d) heading amended 30387
520.600 (i) revised 18571
520.812 (a) amended 48295
520.1310 Added 39919
520.1484 Revised 31497
520.1615 Added 18573
520.1660d (a)(1), (2) and (7) amended 48544
520.1807 Added 23018
520.2184 (b) amended 15684
520.2220a (a)(2) amended 18572
520.2220b (a) removed; (b), (d) and (e) redesignated as (a), (b) and (d); new (a) and new (d)(2) revised 15684
520.2345d (a)(1) amended 37673
522 Effective date confirmation 26657
522.690 (b) amended 15685
522.723 (c) amended 15684
522.800 (b) amended 15684
522.842 (a) and (e) removed; (b) and (d) introductory text revised; (d)(1) redesignated as (d)(1)(i); (d)(1)(ii) added 48294
522.1081 (a)(3) and (b)(3) redesignated as (a)(4) and (b)(4); (a)(2)(i), (ii), (iii) and new (b)(4)(iii) amended; new (a)(3), (5) and new (b)(3) added; (a)(4) heading, (i) and (b)(4) heading revised; (a)(4) footnote removed 48544
522.1192 (d)(2)(ii) amended 26671
522.1193 (d)(2) amended 26671
522.1660 (b) and (d)(2)(iii) amended 23187
(d)(2)(iii) revised 26670
(d)(1)(iii) amended 42831
522.1940 (d)(1)(i) and (2)(i) redesignated as (d)(1)(i)(A) and (2)(i)(A); (b), new (d)(1)(i)(A) and new (2)(i)(A) revised; (d)(1)(i)(B) and (2)(i)(B) added 48295
522.2100 (a)(1), (b)(1), (c)(1), (d)(1) and (e)(1) amended 27916
522.2476 (b) amended 42597
(b) revised; (d)(1) and (2) redesignated as (d)(1)(i) and (2)(i); (d)(1)(ii) and (2)(ii) added 48294
522.2477 (a) amended 42597
(a), (b) and (c) redesignated as (b), (c) and (d); new (d)(1)(i) redesignated as (d)(1)(i)(A); new (b) revised; (d)(1)(i)(B) added 48294
522.2478 (c) redesignated as (d); new (d)(1)(ii) revised 18573
522.2680 (d)(3)(ii) amended 46840
524 Effective date confirmation 26657
524.770 (d)(2) revised 49082
524.1660a (b) revised; (c)(1)(i) footnote, (ii) footnote, (iii) footnote, (2)(i) footnote, and (2)(ii) footnote removed 42831
524.2098 Added 37401
(d)(1) and (2) amended 48707
529 Effective date confirmation 26657
556.175 Added 35923
556.304 Added 48545
556.344 (b)(2)(ii) added 26671
556.430 Revised 31498
556.490 Revised 26672
556.513 Added 23019
556.597 Added 48296
556.640 Revised 26672

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556.739 Revised 18574
556.750 Revised 48296
558.15 (g)(1) and (2) amended 37673
558.76 (d)(3)(xxi) added 18574
558.78 (d)(3)(xii) revised 26844
558.95 (d)(1)(xiv) added 49083
(d)(5) introductory text revised; (d)(5)(iv) added 49384
558.128 (d)(1) table amended 23539
558.140 (a) amended 15684
558.198 Added 35923
558.258 (c)(1)(i) introductory text amended 26844
558.265 (a) amended 42597
558.311 (e)(4)(ii) added 49083
(e)(1)(xiv) table amended 49656
558.363 (d)(2)(iii) added 18574
(d)(2)(iv) added 20164
556.366 (c) table amended 18574, 20164
(c) table amended 49384
558.485 (a)(17) removed 15684
558.530 (d)(5)(xxv) added 18575
(d)(5)(xxvi) added 20164
558.555 (b) redesignated as (d); new (b), (c), (d)(5), (6) and (7) added; new (d) heading revised; new (d)(1) introductory text removed 48296
558.575 (a) revised; (c) redesignated as (d); (d)(7) added 26672
(d)(4)(ii)(a) amended 43909
558.635 (b)(2) amended 15684
(a), (c), (e)(3) and (4) removed; (b), (d), (e) and (f) redesignated as (a) through (d); new (a)(1), (2) and (d)(2)(i) amended; new (d)(4)(vii) added 48296
573 Announcement 46841
573.625 Revised 46840
601 Authority citation revised 26668
601.33 Redesignated as 601.28 26668
601.28 Redesignated from 601.33 26668
601.30—601.35 (Subpart D) Revised 26668
606.3 (c), (e), (f) and (j) revised 45370
606.100 (b) introductory text, (b)(7), (18) and (d) introductory text revised 45370
606.121 (a), (d)(2) and (e)(1)(ii) revised 45370
606.122 (f) and (n)(4) revised 45371
606.151 (b), (c) and (e) revised 45371
606.160 (b)(2)(v) revised 45371
606.170 (b) revised 45371
640.2 (b) and (d) removed; (c), (e) and (f) redesignated as (b), (c) and (d); new (b) and new (c)(2) revised 45371
640.3 (b) introductory text, (3), (c)(1), (2) and (3) revised; (e) removed 45371
640.4 (d)(1) through (4) and (h) removed; (i) redesignated as (h); (b), (d), (g) introductory text, (1), (2), (4) and (5) revised 45371
640.5 Introductory text and (c) revised 45372
640.6 (c) removed 45372
640.13 (a) revised 45372
640.15 Revised 45372
640.16 (a) and (b) revised 45372
640.22 (a) revised 45372
640.23 (a) revised 45372
640.24 (b) revised 45372
640.31 (c) removed 45372
640.32 (a) amended 45372
640.34 (a) through (d), (e)(1), (2), (3) and (g)(2) revised 45372
640.51 (c) removed 45373
640.52 (a) revised 45373
640.54 (a)(2) revised 45373
640.56 (c) introductory text revised 45373
640.62 Revised 45373
640.63 (c)(3), (5), (11), (12) and (13) revised 45373
640.65 (b)(4) and (5) revised; (b)(8) added 45373
640.69 (d) revised 45374
640.71 (a) introductory text revised 45374
640.72 (a)(1) revised 45374
640.80 (a) amended; (b) revised 26286
640.81 (c) and (e) amended; (f) revised 26286
640.82 (a) heading, (c) heading, (d) and (e) revised 26286
640.84 (a) introductory text and (b) removed; (a)(1) through (4) redesignated as (a) through (d); introductory text, new (a) and new (d) revised 26286
640.90 (a) amended; (b) revised 26286
640.91 (b)(2) and (f) revised; (c) and (e) amended 26286
640.92 (a) heading, (c) heading, (d) and (e) revised 26286
640.94 (a) revised 26286

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640.100 (a) amended; (b) and (c) revised 26287
640.101 (b) amended; (e)(3), (4) and (f) removed 26287
640.102 (e) amended 26287
640.103 (b) revised 26287
640.104 (b)(2), (3), (c)(1) and (2) revised 26287
700.35 Added; eff. 5-21-01 27693
701.3 Regulation at 64 FR 13297 eff. date corrected to 5-16-99 18571
740.19 Added; eff. 5-22-00 27693
800 Effective date confirmation 26657
801 Effective date confirmation 26657
807 Effective date confirmation 26657
809 Effective date confirmation 26657
812 Effective date confirmation 26657
860 Effective date confirmation 26657
874.5350 (c) revised 18329
874.5370 (c) revised 18329
876.1735 Added 51444
878.3530 Regulation at 64 FR 45161 eff. date corrected to 8-19-99 46010
882.5860 (c) revised 18329
890.5275 (c) revised 18331
890.5300 (c) revised 18331
890.5860 (c) revised 18331
900.2 (yy) added 32407
900.4 (a)(4) amended; (c)(3)(ii), (5) introductory text, (i), (ii), and (6)(ii) revised 32407
900.12 (b)(5) and (e)(5)(vii)(A) revised 18333
(c)(2), (f)(3), and (j)(2) revised 32408
1020.30 (b) amended 35927
1020.31 (a)(2)(i), (f)(3), and (m) revised 35927

Chapter II—Drug Enforcement Administration, Department of Justice (Parts 1300—1399)

1308 Technical correction 39560, 42432
1308.12 (f)(1) removed; (f)(2) redesignated as (f)(1) 35930
1308.13 (g) added 35930
(c)(5) through (c)(11) redesignated as (c)(6) through (c)(12); new (c)(5) added 37675
1308.14 (c)(48) redesignated as (c)(49); new (c)(49) added 49983
1309.29 Regulation at 62 FR 53960 confirmed 40516
1310.09 Regulation at 62 FR 53960 confirmed 40516
1312 Technical correction 42432
1312.30 (a) added 35930

Proposed Rules:

1 ..... 15944, 32442
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310 ..... 17985, 44671
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TITLE 22—FOREIGN RELATIONS

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40.41 Regulation at 62 FR 67564 confirmed 50752
41.2 (j) revised 28916
(l)(2) amended; interim 42033
41.32 Revised 45163
41.33 Revised 45164
41.114 Removed 28916
42.72 (e)(4) amended 28916
50 Authority citation revised 19714
50.7 (d) added 19714
51 Authority citation revised 19714
51.72 (b) revised; (c) added 19714
51.80 Revised 19714
51.83 Amended 19715
51.84 Amended 19715
51.89 Revised 19715
121.1 Amended 17533
121.9 (a) revised 17533
123.4 (a) revised 17533
123.15 (b) revised 17533
123.17 (a) revised 17534
124.13 (e) revised 17534
126.5 Revised 17534
171.20—171.26 (Subpart C) Revised 25430
171.32 (j)(1), (2) and (5) amended 18808

Chapter II—Agency for International Development (Parts 200—299)

Chapter II Heading revised 15685
201.03 Revised 17535
201.23 (c) amended 17535
201.31 (f) and (g) amended 17535
201.32 (b) and (c) amended 17535
201.51 (c)(4) amended 17535
201.52 (a)(2)(iii)(C), (4)(iii) introductory text and (B) amended 17535
201.67 (a)(5)(ii) amended 17535

Chapter V—United States Information Agency (Parts 500—599)

514 Policy statement 34982
514.21 (f) revised 17976
514.32 Added 17976
514.45 Added; interim 44126
514.80 (Subpart G) Removed 17976
514.90 Regulation at 63 FR 34810 comfirmed 40286
Revised; interim 51896

Chapter VI—United States Arms Control and Disarmament Agency (Parts 600—699)

Chapter VI Removed 15686

Chapter VII—Overseas Private Investment Corporation (Parts 700—799)

Chapter VII Heading revised 32806

Proposed Rules:

22 28946
514 17988

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation (Parts 1—999)

180 Added 29750
655.601 Regulation at 61 FR 29626 confirmed; (c) and (d) revised; (e) removed 33753
Regulation at 64 FR 33753 eff. date corrected to 7–16–99 38307
661 Added; interim 38573
685 Authority citation revised 48959
658.5 Amended 48959

Chapter II—National Highway Traffic Safety Administration and Federal Highway Administration, Department of Transportation (Parts 1200--1299)

1200 Regulation at 62 FR 34402 confirmed 40764
1200.4 (d)(1) and (2) amended 40764
1200.10 (b) and (d) revised 40764
1200.13 (b) revised 40764
1200.22 Amended 40764
1200.33 (a) and (b) revised 40764
1205.4 Regulation at 62 FR 34404 confirmed 40764
1225 Regulation at 63 FR 46886 confirmed 35573
1225.4 (a)(1) and (5) revised; (a)(6) removed 35573

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TITLE 23 Chapter II—Con.

Regulation at 64 FR 35573 eff. date corrected to 8–30–99 47110
1225.6 Revised 35573
Regulation at 64 FR 35573 eff. date corrected to 8–30–99 47110

Chapter III—National Highway Traffic Safety Administration, Department of Transportation (Parts 1300—1399)

1327.3 Regulation at 62 FR 63657 confirmed 19271
1327.5 Regulation at 62 FR 63657 confirmed; (a)(1)(ii) and (c)(2) amended; (c)(3) redesignated as (c)(4); new (c)(3) added.....19271
1327.6 Regulation at 62 FR 63657 confirmed 19271
(a) through (f) revised; (g) and (h) redesignated as (h) and (i); new (g) added 19272
1327.7 Added.....19273

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TITLE 24—HOUSING AND URBAN DEVELOPMENT

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5.508 (b)(1), (2), (h)(2) and (3) revised.....25731
5.510 (b) revised.....25731
5.512 (a) revised; (b), (c) and (d) redesignated as (c), (d) and (e); new (b) added.....25731
5.514 (b), (c)(1), (e)(1) and (f)(1) revised.....25731
5.516 (c) introductory text revised.....25732
5.518 (a), (b)(3) and (5) revised.....25732
5.526 Revised.....25732
5.801 (c) revised.....33755
35 Authority citation revised.....50201
35.1—35.5 (Subpart A) Removed; eff. 9–15–00 50201
35.1—35.19 (Subpart A) Redesignated from 35.80—35.98 (Subpart H); eff. 5–19–00 50201
35.80—35.98 (Subpart H) Redesignated as 35.1—35.19 (Subpart A); eff. 9–15–00.....50201
35.100—35.175 (Subpart B) Revised; eff. in part 5–19–00.....50202
35.200—35.215 (Subpart C) Revised; eff. 5–19–00 50208
35.300—35.325 (Subpart D) Revised; eff. 5–19–00 50209
35.500—35.510 (Subpart F) Revised; eff. 5–19–00 50209
35.600—35.630 (Subpart G) Revised; eff. 5–19–00 50209
35.700—35.730 (Subpart H) Added; eff. 9–15–00 50210
35.800—35.830 (Subpart I) Added; eff. 9–15–00 50211
35.900—35.940 (Subpart J) Added; eff. 9–15–00 50212
35.1000—35.1020 (Subpart K) Added; eff. 9–15–00.....50214
35.1100—35.1140 (Subpart L) Added; eff. 9–15–00.....50215
35.1200—35.1225 (Subpart M) Added; eff. 9–15–00.....50216
35.1300—35.1355 (Subpart R) Added; eff. 9–15–00.....50218
91.2 (b)(15) revised; eff. 9–15–00 50224
91.5 Amended; eff. 9–15–00 50223
91.225 (b)(7) revised; eff. 9–15–00 50224
92.206 (a)(2)(ii) revised; eff. 9–15–00.....50224
92.355 Revised; eff. 9–15–00.....50224
92.504 (c)(3)(iv) revised; eff. 9–15–00.....50224
92.508 (a)(7)(vi) revised; eff. 9–15–00.....50224

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development (Parts 100—199)

100.304 Revised.....16329
100.305 Added 16329
100.306 Added 16330
100.307 Added 16330
100.308 Added 16330
103.10 Revised; interim 18540
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103.15 Revised; interim 18540
Regulation at 64 FR 18540 confirmed 46844
103.20 Revised; interim 18540
Regulation at 64 FR 18540 confirmed 46844
103.25 Revised; interim 18540
Regulation at 64 FR 18540 confirmed 46844
103.30 Revised; interim 18540
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103.35 Added; interim 18540
Regulation at 64 FR 18540 confirmed 46844
103.40 Revised; interim 18540
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103.42 Removed; interim 18540
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103.45 Redesignated as 103.201; interim 18540
Regulation at 64 FR 18540 confirmed 46844
103.50 Redesignated as 103.202; interim 18540
Regulation at 64 FR 18540 confirmed 46844
103.55 Redesignated as 103.203; interim 18540
Regulation at 64 FR 18540 confirmed 46844
103.201 Redesignated from 103.45; interim 18540
Regulation at 64 FR 18540 confirmed 46844
103.202 Redesignated from 103.50; interim 18540
(b) revised; interim 18541
Regulations at 64 FR 18540 and 18541 confirmed 46844
103.203 Redesignated from 103.55; interim 18540
Regulation at 64 FR 18540 confirmed 46844
103.204 Added; interim 18541
Regulation at 64 FR 18541 confirmed 46844
108 Authority citation revised 44095
108.1 (e) and (f) added 44095
108.15 Amended 44095
108.20 Revised 44096
108.21 Revised 44096
108.25 (a), (b), (d) through (h) revised 44096
108.35 Amended 44096
108.40 (a) and (b) revised 44096
108.45 Amended 44097

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200.800—200.810 (Subpart O) Revised; eff. 9–15–00 50224
203.10 Added 29765
(e) revised 34984
203.14 Regulation at 64 FR 14574 withdrawn 19895
203.18 Regulation at 64 FR 14574 withdrawn 19895
203.200 Regulation at 64 FR 14574 withdrawn 19895
203.201 Regulation at 64 FR 14574 withdrawn 19895
203.202 Regulation at 64 FR 14574 withdrawn 19895
203.203 Regulation at 64 FR 14574 withdrawn 19895
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203.205 Regulation at 64 FR 14574 withdrawn 19895
203.206 Regulation at 64 FR 14574 withdrawn 19895
203.207 Regulation at 64 FR 14574 withdrawn 19895
203.208 Regulation at 64 FR 14574 withdrawn 19895
203.209 Regulation at 64 FR 14574 withdrawn 19895
203.673 (a) and (c) revised; eff. 9–15–00 50225
234.1 Regulation at 64 FR 14574 withdrawn 19895
248.101 Amended; interim 26639
Regulation at 64 FR 26639 eff. date delayed to 10–1–99 43613
248.141 (c)(3) amended; interim 26639
Regulation at 64 FR 26639 eff. date delayed to 10–1–99 43613
248.147 (e)(1) amended; interim 26639
Regulation at 64 FR 26639 eff. date delayed to 10–1–99 43613
248.165 (a) revised; (i) amended; interim 26639
Regulation at 64 FR 26639 eff. date delayed to 10–1–99 43613
248.173 (m)(2) revised; interim 26639

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Regulation at 64 FR 26639 eff. date delayed to 10–1–99 43613
248.201 Amended; interim 26639
Regulation at 64 FR 26639 eff. date delayed to 10–1–99 43613
280.25 (e) revised; eff. 9–15–00 50225
291.100 (g) revised; eff. 9–15–00 50225
291.430 Revised; eff. 9–15–00 50225
291.500—291.590 (Subpart F) Added; interim 36212

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development (Parts 300—399)

320.5 (a) amended; (e) and (f) revised; (g) added 34106
320.13 Revised 34107

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511.10 (f)(1)(ii) revised; eff. 9–15–00 50225
511.15 Revised; eff. 9–15–00 50225
570.202 (f) revised; eff. 9–15–00 50225
570.461 Revised; eff. 9–15–00 50225
570.487 (c) revised; eff. 9–15–00 50225
570.506 (h) revised; interim 38813
570.608 Revised; eff. 9–15–00 50226
572.100 (d)(1) revised; eff. 9–15–00 50226
572.215 (e) revised; eff. 9–15–00 50226
572.420 (h) revised; eff. 9–15–00 50226
573.9 (c) revised; eff. 9–15–00 50226
574.635 Revised; eff. 9–15–00 50226
576.57 (c) revised; eff. 9–15–00 50226
582.305 (a) amended; eff. 9–15–00 50226
583.330 (d) revised; eff. 9–15–00 50226
585.305 (d) revised; eff. 9–15–00 50226
585.502 (h) revised; eff. 9–15–00 50227

Chapter VII—Office of the Secretary, Department of Housing and Urban Development (Housing Assistance Programs and Public and Indian Housing Programs) (Parts 700—799)

761 Nomenclature change 49917
761.1 Introductory text revised 49917
761.5 Revised 49917
761.10 Amended; introductory text revised 49918
761.13 Added 49918
761.13—761.17 (Subpart B) Heading revised 49918
761.15 Revised 49918
761.17 Added 49919
761.20 Revised 49920
761.21 Added 49920
761.23 Added 49921
761.40 (f) and (g) revised 49921
(c) revised; eff. 9–15–00 50227
791 Heading revised; interim 26639
Regulation at 64 FR 26639 eff. date delayed to 10–1–99 43613
791.101 Revised; interim 26639
Regulation at 64 FR 26639 eff. date delayed to 10–1–99 43613
791.102 Amended; interim 26639
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791.401—791.407 (Subpart C) Removed; interim 26639
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791.401 Amended; interim 26639
Regulation at 64 FR 26639 eff. date delayed to 10–1–99 43613
791.402 (c)(1) designation and (2) removed; (d) revised; interim 26639
Regulation at 64 FR 26639 eff. date delayed to 10–1–99 43613
791.403 (a) and (b)(1)(i) revised; interim 26640
Regulation at 64 FR 26640 eff. date delayed to 10–1–99 43613
791.404 (c) revised; interim 26640
Regulation at 64 FR 26640 eff. date delayed to 10–1–99 43613
792 Heading revised; nomenclature change; interim 26640
Regulation at 64 FR 26640 eff. date delayed to 10–1–99 43613
792.101 Revised; interim 26640
Regulation at 64 FR 26640 eff. date delayed to 10–1–99 43613
792.102 (a) and (b) amended; interim 26640
Regulation at 64 FR 26640 eff. date delayed to 10–1–99 43613
792.103 Amended; interim 26640

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792.202 (a)(1) and (2) amended; interim 26640
Regulation at 64 FR 26640 eff. date delayed to 10–1–99 43613

Chapter VIII—Office of the Assistant Secretary for Housing--Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program) (Parts 800—899)

881.207 (e) revised; eff. 9–15–00 50227
882.404 (d) revised; eff. 9–15–00 50227
882.507 (b)(2)(iv) revised; eff. 9–15–00 50227
882.514 (d)(1)(vi) revised; eff. 9–15–00 50227
882.803 (b)(1) revised; eff. 9–15–00 50227
883.310 (b)(5) revised; eff. 9–15–00 50227
886.113 (i) revised; eff. 9–15–00 50227
886.307 (i) revised; eff. 9–15–00 50227
886.333 (b)(2)(iv) revised; eff. 9–15–00 50227
888 Fair market rent schedules 51860
891.155 (g) revised; eff. 9–15–00 50227
891.325 Revised; eff. 9–15–00 50228

Chapter IX—Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development (Parts 900—1099)

901.5 Amended; eff. 9–15–00 50228
903 Forum 22550
903.3 Revised 51047
903.23 (c) added 51047
906.6 (b) amended; eff. 9–15–00 50228
941.208 (b) revised; eff. 9–15–00 50228
941.606 (m) amended; eff. 9–15–00 50228
965.215 (a), (b) introductory text, (1), (c) and (d) revised; eff. 9–15–00 50228
965.701 (Subpart H) Revised; eff. 9–15–00 50229
968.102 (c) amended; eff. 9–15–00 50229
968.110 (a) revised 33637
(k) revised; eff. 9–15–00 50229
968.112 (i) revised; eff. 9–15–00 50229
968.120 Revised 33637
968.205 Amended; eff. 9–15–00 50229
968.210 (e)(2)(ii) revised; eff. 9–15–00 50229
968.315 (e)(2)(i) amended; eff. 9–15–00 50229
968.435 (b) revised; eff. 9–15–00 50229
970.13 (d)(1)(i) revised; eff. 9–15–00 50229
982 Heading revised; nomenclature change; interim 26640
Regulation at 64 FR 26640 eff. date delayed to 10–1–99 43613
982.1 Heading, (a)(1), (2), (4) and (b)(2) revised; (a)(3) and (b)(1) amended; interim 26640
Regulation at 64 FR 26640 eff. date delayed to 10–1–99 43613
982.2 (a) amended; interim 26640
Regulation at 64 FR 26640 eff. date delayed to 10–1–99 43613
982.4 (a)(2), (4) and (b) amended; interim 26640
Regulation at 64 FR 26640 eff. date delayed to 10–1–99 43613
Corrected 49658
982.51 (a) revised; interim 26641
Regulation at 64 FR 26641 eff. date delayed to 10–1–99 43613
982.53 (b) and (c) revised; (d) added; interim 26641
Regulation at 64 FR 26641 eff. date delayed to 10–1–99 43613
982.54 (d)(1), (2), (14), (15) revised; (d)(16) removed; (d)(17) through (22) redesignated as (d)(16) through (21); interim 26641
Regulation at 64 FR 26641 eff. date delayed to 10–1–99 43613
(d)(1), (2), (14), (15), (20) and (21) correctly revised; (d)(22) and (23) correctly added 49658
982.101 (a) and (b)(2)(i) revised; interim 26642
Regulation at 64 FR 26642 eff. date delayed to 10–1–99 43613
982.103 (a) revised; (c) added; interim 26642
Regulation at 64 FR 26642 eff. date delayed to 10–1–99 43613
982.151 (a)(1) and (2) amended; (b) revised; interim 26642

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Regulation at 64 FR 26642 eff. date delayed to 10–1–99 43613
982.152 (a)(1), (b)(1) and (c) revised; interim 26642
Regulation at 64 FR 26642 eff. date delayed to 10–1–99 43613
982.154 Revised; interim 26642
Regulation at 64 FR 26642 eff. date delayed to 10–1–99 43613
982.155 (a) introductory text revised; interim 26642
Regulation at 64 FR 26642 eff. date delayed to 10–1–99 43613
982.157 (b)(1) revised; (c) added; interim 26642
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982.158 (f)(5) revised; eff. 9–15–00 50229
982.162 (a)(3) revised; interim 26642
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982.201 (a), (d)(1), (2) and (e) amended; (b) and (f)(2) revised; interim 26642
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(b)(4) corrected 49658
982.202 (b)(1) removed; (b)(2), (3) and (4) redesignated as (b)(1), (2) and (3); new (b)(3) introductory text and (d) revised; interim 26643
Regulation at 64 FR 26643 eff. date delayed to 10–1–99 43613
982.203 (b)(1) amended; interim 26643
Regulation at 64 FR 26643 eff. date delayed to 10–1–99 43613
982.204 (b)(4) revised; (b)(5) amended; (f) added; interim 26643
Regulation at 64 FR 26643 eff. date delayed to 10–1–99 43613
982.205 (a) removed; (b) and (c) redesignated as (a) and (b); new (a)(2), (b)(1) and (3) amended; interim 26643
Regulation at 64 FR 26643 eff. date delayed to 10–1–99 43613
982.206 (b)(2) revised; (c)(1) designation and (2) removed; interim 26643
Regulation at 64 FR 26643 eff. date delayed to 10–1–99 43613
982.207 Revised; interim 26643
Regulation at 64 FR 26643 eff. date delayed to 10–1–99 43613
982.301 (b)(1) amended; (b)(2), (5) and (6) revised; interim 26644
Regulation at 64 FR 26644 eff. date delayed to 10–1–99 43613
(b)(10) removed; (b)(11) through (b)(16) redesignated as (b)(10) through (b)(15); eff. 9–15–00 50229
982.302 Revised; interim 26644
Regulation at 64 FR 26644 eff. date delayed to 10–1–99 43613
982.303 Amended; heading revised; (c) amended; interim 26644
Regulation at 64 FR 26644 eff. date delayed to 10–1–99 43613
982.305 Heading, (a)(3), (4) and (b) revised; (a) introductory text, (d) and (e) amended; (a)(5) removed; interim 26644
Regulation at 64 FR 26644 eff. date delayed to 10–1–99 43613
(b)(3) revised; eff. 9–15–00 50229
982.306 (a), (b) introductory text and (c) introductory text amended; (c)(3) revised; (c)(5) and (6) redesignated as (c)(6) and (7); new (c)(5) added; interim 26644
Regulation at 64 FR 26644 eff. date delayed to 10–1–99 43613
982.307 Heading and (a) revised; interim 26645
Regulation at 64 FR 26645 eff. date delayed to 10–1–99 43613
(a)(1) correctly revised 49658
982.308 Revised; interim 26645
Regulation at 64 FR 26645 eff. date delayed to 10–1–99 43613
982.309 Revised; interim 26645
Regulation at 64 FR 26645 eff. date delayed to 10–1–99 43613
982.310 (a)(1) and (d)(1)(iv) revised; (d)(2) amended; (e)(3) removed; interim 26645
Regulation at 64 FR 26645 eff. date delayed to 10–1–99 43613
982.352 (b)(1) revised; interim 26645
Regulation at 64 FR 26645 eff. date delayed to 10–1–99 43613
982.353 (b), (c)(2) and (d) revised; (f) amended; interim 26646
Regulation at 64 FR 26646 eff. date delayed to 10–1–99 43613
982.354 Removed; interim 26646

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982.355 (b), (c)(1) and (6) revised; (c)(4), (8), (d)(1) and (6) amended; interim 26646
Regulation at 64 FR 26646 eff. date delayed to 10–1–99 43613
982.401 (a)(4) revised; interim 26646
Regulation at 64 FR 26646 eff. date delayed to 10–1–99 43613
(a)(4)(iii)(A) corrected 49658
(j) revised; eff. 9–15–00 50230
982.402 (a)(3) amended; (c) revised; interim 26646
Regulation at 64 FR 26646 eff. date delayed to 10–1–99 43613
982.403 Heading and (c) introductory text revised; (a)(1) removed; (a)(2) and (3) redesignated as (a)(1) and (2); (a)(1), (b)(2) and (4) amended; interim 26647
Regulation at 64 FR 26647 eff. date delayed to 10–1–99 43613
982.405 Heading and (a) revised; (f) added; interim 26647
Regulation at 64 FR 26647 eff. date delayed to 10–1–99 43613
982.451 (b)(5) revised; interim 26647
Regulation at 64 FR 26647 eff. date delayed to 10–1–99 43613
982.452 (b)(1) amended; interim 26647
Regulation at 64 FR 26647 eff. date delayed to 10–1–99 43613
982.453 (a)(5) amended; interim 26647
Regulation at 64 FR 26647 eff. date delayed to 10–1–99 43613
982.454 Amended; interim 26647
Regulation at 64 FR 26647 eff. date delayed to 10–1–99 43613
982.455 Revised; interim 26647
Regulation at 64 FR 26647 eff. date delayed to 10–1–99 43613
982.456 (b) revised; interim 26647
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982.457 Removed; interim 26647
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982.501 Revised; interim 26647
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982.502 Redesignated as 982.506; new 982.502 added; interim 26648
Regulation at 64 FR 26648 eff. date delayed to 10–1–99 43613
982.503 Redesignated as 982.507; new 982.503 added; interim 26648
Regulation at 64 FR 26648 eff. date delayed to 10–1–99 43613
(b)(1)(iii) correctly added; (c)(2) correctly revised 49658
982.504 Removed; interim 26647
Added; interim 26649
Regulations at 64 FR 26647 and 26649 eff. date delayed to 10–1–99 43613
982.505 Removed; interim 26647
Added; interim 26649
Regulations at 64 FR 26647 and 26649 eff. date delayed to 10–1–99 43613
(c)(2) correctly revised 49658
982.506 Removed; interim 26647
Redesignated from 982.502; interim 26648
Regulations at 64 FR 26647 and 26648 eff. date delayed to 10–1–99 43613
982.507 Redesignated as 982.518; new 982.507 redesignated from 982.503; interim 26648
Regulation at 64 FR 26648 eff. date delayed to 10–1–99 43613
982.508 Removed; interim 26647
Added; interim 26649
Regulations at 64 FR 26647 and 26649 eff. date delayed to 10–1–99 43613
Heading correctly revised 49658
982.509 Redesignated as 982.519; new 982.509 redesignated from 982.511; interim 26648
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982.510 Redesignated as 982.520; new 982.510 redesignated from 982.513; interim 26648
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982.511 Redesignated as 982.509; interim 26648
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982.513 Redesignated as 982.510; interim 26648
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982.516 (d)(2) revised; (e) amended; (f) added; interim 26649
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982.518 Redesignated from 982.507; interim 26648
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982.521 Added; interim 26650
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983.104 (b)(2)(iv) revised; eff. 9–15–00 50230
983.203 (d) introductory text amended; eff. 9–15–00 50230
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985.3 Introductory text and (a)(2) amended; (a)(3) introductory text, (i) introductory text (i)(B), (ii), (b)(2), (3) introductory text, (i) introductory text, (i)(B), (ii), (iii), (c)(2), (3) introductory text, (i) introductory text, (ii), (iii), (d)(2), (3), (e), (f)(2), (3), (g)(2), (3) introductory text, (i) introductory text, (ii), (h)(2), and (3) revised; interim 40497
985.103 (d) redesignated as (e); new (d) added; new (e)(3) revised; interim 40498
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1.1286–2 Redesignated from 1.1286–2T and amended 48547
1.1286–2T Redesignated as 1.1286–2 48547
1.1397E–1T (b) and (j) revised; (h) redesignated as (i); new (h) added 35573
1.1502–1 (f)(4) revised 36101
1.1502–2 (h) amended 36099
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1.1502–15 Added 36101
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1.1502–95 Added 36159
1.1502–95T (b)(1)(i), (4) Example 1 and (c)(7) Example 7 amended 36101
(a)(3), (b)(1) introductory text, (2) introductory text, (4) Example 2, (c)(2) introductory text, (7) Example 1, (d)(2) Examples 1 and 3 and (e)(1) introductory text amended 36126
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200.25 Amended 49084
200.27 Heading and section amended 49084
200.29 Amended 49084
200.31 Amended 49084
200.35 Amended 49084
200.36 Amended 49084
200.37 Amended 49084
200.38 Amended 49084
200.45 Amended 49084
200.46 Amended 49084
200.48 Introductory text amended 49084
200.49 Amended 49084
200.49a Introductory text amended 49084
200.49b Introductory text and (b) amended 49084
200.55 (a) introductory text amended 49084
200.57 Amended 49084
200.59 Amended 49084
200.60 (a), (b) and (c) amended 49084
200.61 Amended 49084
200.62 Amended 49084
200.64 Amended 49084
200.65 Amended 49084
200.70 Amended 49084
200.71 Amended 49084
200.72 Amended 49084
200.73 Amended 49084
200.75 Amended 49084
200.78 Amended 49084
200.79 (b) amended 49084
200.80 Amended 49084
200.85 Introductory text amended 49084
200.95 Amended 49084
200.105 Amended 49084
200.106 (a) amended 49084
200.107—200.110 Undesignated center heading amended 49084
200.107 Amended 49084
200.107a Heading and (a)(3) amended 49084
200.109 Amended 49084
200.110 Amended 49084
200.115 Amended 49084
200.116 Amended 49084
200.117 Amended 49084
200.126 Amended 49084
200.129 Amended 49084
252.62 (c) amended 46845

Proposed Rules:

4 ..... 17588, 33448, 50265, 51933
5 17588
7 17588
9 ..... 24308, 52483
24 ..... 50265, 51933
178 33450
179 33450

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TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice (Parts 0—199)

0.14 Removed 37042
0.85 (b) amended; (j) revised 52226
0.137 Removed 46846
0.138 Revised 46846
0.157 (b), (c) and (d) revised; (e) removed 46846
16 Authority citation revised 52226
16.30 Revised 52226
16.31 Revised 52226
16.32 Amended 52226
16.33 Amended 52226
16.34 Amended 52226
20 Authority citation revised 47102
20.1 Revised 52226
20.3 Revised 52226
20.25 Amended 47102
20.30—20.38 (Subpart C) Revised 52227
20 Appendix amended 52229
22 Authority citation revised 47102
22.29 Revised 47102
32.31—32.40 (Subpart B) Heading revised 49953
32.31 Revised 49953
32.32 (a), (b)(3), (c), (d) and (f) revised 49953
32.33 (a)(1) revised 49953
32.34 (b)(2) revised 49953
32.35 (a) revised 49953
32.37 (c) revised; (d) added 49954
36 Authority citation revised 47103
36.504 (a)(3)(i) and (ii) revised 47103
50.12 Revised 52229
68 Regulation at 64 FR 7073 confirmed 49660
68.1 Regulation at 64 FR 7073 confirmed 49660
68.2 Regulation at 64 FR 7073 confirmed; amended 49660
68.3 Regulation at 64 FR 7074 confirmed 49660
68.6 Regulation at 64 FR 7074 confirmed 49660
68.7 Regulation at 64 FR 7074 confirmed 49660
68.9 Regulation at 64 FR 7075 confirmed 49660
68.10 Regulation at 64 FR 7075 confirmed 49660
68.14 Regulation at 64 FR 7075 confirmed 49660
68.22 Regulation at 64 FR 7076 confirmed 49660
68.23 Regulation at 64 FR 7076 confirmed 49660
68.24 Regulation at 64 FR 7077 confirmed 49660
68.27 Regulation at 64 FR 7077 confirmed 49660
68.33 Regulation at 64 FR 7077 confirmed; (c) heading, introductory text and (3)(iii) revised 49660
68.38 Regulation at 64 FR 7078 confirmed 49660
68.42 Regulation at 64 FR 7079 confirmed 49660
68.52 Regulation at 64 FR 7079 confirmed; (c)(5) amended 49660
68.53 Regulation at 64 FR 7081 confirmed 49660
68.54 Regulation at 64 FR 7082 confirmed 49660
68.55 Regulation at 64 FR 7082 confirmed 49660
68.56 Regulation at 64 FR 7083 confirmed 49660
68.57 Regulation at 64 FR 7083 confirmed 49660
68.58 Regulation at 64 FR 7083 confirmed 49660
71 Authority citation revised 47103
71.3 Amended; (a) introductory text and (f) introductory text revised; (a) concluding text and (f) concluding text 47103
76 Authority citation revised 47103
76.3 (a) revised 47103
85 Added 47103
90 Authority citation revised 39783
90.100—90.106 (Subpart E) Added 39783

Chapter V—Bureau of Prisons, Department of Justice (Parts 500—599)

505 Revised 43881
553 Authority citation revised 36753
553.10 Amended 36753
553.11 Revised 36753
553.12 Revised 36754
553.13 (b)(2)(iii) amended 36754
553.14 Revised 36754

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TITLE 28

Chapter VI—Offices of Independent Counsel, Department of Justice (Parts 600—699)

600 Revised 37042

Proposed Rules:

5 37065
16 49117
302 48336
540 40718

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor (Parts 0—99)

18.9 (e)(2) revised 47089

Chapter II—Office of Labor-Management Programs, Department of Labor (Parts 200—299)

215 Guidelines 40990

Chapter V—Wage and Hour Division, Department of Labor (Parts 500—899)

697.1 (a)(1), (b)(1), (2), (c)(1), (d)(1), (e)(1), (f)(1), (g)(1), (h)(1), (i)(1), (j)(1), (k)(1), (l)(1), (m)(1), (n)(1), (o)(1) and (p)(1) revised 48525
697.3 Revised 48525

Chapter X—National Mediation Board (Parts 1200—1299)

1203.1 Amended 40287
1203.2 Amended 40287
1203.3 (a) amended 40287
1205.4 Amended 40287
1209 Authority citation revised 40287
1209.7 (f) amended 40287
1209.8 (d) amended 40287

Chapter XIV—Equal Employment Opportunity Commission (Parts 1600—1699)

1610.4 Regulation at 63 FR 1341 confirmed 45164
1610.5 Regulation at 63 FR 1341 confirmed 45164
1610.8 Regulation at 63 FR 1341 confirmed 45164
1610.9 Regulation at 63 FR 1341 confirmed 45164
1610.10 Regulation at 63 FR 1342 confirmed 45164
1610.11 Regulation at 63 FR 1342 confirmed 45164
1610.14 Regulation at 63 FR 1342 confirmed 45164
1610.15 Regulation at 63 FR 1342 confirmed 45164
1610.18 Regulation at 63 FR 1342 confirmed 45164
1610.21 Regulation at 63 FR 1342 confirmed 45164
1610.34 Regulation at 63 FR 1342 confirmed 45164
1614.102 (b)(2) through (6) redesignated as (b)(3) through (7); (b)(2) added; (c)(5) revised 37655
1614.103 (b)(3) amended; (b)(4) revised; (5), (6), and (7) added 37655
1614.105 (b) redesignated as (b)(1); new (b)(1) and (d) amended; (b)(2) added; (f) revised 37656
1614.106 (d) redesignated as (e); new (d) added; (e) revised 37656
1614.107 (a) through (h) redesignated as (a)(1) through (8); introductory text redesignated as (a) introductory text and revised; (7) and (8) revised; (9) and (b) added 37656
1614.108 (b) amended; (f) revised; (g) added 37656
1614.109 (b) through (g) redesignated as (d) through (i); (a), new (f)(3) introductory text and new (i) revised; new (b) and new (c) added; new (f) introductory text removed 37657
1614.110 Revised 37657
1614.201 (a), (c)(1), and (2) amended 37658
1614.204 (b) revised; (d)(2) through (6) amended; (d)(7), (e)(1), (g)(2), (4), and (l)(3) revised; (j)(7) amended 37658
1614.302 (d)(1)(i) amended 37659
1614.401 (a) revised; (b), (c), and (d) redesignated as (c), (d), and (e); new (b) added; new (c) revised 37659
1614.402 (a) revised 37659
1614.403 Revised 37659
1614.404 (c) added 37659

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1614.405 (a) and (b) revised 37659
1614.407 Removed; new 1614.407 redesignated from 1614.408; (a) and (b) amended; 37659
1614.408 Redesignated as 1614.407; new 1614.408 redesignated from 1614.409 37659
1614.409 Redesignated as 1614.408; new 1614.409 redesignated from 1614.410 37659
1614.410 Redesignated as 1614.409 37659
1614.501 (e)(1) introductory text and (2)(ii) amended; (e)(1)(iv), (2)(i), (ii)(A) and (B) revised 37659
1614.502 (a) amended; (b) introductory text and (2) revised; (b)(3) added 37660
1614.504 (a) and (b) amended 37660
1614.505 Added 37660
1614.603 Amended 37661
1614.604 (b) amended 37661
1614.605 (d) amended 37661
1614.606 Revised 37661

Chapter XVII—Occupational Safety and Health Administration, Department of Labor (Parts 1900—1999)

1917.1 (a)(2)(xiv) revised 46847
1918.1 (b)(10) revised 46847

Chapter XXV—Pension and Welfare Benefits Administration, Department of Labor (Parts 2500—2599)

2575 Added 42246
2570 Authority citation revised 42246
2570.100—2570.502c-3 (Subpart E) Redesignated as 2575.100—2575.502c-3 (Subpart A) 42246
2575.100—2575.502c-3 (Subpart A) Redesignated from 2570.100—2570.502c-3 (Subpart E) 42246

Chapter XXVII—Federal Mine Safety and Health Review Commission (Parts 2700—2799)

2700.3 (c) revised 48712
2700.5 (c), (d) and (f) revised 48712
2700.7 (c) and (d) revised 48713
2700.9 Revised 48713
2700.10 (c) redesignated as (d); new (c) added; new (d) revised; 48713
2700.45 (a) and (f) revised 48713
2700.70 (a), (d) and (e) revised; (f) and (g) redesignated as (g) and (h); new (f) added 48713
2700.74 (b) revised; (c) added 48714
2700.75 (c) and (d) revised; (f) redesignated as (g); new (f) added 48714
2700.76 (a) revised 48714

Chapter XL—Pension Benefit Guaranty Corporation (Parts 4000—4999)

4044 Technical correction 51587
4044 Appendix B amended 38115, 44128, 49986

Proposed Rules:

1908 35972
1910 45098
1926 ..... 38078, 47461, 51722
2510 ..... 38390, 51277
2520 ..... 42792, 42797
2560 ..... 42792, 42797
2570 42797
4044 38534

TITLE 30—MINERAL RESOURCES

Chapter I—Mine Safety and Health Administration, Department of Labor (Parts 1—199)

26 Removed 43282
29 Removed 43282
46 Added; eff. 10-2-00 53130
48.21 Amended; eff. 10-2-00 53130
50 (Subchapter M) Redesignated as 50 (Subchapter I); eff. 9-13-00 49630
56—58 (Subchapter N) Redesignated as 56—58 (Subchapter K); eff. 9-13-00 49630
56 Technical correction 49636
56.5050 Undesignated center heading and section removed; eff. 9-13-00 49629
57 Technical correction 49636
57.5050 Undesignated center heading and section removed; eff. 9-13-00 49629

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TITLE 30 Chapter I—Con.

57.22303 Revised 43283
62 (Subchapter M) Added; eff. 9–13–00 49630
62 Technical correction 49636
70 Authority citation revised 43285
Technical correction 49636
70.204 (a) and (e) revised 43285
70.500—70.511 (Subpart F) Removed; eff. 9–13–00 49630
71 Authority citation revised 43285
Technical correction 49636
71.204 (a) and (e) revised 43286
71.800—71.805 (Subpart I) Removed; eff. 9–13–00 49630
75.360 Heading and (a)(1) revised 45170
75.506 (d) revised 43283
75.800–4 Revised 43287
75.1800—75.1808 (Subpart S) Removed 43287
90.201—90.220 (Subpart C) Authority citation revised 43286
90.204 (a) and (e) revised 43286

Chapter II—Minerals Management Service, Department of the Interior (Parts 200—299)

202.51 (b) revised 43513
202.150—202.152(Subpart D) Heading revised 43513
202.150 (b)(1), (e)(1), (2) and (f) amended 43513
202.151 (a)(2) amended 43513
202.550—202.558 (Subpart J) Added 43514
206.51 Amended 43288
206.53 (c) amended 43288
206.151 Amended 43288
206.156 (d) amended 43288
206.158 (e) amended 43288
206.159 (a)(1)(i) and (e)(2) amended 43288
206.160 Correctly designated 43288
206.170—206.181 (Subpart E) Revised 43515
206.172 (h) amended 43288
206.173 (a)(2) amended 43288
206.174 (d)(2) amended 43288
206.176 (c)(3) amended 43288
206.177 (b)(3)(ii) and (d)(1) amended 43288
206.251 Amended 43288
206.258 (a) amended 43288
206.259 (c)(2)(ii) amended 43288
206.261 (b) revised 43288
206.262 (c)(2)(v) redesignated as (c)(2)(iv); (d)(2) and (3) added; (e)(2) revised 43288
206.263 (b) amended 43289
206.264 Amended 43289
206.451 Amended 43289
206.457 (a) amended 43289
206.460 (b) revised 43289
206.461 (e)(1) amended 43289
206.462 (b) and (c) amended 43289
206.463 Amended 43289
206.464 (a) amended 43289
210 Authority citation revised 38122
210.10 (c)(1), (2), (7), and (d) revised 38122
210.20—210.22 (Subpart A) Added 38122
210.52 Revised 38123
216 Authority citation revised 38123
216.11 Added 38123
216.50 (a) revised; (b), (c), and (d) redesignated as (f), (g), and (h); new (b) through (e) added 38123
216.53 Revised 38123
216.55 Revised 38123
216.56 (b) revised; (c) added 38123
227.101 Revised 36784
250.1010 (a) amended 42598
256.46 (b) revised 40767
290.110 Added 50753
290.111 Added 50753

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior (Parts 700—999)

904.25 Table amended 50756
914.15 Table amended 43913
920.15 Table amended 36786
920.16 (l) revised 36786
934.15 Table amended 38827
936.15 Table amended 52232
943.15 Table amended 43923

Proposed Rules:

57 ..... 36632, 36826, 40533
72 36826
75 ..... 36632, 36826, 40533
206 ..... 45213, 50026
901 48573
904 37067
913 44674
914 ..... 38165, 44448, 50026
916 40323

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917.....38391
918.....49118
920.....38392
924.....40326
935.....42887
936.....43327
938.....36828
946.....45489

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury (Parts 51—199)

100 Authority citation revised.....39920
100.11 (b) revised.....39920
100.12 (b) revised.....39920
103 Exception.....41041
103.11 (c)(7) and (n)(3) revised; (i), (n)(4), (5) and (10) removed; (n)(6) through (n)(9) redesignated as (n)(4) through (n)(7); new (n)(5), new (6) and new (7) amended; (uu) and (vv) added.....45450
103.36 (b)(10) amended.....45453
103.37 (c) added.....45453
103.41—103.54 (Subpart D) Redesignated as 103.51—103.64 (Subpart E); new 103.41 (Subpart D) added.....45451
103.56 (b)(7) amended.....45453
103.57 (d) and (e) amended.....45453
103.61—103.67 (Subpart E) Redesignated as 103.71—103.77 (Subpart F).....45451
103.72 Introductory text amended.....45453
103.73 (a) introductory text, (1), (b) introductory text and (1) amended.....45453
103.74 (a) amended.....45453
103.75 (a) and (c) introductory text amended.....45453
103.76 Amended.....45453
103.70—103.77 (Subpart F) Redesignated as 103.80—103.87 (Subpart G).....45451
103.82 Amended.....45453
103.83 (b) amended.....45453
103.85 Amended.....45453
103.86 (a) introductory text and (b) amended.....45453

Chapter II—Fiscal Service, Department of the Treasury (Parts 200—399)

306.1 Revised.....38125
306.2 (c) revised.....38125
306.3 Revised.....38125
306.12 Amended.....38125
306.15 (a) revised; (b) introductory text amended; (b)(2) revised.....38125
306.17 Revised.....38126
306.19 Revised.....38126
306.23 (c) revised; (g) amended.....38126
306.24 Amended.....38126
306.25 (a) amended.....38126
306.26 Revised.....38126
306.27 Revised.....38126
306.28 Removed.....38126
306.37 (d) revised.....38126
306.38 Revised.....38126
306.40 Amended.....38126
306.41 Amended.....38126
306.43 Amended.....38126
306.56 (a) and (b) amended.....38126
306.57 (c)(1) amended.....38126
306.117 Heading and (d) revised; (b) amended.....38126
315.31 (b) and (c) amended; (h)(2) and (7) removed; (h)(3) through (6), (8) and (i) redesignated as (h)(2) through (5), (6) and (7); (h)(1), new (5), new (6) and new (7) revised.....40486
353.31 (c)(2), (d), and (e) removed; (c)(1), (f), (g), and (h) redesignated as (c) through (f); (b) and new (c) amended; new (f)(2) and new (7) removed; new (f)(3) through (f)(6), new (f)(8), and (i) redesignated as (f)(2) through (5), (6) and (7); new (f)(1), (5)(ii), (6), and (7) revised.....40487
357.26 Heading, (a), and (b) heading revised; (b)(1)(i), (iv), (2), (3), (c) and (d) removed; (b)(1)(ii), (iii), (v), and (vi) redesignated as (b), (c), (d) and (e); new (c) heading, new (d) heading, and (e) heading added.....40487
357.30 Revised.....40487
370 Revised.....40487

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TITLE 31

Chapter V—Office of Foreign Assets Control, Department of the Treasury (Parts 500—599)

538.405 Revised 41786
538.523 Added 41787
538.524 Added 41787
538.525 Added 41788
538.526 Added 41788
538 Appendix A added 41788
550 Authority citation revised 41789
550.405 Revised 41789
550.569 Added 41789
550.570 Added 41790
550.571 Added 41790
550.572 Added 41790
550.573 Added 41791
550 Appendix A added 41791
560.405 Added 41791
560.530 Added 41791
560.531 Added 41792
560.532 Added 41793
560.533 Added 41793
560 Appendix designated as Appendix A; Appendix B added 41793
590 Revised 43926
Chapter V Appendix A amended 35576, 35577

Proposed Rules:

1 46627
203 41748
375 42626

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense (Parts 1—399)

199.2 (b) amended 46134
199.3 Revised 46135
199.4 (d)(3)(vii) and (g)(48) revised; interim 45454
(e)(5)(iii)(B), (f)(1), (2) introductory text, (ii) introductory text, (iii), (iv), (3) introductory text, (i), (iii), (4) introductory text and (ii) revised 46140
199.8 (a) and (d)(1) revised 46141
199.13 (i) revised 38576
199.20 (d)(1)(iv) added 46141
321 Revised 49660

Chapter V—Department of the Army (Parts 400—699)

505.5 (e)(13) revised 45877

Chapter VI—Department of the Navy (Parts 700—799)

701 Added 49850

Chapter VII—Department of the Air Force (Parts 800—1099)

989 Revised 38129

Chapter XVIII—National Counterintelligence Center (Parts 1800—1899)

Chapter XVIII Established; interim 49878

Chapter XX—Information Security Oversight Office, National Archives and Records Administration (Parts 2000—2099)

2001.55 Added 49389
2004 Added 51854

Proposed Rules:

230 43856
231a 43856
231 43858
775 37069
776 37473

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation (Parts 1—199)

100.35–T05–064 Added (temporary) 39416
100.35–T05–070 Added (temporary) 46273
100.35–T05–079 Added (temporary) 50449
100.35–T08–046 Added (temporary) 42278
100.35T–08–048 Added (temporary) 42598
100.35–T08–049 Added (temporary) 43290
100.37T–07–063 Added (temporary) 50757

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100.114 (a) table corrected 37583
100.515 Implementation (temporary) 46274
100.519 Implementation (temporary) 51047
100.1103 Revised 39029
100.1104 Removed 39030
100.1203 Removed 39030
110.155 (c)(6) added 38829
110.156 (b)(11) added; eff. 8–28–99 through 11–28–99 49669
110.183 (b) revised 42279
117 Temporary drawbridge operations regulations 36239, 36569, 36570, 42033, 44131, 44826, 46273, 47389, 49391, 49669, 51444
117.595 Revised 46275
117.723 (f) revised; interim 38831
117.755 Revised 44130
117.799 (d) revised 46276
117.869 (a)(3) added; eff. 7–26–99 through 9–15–00 37679
117.911 (f) revised; interim 38830
117.949 Suspended; eff. 7–26–99 through 10–1–99 42600
117.T408 Added (temporary) 50254
117.T950 Added (Temporary) 42600
160.307 (g) revised; interim; eff. 8–2–99 through 3–31–00 41794
160.313 (a)(1), (2), and (b)(2) revised; interim; eff. 8–2–99 through 3–31–00 41794
160.315 (b)(2) revised; interim; eff. 8–2–99 through 3–31–00 41795
160.317 (a)(1), (2), and (b)(2) revised; (f) and (g) redesignated as (e) and (f); interim; eff. 8–2–99 through 3–31–00 41795
160.301—160.317 (Subpart D) Appendix A revised; eff. 8–2–99 through 3–31–00 41796
165 Technical correction 36572
165.T01–030 Added (temporary) 36572
165.T01–094 Added (temporary) 46849
165.T01–102 Added (temporary) 36573
165.T01–104 Added (temporary) 39033
165.T01–110 Added (temporary) 39034
165.T01–115 Added (temporary) 37681
165.T01–118 Added (temporary) 43291
165.T01–141 Added (temporary) 45880
165.T01–145 Added (temporary) 46277
165.T01–147 Added (temporary) 49671
165.T01–149 Added (temporary) 46567
165.T01–152 Added (temporary) 49393
165.T01–154 Added (temporary) 49394
165.T01–161 Added (temporary) 51244
165.T01–163 Added (temporary) 52233
165.T01–167 Added (temporary) 51899
165.T05–041 Added (temporary) 45879
165.T05–080 Added (temporary) 49669
165.T08–034 Added (temporary) 52434
165.T11–066 Added (temporary) 51900
165.T13–023 Added (temporary) 43292
165.T17–012 Added (temporary) 49395
165.161 Removed 44659
165.166 Removed 44659
165.167 Removed 44659
165.170 Removed 44659
165.174 Removed 44659
165.175 Removed 44659
165.178 Removed 44659
165.1112 Added 39030
173 Authority citation revised 36243
173.85 Revised 36243

Proposed Rules:

100 ..... 41853, 47461, 52723
110 ..... 38166, 47156, 52723
117 ..... 36318, 39454, 44145, 44147—44149, 44151, 46322, 46323, 47751
165 ..... 36633, 39108, 39454, 47752, 49424, 52723
167 46627
207 47462

TITLE 34—EDUCATION

Subtitle A—Office of the Secretary, Department of Education (Parts 1—99)

75.118 (a) amended 50391
75.215 Cross-reference amended 50391
75.220 (b)(2) revised 50391
75.511 Cross-reference revised 50391
75.517 Amended 50391
75.524 (b) amended; (b) note removed 50391
75.530 Revised 50391
75.618 Heading and cross-reference revised 50391
75.621 Cross-reference revised 50391
75.626 Cross-reference 50392
75.650 Cross-reference and heading revised 50392
75.702 Cross-reference revised 50392
75.708 (b) revised 50392
75.720 Cross-reference, (a)(1) and (c) revised 50392
75.730 Cross-reference revised 50392
75.732 Cross-reference revised 50392
76.132 (a)(5) revised 50392

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TITLE 34 Subtitle A—Con.

76.530 Revised 50392
76.681 Cross-reference removed 50392
77.1 Amended 50392
80.42 (b)(4) amended 50392

Chapter III—Office of Special Education and Rehabilitative Services, Department of Education (Parts 300—399)

379 Revised 48053

Chapter VI—Office of Postsecondary Education, Department of Education (Parts 600—699)

611 Added 42839
685.202 (a) and (c)(1) revised 46254
685.400 (d) added 46255
685.401 Removed 46255

Proposed Rules:

600—699 (Ch. VI) 46628
600 38272
668 ..... 38272, 38504, 41752, 43024, 43582
673 42206
674 ..... 41232, 42206
675 42206
676 42206
682 ..... 42176, 43024, 43428
685 43428
690 42206
694 39109

TITLE 35—PANAMA CANAL

No amendments to 35 CFR have been published in the FEDERAL REGISTER since July 1, 1999.

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter II—Forest Service, Department of Agriculture (Parts 200—299)

242.24 Revised 35780
242.25 Added; eff. 7-1-99 through 6-30-00 35788
242.24 (a) introductory text and (1) correctly revised 35823
251.56 (a)(1)(ii)(G) note added 48960
251.80—251.102 (Subpart C) Authority citation revised 37846
251.84 Existing text designated as (a); (b) added 37846
251.90 (c) revised 37846
251.91 (a) revised 37846
251.92 (a)(8) added; (c) revised 37846
251.93 (b) revised 37846
251.94 (b) revised 37846
251.103 Added 37846

Chapter XII—National Archives and Records Administration (Parts 1200—1299)

1254.20 Regulation at 64 FR 19901 confirmed 48961

Proposed Rules:

13 41854
51 47336
242 49278
327 38854
1010 ..... 39951, 51488
1191 ..... 37326, 42056
1228 50028
1275 37922

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent and Trademark Office, Department of Commerce (Parts 1—199)

1.1 (a)(2) revised 48917
1.4 (a)(2) amended; (d)(1) introductory text and (ii) revised; (d)(1)(iii) added 48917
1.5 (c) revised 48917
1.6 (a)(1) revised; (a)(4) added 48917
1.23 Revised 48917
2.1 Revised 48917
2.6 Introductory text, (a)(6) and (14) revised; (a)(20) and (21) added 48917
2.17 (c) and (d) added 48918
2.20 Revised 48918
2.21 Revised 48918
2.31 Removed 48918
2.32 Revised 48918
2.33 Revised 48918
2.34 Revised 48919
2.35 Redesignated as 2.37; new 2.35 added 48920
2.37 Removed; new 2.37 redesignated from 2.35 48920
2.38 (a) revised 48920

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2.39 Removed 48920
2.45 Revised 48920
2.51 (c), (d) and (e) removed 48920
2.52 Revised 48920
2.56 Revised 48921
2.57 Removed 48921
2.58 Removed 48921
2.59 Revised 48921
2.66 Revised 48921
2.71 Revised 48922
2.72 Revised 48922
2.76 (b), (e)(2) and (3) revised; (i) and (j) added 48922
(b)(1) introductory text corrected 51245
2.86 Revised 48923
2.88 (b) and (e) revised; (k) and (l) added 48923
(b)(1) introductory text corrected 51245
2.89 (a), (b) and (d) revised; (g) amended; (h) added 48923
(a)(3) and (b)(3) corrected 51245
2.101 (d)(1) revised 48924
2.111 (c)(1) revised 48924
2.146 (d) revised; (i) and (j) added 48924
2.151 Revised 48924
2.155 Revised 48924
2.156 Revised 48924
2.160 Added 48924
2.161 Revised 48924
2.162 Revised 48925
2.163 Revised 48925
2.164 Revised 48925
2.165 Revised 48925
2.166 Revised 48925
2.167 (c) revised 48925
2.168 Revised 48925
2.173 Heading and (a) revised 48926
2.181 (a) revised 48926
2.182 Revised 48926
2.183 Revised 48926
2.184 Revised 48926
2.185 Added 48926
2.186 Added 48926
3.16 Revised 48926
3.24 Heading revised 48927
3.25 Added 48927
3.28 Revised 48927
3.31 (a) and (b) revised; (d) and (e) added 48927
6.1 Revised 48927

Chapter II—Copyright Office, Library of Congress (Parts 200—299)

201.1 (b) amended 36574
201.3 (c)(5) and (8) amended 36574
201.10 (b)(1)(v) and (e)(2) amended 36574
201.11 (d)(1), (e)(6), (7) and (h)(2)(i) amended 36574
201.17 (d)(1), (e)(2)(i), (h)(4)(iii), (j)(3)(iv)(A) and (k) amended 36574
201.18 (a)(1) and (3) amended 36574
(a)(4) added; (c)(1)(vi) amended; interim 41288
201.19 (a)(1), (2) and (4) amended 36574
(c)(4), (e)(4)(i) and (f)(3)(viii) amended 36575
(a)(5), (6) and (7) redesignated as (a)(6), (8) and (9); new (a)(5), new (7), (10), (11) and (e)(3)(ii)(E) added; new (a)(6), (e)(3)(i)(A), (B) and (4)(ii) amended; (e)(3)(ii)(D) revised; interim 41288
201.25 (c) amended; interim 49671
201.27 (c) and (e)(1) amended 36575
201.29 (e)(3) amended 36575
201.35 (a) amended 36575
(f) amended; interim 50759
201.36 (b)(1) and (c) amended 36575
201.37 (a) and (b)(1) amended 36575
202.3 (b)(7)(ii) amended 36575
202.17 (f)(2) amended 36575
202.20 (c)(2)(vii)(D)(*3*), (*4*), (*5*) and (xi)(A)(*2*) amended 36575
202.22 (a) and (c)(1) amended 36575
202.23 (c)(1), (2) and (d) amended 36575
203.3 (g) amended 36575
203.4 (f)(2) amended 36575
204.4 (a) amended 36575
204.5 (a) amended 36575
204.7 (a) amended 36575
204.8 (a) amended 36575
211.4 (e) amended 36575
211.5 (c)(2) and (d) amended 36575
212 Added; interim 36578
251.54 (e) amended 36575
251.56 (a) and (b) amended 36576
251.58 (b) amended 36576
253.3 (e)(4) amended 36576
253.8 (b)(1)(i)(A) and (ii)(D) amended 36576

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259.3 (a)(5) amended 36576
260.2 (c)(1)(v) and (2) amended 36576
260.7 Amended 36576

Proposed Rules:

201 42316
212 36829
255 38861

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Department of Veterans Affairs (Parts 0—99)

2 Authority citation revised 47111
2.1 Redesignated as 2.2; new 2.1 added 47111
2.2 Redesignated as 2.3; new 2.2 redesignated from 2.1 47111
2.3 Redesignated from 2.2 47111
2.6 (a) introductory text, heading, (1), (3) and (7) amended; (e)(1) removed; (g) authority citation revised 47111
14 Heading and authority citation revised 47111
14.600 Revised 47112
14.601—14.604 Undesignated center heading removed 47112
14.601 (a) heading revised; (b) heading and authority citation added 47112
14.602 (a) amended 47112
14.604 (a) and (c) amended; authority citation added 47112
14.605 Undesignated center heading removed 47112
14.605 (b) and (d) amended; authority citation added 47112
14.615 (a) amended; authority citation added 47112
17.133 Undesignated center heading and section added 44660
21.4001—21.4280 (Subpart D) Authority citation revised 52651
21.4138 Introductory text, (c) and (d) removed; (a) and (b) revised; OMB number 52651
21.5135 Revised 52652
21.5820 (b)(1), (2)(ii) introductory text, (A), (B), (3)(ii) introductory text, (A), and (B) amended; (b)(2)(ii)(C) and (3)(ii)(C) revised 44661
21.5822 (a) introductory text, (b)(1)(i), (ii), (2)(i), and (ii) amended 44661
Corrected 46974
21.7040 Heading revised 52652
21.7042 Heading revised; OMB number 52652
21.7135 (f)(1) introductory text and (2) authority citation and (3) authority citation revised 38577
(v)(2) revised 51901
21.7140 (a) revised; (b) removed; (c) through (g) redesignated as (b) through (f) 52652
21.7500—21.7807 (Subpart L) Authority citation revised 52652
21.7640 (b) authority citation, (c) authority citation, (e), authority citation and (f) amended; (d) revised 52652

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service (Parts 1—999)

20 IMM amended; incorporation by reference 43293, 46142, 46278
111 DMM amended; incorporation by reference ... 38832, 48094, 50450
261.4 Revised 41290
262.2 (b) revised; (d) added 41290
262.4 (a) and (b) amended 41290
262.5 (d)(2) amended 41290
263.3 (a) amended 41290
263.4 Removed; new 263.4 redesignated from 263.5 and amended 41290
263.5 Redesignated as 263.4; new 263.5 redesignated from 263.6 and revised 41290
263.6 Redesignated as 263.51290
264.3 (a) and (b) revised 41290
264.4 Amended 41290
265.3 (b) revised 41290
265.4 Amended 41290
265.6 (b) introductory text amended 41290
265.9 (b)(2)(ii) and (g)(4) amended 41290
265.7 (a)(2) amended 41290
265.12 (b)(7) amended 41291
266.3 (a), (c), and (d)(2) revised 41291
266.4 (b)(6)(i), (iii) and (iv) amended 41291

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266.5 (d) amended 41291
266.6 (a)(1) amended 41291
266.7 (a)(4) amended 41291
266.10 (b) amended 41291
267.5 (e)(3)(i) amended 41291

Chapter III—Postal Rate Commission (Parts 3000—3099)

3002.7 (c) amended 37402
3002 Appendix A revised 37402

Proposed Rules:

111 44681
265 46630
776 48124
3001 ..... 50031, 52725
3002 50031
3003 49120
3004 50031

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency (Parts 1—799)

9.1 (b) table amended (OMB numbers) 36585, 37636, 42461, 43937
Regulation at 64 FR 42461 eff. date corrected to 12–2–99 43426
Table amended (OMB numbers); eff. 1–1–01 50610
22 Revised 40176
51 Authority citation revised 35763
51.121 (e)(2) and (3)(iii) revised 49992
51.300 (a), (b)(1) introductory text and (2) revised; (b)(3) added; eff. 8–31–99 35763
51.301 Amended; eff. 8–31–99 35763
(v) amended; eff. 8–31–99 35774
51.302 Heading, (a), (c) introductory text, (1), (2) introductory text, (4) introductory text and (iv) revised; eff. 8–31–99 35764
(c)(2)(i) and (4)(i) amended; eff. 8–31–99 35774
51.303 (a)(1), (c), (d), (g) and (h) amended; eff. 8–31–99 35774
51.304 (c) amended; eff. 8–31–99 35774
51.305 Heading and (a) revised; eff. 8–31–99 35764
51.306 Heading, (a)(1), (c) introductory text and (d) revised; eff. 8–31–99 35764
(a)(1) and (c)(6) amended; eff. 8–31–99 35774
51.307 (a) introductory text, (2) and (c) revised; eff. 8–31–99 35765
(b)(1) and (c) amended; eff. 8–31–99 35774
51.308 Added; eff. 8–31–99 35765
51.309 Added; eff. 8–31–99 35769
52 State implementation plan determinations 36243, 40287, 40767, 45454, 49084, 50254, 50762
52.70 (c)(29) added 47679
52.120 (c)(94) added 50762
52.220 (c)(168)(i)(F)(*2*), (173)(i)(C)(*2*), (196)(i)(E), (224)(i)(D), (244)(i)(A)(*3*) and (258)(i)(A)(*2*) added; eff. 8–2–99 35578
(b)(3)(ii) and (c)(6)(xv)(B) removed 37406
(c)(202)(i)(B), (254)(i)(H)(*2*), and (K) added 38836
(c)(263) and (264) added 39040
(c)(194)(i)(C)(*4*) and (199)(i)(D)(*6*) added 39920
(c)(235) removed; (c)(265) added 39926
(c)(254)(i)(D)(*2*) added 44135
(c)(179)(i)(E)(*3*), (G)(*2*), (184) introductory text, (i)(D) introductory text, (F)(*2*), (186)(i)(F), (197)(i)(C)(*3*) and (241)(i)(D) added 45174
(c)(39)(ii)(G), (225)(i)(A)(*4*) and (256)(i)(F)(*1*) added 45178
(c)(231)(i)(B)(*6*), (239)(i)(E)(*5*), (244)(i)(A)(*4*) and (262)(i)(C) added 45182
(c)(201) added 46852
(c)(226) added 47392
(c)(262)(i)(B)(*2*) and (264)(i)(A)(*2*) added 47395
(c)(247) added 48307
(c)(39)(ii)(D) removed; (b)(3)(ii) and (4) added 49400
(c)(164)(i)(C)(*4*), (249)(i)(B) and (254)(i)(C)(*4*) added 51690
(c)(32)(iv)(F) and (35)(xii)(G) added 52654
52.228 (b)(1)(iv) removed 49400
52.320 (c)(86) added 46288
52.336 Amended 47116
52.349 (c) added 46288
(d) added 51701
52.370 (c)(79) added 44414

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(c)(80) and (82) added 52237
52.385 Table amended 44414
Table amended 52238
52.420 (c) table amended 48963, 52659
52.424 (b) removed 52660
52.470 (d) table amended 52657
52.473 Removed 42602
52.476 Added 42602
52.719 Removed 37851
52.720 (c)(150) added 37851
(c)(153) added 49403
52.725 (g) added 37851
52.820 Regulation at 64 FR 25827 withdrawn 35941
52.939 (c)(94) added 49408
52.970 (c) table amended 35939
(d) table and (e) table amended 35940
(e) table amended 38580
52.993 (d) and (e) added 35941
52.1070 (c)(129) added 38838
(c)(139) added 45184
(c)(137) and (138) added 51447
52.1120 (c)(119) added 48098
(c)(117) added 48303
52.1167 Table amended 48098, 48303
52.1170 (c)(112) added 39036
52.1220 (c)(50) added 44133
(c)(49) added 44411
52.1520 (c)(63) added 44420
(c)(61) and (62) added 52438
52.1525 Table amended 44420
52.1620 (c) table amended 36790
(b) revised; (d) and (e) table added 51692
52.1820 (c)(31) added 47401
(c)(31)(i)(A) corrected 52378
52.1870 (c)(118) added 47116
52.1881 (a)(4) and (8) revised; (a)(13) added 47116
52.1885 (a)(12) added 37406
52.1970 (c)(128) added 51060
52.2070 Redesignated as 52.2087; new 52.2070 added 43085
52.2087 Redesignated from 52.2070; heading and (a) revised 43085
52.2220 (d) table amended 37410
(c) table amended 38582, 49397
52.2270 Redesignated as 52.2299; new 52.2270 added 36589
(c) table amended 36794
52.2299 Redesignated from 52.2270; heading and (a) revised 36589
52.2320 (c)(41) added 36252
52.2420 (c)(134) added 47674
(c)(129) added 51051
52.2450 (b), (c) and (d) removed 47674
52.2520 (c)(42) added 37683
52.2570 (c)(99) added 44417
Regulation at 64 FR 44417 withdrawn 52438
58.50 Revised 42547
58 Appendix G revised 42547
60 Appendix A corrected 37196, 38241
Appendix A amended 53027
Appendix B amended 53032
60.4 (c) table amended 47401
62 Technical correction 52577
62.600—602 (Subpart D) Added 50771
62.1100—62.1104 (Subpart F) Heading revised 51451
62.1100 Undesignated center heading added; (b)(5) and (c)(5) added 51451
62.1115 Undesignated center heading and section added 51451
62.1950—62.1952 Undesignated center heading and sections added 50457
62.3340—62.3342 Undesignated center heading and sections added 36605
62.5100—62.5152 (Subpart V) Undesignated center heading and sections added 48717
62.5340 Undesignated center heading and section added 37855
Regulation at 64 FR 37855 withdrawn 47680
62.5425 Undesignated center heading and section added 37855
Regulation at 64 FR 37855 withdrawn 47680
62.6358 Undesignated center heading and section added 45187
62.7100—62.7102 (Subpart DD) Added 50768
62.8104 Undesignated heading and section added 38586
62.8105 Section and undesignated heading added 43094
62.8610—62.8612 (Subpart JJ) Undesignated center heading and sections revised 44421
62.9640—62.9642 Undesignated center heading and sections added 45884
62.10100 (b)(4) and (c)(4) added 46151

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62.10160 Undesignated heading and section added 46151
62.10626 (b)(3) added 52663
62.11860 Undesignated center heading and section added 41294
62.11870 Undesignated center heading and section added 41294
63.99 (a)(3) table corrected 42764
63.461 Amended 45193
63.462 (c) introductory text and (8) revised; (c)(9) added 45194
63.463 (a) introductory text, (c) introductory text, (d) introductory text, (e) introductory text and (2) introductory text revised; (e)(2)(viii), (ix), (x) and (g) added 45194
63.465 (f) added 45195
63.466 (a) introductory text revised; (a)(3), (4) and (5) added 45196
63.467 (a) introductory text revised; (a)(6) and (7) added 45196
63.468 (j) revised 37687
63.680 (a)(2)(v), (b)(1)(ii), (iii), (2)(v), (vi), (c), (d), and (e) revised; (b)(2)(viii) added 38963
63.681 Amended 38964
63.683 Revised 38965
63.684 (a), (b) introductory text, (1)(ii), (3) introductory text, (4) introductory text, (5), (d) through (g) revised 38967
63.685 (b), (c)(2), (f)(1)(ii)(A), (g)(2)(i)(B), (h)(2), (3), and (i) introductory text revised; (i)(3) added 38968
63.686 (b) introductory text revised; (b)(3) added 38969
63.687 (b) introductory text revised 38969
63.688 (b) and (c) revised 38969
63.689 (b), (c), (d) introductory text, and (5) introductory text revised 38970
63.690 Revised 38970
63.691 Revised 38970
63.693 Revised 38970
63.694 (a)(12) and (m) added; (b)(2)(ii), (iii), (3)(i), (c), (e) through (i) and (k) revised 38974
63.695 Revised 38977
63.697 (a) and (b) revised 38981
63.680—63.698 (Subpart DD) Table 1 revised 38981
63 (Subpart DD) Table 2 revised 38983
63.901 Amended 38985
63.902 (a) and (b)(3) introductory text revised 38986
63.905 Revised 38986
63.906 (a)(2) and (b)(2) revised; (d) added 38986
63.921 Amended 38987
63.925 (a) revised 38987
63.926 (a) revised 38988
63.941 Amended 38988
63.945 Revised 38988
63.946 (a)(2) and (b)(1)(ii) revised; (d) added 38989
63.961 Amended 38989
63.962 (b) revised 38990
63.964 (b)(2) revised 38990
63.965 (b) revised 38991
63.966 Revised 38991
63.1041 Revised 38991
63.1045 Added 38991
63.1046 (a) and (b)(3) revised 38991
63.1047 (a)(2) and (c)(1)(ii) revised; (e) added 38992
63.1200—63.1213 (Subpart EEE) Revised 53038
63.1350 (k) revised 53070
75.19 (c)(4)(ii)(A) corrected 37582
75.57 (c)(4)(iv) table corrected 37582
75 Appendixes A, B, D and E corrected 37582
80.41 (f) table amended 37689
80.81 (i) removed 49997
80.101 (f)(4) introductory text, (i) and (ii) added 37689
81.305 Amended 39418
81.306 Amended 46289, 51701
81.343 Amended 37411
82 Technical correction 39040
86.000–7 Regulation at 61 FR 54878 eff. 8–27–97 43936
86.000–8 Regulation at 61 FR 54878 eff. 8–27–97 43936
86.000–9 Regulation at 61 FR 54879 eff. 8–27–97 43936
86.000–21 Regulation at 61 FR 54882 eff. 8–27–97 43936
86.000–23 Regulation at 61 FR 54882 eff. 8–27–97 43936
86.000–24 Regulation at 61 FR 54882 eff. 8–27–97 43936
86.000–25 Regulation at 61 FR 54883 eff. 8–27–97 43936
86.000–26 Regulation at 61 FR 54883 eff. 8–27–97 43936

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86.000–28 Regulation at 61 FR 54884 eff. 8–27–97 43936
86.004–9 Regulation at 61 FR 54889 eff. 8–27–97 43936
86.004–28 Regulation at 61 FR 54890 eff. 8–27–97 43936
86.108–00 Regulation at 61 FR 54890 eff. 8–27–97 43936
86.129–00 Regulation at 61 FR 54892 eff. 8–27–97 43936
86.159–00 Regulation at 61 FR 54894 eff. 8–27–97 43936
86.160–00 Regulation at 61 FR 54895 eff. 8–27–97 43936
86.161–00 Regulation at 61 FR 54897 eff. 8–27–97 43936
86.162–00 Regulation at 61 FR 54898 eff. 8–27–97 43936
86.162–03 Regulation at 61 FR 54899 eff. 8–27–97 43936
90.706 Corrected 36423
122.2 Amended 42462
Regulation at 64 FR 42462 eff. date corrected to 12–2–99 43426
122.21 (a), (c)(2), (e), (f) introductory text and (j) revised; (d)(3) removed; (q) added 42462
Regulation at 64 FR 42462 eff. date corrected to 12–2–99 43426
122.44 (j)(2) revised 42469
Regulation at 64 FR 42469 eff. date corrected to 12–2–99 43426
122 Appendix J added 42469
Regulation at 64 FR 42469 eff. date corrected to 12–2–99 43426
123.25 (a)(4) revised 42470
Regulation at 64 FR 42470 eff. date corrected to 12–2–99 43426
123.43 (b) added 42470
Regulation at 64 FR 42470 eff. date corrected to 12–2–99 43426
124.8 (b)(9) added 42470
Regulation at 64 FR 42470 eff. date corrected to 12–2–99 43426
141.151—141.55 (Subpart O) Appendix B amended 49672
141.35 Revised; eff. 1–1–01 50611
141.40 Revised; eff. 1–1–01 50612
142.15 (c)(3) removed; eff. 1–1–01 50620
142.16 (e) introductory text, (1) introductory text and (i)(C) revised; eff. 1–1–01 50620
180.102 Removed 39077
180.106 (b) added 41305
180.109 Removed 39053
180.124 Removed 39077
180.125 Removed 39053
180.130 Revised 39077
180.141 Removed 39053
180.150 Removed 39077
180.157 Revised 41822
180.161 Removed 39077
180.184 Revised 41822
180.189 Revised 39077
180.201 Removed 39053
180.205 (a) amended 39077
180.207 (a) table amended 39082
180.216 Removed 39053
180.221 Revised 39077
180.222 (a) table amended 39082
180.226 (a) table and (b) table amended 39082
180.244 Removed 39078
180.250 Removed 39078
180.252 Revised 39053
180.259 (a) heading and (2) added; (a) and (b) redesignated as (a)(1) and (c); new (a)(1) table amended; new (c) revised 39072
180.262 (a) amended 39078
180.265 Removed 39053
180.266 Removed 39053
180.267 Revised 39053
180.282 Removed 39053
180.283 Removed 39053
180.284 (b) amended 40767
180.292 (a)(1) table amended 39082
180.299 Table amended 39082
180.300 (a) table amended 39082
180.304 (a) introductory text revised; (a) table amended 39083
180.346 (a) amended 39083
180.353 (b) table amended 46292
180.355 (b) table amended 37863
(a) table amended 39083
180.362 (b) redesignated as (c); (a) heading and (c) heading added; (c) table amended 41822
180.363 Removed 39078
180.364 (a)(1) table amended 41823
180.377 (b) added 52457
180.384 Amended 39078
180.398 Removed 39053
180.402 Removed 39053
180.415 Revised 36801
(b) revised 37875
180.434 (b) table amended 41297, 41815
180.443 (b) table corrected 38308
180.449 (a) revised 48560
180.462 (b) added 46292
180.472 (b) table amended 39048

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(a) table amended 41810
180.473 (b)(1) and (b)(2) redesignated as (a)(3) and (a)(4); (b) added 44835
180.474 (b) amended 51251
180.475 Revised 36254
(b) added 47687
180.482 (a) table amended 37870
(a) introductory text redesignated as (a)(1); new (a)(1) table amended; (a)(2) added 39068
(b) table amended 51258
(a)(1) table amended 52463
180.495 (b) added 39059
(a) revised 51459
180.498 (b) redesignated as (d); new (b) and (c) added; (a) heading and new (d) heading revised 51067
180.503 (b) table amended 47689
180.508 (b) added 37861
180.510 (b) table amended 41812, 44829
180.511 (b) table amended 45887
180.513 (b) table amended 47692
180.515 (b) table amended 45890
180.520 Removed 39078
180.524 Removed 41823
180.527 (b) added 42846
180.555 Added 51907
180.556 Added 52450
180.597 (b) table amended 42286
180.1013 Removed 39053
180.1020 (b) amended 42849
180.1032 Removed 41818
180.1208 Added 51248
185.1500 Removed 39078
185.2500 Revised 39083
185.2700 Table amended 39083
(a) amended 39083
180.3550 (b) removed 41823
185.4650 Removed 39078
185.5000 Removed 39072
186.1500 Removed 39078
228.15 (l)(3)(vi) amended; (l)(3)(vii), (viii)(A)(*1*), (*2*), (*4*), (*5*), (*7*), (*11*), (*12*), and (*13*) revised 39933
260.10 Amended 36487, 53070
261.9 (b) and (c) revised; (d) added 36487
261.38 Table 1 amended 53070
261 Appendix IX amended 42037
262.10 (j) added 52392
262.90 Added 37636
262.100—262.108 (Subpart J) Added 52392
264.1 (g)(11)(ii) and (iii) revised; (g)(11)(iv) added 36488
(g)(12) added 37638
264.340 (b), (c) and (d) redesignated as (c), (d) and (e); new (b) added 53074
264.601 Introductory text revised 53074
265.1 (c)(14)(ii) and (iii) revised; (c)(14)(iv) added 36488
(c)(15) added 37638
265.340 (b) redesignated as (c); new (b) added 53075
266.100 (b) through (f) redesignated as (c) through (g); new (d)(1) introductory text and (3) introductory text revised; new (b) and (h) added 53075
266.101 (c)(1) revised 53075
266.105 (c) redesignated as (d); new (c) added 53075
266.112 (b)(1) introductory text amended; (b)(2)(i) revised 53076
266 Appendix VIII amended 53076
268.1 (f)(2) and (3) revised; (f)(4) added 36488
270.1 (c)(2)(viii)(B) and (C) revised; (c)(2)(viii)(D) added 36488
(c)(2)(ix) added 37638
270.19 Introductory text revised; (e) added 53076
270.22 Introductory text added 53076
270.42 Appendix I amended 53077
270.62 Introductory text added 53077
270.66 Introductory text added 53077
271 State hazardous waste management program authorizations 41823, 42602, 44836, 46298, 46302, 47692, 48099, 49998, 51702
271.1 (j) Table 1 amended 53077
272.1851 Revised 46570
272.2201 Revised 49680
272 Appendix A amended 46571, 49682
273.1 (a)(2) and (3) revised; (a)(4) added 36488
273.2 (a)(1), (b)(2) and (3) revised 36488
273.3 (a) introductory text revised 36488
273.4 (a) revised 36488
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273.6 Redesignated as 273.9 36488
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273.13 (d) added 36489
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273.32 (b)(4) and (5) revised 36489
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273.34 (e) added 36489
273.50 Revised 36490
273.60 (a) revised 36490
273.81 (a) revised 36490
300 Appendix B amended 39884, 44136, 47402, 48965, 50459, 50465, 50772, 51460, 51710, 52239, 52463, 52464, 52664, 52665
403 Appendix G revised 42567
430.24 (b)(2) revised; (c) added 36586
439.1 (n) added 48104
439.17 (d) removed; (e) redesignated as (d) 48104
439.27 (a) designation and (b) removed; introductory text revised 48104
439.37 (d) removed; (e) redesignated as (d) 48104
439.47 (a) designation and (b) removed 48104
501.15 (d)(1)(i)(B) reinstated 42434
(a)(4) removed 42470
Regulation at 64 FR 42470 eff. date corrected to 12–2–99 43426
503.2 (d) added 42568
503.10 (b)(1), (c)(1) and (d) through (g) revised 42568
503.16 (a)(1) and (2) revised 42569
503.17 (a)(1)(ii), (2)(ii), (3)(i)(B), (ii)(A), (4)(i)(B), (ii)(A), (5)(i)(B), (ii)(C), (F), (H), (J), (L), (6)(iii), (b)(3), (6) and (7) revised; (a)(4)(ii)(E) added 42569
503.18 (a)(2) revised 42570
503.21 (c) revised 42570
503.22 (b) revised 42570
503.26 (a)(1) and (2) revised 42570
503.27 (a)(1)(ii), (2)(ii), (b)(1)(i) and (2)(i) revised 42571
503.31 (g) revised 42571
503.32 (b)(2)(i) and (5)(v) revised 42571
503.33 (b)(10)(i) revised 42571
503.41 (c) through (o) redesignated as (d) through (h), (j) and (l) through (r); new (c), (i) and (k) added 42571
503.43 (c) and (d) revised; (e) added 42572
503.45 (a)(1), (b) through (f) revised; (h) added 42573
503.46 (a)(1), (3), and (c) revised 42573
503.47 (f) revised 42573
503 Appendix B revised 42573
745.107 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.110 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.113 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.115 Regulation at 61 FR 9087 eff. 4–22–97 39420
745.226 (a)(5), (d)(2), and (f)(1) revised 42851
745.227 (a)(1) revised 42852
745.239 (b) and (c) revised 42852

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TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations (Parts 101-1—101-99)

101-35 (Subchapter F) Regulation at 61 FR 41003 effective date extended through 8-8-00 38588
101-42.1102-10 (a) and (b) revised 40772
101-43.304-2 (b) revised 40773
101-43.305 Heading and (b)(2) revised 40773
101-43.4801 Revised 40773

Chapter 102—Federal Management Regulations (Parts 102-1—102-99)

Chapter 102 Established; interim 39084

Chapter 301—Travel Allowances (Parts 301-1—301-99)

301-51 Revised; interim 38528
301-52.17—301.52.21 Added; interim 38529
301.54 Added; interim 38529
301-70.700—301-70.706 (Subpart H) Added; interim 38529
301-71.204 Revised; interim 38530
301-71.208—301-71.211 (Subpart C) Added; interim 38530
301-76 Added; interim 38530
Chapter 301 Appendix A amended 38587

Chapter 303—Payment of Expenses Connected with the Death of Certain Employees (Parts 303-1—303-2)

303-70.100 Revised 45891
303-70.403 Heading revised 45891
303-70.600—303-70.602 (Subpart G) Added 45891

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TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services (Parts 1—199)

50.401 Revised **66062**
50.402 Revised **66062**
50.403 Amended **66062**
50.404 (a) introductory text revised; (b) amended **66062**
50.405 Amended **66063**
50.406 (a), (c), (d) and (g) revised; (e) amended **66063**
68a Added **58312**
100 Authority citation revised 40518
100.3 (c)(3) redesignated as (c)(4); (a) table, (c)(1) and (3) added 40518

Chapter IV—Health Care Financing Administration, Department of Health and Human Services (Parts 400—499)

400.200 Corrected **52611**
Amended **68690**
402 Added **68690**
403 Technical correction **52610**
405 Technical correction **52614**
Technical correction 25456
405.400—405.455 (Subpart D) Added **58901**
405.517 Revised **58905**
405.520 Added **58905**
405.801—405.877 (Subpart H) Authority citation revised 52670
405.805 Revised; eff. 2-1-00 52670
405.807 Revised; eff. 2-1-00 52670
409 Comment period reopening **65560**
Authority citation revised 41681
409.10 (a)(1) through (6) amended; (a)(8) added 3648
409.20 (a) introductory text and (1) through (6) amended; (a)(8) added 3648
(a)(8) removed 41681
409.27 (a) and (b) amended; (c) added 41681
409.30 Introductory text amended 41681
409.33 (a), (b), and (c) redesignated as (b), (c), and (d); new (a) added; new (b)(4) revised 41681
410 Technical correction **52610**
Comment period reopening **65560**
410.1 (a) amended **58905**
410.32 (d)(7) correctly designated **53307**
(a)(3) amended **58906**
410.40 Revised 3648
410.41 Added 3649
410.59 Added **58906**
410.60 Revised **58906**
410.61 Heading and (a) through (d) revised **58907**
410.62 Heading and (a)(3) revised; (d) added **58907**
410.74 Added **58907**
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410.75 Added **58908**
(b) corrected 25457
410.76 Added **58908**
410.77 Added **58909**
410.78 Added **58909**
410.150 (b)(15) and (16) added **58910**
410.152 (a)(1)(v) revised **58910**
411 Technical correction **52610**
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411.15 (g) amended; (p)(3)(iii) revised 41682
412 Technical correction **52614**
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Notice 9378
412.2 (e)(4) revised 41540
412.22 (h) added 41540
412.25 (b) and (c) revised; (e) added 41540
412.105 (f)(1)(iii) and (2)(v) amended 41541
412.256 (c)(2) amended 41541
412.276 (a) revised 41541
413 Technical correction **52614**
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Technical correction 25456
Authority citation revised 41541, 42612
Authority citation and heading revised 41682
413.30 Revised 42612
413.40 (a)(3) amended; (b)(1)(iii), (c)(4)(v), (f)(2)(ii)(A), and (g)(1) revised 41541
413.64 (h)(2)(iii) revised 41682
413.86 (b), (e)(1)(ii)(C), (iv) and (g)(6)(iii) amended; (g)(1)(i), (ii), (iii), (6) introductory text, (i) and (ii) revised; (g)(7) redesignated as (g)(9);

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(f)(4)(iii), new (g)(7) and (8) added 41542
413.88 Added; interim 44855
413.100 (c)(2)(vi) revised; eff. 11-26-99 51909
413.125 Existing text designated as (a); (b) added **58910**
413.333 Corrected **53307**
413.343 (b) amended 41682
413.350 Added 41682
414.1 Amended **58910**
414.20—414.62 Designated as Subpart B and heading added **58910**
414.22 Introductory text revised; (b)(5) added **58910**
414.32 Heading and (b) revised **58911**
(a)(6) correctly added 25457
414.34 Heading revised; (a)(2)(iii) added **58911**
414.52 Heading and introductory text revised; (d) added **58911**
414.56 Revised **58911**
414.65 Added **58911**
415 Techincal correction 25456
415.110 Revised **58912**
416.180—416.200 (Subpart F) Added 32205
417.600 Reinstated **52611**
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417.800 Corrected **52611**
422.50—422.80 (Subpart B) Heading corrected **52611**
422.50 (a) introductory text and (1) corrected **52611**
422.54 (d)(2)(i) corrected **52611**
422.56 (d) corrected **52612**
422.60 (a)(1), (b)(1), (c)(1) and (e)(4)(i) corrected; (f) correctly added **52612**
(e)(4)(i) corrected **54526**
(a)(1) revised 7980
422.62 (b) introductory text, (c), (d) heading, (1) and (2) introductory text corrected **52612**
422.66 (f) correctly added **52612**
422.74 (b)(3) corrected **52612**
422.80 (c)(3), (d), (e)(1)(iv), (3)(i) and (f) corrected **52612**
422.110 (c) corrected **52612**
(c) revised 7980
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422.112 Correctly revised **52612**
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422.204 (c) revised 7982
422.250 (b) correctly revised **52612**
422.268 (b) corrected **52613**
422.308 (b) correctly designated as (b)(1); (b)(2) correctly added **52613**
422.310 (c)(4) corrected **52614**
422.502 (a)(2), (3)(i) and (4) corrected; (m) correctly designated as (1)(4) **52614**
(h)(1) revised 7982
422.550 (b)(1) corrected **52614**
422.608 Heading corrected **52614**
422.612 (a)(1), (b) heading and introductory text corrected **52614**
422.616 (a) corrected **52614**
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424 Comment period reopening **65560**
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424.24 (a)(2) correctly revised **53307**
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424.124 (c)(2) amended 3649
431.153 (b)(3) removed; interim 39937
440.160 Revised **64198**
441.151 (b) and (c) revised; (d) added **64198**
482.13 Added; interim 36088
483 Comment period reopening **65560**
483.20 (b)(2) introductory text revised **53307**
(b)(2) introductory text revised 41543
484.11 Added; interim 3763

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484.18 (c) revised 3784
484.20 Added; interim 3763
484.55 Added 3784
485.618 (d) revised 41544
485.645 (d)(6) revised 41544
485.705 Revised **58912**
(c)(8) correctly revised; (c)(10)(i), (ii) and (iii) corrected 25457
485.711 (b)(3) revised **58913**
488 Authority citation revised 3763
488.68 Added; interim 3763
488.402 (f)(5) revised 13353
488.408 (d)(1)(iv), (e)(1)(iv) and (2)(ii) revised 13360
488.430 (a) revised 13360
488.432 Heading, (a)(2), (b) and (c) revised 13360
488.434 (a)(2)(iii), (v) and (vi) revised 13360
488.438 (a) introductory text, (1) and (2) redesignated as (a)(1) introductory text, (i) and (ii); new (a)(2) added; (c) and (d) revised 13360
488.440 (a), (b) introductory text, (c), (d), (e) introductory text, and (f)(1), (g), (h) revised 13361
448.442 (a) heading revised; (b) through (f) redesignated as (c) through (g); new (b) added 13361
488.454 (a) introductory text revised; (d) redesignated as (e); new (d) added 13361
489 Comment period reopening **65560**
489.21 (h) added 41683
493.1202 Heading amended **55034**
493.1203 Heading amended **55034**
493.1443 (b)(3)(ii) introductory text and (C) amended **55034**
498.3 (a) revised 24957
(b)(13) and (d)(10)(iii) revised; (b)(15) added; interim 39937
(b)(12) correctly revised 43295

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1001.2 Amended 39426
1001.102 (b)(4) revised **57918**
(b)(6) and (7) revised; (b)(8) redesignated as (b)(9); new (b)(8) and (d) added 39426
1001.201 Heading and (b)(3)(iii)(A) revised 39426
1001.301 (b)(2)(ii) revised 39426
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1001.1301 (b)(2)(iii) revised 39427
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1001.1501 (a)(3) revised 39427
1001.1901 (a), (b)(1), (c)(3) introductory text and (5)(i) revised 39427
1001.2001 (a) revised; (b) and (c) redesignated as (c) and (d); new (b) added **57918**
1001.3002 (b)(3), (4) and (c)(1) revised; (b)(6) added 39427
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1003.100 (a), (b)(1)(iv), (viii), (x) and (xi) revised; (b)(1)(xii) added 39428
1003.102 (a)(2) and (b)(5) revised; (b)(11) added 39428
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1003.106 (a)(1)(vii) redesignated as (a)(1)(ix); new (a)(1)(vii) and (a)(1)(viii) added; (a)(1)(ii), (iii), (vi), (2)(i), (ii) and (iii) revised 39429
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2250 Removed; eff. 11–2–98.....**52617**
2270 Removed; eff. 11–2–98.....**52617**
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3833.0–5 (o), (v), (w) and (y) amended; interim 47021
3833.0–9 (a) amended; interim 47021
3833.1–3 (c)(2) amended; interim 47021
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3833.1–6 Heading and (a)(1) amended; interim 47021
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3833.1–7 (d) introductory text and (3) amended; interim 47022
3833.2–3 Heading, (d) and (e) amended; interim 47022
3833.4 (a)(1) amended; interim 47022
3833.4–1 Added; interim 47022
3851.3 (c) amended; interim 47022
3860 Authority citation revised **52955**
3862.9 Added; eff. 11–2–98 ..... **52955**
3830.91 (a) corrected 48897
4300 Revised **55550**

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TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency (Parts 0—399)

7.11 (b) revised 38309
15 Revised 31137
61.9 Revised 13116
61.17 Revised 41306
61 Appendixes A(1), (2), and (3) amended; interim 41826
62 Appendix A amended 27709
64.6 Table amended ... **54370, 54372, 55957, 59236, 63797, 70036, 70038**
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65.4 Flood elevation determinations **54374, 54377, 55035, 58316, 58319, 64418, 64419, 67002, 67004**
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67.11 Flood elevation determinations **54378, 55038, 58322, 64421, 67005**
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72.5 Revised 51462
77 Removed 28106
80 Removed 28106
81 Removed 28106
82 Removed 28106
83 Removed 28106
152 Removed 28106
206.47 Added 19498
206.48 Added 47698
206.101 (e)(1) revised 46853
206.200 (b) revised; interim **64425**
206.201 (i) and (j) revised; interim **64425**
206.202 Revised; interim **64425**
206.207 Reinstated; CFR correction **71026**
Reinstated; CFR correction 47402
206.228 (a)(2)(i) introductory text revised; interim **64426**
Corrected 41827
207 Removed 28106
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336 Removed 28106
354 Revised; interim **69003**

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TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Service (Parts 1—199)

60.12 (a) amended 9922
144.101 Revised; interim **57558**
Revised; interim 45795
144.102 (b) revised; interim **57558**
(d) added; interim 45795
144.103 Amended; interim 45795
146.101 (a) revised; (b)(2), (3) and (4) redesignated as (b)(3), (4) and (5); new (b)(2) added; interim **57559**
146.130 Added; interim **57559**
146.180 (i)(2) and (3) amended; interim 45795
146.184 Removed; interim 45795
148.101 Revised; interim **57561**
148.102 (a) heading, (2) and (b) revised; interim **57562**
148.170 (Subpart C) Added; interim **57562**
148.200 Removed; interim 45795
148.202 Removed; interim 45795
150 Added; interim 45795

Chapter II—Office of Family Assistance (Assistance Programs), Administration for Children and Families, Department of Health and Human Services (Parts 200—299)

260 Added 17878
260.30 Corrected 40291

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260.59 Heading correctly revised 40291
261 Added 17884
261.56 (b)(2)(ii) corrected 40291
262 Added 17890
262.5 (b)(1)(ii) corrected 40291
263 Added 17893
263.2 (b)(1)(iii) correctly revised; (d) corrected 40291
264 Added 17896
264.3 (b) corrected 40292
264.10 (b) corrected 40292
265 Added 17900
265.3 (f) introductory text, (1), (2) and (3) redesignated as (f)(1) introductory text, (i), (ii) and (iii); new (f)(2) added 40292
276 Added; interim **57926**
283 Added 18493

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Administration for Children and Families, Department of Health and Human Services (Parts 300—399)

301.1 Amended; interim 6247
302 Nomenclature change; interim 6247
302.12 (a)(1)(i) removed; (a)(1)(ii) and (iii) redesignated as (a)(1)(i) and (ii); interim 6247
302.31 (a)(2), (b) and (c) amended; (a)(3) removed; interim 6247
302.32 Revised; interim 6247
302.34 Amended; interim 6248
302.35 (c)(1), (2) and (4) amended; (c)(5) and (d) added; interim 6248
302.50 Revised; interim 6248
302.51 Revised; interim 6248
302.52 (b)(5) amended; interim 6249
302.54 (a)(1) amended; interim 6249
302.57 Removed; interim 6249
302.70 (a) introductory text, (d)(1) and (2) amended; interim 6249
(a)(5)(iii) introductory text and (B) revised; (a)(5)(iii)(C) added 11809
302.75 (b)(4) amended; interim 6249
302.80 (a) amended; interim 6249
303 Nomenclature change; interim 6249
303.3 (b)(1) amended; interim 6249
303.5 (d)(1) and (e)(3) revised; (d)(2) and (e)(1) amended; interim 6249
(g) revised 11809
303.7 (a)(1), (b)(2), (3), (6), (c)(4), (7)(iii), (iv) and (v) amended; (d)(3) revised; interim 6250
303.8 Revised; interim 6250
303.11 (b)(1) revised; (b)(2) removed; (b)(3) and (4) redesignated as (b)(2) and (3); (b)(3)(iv) added 11817
(b)(5) through (12) redesignated as (b)(4) through (11); (b)(2), (4), (5), new (b)(4), new (9), new (10), (c) and (d) revised; new (b)(12) added; 11818
303.15 (a)(1)(i), (ii), (2), (b) introductory text, (2) and (c)(1) amended; interim 6250
303.20 (b)(3) amended; interim 6250
303.21 Removed; interim 6250
303.30 (b) removed; (c) redesignated as (b); new (b) amended; interim 6250
303.31 (c) introductory text amended; (c)(1) and (2) removed; interim 6250
303.70 (c)(1), (2), (d)(1) and (2) amended; interim 6250
(e)(1)(i), (ii), (2)(i), (3) and (4)(i) amended; (e)(1)(iii) added; interim 6251
303.71 (b), (f) and (g) amended; interim 6251
303.72 (i) amended; interim 6249
(a)(1), (2), (h)(1), (3) and (4) amended; interim 6251
303.80 Removed; interim 6251
303.100 (a)(9), (c)(2), (d)(1)(iv), (v), (2), (e), (g) removed; (a)(10), (c)(3), (d)(1)(i), (ii), (iii), (f), (h) redesignated as (a)(9), (c)(2), (d)(2), (3), (4), (e), (f); heading, (a)(1), (b)(1), (2)(i), (c) introductory text, (1) introductory text and new (e)(1) introductory text, (i), (ii), (vi), (vii), (viii) and (2) amended; (d) introductory text, (1), new (e)(1)(ix) and (3) revised; (d)(5) added; interim 6251
(i) redesignated as (g); new (g) amended; interim 6252

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303.101 (a) revised; (c)(4) and (5) removed; (c)(6) redesignated as (c)(4); (b)(1) and new (c)(4) amended; interim 6252
303.102 (g)(1)(i), (ii), (iii) removed; (c), (d), (e), (g)(1) introductory text and (iv) redesignated as (d), (e), (c), (g)(1)(i) and (ii); new (d)(1) designation and (2) removed; (a)(1) and new (d), (g)(1)(i) and (ii) amended; interim 6252
303.103 Removed; interim 6252
303.105 Removed; interim 6252
303.109 Added 15136
304 Nomenclature change; interim 6252
304.12 (a) amended; interim 6252
304.20 (b)(1)(viii)(C) and (ix)(D) removed; (b)(1)(viii)(D) and (ix)(D) redesignated as (b)(1)(viii)(C) and (ix)(D); (b)(1)(ix)(C) and (3)(iv) amended; interim 6252
(b)(2)(vi), (vii) and (viii) revised 11810
304.21 (a) introductory text amended; interim 6252
304.26 Revised; interim 6252
304.29 Amended; interim 6253
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305 Removed; interim 6253

Chapter VIII—Office of Personnel Management (Parts 800—899)

801 Appendix A amended 42039

Chapter XII—Corporation for National and Community Service (Parts 1200—1299)

1201 Authority citation revised 64199
1201.2 (b) and (c) added 64199
1207 Redesignated as Part 2551 14115
1208 Redesignated as Part 2552 14126
1209 Redesignated as Part 2553 14135
1224 Redesignated as part 2508 19294

Chapter XIII—Office of Human Development Services, Department of Health and Human Services (Parts 1300—1399)

1309 Added 5945
1309.10 OMB number pending 5946
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1606 Revised 64643
1611 Appendix A revised 17108
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1623 Revised 64648
1625 Removed 64646

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2501 Removed 66063
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2506 Removed 66063
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2508 Redesignated from part 1224 and revised 19294
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2526 Heading revised 37414
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2526.40 Removed; new 2526.40 redesignated from 2526.70; (b)(2) amended 37415
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2.10-5 Regulation at 62 FR 19232 confirmed; (c)(2) revised.....**59474**
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8.110 (b) revised....30439
10.109 Revised; eff. 10–4–99....42814
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10.110 Revised; eff. 10–4–99....42815
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30.01–6 Regulation at 61 FR 25286 confirmed....52813
31.01–1 Regulation at 61 FR 25286 confirmed....52813
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31.36–1 (Subpart 31.36) Regulation at 61 FR 25286 confirmed....52813
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35.40–1—35.40–40 (Subpart 35.40) Regulation at 61 FR 25287 confirmed....52813
35.40–40 Regulation at 61 FR 25287 confirmed....52813
69.117 (d)(2) introductory text and (e)(3) amended; (d)(4) revised; (d)(5) redesignated as (d)(7); new (d)(5) and (6) added; eff. 11–29–99....47404
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70.10–3 Regulation at 61 FR 25287 confirmed....52813
70.10–34 Regulation at 61 FR 25287 confirmed....52813
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70.28–1 (Subpart 70.28) Regulation at 61 FR 25287 confirmed....52813
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71.15–5 (b) revised....30439
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75 Regulation at 61 FR 25288 confirmed....52813
77.06–1 (Subpart 77.06) Regulation at 61 FR 25288 confirmed....52813

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78.13–5 Regulation at 61 FR 25288 confirmed 52813
78.13–10 Regulation at 61 FR 25288 confirmed 52813
78.13–15 Regulation at 61 FR 25288 confirmed 52813
78.13–20 Regulation at 61 FR 25288 confirmed 52813
78.14–1—78.14–20 (Subpart 78.14) Regulation at 61 FR 25288 confirmed 52813
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97.37–42 Regulation at 61 FR 25289 confirmed **52813**
97.37–43 Regulation at 61 FR 25289 confirmed **52813**
97.37–55 Regulation at 61 FR 25289 confirmed **52813**
97.39–1 (Subpart 97.39) Regulation at 61 FR 25289 confirmed **52813**
97.85–1—97.85–10 (Subpart 97.85) Regulation at 61 FR 25289 confirmed **52813**
107 Authority citation revised **52813**
107.111 Regulation at 61 FR 25289 confirmed **52813**
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107.205 (b) revised 30439
107.231 Regulation at 61 FR 25290 confirmed **52813**
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107.239 Regulation at 61 FR 25290 confirmed **52813**
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108.101 Regulation at 61 FR 25290 confirmed **52813**
108.103 Regulation at 61 FR 25291 confirmed **52813**
108.105 Regulation at 61 FR 25291 confirmed **52813**
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108.565 (a)(3) revised; eff. 11–2–98 ..... **52814**
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108.575 Table amended; eff. 11–2–98 ..... **52814**
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108.645 Regulation at 61 FR 25298 confirmed **52813**
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108.646 Regulation at 61 FR 25298 confirmed **52813**
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108.649 Regulation at 61 FR 25298 confirmed **52813**
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108.655 Regulation at 61 FR 25298 confirmed **52813**
108.901 (Subpart J) Regulation at 61 FR 25298 confirmed **52813**
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109.208 Regulation at 61 FR 25298 confirmed **52813**
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21.42 (b)(3) revised; (c)(8) added (OMB number pending) **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.101 (a) Footnote 2 revised **65101**
Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.118 (c) revised **65101**
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Regulation at 63 FR 65101 eff. date corrected to 2-8-99 4054
21.304 Revised (OMB number pending) **65102**
Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.900 Revised (OMB number pending) **65102**
Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.901 (a), (b), (d) and Note 1 revised; (g) added (OMB number pending) **65102**
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21.902 Heading, (b)(3), (4), (5)(i), (f)(1) and (2) revised; (b)(7) and (l) added **65102**
Regulation at 63 FR 65102 eff. date corrected to 2-8-99 4054
21.903 (a) and (b)(1) revised; (d) added (OMB number pending) **65103**
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21.904 Revised **65103**
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21.905 (b) revised; (d) added (OMB number pending) **65104**
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21.906 (a) and (d) revised (OMB number pending) **65104**
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21.907 Removed **65104**
Regulation at 63 FR 65104 eff. date corrected to 2-8-99 4054
21.908 (b) redesignated as (a); heading and new (a) revised; (c), (d) and (e) removed; new (b) through (e) added **65104**
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21.909 Revised (OMB number pending) **65105**
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21.910 Heading, introductory text, (a) and (b) introductory text revised; (d) added **65109**
Regulation at 63 FR 65109 eff. date corrected to 2-8-99 4054
21.912 Heading and Note 1 revised; eff. 11-16-99 50644
21.913 Revised (OMB number pending) **65109**
Regulation at 63 FR 65109 eff. date corrected to 2-8-99 4054
21.925 (b) revised **65112**
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21.938 (b) introductory text, (c)(4), (e) and (f) revised **65112**
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21.940 Added (OMB number pending) **65112**
Second 21.940 correctly redesignated as 21.949 4055
21.949 Correctly redesignated from second 21.940 4055
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22.101 Removed **68943**
22.103 Removed **68943**
22.105 Removed **68943**
22.106 Removed **68943**
22.108 Removed **68943**
22.115 Removed **68943**
22.117 Removed **68943**
22.119 Removed **68943**
22.120 Removed **68943**
22.121 Removed **68943**
22.122 Removed **68943**
22.123 Removed **68943**
22.124 Removed **68943**
22.125 Removed **68943**
22.127 Removed **68943**
22.128 Removed **68943**
22.129 Removed **68943**
22.130 Removed **68943**
22.131 (b) introductory text, (1), (c) introductory text, (1) and (2) revised; (d)(3) removed **68943**

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22.132 Removed **68943**
22.135 Removed **68943**
22.137 Removed **68943**
22.139 Removed **68943**
22.142 Removed **68943**
22.144 Removed **68943**
22.145 Removed **68944**
22.150 (d) introductory text amended **68944**
22.163 Removed **68944**
22.165 (b) and (e) revised **68944**
22.213 Removed **68944**
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22.215 (a) revised 33781
22.217 (a) revised; (b)(4) added 33781
22.219 Removed 33781
22.221 (b) revised **68944**
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22.223 (b)(1)(i), (ii) and (2) amended; (b)(4) and (e) added 33781
22.225 (a)(1), (b)(1), and (e) revised 33782
22.315 Removed **68944**
22.317 Amended **68944**
22.323 (d) revised **68944**
22.352 (c)(6) revised **68944**
22.369 Removed **68944**
22.411 (d)(1) revised **68944**
22.413 (b)(1) revised **68944**
22.415 (b)(1) revised **68944**
22.417 (b)(1) revised **68944**
22.503 (k) revised **68945**
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22.507 (c) revised **68945**
(c) amended 33784
22.509 (c) removed 33784
22.513 Added 33784
22.529 (a) and (b) introductory text amended; (b)(1), (3) introductory text, (i) and (iii) revised **68945**
22.531 (c) revised **68945**
(f) amended 33784
22.539 Introductory text revised **68945**
22.577 (b) amended; (d) revised **68945**
22.625 (b)(1) revised **68946**
22.627 (b)(1)(i) and (2) revised **68946**
22.657 (a), (d), (e)(1) and (f) revised **68947**
22.659 (b)(1) and (c)(1) revised **68947**
22.709 Introductory text, (b) introductory text, (1) and (2) revised (effective date pending in part) **68948**
22.803 Introductory text, (a) introductory text, (b) introductory text, (1) and (2) revised (effective date pending in part) **68948**
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22.859 Introductory text and table revised **68948**
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22.911 (b) amended **68951**
22.921 Added (OMB number pending) 34568
22.929 Revised (effective date pending in part) **68951**
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22.936 (a) amended **68951**
22.941 (b) amended; (c) revised **68951**
22.944 Removed **68951**
22.946 Introductory text and (b) removed; (a) introductory text revised; (a)(1) redesignated as (b) **68951**
22.947 (b) introductory text amended **68951**
22.953 (a) and (b) revised; (c) added **68951**
22.966 Removed **68952**
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24.2 (b) amended **68952**
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24.11 (a) revised **68952**
24.18 Removed **68952**
24.202 Introductory text amended **68952**
24.203 (b) amended 26890
24.307 Revised **68952**
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24.443 Removed **68953**
24.444 Removed **68953**
24.714 (b)(1) revised **68953**
24.803 Removed **68953**
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24.809 Removed **68953**
24.811 Removed **68953**
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24.832 Removed **68953**
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25.202 (a)(1) table revised 2591
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26.2 (b) amended **68953**
26.4 Amended **56577, 68953**
26.11 (a) revised **68953**
26.56 Added **71041**
26.104 (e) revised **68953**
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26.205 Revised **56578**
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26.304 Removed **68954**
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26.311 Removed **68954**
26.312 Removed **68954**
26.313 Removed **56578**
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26.316 Removed **68954**
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26.322 Removed **68954**
26.323 (a) revised **68954**
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27.325 Removed **68955**
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32.16 (a) revised; eff. 11–15–99 50007
32.23 (c) revised; eff. 11–15–99 50007
32.2000 (a)(4) revised; (b)(4) and (i) removed; (j) amended; eff. in part 11–15–99 (OMB numbers pending) 50007
32.2003 (a) revised; eff. 11–15–99 50007
32.2114 Revised; eff. 11–15–99 50007
32.2115 Removed; eff. 11–15–99 50007
32.2116 Removed; eff. 11–15–99 50007
32.2124 (c) removed; (d) revised; eff. 11–15–99 50007
32.2311 (d) revised; eff. 11–15–99 50007

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51.5 Amended.....23241
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51.321 (c) and (f) revised; (h) and (i) added (effective date pending).....23241
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61.13—61.17 Designated as Subpart B; heading added 46586
61.13 Undesignated center heading removed 46586
61.14 (b) revised 46586
61.17 (c) revised 46586
61.18 Added 46587
61.19 Redesignated from 61.20; (b) and (c) revised 46587
61.20—61.24 Designated as Subpart C; heading added 46587
61.20—61.22 Undesignated center heading removed 46586
61.20 Redesignated as 61.19; new 61.20 redesignated from 61.21; (b)(1) and (c) revised 46587
61.21 Redesignated as 61.20; new 61.21 redesignated from 61.22; (a)(1) revised 46587
61.22 Redesignated as 61.21; new 61.22 redesignated from 61.23 (a)(1) revised; (c) redesignated as (c)(1); (c)(2) and (e) added 46587
61.23—61.50 Undesignated center heading removed 46587
61.23 Redesignated as 61.22; new 61.23 redesignated from 61.24 46587
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61.24 Redesignated as 61.23 46587
61.25 Added 46588
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61.32—61.59 Designated as Subpart E 46588
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(c) amended 46593
61.33 (a) introductory text amended; (h)(2) removed 46588
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61.35 Removed 46588
61.36 Removed 46588
61.38 (a) revised; (b)(3) removed; (g) added 46588
(c)(1) amended 46593
61.39 (a) revised; (f) added 46588
61.41 (a)(1) removed 46589
61.42 (a), (b) and (c) removed; (d)(1) through (4), (6), and (g) amended 46589
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61.44 Removed 46589
61.45 (b), (c), (d)(1)(iv), (i) and (j)(2) revised; (f) amended; (k) and (l) removed 46589
(d)(1)(vii) revised; eff. 10–22–99 51265
61.46 (i) added; eff. 10–22–99 51265
61.47 (e) revised; (f), (g) and (h) removed 46590
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61.48 (a) through (h) and (i)(3)(ii) removed 46590
61.49 (a), (c) and (g)(1)(ii) revised; (f)(1) and (i) removed; (l) added 46590
(g)(2)(i) amended 46593
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61.51 Removed 46591
61.53 Redesignated as 61.83 46591
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61.55 Removed 46591
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61.56 Redesignated as 61.86 46591
61.57 Redesignated as 61.87 46591
61.58 (a)(2), (3) and (e) heading revised; (b), (c), (d) and (f) removed; (e)(3) redesignated as (e)(4); new (e)(3) added 46591
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61.66 Added 46592
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61.67 Removed 46592
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61.72 Revised 46592
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61.83 Redesignated from 61.53 46591
61.86 Redesignated from 61.56 and revised 46591
61.87 Redesignated from 61.57 and revised 46591
61.131—61.136 Undesignated center heading removed; designated as Subpart G; heading added 46592
61.132 Amended 46592
61.151—61.153 Undesignated center heading removed; designated as Subpart H; heading added 46592
61.153 (b) revised 46592
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61.171—61.172 Undesignated center heading removed; designated as Subpart I; heading added 46593
61.191—61.193 Undesignated center heading removed; designated as Subpart J; heading addded 46593
61.191 Revised 46593
62 Removed 43941
63 Authority citation revised 19061
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63.01 Removed; new 63.01 redesignated from 63.07 and revised 39939
63.02 Removed; new 63.02 added 39939
63.03 Removed 39939
63.04 Redesignated as 63.25 39939
63.05 Removed 39939
63.06 Removed 39939
63.07 Redesignated as 63.01 39939
63.08 Removed 39939
63.09 Added 19062
63.10 (a) introductory text and (c)(5) amended; (a)(4) revised 19062
(c)(1) revised 46593
(c)(6) and (e) added 47702
63.11 Heading, (a), (c)(1), (2), (e)(1) and (2) revised; (b) and (f) amended; note removed 19062
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63.12 (c)(2) amended; (c)(4) removed; (c)(5) redesignated as (c)(4); (a), (b), (c)(1), new (4) and (d) revised 19063
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63.14 (a) amended; (b) introductory text revised 19063
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63.17 (b)(4) revised 19064
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63.22 Added 19065
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63.24 Added 19066
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63.52 Heading and (b) revised 39939
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64.1160 Added 7760
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64.1170 Added (effective date pending) 7761
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64.2001 Revised (effective date pending) 34497
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68.162 Added 4998
68.300 (c) added 3048
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69.3 (a), (e) introductory text, (6), (f), (h) and (i) introductory text revised; (j) removed 46593
(e)(7) revised; eff. 10–22–99 51266
69.4 (g)(1) revised; (i) added; eff. 10–22–99 51266
69.110 (e) revised; eff. 10–22–99 51267
69.111 (g)(4) amended 46594
69.113 (c) amended 46594
69.114 (a) amended 46594
69.123 (a), (b), (e)(2) and (f)(1) revised; eff. 10–22–99 51267
69.152 (h) added 16358
69.153 (c) introductory text, (2), (d)(1) introductory text, (ii), (2) introductory text, (ii) and (e) revised **55335**
Second (c) introductory text and second (1) correctly removed; CFR correction 45196
(c)(1), (d)(1)(i) and (2)(i) revised 46594
69.600 Removed **70578**
69.603 (c), (d) and (e) removed **70578**
69.613 Removed **70578**
69.614 Removed **70578**
69.615 Removed **70578**
69.616 (e) added **67010**
Removed **70578**
69.617 Removed **70578**
69.618 Removed **70578**
69.619 Removed **70578**
69.620 Removed **70578**
69.621 Removed **70578**
69.622 Removed **70578**
69.701—69.731 (Subpart H) Added; eff. in part 10–22–99 51267
69.709 Effective date pending 51267
69.711 Effective date pending 51267
69.713 Effective date pending 51267
69.729 Effective date pending 51267
73 Actions on petitions **54380, 71389**
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73.202 (b) table amended ..... **52984, 54379, 54380, 54600, 55807—55809, 55958, 55959, 57609, 57610, 59238, 59239, 62956, 62957, 63617—63619, 64877, 67430**
(b) table amended ..... 995, 2858, 3874, 3875, 5718—5720, 7813, 8725, 9923, 12903, 13720—13723, 17109, 19067,

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(b) table amended; eff. 10–18–99 ..... 50009—50011, 50256, 50257
(b) table amended; eff. 10–25–99 50772
73.316 (c) revised **70047**
73.606 (b) table amended 12767, 36258, 45894
73.622 (b) table amended 4326, 45894
(e) revised 4327
(e) correctly revised 47702
73.623 (f) redesignated as (g); new (f) added 4327
73.624 (g) added **69216**
(b) revised 4327
(c) introductory text corrected; CFR correction 26327
73.686 (d) added 7127
73.1030 (a) revised **70048**
73.1125 Regulation at 63 FR 49497 eff. 10–30–98 ..... **56578**
73.1675 (a) revised **70049**
73.3500 Existing text designated as (a); (b) added **70049**
73.3517 (e) added 19501
73.3526 Regulation at 63 FR 49497 eff. 10–30–98 ..... **56578**
(e)(11)(iii) revised **70049**
Regulation at 63 FR 70049 eff. 12–31–98 ..... **71789**
(c)(2) and (e)(9) revised 35947
(e)(14) revised; (e)(16) added; (effective date pending) 50645
73.3527 Regulation at 63 FR 49499 eff. 10–30–98 ..... **56578**
(c)(2) and (e)(9) revised; (e)(4) amended 35947
73.3534 Revised **70049**
73.3535 Removed **70049**
73.3550 Revised **71603**
73.3555 (a)(3) and (4)(iii) removed; (a)(4) redesignated as (a)(3); Note 2 amended; eff. 11–16–99 50645
(e)(2)(i) and (ii) revised; Note 5 amended; eff. 11–16–99 50646
(b), (c) and Note 7 revised; eff. in part 11–16–99 50666
73.3571 (a)(1) and (f) revised 19501
73.3573 (a)(1) and (e) revised 19502
73.3597 (c)(1)(iii) added **70050**
73.3598 Revised **70050**
73.3599 Removed **70050**
73.3613 (b)(7) added **70050**
(d) and (e) revised (effective date pending) 50646
73.3615 (a) introductory text, (1), (3)(i)(A), (c), (d) introductory text, (e) and (f) revised; (a)(2) amended **70050**
Regulation at 63 FR 70050 eff. in part 12–31–98 ..... **71789**
73.5002 (c) and (d) revised 24526
73.5006 (b) and (c) revised 24526
73.5007 Revised 24526
73.5008 (b) and (c) revised 24527
(c) revised 44858
73.5009 Revised 24527
74 Rule confirmation **69562**
Nomenclature change 4055
74.406 (d)(1) revised 4327
74.783 (e) revised **71604**
74.901 Amended **65113**
Regulation at 63 FR 65113 eff. date corrected to 2–8–99 4054
74.902 (f) through (j) redesignated as (g) through (k); (c), (d) and (e) revised; new (f) added (OMB number pending) **65113**
74.903 (a)(1), (2), (3), (b) introductory text, (1), (2), (4), (5), (c) and (d) revised; (a)(6) added; (e) and (f) removed **65114**
Regulation at 63 FR 65114 eff. date corrected to 2–8–99 4054
74.911 (a)(1) revised; (d) added (OMB number pending) **65115**
Regulation at 63 FR 65115 eff. date corrected to 2–8–99 4054
74.912 Added **65115**
Regulation at 63 FR 65115 eff. date corrected to 2–8–99 4054
Revised 24527
74.931 (d), (e), (f) through (k) redesignated as (b), (c) and (e) through (j); new (b) and new (c) revised; new (d) added (OMB number pending) **65116**
Regulation at 63 FR 65116 eff. date corrected to 2–8–99 4054
Note 1 added; eff. 11–16–99 50646
74.935 (a) and (b) revised **65117**
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74.936 Revised (OMB number pending) **65117**
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74.937 (a) amended; (b) revised **65118**
Regulation at 63 FR 65118 eff. date corrected to 2-8-99 4054
74.938 Revised **65119**
Regulation at 63 FR 65119 eff. date corrected to 2-8-99 4054
74.939 Revised (OMB number pending) **65119**
Regulation at 63 FR 65119 eff. date corrected to 2-8-99 4054
74.940 Added (OMB number pending) **65124**
Correctly redesignated as 74.949 4055
74.949 Correctly redesignated from 74.940 4055
74.950 Removed **65124**
Regulation at 63 FR 65124 eff. date corrected to 2-8-99 4054
74.951 (b) revised (OMB number pending) **65124**
Regulation at 63 FR 65124 eff. date corrected to 2-8-99 4054
74.952 Revised **65124**
Regulation at 63 FR 65124 eff. date corrected to 2-8-99 4054
74.961 (a) revised **65124**
Regulation at 63 FR 65124 eff. date corrected to 2-8-99 4054
74.965 Revised (OMB number pending) **65125**
Regulation at 63 FR 65125 eff. date corrected to 2-8-99 4054
74.982 (b) revised; (g) added **65125**
Regulation at 63 FR 65125 eff. date corrected to 2-8-99 4054
74.985 Revised (OMB number pending) **65125**
Regulation at 63 FR 65125 eff. date corrected to 2-8-99 4054
74.986 (a) introductory text revised; (a)(8) added **65127**
Regulation at 63 FR 65127 eff. date corrected to 2-8-99 4054
74.1233 (a)(1), (b) and (d)(1) revised 19502
74 Index amended **65127**
Regulation at 63 FR 65127 eff. date corrected to 2-8-99 4054
76 Order 5950
Authority citation and heading revised 6569
Authority citation revised 28108
76.6 Added 6569
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76.7 Revised 6569
Regulation at 64 FR 6569 eff. 7-15-99 36605
76.8 Revised 6569
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76.9 Revised 6569
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76.10 Revised 6569
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76.55 (e)(1) through (6) revised 33796
(e) correctly revised 42617
76.59 (b) and (c) revised 33796
76.61 (a)(3), (4) and (b) revised; (a)(5) added 6572
Regulation at 64 FR 6572 eff. 7-15-99 36605
76.403 Revised (effective date pending) 28108
76.501 Note 6 added; eff. 11-16-99 50646
76.615 Introductory text and (a) revised 28109
76.701 (b) note added 35950
76.901 (f) added 35950
76.905 (g) revised 35950
76.907 Added 35950
76.911 (a) introductory text and (1) revised; (b) removed; (c), (d) and (e) redesignated as (b), (c) and (d) 35950
76.914 (c) revised 6572
Regulation at 64 FR 6569 eff. 7-15-99 36605
76.915 Removed 35950
76.934 Note added 35950
76.950 (b) revised 35950
76.952 (a) revised (effective date pending) 35950
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76.956 (a) revised 35950
76.961 (b) revised 35951
76.964 (b) correctly revised 42855
76.984 (b) amended; (c)(2) revised; (c)(3) added; 35951
76.990 Added (effective date pending) 35951
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76.1003 Regulation at 63 FR 45739 eff. 12–23–98 2595
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76.1204 (f) added 29600
76.1302 Revised 6574
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76.1401 (a), (b) designation, (c), and (d) removed 35951
76.1403 Removed 35951
76.1513 Heading, (a) and (d) through (h) revised; (i) through (u) removed 6575
Regulation at 64 FR 6575 eff. 7–15–99 36605
76.1603 (e) revised 35951
(e) reinstated 42855
78 Rule confirmation **69562**
79.1 (b), (d)(3), (7), (8), (9) and (e)(3) revised; (d)(13) and (e)(10) added **55962**
(e)(3) revised 33424
80.3 (k) revised **68955**
80.19 Removed **68955**
80.21 (a), (b) and (f) removed; (c), (d) and (e) redesignated as (a), (b) and (c); introductory text and new (c) revised (effective date pending) **68955**
80.23 Removed **68955**
80.25 (a) and (b) revised **68955**
80.29 Removed **68955**
80.31 Revised **68955**
80.33 (b) introductory text and (c) revised (effective date pending) **68955**
80.45 Revised **68955**
80.49 Revised **68955**
80.51 (a) removed **68955**
80.53 Revised (effective date pending) **68956**
80.56 Removed **68956**
80.57 (b)(6) revised; (c)(6) amended **68956**
80.59 (c) revised **68956**
80.371 (c)(1)(i) table amended 26887
80.383 (a) table amended **53313**
80.469 (c) revised (effective date pending) **68956**
80.511 (c) revised (effective date pending) **68956**
80.513 (c)(1) amended (effective date pending) **68956**
80.514 Introductory text revised **68956**
80.553 Introductory text revised **68956**
80.605 (a) and (c)(9) revised; (d) amended (effective date pending) **68956**
80.751 Revised 26887
80.773 (c) added 26887
87.5 Amended 27474
87.17 Revised **68957**
87.21 Removed **68957**
87.23 Removed **68957**
87.25 Introductory text removed; (b) revised **68957**
87.27 (a) and (b) revised **68957**
87.31 Removed **68957**
87.33 Removed **68957**
87.35 Revised **68957**
87.37 (a) introductory text revised **68957**
87.45 Revised **68957**
87.51 (a) removed **68957**
87.79 Removed **68957**
87.131 Table amended 27474
87.133 (a) table amended 27475
87.137 (d) removed **68957**
(a) table amended 27475
87.139 (a) introductory text revised; (j) added 27475
87.171 Amended 27475
87.173 (b) table amended 27475
87.187 (bb) and (cc) revised **68957**
(y) introductory text revised; (y)(4) amended 27475
87.215 (d) amended (effective date pending) **68957**
87.219 Added 27475
87.239 Revised **68957**
87.261 (e) and (f) added 27476
87.301 (b) revised **68957**
87.307 (d) introductory text revised **68958**
87.321 Revised **68958**
87.323 (b) amended **68958**
87.347 (b)(1), (2), (3) and (c) revised (effective date pending) **68958**
87.419 (b) revised **68958**
Revised 27476
87.421 (b) revised **68958**
87.423 Revised **68958**
87.447 Introductory text revised **68958**
87.473 (a) removed; (b) and (c) redesignated as (a) and (b) **68958**

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87.475 (a) amended **68958**
(e) added 27476
87.481 (a) introductory text and (4) revised **68958**
87.525—87.529 (Subpart S) Heading revised 27476
87.525 Revised 27476
87.527 (b) revised **68958**
(b) and (c) revised 27476
87.529 Amended 27476
90 Authority citation revised **58651**
Waiver 6253
Authority citation revised 39942
90.5 (b), (i)(1) and (m) revised **68958**
90.7 Amended **68958**
90.20 (c)(3) table amended; (d)(77) added **58651**
(f)(4) revised 10397
(c)(3) table amended; (d)(66)(ii), (iii) and (iv) revised; (d)(66)(v), (vi) and (77) added 36261
90.22 Revised **68959**
Introductory text revised 36262
90.35 (c)(61)(iv) revised **68959**
(d)(7) added 10397
(b)(2), (c)(6) and (52) revised; (b)(3) table amended; (c)(79), (80) and (81) added 36262
(b)(3) stayed in part; (c)(80) and (81) stayed 50467
Table corrected 52121
90.103 (c)(22) revised 10397
90.111 Revised **68963**
90.113 Removed **68963**
90.117 Removed **68963**
90.119 Revised **68963**
90.123 Removed **68963**
90.125 Removed **68963**
90.127 Revised **68963**
90.129 Introductory text revised; (c) and (e) removed **68963**
90.131 Removed **68963**
90.135 Revised **68963**
(a)(2) revised; (b)(5) removed; (d) amended 36269
90.137 (a) introductory text revised **68963**
90.139 Removed **68963**
90.141 Removed **68964**
90.143 Removed **68964**
90.145 Removed **68964**
90.147 Removed **68964**
90.149 (a) revised; (b) removed **68964**
90.151 Removed **68964**
90.153 Removed **68964**
90.155 (d) revised **68964**
90.157 Revised **68964**
90.159 (a), (b) introductory text, (c), (d) and note revised **68964**
90.160 Removed **68965**
90.161 Removed **68965**
90.162 Removed **68965**
90.163 Removed **68965**
90.164 Removed **68965**
90.165 Introductory text, (b) introductory text, (1), (c) introductory text and (2) revised; (d)(3) removed **68965**
90.166 Removed **68965**
90.167 Revised **68965**
90.173 (a) revised; (j) added 36269
90.175 Introductory text, (b), (e) and (f) revised **68965**
(i)(5) revised 10397
(f) revised 33784
Introductory text and (b) revised 36270
90.177 Removed **68965**
90.187 (a) revised **68965**
(b)(2)(i) revised; (b)(2)(ii) amended 36270
(b)(2), (ii) and (iii) revised; (b)(2)(iv), (v), (d), (e) and (f) added; eff. in part 10–18–99 (OMB numbers pending) 50258
90.203 (a) introductory text revised; (l) added **64208**
Heading, (a) introductory text and (l) correctly revised 43095
90.205 (i) revised **58651**
90.207 (l) amended 36270
90.211 Removed 36270
90.237 (b) removed **68965**
90.241 (c)(7) revised **68965**
90.248 Added **64208**
90.259 Revised **64209**
90.267 (a)(3) revised; (b), (c) and (d) added 36270
90.273 (c) revised **68965**
90.303 Revised **68965**
90.311 (a) table revised 36270
90.350 Revised **68966**
90.365 (a)(1), (b) and (d)(2) revised; (d)(1)(ii) removed; (d)(1)(iii) redesignated as (d)(1)(ii) **68966**
90.437 (c) revised; (d) removed **68966**
90.477 (a) and (d)(3) revised **68966**
90.501 Revised **68967**
90.521—90.551 (Subpart R) Added **58651**

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90.523 Regulation at 63 FR 58651 eff. 1-20-98 3048
90.527 Regulation at 63 FR 58652 eff. 1-20-98 3048
90.545 Regulation at 63 FR 58656 eff. 1-20-98 3048
90.551 Regulation at 63 FR 58658 eff. 1-20-98 3048
90.601 Revised **68967**
90.605 Revised **68967**
90.607 (b)(1) and (c)(1) revised; (d) removed **68967**
90.609 (a) removed **68967**
90.611 Removed **68967**
90.619 (d)(5) amended **68968**
90.621 Table 1 amended; (b)(3), (e)(5) and (f)(1) revised **68968**
90.625 (a) amended (effective date pending) **68969**
90.629 (c) amended **68969**
90.631 (d) amended; (f) revised **68969**
90.633 (c) and (d) revised 10397
90.635 Table 1 revised **68969**
90.645 (g) and (h) amended **68970**
90.651 Revised **68970**
(c) revised 10397
90.655 Amended **68970**
90.657 Removed **68970**
90.658 (a) revised **68970**
90.659 Removed **68970**
90.665 (c) revised 39942
90.683 (a)(4) revised; (a)(5) removed (effective date pending) **68970**
90.687 Amended **68970**
90.693 (b) and (c) revised **68970**
90.701 (a) revised **68971**
90.705 Revised **68971**
90.711 (a) introductory text revised; (a)(5) removed **68971**
90.733 (h)(2) revised **68971**
90.737 (d) and (e) revised **68971**
90.741 Revised **68971**
90.751 Revised **68973**
90.753 (d) and (e) revised **68973**
90.755 Removed **68973**
90.763 (b)(4) revised (effective date pending) **68973**
90.767 (c) revised **68973**
90.769 (c) revised **68973**
90.911 (b)(1) amended **68973**
90.1013 Revised **68973**
90.1019 (d) removed; (e) redesignated as (d); heading, (a), (b), (c) and new (d) revised **68973**
90.1023 (b) introductory text revised **68974**
95 Nomenclature change 54077
Actions on petitions 14639
95.1—95.7 Undesignated center heading removed **68974**
95.5 Revised **68974**
95.7 (b) amended **68974**
95.21—95.61 Undesignated center heading removed **68974**
95.21 Revised **68974**
95.23 (b) revised; (d) removed **68974**
95.25 (a) introductory text, (d)(2)(i) and (f) revised; (c) removed **68974**
95.29 (a), (b), (e) introductory text and (2) revised; (c) and (d) removed **68974**
95.31 Removed **68975**
95.33 (b) removed **68975**
95.35 Removed **68975**
95.37 Removed **68975**
95.39 Removed **68975**
95.41 Removed **68975**
95.42 Removed **68975**
95.43 Removed **68975**
95.45 Revised **68975**
95.47 Removed **68975**
95.49 Removed **68975**
95.51 Revised **68975**
95.53 Removed **68975**
95.55 Removed **68975**
95.57 Removed **68975**
95.59 Removed **68975**
95.61 Removed **68975**
95.71—95.89 Undesignated center heading removed **68974**
95.71 Removed **68975**
95.72 Removed **68975**
95.73 Removed **68975**
95.75 Removed **68975**
95.77 Removed **68975**
95.79 Removed **68975**
95.83 Removed **68975**
95.85 Removed **68975**
95.87 Removed **68975**
95.89 Removed **68975**
95.101—95.143 Undesignated center heading removed **68974**
95.101 (a) revised **68975**
95.103 Revised **68975**
95.105 Revised **68975**
95.107 Removed **68975**
95.109 Removed **68975**
95.111 Removed **68975**
95.113 Removed **68975**

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95.115 Amended **68975**
95.117 Revised **68975**
95.119 (a) introductory text, (b) and (d) revised **68975**
95.121 Removed **68975**
95.123 Removed **68975**
95.125 Removed **68975**
95.127 Removed **68975**
95.129 Revised **68975**
95.131 Removed **68975**
95.133 Removed **68975**
95.135 (b) removed; (d) revised **68976**
95.137 Removed **68976**
95.139 (b) removed; (c) redesignated as (b) **68976**
95.171—95.181 Undesignated center heading removed **68974**
95.171 Revised **68976**
95.173 Removed **68976**
95.175 Removed **68976**
95.177 Removed **68976**
95.179 (a) introductory text, (b) introductory text and (1) revised; (f) removed **68976**
95.181 (f) revised; (i) and (j) removed **68976**
95.183 Added **68976**
95.1—95.183 (Subpart A) Appendix A revised; Appendix B removed **68976**
95.192 (b) and (c) removed **68976**
95.217 (b) revised **68976**
95.225 Revised **68976**
95.419 (b) revised **68976**
95.428 Revised **68976**
95.801 Revised **68977**
95.811 (a) revised; (b) amended **68977**
95.815 Revised **68977**
95.816 (c)(2)(ii) revised **68977**
95.817 Removed **68977**
95.819 (c) amended **68977**
95.821 Removed **68977**
95.833 (b) introductory text amended **68977**
95.839 Removed **68977**
95.840 Removed **68977**
95.841 Removed **68977**
97 Nomenclature change **54077**
97.3 Amended **68977**
(a), (b) and (c) amended; (c)(8) revised; eff. 11–1–99 51471
97.5 (a) introductory text, (b), (c) and (d) revised; (e) added **68977**
97.7 Revised **68978**
97.9 Revised **68978**
97.13 (a) revised; (b) and (c)(2) amended **68978**
97.15 Revised **68978**
97.17 Revised **68978**
97.19 (a), (b), (c) and (d)(1) revised **68978**
97.21 Revised **68979**
97.23 Revised **68979**
97.25 Revised **68979**
97.27 Heading and (a) introductory text revised **68979**
97.29 Revised **68979**
97.107 Revised **68979**
97.119 (g) revised **68980**
(b)(4) amended; (b)(5) removed; eff. 11–1–99 51471
97.201 (a) revised **68980**
97.203 (a) revised **68980**
97.205 (f) and (h) removed **68980**
97.207 (g) introductory text, (h) and (i) revised **68980**
97.301 (a) introductory text and (b) introductory text revised **68980**
97.305 (b) revised; eff. 11–1–99 51471
97.311 Revised; eff. 11–1–99 51471
97.505 (a)(10) introduction text revised **68980**
97.509 (i) revised **68980**
97.519 (b) revised **68981**
100 Authority citation revised 5956
100.5 Added (effective date pending in part) 5956
101 Rule confirmation **69562**
101.1 (a) and (b) redesignated as (b) and (c); new (a) added **68981**
101.3 Amended **68981**
101.5 (a) and (c) removed; (b) revised **68981**
101.9 Removed **68981**
101.11 Removed **68981**
101.13 Removed **68981**
101.15 Removed **68981**
101.17 (a) revised; eff. 10–22–99 45892
101.19 Removed **68981**
101.21 (a), (c) and (d) removed; (b), (e) and (g) revised **68981**
101.23 Revised **68981**
101.25 Removed **68981**
101.27 Removed **68981**
101.29 Removed **68981**
101.31 (a), (c), (d) removed; (b) and (e) redesignated as (a) and (b); heading and new (a)(1)(i), (2), (3) introductory

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text, (vii), (6) and (b)(1)(v) revised; new (b)(1)(vi) and (3) amended **68981**
101.33 Removed **68982**
101.35 Removed **68982**
101.37 Removed **68982**
101.39 Removed **68982**
101.41 Removed **68982**
101.43 Removed **68982**
101.45 (b) introductory text, (d), (f) introductory text, (1), (2) and (4) revised; (h) removed **68982**
101.47 Removed **68982**
101.51 (a)(3) revised **68982**
101.53 Removed **68982**
101.55 (b) removed **68982**
101.56 (a)(2)(ii) amended; (a)(3) removed **68982**
(a)(1), (b), (d) and (f) through (i) revised; eff. 10–22–99 45893
101.57 Removed **68982**
101.59 Removed **68982**
101.61 Revised (effective date pending) **68982**
101.63 (b), (d) and (e) revised **68983**
(a) revised; eff. 10–22–99 45893
101.64 Revised; eff. 10–22–99 45893
101.65 Revised **68983**
101.103 (d)(1) amended **68983**
(i)(1) revised; eff. 10–22–99 45893
101.105 (c)(3) introductory text amended **68983**
101.121 Removed **68983**
101.123 Removed **68983**
101.127 Removed **68983**
101.129 (b) removed **68983**
101.147 (u)(2) revised; eff. 10–22–99 45893
101.205 (a) and (c) revised **68983**
101.305 (a), (b), (c) and (d)(1) revised **68983**
101.413 (a) introductory text revised **68983**
101.503 Amended **68983**
101.701 (c) revised (effective date pending) **68983**
101.705 Revised **68984**
101.815 (a)(2) and (b) revised **68984**
101.817 (a) introductory text revised **68984**
101.1009 (a)(1)(iii) and (b) revised **68984**
101.1015 Removed **68984**
101.1017 (a), (b)(2) and (c)(2) revised **68984**
101.1106 Removed **68984**

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15 ..... 38877, 41897, 49128
20 ..... **52665, 70727** 3478, 30288, 31530, 38396, 44682
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TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

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Federal Acquisition Circular No. 97-10 ..... **70264**
Federal Acquisition Circular No. 97-11 10530
Small entity compliance guide 10552, 32749, 36225, 51850
Federal Acquisition Circular No. 97-12 32740
Federal Acquisition Circular No. 97-14 51828
1.106 Table amended (OMB numbers); interim **58588**
Table amended (OMB numbers) **58602, 70292**
Table amended (OMB numbers) 10532, 10549, 32748, 51850
Regulation at 63 FR 58588 confirmed 32741
2.101 Amended; interim **58591**
4.203 Revised; interim **58588**
Regulation at 63 FR 58588 confirmed 32741
4.500—4.502 (Subpart 4.5) Revised; interim **58592**
4.603 (b) revised 10532
4.900—4.905 (Subpart 4.9) Revised; interim **58589**
Regulation at 63 FR 58589 confirmed 32741
5.101 (a)(2)(ii) revised; (a)(2)(iv) amended; interim **58592**
5.102 (a)(2) and (7) revised; interim **58592**
5.202 (a)(13) revised; (a)(14) removed; (a)(15) redesignated as (a)(14); interim **58592**
(a)(2) through (12) and (14) amended; interim **58593**
5.203 (b) revised; interim **58592**
Introductory text, (a) introductory text, (c), (d), (e) and (g) amended; interim **58593**
5.205 (d)(2) amended; interim **58593**
5.207 (c)(2)(xi), (e)(3) and (h) amended; interim **58593**
(d) revised; interim **70266**
(c)(2)(xviii) added; (d) revised; interim 10536
Regulation at 64 FR 10536 confirmed 51830
Regulation at 63 FR 70266 confirmed 51831
5.301 (b)(7) revised; interim **58593**
5.503 (a)(2) revised; interim **58593**
6.201 Revised; eff. 11-23-99 51831
6.205 Added; interim **70267**
Regulation at 63 FR 70267 confirmed 51831
6.302-3 (a)(2)(iii) revised **58594**
(a)(2) introductory text, (i) and (ii) amended **58602**
6.302-5 (b)(6) added; interim **70267**
Regulation at 63 FR 70267 confirmed 51831
6.401 Introductory text revised; eff. 11-23-99 51833
7.105 (b)(1) amended; interim **70267**
Regulation at 63 FR 70267 confirmed 51831
8.404 (a) amended; interim **70267**

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(a) revised; interim 10536
Regulation at 64 FR 10536 confirmed 51830
Regulation at 63 FR 70267 confirmed 51831
8.716 Added; eff. 11–23–99 51834
9.104–3 (b) amended; interim **70267**
Regulation at 63 FR 70267 confirmed 51831
9.505 (b)(1) amended 32748
11.101 (c) added; eff. 11–23–99 51834
11.104 Redesignated as 11.105; new 11.104 added 32742
11.105 Redesignated as 11.106; new 11.105 redesignated from 11.104; introductory text and (a) amended 32742
11.106 Redesignated from 11.105 32742
11.107 Added 32742
Revised; eff. 11–23–99 51835
11.201 (e) revised; eff. 11–23–99 51835
11.703 (a) revised 10538
12.102 (d)(3) and (4) amended; (d)(5) added; interim 32743
12.209 Revised; interim 51836
12.301 (b)(2) amended; interim **70267**
(b)(3) revised 32748
Regulation at 63 FR 70267 confirmed 51831
12.303 (b)(1) amended; interim 10536
Regulation at 64 FR 10536 confirmed 51830
12.503 (b)(5) revised 10532
13.003 (c) removed; (d) through (i) redesignated as (c) through (h); new (f) and new (h)(3) revised; interim **58593**
(b)(2) redesignated as (b)(3); new (b)(2) added; interim **70267**
Regulation at 63 FR 70267 confirmed 51831
13.005 (a)(9) added; interim **70267**
Regulation at 63 FR 70267 confirmed 51831
13.102 (a) introductory text revised; interim **58593**
13.104 (b) amended; interim **58593**
13.105 (a)(1) revised; interim **58593**
13.106–1 (c)(1)(ii) and (f) revised; interim **58593**
13.106–2 (b)(3) introductory text revised; interim **58593**
13.106–3 (e) added; interim **58589**
(c) revised; interim **58593**
Regulation at 63 FR 58589 confirmed 32741
(a) introductory text amended; (a)(2) revised; interim 51836
13.201 (d) amended 10539
13.301 (b) amended 10539
13.302–1 (e) revised 10540
13.307 (b)(1) amended; interim **58593**
14.201–6 (b)(2) removed; interim **58589**
(k) removed 10532
Regulation at 63 FR 58589 confirmed 32741
(c)(4) and (v) removed; (w), (x) and (y) redesignated as (v), (w) and (x); (c)(3), (g)(2), (o)(2)(i), (ii), (r), new (w) and new (x) revised; (b) introductory text, (c) introductory text, (e) introductory text, (f), (g)(1), (h), (l), (j), (l), (m), (o)(1), (p)(1), (q), (s), (t), (u) and new (v) amended; eff. 11–23–99 51838
14.202–7 (a) introductory text amended; eff. 11–23–99 51838
14.205–1 (a) amended; interim **58594**
14.206 Removed; interim **70267**
Regulation at 63 FR 70267 confirmed 51831
14.303 (a) amended; eff. 11–23–99 51838
14.304 Revised; eff. 11–23–99 51838
14.304–1 Removed; eff. 11–23–99 51838
14.304–2 Removed; eff. 11–23–99 51838
14.304–3 Removed; eff. 11–23–99 51838
14.304–4 Removed; eff. 11–23–99 51838
14.400 Amended; interim **58594**
14.405 (d)(2) amended; (e) removed; (f) redesignated as (e) 10532
14.407–4 (a) amended **58602**
14.502 (b)(5) redesignated as (b)(6); new (b)(5) added; interim **70267**
Regulation at 63 FR 70267 confirmed 51831
14.503–1 (h) revised; eff. 11–23–99 51839
15.208 Revised; eff. 11–23–99 51839
15.209 (d) removed; interim **58589**
Regulation at 63 FR 58589 confirmed 32741
15.305 (a)(1) amended; eff. 11–23–99 51842
(a)(2)(i) amended 51850

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15.403–1 (c)(4) revised 10545
(c)(3) amended; interim 51836
15.403–3 (a) and (c) revised; interim 51836
15.404–1 (a)(7) amended **58602**
(b)(2) introductory text, (i) and (ii) revised; (b)(2)(vii), (3) and (4) added; interim 51837
15.404–2 (a)(1) and (2) revised; interim 51837
15.408 (g) revised **58596**
15.503 (a)(2) revised; interim **70267**
Regulation at 63 FR 70267 confirmed 51831
16.504 (a) introductory text and (1) amended; (a)(4)(ii) revised **70282**
16.505 (a)(6)(viii) redesignated as (a)(6)(ix); new (a)(6)(viii) added 10540
(b)(1) revised; (b)(2), (3), and (4) redesignated as (4), (5), and (6); new (b)(2) and (3) added; (b)(4)(i) and (ii) revised 32746
17.208 (a), (b), (c) introductory text, (d), (e) and (f) amended; (g) revised; eff. 11–23–99 51843
19.000 (a)(3) and (8) revised; interim **70268**
(a)(8) and (9) amended; (a)(10) added; interim 10536
Regulation at 64 FR 10536 confirmed 51830
Regulation at 63 FR 70268 confirmed 51831
19.001 Amended; interim **70268, 71723**
Amended; interim 10536
Amended 36223
Regulation at 64 FR 10536 confirmed 51830
Regulation at 63 FR 70268 confirmed 51831
19.101 (g)(2) amended; interim 32743
19.102 (f)(4) amended **58602**
(g) amended **70292**
(g) redesignated as (h); new (g) added; interim 10536
Regulation at 64 FR 10536 confirmed 51830
(h) amended; table and Footnotes 1 through 13 removed; eff. 11–23–99 51850
19.201 (b) amended **56738**
(a) and (c) amended; (d)(4), (6), (7)(ii), (8) and (9) revised; interim **70268**
Regulation at 63 FR 70268 confirmed 51831
19.202 Amended; interim **70268**
Regulation at 63 FR 70268 confirmed 51831
19.202–2 Introductory text revised; (a) amended; interim **70268**
Regulation at 63 FR 70268 confirmed 51831
19.202–4 Introductory text revised; interim **70268**
Regulation at 63 FR 70268 confirmed 51831
19.202–5 (a) and (b) revised; interim **70268**
Regulation at 63 FR 70268 confirmed 51831
19.202–6 Introductory text removed; (a) revised; interim **70268**
Regulation at 63 FR 70268 confirmed 51831
19.301—19.306 (Subpart 19.3) Heading revised; interim **70268**
Regulation at 63 FR 70268 confirmed 51831
19.301 (d) amended; interim **70268**
Regulation at 63 FR 70268 confirmed 51831
19.302 (a) revised; interim 32743
19.304 (c)(1) revised 36223
19.306 (b) amended **56738**
Redesignated as 19.307; new 19.306 added; interim **70269**
Regulation at 63 FR 70269 confirmed 51831
(c), (e) and (k) revised; eff. 11–23–99 51831
19.307 Redesignated from 19.306; heading and (a) revised; interim **70269**
Regulation at 63 FR 70269 confirmed 51831
Revised; eff. 11–23–99 51832
19.402 (c)(1) revised; interim **70269**
Regulation at 63 FR 70269 confirmed 51831
19.501 (a) and (b) amended; (c) through (g) redesignated as (d) through (h); new (c) added; new (d) and new (h) revised; interim **70269**
Regulation at 63 FR 70269 confirmed 51831
19.502–1 Revised; interim **70270**

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Regulation at 63 FR 70270 confirmed....51831
19.502-2 Heading revised; (a), (c) and (d) amended; interim....**70270**
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19.502-4 (a) amended; interim....**70270**
Regulation at 63 FR 70270 confirmed....51831
19.502-5 (b), (c) and (g) amended; interim....**70270**
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Regulation at 63 FR 70270 confirmed....51831
19.503 Heading revised; (a), (b), (c) introductory text and (d) amended; interim....**70270**
Regulation at 63 FR 70270 confirmed....51831
19.506 Heading, (a) and (c) revised; (b) amended; interim....**70270**
Regulation at 63 FR 70270 confirmed....51831
19.507 Heading revised; (a) amended; interim....**70270**
Regulation at 63 FR 70270 confirmed....51831
19.701—19.708 (Subpart 19.7) Heading revised; interim....**70270**
Regulation at 63 FR 70270 confirmed....51831
19.702 Introductory text and (b)(4) revised; interim....**70270**
Regulation at 63 FR 70270 confirmed....51831
19.703 (a) introductory text and (1) revised; (b) amended; interim....**70270**
(b) revised; interim....**71723**
(b) amended....36223
Regulation at 63 FR 70270 confirmed....51831
19.704 (a)(1), (2), (3), (6), (8), (9) and (11) revised; (b) amended; interim....**70271**
Regulation at 63 FR 70271 confirmed....51831
19.705-2 (d) amended; interim....**70271**
Regulation at 63 FR 70271 confirmed....51831
19.705-4 (b), (c), (d)(1) and (6) amended; (d)(5) revised; interim....**70271**
Regulation at 63 FR 70271 confirmed....51831
19.705-6 (a) and (b) revised; interim....**70271**
Regulation at 63 FR 70271 confirmed....51831
19.705-7 (f) introductory text revised; (a) and (d) amended; interim....**70272**
Regulation at 63 FR 70272 confirmed....51831
19.706 (b) and (c) revised; interim....**70272**
Regulation at 63 FR 70272 confirmed....51831
19.708 Heading and (b) revised; (a) introductory text, (c)(1), (2) and (3) amended; (b) revised; interim....**70272**
Regulation at 63 FR 70272 confirmed....51831
19.800 (d) added; interim....**70272**
(d) redesignated as (e); new (d) and (f) added; interim....32743
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19.802 Amended; interim....32744
19.803 (c) amended; interim....**70272**
Regulation at 63 FR 70272 confirmed....51831
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19.804-2 (a)(12) revised; interim....**70272**
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19.804-3 (a) revised; (c) and (d) added; interim....32744
19.804-4 Revised; interim....32744
19.804-5 Added; interim....32744
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19.805-1 (a)(2) amended; (b)(2) and (d) revised; interim....32744
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19.806 (c) amended; interim....32745
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19.808-2 Revised; interim....32745

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19.809 Revised; interim 32745
19.810 (a) and (b) revised; interim 32745
19.811–1 (c) introductory text amended; (d) added; interim 32745
19.811–2 (a) introductory text amended; interim 32745
19.812 (d) revised; interim 32745
19.901—19.905 (Subpart 19.9) Added; interim 10536
Regulation at 64 FR 10536 confirmed 51830
19.904 (a) introductory text, (b), (c) and (d) amended; eff. 11–23–99 51830
19.905 Introductory text, (a) introductory text and (b) amended; eff. 11–23–99 51830
19.1004 Amended **58602**
19.1006 (b)(1) amended; interim **70272**
Regulation at 63 FR 70272 confirmed 51831
19.1102 (b) revised; interim **70272**
Revised 36223
Regulation at 63 FR 70272 confirmed 51831
19.1103 (a)(2) through (5) and (b) revised 36223
19.1104 Amended; heading revised 36223
19.1202–2 (b)(1) revised; interim **70272**
Regulation at 63 FR 70272 confirmed 51831
19.1202–3 Introductory text revised 36224
19.1202–4 (c) added; interim **71723**
(c) removed 36224
19.1301—19.1308 (Subpart 19.13) Added; interim **70272**
Regulation at 63 FR 70272 confirmed 51831
19.1303 (b) revised; eff. 11–23–99 51832
22.609 Revised 32748
22.800 Amended **70283**
22.801 Revised **70283**
22.802 (a) and (b) amended **70283**
(b) and (c) amended **70285**
22.803 (b) amended; (d) revised **70283**
(a)(1), (2) and (b) amended **70285**
22.804–1 Revised **70284**
22.804–2 (b) amended **70284**
22.805 (a)(4) through (8) redesignated as (a)(5) through (9); (a) introductory text, (1), (2), (3) and new (5) introductory text, (ii), (v) and (6) through (9) revised; new (a)(4) added; (b) amended **70284**
22.806 Revised **70284**
22.807 (a)(1), (b)(1), (3) and (6) amended; (a)(2), (b)(5), (c) and (d) introductory text revised; (d)(2) removed **70284**
(a) introductory text, (b)(2), (3) and (4) amended **70285**
22.808 Amended **70285**
22.809 Introductory text, (a) and (d) amended **70285**
Introductory text, (c) and (d) amended **70285**
22.810 (a), (c) and (e) revised; (b) and (f) amended; (g) removed; (h) redesignated as (g) **70285**
22.1009–4 (d) amended; eff. 11–23–99 51840
22.1200 Amended 10546
22.1201 Amended 10546
22.1202 Amended 10546
22.1203–1 (b)(1) amended 10546
22.1400—22.1408 (Subpart 22.14) Regulation at 63 FR 34074 confirmed **58599**
22.1400 Regulation at 63 FR 34074 confirmed **58599**
22.1401 Regulation at 63 FR 34074 confirmed **58599**
22.1402 Regulation at 63 FR 34074 confirmed **58599**
22.1403 Regulation at 63 FR 34074 confirmed **58599**
22.1404 Regulation at 63 FR 34074 confirmed **58599**
22.1405 Regulation at 63 FR 34074 confirmed **58599**
22.1406 Regulation at 63 FR 34074 confirmed **58599**
22.1407 Regulation at 63 FR 34074 confirmed **58599**
22.1408 Regulation at 63 FR 34074 confirmed **58599**
24.202 (c) added **58594**
25.402 (b) amended 10549
26.103 (a), (b) and (e) amended 10532
26.104 (a) amended; interim **70274**
Regulation at 63 FR 70274 confirmed 51831
26.304 Revised 36224
27.404 (d)(2) and (e)(3) amended 10532
27.409 (g) amended 10532

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31.001 Amended **58596**
31.201–5 Amended **58596**
31.205–1 (d) revised 10547
31.205–5 Removed **58599**
31.205–6 (j)(1) through (6) revised **58597**
Regulation at 63 FR 9067 confirmed; (k) heading and (p)(2)(ii) revised; (p)(2)(iv) added **70287**
(p) introductory text amended; (p)(2)(ii)(A), (B) and (C) redesignated as (p)(2)(ii)(A)(*1*), (*2*) and (*3*); new (p)(2)(ii)(A) introductory text and (B) added 10548
(o)(6) amended 32748
Regulation at 64 FR 10548 confirmed 51843
31.205–20 Revised; eff. 11–23–99 51844
31.205–34 (a) introductory text and (b) revised; (c) removed 10547
31.205–47 (b) introductory text and (e)(3) revised; (c) redesignated as (c)(1); (c)(2) added **58600**
31.1103 (a) amended; interim **58594**
32.703–3 Revised **58601**
32.705–1 (b) revised **58603**
32.805 (a) revised 10533
32.905 (a) introductory text revised **58602**
32.908 (a)(3) and (c)(3) added **58602**
(a)(3) and (c)(3) amended **70292**
32.1100—32.1110 (Subpart 32.11) Revised 10540
33.104 (e) amended **58603**
33.201 Amended **58594**
33.204 Amended **58595**
33.207 (a) revised **58595**
33.214 (a)(3) and (4) amended; (a)(5) removed; (b) revised; (f) and (g) added **58595**
36.601–4 (a)(4) amended **58603**
(a)(4) amended 32747
36.609–3 Amended; eff. 11–23–99 51845
36.609–4 Amended; eff. 11–23–99 51845
37.106 (b) revised **58601**
37.115–2 (c) added; eff. 11–23–99 51842
37.602–1 (a) amended 32742
37.602–3 Amended **70292**
39.101 Existing paragraph redesignated (b); (a) added 32748
41.103 (a)(2) and (3) amended **58603**
41.201 (e) amended 10533
42.203 Amended **70292**
Amended 32748
42.1203 (a) revised; eff. 11–23–99 51834
44.204 (b) amended; eff. 11–23–99 51845
44.302 Revised **70288**
44.303 Introductory text revised **70288**
46.202–4 Revised **70289**
46.101 Amended; eff. 11–23–99 51846
46.311 Revised **70289**
46.402 (e) and (g) removed; (f) and (h) redesignated as (e) and (f); new (e) amended **70290**
46.407 (a), (b), (c)(2), (e) and (g) introductory text amended; (c)(1) and (f) revised; eff. 11–23–99 51846
48.001 (c) amended; eff. 11–23–99 51847
48.102 (g) and (h) revised; eff. 11–23–99 51847
48.104–1 Redesignated as 48.104–2; new 48.104–1 added; eff. 11–23–99 51847
48.104–2 Redesignated as 48.104–3; new 48.104–2 redesignated from 48.104–1; eff. 11–23–99 51847
(a)(1) introductory text, table, (2) and (3) amended; (c) removed; eff. 11–23–99 51848
48.104–3 Regulation at 63 FR 34079 confirmed **70291**
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Revised; eff. 11–23–99 51848
48.104–4 Redesignated from 48.104–3; eff. 11–23–99 51847
48.201 (g) and (h) added; eff. 11–23–99 51848
49.503 (a)(1) and (b) revised; eff. 11–23–99 51845
52.204–3 Revised; interim **58589**
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52.204–5 Revised 10533
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52.204–6 Amended 32749
52.211–6 Added 32742
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52.211–7 Added; eff. 11–23–99 51835
52.211–16 Introductory text revised 10538
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52.212–3 Amended; interim ...**58590, 70274**
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52.212–5 Regulation at 63 FR 34075 confirmed ...**58599**
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52.213–4 Regulation at 63 FR 34075 confirmed ...**58599**
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52.214–17 Removed ...10533
52.214–21 Amended; introductory text revised ...10533
52.214–23 Revised; eff. 11–23–99 ...51840
52.214–31 Introductory text amended; eff. 11–23–99 ...51841
52.214–32 Removed; eff. 11–23–99 ...51841
52.214–33 Removed; eff. 11–23–99 ...51841
52.214–34 Introductory text amended; eff. 11–23–99 ...51841
52.214–35 Introductory text amended; eff. 11–23–99 ...51841
52.215–1 Amended; eff. 11–23–99 ...51841
52.215–2 Amended ...32749
52.215–4 Removed; interim ...**58590**
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52.215–15 Revised ...**58598**
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52.219–2 Introductory text amended; interim ...**70274**
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52.219–3 Added; interim ...**70274**
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52.219–10 Amended; interim ...**70277**
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52.219–21 Amended ...10533
52.219–22 Introductory text amended; interim ...**70277**
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52.219–23 Amended ...36224
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52.222–36 Regulation at 63 FR 34075 confirmed **58599**
52.222–37 Amended **70293**
52.222–50 Amended 10546
52.226–1 Amended; interim **70277**
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Regulation at 63 FR 70277 confirmed 51831
52.227–15 Revised 10533
52.228–8 Amended; introductory text revised 10534
52.228–9 Revised 10534
52.230–6 Amended; eff. 11–23–99 51850
52.232–12 Amended; introductory text revised 10534
52.232–33 Revised 10542
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52.232–35 Added 10544
52.232–36 Added 10544
52.232–37 Added 10544
52.232–38 Added 10544
52.233–1 Amended **58595**
52.236–25 Amended; eff. 11–23–99 51845
52.241–1 Revised 10534
52.244–6 Amended **58603**
52.246–11 Revised **70289**
52.247–48 Revised **70292**
52.248–1 Amended; introductory text revised; eff. 11–23–99 51848
53.214 (c) amended 32749
53.215–1 (c) amended 32749
53.219 (a) revised; (b) amended; interim **70277**
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53.228 (h) and (i) revised **58603**
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53.301–24 Revised **70293**
53.301–25 Revised **70296**
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53.301–28 Revised **70300**
53.301–273 Revised **58603**
53.301–274 Revised **58605**
53.301–275 Revised **70302**
53.301–294 Revised; interim **70277**
Regulation at 63 FR 70277 confirmed 51831
53.301–295 Revised; interim **70280**
Regulation at 63 FR 70277 confirmed 51831
53.301–1416 Revised **70304**
53.301–1418 Revised 10549

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201.103 Redesignated as 201.104 39430
201.104 Redesignated as 201.105; new 201.104 redesignated from 201.103 39430
201.104–3 Removed 39430
201.105 Redesignated from 201.104 39430
201.105–3 Added 39430
201.303 (a)(ii)(A) and (B) amended 51074
201.304 (6) revised 39430
201.402 (1) introductory text and (i) revised; (3)(iii) amended 8727
202.101 Amended 43096, 51074
203.570 Revised 14398
203.570–2 Revised 14398
203.570–5 Revised 14398
204.101 (a)(i) revised **69006**
204.201 (1) amended 51075
204.202 (1)(v) amended 51075
204.203 Added 43098
204.402 (2) amended 51075
204.404–70 (c) added 45197
204.602–70 Removed 43099
204.603 Added 43099
(2)(ii) corrected 46474
204.670–1 (c)(4) revised; (d) introductory text amended 51075
204.670–2 (c) revised 2595
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(c)(7)(ii) corrected 52670
204.670–3 (a)(2)(i) amended 51075
204.670–6 (b)(1)(ii) and (iii) amended 51075
204.670–9 Removed 45198
204.804–1 Amended 2596
204.902—204.905 (Subpart 204.9) Revised 43099
204.902 Heading corrected 46474
204.7003 (a)(1)(i)(F) and (G) amended; (a)(1)(i)(K) removed; (a)(1)(i)(L) and (M) redesignated as (a)(1)(i)(K) and (L) 51075
204.7200 Revised 43099
Heading corrected 46474
204.7201 Revised 43099
204.7202 Revised 43100
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204.7202–2 Revised 43100
204.7202–3 Revised 43100
204.7203 Revised 43100

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204.7204 Revised 43100
(b) corrected 46474
204.7302 Revised 43100
204.7303 Revised 43100
(b) introductory text and (1) corrected 46474
204.7304 Revised 43101
205.207 Regulation at 63 FR 41973 confirmed 52671
206.203 Regulation at 63 FR 41973 confirmed 52671
206.302–4 Revised **67803**
207.105 (b)(13)(iv) amended 51075
207.471 Added 31732
208.405–2 Revised 2596
208.7002 (a)(1), (2) and (b) introductory text revised; (a)(4) and (b)(2) amended 51075
208.7003–1 (b)(1) and (2) introductory text amended; (b)(2)(ii) revised 51075
208.7003–2 (c) amended 51075
208.7204 (a) revised 2596
208.7305 (a)(3) revised 2596
209.104–1 Regulation at 63 FR 14837 confirmed **64427**
209.104–70 Regulation at 63 FR 14837 confirmed **64427**
209.403 (1) amended 51075
209.405–2 Regulation at 63 FR 14837 confirmed **64427**
209.409 Regulation at 63 FR 14837 confirmed **64427**
209.471 Added 31733
211.201 (b) amended; (d) introductory text revised 8727
(d) introductory text revised 51075
211.273–2 (b) revised 14399
211.273–3 Revised 14399
211.602 Revised 51075
212.301 (Subpart 212.3) Added 43101
212.301 (f)(ii) amended; (f)(v) added; interim 8728
(b)(2) added 43101
212.503 (c)(ii) amended **55040**
Heading amended 51076
213 Regulation at 63 FR 33587 confirmed **64427**
Revised 2596
213.106–3 (Subpart 213.1) Added 43101
Corrected 51587
213.302–5 Revised 24528
214.407–3 (e)(vi) amended; (e)(viii) removed; (e)(ix) redesignated as (e)(viii) 51076
215 Revised **55041**
215.304 Revised; interim **64428**
(c)(i)(C) amended 51076
Regulation at 63 FR 64428 confirmed 52671
215.404–4 (b)(1) introductory text, (c)(2) introductory text, (A) and (B) revised **63799**
215.404–72 Revised **63799**
215.404–75 Redesignated as 215.404–76; new 215.404–75 added **63800**
215.404–76 Redesignated from 215.404–75 ..... **63800**
216.203–4 (a) introductory text amended; (a)(i) and (b)(i) revised 2597
217.170 Revised 43096
217.171 Revised 43097
217.172 Revised 43097
217.173 Revised 43097
217.174 Revised 43097
217.401 Revised; interim **64429**
Regulations at 63 FR 41973 and 64429 confirmed 52671
217.500 Added 14400
217.7103–3 (b) revised **55052**
(b) correctly revised **56290**
217.7103–4 Revised **55052**
217.7302 (b) revised 2597
217.7404–3 (a) introductory text and (1) revised **67803**
217.7404–5 (b) revised **67804**
217.7406 (b) amended **55052**
217.7504 (a)(2) revised 2598
219.001 Revised; interim **64429**
Regulations at 63 FR 41973 and 64429 confirmed 52671
219.201 (c) and (d) redesignated as (d) and (e); new (d)(9)(A) revised 2598
Regulation at 63 FR 41973 confirmed 52671
219.201–5 Regulation at 63 FR 41973 confirmed 52671
219.301—219.304 (Subpart 219.3) Regulation at 63 FR 41974 confirmed 52671
219.501 Regulation at 63 FR 41974 confirmed 52671
219.502–2–70 Regulation at 63 FR 41974 confirmed 52671
219.502–3 Regulation at 63 FR 41974 confirmed 52671
219.502–4 Regulation at 63 FR 41974 confirmed 52671

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219.504 Regulation at 63 FR 41974 confirmed 52671
219.506 Regulation at 63 FR 41974 confirmed 52671
219.508 Regulation at 63 FR 41974 confirmed 52671
219.508–70 Regulation at 63 FR 41974 confirmed 52671
219.702 Regulation at 63 FR 14640 confirmed **64427**
219.703 (b)(ii) revised 51076
Regulation at 63 FR 41974 confirmed 52671
219.705–2 (d) amended 51076
219.705–4 Regulation at 63 FR 41974 confirmed 52671
219.708 (c)(1) revised; (c)(2) removed; interim **64429**
Regulation at 63 FR 64429 confirmed 52671
219.800 Regulation at 63 FR 33587 confirmed **64427**
219.803 Regulation at 63 FR 41974 confirmed 52671
219.804–1 Regulation at 63 FR 41974 confirmed 52671
219.804–2 Regulation at 63 FR 33587 confirmed **64427**
219.804–3 Regulation at 63 FR 33587 confirmed **64427**
219.805 Regulation at 63 FR 33588 confirmed **64427**
219.805–2 Regulation at 63 FR 33588 confirmed **64427**
219.806 Regulation at 63 FR 33588 confirmed **64427**
219.808 Regulation at 63 FR 33588 confirmed **64427**
219.808–1 Regulation at 63 FR 33588 confirmed **64427**
219.811 Regulation at 63 FR 33588 confirmed **64427**
219.811–1 Regulation at 63 FR 33588 confirmed **64427**
219.811–2 Regulation at 63 FR 33588 confirmed **64427**
219.811–3 Regulation at 63 FR 33588 confirmed **64427**
219.812 Regulation at 63 FR 33588 confirmed **64427**
219.1005 Regulation at 63 FR 41974 confirmed 52671
219.1006 (d) amended 45198
Regulation at 63 FR 41974 confirmed 52671
219.1007 Regulation at 63 FR 41974 confirmed 52671
219.1102 (Subpart 219.11) Regulation at 63 FR 41974 confirmed 52671
219.1203—219.1204 (Subpart 219.12) Added; interim **64429**
Regulation at 63 FR 64429 confirmed 52671
219.7000—219.7003 (Subpart 219.70) Regulation at 63 FR 41974 confirmed 52671
219.7200—219.7204 (Subpart 219.72) Regulation at 63 FR 41974 confirmed 52671
222.101–3 Revised 28109
222.101–3–70 (b) introductory text revised 28109
Regulation at 63 FR 31936 confirmed; revised 52672
223.370–4 (b)(2)(i) amended 51076
223.570–4 (b) revised 2598
223.7000—223.7002 (Subpart 223.70) Removed **67804**
225.74 Regulation at 63 FR 31937 confirmed 24530
225.102 (b)(iii)(C) amended 51076
225.105 (5)(ii)(B) revised 2598
225.302 (b)(i) amended 51076
225.402 (c)(iii)(B) amended 51076
225.405 (d) amended 51076
225.408 (a)(ii) and (iv) amended 8730
225.770–3 (a) revised 2598
225.771 Added; interim 8728
225.771–1 Added; interim 8728
225.771–2 Added; interim 8728
225.771–3 Added; interim 8728
225.771–4 Added; interim 8728
225.872–3 (g) amended **55052**
225.872–6 (c) introductory text amended **55052**
225.872–7 Amended 51076
225.873–2 (a) introductory text revised 51076
225.7002–2 (k) added; interim 2599
(j) revised; (k) removed 24529
225.7005 Regulation at 63 FR 43888 confirmed **64427**
225.7007–4 Regulation at 63 FR 43888 confirmed **64427**
225.7010–3 Regulation at 63 FR 43888 confirmed **64427**
225.7016–1 Regulation at 63 FR 43888 confirmed **64427**

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225.7016-2 Regulation at 63 FR 43888 confirmed **64427**
225.7016-3 Regulation at 63 FR 43888 confirmed **64427**
225.7019-1 Regulation at 63 FR 43888 confirmed **64427**
225.7019-3 Regulation at 63 FR 43888 confirmed **64427**
225.7022-1 Regulation at 63 FR 43888 confirmed **64427**
225.7022-2 Regulation at 63 FR 43888 confirmed **64427**
225.7022-3 Regulation at 63 FR 43888 confirmed **64427**
225.7303 Revised 49683
225.7303-2 (c) introductory text amended 8729
(a)(3) introductory text and (i) revised 49683
225.7303-5 (c) revised 49684
226.7004 Regulation at 63 FR 41974 confirmed 52671
226.7007 (b) revised; interim **64429**
Regulation at 63 FR 64429 confirmed 52671
226.7008 Regulation at 63 FR 41974 confirmed; (b) revised 52671
226.7103 Regulation at 63 FR 41974 confirmed 52671
227.7004 (c)(6) and (7) amended 51076
227.7203-10 (a)(1) amended **55052**
228.370 (f) revised **69006**
230 Heading revised 8727
230.7002 (b) amended **55052**
230.7004-1 Heading and (a) amended **55052**
230.7103 Amended **55052**
231.205-6 Regulation at 63 FR 63036 confirmed **64427**
231.205-18 Revised 8729
231.205-70 Regulation at 63 FR 7309 confirmed **64427**
(f) added 18828
232.501 Revised 8731
232.501-1 (a)(iii) removed 8731
232.501-2 Amended 8731
232.502-1-71 Removed 8731
232.502-4-70 (b) removed; (c) redesignated as (b) 8731
232.703-3 Added 28110
232.905 (f)(6) revised **69007**
232.906 (a)(i) amended 51076
232.1101—232.1103 (Subpart 232.11) Removed 18829
235.006 Revised; interim 18830
(b)(ii)(A) and (C) correctly amended 48459
Regulation at 64 FR 18830 confirmed 51078
235.006-70 Added; interim 18830
Heading and (b) correctly amended 48459
Regulation at 64 FR 18830 confirmed 51078
235.015-71 Removed **69007**
235.070-1 (a) introductory text amended 51076
235.7000—235.7003-4 (Subpart 235.70) Regulation at 63 FR 34605 confirmed **64427**
236.102 Regulation at 63 FR 11538 confirmed **64427**
236.274 Regulation at 63 FR 11538 confirmed **64427**
236.570 Regulation at 63 FR 11538 confirmed **64427**
236.601 (1)(ii) amended **69008**
236.602-1 (a)(i)(6)(C) revised; interim **64430**
Regulation at 63 FR 41974 and 64430 confirmed 52671
236.604 (c)(ii) amended 51076
237.106 Revised **67805**
Revised 28110
237.201 Revised 39430
Corrected 50872
237.203 (2) revised 39431
237.270 Correctly removed; CFR correction **54078**
237.270-1 Correctly removed; CFR correction **54078**
237.270-2 Correctly removed; CFR correction **54078**
237.270-3 Correctly removed; CFR correction **54078**
237.270-4 Correctly removed; CFR correction **54078**
237.271 Revised 39431
237.7204 Amended **55052**
Amended 49684
237.7302 Amended 2598
242.203 (a)(ii)(P) and (Q) amended; (a)(i)(R) removed 2598
242.771 Revised; interim 8729
242.771-1 Revised; interim 8729
242.771-2 Revised; interim 8729
242.771-3 Revised; interim 8729
242.1203 (b)(1) amended 51076
242.7205 (b)(4)(iv) amended **55052**
245.302-1 (b)(1)(A)(1) amended 51076

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245.310 (c) introductory text and (ii)(A) revised 51076
245.405 (3)(ii) amended 51077
245.7203 (a)(3) amended 51077
246.370 (b)(1) revised 2598
246.710 (4) revised 51077
247.271–3 (b)(1) and (2)(iv)(B) revised 2598
247.572–2 (f)(3)(i) amended; (f)(3)(ii) revised **55052**
247.573 (a), (b) and (c) revised 2598
249.105–1 Introductory text revised 51077
249.7001 (b)(7), (8), (9) and (f) revised; (b)(11) removed; (b)(12) redesignated as (b)(11) 51077
250.303 (3), (9) and (10) revised; (12) removed; (13) redesignated as (12) 51077
252.203–7001 Amended; heading revised 14398
252.204–7001 Revised 43101
252.204–7005 Added 45197
252.209–7001 Regulation at 63 FR 14837 confirmed **64427**
252.209.7004 Regulation at 63 FR 14837 confirmed **64427**
252.211–7005 Revised 14399
(b) corrected 28875
252.212–7001 Amended; interim **64430**
Amended 51077
Regulations at 63 FR 41975 and 64430 confirmed 52671
252.215–7000 Introductory text amended **55052**
252.215–7002 Amended; introductory text revised **55052**
252.219–7005 Regulation at 63 FR 64430 confirmed 52671
252.217–7027 Amended **55052**
252.219–7000 Regulation at 63 FR 41975 confirmed 52671
252.219–7001 Regulation at 63 FR 41975 confirmed 52671
252.219–7002 Regulation at 63 FR 41975 confirmed 52671
252.219–7005 Amended **55052**
Removed; interim **64430**
252.219–7006 Regulation at 63 FR 41975 confirmed 52671
252.219–7008 Regulation at 63 FR 41975 confirmed 52671
252.219–7009 Regulation at 63 FR 33588 confirmed **64427**
252.219–7010 Regulation at 63 FR 33588 confirmed **64427**
252.219–7011 Regulation at 63 FR 33588 confirmed **64427**
252.222–7005 Regulation at 63 FR 31936 confirmed 52672
Revised 52673
252.223–7005 Removed **67804**
252.223–7007 Amended 51077
252.225–7000 Amended 51077
252.225–7007 Amended 8730
252.225–7012 Amended; interim 2599
Amended 24529
252.225–7016 Regulation at 63 FR 43889 confirmed **64427**
252.225–7017 Added; interim 8728
252.225–7021 Amended 8730
252.225–7029 Regulation at 63 FR 43889 confirmed **64427**
252.225–7036 Amended 51077
252.225–7043 Regulation at 63 FR 31937 confirmed 24530
252.226–7001 Removed 52671
252.227–7012 Revised 49685
252.227–7037 Amended 51077
252.228–7006 Amended **69006**
252.232–7003 Removed 8731
252.232–7004 Introductory text revised 8731
252.232–7009 Removed 18829
252.235–7004 Removed 39431
252.235–7005 Removed 39431
252.235–7006 Removed 39431
252.235–7007 Removed 39431
252.235–7008 Removed 39431
252.235–7009 Removed 39431
252.235–7011 Amended 51077
252.236–7010 Regulation at 63 FR 11544 confirmed **64427**
252.236–7012 Regulation at 63 FR 11544 confirmed **64427**
252.243–7000 Amended **55052**
Amended 51077
253 Note amended **69007**
Note amended 8727, 28109
253.204–70 (b)(6)(i) introductory text amended **55052**
(b)(5)(ii)(A), (B)(*1*), (13)(i)(A), (B) introductory text, (C), (E), (G), (iv)(I), (14)(iii), (iv), (d)(5)(vi), (e)(1), (2) and (3) amended **60217**
Regulation at 63 FR 33589 confirmed **64427**
(d)(5)(iv)(A)(*2*) amended 2598
(b)(5)(ii)(F)(3) revised 43101
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253.204–71 Regulation at 63 FR 33589 confirmed....**64427**
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(g) revised....45206
Regulation at 63 FR 41975 confirmed....52671
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253.213–70 (e) amended....2600
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415 Revised; eff. 11–29–99....52674
437.204 Added; eff. 11–29–99....52675
452.215–71 (c) introductory text and (1) revised; Alternates I and II removed; eff. 11–29–99....52675
452.215–72 Amended; eff. 11–29–99....52675
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601.301 (a)(1) designation and (2) removed....43620
601.302 (a) amended....43620
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601.601—601.670 (Subpart 601.6) Heading revised....43620
601.602–3 Removed....43620
601.602–3–70 Removed....43620
601.603–3 (a) heading and (d) added; (a) amended; (b) revised....43620
601.603–70 (a)(1) introductory text, (2), (3), (7), (8), (b) introductory text and (1) through (6) amended; (a)(3) heading and (9) revised; (b)(7) added....43620
601.670 Removed....43620
602.101–70 Amended....43620
603.104—603.104–10 (Subpart 603.1) Revised....43620
603.203 Removed....43621
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603.405 Added....43621
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603.408–1 Removed....43621
603.670 Removed....43621
603.905—603.906 (Subpart 603.9) Added....43621
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604.404—604.404–70 (Subpart 604.4) Removed....43621

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604.502 (Subpart 604.5) Added 43621
604.7001—604.7002 (Subpart 604.70) Removed 43621
605.202–70 (a) amended 43621
605.207 Removed 43621
605.303 (a) amended 43621
606.101—606.101–70 (Subpart 606.1) Removed 43621
606.302–6 (c)(1) introductory text and (c)(1)(vi) amended 43621
606.304 (a)(2) amended 43621
606.501 (b) amended 43622
606.570 Revised 43622
608 Removed 43622
609.206 Added 43622
609.206–1 Added 43622
609.404 Heading revised 43622
609.405 (d)(4)(i) and (ii) revised 43622
609.406–3 (a)(1) and (b)(7) revised 43622
609.5 Heading revised 43622
610 Removed 43622
611 Added 43622
613 Revised 43623
614.201—614.201–70 (Subpart 614.2) Revised 43623
614.404–1 (f) added 43623
614.406 Redesignated as 614.407 43623
614.406–3 Redesignated as 614.407–3 43623
614.406–4 Redesignated as 614.407–4 43623
614.407 Redesignated from 614.406 43623
614.407–3 Redesignated from 614.406–3 and amended 43623
614.407–4 Redesignated from 614.406–4 and amended 43623
615 Revised 43623
616.102—616.102–70 (Subpart 616.1) Removed 43624
616.301–3—616.306 (Subpart 616.3) Removed 43624
616.505 Redesignated as 616.506; new 616.505 added 43624
616.506 Redesignated from 616.505; heading revised 43624
616.505–70 Redesignated as 616.506–70 43624
616.506–70 Redesignated from 616.505–70 43624
616.603—616.603–2 (Subpart 616.6) Removed 43624
617.104—617.108 (Subpart 617.1) Revised 43624
617.502 Removed 43624
617.503 Added 43624
617.504–70 (a) amended 43624
619 Heading revised 43624
619.201 (d)(5) amended; (d)(18) revised 43624
619.501 Amended 43624
619.505 Heading revised 43624
619.705—619.708–70 (Subpart 619.7) Heading revised 43624
619.705–3 Revised 43624
619.800—619.812 (Subpart 619.8) Revised 43624
622.401 Removed 43626
622.406–3 Removed 43626
622.803 Added 43626
622.1303—622.1308 (Subpart 622.13) Heading revised 43626
622.1403—622.1402 (Subpart 622.14) Heading revised 43626
623.400—623.404 (Subpart 623.4) Revised 43626
625.901—625.903 (Subpart 625.9) Removed 43626
625.7001—625.7002 (Subpart 625.70) Added 43626
626 Added 43627
628.305 (b) introductory text amended; (b)(1), (2), and (3) removed 43627
628.306 Revised 43627
628.307 Revised 43627
628.307–70 Removed 43627
629.402 Added 43627
629.402–1 Added 43627
629.402–1–70 Added 43627
630 Removed 43627
631.205—231.205–6 (Subpart 631.2) Added 43627
632.006 Added 43627
632.006–1 Added 43627
632.006–2 Added 43627
632.006–4 Added 43627
632.114 (Subpart 632.1) Added 43627
632.201 (Subpart 632.2) Added 43627
632.404 Added 43627
632.702—632.705–70 (Subpart 632.7) Revised 43628
632.803 (b) amended 43628
633.102 Amended 43628
633.103 Revised 43628
633.104 Revised 43628
633.105 Removed 43628
633.211 Removed 43628
633.214–70 (c) introductory text and (c)(2), (4), (5), and (6)(iii) amended 43628

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633.270–1 Amended 43628
633.270–2 Amended 43628
633.270–3 Amended 43628
634.001 Removed 43628
634.001–70 Removed 43628
634.002 Removed 43628
634.003 (a) amended 43628
634.005–6 Amended 43628
636.101–70 Amended 43628
636.513 (Subpart 636.5) Added 43628
636.602–1 Added 43628
637.104–70 Heading revised; (g) and (h) amended; (i) added 43629
637.106 Removed 43629
637.110 (c) amended 43629
637.204 (Subpart 637.2) Added 43629
639 Removed 43629
641 Added 43629
642 Heading revised 43629
642.270—642.271 (Subpart 642.2) Heading revised 43629
642.271 Revised 43629
642.703—642.703–2 (Subpart 642.7) Added 43629
643.102–70 (a) designation and (b) removed 43629
643.104 Added 43629
643.104–70 Added 43629
644 Added 43629
645.403 (Subpart 645.4) Added 43629
646 Removed 43629
647.207—647.207–7 (Subpart 647.2) Added 43629
649.111 Removed 43629
652.203–70 Removed 43629
652.203–71 Removed 43629
652.204–70 Removed 43629
652.204–71 Removed 43629
652.206–70 Revised 43629
652.214–70 Removed 43630
652.214–71 Removed 43630
652.216–70 Introductory text revised 43630
652.216–71 Revised 43630
652.219–71 Added 43630
652.223–70 Removed 43631
652.223–71 Removed 43631
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652.223–77 Removed 43631
652.223–78 Removed 43631
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652.225–71 Added 43631
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652.228–70 Introductory text revised 43632
652.228–71 Revised 43632
652.228–72 Removed 43632
652.228–73 Removed 43632
652.228–74 Revised 43632
652.228–75 Removed 43632
652.228–76 Revised 43632
652.228–77 Removed 43632
652.229–70 Introductory text revised 43633
652.229–71 Added 43633
652.232–70 Amended 43633
652.232–71 Amended 43633
652.232–72 Added 43633
652.236–70 Added 43633
652.237–71 Amended 43634
652.237–72 Amended 43634
652.242–70 Amended 43634
652.242–71 Introductory text revised 43634
652.242–72 Introductory text revised 43634
652.242–73 Added 43634
652.243–70 Added 43634
652.246–70 Removed 43634
653.213–70 Removed 43634
653.219 Heading revised 43634
653.219–70 Revised 43634

Chapter 7—Agency for International Development (Parts 700—799)

701.105 (a) amended; (c) revised 16648
701.301—701.303 (Subpart 701.3) Revised 42040
701.601—701.603–70 (Subpart 701.6) Heading revised 42041
701.601 (a) and (b) redesignated as (b) and (c); new (a) added; new (c)(1) removed; new (c)(2), (3) and (4) redesignated as (c)(1), (2) and (3) 42041
701.602–3 Amended 42040
702.170–9 Amended 42041
702.170–13 Revised 42041
702.170–14 Removed 42041
702.170–17 Revised 42041
703.104–5 Revised 16648
703.104–10.1 Added 16648
703.104–11 Removed 42041
705.502 Added 5006
(a) amended 42042

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706.302–70 (b)(4) amended....42042
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709.507–2 (c) revised....5006
714.406–3 Amended....42040
714.406–4 Amended....42040
715.303–70—715.370–2 Designated as Subpart 715.3....16648
715.303–70 Redesignated from 715.604–70; (b)(3) revised....16648
715.305 Added....16648
(c) corrected....25405
715.370 Added....16649
715.370–1 Redesignated from 715.613–70....16648
Corrected....19217
715.370–2 Redesignated from 715.613–71....16648
715.413–2 (Subpart 715.4) Removed....16648
715.502 Redesignated as 715.602....16648
715.504 Redesignated as 715.604....16648
715.506 Removed....16648
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715.602—715.604 Designated as Subpart 715.6....16648
715.602 Redesignated from 715.502....16648
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(b) correctly designated....25405
715.604 Redesignated as 715.304; new 715.604 redesignated from 715.504....16648
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715.604–70 Redesignated as 715.303–70....16648
715.605 Removed....16648
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716.303 (c) amended....42042
716.306 Removed....42042
716.406 Added....5007
719 Heading revised....42042
719.271–6 (a)(3) amended....42042
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(e) corrected....18481
726.7005 Amended....42040
731.205–6 (b) added; (d) removed....5008
731.205–71 Added....16649
731.371 (b)(1) revised....5008
732.402 (e)(1) revised....5008, 42042
732.406–72 (b)(2) amended....42042
732.406–73 Existing text designated as (a); (b) added....5008
(b) corrected....18481
733.101 (a) removed; (b) and (c) redesignated as (a) and (b)....42042
733.103–71 Amended....42040
733.103–72 Amended....42040
733.103–73 Amended....42040
734.002–70 Amended....42040
745 Added....5008
747 Added....5008
749.111–70 Amended....42040
749.111–71 Amended....42040
750.7101 Amended; (a) designation and (b) removed....42042
750.7105 Amended....42040
750.7110–1 Amended....42042
750.7110–2 Amended....42040
750.7110–3 Amended....42040
750.7110–4 Amended....42040
752.202–1 Amended....42042
752.204–2 Amended....5008
752.209–71 Introductory text revised....5008
752.216–70 Added....5008
752.231–71 Added....16649
752.245–71 Amended....5009
752.247–70 Added....5009
752.7003 Amended....5009
752.7005 Added....5010
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752.7018 Revised....5010
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Chapter 8—Department of Veterans Affairs (Parts 800—899)

801.000 Amended....69217
801.101 (a) amended....69217
801.102 Redesignated as 801.103....69217
801.103 Redesignated as 801.104; new 801.103 redesignated from 801.102 and amended....69217
801.104 Redesignated from 801.103; (a) amended....69217
801.301–70 (b)(2) amended....69217
801.303 Heading revised....69217
801.601—801.690–6 (Subpart 801.6) Heading revised....69217
801.602–3 (a)(2) and (b)(2) amended....69217
801.603–71 (b) amended; (c), (d) and (e) removed....69217
801.670–1 Amended....69217

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801.670–2 (a)(1) removed; (a)(2) and (3) redesignated as (a)(1) and (2) **69217**
801.670–3 (a) amended **69217**
801.670–4 (a)(1), (2), (b)(1), (2) and (c) amended **69217**
801.670–5 (a)(3) through (6), (8), (9) and (b) amended **69218**
801.680 (c) and (d) amended **69218**
801.690–3 (c) introductory text, (1) and (2) amended **69218**
801.690–4 (c)(1)(i) amended; (c)(3)(ii) revised **69218**
801.690–6 (b) amended **69218**
803.101–3 (b) amended **69218**
(c) removed 30442
803.405 Redesignated from 803.409 ..... **69218**
803.409 Redesignated as 803.405 ..... **69218**
803.7000 Introductory text amended **69218**
805.205 Amended **69218**
806.302–3 Amended **69218**
806.302–5 (a), (b), (c) introductory text, (1), (2), (4), (5) and (6) amended; (c)(3) revised **69218**
806.304 (a)(1)(i) and (2)(i) amended **69218**
806.501 (b) amended **69218**
806.570 Heading revised; introductory text amended **69218**
808.001 (a)(4) amended **69219**
808.401 Amended **69219**
808.404–1 (a) and (b) amended **69219**
808.404–3 Amended **69219**
814.201 (a) amended **69219**
814.304–4 Amended **69219**
814.403 Amended **69219**
814.404–1 (b) amended **69219**
814.404–70 Amended **69219**
814.406 Redesignated as 814.407 ..... **69219**
814.406–3 Redesignated as 814.407–3 ..... **69219**
814.406–4 Redesignated as 814.409–4 ..... **69219**
814.407 Redesignated as 814.408; new 814.407 redesignated from 814.406 ..... **69219**
814.407–3 Redesignated from 814.406–3; (a), (b) and (c) amended **69219**
814.407–70 Redesignated as 814.408–70 ..... **69219**
814.407–71 Redesignated as 814.408–71 ..... **69219**
814.408 Redesignated as 814.409; new 814.408 redesignated from 814.407 ..... **69219**
814.408–70 Redesignated from 814.407–70 ..... **69219**
814.408–71 Redesignated from 814.407–71 ..... **69219**
814.409 Redesignated from 814.408 ..... **69219**
814.409–4 Redesignated from 814.406–4; (a), (b) and (c) amended **69219**
817.102 Redesignated as 817.105 ..... **69219**
817.102–1 Redesignated as 817.105–1 ..... **69219**
817.105 Redesignated from 817.105 ..... **69219**
817.105–1 Redesignated from 817.105–1; (b)(2) and (c) amended **69219**
819 Authority citation revised **69219**
819.201 (a), (b) and (d) amended **69219**
819.202–5 (c) introductory text, (g) and (h) amended; (c)(6) removed; (c)(7) through (12) redesignated as (c)(6) through (11) **69219**
819.202–70 Introductory text, (a), (c), (j) and (k) amended **69220**
819.502–2 (b) removed; (c) and (d) redesignated as (b) and (c) **69220**
819.502–3 Revised **69220**
819.602–3 (a) through (d) amended **69220**
819.800 Redesignated from 819.801; (b) and (d) amended **69220**
819.801 Redesignated as 819.800 ..... **69220**
819.804 Amended; heading revised **69220**
819.806 Redesignated from 819.806–3 and heading revised **69220**
819.806–2 Redesignated as 819.807 ..... **69220**
819.806–3 Redesignated as 819.806 ..... **69220**
819.807 Redesignated from 819.806–2; heading revised; (b) amended **69220**
819.807–70 Amended; heading revised **69220**
819.7004 Amended **69220**
822.478 (a), (b) and (c) amended **69220**

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825 Authority citation revised 69220
825.102–70 (b) and (c) amended 69220
825.105 Amended 69220
825.202–70 (b) and (c) amended 69220
825.203 Amended 69220
825.302–70 Amended 69220
825.701 Removed 69220
825.703 Amended 69220
825.870 Amended 69220
825.901 Redesignated from 825.902; heading revised; existing text designated as (a) and amended; (b) added 69220
825.902 Redesignated as 825.901 69220
825.904 Removed 69221
828.101—828.106–6 (Subpart 828.1) Heading revised 40519
828.101–3 Redesignated as 828.101–2 40519
828.101–2 Redesignated from 828.101–3 40519
828.101–70 (a), (b), and (c) amended 40519
828.106 Added 40519
828.106–6 Amended 69221
Revised 40519
828.106–70 Redesignated from 828.7000 40519
828.203–7 (Subpart 828.2) Added 40519
828.306 (b) amended 40519
828.7000 (Subpart 828.70) Heading removed 40519
828.7000 Redesignated as 828.106–70 40519
828.7100 (a) and (c) amended 69221
(a) amended 40519
828.7101 (b) amended 69221
828.7102 (a) introductory text, (1) and (b) introductory text amended 69221
828.7103 (a) amended 40519
829 Authority citation revised 38593
829.000 Revised 38593
829.101 (Subpart 829.1) Removed 38593
829.270 Removed 38593
829.270–1 Removed 38593
829.270–2 Removed 38593
831 Authority citation revised 69221
831.7001–4 (a) and (b)(2) amended 69221
831.7001–5 (b) amended 69221
832 Authority citation revised 69221
832.502–2 Amended 69221
832.805–70 (b) amended 69221
833.104 (a)(1), (2), (b) and (c) amended 69221
833.212 (a) and (b)(4) amended 69221
836.208 Amended 69221
836.209 Amended 69221
836.602–2 (a) and (b) amended 69221
838.606–72 Amended 69221
837.203—873.271–4 (Subpart 837.2) Heading revised 69221
837.203 Revised 69221
837.270 (a) introductory text, (1), (3), (c) and (d) amended; (e) revised 69221
837.271 Removed 69222
837.271–1 Removed 69222
837.271–2 Removed 69222
837.271–3 Removed 69222
837.271–4 Removed 69222
837.403 Amended 69222
837.7001 Amended 69222
837.7002 Amended 69222
837.7003 (a), (b) introductory text, (5), (c) and (d) amended; (e) revised 69222
842 Authority citation revised 69222
842.102 (b) amended 69222
842.202 Amended 69222
842.705 (b) amended 69222
842.801–70 Amended 69222
842.1203 Amended 69222
846.408–70 (b) introductory text amended 69222
846.408–71 (a) amended 69222
846.471 (a) and (b) amended 69222
847 Authority citation revised 69222
847.303–1 (b) amended 69222
847.305–70 Amended 69222
849 Authority citation revised 69222
849.106 Amended 69222
849.107 Amended 69223
849.111–70 Amended 69223
849.111–72 (c) amended 69223
852.203–70 Removed 30443
852.203–71 Amended 69223
852.211–70 (d) amended 69223
852.216–70 (a) amended 69223
852.222–70 Amended 69223
852.228–70 Introductory text amended 40519
852.236–88 Introductory text, (a) and (b) amended 69223
852.236–89 Amended 69223
852.247–70 Amended 69223
852.270–3 Heading revised 69223
852.271–73 Amended 69223
853 Authority citation revised 69223

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853.107 Amended **69223**
870 Authority citation revised **69223**
870.114–3 Introductory text amended **69223**
870.114–4 Amended **69223**
870.115 (a) amended **69223**
871.102 (a) amended **69223**

Chapter 9—Department of Energy (Parts 900—999)

903.104–3 Added **56851**
909.104–3 Added 16651
913.507 Removed 12876
915 Revised **56851**
915.404–4–71–5 (d), (f) and (h) revised 12227
915.404–4–72 (a) introductory text revised 12229
916.504—916.505 Designated as Subpart 916.5 and heading added **56860**
919.602–1 (a)(2) amended **56860**
919.805–2 Revised **56860**
922.7101 Revised 12876
935.016 Removed **56860**
935.016–1 Removed **56860**
935.016–2 Removed **56860**
935.016–8 Removed **56860**
970.0902 Added 16651
970.15404–4—970.15407–2–3 (Subpart 970.15) Revised **56861**
970.1504–4 Revised 12229
970.1504–4–1 Revised 12229
970.1504–4–2 Revised 12229
970.1504–4–3 Revised 12230
970.1504–4–4 Revised 12231
970.1504–4–5 Revised 12231
970.1504–4–6 Revised 12233
970.1504–4–7 Revised 12233
970.1504–4–8 Revised 12233
970.1504–4–9 Added 12234
970.1504–4–10 Added 12234
970.1504–4–11 Added 12234
970.2274–1 (a) introductory text and (d) amended; (a)(1), (2) and (3) removed; (b) and (c) revised 12876
970.3102–1 (c) amended **56867**
970.3102–15 (b)(1) and (2) amended **56867**
970.5202 Revised **56867**
970.5204–9 Amended **56867**
970.5204–15 Amended **56867**
970.5204–22 Amended **56867**
970.5204–44 Amended **56867**
970.5204–54 Amended **56867**
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970.5204–59 Revised 12876
970.5204–76 Amended **56867**
970.5204–86 Added 12336
970.5204–87 Added 12336
970.5204–88 Added 12337
970.5204–89 Added 16651

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1201.103 Removed 2436
1201.201–1 (d) removed 2436
1201.301 (a)(2) and (b) added 2436
1205.9000 (Subpart 1205.90) Revised 2436
1206.9000 (Subpart 1206.90) Revised 2436
1211.204–90 (Subpart 1211.2) Revised 2437
1213.106—1213.106–190 (Subpart 1213.1) Revised 2437
1213.302—1213.302–590 (Subpart 1213.3) Added 2437
1215 Revised 2437
1237.104 Revised 2438
1237.104–90 Revised 2438
1237.104–91 Revised 2438
1237.9000 (Subpart 1237.90) Revised 2438
1252.211–71 Amended 2439
1252.215–70 Amended 2439
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1252.216–72 Amended 2439
1252.216–73 Amended 2439
1252.211–90 Added 2439
1252.213–90 Revised 2439
1252.220–90 Revised 2439
1252.228–90 Revised 2439
1252.237–90 Revised 2439
1252.237–91 Revised 2440
1252.237–92 Revised 2440
1252.237–93 Revised 2440
1252.237–94 Revised 2440
1252.237–95 Revised 2440
1252.237–96 Revised 2440
1252.237–97 Revised 2440
1252.237–98 Revised 2440
1252.237–99 Revised 2440
1252 Appendix redesignated from 1253 appendix in part; new appendix revised 2442
1253.215 Removed 2441
1253.215–270 Removed 2441
1253.3 Appendix redesignated in part as 1253 appendix 2442

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Chapter 13—Department of Commerce (Parts 1300—1399)

1333.101 Added 16652
1333.102 Added 16652
1333.103 Revised 16653
1352.219–1 Removed 35080

Chapter 15—Environmental Protection Agency (Parts 1500—1599)

1503.101–370—1503.104–5 (Subpart 1503.1) Revised 47410
1509.170–1 Amended 20202
1509.170–2 Revised 20203
1509.170–3 Revised 20203
1509.170–4 Revised 20203
(b) revised 41043
1509.170–5 Added 20203
(d) revised 41043
1509.170–6 Added 20204
1509.170–7 Added 20204
1509.170–8 Added 20204
1515 Revised 47410
1516.405 (b) amended 3876
1533.103 Revised 17110
1537.110 (g) added 30444
1552.209–76 Added 20204
1552.215–70 Amended; heading and introductory text revised 47415
1552.215–71 Revised 47415
1552.215–72 Redesignated from 1552.215–73 and revised 47415
1552.215–73 Redesignated as 1552.215–72 47415
Redesignated from 1552.215–74 and revised 47417
1552.215–74 Redesignated as 1552.215–73 47417
Added 47418
1552.216–75 Revised 3876
1552.233–70 Added 17110
1552.237–76 Added 30444
1552.242–70 Amended 3876

Chapter 16—Office of Personnel Management Federal Employees Health Benefits Acquisition Regulation (Parts 1600—1699)

1609.7101—1609.7101–2 (Subpart 1609.71) Added **55337**
1615.802 (e) added; interim 36272
1632.1 (c) added; interim 36272
1632.170 (a) and (b)(1) revised **55338**
1652.215–70 Amended; interim 36273
1652.216–70 (c) amended; interim 36273
1652.216–71 Amended; interim 36273
1652.232–70 Amended **55339**
1652.232–71 Amended **55339**
Amended; interim 36274
1652.244–70 Amended **55339**
1652.370 Table amended **55339**

Chapter 18—National Aeronautics and Space Administration (Parts 1800—1899)

1801.105–1 (a) revised 36606
1801.105–3 Removed 36606
1801.105–370 Removed 36606
1801.270 Revised 36606
1801.270–1 Removed 36606
1801.270–2 Removed 36606
1801.270–3 Removed 36606
1801.270–4 Removed 36606
1802.101 Amended 19926
1804.202 Revised 36606
1804.203 Added 1528
1804.805 (a) revised 5620
1804.805–70 (b)(2) amended 5620
1804.904 (Subpart 1804.9) Added 1528
1804.7102 (a) amended 19926
1804.7301 Revised 14640
1806.303–1 (d) amended; interim 48561
1806.501 (3) revised 10571
1807.105 (a)(2) added 14641
1807.7203 Revised 5620
1808.002–70 Revised 5620
1809.200 Revised 36606
1811.104—1811.104–70 (Subpart 1811.1) Removed 51078
1812.301 Revised 19926
(f)(i)(E) revised; (f)(i)(J) removed; (f)(i)(K) redesignated as (f)(i)(J) 51078
1813.000 Revised; interim 48561
1813.003 (h) redesignated as (g) 5620
1813.301–73 (a) revised 51079
1815.203–71 Revised 51079
1815.300–70 (b)(3) amended; interim 48561
1815.304 Heading revised; (c) added 25214
1815.304–70 (b)(2) revised 25215
1815.403–170 Revised 10573
1815.404–4 Revised 51472
1815.404–470 (c)(5) revised 25215
Revised 51473
1815.404–471 Revised 51473

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TITLE 48 Chapter 18—Con.

1815.404–471–1 Added 51473
1815.404–471–2 Added 51473
1815.404–471–3 Added 51474
1815.404–471–4 Added 51475
1815.404–471–5 Added 51476
1815.606–70 Introductory text amended; interim 48561
1815.670 Revised 36606
1816.203–4 (d)(2) amended 5620
1816.405–274 (f) revised 25215
1816.505 (b)(4) redesignated as (b)(6) 51079
1816.506–70 Amended 51079
1817.7300—1817.7302 (Subpart 1873.73) Added **56091**
1819.201 Heading and (a) revised; (f)(1) added 25215
1819.202–170 Amended 25215
1819.302 (Subpart 1819.3) Heading revised 5620
1819.506 Heading revised 5620
1819.705–2—1819.708–70 (Subpart 1819.7) Heading revised 5620
1819.705–470 Amended 25215
1819.708 Heading revised 5621
1819.708–70 Revised 25215
1819.7201 Revised 10571
1819.7205 (b) revised; (c) and (d) removed 10571
1819.7206 Revised 10571
1819.7209 (a)(1) and (b) revised 10571
1819.7210 (c) revised; (d) removed 10572
1819.7214 (i) removed; (e), (g) and (h) revised 10572
1819.7215 (b) revised 10572
1819.7216 (a)(2), (3) and (b) revised 10572
1819.7217 (c) revised 10572
1819.7219 (a) revised 10572
1822.101–1 (e) added 14148
1822.103–5 Added 14149
1827.301 Amended **63209**
1827.303 (a)(5) added 36606
1827.406–70 (c) revised 5621
1832.906 (a) amended 36606
1832.908 Revised 5621
1832.970 Removed 5621
1832.1110 (Subpart 1832.11) Added 18373
1833.103 Heading revised; (b) redesignated as (f); (c), (d) introductory text and (4) added 36607
1833.104 (c)(2) revised 5621
1834.003 (a) revised **56093**
1834.7001—1834.7004 (Subpart 1834.70) Removed **56093**
1835.016 (a)(iii) added 14641
(a)(i)(B) amended; interim 48561
1835.016–70 Redesignated as 1835.016–71; new 1835.016–70 added; interim 48561
1835.016–71 Redesignated from 1835.016–70; (e)(3) revised; interim 48561
1835.016–72 Added; interim 48561
1836.213–70 Redesignated as 1836.213–370 5621
1836.213–370 Redesignated from 1836.213–70 5621
1837.203 Amended 51079
1842.202 (b)(1) redesignated as (b)(i) 51079
1842.270 (f) revised 19928
1842.302 (Subpart 1842.3) Added 10574
1842.7401—1842.7402 (Subpart 1842.74) Added 10574
1844.201–1 (a)(iii) revised 5621
1845.406 Redesignated as 1845.407; new 1845.406 redesignated from 1845.407 36606
1845.407 Redesignated as 1845.406; new 1845.407 redesignated from 1845.406 36606
1847.200–70 Revised 51079
1852.103 (b)(i) amended 19926
1852.211–70 Removed 51079
1852.217–71 Added **56093**
1852.217–72 Added **56093**
1852.219–73 Amended 25215
1852.219–75 Amended 25216
1852.219–77 Amended 10572
1852.219–79 (b) introductory text, (e) and (f) revised 10572
1852.227–70 Amended **63209**
1852.234–70 Removed **56094**
1852.234–71 Removed **56094**
1852.235–70 Introductory text amended 5621
Amended 36606
1852.235–72 Amended; interim 48561
1852.242–74 Added 10574
1852.242–75 Added 10575
1852.242–76 Added 10575
1852.242–77 Added 10575
1853.208–70 Heading and (c) revised 5621
1853.271 Added 19926
1871.101—1871.104 (Subpart 1871.1) Revised 19926
1871.204 Revised **71604**

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(a), (d) and (f) revised; (h) added 19927
1871.401-1 (b)(3) revised; (b)(5) added 19927
1871.401-2 Heading revised; (b)(5) added 19927
1871.401-3 Heading revised; (a)(4) added 19927
1871.401-4 (a)(5) added 19928
1871.401-5 (b) revised 19928
1871.401-6 (a)(2) amended 71604
(a)(2) correctly revised; (a)(3) correctly added; CFR correction 1529
1871.405 Removed 19928
1871.505 Revised 19928
1871.602 Amended 19928
Revised 36606
1871.603 (b) and (c) redesignated as (d) and (e); new (b) and new (c) added 19928
1872.102 (a)(1) revised 14641
1872.303 (b) amended 36606
1872.305 (c) amended 36606
1872.306 Revised; interim 48562
1872.504 (b)(6), (c) introductory text and (d) amended; interim 48562
1872.705-1 Amended; interim 48562
1872.705-2 Amended; interim 48562

Chapter 20—Nuclear Regulatory Commission (Parts 2000—2099)

Chapter 20 Revised; eff. 10-12-99 49324

Chapter 24—Department of Housing and Urban Development (Parts 2400—2499)

2401.105 Amended; interim 46094
2401.105-2 (c) amended; interim 46094
2401.601-70 Amended; interim 46094
2401.601-71 Revised; interim 46094
2401.601-72 Removed; interim 46094
2401.601-73 Removed; interim 46094
2401.603-2 Introductory text and (d) revised; interim 46094
2401.603-3 Revised; interim 46094
2402.101 Revised; interim 46094
2403.101 Revised; interim 46095
2403.408-1 Removed; interim 46095
2403.409 Redesignated as 2403.405; interim 46095
2403.405 Redesignated from 2403.409; interim 46095
2403.502 Redesignated as 2403.502-70; interim 46095
2403.502-70 Redesignated from 2403.502 and revised; interim 46095
2403.601 Redesignated as 2403.602; interim 46095
2403.602 Redesignated from 2403.601; interim 46095
2409.500—2409.507-2 (Subpart 2409.5) Title amended; interim 46095
2409.500 Removed; interim 46095
2409.502 Removed; interim 46095
2409.504 Removed; interim 46095
2409.701 Redesignated as 2409.7001; interim 46095
2409.7001 Redesignated from 2409.701; interim 46095
2413.106-2 Removed; interim 46095
2413.301—2413.307 (Subpart 2413.3) Heading added; interim 46095
2413.301 Redesignated from 2413.601; heading revised; interim 46095
2413.305-2 Redesignated from 2413.402; interim 46095
2413.305-3 Redesignated from 2413.403 and amended; interim 46095
2413.307 Redesignated from 2413.505-1 and amended; interim 46095
2413.402 Redesignated as 2413.305-2; interim 46095
2413.403 Redesignated as 2413.305-3; interim 46095
2413.505-1 Redesignated as 2413.307; interim 46095
2413.601 (Subpart 2413.6) Redesignated as 2413.301; heading removed; interim 46095
2414.407-4 Amended; interim 46095
2415.204 (Subpart 2415.2) Added; interim 46095
2415.209 Redesignated from 2415.407 and revised; interim 46095
2415.303—2415.308 (Subpart 2415.3) Heading added; interim 46096
2415.303 Redesignated from 2415.604; interim 46096
2415.304 Redesignated from 2415.605; interim 46095

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2415.305 Redesignated from 2415.608; (a)(3) amended (b) removed; interim 46096
2415.308 Redesignated from 2415.611 and revised; interim 46096
2415.407 Redesignated as 2415.209; interim 46095
2415.413—2415.413-2 (Subpart 2415.4) Removed; interim 46095
2415.505 Redesignated as 2415.605; interim 46095
2415.505-70 Redesignated as 2415.605-70; interim 46095
2415.506 Redesignated as 2415.606; interim 46096
2415.605 Redesignated as 2415.304; new 2415.605 redesignated from 2415.505; interim 46095
2415.605-70 Redesignated from 2415.505-70 and amended; interim 46095
2415.606 Redesignated from 2415.506 and revised; interim 46096
2415.507 Redesignated from 2415.1005; interim 46096
2415.604 Redesignated as 2415.303; interim 46096
2415.608 Redesignated as 2415.305; interim 46096
2415.610 Removed; interim 46096
2415.611 Redesignated as 2415.308; interim 46096
2415.613 Removed; interim 46096
2415.613-70 Removed; interim 46096
2415.613-71 Removed; interim 46096
2415.1005 Redesignated as 2415.507; interim 46096
2416.405 Redesignated as 2416.406; interim 46096
2416.406 Redesignated from 2416.405; interim 46096
2416.505 (Subpart 2416.5) Added; interim 46096
2416.603-2 Revised; interim 46096
2419.503 Amended; interim 46097
2419.708 Footnote 3 removed; (f) added; interim 46097
2424 Authority citation revised; interim 46097
2424.103 (Subpart 2424.1) Heading revised; interim 46097
2424.202 Redesignated as 2424.203; interim 46097
2424.203 Redesignated from 2424.202; interim 46097
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2425.402 Existing text designated as (a)(1); interim 46097
2426.701 Redesignated as 2426.7001; interim 46097
2426.7001 Redesignated from 2426.701; interim 46097
2426.702 Redesignated as 2426.7002; interim 46097
2426.7002 Redesignated from 2426.702; interim 46097
2428.106-6 Revised; interim 46097
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2432.402 (e)(1) revised; interim 46097
2432.906 Existing text designated as (a); interim 46097
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2433.101-70 Removed; interim 46097
2433.102-70 Revised; interim 46097
2433.103 Revised; interim 46097
2433.103-70 Removed; interim 46097
2433.105 Removed; interim 46097
2433.106 Added; interim 46097
2436.602-5 Amended; interim 46098
2437.101 Removed; interim 46098
2437.110 Footnote 4 and (e) removed; (f) and (h) redesignated as (e) and (f); (g) redesignated as 2439.107 (a); (d) and new (e) revised; interim 46098
2439.107 (a) redesignated from 2439.110 (g) and revised; interim 46098
2437.205 Removed; interim 46098
2442.1502 (Subpart 2442.15) Added; interim 46098
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2451 Authority citation revised 46098
2451.303 (Subpart 2451.3) Redesignated as 2451.7001 (Subpart 2451.70); interim 46098
2451.7001 (Subpart 2451.70) Redesignated from 2451.303 (Subpart 2451.3); interim 46098
2452.215-70 Amended; interim 46098
2452.216-73 (b) amended; interim 46098
2452.219-71 Added; interim 46098
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2452.232-70 Revised; interim 46099

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Chapter 28—Department of Justice (Parts 2800—2899)

2832.1110 (Subpart 2832.11) Added.....37045

Chapter 53—Department of the Air Force Federal Acquisition Regulation Supplement (Parts 5300—5399)

5315 Removed.....995
5316 Removed.....67600
5350 Removed.....71390

Chapter 54—Defense Logistics Agency, Department of Defense (Parts 5400—5499)

5416 Added.....41835

Chapter 61—General Services Administration Board of Contract Appeals (Parts 6100—6199)

6103 Authority citation revised.....38143
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TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation (Parts 1—99)

1.46 (ppp) added 59475
(ppp) correctly designated 3876
(qqq) added 7814
(rrr) added 29601
(sss) added 36802
(ww) revised 46594
1.48 (ll) added 7814
1.49 (kk) added 57610
(ll) added 7814
1.66 (bb) added 2150
(cc) added 24958
(dd) added 36802

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23 Heading and authority citation revised 5126
23.1—23.7 (Subpart A) Removed 5126
23.41—23.55 (Subpart C) Removed 5126
23.61—23.69 (Subpart D) Removed 5126
23.73—23.87 (Subpart E) Removed 5126
23.89 Amended 5126
23.93 (a) introductory text amended 5126
23.95 (a)(1), (f)(1), (2) and (g)(1) amended; (f)(5) removed 5126
(f)(2) and (3) removed 34570
23.97 Amended 5126
23.111 Removed 5126
24.2 Amended 7131
24.102 (k) amended 7132
24.103 (c) amended 7132
24.105 (c) amended 7132
24.202 Amended 7132
24.203 (a)(4) redesignated as (a)(5); new (a)(4) added; (b) amended 7132
24.204 (a) amended 7132
24.205 (c)(2)(ii)(B) amended 7132
24.208 Redesignated as 24.209; new 24.208 added 7132
24.209 Redesignated from 24.208 7132
24.301 Introductory text amended 7132
24.303 (a) amended 7132
24.304 Introductory text amended 7132
24.306 (a)(6) and (c) amended 7132
24.307 (a) amended 7132
24.401 (c)(4)(ii) amended 7132
24.403 (a) and (b) amended 7132
24.404 (c)(2) amended 7132
24 Appendix A amended 7132
26 Added 5126
Authority citation revised 34570
26.5 Amended 34570
26.21 (a)(2) revised; (b)(1) amended 34570
26.45 (c)(5) amended 34570
26.67 (a)(2)(i) revised; (a)(2)(ii) redesignated as (a)(2)(iii); new (a)(2)(ii) added 34570
37.15 Revised **64837, 64838**
40.29 (e)(1) table and (f)(1) table amended **65129**
80 Added 29750

Chapter I—Research and Special Programs Administration, Department of Transportation (Parts 100—199)

107.14 (a)(1) amended 51914
107.117 (d)(4) amended 51914
107.503 (a)(3) amended **52846**
107.606 (a)(5) amended **52847**
171.2 (d)(1) amended 10752
171.5 (a)(3) amended 9925
Removed 28046
171.6 (b)(2) table revised 51915
171.7 (a)(3) table amended **52847, 57930**
(a)(3) table amended 10752, 10753, 28046, 51915
(a)(3) table amended; eff. 3-1-00 45396
171.8 Amended **52847**
Amended 10753, 28046, 51915
171.11 (d)(4)(ii) revised **57930**
(d)(14) amended 10753
(d)(15) revised; (d)(16) added; eff. 3-1-00 45396
(d)(9)(iii) corrected; CFR correction 45457
171.12 (b)(17) amended 10753
(b)(18) revised; eff. 3-1-00 45396
(b)(8)(iii) corrected; CFR correction 45457
(b)(8)(iv) added; (b)(8)(ii) and (iii) revised; interim 50262
171.12a (b)(16) amended 10753
(b)(17) revised; eff. 3-1-00 45396
(b)(5)(iii) corrected; CFR correction 45457
(b)(5)(iv) added; (b)(5)(ii) and (iii) revised; interim 50262
(a) and (b)(5)(iv) amended; interim 51720
(b) introductory text amended 51915
171.14 (c)(1) revised **52847**
(b) table and (d)(2) amended; (d) introductory text and (1) revised; (d)(3) added 10753
(e) removed; interim 50263
(c) revised 51915
172.101 (c)(11) introductory text, (f) and table amended **52847**
Table amended **52849**
(b) introductory text revised; (b)(4) and (5) redesignated as (b)(5) and (6); new (b)(4) added; (g) table amended 10753
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Table and Appendix B amended 10773, 44428
Appendix B amended 10774, 10775
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Appendix A amended 51918
172.102 (c)(1) amended **52849**
(c)(1), (2), (3) and (5) amended 10775
(c)(1) and (2) amended; eff. 3–1–00 45397
(c)(3), (5) and (7)(ii) amended 51918
172.203 (m)(1) amended **52849**
(k) introductory text and (1) amended 10775
(k)(3) removed; (k)(4) redesignated as (k)(3) 10776
(k) introductory text amended; (k)(1) and (m)(2) removed; (k)(2), (k)(3), and (m)(3) redesignated as (k)(1), (k)(2), and (m)(2) 44428
172.312 (a)(2) amended 51918
172.313 (d) added 10776
172.400 (b) amended 10776
(b) table amended 51918
172.400a (a)(7) amended **52849**
(d) removed 10776
172.405 (c) added 10776
172.407 (c)(4) revised 10776
172.431 Removed 10776
172.504 Table amended **52849**
(e) Table 2 amended; (f)(10) revised 10776
172.553 Removed 10776
173.1 (d) amended 10776
173.2a (b) table amended 10776
173.6 (c)(2) amended **52849**
173.25 Heading and (b) revised 10776
173.28 (c)(2) revised; (c)(5) added 10776
(c)(2) introductory text amended; (c)(2)(iii) revised 44428
173.29 (b)(2)(iv)(B) revised 10776
173.32b (b)(1) and (2) amended 10776
173.32c (j) revised 10777
(j) amended 44428
173.33 (a)(3) amended **52849**
173.34 (e)(18)(i) table amended **52849**
(e) table amended 10777
173.35 Heading and (b) revised 10777
173.52 (b) table amended 51918
173.56 (b)(2)(i) and (3)(i) amended 10777
173.57 (a) introductory text amended 51918
173.58 (a) introductory text amended **52849**
173.59 Amended 10777
173.62 (c) table amended **52849**
(a) and (c) table amended 51918
173.121 (b)(1)(ii) revised 10777
(a) table revised 51918
173.150 (c) amended 51918
173.159 (g)(2) amended 10777
173.162 Revised 10777
173.164 (a)(1), (2) and (3) revised; (a)(4) added 10777
(c) introductory text amended 10778
173.166 (a), (b) introductory text, (2), (3)(ii), (c) and (f) amended 10778
173.196 (a)(1)(iii) amended 10778
173.197 (b) removed; (a) introductory text and (1) through (7) redesignated as introductory text and (a) through (g) 51919
173.220 Revised 10778
173.221 Revised 10779
173.222 Revised 10779
(c) introductory text and (4) amended 44428
173.224 (c)(3) introductory text amended 10779
173.225 (b) table amended 10779
(b) table and (c)(2) amended 10780
173.243 (e)(2) amended; (e)(3) added 10780
173.247 (a) amended **52849**
173.301 (i) revised 10780
173.306 (d) removed; (f)(4) and (5) added 10781
173.314 (e) amended 51919
173.315 (k) and (n) revised; (p) added 28046
(a) table amended 51919
173.318 (a)(3)(i) amended 51919
173.403 Amended **52849**
173.410 (h) introductory text amended 51919
173.416 (f) amended **52849**
173.422 (b)(1) amended **52849**
173.425 Table 7 amended **52849**
173.427 (a)(3) amended **52849**
173.428 Introductory text revised 51919
173.433 (g) table amended **52849**
173.461 (a) introductory text and (b) amended **52850**

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173.469 (a)(4)(i) amended 51919
174.81 (f) table amended; (g)(3)(vi) added 10781
174.85 (d) introductory text and notes amended 51919
174.680 Revised 10781
174.700 (a)(1) removed; (a)(2), (3) and (4) redesignated as (a)(1), (2) and (3) 51919
175.10 (a)(24) removed; (b) added; eff. 3–1–00 45397
175.85 (h) and (i) added; eff. 3–1–00 45397
175.630 (a) amended 10781
175.700 (b) amended **52850**
176.76 (i) added 10781
176.83 (a)(1), (3) and (8) revised; (a)(10) added 10781
(g)(3) table amended 10782
176.600 Heading, (a) and (c) revised 10782
176.704 (e)(1) and (f) table amended **52850**
177 Response to petitions **58323**
177.834 (i)(3) revised; (i)(5) removed 28048
177.835 (g) introductory text amended **52850**
177.840 (l) through (u) added 28048
(t) amended 36806
177.841 (e)(1) amended; (e)(3) revised 10782
177.842 (a) amended **52850**
177.843 (c) amended **52850**
177.848 (f) table amended; (g)(3)(vi) added 10782
177.854 Introductory text removed **52850**
178.61 (f)(2) and (4) amended 51919
178.245–4 (e) amended 51919
178.270–3 (e) amended 10782
178.337–1 (g) added 28049
178.337–8 Revised 28049
178.337–9 (b)(7) redesignated as (b)(8); (b)(6), new (8) and (c) revised; new (b)(7) added 28050
178.337–11 Revised 28050
178.338 Heading amended **52850**
178.509 (b)(1) amended 10782
178.703 (b)(6)(ii) revised 10782
178.803 Table amended 51919
178.813 (b) amended 10782
179 Authority citation revised **52850**
179.2 (a)(2) revised **52850**
179.3 (a) revised **52850**
179.4 (a) amended; (b) revised **52850**
179.5 (a) and (b) revised **52850**
179.15 (f)(1) revised 51919
179.100—179.103–5 (Subpart C) Heading revised **52850**
179.300–15 (a) amended 51920
179.400–8 (d) amended 51920
180.352 Heading, (b)(1), (2), (3) introductory text, (c) heading and introductory text revised; (d) and (e) redesignated as (e) and (f); new (d) added 10782
180.403 Introductory text amended **52850**
Amended 28050
180.405 (m) and (n) added 28051
180.407 (h)(4) redesignated as (h)(5); (h)(1)(iii) and new (4) added 28051
Corrected 36806
180.416 Added 28051
180.417 (a)(3)(ii) amended **52850**
(a)(1) revised 28052
180.509 (c)(3)(ii) amended **52851**
180.515 (b) amended **52851**
180 Appendixes A and B added 28052
192.801—192.809 (Subpart N) Added; eff. 10–26–99 46865
195 Response to petitions **63210**
195.1 (c) revised 15934
Regulation at 64 FR 15934 eff. date corrected to 4–2–99 40777
195.3 (b)(7) and (c)(6) added; (c) introductory text, (2) and (3)(v) revised 15934
Regulation at 64 FR 15935 eff. date corrected to 4–2–99 40777
195.132 Revised 15935
Regulation at 64 FR 15935 eff. date corrected to 4–2–99 40777
195.205 Added 15935
Regulation at 64 FR 15935 eff. date corrected to 4–2–99 40777
195.242 (c) and (d) added 15935
Regulation at 64 FR 15935 eff. date corrected to 4–2–99 40777
195.264 Revised 15935
Regulation at 64 FR 15935 eff. date corrected to 4–2–99 40777
195.302 (b)(4) added; (a) amended; (c) introductory text revised **59479**
195.303 Redesignated as 195.304; new 195.303 added **59480**

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195.304 Redesignated as 195.305; new 195.304 redesignated from 195.303 ..... **59480**
195.305 Redesignated from 195.304 ..... **59480**
195.307 Added 15936
Regulation at 64 FR 15936 eff. date corrected to 4–2–99 40777
195.403 Revised; eff. 10–26–99 46866
195.405 Added 15936
Regulation at 64 FR 15936 eff. date corrected to 4–2–99 40777
195.406 (a)(4) amended **59480**
195.416 (j) added 15936
Regulation at 64 FR 15936 eff. date corrected to 4–2–99 40777
195.428 Heading revised; (c) and (d) added 15936
Regulation at 64 FR 15936 eff. date corrected to 4–2–99 40777
195.432 Revised 15936
Regulation at 64 FR 15936 eff. date corrected to 4–2–99 40777
195.501—195.509 (Subpart G) Added; eff. 10–26–99 46866
195 Appendix B added **59480**
Appendix B corrected 6815
199 Announcement **58324**

Chapter II—Federal Railroad Administration, Department of Transportation (Parts 200—299)

213.57 (g)(4) corrected **54078**
213.345 (d) corrected **54078**
216 Authority citation revised 25659
216.1 (a) revised 25659
216.3 (b) amended 25659
216.5 (c) amended 25659
216.11—216.17 (Subpart B) Nomenclature change 25659
216.13 (a) amended 25659
216.14 Added 25659
216.17 (a) amended 25659
219 Determination **71789**
219.5 Amended; interim **71791**
219.201 (a)(1) introductory text, (2) and (4) revised; interim **71791**
223 Authority citation revised 25659
223.8 Added 25659
225.19 (c) amended; interim **71791**
225 Appendix B amended; interim **71791**
229 Authority citation revised 25659
229.3 (a) revised; (c), (d) and (e) added 25659
231 Authority citation revised 25660
231.0 (a) revised; (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added 25660
232 Authority citation revised 25660
232.0 (a) revised; (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added 25660
238 Added 25660
261 Added 29753
268 Added; interim **54606**
268.3 (b) through (f) revised; interim 7134
268.13 Revised; interim 7134

Chapter III—Federal Highway Administration, Department of Transportation (Parts 300—399)

360 Added 7137
381 Added; interim **67608**
383 Authority citation revised 48110
383.7 Removed; interim **67612**
383.21 Revised; eff. 10–4–99 48110
383.37 Revised; eff. 10–4–99 48110
383.51 (e) redesignated as (f); new (e) added; eff. 10–4–99 48111
383.53 (c) added; eff. 10–4–99 48111
384.223 (c) added; eff. 10–4–99 48111
385 Appendix B amended **62959**
390.3 (f)(5) amended; (f)(6) added; interim 48516
390.5 Amended; interim 48516
393.5 Amended 47707
393.13 Added 15605
395 Deadline extension **71791**
Deadline extension 37689
396.19 (b) reinstated; CFR correction 45207

Chapter V—National Highway Traffic Safety Administration, Department of Transportation (Parts 500—599)

531 Authority citation revised 27203
531.5 (b)(13) added 12092
531.6 (b) added 27203
533.5 (a) Table IV revised; (f) added 16862
538.5 (b) added **66068**
538.6 Revised **66069**
538.7 Added **66069**
541 Appendixes A, A–I, A–II and B revised 28112
544.5 (a) revised **70053**

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544 Appendixes A, B and C revised **70053**
555 Heading and authority citation revised 2861
555.1 Revised 2861
555.2 Existing text designated as (a); (b) added 2861
555.3 Revised 2861
555.4 Amended 2861
555.5 Heading, (b) introductory text and (5) amended; (a) and (b)(7) revised 2861
555.6 Heading, (a) introductory text, (1)(v), (2)(iv), (b)(5), (c)(5) and (d)(4) amended; (b) introductory text, (1), (2) introductory text, (i), (iii), (4), (c) introductory text, (1), (2) introductory text, (iv), (d) introductory text, (1) introductory text, (ii), (iv) and (v) revised 2861
Corrected 5866
555.7 (b), (c), (d) introductory text and (e) amended 2861
Heading and (a) revised 2862
555.8 (e) and (f)(1) amended 2861
555.10 (a) amended 2862
567 Authority citation revised 6816, 38595
Technical correction 9445
567.4 (g)(5)(iii) added 6817
567.7 (a) revised 38595
571 Policy statement **59482**
Authority citation revised 10815, 47582
Interpretation 16358
Clarification 20209
571.5 (b)(9) added; eff. 10–22–99 45898
571.105 Amended; interim 9449
Table II revised; eff. 10–7–99 48564
571.108 Amended **63801**
Amended; eff. 10–22–99 45898
571.201 Amended 7140
571.208 Amended **53851, 71394**
Amended 2448, 10815, 11733, 47123
571.209 Amended 27206
571.213 Regulations at 62 FR 18724 and 30466 confirmed **52629**
Amended; eff. 3–30–99 ..... **52630**
Amended 10815, 47582
571.216 Amended 22578
571.221 Amended; eff. 5–5–00 ..... **59740**
571.225 Added 10823
Amended 47587
571.304 Amended **66765**
571 Figure 6 revised **71395**
572.31 (a)(1), (3) and (4) revised; (b) removed **53851**
572.34 (b) revised **53851**
574.5 (d) and Figures 1 and 2 revised; eff. 7–2–00 36812
574.7 Figures 3a and 4 revised; eff. 7–2–00 36815
575 Clarification 20209
575.2 (c) amended 27924
575.6 (a)(1), (d)(1)(i), (ii) and (2) revised 27924
Regulation at 64 FR 27924 stayed in part; eff. 9–27–99 through 9–1–00 51920
(d)(2) revised; (a)(3) added; eff. 9–27–99 through 8–31–00 51921
575.104 (c)(1), (d)(1)(i) and (iii) revised 27925
(e)(2)(ix)(E)(2) corrected; CFR correction 48564
Regulation at 64 FR 27924 stayed in part; eff. 9–27–99 through 9–1–00 51920
(d)(1)(iv) added; eff. 9–27–99 through 8–31–00 51922
575.105 Revised 11733
(d)(1)(ii) revised; (d)(1)(iii), (iv), (5), (6) and Figure 2 added 47123
578 Authority citation revised 37878
578.6 (a) and (d) amended; (c)(2) and (f)(2) revised 37878
580 Authority citation revised **52632**
580.16 Regulation at 62 FR 47765 confirmed **52632**
580.17 Regulation at 62 FR 47765 confirmed; (a)(3) revised **52632**
581 Authority citation revised 2862, 16360
581.4 Amended 2862
581.5 (c)(1) revised 16360
(c)(1) corrected 49092
581.8 Added 2862
583.4 (b)(7) revised; eff. 6–1–00 40780
583.5 (a)(4), (5), (b), and (i) revised; eff. 6–1–00 40780
583.6 (a), (c)(1)(ii), (3)(ii), and (6) revised; eff. 6–1–00 40780
583.7 (a) revised; eff. 6–1–00 40781
583.8 (b) and (d) revised; eff. 6–1–00 40781
583.10 (a)(5) revised; eff. 6–1–00 40781
591 Authority citation revised 37882
591.5 (j)(1) revised 37882
591.6 (f)(1) and (2) revised 37882

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591.7 (c) amended; (d) and (e) revised 37883
593 Appendix A revised 51923
596 Added 10847

Chapter VI—Federal Transit Administration, Department of Transportation (Parts 600—699)

639 Authority citation revised **68366**
639.1 Revised **68366**
639.3 Revised **68367**
639.5 Revised **68367**
639.13 (a) revised **68367**
640 Added 29753
653.7 Amended 426
653.45 (d) added **67613**
654.7 Amended 426
654.33 (d) added **67613**

Chapter VIII—National Transportation Safety Board (Parts 800—899)

800.2 Introductory text and (b) through (j) revised; (k) added **71605**
(b), (d) and (j) corrected 5621
800.24 (j) added **71606**
800.25 Heading and introductory text revised **71606**
800.26 Revised **71606**
800.28 Added **71606**
800 Appendix amended **71606**
831.3 Revised **71606**
831.11 (a)(2) revised **71606**
835 Authority citation revised **71607**
835.1 Revised **71607**
835.2 Revised **71607**
Corrected 5622
835.3 (c) through (f) added **71607**
(c) corrected 5622
835.4 (a) revised **71607**
835.5 Heading, (a), (c) and (d) revised **71607**
835.6 Revised **71607**
835.7 Revised **71608**
835.8 Revised **71608**
835.9 Revised **71608**
835.10 Added **71608**
835.11 Added **71608**

Chapter X—Surface Transportation Board, Department of Transportation (Parts 1000—1399)

1000 Removed 47711
1001.1 Revised 47711
1002.1 (b), (c), (d), (e)(1) and (f)(6) table revised 5192
1002.2 (f) revised 5192
1004 Revised 47711
1121.4 (c) revised 46595
1146 Added **71401**
1147 Added **71402**
1180.1 (f) corrected; (g) and (h) reinstated; CFR correction 10234
1180.2 Introductory text through (d)(2) reinstated; CFR correction 10234
1312.1 (c) amended 5195
1312.6 (c) revised 5195
1312.17 Removed 5195

Chapter XI—Bureau of Transportation Statistics, Department of Transportation (Parts 1400—1499)

1420 Authority citation revised 13921
1420.1 Revised 13921
1420.2 (a) amended; (b)(4) revised 13921
1420.2 (b)(5) and (c) amended 13922
1420.8 Added 13922
1420.9 Added 13922
1420.10 Added 13923
1420.6 Added 13923

Proposed Rules:

27 46611
40 29831
71 ..... 33035, 40331
105 ..... **68624**
106 ..... **68624**
107 ..... **58358, 68624, 72224**
..... 9114, 18786, 28135, 28965
171 ..... **58358, 59505, 72224**
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172 ..... **58358, 72224**
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173 ..... **58358, 72224**
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174 ..... 22718, 40810, 53166

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175 ..... 22718, 40810, 53166
176 ..... 22718, 40810
177 ..... **58358, 59505, 72224**
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178 ..... **58358, 59505, 72224**
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179 53166
180 ..... **58358, 59505, 72224**
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192 ..... **57269**
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193 ..... **70735**
195 ..... **57269**
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229 ..... **54104**
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230 1791
231 ..... **54104**
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232 ..... **54104**
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243 ..... **59928**
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260 27488
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350 11414
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385 44460
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390 ..... 7849, 24128, 44460, 48518
395 ..... **54432, 68729**
396 ..... **54432**
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567 ..... 6852, 27499
568 27499
571 ..... **54652, 57089, 57091, 57638, 60270, 63258, 68233, 68729, 70380**
..... 4834, 5259, 6021, 6591, 9115, 9118, 9961, 10604, 13947, 14207, 19106, 19740, 20245, 23037, 29616, 29617, 31533, 36657, 42330, 49135
572 ..... 4385, 10965, 19742
573 27227
574 ..... **55832**
575 44164
577 27227
578 16690
583 6021
585 ..... **57091**
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587 ..... **57091**
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591 13757
595 ..... **57091**
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605 23590
611 ..... 17062, 25864
640 5996
661 8051
1106 ..... **72225**
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1121 34185
1146 ..... **55996, 58358**
1244 26723
1312 ..... **66521**
1420 ..... **59263, 65163**
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TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior (Parts 1—199)

2.2 (a), (c), (d) and (e) revised **52633**
10.21 (b) revised **52633**
13.5 Revised **52634**
13.23 (b) revised 32711
13.24 Revised 32711
13.25 Revised 32711
(d) revised 52676
13.28 (a)(5) revised 32711
13.50 Revised 32711
14 Authority citation revised 23025
14.3 Revised **52634**
14.4 Amended 23025
14.94 Heading and (a) revised; (e) added 23025
15.4 Added **52634**
15.21 (c) revised **52634**
16.22 (a) and (d) revised **52634**
17 Petition finding **67613, 67618**
Determination 5957
Taxa classification 25216
17.8 Added **52635**
17.11 (h) table amended **52837, 57619, 64799, 69021, 70062**
(h) table amended 5981, 15704, 17124, 19308, 36288, 37435, 41836, 46558, 47134
17.12 (h) table amended **53615, 54956, 54970, 54994, 59244**
(h) table amended 13120, 28392, 28403, 28412, 33800, 37450
(h) table amended; eff. 10-4-99 48323

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17.22 (a)(1) introductory text and (b)(1) introductory text revised; (a)(1)(ix) and (b)(1)(iv) removed **52635**
(b)(2) revised; (b)(7) and (8) added; (c) redesignated as (e); new (c) and (d) added 32711
(d)(2)(v) revised 52676
17.32 (a)(1)(ix) and (b)(1)(iv) removed; (a)(1) introductory text and (b)(1)(i) revised **52635**
(b)(2) revised; (b)(7), (8), (c) and (d) added 32714
(d)(2)(v) revised 52676
17.44 (v) correctly added; CFR correction **63421**
(v) redesignated as (w); (x) added 17124
17.62 (a)(3)(iii) removed; (a) introductory text and (4) revised **52635**
17.72 (a) introductory text and (4) revised; (a)(3)(iii) removed **52636**
17.84 (g) revised **52637**
17.95 (e) amended 36288
(b) amended 37435, 46558
(e) corrected 39560
17.96 (a) amended 37450
17.108 (a)(7) and figure revised **55556**
18.30 (i)(1) introductory text revised 1539
18.121—18.129 (Subpart J) Revised; eff. 1–28–99 through 1–30–00 4334
20 Seasonal hunting adjustments 47072
Frameworks 52124
20.11 (g) through (m) revised 29804
20.21 (j)(2) revised **54019**
(j) introductory text revised; (j)(3) added **54026**
(j) introductory text revised; (j)(4) added **67624**
(b) and (g) revised 7517
Heading and (i) revised 29804
(b) and (g) revised 32780
(j) introductory text, (2) and (3) revised; (j)(4) removed 45405
20.22 Amended 7527
Revised 32780
20.101 Seasonal hunting adjustments 47421
20.102 Seasonal hunting adjustments 47421
20.103 Seasonal hunting adjustments 47422
20.104 Seasonal hunting adjustments **63584**
Seasonal hunting adjustments 47425, 52400
20.105 Seasonal hunting adjustments **63584**
Seasonal hunting adjustments 47427, 52401
20.106 Seasonal hunting adjustments 47433, 52416
20.107 Seasonal hunting adjustments 52416
20.109 Seasonal hunting adjustments 47434, 52416
20.110 Seasonal hunting adjustments 47137
(a), (b), (d), (f), (h), (k), (m) and (o) revised; (p) through (v) added 51666
21.3 Amended 32774
21.4 Revised **52637**
21.23 (b) introductory text revised **52637**
21.24 (b) introductory text revised **52637**
21.25 (b) introductory text revised **52637**
21.26 Added 32774
21.27 (b) introductory text revised **52637**
21.29 (a), (c), (j)(2) and (k) revised 48566
21.30 (b) introductory text revised **52637**
21.41 (b) introductory text revised **52637**
21.60 (Subpart E) Added 7527
Removed 32780
22 Authority citation revised 50472
22.1 Revised 50472
22.2 Heading and (a) revised 50472
22.3 Amended; heading revised 50472
22.4 Added **52637**
22.11 Revised 50472
22.12 Revised 50472
22.21 (a) introductory text revised **52638**
Heading, introductory text, (a) introductory text, (b) and (c) introductory text revised; (a)(1) through (a)(6) redesignated as (a)(3)(i) through (a)(3)(vi); new (a)(1), new (2)

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and (3) introductory text added 50472
22.22 (a) introductory text revised **52638**
Heading, introductory text, (a) introductory text, (5), (b) introductory text, (2), (c) introductory text and (d) revised; (a)(6) removed 50473
22.23 (a) introductory text revised **52638**
Heading, (a) introductory text, (b) heading and (4) revised 50473
22.24 (a) introductory text revised **52638**
22.25 (a) introductory text revised **52638**
Heading and (a) introductory text revised 50474
23.15 (c) introductory text revised and (g) added **52638**
23.23 (f) table amended **58327, 63214**
(d) revised; (f) table amended **63212**
(f) table amended 31991
23.53 Revised 774
25.12 Amended; heading revised 14150
36 Authority citation revised 14151
36.1 Heading and (b) revised; (c) added 14151
36.2 Amended; heading revised 14151
36.33 Heading revised; (a) amended 14151
36.39 (i)(7) revised 14154
100.1—100.9 (Subpart A) Revised 1286
100.10—100.20 (Subpart B) Revised 1289
100.22—100.24 (Subpart C) Revised 1293
100.24 Revised 35780
(a) introductory text and (1) correctly revised 35823
100.25 Added; eff. 7-1-99 through 6-30-00 35788
100.26 Revised; eff. 10-1-99 through 2-28-01 1302
Regulation at 64 FR 1302 eff. date corrected to 10-1-99 through 2-28-01 35821
100.27 Revised; eff. 10-1-99 through 2-28-01 1311
Regulation at 64 FR 1311 eff. date corrected to 10-1-99 through 2-28-01 35821

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 200—299)

216 Workshop **52984, 56094, 67624**
Hearing 37690
216.3 Amended; eff. 1-1-99 through 9-30-04 ..... **66076**
Amended; eff. 7-1-99 through 6-30-04 28120
Regulation at 63 FR 66076 eff. 1-1-99 through 9-30-04 28121
216.23 (e) added; interim 27927
216.120—216.128 (Subpart K) Added; eff. 3-1-99 through 12-31-03 9930
216.130—216.137 (Subpart L) Added; eff. 7-1-99 through 6-30-04 28120
216.161—216.166 (Subpart O) Added; eff. 1-1-99 through 9-30-04 ..... **66076**
Regulation at 63 FR 66076 eff. 1-1-99 through 9-30-04 28121
217 Temporary regulations **55053, 62959, 66766**
Exemption **57620**
Removed 14054
220 Removed 14054
221 Removed 14054
222 Revised 14054
Temporary regulations 25460, 27206, 28761, 29805
222.205 (c)(1) and (2) (effective date pending in part) 14060
222.305 (a) (effective date pending in part) 14062
223 Redesignated from 227; heading and authority citation revised 14068
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223.1 Removed 14068
223.2 Removed 14068
223.3 Removed 14068
223.4 Removed 14068
223.11 Redesignated as 223.201 14068
223.12 Redesignated as 223.202 14068
223.21—223.22 (Subpart C) Heading removed 14068
223.21 Redesignated as 223.203 14068
223.22 Redesignated as 223.204 14068

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223.71—223.72 (Subpart D) Heading removed 14068
223.71 Redesignated as 223.205 14068
223.72 Redesignated as 223.206 14068
223.101 Added 14068
223.102 Added 14068
(a)(16), (17) and (18) added 14328
(a)(14) and (15) added 14528
(a)(19) added 14536
(a)(20) and (21) added 50415
223.201—223.206 (Subpart B) Heading revised 14068
223.201 Redesignated from 223.11; (b)(1) and (2)(iv) amended 14068
223.202 Redesignated from 223.12 14068
(b)(1) and Table amended 14069
223.203 Redesignated from 223.21; heading revised 14068
(a), (b)(1), (2) and (3) amended 14069
223.204 Redesignated from 223.22; heading revised 14068
Revised 14069
223.205 Redesignated from 223.71; heading revised 14068
Revised 14069
223.206 Redesignated from 223.72 14068
Revised (effective date pending in part) 14070
223.207 Added (effective date pending in part) 14073
224 Added 14066
224.101 (a) revised 14328
225 Removed 14054
226.1—226.2 (Subpart A) Removed 14067
226.11—226.13 (Subpart B) Heading removed 14067
226.11 Redesignated as 226.201 14067
226.12 Redesignated as 226.202 14067
226.13 Redesignated as 226.203 14067
226.21—226.23 (Subpart C) Heading removed 14067
226.21 Redesignated as 226.204 14067
226.22 Redesignated as 226.205 14067
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226.71—226.73 (Subpart D) Heading removed 14067
226.71 Redesignated as 226.207 14067
226.72 Redesignated as 226.208 14067
226.73 Redesignated as 226.209 14067
226.101 Added 14067
226.201 Redesignated from 226.11; heading revised 14067
226.202 Redesignated from 226.12; heading revised; (c)(1), (2) and (3) amended 14067
226.203 Redesignated from 226.13; heading revised; (a) and (b) amended 14067
226.204 Redesignated from 226.21; heading revised 14067
226.205 Redesignated from 226.22; heading revised; introductory text amended 14067
226.206 Redesignated from 226.23; heading revised 14067
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226.207 Redesignated from 226.71; heading revised 14067
226.208 Redesignated from 226.72; heading revised 14067
226.209 Redesignated from 226.73; heading revised 14067
226.210 Added 24061
226 Figures 1 through 9 removed; Tables 1 through 4 amended 14067
Tables 5 and 6 added 24061
227 Workshop **52984, 56094, 67624**
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229.1 (f) revised **9086**
229.2 Amended **66487**
Amended 7551, **9086**
229.3 (k) through (p) added **66487**
(g) through (j) revised 7552
(c) amended; (e) through (p) redesignated as (f) through (q); new (e) added **9086**
229.4 (b)(2)(v) removed; (b)(2)(vi), (c) and (d) through (m) redesignated as (b)(2)(v), (vi) and (c) through (l); new (b)(2)(vi), (d)(3), (e)(1), (3), (g) and (l) amended; new (c) introductory text, (3), (4), (5), (d)(1) and (2) amended **9086**
229.5 (c) and (e) amended; (d) revised **9087**
229.6 (a) amended; (b) revised **9087**
229.7 (c)(4)(vi) and (6) removed; (c)(4)(vii) through (x) redesignated as (c)(4)(vi) through (ix); (b) introductory text, (c) heading, (1), (2), (4) introductory text, (i), new (v), (5) and (d)(4) revised **9087**

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229.8 (b)(2) revised; (c) redesignated in part as (d) 9087
229.9 (a)(3)(ii) revised 9087
229.10 (d) revised; (g)(1) amended 9087
229.11 (b) amended 9088
229.20 (f) amended 9088
229.30 Added 9088
229.31 (c)(2) and (3) revised; (c)(4) and (5) redesignated as (c)(7) and (8); new (c)(4), (5) and (6) added; interim 3432
229.32 Revised 7552
(b), (c)(3)(ii), (4)(ii), (5)(ii), (d)(2)(ii), (3)(ii), (4)(ii), (5)(ii) and (f)(2) stayed 17292
229.33 Added **66487**
(a)(2) and (5) corrected **71042**
229.34 Added **66489**
229 Figure 1 revised; interim 3434
230 Quotas **65129**
Quotas 28413, 31037
249.501 Form BD revised 37594
260 Inspection fees **69021**
285 Temporary regulations **54078, 55339**
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Catch limit adjustment 10576
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285.21 (b)(7) revised; interim 27208
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300 Inseason adjustment **64005**
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300.13 (a)(1) introductory text revised 15
300.14 Added 15
300.15 (c) added 15
300.16 Revised 15
300.17 Added 15
300.20 Revised 44430
300.21 Amended 29133
Amended 44430
300.24 Amended 29133
300.25 Amended; (a)(1) revised 29133
300.26 Amended; (d) revised 29133
300.27 Revised 29133
300.28 (b) and (c) revised 29133
Heading revised; (a), (b), and (c) redesignated as (e), (f), and (g); new (a) through (d) added 44430
300.29 Added 44431
300.61 Amended; eff. 11-29-99 52469
300.63 Heading and introductory text revised; (d) added; eff. 11-29-99 52469
300.60—300.65 (Subpart E) Figure 1 added; eff. 11-29-99 52470

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600 Workshop **52984, 56094, 67624**
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600.10 Amended 4036, 29133
600.15 (a)(2) through (6) and (7) through (11) redesignated as (a)(5) through (9) and (11) through (15); new (a)(2), (3), (4) and (10) added 29134
600.215 Revised 4600
600.225 (b)(4) amended; (b)(8) revised **64185**
600.235 Revised **64185**
600.501 (c) introductory text, (d)(1), (4), (e) and (k) revised; (c)(10) added 39019
600.502 (a) revised; (h) added 39020
600.505 (a)(8), (9), and (b)(1) revised 39020
600.506 (a) and (b) introductory text amended 39020
600.508 (g) added 39020
600.518 (c) removed; (d) and (e) redesignated as (c) and (d); (a), (b)(1) introductory text, (2) heading, and (2)(i) introductory text revised 39020
600.725 (v) added 4037
(v) table amended 29134
Regulation at 64 FR 4037 eff. date delayed to 12-1-99 40781

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600.747 Added 4043
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622.4 (a)(2)(x) added **57590**
622.5 (a)(1)(v) amended **57590**
622.6 (a)(1)(i) introductory text amended **57590**
622.7 (a), (b), (c) and (z) amended **57590**
(aa) added 36781
(aa) revised 37693
(aa) corrected 43941
622.8 (a) amended **57590**
622.17 Revised **57590**
622.18 (a) suspended in part; (g) added; interim; eff. 9–3–99 through 3–1–00 48329
622.30 (d) added 3627
622.31 (a) amended **57590**
622.33 (b)(4)(vii) added; interim; eff. 9–8–99 through 3–1–00 48326
622.34 (l) suspended; (m) added; interim; eff. 1–1–99 through 6–29–99 ..... **72203**
Regulation at 63 FR 72203 eff. date extended to 12–26–99 33800
(l) reinstated and revised; (m) removed 47713
622.35 (f) amended **57590**
(e)(1)(xxx) through (xxxix) added; (e)(2)(i) revised; (e)(2)(iv) amended **71794**
622.36 (a) heading added; (b) revised 3627
(b)(5) suspended; interim; eff. 9–8–99 through 3–1–00 48326
622.37 (e) revised 3628
(d)(3) suspended; (d)(7) added; eff. 6–4–99 to 8–29–99 30448
(c)(2) revised 45459
(e)(3)(iv) suspended; interim; eff. 9–8–99 through 3–1–00 48326
622.38 (a) revised; (e) removed; (f) through (i) redesignated as (e) through (h) 3628
622.39 (b)(1)(iii) suspended; (b)(1)(vi) added; eff. 1–1–99 through 6–29–99 ..... **72203**
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(c)(1)(ii) revised 45459
(b)(1)(iii) reinstated and revised; (b)(1)(vi) removed 47713
(d)(1)(vi) suspended; interim; eff. 9–8–99 through 3–1–00 48326
622.40 (c)(3)(ii) amended; (d)(2)(ii) revised **57590**
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622.41 Regulation at 63 FR 27500 eff. date extended to 5–15–99 ..... **64430**
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(g)(1) amended; (g)(3) added 36781
(h)(1)(i) amended; (h)(2) revised; (h)(3) added (OMB numbers pending) 37693
(h)(3)(i)(B) and (ii) corrected 43941
(c)(3)(ii)(A) revised 45459
OMB number 52428
622.42 (e)(3) added 3629
(c)(1)(ii) and (2)(ii) revised 45459
622.43 (a)(5) and (b)(1) revised 3629
622.44 (a)(2)(iv) added; (a)(2) introductory text, (i) heading and (ii) heading revised; (b)(2) amended 45459
622.45 (f)(2) amended **57590**
(d)(5) and (6) revised 3629
(d)(5) suspended; (d)(7) added; interim; eff. 9–8–99 through 3–1–00 48326
622.48 (h) revised 36781
622 Appendix D amended and suspended in part; interim; eff. 11–27–98 through 5–15–99 ..... **64431, 64432**
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630 Quotas **66490**
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630.2 Amended 12905
630.3 (b) amended 4059
630.4 (a)(2) revised 12906
630.5 (b)(1)(ii) revised (effective date pending) 12906
(b)(1)(iii) revised 12906
630.7 (d) and (g) revised 12906
630.22 Revised 4059
630.24 (a)(1), (b)(2) and (e)(1) revised; (a)(3) and (f) removed 4059

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630.25 Heading, (a)(1) and (c) added; (d) introductory text revised 4059
630.26 Redesignated as 630.27; new 630.26 added 12906
630.27 Redesignated from 630.27 12906
630.40 Revised 12906
630.41 Added 12906
630.42 Added 12906
635 Added 29135
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635.4 (b) added (effective date pending) 29137
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635.5 (c) amended 37704
635.7 (d) amended 37704
635.20 (e)(1) amended; (e)(2) revised 37704
635.21 (c)(1), (2)(ii) and (3)(i) revised; (d)(1) amended 37704
635.22 (a) and (b) revised 37704
635.25 Removed 37705
635.28 (b)(3) revised 37705
635.69 (h) added 37705
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635.71 (a)(3), (4), and (18) revised 37705
644 Removed 29160
644.26 (b) removed; interim **63422**
648 Quotas **56867, 57622, 59492, 64006, 68404, 70351, 71794**
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648.2 Amended; eff. 11-1-98 ..... **52640**
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648.4 (c)(2)(iii)(A), (iv)(B) and (e)(1)(iv) amended **58329**
(a)(1)(i)(A), (B), (C), (E), (F), (H), (I)(*2*), (J), (K), (L), (2)(i)(A), (B), (H), (I), (3)(i) heading, (A), (B), (C), (4)(i), (5)(i), (6)(i) and (7)(i) revised; (a)(1)(i)(M), (2)(i)(L), (M) and (3)(i)(D) through (L) added; (a)(5)(ii) removed; (a)(5)(iii), (iv) and (v) redesignated as (a)(5)(ii), (iii) and (iv) 8265
648.7 (a)(1) heading, (i), (3)(i), (ii), (b)(1)(i) and (f)(1) revised; (a)(1) introductory text amended; (a)(2) redesignated as (a)(3); (a)(2) and (g) revised; (b)(1)(iii) removed; eff. 11-1-98 ..... **52640**
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648.9 Heading, (a) (b) introductory text, (1), (3) through (6), (8), (9) and (d) through (g) amended; (b)(2), (7) and (c) revised; **58329**
648.10 (a), (b) introductory text, (1), (2), (4), (5), (c) introductory text, (e) introductory text, (1) introductory text, (ii) and (f)(1) amended **58329**
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648.14 (a)(8) revised; eff. 11-1-98 ..... **52641**
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(a)(110) and (111) added; eff. 3-27-99 through 3-1-01 14839
(a)(90) and (c)(10) revised 15706
(a)(43), (52), (90), (101), (104), (112), (c)(10), (24) and (25) revised; (a)(116) added 24072
(a)(39) and (h)(13) revised; (h)(27) and (28) added 31149
(c)(23), (24), and (25) suspended; (c)(27) through (30) added; eff. 8-3-99 through 1-30-00 42045

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648.23 (b)(4) redesignated as (b)(5); new (b)(4) added....24073
648.41 Added....40520
648.51 (b) introductory text and (2) revised; eff. in part 12–16–99....31149
648.52 (c) added....31149
648.53 (b) amended....14839
648.55 (a) revised; (b) amended; (c) through (g) and (h) redesignated as (d) through (h) and (j); new (d)(12) redesignated as (d)(21); new (c), new (d)(12), (13) through (20) and (i) added....14839
648.57 Added; eff. 3–27–99 through 3–1–01....14840
648.58 Added....31149
648.80 (a)(8)(iii) and (10)(i)(C) revised....2603
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648.83 (a)(2) and (b)(1) revised....24076
648.86 Heading, (a)(1), (b)(1) heading, (i), (ii) introductory text, (A) and (C) revised; (b)(3) removed; (b)(4) redesignated as (b)(3); (d) added....24076
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(b)(1) heading revised; (b)(1)(i) amended; (b)(2) redesignated as (b)(4); new (b)(2) added....42048
648.87 (a) and (c) revised....15706
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648.106 Introductory text, (a) and (c) amended....14077
648.107 Added; eff. 10–12–99....48967
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648.123 (a)(1) revised....72203
648.126 Amended....14077
649.4 (b)(2)(i) revised; (b)(3)(iii), (iv) and (v) added....8268
660 Temporary regulations....53313, 53317, 55558
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660.13 (f), (g) and (i) revised....22812
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660.48 (a)(8) revised....36822
660.50 (a) introductory text, (b)(1), (3) and (4) revised; (b)(5) added....36822
660.61 Revised....22812
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660.321 (b) revised; eff. 10–12–99 49100
660.333 (f)(2) correctly revised; CFR correction 33026
(d) introductory text revised; (f)(3) removed; (f)(4) redesignated as (f)(3) 41044
660.350 Regulation at 63 FR 36617 eff. date extended to 7–2–99 45
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660.408 (c)(2)(iv) revised 26329
678 Temporary regulations 14154
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679 Temporary regulations ..... **52658, 52659, 52985, 52986, 53317, 53318, 53340—53342, 56095, 57255, 58658, 59244, 63221, 64652, 65129, 66768, 68210**
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(c) heading revised 3652
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679.4 (a)(6) and (k) added; eff. in part 1–1–99 and in part 1–1–00 ..... **52654**
(k) correctly designated **54753**
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(k)(5)(ii) introductory text and (8)(iv) introductory text amended **64879**
(c) heading, (1)(ii), (iii)(E), (6) and (7) revised 3652
(k)(6) and (7) added 42828
679.7 (i) added; eff. 1–1–99 ..... **52657**
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(a)(7) revised 3657
(d)(24) removed; (d)(25) through (28) redesignated as (d)(24) through (27); interim 3882
(d)(20), (22) and (25) removed; (d)(21), (23), (24), (26) and (27) redesignated as (d)(20), (21), (22), (24) and (25); new (d)(23) added; (d)(4), (11), (15), (19), new (20), (f)(3), (5), (6) and (10) revised 20213
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679.20 (g)(3) corrected **54610**
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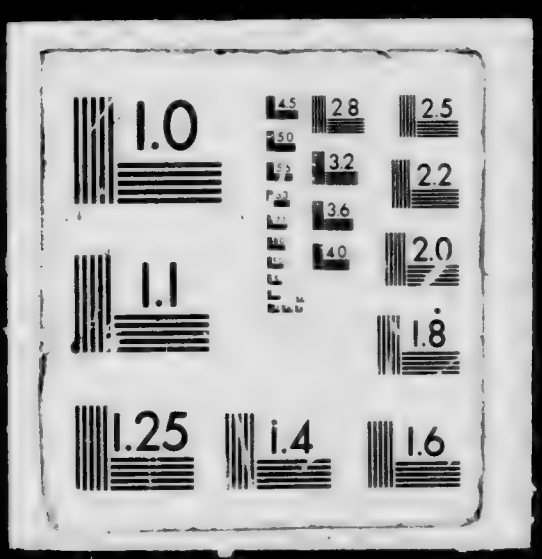
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**OFFICE OF
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5 CFR Part

RIN 3206–AI6

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ACTION: Fina

SUMMARY: T
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Federal Register
Vol. 64, No. 190
Friday, October 1, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AI68

Prevailing Rate Systems; Change in Survey Cycle for the Southwestern Michigan Appropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule to change the full-scale survey cycle for the Southwestern Michigan appropriated fund Federal Wage System wage area from odd to even-numbered fiscal years. This change is being made to help even out the local wage survey workload of the Department of Defense.

DATE: This final rule is effective on November 1, 1999.

FOR FURTHER INFORMATION CONTACT: Jennifer Hopkins, (202) 606–2848, FAX: (202) 606–0824, or e-mail to jdhopkin@opm.gov.

SUPPLEMENTARY INFORMATION: On May 3, 1999, the Office of Personnel Management (OPM) published an interim rule (64 FR 23531) to change the full-scale survey cycle for the Southwestern Michigan wage area from odd to even-numbered fiscal years. The interim regulation had a 30-day public comment period, during which OPM received no comments. The interim rule is therefore being made final. Under section 532.207 of title 5, Code of Federal Regulations, the scheduling of wage surveys takes into consideration the best timing in relation to wage adjustments in the principal local private enterprise establishments, reasonable distribution of workload of the lead agency, timing of surveys for nearby or selected wage areas, and scheduling relationships with other pay surveys.

This change is being made to help even out the Department of Defense's (DOD's) wage survey workload and stems from DOD's recent acquisition of lead agency responsibility for 23 Federal Wage System (FWS) wage areas from the Department of Veterans Affairs. DOD requested that a full-scale wage survey for the Southwestern Michigan wage area be conducted in October 1999 and that a wage change survey be conducted in October 2000. The timing of the Southwestern Michigan wage survey relative to private sector wage adjustments will remain unchanged.

The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed and concurred by consensus with this change.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule (64 FR 23531) amending 5 CFR part 532 published on May 3, 1999, is adopted as final with no changes.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 99–25610 Filed 9–30–99; 8:45 am]

BILLING CODE 6325–01–P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AI74

Prevailing Rate Systems; Redefinition of the Eastern South Dakota and Wyoming Appropriated Fund Wage Areas

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule that will redefine Jackson County, South Dakota, from the area of application of the Eastern South Dakota appropriated fund Federal Wage System (FWS) wage area to the area of application of the Wyoming wage area, and redefine Teton County, Wyoming, from the area of application of the Wyoming FWS wage area to the area of application of the Montana wage area. The redefinition of Jackson County will place all of Badlands National Park in one wage area and the redefintion of Teton County will place employees at Grand Teton National Park on the same wage schedule as employees at the nearby Yellowstone National Park.

DATES: *Effective Date:* This regulation is effective on November 1, 1999. *Applicability Date:* This regulation applies on the first day of the first applicable pay period beginning on or after October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Jennifer Hopkins, by phone at (202) 606–2848, by FAX at (202) 606–0824, or by email at jdhopkin@opm.gov.

SUPPLEMENTARY INFORMATION: On June 23, 1999, the Office of Personnel Management (OPM) published a proposed rule (64 FR 33427) to redefine Jackson County, South Dakota, from the area of application of the Eastern South Dakota appropriated fund Federal Wage System (FWS) wage area to the area of application of the Wyoming wage area and to redefine Teton County, Wyoming, from the area of application of the Wyoming wage area to the area of application of the Montana wage area. Under section 5343 of title 5, United States Code, OPM is responsible for defining wage areas. For this purpose, we follow the regulatory criteria established in section 532.211 of title 5, Code of Federal Regulations. The Federal Prevailing Rate Advisory Committee (FPRAC), the statutory national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended by consensus that we redefine Jackson County, South Dakota, and Teton County, Wyoming. FPRAC found no compelling reasons to make other changes in the Eastern South Dakota and Wyoming FWS wage areas.

The Eastern South Dakota wage area continues to meet the regulatory requirements to remain a separate wage area. There are currently about 550 FWS workers in the wage area, the wage area's host activity continues to have the capacity to host local wage surveys, and wage surveys in the area continue to produce adequate wage data to determine local prevailing rates. Based on an analysis of the regulatory criteria for defining FWS wage areas, FPRAC found mixed results for Jackson County. However, Badlands National Park is currently split by the boundary of the Wyoming wage area. The park headquarters is located in the Eastern South Dakota wage area, while most of the park is located in the Wyoming wage area. The redefinition of Jackson County to the Wyoming wage area will place the entire park in one wage area.

The Wyoming wage area also continues to meet the regulatory requirements to remain a separate wage area. There are currently about 1,300 FWS workers in the wage area, the wage area's host activity continues to have the capacity to host local wage surveys, and wage surveys in the area continue to produce adequate wage data to determine local prevailing rates. Based on the mixed nature of the regulatory analysis findings, there was no clear indication that Teton County should be redefined to one wage area more than another. However, the two main FWS employers in northwestern Wyoming are Yellowstone National Park and Grand Teton National Park. The parks are connected by the John D. Rockefeller, Jr., Memorial Parkway, with a distance of only about 8 kilometers (5 miles) separating the parks.

The parks are located in a region geographically isolated by the Rocky Mountains from both the Montana and Wyoming survey areas. Although the regulatory criteria do not favor defining Teton County to one wage area more than another, we are placing the parks in the same wage area based on FPRAC's recommendation. This change will place all Department of the Interior FWS employees stationed in northwestern Wyoming in the same wage area, including those FWS employees assigned to Yellowstone National Park and Grand Teton National Park.

The proposed rule provided a 30-day public comment period, during which we received two comments, both of which supported these changes.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, the Office of Personnel Management amends 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix C to subpart B is amended by revising the wage area listings for the Montana, Eastern South Dakota, and Wyoming wage areas to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

* * * * *

MONTANA

Survey Area

Montana:
- Cascade
- Lewis and Clark
- Yellowstone

Area of Application. Survey area plus

Montana:
- Beaverhead
- Big Horn
- Blaine
- Broadwater
- Carbon
- Carter
- Chouteau
- Custer
- Daniels
- Dawson
- Deer Lodge
- Fallon
- Fergus
- Flathead
- Gallatin
- Garfield
- Glacier
- Golden Valley
- Granite
- Hill
- Jefferson
- Judith Basin
- Lake
- Liberty
- Lincoln
- McCone
- Madison
- Meagher
- Mineral
- Missoula
- Musselshell
- Park
- Petroleum
- Phillips
- Pondera
- Powder River
- Powell
- Prairie
- Ravalli
- Richland
- Roosevelt
- Rosebud
- Sanders
- Sheridan
- Silver Bow
- Stillwater
- Sweet Grass
- Teton
- Toole
- Treasure
- Valley
- Wheatland
- Wibaux

Wyoming:
- Big Horn
- Park
- Teton

* * * * *

SOUTH DAKOTA

EASTERN SOUTH DAKOTA

Survey Area

South Dakota:
- Minnehaha

Area of Application. Survey area plus:

South Dakota:
- Aurora
- Beadle
- Bennett
- Bon Homme
- Brookings
- Brown
- Brule
- Buffalo
- Campbell
- Charles Mix
- Clark
- Clay
- Codington
- Corson
- Davison
- Day
- Deuel
- Dewey
- Douglas
- Edmunds
- Faulk
- Grant
- Gregory
- Haakon
- Hamlin
- Hand
- Hanson
- Hughes
- Hutchinson
- Hyde
- Jerauld
- Jones
- Kingsbury
- Lake
- Lincoln
- Lyman
- McCook
- McPherson
- Marshall
- Mellette
- Miner
- Moody
- Potter
- Roberts
- Sanborn
- Spink
- Stanley
- Sully
- Todd
- Tripp
- Turner
- Union
- Walworth
- Washabaugh
- Yankton
- Ziebach

Iowa:
- Dickinson
- Emmet
- Lyon
- Osceola

Minnesota:
- Jackson
- Lincoln
- Lyon
- Murray
- Nobles
- Pipestone
- Rock

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WYOMING

Survey Area

Wyoming:
- Albany
- Laramie
- Natrona

South Dakota:
- Pennington

Area of appl

Wyoming:
- Campbell
- Carbon
- Converse
- Crook
- Fremont
- Goshen
- Hot Spring
- Johnson
- Lincoln
- Niobrara
- Platte
- Sheridan
- Sublette
- Sweetwate
- Uinta
- Washakie
- Weston

Nebraska:
- Banner
- Box Butte
- Cheyenne
- Dawes
- Deuel
- Garden
- Kimball
- Morrill
- Scotts Bluf
- Sheridan
- Sioux

South Dakot
- Butte
- Custer
- Fall River

Mellette
Miner
Moody
Potter
Roberts
Sanborn
Spink
Stanley
Sully
Todd
Tripp
Turner
Union
Walworth
Washabaugh
Yankton
Ziebach
Iowa:
Dickinson
Emmet
Lyon
Osceola
Minnesota:
Jackson
Lincoln
Lyon
Murray
Nobles
Pipestone
Rock

* * * * *

WYOMING

Survey Area

Wyoming:
Albany
Laramie
Natrona
South Dakota:
Pennington

Area of application. Survey area plus:

Wyoming:
Campbell
Carbon
Converse
Crook
Fremont
Goshen
Hot Springs
Johnson
Lincoln
Niobrara
Platte
Sheridan
Sublette
Sweetwater
Uinta
Washakie
Weston
Nebraska:
Banner
Box Butte
Cheyenne
Dawes
Deuel
Garden
Kimball
Morrill
Scotts Bluff
Sheridan
Sioux
South Dakota:
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Fall River
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[FR Doc. 99–25611 Filed 9–30–99; 8:45 am]
BILLING CODE 6325–01–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 915 and 944

[Docket No. FV99–915–2 FR]

Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements for Fresh Avocados

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the maturity requirements currently prescribed under the marketing order for avocados grown in south Florida, and those specified in the avocado import maturity regulation. The marketing order regulates the handling of avocados grown in south Florida, and is administered locally by the Avocado Administrative Committee (Committee). This rule changes maturity requirements by adding additional shipping dates, weights and/or diameters to the shipping schedule for several avocado varieties, and adds three new varieties of avocados to the shipping schedule. This rule facilitates the shipment of avocados as they mature, and ensures that only mature fruit is shipped to the fresh market. This helps improve grower returns and promotes orderly marketing. Application of the maturity requirements to imported avocados is required under section 8e of the Agricultural Marketing Agreement Act of 1937.

EFFECTIVE DATE: This final rule becomes effective October 4, 1999.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (941) 299–4770, Fax: (941) 299–5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720-2491, Fax: (202) 720–5698. Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement No. 121 and Marketing Order No. 915, both as amended (7 CFR part 915), regulating the handling of avocados grown in South Florida, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This final rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including avocados, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

There are no administrative procedures which must be exhausted

prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

Under the terms of the marketing order, fresh market shipments of Florida avocados are required to be inspected and are subject to grade, size, maturity, pack, and container requirements. The maturity requirements for Florida avocados are intended to prevent the shipment of immature avocados. This helps to improve buyer confidence in the marketplace, and foster increased consumption. Current maturity requirements for the varieties of avocados grown in Florida are expressed in terms of minimum weights and diameters for specific dates during the shipping period (hereinafter referred to as the avocado maturity shipping schedule, maturity schedule, or shipping schedule), and color specifications for those varieties of avocados that turn red or purple when mature. The maturity requirements for the various varieties of avocados are different, because each variety has different growing and maturation characteristics. The maturity requirements for each variety are based on test results. A minimum grade requirement of U.S. No. 2 is also in effect for Florida avocados.

This rule changes the avocado maturity shipping schedule for various varieties currently prescribed in paragraph (a)(2) of § 915.332 under the order. The shipping schedule for each variety is divided into A, B, C, and D dates which reflect different ripening times associated with the individual variety. The dates for a particular variety are established to regulate the shipment of smaller-sized avocados, which tend to take longer to mature. Consequently, A dates are associated with larger diameter, heavier fruit, and are established for early season shipments. D dates are established for the end of a variety's marketing season and allow the remaining smaller-sized mature fruit to be shipped. For a majority of the avocado varieties, the maturity schedule includes B and C dates that fall somewhere between the A and D dates for the particular variety. This rule adds B or C shipping dates, with specific minimum weight, and/or minimum diameter measurements to the shipping schedule for the Arue, Beta, Donnie, Leona, Loretta, and Tower II varieties. It also adds three new varieties of avocados, the Semil 34, Semil 43, and the Melendez, to the maturity schedule, including specific shipping requirements for each. This rule facilitates the shipment of these varieties of avocados as they mature, and ensures that only mature fruit is shipped to the fresh market, which is expected to help improve grower returns and promote orderly marketing. The Committee met and unanimously recommended these changes late last year.

Section 915.51 of the order provides the authority to issue regulations establishing specific maturity requirements for avocados. The maturity requirements for avocados grown in Florida, based on minimum weights, diameters, and skin color in § 915.332 (7 CFR 915.332) of the order, are in effect on a continuous basis. The maturity requirements specify minimum weights and diameters for specific shipping periods for approximately 60 varieties of avocados, and color specifications for those varieties which turn red or purple when mature. The maturity requirements and dates for the various varieties of avocados are different because each variety has different characteristics and maturity times.

This rule makes several changes to the maturity provisions under the order. The first change adds B or C shipping dates, with specific minimum weight, and/or minimum diameter measurements to the shipping schedule for the Arue, Beta, Donnie, Leona, Loretta, and Tower II varieties. Section 915.332 of the order rules and regulations outlines the maturity requirements for avocados using a maturity schedule. Over the years, the maturity schedule has been determined to be the best indicator of maturity for the different varieties of avocados grown in Florida, and growers and handlers rely on the schedule in making harvesting, packing, and shipping decisions. The maturity requirements are designed to make sure that all shipments of Florida avocados are mature, so as to provide consumer satisfaction essential for the successful marketing of the crop, and to provide the trade and consumers with an adequate supply of mature avocados in the interest of producers and consumers.

The maturity requirements for specified periods are based on the growing, harvesting, and maturity periods for the various varieties of Florida avocados. Such requirements prescribe minimum weights and/or diameters for specified periods as the maturity requirements for different varieties of avocados. These requirements are used as indicators during harvest to determine which avocados are sufficiently mature to complete the ripening process.

The maturity requirements pertain to certain dates. These dates are established based on years of testing. Each covered variety has its own set of dates on the maturity schedule. The maturity requirements and dates for the various varieties of avocados are different because individual varieties have different characteristics and growing seasons. As previously mentioned, the schedule is broken up into A, B, C, and D dates, though not all varieties have dates and requirements for each.

The different dates are used to reflect the ripening time associated with the individual varieties. Larger fruit within a variety matures earlier, while smaller-sized fruit takes longer to mature. Consequently, A dates are associated with larger sizes and weights, and are established for shipments early in a variety's season. D dates are established for the end of a variety's season when all fruit should be mature, and releases all remaining sizes and weights.

For a majority of varieties, the schedule also includes B and C shipping dates that fall somewhere in between the A and D dates for the particular variety. These dates provide for a gradual shift in the maturity standards from the beginning of the season to its end, allowing for the shipment of smaller sizes and weights as a variety matures. However, not all varieties have established dates and requirements for B and C dates. Because of the nature and volume of the varieties when they were added to the schedule, the Committee, in the past, did not believe that establishing B and C dates for some varieties was necessary.

This rule permits varieties of avocados of certain minimum weights and diameters to be shipped by handlers earlier than currently required. This rule adds a C date for Arue variety avocados so those with a minimum weight of 12 ounces can be shipped by June 20, or the nearest Monday to that date each year. Currently, Arue variety avocados of this weight cannot be shipped until July 4. This rule adds a C date for Beta variety avocados so those with a minimum weight of 14 ounces or a minimum diameter of 3 3/16 inches can be shipped by August 29, or the nearest Monday to that date each year. Currently, Betas of this weight or size cannot be shipped until September 5. This rule also adds a C date for Donnie avocados so that those with a minimum weight of 12 ounces can be shipped by June 20, or the nearest Monday to that date each year. Currently, Donnies of this weight cannot be shipped until July 4. This rule also adds a B date for Leona avocados so that those with a minimum weight of 16 ounces can be shipped by October 3, or the nearest Monday to that date each year. Currently, Leonas of this

weight cannot be shipped until October 10. This rule adds a C date for Loretta avocados so that those with a minimum weight of 22 ounces or a minimum diameter of 3 12/16 inches can be shipped by September 19, or the nearest Monday to that date each year. Currently, Lorettas of this weight or size cannot be shipped until September 26. This rule also adds a C date for Tower II avocados so that those with a minimum weight of 10 ounces or a minimum diameter of 3 3/16 inches can be shipped by August 29, or the nearest Monday to that date each year. Currently, Tower II variety avocados of this weight or size cannot be shipped until September 5. This action was recommended by the Committee because it believes that for the varieties listed above, the absence of B or C dates left too much of a gap between the A and D dates.

Because smaller sizes were maturing before the next available shipping date, quantities of small mature fruit could be lost to fruit drop during the time gap before it could be harvested and shipped. With tree crops, incidents of fruit dropping from the limbs occurs due to weather, disease, or other reasons depending on the particular crop. Fruit drop can increase as the fruit begins to mature. It is usually best to harvest the crop as close to maturity as possible to minimize fruit drop. In the case of avocados, when fruit drops from the tree it can experience bruising, insect damage, or reach a stage of ripeness where it cannot successfully be packed without being bruised. This results in an economic loss for growers and handlers. The Committee agreed that this has become more of a problem during the past few years as the production of avocados has increased following the devastation caused by Hurricane Andrew in 1992.

As an example of the problem, consider the Arue variety. This variety currently has scheduled A, B, and D dates. However, the absence of a C date leaves a five-week gap between the B and D dates. This means that the minimum weight for the Arue variety remains at 14 ounces for this five-week period until the D date is reached releasing all weights. By filling the gap with a C date falling between the B and D dates, and a minimum weight of 12 ounces based on the Committee's maturity testing procedures, smaller sizes of this variety can be shipped as they mature. Similar situations exist for the Beta, Donnie, Leona, Loretta, and Tower II varieties, and the relaxed maturity requirements permit handlers to ship the fruit as it reaches satisfactory maturity, and avoid losses caused by fruit drop.

The above avocado varieties were tested by the Committee to better identify the maturity of avocados grown in South Florida. The Committee based its recommendations on the testing data.

This rule also adds three new varieties of avocados to the avocado maturity shipping schedule. A few years ago, budwood for the Semil 34, Semil 43, and Melendez varieties was obtained and evenly distributed among those growers interested in the new varieties. Growers who planted these varieties have been pleased with the production and quality of the fruit. The new varieties have also been well received in the market place. These varieties currently make up less than 1 percent of domestic shipments.

Committee members believe that the production of the Semil 43, Semil 34, and Melendez varieties will continue to increase. Therefore, maturity dates and requirements are needed to ensure that only mature fruit is shipped to the fresh market. Growers have indicated they would be replacing other varieties with these varieties or planting more acres of these new varieties. In the past, the Committee has used the 100 bushel mark in its considerations of whether to add or delete varieties from the shipping schedule. In the case of these three varieties, production has exceeded the 100 bushel mark and the Committee projects that production will continue to increase because they show so much promise.

As with all varieties currently listed on the maturity schedule, the fruit was tested using the Committee's established procedures for testing maturity of avocados grown in south Florida to determine dates when different sizes and/or weights become mature. This information is then used to recommend the dates and requirements for addition to the schedule. The Committee has tested the new varieties for the past few seasons. Adding them as regulated varieties would place them under the maturity requirements as are other covered avocado varieties. This prevents shipments of immature avocados to the fresh market, especially during the early part of the harvest season for each of these varieties. Providing fresh markets with mature fruit is an important aspect of creating consumer satisfaction and is in the interest of both producers and consumers.

Florida avocado handlers may ship, exempt from the minimum grade and maturity requirements effective under the order, up to 55 pounds of avocados during any one day under a minimum quantity provision, and up to 20 pounds of avocados as gift packs in individually addressed containers. Also, avocados grown in Florida utilized in commercial processing are not subject to the grade and maturity requirements under the order.

Section 8e of the Act provides that when certain domestically produced commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements. Since this rule revises the maturity requirements under the domestic handling regulations, a corresponding change to the avocado import maturity regulations must also be made.

Maturity requirements for avocados imported into the United States are currently in effect under § 944.31 (7 CFR 944.31). The Hass, Fuerte, Zutano, and Edranol varieties of avocados currently are exempt from the maturity schedule, and continue to be exempt under this final rule. However, these varieties are not exempt from the grade import regulation, which is not being changed.

This rule adds B or C shipping dates, with specific minimum weight, and/or minimum diameter measurements to the avocado maturity shipping schedule for the Arue, Beta, Donnie, Leona, Loretta, and Tower II varieties offered for importation into the United States. It also adds three new varieties of avocados, the Semil 34, Semil 43, and the Melendez, to the maturity schedule, including specific shipping requirements for each. The domestic maturity requirements for specified periods are based on the growing, maturation, and harvesting characteristics of the various varieties of South Florida avocados.

Import data for calendar years 1995 through April 1999 reveals that the major exporters of avocados to the United States are Chile, Mexico, Dominican Republic, and the Bahamas. Imports from these countries totaled 18,577 metric tons in 1995, 25,405 in 1996, 26,562 in 1997, 60,611 metric tons in 1998, and 9,261 through April of 1999. Other exporting countries include New Zealand, Belize, Israel, and Ecuador. Imports from the latter group of countries are small and sporadic.

Chile is the predominant exporting country. Imports from Chile are growing and reached 44,757 metric tons in calendar year 1998. Chile exports avocados into the United States predominately during the months of August through December. However, exports have occurred during the period from January through May, and in 1999, Chile exported some avocados during the period January through April. The major varieties imported from Chile are Hass, Fuerte, Zutano, and Edranol, all of

which are exempt from the avocado maturity shipping schedule, and continue to be exempt under this final rule for domestic and imported avocados. These varieties, however, are subject to grade requirements.

During calendar year 1998, Mexico was the second largest exporter of avocados into the United States. In 1998, exports from Mexico totaled 9,295 metric tons. Mexican shipments of fresh avocados to the United States are limited to November through February. The only variety of avocado imported from Mexico is the Hass, and the Hass variety is exempt from the maturity regulation as mentioned earlier.

The third major importing country is the Dominican Republic. During 1998, a total of 6,029 metric tons were imported during all 12 months of the year. Imports from the Bahamas during this period were small and appear to be declining.

Non-exempt varieties of avocados from the foreign countries in close proximity to Florida (Mexico, the Dominican Republic, and Bahamas) have similar growing, harvesting, and maturity periods, and have met the minimum weight and diameter maturity requirements without any apparent problems, and this is expected to continue. The import maturity requirements based on skin color apply to avocados which turn red or purple when mature.

A survey of Fresh Products Branch inspection offices checking imported avocados in 1998 revealed that most of the imported avocados were of the Hass variety.

This rule facilitates shipments of avocados as they mature, and ensures that only mature fruit is shipped to the fresh market. Thus, importers benefit from the changes in maturity requirements, just like Florida growers and handlers.

In the maturity schedule tables in §§ 915.332 and 944.31, the entries for "Tower" are removed and entries for "Tower II" are inserted in their place. This is being done to correct the name of the avocado variety listed in each of the tables.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility. Import regulations issued under the Act are based on those established under Federal marketing orders.

There are approximately 141 avocado producers in the production area and approximately 49 handlers subject to regulation under the marketing order. There are approximately 35 importers of avocados. Small agricultural producers have been defined by the Small Business Administration (SBA) as those having annual receipts less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000 (13 CFR 121.601).

The average price for fresh avocados during the 1997–98 season was $14.60 per 55 pound bushel box equivalent for all domestic shipments and the total shipments were 937,568 bushels. Approximately 10 percent of all handlers handled 90 percent of Florida avocado shipments. Many avocado handlers ship other tropical fruit and vegetable products which are not included in the Committees' data but would contribute further to handler receipts.

Using these prices, about 90 percent of avocado handlers could be considered small businesses under the SBA definition and about 10 percent of the handlers could be considered large businesses. Although specific data is unavailable, the Department believes that the majority of avocado producers and importers may be classified as small entities.

Section 915.51 of the order provides the authority to issue regulations establishing specific maturity requirements for avocados. Maturity requirements for avocados grown in Florida, based on minimum weights, diameters, and skin color, are specified in § 915.332 (7 CFR 915.332) of the order, and are in effect on a continuous basis. These maturity requirements specify minimum weights and diameters for specific shipping periods for approximately 60 varieties of avocados, and color specifications for those varieties which turn red or purple when mature. The maturity requirements and dates for the various varieties of avocados are different because each variety has different varietal characteristics and maturity times.

This rule makes several changes to the order's maturity rules and regulations. This rule revises maturity requirements by adding shipping dates, weights, and/or diameters to the shipping schedule for several avocado varieties where no dates currently exist. Specifically, this rule adds B or C shipping dates, with specific minimum weight, and/or minimum diameter measurements to the shipping schedule for the Arue, Beta, Donnie, Leona, Loretta, and Tower II varieties. It also adds three new varieties of avocados, the Semil 34, Semil 43, and the Melendez, to the shipping schedule, including specific shipping requirements for each. This rule facilitates the shipment of these varieties of avocados as they mature, and ensures that only mature fruit is shipped to the fresh market. This helps improve grower returns and promote orderly marketing.

This rule has a positive impact on affected entities. The changes are recommended to provide additional flexibility in packing avocados and to ensure that only mature fruit is shipped to the fresh market.

The impact of the change in these maturity regulations will not be adverse to growers, handlers, and importers. The application of maturity requirements to both Florida and imported avocados over the past several years has helped to assure that only mature avocados were shipped to fresh markets. The Committee continues to believe that the maturity requirements for Florida avocados are needed to improve grower returns. Preventing the shipment of immature avocados improves buyer confidence in the marketplace, and fosters increased consumption. Florida avocado producers and handlers have found such maturity requirements beneficial in the successful marketing of their avocado crop.

The change that adds B or C dates to six varieties under the order will not create any additional costs. This change relaxes requirements and facilitates the shipment of smaller-sized fruit as it matures. Growers have noticed that smaller-sized fruit of these varieties has been maturing prior to the currently specified shipping dates. This has caused an increased incidence of fruit drop, resulting in an economic loss to both growers and handlers. The additional minimum weights and/or diameters for the six varieties will allow growers to pick the fruit as it matures, and reduce fruit loss while still supplying the market with mature fruit.

The change that adds three additional varieties to the schedule will also be beneficial in that regard. During the 1997–98 season, the three additional varieties comprised less than 1 percent of total shipments from south Florida. While this rule may result in some

additional costs by requiring fruit to meet minimum weight and/or diameter maturity standards, the benefits are expected to outweigh costs. Inspection costs for Florida avocados are 14 cents for a 40 pound package, or equivalent thereof. Import inspection costs could range from 2.2 cents per package for a dockside inspection up to $86 for an individual trailer load. Adding these varieties to the domestic and import maturity schedules helps keep immature fruit from reaching the market. Preventing the shipment of immature avocados improves buyer confidence in the marketplace, and fosters increased consumption, thus, improving grower returns.

These changes are intended to provide some additional flexibility for all handlers covered under the order, while helping to ensure that only mature fruit reaches the market. The opportunities and benefits of this rule are expected to be equally available to all avocado handlers and growers regardless of their size of operation. In addition, importers are expected to benefit similarly.

The change in the avocado maturity shipping schedule is expected to benefit the marketers of both Florida and imported avocados by assuring that the avocados marketed are of satisfactory maturity. Experience has shown that when immature avocados are found in market channels they tend to weaken the market for the mature fruit. Fresh Products Branch inspection officials indicated that the fruit offered for importation has generally met maturity requirements. Thus, the Department believes that the changes will not limit the quantity of imported avocados or place an undue burden on exporters, or importers of avocados. The changes are expected to continue to foster customer satisfaction and benefit all affected entities regardless of size.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large avocado handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the avocado industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the December 8, 1998, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Finally, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

A proposed rule concerning this action was published in the **Federal Register** on Friday, August 20, 1999 (64 FR 45461). Copies of the rule were mailed to all Committee members and avocado handlers. The rule was made available through the Internet by the Office of the Federal Register. Copies of the proposed rule also were sent to all known avocado importers and to the foreign embassies of the countries known to be exporting avocados to the United States. A 30-day comment period ending September 20, 1999, was provided to allow interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and speciality crop marketing agreements and orders may be viewed at the following web site: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because handlers are already shipping avocados from the 1999–2000 crop and both handlers and importers should be able to take advantage of the changes in the maturity schedule as soon as possible. Further, the industry is aware of this rule, which was recommended at a public meeting. Also, a 30-day comment period was provided for in the proposed rule, and no comments were received.

List of Subjects

7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth above, 7 CFR parts 915 and 944 are amended as follows:

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. The authority citation for 7 CFR parts 915 and 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 915.332 [Amended]

2. In § 915.332, Table I, the entry for "Tower" is removed and an entry for Tower II is added in its place, the entries for "Beta, Donnie, Loretta, Arue, and Leona" are revised, and a new term "Melendez" is added immediately following the term "Leona" and new terms "Semil 34" and "Semil 43" are added immediately following the term "Booth 3" to read as follows:

§ 915.332 Florida avocado maturity regulation.

(a) * * *

(2) * * *

TABLE I

Variety	A Date	Min Wt.	Min Diam.	B Date	Min Wt.	Min Diam.	C Date	Min Wt.	Min Diam.	D Date
*	*	*	*	*	*	*	*	*	*	
Tower II	8–01	14	3 6/16	8–15	12	3 4/16	8–29	10	3 2/16	9–05
Beta	8–08	18	3 8/16	8–15	16	3 5/16	8–29	14	3 3/16	9–05
*	*	*	*	*	*	*	*	*	*	
Loretta	8–22	30	4 3/16	9–05	26	3 15/16	9–19	22	3 12/16	9–26

TABLE I—Continued

Variety	A Date	Min Wt.	Min Diam.	B Date	Min Wt.	Min Diam.	C Date	Min Wt.	Min Diam.	D Date
*	*	*		*	*	*	*	*	*	
Arue	5–16	16	.....	5–30	14	3 3/16	6–20	12	.....	7–04
Donnie	5–23	16	3 5/16	6–06	14	3 4/16	6–20	12	.....	7–04
*	*	*		*	*	*	*	*	*	
Leona	9–26	18	3 10/16	10–03	16	.....	.....	.....	.....	10–10
Melendez	9–26	26	3 14/16	10–10	22	3 11/16	10–24	18	3 7/16	11–07
*	*	*		*	*	*	*	*	*	
Semil 34	10–17	18	3 10/16	10–31	16	3 8/16	11–14	14	3 5/16	11–28
Semil 43	10–24	18	3 10/16	11–7	16	3 8/16	11–21	14	3 5/16	12–05
*	*	*		*	*	*	*	*	*	

* * * * *

§ 944.31 [Amended]

3. In § 944.31, Table 1, the entry for "Tower" is removed and an entry for "Tower II" is added in its place, the entries for "Beta, Loretta, Arue, Donnie, and Leona" are revised, and a new term "Melendez" is added immediately following the term "Leona" and new terms "Semil 34" and "Semil 43" are added immediately following the term "Booth 3" to read as follows:

§ 944.31 Avocado import maturity regulation.

(a) * * *

(2) * * *

TABLE I

Variety	A Date	Min. Wt.	Min. Diam.	B Date	Min. Wt.	Min. Diam.	C Date	Min. Wt.	Min. Diam.	D Date
*	*		*	*		*	*	*	*	
Tower II	8–01	14	3 6/16	8–15	12	3 4/16	8–29	10	3 2/16	9–05
Beta	8–08	18	3 8/16	8–15	16	3 5/16	8–29	14	3 3/16	9–05
*	*	*		*	*	*	*	*	*	
Loretta	8–22	30	4 3/16	9–05	26	3 15/16	9–19	22	3 12/16	9–26
*	*	*		*	*	*	*	*	*	
Arue	5–16	16	.....	5–30	14	3 3/16	6–20	12	.....	7–04
Donnie	5–23	16	3 5/16	6–06	14	3 4/16	6–20	12	.....	7–04
*	*	*		*	*	*	*	*	*	
Leona	9–26	18	3 10/16	10–03	16	.....	.....	.....	.....	10–10
Melendez	9–26	26	3 14/16	10–10	22	3 11/16	10–24	18	3 7/16	11–07
*	*	*		*	*	*	*	*	*	
Semil 34	10–17	18	3 10/16	10–31	16	3 8/16	11–14	14	3 5/16	11–28
Semil 43	10–24	18	3 10/16	11–7	16	3 8/16	11–21	14	3 5/16	12–05
*	*	*		*	*	*	*	*	*	

* * * * *

Dated: September 27, 1999.

Eric M. Forman,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–25516 Filed 9–30–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 99–016F]

Scale Requirements for Accurate Weights, Repairs, Adjustments, and Replacement After Inspection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat and poultry products inspection regulations to update references to the National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Measuring Devices." The 1999 edition of NIST Handbook 44 was published in November 1998 and is the most current edition of the handbook. FSIS is amending the provisions in its regulations that reference NIST Handbook 44 to reflect this most recent edition.

DATES: This rule will be effective on November 30, 1999, unless the Agency receives written adverse comments

within the scope of the rulemaking or written notice of intent to submit adverse comments within the scope of the rulemaking on or before November 1, 1999. If the agency receives relevant adverse comments, it will publish a timely withdrawal of the rule, and it will not take effect. The incorporation by reference of the publication listed in the rule is approved by the Director of the Federal Register as of November 30, 1999.

ADDRESSES: Adverse comments within the scope of the rulemaking or notice of intent to submit adverse comments within the scope of the rulemaking should be sent in triplicate to FSIS Docket Clerk, DOCKET ι99–016F, Room 102 Cotton Annex Building, FSIS, U.S. Department of Agriculture, Washington, DC 20250–3700. All comments submitted in response to this direct final rule will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Daniel L. Engeljohn, Ph.D., Director, Regulations Development and Analysis Division, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture, (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Background

Under Title 1 of the Code of Federal Regulations (1 CFR Part 51), an agency seeking approval of a change to a publication that is approved for incorporation by reference in the Code of Federal Regulations (CFR) must publish a notice of the change in the **Federal Register** and amend the CFR. The agency must also ensure that a copy of the amendment or revision is on file at the Office of the Federal Register and notify the Director of the Federal Register in writing that the change is being made.

Accordingly, FSIS has reviewed the most recent publication of NIST Handbook 44 as it pertains to meat products and poultry products and has reviewed the FSIS regulations that reference the handbook. In this direct final rule, FSIS is amending its regulations to change references to NIST Handbook 44 from the 1994 edition, published in November 1993, to the 1999 edition, published in November 1998.

The changes to the General Scales Codes of NIST Handbook 44 from 1993 through 1998 primarily recognize new features and capabilities of scales. These changes were adopted to give scale manufacturers more flexibility in scale design and to allow them to incorporate features that better meet the needs of the users. Although NIST Handbook 44 addresses a wide range of scales, the following summary describes the most significant changes adopted in the handbook from 1993 to 1998 that are applicable to scales used to weigh meat products and poultry products produced at meat and poultry establishments.

The new provisions allow scales used in retail stores to compute unit prices on the basis of price per 100 grams or price per kilogram and permit operator keys to be marked with standardized pictograms. Other changes permit scales to weigh to 105 percent of their capacity when tare is deducted. This change clarifies a requirement that limited device indications. Another general requirement exempts new weighing systems from specific technical requirements for load cells if the device is traceable to a Certificate of Conformance issued by the National Type Evaluation Program.

The most significant change was the adoption of Section 2.24 Automatic Weighing Systems in the 1998 edition of Handbook 44, published in November 1997, which established specifications, tolerances, and other technical requirements for weigh-labelers and automatic checkweighers. This section was developed by the National Conference on Weights and Measures (NCWM) and NIST at the request of FSIS, so that these types of devices, which are primarily used in weighing, labeling, or checkweighing packages, could be tested to ensure conformance with a nationally accepted standard.

Copies of the 1999 edition of NIST Handbook 44 are on file at the Office of the Federal Register. Copies of the publication may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

Effective Date

FSIS is publishing this rule without prior proposal because it views this action as non-controversial and anticipates no adverse public comment. This rule will be effective, as published in this document, 60 days after the date of publication in the **Federal Register** unless FSIS receives written adverse comments within the scope of the rulemaking, or written notice of intent to submit adverse comments within the scope of the rulemaking, within 30 days of the date of publication of this rule in the **Federal Register**. If written adverse comments within the scope of the rulemaking are received, the final rulemaking notice will be withdrawn, and a proposed rulemaking notice will establish a comment period.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule (1) preempts all State and local law and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined not to be significant for purposes of Executive Order 12866 and therefore, has not been reviewed by the Office of Management and Budget.

The Administrator, FSIS, has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). This direct final rule merely updates the FSIS regulations to reflect the current standards used by weights and measures officials to evaluate the technical requirements for devices used to weigh meat and poultry products. The 1999 edition of NIST Handbook 44 is currently available and being used by scale manufacturers and weights and measures officials.

List of Subjects

9 CFR Part 317

Incorporation by reference, Meat inspection, Net weight.

9 CFR Part 381

Incorporation by reference, Net weight, Poultry and product products.

For the reasons set out in the preamble, 9 CFR parts 317 and 381 are amended as set forth below.

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

1. The authority citation for Part 317 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

§ 317.20 [Amended]

2. Section 317.20 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 317.20 Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.

(a) * * * Such scales shall meet the applicable requirements contained in National Institute of Standards and

Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," 1999 Edition, November 1998, which is incorporated by reference. * * *

* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 450; 21 U.S.C. 451–470; 7 CFR 2.17, 2.55.

§ 381.121c [Amended]

4. Section 381.121c is amended by revising the second sentence of paragraph (a) to read as follows:

§ 381.121c Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.

(a) * * * Such scales shall meet the applicable requirements contained in National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," 1999 Edition, November 1998, which is incorporated by reference. * * *

* * * * *

Thomas J. Billy,

Administrator.

[FR Doc. 99–24571 Filed 9–30–99; 8:45 am]

BILLING CODE 3410–DM–P

FEDERAL RESERVE SYSTEM

12 CFR Part 262

[Docket No. R–1045]

Rules of Procedure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendment.

SUMMARY: The Board is amending its Rules of Procedure to conform the comment period for branch notice applications with the period specified in its Regulation H, Membership of State Banking Institutions in the Federal Reserve System. The Rules of Procedure were not amended when the Regulation was amended, effective September 30, 1998. The Board is also amending the Rules of Procedure to delete the requirements for notices of memberships in cases where membership would confer federal deposit insurance, because there are no longer cases where membership confers federal deposit insurance. In addition, the Board is amending the Rules of Procedure to clarify that the requirement to publish notice in the community where a proposed branch would be located does not apply to branch applications incidental to merger applications, which are subject to the separate notice requirements for merger applications.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Rick Heyke, Counsel, Legal Division, (202) 452–3688. For users of the Telecommunications Device for the Deaf (TDD), contact Diane Jenkins (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Background

Section 208.6(a)(3) of the Board's Regulation H, Public Notice of Branch Applications, provides that a state member bank wishing to establish a domestic branch must publish notice in a newspaper of general circulation at the locations specified in § 262.3 of the Rules of Procedure (12 CFR 262.3) and that the newspaper notice shall provide an opportunity for interested persons to comment on the application for a period of at least 15 days. (12 CFR 208.6(a)(3)(i) and (ii)). Until September 30, 1998, the comment period for branch applications was 30 days and was specified in § 262.3(b) of the Rules of Procedure rather than in Regulation H. The Rules of Procedure were not amended when the regulation was amended, effective September 30, 1998 (63 FR 37637, July 13, 1998), and § 262.3(b)(1)(ii) continues to provide for a 30-day comment period for these applications. (12 CFR 262.3(b)(1)(ii)). It is no longer necessary to specify the comment period for branch applications in the Rules of Procedure since it is specified in Regulation H. Accordingly, the Board is amending the Rules of Procedure to delete the comment period requirement as it relates to branch applications.

Section 262.3(b)(1)(ii)(A) of the Rules of Procedure specifies the location for publication of notice of an application for membership in the Federal Reserve System that would confer federal deposit insurance. Pursuant to Title I, section 115(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Pub. L. 102–242), any bank not previously an insured bank admitted to membership may apply separately to the Federal Deposit Insurance Corporation for insurance. (12 U.S.C. 1814 and 1815(a).) Previously, membership conferred insured status (see 12 U.S.C.A. 1814(b) (West 1989)). It is therefore no longer necessary to specify the location for publication of notice of an application for membership that would confer insurance. Accordingly, the Board is amending the Rules of Procedure to delete the publication location requirement for such applications.

Section 262.3(b)(1)(ii)(B) specifies that in the case of an application to establish a new branch, notices shall be published in the communities in which the head office of the bank and the proposed branch are located. Section 262.3(b)(1)(ii)(D) specifies that in the case of an application by a bank for merger, consolidation, acquisition of assets, or assumption of liabilities (merger), notices shall be published in the communities in which the head offices of the banks involved are located. Such merger applications are also deemed to include applications to establish branches at the branch and/or head office locations being acquired, thereby avoiding a separate filing to establish branches at the acquired locations, and the Board has not required publication under paragraph (b)(1)(ii)(B) in addition to publication under paragraph (b)(1)(ii)(D). Accordingly, the Board is amending the Rules of Procedure to clarify that publication under paragraph (b)(1)(ii)(D) is sufficient in the case of branches acquired through merger, consolidation, acquisition of assets, or assumption of liabilities.

The amendments adopted by the Board are rules of procedure. Accordingly, 5 U.S.C. 553(b), requiring public comment, does not apply. In addition, the amendments are technical amendments that remove an obsolete provision, reflect changes in the Board's Regulation H, and clarify a possible uncertainty. Accordingly, the Board finds good cause not to delay the effective date of the amendments pursuant to 5 U.S.C. 553(d).

List of Subjects in 12 CFR Part 262

Administrative practice and procedure, Banks, banking, Federal Reserve System.

For the reasons set forth in the preamble, 12 CFR part 262 is amended as set forth below:

PART 262—RULES OF PROCEDURE

1. The authority citation for 12 CFR part 262 continues to read as follows:

Authority: 5 U.S.C. 552, 12 U.S.C. 321, 1828(c), and 1842.

§ 262.3 [Amended]

2. Amend § 262.3 by revising the first sentence in paragraph (b)(1)(ii),

removing and reserving paragraph (b)(1)(ii)(A), and revising paragraph (b)(1)(ii)(B) to read as follows:

§ 262.3 Applications.

* * * * *

(b) * * *

(1) * * *

(ii) The notice shall be placed in the classified advertising legal notices section of the newspaper, and must provide an opportunity for the public to give written comment on the application to the appropriate Federal Reserve Bank for the period specified in Regulation H (12 CFR part 208) in the case of applications specified in § 262.3(b)(1)(i)(A), and for at least thirty days after the date of publication in the case of applications specified in § 262.3(b)(1)(i)(B) and (C).* * *

* * * * *

(B) The community or communities in which the head office of the bank and the proposed branch or other facility (other than an electronic funds transfer facility) are located in the case of an application for the establishment of a domestic branch or other facility that would be authorized to receive deposits, other than an application incidental to an application by a bank for merger, consolidation, or acquisition of assets or assumption of liabilities,

* * * * *

By order of the Board of Governors of the Federal Reserve System, September 24, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–25504 Filed 9–30–99; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–119–AD; Amendment 39–11347; AD 99–21–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330–301, and Model A340–211, –212, –311, and –312 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A330–301, and Model A340–211, –212, –311, and –312 series airplanes, that requires repetitive detailed visual inspections of the fuselage belly fairing support structure to detect cracks; and corrective action, if necessary. This amendment also provides an optional terminating action for the repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct fatigue cracking of the fuselage belly fairing support structure, which could result in reduced structural integrity of the fuselage belly fairing support structure.

DATES: Effective November 5, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 5, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A330–301, and Model A340–211, –212, –311, and –312 series airplanes was published in the **Federal Register** on August 4, 1999 (64 FR 42289). That action proposed to require repetitive detailed visual inspections of the fuselage belly fairing support structure to detect cracks; and corrective action, if necessary. That action also proposed to provide an optional terminating action for the repetitive inspections.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter indicates that it is not affected by the proposed rule.

Explanation of Change Made to Proposal

The FAA had added a note to the final rule to clarify the definition of a detailed visual inspection.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

Currently, there are no Airbus Model A330–301 series airplanes on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it will take approximately 5 work hours to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the required AD on U.S. operators is estimated to be $300 per airplane, per inspection cycle.

Also, there are no Airbus Model A340–211, –212, –311, and –312 series airplanes on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it will take approximately 6 work hours to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the required AD on U.S. operators is estimated to be $360 per airplane, per inspection cycle.

Should an affected airplane be imported and placed on the U.S. Register and an operator elects to accomplish the optional terminating action rather than continue the repetitive inspections, it will take approximately between 10 and 178 work hours per airplane (for Model A330 series airplanes), or between 10 and 188 work hours per airplane (for Model A340 series airplanes), at an average labor rate of $60 per work hour.

Required parts will cost approximately between $1,313 and $13,262 (for Model A330 series airplanes) or between $1,049 and $14,311 (for Model A340 series airplanes), per airplane. Based on these figures, the cost impact of this optional terminating action is estimated to be between $1,913 and $23,942 (for Model A330 series airplanes) or between $1,649 and $25,591 (for Model A340 series airplanes), per airplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the

States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–21–04 AIRBUS INDUSTRIE: Amendment 39–11347. Docket 99–NM–119–AD.

Applicability: Model A330–301 series airplanes, except those airplanes on which Airbus Modification 42332 (reference Airbus Service Bulletin A330–53–3012, dated June 26, 1995) has been accomplished; and Model A340–211, –212, –311, and –312 series airplanes, except those airplanes on which Airbus Modification 42331 or 42332 (reference Airbus Service Bulletin A340–53–4020, dated June 26, 1995), has been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the fuselage belly fairing support structure, which could result in reduced structural integrity of the fuselage belly fairing support structure, accomplish the following:

Repetitive Inspection

(a) Prior to the accumulation of 4,000 total flight cycles, or within 500 flight hours after the effective date of this AD, whichever occurs later, perform a detailed visual inspection of the fuselage belly fairing support structure for cracks, in accordance with Airbus Service Bulletin A330–53–3029, dated June 26, 1995 (for Model A330 series airplanes); or A340–53–4038, Revision 1, dated February 6, 1996 (for Model A340 series airplanes); as applicable. Thereafter, repeat the inspection at intervals not to exceed 2,800 flight cycles.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required."

Repair

(b) If any crack is found during any inspection required by paragraph (a) of this AD, prior to further flight, repair in accordance with Airbus Service Bulletin A330–53–3012, dated June 26, 1995 (for Model A330 series airplanes); or A340–53–4020, dated June 26, 1995 (for Model A340 series airplanes); as applicable. Accomplishment of this action constitutes terminating action for the repetitive inspections required by this AD for only that repaired part.

Optional Terminating Action

(c) Modification of the belly fairing support structure in accordance with Airbus Service Bulletin A330–53–3012, dated June 26, 1995 (for Model A330 series airplanes); or A340–53–4020, dated June 26, 1995 (for Model A340 series airplanes); as applicable; constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) The actions shall be done in accordance with Airbus Service Bulletin A330–53–3029, dated June 26, 1995; Airbus Service Bulletin A340–53–4038, Revision 1, dated February 6, 1996; Airbus Service Bulletin A330–53–3012, dated June 26, 1995; or Airbus Service Bulletin A340–53–4020, dated June 26, 1995; as applicable. Airbus Service Bulletin A340–53–4038, Revision 1, dated February 6, 1996, has the following effective pages:

LIST OF EFFECTIVE PAGES

Page No.	Revision level shown on page	Date shown on page
1, 2	1	February 6, 1996.
3–31	Original	June 26, 1995.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directives 95–256–023(B) R1 and 95–258–037(B) R1, both dated December 17, 1997.

(g) This amendment becomes effective on November 5, 1999.

Issued in Renton, Washington, on September 27, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25595 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–29–AD; Amendment 39–11345; AD 99–21–02]

RIN 2120–AA64

Airworthiness Directives; Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes, that requires detailed visual and borescopic inspections to detect corrosion of the engine mounting tube assembly, and replacement of corroded parts with new or serviceable parts. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the engine mounting tube assembly, which could result in loss of the engine in flight.

DATES: Effective November 5, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 5, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Short Brothers, Airworthiness & Engineering Quality, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes was published in the **Federal Register** on June 28, 1999 (64 FR 34582). That action proposed to require detailed visual and borescopic inspections to detect corrosion of the engine mounting tube assembly, and replacement of corroded parts with new or serviceable parts.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Extend Compliance Time

The manufacturer requests that the FAA extend the proposed compliance time from 6 months to 9 months. The manufacturer supports its request based on the results of an airframe structural analysis, ongoing inspections, and the Civil Aviation Authority of the United Kingdom's acceptance of the 3-month extension. The FAA has reviewed the data presented by the manufacturer and concurs with the request. The final rule has been revised accordingly.

Explanation of Additional Change to Proposal

The FAA has added a note to the final rule to clarify the definition of a detailed visual inspection.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 137 Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes of U.S. registry will be affected by this AD, that it will take approximately 25 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $205,500, or $1,500 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–21–02 Short Brothers PLC: Amendment 39–11345. Docket 99–NM–29–AD.

Applicability: All Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in

accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the engine mounting tube assembly, which could result in loss of the engine in flight, accomplish the following:

Inspections

(a) Within 9 months after the effective date of this AD, perform a detailed visual inspection of the taper pins of the engine mounting tube assembly for corrosion in accordance with Shorts Service Bulletins SD330–71–23, dated November 20, 1998, or Revision 1, dated April 26, 1999 (for Model SD3–30 series airplanes); SD3 SHERPA–71–1, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–SHERPA series airplanes); SD3–60 SHERPA–71–1, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–60 SHERPA series airplanes); or SD360–71–18, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–60 series airplanes); as applicable. If corrosion is found on any taper pin, prior to further flight, replace the pin with a new or serviceable pin.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "As an intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good light at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(b) Within 9 months after the effective date of this AD, perform a borescopic inspection of the internal surface of the engine mounting tubes and fittings for corrosion, in accordance with Shorts Service Bulletins SD330–71–23, dated November 20, 1998, or Revision 1, dated April 26, 1999 (for Model SD3–30 series airplanes); SD3 SHERPA–71–1, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–SHERPA series airplanes); SD3–60 SHERPA–71–1, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–60 SHERPA series airplanes); or SD360–71–18, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–60 series airplanes); as applicable.

(1) If no corrosion is found on the internal surface of the engine mounting tubes and fittings, no further action is required by this paragraph.

(2) If corrosion is found that is within the limits as defined in the applicable service bulletin, repeat the borescopic inspection thereafter at intervals not to exceed 9 months. Replacement of all corroded parts with new or serviceable parts in accordance with the applicable service bulletin constitutes terminating action for the repetitive borescopic inspections required by this AD.

(3) If corrosion is found that is outside the limits as defined in the applicable service bulletin, prior to further flight, replace the corroded parts with new or serviceable parts, in accordance with the applicable service bulletin.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with the following Shorts service bulletins, as applicable, which contain the specified effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
SD330–71–23, November 20, 1998	1–11	Original	November 20, 1998.
SD330–71–23, Revision 1, April 26, 1999	1, 2	1	April 26, 1999.
	3–11	Original	November 20, 1998.
SD3 SHERPA–71–1, Revision 1, February 3, 1999	1, 6–8	1	February 3, 1999.
	2–5, 9–11	Original	November 20, 1998.
SD3 SHERPA–71–1, Revision 2, April 26, 1999	1, 2	2	April 26, 1999.
	3–5, 9–11	Original	November 20, 1998.
	6–8	1	February 3, 1999.
SD3–60 SHERPA–71–1, Revision 1, February 3, 1999.	1, 6–8	1	February 3, 1999.
	2–5, 9–11	Original	November 20, 1998.
SD3–60 SHERPA–71–1, Revision 2, April 26, 1999	1, 2	2	April 26, 1999.
	3–5, 9–11	Original	November 20, 1998.
	6–8	1	February 3, 1999.
SD360–71–18, Revision 1, February 3, 1999	1, 6, 8	1	February 3, 1999.
	2–5, 7, 9–11	Original	November 24, 1998.
SD360–71–18, Revision 2, April 26, 1999	1, 2	2	April 26, 1999.
	3–5, 7, 9–11	Original	November 24, 1998.
	6, 8	1	February 3, 1999

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Short Brothers, Airworthiness & Engineering Quality, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in British airworthiness directives 014–11–98, 018–11–98, 011–11–98, and 012–11–98.

(f) This amendment becomes effective on November 5, 1999.

Issued in Renton, Washington, on September 27, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25596 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–198–AD; Amendment 39–11346; AD 99–21–03]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB–145 series airplanes. This action requires revising the Airplane Flight Manual (AFM) for operation in the rain, and modifying the anemometric static ports. This action also provides for optional terminating action for the requirements of this AD. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to limit or prohibit the use of the autopilot and flight director during the descent and approach to land in the rain, and to prevent fluctuations and erratic indications in the vertical speed, airspeed, and altitude readings in the cockpit during the descent and approach to land in the rain; such conditions could result in reduced controllability of the airplane during the descent and approach to land in the rain.

DATES: Effective October 18, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 18, 1999.

Comments for inclusion in the Rules Docket must be received on or before November 1, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–198–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6071; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB–145 series airplanes. The DAC advises that there have been several occurrences of vertical speed, airspeed, and altitude fluctuations, and/or erratic indications [which in some cases have even caused autopilot and flight director disengagement and ground proximity warning system (GPWS) false warnings], during descent and approach to land in the rain. The cause of these fluctuations and erratic indications has been attributed to a flaw in the design of the anemometric static ports. These conditions, if not corrected, could result in reduced controllability of the airplane during the descent and approach to land in the rain.

Explanation of Relevant Service Information

Embraer has issued Service Bulletin No. 145–34–0026, Change No. 01, dated June 23, 1999, which describes procedures for modification of the central hole of the anemometric static ports and installation of nipples between the static ports and their hoses to prevent fluctuations and erratic indications in the vertical speed, airspeed, and altitude readings in the cockpit during the descent and approach to land in the rain. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DAC classified this service bulletin as mandatory and issued Brazilian airworthiness directive 1999–06–01R2, dated July 19, 1999, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to require certain AFM revisions and a modification of the central hole of the anemometric static ports. The modification, along with the optional replacement of the current connection adapter installed between the hose ends and the static ports with a new nipple adapter, would terminate the requirements of this AD. This AD requires accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between This AD and the Foreign AD

This AD differs from the parallel Brazilian airworthiness directive in that this AD imposes a limitation in the AFM to prohibit the use of the autopilot or flight director during the approach in the rain. The Brazilian airworthiness directive AD instead addresses a CAUTION note that specifies hand-flying the airplane or using the autopilot basic mode, and relying on the primary flight display (PFD) raw information when operating in the rain. In addition, the replacement of calibration charts in the AFM following the modification of the static ports, as required by this AD, is not addressed by the Brazilian airworthiness directive.

Further, the terminating action (replacement of the current connection adapter with a new nipple adapter), provided as optional in this AD, is mandated by the Brazilian AD.

Interim Action

This is considered to be interim action. The FAA is currently considering requiring the replacement of the current connection adapter with a new nipple adapter, which will

constitute terminating action for the modification of the central hole of the anemometric static ports required by this AD action. However, the planned compliance time for the replacement of the current connection adapter with a new nipple adapter is sufficiently long so that notice and opportunity for prior public comment will be practicable.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NM–198–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–21–03 Empresa Brasileira De Aeronautica S.A. (Embraer): Amendment 39–11346. Docket 99–NM–198–AD.

Applicability: Model EMB–145 series airplanes; serial numbers 145004 through 145144 inclusive, 145146 through 145149 inclusive, and 145152; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To limit or prohibit the use of the autopilot and flight director during the descent and approach to land in the rain, and to prevent fluctuations and erratic indications in the vertical speed, airspeed, and altitude readings in the cockpit during the descent and approach to land in the rain, which could result in reduced controllability of the airplane during the descent and approach to land in the rain, accomplish the following:

AFM Revisions

(a) Within 24 hours after the effective date of this AD, revise the FAA-approved Airplane Flight Manual (AFM) to include the following. This may be accomplished by inserting a copy of this AD into the AFM.

(1) Add the following statement in Section 2, Limitations, under AUTOPILOT: "The use of either the autopilot or flight director is prohibited during approach to land when operating in the rain."

(2) Add the following CAUTION note in Section 4, Normal Procedures, under DESCENT: "CAUTION: When operating in rain, monitor the vertical speed indicator (VSI) and indicated airspeed (IAS), and, if oscillations are observed, disengage the autopilot and hand-fly the airplane, or use the autopilot basic mode. Rely on the standby airspeed and altimeter indications."

(3) Add the following NOTE in Section 4, Normal Procedures, under APPROACH: "NOTE: The use of either the autopilot or flight director is prohibited during approach to land when operating in the rain."

Modification

(b) Within 400 flight hours after the effective date of this AD, modify the center hole of the anemometric static ports 1, 2, 3, and 4, located in the left- and right-hand sides of the forward fuselage, in accordance with "PART I" of Embraer Service Bulletin 145–34–0026, Change No. 01, dated June 23, 1999. Prior to or upon completion of this modification, replace the calibration charts for vertical speed, airspeed, and altitude with new charts in the AFM reflecting the modifications required by this paragraph, in accordance with Embraer AFM 145/1153, Revision 28, dated July 2, 1999. Accomplishment of this modification constitutes terminating action for the requirements of paragraph (a) of this AD.

Optional Terminating Action

(c) Accomplishment of the requirements of paragraph (b) of this AD, together with the replacement of the current connection adapter installed between the hose ends and the static ports with a new nipple adapter, in accordance with "PART II" of Embraer

Service Bulletin 145–34–0026, Change No. 01, dated June 23, 1999, constitutes terminating action for the requirements of this AD.

(d) As of the effective date of this AD, no person shall install on any airplane anemometric static ports 1, 2, 3, and 4, unless they have been modified in accordance with paragraph (b) of this AD.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, Atlanta ACO.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(g) Except as provided by paragraph (a) of this AD, the actions shall be done in accordance with Embraer SB 145–34–0026, Change No. 01, dated June 23, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Brazilian airworthiness directive 1999–06–01R2, dated July 19, 1999.

(h) This amendment becomes effective on October 18, 1999.

Issued in Renton, Washington, on September 27, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25593 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 900

[Docket No. 99N–1502]

Medical Devices: Quality Mammography Standards; Delay of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule; delay of effective date.

SUMMARY: The Food and Drug Administration (FDA) published a direct final rule in the **Federal Register** of June 17, 1999 (64 FR 32404). The document notified the public of FDA's intention to amend the regulations that govern mammography quality standards to incorporate changes required by the Mammography Quality Standards Reauthorization Act. This document delays the effective date of the direct final rule.

EFFECTIVE DATE: The effective date of the direct final rule published at 64 FR 32404 is delayed until January 28, 2000.

FOR FURTHER INFORMATION CONTACT: Roger L. Burkhart, Center for Devices and Radiological Health (HFZ–240), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20857, 301–594–3332.

SUPPLEMENTARY INFORMATION: FDA solicited comments concerning the direct final rule for a 75-day period ending August 31, 1999. FDA stated that the effective date of the direct final rule would be on November 1, 1999, 60 days after the end of the comment period, unless any significant adverse comment was submitted to FDA during the comment period. FDA did not receive any significant adverse comment.

However, FDA has not yet received approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) of the information collection requirements in this rule. Therefore, FDA is revising the effective date of this rule to January 28, 2000. By that date, FDA expects to have received clearance from the Office of Management and Budget for the information collection requirements in the rule. This document delays the effective date of the direct final rule.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, notice is given that no significant adverse comments were filed on the June 17, 1999, direct final rule. Accordingly, the amendments issued thereby are effective January 28, 2000.

Dated: September 27, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–25556 Filed 9–30–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC42

Coastal Zone Consistency Review of Exploration Plans and Development and Production Plans

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: This final rule amends regulations that specify how States review Exploration Plans (EP) and Development and Production Plans (DPP) for coastal zone consistency. The amended regulation clarifies that a State coastal zone consistency review occurs under the authority of the National Oceanic and Atmospheric Administration (NOAA) regulations and that when MMS prepares a DPP environmental impact statement (EIS), we will give the draft EIS to those States requiring the draft EIS as necessary information to conduct a DPP consistency review.

EFFECTIVE DATE: The rule is effective on November 1, 1999.

FOR FURTHER INFORMATION CONTACT: Maureen Bornholdt, Environmental Assessment Branch, (703) 787–1656.

SUPPLEMENTARY INFORMATION: This rulemaking seeks to correct discrepancies between MMS and NOAA regulations. We last revised our current rules in 1988 for Outer Continental Shelf (OCS) plan submission and approval. At that time, several statements concerning State coastal zone consistency reviews were placed in our regulations alerting lessees to the requirements that had to be met before we could approve activities associated with an EP or a DPP. Since 1988, some of these provisions conflict with the NOAA rules governing State coastal zone consistency review of OCS plans. Thus, we are revising our regulations to conform with the NOAA requirements.

Additionally, we believe it is in the interest of all parties for States to have the best available information in evaluating the consistency certification

by applicants for a DPP under the State's coastal management program and in making important coastal zone management (CZM) decisions. Accordingly, when we prepare a DPP EIS, we will give the draft EIS to those States requiring a DPP National Environmental Policy Act (NEPA) document as necessary information that the State must receive before consistency review can begin.

Background

Section 307(c)(3)(B) of the Coastal Zone Management Act (CZMA) requires that lessees conduct activities described in OCS plans in a manner consistent with enforceable policies of federally approved State Coastal Management Programs (CMP). Consequently, any person submitting an OCS plan to us must include a certificate of "coastal zone consistency," i.e., a certification that lessee activities are consistent with the enforceable policies of CMP. Under section 307(c)(3)(B), Federal agencies cannot grant any Federal licenses or permits for any activity in the OCS plan until the State concurs with, or is conclusively presumed to concur with, the consistency certification, or the Secretary of Commerce overrides the State's consistency objection.

The CZMA requires three items for State consistency review: the OCS plan, the consistency certification, and any necessary data and information. Because many State CMPs describe information requirements for assessing consistency, States must make copies of their CMP available to help applicants identify necessary data and information. NOAA also encourages applicants to discuss consistency information needs with the State.

In addition to using CMP information requirements for OCS plan review, NOAA has instructed States to use "information received pursuant to the Department of the Interior's operating regulations governing (OCS) exploration, development and production" to determine consistency (15 CFR 930.77(a)). The State may ask for information in addition to that required by § 930.77, but such requests do not extend the start of its consistency review (15 CFR 930.78). Consistency review begins when the State receives a copy of the OCS plan, consistency certification, and required necessary data and information (15 CFR 930.78).

Changes to Our Regulations

We are revising our rules to start consistency review upon receipt of the EP or DPP. This will comply with the NOAA requirement (15 CFR 930.77) to begin consistency review when the State receives the OCS plan (the version that MMS deems submitted), the lessee's consistency certification, and required necessary data and information. We are adding this NOAA reference on starting consistency review to the regulations found at 30 CFR 250.203(f) and 250.204(i).

Additionally, we are replacing the statement about the relationship between the NEPA process and the State consistency review with one describing when we will forward a draft EIS to the State CZM agency.

In 1979, the Department of the Interior (DOI) expressed the view that delaying the CZMA consistency process until after preparation of a NEPA compliance document would not be consistent with congressional intent. Specifically, in response to a comment suggesting a delay in the CZMA process when an EIS is needed for a DPP, the 1979 preamble to the current rule stated:

> It is clear from the provisions of Section 25 of the Act that a State's coastal zone consistency review is independent of the National Environmental Policy Act review procedures, and the coastal zone consistency review should be completed within the timeframe specified in the Act and the implementing regulations. The Environmental Report is designed to provide all the information needed for the consistency review. To adopt the suggested procedure would result in a delay that is contrary to the intent of Congress. 44 Fed. Reg. 53686 (Sept. 14, 1979).

DOI has reconsidered this position for two reasons. First, 19 years of OCS program experience under the old rule have led us to conclude that the lack of an EIS in a State's review of a CZMA consistency certification has contributed to many State objections and a more contentious process than necessary in developing our Nation's offshore natural gas and oil. Accordingly, we have determined to support, to the extent permitted by law, the States' efforts to obtain the best reasonably available environmental information before making consistency decisions under the CZMA.

Second, as a matter of law, the NEPA, CZMA, and OCS Lands Act (OCSLA) do not expressly state their relationship to each other, and the relationship (or lack of relationship) among these statutes is not as clear as the preamble to the 1979 rulemaking asserts. The 1979 preamble statement relied upon certain statements in the legislative history, not the statutory text. (See, e.g., H.R. REP. No. 590, 95th Cong., 2d Sess. 167, reprinted in the 1978 U.S. CODE CONG. & ADMIN. NEWS 1572, 1573.) While the CZMA, OCSLA, and NEPA processes have somewhat different timeframes, we do not find in them any requirement to achieve compliance with the separate mandates of those statutes in any rigid order. The Secretary's general rulemaking authority in Section 5 of the OCSLA, 43 U.S.C. 1334, provides considerable discretion to administer the OCS program. The Solicitor's Office advises that this authority gives the Secretary discretion to provide a more flexible approach to achieving that compliance. Thus, the Secretary may allow MMS to give a draft EIS to those States that require a draft EIS before starting the DPP consistency review.

Therefore, we will give the draft EIS to those States that require the DPP NEPA document as necessary information that must be received before consistency review can begin. Any delay in beginning the DPP consistency review until the draft EIS is available will not affect the mandated 60-day timeframe for our decision on the DPP. When a DPP EIS is prepared, OCSLA requires that we approve, disapprove, or require modification of the DPP 60 days after the release of the final EIS. Typically, there are about 8 to 9 months between the availability of the draft and final EISs. We use this time period to solicit public comment (written and oral) on the draft EIS, respond to comments, make changes, and conduct internal reviews and other administrative matters associated with the EIS production. This time interval would allow the State sufficient time to complete its DPP consistency review (see the chart following this paragraph). We want to make good science and analysis available for states to use in making CZMA decisions. We can further that effort by providing the State with the best available information in order to concur with an applicant's DPP consistency certification. It also helps us to base the OCS program on consensus, not conflict, and to be good neighbors to the coastal States.

BILLING CODE 4310–MR–P

DPP EIS Schedule Using Former MMS Regulations

DPP EIS Schedule Using New Final MMS Regulations

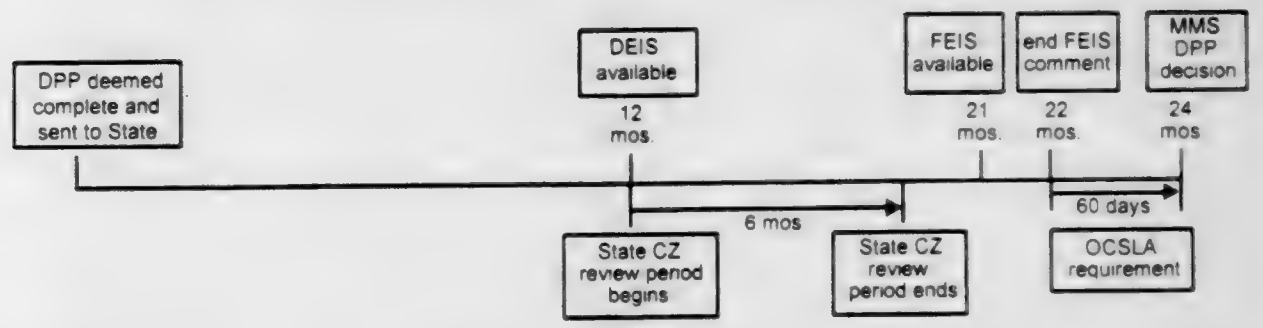

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Comments on the Rule

We received comments from nine groups including State Governments and the offshore petroleum industry:

- American Petroleum Institute
- State of California
  - California Coastal Commission
  - Resources Agency of California
- State of Florida
  - Department of Community Affairs
  - Office of the Governor
- Chevron U.S.A. Production Company
- State of North Carolina
  - Department of Environmental and Natural Resources
- Phillips Petroleum Company
- Texaco Exploration and Production Inc.

We considered the comments and have modified the final language as appropriate.

Comments and Responses

In addition to the proposed changes in the regulations, we sought comment on whether to apply the proposed language to pending DPP applications. We decided not to apply the new rule retroactively. When we published the proposal, the only MMS-pending DPP application (Destin Dome 56 Unit Offshore Florida) had received a State consistency objection (February 1998). The applicant had filed its consistency appeal with the Secretary of Commerce in March 1998. The Department of Commerce (DOC) has begun to compile and review the record in this appeal. They have asked Federal agencies to submit comments for the record and have scheduled a public hearing in September 1999. The appeal's public record remains open until 30 days after the DOC public hearing. MMS will publish the DPP draft EIS while the appeal record is open, and we will forward a copy to DOC.

Comment: Several commenters expressed concern that the proposed changes give the States up to 18 months, and perhaps longer, to complete their consistency review.

Response: The CZMA controls and sets the deadlines and criteria for consistency review through NOAA's implementing regulations, not the MMS regulations. The NOAA consistency regulations set a 6-month deadline for the State's consistency decision:

> Concurrence by the State agency shall be conclusively presumed in the absence of a State agency objection to the consistency certification within six months following commencement of State agency review. (15 CFR 930.79(b))

The NOAA consistency regulations determine when the CZMA clock starts:

> State agency review of the person's consistency certification begins at the time the State agency receives a copy of the OCS plan, consistency certification, and required necessary data and information. (15 CFR 930.78)

The MMS regulations have incorporated the NOAA process in 30 CFR 250.204(i)

> The [DPP] plan will be processed in accordance with the regulations in this section and the regulations governing Federal CZM consistency procedures (15 CFR part 930).

The new rule does not alter the CZMA/NOAA time requirements for State consistency review.

Comment: Several commenters were concerned that the proposal will cause delays in the OCS permitting and the consistency appeals process.

Response: When MMS prepares a DPP EIS, OCSLA requires that we approve, disapprove, or require modification of the DPP 60 days after the release of the final EIS. The new rule will not affect the mandated 60-day timeframe to issue our DPP decision. Regarding the comment about delaying the consistency appeals process, one of our objectives of the new rule is to decrease the number of State consistency objections based on insufficient information. NOAA regulations found at 15 CFR 930 govern the consistency appeal process. The new rule does not alter and cannot change the NOAA appeal process. Providing the draft EIS to States amending their coastal program will ensure that those States

have a comprehensive analysis of the OCS plan's environmental impacts to use in making their consistency decisions. Indeed, allowing States to use the draft EIS' analysis may result in fewer consistency objections, associated consistency appeals, and attendant delays.

Comment: Several commenters stated that the current process to collect information for State consistency review purposes is adequate.

Response: The discretion for deciding what information is required to determine consistency lies with the affected State. The new rule will not change the current information collection process outlined in the NOAA consistency regulations. Instead, the rule informs States and OCS operators that MMS reconsidered the relationship between the NEPA process and State consistency reviews, and we will give the draft EIS to those States that require the DPP NEPA document as necessary information that the State must receive before consistency review can begin.

Comment: A commenter suggested that we provide the States with all the comments on the draft EIS in addition to the draft EIS.

Response: We did not incorporate this suggestion into the final rule. We will provide the State, upon request, a copy of the comments on the draft EIS. The purpose of supplying information is to help the State determine consistency through understanding how the proposed project could affect coastal resources and uses. The draft EIS is our primary source of environmental analytical information focusing on impacts of the OCS project on the human, marine, and coastal environments. The comments we receive on the draft EIS, while very useful, are a critique of the proposal and the draft EIS and not an environmental impact analysis. To obtain public comment on the OCS proposal, the NOAA regulations require the States to comply with certain public notice and comment requirements. Through those NOAA processes, the States can acquire public opinions/concerns about the OCS consistency review.

Comment: A commenter suggested that we apply the same requirement to exploration plans.

Response: Given that exploration activities are temporary and less complicated than those associated with a normally 30-year development and production project, the information and analysis requirements under NOAA consistency and MMS operating regulations provide the State with a sufficient basis on which to render a consistency decision. Therefore, the final rule does not apply the requirement to EPs.

Comment: Several commenters stated that MMS should amend the proposal to apply to all States instead of letting the States decide what information is necessary for consistency review.

Response: As part of our NEPA process, we provide the DPP draft EIS to all affected States and will continue to do so. However, our new rule does not create CZMA consistency-related obligations. The CZMA sets the criteria for consistency review through NOAA's implementing regulations. If a State wants to obtain more information (the draft EIS) before the consistency review starts, the State must comply with NOAA's consistency regulations—in this case that means listing the draft EIS as "necessary data and information." The NOAA regulations do not require listing the draft EIS if the State simply wanted the draft EIS as "supplemental" information. Finally, some States may be satisfied with the information they receive and may not choose to require the draft EIS.

Comment: A commenter stated that current MMS regulations prevent States from reviewing for consistency certain permits issued after a plan's approval and suggested that MMS include these permitted activities in either the OCS Plan or associated NEPA document making those activities available for consistency review.

Response: NOAA's regulations preclude the States from reviewing permits associated with a plan that already received State consistency concurrence. The NOAA regulations state:

> If the State agency issues a concurrence or is conclusively presumed to concur with the person's consistency certification, the person will not be required to submit additional consistency certifications and supporting information for the State agency review at the time Federal applications are actually filed for the Federal licenses and permits to which such concurrence applies. (15 CFR 930.80)

The MMS regulations incorporate the NOAA exemption:

> * * *APD's must conform to the activities described in detail in the approved Exploration Plan and shall not be subject to a separate State coastal zone consistency review. (30 CFR 250.203(p))
>
> * * *All APD's and applications to install platforms and structures, pipelines, and production equipment must conform to the activities described in detail in the approved Development and Production Plan and shall not be subject to a separate State coastal zone consistency review. (30 CFR 250.204(t))

Briefly, OCS plans include:

- the schedule for offshore activities (e.g., commencement and completion schedules, sequences for drilling wells and installing facilities, and date of first production).
- descriptions of any drilling vessels, platforms, pipelines, or other facilities/operations (including location, size, design, and safety and pollution-prevention features).
- supporting information, including descriptions of geological and geophysical data, air emissions, physical oceanography, onsite flora and fauna, and quality, and other uses of the area.

States review OCS plans to determine whether proposed activities described in them will be conducted in a manner consistent with the enforceable policies of approved coastal management programs. We are prohibited from permitting OCS plan activities until the State concurs with or is presumed to concur with the plan's consistency certification. Because the OCS plan reviewed by the State for consistency includes a description of proposed permitted activities, the subsequently filed permits are already covered by the State's consistency review.

Comment: A commenter suggested that Federal consistency determinations should be included at each stage of the NEPA process. States should be allowed to review for consistency each individual stage of the NEPA process, especially when significant changes are made to the project or analyses.

Response: NEPA documents do not trigger a consistency review. NEPA documents analyze environmental impacts. They do not approve activities by either the Government or the lessees. Nor do they approve licenses or permits. However, MMS regulations provide that if the OCS plan changes substantially (e.g., significantly changes the impacts that were previously identified and evaluated; requires additional permits; or proposes activities not previously identified and evaluated) after the State's concurrence, the proposed revised OCS plan will be subject to State consistency review.

Comment: A commenter expressed concern that delaying the State's consistency decision until later in the DPP process would not give MMS consistency-related information in a timely fashion and could result in considerable NEPA-related delays.

Response: The new rule will not delay our NEPA process. Before we prepare an EIS, we conduct "scoping." Scoping identifies the extent and significance of important environmental issues associated with a proposed Federal action. During scoping, we ask the public; local, State, and Federal agencies; and interested organizations or individuals to identify issues, resources,

impacts, and any alternatives to the proposed action that the EIS should address. Issues identified and ultimately analyzed in the impact statement typically include those covered by the State's coastal management program. We also include State CZM agencies in our scoping process.

Comment: A commenter suggested that we clarify proposed language to be sure that the OCS plan the State receives to begin its consistency review is the version that MMS deems complete.

Response: The new rule makes that change.

Comment: A commenter suggested to change the language to require MMS to send the final EIS.

Response: When MMS prepares a DPP EIS, OCSLA requires that we approve, disapprove, or require modification of the DPP 60 days after the release of the final EIS. State consistency review takes from 3 to 6 months. Therefore, starting consistency review upon the release of the final EIS would violate the required deadline in OCSLA.

Procedural Matters

Federalism (Executive Order (E.O.) 12612)

According to E.O. 12612, the rule does not have significant Federalism implications. A Federalism assessment is not required.

Takings Implications Assessment (E.O. 12630)

According to E.O. 12630, the rule does not have significant takings implications. A Takings Implication Assessment is not required.

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under E.O. 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The rule simply clarifies the authority of NOAA regulations for State coastal zone consistency review. It also makes available to those States requiring it, a copy of the draft DPP EIS when MMS prepares one.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. There are no new requirements in this rule. The rule simply clarifies existing regulations.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. The clarifications contained in the rule do not change existing regulations and therefore do not alter the budgetary effects, grants, user fees etc.

(4) This rule does not raise novel legal or policy issues. The clarifications in the rule are based on the longstanding legal authority of the OCSLA, CZMA, NEPA and other laws. As previously stated it clarifies the authority of NOAA regulations.

Civil Justice Reform (E.O. 12988)

According to E.O. 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA of 1969 is not required.

Paperwork Reduction Act (PRA) of 1995

The information collection requirements in subpart B remain unchanged. The current information collection requirements of Subpart B, Exploration and Development and Production Plans, have been approved by OMB under 44 U.S.C. 3507 and assigned OMB control number 1010–0049.

Regulatory Flexibility Act

DOI certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The revision to the rule will clarify, but not change, the requirements currently in place for OCS plan review and approval. The changes make clear that NOAA regulations govern State coastal zone consistency review of OCS plans submitted to us. There will be no change to current procedures resulting from the amendment to the rule. DOI has determined that these changes to the rule will not have a significant effect on a substantial number of small entities. In general, most entities that engage in offshore activities are not considered small due to the technical and financial resources and experience necessary to conduct such activities safely. However, those lessees that are classified as small businesses will not be affected. DOI also determined that there are no indirect effects of this rulemaking on small entities that provide support for offshore activities. Small government entities, such as small local governments in an affected State's coastal zone, can participate in State coastal zone review and can request that the Regional Supervisor provide copies of plans. None of the proposed changes will affect this process.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under (5 U.S.C. 804(2)) SBREFA. This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandate Reform Act (UMRA) of 1995

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. A statement containing the information required by UMRA (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: September 3, 1999.

Sylvia V. Baca,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Minerals Management Service amends 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1334.

2. In § 250.203, paragraph (f) is revised to read as follows:

§ 250.203 Exploration Plan.

* * * * *

(f) Within 2 working days after we deem the Exploration Plan submitted, the Regional Supervisor will send by receipted mail a copy of the plan (except those portions exempt from disclosure under the Freedom of Information Act and 43 CFR part 2) to the Governor or the Governor's designated representative and the CZM agency of each affected State. Consistency review begins when the State's CZM agency receives a copy of the deemed submitted plan, consistency certification, and required necessary data and information as directed by 15 CFR 930.78.

* * * * *

3. In § 250.204, paragraphs (i) and (j) are revised to read as follows:

§ 250.204 Development and Production Plan.

* * * * *

(i) We will process the plan according to this section and 15 CFR part 930. Accordingly, consistency review begins when the State's CZM agency receives a copy of the deemed submitted plan, consistency certification, and required necessary data and information as directed by 15 CFR 930.78.

(j) The Regional Supervisor will evaluate the environmental impact of the activities described in the Development and Production Plan (DPP) and prepare the appropriate environmental documentation required by the National Environmental Policy Act of 1969. At least once in each planning area (other than the western and central Gulf of Mexico planning areas), we will prepare an environmental impact statement (EIS) and send copies of the draft EIS to the Governor of each affected State and the executive of each affected local government that requests a copy. Additionally, when we prepare a DPP EIS and when the State's federally approved coastal management program requires a DPP NEPA document for use in determining consistency, we will forward a copy of the draft EIS to the State's CZM Agency. We will also make copies of the draft EIS available to any appropriate Federal Agency, interstate entity, and the public.

* * * * *

[FR Doc. 99–25499 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[WV–082–FOR]

West Virginia Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing its approval of amendments and its decision concerning the State's request that we reconsider certain decisions on a previous program amendment to the West Virginia permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment revises the West Virginia surface mining regulations concerning definitions of "area mining operations" and "mountaintop mining operations;" variances from approximate original contour in steep slope areas; subsidence control plans; permit issuance; construction tolerance; surface owner protection; and primary and emergency spillway designs. The previous amendment being reconsidered concerns subsidence regulations. The amendment is intended to improve the operational efficiency of the State program, and to make the regulations consistent with the counterpart Federal regulations.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Charleston Field Office, 1027 Virginia Street East, Charleston, West Virginia 25301. Telephone: (304) 347–7158.

SUPPLEMENTARY INFORMATION:

I. Background on the West Virginia Program
II. Submission of the Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the West Virginia Program

On January 21, 1981, the Secretary of the Interior conditionally approved the West Virginia program. You can find background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of the approval in the January 21, 1981, **Federal Register** (46 FR 5915–5956). You can find later actions concerning the West Virginia program and previous amendments at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

II. Submission of the Amendment

By letter dated May 5, 1999 (Administrative Record Number WV–1127), the West Virginia Division of Environmental Protection (WVDEP) submitted an amendment to the West Virginia permanent regulatory program pursuant to 30 CFR 732.17. The amendment concerns changes to the West Virginia regulations made by the State Legislature in House Bill 2533 which was enacted on April 2, 1999. In addition, the WVDEP requested that OSM reconsider its disapproval of parts of CSR 38–2–3.12 (concerning subsidence control plan) and 38–2–16.2 (concerning surface owner protection) and remove the corresponding required regulatory program amendments specified in the February 9, 1999, **Federal Register** (64 FR 6201–6218) in light of the April 27, 1999, United States Court of Appeals decision on Case No. 98–5320.

We announced receipt of the proposed amendment in the May 27, 1999, **Federal Register** (64 FR 28771), invited public comment, and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on June 28, 1999. No one requested an opportunity to speak at a public hearing, so none was held.

III. Director's Findings

Following, according to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are our findings concerning the proposed amendment. Any revisions that we do not specifically discuss below concern nonsubstantive wording changes or revised paragraph notations to reflect organizational changes that result from this amendment.

1. *CSR 38–2–2.11 Definition of "Area Mining Operation."* In this new definition, "Area Mining Operation" is defined to mean a mining operation where all disturbed areas are restored to approximate original contour (AOC) unless the operation is located in steep

slope areas and a steep slope AOC variance in accordance with subsection 14.12 of this rule has been approved. An area mining operation may remove all or part of coal seam(s) in the upper fraction of a mountain, ridge, or hill. However, it is not classified as a mountaintop operation for one or more of the following reasons:

2.11.a. The site may be restored to AOC; or

2.11.b. The entire coal seam may not be removed.

There is no Federal definition of the term "area mining operation." However, we find that the term "area mining operation" does not include "mountaintop-removal mining" and is analogous with the Federal requirements relating to "steep slope mining." Because the definition is not inconsistent with SMCRA or the Federal regulations it can be approved.

2. *CSR 38–2–2.78 Definition of "Mountaintop Mining Operation."* In this new definition, "Mountaintop Mining Operation" is defined to mean a mining operation that removes an entire coal seam or seam(s) in an upper fraction of a mountain, ridge, or hill and creating a level plateau or a gently rolling contour with no highwalls. The approved postmining land use must be in accordance with § 22–3–13(c)(3) of the West Virginia Code. We find the definition of "mountaintop mining operation" to be substantively identical to the Federal regulations governing "mountaintop removal mining" at 30 CFR 824.11(a)(2) and it is, therefore, approved.

3. *CSR 38–2–3.12 Subsidence control plan.* Subdivision 3.12.a.2. is amended to change the words "could contaminate, diminish or * * *" to read "could be contaminated, diminish or * * *" We find that this change helps to clarify the meaning of this provision and can be approved. However, the proposed change has not satisfied the required amendment at 30 CFR 948.16(aaaa). The second paragraph of subdivision 3.12.a.2. is amended by adding the word "building" to read as follows: "A survey of the condition of all non-commercial building or residential * * *" We find that the addition of the word "building" at Subdivision 3.12.a.2 is no less effective than 30 CFR 784.20(a)(3) and can be approved.

Subdivision 3.12.a.2.B. is amended to change the words "Non-commercial building as used in this section means, other than * * *" to read "Non-commercial building as used in this section means any building, other than * * *" We find that this change clarifies the meaning of this provision and can be approved. However, the required amendment at 30 CFR 948.16(cccc) still remains unsatisfied because the definition of "non-commercial building" does not include such buildings used on a temporary basis as provided by 30 CFR 701.5.

4. *CSR 38–2–3.32.b. Findings—permit issuance.* In the third paragraph, the name of the database "Surface Mining Information System" is deleted and replaced by "Environmental Resources Information Network." We find that this name change more accurately describes the WVDEP's surface mine database management system. The proposed revision does not render the West Virginia program less effective than the Federal requirements and, therefore, can be approved.

5. *CSR 38–2–3.35 Construction tolerance.* This subsection is amended by adding the title "Construction Tolerance." We find that this change clarifies the purpose of the provisions at subdivision 3.35 and can be approved.

6. *CSR 38–2–14.12.a.1. Variance from approximate original contour requirements.* This provision is amended by adding the following language: "and the land after reclamation is suitable for industrial, commercial, residential or public use (including recreational facilities)." As amended the provision reads as follows. "The permit area is located on steep slopes as defined in subdivision 14.8.a. of this rule and the land after reclamation is suitable for industrial, commercial, residential or public use (including recreational facilities)." We find that the new language is substantively identical to the Federal regulations at 30 CFR 785.16(a)(1), pertaining to variance from the approximate original contour (AOC) requirement for steep slope mining operations, and can be approved. This revision satisfies the required amendment at 30 CFR 948.16(mmm) which can be removed.

7. *CSR 38–2–16.2. Surface owner protection.* Subdivision 38–2–16.2.c. is amended by adding the word "damage" after the word "Material" at the beginning of the first sentence. In addition, the words "or facility" are added after the word "structure" and before the word "from" near the end of the first sentence. We find that these changes, which are no less effective than 30 CFR 701.5, clarify the meaning of the term "material damage" and, therefore, can be approved.

Subdivision 38–2–16.2.c.3. is amended to delete the word "occurs" after the words "subsidence damage" and before the words "to any." We find that this change eliminates a redundant word and clarifies the meaning of this provision and can be approved.

8. *CSR 38–2–22.4.g. Primary and emergency spillway design.* This subdivision is amended by changing the probable maximum precipitation (PMP) event for impoundments meeting the size or other criteria of 30 CFR 77.216(a) from a 24-hour storm event to a "six (6)" hour storm event. This change has been submitted in response to a required program amendment codified at 30 CFR 948.16(uuu). On February 21, 1996 (61 FR 6528) the Director determined that the State's PMP 24-hour storm event standard would be impossible to implement because the U.S. Weather Service's document "Rainfall Frequency Atlas" does not have data charts concerning PMP for a 24-hour storm event. The "Rainfall Frequency Atlas" does, however, contain data charts for PMP 6-hour storm events. We find that with this change, the provision is substantively identical to the Federal regulations at 30 CFR 816/817.84(b)(2) and which specify the PMP 6-hour storm event. We also find that this amendment satisfies the required program amendment codified at 30 CFR 948.16 (uuu) which can be removed.

9. *WVDEP request that OSM reconsider certain decisions and required amendments published in the February 9, 1999,* **Federal Register** *(64 FR 6201–6218).*

Along with its submittal of this amendment, the WVDEP also requested that we reconsider our disapproval of amendments and the related required amendments to the West Virginia program in the February 9, 1999, **Federal Register** (64 FR 6201–6218). In that notice, we disapproved parts of CSR 38–2–3.12 (concerning subsidence control plan) and 38–2–16.2 (concerning surface owner protection) and added related required regulatory program amendments. The WVDEP cited the United States Court of Appeals decision in *National Mining Ass'n.* v. *Babbitt,* 172 F.3d 906 (D.C. Cir. 1999), as the basis for its request.

In the above referenced decision, the Court struck down two OSM regulations on coal mine subsidence. First, the Court of Appeals vacated 30 CFR 817.121(c)(4)(i), which established a rebuttable presumption that damage to any noncommercial building or occupied residential dwelling or structure related thereto, resulting from earth movement occurring within the "angle of draw" of an underground mining operation, was caused by subsidence from that mining operation. 172 F.3d at 913. The Court also struck down a portion of 30 CFR 784.20(a)(3) that required coal operators to conduct

presubsidence structural condition surveys. The Court vacated this provision because the area in which the survey was required was defined by reference to the angle of draw, which the Court found to be an arbitrary and capricious basis for the establishment of a rebuttable presumption. *Id.* at 915. The two regulations that were struck down were among those issued on March 31, 1995, at 60 FR 16722–51, pursuant to SMCRA and section 2504 of the Energy Policy Act of 1992. The Energy Policy Act of 1992 added a new section 720 to SMCRA. Section 720 requires underground mine operators to repair or to compensate for material damage to residential structures and noncommercial buildings, and to replace residential water supplies adversely affected by underground mining.

As the WVDEP requested, we reviewed the findings that we made in the February 9, 1999, **Federal Register** notice in the light of the Court of Appeals decision cited above. Based on our review, we have determined that some of our decisions and required amendments are affected by the Court's decisions. Therefore, in a future **Federal Register** notice, we will identify the specific findings, decisions and required amendments that are affected by the Court's decision. We will open a public comment period and will ask for public comment on the decisions that we propose to amend and the required amendments that we propose to delete.

IV. Summary and Disposition of Comments

Federal Agency Comments

As required by 30 CFR 732.17(h)(11)(i), we solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the West Virginia program on May 21, 1999. The U.S. Department of Labor, Mine Safety and Health Administration responded and stated that it had no comments.

Public Comments

We solicited public comments on the amendment. No comments were received.

U.S. Environmental Protection Agency (EPA)

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the EPA with respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). We determined that none of the amendments required EPA concurrence.

Pursuant to 30 CFR 732.17(h)(11)(i), we solicited comments on the proposed amendment from EPA. The EPA responded and stated that it had no objections to the proposed revisions. The EPA recommended, however, that the definition of "mountaintop mining operation" at CSR 38–2–2.78 be clarified. The EPA stated that the definition gives the impression that approval of an AOC variance is not necessary to create the level area as long as an approved postmining land use plan is approved. The EPA recommended that the definition be amended to clarify that W.Va Code 22–3–13(c)(3) includes a requirement of an AOC variance. In response, we agree that amending the definition as recommended by EPA would add to its clarity. However, since the proposed definition already requires compliance with W.Va Code 22–3–13(c)(3), which requires that an operator be granted a variance in order to be exempt from the AOC requirement for a mountaintop-removal operation, we conclude that the additional clarification to the definition is not necessary.

V. Director's Decision

Based on the findings above, we are approving the proposed amendments. In a future **Federal Register** notice, we will identify the specific findings decisions and required amendments published in our February 9, 1999, **Federal Register** notice that are affected by the United States Court of Appeals decision in *National Mining Ass'n.* v. *Babbitt*, 172 F.3d 906 (D.C. Cir. 1999). We will open a public comment period and will ask for public comment on the decisions that we propose to amend and the required amendments that we propose to delete.

The Federal regulations at 30 CFR 948 codifying decisions concerning the West Virginia program are being amended to implement this decision. The required regulatory program amendments codified at 30 CFR 948.16(mmm) and CFR 948.16(uuu) are being removed. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that

existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 7, 1999.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 948—WEST VIRGINIA

1. The authority citation for part 948 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 948.15 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

§ 948.15 Approval of West Virginia regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
.	.	.
May 5, 1999	10–1–99	CSR 38–2–2.11; 2.78; 3.12.a.2, and .2.B; 3.32.b; 3.35; 14.12.a.1; 16.2.c, and .c.3; and 22.4.g.

§ 948.16 [Amended]

3. Section 948.16 is amended by removing and reserving paragraphs (mmm) and (uuu).

[FR Doc. 99–25551 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

[SPATS No. WY–028–FOR]

Wyoming Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving an amendment to the Wyoming regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Wyoming proposed revisions to and additions of rules for fish and wildlife habitat and resource information, shrub density, certification of maps by a registered professional engineer, geologic descriptions, topsoil substitutes, special bituminous coal mines, archaeological and historic resources, permit transfers, civil penalties, and miscellaneous changes to Appendix A of Wyoming's rules, which concern vegetations sampling methods and reclamation success standards for surface coal mining operations.

Wyoming intends to revise its program to be consistent with the corresponding Federal regulations and SMCRA.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Telephone: 307–261–6550; Internet address: GPadgett@OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program

On November 26, 1980, the Secretary of the Interior conditionally approved the Wyoming program. You can find background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the November 26,1980, **Federal Register** (45 FR 78637). Subsequent actions concerning Wyoming's program and program amendments can be found at 30 CFR 950.12, 950.15, 950.16 and 950.20.

II. Submission of the Proposed Amendment

By letter dated July 13, 1998, (Administrative Record No. WY–33–1), Wyoming sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Wyoming's amendment was in response to a December 23, 1985 letter that we sent to Wyoming in accordance with 30 CFR 723.17(c) and in response to the required program amendments at 30 CFR 950.16(b), (c), (g), (v), (x), (ii)(1), and (kk), and on its own initiative. The provisions of its "Coal Rules and Regulations" that Wyoming proposed to revise and add are: (1) Chapter 1, Section 2(ac), revises the definition of "eligible land"; (2) Chapter 1, Section 2(v) revising the definition of critical habitat, (3) Chapter 2, Section 1(e), revises the section delineating the contents of permit applications; (4) Chapter 2, Section 2(a)(vi)(G)(II), for notification of the U.S. Fish and Wildlife Service; (5) Chapter 2, Section 1(a)(vi)(H), geology description; (6) Chapter 2, Section 2(a)(vi)(J), corrects incorrect references to the Wyoming Statutes; (7) Chapter 2, Section 2(a)(vi)(J)(II), for maps submitted in a permit application; (8) Chapter 2, Section 2(b)(iv)(C), the subsection on revegetation; (9) Chapter 2, Section 2(b)(vi)(C), for the submission of resource information; (10) Chapter 4, Section 2(c)(ix), for the use of selected spoil material; (11) Chapter 4, Section 2(d)(x)(E)(I), the rule on shrub density; (12) Chapter 4, Section 2(d)(x)(E)(III), the rule for revegetation standards on crucial habitat; (13) Chapter 8, Sections 3–4–5, the rules for special bituminous coal mines; (14) Chapter 12, Section 1(a)(iv)(B), rules for properties on the National Register of Historic Places; (15) Chapter 12, Section 1(a)(v)(C), the rule on permitting procedures for properties listed or eligible for listing on the National Register of Historic Places; (16) Chapter 12, Section 1(b)(ii), the rule on procedures for permit transfers; (17) Chapter 16, Section 3(c) and (f), rules concerning civil penalties; (18) Appendix A, Appendix IV, rules for Threatened and Endangered Species in Wyoming; (19) Appendix A, Options I–IV, for minor changes to the shrub density option tables; (20) Appendix A, Section II.C.2.c, corrects the cross-reference to the rule on cropland, hayland or pastureland; (21) Appendix A, Section II.C.3, removes the language referring to the approval of the shrub density rule and replaces it with the August 6, 1996 date of the rule's

approval; and (22) Appendix A, Section VIII.E, also removes the language referring to the approval of the shrub density rule and replaces it with the August 6, 1996 date of that rule's approval.

We announced receipt of the amendment in the July 29, 1998, **Federal Register** (63 FR 40384). In the same document we opened the public comment period and provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on the adequacy of the amendment. Because no one requested a public meeting or hearing, we did not hold one. The public comment period closed on August 28, 1998.

III. Director's Findings

Following, under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are our findings concerning the amendment. As discussed below we find that the proposed program amendment submitted by Wyoming on July 13, 1998, is no less effective than the corresponding Federal regulations. Accordingly, we approved the amendment.

1. Nonsubstantive Revisions to Wyoming's Rules and Statute

Wyoming proposes revisions to the following previously-approved rules and statutes that are nonsubstantive in nature and consist of minor, non-substantive changes (corresponding Federal regulation provisions are listed in parentheses):

A. *Chapter 1, Section 2 (ac); Chapter 4, Section 2(d)(x)(E)(I); Appendix A, Section II.C.3; Section VIII.E; (no Federal counterparts)—[adds date of approval of shrub density rule].*

This revision replaces the reference to the approval of the shrub density rule with the August 6, 1996 date of approval of that rule.

B. *Chapter 2, Section 1(e) and Section 2(b)(iv)(c), deletes reference to the defunct State Conservation Commission (no Federal counterpart).*

The State Conservation Commission has been disbanded and replaced by the State Board of Agriculture. However, this Board does not make recommendations for standards and specifications for mine reclamation as did the former State Conservation Commission. Therefore reference to the Commission has been proposed for deletion by the State.

C. *Chapter 16, Section 3(c) and (f), corrects reference to the Wyoming Statute concerning Civil Penalties (no Federal counterpart).*

The reference to the Wyoming Environmental Quality Act in both of the rules noted above is proposed for revision because it no longer references the appropriate statute. Article 9 of the Act was modified by Wyoming's 1995 Legislature. Many of the provisions within W.S. 35–11–901 were repealed from that subsection and moved into a new subsection numbered 35–11–902, entitled "Surface Coal Mining operations; violations of provisions, penalties." The changes proposed above now correctly reference Article 9.

D. *Appendix A, Section II.C.2.c; corrects cross reference from shrub density to cropland standard (no Federal counterpart).*

This revision changes the incorrect cross-reference from the shrub density standard on eligible coal mined lands, 2(d)(x)(E), to the reclamation requirements for cropland, 2(d)(x)(I).

E. *Appendix A, Options I–IV, fifteen minor changes to shrub density option tables (no Federal counterpart);* Wyoming's Land Quality Division (LQD) held a workshop for industry representatives and consultants on September 30 and October 1, 1996 to discuss and describe the newly adopted shrub density standard for coal operators. As part of this discussion, several errors, inconsistencies and improvements were identified. These figures have therefore been proposed for revision to correct the errors and improve the readability of the information.

Because the proposed revisions to these previously-approved rules are nonsubstantive in nature, we find that they are no less effective than the Federal regulations and we therefore approve them.

2. Chapter 1, Section 2(v), Definition of Critical Habitat

In the August 6, 1996 **Federal Register**, we approved Wyoming's rule definition of "critical habitat" at Chapter I, section 2(v) but recommended that Wyoming delete references to the Secretary of Commerce and to the Department of Commerce regulations at 50 CFR part 226 (finding No. 3 61 FR 40735, 40736). OSM recommended this change because the Secretary of Commerce has jurisdiction over marine mammals which has no relevance to the State of Wyoming since Wyoming has no marine mammals.

In this proposed rule definition, Wyoming deleted these references.

We find that Wyoming's revised rule definition of "critical habitat" at chapter I, section 2(v) is no less effective than the Federal regulations at 30 CFR 780.16(a) and (b), 816.997(b), and 817.97(b). We approve the revised definition.

3. Chapter 2, Section 2(a)(vi)(G)(II), Notification of FWS if Critical/Crucial Habitat Destruction Is Likely

In the August 6, 1996 **Federal Register** notice, we required Wyoming to clarify that the U.S. Fish and Wildlife Service (USFWS) will be contacted by the Administrator of the LQD in the event that habitat declared to be "critical" is threatened by any mining related activity. (Finding No. 10, 61 FR 40741)

In the proposed rule Wyoming clarifies that the U.S. Fish and Wildlife Service shall be contacted if critical habitat destruction is likely.

We find that Wyoming's proposed rule clarification at Chapter 2, Section 2(a)(vi)(G)(II) is no less effective than the Federal regulations at 30 CFR 780.16(a) and (a)(2)(i). We approve the revision.

4. Chapter 2, Section 2(a)(vi)(H), Description of Areal and Structural Geology in the Permit Application

In a final rule **Federal Register** notice dated July 25, 1990 (finding No. 2, 55 FR 30221, 30223), we approved Wyoming's revisions to counterparts to 30 CFR 780.22(b)(1) and 784.22(b)(1) relating to geologic permitting information. However, we required that Wyoming amend its rules to mandate that the geologic description include areal and structural geology of the permit and adjacent areas, and other parameters which influence the required reclamation and the occurrence, availability, movement, quantity, and quality of potentially impacted surface and ground water. This requirement was codified at 30 CFR § 950.16(b).

In the proposed rule Wyoming added the required language.

In addition to the above, Wyoming is proposing to add the words "by extrapolation" before the words "adjacent areas." This change, which has no counterpart in the Federal rule, is being proposed to make it clear that a mining operator may use drilling information from within the permit area to extrapolate out to adjacent areas in order to describe the geology of the adjacent areas in the event that legal access to these areas for drilling purposes is not available. This provision does not relieve companies from using existing information to characterize adjacent areas or conduct field investigations of surface water characteristics outside the permit area if needed. This provision only alleviates the need to drill outside the permit area

in situations where permission for access cannot be obtained. Because the Federal regulations at 30 CFR 780.22(b)(2) and 784.22(b)(2) only require the results of drilling from within the permit area, the State's use of the phrase, "by extrapolation" is no less effective than the Federal requirement.

In addition to the above, the phrase "prepared or certified by a licensed professional geologist" has also been added to this rule. This was recommended by the Wyoming State Geologist because the recently-adopted Wyoming Geologists Practice Act requires that the geologic reports in these descriptions must be prepared or certified by a licensed professional geologist. Subsection 33–41–102 of the Wyoming Geologists Practice Act provides a definition for the "practice of geology before the Public". This definition includes "preparation of geologic reports and maps, the inspection of geological work and the responsible supervision of geological services or work, the performance of which is relevant to public welfare or the safeguard of life, health, property and the environment."

Wyoming proposed several other provisions to this rule. The first is the addition of the phrase "*or other qualified professional (as required by W.S. §§ 33–41–101 through 121).*"

Wyoming also proposed adding several additional words to this rule. The term "*adversely*" is proposed to be added to modify "affected" and "*by mining*" has been added after "affected." Both changes are intended to make it clear that the detailed geologic description only needs to include the aquifer below the lowest coal seam to be mined if that aquifer is clearly going to be adversely affected by mining. Wyoming's rule at Chapter 2, Section 2(a)(vi)(H) is no less effective than the Federal regulations at 30 CFR 780.22(b)(1) and 784.22(b)(1). We approve the proposed rule.

5. Chapter 2, Section 2(a)(vi)(J), Corrects References to Wyoming Statutes; Adds "Licensed Professional Geologist"

Wyoming's proposal corrects two references to the Wyoming Statutes cited in the above rule. Subsection 33–29–111 was renumbered to 33–29–139 during the 1987 Wyoming Legislative session and Subsection 9–3–1402 was renumbered to 9–2–802 during 1982 Legislative session. However, Statute 9–2–802 was repealed by the 1997 Legislature and replaced by the Wyoming Geologists Practice Act. This Act consists of subsections 33–41–101 through 33–41–121.

The phrase "licensed professional geologist" is also proposed to be inserted into this rule to make it clear that these types of maps and cross-sections of the area affected within the permit can now also be certified by a registered professional geologist as allowed by the new Act. The authority for including this additional choice for certification is also provided in subsections 33–41–102(a)(viii) and 33–41–104(a)(iii) of the Wyoming Geologists Practice Act.

The Federal counterpart for this rule is 30 CFR 779.25, which provides that such maps and plans can also be prepared by professional geologists. We find that Wyoming's proposed rule is no less effective than the Federal rule and approve the revision.

6. Chapter 2, Section 2(a)(vi)(J)(II), Strike and Dips of Coal Seams in Permit Application Maps

As part of the July 25, 1990 **Federal Register** (finding 3, 55 FR 30221), we required that Wyoming amend its rules at Chapter II, Section 3(a)(vi)(C)(II) to require that maps and cross sections show the strike and dip of the coal seam to be mined. This proposed rule has previously been reorganized and recodified as Chapter 2, Section 2(a)(vi)(J)(II), and Wyoming added the required language.

We find that Wyoming's revised Chapter 2, Section 2(a)(vi)(J)(II) is no less effective than the Federal regulations at 30 CFR §§ 779.25(a)(4) and 783.25(a)(4). We approve the revised rule.

7. Chapter 2, Section 2(b)(vi)(c), Submission of Resource Information When Requested by the U.S. Fish and Wildlife Service

In a 30 CFR Section 732 letter dated November 7, 1988, we required Wyoming to modify its program at Chapter II, Section 3(b)(iv). Wyoming consequently reorganized and recodified this rule as Chapter 2, Section 2(b)(vi)(C) to state that, if the appropriate U.S. Fish and Wildlife Service (USFWS) office wishes to review specific fish and wildlife resource information and the proposed protection and enhancement plan contained in a permit application, the Division will provide this information to the USFWS within ten days of receipt of such a request. Wyoming's proposal includes revision to Chapter 2, Section 2(b)(vi)(C) adding the required provision.

We find that Wyoming's revision is no less effective than the Federal regulation at 30 CFR 780.16(c) and 784.21(c) and therefore approve it.

8. Chapter 4, Section 2(c)(ix), Use of Selected Spoil as a Topsoil or Subsoil Substitute

The Federal regulations at 30 CFR 816.22(b) state that selected overburden materials may be substituted for, or used as a supplement to topsoil if the operator demonstrates to the regulatory authority that the resulting soil medium is equal to, or more suitable for sustaining vegetation than, the existing topsoil, and the resulting soil medium is the best available in the permit area to support vegetation. 30 CFR 780.18(b)(4) requires that a demonstration of the suitability of topsoil substitutes or supplements be based upon analysis of the thickness of soil horizons, total depth, texture, percent coarse fragments, pH, and areal extent of the different kinds of soils. The regulatory authority may require other chemical and physical analyses, field-site trials, or greenhouse tests if determined to be necessary or desirable to demonstrate the suitability of the topsoil substitutes or supplements.

The proposed State rule limits the use of topsoil substitutes or supplements to those situations where there is insufficient volume of suitable topsoil or subsoil for salvage and redistribution. While Wyoming's proposed rule does not include counterparts to the Federal requirements to identify the thickness or areal extent of different kinds of soil substitutes, this does not adversely affect its ability of the State to determine that the proposed topsoil substitute or supplement is equal to, or more suitable for sustaining vegetation and is the best available in the permit area to support vegetation. As proposed, the Wyoming rule at chapter 4, Section 2(c)(ix) is consistent with and no less effective than the Federal regulations at 30 CFR 780.18(b)(4) and 816.22(b). We approve the proposed rule.

9. Chapter 4, Section 2(d)(x)(e)(III), Approval Authority of Wyoming's Game and Fish Department for Revegetation Standards on Crucial Habitat Declared as Such Prior to Submittal of a Permit Application

In the August 6, 1996 **Federal Register** (FR 40738), we required Wyoming to revise its rules at Chapter 4, section 2(d)(x)(E)(III) to require Wyoming Game and Fish Department approval of revegetation standards for grazing land that was designated by the Wyoming Game and Fish Department as crucial habitat prior to submittal of the initial permit application or any subsequent amendments to the permit application.

Wyoming has added a requirement to Chapter 4, section 2(d)(x)(e)(III) to require Wyoming Game and Fish Department approval of revegetation standards for grazing land that was designated by the Wyoming Game and Fish Department as crucial habitat prior to submittal of the initial permit application or any subsequent amendments to the permit application. This addition meets the requirements of 30 CFR 950.16(ii)(1) and is no less effective than its counterpart at 30 CFR 816.116. We approve the proposed rule.

10. Chapter 8, Section 3–4–5, Special Alternative Standards for Existing and New Special Bituminous Coal Mines; General Performance Standards

Section 527 of SMCRA addresses the performance standards for special bituminous coal surface mines. Wyoming meets the criteria specified in Section 527; therefore it is authorized to issue separate regulations for its special bituminous coal surface mines located west of the 100th meridian west longitude. 30 CFR 825 of the Federal regulations further specifies that "special bituminous coal mines in Wyoming, as specified in section 527 of SMCRA, shall comply with the approved State program, including Wyoming statutes and regulations, and revisions thereto."

The Wyoming standards for backfilling and grading the mine pit area and spoil piles associated with a new special bituminous coal mine are currently provided in Chapter 8 through cross-referencing to Section 2(b) in Chapter 4. However, during the December, 1992 reorganization of the LQD rules into specific Coal and Noncoal sets, the rule additions being proposed here at Section 4(a)(i) through (iv) were inadvertently excluded from applying to new special bituminous coal mines.

In order to rectify this omission, this rule is proposed for amendment into Chapter 8. These rules are the same as currently found in Chapter III, Section 2(b) of the LQD Noncoal rules, with one exception. The phrase "or that greater slopes would enhance the postmining land use" has not been incorporated into the amended language for Chapter 8. This phrase, which does exist in the Noncoal rules at Section 2(b)(ii), was originally incorporated into the LQD rules on December 5, 1988. The inclusion of this phrase was then submitted to us for approval on December 13, 1988. We subsequently disapproved the addition of this phrase in the December 26, 1989 **Federal Register** (54 FR 52958) because it was not part of the rules originally intended to apply to new special bituminous mines and therefore could not be applied to new special bituminous mines.

This proposed Wyoming rule also adds a reference to Section 4 within the renumbered Section 5. General Performance Standards. Section 4, Special Alternative Standards for New Special Bituminous Coal Mines, must be included in Section 5 to make it clear that a new special bituminous mine shall also comply with the performance standards contained in SMCRA and Chapter 4 to the extent that such performance standards do not preclude the benefit intended under the special alternative regulations contained in either Section 3 or 4 of Chapter 8. The proposed Wyoming rule is no less effective than the Federal rule and we approve it.

11. Chapter 12, Section 1(a)(iv)(B), Effective on Properties on the National Register of Historic Places Must Be Taken Into Account Prior to Permit Approval

In a final rule **Federal Register** notice dated October 29, 1992 (57 FR 48984, 48988), we found Wyoming's proposed rule at Chapter XIII, Section 1(a)(v) to be less effective than the Federal regulations to the extent that it did not include a finding for properties listed on the National Register of Historic Places. (This rule has been previously recodified as Chapter 12, Section 1(a)(iv)(B)). Consequently, we asked Wyoming to revise its rules at Chapter 12, Section 1(a)(iv)(B) by including findings for properties listed on the National Register of Historic Places as required in 30 CFR 773.15(c)(11). In response to this required amendment, Wyoming proposes to revise its rule by adding the additional language set forth above.

In addition, partly in response to comments from the Wyoming State Historic Preservation Office, the State has added the word "*properties*" to modify "eligible" and to make it clear that these properties must also be taken into consideration.

The symbol for subsection (§) is also proposed for insertion into the rule at Chapter 12, Section 1(a)(iv)(B) to maintain consistent style.

We find the Wyoming revision to be no less effective than 30 CFR 773.15(c)(11) and therefore approve it.

12. Chapter 12, Section 1(a)(v)(C), Permitting Procedures

In the July 25, 1990 **Federal Register** (55 FR 30221, 30227–28), we required Wyoming to revise its rules at Chapter XIII, Section 1(a)(v)(C) to reinstate the word "any" in front of the phrase "places included in the National Register of Historic Places" because its deletion did not assure that privately and publicly-owned properties listed on the National Register of Historic Places would be protected from disturbance by mining. Wyoming reinstated the word "any". This rule has been previously reorganized and recodified as Chapter 12, Section 1(a)(v)(C).

In addition, Wyoming proposed adding the word "*where*" to replace "which" to make the rule more understandable, along with the addition of the word "*mining.*" These proposed changes also make the introductory portion of this rule identical to the introductory portion of the counterpart Federal rule at 30 CFR § 761.11(c).

In response to a suggestion by the Wyoming State Historic Preservation Office, Wyoming included properties eligible for listing on the National Register along with properties listed to be taken into consideration when determining whether surface coal mining would be prohibited or limited if mining were to adversely affect any of these properties.

We find Wyoming's proposed revision to be no less effective than the Federal regulations at 30 CFR 761.H(C) and therefore approve it.

13. Chapter 12, Section 1(b)(ii), Delete Reference to some Public Participation Requirements for Permit Transfers

Wyoming proposes to add a provision to Chapter 12, Section 1(b)(ii) that permit transfers shall not be subject to the requirements of WS–35–11–406(g). This provision had required a determination of completeness for permit transfers and other procedural steps not required by the Federal provisions. We find that the proposed revision is no less effective than 30 CFR 774.17 and therefore approve it.

14. Appendix A, Appendix IV, Revises Rules by Adding and Deleting Plants to the List of Threatened and Endangered Species in Wyoming

Wyoming is proposing revision to Appendix IV within Appendix A for plant species of special concern. The existing list in Appendix IV is out-of-date and will continually be out-of-date because new plants and new populations of existing plants will be discovered in the future. We brought this to Wyoming's attention in our March 8, 1996 comment letter and by comments from the Bureau of Land Management in the August 6, 1996 **Federal Register** notice. Rather than attempt to keep this list up-to-date, the State is proposing to provide in this

Appendix only those species listed as threatened, endangered, or eligible for such listing by the U.S. Fish and Wildlife Service. This listing is necessary because operators are required by Chapter 2, Section 2(a)(vi)(C)(III), to describe the location of any State or Federally listed endangered or threatened plant species occurring within or adjacent to the permit area. Consequently, it is important that the plant species currently listed by the U.S. Fish and Wildlife Service be available to coal operators.

Wyoming will consult with the U.S. Fish and Wildlife Service on an annual basis to determine whether the list included in this Appendix needs to be updated. If there are new threatened or endangered species listed by the U.S. Fish and Wildlife Service that need to be added to this list, this will be accomplished through formal rulemaking. Formal rulemaking will also be initiated if a plant species needs to be removed from this Appendix because it has been delisted by the U.S. Fish and Wildlife Service.

The other plants currently appearing on this list and now proposed for removal include those plants considered to be of special concern in Wyoming, but not formally classified as threatened or endangered by the State. Rather than attempt to keep this list up-to-date through rulemaking, Wyoming is proposing to consult with all state entities that have current data on plant species that are of special concern in Wyoming. This information will be compiled and updated annually if necessary by the Land Quality Division and be made available to the public upon completion. When possible, this compiled summary will be updated and made available to the public prior to the summer field sampling season. There is no Federal counterpart to this appendix and the revision is not inconsistent with Federal regulations. We therefore approve it.

IV. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that we received, and our responses to them.

1. Public Comments

We invited public comments on the proposed rule but didn't receive any (Administrative Record No. WY–33–01).

2. Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), we solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Wyoming program (administrative record No. WY–33–05).

The U.S. Department of Agriculture responded on July 23, 1998 that "we want to commend the Wyoming Department of Environmental Quality staff on the amount of effort that has gone into the changes dealing with geologic descriptions, certification of maps and cross sections, National Register of Historic Places, topsoil substitutes, revegetation and wildlife. The language appears acceptable" (administrative record No. WY–33–07).

3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), we are required to solicit the written concurrence of EPA with respect to those provisions of the proposed amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). In reply to our July 20, 1998 request for comments, James Dunn of the EPA, in a September 1, 1998 letter (Administrative Record No. WY–33–13) concurred with the modifications proposed in the amendment.

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), we solicited comments on the proposed amendment from the ACHP and SHPO. (administrative record No. WY–33–03, WY–33–04). Neither the SHPO nor the ACHP responded to OSM's request.

V. Director's Decision

Based on the above findings, we approve Wyoming's proposed amendment as submitted on July 13, 1998.

We approve, as discussed in: Finding No. 1, miscellaneous citations, concerning nonsubstantive revisions to Wyoming's rules; finding No. 2, Chapter 1, Section 2(v), concerning the definition of critical habitat; finding No. 3, Chapter 2, Section 2(a)(vi)(G)(II), concerning the notification of the Fish and Wildlife Service if critical or crucial habitat destruction is likely; finding No. 4, Chapter 2, Section 2(a)(vi)(H), concerning the description of areal and structural geology in the permit application; finding No. 5, correcting the references to Wyoming Statutes and adding "licensed professional geologist;" finding No. 6, concerning strikes and dips of coal seams in permit application maps; finding No. 7, Chapter 2, Section 2(b)(vi)(c), concerning the submission of resource information when requested by the U.S. Fish and Wildlife Service; finding No. 8, Chapter 4, Section 2(c)(ix), concerning use of selected spoil as a topsoil or subsoil substitute; finding No. 9, Chapter 4, Section 2(d)(x)(E)(III), concerning approval authority of Wyoming's Game and Fish Department for revegetation standards on crucial habitat declared as such prior to submittal of a permit application; finding No. 10, Chapter 8, Section 3–4–5, concerning special alternative standards for existing and new special bituminous coal mines and the general performance standards; finding No. 11, Chapter 12, Section 1(a)(iv)(B), concerning taking into account prior to permit approval the effect on properties listed on the National Register of Historic Places; finding No. 12, Chapter 12, Section 1(a)(v)(C), concerning permitting procedures; finding No. 13, Chapter 12, Section 1(b)(ii), concerning the deletion of the reference to public participation requirements for permit transfers; finding No. 14, Appendix A, Appendix IV, concerning the revision of rules by adding and deleting plants to the list of Threatened and Endangered Species in Wyoming.

The Federal regulations at 30 CFR Part 950, codifying decisions concerning the Wyoming program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by us. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR

730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements we previously promulgated will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

6. Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 950

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 20, 1999.

Brent Wahlquist,

Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 950—WYOMING

1. The authority citation for part 950 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 950.15 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

§ 950.15 Approval of Wyoming regulatory program amendments

* * * * *

Original amendment submission date	Date of final publication	Citation/descripton
*	*	*
July 13, 1998	10–1–99	Chapter 1, Section 2(ac); Chapter 1, Section 2(v); Chapter 2, Section 1(e); Chapter 2, Section 2(a)(vi)(G)(II); Chapter 2, Section 2(a)(vi)(H); Chapter 2, Section 2(a)(vi)(J); Chapter 2, Section 2(a)(vi)(J)(II); Chapter 2, Section 2(b)(iv)(C); Chapter 2, Section 2(b)(vi)(C); Chapter 4, Section 2(c)(ix); Chapter 4, Section 2(d)(x)(E)(I); Chapter 4, Section e(d)(x)(E)(III); Chapter 8, Sections 3–4–5; Chapter 12, Section 1(a)(iv)(B); Chapter 12, Section 1(a)(v)(C); Chapter 12, Section 1(b)(ii); Chapter 16, Sections 3 (c) and (f); Appendix A, Appendix IV; Appendix A, Options I–IV; Appendix A, Section II.C.2.c; Appendix A, Section II.C.3; Appendix A, Section VIII.E.

§ 950.16 [Amended]

3. Section 950.16 is amended by removing and reserving paragraphs (b), (c), (g), (v), (x), (ii)(1), and (kk).

[FR Doc. 99–25553 Filed 9–30–99 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07 99–056]

RIN 2115–AE46

Special Local Regulations: Winston Offshore Cup, San Juan, Puerto Rico

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary special local regulations are being adopted for the Winston Offshore Cup, San Juan, Puerto Rico. The event will be held from 1 p.m. to 2:30 p.m. Atlantic Standard Time (AST) on October 10, 1999, in and north of San Juan Harbor, Puerto Rico. These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: This section becomes effective at 12 p.m. and terminates at 3:30 p.m. on October 10, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. John Reyes at (787) 729–5381.

SUPPLEMENTARY INFORMATION:

Regulatory History

On August 2, 1999, the Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** (64 FR 41853) proposing to establish a regulated area for the Winston Cup race in San Juan, Puerto Rico on October 10, 1999. No comments were received during the comment period.

Background and Purpose

These regulations create a regulated area in and north of San Juan Harbor that would prohibit entry to non-participating vessels. The participating race boats will be competing at high speeds with numerous spectator craft in the area, creating an extra or unusual hazard on the navigable waterways. These regulations are required to provide for the safety of life on navigable waters during the Winston Offshore Cup, San Juan, Puerto Rico.

In accordance with 5 U.S.C. 553, good cause exists for making this regulation

effective in less than 30 days after **Federal Register** publication. A NPRM was published for this regulation. However, delaying the final rule's effective date until 30 days after **Federal Register** publication would be contrary to national safety interests, as there was not sufficient time remaining after receipt of the permit request to allow for the full comment period that ended on September 16, and a 30 day delayed effective date, as the event occurs on October 10.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(f) of that order. The Office of Management and Budget has excepted it from review under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full regulatory evaluation under paragraph 10e of the regulated policies and procedures of DOT is unnecessary. The regulated area will only be in effect for three and one half hours in the vicinity of San Juan Harbor, Puerto Rico.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Coast Guard must consider whether this rulemaking will have a significant economic impact on a substantial number of small entities. Small entities include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant under their fields, and governmental jusridictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities, as the regulations will only be in effect for approximately three and one half hours on one day in a limited area of San Juan Harbor and its vicinity.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this rule consistent with Figure 2–1, paragraph 34(h) of Commandant Instruction M16475.1C, and has determined that this action has been categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, the Coast Guard amends part 100 of Title 33, Code of Federal Regulations as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, 49 CFR 1.46, and 33 CFR 100.35.

2. Add temporary § 100.35T–07–056 to read as follows:

§ 100.35T–07–056 Winston Offshore Cup, San Juan, Puerto Rico.

(a) *Regulated Area.* The regulated area starts in San Juan Bay, out the bay entrance around Punta El Morro, then east 2 nautical miles to Penon San Jorge, then back around into the bay. The regulated area is established beginning at 18°28′4″N, 066°08′0″W, then north to 18°28′9″N, 066°08′0″W, then east to 18°28′7″N, 066°05′5″W, then south to 18°28′2″N 066°05′5″W, then directly south to the shore. This area includes San Juan Bay, except San Antonio Approach Channel, San Antonio channel, Army Terminal Channel, Army Terminal Turning Basin, and Puerto Nuevo Channel, and Graving Dock Channel. All coordinates referenced use Datum: NAD 1983.

(b) *Special Local Regulations.* Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Patrol Commander. Spectator craft are required to remain in a spectator area designated by the event sponsor Puerto Rico Offshore Tour, San Juan, Puerto Rico.

(c) *Dates.* This section is effective at 12 p.m. and terminates at 3:30 p.m. AST on October 10, 1999.

Dated: September 2, 1999.

Thad W. Allen,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 99–25545 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–99–058]

Drawbridge Operating Regulation; Inner Harbor Navigation Canal, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Norfolk Southern Railroad bascule span drawbridge across the Inner Harbor Navigation Canal, mile 4.5, at New Orleans, Orleans Parish, Louisiana. This deviation allows the Norfolk Southern Railroad to close the bridge to navigation from 8 a.m. until noon and from 1 p.m. until 4 p.m., Monday through Friday from October 12, 1999 through November 5, 1999. This temporary deviation was issued to allow for the replacement of the railroad ties on the bascule span deck. The draw will open at any time for a vessel in distress. Presently, the draw opens on signal at all times.

DATES: This deviation is effective from 8 a.m. on October 12, 1999 through 4 p.m. on November 5, 1999.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana, 70130–3396. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: The Norfolk Southern Railroad bascule span drawbridge across the Inner Harbor Navigation Canal in New Orleans, Louisiana, has a vertical clearance of one foot above mean high water in the closed-to-navigation position and unlimited clearance in the open-to-

navigation position. Navigation on the waterway consists of tugs and tows, fishing vessels, sailing vessels, and other recreational craft. The Norfolk Southern Railroad requested a temporary deviation from the normal operation of the drawbridge in order to accommodate the maintenance work, involving removal and replacement of the railroad ties on the bascule span deck.

This deviation allows the draw of the Norfolk Southern Railroad bascule span drawbridge across the Inner Harbor Navigation Canal, mile 4.5, at New Orleans, Orleans Parish, Louisiana to remain closed to navigation from 8 a.m. until noon and from 1 p.m. until 4 p.m., Monday through Friday from October 12, 1999 through November 5, 1999. The draw shall open on signal at any time for a vessel in distress.

Dated: September 24, 1999.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 99–25547 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 033–0171; FRL–6446–2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and limited disapproval of a revision to the California State Implementation Plan (SIP) proposed in the **Federal Register** on April 4, 1994. This final action will incorporate these rules into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from the loading, unloading, and storage of petroleum products. EPA is finalizing a simultaneous limited approval and limited disapproval under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval EPA will be required to impose highway funding or emission offset sanctions under the CAA unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a Federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on November 1, 1999.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

El Dorado Air Pollution Control District, 7553 Green Valley Road, Placerville, CA 95667–4197.

FOR FURTHER INFORMATION CONTACT: Max Fantillo, Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1183.

SUPPLEMENTARY INFORMATION:

I. Applicability

EPA is finalizing a limited approval and limited disapproval of a revision to the California SIP submitted by El Dorado County Air Pollution Control District (EDCAPCD) entitled Regulation IX, Air Toxic Control Measures, Section A, Benzene, Rules 900 through 914. This regulation was submitted by the California Air Resources Board (CARB) to EPA on April 5, 1991.

II. Background

On April 4, 1994 in 64 FR 15686, EPA proposed granting a limited approval and limited disapproval of EDCAPCD Regulation IX, Air Toxic Control Measure, Section A, Benzene, (Rules 900 through 914) into the California SIP. These 900 series rules were adopted by EDCAPCD on September 18, 1990 and submitted by the CARB to EPA on April 5, 1991. The rules were submitted in response to EPA's 1988 SIP Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the proposed rule (PR) cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the PR. EPA is finalizing the limited approval of these rules in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. In summary, the deficiencies relate to the lack of a specific definition of the facilities to which the rules apply, improper definition of test methods, Control Officer discretion to require unspecified control equipment, and a higher throughput exemption than allowed by section 182(b)(3). These deficiencies must be corrected pursuant to the requirements of sections 182(a)(2)(A) and part D of the CAA. A detailed discussion of the rule provisions and evaluations has been provided in the PR and in technical support document (TSD) available at EPA's Region IX office (TSD dated April 30, 1993, Regulation IX, Rules 900 through 914).

III. Response to Public Comments

A 30-day public comment period was provided in 59 FR 15686; EPA did not receive any comments.

IV. EPA Action

EPA is finalizing a limited approval and limited disapproval of the above-referenced rules. The limited approval of these rules is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that the rules strengthen the SIP. However, the rules do not meet the section 182(a)(2)(A) CAA requirement because of the rule deficiencies which were discussed in the PR. Thus, in order to strengthen the SIP, EPA is granting limited approval of these rules under sections 110(k)(3) and 301(a) of the CAA. This action approves the rules into the SIP as federally enforceable rules.

At the same time, EPA is finalizing the limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of Part D of the Act. As stated in the proposed rule, upon the effective date of this final rule, the 18 month clock for sanctions and the 24 month FIP clock will begin. Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the effective date of the final rule, either the highway sanction or the offset sanction will be imposed at the 18 month mark. It should be noted that the rules covered by this FR have been adopted by the EDCAPCD and are currently in effect in the EDCAPCD. EPA's limited disapproval action will not prevent a EDCAPCD or EPA from enforcing these rules.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to E.O. 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal

governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 30, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

Nora L. McGee,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(183)(H)(*1*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(183) * * *

(i) * * *

(H) El Dorado County Air Pollution Control District.

(*1*) Regulation IX, Rules 900 through 914, adopted September 18, 1990.

* * * * *

[FR Doc. 99–25568 Filed 9–30–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL–6443–7]

RIN 2060–AF04

National Emission Standard for Hazardous Air Pollutants; National Emission Standards for Radon Emissions From Phosphogypsum Stacks

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document contains a correcting amendment to the final regulations for the National Emission Standard for Radon Emissions from Phosphogypsum Stacks, 40 CFR Part 61, Subpart R, which were originally published Wednesday, February 3, 1999 (64 FR 5574). This final rule promulgated revisions to the National Emission Standard for Hazardous Air Pollutants (NESHAP) that set limits on radon emissions from phosphogypsum stacks; and raised the limit on the quantity of phosphogypsum that may be used in indoor laboratory research and development from 700 to 7,000 pounds per experiment, eliminating current sampling requirements for phosphogypsum used in indoor research and development, and clarifying sampling procedures for phosphogypsum removed from stacks for other purposes.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Eleanor Thornton-Jones, Office of Radiation and Indoor Air (6602J), at 202–564–9773.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that is the subject of this correction affects persons or facilities required to comply with all the limitations set forth in § 61.205(b). In the rule published on February 3, 1999, § 61.205 was amended by revising the section title and paragraphs (a) and (b).

Review Under Executive Order 12866

Under Executive Order 12866, (58 FR 51736, October 4, 1993), this action is not a "significant regulatory action" and is not therefore subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule is also not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the February 3, 1999 **Federal Register** notice.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective October 1, 1999.

Need for Correction

As published, the final regulations contained an error which needs to be corrected.

List of Subjects in 40 CFR Part 61

Environmental protection, Air pollution control, Radon.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

Accordingly, 40 CFR Part 61 is corrected by making the following correcting amendment:

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7413, 7416, 7601 and 7602.

§ 61.205 [Amended]

2. In § 61.205, paragraph (a), in the second sentence "§ 61.206(b)" is revised to read "paragraph (b) of this section".

[FR Doc. 99–25562 Filed 9–30–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6448–7]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the 62nd Street Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces the deletion of the 62nd Street Superfund Site from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Florida Department of Environmental Protection (FDEP) have determined that the Site poses no significant threat to public health or the environment and therefore, further response measures pursuant to CERCLA are not appropriate.

EFFECTIVE DATE: October 1, 1999.

ADDRESSES: Comprehensive information on this site is available through the EPA Region 4 public docket, which is available for viewing at the information repositories at two locations. Locations, contacts, phone numbers and viewing hours are: Record Center, U.S. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia 30303–8909, (404) 562–9530, hours: 8:00 a.m. to 4:00 p.m., Monday through Friday by appointment only;

Tampa/Hillsborough County Public Library/Special Collections, 900 North Ashley, Tampa, Florida 33602, (813) 273–3652, hours: 9:00 a.m. to 9:00 p.m., Monday through Thursday, 9:00 a.m. to 5:00 p.m., Friday through Saturday.

FOR FURTHER INFORMATION CONTACT: Joseph Alfano, U.S. EPA Region 4, Waste Management Division, 61 Forsyth Street, Atlanta, Georgia 30303–8909, (404) 562–8907 or by electronic mail at *alfano.joe@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA announces the deletion of the 62nd Street Superfund Site in Tampa, Hillsborough County, Florida from the NPL, which constitutes Appendix B of 40 CFR Part 300. EPA published a Notice of Intent to Delete the 62nd Street Superfund Site from the NPL on August 4, 1999 in the **Federal Register** (64 FR 42328). EPA received no comments on the proposed deletion; therefore, no responsiveness summary is necessary for this Notice of Deletion. EPA identifies sites on the NPL that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to 40 CFR 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions if conditions at the site warrant such action. Deletion of a site from the NPL does not affect the responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 23, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site for Sixty-Second Street Dump, Tampa, Florida.

[FR Doc. 99–25563 Filed 9–30–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

[WO–350–1430–00–24 1A]

RIN 1004–AC83

Application Procedures

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management (BLM) is issuing final regulations that revise general application procedures by streamlining, modernizing, and clarifying existing provisions and removing obsolete and unnecessary requirements. The final rule describes how to file applications or other documents with BLM; provides guidance on how BLM determines priority for applications filed simultaneously; and spells out procedures for payments and refunds and requirements for publication and posting of notices.

EFFECTIVE DATE: November 1, 1999.

ADDRESSES: You may send inquiries or suggestions to: Director (630), Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mary Linda Ponticelli, Telephone: (202) 452–0364 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Background
II. Final Rule as Adopted
III. Responses to Comments
IV. Procedural Matters

I. Background

The existing regulations at 43 CFR part 1820 address general procedures applicable to all BLM land use authorizations. These general procedural regulations serve important

functions such as informing members of the public of pfoposed BLM actions or decisions through publication and posting of notices. The 1820 regulations are an important complement to BLM's detailed application procedures for specific programs. When there is a conflict between the general and specific program regulations, the latter governs.

The final rule published today is a stage of the rulemaking process that will result in the revision of the regulations at 43 CFR part 1820. This rule was preceded by a proposed rule that was published in the October 1, 1997, **Federal Register** (62 FR 51402). The proposal was intended to reduce the regulatory burden imposed on the public; streamline, modernize and clarify existing provisions; and remove obsolete and unnecessary requirements. We took this action to ensure consistency in processing documents and uniformity in the treatment of BLM's customers.

BLM invited public comments for 60 days and received comments from two sources: one from a law firm, who supported the proposal with suggested changes, and one from a private citizen, who opposed the proposal. We also received technical, internal agency comments.

II. Final Rule as Adopted

The final rule is adopted with changes to the proposed rule as discussed in the Responses to Comments section. In summary, the final rule contains general information on how to file documents with BLM, such as applications for various BLM resource programs. It also provides guidance on how BLM determines "first in line" priority for applications filed simultaneously; allows applications that do not require an original signature to be filed electronically; authorizes BLM to accept payments by Visa and Master Card in addition to more traditionally accepted forms of payment; permits an application relating to lands in more than one land district to be filed with any BLM State Office having jurisdiction over the lands rather than the existing procedure which requires an application to be filed in each office having jurisdiction over the lands; and describes requirements for posting and publication of notices.

The final rule removes regulatory provisions on specific BLM resource programs, such as § 1821.5–3 (mining claims), since these provisions are addressed in program-specific regulations found in other parts and subparts of title 43. In addition, the rule removes subpart 1823 (Proofs and Testimony) and subpart 1826 (Reinstatement of Cancelled Entries), because their applicability is now limited to desert land entries, and pertinent provisions are addressed in part 2520 of this title (Desert Land Entries). Further, we have removed many procedural requirements that are no longer applicable in §§ 1821.6, concerning time constraints for applications filed in BLM offices in Alaska, and 1822.3, concerning homestead requirements.

III. Responses to Comments

In preparing the final rule, BLM carefully considered all comments received during the 60-day public comment period on the proposed rule to revise 43 CFR part 1820. A discussion of those comments follows:

Comments Incorporated into the Final Rule—

1. *Comment:* Existing § 1821.2–2(g)(1) allows the authorized officer to consider a late filing except where, among other criteria, the law does not permit him to do so. Proposed § 1822.15(a), which restates existing § 1821.2–2(g)(1) in plain language, allows BLM to consider a document timely filed if the law permits BLM to do so. The commenter suggests retaining the language in the existing section because the proposed section could be interpreted as requiring specific authorization in the law for BLM to consider a late filing.

Response: To avoid any misinterpretation and confusion that could result from this slight variation in language, we have adopted the commenter's suggestion and reworded § 1822.15(a) to state that BLM can consider a document timely filed if the law does not prohibit it.

2. *Comment:* Existing § 1821.2–2(c) allows BLM to consider a late filing if doing so would not unduly interfere with the orderly conduct of business. Proposed § 1822.15(c) has the same provision except that the word "unduly" was dropped. The commenter recommends that the word "unduly" be inserted in the proposed section so that there will be no substantive change in policy.

Response: We have adopted the commenter's recommendation and added the word "unduly" to § 1822.15(c).

3. We have made several technical changes to the proposed regulation in response to internal comments:

(a) Deleted the word "national" in § 1821.10(a).

(b) Changed the words "five specialty centers" in § 1821.10(a) to read "seven national level support and service centers".

(c) Changed the words "District Offices and Resource Area Offices" in § 1821.10(a) to read "Field Offices".

(d) Changed the words "District and Resource Area Offices" in § 1821.10(b) to read "Field Offices".

(e) Added a new sentence to § 1821.12 "You should consult the regulations applying to the specific program."

(f) Added a new question "§ 1821.13 What if the specific program regulations conflict with these regulations?"

(g) Added a requirement to § 1822.10 for an applicant to provide his/her current address. Deleted the word "full" and replaced with "legal" in § 1822.10.

(h) Deleted the words "(such as a State Office or District Office)" in § 1822.12. Deleted the words "you should" and added "and we will tell you which BLM office to file your application." to the last sentence.

(i) Deleted the word "personal" in the second sentence. Added a new sentence "When you file an application electronically, it will not be considered filed until BLM receives it." in § 1822.13.

(j) Changed the words "same time" in § 1822.17(a) to read "same day and time".

(k) Changed (b) to read "No other BLM regulation prohibits doing so; and" in § 1822.15. Revised (c) to read "No intervening third party interests or rights have been created or established during the intervening period." in § 1822.15.

(l) Deleted the last sentence in § 1823.10.

(m) Added the word "a" in the question in § 1823.11.

(n) Added the words "sufficient" and "your" in the first sentence in § 1823.13.

(o) Changed the word "occurrence" to read "event" in § 1824.10. Changed the word "causing" to "requiring" in § 1824.10. Rearranged and renumbered §§ 1824.11–1824.13 as §§ 1824.15–1824.17 and §§ 1824.14–1824.17 as 1824.11–1824.14 so that all posting and publication questions will be aligned.

(p) Changed the words "public lands involved" in § 1824.14 to read "public and private lands involved".

(q) Changed the word "valid" to read "relevant" in § 1824.16.

(r) Added the words "any" and "that apply," to the first sentence in § 1825.10.

(s) Changed the word "does" to "may" in the first sentence in § 1825.12 since relinquishments of rights-of-way or permits would not affect availability of the land for another application.

Comments Not Incorporated into the Final Rule—

4. *Comment:* BLM was incorrect in requiring public comments to be "received by December 1, 1997" rather than "postmarked by December 1, 1997." This deadline, in effect, shortens the time frame for submission of various documents, such as the requirements in §§ 1822.14, 1822.17, and 1825.11.

Response: We disagree. The deadline for receipt of comments stands; there is no linkage of that deadline to other deadlines in the regulation. Moreover, BLM is authorized to establish the due date for comments on its regulations, and publication of that date gives everyone the same opportunity to respond timely. It has been our experience that the various deadlines in the regulation are reasonable and fair to potential applicants.

5. *Comment:* Section 1825.10 implies that the last claimant is completely responsible for all reclamation and unpaid rental fees in relinquishments of public lands.

Response: It appears that the commenter has misinterpreted § 1825.10. We do not believe any change to the proposed rule is warranted as the section is clear in stating that a claimant who relinquishes his/her interest in public lands is only responsible for fulfilling obligations that accrued before the time of relinquishment.

IV. Procedural Matters

National Environmental Policy Act of 1969

BLM has prepared an environmental assessment (EA) and has found that the final rule would not constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record, 1621 L Street, NW, Room 401, Washington, DC, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday.

Paperwork Reduction Act

This final rule does not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Regulatory Flexibility Act

BLM has determined that the final rule, which makes non-substantive changes to the regulations, will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Unfunded Mandates Reform Act

This final rule does not include any Federal mandate that may result in increased expenditures of $100 million in any one year by State, local, or tribal governments, or by the private sector. Therefore, a section 202 statement under the Unfunded Mandates Reform Act is not required.

Executive Order 12612

BLM has analyzed this final rule under the principles and criteria in Executive Order 12612 and has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12630

This final rule does not represent a government action that interferes with constitutionally protected property rights. Thus, a Takings Implication Assessment need not be prepared under Executive Order 12630, "Government Action and Interference with Constitutionally Protected Property Rights."

Executive Order 12866

This final rule does not meet the criteria for a significant rule requiring review by the Office of Management and Budget under Executive Order 12866, Regulatory Planning and Review.

Executive Order 12988

The Department has determined that this final rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

Report to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, BLM submitted a report containing this rule and other required information to the U.S. Senate, U.S. House of Representatives, and the Comptroller General of the General Accounting Office before publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Author

The principal author of this final rule is Mary Linda Ponticelli, assisted by Shirlean Beshir, Regulatory Affairs Group.

List of Subjects in 43 CFR Part 1820

Administrative practice and procedure; Archives and records; Public lands.

Dated: September 27, 1999.

Sylvia V. Baca,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, part 1820 of Title 43 of the Code of Federal Regulations is revised to read as follows:

PART 1820—APPLICATION PROCEDURES

Subpart 1821—General Information

Sec.

1821.10 Where are BLM offices located?
1821.11 During what hours may I file an application?
1821.12 Are these the only regulations that will apply to my application or other required document?
1821.13 What if the specific program regulations conflict with these regulations?

Subpart 1822—Filing a Document with BLM

1822.10 How should my name appear on applications and other required documents that I submit to BLM?
1822.11 What must I do to make an official filing with BLM?
1822.12 Where do I file my application or other required documents?
1822.13 May I file electronically?
1822.14 What if I try to file a required document on the last day of the stated period for filing, but the BLM office where it is to be filed is officially closed all day?
1822.15 If I miss filing a required document or payment within the specified period, can BLM consider it timely filed anyway?
1822.16 Where do I file an application that involves lands under the jurisdiction of more than one BLM State Office?
1822.17 When are documents considered filed simultaneously?
1822.18 How does BLM decide in which order to accept documents that are simultaneously filed?

Subpart 1823—Payments and Refunds

1823.10 How may I make my payments to BLM?
1823.11 What is the authority for BLM issuing a refund of a payment?
1823.12 When and how may I obtain a refund?
1823.13 Is additional documentation needed when a third party requests a refund?

Subpart 1824—Publication and Posting Notices

1824.10 What is a publication?
1824.11 How does BLM choose a newspaper in which to publish a notice?
1824.12 How many times must BLM publish a notice?

1824.13 Who pays for publication?
1824.14 Does the claimant or applicant pay for an error by the printer of the paper in which the notice appears?
1824.15 What does it mean to post a notice?
1824.16 Why must I post a notice?
1824.17 If I must post a notice on the land, what are the requirements?

Subpart 1825—Relinquishments

1825.10 If I relinquish my interest (such as a claim or lease) in public land, am I relieved of all further responsibility associated with that interest?
1825.11 When are relinquishments effective?
1825.12 When does relinquished land become available again for other application or appropriation?

Authority: 5 U.S.C. 552, 43 U.S.C. 2, 1201, 1733, and 1740.

Subpart 1821—General Information

§ 1821.10 Where are BLM offices located?

(a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices, each having several subsidiary offices called Field Offices. The addresses of the State Offices and their respective geographical areas of jurisdiction are as follows:

State Offices and Areas of Jurisdiction:

Alaska State Office, 222 West 7th Avenue, #13, Anchorage, AK 99513–7599—Alaska
Arizona State Office, 222 North Central Avenue, Suite 101, Phoenix, AZ 85004–2203—Arizona
California State Office, 2135 Butano Drive, Sacramento, CA 95825–0451—California
Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215–7076—Colorado
Eastern States Office, 7450 Boston Boulevard, Springfield, VA 22153—Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east of the Mississippi River
Idaho State Office, 1387 South Vinnell Way, Boise, ID 83709—Idaho
Montana State Office, Granite Tower, 222 North 32nd Street, Billings, MT 59107–6800; Mail: P.O. Box 36800, Billings, MT 59107–6800—Montana, North Dakota and South Dakota
Nevada State Office, 1340 Financial Boulevard, Reno, NV 89520–0006—Nevada
New Mexico State Office, 1474 Rodeo Drive, Santa Fe, NM 87502–0115; Mail: P.O. Box 27115, Santa Fe, NM 87502–0115—Kansas, New Mexico, Oklahoma and Texas
Oregon State Office, 1515 S.W. 5th Avenue, P.O. Box 2965, Portland, OR 97208—Oregon and Washington
Utah State Office, CFS Financial Center, 324 South State Street, Salt Lake City, UT 84145–0155 Mail: P.O. Box 45155, Salt Lake City, UT 84145–0155—Utah
Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82003; Mail: P.O. Box 1828, Cheyenne, WY 82003—Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

§ 1821.11 During what hours may I file an application?

You may file applications or other documents or inspect official records during BLM office hours. Each BLM office will prominently display a notice of the hours during which that particular office will be open. Except for offices which are open periodically, for example, every Wednesday or the 3rd Wednesday of the month, all offices will be open Monday through Friday, excluding Federal holidays, at least from 9 a.m. to 3 p.m., local time.

§ 1821.12 Are these the only regulations that will apply to my application or other required document?

No. These general regulations are supplemented by specific program regulations. You should consult the regulations applying to the specific program.

§ 1821.13 What if the specific program regulations conflict with these regulations?

If there is a conflict, the specific program regulations will govern and the conflicting portion of these regulations will not apply.

Subpart 1822—Filing a Document with BLM

§ 1822.10 How should my name appear on applications and other required documents that I submit to BLM?

Your legal name and current address should appear on your application and other required documents.

§ 1822.11 What must I do to make an official filing with BLM?

You must file your application and any other required documents during regular office hours at the appropriate BLM office having jurisdiction over the lands or records involved. You must file any document with BLM through personal delivery or by mailing via the United States Postal Service or other delivery service, except for those applications that may be filed electronically under § 1822.13, unless a more specific regulation or law specifies the mode of delivery. The date of mailing is not the date of filing.

§ 1822.12 Where do I file my application or other required documents?

You should file your application or other required documents at the BLM office having jurisdiction over the lands or records involved. The specific BLM office where you are to file your application is usually referenced in the BLM regulations which pertain to the filing you are making. If the regulations do not name the specific office, or if you have questions as to where you should file your application or other required documents, contact your local BLM office for information and we will tell you which BLM office to file your application.

§ 1822.13 May I file electronically?

For certain types of applications, BLM will accept your electronic filing if an original signature is not required. If BLM requires your signature, you must file your application or document by delivery or by mailing. If you have any questions regarding which types of applications can be electronically filed, you should check with the BLM office where you intend to file your application. When you file an application electronically, it will not be considered filed until BLM receives it.

§ 1822.14 What if I try to file a required document on the last day of the stated period for filing, but the BLM office where it is to be filed is officially closed all day?

BLM considers the document timely filed if we receive it in the office on the next day it is officially open.

§ 1822.15 If I miss filing a required document or payment within the specified period, can BLM consider it timely filed anyway?

BLM may consider it timely filed if:

(a) The law does not prohibit BLM from doing so;

(b) No other BLM regulation prohibits doing so; and

(c) No intervening third party interests or rights have been created or established during the intervening period.

§ 1822.16 Where do I file an application that involves lands under the jurisdiction of more than one BLM State Office?

You may file your application with any BLM State Office having jurisdiction over the subject lands. You should consult the regulations of the particular BLM resource program involved for more specific information.

§ 1822.17 When are documents considered filed simultaneously?

(a) BLM considers two or more documents simultaneously filed when:

(1) They are received at the appropriate BLM office on the same day and time; or

(2) They are filed in conjunction with an order that specifies that documents received by the appropriate office during a specified period of time will be considered as simultaneously filed.

(b) An application or document that arrives at the BLM office where it is to be filed when the office is closed for the entire day will be considered as filed on the day and hour the office next officially opens.

(c) Nothing in this provision will deny any preference right granted by applicable law or regulation or validate a document which is invalid under applicable law or regulation.

§ 1822.18 How does BLM decide in which order to accept documents that are simultaneously filed?

BLM makes this decision by a drawing open to the public.

Subpart 1823—Payments and Refunds

§ 1823.10 How may I make my payments to BLM?

Unless specific regulations provide otherwise, you may pay by:

(a) United States currency; or

(b) Checks, money orders, or bank drafts made payable to the Bureau of Land Management; or

(c) Visa or Master Card credit charge, except as specified by pertinent regulation(s).

§ 1823.11 What is the authority for BLM issuing a refund of a payment?

BLM can issue you a refund under the authority of section 304(c) of the Federal Land Policy and Management Act, 43 U.S.C. 1734.

§ 1823.12 When and how may I obtain a refund?

(a) In making a payment to BLM, if the funds or fees you submitted to BLM exceed the amount required or if the regulations provide that fees submitted to BLM must be returned in certain situations, you may be entitled to a full or partial refund.

(b) If you believe you are due a refund, you may request it from the BLM office where you previously submitted your payment. You should state the reasons you believe you are entitled to a refund and include a copy of the appropriate receipt, canceled check, or other relevant documents.

§ 1823.13 Is additional documentation needed when a third party requests a refund?

Yes. When refund requests are made by heirs, executors, administrators, assignees, or mortgagees, BLM may require additional documentation sufficient to establish your entitlement to a refund. If you are an heir, executor, administrator, assignee or mortgagee, you should contact the BLM office where you will file your refund application for information regarding appropriate documentation.

Subpart 1824—Publication and posting of notices

§ 1824.10 What is publication?

Publication means publishing a notice announcing an event or a proposed action in the **Federal Register**, a local newspaper of established character and general circulation in the vicinity of the land affected or other appropriate periodical. BLM's purpose in publishing or requiring the publication of such information is to advise you and other interested parties that some action will occur and that the public is invited either to participate or to comment.

§ 1824.11 How does BLM choose a newspaper in which to publish a notice?

BLM bases its choice of newspapers on their reputation and frequency and level of circulation in the vicinity of the public or private lands involved.

§ 1824.12 How many times must BLM publish a notice?

The number of times that BLM will publish or cause to be published a notice depends on the publication requirements for the particular action involved. You should see the applicable law and the regulations governing specific BLM resource programs for information on the requirements for publication for a particular action.

§ 1824.13 Who pays for publication?

The cost of publication is the responsibility of the claimant or applicant.

§ 1824.14 Does the claimant or applicant pay for an error by the printer of the paper in which the notice appears?

No. The claimant or applicant is not responsible for costs involved in correcting an error by the printer.

§ 1824.15 What does it mean to post a notice?

Posting a notice is similar to publishing a notice except that the notice is displayed at the appropriate BLM office, local courthouse or similar prominent local government building or on a prominent fixture such as a building, tree or post located on the particular public lands involved.

§ 1824.16 Why must I post a notice?

The posting of a notice informs those persons who may be interested in the lands or resources described, who have relevant information to provide, or who may wish to oppose the proposal.

§ 1824.17 If I must post a notice on the land, what are the requirements?

The posted notice must be visible throughout the time period for posting specified in the regulations governing the relevant program. BLM or its regulations may require additional posting, such as in a post office or city hall. For any additional posting requirements, you should see applicable Federal and State law, the regulations of the particular BLM resource program and any additional BLM requirements associated with your application.

Subpart 1825—Relinquishments

§ 1825.10 If I relinquish my interest (such as a claim or lease) in public lands, am I relieved of all further responsibility associated with that interest?

No. You are still responsible for fulfilling any regulatory, statutory, lease, permit and other contractual obligations that apply, such as performance of reclamation and payment of rentals accruing before the time of relinquishment. You should see the regulations relating to the specific BLM resource program involved for more detailed information.

§ 1825.11 When are relinquishments effective?

Generally, BLM considers a relinquishment to be effective when it is received, along with any required fee, in the BLM office having jurisdiction of the lands being relinquished. However, the specific program regulations govern effectiveness of relinquishments.

§ 1825.12 When does relinquished land become available again for other application or appropriation?

Relinquished land may not again become available until BLM notes the filed relinquishment of an interest on the land records maintained by the BLM office having jurisdiction over the lands involved. If you have any questions regarding the availability of a particular tract of land, you should contact the BLM office having jurisdiction over the lands or records.

[FR Doc. 99–25505 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3800

[WO–660–4120–02–24 1A]

RIN: 1004–AD36

Mining Claims Under the General Mining Laws; Surface Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management (BLM) is publishing this final regulation on bonding requirements for mining claims to comply with a Federal District Court order. This final rule is needed to remove regulatory provisions that were invalidated by the court and to restore the previously existing provisions that are currently in effect as a result of the court order. This rule does not affect a pending proposed rule regarding changes to Subpart 3809.

EFFECTIVE DATE: October 1, 1999.

ADDRESSES: Inquiries or suggestions should be sent to the Solid Minerals Group at Director (320), Bureau of Land Management, Room 501 LS, 1849 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Richard Deery, (202) 452–0350, or Ted Hudson, (202) 452–5042.

SUPPLEMENTARY INFORMATION:

I. Background

On February 28, 1997 (62 FR 9093), BLM published a final rule amending 43 CFR subpart 3809. This final rule amended the bonding requirements for unpatented mining claims under the Mining Law of 1872, as amended (30 U.S.C. 22 *et seq.*), and codified the penalties imposed by the Sentencing Reform Act of 1989 (18 U.S.C. 3571 *et seq.*).

The Northwest Mining Association (NMA) sued the BLM alleging violations of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, and the Regulatory Flexibility Act, as amended, 5 U.S.C. 601 *et seq.* (*Northwest Mining Association* v. *Babbitt*, 5 F.Supp.2d 9 (D.D.C. 1998)) On May 13, 1998, the court ruled in favor of the NMA, granted its motion for summary judgment, and remanded the final rule to the Department of the Interior for appropriate action consistent with the court's opinion.

The Department of the Interior did not appeal the decision of the District Court. On August 21, 1998, BLM issued an instruction memorandum to its field offices instructing them to act under the regulations that had been in place until March 31, 1997, the effective date of the remanded rule.

While the litigation was pending, the challenged rule was published in Title 43 of the Code of Federal Regulations (CFR), and the old rules were removed from the published volumes. The purpose of this final rule is to remove from the CFR the judicially invalidated regulatory provisions that were promulgated on February 28, 1997, and to restore verbatim to the CFR the previous regulatory provisions that were removed and/or replaced by that rule, and that now are back in effect as a result of the court invalidating the new rulemaking. Absent this action, the CFR would contain regulations that are no longer valid, potentially confusing those subject to these regulations as to the requirements for bonding of hardrock mining operations.

Under 5 U.S.C. 553(b), the Department of the Interior finds good cause to issue this final rule without notice and opportunity for public comment. Removing the invalid rule and restoring the previously existing rule is required by a final judicial determination. Therefore, notice and public comment is unnecessary. Under 5 U.S.C. 553(d), the Department also finds good cause, to waive the 30-day period between publication of a final rule and its effective date for the same reason.

This rule has no effect on the proposed rule published on February 9, 1999 (64 FR 6422), which would comprehensively amend the hardrock mining regulations in 43 CFR Subpart 3809. However, that proposed rule could make changes to the reinstated bonding regulations, if a final rule is issued.

II. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

This final rule is not a significant regulatory action and is not subject to review by the Office of Management and Budget under Executive Order 12866. The rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor does it raise novel legal or policy issues.

Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. However, because this final rule merely restores to the CFR regulations that were in effect before March 31, 1997, and proposed regulations are pending that, if adopted, will affect this whole subpart, which will be rewritten in plain language, we have not rewritten this regulation into plain language.

National Environmental Policy Act

BLM has determined that this final rule is an administrative action. It merely restores regulatory language that was changed or removed by a previous final rule that was invalidated by the District Court. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1. In addition, the proposed rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact on a substantial number of small entities. Although small entities are bound by the regulations being restored by this final rule, BLM has determined under the RFA that this rule would not have a significant economic impact on a substantial number of small entities. The rule is an administrative action restoring to the CFR regulations that BLM and industry are currently following. The rule makes no changes in

the procedures that any small entity must follow.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This final rule is not a "major rule" as defined at 5 U.S.C. 804(2) for the reasons stated in the previous two sections.

Unfunded Mandates Reform Act

This final rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year; nor does this rule have a significant or unique effect on State, local, or tribal governments or the private sector. The rule is an administrative action restoring to the CFR regulatory text that was removed or changed by a previous final rule invalidated by the District Court. This rule makes no changes in the restored text. Therefore, BLM does not need to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*)

Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights (Takings)

The final rule does not represent a government action capable of interfering with constitutionally protected property rights. It is an administrative action restoring text removed or changed by a previous final rule that was invalidated by a Federal court. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 12612, Federalism

In accordance with Executive Order 12612, BLM finds that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule does not change the role or responsibilities between Federal, State, and local governmental entities, nor does it relate to the structure and role of States or have direct, substantive, or significant effects on States.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Department has determined that this rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

The Office of Management and Budget has approved the information collection requirements in Subpart 3809 under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq., and has assigned clearance number 1004–0176. This rule does not impose any additional information collection requirements.

Author: The principal author of this rule is Ted Hudson of the Regulatory Affairs Group, Washington Office, Bureau of Land Management.

List of Subjects in 43 CFR Part 3800

Administrative practice and procedure, Environmental protection, Intergovernmental affairs, Mines, Public lands-mineral resources, Reporting and recordkeeping requirements, Surety bonds, Wilderness areas

For the reasons stated in the preamble, and under the authorities cited below, Part 3800, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations is amended as set forth below.

PART 3800—MINING CLAIMS UNDER THE GENERAL MINING LAW

1. The authority citation for part 3800 continues to read as follows:

Authority: 16 U.S.C. 351; 16 U.S.C. 460y-4; 30 U.S.C. 22; 31 U.S.C. 9701; 43 U.S.C. 154; 43 U.S.C. 299; 43 U.S.C. 1201; 43 U.S.C. 1740; 30 U.S.C. 28k.

Subpart 3809—Surface Management

2. Section 3809.1–8 is added to read as follows:

§ 3809.1–8 Existing operations.

(a) Persons conducting operations on January 1, 1981, who would be required to submit a notice under § 3809.1–3 or a plan of operations under § 3809.1–4 of this title may continue operations but shall, within:

(1) 30 days submit a notice with required information outlined in § 3809.1–3 of this title for operations where 5 acres or less will be disturbed during a calendar year; or

(2) 120 days submit a plan in those areas identified in § 3809.1–4 of this title. Upon a showing of good cause, the authorized officer may grant an extension of time, not to exceed an additional 180 days, to submit a plan.

(b) Operations may continue according to the submitted plan during its review. If the authorized officer determines that operations are causing unnecessary or undue degradation of the Federal lands involved, the authorized officer shall advise the operator of those reasonable measures needed to avoid such degradation, and the operator shall take all necessary steps to implement those measures within a reasonable time recommended by the authorized officer. During the period of an appeal, if any, operations may continue without change, subject to other applicable Federal and State laws.

(c) Upon approval of a plan by the authorized officer, operations shall be conducted in accordance with the approval plan.

3. Section 3809.1–9 is revised to read as follows:

§ 3809.1–9 Bonding requirements.

(a) No bond shall be required for operations that constitute casual use (§ 3809.1–2) or that are conducted under a notice (§ 3809.1–3 of this title).

(b) Any operator who conducts operations under an approved plan of operations as described in § 3809.1–5 of this title may, at the discretion of the authorized officer, be required to furnish a bond in an amount specified by the authorized officer. The authorized officer may determine not to require a bond in circumstances where operations would cause only minimal disturbance to the land. In determining the amount of the bond, the authorized officer shall consider the estimated cost of reasonable stabilization and reclamation of areas disturbed. In lieu of the submission of a separate bond, the authorized officer may accept evidence of an existing bond pursuant to State law or regulations for the same area covered by the plan of operations, upon a determination that the coverage would be equivalent to that provided in this section.

(c) In lieu of a bond, the operator may deposit and maintain in a Federal depository account of the United States Treasury, as directed by the authorized officer, cash in an amount equal to the required dollar amount of the bond or negotiable securities of the United States having a market value at the time of deposit of not less than the required dollar amount of the bond.

(d) In place of the individual bond on each separate operation, a blanket bond covering statewide or nationwide operations may be furnished at the option of the operator, if the terms and conditions, as determined by the authorized officer, are sufficient to comply with these regulations.

(e) In the event that an approved plan is modified in accordance with § 3809.1–7 of this title, the authorized officer shall review the initial bond for adequacy and, if necessary, adjust the amount of the bond to conform to the plan as modified.

(f) When all or any portion of the reclamation has been completed in

accordance with the approved plan, the operator may notify the authorized officer that such reclamation has occurred and that she/he seeks a reduction in bond or Bureau approval of the adequacy of the reclamation, or both. Upon any such notification, the authorized officer shall promptly inspect the reclaimed area with the operator. The authorized officer shall then notify the operator, in writing, whether the reclamation is acceptable. When the authorized officer has accepted as completed any portion of the reclamation, the authorized officer shall authorize that the bond be reduced proportionally to cover the remaining reclamation to be accomplished.

(g) When a mining claim is patented, the authorized officer shall release the operator from that portion of the performance bond which applies to operations within the boundaries of the patented land. The authorized officer shall release the operator from the remainder of the performance bond, including the portion covering approved means of access outside the boundaries of the mining claim, when the operator has completed acceptable reclamation. However, existing access to patented mining claims, if across Federal lands shall continue to be regulated under the approved plan. The provisions of this subsection do not apply to patents issued on mining claims within the boundaries of the California Desert Conservation Area (see § 3809.6 of this title).

4. Section 3809.3–1 is amended by revising paragraph (b) to read as follows:

§ 3809.3–1 Applicability of State law.

* * * * *

(b) After November 26, 1980, the Director, Bureau of Land Management, shall conduct a review of State laws and regulations in effect or due to come into effect, relating to unnecessary or undue degradation of lands disturbed by exploration for, or mining of, minerals locatable under the mining laws.

5. Section 3809.3–2 is amended by removing paragraph (f) and revising paragraph (e) to read as follows:

§ 3809.3–2 Noncompliance.

* * * * *

(e) Failure of an operator to take necessary actions on a notice of non-compliance, may constitute justification for requiring the submission of a plan of operations under § 3809.1–5 of this title, and mandatory bonding for subsequent operations which would otherwise be conducted pursuant to a notice under § 3809.1–3 of this title.

Dated: September 24, 1999.

* * * * *

Sylvia V. Baca,

Acting Assistant Secretary of the Interior.

[FR Doc. 99–25430 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 1, 2, 4, 10, 12, 15, 31, 34, 38, 52, 53, 54, 56, 57, 58, 59, 61, 63, 64, 67, 68, 69, 76, 91, 95, 98, 105, 107, 108, 109, 118, 125, 133, 147, 151, 153, 160, 161, 162, 167, 169, 177, 181, 189, 193, 197, and 199

[USCG–1999–6216]

Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule makes editorial and technical changes throughout Title 46 of the Code of Federal Regulations (CFR) to update the title before it is recodified on October 1. It corrects addresses, updates cross-references, makes conforming amendments, and makes other technical corrections. This rule will have no substantive effect on the regulated public.

EFFECTIVE DATE: This rule is effective on September 30, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, (USCG–1999–6216), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Janet Walton, Standards Evaluation and Development Division (G–MSR–2), Coast Guard, telephone 202–267–0257. For questions on viewing, or submitting material to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Discussion of the Rule

Each year Title 46 of the Code of Federal Regulations is recodified on October 1. This rule makes editorial changes throughout the title, corrects addresses, updates cross-references, and makes other technical and editorial corrections. Some editorial changes are discussed individually in the following paragraphs. This rule does not change any substantive requirements of existing regulations.

Section and Part Discussion

Section 2.01–25 and Subparts 31.40, 91.60, and 189.60

In these sections, we replaced both "Cargo Ship Safety Radiotelegraphy Certificates" and "Cargo Ship Safety Radiotelephony Certificates" with "Cargo Ship Radio Certificates" to conform to Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on the Global Maritime Distress and Safety System adopted on November 9, 1988. Since there were identical paragraphs on application and issuance for both Cargo Ship Safety Radiotelegraphy Certificates and Cargo Ship Safety Radiotelephony Certificates, we removed duplicate sections 31.40–20, 91.60–20, and 189.60–20.

Section 15.805

In this section, we added the phrase "other than a vessel with only a recreational endorsement" to paragraph (b) to conform to 46 U.S.C. 12110, Limitations on operations authorized by certificates.

Sections 118.400, 177.410, and 181.400

We corrected these sections by removing the word "grills" in section 118.400, the words "type grilles" in section 177.410, and the word "grills" in section 181.400 and added, in their place, in each case, the word "griddle" to correctly reflect cooking appliances with a solid flat metal cooking plate surface. The restaurant industry defines grills as appliances with an open grid cooking rack suspended above an open flame heat source such as wood or charcoal briquettes. Open flame systems for cooking and heating are not allowed aboard small passenger vessels by 46 CFR 177.410(c)(1).

Sections 162.050–5 and 162.050–7

In both sections, we removed "100 p.p.m." (parts per million) to conform with IMO Resolution MEPC.60(30), Guidelines and specifications for pollution prevention equipment for machinery space bilges of ships, adopted on October 30, 1992. The resolution states that effluent from oil filtering equipment should not exceed 15 ppm.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not

require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. As this rule involves internal agency practices and procedures or makes nonsubstantive corrections, it will not impose any costs on the public.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under E.O. 12612 and have determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act and Enhancing the Intergovernmental Partnership

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and E.O. 12875, Enhancing the Intergovernmental Partnership, (58 FR 58093, October 28, 1993) govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraphs (34)(a) and (b), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. This exclusion is in accordance with paragraphs (34)(a) and (b), concerning regulations that are editorial or procedural and concerning internal agency functions or organization. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES.**

List of Subjects

46 CFR Part 1

Administrative practice and procedure, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

46 CFR Part 2

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 4

Administrative practice and procedure, Alcohol abuse, Drug abuse, Drug testing, Investigations, Marine safety, National Transportation Safety Board, Reporting and recordkeeping requirements, Safety, Transportation.

46 CFR Part 10

Incorporation by reference, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 12

Incorporation by reference, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 34

Cargo vessels, Fire prevention, Incorporation by reference, Marine safety.

46 CFR Part 38

Cargo vessels, Fire prevention, Gases, Hazardous materials transportation, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 52

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 53

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 54

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 56

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 57

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 58

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 59

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 61

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 63

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 64

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 67

Vessels.

46 CFR Part 68

Vessels.

46 CFR Part 69

Measurement standards, Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 76

Fire prevention, Marine safety, Passenger vessels.

46 CFR Part 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 95

Cargo vessels, Fire prevention, Marine safety.

46 CFR Part 98

Cargo vessels, Hazardous materials transportation, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 105

Cargo vessels, Fishing vessels, Hazardous materials transportation, Marine safety, Petroleum, Seamen.

46 CFR Part 107

Incorporation by reference, Marine safety, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 108

Fire prevention, Marine safety, Occupational safety and health, Oil and gas exploration, Vessels.

46 CFR Part 109

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 118

Fire prevention, Marine safety, Passenger vessels.

46 CFR Part 125

Administrative practice and procedure, Authority delegation, Hazardous materials transportation, Incorporation by reference, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 133

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 147

Hazardous materials transportation, Incorporation by reference, Labeling, Marine safety, Packaging and containers, Reporting and recordkeeping requirements.

46 CFR Part 151

Cargo vessels, Hazardous materials transportation, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 153

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 160

Incorporation by reference, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 161

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 162

Fire prevention, Incorporation by reference, Marine safety, Oil pollution, Reporting and recordkeeping requirements.

46 CFR Part 167

Fire prevention, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Schools, Seamen, Vessels.

46 CFR Part 169

Fire prevention, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Schools, Vessels.

46 CFR Part 177

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 181

Fire prevention, Marine safety, Passenger vessels.

46 CFR Part 189

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

CFR Part 193

Fire prevention, Incorporation by reference, Marine safety, Oceanographic research vessels.

46 CFR Part 197

Benzene, Diving, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 199

Cargo vessels, Incorporation by reference, Marine safety, Oil and gas exploration, Passenger vessels, Reporting and recordkeeping requirements, Vessels.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR parts 1, 2, 4, 10, 12, 15, 31, 34, 38, 52, 53, 54, 56, 57, 58, 59, 61, 63, 64, 67, 68, 69, 76, 91, 95, 98, 105, 107, 108, 109, 118, 125, 133, 147, 151, 153, 160, 161, 162, 167, 169, 177, 181, 189, 193, 197, and 199 as follows:

PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

1. The authority citation for part 1 continues to read as follows:

Authority: 5 U.S.C. 552; 14 U.S.C. 633; 46 U.S.C. 7701; 49 CFR 1.45, 1.46; § 1.01–35 also issued under the authority of 44 U.S.C. 3507.

2. Revise § 1.03–15(h)(1), (h)(2) and (h)(3) to read as follows:

§ 1.03–15 General.

* * * * *

(h) * * *

(1) Commandant (G–MOC) for appeals involving vessel inspection issues, load line issues, and vessel manning issues;

(2) Commandant (G–MS) for appeals involving vessel plan review or tonnage measurement issues;

(3) Commanding Officer, National Maritime Center, for appeals involving vessel documentation issues, tonnage issues, marine personnel issues, including medical waivers, and suspension or withdrawal of course approvals; or

* * * * *

PART 2—VESSEL INSPECTIONS

3. The authority citation for part 2 continues to read as follows:

Authority: 33 U.S.C. 1903; 43 U.S.C. 1333; 46 U.S.C. 3103, 3205, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46; Subpart 2.45 also issued under the authority of Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (see 46 U.S.C. App. note prec. 1).

§ 2.01–25 [Amended]

4. In § 2.01–25—

a. In paragraphs (a)(1)(iv), (a)(4)(i), (b)(2), and (e)(2) remove the word "Radiotelephony" and add, in its place, the word "Radio";

b. Remove paragraph (a)(1)(v) and redesignate paragraphs (a)(1)(vi), (vii), (viii) and (ix) as paragraphs (a)(1)(v), (vi), (vii), and (viii) respectively;

c. Remove paragraph (a)(4)(ii) and redesignate paragraph (a)(4)(iii) as paragraph (a)(4)(ii);

d. In paragraph (b)(2), remove the words "or a Cargo Ship Safety Radiotelegraphy Certificate"; and

e. In paragraph (e)(2), remove the words "or the Cargo Ship Safety Radiotelegraphy Certificate".

§ 2.10–105 [Amended]

5. In § 2.10–105(c), add the symbol "π" immediately preceding the words "is the rate of inflation (based on projected military personnel costs at the time of prepayment calculation)".

PART 4—MARINE CASUALTIES AND INVESTIGATIONS

6. The authority citation for part 4 continues to read as follows:

Authority: 33 U.S.C. 1231; 43 U.S.C. 1333; 46 U.S.C. 2103, 2306, 6101, 6301, 6305; 50 U.S.C. 198; 49 CFR 1.46. Authority for subpart 4.40: 49 U.S.C. 1903(a)(1)(E); 49 CFR 1.46.

7. Add § 4.05–40 to read as follows:

§ 4.05–40 Alternate electronic means of reporting.

The Commandant may approve alternate electronic means of submitting notices and reports required under this subpart.

8. Add paragraph (e) to § 4.06–60 to read as follows:

§ 4.06–60 Submission of reports and test results.

* * * * *

(e) The Commandant may approve alternate electronic means of submitting reports and test results as required under paragraphs (a) through (d) of this section.

PART 10—LICENSING OF MARITIME PERSONNEL

9. The authority citation for part 10 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. Chapter 71; 46 U.S.C. 7502, 7505, 7701; 49 CFR 1.45, 1.46; Sec. 10.107 also issued under the authority of 44 U.S.C. 3507.

§ 10.102 [Amended]

10. In § 10.102(a), remove the words "Operating and Environmental Standards Division, 2100 Second Street SW., Washington, DC" and add, in their place, the words "Office of Operating and Environmental Standards, 2100 Second Street SW., Washington, DC 20593–0001".

§ 10.603 [Amended]

11. In § 10.603, remove paragraph (c) and redesignate paragraphs (d) and (e) as paragraphs (c) and (d) respectively; and in redesignated paragraph (d) introductory text, remove the words "paragraph (d)" and add, in their place, the words "paragraph (c)".

PART 12—CERTIFICATION OF SEAMEN

12. The authority citation for part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701; 49 CFR 1.46.

§ 12.01–3 [Amended]

13. In § 12.01–3(a), remove the words "Operating and Environmental Standards Division, 2100 Second Street SW., Washington, DC" and add, in their place, the words "Office of Operating and Environmental Standards, 2100 Second Street SW., Washington, DC 20593–0001".

PART 15—MANNING REQUIREMENTS

14. The authority citation for part 15 continues to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 9102; 49 CFR 1.45 and 1.46.

§ 15.105 [Amended]

15. In § 15.105(a), remove the words "Operating and Environmental Standards Division, 2100 Second Street SW., Washington, DC" and add, in their place, the words "Office of Operating and Environmental Standards, 2100 Second Street SW., Washington, DC 20593–0001".

16. In § 15.805, revise paragraph (b) to read as follows:

§ 15.805 Master.

* * * * *

(b) Every vessel documented under the laws of the United States, other than a vessel with only a recreational endorsement, must be under the command of a U.S. citizen.

PART 31—INSPECTION AND CERTIFICATION

17. The authority citation for part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Section 31.10–21 also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

18. In § 31.40–15(a) and (b), remove the word "Radiotelegraphy" and add, in its place, the word "Radio"; and revise the section heading to read as follows:

§ 31.40–15 Cargo Ship Safety Radio Certificate—T/ALL.

* * * * *

§ 31.40–20 [Removed]

19. Remove § 31.40–20.

§ 31.40–40 [Amended]

20. In § 31.40–40(c), remove the word "Radiotelegraphy" and add, in its place, the word "Radio"; and remove the words "and a Cargo Ship Safety Radiotelephony Certificate".

PART 34—FIREFIGHTING EQUIPMENT

21. The authority citation for part 34 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

22. In § 34.01–15(b), revise the entry for "National Fire Protection Association (NFPA)" to read as follows:

§ 34.01–15 Incorporation by reference.

* * * * *

(b) * * *

National Fire Protection Association (NFPA)

1 Batterymarch Park, Quincy, MA 02269–9101

* * * * *

§ 34.15–5 [Amended]

23. In § 34.15–5—

a. In paragraph (a), remove the words "(b) through (e)" and add, in their place, the words "(b) through (d)";

b. Revise the heading of Table 34.15–5(e)(1) as "Table 34.15–5(d)(1)" and in paragraph (d)(1), remove the numbers "(e)(4)" and "34.15–5(e)(1)" and add, in their place, the numbers "(d)(4)" and "34.15–5(d)(1)" respectively;

c. In paragraph (d)(4), remove the numbers "(e)(1) and (2)" and add, in their place, the numbers "(d)(1) and (2)" and;

d. In paragraph (d)(5), revise the heading of Table 34.15–5(e)(5) as "Table 34.15–5(d)(5)"; and remove the number "34.15–5(e)(5)" and add, in its place, the number "34.15–5(d)(5)".

§ 34.15–10 [Amended]

24. In § 34.15–10(b), (d), and (f), remove the number "34.15–5(e)" and add, in its place, the number "34.15–5(d)".

§ 34.15–20 [Amended]

25. In § 34.15–20(b), remove the number "34.15–5(e)" and add, in its place, the number "34.15–5(d)".

§ 34.15–90 [Amended]

26. In § 34.15–90(a)(2), remove the numbers "34.15–5(e)(1) through (3)" and add, in their place, the numbers "34.15–5(d)(1) through (3)".

PART 38—LIQUEFIED FLAMMABLE GASES

27. The authority citation for part 38 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. 5101, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

28. In § 38.01–3(b), revise the heading and address for "American Society of

Mechanical Engineers" to read as follows:

§ 38.01–3 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

PART 52—POWER BOILERS

29. The authority citation for part 52 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

30. In § 52.01–1(b), revise the heading and address for "American Society of Mechanical Engineers (ASME)" to read as follows:

§ 52.01–1 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

PART 53—HEATING BOILERS

31. The authority citation for part 53 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

32. In § 53.01–1(b), revise the heading and address for "American Society of Mechanical Engineers (ASME)" to read as follows:

§ 53.01–1 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

PART 54—PRESSURE VESSELS

33. The authority citation for part 54 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

34. In § 54.01–1(b), revise the heading and address for "American Society of Mechanical Engineers (ASME)" to read as follows:

§ 54.01–1 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

PART 56—PIPING SYSTEMS AND APPURTENANCES

35. The authority citation for part 56 continues to read as follows:

Authority: 33 U.S.C. 1321(j), 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O.12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

Subpart 56.01—[Amended]

36. In the NOTE to subpart 56.01, remove the words ", United Engineering Center, 345 East 47th Street, New York, N.Y. 10017" and add, in their place, the words "(ASME) International, Three Park Avenue, New York, NY 10016–5990".

37. In § 56.01–2(b), revise the heading and address for "American Society of Mechanical Engineers (ASME)" to read as follows:

§ 56.01–2 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

38. In § 56.60–1, in Table 56.60–1(B), revise the headings for ANSI Standards (American National Standards Institute) and ASTM Standards (American Society for Testing and Materials) to read as follows:

§ 56.60–1 Acceptable materials and specifications (replaces 123 and Table 126.1 in ANSI–B31.1).

* * * * *

TABLE 56.60–1(B).—ADOPTED STANDARDS APPLICABLE TO PIPING SYSTEMS (REPLACES TABLE 126.1)

*	*	*	*	*	*	*
ANSI Standards (American National Standards Institute), 11 West 42nd Street, New York, NY 10036.						
*	*	*	*	*	*	*
ASTM Standards (American Society for Testing and Materials), 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959.						
*	*	*	*	*	*	*

PART 57—WELDING AND BRAZING

39. The authority citation for part 57 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

40. In § 57.02–1(b), revise the heading and address for "American Society of Mechanical Engineers (ASME)" to read as follows:

§ 57.02–1 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

41. The authority citation for part 58 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

42. In § 58.03–1(b), revise the headings and addresses for "American Petroleum Institute (API)" and "American Society of Mechanical Engineers (ASME)" to read as follows:

§ 58.03–1 Incorporation by reference.

* * * * *

(b) * * *

American Petroleum Institute (API)

1220 L Street NW, Washington, DC 20005–4070

* * * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

PART 59—REPAIRS TO BOILERS, PRESSURE VESSELS AND APPURTENANCES

43. The authority citation for part 59 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

44. In § 59.01–2(b), revise the heading and address for "American Society of Mechanical Engineers (ASME)" to read as follows:

§ 59.01–2 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

PART 61—PERIODIC TESTS AND INSPECTIONS

45. The authority citation for part 61 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 61.03–1 [Amended]

46. In § 61.03–1(a), immediately preceding the words "and is available from the sources indicated", add the number "20593–0001".

§ 61.10–5 [Amended]

47. In § 61.10–5—

a. In paragraph (h), remove the paragraph designator "(1)";

b. Remove the word "accept" and add, in its place, the word "except"; and

c. Remove the word "intenal" and add, in its place, the word "internal".

PART 63—AUTOMATIC AUXILIARY BOILERS

48. The authority citation for part 63 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

49. In § 63.05–1(b), revise the heading and address for "American Society of Mechanical Engineers" to read as follows:

§ 63.05–1 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

PART 64—MARINE PORTABLE TANKS AND CARGO HANDLING SYSTEMS

50. The authority citation for part 64 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804; 49 CFR 1.46.

51. In § 64.2(a), add, immediately preceding the words ", and is available from the source", the number "20593–0001"; and in paragraph (b), revise the heading and address for "American Society of Mechanical Engineers" to read as follows:

§ 64.2 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

PART 67—DOCUMENTATION OF VESSELS

52. The authority citation for part 67 continues to read as follows:

Authority: 14 U.S.C. 664; 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103, 2107, 2110; 46 U.S.C. app. 841a, 876; 49 CFR 1.45, 1.46.

§ 67.15 [Amended]

53. In § 67.15(b), remove the word "Manager" and add, in its place, the word "Director".

PART 68—DOCUMENTATION OF VESSELS PURSUANT TO EXTRAORDINARY LEGISLATIVE GRANTS

54. The authority citation for part 68 continues to read as follows:

Authority: 46 U.S.C. 2103; 49 CFR 1.46. Subpart 68.01 also issued under 46 U.S.C. App. 876; subpart 68.05 also issued under 46 U.S.C. 12106(d).

§ 68.01–5 [Amended]

55. In § 68.01–5(a) and (b), remove the word "Manager" and add, in its place, the word "Director".

§ 68.01–7 [Amended]

56. In § 68.01–7(a), (b), and (c), remove the word "Manager" and add, in its place, the word "Director".

§ 68.01–9 [Amended]

57. In § 68.01–9(a) and (b), remove the word "Manager" and add, in its place, the word "Director".

§ 68.05–11 [Amended]

58. In § 68.05–11(a) and (b), remove the word "Manager" and add, in its place, the word "Director".

§ 68.05–13 [Amended]

59. In § 68.05–13(a) and (b), remove the word "Manager" and add, in its place, the word "Director".

PART 69—MEASUREMENT OF VESSELS

60. The authority citation for part 69 continues to read as follows:

Authority: 46 U.S.C. 2301, 14103; 49 CFR 1.46.

§ 69.71 [Amended]

61. In § 69.71 in paragraph (b)—

a. Remove the words "(parts 42, 44, 45, or 47 of this chapter)" and "(part 46 of this chapter)";

b. Remove the words "or SOLAS" and add, in their place, the word ", SOLAS"; and

c. Add the words "or other international agreement" immediately preceding the words "for the trade", in the last sentence of the paragraph.

§ 69.73 [Amended]

62. In § 69.73(b), remove the word "explain" and add, in its place, the word "explaining"; and remove the word "include" and add, in its place, the word "including".

§ 69.203 [Amended]

63. In § 69.203, in paragraph (b), in the definition of *Registered length*, remove the word "stem", immediately preceding the words "of the aftermost hull", and add, in its place, the word "stern".

PART 76—FIRE PROTECTION EQUIPMENT

64. The authority citation for part 76 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 76.15–5 [Amended]

65. In § 76.15–5—

a. Remove paragraph (d), redesignate paragraphs (e) and (f) as paragraphs (d) and (e) respectively, in newly redesignated paragraph (d) revise the heading of Table 76.15–5(e)(1) to read "Table 76.15–5(d)(1)", and in paragraph (e) revise the heading of Table 76.15–5(e)(4) to read "Table 76.15–5(d)(4)";

b. In redesignated paragraph (d)(1) remove the numbers "(e)(3)" and add, in their place, the numbers "(d)(3)", and remove the words "table 76.15–5(e)(1)" and add, in their place, the words "table 76.15–5(d)(1)";

c. In redesignated paragraph (d)(3), remove the numbers "(e)(1) and (2)" and add, in their place, the numbers "(d)(1) and (2)";

d. In redesignated paragraph (d)(4), remove the number "76.15–5(e)(4)" and add, in its place, the number "76.15–5(d)(4)"; and

e. In redesignated paragraph (e)(3), remove the numbers "(f)(1) and (2)" and add, in their place, the numbers "(e)(1) and (2)".

§ 76.15–10 [Amended]

66. In § 76.15–10(b), (d), and (f), remove the number "76.15–5(e)" and add, in its place, the number "76.15–5(d)".

§ 76.15–20 [Amended]

67. In § 76.15–20(b), remove the number "76.15–5(e)" and add, in its place, the number "76.15–5(d)".

§ 76.15–90 [Amended]

68. In § 76.15–90(a)(2), remove the number "76.15–5(e)(1) through (3)" and add, in its place, the number "76.15–5(d)(1) through (3)".

PART 91—INSPECTION AND CERTIFICATION

69. The authority citation for part 91 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3205, 3306; E.O. 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

70. In § 91.60–15(a) and (b), remove the word "Radiotelegraphy" and add, in its place, the word "Radio"; and revise the section heading to read as follows:

§ 91.60–15 Cargo Ship Safety Radio Certificate.

* * * * *

§ 91.60–20 [Removed]

71. Remove § 91.60–20.

§ 91.60–40 [Amended]

72. In § 91.60–40(c), remove the word "Radiotelegraphy" and add, in its place, the word "Radio"; and remove the words "and a Cargo Ship Safety Radiotelephony Certificate".

PART 95—FIRE PROTECTION EQUIPMENT

73. The authority citation for part 95 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 95.15–5 [Amended]

74. In § 95.15–5—

a. In paragraph (a) remove the words "(b) through (e)" and add, in their place, the words "(b) through (d)";

b. In paragraph (d)(1), revise the heading of Table 95.15–5(e)(1) to read "Table 95.15–5(d)(1)", and remove the numbers "(e)(3)" and "95.15–5(e)(1)" and add, in their place, the numbers "(d)(3)" and "95.15–5(d)(1)" respectively;

c. In paragraph (d)(3), remove the number "(e)(1) and (2)" and add, in its place, the number "(d)(1) and (2)";

d. In paragraph (d)(4), revise the heading of Table 95.15–5(e)(4) to read "Table 95.15–5(d)(4)", and remove the number "95.15–5(e)(4)" and add, in its place, the number "95.15–5(d)(4)"; and

e. In paragraph (e)(3), remove the words "(f)(1) and (2)" and "(e)", and add, in their place, the words "(e)(1) and (2)" and "(d)" respectively.

§ 95.15–10 [Amended]

75. In § 95.15–10(b), (d), and (f), remove the number "95.15–5(e)" and add, in its place, the number "95.15–5(d)".

§ 95.15–20 [Amended]

76. In § 95.15–20(b), remove the number "95.15–5(e)" and add, in its place, the number "95.15–5(d)".

§ 95.15–90 [Amended]

77. In § 95.15–90(a)(2), remove the numbers "95.15–5(e)(1), (2) and (4)" and add, in their place, the numbers "95.15–5(d)(1), (2) and (4)".

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

78. The authority citation for part 98 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

79. In § 98.01–3(b), revise the heading and address for "American Society of Mechanical Engineers" to read as follows:

§ 98.01–3 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

80. The authority citation for part 105 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 4502; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.46.

§ 105.05–10 [Amended]

81. In § 105.05–10—

a. In paragraph (a), remove the words "title 46 U.S.C. section 391a" and add, in their place, the words "46 U.S.C. 3702";

b. In paragraph (c)(1), remove the words "section 391a(6)(a) of title 46, U.S.C." and add, in their place, the words "46 U.S.C. 3702"; and

c. In paragraph (c)(2), remove the words "section 224a of title 46, U.S.C." and add, in their place, the words "46 U.S.C. 8304".

PART 107—INSPECTION AND CERTIFICATION

82. The authority citation for part 107 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306; 46 U.S.C. 3316; 49 CFR 1.45, 1.46; § 107.05 also issued under the authority of 44 U.S.C. 3507.

§ 107.115 [Amended]

83. In § 107.115(b)(2), remove the words "American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017" and add, in their place, the words "American Society of Mechanical Engineers (ASME) International, Three Park Avenue, New York, NY 10016–5990"; and in (b)(3), remove the words "2101 L Street, N.W., Washington, D.C. 20037" and add, in their place, the words "1220 L Street NW., Washington, DC 20005–4070".

§ 107.260 [Amended]

84. In § 107.260(a), remove the number "§ 107.231(n)", and add, in its place, the number "§ 107.231(l)".

§§ 107.269 and 107.279 [Amended]

85. In addition to the amendments set forth above, in 46 CFR part 107, remove the number "§ 107.231(y), (z), (aa), and (bb)", and add, in its place, the number "§ 107.231(x) and (y)" in the following places:

a. Section 107.269; and

b. Section 107.279(b) and (c).

PART 108—DESIGN AND EQUIPMENT

86. The authority citation for part 108 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3102, 3306; 49 CFR 1.46.

§ 108.237 [Amended]

87. In § 108.237(b), remove the word "Integral", and add, in its place, the word "Independent".

88. In § 108.705(a), remove the word "hausers" and add, in its place, the

word "hawsers"; and revise the heading to read as follows:

§ 108.705 Anchors, chains, wire rope, and hawsers.

* * * * *

PART 109—OPERATIONS

89. The authority citation for part 109 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 6101, 10104; 49 CFR 1.46.

§ 109.431 [Amended]

90. In § 109.431(b), remove the words "46 U.S.C. 201" and add, in their place, the words "46 U.S.C. 11301".

PART 118—FIRE PROTECTION EQUIPMENT

91. The authority citation for part 118 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 118.400 [Amended]

92. In § 118.400(d), remove the word "grills" and add, in its place the word "griddles".

PART 125—GENERAL

93. The authority citation for part 125 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307; 49 U.S.C. App. 1804; 49 CFR 1.46.

94. In § 125.180(b), revise the headings and addresses for "American Society of Mechanical Engineers (ASME)" and "Institute of Electrical and Electronics Engineers (IEEE)" to read as follows:

§ 125.180 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990.

* * * * *

Institute of Electrical and Electronics Engineers (IEEE)

IEEE Service Center, 445 Hoes Lane, Piscataway, NJ 08855.

* * * * *

PART 133—LIFESAVING EQUIPMENT

95. The authority citation for part 133 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

96. In § 133.175, revise paragraph (b) introductory text to read as follows:

§ 133.175 Survival craft and rescue boat equipment.

* * * * *

(b) Each rigid liferaft and rescue boat, unless otherwise stated in this paragraph, must carry the equipment specified for it in table 133.175 of this section. Each item in the table has the same description as in § 199.175 of this chapter.

Note: Item numbers in the first column of Table 133.175 are not consecutive because not all of the items listed in section 199.175 are required on OSVs.

* * * * *

PART 147—HAZARDOUS SHIPS' STORES

97. The authority citation for part 147 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

98. In § 147.7(c), revise the entry for "American Boat and Yacht Council, Inc. (ABYC)" to read as follows:

§ 147.7 Incorporation by reference.

* * * * *

(c) * * *

American Boat and Yacht Council, Inc. (ABYC),

3069 Solomons Island Road, Edgewater, MD 21037

* * * * *

PART 151—BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL CARGOES

99. The authority citation for part 151 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703; 49 CFR 1.46.

100. In § 151.01–2(b), revise the heading and address for "American Society of Mechanical Engineers" to read as follows:

§ 151.01–2 Incorporation by reference.

* * * * *

(b) * * *

American Society of Mechanical Engineers (ASME) International

Three Park Avenue, New York, NY 10016–5990

* * * * *

§ 151.50–73 [Amended]

101. In § 151.50–73, in the NOTE, immediately following paragraph (a)(4), remove the words "6500 Glenway Ave., Cincinnati, OH 45211–4438" and add, in their place, the words "1330 Kemper Meadow Drive, Cincinnati, OH 45240–1634".

PART 153—SHIPS CARRYING BULK LIQUID, LIQUEFIED GAS, OR COMPRESSED GAS HAZARDOUS MATERIALS

102. The authority citation for part 153 continues to read as follows:

Authority: 46 U.S.C. 3703; 49 CFR 1.46. Section 153.40 issued under 49 U.S.C. 5103. Sections 153.470 through 153.491, 153.1100 through 153.1132, and 153.1600 through 153.1608 also issued under 33 U.S.C. 1903(b).

§ 153.933 [Amended]

103. In § 153.933, in the NOTE, immediately following paragraph (a)(4), remove the words "6500 Glenway Ave., Cincinnati, OH 45211–4438" and add, in their place, the words "1330 Kemper Meadow Drive, Cincinnati, OH 45240–1634".

PART 160—LIFESAVING EQUIPMENT

104. The authority citation for part 160 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703, and 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

105. In § 160.010–1, revise the heading to read as follows:

§ 160.010–1 Incorporation by reference.

* * * * *

106. In § 160.021–1, revise the heading to read as follows:

§ 160.021–1 Incorporation by reference.

* * * * *

107. In § 160.022–1, revise the heading to read as follows:

§ 160.022–1 Incorporation by reference.

* * * * *

108. In § 160.023–1, revise the heading to read as follows:

§ 160.023–1 Incorporation by reference.

* * * * *

109. In § 160.024–1, revise the heading to read as follows:

§ 160.024–1 Incorporation by reference.

* * * * *

110. In § 160.037–1, revise the heading to read as follows:

§ 160.037–1 Incorporation by reference.

* * * * *

111. In § 160.040–1, revise the heading to read as follows:

§ 160.040–1 Incorporation by reference.

* * * * *

§ 160.048–1 [Amended]

112. In § 160.048–1(c), remove the words "United States Coast Guard, Washington, DC 20591" and add, in their place, the words "U.S. Coast

Guard, 2100 Second Street, SW., Washington, DC 20593–0001".

§ 160.049–1 [Amended]

113. In § 160.049–1(c), immediately following the words "U.S. Coast Guard", add the words "2100 Second Street SW., Washington, DC 20593–0001,".

114. Revise § 160.050–1 to read as follows:

§ 160.050–1 Incorporation by reference.

(a) *Standard.* This subpart makes reference to Federal Standard No. 595-Colors in § 160.050–3.

(b) *Copies on file.* The Federal Standard may be obtained from the Business Service Center, General Services Administration, Washington, DC 20407.

115. In § 160.057–1, revise the heading to read as follows:

§ 160.057–1 Incorporation by reference.

* * * * *

116. In § 160.171–3, revise the heading to read as follows:

§ 160.171–3 Incorporation by reference.

* * * * *

117. In § 160.174–3(a), remove the word "(G–MMS–4)" and add, in its place, the word "(G–MSE–4)"; and revise the heading to read as follows:

§ 160.174–3 Incorporation by reference.

* * * * *

PART 161—ELECTRICAL EQUIPMENT

118. The authority citation for part 161 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 161.002–18 [Amended]

119. In § 161.002–18(d)(2), remove the word "(b)" and add, in its place, the word "(a)(4)".

PART 162—ENGINEERING EQUIPMENT

120. The authority citation for part 162 continues to read as follows:

Authority: 33 U.S.C. 1321(j) 1903; 46 U.S.C. 3306, 3703, 4104, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.46.

§ 162.027–1 [Amended]

121. In § 162.027–1(a), immediately preceding the words "and is available from the sources indicated", add the number "20593–0001".

§ 162.050–4 [Amended]

122. In § 162.050–4(b)(1), remove the words "Publications Stock, 333 Pfingsten Road, Northbrook, Illinois 60062" and add, in their place, the words "(UL), 12 Laboratory Drive, Research Triangle Park, NC 27709–3995".

§ 162.050–5 [Amended]

123. In § 162.050–5, remove the words "or 100 p.p.m." in (a) introductory text; and in paragraph(a)(5), remove the number "§ 111.05–5(d)" and add, in its place, the number "§ 110.25–1".

§ 162.050–7 [Amended]

124. In § 162.050–7, remove paragraph (h)(2) and redesignate paragraphs (h)(3) through (h)(6) as (h)(2) through (h)(5) respectively.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

125. The authority citation for part 167 continues to read as follows:

Authority: 46 U.S.C. 3306, 6101, 8105; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46

§ 167.15–25 [Amended]

126. In § 167.15–25(a), remove the words "American Bureau of Shipping, New York, N.Y." and add, in their place, the words "American Bureau of Shipping (ABS), Two World Trade Center—106th Floor, New York, NY 10048.".

§ 167.20–1 [Amended]

127. In § 167.20–1(a), remove the words "American Bureau of Shipping, New York, N.Y." and add, in their place, the words "American Bureau of Shipping (ABS), Two World Trade Center—106th Floor, New York, NY 10048.".

§ 167.40–1 [Amended]

128. In § 167.40–1—

a. In paragraph (a)(3), remove the words "American Institute of Electrical Engineers" and add, in their place, the words "Institute of Electrical and Electronic Engineers, Inc. (IEEE)"; and

b. In paragraph (a)(3), remove the words "American Institute of Electrical Engineers, New York, N.Y." and add, in their place, the words "Institute of Electrical and Electronics Engineers, Inc. (IEEE), IEEE Service Center, 445 Hoes Lane, Piscataway, NJ 08855.".

PART 169—SAILING SCHOOL VESSELS

129. The authority citation for part 169 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.45, 1.46; § 169.117 also issued under the authority of 44 U.S.C. 3507.

§ 169.115 [Amended]

130. In § 169.115—

a. In paragraph (c)(1), remove the words "P.O. Box 806, 190 Ketchum Ave., Amityville, NY 11701" and add, in their place, the words "3069 Solomons Island Road, Edgewater, MD 21037"; and

b. In paragraph (c)(5), remove the words "Underwriters Laboratories, 333 Pfingsten Road, Northbrook, IL 60062" and add, in their place, the words "Underwriters Laboratories, Inc. (UL), 12 Laboratory Drive, Research Triangle Park, NC 27709–3995".

PART 177—CONSTRUCTION AND ARRANGEMENT

131. The authority citation for part 177 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 177.410 [Amended]

132. In § 177.410(c)(1), remove the words "type grilles" and add, in their place, the word "griddles".

PART 181—FIRE PROTECTION EQUIPMENT

133. The authority citation for part 181 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 181.400 [Amended]

134. In § 181.400(d), remove the word "grills" and add, in its place, the word "griddles".

PART 189—INSPECTION AND CERTIFICATION

135. The authority citation for part 189 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3205, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

136. In § 189.60–15(a) and (b), remove the word "Radiotelegraphy" and add, in its place, the word "Radio"; and revise the section heading to read as follows:

§ 189.60–15 Cargo Ship Safety Radio Certificate.

* * * * *

§ 189.60–20 [Removed]

137. Remove § 189.60–20.

§ 189.60–40 [Amended]

138. In § 189.60–40(c), remove the word "Radiotelegraphy" and add, in its place, the word "Radio"; and remove the words "and a Cargo Ship Safety Radiotelephony Certificate".

PART 193—FIRE PROTECTION EQUIPMENT

139. The authority citation for part 193 continues to read as follows:

Authority: 46 U.S.C. 2213, 3102, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

140. In § 193.01–3(b), revise the heading and address for "National Fire Protection Association (NFPA)" to read as follows:

§ 193.01–3 Incorporation by reference.

* * * * *

(b) * * *

National Fire Protection Association (NFPA)

1 Batterymarch Park, Quincy, MA 02269–9101.

* * * * *

PART 197—GENERAL PROVISIONS

141. The authority citation for part 197 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703, 6101; 49 CFR 1.46.

§ 197.482 [Amended]

142. In § 197.482, in the NOTE, immediately following paragraph (e), remove the words "R.S. 4290 (46 U.S.C. 201)" and "R.S. 4291 (46 U.S.C. 202)" and add, in their places, the words "46 U.S.C. 11301" and "46 U.S.C. 11302".

PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

143. The authority citation for part 199 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 46 CFR 1.46.

§ 199.03 [Amended]

144. In § 199.03(b)(5), remove the word "immersions" and add, in its place, the word "immersion".

145. In § 199.05(b), revise the entry for Resolution A. 760(18), under "International Maritime Organization (IMO)" to read as follows:

§ 199.05 Incorporation by reference.

* * * * *

(b) * * *

International Maritime Organization (IMO)

* * * * *

Resolution A.760(18), Symbols Related to Life-saving Appliances and Arrangements, 17 November 1993.	199.70; 199.90

* * * * *

§ 199.10 [Amended]

146. In § 199.10—

a. In paragraph (g)(3), remove the numbers "(f)(2) and (3)" and add, in their place, the numbers "(e)(2) and (3)"; and

b. In paragraph (h)(1)(iv), remove the numbers "(i)(1)(ii) and (i)(1)(iii)" and add, in their place, the numbers "(h)(1)(ii) and (h)(1)(iii)".

§ 199.20 [Amended]

147. In § 199.20(d)(2), remove the word "district" and add, in its place, the word "District".

§ 199.30 [Amended]

148. In § 199.30—

a. In the definition of *Approved*, remove the word "Approved" and add, in its place, the words *"Approved lifesaving appliance"*.

b. In the definition of *Major character*, remove the word "(G–MCO)" and add, in its place, the word "(G–MOC)";

c. In the definition of *Officer in Charge, Marine Inspection (OCMI)*, remove the word "guard" and add, in its place, the word "Guard"; and

d. Move the definition of *Seagoing condition*, immediately following the definition of *Rivers*, to immediately follow the definition of *Scientific personnel*.

§ 199.175 [Amended]

149. In § 199.175—

a. Remove paragraph (b)(21)(ii), and redesignate paragraph (b)(21)(i)(D) as paragraph (b)(21)(ii);

b. Redesignate paragraphs (b)(21)(i)(E), (F), and (G) as paragraphs (b)(21)(ii)(A), (B), and (C), and

c. In table 199.175 revise entries 21 and 37 to read as follows:

§ 199.175 Survival craft and rescue boat equipment.

* * * * *

TABLE 199.175.—SURVIVAL CRAFT EQUIPMENT

Item No.	Item	International voyage			Short-international voyage		
		Lifeboat	Rigid life raft (SOLAS A pack)	Rescue boat	Lifeboat	Rigid life raft (SOLAS B pack)	Rescue boat
*	* * *	*		*	*		*
21	Painter	2	1	1	2	1	1
*	* * *	*		*	*		*
37	Thermal protective aids [9]	10%	10%	10%	10%	10%	10%
*	* * *	*		*	*		*

§ 199.200 [Amended]

150. In § 199.200, remove the number "§ 199.10(f)" and add, in its place, the number "§ 199.10(e)".

§ 199.220 [Amended]

151. In § 199.220, in paragraph (a)(2), remove the number "§ 199.130(b)(4)" and add, in its place, the number "§ 199.130(c)(4)".

§ 199.260 [Amended]

152. In § 199.260, remove the number "§ 199.10(g)" and add, in its place, the number "§ 199.10(f)".

§ 199.280 [Amended]

153. In § 199.280—

a. In paragraph (b), remove the number "§ 199.130(b)(4)" and add, in its place, the number "§ 199.130(c)(4)"; and

b. In paragraph (e), remove the number "§ 199.150(b)" and add, in its place, the number "§ 199.150(c)".

154. In § 199.610—

a. In table 199.610(b), in the Note to the table, remove the word "Exept" and add, in its place, the word "Exempt";

b. In paragraph (c), remove the words "operating in coastwise; Great Lakes; lakes, bays, and sounds; and river service"; and

c. In the table 199.610(a) revise the entry for 199.175 to read as follows:

§ 199.610 Exemptions for vessels in specified services.

(a) * * *

TABLE 199.610(a).—EXEMPTIONS FOR ALL VESSELS IN SPECIFIED SERVICES

Section or paragraph in this part	Service			
	Coastwise	Great Lakes	Lakes, bays, and sounds	Rivers
* * * *	*	*	*	*
199.175(b)(21)(i)(G) or 199.640(j)(4)(iii)(E): Float-free link	(6)	(6)	(6)	(6)
* * * *	*	*	*	*

Dated: September 20 1999.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–25058 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 12

[USCG–1997–2799]

RIN 2115–AF49

User Fees for Licenses, Certificates of Registry, and Merchant Mariner Documents; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: The Coast Guard has revised its application processing requirements for original licenses, certificates of registry, and merchant mariner documents and no longer does a criminal record check on all original applications. The new policy does not specifically identify which applications will undergo a record check and the Coast Guard therefore cannot charge a fee for this part of the application process. As published in the final rule, fees for original documents need to be corrected to remove the charge for criminal record checks.

EFFECTIVE DATE: This correction is effective October 4, 1999.

ADDRESSES: The public docket for this rulemaking is maintained at the Docket Management Facility, (USCG–1997–2799), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington DC 20590–0001. You may access docket materials at the facility or over the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact CDR David Skewes, U.S. Coast Guard Headquarters, Office of Planning and Resources (G–MRP), telephone 202–267–0785. For questions on viewing, or submitting material to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION: On August 5, 1999, the Coast Guard published a final rule entitled "User Fees for Licenses, Certificates of Registry, and Merchant Mariner Documents. The rulemaking changed merchant mariner licensing and documentation fees based on the latest cost recalculations. The evaluation fees for:

- Original License, Upper Level;
- Original License, Lower Level;
- Original Radio Officer License;
- Original Certificate of Registry (MMD holder);
- Original Certificate of Registry (MMD applicant);
- Original Merchant Mariner Document without endorsement; and * Original Merchant Mariner Document with endorsement included a charge for criminal record checks. This correction removes that charge from the evaluation fees for original documents.

Correction of Publication

Accordingly, the publication on August 5, 1999, of the final rule (USCG–1997–2799), which is the subject of FR Doc. 99–20037, is corrected as follows:

§ 10.109 [Corrected]

1. On page 42815, TABLE 10.109—FEES should read as follows:

* * * * *

TABLE 10.109—FEES

If you apply for—	And you need—		
	Evaluation—then the fee is—	Examination—then the fee is—	Issuance—then the fee is—
License:			
Original:			
Upper level	$100	$110	$45
Lower level	100	95	45
Raise of grade	100	45	45
Modification or removal of limitation or scope	50	45	45
Endorsement	50	45	45
Renewal	50	45	45
Renewal for continuity purposes	n/a	n/a	45
Reissue, Replacement, and Duplicate	n/a	n/a	[1] 45
Radio Officer License:			
Original	50	n/a	45

TABLE 10.109—FEES—Continued

If you apply for—	And you need—		
	Evaluation—then the fee is—	Examination—then the fee is—	Issuance—then the fee is—
Endorsement	50	45	45
Renewal	50	n/a	45
Renewal for continuity purposes	n/a	n/a	45
Reissue, Replacement, and Duplicate	n/a	n/a	[1] 45
Certificate of Registry:			
Original (MMD holder)	90	n/a	45
Original (MMD applicant)	105	n/a	45
Renewal	50	n/a	45
Renewal for continuity purposes	n/a	n/a	45
Endorsement	n/a	n/a	45
Reissue, Replacement, and Duplicate	n/a	n/a	[1] 45
STCW Certification:			
Original	No fee	No fee	No fee.
Renewal	No fee	No fee	No fee.

[1] Duplicate for document lost as result of marine casualty—No Fee.

* * * * *

§ 12.02–18 [Corrected]

2. On page 42816, TABLE 12.02–18–FEES should read as follows:

* * * * *

TABLE 12.02–18—FEES

If you apply for—	And you need—		
	Evaluation—Then the fee is—	Examination—Then the fee is—	Issuance—Then the fee is—
Merchant Mariner Document:			
Original:			
Without endorsement	$95	n/a	$45.
With endorsement	$95	$140	$45.
Endorsement for qualified rating	$95	$140	$45.
Upgrade or Raise in Grade	$95	$140	$45.
Renewal without endorsement for qualified rating	$50	n/a	$45.
Renewal with endorsement for qualified rating	$50	$45	$45.
Renewal for continuity purposes	n/a	n/a	$45.
Reissue, Replacement, and Duplicate	n/a	n/a	$45.[1]
STCW Certification:			
Original	No fee	No fee	No fee.
Renewal	No fee	No fee	No fee.
Other Transactions:			
Duplicate Continuous Discharge Book	n/a	n/a	$10.
Duplicate record of sea service	n/a	n/a	$10.
Copy of certificate of discharge	n/a	n/a	$10.

[1] Duplicate for document lost as result of marine casualty—No Fee.

Dated: September 15, 1999.

R.C. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–25546 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–15–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1, 13, 22, 80, 87, 90, 95, 97, and 101

[WT Docket No. 98–20; WT Docket No. 96–188; RM–8677; RM–9107; FCC 99–139]

Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Commission disposes of several petitions for reconsideration and clarifies its licensing rules into a single set of rules for all wireless radio services. The Commission further establishes a streamlined set of rules that minimizes filing requirements; eliminates redundant, inconsistent, or unnecessary submission requirements; and assures ongoing collection of reliable licensing and ownership data.

DATES: Effective November 30, 1999, except for §§ 22.529(c), 22.709(f), 22.803(c), and 22.929(d) which contain modified information collection requirements that have not been approved by the Office of Management and Budget. The Commission will publish a document announcing the effective date of these sections in the **Federal Register**. Written comments by the public on the modified information collections are due November 1, 1999. Written comments must be submitted by OMB on the information collections on or before November 30, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Don Johnson, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418–7240; Jamison Prime or Karen Franklin, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418–0871.

SUPPLEMENTARY INFORMATION: This *Memorandum Opinion and Order on Reconsideration* in WT Docket No. 98–20, WT Docket No. 96–188, RM–8677, and RM–9107 adopted June 10, 1999 and released June 28, 1999, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC 20036 (202) 857–3800. The document is also available via the internet at http://www.fcc.gov/Bureaus/Wireless/Orders/1999/index.html.

Synopsis of Memorandum Opinion and Order on Reconsideration

I. Introduction

In this *Memorandum Opinion and Order on Reconsideration (MO&O)* we address petitions for reconsideration of our *Report and Order*, 63 FR 68904 (December 14, 1998) in the Universal Licensing proceeding (*ULS R&O*). The *ULS R&O*, adopted on September 17, 1998, established consolidated and streamlined rules governing license application procedures for the Universal Licensing System (ULS), the Commission's automated licensing system and integrated database for wireless services. The *ULS R&O* also adopted new consolidated application forms to enable all wireless licensees and applicants to file applications electronically in ULS. In addition, we established procedures to ensure a smooth transition from our pre-existing licensing processes to the processes developed for ULS. We received eight petitions for reconsideration addressing various aspects of the *ULS R&O*. Four parties filed comments on the petitions and four parties filed reply comments. In this order, we substantially uphold the decisions made in the *ULS R&O*, but we make certain revisions and clarifications to our rules in response to the petitions and on our own motion.

II. Discussion

A. Electronic Filing Issues

1. Electronic Filing Deadlines

Background. In the *ULS R&O*, we concluded that all applicants and licensees in auctionable services and in common carrier services that are not subject to auction because they operate on shared spectrum would be required to file applications electronically as of (1) July 1, 1999, or (2) six months after the conversion of the particular service to ULS, whichever is later.

Discussion. We recognize that converting to electronic filing poses technical challenges for filers, and we provide a six month transition period during which filers can test their ability to file electronically in ULS before mandatory electronic filing takes effect. We do not believe that a blanket 24-hour grace period is in the public interest. We also disagree with the presumption underlying the grace period concept that most technical difficulties are in fact beyond the applicants' control. Applicants can minimize the risk of unexpected last-minute technical difficulties with electronic filing by testing equipment and software in advance, familiarizing themselves with the electronic filing process, and preparing to file far enough in advance of the deadline to deal with technical problems that may occur. Applicants can consult with the Commission's ULS technical support staff at 202–414–1250 at any time during normal business hours.

We recognize that there may be instances where an applicant exercises diligence in preparing to file electronically, but nonetheless encounters technical difficulties that are truly beyond its control. We believe that such situations are better handled on a case-by-case basis by waiver rather than by means of a blanket rule. In those instances where applicants are unable to file electronically because of a technical problem with the Commission's own electronic filing system, we will extend filing deadlines as needed until the Commission staff has resolved the problem.

2. Copy Requirements for Manually Filed Forms

Background. A petitioner requested that the requirement of a copy for manually filed applications be eliminated so that only the original need be submitted.

Discussion. We believe that requiring an original plus a copy of manually filed applications will minimize the risk of losing or misplacing the application before it is scanned into ULS, because the original will be on file while the copy is scanned.

3. Transition Period for Filing of Pre-ULS Forms

Background. In the *ULS R&O* we determined that use of pre-ULS forms would be allowed for six months after the effective date of the ULS rules adopted in the *ULS R&O*. The ULS rules became effective on February 12, 1999. As a result, the six month transition period for use of pre-ULS forms expires on August 12, 1999. However, under the current ULS deployment schedule, some wireless services will not be converted from their "legacy" licensing databases to ULS until after this date.

Discussion. We conclude that the transition period during which applicants may continue to file pre-ULS forms should be extended for those services that have not yet been converted to ULS. Therefore, on our own motion, we amend our rules to allow the filing of pre-ULS forms until (1) August 12, 1999, or (2) six months after the service is converted to ULS, whichever is later.

B. Standardization of Practices and Procedures for WTB Applications and Authorizations

1. Amendments to Applications

Background. A petitioner asked for clarification of section 1.927 of the Commission's rules, as amended by the *ULS R&O*, regarding amendments of pending applications.

Discussion. We clarify that applicants can amend their applications as a matter of right as long as the application has not been listed on a public notice for a competitive bidding process and is not subject to any of the remaining exceptions in section 1.927.

2. Frequency Coordination of Minor Amendments/Modifications

Background. In certain part 90 and part 101 services, frequency coordination is required of applicants or licensees prior to filing certain applications, major amendments to

pending applications, or major modifications to licenses. In the *ULS R&O*, we revised our frequency coordination requirements in part 90 and part 101 so that all applicants and licensees subject to coordination will comply with the same frequency coordination requirements. We also specified in part 1 that amendments to applications or modifications to licenses that require prior coordination are defined as major changes for filing purposes. Two petitioners asked for clarification or reconsideration of our rules relating to frequency coordination for certain technical changes in the fixed microwave services that are defined as minor under section 1.929.

Discussion. Section 101.103(d) of our rules sets forth coordination requirements for changes to microwave systems. The only change we have implemented in this procedure in the *ULS R&O* was to eliminate the requirement previously contained in section 101.103(d) that in the case of minor amendments, the coordination process must be completed prior to the *filing* of the amendment. However, a microwave applicant or licensee proposing a minor technical change must still coordinate as required by the rule prior to implementing the change.

3. Returns and Dismissals of Incomplete or Defective Applications

Background. In the *ULS R&O*, we adopted a single consolidated rule concerning dismissal of applications and established a uniform policy regarding return of applications for correction and refiling by the applicant. Under section 1.934, the Commission may dismiss any defective application, but we also retain the discretion to return an application for correction if circumstances warrant. We stated that applicants receiving returned applications would have 30 days from the date of the Commission's return letter to correct the defect and refile the application, unless the return letter specified a shorter period. One petitioner asked for reconsideration of the 30 day standard.

Discussion. We conclude that a 60 day period is more reasonable. We will also apply this policy to returns in all wireless services, including non-coordinated services. However, we take this opportunity to reiterate several aspects of our dismissal and return policy. First, in conjunction with the deployment of ULS, the Wireless Telecommunications Bureau (Bureau) has announced uniform standards for dismissal of defective applications that will reduce the number of applications that are returned rather than dismissed without prejudice. Second, in those instances where we return applications for correction, we retain the discretion to require refiling in less than 60 days, provided that the return notice specifies the shorter period. Finally, if a corrected application includes changes that constitute major amendments, it will be governed by our major amendment rule and treated as a new application with a new filing date.

4. Discontinuation of "Reinstatement" Applications

Background. In the *ULS R&O*, we eliminated reinstatement procedures in those wireless services that allowed licensees who failed to file a timely renewal application to request reinstatement of the expired license. One petitioner asked for reconsideration of this decision, and proposed that we apply a 30-day reinstatement window to all wireless licenses.

Discussion. We emphasize that the licensee is fully responsible for knowing the term of its license and filing a timely renewal application. In addition, as we stated in the *ULS R&O*, ULS will send out reminder letters to licensees 90 days prior to the renewal deadline.

Our treatment of late-filed renewal applications will take into consideration the complete facts and circumstances involved, including the length of the delay in filing, the performance record of the licensee, the reasons for the failure to timely file, and the potential consequences to the public if the license were to terminate. In instances where a renewal application is late-filed up to 30 days after the expiration date of the license, denial of the renewal application and termination of the licensee's operations would be too harsh a result in proportion to the nature of the violation. At the same time, we believe that some sanction is warranted for late filing of renewal applications, even if the late filing is inadvertent and the length of delay is not significant. We will handle late-filed renewal applications as follows: If a renewal application is late-filed up to 30 days after the license expiration date in any wireless service, and the application is otherwise sufficient under our rules, we will grant the renewal *nunc pro tunc*. The Wireless Bureau, after reviewing all facts and circumstances concerning the late filing of the renewal application, may, in its discretion, also initiate enforcement action against the licensee for untimely filing and unauthorized operation between the expiration of the license and the late renewal filing, including, if appropriate, the imposition of fines or forfeitures for these rule violations. Applicants, who file renewal applications more than 30 days after license expiration, may also request renewal *nunc pro tunc*, by filing a request for rule waiver. Such requests for rule waiver filed more than 30 days after license expiration will be subject to stricter review and will not be granted routinely and may be accompanied by enforcement action including more significant fines or forfeitures.

5. Assignments of Authorization and Transfers of Control

Background. One petitioner argued that the Commission should eliminate the need for wireless licensees to file public interest statements as exhibits to applications for assignment of license or transfer of control.

Discussion. Our ULS rules do not require a public interest statement to be attached to assignment or transfer applications, nor is there such a requirement on FCC Form 603. In some instances, such as transfers or assignments that have competitive implications or involve designated entities, we have required applicants to provide a public interest statement because additional information is needed for the Commission to make a determination under section 310(d) of the Act that the proposed transfer or assignment is in the public interest.

6. Use of Taxpayer Identification Numbers

Background. In the *ULS R&O*, we required all ULS applicants and licensees to register their Taxpayer Identification Numbers (TINs) with the Commission through ULS. In the case of auctionable services, we also required applicants and licensees to provide TIN information for attributable interestholders as defined in section 1.2112(a) of the rules. Attributable interestholders are defined as any person or entity who holds a direct or indirect interest in the applicant/licensee of 10 percent or greater, or any other person or entity who exercises actual control of the applicant/licensee.

Several petitioners asked for reconsideration of our requirement to disclose the TINs of attributable interestholders. Applicants and licensees are required by the Debt Collection Improvement Act (DCIA) to submit their TINs to the Commission. Petitioners contend that any collection of TIN information from persons or entities other than the licensee or applicant itself is beyond the scope of the DCIA. A petitioner contends that the TIN collection requirement is overbroad because it will require officers and directors of a licensee to submit their individual Social Security numbers

(SSNs). Similarly, an amateur radio licensee asked for reconsideration of the requirement that Amateur Radio applicants and licensees provide their SSNs to the Commission.

Discussion. We disagree with the contention that the DCIA authorizes the collection of only applicant and licensee TINs. Congress enacted the DCIA as part of an effort to increase the government's effectiveness in collecting debt from private entities. The DCIA requires all persons "doing business" before a Federal agency to provide a TIN as a condition to receiving governmental benefits, regardless of whether fees are collected. The DCIA defines a person "doing business with a Federal Agency" as "an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency * * *." We concluded that this definition extended to 10 percent or greater interestholders in the applicant because these parties are treated as akin to the applicant for purposes of our ownership disclosure requirements.

We continue to believe that both the letter and the spirit of the DCIA require collection of TIN information beyond the applicant/licensee level. We also affirm our decision to extend the TIN reporting requirement for auctionable services to all 10 percent or greater interestholders in the applicant or licensee, as defined in section 1.2112(a). With or without control, persons or entities with a 10 percent or greater interest in an applicant or licensee have a significant stake in the venture and reap substantial benefits from the award of the license. We believe it is reasonable for DCIA purposes to regard persons and entities that hold an attributable interest in an applicant or licensee as "doing business" with the Commission.

We also clarify certain elements of the TIN requirement. One petitioner argues that officers and directors of a corporation should not be required to provide SSNs, because they are not personally liable for corporate debts and fall outside the scope of the DCIA. We disagree with the contention that disclosure of individual officer or director SSNs is necessarily beyond the scope of the DCIA. In circumstances where a director or officer is an attributable interestholder in the licensee (by virtue of holding a 10 percent or greater ownership interest) or otherwise personally exercises control over the licensee, the officer or director must be identified under section 1.2112(a) of the rules. We conclude that it meets the DCIA definition of a person "doing business" before the agency. We clarify, however, that the TIN disclosure requirement does not extend to officers or directors that hold no attributable ownership interest and do not otherwise exercise personal control over the licensee. In the absence of one or both of these factors, we do not believe that status as an officer or director *per se* brings the individual within the scope of the DCIA, just as it is not a sufficient interest to require disclosure under section 1.2112(a). One petitioner also sought relief from the TIN disclosure requirement with respect to attributable interestholders that are beyond the control of the applicant or licensee. We believe that requests for relief from this rule are better handled on a case-by-case basis under our waiver rules.

Finally, we deny reconsideration of the requirement that Amateur Radio applicants and licensees provide their SSNs to the Commission. We have determined that Amateur applicants and licensees are not exempt from the TIN disclosure requirement.

C. Collection of Licensing and Technical Data

1. Public Mobile Radio Service Data Requirements

In the *ULS R&O*, we streamlined many of our rules to reduce the burden on applicants and licensees providing licensing and technical data for commercial services.

a. Site-based vs. Geographic-based Licensing

Background/Discussion. One petitioner argued that the *ULS R&O* was ambiguous as to whether cellular would be classified in ULS as a site-specific service, a geographically licensed service, or a "hybrid" of the two. We clarify that we did not intend to place any additional requirements on cellular other than those enunciated in the rules.

b. Construction Notification

Background/Discussion. One petitioner noted that the revised section 1.946(d) required a licensee to notify the Commission of the completion of construction within 15 days of the "expiration of the applicable construction or coverage period." We amend our part 22 rules to clarify that the notification requirements are governed by section 1.946 of our rules.

c. Phase II Applications—Ownership Information

Background/Discussion. One petitioner also sought elimination of section 22.953(a)(5) of the Commission's rules, which requires that cellular unserved area applicants provide ownership information. We will remove section 22.953(a)(5) as requested.

d. Revised Section 22.165(e)

Background/Discussion. One petitioner asserted that we revised section 22.165(e) in such a way as to make a substantive rule change limiting the circumstances in which a cellular licensee may enter into a contract extension with a neighboring licensee to add transmitters with contours that extend beyond the licensee's CGSA. We made no substantive changes to the rule, which still permits contract extensions as it did prior to the ULS R&O.

e. Mapping Requirements

Background/Discussion. A petitioner requested reconsideration of our decision to retain the requirement for filing maps until ULS's mapping software is available. We disagree with the proposal to eliminate the filing of maps immediately. The primary purpose of maintaining a file of up to date CGSA maps is to provide a quick and easy way for interested parties and the public to determine the availability of unserved areas in a particular cellular market. The only time full size paper maps must be filed with the Commission is when there is a change to a licensee's CGSA in connection with the licensee's system information update (SIU) at the conclusion of its five-year initial build-out of an MSA or RSA, or a Phase II application. At this time, the Commission is not prepared to set a date certain as to the availability of the ULS mapping program. The Bureau will issue a Public Notice when the new ULS mapping utility is online and cellular licensees and applicants no longer need to file maps. The ULS mapping program will not rely on SIU filings, but ULS will use the most current technical data in the ULS database, whether from the database correction letters filed in 1998 or subsequent application filings, to determine a CGSA in the ULS mapping program.

f. Antenna Pattern Information

Background. In the *ULS R&O* we eliminated the requirement that Part 22 paging licensees submit data concerning antenna type, model, and manufacturer to the Commission. We amended our rules to require Part 22 licensees to maintain this information in their station records and to produce it to other licensees or applicants upon request. On February 12, 1999, Timothy E. Welch dba Hill & Welch (Welch) filed a petition for review of the *ULS R&O* in the United States Court of Appeals for the District of Columbia Circuit. Welch

asked for judicial review of our decision to eliminate this requirement stating that it is essential for applicants and licensees to be able to obtain this information from the Commission.

Discussion. Although Welch did not file a petition for reconsideration on this issue, the Commission addresses his petition for review on our own motion. Welch overstates the relevance of antenna type, model, and manufacturer information to the determination of paging licensee service contours. Under our paging rules adopted in the *Part 22 Rewrite Order*, 59 FR 59502 (1994), service contours are calculated based on a formula that utilizes the transmitting antenna's effective radiated power (ERP) and height above average terrain (HAAT). Prior to 1994, the Commission used a different methodology to calculate service area contours that required licensees to provide more detailed information regarding each transmitter, including technical antenna information concerning antenna type and model. However, when the Commission replaced this approach with the formula-based approach of the *Part 22 Rewrite Order*, 59 FR 59502 (1994), antenna type and model information became irrelevant to the determination of service contours under the rules. Our decision to eliminate these technical filing requirements in the *ULS R&O* simply recognized the fact that the Commission no longer required this information as part of the paging licensing process. Under the revised rules, site-based paging applicants must still file other technical information regarding their facilities, including ERP, antenna height, and other information specified in section 22.529(c).

We conclude that in the few cases where antenna make and model information may be required to resolve an interference dispute, the procedures adopted in the *ULS R&O* adequately protect the interests of parties who may require this information. These procedures require Part 22 licensees to retain technical antenna information in their station records and to produce it to other parties within ten days of a request.

2. Service Code Classification of Private Land Mobile Services

Background. One petitioner suggested the Commission establish a new Public Service Pool and corresponding service codes for power and petroleum and railroad services and other critical infrastructure or public service entities.

Discussion. Retention of service codes eliminated in the *Refarming Second Report and Order* or the creation of a new Public Service Pool is beyond the scope of this proceeding.

3. Fixed Microwave Service Data Requirements

Background. One petitioner requests clarification that point-to-point microwave applicants do not need to specify a geographic area of operation on Form 601 because geographic area of service is not applicable to point-to-point operations.

Discussion. Although Form 601 requires identification of the geographic area of operation for certain services, we clarify that this requirement does not apply to point-to-point microwave services. Moreover, if an applicant electronically files an application for point-to-point microwave channels, the field requesting identification of geographic area of operation will be blocked automatically, preventing the applicant from incorrectly entering information in the field.

4. Amateur Radio Service Issues

a. Modifications to Amateur Application Form (Form 605)

Background. One petitioner requested various changes to Form 605 including: (1) Provision of a short-form specifically for Amateur Radio; (2) Exclusion from the requirement to provide telephone numbers and e-mail addresses; (3) Exclusion from certifying compliance with section 5301 of the Anti-Drug Abuse Act of 1988; and (4) Clarification of certain questions and instructions on Form 605, Schedule D. Another petitioner requested that Form 605 be modified to allow for inclusion of (1) Additional information regarding certifications by Volunteer Examiner Coordinators (VECs), and (2) Information concerning where and when an examination for a new or upgraded license was administered.

Discussion. We believe the Form 605 will provide for fast and easy filing by Amateur applicants, particularly if they file electronically. Similarly, we believe it is reasonable to request that Amateur applicants provide a telephone number and e-mail address. We clarify, however, that the provision of telephone and e-mail information by Amateur Radio applicants is optional as long as they provide a valid U.S. mailing address. We will also modify the Form 605 certification pertaining to the Anti-Drug Abuse Act to clarify that it does not apply to services, including Amateur Radio, that are exempted from this requirement under section 1.2002(c) of the rules.

b. Charges by Volunteer Examiner Coordinators

Background. A petitioner filed a Petition for Reconsideration and Request for Rule Making (Petition and Request) in reference to the *Electronic Filing of License Renewal and Modification Applications in the Amateur Radio Service Order* requesting that Volunteer Examiner Coordinators (VECs) not be allowed to charge fees for renewals or modification of amateur licenses. With respect to fees for renewals and modifications, this petitioner maintained that VECs may only be reimbursed for out-of-pocket expenses incurred in the examination procedure.

Discussion. Modifications and renewals performed by VECs do not fall within the provisions governing VEC reimbursement that apply to activities related to conducting examinations for amateur operator license applicants. Compensation, if any, the VEC organization receives as a result of assisting with renewals and modifications is a matter that is between the Amateur operator choosing to use the organization's services and the organization.

c. Issuance of License Documents

Background. One petitioner stated that a legal and practical necessity still exists for Amateur operators to receive a license document issued by the Commission.

Discussion. Amateur operators will continue to receive a printed license generated by ULS shortly after their licensing data has been entered into the ULS database.

d. Club Station Call Sign Administrators

Background. One petitioner requested several new rules concerning Club Station Call Sign Administrators (CSCSAs).

Discussion. We retain our current requirement that CSCSAs retain application information for 15 months, which is the same requirement applicable to retention of such information by VECs. We confirm that assignment of call signs to club stations will be based on the sequential call sign system used by all Amateur operators.

e. Other Amateur Issues

Background. One petitioner requested that (1) United States citizens who are also citizens of other countries should not receive reciprocal authorization and that a reciprocal licensee must be a citizen of the country which issued the basic amateur radio license; (2) Clarification of various operating privileges; and (3) That all requirements

pertaining to Amateur Radio should appear in only one rule part and not appear in Part 1.

Discussion. On our own motion, we make certain non-substantive amendments and corrections to our Amateur rules to eliminate duplicative rules and conform them with our consolidated ULS rules. Specifically, we revise section 97.15 to conform it with Part 17 of the rules and to restore a rule section that was inadvertently removed by the *ULS R&O*. We also delete language in sections 97.17 and 97.21 regarding administering Volunteer Examiner requirements that duplicates other rule sections.

5. General Mobile Radio Service Issues

In the *ULS R&O*, we adopted numerous changes to the General Mobile Radio Service (GMRS) to eliminate rules that had become duplicative or otherwise unnecessary to our regulatory responsibilities, as well as to ensure that our streamlined licensing process collects the minimum information needed of GMRS licensees and applicants.

On June 1, 1999, in response to several petitions, we adopted a partial stay order in which we determined that it was in the public interest to stay the effectiveness of our new rule, section 95.29(e)—which restricts the use of the 462.675 MHz/467.675 MHz channel pair to traveler's assistance and emergency use—pending resolution of the petitions. Also, as an initial matter, we conclude that because the "repeater" definition adopted in the *ULS R&O* describes the usage characteristics outlined in the now-removed rule section describing mobile relay station communication points (§ 95.57) and limited by our rule describing available channels (§ 95.29), our definition is consistent with both our former rules and current practice.

a. Channeling Plan

In the *ULS R&O*, we adopted an "all-channel" usage plan, which authorized stations to transmit on any authorized channel from any geographic location where the FCC regulates communication, but restricted use of the 462.675 MHz/467.675 MHz channel pair to emergency and traveler's assistance use. Consistent with the actions we took in the *PRSG Stay Order*, FCC 99–129 (rel. June 9, 1999), we allow unrestricted use of the of the 462.675 MHz/467.675 MHz channel pair by all eligible GMRS licensees. We conclude that allowing use of the 462.675 MHz/467.675 MHz channel pair in the same way that GMRS users may use any other channel pair will not hinder emergency and traveler's assistance communications, and remove the restriction on use of the 462.675 MHz/467.675 MHz channel pair.

b. Use of Repeaters

In the *ULS R&O*, we also determined that the points of communication rules should be eliminated. To remove any misconceptions, we include in our rules a statement that limiting the use of a repeater to certain user stations is permissible. Repeater owners, as part of management of their GMRS systems, are free to decide what means of control, if any, are necessary. We disagree with one commenter's argument that removal of the points-of-communication rules pertaining to repeater use makes the GMRS rules "in judicial noncompliance" with the U.S. Criminal Code. The commenter did not attempt to describe how the unauthorized use of a GMRS repeater satisfies the elements of the crime described in the statue, nor how the statute places such a restriction on the Commission.

c. GMRS Licensing by Non-Personal Licensees

Under our GMRS rules, non-individual licensees (who would be ineligible to obtain a license for a new GMRS system under our current rules) are allowed to maintain existing systems under "grandfathering" provisions, but are prohibited from modifying or expanding their operations beyond their current authorization. Our treatment of, and procedures with respect to, "grandfathered" GMRS licensees have not changed. Section 95.5 of our Rules expressly prohibits grandfathered non-individual GMRS licensees from making major modifications to an existing system license. To remove any possible ambiguity, however, we add a cross-reference in section 95.5 to section 1.92 and clarify the point that the major modifications listed in the part 1 rules apply to GMRS.

We also take this opportunity to resolve a pending petition for rulemaking which had requested organizational licensing eligibility under GMRS in order to support disaster service organizations. Organizational licensing had already been rejected in a 1988 restructuring of GMRS, and the petition offered no additional basis for reconsidering that decision. We dismiss the petition and decline to alter the eligibility rules as adopted in the *ULS R&O*.

One petitioner suggests that FCC Form 605 is inappropriate for non-individual licensees, as they will continue to need to specify certain technical data. These "grandfathered" licensees will be required to operate in accordance with certain technical specifications no longer required of individual licensees, and are also prohibited from making major modifications to their systems. Thus, we have no need for these licensees to specify technical data.

d. Technical Issues

One petitioner asks that we update our rules to define a "channel pair." Under our "all-channel" usage plan, we clarify that a channel pair consists of one 462 MHz frequency and one 467 MHz frequency, and revise §§ 95.29(a) and (b) to reflect this concept. We do not agree that a channel pair must consist of two channels exactly 5.000 MHz apart.

GMRS users continue to have a responsibility under § 95.7(a) of our rules to "cooperate in the selection and use of channels to reduce interference and to make the most effective use of the facilities." Our new rules under § 95.29 support this policy by allowing GMRS users the flexibility to select the best channel at any given time or place, and this flexibility is not intended to allow GMRS users to introduce practices that create additional interference or result in inefficient use of spectrum to the detriment of other GMRS users.

The *ULS R&O* defined "repeater" to clarify its meaning for GMRS licensees and users with commonly accepted GMRS terminology. One petitioner claims that our use of the term "simultaneously" excludes many repeaters from our technical definition. By "simultaneously," we mean that the repeater initiates the retransmission of a communication at the same time it is still receiving that communication. We distinguish this from "instantaneous," by which we mean receipt and retransmission without delay. Stations that cannot engage in simultaneous receipt and retransmission of communications do not fall within the definition of a "repeater" and thus may not use the channels designated for repeater use. The operation of stations in this configuration is no different than the operation of any two other GMRS stations transmitting on the same channel. Our rules sharply restrict GMRS communications from any station, prohibiting, *inter alia*, communications intended for mass media broadcast and messages to amateur stations.

In the *ULS R&O*, we modified § 95.179(a) to remove the requirement that eligible immediate family members must live in the same household as the individual GMRS licensees, as we do

not collect that information and that distinction is largely unenforceable. We did not modify § 95.179(d). Accordingly, we conclude that §§ 95.179(a) and 95.179(d) are not contradictory, as they are subsections of a general rule describing who may be station operators.

III. CONCLUSION

In this proceeding, the Commission addresses petitions for reconsideration of our *Report and Order* in the Universal Licensing proceeding. In this order, we substantially uphold the decisions made in the *ULS R&O*, but we make certain revisions and clarifications to our rules in response to the petitions and on our own motion.

IV. PROCEDURAL MATTERS

A. Regulatory Flexibility Act

Supplementary Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act ("RFA"), an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated in the *Notice of Proposed Rule Making*, 63 FR 16938, April 7, 1998, in WT Docket No. 98–20. The Commission sought written public comment on the proposals in the *Notice of Proposed Rule Making*, including comment on the IRFA. A Final Regulatory Flexibility Analysis ("FRFA") was incorporated in the *ULS R&O*, and the Commission received no petitions for reconsideration on any issues related to the FRFA. This present Supplemental Final Regulatory Flexibility Analysis conforms to the RFA, *see* 5 U.S.C. 604, and accompanies this *MO&O*, which addresses petitions for reconsideration submitted regarding the *ULS R&O*.

A. Need for and objectives of this Memorandum Opinion and Order on Reconsideration

In this rulemaking the Commission consolidates, revises, and streamlines its rules governing license application procedures for radio services licensed by the Bureau (Bureau). *See* the description in section D, *infra*. The rule changes effected by this *Memorandum Opinion and Order on Reconsideration* will further implement the policy changes put in place by the *ULS R&O*.

B. Summary of significant issues raised by public comments in response to the Final Regulatory Flexibility Analysis (FRFA)

No petitions for reconsideration were filed with respect to the Final Regulatory Flexibility Analysis contained in the *ULS R&O*. This *MO&O* is consistent with and does not materially change the Final Regulatory Flexibility Analysis, pursuant to the Regulatory Flexibility Act, *see* 5 U.S.C. 604, contained in *ULS R&O*, with the exception of the projected reporting, recordkeeping and other compliance requirements and the professional skills needed to prepare any records or reports.

C. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

As noted above, a Final Regulatory Flexibility Analysis was incorporated into the *ULS R&O*. In that analysis, we described in detail the small entities that might be significantly affected by the rules adopted in the *ULS R&O*. Those entities may be found in a number of wireless services including: cellular radiotelephone service, broadband and narrowband PCS, paging, air-ground radiotelephone service, specialized mobile radio service, private land mobile radio service, aviation and marine radio service, offshore radiotelephone service, general wireless telecommunications service, fixed microwave service, commercial radio operators, amateur radio services, personal radio services, public safety radio services and governmental entities, rural radiotelephone service, marine coast service, and wireless communications service. In this present Supplemental Final Regulatory Flexibility Analysis, we hereby incorporate by reference the description and estimate of the number of small entities from the previous FRFA in this proceeding.

The rule changes in this *MO&O* will affect all small businesses filing new wireless radio service license applications or modifying or renewing an existing license. To the extent that a rule change here affects a particular wireless service, our estimates, contained in Appendix B of the *ULS R&O*, remain valid as to the size of those services.

D. Description of the projected reporting, recordkeeping, and other compliance requirements

We will amend sections 22.529, 22.709, 22.803, and 22.929 so as to make those rules conform with the *ULS R&O*. Part 22 Licensees will no longer need to file certain categories of antenna information with the Commission. The licensees will need to keep that information on file and produce it within ten days of receiving a request for such information from other licensees or applicants. This policy change was already assessed in the Final Regulatory Flexibility Analysis. In addition, section 1.928 ("Frequency Coordination, Canada") reinstates a rule that was inadvertently removed.

E. Steps taken to minimize significant economic impact on small entities, and significant alternatives considered:

As noted in the Part E, Appendix B, *ULS R&O*, the development of the ULS will greatly reduce the cost of preparing wireless applications and pleadings, while increasing the speed of the licensing process. We expect that these changes will benefit all firms and businesses, including small entities. The changes made in the *MO&O* are consistent with our Final Regulatory Flexibility Analysis. The Universal Licensing System will continue to present tremendous advantages for small businesses because it permits access to licensing information at tremendously reduced costs.

F. Report to Congress

The Commission shall send a copy of this Memorandum Opinion and Order, including this Supplemental Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. *See* 5 U.S.C. 801(a)(1)(A). A copy of the Memorandum Opinion and Order and Supplemental Final Regulatory Flexibility Analysis (or a summaries, thereof) will be published in the **Federal Register**. *See* 5 U.S.C. 604(b). A copy of the Memorandum Opinion and Order and Supplemental Final Regulatory Flexibility Analysis will also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

B. Paperwork Reduction Act (PRA)

Paperwork Reduction Act Analysis:

Dates: Written comments by the public on the modified information collections are due November 1, 1999. Written comments must be submitted by OMB on the information collections on or before November 30, 1999.

Address: In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov; and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725–17th Street, NW, Washington, DC 20503 or via the Internet to fain__t@al.eop.gov.

Further Information: For additional information concerning the information collections contained in this *MO&O* contact Judy Boley at (202) 418–0214, or via the Internet at jboley@fcc.gov.

Supplementary Information: This *MO&O* contains a modified information collection, which has been submitted to the Office of Management and Budget for approval. As part of our continuing effort to reduce paperwork burdens, we invite the general public to take this opportunity to comment on the information collection contained in this *MO&O*, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. Public comments should be submitted to OMB and the Commission, and are due thirty days from date of publication of this *MO&O* in the **Federal Register**. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) The accuracy of the Commission's burden estimates; (c) Ways to enhance the quality, utility, and clarity of the information collected; and (d) Ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–0865.

Title: Wireless Telecommunications Bureau Universal Licensing System Recordkeeping and Third Party Disclosure Requirements.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 62,790.

Estimated Time Per Response: Varies.

Total Annual Burden: 32,297.

Frequency of Response: On Occasion.

Total Annual Estimated Costs: No Additional Costs.

Needs and Uses: ULS establishes a streamlined set of rules that minimizes filing requirements; eliminates redundant, inconsistent, or unnecessary submission requirements; and assures ongoing collection of reliable licensing and ownership data. The recordkeeping and third party disclosure requirements contained in this collection are a result of the eliminate of a number of filing requirements. The ULS forms contain a number of certifications, which eliminated for a number of previous filing requirements. However, applicants must maintain records to document compliance with the requirements. In some instance applicants may also be required to coordinate activities with third parties prior to submitting applications.

IV. ORDERING CLAUSES

It Is Further Ordered that, pursuant to the authority of sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 47 CFR Parts 1, 13, 22, 80, 87, 90, 95, 97, and 101 of the Commission's Rules are AMENDED as set forth in Rule Changes November 30, 1999 except for §§ 22.529(c), 22.709(f), 22.803(c), and 22.929(d) which contain modified information collection requirements that have not been approved by the Office of Management and Budget. The Commission will publish a document announcing the effective date of these sections in the **Federal Register**.

It Is Further Ordered that the Commission's Office of Public Affairs, Reference Operations Division, SHALL SEND a copy of this *Memorandum Opinion and Order on Reconsideration*, including the Supplemental Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

LIST OF SUBJECTS in 47 CFR Parts 1, 13, 22, 80, 87, 90, 95, 97, and 101

Communications common carriers, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1, 13, 22, 80, 87, 90, 95, 97, and 101 as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 255, and 303(e).

2. Section 1.923 is amended by adding paragraph (i) to read as follows:

§ 1.923 Content of applications.

* * * * *

(i) Unless an exception is set forth elsewhere in this chapter, each applicant must specify an address where the applicant can receive mail delivery by the United States Postal Service. This address will be used by the Commission to serve documents or direct correspondence to the applicant.

3. Section 1.927 is amended by revising paragraph (a) to read as follows:

§ 1.927 Amendment of applications.

(a) Pending applications may be amended as a matter of right if they have not been designated for hearing or listed in a public notice as accepted for filing for competitive bidding, except as provided in paragraphs (b) through (e) of this section.

* * * * *

Section 1.928 is added to read as follows:

§ 1.928 Frequency coordination, Canada.

(a) As a result of mutual agreements, the Commission has, since May 1950 had an arrangement with the Canadian Department of Communications for the exchange of frequency assignment information and engineering comments on proposed assignments along the Canada-United States borders in certain bands above 30 MHz. Except as provided in paragraph (b) of this section, this arrangement involves assignments in the following frequency bands.

MHz

30.56–32.00
33.00–34.00
35.00–36.00
37.00–38.00
39.00–40.00
42.00–46.00
47.00–49.60
72.00–73.00
75.40–76.00
150.80–174.00
450–470
806.00–960.00
1850.0–2200.0
2450.0–2690.0
3700.0–4200.0
5925.0–7125.0

GHz

10.55–10.68
10.70–13.25

(b) The following frequencies are not involved in this arrangement because of the nature of the services:

MHz

156.3
156.35
156.4
156.45
156.5
156.55
156.6
156.65
156.7
156.8
156.9
156.95
157.0 and 161.6

157.05
157.1
157.15
157.20
157.25
157.30
157.35
157.40.

(c) Assignments proposed in accordance with the railroad industry radio frequency allotment plan along the United States-Canada borders utilized by the Federal Communications Commission and the Department of Transport, respectively, may be excepted from this arrangement at the discretion of the referring agency.

(d) Assignments proposed in any radio service in frequency bands below 470 MHz appropriate to this arrangement, other than those for stations in the Domestic Public (land mobile or fixed) category, may be excepted from this arrangement at the discretion of the referring agency if a base station assignment has been made previously under the terms of this arrangement or prior to its adoption in the same radio service and on the same frequency and in the local area, and provided the basic characteristics of the additional station are sufficiently similar technically to the original assignment to preclude harmful interference to existing stations across the border.

(e) For bands below 470 MHz, the areas which are involved lie between Lines A and B and between Lines C and D, which are described as follows:

Line A—Begins at Aberdeen, Wash., running by great circle arc to the intersection of 48 deg. N., 120 deg. W., thence along parallel 48 deg. N., to the intersection of 95 deg. W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45 deg. N., 85 deg. W., thence southward along meridian 85 deg. W., to its intersection with parallel 41 deg. N., thence along parallel 41 deg. N., to its intersection with meridian 82 deg. W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southern-most point of Searsport, Maine, at which point it terminates; and

Line B—Begins at Tofino, B.C., running by great circle arc to the intersection of 50 deg. N., 125 deg. W., thence along parallel 50 deg. N., to the intersection of 90 deg. W., thence by great circle arc to the intersection of 45 deg. N., 79 deg. 30′ W., thence by great circle arc through the northernmost point of Drummondville, Quebec (lat: 45 deg. 52′ N., long: 72 deg. 30′ W.), thence by great circle arc to 48 deg. 30′ N., 70 deg. W., thence by great circle arc through the northernmost point of Campbellton, N.B., thence by great circle arc through the northernmost point of Liverpool, N.S., at which point it terminates.

Line C— Begins at the intersection of 70 deg. N., 144 deg. W., thence by great circle arc to the intersection of 60 deg. N., 143 deg. W., thence by great circle arc so as to include all of the Alaskan Panhandle; and

Line D— Begins at the intersection of 70 deg. N., 138 deg. W., thence by great circle arc to the intersection of 61 deg. 20′ N., 139 deg. W., (Burwash Landing), thence by great circle arc to the intersection of 60 deg. 45′ N., 135 deg. W., thence by great circle arc to the intersection of 56 deg. N., 128 deg. W., thence south along 128 deg. meridian to Lat. 55 deg. N., thence by great circle arc to the intersection of 54 deg. N., 130 deg. W., thence by great circle arc to Port Clements, thence to the Pacific Ocean where it ends.

(f) For all stations using bands between 470 MHz and 1000 MHz; and for any station of a terrestrial service using a band above 1000 MHz, the areas which are involved are as follows:

(1) For a station the antenna of which looks within the 200 deg. sector toward the Canada-United States borders, that area in each country within 35 miles of the borders;

(2) For a station the antenna of which looks within the 160 deg. sector away from the Canada-United States borders, that area in each country within 5 miles of the borders; and

(3) The area in either country within coordination distance as described in Recommendation 1A of the Final Acts of the EARC, Geneva, 1963 of a receiving earth station in the other country which uses the same band.

(g) Proposed assignments in the space radiocommunication services and proposed assignments to stations in frequency bands allocated coequally to space and terrestrial services above 1 GHz are not treated by these arrangements. Such proposed assignments are subject to the regulatory provisions of the International Radio Regulations.

(h) Assignments proposed in the frequency band 806–890 MHz shall be in accordance with the Canada-United States agreement, dated April 7, 1982.

5. Section 1.929 is amended by revising paragraphs (b)(2), (c)(4)(i), (c)(4)(iii), (c)(4)(v), and (d) to read as follows:

§ 1.929 Classification of filings as major or minor.

* * * * *

(b) * * *

(2) Request that a CGSA boundary or portion of a CGSA boundary be determined using an alternative method; or,

* * * * *

(c) * * *

(4) In the Private Land Mobile Radio Services (PLMRS) and in GMRS systems licensed to non-individuals:

(i) Change in frequency or modification of channel pairs;

* * * * *

(iii) Change in effective radiated power from that authorized or, for GMRS systems licensed to non-individuals, an increase in the transmitter power of a station;

* * * * *

(v) Change in the authorized location or number of base stations, fixed, control, or, for systems operating on non-exclusive assignments in GMRS or the 470–512 MHz, 800 MHz or 900 MHz bands, a change in the number of mobile transmitters, or a change in the area of mobile transmitters, or a change in the area of mobile operations from that authorized;

* * * * *

(d) In the microwave services:

(1) Except as specified in paragraph (d)(2) and (d)(3) of this section, the following, in addition to those filings listed in paragraph (a) of this section, are major actions that apply to stations licensed to provide fixed point-to-point, point-to-multipoint, or multipoint-to-point, communications on a site-specific basis, or fixed or mobile communications on an area-specific basis under Part 101 of this chapter:

(i) Any change in transmit antenna location by more than 5 seconds in latitude or longitude for fixed point-to-point facilities (*e.g.*, a 5 second change in latitude, longitude, or both would be minor); any change in coordinates of the center of operation or increase in radius of a circular area of operation, or any expansion in any direction in the latitude or longitude limits of a rectangular area of operation, or any change in any other kind of area operation;

(ii) Any increase in frequency tolerance;

(iii) Any increase in bandwidth;

(iv) Any change in emission type;

(v) Any increase in EIRP greater than 3 dB;

(vi) Any increase in transmit antenna height (above mean sea level) more than 3 meters, except as specified in paragraph (d)(3) of this section;

(vii) Any increase in transmit antenna beamwidth, except as specified in paragraph (d)(3) of this section;

(viii) Any change in transmit antenna polarization;

(ix) Any change in transmit antenna azimuth greater than 1 degree, except as specified in paragraph (d)(3) of this section ; or,

(x) Any change which together with all minor modifications or amendments since the last major modification or amendment produces a cumulative

effect exceeding any of the above major criteria.

(2) Changes to transmit antenna location of Multiple Address System (MAS) Remote Units and Digital Electronic Message Service (DEMS) User Units are not major.

(3) Changes in accordance with paragraphs (d)(1)(vi), (d)(1)(vii) and (d)(1)(ix) of this section are not major for the following:

(i) Fixed Two-Way MAS on the remote to master path,

(ii) Fixed One-Way Inbound MAS on the remote to master path,

(iii) Multiple Two-Way MAS on the remote to master and master to remote paths,

(iv) Multiple One-Way Outbound MAS on the master to remote path,

(v) Mobile MAS Master,

(vi) Fixed Two-Way DEMS on the user to nodal path, and

(vii) Multiple Two-Way DEMS on the nodal to user and user to nodal paths.

Note to paragraph (d)(3) of § 1.929: For the systems and path types described in paragraph (d)(3) of this section, the data provided by applicants is either a typical value for a certain parameter or a fixed value given in the Form instructions.

* * * * *

6. Section 1.939 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 1.939 Petitions to deny.

* * * * *

(b) *Filing of petitions.* Petitions to deny and related pleadings may be filed electronically via ULS. Manually filed petitions to deny must be filed with the Office of the Secretary, 445 Twelfth Street, S.W., Room TW-B204, Washington, DC 20554. * * *

* * * * *

7. Section 1.947 is amended by revising paragraph (b) to read as follows:

§ 1.947 Modification of licenses.

* * * * *

(b) Licensees may make minor modifications to station authorizations, as defined in § 1.929 of this part (other than pro forma transfers and assignments), as a matter of right without prior Commission approval. Where other rule parts permit licensees to make permissive changes to technical parameters without notifying the Commission (e.g., adding, modifying, or deleting internal sites), no notification is required. For all other types of minor modifications (e.g., name, address, point of contact changes), licensees must notify the Commission by filing FCC Form 601 within thirty (30) days of implementing any such changes.

* * * * *

8. Section 1.955 is revised amended by revising both paragraph (a)(1) after the first sentence and the last sentence of paragraph (b)(2) to read as follows:

§ 1.955 Termination of authorizations.

(a) * * *

(1) * * * *See* § 1.949 of this part. No authorization granted under the provisions of this part shall be for a term longer than ten years.

* * * * *

(b) * * *

(2) * * * *See* § 1.946(c) of this part.

* * * * *

PART 13—COMMERCIAL RADIO OPERATORS

9. The authority citation for part 13 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154 and 303, unless otherwise noted.

10. Section 13.8 is added to read as follows:

§ 13.8 Authority conveyed.

Licenses, certificates and permits issued under this part convey authority for the operating privileges of other licenses, certificates, and permits issued under this part as specified below:

(a) First Class Radiotelegraph Operator's Certificate conveys all of the operating authority of the Second Class Radiotelegraph Operator's Certificate, the Third Class Radiotelegraph Operator's Certificate, the Restricted Radiotelophone Operator Permit, and the Marine Radio Operator Permit.

(b) A Second Class Radiotelegraph Operator's Certificate conveys all of the operating authority of the Third Class Radiotelegraph Operator's Certificate, the Restricted Radiotelophone Operator Permit, and the Marine Radio Operator Permit.

(c) A Third Class Radiotelegraph Operator's Certificate conveys all of the operating authority of the Restricted Radiotelophone Operator Permit and the Marine Radio Operator Permit.

(d) A General Radiotelephone Operator License conveys all of the operating authority of the Marine Radio Operator Permit.

(e) A GMDSS Radio Operator's License conveys all of the operating authority of the Marine Radio Operator Permit.

(f) A GMDSS Radio Maintainer's License conveys all of the operating authority of the General Radiotelephone Operator License and the Marine Radio Operator Permit.

11. Section 13.10 is added to read as follows:

§ 13.10 Licensee Address

In accordance with § 1.923 of this chapter all applicants must specify an address where the applicant can receive mail delivery by the United States Postal Service except as specified below:

(a) Applicants for a Restricted Radiotelephone Operator Permit;

(b) Applicants for a Restricted Radiotelephone Operator Permit—Limited Use.

PART 22—PUBLIC MOBILE SERVICES

12. The authority citation for part 22 continues to read as follows:

Authority: Secs. 4, 303, 309 and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 309 and 332, unless otherwise noted.

13–14. Section 22.165 is amended by removing the term "COSA" and add, each place it appears, the term "CGSA" in paragraph (e).

15. Section 22.529 is amended by revising the introductory text and by adding paragraph (c) to read as follows:

§ 22.529 Application requirements for the Paging and Radiotelephone Service.

In addition to information required by subparts B and D of this part, applications for authorization in the Paging and Radiotelephone Service contain required information as described in the instructions to the form. Site coordinates must be referenced to NAD83 and be correct to +-1 second.

* * * * *

(c) Upon request by an applicant, licensee, or the Commission, a part 22 applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

16. Section 22.709 is amended by adding paragraph (f) to read as follows:

§ 22.709 Rural radiotelephone service application requirements.

* * * * *

(f) *Antenna Information.* Upon request by an applicant, licensee, or the Commission, a part 22 applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

17. Section 22.803 is amended by adding paragraph (c) to read as follows:

§ 22.803 Air-ground application requirements

* * * * *

(c) Upon request by an applicant, licensee, or the Commission, a part 22 applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

18. Section 22.929 is amended by revising the introductory text and by adding paragraph (d) to read as follows:

§ 22.929 Application requirements for the Cellular Radiotelephone Service.

In addition to information required by subparts B and D of this part, applications for authorization in the Cellular Radiotelephone Service contain required information as described in the instructions to the form. Site coordinates must be referenced to NAD83 and be correct to ±1 second.

* * * * *

(d) *Antenna Information.* Upon request by an applicant, licensee, or the Commission, a cellular applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

19. Section 22.946 is amended by revising the last sentence of paragraph (a) to read as follows:

§ 22.946 Service commencement and construction periods for cellular systems.

(a) * * * The licensee must notify the FCC (FCC Form 601) after the requirements of this section are met (*see* § 1.946 of this chapter).

* * * * *

§ 22.953 [Amended]

20. In § 22.953 remove paragraph (a)(5).

PART 80—STATIONS IN THE MARITIME SERVICES

21. The authority citation for Part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, and 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

22. Section 80.59 is amended by revising the last sentence of paragraph (c)(2) to read as follows:

§ 80.59 Compulsory ship inspections.

* * * * *

(c) * * *

(2) * * * Emergency requests must be filed with the Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, S.W., TW–B204, Washington, D.C. 20554.

* * * * *

PART 87—AVIATION SERVICES

23. The authority citation for Part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 307(e), unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

§ 87.25 [Amended]

24. In § 87.25 remove paragraph (a).

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

25. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 251–2, 303, 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 251–2, 303, 309, and 332, unless otherwise noted.

26. Section 90.167 is amended by revising the subject heading to read as follows:

§ 90.167 Time in which a station must commence service.

* * * * *

27. Section 90.693 is amended by adding a sentence at the end of paragraphs (b), (c), (d)(1), and (d)(2):

§ 90.693 Grandfathering provisions for incumbent licensees.

* * * * *

(b) * * * Pursuant to the minor modification notification procedure set forth in 1.947(b), the incumbent licensee must notify the Commission within 30 days of any changes in technical parameters or additional stations constructed that fall within the short-spacing criteria. See 47 CFR 90.621(b).

(c) * * * Pursuant to the minor modification notification procedure set forth in 1.947(b), the incumbent licensee must notify the Commission within 30 days of any changes in technical parameters or additional stations constructed that fall within the short-spacing criteria. See 47 CFR 90.621(b).

(d) Consolidated license.

(1) * * * Incumbents exercising this license exchange option must submit specific information on Form 601 for each of their external base sites after the close of the 800 MHz SMR auction.

(2) * * * Incumbents exercising this license exchange option must submit specific information on Form 601 for each of their external base sites after the close of the 800 SMR auction.

PART 95—PERSONAL RADIO SERVICES

28. The authority citation for part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154 and 303.

29. Section 95.5 is revised to read as follows:

§ 95.5 Licensee eligibility.

(a) An *individual* (one man or one woman) is eligible to obtain, renew, and have modified a GMRS system license if that individual is 18 years of age or older and is not a representative of a foreign government.

(b) A *non-individual* (an entity other than an individual) is ineligible to obtain a new GMRS system license or make a major modification to an existing GMRS system license (*see* § 1.929 of this chapter).

(c) A GMRS system licensed to a non-individual before July 31, 1987, is eligible to renew that license and all subsequent licenses based upon it if:

(1) The non-individual is a partnership and each partner is 18 years of age or older; a corporation; an association; a state, territorial, or local government unit; or a legal entity;

(2) The non-individual is not a foreign government; a representative of a foreign government; or a federal government agency; and

(3) The licensee has not been granted a major modification to its GMRS system.

30. Section 95.7 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 95.7 Channel sharing.

(a) Channels or channel pairs (one 462 MHz frequency listed in § 95.29(a) of this part and one 467 MHz frequency listed in § 95.29(b) of this part) are available to GMRS systems only on a shared basis and will not be assigned for the exclusive use of any licensee. * * *

* * * * *

31. Section 95.29 is amended by revising paragraphs (a) and (b) and by removing and reserving paragraph (e) to read as follows:

§ 95.29 Channels available.

(a) For a base station, fixed station, mobile station, or repeater station (a GMRS station that simultaneously retransmits the transmission of another GMRS station on a different channel or channels), the licensee of the GMRS system must select the transmitting channels or channel pairs (*see* § 95.7(a) of this part) for the stations in the GMRS system from the following 462 MHz channels: 462.5500, 462.5750, 462.6000,

462.6250, 462.6500, 462.6750, 462.7000 and 462.7250.

(b) For a mobile station, control station, or fixed station operated in the duplex mode, the following 467 MHz channels may be used only to transmit communications through a repeater station and for remotely controlling a repeater station. The licensee of the GMRS system must select the transmitting channels or channel pairs (*see* § 95.7(a) of this part) for the stations operated in the duplex mode, from the following 467 MHz channels: 467.5500, 467.5750, 467.6000, 467.6250, 467.6500, 467.6750, 467.7000 and 467.7250.

* * * * *

(e) [Reserved]

* * * * *

32. Section 95.101 is amended to add paragraph (d) to read as follows:

§ 95.101 What the license authorizes.

* * * * *

(d) For non-individual licensees, the license together with the system specifications for that license as maintained by the Commission represent the non-individual licensees' maximum authorized system.

33. Section 95.103 is amended by revising paragraphs (a) and (b) to read as follows:

§ 95.103 Licensee duties.

(a) The licensee is responsible for the proper operation of the GMRS system at all times. The licensee is also responsible for the appointment of a station operator.

(b) The licensee may limit the use of repeater to only certain user stations.

* * * * *

PART 97—AMATEUR RADIO SERVICE

34. The authority citation for Part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended: 47 U.S.C. 151–155, 301–609, unless otherwise noted.

35. Section 97.15 is revised to read as follows:

§ 97.15 Station antenna structures.

(a) Owners of certain antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the Federal Aviation Administration and register with the Commission as required by part 17 of this chapter.

(b) Except as otherwise provided herein, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. (State and local regulation of a station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose. *See* PRB–1, 101 FCC 2d 952 (1985) for details.)

36. Section 97.17 is amended by revising paragraphs (b)(1) and (c) to read as follows.

§ 97.17 Application for new license grant.

* * * * *

(b) * * *

(1) Each candidate for an amateur radio operator license which requires the applicant to pass one or more examination elements must present the administering VEs with all information required by the rules prior to the examination. The VEs may collect all necessary information in any manner of their choosing, including creating their own forms.

* * * * *

(c) No person shall obtain or attempt to obtain, or assist another person to obtain or attempt to obtain, an amateur service license grant by fraudulent means.

* * * * *

37. Section 97.21 is amended by revising paragraph (a)(2) to read as follows:

§ 97.21 Application for a modified or renewed license.

(a) * * *

(2) May apply to the FCC for a modification of the operator/primary station license grant to show a higher operator class. Applicants must present the administering VEs with all information required by the rules prior to the examination. The VEs may collect all necessary information in any manner of their choosing, including creating their own forms.

* * * * *

PART 101—FIXED MICROWAVE SERVICES

38. The authority citation for Part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

39. Section 101.705 is revised to read as follows:

§ 101.705 Special showing for renewal of common carrier station facilities using frequency diversity.

Any application for renewal of license, for a term commencing January 1, 1975, or after, involving facilities utilizing frequency diversity must contain a statement showing compliance with § 101.103(c) or the exceptions recognized in paragraph 141 of the *First Report and Order* in Docket No. 18920 (29 FCC 2d 870). (This document is available at: Federal Communications Commission, Library (Room TW–B505), 445 Twelfth Street, SW, Washington, DC) If not in compliance, a complete statement with the reasons therefore must be submitted.

[FR Doc. 99–25235 Filed 9–30–99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 96–115; FCC 99–223]

Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reconsiders the first CPNI order, addresses petitions for forbearance from the requirements of that order, and establishes rules to implement section 222. The intended effect is to further Congress' goals of fostering competition in telecommunications markets and ensure the privacy of customer information.

DATES: All of these rules contain information collection requirements that have not yet been approved by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of these rules.

FOR FURTHER INFORMATION CONTACT: Eric Einhorn, Attorney Adviser, Common Carrier Bureau, Policy and Program Planning Division, (202) 418–1580 or via the Internet at eeinhorn@fcc.gov. Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202–418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted August 16, 1999, and released September 3, 1999. The full text of this Order on Reconsideration is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S. W., Room CY–A257, Washington, D.C. The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc99223.wp, or may be

purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th St., N. W., Washington, D.C. 20036.

Regulatory Flexibility Certification:

As required by the Regulatory Flexibility Act, the Order contains a Final Regulatory Flexibility. A brief description of the analysis follows. Pursuant to section 604 of the Regulatory Flexibility Act, the Commission performed a comprehensive analysis of the Order with regard to small entities. This analysis includes: (1) A succinct statement of the need for, and objectives of, the Commission's decisions in the Order; (2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the Commission's assessment of these issues, and a statement of any changes made in the Order as a result of the comments; (3) a description of and an estimate of the number of small entities to which the Order will apply; (4) a description of the projected reporting, recordkeeping and other compliance requirements of the Order, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for compliance with the requirement; (5) a description of the steps the Commission has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the Order and why each one of the other significant alternatives to each of the Commission's decisions which affect small entities was rejected.

Synopsis of Order

I. Introduction

1. On February 26, 1998, the Commission released the *CPNI Order*, 63 FR 20326, April 24, 1998, adopting rules implementing the new statutory framework governing carrier use and disclosure of customer proprietary network information (CPNI) created by section 222 of the Communications Act (hereinafter "the Act"). CPNI includes, among other things, to whom, where, and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent the service is used.

2. This order on reconsideration is issued in response to a number of petitions for reconsideration, forbearance, and/or clarification of the *CPNI Order*. In this order we modify the *CPNI Order*, in part, to preserve the consumer protections mandated by Congress while more narrowly tailoring our rules, where necessary, to enable telecommunications carriers to comply with the law in a more flexible and less costly manner.

3. The Telecommunications Act of 1996 (1996 Act) became law on February 8, 1996. Although most of the provisions in the 1996 Act aim to implement Congress' intent that the 1996 Act "provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition," section 222 addresses a different and additional goal. CPNI is extremely personal to customers as well as commercially valuable to carriers. As we stated in the *CPNI Order:* Congress recognized * * * that the new competitive market forces and technology ushered in by the 1996 Act had the potential to threaten consumer privacy interests. Congress, therefore, enacted section 222 to prevent consumer privacy protections from being inadvertently swept away along with the prior limits on competition.

4. As the Commission previously noted in the *CPNI Order*, section 222 is largely a consumer protection provision that establishes restrictions on carrier use and disclosure of personal customer information. The aim of section 222 stands in contrast to the other provisions of the 1996 Act that seek primarily to "[open] all telecommunications markets to competition," and mandate competitive access to facilities and services. Section 222 reflects Congress' view that as competition increases, it brings with it the potential that consumer privacy interests will not be adequately protected by the marketplace. Thus, section 222 requires *all* carriers, whether or not a market is competitive, to protect CPNI and embodies the principle that customers must be able to control their personal information from unauthorized use, disclosure, and access by carriers. Where information is not specific to the customer, or where the customer so directs, section 222 permits the free flow or dissemination of information beyond the existing customer-carrier relationship.

5. In most circumstances, the constraints placed on carriers by section 222 only restrict the use or disclosure of CPNI *without* customer approval. When carriers are prevented from using a customer's CPNI by section 222, and the rules we promulgated in the *CPNI Order*, carriers need only obtain the customer's approval to use that customer's CPNI. Once a carrier has acquired customer approval, carrier use or disclosure of CPNI, in most cases, is unrestricted. Thus, section 222 enables customers to relinquish the presumption of privacy as they see fit.

6. Congress' determination in section 222 to balance competitive interests with consumers' interests in privacy and control over CPNI governed the Commission's reasoning and conclusions in the *CPNI Order*. This order is no different: we seek to carry out vigilantly Congress' consumer protection and privacy aims, while simultaneously reducing the burden of carrier compliance with section 222 by eliminating unnecessary expense and administrative oversight where customer privacy and control will not be sacrificed.

II. Overview

7. By this order, we respond to the requests for reconsideration, clarification and forbearance as follows:

(a) We deny the petitions for reconsideration which ask us to amend the CPNI rules to differentiate among telecommunications carriers.

(b) We decline to modify or forbear from the total service approach adopted in the *CPNI Order* because the total service approach keeps control over the use of CPNI with the customer and best protects privacy while furthering fair competition. We also clarify a number of aspects of the total service approach in response to petitioners' requests.

(c) We grant, in part, the petitions for reconsideration which request that we allow all carriers to use CPNI to market customer premises equipment (CPE) and information services under section 222(c)(1) without customer approval. We conclude that all carriers may use CPNI, without customer approval, to market CPE. We further conclude that CMRS carriers may use CPNI, without customer approval, to market all information services, while wireline carriers may do so for certain information services. We deny the petitions for forbearance on these issues.

(d) We eliminate the restrictions on a carrier's ability to use CPNI to regain customers who have switched to another carrier, contained in Section 64.2005(b)(3) of our rules. We find that "winback" campaigns are consistent with Section 222(c)(1). The Order concludes, however, that if a carrier uses information regarding a customer's decision to switch carriers derived from its wholesale operations to retain the

customer, such conduct violates the prohibitions in section 222(b) against use of proprietary information gained from another carrier in marketing efforts.

(e) We address various aspects of a customer's approval to use CPNI consistent with section 222. We also grandfather a limited set of pre-existing notifications to use CPNI and adopt the conclusions reached in the Common Carrier Bureau's *Clarification Order*, 63 FR 33890, June 22, 1998. We also eliminate, in an effort to reduce confusion and regulatory micro-management, § 64.2007(f)(4) of our rules, which requires a carrier's solicitation for approval, if written, to be on the same document as the carrier's notification. Further, we affirm our decision to exercise our preemption authority on a case-by-case basis for state rules that conflict with our own.

(f) We lessen the regulatory burden of various CPNI safeguards while continuing to require that carriers protect customer privacy. We modify our flagging requirement so that carriers must clearly establish the status of a customer's CPNI approval prior to the use of CPNI, but leave the specific details of compliance with the carriers. In so doing, we allow the carriers the flexibility to adapt their record keeping systems in a manner most conducive to their individual size, capital resources, culture and technological capabilities. Similarly, we amend our rules to eliminate the electronic audit trail requirement and instead require carriers to maintain a record of their sales and marketing campaigns that use CPNI.

(g) We affirm our conclusion in the *CPNI Order* that the most reasonable interpretation of the interplay between sections 222 and 272 is that section 272 does not impose any additional obligations on the Bell operating companies (BOCs) when they share their CPNI with their section 272 affiliates. We also adopt the Common Carrier Bureau's conclusion in the *Clarification Order* that a customer's name, address and telephone number are "information" for the purposes of section 272(c)(1), and consequently, if a BOC makes such information available to its 272 affiliate, it must then make it available to non-affiliated entities.

(h) We find that the relationship of sections 222 and 254 does not confer any special status to carriers seeking to use CPNI to market enhanced services and CPE in rural exchanges to select customers. Moreover, the Order rejects the contention that the Commission should apply the requirements of sections 201(b), 202(a) and 272 to incumbent local exchange carriers (ILECs) to impose a duty on ILECs to electronically transmit a customer's CPNI to any other entity that obtains a customer's oral approval to do so.

III. Background

A. The CPNI Order

8. On May 17, 1996, the Commission initiated a rulemaking, in response to various formal requests for guidance from the telecommunications industry, regarding the obligation of carriers under section 222 and related issues. The Commission subsequently released the *CPNI Order* on February 26, 1998. The *CPNI Order* addressed the scope and meaning of section 222, and promulgated regulations to implement that section. It concluded, among other things, as follows: (a) Carriers are permitted to use CPNI, without customer approval, to market offerings that are related to, but limited by, the customers' existing service relationship; (b) before carriers may use CPNI to market outside the customer's existing service relationship, carriers must obtain express written, oral, or electronic customer approval; (c) prior to soliciting customer approval, carriers must provide a one-time notification to customers of their CPNI rights; (d) in light of the comprehensive regulatory scheme established in section 222, the *Computer III* CPNI framework is unnecessary; and (e) sections 272 and 274 impose no additional CPNI requirements on the Bell Operating Companies (BOCs) beyond those imposed by section 222.

B. The Clarification Order

9. On May 21, 1998, in response to a number of requests for clarification of the *CPNI Order*, the Common Carrier Bureau released a *Clarification Order*. This order addressed several issues. It concluded that independently-derived information regarding customer premises equipment (CPE) and information services is not CPNI and may be used to market CPE and information services to customers in conjunction with bundled offerings. In addition, it clarified that a customer's name, address, and telephone number are not CPNI. Moreover, it stated that a carrier has met the requirements for notice and approval under section 222 and the Commission's rules if it has both provided annual notification to, and obtained prior written authorization from, customers with more than 20 access lines in accordance with the Commission's former CPNI rules. Finally, it determined that carriers are not required to file their certifications of corporate compliance, which carriers are required to issue by the *CPNI Order*, with the Commission.

C. The Stay Order

10. In the *CPNI Order*, the Commission required, among other things, that carriers develop and implement software systems that "flag" customer service records in connection with CPNI and that carriers maintain an electronic audit mechanism ("audit trail") that tracks access to customer accounts. The Commission chose to defer the enforcement of these rules until eight months after the effective date of the rules: January 26, 1999. On September 24, 1998, however, the Commission stayed, until six months after the release date of an order addressing these issues on reconsideration, the enforcement of actions against carriers for noncompliance with applicable requirements set forth in the Commission's rules.

IV. Consistent Treatment for All Carriers

A. Incumbents vs. CLECs

11. Section 222(c)(1) restricts the ability of telecommunications carriers to use CPNI without customer approval. In the *CPNI Order*, we concluded that "Congress did not intend to, and we should not at this time, distinguish among carriers for the purpose of applying Section 222(c)(1)." We found, based upon the language of the statute itself, that section 222 applies to all carriers equally and, with few exceptions, does not distinguish among classes of carriers. Various parties on reconsideration, however, seek reversal of this conclusion. One group of petitioners advocates that we impose stricter CPNI restrictions on incumbent carriers than competitors, based upon the greater potential for anticompetitive use or disclosure of CPNI by ILECs. We previously rejected this very argument in the *CPNI Order*. These parties have not raised any arguments or facts that persuade us to reverse our conclusion that section 222 is intended to apply to all segments of the telecommunications marketplace regardless of the level of competition present in any segment. Accordingly, we affirm that section 222 does not distinguish between classes of carriers and applies to all carriers equally.

B. Wireline vs. Wireless

12. Congress enacted section 222 at a time when the wireless industry had been subject to less regulatory requirements than wireline carriers. Congress was fully aware that CMRS

providers, and CLECs for that matter, were to evolve in more competitive environments. Notwithstanding, there is nothing in the statute or its legislative history to indicate that Congress intended that the CPNI requirements in section 222 should not apply to wireless carriers. Given the opportunity to exclude competitive carriers from the scope of section 222, we must give meaning to the fact that Congress did not exempt them. Moreover, the underlying policy objective of section 222 is to protect *consumers*, while balancing competitive interests. We believe that the privacy interests of CMRS customers are no less deserving of protection than those of wireline customers, although the differences in customer expectations may warrant different approaches. We note too that this reconsideration lightens the impact of compliance with the CPNI rules on all carriers by providing flexibility for technological differences in administrative systems with regard to the electronic safeguards rules, which should be beneficial to all companies, including independent CMRS providers. Finally, we note that a few parties urge the Commission to forbear from enforcing CPNI obligations on CMRS providers generally. We address these arguments in Part V.B.3.d. Therefore, we deny those petitions for reconsideration that seek different treatment for CMRS carriers.

C. Small and Rural Carriers

13. As we noted in the *CPNI Order*, the Commission's CPNI rules apply to small carriers just as they apply to other sized carriers "because we are unpersuaded that customers of small businesses have less meaningful privacy interests in their CPNI." Petitioners have not raised any new arguments or facts that persuade us to reverse this conclusion with respect to these carriers. Thus, we will not distinguish among carriers based upon the number or density of lines they serve either.

V. Carrier's Right to Use CPNI Without Customer Approval

A. The Total Service Approach

1. Background

14. In the CPNI Order, the Commission addressed the instances in which a carrier could use, disclose, or permit access to CPNI without prior customer approval under section 222(c)(1)(A). Section 222(c)(1) provides that a telecommunications carrier that receives or obtains CPNI by virtue of its "provision of a telecommunications service shall only use, disclose, or permit access to individually identifiable [CPNI] in the provision of (A) the telecommunications service from which such information is derived, or (B) services necessary to, or used in, the provision of such telecommunications service, including the publication of directories."

15. After considering the record, statutory language, history, and structure of section 222, we concluded that Congress intended that a carrier's use of CPNI without customer approval should depend on the service subscribed to by the customer. Accordingly, the Commission adopted the "total service approach" which allows carriers to use a customer's entire record, derived from complete service subscribed to from that carrier, to market improved services within the parameters of the existing customer-carrier relationship. The total service approach permits carriers to use CPNI to market offerings related to the customer's existing service to which the customer presently subscribes. Under the total service approach, the customer retains ultimate control over the permissible marketing use of CPNI, a balance which best protects customer privacy interests while furthering fair competition. Presented with the opportunity to permit or prevent a carrier from accessing CPNI for marketing purposes, the customer has the ability to determine the bounds of the carrier's use of CPNI.

2. Petitions for Reconsideration

16. GTE urges the Commission to reconsider the total service approach to allow carriers to use, without customer consent, CPNI derived from the provision of a package of telecommunications services in order to market other telecommunications services to which a customer does not subscribe. This "package approach" is only a slight variation of the "single category approach," which we specifically analyzed and rejected in the *CPNI Order*. The single category approach would have permitted carriers to use CPNI obtained from the provision of any telecommunications service, including local or long distance or CMRS, to market any other service offered by the carrier, regardless of whether the customer subscribes to such service from that carrier.

17. We decline to grant GTE reconsideration on this issue because that would vitiate the total service approach and the attendant protection of a customer's sensitive information. The hallmark of the total service approach is that the customer, whose privacy is at issue, establishes the bounds of his or her relationship with the carrier. We note, however, that to the extent a customer already subscribes to a particular service or subscribes across services, GTE or any carrier can use the customer's CPNI to market or create enhancements to those services. Congress could not have intended an interpretation of section 222 that leaves the consumer without privacy protection. We concluded in the *CPNI Order*, and nothing has persuaded us otherwise here, that the total service approach best protects customer privacy while furthering fair competition. GTE seeks to use CPNI derived from the provision of certain telecommunications services to market other telecommunications services to which the customer does not subscribe. We conclude that this would not further the privacy goals that Congress sought to achieve in section 222. Over time, the total service approach rewards successful carriers who offer integrated packages by enabling marketing in more than one category but in a manner that respects customer privacy.

18. GTE requests, in the alternative, that the Commission adopt a rule that permits the use of CPNI for the limited purpose of identifying customers from whom it would like to solicit express, affirmative approval to use their CPNI for marketing out-of-category services. We conclude that such use of CPNI is implicit in section 222(c)(1) because the solicitation of approval is a logical prerequisite to actually obtaining approval. The carrier's use of CPNI under these limited circumstances, therefore, is merely a part of the process of obtaining approval. Thus, the use of CPNI for solicitations of approval to use CPNI to market services outside the bounds of the existing customer-carrier relationship necessarily falls under the customer approval exception stated in section 222(c)(1).

19. NTCA urges us to reconsider the total service approach because it is particularly disadvantageous to small, rural LECs looking to launch new service offerings. We addressed and rejected this argument in the *CPNI Order*. NTCA has presented no new evidence to persuade us that its members are disproportionately affected in any cognizable way by these requirements.

3. Petitions for Forbearance

20. Alternatively, GTE and Ameritech seek forbearance from the application of the total service approach to the marketing of out-of-category packages or service enhancements to customers. After careful review, we believe the forbearance test is not met. Forbearance

under section 10 of the Act is required where:

(1) Enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;

(2) Enforcement of such regulation or provision is not necessary for the protection of consumers; and

(3) Forbearance from applying such provision or regulation is consistent with the public interest.

Section 10(b) provides that, in making the determination whether forbearance is consistent with the public interest, the Commission must consider whether forbearance will promote competitive market conditions, including the extent to which forbearance will enhance competition among providers of telecommunications services.

21. *Section 10(a)(1).* GTE and Ameritech assert that the ability to offer service packages will not result in unreasonable or discriminatory rates.

22. The primary focus of the CPNI rules is not, nor ever has been, intended to ensure reasonable rates or practices. Therefore, we determine that enforcement of the total service approach is not necessary to ensure that the charges, practices, classifications, or regulations are just and reasonable and are not unjustly or unreasonably discriminatory.

23. *Section 10(a)(2).* GTE asserts that prohibiting the use of CPNI without approval to market package enhancements is not necessary to protect consumers. Ameritech believes CPNI protection is not necessary where, like here, the use is consistent with customer expectations.

24. We conclude that the second criterion for forbearance is not met because customers' privacy interests would not be adequately protected absent the total service approach. GTE and Ameritech would have us forbear from enforcing the total service approach when consumer protection is a primary concern of section 222. Specifically, the customer approval process for the use of CPNI is necessary to protects customers' privacy expectations because, as stated in the CPNI Order, we do not believe that we can properly infer that a customer's decision to purchase one type of service offering constitutes approval for a carrier to use CPNI to market other service offerings to which the customer does not subscribe. Nor are we aware of any other law, regulation, agency or state requirement that would substitute for the effectiveness of our approach. The total service approach protects customer privacy expectations by placing the control over the approval process in the hands of the customer. The total service approach also protects customers in many instances where they would not realize potentially sensitive, personal information had been accessed or used. The GTE and Ameritech approaches lack this crucial element of consumer protection.

25. *Section 10(a)(3).* GTE believes forbearance is in the public interest because of the reduction in carriers' administrative costs to communicate with customers where a carrier can use CPNI to market across service categories without the need for customer approval.

26. We find that forbearance would not be in the public interest. The privacy goals of the statute are not met where carriers can use CPNI without customer approval to sell products and services outside the existing customer-carrier relationship. Although reducing the administrative costs to carriers may assist these companies in competing with other carriers, we find that any potential benefit is outweighed by the need to protect customer privacy. Customers who are interested in obtaining more information can arrange to do so easily by granting consent for their carriers' use of CPNI.

27. Pursuant to section 10(b) of the Act, we have evaluated whether forbearance from the total service approach will promote competitive market conditions, including the extent to which forbearance will enhance competition among providers of telecommunications services. We agree that, as a general matter, reducing carriers' administrative and regulatory costs promotes competitive market conditions and would improve the ability of new entrants to introduce new, improved combinations of competitive services and products. However, we are concerned that the GTE and Ameritech proposals, which eliminate the boundaries we have established for the use of CPNI, may unreasonably deprive other telecommunications carriers the opportunity to compete for a customer's business. The ability to use CPNI from an existing service relationship to market new services to a customer bestows an enormous competitive advantage on those carriers that currently have a service relationship with customers, particularly incumbent exchange carriers and interexchange carriers with a large existing customer base. This, in turn, poses a significant risk to the development of competition. For this reason, as well, we cannot find that forbearance is in the public interest.

4. Requests for Clarification

28. Several petitioners request clarification of aspects of the total service approach and its application in specific contexts. We address these requests.

a. Multiple Lines and Carriers. 29. MCI requests clarification as to whether the total service approach should be applied on a subscriber line-by-line basis or to the subscriber's services overall. MCI poses a second, related question, whether a customer can have more than one carrier in any given service category, thus allowing both carriers to market other services in the same category to that customer.

30. We believe that the total service approach applies to the *customer's* total telecommunications service subscription, and proper use of CPNI is not necessarily limited to the line from which it was derived. Section 64.2005(a) of our rules permits a telecommunications carrier to use CPNI for the purpose of marketing service offerings among the categories of service already subscribed to by the customer from the same carrier. Although MCI proposes to use CPNI from one line to market to another line of the same customer, the use of CPNI is permissible because it remains within the category of service. As to MCI's second question, we do not limit a customer's choice to select more than one carrier in a given service category. For the same reasons cited above, where the use of CPNI remains within a service category, a carrier is able to market that same service to the customer without the need for express customer approval. In this manner, a carrier's attempt to garner more of the customer's business is pro-competitive and does not impinge on a customer's privacy.

b. Codification of Service Categories. 31. MCI and CommNet request that the Commission explicitly state that all telecommunications services fall within three groupings—local, interLATA, and CMRS.

32. We decline to do so because it would have the effect of grafting onto the total service approach one of the critical flaws of the so-called "three category" approach. As explained in greater detail in the *CPNI Order,* the three category approach parsed telecommunications services into the three traditional service distinctions—local, interLATA, and CMRS. Given the dynamic nature of the telecommunications industry, we can not assume that all services necessarily fall into such categories. We believe the

total service approach is sufficiently flexible to incorporate new and different categories without periodic reviews to ascertain whether changes in the competitive environment should translate into changes in service categories. Rather, it is unnecessary to modify the total service approach in this regard or to further codify the three service categories in the rules.

c. Use of CPNI to Market Paging.

33. In the *CPNI Order*, the Commission determined that CMRS should be viewed in the entirety, when considering the "total service approach." CommNet urges the Commission to revise its rules to make it clear that the service categories to which the "total service" relationship applies are only local exchange service, interexchange service, and CMRS, so that a paging carrier could use CPNI to market cellular service and vice versa. U S WEST objects on the grounds that the language of the current rule was taken directly from the statute and that the categories may blur over time and may disappear as customers migrate to single source providers.

34. We find that our rules are clear that under the total service approach, a CMRS carrier may use CPNI to market any CMRS service, including paging and cellular service. Therefore, no revision of the rules is required.

d. IntraLATA Toll Services. 35. In the *CPNI Order*, the Commission concluded that insofar as both local exchange carriers and interexchange carriers currently provide short-haul toll, it should be considered part of both local and long-distance service. We further concluded that permitting short-haul toll to "float" between categories would not confer a competitive advantage upon either interexchange or local exchange carriers. MCI concludes that the provision of short-haul toll may only be considered part of carrier's "primary service category" and requests that we make such a clarification.

36. We agree with MCI that our prior conclusion requires clarification. MCI argues that if a local exchange carrier is providing local service, then it may use a customer's local service CPNI to market intraLATA toll to that customer, and vice-versa, and if an interexchange carrier is providing long distance service to a customer, then it may use that customer's long distance CPNI to market intraLATA toll to him or her, and vice versa. We conclude that short-haul toll shall be considered as falling within the category of service the carrier is already providing to the customer. Long distance carriers providing intraLATA toll service, however, need obtain customer approval to use intraLATA toll CPNI to market local service. Likewise, local exchange carriers would need customer approval to use intraLATA toll CPNI to market interLATA long distance service. In this way, the rule is fair to both interexchange and local exchange carriers and treats them symmetrically.

B. Use of CPNI to Market Customer Premises Equipment and Information Services

1. Background

37. Section 222(c)(1) states that, "[e]xcept as required by law or with the approval of the customer, a telecommunications carrier that receives or obtains [CPNI] by virtue of its provision of a telecommunications service shall only use, disclose, or permit access to individually identifiable [CPNI] in its provision of (A) the telecommunications service from which such information is derived, or (B) services necessary to, or used in, the provision of such telecommunications service, including the publishing of directories." In the *CPNI Order*, we concluded that Congress intended that section 222(c)(1)(A) govern carriers' use of CPNI for providing *telecommunications services* and that section 222(c)(1)(B) governs carriers' use of CPNI for *non-telecommunications services*. Based upon the language of section 222(c)(1), we further concluded that: (1) inside wiring, CPE, and certain information services do not fall within the scope of section 222(c)(1)(A) because they are not "telecommunications services"; and (2) CPE and most information services do not fall under section 222(c)(1)(B) because they are not "services necessary to, or used in, the provision of such telecommunications service." We now find that the phrase "services necessary to, or used in, the provision of such telecommunications service" should be given a broader reading than the one given in the *CPNI Order*. The record produced on reconsideration persuades us that a different statutory interpretation is permissible, and importantly, would lead to appropriate policy results consistent with the statutory goals. Therefore, we conclude that section 222(c)(1)(B) allows carriers to use CPNI, *without* customer approval, to separately market CPE and many information services to their customers. We further clarify that the tuning and retuning of CMRS units and repair and maintenance of such units is a service necessary to or used in the provision of CMRS service under section 222(c)(1)(B). Finally, we deny petitioners' requests that we forbear from applying these restrictions for related CPE and information services.

2. Petitions for Reconsideration

38. *Customer Premises Equipment and Information Services under Section 222(c)(1).* We grant the petitions for reconsideration that argue that CPE and certain information services are "necessary to, or used in, the provision of" telecommunications services, and therefore use of CPNI derived from the provision of a telecommunications service, without customer approval, to market CPE and information services would be permitted under section 222(c)(1)(B). Under our previous interpretation, the exception was narrowly construed, resulting in very few services for which CPNI could be shared. Indeed, we rejected all CPE because it was not a "service" and most information services because they were not necessary to or used in the carrier's provision of the telecommunications service. While this interpretation is not inconsistent with the statutory language, we are persuaded that the better interpretation is that the exception includes certain products and services provisioned by the carrier with the underlying telecommunications service to comprise the customer's total service. This is because those related services and products facilitate the underlying telecommunications service and customers expect that they will be used in the provisioning of that service offering. Our new interpretation accords with the Commission's stated intention in the *CPNI Order* to revisit and if necessary revise its conclusions regarding customer expectations as those expectations changed in the marketplace with advancements in technology or as new evidence of the evolution of customer expectations becomes available to the Commission. Such evidence has now been made available to us by the record developed on reconsideration.

39. When evaluated as a whole, the exception can be reasonably interpreted to include those products used in the provision of telecommunications, including directories and CPE. First, we find statutory support for this interpretation through the only example Congress included in the exception—the publishing of directories. As described in the *CPNI Order*, directories are "necessary to and used in" the provision of service because without access to phone numbers, customers cannot complete calls. A directory is not a "service," but rather, like CPE, is a product. Consistent with the statutory exception, however, the "publishing" of the directory is a service—the service by

which the carrier provisions the product necessary to, or used in, the customer's telecommunications service. Thus, Congress' publishing of directories example supports including those products as well as services provisioned by the carrier that are used in and necessary to the customer's telecommunications service. We believe that our previous interpretation construed the term "services" in isolation from the phrase "necessary to, or used in." While it is obvious that CPE itself is not a service, the provision of CPE is a service that is necessary to, or used in the provision of the underlying telecommunications service. Customers cannot make, or complete, calls without CPE. This is consistent with Congress' example of the publishing of directories in section 222. Therefore, this finding concerning CPE is limited to section 222. Also, the CPE that is included in this exception is limited to CPE that is used in the provision of the telecommunications service from which the CPNI is derived.

40. Second, our broader statutory interpretation appropriately protects the customer's reasonable expectations of privacy in connection with CPNI, which many petitioners argue is the appropriate test for determining the limitations on the use of CPNI without a customer's approval. We are persuaded that CPE and many information services properly come within the meaning of section 222(c)(1)(B).

41. In the wireless context, our regulation of CMRS providers and the history of the industry has allowed the development of bundles of CPE and information services with the underlying telecommunications service. Thus, information services and CPE offered in connection with CMRS are directly associated and developed together with the service itself. Indeed, we are persuaded by the record and our observations of the development of the CMRS market generally that the information services and CPE associated with CMRS are reasonably understood by customers as within the existing service relationship with the CMRS provider. Customers expect to have CPE and information services marketed to them along with their CMRS service by their CMRS provider. Accordingly, we conclude that such CPE and information services come within the meaning of "necessary to, or used in," the provision of service. In the CMRS context, carriers should be permitted to use CPNI, without customer approval, to market information services and CPE to their CMRS customers.

42. The wireline industry has developed somewhat differently from CMRS and, while the analysis is the same, the results concerning how carriers may use CPNI accordingly differ from the wireless industry. No evidence has been produced on the record which shows that allowing wireline carriers to market CPE to their customers, using CPNI without customer consent, violates customers' expectations. We are convinced that such usage by carriers would be beneficial to customers as new and advanced products develop. Therefore, wireline carriers should be permitted to use CPNI, without customer approval, to market CPE to their customers.

43. Within the broader reading of the statute, we find that certain wireline information services should also be considered necessary to, or used in, the provision of the underlying telecommunications service. In the *CPNI Order*, the Commission listed several information services that it believed should not be considered necessary to, or used in, the underlying telecommunications service: call answering, voice mail or messaging, voice storage and retrieval services, and fax storage and retrieval services. Applying the broader reading of the statute, along with the new evidence on the record, we now believe that all of these services should be considered necessary to, or used in, the provision of the underlying telecommunications service because customers have come to depend on these services to help them make or complete calls. The record indicates that customers have come to expect that their service provider can and will offer these services along with the underlying telecommunications service. Therefore, carriers may use CPNI, without customer approval, to market call answering, voice mail or messaging, voice storage and retrieval services, and fax storage and retrieval services.

44. We continue to exclude from this list, as the Commission did in the *CPNI Order*, Internet access services. There is no convincing new evidence on the record that shows that such services are necessary to, or used in, the making of a call, even in the broadest sense. There is also no evidence, currently, that customers expect to receive such services from their wireline provider, or that they expect to use such services in the way that they expect to receive or use the above-listed services.

45. We will, however, add protocol conversions to the list of services that carriers may market using CPNI without customer approval. In its petition, Bell Atlantic requests that we redefine protocol conversion as a telecommunications service. Bell Atlantic asserts that protocol conversions that do not alter the underlying information sent and received should not be defined as information services. We do not believe that protocol conversions should be redefined as a telecommunications service but because protocol conversions are necessary to the provision of the telecommunications service, in the instances where they are used, protocol conversions should be included in the group of information services listed above. Accordingly, we grant Bell Atlantic's request to use CPNI to market, without customer approval, protocol conversions.

3. Petitions for Forbearance

a. Introduction. 46. In the alternative, many parties urge the Commission to forbear from prohibiting CMRS providers and wireline carriers from using CPNI to market CPE and/or information services without customer approval. As we described in detail, section 10 of the Act requires the Commission to forbear from regulation when: (1) enforcement is not necessary to ensure that the carrier's charges and practices are just and reasonable; (2) enforcement is not necessary for the protection of consumers; and (3) forbearance is consistent with the public interest.

b. CMRS Providers. 47. In the preceding section, we granted the petitions for reconsideration to allow CMRS providers to use CPNI, without customer approval, to market CPE and information services to their customers. Therefore, we deny as moot the petitions for forbearance from section 222's prohibition against CMRS providers using CPNI to market, without customer approval, CPE and information services.

c. Wireline Carriers. 48. In the preceding section, we granted the petitions for reconsideration to allow wireline carriers to use CPNI, without customer approval, to market CPE and some information services to their customers. Therefore, we deny as moot the petitions requesting that we forbear from enforcing section 222's prohibition against wireline carriers to use CPNI to market CPE and information services such as call answering, voice mail or messaging, voice storage and retrieval services, fax storage and retrieval services, and protocol conversions. Bell Atlantic has requested that we forbear from enforcing section 222's prohibition against using CPNI without prior customer consent to market all

information services. We deny this request.

49. *Section 10(a)(1).* The primary focus of the CPNI rules is not, nor ever has been, intended to ensure reasonable rates or practices. Therefore, we determine that enforcement of the restrictions on the use of CPNI to market those information services that are not "necessary to, or used in, the provision of" telecommunications services are not necessary to ensure that the charges, practices, classifications, or regulations are just and reasonable and are not unjustly or unreasonably discriminatory.

50. *Section 10(a)(2).* We are unable to conclude that forbearing from enforcement of restrictions on the use of CPNI for marketing all information services would satisfy the second criterion. We note, however, that the "integrated" services that Bell Atlantic identifies include the information services which we have found above to be necessary to, or used in, the provision of the underlying telecommunications service. We have, on reconsideration, identified those types of information services for which our broader interpretation of section 222(c)(1)(B) is more in line with customer expectations and congressional intent. For these services, forbearance is not necessary. With regard to other information services such as Internet access, we find that enforcing section 222(c)(1)(B) is still necessary to protect consumers. Requiring prior consent protects customers in many instances where they would not realize potentially sensitive, personal information had been accessed or used. As noted above, there is no evidence, currently, that customers expect to receive such services from their wireline provider, or that they expect to use such services in the way that they expect to receive or use more integrated services. Nor are we aware of any other law, regulation, agency or state requirement that would substitute for the effectiveness of a prior consent requirement, which protects customer privacy expectations by placing the control over the use of CPNI for purposes of marketing non-integrated information services in the hands of the customer.

51. *Section 10(a)(3).* We concluded in the CPNI Order, however, that "[u]nlike the Commission's pre-existing policies under Computer III, which were largely intended to address competitive concerns, section 222 of the Act explicitly directs a greater focus on protecting customer privacy and control." We further concluded that "[t]his new focus embodied in section 222 evinces Congress' intent to strike a balance between competitive and customer privacy interests different from that which existed prior to the 1996 Act, and thus supports a more rigorous approval standard for carrier use of CPNI than in the prior Commission Computer III framework." More specifically, we concluded that an opt-out scheme does not provide any assurance that consent for the use of a customer's CPNI would be informed, and found that opt-out does not adequately protect customer privacy interests. Bell Atlantic, therefore, is incorrect in its assertion that our conclusions in Computer III dictate our findings relating to the public interest. We also conclude that the record on forbearance suggested here does not convince us that the privacy goals of the statute are met where carriers can use CPNI without express customer approval to sell services outside the existing customer-carrier relationship. We accordingly find that Bell Atlantic's request for forbearance of section 222's affirmative approval requirement is generally inconsistent with the public interest. Customers who are interested in obtaining more information can arrange to do so easily by granting consent for their carriers' use of CPNI. We have found no public interest benefits that would outweigh these concerns.

52. Pursuant to section 10(b) of the Act, we have evaluated whether forbearance from the prior consent requirement will promote competitive market conditions, including the extent to which forbearance will enhance competition among providers of telecommunications services. As we concluded above, the ability to use CPNI from an existing service relationship to market new services to a customer bestows an enormous competitive advantage for those carriers that currently have a service relationship with customers, particularly incumbent exchange carriers and interexchange carriers with a large existing customer base. This, in turn, poses a significant risk to the development of competition. Therefore, to the extent that Bell Atlantic is requesting forbearance from section 222's restrictions on the use of CPNI to market Internet access service, we find that such forbearance would neither promote competition nor enhance competition among telecommunications service providers. For instance, we recently stated that, although many Internet service providers (ISPs) "compete against one another, each ISP must obtain the underlying basic services from the incumbent local exchange carrier, often still a BOC, to reach its customers." Because of the competitive advantage that many BOCs retain, we concluded that we would not remove certain safeguards designed to protect against BOC discrimination despite the competitive ISP marketplace. We reach a similar conclusion here: giving wireline carriers, particularly ILECs, the right to use CPNI without affirmative customer approval to market Internet access services could damage the competitive Internet access services market at this point in time. Accordingly, we deny Bell Atlantic's petition for forbearance on this issue.

d. Forbearance from all CPNI Rules for CMRS Providers. 53. A few parties urge the Commission to forbear from imposing any CPNI obligations on CMRS providers. Forbearance from enforcing all CPNI rules against CMRS carriers, according to one petitioner, will permit many beneficial and pro-competitive marketing practices to continue. The Commission must forbear from enforcing its rules or any statutory provision where the criteria of the forbearance test, set out in Part V.A.3 are satisfied. We deny this request.

54. *Section 10(a)(1).* As we have previously stated, the primary focus of the CPNI rules is not, nor ever has been, intended to ensure reasonable rates or practices. Therefore, we determine that enforcement of the CPNI rules for CMRS carriers is not necessary to ensure that the charges, practices, classifications, or regulations are just and reasonable and are not unjustly or unreasonably discriminatory.

55. *Section 10(a)(2).* We are unable to find that CMRS customers' privacy interests would be adequately protected absent section 222 and the rules promulgated in this proceeding. We are concerned, for example, that customers would be harmed by elimination of the restriction on carriers' use of CPNI to identify or track customers who call competing service providers contained in section 64.2005(b)(1) of our rules. Section 222 and our implementing rules protect customers in many instances where they would not realize potentially sensitive, personal information had been accessed or used. Moreover, we would be remiss in our duty under the statute if we created an environment in which CMRS customers' only recourse was to switch carriers after discovering that their CPNI had been used without authorization. Nor are we aware of any other law, regulation, agency or state requirement that would substitute for the effectiveness of our rules implementing section 222. Consequently, the second

criterion for forbearance has not been met.

56. *Section 10(a)(3).* We do not find that forbearance from section 222 and our CPNI rules for all CMRS providers is consistent with the public interest. Complete forbearance would eliminate section 222's procedures for the protection of both customers and carriers, such as the process for transferring CPNI from a former carrier to a new carrier pursuant to a customer's written request and the obligation to protect carrier proprietary information. Pursuant to section 10(b) of the Act, we have evaluated whether forbearance from section 222 for CMRS carriers will promote competitive market conditions, including the extent to which forbearance will enhance competition among providers of telecommunications services. On balance, we find that forbearance from the full range of CPNI protections would undermine consumer privacy to an extent that outweighs the potential benefits demonstrated on the record in terms of carrier cost savings. Therefore, we conclude that there is insufficient basis for a public interest finding under the third criterion.

C. Use of CPNI to Market to Former and "Soon-to-be Former" Customers

1. Background

57. The *CPNI Order* adopted section 64.2005(b)(3) to prohibit a carrier from using or accessing CPNI to regain the business of a customer who has switched to another provider. The Commission decided as a matter of statutory interpretation that once a customer terminates service from a carrier, CPNI derived from the previously subscribed service may not be used to retain or regain that customer. Specifically, the Commission foreclosed the use of CPNI for customer retention purposes under section 222(c)(1) because it felt such use was not carried out in the "provision of" service, but rather, for the purpose of retaining a customer that has already taken steps to change its provider. The *CPNI Order* also precluded the use of CPNI under section 222(d)(1), insofar as such use would be undertaken to market a service, rather than to "initiate" a service within the meaning of that provision.

58. A significant majority of the petitioners have requested that the Commission reconsider or forbear from the restrictions of section 64.2005(b)(3), which has been referred to as the "winback" prohibitions.

2. "Winback"

a. Discussion. 59. Petitioners challenge the winback restrictions on a variety of grounds. On reconsideration, we conclude that all carriers should be able to use CPNI to engage in winback marketing campaigns to target valued former customers that have switched to other carriers. After reviewing the fuller record on this issue developed on reconsideration, we are persuaded that winback campaigns are consistent with section 222(c)(1) and in most instances facilitate and foster competition among carriers, benefiting customers without unduly impinging upon their privacy rights. Accordingly, we reverse our position and eliminate rule 64.2005(b)(3).

60. On reconsideration, we believe that section 222(c)(1)(A) is properly construed to allow carriers to use CPNI to regain customers who have switched to another carrier. While section 222(c)(1) is susceptible to different interpretations, we now think that the better reading of this language permits use of CPNI of former customers to market the same category of service from which CPNI was obtained to that former customer. We agree with those petitioners who argue that the use of CPNI in this manner is consistent with both the language and the goals of the statute. Section 222(c)(1)(A) permits the use of CPNI in connection with the "provision of the telecommunications service from which the information is derived." The marketing of service offerings within a given presubscribed telecommunications service is encompassed within the "provision of" that service. In developing the total service approach, the Commission recognized that marketing is implicit in the term "provision" as used in section 222(c)(1). The *CPNI Order* stated that "we believe that the best interpretation of section 222(c)(1) is the total service approach, which affords carriers the right to use or disclose CPNI for, among other things, *marketing related offerings* within customers' existing service for their benefit and convenience." While we recognize that this discussion in the CPNI Order also referred to the customer's "existing" service, we now conclude upon further reflection that our focus should not be so limited. Common sense tells us that customers are aware of and expect that their former carrier has information about the services to which they formerly subscribed. Businesses do not customarily purge their records of a customer when that customer leaves. We therefore disagree with the assertion that extending winback marketing for the same service to a former customer is an indefensible stretch of the total service approach.

61. Because customer expectations form the basis of the total service approach, they properly influence our understanding of the statute, a goal of which is to balance competitive concerns with those of customer privacy. Customers expect carriers to attempt to win back their business by offering better-tailored service packages, and that such precise tailoring is most effectively achieved through the use of CPNI. Winback restrictions may deprive customers of the benefits of a competitive market. Winback facilitates direct competition on price and other terms, for example, by encouraging carriers to "out bid" each other for a customer's business, enabling the customer to select the carrier that best suits the customer's needs.

62. Some commenters argue that ILECs should be restricted from engaging in winback campaigns, as a matter of policy, because of the ILECs' unique historic position as regulated monopolies. We believe that such action by an ILEC is a significant concern during the time subsequent to the customer's placement of an order to change carriers and prior to the change actually taking place. Therefore, we have addressed that situation at Part V.C.3. However, once a customer is no longer obtaining service from the ILEC, the ILEC must compete with the new service provider to obtain the customer's business. We believe that such competition is in the best interest of the customer and see no reason to prohibit ILECs from taking part in this practice.

63. We are also unpersuaded by the allegations that an incumbent carrier's use of CPNI in winback campaigns amounts to a predatory practice designed to prevent effective market entry by new competitors. Contrary to the commenters' suggestions, we believe such use of CPNI is neither a *per se* violation of section 201 of the Communications Act, as amended, nor the antitrust laws. Prior to the adoption of the rules promulgated under 1996 Act, incumbent carriers were able to use CPNI to regain customers lost to competitors. Assuming incumbent LECs have sufficient market power to engage in predatory strategies, they are constrained in their ability to raise and lower prices by our tariff rules and non-discrimination requirements. Because winback campaigns can promote competition and result in lower prices to consumers, we will not condemn such practices absent a showing that they are truly predatory.

64. Thus, we conclude that the statute permits a carrier evaluating whether to launch a winback campaign to use CPNI to target valued former customers who have switched service providers.

65. An important limitation derived from the statutory language is that the carrier may use CPNI of the former customer to offer that customer the service or services to which the customer previously subscribed. It would be inconsistent with the total service approach for a carrier to use such CPNI to offer new services outside the former customer-carrier relationship.

66. Some petitioners assert that winback is permissible under the exceptions enumerated in Section 222(d)(1) that allow the use of CPNI without customer approval to "render" or "initiate" service. Based upon our decision that the use of CPNI to winback customers is consistent with section 222(c)(1), we decline to reach these arguments. Similarly, we need not address arguments concerning the constitutionality of, propriety under the APA, and forbearance from, the former rule. Consequently, we eliminate § 64.2005(b)(3). We therefore do not need to reach the clarification petitions submitted on the former rule.

3. Retention of Customers

a. Background. 67. As noted above, the *CPNI Order* also prohibited a carrier's access to or the use of the CPNI of a "soon-to-be-former" customer to market the same services to retain that customer. The *CPNI Order* did not distinguish between marketing for the purpose of retaining customers versus regaining them. As explained above, on reconsideration, we believe that use of CPNI to regain former customers falls within the ambit of section 222(c)(1). We conclude here that use of CPNI to retain customers ordinarily does not come under section 222(c)(1), and in such instances would likely violate section 222(b).

b. Discussion. 68. We conclude that section 222 does not allow carriers to use CPNI to retain soon-to-be former customers where the carrier gained notice of a customer's imminent cancellation of service through the provision of carrier-to-carrier service. We conclude that competition is harmed if *any* carrier uses carrier-to-carrier information, such as switch or PIC orders, to trigger retention marketing campaigns, and consequently prohibit such actions accordingly.

69. The Commission previously determined that carrier change information is carrier proprietary information under section 222(b). In the *Slamming Order*, 64 FR 9219, February 24, 1999, the Commission stated that pursuant to section 222(b), the carrier executing a change "is prohibited from using such information to attempt to change the subscriber's decision to switch to another carrier." Thus, where a carrier exploits advance notice of a customer change by virtue of its status as the underlying network-facilities or service provider to market to that customer, it does so in violation of section 222(b). We concede that in the short term this prohibition falls squarely on the shoulders of the BOCs and other ILECs as a practical matter. As competition grows, and the number of facilities-based local exchange providers increases, other entities will be restricted from this practice as well.

70. We agree that section 222(b) is not violated if the carrier has independently learned from its retail operations that a customer is switching to another carrier; in that case, the carrier is free to use CPNI to persuade the customer to stay, consistent with the limitations set forth in the preceding section. We thus distinguish between the "wholesale" and the "retail" services of a carrier. If the information about a customer switch were to come through independent, retail means, then a carrier would be free to launch a "retention" campaign under the implied consent conferred by section 222(c)(1).

c. Petitions for Forbearance. 71. A number of petitioners seek forbearance from restrictions that limit the ability of a carrier to retain a soon-to-be former customer who has indicated an intent to switch carriers. Petitioners request forbearance from the application of rules prohibiting retention marketing, however, as part of their overall requests that the Commission forbear from applying winback restrictions generally. Because the Commission has revised its interpretation and eliminated rule 64.2005(b)(3), that portion of their petitions is moot.

72. Section 10 of the Act requires the Commission to forbear from regulation when: (1) enforcement is not necessary to ensure that the carrier's charges and practices are just and reasonable; (2) enforcement is not necessary for the protection of consumers; and (3) forbearance is consistent with the public interest. For the reasons discussed below, we conclude the forbearance standard has not been met to the extent that carriers would seek to use CPNI to regain a soon-to-be former customer, precipitated by the receipt of a carrier-to-carrier order.

73. *Section 10(a)(1).* Petitioners assert that limiting the use of CPNI in retention efforts is not necessary to ensure just, reasonable, and nondiscriminatory rates.

74. We agree that the primary focus of the CPNI rules is not, nor ever has been, intended to ensure reasonable rates or practices. Therefore, we determine that enforcement of section 222's prohibition against allowing a carrier to use proprietary information that it receives by virtue of fulfilling carrier-to-carrier orders in a "wholesale" capacity is not necessary to ensure that the charges, practices, classifications, or regulations are just and reasonable and are not unjustly or unreasonably discriminatory.

75. *Section 10(a)(2).* Petitioners assert that retention restrictions are not necessary to protect customers generally. Although we agree that privacy concerns are not particularly jeopardized in winback situations, generally, that does not mean that enforcement of this restriction is unnecessary to protect customers. Rather, we conclude that consumers' substantial interests in a competitive and fair marketplace would be undermined if this restriction was not enforced. Consequently, the second criterion is not satisfied.

76. *Section 10(a)(3).* Finally, petitioners contend that customer retention is in the public interest. We are not persuaded, however, that permitting carriers to unfairly use information that they obtain in a "wholesale" capacity is in the public's interest. We conclude that there is insufficient basis for a public interest finding in this instance under the third criterion. Therefore, we deny the forbearance petitions on this issue.

D. Disclosure of CPNI to New Carriers When a Customer is "Won"

77. In the *CPNI Order* we definitively concluded that the term "initiate" in section 222(d)(1) does not require that a customer's CPNI be disclosed by a carrier to a competing carrier who has "won" the customer as its own. We found that section 222(d)(1) applies only to carriers already possessing the CPNI, within the context of the existing service relationship, and not to any other carriers merely seeking access to CPNI. We noted, however, that section 222(c)(1) does not prohibit carriers from disclosing CPNI to competing carriers upon customer approval. Accordingly, we reasoned that although an incumbent carrier is not required to disclose CPNI pursuant to section 222(d)(1) or section 222(c)(2) absent an affirmative written request, local exchange carriers may need to disclose a customer's service record upon oral approval of a customer to a competing

carrier prior to its commencement of service as part of a local exchange carrier's section 251(c)(3) and (c)(4) obligations. In this way, we concluded, section 222(c)(1) permits the sharing of customer records necessary for the provisioning of service by a competitive carrier. Finally, we also noted that a carrier's failure to disclose CPNI to a competing carrier that seeks to initiate service to that customer who wishes to subscribe to a competing carrier's service, may well constitute an unreasonable practice in violation of section 201(b), depending on the circumstances.

78. We reject MCI's various requests for disclosure of CPNI by former carriers, *without* customer approval, to new carriers to enable the new carriers to initiate service. We deny MCI's petition in this regard.

79. First, MCI and TRA ask that we find that section 222(d)(1) allows "one carrier to disclose CPNI to another to enable the latter to initiate service *without* customer approval" thereby reversing our conclusion in the *CPNI Order*. Neither MCI nor TRA has presented any new facts or arguments that the Commission did not fully consider in the *CPNI Order* regarding the interpretation of section 222(d)(1). We therefore deny MCI and TRA's request that we reverse this portion of the *CPNI Order*.

80. Second, MCI also requests that the Commission, in any case, find that section 222(c)(1) authorizes the disclosure of CPNI *without* customer approval. We find that MCI's request is contrary to our conclusion in the *CPNI Order* that the language of 222(c)(1)(A) reflects Congress' judgment that customer approval for carriers to use, disclose, and permit access to CPNI can be inferred in the context of *an existing customer relationship*. We reasoned that such an inference is appropriate because the customer is aware that his or her carrier has access to CPNI, and, through subscription to the carrier's service, has implicitly approved the carrier's use of CPNI *within the existing relationship*. We are not persuaded that the disclosure of CPNI to a different carrier to initiate service *without* customer approval for that disclosure would be contemplated by a customer as a carrier's use of his or her CPNI *within* the existing customer-carrier relationship. As such, we deny MCI's request.

81. Third, MCI also asserts that sections 272, 201(b), and 202(a) require BOCs and other ILECs that disclose CPNI to affiliates without customer approval in order to initiate service to likewise disclose CPNI to any other requesting carrier "needing it to initiate service. MCI has not provided any reasonable basis for altering these conclusions. Further, we are not persuaded by MCI's unsupported request that section 202(a) would require such relief. Accordingly, we deny MCI's request.

82. Fourth, MCI further argues that if the Commission does not grant any of the relief requested, then it should allow carriers to notify customers that their failure to approve the disclosure of CPNI to a new carrier may disrupt the installation of any new service they may request. As MCI has not persuaded us, however, that a customer's failure to approve such a disclosure may disrupt the installation of service, we deny MCI's request.

83. Finally, MCI requests that the Commission "reconfirm" that CPNI is an unbundled network element "that BOCs and other ILECs must provide to all requesting carriers under section 251(c)(3) of the Act." This is not a fair characterization of the *CPNI Order's* conclusion. Rather, the *CPNI Order* held that local exchange carriers may need to disclose a customer's service record upon oral approval of a customer to a competing carrier prior to its commencement of service as part of a local exchange carrier's section 251(c)(3) and (c)(4) obligations. This conclusion does not indicate, as MCI has implied, that CPNI is an unbundled network element subject to section 251(c)(3)'s unbundling requirements separate from the Commission's requirement that incumbent carriers provide unbundled access to operations support systems and the information they contain. Therefore, MCI incorrectly concludes that the *CPNI Order* found that CPNI is an unbundled network element. In any case, the United States Supreme Court recently concluded that the Commission's unbundling rule, § 51.319 of the Commission's rules, should be vacated. As a result, the Commission reopened CC Docket 96–98 to refresh the record on the issues of (1) how, in light of the Supreme Court ruling, the Commission should interpret the standards set forth in section 251(d)(2) of the Telecommunications Act of 1996; and (2) which specific network elements the Commission should require incumbent LECs to unbundle.

VI. "Approval" Under Section 222(c)(1)

A. Grandfathering Pre-existing Notifications

84. On May 21, 1998, the Common Carrier Bureau released the *Clarification Order* clarifying several issues in the *CPNI Order*. Among other things, the *Clarification Order* made it clear that carriers that have complied with the *Computer III* notification and prior written approval requirements in order to market enhanced services to business customers with more than 20 access lines are also in compliance with section 222 and the Commission's rules. CompTel and LCI request that the Commission reverse the *Clarification Order's* conclusion. We decline to do so for the reasons discussed below and, in fact, hereby adopt the *Clarification Order*.

85. As discussed in the *Clarification Order*, the framework established under the Commission's *Computer III* regime, prior to the adoption of section 222, governed the use of CPNI by the BOCs, AT&T, and GTE to market CPE and enhanced services. Under this framework, those carriers were obligated to: (1) provide an annual notification of CPNI rights to multi-line customers regarding enhanced services, as well as a similar notification requirement that applied only to the BOCs regarding CPE; and (2) obtain prior written authorization from business customers with more than 20 access lines to use CPNI to market enhanced services. The *CPNI Order*, however, replaced the *Computer III* CPNI framework in all material respects. In its place, the *CPNI Order* established requirements compelling carriers to provide customers with specific one-time notifications prior and proximate to soliciting express written, oral, or electronic approval for CPNI uses beyond those set forth in sections 222(c)(1)(A) and (B). The *CPNI Order* further established an express approval mechanism for such solicitations as it is the "best means to implement this provision because it will minimize any unwanted or unknowing disclosure of CPNI" and will also "limit the potential for untoward competitive advantages by incumbent carriers."

86. The *Clarification Order* noted that, like the requirements established in the *CPNI Order*, "the notification obligation established by the *Computer III* framework required, among other things, that carriers provide customers with illustrative examples of enhanced services and CPE, expanded definitions of CPNI and CPE, information about a customer's right to restrict CPNI use at any time, information about the effective duration of requests to restrict CPNI, and background information to enable customers to understand why they were being asked to make decisions about their CPNI." The *Clarification Order* determined that these *Computer III* notifications comply materially with the form and content of the notices

required by the *CPNI Order*. In addition, the *Clarification Order* concluded that the *Computer III* requirement to obtain prior written authorization constitutes a form of express, affirmative approval, as required by section 222. Accordingly, the *Clarification Order* concluded that carriers that complied with the *Computer III* notification and prior written approval requirement in order to market enhanced services to such carriers are also in compliance with section 222 and the Commission's rules.

87. We agree with the Bureau that carriers that have complied with the *Computer III* notification and prior written approval requirements in order to market enhanced services to certain large business customers should be deemed in compliance with section 222 and the Commission's rules. For the reasons stated in the *Clarification Order*, we agree that the *Computer III* framework required carriers to provide these large business customers with adequate notice and obtain express, affirmative approval in material compliance with the form and content of those required by section 222 and the Commission's rules. Although it is true that the *Computer III* consents were given prior to the advent of local competition, we believe that the detailed notice and express, affirmative consent required under that regime compensate for this deficiency. Moreover, we are not persuaded by CompTel's assertion that the BOCs warnings that they *may* have to change the customer's account representatives put undue pressure on these business customers to relent. Finally, we also conclude that although some of the *Computer III* annual notifications may not have been "proximate to" the carrier solicitations as required by section 222, the *Computer III* regime's annual notification requirement and limitation to business customers with more than 20 access lines—requirements that we note are more stringent than required by section 222—materially satisfy the concerns we intended to address by the proximate notification requirement promulgated in the *CPNI Order*. As such, we agree with the Bureau that the *Computer III* notifications are in material compliance with section 222 and the Commission's rules, and adopt the reasoning and conclusions of the *Clarification Order* as our own.

88. Other carriers request that the Commission "grandfather" authorizations obtained subsequent to the enactment of section 222, but prior to the promulgation of rules in the *CPNI Order*.

89. We conclude, based upon the evidence presented in the record of this proceeding, that AT&T's solicitations constitute a good faith effort to materially comply with section 222 provided they are supplemented with the curative written notification of rights AT&T has offered to distribute. Accordingly, we find that AT&T may continue to rely on the approvals given, provided the approvals were obtained in the manner detailed above, so long as AT&T supplements those approvals with a written notice to customers of their rights including an explanation that they have the right to withdraw their approval.

90. Other than AT&T, the parties in this proceeding have not provided sufficient detail describing their solicitations for the Commission to make a determination of material compliance. We urge them to examine the showing made by AT&T as discussed above. We will accept further waiver requests that are materially compliant with section 222, provided the carriers requesting waivers can make a showing similar to the one made by AT&T.

B. Oral and Written Notification

1. Background

91. Section 64.2007 of the Commission's Rules sets out several requirements for carriers who wish to obtain a customer's consent for the use of that customer's CPNI. Vanguard requests that the Commission clarify the requirements established in the *Order* for telecommunications providers seeking customer consent for the use of CPNI. Vanguard expresses concern that the rules will hinder providers from obtaining consent at the time of the execution of initial customer agreements.

92. GTE requests clarification of the "one-time" notification rules, noting that, under § 64.2007(f)(3), solicitation of approval to use CPNI must be proximate to the notification of a customer's CPNI rights. GTE requests that the Commission "clarify that written notice followed proximately by either written or oral solicitation is sufficient and is consistent with the FCC's finding that 'one-time' notice is sufficient." GTE contends that this would require amending § 64.2007(f)(4).

93. SBC also requests that the Commission clarify that written notification followed by either an oral or written solicitation for approval is appropriate under the one-time notification scheme.

94. Omnipoint requests that, for CMRS providers, the Commission replace its "opt-in" requirement for approval of the use of CPNI with an "opt-out" rule.

2. Discussion

95. We find that Omnipoint has presented no new circumstances that warrant reversal of the Commission's conclusion that the requirement of affirmative consent is consistent with Congressional intent, as well as with the principles of customer control and convenience. Nor has Omnipoint shown that wireless carriers should not be subject to the requirement of affirmative consent.

96. We conclude, however, that the Commission should not attempt to micro-manage the methods by which carriers meet their obligations to secure customer consent. As long as the carrier can show that the rules previously promulgated, which ensure that the customer has been clearly notified of his or her right to refuse consent before the CPNI is used and that the notification clearly informs the customer of the consequences of giving or refusing consent, have been complied with, the consent will be effective. However, we note that those rules are specific in the requirements for written notification, *e.g.*, that the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to the customer. We intend to be vigilant in enforcing these rules, as we have in enforcing the rules against slamming, which similarly provide for clear and unambiguous notice to the telephone subscriber who signs a letter of agency for authorizing a change in his or her primary interexchange carrier. This policy is also consistent with the Commission's recent action to help ensure that consumers are provided with essential information in phone bills in a clear and conspicuous manner. We will entertain complaints that carriers have not met these requirements on a case-by-case basis.

97. We clarify, at Vanguard's request, that its plan for obtaining consent at the time of the execution of initial customer agreements would be appropriate assuming Vanguard provides "complete disclosure" prior to seeking customer approval as required by section 64.2007(f) of the Commission's rules, and is otherwise compliant with the remainder of section 64.2007. In other words, seeking customer consent at the time of execution of initial customer agreements is not prohibited by our rules. We also concur with U S WEST's assertion, however, that carriers should be left with flexibility in implementing our rules. Accordingly, Vanguard's proposal is merely one option among many that could comply with our rules.

98. Moreover, in keeping with our desire to avoid micro-management of the notification and authorization process, we shall grant SBC, Frontier, and GTE's requests that we eliminate § 64.2007(f)(4) of the Commission's rules.

C. Preemption of State Notification Requirements

99. In the *CPNI Order*, we declined to exercise our preemption authority, although we concluded that in connection with CPNI regulation we "may preempt state regulation of intrastate telecommunications matters where such regulation would negate the Commission's exercise of its lawful authority because regulation of the interstate aspects of the matter cannot be severed from the intrastate aspects." Rather, we stated that we would examine any conflicting state rules on a case-by-case basis once the states have had an opportunity to review the requirements we adopted in the *CPNI Order*. At that time we noted that state rules that are vulnerable to preemption are those that (1) permit greater carrier use of CPNI than section 222 and the Commission's rules allow, or (2) seek to impose additional limitations on carriers' use of CPNI. We also indicated, however, that state rules that would not directly conflict with the balance or goals set by Congress were not vulnerable to preemption.

100. On reconsideration, we affirm our decision to exercise our preemption authority on a case-by-case basis. While it is possible that states might impose additional CPNI conditions that could require the expenditure of resources, we conclude it would be inappropriate for the Commission to speculate in this proceeding about what such conditions might be and how much compliance might cost. We note that while deciding to address preemption requests on a case-by-case basis, we reserve the right to consider the potential costs and burdens imposed by any state requirements that would apply retroactively. For these same reasons, we also deny GTE's request that we find that "additional CPNI use restrictions will be expeditiously preempted, particularly where other federal statutes, such as 47 U.S.C. 227(c), already address customer privacy concerns."

101. Neither AT&T nor GTE has presented any new facts or arguments that require us to reconsider our prior ruling. Both GTE and AT&T point to the Comments of the Texas Public Utility Commission, which describe and attach a CPNI rule under consideration by the Texas Commission, as support for the need to reconsider our conclusion on preemption in the *CPNI Order*. They assert that the proposed Texas rule is in conflict with the *CPNI Order* and the Commission's rules. That Texas, or any other state, might implement CPNI rules that may be in conflict with our rules was certainly considered in the *CPNI Order*. If such an event occurs, AT&T, GTE, or any other party may request that we preempt the alleged conflicting rules. We will then consider the specific circumstances at that time.

D. Details of CPNI Notice

102. Section 64.2007 of our rules establishes the minimum form and content requirements of the notification a carrier must provide to a customer when seeking approval to use CPNI. Section 64.2007(f)(2)(ii) requires that the notification must specify, inter alia, "the types of information that constitute CPNI" and "the specific entities" that will receive it. GTE requests that the Commission clarify the rule to permit carriers to avoid exhaustively specifying all types of CPNI and all of a carrier's subsidiaries and affiliates that may receive CPNI. We decline to do so. The minimum requirements of § 64.2007 were not crafted to provide precise guidance, but rather as general notice requirements. The rule seeks to strike an appropriate balance between giving carriers flexibility to craft CPNI notices tailored to their business plans and ensuring that customers are adequately informed of their CPNI rights.

103. Thus, at a minimum, a carrier must inform a customer of the types of CPNI it intends to use. We wish to ensure that any decision by a customer to grant or deny approval is fully informed and that we reduce the potential for carrier abuse. Also, to the extent a carrier intends to disseminate a customer's CPNI, the customer has a right to know the entities that will receive the CPNI derived from his or her calling habits. Contrary to GTE's assertion, we don't believe that a customer necessarily will be confused by the name of the recipient. Importantly, the customer should have the option of restricting access to CPNI among the carrier's intended recipients of his or her personal information.

VII. Safeguards Under Section 222

A. Background

104. In the *CPNI Order*, the Commission concluded that "all telecommunications carriers must establish effective safeguards to protect against unauthorized access to CPNI by their employees or agents, or by unaffiliated third parties." To this end, we required carriers to develop and implement software systems that "flag" customer service records in connection with CPNI, and maintain an electronic audit mechanism ("audit trail") that tracks access to customer accounts. In addition, the *CPNI Order* stated that carriers were to: train their employees as to when it would be permissible to access customers' CPNI; establish a supervisory review process that ensures compliance with CPNI restrictions when conducting outbound marketing; and, on an annual basis, submit a certification signed by a current corporate officer attesting that he or she has personal knowledge that the carrier is in compliance with the Commission's requirements. Because the Commission anticipated that carriers would need time to conform their data systems and operations to comply with the software flags and electronic audit mechanisms required by the Order, we deferred enforcement of those rules until eight months from when the rules became effective: specifically, January 26, 1999.

105. Following the release of the *CPNI Order*, several petitioners sought reconsideration of a variety of issues, including the decision to require carriers to implement the use of flags and audit trails. Other carriers sought reconsideration of the *CPNI Order's* employee training and discipline requirement in § 64.2009(b) of the Commission's rules, as well as the supervisory review requirement in § 64.2009(d) of the Commission's rules. On September 24, 1998, in response to concerns raised by a number of parties, the Commission ruled in the *Stay Order* that it would not seek enforcement actions against carriers regarding compliance with the CPNI software flagging and audit trail requirements as set forth in 47 CFR 64.2009(a) and (c) until six months after the release date of this order on reconsideration. We concluded that it serves the public interest to extend the deadline for the initiation of enforcement of the software flagging and audit trail rules so that the Commission could "consider recent proposals to tailor our requirements more narrowly and to reduce burdens on the industry while serving the purposes of the CPNI rules."

106. On November 9, 1998, PCIA filed a petition for reconsideration of the *Stay Order* requesting that the Commission retract the additional requirement for deployment of systems pending the Commission's reconsideration of the *CPNI Order*. We deny PCIA's petition, however, as we have granted, in part, the petitions for reconsideration with respect to the flagging and audit trail requirements. Thus, although new systems implemented prior to the

expiration of the stay period will be required to comply with the new rules promulgated in this order, we believe the new rules are significantly less burdensome. We have considered the potential impact of our rules in this area on carriers' year 2000 (Y2K) remedial efforts and their plans to stabilize their networks over the Y2K conversion. We expect, however, that the increased flexibility, reduction in compliance burden and additional time for implementation that we grant here will greatly reduce the risk of such impact. Thus, and in light of the facts before us, we believe that our rules will have no significant detrimental effect on carriers' Y2K efforts. We conclude that it is in the public interest to extend the stay period an additional two months so as not to impede those efforts for carriers that chose to implement electronic safeguards under the modified rules. Accordingly, the Commission will not seek enforcement actions against carriers regarding compliance with sections 64.2009(a) and (c) of the Commission's rules until eight months after the release date of this order on reconsideration.

107. An industry coalition (Coalition) comprised of a combination of thirty-one industry representatives has proposed specific amendments to §§ 64.2009(a), 64.2009(c), and 64.2009(e) of the Commission's rules (Coalition Proposal). After consideration of this proposal and other comments in the record, we adopt modifications to our flagging and audit trail requirements.

B. Notice

108. In the *NPRM*, we tentatively concluded that "all telecommunications carriers must establish effective safeguards to protect against unauthorized access to CPNI by their employees or agents, or by unaffiliated third parties." We further noted that we previously required AT&T, the BOCs, and GTE to implement computerized safeguards and manual file indicators to prevent unauthorized access to CPNI, and sought comment on whether such safeguards should continue to apply to those carriers. The *NPRM* also tentatively concluded that we should not specify safeguard requirements for other carriers, but sought comment on the issue.

109. We reject CompTel's assertion that the Commission failed to give adequate notice of the "systems modifications" announced in the *CPNI Order* because, in fact, the *NPRM* stated that the Commission might require carriers other than AT&T, the BOCs, and GTE to implement computerized safeguards and manual file indicators, and solicited comment on the issue. As we modify the flagging and audit trail rules on reconsideration to allow carriers to institute non-computerized systems, we grant CompTel's Petition in this regard.

110. We also reject NTCA's argument that our description of the projected reporting, record-keeping, and other compliance requirements of the rule we proposed in the NPRM was inaccurate. As we described, the NPRM tentatively concluded that we would *not* require carriers other than AT&T, the BOCs, and GTE to implement specified safeguard requirements as those carriers had been required to under *Computer III*. Thus, the NPRM's Initial Regulatory Flexibility Analysis correctly stated that there were no projected reporting, record-keeping, or other compliance requirements for small business entities as a result of the NPRM.

C. Evidence of Cost of Compliance

111. When we established the flagging and audit trail requirements in the *CPNI Order*, the evidence before us was that carriers could, with relative ease, modify their systems to accommodate these requirements. Based upon many of the petitions filed on reconsideration, however, it does not appear that all of the relevant facts were before the Commission at that time. Numerous petitioners have now presented evidence that the safeguards we adopted would be costly to implement.

D. The Flagging Requirement

112. Upon reconsideration, based upon the new evidence before us, we agree with the petitioners that we should modify the flagging requirement promulgated in the *CPNI Order* for all carriers. The goal of the CPNI flagging rule is to ensure that carriers are aware of the status of, and observe, a customer's CPNI approval status prior to any use of that customer's CPNI. The Coalition proposes that we modify our rule to require carriers to train their marketing personnel to determine a customer's CPNI status prior to using that customer's CPNI for "out of category" marketing, and to make customer approval status available to such personnel in a readily accessible and easily understandable format. As is only now evident from the new evidence presented on reconsideration, implementation of the flagging rules promulgated in the *CPNI Order* will require significant expenditures of monetary and personnel resources for most carriers, regardless of size. Although we agree in principle that the Coalition's proposal will achieve the goals of the flagging requirements at a substantially reduced cost, we conclude that the Coalition's proposal can be modified to even simpler, less regulatory terms. We find that the carriers are in a better position than the Commission to create individual systems which ensure that their employees check each customer's CPNI approval status prior to any use of that customer's CPNI for out of category marketing. Accordingly, we amend section 64.2009(a) of our rules to state that telecommunications carriers must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI. This modification will permit all carriers to develop and implement a system that is suitable to, among other things, its unique size, capital resources, culture, and technological capabilities.

E. The Audit Trail Requirement

113. We also agree with the petitioners, based upon the new evidence before us, that we should modify the *CPNI Order's* electronic audit trail requirement. This requirement was broadly intended to track access to a customer's CPNI account, recording whenever customer records are opened, by whom, and for what purpose. As AT&T points out, the *CPNI Order's* electronic audit trail requirement would generate "massive" data storage requirements at great cost. As it is already incumbent upon all carriers to ensure that CPNI is not misused and that our rules regarding the use of CPNI are not violated we conclude that, on balance, such a potentially costly and burdensome rule does not justify its benefit. As an alternative to the *CPNI Order's* electronic audit trail requirement, the Coalition has proposed that we require the creation of such a record, but only with respect to "marketing campaigns." We find that the Coalition proposal is too narrow because, as MCI noted in an *ex parte* meeting with the Common Carrier Bureau, many carriers distinguish between "sales" and "marketing." We determine that carriers must maintain a record, electronically or in some other manner, of their sales and marketing campaigns that use CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, the date and purpose of the campaign, and what products or services were offered as part of the campaign. We will also require carriers to retain the record for a minimum of one year. We amend section 64.2009(c) accordingly.

F. The Corporate Officer Certification

114. The Coalition also requests that we amend the Officer Certification rule to eliminate the requirement that the corporate officer signing the certification have personal knowledge that the carrier is in compliance with the Commission's CPNI rules. This we decline to do. Our revisions of the flagging and audit trail requirements in this order will allow telecommunications carriers more flexibility in determining how they will ensure their compliance with our CPNI rules. This flexibility puts the responsibility squarely on the carriers to ensure their compliance. This flexibility, and its concurrent responsibility, requires that some officer of the carrier have personal knowledge that the scheme designed by the carrier is adequate and complies with our CPNI rules. Because neither the petitioners nor the Coalition have persuaded us that personal knowledge on the part of an officer is unnecessary, we will not omit that requirement from our rule. We will, however, amend the rule to omit the word "corporate" because, as some parties explain, not all carriers are organized as corporations.

115. We will also amend § 64.2009(e) to require that telecommunications carriers have an officer, as an agent of the carrier, sign a compliance certificate on an annual basis stating that the operating procedure established by the carrier *is or is not* in compliance with the rules in this subpart. The carrier must provide a statement accompanying the certificate detailing how the carrier's operating procedure is and/or is not in compliance.

G. Other Safeguard Provisions

116. Parties also seek reconsideration of other safeguard provisions. In light of the important role these rules play in safeguarding the proper use of CPNI, we are not persuaded that these rules are so burdensome that they warrant modification. Moreover, as we have taken steps on reconsideration to allow carriers to decide for themselves how to implement the flagging and audit trail rules, the rules are now even less burdensome. It is, in fact, the continued application of the employees training and discipline rules, and the officer certification requirement, that permits us to make the substantial modifications of the flagging and audit trail requirements on reconsideration. Thus, we conclude the remaining requirements in section 64.2009 are reasonable as presently written.

H. Petitions for Forbearance

117. We deny both as moot NTCA and PCIA's petitions for forbearance from enforcement of the audit trail and flagging rules. Section 10 of the Act requires the Commission to forbear from regulation when: (1) Enforcement is not necessary to ensure that the carrier's charges and practices are just and reasonable; (2) enforcement is not necessary for the protection of consumers; and (3) forbearance is consistent with the public interest. Both PCIA and NTCA premise their forbearance arguments upon the fact that the flagging and audit trail requirements, as detailed in the *CPNI Order*, require the implementation of electronic safeguards. Based upon the new evidence the parties presented on reconsideration, we agree with both NTCA and PCIA that the rules we promulgated in the *CPNI Order* are unduly burdensome. We deny these forbearance petitions, however, because we conclude that the revised flagging and audit trail requirements resolve NTCA and PCIA's criticisms of the former rules and the basis for their forbearance requests. Under our new rules carriers, including NTCA and PCIA members, may establish non-computerized systems of their own design to comply with our requirements.

I. Small and Rural Carriers

118. We recognize, in light of the new evidence presented to the Commission, that the flagging and audit trail requirements promulgated in the *CPNI Order* might have a disparate impact on rural and small carriers. Our modification of the flagging and audit trail requirements in this order, however, effectively moots the requests we received from the parties seeking special treatment for small and rural carriers with respect to these requirements. In particular, under the amended rules, carriers are not required to maintain flagging and audit capabilities in electronic format. Rather, the amended rules leave it to the carriers' discretion to determine what sort of system is best for their circumstances. Thus, carriers whose records are not presently maintained in electronic form are not required to implement electronic systems if they do not wish to do so. We deny, therefore, the Independent Alliance's petition to exempt small and rural carriers from the provisions of sections 64.2009(a) and (c) because we have amended our rules to accommodate, in part, the concerns of small and rural carriers. Likewise, we deny NTCA's request that rural telecommunications companies should be eligible for a blanket waiver of the flagging and audit trail provisions, and TDS's request for reconsideration of the flagging and tagging rules for small and mid-sized carriers, for the same reason. Finally, on the same basis, we reject ALLTEL's request that we reconsider the application of the "enforcement time frames and other requirements to rural and small carriers."

J. Adequate Cost Recovery

119. We deny TDS's request that the Commission provide a mechanism, in the form of a "nationwide averaged [and] clearly identified flat charge on all customers," to recover the costs that carriers will incur complying with section 222, the *CPNI Order*, and the Commission's rules. As we have now amended our rules to allow carriers the freedom to implement these safeguards in a more effective and flexible manner, we believe that carrier costs will be significantly reduced from the costs estimated by carriers subsequent to the *CPNI Order*. Accordingly, we reject TDS's request for a separate cost recovery mechanism at this time.

K. Enforcement of CPNI Obligations

120. In this Order, we have amended our rules to reflect a deregulatory approach which leaves many of the specific details of compliance to the carriers. However, we intend to enforce the rules, as amended, zealously. We expect carriers to protect the confidentiality of the CPNI in their possession in accordance with our rules. Carriers will be subject to penalties for improper use of CPNI. Moreover, failure to develop and implement a compliance plan to safeguard CPNI consistent with our rules will form a separate basis for liability. We also note that we will address, in a separate order, the enforcement and compliance issues raised in response to the *FNPRM*.

VIII. Section 222 and Other Act Provisions

A. Section 222 and Section 272

1. Background

121. Section 272(c)(1) states that, "[i]n its dealings with its [section 272 affiliates], a Bell operating company . . . may not discriminate between the company or affiliate and any other entity in the provision or procurement of goods, services, facilities, and information, or in the establishment of standards." The Commission concluded in the *Non-Accounting Safeguards Order* that: (1) The term "information" in section 272(c)(1) includes CPNI; and (2) the BOCs must comply with the

requirements of both sections 222 and 272(c)(1). The Commission, however, declined to address the parties' other arguments regarding the interplay between section 272(c)(1) and section 222 to avoid prejudging issues that would be addressed in the *CPNI Order*. The Commission also declined to address the parties' arguments regarding the interplay between section 222 and section 272(g), which permits certain joint marketing between a BOC and its section 272 affiliate. The Commission emphasized, however, that, if a BOC markets or sells the services of its section 272 affiliate pursuant to section 272(g), it must comply with the statutory requirements of section 222 and any rules promulgated thereunder.

122. In the *CPNI Order* the Commission overruled the *Non-Accounting Safeguards Order*, in part, concluding that the most reasonable interpretation of the interplay between sections 222 and 272 is that the latter does not impose any additional CPNI requirements on BOCs' sharing of CPNI with their section 272 affiliates when they share information with their section 272 affiliates according to the requirements of section 222. The Commission reached this conclusion only after recognizing an apparent conflict between sections 222 and 272. We noted in the *CPNI Order* that, on the one hand, certain parties argued that under the principle of statutory construction the "specific governs the general," and that section 222 specifically governs the use and protection of CPNI, but section 272 only refers to "information" generally. As such, they claimed that section 222 should control section 272. On the other hand, under the same principle of construction, other parties argued that section 272 specifically governs the BOCs' sharing of information with affiliates, whereas section 222 generally relates to all carriers. Therefore, they asserted, section 272 should control section 222. Because either interpretation is plausible, it was left to the Commission to resolve the tension between these provisions, and to formulate the interpretation that, in the Commission's judgment, best furthers the policies of both provisions and the statutory design. We determine that interpreting section 272 to impose no additional obligations on the BOCs when they share CPNI with their section 272 affiliates according to the requirements of section 222 most reasonably reconciles the goals of these two principles.

2. Discussion

123. We affirm our conclusion in the *CPNI Order* that the most reasonable interpretation of the interplay of sections 222 and 272 is that section 272 does not impose any additional obligations on the BOCs when they share CPNI with their section 272 affiliates. For the same reasons described in the *CPNI Order*, however, we conclude that our prior interpretation of the relationship between sections 222 and 272 is correct.

124. At the outset, we reject MCI's argument that there was not adequate notice that the Commission might reverse its conclusion in the *Non-Accounting Safeguards Order* relating to CPNI.

125. We further disagree with MCI's claim that the Commission's "approach" is flawed. We affirm our previous conclusion based upon our prior reasoning.

126. We also reject MCI and TRA's argument that the "except as required by law" clause in section 222(c)(1) encompasses, at least in part, section 272(c)(1). We conclude, for the same reasons as those we previously described in the *CPNI Order*, that the "except as required by law" clause does not encompass section 272.

127. We affirm the *CPNI Order*'s conclusion that the term "information" in section 272(c)(1) does not include CPNI despite CompTel and Intermedia's assertion that such an interpretation is contrary to the plain meaning of the Act and should be reconsidered.

128. While the legislative history is silent about the meaning of "information" in section 272(c)(1), the structure of the Act indicates strongly that the provision is susceptible to differing meanings. Indeed, as the courts have cautioned, the Commission is bound to move beyond dictionary meanings of terms and to consider other possible interpretations, assess statutory objectives, weigh congressional policy, and apply our expertise in telecommunications in determining the meaning of provisions. In this instance, we believe that the structure of the Act belies petitioners' contention that the term "information" has a plain meaning that encompasses CPNI. In enacting section 222, Congress carved out very specific restrictions governing consumer privacy in CPNI and consolidated those restrictions in a single, comprehensive provision. We believe that the specific requirements governing CPNI use are contained in that section and we disfavor, accordingly, an interpretation of section 272 that would create constraints for CPNI beyond those embodied in the specific provision delineating those constraints. As a practical matter, the interpretation proffered by petitioners would bar BOCs from sharing CPNI with their affiliates: the burden imposed by the nondiscrimination requirements would, in this context, pose a potentially insurmountable burden because a BOC soliciting approval to share CPNI with its affiliate would have to solicit approval for countless other carriers as well, known or unknown. We do not believe that is what Congress envisioned when it enacted sections 222 and 272. Rather, as we concluded in the *CPNI Order*, we find it a more reasonable interpretation of the statute to conclude that section 222 contemplates a sharing of CPNI among all affiliates (whether BOCs or others), consistent with customer expectations that related entities will share information so as to offer services best tailored to customers' needs. For these reasons, we find that the "plain meaning" argument raised by Comptel and Intermedia is not persuasive, and further that their meaning is not the one Congress most likely intended. Therefore, we affirm our previous conclusion.

129. In addition, we are not persuaded by CompTel's assertion that there is no indication that section 222 was intended to trump section 272 because the Commission previously recognized, in the *First Report and Order*, that section 222's obligations are not exclusive. Because Congress unambiguously prohibited the use of such CPNI in section 275(d), we concluded that the specific prohibition in section 275(d) controls the general CPNI rules described in section 222. This stands in stark contrast to the difficult task of reconciling sections 222 and 272.

130. Moreover, we do not agree with WorldCom's assertion that the Commission ignored section 272(b)(1). Thus, we deny reconsideration on this basis as WorldCom has not presented any new arguments or facts we did not already consider.

131. Finally, several parties also argue that our interpretation of the interplay of sections 222 and 272 gives BOC affiliates an unfair competitive advantage over other competitors. These parties raise no new arguments or facts on reconsideration of this point that we did not already consider. We previously identified in detail specific mechanisms in section 222 that address such competitive concerns. We therefore deny these parties' requests for reconsideration of this conclusion.

B. Disclosure of Non-CPNI Information Pursuant to Section 272

132. The Commission noted in a footnote in the *CPNI Order* that BOC non-discrimination obligations under section 272 would apply to the sharing of all other information and services with their section 272 affiliates. The Common Carrier Bureau further concluded in the *Clarification Order* that a customer's name, address, and telephone number are not CPNI. The Bureau reasoned that "[i]f the definition of CPNI included a customer's name, address, and telephone number, a carrier would be prohibited from using its business records to contact any of its customers to market any new service that falls outside the scope of the existing service relationship with those customers.

133. We agree with the Common Carrier Bureau's clarification and adopt its reasoning and conclusion as our own. Accordingly, we grant MCI's request that we clarify that a customer's name, address, and telephone number are "information" for purposes of section 272(c)(1), and if a BOC makes such information available to its affiliate, then it must make that information available to non-affiliated entities.

134. MCI also argues that the Commission should find that a customer's PIC choice and PIC-freeze status are not CPNI as defined in section 222(f)(1). We are not persuaded by MCI's statutory interpretation. We conclude that a customer's PIC choice falls squarely within the definition of CPNI set out in both sections 222(f)(1)(A) and (B), and that PIC-freeze information meets the requirements of section 222(f)(1)(A). Finally, we agree with GTE that this result is consistent with the privacy goals set out by Congress in section 222.

C. Section 222 and Section 254

135. CenturyTel also argues that restricting the use of CPNI in marketing enhanced services and CPE to existing customers in rural exchanges is inconsistent with Universal Service provisions of the Act.

136. We disagree with the arguments made by CenturyTel and NTCA. As stated in Section V.A of this Order, we affirm the "total service approach" for all carriers. We find no reason to impose different notification requirements on large and small carriers. As we stated in the *CPNI Order*, concerns regarding customer privacy are the same irrespective of the carrier's size or identity. Further to the extent that CenturyTel and NTCA are requesting to use CPNI, without customer approval, to market CPE and certain information services, those requests have been granted. We also disagree with CenturyTel and NTCA's argument that section 254 requires the use of CPNI to allow rural carriers to implement Congress' Universal Service standards. Section 254 envisions that rural carriers would introduce and make available new technology to all of its customers. The CPNI rules in no way discourage rural carriers from doing that. In fact, one could argue that some of the CPNI rules require a carrier to make all of its customers aware of such new technology rather than using CPNI to pick and choose which customers to market the new technology to. The basis of CenturyTel and NTCA's arguments, however, is that they do not want to market the new technology to all of its customers. They want to make it available only to certain customers that they select by using their customers' CPNI. We fail to see how section 254 requires this outcome.

D. Application of Nondiscrimination Rules Under Sections 201(b) and 202(a)

137. We reject MCI's argument that the nondiscrimination requirement described in section 272 should be applied to all ILECs through the requirements of sections 201(b) and 202(a).

138. We agree with GTE that there is no justification to conclude, as a matter of statutory construction, that the broad non-discrimination requirements of these sections impose a specific disclosure obligation on ILEC use of CPNI. In any case, the same privacy concerns we identified in our discussion of the relationship between sections 222 and 272 apply here equally. For instance, requiring the disclosure of CPNI to other companies to maintain competitive neutrality would defeat, rather than protect, customers' privacy expectations and control over their own CPNI. We conclude that the specific consumer privacy and consumer choice protections established in section 222 supersede the general protections identified in sections 201(b) and 202(a). Thus, we are not persuaded that section 201(b) or section 202(a) require the result MCI seeks. Accordingly, we reject MCI's request.

IX. Other Issues

A. Status of Customer Rewards Program

139. Section 64.2005(b) of the Commission's Rules prohibits a telecommunications carrier from using, disclosing, or permitting access to CPNI to market to a customer, without customer approval, service offerings that are within a category of service to which the customer does *not* already subscribe.

140. Omnipoint and Vanguard contend that when a carrier provides free rewards, such as free equipment, for the purpose of retaining its accounts, the prohibition in section 64.2005(b) should not apply because (1) the customer subscribes to the service for which the reward is provided; and (2) the reward is free, and therefore is not "marketed." Omnipoint and Vanguard request clarification because they claim that carriers are more likely to offer rewards if they are able to target them to high-volume or long-term customers, and if carriers do not need to seek customer approval. No party has objected to this proposal.

141. We agree with Omnipoint and Vanguard that, where a carrier uses CPNI to provide free rewards to its customer, such use of CPNI is within the scope of the carrier-customer relationship. As such, the use of the CPNI is limited to the existing service relationship between the carrier and the customer. Therefore, although the provision of free rewards is a marketing activity, it does not violate the Act or our rules, provided the telecommunications service being marketed is the service currently subscribed to by the customer.

B. Non-telecommunications Services Listed on Telephone Bill

142. CPNI is defined in section 222(f)(1)(B) of the Act as including "information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; except that such term does not include subscriber list information." However, section 222(c)(1) prohibits a carrier's use of CPNI only where it receives the CPNI "by virtue of its provision of a telecommunications service."

143. In the Common Carrier Bureau's *Clarification Order*, the Bureau said that "customer information derived from the provision of any non-telecommunications service, such as CPE or information services * * * may be used to provide or market any telecommunications service * * *" Omnipoint asks the Commission to clarify that section 222 does not prohibit the use of customer information derived from non-telecommunications services bundled with telecommunications services merely because charges for those services appeared on a customer's telephone bill.

144. Section 222(c)(1) prohibits the use of CPNI only where it is derived

from the provision of a telecommunications service. Consequently, we find that information that is not received by a carrier in connection with its provision of telecommunications service can be used by the carrier without customer approval, regardless of whether such information is contained in a bill generated by the carrier. Therefore, consistent with the *Clarification Order*, customer information derived from information services that are held not to be telecommunications services may be used, even if the telephone bill covers charges for such information services.

C. Provision of Calling Card as "Provision" of Service

145. LECs often offer so-called "post-paid" calling cards that enable customers to complete long distance calls over a particular interexchange carrier's network when the customer is away from home. Such cards enable a customer to have the calls billed subsequently on the customer's local bill issued by the LEC. MCI asks the Commission to clarify that LECs may not use CPNI garnered in such circumstances to market services that the LEC offers absent permission from the customer.

146. We grant MCI's request for clarification. In the traditional LEC post-paid calling card situation, the LEC serves merely as a billing and collection agent on behalf of the interexchange carrier, much as the LEC does when a customer places long distance calls from home through the customer's pre-subscribed interexchange carrier (IXC). In both instances, the customer has established a customer-carrier relationship for the provision of interexchange services with the IXC that carried the customer's call over its network. The LEC, on the other hand, is standing in the place of the IXC only for billing and collection purposes, a service which the IXC could have chosen to provide itself. Where a LEC acts as a billing and collection agent, it may not use CPNI without the customer's permission under the total services approach.

D. Use of CPNI To Prevent Fraud

147. Section 222(d)(2) of the Act permits the use of CPNI to "protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to services * * *" Section 64.2005 of the Commission's rules provides that a telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, for a number of purposes, but does not mention the use of CPNI in connection with fraud prevention programs.

148. Comcast requests that the Commission clarify its rules to specify that (1) carriers are authorized to use CPNI in connection with fraud prevention programs; and (2) such use is permissible even after a customer has terminated service from the carrier making such use of the customer's CPNI.

149. We agree that Section 222(d)(2) on its face permits the use of CPNI in connection with fraud prevention programs, and does not limit such use of CPNI that is generated during the customer's period of service to any period of time. Since our rules do not cover the use of CPNI for fraud prevention programs, we will amend our rules to do so, in order to eliminate the possibility of misinterpretation.

E. Definition of "Subscribed" in Section 222(f)(1)(A)

150. We grant MCI's request for clarification of the meaning of the phrase "service subscribed to by any other customer" in section 222(f)(1)(A).

F. CPNI "Laundering"

151. MCI requests clarification that "the status of information as CPNI or carrier proprietary information [under section 222] is not lost or altered if [a] carrier discloses or transmits such information to an affiliated or unaffiliated entity, whether or not that entity transfers such information to other parties or back to the original carrier."

152. We agree that as the stewards of CPNI and carrier proprietary information carriers must take steps to safeguard such information. Moreover, we find that implicit in section 222 is a rebuttable presumption that information that fits the definition of CPNI contained in section 222(f)(1) is in fact CPNI. We decline, however, to speak to MCI's other clarification requests as they regard issues relating to carrier proprietary information in section 222(b) and enforcement mechanisms to ensure carrier compliance with both sections 222(a) and (b). As *FNPRM* in this docket seeks comment on those specific issues, we would not want to prejudice resolution of those issues in this order.

G. Acts of Agents of Wireless Providers

153. Vanguard argues that sales agents of CMRS providers are not subject to Commission rules, and that CMRS providers should not be held responsible for the use of CPNI independently obtained by agents because it would be difficult or impossible for CMRS providers to enforce these obligations on agents.

154. We find that telecommunications service providers will be responsible for the actions of their agents to comply with our CPNI rules to the extent that telecommunications service providers share CPNI with their agents. Moreover, telecommunications service providers will be responsible for the actions of agents with respect to the use of CPNI acquired by their agents. It is well established that principals are responsible for the actions of their agents. In the absence of such a rule, the important consumer protections enacted by Congress in section 222 may be vitiated by the actions of agents.

155. We believe that telecommunications service providers can meet these requirements through the private contract arrangements they have with their agents. Carriers would normally have negotiating leverage to enforce this requirement in the case of agents who serve more than one carrier, since all carriers would be required to enforce the same rules. To the extent that it may be shown that some carriers would not be able to enforce these requirements, the Commission will address the exceptions on a case-by-case basis.

H. Information Known to Employees

156. Section 222(f)(1)(A) defines CPNI, in part, as including information "that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship." We reject Comcast's argument that, based upon this definition, CPNI should not include "institutional knowledge" of the attributes of a particular customer's account gained by a carrier's employee from his or her work on the customer's account over the years if the employee does not actually access the customer's record, and U S WEST's argument that so long as an employee does not use a customer's record containing that customer's CPNI, the employee has not violated section 222. We are not persuaded that section 222(f)(1)(A) implies an exception based on whether the information acquired as part of the carrier-customer relationship is reduced to writing or is kept in the memory of a carrier representative. Thus, if a customer tells a carrier's employee information that otherwise fits the definition of CPNI provided in section 222(f)(1)(A), then that information is CPNI, no matter how the information is retained by the carrier.

I. Use of CPNI Under Section 222(d)(3) During Inbound Calls

157. Several carriers request that the Commission clarify the requirements for obtaining customer approval under section 222(d)(3). This section states that "[n]othing in [section 222] prohibits a telecommunications carrier from using, disclosing, or permitting access to customer proprietary network information obtained from its customers, either directly or indirectly through its agents . . . to provide any inbound telemarketing, referral, or administrative services to the customer for the duration of the call, if such call was initiated by the customer and the customer approves of the use of such information to provide such service.

158. We agree that the detailed notification outlined in section 64.2007(f) of our rules is not necessary prior to soliciting a customer's approval to use his or her CPNI for the duration of an inbound call. It is unduly burdensome to require carriers to comply with the rule in light of the limited coverage of section 222(d)(3). Moreover, the rule reflects a discussion in the *CPNI Order* of the content of the general notification requirements under section 222(c)(1), and not those required for section 222(d)(3). Accordingly, we clarify that section 64.2007(f) does not apply to solicitations for customer approval under section 222(d)(3).

159. We deny, however, TDS's request that we reconsider our prior conclusion that section 222(d)(3) requires an affirmative customer approval. We previously stated in the *CPNI Order* that section 222(d)(3) "contemplates oral approval." We conclude that a plain reading of the statute contradicts TDS's conclusion: If Congress meant consent to be inferred from the mere fact that the customer initiated the call, it would not have required that the customer both initiate the call *and* "approve[] of the use of such information to provide such service." We deny TDS's request for reconsideration for this reason and because TDS has not presented any new arguments or facts that the Commission did not consider in the *CPNI Order* with regard to this issue.

160. Finally, pursuant to GTE's request, we clarify that carriers need not maintain records of notice and approval of carrier use of CPNI during inbound calls under section 222(d)(3). Section 64.2007(e) of the Commission's rules requires that carriers maintain customer notification and approval records for one year. Notifications and approvals under section 222(c)(1) and 222(d)(3), however, are markedly different in scope. Notifications and approvals under section 222(c)(1) are valid until revoked or limited by the customer, whereas notifications and approvals for inbound calls pursuant to section 222(d)(3) are only valid for the duration of each call. Therefore, unlike the retention of records of notifications and approvals under section 222(c)(1), which we previously concluded would facilitate the disposition of individual complaint proceedings if the sufficiency of a customer's notification or approval is challenged at some later time, requiring the retention of records of section 222(d)(3) notifications and approvals would provide little evidentiary value because the notification and customer's authorization to use CPNI automatically evaporate upon completion of the call. We do not find any advantage to requiring carriers to retain such records for purposes of section 222(d)(3). As such, we conclude that such a requirement would place an unnecessary burden on carriers.

X. Procedural Issues

161. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *FNPRM*. The Commission sought written public comment on the proposals in the *FNPRM*, including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

I. Need for and Objectives of This Order on Reconsideration and the Rules Adopted Herein

162. In the Order on Reconsideration, the Commission reconsiders the rules promulgated in the *CPNI Order* in light of an expanded record to better balance customer privacy concerns with those of customer convenience with the effect of minimizing the impact of our requirements on all carriers, including small and rural carriers. We have amended our rules relating to flagging and audit trails for all carriers, which will have a beneficial impact on small carriers. Additionally, we modify our rules to permit all carriers to use CPNI to market CPE to their customers, without express approval. We also find that customers give implied consent to use CPNI to CMRS carriers for the purpose of marketing all information services, but only give implied consent to wireline carriers for certain information services. We further modify our rules to allow carriers to use CPNI to regain customers who have switched to another carrier.

II. Summary of Significant Issues Raised by Public Comments in Response to the FRFA

163. As discussed in Section V, a number of small carriers or their advocates present evidence that the safeguard requirements of the CPNI rules are particularly burdensome for small and rural carriers. We recognize, in light of the new evidence presented to the Commission, that the flagging and audit trail requirements promulgated in the *CPNI Order* might have a disparate impact on rural and small carriers. Our modification of the flagging and audit trail requirements in this order, however, effectively moots the requests we received from the parties seeking special treatment for small and rural carriers with respect to these requirements. Moreover, the restrictions lifted on the marketing of CPE and information services will lessen the impact of compliance with our rules for small and rural carriers, generally, and enable these carriers to more efficiently use their marketing resources.

III. Description and Estimates of the Number of Small Entities Affected by the First Report and Order

164. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the actions taken in this *Order on Reconsideration*. The RFA generally defines the term "small entity " as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). The SBA has defined a small business for Standard Industrial Classification (SIC) categories 4812 (Radiotelephone Communications) and 4813 (Telephone Communications, Except Radiotelephone) to be small entities when they have no more than 1,500 employees. We first discuss generally the total number of small telephone companies falling within both of those SIC categories. Then, we discuss the number of small businesses within the two subcategories, and attempt to refine further those estimates to correspond with the categories of telephone companies that are commonly used under our rules.

165. Although affected ILECs may have no more than 1,500 employees, we do not believe that such entities should be considered small entities within the meaning of the RFA because they either are dominant in their field of operations or are not independently owned and operated, and are therefore by definition not "small entities" or "small business concerns" under the RFA. Accordingly, our use of the terms "small entities" and "small businesses" does not encompass small ILECs. Out of an abundance of caution, however, for regulatory flexibility analysis purposes, we will separately consider small ILECs within this analysis and use the term "small ILECs" to refer to any ILECs that arguably might be defined by SBA as "small business concerns."

166. *Total number of telephone companies affected.* The United States Bureau of the Census (the Census Bureau) reports that at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, PCS providers, covered SMR providers, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities because they are not "independently owned and operated." For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It seems reasonable to conclude, therefore, that fewer than 3,497 telephone service firms are either small entities or small incumbent LECs that may be affected by this order.

167. *Wireline carriers and service providers.* The SBA has developed a definition of small entities for telephone communications companies other than radiotelephone (wireless) companies. The Census Bureau reports there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone company is one employing fewer than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent LECs. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that fewer than 2,295 small entity telephone communications companies other than radiotelephone companies are small entities or small ILECs that may be affected by this order.

168. *Local exchange carriers.* Neither the Commission nor the SBA has developed a definition of small providers of local exchange services. The closest applicable definition under the SBA's rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of LECs nationwide of which we are aware appears to be the data that we collect annually in connection with the Telecommunications Relay Service (TRS). According to our most recent data, 1,371 companies reported that they were engaged in the provision of local exchange services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, or are dominant we are unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that fewer than 1,371 small providers of local exchange service are small entities or small ILECs that may be affected by this order.

169. *Interexchange carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under the SBA's rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of IXCs nationwide of which we are aware appears to be the data that we collect annually in connection with TRS. According to our most recent data, 143 companies reported that they were engaged in the provision of interexchange services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 143 small entity IXCs that may be affected by this order.

170. *Competitive access providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of competitive access services (CAPs). The closest applicable definition under the SBA's rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of CAPs nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 109 companies reported that they were engaged in the provision of competitive access services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 109 small entity CAPs that may be affected by this order.

171. *Operator service providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of operator services. The closest applicable definition under the SBA's rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of operator service providers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 27 companies reported that they were engaged in the provision of operator services. Although it seems certain that some of these companies are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of operator service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 27 small entity operator service providers that may be affected by this order.

172. *Pay telephone operators.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to pay telephone operators. The closest applicable definition under the SBA's rules is for telephone communications companies

other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of pay telephone operators nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 441 companies reported that they were engaged in the provision of pay telephone services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of pay telephone operators that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 441 small entity pay telephone operators that may be affected by this order.

173. *Wireless carriers.* The SBA has developed a definition of small entities for radiotelephone (wireless) companies. The Census Bureau reports that there were 1,176 such companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business radiotelephone company is one employing no more than 1,500 persons. The Census Bureau also reported that 1,164 of those radiotelephone companies had fewer than 1,000 employees. Thus, even if all of the remaining 12 companies had more than 1,500 employees, there would still be 1,164 radiotelephone companies that might qualify as small entities if they are independently owned and operated. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of radiotelephone carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 1,164 small entity radiotelephone companies that may be affected by this order.

174. *Cellular service carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of cellular services. The closest applicable definition under the SBA's rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of cellular service carriers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 804 companies reported that they were engaged in the provision of cellular services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 804 small entity cellular service carriers that may be affected by this order.

175. *Mobile service carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to mobile service carriers, such as paging companies. The closest applicable definition under the SBA's rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of mobile service carriers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 172 companies reported that they were engaged in the provision of mobile services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of mobile service carriers that would qualify under the SBA's definition. Consequently, we estimate that there are fewer than 172 small entity mobile service carriers that may be affected by this order.

176. *Broadband PCS licensees.* The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission has defined small entity in the auctions for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years. For Block F, an additional classification for "very small business" was added and is defined as an entity that, together with its affiliates, has average gross revenue of not more than $15 million for the preceding three calendar years. These regulations defining small entity in the context of broadband PCS auctions have been approved by the SBA. No small business within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small businesses won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F. However, licenses for Blocks C through F have not been awarded fully; therefore, there are few, if any, small businesses currently providing PCS services. Based on this information, we conclude that the number of small broadband PCS licensees will include the 90 winning bidders and the 93 qualifying bidders in the D, E, and F Blocks, for a total of 183 small PCS providers as defined by the SBA and the Commission's auction rules.

177. *Narrowband PCS licensees.* The Commission does not know how many narrowband PCS licenses will be granted or auctioned, as it has not yet determined the size or number of such licenses. Two auctions of narrowband PCS licenses have been conducted for a total of 41 licenses, out of which 11 were obtained by small businesses owned by members of minority groups and/or women. Small businesses were defined as those with average gross revenues for the prior three fiscal years of $40 million or less. For purposes of this FRFA, the Commission is utilizing the SBA definition applicable to radiotelephone companies, *i.e.*, an entity employing no more than 1,500 persons. Not all of the narrowband PCS licenses have yet been awarded. There is therefore no basis to determine the number of licenses that will be awarded to small entities in future auctions. Given the facts that nearly all radiotelephone companies have fewer than 1,000 or fewer employees and that no reliable estimate of the number of prospective narrowband PCS licensees can be made, we assume, for purposes of the evaluations and conclusions in this FRFA, that all the remaining narrowband PCS licenses will be awarded to small entities.

178. *SMR licensees.* Pursuant to 47 CFR 90.814(b)(1), the Commission has defined "small entity" in auctions for geographic area 800 MHz and 900 MHz SMR licenses as a firm that had average annual gross revenues of less than $15 million in the three previous calendar years. This definition of a "small entity" in the context of 800 MHz and 900 MHz SMR has been approved by the SBA. The rules adopted in this order may apply to SMR providers in the 800 MHz and 900 MHz bands that either hold geographic area licenses or have obtained extended implementation authorizations. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of less than $15 million. We assume, for purposes of this FRFA, that all of the extended implementation

authorizations may be held by small entities, which may be affected by this order.

179. The Commission recently held auctions for geographic area licenses in the 900 MHz SMR band. There were 60 winning bidders who qualified as small entities in the 900 MHz auction. Based on this information, we conclude that the number of geographic area SMR licensees affected by the rule adopted in this order includes these 60 small entities. No auctions have been held for 800 MHz geographic area SMR licenses. Thus, no small entities currently hold these licenses. A total of 525 licenses will be awarded for the upper 200 channels in the 800 MHz geographic area SMR auction. The Commission, however, has not yet determined how many licenses will be awarded for the lower 230 channels in the 800 MHz geographic area SMR auction. Moreover, there is no basis on which to estimate how many small entities will win these licenses. Given that nearly all radiotelephone companies have fewer than 1,000 employees and that no reliable estimate of the number of prospective 800 MHz licensees can be made, we assume, for purposes of this FRFA, that all of the licenses may be awarded to small entities who, thus, may be affected by this order.

180. *Resellers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable definition under the SBA's rules is for all telephone communications companies. The most reliable source of information regarding the number of resellers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 339 companies reported that they were engaged in the resale of telephone services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 339 small entity resellers that may be affected by this order.

IV. Steps Taken To Minimize Significant Economic Impact on Small Entities and Small Incumbent LECs, and Alternatives Considered

181. We recognize, in light of the new evidence presented to the Commission, that the flagging and audit trail requirements promulgated in the *CPNI Order* might have a disparate impact on rural and small carriers. We have amended the flagging and audit trail requirements, and as more fully discussed in Section V, the amended rules leave it to the carrier's discretion to determine what sort of system is best for their circumstances. Thus, carriers whose records are not presently maintained in electronic form are not required to implement electronic systems if they do not wish to do so. We believe this modification of our rules will significantly minimize any adverse economic impact on small entities that our original rules may have had.

V. Report to Congress

182. The Commission shall send a copy of this Supplemental Final Regulatory Flexibility Analysis, along with this Order on Reconsideration, in a report to Congress pursuant to the Small business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). A copy of this SFRFA will also be published in the **Federal Register**.

B. Supplemental Final Paperwork Reduction Analysis

183. The *CPNI Order* from which this Order on Reconsideration issues proposed changes to the Commission's information collection requirements. As required by the Paperwork Reduction Act of 1995, Public Law 104–13, the *CPNI Order* invited the general public and the Office of Management and Budget (OMB) to comment on the proposed changes. On June 23, 1998, OMB approved all of the proposed changes to our information collection requirements in accordance with the PRA.

184. This Order on Reconsideration amends our rules to merely state that telecommunications carriers must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI, and must maintain an audit mechanism that tracks CPNI usage. We have removed the requirements of § 64.2009 (a) and (c) that carriers must develop and implement software that flags a customer's CPNI approval status and must maintain an electronic audit mechanism that tracks access to customer accounts. These amendments are new collections of information within the meaning of the PRA. Implementation of these requirements is subject to approval by the OMB, as prescribed by the PRA.

XI. Ordering Clauses

185. Accordingly, *it is ordered* that, pursuant to Sections 1, 4(i), 10, 222 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 160, 222 and 303(r), the Order is hereby adopted. The rules established by the Order contain information collection requirements that have not yet been approved by the Office of Management and budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of these rules. *It is further ordered* that, pursuant to sections 1, 4(i) and 222 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and 222, the Petitions for Reconsideration, as listed in the Appendix to the Order, are granted to the extent indicated herein and otherwise denied.

186. *It is further ordered* that, pursuant to sections 1, 4(i), 10 and 222 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 160 and 222, the Petitions for Forbearance, as listed in Appendix A hereto, are denied.

187. *It is further ordered* that 64.2005(b)(3) of part 64 of the Commission's rules, 47 CFR 64.2005(b)(3), is removed.

188. *It is further ordered* that 64.2007(f)(4) of part 64 of the Commission's rules, 47 CFR 64.2007(f)(4), is removed.

189. *It is further ordered,* pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), that we shall not seek enforcement against carriers regarding compliance with 64.2009(a) and (c) of part 64 of the Commission's rules, 47 CFR 64.2009(a) and (c), as amended herein, until eight months after the release of this Order.

190. *It is further ordered* that part 64 of the Commission's rules, 47 CFR is amended. These rules contain information collection requirements that have not yet been approved by OMB. The Commission will publish a document in the **Federal Register** announcing the effective date of those sections. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Appendix—Petition for Forbearance

Note: This Appendix will not appear in the Code of Federal Regulations.

Petitions for Reconsideration Filed May 26, 1998

ALLTEL Communications, Inc. (ALLTEL)
AT&T Corp.
BellSouth Corporation
Comcast Cellular Communications, Inc.
Competitive Telecommunications Association (CompTel)
Independent Alliance (Alliance)
LCI International Telecom Corp.
MCI Telecommunications Corporation
Metrocall, Inc. (Metrocall)
Omnipoint Communications, Inc
Paging Network, Inc. (PageNet)
Personal Communications Industry Association (PCIA)
RAM Technologies, Inc. (RAM)
SBC Communications Inc.
Sprint Corporation
TDS Telecommunications Corporation
United States Telephone Association (USTA)
Vanguard Cellular Systems, Inc. (Vanguard)

Petitions for Forbearance

Personal Communications Industry Association (PCIA)

Petitions for Reconsideration/Forbearance

360° Communications Company
Ameritech
Bell Atlantic Telephone Companies (Bell Atlantic)
Cellular Telecommunications Industry Association
CommNet Cellular Inc.
GTE Service Corporation (GTE)
National Telephone Cooperative Association (NTCA)
Paging Network, Inc.
PrimeCo Personal Communications, L.P.
United States Telephone Association

Rule Changes

For the reasons discussed in the preamble, 47 CFR Part 64 is amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 10, 201, 218, 226, 228, 332, unless otherwise noted.

§ 64.2005 [Amended]

2. In § 64.2005, paragraph(b)(1) is revised, paragraph (b)(3) is removed, and paragraph (d) is added to read as follows:

* * * * *

(b) * * *

(1) A wireless provider may use, disclose, or permit access to CPNI derived from its provision of CMRS, without customer approval, for the provision of CPE and information service(s). A wireline carrier may use, disclose or permit access to CPNI derived from its provision of local exchange service or interexchange service, without customer approval, for the provision of CPE and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversions.

* * * * *

(d) A telecommunications carrier may use, disclose, or permit access to CPNI to protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.

§ 64.2007 [Amended]

3. In § 64.2007 remove paragraph (f)(4).

§ 64.2009 [Amended]

4. In § 64.2009, paragraphs (a), (c) and (e) are revised to read as follows:

(a) Telecommunications carriers must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

* * * * *

(c) All carriers shall maintain a record, electronically or in some other manner, of their sales and marketing campaigns that use CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, the date and purpose of the campaign, and what products or services were offered as part of the campaign. Carriers shall retain the record for a minimum of one year.

* * * * *

(e) A telecommunications carrier must have an officer, as an agent of the carrier, sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. The carrier must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart.

* * * * *

[FR Doc. 99–25232 Filed 9–30–99; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 15, 19, and 52

[FAC 97–14; Item XVI]

Federal Acquisition Regulation; Technical Amendments; Correction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Technical amendments; Correction of Effective Date.

SUMMARY: FAC 97–14, Item XVI, Technical Amendments, which was published in the **Federal Register** on September 24, 1999, is corrected to amend the effective date of the amendment to 52.211–6. The document amended the Federal Acquisition Regulation to update references and make editorial changes.

EFFECTIVE DATE: This correction is effective September 24, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755.

Correction

In the issue of September 24, 1999, on page 51850, middle column, the effective date is corrected to read as follows:

EFFECTIVE DATE: September 24, 1999, except for sections 19.102, 52.211–6, and 52.219–18 which are effective November 23, 1999.

Dated: September 27, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 99–25537 Filed 9–30–99; 8:45 am]

BILLING CODE 6820–EP–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1002, 1003, 1007, 1011, 1012, 1014, 1017, 1018, 1019, 1021, 1034, 1039, 1100, 1101, 1103, 1104, 1105, 1113, 1133, 1139, 1150, 1151, 1152, 1177, 1180, and 1184

[STB Ex Parte No. 572 (Sub-No. 2]

Revision of Miscellaneous Regulations

AGENCY: Surface Transportation Board, Transportation.

ACTION: Final rules.

SUMMARY: The Surface Transportation Board (Board) is revising, correcting, and updating regulations. Among the changes being made are the replacement of obsolete statutory references, the updating of office and address references, and the removal of references to obsolete organizational components. The Board is also making spelling, grammatical, terminology, explanatory, and typographical changes.

EFFECTIVE DATE: These rules are effective October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: We are updating, correcting, and revising our regulations in 49 CFR chapter X. Some of these changes are required by the enactment of the ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803 (ICCTA). For example, we are replacing obsolete statutory citations in parts 1151, 1177, and 1184. We are also removing references to divisions and joint boards (see parts 1012 and 1101).

We are also revising outdated office citations. References to the Office of Tariffs (Part 1011), the Office of Consumer Protection (Part 1021), and the Railroad Service Board (part 1034) are being changed to the Office of Compliance and Enforcement. References to the Budget and Fiscal Office are being changed to the Section of Financial Services (parts 1002, 1017, and 1018). The Office of Economics is now the Office of Economics, Environmental Analysis, and Administration, and the Section of Energy and Environment is now the Section of Environmental Analysis (parts 1011 and 1105). The Office of Public Assistance has been changed to the Office of Congressional and Public Services (parts 1011 and 1105). The references to the Office of Human Relations in section 1014.170 and the Office of the Managing Director in section 1019.6 are changed to the Section of Personnel Services. References to the System Services Branch are being changed to the Section of Systems Services (Part 1002). The reference in Part 1019 to the Managing Director's Counsel are changed to the Executive Counsel.

References to the following obsolete offices are being eliminated: the Office of the Managing Director (part 1007), the Bureau of Accounts (part 1139), the Publications Unit (part 1003), and the Office of Hearings and the Legal Branch (part 1011). We are revising our regulations to reflect the Board's changed address (parts 1007, 1012, and 1105). We are deleting room number references (parts 1012, 1014, 1105). We are also removing telephone numbers from the regulations (parts 1100 and 1105) to eliminate such outdated references and because the public has ready access to telephone numbers for key contacts at the Board through the Board's Internet web site at www.stb.dot.gov. Where public agencies or the public are to be notified by transmittal letter or newspaper notice, however, we are requiring that the appropriate Board telephone number be included (see appendices to Sections 1105.11 and 1105.12).

We are also making spelling, grammatical, terminology, explanatory, and typographical changes (parts 1002, 1039, 1104, 1105, 1113, 1133, 1151, 1152, and 1180). References limiting credit card payments to VISA and Mastercard have been eliminated (parts 1002 and 1018), while the option of credit card payment has been added in parts 1103 and 1152. A case citation has been updated (part 1150). It appears that, when the regulations were previously updated, we inadvertently changed references to state public commissions to "Boards" (parts 1139, 1150, and 1152) and we also changed historical references to the Interstate Commerce Commission (part 1139, Appendix I to subpart B). We are revising those references.

We are removing Section 1011.4(c)(7). It refers to 49 U.S.C. 1483, which concerns joint boards appointed by the Civil Aeronautics Board (CAB) and the Interstate Commerce Commission (ICC). That statute, as it pertains to joint boards, was repealed by Pub. L. 103–272, section 7(b), July 5, 1994, 108 Stat. 745. Accordingly, retaining this rule is unnecessary.[1] Finally, outdated references to committees of the Board (part 1012) are being removed.[2]

Because these changes either remove obsolete regulations, make revisions that are not substantive, or update rules to reflect current agency practice, we find good cause to dispense with notice and comment. 5 U.S.C. 553(b)(3)(A) and (B). Moreover, we find good cause for making these rules effective on less than the usual 30 days' notice under 5 U.S.C. 553(d), so that these changes will be effective by October 1, 1999, and therefore included in the next edition of the Code of Federal Regulations.

[1] Under former sections 1483(a) and (c), matters concerning through service and joint rates between air carriers and common carriers subject to the Interstate Commerce Act could be referred to a joint board upon complaint. Complaints could also be made to the ICC or CAB on any matter that could be referred to a joint board. While these sections have been repealed, parts of former section 1483 have been recodified at 49 U.S.C. 41502, which concerns joint prices and through service between air carriers and other carriers, including carriers subject to subtitle IV.

[2] At one time, the ICC had three standing committees on legislation, policy planning, and rules. *See Meetings of the Commission*, Ex Parte No. 333, 41 FR 56340, 56341 (Dec. 28, 1976).

Small Entities

The Board certifies that this rule will not have a significant economic effect on a substantial number of small entities, because, generally, obsolete, incorrect, and outdated references are being changed. The changes will have no economic effect on small entities.

Environment

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

49 CFR Part 1003

Administrative practice and procedure.

49 CFR Part 1007

Administrative practice and procedure, Privacy.

49 CFR Part 1011

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

49 CFR Part 1012

Sunshine Act.

49 CFR Part 1014

Administrative practice and procedure, Civil rights, Equal employment opportunity, Federal buildings and facilities, Handicapped.

49 CFR Part 1017

Credit, Government employees.

49 CFR Part 1018

Claims, Debts.

49 CFR Part 1019

Government employees.

49 CFR Part 1021

Claims.

49 CFR Part 1034

Railroads.

49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

49 CFR Part 1100

Administrative practice and procedure.

49 CFR Part 1101

Administrative practice and procedure.

49 CFR Part 1103

Administrative practice and procedure, Lawyers.

49 CFR Part 1104

Administrative practice and procedure.

49 CFR Part 1105

Environmental impact statements, Reporting and recordkeeping requirements.

49 CFR Part 1113

Administrative practice and procedure.

49 CFR Part 1133

Claims, Freight.

49 CFR Part 1139

Administrative practice and procedure, Motor carriers, Reporting and recordkeeping requirements.

49 CFR Part 1150

Administrative practice and procedure, Railroads.

49 CFR Part 1151

Administrative practice and procedure, Railroads.

49 CFR Part 1152

Administrative practice and procedure, Conservation, Environmental protection, National forests, National parks, National trails system, Public lands—rights-of-way, Railroads, Recreation and recreation areas, Reporting and recordkeeping requirements.

49 CFR 1177

Administrative practice and procedure, Archives and records, Railroads.

49 CFR Part 1180

Administrative practice and procedure, Bankruptcy, Railroads, Reporting and recordkeeping requirements.

49 CFR Part 1184

Administrative practice and procedure, Motor carriers.

Decided: September 24, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn and Commissioner Burkes.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1002, 1003, 1007, 1011, 1012, 1014, 1017, 1018, 1019, 1021, 1034, 1039, 1100, 1101, 1103, 1104, 1105, 1113, 1133, 1139, 1150, 1151, 1152, 1177, 1180, and 1184 of the Code of Federal Regulations are amended as follows:

PART 1002—FEES

1. The authority citation for Part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701; and 49 U.S.C. 721.

§ 1002.1 [Amended]

2. Remove the words "electrostatic copies" and add in their place the word "photocopies" in sections 1002.1(d) and 1002.1(f)(7) .

3. Remove the words "System Services Branch" and add in their place the words "Section of Systems Services" in section 1002.1(e)(2).

4. Remove the word "rates" and add in its place the word "rate" in section 1002.1(e)(3).

5. Remove the words "Budget and Fiscal Office" and add in their place the words "Section of Financial Services" in sections 1002.2(a)(2) and 1002.2(a)(2)(iii).

6. Revise section 1002.2(a)(3) to read as follows:

§ 1002.2 Filing Fees.

(a) * * *

(3) Fees will be payable to the Secretary, Surface Transportation Board, by check payable in United States currency drawn upon funds deposited in a United States or foreign bank or other financial institution, money order payable in United States currency, or by credit card.

* * * * *

PART 1003—FORMS

7. The authority citation for Part 1003 continues to read as follows:

Authority: 49 U.S.C. 721 and 13301(f).

§ 1003.1 [Amended]

8. Remove the words "Publications Unit," in section 1003.1(c).

PART 1007—RECORDS CONTAINING INFORMATION ABOUT INDIVIDUALS

9. The authority citation for Part 1007 continues to read as follows:

Authority: 5 U.S.C. 552; 49 U.S.C. 721.

10. Remove the words "Office of the Managing Director," in sections 1007.3(a), 1007.8(d), and 1007.11(b).

11. Remove the address "Twelfth Street and Constitution Avenue, NW.," and add in its place the address "1925 K Street, NW," in sections 1007.3(a), 1007.6(c), 1007.8(d), and 1007.11(b).

PART 1011—BOARD ORGANIZATION; DELEGATIONS OF AUTHORITY

12. The authority citation for Part 1011 continues to read as follows:

Authority: 5 U.S.C. 553; 31 U.S.C. 7901; and 49 U.S.C. 701, 721, 11144, 14122, and 15721.

§§ 1011.4, 1011.7 and 1011.8 [Amended]

13. Section 1011.4(c)(7) is removed and reserved.

14. Remove the words "assigned to the Office of Hearings" and add in their place the words "set for oral hearings" in section 1011.7(c)(3).

15. Remove the words "Director of the Office of Economics, the Deputy Director of Economics-Accounts, and the Chief of the Section of Audit and Accounting" and add in their place the words "Director and Associate Director of the Office of Economics, Environmental Analysis, and Administration and the Chief of the Section of Economics" in section 1011.7(g).

16. Remove the words "Office of Public Assistance" and add in their place the words "Office of Congressional and Public Services" in sections 1011.8(a) and 1011.8(a)(1).

17. Remove the words "Legal Branch," in section 1011.8(b)(2).

18. Remove the words "Office of Tariffs" and add in their place the words "Office of Compliance and Enforcement" in section 1011.8(b)(2).

19. Remove the words "Section of Energy and Environment" and add in their place the words "Section of Environmental Analysis" in section 1011.8(c)(10).

PART 1012—MEETINGS OF THE BOARD

20. The authority citation for Part 1012 continues to read as follows:

Authority: 5 U.S.C. 552b(g), 49 U.S.C. 701, 721.

21. Revise the second, third, and fourth sentences of section 1012.1(a) to read as follows:

§ 1012.1 General provisions.

(a) * * * They establish procedures under which meetings of the Surface Transportation Board (Board) are held. They apply to oral arguments as well as to deliberative conferences. They apply to meetings of the Board. * * *

* * * * *

22. Remove the words "a Division, or a committee of the Board" in section 1012.1(b).

23. Revise section 1012.2(a), the third sentence of section 1012.2(b), and section 1012.2(c) to read as follows:

§ 1012.2 Time and place of meetings.

(a) Conferences, oral arguments, and other meetings are held at the Board's offices located at 1925 K Street, NW, Washington, DC, unless advance notice of an alternative site is given. Room assignments will be posted at the Board on the day of the meeting.

(b) * * * Regular Board conferences and oral arguments before the Board normally begin at 9:30 a.m. * * *

(c) Special Board conferences or oral arguments are scheduled by the Chairman of the Board.

* * * * *

24. Remove the words "by posting a notice on the bulletin board in the Board's Public Information Office," in section 1012.3(a).

25. Revise the first sentence of section 1012.3(b)(4) to read as follows:

§ 1012.3 Public notice.

* * * * *

(b) * * *

(4) If a vote is taken on the question of whether to close a meeting or a portion of a meeting to the public, a statement of the vote or position of each Board Member eligible to participate in that vote. * * *

* * * * *

PART 1014—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE SURFACE TRANSPORTATION BOARD

26. The authority citation for Part 1014 continues to read as follows:

Authority: 29 U.S.C. 794.

27. Revise the second sentence of section 1014.170(c) to read as follows:

§ 1014.170 Compliance procedures.

* * * * *

(c) * * * Complaints may be sent to the Section of Personnel Services, Surface Transportation Board, Washington, DC 20423.

* * * * *

PART 1017—DEBT COLLECTION—COLLECTION BY OFFSET FROM INDEBTED GOVERNMENT AND FORMER GOVERNMENT EMPLOYEES

28. The authority citation for Part 1017 continues to read as follows:

Authority: 31 U.S.C. 3716; 5 U.S.C. 5514; Pub L. 97–365; 4 CFR parts 101–105; 5 CFR part 550.

§§ 1017.4 and 1017.9 [Amended]

29. Remove the words "Fiscal Services Branch" and add in their place the words "Section of Financial Services" in section 1017.4(a).

30. Remove the words "Budget and Fiscal Office" and add in their place the words "Section of Financial Services" in sections 1017.9(a) and 1017.9(a)(6).

PART 1018—DEBT COLLECTION

31. The authority citation for Part 1018 continues to read as follows:

Authority: 31 U.S.C. 3701, 31 U.S.C. 3711 *et seq.*, 49 U.S.C. 721, 4 CFR parts 101–105.

§§ 1018.3 and 1018.29 [Amended]

32. Remove the words "Budget and Fiscal Office" and add in their place the words "Section of Financial Services" in sections 1018.3 and 1018.29(c).

33. Remove the words "(VISA or MASTERCARD)" and "room 1330," in section 1018.29(c).

PART 1019—REGULATIONS GOVERNING CONDUCT OF SURFACE TRANSPORTATION BOARD EMPLOYEES

34. The authority citation for Part 1019 continues to read as follows:

Authority: 49 U.S.C. 721.

35. Remove the words "Managing Director's" and add in their place the words "Board's Executive" in section 1019.2(a).

36. Revise the last sentence of section 1019.6 to read as follows:

§ 1019.6 Disciplinary and other remedial action.

* * * The manual is available from the Section of Personnel Services, Surface Transportation Board, Washington, DC 20423.

PART 1021—ADMINISTRATIVE COLLECTION OF ENFORCEMENT CLAIMS

37. The authority citation for Part 1021 continues to read as follows:

Authority: 31 U.S.C. 3701, 3711, 3717, 3718.

§§ 1021.3 [Amended]

38. Remove the words "Consumer Protection" and add in their place the words "Compliance and Enforcement" in section 1021.3.

PART 1034—ROUTING OF TRAFFIC

39. The authority citation for Part 1034 continues to read as follows:

Authority: 49 U.S.C. 721, 11123.

40. Remove the words "Railroad Service Board" and add in their place the words "Office of Compliance and Enforcement" in sections 1034.1(a) and 1034.1(c).

PART 1039—EXEMPTIONS

41. The authority citation for Part 1039 continues to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 10502 and 13301.

42. Amend section 1039.10, to correct the spelling of "mattress" in the item of the table relating to STCC number 22–911–63.

PART 1100—GENERAL PROVISIONS

43. The authority citation for Part 1100 continues to read as follows:

Authority: 49 U.S.C. 721.

44. Revise section 1100.4 to read as follows:

§ 1100.4 Information and inquiries.

Persons with questions concerning these rules should either send a written inquiry to the Secretary, Surface Transportation Board or should telephone the Secretary's Office.

PART 1101—DEFINITIONS AND CONSTRUCTION

45. The authority citation for Part 1101 continues to read as follows:

Authority: 49 U.S.C. 721.

46. Remove the words "a division of the Board," and "a joint board," in section 1101.2(b).

PART 1103—PRACTITIONERS

47. The authority citation for Part 1103 continues to read as follows:

Authority: 21 U.S.C. 862; 49 U.S.C. 703(e), 721.

48. Revise the second sentence in 1103.3(d) to read as follows:

§ 1103.3 Persons not attorneys-at-law—qualifications and requirements for practice before the Board.

* * * * *

(d) * * * Payment must be made either by check, money order or credit card payable to the Surface Transportation Board. * * *

* * * * *

PART 1104—FILING WITH THE BOARD—COPIES—VERIFICATION—SERVICE-PLEADINGS, GENERALLY

49. The authority citation for Part 1104 continues to read as follows:

Authority: 5 U.S.C. 559; 21 U.S.C. 853a; 49 U.S.C. 721.

50. Amend the first sentence in section 1104.15(b) to correct the spelling of the word "certify."

PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

51. The authority citation for Part 1105 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 16 U.S.C. 470f, 1451, and 1531; 42 U.S.C. 4332 and 6362(b); and 49 U.S.C. 701 note (1995) (section 204 of the ICC Termination Act of 1995), 721(a), 10502, and 10903–10905.

52. Remove the words "Office of Economics" and add in their place the words "Office of Economics, Environmental Analysis, and Administration" in section 1105.2

53. Remove the words "Energy and Environment" and add in their place the words "Environmental Analysis" in sections 1105.2, 1105.3, 1105.4(i), 1105.10(a)(1), 1105.10(a)(3), 1105.10(b), the appendix to section 1105.11, and both of the newspaper notices in the appendix to section 1105.12.

55. Revise section 1105.3 to read as follows:

§ 1105.3 Information and assistance.

Information and assistance regarding the rules and the Board's environmental and historic review process is available by writing or calling the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423.

56. Remove the acronym "SEE" and add in its place the acronym "SEA" in sections 1105.4(i), 1105.4(j), 1105.7(b)(11), 1105.10(b), 1105.10(d), 1105.10(g), the appendix to section 1105.11, and both of the newspaper notices in the appendix to section 1105.12.

57. Remove the words "12th and Constitution Avenue, NW," and add in their place the words "1925 K Street, NW.," in section 1105.3 and both of the newspaper notices in the appendix to section 1105.12.

58. Revise "i.e," to "i.e.," in section 1105.4(j).

59. Remove the words "room 3219, Surface Transportation Board," and add in their place the words "Surface Transportation Board, 1925 K Street, NW" in the appendix to section 1105.11.

60. Remove the words "Public Assistance" and add in their place the words "Congressional and Public Services" in both of the newspaper notices in the appendix to section 1105.12.

61. Remove the telephone numbers "202–927–6211" and "202–927–7597" and add in their place the words "[INSERT TELEPHONE NUMBER]" in the appendix to section 1105.11 and both of the newspaper notices in the appendix to section 1105.12.

PART 1113—ORAL HEARING

62. The authority citation for Part 1113 continues to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 721.

63. Revise "protest" to "protests" in section 1113.19.

PART 1133—RECOVERY OF DAMAGES

64. The authority citation for Part 1133 continues to read as follows:

Authority: 49 U.S.C. 721.

65. Revise "connot" to "cannot" in section 1133.2(a).

PART 1139—PROCEDURES IN MOTOR CARRIER REVENUE PROCEEDINGS

66. The authority citation for Part 1139 continues to read as follows:

Authority: 49 U.S.C. 721, 13703.

67. Remove the word "Boards" and add in its place the word "commissions" in section 1139.22.

68. Remove the words "Bureau of Accounts," in the explanatory note to Schedule A regarding "Column (a)" in section 1139.26.

69. Remove the words "Surface Transportation Board" and add in their place the words "Interstate Commerce Commission" in the third and fourth paragraphs of Appendix I to Subpart B.

PART 1150—CERTIFICATE TO CONSTRUCT, ACQUIRE, OR OPERATE RAILROAD LINES

70. The authority citation for Part 1150 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 49 U.S.C. 721(a), 10502, 10901, and 10902.

71. Remove the words "Energy and Environmental Branch" and add in their place the words "Section of Environmental Analysis" in sections 1150.1(b) and 1150.10(g).

72. Revise the last sentence in section 1150.16 to read as follows:

§ 1150.16 Procedures

* * * *See Exemption of Certain Designated Operators from Section 11343*, 361 ICC 379 (1979), as modified by *McGinness* v. *I.C.C.*, 662 F.2d 853 (D.C. Cir. 1981).

73. Remove the words "State Public Service Board" and add in their place the words "State Public Service Commission" in section 1150.36(c).

PART 1151—FEEDER RAILROAD DEVELOPMENT PROGRAM

74. The authority citation for Part 1151 continues to read as follows:

Authority: 49 U.S.C. 10907.

75. Remove the reference to "10910" and add in its place "10907" and remove the reference to "10910(c)(1) and add in its place "10907(c)(1)" in section 1151.1.

76. Revise "(GVC)" to "(GCV)" in section 1151.3(a)(3)(i).

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

77. The authority citation for Part 1152 continues to read as follows:

Authority: 11 U.S.C. 1170; 16 U.S.C. 1247(d) and 1248; 45 U.S.C. 744; and 49 U.S.C. 701 note (1995) (section 204 of the ICC Termination Act of 1995), 721(a), 10502, 10903–10905, and 11161.

78. Remove the words "public service Board" and add in their place the words "Public Service Commission" in section 1152.12(b).

79. Revise the third sentence of section 1152.24 (a) to read as follows:

§ 1152.24 Filing and service of application.

(a) * * * A check, money order or payment by credit card payable to the Surface Transportation Board must also be submitted to cover the applicable filing fee. * * *

* * * * *

80. Remove the words "Public Service Board" and add in their place the words "Public Service Commission" in section 1152.24(c).

81. Amend section 1152.29(b)(1)(ii) by adding "(CITU)" after "Certificate of Interim Trail Use or Abandonment'.

PART 1177—RECORDATION OF DOCUMENTS

82. The authority citation for Part 1177 continues to read as follows:

Authority: 49 U.S.C. 721, 11301.

83. Revise "(84)" to "(83)" in section 1177.3(c).

84. Revise "11303" to "11301" in section 1177.4(b).

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

85. The authority citation for Part 1180 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 721, 10502, 11323–11325.

86. Revise "analyses" to "analysis" in section 1180.4(b)(1)(ii).

87. Amend the second sentence of 1180.6(a)(8) by adding the word "of" after "no later than the filing".

88. Amend section 1180.7(d) by adding the word "as" after "as well".

89. Amend section 1180.9(c) by putting footnote marker 8 in superscript.

PART 1184—MOTOR CARRIER POOLING OPERATIONS

90. The authority citation for Part 1184 continues to read as follows:

Authority: 49 U.S.C. 721, 14302.

91. Remove the references to "11342(b)" and add in their place "14302" in sections 1184.1 and 1184.2.

[FR Doc. 99–25302 Filed 9–30–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 990414095–9251–02; I.D. 033199B]

RIN 0648–AM57

Regulations Governing the Taking of Marine Mammals by Alaskan Natives; Marking and Reporting of Beluga Whales Harvested in Cook Inlet

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This rule finalizes the interim final rule published in the **Federal Register** on May 24, 1999, without changes. The rule requires the marking and reporting of beluga whales, *Delphinapterus leucas*, harvested from Cook Inlet, Alaska, by Alaskan Natives. The marking and reporting is necessary to provide essential biological data for the management and conservation of the stock. The effect of the information will be to provide a more sound scientific basis for management of the stock.

DATES: Effective October 1, 1999.

ADDRESSES: A copy of the Environmental Assessment (EA) for this action may be obtained by contacting Brad Smith: NMFS, 222 West 7th Avenue, Box 43, Anchorage, Alaska 99513. Comments regarding the burden-hour estimate or any other aspect of the collection of information in this rule should be sent to the preceding individual and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: NOAA Desk Officer, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Brad Smith: telephone (907) 271–5006.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1999, NMFS published an interim final rule amending 50 CFR 216.23 to require that Alaskan Natives harvesting beluga whales in Cook Inlet collect the left lower jaw from harvested whales and complete a report (64 FR 27925). In order to allow the opportunity for public comment, the rule was promulgated as an interim rule with a request for public comment. In addition, NMFS held a public hearing on the rule on July 26. Background information on the Cook Inlet stock of beluga whales, the Alaskan Native subsistence harvest, and the need for the regulation were contained in the publication of the interim final rule.

No written comments were received in response to the request for comments, and no comments were received at the public hearing. Accordingly, the interim final rule amending 50 CFR part 216, which was published at 64 FR 27925 on May 24, 1999, is adopted as a final rule without change.

Classification

An EA has been prepared by NMFS to address this action and is available for public review and comment. Persons wishing to obtain this EA should contact NMFS Anchorage Field Office (see **ADDRESSES**).

This rule has been determined to be not significant for purposes of E.O. 12866.

Because prior notice and opportunity for public comment are not required by 5 U.S.C. 553 or by any other law, under 5 U.S.C. 603(b) the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. *et seq.* are not applicable to this rule. Accordingly, an initial Regulatory Flexibility Analysis was not prepared for this rule.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number 0648-0382. The public reporting burden for this collection of information is estimated to average thirty minutes per response, including the time necessary to remove and label the jawbone and complete the reporting form. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**)

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

Dated: September 15, 1999.

Andrew Kemmerer,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25464 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 190
Friday, October 1, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150—AG26

Emergency Core Cooling System Evaluation Models

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to allow holders of operating licenses for nuclear power plants to reduce the assumed reactor power level used in evaluations of emergency core cooling system (ECCS) performance. Under the proposed rule, licensees would be given the option to apply a reduced margin for ECCS evaluation or to maintain the value of reactor power currently mandated in the regulation. This action would allow interested licensees to pursue small, but cost-beneficial, power uprates and would reduce unnecessary regulatory burden without compromising the margin of safety of the facility.

DATES: The comment period expires on December 15, 1999. Comments received after this date will be considered if it is practical to do so but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, Attention: Rulemakings and Adjudications Staff, Mail Stop O–16C1.

Deliver written comments to: One White Flint North, 11555 Rockville Pike, Rockville, Maryland between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Documents related to this rulemaking may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, D.C. Documents also may be viewed and downloaded electronically via the interactive rulemaking Web site established by NRC for this rulemaking (see the discussion under Electronic Access in the Supplementary Information section). Obtain single copies of the environmental assessment and the regulatory analysis from the NRC contact given below.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph E. Donoghue, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001; telephone: 301–415–1131; or by Internet electronic mail to jed1@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

A holder of an operating license (i.e., the licensee) for a light-water power reactor is required by regulations issued by the NRC to submit a safety analysis report that contains an evaluation of emergency core cooling system (ECCS) performance under loss-of-coolant accident (LOCA) conditions. 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors," requires that ECCS performance under LOCA conditions be evaluated and that the estimated performance satisfy certain criteria. Licensees may conduct an analysis that "realistically describes the behavior of the reactor system during a LOCA" (often termed a "best-estimate analysis"), or they may develop a model that conforms with the requirements of Appendix K to 10 CFR Part 50. Most ECCS evaluations are based on Appendix K requirements. The opening sentence of Appendix K establishes the requirement to conduct ECCS analyses at a specified power level: "It shall be assumed that the reactor has been operating continuously at a power level at least 1.02 times the licensed power level (to allow for such uncertainties as instrumentation error)." Licensees have proposed using instrumentation that would reduce the uncertainties associated with measurement of reactor power when compared with existing methods of power measurement. This would justify a reduced margin between the licensed power level and the power level assumed for ECCS evaluations. The proposed rule would revise this provision in Appendix K, thereby allowing licensees the option of using a value lower than 102 percent of licensed power in their ECCS analyses where justified.

Several licensees have expressed interest in using updated feedwater flow measurement technology discussed later in "Calorimetric Uncertainty and Feedwater Flow Measurement" as a basis for seeking exemptions from the Appendix K power level requirement and to implement power uprates. One licensee, Texas Utilities Electric Company (TUE), has obtained an exemption from the Appendix K requirement for Comanche Peak Units 1 and 2 and is pursuing an increase in licensed power based, in part, on more accurate feedwater flow measurement capability. The prospect of additional exemption requests from other licensees provides the impetus for the proposed rule.

The objective of this rulemaking is to reduce an unnecessarily burdensome regulatory requirement. Appendix K was issued to ensure an adequate performance margin of the ECCS in the event a design-basis LOCA were to occur. The margin is provided by conservative features and requirements of the evaluation models and by the ECCS performance criteria. The existing regulation does not require that the power measurement uncertainty be demonstrated, but rather mandates a 2-percent margin to account for uncertainties, including those expected to be involved with measuring reactor power. By allowing licensees to justify a smaller margin for power measurement uncertainty, the proposed rule does not violate the underlying purpose of Appendix K. The intent of Appendix K, to ensure sufficient margin to ECCS performance in the event of a LOCA, would still be met because of the substantial conservatism of other Appendix K requirements. The proposed rule would not significantly affect plant risk, as discussed in the section entitled, "ECCS Evaluation Conservatism."

Another objective is to avoid unnecessary exemption requests. As discussed above, a licensee has obtained an exemption from the 2-percent margin requirement in 10 CFR Part 50, Appendix K. It is likely that additional exemption requests will be submitted. Revising the rule to remove the need for licensees to obtain exemptions is considered by the NRC to be a prudent regulatory action.

If adopted, the proposed rule would give licensees the option of applying a reduced margin between the licensed power level and the assumed power level for ECCS evaluation, or maintaining the current margin of 2-percent power. As discussed in the section entitled "ECCS Evaluation Conservatism," the NRC has concluded that the 2 percent power margin requirement in the existing rule appears to be based solely on considerations associated with power measurement extant at the time of the original ECCS rulemaking. If licensees can show that the uncertainties associated with power measurement instrumentation errors are less than 2 percent, thereby justifying a smaller margin, then the current rule unnecessarily restricts operation.

Making this change to the rule would give licensees the opportunity to use a reduced margin if they determine that there is a sufficient benefit. Licensees could apply the margin to gain benefits from operation at higher power, or the margin could be used to relax ECCS-related technical specifications (e.g., pump flows). Another potential benefit would be in modifying fuel management strategies (e.g., possibly by altering core power peaking factors). However, the proposed rule by itself does not allow increases in licensed power levels. Because licensed power level for a plant is a technical specification limit, proposals to raise the licensed power level must be reviewed and approved under the license amendment process. The license amendment request should include a justification of the reduced power measurement uncertainty and the basis for the modified ECCS analysis, including the justification for reduced power measurement uncertainty, should then be included in documentation supporting the ECCS analysis (see Section-by-Section Analysis).

In the short term, the NRC intends to grant exemptions to the assumed power level provision of Appendix K for properly supported exemption requests. In addition to satisfying the provisions of 10 CFR 50.12, properly supported exemption requests are expected to quantify the uncertainties associated with measuring reactor thermal power that are associated with the current 2-percent power margin.

In the longer term, the NRC intends to review the affected safety analysis guidance and will evaluate the impact of the proposed rule on those safety analyses. Further, the NRC is considering the need for specific guidance to help licensees appropriately account for power measurement uncertainty in safety analyses. However, the NRC expects that power uprate amendment requests based on the proposed rule will address the suitability of non-LOCA analyses for operation at proposed higher power levels.

In addition to comments on the proposed rule, the NRC is seeking comments on the specific issues set forth below under "Issues for Public Comment."

Conservatisms in Appendix K ECCS Evaluation Model

Appendix K defines conservative analysis assumptions for ECCS performance evaluations during design-basis LOCAs. Large safety margins are provided by conservatively selecting the ECCS performance criteria as well as conservatively establishing ECCS calculational requirements. The major analytical parameters and assumptions that contribute to the conservatisms in Appendix K are set forth in Sections A through D of the rule: (A) "Sources of Heat During the LOCA" (the 102-percent power provision is a key factor), (B) "Swelling and Rupture of the Cladding and Fuel Rod Thermal Parameters," (C) "Blowdown Phenomena," and (D) "Post-blowdown Phenomena: Heat Removal by ECCS." In each of these areas, several assumptions are typically used to ensure substantial conservatism in the analysis results. For instance: under "Sources of Heat During the LOCA," decay heat is modeled on the basis of an American Nuclear Society standard with an added 20-percent penalty, and the power distribution shape and peaking factors expected during the operating cycle are chosen to yield the most conservative results. In "Blowdown Phenomena," the rule requires use of the Moody model and the discharge coefficient that yields the highest peak cladding temperature. "Post'Blowdown Phenomena; Heat Removal by the ECCS," requires that the analysis assume the most damaging single failure of ECCS equipment.

One of several conservative requirements in Section A is to assume that the reactor is operating at 102 percent power when the LOCA occurs "to allow for such uncertainties as instrumentation error. . . ." (Appendix K, Section I.A., first sentence, emphasis added). The phrase, "such as," suggests that the two percent power margin was intended to address uncertainties related to heat source considerations beyond instrument measurement uncertainties. However, the basis for the required assumption of 102 percent power (2 percent power margin) does not appear to be contained in the rulemaking record for the ECCS rules, 10 CFR 50.46 and Appendix K. These rules were adopted in 1974 (39 FR 1001, January 4, 1974), and were preceded by a formal rulemaking hearing which ultimately resulted in a Commission decision on the proposed rulemaking, CLI–73–39, 6 AEC 1085 (December 28, 1973). Neither the statement of considerations (SOC) for the final rule nor the Commission decision appear to provide specific basis for the required assumption of 102 percent power.

The SOC for the final 1974 rule discusses the 102 percent power assumption in general terms, and does not mention instrumentation uncertainty:

> The Commission believes that the implementation of the new regulations will ensure an adequate margin of performance of the ECCS should a design basis LOCA ever occur. This margin is provided by conservative features of the evaluation models and by the criteria themselves. Some of the major points that contribute to the conservative nature of the evaluations and the criteria are as follows:
>
> (1) Stored heat. The assumption of 102 percent of maximum power, highest allowed peaking factor, and highest estimated thermal resistance between the UO_2 and the cladding provides a calculated stored heat that is possible but unlikely to occur at the time of a hypothetical accident. While not necessarily a margin over the extreme condition, it represents at least an assumption that an accident happens at a time which is not typical.

39 FR at 1002 (first column).[1] Thus, while the pre-accident power level assumption is connected with the modeling of the rate of heat generation after the LOCA occurs, a clear basis for the 102 percent assumed power level requirement is not provided, nor does the SOC explain whether there are other uncertainties besides instrumentation uncertainties for which the 102 percent assumed power level is intended to compensate.

The Commission's decision in the ECCS rulemaking hearing also does not explain whether the 102 percent assumed power level was intended to address uncertainties other than instrumentation uncertainties. Section I. of the Commission decision was the basis for the SOC discussion on the 102 percent assumed power level (See 6 AEC at 1093–94). Section III. A. of the Commission's decision, "Required and Acceptable Features of the Evaluation Model," does not offer a detailed technical the basis for the power level chosen, but instead uses the language ultimately adopted in the final Appendix K rule:

[1] This statement in the SOC was taken unchanged from Section I of the Commission's ECCS decision. See CLI–73–39, 6 AEC 1085, 1093–94 (December 28, 1973).

For the heat sources listed in paragraphs 1 to 4 below it shall be assumed that the reactor has been operating continuously at a power level at least 1.02 times the licensed power level (to allow for such uncertainties as instrumentation error), with the maximum peaking factor allowed by the technical specifications.

6 AEC at 1100. Thus, the Commission's decision does not shed further light on the basis for the 102 percent assumed power level, nor whether the Commission had in mind uncertainties other than those associated with the instrumentation for measurement of power level.

NRC review of the ECCS rulemaking hearing record did not disclose presentations relating to quantification of power measurement uncertainties, or the magnitude of other uncertainties that the 102 percent assumed power level may have been intended to address. The Commission decision (CLI–73–39, 6 AEC 1085, December 28, 1973) cited three documents in the rulemaking hearing record. The first, cited in the Commission decision as Exhibit 1113, was "Supplemental Testimony of the AEC Regulatory Staff on the Interim Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Cooled Power Reactors," (filed October 26, 1972). In Section 10 of the document, stored energy in the fuel was considered, specifically the expected power distributions in fuel rods. The 102-percent power analysis requirement is not discussed. The second item, cited in the Commission decision as Exhibit 1137 was "Redirect and Rebuttal Testimony of Dr. Donald H. Roy on Behalf of Babcock & Wilcox," (October 26, 1972) in which the characteristic of the decay heat release following reactor shutdown was discussed. In this document, the 102-percent assumption is associated with the predicted decay heat generation rate. The over-power condition is associated with a "design-basis maneuvering operation," but the basis for the value of power chosen for the analysis (i.e., 102 percent) is not disclosed. Finally, in the "Concluding Statement of Position of the Regulatory Staff—Public Rulemaking Hearing on: Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Cooled Nuclear Power Reactors," April 16, 1973 (the Concluding Statement), the power level assumption is included as part of the proposed rule itself. The proposed rule language clearly states that the power level assumption is to "allow for instrumentation error." The term "such as" does not appear here. It is unclear when or why the proposed language in this regard was changed to its current form. The power level assumption is mentioned again in the Concluding Statement indirectly in association with power level changes before the LOCA and the effect on decay heat generation. But it is discussed most directly with regard to initial stored energy in the fuel. In the discussion on stored energy, the 102-percent assumption is attributed to "uncertainties inherent in the measurement of the operating power level of the core," (page 144 of the Concluding Statement). Reasons for choosing 102-percent as the value are not discussed.

When Appendix K was first issued, as is the case today, the thermal power generated by a nuclear power plant was determined by steam plant calorimetry, which is the process of performing a heat balance around the nuclear steam supply system (called a calorimetric). The heat balance depends upon measurement of several plant parameters, including flow rates and fluid temperatures. The differential pressure across a venturi installed in the feedwater flow path is a key element in the calorimetric measurement. Licensees have proposed using instrumentation other than a venturi-based system to obtain feedwater flow rate for calorimetrics. The lower uncertainty associated with the new instrumentation is information that was apparently not available during the original Appendix K rulemaking.

In view of the regulatory history for Appendix K, the Commission now believes that the 2-percent margin embodied in the requirement for a 102-percent assumed power level in Appendix K was based solely on uncertainties associated with the measurement of reactor power level.

Proposed Reduction in 102 Percent Assumed Power Level

The Commission believes that other requirements of Appendix K modeling include substantial conservatisms of much greater magnitude than the 2 percent margin embodied in the requirement for a 102 percent assumed power level. This point was discussed in "Conservatisms in Appendix K ECCS Evaluation Model," above.

The Commission is also aware of new information gained since the 1974 rulemaking which shows that the Appendix K model contains substantial conservatisms. Evidence from experiments designed to simulate LOCA phenomena suggest that these conservatisms added hundreds of degrees Fahrenheit to the prediction of peak fuel cladding temperature than would actually occur during a LOCA. The significant conservatism was necessary when the rule was written because of a lack of experimental evidence at that time with respect to the relative effects of analysis input parameters, including pre-accident power level. Since that time, there has been substantial additional research on LOCA. NUREG–1230, "Compendium of ECCS Research for Realistic LOCA Analysis," December 1988, contains the technical basis for improved understanding of LOCA progression and ECCS evaluation gained after the ECCS rule was issued. The NUREG includes a discussion of the basis for uncertainties in detailed fuel bundle power calculations as part of the consideration of overall calculational uncertainty inherent in best-estimate evaluations. Chapters 7 and 8 of the NUREG include consideration of the changes in licensed power level that could result from application of best-estimate evaluation methods. The discussion includes an estimated sensitivity of predicted peak clad temperature associated with changes in pre-accident power level. From that estimate, the NRC expects peak cladding temperature changes of approximately 15°F to result from 1-percent changes in plant power level that could result from the proposed rule.

In view of: (i) Substantial conservatisms embodied in the Appendix K requirements for ECCS evaluations, (ii) new information developed since the 1974 rulemaking which shows additional conservatism in the Appendix K modeling requirements beyond that understood by the Commission when it adopted the 1974 rule, and (iii) the relative insensitivity of the calculated clad temperatures to assumed power level, the Commission concludes that it is acceptable to allow a reduction in the currently-required 102 percent power level assumption if justified by the actual power level measurement instrumentation uncertainty. Accordingly, the Commission proposes to amend the Appendix K requirement for an assumed 102 percent power level. The proposed rule would allow a licensee to use an assumed power level of less than 102 percent (but not less than 100 percent), provided that the licensee has determined that the uncertainties in the measurement of core power level justifies the reduced margin.

Calorimetric Uncertainty and Feedwater Flow Measurement

The NRC staff has approved an exemption to the 102-percent power level requirement for Comanche Peak Units 1 and 2. The basis for the action is application of upgraded feedwater flow measurement technology at the

plant. As indicated, the prospect of additional licensees requesting similar action has prompted the proposed rule. Other methods, systems, or analyses could be used as the basis for demonstrating reduced power measurement uncertainty.

In most nuclear power plants, operators obtain a continuous indication of core thermal power from nuclear instruments, that provide a measurement of neutron flux. The nuclear instruments must be periodically calibrated to counteract the effects of changes in flux pattern, fuel burnup, and instrument drift. Steam plant calorimetry, which is the process of performing a heat balance around the nuclear steam supply system (called a calorimetric), is used to determine core thermal power and is the basis for the calibration. The differential pressure across a venturi installed in the feedwater flow path is a key element in the calorimetric measurement. Some plants use this calorimetric value directly to indicate thermal power; the nuclear instruments are used as anticipatory indicators for transients and for reactivity adjustments made with the control rods.

The system in use at Comanche Peak Units 1 and 2 is the Leading Edge Flowmeter (LEFM), manufactured by Caldon, Inc. The LEFM system is an ultrasonic flow meter that measures the transit times of pulses traveling along parallel acoustic paths through the flowing fluid. LEFM technology has been employed in non-nuclear applications, such as petroleum, chemical, and hydroelectric plants for several years. This operating experience will provide reliability data, supplementing data from nuclear applications. Additional information on the Comanche Peak Appendix K exemption and on the Caldon, Inc. LEFM system appears in safety evaluations issued by the NRC staff on March 8, 1999, and May 6, 1999.

ABB Combustion Engineering has expressed interest in the proposed rule because its flow-measuring system, known as Crossflow (which is also an ultrasonic flow-measuring device), is expected to be part of a licensee exemption request in the near future.

Issues for Public Comment

The NRC is seeking comments from the public on the following issues related to this proposed rule:

1. The current rule states that the required 2-percent analysis margin is to account for "*such* uncertainties *as* instrumentation error. . . ." (emphasis added). This suggests that the 2-percent margin was intended to account for other sources of uncertainty in addition to instrumentation error. However, explicit documentation of the basis for the value of the margin does not appear to be contained in the rulemaking record for the original 1974 ECCS rulemaking. The Commission is interested in whether there are other sources of uncertainty, relevant to sources of heat following a LOCA, that should be considered when licensees seek to reduce the margin in the Appendix K requirement for assumed power. If other contributors are suggested, a clear technical justification should accompany the suggestion.

2. Are there rulemaking alternatives to this proposed rule that were not considered in the regulatory analysis for this proposed rule?

3. What criteria should be used for determining whether a proposed reduction in the 2 percent power margin has been justified, based upon a determination of instrumentation error? For example, should a demonstrated instrumentation error of 1 percent in power level be presumptive of an acceptable reduction in assumed power margin of 1 percent?

4. How should the proposed rule address cases in which licensees determine that power measurement instrument error is greater than 2 percent?

Section-by-Section Analysis

Appendix K to Part 50—ECCS Evaluation Models (I)(A)—Sources of heat during the LOCA

This section would be amended by removing words from the first sentence in the section to specifically associate the power level requirement with instrumentation error, and by adding a sentence immediately following the first sentence in the section. The new sentence indicates that licensees may assume a power level lower than 102 percent, but not less than 100 percent, provided that the proposed lower alternative value can be shown to account for core thermal power measurement instrumentation uncertainty.

Appendix K, Part II (1)(a) requires that the values of analysis parameters or their basis be sufficiently documented to allow NRC review. The requirement applies to all analysis input parameters, including those related to other plant instrumentation, such as temperature and pressure. Changes to other inputs are documented in the same manner as the power measurement uncertainty would be documented under the proposed rule. NRC review and approval is not necessarily needed to change a parameter in an approved ECCS evaluation model. Estimated changes in ECCS performance due to revised analysis inputs are reported under § 50.46 (a)(3), at least annually. As discussed in the Statement of Considerations for Appendix K (53 FR 36001, September 16, 1988), the annual reports keep NRC apprised of changes. This should ensure that the NRC staff can judge a licensee's assessment of the significance of changes and maintain cognizance of modifications made to NRC-approved evaluation models. The licensee must include revised parameters and other changes in the ECCS evaluation as required by § 50.46 (a)(3) when a single change or an accumulation of changes is expected to affect peak cladding temperature by 50°F or more. The basis for the revised analysis parameter (i.e., the assumed power level) should be included in documentation of the evaluation model, as required by Appendix K, Part II (1)(a).

In most cases, the NRC expects that the analysis supporting the power measurement uncertainty, as well as the description of the relevant instrumentation and associated plant-specific parameters involved in the uncertainty analysis, would be submitted for NRC review and approval before being used. These requests are expected because most licensees have adopted Generic Letter 88–16, "Removal of Cycle-Specific Parameter Limits from Technical Specifications." The generic letter provided guidance for licensees to transfer cycle-specific parameters from their technical specifications to a Core Operating Limits Report (COLR). Licensees following the generic letter guidance added an administrative requirement to their technical specifications that specifically identifies NRC-reviewed and approved methods used to determine core operating limits (e.g., topical reports). Because a number of core operating limits are based on LOCA analysis results, ECCS evaluation methods are included in the technical specification list. Therefore, most licensees opting to use the relaxation in the proposed rule would need to revise technical specifications to include a reference to an NRC-approved topical report that includes the uncertainty analysis justifying reduced power measurement uncertainty.

An additional technical specification consideration for licensees pursuing changes based on the proposed rule could involve nuclear instruments (NI) requirements. Existing plant technical specifications include surveillance requirements to calibrate the power range NIs based on the calorimetric measuring reactor thermal power. The

NIs provide the indication of reactor power used as an input for safety systems. Licensees obtaining the relaxation offered in the proposed rule are expected to change some operating parameter of the plant, whether it be power level, required ECCS flow, etc. By incorporating the justification of reduced uncertainty in power measurement in the basis for their ECCS analysis, licensees would be placing a condition on an input to the calorimetric. The NI calibration required by the plant licensee would then be based on a calorimetric assuming the reduced power measurement uncertainty. If, for some reason, during the course of plant operation the reduced uncertainty did not apply (e.g., the new feedwater flow meter became inoperable), the calorimetric would no longer be a valid source of calibration for the NIs. Licensees would need to take action to maintain compliance with their technical specification, for example, by using an alternate input to the calorimetric. The power measurement uncertainties associated with the alternate input would then apply and the plant would need to adjust its operating condition (possibly lower its operating power level) to satisfy the proposed rule and to maintain the validity of applicable safety analyses.

Referenced Documents

Copies of GL–88–16 and CLI–73–39 are available for inspection and copying for a fee at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, D.C.

Electronic Access

You may also submit comments via the NRC's interactive rulemaking Web site, "Rulemaking Forum," through the NRC home page (http://ruleforum.llnl.gov). This site enables people to transmit comments as files (in any format, but WordPerfect version 6.1 is preferred), if your Web browser supports that function. Information on the use of the Rulemaking Forum is available on the Web site. For additional assistance on the use of the interactive rulemaking site, contact Ms. Carol Gallagher, telephone: 301–415–5905; or by Internet electronic mail to cag@nrc.gov.

Plain Language

The Presidential memorandum dated June 1, 1998, entitled, "Plain Language in Government Writing," directed that the government's writing be in plain language. This memorandum was published June 10, 1998 (63 FR 31883). In complying with this directive, editorial changes have been made in this proposed amendment to improve readability of the existing language of the provisions being revised. These types of changes are not discussed further in this document. The NRC requests comment on the proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the **ADDRESSES** caption of the preamble.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995, Pub. L. 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC is proposing to provide holders of operating licenses for nuclear power plants with the option of reducing the assumed reactor power level used in ECCS evaluations. This proposed action constitutes a modification to an existing government-unique standard, 10 CFR part 50, appendix K issued by the NRC on January 4, 1974. The NRC is not aware of any voluntary consensus standard that could be adopted instead of the proposed government-unique standard. The NRC will consider using a voluntary consensus standard if an appropriate standard is identified. If a voluntary consensus standard is identified for consideration, the submittal must explain how the voluntary consensus standard is comparable and why it should be used instead of the proposed government-unique standard.

Finding of No Significant Environmental Impact: Availability

The NRC has determined under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in Subpart A of 10 CFR Part 51, that this regulation, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required.

The proposed action is likely to result in relatively small changes to ECCS analyses or to the licensed power of nuclear reactor facilities. The NRC staff expects that no significant environmental impact would result from the proposed rule, because licensee actions based on the proposed rule would not significantly increase the probability or consequences of accidents; no changes would be made in the types of any effluents that may be released off site; and there would be no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. The proposed action does not involve non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

The determination of the environmental assessment is that there would be no significant offsite impact on the public from this action. However, the general public should note that the NRC welcomes public participation. Also, the NRC has committed itself to complying in all its actions with Executive Order (E.O.) 12898, "Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994. The NRC has determined that there are no disproportionately high and adverse impacts on minority and low-income populations. In the letter and spirit of E.O. 12898, the NRC is requesting public comments on any environmental justice considerations or questions that the public thinks may be related to this proposed rule, but that somehow were not addressed. The NRC uses the following working definition of environmental justice: Environmental justice means the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or educational level with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. Comments on any aspect of the environmental assessment, including environmental justice, may be submitted to the NRC as indicated under the **ADDRESSES** heading.

The draft environmental assessment is available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, D.C. Single copies of the environmental assessment are available from Mr. Joseph Donoghue, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, telephone: 301–415–1131, or by Internet electronic mail to JED1@nrc.gov.

Paperwork Reduction Act Statement

This proposed rule increases the burden on licensees opting to use a reduced power level assumption for ECCS analysis (i.e., below 102%) to include the change in their annual

report required under 10 CFR 50.46 (a)(3)(ii). The public burden for this information collection is estimated to average one-half hour per response. Because the burden for this information collection is insignificant, Office of Management and Budget (OMB) clearance is not required. Existing requirements were approved by the Office of Management and Budget, approval number 3150–0011.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this regulation. Interested persons may examine a copy of the regulatory analysis at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, D.C. Single copies of the analysis are available from Mr. Joseph Donoghue, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, telephone: 301–415–1131, or by Internet electronic mail to JED1@NRC.GOV.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the definition of "small entities" found in the Regulatory Flexibility Act or within the size standards established by the NRC in 10 CFR 2.810.

Backfit Analysis

The NRC has determined that the backfit rule in 10 CFR 50.109 does not apply to this proposed rule and that a backfit analysis is not required for this proposed rule because the change does not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1). The proposed rule would establish an alternative approach for ECCS performance evaluations that may be voluntarily adopted by licensees. Licensees may continue to comply with existing requirements in Appendix K. The proposed rule does not impose a new requirement on current licensees and therefore, does not constitute a backfit as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and peactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 10 CFR part 50 as follows:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Sections 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955, as amended (42 U.S.C. 2131, 2235), sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a, and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

2. Appendix K to Part 50 is amended by revising the introductory paragraph of I. A., "Sources of heat during the LOCA," to read as follows.

Appendix K to Part 50—ECCS Evaluation Models

I. Required and Acceptable Features of the Evaluation Models

A. Sources of heat during the LOCA. For the heat sources listed in paragraphs I. A. 1 to 4 of this appendix it must be assumed that the reactor has been operating continuously at a power level at least 1.02 times the licensed power level (to allow for instrumentation error), with the maximum peaking factor allowed by the technical specifications. An assumed power level lower than the level specified in this paragraph (but not less than the licensed power level) may be used provided the proposed alternative value has been demonstrated to account for uncertainties due to power level instrumentation error. A range of power distribution shapes and peaking factors representing power distributions that may occur over the core lifetime must be studied. The selected combination of power distribution shape and peaking factor should be the one that results in the most severe calculated consequences for the spectrum of postulated breaks and single failures that are analyzed.

* * * * *

Dated at Rockville, Maryland, this 27th day of September, 1999.

For the Nuclear Regulatory Commission.

Kenneth R. Hart,

Acting, Secretary of the Commission.

[FR Doc. 99–25582 Filed 9–30–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–22–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This proposal would require repetitive inspections to detect discrepancies of the cables, fittings, and pulleys of the engine thrust control cable installation, and replacement, if necessary. This proposal would also require certain preventative actions on the engine thrust control cable installation for certain airplanes. This proposal is prompted by reports of failure of engine thrust control cables. The actions specified by the proposed AD are intended to prevent such failures, which could result in a severe asymmetric thrust condition during landing, and consequent reduced controllability of the airplane.

DATES: Comments must be received by November 15, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–22–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00

p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Dionne M. Stanley, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2250; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NM–22–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–22–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

In 1985, the FAA received a report indicating that an engine thrust control cable had failed following application of reverse thrust during landing on a Boeing Model 747–200B series airplane. This failure caused engine number 1 to advance to full forward thrust while engine numbers 2, 3, and 4 remained in full reverse thrust. The airplane exited the runway and eventually slid to a stop with consequent hull damage.

In addition, engine thrust control cables have failed on other Boeing airplane models that have installations similar to those on the Model 747 series airplane. In 1992, the FAA received a report of uncommanded thrust increase of the right engine on a Model 767–200 series airplane during engine start. The FAA recently received two reports of uncommanded throttle lever movement on Model 757–200 series airplanes. In all of these events, subsequent investigation revealed that the engine thrust control cable had severed. Such failure of a thrust control cable could result in a severe asymmetric thrust condition during landing, and consequent reduced controllability of the airplane.

Other Relevant Rulemaking

As a result of the 1985 event and other problems associated with the engine thrust control cable installation, the following AD's were issued to address design deficiencies on Model 747 series airplanes that could potentially result in an engine thrust control cable failure:

- AD 85–25–55, amendment 39–5326 (51 FR 20250, June 4, 1986);
- AD 86–10–10, amendment 39–5318 (51 FR 18571, May 21, 1986);
- AD 89–08–09, amendment 39–6188 (54 FR 14643, April 12, 1989);
- AD 89–19–07, amendment 39–6322 (54 FR 38210, September 15, 1989); and
- AD 93–17–06, amendment 39–8677 (58 FR 45831, August 31, 1993).

In addition, the FAA has issued two NPRM's to address this condition on other Boeing airplane models that have an engine thrust control cable installation similar to the Model 747 series airplane:

- NPRM 98–NM–323–AD (64 FR 7822, February 17, 1999), which applies to certain Model 757–200 series airplanes; and
- NPRM 98–NM–363–AD (64 FR 18386, April 14, 1999), which applies to certain Model 767 series airplanes.

Explanation of Relevant Service Information

The FAA has reviewed and approved the following service bulletins:

- Boeing Service Bulletin 747–76–2019, dated June 9, 1971, describes procedures for modification of the strut bulkhead assembly to enlarge the holes through which the engine thrust control cables pass.
- Boeing Service Bulletin 747–76–2067, Revision 1, dated November 19, 1987, describes procedures for a one-time inspection of the nacelle strut idler pulleys to determine the type of pulleys installed, and replacement of any aluminum-type pulleys with phenolic-type pulleys. The service bulletin also describes procedures for a detailed inspection to detect wear of the engine thrust control cables in any area where aluminum-type pulleys are installed, and replacement of the cables, if necessary.
- Boeing Service Bulletin 747–76A2068, Revision 3, dated August 22, 1991; including Notice of Status Change 747–76A2068 NSC 2, dated December 12, 1991; describes procedures for repetitive inspections of aluminum pulley bracket assemblies and adjacent support structure to detect cracking, and replacement of damaged parts, if necessary. The service bulletin also describes procedures for replacement of aluminum idler pulley brackets with steel brackets. Such replacement would eliminate the need for the repetitive inspections.
- Boeing Alert Service Bulletin 747–76A2073, Revision 1, dated July 28, 1988, describes procedures for a detailed inspection of the engine thrust control cables and pulley mounting bracket screws in the area aft and above main entry door number 2 on the left and right sides of the airplane to detect wear, and replacement of the cable, if necessary. The alert service bulletin also describes procedures for a modification of the pulley mounting bracket.
- Boeing Service Bulletin 747–53–2327, Revision 2, dated September 24, 1998, describes procedures for repetitive inspections of certain upper deck floor beams to detect cracking, and repair of any cracks found or reinforcement of those floor beams. The service bulletin also describes procedures for a detailed inspection to measure the clearance between the engine thrust control cables and the cable penetration holes in that area, and modification of the holes or replacement of the plate, if necessary.

Accomplishment of the actions specified in the service bulletins described previously, and the repetitive inspections specified in this proposed AD, is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would

require repetitive inspections to detect discrepancies of the cables, fittings, and pulleys, and replacement of discrepant parts. This proposal would also require certain preventative actions on the engine thrust control cable installation for certain airplanes. The actions would be required to be accomplished in accordance with the procedure included in Appendix 1. of this proposed AD, the airplane maintenance manual, and the service bulletins described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletins

Operators should note that this proposed AD would require all of the specified actions to be accomplished within 18 months after the effective date of this AD. The service bulletins recommend that these actions should be accomplished at various times, mostly "at the earliest opportunity where manpower and facilities are available." In developing an appropriate compliance time for the proposed actions, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but also the number of proposed requirements and the availability of required parts. The FAA has determined that 18 months represents an appropriate interval of time allowable wherein all of these actions can be accomplished during scheduled airplane maintenance and an ample number of required parts will be available for modification of the U.S. fleet within the proposed compliance period. The FAA also finds that such a compliance time will not adversely affect the safety of the affected airplanes.

Operators should note that Boeing Service Bulletin 747–76–2067 specifies that the inspection to detect wear of the control cables described by that service bulletin may be accomplished in accordance with an "operator's comparable procedure." However, this proposed AD specifies that the inspection be accomplished in accordance with the procedures specified in Chapter 20–21–03 of the Boeing 747 Maintenance Manual. An "operator's comparable procedure" may be used only if approved as an alternative method of compliance in accordance with paragraph (h) of this AD.

Operators also should note that Boeing Service Bulletin 747–76–2067 applies to certain Model 747 series airplanes equipped with Pratt & Whitney Model JT9D–70A engines or General Electric Model CF6 series engines. However, paragraph (c) of this proposed AD would apply only to Model 747 series airplanes equipped with General Electric Model CF6 series engines identified in the service bulletin. The engine thrust control cable installation is different on Model 747 series airplanes equipped with Pratt & Whitney Model JT9D–70A engines, and the unsafe condition discussed previously does not exist on those airplanes.

Boeing Service Bulletin 747–76A2068 describes procedures for repetitive inspections of aluminum pulley bracket assemblies and adjacent support structure to detect cracking, and replacement of damaged parts, if necessary, as well as procedures for replacement of aluminum idler pulley brackets with steel brackets. This proposed AD would require only the replacement of aluminum idler pulley brackets with steel brackets. Mandating this terminating action is based on the FAA's determination that, in this case, long-term continued operational safety would be better assured by a modification to remove the source of the problem, rather than by repetitive inspections.

Although Boeing Alert Service Bulletin 747–76A2073 describes procedures for a detailed inspection of the engine thrust control cables and pulley mounting bracket screw in the area aft and above main entry door number 2 on the left and right sides of the airplane to detect wear, this AD proposes only to mandate the detailed inspection of the engine thrust control cables in that area, and replacement of the cable, if necessary; and the modification of the pulley mounting bracket. The alert service bulletin also provides the option to modify the bracket within 750 hours of the detailed inspection whereas this AD would require both actions to be accomplished at the same time.

Operators also should note that, although Boeing Service Bulletin 747–53–2327 also describes procedures for inspection of certain upper deck floor beams, and repair of any cracks found or reinforcement of those floor beams, as applicable, this AD proposes to mandate only the detailed inspection to measure the clearance between the engine thrust control cables and the cable penetration holes in that area. The inspection, repair, and reinforcement of certain upper deck floor beams are mandated by AD 92–24–07, amendment 39–8412 (57 FR 53436, November 10, 1992). The detailed inspection to measure the clearance between the engine thrust control cables and the cable penetration holes was incorporated into the service bulletin after AD 92–24–07 was issued. Therefore, the FAA is proposing to mandate that part of the service bulletin in this AD. In addition, for airplanes on which insufficient clearance is measured, the proposed AD adds an additional inspection of the cable for wear in that area, and would require replacement of the cable, if necessary.

Cost Impact

There are approximately 624 airplanes of the affected design in the worldwide fleet. The FAA estimates that 182 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 3 work hours per airplane to accomplish the proposed inspection to verify the engine thrust control cable integrity, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed inspection on U.S. operators is estimated to be $32,760, or $180 per airplane, per inspection cycle.

For airplanes identified in Boeing Service Bulletin 747–76–2019 (30 U.S.-registered airplanes), it would take approximately 4 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. No parts are required. Based on these figures, the cost impact of this proposed modification on U.S. operators is estimated to be $7,200, or $240 per airplane.

For airplanes identified in Boeing Service Bulletin 747–76–2067, Revision 1 (12 U.S.-registered airplanes), it would take approximately 6 work hours per airplane to accomplish the proposed inspection of the nacelle strut idler pulleys, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed one-time inspection on U.S. operators is estimated to be $4,320, or $360 per airplane.

For airplanes identified in Boeing Service Bulletin 747–76A2068, Revision 3 (4 U.S.-registered airplanes), it would take approximately 16 work hours per airplane to accomplish the proposed replacement, at an average labor rate of $60 per work hour.

Required parts would cost approximately $2,000 per airplane. Based on these figures, the cost impact of this proposed replacement on U.S. operators is estimated to be $11,840, or $2,960 per airplane.

For airplanes identified in Boeing Alert Service Bulletin 747–76A2073, Revision 1 (12 U.S.-registered airplanes), it would take approximately 4 work hours per airplane to accomplish the proposed action, at an average labor rate of $60 per work hour. The cost of required parts would be minimal. Based

on these figures, the cost impact of this proposed action on U.S. operators is estimated to be $2,880, or $240 per airplane.

Currently, there are no airplanes identified in Boeing Service Bulletin 747–53–2327, Revision 2, and subject to this AD, on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 1 work hour to accomplish this proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this one-time inspection would be $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 99–NM–22–AD.

Applicability: Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, SR, and SP series airplanes; certificated in any category; equipped with Pratt & Whitney Model JT9D–3 or –7 series engines, General Electric Model CF6–45 or –50 series engines, or Rolls-Royce Model RB211–524B, C, or D series engines.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (h) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent engine thrust control cable failures, which could result in a severe asymmetric thrust condition during landing, and consequent reduced controllability of the airplane, accomplish the following:

Note 2: For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Repetitive Inspections

(a) For all airplanes: Within 18 months after the effective date of this AD, accomplish the "Thrust Control Cable Inspection Procedure" specified in Appendix 1. (including Figure 1) of this AD to verify the integrity of the engine thrust control cables. Prior to further flight, replace any discrepant component found, in accordance with the procedures described in the Boeing 747 Maintenance Manual. Repeat the detailed inspection thereafter at intervals not to exceed 18 months.

Modification

(b) For airplanes identified in Boeing Service Bulletin 747–76–2019, dated June 9, 1971: Within 18 months after the effective date of this AD, modify the strut bulkhead assembly to enlarge the holes (2 places in each strut) through which the engine thrust control cables pass, in accordance with the service bulletin.

Inspection/Replacement

(c) For airplanes equipped with General Electric Model CF6 series engines and identified in Boeing Service Bulletin 747–76–2067, Revision 1, dated November 19, 1987: Within 18 months after the effective date of this AD, perform a one-time inspection of each nacelle strut idler pulley to determine the type of pulley installed, in accordance with the service bulletin.

Note 3: This paragraph does not apply to airplanes equipped with Pratt & Whitney Model JT9D–70 engines.

(1) If no aluminum-type pulley is installed, no further action is required by this paragraph.

(2) If any aluminum-type pulley is installed, prior to further flight, accomplish paragraphs (c)(2)(i) and (c)(2)(ii) of this AD in accordance with the service bulletin.

(i) Replace any aluminum-type pulley with a phenolic-type pulley having Boeing part number BACP30F4.

(ii) Except as provided by paragraph (d) of this AD: Perform a detailed inspection of the engine thrust control cables in any area where an aluminum-type pulley was installed, to detect wear. If any wear outside the criteria contained in Chapter 20–21–03 of the Boeing 747 Maintenance Manual is found, prior to further flight, replace the cable with a new cable, in accordance with the service bulletin. If any wear within the criteria contained in the maintenance manual is found, no further action is required by this paragraph.

Note 4: Accomplishment of the actions specified in Boeing Service Bulletin 747–76–2067, dated September 26, 1986, is acceptable for compliance with the actions required by paragraph (c) of this AD.

(d) Where Boeing Service Bulletin 747–76–2067, Revision 1, dated November 19, 1987, specifies that the actions required by paragraph (c)(2)(ii) of this AD may be accomplished in accordance with an "operator's comparable procedure," the actions must be accomplished in accordance with the applicable chapters of the Boeing 747 Maintenance Manual, as specified in the service bulletin.

Replacement

(e) For airplanes identified in Boeing Service Bulletin 747–76A2068, Revision 3, dated August 22, 1991; including Notice of Status Change 747–76A2068 NSC 2, dated December 12, 1991: Within 18 months after the effective date of this AD, replace aluminum idler pulley brackets with steel brackets, in accordance with paragraphs E., F., G., and H. of the Accomplishment Instructions of the service bulletin.

Inspection/Modification

(f) For airplanes identified in Boeing Alert Service Bulletin 747–76A2073, Revision 1, dated July 28, 1988: Within 18 months after the effective date of this AD, accomplish

paragraphs (f)(1) and (f)(2) of this AD, in accordance with the alert service bulletin.

(1) Perform a detailed inspection of the engine thrust control cables and pulley mounting bracket screws in the area aft and above main entry door number 2 on the left and right sides of the airplane to detect damage. If any damage is found, prior to further flight, replace the cable with a new cable.

(2) Modify the pulley mounting bracket.

Note 5: Accomplishment of the actions specified in Boeing Alert Service Bulletin 747–76A2073, dated February 4, 1988, is acceptable for compliance with the actions required by paragraph (f) of this AD.

Inspection/Modification/Replacement

(g) For Model 747–100B SUD series airplanes identified in Boeing Service Bulletin 747–53–2327, Revision 2, dated September 24, 1998, with angle assemblies having Boeing part numbers 015U0454–63 and 015U0454–64 installed at body station 970: Within 18 months after the effective date of this AD, perform a detailed inspection to measure the clearance between the engine thrust control cables and the cable penetration holes, in accordance with the Cable Chafing Inspection of the Accomplishment Instructions of the service bulletin. If insufficient clearance exists, as specified in the service bulletin, prior to further flight, accomplish paragraphs (g)(1) and (g)(2) of this AD.

(1) Modify the cable penetration holes or replace the plate, as applicable, in accordance with Figure 7 of the service bulletin.

(2) Perform a detailed inspection of the engine thrust control cables in any area of the plate to detect wear, in accordance with Chapter 20–21–03 of the Boeing 747 Maintenance Manual. If any wear outside the criteria contained in the maintenance manual is found, prior to further flight, replace the cable with a new cable, in accordance with the procedures described in the Boeing 747 Maintenance Manual. If any wear within the criteria contained in the maintenance manual is found, no further action is required by this paragraph.

Alternative Methods of Compliance

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 6: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(i) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Appendix 1. Thrust Control Cable Inspection Procedure

1. General

A. Clean the cables, if necessary, for the inspection, in accordance with Boeing 747 Maintenance Manual 12–21–05.

B. Use these procedures to verify the integrity of the thrust control cable system. The procedures must be performed along the entire cable run for each engine. To ensure verification of the portions of the cables which are in contact with pulleys and quadrants, the thrust control must be moved by operation of the thrust and/or the reverse thrust levers to expose those portions of the cables.

C. The first task is an inspection of the control cable wire rope. The second task is an inspection of the control cable fittings. The third task is an inspection of the pulleys.

Note: These three tasks may be performed concurrently at one location of the cable system on the airplane, if desired, for convenience.

2. Inspection of the Control Cable Wire Rope

A. Perform a detailed inspection to ensure that the cable does not contact parts other than pulleys, quadrants, cable seals, or grommets installed to control the cable routing. Look for evidence of contact with other parts. Correct the condition if evidence of contact is found.

B. Perform a detailed inspection of the cable runs to detect incorrect routing, kinks in the wire rope, or other damage. Replace the cable assembly if:

(1) One cable strand had worn wires where one wire cross section is decreased by more than 40 percent (see Figure 1),

(2) A kink is found, or

(3) Corrosion is found.

C. Perform a detailed inspection of the cable: To check for broken wires, rub a cloth along the length of the cable. The cloth catches on broken wires.

(1) Replace the 7x7 cable assembly if there are two or more broken wires in 12 continuous inches of cable or there are three or more broken wires anywhere in the total cable assembly.

(2) Replace the 7x19 cable assembly if there are four or more broken wires in 12 continuous inches of cable or there are six or more broken wires anywhere in the total cable assembly.

3. Inspection of the Control Cable Fittings

A. Perform a detailed inspection to ensure that the means of locking the joints are intact (wire locking, cotter pins, turnbuckle clips, etc.). Install any missing parts.

B. Perform a detailed inspection of the swaged portions of swaged end fitting to detect surface cracks or corrosion. Replace the cable assembly if cracks or corrosion are found.

C. Perform a detailed inspection of the unswaged portion of the end fitting. Replace the cable assembly if a crack is visible, if corrosion is present, or if the end fitting is bent more than 2 degrees.

D. Perform a detailed inspection of the turnbuckle. Replace the turnbuckle if a crack is visible or if corrosion is present.

4. Inspection of Pulleys

A. Perform a detailed inspection to ensure that pulleys are free to rotate. Replace pulleys which are not free to rotate.

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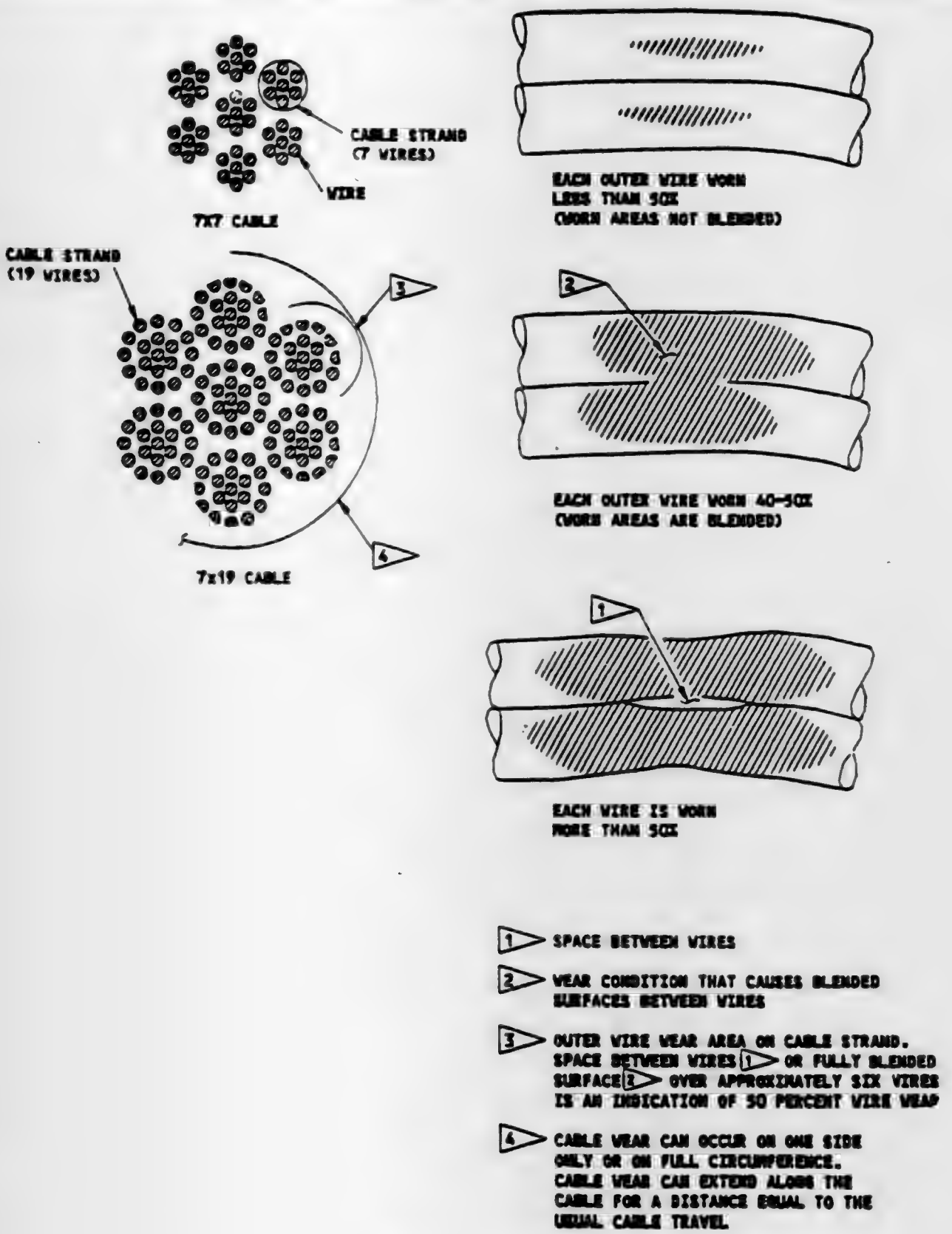

FIGURE 1

Issued in Renton, Washington, on September 27, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25597 Filed 9–30–99; 8:45 am]

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[Docket No. 9

RIN 0910–AB

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AGENCY: Foo
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SUPPLEMENT

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 5, 25, 500, 510, 514, and 558

[Docket No. 99N–1415]

RIN 0910–AB49

Supplements and Other Changes to Approved New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations on supplements and other changes to an approved new animal drug application (NADA) or abbreviated new animal drug application (ANADA) to implement the manufacturing changes provision of the Food and Drug Administration Modernization Act of 1997 (the Modernization Act). This proposed rule would require manufacturers to validate the effect of any manufacturing change on the identity, strength, quality, purity, and potency of a new animal drug as those factors relate to the safety or effectiveness of the product. The proposal identifies changes requiring submission and approval of a supplement prior to the distribution of the new animal drug made using the change, changes requiring the submission of a supplement at least 30 days prior to the distribution of the new animal drug, changes requiring the submission of a supplement at the time of distribution, and changes to be described in an annual report.

DATES: Written comments by December 15, 1999.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit written comments on the information collection requirements to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn.: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Dennis M. Bensley, Jr., Center for Veterinary Medicine (HFV–140), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6956.

SUPPLEMENTARY INFORMATION:

I. Introduction

On November 21, 1997, the President signed the Modernization Act into law (Public Law 105–115). Section 116 of the Modernization Act amended the Federal Food, Drug, and Cosmetic Act (the act) by adding section 506A (21 U.S.C. 356a), which describes requirements and procedures for making and reporting manufacturing changes to approved NADA's and ANADA's, new drug applications (NDA's) and abbreviated new drug applications (ANDA's), and to license applications for biological products. This proposed rule sets forth regulations to implement section 506A of the act for NADA's and ANADA's. The Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) are issuing separate proposed regulations regarding manufacturing changes for NDA's and ANDA's and for licensed biological products.

Section 506A of the act makes no distinction between the requirements for reporting manufacturing changes for human drug and biological products regulated by CDER and CBER and for new animal drug products regulated by the Center for Veterinary Medicine (CVM). CVM is proposing this rule to harmonize the reporting requirements of manufacturing changes for new animal drug products with those reporting requirements for human drug and biological products.

The Modernization Act, section 116, becomes effective on the effective date of these final regulations or 24 months after the enactment of the Modernization Act (November 21, 1999), whichever occurs first. This proposed rule updates and will replace § 514.8 (21 CFR 514.8), which provides the current requirements for manufacturing changes for NADA's.

II. Background

A. CVM's Current Rule

CVM currently evaluates all manufacturing changes to approved NADA's under the regulations found in § 514.8. Manufacturing changes are currently submitted as permitted changes (§ 514.8(a)(5)), changes being effected (CBE's) (§ 514.8(d), or changes requiring approval prior to implementation (§ 514.8(a)(4)).

Under current § 514.8(a)(5), permitted changes may be put into effect without the approval of a supplemental application but must be reported in the next annual drug experience report (DER). Section 514.8(a)(5) lists the types of manufacturing changes that are considered permitted changes.

CBE's under current § 514.8(d) include manufacturing changes that would "give increased assurance that the drug will have the characteristics of identity, strength, quality, and purity which it purports or is represented to possess." Such changes are to be placed into effect at the earliest possible time with concurrent submission of a supplemental application; hence such changes do not require CVM approval before implementation.

Changes requiring approval of a supplemental application prior to implementation are set out in current § 514.8(a)(4) of the regulations. Most manufacturing changes are currently reported in preapproval supplemental applications under § 514.8(a)(4).

B. Section 116 of The Modernization Act

Many of the concepts included in the Modernization Act were incorporated from earlier rulemaking and guidance documents issued by CDER and CBER. A discussion of CDER's earlier rulemaking, guidance documents, and their underlying rationale can be found in the preamble to CDER's proposed rulemaking to comply with section 506A of the act.

CDER had issued a series of guidance documents to ease preapproval requirements for certain manufacturing changes that are unlikely to have a detectable impact on a drug product's quality and performance as distinguished from those that could have a significant impact. These guidance documents were issued under a provision in current 21 CFR 314.70(a) that permits holders of an approved application to make changes to the application in accordance with a guideline, notice, or regulation published in the **Federal Register** that provides a less burdensome notification of the change.

As of this date, CDER has issued several guidances addressing the requirements relating to postapproval changes in manufacturing and controls. These are known as the SUPAC (Scale-Up and Postapproval Changes) documents. The first of these guidance documents was published in November 1995 and is entitled "Immediate Release Solid Oral Dosage Forms; Scale-Up and Postapproval Changes: Chemistry, Manufacturing, and Controls; *In Vitro* Dissolution Testing; *In Vivo* Bioequivalence Documentation" (SUPAC–IR). This guidance provides recommendations to holders of approved drug applications who intend, during the postapproval period, to change: (1) The components or composition, (2) the site of manufacture, (3) the scale of manufacture, and/or (4)

the manufacturing (process and/or equipment) of an immediate release solid oral dosage form.

In May 1997 and August 1997, CDER issued two related guidances entitled "Semisolid Dosage Forms Scale-Up and Postapproval Changes: Chemistry, Manufacturing, and Controls; *In Vitro* Release Testing; *In Vivo* Bioequivalence Documentation" (SUPAC–SS) and "Modified Release Solid Oral Dosage Forms Scale-Up and Postapproval Changes: *In Vitro* Dissolution Testing; *In Vivo* Bioequivalence Documentation" (SUPAC–MR). These two guidances cover the same general topics and use the same general approaches as SUPAC–IR. The current series of guidance documents relating to scale-up and postapproval changes focuses on changes to manufacturing and controls for drug products. Future guidances will consider changes in manufacturing and controls for the drug substance, product containers and closures, and other topics as well.

The underlying rationale of these guidances already completed or in preparation is that the identity, strength, quality, purity, and potency of an approved drug should remain unchanged in any important aspect as a result of any postapproval change in manufacturing and controls. This unchanged performance extends to changes that might affect in vivo bioavailability and relative bioavailability (bioequivalence).

CDER's guidance documents, described previously, originally applied only to drug products approved under sections 505 (new and abbreviated new drug applications) and 507 (antibiotic applications; revoked by the Modernization Act) of the act (21 U.S.C. 355 and 357). However, CVM adopted many of the concepts described in these guidance documents by permitting the reporting of minor manufacturing changes in a biennial supplement instead of in a preapproval supplement submitted in accordance with the current regulation (§ 514.8). The biennial supplement does not require CVM approval prior to the distribution of the drug product made using the changes.

CDER's and CBER's proposed rulemaking and supporting guidance documents allow for many moderate manufacturing changes to be reported as CBE's that are not provided for in CVM's current regulations (§ 514.8). CVM is proposing regulations that harmonize the reporting of manufacturing changes for new animal drug products with the reporting of manufacturing changes for human drug products, because: (1) The act makes no distinction between the requirements for the reporting of manufacturing changes for human drug products and for new animal drug products, (2) the act does not provide for the reporting of minor manufacturing changes in biennial supplements, (3) the proposed rulemaking allows for flexibility in reporting many moderate changes as CBE's, and (4) CVM and the animal drug industry can benefit from CDER's expertise and resources to issue specific guidances on manufacturing and controls changes used for drugs, generally.

CVM is currently collaborating with CDER on a number of guidance documents addressing manufacturing and controls changes, including the draft guidance document entitled "Chemistry, Manufacturing and Control Changes to an Approved NADA or ANADA" to be made available for comment along with this proposed rulemaking. On the effective date of these final regulations or on November 21, 1999, whichever occurs first, CVM's previous practices will be superseded by section 506A of the act and/or the final regulations and the reporting of minor manufacturing changes in biennial supplements will no longer be permitted. CVM proposes to adopt CDER's current guidance documents for manufacturing changes (SUPAC–IR, SUPAC–SS and SUPAC–MR). These documents will be updated to reflect changes resulting from the proposed rulemaking, and CVM intends to participate with CDER in the drafting of any guidance documents covering manufacturing changes. In addition, CVM will also issue guidance documents for specific new animal drug products such as Type A medicated articles.

III. Summary of the Legislation

Section 116 of the Modernization Act amended the act by adding section 506A, which provides requirements for making and reporting manufacturing changes to an approved application and for distributing a drug made with such changes. Section 506A of the act includes the following provisions:

1. A drug made with a manufacturing change, whether a major manufacturing change or otherwise, may be distributed only after the applicant validates the effects of the change on the identity, strength, quality, purity, and potency of the drug as these factors may relate to the safety and effectiveness of the drug (section 506A(a)(1) and (b) of the act). This section recognizes that additional testing, beyond testing to ensure that an approved specification is met, is required to ensure unchanged identity, strength, quality, purity, or potency as these factors may relate to the safety or effectiveness of the drug.

2. A drug made with a major manufacturing change may be distributed only after the applicant submits a supplemental application to FDA and the supplemental application is approved by the agency. The application is required to contain information that FDA deems appropriate and include the information developed by the applicant validating the effects of the change (section 506A(c)(1) of the act). The phrase "validating the effects of the change," as used in this proposed rule, is not the same as "validation" required in FDA's current good manufacturing practice (CGMP) regulations (21 CFR parts 210 and 211).

3. A major manufacturing change is a manufacturing change determined by FDA to have substantial potential to adversely affect the identity, strength, quality, purity, or potency of the drug as these factors may relate to the safety or effectiveness of the drug. Such changes include: (1) A change made in the qualitative or quantitative formulation of the drug involved or in the specifications in the approved application or license unless exempted by regulation or guidance, (2) a change determined by FDA through regulation or guidance to require completion of an appropriate clinical study demonstrating equivalence of the drug to the drug manufactured without the change or a reference listed drug, and (3) other changes determined by regulation or guidance to have a substantial potential to adversely affect the safety or effectiveness of the drug (section 506A(c)(2) of the act).

4. FDA may establish categories of manufacturing changes, other than major manufacturing changes, and require submission of a supplemental application for drugs made with such manufacturing changes (section 506A(d)(1)(B) and (d)(1)(C) of the act). For changes, other than major changes, that require submission of a supplemental application, the applicant may begin distribution of the drug 30 days after FDA receives the supplemental application unless the agency notifies the applicant within the 30-day period that FDA review and prior approval of the application is required (section 506A(d)(3)(B)(i) of the act). FDA may also designate a category of manufacturing changes for which the applicant may begin distributing a drug made with such changes upon receipt by the agency of the supplemental application for the change (section 506A(d)(3)(B)(ii) of the act). If FDA fails

to approve a supplemental application, the agency may order the manufacturer to cease the distribution of drugs that have been made with the disapproved change (section 506A(d)(3)(B)(iii) of the act).

5. FDA may authorize applicants to distribute drugs without submitting a supplemental application (section 506A(d)(1)(A) of the act) and may establish categories of manufacturing changes that may be made without submitting a supplemental application (section 506A(d)(1)(C) of the act). The applicant is required to submit a report to FDA on such a change, and the report is required to contain information the agency deems to be appropriate and information developed by the applicant when validating the effects of the change. FDA may also specify the date on which the report is to be submitted (section 506A(d)(2)(A) of the act). If during a single year an applicant makes more than one manufacturing change subject to a reporting requirement, the act permits FDA to authorize the applicant to submit a single annual report containing the required information for all the changes made during the year (section 506A(d)(2)(B) of the act).

Section 506A of the act recognizes that the amount of testing and the data to be included in a submission and the appropriate method for reporting the data are related to the scope and the type of change being made. Four methods of reporting changes (i.e., supplements that require FDA review and prior approval, CBE's supplements with a 30-day wait, CBE's supplements with no wait, and annual reports) are discussed in section 506A of the act and in this proposal. The appropriate method for reporting any specific change depends on the potential for that change to impact the fundamental safety or effectiveness of the product by adversely affecting the basic aspects of the drug product—its identity, strength, quality, purity, and potency.

The main objective of a review of a supplemental application that documents postapproval changes to an NADA or ANADA is to ensure "sameness" or "equivalence" between the pre- and post-change product. "Sameness or equivalence" do not mean "identical" since certain manufacturing changes lead to differences. Such differences should not, however, affect the safety or effectiveness of the drug product. Also, a proposed manufacturing change should not be so extensive that a new drug product is created. If a manufacturing change does produce a fundamental alteration (i.e., a pharmaceutically inequivalent dose form), a new application may be required for the resulting product.

Generally, in the case of NADA products, the pre- and post-change drug product should be compared. In the case of ANADA products, the pre- and post-change drug products should be compared to the reference listed drug, typically the pioneer drug product. Confirmation of "sameness" or "equivalence" is particularly important when changes are made that involve the active pharmaceutical ingredient or affect critical manufacturing steps. Examples of such changes include, but are not limited to, components and overall composition of the formulation; manufacturing site, scale, equipment, process, or specifications; and analytical procedures.

Many factors should be considered in determining whether a change has a substantial, moderate, or minimal potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as they may relate to the safety or effectiveness of the product. Some types of manufacturing changes have a greater potential to cause unwanted or unexpected changes to the product that may be difficult to assess by merely testing to specifications. The type of product is also a factor to consider in determining the potential risk of a manufacturing change having an adverse effect on the product. Some products may be substantially affected by what appear to be small manufacturing changes.

Therefore, defining "substantial," "moderate," and "minimal" in the regulations with such specificity that they exhaustively describe all of the many individual changes that may occur is not feasible. FDA is planning, however, to provide greater detail in guidance about the types or categories of changes that the agency believes should be considered "substantial," "moderate," or "minimal."

Section 506A of the act provides FDA with considerable flexibility to establish required information and filing requirements for manufacturing changes. There is a corresponding need to retain such flexibility in the proposed regulations implementing section 506A of the act to ensure that the least burdensome means for reporting changes are available. FDA believes that such flexibility is necessary to be responsive to increasing knowledge of and experience with certain types of changes and to help ensure the effectiveness and safety of the products involved. For example, a change that may currently be considered to have a substantial potential to have an adverse effect on the safety or effectiveness of the product may, at a later date, based on new information or advances in technology, be determined to have a lesser potential to have such an adverse effect. Conversely, a change originally considered to have a moderate potential to have an adverse effect on the safety or effectiveness of the product may later, as a result of new information, be found to have an increased, substantial potential to adversely affect the product.

The agency believes it can more readily respond to knowledge gained from manufacturing experience, and advances in technology by issuing regulations that set out broad, general categories of manufacturing changes and by using guidance documents to provide FDA's current thinking on the specific changes that fall into those general categories. The proposed rule would, therefore, reduce the number of manufacturing changes specifically identified as being subject to supplements requiring or not requiring review and approval. The agency also understands that applicants expect some predictability on what type of reporting will be expected for specific changes. FDA intends to make available guidance documents to describe the agency's current interpretation of specific changes falling into the four filing categories and to modify the documents as needed to reflect changes based on new information. The use of guidance documents as provided for in section 506A of the act will allow FDA to more easily and quickly modify and update important information. Guidance documents will be developed according to the procedures set out in FDA's Good Guidance Practices as published in the **Federal Register** of February 27, 1997 (62 FR 8961 at 8967 to 8972). A notice of availability for a draft guidance entitled "Chemistry, Manufacturing and Control Changes to an Approved NADA or ANADA" is published elsewhere in this issue of the **Federal Register**. This guidance covers recommended reporting categories for various postapproval manufacturing changes. FDA has published guidances, including SUPAC guidances and CVM's "Animal Drug Manufacturing Guidelines," that provide recommendations on both reporting categories and/or the type of information that should be developed by the applicant to validate the effect of the change on the identity, strength, quality, purity, or potency of a product as these factors may relate to the safety or effectiveness of the product. To the extent that the recommendations on reporting categories in this proposed guidance, when finalized, are

inconsistent with previously published guidances, such as the SUPAC's, the recommended reporting categories in such prior guidances will be superseded by this new guidance upon its publication in final form. FDA intends to update the prior published guidances to make them consistent with this guidance.

IV. Description of the Proposed Rule

A. Definitions

FDA has added a new paragraph to define terms and phrases as used in proposed § 514.8. Proposed § 514.8(a) would add definitions of "minor changes and stability report (MCSR)," "specification," "validate the effects of the change," 'listed drug," and "the list." These definitions are necessary to implement the provisions of section 506A of the act.

FDA is proposing to define "specification" as the quality standard (i.e., tests, analytical procedures, and acceptance criteria) provided in an approved application to confirm the quality of drug substances, drug products, intermediates, raw materials, reagents, and other components including container closure systems, and in-process controls. FDA is proposing to define "specification" because section 506A of the act includes a change "in the specifications in the approved application or license" as a major change. To clarify the meaning of the term "acceptance criteria" as used in the definition of "specification," FDA is including in the proposed definition of "specification" the statement that "acceptance criteria" refers to numerical limits, ranges, or other criteria for the tests described. To determine if a material being tested complies with a specification, there must be predetermined criteria. These criteria may include numerical limits or ranges (e.g., not more than 1 percent) or other criteria (e.g., white to off-white in color).

FDA is proposing to define the phrase "validate the effects of the change" as an assessment of the effect of a manufacturing change on the identity, strength, quality, purity, or potency of a drug as these factors relate to the safety or effectiveness of the drug. FDA is proposing to define this phrase because section 506A of the act includes a requirement that a drug made with a manufacturing change may only be distributed after the applicant validates the effects of the change. Validating the effects of the change is important in determining whether manufacturing changes alter the identity, strength, quality, purity, or potency of a drug product as these factors may relate to drug safety or effectiveness, and includes testing beyond that in an approved specification, such as redocumentation of the pharmaceutical equivalence or bioequivalence.

"Minor changes and stability report" would mean a report that is submitted once each year within 60 days of the anniversary of the application's original approval or a mutually agreed upon date for minor manufacturing changes made according to proposed § 514.8(b)(4) or a statement that no changes were made, and updated stability data generated on commercial or production batches according to an approved stability protocol.

The MCSR is the annual report described in section 506A(d)(2)(B) of the act, and it is different and distinct from the annual report described and submitted in accordance with current § 510.300 (21 CFR 510.300) (i.e., periodic DER's). The MCSR is a type of "annual" report for manufacturing changes only. The MCSR would be submitted to and reviewed by CVM's Office of New Animal Drug Evaluation (ONADE) rather than by CVM's Office of Surveillance and Compliance (OSC). The MCSR must include minor manufacturing changes implemented over the past year and an update of ongoing stability data generated on production lots. Currently, ongoing stability data are submitted as part of DER's to OSC. CVM has decided that it is more efficient to allow the administrative review of information relating to manufacturing changes and stability to reside in one group. Information regarding labeling changes and product defects would continue to be submitted to CVM's OSC.

FDA is proposing to define "listed drug" and "the list" to clarify "reference listed drug" cited in proposed § 514.8(b)(2)(ii)(B).

B. Manufacturing Changes to an Approved Application

Proposed § 514.8(b) sets forth general requirements under which an applicant must notify FDA when making a change to an approved application and replaces current § 514.8(a). This paragraph states that an applicant must notify FDA about each change in each condition established in an approved application beyond the variations already provided for in the application, and that the notice is required to describe the change fully. It also states that the applicant must, depending on the type of change, notify FDA of the change in a supplement under proposed § 514.8(b)(2) or (b)(3) or by the inclusion of the information in an annual report (the MCSR) under proposed § 514.8(b)(4). Reference in current § 514.8(a)(1) to current regulations, § 510.300, has been deleted and, instead, proposed § 514.8(b)(1)(i) makes reference to annual reports described under proposed § 514.8(b)(4). Manufacturing changes and/or updated stability data generated according to an approved stability commitment would no longer be reported in periodic DER's (i.e., annual reports under current § 510.300) but be reported under proposed § 514.8(b)(4) in an MCSR. CVM intends to publish a final rule revising § 510.300, which will be renumbered as § 514.80. Since CVM expects to publish the final rule for § 514.80 (*Records and reports concerning experience with new animal drugs for which an approved application is in effect.* (56 FR 65581, December 17, 1991)) before the final rule for § 514.8, CVM will, if necessary, amend the rule for *Records and reports concerning experience with new animal drugs for which an approved application is in effect.* after the final rule for § 514.8 publishes.

Proposed § 514.8(b)(1)(ii) would require the holder of an approved application under section 512 of the act (21 U.S.C. 360b) to validate the effects of manufacturing changes on the identity, strength (e.g., assay and content uniformity), quality (e.g., physical, chemical, and biological properties), purity (e.g., impurities and degradation products) and potency (e.g., biological activity, bioavailability, and bioequivalence) of a drug as these factors may relate to the safety or effectiveness of the drug. These validation requirements must be met before a product made with a manufacturing change may be distributed. This amendment implements section 506A(a)(1) and (b) of the act.

Proposed § 514.8(b)(1)(iii) states that notwithstanding the requirements of § 514.8(b)(2) and (b)(3), an applicant must report a change provided for in those paragraphs in accordance with a regulation or guidance that provides for a less burdensome notification of the change. For example, a type of manufacturing change subject to review and approval by FDA under proposed § 514.8(b)(2) might be identified in regulation or guidance as a change that could be reported in a supplement not requiring review and approval or in an annual report. CDER used this provision to reduce the regulatory burden for submission of supplements for manufacturing changes that were not likely to adversely affect drug product quality or performance in the SUPAC guidance documents.

Proposed § 514.8(b)(1)(iv) requires the applicant to include in each supplemental application providing for a change under proposed § 514.8(b)(2) or (b)(3), a statement that a copy of the supplement has been provided to the appropriate FDA district office whose jurisdiction includes the facility where the manufacturing change is implemented.

Proposed § 514.8(b)(1)(v) would add a requirement that a list of all changes contained in the supplement or annual report must be included in the cover letter for the supplement or annual report. For many years, most supplements and annual reports have routinely included such cover letters. Including a list of all changes in the cover letters will enable FDA to more efficiently locate and evaluate changes in what are often substantial documents, thus facilitating FDA review of supplements and annual reports.

Proposed § 514.8(b)(2)(iii) describes the information that must be included in a supplement. References to regulations for categorical exclusion or an environmental assessment have been updated and included in § 514.8(b)(2)(iii)(K).

C. Changes Requiring Supplement Submission and Approval Prior to Distribution of the Product Made Using the Change (Major Change)

Certain drug manufacturing steps are so critical that changes in these steps must be subject to the submission of a supplement to FDA that is approved by FDA prior to distribution of the drug product made using the change. Current § 514.8(a)(4) sets forth changes for which such review and approval are required.

Proposed § 514.8(b)(2) would revise the current sections to implement section 506A of the act. Proposed § 514.8(b)(2)(i) implements section 506A(c)(2) of the act and would require a preapproval supplement to be submitted for any major change, i.e., any change in the product, production process, quality controls, equipment, or facilities that has a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product.

Also, there are times when manufacturing changes are demonstrated to have an adverse effect on the identity, strength, quality, purity, or potency of the drug product. In many cases the applicant chooses not to implement these manufacturing changes, but in other cases the applicant may still wish to do so. If an assessment by the sponsor shows that a manufacturing change has adversely affected the identity, strength, quality, purity, or potency of the drug product and the sponsor wants to make the change, the change should be filed in a supplement that requires review and approval by FDA before distribution of the product, regardless of whether the change is listed as an example of one that normally does not need FDA approval prior to distribution of the product made with the change. The applicant should submit this change in a supplement that requires review and approval with appropriate information to demonstrate that the manufacturing change has not altered the continued safety and effectiveness of the product. The agency will assess the effect of any adverse change in a drug product, as the change may relate to the safety or effectiveness of the product, during the review of the supplement that requires approval prior to distribution of the product.

Proposed § 514.8(b)(2)(ii) lists examples of those changes requiring submission and approval of a supplement prior to distribution, including those designated as major manufacturing changes in section 506A(c)(2) of the act, and changes to certain biotechnology products. These changes have a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product. The agency's continued review and approval of these changes prior to product distribution is necessary to protect the animals and the public from products for which safety or effectiveness may have been compromised.

FDA is proposing to describe additional specific examples of changes that have substantial, moderate, and minimal potential to adversely affect a product in guidance documents rather than enumerate them in the proposed regulations. As discussed previously, section 506A of the act expressly states that the agency, through guidance, may categorize the manufacturing changes. FDA anticipates that scientific advances and future experience may reduce the need for approval of supplements providing for certain changes, and the agency will respond to changed circumstances by revising the guidance documents. A notice of availability of a draft guidance document entitled "Guidance for Industry: Chemistry, Manufacturing and Controls Changes to an Approved NADA or ANADA," that provides more detailed recommendations on how to report proposed changes, is being published elsewhere in this issue of the **Federal Register**, and the agency is soliciting comments on the draft guidance in addition to the proposed rule.

In regard to proposed § 514.8(b)(2)(ii)(B), section 506A of the act also states in part that "* * * equivalence of the drug to the drug as manufactured without the change" should be demonstrated. For those generic drug products for which, at the time of approval, a generic drug applicant was required to show equivalence between the proposed generic drug and a reference listed drug (typically the referenced pioneer drug product), a proposed manufacturing change should not significantly change the equivalence demonstrated at the time of approval. In addition, for the more significant manufacturing changes for generic drugs the approval of which relied on a demonstration of bioequivalence to a reference listed drug, the applicant is required to conduct a bioequivalence study comparing the drug product made with the change to the reference listed drug, typically the pioneer drug product.

Under proposed § 514.8 (b)(2)(ii)(G) changes to a product under an application that is subject to a validity assessment because of significant questions regarding the integrity of the data supporting the application require approval prior to distribution. Until questions about the integrity of the data in the application have been resolved, there are inadequate assurances that any change will not adversely affect the safety or effectiveness of the product. Moreover, a change to a product cannot be validated, as required under 506A(b) of the act, until the integrity of the underlying data in such an application is validated. Consequently, there is a significant potential that the change will have an adverse effect on the identity, strength, quality, purity, or potency of the product. After a validity assessment has been completed, and data integrity questions resolved, the holder of an approved application may submit supplements for manufacturing changes as otherwise provided in § 514.8.

Current § 514.8(a)(4)(iii), (a)(4)(iv), and (a)(4)(v) regarding general manufacturing and control changes requiring approval prior to distribution are not included in proposed § 514.8(b)(2), because some of these changes would fall into the proposed major manufacturing change category while others would fall into other proposed categories depending on whether the change is considered to have a substantial, moderate, or minimal potential to adversely affect the

identity, strength, quality, purity, or potency of the drug as they may relate to the safety or effectiveness of the drug. FDA plans to provide recommendations on how to submit the supplements in guidance documents, including the draft guidance document mentioned previously. Current § 514.8(a)(4)(v) relating to identification of distributors has been updated and reproposed as § 514.8(c)(4).

Proposed § 514.8(b)(2)(iii) states that the applicant must obtain approval of a supplement from FDA before distributing a product using a change under § 514.8(b)(2), and it specifies information to be included in the supplement.

Proposed § 514.8(b)(2)(iv) permits a request for an expedited review of a supplement for public health reasons or if a delay in making the change described in the supplement would impose an extraordinary hardship on the applicant. FDA is including this provision for expedited review for extraordinary hardship reasons but wishes to clarify that these requests should focus on manufacturing changes made necessary by catastrophic events (e.g., fire) or by events that could not be reasonably foreseen and for which the applicant could not plan. Requests for expedited review will be assessed on a case-by-case basis. All requests may not be granted.

Under proposed § 514.8(b)(2)(v), an applicant may submit one or more protocols describing specific tests, validation studies, and acceptable limits to be achieved to demonstrate the lack of an adverse effect for specified types of manufacturing changes on the identity, strength, quality, purity, or potency of the drug as these factors may relate to the safety or effectiveness of the drug. Such protocols, or changes to a protocol, would be submitted as a supplement requiring approval from FDA prior to distribution. If approved, the use of such a protocol in making the specified changes may justify a reduced reporting category for the change because of the reduced risk of an adverse effect.

Generally, when considering a change in the manufacture of a product, the manufacturer will prepare a protocol, often called a "comparability protocol," identifying tests to be performed in evaluating the change and its effect on the product and defining the criteria against which the impact of the change will be evaluated. By providing FDA an opportunity to review and approve the comparability protocol before it is used by the applicant to evaluate a change, FDA can have a greater assurance that the change is being properly evaluated and there is, therefore, less potential for the change to have an adverse effect on the safety or effectiveness of the product.

D. Changes Requiring Supplement Submission at Least 30 Days Prior to Distribution of the Drug Product Made Using the Change (Moderate Changes)

Current § 514.8(d)(3) provides for manufacturing changes that give an increased assurance that the drug will have the characteristics of identity, strength, quality, and purity that it purports or is represented to possess to be placed into effect at the earliest possible time. Proposed § 514.8(b)(3) implements section 506A(d)(1)(B) and (d)(3) of the act and provides that products made using the changes listed under this section may only be distributed not sooner than 30 days after receipt of a supplement by FDA. FDA recognizes that animal and the public health can be adequately protected without requiring approval of certain manufacturing changes prior to distribution of the product made with the change. FDA continues to believe that it is important that such changes be documented and validated so that there is a mechanism for assessing the consequences of the change and that the agency approve such changes. The requirement to submit a supplement 30 days before distribution of the product balances FDA's need to review applications to protect against the distribution of unsafe or ineffective products and the need to make improved products available.

Proposed § 514.8(b)(3)(i) would require that a supplement be submitted for any change in the product, production process, quality controls, equipment, or facilities that has a moderate potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product. Proposed § 514.8(b)(3)(iii) states that a supplement submitted under § 514.8(b)(3)(i) is required to give a full explanation of the basis for the change and identify the date on which the change is to be made, and that the supplement must be labeled "Supplement—Changes Being Effected in 30 Days."

Proposed § 514.8(b)(3)(ii) describes the types of changes that require submission of a supplement 30 days before distribution.

Proposed § 514.8(b)(3)(iv) states that distribution of a product made using a change listed under this section may not begin until 30 days after receipt of a supplement by FDA. This section would also require that the same information listed in proposed § 514.8(b)(2)(iii), discussed previously, must be contained in the supplement required under proposed § 514.8(b)(3).

According to proposed § 514.8(b)(3)(v), during the 30-day period following receipt of the supplement, FDA would perform a preliminary review to determine whether the supplement is complete and whether the type of change is appropriate for review as a supplement under proposed § 514.8(b)(3). If the proposed change is determined to be a major change that should appropriately be submitted under proposed § 514.8(b)(2), the agency would inform the applicant and the applicant would be required to receive FDA's approval before a product produced with the change could be distributed. If FDA determines that the change is properly submitted as a supplement under § 514.8(b)(3)(i), but the required information is incomplete, the applicant would be required to supply the missing information and wait until FDA has determined that the supplement is in compliance before distributing the product.

Under proposed § 514.8(b)(3)(vii), if FDA disapproves a supplemental application under this section, the agency may order the manufacturer to cease distribution of the drug products made with the manufacturing change. This amendment would implement section 506A(d)(3)(B)(iii) of the act.

E. Changes That May Be Implemented When FDA Receives a Supplement (Moderate Changes)

Section 506A(d)(3)(B)(ii) of the act gives FDA authority to designate a category of changes for which the holder of an approved application making such change may begin distribution of the drug upon receipt by FDA of a supplemental application for the change. FDA recognizes that animals and the public can be adequately protected without requiring approval of certain manufacturing changes prior to distribution of the product made with the change. FDA continues to believe that it is important that such changes be documented and validated so that there is a mechanism for assessing the consequences of the change and that the agency approve such changes. However, based on FDA's experience, certain changes may be implemented when FDA receives the supplement, rather than delaying distribution for 30 days because, in general, these changes provide the same or increased assurance that the product will have the characteristics of identity, strength,

quality, purity, or potency that it purports or is represented to have. Submission of a supplement gives FDA ready access to information regarding such changes. The requirement for approval of such supplements allows FDA to protect against the distribution of unsafe or ineffective products while allowing products that are likely to be improved to be available more quickly. Examples of such changes are listed in proposed § 514.8(b)(3)(vi). The supplement submitted under this paragraph is required to give a full explanation of the basis for the change and the supplement must be labeled "Supplement—Changes Being Effected."

Under proposed § 514.8(b)(3)(vii), if FDA disapproves a supplemental application under this section, the agency may order the manufacturer to cease distribution of the drug products made with the manufacturing change.

Current § 514.8(d) describes the types of changes that can be placed into effect at the earliest possible time. Such changes are being described in proposed § 514.8(b)(3)(vi) and (c)(3).

F. Changes and Updated Stability Data to Be Described and Submitted in an Annual Report (Minor Changes)

Minor manufacturing changes are currently submitted in an annual report under § 510.300(b)(6) as referenced in current § 514.8(a)(5) or in a biennial supplement. Proposed § 514.8(b)(4) would provide that changes to the product, production process, quality controls, equipment, or facilities that have a minimal potential to have an adverse effect on the identity, strength, quality, purity, or potency as these factors may relate to the safety or effectiveness of the product be documented by the applicant in the next annual report, i.e., "Minor Changes and Stability Report," as described under proposed § 514.8(b)(4). FDA recognizes that there are manufacturing changes that have a minimal potential to have an adverse affect on a product's safety or effectiveness. FDA believes that agency approval of these changes prior to product distribution is unnecessary and is proposing in § 514.8(b)(4) that such changes would not be required to be approved by the agency. FDA continues to believe that it is important that such changes be documented and validated so that FDA can assess the consequences of the change. FDA can effectively assess compliance with this section and CGMP requirements for changes that have a minimal potential to adversely affect the product's safety or effectiveness by having ready access to information regarding such changes through submission of an annual report and by inspection.

Section 506A(d)(1)(C) of the act authorizes FDA to establish reporting categories (i.e., annual report) of manufacturing changes (i.e., minor changes) that may be made without submitting a supplemental application. Section 506A(d)(2)(A) of the act permits minor changes to be reported separately or in an annual report. Section 506A of the act has no provisions for reporting minor manufacturing changes in biennial supplements as permitted by CVM's pilot program. Therefore, all minor manufacturing changes described in regulations or guidance should be submitted in an MCSR to the application annually. The MCSR will be reviewed by the appropriate CVM office that reviews manufacturing supplements. No manufacturing changes or updated stability data are to be reported in the periodic DER that is submitted to CVM's OSC. But reports of manufacturing defects must continue to be submitted to OSC. The MCSR must be submitted each year within 60 days of the anniversary of approval of the application or mutually agreed upon date. Proposed § 514.8(b)(4)(ii) lists examples of changes that can be reported in the MCSR.

Proposed § 514.8(b)(4)(iii) states that the MCSR must list all products to which minor changes were made.

Proposed § 514.8(b)(4) replaces current § 514.8(a)(5).

G. Labeling and Other Changes Requiring Submission and Approval of a Supplement Prior to Distribution of the Product Made Using the Change (Major Changes)

Labeling changes addressed in current § 514.8(a) and (b) are newly addressed by proposed § 514.8(c). Proposed § 514.8(c)(1) describes when an applicant must notify FDA that the applicant is making such a change to an approved application. This section states that an applicant must notify FDA about each change in each condition established in an approved application beyond the variations already provided for in the application, and that the notice is required to describe the change fully.

Proposed § 514.8(c)(2) updates current § 514.8(a)(3), (a)(4)(i) and (a)(4)(ii) regarding labeling changes and addition of intended use requiring preapproval supplements. Labeling and other changes requiring submission of a supplemental application are described in proposed § 514.8(c)(2)(i).

Proposed § 514.8(c)(2)(ii) requires an applicant to obtain approval of a supplement by FDA before distributing a product subject to a change listed under § 514.8(c)(2)(i), and specifies information to be included in the supplement.

Current § 514.8(a)(3) regarding mailing or promotional pieces for a prescription drug has been updated and is included under proposed § 514.8(c)(2). Current § 514.8(a)(4)(i) and (a)(4)(ii) regarding revisions in labeling and addition of claim, respectively, have been updated and included under proposed § 514.8(c)(2)(i)(A) and (c)(2)(i)(B).

H. Labeling Changes To Be Placed Into Effect Prior to Receipt of a Written Notice of Approval of a Supplemental Application

Proposed § 514.8(c)(3) updates and redesignates current § 514.8(d) regarding labeling changes to be placed into effect prior to receipt of a written notice of approval of a supplemental application.

Proposed § 514.8(c)(3)(i) requires labeling changes that increase the assurance of product safety, such as additional warnings, contraindications, or side effects or deletions of false, misleading, or unsupportive statements; and any other changes as directed by FDA to be placed into effect immediately. These changes, proposed § 514.8(c)(3)(i)(A) and (c)(3)(i)(B), are listed in current § 514.8(d)(1) and (d)(2).

Proposed § 514.8(c)(3)(ii) permits labeling changes to the style and format that do not decrease the safety of product approved in supplemental applications to be placed into effect prior to written notice of approval from FDA of a supplemental application.

Proposed § 514.8(c)(3)(iii) updates current § 514.8(e) and describes what must be included in a supplement submitted under § 514.8(c)(3). FDA will not take action against products or sponsors solely because a change in labeling described in § 514.8(c)(3) is implemented prior to FDA receipt and approval of a supplement if the information listed in § 514.8(c)(3)(iii) has been submitted to the agency.

Proposed § 514.8(c)(4) would require applicants to notify CVM of additional designated distributors under proposed § 514.80(a)(2), (b)(3), and (b)(5)(iii) (*Records and reports concerning experience with new animal drugs for which an approved application is in effect.*—as noted in section IV.B of this document, CVM expects to publish the final rule for § 514.80 before the final rule for this document). This notification will be accompanied by a Form FDA 2301, submitted to DER, and reported at the time of initial product distribution by the new distributor. This type of change is not considered a

manufacturing change, rather a type of labeling change to be reported to the Division of Epidemiology and Surveillance in the OSC, CVM.

In addition to section 506A of the act, other sections of the act authorize FDA to propose § 514.8. Section 501 of the act (21 U.S.C. 351) prohibits the manufacture, processing, packing, or holding of drugs that do not conform to CGMP; the use of an unsafe new animal drug under the meaning of section 512 of the act; the use of unsafe color additives in or on a drug under section 721 of the act (21 U.S.C. 379e); and the distribution of a drug that differs in the strength, purity, or quality that it purports or is represented to possess. Section 502 of the act (21 U.S.C. 352) prohibits false or misleading labeling of drugs, drugs that lack adequate directions for use and adequate warnings, and the distribution of drugs that are dangerous to health when used in the manner suggested in the labeling. Under section 512 of the act, FDA will approve an application for a new intended use of a new animal drug if, among other things, the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are adequate to preserve its identity, strength, quality, and purity. Section 701 of the act (21 U.S.C. 371) authorizes FDA to issue regulations for the efficient enforcement of the act.

I. Other Information.

Proposed § 514.8(d) regarding patent information is included to comply with section 512(c)(3) of the act. Proposed § 514.8(e) regarding claimed exclusivity is included to comply with section 512(c)(2)(F) of the act. Proposed § 514.8(f) regarding good laboratory practice for nonclinical laboratory studies is redesignated as current § 514.8(l).

J. Sections Proposed for Removal

The agency is proposing that a number of paragraphs be removed after reevaluation of the regulations covering changes to an approved application because the agency has determined that these paragraphs are no longer relevant to current practices. These regulations are described in the next two paragraphs.

FDA has determined that the regulations covering special circumstances of NADA's effective prior to October 10, 1962, are no longer needed. Thus FDA is proposing to eliminate current § 514.8(g), (k), and (j).

Current § 514.8(h) stating that nothing in § 514.8 limits the Secretary of Health and Human Services's authority to suspend or withdraw approval of a new animal drug application is adequately addressed in section 512(c)(1)(F) of the act and need not be addressed in the proposed regulations. Similarly, FDA is removing current § 514.8(i) that provides for a deferral of final action on supplemental applications as described under current § 514.8(d), (e), and (g).

K. Section 514.106 Approval of Supplemental Applications

This proposal would modify § 514.106(b) regarding the administrative categorization of supplemental applications to provide for proper references to proposed § 514.8.

V. Conforming Amendments

A number of sections in the regulations covering new animal drugs are affected by these proposed changes. Conforming changes are being proposed in §§ 5.83, 25.33, 500.25, 510.300, 514.106, and 558.5 because of the reorganization of the existing information or introduction of new requirements.

VI. Environmental Impact

The agency has determined under 21 CFR 25.24(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including having an annual effect on the economy of $100 million or adversely affecting in a material way a sector of the economy, competition, or jobs. The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. The Office of Management and Budget (OMB) has determinied that this proposed rule is a significant regulatory action subject to review under the Executive Order.

The agency is proposing to amend current § 514.8 to implement section 116 of the Modernization Act. This section establishes reporting procedures and requirements for making major and other manufacturing changes to an approved NADA or ANADA. The intent of section 506A of the act and this proposed rule is to permit sponsors to use a less burdensome notification procedure for some types of changes, while also clarifying the regulations and harmonizing them, where possible, with CDER's and CBER's regulations. Downgrading the level of agency review for some of these supplements will lead to compliance cost savings due to the resulting improvement in manufacturing efficiencies.

The agency has not estimated the value of the expected improvements in manufacturing efficiencies due to the myriad of factors affecting the production schedules of new animal drugs. FDA believes, however, that these changes will result in shorter average lag times between the decision to make certain minor changes to the manufacturing process for a new animal drug and the time at which that change can be implemented. A report by the Eastern Research Group, an FDA contractor, on the effects of the human drug scale-up and postapproval change guidance for immediate release solid oral dosage form (SUPAC–IR), concluded that this type of supplement change can result in significant net savings to industry. In particular, the report found that companies gain greater control over their production resources and "shorter waiting times for changes that can now be filed as Changes Being Effected (CBE's) or annual reports."

The proposed rule contains four reporting categories for supplemental chemistry, manufacturing and control (CMC) changes, whereas the current regulation § 514.8 contains three. The first category concerns those changes requiring approval prior to implementation and defines what is included in a "major" change. These requirements are very similar to those in the existing regulation, but clarify some of the existing language. The second category is a new "30-day changes being effected," or 30-day CBE category. The purpose of this new category is to provide for a less burdensome method of reporting some "moderate" CMC changes that previously were reported as major changes requiring approval before implementation. The firm submitting the supplement will be able to implement the change more quickly

as it will no longer require agency approval before implementation.

The third category concerns those supplement changes that can be effected upon the agency's receipt of submission of the supplemental application. The current regulation concerning this reporting category contained language that allowed for the change "at the earliest possible time," while the act specifically dictates the change be allowed at the time of agency receipt of the supplement. The fourth category concerns the minor manufacturing changes and updated stability data to be submitted in an MCSR. This annual MCSR replaces the current regulation that also requires an annual report of these changes. Nevertheless, those firms currently reporting these CMC changes in the biennial supplement described previously in this document, will incur the additional burden of an extra report every other year.

Based on prior years' submissions, the agency estimates that it will receive about 906 CMC supplements. According to estimates from agency reviewers, about 755 of these would have required preapproval under the current regulation. Under the proposed rule, the number requiring preapproval is estimated at 154. The difference of 601 supplements represents the approximate number of additional changes that can be made without agency approval. Companies submitting these supplements will have the opportunity to make quicker changes and realize increased manufacturing efficiencies.

Further savings are expected from another provision of the rule that concerns labeling supplements. Currently, labeling supplements are required to include nine copies of the labeling in the submission. The proposed rule would lower this requirement to two copies, providing further small savings for industry. Although the proposal also reorganizes the rules for labeling supplements, the agency does not expect these changes to alter the number of labeling supplements submitted annually.

The creation of the MCSR may provide additional opportunity for savings because it may include minor manufacturing changes that were previously submitted as CBE's or other supplement types that require a higher level of review. Under the proposal, each firm will be able to accumulate and submit them together each year, rather than individually.

A. Regulatory Flexibility Analysis

The Regulatory Flexibility Act requires agencies to analyze regulatory options to minimize any significant impact on small entities. The proposed rule implements section 506A of the act. The intent of the rule is to clarify the regulations for submitting supplemental applications for new animal drugs, harmonize the regulations with those for CDER and CBER, and lessen the compliance burden for some supplements by reducing the level of agency review necessary before implementation of certain changes. The effects of the proposed rule will be spread across all firms that submit supplements, regardless of their size. The Small Business Administration defines small businesses as businesses with fewer than 750 employees. Because these are the firms that are most likely to be submitting reports of minor changes as prior approval supplements, even though not required to do so by current regulations, rather than as biennial supplements as allowed under CVM's pilot project, they are even more likely to realize a benefit from this regulation than the larger industry members that participated in CVM's pilot project. At worst, a few small firms participating in CVM's pilot project may have to submit an annual report rather than a biennial supplement. Because the burden of submitting one additional report every other year will not impose a significant cost on small businesses, the agency certifies that the rule will not have a significant effect on a substantial number of small entities.

B. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act requires that agencies prepare an assessment of anticipated costs and benefits before proposing any rule that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more (adjusted annually for inflation) in any one year. Because the agency estimates that the proposed rule will not result in expenditures of funds by State, local, and tribal governments or the private sector in excess of $100 million or more in any one year, but will result in only insignificant expenditures by the industry, and in fact should provide a net savings, it is not required to perform a cost/benefit analysis according to the Unfunded Mandates Reform Act.

VIII. Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by the OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection provisions are shown below with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Supplements and Other Changes to Approved New Animal Drug Applications.

Description: As directed by the Modernization Act, FDA is proposing regulations to describe reporting procedures and requirements for making major and other manufacturing changes to an approved NADA. The proposed regulations also describe reporting procedures and requirements for making labeling changes to an approved NADA. Under proposed § 514.8(b)(2) and (c)(2), the agency will continue to require an approved supplemental application prior to distribution of a product made with a major manufacturing or labeling change to an approved NADA. Major manufacturing changes are those determined to have substantial potential to adversely affect the identity, strength, quality, purity, or potency of the drug. For moderate manufacturing changes, as defined in proposed § 514.8(b)(3), sponsors would be required to submit a supplemental application at least 30 days prior to distribution of the product made using the change. Under proposed § 514.8(b)(4), sponsors would not be required to submit supplemental applications for minor manufacturing changes, but would describe these changes in annual reports. Additionally, under proposed § 514.8(c)(3), certain labeling changes would require supplemental applications, but would be placed into effect immediately.

Under current regulations, CVM evaluates all manufacturing and labeling changes to approved NADA's whether they are submitted as permitted changes, CBE's, or those requiring approval prior to implementation. CVM provided greater flexibility to the

current regulations by permitting the reporting of minor manufacturing changes in a biennial supplement, as discussed earlier in this document. Changes mandated by the Modernization Act will supersede this practice, replacing the biennial supplement with an annual report, the MCSR.

The proposed rule is expected to lessen paperwork burden by requiring: (1) Fewer copies of labels for labeling changes, (2) fewer submissions because certain changes that are submitted under the current rule as individual CBE's or other supplement types may now be accumulated and submitted together once a year in the MCSR, and (3) agency approval of fewer types of changes.

Listed in Table 1 of this document is an estimate of the burden placed on industry for the various types of submissions discussed in the proposed regulation. FDA based the number of respondents upon the total number of potential sponsors. The number of total annual responses was derived from agency reviewers' estimates based upon prior years' submissions. The number of responses per respondent is an estimate that the agency arrived at by dividing the number of total responses the agency expects to receive by the total number of potential responses. Changes under § 514.8(b)(2) through (b)(4) and (c)(2) through (c)(3) are submitted on FDA Form 356V (OMB approval number 0910–0032). Labeling changes under § 514.8(c)(4) are made on FDA Form 2301 (OMB approval number 0910–0019).

Description of Respondents: Sponsors of new animal drug applications.

In compliance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the agency has submitted the information collection provisions of this proposed rule to OMB for review. Interested persons are requested to send comments regarding this information collection by November 1, 1999, to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	No. of Responses per Respondents	Total Annual Responses	Hours per Response	Total
514.8(b)(2)(iii)	190	0.81	154	100	15,400
514.8(b)(2)(v)	190	0.59	112	80	8,960
514.8(b)(3)(i)	190	2.64	502	60	30,120
514.8(b)(3)(vi)	190	1.32	250	60	15,000
514.8(b)(4)	190	5.17	982	24	23,568
514.8(c)(2)	190	0.26	50	20	1,000
514.8(c)(3)	190	0.26	50	60	3,000
514.8(c)(4)	190	0.39	74	3	222
Total			2,174		97,270

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

IX. Comments

Interested persons may, on or before December 15, 1999, submit to the Dockets Management Branch (address above) written comments regarding this proposed rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

21 CFR Part 25

Environmental impact statements, Foreign relations, Reporting and recordkeeping requirements.

21 CFR Part 500

Animal drugs, Animal feeds, Cancer, Labeling, Packaging and containers, Polichlorinated biphenyls (PCB's).

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 514

Administrative practice and procedure, Animal drugs, Confidential business information, Reporting and recordkeeping requirements.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegate to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 5, 25, 500, 510, 514, and 558 be amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; 15 U.S.C. 1451–1461; 21 U.S.C. 41–50, 61–63, 141–149, 321–394, 467f, 679(b), 801–886, 1031–1309; 35 U.S.C. 156; 42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u–300u–5, 300aa–l; 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11921, 41 FR 24294, 3 CFR, 1977 Comp., p. 124–131; E.O. 12591, 52 FR 13414, 3 CFR, 1988 Comp., p. 220–223.

2. Section 5.83 is amended by revising paragraph (c) to read as follows:

§ 5.83 Approval of new animal drug applications, medicated feed mill license applications and their supplements.

* * * * *

(c) The Director, Division of Manufacturing Technologies, Office of New Animal Drug Evaluation, CVM, is authorized to perform all of the functions of the Commissioner of Food and Drugs with regard to the approval of supplemental applications that are described by § 514.8(b)(2) and (b)(3) of this chapter.

* * * * *

PART 25—ENVIRONMENTAL IMPACT CONSIDERATIONS

3. The authority citation for 21 CFR part 25 continues to read as follows:

Authority: 21 U.S.C. 321–393; 42 U.S.C. 262, 263b–264; 42 U.S.C. 4321, 4332; 40 CFR parts 1500–1508; E.O. 11514, 35 FR 4247, 3 CFR, 1971 Comp., p. 531–533 as amended by

E.O. 11991, 42 FR 26967, 3 CFR, 1978 Comp., p. 123–124 and E.O. 12114, 44 FR 1957, 3 CFR, 1980 Comp., p. 356–360.

§ 25.33 [Amended]

4. Section 25.33 *Animal drugs* is amended in paragraph (a)(4) by removing "514.8(a)(5), (a)(6), or (d)" and by adding in its place "514.8(b)(3), (b)(4), or (c)(3)".

PART 500—GENERAL

5. The authority citation for 21 CFR part 500 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 342, 343, 348, 351, 352, 353, 360b, 371.

§ 500.25 [Amended]

6. Section 500.25 *Anthelmintic drugs for use in animals* is amended in the first sentence of paragraph (c) by removing "514.8(d) and (e)" and by adding in its place "514.8(c)(3)".

PART 510—NEW ANIMAL DRUGS

7. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

§ 510.300 [Amended]

8. Section 510.300 *Records and reports concerning experience with new animal drugs for which an approved application is in effect* is amended by removing paragraph (a)(6).

PART 514—NEW ANIMAL DRUG APPLICATIONS

9. The authority citation for 21 CFR part 514 is revised to read as follows:

Authority: 21 U.S.C. 351, 352, 356a, 360b, 371, 379e, 381.

10. Section 514.8 is revised to read as follows:

§ 514.8 Supplements and other changes to an approved application.

(a) *Definitions.* (1) The definitions and interpretations contained in section 201 of the Federal Food, Drug, and Cosmetic Act (the act) apply to those terms when used in this part.

(2) The following definitions of terms apply to this part:

(i) *Listed drug* means a new animal drug product that has an effective approval under section 512 of the act, which has not been withdrawn or suspended under section 512 of the act, and which has not been withdrawn from sale for what the Food and Drug Administration (FDA) has determined are reasons for safety or effectiveness. Listed drug status is evidenced by the new animal drug product's identification as a new animal drug with an effective approval in the current edition of FDA's "FDA Approved Animal Drug Products" (the list) or any current supplement thereto, as a new animal drug with an effective approval. A new animal drug product is deemed to be a listed drug on the date of effective approval of the application or abbreviated application for that new animal drug product.

(ii) *Minor changes and stability report* means an annual report that is submitted to the new animal drug application or abbreviated new animal drug application once each year within 60 days of the anniversary of the application's original approval or a mutually agreed upon date. The report must include minor manufacturing and controls changes made according to § 514.8(b)(4) or state that no changes were made; and update stability data generated on commercial or production batches according to the approved stability protocol/commitment.

(iii) *Specification* means the quality standard (i.e., tests, analytical procedures, and acceptance criteria) provided in an approved new animal drug application or abbreviated new animal drug application to confirm the quality of drug substances, drug products, intermediates, raw materials, reagents, and other components including container closure systems, and in-process controls. For the purpose of this definition, *acceptance criteria* means numerical limits, ranges, or other criteria for the tests described.

(iv) *Validate the effects of the change* means to assess the effect of a manufacturing change on the identity, strength, quality, purity, or potency of a new animal drug as these factors relate to the safety or effectiveness of the new animal drug.

(v) *The list* means the list of new animal drug products with effective approvals published in the current edition of FDA's publication "FDA Approved Animal Drug Products" and any current supplement to the publication.

(b) *Manufacturing changes to an approved application*—(1) *General provisions.* (i) The applicant must notify FDA about each change in each condition established in an approved application beyond the variations already provided for in the application. The notice is required to describe the change fully. Depending on the type of change, the applicant must notify FDA about it in a supplement under paragraph (b)(2) or (b)(3) of this section or include the information in the annual report to the application described in paragraph (b)(4) of this section.

(ii) The holder of an approved application under section 512 of the act must validate the effect of the change on the identity, strength, quality, purity, or potency of the new animal drug as these factors may relate to the safety or effectiveness of the new animal drug before distributing a drug made with a manufacturing change.

(iii) Notwithstanding the requirements of paragraphs (b)(2) and (b)(3) of this section, an applicant must make a change provided for in those paragraphs in accordance with a regulation or guidance that provides for a less burdensome notification of the change (for example, by submission of a supplement that does not require approval prior to distribution of the product or by notification in the next annual report described in paragraph (b)(4) of this section).

(iv) The applicant must include in each supplemental application providing for a change under paragraph (b)(2) or (b)(3) of this section, a statement certifying that a copy of the supplement has been provided to the appropriate FDA district office.

(v) The cover letter for a supplement or annual report described in paragraph (b)(4) of this section must include a list of all changes contained in the supplement or annual report.

(2) *Changes requiring submission and approval of a supplement prior to distribution of the product made using the change (major changes).* (i) A supplement must be submitted for any change in the product, production process, quality controls, equipment, or facilities that has a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product.

(ii) These changes include, but are not limited to:

(A) Except as provided in paragraphs (b)(3) and (b)(4) of this section, changes in the qualitative or quantitative formulation of the new animal drug, including inactive ingredients, or other specifications as provided in the approved application;

(B) Changes requiring completion of appropriate animal studies to demonstrate the equivalence of the drug to the new animal drug as manufactured without the change or to the reference listed drug;

(C) Changes that may affect product sterility assurance, such as changes in product or component sterilization method(s) or an addition, deletion, or substitution of steps in an aseptic processing operation;

(D) Changes in the synthesis or manufacture of the new animal drug substance that may affect the impurity

profile and/or the physical, chemical, or biological properties of the drug substance;

(E) Changes in a container closure system that controls drug delivery or that may affect the impurity profile of the new animal drug product;

(F) Changes solely affecting a natural product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a new animal drug with a monoclonal antibody for the following:

(*1*) Changes in the virus or adventitious agent removal or inactivation method(s);

(*2*) Changes in the source material or cell line; and

(*3*) Establishment of a new master cell bank or seed; and

(G) Changes to a product under an application that is subject to a validity assessment because of significant questions regarding the integrity of the data supporting the application.

(iii) The applicant must obtain approval of a supplement from FDA prior to distribution of a product made using a change under paragraph (b)(2) of this section. Except for submissions under paragraph (b)(2)(v) of this section, the following must be contained in the supplement:

(A) A completed Form FDA 356V;

(B) A detailed description of the proposed change;

(C) The product(s) involved;

(D) The manufacturing site(s) or area(s) affected;

(E) A description of the methods used and studies performed to evaluate the effect of the change on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product (validation);

(F) The data derived from such studies;

(G) Appropriate documentation (for example, updated master batch records, specification sheets) including previously approved documentation (with the changes highlighted) or references to previously approved documentation;

(H) For a natural product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody, relevant validation protocols must be provided in addition to the requirements in paragraphs (b)(2)(iii)(E) and (b)(2)(iii)(F) of this section;

(I) For sterilization process and test methodologies, relevant validation protocols must be provided in addition to the requirements in paragraphs (b)(2)(iii)(E) and (b)(2)(iii)(F) of this section;

(J) A reference list of relevant standard operating procedures (SOP's) when applicable; and

(K) A claim for categorical exclusion under § 25.30 or § 25.33 of this chapter or an environmental assessment under § 25.40 of this chapter.

(iv) An applicant may ask FDA to expedite its review of a supplement for public health reasons or if a delay in making the change described in it would impose an extraordinary hardship on the applicant. Such a supplement and its mailing cover should be plainly marked: "Prior Approval Supplement—Expedited Review Requested."

(v) An applicant may submit one or more protocols describing the specific tests and validation studies and acceptable limits to be achieved to demonstrate the lack of adverse effect for specified types of manufacturing changes on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product. Any such protocols, or change to a protocol, must be submitted as a supplement requiring approval from FDA prior to distribution of the product. The supplement, if approved, may result in the proposed change subsequently falling within a reduced reporting category because the use of the protocol for that type of change reduces the potential risk of an adverse effect.

(3) *Changes requiring submission of a supplement at least 30 days prior to distribution of the product made using the change (moderate changes).* (i) A supplement must be submitted for any change in the product, production process, quality controls, equipment, or facilities that has a moderate potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product.

(ii) These changes include, but are not limited to:

(A) A change in the container closure system that does not affect the quality of the final new animal drug product; and

(B) Changes solely affecting a natural product, a recombinant DNA-derived protein/polypeptide product or a complex or conjugate of a new animal drug with a monoclonal antibody, including:

(*1*) An increase or decrease in production scale during finishing steps that involves new or different equipment; and

(*2*) Replacement of equipment with that of similar, but not identical, design and operating principle that does not affect the process methodology or process operating parameters.

(iii) A supplement submitted under paragraph (b)(3)(i) of this section is required to give a full explanation of the basis for the change and identify the date on which the change is to be made. The supplement must be labeled "Supplement—Changes Being Effected in 30 Days."

(iv) Pending approval of the supplement by FDA and except as provided in paragraph (b)(3)(vi) of this section, distribution of the product made using the moderate change under paragraph (b)(3) of this section may begin not less than 30 days after receipt of the supplement by FDA. The supplement must contain the information listed in paragraphs (b)(2)(iii)(A) through (b)(2)(iii)(K) of this section.

(v) The applicant must not distribute the product made using the change if within 30 days following FDA's receipt of the supplement, FDA informs the applicant that either:

(A) The change requires approval prior to distribution of the product in accordance with paragraph (b)(2) of this section; or

(B) Any of the information required under paragraph (b)(3)(iv) of this section is missing. The applicant shall not distribute the product until FDA determines that compliance with this section is achieved.

(vi) The agency may designate a category of changes for the purpose of providing that, in the case of a change in such category, the holder of an approved application may commence distribution of the drug product involved upon receipt by the agency of a supplement for the change. The information listed under paragraph (b)(2)(iii) of this section must be contained in the supplement. The supplement must be labeled "Supplement—Changes Being Effected." These changes include, but are not limited to:

(A) Addition to a specification or changes in the methods or controls to provide increased assurance that the new animal drug will have the characteristics of identity, strength, quality, purity, or potency that it purports or is represented to possess; and

(B) A change in the size and/or shape of a container for a nonsterile drug product, except for solid dosage forms, without a change in the labeled amount of product from one container closure system to another;

(vii) If the agency disapproves the supplemental application submitted under paragraph (b)(3) of this section, it

may order the manufacturer to cease distribution of the drug products made with the manufacturing change.

(4) *Changes and updated stability data to be described and submitted in an annual report (minor changes).* (i) Changes in the product, production process, quality controls, equipment, or facilities that have a minimal potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product must be documented by the applicant in the annual report to the application in accordance with paragraph (a)(2)(ii) of this section. The report shall be labeled "Minor Changes and Stability Report."

(ii) These changes include but are not limited to:

(A) Any change made to comply with an official compendium that is consistent with FDA requirements and provides increased assurance that the new animal drug will have the characteristics of identity, strength, quality, purity, or potency that it purports or is represented to possess;

(B) The deletion or reduction of an ingredient intended to affect only the color of the product;

(C) Replacement of equipment with that of the same design and operating principles except for equipment used with a natural product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a new animal drug with a monoclonal antibody;

(D) A change in the size and/or shape of a container containing the same number of dosage units for a nonsterile solid dosage form, without a change from one container closure system to another;

(E) A change within the container closure system for a nonsterile new animal drug product, based upon showing of equivalency to the approved system under a protocol approved in the application or published in an official compendium;

(F) An extension of an expiration dating period based upon full shelf-life data on full production batches obtained from a protocol approved in the application;

(G) The addition, deletion, or revision of an alternate analytical procedure that provides the same or increased assurance of the identity, strength, quality, purity, or potency of the material being tested as the analytical procedure described in the approved application; and

(H) The addition by embossing, debossing, or engraving of a code imprint to a solid oral dosage form drug product other than a modified release dosage form, or a minor change in an existing code imprint.

(iii) For changes under this category, the applicant is required to submit in the annual report a list of all products involved; and

(A) A statement by the holder of the approved application that the effects of the change have been validated;

(B) A full description of the manufacturing and controls changes, including the manufacturing site(s) or area(s) involved;

(C) The date each change was made;

(D) Cross reference to relevant validation protocols and/or SOP's;

(E) Relevant data from studies and tests performed to evaluate the effect of the change on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product (validation);

(F) Appropriate documentation (for example, updated master batch records, specification sheets, etc.) including previously approved documentation (with the changes highlighted) or references to previously approved documentation; and

(G) Updated stability data generated on commercial or production batches according to an approved stability protocol.

(c) *Labeling and other changes to an approved application*—(1) *General provisions.* The applicant must notify FDA about each change in each condition established in an approved application beyond the variations already provided for in the application. The notice is required to describe the change fully.

(2) *Labeling changes requiring the submission and approval of a supplement prior to distribution of the product made using the change (major changes).* (i) Addition of intended uses, changes to labeling, and prescription new animal drug mailing/promotional pieces require a supplement. These changes include, but are not limited to:

(A) Revision in labeling, such as updating information pertaining to effects, dosages, side effects, contraindications, which includes information headed "side effects," "warnings," "precautions," and "contraindications," except ones described in (c)(3) of this section;

(B) Addition of intended use;

(C) If it is a prescription new animal drug, any mailing or promotional piece used after the drug is placed on the market is labeling requiring a supplemental application, unless:

(*1*) Such labeling furnishing directions, warnings, and information for use of the new animal drug are the same in language and emphasis as labeling approved or permitted; and

(*2*) Any other such labeling are consistent with and not contrary to such approved or permitted labeling.

(*3*) Prescription drug labeling not requiring an approved supplemental application is submitted in accordance with § 514.80(b)(3)(ii).[1]

(D) Any other changes in labeling, except ones described in paragraph (c)(3) of this section.

(ii) The applicant must obtain approval of the supplement from FDA prior to distribution of the product. The supplement must contain the following:

(A) A completed Form FDA 356V;

(B) A detailed description of the proposed change;

(C) The product(s) involved;

(D) The manufacturing site(s) or area(s) affected;

(E) The data derived from studies;

(F) A claim for categorical exclusion under § 25.30 or § 25.33 of this chapter or an environmental assessment under § 25.40 of this chapter; and

(G) Any other information as directed by FDA.

(3) *Labeling changes to be placed into effect prior to receipt of a written notice of approval of a supplemental application.* (i) Labeling changes of the following kinds that increase the assurance of product safety proposed in supplemental applications must be placed into effect immediately:

(A) The addition to package labeling, promotional labeling, or prescription new animal drug advertising of additional warning, contraindication, side effect, and precaution information;

(B) The deletion from package labeling, promotional labeling, or drug advertising of false, misleading, or unsupported intended uses or claims for effectiveness; and

(C) Any other changes as directed by FDA.

(ii) Labeling changes (for example, design and style) that do not decrease safety of product use proposed in supplemental applications may be placed into effect prior to written notice of approval from FDA of a supplemental application.

(iii) A supplement submitted under paragraph (c)(3) of this section must include the following information:

(A) A full explanation of the basis for the changes, the date on which such changes are being effected, and plainly marked on the mailing cover and on the supplement, "Supplement—Changes Being Effected";

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[1] § 514.80 was proposed at 56 FR 65581, December 17, 1991.

(B) Two sets of printed copies of any revised labeling to be placed in use, identified with the new animal drug application number; and

(C) A statement by the applicant that all promotional labeling and all new animal drug advertising will promptly be revised consistent with the changes made in the labeling on or within the new animal drug package no later than upon approval of the supplemental application.

(iv) If the supplemental application is not approved, FDA may order the manufacturer to cease distribution of the drug under the proposed labeling.

(4) *Changes providing for additional distributors to be reported under Records and reports concerning experience with new animal drugs for which an approved application is in effect (§ 514.80)*[2]. Supplemental applications as described under paragraph (c)(2) of this section will not be required for an additional distributor to distribute a drug that is the subject of an approved new animal drug application if the conditions described under § 514.80(a)(2), (b)(3), and (b)(5)(iii) are met.

(d) *Patent information.* The applicant shall comply with the patent information requirements under section 512(c)(3) of the act.

(e) *Claimed exclusivity.* If an applicant claims exclusivity under section 512(c)(2)(F) of the act upon approval of a supplemental application for a change in its previously approved new animal drug product, the applicant shall include such a statement.

(f) *Good laboratory practice for nonclinical laboratory studies.* A supplemental application that contains nonclinical laboratory studies shall include, with respect to each nonclinical study, either a statement that the study was conducted in compliance with the requirements set forth in part 58 of this chapter, or, if the study was not conducted in compliance with such regulations, a brief statement of the reason for the noncompliance.

11. Section 514.106 is amended by removing paragraph (b)(1)(xiv) and by revising paragraphs (b)(1)(vi) and (b)(1)(xiii) to read as follows:

§ 514.106 Approval of supplemental applications.

* * * * *

(b) * * *

(1) * * *

(vi) A change in promotional material for a prescription new animal drug not exempted by § 514.8(c)(2)(i)(C)(*3*).

* * * * *

[2] See footnote 1.

(xiii) A change permitted in advance of approval as described under § 514.8(b)(3).

* * * * *

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

12. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.5 [Amended]

13. Section 558.5 *New animal drug requirements for liquid Type B feeds* is amended in paragraph (e) by removing "514.8(d) and (e)" and by adding in its place "514.8(c)(3)".

Dated: June 23, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–25493 Filed 9–30–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 880

[Docket No. 99N-2099]

General Hospital and Personal Use Devices; Classification of the Subcutaneous, Implanted, Intravascular Infusion Port and Catheter and the Percutaneous, Implanted, Long-term Intravascular Catheter

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to classify the subcutaneous, implanted, intravascular (IV) infusion port and catheter, and the percutaneous, implanted, long-term catheter intended for repeated vascular access into class II (special controls). The agency is also publishing the recommendations of FDA's General Hospital and Personal Use Devices Panel (the panel) regarding the classification of these devices. After considering public comments on the proposed classification, FDA will publish a final regulation classifying these devices. This action is being taken to establish sufficient regulatory controls that will provide reasonable assurance of the safety and effectiveness of these devices.

DATES: Written comments by December 30, 1999. See section IX of this document for the proposed effective date of a final rule based on this document.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Patricia M. Cricenti, Center for Devices and Radiological Health (HFZ–480), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1287.

SUPPLEMENTARY INFORMATION:

I. Regulatory Authorities

The Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et. seq.*), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Public Law 94–295), the Safe Medical Devices Act of 1990 (the SMDA) (Public Law 101–629), and the Food and Drug Administration Modernization Act of 1997 (FDAMA) (Public Law 105–115) established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) established three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval). Under the 1976 amendments, class II devices were defined as those devices for which there is insufficient information to show that general controls themselves will ensure safety and effectiveness, but for which there is sufficient information to establish performance standards to provide such assurance.

The SMDA broadened the definition of class II devices to mean those devices for which there is insufficient information to show that general controls themselves will assure safety and effectiveness, but for which there is sufficient information to establish special controls to provide such assurance. Special controls may include performance standards, postmarket surveillance, patient registries, development and dissemination of guidelines, recommendations, and any other appropriate actions the agency deems necessary (section 513(a)(1)(B) of the act).

Under section 513 of the act, devices that were in commercial distribution before May 28, 1976 (the date of enactment of the 1976 amendments), generally referred to as preamendment devices, are classified after FDA has met the following three requirements: (1)

FDA has received a recommendation from a device classification panel (an FDA advisory committee); (2) FDA has published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) FDA has published a final regulation classifying the device. FDA has classified most preamendment devices under these procedures. Devices that were not in commercial distribution prior to May 28, 1976, generally referred to as postamendment devices, are classified automatically by statute (section 513(f) of the act) into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval, unless and until FDA issues an order finding the device to be substantially equivalent, under section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously offered devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and 21 CFR part 807 of the regulations. A preamendment device that has been classified into class III may be marketed, by means of premarket notification procedures, without submission of a premarket approval application until FDA issues a final regulation under section 515(b) of the act (21 U.S.C. 360e(b)) requiring premarket approval.

In 1980, when other general hospital and personal use devices were classified (45 FR 69678, October 21, 1980), FDA was not aware that two vascular access devices intended for repeated vascular access, the subcutaneous, implanted, IV infusion port and catheter and the percutaneous, implanted, long-term IV catheter were preamendments devices, and inadvertently omitted classifying them.

II. Device Identifications

FDA is proposing the following device identifications based on the panel's recommendations (Ref. 1) and the agency's review:

(1) A subcutaneous, implanted, intravascular infusion port and catheter is a device that consists of a subcutaneous, implanted reservoir that connects to a long-term intravascular catheter. The device allows for repeated access to the vascular system for the infusion of fluids and medications and the sampling of blood. The device consists of a portal body which houses a resealable septum with an outlet made of metal, plastic, or a combination of these materials and a long-term intravascular catheter that is either preattached to the port or attached to the port at the time of device placement. The device is available in various profiles and sizes and can be of a single or multiple lumen design.

(2) A percutaneous, implanted, long-term intravascular catheter is a device that consists of a slender tube and any necessary connecting fittings, such as luer hubs, and accessories that facilitate the placement of the device, such as a stylet or guide wire. The device allows for repeated access to the vascular system for long-term use of 30 days or more for administration of fluids, medications, and nutrients; the sampling of blood; and the monitoring of blood pressure and temperature. The device may be made of metal, rubber, plastic, composite materials, or any combination of these materials and may be of single or multiple lumen design.

III. Recommendations of the Panel

During a public meeting held on March 11, 1996, the panel unanimously recommended that the subcutaneous, implanted, IV infusion port and catheter and the percutaneous, implanted, long-term IV catheter be classified into class II (special controls) (Ref. 1). The panel also recommended that two existing FDA guidance documents, "Guidance on 510(k) Submissions for Implanted Infusion Ports" (Ref. 2) and "Guidance Premarket Notification [510(k)] Submission for Short-Term and Long-Term Intravascular Catheters" (Ref. 3), and prescription use of the devices by practitioners licensed by law to use the devices (§ 801.109 (21 CFR 801.109)) be the special controls for the devices.

IV. Summary of the Reasons for the Recommendations

The panel concluded that the safety and effectiveness of the subcutaneous, implanted, IV infusion port and catheter and the percutaneous, implanted, long-term IV catheter could be reasonably assured by special controls in addition to general controls. The panel also believed that sufficient information exists to establish special controls to provide such assurance, specifically the existing premarket notification guidances and prescription use labeling of the devices.

V. Risks to Health

After considering the panel's deliberations, as well as the published literature and medical device reports, FDA has evaluated the risks to health associated with the use of the subcutaneous, implanted, IV infusion port and catheter and the percutaneous, implanted, long-term IV catheter. FDA now believes the following are risks to health associated with the use of the devices:

A. Infection

Infection is the most significant complication associated with the use of venous access devices. Infection occurs in 5 to 30 percent of the patients implanted with the device, depending on the patient's diagnosis, the type of device used, and the criteria used to establish the presence of an infection (Refs. 4 through 7 and 13 through 24).

B. Occlusion

Occlusion may result from clot formation inside the lumen of the catheter, precipitate formation inside the port or catheter from incompatible drugs, or from catheter tip placement against a vein wall or valve. An occluded catheter lumen may lead to infection, thromboembolism, and propagation of the clot, which may cause venous thrombosis. Proper flushing techniques can prevent some causes of occlusion, and thrombolytic therapy can successfully clear most catheter occlusions (Refs. 11 through 13 and 17 through 24).

C. Thrombophlebitis

Thrombophlebitis occurs in 12.5 to 23 percent of patients implanted with the devices (Refs. 5 through 11 and 20 through 23). The incidence varies with the patient population.

D. Pneumothorax

Pneumothorax is the presence of air within the thoracic cavity. The incidence, secondary to procedural or device-related complications, is believed to be up to 5 percent, depending on the manner in which the venous system is accessed (Refs. 8 through 12 and 19 through 24).

E. Other Risks to Health

Less frequent complications associated with the use of vascular access devices include the following: Catheter malposition; migration and inadequate anchoring; hemorrhage; vessel trauma, including puncture, laceration and erosion of vessel and the skin; catheter pinch-off (compression of the catheter between the clavicle and the first rib); and drug extravasation (leakage) (Refs. 4 through 24).

VI. Summary of Data Upon Which the Recommendation is Based

In addition to the potential risks of the subcutaneous and percutaneous implanted vascular access systems described in section V of this document, there is reasonable knowledge of the benefits of the devices. Specifically,

these long-term implanted devices provide convenient, reliable access to the vascular system while requiring less maintenance than alternative vascular access devices, and they improve the quality of life of patients (Refs. 8 through 11, 18 through 20, and 24).

Based on the available information, FDA believes that existing premarket notification guidance documents are adequate special controls capable of providing reasonable assurance of the safety and effectiveness of the subcutaneous, implanted, IV infusion port and catheter and the percutaneous, implanted, long-term IV catheter with regard to the identified risks to health of these devices. The panel also recommended including the prescription statement (§ 801.109) as a special control. Because the prescription statement is already required by § 801.109, FDA believes it is unnecessary to list prescription labeling as a separate special control for these devices.

VII. Special Controls

In addition to general controls, FDA agrees with the panel that the identified premarket notification guidance documents "Guidance on 510(k) Submissions for Implanted Infusion Ports" (Ref. 2) and "Guidance on 510(k) Submission for Short-Term and Long-Term Intravascular Catheters" (Ref. 3) are appropriate special controls to address the risks to health described in section V of this document. The premarket notification guidance documents address the following: (1) Practitioner labeling, (2) patient labeling, (3) biocompatibility testing, (4) mechanical testing, (5) clinical data requirement, and (6) sterilization procedures.

In order to receive these guidance documents via your fax machine, call the CDRH Facts-On-Demand (FOD) system at 800-899-0381 or 301-827-0111 from a touch-tone telephone. At the first voice prompt press 1 to access DSMA Facts, at second voice prompt press 2, and then enter the document number followed by the pound sign (#). For "Guidance on 510(k) Submissions for Implanted Infusion Ports," the document number is 392. For "Guidance on Premarket Notification [510(k)] Submission for Short-Term and Long-Term Intravascular Catheters," the document number is 824. Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the draft guidances may also do so using the World Wide Web (WWW). The CDRH home page may be accessed at "http://www.fda.gov/cdrh".

A. Practitioner Labeling

The practitioner labeling section of the premarket notification guidance documents can help control the risks of infection; occlusion; thrombophlebitis; pneumothorax; catheter malposition, migration and improper/or inadequate anchoring; catheter pinch-off; drug extravasation; and septum leakage by having the manufacturer provide information on the following: (1) Indications for use, including patient and device selection; (2) contraindications for use in patients with known or suspected infections, allergies, and intolerance to implant materials; (3) warnings and precautions; (4) identification, prevention, and treatment of complications; (5) directions for use, including preparation of the patient, preparation of the device, site selection, implant procedure, postoperative care, and different use applications (bolus infusion, continuous infusion, blood sampling, and monitoring of blood pressure and temperature).

B. Patient Labeling

The patient labeling section of the premarket notification guidance documents can help control the risks of infection; occlusion; thrombophlebitis; pneumothorax; catheter malposition, migration and improper anchoring; catheter pinch-off; drug extravasation; septum leakage; vessel trauma, including puncture, laceration and erosion of vessel; and erosion of the skin by having the manufacturer provide prospective patients information on the following: (1) Device description and use; (2) implantation procedure; (3) care of the implant site; and (4) minimization, recognition, and treatment of complications.

C. Biocompatibility Testing

Adherence to the biocompatibility testing section of the premarket notification guidance documents can control the risk of adverse tissue reaction by having the manufacturer demonstrate that the patient contacting materials of the subcutaneous, implanted, IV infusion port and catheter, and the percutaneous, implanted, long-term IV catheter are safe for long-term implantation.

D. Mechanical Testing

Adherence to the mechanical testing section of the premarket guidance documents can help control the risk of erosion of the blood vessel and the skin; catheter occlusion and migration; leaking catheter to catheter and/or catheter to port connections; and septum and port leakage.

E. Clinical Data Requirements

For subcutaeous, implanted, IV infusion port and catheters and percutaneous, implanted, long-term IV catheters that appear to be significantly different from devices already on the market, the clinical data section of the premarket guidance documents can help control the risks to health associated with the use of the devices by assuring that these devices are safe and effective for their intended uses.

F. Sterilization Procedures and Labeling

Adherence to sterilization procedures and labeling section of the premarket notification guidances can help control the risk of infection by guarding against the implantation of an unsterile device and providing information on the proper maintenance of an implanted device.

VIII. Proposed Classification

FDA concurs with the panel's recommendations that the subcutaneous, implanted, IV infusion port and catheter and the percutaneous, implanted, long-term IV intended for repeated vascular access should be classified into class II (special controls). FDA believes that the special controls described in section VII of this document, in addition to general controls, would provide reasonable assurance of the safety and effectiveness of the devices, and there is sufficient information to establish special controls to provide such assurance.

IX. Effective Date

FDA proposes that any final rule that may issue based on this proposal become effective 30 days after its publication in the **Federal Register**.

X. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

XI. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104–121), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4)). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is

necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. As unclassified devices, these devices are already subject to premarket notification and the general labeling provisions of the act. FDA, therefore, believes that classification in class II with premarket notification guidance and labeling guidance as special controls will impose no significant economic impact on any small entities. The Commissioner therefore certifies that this proposed rule, if issued, will not have a significant economic impact on a substantial number of small entities. In addition, this proposed rule will not impose costs of $100 million or more on either the private sector or State, local, and tribal governments in the aggregate, and therefore a summary statement or analysis under section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

XII. Submission of Comments

Interested persons may, on or before December 30, 1999, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

XIII. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday:

1. General Hospital and Personal Use Devices Panel, thirtieth meeting, transcript, March 11, 1996.
2. "Guidance on 510(k) Submissions for Implanted Infusion Ports," FDA, October 1990.
3. "Guidance Premarket Notification [510(k)] Submission for Short-Term and Long-Term Intravascular Catheters," FDA, March 1995.
4. Abi-Nader, J., "Peripherally Inserted Central Venous Catheters in Critical Care Patients," *Heart & Lung*, 22:428–433, 1993.
5. Aitken, D., and J. Minton, "The 'Pinch-Off Sign': A Warning of Impending Problems With Permanent Subclavian Catheters," *American Journal of Surgery*, 148:633–636, 1984.
6. Broviac, J.W., J. J. Cole, and B. A. Scribner, "A Silicone Rubber Atrial Catheter for Prolonged Parenteral Alimentation," *Surgery, Gynecology and Obstetrics*, 136:602–606, 1973.
7. Brown, J., "Peripherally Inserted Central Catheters—Use in Home Care," *Journal of Intravenous Nursing*, 12:144–150, 1989.
8. Camp-Sorrell, D., "Implantable Ports," *Journal of Intravenous Nursing*, 15:262–273, 1992.
9. Chathas, M. K., J. B. Paton, and D. E. Fisher, "Percutaneous Central Venous Catherization," *American Journal of Diseases of Children, 144: 1246–1250, 1990.*
10. Girvan, D. P., L. L. deVeber, M. J. Inwood, and E. A. Clegg, "Subcutaneous Infusion Ports in the Pediatric Patient with Hemophilia," *Journal of Pediatric Surgery*, 29:1220–1223, 1994.
11. Harvey, M. P., R. J. Trent, D. E. Joshua, G. Ramsey-Stewart, D.W. Storey, and M. Kronenberg, "Complications Associated with Indwelling Venous Hickman Catheters in Patients with Hematological Disorders," *Australian and New Zealand Journal of Medicine*, 16:211–215, 1986.
12. Hickman, R. O., C. D. Buckner, and R. A. Clift, "A Modified Right Atrial Catheter for Access to the Venous System in Marrow Transplant Recipients," *Surgery, Gynecology and Obstetrics*, 148:871–875, 1979.
13. Hoppe, B., "Central Venous Catheter-related Infections: Pathogenesis, Predictors, and Prevention," *Heart & Lung*, 24:333–339, 1995.
14. International Standards Organization (ISO) 1055-1, Sterile, Single Use Intravascular Catheter, Part 2: Central Venous Catheters.
15. Kahn, M. L., R. Barboza, G. A. Kling, and J. E. Heisel, "Initial Experience with Percutaneous Placement of the PAS Port Implantable Venous Access Device," *Journal of Vascular and Interventional Radiology*, 3:459–461, 1992.
16. Laffer, U., M. During, H. R. Bloch, and J. Landmann, "Surgical Experiences with 191 Implanted Venous Port-a-Cath Systems," *Cancer Research*, 121:189–197, 1991.
17. Lawson, M., "Partial Occlusion of Indwelling Central Venous Catheters," *Journal of Intravenous Nursing*, 14:157–159, 1991.
18. Lokich, J. J., A. Bothe, P. Benotti, and C. Moore, "Complications and Management of Implanted Venous Access Catheters," *Journal of Clinical Oncology*, 3:710–717, 1985.
19. McKee, J., "Future Dimensions in Vascular Access," *Journal of Intravenous Nursing*, 14:387–393, 1991.
20. Merrell, S. W., B. G. Peatross, M. D. Grossman, J. J. Sullivan, and W. G. Harker, "Peripherally Inserted Central Venous Catheter: Low-risk Alternatives for Ongoing Venous Access," *Western Journal of Medicine*, 160:25–30, 1994.
21. Morris, P., R. Buller, S. Kendall, and B. Anderson, "A Peripherally Implanted Permanent Central Venous Access Device," *Obstetrics & Gynecology*, 78:1138–1142, 1991.
22. Reed, W. P., K. A. Newman, and J. C. Wade, "Choosing an Appropriate Implantable Device for Long-Term Venous Access," *European Journal of Cancer Clinical Oncology*, 25:1383–1391, 1989.
23. Ryder, M. A., "Peripherally Inserted Central Venous Catheters," *Nursing Clinics of North America*, 28:937–971, 1993.
24. Scott, W. L., "Complications Associated with Central Venous Catheters," *Chest*, 94:1221–1224, 1988.

List of Subjects in 21 CFR Part 880

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, FDA proposes to amend part 880 to read as follows:

PART 880—GENERAL HOSPITAL AND PERSONAL USE DEVICES

1. The authority citation for 21 CFR part 880 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 880.5965 is added to subpart F to read as follows:

§ 880.5965 Subcutaneous, implanted, intravascular infusion port and catheter.

(a) *Identification.* A subcutaneous, implanted, intravascular infusion port and catheter is a device that consists of a subcutaneous, implanted reservoir that connects to a long-term intravascular catheter. The device allows for repeated access to the vascular system for the infusion of fluids and medications and the sampling of blood. The device consists of a portal body with a resealable septum and outlet made of metal, plastic, or combination of these materials and a long-term intravascular catheter is either preattached to the port or attached to the port at the time of device placement. The device is available in various profiles and sizes and can be of a single or multiple lumen design.

(b) *Classification.* Class II (special controls) Guidance Document: "Guidance on 510(k) Submissions for Implanted Infusion Ports."

3. Section 880.5970 is added to subpart F to read as follows:

§ 880.5970 Percutaneous, implanted, long-term intravascular catheter.

(a) *Identification.* A percutaneous, implanted, long-term intravascular catheter is a device that consists of a

slender tube and any necessary connecting fittings, such as luer hubs, and accessories that facilitate the placement of the device. The device allows for repeated access to the vascular system for long-term use of 30 days or more, and it is intended for administration of fluids, medications, and nutrients; the sampling of blood; and monitoring blood pressure and temperature. The device may be constructed of metal, rubber, plastic, composite materials, or any combination of these materials and may be of single or multiple lumen design.

(b) *Classification.* Class II (special controls) Guidance Document: "Guidance on Premarket Notification [510(k)] Submission for Short-Term and Long-Term Intravascular Catheters."

Dated: September 24, 1999.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 99–25554 Filed 9–30–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC56

Producer-Operated Outer Continental Shelf Pipelines That Cross Directly into State Waters

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would clarify some unresolved regulatory issues involving the 1996 memorandum of understanding on Outer Continental Shelf pipelines between the Departments of the Interior and Transportation. It would primarily address producer-operated pipelines that do not connect to a transporting operator's pipeline on the OCS before crossing into State waters. It is complementary to the final rule published on August 17, 1998, that addressed producer-operated oil or gas pipelines that connect to transporting operators' pipelines on the Outer Continental Shelf. The proposed rule also would set up procedures for producer and transportation pipeline operators to get permission to operate under either MMS or Department of Transportation regulations governing pipeline design, construction, operation, and maintenance according to their operating circumstances.

DATES: MMS will consider all comments we receive by November 30, 1999. We will begin reviewing comments then and may not fully consider comments we receive after November 30, 1999.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4020; 381 Elden Street; Herndon, Virginia 20170–4817; Attention: Rules Processing Team.

Mail or hand-carry comments with respect to the information collection burden of the proposed rule to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Desk Officer for the Department of the Interior (OMB control number 1010–NEW); 725 17th Street, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Carl W. Anderson, Operations Analysis Branch, at (703) 787–1608; e-mail carl.anderson@mms.gov.

SUPPLEMENTARY INFORMATION:

Background

MMS, through delegations from the Secretary of the Interior, has authority to issue and enforce rules to promote safe operations, environmental protection, and resource conservation on the Outer Continental Shelf (OCS). (The Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*) defines the OCS). Under this authority, MMS regulates pipeline transportation of mineral production and rights-of-way for pipelines and associated facilities. MMS approves all OCS pipeline applications, regardless of whether a pipeline is built and operated under Department of the Interior (DOI) or Department of Transportation (DOT) regulatory requirements. MMS also has sole authority to grant rights-of-way for OCS pipelines. MMS administers the following laws as they relate to OCS pipelines:

(1) the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) for oil and gas production measurement, and

(2) the Federal Water Pollution Control Act, as amended by the Oil Pollution Act and implemented under Executive Order (E.O.) 12777. (Under a February 3, 1994, Memorandum of Understanding (MOU) to better define their responsibilities under the Oil Pollution Act, DOI, DOT, and the U.S. Environmental Protection Agency divided their responsibilities for oil spill prevention and response according to the definition of "coastline" in the Submerged Lands Act, 43 U.S.C. 1301(c) (59 FR 9494–9495).) Nothing in this rule will affect MMS's authority under either FOGRMA or the Oil Pollution Act.

The May 6, 1976, Memorandum of Understanding

A May 6, 1976, MOU between DOI and DOT, MMS regulated oil and gas pipelines located upstream of the "outlet flange" of each facility where produced hydrocarbons were first separated, dehydrated, or otherwise processed. A result of this arrangement was that downstream (generally shoreward) of the first production platform where processing takes place, DOT-regulated pipelines crossed MMS-regulated facilities. Because of incompatible regulatory requirements, this arrangement was not satisfactory for either agency.

The December 10, 1996, Memorandum of Understanding

In the summer of 1993, MMS and DOT's Research and Special Programs Administration (RSPA) renewed their negotiations that resulted in the MOU of December 1996. In May 1995, MMS and RSPA published a **Federal Register** Notice proposing to revise the 1976 MOU and scheduling a public meeting on the proposal (60 FR 27546–27552). Under the MOU, as proposed in the joint notice:

> The DOI area of responsibility will extend from producing wells to 50 meters (164 feet) downstream from the base of the departing pipeline riser on the last OCS production or processing facility. * * * Additionally, DOI will have responsibility for the following pipelines:
>
> a. That portion of a pipeline otherwise subject to DOT responsibility that crosses an OCS production or processing facility from 50 meters upstream of the base of the incoming riser to 50 meters downstream of the base of the [departing] riser. * * *

Succeeding paragraphs described various other arrangements involving the 50-meter regulatory boundary. The notice included an illustrated appendix to assist readers in interpreting various situations under which either DOI or DOT regulatory responsibility would apply.

Commenters on the May 1995 notice found the proposed 50-meter regulatory boundary to be unsatisfactory for two reasons. First, the boundary was not tied to an identifiable valve or other device that could isolate any pipeline segment under consideration. Second, the boundary was submerged and inaccessible to both operators and the regulatory agencies.

MMS and RSPA soon agreed to ask a joint industry workgroup representing OCS oil and natural gas producers and transmission pipeline operators to recommend a solution for defining regulatory boundaries.

In May 1996, the joint industry workgroup, led by the American Petroleum Institute (API), proposed that the agencies rely upon individual operators of production and transportation facilities to agree upon the boundaries of their facilities. This was based on the reasoning that producers and transporters can best make these decisions because of their knowledge of the operating characteristics peculiar to each facility. MMS and RSPA agreed with the industry proposal.

Section I, "Purpose," of the resulting MOU of December 10, 1996, concludes: "This MOU puts, to the greatest extent practicable, OCS production pipelines under DOI responsibility and OCS transportation pipelines under DOT responsibility." Thus, MMS will have primary regulatory responsibility for producer-operated facilities and pipelines on the OCS, while RSPA will have primary regulatory responsibility for transporter-operated pipelines and associated pumping or compressor facilities. Producing operators are companies that extract and process hydrocarbons on the OCS. Transporting operators are companies that transport those hydrocarbons from the OCS. (There are about 130 designated operators of producer-operated pipelines and 75 operators of transportation pipelines on the OCS.) MMS and RSPA published the 1996 MOU in a **Federal Register** notice on February 14, 1997 (62 FR 7037–7039).

The 1996 MOU redefines the DOI–DOT regulatory boundary from the OCS facility where hydrocarbons are *first* separated, dehydrated, or processed to the point at which operating responsibility for the pipeline transfers from a producing operator to a transporting operator. Although the MOU does not address the question of producer-operated pipelines that cross the Federal/State boundary without first connecting to a transportation pipeline, it states that the two departments intend to put producer-operated pipelines under DOI regulation and transporter-operated lines under DOT regulation. Moreover, the MOU includes the flexibility to cover situations that do not correspond to the general definition of the regulatory boundary as "the point at which operating responsibility transfers from a producing operator to a transporting operator." Paragraph 7 under "Joint Responsibilities" in the MOU provides: "DOI and DOT may, through their enforcement agencies and in consultation with the affected parties, agree to exceptions to this MOU on a facility-by-facility or area-by-area basis. Operators may also petition DOI and DOT for exceptions to this MOU."

The Purpose of This Rule

The rule would amend 30 CFR Part 250, Subpart J—Pipelines and Pipeline Rights-of-Way, § 250.1000, "General Requirements," and § 250.1001, "Definitions." It has three purposes:

1. To address questions about producer-operated pipelines that cross the Federal/State boundary (the "OCS/State boundary") without first connecting to a transporting operator's facility on the OCS.
2. To clarify the status of producer-operated pipelines connecting production facilities on the OCS.
3. To set up a procedure that OCS operators can use to petition to have their pipelines regulated as either DOI or DOT facilities.

We published our first Notice of Proposed Rulemaking (NPR) to implement the December 1996 MOU on October 2, 1997 (62 FR 51614–51618). In response to the NPR, we received comments from Chevron U.S.A. Production Company and Chevron Pipe Line Company. They stated that the proposed rule did not appear to allow OCS producer-operated pipelines to remain under DOT regulatory responsibility. This was because both the 1996 MOU and the NPR:

1. Described boundaries in terms of points on pipelines where operating responsibility transfers from a producing operator to a transporting operator.
2. Did not address the producer-operated pipelines that cross the OCS/State boundary into State waters without first connecting to a transporter-operated facility.
3. Did not address producer lines that flow from wells in State waters to production platforms on the Federal OCS.

Regulating Producer-Operated Pipelines

Valves are the principal means of isolating one segment of a pipeline from another. Thus, a valve location is the best place to establish a regulatory boundary for a pipeline that crosses two jurisdictions. By contrast, a purely geographic boundary—such as the OCS/State boundary—does not allow for the isolation of conditions from one side of the boundary to the other and is therefore not as desirable as a valve for establishing a regulatory boundary. Still, in many cases it is unavoidable that a geographic boundary will serve as the regulatory boundary.

Concerning producer-operated pipelines that cross into State waters without first connecting to a transporting operator's facility, we have determined for this proposal that pipeline segments upstream (generally seaward) of the last valve on the last OCS production facility should be operated under DOI regulatory responsibility. DOI's regulatory responsibility would include the last valve on the last production facility and any related safety equipment, such as pressure safety-high and pressure safety-low (PSHL) sensors. Under this new interpretation, DOT would have regulatory responsibility for the pipeline segments shoreward of the last valve. For all of these downstream pipeline segments, DOT would have authority to inspect upstream safety equipment (including valves, over-pressure protection devices, cathodic protection equipment, and pigging devices, etc.) that may serve to protect the integrity of the DOT-regulated pipeline segments.

For any OCS pipeline segment that DOT has determined to be "DOT non-jurisdictional," the OCS portion of the pipeline would be subject to MMS regulation, and the portion of the pipeline that lies in State waters would be under State jurisdiction.

If a producer-operated pipeline has a subsea valve located on the OCS and shoreward of the last OCS production facility, the operator may choose that valve as the boundary between DOI and DOT regulatory responsibility.

Under this proposed rule, producer pipelines upstream (generally seaward) of the last valve on the OCS and any related safety equipment, such as PSHL sensors, would be regulated under DOI (MMS) regulations consistent with the MOU. Paragraph (c)(6) under § 250.1000 in the proposed rule addresses producer-operated pipelines that cross directly into State waters without first connecting to a transporter-operated pipeline.

Without this revision, all such pipelines would remain subject to DOT regulations for design, construction, operation, and maintenance. This includes about 35 producers in Gulf of Mexico (GOM) OCS waters and 10 producers in California OCS waters. This would be contrary to the intent of the API-industry agreement and the MOU, which is for DOI to regulate producer-operated pipelines and DOT to regulate transporter-operated pipelines.

Several pipeline operators have expressed confusion because MMS and RSPA did not apply the policies of the MOU to all pipelines in their previous rulemakings. DOT-regulated pipelines are still crossing MMS-regulated production facilities, causing regulatory and jurisdictional confusion. (This

proposal will reduce but not eliminate these situations.) Currently, about 215 of the approximately 375 pipelines crossing the Federal/State boundary are not being regulated according to the intent of the MOU.

An important principle of the industry agreement leading to the MOU was to allow, to the extent permissible, the operators to decide the regulatory boundaries on or near their facilities. Therefore, under the proposed rule, producer and transportation pipeline operators may petition, in writing, the Regional Supervisor for permission to operate under either MMS or DOT regulations governing pipeline design, construction, operation, and maintenance according to the operating characteristics of their pipelines. In considering these petitions, the Regional Supervisor will consult with the Regional Director of RSPA's Office of Pipeline Safety (OPS) and the affected parties. We have added paragraph (c)(12) to § 250.1000 to respond to the concerns raised by Chevron. It would allow producing operators who have been operating under DOT regulations to ask, in writing, the MMS Regional Supervisor for permission to continue operating under DOT regulations governing pipeline design, construction, operation, and maintenance. The Regional Supervisor will decide on a case-by-case basis whether to grant the operator's request.

Similarly, we have added paragraph (c)(13) to § 250.1000 to allow transportation pipeline operators to ask, in writing, the MMS Regional Supervisor for permission to operate under MMS regulations governing pipeline design, construction, operation, and maintenance. In considering these petitions, the Regional Supervisor will consult with the OPS Regional Director.

With further regard to the matter of producer-operated pipelines that cross the Federal/State boundary without first connecting to a transportation pipeline, we have revised the definition for "DOI pipelines" recently added to § 250.1001 in the final rule published on August 17, 1998 (63 FR 43876-43881). We also have added a definition for "DOT pipelines."

Procedural Matters

Public Comment

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Regulatory Planning and Review (E.O. 12866)

This is not a significant rule under E.O. 12866 and does not require review by the Office of Management and Budget (OMB). An analysis of the rule indicates that the direct costs to industry for the entire rule total approximately $167,000 for the first year, and that for succeeding years, the maximum cost of the rule to industry in any given year would not likely exceed $53,800.

Regulatory Flexibility Act

DOI has determined that this rule will not have a significant economic effect on a substantial number of small entities. While this rule will affect a substantial number of small entities, the economic effects of the rule will not be significant.

The regulated community for this proposal consists of 35 producer-pipeline operators in the GOM and 8 producer-pipeline operators in the Pacific OCS. Of these operators, 15 are considered to be "small." Of the small operators to be affected by the proposed rule, almost all are represented by Standard Industrial Classification code 1311 (crude petroleum and natural gas producers).

DOI's analysis of the economic impacts indicates that direct costs to industry for the entire rule total approximately $167,000 for the first year, and in succeeding years, the maximum cost of the rule to industry in any given year would not likely exceed $53,800. These annual costs would not persist for long, because all pipelines converted to MMS regulation eventually would come into compliance with MMS safety valve requirements. There are up to 150 designated operators of leases and 75 operators of transportation pipelines on the OCS (both large and small operators), and the economic impacts on the oil and gas production and transportation companies directly affected will be minor. Not all operators affected will be small businesses, but much of their modification costs may be paid to offshore service contractors who may be classified as small businesses. Perhaps two or three operators may eventually be required to install new automatic shutdown valves as a result of becoming subject to MMS regulation. These few operators will sustain the greatest economic impact from this rule.

To the extent that this rule might eventually cause some of the relatively larger OCS operators to make modifications to their pipelines, it may have a minor beneficial effect of increasing demand for the services and equipment of smaller service companies and manufacturers. This rule will not impose any new restrictions on small pipeline service companies or manufacturers, nor will it cause their business practices to change.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734-3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. Based on our economic analysis, this rule:

a. Does not have an annual effect on the economy of $100 million or more. As indicated in our cost analysis, direct costs to industry for the entire proposed rule total approximately $167,000 for the first year. In succeeding years, the cost of the rule to industry would not likely exceed $53,800 in any given year. The proposed rule will have a minor economic effect on the offshore oil and gas and transmission pipeline industries.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act (UMRA) of 1995

This rule does not contain any unfunded mandates to State, local, or tribal governments, nor would it impose significant regulatory costs on the

private sector. Anticipated costs to the private sector will be far below the $100 million threshold for any year that was established by UMRA.

Takings (E.O. 12630)

DOI certifies that this rule does not represent a governmental action capable of interference with constitutionally protected property rights.

Federalism (E.O. 12612)

As required by E.O. 12612, the rule does not have significant Federalism effects. The proposed rule does not change the role or responsibilities of Federal, State, and local governmental entities. The rule does not relate to the structure and role of States and will not have direct, substantive, or significant effects on States.

Civil Justice Reform (E.O. 12988)

DOI has certified to OMB that this regulation meets the applicable civil justice reform standards provided in sections 3(a) and 3(b)(2) of E.O. 12988.

Paperwork Reduction Act (PRA) of 1995

This proposed rule involves information collection that we have submitted to OMB for review and approval under section 3507(d) of the PRA. As part of our continuing effort to reduce paperwork and respondent burdens, MMS invites the public and other Federal agencies to comment on any aspect of the reporting burden in this proposed rule. Submit your comments to the Office of Information and Regulatory Affairs, OMB; Attention: Desk Officer for the Department of the Interior (OMB control number 1010–New); Washington, D.C. 20503. Send a copy of your comments to the Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. You may obtain a copy of the supporting statement for the collection of information by contacting the Bureau's Information Collection Clearance Officer at (202) 208–7744.

The Act provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has up to 60 days to approve or disapprove this collection of information but may respond after 30 days from receipt of our request. Therefore, your comments are best assured of being considered by OMB if OMB receives them by November 1, 1999. However, MMS will consider all comments received during the comment period for this notice of proposed rulemaking.

The title of this collection of information is "Further Implementation of Memorandum of Understanding Between the Departments of the Interior and Transportation."

The following are new information collection activities in the proposed rule and estimated burden hours:

(1) In § 250.1000(c)(8), operators may request MMS recognize valves landward of the last production facility but still located on the OCS as the point where MMS regulatory authority begins. We estimate possibly one, maybe two, such request(s) each year with an estimated burden of one-half hour per request for a total annual burden of 1 hour.

(2) In § 250.1000(c)(12), producing operators operating pipelines under DOT regulatory authority may petition MMS to continue to operate under DOT upstream of the last valve on the last-production facility. In the first year, nearly all producer-pipeline operators would decide whether to automatically convert to DOI regulation or apply to remain under DOT regulation. We estimate that not more than 10 one-time requests to remain under DOT regulation, with an estimated average burden of 40 hours per request. Annualized over a 3-year period, this would result in 135 annual burden hours. We anticipate that in following years, not more than two operators a year would petition to change their regulatory status.

(3) In § 250.1000(c)(13), transportation pipeline operators operating pipelines under DOT regulatory authority may also petition OPS and MMS to operate under MMS regulations governing pipeline design, construction, operation, and maintenance. Although we have allowed for this possibility in the proposed rule, we expect these would be rare. We estimate the burden would be 40 hours per request.

The total public reporting burden for this information collection requirement is estimated to be 176 annual burden hours. This includes the time for reviewing instructions, searching existing data sources, and gathering the data. The proposed rule requires no recordkeeping burdens. At $35 per hour, the annual paperwork "hour" burden would be $6,160.

The requirement to respond is mandatory in some cases and required to obtain or retain a benefit in others. MMS uses the information to determine the demarcation where pipelines are subject to MMS design, construction, operation, and maintenance requirements, as distinguished from similar OPS requirements.

Converting to DOI regulation could also result in the installation of as many as three automatic shutdown valves, either in the first year or in subsequent years. In these instances, operators would be subject to the regulatory and paperwork requirements in 30 CFR 250, subpart J, on Pipelines and Pipeline Rights-of-Way. The information collection requirements in this subpart have already been approved by OMB under OMB control number 1010–0050.

We will summarize written responses to this notice and address them in the final rule. All comments will become a matter of public record.

1. We specifically solicit comments on the following questions:

(a) Is the proposed collection of information necessary for the proper performance of MMS's functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the PRA requires agencies to estimate the paperwork "non-hour cost" burden to respondents or record keepers resulting from the collection of information. We have not identified any such burdens in addition to the "hour" burden cost. We solicit your comments if there are any that you do not consider as part of your usual and customary business practices.

National Environmental Policy Act

Under 516 DM 6, Appendix 10.4, "issuance and/or modification of regulations" is considered a categorically excluded action causing no significant effects on the environment and, therefore, does not require preparation of an environmental assessment or impact statement. DOI completed a Categorical Exclusion Review (CER) for this action on March 26, 1999, and concluded: "The proposed rulemaking does not represent an exception to the established criteria for categorical exclusion. Therefore, preparation of an environmental document will not be required, and further documentation of this CER is not required."

Clarity of this regulation

E.O. 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this proposed rule

easier to understand, including answers to questions such as the following:

(1) Are the requirements in the rule clearly stated?

(2) Does the rule contain technical language or jargon that interfere with its clarity?

(3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?

(4) Would the rule be easier to understand if it were divided into more (but shorter) sections?

(5) Is the description of the rule in the "Supplementary Information" section of this preamble helpful in understanding the rule? What else can we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, N.W., Washington, D.C. 20240. You may also e-mail the comments to this address: Exsec@ios.doi.gov.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: September 21, 1999.

Sylvia V. Baca,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the MMS proposes to amend 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1331, *et seq.*

2. In § 250.1000, paragraphs (c)(6) through (c)(13) are added as follows:

§ 250.1000 General requirements.

* * * * *

(c) * * *

(6) Any producer operating a pipeline that crosses into State waters without first connecting to a transporting operator's pipeline on the OCS must comply with this subpart. Compliance must extend from the point where hydrocarbons are first produced, through and including the last valve and associated safety equipment (e.g., pressure safety sensors) on the last production facility on the OCS.

(7) Any producer operating a pipeline that connects facilities on the OCS must comply with this subpart.

(8) Any operator of a pipeline that has a valve on the OCS downstream (generally landward) of the last production facility may ask in writing that the MMS Regional Supervisor recognize that valve as the point to which MMS will exercise its regulatory authority.

(9) A producer pipeline segment is not subject to MMS regulations for design, construction, operation, and maintenance if:

(i) It is downstream (generally shoreward) of the last valve and associated safety equipment on the last production facility on the OCS; and

(ii) It is subject to regulation under 49 CFR parts 192 and 195.

(10) DOT may inspect all upstream safety equipment (including valves, over-pressure protection devices, cathodic protection equipment, and pigging devices, etc.) that serve to protect the integrity of DOT-regulated pipeline segments.

(11) OCS pipeline segments not subject to DOT regulation under 49 CFR parts 192 and 195 are subject to all MMS regulations.

(12) A producer may request that its pipeline operate under DOT regulations governing pipeline design, construction, operation, and maintenance.

(i) The operator's request must be in the form of a written petition to the MMS Regional Supervisor that states the justification for the pipeline to operate under DOT regulation.

(ii) The Regional Supervisor will decide, on a case-by-case basis, whether to grant the operator's request. In considering each petition, the Regional Supervisor will consult with the Office of Pipeline Safety (OPS) Regional Director.

(13) A transporter who operates a pipeline regulated by DOT may request to operate under MMS regulations governing pipeline design, construction, operation, and maintenance.

(i) The operator's request must be in the form a written petition to the OPS Regional Director and the MMS Regional Supervisor.

(ii) The MMS Regional Supervisor and the OPS Regional Director will decide how to act on this petition.

* * * * *

3. In § 250.1001, the definition for the term "DOI pipelines" is revised and the definitions for the terms "DOT pipelines," and "Production facility" are added in alphabetical order as follows:

§ 250.1001 Definitions.

* * * * *

DOI pipelines include:

(1) Producer-operated pipelines extending upstream (generally seaward) from each point on the OCS at which operating responsibility transfers from a producing operator to a transporting operator;

(2) Producer-operated pipelines extending upstream (generally seaward) of the last valve (including associated safety equipment) on the last production facility on the OCS that do not connect to a transporter-operated pipeline on the OCS before crossing into State waters;

(3) Producer-operated pipelines connecting production facilities on the OCS;

(4) Transporter-operated pipelines that DOI and DOT have agreed are to be regulated as DOI pipelines; and

(5) All OCS pipelines not subject to regulation under 49 CFR parts 192 and 195.

DOT pipelines include:

(1) Transporter-operated pipelines under DOT requirements governing design, construction, maintenance, and operation; or

(2) Producer-operated pipelines that DOI and DOT have agreed are to be regulated under DOT requirements governing design, construction, maintenance, and operation.

* * * * *

Production facilities means OCS facilities that receive hydrocarbon production either directly from wells or from other facilities that produce hydrocarbons from wells. They may include processing equipment for treating the production or separating it into its various liquid and gaseous components before transporting it to shore.

* * * * *

[FR Doc. 99–25498 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 20

RIN 2900–AJ73

Board of Veterans' Appeals: Rules of Practice—Notice of Appeal in Simultaneously Contested Claim

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend a Board of Veterans' Appeals (Board) Rule of Practice, pertaining to a type of notice given in simultaneously contested claim appeals, to eliminate an inconsistency between that Rule of Practice and other Board Regulations.

DATES: Comments must be received on or before November 30, 1999.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900–AJ73." All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Steven L. Keller, Senior Deputy Vice Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 565–5978.

SUPPLEMENTARY INFORMATION: Initial decisions on claims for veterans' benefits are made at VA field offices throughout the nation. Claimants may appeal those decisions to the Board.

Most of the proceedings before the Board involve only one party, a claimant for VA benefits who is dissatisfied with the VA field office decision in his or her case. However, there are a few multiparty proceedings before the Board known as "simultaneously contested claims." These contested claims arise out of situations where "the allowance of one claim results in the disallowance of another claim involving the same benefit or the allowance of one claim results in the payment of a lesser benefit to another claimant." 38 CFR 20.3(o). Typical examples might be cases in which two different parties are each seeking recognition as the beneficiary of the same life insurance proceeds or status recognition as a veteran's lawful spouse in order to qualify for a variety of survivor's benefits.

38 U.S.C. 7105A(b) provides that when one contesting party files his or her "formal appeal," the "substance" of the formal appeal will be communicated to the other contesting parties who then have 30 days to file an answering brief or argument.

This statutory provision is currently implemented in two regulations. The first, 38 CFR 19.102, describes VA's duties to furnish other contesting parties with the content of the "Substantive Appeal" (the regulatory equivalent of the statutory "formal appeal") "to the extent that it contains information which could directly affect the payment or potential payment of the benefit which is the subject of the contested claim." The second, a Rule of Practice at 38 CFR 20.502 that tells other contesting parties how long they have to respond, incorrectly indicates that the responding contesting parties are given copies of the Substantive Appeal, rather than its relevant substance. In this document, VA proposes to revise § 20.502 to make it consistent with § 19.102. The presumption concerning the date of furnishing this information has also been modified to remove its tie to mailing, inasmuch as neither 38 U.S.C. 7105A(b) nor 38 CFR 19.102 limits the means of delivery to mailing.

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612, inasmuch as this rule applies to individual claimants for veterans' benefits and does not affect such entities. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analyses requirement of sections 603 and 604.

There is no Catalog of Federal Domestic Assistance number for this final rule.

List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Lawyers, Legal services, Veterans, Authority delegations (Government agencies).

Approved: September 22, 1999

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 20 as follows:

PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

1. The authority citation for part 20 continues to read as follows:

Authority: 38 U.S.C. 501(a).

2. Section 20.502 is revised to read as follows:

§ 20.502 Rule 502. Time limit for response to appeal by another contesting party in a simultaneously contested claim.

A party to a simultaneously contested claim may file a brief or argument in answer to a Substantive Appeal filed by another contesting party. Any such brief or argument must be filed with the agency of original jurisdiction within 30 days from the date the content of the Substantive Appeal is furnished as provided in § 19.102 of this chapter. Such content will be presumed to have been furnished on the date of the letter which accompanies the content.

(Authority: 38 U.S.C. 7105A(b))

[FR Doc. 99–25602 Filed 9–30–99; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–6450–4]

Assessment of Visibility Impairment at the Grand Canyon National Park:

Advance Notice of Proposed Rulemaking; Extension of Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Advance notice of proposed rulemaking; extension of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is extending the comment period for an advance notice of proposed rulemaking, published June 17, 1999 (64 FR 32458), regarding visibility impairment at the Grand Canyon National Park (GCNP) and the possibility that the Mohave Generating Station (MGS) in Laughlin, Nevada may contribute to that impairment. In the June 17 notice, EPA requests information that it should consider in determining whether visibility problems at the GCNP can be reasonably attributed to MGS, and if so, what, if any, pollution control requirements should be applied.

The public comment period for the advance notice of proposed rulemaking was originally due to expire on August 16, 1999. On August 6, 1999, at the request of Southern California Edison Company, EPA published a notice extending the public comment period for 30 days (64 FR 42891). On September 14, 1999, at the request of the Grand Canyon Trust, EPA published a notice extending the public comment period for an additional 15 days (64 FR 49756). At the request of both Southern California Edison and the Grand Canyon Trust, EPA is now extending the public comment period for an additional 21 days.

DATES: The comment period on the advance notice of proposed rulemaking is extended until October 21, 1999.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to: EPA Region IX, 75 Hawthorne Street (AIR2), San Francisco, CA 94105, Attn: Regina Spindler.

FOR FURTHER INFORMATION CONTACT: Regina Spindler (415) 744–1251, Planning Office (AIR2), Air Division, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Dated: September 24, 1999.

Felicia Marcus,

Regional Administrator, Region 9.

[FR Doc. 99–25564 Filed 9–30–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122, 123, 124, 130, and 131

[FRL–6446–8]

Proposed Revisions to the Water Quality Planning and Management Regulation, and Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy in Support of Proposed Revisions to the Water Quality Planning and Management Regulation

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On August 23, 1999, EPA issued two proposed rules to revise, clarify and strengthen the current regulatory requirements for identifying impaired waters and establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act: revisions to the Water Quality Planning and Management Regulation (64 FR 46012); and revisions to the National Pollutant Discharge Elimination System (NPDES) Program and Federal Antidegradation Policy (64 FR 46058) in support of the revisions at (64 FR 46012). These proposed regulatory revisions address issues of fundamental importance to cleaning up our Nation's polluted waters. Listing impaired and threatened waters and establishing TMDLs are fundamental tools for identifying remaining sources of water pollution and achieving water quality goals. Clean-up plans developed consistent with these regulatory proposals will help to restore the health of thousands of miles of river and shoreline and make millions of lake acres safe for their designated uses.

EPA sought comment on both sets of proposed rules by October 22, 1999. It is EPA's intent to provide the public and all stakeholders an adequate period of time to fully analyze the issues and prepare comprehensive comments. Therefore, we are extending the comment period an additional 60 days for a total comment period of 120 days.

DATES: Comments on these proposals must be submitted on or before December 22, 1999. Comments provided electronically will be considered timely if they are submitted by 11:59 P.M. (Eastern time) December 22, 1999.

ADDRESSES: Send written comments on the Proposed Revisions to the Water Quality Planning and Management Regulation to the Comment Clerk for the TMDL Program Rule, Water Docket (W–98–31), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Send written comments on the Revisions to the NPDES Program and Federal Antidegradation Policy in Support of Proposed Revisions to the Water Quality Planning and Management Regulation to the Comment Clerk, Water Docket (W–99–04), Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

EPA requests that commenters submit any references cited in their comments. EPA also requests that commenters submit an original and 3 copies of their written comments and enclosures. Commenters that want receipt of their comments acknowledged should include a self-addressed, stamped envelope. All comments must be postmarked or delivered by hand. No facsimiles (faxes) will be accepted.

EPA will also accept comments electronically. Comments should be addressed to the following Internet address: ow-docket@epa.gov. Electronic comments must be submitted as an ASCII or WordPerfect file avoiding the use of special characters and any form on encryption. Electronic comments must be identified by the appropriate docket number (W–98–31 for the TMDL rule and W–99–04 for the NPDES Program/Federal Antidegradation Policy rule), and may be filed online at many Federal Depository Libraries. No confidential business information (CBI) should be sent via e-mail.

A copy of the supporting documents cited in the proposals are available for review at EPA's Water Docket; Room EB–57 (East Tower Basement), 401 M Street, SW, Washington, DC 20460. For access to docket materials, call (202) 260–3027 between 9 a.m. and 3:30 p.m. for an appointment. An electronic version of the TMDL proposal is available via the Internet at: <http://www.epa.gov/OWOW/tmdl/index.html>.

FOR FURTHER INFORMATION CONTACT: Hazel Groman, US EPA, Office of Wetlands, Oceans and Watersheds (4503F), 401 M. St., SW, Washington, DC 20640, (202) 260–4078 for the TMDL rule. Kim Kramer, Office of Wastewater Management, 401 M. St., SW, Washington, DC 20640, Mail Code 4203, e-mail: Kramer.Kim@epa.gov, telephone: (202) 260–8541 for information regarding the NPDES provisions, or Susan Gilbertson, Office of Science and Technology, 401 M. St., SW, Washington, DC 20640, Mail Code 4305, e-mail: Gilbertson.Sue@epa.gov, telephone (202) 260–7301 for information regarding the water quality standards provisions.

Dated: September 24, 1999.

Dana D. Minerva,

Acting Assistant Administrator for Water.

[FR Doc. 99–25307 Filed 9–28–99; 2:26 pm]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 197

RIN 2060–AE30

[FRL–6450–2]

Opportunity To Present Oral Testimony on Environmental Radiation Protection Standards for Yucca Mountain, Nevada; Notice of Public Hearings

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of public hearings.

SUMMARY: The Environmental Protection Agency (EPA) will conduct public hearings to receive comments on its proposed radiation protection standards for Yucca Mountain, Nevada, in Washington, DC; Amargosa Valley, NV; Las Vegas, NV; and Kansas City, MO in October.

The proposed standards were published in the **Federal Register** on August 27, 1999. The 90-day public comment period closes November 26.

DATES: The schedule for the hearings is as follows: Washington, DC, October 13, 1999, from 9:00 a.m. to 5:00 p.m.; Amargosa Valley, NV, October 19, 1999, beginning at 12:00 Noon; Las Vegas, NV, October 20, 1999, from 12:00 p.m. to

9:00 p.m. and October 21, 1999 from 9:00 a.m. to 12:00 Noon; and Kansas City, MO, October 27, 1999, from 12:00 Noon to 9:00 p.m. Specific locations for each city are detailed in the next section **ADDRESSES.** Procedures for pre-registering for and testifying at these public hearings are detailed in the "Hearings Procedures" subsection of the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: EPA's public hearings to receive comments on the Agency's proposed radiation protection standards for Yucca Mountain, Nevada will be held on October 13, 1999, at the Ronald Reagan Building (Federal Triangle Metro Stop), International Trade Center, Hemisphere B Meeting Room, 1300 Pennsylvania Avenue, NW, Washington, DC; on October 19, 1999, at the Amargosa Valley Community Center, 821 East Farm Road, Amargosa Valley, NV; on October 20 and 21, 1999 at the Las Vegas Conference Suites and Services, Room 111, 101 Convention Center Drive, Las Vegas, NV; and on October 27, 1999, at the Kansas City Convention Center, Conference Center—Room 4201, 14th Street between Wyandotte and Central, Kansas City, MO.

EPA's official docket for this rule, including technical support documents and other documents and materials relevant to this rule, are filed in Docket No. A–95–12 of the Air Docket, located in Room M–1500 (first floor in Waterside Mall near the Washington Information Center), U.S. EPA, 401 M Street, SW, Washington, DC 20460–0001. EPA has also established "Information Files" for this rule at two locations in Nevada: the Government Publications Section of the Dickinson Library at the University of Nevada-Las Vegas, 4504 Maryland Parkway, Las Vegas, NV, and the Public Library in Amargosa Valley, NV.

As provided in EPA's regulations at 40 CFR Part 2, and in accordance with normal Air docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Rafaela Ferguson, Office of Radiation and Indoor Air, (202) 564–9362 or call EPA's 24-hour toll-free Yucca Mountain Information Line, 1–800–331–9477.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy is developing a potential geologic repository at Yucca Mountain, Nevada, for disposal of spent nuclear fuel and high-level radioactive waste. As mandated by the Energy Policy Act of 1992, the Environmental Protection Agency (EPA) has developed site-specific public health and safety standards for the potential repository at Yucca Mountain, Nevada. On August 27, 1999, EPA published the proposed radiation protection standards for Yucca Mountain, Nevada in the **Federal Register** at 64 FR 46976–47016. Simultaneously, a 90-day public comment period on the Agency's proposed rule began. The public comment period closes November 26, 1999. Once EPA's standards are finalized, the Nuclear Regulatory Commission is responsible for implementing those standards.

Hearings Procedures

Persons wishing to testify at the public hearings are requested to pre-register by calling EPA's toll-free Yucca Mountain Information Line at 1–800–331–9477 between the hours of 12:00 Noon and 7:00 p.m. Eastern Standard Time (EST) with the following information: Name/Organizational Affiliation (if any)/hearing date, location, time(s) available to testify, and a daytime telephone number. In order to obtain a scheduled speaking time, requests must be received by EPA no later than 7:00 p.m. EST October 12, 1999 for the hearings in Washington, DC; October 18, 1999 for the hearings in Amargosa Valley and Las Vegas, NV; and October 22, 1999, for the hearings in Kansas City, MO. Speakers not registered in advance may register at the door. Individuals testifying on their own behalf will be allowed 5 minutes. One individual may testify as the official representative or spokesperson on behalf of groups and organizations and will be allocated ten minutes for an oral presentation. Time allowed is exclusive of any time consumed by questions from the government panel and answers to these questions. Testimony from individuals and representatives of organizations is limited to one hearing location. Substitutions will not be permitted for any pre-registered person. Registrants will not be permitted to yield their time to other individuals or groups, nor will hearing time be used to "read into the record" testimony from individuals not present at the hearings. In the event any person wishes to enter comments for the record, but either cannot or does not appear personally at the hearings, written comments will be accepted by EPA during the hearings. These written comments will be considered to the same extent as oral testimony and will be included as part of the official hearings transcripts. The hearing transcript will constitute the official record of the hearings. Written comments submitted outside of the public hearings must be received by EPA Docket No. A–95–12 in Washington, DC by November 26, 1999. All comments received by EPA, whether written or oral, will be given equal consideration in development of the final rule.

Dated: September 27, 1999.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 99–25566 Filed 9–30–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 092799E]

Groundfish Fisheries of the Gulf of Alaska and the Bering Sea/Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent; scoping meetings; request for comments.

SUMMARY: NMFS announces its intention to prepare a programmatic supplemental environmental impact statement (SEIS) on Federal groundfish fishery management in the Exclusive Economic Zone (EEZ) waters off Alaska. The scope of the analysis will include all activities addressing the conduct of groundfish fisheries authorized and managed under two of the North Pacific Fishery Management Council's fishery management plans (FMPs): Groundfish of the Gulf of Alaska (GOA), and amendments thereto; and Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI), and amendments thereto.

NMFS will hold scoping meetings to receive public input on the structure of the alternatives and the range of issues to be covered in the programmatic SEIS. NMFS is accepting written comments on the same topics.

DATES: Written comments will be accepted through November 15, 1999 (see ADDRESSES). See SUPPLEMENTARY INFORMATION. Public Involvement for meeting dates.

ADDRESSES: Written comments and requests to be included on a mailing list of persons interested in the programmatic SEIS should be sent to Lori Gravel, Sustainable Fisheries Division, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802. Comments may also be hand-

delivered to Room 457–1 Federal Office Building, 907 West 9th Street, Juneau, AK. See **SUPPLEMENTARY INFORMATION**, Public Involvement for meeting locations.

FOR FURTHER INFORMATION CONTACT: Steve Davis, NMFS, (907) 271-3523.

SUPPLEMENTARY INFORMATION: Under the Magnuson-Stevens Fishery Conservation and Management Act, the United States has exclusive fishery management authority over all living marine resources found within the EEZ, except marine mammals and birds. The management of these marine resources is vested in the Secretary of Commerce (Secretary). Eight Regional Fishery Management Councils prepare FMPs for approval and implementation by the Secretary. The North Pacific Fishery Management Council has the responsibility to prepare FMPs for the fishery resources that require conservation and management in the EEZ off Alaska. The North Pacific Fishery Management Council consists of Federal and state officials having authority for fishery management, and of private persons nominated by the governors of the States of Alaska, Oregon, and Washington, and appointed by the Secretary.

The National Environmental Policy Act (NEPA) requires preparation of environmental impact statements (EISs) for major Federal actions significantly impacting the quality of the human environment. 40 CFR 1502.9(c) states: "Agencies shall prepare supplements to either draft or final environmental impact statements if: (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts."

The Council prepared, and the Secretary approved, the Fishery Management Plan for Gulf of Alaska Groundfish in 1978 and the Fishery Management Plan for Groundfish Fishery of the Bering Sea and Aleutian Islands Area in 1981. EISs were prepared for those FMPs and were filed in 1978 and 1981, respectively. Both FMPs have been amended numerous times. NEPA environmental documents (categorical exclusion, environmental assessments, or EISs) have been prepared for each FMP amendment and regulatory amendment. Additionally, NMFS prepared and issued an SEIS for the groundfish fisheries authorized under both FMPs in December 1998. In July 1999, the U.S. District Court, Western District of Washington at Seattle (NO. C98–0492Z) ruled in *Greenpeace* v. *NMFS* that the 1998 SEIS was legally inadequate, and remanded the document to NMFS for further action consistent with the requirements of NEPA.

In this document, NMFS announces its intent to prepare a programmatic SEIS that defines the Federal action under review as, among other things, all activities authorized and managed under the FMPs and all amendments thereto, and that addresses the conduct of the GOA and BSAI groundfish fisheries and the FMPs as a whole. NMFS will present in the SEIS an overview and an assessment of all impacts (including environmental, biological, and socio-economic) that result from directed and incidental groundfish harvest regulations affecting amount of harvest, location of harvest, time of harvest, method of harvest, distribution of harvest among fishermen, use of the harvest, and methods used to monitor harvest and the fisheries. Also, NMFS will identify and evaluate the significant changes that have occurred in the GOA and BSAI groundfish fisheries, including significant cumulative effects of environmental and management changes in the groundfish fisheries since the issuance of the 1978 and 1981 EISs. Further, NMFS will also analyze the impacts (including environmental, biological and socio-economic) resulting from the current fishery management regime, and reasonable alternatives to the current management regime. The Responsible Program Manager for this SEIS is Steven Pennoyer, Alaska Regional Administrator, NMFS.

Alternatives

The SEIS will consider a range of alternative harvest management regimes, incorporating variations on various elements of the FMPs. It will not consider detailed alternatives for every aspect of the FMPs. A principal objective, therefore, of the scoping and public input processes is to identify a reasonable set of programmatic management alternatives that, with adequate analysis, will sharply define critical issues and provide a clear basis for choice among the alternatives.

Management of the GOA and the BSAI groundfish fisheries pursuant to the FMPs involves decision making that can result in changes to the harvest management strategy. Accordingly, in the programmatic SEIS, NMFS will consider a full range of management alternatives, including the No Action alternative (i.e., the management regime currently in place would continue to apply), and evaluate their potential environmental impacts (including biological and socio-economic). Through this scoping process, NMFS requests public input on the management alternatives that should be considered in this programmatic SEIS. Prior to the scoping meetings, NMFS will publish in the **Federal Register** draft alternatives to be developed further at the public scoping meetings and in the programmatic SEIS.

Issues

The environmental consequences section of the EIS will display the impacts of groundfish harvest accruing with present management regulations and under a range of representative alternative management regulations on North Pacific and Bering Sea ecosystem issues. These issues include: (1) Marine habitat, (2) major species of fish, (3) major species and groups of invertebrates, (4) marine mammals, (5) seabirds, and (6) cumulative and synergistic impacts on species across the foodweb. In addition, the environmental consequences section will contain summary, interpretation, and predictions for socio-economic issues associated with conduct of those fisheries on the following groups of individuals: (1) Those who participate in harvesting the groundfish resources and other living marine resources, (2) those who process and market the fish and fishery products, (3) those who are involved in allied support industries, (4) those who consume fishery products, (5) those who rely on living marine resources in the management area either for subsistence needs or for recreational benefits, (6) those who benefit from non-consumptive uses of living marine resources, (7) those involved in managing and monitoring fisheries, and (8) fishing communities.

Consultations

Pursuant to section 7(a)(2) of the Endangered Species Act (ESA), consultations for listed species and critical habitat affected by these fisheries have been or will be initiated and will be prepared in parallel with development of the programmatic SEIS. These consultations will be conducted in accordance with the ESA and implementing regulations, 50 CFR 402 *et seq.*, and will analyze the individual and cumulative impacts of activities relating to the groundfish fisheries authorized and managed under the FMPs, and amendments thereto, to determine whether the cumulative impacts of the groundfish fisheries are likely to jeopardize the continued existence of listed species, including Steller sea lions, or adversely modify

critical habitat. Results from these consultations will be incorporated into the SEIS to the maximum extent practicable. The schedule for completion of consultation will correspond generally to the schedule for the issuance of the programmatic SEIS as the information, evaluations, and conclusions that are required for both documents will be similar in many respects.

Public Involvement

Scoping for the programmatic SEIS begins with publication of this notice. An informational presentation of the project will be made during the Council's October meeting (Seattle, WA, Seattle Airport, Doubletree Hotel, October 10 through 18, 1999.) Subsequent scoping meetings will be held in Anchorage, Juneau, Kodiak, and Seattle at the following times and locations:

1. Juneau—November 8, 1999, 1–3 p.m., Juneau Federal Building, Room 445, 709 West 9th Street, Juneau, AK.

2. Anchorage—November 9, 1999, 1–3 p.m., Anchorage Federal Building, Room 135, 222 West Seventh Avenue, Anchorage, AK.

3. Kodiak—November 10, 1999, 1–3 p.m., Kodiak Inn, 236 West Rezanof Drive, Kodiak, AK.

4. Seattle-November 12, 1–3 p.m., Alaska Fisheries Science Center, 7600 Sand Point Way NE, Building 4, Room 2039, Seattle, WA.

Special Accommodations

Theses meetings are physically accessible to people with disabilities, Reqests for sign language interpretation or other auxiliary aids should be directed to Rebecca Campbell (907) 586–7228 at least 5 days before the meeting dates.

Dated: September 27, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25573 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 64, No. 190
Friday, October 1, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Public Meeting on U.S. Participation in the 16th Annual Meeting of the International Consultative Group on Food Irradiation

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of meeting.

SUMMARY: FAS is informing the public of a meeting to be held Thursday, October 7, 1999, at the U.S. Department of Agriculture (USDA) in Washington, DC. The purpose of this meeting is to solicit public comment on U.S. participation in the 16th annual meeting of the International Consultative Group on Food Irradiation (ICGFI), October 25–27, 1999, in Antalya, Turkey, including the continued U.S. participation, future activities (Plan of Work), U.S. level of contributions (funding), and ICGFI's role. It is also to seek public input in identifying any new issues of concern that should be considered.

Representatives from past delegations will also be present to apprise the public of the background of ICGFI, its mandate, past contributions and to respond to questions. ICGFI was established under the joint aegis of the Food and Agriculture Organization of the United Nations (FAO), the International Atomic Energy Agency (IAEA) and the World Health Organization (WHO).

The functions of ICGFI are:

1. To evaluate global developments in the field of food irradiation;

2. To provide a focal point of advice on the application of food irradiation to Member States and the three Organizations; and

3. To furnish information, as required, through the Organizations, to the Joint FAO/IAEA/WHO Expert Committee on the Wholesomeness of Irradiated Food and the Codex Alimentarius Commission.

DATES: The public meeting date is Thursday, October 7, 1999, 9 a.m. to 11 a.m., Washington, DC in Room 5066 South Building. Written comments should be submitted by October 5, 1999.

FOR FURTHER INFORMATION CONTACT: Foreign Agricultural Service, International Trade Policy, Food Safety and Technical Services Division, Room 5545, South Building, 1400 Independence Avenue, SW, Washington, DC 20250, (202) 720–1301; or e-mail ofsts@fas.usda.gov.

SUPPLEMENTARY INFORMATION:

Topics to be Discussed at the Public Meeting Include the Following

Should the United States continue to participate in ICGFI?

What are the benefits to the U.S. taxpayer? Industry? Government?

What are the drawbacks or costs we should consider?

Should the United States continue to support ICGFI financially?

If the answer is yes, how should ICGFI be funded?

Should the United States Government continue to contribute to ICGFI?

If yes, should we continue at the same level, increase, or decrease our contributions?

Should contributions continue to come only from the Government, or should industry contribute as well (or in place of)?

Should the proposed "Programme of Work and Budget for 2000" be approved?

Programme of Work	Estimated Budget (US$)
1. International Trade:	
(a) Food Irradiation Process Control School (FIPCOS) for Operators of Irradiation Facilities and Food Inspectors	35,000
(b) Seminar on Trade Opportunities for Irradiated Foods for Asia and the Pacific	25,000
(c) Workshop on Facilitating Trade in Irradiated Food with the European Union	20,000
2. Legislation:	
(a) Amendments to Codex General Standard for Irradiated Foods (through the Codex Committee on Food Additives and Contaminants)	5,000
(b) Proposed Amendment to the Labeling Provisions on Irradiated Foods (through the Codex Committee on Food Labelling)	3,000
(c) Publication of revised ICGFI Codes of Good Irradiation Practices (GIP)	(1)
3. Information Transfer:	
(a) Publication of Brochure on Application of "High-Dose Irradiation of Food"	(1)
(b) Publication of Education Materials on Food Irradiation	5,000
4. Database:	
(a) Revise database on list of clearance of irradiated food	(2)
(b) Update current database: national regulations, food irradiation facilities, authorized packaging, materials, trainees, etc.	(2)
5. Administration:	
(a) One professional staff (part-time)	45,000
(b) One support staff	60,000
(c) Travel	10,000
(d) Miscellaneous (telephone, shipping, etc.)	5,000
Total (cash)	213,000

[1] In-kind.
[2] No-cost.

Are there any other topics we think ICGFI should address?

Background Information on ICGFI

What is ICGFI?

An independent body composed of government-designated experts on food irradiation.

How was ICGFI formed?

In 1982, the Directors General of FAO, IAEA and WHO invited Member States to consider forming a consultative group to focus in international co-operation in food irradiation. Upon receipt of a favorable response from 44 Member States, those present at a meeting in 1983 drafted a Declaration establishing the International Consultative Group on Food Irradiation (ICGFI). ICGFI, composed of experts or other participants designated by each government, was established in 1984 for an initial period of 5 years.

How is ICGFI organized?

FAO, IAEA and WHO, through the Joint FAO/IAEA Division of Nuclear Techniques in Food and Agriculture based at the IAEA, Vienna, serve as ICGFI's Secretariat.

What are the functions of ICGFI?

1. to evaluate global developments in the field of food irradiation;

2. to provide a focal point of advice on the application of food irradiation to Member States and the three Organizations; and

3. to furnish information, as required, through the Organizations, to the Joint FAO/IAEA/WHO Expert Committee on the Wholesomeness of Irradiated Food and the Codex Alimentarius Commission.

Who determines the priorities?

ICGFI funds and operates its own programs, focusing on developing policy guidelines related to the safety assurance of the process, legislation, public information, economic feasibility, food safety, and international trade.

How does ICGFI acquire funding?

Member State governments pledge, or arrange for participants to pledge to make voluntary contributions in cash or in kind, for carrying out the activities of the Consultative Group. The Consultative Group may accept voluntary contributions in cash or in kind from Non-Member State governments and from organizations whose objectives are consistent with those of the Consultative Group.

What are the guidelines for donations to ICGFI?

1. IAEA rules govern the acceptance of gifts of services, equipment, facilities and money.

2. Voluntary contributions may be offered to the Agency by: United Nations Member State governments, intergovernmental organizations and non-governmental sources.

3. Contributions may not exceed US $100,000 or its equivalent per year.

How much does the United States contribute?

Various Departments and Agencies have together contributed $30,000 per year to ICGFI.

How frequently does ICGFI meet?

ICGFI convenes annual meetings to develop technical recommendations and to consider its program of work and budget. At the 10th Annual Meeting held at WHO Headquarters in Geneva from November 2–4, 1993, the group's experts recommended that the ICGFI mandate be extended for a further 5 years until May 1999.

How much longer does ICGFI's mandate last?

Many of the activities set out for ICGFI in the original mandate have been accomplished. However, a Task Force identified six areas of activity in which further work is needed. In October 1998 at the 15th Annual Meeting, the mandate of the ICGFI was extended to another 3 years, *i.e.* May 1999 to May 2002. The ICGFI program will be co-ordinated by a Management Committee and will be refocused, putting emphasis on international trade, information exchange, high dose irradiation and seminars/training.

What kind of training is ICGFI involved with?

An example is the FAO/IAEA/WHO International Conference on Irradiation to Ensure the Safety and Quality of Food, in Antalya, Turkey, October 19–22, 1999. This Conference will review achievements on food irradiation during the 20th century and examine the role of irradiation to ensure the safety and quality of food in trade. Irradiation is increasingly accepted and applied as a sanitary and phytosanitary treatment of food in trade. Currently, some 50 countries have approved one or more irradiated food items or classes of food for consumption and over 30 countries are actually applying the technology in practice. The number of irradiation facilities available for treating food has increased in recent years with many more under construction or planned. Consumers are getting accurate information and are beginning to appreciate the benefit of irradiated food.

Who belongs to ICGFI?

The group is currently composed of the following 47 Member States, more than half of which are developing countries:

Argentina, Australia, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, People's Republic of China, Costa Rica, Cote D'Ivoire, Croatia, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Ghana, Greece, Hungary, India, Indonesia, Iraq, Israel, Italy, Republic of Korea, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Pakistan, Peru, Philippines, Poland, Portugal, South Africa, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Kingdom, USA, Vietnam, and Yugoslavia.

Do only government representatives attend ICGFI meetings?

Meetings are attended by designated experts from ICGFI member governments, and representatives of other interested governments, international organizations and non-governmental organizations are invited by ICGFI to attend as observers.

Where is the Secretariat located?

Food & Environmental Protection Section, Joint FAO/IAEA Division of Nuclear Techniques in Food and Agriculture, International Atomic Energy Agency, Wagramerstrasse 5, P.O. Box 100, A–1400 Vienna, Austria. Phone: (43–1) 2600 extension 21638 or 21639; Facsimile: (43–1) 26007; e-mail: Official.Mail@iaea.org

How does ICGFI communicate with all the countries?

There is an ICGFI National Contact Point for each Member State.

What are the responsibilities of ICGFI Contact Points?

1. Distribution within the country of documents, working papers and other information material emanating from ICGFI or its Secretariat;

2. Co-ordinating the preparation for transmission to the Secretariat of technical comments/ information requested;

3. Taking follow-up action on particular matters, in collaboration with the expert(s) attending the particular ICGFI meeting;

4. Providing information, as available, to the Secretariat on the status of food irradiation technology, its regulatory control and other related topics of interest to ICGFI; and

5. Ensuring that information made available by the ICGFI Secretariat is disseminated to the interested national entities/individuals.

Public Meeting: The public meeting will take place at the US Department of Agriculture, 1400 Independence Ave. SW, Washington, DC, Room 5066 South Building. To accommodate all public forum participants, we request that individuals planning to attend should so inform the Department in advance by contacting: Foreign Agricultural Service, International Trade Policy, Food Safety and Technical Services Division, Room 5545, South Building, 1400

Independence Avenue, SW, Washington, DC, 20250, (202) 720–1301; or e-mail ofsts@fas.usda.gov. Please indicate the organization represented, if any, including the names and titles of individuals attending.

Written Comments: Those persons wishing to submit written comments should provide five (5) typed copies to Foreign Agricultural Service, International Trade Policy, Food Safety and Technical Services Division, Room 5545, South Building, 1400 Independence Avenue, SW, Washington, DC. If the submission contains business confidential information, five copies of a confidential version must also be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked "Confidential" at the top and bottom of the cover page (or letter) and of each succeeding page of the submission. The version that doe not contain confidential information should also be clearly marked, at the top and bottom of each page, "public version" or "nonconfidential". Written comments submitted in connection with this request, except for information deemed "business confidential" by FAS will be available for public inspection in the USDA Reading Room, Room 1141, USDA South Building, 1400 Independence Avenue, SW, Washington, DC. Normal Reading Room hours are from 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Please call (202) 690–2817 to assure that assistance will be available in the Reading Room.

Dated: September 27, 1999.

Timothy J. Galvin,

Administrator, Foreign Agricultural Service.

[FR Doc. 99–25484 Filed 9–28–99; 9:51 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Request for Comments; Forest Service Stewardship Programs Demographics

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service announces its intention to seek approval for a collection of demographic information on non-industrial private forest owners, who participate in the following two Forest Service State and Private Forestry programs: the Forest Stewardship Program and the Stewardship Incentive Program. This demographic information will help ensure that these agency programs serve eligible landowners without regard to race, ethnicity, gender, or disability status.

DATES: Comments must be received in writing on or before November 30, 1999.

ADDRESSES: All comments should be addressed to: Stewardship Coordinator, Cooperative Forestry Staff, Mail Stop 1123, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090–6090.

Comments also may be submitted via facsimile to (202) 205–1271 or by email to: cf/wo@fs.fed.us.

The public may inspect comments received at the Office of the Director, Cooperative Forestry Staff, Forest Service, USDA, 201 14th Street, SW, Washington, D.C. Visitors are urged to call ahead to facilitate entrance into the building.

FOR FURTHER INFORMATION CONTACT: Susan Stein, Cooperative Forestry Staff, at (202) 205–0837.

SUPPLEMENTARY INFORMATION:

Description of Information Collection

The following describes the new information collection:

Title: Stewardship Incentive Program Participant Demographics.

OMB Number: New.

Expiration Date of Approval: New.

Type of request: This is a new information collection that has not received approval from the Office of Management and Budget.

Abstract: The Cooperative Forestry Assistance Act (16 U.S.C., 21 03B) authorizes the Forest Service to provide technical and financial assistance to non-industrial private forest (NIPF) owners under the Forest Stewardship and Stewardship Incentive Programs.

The Forest Stewardship Program is the program that helps NIPF landowners prepare the forest stewardship plans for their land. Landowners need a completed forest stewardship plan to become eligible to receive cost-share dollars under the Stewardship Incentive Program.

The Stewardship Incentive Program is the program that assists NIPF owners with up to 75 percent of the funding on a cost-share basis to implement forest stewardship plan practices. Both programs are administered cooperatively with State forestry agencies.

Under this information collection, participants, enrolled in either of these programs, will be asked by their State forestry or State natural resource agency to voluntarily complete a Stewardship Program Participant Demographics Form. Program participants will answer questions that include their race, their ethnicity, their gender, and whether or not they have a disability.

The data collected will help the Forest Service evaluate the effectiveness of its outreach efforts to involve representative segments of society in Forest Stewardship Program and Stewardship Incentive Program.

The data in this information collection are not available from other sources.

Estimate of burden: 5 minutes.

Type of respondents: Non-industrial private forest owners.

Estimated number of respondents: 18,500.

Estimated number of responses per respondent: 1.

Estimated total annual burden on respondents: 1,542 hours.

Comment is Invited

The agency invites comments on the following: (a) Whether the proposed collection of information is necessary for the stated purpose or the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comments

All comments received in response to this notice, including name and address when provided, will become a matter of public record. Comments received in response to this notice will be summarized and included in the request for Office of Management and Budget approval.

Dated: September 13, 1999.

Larry Payne,

Associate Deputy Chief, State and Private Forestry.

[FR Doc. 99–25629 Filed 9–30–99; 8:45 am]

BILLING CODE 3410–11–U

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Request for Comments; Public Perceptions of Pacific Northwest National Forest System Land Management Practices

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service announces its intention to establish a new information collection. This information will help the Forest Service learn more about the people who live in western Washington, western Oregon, and northern California and who visit the National Forests.

DATES: Comments must be received in writing on or before November 30, 1999.

ADDRESSES: All comments should be addressed to: Linda Kruger, Research Social Scientist, Seattle Forestry Sciences Laboratory, Forest Service, USDA, 4043 Roosevelt Way NE, Seattle, WA 98105.

Comments also may be submitted via facsimile to (206) 553–7709 or by email to lkruger/r6pnw__seattle@fs.fed.us.

The public may inspect comments received at the Office of the Director, Seattle Forestry Sciences Laboratory, Forest Service, USDA, 4043 Roosevelt Way NE, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Linda Kruger, Seattle Forestry Sciences Laboratory, at (206) 553–7817.

SUPPLEMENTARY INFORMATION:

Background

In 1994, the Forest Service adopted the Northwest Forest Plan in response to perceptions the public had that Forest Service land management practices on National Forests in western Washington, western Oregon and northern California might have negative impacts on timber resources and threatened and endangered species, such as the northern spotted owl.

The Northwest Forest Plan includes new guidelines, such as whether or not to harvest trees, and if trees are harvested, the geographic location from which they may be harvested, as well as the methods that may be used to harvest them.

Forest Service personnel now need a better understanding as to whether or not the new guidelines meet the natural resource management expectations of the public.

Description of Information Collection

The following describes the new information collection:

Title: Public Perceptions of New Approaches to Forest Management.

OMB Number: New.

Expiration Date of Approval: New.

Type of Request: The following describes a new collection requirement and has not received approval by the Office of Management and Budget.

Abstract: The data from this information collection will help the Forest Service gain a better understanding of the western Washington, western Oregon, and northern California residents' perceptions of the agency's land management practices on the National Forests in these areas, such as how the agency decides where timber harvests will occur and how the agency manages the harvests.

The Forest Service Pacific Northwest Research Station People and Natural Resources Program has entered into a cooperative agreement with the University of Oregon to facilitate this collection of information. University of Oregon staff, in collaboration with Forest Service Pacific Northwest Research Station staff, will write the survey, administer the survey, and analyze the survey results.

Residents in western Washington, western Oregon, and northern California will be asked to view photographs of forests that have been harvested using a variety of harvesting methods; residents also will view photographs of forests that have not been harvested. Interviewers will explain why certain areas were chosen for timber harvesting and the reasons for the specific harvesting method. The residents will indicate their level of approval or disapproval for each photograph, in addition to their perceptions of how a particular harvesting method or lack of harvesting affected the scenic beauty of the area, the wildlife habitat, or the water quality.

Residents will be asked which of the National Forest resources are most important to them: the recreational facilities, the potential economic opportunities, or the aesthetic qualities. Residents also will be asked to respond to questions about their ethnic background, their economic status, their age, their educational level, the type of residence in which they live, and how long they have lived in the Pacific Northwest.

Data gathered in this information collection is not available from other sources.

Estimate of Burden: 20 minutes.

Type of Respondents: Respondents will include people who live in rural and urban settings in western Oregon, western Washington, and northern California, and members of organizations interested in management of the National Forests in western Oregon, western Washington and northern California.

Estimated Number of Respondents: 1700.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 567 hours.

Comment is Invited

The agency invites comments on: (a) whether the proposed collection of information is necessary for the stated purposes or the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (b) the accuracy of this agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity or the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comments

All comments received in response to this notice, including name and address when provided, will be summarized and included in the request for Office of Management and Budget approval. All comments will also become a matter of public record.

Dated: September 23, 1999.

Robert Lewis, Jr.,

Deputy Chief for Research & Development.

[FR DOC 99–25630 Filed 9–30–99; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the Los Angeles Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA announces the designation of the California Department of Food and Agriculture (California) to provide official services under the United States Grain Standards Act, as amended (Act) in the Los Angeles area.

EFFECTIVE DATES: October 1, 1999.

ADDRESSES: USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, S.W., Washington, DC 20250–3604.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, at 202–720–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the August 13, 1999, **Federal Register** (64 FR 156), GIPSA announced that Los Angeles Grain Inspection Service, Inc. (Los Angeles) asked GIPSA to cancel their designation August 27, 1999. GIPSA asked persons interested in providing official services in the geographic area formerly assigned to Los Angeles to submit an application for designation. Applications were due by September 13, 1999. California applied for designation to provide official services in the entire Los Angeles area.

Since California was the only applicant, GIPSA did not ask for comments.

GIPSA evaluated all available information regarding the designation criteria in section 7(f)(l)(A) of the Act and, according to section 7(f)(l)(B), determined that California is able to provide official services in the geographic area for which they applied.

California is designated to provide official services in the geographic area specified in the August 13, 1999, **Federal Register**, effective October 1, 1999, and ending January 31, 2000, concurrently with the end of California's present designation.

Interested persons may obtain official services by calling California at 916–654–0743.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: September 23, 1999.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 99–25361 Filed 9–30–99; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Lincoln (NE), Memphis (TN), Omaha (NE), Jamestown (ND), Sioux City (IA), and Fort Dodge (IA) Areas and Request for Comments on the Official Agencies Serving These Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end in April and June 2000. GIPSA is asking persons interested in providing official services in the areas served by these agencies to submit an application for designation. GIPSA is also asking for comments on the services provided by these currently designated agencies:

Lincoln Inspection Service, Inc. (Lincoln);
Memphis Grain Inspection Service (Memphis);
Omaha Grain Inspection Service, Inc. (Omaha);
Grain Inspection, Inc. (Jamestown);
Sioux City Inspection and Weighing Service Company (Sioux City); and
A. V. Tischer and Son, Inc. (Tischer).

DATES: Applications and comments must be postmarked or sent by telecopier (FAX) on or before October 30, 1999.

ADDRESSES: Applications and comments must be submitted to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW, Washington, DC 20250–3604. Applications and comments may be submitted by FAX on 202–690–2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications and comments will be made available for public inspection at this address located at 1400 Independence Avenue, SW, during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, at 202–720–8525.

SUPPLEMENTARY INFORMATION: This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this Action.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act.

1. Current Designations Being Announced for Renewal

Official agency	Main office	Designation start	Designation end
Lincoln	Lincoln, NE	5/1/1997	4/30/2000
Memphis	Memphis, TN	5/1/1997	4/30/2000
Omaha	Omaha, NE	5/1/1997	4/30/2000
Jamestown	Jamestown, ND	7/1/1997	6/30/2000
Sioux City	Sioux City, IA	7/1/1997	6/30/2000
Tischer	Fort Dodge, IA	7/1/1997	6/30/2000

a. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Iowa and Nebraska, is assigned to Lincoln.

Bounded on the North (in Nebraska) by the northern York, Seward, and Lancaster County lines; the northern Cass County line east to the Missouri River; the Missouri River south to U.S. Route 34; (in Iowa) U.S. Route 34 east to Interstate 29;

Bounded on the East by Interstate 29 south to the Fremont County line; the northern Fremont and Page County lines; the eastern Page County line south to the Iowa-Missouri State line; the Iowa-Missouri State line west to the Missouri River; the Missouri River south-southeast to the Nebraska-Kansas State line;

Bounded on the South by the Nebraska-Kansas State line west to County Road 1 mile west of U.S. Route 81; and

Bounded on the West (in Nebraska) by County Road 1 mile west of U.S. Route 81 north to State Highway 8; State Highway 8 east to U.S. Route 81; U.S. Route 81 north to the Thayer County line; the northern Thayer County line east; the western Saline County line; the southern and western York County lines.

Lincoln's assigned geographic area does not include the following grain elevators inside Lincoln's area which have been and will continue to be serviced by the following

official agency: Omaha Grain Inspection Service, Inc.: Goode Seed & Grain, McPaul, Fremont County, Iowa; and Lincoln Grain, Murray, Cass County, Nebraska.

b. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Arkansas, Tennessee, and Texas, is assigned to Memphis.

The entire State of Arkansas.

Carroll, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Henderson, Lauderdale, Madison, McNairy, Shelby, and Tipton Counties, Tennessee.

Bowie and Cass Counties, Texas.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: Continental Grain Co., Tiptonville, Lake County, Tennessee (located inside Cairo Grain Inspection Agency, Inc.'s, area).

c. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Iowa and Nebraska, is assigned to Omaha.

Bounded on the North by Nebraska State Route 91 from the western Washington County line east to U.S. Route 30; U.S. Route 30 east to the Missouri River; the Missouri River north to Iowa State Route 175; Iowa State Route 175 east to Iowa State Route 37; Iowa State Route 37 southeast to the eastern Monona County line;

Bounded on the East by the eastern Monona County line; the southern Monona County line west to Iowa State Route 183; Iowa State Route 183 south to the Pottawattamie County line; the northern and eastern Pottawattamie County lines; the southern Pottawattamie County line west to M47; M47 south to Iowa State Route 48; Iowa State Route 48 south to the Montgomery County line;

Bounded on the South by the southern Montgomery County line; the southern Mills County line west to Interstate 29; Interstate 29 north to U.S. Route 34; U.S. Route 34 west to the Missouri River; the Missouri River north to the Sarpy County line (in Nebraska); the southern Sarpy County line; the southern Saunders County line west to U.S. Route 77; and

Bounded on the West by U.S. Route 77 north to the Platte River; the Platte River southeast to the Douglas County line; the northern Douglas County line east; the western Washington County line northwest to Nebraska State Route 91.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: T&K Evans, Elliot, Montgomery County, Iowa; Hemphill Feed & Grain, and Hansen Feed & Grain, both in Griswold, Cass County, Iowa (located inside Central Iowa Grain Inspection Service, Inc.'s, area); Farmers Coop Business Assn., Rising City, Butler County, Nebraska; Farmers Coop Business Assn. (2 elevators), Shelby, Polk County, Nebraska (located inside Fremont Grain Inspection Department, Inc.'s, area); and Goode Seed & Grain, McPaul, Fremont County, Iowa; Lincoln Grain, Murray, Cass County, Nebraska (located inside Lincoln Inspection Service, Inc.'s, area).

Omaha's assigned geographic area does not include the following grain elevators inside Omaha's area which have been and will continue to be serviced by the following official agency: Fremont Grain Inspection Department, Inc.: Farmers Cooperative, and Krumel Grain and Storage, both in Wahoo, Saunders County, Nebraska.

d. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of North Dakota, is assigned to Jamestown.

Bounded on the North by Interstate 94 east to U.S. Route 85; U.S. Route 85 north to State Route 200; State Route 200 east to U.S. Route 83; U.S. Route 83 southeast to State Route 41; State Route 41 north to State Route 200; State Route 200 east to State Route 3; State Route 3 north to U.S. Route 52; U.S. Route 52 southeast to State Route 15; State Route 15 east to U.S. Route 281; U.S. Route 281 south to Foster County; the northern Foster County line; the northern Griggs County line east to State Route 32;

Bounded on the East by State Route 32 south to State Route 45; State Route 45 south to State Route 200; State Route 200 west to State Route 1; State Route 1 south to the Soo Railroad line; the Soo Railroad line southeast to Interstate 94; Interstate 94 west to State Route 1; State Route 1 south to the Dickey County line;

Bounded on the South by the southern Dickey County line west to U.S. Route 281; U.S. Route 281 north to the Lamoure County line; the southern Lamoure County line; the southern Logan County line west to State Route 13; State Route 13 west to U.S. Route 83; U.S. Route 83 south to the Emmons County line; the southern Emmons County line; the southern Sioux County line west State Route 49; State Route 49 north to State Route 21; State Route 21 west to the Burlington-Northern (BN) line; the Burlington-Northern (BN) line northwest to State Route 22; State Route 22 south to U.S. Route 12; U.S. Route 12 west-northwest to the North Dakota State line; and

Bounded on the West by the western North Dakota State line north to Interstate 94.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: Farmers Coop Elevator, Fessenden, Farmers Union Elevator, and Manfred Grain, both in Manfred, all in Wells County (located inside Grand Forks Grain Inspection Department, Inc.'s, area); and Norway Spur, and Oakes Grain, both in Oakes, Dickey County (located inside North Dakota Grain Inspection Service, Inc.'s, area).

Jamestown's assigned geographic area does not include the following grain elevators inside Jamestown's area which have been and will continue to be serviced by the following official agency: Minot Grain Inspection, Inc.: Benson Quinn Company, Underwood; and Missouri Valley Grain Company, Washburn, all in McLean County.

e. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Iowa, Nebraska, and South Dakota, is assigned to Sioux City.

In Iowa:

Bounded on the North by the northern Iowa State line from the Big Sioux River east to U.S. Route 59;

Bounded on the East by U.S. Route 59 south to B24; B24 east to the eastern O'Brien County line; the O'Brien County line south; the northern Buena Vista County line east to U.S. Route 71; U.S. Route 71 south to the southern Sac County line;

Bounded on the South by the Sac and Ida County lines; the eastern Monona County line south to State Route 37; State Route 37 west to State Route 175; State Route 175 west to the Missouri River; and

Bounded on the West by the Missouri River north to the Big Sioux River; the Big Sioux River north to the northern Iowa State line.

In Nebraska:

Cedar, Dakota, Dixon, Pierce (north of U.S. Route 20), and Thurston Counties.

In South Dakota:

Bounded on the North by State Route 44 (U.S. 18) east to State Route 11; State Route 11 south to A54B; A54B east to the Big Sioux River;

Bounded on the East by the Big Sioux River; and

Bounded on the South and West by the Missouri River.

f. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Iowa, is assigned to Tischer.

Bounded on the North by Iowa-Minnesota State line from U.S. Route 71 east to U.S. Route 169;

Bounded on the East by U.S. Route 169 south to State Route 9; State Route 9 west to U.S. Route 169; U.S. Route 169 south to the northern Humboldt County line; the Humboldt County line east to State Route 17; State Route 17 south to C54; C54 east to U.S. Route 69; U.S. Route 69 south to the northern Hamilton County line; the Hamilton County line west to R38; R38 south to U.S. Route 20; U.S. Route 20 west to the eastern and southern Webster County lines to U.S. Route 169; U.S. Route 169 south to E18; E18 west to the eastern Greene County line; the Greene County line south to U.S. Route 30;

Bounded on the South by U.S. Route 30 west to E53; E53 west to N44; N44 north to U.S. Route 30; U.S. Route 30 west to U.S. Route 71; and

Bounded on the West by U.S. Route 71 north to the Iowa-Minnesota State line.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: Farmers Co-op Elevator, Boxholm, Boone County (located inside Central Iowa Grain Inspection Service, Inc.'s, area); and West Bend Elevator Co., Algona, Kossuth County; Stateline Coop., Burt, Kossuth County; Gold-Eagle, Goldfield, Wright County; and Farmers Co-op Elevator, Holmes, Wright County (located inside D. R. Schaal Agency's area).

2. Opportunity for Designation.

Interested persons, including Lincoln, Memphis, Omaha, Jamestown, Sioux City, and Tischer, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

DESIGNATION TERMS

Lincoln, Memphis, and Omaha	05/01/2000–03/31/2003
Jamestown, Sioux City, and Tischer	07/01/2000–03/31/2003

3. Request for Comments

GIPSA also is publishing this notice to provide interested persons the opportunity to present comments on the Lincoln, Memphis, Omaha, Jamestown, Sioux City, and Tischer official agencies. Commenters are encouraged to submit pertinent data concerning the Lincoln, Memphis, Omaha, Jamestown, Sioux City, and Tischer official agencies including information on the timeliness, cost, quality, and scope of services provided. All comments must be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: September 22, 1999.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 99–25360 Filed 9–30–99; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Extend and Revise a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Statistics Service's (NASS) intention to request an extension for and revision to a currently approved information collection, the Agricultural Surveys Program.

DATES: Comments on this notice must be received by December 6, 1999 to be assured for consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4117 South Building, Washington, D.C. 20250–2000, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Agricultural Surveys Program.

OMB Number: 0535–0213.

Expiration Date of Approval: November 30, 2000.

Type of Request: Intent to extend and revise a currently approved information collection.

Abstract: The National Agricultural Statistics Service is responsible for collecting and issuing state and national estimates of crop and livestock production, grain stocks, farm numbers, land values, on-farm pesticide usage, and pest crop management practices.

The Agricultural Surveys Program contains a series of surveys that obtains basic agricultural data from farmers and ranchers throughout the Nation for preparing agricultural estimates and forecasts of crop acreages, yield, and production; stocks of grains and soybeans; hog and pig numbers; sheep inventory and lamb crop; cattle inventory; and cattle on feed. Grazing fees, land values, pesticide usage, and pest management practices data are also collected.

Uses of the statistical information are extensive and varied. Producers, farm organizations, agribusinesses, state and national farm policy makers, and government agencies are important users of these statistics. Agricultural statistics are used to plan and administer other related Federal and state programs in such areas as consumer protection, conservation, foreign trade, education and recreation.

One important part of this program, the Quarterly Hog Survey, is being revised to discontinue collecting and publishing the market hog inventory by weight groups. Currently, the Quarterly Hog Survey collects information on the inventory of total hogs, breeding hogs, market hogs by weight groups, (under 60 pounds, 60 to 119 pounds, 120–179 pounds, and over 180 pounds); monthly and quarterly sows farrowing and pig crops; and sows farrowing intentions for the coming 6 months in 3-month intervals.

Hog producers have requested that NASS discontinue asking the questions on market hogs by weight groups since it is difficult for them to accurately provide the information. Responses to the weight group questions are often the producers' best estimates since their record keeping systems generally do not readily provide the information. Plans are for the Quarterly Hog Survey to continue to provide information on total market hogs, and monthly and quarterly pig crops. Data users can utilize monthly pig crop data in lieu of marketing hog weight group data to get an indication of hog supplies coming to market over the next six months. Publication of the market hog weight groups will be discontinued starting with the June 23, 2000 Hog Report.

A second revision to the program is the addition of questions regarding sheep and goat losses to predators and non-predators, methods being used to reduce these losses, and the cost of these preventative measures. These additional questions will be asked only in January 2000. Aggregated totals will be provided to the USDA's Animal and Plant Health Inspection Service action agency, Wildlife Services. These data will be used by Wildlife Services to help identify the causes of livestock losses.

The third revision is the addition of three questions to the Fall Area and January Cattle Surveys and one question to the January Sheep and Goat Survey. These questions will be asked annually in selected states. The cattle questions will provide additional detail regarding the expected calf crop and animal slaughter practices. The additional goat question will help differentiate the breeding goals of Angora goat producers between meat and wool production.

The Agricultural Surveys Program has approval from OMB for a 3-year period. NASS intends to request that the program be approved for another 3 years.

These data are collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 15 minutes per response.

Respondents: Farms.

Estimated Number of Respondents: 547,000.

Estimated Total Annual Burden on Respondents: 139,000 hours.

Copies of this information collection and related instructions can be obtained without charge from Larry Gambrell, the Agency OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Larry Gambrell, Agency OMB Clearance Officer, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4162 South Building, Washington, D.C. 20250–2000. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, D.C., September 13, 1999.

Rich Allen,

Associate Administrator, National Agricultural Statistics Service.

[FR Doc. 99–25515 Filed 9–30–99; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's intention to request an extension for a currently approved information collection in support of the Business and Industry Guaranteed Loan Program.

DATES: Comments on this notice must be received by November 30, 1999, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Rick Bonnet, Senior Commercial Loan Specialist, Business Programs Processing Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP 3221, 1400 Independence Avenue SW, Washington, DC 20250–3221, Telephone (202) 720–1804, E-mail "rbonnet@rurdev.usda.gov".

SUPPLEMENTARY INFORMATION:

Title: Guaranteed Loanmaking—Business and Industry Loans.

OMB Number: 0570–0017.

Expiration Date of Approval: September 30, 1999.

Type of Request: Extension of Currently Approved Information Collection.

Abstract: The purpose of the program is to improve, develop, or finance businesses, industries, and employment and improve the economic and environmental climate in rural communities. This purpose is achieved through bolstering the existing private credit structure through the guaranteeing of quality loans made by lending institutions, thereby providing lasting community benefits. This subpart contains requirements applicable to Business and Industry Loan Program loans administered by the Agency.

Information being collected from lenders on guaranteed loan borrowers is typically collected by lenders. There are no new data collection requirements contained in the renewal notice. In contrast to the burden package approved in 1996, the estimates no longer include burden hours for customary and usual business practices. However, the total burden hours are higher because of a significant increase in the program funding level.

Estimate of Burden: Public reporting for this collection of information is estimated to average 3.4 hours per response.

Respondent: Business or other for-profit; State, Local or Tribal Government.

Estimated Number of Respondents: 6,350.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 6,350.

Estimated Total Annual Burden on Respondents: 21,385 hours.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Branch, at (202) 692–0043.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (b) the accuracy of RBS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: September 15, 1999.

William F. Hagy III,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 99–25552 Filed 9–30–99; 8:45 am]

BILLING CODE 3410–XY–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete a commodity previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 1, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Mi'kman (703) 603–7740.

SUPPLEMENTARY INFORMATION:

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will result in authorizing small entities to furnish the commodity to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity deleted from the Procurement List.

The following commodity has been proposed for deletion from the Procurement List: Cover Assembly, Generator 2805–00–356–1985.

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–25579 Filed 9–30–99; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the procurement list.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities and services previously furnished by such agencies.

EFFECTIVE DATE: November 1, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On July 2, and 23, August 6, 13, and 20, 1999, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (64 FR 35987, 39968, 42902, 44197, 44198 and 45506) of proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

3 Pack Nylon Scouring Pad
M.R. 568
"Welcome Aboard" Baby Gift Bag
M.R. 19525

Services

Commissary Shelf Stocking, Custodial and Warehousing, Fort Knox, Kentucky
Cutting and Assembly of FTESFB System for F–15 1560–01–458–2610 (#3 Fuel Tank), 1560–01–458–6193 (Left Auxiliary Fuel Tank), Robins Air Force Base, Georgia
Switchboard Operation Department of Veterans Affairs New Jersey Health Care System 151 Knollcroft Road Lyons, New Jersey

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodities and services.

3. The action may result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following commodities and services are hereby deleted from the Procurement List:

Commodities

Ladder, Extension (Wood) 5440–00–242–1000
Stepladder 5440–00–531–2589
Ammonia Inhalant Solution, Aromatic 6505–00–106–0875
Brush, Floor Sweeping 7920–00–292–2362 7920–00–292–2363 7920–00–292–2365
Brush, Scrub 7920–00–951–8795
Brush, Wire, Scratch 7920–00–269–0933
Brush, Wire, Stainless Steel 7920–00–958–1157

Services

Administrative Services Social Security Administration Oxmoor South Industrial Park Birmingham, Alabama
Commissary Shelf Stocking & Custodial Fort Devens, Massachusetts
Janitorial/Custodial Fort Ritchie, Maryland
Janitorial/Custodial U.S. Federal Building and Courthouse 301 South Park Avenue Helena, Montana
Janitorial/Custodial Allison Park U.S. Army Reserve Center #2 Buildings 1 and 5 Allison Park, Pennsylvania
Janitorial/Custodial, Federal Center Buildings 603, 604, 605, 606, 607, 608, 608A, 609, 610, 611, 612, 613, 613A, 615, 616, 617, 618, 619, 620, 621 and 624 Walla Walla, Washington

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–25580 Filed 9–30–99; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the West Virginia Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the West Virginia Advisory Committee to the Commission will convene at 12:30 p.m. and adjourn at 5:00 p.m. on October 21, 1999, at the State Capitol Building, Governor's Conference Room (Office of the Secretary of State—Room 157), 1900 Kanawha Boulevard East, Charleston, West Virginia 25305. The Committee will review developments since its two community forums and discuss its future report to the Commission. In preparation for its next forum in Charleston, the Committee will hear from invited guests on civil rights topics, including police-community relations, State and local assistance to persons with disabilities, and religion in public schools.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Gregory T. Hinton, 304–367–4244, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, September 22, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 99–25523 Filed 9–30–99; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Census 2000 Accuracy and Coverage Evaluation, Housing Unit and Person Interview Activities.

Form Number(s): D–1301, D–1301(S), D–1301PR, D–1303, D–1303PR, D–1340, D–1340PR, D–1360, D–1360PR, D–1309(L), D–1309(L)(S), D–1309(L)PR, D–31(A.C.E.), D–31(A.C.E.)PR.

Agency Approval Number: Not available.

Type of Request: New collection.

Burden: 103,162 hours.

Number of Respondents: 315,000.

Avg Hours Per Response: 7 minutes.

Needs and Uses: The Census Bureau requests approval from the Office of Management and Budget for clearance of the forms to be used in connection with the housing unit and person interview activities of the Census 2000 Accuracy and Coverage Evaluation (A.C.E.). The A.C.E. is a national survey of sample block clusters within the 50 states, the District of Columbia, and Puerto Rico. The Census Bureau developed the A.C.E. approach for measuring coverage of the population in the decennial census. In A.C.E., we independently count a sample of housing units and the people living in those units, then compare those results to the census. We then use this comparative information to produce final estimates of the coverage for Census 2000. The A.C.E. approach was tested in three sites during the Census 2000 Dress Rehearsal. The A.C.E. was formerly referred to as the Post-Enumeration Survey (PES) in the Census 2000 Dress Rehearsal.

The Independent Listing Operation is the first data collection step in the A.C.E. process. It will be used to obtain a complete housing unit inventory of all addresses within the Census 2000 A.C.E. sample of block clusters before the Census 2000 enumeration commences. The materials for the Independent Listing were approved under OMB control number 0607–0863.

This request is for clearance of the remainder of the Census 2000 A.C.E. activities to be performed. They are: Housing Unit Follow-up; Targeted Extended Search Field Follow-up; CAPI Person Interview; Person Follow-up; and Final Housing Unit Follow-up. The results of these activities will be used to estimate coverage in Census 2000.

Affected Public: Individuals and households.

Frequency: One time.

Respondent's Obligation: Mandatory.

Legal Authority: 13 USC, Sections 141, 193, and 221.

OMB Desk Officer: Susan Schechter, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: September 28, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–25608 Filed 9–30–99 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Service Annual Survey.

Form Number(s): Numerous.

Agency Approval Number: 0607–0422.

Type of Request: Revision of a currently approved collection.

Burden: 60,072 hours.

Number of Respondents: 78,000.

Avg Hours Per Response: 1 hour 30 minutes.

Needs and Uses: The Census Bureau seeks Office of Management and Budget (OMB) authorization to combine information that is currently collected under three separate surveys into one program. With the implementation of the North American Industry Classification System (NAICS), we plan to combine the Transportation Annual Survey (TAS) (OMB #0607–0798) and the Annual Survey of Communication Services (ASCS) (OMB #0607–0706) into the Service Annual Survey (SAS). This revision also will include industry coverage in sectors not previously covered in SAS. This will facilitate the collection, tabulation, presentation, and data analysis relating to firms. It also will promote uniformity and comparability in the presentation of statistical data describing the economy.

The SAS provides dollar volume estimates of the total output of services sector firms in the United States. The data produced are critical to the accurate measurement of total economic activity. We will collect information for both 1998 and 1999 to ensure a consistent NAICS time series, beginning

with the 1997 Economic Census forward.

The Bureau of Economic Analysis, the primary Federal user, uses survey information to develop the national income and product accounts, compile benchmark and annual input-output tables, and compute gross domestic product (GDP) by industry. The Bureau of Labor Statistics uses these data as inputs to its Producer Price Indexes and in developing productivity measurements. Other Federal agencies use the data for gauging regulatory impact, policy development and program development, management and evaluation. International agencies use the data to compare total domestic output to changing international activity. Private industry also uses these data as a tool for marketing analysis.

Affected Public: Businesses or other for-profit, not-for-profit institutions.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 USC, Sections 182, 224, and 225.

OMB Desk Officer: Susan Schechter, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: September 28, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–25609 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with August anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received requests to revoke three antidumping duty orders in part.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b) (1997), for administrative reviews of various antidumping and countervailing duty orders and findings with August anniversary dates. The Department also received timely requests to revoke in part the antidumping duty orders on brass sheet and strip from the Netherlands, pure magnesium from Canada and sulfanilic acid from the People's Republic of China.

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than August 31, 2000.

	Period to be reviewed
Antidumping duty proceedings.	
Argentina: Oil Country Tubular Goods, A–357–810	8/1/98–7/31/99
Siderca S.A.I.C.	
Belgium: Industrial Phosphoric Acid, A–423–602	8/1/98–7/31/99
Societe Chimique Prayon-Rupel	
Canada: Cut-to-Length Carbon Steel Plate, A–122–823	8/1/98–7/31/99
Stelco, Inc.	
Clayson Steel Inc.	
Canada: Corrosion-Resistant Carbon Steel, A–122–822, Flat Products	8/1/98–7/31/99
Stelco, Inc.,	
Continuous Colour Coat, Ltd.	
Dofasco, Inc.	
Sorevco, Inc.	
DNN Galvanizing Corp.	
Canada: Pure Magnesium, A–122–814	8/1/98–7/31/99
Norsk Hydro Canada Inc.	
France: Industrial Nitrocellulose, A–427–009	8/1/98–7/31/99
Begerac, N.C.	
Germany: Cut-to-Length Carbon Steel Plate, A–428–816	8/1/98–7/31/99
Novosteel SA	
Italy: Grain-Oriented Electrical Steel, A–475–811	8/1/98–7/31/99
Acciai Speciali Terni S.p.A.	
Japan: Certain Corrosion-Resistant Carbon Steel Flat Products, A–588–824	8/1/98–7/31/99
Nippon Steel Corporation	
Kawasaki Steel Corporation	
Japan: Oil Country Tubular Goods, A–588–835	8/1/98–7/31/99
Hallmark Tubulars Ltd.	
Itochu Corporation	
Itochu Project Management Corp.	

	Period to be reviewed
Nippon Steel Corp.	
Sumitomo Metal Industries, Ltd.	
Mexico: Cut-to-Length Carbon Steel Plate, A–202–809	8/1/98–7/31/99
Altos Hornos de Mexico S.A. de C.V.	
Mexico: Gray Portland Cement and Clinker, A–201–802	8/1/98–7/21/99
CEMEX, S.A.. de C.V.	
Cementos de Chihuahua, S.A. de C.V.	
Apasco, S.A. de C.V.	
Mexico: Oil Country Tubular Goods, A–201–817	8/1/98–7/31/99
Hylsa, S.A. de C.V.	
Tubos de Acero de Mexico S.A.	
Republic of Korea: Cold-Rolled Carbon Steel Flat Products, A–580–815	8/1/98–7/31/99
Dongbu Steel Co., Ltd.	
Pohang Iron and Steel Co., Ltd.	
Union Steel Manufacturing Co., Ltd.	
Republic of Korea: Corrosion-Resistant Carbon Steel Flat Products, A–580–816	8/1/98–7/31/99
Dongbu Steel Co., Ltd.	
Pohang Iron and Steel Co., Ltd.	
Union Steel Manufacturing Co., Ltd.	
Republic of Korea: Oil Country Tubular Goods, A–580–825	8/1/98–7/31/99
SeAH Steel Corporation	
Romania: Cut-to-Length Carbon Steel Plate, A–485–803	8/1/98–7/31/99
Sidex, S.A./Metalexportimport, S.A.	
The Netherlands: Brass Sheet & Strip, A–421–701	8/1/98–7/31/99
Outokumpu Copper Strip B.V.	
The Netherlands: Cold-Rolled Carbon Steel Flat Products, A–421–804	8/1/98–7/31/99
Hoogovens Staal BV	
The People's Republic of China: Sulfanilic Acid[1], A–570–815	8/1/98–7/31/99
Boading Mancheng Zhenzing Chemical Plant	
Boading Yude Chemical Co., Ltd.	
The People's Republic of China: Petroleum Wax Candles[2], A–570–504	8/1/98–7/31/99
CNACC (Zhejiang Imports & Export Co., Ltd.	
Shanghai Ornate Candle Art Co., Ltd.	
China Overseas Trading Dalian Corp.	
Jilin Province Arts and Crafts	
China Hebei Boye Great Nation Candle Co., Ltd.	
Taizhou Sungod Gifts Co., Ltd.	
Zhejiang Native Produce & Animal By-Products Import & Export Corp.	
Cnart China Gifts Import & Export Corp.	
Liaoning Light Industrial Products Import & Export Corp.	
Jintan Foreign Trade Corp.	
Jiangsu Yixing Foreign Trade Corp.	
Tonglu Tiandi	
Zhongnam Candle	
China Packaging Import & Export Liaoning Co.	
Kwung's International Trade Co., Ltd.	
Shanghai Gift & Travel Products Imp. & Exp. Corp.	
Liaoning Native Product Import & Export Corporation	
Tianjin Native Produce Imp. & Exp. Group Corp. Ltd.	
Candle World Industrial Co.	
Fu Kit	
Shanghai Zhen Hua	
Universal Candle Company, Ltd.	
The United Kingdom: Cut-to-Length Carbon Steel Plate, A–412–814	8/1/98–7/31/99
British Steel plc	
Countervailing duty proceedings	
Canada: Alloy Magnesium, C–122–815	1/1/98–12/31/98
Norsk Hydro Canada Inc.	
Canada: Pure Magnesium, C–122–815	1/1/98–12/31/98
Norsk Hydro Canada Inc.	
Germany: Cut-to-Length Carbon Steel Plate, C–428–817	1/1/98–12/31/98
Novosteel SA	
Israel: Industrial Phosphoric Acid, C–508–605	1/1/98–12/31/98
Rotem Amfert Negev Ltd.	
Mexico: Cut-to-Length Carbon Steel Plate, C–201–810	1/1/98–12/31/98
Altos Hornos de Mexico S.A. de C.V.	
Republic of Korea: Cold-Rolled Carbon Steel Flat Products, C–580–818	1/1/98–12/31/98
Dongbu Steel Company	
Hyundai Co.	
Pohang Iron and Steel Company	
Union Steel Manufacturing Co., Ltd.	
Republic of Korea: Corrosion-Resistant Carbon Steel Flat Products, C–580–818	1/1/98–12/31/98

	Period to be reviewed
Dongbu Steel Company Hyundai Co. Pohang Iron and Steel Company Union Steel Manufacturing Co., Ltd.	
Suspension agreements	
None.	

[1] If one of the above named companies does not qualify for a separate rate, all other exporters of sulfanilic acid from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[2] If one of the above named companies does not qualify for a separate rate, all other exporters of petroleum wax candles from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(d) (sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For transition orders defined in section 751(c)(6) of the Act, the Secretary will apply paragraph (j)(1) of this section to any administrative review initiated in 1998 (19 CFR 351.213(j)(1–2)).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: September 24, 1999.

Bernard T. Carreau,

Deputy Assistant Secretary, Group II for AD/CVD Enforcement.

[FR Doc. 99–25489 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year ("Sunset") Reviews; Notice

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Five-Year ("Sunset") Reviews.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") is automatically initiating five-year ("sunset") reviews of the antidumping and countervailing duty orders or suspended investigations listed below. The International Trade Commission ("the Commission") is publishing concurrently with this notice its notices of *Institution of Five-Year Reviews* covering these same orders.

FOR FURTHER INFORMATION CONTACT: Melissa G. Skinner or Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, at (202) 482–1560 or (202) 482–5050, respectively, or Vera Libeau, Office of Investigations, U.S. International Trade Commission, at (202) 205–3176.

SUPPLEMENTARY INFORMATION:

Initiation of Reviews

In accordance with 19 CFR 351.218 (*see Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998)), we are initiating sunset reviews of the following antidumping and countervailing duty orders or suspended investigations:

DOC case No.	ITC case No.	Country	Product
A–570–815	A–538	China	Sulfanilic Acid.
C–533–807	C–318	India	Sulfanilic Acid.
A–533–806	A–561	India	Sulfanilic Acid.
C–351–812	C–314	Brazil	Hot-Rolled Lead & Bismuth Carbon Steel Products.
A351–811	A–552	Brazil	Hot-Rolled Lead & Bismuth Carbon Steel Products.
A–427–804	A–553	France	Hot-Rolled Lead & Bismuth Carbon Steel Products.
C–427–805	C–315	France	Hot-Rolled Lead & Bismuth Carbon Steel Products.
C–428–812	C–316	Germany	Hot-Rolled Lead & Bismuth Carbon Steel Products.
A–428–811	A–554	Germany	Hot-Rolled Lead & Bismuth Carbon Steel Products.
C–412–811	C–317	United Kingdom	Hot-Rolled Lead & Bismuth Carbon Steel Products.
A–412–810	A–555	United Kingdom	Hot-Rolled Lead & Bismuth Carbon Steel Products.

Statute and Regulations

Pursuant to sections 751(c) and 752 of the Act, an antidumping ("AD") or countervailing duty ("CVD") order will be revoked, or the suspended investigation will be terminated, unless revocation or termination would be likely to lead to continuation or recurrence of (1) Dumping or a countervailable subsidy, and (2) Material injury to the domestic industry.

The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*"). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the *Sunset Regulations* and *Sunset Policy Bulletin*, the Department's schedule of sunset reviews, case history information (*e.g.*, previous margins, duty absorption determinations, scope language, import volumes), and service lists, available to the public on the Department's sunset internet website at the following address: "http://www.ita.doc.gov/import_admin/records/sunset/".

All submissions in the sunset review must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303 (1998). Also, we suggest that parties check the Department's sunset website for any updates to the service list before filing any submissions. We ask that parties notify the Department in writing of any additions or corrections to the list. We also would appreciate written notification if you no longer represent a party on the service list.

Because deadlines in a sunset review are, in many instances, very short, we urge interested parties to apply for access to proprietary information under administrative protective order ("APO") immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306 (*see Antidumping and Countervailing Duty Proceedings: Administrative Protective Order Procedures; Procedures for Imposing Sanctions for Violation of a Protective Order*, 63 FR 24391 (May 4, 1998)).

Information Required From Interested Parties

Domestic interested parties (defined in 19 CFR 351.102 (1998)) wishing to participate in the sunset review must respond not later than 15 days after the date of publication in the **Federal Register** of the notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth in the *Sunset Regulations* at 19 CFR 351.218(d)(1)(ii). In accordance with the *Sunset Regulations*, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review.

If we receive a notice of intent to participate from a domestic interested party, the *Sunset Regulations* provide that *all parties* wishing to participate in the sunset review must file substantive responses not later than 30 days after the date of publication in the **Federal Register** of the notice of initiation. The required contents of a substantive response are set forth in the *Sunset Regulations* at 19 CFR 351.218(d)(3). Note that certain information requirements differ for foreign and domestic parties. Also, note that the Department's information requirements are distinct from the International Trade Commission's information requirements. Please consult the *Sunset Regulations* for information regarding the Department's conduct of sunset reviews.[1] Please consult the Department's regulations at 19 CFR Part 351 (1998) for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

[1] A number of parties commented that these interim-final regulations provided insufficient time for rebuttals to substantive responses to a notice of initiation (*Sunset Regulations*, 19 CFR 351.218(d)(4)). As provided in 19 CFR 351.302(b) (1998), the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

Dated: September 27, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–25622 Filed 9–30–99; 8:45am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–007]

Final Results of Full Sunset Review: Carbon Steel Wire Rod From Argentina

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Full Sunset Review: Carbon Steel Wire Rod from Argentina.

SUMMARY: On May 28, 1999, the Department of Commerce ("the Department") published a notice of preliminary results of the full sunset review of the antidumping duty order on carbon steel wire rod from Argentina (64 FR 28975) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results. We received comments from both domestic and respondent interested parties. As a result of this review, the Department finds that revocation of this order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Scott E. Smith or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–6397 or (202) 482–1560, respectively.

EFFECTIVE DATE: October 1, 1999.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*") and in 19 CFR Part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-*

year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders: Policy Bulletin, 63 FR 18871 (April 16, 1998) (*"Sunset Policy Bulletin"*).

Scope

The merchandise subject to this antidumping duty order is carbon steel wire rod from Argentina. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7213.20.00, 7213.31.30, 7213.39.00, 7213.41.30, 7213.49.00, and 7213.50.00. Although the item numbers are provided for convenience and customs purposes, the written description remains dispositive.

Background

On May 28, 1999, the Department issued the *Preliminary Results of Full Sunset Review: Carbon Steel Wire Rod from Argentina* (64 FR 28975) (*"Preliminary Results"*). In our preliminary results, we found that revocation of the order would likely result in the continuation or recurrence of dumping. In addition, we preliminarily determined that the magnitude of the margin of dumping likely to prevail if the order were revoked was 119.11 percent for Acindar Industria Argentina de Aceros S.A. ("Acindar") and all others.

On July 12, 1999, within the deadline specified in 19 CFR 351.209(c)(1)(i), we received comments on behalf of Co-Steel (formerly Raritan River Steel), GS Industries, and North Star Steel Company (collectively, the "domestic interested parties"), the domestic participants in this review, and on behalf of Acindar, the respondent in this review. On July 15, 1999, within the deadline specified in 19 CFR 351.309(d), the Department received rebuttal comments from the domestic interested parties. We have addressed the comment received below.

Comment

Comment 1: Acindar, in its July 12, 1999, case brief, states that they disagree with the Department's *Preliminary Results* in this sunset proceeding. Acindar argues that the 119.11 percent dumping margin to be reported to the Commission by the Department is not representative of the rate likely to prevail if the order were revoked. Acindar asserts that in a situation where the rate determined in the original investigation is not a rate based on a respondent's own data, as exists in this case, that rate should not be reported by Department. Furthermore, Acindar argues that the only administrative review conducted by the Department in which Acindar's own data was used resulted in a dumping margin of zero.

In addition, Acindar argues that this fifteen year old rate does not reflect the significant changes which have taken place in the industry and market for subject merchandise since the imposition of the order. According to Acindar, the intervention of numerous events—Mercosur, NAFTA, the changes in the Argentine currency, and the substantial changes in the wire rod industry in the United States and worldwide—all greatly weaken any inference that the rate of dumping "likely to recur" is the rate hypothesized for Acindar in the early 1980's.

The domestic interested parties, in their July 12, 1999, case brief, stated that they agree with the Department's *Preliminary Results* in this proceeding. With respect to Acindar's assertion, the domestic interested parties, citing the SAA in their July 15, 1999, rebuttal brief, state that the dumping margin from the original investigation is the only rate that properly reflects the behavior of exporters prior to the issuance of the antidumping duty order. According to the domestic interested parties, Acindar's request that the Department select another rate to report to the Commission is in direct contradiction to the SAA. They argue that the rate from the original investigation is the most appropriate to report to the Commission. Lastly, the domestic interested parties argue that the age of margin the Department reports to the Commission is irrelevant and that the rate from the original investigation, regardless of how long ago the order was created, is most probative of the rate likely to prevail because it is the only rate which reflects the behavior of producers and/or exporters absent the discipline of the order.

Department Position: The Department agrees with the domestic interested parties. The Department's *Sunset Regulations* state that we will normally provide the company-specific margin from the investigation for each company regardless of whether the margin was calculated using a company's own information or based on best information available or facts available. As stated in our *Preliminary Results*, the rate assigned to Acindar in the original investigation is the only one which reflects its behavior absent the discipline of the order and therefore is the most appropriate to report to the Commission as the margin likely to prevail if the order were to be revoked. The Department finds no reason to deviate from its stated policy in this proceeding.

As for the zero dumping margin attained by Acindar in the sole administrative review of this order, the Department does not find this rate probative of the margin likely to prevail if the order were to be revoked. In its *Preliminary Results*, the Department noted that the establishment of this zero dumping margin was preceded by a significant reduction in import volumes of the subject merchandise. Furthermore, throughout the life of the order, import volumes have remained substantially below their pre-imposition of the order levels. This strongly suggests to the Department that Acindar had to dramatically reduce its exports of subject merchandise to the United States in order to eliminate dumping and would be unable to sell significant quantities (*e.g.* pre-imposition quantities) of subject merchandise in the United States and maintain a dumping margin of zero. Furthermore, the Department notes that a zero or *de minimis* dumping margin, in itself, does not require the Department to determine that continuation or recurrence of dumping is not likely nor does it indicate to the Department that a zero or *de minimis* margin is the margin likely to prevail if the order were to be revoked. *See* section 772(c)(4)(A) of the Act.

Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping for the reasons set forth in our preliminary results of review. Furthermore, for the reasons set forth in our preliminary results of review and as discussed above, we find that the margins calculated in the original investigation are probative of the behavior of Argentine producers/exporters of the subject merchandise. As such, the Department will report to the Commission the company-specific and all others rates from the original investigation listed below:

Manufacturer/exporter	Margin (percent)
Acindar	119.11
All Others	119.11

This notice serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the

Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: September 27, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–25626 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–815]

Notice of Extension of Time Limit for Antidumping Duty Administrative Review of Sulfanilic Acid From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: Ocotber 1, 1999.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the final results of the antidumping duty administrative review of the antidumping order on sulfanilic acid from the People's Republic of China, covering the period August 1, 1997 through July 31, 1998.

FOR FURTHER INFORMATION CONTACT: Sean Carey or Dana Mermelstein, AD/CVD Enforcement Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–3964 or (202) 482–3208, respectively.

SUPPLEMENTARY INFORMATION: Under section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the "Act"), the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 120 days after the date on which the notice of preliminary results was published in the **Federal Register**. In the instant case, the Department has determined that it is not practicable to complete the review within the statutory time limit. *See* Memorandum from Joseph A. Spetrini to Robert S. LaRussa (September 22, 1999). Therefore, pursuant to section 751(a)(3)(A) of the Act, the Department is extending the time limit for the final results to no later than March 6, 2000, which is 180 days after the publication date in the **Federal Register** of the notice of preliminary results for this review. The preliminary results were published in the **Federal Register** on September 8, 1999. (64 FR 48788).

Dated: September 22, 1999.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 99–25488 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–054, A–588–604]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Intent to Revoke in-Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews.

SUMMARY: In response to requests by the petitioner and one respondent, the Department of Commerce (the Department) is conducting administrative reviews of the antidumping duty order on tapered roller bearings (TRBs) and parts thereof, finished and unfinished, from Japan (A–588-604), and of the antidumping finding on TRBs, four inches or less in outside diameter, and components thereof, from Japan (A–588–054). The review of the A–588–054 finding covers two manufacturers/exporters and one reseller/exporter of the subject merchandise to the United States during the period October 1, 1997, through September 30, 1998. The review of the A–588–604 order covers three manufacturers/exporters and the period October 1, 1997, through September 30, 1998.

We preliminarily determine that sales of TRBs have been made below the normal value (NV) for all respondents except Fuji. If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between United States price and the NV. Interested parties are invited to comment on these preliminary results. Parties who submit argument in these proceedings are requested to submit with the argument (1) a statement of the issues and (2) a brief summary of the argument.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Charles Ranado (NSK), Stephanie Arthur (Koyo), Deborah Scott (NTN or Fuji), or Robert James, AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone : (202) 482–3518, (202) 482–6312, or (202) 482–2657, respectively.

APPLICABLE STATUTE AND REGULATIONS: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Rounds Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1998).

SUPPLEMENTARY INFORMATION:

Background

On August 18, 1976, the Treasury Department published in the **Federal Register** (41 FR 34974) the antidumping finding on TRBs from Japan, and on October 6, 1987, the Department published the antidumping duty order on TRBs from Japan (52 FR 37352). On October 9, 1998, the Department published the notice of "Opportunity to Request Administrative Review" for both TRB cases covering the period October 1, 1997 through September 30, 1998 (63 FR 54440).

In accordance with 19 CFR 351.213 (b)(1), the petitioner, the Timken Company (Timken), requested that we conduct a review of Koyo Seiko Co., Ltd. (Koyo) and NSK Ltd. (NSK) in both the A–588–054 and A–588–604 cases. Timken also requested that we conduct a review of NTN Corporation (NTN) in the A–588–604 TRB case. In addition, Fuji Heavy Industries (Fuji) requested that the Department conduct a review in the A–588–054 case, and in accordance with 19 CFR 351.222(e) requested that this finding be revoked with respect to Fuji. On November 30, 1998, we published in the **Federal Register** a notice of initiation of these antidumping duty administrative reviews covering the period October 1, 1997 through September 30, 1998 (63 FR 65748).

Because it was not practicable to complete these reviews within the normal time frame, on May 7, 1999 we published in the **Federal Register** our notice of the extension of the time limits for both the A–588–054 and A–588–604 1997–98 reviews (64 FR 24577). As a result of this extension, we extended the deadline for these preliminary results to September 20, 1999.

Scope of the Reviews

Imports covered by the A–588–054 finding are sales or entries of TRBs, four inches or less in outside diameter when assembled, including inner race or cone assemblies and outer races or cups, sold either as a unit or separately. This merchandise is classified under Harmonized Tariff Schedule (HTS) item numbers 8482.20.00 and 8482.99.15.

Imports covered by the A–588–604 order include TRBs and parts thereof, finished and unfinished, which are flange, take-up cartridge, and hanger units incorporating TRBs, and roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. Products subject to the A–588–054 finding are not included within the scope of this order, except those manufactured by NTN. This merchandise is currently classifiable under HTS item numbers 8482.20.00, 8482.91.00, 8482.99.15, 8482.99.45, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, and 8483.90.80. The HTS item numbers listed above for both the A–588–054 finding and the A–588–604 order are provided for convenience and Customs purposes. The written description remains dispositive.

The period for each 1997–98 review is October 1, 1997, through September 30, 1998. The review of the A–588–054 case covers TRB sales by two manufacturers/exporters (Koyo and NSK) and one reseller/exporter (Fuji). The review of the A–588–604 case covers TRBs sales by three manufacturers/exporters (Koyo, NTN, and NSK).

Duty Absorption

On December 15, 1998, Timken requested that the Department determine with respect to all respondents whether antidumping duties had been absorbed during the POR. This request was filed pursuant to section 751(a)(4) of the Act. Section 751(a)(4) provides for the Department, if requested, to determine during an administrative review initiated two or four years after the publication of the order, whether antidumping duties have been absorbed by a foreign producer or exporter subject to the order if the subject merchandise is sold in the United States through an importer who is affiliated with such foreign producer or exporter (see also 19 CFR 351.213(j)(1)). Section 751(a)(4) was added to the Act by the URAA.

For transition orders as defined in section 751(c)(6)(C) of the Act, *i.e.*, orders in effect as of January 1, 1995, section 351.213(j)(2) of the Department's antidumping regulations provides that the Department will make a duty-absorption determination, if requested, for any administrative review initiated in 1996 or 1998. This approach ensures that interested parties will have the opportunity to request a duty-absorption determination prior to the time for sunset review of the order under section 751(c) of the Act on entries for which the second and fourth years following an order has already passed. Because the finding and order on TRBs have been in effect since 1976 and 1987, respectively, they are transition orders in accordance with section 751(c)(6)(C) of the Act; therefore, based on the policy stated above, the Department will consider a request for an absorption determination during a review initiated in 1998. Accordingly, we are making a duty-absorption determination as part of these administrative reviews.

The statute provides for a determination on duty absorption if the subject merchandise is sold in the United States through an affiliated importer. In these cases, NTN, Koyo, NSK, and Fuji sold through importers that are affiliated within the meaning of section 771(33) of the Act. Furthermore, we have preliminarily determined that there are margins for the following firms with respect to the percentages of their U.S. sales, by quantity, indicated below:

Manufacturer/exporter reseller	Percentage of U.S. affiliates' sales with dumping margins
For the A–588–054 Case:	
Koyo Seiko	16.46
NSK	19.52
For the A–588–604 Case:	
NTN	33.69
NSK	24.76
Koyo Seiko	98.08

In the case of Koyo, the firm did not respond to our request for further-manufacturing information and the dumping margins for those sales were determined on the basis of adverse facts available (see "Use of Facts Available" below). Lacking other information, we find duty absorption on all such sales of further-processed TRBs. See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Final Results of Antidumping Duty Administrative Reviews, 63 FR 2558 (January 15, 1998)(1995–96 TRB Final). Where Koyo's margins were not determined on the basis of adverse facts available (*i.e.*, for non-further manufactured sales), we must presume that duties will be absorbed for those sales which were dumped. *Id.*

With respect to other respondents with affiliated importers for whom we did not apply adverse facts available (NSK and NTN), we must presume that the duties will be absorbed for those sales which were dumped. This presumption of duty absorption can be rebutted with evidence that the unaffiliated purchasers in the United States will pay any ultimately assessed duty. *Id.* However, there is no such evidence on the record. Under these circumstances, we preliminarily find that antidumping duties have been absorbed by NSK and NTN on the percentages of U.S. sales indicated. If interested parties wish to submit evidence that the unaffiliated purchasers in the United States will pay any ultimately assessed duties, they must do so no later than 15 days after publication of these preliminary results.

Because we preliminarily determine that sales of TRBs have not been made below the normal value by Fuji, a duty absorption determination is not applicable.

Verification

As provided in section 782(i) of the Act, we verified information provided by Fuji and NSK, using standard verification procedures, including on-site inspection of the manufacturer's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports, on file in Room B–099 in the main Commerce building.

Intent To Revoke

On October 30, 1998, Fuji submitted a request, in accordance with 19 CFR 351.222(e), that the Department revoke the order covering TRBs from Japan with respect to its sales of this merchandise. In accordance with 19 CFR 351.222(e), this request was accompanied by certification from Fuji that it had sold the subject merchandise to the United States in commercial quantities at not less than NV for a three-year period, including this review

period,[1] and would not sell subject merchandise at less than NV in the future. Fuji also agreed to its immediate reinstatement in the relevant antidumping order, as long as any firm is subject to the order, if the Department concludes that, subsequent to revocation, it sold the subject merchandise at less than NV.

The Department conducted verifications of Fuji's responses for this period of review. In the two prior reviews of this order, we determined that Fuji sold TRBs from Japan to the United States in commercial quantities at de minimis margins (1995–96 POR) or did not conduct a review with respect to Fuji (1996–97 POR)[2]. See 1995–96 TRB Final and Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Final Results of Antidumping Duty Administrative Reviews, 63 FR 63860 (November 17, 1998) (1996–97 TRB Final). We preliminarily determine that Fuji sold TRBs at not less than NV during the current review period. Based on Fuji's three consecutive years of zero or de minimis margins and the absence of evidence to the contrary, we preliminarily determine that it is not likely that Fuji will in the future sell TRBs at less than NV. Therefore, if these preliminary findings are affirmed in our final results, we intend to revoke the order on TRBs from Japan with respect to Fuji.

Use of Facts Available

In accordance with section 776(a)(2)(B) of the Act, in these preliminary results we find it necessary to use partial facts available in those instances were a respondent did not provide us with certain information necessary to conduct our analysis. This occurred with respect to certain sales and cost information Koyo failed to report for its sales of U.S. further-manufactured merchandise subject to the A–588–604 order.

On February 17, 1999, Koyo requested that it not be required to submit a response to Section E of our questionnaire regarding its U.S. further-manufactured sales. We informed Koyo on March 11, 1999 that it was required to supply further-manufacturing data by responding to section E of the Department's questionnaire by April 5, 1999. Koyo notified the Department on April 5, 1999 that it would not file a further-manufacturing response. Therefore, as in Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Final Results of Antidumping Duty Administrative Reviews, 63 FR 47455 (January 15, 1998), we have preliminarily determined that, pursuant to section 776(b) of the Act, it is appropriate to make an inference adverse to the interests of Koyo because it failed to cooperate by not responding to the Department's request for information. The Department is authorized, under section 776(b) of the Act, to use an inference that is adverse to the interest of a party if the Department finds that the party has failed to cooperate by not acting to the best of its ability to comply with the Department's request for information. We examined whether Koyo had acted to the best of its ability in responding to our requests for information. We took into consideration the fact that, as an experienced respondent in reviews of the TRB orders, it can reasonably be expected to know which types of information we request in each review. Because Koyo has submitted to the Department in previous TRB reviews complete further-manufacturing responses, we have determined that it failed to act to the best of its ability in providing the data we requested and that adverse inferences are warranted. See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Administrative Review, 61 FR 25200, 25202 (May 20, 1996). As a result, we have used the highest rate determined for Koyo from any prior segment of the A–588–604 proceedings as partial adverse facts available, which is secondary information within the meaning of section 776(c) of the Act. See 19 CFR 351.308(c)(1)(iii).

Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information used as facts available from independent sources reasonably at its disposal. The Statement of Administrative Action (SAA) provides that "corroborate" means simply that the Department will satisfy itself that the secondary information to be used has probative value (see H.R. Doc. 103–316, Vol. 1, at 870 (1994); 19 CFR 351.308(d)).

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for calculated margins is administrative determinations. Thus, in an administrative review, if the Department chooses as adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin irrelevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (see Fresh Cut Flowers from Mexico; Preliminary Results of Antidumping Duty Administrative Review, 60 FR 49567 (February 22, 1996), where we disregarded the highest margin in the case as best information available because the margin was based on another company's uncharacteristic business expense resulting in an extremely high margin).

For these preliminary results, we have examined the history of the A–588–604 case and have determined that 41.04 percent, the rate we calculated for Koyo in the 1993–94 A–588–604 review, is the highest rate for this firm in any prior segment of the A–588–604 order. See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Final Results of Administrative Review and Termination in Part, 63 FR 20585, (April 27, 1998). In the absence of information on the administrative record that application of this 41.04 percent rate would be inappropriate, that the margin is not relevant, or that leads us to re-examine this rate as adverse facts available in the instant review, we find the margin

[1] In addition, on March 22, 1999 Fuji provided information to the Department supporting its claim that it sold TRBs to the United States in commercial quantities during this three-year period. That submission included estimated sales information for the 1996–97 POR, during which the Department did not conduct a review of Fuji (see footnote 2). The information provided therein is consistent with the information from both the 1995–96 and current POR, and there is no evidence on the record calling into question Fuji's 1996–97 estimated sales information.

[2] For the 1996–97 POR, Fuji requested and then timely withdrew a request for review. Additionally, petitioner did not request a review of Fuji for this period. Therefore, we rescinded the 1996–97 review for Fuji.

reliable and relevant. As a result, for these preliminary results we have applied as adverse facts available, a margin of 41.04 percent to Koyo's further-manufactured U.S. sales.

Export Price and Constructed Export Price

Because all of Koyo's and NSK's sales and certain of NTN's and Fuji's sales of subject merchandise were first sold to unaffiliated purchasers after importation into the United States, in calculating U.S. price for these sales we used constructed export price (CEP) as defined in section 772(b) of the Act. We based CEP on the packed, delivered price to unaffiliated purchasers in the United States. We made deductions, where appropriate, for discounts, billing adjustments, freight allowances, and rebates. Pursuant to section 772(c)(2)(A) of the Act, we reduced this price for movement expenses (Japanese pre-sale inland freight, Japanese post-sale inland freight, international air and/or ocean freight, marine insurance, Japanese brokerage and handling, U.S. inland freight from the port to the warehouse, U.S. inland freight from the warehouse to the customer, U.S. duty, post-sale warehousing, pre-sale warehousing, and U.S. brokerage and handling). We also reduced the price, where applicable, by an amount for the following expenses incurred in the selling of the merchandise in the United States pursuant to section 772(d)(1) of the Act: commissions to unaffiliated parties, U.S. credit, payments to third parties, U.S. repacking expenses, and indirect selling expenses (which included, where applicable, inventory carrying costs, indirect advertising expenses, and indirect technical services expenses). Finally, pursuant to section 772(d)(3) of the Act, we further reduced U.S. price by an amount for profit to arrive at CEP.

NTN claimed an offsetting adjustment to U.S. indirect selling expenses to account for the cost of financing cash deposits during the POR. For the reasons set out in the 1996–97 TRB Final, we have continued to deny such an adjustment. See 1996–97 TRB Final, 63 FR at 63865.

Because certain of NTN's and Fuji's sales of subject merchandise were made to unaffiliated purchasers in the United States prior to importation into the United States and the CEP methodology was not indicated by the facts of record, in accordance with section 772(a) of the Act we used export price (EP) for these sales. We calculated EP as the packed, delivered price to unaffiliated purchasers in the United States. In accordance with section 772(c)(2)(A) of the Act, we reduced this price, where applicable, by Japanese pre-sale inland freight, Japanese post-sale inland freight, international air and/or ocean freight, marine insurance, Japanese brokerage and handling, U.S. brokerage and handling, U.S. duty, and U.S. inland freight.

Where appropriate, in accordance with section 772(d)(2) of the Act, the Department also deducts from CEP the cost of any further manufacture or assembly in the United States, except where the special rule provided in section 772(e) of the Act is applicable. Section 772(e) of the Act provides that, where the subject merchandise is imported by a person affiliated with the exporter or producer and the value added in the United States by the affiliated person is likely to exceed substantially the value of the subject merchandise, and if there is a sufficient quantity of sales to provide a reasonable basis for comparison and we determine that the use of such sales is appropriate, we shall determine the CEP for such merchandise using the price of identical or other subject merchandise sold by the exporter or producer to an unaffiliated person. If there is not a sufficient quantity of such sales to provide a reasonable basis for comparison, or if we determine that using the price of identical or other subject merchandise is not appropriate, we may use any other reasonable basis to determine CEP. See sections 772(e)(1) and (2) of the Act.

In judging whether the use of identical or other subject merchandise is appropriate, the Department must consider several factors, including whether it is more appropriate to use another "reasonable basis." Under some circumstances, we may use the standard methodology as a reasonable alternative to the methods described in sections 772(e)(1) and (2) of the Act. In deciding whether it is more appropriate to use the standard methodology, we have considered and weighed the burden on the Department in applying the standard methodology as a reasonable alternative and the extent to which application of the standard methodology will lead to more accurate results. The burden on the Department of using the standard methodology may vary from case to case depending on factors such as the nature of the further-manufacturing process and the finished products. The increased accuracy gained by applying the standard methodology will vary significantly from case to case, depending upon such factors as the amount of value added in the United States and the proportion of total U.S. sales that involve further manufacturing. In cases where the burden on the Department is high, it is more likely that the Department will determine that potential gains in accuracy do not outweigh the burden of applying the standard methodology. Thus, the Department likely will determine that application of the standard methodology is not more appropriate than application of the methods described in paragraphs 772(e)(1) and (2), or some other reasonable alternate methodology. By contrast, if the burden is relatively low and there is reason to believe the standard methodology is likely to be more accurate, the Department is more likely to determine that it is not appropriate to apply the methods described in paragraphs 772(e)(1) or (2) of the Act in lieu of the standard methodology. See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Antidumping Duty Administrative Reviews, 62 FR 47452, 47455 (September 9, 1997) (1995–96 TRB Prelim).

With respect to Fuji, its two U.S. affiliates, Subaru of America (SOA) and Subaru-Isuzu Automotive (SIA), both import TRBs into the United States which were first purchased by Fuji from Japanese producers in Japan. SOA imported TRBs during the review period primarily for the purpose of reselling the bearings as replacement parts for Subaru automobiles in the United States. SOA also imported TRB's which were further-manufactured into vehicle transmissions prior to resale to SOA's dealers. In addition, SIA imported TRBs for the sole purpose of using them in its production of Subaru automobiles in the United States, the final product sold by SIA to the first unaffiliated customer in the United States. Based on information provided by Fuji about this further manufacturing, we have determined that the special rule for merchandise with value added after importation under section 772(e) of the Act applies to this respondent.

To determine whether the value added in the United States by SIA and SOA is likely to exceed substantially the value of the subject merchandise, we estimated the value added based on the differences between the averages of the prices charged to the first unaffiliated U.S. customer for the final merchandise sold (the automobiles or vehicle transmissions) and the averages of the prices paid for the subject merchandise (the imported TRBs) by the affiliated person. Based on this analysis and information on the record, we determined that the value of the TRBs

further processed by SIA and SOA in the United States was a minuscule amount of the price charged by SIA and SOA to the first unaffiliated customer for the automobiles and vehicle transmissions sold in the United States. See Exhibit A–26 of Fuji's February 11, 1999 questionnaire response. Therefore, we determined that the value added is likely to exceed substantially the value of the subject merchandise. In addition, we have determined that those sales of TRBs made by SOA as replacement parts in the United States, which constitute sales of merchandise identical and/or most similar to those TRBs imported by SIA for use in the manufacture of Subaru automobiles and by SOA for use in the manufacture of vehicle transmissions, were made in sufficient quantities to provide a reasonable basis for comparison. Therefore, for purposes of determining dumping margins for the TRBs entered by SIA used in the production of automobiles and for those entered by SOA to be incorporated into vehicle transmissions, we have used the weighted-average dumping margins we calculated on sales of identical or other subject merchandise sold by SOA as replacement TRBs to unaffiliated persons in the United States. See 19 CFR 351.402(c).

Also, NTN imported subject merchandise (TRB parts) which was further processed in the United States. NTN further manufactured the imported scope merchandise into merchandise of the same class or kind as merchandise within the scope of the A–588–604 order. Based on information provided by NTN in its December 22, 1998 and January 11, 1999 letters to the Department, we first determined whether the value added in the United States was likely to exceed substantially the value of the subject merchandise. We estimated the value added based on the differences between the averages of the prices charged to the first unaffiliated U.S. customer for the final merchandise sold (finished TRBs) and the averages of the prices paid by the affiliated party for the subject merchandise (imported TRB parts), and determined that the value added was likely to exceed substantially the value of the imported TRB parts.

We then examined whether it would be appropriate to use sales of identical or other subject merchandise to unaffiliated persons as a basis for comparison, as stated under paragraphs 772(e)(1) and (2) of the Act. Based on the information provided by NTN in Exhibit A–1 of its February 9, 1999 questionnaire response and its December 22, 1998 letter, we determined that sales of identical or other subject merchandise to unaffiliated persons were in sufficient quantity for the purpose of determining dumping margins for NTN's imported TRBs which were further manufactured in the United States prior to resale. Furthermore, the proportion of NTN's further-manufactured merchandise to its total imports of subject merchandise was relatively low. In NTN's case, any potential gains in accuracy gained from examining NTN's further-manufactured sales are outweighed by the burden of the applying the standard methodology. Accordingly, it would be appropriate to apply one of the methodologies specified in the statute with respect to NTN's imported TRB parts. Therefore, we have used the weighted-average dumping margins we calculated on NTN's sales of identical or other subject merchandise to unaffiliated persons in the United States. See 19 CFR 351.402(c).

With respect to Koyo, while we determined that the value added to the United States was likely to exceed the value of the imported products, we have determined that the use of either of the two proxies specified in the statute is not appropriate. See Facts Available section for further information.

No other adjustments were claimed or allowed.

Normal Value

A. Viability

Based on (1) the fact that each company's quantity of sales in the home market was greater than five percent of its sales to the U.S. market and (2) the absence of any information that a particular market situation in the exporting country does not permit a proper comparison, we determined that the quantity of the foreign like product for all respondents sold in the exporting country was sufficient to permit a proper comparison with the sales of subject merchandise to the United States, pursuant to section 773(a) of the Act. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV on the prices at which the foreign like products were first sold for consumption in the exporting country.

B. Arm's-Length Sales

For all respondents we have excluded from our analysis those sales made to affiliated customers in the home market which were not at arm's length. We determined the arm's-length nature of home market sales to affiliated parties by means of our 99.5 percent arm's-length test in which we calculated, for each model, the percentage difference between the weighted-average prices to the affiliated customer and all unaffiliated customers and then calculated, for each affiliated customer, the overall weighted-average percentage difference in prices for all models purchased by the customer. If the overall weighted-average price ratio for the affiliated customer was equal to or greater than 99.5 percent, we determined that all sales to this affiliated customer were at arm's length. Conversely, if the ratio for a customer was less than 99.5 percent, we determined that all sales to the affiliated customer were not at arm's length because, on average, the customer paid less than unaffiliated customers for the same merchandise. Therefore, we excluded all sales to the customer from our analysis. Where we were unable to calculate an affiliated customer ratio because identical merchandise was not sold to both affiliated and unaffiliated customers, we were unable to determine if these sales were at arm's length and, therefore, excluded them from our analysis (see Stainless Steel Wire Rods from France: Preliminary Results of Antidumping Duty Administrative Review, 61 FR 8915 (March 6, 1996).

C. Cost of Production Analysis

Because we disregarded sales that failed the cost test in our last completed A–588–054 review for Koyo and NSK, and in our last completed A–588–604 review for NTN, Koyo, and NSK we have reasonable grounds to believe or suspect that sales of the foreign like product under consideration for the determination of NV in this review for these companies may have been made at prices below the COP, as provided by section 773(b)(2)(A)(ii) of the Act (see 1995–96 TRB Final and 1996–97 TRB Final). Therefore, pursuant to section 773(b)(1) of the Act, we initiated a COP investigation of sales by Koyo, NTN, and NSK for both TRB cases.

In accordance with section 773(b)(3) of the Act, we calculated COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product, plus selling, general, and administrative expenses (SG&A) and the cost of all expenses incidental to placing the foreign like product in condition packed ready for shipment. We relied on the home market sales and COP information provided by Koyo, NTN, and NSK except in those instances where the data was not appropriately quantified or valued (see company-specific preliminary results analysis memoranda).

After calculating COP, we tested whether home market sales of TRBs

were made at prices below COP within an extended period of time in substantial quantities and whether such prices permit the recovery of all costs within a reasonable period of time. We compared model-specific COPs to the reported home market prices less any applicable movement charges, discounts, or rebates.

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of a respondent's home market sales for a model are at prices less than the COP, we do not disregard any below-cost sales of that model because we determine that the below-cost sales were not made within an extended period of time in "substantial quantities." Where 20 percent or more of a respondent's home market sales of a given model are at prices less than COP, we disregard the below-cost sales because they are (1) made within an extended period of time in substantial quantities in accordance with sections 773(b)(2)(B) and (C) of the Act, and (2) based on comparisons of prices to weighted-average COPs for the POR, were at prices which would not permit the recovery of all costs within a reasonable period of time in accordance with section 773(b)(2)(D) of the Act.

The results of our cost test for Koyo, NTN, and NSK indicated that for certain home market models less than 20 percent of the sales of the model were at prices below COP. We therefore retained all sales of these market models in our analysis and used them as the basis for determining NV. Our cost test for these respondents also indicated that within an extended period of time (one year, in accordance with section 773(b)(2)(B) of the Act), for certain home market models, more than 20 percent of the home market sales were sold at prices below COP. In accordance with section 773(b)(1) of the Act, we therefore excluded these below-cost sales from our analysis and used the remaining above-cost sales as the basis for determining NV.

D. Product Comparisons

For all respondents we compared U.S. sales with contemporaneous sales of the foreign like product in the home market. We considered bearings identical on the basis of nomenclature and determined most similar TRBs using our sum-of-the-deviations model-match methodology which compares TRBs according to the following five physical criteria: inside diameter, outside diameter, width, load rating, and Y2 factor. For Koyo, NTN, and NSK we used a 20 percent difference-in-merchandise (difmer) cost deviation cap as the maximum difference in cost allowable for similar merchandise, which we calculated as the absolute value of the difference between the U.S. and home market variable costs of manufacturing divided by the U.S. total cost of manufacturing. Because Fuji, a reseller, was unable to provide the variable and total costs of manufacturing for the TRBs they purchased from Japanese producers, it instead provided its acquisition cost for each TRB model purchased from Japanese producers. As a result, consistent with our practice in past TRB reviews for Fuji, we used these acquisition costs as the basis for our 20-percent difmer cap (see, *e.g.*, 1995–96 Prelim, 62 FR at 47458).

E. Level of Trade

To the extent practicable, we determined NV for sales at the same level of trade as the U.S. sales (either EP or CEP). When there were no sales at the same level of trade, we compared U.S. sales to home market sales at a different level of trade. The NV level of trade is that of the starting-price sales in the home market. When NV is based on constructed value (CV), the level of trade is that of the sales from which we derived SG&A and profit.

To determine whether home market sales are at a different level of trade than U.S. sales, we examined stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales were at a different level of trade and the differences affected price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the level of trade of the export transaction, we made a level-of-trade adjustment under section 773(a)(7)(A) of the Act. See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa, 62 FR 61731 (November 19, 1997).

We determined that for respondents Koyo and NSK, there were two home market levels of trade and one U.S. level of trade (CEP). For Fuji, we determined that only one level of trade existed in the home market and three distinct levels of trade existed in the U.S. market (one CEP and two EP levels of trade). Because there was no home market level of trade equivalent to the U.S. level(s) of trade for Koyo, NSK, and Fuji, and because NV for these firms represented a price more remote from the factory than CEP, we made a CEP offset adjustment to NV. For NTN we found that there were three home market levels of trade and two (EP and CEP) levels of trade in the U.S. Because there were no home market levels of trade equivalent to NTN's CEP level of trade, and because NV for NTN represented a price more remote from the factory than CEP, we made a CEP offset adjustment to NV in our CEP comparisons. We also determined that NTN's EP level of trade was equivalent to one of NTN's home market levels of trade. Because we determined that there was a pattern of consistent price differences due to differences in levels of trade, we made a level of trade adjustment to NV for NTN in our EP comparisons where the U.S. EP sale matched to a home market sale at a different level of trade. For more detailed company-specific descriptions of our level-of-trade analyses for these preliminary results, see the preliminary results analysis memoranda to Robert James, on file in Import Administration's Central Records Unit, Room B–099 of the main Commerce building).

F. Home Market Price

We based home market prices on the packed, ex-factory or delivered prices to affiliated purchasers (where an arm's-length relationship was demonstrated) and unaffiliated purchasers in the home market. We made adjustments for differences in packing and for movement expenses in accordance with sections 773(a)(6)(A) and (B) of the Act. In addition, we made adjustments for differences in cost attributable to differences in physical characteristics of the merchandise pursuant to section 773(a)(6)(C)(ii) of the Act, and for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. For comparison to EP we made COS adjustments by deducting home market direct selling expenses and adding U.S. direct selling expenses. For comparisons to CEP, we made COS adjustments to NV by deducting home market direct selling expenses. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in EP and CEP calculations. No other adjustments were claimed or allowed.

In accordance with section 773(a)(4) of the Act, we based NV on CV if we were unable to find a contemporaneous home market match for the U.S. sale. We calculated CV based on the cost of materials and fabrication employed in producing the subject merchandise, SG&A, and profit. In accordance with 772(e)(2)(A) of the Act, we based SG&A expenses and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the

ordinary course of trade for consumption in the foreign country. For selling expenses, we used the weighted-average home market selling expenses. To the extent possible, we calculated CV by LOT, using the selling expenses and profit determined for each LOT in the comparison market. Where appropriate, we made adjustments to CV in accordance with section 773(a)(8) of the Act and 19 CFR 351.410 for COS adjustments and LOT differences. For comparisons to EP, we made COS adjustments by deducting home market direct selling expenses and adding U.S. direct selling expenses. For comparisons to CEP, we made COS adjustments by deducting home market direct selling expenses. We also made adjustments, where applicable, for home market indirect selling expenses to offset commissions in EP and CEP comparisons.

Preliminary Results of Review

As a result of our reviews, we preliminarily determine the following weighted-average dumping margins exist for the period October 1, 1997, through September 30, 1998, to be as follows:

Manufacturer/exporter/ reseller	Margin (percent)
For the A–588–054 Case:	
Koyo Seiko	12.97
Fuji	0.05
NSK	4.03
For the A–588–604 Case:	
Fuji	[3]—
Koyo Seiko	23.20
NTN	20.28
NSK	1.60

The Department will disclose calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). A party may request a hearing within thirty days of publication. Any hearing, if requested, will be held 37 days after the date of publication, or the first business day thereafter, unless the Department alters the date per 19 CFR 351.310(d). Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed no later than 35 days after the date of publication of this notice. Parties who submit argument in these proceedings are requested to submit with the argument (1) a statement of the issues and (2) a brief summary of the argument. The Department will issue final results of these administrative reviews, including the results of our analysis of the issues in any such written comments or at a hearing, within 120 days of issuance of these preliminary results.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we calculated importer-specific ad valorem assessment rates for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of the review.

Furthermore, the following deposit requirements will be effective upon completion of the final results of these administrative reviews for all shipments of TRBs from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act:

(1) The cash-deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and therefore de minimis, the Department shall not require a deposit of estimated antidumping duties;

(2) For previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period;

(3) If the exporter is not a firm covered in these reviews, a prior review, or the LTFV investigations, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and

(4) If neither the exporter nor the manufacturer is a firm covered in these or any previous reviews conducted by the Department, the cash deposit rate for the A–588–054 case will be 18.07 percent, and 36.52 percent for the A–588–604 case (see Preliminary Results of Antidumping Duty Administrative Reviews; Tapered Roller Bearings, Finished and Unfinished, and Parts Thereof, from Japan and Tapered Roller Bearings, Four Inches or less in Outside Diameter, and Components Thereof, From Japan, 58 FR 51061 (September 30, 1993)).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 24, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–25620 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–DS–P

[3] No shipments or sales subject to this review. The firm has no rate from any prior segment of this proceeding.

DEPARTMENT OF COMMERCE

International Trade Administration National Renewable Energy Laboratory; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC.

Docket Number: 99–014. Applicant: National Renewable Energy Laboratory, Golden, CO 80401–3393. Instrument: 2 (Two) Anemometer Systems, Model DA–600. Manufacturer: Kaijo-Denki Corp., Japan. Intended Use: See notice at 64 FR 35630, July 1, 1999.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides: (1) A maximum wind speed range of 60 meters per second, (2) Maximum measurement bandwith of 10 Hz, (3) Minimum resolution of 0.005 m/s and (4) Compatibility with currently operating anemometers. The National Oceanographic and Atmospheric Administration advised September 3, 1999 that: (1) These capabilities are pertinent to the applicant's intended purpose and (2) It knows of no domestic

instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 99–25621 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Publication of quarterly update to annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its quarterly update to the annual list of foreign government subsidies on articles of cheese subject to an in-quota rate of duty during the period April 1, 1999 through June 30, 1999. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Russell Morris or Tipten Troidl, Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230, telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 (as amended) (the Act) requires the Department of Commerce (the Department) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(g)(b)(4) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies of cheeses that were imported during the period April 1, 1999 through June 30, 1999.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(g)(b)(2) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and addifional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: September 24, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

APPENDIX.—SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

County	Program(s)	Gross [1] Subsidy ($/lb)	Net [2] Subsidy ($/lb)
Austria	European Union Restitution Payments	$.018	$0.18
Belgium	EU Restitution Payments	0.07	0.07
Canada	Export Assistance on Certain Types of Cheese	0.24	0.24
Denmark	EU Restitution Payments	0.17	0.17
Finland	EU Restitution Payments	0.26	0.26
France	EU Restitution Payments	0.15	0.15
Germany	EU Restitution Payments	0.18	0.18
Greece	EU Restitution Payments	0.00	0.00
Ireland	EU Restitution Payments	0.11	0.11
Italy	EU Restitution Payments	0.13	0.13
Luxembourg	EU Restitution Payments	0.07	0.07
Netherlands	EU Restitution Payments	0.10	0.10
Norway	Indirect (Milk) Subsidy	0.32	0.32
	Consumer Subsidy	0.14	0.14
Total		0.46	0.46
Portugal	EU Restitution Payments	0.10	0.10
Spain	EU Restitution Payments	0.11	0.11
Switzerland	Deficiency Payments	0.12	0.12
U.K.	EU Restitution Payments	0.19	0.19

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 99–25617 Filed 9–30–99; 8:45 am]
BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C–357–004]

Final Results of Full Sunset Review: Carbon Steel Wire Rod From Argentina

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Full Sunset Review: Carbon Steel Wire Rod from Argentina.

SUMMARY: On May 28, 1999, the Department of Commerce ("the Department") published a notice of preliminary results of the full sunset review of the suspended countervailing duty investigation on carbon steel wire rod from Argentina (64 FR 28978) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results. We received comments from both domestic and respondent interested parties. As a result of this review, the Department finds that termination of this suspended investigation would be likely to lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Scott E. Smith or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–6397 or (202) 482–1560, respectively.

EFFECTIVE DATE: October 1, 1999.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) *("Sunset Regulations")* and in 19 CFR Part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) *("Sunset Policy Bulletin")*.

Scope

The merchandise subject to this suspended countervailing duty investigation is carbon steel wire rod, both high carbon and low carbon, manufactured in Argentina and exported, directly or indirectly from Argentina to the United States. The term "carbon steel wire rod" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.02 inches nor over 0.74 inches in diameter, not tempered, not treated, and not partly manufactured, and valued at over 4 cents per pound. As of the publication of the last administrative review, [1] the merchandise subject to this order was classifiable under item numbers 7213.20.00, 7213.31.30, 7213.39.00, 7213.41.30, 7213.49.00, and 7213.50.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description remains dispositive.

Background

On May 28, 1999, the Department issued the *Preliminary Results of Full Sunset Review: Carbon Steel Wire Rod from Argentina* (64 FR 28978) *("Preliminary Results")*. In our preliminary results, we found that termination of the suspended investigation would be likely to lead to continuation or recurrence of a countervailable subsidy. Further, we found that the net countervailable subsidy likely to prevail if the suspended investigation were terminated is 5.36 percent ad valorem, the subsidy rate determined in the suspended investigation. Additionally, we found that each of the three programs (the reembolso, pre-export financing, and post-export financing) fall within the definition of an export subsidy under Article 3.1(a) of the 1994 WTO Agreement on Subsidies and Countervailing Measures ("Subsidies Agreement").

On July 12, 1999, within the deadline specified in 19 CFR 351.309(c)(1)(i), we received comments on behalf of Co-Steel (formerly Raritan River Steel), GS Industries, and North Star Steel Company (collectively, the "domestic interested parties"), the domestic participants in this review, and on behalf of Acindar Industria Argentina de Aceros S.A. ("Acindar"), the respondent in this review. On July 15, 1999, within the deadline specified in 19 CFR 351.309(d), the Department received rebuttal comments from the domestic interested parties. We have addressed the comments received below.

Comments

Comment 1: In its July 12, 1999, case brief, Acindar states that it disagrees with the Department's *Preliminary Results* in this sunset proceeding. Acindar states that, in the Department's *Preliminary Results*, we noted that Communique A–1807 "totally suspended" pre-export (as well post-export) financing as of March 8, 1991. Acindar argues that a suspension of this duration can hardly be considered temporary and that the Department should conclude that the subsidy attributable to pre- and post-export financing is zero and, consequently, reduce its final net countervailable subsidy rate to zero.

In their July 12, 1999, case brief, the domestic interested parties state that they agree with the Department's *Preliminary Results* in this proceeding. With respect to Acindar's assertion, the domestic interested parties argue that Acindar and the Government of Argentina have presented no evidence that pre- and post-export financing subsidy programs have been terminated. According to the domestic interested parties, because the programs are in place, their temporary suspension strongly suggests that subsidies would recur if the suspended investigation were terminated.

Department Position: The Department agrees with the domestic interested parties. Acindar and the Government of Argentina have presented no evidence to indicate that pre- and post-export financing programs have been eliminated. The Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Doc. 103–316, vol. I ("SAA"), at 888, states that temporary suspension or partial termination of a subsidy program will be probative of continuation or recurrence of countervailable subsidies. We acknowledge that, as a result of the suspension agreement, as amended, the pre-export and post-export financing programs have been suspended for producers of subject merchandise since 1982 and 1986, respectively. However, the Department notes that the suspension of a program is not the same as the termination of a program. Programs which have been suspended, and not officially terminated through legislative action, are more likely to be

[1] *See Carbon Steel Wire Rod from Argentina; Final Results of Countervailing Duty Administrative Review*, 56 FR 40309 (August 14, 1991).

reinstated. Communique A–1807 was a decree suspending pre- and post-export financing, not terminating these programs. Therefore, absent evidence from Acindar and/or the Government of Argentina that pre- and post-export financing programs have been terminated by legislative action, the Department finds that there is a likelihood of continuation or recurrence of countervailable subsidy if the suspended investigation were terminated.

Comment 2: Acindar quotes the Department's *Preliminary Results*, stating "the rebate system was changed to cover only the reimbursements of indirect local taxes and does not cover import duties, except reimbursement of duties paid on imported products which are re-exported. Additionally, the Department found that the rates of reimbursement were reduced by 33 percent for all products * * *" According to Acindar, this statement indicates that whatever net countervailable subsidy formerly existed by reason of the reembolso no longer can exist. To reflect this fact, Acindar requests that the Department readjust its final net countervailable subsidy.

The domestic interested parties argue that Acindar and the Government of Argentina have presented no evidence that the reembolso program has been terminated. They further argue that the Department found, in an administrative review of oil country tubular goods, that the legal structure of the reembolso program had been altered. However, they claim the Government of Argentina has not terminated the program. Domestic interested parties also contend that, according to the SAA at 888, even partial termination of a subsidy program is probative of a recurrence of countervailable subsidies. According to the domestic interested parties, because the reembolso program continues to exist, the Department should find that there is a likelihood of continuation or recurrence of a countervailable subsidy.

Department Position: The Department agrees with the domestic interested parties. Acindar and the Government of Argentina have presented no evidence to indicate that the reembolso program has been terminated. In fact, the reembolso program continues to exist, but, as noted in the final results of the 1991 administrative review of the countervailing duty order on oil country tubular goods from Argentina, has been modified to cover only reimbursements of indirect local taxes, and no longer covers import duties, except reimbursement of duties paid on imported products which are re-exported.[2] This modification of the reembolso program is in no way tantamount to a termination and does not preclude additional modifications to the program. Because Acindar and/or the Government of Argentina have submitted no evidence that this program has been terminated and that its reinstatement is not likely, the Department finds that there is a likelihood of continuation or recurrence of countervailable subsidy if the suspended investigation were terminated.

Comment 3: Acindar argues that the Department's distinction between countervailing duty orders and suspension agreements, with respect to *Ceramica*,[3] is weak. Acindar argues that the only incentive to enter into a suspension agreement is the threat of countervailing duties. Since the threat of such duties absent an injury determination disappeared when Argentina achieved "country under the agreement" status, the suspension agreement should likewise lapse.

The domestic interested parties argue that *Ceramica* did not address the issue of suspension agreements or their administrability by the Department. According to the domestic interested parties, *Ceramica* addressed only the Department's authority to assess countervailing duties on imports that did not receive an injury test. The Department is not assessing countervailing duties, but rather administering a negotiated agreement between the governments of Argentina and the United States. Therefore, according to the domestic interested parties, the findings in *Ceramica* are irrelevant to this sunset review.

Department Position: The Department agrees with the domestic interested parties. As discussed in the Department's *Preliminary Results*, *Ceramica* addresses the Department's authority to assess countervailing duties on imports where the Commission made no injury determination with respect to those imports. Accordingly, the findings in *Ceramica* do not inform this sunset analysis. The Department is not assessing countervailing duties with respect to subject merchandise. In fact, the Department terminated the suspension of liquidation as a result of the conclusion of this agreement.

[2] *See Oil Country Tubular Goods from Argentina; Final Results of Countervailing Duty Administrative Review*, 62 FR 55589 (October 27, 1997) (affirming the preliminary determination).

[3] *See Ceramica Regiomontana* v. *United States*, 64 F.3d 1579 (Fed. Cir. 1995) ("*Ceramica*").

Final Results of Review

As a result of this review, the Department finds that termination of the suspended countervailing duty investigation would be likely to lead to continuation or recurrence of a countervailable subsidy for the reasons set forth in the preliminary results of our review. Furthermore, for the reasons set forth in our preliminary results of review and, as discussed above, we find that the net countervailing duty rate of 5.36 percent *ad valorem* is the rate likely to prevail if the suspended investigation were terminated. Finally, we continue to find that the reembolso, pre-export financing, and post-export financing programs, because receipt of benefits is contingent upon export, fall within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement.

This notice serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: September 27, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–25625 Filed 9–30–99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–351–831]

Preliminary Affirmative Countervailing Duty Determination and Alignment with Final Antidumping Duty Determination: Certain Cold Rolled Flat-Rolled Carbon-Quality Steel Products from Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos or Dana Mermelstein, Office of CVD/AD Enforcement VII, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street

and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–1394 and (202) 482–3208 respectively.

PRELIMINARY DETERMINATION: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies have been provided to producers and/or exporters of certain cold-rolled flat-rolled carbon-quality steel products from Brazil. For information on the estimated countervailing duty rates, please see the "Suspension of Liquidation" section of this notice.

SUPPLEMENTARY INFORMATION:

Petitioners

The petition in this investigation was filed by Bethlehem Steel Corporation, Gulf States Steel Inc., Ispat Inland, Inc., LTV Steel Company, Inc., National Steel Corporation, Steel Dynamics Inc., U.S. Steel Group (a unit of USX Corporation), Weirton Steel Corporation, the Independent Steelworkers of America and the United Steelworkers of America (collectively, "the petitioners").

Case History

Since the publication of the notice of initiation in the **Federal Register** (*see* Notice of Initiation of Countervailing Duty Investigations: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Brazil, Indonesia, Thailand, and Venezuela, 64 FR 34204 (June 25, 1999) (*Initiation Notice*)), the following events have occurred. On June 25, 1999, we issued countervailing duty questionnaires to the Government of Brazil (GOB) and the producers/exporters of the subject merchandise (cold-rolled flat-rolled carbon-quality steel products, or "cold-rolled steel"). On August 3, 1999, we received responses to our initial questionnaires from the GOB and the producers/exporters of the subject merchandise: Companhia Siderugica Nacional (CSN), Usinas Siderugicas de Minas Gerais (USIMINAS) and Companhia Siderurgica Paulista (COSIPA). Acesita-Cia Acos Especiais Itabira entered an appearance on July 16, 1999, stating that it had not exported subject merchandise to the United States during the POI. On August 24, 1999, we issued a supplemental questionnaire to the GOB and received the response on September 13, 1999. We issued a second supplemental questionnaire on September 20, 1999, and received the response on September 23, 1999.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) carbon steel flat products, neither clad, plated, nor coated with metal, but whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances, both in coils, 0.5 inch wide or wider, (whether or not in successively superimposed layers and/or otherwise coiled, such as spirally oscillated coils), and also in straight lengths, which, if less than 4.75 mm in thickness having a width that is 0.5 inch or greater and that measures at least 10 times the thickness; or, if of a thickness of 4.75 mm or more, having a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been "worked after rolling")—for example, products which have been beveled or rounded at the edges.

Specifically included in this scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Motor lamination steels contain micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of this investigation, regardless of definitions in the Harmonized Tariff Schedules of the United States (HTSUS), are products in which (1) iron predominates, by weight, over each of the other contained elements, (2) the carbon content is 2 percent or less, by weight, and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium (also called columbium), or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of this investigation unless specifically excluded. The following products, by way of example, are outside and/or specifically excluded from the scope of this investigation:

- SAE grades (formerly also called AISI grades) 2300 and higher;
- Ball bearing steels, as defined in the HTSUS;
- Tool steels, as defined in the HTSUS;
- Silico-manganese steel, as defined in the HTSUS;
- Grain-oriented silicon electrical steel;
- Non-grain-oriented silicon electrical steel with a silicon level exceeding 2.25 percent;
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).

The merchandise subject to this investigation is typically classified in the HTSUS at subheadings: 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0090, 7209.17.0030, 7209.17.0060, 7209.17.0090, 7209.18.1530, 7209.18.1560, 7209.18.2510, 7209.18.2550, 7209.18.6000, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6075, 7211.23.6085, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7225.19.0000, 7225.50.6000, 7225.50.7000, 7225.50.8010, 7225.50.8015, 7225.50.8085, 7225.99.0090, 7226.19.1000, 7226.19.9000, 7226.92.5000, 7226.92.7050, 7226.92.8050, and 7226.99.0000.

Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the

regulations codified at 19 C.F.R. Part 351 (1998) and to the substantive countervailing duty regulations published in the **Federal Register** on November 25, 1998 (63 FR 65348) (CVD Regulations).

Injury Test

Because Brazil is a "Subsidies Agreement Country" within the meaning of section 701(b) of the Act, the ITC is required to determine whether imports of the subject merchandise from Brazil materially injure, or threaten material injury to, a U.S. industry. On July 30, 1999, the ITC published its preliminary determination that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports from Brazil of the subject merchandise (64 FR 41458). The Commission transmitted its determination in this investigation to the Secretary of Commerce on July 19, 1999. The views of the Commission are contained in USITC Publication 3214 (July 1999), entitled Certain Cold-Rolled Steel Products from Argentina, Brazil, China, Indonesia, Japan, Russia, Slovakia, South Africa, Taiwan, Thailand, Turkey, and Venezuela: Investigations Nos. 701–TA–393–396 and 731–TA–829–840 (Preliminary).

Alignment With Final Antidumping Duty Determination

On September 16, 1999, the petitioners submitted a letter requesting alignment of the final determination in this investigation with the final determination in the companion antidumping duty investigation. *See Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Argentina, Brazil, the People's Republic of China, Indonesia, Japan, the Russian Federation, Slovakia, South Africa, Taiwan, Thailand, Turkey, and Venezuela*, 64 FR 34194 (June 22, 1999). In accordance with section 705(a)(1) of the Act, we are aligning the final determination in this investigation with the final determinations in the antidumping investigations of certain cold-rolled flat-rolled carbon-quality steel products.

Period of Investigation

The period of investigation for which we are measuring subsidies (the POI) is calendar year 1998.

Company Histories

USIMINAS was founded in 1956 as a venture between the Brazilian Government, various stockholders and Nippon Usiminas. In 1974, the majority interest in USIMINAS was transferred to SIDERBRAS, the government holding company for steel interests. The company underwent several expansions of capacity throughout the 1980s. In 1990, SIDERBRAS was put into liquidation and the GOB decided to include its operating companies, including USIMINAS, in its National Privatization Program (NPP). In 1991, USIMINAS was partially privatized; as a result of the initial auction, Companhia do Vale do Rio Doce (CVRD), a majority government-owned iron ore producer, acquired 15 percent of USIMINAS's common shares. In 1994, the Government disposed of additional holdings, amounting to 16.2 percent of the company's equity. USIMINAS is now owned by CVRD and a consortium of private investors, including Nippon Usiminas, Caixa de Previdencia dos Funcionarios do Banco do Brasil (Previ) and the USIMINAS Employee Investment Club. CVRD was partially privatized in 1997, when 31 percent of the company's shares were sold.

COSIPA was established in 1953 as a government-owned steel production company. In 1974, COSIPA was transferred to SIDERBRAS. Like USIMINAS, COSIPA was included in the NPP after SIDERBRAS was put into liquidation. In 1993, COSIPA was partially privatized, with the GOB retaining a minority of the preferred shares. Control of the company was acquired by a consortium of investors led by USIMINAS. In 1994, additional government-held shares were sold, but the GOB still maintained approximately 25 percent of COSIPA's preferred shares. During the POI, USIMINAS owned 49.8 percent of the voting capital stock of the company. Other principal owners include Bozano Simonsen Asset Management Ltd., the COSIPA Employee Investment Club, and COSIPA's Pension Fund (FEMCO).

CSN was established in 1941 and commenced operations in 1946 as a government-owned steel company. In 1974, CSN was transferred to SIDERBRAS. In 1990, when SIDERBRAS was put into liquidation, the GOB included CSN in its NPP. In 1991, 12 percent of the equity of the company was transferred to the CSN employee pension fund. In 1993, CSN was partially privatized; CVRD, through its subsidiary Vale do Rio Doce Navegacao S.A. (Docenave), acquired 9.4 percent of the common shares. The GOB's remaining share of the firm was sold in 1994. CSN is now owned by Docenave/CVRD and a consortium of private investors, including Uniao Comercio e Partipacoes Ltda., Textilia S.A., Previ, the CSN Employee Investment Club, and the CSN employee pension fund. As discussed above, CVRD was partially privatized in 1997; CSN was part of the consortium that acquired control of CVRD through this partial privatization.

Attribution of Subsidies

The GOB has identified three producers/exporters of the subject merchandise in this investigation: USIMINAS, COSIPA, and CSN. As discussed above, USIMINAS owns 49.8 percent of COSIPA. The CVD Regulations, at section 351.525(b)(6)(ii) provide guidance with respect to the attribution of subsidies between or among companies which have cross-ownership. Specifically, with respect to two or more corporations producing the subject merchandise which have cross-ownership, the regulations direct us to attribute the subsidies received by either or both corporations to the products produced by both corporations. Further, section 351.525(b)(6)(vi) defines cross-ownership as existing "between two or more corporations where one corporation can use or direct the individual assets of the other corporation(s) in essentially the same ways it can use its own assets. Normally, this standard will be met where there is a majority voting ownership interest between two corporations through common ownership of two (or more) corporations." The preamble to the CVD Regulations identifies situations where cross-ownership may exist even though there is less than a majority voting interest between two corporations: "in certain circumstances, a large minority interest (for example, 40 percent) or a "golden share" may also result in cross-ownership" (63 FR at 65401).

In this investigation, we have preliminarily determined that USIMINAS's 49.8 percent ownership interest in COSIPA is sufficient to establish cross-ownership between the two companies because USIMINAS is capable of using or directing the individual assets of COSIPA in essentially the same ways it can use its own assets. We base this determination on the following facts: (1) USIMINAS has virtually a majority share in COSIPA; and (2) the remaining shareholdings are divided among numerous shareholders (more than ten), with no one shareholder controlling even one-quarter of the shares which USIMINAS controls. Thus, for purposes of this preliminary determination, we have calculated one subsidy rate for USIMINAS/COSIPA, by adding together their countervailable subsidies during

the POI and dividing that amount by the sum of the two companies' sales during the POI.

We have also examined the ownership of CSN. We note that during the POI, two entities, CVRD and Previ (the pension fund of the Bank of Brasil), had meaningful holdings in both USIMINAS and CSN. As these entities both have ownership interests in and elect members to the Boards of Directors of both companies, we examined whether CSN and USIMINAS could, notwithstanding the absence of direct cross-ownership between them, have cross-ownership such that their interests are merged, and one company could have the ability to use or direct the assets of the other through their common investors. CVRD holds 15.48 percent of USIMINAS and 10.3 percent of CSN (through Docenave); Previ holds 15 percent of the common shares of USIMINAS and 13 percent of CSN. Both USIMINAS and CSN are controlled through shareholders' agreements, which require the participating shareholders (who account for more than 50 percent of the shares of the company) pre-vote issues before the Board of Directors and vote as a block. While CVRD and Previ both participate in the CSN shareholders' agreement, and thus exercise considerable influence over the use of CSN's assets, neither CVRD or Previ participates in the USIMINAS shareholders' agreement and neither CVRD or Previ has any appreciable influence (beyond their respective 15.48 and 15 percent USIMINAS shareholdings) over the use of USIMINAS's assets. Therefore, CVRD's and Previ's shareholdings in both USIMINAS and CSN are not sufficient to establish cross-ownership between those two companies under our regulatory standard. This lack of common majority shareholders leads us to preliminarily determine that USIMINAS's and CSN's interests have not merged, *i.e.*, one company is not able to use or direct the individual assets of the other as though the assets were their own. Thus, for the purposes of this preliminary determination, we have calculated a separate countervailing duty rate for CSN.

Changes in Ownership

In the *General Issues Appendix* (*GIA*), attached to the *Final Affirmative Countervailing Duty Determination; Certain Steel Products from Austria*, 58 FR 37217, 37226 (July 9, 1993), we applied a new methodology with respect to the treatment of subsidies received prior to the sale of the company (privatization).

Under this methodology, we estimate the portion of the company's purchase price which is attributable to prior subsidies. We compute this by first dividing the face value of the company's subsidies by the company's net worth for each of the years corresponding to the company's allocation period, ending one year prior to the privatization. We then take the simple average of these ratios, which serves as a reasonable surrogate for the percentage that subsidies constitute of the overall value, *i.e.*, net worth, of the company. Next, we multiply the purchase price of the company by this average ratio to derive the portion of the purchase price that we estimate to reflect the repayment of prior subsidies. Then, we reduce the benefit streams of the prior subsidies by the ratio of the repayment/reallocation amount to the net present value of all remaining benefits at the time of the change in ownership.

In the current investigation, we are analyzing the privatizations of USIMINAS, COSIPA and CSN, including the various partial privatizations. In conducting these analyses, to the extent that partially government-owned companies purchased shares, we have not applied our methodology to a percentage of the acquired shares equal to the percentage of government ownership in the partially government-owned purchaser. We have adjusted certain figures included in the privatization calculations to account for inflationary accounting practices. Further, we have made additional adjustments to USIMINAS and CSN's calculations to account for CVRD's 1997 partial privatization. *See Brazil Hot-Rolled Final* at 38745, 38752 (Department's Position on Comment 3).

In the *Brazil Hot-Rolled Final*, we noted the use of privatization currencies, *i.e.*, certain existing government bonds, privatization certificates and frozen currencies, and examined them in the context of our privatization methodology. We obtained information about the use and valuation of the privatization currencies that were used in the NPP, and we learned about how privatization currencies were valued in the context of the privatization auctions. Specifically, we found that the GOB accepted most of these currencies at their full redeemable value (face value discounted according to the time remaining until maturity). Additionally, foreign debt and restructuring bonds (MYDFAs) were accepted at 75 percent of their redeemable value. Many of the government bonds that were accepted as privatization currencies were trading at a discount on secondary markets. However, no data or estimation of what discounts applied was provided for the record. *See Brazil Hot-Rolled Final* at 38745. Further, it was common knowledge that these bonds traded at a discount in these markets, and that investors actively traded to obtain the cheapest bonds in order to maximize their positions in the privatization auctions. The value of the bonds varied depending on the instrument's yield and length to maturity and traded within a range of 40 percent to 90 percent of the redeemable value, *i.e.*, with a discount ranging from 10 percent to 60 percent. Because various issues of bonds were accepted as privatization currencies, with different yields and terms, precise valuation data was not available. However, public information from the record of the hot-rolled investigation subsequently placed on the record of this investigation, indicates that during the period of 1991–1994 most bonds traded with discounts ranging from 40 to 60 percent on average. Privatization Certificates (CPs), which banks were forced to purchase and could only be used in the privatization auctions, traded at a discount of approximately 60 percent on average. *See Brazil Hot-Rolled Final*, 64 FR at 38745.

In the hot-rolled investigation, we concluded that some adjustment to the purchase price of the companies is warranted because of the use of privatization currencies in the auctions. *See Brazil Hot-Rolled Final*, at 38745, 38752 (the Department's Position on Comment 3). No further information has been provided in the record of this investigation which would enable us to refine or otherwise cause us to change the approach we developed in the hot-rolled investigation. Thus, we have followed the same approach and have applied a 30 percent discount to the MYDFAs. In addition, as we did in the hot-rolled investigation, we have applied a 60 percent discount to the CPs. *See Id.* For the remaining privatization currencies, in the *Brazil Hot-Rolled Final*, we applied a 50 percent discount as facts available, which reflected an average of the range of discounts estimated. Because no information has been provided to date in this investigation which accurately indicates the relevant secondary market discounts for these instruments, and in accordance with section 776(a) of the Act, we are again applying, as facts available, the 50 percent discount to the remaining privatization currencies.

Subsidies Valuation Information:

Allocation Period

Section 351.524(d)(2) of the CVD Regulations states that we will presume the allocation period for non-recurring subsidies to be the average useful life (AUL) of renewable physical assets for the industry concerned, as listed in the Internal Revenue Service's (IRS) 1977 Class Life Asset Depreciation Range System and updated by the Department of Treasury. The presumption will apply unless a party claims and establishes that these tables do not reasonably reflect the AUL of the renewable physical assets for the company or industry under investigation, and the party can establish that the difference between the company-specific or country-wide AUL for the industry under investigation is significant.

No company requested or submitted information which yielded a company-specific AUL significantly different from the AUL listed in the IRS tables. Therefore, we are using the 15 year AUL as reported in the IRS tables to allocate non-recurring subsidies under investigation in the preliminary calculations.

Equityworthiness

In measuring the benefit from a government equity infusion, in accordance with section 351.507 (a)(1) of the Department's CVD Regulations, a government-provided equity infusion confers a benefit to the extent that the investment decision is inconsistent with the usual investment practice of private investors, including the practice regarding the provision of risk capital, in the country in which the equity infusion is made. *See also* section 771(5)(E)(i) of the Act. Our review of the record in this investigation has not led us to change our finding from prior investigations. Specifically, we determined an unequityworthy status: (1) for COSIPA, 1977 through 1989, and 1992 through 1993; (2) for USIMINAS, 1980 through 1988; and (3) for CSN, 1977 through 1992. *Final Affirmative Countervailing Duty Determinations: Certain Steel Products from Brazil*, 58 FR 37295, 37297 (July 9, 1993) (*1993 Certain Steel Final); Brazil Hot-Rolled Final*, 64 FR at 38746. We note that because the Department determined that it is appropriate to use a 15-year allocation period for non-recurring subsidies, equity infusions provided in the years 1977 through 1983 no longer provide a benefit in the POI. No new information has been submitted in this investigation that would cause us to reconsider these determinations.

Section 351.507(a)(3) of the Department's CVD Regulations provides that a determination that a firm is unequityworthy constitutes a determination that the equity infusion was inconsistent with usual investment practices of private investors. The Department will then apply the methodology described in section 351.507(a)(6) of the regulations, and treat the equity infusion as a grant. Use of the grant methodology for equity infusions into an unequityworthy company is based on the premise that an unequityworthiness finding by the Department is tantamount to saying that the company could not have attracted investment capital from a reasonable investor in the infusion year based on the available information.

Creditworthiness

To determine whether a company is uncreditworthy, the Department must examine whether the firm could have obtained long-term loans from conventional commercial sources based on information available at the time of the government-provided loan. *See* section 351.505 (a)(4) of the CVD Regulations. In this context, the term "commercial sources" refers to bank loans and non-speculative grade bond issues. *See* section 351.505 (a)(2)(ii) of the CVD Regulations.

The Department has previously determined that respondents were uncreditworthy in the following years: USIMINAS, 1983–1988; COSIPA, 1983–1989 and 1991–1993; and CSN 1983–1992. *See Certain Steel from Brazil*, 58 FR at 37297; *Brazil Hot-Rolled Final*, 64 FR at 38746–38747. No new information has been presented in this investigation that would lead us to reconsider these findings.

Discount Rates

From 1984 through 1994, Brazil experienced persistent high inflation. There were no long-term fixed-rate commercial loans made in domestic currencies during those years that could be used as discount rates. As in the *Certain Steel Final* (58 FR at 37298) and the *Brazil Hot-Rolled Final* (64 FR 38745–38746), we have determined that the most reasonable way to account for the high inflation in the Brazilian economy through 1994, and the lack of an appropriate Brazilian discount rate, is to convert the non-recurring subsidies into U.S. dollars. If available, we applied the exchange rate applicable on the day the subsidies were granted, or, if unavailable, the average exchange rate in the month the subsidies were granted. Then we applied, as the discount rate, a long-term dollar lending rate. Therefore, for our discount rate, we used data for U.S. dollar lending in Brazil for long-term non-guaranteed loans from private lenders, as published in the World Bank Debt Tables: External Finance for Developing Countries. This conforms with our practice in *Certain Steel Final* (58 FR at 37298); *Brazil Hot-Rolled Final* (64 FR at 38746) and *Final Affirmative Countervailing Duty Determination: Steel Wire Rod from Venezuela* (62 FR 55014, 55019, 55023) (October 21, 1997).

Because we have determined that USIMINAS, COSIPA, and CSN were uncreditworthy in the years in which they received equity infusions, section 351.505 (a)(3)(iii) of the CVD Regulations directs us regarding the calculation of a discount rate for purposes of calculating the benefits for uncreditworthy companies.

To calculate the discount rate for uncreditworthy companies, the Department must identify values for the probability of default by uncreditworthy and creditworthy companies. For the probability of default by an uncreditworthy company, we normally rely on the average cumulative default rates reported for the Caa to C-rated category of companies as published in Moody's Investors Service, "Historical Default Rates of Corporate Bond Issuers, 1920–1997" (February 1998).[1] For the probability of default by a creditworthy company, we used the cumulative default rates for Investment Grade bonds as reported by Moody's. We established that this figure represents a weighted average of the cumulative default rates for Aaa to Baa-rated companies. *See* September 24, 1999, Memorandum to the File, "Conversations and correspondence regarding the weighted average default rates of corporate bond issuers as published by Moody's," on file in the CRU. The use of the weighted average is appropriate because the data reported by Moody's for the Caa to C-rated companies is also a weighted average. *See Id.* For non-recurring subsidies, we used the average cumulative default rates for both uncreditworthy and creditworthy companies based on a 15-year term, since all of the non-recurring subsidies examined were allocated over a 15-year period.

[1] We note that since publication of the CVD Regulations, Moody's Investors Service no longer reports default rates for Caa to C-rated category of companies. Therefore for the calculation of uncreditworthy interest rates, we will continue to rely on the default rates as reported in Moody Investor Service's publication dated February 1998 (at Exhibit 28).

I. Programs Preliminarily Determined To Be Countervailable

A. Pre-1992 Equity Infusions

As discussed above, the GOB, through SIDERBRAS, provided equity infusions to USIMINAS (1983 through 1988), COSIPA (1983 through 1989 and 1991) and CSN (1983 through 1991) that have previously been investigated by the Department. *See Certain Steel from Brazil*, 58 FR at 37298; *Brazil Hot-Rolled Final*, 64 FR at 38747–38748.

We preliminarily determine that under section 771(5)(E)(i) of the Act, the equity infusions into USIMINAS, COSIPA and CSN were not consistent with the usual investment practices of private investors. Thus, these infusions constitute financial contributions within the meaning of section 771(5)(D) of the Act and confer a benefit in the amount of each infusion (*see* "Equityworthiness" section above). These equity infusions are specific within the meaning of section 771(5A)(D) of the Act because they were limited to each of the companies. Accordingly, we find that the pre-1992 equity infusions are countervailable subsidies within the meaning of section 771(5) of the Act.

As explained in the "Equity Methodology" section above, we have treated equity infusions into unequityworthy companies as grants given in the year the infusion was received. These infusions are non-recurring subsidies in accordance with section 351.524(c)(1) of the CVD Regulations. Consistent with section 351.524(d)(3)(ii) of the CVD Regulations, because USIMINAS, COSIPA and CSN were uncreditworthy in the relevant years (the years the equity infusions were received), we applied a discount rate that takes into account the differences between the probabilities of default of creditworthy and uncreditworthy borrowers. From the time USIMINAS, COSIPA and CSN were privatized, we have been following the methodology outlined in the "Change in Ownership" section above to determine the amount of each equity infusion attributable to the companies after privatization. We still continue to rely on this methodology except for the selection of the discount rate as discussed above.

For CSN, we summed the benefits allocable to the POI from all equity infusions and divided by CSN's total sales during the POI. For USIMINAS/COSIPA, we summed the benefits allocable to the POI from all of the equity infusions and divided this amount by the combined total sales of USIMINAS/COSIPA during the POI. On this basis, we preliminarily determine the net subsidy to be 5.37 percent ad valorem for CSN and 5.99 percent ad valorem for USIMINAS/COSIPA.

B. GOB Debt-for-Equity Swaps Provided to COSIPA in 1992 and 1993

Prior to COSIPA's privatization, and in accordance with the recommendations of one of the consultants who examined COSIPA, the GOB made two debt-for-equity swaps in 1992 and 1993. We previously examined these swaps and determined that they were not consistent with the usual investment practices of private investors, constituted a financial contribution within the meaning of section 771(5)(D) of the Act, and therefore conferred countervailable benefits on COSIPA in the amount of each conversion. *See Brazil Hot-Rolled Final*, 64 FR at 38747. No information has been provided in this investigation which would warrant the reconsideration of this finding. Thus, we preliminarily determine that pursuant to section 771(5)(E)(i) of the Act, these debt-for-equity swaps confer a benefit in the amount of each swap (*see* "Equityworthiness" section above). These debt-for-equity swaps are specific within the meaning of section 771(5A)(D) of the Act because they were limited to COSIPA. Accordingly, we find that the GOB debt-for-equity swaps provided to COSIPA in 1992 and 1993 are countervailable subsidies within the meaning of section 771(5) of the Act.

Each debt-to-equity swap constitutes an equity infusion in the year in which the swap was made. As such, we have treated each debt-for-equity swap as a grant given in the year the swap was made in accordance with section 351.507(a)(6) of the CVD Regulations. Further these swaps, as equity infusions, are non-recurring in accordance with section 351.524(c)(1) of the CVD Regulations. Because COSIPA was uncreditworthy in the years of receipt, we applied a discount rate consistent with section 351.524(d)(3)(ii) of the CVD Regulations as discussed in the "Uncreditworthy Rate" section above. Since COSIPA has been privatized, we followed the methodology outlined in the "Change in Ownership" section above to determine the amount of each debt-for-equity swap attributable to the company after privatization. We divided the benefit allocable to the POI from these debt-for-equity swaps by the combined total sales of USIMINAS/COSIPA. On this basis, we preliminarily determine the net subsidy to be 5.89 percent ad valorem for USIMINAS/COSIPA.

C. GOB Debt-to-Equity Swap Provided to CSN in 1992

Prior to CSN's privatization, and in accordance with the recommendations of one of the consultants who examined CSN, in 1992, the GOB converted some of CSN debt into GOB equity in CSN. In this investigation, we initiated on this debt-for-equity swap as a straight equity infusion (*see Initiation Notice* 64 FR 34204), but subsequent to our initiation, in the *Brazil Hot-Rolled Final*, we determined that this constituted a debt-for-equity swap (64 FR at 38748). In the *Brazil Hot-Rolled Final*, we determined that this swap was not consistent with the usual investment practices of private investors and therefore conferred countervailable benefits on CSN in the amount of the swap. *See Id.* No information has been provided in this investigation which would warrant reconsideration of that finding. Thus, we preliminarily determine that pursuant to section 771(5)(E)(i) of the Act, this debt-to-equity swap constitutes a financial contribution which confers a benefit in the amount of the swap (*see* "Equityworthiness" section above). This debt-for-equity swap is specific within the meaning of section 771(5A)(D) of the Act because it is limited to CSN. Accordingly, we find that the GOB debt-for-equity swaps provided to CSN in 1992 is a countervailable subsidy within the meaning of section 771(5) of the Act.

This debt-to-equity swap constitutes an equity infusion in the year in which the swap was made. As such, we have treated this debt-for-equity swap as a grant given in the year the swap was made in accordance with section 351.507(a)(6) of the CVD Regulations. Further these swaps, as equity infusions, are non-recurring in accordance with section 351.524(c)(1) of the CVD Regulations. Because CSN was uncreditworthy in the years of receipt, we applied a discount rate consistent with section 351.524(d)(3)(ii) of the CVD Regulations as discussed in the "Uncreditworthy Rate" section above. Since CSN has been privatized, we followed the methodology outlined in the "Change in Ownership" section above to determine the amount of the debt-for-equity swap attributable to the company after privatization. We divided the benefit allocable to the POI from the equity infusion by CSN's total sales during the POI. On this basis, we preliminarily determine the net subsidy to be 1.30 percent *ad valorem* for CSN.

II. Program for Which the Investigation is Being Rescinded

Negotiated Deferrals of Tax Liabilities

Prior to COSIPA's privatization, and on the recommendation of one of the consultants who examined COSIPA, COSIPA negotiated with the various tax authorities in order to arrange to pay its large tax arrears in deferred installments. COSIPA was able to arrange for installment payments for ten different types of taxes owed. CSN also arranged for installment payments for one tax liability.

Petitioners alleged that these negotiated tax deferrals provided countervailable subsidies to COSIPA and CSN. The Department initiated on these deferrals, acknowledging the then-preliminary determination in the hot-rolled investigation that these deferrals were not countervailable. *See Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination: Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Brazil* 64 FR 8313, 8321 (February 19, 1999) (*Brazil Hot-Rolled Prelim*). The Department has since made a final determination that this program is not specific and therefore does not provide countervailable subsidies. *See Brazil Hot-Rolled Final*, 64 FR at 38748–38749. No information has been placed on the record of this investigation which would warrant the reconsideration of this finding. Thus, we are rescinding our investigation of this program. *See* Memorandum to the File, Countervailing Duty Investigation of Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products from Brazil, August 2, 1999, on file in the Import Administration Central Records Unit (CRU), Room B–099 of the Department of Commerce.

Verification

In accordance with section 782(i)(1) of the Act, we will verify the information submitted by respondents prior to making our final determination.

Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we calculated a combined *ad valorem* rate for USIMINAS and COSIPA and an individual rate for CSN. The total estimated net countervailable subsidy rates are stated below.

Company	Net subsidy rate
USIMINAS/COSIPA ..	11.88 % *ad valorem.*
CSN	6.67 % *ad valorem.*
All Others	9.76 % *ad valorem.*

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain cold-rolled flat-rolled carbon-quality steel products from Brazil, which are entered or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entries of the merchandise in the amounts listed above. This suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

If our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

Public Comment

In accordance with 19 CFR 351.310, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. The hearing is tentatively scheduled to be held 57 days from the date of publication of the preliminary determination at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests for a public hearing should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. In addition, six copies of the business proprietary version and six copies of the non-proprietary version of the case briefs must be submitted to the Assistant Secretary no later than 50 days from the date of publication of the preliminary determination. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Six copies of the business proprietary version and six copies of the non-proprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than 5 days from the date of filing of the case briefs. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 C.F.R. 351.309 and will be considered if received within the time limits specified above.

This determination is published pursuant to sections 703(f) and 777(i) of the Act.

Dated: September 27, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–25619 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

1999 Trade Missions Application Opportunity

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce invites U.S. companies to participate in the following overseas trade missions that they also explain at the following website: http://www.ita.doc.gov/doctm. For a comprehensive description of the trade mission, obtain a copy of the mission statement from the project officer listed below. The recruitment and selection of private sector participants will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions announced by Secretary Daly on March 3, 1997. Assistant Secretarial Business Development Mission to Mercosur Chile, Uruguay and Argentina, November 8–13, 1999.

FOR FURTHER INFORMATION CONTACT: Joan Hall at the Department of Commerce. Telephone number 202–482–2267 or FAX 202–482–0115. The U.S. Franchising Matchmaker Trade Delegation, The Hague, Netherlands, Munich, Germany, Milan, Italy and Paris, France, November 1–10, 1999.

FOR FURTHER INFORMATION CONTACT: Sam Dhir at the Department of Commerce. Telephone number: 202–482–4756 or FAX number: 202–482–0178. The Healthcare Technologies Matchmaker Trade Delegation, Madrid, Spain and Milan, Italy, February 28–March 3, 2000.

FOR FURTHER INFORMATION CONTACT: Yvonne Jackson at the Department of Commerce. Telephone number: 202–482–2675 or FAX number: 202–482–0178.

FOR FURTHER INFORMATION CONTACT: Molly Costa, U.S. Department of Commerce: Tel: 202–482–0691 or FAX number: 202–482–0178. The Hotel and Recreation Equipment Trade Mission, Santo Domingo and Puerta Plata, Dominican Republic, February 8–11, 2000.

FOR FURTHER INFORMATION CONTACT: Sheila de Andujar at the U.S. Department of Commerce Telephone: 809–221–2171, x408 or FAX 809–688–4838.

Dated: September 27, 1999.

John Klingelhut,

Director, Office of Private/Public Initiatives.

[FR Doc. 99–25487 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–FP–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.092799F]

Highly Migratory Species Tournament Registration and Reporting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 30, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kimberly Dawson, Highly Migratory Species Management Division, NMFS, NOAA, 1315 East-West Highway, Silver Spring, MD 20910, 301–713–2328.

SUPPLEMENTARY INFORMATION:

I. Abstract

Tournament operators planning to hold tournaments targeting Atlantic highly migratory species (i.e., tunas, billfish, swordfish, sharks) will be required to register their tournaments with NMFS at least 4 weeks prior to the beginning of the tournament. Tournament operators who have held tournaments targeting Atlantic highly migratory species will be required to submit summary reports on landings of Atlantic highly migratory species to NMFS. International treaty obligations pertaining to catch monitoring and provision of scientific information for these species require a comprehensive reporting program.

II. Method of Collection

The information required will be transcribed on registration and reporting forms provided by NMFS. Completed forms are mailed to NMFS.

III. Data

OMB Number: 0648–0323.
Form Number: None.
Type of Review: Regular submission.
Affected public: Individuals, business or other for-profit organizations.
Estimated Number of Respondents: 300.
Estimated Time Per Response: 2 minutes to complete a tournament registration form and 20 minutes to complete a tournament landings report.
Estimated Total Annual Burden Hours: 110.
Estimated Total Annual Cost to Public: $0 (no capital expenditures).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 24, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Chief Information Officer.

[FR Doc. 99–25572 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 990907250–9250–01; I.D. 063099B]

RIN 0648–ZA70

Community-Based Restoration Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Request for comments on proposed guidelines for the Community-Based Restoration Program.

SUMMARY: NOAA Fisheries began a new Community-Based Restoration Program (Program) in 1996 to encourage local efforts to restore fish habitats. Since that time NOAA has provided funding to 66 small-scale habitat restoration projects around coastal America. The Program is a systematic national effort to encourage partnerships with Federal agencies, states, local governments, non-governmental and non-profit organizations, businesses, industry and schools to carry out locally important habitat restorations to benefit living marine resources. The Program is developing formal guidelines which will expand the financial instruments available to accomplish furtherance of this mission. This announcement provides proposed guidelines for the implementation of the Program in FY 2000 and beyond. NMFS is seeking comments on the proposed guidelines for the Program through this document. This is not a solicitation of project proposals.

DATES: The agency must receive comments concerning this document on or before November 1, 1999.

ADDRESSES: Comments may be provided in writing. Please send your comments by mail to: Director, NOAA Restoration Center, National Marine Fisheries Service, 1315 East West Highway (F/HC3), Silver Spring, MD 20910–3282, ATTN: Guideline Comments.

FOR FURTHER INFORMATION CONTACT: Christopher D. Doley, (301) 713–0174, or by e-mail at Chris.Doley@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

Habitat loss and degradation are major, long-term threats to the sustainability of the Nation's fishery resources. Over 75 percent of commercial fisheries and 80–90 percent of recreational marine and anadromous fishes depend on estuarine or coastal habitats for all or part of their life-cycles. Protecting existing, undamaged habitat is a priority and should be combined with coastal habitat restoration to enlarge and enhance the functionality of degraded habitat. Restored coastal habitat will help rebuild fisheries stocks and recover threatened or endangered species. Restoring coastal habitats will help ensure that valuable resources will be available to future generations of Americans.

The proposed guidelines that follow reflect modifications to the existing Program to allow greater flexibility to support community-based habitat restoration projects. The purpose of this document is to provide an outline of the goals, objectives and structure of the Program, and to solicit comments and suggestions concerning Program design for implementation in FY 2000 and beyond. The Program will provide **Federal Register** notifications on the availability of funds and will solicit project proposals one or more times per year. Each solicitation will provide greater detail on the critefia for project selection and/or the weighting of the criteria.

Electronic Access

Information on the existing Program, including projects that have been funded to date, can be found on the world wide web at: http://www.nmfs.gov/habitat/restoration.

Goals and Objectives

The Program's objective is to bring together citizen groups, public and non-profit organizations, industry, corporations and businesses, youth conservation corps, students, landowners, and local government, state, and Federal agencies to implement habitat restoration projects to benefit NOAA trust resources. Partnerships are sought at the national and local level to contribute funding, land,technical assistance, workforce support or other in-kind services to allow citizens to take responsibility for the improvement of locally important living marine resources.

The Program recognizes the significant role that communities play in habitat restoration and protection and acknowledges that habitat restoration is often best supported and implemented at a community level. Projects are successful because they have significant community support and depend upon citizens' "hands-on" involvement. The role of NMFS in the Program is to strengthen the development and implementation of sound restoration projects. NMFS anticipates maintaining the current focus of the Program by continuing to form strong partnerships to fund grass-roots, bottom-up activities that restore habitat and develop stewardship and a conservation ethic for the Nation's living marine resources.

Eligibility Requirements

Any state, local or tribal government, regional governmental body, public or private agency or organization may sponsor a project for funding consideration. The sponsoring group or organization may be a recipient of the funds or may recommend that a Federal agency receive the funds for implementation. However, in the latter situation, NMFS would enter into a Memorandum of Agreement between NMFS, the sponsor and the Federal agency. Although Federal and state agencies and municipalities are eligible to be the recipient of funding, they are encouraged to work in partnership with community groups. Successful applicants will be those whose projects demonstrate that significant, direct benefits are expected to NOAA trust resources within supportive, involved communities. Proponents who seek funding under the Program are not eligible to seek funding for the same project under other Restoration Center programs. The Program operates under statutory authority that precludes individuals from applying.

Eligible Restoration Activities

NMFS is interested in funding projects that will result in on-the-ground restoration of habitat to benefit living marine resources, including anadromous fish species. Habitat restoration is defined here as activities that directly result in the reestablishment or re-creation of stable, productive marine, estuarine or coastal river biological systems. Restoration may include, but is not limited to: improvement of coastal wetland tidal exchange or reestablishment of historic hydrology, dam or berm removal, fish passageway improvements, natural or artificial reef/substrate/habitat creation, establishment of riparian buffer zones and improvement of freshwater habitat features that support anadromous fishes, planting of native coastal wetland and submerged aquatic vegetation and improvements of feeding, spawning and growth areas essential to fisheries.

In general, proposed projects should clearly demonstrate anticipated benefits to habitats such as salt marshes, seagrass beds, coral reefs, mangrove forests and riparian habitat near rivers, streams and creeks used by anadromous fish. To protect the Federal investment, projects on private lands must demonstrate a minimum 10-year conservation easement. Projects on permanently protected lands may be given priority consideration.

Projects must involve significant community support through an educational and volunteer component tied to the restoration activities. Implementation of on-the-ground habitat restoration projects must involve community outreach and post-restoration monitoring to assess project success, and may involve limited pre-implementation activities such as engineering and design and short-term baseline studies. Proposals emphasizing only research, outreach, monitoring or coordination are discouraged, as are funding requests primarily for administration, salaries, and overhead.

Although NMFS recognizes that water quality issues may impact habitat restoration efforts, this initiative is intended to fund physical habitat restoration projects rather than direct water quality improvement measures, such as wastewater treatment plant upgrades or combined sewer outfall corrections. Similarly, the following restoration projects will not be eligible for funding: (1) Activities that constitute legally required mitigation for the adverse effects of an activity regulated or otherwise governed by state or Federal law; (2) activities that constitute restoration for natural resource damages under Federal or state law, and (3) activities that are required by a separate consent decree, court order, statute or regulation. Funds from this program may be available to enhance restoration activities beyond the scope legally required by these activities.

Examples of Previously Funded Projects

The following examples are community-based restoration projects that have been funded with assistance from the Restoration Center. These examples are only illustrative and are not intended to limit the scope of future proposals in any way.

Submerged Aquatic Vegetation Restoration

Funding was provided to evaluate the feasibility of using volunteer divers to restore seagrass. A protocol was developed to train volunteers in water quality monitoring and seagrass transplantation techniques.

Fish Ladder Construction

An impediment to fish passage was corrected through the design and construction of a step-pool fish ladder, which now allows native steelhead trout to reach their historic spawning grounds.

Invasive Plant Removal

Funding was provided to a coalition of volunteer groups called "Pepperbusters" who worked to remove exotic Brazilian pepper plants and replant native shoreline vegetation.

Salt Marsh Restoration

Tidal flushing was restored to 20 acres of salt marsh by replacing an undersized culvert to increase the mean high water level in the restricted portion of the marsh.

Oyster Reef Restoration

Funding was provided to increase oyster reef habitat by reconstructing historic reefs and seeding them with hatchery-produced seed oysters grown in floating cages by students.

Kelp Forest Restoration

Funding was provided to train community dive groups in kelp reforestation activities, including the preparation, planting and maintenance of kelp sites, documentation of growth patterns and changes in marine life attracted to the newly-planted kelp areas.

Wetland Plant Nursery

Funding was provided to start an innovative wetland nursery program in local high schools, where science and ecology classes build wetland nurseries on-campus to grow salt marsh grasses for local restoration efforts.

Riparian Habitat Restoration

Funding was provided to train youth corps in the use of biorestoration and stabilization techniques to restore eroding riverbanks and improve habitat for salmon smolt and other fish species.

Anadromous Fish Habitat Restoration

Highly functional salmonid and wildlife habitat was restored with the cooperation of private landowners by opening silted enclosures along a slough to provide refuge for juvenile salmonids during the winter flood flows.

Funding Ranges

NMFS anticipates that typical project awards will range from $25,000 to $50,000, but NMFS will accept proposals ranging from $5,000 to $200,000. Final awards will be dependent on funding levels appropriated by Congress. Each solicitation issued for pre-applications for the Program will contain suggested ranges for funding requests and any specific criteria, including the weighting of selection criteria that will be used for proposal evaluation. The number of awards to be made in FY 2000 and beyond will depend on the amount of funds appropriated to the Program.

Funding Sources and Dispersal Mechanisms

The Restoration Center envisions funding projects through joint project agreements, cooperative agreements and grants, and intra- and interagency transfers, as appropriate.

The Secretary of Commerce has authority to enter into joint project agreements with non-profit, research or public organizations on matters of mutual interest, the cost of which is equitably apportioned. The principal purpose of a joint project agreement is to engage in a collaborative and equitably apportioned effort with a qualified organization on matters of mutual interest.

Interagency agreements are written documents containing specific provisions of governing authorities, responsibilities, and funding, entered into between NMFS and a reimbursing Federal agency or between another Federal agency and NMFS when NMFS is the funding organization. Such agreements will also require inclusion of a local sponsor of the restoration project.

A cooperative agreement is a legal instrument reflecting a relationship between NMFS and a recipient whenever (1) the principal purpose of the relationship is to provide financial assistance to the recipient and (2) substantial involvement is anticipated between NMFS and the recipient during performance of the contemplated activity. A grant is similar to a cooperative agreement, except that in the case of grants, substantial involvement between NMFS and the recipient is not anticipated during the performance of the contemplated activity. Financial assistance is the transfer of money, property, services or anything of value to a recipient in order to accomplish a public purpose of support or stimulation which is authorized by Federal statute.

The instrument chosen will be based on such factors as degree of direct NOAA involvement with the project beyond the provision of financial assistance, the proportion of funds invested in the project by NOAA and the other organizations, and the efficiency of the different mechanisms to achieve the Program's goals and objectives. NMFS will determine which method is the most appropriate for funding individual projects based on the specific circumstances of each project.

NMFS reserves the right to fund individual projects directly, or through partnership arrangements. The Program will continue to create partnership arrangements at a national level with non-profit and other organizations that have similar goals for improving fisheries habitat. Partnerships are a key element that allow the Restoration Center to significantly leverage the funding available for on-the-ground restoration. Partnerships also encourage the sharing and distribution of technical expertise, often improve relations between diverse organizations with common goals, and allow NOAA to reach larger and more diverse communities that have vested interests in fishery habitat restoration.

The Restoration Center will also function in a clearinghouse capacity to help develop and link high quality proposals for habitat restoration with other potential funding sources whose evaluation criteria contain similar specifications for habitat enhancement. This will provide greater exposure for project ideas that increase the chances for project proponents to secure funding.

Each year the Restoration Center Director will make a determination of the proportion of the funds available to the Program that will be obligated to national or regional partnerships and the proportion for direct project solicitation. The proportion will be established annually and will depend upon the amount of funds available from partnership organizations for habitat restoration activities that meet the goals and objectives of the Program, including the goal of funding a broad array of projects over a wide geographic distribution.

Match and Use of Funds

The focus of the Program is to provide seed money to leverage funds and other contributions from a broad public and private sector to implement locally important habitat restoration to benefit living marine resources. To this end, proposals are required to demonstrate a minimum non-Federal match (equitable share, in the case of a joint project) of 50–percent of the total funds needed to complete the proposed project. The Restoration Center may waive the requirement for 50–percent matching funds if the project meets the following three requirements: (1) The project is judged be to be an outstanding match with NMFS and Restoration Center objectives; (2) there is a critical need to carry out the project in a timely fashion in order to benefit NOAA trust resources; and (3) the project sponsor has attempted to obtain matching funds but was unable to come up with the full 50–percent minimum requirement. NOAA strongly encourages applicants to leverage as much investment as possible. The degree to which cost-sharing exceeds the minimum level may be taken into account in the final selection of projects to be funded. The match can come from a variety of public and private sources and can include in-kind goods and services. Federal funds may not be considered as matching funds. Applicants are permitted to combine contributions from additional project partners in order to meet the 50–percent required match (equitable share, in the case of a joint project) for the project. Applicants whose proposals are selected for funding will be obligated to account for the amount of cost-share reflected in the proposal and provide letters of commitment identifying and precisely specifying match (or equitable share) to confirm stated contributions.

For each proposal accepted for funding one award will be made. Funds awarded cannot necessarily pay for all the costs which the recipient might incur in the course of carrying out the project. Allowable costs are determined by reference to the Office of Management and Budget Circulars A–122, "Cost Principles for Non-profit Organizations", A–21, "Cost Principles for Education Institutions" and A–87, "Cost Principles for State, Local and Indian Tribal Governments." Generally, costs that are allowable include salaries, equipment, supplies, and training, as long as these are "necessary and reasonable." However, in order to encourage on-the-ground restoration, if funding for salaries is requested, at least 75 percent of the total salary request must be used to support staff accomplishing the restoration work. Entertainment costs are an example of unallowable costs. Generally, the Program will make awards only to those projects where requested funding will be used to complete proposed restoration activities, with the exception of post-construction monitoring, within a period of 18 months from the time awards are distributed.

Project Selection Process

NOAA will publish, in the **Federal Register**, notifications soliciting project proposals one or more times annually. Pre-proposals submitted in response to these solicitation notices will be screened for eligibility and conformance with the final program guidelines and must achieve a minimum score based on the weighting of selection criteria set forth within each solicitation. Pre-proposals will be limited to 4 single-spaced, single-sided pages of 12 point type, including an abstract of the work to be performed. An appendix, limited to 2 pages, may be added to include maps, photographs, letters of support or other supplementary information. Suggested pre-proposal contents may be detailed in each solicitation, but are also summarized as follows: (1) Project abstract that includes the applicant's name, address and phone number, the Congressional district where the project will occur, the amount of assistance requested, the various entities or organizations that will be partners in the project, and any indication of support from other organizations, and (2) a proposal narrative that explains the relationship of the proposed restoration activity to the criteria for project selection described in each **Federal Register** notification, including the project's objectives, methodology and anticipated results, degree of community involvement, and a plan for evaluating project success. A detailed budget, while helpful in evaluating the cost effectiveness of the project, is not required in a pre-proposal, but the total amount of assistance requested is required.

Pre-proposals will be used to determine if applicants meet the minimum Program requirements. Guidance will be provided as to the most suitable funding mechanism that project proponents may pursue for further consideration. Some of these proposals will be required to submit additional information, which may require providing additional information on budget details. Restoration projects determined to be eligible by NOAA for funding under this program will undergo a technical review, ranking and selection process. As appropriate during this process, the NOAA Restoration Center will consult with other NMFS and NOAA offices, the NOAA Grants Management Division, the U.S. Department of Commerce, the Regional Fishery Management Councils, other Federal and state agencies such as state coastal management agencies and state fish and wildlife agencies, private and public sector subject experts or other interested parties who have knowledge of a specific project or its subject matter. The NOAA Restoration Center will solicit individual technical evaluations of each project. Recommendations on the merits of funding each project and the level of funding NMFS should award will be presented to the Director of the NOAA Restoration Center for final approval. Reviewers will assign scores to proposals ranging from 0 (unacceptable) to 100 (excellent) based on the following four evaluation criteria:

(1) *Benefit to NOAA Trust Resources*

NMFS is interested in funding projects where benefits to living marine resources can be realized. Therefore, NMFS will evaluate proposals based on the potential of the restoration project to restore, protect, conserve, and create habitats and ecosystems vital to self-sustaining populations of living marine resources under NOAA Fisheries stewardship. Locations where restoration projects may have high potential to benefit NOAA trust resources include areas identified as essential fish habitat (EFH) and areas within EFH identified as Habitat Areas of Particular Concern; areas identified as critical habitat for listed marine and anadromous species; areas identified as important habitat for marine mammals; areas located within National Marine Sanctuaries or National Estuarine Research Reserves; watersheds or other areas under conservation management, such as special management areas under state coastal management programs; and other important commercial or recreational marine fish habitat, including degraded areas that formerly were important habitat for living marine resources.

(2) *Technical Merit and Adequacy of Implementation Plan*

Proposals will be evaluated on the technical feasibility of the project from both biological and engineering perspectives, and the qualifications and past experience of the project leaders and/or partners. Communities and/or organizations developing their first locally driven restoration project may not be able to document past experience, and, therefore, will be evaluated on the basis of the availability of technical expertise to guide the

project to a successful completion. Proposals will also be evaluated on their ability to: (a) Deliver the restoration objective stated in the proposal; (b) provide educational benefits; (c) incorporate post-restoration monitoring and assessment of project success in terms of meeting the proposed objectives; (d) demonstrate that the restoration activity will be sustainable and long-lasting;(e) demonstrate that implementation of the project will meet all state environmental laws and Federal consistency requirements by obtaining or proceeding to obtain applicable permits and consultations; and (f) provide mid-term and final project reports, including photo-documentation of the project site and restoration activities.

(3) *Community Commitment and Partnership Development*

Proposals will be evaluated on how well they describe the depth and breadth of the community's support. Projects must incorporate significant community involvement, which may include: (a) Hands-on training and restoration activities undertaken by volunteer students and other citizens; (b) input from local entities such as businesses, conservation organizations and others, either through in-kind goods and services (earth moving, technical expertise, easements) or cash contributions; (c) visibility within the community and demonstrated potential for public outreach and/or outreach products, including, but not limited to, an educational sign/poster at the project site, compilation of protocols into training manuals, guides, brochures, or videos; (d) cooperation with private landowners that set an example within the community for natural resource conservation; (e) support by state and local governments; (f) representation of those within the community who have an interest in or are affected by the project and seek the benefits of the restoration; (g) ability to achieve long-term stewardship for restored resources and generate a community conservation ethic; and/or (h) description of methods to assure that all residents or citizens affected by the project are provided an opportunity to participate.

(4) *Cost-effectiveness and Budget Justification*

Projects will be evaluated on their ability to demonstrate that a significant benefit will be generated for the most reasonable cost; on their importance to NOAA trust resources; the extent of habitat and degree to which it will be restored; and on their demonstration of partnership and collaboration. Projects will also be ranked in terms of their need for funding and the ability of NMFS to act as a catalyst to implement projects. NMFS will require cost-sharing to leverage funding and to encourage partnerships among government, industry, and academia to address the needs of communities to restore important fisheries habitat. Applicants submitting full proposals must include a detailed cost estimate showing a breakdown of total project costs. Cost-sharing must be indicated as Federal and non-Federal shares, divided into cash and in-kind contributions, and must be accompanied by commitment letters. The exact amount of funds awarded to a project and the funding instrument will be determined in pre-award negotiations between the applicant and NOAA/NMFS representatives. The application requirements will differ depending upon the funding instrument selected. Projects receiving funds under this program will have to meet applicable NOAA/Department of Commerce/ Federal policies, requirements and laws.

NMFS is particularly interested in comments on the following:

Are there additional criteria for proposal evaluation that should be included? Are there criteria that should be excluded?

Should the evaluation criteria listed above receive equal or different weighting during evaluation, and why?

Statutory Authority

Fish and Wildlife Coordination Act of 1956, 16 U.S.C. 661–667; Joint Project Authority, 15 U.S.C. 1525, and the Economy Act, 31 U.S.C. 1535.

Dated: September 27, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25641 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092499E]

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council's Queen Conch Committee will hold a public meeting to discuss the issues included in the agenda.

DATES: The Committee will meet on October 20, 1999. The meeting will begin at 10:00 a.m. and will adjourn at 4:00 p.m.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel, 8000 Tartak St., Isla Verde, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The agenda is as follows:

Call to Order
Adoption of Agenda
Queen Conch
Banning Use or SCUBA Gear in the Exclusive Economic Zone (EEZ)
Banning Queen Conch Fishing in the EEZ
Establishing a Four Months Closed Season
Alternative Management Measures to the Size Limit Requirement -Draft Option Paper
Discussion of Puerto Rico's Present and New Fishing Regulations
Other Business

The meeting is open to the public, and will be conducted in the English language. However, simultaneous interpretation services (English-Spanish) will be available. Fishers and other interested persons are invited to attend.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Miguel A. Rolon at the Council (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting date.

Dated: September 27, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25636 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092499G]

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council's (CFMC) Coastal Pelagic Committee will hold a public meeting to discuss the issues included in the agenda.

DATES: The Committee will meet on October 19, 1999,. The meeting will begin at 10:00 a.m. and will adjourn at 4:00 p.m.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel, 8000 Tartak St., Isla Verde, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The agenda is as follows:

Call to Order
Adoption of Agenda
Coastal Pelagic
Discussion of Wahoo/Dolphin Framework Draft Document
Recommended Measures by the Scientific and Statistical Committee to the CFMC
Discussion of Puerto Rico's Present and New Fishing Regulations
Other Business

The meeting is open to the public, and will be conducted in the English language. However, simultaneous interpretation services (English-Spanish) will be available. Fishers and other interested persons are invited to attend.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Miguel A. Rolon at the Council (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting date.

Dated: September 27, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25637 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092499C]

Caribbean Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council's (CFMC) Advisory Panel (AP) and Scientific and Statistical Committee (SSC) will hold meetings.

DATES: The SSC meeting will be held on October 13, 1999, from 10:00 a.m. to 4:00 p.m., and the AP meeting will be held on October 14, 1999, from 10:00 a.m. until 4:00 p.m.

ADDRESSES: Both meetings will be held at the Embassy Suites Hotel, 8000 Tartak St., Isla Verde, Carolina, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–2577; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The AP and the SSC will meet to discuss the items contained in the following agenda:

Reeffish

Banning of Traps in the Exclusive Economic Zone (EEZ)
Establishing a Permit for Fish Traps and/or other Fixed Gear
Establishing a Limited Entry System for Fixed Gear Fishery

Queen Conch

Banning Use of SCUBA Gear in the EEZ
Banning Queen Conch Fishing in the EEZ
Establishing a Four Months Closed Season
Alternative Management Measures to the Size Limit

Requirement - Draft Option Paper

Coastal Pelagic

Discussion of Wahoo/Dolphin Framework Draft Document
Recommended Measures by SSC and AP to CFMC

The meetings are open to the public, and will be conducted in English. However, simultaneous interpretation (Spanish-English) will be available during the AP meeting (October 14, 1999). Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolon (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting date.

Dated: September 28, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25638 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092499F]

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council's Reeffish Committee will hold a public meeting to discuss the issues included in the agenda.

DATES: The Committee will meet on October 21, 1999, The meeting will begin at 10:00 a.m. and will adjourn at 4:00 p.m.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel, 8000 Tartak St., Isla Verde, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The agenda is as follows:

Call to Order

Adoption of Agenda

Reeffish

Banning of Traps in the Exclusive Economic Zone

Establishing a Permit for Fish Traps and/or Other Fixed Gear

Establishing a Limiting Entry System for Fixed Gear Fishery

Discussion of Puerto Rico's Present and New Fishing

Regulations

Other Business

The meeting is open to the public, and will be conducted in the English language. However, simultaneous interpretation services (English-Spanish) will be available. Fishers and other interested persons are invited to attend.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Miguel A. Rolon, at the Council (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting date.

Dated: September 27, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25639 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091499G]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public meeting; cancellation.

SUMMARY: The New England Fishery Management Council (Council) has canceled a public meeting of its Herring Oversight Committee in October, 1999. This was to be a joint meeting with the Atlantic States Marine Fisheries Commission Atlantic Herring Section.

DATES: The meeting was scheduled for Wednesday, October 6, 1999, at 10:00 a.m.

ADDRESSES: The meeting was to be held at the Trade Winds Motel, 2 Park Drive, Rockland, ME 04841, telephone (207) 596–6492.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231–0422.

SUPPLEMENTARY INFORMATION: In the September 21, 1999, issue of the **Federal Register**, the announcement of the New England Fishery Management Council's Herring Oversight Committee was published (64 FR 51095). This meeting has been canceled. The meeting will be rescheduled and the date will be announced in the *Federal Register* at a later date.

Dated: September 28, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25642 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092499H]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Ad-Hoc Groundfish Strategic Plan Development Committee (Committee) will hold a work session which is open to the public.

DATES: The work session will begin Monday, October 18, 1999, at 10 a.m. and may go into the evening until business for the day is completed. The work session will reconvene at 8 a.m. on Tuesday, October 19 and continue.

ADDRESSES: The work session will be held at the Pacific States Marine Fisheries Commission, Large Conference Room, 45 SE 82nd Drive, Suite 100, Gladstone, OR; telephone: (503) 650–5400.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence D. Six, Executive Director; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to begin drafting a strategic plan for the West Coast groundfish fishery.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This work session is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: September 27, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25640 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board; Notice of Open Meeting

AGENCY: Office of the Under Secretary and Administrator, National Oceanic and Atmospheric Administration.

SUMMARY: The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997 and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on long- and short-range strategies for research, education and application of science to resource management. SAB activities and advice will provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

Time and Place: Tuesday, October 19, 1999 from 10 AM to 5:30 PM; Wednesday, October 20, 1999 from 8:30 AM to 5 PM; and Thursday, October 21, 1999 from 1:30 PM to 5:30 PM. The meeting will take place on October 19, 1999 in the Alpine/Balsam Room at the Hotel Boulderado, 2115 13th Street, Boulder, CO 80302. The meeting will take place on October 20 and 21, 1999 in Room GB–124 of the David Skaggs Research Center, 325 Broadway, Boulder, CO 80303.

Agenda Topics

1. Overview of NOAA-University Partnership activities.
2. NOAA responses to previous SAB recommendations concerning the Endangered Species Act related to salmon (see www.sab.noaa.gov).
3. NOAA responses to previous SAB recommendations concerning the establishment of three pilot SAB Working Groups to develop review processes that will be used to review various NOAA science efforts (see www.sab.noaa.gov).
4. Discussion of a SAB Report for the next NOAA Administrator.
5. Public Input Session with SAB discussion.
6. Overview and SAB discussion of initial NOAA efforts to establish a collaborative coastal ocean and estuarine monitoring system that measures physical, biological, and chemical parameters.
7. Overview and SAB discussion of a NOAA report on "The Nation's Environmental Data: Treasures at Risk."
8. SAB discussion on potential recommendations related to NOAA strategic planning process.
9. SAB Sub-Committee and Issue Group Reports.

Public Participation: The meeting will be open to public participation with two 30 minute time-periods set aside during the meeting for direct verbal comments or questions from the public. The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments (at least 35 copies) should be received in the SAB Executive Director's Office by October 7, 1999, in order to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after October 7 will be distributed to the SAB, but may possibly not be reviewed prior to the meeting date.
Approximately twenty (20) seats will be available for the public including five (5) seats reserved for the media. Seats will be available on a first-come first-served basis.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Crosby, Executive Director, Science Advisory Board, NOAA, Rm. 11142, 1315 East-West Highway, Silver Spring, MD, 20910 (Phone: 301–713–9121, Fax: 301–713–3515, E-mail: Michael.Crosby@noaa.gov); or visit the NOAA SAB website at www.sab.noaa.gov.

Dated: September 28, 1999.

Terry D. Garcia,

Assistant Secretary for Oceans and Atmosphere.

[FR Doc. 99–25571 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–08–P

COMMODITY FUTURES TRADING COMMISSION

Order Granting the London Clearing House's Petition for an Exemption Pursuant to Section 4(c) of the Commodity Exchange Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Final order.

SUMMARY: In response to a Petition for Exemption Pursuant to Section 4(c) of the Commodity Exchange Act ("CEA" or "Act") submitted by the London Clearing House Limited ("LCH"), the Commodity Futures Trading Commission ("CFTC" or "Commission") is adopting an order that exempts certain swap agreements submitted for clearing through LCH's newly-developed swaps clearing operation ("SwapClear") from most provisions of the Act and Commission regulations. The order provides a similar exemption to specified persons who engage in certain activities with respect to such agreements. This order is being adopted pursuant to the exemptive authority granted to the Commission by the Futures Trading Practices Act of 1992. The Commission believes that the relief provided by this order is appropriate because a centralized swaps clearing operation may provide substantial benefits to the over-the-counter ("OTC") derivatives market and because the SwapClear operation satisfies the statutory criteria for an exemption pursuant to Section 4(c) of the Act.

EFFECTIVE DATE: September 23, 1999.

FOR FUTHER INFORMATION CONTACT: John C. Lawton, Acting Deputy Director; Thomas E. Joseph, Special Counsel; or Jocelyn B. Barone, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, N.W., Washington, D.C. 20581. Telephone: (202) 418–5450.

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SUPPLEMENTARY INFORMATION:

I. Introduction

By a petition dated June 15, 1998, LCH requested that the Commission

grant an exemption pursuant to Section 4(c) of the CEA [1] to qualified persons using "SwapClear," a proposed facility for clearing swap transactions that satisfy specified criteria ("LCH Petition"). The LCH Petition specifically requested that the Commission exempt such persons from all provisions of the CEA and Commission regulations, except for Sections 2(a)(1)(B);[2] 4b and 4*o* of the Act; [3] the provisions of Sections 6(c) and 9(a)(2) of the Act [4] to the extent that such provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market; and Rule 32.9.[5] The Commission published a notice of the LCH Petition and a request for public comment in the **Federal Register** on July 7, 1998.[6] The comment period was originally sixty days, but it was extended until September 23, 1998, in response to a request by the International Swaps and Derivatives Association, Inc. ("ISDA").[7] The Commission received four letters in response to its request for comments. Two of these letters were from futures exchanges, and two were from trade associations.[8] The comments are summarized in Section V below.

Based upon the Commission's review and consideration of the LCH Petition, as supplemented by correspondence from counsel for LCH, the comments received in response to the LCH Petition, and the Commission's independent analysis, the Commission is adopting an order pursuant to the authority granted in Section 4(c) of the Act that exempts specified swap agreements submitted for clearing to SwapClear and specified persons who engage in certain activities with respect to those agreements from most provisions of the CEA to the extent that such persons and agreements are subject to the Act and the Commission's regulations. The exemptive relief provided by the order is subject to the terms and conditions set forth therein.

II. Statutory and Regulatory Background

Section 2(a)(1)(A) of the CEA grants the Commission exclusive jurisdiction over "accounts, agreements (including any transaction which is of the character of * * * 'an option'), and transactions involving contracts of sale of a commodity for future delivery traded or executed on a contract market or any other board of trade, exchange, or market." [9] The term "commodity" is not limited to tangible products, but rather has been defined broadly to include "all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in." [10]

The CEA and Commission regulations require that transactions in futures contracts and commodity option contracts, with narrowly defined exceptions, occur on or subject to the rules of a contract market designated by the Commission.[11] Specifically, Section 4(a) of the CEA provides, *inter alia*, that it is unlawful to enter into a futures contract that is not made on or subject to the rules of a board of trade which has been designated by the Commission as a "contract market." [12] Pursuant to Sections 4c(b) and 4c(c) of the Act, the trading of commodity options is permitted only in accordance with Commission regulations.[13] Part 33 of the regulations prohibits persons from entering into, offering to enter into, or executing any commodity option transaction unless the transaction occurs on a contract market designated by the Commission to trade commodity options, subject to certain exceptions set forth elsewhere in Commission rules.[14]

The Futures Trading Practices Act of 1992 ("1992 Act") added subsections (c) and (d) to Section 4 of the CEA.[15] Section 4(c)(1) authorizes the Commission, by rule, regulation, or order, to exempt any agreement, contract or transaction, or class thereof, from the exchange-trading requirement of Section 4(a) or any other requirement of the Act other than Section 2(a)(1)(B).[16] The Commission is authorized to grant an exemption either: (i) On its own initiative or on the application of any person; (ii) retroactively or prospectively; and (iii) unconditionally or on stated terms or conditions.[17]

The Commission may grant an exemption from the exchange trading requirement of Section 4(a) or any other requirement of the Act other than Section 2(a)(1)(B) "to promote responsible economic or financial innovation and fair competition" if it determines that "the exemption would be consistent with the public interest." [18] Prior to issuing an exemption under Section 4(c) from the exchange trading requirement of Section 4(a), the Commission must find that: (i) The exchange trading requirement "should not be applied to the agreement, contract, or transaction for which the exemption is sought and that the exemption would be consistent with the public interest and the purposes of [the] Act;" (ii) the exempted transaction "will be entered into solely between the 'appropriate persons'" delineated in Section 4(c)(3); [19] and (iii) the

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[1] 7 U.S.C. 6(c).

[2] Section 4(c) of the CEA expressly prohibits the Commission from exempting any transaction from Section 2(a)(1)(B) of the Act. Section 2(a)(1)(B) sets forth the division of the jurisdiction between the CFTC and the Securities and Exchange Commission ("SEC") over specified instruments and restricts or prohibits certain types of securities derivatives. 7 USC 2a.

[3] Sections 4b and 4*o* of the Act prohibit fraudulent conduct with respect to futures and option transactions. 7 USC 6b and 6*o*.

[4] 7 U.S.C. 9 and 13(a)(2).

[5] Rule 32.9 prohibits fraud in connection with commodity option transactions. 17 CFR 32.9.

[6] Petition of the London Clearing House Limited for an Exemption Pursuant to Section 4(c) of the Commodity Exchange Act, 63 FR 3665 (July 7, 1998)(Request for Comments).

[7] Petition of the London Clearing House Limited for an Exemption Pursuant to Section 4(c) of the Commodity Exchange Act, 63 FR 49094 (Sept. 14, 1998)(Extension of Comment Period).

[8] The Commission received comments from the Chicago Board of Trade ("CBOT"), the New York Mercantile Exchange ("NYMEX"), ISDA, and the OTC Derivatives Products Committee of the Securities Industry Association ("SIA").

[9] 7 U.S.C. 2(i).

[10] 7 U.S.C. 1a(3).

[11] 7 U.S.C. 6(a), 6c(b), and 6c(c).

[12] 7 U.S.C. 6(a). This prohibition does not apply to contracts made on or subject to the rules of a board of trade, exchange, or market located outside of the United States, its territories, or possessions.

[13] 7 U.S.C. 6c(b) and 6c(c). Section 4c(b) provides, *inter alia*:

No person shall offer to enter into, enter into or confirm the execution of, any transaction involving any commodity regulated under this Act which is of the character of, or is commonly known to the trade as, an "option" * * * contrary to any rule, regulation or order of the Commission prohibiting any such transaction or allowing any such transaction under such terms and conditions as the Commission shall prescribe.

Section 4c(c) directs the Commission to issue regulations that, *inter alia*, "permit the trading of such commodity options under such terms and conditions that the Commission from time to time may prescribe."

[14] 17 CFR Part 33.

[15] Pub. L. No. 102–546 (1992), 106 Stat. 3590, 3629.

[16] Section 4(c) provides that:

[17] 7 U.S.C. 6(c)(1).

In order to promote responsible economic or financial innovation and fair competition, the Commission by rule, regulation, or order, after notice and opportunity for hearing may (on its own initiative or on application of any person, including any board of trade designated as a contract market for transactions for future delivery in any commodity under section 5 of this Act) exempt any agreement, contract, or transaction (or class thereof) that is otherwise subject to subsection (a) (including any person or class of persons offering, entering into, rendering advice or rendering other services with respect to, the agreement, contract or transaction), either unconditionally or on stated terms or conditions or for stated periods and or from any other provision of the Act (except section 2(a)(1)(B)), if the Commission determines that the exemption would be consistent with the public interest.

[18] *Id.*

[19] The Act defines the term "appropriate person" to include:

(A) A bank or trust company (acting in an individual or fiduciary capacity).

(B) A savings association.

Continued

agreement, contract, or transaction in question "will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under [the] Act."[20]

Section 4(c)(5) of the Act authorized the Commission "promptly" to exercise the exemptive authority granted in Section 4(c)(1) by providing an exemption for swap agreements that are not part of a fungible class of agreements that are standardized as to their material economic terms.[21] The Commission did so by adopting Part 35 of the Commission's regulations in January 1993. These rules exempt swap agreements satisfying specified criteria and any person who offers, enters into, or renders advice or other services with respect to such transactions from all provisions of the Act and the Commission's regulations except for Sections 2(a)(1)(B), 4b and 4*o*, Rule 32.9, and the antimanipulation provisions in Sections 6(c) and 9(a)(2).[22] The Part 35 swaps exemption became effective retroactively as of October 23, 1974, the date of the enactment of the Commodity Futures Trading Commission Act of 1974.

To be eligible for exemptive treatment under Part 35, a transaction must: (i) Be a "swap agreement" as defined in Rule 35.1(b)(1);[23] (ii) be entered into solely between "eligible swap participants" as defined in Rule 35.1(b)(2);[24] (iii) not be part of a fungible class of agreements that are standardized as to their material economic terms;[25] (iv) include the creditworthiness of a party having an obligation under the agreement as a material consideration in entering into or determining the terms of the swap agreement; and (v) not be entered into and traded on or through a multilateral transaction execution facility. These criteria were designed to ensure that the exempted swap agreements met the requirements set forth by Congress in Section 4(c) of the CEA and "to promote domestic and international market stability, reduce market and liquidity risks in financial markets, including those markets (such as futures exchanges) linked to swap markets and eliminate a potential source of systemic risk."[26]

The Part 35 swaps exemption does not extend to transactions that are subject to a clearing system, such as SwapClear, where the credit risk of individual counterparties to each other is mitigated.[27] The Commission excluded centralized swaps clearing facilities from the Part 35 rules because "such mechanisms [were] not yet in existence, and [might] take many forms and raise different regulatory concerns depending upon their structure or participants or whether another regulatory regime is applicable" and because the Commission believed that "the design of swaps clearing facilities and the services that such facilities will offer should be driven by the needs and desires of swaps market participants."[28] The Commission stated that "a clearing house system for swap agreements could be beneficial to participants and the public generally."[29] Accordingly, the Commission stated that it would "consider the terms and conditions of [an] exemption for swaps clearing houses in the context of specific proposals from exchanges, other regulators and others."[30]

On May 12, 1998, the CFTC published a Concept Release on OTC Derivatives ("OTC Concept Release").[31] Therein, the Commission generally recognized that "the OTC derivatives market [had] grown dramatically in both volume and variety of products offered" since the Commission's last major regulatory

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(C) An insurance company.

(D) An investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*).

(E) A commodity pool formed or operated by a person subject to regulation under [the] Act.

(F) A corporation, partnership, proprietorship, organization, trust, or other business entity with a net worth exceeding $1,000,000 or total assets exceeding $5,000,000, or the obligations of which under the agreement, contract or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support or other agreement by any such entity or by an entity referred to in subparagraph (A), (B), (C), (H), (I), or (K) of this paragraph.

(G) An employee benefit plan with assets exceeding $1,000,000, or whose investment decisions are made by a bank, trust company, insurance company, investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*), or a commodity trading advisor subject to regulation under the Act.

(H) Any governmental entity (including the United States, any state, or any foreign government) or political subdivision thereof, or any multinational or supranational entity or any instrumentality, agency, or department of any of the foregoing.

(I) A broker-dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) acting on its own behalf or on behalf of another appropriate person.

(J) A futures commission merchant, floor broker, or floor trader subject to regulation under [the] Act acting on its own behalf or on behalf of another appropriate person.

(K) Such other persons that the Commission determines to be appropriate in light of their financial or other qualifications, or the applicability of appropriate regulatory protections. 7 U.S.C. 6(c)(3).

[20] Specifically, Section 4(c) states:

The Commission shall not grant any exemption under [Section 4(c)] from any of the requirements of subsection (a) [the exchange trading requirement] unless the Commission determines that—

(A) the requirement should not be applied to the agreement, contract, or transaction for which the exemption is sought and that the exemption would be consistent with the public interest and purposes of this Act; and

(B) the agreement, contract, or transactions—

(i) will be entered into solely between appropriate persons; and

(ii) will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under this Act.

[21] Section 4(c)(5)(B) states, in part, that the Commission may

[P]romptly following the enactment of this subsection, or upon application by any person, exercise the exemptive authority granted under paragraph (1) * * * with respect to classes of swap agreements * * * that are not part of a fungible class of agreements that are standardized as to their material economic terms, to the extent that such agreements may be regarded as subject to the provisions of this Act.

[22] 17 CFR Part 35. In enacting the swaps exemption, the Commission also acted pursuant to its plenary authority to regulate commodity options under Section 4c(b) of the CEA with respect to swap agreements that are commodity options. *Id.* at 5589.

[23] Rule 35.1(b)(1) defines a *swap agreement* as:

(i) An agreement (including terms and conditions incorporated by reference therein) which is a rate swap agreement, basis swap, forward rate agreement, commodity swap, interest rate option, forward foreign exchange agreement, rate cap agreement, rate floor agreement, rate collar agreement, currency swap agreement, cross-currency rate swap agreement, currency option, any other similar agreement (including an option to enter into any of the foregoing);

(ii) Any combination of the foregoing; or

(iii) A master agreement for any of the foregoing together with all supplements thereto. 17 CFR 35.1(b)(1).

[24] 17 CFR 35.1(b)(2). The definition of "eligible swap participants" in Part 35 was patterned after the definition of "appropriate persons" in Section 4(c) of the Act with certain adjustments to ensure that both foreign and United States entities could qualify for treatment as eligible swap participants and to establish minimal financial requirements for some participants. Exemption for Certain Swap Agreements, 58 FR 5587, 5589 (Jan. 22, 1993). This approach is consistent with Congressional intent that the Commission may limit the terms of an exemption granted pursuant to Section 4(c) to some, but not all, of the listed categories of appropriate persons. H.R. Rep. No. 978, 102d Cong., 2nd Sess. 79 (1992); 58 FR 5587 at 5589. The determination as to whether a counterparty qualifies as an eligible swap participant must be made at the time the counterparties enter into the swap agreement, but it is sufficient that a party have a reasonable basis to believe that the other party is an eligible swap participant at such time. 17 CFR 35.2; 58 FR 5587 at 5589.

[25] The phrase "material economic terms" was intended "to encompass terms that define the rights and obligations of the parties under the swap agreement and that, as a result, may affect the value of the transaction." 58 FR 5587 at 5590. This condition was designed to ensure "that the exemption does not encompass the establishment of a market in swaps agreements, the terms of which are fixed and are not subject to negotiation, that functions essentially in the same manner as an exchange but for the bilateral execution of transactions." *Id.*

[26] *Id.* at 5588.

[27] *See id.* at 5591.

[28] *Id.* at 5591, n.30.

[29] *Id.*

[30] *Id.*

[31] 63 FR 26114.

action involving such products.[32] The Commission specifically observed that the swaps exemption provided by Part 35 of the Commission's regulations reflects "the circumstances in the relevant market at the time of their adoption" and that the Commission should review the exemption "in light of current market conditions."[33] The increased "interest in developing clearing mechanisms for swaps and other OTC derivatives" was among the recent market changes explicitly noted by the Commission.[34] The Commission stated that it believed that such efforts had reached a stage where it was necessary "to consider and to formulate a program for the appropriate oversight and exemption of swaps clearing."[35] Accordingly, it requested comment on the extent to which the Commission should continue to require that the creditworthiness of a counterparty be a material consideration for relief under the Part 35 rules.[36] The Commission also requested comment on the type of functions that an OTC derivatives clearing facility would perform, the products it would clear, the standards it would impose upon participants, and the risk management tools it would employ.[37]

As discussed in the OTC Concept Release and in Section VI.B below, a swaps clearing operation may reduce counterparty credit risk and the transaction and administrative costs associated with the swaps market while increasing liquidity and price transparency in that market.[38] Accordingly, the Commission is approving the LCH Petition, pursuant to Section 4(c) of the Act, subject to the terms and conditions contained in the Commission's order. As set forth in Section VI below, the Commission believes that the representations made in the LCH Petition, as supplemented by its counsel, support the findings required by that provision of the Act.

The Commission has reviewed the SwapClear operation as presented in the LCH Petition and has decided to extend exemptive relief only to those transactions and market participants set forth in its order. Because Section 4(c) expressly authorizes the Commission to furnish the exemptive relief described therein by order, as well as by rule or regulation, the Commission believes that there is no legal impediment to providing individualized relief to LCH for SwapClear.

The Commission has chosen this approach for several reasons. First, LCH, SwapClear, and SwapClear participants will be subject to a comprehensive regulatory regime in the United Kingdom, including oversight by the Financial Services Authority ("FSA"). In adopting the Part 35 exemption, the Commission stated that it was "mindful of the costs of duplicative regulation" and indicated that it would consider "the applicability of other regulatory regimes" in addressing petitions for further exemptive relief relating to swaps facilities.[39] It reiterated this intention in the OTC Concept Release.[40] The FSA, as the regulator in SwapClear's home jurisdiction, has primary responsibility for implementing regulatory requirements and enforcement procedures that are sufficient to protect against credit concentration and other risks associated with a swaps clearing facility that interposes a central counterparty to the transactions it clears and provides for payment netting across exchange-traded and OTC instruments.[41] Because the Commission is deferring to the applicable regulatory body in the United Kingdom in this case, the Commission is not presented with certain issues that would otherwise arise if a petition were submitted by a domestic clearing organization or by a foreign clearing organization subject to a less comprehensive regulatory structure. Accordingly, the Commission believes that the LCH Petition is not necessarily a basis from which to develop a regulatory framework for other swaps clearing facilities.

Second, the LCH Petition is the first of its kind. An individualized course will afford the Commission an opportunity to gain greater experience with swaps clearing operations prior to formulating and proposing more generalized exemptive relief. Finally, an individualized approach is consistent with the Commission's previously stated intention to review and to analyze petitions for swaps clearing operations on a case-by-case basis in the context of specific proposals.[42]

The Commission's decision to provide specific relief to LCH does not preclude the Commission from issuing exemptive relief to additional parties that submit petitions to the Commission at a later date. Nor does it prevent the Commission from granting exemptive relief of broader applicability should circumstances or experience warrant.

III. LCH and SwapClear

A. LCH

LCH is a recognised clearing house ("RCH") under the United Kingdom's Financial Services Act 1986 ("FSAct") and is subject to the FSAct and other relevant laws, rules and regulations in the United Kingdom.[43] Under the FSAct, as supplemented by the Companies Act 1989 ("U.K. Companies Act"), a clearing house may be "recognised" if it appears to the FSA[44] that the clearing house, among other things: (i) Has sufficient financial resources; (ii) has adequate arrangements and resources for the effective monitoring and enforcement of its rules; (iii) is able and willing to promote and maintain high standards of integrity and fair dealing and to cooperate by the sharing of information and otherwise, with the Secretary of State and any other authority, body or person having responsibility for the supervision or regulation of investment business or other financial services; and (iv) has default rules which enable action to be taken to close out a member's position in relation to all unsettled market contracts to which such member is a party, where that member appears to be unable to meet its obligation.[45]

Subject to its continuing compliance with the RCH recognition requirements, LCH is permitted to clear both exchange-traded and OTC instruments.[46] LCH currently performs clearing and settlement functions for futures and option contracts traded on the London International Financial Futures and Options Exchange

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[32] *Id.*

[33] *Id.* at 26120.

[34] *Id.* at 26122.

[35] *Id.*

[36] *Id.* at 26120.

[37] *Id.* at 26122–23.

[38] *Id.* at 26122.

[39] 58 FR 5587 at 5591, n. 30.

[40] 63 FR 26114 at 26123.

[41] In its OTC Concept Release, the Commission acknowledged that the benefits that might accrue from a swaps clearing service might come at the cost of increased credit concentration and its attendant risks. 63 FR 26114 at 26122. The Commission notes, however, that LCH represents that it has adopted several risk management procedures to address such risks. LCH's risk management program is discussed in Section III.B below.

[42] 58 FR 5587 at 5591.

[43] LCH Petition at 17–18.

[44] The FSA is authorized to "recognise" clearing houses in the United Kingdom pursuant to FSAct (Delegation) Order 1987. *Id.* at 17, n. 33.

[45] *Id. See also* FSAct Pt. 1, 39 (1986) (Eng.). According to LCH, the FSAct requires that persons who intend to engage in "investment business" in the United Kingdom be either "authorised" or "exempted" persons, as those terms are defined in the FSAct. RCHs qualify as "exempted persons" and, thus, are exempt from the authorisation requirement and the conduct of business rules for the activities associated with their recognition status, as long as they continue to satisfy the recognition criteria. These criteria were established to take into account an RCH's "special regulatory position within the financial system" and an RCH's expertise in the operation of such markets.

[46] LCH Petition at 17.

("LIFFE"), the London Metal Exchange, and the International Petroleum Exchange and for United Kingdom equity transactions effected on Tradepoint, an electronic stock exchange.[47] LCH states that it cleared and settled 279 million exchange-traded futures and option contracts in 1997.

As discussed more particularly in Section IV.A below, LCH, as an RCH, is subject to direct regulatory oversight by the FSA and is subject to reporting, recordkeeping, and other regulatory obligations.[48] Among other things, the FSA monitors LCH's continuing compliance with the RCH qualifying criteria and its own annual statement of objectives and requires that LCH furnish the FSA with information regarding its governance, personnel, members, business entities, and rule changes.[49]

B. SwapClear

SwapClear is a newly-developed LCH operation that will provide multilateral clearing, settlement, and payment netting services to qualified participants for forward rate agreements ("FRAs") and interest rate swap agreements that satisfy SwapClear's product eligibility criteria.[50] SwapClear is neither a separately organized corporation nor an affiliated entity or branch of LCH. As an extension of an RCH's activities, SwapClear will be subject to the regulatory authority of the FSA and to applicable United Kingdom law.[51] SwapClear is scheduled to commence operation in the summer of 1999.[52]

1. Participants

LCH will restrict participation in SwapClear to those persons who are eligible for designation by LCH as SwapClear Dealers ("SDs")[53] and/or SwapClear Clearing Members ("SCMs").[54] A swap agreement will not be eligible for clearing through SwapClear unless both counterparties to the transaction have been approved as SDs and the SDs submit transactions to SwapClear for clearing through a qualified SCM.[55] End-users and members of the general public will not be permitted to participate.[56]

LCH designed the SD and SCM eligibility criteria to ensure that SwapClear participants[57] possess the financial and operational capability and experience to deal in swap agreements and the sophistication to understand and to manage the risks of such transactions.[58] Its admission standards will limit participation in SwapClear to persons whose qualifications exceed those of the "appropriate persons" set forth in Section 4(c) of the Act and the "eligible swap participants" delineated in Rule 35.1.[59] LCH represents that its participant eligibility standards will be publicly disclosed and that it will provide access to SwapClear's services to all qualified SDs and SCMs on equal terms.[60]

LCH further represents that its Risk Management Department will monitor the compliance of SDs and SCMs with SwapClear's admission standards on an ongoing basis[61] and that all SDs and SCMs will be bound by LCH rules, regulations, and procedures (collectively, "LCH Rules").[62] Any SD who fails to comply with LCH Rules will no longer satisfy SwapClear's participant eligibility criteria. An SCM's failure to comply with LCH Rules will constitute an event of default by the SCM.[63] LCH will establish formal limits on its intraday credit exposure to each SCM.[64] SCMs will be notified of their respective credit limits.[65]

2. Products

Only those swap agreements whose terms comply with certain product eligibility requirements will be accepted for registration and clearing by SwapClear. The product eligibility criteria were designed to ensure that there is sufficient market liquidity in the swap agreements that are cleared through SwapClear to allow LCH to calculate daily mark-to-market prices accurately and to enter into replacement transactions in the event of an SCM's default.[66] Initially, the SwapClear operation will be restricted to clearing FRAs[67] and interest rate swap agreements[68] that contain specified

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[47] *Id.*

[48] *Id.* at 18. *See also* FSAct Pt. 1, 39 (1986) (Eng.).

[49] Letter from Jane Lowe, FSA, to Michael Greenberger, Director, Division of Trading and Markets, CFTC (Nov. 17, 1998) (on file with the Division of Trading and Markets, CFTC) at 4.

[50] LCH Petition at 1–2.

[51] *Id.* at 38.

[52] *Id.* at 2.

[53] To qualify as an SD, an entity must be: (i) An institution that enters into transactions that are equivalent to the swap agreements cleared through SwapClear as a dealer in the "wholesale market" in the United Kingdom or its equivalent elsewhere; (ii) at all times such person is carrying on "investment business" in the United Kingdom, as that term defined in the FSAct, either: (a) An authorised or exempted person under the FSAct or (b) a "European investment firm" as that term is defined in the United Kingdom's Investment Services Regulations 1995 ("U.K. Investment Services Regulations"); (iii) of investment grade caliber (*i.e.*, an entity having a Standard and Poor's credit rating of BBB or better) or a fully guaranteed subsidiary of an investment grade parent; (iv) use the Society for International Financial Telecommunications communications network ("SWIFT") (SWIFT is a bank-owned cooperative which operates a network that processes and transmits financial messages among its users worldwide); and (v) either a swaps clearing member ("SCM") or an entity that has a clearing arrangement with an SCM. *Id.* at 13–14, 23. *See also* Letter from Michael M. Philipp, Katten Muchin & Zavis, counsel to LCH, to Jocelyn B. Barone, Staff Attorney, Division of Trading and Markets, CFTC 1 (Nov. 10, 1998) (on file with the Division of Trading and Markets, CFTC).

LCH will usually regard transactions as being in the wholesale market where, for example, the institution enters into such transactions as a "listed institution" under Section 43 of the FSAct or otherwise meets the eligibility criteria for such listing. LCH Petition at 13, n. 28. If the institution is not undertaking such transactions in the United Kingdom, LCH will usually regard the transactions as being in the wholesale market if the eligibility criteria for Section 43 listing would be met by the institution if it were undertaking such transactions in the United Kingdom. *Id.* LCH will not usually regard the wholesale market dealer criterion as being satisfied where the institution is generally regarded as a customer or end-user of the interbank wholesale market. *Id.* at 13.

[54] *Id.* at 8–9 and 12–13. To qualify as an SCM, an entity must: (i) At all times such person is carrying on "investment business" in the United Kingdom, as that term is defined in the FSAct, be either: (a) An authorised or exempt person under the FSAct or (b) a "European investment firm," as that term is defined in the U.K. Investment Services Regulations; (ii) be an LCH shareholder; (iii) contribute a minimum of £2 million to LCH's Default Fund; (iv) submit regular financial reports to LCH; (v) maintain a back-office with adequate systems and records and a staff with expertise in the swaps market; and (vi) satisfy minimum financial resource requirements. *Id.* at 12–13.

An SCM's financial requirements will be satisfied if an SCM: (i) is an SD; (ii) has a parent who is an SD and who provides a guaranty of the SCM's liabilities to LCH; or (iii) has financial resources of £250 million. *Id.* An SCM's financial resources will be calculated by subtracting its current liabilities from its current assets. *Id.* at 13, n.27. For purposes of this calculation, intangible fixed assets, investments in subsidiaries or other group companies, other long term assets, shares in LCH, and the value of exchange memberships will not be included as current assets. *Id.* LCH has indicated that long term assets include debts or debits that will be due in more than twelve months.

[55] LCH Petition at 8–9, 12–13, and 23. An SCM may also act as an SD if it satisfies LCH's SD admission standards. *Id.* at 9.

[56] *Id.* at 22–23 and 35.

[57] SDs and SCMs are referred to collectively throughout this release as "SwapClear participants."

[58] *Id.* at 13–14, 28, and Appendix I, A–1.

[59] *Id.* at 23 and 42.

[60] *Id.* at 12, 23, and 29.

[61] *Id.* at 12–13 and 23.

[62] *Id.* at 37. LCH represents that all SwapClear participants will receive a copy of LCH's regulations and default rules. *Id.* at 28.

[63] *Id.* at 37.

[64] *Id.* at 28 and Appendix I, A–1. LCH has indicated that intraday credit limits will be established on a "net" basis.

[65] *Id.* at 16 and Appendix I, A–1.

[66] *Id.* at 14.

[67] The LCH Petition defines an FRA as "a privately negotiated contract in which two counterparties agree on the interest rate to be paid on a notional amount of a specified currency, of specified maturity, at a specific future time." *Id.* at 1. The principal is not exchanged. Rather, "the difference between the contracted rate and the prevailing rate is settled in cash." *Id.* FRAs may be for any gap period up to one year and will be settled on a discounted basis. *Id.* at 14.

[68] The LCH Petition defines an interest rate swap agreement as "a privately negotiated agreement between counterparties to make periodic payments to each other for a specified period" where "[o]ne

characteristics. To be eligible for clearing by SwapClear, an interest rate swap transaction must: (i) Be fixed versus floating rate in a single currency;[69] (ii) be in acceptable currencies;[70] (iii) use acceptable floating rate indices;[71] (iv) be for a maturity of up to ten years;[72] and (v) have a constant notional principal amount throughout the term of the agreement, with no reset in arrears.[73] An FRA must also be transacted in acceptable currencies and use an acceptable floating rate to be eligible for clearing through SwapClear.[74] LCH will impose a minimum acceptable notional amount of one unit of currency on eligible FRAs and interest rate swaps, but will not impose a maximum notional amount.[75] SDs will be permitted to use forward starts,[76] stub periods,[77] and mismatched fixed/floating dates.[78] LCH anticipates broadening the classes of transactions acceptable for clearing through SwapClear in the future, but represents that it will only register and clear those transactions within the definition of a "swap agreement" as set forth in Part 35 of the Commission rules.[79]

Some of the material economic terms of transactions eligible to be cleared by SwapClear will be subject to private negotiation between SDs.[80] LCH will neither establish nor impose any requirement (other than those described above) that the swap agreements contain standard contract specifications, nor will it provide any facility for arranging or executing swap agreements.[81] LCH will not obligate an SD to submit swap agreements to LCH for registration and clearing, will not mandate that an SD submit a swap transaction for registration and clearing within a specified period of time after the trade date, and will not require that a swap agreement be at current market prices when submitted for registration.[82] Swap agreements that are ineligible for registration on the trade date may be submitted for clearing on a later date, if they subsequently become eligible.[83] No swap agreement to be cleared through SwapClear will be traded on a multilateral transaction execution facility.[84]

3. Clearing Procedures

Confirmations of swap agreements between SDs to be submitted for clearing through SwapClear will be exchanged and matched through Accord,[85] Londex,[86] or another operationally compatible matching system.[87] After the agreement has been confirmed, the relevant details of the transaction will be transmitted to SwapClear.[88] SDs will be required to submit transactions to SwapClear for clearing through a registered SCM.[89] Upon submission, SwapClear will verify that: (i) Both original counterparty SDs satisfy LCH's participant eligibility criteria and are in good standing with LCH; (ii) the swap agreement satisfies SwapClear's product eligibility requirements; and (iii) the transaction does not exceed the SCMs' respective intra-day credit limits with LCH.[90] If these criteria are satisfied, LCH will register the swap agreement and confirm the transaction to the SDs and their respective SCMs.[91] If a transaction does not satisfy these criteria, or LCH otherwise rejects the trade, the SwapClear system will send a rejection message to each original SD counterparty.[92] In the latter case, the transaction between the original SD counterparties will remain in existence and will remain subject to the relevant master agreement between them, but the transaction will not be cleared through SwapClear.[93] Between the time a transaction is effected and the time it takes the SDs to match and present the details of the transaction for registration, the parties will keep the transactions on their own books and will be subject to full counterparty credit risk.[94]

LCH will register swap agreements for clearing only in the names of the SCMs, and the SCMs will be required to deal with LCH as principals.[95] Each SCM will be fully liable to LCH for ensuring performance with respect to each swap agreement registered in its name.[96] When LCH registers a swap agreement, it automatically will send a message to the applicable SCMs via SWIFT [97] confirming that their transaction has been registered. At the time of registration, the original, bilateral transaction between the SDs will be replaced with four new swap agreements: one between each SD and its SCM, contracting as principals, and one between each SCM and LCH, contracting as principals.[98] LCH will become the central counterparty with respect to all swap agreements to be

party makes payments based on a fixed interest rate, while the counterparty makes payments on a variable (*e.g.*, floating) rate. The contractual payments are based on a notional amount that is not actually exchanged." *Id.* at 1.

[69] *Id.* at 14.

[70] SwapClear will accept FRAs and interest rate swaps that have been transacted in United States Dollars, Japanese Yen, Euros, British Pounds, and if there is sufficient participation in SwapClear by Canadian Dollar market-makers, Canadian Dollars. *Id.*

[71] Currently, SwapClear will accept transactions using the following floating rate indices: LIBOR, PIBOR, and EURIBOR. *Id.* at 15. LCH is contemplating expanding the list of acceptable indices to include Commercial Paper, Fed Funds, and Constant Maturity Treasuries. *Id.*

[72] *Id.* at 14.

[73] *Id.* During the life of a swap agreement, the floating rate is "reset" at an agreed frequency (*e.g.*, 6 months). In the case of swap agreements traded on the interbank market, this is typically done in advance. A swap agreement has "reset in arrears" where the rate is applied at the end of the prevailing period with payment being made on the period end date. Letter from Michael M. Philipp, Katten Muchin & Zavis, counsel to LCH, to Jocelyn B. Barone, Staff Attorney, Division of Trading and Markets, CFTC 1 (Nov. 13, 1998) (on file with the Division of Trading and Markets, CFTC).

[74] LCH Petition at 14–15.

[75] *Id.* at 15.

[76] LCH defines a "forward start" as a swap agreement that starts at an agreed date in the future. Letter from Michael M. Philipp, Katten Muchin & Zavis, counsel to LCH, to Jocelyn B. Barone, Staff Attorney, Division of Trading and Markets, CFTC 1 (Nov. 13, 1998) (on file with the Division of Trading and Markets, CFTC).

[77] LCH explains that a swap agreement contains a "stub period" when either the time period between the start of the swap agreement and the first reset or the time period between the last reset and the end of a swap agreement is not a commonly quoted interval (*i.e.*, 2.5 months, rather than 3 months). *Id.*

[78] LCH Petition at 15.

[79] *Id.*

[80] *Id.* at 14, 22, and 42. Within the parameters set by LCH, the SD may negotiate the notional amount, trade date, effective date, fixed rate, fixed rate payer, fixed rate payment dates, floating rate, floating rate payer, floating rate payment dates, reset dates, termination date, and business day convention, as defined in ISDA's 1991 definitions. *Id.* at 14.

[81] *Id.* at 9 and 14.

[82] *Id.*

[83] *Id.* at 14. For example, a swap agreement with a fifteen year maturity initially would not satisfy SwapClear's product eligibility criteria because such criteria do not allow for transactions with maturities in excess of ten years. However, such a transaction would become eligible for registration after five years. *Id.*

[84] *Id.* at 22.

[85] Accord is a service offered to the users of SWIFT that facilitates the matching of transaction confirmations. *Id.* at 9, n. 24.

[86] Londex is an OTC confirmation matching system that is currently being developed by SNS Systems, Inc. *Id.* at 9, n. 25.

[87] *Id.* at 9. SDs will maintain responsibility for ensuring that the trade details of all swap agreements submitted to SwapClear for registration and clearing match. *Id.*

[88] *Id.*

[89] *Id.* at 8–9.

[90] *Id.* at 8–9 and Appendix I, A–1.

[91] *Id.* at 9.

[92] *Id.* at Appendix I, A–2.

[93] *Id.*

[94] *Id.* at 9.

[95] *Id.* at 12.

[96] *Id.*

[97] Because all SDs must be SWIFT users to acquire and maintain their SD designation, SCMs that also qualify as SDs necessarily will have access to the SWIFT network. LCH anticipates that most other SCMs will utilize the SWIFT system in order to obtain automatic confirmation. However, an SCM who is not SWIFT user will be able to access, through LCH, a real time listing of the registered trades for that SCM's customers.

[98] *Id.* at 10 and Appendix I, A–2.

cleared through SwapClear and, as such, will be responsible to the SCMs for the performance of the obligations thereunder.[99] The SCMs, in turn, will be responsible for performance to their respective SDs and to LCH.[100] The new contracts between the SDs and the SCMs will contain the same terms to which the original counterparties agreed.[101] The new contracts between LCH and each SCM will contain the same terms as the contracts they replaced, but will also contain LCH's standard contract terms (*e.g.*, margin payment requirements, rules regarding what constitutes acceptable collateral, and choice of law provisions).[102]

Immediately upon registration of a swap agreement, LCH will net the payment amounts due to or from each SCM under the terms of all of the swap transactions registered in the SCM's name for the same value date and in the same currency.[103] In addition, LCH will net these payments with other payments due to or from the SCM as a result of any exchange-traded instruments that it clears with LCH on each payment date.[104] This will result in a net single pay or receive amount per currency per day between LCH and each SCM.[105] SwapClear will determine all reset rates and calculate reset amounts.[106] Upon each payment date, the amount payable or receivable in each currency will be settled by means of LCH's Protected Payment System ("PPS").[107]

4. Treatment of Client Funds

LCH represents that United Kingdom law would permit LCH to commingle segregated client funds relating to an SCM's exchange-traded business in the United Kingdom and client funds relating to an SCM's SwapClear business.[108] However, LCH represents further that it anticipates that LCH clearing members who are also SCMs will carry their non-proprietary futures positions and associated margin funds in their "client" account at LCH, but likely will carry their non-proprietary SwapClear positions and associated margin funds in their "house" account at LCH.[109] Accordingly, LCH believes that United States persons who do not engage in SwapClear transactions, but who clear their exchange-traded futures through the "client" account of a member of LCH who is also an SCM are unlikely to be exposed to a greater likelihood of loss in the event of a default by a SwapClear participant than would exist prior to the implementation of a SwapClear facility.

5. Risk Management Procedures

LCH represents that it will employ several risk management tools to control the risks arising from its acting as a central counterparty for swap transactions that are registered and cleared through SwapClear.[110] In addition to the mechanisms already discussed—participant admission standards and payment netting arrangements—these risk management tools include participant reporting requirements, initial margin requirements, daily marking-to-market of all positions, variation margin requirements, intraday credit limits, back-up financial resources, and stress testing.

LCH also will impose both routine and event-based reporting requirements upon SwapClear participants.[111] For example, SCMs will be required to submit regular financial statements and audited accounts to LCH. SCMs and SDs will have an ongoing duty to notify LCH if they cease to satisfy any of the SwapClear participant eligibility criteria and will be required to furnish LCH, upon request, with any information LCH deems necessary to determine their participant eligibility status if LCH reasonably doubts their continued eligibility.[112] SDs and SCMs will be required to notify LCH upon the occurrence of specified events relating to their status as a registrant or licensee; their authorization to conduct investment business in the United Kingdom; their insolvency, dissolution, or conviction of a financial crime; disciplinary or enforcement judgments involving them; and material changes in their business.[113] LCH will maintain records of SCM transactions for six years, and such records will be available to SwapClear participants and to their auditors upon request.[114]

To protect against potential adverse future market movements and the cost of liquidating the portfolio in the event of an SCM's default, LCH will require SCMs to post initial margin.[115] The initial margin required of SCMs will be established using a scenario-based margin methodology analogous to London SPAN®, the futures margining system currently in use at LCH.[116] In determining the definition and scale of the scenarios, LCH will use: (i) its experience in setting margin rates for LIFFE interest rate contracts; (ii) an analysis of historic, implied, and modeled term structure volatility; (iii) modeling of extreme events;[117] and (iv) conservative assumptions regarding the time necessary to close out.[118] The

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[99] *Id.* at 10.

[100] *Id*

[101] *Id.* at Appendix I, A–1–A–2.

[102] *Id.*

[103] *Id.* at 10 and Appendix I, A–2. These payments may include margin payments, fees, interest, settlement payments, and other payments associated with the SCM's LCH-cleared transactions. *Id.* at Appendix I, A–2.

[104] *Id.* at 10 and Appendix I, A–2.

[105] *Id.* at 10.

[106] *Id.*

[107] *Id.* LCH requires SCMs to maintain accounts for each currency type with at least one of the twenty-three banks it uses under its PPS. *Id.* at Appendix I, A–4. Settlement takes place via book entry transfer between the accounts of the SCM and LCH. *Id.*

[108] Letter from Michael M. Philipp, Katten Muchin & Zavis, counsel to LCH, to Jocelyn B. Barone, Staff Attorney, Division of Trading and Markets, CFTC 2 (Feb. 9, 1999) (on file with the Division of Trading and Markets, CFTC).

[109] Letter from Michael M. Philipp, Katten Muchin & Zavis, counsel to LCH, to Jocelyn B. Barone, Staff Attorney, Division of Trading and Markets, CFTC (Mar. 2, 1999) (on file with the Division of Trading and Markets, CFTC). LCH's expectation that SCMs will carry their respective SwapClear positions in their "house" account is based upon three assumptions. First, LCH believes that most SDs will submit swap transactions for clearing through an affiliated SCM. Second, LCH anticipates that most SCMs will not be required under relevant United Kingdom law to segregate an SD's SwapClear-related funds into a "client" account and will not, in fact, do so. Third, to the extent that the segregation requirement would otherwise apply, relevant United Kingdom law permits most SDs to "opt out" of that requirement and to consent to the placement of their funds in the SCM's "house" account.

[110] LCH Petition at 15–17 and Appendix I, A–1-A–8.

[111] *Id.* at 16 and 37. The specific reporting requirements LCH will impose upon SwapClear participants will vary depending upon the type of SwapClear participant and the regulatory regime to which the participant is subject. Letter from Michael M. Philipp, Katten Muchin & Zavis, counsel to LCH, to Jocelyn B. Barone, Staff Attorney, Division of Trading and Markets, CFTC 1 (Nov. 20, 1998) (on file with the Division of Trading and Markets, CFTC). For instance, a SwapClear participant that is regulated as a bank will be required to provide LCH with a copy of its annual report and audited accounts; a participant that is regulated by the FSA or the Securities and Futures Authority ("SFA") will be required to provide copies of the monthly financial reports that it files with its respective regulator; a participant that is regulated by the CFTC or the SEC will be required to provide copies of the quarterly financial reports that it files with its respective regulator; and an unregulated participant will be required to provide quarterly financial reports, including the balance sheets and profit and loss statements prepared by the participant for its management's use. *Id.* at 37.

[112] *Id.* at 16.

[113] *Id.*

[114] *Id.* at 37. LCH is also subject to certain reporting and recordkeeping regulations imposed by the FSA. These requirements are discussed in Section IV.

[115] *Id.* at 16 and Appendix I, A–1 and A–3.

[116] *Id.* at Appendix I, A–3. SwapClear's margin methodology is subject to approval by the FSA. *Id.*

[117] The LCH Petition cites the United Kingdom leaving the ERM in 1992 and the bond crisis in February of 1994 as examples of such events. *Id.*

[118] *Id.* LCH's yield curve scenarios used in calculating SwapClear initial margin requirements assume a time to close out of five days, although LCH would seek to offset the positions of a defaulting SCM by liquidating, hedging, or

amount of initial margin required of any SCM will be affected by the market volatility of the SCM's portfolio, the liquidity of the instruments in the portfolio, and the relative size of the portfolio.[119] LCH will distribute its margin model to SCMs and will publish its margin parameters.[120] In its discretion, LCH's Risk Management Department may require an SCM to post initial margin in excess of that calculated using its margin methodology.[121] LCH will accept initial margin in the form of: (i) Cash; (ii) securities of the following types—United Kingdom gilts and treasury bills, United States government bills, notes, and bonds, German government bonds, French, Dutch, Italian, and Spanish government bonds and treasury bills, and certain certificates of deposit; and (iii) bank guarantees, in a form determined by LCH.[122]

To prevent losses from accumulating in the system, LCH will mark-to-market all SwapClear positions on a daily basis and will require SCMs to pay any change in the value of those positions from the previous day's value in cash as variation margin.[123] LCH will establish a zero-coupon yield curve in each currency on each day and calculate mark-to-market values of the swap agreements cleared through SwapClear to facilitate the collection of the appropriate amount of variation margin.[124]

As discussed above, SCMs will be subject to intraday credit limits set by LCH.[125] LCH intends to monitor its exposure to each SCM throughout the day and to call for additional margin cover in advance of the SCM's exceeding its credit limit.[126] LCH will reject transactions involving an SCM that has reached its limit unless additional margin is provided.[127] LCH also has extensive emergency intervention powers under its regulations to impose liquidation orders when an SCM exceeds its credit limit.[128]

LCH asserts that it will ensure that SwapClear will have access to financial resources of sufficient size and liquidity to satisfy its settlement obligations.[129] As of the date of the LCH Petition, LCH had cash margin cover for its futures and option business in excess of £2 billion.[130] LCH represents that these funds are held on short-term deposit with acceptable bank depositories, as determined by minimum credit rating criteria and limits according to credit rating and shareholder funds.[131] Should additional funds be needed, LCH maintains bank lines of credit in the amount of £40.5 million and $10 million.[132] LCH also maintains a Default Fund ("DF") to cover situations where the costs to LCH of standing behind and closing out and/or transferring a defaulting member's positions exceed the margin collected by LCH from the defaulting member.[133] The DF currently consists of £150 million contributed by LCH's exchange clearing members.[134] The DF contributions are in the form of cash-backed indemnities, with LCH holding the cash.[135] Upon commencement of the SwapClear operation, LCH intends to increase the DF by an additional £100 million to be contributed by SCMs.[136] It is likely that each SCM initially will contribute to the DF at a minimum flat rate of £2 million.[137] As registered positions increase, LCH intends to implement risk-based contributions.[138] The adequacy of the SCMs' additional £100 million contribution to the DF and the aggregate size of the DF will be reassessed once SwapClear becomes operational on the basis of actual exposures and stress test results.[139]

LCH currently conducts internal stress tests on the initial margin cover it holds from each member on a daily basis to assess the adequacy of its daily funding level in the event a member default coincides with extreme market movements.[140] The stress tests employ, for all contracts, extreme historical price movements recorded in the exchange markets cleared by LCH.[141] LCH examines the results of the stress testing daily and reports the results on a quarterly basis to the Risk Committee of LCH's Board so that the Risk Committee may make recommendations to the Board if the ongoing adequacy of the DF is placed in doubt.[142] LCH also makes the results of the stress testing available to the FSA.[143]

6. Default Rules and Procedures

SCMs will be subject to LCH's default rules.[144] LCH is authorized by these rules to declare an SCM in default in a number of circumstances, including: (i) The failure of the SCM to satisfy its payment obligations on time or the likelihood that it will have difficulty in doing so; (ii) the insolvency of the SCM or a related company; and (iii) certain regulatory action.[145] LCH will have the discretion to take a variety of actions with respect to a defaulting SCM's transactions, including: (i) closing out the transactions; (ii) entering into replacement transactions;[146] (iii) setting off any losses that result from the SCM's

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transferring such positions in a shorter period of time. Letter from Michael M. Philipp, Esquire, Katten Muchin & Zavis, counsel to LCH, to Jocelyn B. Barone, Staff Attorney, Division of Trading and Markets, CFTC 1 (Mar. 3, 1998) (on file with the Division of Trading and Markets, CFTC).

119 LCH Petition at Appendix I, A–3.

120 *Id.*

121 *Id.* LCH represents that its governance structure reserves margin rate setting to LCH's Chief Executive to ensure LCH's decisions regarding margin are made independently and to avoid conflicts of interest. *Id.* at 28. LCH has indicated that neither the Chief Executive nor members of his staff will be associated with SwapClear participants.

122 *Id.* at Appendix I, A–4. Bank guarantees from an SCM or from an SCM's parent company would not be accepted. LCH is currently considering whether to extend its arrangements to include Euroclear's Collateral Management Service in order to facilitate the provision of additional margin cover after transfers are no longer possible through the United Kingdom banking system. *Id.*

123 *Id.* at 16, 28, and Appendix I, A–3.

124 *Id.* at 16 and Appendix I, A–1–A–2. One feature of SwapClear's margining process that distinguishes it from an exchange margining procedure is that SwapClear sets no separate maintenance margin level. Daily margin flows must meet initial margin requirements, so that all margin payments are essentially "variation margin" because there is no daily settlement or mark-to-market flows that adjust margin accounts above the maintenance level, but below the initial margin level.

125 *Id.* at 16 and Appendix I, A–1.

126 *Id.* at Appendix I, A–1.

127 *Id.* at 9, 16, and Appendix I, A–1.

128 *Id.* at Appendix I, A–1.

129 *Id.* at 16 and Appendix I, A–4.

130 *Id.* at Appendix I, A–4.

131 *Id.*

132 *Id.* LCH does not believe that it will be necessary to establish additional credit lines with respect to its SwapClear business. LCH asserts that it does not need to maintain the large credit lines held by clearing houses whose initial margin cover principally takes the form of securities because LCH's margin cover is highly liquid. *Id.*

133 *Id.*

134 *Id.*

135 *Id.*

136 *Id.* at Appendix I, A–5.

137 *Id.*

138 *Id.*

139 *Id.* Both the transitional DF increase of £100 million and LCH's approach to measuring the adequacy of the DF and making necessary adjustments to it are subject to further refinement and discussion with the FSA. Changes to the rules governing the DF are also subject to approval by LCH's membership. *Id.*

140 *Id.* at Appendix I, A–4–A–5.

141 *Id.* at 28 and Appendix I, A–4.

142 *Id.* at Appendix I, A–4–A–5.

143 *Id.* at Appendix I, A–5.

144 *Id.* at Appendix I, A–2.

145 *Id.* at Appendix I, A–5. Regulatory actions that might constitute an event of default include: (i) The SCM is in breach of the terms of membership of a regulatory body, is refused an application for membership in a regulatory body or is suspended or expelled from membership in a regulatory body; (ii) the SCM is in breach of the rules of a regulatory body to which it is subject; (iii) the SCM's authorisation by a regulatory body is suspended or withdrawn; or (iv) a regulatory body takes or threatens to take action against or in respect of the SCM under any statutory provision or process of law. LCH Default Rules.

146 The replacement costs would be part of the loss that LCH could claim from the defaulting SCM. LCH Petition at Appendix I, A–6.

default against its gains; (iv) applying margin held against any net loss;[147] and (iv) if the margin held by LCH is insufficient to cover the net loss, applying additional resources against the net loss in accordance with its default rules.[148] Additional resources would be applied in the following order: (i) The defaulting SCM's DF contribution; (ii) any pre-tax, pre-rebate earnings LCH has generated in the financial year in which the default occurs as a loss borne by LCH for its own account, up to a maximum of £10 million per financial year; (iii) LCH's insurance backing or analogous arrangements; (iv) the DF contributions of non-defaulting members;[149] and (v) LCH's own capital.[150]

7. Operational Safeguards

LCH will implement certain safeguards to ensure the reliability and security of its operations.[151] Specifically, LCH will internally test and will participate in third party testing of the systems upon which it relies (*e.g.*, CGO II, CREST, and SWIFT).[152] LCH will also maintain comprehensive back-up and business recovery facilities.[153] In addition, LCH has implemented a comprehensive year 2000 ("Y2K") program to avoid disruptions that could be caused by the use of computer technology that is not Y2K compliant.[154]

147 LCH would return any surplus margin to the defaulting SCM's administrator or liquidator or to the defaulting SCM itself, as appropriate. *Id.*

148 *Id.* at Appendix I, A–5–A–6.

149 LCH's default rules permit LCH to use a non-defaulter's DF contribution unless insurance is available. Letter from Michael M. Philipp, Katten Muchin & Zavis, counsel to LCH, to Jocelyn B. Barone, Staff Attorney, Division of Trading and Markets, CFTC 1 (Nov. 19, 1998) (on file with the Division of Trading and Markets, CFTC). The terms of LCH's insurance contract provide for coverage for default losses totaling in excess of £150 million over a rolling three year period rather than a loss incurred on any individual default. *Id.* To the extent that LCH has used any of its profits, or if there has been a previous call on the DF after which LCH has required members to "top-up" the DF, the insurance may be available before all of the DF has been depleted. *Id.*

150 LCH Petition at Appendix I, A–5–A–6; LCH Default Fund Rules; and Letter from Michael M. Philipp, Katten Muchin & Zavis, counsel to LCH, to Jocelyn B. Barone, Staff Attorney, Division of Trading and Markets, CFTC 1 (Nov. 19, 1998) (on file with the Division of Trading and Markets, CFTC). Such procedures would not preclude LCH from pursuing contractual and other legal remedies against the SCM in the event of a default.

151 LCH Petition at 16, 28, and Appendix I, A–1 and A–7.

152 *Id.* at Appendix I, A–8.

153 *Id.* at Appendix I, A–1 and A–7.

154 *Id.*

IV. Regulatory Oversight in the United Kingdom and Information-Sharing Between Regulators

A. Applicable Regulations in the United Kingdom

LCH, SwapClear, and SwapClear participants are subject to a comprehensive regulatory regime in the United Kingdom. The Commission reviewed the United Kingdom's regulatory framework in connection with a petition submitted by the FSA's predecessor in interest, the Securities and Investment Board ("SIB"), that requested an exemption from the application of certain Commission foreign futures and options rules pursuant to Rule 30.10 ("SIB Petition").[155] The SIB Petition requested exemptive relief on the grounds that the applicable regulatory and self-regulatory framework in the United Kingdom was comparable to that imposed by the CEA and the Commission's regulations. By an order that became effective on July 19, 1989,[156] the Commission granted the SIB Petition, stating that the Commission had concluded that the standards for relief relevant to a determination that a particular regulatory program is "comparable" to that in the United States, as set forth in Commission rules, had "generally been satisfied" and that "compliance with applicable United Kingdom Law and SIB rules may be substituted for compliance with [certain] sections of the Act * * *"[157]

Pursuant to applicable United Kingdom law, LCH, as an RCH, is subject to oversight by the FSA. The FSA will monitor LCH's ongoing compliance with relevant regulatory requirements. In order to uphold its RCH status, LCH is required to maintain specified financial resources and to adhere to certain reporting and recordkeeping requirements. For example, LCH must furnish the FSA with the information set forth in the Financial Services Notification by Recognised Bodies Regulations 1996 ("Notification Regulations").[158] LCH must also provide the FSA with an annual regulatory plan that includes a statement of its objectives and annual targets against which LCH's performance may be judged.[159] The FSA monitors LCH's progress against its regulatory plan on an annual basis.[160]

Representatives of the FSA meet with senior clearing house risk managers and LCH's Chief Executive on a regular basis to discuss regulatory issues. The FSA also conducts various site projects, as necessary, in response to specific regulatory concerns.[161]

As an extension of LCH's activities as an RCH, the SwapClear operation will be subject to regulatory oversight by the FSA. The FSA anticipates requiring regular reporting regarding SwapClear, but has not determined definitively the specific reporting requirements that it

155 Appendix A to Rule 30.10 permits specified persons located outside of the United States and subject to a comparable regulatory structure in the jurisdiction in which they are located to petition the Commission for exemption from the application of certain Part 30 rules based upon substituted compliance with comparable regulatory requirements imposed by the foreign jurisdiction. 17 CFR 30.10. The Part 30 rules authorize the Commission to grant such an exemption if the action would not be otherwise contrary to the public interest or to the purposes for which the exemption is sought. *Id.*

156 Foreign Futures and Option Transactions, 54 FR 21599 (May 19, 1989).

157 *Id.* at 21600.

158 FSAct, Section 39. Section 41 of the FSAct authorizes the FSA to promulgate regulations so that it may acquire the information necessary to carry out its supervisory and other regulatory functions.

Among other things, LCH is required to provide the FSA with information relating to its governance, personnel, business activities, members and changes to its rules. LCH Petition at 18; Letter from Jane Lowe, Financial Services Authority, to Michael Greenberger, Director, Division of Trading and Markets, CFTC (Nov. 17, 1998) (on file with the Division of Trading and Markets, CFTC) at 3. Governance and personnel information would include information relating to changes to its constitution, changes to key personnel, and events relating to key personnel (*e.g.*, the presentation of a petition for bankruptcy); a change in its independent arbitrator, ombudsman, or complaints investigator; or the dismissal of, or any disciplinary actions relating to, any of its officers or employees). *Id.* at 6–7. With respect to its business activities, LCH must provide the FSA with certain financial information (*e.g.*, annual audited reports and accounts and the quarterly and annual budgets) and notification of the following: a change in its auditors, fees, or charges; the presentation of a petition for winding up; the appointment of a receiver or liquidator; the making of a voluntary arrangement with creditors; the institution of legal proceedings against it; the delegation of regulatory functions of another body regulated by the FSA; the undertaking of any regulatory functions of another body regulated by the FSA; a change in the name of the persons to whom it provides clearing services; and admissions and deletions from its membership. *Id.* With respect to its members, LCH is required to advise the FSA of any disciplinary action it takes against a member or an employee of a member; persons appointed by another regulatory body to investigate the affairs of a member or its clearing services; evidence indicating that any person has been carrying on unauthorized investment business or has committed a criminal offense under the FSAct; and the open positions, margin liability, and cash and collateral balances of a defaulting member's accounts. *Id.*

159 LCH Petition at 18.

160 Letter from Jane Lowe, Financial Services Authority, to Michael Greenberger, Director, Division of Trading and Markets, CFTC (Nov. 17, 1998) (on file with the Division of Trading and Markets, CFTC) at 4.

161 *Id.* at 4–5. The FSA anticipates that the existing regulatory framework applicable to LCH will be substantially retained in the United Kingdom's Financial Services Reform Bill. *Id.* at 5.

will impose with respect to the SwapClear operation. The FSA expects to receive, among other things, product reporting (*e.g.*, the range in mark-to-market values of the FRAs and swap agreements it clears and information regarding counterparty positions); risk management reporting (*e.g.*, margining levels, changes in the credit standing of SCMs, LCH's counterparty exposure, and stress testing results); and exception reporting (*e.g.*, same day reporting on matters being reported regularly, where developments extend beyond predetermined levels).[162]

SwapClear participants will also be subject to regulation in the United Kingdom. SwapClear participants will be required to be authorised or exempt under the FSAct where entering into swap agreements cleared by SwapClear would constitute "investment business in the United Kingdom," as that phrase is defined in the FSAct.[163]

B. Information-Sharing Between the CFTC and the FSA

The FSA and the CFTC have reached an understanding concerning the form and content of a Bilateral Side Letter ("Side Letter") to the Memorandum of Understanding dated September 25, 1991 on the Mutual Assistance and Exchange of Information between the SEC, the CFTC, the United Kingdom's Department of Trade and Industry, HMT, and the FSA (formerly the Securities and Investments Board)("US/UK MOU"). The Commission believes that an exchange of information concerning SwapClear should help provide LCH, the FSA, and the Commission with notice of potential problems arising from the operation of SwapClear or the activities of SDs and SCMs and thus permit regulatory or self-regulatory bodies to react to such conditions at an earlier stage.

V. Summary of Comments

Most of the commenters viewed the establishment of a swaps clearing operation as an important and positive development in the OTC derivatives market and affirmed that a clearing mechanism may provide significant benefits to swap market participants, including a reduction of the counterparty credit risk associated with swap transactions. However, the commenters' views diverged on the approach that the Commission should take in approving a swaps clearing operation and the appropriate timing of Commission action on the LCH Petition.

CBOT questioned the suitability of any Commission action on the LCH Petition prior to the completion of Commission consideration of the comments regarding swaps clearing organizations it solicited in the OTC Concept Release.[164] It further suggested that the Commission subject the LCH Petition itself to the concept release process consistent with its recent treatment of similar market initiatives.[165] The Commission notes that there is no legal requirement for the Commission to issue a concept release prior to granting an exemption pursuant to the authority provided by that provision. Furthermore, the Commission has had the benefit of the public comments submitted in response to the OTC Concept Release as well as the public comments submitted in response to its request for comment on the LCH Petition.

Both CBOT and NYMEX recommended that, in lieu of granting piecemeal exemptions, the Commission should adopt a generic regulatory framework that would permit the centralized clearing of swap agreements in accordance with standards that would apply equally to foreign and domestic clearing organizations. CBOT and NYMEX urged the Commission to defer action upon the LCH Petition until generally applicable rules could be proposed and published. NYMEX maintained that publishing proposed standards for broad prospective application would be more compatible with the Commission's prior practice in issuing Section 4(c) exemptions than providing isolated relief to one applicant.[166] It also argued that a generalized rulemaking would provide the Commission with an opportunity to acquire and consider the perspectives of several segments of the derivatives markets and would provide a level of due process more appropriate to the contemplated degree of regulatory change.

As discussed above, the Commission is authorized to examine and assess petitions for exemptive relief pursuant to Section 4(c) of the Act on a case-by-case basis and to issue orders granting or denying such relief. It has elected to do so because (i) such an approach is consistent with its formerly stated intention to evaluate proposals for swaps clearing operations in this way; (ii) this is the first such petition that has been submitted to the Commission; (iii) swaps clearing services are a novel addition to the OTC market and, thus, there is little experience upon which the Commission might draw in developing an exemption of general applicability; and (iv) SwapClear and SwapClear participants will be subject to extensive regulation abroad. The Commission also notes that the comment letters received by the Commission support the conclusion that the public was sufficiently informed of the LCH Petition to enable meaningful comment on the proposal.

NYMEX also recommended that the Commission use the minimum standards for netting systems recommended by the Report of the Committee on Interbank Netting Schemes of the Central Banks of the Group of Ten Countries, known as the "Lamfalussy Report," as a starting point in developing standards for a swaps clearing facility. NYMEX specifically proposed that the Commission establish qualifying criteria for participation in a swaps clearing operation that consider the financial integrity, commercial standing, and swaps transaction experience of the prospective participants.[167] It further suggested that the Commission require swaps clearing facilities to, inter alia, collect original and variation margin in cash or cash equivalents, mark-to-market and settle cleared swap agreements on a daily basis,[168] segregate customer funds from

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[162] *Id.* at 8.

[163] *Id.* at 18.

[164] 63 FR 26115.

[165] CBOT cited the placement of the electronic computer terminals of foreign boards of trade in the United States for the purpose of trading products available through those boards of trade as an example of a recent market innovation that the Commission has subjected to the concept release process. Concept Release on the Placement of a Foreign Board of Trade's Computer Terminals in the United States, 63 FR 39779 (July 24, 1998). CBOT also cited the Commission's decision to postpone its deliberation of CBOT's proposal regarding the exchange of agricultural futures for OTC options and NYMEX's proposal to adopt a new rule that would permit an exchange of futures contracts for qualifying swap agreements ("EFS Transactions") until the Commission examined the issues raised in its Concept Release on the Regulation of Noncompetitive Transactions Executed on or Subject to the Rules of a Contract Market, 63 FR 3708 (Jan. 28, 1998). The Commission notes that it has since approved NYMEX's EFS Transactions proposal, pursuant to the terms and conditions of a three year pilot program. CFTC Approves [NYMEX's] Proposal to Permit EFS Transactions, CFTC Press Release No. 4228–99 (Jan. 11, 1999).

[166] NYMEX cited the Commission's publication of the proposed order granting exemptive relief for certain contracts involving the deferred purchase or sale of energy products. See Exemptions for Certain Contracts Involving Energy Products, 58 FR 6250 (Jan. 27, 1998)(Proposed Order).

[167] NYMEX objected to SwapClear's admission standards as unnecessarily restrictive and anticompetitive because they would prohibit an entity that is not a swaps dealer in the interbank wholesale market from using SwapClear, regardless of the entity's size, financial integrity, or experience in swap transactions.

[168] NYMEX recommended that the Commission accept the prices of Commission-approved contracts

Continued

proprietary funds,[169] and maintain certain records of the essential terms of cleared swap transactions and of all exchanges of payments, including margin flows, associated with the such transactions. NYMEX also recommended that the Commission reserve the right periodically to review any exemption it provides pursuant to Section 4(c) of the Act and prospectively to modify or terminate the exemption as circumstances warrant. The Commission notes that NYMEX acknowledged that the LCH Petition incorporated many of the financial and operational safeguards suggested by NYMEX. For example, SwapClear's risk management features include participant reporting requirements, the collection of initial and variation margin, and daily marking-to-market of all positions.

CBOT and NYMEX also expressed concern regarding the competitive effects on the United States industry of approving the LCH Petition in the absence of generally applicable exemptive relief. CBOT explicitly noted that approving the LCH Petition absent generalized relief would enable a foreign entity to begin clearing swap agreements in the United States before a United States-based clearing organization would have an opportunity to develop a competing facility. These commenters contended that the likelihood that swap agreements cleared by LCH will directly compete with products traded on regulated domestic futures exchanges necessitates consistency both between the regulatory treatment of clearing facilities for swap agreements and clearing facilities for futures contracts and between foreign and domestic clearing operations. CBOT remarked, for example, that the terms of LCH-cleared swap agreements were likely to become standardized over time to qualify for clearing and indicated that this increasing standardization might facilitate secondary trading in swaps contracts among swap market participants, SDs, and SCMs, thereby creating a new and competitive futures-like market in swap transactions. To ensure even-handed regulation and fair competition between OTC markets and futures exchanges, NYMEX proposed that the Commission undertake a broad review of its current regulations and consider applying its Section 4(c) exemptive authority to exchange-traded instruments.

The Commission notes that its order expressly conditions the exemptive relief provided therein upon the requirement that the swap transactions to be cleared by SwapClear not be part of a fungible class of agreements that are standardized as to their material economic terms. The Commission also notes that its approval of the LCH Petition does not preclude other entities that may wish to operate a swaps clearing facility from submitting a similar request for relief.

ISDA and SIA questioned the Commission's ability to exercise jurisdiction over LCH and the transactions to be cleared by SwapClear. In ISDA's view, individually negotiated swap transactions subject to clearing arrangements are excluded from the exemption of Part 35, but are not within the ambit of the CEA and the Commission's regulations. Accordingly, ISDA maintained that LCH was not required to submit a petition for exemptive relief under Section 4(c) of the CEA. ISDA asserted that Commission action on the LCH Petition should be restricted to: (i) stating that LCH does not require an exemption pursuant to Section 4(c) of the Act or (ii) issuing an exemption pursuant to Section 4(c) that specifies that the exemption should not be construed to imply that the exempted transactions are futures contracts under the CEA. SIA similarly urged the Commission to grant the requested exemptive relief only to the extent, and without any determination that, the swap transactions submitted for clearance by LCH constitute futures contracts or commodity options subject to the Commission's jurisdiction. The Commission notes that the order grants an exemption from the CEA only to the extent that the CEA is applicable to the instruments covered by SwapClear and that the Commission need not analyze each such instrument to determine that issue.

SIA further suggested that the Commission limit the scope of the transactions that are eligible for the requested exemptive relief to transactions that satisfy the requirements for an exemption under Part 35 of Commission rules, except for the requirement that the credit-worthiness of a party with an obligation under the transaction be a material consideration in entering into the swap transaction. The Commission notes that the exemptive relief provided by the order is restricted to transactions and participants that satisfy such requirements as well as the other terms and conditions set forth in the order.

SIA also questioned the Commission's authority to oversee the operations of a clearing house such as LCH. Specifically, it asserted that the Commission may only regulate a clearing organization in the limited context of its oversight of the futures and option clearing activities of boards of trade designated as contract markets. SIA also argued that the Commission's assertion of jurisdiction over LCH would be inconsistent with Section 4(b) of the Act.[170] The Commission recognizes that LCH and SwapClear are subject to an extensive regulatory scheme in the United Kingdom and notes that it is not adopting any rules or regulations of the type prohibited by Section 4(b) of the CEA. Rather, the Commission is issuing an order as authorized by Section 4(c) of the Act to extend the exemption already granted in Part 35 of the Commission's Rules by permitting swaps clearing.

In sum, the Commission has carefully considered each of the comments and believes that the order is generally responsive to the commenters' concerns.

VI. Determinations Required for Exemption

Section 4(c) of the CEA authorizes the Commission, by rule, regulation, or order, to exempt any agreement, contract or transaction, or class thereof from the exchange trading requirement or Section 4(a) of the Act or any other requirement of the Act other than Section 2(a)(1)(B), if the Commission determines that the exemption would be consistent with the public interest. Furthermore, Section 4(c)(2) of the Act provides that the Commission may not grant an exemption from the exchange trading requirement of Section 4(a) of the Act unless the Commission finds

with sufficient levels of trading volume and open interest as safe and reliable sources of price data for use in marking swaps positions to market, but that it formulate standards for the use of alternative sources of price data as well. NYMEX suggested that such standards should take into account the reliability of the data sources, the frequency with which the data are disseminated, and the degree of acceptance of the data sources by market participants.

[169] NYMEX contended that centralized swaps clearing operations would raise fiduciary concerns because they would collect and hold money from many parties. NYMEX conceded, however, that it would be appropriate to provide an exception to the segregation requirement where the customer knowingly and willingly opts out of the protection afforded by it. LCH represents that it will permit SCMs to establish separately designated "client" accounts that are separately margined, if they so desire, even though the United Kingdom Client Money Rules that generally require the segregation of proprietary and client funds will not apply to most SCMs.

[170] Section 4(b) of the Act, *inter alia*, prohibits the Commission from adopting a rule or regulation that: (1) Requires Commission approval of any contract, rule, regulation, or action of any foreign board of trade, exchange, or market or clearinghouse for such board of trade, exchange, or market, or (2) governs in any way any rule or contract term or action of any foreign board of trade, exchange, or market, or clearing house for such board of trade, exchange, or market. 7 U.S.C. 6(b).

that: (i) The exchange-trading requirement should not be applied to the agreement, contract, or transaction for which the exemption is requested and the exemption would be consistent with the public interest and the purposes of the Act; (ii) the exempted transaction will be entered into solely between "appropriate persons"; and (iii) the agreement, contract or transaction in question will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under the Act.[171] For the reasons stated below, the Commission believes that issuing the exemptive relief as set forth in the order is consistent with those determinations.

A. Exchange-Trading Requirement

The Commission believes that the exchange trading requirement contained in Section 4(a) of the CEA should not be applied to swap transactions that satisfy the terms and conditions set forth in this order. First, the Commission has recognized that the OTC swaps market does not serve the same price discovery function[172] as the exchange-traded market because prices in the OTC swaps market are privately negotiated between individual market participants.[173] LCH represents that some of the material economic terms of the transactions to be cleared by SwapClear will be bilaterally negotiated between the SDs. Accordingly, SwapClear will not likely perform a "primary price discovery function."[174]

In addition, when adopting the Part 35 rules,[175] the Commission found that it was not necessary to apply the exchange trading requirement to swap agreements satisfying the conditions of the exemption provided therein because "one of the prerequisites for the exemption [was] that the swaps agreement not be standardized like exchange products or entered into or traded on a [multilateral transaction execution facility]."[176] Allowing transactions to be cleared through SwapClear, under the conditions enumerated in the order, will not alter the validity of this determination. The swaps market currently exists outside the exchange trading forum pursuant to Part 35, and LCH represents that "[a]ll swap agreements cleared through SwapClear will continue to be individually negotiated transactions and will not be traded on a multilateral trade execution facility."[177]

The Commission has expressly excluded transactions that are part of a fungible class of agreements standardized as to their material economic terms or are traded on a multilateral transaction execution facility from the scope of the order. It has further restricted the exemptive relief to "swap agreements" that have been entered into by "eligible swap participants," as those terms are defined in Rule 35.1.[178] The order, therefore, does not significantly expand the class of transactions or class of participants already afforded exemptive relief pursuant to Part 35 of Commission rules because the transactions to be cleared by SwapClear satisfy all of the conditions for an exemption under those rules, with the exception of one. Because LCH will interpose itself as a counterparty to each transaction it clears, the requirement that the creditworthiness of the counterparties be a material consideration in entering into or determining the terms of the agreements is not satisfied. In adopting the Part 35 Rules, however, the Commission indicated its willingness to expand the exemption to include centralized swaps clearing facilities under appropriate conditions and stated that such a facility may prove beneficial to participants and the public.[179]

Based upon the above, the Commission determines that the exchange trading requirement of Section 4(a) of the CEA should not be applied to transactions meeting the terms and conditions of this order.

B. The Public Interest and the Purposes of the Act

When considering previous Section 4(c) exemptive actions, the Commission has measured the action's consistency with "the public interest and the purposes of the Act" against the "template of its over-all regulatory scheme" and the guidance set forth in the Conference Report accompanying the 1992 Act.[180] In this respect, the Conference Report states that the term "public interest" as used in Section 4(c) is intended "to include the national public interests noted in the Act, the prevention of fraud and the preservation of the financial integrity of the markets, as well as the promotion of responsible economic or financial innovation and fair competition."[181] The Conference Report also states that the reference in Section 4(c) to the "purposes of the Act" is intended to "underscore [the Conferees'] expectation that the Commission will assess the impact of a proposed exemption on the maintenance of the integrity and soundness of markets and market participants."

As the Commission stated when it adopted the Part 35 swaps exemption, "swap agreements are important tools that are used by [market participants] to hedge or manage financial risk and accomplish other financial objectives."[182] The Commission believes that a centralized swaps clearing facility such as SwapClear may reduce the risks and costs of participation in the swap market and increase transparency in that market without increasing the risk of fraud or market manipulation.

1. Potential Benefits of SwapClear

The Commission believes that a properly managed and adequately capitalized or otherwise secured clearing facility that includes a performance guarantee by a central counterparty, the multilateral netting of payments, positions, and credit exposure, and the other innovative features offered by SwapClear may significantly benefit the OTC derivatives marketplace by diminishing certain risks and costs associated with that market.[183]

For example, by interposing a central counterparty to each swap transaction it clears and by offering LCH's performance guarantee, SwapClear effectively substitutes the credit of a highly capitalized clearing system as a

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[171] 7 U.S.C. 6(c)(2).

[172] By this statement, the Commission does not intend to suggest that a price discovery process is absent from the OTC swaps market. It merely notes that the difference between the price discovery functions of the exchange and OTC markets may warrant diverse regulatory treatment.

[173] Accordingly, participants in the OTC market may trade "off-market."

[174] LCH Petition at 22.

[175] As discussed above, Part 35 of the Commission's regulations exempts specified persons who offer, enter into or render advice or services with respect to specified swap agreements from certain provisions of the CEA.

[176] 58 FR 5587 at 5592.

[177] LCH Petition at 22.

[178] Only the particular FRAs and interest rate swap agreements described in the LCH Petition are eligible for exemptive relief under the terms of the order granted herein. Accordingly, the exemption that would be provided would be applicable to fewer types of agreements than are covered by the Part 35 exemption.

[179] 58 FR 5587, 5591, n.30.

[180] Exemption for Certain Contracts Involving Energy Products, 58 FR 21286, 21292 (Apr. 20, 1993)(Final Order). *See also* Regulation of Hybrid Instruments, 58 FR 5580, 5582 (Jan. 22, 1993); 58 FR 5587 at 5592.

[181] H.R. Rep. No. 978, *supra* n.24 at 78.

[182] 58 FR 5587, 5592.

[183] Similarly, the Bank for International Settlements concluded that a clearing house for OTC derivatives has the potential to mitigate counterparty risk and to reduce systemic risk if the clearing house manages risk effectively. *See*, Bank for International Settlements, OTC Derivatives: Settlement Procedures and Counterparty Risk Management 36 (Sept. 1998).

whole for the credit of an individual counterparty, thereby mitigating counterparty credit risk. SwapClear's use of a multilateral payment netting system may lessen the risks associated with multiple, redundant settlement payments by potentially reducing the number and the amount of payments that must be made. SwapClear also offers a default procedure designed to permit positions to be closed out with limited impact on other, non-defaulting counterparties. In this way, the effects of a single member default will be isolated, and a chain reaction of consequential defaults by other market counterparties that may, in turn, cause widespread risk to the financial system may be prevented. Moreover, LCH's default rules take precedence over the rights of a liquidator or other insolvency office-holder under relevant insolvency law in the United Kingdom.[184]

The market innovations offered by SwapClear may also reduce the costs of participation in the swaps market. For example, the multilateral clearing offered by SwapClear may reduce the costs of negotiating credit provisions and monitoring the financial condition of multiple counterparties. Multilateral payment netting may reduce the costs of providing margin, collateralizing payment obligations, and transferring several repetitive settlement payments to multiple counterparties. By decreasing these costs, SwapClear may enable swaps market participants to make more efficient use of their capital, collateral, and credit lines.

SwapClear may also benefit the swaps industry by increasing transparency in the marketplace. LCH will have knowledge of each SwapClear participant's transactions and will set daily credit limits to restrict this exposure accordingly. This may send a clear signal regarding the size and risk of a portion of a individual participant's proprietary trading. By requiring positions to be marked-to-market on a daily basis and by requiring variation margin, SwapClear may reduce a trader's ability to maintain large positions without alerting its senior management to the size or risk exposure of those positions. Finally, by granting this exemptive relief, the Commission clearly establishes the legality of SwapClear and the swap instruments to be cleared through it under the CEA insofar as they comply with the terms and conditions of the Commission's order.

[184] LCH Petition at Appendix I, A–2 and A–6–A–7.

2. Financial Safeguards

The Commission has previously indicated that the benefits that might result from the centralized clearing of OTC derivative transactions may come "at the cost of concentrating risk in the clearing organization."[185] Similarly, NYMEX asserted that the centralized clearing of swap agreements would entail concentration of financial and credit risks in one facility and that clearing members would not be privy to or be able to assess the risk being undertaken by the clearing entity. LCH has developed a risk management program designed to control the credit concentration risks associated with its SwapClear operation. SwapClear's risk management program includes the following: imposing admissions standards intended to restrict participation to financially and operationally sophisticated entities; requiring that SCMs post initial margin for each cleared transaction in an amount that has been calculated in accordance with a margin methodology that is fundamentally similar to that successfully in use at LCH with respect to its exchange-traded derivatives;[186] calculating the marked-to-market values of swap agreements on a daily basis; collecting variation margin, in cash, from SCMs each day; and establishing formal intra-day credit exposure limits for each SCM and calculating the effect of each new transaction on an SCM's credit exposure. LCH also has established clearly prescribed procedures governing a member's default and has substantial financial resources to protect it against the consequences of such a default. The adequacy of LCH's member-backed default fund will be tested in daily stress tests. This risk management plan, as detailed in Section III.B above, incorporates the criteria set forth in the Lamfalussy Report,[187] a report that the Commission has indicated may serve as an appropriate touchstone for reviewing a swaps clearing service.[188] NYMEX also recommended that the Commission look to this report for guidance in developing standards for a prudently-managed swaps clearing facility.

Payment netting may also reduce the amount of capital held in reserve by clearing members. Capital reserves act as a buffer against shocks to the market and price volatility. However, the introduction of centralized swaps clearing should result in a reduction in counterparty credit risk and participation costs and a concomitant reduction in the need for capital reserves to address those factors.

3. Potential for Fraud or Manipulation

The Commission does not believe that the LCH Petition raises any particular concerns with respect to fraud, nor did any commenter suggest that the SwapClear operation might increase the opportunity for fraud in the swaps market. LCH will only clear transactions that are entered into by large, sophisticated financial institutions which have dealt with each other on a bilateral basis and have the ability and the resources to judge the overall fairness of the price and contract terms for each transaction.[189] Nevertheless, in its order, the Commission has reserved its authority to act against fraud under the antifraud provisions of Section 4b and 4*o* of the CEA and Rule 32.9. The Commission also believes that it will be able to obtain information needed to investigate any complaints of fraud that are within its jurisdiction involving SwapClear transactions or participants under the terms of the US/UK MOU and the Side Letter between the Commission and the FSA.

[185] 63 FR 26114 at 26122.

[186] The differences between the margin methodology applicable to LCH's exchange-traded and OTC derivatives business may be attributed to the features which distinguish the trading and pricing of non-fungible from fungible derivatives. LCH has requested Freedom of Information Act Confidential Treatment of its margin methodologies pursuant to Rule 145.9. SCMs will have access to SwapClear's margin methodologies.

[187] The Lamfalussy standards include:

1. Netting schemes should have a well-founded legal basis under all relevant jurisdictions;

2. Netting scheme participants should have a clear understanding of the impact of the particular scheme on each of the financial risks affected by the netting process;

3. Multilateral netting systems should have clearly-defined procedures for the management of credit risks and liquidity risks which specify the respective responsibilities of the netting provider and the participants. These procedures should also ensure that all parties have both the incentives and the capabilities to manage and contain each of the risks they bear and that limits are placed on the maximum level of credit exposure that can be produced by each participant;

4. Multilateral netting systems should, at a minimum, be capable of ensuring the timely completion of daily settlements in the event of an inability to settle by the participant with the largest single net-debit position;

5. Multilateral netting systems should have objective and publicly-disclosed criteria for admission which permit fair and open access; and

6. All netting schemes should ensure the operational reliability of technical systems and the availability of back-up facilities capable of completing daily processing requirements. CFTC, OTC Derivatives Report 136–37 (Oct. 1993).

[188] *Id.*

[189] In fact, by calculating daily mark-to-market prices, LCH may decrease potential fraud by reducing the chances that a party, including a "rogue" employee, could mislead its counterparty or other person about the current value of a transaction.

The Commission is also unaware of any concerns that use of the SwapClear operation will enable parties to manipulate prices more easily, and no such concerns were raised by the commenters. Swap transactions typically do not raise the same market manipulation concerns under the CEA as do certain exchange-traded contracts because swap prices are not generally widely disseminated or used by persons engaged in buying or selling the underlying commodities to determine prices. Nevertheless, the order granted herein will specifically reserve the Commission's authority under the Act to take action against market manipulation.[190] The Commission believes it will be able to acquire information needed to investigate any market manipulation complaints that are within its jurisdiction involving SwapClear transactions and participants under the terms of the US/UK MOU and the Side Letter between the CFTC and the FSA.

Accordingly, the Commission ... determines that the exemptive relief ... granted by this order is consistent with the public interest and the purposes of the Act.

C. Appropriate Persons

The Commission must also determine that a transaction exempted under Section 4(c) of the Act will be entered into only by "appropriate persons." The term "appropriate person" is specifically limited to certain persons defined in the Act which are generally institutional investors but may include "such other persons that the Commission determines to be appropriate in light of their financial or other qualifications, or the applicability of appropriate regulatory protections."[191] The Conference Report states that "[d]etermining whether particular categories of participants are appropriate for particular instruments will be part of the Commission's responsibility to determine that a proposed exemption is consistent with the public interest."[192]

LCH will impose minimum financial and operational admissions criteria intended to ensure that all SDs and SCMs who participate in SwapClear will possess the financial sophistication and resources to understand and to withstand the risks of participation in the swaps market. While LCH represents that every SD and SCM will qualify as an "appropriate person," as that term is defined by the CEA,[193] LCH's eligibility standards will in fact result in all SwapClear participants exceeding that standard because all SwapClear participants will qualify as "eligible swap participants" as that term is defined in Commission regulations.[194] The Commission believes that the "appropriate person" requirement of Section 4(c) is met by LCH's admission criteria.

LCH will monitor compliance with its participant qualifications on an ongoing basis. To ensure that participation is so limited, the Commission's order explicitly limits the relief provided to transactions in which both the original counterparties and the clearing SCMs are "eligible swap participants" as defined in Part 35 of the Commission's regulations.[195]

Thus, the Commission determines that the transactions granted relief pursuant to this order will be entered into solely by appropriate persons.

D. Adverse Effects on Regulatory or Self-Regulatory Duties

In determining that an exemption granted under Section 4(c) of the Act will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties, the Conference Report states that the Commission "should consider the potential impact of the new product on such regulatory concerns as market surveillance, financial integrity of participants, protection of customers, and trade practice enforcement."[196] However, the Conference Report also states that "this provision [is not intended] to allow an exchange or any other existing market to oppose the exemption of a new product solely on grounds that it may compete with or draw market share away from that existing market."[197]

As discussed above, the Commission has recognized that regulatory protections related to price discovery, financial integrity, and customer protection may differ between OTC swaps markets and exchange markets because the OTC swap transactions in most markets do not appear to perform the same price discovery function as exchange-traded markets since the prices of OTC instruments are subject to private, bilateral negotiation and because OTC swap transactions are generally conducted on a principal-to-principal basis between financially sophisticated counterparties. For example, in adopting its Part 35 swap exemption, the Commission determined that regulatory concerns regarding financial integrity and customer protection were addressed in large part by the requirement that exempt transactions be carried out by eligible swap participants.[198] The Commission has included compliance with this requirement as a condition of the exemption provided by the order. At the same time, LCH's eligibility

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[190] Manipulative activity involving the trading of OTC derivative instruments can have a detrimental impact on commerce in the United States for at least three basic reasons. First, like their exchange-traded counterparts, OTC derivative contracts allow end users to hedge against adverse commodity price fluctuations, changing currency and interest rates, and other marketplace uncertainties. As a consequence, OTC markets are playing an increasingly important role in risk management. If they are to continue to fulfill this vital function, OTC derivative instruments must not be subject to manipulation by unscrupulous traders. Second, the very nature of the participants in the OTC derivatives markets—major investment banks, publicly held companies, pension and hedge funds, and government agencies—dictates that the impact of any distortion in the price of OTC derivative instruments could be widespread, harming many more persons than just the aggrieved party to the contract. Given the enormous size of many derivative transactions in the OTC markets and the high degree of leverage often involved in those transactions, price manipulation could result in significant individual counterparty failures and even generate systemic risk. Finally, the interrelated nature of prices in many cash, futures, and OTC derivative markets makes it likely that price movements in one market will have a corresponding effect on prices in related markets. As a consequence, if the value of an OTC derivative instrument were, for example, based on the closing price of futures traded on a Commission-designated contract market, an unscrupulous trader could seek to enhance the value of his or her OTC derivatives position by attempting to manipulate the price of the relevant futures contract.

[191] 7 U.S.C. 6(c)(3).

[192] H.R. Rep. No. 978, *supra*, n. 24 at 79.

[193] LCH Petition at 23.

[194] 17 CFR 35.1.

[195] Since the Part 35 swaps exemption was adopted pursuant to Section 4(c) of the Act, persons who are "eligible swap participants" have already been determined by the Commission to be "appropriate persons" as defined in the CEA. *See* 58 FR 5587 at 5589 (the Part 35 adopting release's discussion of "eligible swap participants").

[196] H.R. Rep. No. 978, *supra* n.24 at 79.

[197] *Id.*

[198] 58 FR 5587 at 5592. In this respect, the Commission also noted that, in order to qualify for the Part 35 swaps exemption, the creditworthiness of the counterparty must be a material consideration in entering into the exempt transaction. The Commission concluded that the Part 35 criteria as a whole would preclude anonymous transactions and ensure that qualifying swap transactions would be limited to persons who are sophisticated or financially able to bear the risks associated with those transactions. *Id.* While swaps clearing effectively eliminates counterparty creditworthiness as a material consideration in entering into a swap transaction, LCH's admission criteria ensure that parties eligible to use SwapClear will be sophisticated and financially able to bear the risks of the underlying swap transaction, and LCH's risk management procedures and default reserve ensure that LCH will be a highly creditworthy central counterparty to the cleared transactions. In addition, each SD in any LCH-cleared transaction will know its counterparty and its SCM (and LCH will know both the SDs and SCMs involved) so that transactions cleared through SwapClear will not be anonymous at the point where the parties enter into the transaction.

requirements for SDs and SCMs limit participation in SwapClear to a still smaller subset of institutions that should possess the financial sophistication and resources to engage in and bear the risks associated with the transactions in question.

The types of swaps transactions that LCH proposes to clear are already being executed in the OTC derivatives market. The approval of LCH's Petition will potentially reduce certain risks now associated with OTC swaps transactions and add to the soundness and transparency of the OTC swaps market.

Moreover, it is widely acknowledged that the exchange-traded futures and OTC swaps markets are linked, with swaps market participants using certain exchange-traded futures as hedging vehicles. Developments that add to the soundness of the swaps market will also potentially add to the financial security and soundness displayed by the exchange-traded futures markets. In addition, the Side Letter between the FSA and the CFTC will enable the Commission to acquire information regarding LCH, SwapClear, SCMs, and SDs that may allow it to learn of and to respond to financial, operational, and other problems that may negatively affect United States contract markets and market participants on a more timely basis. Finally, no commenter indicated that any self-regulatory organization's ability to fulfill its obligations would be adversely affected by Commission approval of SwapClear.

Accordingly, the Commission determines that issuance of this order will not have a material adverse affect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under the Act.

VII. Explanation of the Order

The order grants an exemption from most provisions of the CEA and the Commission's regulations with respect to any swap agreement submitted for clearing through SwapClear and any person offering, entering into, or rendering advice or other services with respect to such agreements, subject to certain terms and conditions set forth therein. The exemption extends to all provisions of the Act and Commission regulations except for Sections 2(a)(1)(B), 4b and 4o of the Act, Rule 32.9, and the provisions of Sections 6(c) and 9(a)(2) of the Act to the extent that these provisions prohibit manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market. Exemptive relief provided by the order will not become effective until the FSA and the CFTC have executed the Side Letter, and the Commission has received confirmation that the FSA has completed its review of SwapClear and has granted LCH approval to commence SwapClear operations.

The Commission notes that the order specifically enumerates several aspects of SwapClear that it considers relevant to its decision to approve the LCH Petition, regarding SwapClear's admissions criteria, product eligibility requirements, margining system, and other risk management procedures; the applicable regulatory regime; and the reporting, recordkeeping, and information-sharing arrangements. These factors are illustrative of those elements of a swaps clearing operation that the Commission deems pertinent to a request for exemptive relief. The Commission will examine all future petitions based on the circumstances presented.

The Commission has limited the exemptive relief by imposing certain conditions. Section 4(c) of the Act expressly empowers the Commission to issue exemptions subject to terms and conditions. The Commission has included these restrictions to ensure that the participant base, products, and activities of SwapClear are not expanded without Commission consideration of whether the exemption should be so extended. If any of the conditions set forth in the order is not satisfied when a transaction is submitted for clearing through LCH (*e.g.*, LCH is no longer an RCH or the swap agreement is not of the type set forth in the order), the transaction will fall outside the exemption.

The exemptive relief is restricted to those FRAs and interest rate swap agreements described in the LCH Petition that fall within the definition of "swap agreements" as set forth in Rule 35.1(b)(1). The Commission intends that the order will provide LCH with flexibility to expand its product eligibility criteria to include, for example, interest rate swaps using currencies, floating rate indices, or maturity dates other than those that will be immediately available. However, the Commission recognizes that transactions other than FRAs and interest rate swap agreements that qualify as "swap agreements" under the Commission's rules may raise additional regulatory concerns. Accordingly, it is declining to extend relief to instruments other than those set forth in the order.

In addition, the exemptive relief extends only to those agreements that would already be entitled to exemption under Part 35 of the Commission's regulations except for the fact that they are subject to clearing. Thus, the agreements must have been entered into by "eligible swap participants" as that term is defined in Rule 35.1(b)(2). This stricture is intended to ensure that participation is limited to the "appropriate persons" pursuant to Section 4(c) of the Act and, more particularly, to those persons possessing the financial sophistication, experience, and resources sufficient for participation in the swaps market.

The Commission is further restricting its relief to non-fungible transactions the material economic terms of which have been individually negotiated and which have not been traded on or through a multilateral transaction execution facility. Once SwapClear receives FSA's regulatory approval, this order contemplates that parties will be allowed to submit to SwapClear previously transacted swap agreements and still claim the relief granted herein as long as such transactions met the terms and conditions of Part 35 at the time that they were first entered into.

Finally, the order expressly conditions the exemptive relief provided upon the requirement that LCH be an RCH with respect to SwapClear at the time the swap agreement for which exemptive relief is sought is submitted for clearing to LCH. This condition is being imposed because the Commission has deferred, in large part, to the FSA's regulation of LCH as an RCH. Thus, parties could not claim the exemption for transactions that were submitted for clearing at a time when LCH did not have RCH status. Swap agreements submitted to SwapClear prior to LCH's loss of status as an RCH would not be affected, however, as long as all other conditions set forth in this order were satisfied.

The Commission recognizes that it may be appropriate to review, revise, or revoke the exemptive relief provided should circumstances or further experience with swaps clearing warrant, and it expressly reserves the power to take such action. The Commission reviewed LCH's request for exemptive relief in its totality with due regard for all representations made in support thereof. Because a change in any one of these representations, in whole or in part, may have led the Commission to reach a different conclusion, the Commission believes it must reserve the right to review, modify and/or revoke its order if it discovers that a material fact or circumstance regarding LCH or SwapClear has been misrepresented, has been found to be untrue, or has ceased to be true. As to the representations outlined in the order, the Commission

believes that LCH possesses an affirmative obligation to notify the Commission in the event it discovers that such information is misleading or untrue. The Commission believes that the reservation of its right to modify or revoke the order will provide an incentive to all parties who may submit petitions for exemptive relief to the Commission to furnish complete and accurate information in support of their respective requests.

The activities of LCH and SwapClear are subject to a comprehensive regulatory regime in the United Kingdom, including capital, reporting, and other regulatory requirements designed to ensure their financial and operational integrity and to ensure that the FSA would receive timely notice of any financial or operational difficulties involving them. In the event that LCH and/or SwapClear are not so regulated or in the event that the FSA or any other relevant authority in the United Kingdom no longer authorizes the operation of SwapClear, the exemptive relief requested may not be appropriate. Accordingly, the order provides that the Commission may modify or revoke the order should either of those events occur.

The Commission believes that an adequate exchange of information between it and the FSA concerning SwapClear and its operations is important to the CFTC's ability to fulfill its domestic regulatory functions. Accordingly, the Commission is reserving the right to revise or revoke the exemption should it be unable to acquire the information it views as necessary to enforce the order, to provide adequate protection to United States contract markets or United States market participants, or otherwise to carry out its regulatory functions.

Finally, LCH has agreed to file a valid, effective, and binding appointment of an agent in the United States for purposes of accepting delivery and service of communications issued by or on behalf of the CFTC, the United States Department of Justice, any self-regulatory organization, or any SwapClear participant. Such communications include any summons, complaint, order, subpoena, request for information, or notice, as well as any other written document or correspondence. As the Commission believes that such an agency arrangement is essential to proper communications between LCH and agencies of the United States or United States participants, it is specifically reserving the right to revise or to revoke the order should such an arrangement become ineffective or cease to exist.

The Commission notes that any revision or revocation of its order will apply prospectively only and will not affect the legal certainty of any swap transaction entered into prior to the revision or revocation.

IX. Conclusion

As demonstrated above, the Commission believes that its order is supported by the appropriate determinations made in accordance with the standards set forth in Section 4(c) of the Act for granting exemptions and that a centralized swap clearing operation such as SwapClear may provide substantial benefits to the OTC derivatives industry.

Order Granting Relief

Order of the Commodity Futures Trading Commission Pursuant to Section 4(c) of the Commodity Exchange Act Exempting Certain Swap Agreements to be Cleared Through the London Clearing House Limited's SwapClear Operation and Certain Persons Who Engage in Specified Activities With Respect to Such Transactions From Specified Provisions of the CEA.

By a petition dated June 15, 1998, the London Clearing House Limited ("LCH") requested that the Commodity Futures Trading Commission ("CFTC" or "Commission") grant an exemption pursuant to Section 4(c) of the Commodity Exchange Act ("CEA" or "Act") to qualified persons using SwapClear, LCH's proposed service for the centralized clearing of certain swap transactions ("LCH Petition"). The LCH Petition requested that the Commission exempt such persons from all provisions of the CEA and the Commission's regulations except for Sections 2(a)(1)(B), 4b, and 4o of the Act, the provisions of Sections 6(c) and 9(a)(2) of the Act to the extent that such provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market, and Rule 32.9.

LCH Representations

LCH has made a number of representations in support of its Petition. The Commission has relied upon these representations in its evaluation of the LCH Petition and in its decision to grant the exemptive relief provided by this order. LCH's representations include, but are not limited to, the following:

(1) LCH is a recognized clearing house ("RCH") under the laws of the United Kingdom and is authorized under United Kingdom law to clear over-the-counter instruments. In order to obtain recognition as a clearing house, LCH was required to demonstrate to the appropriate regulatory authorities in the United Kingdom that it had, among other things:

(a) Sufficient financial resources to carry out its business as a clearing house;

(b) Adequate arrangements and resources for the effective monitoring and enforcement of compliance with its rules;

(c) An ability and willingness to share information with its regulators; and

(d) Default rules that enable action to be taken to close out a member's position in relation to all unsettled contracts to which such member is a party where a member appears unable to meet its obligations to the clearing house.

(2) As an RCH, LCH is subject to direct regulatory oversight by the Financial Services Authority ("FSA") and is subject to reporting, recordkeeping, and other regulatory requirements.

(3) Among other things, LCH is required to provide the FSA with an annual regulatory plan that includes a statement of objectives and targets. LCH is also required to provide the FSA with information relating to its governance, personnel, and business activities and changes in its rules. The information that LCH must provide to the FSA includes information relating to:

(a) Its annual audited reports and accounts;

(b) Its quarterly and annual budgets;

(c) The presentation of a petition for winding up, the appointment of a receiver or liquidator, or the making of a voluntary arrangement with creditors;

(d) The institution of any legal proceedings against it;

(e) Changes in its constitution, fees and charges, key personnel, independent arbitrator, ombudsman, complaints investigator, auditors, and persons to whom it provides clearing services;

(f) The presentation of a petition for bankruptcy by any of its key personnel;

(g) The dismissal of or any disciplinary actions taken against or relating to any of its officers or employees;

(h) Admissions or deletions from membership;

(i) Any disciplinary action taken against a member or an employee of a member;

(j) Persons appointed by another regulatory body to investigate the affairs of a member or its clearing services;

(k) Evidence indicating any person has been carrying on unauthorized investment business or has committed a criminal offense under the Financial Services Act ("FSAct"); and

(l) The open positions, margin liability, and cash and collateral balances of a defaulting member's account.

(4) The FSA will continually monitor LCH's compliance with its annual regulatory plan and other regulatory requirements.

(5) As an extension of LCH's activities as an RCH, the SwapClear operation will be subject to regulation and oversight by the FSA, and LCH will be required to provide the FSA with certain information regarding its SwapClear operation.

(6) Among other things, LCH will be required to provide the FSA with information concerning:

(a) The range in mark-to-market values of the swap agreements it clears;

(b) Counterparty positions;

(c) Counterparty margining levels;

(d) Changes in the credit standing of SwapClear Clearing Members ("SCMs");

(e) LCH's counterparty exposure; and

(f) The results of stress testing.

(7) Only transactions entered into by persons who have been approved by LCH as SwapClear Dealers ("SDs") will be eligible for clearing through SwapClear. To qualify for designation as an SD under LCH Rules, a person must:

(a) Be a financial institution that is active in the wholesale market for the type of forward rate agreements and interest rate swap agreements to be cleared by SwapClear;

(b) At all times such person is carrying on "investment business" in the UnitedKingdom, as that term defined in the FSAct, be either:

(i) An authorized or exempted person under the FSAct or

(ii) A "European investment firm" as that term is defined in the United Kingdom's Investment Services Regulations 1995 ("U.K. Investment Services Regulations");

(c) Be of investment grade caliber or be guaranteed by an investment grade parent; and

(d) Satisfy certain operational standards.

(8) LCH will require that all agreements to be cleared through SwapClear be submitted through a person that has been approved by LCH as an SCM. Accordingly, an SD must have a clearing arrangement in place with a SCM or be approved as an SCM itself before it will be permitted to participate in SwapClear. To qualify for designation as an SCM, a person must:

(a) Be an LCH shareholder;

(b) At all times such person is carrying on "investment business" in the United Kingdom, as that term is defined in the FSAct, be either:

(i) An authorized or exempt person under the FSAct or

(ii) A "European investment firm," as that term is defined in the U.K. Investment Services Regulations;

(c) Satisfy minimum financial requirements;

(d) Contribute to LCH's Default Fund ("DF");

(e) Submit regular financial reports to LCH; and

(f) Satisfy specified operational and staffing standards.

(9) LCH will not permit end-users or members of the general public who do not satisfy LCH's criteria for designation as an SD or SCM to participate in SwapClear.

(10) LCH will monitor the compliance of SDs and SCMs with SwapClear's admission standards on an ongoing basis.

(11) All SDs and SCMs will be bound by LCH rules, regulations, and requirements (collectively, "LCH Rules").

(12) LCH will permit only forward rate agreements and interest rate swap agreements that satisfy the product eligibility standards set forth in the LCH Petition to be cleared by SwapClear.

(13) Material economic terms of all transactions to be cleared by SwapClear will be bilaterally negotiated between SDs.

(14) LCH will not provide counterparties with any form of transaction execution facility.

(15) LCH will register agreements for clearing only after it has verified that:

(a) Both counterparties satisfy LCH's participant eligibility criteria;

(b) That the agreement satisfies SwapClear's product eligibility requirements; and

(c) The transactions will not exceed the submitting SCM's respective intra-day credit limit.

(16) LCH will register all agreements to be cleared by SwapClear in the name of an SCM, and the SCM will be fully liable for ensuring performance to LCH with respect to each swap agreement registered in its name. An SD may clear an agreement for itself if it has also received approval from the LCH to act as an SCM.

(17) Where the SCM is not the same party as the SD, back-to-back transactions will also arise between the SD and the SCM. In these cases, upon registration of those agreements for clearing by LCH, the original bilateral forward rate agreements or interest rate swap agreements between the SDs will be replaced by four new transactions: one between each SD and its SCM, contracting as principals, and one between each SCM and LCH, contracting as principals.

(18) LCH will become the central counterparty with respect to all swap agreements to be cleared through SwapClear and, as such, will be responsible to the SCMs for the performance of the obligations thereunder.

(19) LCH represents that United Kingdom law would permit LCH to commingle segregated client funds relating to an SCM's exchange-traded business in the United Kingdom and client funds relating to an SCM's SwapClear business. However, LCH represents further that it anticipates that LCH clearing members who are also SCMs will carry their non-proprietary futures positions and associated margin funds in their "client" account at LCH, but likely will carry their non-proprietary SwapClear positions and associated margin funds in their "house" account at LCH. Accordingly, LCH believes that United States persons who do not engage in SwapClear transactions, but who clear their exchange-traded futures through the "client" account of a member of LCH who is also an SCM are unlikely to be exposed to a greater likelihood of loss in the event of a default by a SwapClear participant than would exist prior to the implementation of a SwapClear facility.

(20) LCH will implement certain risk management mechanisms and procedures to control the risks arising from its role as central counterparty to all agreements cleared through SwapClear. LCH's risk management program will include:

(a) A requirement that the terms of a swap agreement be confirmed by the original counterparties before the agreement will be accepted for clearing by SwapClear.

(b) A requirement that SDs and SCMs submit certain information to LCH including information relating to:

(i) Their ongoing ability to satisfy SwapClear's participant eligibility criteria;

(ii) Their status as a licensee;

(iii) Their authority to conduct investment business in the United Kingdom;

(iv) Their solvency;

(v) Their dissolution;

(vi) Their conviction of a crime;

(vii) Disciplinary or enforcement judgment involving them; and

(viii) Material changes to their business.

(c) The establishment of intra-day limits on credit exposure with respect to each SCM. LCH will monitor its credit exposure to each SCM on an ongoing basis and will be able to reject any transaction for registration or impose liquidation orders with respect to transactions that exceed assigned credit limits.

(d) The establishment of initial margin requirements to cover adverse market movements and the cost of liquidating positions in the event of a default by an SCM. Subject to the approval of the FSA, the initial margin requirements will be set using a scenario-based method analogous to London SPAN®. LCH will accept margin only in cash, bank guarantees, and specified government securities. LCH will retain the discretion to require a SwapClear participant to post initial margin in excess of that calculated using its margin methodology.

(e) The calculation of mark-to-market values for all cleared agreements on a daily basis and a requirement that SCMs pay variation margin equivalent to any change in the value of an SCM's position from the previous day, each day, in cash.

(f) The maintenance of financial resources of sufficient size and liquidity to cover the cost of closing out or transferring a defaulting member's position where those costs exceed the initial margin collected by LCH from the defaulting member, including cash, lines of credit, a default fund to which each SCM must contribute, and the maintenance of an insurance policy to cover any shortfall in the default fund.

(g) The maintenance of rules which permit LCH to declare an SCM in default in appropriate circumstances and to take appropriate, clearly-defined action in the event of an SCM default.

(h) Daily stress testing of the initial margin LCH holds from each member to ensure the adequacy of its daily funding level in the event of a member default and daily review of the stress testing results.

(i) Internal and third party testing of the operational systems upon which LCH relies.

(j) The maintenance of back-up and business recovery facilities to ensure the reliability and security of SwapClear's operations.

(21) LCH will forward a copy of the annual report that it is required to file with the FSA to the CFTC upon submission of that document to the FSA.

(22) LCH will provide a copy of the LCH Rules applicable to its SwapClear operation to the CFTC, prior to the onset of SwapClear's operations.

(23) LCH will maintain a valid, effective, and binding agency agreement with a person located in the United States whereby it authorizes that person to act as its agent for purposes of accepting delivery and service of communications at all times during which this order is in effect. Such communications include any summons, complaint, order, subpoena, request for information, notice or any other written document or correspondence issued by or on behalf of the CFTC, the United States Department of Justice, any self-regulatory organization, or any SwapClear participant. LCH will provide immediate, written notice to the Commission of any change concerning the status of the party identified as the agent for the service of process or the effectiveness of any agreement with such party.

Terms and Conditions

Based upon the representations that have been made, the Commission has determined that granting the Petition for Exemption Pursuant to Section 4(c) of the Act dated June 15, 1998 submitted by LCH, subject to the terms and conditions below, would be consistent with the standards set forth in Section 4(c) of the CEA.

Accordingly, any swap agreement submitted for clearing to LCH through its swap clearing facility known as SwapClear is exempt from all provisions of the Act and any person or class of person offering, entering into, rendering advice or rendering other services, including clearing services, with respect to such agreement, is exempt for such activity from all provisions of the Act (except in each case, sections 2(a)(1)(B), 4b and 4o of the Act, and Rule 32.9 of the Commission's regulations, and the provisions of sections 6(c) and 9(a)(2) of the Act to the extent these provisions prohibit manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market), provided that each of the following terms and conditions is met:

(1) The transaction would constitute a "swap agreement," as that term is defined in Section 35.1(b)(1) of the Commission's regulations, and the transaction is a forward rate agreement or interest rate swap agreement as defined in the LCH Petition.

(2) The transaction has been entered into solely between "eligible swap participants," as that term is defined in Section 35.1(b)(2) of the Commission's regulations, which have been approved as SDs by LCH.

(3) The transaction is not part of a fungible class of agreements that are standardized as to their material economic terms.

(4) The transaction is not entered into and traded on or through a multilateral transaction execution facility.

(5) At the time such agreement is submitted to LCH for registration by SwapClear, LCH is an RCH under the applicable laws of the United Kingdom with respect to the clearing services offered by SwapClear.

This order, and the exemption provided herein, shall not become effective until the FSA and the Commission have executed the Bilateral Side Letter to the Memorandum of Understanding dated September 25, 1991 on the Mutual Assistance and Exchange of Information between the SEC, the CFTC, the United Kingdom's Department of Trade and Industry, HM Treasury, and the FSA (formerly the Securities and Investments Board), and the FSA has provided the Commission with written notification that it has reviewed the SwapClear operation and has approved the commencement of the SwapClear operation.

The Commission reserves the right to review and, prospectively, to modify and/or to revoke this order and the exemption contained therein, including the conditions imposed upon the exemptive relief, in certain circumstances, including, but not limited to, the following:

(1) The Commission discovers that a material representation made by LCH or its counsel or representatives is materially misleading, is untrue, or has ceased to be true.

(2) LCH ceases to satisfy the criteria for designation as an RCH under the applicable laws of the United Kingdom.

(3) The FSA or any relevant authority in the United Kingdom no longer authorizes the operation of SwapClear.

(4) LCH fails to maintain a valid, effective, and binding agreement appointing an agent in the United States for purposes of accepting delivery and service of communications, as defined above, issued by or on behalf of the CFTC, the United States Department of Justice, any self-regulatory organization, or any SwapClear participant.

(5) The Commission determines that it is unable to obtain sufficient information including, but not limited to, information that the FSA and LCH have agreed to provide to the Commission or to which the Commission believes it is entitled to receive under the terms of the US/UK MOU, the Side Letter thereto or any other information-sharing arrangement.

(6) Any revocation of this order or the exemption provided herein by the Commission would be prospective only and would not affect the status of any transaction entered into in reliance on this order prior to the revocation.

Issued in Washington, DC on March 23, 1999, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–25605 Filed 9–30–99; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Availability of the National Missile Defense Deployment Draft Environmental Impact Statement

AGENCY: Ballistic Missile Defense Organization.

ACTION: Notice of Availability.

SUMMARY: The Ballistic Missile Defense Organization (BMDO) announces the availability of the National Missile Defense Deployment Draft Environmental Impact Statement (DEIS). The DEIS assesses the potential impacts associated with the possible deployment of the NMD system. The NMD system would be a fixed, land-based, non-nuclear missile defense system with a land and space-based detection system capable of responding to limited strategic ballistic missile threats to the United States from a rogue nation. Potential deployment locations for the NMD elements include sites in Alaska and North Dakota. In addition, as the operational requirements are refined other regions may be identified.

PROPOSED ACTION AND ALTERNATIVES: The alternatives considered in the EIS are the No-Action Alternative and the Proposed Action. A No-Action Alternative would be a DoD recommendation not to deploy an NMD system at the time a decision is made but to continue NMD system development to improve NMD system capabilities. With the Proposed Action Alternative, a decision would be made to deploy the NMD system and the NMD element locations would be selected from the range of locations studied in the EIS.

PUBLIC HEARINGS: Public hearing locations and dates are as follows: (1) October 26, 6–9 PM; Langdon Activity Center, 516 10th Avenue, Langdon, North Dakota; (2) October 27, 6–9 PM; Civic Auditorium, 615 1st Avenue North, Grand Forks, North Dakota; (3) November 1, 6–9 PM; Carlson Community Activity Center, 2010 2nd Avenue, Fairbanks, Alaska; (4) November 2, 7–10 PM; Anderson School, 116 West 1st Street, Anderson, Alaska; (5) November 3, 6–9 PM; Delta High School, School Road, Delta Junction, Alaska; (6) November 4, 6–9 PM; WestCoast International Inn, 3333 W. International Airport Rd., Anchorage, Alaska; and (7) November 9, 6–9 PM; Days Inn, 2000 Jefferson Davis Highway, Arlington, Virginia.

COMMENTS: Comments on the DEIS should be received by November 15, 1999. Written comments and inquiries of the DEIS should be directed to SMDC–EN–V (Ms. Julia Hudson), U.S. Army Space and Missile Defense Command, PO Box 1500, Huntsville, AL 35807–3801, telephone (256) 955–4822. Public reading copies of the DEIS will be available for review at the public libraries within the communities where the public hearings will be held and at the BMDO internet site at www.acq.osd.mil/bmdo/bmdolink/html/nmd.html.

Dated: September 24, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–25400 Filed 9–30–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of Secretary

Strategic Environmental Research and Development Program, Scientific Advisory Board

ACTION: Notice of revised meeting times.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Date of Meeting: October 19, 1999 from 0830 to 1710 and October 20, 1999 from 0800 to 1700.

Place: Holiday Inn Arlington at Ballston, 4610 North Fairfax Drive, VA 22203.

Matters to be Considered: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds in excess of $1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Kelly, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696–2124.

Dated: September 27, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 99–25549 Filed 9–30–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Active Duty Service Determinations for Civilian or Contractual Groups

On August 27, 1999, the Secretary of the Air Force, acting as Executive Agent of the Secretary of Defense, determined that the service of the group known as "The Operational Analysis Group of the Office of Scientific Research and Development, Office of Emergency Management, which served overseas with the U.S. Army Air Corps from December 7, 1941 through August 15, 1945" shall be considered "active duty" under the provisions of Public Law 95–202 for the purposes of all laws administered by the Department of Veterans Affairs (VA).

To be eligible for VA benefits, members of the group must establish each of the following:

1. He or she was employed as a civilian employee of the Office of Scientific Research and Development for a period of time during the period December 7, 1941 to August 15, 1945; and

2. He or she was assigned as a civilian operations analyst or scientific consultant to duty with an operations analysis section or operational research section at a headquarters of an Army Air Force field force or command outside the continental limits of the United States; and

3. He or she served for a period of time outside the continental limits of the United States as a civilian operations analyst or scientific consultant at that field force or command between December 7, 1941 and August 15, 1945; and

4. He or she completed honorably the period for which the applicant contracted with the Office of Scientific Research and Development and completed honorably his or her obligations to the Army Air Force unit to which he or she was assigned outside the continental limits of the United States.

Qualifying periods of time are computed from the date of departure from the continental United States to the date of return to the continental United States.

Application Procedures

Before an individual can receive any VA benefits, the person must first apply for an Armed Forces Discharge Certificate (Department of Defense Form 214) by filling out a Department of Defense (DD) Form 2168, Application for Discharge of Member or Survivor of

Member of Group Certified to Have Performed Active Duty With the Armed Forces of the United States, and sending it to the U.S. Air Force Personnel Center at the following address: AFPC/DPPRP, 550 C Street West, Suite 11, Randolph AFB, TX 78150–4713.

Important: Applicants must attach supporting documents to their DD Form 2168 application. Of primary importance will be any employment records from the Operational Analysis Group of the Office of Scientific Research and Development, Office of Emergency Management. Other supporting documentation might include copies of passports with appropriate entries, military or civilian orders posting the applicant to an overseas assignment, reports signed by or mentioning the work of the applicant at the Operational Analysis unit overseas, Army Air Force (AAF) Identification Forms 133, any personal employment records such as commendations regarding performance, employee expense reports of charges to AAF contracts, medical certifications prior to departure from the U.S., AAF passes to leave the limits of an overseas base, miscellaneous AAF papers, etc. Additionally, the overseas Operational Analysis unit chief may provide written confirmation for the service of other members in his unit.

Applicants having difficulty establishing all of the eligibility criteria mentioned above, should recognize the nature and character of documents addressing each criteria need not be the same. For example, an applicant may establish employment with the Operational Analysis Group of the Office of Scientific Research and Development through official employment records, but find that proving assignment to an Army Air Force field force or command outside the continental United States more difficult. In such a case, an applicant may be able to prove assignment and service at that location through other evidence, such as, dated, postmarked (or other sign of authenticity) correspondence (official or personal) to or from the applicant at that assignment outside the United States.

Upon confirmation of an applicant's eligibility, the DD Form 214 will be passed from AFPC/DPPRP to the Awards and Decorations office to determine which ribbons the applicant is eligible to receive (campaign ribbons, theater ribbons, victory medal, etc.). Specific awards (*i.e.*, Silver Star, Purple Heart, etc.) need separate justification detailing the act, achievement, or service believed to warrant the appropriate medal/ribbon. DD Forms 2168 are available from VA offices or from the U.S. Air Force offices in this notice. An electronic version is also available in Adobe Acrobat (the reader is free) on the Internet at "DefenseLINK, publications."

For further information contact Mr. James D. Johnston at the Secretary of the Air Force Personnel Council (SAFPC), 1535 Command Drive, EE Wing, 3rd Floor, Andrews AFB, MD 20762–7002.

Benefit Information

A determination of "active duty" under Public Law 95–202 is "for the purposes of all laws administered by the Department of Veterans Affairs" (38 U.S.C. 106). Benefits are not retroactive and do not include such things as increased military or Federal Civil Service retirement pay, or a military burial detail, for example. Entitlement to state veterans benefits vary and are governed by each state. Therefore, for specific benefits information, contact your nearest Veterans Affairs Office and your state veterans service office after you have received your Armed Forces discharge documents.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 99–25482 Filed 9–30–99; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To Grant an Exclusive or Partially Exclusive License to BONTEX

AGENCY: U.S. Army, DoD.

ACTION: Notice of intent.

SUMMARY: In compliance with 37 CFR 404 *et seq.*, the Department of the Army hereby gives notice of its intent to grant to BONTEX, a corporation having its principle place of business at One BONTEX Drive, Buena Vista, VA 24416–0751, an exclusive or partially exclusive license relative to an ARL patented elastomeric compound (Foreign patent#'s: European patents EP326394A1 issued on 2 Aug, 1989; EP326394B1 issued on 5 May 1993; German patent #P68906275, issued on 5/5/93; Canada Patent #1308832 issued 13 Oct, 1992; Israel Patent #89074 issued 16 Feb, 1993; Australian Patent #8930655 issued 25 Aug, 1989. Anyone wishing to object to the granting of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any.

FOR FURTHER INFORMATION CONTACT: Michael D. Rausa, U.S. Army Research Laboratory, Office of Research and Technology Applications, ATTN: AMSRL–CS–TT/Bldg. 433, Aberdeen Proving Ground, Maryland 21005–5425, Telephone: (410) 278–5028.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–25530 Filed 9–30–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Prospective Grant of Exclusive Patent License

AGENCY: U.S. Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with the provisions of 35 U.S.C. 209(c)(1) and 37 CFR Part 404.7(a)(1)(i), SBCCOM hereby gives notice that it is contemplating the grant of an exclusive license in the United States to practice the invention embodied in U.S. Patent Number 5,918,254 issued June 29, 1999, entitled, "Low Concentration Aerosol Generator" to Dycor, U.S.A., Inc. having a place of business in Havre de Grace, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Roy Albert, Technology Transfer Office, U.S. Army SBCCOM, ATTN: SCBRD–ASC, 5183 Blackhawk Road (Bldg E3330/245), APG, MD 21010–5423, Phone: (410) 436–4438 or E-Mail: rcalbert@sbccom.apgea.army.mil.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted, unless within sixty days from the date of this publication Notice, SBCCOM receives written evidence and argument to establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

U.S. Patent 5,918,254 relates to an apparatus useful in generating and counting aerosol particles. The apparatus is capable of generating and counting low concentrations of individual aerosol particles.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–25529 Filed 9–30–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

AGENCY: U.S. Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of the following U.S. patent for non-exclusive, partially exclusive or exclusive licensing. The listed patent has been assigned to the United States of America as represented by the Social Security of the Army, Washington, DC.

This patent covers a wide variety of technical arts including: A new type of fire extinguisher, a new type of shaped charge.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Public Law 99–502) and section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patent listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by this patent.

Title: Apparatus for Preparing and Disseminating Novel Fire Extinguishing Agents.

Inventors: Anthony E. Finnerty, Warren W. Hillstorm and Lawrence J. Vande Kieft.

Patent Number: 5,934,380.

Issued Date: August 10, 1999.

Title: Method for Dispersing a Jet from a Shaped Charge Liner Via Multiple Detonators.

Inventors: William Walters and Richard Summers.

Patent Number: 5,939,663.

Issued Date: August 17, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Rausa, Technology Transfer Office, AMSRL–CS–TT, U.S. Army Research Laboratory, Aberdeen Proving Ground, MD 21005–5055; tel: (410) 278–5028; fax: (410) 278–5820.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–25532 Filed 4–30–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

AGENCY: U.S. Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of the following U.S. patent for non-exclusive, partially exclusive or exclusive licensing. The listed patent has been assigned to the United States of America as represented by the Secretary of the Army, Washington, D.C.

This patent covers a wide variety of technical arts including: An Ulta-Wide Bandwidth Field Stacking Balun.

Under the authority of Section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and Section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patent listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by this patent.

Title: Ulta-Wide Bandwidth Field Stacking Balun.

Inventor: John W. McCorkle.

Patent Number: 5,945,890.

Issued Date: August 31, 1999.

FOR FURTHER INFORMATION CONTACT: Norma Cammaratta, Technology Transfer Office, AMSRL–CS–TT, U.S. Army Research, Laboratory, Adelphi, MD 20783–1197 tel: (301) 394–2952; fax: (301) 394–5818.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–25531 Filed 9–30–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

Availability of the Draft Environmental Impact Statement for the New York and New Jersey Harbor Navigation Study

AGENCY: U.S Army Corps of Engineers, DoD.

ACTION: Notice of Availability.

SUMMARY: The New York District of the U.S. Army Corps of Engineers has prepared a Draft Environmental Impact Statement (DEIS) for the New York and New Jersey Harbor Navigation Study. The purpose of the study is to establish and evaluate the range of navigation channel development alternatives and to identify the National Economic Development (NED) and recommend a plan. The Draft Environmental Impact Statement (DEIS) was prepared to evaluate those alternatives identified in the Feasibility Report. Additional information on the study is provided in the **SUPPLEMENTARY INFORMATION** section as indicated below.

DATES: The DEIS will be available for public review on or about October 1, 1999. The review period of the document will be for forty five days from the publication date of the DEIS. To request a copy of the DEIS please call (212) 264–5746.

FOR FURTHER INFORMATION CONTACT: For further information regarding the DEIS, please contact Jenine Gallo, Project Biologist, telephone (212) 264–0912, Planning Division, ATTN: CENAN-PL-EA, Corps of Engineers, New York District, 26 Federal Plaza, New York, New York, 10278–0090.

SUPPLEMENTARY INFORMATION:

1. A DEIS for the New York and New Jersey Harbor Navigation Study was prepared and the study was authorized by Section 435 of the Water Resources Development Act (WRDA) of 1996. The section reads: The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 ft or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

2. The existing depths of the Harbor's navigation channels, anchorages, and berthing areas are insufficient to allow the safe and timely passage of economically efficiently loaded containerships and liquid bulk vessels (tankers) willing to call on container terminals and bulk cargo facilities in the region, and the oil refineries/terminals, located primarily on the Arthur Kill. The current mode of operation calls for the tankers to lighter off in anchorages or at sea and, at reduced operating draft, and enter the channel during high tides. Containerships must be loaded to less than their design capacity at their prior ports of call and sail without a full load, or off-load at deeper-draft ports prior to calling on the Harbor. The proposed project plans were analyzed in the Feasibility Report, which is included

with the Draft Environmental Impact Statement. The Recommended Plan (also the NED plan) for the New York and New Jersey Harbor Navigation Study has been divided into the following paths which have the Ambrose and Anchorage Channels as common elements and is as follows:

a. The Ambrose and Anchorage channels combined form the main entrance channels to the Port of New York and New Jersey. Extending from the Atlantic Ocean through the Lower Bay; they are currently maintained at depths of 45-ft MLW. The District recommends deepening the Ambrose channel to a depth of 53-ft MLW and the Anchorage channel to a depth of 50-ft MLW.

b. The Kill Van Kull and Newark Bay Channels are currently maintained at a depth of 40-ft MLW, and are under construction to 45-ft MLW. The evaluation of the navigation alternatives assumes these channels will be at a depth of 45-ft MLW. The District recommends deepening the Kill Van Kull and Newark Bay channels to a depth of 52-ft MLW.

c. The Port Jersey Channel extends from the Upper Bay's Anchorage Channel to the Global Marine Terminal and the Military Ocean Terminal in Bayonne, New Jersey. Some of the Port Jersey Channel is currently at a depth of 38-ft MLW, although the present study assumes that the channel will be dredged to its authorized depth of 41-ft MLW. The District recommends a depth of 52-ft MLW.

d. The Bay Ridge Channel, which extends along the western shore of Brooklyn, allows ship access to the South Brooklyn Marine Terminal. This channel is currently maintained at a depth of 40-ft MLW and the District recommends deepening this channel to a depth of 50-ft MLW.

e. The Arthur Kill Channel is currently at a depth of 35-ft MLW, although the present study assumes that the channel will be dredged to its authorized depth of 41-ft MLW. The District recommends deepening this Channel to the Howland Hook Marine Terminal to a depth of 52-ft MLW.

3. Following excavation, with the exception of the Ambrose Channel, all project channels will be maintained at a depth of 50-ft MLW. The Ambrose Channel will be maintained at a depth of 53-ft MLW.

4. Potential impacts, including indirect and cumulative impacts, were evaluated in the DEIS for the proposed action and the other action alternatives. The analysis indicates that short-term adverse environmental impacts, such as benthic habitat disruption, would be balanced by beneficial impacts, such as revitalization of the maritime industry and permanent removal of contaminated material from the aquatic ecosystem.

5. The DEIS has been prepared under the direction of the USACE in accordance with the National Environmental Policy Act (NEPA) of 1969 and is submitted in compliance with NEPA and USACE regulations. The USACE is the Federal agency responsible for preparation of the DEIS because the project involves improvements and/or modifications to Federal navigation channels. The DEIS will be available for public review on or about October 1, 1999. The review period will be for forty-five (45) days from publication of this notice. The document may be obtained from the Army Corps of Engineers, Planning Division at the above address.

6. The New York and New Jersey Harbor portion of the Hudson-Raritan Estuary is located at the apex of the New York Bight. It serves as the port for the greater metropolitan New York area, providing maritime access to shipping via a network of channels and anchorages that have historically been dredged and maintained throughout the harbor. The Harbor is shallow, with natural depths of less than 30 ft, and has dredged areas as deep as 45 ft. The shoal and channel areas provide diverse habitats that are used by different species on a seasonal basis. The rivers and tidal straits that form part of the Harbor offer habitat with higher tidal currents. Taken together, the different habitat types provide a complex estuarine system that has been greatly influenced by human activities.

7. The Harbor comprises four large embayments: Upper New York Bay, Newark Bay, Lower New York Bay, and Raritan Bay. Upper New York Bay and Lower New York Bay are separated by a constriction: the Verrazano Narrows. Newark Bay, the smallest of the four, is linked to the other embayments by narrow, natural channels. Newark Bay is connected to Upper New York Bay by the Kill Van Kull, and to Raritan Bay/Lower New York Bay by the Arthur Kill. The Harbor also contains a network of public and private channels and berths, including those constructed and maintained by agencies of Federal, state, and local governments and by private companies.

8. The New York and New Jersey Harbor is an estuary, a semi-enclosed coastal body of water having a free connection with the open sea. It is thus strongly affected by tidal action, and within it seawater is mixed (and usually measurably diluted) with fresh water from land drainage. Estuaries are transition zones between freshwater and marine habitats. The core area of the New York and New Jersey Harbor estuary is the Hudson-Raritan estuary, which extends from the Piermont Marsh in New York State to the Sandy Hook-Rockaway Point Transect. This region of the Harbor includes the bi-state waters of Raritan Bay, Lower New York Bay, Upper New York Bay, Hudson River, Kill Van Kull, Arthur Kill, and smaller New Jersey tributaries such as the Passaic and Hackensack Rivers, which enter Newark Bay; the Raritan River, which enters Raritan Bay; and New York's East River, which enters Upper New York Bay at the southern end of Manhattan. The estuary, which includes approximately 298 square miles of surface water, has an average depth of 21 ft.

9. Habitat types found in the Harbor include: tidal rivers, salt and freshwater tidal marshes, woodlands, shallow bays, barrier beaches, and sand dunes. Water is the predominant habitat type. Salt and freshwater tidal marshes cover 180,000 acres in New Jersey and 25,000 acres in New York. The greatest percentage of the Harbor's marshes is located outside the proposed study area. The New York and New Jersey Harbor supports diverse and productive finfish, crustacean, and shellfish populations, with over 100 species of fish (many of commercial and recreational importance, commercially important crustaceans (including lobster and blue crab), and commercially important shellfish populations (including the clam, Mercenaria mercenaria). Over the last 100 years aquatic populations have experienced dramatic declines due to overfishing, deteriorating water quality, and loss of habitat. The leading commercial fisheries in the estuary are winter flounder, menhaden, bluefish, weakfish, blue crab, and baitfish. Ocean quahogs (clams), sea scallops, and blue mussels are commercially valuable shellfish.

10. The waterways are intensively used navigation channels, and with the recent dredging and re-opening of the Howland Hook Marine Terminal and deepening of the Kill Van Kull/Newark Bay Channels, there is no reason to believe that the level of maritime activity in the Harbor will decrease in the immediate future.

Joseph Vietri,

Acting Chief, Planning Division.

[FR Doc. 99–25533 Filed 9–30–99; 8:45 am]

BILLING CODE 3710–06–P

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education, Meeting

AGENCY: National Advisory Council on Indian Education, ED.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. The purposes of this meeting are to discuss the President Executive Order 13096 on American Indian and Alaska Native Education, and to discuss the reauthorization of programs under the Elementary and Secondary Education Act of 1965 (ESEA), of which the Title IX Indian Education Program is included. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES AND TIMES: October 18, 1999, 1:00 p.m.–5:00 p.m. and October 19, 1999, 9:00 a.m.–4:30 p.m.

PLACE: Westin Hotel, Oklahoma City, OK, (405) 235–2780.

FOR FURTHER INFORMATION CONTACT: Dr. David Beaulieu, Director, Office of Indian Education, 400 Maryland Avenue, SW, Washington, DC 20202. Telephone: (202) 260–3774; Fax: (202) 260–7779.

SUPPLEMENTARY INFORMATION: The National Advisory Committee on Indian Education is a presidential appointed advisory council on Indian education established under Section 9151 of Title IX of the Elementary and Secondary Education Act of 1965, as amended, (20 U.S.C. 7871). The Council advises the Secretary of Education and the Congress on funding and administration of programs with respect to which the Secretary has jurisdiction and that includes Indian children and adults as participants from which they benefit. The Council also makes recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs. The meeting of the Council is open to the public without advanced registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the Council for its consideration. Written statements should be submitted to the address listed above.

A summary of the proceedings and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting, and are available for public inspection at the Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202 from the hours of 8:30 a.m. to 5:00 p.m.

Judith Johnson,

Acting Assistant Secretary, Office of Elementary and Secondary Education.

The Westin Hotel

Oklahoma City, OK

405–235–2780

Monday, October 18, 1999

1:00 p.m. Roll Call
Review Agenda and Purpose of Meeting
1:30–2:00 Presidential Executive Order 13096 on American Indian and Alaska Native Education
Update on ESEA Reauthorization
2:00–4:00 Draft NACIE Charter and Work Plan
Annual Report Review
OIE Staff Updates
4:30–5:00 Summarize Discussion & Set Agenda for Next Day

Tuesday, October 19, 1999

9:00 a.m. Call to Order
9:15–10:30 Continue Business Meeting
10:30–12:00 Open Meeting On:
Reauthorization of Indian Education Programs Executive Order 13906
12:00–1:00 Lunch
1:00–4:00 Open Meeting Continued
4:00–4:30 Summarize Meeting Accomplishments
4:30 p.m. Adjourn NACIE Meetings

[FR Doc. 99–25643 Filed 9–30–99; 8:45 am]

BILLING CODE 4000–02–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GP99–15–000]

Burlington Resources Oil & Gas Company; Notice of Petition for Dispute Resolution or, Alternatively, for Staff Adjustment Relief From Refund Obligation

September 27, 1999.

Take notice that, on May 12, 1998, Burlington Resources Oil & Gas Company (Burlington) requested that the Commission resolve Burlington's dispute with Northern Natural Gas Company (Northern) over the Kansas *ad valorem* tax reimbursement refunds that Northern claims Burlington owes as a result of tax reimbursements that Northern paid to Burlington's predecessor—Southland Royalty Company (Southland).[1] Burlington requests that the Commission find that it has no such refund liability to Northern, due to a February 28, 1989 Take-or-Pay Settlement Agreement (1989 Settlement) between Southland and Northern that settled certain claims involving over 30 separate gas purchase contracts, covering properties located in three different states, including the State of Kansas. Burlington's petition is on file with the Commission and is open to public inspection.

In its September 10, 1997 order in Docket No. RP97–369–000, *et al.*,[2] the Commission required First Sellers to refund the Kansas *ad valorem* tax reimbursements to the pipelines (with interest) for the period from 1983 to 1988. In its January 28, 1998 Order Clarifying Procedures [82 FERC ¶61,059 (1998)], the Commission stated that producers (*i.e.*, First Sellers) could file dispute resolution requests with the Commission, asking the Commission to resolve disputes with the pipeline over the amount of Kansas ad *valorem tax* refunds owed.

In its petition, Burlington asserts that the 1989 Settlement between Southland and Northern explicitly resolved all disputes between the parties regarding the affected contracts, and that the parties mutually agreed to release and discharge each other and their respective successors and assigns from any and all liabilities claims and causes of action relating to those contracts, whether at law or in equity, and whether known or unknown, for all periods through January 31, 1989. Burlington contends that, under the 1989 Settlement, all claims for additional monies associated with the subject contracts, for any time period prior to January 31, 1989, were intended by the parties to be resolved as of February 28, 1989. Thus, Burlington contends that Northern, by contract, has agreed to release Burlington from any responsibility regarding additional monies owed with respect to the Kansas contracts, and that Northern is contractually bound to indemnify Burlington, as Southland's successor, with respect to any claims, including

[1] Burlington's May 12, 1998 dispute resolution request was originally filed in Docket No. SA99–1–000, Burlington's petition for staff adjustment with respect to Panhandle Eastern Pipe Line Company's Kansas *ad valorem* tax reimbursement refund claim. Burlington's May 12 request is now being docketed separately as a petition for dispute resolution, under Docket No. GP99–15–000, because it pertains to a different Kansas ad valorem tax reimbursement refund claim, levied by a different pipeline.

[2] See: 80 FERC ¶ 61,264 (1997); rehearing denied, 82 FERC ¶ 61,058 (1998).

Northern's Kansas *ad valorem* tax reimbursement refund claim.

Burlington adds, however, that it is not claiming that the tax reimbursement refunds should not be made to the ultimate consumers, only that Southland entered into an arms-length contractual agreement with Northern, and that Northern, by agreeing to release Southland from any and all future liability with regard to the Kansas contracts, assumed the obligation to make such payments on behalf of Southland, as consideration for value received from Southland pursuant to the 1989 Settlement, including the mutual release and indemnification, and the termination of Northern's take-or-pay obligations under numerous contracts.

Burlington also contends that, to the extent its predecessor (Southland) received any value in excess of the applicable maximum lawful price for the gas Northern purchased under the Kansas contract, Southland has already reimbursed Northern for that value through the consideration provided to Northern pursuant to the release of Northern from its take-or-pay liability under the numerous contracts covered by the 1989 Settlement.

Burlington also asserts that the Natural Gas Policy Act of 1978 (NGPA) does not prohibit a pipeline from contractually assuming a producer's refund liability under the NGPA. Burlington contends that, since the Commission has found that the consumers are bound by their contractual agreements that relinquished their rights to Kansas *ad valorem* tax reimbursement refund from El Paso Natural Gas Company, Natural Gas Pipeline Company of America, and ANR Pipeline Company,[3] there is no justification for not holding a pipeline to its contractual agreements to release and indemnify gas sellers from the obligation to refund tax reimbursements.

In the event that the Commisison finds that Northern's indemnification of Southland is not applicable to the actual Kansas *ad valorem* tax reimbursement refund amounts (*i.e.*, the principal portion of Northern's refund claim), Burlington contends that the Commisison should nevertheless find, at a minimum, that Northern has indemnified Burlington from paying the interest on the principal. In the event that the Commisison finds that Northern has not assumed Burlington's refund liability, as a result of entering into the 1989 Settlement, Burlington requests relief from having to pay both the principal and interest to Northern, pursuant to section 502(c) of the NGPA, based on Burlington's contention that it would be inequitable to absolve Northern of its contractual commitment to release Burlington from all liabilities associated with the Kansas contracts. In this regard, Burlington claims that the release Northern obtained was for value in exchange for its indemnification, and that it would be inequitable to allow Northern to now be relieved of its *quid pro quo* under the 1989 Settlement, solely because the indemnification obligation would require Northern to assume Burlington's liability for Kansas *ad valorem* tax reimbursement refunds.

Any person desiring to comment on or make any protest with respect to the above-referenced petition should, on or before October 18, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or protest in accordance with the requirements of the Commisison's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceeding, or to participate as a party in any hearing therein, must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,

Secretary.

[FR Doc. 99–25586 Filed 9–30–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2566–010]

Consumers Energy Company; Notice Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

September 27, 1999.

The license for the Webber Hydroelectric Project No. 2566, located on the Grand River near the City of Portland, in Ionia County, Michigan, will expired on March 31, 2001. On March 30, 1999, an application for new major license was filed. The following is an approximate schedule and procedures that will be followed in processing the application:

Date	Action
August 16, 1999	Commission issues notice of the accepted application establishing October 15, 1999, for filing motions to intervene and protests.
November 26, 1999	Commission's deadline for applicant to file a final amendment, if any, to its application.
February 29, 2000	Commission notifies all parties and agencies that the application is ready for environmental analysis.

Upon receipt of all additional information and the information filed in response to the public notice of the acceptance of the application, the Commission will evaluate the application in accordance with applicable statutory requirements and take appropriate action on the application.

Any questions concerning this notice should be directed to Tom Dean at (202) 219–2778.

David P. Boergers,

Secretary.

[FR Doc. 99–25588 Filed 9–30–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–510–000]

Koch Gateway Pipeline Company; Notice of Proposed Changes to FERC Gas Tariff

September 27, 1999.

Take notice that on September 22, 1999, Koch Gateway Pipeline Company

[3] *El Paso Natural Gas Co.* 85 FERC ¶ 61,003 (1998); *Natural Gas Pipeline Company of America*, 85 FERC ¶ 61,004 (1998); and *ANR Pipeline Co.*, 85 FERC ¶ 61,005 (1998).

(Koch) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, First Revised Sheet No. 1415, and Original Sheet No. 1416, to become effective October 22, 1999.

The proposed tariff sheets were filed to make revisions to Koch's tariff with respect to the generic types of rate discounts that may be granted. Specifically, the proposed tariff revisions include a new Section 7.7(a) of the General Terms and Conditions that specifies the types of transportation discounts that will not constitute material deviations to Koch's proforma transportation agreements. The proposed tariff provision will be applicable only to Koch's FT, IT and NNS rate schedules.

In accordance with Section 154.208 of the Commission's Regulations, copies of this filing have been served upon Koch's customers, state commissions and other interested parties. In addition, copies of the instant filing are available during regular business hours for public inspection in Koch's offices in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25591 Filed 9–30–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM00–1–31–000]

Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

September 27, 1999.

Take notice that on September 22, 1999, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets to be effective November 1, 1999:

First Revised Sheet No. 5
First Revised Sheet No. 6
Second Revised Sheet No. 7

REGT states that the purpose of this filing is to adjust REGT's fuel percentages and Electric Power Costs Tracker pursuant to Sections 27 and 28 of its General Terms and Conditions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be reviewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25592 Filed 9–30–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER96–2495–012, et al.]

AEP Power Marketing, Inc., et al.; Electric Rate and Corporate Regulation Filings

September 24, 1999.

Take notice that the following filings have been made with the Commission:

1. AEP Power Marketing, Inc.

[Docket No. ER96–2495–012]

Take notice that on September 21, 1999, AEP Power Marketing, Inc. (AEP Marketing), tendered for filing with the Federal Energy Regulatory Commission an updated market analysis and a request to remove a self-imposed limitation that it not sell power at market-based rates to entities that are directly connected with any of the AEP Operating Companies or are separated from any of the AEP Operating Companies by one intervening system.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Sunbury Generation, LLC

[Docket No. ER99–3420–001]

Take notice that on September 21, 1999, Sunbury Generation, LLC (Sunbury Generation), tendered for filing its compliance filing in the above-captioned proceeding.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. EML Power, L.L.C.

[Docket No. ER99–4262–000]

Take notice on September 22, 1999, EML Power, L.L.C. (EML Power), tendered for filing a letter with the Federal Energy Regulatory Commission (Commission) in the above-captioned docket to amend the August 27, 1999 filing therein by withdrawing Appendix A, containing EML Power, L.L.C., FERC Electric Rate Schedule No. 1, to such filing and requesting that the Commission accept a revised EML Power, L.L.C. FERC Electric Rate Schedule No. 1, which omits references to an agreement between EML Power and Florida Power Corporation.

EML Power has sought a shortened notice period and expedited approval for its filing.

Comment date: October 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. PacifiCorp

[Docket No. ER99-4390-000]

Take notice that on September 21, 1999, PacifiCorp tendered for filing its request for a withdrawal of its filing letter in FERC Docket No. ER99–4390–000 and a termination of any further Commission action therein.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Pacific Gas and Electric Company

[Docket No. ER99–4484–000]

Take notice that on September 21, 1999, Pacific Gas and Electric Company (PG&E), tendered for filing a proposed Amended Imbalance Energy Agreement between the Sacramento Municipal Utility District (SMUD) and PG&E (Amended Agreement). The Amended Agreement will replace the Interim Short Term Coordination Agreement, dated July 28, 1998 (Agreement). The Agreement and its appendices were originally accepted for filing by the Commission in FERC Docket No. ER98–4067–000 and designated as PG&E Rate Schedule FERC No. 201.

PG&E has requested certain waivers.

Copies of this filing were served upon Sacramento Municipal Utility District, the California Independent System Operator and the California Public Utilities Commission.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER99–4493–000]

Take notice that on September 21, 1999, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (d/b/a GPU Energy), tendered for filing an executed Service Agreement between GPU Energy and New York State Electric & Gas Corporation (NYSEG), dated September 16, 1999. This Service Agreement specifies that NYSEG has agreed to the rates, terms and conditions of GPU Energy's Market-Based Sales Tariff (Sales Tariff) designated as FERC Electric Rate Schedule, Second Revised Volume No. 5. The Sales Tariff allows GPU Energy and NYSEG to enter into separately scheduled transactions under which GPU Energy will make available for sale, surplus capacity and/or energy.

GPU Energy requests a waiver of the Commission's notice requirements for good cause shown and an effective date of September 16, 1999, for the Service Agreement.

GPU Energy has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Entergy Services, Inc.

[Docket No. ER99–4495–000]

Take notice that on September 21, 1999, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Short-Term Market Rate Sales Agreement between Entergy Services, as agent for the Entergy Operating Companies, and Allegheny Power Service Corporation as agent for Monongahela Power Company, The Potomac Edison Company and West Penn Power Company, collectively d/b/a Allegheny Power, for the sale of power under Entergy Services' Rate Schedule SP.

Comment date: October 8, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Arizona Public Service Company

[Docket No. ER99–4511–000]

Take notice that on September 23, 1999, Arizona Public Service Company (APS), tendered for filing Service Agreement to provide Long-Term Firm Point-to-Point Transmission Service to PacifiCorp under APS' Open Access Transmission Tariff.

A copy of this filing has been served PacifiCorp, Oregon Public Utility Commission, and the Arizona Corporation Commission.

Comment date: October 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. The Montana Power Company

[Docket No. ER99–4512–000]

Take notice that on September 23, 1999, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 executed Firm and Non-Firm Point-To-Point Transmission Service Agreements with Western Area Power Administration under Montana's FERC Electric Tariff, Fourth Revised Volume No. 5 (Open Access Transmission Tariff), replacing previously filed unexecuted service agreements.

A copy of the filing was served upon Western Area Power Administration.

Comment date: October 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Alliant Energy Corporate Services, Inc.

[Docket No. ER99–4513–000]

Take notice that on September 23, 1999, Alliant Energy Corporate Services, Inc., on behalf of IES Utilities Inc. (IES), Interstate Power Company (IPC) and Wisconsin Power and Light Company (WPL), tendered for filing with the Commission an amendment to Schedule 4 of its Open Access Transmission Tariff to facilitate the retail access program initiated by the Illinois deregulation legislation.

A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce, the Public Service Commission of Wisconsin, its transmission customers and all parties in Illinois Commerce Commission Docket Nos. 99–0124, 99–0125, 99–0132 and 99–0133.

Comment date: October 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Open Access Same-Time Information System (OASIS) and Standards of Conduct

[Docket No. RM95–9–003]

Take notice that on August 31, 1999, the How Working Group (How Group), tendered for filing a report on the OASIS Phase IA Audit Reporting Experiment. The filing of the report was directed by the Commission in its Order on Transition From OASIS Phase I to OASIS Phase IA and Authorizing Proposed Phase IA Audit Reporting Experiment, issued February 10, 1999, in the above-docketed proceeding. The How Group requests that waiver of compliance with the original OASIS Phase IA auditlog templates be extended until the How Group submits and the Commission approves a revised Standards & Communications Protocols Document incorporating the experimental audit reporting facilities.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25503 Filed 9–30–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–236–000, et al.]

Armstrong Energy LLC, et al.; Electric Rate and Corporate Regulation Filings

September 27, 1999.

Take notice that the following filings have been made with the Commission:

1. Armstrong Energy LLC

[Docket No. EG99–236–000]

Take notice that on September 22, 1999, Armstrong Energy LLC (Armstrong) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Armstrong is owned by Dominion Armstrong, Inc, a Delaware corporation, and CNG Power Services Corporation, also a Delaware corporation. Dominion Armstrong, Inc. is a wholly owned subsidiary of Dominion Energy, Inc. which in turn is a wholly owned subsidiary of Dominion Resources, Inc. CNG Power Services Corporation is a wholly owned subsidiary of Consolidated Natural Gas Company, a Delaware corporation. Armstrong will be engaged directly and exclusively in the business of developing eligible facilities that it will own and/or operate and from which it will sell electric energy at wholesale.

Comment date: October 18, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Troy Energy LLC

[Docket No. EG99–237–000]

Take notice that on September 22, 1999, Troy Energy LLC (Troy) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Troy is owned by Dominion Troy, Inc, a Delaware corporation, and CNG Power Services Corporation, also a Delaware corporation. Dominion Troy, Inc. is a wholly owned subsidiary of Dominion Energy, Inc. which in turn is a wholly owned subsidiary of Dominion Resources, Inc. CNG Power Services Corporation is a wholly owned subsidiary of Consolidated Natural Gas Company, a Delaware corporation. Troy will be engaged directly and exclusively in the business of developing eligible facilities that it will own and/or operate and from which it will sell electric energy at wholesale.

Comment date: October 18, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Jefferson Energy LLC

[Docket No. EG99–238–000]

Take notice that on September 22, 1999, Jefferson Energy LLC (Jefferson) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Jefferson is owned by Dominion Jefferson, Inc, a Delaware corporation, and CNG Power Services Corporation, also a Delaware corporation. Dominion Jefferson, Inc. is a wholly owned subsidiary of Dominion Energy, Inc. which in turn is a wholly owned subsidiary of Dominion Resources, Inc. CNG Power Services Corporation is a wholly owned subsidiary of Consolidated Natural Gas Company, a Delaware corporation. Jefferson will be engaged directly and exclusively in the business of developing eligible facilities that it will own and/or operate and from which it will sell electric energy at wholesale.

Comment date: October 18, 1999, in accordance with Standard E at the end of this notice.

4. Pleasant Energy LLC

[Docket No EG99–239–000]

Take notice that on September 22, 1999, Pleasants Energy LLC (Pleasants) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Pleasants is owned by Dominion Pleasants, Inc, a Delaware corporation, and CNG Power Services Corporation, also a Delaware corporation. Dominion Pleasants, Inc. is a wholly owned subsidiary of Dominion Energy, Inc. which in turn is a wholly owned subsidiary of Dominion Resources, Inc. CNG Power Services Corporation is a wholly owned subsidiary of Consolidated Natural Gas Company, a Delaware corporation. Pleasants will be engaged directly and exclusively in the business of developing eligible facilities that it will own and/or operate and from which it will sell electric energy at wholesale.

Comment date: October 18, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. PP&L Great Works, LLC

[Docket No. EG99–240–000]

Take notice that on September 23, 1999, PP&L Great Works, LLC (Great Works), with its principal place of business at 11350 Random Hills Road, Suite 400, Fairfax, VA 22030, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations and Section 32 of the Public Utility Holding Company Act of 1935 as amended. Great Works is a wholly-owned indirect subsidiary of PP&L Resources, Inc. Great Works will own and operate a hydroelectric generating facility located on the Penobscot River in Old Town, Maine and will sell electricity exclusively at wholesale.

Comment date: October 18, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. UGI Development Company

[Docket No. EG99–241–000]

Take notice that on September 23, 1999, UGI Development Company filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

UGI Development Company is a wholly owned subsidiary of UGI Utilities, Inc. formed under the laws of the State of Pennsylvania for the

primary purpose of owning and operating the Hunlock Power Station, a coal-fire electric generation facility with a continuous net capacity of 43 MW located at Hunlock Creek, Pennsylvania and owning a 1.11% interest in the Conemaugh Power Station, a coal-fired electric generation facility consisting of two 850 MW units located near Indiana, Pennsylvania.

Comment date: October 18, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

7. Shamrock Trading, LLC

[Docket No. ER98–3526–004]

Take notice that on September 24, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only.

8. MidAmerican Energy Company

[Docket No. ER99–4496–000]

Take notice that on September 22, 1999, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Suite 800, Des Moines, Iowa 50303 tendered for filing a rate schedule change consisting of the Second Amendment dated August 27, 1999 to the Electric Interconnection Agreement dated November 1, 1991 and entered into by a predecessor of MidAmerican with Northwest Iowa Power Cooperative (NIPCO).

MidAmerican states that the Second Amendment provides for an additional point of interconnection at the MidAmerican Hospers Substation. MidAmerican proposes that the Second Amendment become effective on the sixtieth day after the date of filing.

Copies of the filing were served on representatives of NIPCO, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public utilities Commission.

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Northeast Utilities Service Company

[Docket No. ER99–4497–000]

Take notice that on September 22, 1999, Northeast Utilities Service Company (NUSCO) tendered for filing, Service Agreement to provide Non-Firm Point-To-Point Transmission Service to North Carolina Electric Membership Corporation under the NU System Companies' Open Access Transmission Service Tariff No. 9.

NUSCO states that a copy of this filing has been mailed to North Carolina Electric Membership Corporation.

NUSCO requests that the Service Agreement become effective October 1, 1999.

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Northeast Utilities Service Company

[Docket No. ER99–4498–000]

Take notice that on September 22, 1999, Northeast Utilities Service Company (NUSCO), on tendered for filing, a Service Agreement to provide Firm Point-To-Point Transmission Service to North Carolina Electric Membership Corporation under the NU System Companies' Open Access Transmission Service Tariff No. 9.

NUSCO states that a copy of this filing has been mailed to North Carolina Electric Membership Corporation.

NUSCO requests that the Service Agreement become effective October 1, 1999.

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of this notice:

11. PP&L, Inc.

[Docket No. ER99–4499–000]

Take notice that on September 22, 1999, PP&L, Inc. (PP&L) filed a Service Agreement dated August 6, 1999 with OGE Energy Resources (OGE) under PP&L's Market-Based Rate and Resale of Transmission Rights Tariff, FERC Electric Tariff, Revised Volume No. 5. The Service Agreement adds OGE as an eligible customer under the Tariff.

PP&L requests an effective date of September 22, 1999 for the Service Agreement.

PP&L states that copies of this filing have been supplied to OGE and to the Pennsylvania Public Utility Commission.

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Niagara Mohawk

[Docket No. ER99–4500–000]

Take notice that on September 22, 1999, Niagara Mohawk filed a Notice of Cancellation of its Form Transmission Service Agreement, designated at FERC Rate Schedule No. 199, effective November 1, 1989, and any supplements thereto with Cornwall Street Railway Light and Power Company Limited, operating as Cornwall Electric (CE).

The cancellation is effective March 5, 1999.

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. New Century Services, Inc.

[Docket No. ER99–4501–000]

Take notice that on September 22, 1999, New Century Services, Inc., on behalf of Public Service Company of Colorado (PSCo), filed the Power Sale Agreement between UtiliCorp United Inc.,.d.b.a. WestPlains Energy—Colorado Division (UtiliCorp) and PSCo (Agreement). The Agreement provides for the sale of capacity and energy by PSCo to UtiliCorp at negotiated rates, terms, and conditions for the period January 1, 2002 through December 31, 2006.

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of the notice.

14. Central Power and Light Company

[Docket No. ER99–4502–000]

Take notice that on September 22, 1999, Central Power and Light Company (CPL) submitted for filing an Interconnection Agreement, dated September 2, 1998, between CPL and South Texas Electric Cooperative, Inc. (STEC) and an interconnection agreement, dated December 11, 1980 between CPL and STEC. The September 2, 1998 Interconnection Agreement supersedes a number of present interconnections and interchange agreements between CPL, STEC and, in some instances, Medina Electric Cooperative, Inc. (Medina), including the December 11, 1980 interconnection agreement.

CPL seeks an effective date of September 2, 1998 for the September 2, 1998 Interconnection Agreement and of December 11, 1980 for the December 11, 1980 interconnection agreement, and, accordingly, seeks waiver of the Commission's notice requirements.

CPL served copies of the filing on STEC, Medina and the Public Utility Commission of Texas.

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Boston Edison Company

[Docket No. ER99–4518–000]

Take notice that on September 22, 1999, Boston Edison Company filed its quarterly transaction report.

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Alcoa Power Generating Inc., et al.

[Docket No. OA99–3–000]

Take notice that on September 13, 1999, Alcoa Power Generating Inc., on behalf of its power subsidiaries, Tapoco, Inc., Yadkin, Inc., Aloca Generating Corporation, Long Sault, Inc., and

Colockum Transmission Company, Inc. filed standards of conduct under Order Nos. 889 *et seq.*[1]

Comment date: October 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–25584 Filed 9–30–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4055–024 Idaho]

Vernon Ravenscroft; Notice of Availability of Final Environmental Assessment

September 27, 1999.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, the Office of Hydropower Licensing has reviewed the application requesting the Commission's authorization to amend the Ravenscroft Ranch Project's exemption. The amendment would increase the crest elevation of the canal spillway by six inches and the height of the operating penstock intake structures by two feet and would also increase the operating water level on the project canal by six inches. The Ravenscroft Ranch Project is located on the Malad River, in Gooding County, Idaho.

The Office of Hydropower Licensing has prepared a final Environmental Assessment (FEA) finding that approval of the proposed amendment would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the FEA can be viewed at the Commission's Public Reference Room, Room 2A, 888 First Street, N.E., Washington, DC 20426, or by calling (202) 208–1371. The FAA also may be viewed on the Web at www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance. For further information, please contact Sean Murphy at (202) 219–2974.

David P. Boergers,

Secretary.

[FR Doc. 99–25589 Filed 9–30–99; 8:45 am]

BILLING CODE 6717–01–M

[1] Open Access Same-Time Information System (Formerly Real-Time Information network) and Standards of Conduct, 61 FR 21737 (May 10, 1996), FERC Stats. & Regs., Regulations Preambles January 1991–1996 ¶ 31,035 (April 24, 1996); Order No. 889–A, *order on rehearing*, 62 FR 12484 (March 14, 1997), III FERC Stats. & Regs. ¶ 31,049 (March 4, 1997); Order No. 889–B, *rehearing denied*, 62 FR 64715 (December 9, 1997), III FERC Stats. & Regs. ¶ 31,253 (November 25, 1997).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–284–000]

Koch Gateway Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Index 1 Pipeline and Laterals Abandonment Project and Request for Comments on Environmental Issues

September 27, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Index 1 Pipeline and Laterals Abandonment Project by Koch Gateway Pipeline Company (Koch) in Kaufman, Dallas and Tarrant Counties, Texas.[1] The project would involve abandonment of about 101.6 miles of various diameter pipeline and appurtenances. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

Summary of the Proposed Project

Koch Gateway pipeline Company (Koch) wants to abandon in place its Index 1 Pipeline System and appurtenant facilities in Kaufman, Dallas, and Tarrant Counties, Texas because continued operation and maintenance of the pipeline system is neither economically feasible nor desirable due to the age of the pipeline and U.S. Department of Transportation class locations changes resulting from adjacent development. Koch seeks authority to:

- abandon in place about 72.4 miles of 10-, 16-, 18-, and 20-inch-diameter Index 1 pipeline in Kaufman, Dallas, and Tarrant Counties, Texas;
- abandon in place the following lateral pipelines totaling about 29.2 miles in Dallas and Tarrant Counties, Texas:
- 7.3 miles of 12-inch-diameter Index 1–31 pipeline;
- 0.9 miles of 18-inch-diameter Index 1–32 pipeline;
- 5.6 miles of 20-inch-diameter Index 1–37 pipeline;
- 10.6 miles of 16-inch-diameter Index 4 pipeline;
- 4.7 miles of 20-inch-diameter Index 6 pipeline; and
- 0.1 miles of 4-inch-diameter Index 808 pipeline.
- Replace and run pigs at 39 launching and receiving facilities on the pipelines proposed for abandonment; and
- abandon by removal appurtenant facilities consisting of 6 meter stations, 39 blow-off assemblies, 12 by-pass valves, 15 block valves, 8 tap valves, 40 segments of pipeline of various diameters totaling about 429 feet, about 1,690 feet of pipeline of various diameters at four waterbody crossings, 63 farm taps, 5 industrial taps, and certain other minor facilities.

The location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Installation and operation of the pig launching and receiving facilities, the cutting and capping of the pipelines proposed for abandonment in place, and abandonment by removal of the appurtenant facilities would require the digging of about 48 bell-holes of various sizes, that would disturb a total of about 0.32 acre on existing Koch right-of-way. Upon the grant of abandonment, all project related rights-of-way would revert to the landowners.

[1] Koch's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, DC, 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests the public comments on the scope of the issue sit will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Hazardous waste.
- Land use.
- Endangered and threatened species.
- Cultural resources.
- Public safety.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issue

We have already identified an issue that we think deserves attention based on a preliminary review of the proposed facilities and the environmental information provided by Koch. Additional issues may arise based on your comments and our analysis.

- If the Commission grants Koch its request for abandonment authority, the leases upon which the rights-of-way are located would revert to the landowners. Therefore, we will also evaluate whether or not Koch should abandon its facilities in-place or by removal.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send Two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.1;
- Reference Docket No. CP98–284–000; and
- Mail your comments so that they will be received in Washington, DC on or before October 27, 1999.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention.

You do not need intervenor status to have your environmental comments considered. Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 99–25585 Filed 9–30–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Applications for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

September 27, 1999.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

a. *Applications Type:* Transfer of License.

b. *Project Nos.:* 1889–034, 2485–012, 2576–023, 2597–018, and 2662–004.

c. *Dated Filed:* August 31, 1999.

d. *Applicants:* The Connecticut Light and Power Company (CL&P)—transferor for projects nos. 2576–023, 2597–018, 2662–004, and co-transferor for project

no. 2485–012, Western Massachusetts Electric Company (WMECO)—transferor for project no. 1889–034 and co-transferor for project no. 2485 and Northeast Generation Company (NGC)—transferee for all five projects.

e. *Names of Projects:* Turner Falls (1889–034), Northfield (2485–012), Housatonic (2576–023), Falls Village (2597–018), and Scotland (2662–004).

f. *Locations:* Turner Falls—on the Connecticut River, in Franklin County, Massachusetts and Windham County Vermont; Northfield—on the Connecticut River, in Franklin County, Massachusetts; Housatonic—on the Housatonic River in Fairfield, New Haven, and Litchfield Counties, Connecticut; Falls Village—on the Housatonic River in Litchfeild County, Connecticut; and, Scotland—on the Shetucket River in Windham County, Connecticut. The projects do not utilize federal or tribal lands.

g. *Filed pursuant to:* 18 CFR 4.200.

h. *Applicants Contacts:* For transferors and co-transferors—Ms. Donna M. Gilbane and Ms. Cynthia Brodhead, Senior Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141, tel. (860) 665–5000, e-mail addresses: *gilbadm@nu.com.brodhed@nu.com*. For transferee—Mr. Philip M. Small, Assistant General Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141, tel. (860) 665–5000, e-mail address: *smallpm@nu.com* and Mr. James B. Vasile, Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036, e-mail address: *jvasile@steptoe.com*.

i. *FERC Contact:* Any questions on this notice should be addressed to Tom Papsidero at (202) 219–2715, e-mail address: *Thomas.Papsidero@ferc.fed.us*.

j. *Deadline for filing comments and/or motions:* October 12, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426.

Please include the project numbers (1889–034, 2485–012, 2576–023, 2597–018, and/or 2662–004) on any comments or motions filed.

k. *Description of Transfer:* CL&P and WMECO request to transfer the licenses related to the sale of generating assets to NCG as a result of corporate restructuring and divestiture of assets in accordance with the retail restructuring order of the Massachusetts Department of Telecommunications and Energy.

The transfer application was filed within five years of the expiration of the licenses for Project Nos. 2576 and 2597, which are subject to a pending application for new license, filed August 31, 1999. In Hydroelectric Relicensing Regulations Under the Federal Power Act, 54 Fed. Reg. 23,756 (June 2, 1989); FERC Statutes and Regulations, Regulations Preambles 1986–1900 ¶ 30,854 at p. 31,438 n. 318 (May 17, 1989) (Order No. 513), the Commission declined to forbid all license transfers during the last five years of an existing license, and instead indicated that it would scrutinize all such transfer requests to determine if the transfer's primary purpose was to give the transferee an advantage in relicensing.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at each address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–25587 Filed 9–30–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

September 27, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and available for public inspection:

a. *Type of Application:* Original Minor License.

b. *Project No.:* 11685–001.

c. *Dated filed:* September 10, 1999.

d. *Applicant:* The Stockport Mill Country Inn.

e. *Name of Project:* Stockport Mill Country Inn Water Power Project.

f. *Location:* On the Muskingum River, near the town of Stockport, in Morgan County, Ohio. The project would not utilize federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* David Brown Kinloch, Soft Energy Associates, 414 South Wensel Street, Louisville, KY 40204, (502) 589–0975.

i. *FERC Contact:* Tom Dean, thomas.dean@ferc.fed.us, (202) 219–2778.

j. *Deadline for filing additional study request:* November 9, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commisison, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a

particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Status of environmental analysis:* This application is not ready for environmental analysis at this time.

l. *Description of the Project:* The proposed project would consist the following facilities: (1) the exiting 20-foot-high, 482-foot-long Muskingum Lock and Dam No. 6; (2) an existing 476-acre reservoir with a normal pool elevation of 640.1 feet msl; (3) an exiting 20 foot by 24 foot forebay with a 19-foot-wide vertical trashrack; (4) an existing powerhouse in the basement of the mill containing two proposed generating units with a total installed capacity of 235 kW; and (5) other appurtenances. The lock and dam is owned by the Ohio Department of Natural Resources, Division of Parks and Recreation.

m. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commisison's Public Reference Room, located 888 First Street, NE, Room 2A, Washington, DC 20246, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. With this notice, we are initiating consultation with the State Historic Preservation Officer as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

o. Under Section 4.32(b)(7) of the Commission's regulations (18 CFR 4.32(b)(7)), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commisison, not later than 60 days after the date application is filed, and must serve a copy of the request on the applicant.

David P. Boergers,

Secretary.

[FR Doc. 99–25590 Filed 9–30–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00279; FRL–6383–3]

Voluntary Cover Sheet for TSCA Submissions; Request for Comment on Renewal of Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following existing Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collection. The ICR is a renewal ICR entitled "Voluntary Cover Sheet for TSCA Submissions," EPA ICR No. 1780.02, OMB No. 2070–0156. The use of this ICR will enable the Agency more easily to collect, process, store, retrieve and disseminate information on health and environmental risks associated with toxic chemicals. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9.

DATES: Written comments, identified by the docket control number OPPTS–00279 and administrative record number 219 must be received on or before November 30, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00279 and administrative record number 219 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Christine M. Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (202) 554–1404; TDD: (202) 554–0551; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: John Myers, Information Management Division (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone number: 202–260–3543; fax number: 202–260–2347; e-mail address: meyers.john@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, process, use, import or distribute in commerce chemical substances that are subject to reporting requirements under sections 4, 8(d) or 8(e) of the Toxic Substances Control Act (TSCA). Potentially affected categories and entities may include, but are not limited to:

Type of business	SIC codes
Industrial organic chemicals	2819
Adhesives and sealants	2891
Paints and allied products	2851
Textile goods	2299
Petroleum products	5172

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. The Standard Industrial Classification (SIC) codes are provided to assist you and others in determining whether or not this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the "FOR FURTHER INFORMATION CONTACT."

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

A. Electronically

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**-Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

B. Fax-on-Demand

Using a faxphone call (202) 401–0527 and select item 4072 for a copy of the ICR.

C. In Person

The Agency has established an official record for this action under docket control number OPPTS–00279. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

III. How Can I Respond to this Notice?

A. How and to Whom Do I Submit the Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00279 and administrative record number 219 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Document Control Officer (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Officer (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically.* Submit your comments and/or data electronically by e-mail to: "oppt.ncic@epa.gov," or mail your computer disk to the address identified in Units III.A.1. and 2. of this document. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 5.1/6.1 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–00279 and administrative record number 219. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person identified in the "FOR FURTHER INFORMATION CONTACT."

C. What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

D. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of Paperwork Reduction Act (PRA), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

IV. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: Voluntary Cover Sheet for TSCA Submissions.

ICR numbers: EPA ICR No. 1780.02, OMB No. 2070–0156.

ICR status: This ICR is currently scheduled to expire on December 31, 1999.

Abstract: TSCA requires industry to submit information and studies for existing chemical substances under sections 4, 6, and 8. Under normal reporting conditions, EPA receives approximately 1,700 submissions each year; each submission represents on average three studies. In addition, specific data call-ins can be imposed on industry.

As a follow-up to industry experience with a 1994 TSCA data call-in, the Chemical Manufacturers Association (CMA), the Specialty Organics Chemical Manufacturers Association (SOCMA), and the Chemical Industry Data Exchange (CIDX), in cooperation with EPA, took an interest in pursuing electronic transfer of TSCA summary data and of full submissions to EPA. In particular, CMA developed a standardized cover sheet for voluntary use by industry as a first step to an electronic future and to begin familiarizing companies with standard requirements and concepts of electronic transfer. This form is designed for voluntary use as a cover sheet for submissions of information under TSCA

sections 4, 8(d) and 8(e). The cover sheet facilitates submission of information by displaying certain basic data elements, permitting EPA more easily to identify, log, track, distribute, review and index submissions, and to make information publicly available more rapidly and at reduced cost, to the mutual benefit of both the respondents and EPA.

Responses to the collection of information are voluntary. Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

V. What are EPA's Burden and Cost Estimates for this ICR?

Under the PRA, "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. For this collection it includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for this collection of information is estimated to average 0.5 hours per response. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: Entities potentially affected by this action are companies that manufacture, process, use, import or distribute in commerce chemical substances that are subject to reporting requirements under TSCA sections 4, 8(d) or 8(e).

Estimated total number of potential respondents: 2,240.

Frequency of response: On occasion.

Estimated total/average number of responses for each respondent: 1–2 (average).

Estimated total annual burden hours: 910 hours.

Estimated total annual burden costs: $68,250.

VI. Are There Changes in the Estimates from the Last Approval?

The burden hours included in this request represent a decrease of 438 hours in the annual burden, from 1,348 hours to 910 hours, from the request most recently approved by OMB. This decrease reflects a net decrease in the estimated number of submissions under the reporting requirements of TSCA sections 4, 8(d) and 8(e). Since the use of the Voluntary TSCA Cover Sheet directly reflects the number of submissions received under TSCA sections 4, 8(d) and 8(e), any change in the estimated numbers of submissions under those requirements will result in a parallel change in the burden hours associated with this information collection.

VII. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed in the "FOR FURTHER INFORMATION CONTACT."

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: September 25, 1999.

Susan H. Wayland,

Deputy Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–25576 Filed 9–30–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6246–6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or (202) 564–7153.

Weekly receipt of Environmental Impact Statements

Filed September 20, 1999 Through September 24, 1999 Pursuant to 40 CFR 1506.9.

EIS No. 990335, Final EIS, COE, AZ, Alamo Lake Reoperation and Ecosystem Restoration Feasibility Study, Implementation, Reoperation of Alma Dam on the Bill Williams River, La Paz and Mohave Counties, AZ, Due: November 01, 1999, Contact: Timothy Smith (213) 452–3854.

EIS No. 990336, Final EIS, NRS, HI, Lower Hamakua Ditch Watershed Plan, To Provide a Stable and Affordable Supply of Agricultural Water to Farmers and Other, COE Section 404 Permit, Watershed Protection and Flood Prevention, Hawaii County, HI, Due: November 01, 1999, Contact: Kenneth Kaneshiro (808) 541–2600.

EIS No. 990337, Draft EIS, IBR, NM, Elephant Butte and Caballo Reservoirs, Resource Management Plan (RMP), Implementation, Sierra and Socorro Counties, NM, Due: November 23, 1999, Contact: Clay McDermeit (505) 248–5391.

EIS No. 990338, Final EIS, IBR, CA, Contra Loma Reservoir Project, Future Use and Operation of Contra Costa Water District, COE Section 404 Permit, Contra Costa County, CA, Due: November 01, 1999, Contact: Bob Eckart (916) 978–5051.

EIS No. 990339, Final EIS, AFS, OR, Mill Creek Watershed Timber Sales Project, Implementation, Ochoco National Forest, Crook County, OR, Due: November 01, 1999, Contact: Dave Owens (541) 416–6425.

EIS No. 990340, Draft EIS, NPS, ID, MT, WY, Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr. Memorial Parkway Winter Use Plan, Implementation, Fremont County, ID, Gallatin and Park Counties, MT and Park and Teton Counties, WY, Due: November 15, 1999, Contact: Clifford Hawkes (303) 969–2262.

EIS No. 990341, Final EIS, FHW, MS, Airport Parking/Mississippi 25 Connectors, Construction at Intersection of High Street/ Interstate 55 (I–55) in the City of Jackson, Hinds and Rankin Counties, MS, Due: November 01, 1999, Contact: Cecil W. Vick, Jr. (601) 965–4217.

EIS No. 990342, Final EIS, FHW, MN, Phalen Boulevard Project, Construction of a new 4.3 Kilometer Roadway, from I35E to Johnson Parkway, Funding, in the City of St. Paul, Ramsey County, MN, Due: November 01, 1999, Contact: Bill Lohr (651) 291–6100.

EIS No. 990343, Final EIS, AFS, ID, Long Prong Project, Timber Harvesting, Road Construction and Reconstruction, Boise National Forest, Cascade Ranger District, Valley County, ID, Due: November 01, 1999,

Contact: David D. Rittenhouse (208) 373–4100.

EIS No. 990344, Final EIS, BLM, WY, Wyodak Coal Bed Methane Project, Implementation of Road Construction, Drilling Operation, Electrical Distribution Line, Powder River Basin, Campbell and Converse Counties, WY, Due: November 01, 1999, Contact: Richard Zander (307) 684–1161.

EIS No. 990345, Draft EIS, DOD, AK, ND, AS, National Missile Defense (NMD) Deployment System; Selection of Possible Deployment Sites: AK, AS and ND, Due: November 15, 1999, Contact: Julia Hudson (256) 955–4822.

EIS No. 990346, Final EIS, DOE, WA, Hanford Remedial Action, Revised and New Alternatives, Comprehensive Land Use Plan, Hanford Site lies in the Pasco Basin of the Columbia Plateau, WA, Due: November 01, 1999, Contact: Thomas W. Ferns (509) 376–4360.

EIS No. 990347, Draft EIS, SFW, CA, San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, Issuance of Incidental Take Permit, San Joaquin County, CA, Due: November 15, 1999, Contact: Ben Harrison (503) 231–2068.

EIS No. 990348, Draft EIS, COE, NY, NJ, New York and New Jersey Harbor Navigation Study, Identify, Screen and Select Navigation Channel Improvements, NY and NJ, Due: November 15, 1999, Contact: Jenine Gallo (212) 264–0912.

Amended Notices

EIS No. 990163, Draft EIS, BLM, CA, Soledad Canyon Sand and Gravel Mining Project, Proposal to Mine, Produce and Sell, "Split Estate" Private Owned and Federally Owned Lands, Transit Mixed Concrete, Los Angeles County, CA, Due: January 03, 2000, Contact: Ms Elena Misquez (760) 251–4804.

Published FR 05–21–99—Review Period Reestablished.

EIS No. 990266, Draft EIS, AFS, WY, Squirrel Meadows—Grand Targhee Land Exchange Proposal, Implementation, Targhee National Forest, Teton County, WY, Due: October 20, 1999, Contact: Patty Bates (208) 354–2312.

Published FR 08–06–99—Review Period extended. from 09–20–99 to 10–20–99.

Dated: September 28, 1999.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99–25631 Filed 9–30–99 8:45 pm]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6246–7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared August 23, 1999 Through September 17, 1999 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1999 (63 FR 17856).

Draft EISs

ERP No. D–AFS–L65302–AK Rating EC2, Kuakan Timber Sale, Timber Harvesting in the Kuakan Project Area, Implementation, Deer Island within the Wrangell Ranger District, Stikine Area of the Tongass National Forest, AK.

Summary

EPA expressed environmental concerns related to potential impacts to fish habitat, water quality, wildlife security, and visual quality for four of the alternatives under consideration. EPA recommended that additional information be included in the EIS regarding the methods to be used and the goals to be achieved with the use of a proposed "overstory removal" management prescription.

ERP No. D–USN–K11104–CA Rating EC2, Marine Corp Air Station (MCAS) Tustin Disposal and Reuse Plan, Cities of Tustin and Irvine, Orange County, CA.

Summary

EPA expressed concern regarding the mitigation of impacts to waters of the United States, including approximately 3.6 acres of wetlands, and on mitigating potential impacts from fertilizer and pesticide use associated with future golf course operations.

Final EISs

ERP No. F–AFS–K65273–AZ—Grand Canyon/Tusayan Growth Area Improvements, General Management Plan (GMP), Special-Use-Permit, Approvals and Licenses Issuance, Coconino County, AZ.

Summary

No formal comment letter was sent to the preparing agency.

ERP No. F–AFS–L65321–00—Douglas-fir Beetle Project, Harvest Tree, Regenerated Forest, Aquatic Restoration and Fuels Reduction, Idaho Panhandle National Forest, Coeur d'Alene River and Priest Lake Ranger District and Colville National Forest, Newport Ranger District, Kootenai, Shoshone and Bonner Counties, ID and Pend Orielle County, WA.

Summary

No formal comment letter was sent to the preparing agency.

ERP No. F–FAA–B51016–CT—Sikorsky Memorial Airport, Proposed Runway 6–24 Improvements, Construction, Stratford, CT.

Summary

EPA expressed concerns that the EIS continues to lack a clear discussion of the safety benefits associated with each alternative and how environmental losses of each alternative are justified. EPA requested that additional information be presented in the Record of Decision pertaining to the above and stormwater management.

ERP No. F–FAA–J11016–00—Adoption—Colorado Airspace Initiative, Modifications to the National Airspace System, such as the F–16 Aircraft and Aircrews of the 140th Wing of the Colorado Air National Guard, also existing Military Operations Area (MOAs) and Military Training Routes (MTRs), CO, NM, KS, NB and WY.

Summary

No formal comment letter was sent to the preparing agency.

ERP No. F–FHW–F40369–WI—US 141 Highway Transportation Project, Improvement between WI–22 and WI–64 (LeMere Road-6th Road), Funding and COE Section 4 Permit, Marinette and Oconto Counties, WI.

Summary

EPA reiterated concurrence with the preferred alternative while retaining the concern expressed in a April 9, 1997 letter regarding the large amount of wetland impacts associated with the preferred alternative. Additional mitigation methods such as reduced median widths and the steepening of slopes should be considered during the design.

ERP No. F–NRS–F36162–MN—Snake River Watershed Plan, Watershed Protection and Flood Prevention, NPDES Permit and COE Section 404 Permit, Marshall Pennington and Polk Counties, MN.

Summary

The FEIS provides adequate information and analysis to address the

environmental concerns we expressed in our DEIS comment letter in the following areas: (1) Alternatives, (2) Characterization of the affected environment, (3) Impacts to wetlands and waters of the United States, and (4) Mitigation.

ERP No. FR–AFS–J65287–UT—South Spruce Ecosystem Rehabilitation Project, Implementation, Dixie National Forest, Cedar City Ranger District, Iron and Kane Counties, UT.

Summary

No formal comment letter was sent to the preparing agency.

ERP No. FS–FAA–F51040–IN—Indianapolis International Airport Master Plan Development, Updated/New Information, Establishing New Air Traffic Procedures to Restore, Construct and Operate, Runway 5L/23R Parallel to existing Runway 14/32 and connecting to Runways 5R/23L and 5L/23R, Airport Layout Plan Approval, Funding and US COE Section 404 Permit, Marion County, IN.

Summary

Based on EPA's review, the environmental concerns previously expressed in the review of the Draft Supplemental EIS have been resolved.

Dated: September 28, 1999.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99–25632 Filed 9–30–99 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6450–1]

Invitation for Proposals; National Environmental Education Training Program (Referred to as "Training Program")

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

Section I. Summary of Important Application Information

Application Deadline: Applications must be postmarked no later than December 15, 1999.

Where to Mail Applications: U.S. EPA, Office of Environmental Education, Training Program, 401 M Street SW (MC: 1704, RM: 366WT), Washington, DC 20460.

Eligible Applicants: U.S. institutions of higher education or not-for-profit institutions or a consortia of such institutions.

Purpose: To build on existing efforts that deliver environmental education training and related support services to education professionals across the U.S.

Funding: One cooperative agreement of approximately $1.4 million per year for a three year project period (for a total of approximately $4.2 million), subject to annual performance reviews and Congressional appropriations. The program may be extended to a maximum of five years subject to these conditions. Matching funds of at least 25% (approximately $350,000 per year) are required. This requirement may be met with in-kind contributions.

Project Period: October 1, 2000–September 30, 2003 (with a possible extension to 2005).

Award Date: By September 30, 2000.

Section II. Purpose of Notice and Relationship to Other Programs

A. What is the Purpose of This Notice?

The purpose of this notice is to invite eligible institutions to submit proposals to operate the Training Program as authorized under section 5 of the National Environmental Education Act of 1990 (the Act) (Pub. L. 101–619).

B. What Is the Relationship Between the Training Program and the Environmental Education Grants Program?

This notice applies only to the Training Program authorized under section 5 of the Act. This notice does not apply to the Environmental Education Grants Program authorized under section 6 of the Act. The grants program funds approximately 200 individual projects annually. Please visit our web site at <www.epa.gov/enviroed/grants.html> to obtain information on the grants program or contact Diane Berger, U.S. EPA, Office of Environmental Education (1704), Environmental Education Grants Program, 401 M Street, SW, Washington, DC 20460, berger.diane@epa.gov, 202–260–8619.

C. What Is the Relationship Between the Training Program and the Environmental Education and Training Partnership (EETAP) and Its Predecessor the National Consortium for Environmental Education and Training (NCEET)?

In 1995, EPA awarded a cooperative agreement to a consortium led by the North American Association for Environmental Education (NAAEE) to operate the training program authorized under section 5 of the Act. This program, titled the Environmental Education and Training Partnership (EETAP), will operate from October 1, 1995 through September 30, 2000. Additional information on EETAP can be obtained by accessing EPA's web site at <www.epa.gov/enviroed/educate.html> or EETAP's web site at <www.eetap.org>. NCEET as a separate entity no longer exists. However, some key elements of NCEET's program have been incorporated into EETAP (e.g., promotion of the "EE Toolbox" and expansion of the World Wide Web Site "EE-Link" (<www.eelink.net>)).

This solicitation notice requests proposals that build on the current EETAP program. This new program can be viewed as an evolution of EETAP which reflects the progress the environmental education field has made over the past few years. This means that EETAP's core themes of building state capacity, linking environmental education to education reform, reaching out to diverse audiences, ensuring quality, utilizing technology, and promoting synergy in the environmental education field will remain key components of the new program (see section III.E.1–6. below).

Section III. Definitions

D. What Is "Environmental Education Training"?

Environmental education (EE) increases public awareness and knowledge about environmental issues and provides the skills needed to make informed and responsible decisions. It enhances critical-thinking, problem-solving, and effective decision-making skills and teaches individuals how to weigh various sides of an environmental issue before making decisions. Environmental education does not advocate a particular viewpoint or course of action. Training refers to activities such as classes, workshops, seminars, conferences, programs, and other forums which are designed to prepare education professionals to teach about the environment.

E. How Are the Training Program's "Core Themes" Defined?

(1) *Building state capacity* refers to the development of effective leaders and organizations that ensure the quality and long-term sustainability of coordinated and comprehensive EE programs across a state or states. Effective efforts address both leadership and organizational needs as well as coordination issues that decrease fragmentation and duplication across programs. "Coordination" refers to the involvement of all major education and environmental education providers in a state or across states (*e.g.*, especially

state and local education, environmental protection, natural resource, and related government agencies as well as schools and school districts, professional education associations, and nonprofit education and environmental education organizations). Coordination efforts are also encouraged to include tribal entities where tribal lands are involved, as appropriate. "Comprehensive" refers to EE programs that have multiple components such as an EE coordinator, master plan, curriculum and instruction requirements, and frameworks and assessments as determined by each state or tribe.

(2) *Linking EE to education reform* refers to using EE as a catalyst to advance state, local, or tribal education reform goals for improving student academic achievement. Reform efforts often focus on changes in curriculum, instruction, assessment or how schools are organized. EE can be used to advance these changes by providing a real-world, interdisciplinary context for learning; developing critical-thinking and problem-solving skills; promoting "hands-on," cooperative, and learner-centered instruction methods; and setting, measuring, and meeting high academic standards.

(3) *Reaching diverse audiences* refers to targeting traditionally under-served education professionals, especially educators who work with low-income and culturally-diverse audiences. Other traditionally under-served audiences include non-formal educators, high school teachers, community college faculty, pre-service education institutions, and state, local, and tribal education, environmental protection, natural resource, and other related agency officials.

(4) *Ensuring quality* refers to the development, use, and dissemination of guidelines on what constitutes quality EE that is, among other things, scientifically-sound, educationally-appropriate, and inclusive of diverse perspectives.

(5) *Utilizing technology* refers to using the latest computer and World Wide Web technologies to provide education professionals with increased opportunities for accessing EE information and resource materials, communicating and networking, and learning.

(6) Promoting synergy refers to forming and encouraging partnerships among key EE providers and educational institutions to leverage resources, improve efficiency, and reduce duplication of effort.

F. Are There Priorities Among the "Core Themes"?

EPA believes that addressing all six "core themes" is essential to a successful Training Program. However, to enable the field of EE to become more unified and sustainable over the long-term, the state capacity building "core theme" will serve as the "umbrella" for guiding all training and support activities that encompass the other five "core themes." Over the past few years, tremendous progress has been made with respect to several other "core themes" such as promoting quality through the development of EE guidelines and furthering communication and access to information and resources through the World Wide Web. These efforts as well as those to promote synergy among EE providers should be continued. Regarding efforts to link with education reform (and the education community in general) and in reaching low income and culturally-diverse communities, progress has been made but a significant amount of additional work needs to be done. Thus, greater emphasis needs to be placed on meeting the needs of the education community as well as low-income and culturally-diverse audiences.

Section IV. Purpose of Training Program and Eligible Participants

G. What Is the Purpose of the Training Program?

The purpose of this program is to provide training and related support services to education professionals who are or can become leaders in ensuring the quality and long-term sustainability of coordinated and comprehensive EE efforts across a state or states. Such state capacity building efforts must support all of the Training Program's five other "core themes" of education reform, diversity, quality, technology, and synergy as described under section III.E. and F. Ultimately, through this Training Program, education professionals will be better able to develop and deliver more effective programs that will enable students and communities to make informed and responsible environmental decisions.

H. Who Should Be Targeted for Training and Related Support Services Under This Program?

The education professionals who may receive training and related support services under this program are:

(1) Teachers, faculty, curriculum specialists, administrators and others who are employed by or impact decision-making in schools and school districts, community colleges, and four-year colleges and universities;

(2) Employees of federal, state, local, and tribal education, environmental protection, natural resource, and related agencies; and (3) Employees of not-for-profit organizations, including non-formal educators, as well as businesses and their professional trade groups and associations who are involved in EE and education efforts.

Training and related support services must include opportunities for both formal and non-formal education professionals and address both pre-service and in-service education needs, as appropriate. In addition, as required under the Act, training opportunities must also include education professionals from Mexico and Canada. Note that federal employees may be included in training opportunities, but can not receive funds for any travel related expenses.

Section V. Program Activities

I. What Activities Must Be Carried Out Under This Program?

Activities must, at a minimum, include the following:

(1) Training

The continuation and expansion of existing EE training efforts that support the "core themes" and the priorities among them as defined under section III.E. and F. Such training must, at a minimum, include classes, workshops, seminars, conferences, programs or other forums which provide education professionals with knowledge and skills on the following:

a. Leadership and organizational development issues such as how to effectively recruit board members and volunteers, raise funds, communicate, develop partnerships, as well as reach low-income and culturally-diverse audiences;

b. Educational approaches such as how to effectively integrate environmental problem-solving into existing science, social science, and other subject areas, use existing and future EE guidelines and link them to national and state academic standards and curriculum frameworks, as well as use specific instructional methods or practices to teach effectively; and

c. Environmental education approaches such as how to effectively identify, evaluate, adapt, and expand existing materials and programs that are, among other things, scientifically-sound, inclusive of diverse perspectives, and use an investigative, problem-solving, and critical-thinking approach to learning and decision-making.

(2) Information

The collection, evaluation, and dissemination of information, especially through the World Wide Web, regarding quality EE materials, programs, and teaching methods as well as the benefits, challenges, techniques, and progress made in using the "core themes" identified under section III.E. to advance the field of EE. The goal is to ensure that a wide array of education professionals have access to such information and are able to replicate such efforts, as appropriate. Information collection, evaluation, and dissemination activities must, at a minimum, include the following:

a. An existing EE resource library (or libraries), primarily based on the World Wide Web, which provides information on quality materials, programs, and teaching methods and links libraries across the country (and in Mexico and Canada, as appropriate);

b. An existing World Wide Web site (or sites) with state-of-the-art communication technology that enables education professionals to share information, to network, and to learn;

c. The continued development, use, and dissemination of EE guidelines (including existing guidelines for EE materials, learners, and educator preparation as well as new guidelines for programs and professional development) and their correlation to national and state education standards and curriculum frameworks, as appropriate;

d. The continued development, use, and dissemination of existing and new assessment tools to evaluate the effectiveness of addressing the "core themes" identified under section III.E. and F.; and

e. Support for the development and dissemination of newsletters and other publications which communicate the successes and challenges of addressing the "core themes" identified under section III.E. and F.

(3) Partnerships and Networks

Continuation and expansion of existing EE partnerships and networks, especially those which seek to include organizations, institutions, or agencies that represent the education community, low-income and culturally-diverse audiences, and state and local government agencies. The goal is to improve the effectiveness of the EE community by facilitating communication, sharing information, leveraging scarce resources, and expanding partnerships and networks beyond existing relationships. Various important partnership and networking activities have already been identified under the training and information activities identified above such as leadership conferences and electronic communications.

J. Are All Three Types of Activities Discussed Above of Equal Importance?

EPA believes that all three types of activities identified above are inter-related and, therefore, essential to an effective program. Note that in designing and implementing these activities, special emphasis must be placed on:

(1) Continuing and expanding existing quality state capacity building training programs, partnerships, and networks;

(2) Improving linkages between the EE and education communities;

(3) Expanding the inclusion of low-income and culturally-diverse education professionals, audiences, organizations, and programs;

(4) Designing classes, workshops, seminars, conferences, programs or other forums that can be broadly disseminated to education professionals; and

(5) Including opportunities for teachers and other education professionals from Canada and Mexico to participate in training along with their U.S. counterparts.

Section VI. Eligible Institutions

K. What Types of Institutions Are Eligible To Apply To Operate This Program?

Only U.S. institutions of higher education or not-for-profit institutions (or a consortia of such institutions) may apply to operate the Training Program as specified under the Act.

L. What Approach or Organizational Structure Has the Best Chance of Being Selected To Operate the Training Program?

EPA strongly encourages institutions to form a consortium to manage and implement this program, as appropriate. EPA believes that an effective consortium would build upon existing national, regional, and state capacity building training efforts as well as the other "core themes" discussed under section III.E. and F. Under this scenario, a lead institution would provide strong leadership in setting the direction of the entire consortium, select other institutions as partners that would implement specific activities, manage the overall implementation of the program, and ensure the program meets the goals and requirements in this notice. To be most effective, the lead institution should have experience in delivering state capacity building training and in addressing other "core themes." Partners may include not-for-profit organizations, institutions of higher education, and Federal, state, local, and/or tribal education, environmental protection, natural resource, and related agencies. Partners may not necessarily have prior experience in addressing the "core themes," but their addition to a consortium should strengthen these themes. Note that a balance needs to be reached between the benefits of including a large number of partners with a broad range of programs and the administrative costs of managing a large, broad-based consortium.

EPA believes that a cooperative approach is important because strong partnerships can expand current networks, help leverage scarce resources, improve effectiveness, and avoid duplication of effort in a field which remains fragmented. Cooperation is also important to ensure that the program reaches low-income and culturally-diverse audiences and reaches both formal and non-formal education professionals. Thus, the lead institution and its partners would be working cooperatively to deliver a cohesive training program which benefits education professionals in all geographic regions of the U.S. and includes training opportunities for education professionals from Canada and Mexico.

M. May an Institution Be Part of or Submit More Than One Application?

Yes, eligible institutions may appear in more than one application as a member of a consortium. However, such institutions may not apply as the sole applicant or as the lead institution in a consortium in more than one application.

Section VII. Funding and Project Period

N. How Much Money Is Available To Fund This Program? When Will the Award Be Made?

To implement this program over the past five years, EPA awarded between $1.4 and $1.95 million each year from FY 1995—FY 1999 for a total of $8.875 million. Funding levels for this program are subject to annual Congressional appropriations. For planning purposes, EPA suggests that applicants plan for approximately $1.4 million per year for three years. EPA expects to announce the award by September 30, 2000.

O. How Many Awards Will Be Made? What Is the Expected Project Period for This Program?

EPA will award only one cooperative agreement, with annual amendments, on or about September 30 of each year for an estimated three year project period. The agreement may be extended to a maximum of five years. Funding for any given year is subject to Congressional appropriations and annual performance reviews. The award will be made to only one institution (or to the lead institution in a consortium) which is responsible for managing the entire Training Program. EPA expects to award this cooperative agreement, and its annual amendments, to the same institution (or the same lead institution in a consortium) over the three to five year project period. Thus, EPA expects to fund this program for a project period which runs from approximately October 1, 2000 through September 30, 2003 (or to September 30, 2005 if the program is extended to five years).

P. What Is a Cooperative Agreement? How Is a Cooperative Agreement Different From a Grant?

Under the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95–224), both a grant and cooperative agreement are legal instruments in which the Federal government transfers money to a state or local government or other recipient for the benefit of the public. A grant is used when "no substantial involvement" is anticipated between the federal agency and the recipient during the performance of the project. By contrast, a cooperative agreement is used when "substantial involvement" is anticipated between the federal agency and the recipient of the funds.

Because EPA will award a cooperative agreement to fund this program, applicants should expect EPA to have "substantial involvement" in the recipient's overall implementation of this program to ensure that it meets the goals of this notice. EPA's involvement will include active participation in planning meetings, review and approval of annual work plans, as well as review of all major draft and final products and publications prior to use and dissemination. Specific conditions regarding the relationship of EPA and the recipient will be identified in the award document.

Q. When Should Proposed Activities Start?

Proposed activities cannot begin before the funds are awarded and the first year's annual work plan is approved by the EPA Project Officer. The project period is expected to begin October 1, 2000. However, actual training and related activities may not begin immediately, if the recipient and the EPA Project Officer need additional time to finalize the work plan. Work plans must be submitted to and approved by the EPA Project Officer annually.

R. How Will Funds Be Awarded in Years Two and Three of the Program?

The institution which received funding for the first year of the program must submit a new application, work plan, and other required forms to obtain funding for each of the subsequent years of the program. The actual award of funds for subsequent years is subject to annual Congressional appropriations and annual performance reviews.

S. Are Matching Funds Required?

Yes, non-federal matching funds of at least 25% of the total cost of the program are required. The matching funds must be from a non-federal source. For planning purposes, applicants should estimate a matching share of approximately $350,000 per year. The source of matching funds must be identified in the application and may be provided in cash or by in-kind contributions. All in-kind contributions must be verifiable costs that are carefully documented.

T. What Cannot Be Funded Under This Program?

As specified by the Act, no funds shall be used for (1) the acquisition of real property (including buildings) or construction or substantial modification of any building, (2) technical training for environmental management professionals, or (3) non-educational research and development. In addition, funds may not be used to pay for any travel related expenses for federal employees.

Section VIII. The Application

U. What Must Be Included in the Application?

To qualify for review, the application must include the following three components. Note that only finalists will be asked to submit additional federal forms needed to process the application (e.g., certification regarding debarment and lobbying).

(1) Application for Federal Assistance (SF 424)

A form which requests basic information about proposals such as the name of the project and the amount of money requested. This form is required for all federal grants and cooperative agreements. A completed SF 424 for the first year of the program must be submitted as part of the application. See section VIII.W. below for information on how to obtain this form.

(2) Budget Information: Non-Construction Programs (SF 424A)

A form which requests budget information by object class categories such as personnel, travel, and supplies. This form is also required for all federal grants and cooperative agreements. A completed SF 424A for the first year of the program must also be submitted as part of the application. See section VIII.W below for information on how to obtain this form. Note that additional budget information describing how the funds will be used for all major activities during the first year is also required under the budget section of the work plan as discussed under section VIII.V.3.e.1. below.

(3) Work Plan

A detailed plan of no more than 20 pages (not including the appendices) which describes how the applicant proposes to operate the Training Program during the first year. The work plan must also discuss in general terms what the goals, objectives, and major activities will be for the second and third years. Note that the recipient of the award may be asked to revise their first year's work plan once the award is made subject to the discretion of the EPA Project Officer. Work plans must contain all four sections discussed below, in the format presented. Note that each section of the work plan includes a brief discussion of some of the factors that will be considered in reviewing and scoring applications.

a. Summary: A brief synopsis of no more than two pages identifying:

1. The institution requesting funding and its key partners, if applicable, and the mission of each organization;

2. The primary goals, objectives, and activities of the proposed program, how it will be implemented, and how it builds on existing programs;

3. The total number of education professionals to be reached as well as the expected demographics of such education professionals and the audiences they reach;

4. The expected results of the project by the end of years one, two, and three; and

5. How the funds will be used.

Scoring: The summary will be scored on its overall clarity and the extent to which all five of the elements identified above are addressed. (Maximum Score: 5 points)

b. Mission Statement: A discussion of the short (first year) and long-term (3 to 5 years) goals and objectives of the program and how such goals and objectives will meet the requirements of this notice. Also include a discussion about the needs of the EE and education communities and how these needs will be met.

Scoring: The mission statement will be scored based upon factors that include its overall clarity as well as the extent to which the applicant demonstrates their capability to meet the goals of the Training Program identified in this notice and the stated needs of the EE and education communities. (Maximum Score: 5 points)

c. Management and Implementation Plan: A detailed plan of how the project will be managed and implemented in the first year (*i.e.*, what steps will be taken to reach the goals of the program), along with a summary of the project in the second and third years. The plan must discuss how the proposed program continues and expands existing national, regional, and state capacity building training efforts. The plan must also indicate how the proposed program will address other five "core themes" and priorities among them as identified under section III.E. and F., audiences identified under section IV.H., and activities identified under section V.I. The plan must also identify all key activities and deliverables/products as well as describe the major responsibilities of the Program Director, key staff, and key partners in the consortium, if applicable. The plan must include a matrix or table identifying all key activities and deliverables/products as well as a precise schedule for conducting these activities and completing these deliverables/products during the first year. The plan must also include an organizational chart which clearly shows the responsibilities and relationships of the Program Director, key staff, and various partners, if applicable.

Scoring: The management and implementation plan will be scored based upon factors that include its overall clarity as well as the extent to which the applicant demonstrates their capability to:

1. Continue and expand existing national, regional, and state capacity building training efforts and address all other "core themes" identified under section III.E. and F.;

2. reach audiences identified under section IV.H.;

3. conduct the training and other activities identified under section V.; and

4. effectively staff and manage the program, including effectively managing the lead institution's relationship with key partners, if applicable. (Maximum Score: 30 points)

d. Evaluation Plan: A detailed plan on how the effectiveness of the program will be evaluated (*i.e.*, how the applicant will know whether the goals and objectives of the program are being met, the program meets the requirements of this notice, and the program meets the needs of the EE and education communities). The evaluation plan must discuss the strengths and anticipated challenges expected in implementing the program. It must also discuss the approach, mechanisms, and amount of money that will be used to conduct independent annual evaluations of the program. This evaluation must be conducted by an institution that is independent of the lead institution and key partners and has appropriate credentials and experience in evaluating education programs.

Scoring: The evaluation plan will be scored based upon factors that include its overall clarity as well as the extent to which the proposal demonstrates that an effective evaluation process will be used to strengthen the program. (Maximum Score: 20 points)

e. Appendices: Important attachments to the work plan which contain information on the budget, qualifications and experience of key personnel, and letters of commitment from key partners, if applicable.

1. Budget: A statement describing how funds will be used in the first year, including budget milestones for each major proposed activity and a timetable showing the month/year of completion. Estimates must include the allocation of funding for all major activities. Budget estimates are for planning and evaluation purposes only, recognizing that FY 2000 funds have not yet been appropriated by Congress for this program. Minor deviations from these amounts are expected. Include estimates of overhead costs as well as a statement on the relative economic effectiveness of the program in terms of the ratio of overhead costs to direct services. Note that competitive proposals are expected to use a relatively low overhead rate. For example, the current training program uses an overhead rate of 17% of the total cost of the project. Also note that additional budget information is also required on the SF 424A which must be submitted as part of the application as discussed under section VIII.U.2.

Scoring: The budget will be scored based upon factors that include its overall clarity as well as the extent to which the budget is clearly and accurately linked to the project's goals and objectives, shows how the funds will be used, and demonstrates effective use of public funds. (Maximum Score: 20 points)

2. Key Personnel and Letters of Commitment: Include resumes of up to three pages for the Program Director and each key staff member with major responsibilities for implementing the program. Resumes should describe the educational, administrative, management, and professional qualifications and experience. In addition, include up to three page resumes and one page letters of commitment from key partners with a significant role in the program, if applicable. Letters of endorsement from individuals or organizations who are not partners will not be considered in the evaluation process.

Scoring: Personnel and partner commitment will be scored on the extent to which the Project Director, key staff, and key partners are identified in the proposal as well as qualified to manage and implement the program. In demonstrating the capability of key personnel, EPA strongly encourages applicants to provide examples of relevant experience in designing and delivering environmental education training on a large scale. In addition, the score will reflect whether letters of commitment are included from key partners and whether a firm commitment is made, if applicable. (Maximum Score: 20 points)

V. Where May I Obtain an Application and How Must the Application Be Submitted?

Institutions may obtain an application (SF424 and SF424A) by downloading it from EPA's web site at <http://www.epa.gov/enviroed/educate.html> or contacting U.S. EPA, Office of Environmental Education (MC:1704; RM 366WT), Training Program, 401 M Street, SW, Washington, DC 20460, 202–260–4965. The applicant must submit one original and three copies of the application (a signed SF 424, SF 424A, and a work plan). Applications must be reproducible. Do not submit bound copies of the application. They must be on white paper and stapled or secured in the upper left hand corner and include page numbers.

Work plans must be no more than 20 pages (not including the appendices). A "page" refers to one side of a single-

spaced typed page. The pages must be letter sized (8 x 11 inches), with normal type size (10 or 12 cpi) with at least 1 inch margins. To conserve paper, please provide double-sided copies of the work plan and appendices, where possible.

W. When Are Applications Due to EPA and Where Must They Be Submitted?

Applications must be mailed to EPA postmarked no later than December 15, 1999. Do not hand deliver applications due to restricted access to federal buildings. "Mail" refers to delivery by the U.S. Postal Service or any commercial overnight service. Any application postmarked after this date will not be considered for funding. All applications must be mailed to U.S. EPA, Office of Environmental Education, Training Program, 401 M St, SW (MC:1704, Rm 366WT), Washington, DC 20460.

Section IX. Review and Selection Process

X. What Will Be the Basis for Selection and Award?

Applications will be evaluated on factors that include those identified under section VIII.U.3. Especially important will be the extent to which the proposed program builds on the existing training program, effectively incorporates all "core themes," is able to deliver training and related support services early in the first year, and is able to hire management and staff that have the experience to successfully manage the program.

Y. How Will Applications Be Reviewed and the Final Selection Made?

Applications will be reviewed by federal officials and external experts who are qualified to evaluate environmental education programs. EPA's Office of Environmental Education (OEE) will conduct an initial screening of all applications to identify those which meet the basic requirements of this document. OEE will then forward all eligible applications to federal and external experts for review and comment. Such reviewers may include individual members of the Federal Task Force on Environmental Education and the National Environmental Education Advisory Council. Reviewers' comments will be reviewed by OEE who will make recommendations for funding to the Associate Administrator of the Office of Communications, Education, and Public Affairs and the Administrator of EPA. EPA may conduct site visits to provide an opportunity for further discussion about the strengths and weaknesses of the top proposals, if needed.

Section X. Additional Information

Z. Where Do I Get Additional Information?

Please contact Kathleen MacKinnon, U.S. EPA, Office of Environmental Education, 401 M St, SW (MC:1704; RM 366WT), Washington, DC, 20460, 202–260–4965 or mackinnon.kathleen@epa.gov if you have any questions. Also, to obtain additional information about the existing training program, visit EPA's environmental education web site at <www.epa.gov/enviroed/educate.html> or EETAP's web site at <www.eetap.org>.

Dated: September 24, 1999.

David L. Cohen,

Acting Associate Administrator, Office of Communications, Education, and Media Relations.

BILLING CODE 6560–50–P

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, State, and zip code)*:	Name and telephone number of person to be contacted on matters involving this application *(give area code)*. **Also include fax.**

6. EMPLOYER IDENTIFICATION NUMBER *(EIN)*: ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State; B. County; C. Municipal; D. Township; E. Interstate; F. Intermunicipal; G. Special District; H. Independent School Dist.; I. State Controlled Institution of Higher Learning; J. Private University; K. Indian Tribe; L. Individual; M. Profit Organization; N. **Non-Profit Organization**; O. **Other(specify)**

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify)*:

9. NAME OF FEDERAL AGENCY:

U.S. Environmental Protection Agency

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

66 – 950

TITLE: **Environmental Education Training Program**

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.)*:

13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date: **10/1/00**	Ending Date: **9/30/01**	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ 1,400,000.00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☒ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ **Yes** If "Yes," attach an explanation. ☐ **No**

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

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Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.		NOTE: DO NOT COMPLETE SECTION A -		BUDGET SUMMARY		
4.						
5. Totals		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$ NOTE: DO NOT COMPLETE	$	$
b. Fringe Benefits			COLUMNS 3	or 4	
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction	-0-	-0-	-0-	-0-	-0-
h. Other					
i. Total Direct Charges *(sum of 6a-6h)*					
j. Indirect Charges					
k. TOTALS *(sum of 6i and 6j)*	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

[FR Doc. 99-25567 Filed 9-30-99; 8:45 am]
BILLING CODE 6560-50-C

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6449-9]

National Drinking Water Advisory Council, Right-to-Know Working Group; Notice of Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the National Drinking Water Advisory Council (NDWAC) Right-to-Know Working Group will hold a public meeting to discuss the Drinking Water provisions established under the Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*), will be held on October 15 from 9:00 a.m. to 5:00 p.m. at the Holiday Inn Select, Jefferson Davis Room, Alexandria, Virginia. The meeting is open to the public, but due to limited seating will be on a first-come basis.

The purpose of the meeting is to share new monitoring data developed to support the Consumer Confidence Report rule for drinking water and to discuss the implementation of the Safe Drinking Water Act Amendments to recommend improvements to those materials. The Working Group is part of the Small Systems Operator Futures Forum. Copies of the materials or information to support public involvement in the development of federal, state, and local

The meeting is open to the public to observe. The Working Group will share new monitoring data and discuss are meeting the requirements and analyze relevant issues. Issues noted above will be considered and will be taken under advisement.

For more information, contact Marjorie Jones, Designated Federal Officer, Right-to-Know Working Group, U.S. EPA, Office of Ground Water and Drinking Water (4606), 401 M Street SW, Washington, DC 20460; telephone number (202) 260-5543; E-mail *jones.marjorie@epa.gov*.

Dated: September 24, 1999.

Charlene E. Shaw,

Designated Federal Official, National Drinking Water Advisory Council.

[FR Doc. 99-25567 Filed 9-30-99; 8:45 am]

BILLING CODE 6560-50-C

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–6449–9]

National Drinking Water Advisory Council, Right-to-Know Working Group; Notice of Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Under section 10(a)(2) of Public Law 92–423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the Right-to-Know Working Group of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on October 14, from 9:00 a.m.–5:00 p.m. and on October 15 from 8:30 a.m.–12:00 p.m., at the Holiday Inn National Airport, 2650 Jefferson Davis Highway, Arlington, Virginia. The meeting is open to the public, but due to past experience, seating will be limited.

The purpose of this meeting is to share new materials which have been developed to support Consumer Confidence Reports and other public drinking water information provisions of the Safe Drinking Water Act (SDWA); to recommend ways to use and to share those materials; to discuss public information and public education as a part of the SDWA 25th Anniversary Futures Forum; and to recommend other materials or activities to facilitate and support public information and involvement in drinking water at the federal, state, and local levels.

The meeting is open to the public to observe. The working group members are meeting to gather information and to analyze relevant issues and facts, as noted above. Statements from the public will be taken if time permits.

For more information, please contact Marjorie Jones, Designated Federal Officer, Right-to-Know Working Group, U.S. EPA, Office of Ground Water and Drinking Water, Mail Code 4601, 401 M Street SW, Washington, DC 20460. The telephone number is 202–260–4152 or E-mail *jones.marjorie@epa.gov*.

Dated: September 23, 1999.

Charlene E. Shaw,

Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 99–25558 Filed 9–30–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6450–3]

Board of Scientific Counselors, Executive Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C., App. 2) notification is hereby given that the Environmental Protection Agency, Office of Research and Development (ORD), Board of Scientific Counselors (BOSC), will hold a Programmatic Review of ORD's Particulate Matter$_{2.5}$ Research Program.

DATES: The Review will be held on October 28–29, 1999. On Thursday, October 28, the Review will begin at 9:00 a.m., and will recess at 4:45 p.m. On Friday, October 29, the Review will reconvene at 8:45 a.m. and conclude at 9:45 a.m. A writing session will begin at 10:00 a.m. and will adjourn at approximately 3:15 p.m. All times noted are Eastern Time.

ADDRESSES: The meeting will be held at the Hilton Durham Hotel, 3800 Hillsborough Road, Durham, North Carolina.

SUPPLEMENTARY INFORMATION: Agenda items will include, but not limited to: Discussion on ORD's Particulate Matter$_{2.5}$ Research Program and subcommittee writing sessions on Particulate Matter. Anyone desiring a draft BOSC agenda may fax their request to Shirley R. Hamilton, (202) 565–2444. The meeting is open to the public. Any member of the public wishing to make a presentation at the meeting should contact Shirley Hamilton, Designated Federal Officer, Office of Research and Development (8701R), 401 M Street, SW., Washington, DC 20460; or by telephone at (202) 564–6853. In general, each individual making an oral presentation will be limited to a total of three minutes.

FOR FURTHER INFORMATION CONTACT: Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development, NCERQA (MC 8701R), 401 M Street, SW., Washington, DC 20460, (202) 564–6853.

Dated: September 27, 1999.

Peter W. Preuss,

Director, National Center for Environmental Research and Quality Assurance.

[FR Doc. 99–25565 Filed 9–30–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6448–8]

Carolina Creosoting Site; Notice To Rescind Federal Register Notice Dated September 9, 1999

AGENCY: Environmental Protection Agency.

ACTION: Notice to Rescind Previous **Federal Register** Notice.

SUMMARY: On September 9, 1999, (64 FR 49014), the Environmental Protection Agency (EPA) published a Notice of Proposed Settlement for response costs incurred by the EPA at the Carolina Creosoting Site located in Leland, North Carolina. The purpose of this notice is to rescind EPA's September 9, 1999 **Federal Register** Notice regarding the settlement of response costs at the Site. The Notice of Proposed Settlement for the Site may be republished in the future.

FOR FURTHER INFORMATION CONTACT: Paula Butchelor at 404–562–8887.

Dated: September 16, 1999.

Franklin E. Hill,

Chief, Program Services Branch, Waste Management Division.

[FR Doc. 99–25574 Filed 9–30–99; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 99-24884) published on page 51761 of the issue for Friday, September 24, 1999.

Under the Federal Reserve Bank of Kansas City heading, the entry for Samuel Mark Saunders, Gillette, Wyoming, is revised to read as follows:

A. Federal Reserve Bank of Kansas City. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Samuel Mark Saunders and Lisa Ann Saunders, both of Gillette, Wyoming; to acquire voting shares of First National Bank of Gillette Holding Company, Gillette, Wyoming, and thereby indirectly acquire voting shares of First National Bank, Gillette, Wyoming.

Comments on this application must be received by October 8, 1999.

Board of Governors of the Federal Reserve System, September 27, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–25494 Filed 9–30–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 15, 1999.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. George Don Briant; D'Ruth Crosgrove; and Frank R. and Polly Farrar; all of Canadian, Texas; to retain voting shares of First Canadian Bancorp, Inc., Canadian, Texas, and thereby indirectly retain voting shares of The First National Bank of Canadian, Canadian, Texas.

2. Harlan R. Heitkamp, Corpus Christi, Texas; R. Scott Heitkamp, Corpus Christi, Texas; and James M. May, M.D. , Corpus Christi, Texas; to acquire additional voting shares of First International Bancshares, Inc., Corpus Christi, Texas, and thereby indirectly acquire additional voting shares of Valuebank, Corpus Christi, Texas.

Board of Governors of the Federal Reserve System, September 27, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–25497 Filed 9–30–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 25, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Banco Portugues do Atlantico, S.A., Oporto, Portugal, and its affiliates, Banco Comerical Portugues, S.A. Oporto, Portugal, BCP-IF S.G.P.S., LDA, Lisbon, Portugal, and its subsidiaries, BPA International, S.G.P.S. Sociedade Unipessoal LDA, Maderia, Portugal, and Banco Portugues do Atlantico (USA), Inc., Newark, New Jersey; to become bank holding companies by acquiring 100 percent of the voting shares of Banco Portugues do Atlantico, National Association, Newark, New Jersey.

B. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. F.N.B. Corporation, Hermitage, Pennsylvania; to acquire 20 percent of the voting shares of Sun Bancorp, Inc., Selinsgrove, Pennsylvania, and thereby indirectly acquire Sun Bank, Selinsgrove, Pennsylvania.

C. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. Uwharrie Capital Corp., Albemarle, North Carolina; to merge with Anson Bancorp, Inc., Wadesboro, North Carolina, and thereby indirectly acquire Anson Savings Bank, Inc., Wadesboro, North Carolina.

D. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. First Manitowoc Bancorp, Inc., Manitowoc, Wisconsin; to acquire 100 percent of the voting shares of capital stock of Dairy State Financial Services, Plymouth, Wisconsin, by merging Dairy State Financial Services into FMB Interim Corp., a wholly owned subsidiary of First Manitowoc Bancorp, Inc. and thereby acquire 100 percent of Dairy State Bank, Plymouth, Wisconsin.

E. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Arvest Bank Group, Inc., Bentonville, Arkansas; to acquire 100 percent of the voting shares of The First National Bank of Huntsville, Huntsville, Arkansas.

F. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. Rivers Ridge Holding Company, Edina, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of BankVista, Sartell, Minnesota, a *de novo* bank.

Board of Governors of the Federal Reserve System, September 27, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–25496 Filed 9–30–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225), to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless

otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 15, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Landesbank Baden-Wurttemberg, Stuttgart, Federal Republic of Germany; to engage *de novo* through its subsidiary, SuedLeasing (USA) Corp., New York, New York, in leasing activities in North America, pursuant to § 225.28 (b)(3) of Regulation Y.

B. Federal Reserve Bank of Atlanta (Cynthia Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. PAB Bankshares, Inc., Valdosta, Georgia; to acquire Baxley Federal Savings Bank, Baxley, Georgia, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y. Comments regarding this application must be received not later than October 25, 1999.

C. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Iowa State Bank Holding Company, Des Moines, Iowa; to engage *de novo* through its subsidiary, Capitol Partners, L.C., Des Moines, Iowa, in community development activities, pursuant to § 225.28(b)(12) of Regulation Y.

Board of Governors of the Federal Reserve System, September 27, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–25495 Filed 9–30–99; 8:45 am]

BILLING CODE 6210–01–F

Notice of Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Thursday, October 21, 1999. The meeting, which will be open to public observation, will take place at the Federal Reserve Board's offices in Washington, D.C., in the Board Room of the Eccles Building (2nd floor). The meeting will begin at 8:45 a.m. and is expected to conclude at 1:00 p.m. The Eccles Building is located on C Street, Northwest, between 20th and 21st Streets.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

Electronic Delivery of Disclosures Proposals. The Depository and Delivery Systems and the Consumer Credit Committees will lead a discussion about the proposals to permit electronic delivery of federally mandated disclosures under certain consumer financial services and fair lending laws such as the Truth in Lending and Equal Credit Opportunity Acts.

Regulation B Proposal. The Bank Regulations Committee will lead a discussion of proposed revisions to Regulation B which implements the Equal Credit Opportunity Act.

Subprime Lending. The Community Affairs and Housing Committee will lead a discussion of issues regarding lenders' subprime lending practices.

Members Forum. Individual Council members will present views on economic conditions present within their industries or local economies.

Committee Reports. Council committees will report on their work.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit views to the Council regarding any of the above topics may do so by sending written statements to Ann Bistay, Secretary of the Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Information about this meeting may be obtained from Ms. Bistay, 202-452-6470. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, 202-452-3544.

Board of Governors of the Federal Reserve System, September 27, 1999.

Jennifer J. Johnson

Secretary of the Board

[FR Doc. 99–25490 Filed 9–30–99; 8:45AM]

Billing Code 6210–01–F

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m. (EDT) October 12, 1999.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the September 13, 1999, Board member meeting.

2. Thrift Savings Plan activity report by the Executive Director.

3. Review of KPMB Peat Marwick audit reports:

"Pension and Welfare Benefits Administration Review of the Thrift Savings Plan System Enhancements and Software Change Controls at the United States Department of Agriculture, National Finance Center and Federal Retirement Thrift Investment Board"

"Pension and Welfare Benefits Administration Year 2000 Program Analysis of the Thrift Savings Plan at the Federal Retirement Thrift Investment Board and the U.S. Department of Agriculture, National Finance Center"

"Pension and Welfare Benefits Administration Data Security Vulnerability Review at the United States Department of Agriculture, National Finance Center"

"Pension and Welfare Benefits Administration Review of U.S. Department of Treasury Operations relating to the Thrift Savings Plan Investments in the Government Securities Investment Fund"

"Pension and Welfare Benefits Administration Review of the Thrift Savings Plan Annuity Operations at the Metropolitan Life Insurance Company"

"Pension and Welfare Benefits Administration Review of the Policies and Procedures of the Federal Retirement Thrift Investment Board Administrative Staff"

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: September 27, 1999.

Elizabeth S. Woodruff,

Secretary to the Board, Federal Retirement Thrift Investment Board.

[FR Doc. 99–25665 Filed 9–28–99; 4:47 pm]

BILLING CODE 6760–01–M

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

Virginia Avenue Border Crossing/San Ysidro Port of Entry, San Diego, California; Notice of Intent; Environmental Impact Statement

AGENCY: Public Buildings Service, GSA.

ACTION: Pursuant to the Council on Environmental Quality Regulations (40 CFR 1500–1508) implementing procedural provisions of the National Environmental Policy Act (NEPA), the United States General Services Administration (GSA) hereby gives notice that said agency intends to prepare an EIS on the Virginia Avenue Border Crossing/San Ysidro Port of Entry in San Diego, California. The proposed project would include construction of a small facility, four to six inspection lanes and inspection booths. The site compliments the Government of Mexico's planned new facility located at El Chaparral adjacent to Virginia Avenue to the south.

Alternatives: In addition to the proposed action, the EIS will examine two alternatives; realignment of Inter-State Highway 5 and no action or continued use of the existing San Ysidro Port Entry. Also, reasonable alternatives that may or may not be within the authority of GSA will be examined. If there are potentially a large number of alternatives, only a reasonable number of examples covering the full spectrum of alternatives shall be analyzed.

Public Involvement: There will be several public meetings including, Scoping, Critical Issue(s), Draft Review and Final EIS. There will also be public review and comment periods of the Draft EIS. Further information may be obtained from: Ms. Sheryll White, U.S. General Services Administration, Portfolio Management Division (9PT), 450 Golden Gate Avenue, 3rd Floor East, San Francisco, CA 94102–2799, Telephone: (415) 522–3488.

Dated: September 23, 1999.

Aki K. Nakao,

Deputy Regional Administrator, (9AD).

Notice of Intent To Prepare an EIS

The General Services Administration intends to prepare an Environmental Impact Statement (EIS) on the following project: Virginia Avenue Border Crossing/San Ysidro Port of Entry San Diego, California

The General Services Administration of the United States Government is proposing to expand the United States Border Crossing at Virginia Avenue in San Diego, California in order to provide southbound vehicular inspection and to convert the existing southbound lanes at the United States San Ysidro Port of Entry at San Diego, California to northbound.

Alternatives to the proposed action include:

A. Proposed Action: Construction of a small facility, four to six inspection lanes (initially) and inspection booths. The site complements the Government of Mexico's planned new facility at El Chaparral adjacent to Virginia Avenue to the south.

B. Realignment of Inter-State Highway 5 to increase northbound inspection lanes at the San Ysidro Port of Entry. This action could affect an historical residential area in Tijuana as well as traffic access to newly aligned lanes. The site is located to the east of the Government Mexico's planned new facility El Chaparral.

C. No action-space for functions now located at the San Ysidro Port of Entry will continue.

D. Reasonable alternatives which may or may not be within the authority of GSA. If there are potentially a large number of alternatives, only a reasonable number of examples covering the full spectrum of alternatives shall be analyzed.

Public scoping will include:

Scoping Meeting
Critical Issue(s) Meeting(s)
Public Review and Comment to Draft EIS
Draft EIS Review Meeting
Final EIS Meeting

FOR FURTHER INFORMATION CONTACT: Sheryll White, General Services Administration, Portfolio Management Division (9PT), 450 Golden Gate Avenue, 3rd Floor East, San Francisco, California 94102, (415) 522–3488, Fax: (415) 522–3215. Email:sheryll.white@gsa.gov.

[FR Doc. 99–25538 Filed 9–30–99; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–4166]

Agency Information Collection Activities: Proposed Collection; Comment Request; Electronic Records; Electronic Signature

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection provisions relating to FDA's electronic records and electronic signatures.

DATES: Submit written comments on the collection of information by November 30, 1999.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520) Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of

information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Electronic Records; Electronic Signatures—Part 11 (21 CFR Part 11) (OMB Control Number 0910–0303)–Extension

The Food and Drug Administration (FDA) regulations in part 11 (21 CFR part 11) provide criteria for acceptance of electronic records, electronic signatures, and handwritten signatures executed to electronic records as equivalent to paper records. Under these regulations, records and reports may be submitted to FDA electronically, provided the agency has stated its ability to accept the records electronically in an agency-established public docket and that the other requirements of part 11 are met.

The recordkeeping provisions in part 11 (§§ 11.10, 11.30, 11.50, and 11.300) require standard operating procedures to assure appropriate use of, and precautions for, systems using electronic records and signatures: (1) § 11.10 specifies procedures and controls for persons who use closed systems to create, modify, maintain, or transmit electronic records; (2) § 11.30 specifies procedures and controls for persons who use open systems to create, modify, maintain, or transmit electronic records; (3) § 11.50 specifies procedures and controls for persons who use electronic signatures; and (4) § 11.300 specifies controls to ensure the security and integrity of electronic signatures based upon use of identification codes in combination with passwords. The reporting provision (§ 11.100) requires persons to certify in writing to FDA that they will regard electronic signatures used in their systems as the legally binding equivalent of traditional handwritten signatures.

The burden created by the information collection provision of this regulation is a one-time burden associated with the creation of standard operating procedures, validation, and certification. The agency anticipates the use of electronic media will substantially reduce the paperwork burden associated with maintaining FDA required records.

The respondents will be businesses and other for-profit organizations, state or local governments, Federal agencies, and nonprofit institutions.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
11.100	4,500	1	4,500	1	4,500

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN

21 CFR Section	No. of Record-keepers	Annual Frequency of Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
11.10	2,250	1	2,250	20	45,000
11.30	2,250	1	2,250	20	45,000
11.50	4,500	1	4,500	20	90,000
11.300	4,500	1	4,500	20	90,000
Total					270,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 24, 1999.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning and Legislation.

[FR Doc. 99–25491 Filed 9–30–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–1651]

Guidance for Industry: Chemistry, Manufacturing and Control Changes to an Approved NADA or ANADA; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled "Guidance for Industry: Chemistry, Manufacturing and Control Changes to an Approved NADA or ANADA." This draft guidance is intended to provide recommendations to holders of new animal drug applications (NADA's) and abbreviated new animal drug applications (ANADA's) on how they should report changes to such applications in accordance with proposed amended regulations that are found elsewhere in this issue of the **Federal Register**.

DATES: Written comments should be submitted by December 15, 1999.

ADDRESSES: Submit written requests for single copies of this draft guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine (CVM), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist the office in processing your requests. Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the full title of the draft guidance and the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section of this document for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Dennis M. Bensley, Office of New Animal Drug Evaluation (HFV–140), Center for Veterinary Medicine, Food

and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6956.

SUPPLEMENTARY INFORMATION:

I. Background

Section 116 of the Food and Drug Administration Modernization Act (the Modernization Act) amended the Federal Food, Drug, and Cosmetic Act (the act) by adding section 506A (21 U.S.C. 356a). This section provides requirements for making and reporting manufacturing changes to an approved application and for distributing a drug product made with such change. Elsewhere in this issue of the **Federal Register**, FDA is proposing to amend its regulations on supplements and other changes to an approved application § 514.8 (21 CFR 514.8) to conform to section 506A of the act.

The purpose of this draft guidance is to provide recommendations to holders of NADA's and ANADA's who intend to make postapproval changes in accordance with section 506A of the act and the proposed amended regulations at § 514.8. The draft guidance covers recommended reporting categories for postapproval changes for new animal drugs. Recommendations are provided for postapproval changes in: (1) Components and composition, (2) sites, (3) manufacturing process, (4) specification(s), (5) package, and (6) miscellaneous changes. This draft guidance does not provide recommendations on the specific information that should be developed by an applicant to validate the effect of the change on the identity, strength (e.g., assay, content uniformity), quality (e.g., physical, chemical, and biological properties), purity (e.g., impurities and degradation products), or potency (e.g., biological activity, bioavailability, bioequivalence) of a product as they may relate to the safety or effectiveness of the product. FDA has published guidances, including the Scale-up and Postapproval Changes (SUPAC) guidances, that provide recommendations on reporting categories and/or the type of information that should be developed by the applicant to validate the effect of the change on the identity, strength, quality, purity, or potency of a product as they may relate to the safety or effectiveness of the product. The draft guidance, which cites proposed § 514.8, will be revised based on public comments and implemented for use as a companion document when § 514.8 is finalized.

This draft guidance represents the agency's current thinking on this subject. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statute, regulations, or both.

II. Comment

Interested persons may, on or before December 15, 1999, submit to the Dockets Management Branch (address above) written comments regarding the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the draft guidance and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the draft guidance using the World Wide Web (WWW). For WWW access, connect to CVM at "http://www.fda.gov/cvm".

Dated: June 23, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–25492 Filed 9–30–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–3025–N]

Medicare Program; Notice of the Implementation of the Medicare Lifestyle Modification Program Demonstration Project

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces our implementation of the Medicare Lifestyle Modification Program Demonstration. Lifestyle modification programs are increasingly becoming an approach to the secondary prevention of coronary disease morbidity. Such programs may reduce the incidence of hospitalizations and invasive procedures among patients with substantial coronary occlusion.

FOR FURTHER INFORMATION CONTACT: Armen Thoumaian, Ph.D. at (410) 786–6672, or Athoumaian@HCFA.GOV.

SUPPLEMENTARY INFORMATION: The purpose of this demonstration is to test the feasibility and effectiveness of providing payment for cardiovascular lifestyle modification program services to Medicare beneficiaries. This demonstration will test a proven and intensive program designed to reduce or reverse the progression of cardiovascular disease (CAD) of patients at risk for invasive treatment procedures. The demonstration will be conducted over a 4-year period at an estimated 15 sites. Enrollment is limited to 1,800 Part B eligible Medicare beneficiaries who satisfy clinical admission criteria.

We are preparing to expand this demonstration to at least one additional nationwide, multi-site cardiovascular lifestyle modification program. An announcement of this expanded demonstration to solicit interested programs is expected within the next several weeks.

We will conduct an independent evaluation of both demonstrations to compare the short-term and long-term outcomes and costs in providing this type of service for Medicare beneficiaries.

Authority: 42 U.S.C. 1395b–1(a)(1)(G) and (a)(2).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 14, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

[FR Doc. 99–25416 Filed 9–28–99; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1058–FN]

RIN 0938–AJ60

Medicare Program; Sustainable Growth Rate for Fiscal Year 2000

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final notice.

SUMMARY: This final notice announces the fiscal year 2000 Sustainable Growth Rate (SGR) for expenditures for physicians' services under the Medicare Supplementary Medical Insurance (Part B) program as required by section 1848(f) of the Social Security Act (the Act). The SGR for fiscal year 2000 is 2.1 percent.

EFFECTIVE DATE: The provisions of the Medicare SGR for fiscal year 2000 contained in this notice are effective on October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Raymond Bulls, (410) 786–7267.

SUPPLEMENTARY INFORMATION:

I. Background

A. Medicare Sustainable Growth Rate

Section 1848(f) of the Social Security Act (the Act), as amended by section 4503 of the Balanced Budget Act of 1997 (BBA) (Public Law 105–33), enacted on August 5, 1997, replaces the volume performance standard with a Sustainable Growth Rate (SGR) standard. It specifies the formula for establishing yearly SGR targets for physicians' services under Medicare. The use of SGR targets is intended to control the actual growth in Medicare expenditures for physicians' services.

The SGR targets are not limits on expenditures. Payments for services are not withheld if the SGR target is exceeded. Rather, the appropriate fee schedule update, as specified in section 1848(d)(3)(A) of the Act, is adjusted to reflect the success or failure in meeting the SGR target.

Amended section 1848(f)(2) of the Act states that "* * * the sustainable growth rate for all physicians' services for a fiscal year (beginning with fiscal year 1998) shall be equal to the product of—

(A) 1 plus the Secretary's estimate of the weighted-average percentage increase (divided by 100) in the fees for all physicians' services in the fiscal year involved;

(B) 1 plus the Secretary's estimate of the percentage change (divided by 100) in the average number of individuals enrolled under this part (other than Medicare+Choice plan enrollees) from the previous fiscal year to the fiscal year involved;

(C) 1 plus the Secretary's estimate of the projected percentage growth in real gross domestic product per capita (divided by 100) from the previous fiscal year to the year involved; and

(D) 1 plus the Secretary's estimate of the percentage change (divided by 100) in expenditures for all physicians' services in the fiscal year (compared with the previous fiscal year) which will result from changes in law or regulations, determined without taking into account estimated changes in expenditures resulting from the update adjustment factor determined under subsection (d)(3)(B), minus 1 and multiplied by 100."

B. Physicians' Services

Because the scope of physicians' services covered by the SGR is the same as the scope of services that was covered by the Medicare volume performance standards, we are using the same definition of physicians' services for the SGR in this notice as we did for the Medicare volume performance standards published in the **Federal Register** (61 FR 59717) on November 22, 1996. That final notice announced the fiscal year 1997 volume performance standard rates and contained a detailed description of the scope of physicians' services.

II. Provisions of This Notice

Under the requirements in sections 1848(f)(2)(A) through (D) of the Act, as amended by section 4503 of the BBA, we have determined that the SGR for physicians' services for fiscal year 2000 is 2.1 percent. Our determination is based on the following statutory factors:

Statutory factors	Percent change
Fees	2.1
Enrollment	−1.6
Increase in Gross Domestic Product	1.8
Legislation	−0.2
Total	2.1

The specific calculations to determine the 2.1 percent SGR for physicians' services for fiscal year 2000 are explained below.

III. Calculation of the Fiscal Year 2000 Sustainable Growth Rate

Our explanation of how we determined the values for each of the four factors used in determining the SGR for fiscal year 2000 is as follows:

Factor 1—Changes in Fees for Physicians' Services (Before Applying Legislative Adjustments) for Fiscal Year 2000

This factor was calculated as a weighted average of the calendar year 1999 and 2000 fee increases that apply during fiscal year 2000.

Most of the fees for physicians' services (as defined in section I. B. of this final notice) are updated by the Medicare Economic Index (MEI). However, the BBA provided for a 0.0 percent update in 1999 and 2000 for laboratory services, which represents about 11 percent of the Medicare-allowed charges for physicians' services. The following table, therefore, shows both the MEI and laboratory service updates that were used in determining the percentage increase in physicians' fees for fiscal year 2000.

MEDICARE ECONOMIC INDEX AND LABORATORY SERVICE UPDATE FOR CALENDAR YEARS 1999 AND 2000

	1999	2000
Medicare Economic Index	2.3	2.3
Laboratory Service	0.0	0.0

After taking into account all the elements described above, we estimate that the weighted-average increase in fees for physicians' services in fiscal year 2000, before applying any legislative adjustments to the MEI, will be 2.1 percent for all physicians' services.

Factor 2—The Percentage Change in the Average Number of Part B Enrollees From Fiscal Year 1999 to Fiscal Year 2000

Due to the growth in Medicare+Choice plan enrollees (whose Medicare-covered medical care is outside the scope of the SGR), we estimate that the average number of Medicare Part B enrollees, excluding those in Medicare+Choice plans, will decline by 1.6 percent. This decline was derived as follows:

Fiscal year	Average Medicare Part B enrollment (in millions)		
	Overall	Medicare+Choice	Overall, excluding Medicare+Choice
1999	36.866	6.116	30.750
2000	37.178	6.917	30.261
Percent change	.....	.....	−1.6

Factor 3—Estimated Real Gross Domestic Product Per Capita Growth in Fiscal Year 2000

Section 1848(f)(2)(C) of the Act, as amended by section 4503 of the BBA, requires the Secretary to project real gross domestic product per capita growth for the coming fiscal year. In calculating the SGR, we estimate that this growth will be 1.8 percent in fiscal year 2000.

Factor 4—Percentage Change in Expenditures for Physicians' Services Resulting From Changes in Law or Regulations in Fiscal Year 2000 Compared With Fiscal Year 1999

Legislative changes contained in the BBA will have some residual effects on expenditures for physicians' services in fiscal year 2000. In addition, there are some miscellaneous provisions that will have a small impact.

Taking into account all of the changes in law or regulation that may affect expenditures for physicians' services, the decrease in expenditures for physicians' services is estimated to be −0.2 percent.

IV. The Use of Estimates in Computing the Sustainable Growth Rate

Section 1848(f) of the Act clearly requires that each year, the Secretary establish the SGR for the upcoming fiscal year beginning October 1 based on the Secretary's estimate[s] of four factors: The percentage increase in physicians' fees, the percentage increase in fee-for-service enrollment, the projected percentage growth in per capita gross domestic product, and the percentage change in expenditures for physicians' services resulting from changes in law or regulations. Because the calculation of the SGR for a given year is based on projected values, updates may be either lower or higher than they would have been if we had used later data. Thus, we initially considered revising estimates of the factors used in setting the SGR when later data had become available. However, as we indicated in the notice with comment period published in the **Federal Register** (63 FR 59188) on November 2, 1998, we had concerns about whether we had the statutory authority to make these revisions under current law and invited comments regarding how an adjustment could be made consistent with the law. The comments we received and our response are discussed below.

Comment: The American Medical Association and numerous physician organizations suggested that congressional intent should be interpreted to authorize adjustments for projection error. These commenters also suggested a number of different approaches for making such adjustments. The various approaches suggested rely on later data.

Response: We do not believe that we have the authority to make adjustments based on Congressional intent because the statutory language clearly requires that estimated values be used for computing the SGR and there is no provision for revising the estimates to reflect later data. Our actions are controlled by the clear statutory language. Thus, we will not be able to make adjustments to the SGR based on later data.

However, the Administration's legislative package for fiscal year 2000, released in February 1999, contains a legislative proposal to adjust the SGR if later data are different from earlier estimates, as well as to address issues relating to the instability of the SGR discussed below. The changes proposed are all budget neutral. If Congress enacts this proposal for fiscal year 2000, we would revise the SGR for fiscal year 2000 as appropriate.

V. Technical Problems With the Sustainable Growth Rate System

We have begun to forecast the SGR for future years, and it appears that there is some instability in the SGR system. In the long-term, updates could oscillate between the maximum increase and decrease adjustments due to the use of mismatched time periods and the lag between measurement periods. The solution would be technical and would involve the matching of time periods for the SGR calculation, the actual versus target measurement, and the update adjustment. As discussed above the Administration has submitted a legislative proposal to the Congress that will address these factors and result in less oscillation in the physician fee schedule update.

VI. Regulatory Impact Statement

Consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), we prepare a regulatory flexibility analysis unless we certify that a notice will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we treat all physicians and suppliers as small entities. Individuals and States are not included in the definition of a small entity.

Also, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a notice may have a significant impact on the operations of a substantial number of small rural hospitals. That analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

Legislative changes contained in the BBA will affect expenditures for physicians' services in fiscal year 2000, although the impact will be slight, and residual effects will result in fiscal year 2000 from the calendar year implementation of these changes.

We are not preparing an analysis for either the RFA or section 1102(b) of the Act because we have determined, and the Secretary certifies, that this notice will not have a significant economic impact on a substantial number of small entities or on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

We have reviewed this final notice under the threshold criteria of Executive Order 13132 of August 4, 1999, and have determined that it does not significantly affect the rights, roles, and responsibilities of States.

(Sections 1848(d) and (f) of the Social Security Act) (42 U.S.C. 1395w–4(d) and (f))

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 1, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

Approved: September 20, 1999.

Donna E. Shalala,

Secretary.

[FR Doc. 99–25527 Filed 9–28–99; 9:58 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources And Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed

for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1891.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Uniform Reporting System Client Demonstration Project (URS): NEW

The Uniform Reporting System Client Demonstration Project (URS) was established in 1994 to collect information from several Title I and Title II grantees and their subcontracted service providers about their individual clients. Demographic information, service utilization, and health indicators of all clients receiving services at providers funded by the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act are collected twice each year. A unique identifier is used to protect the anonymity of the clients, and as a further safeguard, this unique identifier is encrypted before it is sent to HRSA.

HRSA initiated the URS to demonstrate (1) the feasibility of collecting client level demographic and service data on HIV/AIDS infected/affected clients across a network of service providers and (2) the usefulness of these data for planning and evaluation purposes at both the local and national levels. Through this system, HRSA sought to overcome the limitations of the Annual Administrative Report (AAR), the national reporting system for the Ryan White CARE Act. The AAR collects data aggregated at the grantee level and has duplicated counts of clients. The number of clients reported in the AAR overestimates by approximately the true number of clients. In addition, AAR data are not tied to any clinical or service outcome information at the client level. The feasibility of collecting client data has been demonstrated. The usefulness of these data for planning and evaluation purposes at both the local and national level has become increasingly evident. A number of client level analyses that were not possible with the AAR have been undertaken.

In addition to meeting the goal of accountability to Congress, clients, advocacy groups, and the general public, the URS supports critical efforts by HRSA, state and local grantees, and providers to assess the health outcomes and the service utilization patterns of the individuals at these sites who are infected or affected by HIV/AIDS and receive care at a provider funded by the Ryan White CARE Act.

Outcome specific and treatment measures are collected in the data system; these will be asked only of medical providers. These data elements seek to document whether current standards of care as established by the Public Health Service are being adhered to at these Ryan White CARE Act facilities. The core set of data elements are largely unchanged from the AAR. Minor changes in the demographic data elements have been made as a result of meetings and input from the current URS grantees and their providers.

The estimated response burden is as follows:

Medical records source	Number of respondents	Responses per respondent	Burden hour	Total burden hours
Medical Providers	27,000	1	4	108,000
Case Managers, Mental Health, Substance Abuse Providers	32,000	1	1	32,000
Other Providers	35,000	1	.5	17,500
Total	94,000			157,500

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: September 24, 1999.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 99–25555 Filed 9–30–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4446–N–07]

Announcement of OMB Approval Number for Community Development Block Grant (CDBG) Urban Country and New York Towns Qualification/ Requalification Processes

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to Community Development Block Grant (CDBG) Urban Country and New York Towns Qualification/ Requalification Processes.

FOR FURTHER INFORMATION CONTACT: Ms. Sue Miller, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1577. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Community Development Block Grant (CDBG) Urban Country and New York Towns Qualification/Requalification Processes. The OMB approval number for this information collection is 2506–0170, which expires on September 30, 2002.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information,

unless it displays a currently valid OMB control number.

Dated: September 27, 1999.

Kenneth Williams,

Deputy Assistant Secretary for Grant Programs.

[FR Doc. 99–25633 Filed 9–30–99; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4441–N–49]

Submission for OMB Review: Personal Financial and Credit Statement

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of proposed information collection requirement.

SUMMARY: The proposed information collection requirement described has been submitted to the Office of Management and Budget (OMB) to review, as required by the Paperwork Reduction Act. The Department is soliciting comments on the public comments on the subject proposal.

DATES: *Comments Due Date:* November 1, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Joseph F. Lackey, Jr., HUD Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–2374 (This is not a toll-free number) or e-mail to Wayne__Eddins@HUD.gov. Copies of the available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION:

The Department has submitted the proposal for the collection of information, as described below, to OMB for review as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). An agency may not conduct or

SUPPLEMENTARY INFORMATION: This notice contains the following information:

(1) The title for the collection of information;

(2) A summary of the collection of information;

(3) A brief description of the need for the information and proposed use of the information;

(4) A description of the likely respondents, including the estimated number of likely respondents, and proposed frequency of response to the collection of information;

(5) An estimate of the total annual reporting and recordkeeping burden that will result from the collection of information;

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless collection displays a valid control number.

Title: Personal Financial and Credit statement.

OMB Control Number: 2502–0001.

Type of submission: Reinstate without Change.

Need and use of the information: The information to be collected describes the financial capacity, reputation, experience and ability of the project sponsor. The information is used to determine whether the sponsor will be able to develop a successful project.

Form Number: HUD–92417.

Respondents: Individuals of business entities, private non-profit corporations, and general contractors.

Reporting Burden:

Number of respondents	x	Frequency of response	x	Hours per response	=	Total burden hours
8,000	....	1	....	8	....	64,000

Contact: Peter Giaquinto, HUD (202) 708–4162, Joseph Lackey, OMB, (202) 395–7316.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: September 24, 1999.

Wayne Eddins,

Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 99–25634 Filed 9–30–99; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4432–N–39]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistance Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unitilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Adminstration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for

homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication of the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contract the appropriate landholding agencies at the following addresses: ENERGY: Mr. Tom Knox, Department of Energy, Office of Contract & Resource Management, MA–53, Washington, DC 20585; (202) 586–8715; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–0052; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (These are not toll-free numbers).

Dated: September 23, 1999.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report for 10/1/99

Suitable/Available Properties

Buildings (by State)

Missouri

Bldg. 82
Kansas City Plant
Bannister Road
Kansas City Co: MO 00000–
Landholding Agency: Energy
Property Number: 41199930031
Status: Excess
Comment: 128 sq. ft., concrete, off-site use only

Bldg. 83
Kansas City Plant
Bannister Road
Kansas City Co: MO 00000–
Landholding Agency: Energy
Property Number: 41199930032
Status: Excess
Comment: 166 sq. ft., concrete, off-site use only

Pennsylvania

Rices Landing
Tracts A–L, & 1–4
Old Lock & Dam #6
Rices Landing Co: Greene PA 15357–
Landholding Agency: GSA
Property Number: 54199930009
Status: Excess
Comment: 2 residences—1400 sq. ft. ea., need repairs, 1 metal warehouse, 1 shed, possible asbestos/lead paint
GSA Number: 4–D–PA–0786

Land (by State)

Louisiana

Sulphur Mines Well Site
Highway 90–W
Sulphur Co: Calcasieu Parish LA 70663–
Landholding Agency: GSA
Property Number: 54199930026
Status: Surplus
Comment: 68.02 acres w/4 capped brine injection wells, majority of land densely wooded, located on Gulf Coastal Plain
GSA Number: 7–B–UT–431–M

Unsuitable Properties

Buildings (by State)

California

Bldg. 206
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930105
Status: Unutilized
Reason: Extensive deterioration

Bldg. 432
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930106
Status: Unutilized
Reason: Extensive deterioration

Bldg. 433
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930107
Status: Unutilized
Reason: Extensive deterioration

Bldg. 435
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930108
Status: Unutilized
Reason: Extensive deterioration

Bldg. 456
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930109
Status: Unutilized
Reason: Extensive deterioration

Bldg. 921
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930110
Status: Unutilized
Reason: Extensive deterioration

Colorado

Bldg. 714 A/B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930021
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 717
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930022
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 770
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930023
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 771
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930024
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 771B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy

Property Number: 41199930025
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 771C
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930026
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 772–772A
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930027
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 773
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930028
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 774
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930029
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Missouri

Bldg. 81
Kansas City Plant
Bannister Road Kansas City Co: MO 00000–
Landholding Agency: Energy
Property Number: 41199930030
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

New Jersey

Units C33 and C34
Princeton Plasma Physics Lab
Princeton Co: Mercer NJ 08540–
Landholding Agency: Energy
Property Number: 41199930020
Status: Excess
Reason: Extensive deterioration

Washington

Bldg. 166
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930101
Status: Excess
Reason: Secured Area

Bldg. 287
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930102
Status: Excess
Reason: Secured Area

Bldg. 418
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930103
Status: Excess
Reason: Secured Area

Bldg. 858
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930104
Status: Excess
Reason: Secured Area

[FR Doc. 99–25260 Filed 9–30–99; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4434–N–04]

Notice of Obsolete Public Housing Documents

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Notice of obsolete Public Housing documents pursuant to section 503(d) of the Public Housing Reform Act.

SUMMARY: The purpose of this notice is to publish a list of the documents issued or promulgated under the United States Housing Act of 1937 that are or will be obsolete because of the enactment of the Public Housing Reform Act.

FOR FURTHER INFORMATION CONTACT: Rod Solomon, Deputy Assistant Secretary for Policy, Program and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4116, Washington, DC 20410, telephone (202) 708–0713. Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: This list of documents relating to public housing and Section 8 tenant-based assistance is published in accordance with Section 503(d) of the Quality Housing and Work Responsibility Act of 1998 (Title V of Pub.L. 105–276, 112 Stat. 2461, approved October 21, 1998) (Public Housing Reform Act). Section 503(d) requires the Secretary of HUD to publish in the **Federal Register** a list of all rules, regulations, and orders (including all handbooks, notices and related requirements) pertaining to public housing or section 8 tenant-based programs issued or promulgated under the United States Housing Act of 1937 before the date of the enactment of the Public Housing Reform Act that became or will become obsolete because of the enactment of the Public Housing Reform Act, or are otherwise obsolete.

In identifying requirements as "obsolete," this notice lists not only those that are completely eliminated and removed, but also those that are significantly changed but not removed. For example, the regulatory parts, subparts and sections listed in this notice include regulatory provisions and requirements that are no longer in use or applicable at all as a result of the Public Housing Reform Act, as well as regulatory requirements that are still generally applicable to HUD programs but that are significantly changed by the Public Housing Reform Act and are being revised through rulemaking.

Regulations

A. Portions of the following regulations in title 24 of the CFR were made obsolete by the Public Housing Reform Act and have been or are being revised to reflect the changes:

Part 5—General HUD Program Requirements; Waivers.
Part 761—Drug Elimination Program.
Part 904—Low Rent Housing Homeownership Opportunities (Turnkey III)—obsolete except as to existing projects.
Part 906—Section 5(h) Homeownership Program—obsolete except as to existing projects.
Part 945—Designated Housing—obsolete; superseded by statutory changes made by the Housing Opportunity Program Extension Act of 1996. Now being administered by Notice. The Public Housing Reform Act made a few changes.
Part 960—Admission to, and Occupancy of, Public Housing.
Part 964—Tenant Participation and Tenant Opportunities in Public Housing.
Part 965—PHA Owned or Leased Projects, General Provisions.
Part 966—Lease and Grievance Procedures.
Part 969—PHA-owned Projects, Continued Operation.
Part 970—Demolition or Disposition of Public Housing.
Part 982—Section 8 Tenant-based Assistance.
Part 984—Section 8 and Public Housing Self-Sufficiency.
Part 985—Section 8 Management Assessment Program.

B. The Public Housing Reform Act also has the following effects:

Part 941 (Development) and Part 968 (Modernization), although made obsolete for future years, remain in effect pending issuance of final regulations to implement the Public Housing Reform Act changes. Once regulations for the Capital Fund are issued, Parts 941 and 968 will be discontinued. Part 969 (PHA-Owned

Projects—Continued Operation as Low-Income Housing After Completion of Debt Service) also may be covered by the new Capital Fund regulation.

Part 990, Annual Contributions for Operating Subsidy, remains in effect pending negotiated rulemaking on the Operating Fund and issuance of pertinent revisions to the regulations.

Handbooks

A. The following program handbooks, made obsolete by the Public Housing Reform Act, remain in effect but ultimately will be revised, replaced or eliminated:

1. 7417.1 Public Housing Development Handbook.
2. 7420.3 Section 8 Housing Assistance Payments Program.
3. 7420.6 Housing Assistance Payments Program Accounting.
4. 7420.6 Section 8 Rental Certificate, Rental Voucher and Moderate Rehabilitation.
5. 7430.1 Low-Income Leased Housing (guide).
6. 7410.1 Public and Indian Housing Low-Rent Technical Accounting Guide.
7. 7460.5 Public Housing Management Assessment Program.
8. 7485.1 Public and Indian Housing Comprehensive Improvement Assistance Program.
9. 7485.3 Public and Indian Housing Comprehensive Grant Program Handbook.
10. 7560.1 Public and Indian Housing Development and Modernization Fund.
11. 7465.1 Public Housing Occupancy Audit Handbook.
12. 7465.2 Public Housing Occupancy Reporting Handbook.
13. 7475.1 Financial Management Handbook (guide).

B. The Department, in its effort to simply program administration for its partners, previously discontinued the following handbooks:

1. 7401.1 Low-Rent Housing Administration of Programs Handbook.
2. 7401.2 Low-Rent Housing Administrative Practices Guide.
3. 7401.5 Low-Income Housing Property/Casualty Insurance Handbook.
4. 7401.7 Public Housing Agency Personnel Policies (Part I).
5. 7401.7 Public Housing Agency Personnel Policies (Part II).
6. 7420.7 Public Housing Agency Administrative Practices Handbook (except section 4–5.d.1, chapters 5 and 8).
7. 7430.1 Low-Rent Lease Housing Handbook.
8. 7460.5 The Public Housing Management Handbook.
9. 7465.1 Public Housing Occupancy Handbook.
10. 7475.1 Low-Income Housing Financial Management Handbook.
11. 7475.2 Performance Funding System.
12. 7476.1 Audits of Public Housing Agencies and Indian Housing Authorities.
13. 7486.1 Public Housing Demolition, Disposition and Conversion.
14. 7495.3 Low-Rent Homeownership Opportunities Handbook.

Notices

Notices generally expire within a year from the date of issuance. Notices necessary for implementing changes made by the Public Housing Reform Act have been or will be issued and those made obsolete have expired. Program guides and documents are being revised as necessary or discontinued to meet the requirements of the Public Housing Reform Act.

Dated: September 29, 1999.

Deborah Vincent,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–25706 Filed 9–29–99; 2:36 pm]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Impact Statement/Environmental Impact Report and Receipt of an Application for an Incidental Take Permit for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The San Joaquin Council of Governments has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The San Joaquin Council of Governments has applied on behalf of the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy; San Joaquin County; the East Bay Municipal Utility District; California Department of Transportation-District 10 within San Joaquin County; San Joaquin Council of Governments; San Joaquin Area Flood Control Agency; Stockton East Water District; and the South San Joaquin Irrigation District (applicants). The proposed permit would authorize incidental take of 16 federally listed species. The proposed taking of these species would be incidental to the implementation of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, which provides, in part, for the conversion of open space to non-open space uses. The proposed permit also would authorize future incidental take of 84 currently unlisted species, should any of them become listed under the Act during the life of the permit. The proposed permit duration is 50 years. The permit application, available for public review, includes a Habitat Conservation Plan (Plan) which describes the proposed program and mitigation, and the accompanying Implementing Agreement.

The Service also announces the availability of a joint draft Environmental Impact Statement/Environmental Impact Report (Impact Statement/Report) for the incidental take permit application. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

PUBLIC HEARING: A public hearing will be held November 9, 1999, from 6:00 p.m. to 8:00 p.m. at the Hutchens Street Square, 125 South Hutchens St., Lodi, California. For additional hearing information, contact Ms. Amy Augustine at (209) 532–7376. Oral and written comments will be received at the meeting.

DATES: Written comments should be received on or before January 7, 2000.

ADDRESSES: Comments should be addressed to the Field Supervisor, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, California 95825. Written comments may be sent by facsimile to (916) 414–6711.

FOR FURTHER INFORMATION CONTACT: Ms. Cay C. Goude, Assistant Field Supervisor, at the above address, telephone (916) 414–6601.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the application, draft Impact Statement/Report, Plan, and Implementing Agreement for review should immediately contact the San Joaquin Council of Governments by telephone at (209) 468–3913 or by letter to the San Joaquin Council of Governments at 6 S. El Dorado St., Suite 400, Stockton, California 95202. Copies of the draft Impact Statement/Report, Plan, and Implementing Agreement also are

available for public inspection at branch libraries in San Joaquin County during regular business hours.

Background Information

Section 9 of the Act and Federal regulation prohibit the "take" of animal species listed as endangered or threatened. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 USC 1538). Under limited circumstances, the Service, however, may issue permits to authorize "incidental take" of listed animal species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened species and endangered species, respectively are at 50 CFR 17.32 and 50 CFR 17.22.

Background

The San Joaquin Council of Governments seeks a permit for take of the following federally listed species: threatened Aleutian Canada goose (*Branta canadensis leucopareia*), giant garter snake (*Thamnophis gigas*), California red-legged frog (*Rana aurora draytonii*), delta smelt (*Hypomesus transpacificus*), Sacramento splittail (*Pogonichthys macrolepidotus*), vernal pool fairy shrimp (*Branchinecta lynchi*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), fleshy owl's-clover (*Castilleja campestris* ssp. *succulenta*), Colusa grass (*Neostapfia colusana*), and endangered San Joaquin kit fox (*Vulpes macrotis mutica*), Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardi*), large-flowered fiddleneck (*Amsinckia grandiflora*), palmate-bracted bird's-beak (*Cordylanthus palmatus*), and Greene's tuctoria (*Tuctoria greenei*). This take would be incidental to the applicants' conversion of open space to non-open space uses within the 900,000+ acre planning area in San Joaquin County, California. The proposed permit also would authorize future incidental take of 84 species that are not currently federally listed, should any of them become listed under the Act during the life of the permit. The 84 currently unlisted species include 24 plant species, 2 fish species, 5 invertebrate species, 3 amphibian species, 3 reptile species, 32 bird species, and 15 mammal species (9 of which are bats). Collectively, the 100 listed and unlisted species addressed in the Plan are referred to as the "covered species" for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

In the Plan, the applicants have proposed the conversion of approximately 109,302 acres from open space to non-open space uses throughout the life of the permit, primarily by activities already addressed in adopted plans of the local cities and County. These activities include residential, commercial, and industrial development; aggregate mining; construction and maintenance of transportation facilities, public utilities, schools, and parks and trails; minor dredging, non-federal flood control and irrigation district projects; agricultural conversions of vernal pool grasslands; managing reserves; and other anticipated projects. A more detailed description of covered activities is provided in the Plan.

The Plan classifies the County's land uses into four general categories: Natural Lands, Agricultural Lands, Multi-Purpose Open Space, and Urban Lands. Habitat preservation and/or creation will be required to mitigate for loss of Natural and Agricultural Lands. For Agricultural Land (*e.g.*, row and field crops), 1 acre will be preserved for each acre impacted. For Natural Lands, mitigation varies according to habitat type: (a) for non-wetland habitat (*e.g.*, grasslands, oak woodlands, scrub), 3 acres will be preserved for each acre lost; (b) for vernal pools in the designated "Vernal Pool Zone", 2 acres will be preserved and 1 acre will be created for each acre lost; (c) for vernal pools in the "Southwest Zone", 3 acres of preservation will be required for each acre lost (unless vernal pool conservancy shrimp or vernal pool longhorn shrimp are impacted which will require 5 acres of preservation for each acre lost); and (d) for wetlands other than vernal pools (*e.g.*, channel islands, riparian creeks, sloughs), each acre lost will be mitigated through 3 acres of preservation, at least 1 acre of which will be created. Up to 71,837 acres of Natural and Agricultural Lands could be converted under the plan, requiring approximately 100,241 acres of habitat preservation and/or creation. Additionally, up to 37,465 acres of Multi-Purpose Open Space are expected to be converted, requiring mitigation in the form of fee payments to help finance enhancement, management, and administration costs associated with the preserve system. The amount of land that will actually be converted during the life of the permit is unknown, but maximum acreage limits have been set based on existing local land use plans.

An additional 600 acres will be preserved under the Plan to compensate for potential impacts to covered species which stray from preserve lands onto neighboring lands. At the election of landowners within 0.5 mile of preserve land, agricultural and aggregate mining activities will receive incidental take authorization for covered species, except for foraging Swainson's hawks, that become established on the property after the adjacent land has been preserved. For foraging Swainson's hawks, landowners within 10 miles of established preserves may receive neighboring land protections at their discretion. Exceptions to this coverage and other details regarding these neighboring land protections are provided in the Plan.

Preservation is anticipated to be achieved primarily through the purchase of conservation easements (approximately 90 percent) with some purchase of lands in fee title (approximately 10 percent). Conservation easements would stress the preservation of existing agricultural practices which are deemed compatible with the conservation of the covered species. It is anticipated that about 100,841 acres of Preserve will be acquired (about 100,241 to mitigate loss of Natural and Agricultural Lands and 600 acres to mitigate for neighboring land protections) during the 50-year term of the Plan. These lands would be preserved and managed for wildlife values in perpetuity.

The Plan includes measures to avoid and minimize incidental take for each of the covered species, emphasizing project design modifications to protect both habitats and species individuals. A monitoring and reporting plan will gauge the Plan's success, based on biological success criteria, and ensure that compensation keeps pace with open space conversions. The Plan also includes adaptive management which allows for changes in the conservation program if the biological success criteria are not met, or new information becomes available to improve the efficacy of the Plan's conservation strategy.

In addition to incidental take avoidance measures, the Plan includes requirements for conserving corridors for the San Joaquin kit fox and for avoiding the creation of linear barriers to species dispersal. The Plan also establishes limits on Natural Land conversions and for particular species covered by the Plan. Details of avoidance and minimization measures, and preserve design and management are presented in the Plan.

The Plan would be implemented by a Joint Powers Authority which would be advised by a Technical Advisory Committee including representatives from the Fish and Wildlife Service, California Department of Fish and Game, and U.S. Army Corps of Engineers, among others. Additional assistance will be provided to the Joint Powers Authority by conservation, agricultural, and business interests, and other stakeholders in the County.

Funding for the Plan is anticipated to be provided by multiple sources including development fees (to fund 67 percent of the Plan); local, state and federal funding sources (16 percent of Plan funding); Plan-generated income (*e.g.*, through lease revenues—approximately 5 percent of funding); conservation bank revenues (2 percent); and revolving funds (10 percent).

The draft Impact Statement/Report considers five alternatives, including the Proposed Action and the No-Action Alternatives. Under the No-Action Alternative, landowners within the County would continue to apply for individual incidental take permits on a case-by-case basis, resulting in piecemeal planning that would establish isolated patches of mitigation land scattered throughout the County. This could result in cumulatively significant adverse impacts to those species which would benefit from larger tracts of interconnected habitats.

Under the Reduced Land Acquisition/Increased Preserve Enhancement Alternative, mitigation would focus on habitat enhancement which could interfere substantially with agricultural activities, creating significant adverse impact to agricultural productivity in the County. This alternative would have questionable benefits to the covered species because habitat enhancement is unpredictable and may be unsuccessful.

Under the No Wetlands Coverage Alternative, landowners within the County would continue to apply for individual permits pursuant to the Federal Clean Water Act, resulting in piecemeal planning. Mitigation lands would consist of smaller and more widely scattered habitat blocks than would occur with the Proposed Action, resulting in cumulatively significant adverse impacts to those wetland-dependent species which would benefit from larger tracts of interconnected habitats.

Under the Preserve Location Outside of the County Alternative, significantly less habitat within the County would be preserved than with the Proposed Action, adversely impacting some covered species by creating gaps in the species' range and potentially disrupting the genetic integrity of some populations. This alternative could also adversely impact relatively immobile species that are unable to relocate to distant newly created habitats.

The California Department of Fish and Game intends to use this draft Impact Statement/Report and the Plan as a basis for issuing state permits for incidental take equivalent to the actions described above.

In addition, under a separate action, the U.S. Army Corps of Engineers may use this draft Impact Report/Statement and the Plan as a basis for developing a programmatic general permit pursuant to section 404(e) of the Federal Clean Water Act [33 CFR 322.2(f) and 323.2(h)] in consultation with the Environmental Protection Agency covering Waters of the United States for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan covered activities conducted on jurisdictional lands. In conjunction, these documents will be used by the California State Water Resources Control Board or Central Valley Regional Water Quality Control Board to consider the issuance of a water quality certification or waiver pursuant to section 401 of the Federal Clean Water Act after issuance of the programmatic section 404(e) general permit.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and Fish and Wildlife Service regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6).

Dated: September 22, 1999.

Elizabeth H. Stevens,

Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 99–25140 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Proposed Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) the Department of the Interior is seeking extension of an Information Collection Request (ICR) for grantees participating in the Pub. L. 102–477 program, OMB# 1076–0135. The Department invites public comments on the subject proposal described below.

DATES: Submit written comments regarding this proposal on or before November 30, 1999.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instructions should be directed to Lynn Forcia, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, NW, MS 4640–MIB, Washington, DC 20240, and 202–219–5270 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: I. *Abstract:* The information collection is needed to document satisfactory compliance with statutory requirements of the various integrated programs. Pub. L. 102–477 authorizes tribal governments to integrate federally funded employment, training and related services programs into a single, coordinated, comprehensive service delivery plan. Funding agencies include the Department of the Interior, Department of Labor, and the Department of Health and Human Services. The Bureau of Indian Affairs is statutorily required to serve as the lead agency. Section 11 of this Act requires that the Secretary of the Interior make available a single universal report format which shall be used by a tribal government to report on integrated activities and expenditures undertaken. The Bureau of Indian Affairs shares the information collected from these reports with the Department of Labor and Department of Health and Human Services.

II. *Method of Collection:* Pub. L. 102–477 grantees are required to complete annually two single page, one-sided report forms and one narrative report, using five pages of instructions. These replace 166 pages of instructions and applications representing three different agencies and twelve different funded but related programs. We estimate a 95 percent reduction in reporting which is consistent with the Paperwork Reduction Act and goals of the National Performance Review.

The statistical report and narrative report will be used to demonstrate how well a plan was executed in comparison to its proposed goals. This one page, universal report plus narrative satisfies the Department of Health and Human Services, Department of Labor, and the Department of the Interior.

The financial status report will be used to track cash flow, and will allow an analysis of activities versus expenditures and expenditures to approved budget. It is a slightly modified SF–269–A (short form).

These two report forms and the narrative are extremely limited but

satisfy requirements of the Department of Health and Human Services, Department of Labor, and the Department of the Interior. The revised forms reduce the burden on tribal governments by consolidating data collection for employment, training, education, child care and related service programs. The reports are due annually. These forms, developed within a partnership between participating tribes and representatives of all three Federal agencies, standardize terms and definitions, eliminate duplication and reduce frequency of collection.

Respondents: Tribes participating in Pub. L. 102–477 will report annually. As of October 1, 1999 we anticipate that there will be 32 grantees participating in the program.

Burden: We estimate that completion of the reporting requirements will require 10 hours per year to complete for each grantee. The total hour burden will be 320 hours.

Request for Comments

Comments may include:

(a) Whether the collection of information is necessary for the proper performance of the functions of the bureau, including whether the information will have practical utility;

(b) The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) The quality, utility, and clarity of the information to be collected; and

(d) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

Comments should refer to the proposal by name and/or OMB Control Number and should be sent to Lynn Forcia, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, NW, MS–4640–MIB, Washington, DC 20240.

All written comments, names and addresses of commentators will be available for public inspection in Room 4644 of the Main Interior Building, 1849 C Street, NW, Washington, DC, from 9 a.m. until 3 p.m., Monday through Friday, excluding legal holidays. If you want us to withhold your name and address you must state that prominently at the beginning of your comment. We will honor your request to the extent allowable by law. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, an information collection request that does not have a valid expiration date.

Dated: September 21, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99–25536 Filed 9–30–99 8:45 pm]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Second Amendment to the Tribal-State Compact for Class III Gaming between the Elwha S'Klallam Indian Tribe and the State of Washington, which was executed on March 16, 1999.

DATES: This action is effective October 1, 1999.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: September 17, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99–25506 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF INTERIOR

Bureau of Land Management

[UT–080–1310–00]

Notice of Availability of the Proposed Plan Amendment Environmental Assessment to the Book Cliffs Resource Area Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The Bureau of Land Management (BLM), Utah, Vernal Field Office has completed an Environmental Assessment (EA) and issued a Finding of No Significant Impact (FONSI) for the Proposed Book Cliffs Resource Area Plan Amendment for Black-Footed Ferret Reintroduction into the Coyote Basin Area, Utah. The proposed plan amendment would allow for the reintroduction of the ferret into the Primary Management Zone (PMZ) of Coyote Basin under the conditions delineated under the U.S. Fish and Wildlife Service's rule establishing the area as covered by Section 10j of the Endangered Species Act of 1973, as amended. The Coyote Basin PMZ, which is located in Uintah County, Utah, consists of 51,563 acres.

Additionally, the guidelines developed by an interdisciplinary team and described in the Final Proposed Cooperative Plan for the Reintroduction and Management of Black-footed Ferrets in Coyote Basin, Uintah County, Utah would be followed.

DATES: The 30 day protest period for the proposed plan amendment will commence with the publication of this notice. Protests must be received on or before November 1, 1999.

ADDRESSES: Protests must be addressed to the Director (W–210), Bureau of Land Management, Attn: Brenda Williams, 1849 C Street, N.W., Washington, D.C. 20240 within 30 days after the date of publication of this Notice of Availability.

FOR FURTHER INFORMATION CONTACT: William Stroh, Wildlife Biologist, Vernal Field Office, at 170 South 500 East, Vernal, Utah 84078, (435) 781–4481. Copies of the proposed plan amendment EA are available for review at the Vernal Field Office or on the internet at http://www.blm.gov/utah/vernal.

SUPPLEMENTARY INFORMATION: This action is announced pursuant to Section 202(a) of the Federal Land Policy Management Act (1976) and 43 CFR Part 1610. This proposed amendment is subject to protests by any party who has participated in the planning process. Protests must be specific and contain the following information:

—The name, mailing address, phone number, and interest of the person filing the protest.

—A statement of the issue(s) being protested.

—A statement of the part(s) of the proposed amendment being protested and citing pages, paragraphs, maps, etc., of the proposed plan amendment.

—A copy of all documents addressing the issue(s) submitted by the protestor during the planning process or a reference to the date when the protester discussed the issue(s) for the record.

—A concise statement as to why the protester believes the BLM State Director is incorrect.

Dated: September 24, 1999.
Linda S. Colville,
Acting State Director, Utah.
[FR Doc. 99–25518 Filed 9–30–99; 8:45 am]
BILLING CODE 1150–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. NV–910–0777–30–241A]

Sierra Front-Northwestern Great Basin Resource Advisory Council, Northeastern Great Basin Resource Advisory Council, and Mojave-Southern Great Basin Resource Advisory Council; Notice of Meeting Locations and Times

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of combined resource advisory council meeting locations and times.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), the Department of the Interior, Bureau of Land Management (BLM) Council meetings will be held as indicated below. Topics for discussions will be a presentation and discussion of 1999 operations, and outlook for 2000 of the BLM in Nevada; opening and closeout reports of the three RACs; a presentation and discussion of the Nevada Wild Horse and Burro Tactical Plan and Standards and Guidelines for Wild Horses and Burros; a panel discussion on rangeland restoration, and a discussion with the Fire Rehabilitation team; breakout meetings of the "PODs;" breakout meetings of the three RACs; and other topics the councils may raise. There will be luncheon speakers both days.

All meetings are open to the public. During the two noon luncheons, members of the public may join the group for lunch, at their own expense. The public may present written comments to the council. The public comment period for the council meeting will be at 2 p.m. on Friday, October 29. Individuals who plan to attend and need further information about the meeting or need special assistance such as sign language interpretation or other reasonable accommodations, should contact Robert Stewart at the Nevada State Office, BLM, 1340 Financial Blvd., Reno, Nevada, telephone (775) 861–6586.

DATE, TIME: The council will meet on Thursday, October 28, 1999, from 8:00 a.m. to 4:30 p.m. and Friday, October 29, 1999, from 8:00 a.m. to 3:00 p.m., at John Ascuaga's Nugget, 1100 Nugget Ave., Sparks, Nevada. If due to unforeseeable problems this site is not available, the alternate site of the meeting will be the Nevada State Office, 1340 Financial Blvd., Reno, Nevada. The dates and times will be remain the same. Public comment will be received at the discretion of the State Director, as meeting moderator, with a general public comment period on Friday, October 29, 1999, at 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Robert Stewart, Public Information Specialist, BLM Nevada State Office, 1340 Financial Blvd., Reno, Nevada, telephone (775) 861–6586.

Dated: September 24, 1999.
Robert V. Abbey,
Nevada State Director.
[FR Doc. 99–25520 Filed 9–30–99; 8:45 am]
BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW132304]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

September 23, 1999.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW132304 for lands in Fremont County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW132304 effective June 1, 1999, subject to the original terms and conditions of the lease and the increase rental and royalty rates cited above.

Mary Jo Rugwell,
Acting Chief, Leasable Minerals Section.
[FR Doc. 99–25521 Filed 9–30–99; 8:45 am]
BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW132294]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

September 23, 1999.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW132294 for lands in Natrona County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW132294 effective June 1, 1999, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Mary Jo Rugwell,
Acting Chief, Leasable Minerals Section.
[FR Doc. 99–25522 Filed 9–30–99; 8:45 am]
BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–940–0777–42; CACA 41111]

Notice of Potential Sale: Direct Sale requested by the Bridgeport Indian Colony, Bridgeport, California; Notice of Intent: To consider amending the Bishop Resource Management Plan, Bishop Field Office, California

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of Intent to consider an amendment to the Bishop Resource Management Plan's list of public land disposal parcels, which would add a 40 acre parcel, and a Notice of Potential Direct Sale for the said 40 acres requested by the Bridgeport Indian Colony in Mono County, CA.

SUMMARY: The BLM's Bishop Field Office has received an application from

the Bridgeport Indian Colony to purchase at fair market value a 40 acre parcel adjacent to their existing reservation. The Tribe currently has a 40 acre reservation northeast of Bridgeport, Mono County, CA. The Tribe has been attempting to increase the size of their reservation to provide land for economic development, residential use and community services, including formal requests for withdrawal to the Bureau of Land Management as early as 1983. During development of the Bishop Resource Management Plan (approved March 1993), public land was identified for transfer to other tribal governments within the planning area. Despite the tribe's previously expressed interest in the adjacent 40 acres, the parcel was not evaluated for disposal to the tribe. The tribe has now formally requested that this 40 acre parcel immediately adjacent to the existing reservation be made available to them through a direct sale under the authority of the Federal Land Policy and Management Act, Sec. 203 (43 USC 1713).

The requested sale would involve the following lands located northeast of Bridgeport and adjacent to Highway 182 in the County of Mono, California:

Selected Federal Lands, requested to be Patented to the Bridgeport Indian Colony:

Mount Diablo Meridian, California,

T. 5N., R. 25 E.,
Sec. 28, SW 1/4 of NE 1/4.

SUPPLEMENTAL INFORMATION: A final decision on the sale proposal and the RMP amendment will be made following public comments and completion of an environmental analysis. The environmental analysis will evaluate a direct sale at fair market value and other alternatives. Factors to be considered include the proximity of the site to the Bridgeport Indian Colony reservation, the Department of the Interior's trust responsibilities to the Tribe, and the Rights-of-Way (ROW) encumbering the disposal parcel, some of which are held by the Bridgeport Tribe or directly support the Reservation. There are eight known ROWs within the 40 acre parcel that the Tribe would have to accept. These include:

CAS 2240 SCE Powerline, 25′ wide;
CAS 059135 GTE Telephone line, 30′ wide;
CAS 053545 Caltrans Highway 182, 400′ wide;
CACA 6432 GTE Underground telephone cable, 10′ wide;
CACA 6044 Indian Health Srvs, Pipeline and Powerline, 60′ wide;
CACA 4083 BIA Road, dike, ditch and fill area, 60′ wide;
CACA 8757 Bridgeport PUC Pipeline, 50′ wide;
CACA 5332 SCE Powerline, guy and anchor point, 25′ wide.

The following covenant would also be placed in the conveyance document: "Authorized rights-of-way and other valid third party rights will be recognized. The Proponent will negotiate new easement/permit agreements with third party rights. Patents to selected public lands will be issued subject to any third party rights not successfully negotiated and replaced by a Proponent easement or permit."

Upon publication of this Notice in the **Federal Register**, the public lands described above are segregated from all forms of appropriation under the public land laws, including the mining laws for a period of 270 days from the date of publication. The segregative effect shall terminate as provided by 43 CFR 2711.1–2(d).

Detailed information concerning the RMP amendment and the requested sale is available at the BLM Bishop Field Office, 785 N. Main St. Suite E, Bishop, CA 93514 or by contacting Larry Primosch at (760) 872–4881.

COMMENTS: For a period of 45 days from the initial date of publication of this notice, interested parties may submit valid comments on the Bishop RMP amendment or the requested sale to the BLM Bishop Field Manager, 785 N. Main St. Suite E, Bishop, CA 93514. A public meeting will be held from 6–9 pm on October 12 at the Memorial Hall in the town of Bridgeport to gather comments and help define the issues which must be addressed in the environmental analysis.

Dated: September 22, 1999.

Steve Addington,

Field Manager, Bishop Field Office.

[FR Doc. 99–25525 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–160–1430–00–7509;COC–60329]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Colorado

AGENCY: Department of Interior, Bureau of Land Management.

ACTION: Notice.

SUMMARY: The following public lands in Gunnison County, Colorado have been examined and found suitable for classification for conveyance to the County of Gunnison, Colorado under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The County of Gunnison proposes to use the lands for a sanitary landfill.

New Mexico Principal Meridian, Colorado
Township 49 North, Range 1 East, New Mexico Principal Meridian, Colorado

Sec. 10: S½NE¼SE¼, SE¼SE¼;
Sec. 11; Lots 9–11 inclusive, SW¼SW¼, W½SE¼SW¼;
Sec. 14: W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, N½S½SW¼NW¼, N½SW¼SE¼NW¼, NW¼SE¼NW¼;
Sec. 15: N½NE¼NE¼, NE¼NW¼NE¼, N½SE¼NW¼NE¼, N½SW¼NE¼NE¼, SE¼NE¼NE¼, NE¼SE¼NE¼, N½SE¼SE¼NE¼;

The area described aggregates 319.95 acres, more or less.

A portion of the lands described, 150 acres, was previously classified as suitable for lease in 1983, and R&PP lease COC–35052 was issued to Gunnison County for a sanitary landfill. The County proposes to continue using the lands for a sanitary landfill. The lands are not needed for Federal purposes. Conveyance without reversionary interest is consistent with current BLM land use planning and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.
2. A right-of-way for ditches and canals constructed by the authority of the United States.
3. The patentee shall comply with all Federal and State laws applicable to the disposal, placement or release of hazardous substances.
4. The patentee shall indemnify and hold harmless the United States against any legal liability or future costs that may arise out of any violation of such laws.
5. A provision stating that the landfill may contain small amounts of hazardous waste in the form of household or commercial materials.
6. No portion of the land covered by such patent shall under any circumstance revert to the United States.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Gunnison Field Office, 216 N. Colorado St., Gunnison, Colorado.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the mining laws, except

for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed conveyance or classification of the lands to the Field Manager, Bureau of Land Management, Gunnison Field Office, 216 N. Colorado St., Gunnison, CO 81230.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a sanitary landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a sanitary landfill.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Signed September 24, 1999.

Barry A. Tollefson,

Field Manager.

[FR Doc. 99–25524 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

Acceptance of Plan of Operations; Mining Operations, CIMA Cinder Mine, Mojave National Preserve, San Bernardino County, California

Notice is hereby given, in accordance with Section 9.17(a) of Title 36 of the Code of Federal Regulations, Part 9, Subpart A, that the National Park Service has received, and accepted as complete, from J. Lorene Caffee, the Cima Cinder Mine, a plan of operations on the Cinder No. 2 and Cinder No. 3 claims, in the Mojave National Preserve, located within San Bernardino County, California.

The plan of operations is available for public review and comment for a period of 30 days from the publication date of this notice. The document can be viewed during normal business hours at the office of the Superintendent, Mojave National Reserve, 222 East Main Street, Suite 202, Barstow, California 92311. Individuals desiring to comment on the plan are notified that their names and addresses are generally available to the public.

Dated: September 13, 1999.

Mary G. Martin,

Superintendent, Mojave National Preserve.

[FR Doc. 99–25246 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Notice of Intent To Prepare a Draft Environmental Impact Statement on the Operations of the Navajo Unit, Colorado River Storage Project, New Mexico and Colorado and Announcement of Public Scoping Meetings

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement on the operations of the Navajo Unit, Colorado River Storage Project, New Mexico and Colorado and announcement of public scoping meetings.

SUMMARY: The Department of the Interior, Bureau of Reclamation (Reclamation), announces its intent to prepare a draft environmental impact statement (DEIS), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, on the Navajo Unit (Unit). The DEIS will describe the effects of operating the Unit to implement the flow recommendations provided by the San Juan River Basin Recovery Implementation Program (Program). The purpose of the proposed action is to mimic the natural hydrograph of the San Juan River to create and maintain habitat and a healthy biological community in order to conserve populations of two endangered fishes, the razorback sucker and the Colorado pikeminnow (formerly Colorado squawfish), while maintaining the other authorized purposes of the Unit, Colorado River Storage Project (CRSP). Such conservation is consistent with the recovery goals established under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*

Reclamation invites other federal agencies, states, Indian Tribes, local governments, and the general public to submit written comments or suggestions concerning the scope of the issues to be addressed in the DEIS. The public is invited to participate in a series of scoping meetings that will be held in November in Colorado and New Mexico (see **SUPPLEMENTARY INFORMATION** section). Those not desiring to submit comments or suggestions at this time, but who would like to receive a copy of the DEIS, should write to the addresses below. When the DEIS is complete, its availability will be announced in the **Federal Register**, local news media, and through direct contact with interested parties so that comments can be solicited.

DATES AND LOCATIONS: See **SUPPLEMENTARY INFORMATION** section for meeting dates and locations.

FOR FURTHER INFORMATION CONTACT: Jone Wright, Bureau of Reclamation, Western Colorado Area Office, Northern Division, 2764 Compass Drive, Suite 106, Grand Junction, Colorado 81506, telephone: (970) 248–0636. FAX: (970) 248–0601. E-Mail: jwright@uc.usbr.gov or refer to Reclamation's web site at www.uc.usbr.gov.

SUPPLEMENTARY INFORMATION:

Background

The Unit was authorized by Congress in 1956 as one of four key features of the CRSP intended to develop the water resources of the Upper Colorado River Basin for the purposes of:

* * * regulating the flow of the Colorado River, storing water for beneficial consumptive use, making it possible for the States of the Upper Basin to utilize, consistently with the provisions of the Colorado River Compact, the apportionments made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, providing for the reclamation of arid and semiarid lands, for the control of floods, and for the generation of hydroelectric power, as an incident to the foregoing purposes . * * *

Other project purposes include a municipal and industrial water supply, recreation, and fish and wildlife.

Operations

After completion of the Unit in December 1963, the focus of the criteria for releasing water from the dam was primarily on meeting irrigation needs, providing flood control, maintaining stable flows, and providing a recreation pool in Navajo Reservoir. Over the last decade, however, the focus of the criteria and associated pattern for releasing water from the Unit has changed. The effects that Unit operations have had on endangered fishes and trout have resulted in various

commitments by Reclamation to evaluate those effects and consider implementing the flow recommendations.

Formal consultation under the Endangered Species Act (ESA) on the Unit was requested by Reclamation in a July 30, 1991, memorandum to the U.S. Fish and Wildlife Service (Service). Reclamation committed at that time to, among other things, operate Navajo Dam in the manner most consistent with endangered fish recovery, including mimicking a natural hydrograph if that is the recommended course, for the life of Navajo Dam. In an August 19, 1991, response to Reclamation, the Service concurred that the consultation process should be initiated, and that the consultation period for the operations of the Unit be extended while research on the San Juan River was conducted.

Flow Recommendations

Under the direction of the Program's Biology Committee, test releases were conducted and evaluated during the 1992–1998 research period. At the completion of the research period, the Biology Committee completed a report, entitled Flow Recommendations for the San Juan River (1999), which provides recommended flows for the endangered fishes in the San Juan River below Farmington, New Mexico. The recommendations define the conditions for mimicking a natural hydrograph in terms of magnitude, duration, and frequency of flows in the San Juan River.

If the Service follows these recommendations in future biological opinions, then the flow criteria or a reasonable alternative would have to be met to avoid jeopardy. These recommendations have been accepted by the Program's Coordination Committee and have been provided to the Service for their use in future Section 7 consultations.

Related Projects

Subsequent consultations with the Service on other San Juan Basin projects and associated federal actions included the operation of the Unit as an element of the proposed plan or the resulting reasonable and prudent alternative. These related projects include conversion of irrigation water to municipal and industrial water on the Mancos Project, Florida Project water sale contracts, the Animas La-Plata Project, and completion of the Navajo Indian Irrigation Project (NIIP) and related water service contracts.

The Proposed Federal Action

Reclamation proposes to prepare a DEIS which will describe the effects of operating the Unit to implement the flow recommendations, or reasonable alternatives, as contained in the recommendation from the Program's Biology Committee resulting from consultation under the ESA. Reclamation would implement the proposed action by modifying the operations decision criteria of the Unit. Modifying the operations would provide sufficient releases of water at times, quantities, and durations necessary to mimic the natural hydrograph of the river to create and maintain habitat and to maintain a healthy biological community in order to conserve populations of two endangered fishes, while maintaining the other authorized purposes of the Unit.

Public Scoping

Scoping meetings will be held in Farmington, New Mexico; Albuquerque, New Mexico; Durango, Colorado; and Pagosa Springs, Colorado in early November 1999 for the purpose of obtaining public input on the significant issues related to the proposed action. The schedule and locations for the meetings are shown below. The public is asked to provide input on the following:

1. Identification of relevant issues related to the proposed action.
2. Whether the overall range of alternatives is appropriate.

Schedule of Scoping Meetings

The following scoping meetings will be conducted in New Mexico and Colorado.

- November 3, 1999, from 6–9 p.m., Farmington Civic Center, 200 W. Arrington, Farmington, New Mexico.
- November 4, 1999, from 6:30–9:30 p.m., Doubletree Hotel, 501 Camino Del Rio, Durango, Colorado.
- November 9, 1999, from 6–9 p.m., Crown Plaza Pyramid, 5151 San Francisco Road, Albuquerque, New Mexico.
- November 10, 1999, from 6–9 p.m., Pagosa Inn, 3565 Highway 160, Pagosa Springs, Colorado.

Dated: September 24, 1999.

Charles A. Calhoun,

Regional Director, Upper Colorado Region.

[FR Doc. 99–25475 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation, Interior

Colorado River Basin Salinity Control Advisory Council

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, announcement is made of a meeting of the Colorado River Basin Salinity Control Advisory Council (Council).

DATES AND LOCATIONS: The meeting is scheduled to begin at 1 p.m. on Tuesday, October 26, 1999, and recess at 5 p.m. The Council will briefly reconvene at about 1 p.m. the following day after the Colorado River Basin Salinity Control Forum meeting. The meeting will be held at the York Hotel located at 940 Sutter Street, San Francisco, California. For reservations and information, please contact the York Hotel at (415) 885–6800.

FOR FURTHER INFORMATION CONTACT: David Trueman, Colorado River Salinity Control Program Manager, Bureau of Reclamation, Attention: UC–240, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone (801) 524–3753.

SUPPLEMENTARY INFORMATION: Council members will be briefed on the status of salinity control activities and receive input for drafting the Council's annual report. The Department of the Interior, Department of Agriculture, and Environmental Protection Agency will each present a progress report and schedule of activities on salinity control in the Colorado River Basin. The Council will discuss salinity control activities and the content of their report.

The meeting of the Council is open to the public. Any member of the public may file written statements with the Council before, during, or after the meeting, in person or by mail. Time will be allowed on the agenda for any individual or organization wishing to make formal oral comments (limited to 10 minutes) at the meeting.

Dated: September 14, 1999.

Charles A. Calhoun,

Regional Director, Upper Colorado Region.

[FR Doc. 99–25476 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–94–M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–409]

Certain CD-ROM Controllers and Products Containing the Same—II; Notice of Final Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found no violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202–205–3152. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 13, 1998, based on a complaint filed by Oak Technology, Inc. 63 FR 26625 (1998). The complaint named four respondents: MediaTek, Inc., United Microelectronics Corporation ("UMC"), Lite-On Technology Corp., and AOpen, Inc., Actima Technology Corporation, ASUSTek Computer, Incorporated, Behavior Tech Computer Corporation, Data Electronics, Inc., Momitsu Multi Media Technologies, Inc., Pan-International Industrial Corporation, and Ultima Electronics Corporation were permitted to intervene in the investigation.

In its complaint, Oak alleged that respondents violated section 337 by importing into the United States, selling for importation, and/or selling in the United States after importation electronic products and/or components that infringe claims of U.S. Letters Patent 5,581,715 (the "715 patent). The presiding administrative law judge (ALJ) held an evidentiary hearing from January 11, 1999, to January 28, 1999.

On May 10, 1999, the ALJ issued an initial determination ID (Order No. 15) granting respondent UMC's motion for a summary determination terminating UMC from the investigation on the basis of a license agreement. On May 12, 1999, the ALJ issued his final ID in which he found that there was no violation of section 337. Although the ALJ found that there was a domestic industry with respect to the '715 patent, he found that there was no infringement of any claim at issue, and that the claims in issue of the '715 patent were invalid for on-sale bar under 35 U.S.C. § 102(b), anticipation under 35 U.S.C. § 102(a), obviousness under 35 U.S.C. § 103, indefiniteness under 35 U.S.C. § 112(1), (2), and (6), and derivation under 35 U.S.C. § 102(f).

Complainant Oak filed a petition for review of Order No. 15 and respondent UMC and the Commission investigative attorneys (IAs) filed responses to Oak's petition for review of Order No. 15. Oak, respondents UMC, MediaTek, Lite-On Technology, and AOpen, and the IAs filed petitions for review of the final ID, and all parties subsequently responded to each other's petitions for review of the final ID.

On June 28, 1999, the Commission determined not to review the ALJ's findings with respect to the preamble of claim 1 and its digital signal processor (DSP) element, and determined to review the remainder of the final ID and Order No. 15.

Having examined the record in this investigation, including the briefs and the responses thereto, the Commission determined that there is no violation of section 337. More specifically, the Commission affirmed the ALJ's finding that there is a domestic industry with respect to the '715 patent; affirmed the ALJ's finding of no literal infringement and no infringement under the doctrine of equivalents; reversed the ALJ's findings of invalidity based on an on-sale bar under 35 U.S.C. 102(b), anticipation under 35 U.S.C. 102(a), obviousness under 35 U.S.C. 103, indefiniteness and vagueness under 35 U.S.C. 112(1), (2), and (6), for derivation under 35 U.S.C. 102(f); and reversed the ALJ's finding of unenforceablity due to inequitable conduct before the PTO. [1] The Commission determined to take no position with regard to Order No. 15 terminating respondent UMC from the investigation, and with regard to the issue of equitable estoppel.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and sections 210.45–210.51 of the Commission's Rules of Practice and Procedure, 19 CFR 210.45–210.51.

Copies of the public versions of the subject IDs, and all other nonconfidential documents filed in connection with this investigation, are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202–205–2000.

[1] Chairman Bragg and Commissioner Crawford take no position on the validity and enforceability of the claims at issue of the "715 patent.

Issued: September 27, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25627 Filed 9–30–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–314–317 (Review) and 731–TA–552–555 (Review)]

Hot-Rolled Lead and Bismuth Carbon Steel Products From Brazil, France, Germany, and United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the countervailing duty and antidumping duty orders on hot-rolled lead and bismuth carbon steel products from Brazil, France, Germany, and United Kingdom.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the countervailing duty and antidumping duty orders on hot-rolled lead and bismuth carbon steel products from Brazil, France, Germany, and United Kingdom would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;[1] to be assured of consideration, the deadline for responses is November 22, 1999. Comments on the adequacy of responses may be filed with the Commission by December 10, 1999.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 99–5–036, expiration date July 31, 2002. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436.

E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 F.R. 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at http://www.usitc.gov/rules.htm.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Elizabeth Haines (202–205–3200) or Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

On March 22, 1993, the Department of Commerce issued countervailing duty and antidumping duty orders on imports of hot-rolled lead and bismuth carbon steel products from Brazil, France, Germany, and United Kingdom (58 F.R. 15324). The Commission is conducting reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions

The following definitions apply to these reviews:

(1) Subject Merchandise is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The Subject Countries in these reviews are Brazil, France, Germany, and the United Kingdom.

(3) The Domestic Like Product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determinations, the Commission found one Domestic Like Product: hot-rolled free-machining bar and rod.

(4) The Domestic Industry is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission found one Domestic Industry: producers of hot-rolled free-machining bar and rod.

(5) The Order Date is the date that the countervailing duty and antidumping duty orders under review became effective. In these reviews, the *Order Date* is March 22, 1993.

(6) An Importer is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the Reviews and Public Service List

Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and APO Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification

Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written Submissions

Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is November 22, 1999. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is December 10, 1999. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability To Provide Requested Information

Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation

of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution

If you are a domestic producer, union/worker group, or trade/business association; import/export Subject Merchandise from more than one Subject Country; or produce Subject Merchandise in more than one Subject Country, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent Subject Country. As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing duty and antidumping duty orders on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. § 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Countries that currently export or have exported Subject Merchandise to the United States or other countries since 1992.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 1998 (report quantity data in short tons and value data in thousands of U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Countries, provide the following information on your firm's(s") operations on that product during calendar year 1998 (report quantity data in short tons and value data in thousands of U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from each Subject Country accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of Subject Merchandise imported from each Subject Country; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from each Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 1998 (report quantity data in short tons and value data in thousands of U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in each Subject Country accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from each Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Countries since the Order Date, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Countries, and such merchandise from other countries.

(11) (Optional) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published

pursuant to section 207.61 of the Commission's rules.

Issued: September 27, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25624 Filed 9–30–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Investigations Nos. 701–TA–318 (Review) and 731–TA–538 and 561 (Review)

Sulfanilic Acid From China and India

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the countervailing duty and antidumping duty orders on sulfanilic acid from China and India.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the countervailing duty order on sulfanilic acid from India and the antidumping duty orders on sulfanilic acid from China and India would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is November 22, 1999. Comments on the adequacy of responses may be filed with the Commission by December 10, 1999.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 FR 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at http://www.usitc.gov/rules.htm.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193) or Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

On the dates listed below, the Department of Commerce issued countervailing duty and antidumping duty orders on the subject imports:

Order date	Product/country	Inv. No.	FR cite
8/19/92	Sulfanilic acid/China	731–TA–538	57 FR 37524.
3/2/93	Sulfanilic acid/India	731–TA–561	58 FR 12025.
3/2/93	Sulfanilic acid/India	701–TA–318.	58 FR 12026.

The Commission is conducting reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) Subject Merchandise is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The Subject Countries in these reviews are China and India.

(3) The Domestic Like Product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determinations, the Commission found one Domestic Like Product: all forms of sulfanilic acid—technical grade sulfanilic acid, sodium sulfanilate, and refined grade sulfanilic acid.

(4) The Domestic Industry is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission found one Domestic Industry: producers of all forms of sulfanilic acid.

(5) The Order Dates are the dates that the countervailing duty and antidumping duty orders under review became effective. In the review concerning China, the Order Date is August 19, 1992. In the reviews concerning India, the Order Date is March 2, 1993.

(6) An Importer is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the Reviews and Public Service List.

Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 99–5–035. expiration date July 31, 2002. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and APO Service List.

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification

Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written Submissions

Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is November 22, 1999. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is December 10, 1999. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability to Provide Requested Information

Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information to Be Provided in Response to This Notice of Institution

If you are a domestic producer, union/worker group, or trade/business association; import/export Subject Merchandise from more than one Subject Country; or produce Subject Merchandise in more than one Subject Country, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent Subject Country. As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing duty and antidumping duty orders on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in China that currently export or have exported Subject Merchandise to the United States or other countries since 1991. A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in India that currently export or have exported Subject Merchandise to the United States or other countries since 1992.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 1998 (report quantity data in pounds and value data in thousands of U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) the quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) the quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 1998 (report quantity data in pounds and value data in thousands of U.S. dollars). If you are a trade/

business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from each Subject Country accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of Subject Merchandise imported from each Subject Country; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from each Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in any of the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 1998 (report quantity data in pounds and value data in thousands of U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in each Subject Country accounted for by your firm's(s') production; and

(b) the quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from each Subject Countries accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Countries since the Order Dates, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Countries, and such merchandise from other countries.

(11) (OPTIONAL) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: September 27, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–25623 Filed 9–30–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

Consistent with Departmental policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. 9622(d), notice is hereby given that on August 19, 1999, a proposed Consent Decree in *United States* v. *Cape Chem Corporation, et al.*, Civil Action No. 97–11851 MLW, was lodged with the United States District Court for the District of Massachusetts. The proposed Consent Decree will resolve the United States' claims under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601, *et seq.*, on behalf of the U.S. Environmental Protection Agency ("EPA") against defendants relating to the Payne Cutlery Superfund Site ("Site") located in New Bedford, Massachusetts. The Complaint alleges that each of the defendants is liable under Section 107(a) of CERCLA, 42 U.S.C. 9607(a).

Pursuant to the Consent Decree, the settling defendants agree to pay $70,000 of the approximately $233,000 in EPA's response costs, plus interest from July 27, 1999. This settlement is based upon the settling defendant's ability to pay.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Any comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Cape Chem Corporation*, Civil Action No. 97–11851 MLW, D.J. Ref. 90–11–2–1269.

The proposed consent decree may be examined in the Office of the United States Attorney, District of Massachusetts and at Region I, Office of the Environmental Protection Agency, JFK Federal Building, Boston, MA 02203–2211. A copy of the proposed consent decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check (there is a 25 cent per page reproduction cost) in the amount of $5.00 payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25508 Filed 9–30–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that on September 7, 1999, the United States lodged a proposed consent decree with the United States District Court for the Western District of Michigan, in *United States* v. *Elmer's Crane and Dozer, Inc.*, Civil No. 1:99–CV–383, under Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b). The proposed consent decree resolves certain claims of the United States against Elmer's Crane and Dozer, Inc. ("Elmer's"), arising out of three of its gravel crushing facilities located in Leelanau County and Traverse County, Michigan. Under the proposed Consent Decree Elmer's will pay the United States a $168,000 penalty.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following publication of this Notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044–7611, and should refer to *United States* v. *Elmer's Crane and*

Dozer, Inc., Civil No. 1:99–CV–383, 90–5–2–1–2208. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Western District of Michigan, Grand Rapids, Michigan; the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check for reproduction costs (at 25 cents per page) in the amount of $3.25 for the Decree, payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–25507 Filed 9–30–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Relating to the Halby Chemical Superfund Site in Wilmington, New Castle County, Delaware, Under the Comprehensive Environmental Response, Compensation, and Liability Act

Pursuant to 42 U.S.C. 9622(d), notice hereby is given that a proposed consent decree in *United States* v. *Witco Corporation and the Pyrites Company*, Civil Action No. 99–628 was lodged with the United States District Court for the District of Delaware, on September 17, 1999.

This action was commenced pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601, *et seq.* in connection with the Halby Chemical Superfund Site located in Wilmington, New Castle County, Delaware. (See the National Priorities List in 40 CFR part 300, appendix B).

Pursuant to this consent decree, the Witco Corporation and the Pyrites Company have agreed to perform the Operable Unit 2 remedial design and remedial action at the Halby Superfund Site (the "Site"). and to reimburse the United States approximately $6.2 million in response costs, plus interest, incurred by the United States in connection with the Site.

The consent decree includes a covenant not to sue by the United States under Sections 106 and 107 of CERLA, and under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973.

The Department of Justice will receive comments relating to the proposed consent decrees for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530 (attention: Lisa Cherup). All comments should refer to "*United States* v. *Witco Corporation and the Pyrites Company*, (Halby Chemical Superfund Site), DJ 90–11–2–719B." Additionally, commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed consent decrees may be examined at the Office of the United States Attorney for the District of Delaware, 1201 Market Street, Ste. 1100, P.O. Box 2046, Wilmington, Delaware 19801, and at the office of the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Fifth Floor, Philadelphia, PA 19103–2029 (attention Patricia C. Miller, Assistant Regional Counsel, 215–814–2662). A copy of the proposed consent decrees may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20004. In requesting a copy, please refer to the above-referenced DJ number, and enclose a check in the amount of $26.00 (twenty-five cents per page reproduction costs) for the Consent Decree (104 pages total), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 99–25509 Filed 9–30–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Auto Body Consortium, Inc.: Intelligent Resistance Welding Joint Venture

Notice is hereby given that, on April 28, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Auto Body Consortium, Inc.: Intelligent Resistance Welding Joint Venture has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, DaimlerChrysler Corporation, Auburn Hills, MI, owned by DaimlerChrysler AG, Stuttgart, Germany has been added as a party to this venture. Also, Chrysler Corporation, Auburn Hills, MI, and Johnson Controls, Inc., Plymouth, MI have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Auto Body Consortium, Inc.: Intelligent Resistance Welding Joint Venture intends to file additional written notification disclosing all changes in membership.

On September 18, 1995, Auto Body Consortium, Inc.: Intelligent Resistance Welding Joint Venture filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 6, 1995 (60 FR 62476).

The last notification was filed with the Department on March 17, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 29, 1997 (62 FR 23266).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–25512 Filed 9–30–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Joint Tactical Radio System ("JTRS") Step 1 Consortium

Notice is hereby given that, on March 5, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Boeing North American, Inc. ("Boeing") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commisison disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Boeing North American, Inc., Seal Beach, CA; Racal Communications, Inc., Rockville, MD; Harris Corporation, Melbourne, FL; Lucent Technologies, Inc., Murray Hill,

NJ; Xetron Corporation, Cincinnati, OH; Rockwell International Corporation, Costa Mesa, CA; ViaSat, Inc., Carlsbad, CA; and Autometric Incorporated, Springfield, VA. The Joint Tactical Radio System ("JTRS") Step 1 Consortium will participate in a research and development program under a contract award by the U.S. Army Communications—Electronics Command to define an open architecture for a family of affordable tactical radios to meet military communications requirements in a competitive non-developmental item environment.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–25511 Filed 9–30–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Language Systems Inc.

Notice is hereby given that, on March 16, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Language Systems Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Language Systems, Inc., Woodland Hills, CA; Eloquent Technology Inc., Ithaca, NY; and University of Southern California, Los Angeles, CA. The nature and objectives of the venture are to develop and demonstrate A Spoken Language Forms Translator for Information Transactions.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–25510 Filed 9–30–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Semiconductor Research Corporation

Notice is hereby given that, on March 12, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), the Semiconductor Research Corporation ("SRC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Microcosm Technologies, Inc., Raleigh, NC has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the SRC intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, the SRC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act of January 30, 1985 (50 FR 4281).

The last notification was filed with the Department on December 1, 1998. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 29, 1999 (64 FR 4709).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–25513 Filed 9–30–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Water Heater Industry Joint Research and Development Consortium

Notice is hereby given that, on March 17, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), Water Heater Industry Joint Research and Development Consortium has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Southcorp USA, Inc., Atlanta, GA has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Water Heater Industry Joint Research and Development Consortium intends to file additional written notification disclosing all changes in membership.

On February 28, 1995, Water Heater Industry Joint Research and Development Consortium filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 27, 1995 (60 FR 15789).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 99–25514 Filed 9–30–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed revision and extension collection of the ETA 5159, Claims and Payment Activities.

A copy of the proposed information collection request (ICR) can be obtained

by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before November 30, 1999.

ADDRESSES: Cynthia L. Ambler, U.S. Department of Labor, Employment and Training Administration, Room S–4231, 200 Constitution Ave., NW., Washington, DC Phone: 202–219–6209 x129 (this is not a toll free number). E-mail: *cambler@doleta.gov*.

FOR FURTHER INFORMATION CONTACT: Cynthia Ambler, U.S. Department of Labor, Employment and Training Administration, Room S–4231, 200 Constitution Ave. NW., Washington, DC 20210. Phone number: 202–219–6209 x129. Fax: 202–219–8506. (These are not toll free numbers.) E-mail: *cambler@doleta.gov*.

SUPPLEMENTARY INFORMATION

I. Background

The ETA 5159 report contains information on claims activities including initial claims, weeks claimed, weeks compensated, and the amount of benefit payments. These data are used in budgetary and administrative planning, program evaluation, and reports to Congress and the public. The change being proposed concerns continued weeks claims filed by interstate claimants. Revised interstate claims taking procedures provide that interstate continued weeks can no longer be filed through the agent State. All such claims are now mailed or phoned directly to the liable State. Therefore the data item interstate continued weeks claimed taken by the agent State will be zero. This change removes that data item from the report form.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The ETA 5159 report continues to be needed for administrative financing, program evaluation and public information. The revision eliminates a data item no longer needed.

Type of Review: Extension with change.

Agency: Employment and Training Administration.

Title: Claims and Payment Activities.

OMB Number: 1205–0010.

Agency Number: ETA 5159.

Affected Public: State Government.

Cite/Reference/Form/etc: ETA 5159.

Total Respondents: 53.

Frequency: Monthly.

Total Responses: 636.

Average Time per Response: 1.89 hrs.

Estimated Total Burden Hours: 1359 hrs.

Total Burden Cost (operating/maintaining): $33,975.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 24, 1999.

Grace A. Kilbane,

Director, Unemployment Insurance Service.

[FR Doc. 99–25569 Filed 9–30–99; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Senior Community Service Employment Program (SCSEP) Reporting and Grant Application Package Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1955 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provide in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments on the proposed extension of the Senor Community Service Employment Program information request. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before November 30, 1999.

ADDRESSES: Mr. Erich W. ("Ric") Larisch, Chief of the Division of Older Worker Programs, N 4641, 200 Constitution Ave. NW Washington DC. 20210. The Telephone Number is (202) 219–5904 extension 118 (this is not a toll-free number). The Internet address is Larische@doleta.gov. The fax number is (202) 501–2135.

SUPPLEMENTARY INFORMATION:

I. Background

The information collected for the Senior Community Service Employment Program (SCSEP) is used to administer this $440 million program which serves nearly 100,000 people each year. In addition, the collected information is the basis for reports which are prepared to inform the Congress and the public of the program's accomplishments.

II. Review Focus

The Department of Labor is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarify of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The Department of Labor uses three reports and an annual grant package to administer the SCSEP program. These reports are: a quarterly report of program data, which is the Quarterly Progress Report (QPR), a quarterly financial report which is Financial Status Report (FSR) and an annual report of the distribution of program positions. Also, the program regulations at 641.321(b)(2) require the placement of a poster of allowable and unallowable political activites.

Type of Review: Reinstatement with change.

Agency: Employment and Training Administration.

Title: The Senior Community Service Employment Program (SCSEP) Reporting and Grant Application Package.

OMB No.: 1205–0040.

Record Keeping: Agencies maintain records for 3 years after the end of the grant period. If there are audit exceptions, grantees may have to keep records longer.

Affected Public: State government agencies and non-profit organizations.

Total Respondents: 62.

Frequency: Annually or quarterly which is placed as needed.

Cite/reference	Total Respond.	Frequency	Total responses	Average time per response (hours)	Burden (hours)
Quarterly Progress Report (ETA 5140)	62	Quarterly	248	8	1984
Poster Placement	62	N/A	62	1	62
Equitable Distribution Report (ETA–8705)	62	Annually	62	12	744
Grant Application Signature sheet (ETA–5163)	62	Annually	62	1	62
Total ETA Activity	62	/////	434	/////	2852
Financial Status Report (SF–269)	62	Quarterly Plus Final	310	8	2480
Grant Planning (SF–424A & 424)	62	Annually	62	40	2480
Total SF Activity	62	/////	372	/////	*60

*The Standard Form (SF) burden hours are separate from the other burden hours and are not counted towards ETA's ICB.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (Operating/Maintaining): $1–2 million

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 24, 1999.

Anna W. Goddard,

Director, Office of National Programs.

[FR Doc. 99–25570 Filed 9–30–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standard Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General Wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determination Issued Under The Davis-Bacon And Related Acts," shall be in the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by

writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW, Room S–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

VOLUME

CONNECTICUT
CT990001 (MAR. 12, 1999)
CT990003 (MAR. 12, 1999)
CT990004 (MAR. 12, 1999)
CT990008 (MAR. 12, 1999)
MASSACHUSETTS
MA990001 (MAR. 12, 1999)
MA990002 (MAR. 12, 1999)
MA990003 (MAR. 12, 1999)
MAINE
ME990005 (MAR. 12, 1999)
ME990006 (MAR. 12, 1999)
ME990010 (MAR. 12, 1999)
ME990019 (MAR. 12, 1999)
ME990022 (MAR. 12, 1999)
ME990025 (MAR. 12, 1999)
ME990026 (MAR. 12, 1999)
ME990037 (MAR. 12, 1999)
NEW HAMPSHIRE
NH990017 (MAR. 12, 1999)
NEW JERSEY
NJ990002 (MAR. 12, 1999)
NJ990003 (MAR. 12, 1999)
NJ990007 (MAR. 12, 1999)
NJ990009 (MAR. 12, 1999)
NEW YORK
NY990001 (MAR. 12, 1999)
NY990003 (MAR. 12, 1999)
NY990004 (MAR. 12, 1999)
NY990005 (MAR. 12, 1999)
NY990010 (MAR. 12, 1999)
NY990013 (MAR. 12, 1999)
NY990018 (MAR. 12, 1999)
NY990025 (MAR. 12, 1999)
NY990026 (MAR. 12, 1999)
NY990041 (MAR. 12, 1999)
NY990045 (MAR. 12, 1999)
NY990048 (MAR. 12, 1999)
NY990072 (MAR. 12, 1999)
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VOLUME II

DISTRICT OF COLUMBIA
DC990001 (MAR. 12, 1999)
DC990003 (MAR. 12, 1999)
MARYLAND
MD990001 (MAR. 12, 1999)
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MD990009 (MAR. 12, 1999)
MD990021 (MAR. 12, 1999)
MD990034 (MAR. 12, 1999)
MD990036 (MAR. 12, 1999)
MD990037 (MAR. 12, 1999)
MD990042 (MAR. 12, 1999)
MD990045 (MAR. 12, 1999)
MD990046 (MAR. 12, 1999)
MD990048 (MAR. 12, 1999)
MD990056 (MAR. 12, 1999)
MD990057 (MAR. 12, 1999)
MD990058 (MAR. 12, 1999)
PENNSYLVANIA
PA990025 (MAR. 12, 1999)
VIRGINIA
VA990001 (MAR. 12, 1999)
VA990008 (MAR. 12, 1999)
VA990012 (MAR. 12, 1999)
VA990022 (MAR. 12, 1999)
VA990025 (MAR. 12, 1999)
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WEST VIRGINIA
WV990002 (MAR. 12, 1999)
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ALABAMA
AL990008 (MAR. 12, 1999)

VOLUME IV

INDIANA
IN990001 (MAR. 12, 1999)
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IN990003 (MAR. 12, 1999)
IN990004 (MAR. 12, 1999)
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IN990006 (MAR. 12, 1999)
IN990016 (MAR. 12, 1999)
IN990017 (MAR. 12, 1999)
IN990059 (MAR. 12, 1999)
IN990061 (MAR. 12, 1999)
OHIO
OH990001 (MAR. 12, 1999)
OH990002 (MAR. 12, 1999)
OH990003 (MAR. 12, 1999)
OH990008 (MAR. 12, 1999)
OH990026 (MAR. 12, 1999)
OH990027 (MAR. 12, 1999)
OH990028 (MAR. 12, 1999)
OH990029 (MAR. 12, 1999)
OH990035 (MAR. 12, 1999)
OH990036 (MAR. 12, 1999)
WISCONSIN
WI990001 (MAR. 12, 1999)
WI990004 (MAR. 12, 1999)
WI990008 (MAR. 12, 1999)
WI990009 (MAR. 12, 1999)
WI990019 (MAR. 12, 1999)

VOLUME V

IOWA
IA990003 (MAR. 12, 1999)
KANSAS
KS990006 (MAR. 12, 1999)
MISSOURI
MO990001 (MAR. 12, 1999)
MO990002 (MAR. 12, 1999)
MO990006 (MAR. 12, 1999)
MO990007 (MAR. 12, 1999)
MO990009 (MAR. 12, 1999)
MO990011 (MAR. 12, 1999)
MO990013 (MAR. 12, 1999)
MO990015 (MAR. 12, 1999)
MO990016 (MAR. 12, 1999)
MO990042 (MAR. 12, 1999)
MO990043 (MAR. 12, 1999)
MO990045 (MAR. 12, 1999)
MO990046 (MAR. 12, 1999)
MO990048 (MAR. 12, 1999)
MO990049 (MAR. 12, 1999)
MO990050 (MAR. 12, 1999)
MO990052 (MAR. 12, 1999)
MO990057 (MAR. 12, 1999)
MO990058 (MAR. 12, 1999)
MO990062 (MAR. 12, 1999)
MO990065 (MAR. 12, 1999)
MO990067 (MAR. 12, 1999)
MO990068 (MAR. 12, 1999)
MO990072 (MAR. 12, 1999)
NEW MEXICO
NM990001 (MAR. 12, 1999)
OKLAHOMA
OK990013 (MAR. 12, 1999)
OK990014 (MAR. 12, 1999)
OK990016 (MAR. 12, 1999)
OK990017 (MAR. 12, 1999)
OK990018 (MAR. 12, 1999)
OK990030 (MAR. 12, 1999)
OK990034 (MAR. 12, 1999)
OK990035 (MAR. 12, 1999)
OK990036 (MAR. 12, 1999)
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OK990038 (MAR. 12, 1999)

VOLUME VI

COLORADO
CO990003 (MAR. 12, 1999)
CO990005 (MAR. 12, 1999)
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WA990001 (MAR. 12, 1999)
WA990002 (MAR. 12, 1999)
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VOLUME VII

CALIFORNIA
CA990002 (MAR. 12, 1999)
CA990033 (MAR. 12, 1999)
NEVADA
NV990001 (MAR. 12, 1999)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 24th day of September 1999.

Terry Sullivan,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 99–25275 Filed 9–30–99; 8:45 am]

BILLING CODE 4510–27–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Senior Executive Service Performance Review Board (PRB); Notice

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice of Members of the Federal Mine Safety and Health Review Commission Performance Review Board (PRB).

SUMMARY: Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the PRB for the Federal Mine Safety and Health Review Commission. The Board reviews the performance appraisals of career and non-career senior executives. The Board makes recommendations regarding proposed performance appraisals, ratings, bonuses and other appropriate personnel actions.

COMPOSITION OF PRB: The Board shall consist of at least three voting members. In the case of an appraisal of a career appointee, more than half of the members shall consist of career appointees. The names and titles of the PRB members are as follows:

PRIMARY MEMBERS: Thomas W. Harrison, Executive Director, Administrative Resource Center, Bureau of the Public Dept., Debra L. Hines, Assistant Commissioner, Officer of Public Debt Accounting, Bureau of the Public Debt., Cynthia Z. Springer, Assistant Commissioner, Office of Information Technology, Bureau of the Public Debt.

ALTERNATE MEMBERS: None.

DATES: Membership is effective on the date of this notice.

FOR FURTHER INFORMATION CONTACT: Richard L. Baker, Executive Director, Federal Mine Safety and Health Review Commission, Suite 6000, 1730 K Street NW, Washington, D.C. 20006.

This notice does not meet the Federal Mine Safety and Health Review Commission's criteria for significant regulations.

Richard L. Baker,

Executive Director, Federal Mine Safety and Health Review Commission.

[FR Doc. 99–25481 Filed 9–30–99; 8:45 am]

BILLING CODE 6735–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–122]

NASA Advisory Council (NAC), Task Force on International Space Station Operational Readiness; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces an open meeting of the NAC Task Force on International Space Station Operational Readiness (IOR).

DATES: Wednesday, October 20, 1999, 12:00 p.m.–1:00 p.m. Eastern Standard Time.

ADDRESSES: NASA Headquarters, 300 E Street, SW, Room 7W31, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Cleary, Code IH, National Aeronautics and Space Administration, Washington, DC 20546–0001, 202/358–4461.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Review the assessment of the Proton launch failure investigation.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Please note that pending programmatic decisions will likely change the time, date, and location of this meeting (contact Mr. Philip Cleary (202/358–4461) for latest information). Visitors will be requested to sign a visitor's register.

Dated: September 24, 1999.

Mathew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–25485 Filed 9–30–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–123]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Aerospace Medicine and Occupational Health Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Aerospace Medicine and Occupational Health Advisory Subcommittee.

DATES: Tuesday, October 19, 1999, 1:00 p.m. to 5:00 p.m., and Wednesday, October 20, 1999, 8:00 a.m. to 11:30 p.m.

ADDRESSES: Tuesday's meeting will be held at the Lyndon B. Johnson Space Center, Building 1, Room 871, 2101 NASA Road 1, Houston, TX 77058. Wednesday's meeting will be held at the Center for Advanced Space Studies, University Space Research Association, Director's Conference Room, 300 Bay Area Blvd., Houston, TX 77058.

FOR FURTHER INFORMATION CONTACT: Dr. Sam L. Pool, Code SA, Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, TX 77058, 281–483–7109.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Chairman's Perspective
—Status of Findings and Recommendations
—Space Medicine Overview and Budget Status
—Current Issues in Space Medicine Issues
—Multilateral Medical Operations Panel Report
—Multilateral Space Medicine Board Report
—Physician Comparability

—Neurolab Update
—OLMSA Policy on Astronaut Health Care & Biomedical Research
—Pillars of Biology & Augmentation Update
—Progress, Institute of Medicine Review
—Occupational Health Update
—Preparation and Review of Committee Findings and Recommendations

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: September 24, 1999.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–25486 Filed 9–30–99; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–341]

Detroit Edison Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–43, issued to Detroit Edison Company (the licensee), for operation of the Fermi 2 Plant located in Newport, Michigan.

The proposed amendment would modify current Technical Specification (TS) 3.6.1.8 by adding footnote "**" to Action b. The footnote allows continued operation of Fermi 2 with the leakage of penetration X–26 exceeding the limit in TS 4.6.1.8.2, provided certain compensatory measures are taken. Operation would be allowed to continue until the next plant shutdown. Because the NRC staff expects to issue the Fermi 2 improved standard TSs (ITS) in the near future, the licensee has also provided a version of the TS amendment that would be compatible with the ITS. This version adds a new special operations TS, ITS 3.10.8, to address the compensatory actions and other requirements associated penetration X–26.

Detroit Edison is requesting that this license amendment request be processed in an exigent manner in accordance with 10 CFR 50.91(a)(6) because the plant is currently operating under a Notification of Enforcement Discretion (NOED) with respect to TS 3.6.1.8, Action b. In accordance with NRC procedures described in the NRC Inspection Manual, Part 9900, Notices of Enforcement Discretion, dated June 29, 1999, the licensee applied for this license amendment within 48 hours after the NRC staff issued the NOED on September 23, 1999. The NRC staff will process this amendment in an exigent manner, as described in the Inspection Manual, in order to minimize the time the plant is operated under the NOED.

In its application, the licensee explained why it could not have foreseen the need for this amendment. The amendment is needed to allow continued plant operation after penetration X–26 unexpectedly failed its local leak rate test on September 22, 1999. Based on the data it collected, the licensee believes the high leakage is passing through inboard containment isolation valve T4803F601. The results of previous local leak rate tests had not indicated any adverse trend in the leak tightness of this penetration.

The staff has determined that the licensee used its best efforts to make a timely application for the proposed changes and that exigent circumstances do exist and were not the result of any intentional delay on the part of the licensee.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change revises the acceptance criteria for Drywell Air Purge Penetration X–26 to allow continued operation with inboard isolation valve T4803F601 exceeding the leakage rate. The T4803F601 is not an initiator of an event or involved in accident initiation sequence. Therefore, the proposed change does not involve an increase in the probability of an accident.

The T4803F601 or the outboard isolation valves must close to isolate penetration X–26. With the penetration isolated by the outboard isolation valves, failure of the T4803F601 would involve no significant increase in consequences of an accident since the containment function is preserved. Therefore, failure of the T4803F601 does not involve an increase in the probability or consequences of an accident.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The T4803F601 is an inboard containment isolation valve. The safety function of the valve is to provide for containment penetration X–26 post accident isolation. T4803F601 and two outboard isolation valves T4800F407 and T4800F408 comprise the penetrations isolation. The valves safety function is to close and remain closed. The outboard isolation valves are normally closed isolation valves that will be closed and deactivated. Therefore, no new or different types of failures or accident initiators are introduced by the proposed change.

3. The change does not involve a significant reduction in the margin of safety.

Operating with excessive leakage on T4803F601 places additional reliance on T4800F407 and T4800F408, as they would be the single containment barrier. The change includes closing and deactivating the outboard containment isolation valves that are normally closed to provide assurance the penetration is isolated. Closing and deactivating these valves eliminates the potential that any active failure could lead to loss of function. Past leak performance and ongoing periodic leak testing minimize the potential that passive failures would occur for these valves. The change does not involve a new mode of operation or change to the UFSAR [Updated Final Safety Analysis Report] transient analyses. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would

result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 1, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Monroe County Library System, Ellis Reference and Information Center, 3700 South Custer Road, Monroe, Michigan 48161. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 24, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Monroe County Library System, Ellis Reference and Information Center, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 27th day of September 1999.

For the Nuclear Regulatory Commission.

Andrew J. Kugler,

Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25578 Filed 9–30–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295 and 50–304]

Commonwealth Edison Company; Zion Nuclear Power Station, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License Nos. DPR–39 and DPR–48, issued to Commonwealth Edison Company (ComEd or the licensee) for the Zion Nuclear Power Station (ZNPS) Units 1 and 2, located in Lake County, Illinois.

Environmental Assessment

Identification of the Proposed Action

The proposed exemption would modify security requirements to eliminate certain equipment, to relocate certain equipment, to modify certain procedures, and reduce the number of armed responders, due to the permanently shutdown and defueled status of the Zion Nuclear Power Station.

The proposed action is in accordance with the licensee's application dated July 30, 1999. The requested action would grant an exemption from certain requirements of 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power plant reactors against radiological sabotage."

The Need for the Proposed Action

ZNPS was shut down permanently in February 1997. ComEd certified the permanent shutdown on February 13, 1998, and, on March 9, 1998, certified that all fuel had been removed from the reactor vessels. In accordance with 10 CFR 50.82(a)(2), upon docketing of the certifications, the facility operating license no longer authorizes ComEd to operate the reactor or to load fuel into the reactor vessel. In this permanently shutdown condition, the facility poses a reduced risk to public health and safety. Because of this reduced risk, certain requirements of 10 CFR 73.55 are no longer required. An exemption is required from portions of 10 CFR 73.55(a), (c)(6), (e)(1), (f)(4) and (h)(3) to allow the licensee to implement a revised defueled physical security plan (DPSP) that is appropriate for the permanently shutdown and defueled ZNPS.

Environmental Impact of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the granting of the exemption will not increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement for the Zion Nuclear Power Station, Units 1 and 2, dated December 1972.

Agencies and Persons Consulted

In accordance with its stated policy, on September 22, 1999, the staff consulted with the Illinois State official, Mr. Gary Wright, of the Illinois Department of Nuclear Safety (IDNS) regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated July 30, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW, Washington, D.C., and at the local public document room located at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Dated at Rockville, Maryland, this 27th day of September 1999.

For the Nuclear Regulatory Commission.

Dino C. Scaletti,

Project Manager, Decommissioning Section, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–25577 Filed 9–30–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the Subcommittee on Human Factors; Notice of Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on October 22, 1999, in Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, October 22, 1999—8:30 a.m. until the conclusion of business.

The Subcommittee will review a proposed revision to NUREG–1624, "Technical Basis and Implementation Guidelines for a Technique for Human Event Analysis (ATHEANA)," pilot application of ATHEANA to assess fire risk, and other related issues. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions

of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineers named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineers, Mr. Noel F. Dudley (telephone 301/415–6888) or Mr. Juan Peralta (telephone 301/415–6855) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individuals one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: September 27, 1999.

Richard P. Savio,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 99–25581 Filed 9–30–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee, Open Committee Meetings

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Thursday, October 21,1999
Thursday, November 4, 1999
Thursday, December 9, 1999
Thursday, December 16, 1999

The meetings will start at 10:00 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal blue-collar employees, and five representatives from Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meetings either the labor members or the management members may caucus separately with the Chair to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of a meeting.

Annually, the Chair compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on this meeting may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 5559, 1900 E Street, NW., Washington, DC 20415 (202) 606–1500.

Dated: September 24, 1999.

John F. Leyden,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 99–25613 Filed 9–30–99; 8:45 am]

BILLING CODE 6325–01–P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of: Amendment to a System of Records

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice to amend a system of records.

SUMMARY: OPM proposes to amend a system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The changes will be effective without further notice on Movember 10, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send written comments to Office of Personnel Management, ATTN: Mary Beth Smith-Toomey, Office of the Chief Information Officer, 1900 E Street NW., Room 5415, Washington, DC 20415–7900.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606–8358.

SUPPLEMENTARY INFORMATION: This notice serves to amend the system manager and clarify the notification and records access procedures for OPM/Central-8, Privacy Act/Freedom of Information Act (PA/FOIA) Case Records. It also updates the retention and disposal practices in accordance with NARA General Records Schedule 14 and aligns records storage practices with OPM's current operations.

Office of Personnel Management.

Janice R. Lachance,

Director.

OPM/CENTRAL–8

SYSTEM NAME:

Privacy Act/Freedom of Information Act (PA/FOIA) Case Records

SYSTEM LOCATION:

Offices of the Office of Personnel Management, 1900 E Street NW., Washington, DC 20415–0001 and OPM field service centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records and related correspondence on individuals who have filed with OPM:

a. Requests for information under the provisions of the Freedom of Information Act (5 U.S.C. 552), including requests for review of initial denials of such requests.

b. Requests under the provisions of the Privacy Act (5 U.S.C. 552a) for records about themselves, including:

(1) Requests for notification of the existence of records about them.
(2) Requests for access to these records.
(3) Requests for amendment of these records.
(4) Requests for review of initial denials of such requests for notification, access, and amendment.
(5) Requests for an accounting of disclosure of records about them.

Note: Since these PA/FOIA case records contain inquiries and requests regarding any of OPM's other systems of records subject to the Privacy Act, information about individuals from any of these other systems may become part of this PA/FOIA Case Records system.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains correspondence and other documents related to requests made by individuals to OPM for:
a. Information under the provisions of the Freedom of Information Act (5 U.S.C. 552), including requests for review of initial denials of such requests.
b. Information under provisions of the Privacy Act (5 U.S.C. 552a) and requests for review of initial denials of such requests made under OPM's Privacy Act regulations including requests for:
(1) Notification of the existence of records about them.
(2) Access to records about them.
(3) Amendment of records about them.
(4) Review of initial denials of such requests for notification, access, or amendment.
(5) Requests for an accounting of disclosure of records about them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Includes the Following with any Revisions and Amendments:
The Privacy Act of 1974 (5 U.S.C. 552a), the Freedom of Information Act, as amended (5 U.S.C. 552), and 5 U.S.C. 301.

PURPOSE(S):

These records are maintained to process an individual's request made under the provisions of the Freedom of Information and Privacy Acts. The records are also used by OPM to prepare its reports to the Office of Management and Budget and the Department of Justice required by the Privacy and Freedom of Information Acts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses 1 and 3 through 10 of the Prefatory Statement of OPM's system notices (60 FR 63075, effective January 17, 1996) apply to the records maintained within this system. The following routine uses are specific to this system of records only:
a. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.
b. To disclose information to an agency, subject to law, rule, or regulation enforced by OPM having been found in violation of such law, rule, or regulation, in order to achieve compliance with OPM instructions.
c. To disclose information to Federal agencies (*e.g.*, Department of Justice) in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or particular competence, for use by OPM in making required determinations under the Freedom of Information Act or the Privacy Act of 1974.
d. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and to identify the type of information requested), where necessary to obtain information relevant to an OPM decision concerning a Privacy or Freedom of Information Act request.
e. To disclose to the Federal agency involved, an OPM decision on an appeal from an initial denial of a request involving OPM-controlled records.

POLICIES AND PRACTICES OF STORING, RETRIEVING, SAFEGUARDING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on one of the following: paper copies in file folders, electronic copies on Local Area Network (LAN) servers or diskettes, or microfilm.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained and year of the request.

SAFEGUARDS:

The records maintained on paper and microfilm are located in lockable metal filing cabinets or in a secured room, with access limited to personnel whose duties require access. Only authorized personnel have access to the records on the LAN and diskettes.

RETENTION AND DISPOSAL:

These records are maintained for varying periods of time, in accordance with NARA General Records Schedule 14. Paper records are destroyed by shredding or burning; microfilm and electronic records are erased or deleted.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager for PA/FOIA requests is: FOIA/PA Officer, Office of the Chief Information Officer, Office of Personnel Management, 1900 E Street NW., Washington DC 20415–7900.
The system manager for PA/FOIA appeals is: Office of the General Counsel, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415–1300.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager or the program office where their original Privacy Act or Freedom of Information Act requests were sent, or from where they received responses to such requests. Individuals must furnish the following information for their records to be located and identified:
a. Name.
b. Date of birth.
c. Approximate dates of Privacy Act or Freedom of Information Act correspondence between OPM and the individual.

RECORD ACCESS PROCEDURE:

Material from other OPM systems of records which are exempt from certain Privacy Act requirements may be included in this system as part of a PA/FOIA case record. Such material retains its exemption if it is included in this system of records. The section of this notice titled Systems Exempted from Certain Provisions of the Act explains the exemptions for this system.
Individuals wishing to request access to their records should contact the system manager or the program office where their original Privacy Act or Freedom of Information Act request was sent or from which they received responses to such requests. Individuals must furnish the following information for their records to be located and identified:
a. Name.
b. Date of birth.
c. Approximate dates of Privacy Act or Freedom of Information Act correspondence between OPM and the individual.
Individuals requesting access must also comply with OPM's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Material from other OPM systems of records which are exempt from certain

Privacy Act requirements may be included in this system as part of a PA/FOIA case record. Such material retains its exemption if it is included in this system of records. The section of this notice titled Systems Exempted from Certain Provisions of the Act explains the exemptions for this system. Individuals wishing to request amendment to their records should contact the system manager or the program office where their original Privacy Act or Freedom of Information Act requests were sent or from which they received responses to such requests.

Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Appropriate dates of Privacy Act or Freedom of Information Act correspondence between OPM and the individual.

Individuals requesting amendment must also comply with OPM's Privacy Act regulations regarding verification of identity and amendment of records (5 CFR part 297).

Note: The amendment provisions of this system are not intended to permit an individual a second opportunity to request amendment of a record which was the subject of the initial Privacy Act amendment request which created the record in this system. That is, after an individual has requested amendment of a specific record in an OPM system under provisions of the Privacy Act, that specific record may itself become part of this system of PA/FOIA Case Records. An individual may not subsequently request amendment of that specific record again, simply because a copy of the record has become part of this second system of PA/FOIA Case Records.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from—

a. The individual to whom the information applies.

b. Officials of OPM.

c. Official documents of OPM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

OPM has claimed exemptions for several of its other systems of records under 5 U.S.C. 552a (k)(1), (2), (3), (4), (5), (6), and (7). During the course of a PA/FOIA action, exempt materials from those other systems may become part of the case records in this system. To the extent that copies of exempt records from those other systems are entered into these PA/FOIA case records, the office has claimed the same exemptions for the records as they have in the original primary systems of records which they are a part.

[FR Doc. 99–25612 Filed 9–30–99; 8:45 am]

BILLING CODE 6325–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24052; 812–11784]

Daewoo Capital Management Co., Ltd., et al.; Notice of Application

September 24, 1999.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 15(a) of the Act.

SUMMARY OF THE APPLICATION: The requested order would permit the implementation, without prior shareholder approval, of a new investment subadvisory agreement ("New Agreement") for a period continuing until the New Agreement is approved or disapproved by shareholders of the investment company (but in no event later than December 31, 1999).

Applicants: Daewoo Capital Management Co., Ltd. ("Subadviser") and Scudder Kemper Investments, Inc. ("Adviser").

Filing Date: The application was filed on September 24, 1999.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested person may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 18, 1999 and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants: c/o Adviser, Attn: Bruce H. Goldfarb, Esq., 345 Park Avenue, New York, NY 10154.

FOR FURTHER INFORMATION CONTACT: Rachel H. Graham, Senior Counsel, at (202) 942–0583, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the Commission's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. The Korea Fund, Inc. ("Fund") is registered under the Act as a closed-end management investment company. The Adviser is registered under the Investment Advisers Act of 1940 ("Advisers Act") and serves as investment adviser to the Fund.

2. The Subadviser, a Korean corporation and a subsidiary of Daewoo Securities Co., Ltd. ("Daewoo Securities"), is registered as an investment adviser under the Advisers Act. The Subadviser serves as subadviser to the Fund pursuant to an investment subadvisory agreement with the Adviser ("Existing Agreement"). The Adviser pays the Subadviser out of the fee that the Adviser receives from the Fund.

3. Prior to August 30, 1999, approximately 15% of the common stock of Daewoo Securities was owned by Daewoo Corporation and certain of its affiliates which are members of the Daewoo Group, a Korean chaebol. Because of financial difficulties, certain members of the Daewoo Group agreed on August 30, 1999 to transfer their interests in Daewoo Securities to a group of six Korean creditor banks. As a result of this transfer, the six banks jointly acquired ownership of approximately 14.4% of the outstanding common stock of Daewoo Securities. On September 7, 1999, Daewoo Securities conducted a rights issuance pursuant to which the six Korean banks and three additional Korean banks (collectively, the "Creditor Banks") subscribed on an individual basis to each acquire, on September 21, 1999 ("Acquisition Date"), newly issued shares of common stock of Daewoo Securities. The Creditor Banks also agreed to each acquire, on an individual basis, additional shares of Daewoo Securities stock through third-party allotments. The two acquisitions by the Creditor Banks collectively are referred to as the "Acquisition." Upon completion of the Acquisition, the Creditor Banks will own in the aggregate approximately 32.58% of the common stock of Daewoo Securities. The proposed terms and timing of the Acquisition were not available to the Subadviser until approximately September 9, 1999 and to

the Adviser until approximately September 13, 1999.

4. Applicants understand that the Creditor Banks have agreed to act in concert in certain respects as to their holdings in Daewoo Securities. Applicants state that the Acquisition may involve the transfer of a controlling block of Daewoo Securities stock by certain members of the Daewoo Group and the acquisition of a controlling block of that stock by the Creditor Banks. Applicants state that the Acquisition therefore may result in an assignment, and thus the automatic termination, of the Existing Agreement. Applicants request an exemption to permit the implementation, during the Interim Period and prior to obtaining shareholder approval, of the New Agreement. The requested exemption would cover a period commencing on the filing date of the application [1] and continuing until the New Agreement is approved or disapproved by Fund shareholders (but in no event later than December 31, 1999) ("Interim Period"). The requested order also would permit the Subadviser to receive from the adviser all fees earned under the New Agreement during the Interim Period, if and to the extent that the New Agreement is approved by Fund shareholders. Applicants represent that the New Agreement will contain substantially the same terms and conditions as the Existing Agreement, except for the effective and termination dates. Applicants further represent that the Fund will receive, during the Interim Period, the same scope and quality of investment subadvisory services, provided in the same manner by substantially the same personnel, at the same fee levels as it received prior to the Acquisition.

5. Applicants state that the Fund's board of directors ("Board") will meet within one week of the Acquisition Date to consider approval of the New Agreement and submission of the New Agreement to the shareholders for their approval, in accordance with section 15(c) of the Act.[2] Applicants state that the Board will evaluate whether the terms of the New Agreement are in the best interests of the Fund and its shareholders.

6. Applicants submit that it will not be possible to obtain shareholder approval of the New Agreement in accordance with section 15(a) of the Act prior to the Acquisition Date. Applicants state that the shareholders will vote on approval of the New Agreement at the annual meeting previously scheduled to be held on October 20, 1999. Proxy materials concerning the shareholder vote on the New Agreement will be mailed on or about October 5, 1999.

7. The fees earned by the Subadviser under the New Agreement during the Interim Period will be maintained in an interest-bearing escrow account with an unaffiliated financial institution. The amounts in the escrow account (including any interest earned) will be paid: (i) to the Subadviser upon approval of the New Agreement by the Fund's shareholders; or (ii) to the Fund, if shareholder approval is not obtained and the Interim Period has ended. Before any such release is made, the Board will be notified.

Applicant's Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to serve as an investment adviser to a registered investment company, except pursuant to a written contract that has been approved by the vote of a majority of the outstanding voting securities of the investment company. Section 15(a) further requires the written contract to provide for its automatic termination in the event of its assignment. Section 2(a)(4) of the Act defines "assignment" to include any direct or indirect transfer of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. Section 2(a)(9) of the Act defines "control" as the power to exercise a controlling influence over the management or policies of a company, and beneficial ownership of more than 25% of the voting securities of a company is presumed under Section 2(a)(9) to reflect control. Applicants state that the Acquisition may result in an assignment of the Existing Agreement and that such agreement will terminate according to its terms.

2. Rule 15a–4 under the Act provides, in relevant part, that if an investment advisory contract with a registered investment company is terminated by an assignment, the adviser may continue to serve for 120 days under a written contract that has not been approved by the company's shareholders, provided that: (i) the new contract is approved by that company's board of directors, including a majority of the non-interested directors; (ii) the compensation to be paid under the new contract does not exceed the compensation that would have been paid under the contract most recently approved by the company's shareholders; and (iii) neither the adviser nor any controlling person of the adviser "directly or indirectly receives money or other benefit" in connection with the assignment. The Subadviser states that it may not rely on rule 15a–4 because of the benefits to Daewoo Securities arising from the Acquisition.

3. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with both the protection of investors and the purposes fairly intended by the policy and provisions of the Act. The Subadviser believes that the requested relief meets this standard.

4. Applicants state that the terms and timing of the Acquisition were determined in response to a number of factors beyond the scope of the Act and substantially unrelated to the Fund. Applicants state that it will not be possible for the Fund to obtain shareholder approval of the New Agreement prior to the Acquisition Date. Applicants assert that the requested relief would prevent any disruption in the delivery of investment subadvisory services to the Fund during the Interim Period.

5. Applicants submit that they will take all appropriate actions to ensure that the scope and quality of advisory and other services provided to the Fund during the Interim Period will be at least equivalent to the scope and quality of services previously provided. During the Interim Period, the Subadviser will operate under the New Agreement, which will be substantially the same as the Existing Agreement, except for the effective and termination dates. Applicants state that the fees payable to the Subadviser under the New Agreement during the Interim Period will be at the same rate as the fees paid under the Existing Agreement.

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[1] Applicants state that, since the Acquisition Date precedes issuance of the requested order, the Subadviser will continue to serve as subadviser after the Acquisition Date (and prior to the issuance of the order) in a manner consistent with its fiduciary duty to provide investment subadvisory services to the Fund even though approval of the New Agreement has not yet been secured from the Fund's shareholders.

[2] Applicants acknowledge that, to the extent that the Board has not met to approve the New Agreement prior to the Acquisition Date, any relief granted by the Commission will allow the Subadviser to receive fees under the New Agreement only for the period following approval of the New Agreement by the Board, including a majority of the directors who are not "interested persons" of the Fund, as that term is defined in section 2(a)(19) of the Act ("Independent Directors"), but in no event earlier than the filing date of the application.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The New Agreement will contain substantially the same terms and conditions as the Existing Agreement, except for the dates of execution and termination.

2. The fees earned by the Subadsviser under the New Agreement during the Interim Period will be maintained in an interest-bearing escrow account (including interest earned on such amounts), and amounts in the account will be paid: (i) to the Subadviser after the requisite approval of the New Agreement by the Fund's shareholders is obtained; or (ii) in the absence of such approval by the end of the Interim Period, to the Fund.

3. The shareholders of the Fund will vote on the approval of the New Agreement at the annual meeting scheduled to be held on October 20, 1999, or any adjournment thereof (but in no event later than December 31, 1999).

4. The Subadviser or its affiliates will pay the costs of preparing and filing the application and the costs relating to the solicitation and approval of the Fund's shareholders of the New Agreement.

5. The Subadviser will take all appropriate actions to ensure that the scope and quality of subadvisory and other services provided to the Fund by the Subadviser during the Interim Period under the New Agreement will be at least equivalent, in the judgment of the Board, including a majority of the Independent Directors, to the scope and quality of services currently provided under the Existing Agreement. In the event of any material change in personnel providing services pursuant to the New Agreement during the Interim Period, the Subadviser will apprise and consult with the Board to assure that the Board, including a majority of the Independent Directors, is satisfied that the services provided by the Subadviser will not be diminished in scope or quality.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25502 Filed 9–30–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24054; 812–11476]

Endeavor Series Trust, et al.; Notice of Application

September 27, 1999.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an exemption under section 6(c) of the Investment Company Act of 1940 ("Act") from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

SUMMARY OF APPLICATION: Endeavor Series Trust (the "Trust") and Endeavor Management Co. (the "Adviser") request an order that would permit applicants to enter into and materially amend sub-advisory agreements without shareholder approval and grant relief from certain disclosure requirements.

APPLICANTS: The Trust and the Adviser.

FILING DATE: The application was filed on January 20, 1999. Applicants have agreed to file an amendment to the application, the substance of which is reflected in this notice, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 22, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, 2101 East Coast Highway, Suite 300, Corona del Mar, CA 92625.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Staff Attorney, at (202) 942–0634, or Michael W. Mundt, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. The Trust, a Massachusetts business trust, is registered under the Act as an open-end management investment company. The Trust is currently comprised of thirteen separate series (each a "Fund," and together, the "Funds"), each with its own investment objectives, policies, and restrictions.[1] The Funds are currently offered for sale only to various separate accounts of a life insurance company and its affiliates to fund variable annuity contracts or variable life insurance policies. The Adviser, a California corporation, serves as the investment adviser to the Funds and is registered under the Investment Advisers Act of 1940 ("Advisers Act").

2. The Adviser serves as investment adviser to the Funds pursuant to aninvestment advisory agreement between the Trust and the Adviser that was approved by the Trust's board of trustees ("Board"), including a majority of the trustees who are not "interested persons" as defined in section 2(a)(19) of the Act ("Independent Trustees"), and each Fund's shareholders ("Advisory Agreement"). In addition, each Fund currently is advised by a subadviser ("Subadviser") pursuant to a separate investment advisory agreement ("Sub-Advisory Agreement"). Each Subadviser is an investment adviser registered under the Advisers Act. In the future, a Fund may be advised by more than one Subadviser. The Adviser selects each Subadviser, subject to approval by the Board, and compensates the Subadviser out of fees paid to the Adviser by the Fund.

3. Applicants request relief to permit the Adviser to enter into and amend Sub-Advisory Agreements without shareholder approval. The requested relief will not extend to a Subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust or the Adviser, other than by reason of serving as a Subadviser to one or more of the Funds (an "Affiliated Subadviser").

4. Applicants also request an exemption from the various disclosure

[1] Applicants also request relief with respect to future series of the Trust and all future registered open-end management investment companies that (a) are advised by the Adviser or any entity controlling, controlled by or under common control with the Adviser; (b) use the multi-manager structure described in the application; and (c) comply with the terms and conditions in the application ("Future Funds"). The Trust is the only existing investment company that currently intends to rely on the order.

provisions described below that may require the Funds to disclose the fees paid by the Adviser to the Subadvisers. The Trust will disclose for each Fund (both as a dollar amount and as a percentage of a Fund's net assets): (a) aggregate fees paid to the Adviser and Affiliated Subadvisers; and (b) aggregate fees paid to Subadvisers other than Affiliated Subadvisers ("Aggregate Fee Disclosure"). For any Fund that employs an Affiliated Subadviser, the Fund will provide separate disclosure of any fees paid to the Affiliated Subadviser.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as investment adviser to a registered investment company except pursuant to a written contract that has been approved by a majority of the investment company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series company affected by a matter must approve such matter if the Act requires shareholder approval.

2. Form N–1A is the registration statementused by open-end investment companies. Item 15(a)(3) requires disclosure of the method and amount of the investment adviser's compensation.

3. Rule 20a–1 under the Act requires proxies solicited with respect to an investment company to comply with Schedule 14A under the Securities Exchange Act of 1934 (the "Exchange Act"). Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8), and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the "rate of compensation of the investment adviser," the "aggregate amount of the investment adviser's fees," a description of "the terms of the contract to be acted upon," and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Form N–SAR is the semi-annual report filed with the SEC by registered investment companies. Item 48 of Form N–SAR requires investment companies to disclose the rate schedule for fees paid to their investment advisers, including the Subadvisers.

5. Regulation S–X sets forth requirements for financial statements required to be included as part of investment company registration statements and shareholder reports filed with the SEC. Sections 6–07(2) (a), (b), and (c) of Regulation S–X require that investment companies include in their financial statements information about investment advisory fees.

6. Section 6(c) of the Act provides that the SEC may exempt any person, security, or transaction from any provision of the Act if, and to the extent that, an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act. Applicants believe that their requested relief meets this standard for the reasons discussed below.

7. Applicants assert that the Funds' investors rely on the Adviser to select Subadvisers best suited to achieve a Fund's investment objectives. Therefore, applicants assert that, from the perspective of the investor, the role of the Subadvisers is comparable to that of individual portfolio managers employed by other investment advisory firms. Applicants note that the Advisory Agreement will remain subject to sections 15(a) and 15(c) of the Act and rule 18f–2 under the Act.

8. Applicants further assert that some Subadvisers use a "posted" rate schedule to set their fees. Applicants believe that some organizations may be unwilling to serve as Subadvisers at any fee rate other than their "posted" fee rates, unless the rates negotiated for the Funds are not publicly disclosed. Applicants believe that requiring disclosure of Subadvisers' fees may deprive the Adviser of its bargaining power to negotiate lower rates.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. The Trust will disclose in its registration statement the Aggregate Fee Disclosure.

2. The Trust will not enter into a Sub-Advisory Agreement, on behalf of a Fund, with an Affiliated Subadviser without the Sub-Advisory Agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund (or, if the Fund serves as a funding medium for any sub-account of a registered separate account, pursuant to voting instructions provided by the unitholders of the sub-account).

3. At all times, a majority of the Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

4. Independent counsel knowledgeable about the Act and the duties of Independent Trustees will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the Independent Trustees.

5. The Adviser will provide the Board, no less often than quarterly, information about the Adviser's profitability for each Fund relying on the relief requested in the application. This information will reflect the impact on profitability of the hiring or termination of any Subadviser during the applicable quarter.

6. Whenever a Subadviser is hired or terminated, the Adviser will provide the Board information showing the expected impact on the Adviser's profitability.

7. When a change of Subadviser is proposed for a Fund with an Affiliated Subadviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the minutes of meetings of the Board, that the change of Subadviser is in the best interests of the Fund and its shareholders (or, if the Fund serves as a funding medium for any sub-account of a registered separate account, in the best interests of the Fund and the unitholders of any sub-account), and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

8. Before an existing Fund may rely on the order requested in the application, the operation of the Fund in a manner described in the application will be approved by a majority of its outstanding voting securities of the Fund, (or, if the Fund serves as a funding medium for any sub-account of a registered separate account, pursuant to voting instructions provided by the unitholders of the sub-account) as defined in the Act, or in the case of a Future Fund whose shareholders purchased shares on the basis of a prospectus containing the disclosure contemplated by condition 10 below, by the sole initial shareholder(s) before offering shares of the Future Fund to the public (or the variable contract owners through a separate account).

9. The Adviser will provide management and administrative services to each Fund relying on the requested order and, subject to the review and approval of the Board, will: (a) Set the Funds' overall investment strategies; (b) recommend Subadvisers; (c) allocate, and when appropriate, reallocate a Fund's assets among Subadvisers; (d) monitor and evaluate the investment performance of the Subadvisers; and (e) implement procedures reasonably designed to ensure that the Subadvisers comply

with the Fund's investment objectives, policies, and restrictions.

10. The Trust will disclose in its prospectus the existence, substance, and effect of any order granted pursuant to the application. In addition, each Fund relying on the requested order will hold itself out to the public as employing the management structure described in the application. The prospectus will prominently disclose that the adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Subadvisers and recommend their hiring, termination, and replacement.

11. Within 60 days of the hiring of any Subadviser, the affected Fund will furnish its shareholders (or, if the Fund serves as a funding medium for any sub-account of a registered separate account, the unitholders of the Sub-account) with all information about the new Subadviser that would be included in a proxy statement, except as modified to permit Aggregate Fee Disclosure. This information will include Aggregate Fee Disclosure and any change in such disclosure caused by the addition of a new Subadviser. The Adviser will meet this condition by providing shareholders (or, if the Fund serves as a funding medium for any sub-account of a registered separate account, unitholders of the sub-account) with an information statement meeting the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act, exempt as modified by the order to permit Aggregate Fee Disclosure.

12. No trustee or officer of the Trust or director or officer of the Adviser will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person) any interest in a Subadviser, except for: (a) Ownership of interests in the Subadviser or any entity that controls, is controlled by, or is under common control with the Adviser; or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of any publicly-traded company that is either a Subadviser or controls, is controlled by, or is under common control with a Subadviser.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25500 Filed 9–30–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27078]

Filings Under the Public Utility Holding Company Act of 1935, as amended ("Act")

September 24, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declarations(s) and any amendments is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the applications(s) and/or declaration(s) should submit their views in writing by October 19, 1999, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After October 19, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Ohio Valley Electric Corporation (70–8527)

Ohio Valley Electric Corporation ("Ohio Valley"), 3932 U.S. Route 23, P.O. Box 468, Piketon, Ohio 45661, an electric public utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a post-effective amendment to its declaration filed under sections 6(a) and 7 of the Act and rule 54 under the Act.

By orders dated December 28, 1994, December 12, 1996, and March 4, 1998 (HCAR Nos. 26203, 26624, and 26835, respectively) ("Existing Authorization"), Ohio Valley was authorized to incur short-term debt through the issuance and sale of notes to banks or other financial institutions in an aggregate amount not to exceed $50 million outstanding at any one time, from time to time through December 31, 2001, provided that no notes mature later than June 30, 2002.

Ohio Valley now proposes that the authorization in the Existing Authorization be increased so that Ohio Valley may issue and sell notes ("Notes") in an aggregate amount not to exceed $100 million outstanding at any one time, from time to time through December 31, 2003. The Notes will mature not more than 270 days after the date of issuance or renewal, provided that no Notes will mature later than June 30, 2004. The Notes will bear interest at an annual rate not greater than the prime commercial rate of Citibank, N.A. (or its successor) in effect from time to time. These credit arrangements may require the payment of a fee not greater than ⅛ of 1% per annum of the size of the line of credit made available by the bank and the maintenance of additional balances of not greater than 20% of the line of credit. The maximum effective annual interest cost will not exceed 125% of the prime commercial rate in effect from time to time, or not more than 10% on the basis of a prime commercial rate of 8%.

The proceeds of the short-term debt incurred by Ohio Valley will be added to its general funds and used to pay its general obligations and for other corporate purposes, including coal supply inventory.

Northeast Utilities, et al. (70–8875)

Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01090–0010, a registered holding company, Northeast's public utility subsidiaries, The Connecticut Light and Power Company ("CL&P"), 107 Selden Street, Berlin, Connecticut 06037, Western Massachusetts Electric Company ("WMECO"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01090–0010, Holyoke Water Power Company ("Holyoke"), Canal Street, Holyoke, Massachusetts 01040, and Public Service Company of New Hampshire ("PSNH") and North Atlantic Energy Corporation ("North Atlantic"), each at 1000 Elm Street, Manchester, New Hampshire 03015, and Northeast's nonutility subsidiaries, NU Enterprises, Inc., Northeast Generation Service Company, Northeast Generation Company, Select Energy, Inc., and Mode 1 Communications, Inc., each at 107 Selden Street, Berlin, Connecticut 06037, (collectively, "Applicants") have filed a post-effective amendment to their application-declaration filed under sections 6(a), 7, 9(a), 10, and 12(b) of the Act and rules 43 and 45 under the Act.

By orders dated November 20, 1996, February 11, 1997, March 25, 1997, May

29, 1997, January 16, 1998, and May 13, 1999 (HCAR Nos. 26612, 26665, 26692, 26721, 26816, and 27022), the Commission authorized, among other things, short-term borrowing, subject to certain limits, for Northeast, CL&P, and WMECO through December 31, 2000 ("Authorization Period").[1] The short-term borrowings for NU, CL&P, and WMECO include a revolving credit facility to which CL&P and WMECO are parties ("Existing System Revolver") and an unsecured revolving credit facility for Northeast ("Existing Northeast Facility"). Both the Existing System Revolver and the Existing Northeast Facility expire on November 21, 1999.

Applicants now seek authorization for: (1) Replacement of the Existing System Revolver and Existing Northeast Facility with various short-term borrowings subject to the parameters described below; (2) WMECO to increase its short-term borrowing limit from $150 million to $250 million for the remainder of the Authorization Period; and (3) Northeast to increase its short-term borrowing limit from $200 million to $400 million for the remainder of the Authorization Period. No change is requested with respect to the limits on short-term debt borrowings for CL&P, PSNH, Holyoke, or North Atlantic.

The short-term borrowings ("Debt") for Northeast, CL&P, and WMECO ("Borrowers") will take a variety of forms, including short-term notes issued to bank and nonbank lending institutions through formal and informal credit lines, commercial paper issuances, open account advances by Northeast to certain of its subsidiaries, and use of the Northeast system money pool. The effective cost of money on the Debt will not exceed 400 basis points over the base rate in effect from time to time of the lending bank or financial institution or, if no such base rate is identified, the base rate in effect from time to time of a representative money center bank. The maturity of the Debt will not exceed 364 days. The fees, commissions, or other expenses paid in connection with the issuance of the Debt or the entering into of credit facilities will not exceed 3% of the principal amount of the Debt. Borrowings from banks and other financial institutions may be either unsecured or secured. To the extent required, the provision of any collateral to secure Debt will be approved by applicable state regulatory commissions. Specific terms of any Debt will be determined by the Borrowers at the time of issuance and will comply with these parameters.

[1] The order dated May 13, 1999 (HCAR No. 27022) includes a reservation of jurisdiction "over Money Pool borrowings by PSNH that are attributable to contributions by WMECO, pending the approval of the [Massachusetts Department of Telecommunications and Energy]."

Northeast Utilities (70–9343)

Northeast Utilities ("NU"), a registered holding company, located at 174 Brush Hill Avenue, West Springfield, Massachusetts 01090–0010 has filed a post-effective amendment to its declaration under section 12(b) of the Act and rule 45 under the Act.

By order dated November 12, 1998 (HCAR No. 26939) ("Order"), the Commission authorized NU and NEWCO (now known as NU Enterprises ("NUEI"))[2] to, among other things, provide guarantees and similar forms of credit support or enhancements (collectively, "Guarantee") to, or for the benefit of NUEI, NUEI's nonutility subsidiaries, or NU's other to-be-formed direct or indirect energy-related companies, as defined in rule 58 under the Act, in an aggregate amount not to exceed $75 million, at any one time, through December 31, 1999.

By order dated May 19, 1999, the Commission authorized an increase in Guarantee authority from $75 million to $250 million. NU and NUEI now propose to increase the Guarantee authority from $250 million to $500 million and to extend the date through which guarantees may be provided through December 31, 2002, under the terms and conditions of the Order.[3]

LG&E Energy Corp. (70–9523)

LG&E Energy Corp. ("LG&E Corp."), 200 West Main Street, Louisville, Kentucky 40232, a Kentucky corporation and an electric and gas public utility holding company currently exempt under section 3(a)(1) from all provisions of the Act except section 9(a)(2),[4] has filed an application for an order under sections 9(a)(2) and 10 of the Act. LG&E Corp. seeks authorization of its proposed indirect acquisition of a reconstituted Western Kentucky Energy Corp. ("WKEC"), an indirect wholly owned nonutility subsidiary of LG&E Corp., in connection with a consolidation among WKEC and two other nonutility subsidiaries of LG&E Corp., with WKEC as the surviving corporation ("Transaction"). The application also requests (1) an order under section 3(a)(1) declaring LG&E Corp. and its wholly owned subsidiary, LG&E Capital Corp. ("LG&E Capital"), exempt from all provisions of the Act except section 9(a)(2), following the Transaction, and (2) an order under section 3(a)(2) declaring LG&E Corp.'s subsidiary, Kentucky Utilities Company ("KUC"), exempt from all provisions of the Act except section 9(a)(2), following the Transaction.[5]

LG&E Corp. and Subsidiaries

LG&E Corp. has two wholly owned public utility subsidiaries, Louisville Gas and Electric Company ("LG&E") and KUC. LG&E, a Kentucky corporation, is engaged primarily in the generation, transmission and distribution of electricity to approximately 360,000 customers in Louisville and adjacent areas in Kentucky. LG&E's service area covers approximately 700 square miles in 17 counties in Kentucky with an estimated population of one million. LG&E also purchases, distributes and sells natural gas to approximately 289,000 customers within this service area and in limited additional areas. Included within LG&E's service area is the Fort Knox Military Reservation, to which LG&E transports gas and provides electric service, but which maintains its own distribution systems.

Retail sales rates, services and other aspects of LG&E's electric and gas retail operations are subject to the jurisdiction of the Kentucky Public Service Commission ("Kentucky Commission"). The Kentucky Commission also has regulatory authority over aspects of LG&E's financial activities including security issuances, property transfers involving asset values in excess of $100,000, and mergers with other utilities. Wholesale rates for electric energy sold in interstate commerce, wheeling rates for every transmission in interstate commerce, and certain other activities of LG&E (including its hydro-electric facilities) are subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC").

LG&E owns 4.9% of the common stock of Ohio Valley Electric Corporation ("OVEC"), which has one wholly owned subsidiary, Indiana-

[2] NUEI is engaged, through the use of multiple subsidiaries, in various energy related and other activities.

[3] Rule 52 exempts NUEI's financial transactions with its associate companies from Commission jurisdiction, however, this information is provided for background purposes.

[4] LG&E Corp.'s exemption was granted by order of the Commission. *See LG&E Energy Corp.*, Holding Co. Act Release No. 26866 (April 30, 1998).

[5] KUC currently is a Kentucky electric utility and public utility holding company exempt under section 3(a)(2) by order of the Commission from all provisions of the Act except section 9(a)(2). *See Kentucky Utilities Company*, 29 S.E.C. 289 (1949); *KU Energy Corporation*, Holding Co. Act Release No. 25409 (Nov. 13, 1991). The Commission recently affirmed KUC's exemption under section 3(a)(2). *See LG&E Energy Corp.*, Holding Co. Act Release No. 26866 (April 30, 1998).

Kentucky Electric Corp. ("IKEC"). Each of OVEC and IKEC is an electric utility company under the Act. For each of the three years in the period ended December 31, 1998, LG&E derived less than 0.15% of its income from its share of the earnings of OVEC.

KUC, a Kentucky and Virginia corporation, is engaged in producing, transmitting and selling electric energy to approximately 449,00 customers in over 600 communities and adjacent suburban and rural areas in 77 counties in central, southeastern and western Kentucky, and to approximately 29,000 customers in 5 counties in southwestern Virginia. In Virginia, KUC operates under the name Old Dominion Power Company. KUC also sells electric energy at wholesale for resale in 12 municipalities in Kentucky.

KUC is subject to the jurisdiction of the Kentucky Commission and the Virginia State Corporation Commission as to retail rates and service, accounts, issuance of securities and in other respects. The FERC has jurisdiction over certain of the electric utility facilities and operations, wholesale sale of power and related transactions and accounting practices of KUC, and in certain other respects. By reason of owning and operating a small amount of electric utility property in one county in Tennessee (having a gross book value of about $226,000), KUC also may be subject to the jurisdiction of the Tennessee Regulatory Authority as to retail rates, accounts, issuance of securities and in other respects.

KUC owns 2.5% of the common stock of OVEC. KUC also owns 20% of Electric Energy, Inc. ("EEI"), an Illinois corporation and an electric utility company under the Act. EEI was formed in the early 1950s to provide electric energy to a uranium enrichment plant located near Paducah, Kentucky. The enrichment plant was originally operated by the Atomic Energy Commission and the Department of Energy and is operated today by the United States Enrichment Corporation. EEI owns the Joppa Plant, a 1,015 Mw coal-fired electric generating plant located near Joppa, Illinois, and six 161 kilovolt transmission lines which transmit power from the Joppa Plant to the Paducah enrichment plant. EEI's common sock is held by KUC and three other utility companies. EEI sells its excess electricity to its sponsoring utilities for resale. The uranium enrichment facility is EEI's only end-user customer. For each of the three years in the period ended December 31, 1998, KUC derived less than 3% of its net income from its share of the earnings of EEI and OVEC.

LG&E CORP. has two other directly owned subsidiaries, LG&E Energy Foundation, Inc., a tax-exempt charitable foundation and LG&E Capital, which is involved in numerous nonutility, energy-related businesses through various subsidiaries and joint ventures. Through its subsidiaries, LG&E Capital has interests in and operates electric power plants in several states and Spain. Each of these facilities is a qualifying cogeneration facility under the Public Utility Regulatory Policies Act of 1978, an exempt wholesale generator ("EWG") under section 32 of the Act or a foreign utility company ("FUCO") under section 33 of the Act. LG&E Capital also has interests in and operates three natural gas distribution companies in Argentina, each of which is a FUCO. LG&E Capital is involved through various subsidiaries in energy marketing and trading and, with respect to natural gas, LG&E Capital also is involved through subsidiaries in the gathering, processing, storage and transportation of natural gas.[6]

For the year ended December 31, 1998, approximately 16% of LG&E Corp.'s consolidated operating revenues and 18% of its consolidated operating income were derived from the nonutility businesses. As of December 31, 1998, approximately 20% of LG&E Corp.'s consolidated assets were invested in nonutility businesses. For the twelve months ended March 31, 1999, approximately 19% of LG&E Corp.'s consolidated operating revenues and 23% of its consolidated operating income were derived from nonutility businesses. As of March 31, 1999, approximately 22% of LG&E Corp.'s consolidated assets were invested in nonutility businesses.

For the year ended December 31, 1998, LG&E Corp.'s operating revenues on consolidated basis were $2.002 billion of which approximately $659 million was derived from LG&E's electric operations, $192 million was derived from LG&E's gas operations and $810 million was derived from KUC's electric operations. Consolidated assets for LG&E Corp. and its subsidiaries as of December 31, 1998 were approximately $4.8 billion, of which approximately $3.0 billion consisted of electric utility assets and $300 million consisted of gas utility assets. As of April 30, 1999, there were 129,677,030 outstanding shares of the common stock of LG&E Corp. LG&E Corp. has no preferred stock outstanding.

[6] Effective June 30, 1998 LG&E Corp. discontinued its merchant trading and sales business and announced its plans to sell its natural gas gathering and processing business. LG&E Corp., however, intends to maintain the technical systems and personnel necessary to engage in power marketing sales from assets it owns or controls, including LG&E, KUC and WKEC.

Description of Proposed Transaction

In the Transaction, LG&E Corp. proposes to acquire a reconstituted WKEC indirectly, through the merger of two indirect nonutility subsidiaries of LG&E Corp.—WKE Corp. and WKE Station Two Sub Inc. ("Station Two")—into WKEC, with WKEC as the surviving corporation.

WKE Corp. currently is a direct, wholly owned subsidiary of LG&E Capital and the parent company of WKEC and Station Two. WKE Corp. currently is certified as an EWG and Station Two is a nonutility company under the Act.[7] Each of WKE Corp., WKEC and Station Two was formed in connection with a series of transactions involving Big Rivers Electric Corporation ("Big Rivers"), a nonassociate utility company. Under these transactions, WKEC leases the generating facilities of Big Rivers and conducts the day-to-day operations of these facilities. Station Two operates a generating facility of the City of Henderson, Kentucky, that was previously operated by Big Rivers. LG&E Energy Marketing, Inc. ("LEM"), another indirect nonutility subsidiary of LG&E Corp., agreed to purchase electricity from the Big Rivers' facilities and the City of Henderson's facility. The electricity from the City of Henderson was previously purchased by Big Rivers. These transactions took effect in July 1998.[8]

Because the City of Henderson's generating facility serves retail customers, WKEC cannot operate this facility and maintain its status as an EWG. Therefore, the duties and responsibilities relating to the Big Rivers' facilities and the City of Henderson's facility were divided among WKE Corp., WKEC, Station Two and LEM, even though these duties were previously performed by one company, Big Rivers.

LG&E Corp. has determined that the separation of the duties and responsibilities among WKE Corp., WKEC, Station Two and LEM, and the constraints imposed upon WKEC in order to maintain its certification as an

[7] In this regard, LG&E Corp. has received a no-action letter from the staff of the Commission confirming that Station Two's activities would not cause it to be deemed an electric utility company under the Act. *See WKE Station Two, Inc/Big Rivers Electric Corporation*, SEC No-Action Letter (July 13, 1998).

[8] The Big Rivers transactions are described in more detail in the no-action letter. *See supra* note 7.

EWG have led to numerous operational inefficiencies. Consequently, LG&E Corp. now desires to combine WKE Corp., WKEC and Station Two, with WKEC as the surviving corporation. LG&E Corp. also may transfer certain related contracts for the sale of energy, capacity and ancillary services from LEM to WKEC. The Transaction is intended to simplify and consolidate responsibility within a single company, WKEC, for operation and management of all of the generating assets in western Kentucky that are operated by LG&E Corp.'s affiliates, and for the sale of power and ancillary services from those facilities. Following the Transaction, WKEC will cease to meet the requirements of an EWG, will decertify as an EWG and will become an electric utility company under the Act. Therefore, consummation of the Transaction will result in the indirect acquisition of an electric utility company by LG&E Corp.

The application states that the Transaction is expected to result in substantial benefits to the public, investors and consumers, including significant economies of scale, reduced labor costs and reduced corporate and administrative expenses through the elimination of redundancies and inefficiencies. As an example, the application notes that the Transaction will promote more efficient use of the labor force currently divided among WKE Corp., WKEC and Station Two, and will eliminate the need to maintain separate computer systems and books and records for each of those companies.

Proposed Post-Transaction Exemptions

LG&E Corp. states that, following the Transaction, it will continue to qualify as an exempt holding company under section 3(a)(1) of the Act, and LG&E Capital will qualify as an exempt holding company under section 3(a)(1) of the Act, because each of LG&E Corp. and LG&E Capital, and each of its public utility company subsidiaries from which it derives a material part of its income, will be a Kentucky corporation, will continue to be predominantly intrastate in character and will continue to conduct its utility business substantially within the Commonwealth of Kentucky.[9]

LG&E Corp. also states that, following the Transaction, KUC will continue to qualify as an exempt holding company under section 3(a)(2) of the Act because KUC is predominantly a public utility company whose operations, as such, do not extend beyond the Commonwealth of Kentucky.

For the Commission by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–25501 Filed 9–30–99; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before November 30, 1999.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Bruce Taylor, Financial Specialist, Office of the Denver Finance Center, Small Business Administration, 721 19th Street 4th Fl., Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT: Bruce Taylor, Financial Specialist, 303–844–0171 or Curtis B. Rich, Management Analyst, 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: "FFS Vendor Request Form".

Form No: 1851A.

Description of Respondents: Outside Vendors.

Annual Responses: 300.

Annual Burden: 25.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 99–25607 Filed 9–30–99 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before November 1, 1999. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW, 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Size Status Declaration.

Form No.: 480.

Frequency: On Occasion.

Description of Respondents: Small Business Investment Companies.

Annual Responses: 4,200.

Annual Burden: 700.

Dated: September 24, 1999.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 99–25528 Filed 9–30–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C.

[9] In this regard, LG&E Corp. states that neither OVEC nor IKEC will be a subsidiary of LG&E Corp. for purposes of the Act following the Transaction because LG&E Corp.'s total indirect ownership of OVEC will be 7.4%. Although EEI will be a subsidiary of LG&E Corp. for purposes of the Act following the Transaction, and EEI is not a Kentucky corporation, LG&E Corp. states that EEI will not be a material public utility subsidiary of LG&E Corp. for purposes of section 3(a)(1) because LG&E Corp. does not derive a material part of its income from EEI (less than 3% in each of the last three years).

Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before November 1, 1999. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW, 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Stockholder's Confirmation (Corporation): Ownership. Confirmation (Partnership).

Form No.: 1405.

Frequency: On Occasion.

Description of Respondents: Small Business Investment Companies.

Annual Responses: 600.

Annual Burden: 600.

Dated: September 24, 1999.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 99–25616 Filed 9–30–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3209]

Commonwealth of Pennsylvania; Amendment #1

In accordance with a notice from the Federal Emergency Management Agency dated September 17, 1999, the above-numbered Declaration is hereby amended to include Juniata County, Pennsylvania as a disaster area due to damages caused by severe storms and flooding that occurred on August 20–21, 1999.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Dauphin, Franklin, Huntingdon, Mifflin, Northumberland, Perry, and Snyder in the Commonwealth of Pennsylvania may be filed until the specified date at the previously designated location.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is October 30, 1999 and for economic injury the deadline is June 1, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 21, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–25614 Filed 9–30–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3210; Amendment #1]

Commonwealth of Virginia

In accordance with a notice received from the Federal Emergency Management Agency dated September 13, 1999, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as beginning on August 27, 1999 and continuing through September 13, 1999.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is November 4, 1999 and for economic injury the deadline is June 6, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 21, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–25615 Filed 9–30–99; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3129]

Bureau of Nonproliferation: Determination Under the Foreign Assistance Act and Several Foreign Operations and Related Programs Appropriations Acts

AGENCY: Department of State.

ACTION: Notice.

Pursuant to section 654(c) of the Foreign Assistance Act of 1961, as amended, notice is hereby given that the Acting Secretary of State has made a determination pursuant to section 620H of the Foreign Assistance Act, section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (Pub. L. 105–277) and the analogous provisions in prior year foreign operations, export financing and related programs appropriations acts. The Acting Secretary has concluded that publication of the determination would be harmful to the national security of the United States.

Dated: September 27, 1999.

John P. Barker, Jr.,

Deputy Assistant Secretary of State for Nonproliferation Controls.

[FR Doc. 99–25635 Filed 9–30–99; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Amtrak Reform Council; Notice of Meeting

AGENCY: Amtrak Reform Council.

ACTION: Notice of Special Meeting with Midwestern States and Business Meeting.

SUMMARY: As provided in Section 203 of the Amtrak Reform and Accountability Act of 1997, the Amtrak Reform Council (ARC) gives notice of a business meeting of the Council, preceded by a special meeting with representatives from the Mid-West states. At the special meeting, the Council will hear from, among others, representatives from the states of Illinois, Wisconsin, Minnesota, Michigan, Ohio, Indiana, Iowa, Missouri, and Nebraska to discuss all aspects of intercity railroad passenger service, including corridor service, in the Mid-West states. At its business meeting the Council will discuss, among other items, the general make-up of the Annual Report due to Congress in January 2000 and a schedule of meetings and events for the year 2000. The meeting will also consider matters raised by individual Council members.

DATES: The meeting with representatives of Mid-West states is scheduled from 9:00 a.m. to 6:00 p.m. on Wednesday, October 13, 1999. The Council's business meeting will be held on the following day, Thursday, October 14, 1999, from 8:30 a.m. to 12:00 noon.

ADDRESSES: Both meetings will be held in Wolf Pointe Ballroom, Holiday Inn Mart Plaza, 350 North Orleans Street, Chicago, IL 60654, telephone (312) 836–5000. Persons in need of special arrangements should contact the person listed below.

FOR FURTHER INFORMATION CONTACT: Deirdre O'Sullivan, Amtrak Reform Council, Room 7105, JM–ARC, 400 Seventh Street, S.W., Washington, DC

20590, or by telephone at (202) 366–0591; FAX: 202–493–2061.

SUPPLEMENTARY INFORMATION: The ARC was created by the Amtrak Reform and Accountability Act of 1997 (ARAA), as an independent commission, to evaluate Amtrak's performance and to make recommendations to Amtrak for achieving further cost containment, productivity improvements, and financial reforms. In addition, the ARAA requires that the ARC monitor cost savings resulting from work rules established under new agreements between Amtrak and its labor unions; that the ARC provide an annual report to Congress that includes an assessment of Amtrak's progress on the resolution of productivity issues; and that, after two years, the ARC has the authority to determine whether Amtrak can meet certain financial goals specified under the ARAA and, if not, to notify the President and the Congress.

The ARAA provides that the ARC consist of eleven members, including the Secretary of Transportation and ten others nominated by the President and Congressional leaders. Each member is to serve a five-year term.

Issued in Washington, DC, September 24, 1999.

Thomas A. Till,

Executive Director.

[FR Doc. 99–25599 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Request for Comments on Advisory Circular (AC) 43.13–1B, Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair

AGENCY: Federal Aviation Administration.

ACTION: Request for comments.

SUMMARY: This notice requests comments on AC 43.13–1B, Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, which provides guidance on acceptable methods, techniques, and practices associated with inspection and repairs to small, nonpressurized, older aircraft of 12,500 pounds or less. This AC was revised on September 8, 1998. The FAA is considering making a change to the AC that will correct minor discrepancies that occurred during publication and is opening the document for additional new maintenance information. This notice is necessary to give all interested persons an opportunity to submit comments, corrections, or new maintenance information that may be included in the next change to the AC. Any comments or corrections should reflect the applicable AC chapter, page and paragraph number. If new information or data is suggested, a copy of the data, repair methods, inspection procedures, or new techniques should be enclosed with the comment.

DATES: Comments must be received on or before November 30, 1999.

ADDRESSES: All comments should be addressed to: George Torres, AFS–613, Federal Aviation Administration, Manufacturing Standards Section, 6500 S. MacArthur Blvd, Oklahoma City, OK 73169 or FAX 405–954–4104. A copy of Advisory Circular (AC) 43.13–1B, Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair, can be found on the internet at web site *www.faa.gov/afs/acs/ac-idx.htm*. Comments may be inspected at the above Oklahoma City address between 9 a.m. and 4 p.m. weekdays except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Gerri Robinson, Aviation and Commercial Branch, AFS–340, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267–9678, FAX (202) 267–5075.

Issued in Washington, DC, on September 20, 1999.

Ava L. Mims,

Deputy Director, Flight Standards Service.

[FR Doc. 99–25543 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petitions for Waivers of Compliance; Petition for Exemption for Technological Improvements

In accordance with Title 49 Code of Federal Regulations (CFR) Sections 211.9 and 211.41, and 49 U.S.C. 20306, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for waiver of compliance with certain requirements of the Federal railroad safety regulations and a request for exemption of certain statutory provisions. The individual petition is described below, including the party seeking relief, the regulatory and statutory provisions involved, the nature of the relief being sought and the petitioner's arguments in favor of relief.

Utah Transit Authority

FRA Waiver Petition No. FRA–1999–6253

Utah Transit Authority (UTA) seeks a permanent waiver of compliance from certain CFR parts of Title 49, specifically: Part 219, Control of Alcohol and Drug Use; part 221, Rear End Marking Device—Passenger, Commuter and Freight Trains; part 223, Safety Gazing Standards—Locomotives, Passenger Cars and Cabooses; part 225, Railroad Accidents/Incidents—Report Classification, and Investigations; part 228, Hours of Service of Railroad Employees; part 229, Railroad Locomotive Safety Standards; part 231 Railroad Safety Appliance Standards; part 234, Grade Crossing Signal System Safety; part 238, Passenger Equipment Safety Standards; part 239, Passenger Train Emergency Preparedness; part 240, Qualification and Certification of Locomotive Engineers; and the statutory requirements 49 U.S.C. 20301 through 20305.

UTA seeks approval of shared track usage and waiver of certain FRA regulations involving light rail passenger operations on the planned light rail transit system known as "TRAX." The TRAX System will operate on an approximately 15 mile track between downtown Salt Lake City and the City of Sandy, Utah to the south. FRA has jurisdiction over a portion of the TRAX System because it will be connected to the general railroad system of transportation; a portion of the TRAX System will be on a rail line on which a short line freight railroad currently operates, and will continue to operate after start-up of TRAX service.

In each section entitled "Justification," FRA merely sets out UTA's justifications which are included in its petition. In doing so, UTA references the proposed Joint Policy Statement on Shared Used of the General Railroad System issued by FRA and the Federal Transit Administration (FTA) (64 FR 28238; May 25, 1999) ("Policy Statement"). The proposed policy statement suggests that regulation of light rail service on the general rail system, under conditions of temporal separation from conventional rail movements, be handled through application of complementary strategies. FRA regulations would generally be employed to address hazards common to light rail and conventional operations for which consistent handling is necessary, while other hazards would be handled under FTA's program of State Safety Oversight (49 CFR Part 659). See proposed Policy Statement for details. Since FRA has not yet concluded its

investigation of the planned TRAX system, the agency takes no position at this time on the merits of UTA's stated justifications. As part of FRA's review of the petition, the Federal Transit Administration will appoint a non-voting liaison to FRA's Safety Board, and that person will participate in the board's consideration of UTA's waiver petition.

Part 219 Control of Alcohol and Drug Use

Part 219 prescribes minimum Federal safety standards for the control of alcohol and drug use by railroad workers for the purpose of preventing accidents and casualties in railroad operations that result from impairment of employees by alcohol or drugs.

Justification

UTA requests a waiver of all of the requirements of part 219 so that all of the employees assigned to the TRAX System who would otherwise be covered employees under this part, would become covered employees subject to UTA's existing drug and alcohol program under the FTA rules at 49 CFR part 653, Prevention of Prohibited Drug Use in Transit Operations, and part 654, Prevention of Alcohol Misuse in Transit Operations. UTA believes that this would provide UTA with operational advantages while preserving an equivalent level of safety.

The FTA regulations apply to recipients of Federal mass transit funds, except those "specifically excluded" because they are recipients operating railroads regulated by FRA. 49 CFR 653.5 and 654.5. In such cases, a recipient is to follow FRA regulations in 49 CFR part 219 for its "railroad operations." However, such a recipient is still required to certify that it is in compliance with applicable rules and to comply with parts 653 and 654 for its "non-railroad operations."

UTA is a recipient of Federal mass transit funds, and therefore, would be subject to the compliance certification provision of FTA's regulations at parts 653 and 654 for any railroad operations otherwise covered by FRA's regulations at 49 CFR part 219, and is currently subject to all of the requirements of parts 653 and 654 for UTA's bus operations. If granted a waiver from the requirements of part 219, the subject light rail operations would automatically fall under the regulatory jurisdiction of FTA. Thus, all of the employees assigned to the LRT operation, who would otherwise be covered employees under this part, would become covered employees under FTA's rules at parts 653 and 654.

Application of the FTA drug and alcohol rules, when implemented in compliance with the FRA rule, would provide an equivalent level of safety consistent with the policy underlying part 219. A basic review of the respective FRA and FTA regulations reveals that they are quite similar in purpose, structure and substance. Both regulations are intended to enhance safety by prohibiting and eliminating misuse of drugs and alcohol which might otherwise result in accidents and injuries to employees and the traveling public. Both regulations provide for procedural and recordkeeping requirements to safeguard the integrity of the program and provide privacy and due process protections for covered employees. Finally, both sets of regulations prohibit impaired employees from performing safety sensitive functions and require testing of essentially the same personnel under similar circumstances (*i.e.*, random, post-accident, reasonable suspicion, and return-to-duty testing, and in the case of drugs, pre-employment testing).

Although there are differences between the regulations, there are no major policy differences with respect to the need to eliminate drug and alcohol misuse or the primary importance of safety in transportation operations. The most obvious difference involves the application of penalties for non-compliance. Under FRA rules, a regulated entity found to be in violation of the rule may be subject to the assessment of civil penalties in accordance with a published schedule. The FTA regulations do not contain such a civil penalty structure. However, under the FTA regulations, compliance is a condition for eligibility for receipt of Federal funds. Non-compliance can result in suspension of eligibility for applicable Federal funding altogether. Thus, the severity of the potential penalty serves as a deterrent in the same way as the FRA civil penalty program.

Part 221 Section 221.13(d)—Marking Devices Display; Section 221.14(a)—Marking Devices

Sections 221.13(d) and 221.14(a) contain requirements that passenger, commuter and freight trains be equipped with and display rear end marking devices. The requirements are intended to reduce the likelihood of rear-end collisions due to the inconspicuity of the rear-end of a leading train.

Justification

UTA seeks a waiver from these requirements because the TRAX vehicles, while having rear end lights, will not have the specific marking devices set forth in the regulation. However, exemption from the marking device requirement in this case will not compromise safety. The TRAX light rail cars are designed to have two taillights permanently mounted into the car body. These red lights are designed to be visible for a distance of 500 feet from the rear-end of the train and are located 45 inches above the top of rail. Because the rear lights on the TRAX vehicles will make them conspicuous to any trailing train, the TRAX vehicle lighting will provide an equivalent level of safety to that provided by the FRA regulation.

Part 223 Section 223.9(c)—Glazing Requirements; Section 223.17—Identification.

Section 223.9(c) requires that passenger cars be equipped with FRA-certified glazing in all windows. This requirement is intended to reduce the likelihood of injury to passengers and/or employees from breakage and shattering of windows (including windshields). Section 223.17 requires each passenger car that is fully equipped with FRA compliant glazing material to have a notice of compliance stenciled on an interior wall of the car. This serves the purpose of providing notice about the glazing material in the car.

Justification

UTA requests a waiver of this requirement because the TRAX vehicle will conform instead to the windshield and window requirements of § 6.04 of Appendix A of California Public Utilities Commission (CPUC) General Order 143–A. Under this standard, windshields and other windows must be made of laminated safety glass or shatter-proof or tempered glazing material. Glass meeting this standard is break-resistant in normal usage, but if broken, will "crumble" into pebble-like pieces, posing no significant hazard to passengers, employees, or rescue personnel. The use of such safety glass windows is standard throughout the rail transit industry for (among other applications) in-street light rail operations, where it has proved both durable and safe. In addition, the interior side of the window surfaces will have a carbonate coating. While the primary purpose of the coating is to render the windows resistant to graffiti, the coating also serves to provide additional protection against spalling in the event the window is broken. This extra protection adds to the safety of the windows. Finally, the risk associated with vandalism (such as by rocks

thrown against the windows) is addressed from an operational standpoint in the security portions of the Safety Plan.

Section 223.9 Emergency Exit Window Markings.

Section 223.9(d) sets forth requirements for the marking of emergency windows and the posting of emergency window operating instructions. These requirements are intended to help passengers and emergency responders distinguish emergency windows from other windows and provide information on the operation of the emergency windows.

Justification

UTA requests a waiver from these requirements because the TRAX vehicles are not equipped with emergency windows. Thus, identification of some windows as "emergency windows" and the posting of special operating instructions is not appropriate in this instance.

Section 223.15(c) Emergency Window Requirements

Section 223.15(c) requires each passenger train car to be equipped with at least four emergency windows designed to permit rapid and easy removal during an emergency. This requirement is intended to enhance safety by providing emergency egress in addition to egress through vehicle doorways.

Justification

UTA requests a waiver of this requirement because although the TRAX vehicle will not literally meet this standard, it will meet or exceed the safety objective of the requirement. As noted above, the TRAX vehicles will not be manufactured with emergency windows. Rather, the TRAX vehicle is designed so that the doorways provide the requisite emergency exit capability. In fact, the TRAX vehicle doorways provide greater access/egress capability than is found on conventional commuter rail cars.

Each vehicle has four sets of double doors on each side of the vehicle. Each set of double doors provides a 8-foot by 4-foot opening, and the vehicle is designed such that the cars can completely empty in less than one minute with all doors open. The doors are releasable through an emergency release lever and may be opened without power supply. The interior door release levers will be clearly marked and in a location accessible to all passengers. These release features make it very unlikely that a crash would render more than one set of doors in a car, if any, inoperative, and enable quick and easy opening of the doors by passengers. Even if one set of doors were inoperative after a crash, the other sets of doors would still provide significant opportunity for egress. The placement of two sets of doors on each side of the vehicle will provide significant capacity for mobility in and out of each side of the car should one side not be suitable for use in exiting the train.

UTA believes that the doors will provide emergency egress capacity equivalent to or better than FRA emergency exit window requirements. With these features, there is little risk of passengers becoming trapped or rescue personnel being unable to reach passengers. Accordingly, a waiver of § 223.15(c) is justified. In addition, the TRAX Emergency Response Plan provides for passenger evacuation and crowd control planning.

Part 225 Railroad Accidents/Incidents Reporting

Part 225, Reports Classification, and Investigations, prescribes reporting requirements for accident/incidents meeting the materiality thresholds in § 225.19. The reporting requirements support FRA's enforcement efforts and provide information to detect trends on an industry-wide basis.

Justification

UTA requests a waiver of reporting and investigation requirements for injuries because UTA will be following the injury reporting requirements which will be established by UDOT, as required by UTA's System Safety Program Plan (SSPP). In addition, UTA is responsible for compliance with applicable Occupational Safety and Health Administration workplace injury reporting requirements. Compliance with FRA regulations for injuries on the Shared Trackage would require the creation of a separate administrative structure for injury reporting, which would place an unnecessary administrative burden on UTA without enhancing safety.

Part 228 Records and Reporting

Sections 228.17(a) (2)–(10) of part 228 contain train movement recordkeeping requirements to be maintained by persons performing dispatcher functions. These requirements are intended to aid FRA in enforcing the statutory hours of service requirements by providing a detailed record of train movements and crew locations.

Justification

UTA requests a waiver of these requirements because they will create an unnecessary paperwork burden for UTA, while providing little of the benefit they do in the freight railroad operating environment. The requirements of §§ 228.17(a)(2)–(10) are designed for freight railroad operations, where there usually are multiple dispatching districts, varying train consists, routes and locomotive power units, changing train schedules, and unscheduled trains. On freight railroads dispatcher and train crew working hours may vary and reporting stations may change. Usually work is not confined to a short segment of rail line and overnight time away from home is common. In this environment the FRA-required dispatcher records are useful for keeping track of trains and train crews, which is essential to assuring compliance with the hours of service requirements without disruption to service.

TRAX service, however, is very different. TRAX Controllers will operate out of one facility, running the same consist on the same route every operating day. TRAX service will operate on a scheduled basis on a 15-mile line, and will make station stops. Controllers and vehicle operators will work fixed schedules, with many of the same controllers and vehicle operators working the same hours each week. TRAX records maintained by other personnel will contain information on the controllers and vehicle operators working on particular times on particular days. Controllers and vehicle operators will not need to be away from their home terminals as part of their work duty. Although TRAX controllers will control the movement of freight trains once the trains are admitted to the Shared Trackage, the controllers are not responsible for dispatching freight trains or tracking crew movements generally. Thus, in the TRAX operating environment, the standard records maintained by UTA on train and train crew movements and operator attendance will provide sufficient information to determine service hours worked.

Part 229 Railroad Locomotive Safety Standards

Sections 229.46–229.59 set forth standards related to operation and maintenance of railroad locomotive air brake systems. These requirements are intended to ensure that locomotive brake components are and remain in good working order to permit the proper function of the brake system and to

reduce the likelihood of accidents due to failures of locomotive brakes and/or brake system components.

Justification

Standard railroad locomotives employ air brake systems and §§ 229.46–229.59 are designed to regulate such systems. The TRAX vehicles, however, use electrically activated hydraulic brakes, supplemented by dynamic brakes and magnetic track brakes. Because the TRAX vehicles do not have air brakes, §§ 229.46–229.59 are not applicable to the TRAX vehicle brake system. UTA assures FRA, however, that safety will not be compromised. UDOT regulations and UTA's Safety Plan for the operation and maintenance of the TRAX System will require that the inspection, testing, maintenance and operation of the brake equipment on the TRAX vehicle rise to an equivalent level of safety as that achieved through compliance with §§ 229.46–229.59 on conventional commuter rail equipment.

UTA requests that FRA confirm that §§ 229.46–229.59 are not applicable to the TRAX System. Alternatively, should FRA determine that these sections do apply, UTA requests a waiver of these sections since the differences between air brake and electrically activated hydraulic brake systems render application of the requirements inappropriate and because UDOT regulations and the UTA Safety Plan will provide an equivalent level of safety.

Section 229.61 Draft System

Section 229.61 requires that couplers be free of excessive slack, breaks and cracks in certain critical component areas. Section 229.61 also requires a device to be provided to prevent drawbar and articulated connection pins from falling out in the case of breakage. The purpose of these requirements is to ensure that the coupler is in good working order to perform as required.

Justification

UTA requests a waiver from the requirements in § 229.61 because the TRAX vehicles do not utilize a draft system for coupling. Rather, the TRAX vehicle has a Scharfenberg Coupler, which is an automatic way of connecting the light rail vehicles both physically and electrically. As the two couplers come into contact with each other, the indexed male/female coupler faces its mate providing a ridged interface. As the coupler faces come together the electrical head cover swings up and allows the pin connectors to engage, allowing train line communication. The coupler is an energy absorbing connecting device in both buff and draft. The coupler is capable of absorbing 175 kN at a velocity of 3 mph. The buff and draft loads are transmitted to the car underframe via the coupler shank and rubber cushion draw gear. When the two couplers are connected, the coupler locks form a parallelogram where the draft forces are counterbalancing each other, thus making unintentional uncoupling impossible. The coupler attaches to the vehicle underframe via four cap bolts torqued to 295 ft. lbs. See Exhibit J. The Safety Plan will provide for operation and maintenance of vehicle couplers in good working order.

Section 229.65 Spring Rigging

Section 229.65 sets forth requirements for the safety of springs and shock absorbers. The purpose of these requirements is to ensure that these components are in good working order and that safety hazards will be minimized if the components do break.

Justification

UTA requests a waiver of the requirements of § 229.65 because the TRAX vehicle has a different type of suspension system than that envisioned by the regulation. The suspension system of the TRAX vehicle consists of a primary elastometric element (Chevron spring type) and a secondary coil spring. The maximum amount of vehicle drop in the event of spring breakage is three inches. In the event of a vehicle derailment, the powered and non-powered bogies are held to the car frame using bogie retainer rods.

In accordance with the Safety Plan, UTA will maintain the TRAX vehicles' suspension system to ensure that the suspension system is free of material defects and operates in good working order.

Section 229.71 Clearance above Top of Rail

Section 229.71 requires that no part or appliance of a locomotive, with limited exceptions, be less than 2 1/2 inches above the top of rail. The purpose of this requirement is to ensure that inappropriate parts of the locomotive do not make contact with the tracks or obstructions on the tracks, thereby decreasing the risk of derailment.

Justification

UTA requests a waiver from this requirement because the track brakes on the TRAX vehicle are located between the wheels of the truck just one inch above the rail. The track brakes, which are essentially large magnets, must be positioned there to operate properly. However, the presence of the track brakes close to the track does not present a safety hazard. Because of the placement of the brakes between the wheels, any obstruction on the track would be struck by the wheels before striking the brakes.

Section 229.77(b) Current Collectors

Section 229.77(b) requires that each pantograph operating on an overhead trolley wire have a device for locking and grounding it in the lowest position, which can be applied and released only from a position where the operator has a clear view of the pantograph and roof and without mounting the roof. The purpose of this requirement is to reduce the risk of electrical shock injury due to defective or ungrounded pantographs.

Justification

UTA requests a waiver from this requirement because in the TRAX vehicle the operator will not be able to see the pantograph from the cab. However, if the pantograph is defective, the train will be unable to move and the operator will know there is a problem with the pantograph. On the TRAX vehicles, the pantograph is raised and lowered electrically from inside the controlling cab. In the event that manually raising or lowering the pantograph is necessary, it is done from inside the vehicle with a specialized tool. Thus, the operator remains separated from risks associated with contact with the pantograph.

Section 229.125 Headlights and Auxiliary Lights

Sections 229.125(a), (b), (d), and (f) contain specifications for the placement and brightness of locomotive headlights and auxiliary lights. The purpose of these requirements is to reduce the risk of collisions attributable to inconspicuity of the train, particularly in low light level situations.

Justification

UTA requests a waiver from this requirement because the exterior lighting of the TRAX vehicle is designed in conformance with §§ 5.01 and 5.02 of Appendix A of CPUC General Order 143–A. See Exhibit I. These lights on the TRAX vehicles will provide an equivalent level of conspicuity to the vehicles, thereby meeting FRA's regulatory objective.

In accordance with CPUC General Order 143–A, the TRAX vehicles will be equipped with two headlights that are capable of revealing a person or motor vehicle in clear weather at a distance of 600 feet and which will be adjusted so as not to interfere with the vision of

motor vehicle drivers. The TRAX vehicles also will be equipped with a third light, centrally positioned near the top of the vehicle, creating a triangle configuration with the headlights. This triangular lighting configuration will render the TRAX vehicle easily distinguishable to motor vehicles and freight trains.

In addition, the TRAX vehicle will have two red lights which will emit a light plainly visible in clear weather from a distance of not less than 500 feet to the rear of the train. The TRAX vehicle will also have two red stoplights mounted on the end with the taillights. These stoplights will be capable of producing approximately 150 percent of the intensity of the taillights and will be illuminated whenever any brake other than the parking brake is applied. These lights will make the TRAX vehicle clearly visible to any other train on the tracks, as well as to motor vehicle traffic at grade crossings.

Section 229.135 Event Recorders

Section 229.135 requires that, with certain exceptions, any train which is operated faster than 30 mph must be equipped with an in-train event recorder in the lead locomotive. Event recorders keep automatic records of various type of train activities, such as speed, brake applications, signals passed, etc., that can be used both to aid in the reconstruction of accidents and to monitor safety compliance by train operators.

Justification

UTA requests a waiver from this requirement because the TRAX vehicles will not be equipped with event recorders. However, the Train Control Units (TCU) within each vehicle are capable of capturing all of the information required by the regulation, except for throttle position. Although the TCU is not a continuous recorder, it is activated any time a fault is seen and the information captured is saved indefinitely (it cannot be overwritten like it can be on a traditional event recorder). Consequently, in the event of an accident, the TCU will capture virtually all the same information required by the regulation, making this information available to UTA and state and federal investigators for accident reconstruction and safety oversight purposes.

Part 231 Passenger Cars Without End Platforms

Section 231.14 specifies the requisite location, number, dimensions, and manner of application of a variety of railroad car safety appliances (*e.g.*, hand brakes, ladders, handholds, steps), directly implementing a number of statutory requirements found in 49 U.S.C. 20301 through 20305.

The statute contains specific standards for automatic couplers, sill steps, hand brakes, and secure ladders and running boards. Where ladders are required, the statute mandates compliant handholds or grab irons for the roof of the vehicle at the top of each ladder. Compliant grab irons or handholds also are required for the ends and sides of the vehicles, in addition to standard height drawers. In addition, the statute requires trains to be equipped with a sufficient number of vehicles with power or train brakes so that the engineer may control the train's speed without the use of a common hand brake. At least 50 percent of the vehicles in the train must be equipped with power or train brakes, and the engineer must use the power or train brakes on those vehicles and all other vehicles equipped with such brakes that are associated with the equipped vehicles in the train.

Aside from these statutory-based requirements, the regulations provide additional and parallel specifications for hand brakes, sill steps, side handholds, end handholds, end handrails, side-door steps and uncoupling levers. More specifically, each passenger vehicle must be equipped with an efficient hand brake that operates in conjunction with the power brake on the train. The hand brake must be located so that it can be safely operated while the passenger vehicle is in motion. Passenger cars must have four sill steps and side-door steps and prescribed tread length, dimensions, material, location, and attachment devices for sill steps and side-door steps. In addition, there are requirements for the number, composite material, dimensions, location, and other characteristics for side and end handholds and end handrails. Finally, this section requires the presence of uncoupling attachments that can be operated by a person standing on the ground.

These very detailed regulations are intended to ensure that sufficient safety appliances are available and that they will function safely and securely as intended.

Justification

As noted above, some of the requirements in § 231.14 are required by statute and, therefore, are not subject to waiver under FRA's regulatory waiver provisions. FRA does, however, have the statutory authority to provide exemptions from these statutory requirements. 49 U.S.C. 20306. Consequently, UTA requests exemption from and/or waiver of these requirements, as appropriate, because the TRAX light rail vehicles will be equipped with their own array of safety devices resulting in equivalent safety. These are discussed below in greater detail.

The TRAX light rail vehicles are low boarding vehicles. The risk of falling while climbing aboard the vehicle is minimal, and therefore most of the listed appliances are not necessary for safety. The TRAX light rail vehicles do, however, have equivalent versions of some of the safety appliances that are tailored to TRAX operations. For example, to ensure passenger and crew safety during the embarking/disembarking process and during operation of the vehicles, the TRAX light rail vehicles are equipped with grab handles and bars. In addition, each vehicle is equipped with an appliance running the length of the front of the vehicle to provide protection against foreign objects being caught under the car body while the vehicle is in motion. Also, the TRAX light rail vehicles are equipped with automatic couplers, rendering uncoupling levers unnecessary.

The TRAX light rail vehicles will have brakes that meet the standards set forth in CPUC General Order 143–A, Exhibit I, and will be inspected, tested, and maintained as required by Section 5 of the UTA Safety Plan, Exhibit G. Therefore, the TRAX light rail vehicle brake system will be equivalent to a standard air brake system, and thus provide an equivalent level of safety.

UTA is aware that it may obtain exemption from the statutory safety appliance requirements mentioned above only if application of such requirements would "preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations." 49 U.S.C. 20306. The exemption for technological improvements was originally enacted to further the implementation of a specific type of freight car, but the legislative history shows that Congress intended the exemption to be used elsewhere so that "other types of railroad equipment might similarly benefit." S. Rep. 96–614, at 8, (1980), reprinted in 1980 U.S.C.C.A.N. 1156, 1164.

FRA has recognized the potential public benefits of temporally separated transit use on segments of the general railroad system. Light rail transit systems "promote more livable communities by serving those who live and work in urban areas without adding congestion to the nation's overcrowded

highways." FRA Policy Statement at 28238. They "take advantage of underutilized urban freight rail corridors to provide service that, in the absence of the existing right of way, would be prohibitively expensive." There have been many technological advances in types of equipment used for passenger rail operations, such as the use of light rail transit vehicles that will be used for the TRAX light rail system. Light rail transit equipment is energy efficient for passenger rail operations because it is lighter than conventional passenger equipment. Most light rail vehicles are electric, which reduces air pollution. Light rail vehicles are able to quickly accelerate or decelerate, which makes them more suitable than other equipment types in systems with closely-configured stations. Denying UTA's request for an exemption from certain safety appliance requirements, would preclude the implementation of light rail transit for shared use/temporal separation operations. Moreover, compliance with the statutory requirements is not necessary for safe operations.

With regard to the regulatory requirements of § 231.14, the TRAX light rail vehicles will be equipped with safety appliances that are more appropriate for light rail transit vehicles, thus achieving an equivalent or superior level of safety in the TRAX operating environment.

Section 234.105(c)(3) Activation Failure

Section 234.105 sets forth procedures to be followed in the event of a failure of the activating mechanism of a highway-rail grade crossing warning system. Section 234.105(c) provides for alternative means of actively warning highway users of approaching trains during periods of warning system activation failure. These requirements are intended to prevent collisions between motor vehicles and trains at grade crossings due to failure of the grade crossing warning system by providing for alternate means of controlling traffic at such crossings.

Justification

UTA requests a waiver from this requirement because this procedure is not compatible with TRAX operations. In cases of grade crossing warning system activation failures, UTA will deploy flaggers or request the deployment of uniformed law enforcement officers to provide traffic control services, in accordance with the requirements of this section. However, there may be times at which no flagger or uniformed law enforcement officer is available. In such instances, UTA will not be able to follow the procedure in § 234.105(c)(3) to move the train through the crossing because the TRAX vehicles will be operated by one person crews, and that crewmember cannot leave the train to flag the crossing. Instead, UTA proposes to bring the train to a full stop at the crossing, sound an appropriate audible warning device on the vehicle, then proceed through the crossing at restricted speed as conditions permit (in any case less than 15 mph). The combination of the proposed procedure along with the fact that almost all of the crossings will have non-mountable clearly marked medians, will provide a level of safety equivalent to that provided by the FRA rule, while causing less disruption to TRAX service.

Section 238.113 Emergency Window Exits

Section 238.235 requires passenger cars to have a minimum of four emergency exit windows of specified size and operational characteristics. This requirement is intended to provide for sufficient, easily accessible avenues of egress from passenger cars in the case of emergency.

Justification

UTA requests a waiver of this requirement on the same basis with, and with the same justification as, the waiver requested for § 223.15(c).

Section 238.115(b) Emergency Lighting and Back-up Power

Section 238.123(b) requires passenger cars to provide battery powered emergency lighting meeting certain specified standards. The purpose of this requirement is to ensure that in an emergency situation, sufficient lighting will remain available to aid passengers, crew members and, rescue personnel to access and leave the train safely.

Justification

UTA seeks a waiver from some of the requirements of § 238.115(b) because the TRAX vehicle uses an emergency lighting system typical of light rail vehicles in service throughout North America.

The emergency lighting on the TRAX vehicle will operate in all equipment within 45 degrees of vertical and will operate for a period of at least four hours, in excess of the FRA standard. The emergency lights, placed over every other door, will provide sufficient light to facilitate easy egress from and access to the low interior floor. The emergency lighting and back-up power in the operator's cab will be sufficient to permit safe operation of the control, radio, and public address system.

TRAX vehicles will operate in an urban/suburban region; the route is at-grade with many easy points of access. The farthest distance between the track and a street access point is 1,000 feet. Emergency responders will be able to reach any portion of the system reasonably quickly.

The TRAX emergency lighting and back-up power systems will provide necessary and adequate functioning in the TRAX environment. This request is consistent with FRA's position on the appropriate treatment of this part as stated in the Policy Statement. Policy Statement at 28242. Accordingly, a waiver of § 238.115(b) is justified.

Section 238.203 Static End Strength

Section 238.203 provides for the overall compressive strength of rail passenger cars. This section is intended to prevent sudden, brittle-type failure of the main structure of a passenger car, thereby providing protection of occupants in the case of a crash.

Justification

UTA requests a waiver of these requirements because the TRAX vehicles are constructed to comply with Sections 6.02—6.03 of Appendix A of CPUC General Order 143–A. Specifically, each TRAX vehicle will be equipped with collision or cab-end corner posts, and the connection of the corner posts to the supporting structures (and the supporting structure itself) must be able to develop the full bending capacity of the collision or corner posts. Further, the vehicle will be designed and constructed such that all major structural components meet or exceed the following for both an unloaded and a fully loaded LRV body: under the action of an end compression load applied to twice the unladen car body weight applied longitudinally at the end sills, there shall be no permanent strain in any structural member and there shall be no stress in any such member exceeding the yield strength of yield point of the material.

The TRAX vehicle is manufactured using a low alloy high tensile steel frame. This framework consists of two end sections attached to a single articulation joint. Each end section is made up of an end underframe which contains the anti-climber, body bolster, corner posts and the anti-telescoping structural safety design feature. The SD 100 design permits end structure loading to be transferred from the anti-climber through the corner posts up to the roof structure. This transfer of structural loading to the roof structure

helps to protect the passenger compartment by preventing the floor structure from receiving the full load. The car body side sheets also add to the structural integrity of the SD 100 car body. The TRAX vehicle has a specified compression load at coupler anchorage level of 445 kN (100,000 lbs). The tested compression loading, using an empty car at the level of the anti-climber, was 687.21 kN (154,500 lbs). This is in line with the design compression loads commonly found on light rail transit vehicles in service in North America.

UTA believes that the design and construction of the TRAX vehicles will provide an equivalent level of safety, particularly in the TRAX operating environment. As noted previously, because of the temporal separation of the freight and passenger operations over the TRAX line, the risk of collisions between freight and passenger trains is virtually eliminated. Consequently, the need for the TRAX vehicles to have sufficient structural strength to survive a collision with a freight train is minimized. The CPUC standard for light rail vehicles will ensure that the vehicles will have sufficient structural capacity to survive collision with each other or other objects (such as motor vehicles) with limited risk of injury to occupants.

Section 238.205(b) Anti-climbing Mechanism

Section 238.205(b) requires locomotives, including MU locomotives (as defined in § 238.5), to have forward and rear end anti-climbing mechanisms capable of resisting an upward or downward vertical force of 200,000 pounds without failure. These requirements are intended to prevent override or telescoping of one passenger train unit into another in the event of high compressive forces caused by a derailment or collision.

Justification

UTA requests a waiver from these requirements because the TRAX vehicle will have an anti-climber mechanism on each end of the vehicle designed and constructed with projecting steel corrugations that will interlock with a similar device on another LRV, as required under Section 6.01 of Appendix A of CPUC General Order 143–A.

UTA believes that the design and construction of the TRAX vehicle anti-climbers will provide an equivalent level of safety, particularly in the TRAX operating environment. As noted previously, because of the temporal separation of the freight and passenger operations over the TRAX line, the risk of collisions between freight and passenger trains is significantly reduced. Consequently, a requirement that the TRAX vehicles have anti-climbers designed to sustain a collision with a freight train is unnecessarily burdensome. The CPUC standard for light rail vehicles will ensure that the anticlimbers function as intended to lessen the severity of collision between light rail vehicles.

Section 238.207 Link Between Coupling Mechanism and Car Body

Section 238.207 sets forth strength requirements for the link between the car coupling mechanism and the car body. The purpose of this requirement is to avoid a premature failure of the draft system so that the anticlimbing mechanism will have an opportunity to engage.

Justification

UTA requests a waiver from the requirements of § 238.207 because the TRAX vehicle does not utilize a draft system for coupling. Rather, the TRAX vehicle has a Scharfenberg Coupler, which is an automatic way of connecting the light rail vehicles both physically and electrically. As the two couplers come into contact with each other, the indexed male/female coupler faces its mate providing a ridged interface. As the coupler faces come together the electrical head cover swings up and allows the pin connectors to engage, allowing train line communication. The coupler is an energy absorbing connecting device in both buff and draft. The coupler is capable of absorbing 175 kN at a velocity of 3 mph. The buff and draft loads are transmitted to the car underframe via the coupler shank and rubber cushion draw gear. When the two couplers are connected, the coupler locks form a parallelogram where the draft forces are counterbalancing each other, thus making unintentional uncoupling impossible. The coupler attaches to the vehicle underframe via four cap bolts torqued to 295 ft. lbs. The Safety Plan will provide for operation and maintenance of vehicle couplers in good working order.

Section 238.209 Forward-Facing End Structure of Locomotives

Section 238.209 prescribes several strength-related characteristics for the skin of the forward-facing end of each locomotive. These requirements are intended to provide protection to persons in the occupied area of the locomotive cab.

Justification

UTA requests a waiver from these requirements because the TRAX vehicles are designed to meet standard light rail transit car specifications. The TRAX vehicle is manufactured with a low alloy high tensile steel frame. This framework consists of two end sections attached to a single articulation joint. Each end section is made up of an end underframe which contains the anti-climber, body bolster, corner posts, and the anti-telescoping structural safety design feature. This design permits end structure loading to be transferred away from the end of the locomotive to the roof structure, providing protection to the passengers and crew inside the vehicle. This design has been used in light rail vehicles in service throughout the country without reported problems arising related to the front end strength of the vehicles.

Section 238.211 Collision Posts

Section 238.211 requires passenger equipment to have two full-height collision posts of specified strength at each end where coupling and uncoupling are expected. This requirement is intended to provide for protection against crushing of occupied areas of passenger cars in the event of a collision or derailment.

Justification

UTA requests a waiver of these requirements because the TRAX vehicles are constructed to comply with §§ 6.02–6.03 of Appendix A of CPUC General Order 143–A. Specifically, each TRAX vehicle will be equipped with collision or cab-end corner posts, and the connection of the corner posts to the supporting structures (and the supporting structure itself) must be able to develop the full bending capacity of the collision or corner posts. Further, the vehicle will be designed and constructed such that all major structural components meet or exceed the following for both an unloaded and a fully loaded LRV body: under the action of an end compression load applied to twice the unladen car body weight applied longitudinally at the end sills, there shall be no permanent strain in any structural member and there shall be no stress in any such member exceeding the yield strength of yield point of the material.

The TRAX vehicle is manufactured using a low alloy high tensile steel frame. This framework consists of two end sections attached to a single articulation joint. Each end section is made up of an end underframe which contains the anti-climber, body bolster,

corner posts, and the anti-telescoping structural safety design feature. The SD 100 design permits end structure loading to be transferred from the anti-climber through the corner posts up to the roof structure. This transfer of structural loading to the roof structure helps to protect the passenger compartment by preventing the floor structure from receiving the full load. The car body side sheets also add to the structural integrity of the SD 100 car body. The TRAX vehicle has a specified compression load at coupler anchorage level of 445 kN (100,000 lbs). The tested compression loading, using an empty car at the level of the anti-climber, was 687.21 kN (154,500 lbs). This is in line with the design compression loads commonly found on light rail transit vehicles in service in North America.

The design and construction of the TRAX vehicles will provide an equivalent level of safety, particularly in the TRAX operating environment. As noted previously, because of the temporal separation of the freight and passenger operations over the TRAX line, the risk of collisions between freight and passenger trains is virtually eliminated. Consequently, the need for the TRAX vehicles to have sufficient structural strength to survive a collision with a freight train is minimized. The CPUC standard for light rail vehicles will ensure that the vehicles will have sufficient structural capacity to survive collision with each other or other objects (such as motor vehicles) with limited risk of injury to occupants.

Section 238.213 Corner Posts

Section 238.213 requires two full-height corner posts of specified strength at the end of each vehicle. These requirements serve to provide protection to occupant compartments from side-swipe type collisions.

Justification

UTA requests a waiver of these requirements because the TRAX vehicles are constructed to comply with §§ 6.02–6.03 of Appendix A of CPUC General Order 143–A. Specifically, each TRAX vehicle will be equipped with collision or cab-end corner posts, and the connection of the corner posts to the supporting structures (and the supporting structure itself) must be able to develop the full bending capacity of the collision or corner posts. Further, the vehicle will be designed and constructed such that all major structural components meet or exceed the following for both an unloaded and a fully loaded LRV body: under the action of an end compression load applied to twice the unladen car body weight applied longitudinally at the end sills, there shall be no permanent strain in any structural member and there shall be no stress in any such member exceeding the yield strength of yield point of the material.

The TRAX vehicle is manufactured using a low alloy high tensile steel frame. This framework consists of two end sections attached to a single articulation joint. Each end section is made up of an end underframe which contains the anti-climber, body bolster, corner posts, and the anti-telescoping structural safety design feature. The SD 100 design permits end structure loading to be transferred from the anti-climber through the corner posts up to the roof structure. This transfer of structural loading to the roof structure helps to protect the passenger compartment by preventing the floor structure from receiving the full load. The car body side sheets also add to the structural integrity of the SD 100 car body. The TRAX vehicle has a specified compression load at coupler anchorage level of 445 kN (100,000 lbs). The tested compression loading, using an empty car at the level of the anti-climber, was 687.21 kN (154,500 lbs). This is in line with the design compression loads commonly found on light rail transit vehicles in service in North America.

The design and construction of the TRAX vehicles will provide an equivalent level of safety, particularly in the TRAX operating environment. As noted previously, because of the temporal separation of the freight and passenger operations over the TRAX line, the risk of collisions between freight and passenger trains is virtually eliminated. Consequently, the need for the TRAX vehicles to have sufficient structural strength to survive a collision with a freight train is minimized. The CPUC standard for light rail vehicles will ensure that the vehicles will have sufficient structural capacity to sustain collision with each other or other objects (such as motor vehicles) with limited risk of injury to occupants.

Section 238.215 Rollover Strength

Section 238.215 sets forth the structural requirements intended to prevent significant deformation of the occupant compartments of passenger cars in the event the car rolls onto its side or roof. Under this section, a passenger car must be able to support twice the dead weight of the vehicle while the vehicle is resting on its roof or side.

Justification

UTA requests a waiver from the requirements of § 238.215 because the TRAX vehicle is built to different design criteria which will provide an equivalent level of safety. The TRAX vehicle employs a low alloy high tensile steel frame in a lightweight low-floor design. The low-floor design lowers the center of gravity, as well as the load conditions, in rollover circumstances. The lower center of gravity makes the TRAX vehicle less prone to rollover than a standard commuter rail car. Moreover, in the unlikely event of a rollover, the lighter weight of the TRAX vehicle means that the roof does not have to support as much weight as a standard commuter rail car. Finally, the design features of the TRAX vehicle provide for structural protection of the occupant compartments, achieving an adequate level of safety.

The basic TRAX vehicle design has been in use in transit systems throughout North America for the last 20 years without reported problems related to rollover strength issues.

Section 238.217 Side Structure

Section 238.217 sets strength requirements for side posts, corner braces and outside sheathing. These specifications are intended to provide for additional structural protection, so that a car will derail before it collapses into the occupant compartments.

Justification

UTA requests a waiver from the requirements of § 238.217 because the TRAX vehicle is built to different design criteria which will provide an equivalent level of safety. The TRAX vehicle is manufactured using a low alloy high tensile steel frame with car body side sheets which provide protection to the occupant compartment of the vehicle by safeguarding the structural integrity of the vehicle, while also maintaining the vehicle's lightweight design features. Additionally, the relatively short train length ensures that the vehicle will not occupy a grade crossing for an extended period, lowering the risk of collisions.

Overall, UTA believes that although the TRAX vehicle may not conform to the specific requirements of the regulation, the vehicle will provide, in conjunction with the other safety design features of the vehicle, a sufficient measure of safety.

Section 238.221 Glazing

Section 238.221 reiterates the safety glazing standards of 49 CFR part 223 and establishes standards for glazing securement components. The new requirements for glazing securement are designed to ensure that the glazing frame be capable of holding the glazing

in place against all forces which it is required to resist under part 223, and forces created by air pressure differences caused when two trains pass at their authorized maximum speeds in opposite directions at the minimum track separation for two adjacent tracks. Glazing forced from the window opening is a potential hazard.

UTA will be in compliance with the new glazing securement requirements, but seeks a waiver from § 238.221 on the same basis as the waiver request for the part 223.

Section 238.229 Safety Appliances

This section reiterates the applicability of the safety appliance requirements of 49 CFR part 231 to passenger train cars. UTA seeks a waiver from this section on the same basis and with the same justification, as the waiver requested from the part 231 requirements directly.

Section 238.231 Brake System

Section 238.231 sets forth standards related to operation and maintenance of passenger rail equipment brake systems. These requirements are intended to ensure that passenger rail equipment brake components are and remain in good working order to permit the proper function of the brake system and to reduce the likelihood of accidents due to failures of brakes and/or brake system components.

Justification

Standard commuter rail equipment employs air brake systems and § 238.231 is designed to regulate such systems. The TRAX vehicles, however, use electrically activated hydraulic brakes, supplemented by dynamic brakes and magnetic track brakes. Because the TRAX vehicles do not have air brakes, the requirements of § 238.231 are not applicable to the TRAX vehicle brake system. UTA assures FRA, however, that safety will not be compromised. UTA's Safety Plan for the operation and maintenance of the TRAX System will require the inspection, testing, maintenance, and operation of the brake equipment on the TRAX vehicle to an equivalent level of safety as that achieved through compliance with § 238.231 on conventional commuter rail equipment.

UTA requests that FRA confirm that § 238.231 is not applicable to the TRAX System. Alternatively, should FRA determine that the requirements of this section do apply, UTA requests a waiver of these sections because the differences between air brake and electrically activated hydraulic brake systems render application of the requirements inappropriate and because the UTA Safety Plan will provide an equivalent level of safety.

Section 238.233 Interior Fittings and Surfaces

Section 238.233 set forth strength requirements for passenger car interior fittings such as seats, overhead racks, and other similar items. In addition, to the extent possible, all interior fittings in the passenger car are to be recessed or flush-mounted and sharp edges and corners in the locomotive cab or passenger car must be either avoided or padded. These requirements are designed to reduce the likelihood and severity of injury to train occupants caused by the dislodging of seats or other interior items or by occupants striking interior items in the event of an accident.

Justification

UTA seeks a waiver of the requirements of § 229.233 because although the TRAX vehicle interior is designed to provide a safe passenger environment, the vehicle may not meet the specific strength requirements set forth in the regulation. The TRAX vehicle seats are designed with a rigid floor pedestal and wall mounting system widely used throughout the transit industry with a good safety record. The interior fittings are designed to standard transit industry standards for passenger safety and comfort and will not pose a hazard to passengers. The interior design standards will provide an equivalent level of safety to the FRA requirements.

Part 238 Inspection, Testing and Maintenance

Subpart D of part 238, §§ 238.301 through 238.319, contains requirements pertaining to the inspection, testing, and maintenance of the passenger equipment and systems required for Tier I passenger equipment. These requirements are designed to ensure that passenger rail operations are conducted only on vehicles whose components and systems are in good working order, thereby reducing both the chances of an equipment-related accident and the severity of damage or injury in the case of an accident.

UTA anticipates being in compliance with the requirements of subpart D. However, UTA requests a waiver from any requirements that correlate to the subpart B or C standards from which UTA has sought waivers. TRAX equipment will be subject to a detailed program of inspection, testing, and maintenance, as required by the state of Utah and UTA's own Safety Plan.

Part 239 Emergency Preparedness

Part 239 contains standards for the preparation, adoption, and implementation of emergency preparedness plans by railroads connected with the operation of passenger trains. It is intended that by providing sufficient emergency egress capability and information to passengers, and by having emergency preparedness plans calling for coordination with local emergency response officials, the risk of death or injury to passengers, employees and others in the case of accidents or other incidents, will be lessened. This rule was adopted as a result of several serious crashes involving commuter trains.

Justification

UTA requests a waiver from the part 239 requirements because UTA will be following UDOT emergency preparedness requirements. UTA believes that compliance with the UDOT emergency preparedness requirements will provide a level of safety equivalent or superior to the FRA standards. The Emergency Response Plan provides for emergency preparedness activities. Procedures requiring interface with outside agencies, such as police and fire, will be closely coordinated. Regular drills will be performed with these agencies to simulate real-world conditions. These emergency preparedness standards have been tailored to the TRAX System, but also draw on the experience of emergency preparedness standards form other rail transit systems whose operations and equipment more closely resemble TRAX than other FRA-regulated commuter rail systems.

Part 240 Qualification and Certification of Locomotive Engineers

Part 240 contains regulations relating to the qualification and certification of locomotive engineers. The locomotive engineer shoulders significant responsibility for the safety of him/herself and others in the railroad operating environment. Through the regulation's training, eligibility, testing, and monitoring standards, FRA seeks to ensure that only sufficiently qualified individuals are entrusted with those unique responsibilities.

Justification

UTA requests a waiver from these requirements because UTA will be following its own operator training and qualification standards under the oversight of UDOT. UTA believes that compliance with its own operator qualification and training requirements

will provide at least an equivalent level of safety. Under the Safety Plan, train operators must receive formal certification to operate on the TRAX System and must receive an annual re-certification, or be re-certified as required in response to rules, violations and long-term absences from the system. See Exhibit G. Train operator training is a four-week course combining classroom and field training. Subjects includes rules, standard operating procedures, emergency operating procedures, light rail vehicle orientation, light rail vehicle troubleshooting, system orientation, and communications. Train operators must pass written and field tests to successfully complete the course. In addition, the TRAX operating rules call for a system of discipline, leading to possible decertification for train operators who violate operating rules.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with either the request for a waiver of certain regulatory provisions or the request for an exemption of certain statutory provisions. If any interested party desires an opportunity for oral comment, he or she should notify FRA, in writing, before the end of the comment period and specify the basis for his or her request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA 1999–6253) and must be submitted to the DOT Docket Management Facility, Room PL–401 (Plaza level) 400 Seventh Street, SW, Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning this proceeding are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at http://dms.dot.gov.

Issued in Washington, D.C. on September 27, 1999.

Michael Logue,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 99–25541 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–1999–6070]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–1999–6070

Applicant: Burlington Northern and Santa Fe Railway Mr. William G. Peterson Director Signal Engineering 4515 Kansas Avenue Kansas City, Kansas 66106.

Burlington Northern and Santa Fe Railway seeks approval of the proposed annual modification of the signal system for winter operation, on the two main tracks, between milepost 1151.74 and milepost 1152.34, near Marias, Montana, on the Montana Division, Hi Line Subdivision. The proposed changes consist of the following, on an annual basis, during winter operations:

1. Temporarily spike, clamp, and disable switch controls in field for power-operated double crossover switches;

2. Temporarily discontinue and turn to the field, the westbound home signals at Marias; and

3. Temporarily extend the OS out to the existing westbound repeater signals, remove the number boards from the westbound repeater signals, and in effective convert the westbound repeater signals to the new westbound home signals.

The reasons given for the proposed changes are that during winter operations it is impossible to keep switches clear of snow, causing train delays due to switches being out of correspondence, and the potential for unsafe air loss associated with stopping on a 1.66 percent grade can be prevented.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov*.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on September 27, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99–25540 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket No. FRA–1999–6071

Applicant: Union Pacific Railroad Company, Mr. Phil Abaray, Chief Engineer—Signals, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179–1000.

Union Pacific Railroad Company seeks approval of the proposed modification of the signal systems, on

the two main tracks, near Houston, Texas, on the Houston East Belt and Houston West Belt Subdivisions, consisting of the discontinuance and removal of 30 automatic leaving signals at the following locations:

Houston East Belt Subdivision
- milepost 3.4—signals No.'s 109 and 107
- milepost 8.2—signals No.'s 59 and 61
- milepost 9.1—signals No.'s 54 and 52
- milepost 9.4—signals No.'s 53 and 51
- milepost 10.6—signals No.'s 40 and 38
- milepost 11.3—signals No.'s 33 and 35
- milepost 12.1—signals No.'s 32 and 34
- milepost 12.75—signals No.'s 19 and 17
- milepost 13.2—signals No.'s 14 and 16
- milepost 13.3—signals No.'s 11 and 9
- milepost 14.3—signals No.'s 6 and 4

Houston West Belt Subdivision
- milepost 7.6—signals No.'s 225 and 227
- milepost 8.1—signals No.'s 220 and 218
- milepost 8.3—signals No.'s 219 and 221
- milepost 9.6—signals No.'s 206 and 204

The reason given for the proposed changes is that the leaving signals are redundant and that only entering signals are used to control train movements.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov*.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C., on September 27, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99–25539 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–6270]

Notice of Public Meeting for Strategies to Address the Potential for Driver Distraction Due to Emerging Vehicle Technologies

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public meeting.

SUMMARY: On October 15, 1999, NHTSA will conduct a public meeting to discuss strategies for realizing the benefits of advanced driver assistance and information technologies without compromising safety. These new technologies, known as telematics, include a range of automotive devices to transmit, receive, or display information. The intent of this meeting is to share viewpoints, information, and findings, if any, relative to the safety impact of telematics devices among the public, industry, government, and safety groups. Topics to be discussed include the need for research to understand the safety implications of telematics, the role of various entities in promoting best practices in the design and use of these devices, and opportunities for proper evaluation of the safety impacts of such systems to ensure the safe design, application, and use of telematics devices.

DATES: Public Meeting: NHTSA will hold the public meeting on October 15, 1999, from 9 a.m. to 4 p.m.

Written Comments: The agency has established Docket No. NHTSA–99–6270 as a repository for comment on issues related to the safety of telematics devices. Written comments may be made to this docket at any time.

ADDRESSES: Public Meeting: The public meeting will be held in room 2230, U.S. Department of Transportation, 400 Seventh Street, SW, Washington DC 20590.

Written Comments: If you wish to submit written comments on the issues related to or discussed at this meeting, they should refer to Docket No. NHTSA–99–6270 and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, S.W., Washington, DC 20590 (Docket hours are from 10 a.m. to 5 p.m.).

FOR FURTHER INFORMATION CONTACT: Dr. August Burgett, Office of Vehicle Safety Research, 400 Seventh Street, SW, Washington, DC 20590 (telephone 202–366–5663, Aburgett@nhtsa.dot.gov) or Dr. Jeffrey Michael, EMS Division, NTS–14, 400 Seventh Street, SW, Washington, DC 20590 (telephone 202–366–4299, Jmichael@nhtsa.dot.gov).

SUPPLEMENTARY INFORMATION:

A. Background

The increasing utilization of certain advanced technologies in automobiles brings both the promise of safety enhancement and concerns about safety compromises due to the potential of crash causation. Technologies which transmit, receive, or display information from an automobile have collectively been termed telematics, and include devices such as automatic collision notification systems, navigation systems, and driver warning systems, as well as in-vehicle fax machines, telephones, and other communication equipment.

Many of the functions performed by these devices promise direct safety benefits, for example automatic notification of emergency personnel following a crash or hazard alerts to inform drivers of dangerous traffic and roadway conditions. However, devices which provide drivers with additional information could also distract the driver from the task of operating the vehicle and increase the risk of crashes.

B. Public Meeting

On October 15, 1999, NHTSA will conduct a public meeting, providing a forum for industry, safety, research groups, and the general public to discuss strategies for realizing the safety and other benefits of telematics technologies without compromising safety. The intent of this meeting is to share viewpoints, information, and findings relative to the issue of the safety impact of telematics devices. Topics to be discussed include current research plans among stakeholders, the need for further research to understand the safety implications of telematics, the role of policies to promote best practices in the design and use of these devices,

and opportunities for proper evaluation of the safety impact of these systems to ensure the safe design, application, and use of telematics devices.

C. Written Comments

Interested persons are invited to submit comments on this notice. Two copies should be submitted to Docket Management at the address given at the beginning of this document. Comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and two copies from which the purportedly confidential information has been deleted should be submitted to Docket Management. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation, 49 CFR part 512.

Issued on: September 27, 1999.

Raymond P. Owings,

Associate Administrator for Research and Development.

[FR Doc. 99–25548 Filed 9–30–99; 8:45 am]

BILLING CODE 4910–59–U

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on the Readjustment of Veterans, Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act, as amended (Pub. L. 92–463; 5 U.S.C. App.), that the Advisory Committee on the Readjustment of Veterans has been renewed for a 2-year period beginning September 22, 1999, through September 22, 2001.

Dated: September 23, 1999.

By Direction of the Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 99–25601 Filed 9–30–99; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans, Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act, as amended (Pub. L. 92–463; 5 U.S.C. App.), that the Department of Veterans Affairs' Advisory Committee on Women Veterans has been renewed for a 2-year period beginning September 22, 1999, through September 22, 2001.

Dated: September 23, 1999.

By Direction of the Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 99–25600 Filed 9–30–99; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 64, No. 190
Friday, October 1, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

48 CFR Part 237

[DFARS Case 99–D018]

Defense Federal Acquisition Regulation Supplement; Officials Not To Benefit Clause

Correction

In rule document 99–23731 beginning on page 49684, in the issue of Tuesday, September 14, 1999, make the following corrections:

237.7204 [Corrected]

1. On page 49684, in the second column, in section 237.7204, in paragraph 1(i), in the first line, "Cause" should read "Course".

2. On the same page, in the third column, in section 237.7204, in paragraph 1(m), in the first line, "charge" should read "charges".

[FR Doc. C9–23731 Filed 9–30–99; 8:45 am]
BILLING CODE 1505–01–D

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federal register

Friday
October 1, 1999

Part II

Department of Housing and Urban Development

24 CFR Part 888

Fair Market Rents for the Section 8 Housing Assistance Payments Program—Fiscal Year 2000; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 888

[Docket No. FR–4496–N–02]

Fair Market Rents for the Section 8 Housing Assistance Payments Program—Fiscal Year 2000

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Final Fiscal Year (FY) 2000 Fair Market Rents (FMRs).

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish FMRs annually to be effective on October 1 of each year. FMRs are used for the Section 8 housing choice voucher program, the Moderate Rehabilitation Single Room Occupancy program, the project-based voucher program, and any other programs requiring their use. Today's notice provides final FY 2000 FMRs for all areas.

EFFECTIVE DATE: The FMRs published in this notice are effective on October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Gerald Benoit, Operations Division, Office of Rental Assistance, telephone (202) 708–0477. For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Alan Fox, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 708–0590, Extension 5863 (e-mail: alan__fox@hud.gov). Hearing- or speech-impaired persons may use the Telecommunications Devices for the Deaf (TTY) by contacting the Federal Information Relay Service at 1–800–877–8339. (Other than the "800" TTY number, telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION: Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes housing assistance to aid lower income families in renting decent, safe, and sanitary housing. Housing assistance payments are limited by FMRs established by HUD for different areas. In the voucher program, the FMR is used to determine the "payment standard" (the maximum monthly subsidy) for assisted families (see Section 982.503.) In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

Method Used to Develop FMRs

FMR Standard

FMRs are gross rent estimates; they include shelter rent and the cost of utilities, except telephone. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. To accomplish this objective, FMRs must be both high enough to permit a selection of units and neighborhoods and low enough to serve as many families as possible. The level at which FMRs are set is expressed as a percentile point within the rent distribution of standard quality rental housing units. The current definition used is the 40th percentile rent, the dollar amount below which 40 percent of standard quality rental housing units rent. The 40th percentile rent is drawn from the distribution of rents of units which are occupied by recent movers (renter households who moved into their unit within the past 15 months). Newly built units less than two years old are excluded, and adjustments have been made to correct for the below market rents of public housing units included in the data base.

Data Sources

HUD used the most accurate and current data available to develop the FMR estimates. The sources of survey data used for the base-year estimates are:

(1) The 1990 Census, which provides statistically reliable rent data for all FMR areas;

(2) The Bureau of the Census' American Housing Surveys (AHSs), which are used to develop between-Census revisions for the largest metropolitan areas and which have accuracy comparable to the decennial Census; and

(3) Random Digit Dialing (RDD) telephone surveys of individual FMR areas, which are based on a sampling procedure that uses computers to select statistically random samples of rental housing.

The base-year FMRs are updated using trending factors based on Consumer Price Index (CPI) data for rents and utilities or HUD regional rent change factors developed from RDD surveys. Annual average CPI data are available individually for 99 metropolitan FMR areas. RDD regional rent change factors are developed annually for the metropolitan and nonmetropolitan parts of each of the 10 HUD regions. The RDD factors are used to update the base year estimates for all FMR areas that do not have their own local CPI survey.

State Minimum FMRs

FMRs are established at the higher of the local 40th percentile rent level or the Statewide average of nonmetropolitan counties, subject to a ceiling rent cap. The State minimum also affects a small number of metropolitan areas whose rents would otherwise fall below the State minimum.

Bedroom Size Adjustments

FMRs have been calculated separately for each bedroom size category. For areas whose FMRs are based on the State minimums, the rents for each bedroom size are the higher of the rent for the area or the Statewide average of nonmetropolitan counties for that bedroom size. For all other FMR areas, the bedroom intervals are based on data for the specific area. Exceptions have been made for some areas with local bedroom size rent intervals below an acceptable range. For those areas the intervals selected were the minimums determined after outliers had been excluded from the distribution of bedroom intervals for all metropolitan areas. Higher ratios continue to be used for three-bedroom and larger size units than would result from using the actual market relationships. This is done to assist the largest, most difficult to house families in finding program-eligible units. The FMRs for unit sizes larger than 4 bedroom are calculated by adding 15 percent to the 4 bedroom FMR for each extra bedroom. For example, the FMR for a 5 bedroom unit is 1.15 times the 4 bedroom FMR, and the FMR for a 6 bedroom unit is 1.30 times the 4 bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the 0 bedroom FMR.

Public Comments

In response to the May 7, 1999 proposed FMRs, HUD received public comments covering 21 FMR areas. Rental housing survey information was provided for 12 of those FMR areas. All of the survey information submitted was evaluated and, based on that review, the FMRs for 10 areas are being revised. The information submitted for the other FMR areas was not considered sufficient to provide a basis for revising the FMRs.

Areas with approved FMR increases:

Sacramento, CA
San Benito County, CA
San Diego, CA
San Francisco, CA
Waterloo-Cedar Falls, IA
Rochester, MN
Moore County, NC

Many comments were received from the Cape Cod, Massachusetts area in

response to the proposed FMR decrease. An important methodological comment was that the RDD survey on which the reduction was based might not have accurately identified what are locally referred to as winter rental units. The units that were surveyed in March 1999 were therefore re-surveyed with a more detailed set of questions to identify these winter rentals. Results of the re-survey revealed that the winter rentals had influenced the original survey and also indicated more rapid rent increases than previously thought. On this basis the FMRs have been revised upward. These areas are:

Barnstable-Yarmouth, MA
Barnstable County, MA
Dukes County, MA

The Housing Authority of the City of Santa Barbara, CA, requested that FMRs be increased or that the FMR area be split into two parts. In response to earlier comments, in December 1998 HUD conducted an RDD survey of the entire metropolitan area. The results were similar to the FMR then in effect. In addition, the survey found that the differential between the southern part (mainly the City of Santa Barbara) and the rest of the FMR area was within the limits of the FMR geographic exception range. HUD also received a comment from the Santa Barbara County housing authority explaining that it was having no problems running the program under the current FMR, and did not support a request to split the FMR area into two parts. For these reasons, the FMR for Santa Barbara is being adjusted with the normal update factor.

Areas with FMR increase by normal update factor:

Oakland, CA
Santa Barbara-Santa Maria-Lompoc, CA

HAs and other interested parties should be aware that FMR comments received too late for adjusting the current year's final FMRs will be held for use in the following year. In such cases HUD will trend the survey results to the date of the FMR estimate. If the HA is concerned that rents are changing rapidly, surveys should be timed to be received as close as possible to HUD's deadline for public comments.

AHS and RDD Surveys

This notice makes effective the FMRs for 3 areas proposed with reductions based on recent RDD surveys and about which no comments were received:

Modesto, CA
Middlesex-Somerset-Hunterdon, NJ
Allentown-Bethlehem-Easton, PA

American Housing Survey

Based on detailed rent data from the 1998 metropolitan AHSs, HUD is increasing FMRs for the following two areas:

Birmingham, AL
Tampa-St. Petersburg-Clearwater, FL

FMRs for the following AHS areas are being increased by the normal update factor:

Oakland, CA
San Jose, CA
Baltimore, MD
Boston, MA–NH
Minneapolis-St. Paul, MN–WI
Rochester, NY
Cincinnati, OH–KY–IN
Houston, TX
Salt Lake City-Ogden, UT
Norfolk-Virginia Beach-Newport News, VA–NC

The AHS results for two areas indicate a decrease in FMRs, which will be proposed for the 2001 FMRs. They are:
Washington, DC–MD–VA
Providence-Fall River-Warwick, RI–MA

FMR Area Definition Changes

This notice includes FMRs for two new metropolitan FMR areas based on new metropolitan statistical area definitions made effective by OMB on June 30, 1999. They are the Corvallis, Oregon FMR area, which consists of Benton County, and Auburn-Opelika, Alabama, which consists of Lee County.

Manufactured Home Space Surveys

FMRs for the rental of manufactured home spaces in the Section 8 Existing certificate and voucher program and the new merged tenant-based certificate and voucher program are 30 percent of the applicable Section 8 existing housing program FMR for a two-bedroom unit. HUD accepts public comments requesting modifications of these FMRs where the 30 percent FMRs are thought to be inadequate. In order to be accepted as a basis for revising the FMRs, comments must contain statistically valid survey data that show the 40th percentile space rent (excluding the cost of utilities) for the entire FMR area. Manufactured home space FMR revisions are published as final FMRs in Schedule D. Once approved, the revised manufactured home space FMRs establish new base year estimates that are updated annually using the same data used to update the other FMRs.

HUD Rental Housing Survey Guides

HUD recommends the use of professionally-conducted RDD telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of $10,000–$12,000. Areas with 500 or more program units usually meet this criterion, and areas with fewer units may meet it if local rents are thought to be significantly different than the FMR proposed by HUD. In addition, HUD has developed a simplified version of the RDD survey methodology for smaller, nonmetropolitan HAs. This methodology is designed to be simple enough to be done by the HA itself, rather than by professional survey organizations, at a cost of about $5,000.

HAs in nonmetropolitan areas may, in certain circumstances, do surveys of groups of counties. All grouped county surveys must be approved in advance by HUD. HAs are cautioned that the resulting FMRs will not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on its relationship to the combined rent of the group of FMR areas.

HAs that plan to use the RDD survey technique may obtain a copy of the appropriate survey guide by calling HUD USER on 1–800–245–2691. Larger HAs should request "Random Digit Dialing Surveys; A Guide to Assist Larger Housing Agencies in Preparing Fair Market Rent Comments." Smaller HAs should obtain "Rental Housing Surveys; A Guide to Assist Smaller Housing Agencies in Preparing Fair Market Rent Comments." These guides are also available on the Internet at http://www.huduser.org/datasets/fmr.html.

HUD prefers, but does not mandate, the use of RDD telephone surveys, or the more traditional method described in the small HA survey guide. Other survey methodologies are acceptable as long as they provide statistically reliable, unbiased estimates of the 40th percentile gross rent. Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn so as to be statistically representative of the entire rental housing stock of the FMR area. In particular, surveys must include units of all rent levels and be representative by structure type (including single-family, duplex and other small rental properties), age of housing unit, and geographic location. The decennial Census should be used as a starting point and means of verification for determining whether the sample is representative of the FMR area's rental housing stock. All survey results must be fully documented.

The cost of an RDD survey may vary, depending on the characteristics of the

telephone system used in the FMR area. RDDs (and simplified telephone surveys) of some non-metropolitan areas have been unusually expensive because of telephone system characteristics. An HA or contractor that cannot obtain the recommended number of sample responses after reasonable efforts should consult with HUD before abandoning its survey; in such situations HUD is prepared to relax normal sample size requirements.

Other Matters

Environmental Impact

A Finding of No Significant Impact with respect to the environment as required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the Section 8 Rental Certificate Program is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(d).

Regulatory Flexibility Act

The undersigned, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), hereby certifies that this notice does not have a significant economic impact on a substantial number of small entities, because FMRs do not change the rent from that which would be charged if the unit were not in the Section 8 Program.

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12611, Federalism, has determined that this notice will not involve the preemption of State law by Federal statute or regulation and does not have Federalism implications. The Fair Market Rent schedules do not have any substantial direct impact on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibility among the various levels of government.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (Section 8).

Accordingly, the Fair Market Rent Schedules, which will not be codified in 24 CFR Part 888, are amended as follows:

Dated: September 17, 1999.

Andrew M. Cuomo,

Secretary.

Fair Market Rents for the Section 8 Housing Assistance Payments Program

Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. Metropolitan Areas—FMRs are housing market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental housing units are in direct competition. The FMRs shown in Schedule B incorporate OMB's most current definitions of metropolitan areas, with the exceptions discussed in paragraph (b). HUD uses the OMB Metropolitan Statistical Area (MSA) and Primary Metropolitan Statistical Area (PMSA) definitions for FMR areas because they closely correspond to housing market area definitions.

b. Exceptions to OMB Definitions—The exceptions are counties deleted from several large metropolitan areas whose revised OMB metropolitan area definitions were determined by HUD to be larger than the housing market areas. The FMRs for the following counties (shown by the metropolitan area) are calculated separately and are shown in Schedule B within their respective States under the "Metropolitan FMR Areas" listing:

Metropolitan Area and Counties Deleted

Chicago, IL
  DeKalb, Grundy and Kendall Counties
Cincinnati-Hamilton, OH–KY–IN
  Brown County, Ohio; Gallatin, Grant and Pendleton Counties in Kentucky; and
  Ohio County, Indiana
Dallas, TX
  Henderson County
Flagstaff, AZ–UT
  Kane County, UT
New Orleans, LA
  St. James Parish
Washington, DC–MD–VA–WV
  Berkeley and Jefferson Counties in West Virginia; and Clarke, Culpeper, King George and Warren Counties in Virginia

c. Nonmetropolitan Area FMRs—FMRs also are established for nonmetropolitan counties and for county equivalents in the United States, for nonmetropolitan parts of counties in the New England states and for FMR areas in Puerto Rico, the Virgin Islands and the Pacific Islands.

d. Virginia Independent Cities—FMRs for the areas in Virginia shown in the table below were established by combining the Census data for the nonmetropolitan counties with the data for the independent cities that are located within the county borders. Because of space limitations, the FMR listing in Schedule B includes only the name of the nonmetropolitan County. The full definitions of these areas, including the independent cities, are as follows:

VIRGINIA NONMETROPOLITAN COUNTY FMR AREA AND INDEPENDENT CITIES INCLUDED WITH COUNTY

County	Cities
Allegheny	Clifton Forge and Covington
Augusta	Staunton and Waynesboro
Carroll	Galax
Frederick	Winchester
Greensville	Emporia
Henry	Martinsville
Montgomery	Radford
Rockbridge	Buena Vista and Lexington
Rockingham	Harrisonburg
Southhampton	Franklin
Wise	Norton

2. Bedroom Size Adjustments

Schedule B shows the FMRs for 0-bedroom through 4-bedroom units. The FMRs for unit sizes larger than 4 bedrooms are calculated by adding 15 percent to the 4-bedroom FMR for each extra bedroom. For example, the FMR for a 5-bedroom unit is 1.15 times the 4-bedroom FMR, and the FMR for a 6-bedroom unit is 1.30 times the 4 bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the 0 bedroom FMR.

3. FMRs for Manufactured Home Spaces

FMRs for Section 8 manufactured home spaces in the Section 8 Existing certificate and voucher program and the new merged tenant-based certificate and voucher program are 30 percent of the two-bedroom Section 8 existing housing program FMRs, with the exception of the areas listed in Schedule D whose manufactured home space FMRs have been modified on the basis of public comments. Once approved, the revised manufactured home space FMRs establish new base-year estimates that are updated annually using the same data used to estimate the Section 8 existing housing FMRs. The FMR area definitions used for the rental of manufactured home spaces in the Section 8 Existing certificate and voucher program and the new merged tenant-based certificate and voucher program are the same as the area definitions used for other FMRs.

4. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each State. The exception FMRs for manufactured home spaces in Schedule D are listed alphabetically by State.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 1

A L A B A M A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anniston, AL MSA	259	307	383	535	606	Calhoun
Auburn-Opelika, Al MSA	258	361	463	602	761	Lee
Birmingham, AL MSA	395	446	519	705	781	Blount, Jefferson, St. Clair, Shelby
Columbus, GA-AL MSA	350	389	467	610	662	Russell
Decatur, AL MSA	344	348	438	567	678	Lawrence, Morgan
Dothan, AL MSA	312	319	396	545	553	Dale, Houston
Florence, AL MSA	292	335	431	538	603	Colbert, Lauderdale
Gadsden, AL MSA	259	317	366	475	584	Etowah
Huntsville, AL MSA	361	423	521	694	827	Limestone, Madison
Mobile, AL MSA	379	423	485	653	766	Baldwin, Mobile
Montgomery, AL MSA	395	422	499	679	818	Autauga, Elmore, Montgomery
Tuscaloosa, AL MSA	341	365	485	667	705	Tuscaloosa

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Barbour	245	291	347	450	516
Bullock	245	291	347	450	516
Chambers	245	291	347	450	517
Chilton	253	291	347	450	516
Clarke	245	291	347	450	516
Cleburne	245	291	347	450	516
Conecuh	245	291	347	450	516
Covington	245	291	347	450	516
Cullman	245	291	347	461	560
Dekalb	245	291	347	450	516
Fayette	245	291	347	450	516
Geneva	245	291	347	450	516
Hale	245	291	347	450	516
Jackson	264	291	347	450	552
Lowndes	245	291	347	450	516
Marengo	245	291	347	450	516
Marshall	281	291	354	490	580
Perry	245	291	347	450	516
Pike	293	341	407	528	615
Sumter	245	291	347	450	516
Tallapoosa	246	291	347	450	516
Washington	245	291	347	450	516
Winston	245	291	347	450	516

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bibb	245	291	347	468	561
Butler	245	291	347	450	516
Cherokee	245	291	347	450	516
Choctaw	245	291	347	450	516
Clay	245	291	347	450	516
Coffee	245	344	447	622	698
Coosa	245	291	347	450	516
Crenshaw	245	291	347	450	516
Dallas	245	291	347	450	516
Escambia	245	291	347	450	516
Franklin	245	291	347	450	516
Greene	245	291	347	450	516
Henry	245	291	347	450	516
Lamar	245	291	347	450	516
Macon	267	300	400	501	561
Marion	245	291	347	450	516
Monroe	245	291	347	450	516
Pickens	245	291	347	450	516
Randolph	245	291	347	450	516
Talladega	245	291	347	450	516
Walker	245	302	356	460	585
Wilcox	245	291	347	450	516

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

A L A S K A

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anchorage, AK MSA	500	591	783	1090	1287	Anchorage

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aleutian East	522	588	664	828	1085
Bethel	674	843	1068	1337	1496
Dillingham	651	662	881	1102	1234
Haines	486	602	685	932	959
Kenai Peninsula	441	563	678	942	1113
Kodiak Island	694	763	991	1239	1607
Matanuska-Susitna	466	631	710	964	1139
North Slope	779	798	987	1372	1599
Pr.Wales-Outer Ketchikan	364	579	666	924	976
Skagway-Yakutat-Angoon	445	453	587	736	825
Valdez-Cordova	545	668	742	947	1128
Wrangell-Petersburg	397	585	711	906	995

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aleutian West	447	506	567	711	796
Bristol Bay	541	624	701	975	1061
Fairbanks North Star	411	559	734	1009	1189
Juneau	726	838	1067	1420	1475
Ketchikan Gateway	533	652	873	1215	1279
Lake & Peninsula	417	675	759	947	1063
Nome	686	849	953	1327	1497
Northwest Arctic	825	929	1042	1451	1711
Sitka	574	682	765	1065	1257
Southeast Fairbanks	457	480	579	725	813
Wade Hampton	390	587	662	827	927
Yukon-Koyukuk	520	586	661	826	956

A R I Z O N A

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Flagstaff, AZ	428	464	602	807	969	Coconino
Las Vegas, NV-AZ MSA	497	590	702	977	1154	Mohave
Phoenix-Mesa, AZ MSA	422	512	642	893	1052	Maricopa, Pinal
Tucson, AZ MSA	383	460	611	850	1003	Pima
Yuma, AZ MSA	370	428	570	792	798	Yuma

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Apache	361	380	483	630	749
Gila	361	380	483	630	749
Greenlee	361	380	483	630	749
Navajo	361	380	483	630	749
Yavapai	384	400	534	745	820
Cochise	361	380	483	630	749
Graham	361	380	483	630	749
La Paz	361	380	483	630	749
Santa Cruz	361	400	496	630	749

A R K A N S A S

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fayetteville-Springdale-Rogers, AR MSA	307	386	507	685	709	Benton, Washington
Fort Smith, AR-OK MSA	304	308	405	541	568	Crawford, Sebastian
Jonesboro, AR MSA	311	338	398	548	579	Craighead
Little Rock-North Little Rock, AR MSA	378	419	498	689	805	Faulkner, Lonoke, Pulaski, Saline
Memphis, TN-AR-MS MSA	389	454	533	740	778	Crittenden

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 3

A R K A N S A S continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Pine Bluff, AR MSA	289	343	451	569	738	Jefferson
Texarkana, TX-Texarkana, AR MSA	300	376	459	605	642	Miller

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Arkansas	260	282	361	493	535
Baxter	237	302	401	516	628
Bradley	237	282	361	478	535
Carroll	279	305	361	478	572
Clark	260	282	366	478	578
Cleburne	269	282	361	478	542
Columbia	237	282	361	478	535
Cross	246	312	361	485	573
Desha	237	282	361	478	535
Franklin	248	282	361	478	535
Garland	237	302	404	564	666
Greene	254	282	361	478	535
Hot Spring	237	282	361	478	535
Independence	249	289	361	478	535
Jackson	245	282	361	478	535
Lafayette	248	282	361	478	535
Lee	261	282	361	478	535
Little River	237	282	367	509	600
Madison	271	282	367	478	535
Mississippi	270	293	392	517	580
Montgomery	237	282	361	478	535
Newton	237	282	361	478	535
Perry	237	282	361	478	535
Pike	237	282	361	478	535
Polk	237	282	361	478	535
Prairie	237	282	361	478	535
St. Francis	237	288	361	488	575
Searcy	237	282	361	478	535
Sharp	237	282	361	478	535
Union	297	314	377	506	619
White	237	282	361	494	535
Yell	246	282	361	478	535

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Ashley	237	282	361	478	566
Boone	281	286	379	528	623
Calhoun	237	282	361	478	535
Chicot	237	282	361	478	535
Clay	237	282	361	478	535
Cleveland	237	282	361	478	535
Conway	237	293	392	489	549
Dallas	237	282	361	478	535
Drew	237	307	410	567	577
Fulton	245	282	361	478	535
Grant	246	293	361	478	540
Hempstead	237	282	361	478	535
Howard	237	282	361	478	535
Izard	237	282	361	478	535
Johnson	237	282	361	478	535
Lawrence	237	282	361	478	535
Lincoln	256	282	367	490	535
Logan	248	282	361	478	535
Marion	237	282	361	478	535
Monroe	241	282	361	478	535
Nevada	237	282	361	494	535
Ouachita	277	282	361	498	588
Phillips	237	282	361	478	535
Poinsett	237	282	361	478	535
Pope	237	310	392	544	627
Randolph	237	282	361	478	535
Scott	237	282	361	478	535
Sevier	259	282	361	478	535
Stone	237	282	361	478	535
Van Buren	237	282	361	478	591
Woodruff	237	282	361	478	535

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

C A L I F O R N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bakersfield, CA MSA	365	410	515	715	791	Kern
Chico-Paradise, CA MSA	334	429	571	783	936	Butte
Fresno, CA MSA	379	424	506	704	812	Fresno, Madera
Los Angeles-Long Beach, CA PMSA	505	605	766	1033	1233	Los Angeles
Merced, CA MSA	398	449	545	753	889	Merced
Modesto, CA MSA	441	474	579	807	951	Stanislaus
Oakland, CA PMSA	607	734	921	1263	1509	Alameda, Contra Costa
Orange County, CA PMSA	660	720	891	1240	1380	Orange
Redding, CA MSA	379	420	526	731	861	Shasta
Riverside-San Bernardino, CA PMSA	448	499	609	845	999	Riverside, San Bernardino
Sacramento, CA PMSA	447	504	631	875	1031	El Dorado, Placer, Sacramento
Salinas, CA MSA	536	627	756	1051	1103	Monterey
San Diego, CA MSA	563	643	805	1119	1320	San Diego
San Francisco, CA PMSA	832	1077	1362	1868	1977	Marin, San Francisco, San Mateo
San Jose, CA PMSA	866	988	1221	1673	1879	Santa Clara
San Luis Obispo-Atascadero-Paso Robles, CA MSA	514	580	736	1022	1207	San Luis Obispo
Santa Barbara-Santa Maria-Lompoc, CA MSA	624	693	878	1223	1380	Santa Barbara
Santa Cruz-Watsonville, CA PMSA	642	764	1021	1419	1662	Santa Cruz
Santa Rosa, CA PMSA	603	684	886	1232	1454	Sonoma
Stockton-Lodi, CA MSA	413	467	600	834	984	San Joaquin
Vallejo-Fairfield-Napa, CA PMSA	580	659	804	1116	1317	Napa, Solano
Ventura, CA PMSA	557	641	811	1079	1256	Ventura
Visalia-Tulare-Porterville, CA MSA	370	393	513	715	816	Tulare
Yolo, CA PMSA	476	544	673	932	1102	Yolo
Yuba City, CA MSA	329	384	494	689	796	Sutter, Yuba

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alpine	307	460	520	723	778
Calaveras	370	429	571	795	937
Del Norte	314	430	571	796	939
Humboldt	316	438	574	801	947
Inyo	317	429	550	722	778
Lake	345	439	586	739	961
Mariposa	331	421	541	709	836
Modoc	335	375	483	673	778
Nevada	384	525	699	972	1126
San Benito	528	621	777	1083	1267
Siskiyou	321	375	483	673	778
Trinity	344	375	483	673	778

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Amador	423	466	622	866	965
Colusa	335	375	483	673	778
Glenn	307	375	483	673	778
Imperial	346	433	533	743	778
Kings	355	413	516	718	845
Lassen	375	380	494	673	778
Mendocino	424	511	627	873	879
Mono	468	561	746	1037	1226
Plumas	338	375	483	673	778
Sierra	307	411	506	703	830
Tehama	320	375	483	673	778
Tuolumne	339	463	617	859	1013

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

COLORADO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boulder-Longmont, CO PMSA	525	629	806	1123	1324	Boulder
Colorado Springs, CO MSA	443	476	634	884	1044	El Paso
Denver, CO PMSA	458	547	728	1011	1193	Adams, Arapahoe, Denver, Douglas, Jefferson
Fort Collins-Loveland, CO MSA	438	541	668	928	1096	Larimer
Grand Junction, CO MSA	403	419	524	706	840	Mesa
Greeley, CO PMSA	440	486	612	849	1004	Weld
Pueblo, CO MSA	425	440	550	740	883	Pueblo

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alamosa	385	400	499	673	802
Baca	385	400	499	673	802
Chaffee	385	400	499	673	802
Clear Creek	385	449	508	707	833
Costilla	385	400	499	673	802
Custer	385	400	499	673	802
Dolores	385	400	499	673	802
Elbert	425	471	539	673	883
Garfield	447	479	605	756	990
Grand	457	461	584	731	885
Hinsdale	385	407	499	673	802
Jackson	385	400	499	673	802
Kit Carson	385	400	499	673	802
La Plata	503	556	733	1021	1205
Lincoln	385	400	499	673	802
Mineral	385	400	499	673	802
Montezuma	385	400	499	673	802
Morgan	385	400	499	673	802
Ouray	385	400	505	673	817
Phillips	385	400	499	673	802
Prowers	385	400	499	673	802
Rio Grande	385	400	499	673	802
Saguache	385	400	499	673	802
San Miguel	708	1023	1124	1404	1812
Summit	496	594	761	1059	1303
Washington	385	400	499	673	802

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Archuleta	460	504	596	804	956
Bent	385	400	499	673	802
Cheyenne	385	400	499	673	802
Conejos	385	400	499	673	802
Crowley	385	400	499	673	802
Delta	385	400	499	673	802
Eagle	518	564	753	1047	1234
Fremont	385	400	499	673	802
Gilpin	385	512	650	859	949
Gunnison	385	400	499	673	802
Huerfano	385	400	499	673	802
Kiowa	385	400	499	673	802
Lake	385	400	499	673	802
Las Animas	385	411	499	673	802
Logan	385	400	499	673	802
Moffat	385	400	499	673	802
Montrose	385	400	505	700	825
Otero	385	400	499	673	802
Park	385	426	555	770	876
Pitkin	577	790	1053	1388	1578
Rio Blanco	385	400	499	673	802
Routt	385	465	615	855	1007
San Juan	385	400	499	673	802
Sedgwick	385	400	499	673	802
Teller	385	456	608	845	853
Yuma	385	400	499	673	802

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

C O N N E C T I C U T

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bridgeport, CT PMSA	462	601	724	905	1129	Fairfield county towns of Bridgeport town, Easton town Fairfield town, Monroe town, Shelton town Stratford town, Trumbull town New Haven county towns of Ansonia town, Beacon Falls town Derby town, Milford town, Oxford town, Seymour town
Danbury, CT PMSA	624	747	933	1231	1419	Fairfield county towns of Bethel town, Brookfield town Danbury town, New Fairfield town, Newtown town Redding town, Ridgefield town, Sherman town Litchfield county towns of Bridgewater town New Milford town, Roxbury town, Washington town
Hartford, CT MSA	438	545	697	875	1062	Hartford county towns of Avon town, Berlin town Bloomfield town, Bristol town, Burlington town Canton town, East Granby town, East Hartford town East Windsor town, Enfield town, Farmington town Glastonbury town, Granby town, Hartford town Manchester town, Marlborough town, New Britain town Newington town, Plainville town, Rocky Hill town Simsbury town, Southington town, South Windsor town Suffield town, West Hartford town, Wethersfield town Windsor town, Windsor Locks town Litchfield county towns of Barkhamsted town Harwinton town, New Hartford town, Plymouth town Winchester town Middlesex county towns of Cromwell town, Durham town East Haddam town, East Hampton town, Haddam town Middlefield town, Middletown town, Portland town New London county towns of Colchester town, Lebanon town Tolland county towns of Andover town, Bolton town Columbia town, Coventry town, Ellington town Hebron town, Mansfield town, Somers town, Stafford town Tolland town, Vernon town, Willington town Windham county towns of Ashford town, Chaplin town Windham town
New Haven-Meriden, CT PMSA	533	654	809	1036	1200	Middlesex county towns of Clinton town, Killingworth town New Haven county towns of Bethany town, Branford town Cheshire town, East Haven town, Guilford town Hamden town, Madison town, Meriden town, New Haven town North Branford tow, North Haven town, Orange town Wallingford town, West Haven town, Woodbridge town
New London-Norwich, CT-RI MSA	495	599	729	912	1042	Middlesex county towns of Old Saybrook town New London county towns of Bozrah town, East Lyme town Franklin town, Griswold town, Groton town, Ledyard town Lisbon town, Montville town, New London town North Stonington t, Norwich town, Old Lyme town Preston town, Salem town, Sprague town, Stonington town Waterford town Windham county towns of Canterbury town, Plainfield town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 7

C O N N E C T I C U T continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Stamford-Norwalk, CT PMSA	799	935	1141	1529	1689	Fairfield county towns of Darien town, Greenwich town New Canaan town, Norwalk town, Stamford town Weston town, Westport town, Wilton town
Waterbury, CT PMSA	453	612	758	945	1059	Litchfield county towns of Bethlehem town, Thomaston town Watertown town, Woodbury town New Haven county towns of Middlebury town, Naugatuck town Prospect town, Southbury town, Waterbury town Wolcott town
Worcester, MA-CT PMSA	434	526	656	819	918	Windham county towns of Thompson town
NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Hartford	362	586	661	919	1083	Hartland town
Litchfield	421	574	765	955	1087	Canaan town, Colebrook town, Cornwall town, Goshen town Kent town, Litchfield town, Morris town, Norfolk town North Canaan town, Salisbury town, Sharon town Torrington town, Warren town
Middlesex	624	707	944	1313	1548	Chester town, Deep River town, Essex town Westbrook town
New London	529	647	735	949	1204	Lyme town, Voluntown town
Tolland	362	586	661	919	925	Union town
Windham	417	510	661	828	1039	Brooklyn town, Eastford town, Hampton town Killingly town, Pomfret town, Putnam town, Scotland town Sterling town, Woodstock town

D E L A W A R E

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Dover, DE MSA	490	542	618	801	911	Kent
Wilmington-Newark, DE-MD PMSA	446	589	687	932	1126	New Castle

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Sussex	429	456	582	765	816

D I S T . O F C O L U M B I A

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Washington, DC-MD-VA	630	716	840	1145	1380	District of Columbia

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

F L O R I D A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Daytona Beach, FL MSA	389	456	583	774	822	Flagler, Volusia
Fort Lauderdale, FL PMSA	486	572	708	985	1159	Broward
Fort Myers-Cape Coral, FL MSA	418	482	581	812	847	Lee
Fort Pierce-Port Lucie, FL MSA	465	510	661	859	926	Martin, St. Lucie
Fort Walton Beach, FL MSA	406	443	503	682	804	Okaloosa
Gainesville, FL MSA	406	443	539	738	872	Alachua
Jacksonville, FL MSA	424	475	572	756	841	Clay, Duval, Nassau, St. Johns
Lakeland-Winter Haven, FL MSA	389	426	482	597	652	Polk
Melbourne-Titusville-Palm Bay, FL MSA	389	455	569	762	888	Brevard
Miami, FL PMSA	455	571	712	978	1133	Dade
Naples, FL MSA	434	612	736	1024	1141	Collier
Ocala, FL MSA	406	443	503	661	775	Marion
Orlando, FL MSA	504	572	682	896	1093	Lake, Orange, Osceola, Seminole
Panama City, FL MSA	406	443	503	642	688	Bay
Pensacola, FL MSA	406	443	503	673	793	Escambia, Santa Rosa
Punta Gorda, FL MSA	406	466	620	860	1015	Charlotte
Sarasota-Bradenton, FL MSA	407	517	658	846	920	Manatee, Sarasota
Tallahassee, FL MSA	415	460	606	792	954	Gadsden, Leon
Tampa-St. Petersburg-Clearwater, FL MSA	427	509	630	837	1014	Hernando, Hillsborough, Pasco, Pinellas
West Palm Beach-Boca Raton, FL MSA	498	581	719	955	1182	Palm Beach

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Baker	385	421	476	591	642
Calhoun	385	421	476	591	642
Columbia	385	421	476	591	642
Dixie	385	421	476	591	642
Gilchrist	385	421	476	591	642
Gulf	385	421	476	591	642
Hardee	385	421	476	591	642
Highlands	385	421	476	593	662
Indian River	385	481	619	774	866
Jefferson	385	421	476	591	642
Levy	385	421	476	591	642
Madison	385	421	476	591	642
Okeechobee	385	421	476	591	648
Sumter	385	421	476	591	642
Taylor	385	421	476	591	643
Wakulla	385	421	476	591	642
Washington	385	421	476	591	642

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bradford	385	421	476	591	642
Citrus	385	421	476	591	642
Desoto	385	421	476	591	642
Franklin	385	421	476	591	642
Glades	385	421	476	591	642
Hamilton	385	421	476	591	642
Hendry	385	421	490	615	689
Holmes	385	421	476	591	642
Jackson	385	421	476	591	642
Lafayette	385	421	476	591	642
Liberty	385	421	476	591	642
Monroe	551	622	799	1101	1310
Putnam	385	421	476	591	642
Suwannee	385	421	476	591	642
Union	385	421	476	591	642
Walton	385	481	476	613	766

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 9

G E O R G I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany, GA MSA	303	355	433	591	640	Dougherty, Lee
Athens, GA MSA	373	402	520	710	855	Clarke, Madison, Oconee
Atlanta, GA MSA	549	611	712	949	1148	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett Henry, Newton, Paulding, Pickens, Rockdale, Spalding Walton
Augusta-Aiken, GA-SC MSA	359	429	506	687	813	Columbia, Mcduffie, Richmond
Chattanooga, TN-GA MSA	366	427	513	663	755	Catoosa, Dade, Walker
Columbus, GA-AL MSA	350	389	467	610	662	Chattahoochee, Harris, Muscogee
Macon, GA MSA	391	436	507	699	719	Bibb, Houston, Jones, Peach, Twiggs
Savannah, GA MSA	365	453	527	711	739	Bryan, Chatham, Effingham

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Appling	280	337	412	534	607	Atkinson	280	337	412	534	607
Bacon	280	337	412	534	607	Baker	280	337	412	534	607
Baldwin	280	358	437	559	611	Banks	280	337	412	534	607
Ben Hill	280	337	412	534	615	Berrien	280	337	412	534	607
Bleckley	280	337	412	534	607	Brantley	280	337	412	534	607
Brooks	280	337	412	534	607	Bulloch	337	342	440	566	719
Burke	280	337	412	534	607	Butts	280	370	491	657	689
Calhoun	280	337	412	534	607	Camden	391	443	495	689	814
Candler	280	337	412	534	607	Charlton	280	337	412	534	607
Chattooga	280	337	412	534	607	Clay	280	337	412	534	607
Clinch	280	337	412	534	607	Coffee	280	337	412	534	615
Colquitt	280	337	412	534	607	Cook	280	337	412	534	607
Crawford	280	337	412	534	607	Crisp	283	337	412	534	607
Dawson	280	364	484	606	747	Decatur	280	337	412	534	607
Dodge	280	337	412	534	607	Dooly	280	337	412	534	607
Early	280	337	412	534	607	Echols	280	337	412	534	607
Elbert	280	337	412	534	607	Emanuel	280	337	412	534	607
Evans	280	337	412	534	607	Fannin	280	337	412	534	607
Floyd	280	337	413	545	607	Franklin	280	337	412	534	607
Gilmer	280	337	412	534	607	Glascock	280	337	412	534	607
Glynn	390	437	494	663	813	Gordon	332	337	420	542	692
Grady	285	337	412	534	607	Greene	280	337	412	534	607
Habersham	300	337	412	534	612	Hall	296	450	529	662	739
Hancock	280	337	412	534	607	Haralson	280	337	412	534	607
Hart	280	337	412	534	607	Heard	280	337	412	534	607
Irwin	280	337	412	534	607	Jackson	311	337	423	534	696
Jasper	280	337	417	566	607	Jeff Davis	280	337	412	534	607
Jefferson	280	337	412	534	615	Jenkins	280	337	412	534	607

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

G E O R G I A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Johnson	280	337	412	534	607
Lanier	280	337	412	534	607
Liberty	348	388	442	614	619
Long	280	364	412	534	607
Lumpkin	280	377	424	567	696
Macon	280	337	412	534	607
Meriwether	280	337	412	534	607
Mitchell	280	337	412	534	607
Montgomery	280	337	412	534	607
Murray	280	337	412	534	607
Pierce	280	337	412	534	607
Polk	280	337	412	557	607
Putnam	280	337	412	534	615
Rabun	280	337	412	534	607
Schley	280	337	412	534	607
Seminole	280	337	412	534	607
Stewart	280	337	412	534	607
Talbot	280	337	412	534	607
Tattnall	280	337	412	534	607
Telfair	280	337	412	534	607
Thomas	280	347	412	534	607
Toombs	280	337	412	534	607
Treutlen	280	337	412	534	607
Turner	280	337	412	534	607
Upson	289	337	412	534	607
Warren	280	337	412	534	607
Wayne	289	337	412	534	607
Wheeler	280	337	412	534	607
Whitfield	280	367	442	564	665
Wilkes	280	337	412	534	607
Worth	280	337	412	534	607
Lamar	280	346	412	534	653
Laurens	286	337	412	534	607
Lincoln	280	337	412	534	607
Lowndes	313	379	458	643	711
Mcintosh	280	337	412	534	607
Marion	280	337	412	534	607
Miller	280	337	412	534	607
Monroe	280	337	412	543	607
Morgan	280	337	427	534	607
Oglethorpe	280	337	412	534	607
Pike	325	352	446	621	625
Pulaski	280	337	412	534	607
Quitman	280	337	412	534	607
Randolph	280	337	412	534	607
Screven	280	337	412	534	607
Stephens	280	337	412	534	607
Sumter	280	342	412	534	607
Taliaferro	280	337	412	534	607
Taylor	280	337	412	534	607
Terrell	280	337	412	534	607
Tift	280	337	412	534	607
Towns	280	337	412	534	607
Troup	280	381	429	536	607
Union	280	337	430	539	607
Ware	309	347	412	534	641
Washington	280	337	412	534	607
Webster	280	337	412	534	607
White	280	337	412	534	621
Wilcox	280	337	412	534	607
Wilkinson	280	337	412	534	607

H A W A I I

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Honolulu, HI MSA	604	723	851	1150	1244	Honolulu

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 11

H A W A I I continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hawaii	470	613	705	936	1153
Maui	759	941	1148	1483	1680
Kauai	600	897	1092	1445	1562

I D A H O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boise City, ID MSA	392	447	543	754	892	Ada, Canyon
Pocatello, ID MSA	281	326	419	571	675	Bannock

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	280	325	419	555	657
Benewah	280	325	419	555	657
Blaine	433	477	635	886	1043
Bonner	322	399	494	684	787
Boundary	280	325	419	555	657
Camas	280	325	419	555	657
Cassia	280	325	419	555	657
Clearwater	280	325	419	555	657
Elmore	280	325	419	555	657
Fremont	280	325	419	555	657
Gooding	280	325	419	555	657
Jefferson	288	325	419	555	657
Kootenai	356	419	548	763	902
Lemhi	280	325	419	555	657
Lincoln	280	325	419	555	657
Minidoka	280	325	419	555	657
Oneida	281	325	419	555	657
Payette	280	325	419	555	657
Shoshone	280	325	419	555	657
Twin Falls	280	325	424	559	657
Washington	280	325	419	555	657
Bear Lake	280	325	419	555	657
Bingham	298	325	419	555	657
Boise	280	361	419	555	657
Bonneville	285	359	494	664	810
Butte	280	325	419	555	657
Caribou	280	325	419	555	657
Clark	280	325	419	555	657
Custer	280	325	419	555	657
Franklin	280	325	419	555	657
Gem	280	325	419	555	657
Idaho	280	325	419	555	657
Jerome	280	325	419	555	657
Latah	280	325	419	555	666
Lewis	280	325	419	555	657
Madison	280	325	419	555	657
Nez Perce	285	325	419	555	657
Owyhee	280	325	419	555	657
Power	280	325	419	555	657
Teton	305	325	419	567	671
Valley	291	325	419	555	657

I L L I N O I S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington-Normal, IL MSA	341	416	558	775	818	Mclean
Champaign-Urbana, IL MSA	376	461	597	819	981	Champaign
Chicago, IL	533	640	762	953	1066	Cook, Dupage, Kane, Lake, Mchenry, Will
Davenport-Moline-Rock Island, IA-IL MSA	282	390	483	624	676	Henry, Rock Island

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

I L L I N O I S continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Decatur, IL MSA	272	352	453	612	634	Macon
De Kalb County, IL	440	512	648	901	1044	Dekalb
Grundy County, IL	383	443	588	776	826	Grundy
Kankakee, IL PMSA	348	421	561	717	787	Kankakee
Kendall County, Il	531	605	729	1015	1020	Kendall
Peoria-Pekin, IL MSA	379	417	560	745	915	Peoria, Tazewell, Woodford
Rockford, IL MSA	363	465	566	712	830	Boone, Ogle, Winnebago
St. Louis, MO-IL MSA	323	393	510	664	734	Clinton, Jersey, Madison, Monroe, St. Clair
Springfield, IL MSA	313	388	517	688	783	Menard, Sangamon

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	260	292	376	493	599
Bond	260	292	376	493	554
Bureau	260	328	385	493	554
Carroll	260	292	376	493	554
Christian	280	292	378	495	554
Clay	260	292	376	493	554
Crawford	260	292	376	493	554
De Witt	264	292	376	497	554
Edgar	260	292	376	493	554
Effingham	260	301	376	493	554
Ford	247	348	452	580	634
Fulton	268	300	387	507	570
Greene	260	292	376	493	554
Hancock	260	292	376	493	554
Henderson	260	292	376	493	554
Jackson	315	316	400	567	635
Jefferson	261	306	383	522	554
Johnson	260	292	376	493	554
La Salle	315	370	493	666	747
Lee	290	298	399	498	560
Logan	291	309	412	516	647
Macoupin	260	292	376	493	554
Marshall	260	292	376	493	554
Massac	261	292	376	493	554
Montgomery	260	292	376	493	554
Moultrie	260	292	376	506	554
Piatt	260	316	411	561	576
Pope	260	292	376	493	554
Putnam	260	292	376	493	554

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alexander	260	292	376	493	554
Brown	260	292	376	493	554
Calhoun	260	292	376	493	554
Cass	261	292	376	493	554
Clark	260	292	376	493	554
Coles	275	327	435	578	683
Cumberland	260	292	376	493	554
Douglas	278	292	376	493	554
Edwards	260	292	376	493	554
Fayette	260	292	376	493	554
Franklin	260	292	376	493	554
Gallatin	260	292	376	493	554
Hamilton	260	293	376	493	554
Hardin	260	292	376	493	554
Iroquois	260	292	376	493	554
Jasper	260	294	376	493	554
Jo Daviess	288	311	376	493	554
Knox	260	292	376	493	572
Lawrence	260	292	376	493	554
Livingston	260	320	428	552	602
Mcdonough	260	297	376	493	593
Marion	265	292	376	493	554
Mason	260	292	376	493	561
Mercer	260	292	376	493	554
Morgan	260	330	438	584	615
Perry	261	292	376	493	554
Pike	260	292	376	493	554
Pulaski	260	292	376	493	554
Randolph	260	292	376	493	554

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

I L L I N O I S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Richland	260	292	376	493	554
Schuyler	260	292	376	493	554
Shelby	260	292	376	493	554
Stephenson	275	314	398	497	558
Vermilion	260	332	414	518	580
Warren	275	292	376	493	554
Wayne	260	292	376	493	554
Whiteside	275	312	416	521	587
Saline	260	292	376	493	554
Scott	260	292	376	493	554
Stark	260	292	376	493	554
Union	260	292	376	493	554
Wabash	260	292	376	493	585
Washington	260	311	415	520	675
White	260	292	376	493	554
Williamson	260	292	378	525	554

I N D I A N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington, IN MSA	371	480	639	888	1049	Monroe
Cincinnati, OH-KY-IN	316	406	544	729	787	Dearborn
Elkhart-Goshen, IN MSA	375	427	540	691	793	Elkhart
Evansville-Henderson, IN-KY MSA	321	382	496	620	694	Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA	321	409	508	655	711	Adams, Allen, De Kalb, Huntington, Wells, Whitley
Gary, IN PMSA	389	511	638	801	895	Lake, Porter
Indianapolis, IN MSA	366	459	552	691	775	Boone, Hamilton, Hancock, Hendricks, Johnson, Madison Marion, Morgan, Shelby
Kokomo, IN MSA	345	408	532	684	745	Howard, Tipton
Lafayette, IN MSA	349	444	591	822	971	Clinton, Tippecanoe
Louisville, KY-IN MSA	318	408	501	691	729	Clark, Floyd, Harrison, Scott
Muncie, IN MSA	298	371	440	596	704	Delaware
Ohio County, IN	294	330	422	544	599	Ohio
South Bend, IN MSA	322	428	563	703	789	St. Joseph
Terre Haute, IN MSA	290	339	433	540	603	Clay, Vermillion, Vigo

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bartholomew	399	429	518	647	851
Blackford	281	316	417	522	585
Carroll	281	316	405	521	573
Crawford	281	316	405	521	573
Decatur	281	343	438	567	617
Fayette	297	335	428	551	648
Franklin	281	316	405	521	641
Gibson	281	316	405	521	573
Greene	281	316	405	521	573
Jackson	345	361	446	590	634
Jay	281	316	405	521	573
Benton	281	316	405	521	573
Brown	281	373	491	682	706
Cass	281	316	405	521	573
Daviess	281	316	405	521	573
Dubois	281	316	405	521	591
Fountain	281	316	405	521	573
Fulton	309	324	405	545	573
Grant	296	316	405	523	573
Henry	308	347	444	572	628
Jasper	281	341	405	521	573
Jefferson	281	316	405	521	573

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 14

I N D I A N A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Jennings	293	316	405	521	573
Kosciusko	281	372	449	582	629
La Porte	286	346	463	593	648
Marshall	333	338	449	565	629
Miami	281	316	405	521	573
Newton	293	316	405	521	573
Orange	281	316	405	521	573
Parke	281	316	405	521	599
Pike	281	316	405	521	573
Putnam	305	356	437	587	592
Ripley	281	316	405	529	600
Spencer	281	316	405	521	573
Steuben	344	388	464	580	648
Switzerland	281	316	405	521	573
Wabash	281	316	405	521	573
Washington	281	316	405	521	573
White	281	316	405	521	633

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Knox	286	316	410	521	574
Lagrange	286	330	420	547	636
Lawrence	281	316	405	525	573
Martin	281	316	405	521	573
Montgomery	328	345	430	546	604
Noble	324	331	411	530	587
Owen	281	316	405	521	600
Perry	281	316	405	521	573
Pulaski	281	316	405	521	573
Randolph	281	316	405	521	573
Rush	289	316	405	521	600
Starke	281	316	405	521	573
Sullivan	281	316	405	521	573
Union	281	316	405	521	573
Warren	281	316	405	521	573
Wayne	339	381	488	628	690

I O W A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cedar Rapids, IA MSA	275	389	500	696	747	Linn
Davenport-Moline-Rock Island, IA-IL MSA	282	390	483	624	676	Scott
Des Moines, IA MSA	358	452	558	723	760	Dallas, Polk, Warren
Dubuque, IA MSA	293	358	460	588	717	Dubuque
Iowa City, IA MSA	346	446	574	796	941	Johnson
Omaha, NE-IA MSA	338	463	585	767	860	Pottawattamie
Sioux City, IA-NE MSA	344	413	515	642	734	Woodbury
Waterloo-Cedar Falls, IA MSA	322	412	515	686	806	Black Hawk

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	265	328	411	522	576
Allamakee	265	328	411	528	604
Audubon	265	328	411	522	576
Boone	265	348	411	528	625
Buchanan	279	328	411	522	576
Butler	282	328	411	522	576
Carroll	265	328	411	522	576
Cedar	265	332	411	522	576
Cherokee	265	328	411	522	576

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	265	328	411	522	576
Appanoose	265	328	411	522	580
Benton	272	328	411	522	576
Bremer	265	328	411	522	612
Buena Vista	280	328	411	522	576
Calhoun	265	328	411	522	576
Cass	265	328	411	522	576
Cerro Gordo	265	347	430	573	601
Chickasaw	265	328	411	522	576

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

I D W A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Clarke	272	328	411	522	576
Clayton	265	328	411	522	576
Crawford	265	328	411	522	576
Decatur	265	328	411	522	576
Des Moines	265	338	435	545	608
Emmet	265	328	411	522	608
Floyd	288	328	411	522	576
Fremont	291	328	411	522	606
Grundy	265	328	411	522	592
Hamilton	303	343	416	522	583
Hardin	265	328	411	522	576
Henry	265	336	427	534	604
Humboldt	265	328	411	522	576
Iowa	265	328	411	522	576
Jasper	265	336	426	532	596
Jones	274	328	411	522	576
Kossuth	265	328	411	522	576
Louisa	265	328	411	522	576
Lyon	265	328	411	522	576
Mahaska	265	328	411	522	576
Marshall	292	361	453	575	635
Mitchell	265	328	411	522	576
Monroe	265	345	411	522	606
Muscatine	265	328	435	579	608
Osceola	265	328	411	522	576
Palo Alto	265	328	411	522	576
Pocahontas	265	328	411	522	576
Ringgold	265	328	411	522	576
Shelby	265	328	411	522	576
Story	345	419	495	684	784
Taylor	265	328	411	522	577
Van Buren	265	328	411	522	576
Washington	265	328	411	522	606
Webster	265	328	417	525	585
Winneshiek	265	328	411	522	576
Wright	265	328	411	522	576

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Clay	265	328	411	522	576
Clinton	265	328	417	522	584
Davis	265	328	411	522	576
Delaware	265	328	411	522	576
Dickinson	265	328	411	522	576
Fayette	265	328	411	522	576
Franklin	272	328	411	522	576
Greene	265	328	411	522	576
Guthrie	265	328	411	522	605
Hancock	265	328	411	522	576
Harrison	265	328	411	522	576
Howard	265	328	411	522	601
Ida	272	328	411	522	576
Jackson	265	328	414	522	580
Jefferson	265	335	446	581	733
Keokuk	265	328	411	522	576
Lee	265	328	424	531	595
Lucas	265	328	411	522	576
Madison	265	328	428	548	600
Marion	265	364	446	558	625
Mills	265	354	418	525	586
Monona	265	328	411	522	576
Montgomery	291	329	411	522	576
O'Brien	265	328	411	522	576
Page	265	328	411	522	576
Plymouth	265	328	430	537	601
Poweshiek	280	348	446	558	625
Sac	265	328	411	522	576
Sioux	265	328	411	522	576
Tama	265	328	411	522	576
Union	265	328	411	522	606
Wapello	265	328	415	522	581
Wayne	265	328	411	522	576
Winnebago	265	333	411	522	576
Worth	265	328	411	522	585

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

K A N S A S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Kansas City, MO-KS MSA	379	477	574	794	880	Johnson, Leavenworth, Miami, Wyandotte
Lawrence, KS MSA	356	426	547	761	876	Douglas
Topeka, KS MSA	334	384	500	676	762	Shawnee
Wichita, KS MSA	328	394	527	712	770	Butler, Harvey, Sedgwick

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	270	307	393	507	564
Atchison	270	307	393	507	604
Barton	270	307	393	507	564
Brown	270	307	393	507	564
Chautauqua	270	307	393	507	564
Cheyenne	270	307	393	507	564
Clay	270	307	393	507	564
Coffey	279	307	393	507	589
Cowley	288	307	393	519	564
Decatur	270	307	393	507	564
Doniphan	270	307	393	507	564
Elk	270	307	393	507	564
Ellsworth	270	307	393	507	564
Ford	311	367	457	576	648
Geary	332	349	437	564	611
Graham	270	307	393	507	564
Gray	270	307	393	507	564
Greenwood	270	307	393	507	564
Harper	270	307	393	507	564
Hodgeman	270	307	393	507	564
Jefferson	270	307	400	531	564
Kearny	301	307	404	544	597
Kiowa	270	307	393	507	564
Lane	270	307	393	507	564
Linn	270	307	393	507	564
Lyon	270	307	393	507	601
Marion	270	307	393	507	564
Meade	270	307	393	507	564
Montgomery	270	307	393	507	564
Morton	270	329	393	507	564
Neosho	270	307	393	507	564
Norton	270	307	393	507	564
Osborne	270	307	393	507	565
Pawnee	270	307	393	507	564

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Anderson	270	307	393	507	564
Barber	270	307	393	507	564
Bourbon	270	307	393	507	564
Chase	270	307	393	507	564
Cherokee	270	307	393	507	564
Clark	270	307	393	507	564
Cloud	270	307	393	507	564
Comanche	270	307	393	507	564
Crawford	270	307	400	507	564
Dickinson	270	307	393	507	564
Edwards	270	307	393	507	564
Ellis	270	307	393	507	564
Finney	354	378	484	631	798
Franklin	304	319	411	526	641
Gove	270	307	393	507	564
Grant	280	355	407	557	607
Greeley	270	307	393	507	564
Hamilton	270	307	393	507	564
Haskell	270	314	393	507	564
Jackson	270	307	393	507	564
Jewell	270	307	393	507	564
Kingman	270	307	393	507	564
Labette	270	307	393	507	564
Lincoln	270	307	393	507	564
Logan	270	307	393	507	564
Mcpherson	272	307	393	507	564
Marshall	270	307	393	507	564
Mitchell	270	307	393	507	564
Morris	270	307	393	507	564
Nemaha	270	307	393	507	564
Ness	270	307	393	507	564
Osage	270	307	393	507	564
Ottawa	270	307	393	507	564
Phillips	270	307	393	507	564

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

K A N S A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Pottawatomie	270	307	393	507	577
Rawlins	270	307	393	507	564
Republic	270	307	393	507	564
Riley	335	369	491	613	745
Rush	270	307	393	507	564
Saline	353	365	481	665	673
Seward	326	355	472	592	660
Sherman	270	307	393	507	564
Stafford	270	307	393	507	564
Stevens	270	308	393	507	580
Thomas	270	307	393	507	564
Wabaunsee	270	307	393	507	564
Washington	270	307	393	507	564
Wilson	270	307	393	507	564

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Pratt	270	307	393	517	564
Reno	270	307	393	507	612
Rice	270	307	393	507	564
Rooks	270	307	393	507	564
Russell	270	307	393	507	564
Scott	270	307	393	517	594
Sheridan	270	307	393	507	564
Smith	270	307	393	507	564
Stanton	270	307	393	507	564
Sumner	270	307	393	531	564
Trego	270	307	393	507	564
Wallace	270	307	393	507	564
Wichita	270	307	404	507	629
Woodson	270	307	393	507	564

K E N T U C K Y

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cincinnati, OH-KY-IN	316	406	544	729	787	Boone, Campbell, Kenton
Clarksville-Hopkinsville, TN-KY MSA	339	380	446	608	625	Christian
Evansville-Henderson, IN-KY MSA	321	382	496	620	694	Henderson
Gallatin County, KY	264	360	440	552	721	Gallatin
Grant County, KY	263	313	414	578	684	Grant
Huntington-Ashland, WV-KY-OH MSA	304	357	440	561	618	Boyd, Carter, Greenup
Lexington, KY MSA	344	428	524	715	807	Bourbon, Clark, Fayette, Jessamine, Madison, Scott Woodford
Louisville, KY-IN MSA	318	408	501	691	729	Bullitt, Jefferson, Oldham
Owensboro, KY MSA	300	311	408	548	573	Daviess
Pendleton County, KY	265	307	409	514	574	Pendleton

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	249	304	359	475	522
Anderson	274	290	376	469	527
Barren	249	301	359	464	522
Bell	249	290	362	464	522
Bracken	249	290	359	464	522
Breckinridge	249	290	359	464	522
Caldwell	249	290	359	464	522
Carlisle	249	290	359	464	522
Casey	249	290	359	464	522
Clinton	249	290	359	464	522

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	249	290	359	464	522
Ballard	249	290	359	464	522
Bath	249	290	359	464	522
Boyle	296	300	400	501	561
Breathitt	249	290	359	464	522
Butler	249	290	359	464	522
Calloway	249	290	359	464	522
Carroll	249	290	359	464	522
Clay	249	290	359	464	522
Crittenden	249	290	359	464	522

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

KENTUCKY continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Cumberland	249	290	359	464	522
Elliott	249	290	359	464	522
Fleming	249	290	359	464	522
Franklin	249	366	449	579	732
Garrard	249	290	359	464	522
Grayson	249	290	359	464	522
Hancock	249	290	359	468	555
Harlan	249	378	431	562	663
Hart	249	290	359	464	522
Hickman	249	290	359	464	522
Jackson	249	290	359	464	522
Knott	249	290	359	464	522
Larue	249	290	359	464	522
Lawrence	249	290	359	464	522
Leslie	249	290	359	464	522
Lewis	249	290	359	464	522
Livingston	287	290	387	538	542
Lyon	249	290	359	464	522
Mccreary	249	290	359	464	522
Magoffin	249	290	359	464	522
Marshall	249	296	359	464	558
Mason	249	290	359	464	522
Menifee	249	290	359	464	522
Metcalfe	249	290	359	464	522
Montgomery	249	290	359	464	522
Muhlenberg	249	290	359	464	522
Nicholas	249	290	359	464	522
Owen	249	290	359	464	535
Perry	279	290	374	467	524
Powell	249	290	359	464	522
Robertson	249	290	359	464	522
Rowan	249	290	359	464	542
Shelby	250	329	368	514	522
Spencer	249	296	359	464	522
Todd	249	290	359	464	522
Trimble	249	290	359	464	522
Warren	249	322	430	537	621
Wayne	249	290	359	464	522
Whitley	249	290	359	464	522

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Edmonson	249	290	359	464	522
Estill	249	290	359	464	522
Floyd	262	319	359	498	572
Fulton	249	290	359	464	522
Graves	249	290	359	464	522
Green	249	290	359	464	522
Hardin	309	318	397	535	634
Harrison	249	291	368	464	568
Henry	249	290	359	464	522
Hopkins	249	290	359	464	527
Johnson	249	290	359	464	522
Knox	249	344	441	552	678
Laurel	325	367	436	587	609
Lee	249	290	359	464	522
Letcher	249	290	359	464	522
Lincoln	249	290	359	464	522
Logan	249	290	359	473	522
Mccracken	282	303	379	485	623
Mclean	249	290	359	464	522
Marion	249	290	359	464	522
Martin	249	290	359	464	522
Meade	257	320	368	486	606
Mercer	249	290	359	473	522
Monroe	249	290	359	464	522
Morgan	249	290	359	464	522
Nelson	273	290	370	464	522
Ohio	249	290	359	464	522
Owsley	249	290	359	464	522
Pike	267	305	370	464	548
Pulaski	273	290	388	465	522
Rockcastle	249	290	359	464	522
Russell	249	290	359	464	522
Simpson	249	311	364	465	522
Taylor	300	355	397	532	601
Trigg	249	290	359	464	522
Union	249	290	359	464	522
Washington	249	294	359	464	522
Webster	249	290	359	464	522
Wolfe	249	290	359	464	522

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 19

L O U I S I A N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Alexandria, LA MSA	280	350	439	608	618	Rapides
Baton Rouge, LA MSA	304	377	468	649	766	Ascension, East Baton Rouge, Livingston, West Baton Rouge
Houma, LA MSA	276	323	414	575	680	Lafourche, Terrebonne
Lafayette, LA MSA	293	337	401	552	653	Lafayette, Acadia, St. Landry, St. Martin
Lake Charles, LA MSA	376	437	554	726	910	Calcasieu
Monroe, LA MSA	303	339	452	609	633	Ouachita
New Orleans, LA	365	418	521	709	858	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles St. John the Baptist, St. Tammany
St. James Parish, LA	275	312	415	517	580	St. James
Shreveport-Bossier City, LA MSA	341	388	487	651	799	Bossier, Caddo, Webster

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	268	291	358	469	523
Avoyelles	268	291	358	469	525
Bienville	268	291	358	475	562
Cameron	268	291	358	469	523
Claiborne	268	291	358	469	523
De Soto	268	291	358	469	527
East Feliciana	268	291	358	469	523
Franklin	268	291	358	469	527
Iberia	283	295	366	469	523
Jackson	268	291	358	469	523
La Salle	268	291	358	469	527
Madison	268	291	358	469	523
Natchitoches	286	293	378	524	527
Red River	268	291	358	469	527
Sabine	268	298	358	469	552
St. Mary	293	314	394	537	560
Tensas	268	291	358	469	523
Vermilion	268	291	358	469	523
Washington	268	291	358	469	523
West Feliciana	268	348	466	583	654

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Assumption	293	315	373	469	523
Beauregard	326	355	421	550	605
Caldwell	268	291	358	469	523
Catahoula	268	291	358	469	523
Concordia	268	291	358	469	523
East Carroll	268	291	358	469	523
Evangeline	268	291	358	469	523
Grant	268	291	358	469	523
Iberville	268	291	358	469	539
Jefferson Davis	268	291	358	469	531
Lincoln	315	317	395	542	650
Morehouse	268	291	358	469	523
Pointe Coupee	268	291	358	469	568
Richland	268	291	358	469	527
St. Helena	268	291	358	469	523
Tangipahoa	287	298	383	502	535
Union	268	291	358	469	527
Vernon	307	342	390	505	596
West Carroll	268	291	358	469	523
Winn	268	291	358	469	523

M A I N E

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bangor, ME MSA	350	427	547	715	767	Penobscot county towns of Bangor city, Brewer city Eddington town, Glenburn town, Hampden town, Hermon town Holden town, Kenduskeag town, Milford town Old Town city, Orono town, Orrington town Penobscot Indian I, Veazie town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 20

M A I N E continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Lewiston-Auburn, ME MSA	322	388	499	625	709	Waldo county towns of Winterport town Androscoggin county towns of Auburn city, Greene town Lewiston city, Lisbon town, Mechanic Falls tow Poland town, Sabattus town, Turner town, Wales town
Portland, ME MSA	381	491	646	808	906	Cumberland county towns of Cape Elizabeth tow, Casco town Cumberland town, Falmouth town, Freeport town Gorham town, Gray town, North Yarmouth tow Portland city, Raymond town, Scarborough town South Portland cit, Standish town, Westbrook city Windham town, Yarmouth town York county towns of Buxton town, Hollis town Limington town, Old Orchard Beach
Portsmouth-Rochester, NH-ME PMSA	479	573	737	945	1159	York county towns of Berwick town, Eliot town Kittery town, South Berwick town, York town
NONMETROPOLITAN COUNTIES	**0 BR**	**1 BR**	**2 BR**	**3 BR**	**4 BR**	**Towns within non metropolitan counties**
Androscoggin	321	397	527	658	737	Durham town, Leeds town, Livermore town Livermore Falls to, Minot town
Aroostook	321	377	483	615	708	
Cumberland	470	479	638	868	996	Baldwin town, Bridgton town, Brunswick town Harpswell town, Harrison town, Naples town New Gloucester tow, Pownal town, Sebago town
Franklin	328	377	483	615	708	
Hancock	346	424	525	661	734	
Kennebec	334	417	501	629	708	
Knox	321	414	537	716	754	
Lincoln	418	465	529	735	868	
Oxford	321	377	483	615	708	
Penobscot	321	377	483	615	708	Alton town, Argyle unorg., Bradford town, Bradley town Burlington town, Carmel town, Carroll plantation Charleston town, Chester town, Clifton town Corinna town, Corinth town, Dexter town, Dixmont town Drew plantation, East Central Penob, East Millinocket t Edinburg town, Enfield town, Etna town, Exeter town Garland town, Greenbush town, Greenfield town Howland town, Hudson town, Kingman unorg., Lagrange town Lakeville town, Lee town, Levant town, Lincoln town Lowell town, Mattawamkeag town, Maxfield town Medway town, Millinocket town, Mount Chase town Newburgh town, Newport town, North Penobscot un Passadumkeag town, Patten town, Plymouth town Prentiss plantatio, Seboeis plantation, Springfield town Stacyville town, Stetson town, Twombly unorg. Webster plantation, Whitney unorg., Winn town Woodville town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 21

M A I N E continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Piscataquis	321	377	483	615	708	
Sagadahoc	452	517	638	849	1048	
Somerset	336	384	483	615	726	
Waldo	321	377	483	615	708	Belfast city, Belmont town, Brooks town, Burnham town Frankfort town, Freedom town, Islesboro town Jackson town, Knox town, Liberty town, Lincolnville town Monroe town, Montville town, Morrill town Northport town, Palermo town, Prospect town Searsmont town, Searsport town, Stockton Springs t Swanville town, Thorndike town, Troy town, Unity town Waldo town
Washington	321	377	483	615	708	
York	397	454	608	761	851	Acton town, Alfred town, Arundel town, Biddeford city Cornish town, Dayton town, Kennebunk town Kennebunkport town, Lebanon town, Limerick town Lyman town, Newfield town, North Berwick town Ogunquit town, Parsonsfield town, Saco city Sanford town, Shapleigh town, Waterboro town, Wells town

M A R Y L A N D

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baltimore, MD	431	527	643	851	974	Anne Arundel, Baltimore, Carroll, Harford, Howard Queen Anne's, Baltimore city
Columbia, MD	570	766	892	1179	1473	Columbia
Cumberland, MD-WV MSA	337	405	501	662	756	Allegany
Hagerstown, MD PMSA	338	406	507	664	758	Washington
Washington, DC-MD-VA	630	716	840	1145	1380	Calvert, Charles, Frederick, Montgomery, Prince George's
Wilmington-Newark, DE-MD PMSA	446	589	687	932	1126	Cecil

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Caroline	369	398	497	652	741
Garrett	330	442	497	648	817
St. Mary's	503	598	689	961	1098
Talbot	436	462	616	772	1011
Worcester	330	398	498	692	741

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Dorchester	330	426	497	648	741
Kent	334	411	549	685	826
Somerset	393	441	497	690	816
Wicomico	371	429	554	703	775

M A S S A C H U S E T T S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Barnstable-Yarmouth, MA MSA	495	663	885	1108	1241	Barnstable county towns of Barnstable town, Brewster town Chatham town, Dennis town, Eastham town, Harwich town Mashpee town, Orleans town, Sandwich town, Yarmouth town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 22

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston, MA-NH PMSA	669	752	942	1177	1382	Bristol county towns of Berkley town, Dighton town Mansfield town, Norton town, Taunton city Essex county towns of Amesbury town, Beverly city Danvers town, Essex town, Gloucester city, Hamilton town Ipswich town, Lynn city, Lynnfield town, Manchester town Marblehead town, Middleton town, Nahant town Newbury town, Newburyport city, Peabody city Rockport town, Rowley town, Salem city, Salisbury town Saugus town, Swampscott town, Topsfield town Wenham town Middlesex county towns of Acton town, Arlington town Ashland town, Ayer town, Bedford town, Belmont town Boxborough town, Burlington town, Cambridge city Carlisle town, Concord town, Everett city Framingham town, Holliston town, Hopkinton town Hudson town, Lexington town, Lincoln town Littleton town, Malden city, Marlborough city Maynard town, Medford city, Melrose city, Natick town Newton city, North Reading town, Reading town Sherborn town, Shirley town, Somerville city Stoneham town, Stow town, Sudbury town, Townsend town Wakefield town, Waltham city, Watertown town Wayland town, Weston town, Wilmington town Winchester town, Woburn city Norfolk county towns of Bellingham town, Braintree town Brookline town, Canton town, Cohasset town, Dedham town Dover town, Foxborough town, Franklin town Holbrook town, Medfield town, Medway town, Millis town Milton town, Needham town, Norfolk town, Norwood town Plainville town, Quincy city, Randolph town, Sharon town Stoughton town, Walpole town, Wellesley town Westwood town, Weymouth town, Wrentham town Plymouth county towns of Carver town, Duxbury town Hanover town, Hingham town, Hull town, Kingston town Marshfield town, Norwell town, Pembroke town Plymouth town, Rockland town, Scituate town Wareham town Suffolk county towns of Boston city, Chelsea city Revere city, Winthrop town Worcester county towns of Berlin town, Blackstone town Bolton town, Harvard town, Hopedale town, Lancaster town Mendon town, Milford town, Millville town Southborough town, Upton town
Brockton, MA PMSA	447	589	732	898	1024	Bristol county towns of Easton town, Raynham town Norfolk county towns of Avon town Plymouth county towns of Abington town, Bridgewater town Brockton city, East Bridgewater t, Halifax town

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 23

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Hanson town, Lakeville town, Middleborough town Plympton town, West Bridgewater t, Whitman town
Fitchburg-Leominster, MA MSA	350	491	638	820	891	Middlesex county towns of Ashby town Worcester county towns of Ashburnham town, Fitchburg city Gardner city, Leominster city, Lunenburg town Templeton town, Westminster town, Winchendon town
Lawrence, MA-NH PMSA	484	584	735	919	1130	Essex county towns of Andover town, Boxford town Georgetown town, Groveland town, Haverhill city Lawrence city, Merrimac town, Methuen town North Andover town, West Newbury town
Lowell, MA-NH PMSA	491	634	766	960	1073	Middlesex county towns of Billerica town, Chelmsford town Dracut town, Dunstable town, Groton town, Lowell city Pepperell town, Tewksbury town, Tyngsborough town Westford town
New Bedford, MA PMSA	469	573	652	815	915	Bristol county towns of Acushnet town, Dartmouth town Fairhaven town, Freetown town, New Bedford city Plymouth county towns of Marion town, Mattapoisett town Rochester town
Pittsfield, MA MSA	323	458	564	708	877	Berkshire county towns of Adams town, Cheshire town Dalton town, Hinsdale town, Lanesborough town, Lee town Lenox town, Pittsfield city, Richmond town Stockbridge town
Providence-Fall River-Warwick, RI-MA MSA	408	555	667	838	1032	Bristol county towns of Attleboro city, Fall River city North Attleborough, Rehoboth town, Seekonk town Somerset town, Swansea town, Westport town
Springfield, MA MSA	419	518	654	817	1005	Franklin county towns of Sunderland town Hampden county towns of Agawam town, Chicopee city East Longmeadow to, Hampden town, Holyoke city Longmeadow town, Ludlow town, Monson town Montgomery town, Palmer town, Russell town Southwick town, Springfield city, Westfield city West Springfield t, Wilbraham town Hampshire county towns of Amherst town, Belchertown town Easthampton town, Granby town, Hadley town Hatfield town, Huntington town, Northampton city Southampton town, South Hadley town, Ware town Williamsburg town
Worcester, MA-CT PMSA	434	526	656	819	918	Hampden county towns of Holland town Worcester county towns of Auburn town, Barre town Boylston town, Brookfield town, Charlton town Clinton town, Douglas town, Dudley town East Brookfield to, Grafton town, Holden town Leicester town, Millbury town, Northborough town Northbridge town, North Brookfield t, Oakham town Oxford town, Paxton town, Princeton town, Rutland town Shrewsbury town, Southbridge town, Spencer town Sterling town, Sturbridge town, Sutton town

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Uxbridge town, Webster town, Westborough town West Boylston town, West Brookfield to, Worcester city
NONMETROPOLITAN COUNTIES	**0 BR**	**1 BR**	**2 BR**	**3 BR**	**4 BR**	**Towns within non metropolitan counties**
Barnstable	478	656	874	1093	1224	Bourne town, Falmouth town, Provincetown town Truro town, Wellfleet town
Berkshire	381	463	546	749	897	Alford town, Becket town, Clarksburg town, Egremont town Florida town, Great Barrington t, Hancock town Monterey town, Mount Washington t, New Ashford town New Marlborough to, North Adams city, Otis town Peru town, Sandisfield town, Savoy town, Sheffield town Tyringham town, Washington town, West Stockbridge t Williamstown town, Windsor town
Dukes	646	657	875	1094	1227	
Franklin	411	509	651	816	985	Ashfield town, Bernardston town, Buckland town Charlemont town, Colrain town, Conway town Deerfield town, Erving town, Gill town, Greenfield town Hawley town, Heath town, Leverett town, Leyden town Monroe town, Montague town, New Salem town Northfield town, Orange town, Rowe town, Shelburne town Shutesbury town, Warwick town, Wendell town Whately town
Hampden	415	565	754	1003	1237	Blandford town, Brimfield town, Chester town Granville town, Tolland town, Wales town
Hampshire	581	588	785	984	1101	Chesterfield town, Cummington town, Goshen town Middlefield town, Pelham town, Plainfield town Westhampton town, Worthington town
Nantucket	734	984	1312	1640	1636	
Worcester	462	482	642	804	899	Athol town, Hardwick town, Hubbardston town New Braintree town, Petersham town, Phillipston town Royalston town, Warren town

M I C H I G A N

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ann Arbor, MI PMSA	480	581	717	940	1054	Lenawee, Livingston, Washtenaw
Benton Harbor, MI MSA	380	384	504	630	707	Berrien
Detroit, MI PMSA	396	538	650	813	911	Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne
Flint, MI PMSA	375	426	534	682	747	Genesee
Grand Rapids-Muskegon-Holland, MI MSA	397	464	566	710	794	Allegan, Kent, Muskegon, Ottawa
Jackson, MI MSA	299	402	509	636	713	Jackson
Kalamazoo-Battle Creek, MI MSA	353	426	537	673	751	Calhoun, Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA	398	468	605	790	913	Clinton, Eaton, Ingham

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M I C H I G A N continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Saginaw-Bay City-Midland, MI MSA	347	383	509	636	713	Bay, Midland, Saginaw

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alcona	290	331	419	545	621
Alpena	290	331	419	545	625
Arenac	290	331	419	545	621
Barry	290	358	476	597	668
Branch	336	344	422	577	621
Charlevoix	353	357	452	614	636
Chippewa	290	331	419	545	621
Crawford	317	331	428	585	621
Dickinson	290	357	440	550	621
Gladwin	290	331	419	545	621
Grand Traverse	384	411	549	686	770
Hillsdale	290	331	419	545	621
Huron	290	331	419	545	621
Iosco	290	331	419	545	657
Isabella	324	346	463	625	759
Keweenaw	290	331	419	545	621
Leelanau	393	425	497	650	816
Mackinac	290	331	419	545	621
Marquette	290	331	419	545	621
Mecosta	290	331	419	567	673
Missaukee	305	331	419	545	621
Montmorency	290	331	419	545	621
Oceana	309	331	419	545	621
Ontonagon	290	331	419	545	621
Oscoda	290	331	419	545	621
Presque Isle	290	331	419	545	621
St. Joseph	290	338	419	547	621
Schoolcraft	290	331	419	545	621
Tuscola	315	344	459	573	641

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alger	290	331	419	545	621
Antrim	290	348	419	545	621
Baraga	290	331	419	545	621
Benzie	303	331	419	563	621
Cass	290	331	421	575	621
Cheboygan	305	331	419	545	637
Clare	301	331	419	545	621
Delta	290	331	419	545	621
Emmet	324	388	459	602	641
Gogebic	290	331	419	545	621
Gratiot	303	331	419	545	621
Houghton	290	331	419	545	621
Ionia	356	360	451	562	632
Iron	290	331	419	545	621
Kalkaska	290	331	420	547	691
Lake	293	331	419	545	621
Luce	290	331	419	545	621
Manistee	290	331	419	545	621
Mason	290	331	419	545	621
Menominee	290	331	419	545	621
Montcalm	294	331	419	545	621
Newaygo	334	358	420	545	621
Ogemaw	302	332	419	545	621
Osceola	290	331	419	545	621
Otsego	297	360	454	631	731
Roscommon	320	331	419	545	621
Sanilac	290	341	419	547	621
Shiawassee	290	364	438	610	653
Wexford	290	335	434	569	673

M I N N E S O T A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Duluth-Superior, MN-WI MSA	281	362	465	621	723	St. Louis
Fargo-Moorhead, ND-MN MSA	337	464	560	777	832	Clay
Grand Forks, ND-MN MSA	348	415	546	753	840	Polk

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 26

M I N N E S O T A continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
La Crosse, WI-MN MSA	285	367	467	625	757	Houston
Minneapolis-St. Paul, MN-WI MSA	416	535	684	925	1048	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey Scott, Sherburne, Washington, Wright
Rochester, MN MSA	328	460	602	832	935	Olmsted
St. Cloud, MN MSA	326	421	498	629	802	Benton, Stearns

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aitkin	270	350	466	584	652
Beltrami	266	341	456	597	638
Blue Earth	363	438	546	699	887
Carlton	266	324	411	515	589
Chippewa	266	324	411	515	589
Cook	315	324	423	578	602
Crow Wing	266	324	432	541	679
Douglas	266	324	411	515	589
Fillmore	266	324	411	515	589
Goodhue	307	395	527	672	738
Hubbard	272	324	411	515	589
Jackson	266	324	411	515	589
Kandiyohi	328	414	504	632	761
Koochiching	322	328	436	545	714
Lake	266	324	411	515	589
Le Sueur	266	324	411	515	635
Lyon	266	324	411	515	610
Mahnomen	266	324	411	515	589
Martin	266	324	411	515	589
Mille Lacs	283	324	412	574	676
Mower	266	324	411	515	589
Nicollet	334	357	475	630	666
Norman	266	324	411	515	589
Pennington	266	324	411	550	589
Pipestone	266	324	411	515	589
Red Lake	266	336	411	515	589
Renville	266	324	411	515	589
Rock	266	324	411	515	589
Sibley	266	324	411	515	589
Stevens	303	383	432	541	606
Todd	266	324	411	515	589
Wabasha	288	351	444	557	636
Waseca	347	381	483	606	693

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Becker	266	382	429	537	602
Big Stone	266	324	411	515	589
Brown	266	344	411	515	589
Cass	266	324	411	515	589
Clearwater	266	324	411	515	589
Cottonwood	266	324	411	515	589
Dodge	266	324	411	515	589
Faribault	266	324	411	515	589
Freeborn	266	324	419	552	591
Grant	266	324	411	515	589
Itasca	341	345	450	562	630
Kanabec	266	335	434	543	608
Kittson	266	324	411	515	589
Lac qui Parle	266	324	411	515	589
Lake of the Woods	266	324	411	515	589
Lincoln	266	324	411	515	589
Mcleod	316	407	543	674	757
Marshall	266	324	411	515	589
Meeker	317	373	473	594	678
Morrison	295	324	411	515	589
Murray	266	324	411	515	589
Nobles	266	324	411	515	589
Otter Tail	266	324	411	515	589
Pine	294	324	411	518	589
Pope	266	324	411	515	589
Redwood	266	324	411	515	589
Rice	315	431	575	717	803
Roseau	322	328	430	555	604
Steele	315	366	487	609	682
Swift	266	324	411	515	589
Traverse	266	324	411	515	589
Wadena	266	324	411	515	589
Watonwan	266	324	411	515	589

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 27

M I N N E S O T A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Wilkin	266	324	411	515	589
Yellow Medicine	266	324	411	515	589
Winona	310	404	512	640	717

M I S S I S S I P P I

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Biloxi-Gulfport-Pascagpula, MS MSA	357	419	482	672	792	Hancock, Harrison, Jackson
Hattiesburg, MS MSA	275	337	413	554	660	Forrest, Lamar
Jackson, MS MSA	363	414	507	674	711	Hinds, Madison, Rankin
Memphis, TN-AR-MS MSA	389	454	533	740	778	Desoto

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	248	294	366	468	597
Amite	248	294	364	468	527
Benton	248	294	364	468	527
Calhoun	248	294	364	468	527
Chickasaw	248	294	364	468	527
Claiborne	248	294	364	468	527
Clay	248	294	364	468	532
Copiah	248	294	364	468	527
Franklin	251	294	364	468	527
Greene	248	294	364	468	527
Holmes	248	294	364	468	527
Issaquena	260	358	475	595	666
Jasper	248	294	364	468	527
Jefferson Davis	248	294	364	468	527
Kemper	250	294	364	468	527
Lauderdale	248	320	402	522	564
Leake	248	294	364	468	527
Leflore	248	294	364	469	563
Lowndes	306	330	391	490	553
Marshall	248	294	364	468	535
Montgomery	248	294	364	468	527
Newton	248	294	364	468	527
Oktibbeha	304	317	387	538	635
Pearl River	260	294	364	470	527
Pike	252	294	364	468	527
Prentiss	251	294	364	468	527
Scott	248	294	364	468	527
Simpson	251	294	364	468	527

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alcorn	248	294	364	468	527
Attala	248	294	364	468	527
Bolivar	282	294	379	473	541
Carroll	248	294	364	468	527
Choctaw	248	294	364	468	527
Clarke	248	294	364	468	527
Coahoma	288	294	388	487	545
Covington	248	294	364	468	527
George	248	294	364	468	527
Grenada	248	295	364	497	527
Humphreys	248	294	364	468	527
Itawamba	248	294	364	468	527
Jefferson	248	294	364	468	527
Jones	248	294	364	468	527
Lafayette	251	344	458	574	642
Lawrence	248	294	364	468	527
Lee	310	334	402	503	564
Lincoln	248	294	364	468	527
Marion	248	294	364	468	527
Monroe	248	294	364	468	527
Neshoba	248	294	364	468	527
Noxubee	252	294	364	468	527
Panola	256	294	364	468	527
Perry	248	294	364	468	527
Pontotoc	248	294	364	468	527
Quitman	248	294	364	468	527
Sharkey	252	294	364	468	527
Smith	248	294	364	468	527

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 28

M I S S I S S I P P I continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Stone	248	294	364	468	527
Tallahatchie	248	294	364	468	527
Tippah	248	294	364	468	527
Tunica	248	294	364	468	527
Walthall	248	294	364	468	527
Washington	268	319	426	550	606
Webster	250	294	364	468	527
Winston	248	294	364	468	527
Yazoo	252	294	364	468	527

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Sunflower	274	298	364	468	559
Tate	248	335	387	485	637
Tishomingo	248	294	364	468	527
Union	248	294	364	468	527
Warren	248	324	404	558	669
Wayne	248	294	364	468	527
Wilkinson	248	294	364	468	527
Yalobusha	250	294	364	468	527

M I S S O U R I

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Columbia, MO MSA	262	369	481	658	787	Boone
Joplin, MO MSA	256	296	393	517	556	Jasper, Newton
Kansas City, MO-KS MSA	379	477	574	794	880	Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
St. Joseph, MO MSA	246	298	398	502	558	Andrew, Buchanan
St. Louis, MO-IL MSA	323	393	510	664	734	Crawford-Sullivan (part), Franklin, Jefferson, Lincoln St. Charles, St. Louis, Warren, St. Louis city
Springfield, MO MSA	268	340	440	608	633	Christian, Greene, Webster

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	239	299	396	499	598
Audrain	255	275	354	478	553
Barton	239	275	354	460	528
Benton	269	275	366	460	528
Butler	239	275	354	460	528
Callaway	282	286	381	483	626
Cape Girardeau	246	303	402	536	657
Carter	239	275	354	460	528
Chariton	239	275	354	460	528
Cole	239	316	420	561	588
Crawford	262	316	355	468	528
Dallas	239	275	354	460	528
Dekalb	247	275	354	465	528
Douglas	239	275	354	460	528
Gasconade	239	275	354	460	528
Grundy	239	275	354	460	528
Henry	272	277	370	463	608
Holt	239	275	354	460	528
Howell	239	275	354	460	528

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Atchison	239	275	354	460	528
Barry	239	284	354	460	528
Bates	239	275	354	460	538
Bollinger	239	275	354	460	528
Caldwell	239	277	373	466	528
Camden	315	318	424	589	693
Carroll	239	275	354	460	528
Cedar	239	275	354	460	528
Clark	239	275	354	460	528
Cooper	239	275	354	460	528
Dade	239	275	354	460	528
Daviess	239	275	354	460	528
Dent	239	275	354	460	528
Dunklin	239	275	354	460	528
Gentry	239	275	354	460	528
Harrison	239	275	354	460	528
Hickory	239	275	354	460	528
Howard	239	275	354	460	530
Iron	239	275	354	460	528

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M I S S O U R I continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Johnson	287	321	418	554	655
Laclede	239	275	354	463	528
Lewis	239	275	354	460	528
Livingston	239	275	355	460	528
Macon	239	275	354	460	528
Maries	239	275	354	460	528
Mercer	239	275	354	460	528
Mississippi	239	275	354	460	528
Monroe	239	275	354	460	528
Morgan	239	275	354	460	528
Nodaway	252	306	376	477	576
Osage	239	275	354	460	528
Pemiscot	239	275	354	460	528
Pettis	256	301	402	506	605
Pike	239	275	354	460	555
Pulaski	239	335	376	498	555
Ralls	239	275	354	460	528
Reynolds	239	275	354	460	528
St. Clair	239	275	354	460	528
St. Francois	262	329	417	523	686
Schuyler	239	275	354	460	528
Scott	287	289	387	522	601
Shelby	239	275	354	460	528
Stone	277	295	367	468	528
Taney	270	299	391	528	620
Vernon	239	275	354	471	528
Wayne	239	275	354	460	528
Wright	239	275	354	460	528

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Knox	239	275	354	460	528
Lawrence	253	282	354	460	528
Linn	239	275	354	460	528
Mcdonald	239	275	354	460	528
Madison	239	275	354	460	528
Marion	239	275	354	460	528
Miller	262	316	354	463	548
Moniteau	239	275	354	460	528
Montgomery	239	275	354	460	528
New Madrid	239	275	354	460	528
Oregon	239	275	354	460	528
Ozark	239	275	354	460	528
Perry	289	294	393	523	550
Phelps	247	297	380	516	560
Polk	239	276	354	460	553
Putnam	239	275	354	460	528
Randolph	239	275	354	460	528
Ripley	239	275	354	460	528
Ste. Genevieve	239	284	366	468	593
Saline	239	275	364	460	528
Scotland	239	275	354	460	528
Shannon	239	275	354	460	528
Stoddard	239	275	354	460	528
Sullivan	239	275	354	460	528
Texas	239	275	354	460	528
Washington	279	338	379	473	531
Worth	239	275	354	460	528

M O N T A N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Billings, MT MSA	328	381	510	685	831	Yellowstone
Great Falls, MT MSA	328	379	500	651	775	Cascade
Missoula County, MT PMSA	328	385	513	661	840	Missoula

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M O N T A N A continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaverhead	298	344	454	590	689
Blaine	298	344	454	590	689
Carbon	339	398	517	672	784
Chouteau	298	344	454	590	689
Daniels	298	365	454	590	689
Deer Lodge	298	344	454	590	689
Fergus	298	344	454	590	689
Gallatin	367	428	574	738	943
Glacier	298	344	454	590	689
Granite	298	344	454	590	689
Jefferson	314	344	454	590	689
Lake	324	344	454	590	689
Liberty	298	344	454	590	689
Mccone	298	363	454	590	689
Meagher	298	365	454	590	689
Musselshell	303	344	454	590	689
Petroleum	298	344	454	590	689
Pondera	298	364	454	590	689
Powell	303	344	454	590	689
Ravalli	298	344	454	590	689
Roosevelt	311	344	454	590	689
Sanders	298	344	454	590	689
Silver Bow	298	344	454	590	689
Sweet Grass	321	344	454	590	689
Toole	304	344	454	590	689
Valley	298	344	454	590	689
Wibaux	298	365	454	590	689

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Big Horn	298	344	454	590	689
Broadwater	298	344	454	590	735
Carter	298	365	454	590	689
Custer	298	344	454	590	689
Dawson	298	344	454	590	689
Fallon	298	344	454	590	689
Flathead	298	345	461	643	757
Garfield	298	344	454	590	689
Golden Valley	298	364	454	590	689
Hill	307	344	454	590	689
Judith Basin	298	365	454	590	689
Lewis and Clark	331	388	516	717	849
Lincoln	324	344	454	590	689
Madison	304	344	454	590	689
Mineral	298	344	454	590	704
Park	298	344	454	590	697
Phillips	298	344	454	590	689
Powder River	298	349	454	590	689
Prairie	298	344	454	590	689
Richland	298	372	454	590	689
Rosebud	298	344	454	590	689
Sheridan	306	344	454	590	689
Stillwater	304	344	454	590	689
Teton	298	344	454	590	689
Treasure	298	344	454	590	689
Wheatland	298	344	454	590	689

N E B R A S K A

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Lincoln, NE MSA	314	403	531	705	823	Lancaster
Omaha, NE-IA MSA	338	463	585	767	860	Cass, Douglas, Sarpy, Washington
Sioux City, IA-NE MSA	344	413	515	642	734	Dakota

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	248	332	439	550	659
Arthur	238	307	391	500	569
Blaine	238	307	391	500	569
Box Butte	258	307	391	501	591
Brown	238	307	391	500	581
Burt	238	307	391	500	569
Cedar	238	307	391	500	569
Cherry	238	322	391	503	592
Clay	238	307	391	500	569
Cuming	238	323	391	500	569
Dawes	254	307	391	504	594
Deuel	238	307	391	500	569
Dodge	238	307	403	531	569
Fillmore	238	307	391	500	569
Frontier	267	307	391	500	569
Gage	238	308	398	507	569
Garfield	238	307	391	500	569
Grant	238	307	391	500	569
Hall	285	376	501	659	738
Harlan	238	307	391	501	569
Hitchcock	238	307	391	500	569
Hooker	238	321	391	501	569
Jefferson	238	307	391	500	569
Kearney	238	307	391	500	594
Keya Paha	238	307	391	500	569
Knox	238	318	391	500	569
Logan	238	307	391	500	595
Mcpherson	238	307	391	501	569
Merrick	238	307	391	500	569
Nance	238	307	391	500	569
Nuckolls	238	307	391	500	569
Pawnee	238	307	391	504	569
Phelps	266	307	391	501	594
Platte	238	307	391	546	569
Red Willow	238	307	391	500	579
Rock	238	314	391	500	569
Saunders	238	307	391	500	569
Seward	295	307	399	500	569
Sherman	238	309	391	500	595
Stanton	238	307	391	500	569

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Antelope	238	322	391	503	569
Banner	238	307	391	501	569
Boone	238	307	391	500	592
Boyd	238	320	391	500	569
Buffalo	256	371	465	581	702
Butler	238	307	391	500	569
Chase	238	323	391	500	596
Cheyenne	266	307	391	500	569
Colfax	259	319	391	500	569
Custer	266	309	391	500	591
Dawson	261	319	391	504	569
Dixon	265	307	391	500	569
Dundy	238	307	391	500	569
Franklin	238	307	391	505	569
Furnas	238	307	391	500	592
Garden	238	319	391	503	594
Gosper	238	307	391	500	576
Greeley	238	307	391	500	579
Hamilton	238	307	391	504	569
Hayes	238	321	391	500	592
Holt	238	307	391	500	569
Howard	238	307	391	500	569
Johnson	238	311	391	500	569
Keith	238	307	391	500	569
Kimball	238	307	391	501	594
Lincoln	244	319	391	500	569
Loup	238	307	391	500	593
Madison	244	321	424	549	669
Morrill	238	309	391	500	592
Nemaha	238	307	391	500	569
Otoe	238	307	391	500	595
Perkins	238	307	391	500	569
Pierce	238	307	391	500	569
Polk	238	307	391	500	569
Richardson	238	307	391	500	569
Saline	238	320	391	500	569
Scotts Bluff	242	318	403	500	592
Sheridan	238	307	391	500	570
Sioux	238	307	391	500	594
Thayer	238	322	391	500	569

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

NEBRASKA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Thomas	238	307	391	500	569
Valley	238	307	391	500	569
Webster	238	307	391	500	569
York	238	307	396	500	569
Thurston	238	307	391	500	569
Wayne	272	307	391	500	592
Wheeler	238	307	391	501	569

NEVADA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Las Vegas, NV-AZ MSA	497	590	702	977	1154	Clark, Nye
Reno, NV MSA	481	558	717	999	1180	Washoe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Churchill	440	447	597	823	977
Elko	400	457	609	804	1001
Eureka	324	529	596	742	830
Lander	327	507	596	745	976
Lyon	388	464	596	829	977
Pershing	451	457	609	762	871
White Pine	325	448	596	804	845
Douglas	395	576	723	1003	1116
Esmeralda	424	529	596	743	833
Humboldt	477	500	603	791	846
Lincoln	325	489	596	746	834
Mineral	329	450	599	785	982
Storey	457	463	609	848	1001
Carson City	342	468	625	869	1026

NEW HAMPSHIRE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston, MA-NH PMSA	669	752	942	1177	1382	Rockingham county towns of Seabrook town South Hampton town
Lawrence, MA-NH PMSA	484	584	735	919	1130	Rockingham county towns of Atkinson town, Chester town Danville town, Derry town, Fremont town, Hampstead town Kingston town, Newton town, Plaistow town, Raymond town Salem town, Sandown town, Windham town
Lowell, MA-NH PMSA	491	634	766	960	1073	Hillsborough county towns of Pelham town
Manchester, NH PMSA	395	563	703	879	985	Hillsborough county towns of Bedford town, Goffstown town Manchester city, Weare town Merrimack county towns of Allenstown town, Hooksett town Rockingham county towns of Auburn town, Candia town Londonderry town
Nashua, NH PMSA	465	648	804	1094	1302	Hillsborough county towns of Amherst town, Brookline town Greenville town, Hollis town, Hudson town Litchfield town, Mason town, Merrimack town Milford town, Mont Vernon town, Nashua city New Ipswich town, Wilton town
Portsmouth-Rochester, NH-ME PMSA	479	573	737	945	1159	Rockingham county towns of Brentwood town East Kingston town, Epping town, Exeter town Greenland town, Hampton town, Hampton Falls town

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

NEW HAMPSHIRE continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Kensington town, New Castle town, Newfields town Newington town, Newmarket town, North Hampton town Portsmouth city, Rye town, Stratham town
						Strafford county towns of Barrington town, Dover city Durham town, Farmington town, Lee town, Madbury town Milton town, Rochester city, Rollinsford town Somersworth city
NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Belknap	431	498	655	885	1076	
Carroll	360	494	658	825	1029	
Cheshire	447	531	679	884	1048	
Coos	308	377	483	630	746	
Grafton	397	479	638	825	1042	
Hillsborough	423	529	705	932	1122	Antrim town, Bennington town, Deering town Francestown town, Greenfield town, Hancock town Hillsborough town, Lyndeborough town, New Boston town Peterborough town, Sharon town, Temple town Windsor town
Merrimack	445	532	663	850	949	Andover town, Boscawen town, Bow town, Bradford town Canterbury town, Chichester town, Concord city Danbury town, Dunbarton town, Epsom town, Franklin city Henniker town, Hill town, Hopkinton town, Loudon town Newbury town, New London town, Northfield town Pembroke town, Pittsfield town, Salisbury town Sutton town, Warner town, Webster town, Wilmot town
Rockingham	462	541	724	1004	1159	Deerfield town, Northwood town, Nottingham town
Strafford	409	555	740	928	1040	Middleton town, New Durham town, Strafford town
Sullivan	430	437	567	745	794	

NEW JERSEY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Atlantic-Cape May, NJ PMSA	499	568	756	947	1082	Atlantic, Cape May
Bergen-Passaic, NJ PMSA	634	773	906	1207	1489	Bergen, Passaic
Jersey City, NJ PMSA	583	687	801	1018	1120	Hudson
Middlesex-Somerset-Hunterdon, NJ PMSA	678	743	927	1259	1454	Hunterdon, Middlesex, Somerset
Monmouth-Ocean, NJ PMSA	596	714	906	1204	1412	Monmouth, Ocean
Newark, NJ PMSA	550	702	846	1066	1347	Essex, Morris, Sussex, Union, Warren
Philadelphia, PA-NJ PMSA	486	597	738	923	1158	Burlington, Camden, Gloucester, Salem
Trenton, NJ PMSA	492	686	836	1132	1367	Mercer
Vineland-Millville-Bridgeton, NJ PMSA	482	586	707	881	991	Cumberland

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

NEW MEXICO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albuquerque, NM MSA	393	468	585	807	952	Bernalillo, Sandoval, Valencia
Las Cruces, NM MSA	293	368	437	599	706	Dona Ana
Santa Fe, NM MSA	423	600	741	995	1126	Los Alamos, Santa Fe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Catron	271	317	393	528	596
Cibola	282	308	393	528	596
Curry	271	315	412	528	596
Eddy	278	307	393	528	614
Guadalupe	271	307	393	528	600
Hidalgo	271	307	393	528	596
Lincoln	307	315	415	547	684
Mckinley	271	340	433	539	604
Otero	271	307	393	548	596
Rio Arriba	317	324	398	528	596
San Juan	306	328	409	568	673
Sierra	271	307	393	528	596
Taos	465	471	628	785	1034
Union	271	330	393	528	596

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Chaves	271	308	406	559	596
Colfax	271	315	393	528	596
Debaca	271	308	393	528	596
Grant	321	366	468	628	709
Harding	271	307	393	528	596
Lea	271	307	393	528	596
Luna	298	328	420	563	635
Mora	271	307	393	528	596
Quay	271	392	442	553	618
Roosevelt	271	307	393	528	596
San Miguel	300	307	405	528	596
Socorro	271	307	393	528	612
Torrance	297	321	393	528	596

NEW YORK

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA	399	491	604	758	847	Albany, Montgomery, Rensselaer, Saratoga, Schenectady Schoharie
Binghamton, NY MSA	358	402	501	637	714	Broome, Tioga
Buffalo-Niagara Falls, NY PMSA	356	423	510	637	714	Erie, Niagara
Dutchess County, NY PMSA	577	732	905	1176	1374	Dutchess
Elmira, NY MSA	358	402	493	624	744	Chemung
Glens Falls, NY MSA	358	466	568	711	795	Warren, Washingtmn
Jamestown, NY MSA	358	402	483	624	714	Chautauqua
Nassau-Suffolk, NY PMSA	775	934	1139	1585	1698	Nassau, Suffolk
New York, NY PMSA	727	810	920	1150	1289	Bronx, Kings, New York, Putnam, Queens, Richmond Rockland
Westchester County, NY	698	910	1108	1440	1719	Westchester
Newburgh, NY-PA PMSA	462	600	734	931	1062	Orange
Rochester, NY MSA	385	501	609	781	853	Genesee, Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	383	462	572	730	810	Cayuga, Madison, Onondaga, Oswego
Utica-Rome, NY MSA	358	402	492	624	714	Herkimer, Oneida

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

NEW YORK continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allegany	356	400	480	621	710
Chenango	379	400	480	621	710
Columbia	445	467	599	785	840
Delaware	356	400	480	621	763
Franklin	356	400	480	621	710
Greene	356	461	553	714	871
Jefferson	383	452	531	665	744
Otsego	356	421	484	625	794
Schuyler	385	410	487	678	799
Steuben	368	419	480	628	710
Tompkins	464	500	642	896	1056
Wyoming	356	400	480	621	710

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Cattaraugus	356	400	480	621	710
Clinton	356	400	517	646	724
Cortland	356	425	532	665	787
Essex	356	405	508	636	710
Fulton	356	400	480	621	710
Hamilton	356	428	492	621	710
Lewis	356	400	480	621	710
St. Lawrence	356	400	480	621	710
Seneca	380	408	493	637	710
Sullivan	461	517	630	871	883
Ulster	437	607	730	951	1197
Yates	356	400	480	621	710

NORTH CAROLINA

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Asheville, NC MSA	343	415	541	705	760	Buncombe, Madison
Charlotte-Gastonia-Rock Hill, NC-SC MSA	510	575	648	854	1023	Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union
Fayetteville, NC MSA	376	427	479	663	788	Cumberland
Goldsboro, NC MSA	308	355	431	555	648	Wayne
Greensboro--Winston-Salem--High Point, NC MSA	407	464	553	762	775	Alamance, Davidson, Davie, Forsyth, Guilford, Randolph Stokes, Yadkin
Greenville, NC MSA	402	407	528	712	871	Pitt
Hickory-Morganton, NC MSA	388	423	491	619	734	Alexander, Burke, Caldwell, Catawba
Jacksonville, NC MSA	351	409	463	642	759	Onslow
Norfolk-Virginia Beach-Newport News, VA-NC MSA	436	491	580	809	951	Currituck
Raleigh-Durham-Chapel Hill, NC MSA	456	553	649	871	1027	Chatham, Durham, Franklin, Johnston, Orange, Wake
Rocky Mount, NC MSA	328	355	431	571	630	Edgecombe, Nash
Wilmington, NC MSA	450	494	605	828	987	Brunswick, New Hanover

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alleghany	292	342	409	527	624
Ashe	292	337	409	527	598
Beaufort	292	337	409	527	598
Bladen	292	337	409	527	598
Carteret	331	362	442	614	683
Cherokee	292	337	409	527	598
Clay	292	337	409	527	598
Columbus	292	337	409	527	598
Dare	303	480	553	758	775
Gates	292	337	409	527	598

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Anson	292	337	409	527	598
Avery	326	367	447	560	626
Bertie	292	337	409	527	598
Camden	292	373	497	622	698
Caswell	292	337	409	527	598
Chowan	292	337	409	527	598
Cleveland	292	343	409	542	598
Craven	292	365	440	575	616
Duplin	292	337	409	527	598
Graham	292	337	409	527	598

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

NORTH CAROLINA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Granville	308	337	409	542	613
Halifax	292	337	409	527	598
Haywood	304	346	421	565	615
Hertford	292	337	409	527	598
Hyde	292	337	409	527	598
Jackson	292	337	409	572	748
Lee	292	373	442	572	620
Mcdowell	292	356	427	583	691
Martin	292	337	409	527	598
Montgomery	292	337	409	527	598
Northampton	292	337	409	527	598
Pasquotank	337	360	449	624	630
Perquimans	292	337	409	527	598
Polk	292	370	415	527	598
Robeson	292	344	409	527	598
Rutherford	295	337	409	527	598
Scotland	292	337	409	527	598
Surry	292	337	409	527	598
Transylvania	338	361	457	606	648
Vance	309	350	409	527	598
Washington	292	337	409	527	598
Wilkes	332	374	421	582	654
Yancey	292	343	409	527	617

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Greene	292	337	409	527	598
Harnett	330	381	462	598	675
Henderson	378	389	481	640	737
Hoke	292	337	409	527	598
Iredell	394	404	533	666	745
Jones	292	337	409	527	598
Lenoir	292	337	409	527	598
Macon	292	349	409	527	598
Mitchell	292	382	439	599	626
Moore	336	405	484	661	793
Pamlico	292	337	409	527	598
Pender	292	354	409	527	644
Person	292	337	439	572	670
Richmond	292	337	409	527	598
Rockingham	292	337	409	527	598
Sampson	292	337	409	527	598
Stanly	292	337	415	560	598
Swain	292	337	409	527	598
Tyrrell	292	337	409	527	598
Warren	292	337	409	527	598
Watauga	381	457	578	787	949
Wilson	305	337	414	527	598

NORTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bismarck, ND MSA	343	384	512	713	843	Burleigh, Morton
Fargo-Moorhead, ND-MN MSA	337	464	560	777	832	Cass
Grand Forks, ND-MN MSA	348	415	546	753	840	Grand Forks

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	229	288	371	482	563
Benson	260	288	371	482	563
Bottineau	229	288	371	482	563
Burke	249	288	371	482	563
Dickey	249	288	371	482	563
Dunn	229	288	371	482	563
Emmons	229	288	371	482	563
Golden Valley	229	295	392	490	563

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barnes	229	290	383	501	563
Billings	249	288	371	482	563
Bowman	229	288	371	482	563
Cavalier	229	296	394	491	606
Divide	229	288	371	482	563
Eddy	229	288	371	482	563
Foster	229	288	373	482	563
Grant	229	288	371	482	563

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

NORTH DAKOTA continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Griggs	229	288	371	482	563
Kidder	229	288	371	482	563
Logan	229	288	371	482	563
Mcintosh	229	288	371	482	563
Mclean	243	288	371	482	563
Mountrail	253	288	371	482	563
Oliver	229	288	371	482	563
Pierce	229	288	371	497	563
Ransom	234	288	371	482	563
Richland	241	288	378	482	563
Sargent	229	288	371	482	563
Sioux	229	288	371	482	563
Stark	229	288	371	482	563
Stutsman	274	288	375	523	616
Traill	241	306	371	482	563
Ward	229	315	420	568	677
Williams	229	285	371	482	563

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hettinger	229	288	371	482	563
Lamoure	249	288	371	482	563
Mchenry	229	288	371	482	563
Mckenzie	229	288	371	482	563
Mercer	229	288	371	482	563
Nelson	229	288	371	482	563
Pembina	229	288	371	489	581
Ramsey	236	315	420	526	687
Renville	265	288	371	485	573
Rolette	248	316	381	482	563
Sheridan	229	288	371	482	563
Slope	229	288	371	482	563
Steele	229	288	371	482	563
Towner	262	295	392	490	645
Walsh	305	326	405	507	567
Wells	244	288	371	482	563

OHIO

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Akron, OH PMSA	371	450	578	723	811	Portage, Summit
Brown County, OH	293	345	430	557	614	Brown
Canton-Massillon, OH MSA	288	375	478	598	672	Carroll, Stark
Cincinnati, OH-KY-IN	316	406	544	729	787	Clermont, Hamilton, Warren
Cleveland-Lorain-Elyria, OH PMSA	398	500	619	787	887	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH MSA	393	465	597	758	871	Delaware, Fairfield, Franklin, Licking, Madison, Pickaway
Dayton-Springfield, OH MSA	384	430	549	709	795	Clark, Greene, Miami, Montgomery
Hamilton-Middletown, OH PMSA	318	453	580	725	812	Butler
Huntington-Ashland, WV-KY-OH MSA	304	357	440	561	618	Lawrence
Lima, OH MSA	288	345	454	579	635	Allen, Auglaize
Mansfield, OH MSA	288	345	439	548	614	Crawford, Richland
Parkersburg-Marietta, WV-OH MSA	306	367	420	545	591	Washington
Steubenville-Weirton, OH-WV MSA	288	339	425	542	605	Jefferson
Toledo, OH MSA	360	438	535	689	748	Fulton, Lucas, Wood
Wheeling, WV-OH MSA	314	344	425	542	605	Belmont
Youngstown-Warren, OH MSA	301	355	445	559	636	Columbiana, Mahoning, Trumbull

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

OHIO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	279	331	412	526	589
Athens	330	373	438	574	705
Clinton	318	408	490	683	689
Darke	306	331	415	526	589
Erie	279	372	464	626	759
Gallia	279	331	412	526	589
Hancock	354	358	453	578	633
Harrison	279	331	412	526	589
Highland	279	331	412	526	589
Holmes	279	331	412	526	589
Jackson	279	331	412	526	589
Logan	327	332	428	576	600
Meigs	279	331	412	526	589
Monroe	279	331	412	526	589
Morrow	279	331	412	526	589
Noble	279	331	412	526	597
Paulding	279	331	412	526	589
Pike	293	349	433	555	619
Putnam	289	331	412	526	589
Sandusky	279	362	464	585	647
Seneca	280	331	412	530	589
Tuscarawas	279	331	432	541	606
Van Wert	279	335	412	526	589
Wayne	279	369	454	576	635
Wyandot	279	331	412	526	589
Ashland	279	331	435	544	609
Champaign	279	340	442	552	618
Coshocton	279	331	412	526	589
Defiance	291	331	436	550	611
Fayette	303	331	412	526	589
Guernsey	279	331	412	526	589
Hardin	279	331	412	526	589
Henry	301	334	416	537	611
Hocking	279	331	412	526	589
Huron	323	352	438	578	615
Knox	328	361	463	598	661
Marion	279	331	412	526	589
Mercer	279	331	412	526	606
Morgan	279	336	412	526	589
Muskingum	279	331	412	526	589
Ottawa	279	412	474	645	689
Perry	279	331	412	526	589
Preble	286	339	422	541	604
Ross	323	337	412	526	589
Scioto	279	331	412	526	589
Shelby	279	340	454	566	635
Union	279	386	509	637	737
Vinton	279	331	412	526	580
Williams	296	331	412	526	589

OKLAHOMA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Enid, OK MSA	297	301	399	555	635	Garfield
Fort Smith, AR-OK MSA	304	308	405	541	568	Sequoyah
Lawton, OK MSA	367	369	470	652	714	Comanche
Oklahoma City, OK MSA	332	362	469	652	729	Canadian, Cleveland, Logan, Mcclain, Oklahoma Pottawatomie
Tulsa, OK MSA	333	308	521	728	855	Creek, Osage, Rogers, Tulsa, Wagoner

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

O K L A H O M A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	247	284	354	471	540
Atoka	247	284	354	471	540
Beckham	251	284	354	471	540
Bryan	247	284	354	471	540
Carter	247	286	357	497	540
Choctaw	247	284	354	471	540
Coal	247	284	354	471	540
Craig	247	284	354	483	572
Delaware	247	284	354	471	550
Ellis	247	284	354	471	540
Grady	271	284	367	499	602
Greer	247	284	354	471	540
Harper	247	284	354	471	540
Hughes	247	284	354	471	540
Jefferson	247	284	354	471	540
Kay	274	290	381	531	622
Kiowa	247	284	354	471	540
Le Flore	247	284	354	471	540
Love	247	284	358	471	540
Mcintosh	247	284	354	471	540
Marshall	247	284	354	471	540
Murray	247	284	354	471	540
Noble	247	284	354	471	540
Okfuskee	247	284	354	471	540
Ottawa	266	284	354	471	540
Payne	286	337	432	596	669
Pontotoc	247	284	354	471	540
Roger Mills	247	284	354	471	540
Stephens	251	284	354	471	562
Tillman	247	284	354	471	540
Washita	247	284	354	471	540
Woodward	247	284	354	471	540

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alfalfa	247	284	354	471	540
Beaver	247	288	354	471	540
Blaine	247	284	354	471	540
Caddo	247	284	354	471	540
Cherokee	259	293	354	471	548
Cimarron	247	284	354	471	540
Cotton	247	284	354	471	540
Custer	247	284	363	505	583
Dewey	247	284	354	471	540
Garvin	247	284	354	471	544
Grant	247	284	354	471	540
Harmon	247	284	354	471	540
Haskell	247	284	354	471	540
Jackson	247	321	391	514	580
Johnston	247	284	354	471	540
Kingfisher	247	292	362	474	540
Latimer	247	284	354	471	540
Lincoln	265	284	354	471	540
Mccurtain	247	284	354	471	540
Major	247	297	354	491	540
Mayes	247	288	383	483	540
Muskogee	268	301	354	489	540
Nowata	247	284	354	471	540
Okmulgee	251	284	354	471	540
Pawnee	279	284	367	472	540
Pittsburg	247	284	354	471	540
Pushmataha	247	284	354	471	540
Seminole	247	284	354	471	540
Texas	247	294	354	472	540
Washington	247	339	413	548	640
Woods	247	284	354	471	540

O R E G O N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Corvallis, OR MSA	374	485	615	925	983	Benton
Eugene-Springfield, OR MSA	336	461	600	838	968	Lane
Medford-Ashland, OR MSA	345	452	604	840	936	Jackson

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

O R E G O N continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Portland-Vancouver, OR-WA PMSA	463	569	702	976	1060	Clackamas, Columbia, Multnomah, Washington, Yamhill
Salem, OR PMSA	391	461	591	813	852	Marion, Polk

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Baker	313	371	481	662	738
Coos	313	382	507	706	738
Curry	313	426	565	724	890
Douglas	313	371	481	662	788
Grant	313	371	481	662	738
Hood River	368	414	562	732	865
Josephine	313	380	489	662	772
Lake	313	371	481	662	738
Linn	376	446	579	796	888
Morrow	313	371	481	662	738
Tillamook	313	371	481	662	738
Union	313	371	481	662	738
Wasco	381	472	528	719	808

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Clatsop	361	428	560	764	858
Crook	313	371	481	662	738
Deschutes	387	444	595	828	958
Gilliam	313	395	481	662	738
Harney	313	371	481	662	738
Jefferson	313	371	481	662	738
Klamath	313	371	481	662	783
Lincoln	380	386	514	715	777
Malheur	313	371	481	662	738
Sherman	313	371	481	662	738
Umatilla	313	371	481	662	738
Wallowa	313	371	481	662	738
Wheeler	313	371	481	662	738

P E N N S Y L V A N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA MSA	373	506	602	784	881	Carbon, Lehigh, Northampton
Altoona, PA MSA	285	362	434	566	633	Blair
Erie, PA MSA	289	377	444	573	641	Erie
Harrisburg-Lebanon-Carlisle, PA MSA	343	439	563	709	790	Cumberland, Dauphin, Lebanon, Perry
Johnstown, PA MSA	289	367	442	573	641	Cambria, Somerset
Lancaster, PA MSA	380	466	580	758	815	Lancaster
Newburgh, NY-PA PMSA	462	600	734	931	1062	Pike
Philadelphia, PA-NJ PMSA	486	597	738	923	1158	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pittsburgh, PA PMSA	378	463	558	699	781	Allegheny, Beaver, Butler, Fayette, Washington Westmoreland
Reading, PA MSA	300	444	548	684	772	Berks
Scranton--Wilkes-Barre--Hazleton, PA MSA	289	404	484	604	730	Columbia, Lackawanna, Luzerne, Wyoming
Sharon, PA MSA	317	367	442	573	641	Mercer
State College, PA MSA	415	508	629	824	882	Centre
Williamsport, PA MSA	289	369	444	573	641	Lycoming
York, PA MSA	322	442	548	683	765	York

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PENNSYLVANIA continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	283	381	505	655	829
Bedford	283	360	431	563	629
Cameron	283	360	431	563	629
Clearfield	283	360	431	563	629
Crawford	283	360	431	563	629
Forest	283	360	431	563	629
Fulton	283	360	431	563	629
Huntingdon	283	360	431	563	629
Jefferson	283	360	431	563	629
Lawrence	283	360	431	563	629
Mifflin	315	360	431	563	629
Montour	335	360	453	629	743
Potter	283	360	431	563	629
Snyder	341	360	432	563	629
Susquehanna	339	360	431	563	668
Union	342	454	567	709	792
Warren	283	360	431	563	629
Armstrong	287	380	431	563	707
Bradford	287	364	444	581	636
Clarion	283	360	431	563	629
Clinton	283	360	431	563	629
Elk	283	360	431	563	629
Franklin	283	360	437	602	629
Greene	283	360	431	563	629
Indiana	325	362	431	563	629
Juniata	283	360	431	563	629
Mc Kean	283	362	431	563	629
Monroe	453	540	667	911	1018
Northumberland	299	378	462	614	683
Schuylkill	283	360	449	563	629
Sullivan	283	360	431	563	629
Tioga	283	360	431	563	629
Venango	283	360	431	563	629
Wayne	284	439	517	659	847

RHODE ISLAND

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
New London-Norwich, CT-RI MSA	495	599	729	912	1042	Washington county towns of Hopkinton town, Westerly town
Providence-Fall River-Warwick, RI-MA MSA	408	555	667	838	1032	Bristol county towns of Barrington town, Bristol town Warren town Kent county towns of Coventry town, East Greenwich tow Warwick city, West Greenwich tow, West Warwick town Newport county towns of Jamestown town Little Compton tow, Tiverton town Providence county towns of Burrillville town Central Falls city, Cranston city, Cumberland town East Providence ci, Foster town, Glocester town Johnston town, Lincoln town, North Providence t North Smithfield t, Pawtucket city, Providence city Scituate town, Smithfield town, Woonsocket city Washington county towns of Charlestown town, Exeter town Narragansett town, North Kingstown to, Richmond town South Kingstown to

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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RHODE ISLAND continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Newport	558	650	835	1045	1169	Middletown town, Newport city, Portsmouth town
Washington	659	742	834	1076	1185	New Shoreham town

SOUTH CAROLINA

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Augusta-Aiken, GA-SC MSA	359	429	506	687	813	Aiken, Edgefield
Charleston-North Charleston, SC MSA	403	468	537	714	832	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Rock Hill, NC-SC MSA	510	575	648	854	1023	York
Columbia, SC MSA	432	476	547	723	832	Lexington, Richland
Florence, SC MSA	327	364	473	590	662	Florence
Greenville-Spartanburg-Anderson, SC MSA	388	470	530	668	786	Anderson, Cherokee, Greenville, Pickens, Spartanburg
Myrtle Beach, SC MSA	424	431	552	690	773	Horry
Sumter, SC MSA	346	383	435	595	707	Sumter

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Abbeville	287	335	407	523	598
Bamberg	287	335	407	523	598
Beaufort	410	503	579	723	810
Chester	287	335	407	523	598
Clarendon	287	335	407	523	598
Darlington	287	335	407	523	598
Fairfield	287	385	439	547	613
Greenwood	288	335	407	523	598
Jasper	287	335	407	523	598
Lancaster	301	336	407	523	598
Lee	287	335	407	523	598
Marion	287	335	407	523	598
Newberry	287	335	407	523	598
Orangeburg	287	335	407	523	598
Union	287	335	407	523	598

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allendale	287	335	407	523	598
Barnwell	302	335	409	523	598
Calhoun	287	335	407	523	598
Chesterfield	287	335	407	523	598
Colleton	287	335	407	523	598
Dillon	287	335	407	523	598
Georgetown	287	365	410	523	623
Hampton	287	335	407	523	598
Kershaw	287	335	407	523	598
Laurens	287	335	407	523	598
Mccormick	287	335	407	523	637
Marlboro	287	335	407	523	598
Oconee	287	335	407	523	598
Saluda	287	335	407	523	598
Williamsburg	287	335	407	523	598

SOUTH DAKOTA

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Rapid City, SD MSA	355	423	563	766	926	Pennington
Sioux Falls, SD MSA	343	475	602	762	875	Lincoln, Minnehaha

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

SOUTH DAKOTA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aurora	254	340	423	560	648
Bennett	254	337	423	560	648
Brookings	272	431	478	646	762
Brule	254	337	423	560	648
Butte	293	400	531	694	818
Charles Mix	254	337	423	560	648
Clay	254	337	423	560	695
Corson	254	337	423	560	648
Davison	266	337	423	567	648
Deuel	254	337	423	560	648
Douglas	282	337	423	560	648
Fall River	290	337	423	560	648
Grant	254	337	423	560	648
Haakon	254	345	423	560	648
Hand	254	337	423	560	648
Harding	254	345	423	560	648
Hutchinson	254	337	423	560	648
Jackson	254	342	423	560	648
Jones	254	337	423	560	648
Lake	254	342	423	560	648
Lyman	254	337	423	560	648
Mcpherson	254	337	423	560	648
Meade	357	403	537	703	830
Miner	254	342	423	560	648
Perkins	254	337	423	560	648
Roberts	254	337	423	560	648
Shannon	254	342	423	560	648
Stanley	254	345	423	560	648
Todd	280	337	423	560	648
Turner	254	337	423	560	648
Walworth	254	345	423	560	648
Ziebach	254	337	423	560	648

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beadle	254	337	423	560	648
Bon Homme	282	337	423	560	648
Brown	254	337	423	560	648
Buffalo	254	337	423	560	654
Campbell	254	337	423	560	648
Clark	254	337	423	560	648
Codington	254	337	423	560	648
Custer	254	337	423	560	648
Day	284	337	423	560	648
Dewey	254	337	423	560	648
Edmunds	254	337	423	560	648
Faulk	254	337	446	560	648
Gregory	255	337	423	560	648
Hamlin	254	337	423	560	648
Hanson	258	353	470	591	661
Hughes	279	337	446	587	695
Hyde	254	343	423	560	648
Jerauld	254	340	423	560	648
Kingsbury	277	337	423	560	648
Lawrence	291	419	527	722	817
Mccook	254	337	423	560	648
Marshall	300	337	423	560	648
Mellette	303	342	423	560	648
Moody	254	337	423	560	648
Potter	254	337	423	560	648
Sanborn	254	337	423	560	648
Spink	276	337	430	560	648
Sully	254	337	423	560	648
Tripp	254	337	423	560	648
Union	267	337	423	560	648
Yankton	254	337	423	560	648

TENNESSEE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Chattanooga, TN-GA MSA	366	427	513	663	755	Hamilton, Marion
Clarksville-Hopkinsville, TN-KY MSA	339	380	446	608	625	Montgomery
Jackson, TN MSA	263	347	465	643	647	Madison, Chester

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 44

T E N N E S S E E continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Johnson City-Kingsport-Bristol, TN-VA MSA	305	364	450	584	692	Carter, Hawkins, Sullivan, Unicoi, Washington
Knoxville, TN MSA	305	375	471	628	754	Anderson, Blount, Knox, Loudon, Sevier, Union
Memphis, TN-AR-MS MSA	389	454	533	740	778	Fayette, Shelby, Tipton
Nashville, TN MSA	427	511	630	858	963	Cheatham, Davidson, Dickson, Robertson, Rutherford Sumner, Williamson, Wilson

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bedford	238	306	374	471	524
Bledsoe	238	279	352	463	519
Campbell	240	279	352	463	519
Carroll	238	289	352	463	519
Clay	242	279	352	463	519
Coffee	238	332	373	519	591
Cumberland	251	279	365	509	519
Dekalb	238	279	352	463	519
Fentress	238	279	352	463	519
Gibson	238	279	352	463	519
Grainger	242	279	352	463	519
Grundy	238	279	352	463	519
Hancock	238	279	352	463	519
Hardin	238	279	352	463	519
Henderson	238	279	352	463	519
Hickman	281	285	378	498	529
Humphreys	238	290	352	463	519
Jefferson	259	279	361	463	574
Lake	238	279	352	463	519
Lawrence	238	279	352	463	519
Lincoln	238	279	356	463	519
Mcnairy	238	279	352	463	519
Marshall	280	305	397	502	558
Meigs	238	279	352	463	519
Moore	238	279	352	463	519
Obion	276	280	358	474	519
Perry	238	281	352	463	519
Polk	238	279	352	463	519
Rhea	238	297	352	468	519
Scott	238	279	352	463	519
Smith	238	279	352	463	519
Trousdale	238	292	388	487	638
Warren	264	279	360	463	519

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Benton	256	292	352	463	519
Bradley	238	300	400	542	658
Cannon	238	279	352	463	519
Claiborne	238	279	352	463	519
Cocke	238	279	352	463	519
Crockett	238	279	352	463	519
Decatur	238	279	352	463	519
Dyer	297	301	401	502	626
Franklin	249	279	352	484	569
Giles	238	303	375	469	525
Greene	238	279	352	463	519
Hamblen	238	280	367	488	519
Hardeman	238	279	352	463	519
Haywood	250	290	387	484	542
Henry	238	279	352	463	519
Houston	238	279	352	463	519
Jackson	238	279	352	463	519
Johnson	238	279	352	463	519
Lauderdale	238	279	355	463	519
Lewis	238	279	352	463	519
Mcminn	238	279	352	465	519
Macon	238	279	352	463	519
Maury	341	348	463	580	647
Monroe	238	279	352	463	519
Morgan	238	279	352	463	519
Overton	238	279	352	463	519
Pickett	238	279	352	463	519
Putnam	289	292	375	516	555
Roane	256	279	352	473	569
Sequatchie	238	279	352	463	519
Stewart	238	279	352	463	519
Van Buren	238	279	352	463	519
Wayne	238	279	352	463	519

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

TENNESSEE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Weakley	257	279	352	463	519
White	242	279	352	463	519

TEXAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Abilene, TX MSA	334	372	480	647	786	Taylor
Amarillo, TX MSA	283	357	444	619	730	Potter, Randall
Austin-San Marcos, TX MSA	435	526	700	972	1149	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	322	390	475	629	666	Hardin, Jefferson, Orange
Brazoria, TX PMSA	458	511	638	889	1046	Brazoria
Brownsville-Harlingen-San Benito, TX MSA	339	427	533	667	833	Cameron
Bryan-College Station, TX MSA	377	438	554	772	911	Brazos
Corpus Christi, TX MSA	353	433	553	753	890	Nueces, San Patricio
Dallas, TX	508	584	749	1036	1225	Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall
El Paso, TX MSA	398	446	528	731	867	El Paso
Fort Worth-Arlington, TX PMSA	434	472	612	854	1007	Hood, Johnson, Parker, Tarrant
Galveston-Texas City, TX PMSA	450	462	579	804	949	Galveston
Henderson County, TX	293	348	425	580	696	Henderson
Houston, TX PMSA	426	479	620	864	1018	Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller
Killeen-Temple, TX MSA	397	413	523	727	799	Bell, Coryell
Laredo, TX MSA	321	370	486	607	683	Webb
Longview-Marshall, TX MSA	318	359	440	600	655	Gregg, Harrison, Upshur
Lubbock, TX MSA	305	386	500	696	771	Lubbock
Mc Allen-Edinburg-Mission, TX MSA	275	366	419	523	587	Hidalgo
Odessa-Midland, TX MSA	305	352	470	653	757	Ector, Midland
San Angelo, TX MSA	283	361	438	601	709	Tom Green
San Antonio, TX MSA	372	429	555	772	913	Bexar, Comal, Guadalupe, Wilson
Sherman-Denison, TX MSA	283	387	467	596	713	Grayson
Texarkana, TX-Texarkana, AR MSA	308	376	459	605	642	Bowie
Tyler, TX MSA	354	391	477	661	699	Smith
Victoria, TX MSA	350	354	447	620	699	Victoria
Waco, TX MSA	308	377	496	660	695	Mclennan
Wichita Falls, TX MSA	339	379	457	608	717	Archer, Wichita

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Anderson	330	372	417	581	587
Angelina	300	348	392	544	641
Armstrong	275	318	415	521	587
Austin	275	318	383	525	587
Bandera	295	318	383	521	587
Bee	275	318	383	514	587
Borden	275	318	383	514	587
Brewster	275	318	383	518	620
Brooks	275	318	383	514	587
Burleson	275	318	402	544	663
Calhoun	294	318	383	530	627
Camp	372	377	471	590	659
Cass	275	318	383	514	587
Cherokee	307	319	390	514	587
Clay	275	324	383	514	598
Coke	275	318	383	514	587
Collingsworth	275	318	383	514	587
Comanche	275	318	383	514	587
Cooke	298	318	403	548	608
Crane	275	318	383	514	587
Crosby	275	318	383	514	587
Dallam	275	318	383	514	587
Deaf Smith	275	318	383	514	596
Dewitt	275	318	383	514	587
Dimmit	275	318	383	514	587
Duval	275	318	383	514	587
Edwards	275	318	383	514	587
Falls	275	318	383	514	587
Fayette	275	318	383	514	587
Floyd	275	318	383	514	587
Franklin	275	318	383	530	587
Frio	275	318	383	514	587
Garza	275	318	383	514	587
Glasscock	275	318	383	514	587
Gonzales	275	318	383	514	587
Grimes	275	318	383	518	611
Hall	275	318	383	514	587
Hansford	275	318	383	514	602
Hartley	275	318	383	514	587
Hemphill	275	354	396	553	587

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Andrews	275	318	383	514	587
Aransas	275	338	451	627	631
Atascosa	275	318	383	514	587
Bailey	275	318	383	514	587
Baylor	275	318	383	514	587
Blanco	275	318	405	565	595
Bosque	275	318	383	514	587
Briscoe	275	318	383	514	587
Brown	275	318	384	516	630
Burnet	275	318	391	543	635
Callahan	275	318	383	514	587
Carson	275	318	383	514	587
Castro	277	318	383	514	587
Childress	275	318	383	514	587
Cochran	275	318	383	514	587
Coleman	275	318	383	514	587
Colorado	275	318	383	514	587
Concho	275	318	383	514	587
Cottle	275	318	383	514	587
Crockett	275	318	383	514	587
Culberson	275	318	383	514	587
Dawson	275	318	383	514	587
Delta	275	329	383	514	587
Dickens	275	318	383	514	587
Donley	275	318	383	514	587
Eastland	275	318	383	514	587
Erath	285	323	417	540	587
Fannin	279	318	383	516	587
Fisher	275	318	383	514	587
Foard	275	318	383	514	587
Freestone	275	318	383	514	587
Gaines	281	318	383	514	587
Gillespie	275	346	449	617	629
Goliad	275	318	383	514	587
Gray	301	318	408	514	606
Hale	275	318	383	514	587
Hamilton	275	318	383	514	587
Hardeman	275	318	383	514	587
Haskell	275	318	383	514	587
Hill	275	318	383	514	587

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hockley	281	328	383	519	587
Houston	275	318	383	514	587
Hudspeth	331	374	417	524	688
Irion	275	318	383	514	587
Jackson	275	319	383	514	587
Jeff Davis	275	318	383	514	587
Jim Wells	275	318	383	514	594
Karnes	275	318	383	514	587
Kenedy	275	318	383	514	587
Kerr	275	356	445	619	730
King	275	318	383	514	587
Kleberg	334	346	422	590	694
Lamar	275	341	401	561	663
Lampasas	275	318	383	521	615
Lavaca	275	318	383	514	587
Leon	275	353	395	514	651
Lipscomb	275	318	383	514	587
Llano	275	354	471	591	774
Lynn	275	318	383	514	587
Mcmullen	275	318	383	514	587
Marion	275	318	383	514	608
Mason	275	318	383	514	587
Maverick	275	318	383	514	587
Menard	275	318	383	514	587
Mills	275	318	383	514	587
Montague	275	318	383	514	587
Morris	275	318	383	514	587
Nacogdoches	290	350	454	567	670
Newton	275	318	383	514	587
Ochiltree	275	318	383	514	587
Palo Pinto	275	318	383	514	610
Parmer	275	318	383	514	587
Polk	307	335	390	525	637
Rains	275	356	431	597	602
Real	275	318	383	514	587
Reeves	275	318	383	514	587
Roberts	275	321	383	514	587
Runnels	275	318	383	514	587
Sabine	275	318	383	514	587
San Jacinto	288	325	383	514	600

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hopkins	321	345	405	565	608
Howard	293	318	383	518	587
Hutchinson	275	318	396	553	653
Jack	275	318	383	514	587
Jasper	275	318	391	521	639
Jim Hogg	275	318	383	514	587
Jones	275	318	383	514	587
Kendall	275	401	451	627	741
Kent	275	318	383	514	587
Kimble	275	318	417	523	587
Kinney	275	318	383	514	587
Knox	275	318	383	514	587
Lamb	275	318	383	514	587
La Salle	275	318	383	514	587
Lee	312	350	393	549	616
Limestone	275	318	383	514	587
Live Oak	275	318	383	514	587
Loving	275	318	383	514	587
Mcculloch	283	318	383	514	587
Madison	275	327	383	514	604
Martin	275	318	383	514	587
Matagorda	318	347	431	597	602
Medina	275	318	383	514	587
Milam	275	318	383	514	587
Mitchell	275	318	383	514	587
Moore	275	323	383	514	596
Motley	275	318	383	514	587
Navarro	329	346	416	528	587
Nolan	283	318	383	514	587
Oldham	275	318	415	521	609
Panola	275	324	383	514	587
Pecos	275	318	383	518	611
Presidio	275	318	383	514	587
Reagan	350	356	473	594	777
Red River	275	354	396	514	587
Refugio	275	318	383	514	587
Robertson	275	364	406	514	587
Rusk	287	318	383	514	587
San Augustine	275	318	383	514	587
San Saba	275	318	383	514	587

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Schleicher	275	318	383	514	587
Shackelford	275	318	383	514	587
Sherman	275	318	383	514	587
Starr	275	318	383	514	587
Sterling	275	318	383	514	587
Sutton	275	318	383	514	587
Terrell	275	318	383	514	587
Throckmorton	275	318	383	514	587
Trinity	286	323	383	514	587
Upton	275	318	383	514	587
Val Verde	275	365	430	536	632
Walker	371	394	482	640	676
Washington	341	348	465	581	763
Wheeler	275	318	383	514	587
Willacy	275	318	383	514	587
Wise	275	321	385	537	587
Yoakum	275	362	445	556	730
Zapata	275	318	383	514	587

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Scurry	275	318	397	555	655
Shelby	275	318	383	514	587
Somervell	315	354	396	544	587
Stephens	275	318	383	514	587
Stonewall	275	318	383	514	587
Swisher	275	318	383	514	587
Terry	275	318	383	514	587
Titus	292	363	411	568	587
Tyler	275	318	409	514	674
Uvalde	275	318	383	514	587
Van Zandt	294	318	397	542	655
Ward	275	318	383	514	587
Wharton	275	318	383	514	587
Wilbarger	275	318	383	514	605
Winkler	275	318	383	514	587
Wood	275	318	396	553	653
Young	275	318	383	514	594
Zavala	275	318	383	514	587

U T A H

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Kane County, UT	312	383	479	642	773	Kane
Provo-Orem, UT MSA	431	455	563	780	923	Utah
Salt Lake City-Ogden, UT MSA	440	510	647	900	1055	Davis, Salt Lake, Weber

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaver	298	365	457	612	736
Cache	332	408	512	684	823
Daggett	324	443	588	738	826
Emery	298	355	457	612	736
Grand	298	365	457	612	736
Juab	298	365	457	612	736
Morgan	298	365	457	612	736
Rich	298	365	457	612	736
Sanpete	298	365	457	612	736
Summit	441	544	679	916	1114
Uintah	298	365	457	612	736
Washington	367	452	600	802	982

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Box Elder	332	368	461	617	744
Carbon	320	365	457	612	736
Duchesne	298	365	457	612	736
Garfield	298	365	457	612	736
Iron	304	414	516	645	758
Millard	298	365	457	612	736
Piute	298	365	457	612	736
San Juan	298	365	457	612	736
Sevier	302	365	457	612	736
Tooele	298	379	457	612	736
Wasatch	298	379	457	612	736
Wayne	298	365	457	612	736

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 49

V E R M O N T

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Burlington, VT MSA	427	523	697	950	1147	Chittenden county towns of Burlington city Charlotte town, Colchester town, Essex town Hinesburg town, Jericho town, Milton town, Richmond town St. George town, Shelburne town, South Burlington c Williston town, Winooski city Franklin county towns of Fairfax town, Georgia town St. Albans city, St. Albans town, Swanton town Grand Isle county towns of Grand Isle town South Hero town

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Addison	421	508	591	824	924	
Bennington	374	471	606	770	897	
Caledonia	331	396	483	609	699	
Chittenden	387	625	705	979	1154	Bolton town, Buels gore, Huntington town, Underhill town Westford town
Essex	324	390	483	609	699	
Franklin	348	394	483	613	705	Bakersfield town, Berkshire town, Enosburg town Fairfield town, Fletcher town, Franklin town Highgate town, Montgomery town, Richford town Sheldon town
Grand Isle	324	390	483	609	699	Alburg town, Isle La Motte town, North Hero town
Lamoille	336	467	557	763	875	
Orange	349	458	564	745	835	
Orleans	324	390	483	609	699	
Rutland	378	490	599	751	841	
Washington	362	449	606	758	850	
Windham	410	474	629	798	879	
Windsor	441	498	623	800	948	

V I R G I N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Charlottesville, VA MSA	430	508	650	864	968	Albemarle, Fluvanna, Greene, Charlottesville city
Clarke County, VA	312	440	569	782	798	Clarke
Culpeper County, VA	384	561	652	862	1032	Culpeper
Danville, VA MSA	293	369	434	582	702	Pittsylvania, Danville city
Johnson City-Kingsport-Bristol, TN-VA MSA	305	364	450	584	692	Scott, Washington, Bristol city
King George County, VA	378	502	564	784	790	King George
Lynchburg, VA MSA	349	384	443	582	702	Amherst, Bedford, Campbell, Bedford city, Lynchburg city
Norfolk-Virginia Beach-Newport News, VA-NC MSA	436	491	580	809	951	Gloucester, Isle of Wight, James City, Mathews, York Chesapeake city, Hampton city, Newport News city Norfolk city, Poquoson city, Portsmouth city

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 50

V I R G I N I A continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Richmond-Petersburg, VA MSA	474	537	625	870	1026	Suffolk city, Virginia Beach city, Williamsburg city Charles City, Chesterfield, Dinwiddie, Goochland, Hanover Henrico, New Kent, Powhatan, Prince George Colonial Heights city, Hopewell city, Petersburg city Richmond city
Roanoke, VA MSA	295	369	479	615	766	Botetourt, Roanoke, Roanoke city, Salem city
Warren County, VA	305	418	557	730	912	Warren
Washington, DC-MD-VA	630	716	840	1145	1380	Arlington, Fairfax, Loudoun, Prince William, Spotsylvania Stafford, Alexandria city, Fairfax city Falls Church city, Fauquier, Fredericksburg city Manassas city, Manassas Park city

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Accomack	341	368	430	571	688
Amelia	287	362	425	571	688
Augusta	287	372	452	595	724
Bland	287	362	425	571	688
Buchanan	287	362	425	571	688
Caroline	407	412	551	731	771
Charlotte	287	362	425	571	688
Cumberland	287	394	457	571	688
Essex	287	404	477	664	783
Franklin	287	362	425	571	688
Giles	287	362	425	571	688
Greensville	287	372	425	571	688
Henry	287	362	425	571	688
King and Queen	287	412	464	580	688
Lancaster	359	403	455	606	738
Louisa	287	374	461	640	688
Madison	288	428	482	604	790
Middlesex	287	364	425	571	688
Nelson	287	362	425	571	688
Northumberland	287	362	425	571	688
Orange	319	433	580	807	947
Patrick	287	362	425	571	688
Pulaski	287	362	425	571	688
Richmond	287	383	429	571	705
Rockingham	287	398	503	690	809
Shenandoah	378	388	478	662	752
Southampton	287	362	425	571	688
Sussex	287	362	425	571	688

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alleghany	299	362	425	571	688
Appomattox	287	362	425	571	688
Bath	287	362	425	571	688
Brunswick	287	362	425	571	688
Buckingham	287	362	425	571	688
Carroll	287	362	425	571	688
Craig	287	362	425	571	688
Dickenson	287	362	425	571	688
Floyd	287	362	425	571	688
Frederick	390	450	541	741	887
Grayson	287	362	425	571	688
Halifax	287	362	425	571	688
Highland	287	362	425	571	688
King William	287	394	441	571	688
Lee	287	362	425	571	688
Lunenburg	287	362	425	571	688
Mecklenburg	287	362	425	571	688
Montgomery	295	388	456	633	749
Northampton	287	362	425	571	688
Nottoway	287	362	425	571	688
Page	334	376	425	571	688
Prince Edward	322	364	425	571	688
Rappahannock	291	472	531	737	869
Rockbridge	287	362	425	571	688
Russell	287	362	425	571	688
Smyth	287	362	425	571	688
Surry	298	362	425	571	688
Tazewell	287	362	425	571	688

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 51

V I R G I N I A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Westmoreland	287	388	515	648	839
Wythe	300	362	425	571	688
Wise	287	362	425	571	688

W A S H I N G T O N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bellingham, WA MSA	397	515	686	947	1123	Whatcom
Bremerton, WA PMSA	434	501	649	877	1066	Kitsap
Olympia, WA PMSA	447	548	685	942	1111	Thurston
Portland-Vancouver, OR-WA PMSA	463	569	702	976	1060	Clark
Richland-Kennewick-Pasco, WA MSA	495	567	679	945	1109	Benton, Franklin
Seattle-Bellevue-Everett, WA PMSA	501	610	772	1071	1266	Island, King, Snohomish
Spokane, WA MSA	318	432	522	709	794	Spokane
Tacoma, WA PMSA	386	461	613	853	964	Pierce
Yakima, WA MSA	358	440	546	732	764	Yakima

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	317	380	494	652	724
Chelan	317	380	494	652	724
Columbia	317	380	494	652	724
Douglas	371	392	494	652	724
Garfield	317	380	494	652	724
Grays Harbor	324	380	499	673	776
Kittitas	317	380	494	652	724
Lewis	317	380	494	652	724
Mason	360	446	549	722	776
Pacific	317	380	494	652	724
San Juan	392	535	713	940	1119
Skamania	317	380	494	652	724
Wahkiakum	317	380	494	652	724
Whitman	342	389	518	719	852
Asotin	317	380	494	652	724
Clallam	370	457	582	749	818
Cowlitz	356	398	513	712	724
Ferry	317	380	494	652	724
Grant	341	380	494	652	724
Jefferson	317	410	504	683	724
Klickitat	317	380	494	652	724
Lincoln	317	380	494	652	724
Okanogan	317	380	494	652	724
Pend Oreille	317	380	494	652	868
Skagit	432	528	623	778	870
Stevens	317	380	494	652	724
Walla Walla	317	380	494	661	781

W E S T V I R G I N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Berkeley County, WV	410	438	516	644	724	Berkeley
Charleston, WV MSA	287	389	494	678	742	Kanawha, Putnam
Cumberland, MD-WV MSA	337	405	501	662	756	Mineral
Huntington-Ashland, WV-KY-OH MSA	304	357	440	561	618	Cabell, Wayne
Jefferson County, WV	415	459	569	740	838	Jefferson

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 52

W E S T V I R G I N I A continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Parkersburg-Marietta, WV-OH MSA	306	367	420	545	591	Wood
Steubenville-Weirton, OH-WV MSA	288	339	425	542	605	Brooke, Hancock
Wheeling, WV-OH MSA	314	344	425	542	605	Marshall, Ohio

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Barbour	255	324	362	466	542	Boone	255	311	362	466	542
Braxton	255	311	362	466	542	Calhoun	255	311	362	466	542
Clay	255	311	362	466	542	Doddridge	264	311	362	466	542
Fayette	255	311	362	466	542	Gilmer	280	311	362	466	542
Grant	255	311	362	466	542	Greenbrier	255	352	375	468	542
Hampshire	255	311	364	479	542	Hardy	255	311	362	466	542
Harrison	280	345	398	496	596	Jackson	255	319	362	495	542
Lewis	255	341	362	466	542	Lincoln	255	311	362	466	542
Logan	261	311	362	469	555	Mcdowell	255	311	362	466	542
Marion	255	322	397	508	587	Mason	255	311	362	466	557
Mercer	255	311	362	466	542	Mingo	255	311	362	466	549
Monongalia	321	355	432	596	704	Monroe	255	311	362	466	542
Morgan	347	391	438	550	613	Nicholas	255	311	362	466	542
Pendleton	255	311	362	466	542	Pleasants	263	311	362	466	556
Pocahontas	255	311	362	466	542	Preston	255	327	362	466	542
Raleigh	294	347	404	520	609	Randolph	255	311	362	466	542
Ritchie	255	311	362	466	542	Roane	255	311	362	466	542
Summers	255	311	362	466	542	Taylor	312	337	368	466	542
Tucker	255	311	362	466	542	Tyler	255	311	381	477	542
Upshur	255	311	364	466	542	Webster	255	311	362	466	542
Wetzel	288	311	391	488	616	Wirt	255	311	362	466	542
Wyoming	255	311	362	466	542						

W I S C O N S I N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Appleton-Oshkosh-Neenah, WI MSA	321	395	502	633	730	Calumet, Outagamie, Winnebago
Duluth-Superior, MN-WI MSA	281	362	465	621	723	Douglas
Eau Claire, WI MSA	346	377	494	634	714	Chippewa, Eau Claire
Green Bay, WI MSA	380	418	537	746	750	Brown
Janesville-Beloit, WI MSA	353	446	552	691	775	Rock
Kenosha, WI PMSA	391	485	595	819	921	Kenosha
La Crosse, WI-MN MSA	285	367	467	625	757	La Crosse
Madison, WI MSA	439	552	667	926	1092	Dane

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

W I S C O N S I N continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Milwaukee-Waukesha, WI PMSA	377	493	619	776	867	Milwaukee, Ozaukee, Washington, Waukesha
Minneapolis-St. Paul, MN-WI MSA	416	535	684	925	1048	Pierce, St. Croix
Racine, WI PMSA	335	415	548	707	774	Racine
Sheboygan, WI MSA	306	394	481	601	746	Sheboygan
Wausau, WI MSA	376	389	486	663	735	Marathon

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	276	322	410	523	590
Barron	276	322	410	523	590
Buffalo	276	322	410	523	590
Clark	276	322	410	523	590
Crawford	276	322	410	523	590
Door	276	342	424	546	662
Florence	276	322	410	523	590
Forest	276	322	410	523	590
Green	281	322	410	552	590
Iowa	286	322	410	539	590
Jackson	276	322	410	523	590
Juneau	282	322	410	523	590
Lafayette	281	322	410	523	590
Lincoln	276	322	410	523	590
Marinette	276	322	410	523	590
Menominee	276	322	410	523	590
Oconto	276	322	410	523	590
Pepin	276	322	410	523	590
Portage	336	355	460	574	710
Richland	276	322	410	523	590
Sauk	323	334	445	555	622
Shawano	281	322	410	523	590
Trempealeau	276	322	410	523	590
Vilas	276	322	410	523	590
Washburn	276	322	410	523	590
Waushara	276	322	410	523	590

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Ashland	301	334	410	523	590
Bayfield	276	322	410	523	590
Burnett	276	322	410	523	590
Columbia	276	328	431	565	634
Dodge	350	355	466	584	652
Dunn	276	322	421	563	695
Fond du Lac	320	434	514	699	721
Grant	280	322	410	523	590
Green Lake	276	322	410	523	590
Iron	276	322	410	523	590
Jefferson	276	366	475	614	671
Kewaunee	276	322	410	523	590
Langlade	276	322	410	523	590
Manitowoc	279	322	410	523	590
Marquette	276	322	410	523	590
Monroe	276	322	410	547	590
Oneida	276	323	410	527	632
Polk	276	322	417	523	590
Price	276	322	410	523	590
Rusk	276	322	410	523	590
Sawyer	276	322	410	523	590
Taylor	276	322	410	523	590
Vernon	276	322	410	523	590
Walworth	288	405	526	685	770
Waupaca	276	322	410	523	620
Wood	299	343	425	533	599

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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W Y O M I N G

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Casper, WY MSA	322	374	477	654	773	Natrona
Cheyenne, WY MSA	364	456	609	778	945	Laramie

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Albany	308	386	515	715	845
Campbell	317	337	432	575	679
Converse	293	337	432	573	659
Fremont	293	337	432	573	659
Hot Springs	293	337	432	573	659
Lincoln	293	337	432	573	659
Park	293	337	432	573	666
Sheridan	293	337	432	573	666
Sweetwater	305	337	432	575	679
Uinta	307	337	432	574	694
Weston	293	337	432	573	659

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Big Horn	293	337	432	573	659
Carbon	293	337	432	573	659
Crook	293	337	432	573	659
Goshen	293	337	432	573	659
Johnson	293	337	432	573	659
Niobrara	293	337	432	573	659
Platte	293	337	432	573	659
Sublette	326	367	432	573	659
Teton	391	498	661	889	970
Washakie	293	337	432	573	659

P A C I F I C I S L A N D S

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Pacific Islands	683	821	972	1218	1371

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

P U E R T O R I C O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Aguadilla, PR MSA	211	257	306	380	428	Aguada Municipio, Aguadilla Municipio, Moca Municipio
Arecibo, PR PMSA	228	277	325	408	459	Arecibo Municipio, Camuy Municipio, Hatillo Municipio
Caguas, PR PMSA	267	321	379	477	530	Caguas Municipio, Cayey Municipio, Cidra Municipio Gurabo Municipio, San Lorenzo Municipio
Mayaguez, PR MSA	251	306	363	451	508	Anasco Municipio, Cabo Rojo Municipio Hormigueros Municipio, Mayaguez Municipio Sabana Grande Municipio, San German Municipio
Ponce, PR MSA	248	305	359	449	504	Guayanilla Municipio, Juana Diaz Municipio Penuelas Municipio, Ponce Municipio, Villalba Municipio Yauco Municipio
San Juan-Bayamon, PR PMSA	335	409	483	604	678	Aguas Buenas Municipio, Barceloneta Municipio Bayamon Municipio, Canovanas Municipio Carolina Municipio, Catano Municipio, Ceiba Municipio Comerio Municipio, Corozal Municipio, Dorado Municipio Fajardo Municipio, Florida Municipio, Guaynabo Municipio Humacao Municipio, Juncos Municipio Las Piedras Municipio, Loiza Municipio Luquillo Municipio, Manati Municipio, Morovis Municipio

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 092299

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

P U E R T O R I C O continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
						Naguabo Municipio, Naranjito Municipio Rio Grande Municipio, San Juan Municipio Toa Alta Municipio, Toa Baja Municipio Trujillo Alto Municipio, Vega Alta Municipio Vega Baja Municipio, Yabucoa Municipio

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adjuntas Municipio.....	200	247	289	365	404
Arroyo Municipio.....	200	247	289	365	404
Ciales Municipio.....	200	247	289	365	404
Culebra Municipio.....	200	247	289	365	404
Guayama Municipio.....	200	247	289	365	404
Jayuya Municipio.....	200	247	289	365	404
Lares Municipio.....	200	247	289	365	404
Maricao Municipio.....	200	247	289	365	404
Orocovis Municipio.....	200	247	289	365	404
Quebradillas Municipio..	200	247	289	365	404
Salinas Municipio.....	200	247	289	365	404
Santa Isabel Municipio..	200	247	289	365	404
Vieques Municipio.....	200	247	289	365	404

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aibonito Municipio.....	200	247	289	365	404
Barranquitas Municipio..	200	247	289	365	404
Coamo Municipio.....	200	247	289	365	404
Guanica Municipio.....	200	247	289	365	404
Isabela Municipio.....	200	247	289	365	404
Lajas Municipio.....	200	247	289	365	404
Las Marias Municipio....	200	247	289	365	404
Maunabo Municipio.....	200	247	289	365	404
Patillas Municipio.....	200	247	289	365	404
Rincon Municipio.....	200	247	289	365	404
San Sebastian Municipio.	200	247	289	365	404
Utuado Municipio.....	200	247	289	365	404

V I R G I N I S L A N D S

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
St. Croix.....	477	579	683	853	956

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
St. Johns/St. Thomas....	613	743	875	1094	1225

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092299

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Schedule D: FY 2000 40th Percentile Fair Market Rents For Manufactured Home Spaces In The Section 8 Choice Housing Program

Area Name	Space Rent
California	
Los Angeles, CA	$383
Orange County, CA	$468
Riverside-San Bernardino, CA	$304
San Diego, CA	$423
San Jose, CA	$489
Vallejo-Fairfield-Napa, CA	$321
Mendocino County, CA	$246
Colorado	
Boulder-Longmont, CO	$344
Denver, CO	$327
Delaware	
Dover, DE	$176
Sussex County, DE	$121
Maryland	
Hagerstown, MD	$220
St. Mary's County, MD	$265
Minnesota	
Minneapolis-St. Paul, MN-WI	$275
Nevada	
Reno, NV	$289
New York	
Dutchess County, NY	$371
Jamestown, NY	$176
Newburgh, NY-PA	$349
Rochester, NY	$245
Utica-Rome, NY	$220
Tompkins County, NY	$205
Oregon	
Salem, OR	$236
Portland-Vancouver, OR-WA	$284
Benton County, OR	$209
Deschutes County, OR	$259
Linn County, OR	$189
Utah	
Provo-Orem, UT	$223
Vermont	
Washington County, VT	$211
West Virginia	
Berkeley County, WV	$143
Jefferson County, WV	$146
Morgan County, WV	$140

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federal register

Friday
October 1, 1999

Part III

Department of the Interior

Bureau of Land Management

43 CFR Part 3500, et al.
Leasing of Solid Minerals Other Than Coal and Oil Shale; Final Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3500, 3510, 3520, 3530, 3540, 3550, 3560, and 3570

[WO–320–1330–01–24 A]

RIN 1004–AC49

Leasing of Solid Minerals Other Than Coal and Oil Shale

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management (BLM) is amending its regulations governing leasing of solid minerals other than coal and oil shale. The purpose of this rule is to comply with President Clinton's government-wide regulatory reform initiative to eliminate unnecessary regulations, and streamline and rewrite necessary regulations in plain English. Under the previous rule, each solid mineral commodity had its own separate regulations, much of which was repeated in each set of regulations. This rule now combines these solid minerals regulations into one set of regulations, streamlined, updated and re-written in plain English. The rule also clarifies the responsibilities of interested parties.

EFFECTIVE DATE: November 1, 1999.

ADDRESSES: You may send inquiries or suggestions to: Director (630), Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Philip Allard, (202) 452–5195, or Chris Fontecchio, (202) 452–5012.

SUPPLEMENTARY INFORMATION:

I. Background
II. Final Rule as Adopted
III. Responses to Comments
IV. Procedural Matters

I. Background

On March 4, 1995, President Clinton issued a memorandum to all Federal Departments and Agencies directing them to simplify their regulations. In response, BLM analyzed 43 CFR part 3500 through 43 CFR part 3570 to determine whether the regulations were current and written in clear and understandable terms. As a result, BLM decided that we could reorganize the regulations to achieve significant reductions in length while greatly improving the clarity of the document.

BLM bases its regulatory program relating to solid minerals on several different statutes which give us the authority to regulate mineral leasing on Federal lands. The Mineral Leasing Act of 1920 (the Act), as amended and supplemented (30 U.S.C. 181 *et seq.*), provides for leasing of phosphate, potassium, gilsonite, and sodium mineral deposits on public domain lands. The Act also allows sulphur to be leased from public lands in Louisiana and New Mexico. The Act authorizes the Secretary of the Interior (Secretary) to grant to any qualified applicant a permit or lease for certain deposits of minerals on lands owned by the United States. Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix) transferred the responsibilities of the Department of Agriculture for hardrock mineral leasing to the Secretary in certain areas. The Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359), provides for the leasing of minerals from certain acquired lands, and authorizes the Secretary to establish rules and regulations necessary to grant any qualified applicant a permit or lease to promote mining of phosphate, sodium, potassium, sulphur and gilsonite deposits on Federal acquired lands. The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) (NEPA) directs Federal agencies to consider the environmental impacts of their actions during the decision-making process. Finally, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) (FLPMA) authorizes the Secretary of the Interior to develop guidelines for the administration and protection of the Federal lands and their resources under BLM jurisdiction.

Other authorities which address programs related to specific commodities and lands include the following:

(a) Certain lands added to the Shasta National Forest (30 U.S.C. 192c);

(b) Public domain lands in National Forests in Minnesota (16 U.S.C. 508(b));

(c) Gold, silver, or quicksilver in confirmed private land grants (30 U.S.C. 291–293);

(d) Reserved minerals in lands patented to the State of California for parks or other purposes (47 Stat. 1487, as amended);

(e) National Park Service areas—

(i) Lake Mead National Recreation Area (16 U.S.C. 460n *et seq.*);

(ii) Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area (16 U.S.C. 460q *et seq.*);

(iii) Glen Canyon National Recreation Area (16 U.S.C. 460dd *et seq.*);

(f) Shasta-Trinity Units of the Whiskeytown-Shasta Trinity National Recreation Area (16 U.S.C. 460q *et seq.*); and

(g) White Mountains National Recreation Area (16 U.S.C. 460mm–2 through 460mm–4).

When BLM last revised these regulations in 1986, they were written into separate parts covering specific mineral commodities. Under that organization, processes such as issuing exploration licenses and mineral leases were addressed in a similar or identical manner under each commodity section. This was designed to allow parties interested in each commodity to look in only one part of the regulations to find the provisions relating to their commodity. However, not all of the leasing or permitting regulations were included with the commodity, and the regulations were so extensive that the complete body of solid mineral regulations occupied about 100 pages of the Code of Federal Regulations (CFR).

As part of BLM's response to the Administration's regulatory initiatives, we reviewed this extensive body of material and decided to consolidate and to eliminate the repetitive language. BLM understands that our readers want to be able to find particular subject matter easily in our regulations. We believe that the plain English approach, particularly the expanded table of contents, and the overall reduction in volume of BLM regulations, will make it easy for readers to find material that is of concern to them.

In addition to rewriting the regulations for clarity, BLM is making the following substantive changes to the existing regulations:

1. We are eliminating the requirement to re-describe the lands in an application if you have already properly described them and BLM has issued you a previous authorization. Thus, for example, you will not have to submit a land description when you apply for a preference right lease or for an assignment if it relates to all the same lands described in the prospecting permit or original lease. We will still require land descriptions for assignments of parts of the land described in the original prospecting permit or lease, and applicants will still need to identify the permit or lease by serial number.

2. We have increased the State acreage limitation for potassium leases. Current 43 CFR 3530.3 specifies that there is a per-State acreage limitation of 51,200 acres for holders of potassium leases or permits. BLM is increasing this limitation to 96,000 acres. As the potash industry has matured, several mining operations are consolidating. BLM believes that increasing the State acreage limitation will enhance development of Federal reserves and help achieve the statutory goal of ultimate maximum recovery.

3. We will now require you to submit three maps, instead of one, with your preference right lease application. This is consistent with other provisions in these regulations and with BLM's need for maps during our review of these applications. While it is easy for BLM to make copies of most application material, it is often difficult to duplicate maps. Obtaining additional maps from you will speed up our review.

4. We state that we will not approve assignments of leases or issue or renew leases under these regulations to coal lessees and assignees who are not in compliance with the diligence requirements for coal leases found in section 2(a)2(A) of the Act (30 U.S.C. 201). This provision incorporates current BLM practice into regulations, thus it will not have any significant impact on the industry.

5. These regulations add a provision at 43 CFR 3502.42 specifying that we will allow unqualified heirs to own a lease or permit for two years. During this time they can either become qualified or divest the interest.

6. This final rule eliminates provisions authorizing future interest prospecting permits. BLM has rarely been called upon to issue such permits, since the current mineral interest holder can explore for minerals without a BLM permit until the mineral interest vests to the United States. If the mineral holder does demonstrate the existence of a valuable deposit of minerals before title transfers, we can issue future interest leases to the present interest holder for these minerals. We also added a provision to allow competitive bidding for future interest leases if there is more than one qualified present interest holder.

7. This rule clarifies that leases exchanged must be of equal, rather than comparable, value. This change implements the provisions of the Federal Land Exchange Facilitation Act of 1988 (Pub. L. 100–409), which amended section 206 of FLPMA (43 U.S.C. 1716). The same Act also provided the government and any applicant greater flexibility than did previous requirements for making exchanges equal. We are incorporating this provision into the regulations at 43 CFR 3515.22. Section 3515.12 states that the exchange-specific provisions of 43 CFR part 2200 apply.

8. This rule clarifies the definition of the term "valuable deposit." The current definition at 43 CFR 3500.0–5 is circular because it uses the phrase "valuable mine" in describing the term "valuable deposit." The new rule changes "valuable mine" to "profitable mine." Accordingly, § 3507.18, which describes the information you must provide to us to prove that you have found a valuable deposit, says that we may request supplemental data to determine, among other things, mining and processing costs and the profitability of mineral development.

9. BLM is modifying the requirements for applicants to disclose the identity and citizenship of major stockholders to add the disclosure of the percentage of their stock holdings. This change would help us enforce acreage limitations against those stockholders. The rule also eliminates a requirement found in the current rules to submit such information on the basis of foreign residency. This information is not needed to enforce any statutory limitations.

10. This rule clarifies that we can issue noncompetitive fringe acre leases to extract sodium chloride from persons producing calcium chloride from an existing mine, under an authorization issued under 43 CFR part 3800 for locatable minerals. This addresses an issue restricted to a limited geographic area in California, where these two minerals are commingled.

II. Final Rule as Adopted

The most significant change in these regulations is that they are reorganized from several mineral-specific sections into sections based on the type of authorization. Since the proposed rule we have made slight changes to the organization, moving sections to put them in more logical sequences and groupings. Although the table of contents in the proposed rule divided section headers, in the form of questions, by subparts, we added subheadings in the final rule to help you find what you need more easily. We made this change because some of the subparts contain many sections, and the long list of questions made it difficult for readers to find what they need. Using the subheadings, you can narrow down your search for the regulatory section you need more quickly.

The following cross-reference chart lists every section of the final rule and its origin in the existing rule. It also shows the existing part 3500 and shows where it has been moved to in this final rule.

New 3500	Old 3500
3501.1	New
3501.5	3500.0–5
3501.10	New
3501.16	3500.6
3501.17	3500.7
3501.20	3511.1
	3512.9–2
	3512.9–3
	3521.1
	3522.8–2
	3531.1
	3532.8–2
	3532.9–3
	3541.1
	3542.8–2
	3551.1
	3552.8–2
	3552.9–3
	3561.1
	3562.8–2
	3562.9–3
	3571.1
3501.30	3500.4
3502.10	3502.1
3502.13	3502.1(b)
3502.15	3500.3
	3502.1(c)
3502.20	3502.1(d)
3502.25	3502.2–1
3502.26	3502.2–1
3502.27	3502.2–2
3502.28	3502.2–3
3502.29	3502.2–3
3502.30	3502.2–4
3502.33	3502.2–6
3502.34	3502.3
3502.40	3502.2–5(a)
3502.41	3502.2–5(b)
3502.42	New
3503.10	New
3503.11	3500.8
3503.12	3542.1
3503.13	3560.3–1
	3560.3–2
	3560.3–3
	3560.3–4
	3562.1
3503.14	3570.2
3503.15	New, also in 3581
3503.16	New, also in 3586
3503.20	3500.9–1
	3507.4
	3516.4
	3523.2–2
	3525.2
	3526.4
	3533.2–2
	3535.2
	3536.4
	3543.2–2
	3545.2
	3546.4
	3553.2–2
	3555.2
	3556.4
	3564.2
	3564.4
	3574.2
	3575.4
3503.21	3500.9–2
3503.25	3500.9–3
3503.28	3511.7
	3521.6
	3541.6
	3512.8–4
	3521.5
	3522.8–4
	3531.6
	3532.8–4
	3541.5
	3542.8–4

New 3500	Old 3500
	3551.6
	3552.8–4
	3561.5
	3562.8–4
	3571.5
3503.30	3501.1–1
	3501.1–2
3503.31	3501.1–1(c)
	3501.1–3
3503.32	3501.1–2(b)
3503.33	3501.1–1(a)
	3501.1–2(a)
3503.36	3501.1–1(d)
3503.37	3510.3
	3520.3
	3530.3
	3540.3
	3550.3
	3560.4
	3570.4
3503.38	3501.2
3503.40	3500.5(a)
3503.41	3500.5(b)
3504.11	3503.1–1
3504.12	3503.1–2
3504.12(a)(1)	3506.2
	3507.5
	3512.3–1(c)
	3516.3(b)
	3517.1–1
	3522.3–1(c)
	3525.3–1(c)
	3526.3(b)
	3527.1–1
	3528.1
	3532.3–1(c)
	3536.3(b)
	3542.3–1(c)
	3546.3(b)
	3547.1
	3552.3–1(c)
	3556.3(b)
	3562.3–1(c)
	3565.3(b)
	3575.3(b)
	3576.1
3504.15	3511.2–1(a)
	3511.2–1(c)
	3512.8–3
	3521.2–1(a)
	3522.8–3
	3531.2–1(a)
	3532.8–3
	3541.2–1(a)
	3542.8–3
	3551.2–1(a)
	3552.8–3
	3561.2–1(a)
	3562.8–3
	3571.2–1(a)
3504.16	3511.2–1(a)
	3521.2–1(a)
	3531.2–1(a)
	3541.2–1(a)
	3551.2–1(a)
	3561.2–1(a)
	3571.2–1(a)
3504.17	3511.2–1(b)
	3521.2–1(b)
	3531.2–1(b)
	3541.2–1(b)
	3551.2–1(b)
	3561.2–1(b)
	3571.2–1(b)

New 3500	Old 3500
3504.20	3511.2–2
	3521.2–2
	3531.2–2
	3541.2–2
	3551.2–2
	3561.2–2
	3571.2–2
3504.21	3503.2–1
	3511.2–2
	3521.2–2
	3531.2–2
	3541.2–2
	3551.2–2
	3561.2–2
	3571.2–2
3504.22	3503.2–1
3504.25	3503.2–2
3504.26	3503.2–3
3504.50	3504.1–1
	3504.1–4
	3511.6
	3512.7
	3521.4
	3522.7
	3528.2
	3531.5
	3532.7
	3541.4
	3542.7
	3547.2
	3551.5
	3552.7
	3561.4
	3566.2
	3562.7
	3571.4
	3576.2
3504.51	3504.1–2
3504.55	3504.1–3
3504.56	3504.1–5
3504.60	3504.1–6
3504.65	3504.2(a)
3504.66	3504.2(b)
3504.70	3504.3
3504.71	3504.3
3505.10	3507.1
	3512.2
	3522.2
	3532.2
	3542.2
	3552.2
	3560.5
	3562.2
3505.12	3560.7
3505.12	3512.3–1
	3522.3–1
	3532.3–1
	3542.3–1
	3552.3–1
	3562.3–1
3505.13	3512.3–2
	3522.3–2
	3532.3–2
	3542.3–2
	3552.3–2
	3562.3–2
3505.15	3512.3–2(c)
	3522.3–2(c)
	3532.3–2(c)
	3542.3–2(c)
	3552.3–2(c)
	3562.3–2(c)
3505.20	3512.3–1(c)
	3522.3–1(c)

New 3500	Old 3500
	3532.3–1(c)
	3542.3–1(c)
	3552.3–1(c)
	3562.3–1(c)
3505.25	3512.4
	3512.5
	3522.4
	3522.5
	3532.4
	3542.5
	3542.4
	3552.4
	3552.5
	3562.4
	3562.5
3505.30	3512.5
	3522.5
	3532.5
	3542.5
	3552.5
	3562.5
3505.31	3512.6
	3522.6
	3532.6
	3542.6
	3552.6
	3562.6
3505.40	3512.3–3
	3512.7
	3522.3–3
	3522.7
	3532.3–3
	3532.7
	3542.3–3
	3542.7
	3552.3–3
	3552.7
	3562.3–3
	3562.7
3505.45	3512.3–3
	3522.3–3
	3532.3–3
	3542.3–3
	3552.3–3
	3562.3–3
3505.50	3512.3–4
	3512.8–1
	3522.3–4
	3522.8–1
	3532.3–4
	3532.8–4
	3542.3–4
	3542.8–1
	3552.3–4
	3552.8–1
	3562.3–4
	3562.8–1
3505.51	3512.3–4
	3522.3–4
	3532.3–4
	3542.3–4
	3552.3–4
	3562.3–4
3505.55	3512.8
	3512.8–3
	3522.8
	3522.8–3
	3532.8
	3532.8–3
	3542.8
	3542.8–3
	3552.8
	3552.8–3
	3562.8

New
3505.60
3505.61
3505.62
3505.64
3505.65
3505.66
3505.70
3505.75
3505.80
3505.85
3506.10
3506.11
3506.12
3506.13
3506.14
3506.15

New 3500	Old 3500
	3562.8–3
3505.60	3512.8–1
	3522.8–1
	3532.8–1
	3542.8–1
	3552.8–1
	3562.8–1
3505.61	3512.9–1
	3532.9–1
	3552.9–1
	3562.9–1
3505.62	3512.9–1
	3532.9–1
	3552.9–1
	3562.9–1
3505.64	3512.9–2(a)
	3532.9–2(a)
	3552.9–2(a)
	3562.9–2(a)
3505.65	3512.9–2(b)
	3532.9–2(b)
	3552.9–2(b)
	3562.9–2(b)
3505.66	3512.9–3
	3532.9–3
	3552.9–3
	3562.9–3
3505.70	3509.1–1
3505.75	3509.2
3505.80	3509.3–1
3505.85	3509.4–1
3506.10	3514.1
	3524.1
	3534.1
	3544.1
	3554.1
3506.11	3514.2
	3514.3
	3524.2
	3524.3
	3534.2
	3534.3
	3544.2
	3544.3
	3554.2
	3554.3
3506.12	3514.4
	3514.4–2
	3524.4
	3524.4–2
	3534.4
	3534.4–2
	3544.4
	3544.4–2
	3554.4
	3554.4–2
	3512.1
	3522.1
	3532.1
	3552.1
3506.13	3514.4–1
	3524.4–1
	3534.4–1
	3544.4–1
	3554.4–1
3506.14	3514.4–3
	3524.4–3
	3534.4–3
	3544.4–3
	3554.4–3
3506.15	3514.4–4
	3524.4–4
	3534.4–4
	3544.4–4

New 3500	Old 3500
	3554.4–4
3506.20	3514.6
	3524.6
	3534.6
	3544.6
	3554.6
3506.25	3514.5
	3524.5
	3534.5
	3544.5
	3554.5
3507.11	3513.3
	3523.3
	3533.3
	3543.3
	3553.3
	3563.3
3507.15	3513.1–1
	3523.1–1
	3533.1–1
	3543.1–1
	3553.1–1
	3563.1–1
3507.16	3513.1–1(c)
	3523.1–1(c)
	3533.1–1(c)
	3543.1–1(c)
	3553.1–1(c)
	3563.1–1(b)
3507.17	3513.1–2
	3523.1–2
	3533.1–2
	3543.1–2
	3553.1–2
	3563.1–2
3507.18	3513.2–1
	3523.2–1
	3533.2–1
	3543.2–1
	3553.2–1
	3563.2–1
3507.19	3513.4
	3523.4
	3533.4
	3543.4
	3553.4
	3563.4
3507.20	3513.4(b)
	3513.4(c)
	3523.4(b)
	3523.4(c)
	3533.4(b)
	3533.4(c)
	3543.4(b)
	3543.4(c)
	3553.4(b)
	3553.4(c)
	3563.4(b)
	3563.4(c)
3508.11	3515.1
	3525.1
	3535.1
	3545.1
	3555.1
	3564.1
	3574.1
3508.12(a)	3515.1
	3525.1
	3535.1
	3545.1
	3555.1
	3564.1
	3574.1
3508.12(b)	3515.3–1

New 3500	Old 3500
	3525.3–1
	3535.3–1
	3545.3–1
	3555.3–1
	3564.3–1
	3574.3–1
3508.12(c)	3515.5
	3525.5
	3535.5
	3545.5
	3555.5
	3564.5
	3574.5
3508.14	3515.3–1
	3525.3–1
	3535.3–1
	3545.3–1
	3555.3–1
	3564.3–1
	3574.3–1
3508.15	3515.3–2
	3525.3–2
	3535.3–2
	3545.3–2
	3555.3–2
	3564.3–2
	3574.3–2
3508.16	3515.3–3
	3525.3–3
	3535.3–3
	3545.3–3
	3555.3–3
	3564.3–3
	3574.3–3
3508.20	3515.4
	3525.4
	3535.4
	3545.4
	3555.4
	3564.4
	3574.4
3508.21	3515.5
	3525.5
	3535.5
	3545.5
	3555.5
	3564.5
	3574.5
3508.22	3515.6
	3525.6
	3535.6
	3545.6
	3555.6
	3564.6
	3574.6
3509.10	3507.1–2
3509.11	3507.1–2
3509.12	3507.7–2
3509.12	3507.6
3509.15	3507.1–2(b)
3509.16	3507.2
	3507.5
	3507.9
3509.17	3507.2
	3507.7–2
3509.18	New
3509.20	3507.8
3509.25	3507.9
3509.30	New
3509.40	3507.1–1
3509.41	3507.1–1
	3507.1–2(a)
3509.45	3507.6
	3507.7–1

New 3500	Old 3500
3509.46	3507.2
	3507.5
3509.47	3507.6
	3507.7–1
	3507.7–2
3509.48	New
3509.49	3507.3
3509.50	3507.9(b)
3509.51	New
3510.11	3516.1
	3516.2(a)
	3526.1
	3526.2(a)
	3536.1
	3536.2(a)
	3546.1
	3546.2(a)
	3556.1
	3556.2(a)
	3565.1
	3565.2(a)
	3575.1
	3575.2(a)
3510.12	3516.3
	3526.3
	3536.3
	3546.3
	3556.3
	3565.3
	3575.3
3510.15	3516.2
	3516.2(b)
	3526.2
	3526.2(b)
	3536.2
	3536.2(b)
	3546.2
	3546.2(b)
	3556.2
	3556.2(b)
	3565.2
	3565.2(b)
	3575.2
	3575.2(b)
3510.20	3516.3(a)
	3516.5
	3526.3(a)
	3526.5
	3536.3(a)
	3536.5
	3546.3(a)
	3546.5
	3556.3(a)
	3556.5
	3565.3(a)
	3565.5
	3575.3(a)
	3575.5
3510.21	3516.6
	3526.6
	3536.6
	3546.6
	3556.6
	3565.6
	3575.6
3511.10	3511.5
	3521.1
	3531.1
3511.11	New
3511.15	3511.3
	3521.3
	3531.3
	3541.3
	3551.3
	3561.3
	3571.3
3511.25	3511.4(a)
	3528
	3531.4(a)
	3547
	3551.4(a)
	3566
	3576
3511.25(b)	3528.3
	3547.3
	3566.1
	3566.3
	3576.3
3511.26	3511.4(b)
	3531.4(b)
	3551.4(b)
3511.27	3528.3
	3547.3
	3566.1
	3576.3
3511.28	New
3511.30	3511.4(c)
	3531.4(c)
	3551.4(c)
3512.11	3506.1
3512.12	3506.2
3512.13	3506.1–3
3512.16	3506.1–3
3512.17	3506.3–2
3512.18	3506.4
	3506.5–1
3512.19	3506.3–3
3512.25	3506.5–2
	3506.6
3512.30	3506.5–2
3512.33	3506.5–2
	3506.7
3513.11	3503.2–4(a)
3513.12	3503.2–4(a)
3513.15	3503.2–4(b)
3513.20	3503.3–1
3513.21	3503.3–1(c)
	3503.3–1(d)
	3503.3–1(e)
3513.22	3503.3–1(b)
3513.25	3503.3–1(d)
3513.26	3503.3–1(d)
3513.30	3503.3–2(a)
3513.31	3503.3–2(c)
	3503.3–2(d)
	3503.3–2(e)
3513.32	3503.3–2(b)
3513.33	3503.3–2(d)
3513.34	3503.3–2(d)
3514.11	3509.1–2
3514.12	3509.1–2
3514.15	3509.1–2
3514.20	3509.1–2
3514.21	3509.1–2
3514.25	3509.3–2
3514.30	3509.4–2
3514.31	3509.4–2
3514.32	3509.4–2
3514.50	3509.4–3
3515	3508.1
3515.10	3508.0–1
3515.12	3508.0–7
3515.15	3508.0–1
3515.18	3508.1(a)
	3508.2(a)
3515.20	3508.0–1
3515.21	3508.0–1
3515.22	New
	3515.23
	3515.25
	3515.26
	3515.27
	3516.10
	3516.11
	3516.12
	3516.15
	3516.16
	3516.20
	3516.30
	3517.10
	3517.11
	3517.15
	3517.16
	Unnumbered
	Deleted
	Deleted
	Deleted

Old 3500	New 3500
3502.2–1	3502.25
	3502.26
3502.2–2	3502.27
3502.2–3	3502.28
	3502.29
3502.2–4	3502.30
3502.2–5(a)	3502.40
3502.2–5(b)	3502.41
3502.2–6	3502.33
3502.3	3502.34
3503.1–1	3504.11
3503.1–2	3504.12
3503.2–1	3504.21
	3504.22
3503.2–2	3504.25
3503.2–3	3504.26
3503.2–4(a)	3513.11
	3513.12
3503.2–4(b)	3513.15
3503.3–1	3513.20
3503.3–1(b)	3513.22
3503.3–1(c)	3513.21
3503.3–1(d)	3513.21
	3513.25
	3513.26
3503.3–1(e)	3513.21
3503.3–2(a)	3513.30
3503.3–2(b)	3513.32
3503.3–2(c)	3513.31
3503.3–2(d)	3513.31
	3513.33
	3513.34
3503.3–2(e)	3513.31
3504.1–1	3504.50
3504.1–2	3504.51
3504.1–3	3504.55
3504.1–4	3504.50
3504.1–5	3504.56
3504.1–6	3504.60
3504.2(a)	3504.65
3504.2(b)	3504.66
3504.3	3504.70
	3504.71
3506.1	3512.11
3506.2	3504.12(a)(1)
	3512.12
3506.3–1	3512.13
	3512.16
3506.3–2	3512.17
3506.3–3	3512.19
3506.4	3512.18
3506.5–1	3512.18
3506.5–2	3512.25
	3512.30
	3512.33
3506.6	3512.25
3506.7	3512.33
3507.1	3505.10
3507.1–1	3509.40
	3509.41
3507.1–2	3509.10
	3509.11
3507.1–2(a)	3509.41
3507.1–2(b)	3509.15
3507.2	3509.16
	3509.17
	3509.46
3507.3	3509.49
3507.4	3503.20
3507.5	3504.12(a)(1)
	3509.16
	3509.46
3507.6	3509.12
	3509.45
	3509.47
3507.7–1	3509.45
	3509.47
3507.7–2	3509.17
	3509.47
3507.8	3509.20
3507.9	3509.16
	3509.25
3507.9(b)	3509.50
3508.0–1	3515.10
	3515.15
	3515.20
	3515.21
3508.0–7	3515.12
3508.1	3515
3508.1(a)	3515.18
3508.2(a)	3515.18
3508.2(e)	3515.23
3508.2(f)	3515.25
3508.3(a)	3515.26
3508.3(b)	3515.27
3509.1–1	3505.70
3509.1–2	3514.11
	3514.12
	3514.15
	3514.20
	3514.21
3509.2	3505.75
3509.3–1	3505.80
3509.3–2	3514.25
3509.4–1	3505.85
	3514.31
	3514.32
3509.4–2	3514.30
	3514.31
	3514.32
3509.4–3	3514.50
3510.0–3	Deleted
3510.1	Deleted
3510.2–1	Deleted
3510.2–2	Deleted
3510.3	3503.37
3511.1	3501.20
3511.2–1(a)	3504.15
	3504.16
3511.2–1(b)	3504.17
3511.2–1(c)	3504.15
3511.2–2	3504.20
	3504.21
3511.3	3511.15
3511.4(a)	3511.25
3511.4(b)	3511.26
3511.4(c)	3511.30
3511.5	3511.10
3511.6	3504.50
3511.7	3503.28
3511.8	Deleted
3512.1	3508.11
3512.2	3505.10
3512.3–1	3505.12
3512.3–1(c)	3504.12(a)(1)
	3505.20
3512.3–2	3505.13
3512.3–2(c)	3505.15
3512.3–3	3505.40
	3505.45
3512.3–4	3505.50
	3505.51
3512.4	3505.25
3512.5	3505.25
	3505.30
3512.6	3505.31
3512.7	3504.50
	3505.40
3512.8	3505.55
3512.8–1	3505.50
	3505.60
3512.8–2	Deleted
3512.8–3	3504.15
	3505.55
3512.8–4	3503.28
3512.9–1	3505.61
	3505.62
3512.9–2	3501.20
3512.9–2(a)	3505.64
3512.9–2(b)	3505.65
3512.9–3	3501.20
	3505.66
3513.1–1	3507.15
3513.1–1(c)	3507.16
3513.1–2	3507.17
3513.2–1	3507.18
3513.2–2	Deleted
3513.3	3507.11
3513.4	3507.19
3513.4(b)	3507.20
3513.4(c)	3507.20
3514.0–3	Deleted
3514.1	3506.10
3514.2	3506.11
3514.3	3506.11
3514.4	3506.12
3514.4–1	3506.13
3514.4–2	3506.12
3514.4–3	3506.14
3514.4–4	3506.15
3514.5	3506.25
3514.6	3506.20
3515.1	3508.11
	3508.12(a)
3515.3–1	3508.12(b)
	3508.14
3515.3–2	3508.15
3515.3–3	3508.16
3515.4	3508.20
3515.5	3508.12(c)
	3508.21
3515.6	3508.22
3516.1	3510.11
3516.2	3510.15
3516.2(a)	3510.11
3516.2(b)	3510.15
3516.3	3510.12
3516.3(a)	3510.20
3516.3(b)	3504.12(a)(1)
3516.4	3503.20
3516.5	3510.20
3516.6	3510.21
3517.1	3516.10
	3516.12
3517.1–1	3504.12(a)(1)
	3516.15
3517.2	Deleted
3517.1–2(a)	3516.20
3517.1–2(b)	3516.30
3517.1–3	3516.16
3520.0–3	Deleted
3520.1	Deleted
3520.2–1	Deleted
3520.2–2	Deleted
3520.3	3503.37
3521.1	3501.20
	3511.10
3521.2–1(a)	3504.15
3521.2–1(a)	3504.16
3521.2–1(b)	3504.17
3521.2–2	3504.20
	3504.21

Old 3500	New 3500
3521.3	3511.15
3521.4	3504.50
3521.5	3503.28
3521.6	3503.28
3522.1	3508.11
3522.2	3505.10
3522.3–1	3505.12
3522.3–1(c)	3504.12(a)(1)
	3505.20
3522.3–2	3505.13
3522.3–2(c)	3505.15
3522.3–3	3505.40
	3505.45
3522.3–4	3505.50
	3505.51
3522.4	3505.25
3522.5	3505.25
	3505.30
3522.6	3505.31
3522.7	3504.50
	3505.40
3522.8	3505.55
3522.8–1	3505.50
	3505.60
3522.8–2	3501.20
3522.8–3	3504.15
	3505.55
3522.8–4	3503.28
3523.1–1	3507.15
3523.1–1(c)	3507.16
3523.1–2	3507.17
3523.2–2	3503.20
3523.2–1	3507.18
3523.3	3507.11
3523.4	3507.19
3523.4(b)	3507.20
3523.4(c)	3507.20
3524.0–3	Deleted
3524.1	3506.10
3524.2	3506.11
3524.3	3506.11
3524.4	3506.12
3524.4–1	3506.13
3524.4–2	3506.12
3524.4–3	3506.14
3524.4–4	3506.15
3524.5	3506.25
3524.6	3506.20
3525.1	3508.11
	3508.12(a)
3525.2	3503.20
3525.3–1	3508.12(b)
	3508.14
3525.3–1(c)	3504.12(a)(1)
3525.3–2	3508.15
3525.3–3	3508.16
3525.4	3508.20
3525.5	3508.12(c)
	3508.21
3525.6	3508.22
3526.1	3510.11
3526.2	3510.15
3526.2(a)	3510.11
3526.2(b)	3510.15
3526.3	3510.12
3526.3(a)	3510.20
3526.3(b)	3504.12(a)(1)
3526.4	3503.20
3526.5	3510.20
3526.6	3510.21
3527.1	3516.10
	3516.12
3527.1–1	3504.12(a)(1)
	3516.15
3527.1–2(a)	3516.20
3527.1–2(b)	3516.30
3527.1–3	3516.16
3527.2	Deleted
3528	3511.25
	3511.27
3528.1	3504.12(a)(1)
3528.2	3504.50
3528.3	3511.25(b)
3528.4	3511.12
3530.0–3	Deleted
3530.1	Deleted
3530.2–1	Deleted
3530.2–2	Deleted
3530.3	3503.37
3531.1	3501.20
	3511.10
3531.2–1(a)	3504.15
	3504.16
3531.2–1(b)	3504.17
3531.2–2	3504.20
	3504.21
3531.3	3511.15
3531.4(a)	3511.25
3531.4(b)	3511.26
3531.4(c)	3511.30
3531.5	3504.50
3531.6	3503.28
3532.1	3508.11
3532.2	3505.10
3532.3–1	3505.12
3532.3–1(c)	3504.12(a)(1)
	3505.20
3532.3–2	3505.13
3532.3–2(c)	3505.15
3532.3–3	3505.40
	3505.45
3532.3–4	3505.50
	3505.51
3532.4	3505.25
3532.5	3505.30
3532.6	3505.31
3532.7	3504.50
	3505.40
3532.8	3505.55
3532.8–1	3505.60
3532.8–2	3501.20
3532.8–3	3504.15
	3505.55
3532.8–4	3503.28
	3505.50
3532.9–1	3505.61
	3505.62
3532.9–2(a)	3505.64
3532.9–2(b)	3505.65
3532.9–3	3501.20
	3505.66
3533.1–1	3507.15
3533.1–1(c)	3507.16
3533.1–2	3507.17
3533.2–1	3507.18
3533.2–2	3503.20
3533.3	3507.11
3533.4	3507.19
3533.4(b)	3507.20
3533.4(c)	3507.20
3534.0–3	Deleted
3534.1	3506.10
3534.2	3506.11
3534.3	3506.11
3534.4	3506.12
3534.4–1	3506.13
3534.4–2	3506.12
3534.4–3	3506.14
3534.4–4	3506.15
3534.5	3506.25
3534.6	3506.20
3535.1	3508.11
	3508.12(a)
3535.2	3503.20
3535.3–1	3508.12(b)
	3508.14
3535.3–2	3508.15
3535.3–3	3508.16
3535.4	3508.20
3535.5	3508.12(c)
	3508.21
3536.1	3510.11
3536.2	3510.15
3536.4	3503.20
3536.5	3510.20
3536.6	3508.22
3536.2(a)	3510.11
3536.2(b)	3510.15
3536.3	3510.12
3536.3(a)	3510.20
3536.3(b)	3504.12(a)(1)
3536.6	3510.21
3540.0–3	Deleted
3540.1	Deleted
3540.2–1	Deleted
3540.2–2	Deleted
3540.3	3503.37
3541.1	3501.20
3541.2–1(a)	3504.15
	3504.16
3541.2–1(b)	3504.17
3541.2–2	3504.20
	3504.21
3541.3	3511.15
3541.4	3504.50
3541.5	3503.28
3541.6	3503.28
3542.1	3503.12
3542.2	3505.10
3542.3–1	3505.12
3542.3–1(c)	3504.12(a)(1)
	3505.20
3542.3–2	3505.13
3542.3–2(c)	3505.15
3542.3–3	3505.40
	3505.45
3542.3–4	3505.50
	3505.51
3542.4	3505.25
3542.5	3505.25
	3505.30
3542.6	3505.31
3542.7	3504.50
	3505.40
3542.8	3505.55
3542.8–1	3505.50
	3505.60
3542.8–2	3501.20
3542.8–3	3504.15
	3505.55
3542.8–4	3503.28
3543.1–1	3507.15
3543.1–1(c)	3507.16
3543.1–2	3507.17
3543.2–1	3507.18
3543.2–2	3503.20
3543.3	3507.11
3543.4	3507.19
3543.4(b)	3507.20
3543.4(c)	3507.20
3544.0–3	Deleted
3544.1	3506.10
3544.2	3506.15
3544.3	3506.25
3544.4	3506.20
3544.4–1	3508.11
3544.4–2	3508.12(a)
3544.4–3	3503.20
3544.4–4	3508.12(b)
3544.5	3508.14
3544.6	3508.15
3545.1	3508.16
	3508.20
3545.2	3508.12(c)
3545.3–1	3508.21
	3510.11
3545.3–2	3510.15
3545.3–3	3503.20
3545.4	3510.20
3545.5	3508.22
	3510.11
3545.6	3510.15
3546.1	3510.12
3546.2	3510.20
3546.2(a)	3504.12(a)(1)
3546.2(b)	3510.21
3546.3	Deleted
3546.3(a)	Deleted
3546.3(b)	Deleted
3546.4	Deleted
3546.5	3503.37
3546.6	3501.20
3547	3504.15
	3504.16
3547.1	3504.17
3547.2	3504.20
3547.3	3504.21
3547.4	3511.15
3550.0–3	3504.50
3550.1	3503.28
3550.2–1	3503.28
3550.2–2	3503.12
3550.3	3505.10
3551.1	3505.12
3551.2–1(a)	3504.12(a)(1)
	3505.20
3551.2–1(b)	3505.13
3551.2–2	3505.15
	3505.40
3551.3	3505.45
3551.4(a)	3505.50
3551.4(b)	3505.51
3551.4(c)	3505.25
3551.5	3505.25
3551.6	3505.30
3551.7	3505.31
3552.1	3504.50
3552.2	3505.40
3552.3–1	3505.55
3552.3–1(c)	3505.50
	3505.60
3552.3–2	3501.20
3552.3–2(c)	3504.15
3552.3–3	3505.55
	3503.28
3552.3–4	3507.15
	3507.16
3552.4	3507.17
3552.5	3507.18
	3503.20
3552.6	3507.11
3552.7	3507.19
	3507.20
3552.8	3507.20
3552.8–1	Deleted

Old 3500	New 3500
3544.2	3506.11
3544.3	3506.11
3544.4	3506.12
3544.4–1	3506.13
3544.4–2	3506.12
3544.4–3	3506.14
3544.4–4	3506.15
3544.5	3506.25
3544.6	3506.20
3545.1	3508.11
	3508.12(a)
3545.2	3503.20
3545.3–1	3508.12(b)
	3508.14
3545.3–2	3508.15
3545.3–3	3508.16
3545.4	3508.20
3545.5	3508.12(c)
	3508.21
3545.6	3508.22
3546.1	3510.11
3546.2	3510.15
3546.2(a)	3510.11
3546.2(b)	3510.15
3546.3	3510.12
3546.3(a)	3510.20
3546.3(b)	3504.12(a)(1)
3546.4	3503.20
3546.5	3510.20
3546.6	3510.21
3547	3511.25
	3511.27
3547.1	3504.12(a)(1)
3547.2	3504.50
3547.3	3511.25(b)
3547.4	3511.12
3550.0–3	Deleted
3550.1	Deleted
3550.2–1	Deleted
3550.2–2	Deleted
3550.3	3503.37
3551.1	3501.20
3551.2–1(a)	3504.15
	3504.16
3551.2–1(b)	3504.17
3551.2–2	3504.20
	3504.21
3551.3	3511.15
3551.4(a)	3511.25
3551.4(b)	3511.26
3551.4(c)	3511.30
3551.5	3504.50
3551.6	3503.28
3551.7	Deleted
3552.1	3508.11
3552.2	3505.10
3552.3–1	3505.12
3552.3–1(c)	3504.12(a)(1)
	3505.20
3552.3–2	3505.13
3552.3–2(c)	3505.15
3552.3–3	3505.40
	3505.45
3552.3–4	3505.50
	3505.51
3552.4	3505.25
3552.5	3505.25
	3505.30
3552.6	3505.31
3552.7	3504.50
	3505.40
3552.8	3505.55
3552.8–1	3505.50
	3505.60
3552.8–3	3504.15
	3505.55
3552.8–2	3501.20
3552.8–4	3503.28
3552.9–1	3505.61
	3505.62
3552.9–2(a)	3505.64
3552.9–2(b)	3505.65
3552.9–3	3501.20
	3505.66
3553.1–1	3507.15
3553.1–1(c)	3507.16
3553.1–2	3507.17
3553.2–2	3503.20
3553.2–1	3507.18
3553.3	3507.11
3553.4	3507.19
3553.4(b)	3507.20
3553.4(c)	3507.20
3554.0–3	Deleted
3554.1	3506.10
3554.2	3506.11
3554.3	3506.11
3554.4	3506.12
3554.4–1	3506.13
3554.4–3	3506.14
3554.4–2	3506.12
3554.4–4	3506.15
3554.5	3506.25
3554.6	3506.20
3555.1	3508.11
	3508.12(a)
3555.2	3503.20
3555.3–1	3508.12(b)
	3508.14
3555.3–2	3508.15
3555.3–3	3508.16
3555.4	3508.20
3555.5	3508.12(c)
	3508.21
3555.6	3508.22
3556.1	3510.11
3556.2	3510.15
3556.2(a)	3510.11
3556.2(b)	3510.15
3556.3	3510.12
3556.3(a)	3510.2
3556.3(b)	3504.12(a)(1)
3556.4	3503.20
3556.5	3510.20
3556.6	3510.21
3560.0–3	Deleted
3560.1	Deleted
3560.2–1	Deleted
3560.2–2	Deleted
3560.3–1	3503.13
3560.3–2	3503.13
3560.3–3	3503.13
3560.3–4	3503.13
3560.4	3503.37
3560.5	3505.10
3560.6	3501.16
3560.7	3505.12
3561.1	3501.20
3561.2–1(a)	3504.15
	3504.16
3561.2–1(b)	3504.17
3561.2–2	3504.20
	3504.21
3561.3	3511.15
3561.4	3504.50
3561.5	3503.28
3561.6	Deleted
3562.1	3503.13
3562.2	3505.10
3562.3–1	3505.12
3562.3–1(c)	3504.12(a)(1)
	3505.20
3562.3–2	3505.13
3562.3–2(c)	3505.15
3562.3–3	3505.40
	3505.45
3562.3–4	3505.50
	3505.51
3562.4	3505.25
3562.5	3505.25
	3505.30
3562.6	3505.31
3562.7	3504.50
	3505.40
3562.8	3505.55
3562.8–1	3505.50
	3505.60
3562.8–2	3501.20
3562.8–3	3504.15
	3505.55
3562.8–4	3503.28
3562.9–1	3505.61
	3505.62
3562.9–2(a)	3505.64
3562.9–2(b)	3505.65
3562.9–3	3501.20
	3505.66
3563.1–1	3507.15
3563.1–1(b)	3507.16
3563.1–2	3507.17
3563.2–1	3507.18
3563.3	3507.11
3563.4	3507.19
3563.4(b)	3507.20
3563.4(c)	3507.20
3564.1	3508.11
	3508.12(a)
3564.2	3503.20
3564.3–1	3508.12(b)
	3508.14
3564.3–2	3508.15
3564.3–3	3508.16
3564.4	3508.20
3564.5	3508.12(c)
	3508.21
3564.6	3508.22
3565.1	3510.11
3565.2	3510.15
3565.2(a)	3510.11
3565.2(b)	3510.15
3565.3	3510.12
3565.3(a)	3510.20
3565.3(b)	3504.12(a)(1)
3565.4	3503.20
3565.5	3510.20
3565.6	3510.21
3566	3511.25
	3511.27
3566.1	3511.25(b)
3566.2	3504.50
3566.3	3511.25(b)
3566.4	3511.12
3567.1	3517.10
3567.2	3517.11
3567.3	3517.15
3567.4	3517.16
3570.0–3	Deleted
3570.1	Deleted
3570.2	3503.14
3570.3	Deleted
3570.4	3503.37
3571.1	3501.20

Old 3500	New 3500
3571.2–1(a)	3504.15
	3504.16
3571.2–1(b)	3504.17
3571.2–2	3504.20
	3504.21
3571.3	3511.15
3571.4	3504.50
3571.5	3503.28
3571.6	Deleted
3574.1	3508.11
	3508.12(a)
3574.2	3503.20
3574.3–1	3508.12(b)
	3508.14
3574.3–2	3508.15
3574.3–3	3508.16
3574.4	3508.20
3574.5	3508.12(c)
	3508.21
3574.6	3508.22
3575.1	3510.11
3575.2	3510.15
3575.2(a)	3510.11
3575.2(b)	3510.15
3575.3	3510.12
3575.3(a)	3510.20
3575.3(b)	3504.12(a)(1)
3575.4	3503.20
3575.5	3510.20
3575.6	3510.21
3576	3511.25
	3511.27
3576.1	3504.12(a)(1)
3576.2	3504.50
3576.3	3511.25(b)
3576.4	3511.12
New	3501.1
New	3501.10
New	3502.42
New	3503.10
New	3503.42
New	3503.43
New	3503.44
New	3503.45
New	3503.46
New	3509.18
New	3509.30
New	3509.48
New	3509.51
New	3511.11
New	3511.28
New	3515.22
New	3516.11
New	3503.15 also in 3581
New	3503.16 also in 3586

Subpart 3501—General Provisions

This subpart deals with introductory matters, general considerations, definitions, and appeals. We expanded the authorities section. Section 3501.1 discusses the scope of the regulations, which apply to minerals leased by the BLM.

Section 3501.5 is the definitions section. This section lists those terms which are specific to leasing of solid minerals. We made several changes to this section.

We dropped the definition of the term "Act" because it was not needed. We added a definition for the term "acquired lands." We modified the definition of "hardrock minerals" to make the meaning more clear. We kept the definition used in the proposed rule for "valuable deposit," which is discussed more in the Responses to Comments section below.

Section 3501.10 describes the different types of authorizations BLM can issue under these regulations. Here, we define what each authorization is, and list them in the order they occur during development, to give the reader a short road map through the entire mineral development process. The section begins with prospecting permits, which allow exploration for minerals on public lands where no known deposit exists. Next are exploration licenses, which also allow exploration of lands where there are known deposits. After that comes preference right leases, which you could receive if you discover certain mineral deposits during your prospecting permit. Following that are competitive leases, which BLM issues for known deposits. Next are fringe acreage leases, which lease known deposits under special circumstances. This is followed by lease modifications which add land to existing leases, and use permits that provide land to support certain permits and leases.

Section 3501.16 lists some of the general conditions and terms of your permit or lease. There are two particularly important aspects of this section. First, it tells you that a permit or lease gives you an exclusive interest in the minerals covered by your permit or lease, but not the lands. We can issue additional leases, permits and rights-of-way for lands where minerals are leased. Second, this section discusses how we regulate development of multiple leases on the same parcel.

The remaining sections in this part point out that authorizations are subject to other laws and regulations, such as NEPA, BLM land use plans, and BLM and Departmental appeal regulations.

Subpart 3502—Qualification Requirements

Subpart 3502 sets out who may hold a permit or lease. There are several limitations on who may hold an authorization. For example, as required by statute, we require the lessee or permittee to be an adult citizen of the United States who is in compliance with the MLA on all other leases. Also, to prevent conflicts of interest, there are restrictions on government officials. There are also acreage limitations in subpart 3503.

Sections 3502.25–30 discuss how you show your qualifications to hold a lease. These sections discuss where to file information, and what to submit depending on whether you are an individual, an association or partnership, a guardian or trustee of a trust, or a corporation.

The remaining sections address some peripheral concerns related to lease qualifications. For example, if an applicant dies before we processes the application, we may issue the lease to the applicant's heirs, or to the executor of the applicant's estate if the estate has not been settled. BLM may also recognize an heir as the record title holder of a permit or lease if the permit or lease holder dies. In all cases, however, the person assuming ownership of the lease must be qualified to hold a lease. If they are not, we will allow no more than two years for them to become qualified or divest their interest.

Subpart 3503—Areas Available for Leasing

This subpart concerns which areas are available for leasing. There are several types of land that are unavailable for leasing, such as lands acquired for development of fissionable materials, wilderness areas, and lands within incorporated cities. Sections 3503.10 and 3503.11 list lands which are not available for any mineral leasing activity. The next four sections set out which areas are generally available for leasing sulphur, hardrock minerals, asphalt, gold and silver.

Generally, lands within a designated wilderness or wilderness study area are unavailable for leasing. The Wilderness Act, 16 U.S.C. 1131 *et seq.*, prohibits commercial enterprise within designated wilderness areas, except for prior existing rights (16 U.S.C. 1133(c)). Wilderness study areas are managed under the interim management standards which prohibit all activities which would impair their suitability for wilderness designation; this typically precludes mineral leasing activity. BLM manages all other areas being considered for possible wilderness study in accordance with the applicable land use plan.

Since BLM drafted the proposed rule, President Clinton has designated the Grand Staircase-Escalante National Monument, and under the Monument's terms the BLM lands contained in it are no longer available for leasing. We added the new Monument to the list of unavailable lands in § 3503.11. We also added another sentence in § 3503.11(k) to remind the reader that any other

lands which are withdrawn from mineral leasing are also unavailable.

Sections 3503.20 through 3503.28 set out the rules for leasing minerals that underlie lands managed by another Federal agency, private owner, or non-Federal political subdivision or charitable organization. When a separate surface owner is involved, we will consult with them, and, if required, obtain their consent before issuing a mineral lease. In many cases, we may insert special stipulations into the lease to satisfy the surface owner's or surface managing agency's concerns. Where BLM is required by law to obtain another agency's consent, we will accept the stipulations they require. In other situations, we will consider the surface owner's or surface management agency's recommendations and accept those which we believe are appropriate.

The next several sections (3503.30–.33) concern land descriptions. You must describe the lands you wish to lease in your application, but there are several different ways to describe land. If the land has been surveyed as part of the Public Lands Survey System, you must describe it by legal subdivision (section, township and range). If it has not been surveyed but is located in a Public Lands Survey System state and is part of a protraction diagram or amended protraction diagram, you must describe the land by legal subdivision. If the land is unsurveyed and not shown on a protraction diagram or amended protraction diagram, you must describe the lands by metes and bounds tied to a survey corner. If the lands are acquired lands, you may use the description shown on the deed that conveyed title to the United States. Finally, § 3503.33 reminds the reader that BLM will only issue leases for lands that have been officially surveyed to BLM standards. If you seek a permit or lease on unsurveyed lands, we will require you to pay for a survey. We will pay for the survey if we initiate the competitive leasing process.

The next subgroup consists of three limitations on the acreage and dimensions of the lands you seek to lease. First, the minimum size for a lease is generally a quarter-quarter section, or a lot. The leased lands must also be in reasonably compact form, not scattered and difficult to manage. The chart at § 3503.37 shows the maximum lease acreage for each commodity. This includes limits on the size of the individual lease, and limits on the total number of acres you have leased from BLM in a single state (or nationwide, in the case of phosphate).

The only change in this chart from the proposed rule is the provision that the state acreage limit for potassium leases is now 96,000 acres. We made this change in response to comments received on the proposed rule. See responses to comments below.

Calculating your total acreage holdings is simple when you own your lease outright, but if you own a lease through stock ownership or other instruments, BLM will calculate your acreage holdings as a proportion of your ownership interest. For example, if you own a 50% interest in a lease of 800 acres, we will charge 400 acres toward your total personal acreage holdings. Corporate lease holdings will only count against your personal acreage holdings if you own at least ten percent of the corporation holding the leases. In these instances, we will count the same acreage against both the corporation's holdings and your personal holdings, in proportion with your ownership interest. We believe this is necessary to prevent people from using the corporate form to avoid the acreage limitations.

Finally, sections 3503.40 through 3503.46 instruct you where to file your application and other necessary documents, and inform you that the information you submit could be released to the public under the Freedom of Information Act (5 U.S.C. 552 *et seq.*) (FOIA). Since the proposed rule was published, BLM has issued a rule to make all of our FOIA information uniform. The FOIA rule, published in the **Federal Register** on October 1, 1998 (63 FR 52946), amended these regulations by adding detailed information about how BLM decides to release or withhold information under the FOIA. In order to keep this rule consistent with other BLM regulations, we added §§ 3503.42 through 3503.46 to conform to the FOIA regulations.

We will generally release information under FOIA to the extent that the law allows. If you believe the information you submit to us should be kept confidential, you should indicate this by clearly marking the information as confidential. However, BLM must make the final decision, because the FOIA requires us to determine under the law whether information is exempt from release before we can withhold it.

Subpart 3504—Fees, Rental, Royalty and Bonds

This subpart outlines your obligations to BLM under your lease. We made several minor changes from the proposed rule in order to clarify these requirements.

The first three sections distinguish between payments to BLM and those made to the Minerals Management Service (MMS), and set out filing fees. BLM only receives filing fees, first year rentals and bonus bids; you should make all subsequent rental, royalty and other payments to MMS.

The next three sections discuss rental rates and due dates. One situation that caused some confusion is the rental due date after the first year of the lease. BLM will maintain the previous system, where in the case of sodium, potassium and asphalt, rentals are due before January 1 of each year, while for other minerals rental is due before the anniversary of the lease's effective date. We had proposed a simpler system which would use anniversary dates for all minerals, but several commenters pointed out that this contradicts statutory law. Therefore, we will use the January 1 due date for sodium, potassium and asphalt, and the lease anniversary date for other minerals.

The following sections discuss royalties. Each lease will contain its own royalty provisions, but the regulations set out the minimum royalty at § 3504.21. The regulations also permit you to create overriding royalties. However, if your overriding royalties become too large, to the point where they could pressure you to forego development opportunities under your lease, BLM may order you to suspend or reduce the overriding royalty. Furthermore, if at any time you seek a royalty reduction, we may require you to reduce your overriding royalty payments first. We will not allow overriding royalties to exceed 50% of the amount of the reduced royalty.

The rest of this subpart focuses on bonding requirements. BLM requires a bond in all cases, and determines the amount of the bond on a case-by-case basis. The bond amount is based on our estimate of the cost to comply with all terms and conditions of the lease. This includes the cost to stabilize and reclaim the areas to be disturbed under your lease or permit. We will accept personal bonds in any one of several forms, or surety bonds from qualified surety companies. You may also cover several leases with a single bond, or file statewide or nationwide bonds to cover several obligations at once.

Your bond must always provide full coverage for any activities you pursue. If you default on any of your permit or lease obligations, BLM may take payment from your bond and, if necessary, require you to restore your bond to the amount needed to provide full coverage. If you fail to restore your bond, we may seek to cancel your permit or lease. We will only terminate your bond's period of liability when it has been replaced by another bond or you have fulfilled all your permit or

lease terms and conditions. Finally, terminating the period of liability does not end the bond obligations; we will release your bond when all terms and conditions are met, the site is reclaimed, all payments are made, and a reasonable period of time has passed to assure us that you have effectively reclaimed the land.

Subpart 3505—Prospecting Permits

Prospecting permits are available when you are contemplating commercial mineral development under the mineral leasing program in areas where there is no known mineral deposit. Obtaining a prospecting permit is the first step to development under a preference right lease. If you use a prospecting permit to explore an area where no known mineral deposit exists and you discover a valuable deposit of the mineral covered by your permit, you may be entitled to a preference right lease to develop that mineral deposit.

You do not need a prospecting permit to collect mineral specimens for your hobby, recreational, educational or other similar non-commercial purposes. You can find BLM's regulations for non-commercial mineral specimen collecting at 43 CFR part 8360.

Prospecting permits are required when you are exploring an area for commercial development. Because prospecting permits may entitle you to a preference right lease, they are not available in areas where BLM has identified a known mineral deposit. These areas are leased competitively and can only be explored prior to leasing under an exploration license. Prospecting permits are not available for asphalt.

Sections 3505.12 through 3505.51 discuss how to apply for a prospecting permit. Because a prospecting permit may entitle you to a preference right lease, we will not issue prospecting permits to anyone who would not be qualified to hold a lease. Therefore, all the qualification requirements of subpart 3502, including the acreage limitations, apply to prospecting permits.

You may amend or withdraw your permit application after you file it but before we issue you a permit. BLM considers permit applications on a first-come, first-served basis, meaning that the first application we receive has priority. If you amend your application, you do not need to send an additional filing fee, but if your amendment adds lands to be covered by the permit, your priority to those additional lands will be as of the date of the amendment, not the date of the original application. Your application must include the first year's rental, and a detailed exploration plan.

We will notify you if your permit application has been accepted or rejected. If we reject your permit application, we will state our reasons for doing so in detail, and describe how you may appeal. If we rejected your application because of something which can be corrected, we will give you 30 days to correct the error and refile your application. You do not have to refile the application fee and first-year rental payment with your corrected application. Filing fees are non-refundable, but if we reject any portion of your application we will return your rental payment covering the rejected areas.

Prospecting permits are limited to their express terms. Therefore, you can only use your prospecting permit for the time, area and minerals identified in your permit. All prospecting permits are valid for two years, though BLM can extend potassium and gilsonite permits for an additional two years and phosphate and hardrock mineral prospecting permits for up to four years. BLM cannot extend permits for sodium and sulphur. We generally will only extend your permit if you have been diligently exploring the area and need more time to discover a valuable deposit, though exceptions may be made if unusual circumstances delayed your exploration efforts.

You can relinquish your permit in whole or in part if BLM approves your relinquishment, you have complied with all the permit requirements, and if your rental payments are up to date. We may cancel your permit if you fail to make timely rental payments, or if your exploration activities violate any law, regulation, or condition of your permit. If your permit is relinquished or canceled, in whole or in part, you will not be entitled to a preference right lease on those lands.

Subpart 3506—Exploration Licenses

Exploration licenses, covered by subpart 3506, allow you to gather information about a mineral resource prior to seeking a lease. BLM grants these licenses to explore areas with known mineral deposits. BLM leases known mineral deposits through a competitive bidding process; therefore, your exploration license will not give you any preference or right to a lease. You may want an exploration license if you are considering entering a bid for an area and you need more information about the resource in order to prepare your bid.

The first several sections of subpart 3506 describe how to obtain an exploration license. To apply, you need to submit an exploration plan and a request (in no specific form) for an exploration license. Your exploration plan must include the same information contained in 43 CFR 3505.45 as exploration plans in support of prospecting permits.

BLM makes decisions to issue exploration licenses under the general regulations for leases, permits and easements at 43 CFR part 2920. Once we approve your exploration plan, we will prepare a notice of exploration which you must publish for three weeks in a local newspaper in the area where the lands covered by the license are located. The notice, which will include your plan, will invite other interested parties to participate with you in the exploration. They must share costs with you on a pro-rata basis.

Your exploration license is not intended to give you exclusive access to information which is critical to preparing your bid, or any other preference. For competitive leasing, all bidders should have access to the same information about the resource, so that competition will be completely fair. We may require that you allow other interested parties to join you in the exploration activities under your license, provided they pay their pro-rata share of the costs. Sections 3506.12 through 3506.14 discuss the notice of exploration contents and process.

Several things can happen if one or more parties respond to the notice of exploration and notify BLM that they wish to be included. If all parties agree with the exploration plan as approved, the parties may simply devise a way to share the costs and BLM will issue the license. If the interested parties disagree on the exploration plan, the parties need to agree on any changes to be made, and BLM will have to assess the environmental impacts posed by any changes to the plan before we can issue the license.

Once BLM issues your exploration license, you may make changes to your exploration plan, and you may remove lands from your exploration license at any time, subject to BLM's approval. However, you may not add lands to your exploration license. We must provide for public involvement and environmental assessment before we can make lands available for exploration under a license. Therefore, if you wish to add lands to your license, you need to submit a new application.

While conducting your exploration, you must share with us any data you gather. BLM will consider this information confidential, as explained in § 3506.25, until the lands are leased

or unless we determine under the FOIA that the information is not exempt from disclosure. We require that you share this information with us because all information is valuable to us in making sound management decisions. We will not share this information with other potential bidders or the public unless we are required to do so by law. While we feel the fairest system of competitive bidding requires us to give parties equal access to information, we do not think it is fair to require one party to share the data at no cost to other parties after having acquired this data at considerable expense. BLM feels that this system, where parties can join in on the exploration but where we will not freely divulge the exploration's results, is the fairest to all participants.

Subpart 3507—Preference Right Lease Applications

If you discover a valuable deposit of a leasable mineral while exploring under a prospecting permit, you may be entitled to a preference right lease. This subpart discusses how you may apply for and obtain a preference right lease for all leasable minerals except asphalt, which is only leased competitively or under a fringe acreage lease. See subpart 3508 for competitive leases, and subpart 3510 for fringe acreage leases.

The requirements for obtaining a preference right lease, set out in § 3507.11, are fairly simple: if you have been exploring an area under a prospecting permit and you believe you have discovered a valuable deposit of the mineral covered by your permit, you need to submit a complete preference right lease application in a timely manner, along with your first year's rent. We will review your application in order to verify that all of the terms and conditions of your permit have been met. We also need to verify that you have discovered a valuable deposit during the term of your permit.

BLM must also determine that the lands are chiefly valuable for development of the specified mineral before we can issue a preference right lease for sodium, potassium or sulphur. We may reject your application for a preference right lease if your prospecting permit was granted under the authority of Reorganization Plan No. 3 and we find, after careful analysis, that mining is not the preferred use of the lands in the application.

You may submit your preference right lease application any time during the life of the prospecting permit or within 60 days after the permit expires. If you apply for a lease more than 60 days after your permit expires, BLM will reject your preference right lease application.

These regulations describe the application contents at 43 CFR 3507.17. While there is no set application form, you must submit: information showing that you are qualified to hold a lease (under subpart 3502); maps of your proposed mining operations and facilities; a written description of your proposed operations, including the method of mining and the relationship between your operation and any other(s) on adjacent lands; information which shows that you have discovered a valuable deposit; and a legal description of the lands to be leased, if different from the lands in your prospecting permit. You need not lease all the lands covered by your prospecting permit, but all the land you wish to lease must have been part of the permit.

To prove you have found a valuable deposit, you must provide BLM information about any core or test holes, samples and cuttings you collected at the site, as set out in 43 CFR 3593.1. BLM will determine if there is a reasonable prospect of success in developing a profitable mine from this information, though we may request additional information to complete our findings.

BLM will grant you a lease unless:

- You have not shown a valuable deposit exists;
- Your application is late, incomplete, or otherwise deficient;
- You are seeking a lease for sodium, potassium or sulphur and BLM determines that the lands at issue are not chiefly valuable for that mineral; or
- We issued the prospecting permit under the authority of Reorganization Plan No. 3 and we determine that mining is not the preferred use of the land.

You must also have complied with all of the terms and conditions of the prospecting permit. If you disagree with BLM's decision, you may appeal the decision to the Interior Office of Hearings and Appeals.

Subpart 3508—Competitive Lease Applications

Subpart 3508 describes the competitive leasing process, which we use if you wish to lease mineral resources in areas where valuable mineral deposits exist. We cannot issue a preference right lease for known valuable deposits; the only way you can obtain a lease on these lands is under this subpart, through a lease modification or through a fringe acreage lease under subpart 3510 of these regulations.

If you are interested in leasing a certain area, you should contact us to see if the lands are known to contain a valuable deposit. Generally, this includes lands where further prospecting is unnecessary for us to determine the existence or workability of a valuable deposit. We can rely on geologic inference in making these determinations. BLM must receive the fair market value for all minerals we lease competitively.

BLM must reject a prospecting permit application if it is in an area where there is a known valuable deposit, but in these areas you may request a competitive lease. We may also initiate the competitive leasing process. If we determine that the lands are suitable for leasing, we may publish a notice of lease sale in the local newspaper and in the local BLM public room. This notice will contain all the information necessary for participating in the bidding, such as the sale time and location, the minimum bid, bidding method and deadlines, and description of the resource. Usually the bidding method will be sealed bids, although on appropriate occasions we may use an oral bidding process, or a combination of sealed and oral bids. BLM will also make available the statement of the lease sale terms and conditions.

If you are a qualified bidder and you offer the highest acceptable bonus bid, meeting or exceeding fair market value, BLM may accept your bid. As described in section 3508.20, we will open and announce all bids at the lease sale, but we will not accept or reject bids at that time. Instead, we will review the bids. We may reject all bids, or accept the highest qualified bid by sending that person a lease form and statement of terms and conditions. If we accept your bid, you must sign the lease form, pay the first year's rent, publication costs and the balance of your bonus bid (if not already paid in full with your bid), and furnish the required lease bond. We will then award you the lease.

If there is a tie between bidders for the highest bonus bid, we will determine a fair process for breaking the tie. Also, you may revise your bid at any time while the bidding is still open.

BLM can reject any high bid which does not meet all the qualifications and requirements of these regulations. If we offer you a lease but you decide not to accept it, we will keep one-fifth of your bonus bid and refund any additional money submitted. BLM has complete discretion to issue a competitive lease so we can reject your bid for any other reason, such as a change in economic conditions. If we reject your bid, we will refund any money you submitted with your bid.

Subpart 3509—Fractional and Future Interest Leases

This subpart concerns two types of Federal property interests that include less than complete ownership: Future and fractional interests. While these kinds of property are relatively uncommon, there are many instances where the public owns only a share of a mineral estate. When the United States owns an estate in conjunction with other owners, that is a fractional interest. A future interest occurs when the Federal Government owns the right to an estate after a certain date, but owns no present interest in the estate. The Federal Government acquired most of these limited estates during the Dust Bowl Era in order to help landowners recoup some of their losses from failing farms and to establish watershed protection measures.

BLM leases both future and fractional interests noncompetitively to the party who owns or controls the present interest or partial interest. We added a provision that allows limited competition for these leases in cases where more than one person holds ownership or possession. These leases are not available to the public at large. For future interests, we may lease the future interest in a mineral tract to the person who owns or controls the present interest and is currently developing that interest. As a result, when that person's interest ends and Federal ownership begins, the mineral operations can continue under a future interest lease issued by BLM. Similarly, we may lease a fractional interest in a mineral estate to the owner or owners of the other fraction(s), or the party who has acquired the other owner's development rights. This allows a single operator to develop the minerals.

Future interest leasing is covered in §§ 3509.10 through 3509.30. Since future interest leases are only available to holders of the present mineral interest, it is important that you show you are eligible for a future interest lease. You may only lease a future mineral interest from BLM if you own a present interest in the minerals, which means you must own either the record title or the operating rights. Furthermore, you must own all or substantially all of the present mineral interest. If you as a Federal lessee would control 50 percent or less of the present interest, we may reject your application. To apply for a lease, you must submit evidence of this ownership interest, plus information showing that you are qualified to hold a BLM mineral lease (under subpart 3502), a land description, information about any other owners, and a $25 application fee.

BLM will notify the other owners, if any, of your application. We will give these other owners 90 days to file additional applications. If we receive additional applications from other qualified owners, we will hold a limited competitive sale. We will use the general procedures in subpart 3508 to conduct the sale, but only qualified interest holders who applied for the lease may bid at the sale.

If there are no other interest holders or we receive no other applications during the 90 day notice period, we will notify you as to whether we will grant the lease. We will reject your application if you do not qualify to hold a lease. Also, you must apply for a lease more than one year before the United States' ownership interest will vest or we will reject your application.

Sections 3509.40 through 3509.50 cover fractional interest leases. BLM issues fractional interest leases where the Federal Government holds less than 100% of the mineral interest of the parcel. These leases allow the other mineral interest owners to develop the mineral estate.

BLM will only grant fractional interest permits or leases when we believe development of the minerals is in the public interest, and with the consent of the surface managing agency.

To be eligible for a lease, you must have a present interest in the same minerals, and you must also meet the qualification standards listed in subpart 3502. Your application must include a description of the land and the same information we require when you apply for a present interest Federal lease. You also need to include evidence of your present ownership interest; the names of any other owners of the mineral interests; and if you own the operating rights to the mineral by a contract with the owner, you also need to submit three copies of the contract.

We will notify the other owners, if any, of your application. We will give these other owners 90 days to file additional applications. If we receive additional applications from other qualified owners, we will hold a limited competitive sale. We will use the general procedures in subpart 3508 to conduct the sale, but only qualified interest holders who applied for the lease may bid at the sale.

BLM will reject your fractional interest application if you are not qualified to hold a lease, if you do not have a present interest in the same minerals, or if you would have a total interest of less than 50% once the fractional interest prospecting permit or lease is issued, unless we determine it would be in the public interest to issue the permit or lease.

Subpart 3510—Noncompetitive Leasing: Fringe Acreage Leases and Lease Modifications

This subpart deals with how BLM leases mineral deposits which are too small to be developed independently but could be developed as part of a larger operation taking place on adjacent lands. We may grant you a separate fringe acreage lease if you are developing non-Federal minerals on adjacent lands. If you are operating on adjacent lands under a Federal lease, we may modify your existing lease to add acreage to your lease. In both cases you would acquire the additional mineral lease noncompetitively. Please note that we have renumbered this subpart since the proposed rule, when it was located at subpart 3514. As a result, subparts 3510, 3511, 3512 and 3513 in the proposed rule are now found at subparts 3511, 3512, 3513 and 3514, respectively.

BLM issues fringe acreage leases for mineral deposits which are too small to be leased independently. This means that, in BLM's opinion, the deposit lacks sufficient reserves to warrant independent development, and that the minerals are not located in an area of competitive interest to other mining operations in the area. However, BLM will competitively lease these kinds of deposits when they have competitive interest. For example, BLM will lease a resource competitively if the mineral deposit is between two different mineral operations, and both parties express an interest in the fringe acreage. However, neither law nor policy requires us to lease the resource.

The rules for applying for a fringe acreage lease and a lease modification are similar. To apply, you must submit the serial number of your adjacent Federal lease, or proof that you own or control the adjacent mineral deposit; information which shows that the mineral deposit you are applying for extends from your adjacent lease or private operation; a complete land description; an advance rental payment and a nonrefundable $25 application fee.

BLM will not grant a lease through the non-competitive leasing process if a competitive interest exists, or if the mineral deposit is large enough to warrant independent development. We will also deny your application for the additional acreage if it would cause you to exceed the acreage limitations in 43 CFR 3503.37, if you are not qualified to hold a Federal lease under subpart 3502, or if developing the lease would be

economically inefficient or fail to properly conserve the natural resources.

Because a fringe acreage lease is a new lease separate from your ownership or control of the adjacent lands, BLM will set the terms and conditions of your fringe acreage lease. If we modify an existing Federal lease on adjacent lands, the terms for the new acreage will be the same as those in your existing lease. Before we issue either type of authorization, you must pay the bonus amount which we will set by appraisal. The minimum bonus amount is $1 per acre.

Subpart 3511—Lease Terms and Conditions

While BLM sets most of the terms and conditions separately for each lease, there are a number of terms and conditions which apply to all leases. Those terms and conditions are the subject of subpart 3511.

The first two sections, 3511.10 and 3511.11, discuss when you may mine associated, related or commingled commodities under your lease. There are several situations where you may mine associated and related products. If you have a sodium lease, you may mine related compounds including potassium; while if you have a potassium lease, you may mine related products including associated sodium compounds. If you have a phosphate lease, you can use deposits of silica, limestone, and other rock on your lease during processing or refining your phosphate, phosphate rock and associated minerals. In all cases you must pay a royalty for these additional minerals.

Producers of calcium chloride from Federal lands may also apply for a noncompetitive lease to produce commingled sodium chloride. This applies if you are producing paying quantities of calcium chloride from an existing mine, and if you are authorized under the regulations in part 3800 to produce the calcium chloride as a locatable mineral. This is a new provision of the regulations. You must pay a royalty for the commingled sodium chloride.

Most BLM leases are in effect for an initial 20-year term, subject to readjustment or renewal. Each commodity has different provisions for renewal or readjustment, which are explained in the chart at § 3511.15. If your lease can be readjusted, we must notify you before the initial lease term expires of any new terms or conditions we are proposing. If we fail to notify you, your lease will continue for another 20 years under the same terms. By contrast, if your lease requires that you renew it, you must contact BLM at least 90 days before the initial term expires and express your interest in renewal. If you do not notify us by this time, your lease will expire at the end of the initial term, and your lands may become available for re-leasing.

Once you receive proposed new terms under a readjusted lease, you can object to the terms if you disagree with them, provided you file your objection within 60 days of receiving the proposal. BLM will respond to your objection with our decision on the lease terms, which you may appeal if you are still dissatisfied. See the hearings and appeals regulations at part 4 of this title.

While you are appealing any new terms or conditions, including increased rentals or royalties under a renewal or readjustment, you must continue paying rentals and royalties at the original rate. However, those increased charges will begin accruing as of the renewal or readjustment date. If the increase is sustained on appeal, you must pay any accrued charges plus interest.

To renew your lease, you need to submit three copies of your application, along with a $25 application fee and an advance rental payment of $1 per acre, at least 90 days before your initial term expires. There is no particular form for your renewal application.

Whether your lease is renewed, readjusted or otherwise extended, we base your priority as a lessee on the original date of your initial lease.

Subpart 3512—Assignments and Subleases

Once you receive a permit or lease, you may assign it to any qualified person, in whole or in part, subject to BLM approval. Subpart 3512 describes how we process assignments and subleases.

Sections 3512.11 through 3512.17 describe the assignment and sublease process. To assign a lease or permit, you must send us three copies of your assignment instrument, which must describe the assignee, the interest you hold and the interest you are assigning, and any overriding royalties you are retaining. BLM must also receive from the assignee a statement of their qualifications under subpart 3502, and a $25 processing fee. We will notify you whether we approve your assignment. If you are assigning only a portion of your permit or lease, we will create a new permit or lease containing that portion, if approved.

You may sublease your lease or transfer the operating rights in your permit by a similar process. Simply send us a copy of the sublease or transfer agreement within 90 days of the agreement's date of execution, and have the sublessee or transferee send a signed request for approval and a $25 processing fee. We will inform you of our decision as soon as possible. Our approval will depend on the recipient's qualifications and ability to meet all applicable regulatory provisions.

The remaining sections in subpart 3512 concern your obligations under an assigned or transferred BLM authorization, and special circumstances. The most important provision, in section 3512.18, points out that your account must either be in good standing or your sublessee or assignee must have accepted any liabilities before we will approve your sublease or assignment. Furthermore, your assignee or sublessee must be fully bonded, which they can accomplish by either furnishing a new bond under subpart 3504, or by arranging to assume your existing bond. Until we approve the assignment, you will be responsible for all obligations, and if you are subleasing your lease, both you and your sublessee will be responsible for all obligations once we approve the sublease. By contrast, if you are assigning your lease or permit, your assignee will become responsible for all obligations after we approve the assignment, while you remain responsible for all obligations accrued before we approved it.

Finally, if you are assigning an overriding royalty to a third party, you must notify BLM. While we do not have to approve the transfer, you must still file this assignment with BLM within 90 days of the transfer, along with the assignee's statement of qualifications and a $25 processing fee.

Subpart 3513—Waiver, Suspension or Reduction of Rental and Minimum Royalties

This subpart explains how to deal with three types of changes to your ongoing operations: rental and royalty reductions, suspension of operations and production (for conservation reasons), and suspension of operations (for economic reasons).

Sections 3513.11 through 3513.15 concern rental and royalty rate reductions, which BLM may allow temporarily if it is in the interest of conservation, will encourage the greatest recovery of the mineral, and is necessary either to promote development or to allow you to operate successfully under the existing lease terms. You may apply to have us reduce your rental, minimum royalty, or production royalty rate by submitting the information listed in § 3513.15.

We will consider whether you are paying excessive overriding royalties to

non-Federal parties when we review your application. Before we will reduce your royalty you must try to reduce any overriding royalties. BLM will not approve a royalty rate reduction if your overriding royalty exceeds 50 percent of the proposed reduced Federal royalty. For example, if you are seeking to reduce your production royalty to four percent, you must reduce any overriding royalties to a total of no more than two percent. BLM has the authority to order a reduction of overriding royalties to no more than one percent of the gross value of production. You can find this authority at 43 CFR 3504.26.

Next, §§ 3513.20 through 3513.26 concern suspensions of operations and production, while §§ 3513.30 through 3513.34 concern suspensions of operations. Both situations involve BLM allowing or ordering you to temporarily cease operations; but you would suspend operations and production in order to protect or conserve natural resources, whereas you would only suspend operations for financial reasons. To alleviate confusion, these regulations will differentiate between these two situations in the table of contents by referring to "Suspension of Operations and Production (Conservation Concerns)" and "Suspension of Operations (Economic Concerns)."

You may cease your operations under a suspension of operations and production (conservation concerns) when it is necessary in the interest of conserving the natural resources affected by your operations. This can be established if you show BLM in your application for a suspension that you need to halt operations to benefit the resource. We can also reach this conclusion independently and order you to cease operations. If you initiate the suspension by applying to BLM for it, there is no particular application form; you just need to send us enough information to explain why the suspension will be in the best interest of the natural resource.

BLM will set the effective date of your suspension of operations and production. Once we approve your suspension, you will be relieved of any production obligations, and we will reduce your minimum annual production requirements to reflect the portion of each year in which the suspension is effective. You may also cease paying rentals and royalties on the first day of the month following the effective date of the suspension. If the effective date is the first of the month, you may stop making payments on that day. If you pay any rent or royalty while the suspension is in effect, MMS will credit these payments toward future rental and royalty obligations.

Meanwhile, you are still responsible for all other obligations under your lease, and once the suspension ends, the payment and production obligations resume. Your obligation to make rental and royalty payments resumes on the first day of the month in which you resume production or when the suspension expires, whichever comes first. Finally, BLM will extend your lease by the amount of time in which the suspension was in effect.

You may also cease your operations under a suspension of operations (economic concerns) if you show us that your lease cannot be operated except at a loss, because of market conditions. BLM may approve your suspension of operations if you send us an application containing enough information to show that you cannot operate under current market conditions except at a loss. Once again, there is no particular application form.

Unlike a *suspension of operations and production (conservation concerns)*, a suspension of operations (economic concerns) does not extend your lease term or suspend your annual rental payment. When we approve a suspension of operations, we temporarily waive the minimum production requirements of your lease. We also waive your obligation to pay minimum royalty in lieu of production. If your suspension is for less than a full year, annual payments may be prorated to the length of the suspension. You still must pay your annual rental.

Like a *suspension of operations and production (conservation concerns)*, your production obligations cease on the first day of the month after the date which BLM sets as the effective date, unless the suspension is effective on the first of the month, in which case your obligations cease immediately. Also, the suspension ends if you resume production, or if the suspension expires. In either case your obligations resume as of the first day of the month in which the suspension ends. At that time your minimum annual production obligations resume.

Subpart 3514—Lease Relinquishments and Cancellations

Subpart 3514 deals with the various ways in which your lease may end. Sections 3514.11 through 3514.21 concern relinquishments, where you may voluntarily give up your lease interest. Sections 3514.25 through 3514.40 concern lease cancellations and expiration.

You may relinquish your lease or any portion of it at any time. The only requirements are that you have met the terms and conditions of your lease, including reclamation obligations, and that relinquishment will not be detrimental to the public interest. Simply notify us in writing that you wish to relinquish your lease, with your signature and the date. Also, if you are only relinquishing part of your lease, you must clearly describe the lands you are giving up. If your application meets the above conditions, we will notify you of our acceptance, as of the date you filed the application.

When you have relinquished your lease, you remain liable for paying all rentals and royalties which accrued prior to relinquishment. You must also provide for preserving mines, productive works and permanent improvements on the land.

Section 3514.25 briefly describes lease expiration: your sodium, sulfur, asphalt or hardrock lease expires at the end of the lease term, unless you have properly filed for a renewal, in which case your lease continues until BLM issues a decision on your renewal request. If BLM rejects your renewal, your lease expires when the renewal is rejected. Potassium, phosphate and gilsonite leases continue for as long as you comply with the lease terms and conditions. See the chart at 43 CFR 3511.15.

Finally, §§ 3514.30 through 3514.40 describe the circumstances and effects of BLM canceling your lease. BLM may cancel your lease through two types of actions: A court proceeding, if you fail to comply with the applicable law or regulations, or if you default on the terms of your lease; or administratively, if BLM issued your lease in violation of the law or any regulation.

BLM may ask a court to cancel your lease if you violate the law or regulations. We may also pursue cancellation in court if you fail to perform any duty under the lease, and you continue to default on that obligation for thirty days after BLM notifies you of your default. BLM will generally give you thirty days after our notice to you to remedy the violation or show why we should not move for cancellation, before we take any further action.

BLM may also administratively cancel your lease if we issued it in violation of any law or regulation—for example, if the lease would put you over the acreage limitations. In such a case, we may amend the lease and reissue it. However, if the defect in your lease is something that we cannot cure—for example, if you are ineligible to hold a lease—the cancellation will be final.

We may waive cancellation or forfeiture if the circumstances call for doing so. When we waive cancellation, that waiver will have no impact on any future cancellation actions which may be necessary.

Finally, if you are a bona fide purchaser of any lease interest, we will not cancel your lease simply because we decided to cancel your predecessor's lease. A bona fide purchaser is someone who bought the interest without any knowledge or reason to know of the lease's legal defects. We will dismiss you from any legal proceedings to cancel the lease if you are not responsible for the defect.

Subpart 3515—Mineral Lease Exchanges

Subpart 3515 discusses mineral lease exchanges. BLM may exchange mineral lease rights with you when we conclude that it would benefit the public interest to do so.

You can exchange your lease or a portion of your lease interests, as well as your preference right to a lease, for a lease of equal value. When you exchange a lease interest in one mineral, you can receive in return an interest in any leasable mineral. This includes hardrock minerals covered by this part. If your exchange proposal involves any interest in a coal lease, you must refer to the coal leasing regulations at 43 CFR subpart 3435.

Either you or BLM may initiate an exchange. You may do so by contacting us. If we initiate an exchange, we will notify you that we are prepared to consider an exchange for some or all of your existing lease, or your preference right to lease. Our notice to you will also say why we believe the exchange is in the public interest, describe the lands we might exchange, and ask you whether you are willing to negotiate and for which lands.

Exchanges must be in the public interest, which for the purposes of this subpart means two criteria must be met. First, we must determine that the benefits of operations under your existing lease or preference right would not outweigh the adverse effects those operations would have on other public values, such as scenic beauty, wildlife habitat, recreation, or agricultural production potential. The lands which BLM would receive must be free of hazardous waste, as defined under the hazardous waste laws. There may be other elements of the public interest which BLM will account for in considering an exchange as well. Also, BLM will comply with the requirements of NEPA when processing an exchange.

BLM may exchange any lands subject to the limitations of FLPMA and other applicable statutes. You may also exchange a preference right to a lease. To do so, you must first establish your preference right through the procedures described in subpart 3507. Once you have demonstrated to our satisfaction your right to a lease, we can negotiate with you for an exchange lease.

The parcels involved in an exchange must be equal in value. If the lands being exchanged are not equal in value, the exchange can be made equal with cash. However, any payment cannot exceed 25 percent of the total value of the land or interest in land you are receiving from BLM. Under certain circumstances the parties may agree to waive the equalizing payment. We can only agree to this waiver if it will expedite the exchange and if the public interest will benefit more from the waiver than the payment. The waiver amount can be no more than three percent of your new lease's total value or $15,000, whichever is less.

Either you or the BLM may initiate an exchange. In order for us to proceed with an exchange, you must be willing to provide us any additional geologic and economic data we need to determine the value of your lease or preference right. Once we have reached an agreement on the lands to be exchanged, BLM will publish notice of the exchange in a newspaper of general circulation serving the counties where all lands involved are located, and arrange for a public hearing. We will solicit public comments on the proposed exchange, and after considering this input we will make our final decision to approve or reject the exchange.

If we approve the exchange, we will offer you a lease containing the lease terms discussed in the appropriate regulations and any needed special stipulations. Once we approve an exchange we will include a statement in your new lease that you relinquish all interests in the land which you are giving up in exchange.

Subpart 3516—Use Permits

This next subpart concerns special permits to use the surface of lands which are not included in your lease. If you have a phosphate or sodium lease or permit, you may apply for a permit to use the surface of nearby lands for purposes related to your mineral development.

BLM may grant use permits on unappropriated, unentered lands which we administer. Under a phosphate use permit, you could conduct activities on the surface necessary to extract, treat or remove phosphate deposits from your leased lands. Under a sodium use permit, you may occupy camp sites, develop refining works, and otherwise use the surface to accommodate your sodium lease operations.

To apply, send your application, a $25 processing fee, and the first year's rental, which is $1 per acre or fraction of an acre. Your application should describe the lands you seek and the specific reason why you feel you need to use them. You should also submit any additional information which demonstrates that the lands you seek are available and suitable for your needs. Your application must include a statement that you agree to pay the annual charge identified in the permit, which should be $1 per acre or $20, whichever is greater.

If BLM grants your use permit, you will be able to use the lands for the specific purposes identified in it. Your use permit will contain an expiration date, but if your associated lease or permit expires or terminates for any reason during the life of the use permit, we will terminate the use permit at that time. Use permits cannot outlive the operations they are intended to support. Finally, if you fail to pay the rental within 30 days of BLM notifying you that the rental is due, we will terminate your use permit.

Subpart 3517—Hardrock Mineral Development Contracts; Processing and Milling Arrangements

The final subpart of these regulations concerns a subject specific to hardrock mineral leases: development contracts and processing and milling arrangements. These are agreements between one or more lessees and other persons to collaborate on large-scale operations to develop, produce, or transport ores. Permits and leases committed to these contracts and arrangements do not count towards your maximum acreage holdings.

BLM must approve any such agreement you enter into if your permits and leases are not to be counted toward your maximum acreage holdings. You may apply for BLM's approval by submitting copies of all agreements between you and other parties to the development contract or processing and milling arrangement; a statement which identifies the nature and reason of your request, and which shows all interests held in the area by the designated contractor; and a proposed plan of operations. BLM will approve your agreement only if it will conserve natural resources and is in the public interest.

III. Responses to Comments

BLM received a total of 29 comments on the proposed rule. The commenters included nine corporations, three industry associations, eleven BLM offices, three other government agencies, and three individuals. These comments addressed a wide variety of subjects, and ranged from commenting on general issues to offering specific language changes. We have considered every comment and will address them here, beginning with general comments followed by responses to comments on a section-by-section basis.

A. Generally Applicable Comments

The most hotly-debated issue raised by the proposed rule concerns the definition of a "valuable deposit." Sixteen of these comments addressed the term "profitable mine" as an aspect of the definition of a "valuable deposit." Many of these commenters say that by making this change we have substantially raised the standard of evidence required to earn an entitlement to a preference right lease. Others suggest that this definition exceeds our authority under the law, and suggest that a permittee need only show that they have established the "existence and workability of the deposit" during the term of a prospecting permit in order to be entitled to a preference right lease. We have carefully considered these comments, but we have chosen to leave the definition as we originally proposed it.

The proposed language does not materially change the definition or our existing policy. For example, BLM Instruction Memorandum WO 93–101, dated December 31, 1992, clearly states that BLM's policy is that "valuable mine" means "profitable mine" in this definition. Our legal authority for this definition is found in the Mineral Leasing Act and the Mineral Leasing Act for Acquired Lands.

This definition does not require that a prospecting permittee demonstrate that a profit can be made from the property. The language is conditioned by the phrase "reasonable prospect of success." This means that the permittee only has to show how one can reasonably infer from the data collected during the period of the prospecting permit that further expenditure of his or her means is justified by the expectation he or she can develop a profitable mine.

We have considered if we can make a distinction between a valuable mine and a profitable one. Is there a level of information that would show a hypothetical mine to be valuable, but at the same time be insufficient to show that it is reasonable to believe that this same hypothetical mine would be profitable? We do not think there is. Information that is less than that necessary to show a person can reasonably expect to develop a profitable mine may show that a valuable prospect exists, but is insufficient to show that a valuable mine can be developed. If a property is only valuable as a prospect, then the permittee has not yet earned an entitlement to a preference right lease.

Nine commenters expressed their opinions about the new style in which this rule is written. As mentioned above, this rule has been reorganized to consolidate overlapping provisions into a single set of generally applicable rules. We are also writing in "plain language," which involves transforming the rule text into a series of questions and answers. Commenters had mixed reactions to our new format, but since we are required to use plain language and to streamline all BLM regulations, we are not making substantial changes in response.

More specifically, some commenters said streamlining is a bad idea because it took the old system, where each commodity had its own set of regulations, and merged them all into a single, more confusing set of regulations. We disagree. There are very few differences between how each commodity is leased, and once people get used to using the new, consolidated rules, they should find them just as easy to use as the prior rules. One commenter felt that streamlined regulations worked in favor of large corporate customers and against small businesses. Again, we disagree. BLM designed these rules to be easy for everyone to understand, including people entirely outside the mining industry. This should actually benefit small businesses, who sometimes may not have the same expertise as large corporations. Your local BLM office is also available to help you understand any regulation that affects you.

Two commenters felt the proposed table of contents was long and hard to understand. We agree, so we have added groupings to the table of contents which should make the table of contents much easier to read. Now, if you want to know how to prove that you are qualified to hold a lease, rather than searching through all fifteen section headers under "Subpart 3502—Qualification Requirements," you can find the grouping called "How to Show Lease Qualifications" and find the section you need more quickly. These groupings should also make it easier to understand how we structured the regulations.

Some people also were unhappy with the question-and-answer format, where each section header is a question which is answered by the section text. This is a key aspect of plain English, which BLM is committed to using. Once you get used to it we believe you will find it very helpful.

Several commenters did not understand the numbering system used in the proposed rule. Two commenters said that the numbering system in the proposed rule did not conform to the numbering system used in BLM's case tracking computer database. We made several changes in the final rule in response to these comments. We added subheadings under the major headings to clarify the organization of the rule. Also, we changed the tables in the rule so that we always list the commodities in the same order. The final rule lists the commodities in the same order as that used in the previous version of this rule. Also, we intentionally skipped numbers in the final rule. We did this to leave room for any future amendments and additions to this rule that might someday be required.

One key index in our computer databases is the case type field. The case type index allows a user to search the data base for particular kinds of cases, for example phosphate leases, and ignore other cases. The first four digits of the case type field have cited the regulations that authorize the action. For example, the first four digits of the case type for competitive phosphate leases is 3515, the same as the citation for competitive phosphate leasing in the previous rule.

This rule making does not require any change to our computer databases. If BLM needs to change this database, we will not need to change this rule to do so. We have placed the commodities in the order in which they were found in the previous version of this rule so that the first three digits of the case type field will refer to the rule. We did this as a matter of convenience and with the hope that it will make the rule easier to use.

There were several general comments concerning substantive issues. One commenter suggested that we should ask potential lessees to certify themselves as qualified, rather than asking them to submit proof of their qualifications so that we can certify them as eligible. We did not accept this idea. While self-certifying could save applicants some time, we feel this is too important an issue for BLM to relinquish our responsibility. Leases issued to people who are not qualified are void by law, and if we granted a lease to an unqualified person and were

forced to shut down their operations later, it would be far more costly and complicated than determining qualifications at the outset. These problems could also occur where someone accidentally misinterprets the qualifications. BLM prefers to resolve these critical issues before we issue a lease, and we think it is in the public interest to do so.

One commenter pointed out that we had eliminated all information on fractional interest leases. We have since reinstated information on fractional interests in this final rule, beginning at 43 CFR 3509.40.

Two commenters requested that BLM make several changes to the proposed bonding requirements, such as allowing self-bonding, not duplicating state bonding requirements, and not requiring high premiums until a user has planned a surface disturbance. We have not made any changes to accommodate self-bonding. First, we will not accept self bonds because they provide no additional security to the government. A self bond is a personal or corporate guarantee of performance. This is not significantly different from the lease document. Once you sign the lease, you have guaranteed your performance of its terms and conditions. The purpose of the bond is to secure performance of these terms and conditions should you be unable to honor your guarantee.

We have added language to § 3504.50 that allows BLM offices to enter agreements with state governments on bonding. In a state where we have entered such an agreement, your state bond may not fully satisfy BLM's bonding requirement. We may still require additional bonding in such states because our bonds cover compliance with all terms and conditions of the lease. State governments generally only bond your reclamation obligations. BLM bonds for reclamation as well as for the payment of rental and royalties. If you are working in a state where the BLM and the state government have developed an agreement on bonds, the information you file with us must prove that your state bond completely covers your responsibilities to BLM, for the entire life of the BLM bond you would otherwise need. If you cannot prove this, or if your state bond is inadequate, we will require you to file an additional bond.

The final rule does have provisions for phased bonding in § 3504.60. This subpart allows us to adjust your bond as circumstances warrant. It may take some time after we issue your lease before you have gotten all the permits needed to open a mine. You need to have a full reclamation bond in place before you open the mine, but you may not need to have this full bond in place while you are still seeking permits. Subpart 3504.60 allows individual BLM offices to phase in your bond if appropriate.

Finally, a few comments raised questions and offered suggestions for language we could use to describe areas which are known to contain a deposit of a leasable mineral. Exploration licenses, competitive leases, and fringe acreage leases are available in these areas. One comment requested that we use the term Known Leasing Area to describe areas where these authorizations are available. We chose not to change the language in the final rule.

The term Known Leasing Area (KLA) comes from the BLM's practice of classifying lands for various purposes. The former Conservation Division of the U.S. Geological Survey was responsible for designating KLAs. The Secretary of the Interior transferred this responsibility to BLM in the early part of the 1980's. The boundaries of KLAs are fixed through a formal decision process. Because of other workload priorities, we have not reviewed many of these KLA designations recently. Some of these designations may be out of date. Therefore, we chose to avoid the use of the term Known Leasing Area in the final rule.

Under the final rule, we intend for BLM to review each application to see if it is for lands known to contain a valuable deposit of a leasable mineral. This will be more effective than relying solely on old classification maps that may not be based on all currently available geologic data.

B. Specific Comments

Authority Citation

Several comments suggested that we should retain the authorities section from the previous version of the regulations. The existing regulations now contain a complete list of all the statutory authorities which support this part. Also, each commodity section lists statutory authorities. In response to these comments, we expanded the authorities section at the beginning of the rule. We deleted the authorities section from each commodity section because of the way we consolidated the rule. However, we included any commodity-specific authority in the general section listing our statutory authority.

Section 3501.5

Three commenters suggested expanding the definitions section at section 3501.5 to resemble the existing set of definitions. One commenter opposed consolidating definitions sections in general, reasoning that consolidated sections will be harder to work with and will make it more difficult to track changes to regulations because when BLM revises a definition we can do so by simply referring to the definitions section, not the affected regulations. We did not accept these comments, except to add the term "acquired lands" to the definitions section. We do not use several of the terms we deleted from the definitions section in the final rule. We deleted other terms from the definitions section because we believe these terms will be readily understood when read in the context of the rule. Therefore, we chose to leave these terms out of the definitions section.

Three commenters felt the proposed definition of "hardrock minerals" was deficient. We re-wrote this definition to give a simple, brief explanation of what hardrock minerals generally are and what they are not, without listing all the specific minerals which could fall into this category.

Based on a comment by a BLM office, we deleted the proposed definition of "leasing," which we decided was unnecessary. These regulations explain leasing in great detail, and defining the term does nothing more to help the reader. We also deleted the proposed definition of "Act" because we do not use this term in the rule.

Section 3501.10

Two commenters disputed the proposed language about who determines land to be chiefly valuable for a mineral, and when this determination is required. We amended 43 CFR 3501.10(a) to point out that BLM will determine if land is chiefly valuable for developing a certain mineral, and that BLM must do so only when someone holding a prospecting permit for sodium, potassium or sulphur discovers a valuable deposit and wants a preference right lease to mine the deposit. The permit holder does not make "chiefly valuable" determinations.

Section 3501.16

One commenter suggested including a provision which says that we will determine your priority based on the date of your initial permit or lease. We have accepted this idea, so that now your priority will be determined by your original lease date, even if you have since renewed it.

Section 3501.17

We received four comments on paragraph (b), which says that BLM or the surface managing agency must comply with NEPA before issuing any permit or lease. Two commenters requested definitions of NEPA and "surface managing agency" but we felt this was unnecessary. NEPA refers to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* The surface managing agency will be the Federal agency responsible for managing the surface estate overlying a leasable mineral area.

Section 3502.13

One BLM office pointed out that we no longer maintain a list of countries which deny U.S. citizens and corporations the opportunity to hold mineral leases or permits. The procedures implementing the Mineral Leasing Act's alien ownership provisions were changed by notice in the **Federal Register** (47 FR 27622, June 25, 1982). This comment is correct, so we deleted the reference to this list from this section.

Section 3502.25

We received one question about filing evidence to show that you are qualified to hold a lease or permit. This comment asked if you have to file evidence with every application. The final rule requires that you do. The information you submit to one BLM office may not be shared with another because it stays with your application. Also, your qualifications may change over time. Therefore, we ask that you submit a copy of your proof of qualifications with each application you file.

Section 3502.30

In response to a question we received, we changed the rule to state that the alien provisions apply to hardrock minerals on acquired National Forest lands.

Section 3503.10

This section lists the areas which the Secretary of the Interior is prohibited by law from leasing because of their wilderness values. This includes designated wilderness, Wilderness Study Areas (WSAs), inholdings in wilderness, and lands recommended for wilderness designation by the surface managing agency. One commenter asked whether this also included lands in Utah that may be reinventoried for wilderness values. BLM is not prohibited by law from leasing these lands provided they are otherwise available.

Section 3503.11

One comment pointed out that the Grand Staircase-Escalante National Monument was closed to mineral leasing by Presidential Proclamation on September 18, 1996, subject to valid existing rights. We added a reference to the Grand Staircase-Escalante National Monument to § 3503.11. This section of the final rule lists those areas where we will not issue a permit or lease. There are no existing prospecting permits or preference right lease applications for the commodities controlled by this rule in the Grand Staircase-Escalante National Monument, so we will not have to consider preference right leasing for these commodities in this area.

One comment pointed out that we have no legal authority to issue permits or leases in Ross Lake and Lake Chelan National Recreation Areas. We removed the reference to these areas in the final rule. The proposed rule copied the list of lands available for leasing from the previous rule. We published the previous rule in 1986. Congress passed the law that removed the authority to issue mineral permits or leases in Ross Lake and Lake Chelan National Recreation Areas in 1988. We have corrected the final rule.

Section 3503.20

We received a comment asking for clarification of the difference between a "consenting" agency and a "consulting" one. Depending on the status of the surface land in question, BLM may need to consult with the surface managing agency, in which case we will seek their opinion but may not be bound by it; or we may need to obtain the surface management agency's consent before we may approve your lease or permit application. If that agency withholds its consent, we cannot approve your application.

Section 3503.25

One comment suggested that we re-word this section to apply these regulations to all Federal mineral estate underlying private land. We agree and changed this section. BLM will use this rule to administer leasable minerals on all Federally-owned mineral estate beneath privately owned surface lands. In cases where the Federal Government has patented the surface while reserving both the mineral estate and the right to reenter the lands to develop the mineral estate, we can use these regulations directly. Deeds used to transfer land to the Federal Government may contain special covenants. To the extent practicable, these rules will be used to manage acquired Federal minerals beneath privately-owned surface, but special covenants may require exceptions to some processes or standards described here. In certain cases where a deed covenant requires us, we will make exceptions to these rules. Our regulations cannot displace the terms of a deed that transferred the mineral estate to the Federal Government.

Section 3503.28

Four commenters expressed concern over this section, which says that BLM will specify any stipulations to your lease that the surface managing agency or private surface owner requires. We revised this section to clarify what stipulations we will add to your lease. We will add stipulations which BLM believes are necessary to protect the lands and resources. We will also add those stipulations which a surface managing agency requires as part of its consenting role (see § 3503.20). BLM may also consider additional stipulations requested by a consulting agency or private surface owner, though we will only add those stipulations with which we agree.

Section 3503.31

For the section concerning how you should describe unsurveyed lands in Public Land Survey states, one commenter asked why we do not allow you to use GPS mapping to comply with this requirement. You may use GPS mapping as a tool to fulfill this requirement, as long as your survey meets or exceeds BLM's standards for accuracy of public land surveys and land description.

Section 3503.37

Two commenters requested that BLM consider raising the acreage limitations in section 3503.37. We raised the acreage limit for potassium to 96,000 acres, but we have not increased any other limits because the other limits are set by statute.

Section 3503.38

One commenter asked whether BLM, when calculating your acreage holdings to see if you are within the acreage limits, will count your corporate holdings against you and also against a corporate applicant. The answer is yes. When we are calculating your personal acreage holdings, we will include acreage which is held by corporations in which you own an interest, in proportion with your ownership share, provided you own at least 10 percent of the corporation. We will also charge that same acreage against the corporation when it applies for a lease or permit. As

discussed above, BLM believes counting the same acreage in each case is the fairest way to calculate holdings.

Section 3503.41

Whether BLM will release confidential information you submit to us drew two comments on this section, as well as several comments on other sections which require you to submit data to BLM. On this section, commenters asked us to make the rules more clear about when and how they may ask BLM to protect sensitive information from release. We expanded the rule by adding §§ 3503.42 through 3503.46 to provide clarification on these access questions. These sections are based on a new rule on this subject published on October 1, 1998 (61 FR 52946).

It is the BLM's policy to make records available to the public to the greatest extent possible consistent with the intent of the Freedom of Information Act (FOIA) (5 U.S.C. 552). We will preserve the confidentiality of documents when sound grounds exist for invoking one of the nine FOIA exemptions and we will protect sensitive information when appropriate under the law. We apply FOIA exemptions to information on a case-by-case basis, and do not categorically exempt information. We must process FOIA requests for mineral resources information under the FOIA rules of the Department at 43 CFR part 2 subpart B.

Exemption 4 of FOIA protects trade secrets; and commercial or financial information obtained from a person that is privileged or confidential. Exemption 9 of FOIA protects geological and geophysical information and data, including maps, concerning wells. Executive Order 12600 and Departmental rules at 43 CFR 2.15(d) generally require notification of, and consultation with, a submitter when we contemplate releasing arguably confidential commercial or financial information. If the information is obviously exempt from disclosure, the request may be denied without consulting with the submitter.

It helps us complete the FOIA review of information if you clearly mark the information you consider to be exempt from release under FOIA before you submit it. BLM will consider the marked information and make it's access determinations as provided in the standard public availability of information provisions of the mineral rules at 43CFR 3100.4, and 43 CFR 2.15(d). BLM also refers to applicable court cases identified in the Department of Justice FOIA Guide when making determinations. If we intend to release a requested record over the objection of a submitter, we must notify both the requester and the submitter in writing of our decision before we release it.

According to newly published rules at 43 CFR 3100.4, BLM must contact the Indian mineral owner and the submitter if we receive a FOIA request for information related to Indian land and the requested information may be covered by Exemption 4. The Department describes the process we use to contact the Indian mineral owner and the submitter in the rules at 2 CFR 2.15(d).

We may release some information in case files to the public without a FOIA request if it is not covered by a FOIA exemption. You may obtain more information about how FOIA relates to specific information by contacting the BLM FOIA Coordinator or Mineral Specialist in the office where the information is kept.

Section 3504.11

The Minerals Management Service (MMS) commented that this section was not completely accurate: MMS accepts postal money orders, negotiable instruments and electronic fund transfers, in U.S. currency, but they do not accept cash. We revised this section to refer the reader to the MMS rules. We also added language to allow us to authorize other payment methods, such as electronic fund transfers, should we develop additional capabilities in the future.

Section 3504.15

MMS also pointed out that rentals for prospecting permits are 50 cents per acre or fraction of an acre. BLM has added this additional phrase to make this section more accurate.

Section 3504.16

We received four comments on this section, reflecting different ideas about when rentals should be due after the first year of the lease. We proposed using the anniversary date in all cases, but as two commenters pointed out, the law requires BLM to use a January 1 deadline for sodium, potassium and asphalt, and the anniversary date for all other leasable minerals. We revised this section to conform with the laws which require payment before January 1 for sodium, potassium and asphalt, on or before the anniversary date for phosphate and before the anniversary date for other minerals.

We also changed the language of this section and in § 3504.25 to clarify how lease rentals are credited against royalties. Please see the discussion in our response to comments for § 3504.25.

Section 3504.21

We received several comments on this section, which we converted into a table to make it easier to read. First, one person thought the section was unclear about what is a related product. We have not amended this section to further define related products because they are discussed in greater detail at 43 CFR 3511.10. Another commenter asked us to explain in this section that when the United States owns less than the entire mineral right, BLM will charge you a pro-rated royalty. We do not believe this language is necessary. You will be required to pay the full royalty amount on all of the Federal production. We recognize that in a situation where the Federal Government owns less than the full mineral estate, we are entitled to royalty for only that portion of the production that is credited to the Federal ownership. We discuss fractional interest leases more fully in subpart 3509.

Section 3504.25

One comment recommended that we amend this section to require you to pay minimum royalties in lieu of production annually before January 1 for sodium, asphalt and potassium, while paying them before the anniversary date for other minerals. We agree and changed the language.

A comment also suggested we add a sentence pointing out that hardrock leases, development agreements, and operating agreements that are subject to escalating rentals, are exempt from minimum production and royalty requirements. We included this suggestion in the final rule.

We also changed the language of this section to clarify a possible ambiguity in the proposed rule about crediting lease rental against royalties. We use both the term "production royalty" and the term "minimum royalty in lieu of production" in this rule. Lease rental can be credited against either form of royalty in any given lease year. For example, in the case of a 1,000 acre, non-producing lease in its sixth year, a lessee would owe $1,000 in rental. The lessee would also owe $3,000 in minimum royalty in lieu of production. However, the lessee would receive a credit for the $1,000 for the rental that was paid, so the lessee would submit only an additional $2,000. Therefore, since the lessee received a credit for the rental, the lessee would have paid a total of $3,000 to hold the lease in this year. If the lessee were then to produce minerals after making the payment of minimum royalty in lieu of production, he or she could receive credit for the

minimum royalty in lieu of production for that year only. So, if the lessee produced minerals that accrued a royalty obligation of $10,000, the lessee would have a credit for the $3,000 already paid in minimum royalties in lieu of production for that lease year and would owe only an additional $7,000. This credit can not be carried forward into later lease years.

Section 3504.71

This section discusses when BLM will release your bond and free you of any further liability at that site. We said in the proposed rule that you must first take effective measures to ensure that your activities would not have an adverse effect on surface or subsurface resources. One commenter proposed that we change this language to require you to assure instead that the effects of your activities have been minimized, but we cannot accept this suggestion. We think minimizing impacts is too weak a standard. BLM has a duty to see that your activities will cause no adverse effects on the land once your bond has been released.

Section 3505.30

When you amend your application to include additional lands, we proposed that we use the date of the amended application to determine your priority. One commenter felt we should use the date of the original application for the lands in that application, and only apply the later date to added lands. However, we feel this would be unfair, and cannot accept this suggestion. We review applications as a whole, and need to apply a single date to that application. If you amend your application to include additional land, we will use the date you filed your amendment to establish the priority of your application. If you wish to preserve your earlier date, you can file a separate application for the new lands. This prevents someone from reordering their priority on land by attaching the land to an earlier application.

Section 3505.45

Two commenters thought our proposed section on what you must include in your exploration plan was unnecessary and too detailed. We considered reducing this section, but decided that we should not make it any shorter or less detailed. BLM needs all of this information at the time you are submitting your prospecting permit application, not when the permit is already issued. We must make a careful environmental analysis when deciding whether or not to issue a prospecting permit because you may earn a preference right to a lease through prospecting for Mineral Leasing Act lands. Also, we need to consider if the exploration you propose would disclose a mineral deposit if one exists. Therefore, in order for us to make a fully informed decision at the proper time, we need this information with your prospecting permit application.

We decided to keep this section intact in subpart 3505 because these requirements are not duplicated elsewhere in these regulations. We also require you to submit exploration plans when you apply for an exploration license. This final rule sets out the requirements in this section only, and subpart 3506, concerning exploration licenses, refers back to here.

Section 3505.501 (Suggested New Section)

One commenter suggested adding an additional section between §§ 3505.50 and 3505.51 which would require us to process prospecting permit applications in 180 days, including review by the surface managing agency. We have decided not to include this language. Each BLM office will strive to process applications in a timely manner. However, because of BLM's complex array of management duties and limited resources, there is always the possibility that some event could occur which would make it impossible to meet strict deadlines. We need to retain our flexibility to deal with such situations, while still providing quality customer service.

Section 3505.62

In our proposed rule, we defined reasonable diligence under a prospecting permit as a function of how many core holes you drilled, among other actions. This prompted one commenter to point out that other holes, such as percussion or circulating holes, would also show that you have diligently explored an area. Therefore, we removed the word "core" from this section. We will consider any holes you drill, as well as other actions you take, to determine if you have been reasonably diligent in your exploration.

Section 3506.10

One commenter questioned the need for exploration licenses. This individual also questioned the BLM's role in exploration licenses. We believe we need exploration licenses, but we made some changes to clarify the final rule in this area.

We can only issue prospecting permits in areas where we know of no valuable deposit of leasable minerals. We must issue competitive leases on lands where we know that there is a deposit of leasable minerals. In some of these areas you may not be interested in bidding on a lease because you do not have enough geologic and environmental data. An exploration license provides a way for you to collect these data.

It is important for the BLM to be involved in the exploration process. Before we issue a competitive lease we need to make some geologic and economic decisions. We need to estimate the environmental impacts of mining a lease tract before we can issue a lease. Also, we need to set the fair market value of the tract. We must make these decisions based on all available, relevant data.

BLM will hold data submitted under an exploration license as proprietary as allowed by FOIA or until we lease the deposit. We need the authority to share exploration data after we lease the deposit because the party who gets the lease and the party who conducted the exploration may be different. We want the lessee to use all of the available data as it develops the lease.

Section 3506.15

One commenter said that BLM should not establish core hole spacing because permittees and licensees have more experience in doing this. We have not changed this section because of this comment. We may accept your suggestions about establishing core hole spacing, but we will remain ultimately responsible. We need the authority to set hole spacing so that exploration addresses our priorities for data collection. For example, we may have important questions about ground water on a lease tract. A licensee may be interested in overburden characteristics. The location of a drill hole could be very important to the ground water issue, but not particularly sensitive for the overburden issue. We may exercise our authority to set hole spacing in this kind of situation. We may also need to change the location of a hole to protect other resources such as cultural resources. However, we did drop the word "core" from discussions of hole spacing.

Section 3507.25 (Relocated to 3507.19)

This section has been renumbered as § 3507.19. In response to several comments, BLM is modifying the final rule regarding the agency's discretion whether to issue a preference right lease. The modification reflects both underlying statutory differences between minerals administered under the Mineral Leasing Act (MLA) and minerals on certain acquired lands

administered under a different statutory scheme, as well as BLM's historical practice.

Under the MLA, if the holder of a prospecting permit makes a discovery of a valuable mineral, that person generally is "entitled" to a preference right lease for those minerals. For example, for phosphate, the statute provides that:

> (I)f prior to the expiration of the permit the permittee shows to the Secretary that valuable deposits of phosphate have been discovered within the area covered by his permit, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit.

30 U.S.C. 211(b). See also 30 U.S.C. 262 (sodium), 272 (sulphur), and 282 (potash) which have similar provisions. These MLA sections for minerals other than phosphate include the requirement that the lands must be "chiefly valuable" for production of the particular mineral. The Secretary's discretion whether to issue the preference right lease therefore effectively is limited to whether the prescribed statutory standard is met.

For acquired lands, the Mineral Leasing Act for Acquired Lands (MLAAL) applies the MLA preference right leasing standards for the same minerals including phosphate, sodium, potassium and sulphur. However, for certain acquired lands the Secretary also has authority to lease other minerals not subject to the MLAAL. For example, the United States acquired certain lands for the Forest Service under the Weeks Act of 1911, 16 U.S.C. 520, and the Bankhead-Jones Act, 7 U.S.C.1010. Originally, the authority to lease minerals underlying those lands was vested in the Secretary of Agriculture. However, under Reorganization Plan No. 3 of 1946, 5 U.S.C. App. 1, the leasing authority for certain of these minerals was transferred to the Secretary of the Interior. Under this authority, the Secretary may issue prospecting permits and leases for certain hardrock minerals such as lead, gold, silver, etc. Any decision to lease must be consistent with the purposes of the statute under which the lands were acquired or are being administered, and the Secretary of the Interior must obtain the surface managing agency's consent before issuing a lease. See Reorganization Plan No. 3 of 1946 Section 402 (5 U.S.C. Appendix). The Secretary's decision to lease, or the surface managing agency's consent, may be based on the inclusion of protective stipulations. However, the Secretary has complete discretion whether to issue a prospecting permit which necessarily precedes a preference right lease application.

Unlike the MLA (and by incorporation the MLAAL), the leasing provisions under Reorganization Plan No. 3 of 1946 do not include a provision "entitling" the holder of a prospecting permit to a lease upon making a valuable discovery. Despite this statutory difference, BLM adopted one regulation in 1986 applicable to minerals leased under all these authorities. 43 CFR 3500.0–3. Thus, under this rule, minerals leasable under Reorganization Plan No. 3 were treated under the same preference right leasing system as minerals leasable under the MLA. However, despite this same regulatory umbrella, BLM historically has treated minerals leased under Reorganization Plan No. 3 differently by including stipulations in the prospecting permits stating that:

> (N)o mineral development of any type is authorized hereby, and consent to the issuance of this prospecting permit as required by law and regulation (43 CFR 3500.9–1(b)) is given subject to the express stipulation that no mineral lease may be issued for the land under permit without the prior approval of the USDA Forest Service [in its capacity as surface management agency] and the proper rendition of an environmental analysis in accordance with the National Environmental Policy Act (NEPA) of 1969, the findings of which shall determine whether or not and under what terms and conditions the lease may be issued.

Thus, BLM made clear that issuance of the prospecting permit would not necessarily entitle the permit holder to a lease. Through this stipulation the Secretary retained discretion whether to issue the lease and also specified that lease issuance was contingent on Forest Service approval and further NEPA analysis of full scale mining. This stipulation was not included in MLA (and MLAAL) mineral prospecting permits.

We received comments from the Forest Service and the National Park Service recommending that this final rule should reflect the difference between the minerals BLM administers under the MLA scheme and Reorganization Plan No. 3, consistent with BLM historical practice. We agree with this comment. Therefore, in subpart 3507 of the final rule, we have clarified the prior language to distinguish between the MLA (and MLAAL) minerals and Reorganization Plan No. 3 minerals. For the former, finding a valuable deposit under the prospecting permit more or less entitles the permit holder to a preference right lease, subject to the "chiefly valuable" determination. For minerals leasable under Reorganization Plan No. 3, if the permit holder makes a valuable discovery, the BLM will both make its own independent determination whether to issue a lease and seek surface managing agency consent before issuing a non-competitive lease to the permit holder. BLM's determination will include consideration of such factors as the environmental impacts of full scale mining. As noted above, this rule change simply has the effect of making the regulatory language correspond to BLM's historical practice of treating leasable minerals under Reorganization Plan No. 3 differently, which was accomplished through the stipulation in the prospecting permit.

Section 3508.15

One commenter suggested that we give a detailed description of the various bidding methods that we might use in our competitive lease sales. This individual also suggested that the language in the proposed rule seemed to imply that a sealed bidding process is the only bidding method allowed. We have not changed the final rule in this area.

The rule as proposed does not require a specific bidding method. Section 3508.15(b) requires that we publish the bidding method we will use in the notice of lease sale. This can include the method used to break ties in bidding. We think it important to leave flexibility in this area of the regulations. BLM wants to ensure fair bidding and that we obtain fair-market value for the lease tract. The methods needed to achieve this can vary from place to place and time to time. Since the rule requires that we publish the bidding method in advance of the sale, all interested parties will receive notice of the method we intend to use.

Section 3509.11

One comment suggested that we add language to the rule saying that we may reject a lease application because of tangible and intangible environmental considerations. If we were to adopt this suggestion, we would have to more precisely define our use of the phrase "in the public interest." We have chosen not to adopt this suggestion and have not changed the final rule. We intend for the phrase "in the public interest" to imply a consideration of the potential environmental costs of mineral development. It is our duty to balance the potential benefits of mineral development against the potential environmental consequences of that development when we decide that the approval of an application is in the public interest. In § 3515.15(c), we list

the items we consider when making determinations of the public interest. We do not repeat this list every time we use the phrase "in the public interest" because we want to limit the redundancy in this rule.

Section 3509.12

One commenter pointed out that it is inaccurate to refer in this section to the "person who has a present interest in minerals * * *" because there can be more than one owner. We made this change.

Section 3509.18 (New Section)

One commenter pointed out that we provided no means to resolve situations where more than one qualified party applied for a future interest lease. Based on this comment, we added a section that requires us, when we receive a future interest lease application, to notify all present interest owners and give them a chance to apply for a future interest lease. We would then hold a competitive lease sale among the qualified applicants. We believe this change is needed so that our process is fair to all present interest holders.

Section 3509.40 to 3509.51 (New Sections)

One commenter pointed out that we had omitted regulations on fractional interest leasing. This was an oversight in the proposed rule. We added these sections to address fractional interest leasing. The fractional interest leasing section is similar to the language on future interest leasing.

Section 3510.20 (Relocated to 3511.10)

One commenter suggested that we add language to this section to address hardrock mineral leases. We did not change the text in the final rule, although we did move this section to § 3511.10 as part of our reorganization of subparts 3510 through 3514. This section of the regulations describes BLM's special authorities to issue leases to mine more than one commodity under a mineral lease. The intent of this section is to bring attention to certain commodities we lease only because of their association with a leasable mineral. For example, you would normally develop limestone under our mineral materials program or under the authority of the general mining law. However, if you develop limestone on your lease to support phosphate processing, your lease includes the limestone and you pay a royalty on its production. This is a special provision of the Mineral Leasing Act. We do not need to make a similar distinction for hardrock minerals, because on lands where we lease hardrock minerals, we lease all minerals except common clay and common varieties of sand, stone, gravel, pumice, pumicite and cinders. We do not need special authority to lease both lead and zinc from the same parcel.

Section 3510.21 (Relocated to 3511.11)

This section discusses the conditions for producing sodium chloride commingled with your calcium chloride deposit. One person suggested that royalties should be limited to two or three percent of the gross value of the sodium, and that BLM should not apply royalties retroactively. We have not proposed collecting royalties retroactively, nor will we in this rule. However, we will not accept the suggestion to place a limit on the royalty rate. That rate must be determined based on the circumstances particular to the site, just as we determine royalties for all other leases. This is because BLM has an obligation to collect fair market value for the use of public resources.

Section 3511.11 (Suggested New Section)

One person suggested that we add a section at the beginning of subpart 3511 stating that leases will contain provisions to change the name on a lease by having the new lessee send notice. We cannot do this, for several reasons. First, we must hear from the original lessee so that we can be sure a proper assignment agreement exists. Second, BLM must approve the new lessee before the transfer can take place, including verifying that bonding is adequate and that the new lessee is qualified to hold the lease. Finally, we must verify that the original lessee has paid all royalties before we can approve any assignment or sublease.

Subpart 3512 (Relocated to Subpart 3513)

One commenter suggested that we change the term "minimum royalties" in the name of this subpart and all other places to "advance royalties". This term refers to minimum royalties in lieu of production. The term "advanced royalties" is used in our coal regulations for a lease obligation with a different statutory source. We did not make this change because we do not wish to confuse this phrase with the phrase used in our coal rules.

Section 3512.15 (Relocated to 3513.15)

One reader asked whether you can apply to have your rental, royalty, or minimum production obligations reduced in anticipation of a problem, or whether you must wait until you experience a problem that prevents you from meeting your obligations. If you are facing financial difficulties, BLM may reduce your obligations if it is also in the interest of conservation and will promote greater recovery of the resource. You may file your application with us at any time; however, the relief described in this section (which has been relocated and renamed) does not depend solely on your financial situation. Therefore, we will not change this section to reflect whether you have experienced a problem yet or not, because we do not base our decision solely on this criterion. Rather, BLM may waive or reduce your obligations if doing so is in the interest of conservation, will encourage the greatest ultimate recovery of the resource, and is necessary either to promote mineral development or will allow the lease to be successfully operated.

Sections 3512.20 and 3512.30 (Relocated to 3513.20 and 3513.30)

We received several comments on these sections. Some comments questioned BLM's authority to initiate Suspensions of Operations and Production. Other comments requested small changes to the rule text. We changed the language in the final rule so the difference between Suspension of Operations and Production and Suspension of Operations is more clear. We made other small changes in the final rule and moved these subparts to 3513.20 and 3513.30.

The two kinds of suspensions have different purposes and effects. To bring attention to the differences between the suspensions we added the label Conservation Concerns to the subheading Suspensions of Operations and Production. We added the label Economic Concerns to the subheading Suspension of Operations.

Suspensions of Operations and Production (Conservation Concerns) derive from 30 U.S.C. 209. This section of the Mineral Leasing Act gives the Secretary the authority to either direct or assent to Suspensions of Operation and Production (Conservation Concerns). Conservation concerns apply to a broad variety of resources including conservation of the leased mineral and other resources. A Suspension of Operations and Production (Conservation Concerns) suspends the obligations of the lessee to produce the mineral, to pay royalty in lieu of production, and to pay rental. The suspension also extends the term of the lease by the amount of time the suspension is in effect.

The lessee must initiate a Suspension of Operations (Economic Concerns). The Mineral Leasing Act mentions Suspensions of Operations affecting phosphate leases at 30 U.S.C. 212, and such suspensions affecting potash leases at 30 U.S.C. 283. Our authority for suspensions of operations for other commodities derives from the Secretary's general authority to issue regulations found at 30 U.S.C. 189. The Secretary may permit a Suspension of Operations (Economic Concerns) if the lessee shows that the lease can only be operated at a loss because of market conditions. A Suspension of Operations (Economic Concerns) suspends the obligations of the lessee to produce the mineral, and to pay royalty in lieu of production. The lessee must still pay the annual rental and the suspension does not extend the term of the lease.

Section 3512.26 (Relocated to 3513.26)

One comment on this section said that during Suspensions of Operations and Production (Conservation Concerns), MMS may allow credit towards future payments if you paid rental or royalties while the suspension was in force. We made the change suggested by this comment.

Section 3513.11 (Relocated to 3514.11)

One comment suggested we change this text to say BLM "accepts" relinquishments, rather than "approving" them. Another comment on this section suggested we add language that says you will be free from continuing obligations after BLM has accepted your relinquishment. We did not make these changes. We believe we must approve relinquishments so that we can prevent high-grading of mineral deposits and other damage to resources. Also, when BLM approves your relinquishment, you are not free from the obligations you accrued during the term of your lease. You may still be responsible for outstanding payment obligations, reclamation and other continuing duties.

Subpart 3514 (Relocated to Subpart 3510)

One comment suggested that we change the regulations on fringe acreage leases to require that fringe acreage lessees get a prospecting permit first, and that BLM or the surface owner should grant prospecting permits whenever the lessee notifies us of its intent to prospect. We have not made any changes based on this comment. We issue fringe acreage leases for known deposits. Prospecting permits are not needed for these leases. You can get a noncompetitive fringe acreage lease if your application meets all of our requirements. We must also determine that the lands are available for leasing and the conditions for fringe acreage leasing have been met.

Subpart 3515

The proposed rule changed the provision that confined lease exchanges to those involving leases of "comparable" value to "equal" value. One commenter objected to this change, while another supported it. The statute requires BLM to use the "equal" value standard. The objecting commenter felt that this would be too inflexible and delay exchanges while we got bogged down determining the exact dollar amounts involved. However, we do not agree. We have enough flexibility in this area because these regulations allow us to make or accept equalization payments and we can even waive equalization payments when the difference in the values of the leases is less than three percent or $15,000.

Section 3516.10

One comment pointed out that use permits are not available on lands administered by the National Park Service. We have changed this section to state that use permits are only available on unentered, unappropriated, BLM-administered land.

Section 3517.10

One commenter suggested BLM might add provisions to the section on development contracts and processing and milling arrangements, covering topics like contract duration, renewals, readjustments and financial obligations. However, we have not made any changes to this effect. BLM handles these details on a case-by-case basis, so regulations would be inappropriate.

IV. Procedural Matters

National Environmental Policy Act

BLM has prepared an environmental assessment (EA) and has found that the final rule would not constitute a major federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). This rule, as discussed above, is limited to changes that will help mineral leasing programs operate more efficiently, and to non-substantive changes to how the rule is written and organized. BLM has placed the EA and the Finding of No Significant Impact (FAIENCE) on file in the BLM Administrative Record at the address specified previously. BLM invites the public to review these documents by contacting us at the addresses listed above (see **ADDRESS**).

We also determined that the rule will have no impact, or will only marginally benefit, the following critical elements of the human environment as defined in the BLM National Environmental Policy Handbook (H–1790–1, appendix 5): Air quality, areas of critical environmental concern, cultural resources, Native American religion concerns, threatened or endangered species, hazardous or solid waste, water quality, prime and unique farmlands, wetlands, riparian zones, wild and scenic rivers, environmental justice and wilderness.

Paperwork Reduction Act

We have determined that this rule complies with requirements under the Paperwork Reduction Act (44 U.S.C. 3501), since we are not significantly altering current policy. This rule contains no information collections that require approval by OMB.

Regulatory Flexibility Act

BLM certifies that this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The revised regulations will not significantly change the mineral leasing program operations. Therefore, a final Regulatory Flexibility Analysis and Small Entity Compliance Guide is not required.

In accordance with Small Business Administration regulations at 13 CFR 121.201, a "small entity" in this section is an individual, limited partnership, or small company with fewer than 500 employees or less than $5 million in revenue and considered to be at "arm's length" from the control of any parent companies.

Small Business Regulatory Enforcement Fairness Act

We have determined that this rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)). As explained above, we are not making significant alterations to current policy. This rule:

a. Does not have an annual effect on the economy of $100 million or more;

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

We have determined that this rule is not a significant regulatory action under the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) Because it does not result in the expenditure by the State, local and tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year. As explained above, we are not making significant alterations to current policy, and therefore, do not need to complete a Small Government Agency Plan. This rule:

a. Will not "significantly or uniquely" affect small governments; and

b. Will not produce a Federal mandate of $100 million or greater in any year.

Executive Order 12630

The final rule does not represent a government action capable of interfering with constitutionally protected property rights. Section 2(a)(1) of Executive Order 12630 specifically exempts actions abolishing regulations or modifying regulations in a way that lessens interference with private property use from the definition of "policies that have takings implications." Since the primary function of the final rule is to abolish unnecessary regulations, there will be no private property rights impaired as a result. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 12866

BLM has determined that this rule is not a significant regulatory under Regulatory Planning and Review (Executive Order 12866); however, the Office of Management and Budget (OMB) makes the final decision. Since the new regulations will not make significant policy changes, this rule;

a. Will not have an annual effect on the economy of $100 million or more or adversely affect the economy in a material way, a sector of the economy, productivity, competition, hobs, the environment, public health or safety, or State, local or Tribal governments or communities;

b. Will not create inconsistencies with other agencies;

c. Will not materially affect entitlements, grants, loan programs, or rights and obligations of their recipients; and

d. Will not raise novel legal or policy issues.

Executive Order 12988

We have determined that this rule does not unduly burden the judicial system and therefore, meet the requirements under the Civil Justice Reform (Executive Order 12988, sections 3(a) and 3(b)(2)). As explained above, no significant changes are being made to current policy.

Executive Order 12612

We have determined that this rule does not have significant federalism effects. As explained above, we are not significantly changing BLM policy, and therefore, a Federalism Assessment is not required. This rule does not change the role or responsibilities between Federal, State, and local governmental entities; does not relate to the structure and role of States or have direct, substantive, or significant effects on States; and does not intend to address the relationship between the United States and any other non-Federal governmental entity.

Government-to-Government Relationship With Tribes

We have considered the impact of this rule on the interests of Tribal governments under the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951) and the Department of Interior Manual (512 DM 2). Since this rule does not propose significant changes to BLM policy, we have determined that the government-to-government relationships should remain unaffected.

List of Subjects

43 CFR Part 3500

Bonds, Government contracts, Mineral royalties, Public lands-mineral resources, Reporting and record keeping requirements.

43 CFR Part 3510

Public lands-mineral resources, Reporting and record keeping requirements.

43 CFR Part 3520

Government contracts, Public lands-mineral resources.

43 CFR Part 3530

Government contracts, Mineral royalties

43 CFR Part 3540

Land Management Bureau, Public lands-mineral resources

43 CFR Part 3550

Public lands-mineral resources.

43 CFR Part 3560

Government contracts, Mineral royalties, Public lands-mineral resources, Surety bonds.

43 CFR Part 3570

Environmental protection, Government contracts, Indians-lands, Mines, Public lands-mineral resources, Reporting and record keeping requirements.

Dated: September 23, 1999.

Sylvia V. Baca,

Assistant Secretary—Land and Minerals Management.

Accordingly, BLM amends 43 CFR Chapter II as follows:

1. Remove parts 3500, 3510, 3520, 3530, 3540, 3550, 3560, 3570 and the heading "Group 3500—Management of Solid Minerals Other Than Coal."

2. Revise part 3500 to read as follows:

PART 3500—LEASING OF SOLID MINERALS OTHER THAN COAL AND OIL SHALE

Subpart 3501—Leasing of Solid Minerals Other Than Coal and Oil Shale-General

Sec.

3501.1 What is the authority for this part?
3501.2 What is the scope of this part?
3501.5 What terms do I need to know to understand this part?
3501.10 What types of mineral use authorizations can I get under these rules?
3501.16 Does my permit or lease grant me an exclusive right to develop the lands covered by the permit or lease?
3501.17 Are there any general planning or environmental considerations that affect issuance of my permit or lease?
3501.20 If BLM approves my application for a use authorization under this part, when does it become effective?
3501.30 May I appeal BLM's decisions under this part?

Subpart 3502—Qualification Requirements

Lease Qualifications

3502.10 Who may hold permits and leases?
3502.13 May foreign citizens hold permits or leases?
3502.15 Are there any additional restrictions on holding leases or interests in leases?
3502.20 Will BLM issue a lease to me if I am not complying with the diligence requirements of the Mineral Leasing Act?

How To Show Lease Qualifications

3502.25 Where do I file evidence that I am qualified to hold a permit or lease?
3502.26 May I supplement or update my qualifications statement?
3502.27 If I am an individual, what information must I give BLM in my qualifications statement ?

3502.28 If I am an association or a partnership, what information must I give BLM in my qualifications statement?
3502.29 If I am a guardian or trustee for a trust holding on behalf of a beneficiary, what information must I give BLM in my qualifications statement?
3502.30 If I am a corporation, what information must I give BLM in my qualifications statement?

Special Situations and Additional Concerns

3502.33 If I represent an applicant as an attorney-in-fact, do I have to submit anything to BLM?
3502.34 What must I submit if there are other parties in interest?
3502.40 What happens if an applicant or successful bidder for a permit or lease dies before the permit or lease is issued?
3502.41 What happens to a permit or lease if the permittee or lessee dies?
3502.42 What happens if the heir is not qualified?

Subpart 3503—Areas Available for Leasing

Available Areas Under BLM Management

3503.10 Are all Federal lands available for leasing under this part?
3503.11 Are there any other areas in which I cannot get a permit or lease for the minerals covered by this part?
3503.12 For what areas may I receive a sulphur permit or lease?
3503.13 For what areas may I receive a hardrock mineral permit or lease?
3503.14 For what areas may I get a permit or lease for asphalt?
3503.15 May I lease the gold or silver reserved to the United States on land I hold under a private land claim in New Mexico?
3503.16 May I obtain permits or leases for sand and gravel in Nevada under the terms of this part?

Available Areas Managed by Others

3503.20 What if another Federal agency manages the lands I am interested in?
3503.21 What happens if the surface of the land I am interested in belongs to a non-Federal political subdivision or charitable organization?
3503.25 When may BLM issue permits and leases for Federal minerals underlying private surface?
3503.28 Does BLM incorporate any special requirements to protect the lands and resources?

Land Descriptions

3503.30 How should I describe surveyed lands or lands shown on protraction or amended protraction diagrams in states which are part of the Public Land Survey System?
3503.31 How should I describe lands in states which are part of the Public Land Survey System but have not been surveyed and are not shown on a protraction or amended protraction diagram?
3503.32 How should I describe acquired lands?
3503.33 Will BLM issue me a lease for unsurveyed lands?

Acreage Amounts

3503.36 Are there any size or shape limitations on the lands I can apply for?
3503.37 Is there a limit to the acreage of lands I can hold under permits and leases?
3503.38 How does BLM compute my acreage holdings?

Filing Applications

3503.40 Where do I file my permit or lease application and other necessary documents?
3503.41 Will BLM disclose information I submit under these regulations?
3503.42 When I submit confidential, proprietary information, how can I help ensure it is not available to the public?
3503.43 How long will information I give BLM remain confidential or proprietary?
3503.44 How will BLM treat Indian information submitted under the Indian Mineral Development Act?
3503.45 How will BLM administer information concerning other Indian minerals?
3503.46 When will BLM consult with Indian mineral owners when information concerning their minerals is the subject of a FOIA request?

Subpart 3504—Fees, Rental, Royalty and Bonds

General Information

3504.11 What forms of payment will BLM and MMS accept?
3504.12 What payments do I send to BLM and what payments do I send to MMS?

Rentals

3504.15 How does BLM determine my rent?
3504.16 When is my rental due after the first year of the lease?
3504.17 What happens if I do not pay my rental in on time?

Royalties

3504.20 What are the requirements for paying royalties on production?
3504.21 What are the minimum the royalty rates?
3504.22 How will I know what the royalty rate is on my lease production?
3504.25 Do I have to produce a certain amount per year?
3504.26 May I create overriding royalties on my Federal lease?

Bonding

3504.50 Do I have to file a bond to receive a permit or lease?
3504.51 How do I file my bond?
3504.55 What types of bonds are acceptable?
3504.56 If I have more than one permit or lease, may I combine bond coverage?
3504.60 Under what circumstances might BLM elect to change the amount of my bond?
3504.65 What happens to my bond if I do not meet my permit or lease obligations?
3504.66 Must I restore my bond to the full amount if payment has been made from my bond?
3504.70 When will BLM terminate the period of liability of my bond?
3504.71 When will BLM release my bond?

Subpart 3505—Prospecting Permits

3505.10 What is a prospecting permit?
3505.11 Do I need a prospecting permit to collect mineral specimens for non-commercial purposes?

Applying for Prospecting Permits

3505.12 How do I obtain a prospecting permit?
3505.13 What must my application include?
3505.15 Is there an acreage limit for my application?
3505.25 How does BLM prioritize applications for prospecting permits?
3505.30 May I amend or change my application after I file it?
3505.31 May I withdraw my application after I file it?
3505.40 After submitting my application, do I need to submit anything else?
3505.45 What is an exploration plan?
3505.50 How will I know if BLM has approved or rejected my application?
3505.51 May I file a revised application if BLM rejects my original application?

Prospecting Permit Terms and Conditions

3505.55 What are my obligations to BLM under an approved prospecting permit?
3505.60 How long is my prospecting permit in effect?
3505.61 May BLM extend the term of my prospecting permit?
3505.62 Under what conditions will BLM extend my prospecting permit?
3505.64 How do I apply for an extension?
3505.65 What information must I include in my extension request?
3505.66 If approved, when is my extension effective?
3505.70 May I relinquish my prospecting permit?
3505.75 What happens if I fail to pay the rental?
3505.80 What happens when my permit expires?
3505.85 May BLM cancel my prospecting permit for reasons other than failure to pay rental?

Subpart 3506—Exploration Licenses

General Information

3506.10 What is an exploration license?

Applying for and Obtaining Exploration Licenses

3506.11 What must I do to obtain an exploration license?
3506.12 Who prepares and publishes the notice of exploration?
3506.13 What information must I provide to BLM to include in the notice of exploration?
3506.14 May others participate in the exploration program?
3506.15 What will BLM do in response to my exploration license application?

Terms; Modifications

3506.20 After my license is issued, may I modify my license or exploration plan?
3506.25 Once I have a license, what are my responsibilities?

Subpart 3507—Preference Right Lease Applications

3507.11 What must I do to obtain a preference right lease?
3507.15 How do I apply for a preference right lease?
3507.16 Is there a fee or payment required with my application?
3507.17 What information must my preference right lease application include?
3507.18 What do I need to submit to show that I have found a valuable deposit?
3507.19 Under what circumstances will BLM reject my application?
3507.20 May I appeal BLM's rejection of my preference right lease?

Subpart 3508—Competitive Lease Applications

3508.11 What lands are available for competitive leasing?
3508.12 How do I get a competitive lease?
3508.14 How will BLM publish the notice of lease sale?
3508.15 What information will the detailed statement of the lease sale terms and conditions include?
3508.20 How will BLM conduct the sale and handle bids?
3508.21 What happens if I am the successful bidder?
3508.22 What happens if BLM rejects my bid?

Subpart 3509—Fractional and Future Interest Lease Applications

3509.10 What are future interest leases?
3509.11 Under what conditions will BLM issue a future interest lease to me?
3509.12 Who may apply for a future interest lease?
3509.15 Do I have to pay for a future interest lease?
3509.16 How do I apply for a future interest lease?
3509.17 What information must I include in my application for a future interest lease?
3509.18 What will BLM do after it receives my application for a future interest lease?
3509.20 When does my future interest lease take effect?
3509.25 For what reasons will BLM reject my application for a future interest lease?
3509.30 May I withdraw my application for a future interest lease?
3509.40 What are fractional interest prospecting permits and leases?
3509.41 For what lands may BLM issue fractional interest prospecting permits and leases?
3509.45 Who may apply for a fractional interest prospecting permit or lease?
3509.46 How do I apply for a fractional interest prospecting permit or lease?
3509.47 What information must I include in my application for a fractional interest prospecting permit or lease?
3509.48 What will BLM do after it receives my application for a fractional interest lease?
3509.49 What terms and conditions apply to my fractional interest prospecting permit or lease?
3509.50 Under what conditions would BLM reject my application for a fractional interest prospecting permit or lease?
3509.51 May I withdraw my application for a fractional interest prospecting permit or lease?

Subpart 3510—Noncompetitive Leasing: Fringe Acreage Leases and Lease Modifications

3510.11 If I already have a Federal lease, or the mineral rights on adjacent private lands, may I lease adjoining Federal lands that contain the same deposits without competitive bidding?
3510.12 What must I do to obtain a lease modification or fringe acreage lease?
3510.15 What will BLM do with my application?
3510.20 Do I have to pay a fee to modify my existing lease or obtain a fringe acreage lease?
3510.21 What terms and conditions apply to fringe acreage leases and lease modifications?

Subpart 3511—Lease Terms and Conditions

3511.10 Do certain leases allow me to mine other commodities as well?
3511.11 If I am mining calcium chloride, may I obtain a noncompetitive mineral lease to produce the commingled sodium chloride?
3511.12 Are there standard terms and conditions which apply to all leases?
3511.15 How long will my lease be in effect?
3511.25 What is meant by lease readjustment and lease renewal?
3511.26 What if I object to the terms and conditions BLM proposes for a readjusted lease?
3511.27 How do I renew my lease?
3511.30 If I appeal BLM's proposed new terms, must I continue paying royalties or rentals while my appeal is pending?

Subpart 3512—Assignments and Subleases

How To Assign Leases

3512.11 Once BLM issues me a permit or lease, may I assign or sublease it?
3512.12 Is there a fee for requesting an assignment or sublease?
3512.13 How do I assign my permit or lease?
3512.16 How do I sublease my lease?
3512.17 How do I transfer the operating rights in my permit or lease?

Special Circumstances and Obligations

3512.18 Will BLM approve my assignment or sublease if I have outstanding liabilities?
3512.19 Must I notify BLM if I intend to transfer an overriding royalty to another party?

Effect of Assignment on Your Obligations

3512.25 If I assign my permit or lease, when do my obligations under the permit or lease end?
3512.30 What are the responsibilities of a sublessor and a sublessee?
3512.33 Does an assignment or sublease alter the permit or lease terms?

Subpart 3513—Waiver, Suspension or Reduction of Rental and Minimum Royalties

Rental and Royalty Reductions

3513.11 May BLM relieve me of the lease requirements of rental, minimum royalty, or production royalty while continuing to hold the lease?
3513.12 What criteria does BLM consider in approving a waiver, suspension, or reduction in rental or minimum royalty, or a reduction in the royalty rate?
3513.15 How do I apply for reduction of rental, royalties or minimum production?

Suspension of Operations and Production (Conservation Concerns)

3513.20 What is a suspension of operations and production (conservation concerns)?
3513.21 What is the effect of a suspension of operations and production (conservation concerns)?
3513.22 How do I apply for a suspension of operations and production (conservation concerns)?
3513.23 May BLM order a suspension of operations and production (conservation concerns)?
3513.25 When will my suspension of operations and production (conservation concerns) take effect?
3513.26 When and how does my suspension of operations and production (conservation concerns) expire or terminate?

Suspension of Operations (Economic Concerns)

3513.30 What is a suspension of operations (economic concerns)?
3513.31 What is the effect of a suspension of operations (economic concerns)?
3513.32 How do I apply for a suspension of operations (economic concerns)?
3513.33 When will my suspension of operations (economic concerns) take effect?
3513.34 When and how does my suspension of operations (economic concerns) expire or terminate?

Subpart 3514—Lease Relinquishments and Cancellations

Relinquishing Your Lease

3514.11 May I relinquish my lease or any part of my lease?
3514.12 What additional information should I include in a request for partial relinquishment?
3514.15 Where do I file my relinquishment?
3514.20 When is my relinquishment effective?
3514.21 When will BLM approve my relinquishment?

Cancellations, Forfeitures, and Other Situations

3514.25 When does my lease expire?
3514.30 May BLM cancel my lease?
3514.31 May BLM waive cancellation or forfeiture?
3514.32 Will BLM give me an opportunity to remedy a violation of the lease terms?
3514.40 What if I am a *bona fide* purchaser and my lease is subject to cancellation?

Subpart 3515—Mineral Lease Exchanges

Lease Exchange Requirements

3515.10 May I exchange my lease or lease right for another mineral lease or lease right?
3515.12 What regulatory provisions apply if I want to exchange a lease or lease right?
3515.15 May BLM initiate an exchange?
3515.16 What standards does BLM use to assess the public interest of an exchange?
3515.18 Will I be notified when BLM is considering initiating an exchange that will affect my lease?

Types of Lease Exchanges

3515.20 May I exchange preference rights?
3515.21 What types of lands can be exchanged?
3515.22 What if the lands to be exchanged are not of equal value?

Lease Exchange Procedures

3515.23 May BLM require me to submit additional information?
3515.25 Is BLM required to publish notice or hold a hearing?
3515.26 When will BLM make a decision on the exchange?
3515.27 Will BLM attach any special provisions to the exchange lease?

Subpart 3516—Use Permits

3516.10 What are use permits?
3516.11 What kinds of permits or leases allow use permits?
3516.12 What activities may I conduct under a use permit?
3516.15 How do I apply for a use permit?
3516.16 What must I include with my application?
3516.20 Is there an annual fee or charge for use of the lands?
3516.30 What happens if I fail to pay the annual rental on my use permit?

Subpart 3517—Hardrock Mineral Development Contracts; Processing and Milling Arrangements

3517.10 What are development contracts and processing and milling arrangements?
3517.11 Are permits and leases covered by approved agreements exempt from the acreage limitations?
3517.15 How do I apply for approval of one of these agreements?
3517.16 How does BLM process my application?

Authority: 5 U.S.C. 552; 30 U.S.C. 189 and 192c, 43 U.S.C. 1733 and 1740; and sec. 402, Reorganization Plan No. 3 of 1946 (5 U.S.C. appendix).

Subpart 3501—Leasing of Solid Minerals Other Than Coal and Oil Shale—General

§ 3501.1 What is the authority for this part?

The statutory authority for the regulations in this group is as follows:

(a) *Leasable minerals*—(1) *Public domain.* The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*).

(2) *Acquired lands.* The Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359) and the Act of June 28, 1944 (58 Stat. 483–485) for those lands reserved from allotment by section 58 of the supplemental agreement of 1902 (32 Stat. 654) with the Choctaw-Chickasaw Nation of Indians. Congress ratified the purchase contract in the Act of June 24, 1948 (62 Stat. 596) and appropriated funds for the purchase in the Act of May 24, 1949 (63 Stat. 76).

(b) *Hardrock minerals.*

(1) Section 402 of Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix) transferred the functions of the Secretary of Agriculture for the leasing or other disposal of minerals to the Secretary of the Interior for lands acquired under the following statutes:

(i) The Act of March 4, 1917 (16 U.S.C. 520);

(ii) Title II of the National Industrial Recovery Act of June 16, 1933 (40 U.S.C. 401, 403(a) and 408);

(iii) The 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118);

(iv) Section 55 of Title I of the Act of August 24, 1935 (49 Stat. 750, 781);

(v) The Act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (7 U.S.C. 1011(c) and 1018); and

(vi) Section 3 of the Act of June 28, 1952 (66 Stat. 285).

(2) Section 3 of the Act of September 1, 1949 (30 U.S.C. 192c) authorized the issuance of mineral leases or permits for the exploration, development and utilization of minerals, other than those covered by the Mineral Leasing Act for Acquired Lands, in certain lands added to the Shasta National Forest by the Act of March 19, 1948 (62 Stat. 83).

(3) The Act of June 30, 1950 (16 U.S.C. 508(b)) authorizes leasing of the hardrock minerals on National Forest lands in Minnesota.

(c) *Special acts.* (1) Gold, silver or quicksilver in confirmed private land grants are covered by the Act of June 8, 1926 (30 U.S.C. 291–293).

(2) Reserved minerals in lands patented to the State of California for parks or other purposes are covered by the Act of March 3, 1933 (47 Stat. 1487), as amended by the Act of June 5, 1936 (49 Stat. 1482) and the Act of June 29, 1936 (49 Stat. 2026).

(3) National Park Service Areas. Congress authorized mineral leasing, including the leasing of nonleaseable minerals in the manner prescribed by section 10 of the Act of August 4, 1939 (43 U.S.C. 387), in the following national recreation areas:

(i) Lake Mead National Recreation Area—The Act of October 8, 1964 (16 U.S.C. 460n-*et seq.*);

(ii) Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area—The Act of November 8, 1965 (16 U.S.C. 460q-*et seq.*);

(iii) Glen Canyon National Recreation Area—The Act of October 27, 1972 (16 U.S.C. 460dd *et seq.*).

(4) Shasta-Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area. Section 6 of the Act of November 8, 1965 (16 U.S.C. 460q-*et seq.*) authorizes mineral leasing, including the leasing of nonleasable minerals in the manner prescribed by section 3 of the Act of September 1, 1949 (30 U.S.C. 192c), on lands within the Shasta-Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area.

(5) White Mountains National Recreation Area. Sections 403, 404, and 1312 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–2 through 460mm–4) authorize the Secretary of the Interior to permit the removal of the nonleasable minerals from lands or interests in lands within the recreation area in the manner described by section 10 of the Act of August 4, 1939, as amended (43 U.S.C. 387), and the removal of leasable minerals from lands or interest in lands within the recreation area in accordance with the mineral leasing laws.

(d) *Land management.* The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) authorizes the management and use of the public lands.

(e) *Fees.* The Independent Offices Appropriation Act (31 U.S.C. 9701) authorizes agencies to charge fees to recover the costs of providing services or things of value.

§ 3501.2 What is the scope of this part?

(a) This part applies to minerals other than oil, gas, coal and oil shale, leased under the mineral leasing acts, and to hardrock minerals leasable under Reorganization Plan No. 3 of 1946, on any unclaimed, undeveloped area of available public domain or acquired lands where leasing of these specific minerals is allowed by law. Special areas identified in part 3580 of this title

and asphalt on certain lands in Oklahoma also are leased under this part. Check part 3580 to identify any special provisions that apply to those special areas

(b) This part does not apply to Indian lands or minerals except where expressly noted.

§ 3501.5 What terms do I need to know to understand this part?

You need to know the following terms, which are used frequently in this part:

Acquired lands means lands or interests in lands, including mineral estates, which the United States obtained through purchase, gift, or condemnation. It includes all lands BLM administers for hardrock mineral leasing other than public domain lands.

Chiefly valuable, for the purposes of this part, means the land is more valuable for the development of sodium, sulphur or potassium than for any non-mineral use of the land.

Hardrock minerals include base metals, precious metals, industrial minerals, and precious or semi-precious gemstones. Hardrock minerals do not include coal, oil shale, phosphate, sodium, potassium, or gilsonite deposits. Also, hardrock minerals do not include commodities the government sells such as common varieties of sand, gravel, stone, pumice or cinder. The term hardrock minerals as used here includes mineral deposits that are found in sedimentary and other rocks.

Leasable minerals, for purposes of this part, means the chlorides, sulfates, carbonates, borates, silicates or nitrates of potassium or sodium and related products; sulphur on public lands in the States of Louisiana and New Mexico and on all acquired lands; phosphate, including associated and related minerals; asphalt in certain lands in Oklahoma; and gilsonite (including all vein-type solid hydrocarbons).

MMS means the Minerals Management Service.

Permit means prospecting permit, unless otherwise specified.

Valuable deposit, for the purposes of this part, means an occurrence of minerals of such character that a person of ordinary prudence would be justified in the further expenditure of his or her labor and means, with a reasonable prospect of success in developing a profitable mine.

§ 3501.10 What types of mineral use authorizations can I get under these rules?

BLM issues the mineral use authorizations listed below to qualified individuals. Some authorizations are not available for certain commodities. See the subparts referenced in each subsection for more information.

(a) "Prospecting permits" let you explore for leasable mineral deposits on lands where BLM has determined that prospecting is needed to determine the existence of a valuable deposit. See subpart 3505 of this part.

(b) "Exploration licenses" let you explore in areas with known deposits of a leasable mineral to obtain data. With an exploration license, you do not get any preference or other right to a lease. See subpart 3506 of this part.

(c) "Preference right leases" are issued to holders of prospecting permits who, during the term of the permit, demonstrate the discovery of a valuable deposit of the leasable mineral for which BLM issued the permit. There are other requirements. The requirements for mine plans are in subpart 3592 of part 3590 of this chapter. See subpart 3507 of this part.

(d) "Competitive leases" are issued by competitive bidding for known deposits of a leasable mineral. See subpart 3508 of this part.

(e) "Fringe acreage leases" are issued noncompetitively for known deposits of leasable minerals on Federal lands adjacent to existing deposits, when the Federal deposits can be mined only as part of an adjacent operation. See subpart 3510 of this part.

(f) "Lease modifications" add acreage containing known deposits of a leasable mineral to an adjacent Federal lease of the same mineral, provided the deposits can be mined only as part of the larger mining operation. See subpart 3510 of this part.

(g) "Use permits" are available to holders of phosphate and sodium leases so that they may use the surface of unappropriated and unentered public lands for the proper extraction, treatment, or removal of the phosphate or sodium deposits. See subpart 3516 of this part.

§ 3501.16 Does my permit or lease grant me an exclusive right to develop the lands covered by the permit or lease?

No. Your permit or lease gives you an exclusive right to the mineral, but not to the lands. BLM may allow other uses or disposal of the lands, including leasing of other minerals, if those uses or disposals will not unreasonably interfere with your operation. If BLM issues other permits or leases covering the lands contained within your permit or lease, they will contain suitable stipulations for simultaneous operation based on consideration of safety, environmental protection, conservation, ultimate recovery of the resource, and other factors. You must also make all reasonable efforts to avoid interference with other authorized uses. In cases where the date of the lease is used to determine priority for development and a lease is renewed, BLM will use the effective date of the original lease to determine priority for development.

§ 3501.17 Are there any general planning or environmental considerations that affect issuance of my permit or lease?

(a) BLM will not issue you a permit or lease unless it conforms with the decisions, terms and conditions of an applicable comprehensive land use plan.

(b) BLM or the surface management agency will comply with any applicable environmental requirements before issuing you a permit or lease. This may result in conditions on your permit or lease.

(c) BLM will issue permits and leases consistent with any unsuitability designation under part 1600 of this title.

§ 3501.20 If BLM approves my application for a use authorization under this part, when does it become effective?

Your lease, permit, or other use authorization is effective the first day of the month after BLM signs it, unless you request in writing and BLM agrees to make it effective the first day of the month in which it is approved. This applies to all leases, licenses, permits, transfers and assignments in this part, unless a specific regulation provides otherwise.

§ 3501.30 May I appeal BLM's decisions under this part?

Any party adversely affected by a BLM decision under this part may appeal the decision under parts 4 and 1840 of this title.

Subpart 3502—Qualification Requirements

Lease Qualifications

§ 3502.10 Who may hold permits and leases?

You may hold an interest in permits or leases under this part only if you meet the requirements of 30 U.S.C. 184. You must be:

(a) An adult citizen of the United States;

(b) An association (including partnerships and trusts) of such citizens;

(c) A corporation organized under the laws of the United States or of any U.S. State or territory;

(d) A legal guardian of a minor United States citizen;

(e) A trustee of a trust where the beneficiary is a minor but the trustee is qualified to hold a permit or lease; or

(f) any other person authorized to hold a lease under 30 U.S.C. 184.

§ 3502.13 May foreign citizens hold permits or leases?

No. However, foreign citizens may hold stock in United States corporations that hold leases or permits if the laws, customs, or regulations of their country do not deny similar privileges to citizens or corporations of the United States.

§ 3502.15 Are there any additional restrictions on holding leases or interests in leases?

Yes. If you are a member of Congress or an employee of the Department of the Interior, except as provided in part 20 of this title, you may not acquire or hold any Federal lease, or lease interest. (Officer, agent or employee of the Department-see part 20 of this title; Member of Congress-see R.S. 3741; 41 U.S.C. 22; 18 U.S.C. 431–433). Also, BLM may not issue any lease or permit which causes a conflict of interest. See 5 CFR part 2635.

§ 3502.20 Will BLM issue a lease to me if I am not complying with the diligence requirements of the Mineral Leasing Act?

BLM will not issue you a lease or renew your lease, or approve a transfer of any lease or interest in a lease for you unless you are complying with section 2(a)(2)(A) of the Mineral Leasing Act (30 U.S.C. 201(2)(A)) for any of your existing leases that are subject to that provision. For Federal coal leases, BLM will determine compliance under § 3472.1–2(e) of this title. If BLM issues you a lease when you are in violation of section 2(a)2(A), BLM must void your lease under § 3514.30(b).

How To Show Lease Qualifications

§ 3502.25 Where do I file evidence that I am qualified to hold a permit or lease?

You must file evidence with BLM that you meet the qualification requirements in this subpart. You may file this evidence separately from your permit or lease application, but file it in the same office as your application.

§ 3502.26 May I supplement or update my qualifications statement?

After we accept your qualifications, you may send additional information to the same BLM office by referring to the serial number of the record in which your evidence is filed. All changes to your qualifications statement must be in writing. You must make sure that your evidence is current, accurate and complete.

§ 3502.27 If I am an individual, what information must I give BLM in my qualifications statement?

If you are an individual, send us a signed statement showing that:

(a) You are a U.S. citizen; and

(b) Your acreage holdings do not exceed the limits in § 3503.37 of this part. This includes your holdings through a corporation, association, or partnership in which you are the beneficial owner of more than 10% of the stock or other instruments of control.

§ 3502.28 If I am an association or a partnership, what information must I give BLM in my qualifications statement?

Send us:

(a) A signed statement setting forth:

(1) The names, addresses, and citizenship of all members who own or control 10 percent or more of the association or partnership;

(2) The names of the members authorized to act on behalf of the association or partnership; and

(3) That the association or partnership's acreage holdings for the particular mineral concerned do not exceed the acreage limits in § 3503.37 of this part.

(b) A copy of the articles of the association or the partnership agreement.

§ 3502.29 If I am a guardian or trustee for a trust holding on behalf of a beneficiary, what information must I give BLM in my qualifications statement?

Send us:

(a) A signed statement setting forth:

(1) The beneficiary's citizenship;

(2) Your citizenship;

(3) The grantor's citizenship, if the trust is revocable; and

(4) That the acreage holdings of the beneficiary, the guardian or trustee, or the grantor, if the trust is revocable, cumulatively do not exceed the acreage limitations in § 3503.37 of this part; and

(b) A copy of the court order or other document authorizing or creating the trust or guardianship.

§ 3502.30 If I am a corporation, what information must I give BLM in my qualifications statement?

A corporate officer or authorized attorney-in-fact must send BLM a signed statement stating:

(a) The State or territory of incorporation;

(b) The name and citizenship of, and percentage of stock owned, held, or controlled by, any stockholder owning, holding, or controlling more than 10 percent of the stock of the corporation;

(c) The names of the officers authorized to act on behalf of the corporation; and

(d) That the corporation's acreage holdings, and those of any stockholder identified under paragraph (b) of this section, do not exceed the acreage limitations in § 3503.37 of this part.

Special Situations and Additional Concerns

§ 3502.33 If I represent an applicant as an attorney-in-fact, do I have to submit anything to BLM?

Yes. Send us evidence of your authority to act on behalf of the applicant, and a statement of the applicant's qualifications and acreage holdings if you are empowered to make this statement. Otherwise, the applicant must send us this information separately.

§ 3502.34 What must I submit if there are other parties in interest?

If you are not the sole party in interest in an application for a permit or lease, include with your application the names of all other parties who hold or will hold any interest in the application or in the permit or lease when BLM issues it. All interested parties must show they are qualified to hold permit or lease interests.

§ 3502.40 What happens if an applicant or successful bidder for a permit or lease dies before the permit or lease is issued?

(a) If probate of the estate has been completed or is not required, BLM will issue the permit or lease to the heirs or devisees, or their guardian. We will recognize the heirs or devisees or their guardian as the record title holders of the permit or lease. They must send us:

(1) A certified copy of the will or decree of distribution, and if no will or decree exists, a statement signed by the heirs that they are the only heirs and citing the provisions of the law of the deceased's last domicile showing that no probate is required; and

(2) A statement signed by each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 3502.27 of this part. If the heir or devisee is a minor, the guardian or trustee must sign the statement.

(b) If probate is required but has not been completed, BLM will issue the permit or lease to the executor or administrator of the estate. BLM considers the executor or administrator as the record title holder of the permit or lease. He or she must send:

(1) Evidence that the person who, as executor or administrator, submits lease and bond forms has authority to act in that capacity and to sign those forms;

(2) Evidence that the heirs or devisees are the only heirs or devisees of the deceased; and

(3) A statement signed by each heir or devisee concerning citizenship and holdings, as required by § 3502.27 of this part.

§ 3502.41 What happens to a permit or lease if the permittee or lessee dies?

If the permittee or lessee dies, BLM will recognize as the record title holder of the permit or lease:

(a) The executor or administrator of the estate, if probate is required but has not been completed and they have filed the evidence required by § 3502.40(b) of this part; or

(b) The heirs or devisees, if probate has been completed or is not required, if they have filed evidence required by § 3502.40(a) of this part.

§ 3502.42 What happens if the heir is not qualified?

We will allow unqualified heirs to hold ownership in a lease or permit for up to two years. During that period, the heir must either become qualified or divest himself or herself of the interest.

Subpart 3503—Areas Available for Leasing

Available Areas Under BLM Management

§ 3503.10 Are all Federal lands available for leasing under this part?

No. The Secretary of the Interior may not lease lands on any of the following Federal areas:

(a) Land recommended for wilderness allocation by the surface managing agency;

(b) Lands within BLM wilderness study areas;

(c) Lands designated by Congress as wilderness areas; and

(d) Lands within areas allocated for wilderness or further planning in Executive Communication 1504, Ninety-Sixth Congress (House Document Number 96–119), unless such lands are allocated to uses other than wilderness by a land and resource management plan or have been released to uses other than wilderness by an act of Congress.

§ 3503.11 Are there any other areas in which I cannot get a permit or lease for the minerals covered by this part?

Prospecting permits and leases for solid leasable and hardrock minerals are not available under this part for:

(a) Lands within the boundaries of any unit of the National Park System, except as expressly authorized by law;

(b) Lands within Indian Reservations, except the Uintah and Ouray Indian Reservation, Hillcreek Extension, State of Utah;

(c) Lands within incorporated cities, towns and villages;

(d) Lands within the National Petroleum Reserve-Alaska, oil shale reserves and national petroleum reserves;

(e) Lands acquired by the United States for development of helium, fissionable material deposits or other minerals essential to the defense of the country, except leasable minerals;

(f) Lands acquired by foreclosure or otherwise for resale;

(g) Acquired lands reported as surplus under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 *et seq.*);

(h) Any tidelands or submerged coastal lands within the continental shelf adjacent or littoral to any part of lands within the jurisdiction of the United States;

(i) Lands within the Grand Staircase-Escalante National Monument;

(j) Lands adjacent to or within Searles Lake, California, which are not available for potassium prospecting permits (BLM will lease potassium in this area by competitive bidding); and

(k) Any other lands withdrawn from mineral leasing.

§ 3503.12 For what areas may I receive a sulphur permit or lease?

You may get a sulphur permit or lease for public domain lands in the States of Louisiana and New Mexico or for Federal acquired lands nationwide, subject to the exceptions listed in §§ 3503.10 and 3503.11 of this part.

§ 3503.13 For what areas may I receive a hardrock mineral permit or lease?

Subject to the consent of the surface managing agency, you may obtain hardrock mineral permits and leases only in the following areas:

(a) Lands identified in Reorganization Plan No. 3 of 1946, for which jurisdiction for mineral leasing was transferred to the Secretary of the Interior. These include lands originally acquired under the following acts:

(1) 16 U.S.C. 520 (Weeks Act);

(2) Title II of the National Industrial Recovery Act (40 U.S.C. 401, 403a and 408);

(3) The 1935 Emergency Relief Appropriation Act (48 Stat. 115 and 118);

(4) Section 55 of Title I of the Act of August 24, 1935 (49 Stat. 750 and 781); and

(5) The Act of July 22, 1937 (7 U.S.C. 1011 (c) and 1018 (repealed), Bankhead-Jones Act).

(b) Lands added to the Shasta National Forest by Act of March 19, 1948 (62 Stat. 83);

(c) Public Domain Lands within the National Forests in Minnesota (16 U.S.C. 508 (b));

(d) Lands in New Mexico that are portions of Juan Jose Lobato Grant (North Lobato) and Anton Chica Grant (El Pueblo) as described in section 1 of the Act of June 28, 1952 (66 Stat. 285);

(e) Lands in the Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Areas;

(f) The following National Park Lands:

(1) Lake Mead National Recreation Area;

(2) Glen Canyon National Recreation Area; and

(3) Lands in the Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area;

(g) Lands patented to the State of California for park or other purposes where minerals were reserved to the United States; and

(h) White Mountains National Recreation Area, Alaska.

§ 3503.14 For what areas may I get a permit or lease for asphalt?

You may get leases for asphalt only on certain Federal lands in Oklahoma identified by law. See 32 Stat. 654 (1902) and 58 Stat. 483 (1944). You may not obtain prospecting permits for asphalt.

§ 3503.15 May I lease the gold or silver reserved to the United States on land I hold under a private land claim in New Mexico?

If you hold the remaining record title interest or operating rights interest in confirmed private land grants in New Mexico, you may obtain a lease for gold and silver reserved to the United States. See parts 3580 and 3581 of this chapter for leasing requirements.

§ 3503.16 May I obtain permits or leases for sand and gravel in Nevada under the terms of this part?

You may not get new leases or permits under these regulations; BLM will consider any new applications for sand and gravel under the regulations at part 3600 of this chapter. Also, beginning January 1, 2000, BLM will not renew any existing sand and gravel lease for certain lands the United States received under an exchange with the State of Nevada.

Available Area Managed by Others

3503.20 What if another Federal agency manages the lands I am interested in?

(a) *Public domain lands.* BLM will issue a permit or lease for public domain lands where the surface is administered by another Federal agency only after consulting with the surface management agency. Some laws applicable to public domain lands require us to obtain the consent of the surface management agency before we issue a lease or permit.

(b) *Acquired lands.* For all lands not subject to paragraph (a) of this section where the surface is managed by another Federal agency, we must have written consent from the surface management agency before we issue permits or leases. The surface management agency may request further information about surface disturbance and reclamation before granting its consent.

(c) *Appeal.* If a surface management agency refuses to consent or imposes conditions on your permit or lease, you may appeal its decision under that agency's appeal provisions. If you notify BLM within 30 days after receiving BLM's decision denying or conditioning your permit or lease that you have appealed the surface management agency's decision, we will suspend the time for filing an appeal under 43 CFR parts 4 and 1840 until the surface management agency's decision is final and not subject to further administrative or judicial review.

§ 3503.21 What happens if the surface of the land I am interested in belongs to a non-Federal political subdivision or charitable organization?

(a) BLM will notify the entity who owns the surface of the lands included within your permit or lease application if that entity is:

(1) Any State or political subdivision, agency or instrumentality thereof;

(2) A college or any other educational corporation or association; or

(3) A charitable or religious corporation or association.

(b) The entity who owns the surface of the lands in your application will have up to 90 days to suggest any lease stipulations to protect existing surface improvements or uses, or to object to the permit or lease. BLM will then decide whether to issue the permit or lease and which, if any, stipulations identified by the surface owner to include, based on how the interests of the United States would best be served.

§ 3503.25 When may BLM issue permits and leases for Federal minerals underlying private surface?

(a) The regulations in this part apply where the United States disposed of certain lands and those disposals reserved to the United States the right to prospect for, mine, and remove the minerals under applicable leasing laws and regulations.

(b) If the Federal Government acquires minerals through a deed, BLM will follow any special covenants in the deed relating to leasing or permitting.

§ 3503.28 Does BLM incorporate any special requirements to protect the lands and resources?

BLM will specify permit or lease stipulations to adequately use and protect the lands and their resources. This may include stipulations which are required by the surface managing agency, or which are recommended by the surface managing agency or non-federal surface owner and accepted by BLM. (See also part 3580 of this chapter.)

Land Descriptions

§ 3503.30 How should I describe surveyed lands or lands shown on protraction or amended protraction diagrams in states which are part of the Public Land Survey System?

Describe the lands by legal subdivision, section, township, and range.

§ 3503.31 How should I describe lands in states which are part of the Public Land Survey System but have not been surveyed and are not shown on a protraction or amended protraction diagram?

Describe such lands by metes and bounds in accordance with BLM standard survey practices for the public lands. Connect your description by courses and distances between successive angle points to an official corner of the public land survey system or, for accreted lands, to an angle point that connects to a point on an official corner of the public land survey system to which the accretions belong.

§ 3503.32 How should I describe acquired lands?

You may describe acquired lands by metes and bounds, or you may also use the description shown on the deed or other document that conveyed title to the United States. If you are applying for less than the entire tract acquired by the United States, describe the land using courses and distances tied to a point on the boundary of the requested tract. Where the acquiring agency assigned a tract number to the identical tract you wish to permit or lease, you may describe those lands by the tract number and include a map which clearly shows the lands with respect to the administrative unit or the project of which they are a part. In States outside of the public land survey system, you should describe the lands by tract number, and include a map.

§ 3503.33 Will BLM issue me a lease for unsurveyed lands?

No. All leased areas must be officially surveyed to BLM standards. If you are applying for a permit or lease on unsurveyed or protracted lands, you must pay for the survey. If BLM intends to issue a lease by competitive bidding, we will pay for surveying the lands.

Acreage Amounts

§ 3503.36 Are there any size or shape limitations on the lands I can apply for?

Generally, a quarter-quarter section, a lot or a protraction block is the smallest subdivision for which you may apply. The lands must be in reasonably compact form.

§ 3503.37 Is there a limit to the acreage of lands I can hold under permits and leases?

Yes. The limits are summarized in the following table:

Commodity	Maximum acreage for a permit or lease	Maximum acreage of permits and leases in any one State	Maximum acreage in permits and leases nationwide
(a) Phosphate	2,560 acres	None	20,480 acres.
(b) Sodium	2,560 acres	5,120 acres (may be increased to 15,360 acres to facilitate an economic mine).	None.
(c) Potassium	2,560 acres	96,000 acres (larger if necessary for extraction of potassium from concentrated brines in connection with an existing mining operation).	None.
(d) Sulphur	640 acres	1,920 acres in 3 leases or permits	None.
(e) Gilsonite	5,120 acres	7,680 acres	None.
(f) Hardrock Minerals	2,560 acres	20,480 acres in permits and leases, 10,240 acres in leases, but can be increased to 20,480 if needed for orderly mine development.	None.
(g) Asphalt	640 acres	2,560 acres	Only available in Oklahoma.

§ 3503.38 How does BLM compute my acreage holdings?

(a) The maximum acreage in any one state refers to the acres you hold under a permit or lease on either public domain lands or acquired lands. Acquired lands and public domain lands are counted separately, so you may hold up to the maximum acreage of each at the same time. For example, one person could hold 20,000 acres under phosphate leases for public domain lands and 20,000 acres under phosphate leases for acquired lands at the same time.

(b) If your permit or lease is for fractional interest lands, BLM will charge your acreage holdings for a share which is proportionate to the United States' ownership interest. For example, if the United States holds a 25% interest in 200 acres, you will be charged with 50 acres (200 x .25).

(c) BLM will not charge any acreage in a future interest lease against your acreage limitations until the date the permit or lease takes effect.

(d) If you own stock in a corporation or a beneficial interest in an association which holds a lease or permit, your acreage will include your proportionate part of the corporation's or association's share of the total lease or permit acreage. This only applies if you own more than 10 percent of the corporate stock or beneficial interest of the association.

Filing Applications

§ 3503.40 Where do I file my permit or lease application and other necessary documents?

File your application in the State Office which manages the lands for which you are applying, unless we have designated a different State Office. For purposes of this part, a document is filed when it is received in the proper office.

§ 3503.41 Will BLM disclose information I submit under these regulations?

All Federal and Indian data and information submitted to the BLM are subject to part 2 of this title. Part 2 includes the regulations of the Department of the Interior covering public disclosure of data and information contained in Department of the Interior records. BLM may make certain mineral information not protected from disclosure under part 2 of this title may be made available for inspection without a Freedom of Information Act (FOIA) request.

§ 3503.42 When I submit confidential, proprietary information, how can I help ensure it is not available to the public?

When you submit data and information that you believe to be exempt from disclosure by part 2 of this title, you must clearly mark each page that you believe contains confidential information. BLM will keep all data and information confidential to the extent allowed by § 2.13(c) of this title.

§ 3503.43 How long will information I give BLM remain confidential or proprietary?

The FOIA does not provide an express period of time for which information may be exempt from disclosure to the public. We will review each situation individually and in accordance with guidance provided by part 2 of this title.

§ 3503.44 How will BLM treat Indian information submitted under the Indian Mineral Development Act?

Under the Indian Mineral Development Act of 1982 (IMDA) (25 U.S.C. 2101 *et seq.*), the Department of the Interior will hold as privileged proprietary information of the affected Indian or Indian tribe—

(a) All findings forming the basis of the Secretary's intent to approve or disapprove any Minerals Agreement under IMDA; and

(b) All projections, studies, data, or other information concerning a Minerals Agreement under IMDA, regardless of the date received, related to—

(1) The terms, conditions, or financial return to the Indian parties;

(2) The extent, nature, value, or disposition of the Indian mineral resources; or

(3) The production, products, or proceeds thereof.

§ 3503.45 How will BLM administer information concerning other Indian minerals?

For information concerning Indian minerals not covered by § 3503.44 of this part, BLM will withhold such records as may be withheld under an exemption to the Freedom of Information Act (FOIA) (5 U.S.C. 552) when it receives a request for information related to tribal or Indian minerals held in trust or subject to restrictions on alienation.

§ 3503.46 When will BLM consult with Indian mineral owners when information concerning their minerals is the subject of a FOIA request?

BLM will notify the Indian mineral owner(s) identified in the records of the Bureau of Indian Affairs (BIA), and the BIA, and give them a reasonable period of time to state objections to disclosure, using the standards and procedures of § 2.15(d) of this title, before making a decision about the applicability of FOIA exemption 4 to protect:

(a) information obtained from a person outside the United States Government; when

(b) following consultation with a submitter under § 2.15(d) of this title, BLM determines that the submitter does not have an interest in withholding the records that can be protected under FOIA; but

(c) BLM has reason to believe that disclosure of the information may result in commercial or financial injury to the Indian mineral owner(s), but is uncertain that such is the case.

Subpart 3504—Fees, Rental, Royalty and Bonds

General Information

§ 3504.11 What forms of payment will BLM and MMS accept?

Make your payments to BLM in cash, postal money order, negotiable instrument in U.S. currency, or such other method as BLM may authorize. See MMS regulations at 30 CFR part 218 for their payment requirements.

§ 3504.12 What payments do I send to BLM and what payments do I send to MMS?

(a) *Filing fees and rentals.* (1) Include a non-refundable filing fee of $25 with each application you submit to BLM. Preference right lease applications and exploration license applications do not require a fee.

(2) Pay all filing fees, all first-year rentals, and all bonus bids for leases to the BLM State office which manages the lands you are interested in. Make your instruments payable to the Department of the Interior-Bureau of Land Management.

(3) Pay all second-year and subsequent rentals and all other payments for leases to the Minerals Management Service. See 30 CFR part 218 for MMS's payment procedures.

(b) *Royalties.* Pay all royalties on producing leases and all payments under leases in their minimum production period to the MMS.

Rentals

§ 3504.15 How does BLM determine my rent?

We set your rent by multiplying the number of acres in your lease or permit by the rental rates shown below. The rates differ for different commodities and some rates increase over time. You must pay rent each year. We round up any fractional acreage to the next highest acre. If you do not know the exact acreage, compute the total acreage by assuming each of the smallest

subdivisions is 40 acres. The minimum rental is $20 per permit or lease for all commodities. Pay the minimum rental or the per-acre rental, whichever is greater.

(a) Annual rental rates for prospecting permits for all commodities are $.50 per acre or fraction of an acre.

(b) Annual rental rates for leases for each commodity are shown in the table below. The rate shown is for each acre or fraction of an acre in the lease.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6 to end
(a) Phosphate	$0.25	$0.50	$0.50	$1.00	$1.00	$1.00
(b) Sodium	0.25	0.50	0.50	0.50	0.50	1.00
(c) Potash	0.25	0.50	0.50	0.50	0.50	1.00
(d) Sulphur	0.50	0.50	0.50	0.50	0.50	0.50
(e) Gilsonite	0.50	0.50	0.50	0.50	0.50	0.50
(f) Hardrock	1.00	1.00	1.00	1.00	1.00	1.00
(g) Asphalt	0.25	0.50	0.50	0.50	0.50	1.00

§ 3504.16 When is my rental due after the first year of the lease?

(a) For prospecting permits, pay your rental in advance each year before the anniversary date of the permit.

(b) For sodium, potassium or asphalt leases, pay your rental in advance before January 1 of each year.

(c) For phosphate leases pay your rental in advance on or before the anniversary date of the lease.

(d) For other mineral leases not covered in paragraph (b) or (c) of this section, pay the rental in advance each year before the anniversary of the effective date of the lease.

(e) MMS will credit your lease rental for any year against the first production royalties or minimum royalties (see § 3504.25 of this part) as the royalties accrue under the lease during that year.

§ 3504.17 What happens if I do not pay my rental on time?

(a) If you do not pay your rental on time for a prospecting permit, your permit will automatically terminate.

(b) If you do not pay your rental for a lease on time, BLM will notify you that unless you pay within 30 days from receipt of the notification, BLM will take action to cancel your lease.

Royalties

§ 3504.20 What are the requirements for paying royalties on production?

You must pay royalties on any production from your lease in accordance with the terms specified in the lease. See § 3504.21 of this part for minimum royalty rates. Your royalty rate will be a percentage of the quantity or gross value of the output of the produced commodity. Apply the royalty rate to the value of the production determined under MMS regulations in Title 30. For asphalt, the minimum royalty is calculated on a cents-per-ton basis. You may not pay your royalty in quantity without BLM's prior approval.

§ 3504.21 What are the minimum royalty rates?

Commodity	Minimum royalty rate
(a) Phosphate	5% of gross value of the output of phosphates or phosphate rock and associated or related minerals.
(b) Sodium	2% of the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market.
(c) Potassium	2% of the quantity or gross value of the output of potassium compounds and related products at the point of shipment to market.
(d) Sulphur	5% of the quantity or gross value of the output of sulphur at the point of shipment to market.
(e) Gilsonite	No minimum royalty rate.
(f) Hardrock Minerals	No minimum royalty rate.
(g) Asphalt	25 cents per ton (2,000 pounds) of marketable production.

§ 3504.22 How will I know what the royalty rate is on my lease production?

BLM determines the rate for each lease before we offer it. If BLM offered the lease competitively, the rates are in the notice of lease sale. If you applied for a noncompetitive lease, BLM will send you a royalty rate schedule for your concurrence and signature before we issue you the lease. BLM attaches royalty rates to, and makes them a part of, all leases.

§ 3504.25 Do I have to produce a certain amount per year?

(a) If your mineral lease was issued, renewed or readjusted any time after April 22, 1986, you must either produce a minimum amount or pay a minimum royalty in lieu of production each lease year. This requirement begins in the sixth lease year or the first full year of a renewed or readjusted lease, whichever comes first. The minimum royalty payment is $3 per acre or fraction of an acre. For phosphate, sulphur, gilsonite and hardrock leases, pay the minimum royalty in advance before the lease anniversary date. For sodium, potassium and asphalt leases the minimum royalty is due in advance before January 1 of each year.

(b) MMS will credit any lease rental payment (see § 3504.16(d) of this part) against the minimum royalty payment amount due under paragraph (a) of this section. MMS then will credit your minimum royalty as specified under paragraph (a) to your production royalties for that year only. For example, if you pay $1,000 in rental and you owe $3,000 in minimum royalties, you will pay a total of $3,000 for both. If during the lease year you accrue $10,000 in production royalties, MMS will credit $3,000 against that amount.

(c) Hardrock mineral leases or development or operating agreements subject to escalating rentals are exempt from minimum production and minimum royalty requirements.

§ 3504.26 May I create overriding royalties on my Federal lease?

Yes, but:

(a) BLM may order you to suspend or reduce your overriding royalties to as low as one percent if we determine your overriding royalty could:

(1) Cause you to abandon your lease prematurely; or

(2) Prevent mining of marginally economic or low-grade deposits.

(b) Where more than one overriding royalty interest is involved, BLM will apply any suspension or reduction to these interests in the manner agreed upon by the interest holders. If there is no agreement, we will order suspensions and reductions starting with the most recent interest and continuing in reverse order of the dates the overriding interests were created.

(c) If you apply for a royalty rate reduction under subpart 3513, of this part, we may request that you reduce your overriding royalties.

Bonding

§ 3504.50 Do I have to file a bond to receive a permit or lease?

Yes, unless paragraph (b) of this section applies.

(a) BLM will set permit and lease bond amounts for each lease or permit. We will consider the cost of complying with all permit and lease terms, including royalty and reclamation requirements, when setting bond amounts. The minimum bond amount for prospecting permits is $1000. The minimum bond amount for leases is $5000.

(b) BLM may enter into agreements with states to provide for your state reclamation bond to satisfy our reclamation bonding requirements. We may need additional information from you to determine whether your state bond will cover all of our reclamation requirements. If you have filed a current bond with a state where we have an agreement, and we determine that your state bond will satisfy all BLM reclamation bonding requirements, you will only need to file evidence of that state bond with BLM. We will require an additional bond from you if we determine your state bond does not cover all of our bonding requirements.

§ 3504.51 How do I file my bond?

File one copy of your bond in the BLM State office where you applied for a permit or lease. You must use an approved BLM form. You must sign the form if you are the principal of a personal bond. For surety bonds, both you and an acceptable surety must sign the form.

§ 3504.55 What types of bonds are acceptable?

You may file either a personal bond or a surety bond.

(a) Personal bonds may be in the form of:

(1) Cashier's check;

(2) Certified check; or

(3) Negotiable U.S. Treasury bonds equal in value to your bond amount. If you submit Treasury bonds, you must give the Secretary full authority to sell the securities if you default on your permit or lease obligations.

(b) Surety bonds must be issued by qualified surety companies approved by the Department of the Treasury. You can get a list of qualified sureties at any BLM State Office.

§ 3504.56 If I have more than one permit or lease, may I combine bond coverage?

Yes. Instead of filing separate bonds for each permit or lease, you may file a bond to cover all permits and leases for a specific mineral in any one state, or nationwide. We will establish the amount of the bond; however, the minimums are:

(a) $25,000 for statewide bonds. File these bonds in the BLM State Office for the state where your leases are located.

(b) $75,000 for nationwide bonds. File these bonds in any BLM State Office.

§ 3504.60 Under what circumstances might BLM elect to change the amount of my bond?

We may increase or decrease your bond amount when we determine that a change in coverage is appropriate, but we will not decrease your bond amount below the minimum.

§ 3504.65 What happens to my bond if I do not meet my permit or lease obligations?

BLM will demand payment from your bond to cover any obligations on which you default. Your bond will be reduced accordingly. If the surety makes a payment, we will reduce the face amount of the surety bond and the surety's liability by the amount of the payment.

§ 3504.66 Must I restore my bond to the full amount if payment has been made from my bond?

Yes. After any default, BLM will notify you of the amount you must pay to restore your bond. We will give you no more than six months to post a new bond or increase the existing bond to its pre-default level. You may elect to file separate or substitute bonds for each permit or lease. If you do not replace your bond, BLM may take action to cancel the leases or permits covered by the bond.

§ 3504.70 When will BLM terminate the period of liability of my bond?

BLM may terminate the period of liability for any bond only when you have filed an acceptable replacement bond or when you have met all your permit or lease terms and conditions.

§ 3504.71 When will BLM release my bond?

(a) BLM will release your bond when we have determined, after the passage of a reasonable period of time, that you have done the following:

(1) Paid all royalties, rentals, penalties, and assessments;

(2) Satisfied all permit or lease obligations;

(3) Reclaimed the site; and

(4) Taken effective measures to ensure that the mineral prospecting or development activities will not adversely affect surface or subsurface resources.

(b) If you assign your lease or permit, BLM will release your bond after we determine that you met the requirements of paragraphs (a)(1) and (a)(2) of this section. Also, your assignee must provide an acceptable bond or other surety.

Subpart 3505—Prospecting Permits

§ 3505.10 What is a prospecting permit?

(a) A prospecting permit gives you the exclusive right to prospect on and explore lands available for leasing under this part to determine if a valuable deposit exists of:

(1) Phosphate;

(2) Sodium;

(3) Potassium;

(4) Sulphur;

(5) Gilsonite; or

(6) A hardrock mineral.

(b) Prospecting permits are not available for asphalt.

(c) You may remove only material needed to demonstrate the existence of a valuable mineral deposit.

§ 3505.11 Do I need a prospecting permit to collect mineral specimens for non-commercial purposes?

No. You may collect mineral specimens for hobby, recreation, scientific, research or similar purposes without a prospecting permit. However, the surface management agency may require a use permit. BLM's regulations for collecting mineral specimens are at part 8365 of this title.

Applying for Prospecting Permits

§ 3505.12 How do I obtain a prospecting permit?

Deliver three copies of the BLM application form to the BLM office with jurisdiction over the lands you are interested in. Include the filing fee and first year's rental with your application. See subpart 3504 of this part.

§ 3505.13 What must my application include?

Your application must be legible and dated. It must contain your or your

agent's original signature. It must also include:

(a) Your name and address;

(b) A statement of your qualifications and holdings (see subpart 3502 of this part);

(c) A complete and accurate land description (see subpart 3503 of this part);

(d) Three copies of any maps needed to accompany the description; and

(e) The name of all the commodities for which you are applying.

§ 3505.15 Is there an acreage limit for my application?

The acreage in your application must not exceed the maximum allowed for the permit. See § 3503.37 of this part for the acreage limits applicable for the different minerals. BLM will not issue a permit if it causes you to exceed the limits shown in the table in that section.

§ 3505.25 How does BLM prioritize applications for prospecting permits?

BLM will prioritize applications based on the time of filing. If more than one application is filed at the same time for the same commodity on the same lands, we will hold a public drawing in accordance with subpart 1821 of this title to determine priority.

§ 3505.30 May I amend or change my application after I file it?

Yes. However, if your amendment adds lands, we will assign priority to those added lands from the date you filed the amended application. You must send the rental for the added lands with your amended application. You do not need to submit additional filing fees.

§ 3505.31 May I withdraw my application after I file it?

Yes. Just send us a written request. If you withdraw your application in whole or in part before BLM signs the permit, we will refund the corresponding proportionate share of your rental payment. BLM will retain the filing fee.

§ 3505.40 After submitting my application, do I need to submit anything else?

Yes. After we initially review your permit application, but before we issue the prospecting permit, we will require you to submit three copies of an exploration plan under § 3505.45 of this part. You must also submit a bond. See 43 CFR part 3504, especially 43 CFR 3504.50, for information on bonds.

§ 3505.45 What is an exploration plan?

An exploration plan shows how you intend to determine the existence and workability of a valuable deposit. Your exploration plan must include as much of the following information as possible:

(a) The names, addresses and telephone numbers of persons responsible for operations under your plan and to whom BLM will deliver notices and orders;

(b) A brief description of the environment your plan may affect. Focus on the affected geologic, water and other physical factors, and the distribution and abundance of vegetation and habitat of fish and wildlife, particularly threatened and endangered species. Include maps with your descriptions, and discuss the present land use in and adjacent to the area;

(c) A narrative description showing:

(1) The method of exploration and types of equipment you will use;

(2) The measures you will take to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat, damage to other natural resources, and hazards to public health and safety, including specific actions necessary to meet all applicable laws and regulations;

(3) The method for plugging drill holes; and

(4) The measures you will take to reclaim the land, including:

(i) A reclamation schedule;

(ii) The method of grading, backfilling, soil stabilization, compacting and contouring;

(iii) The method of soil preparation and fertilizer application;

(iv) The type and mixture of shrubs, trees, grasses, forbs or other vegetation you will plant; and

(v) The method of planting, including approximate quantity and spacing;

(d) The estimated timetable for each phase of the work and for final completion of the program;

(e) Suitable topographic maps or aerial photographs showing existing bodies of surface water, topographic, cultural and drainage features, and the proposed location of drill holes, trenches and roads; and

(f) Any other data which BLM may require.

§ 3505.50 How will I know if BLM has approved or rejected my application?

BLM will review your application to determine compliance with land use plans, environmental requirements, unsuitability criteria and whether the lands are within a known leasing area. BLM's decision whether to approve your application is at BLM's complete discretion. If we approve your application, we will issue your permit. If we reject your application, we will mail you a written decision. This notice will:

(a) Detail the reasons why we rejected your application;

(b) Identify any items you will need to correct in your application; and

(c) Tell you how you may appeal an adverse decision.

§ 3505.51 May I file a revised application if BLM rejects my original application?

Yes. If you file a revised application for the same lands within 30 days after you receive our rejection, we will apply the non-refundable filing fee and rental payment from your original application to the new application. To obtain this benefit, you must show the serial number of the original application on your new application. We will establish priority for the permit as of the date the revised application is filed. If you do not file a revised application within 30 days of rejection, we will refund only your rental payment.

Prospecting Permit Terms and Conditions

§ 3505.55 What are my obligations to BLM under an approved prospecting permit?

You must:

(a) Pay your annual rental in a timely fashion. See §§ 3504.15 and 3504.16 of this part;

(b) Comply with all permit terms and stipulations the surface management agency attached to the permit;

(c) Conduct only those exploration activities approved as part of your existing exploration plan; and

(d) Discontinue activities following expiration of the initial term unless and until BLM extends your permit.

§ 3505.60 How long is my prospecting permit in effect?

Your prospecting permit will be effective for an initial term of 2 years.

§ 3505.61 May BLM extend the term of my prospecting permit?

We may extend prospecting permits for phosphate and hardrock minerals for up to an additional 4 years, and for potassium and gilsonite for up to an additional 2 years. We cannot extend sodium and sulphur prospecting permits.

§ 3505.62 Under what conditions will BLM extend my prospecting permit?

You must prove that:

(a) You explored with reasonable diligence and were unable to determine the existence and workability of a valuable deposit covered by the permit. Reasonable diligence means that, in BLM's opinion, you drilled a sufficient number of holes or performed other comparable prospecting to explore the permit area within the time allowed; or

(b) Your failure to perform diligent prospecting activities was due to conditions beyond your control.

§ 3505.64 How do I apply for an extension?

There is no application form. Just send us a written request with the information in § 3505.65 of this part at least 90 days before your permit expires. Include your $25 nonrefundable filing fee and the first year's rental, in accordance with §§ 3504.15 and 3504.16 of this part.

§ 3505.65 What information must I include in my extension request?

Your request must:

(a) Show that you have met the conditions for extension in § 3505.62;

(b) Describe your previous diligent prospecting activities on the permit; and

(c) Show how much additional time you need to complete prospecting work.

§ 3505.66 If approved, when is my extension effective?

Your permit extension will become effective on the date we approve it, or on the expiration date of the original permit, if this date is later.

§ 3505.70 May I relinquish my prospecting permit?

Yes. You may relinquish the entire prospecting permit or any legal subdivision of it. A partial relinquishment must clearly describe the exact acreage you want to relinquish. BLM will not accept a relinquishment if you are not in compliance with the requirements of your permit. Once we accept the request, your relinquishment is effective as of the date you filed it with BLM. We will then note the relinquishment on the land status records. We may then open the lands to any new applications. If you relinquish part or all of your permit, you lose any right to any preference right lease to the lands covered by the relinquishment.

§ 3505.75 What happens if I fail to pay the rental?

Your prospecting permit will automatically terminate if you do not pay the rental before the anniversary date of the permit. We will note your permit termination on the official status records.

§ 3505.80 What happens when my permit expires?

Your permit will expire at the end of its initial or extended term, as applicable, without notice. BLM may open the lands to new applications 60 days after your permit expires. However, if you timely filed for an extension under § 3505.64 of this part, the 60 day period would begin to run on the date BLM denies your extension request. If you timely filed for a preference right lease under § 3507.15 of this part, the 60 day period only would begin to run on the date BLM denies your lease application.

§ 3505.85 May BLM cancel my prospecting permit for reasons other than failure to pay rental?

Yes.

(a) We may cancel your permit if you do not comply with the Mineral Leasing Act, any of the other acts applicable to your specific permit, these regulations, or any of the permit terms or stipulations. We will give you 30 days notice, within which you must correct your default. If your default continues, BLM may cancel your permit.

(b) If we waive one cause for cancellation, we may still cancel your permit for another cause, or for the same cause occurring at another time. Unless you file an appeal, we will note your permit cancellation on the land status records. BLM may use your bond to reclaim the land or correct other deficiencies if we cancel your permit.

Subpart 3506—Exploration Licenses

General Information

§ 3506.10 What is an exploration license?

An exploration license allows you to explore known, unleased mineral deposits to obtain geologic, environmental and other pertinent data concerning such deposits.

Applying for and Obtaining Exploration Licenses

§ 3506.11 What must I do to obtain an exploration license?

(a) To apply, submit an exploration plan as described at § 3505.45 of this part, along with your request for an exploration license. No specific form is required. When BLM approves the exploration plan, we will attach the approved plan to, and make it a part of, the license. You must also publish a BLM-approved notice of exploration, inviting others to participate in exploration under the license on a pro-rata cost-sharing basis.

(b) Except as otherwise provided in this subpart, BLM will process your exploration license application in accordance with the regulations at part 2920 of this chapter.

§ 3506.12 Who prepares and publishes the notice of exploration?

BLM will prepare a notice of exploration using your information and post the notice and your exploration plan in the BLM office for 30 days. You must publish the notice of exploration once a week for three consecutive weeks in at least one newspaper of general circulation in the area in which the lands are located.

§ 3506.13 What information must I provide to BLM to include in the notice of exploration?

You must include:

(a) Your name and address;

(b) A description of the lands;

(c) The address of the BLM office where your exploration plan will be available for inspection; and

(d) An invitation to the public to participate in the exploration under the license.

§ 3506.14 May others participate in the exploration program?

(a) If any person wants to participate in the exploration program, you and BLM must receive written notice form that person within 30 days after the later of the final newspaper publication or the end of the BLM 30-day posting period.

(b) A person who wants to participate in the exploration program must state in their notice:

(1) They are willing to share in the cost of the exploration on a pro-rata basis; and

(2) Any modifications to the exploration program that BLM should consider.

§ 3506.15 What will BLM do in response to my exploration license application?

(a) BLM will determine whether to issue the exploration license. If we decide to issue the license, we will name the participants and the acreage covered. We also will establish hole spacing requirements and include any stipulations needed to protect the environment.

(b) If there are inconsistencies between proposed exploration plans, the approved license will resolve them.

Terms; Modifications

§ 3506.20 After my license is issued, may I modify my license or exploration plan?

BLM may approve modifications of your exploration plan upon your request. We may also permit you to remove lands from your exploration license at any time. However, once we issue your exploration license, you may not add lands to the area of your exploration license.

§ 3506.25 Once I have a license, what are my responsibilities?

You must share with BLM all data you obtain during exploration. We will consider the data confidential and will not make the data public until either:

(a) The areas involved are leased; or
(b) BLM determines that it must release the data in response to a FOIA request.

Subpart 3507—Preference Right Lease Applications

§ 3507.11 What must I do to obtain a preference right lease?

To obtain a preference right lease, you must have a prospecting permit for the area you want to lease and meet the following conditions and any other conditions established in this subpart:

(a) *All leasable minerals except asphalt.* You must demonstrate that you have discovered a valuable deposit within the period covered by your prospecting permit. However, paragraphs (b) and (d) of this section provide some limitations.

(b) *Sodium, potassium, and sulphur.* In addition to the requirements of paragraph (a) of this section, BLM must determine that the lands are chiefly valuable for the subject minerals.

(c) *Asphalt.* You may not obtain a preference right lease for asphalt. However, you may obtain a competitive lease or a fringe acreage lease under subpart 3508 or 3510 of this part.

(d) *Permits issued under the authority of Reorganization Plan No. 3 of 1946.* Prospecting permits for minerals BLM administers under the authority of Reorganization Plan No. 3 of 1946 do not entitle you to a preference right lease. We may grant you a noncompetitive lease if you discover a valuable deposit during the permit term.

§ 3507.15 How do I apply for a preference right lease?

No specific form is required. Submit three copies of your application within 60 days after the date your prospecting permit expires or the date BLM denies your request for a permit extension filed under § 3505.64 of this part, whichever is later.

§ 3507.16 Is there a fee or payment required with my application?

Yes. You must submit a $25 nonrefundable filing fee and the first year's rent with your application. Determine the first year's rent from the provisions in § 3504.15 of this part.

§ 3507.17 What information must my preference right lease application include?

Your application must contain:

(a) A statement of your qualifications and holdings as specified in subpart 3503 of this chapter;

(b) Three maps showing:

(1) Utility systems;

(2) The location of any proposed development or mining operations and incidental facilities;

(3) The approximate locations and the extent of the areas you will use for pits, overburden and tailings; and

(4) The location of water sources or other resources which you may use in the proposed operations or incidental facilities;

(c) A narrative statement addressing:

(1) The anticipated scope, method and schedule of development operations, including the type of equipment you will use;

(2) The method of mining anticipated, including the best available estimate of the mining sequence and production rate; and

(3) The relationship, if any, between the planned mining operations and existing or planned mining operations and facilities on adjacent Federal or non-Federal lands;

(d) Financial information which will enable us to determine if you have found a valuable deposit. Include at least an estimate of projected mining and processing costs, saleable products and markets, and projected selling prices;

(e) A complete and accurate description of the lands as found in your prospecting permit, if your application is for less than the lands covered by your prospecting permit; and

(f) Other data, as we may require.

§ 3507.18 What do I need to submit to show that I have found a valuable deposit?

To show you have found a valuable deposit, send us the information listed in § 3593.1 of this part. You must have collected the data during the term of the prospecting permit, but you may refer to prior geologic work. BLM may request supplemental data from you to determine the following:

(a) The extent and character of the deposit;

(b) The anticipated mining and processing methods and costs;

(c) Anticipated location, kind and extent of necessary surface disturbance;

(d) The measures you will take to reclaim that disturbance;

(e) An estimate of the profitability of mineral development; and

(f) Whether there is a reasonable prospect of success in developing a profitable mine.

§ 3507.19 Under what circumstances will BLM reject my application?

(a) BLM will reject your application for a preference right lease if:

(1) You did not discover a valuable deposit of mineral(s) covered by the prospecting permit;

(2) You did not submit requested information in a timely manner;

(3) You did not otherwise comply with the requirements of this subpart; or

(4) In the case of sodium, potassium and sulphur, if BLM determines that the lands are not chiefly valuable for the mineral commodity specified in the permit.

(b) If you applied for a lease for minerals BLM administers under the authority of Reorganization Plan No. 3 of 1946, BLM may also reject your application if we determine that mining is not the preferred use of the lands in the application. In making this determination, we will consider:

(1) The land use plan;

(2) Unsuitability criteria under subpart 1610 of this title;

(3) Any environmental impacts; and

(4) The purposes of the statute under which the lands were acquired.

(c) We will also reject your application if the surface managing agency does not consent to the lease.

§ 3507.20 May I appeal BLM's rejection of my preference right lease?

Yes. You have a right to appeal under the procedures in parts 4 and 1840 of this title.

Subpart 3508—Competitive Lease Applications

§ 3508.11 What lands are available for competitive leasing?

BLM may issue a competitive lease on unleased lands where we know that a valuable mineral deposit exists. In such areas, before issuing a lease we may issue you an exploration license, but not a prospecting permit. However, BLM may offer competitive leases for lands where no prospecting or exploratory work is needed to determine the existence or workability of a valuable mineral deposit. In addition, we may offer competitive leases for asphalt on any lands available for asphalt leasing, whether or not we know that a valuable mineral deposit exists.

§ 3508.12 How do I get a competitive lease?

(a) Notify BLM of areas in which you are interested. We may also designate certain lands for competitive leasing.

(b) After determining that the lands are available for leasing, we will publish a notice of lease sale containing all significant information (see § 3508.14 of this part).

(c) We will award a competitive lease through sale to the qualified bidder who offers the highest acceptable bonus bid. In the event of a tie, BLM will determine a fair method for choosing the successful bid.

§ 3508.14 How will BLM publish the notice of lease sale?

(a) Once we determine which lands are available for leasing, we will publish

a notice of lease sale at least once a week for three consecutive weeks in a newspaper of general circulation in the area where the lands are situated. We will also post the notice of lease sale for 30 days in the public room of the BLM office which administers the lands.

(b) The notice will include:

(1) The time and place of sale;

(2) The bidding method, including opening and closing dates for bidding;

(3) A description of the tract BLM is offering;

(4) A description of the mineral deposit BLM is offering;

(5) The minimum bid we will consider; and

(6) Information on where you can get a copy of the proposed lease and a detailed statement of the lease sale terms and conditions.

§ 3508.15 What information will the detailed statement of the lease sale terms and conditions include?

(a) The proposed lease terms and conditions, including the rental, royalty rates, bond amount, and any special stipulations for the particular tract;

(b) An explanation of how you may submit your bid;

(c) Notification that you must accompany your bid with your qualifications statement (see subpart 3502 of this part) and a deposit of one-fifth of your bid amount;

(d) Notification that if you are the successful bidder, you must pay your proportionate share of the total publication cost for the sale notice before we will issue the lease. Your share is based on the number of tracts you bid on successfully, divided by the total number of tracts offered for sale;

(e) A warning concerning 18 U.S.C. 1860 which provides criminal penalties for manipulating the bidding process;

(f) A statement that the Secretary reserves the right to reject any and all bids, and to offer the lease to the next qualified bidder, if the successful bidder does not get the lease for any reason; and

(g) Any other information we deem appropriate.

§ 3508.20 How will BLM conduct the sale and handle bids?

We will open and announce all bids at the time and date specified in the notice of lease sale, but we will not accept or reject bids at that time. We must receive your bid by the deadline in the sale notice or we will not consider it. You may withdraw or modify your bid before the time specified in the notice of sale.

§ 3508.21 What happens if I am the successful bidder?

If you are the highest qualified bidder and we determine your bid meets or exceeds fair market value, we will send you copies of the lease on the form attached to the detailed statement. Within the time we specify you must:

(1) Sign and return the lease form;

(2) Pay the balance of the bonus bid;

(3) Pay the first year's rental;

(4) Pay the publication costs; and

(5) Furnish the required lease bond.

(b) See § 3504.12 of this part for payment procedures.

§ 3508.22 What happens if BLM rejects my bid?

(a) If your bid is the high bid and we reject it because you did not sign the lease form and pay the balance of the bonus bid, or otherwise comply with this subpart, you forfeit to the United States your deposit of one-fifth of the bonus bid amount.

(b) If we must reject your high bid for reasons beyond your control, we will return your bid deposit.

(c) If we reject your bid because it is not the high bid, we will return your bid deposit.

Subpart 3509—Fractional and Future Interest Lease Applications

§ 3509.10 What are future interest leases?

BLM issues noncompetitive future interest leases to persons who hold present mineral interests that will revert to the Federal Government at some future date. Future interest leases allow the present interest holders to continue using their present mineral right once the Federal Government acquires it.

§ 3509.11 Under what conditions will BLM issue a future interest lease to me?

When it is in the public interest, we will issue you a future interest lease for lands where you either have an existing mining operation or have established that a valuable deposit exists.

§ 3509.12 Who may apply for a future interest lease?

You may apply for a future interest lease only if you have a present interest in the minerals. You must hold more than 50 per cent of either the fee interest, a lease interest or an operating rights interest. You must also meet the qualification requirements set forth in subpart 3502 of this part.

§ 3509.15 Do I have to pay for a future interest lease?

You must pay fair market value for the mineral deposit when title vests in the United States. You also will be required to pay royalty on your production.

§ 3509.16 How do I apply for a future interest lease?

No specific form is required. Include a $25 filing fee with the application. Submit the application to the BLM office with jurisdiction over the lands. You must file at least one year before the mineral interest vests with the United States or BLM will deny your application.

§ 3509.17 What information must I include in my application for a future interest lease?

Your application must include the same information we require when you apply for a present interest Federal lease. See subpart 3508 of this part. In addition, you must include the following:

(a) A land description;

(b) Your certification that you meet the qualifications requirements (see subpart 3502 of this part);

(c) Evidence of your title or the extent of your rights to the present interest in the mineral deposits. Submit either a certified abstract of title or a title certificate, or the instrument establishing your rights; and

(d) The names of the other owners, if any, of the mineral interests. If you own the operating rights to the mineral by means of a contract with the mineral owner, you also need to submit three copies of the mineral contract or lease.

§ 3509.18 What will BLM do after it receives my application for a future interest lease?

(a) After BLM receives your application for a future interest lease, we will notify all other interest owners that they have 90 days to file applications for the same mineral interest.

(b) If any other interest owners timely apply, we will hold a competitive lease sale among the qualified applicants. BLM will establish standards for the competitive sale similar to those under subpart 3508 of this part, and provide notice to all of the qualified applicants.

(c) If no other qualified owners timely apply, BLM may issue a future interest lease to you. BLM will establish the amount of the bonus bid you must pay through appraisal.

§ 3509.20 When does my future interest lease take effect?

Your future interest lease will be effective on the date the minerals vest in the United States, as stated in the lease.

§ 3509.25 For what reasons will BLM reject my application for a future interest lease?

We will reject your application:

(a) If you do not meet the qualifications in § 3509.15 of this part;

(b) If you filed your application less than one year before the minerals vest in the United States; or

(c) We determine that issuing the lease is not in the public interest.

§ 3509.30 May I withdraw my application for a future interest lease?

Yes. You must file the withdrawal with BLM before the lease is signed. BLM will retain the application fee.

§ 3509.40 What are fractional interest prospecting permits and leases?

They are prospecting permits and leases for parcels where the United States holds less than 100 per cent of the mineral interest of the parcel. Fractional interest leases allow development of the shared mineral interests.

§ 3509.41 For what lands may BLM issue fractional interest prospecting permits and leases?

We issue them for lands where the United States owns less than 100 per cent of the mineral interest and where we have determined it is in the public interest to grant the permit or lease. We will only grant fractional interest permits or leases with the consent of the surface managing agency. If we believe a mineral deposit exists but do not know, we may issue a noncompetitive fractional interest lease.

§ 3509.45 Who may apply for a fractional interest prospecting permit or lease?

Only persons who have an interest in the non-Federal share of the same minerals may apply for a fractional interest lease of the minerals. Applicants must also meet the qualification standards in subpart 3502 of this part.

§ 3509.46 How do I apply for a fractional interest prospecting permit or lease?

No specific form is required. Include a $25 filing fee with the application. Submit the application to the BLM office with jurisdiction over the lands.

§ 3509.47 What information must I include in my application for a fractional interest prospecting permit or lease?

Your application must include all the same information we require when you apply for a regular competitive Federal lease. See subpart 3508 of this part. In addition, you must include the following:

(a) A land description;

(b) Your certification that you meet the qualifications requirements (see subpart 3502 of this part);

(c) Evidence of your title or the extent of your rights in the mineral deposits. Submit either a certified abstract of title, a title certificate or the instrument establishing your rights; and

(d) The names of the other owners, if any, of the mineral interests. If you own the operating rights to the mineral by means of a contract with the mineral owner, you also need to submit three copies of the mineral contract or lease.

§ 3509.48 What will BLM do after it receives my application for a fractional interest lease?

(a) After BLM receives your application for a fractional interest lease, we will notify all other interest owners that they have 90 days to file applications for the same mineral interest.

(b) If any other interest owners timely apply, we will hold a competitive lease sale among the qualified applicants. BLM will establish standards for the competitive sale similar to those under subpart 3508 of this part, and provide notice to all of the applicants.

(c) If no other qualified owners timely apply, BLM may issue a fractional interest lease to you. BLM will establish the amount of the bonus bid you must pay through appraisal.

§ 3509.49 What terms and conditions apply to my fractional interest prospecting permit or lease?

BLM will apply the commodity-specific terms and conditions found in this part to fractional interest prospecting permits and leases.

§ 3509.50 Under what conditions would BLM reject my application for a fractional interest prospecting permit or lease?

BLM will reject your fractional interest application if:

(a) You do not meet the qualifications in § 3509.45 of this part;

(b) You would have an interest in the total Federal and non-Federal mineral estate of less than 50% once the fractional interest prospecting permit or lease is issued, unless we determine it would be in the best interests of the government to issue the permit or lease; or

(c) We determine that it is not in the public interest to grant the lease.

§ 3509.51 May I withdraw my application for a fractional interest prospecting permit or lease?

Yes, if you file the withdrawal before the lease is signed. BLM will retain the application fee.

Subpart 3510—Noncompetitive Leasing: Fringe Acreage Leases and Lease Modifications

§ 3510.11 If I already have a Federal lease, or the mineral rights on adjacent private lands, may I lease adjoining Federal lands that contain the same deposits without competitive bidding?

Yes. If the adjoining Federal lands are available for leasing, you may lease them noncompetitively, even if they are known to contain a deposit of the mineral you are interested in leasing. We will either issue a new lease for these lands (fringe acreage) or add the lands to your existing Federal lease (modification).

§ 3510.12 What must I do to obtain a lease modification or fringe acreage lease?

(a) File three copies of your application with the BLM office that administers the lands. No specific application form is required.

(b) Include a non-refundable filing fee of $25, and an advance rental payment in accordance with the rental rate for the mineral commodity you are seeking. If you want to modify an existing lease, BLM will base the rental payment on the rate in effect for the lease being modified.

(c) Your application must:

(1) Show the serial number of the lease if the lands adjoin an existing Federal lease;

(2) Contain a complete and accurate description of the lands desired;

(3) Show that the mineral deposit specified in your application extends from your adjoining lease or from private lands you own or control; and

(4) Include proof that you own or control the mineral deposit in the adjoining lands if they are not under a Federal lease.

§ 3510.15 What will BLM do with my application?

We will issue or modify a lease under this subpart only if we determine that:

(a) The lands are contiguous to your existing Federal lease or to non-Federal lands you own or control;

(b) The new fringe lease does not exceed the maximum size allowed in a lease, as specified in § 3503.37 of this part;

(c) The acreage of the modified lease, including additional lands, is not in excess of the maximum size allowed for a lease, as specified in § 3503.37 of this part;

(d) The mineral deposit is not in an area of competitive interest to holders of other active mining units in the area;

(e) The lands for which you applied lack sufficient reserves of the mineral

resource to warrant independent development;

(f) Leasing the lands will conserve natural resources and will provide for economical and efficient recovery as part of a mining unit; and

(g) You meet the qualification requirements for holding a lease described in subpart 3502 of this title and the new or modified lease will not cause you to exceed the acreage limitations described in § 3503.37 of this part.

§ 3510.20 Do I have to pay a fee to modify my existing lease or obtain a fringe acreage lease?

Yes. Before BLM issues a new fringe acreage lease or modifies your existing lease, you must pay a bonus in an amount we will determine based on an appraisal or other appropriate means. The bonus cannot be less than $1 per acre or fraction of an acre.

§ 3510.21 What terms and conditions apply to fringe acreage leases and lease modifications?

Your fringe acreage lease is a new Federal lease. Therefore, we may impose terms and conditions different from those in your original Federal lease. A modified lease will be subject to the same terms and conditions as in the original Federal lease.

Subpart 3511—Lease Terms and Conditions

§ 3511.10 Do certain leases allow me to mine other commodities as well?

Yes. Sodium leases authorize you to mine potassium compounds as related products, and potassium leases authorize mining associated sodium compounds and related products. A phosphate lease allows you to use deposits of silica, limestone or other rock on the lease for use in the processing or refining of phosphate, phosphate rock, and associated minerals mined from the leased lands. You must pay royalty on these materials as specified in your lease.

§ 3511.11 If I am mining calcium chloride, may I obtain a noncompetitive mineral lease to produce the commingled sodium chloride?

Yes. If you are producing calcium chloride in paying quantities from an existing mine which you control, you may apply to BLM for a noncompetitive lease to produce the commingled sodium chloride. You must already have authorization, under part 3800 of this chapter, for the locatable minerals. You must also meet the other requirements of this part for the commingled leasable minerals.

§ 3511.12 Are there standard terms and conditions which apply to all leases?

Yes. BLM will issue your lease on a standard form which will contain several terms and conditions. We will add your rental rate, royalty obligations and any special stipulations to this lease form.

§ 3511.15 How long will my lease be in effect?

Commodity	Initial Term	Period of Renewal or Readjustment
(a) Phosphate	Indeterminate	Subject to readjustment at the end of each 20 year period.
(b) Sodium	20 years	Can be renewed for 10 years at the end of the initial term and for following 10 year periods.
(c) Potassium	Indeterminate	Subject to readjustment at the end of each 20 year period.
(d) Sulphur	20 years	Can be renewed for 10 years at the end of the initial term and for following 10 year periods.
(e) Gilsonite	20 years and for as long thereafter as gilsonite is produced in paying quantities.	Subject to readjustment at the end of each 20 year period.
(f) Hardrock Minerals	not to exceed 20 years	Can be renewed for 10 years at the end of the initial term and for following 10 year periods.
(g) Asphalt	20 years	Can be renewed for 10 years at the end of the initial term and for following 10 year periods.

§ 3511.25 What is meant by lease readjustment and lease renewal?

(a) If your lease is issued subject to readjustment, BLM will notify you of the readjusted terms before the end of each 20-year period. If we do not timely notify you of readjusted terms, those leases continue for another 20-year period under the same terms and conditions.

(b) If you have a lease that requires renewal, we will issue the lease for an initial term as specified in § 3510.15 of this part. You must apply for a renewal of the lease at least 90 days before the initial term ends in order to extend the lease for an additional term. If you do not renew the lease, it expires and the lands become available for re-leasing. BLM may change some of your lease terms when we renew a lease.

§ 3511.26 What if I object to the terms and conditions BLM proposes for a readjusted lease?

(a) You have 60 days after receiving the proposed readjusted terms to object. If we do not receive your objection within 60 days, the proposed readjusted terms will be in effect. If you file an objection, BLM will issue a decision in response. If you disagree with the decision, you may appeal under parts 4 and 1840 of this title.

(b) The readjusted lease terms and conditions will be effective pending the outcome of any appeal, unless BLM provides otherwise.

§ 3511.27 How do I renew my lease?

File an application at least 90 days before the lease term expires. No specific form is required. Send us three copies of your application together with a non-refundable $25 filing fee and an advance rental payment of $1 per acre or fraction of an acre.

§ 3511.30 If I appeal BLM's proposed new terms, must I continue paying royalties or rentals while my appeal is pending?

Yes. Continue to pay royalties and rentals at the original rate. Your obligation to pay any increased readjusted royalties, minimum royalties and rentals will be suspended while your appeal is considered. However, any increased charges accrue beginning with the effective date of the readjustment or renewal, while final action on your appeal is pending. If the increased charges are sustained on appeal, you must pay the accrued balance, plus interest at the rate MMS specifies for late payment in 30 CFR part 218.

Subpart 3512—Assignments and Subleases

How to Assign Leases

§ 3512.11 Once BLM issues me a permit or lease, may I assign or sublease it?

You may assign or sublease your permit or lease in whole or in part to any person, association, or corporation qualified to hold a permit or lease.

§ 3512.12 Is there a fee for requesting an assignment or sublease?

When you submit your instrument for assignment of record title or operating rights, or for transfer of overriding royalties, you must pay a non-refundable filing fee of $25. BLM will not accept any instrument without the filing fee.

§ 3512.13 How do I assign my permit or lease?

(a) Within 90 days of final execution of the assignment, you must submit three copies of your instrument for assignment of each permit or lease. The instrument must contain:

(1) The assignee's name and current address;

(2) The interest held by you and the interest you plan to assign;

(3) The serial number of the affected permit or lease;

(4) The amount of overriding royalties you retain;

(5) The date and your original signature on each copy, as the assignor; and

(6) The assignee must also send BLM a request for approval of the assignment which must contain:

(i) A statement of the assignee's qualifications and holdings, as required by subpart 3502 of this part;

(ii) Date and original signature of the assignee; and

(iii) A $25 filing fee.

(b) BLM must approve the assignment. We will notify you with a decision indicating approval or disapproval.

(c) If you are assigning a portion of your permit or lease, we will create a new permit or lease for the assigned portion, if approved.

§ 3512.16 How do I sublease my lease?

(a) You must file one copy of the sublease between you and the sublessee within 90 days from the date of final execution of the sublease.

(b) The sublessee must also file a signed and dated request for approval, a statement of qualifications (see subpart 3502 of this part) and a $25 fee.

(c) We will notify you with a decision indicating approval or disapproval.

§ 3512.17 How do I transfer the operating rights in my permit or lease?

(a) You must file one copy of the agreement to transfer operating rights within 90 days from the date of final execution of the agreement.

(b) The transferee must also file a signed and dated request for approval, a statement of qualifications (see subpart 3502 of this part) and a $25 fee.

(c) We will notify you with a decision indicating approval or disapproval.

Special Circumstances and Obligations

§ 3512.18 Will BLM approve my assignment or sublease if I have outstanding liabilities?

Before we will approve your assignment of a permit or lease, your account must be in good standing. We will also approve the assignment if the assignee and his or her surety provides written acceptance of your outstanding liabilities under the permit or lease. In addition, the assignee must either furnish a new bond equivalent to your existing bond or obtain consent of the surety on your bond to substitute the assignee as the principal.

§ 3512.19 Must I notify BLM if I intend to transfer an overriding royalty to another party?

Yes. Although we do not approve these transfers, you must file all overriding royalty interest transfers with the BLM within 90 days from the date of execution. Include the transferees's statement of qualifications required in subpart 3502 of this part and the $25 filing fee.

Effect of Assignments on Your Obligations

§ 3512.25 If I assign my permit or lease, when do my obligations under the permit or lease end?

You and your surety remain responsible for the performance of all obligations under the permit or lease until the date we approve the assignment. You will continue to be responsible for obligations that accrued prior to the date of our approval of the assignment, whether or not they were identified at the time of the transfer.

§ 3512.30 What are the responsibilities of a sublessor and a sublessee?

After BLM's approval of a sublease becomes effective, the sublessor and sublessee are jointly and severably liable for performance of all obligations under the permit or lease.

§ 3512.33 Does an assignment or sublease alter the permit or lease terms?

No, it does not alter permit or lease terms.

Subpart 3513—Waiver, Suspension or Reduction of Rental and Minimum Royalties

§ 3513.11 May BLM relieve me of the lease requirements of rental, minimum royalty, or production royalty while continuing to hold the lease?

Yes. BLM has a process which may allow you temporary relief from these lease requirements.

§ 3513.12 What criteria does BLM consider in approving a waiver, suspension, or reduction in rental or minimum royalty, or a reduction in the royalty rate?

We will consider if approval:

(a) Is in the interest of conservation;

(b) Will encourage the greatest ultimate recovery of the resource; and

(c) Is necessary either to promote development of the mineral resources or because you cannot successfully operate the lease under existing terms.

§ 3513.15 How do I apply for reduction of rental, royalties or minimum production?

You must send us two copies of your application with the following information for all leases involved:

(a) The serial numbers;

(b) The name of the record title holder(s);

(c) The name of the operator and operating rights owners if different from the record title holder(s);

(d) A description of the lands by legal subdivision;

(e) A map showing the serial number and location of each mine or excavation and the extent of the mining operations;

(f) A tabulated statement of the leasable minerals mined for each month covering at least the last twelve months before you filed your application, and the average production mined per day for each month;

(g) If you are applying for relief from the minimum production requirement, complete information as to why you did not attain the minimum production;

(h) A detailed statement of expenses and costs of operating the entire lease, and the income from the sale of any leased products;

(i) All facts showing why you cannot successfully operate the mines under the royalty or rental fixed in the lease and other lease terms;

(j) For reductions in royalty, full information as to whether you pay royalties or payments out of production to anyone other than the United States, the amounts paid and efforts you have made to reduce them;

(k) Documents demonstrating that the total amount of overriding royalties paid for the lease will not exceed one-half the proposed reduced royalties due the United States; and

(l) Any other information BLM needs to determine whether the request satisfies the standards in § 3513.12 of this part.

Suspension of Operations and Production (Conservation Concerns)

§ 3513.20 What is a suspension of operations and production (conservation concerns)?

A suspension of operations and production (conservation concerns) is a BLM action where BLM orders or allows you to suspend operations in the interest of conservation of natural resources.

§ 3513.21 What is the effect of a suspension of operations and production (conservation concerns)?

BLM will extend your lease term by any periods of suspension of operations and production (conservation concerns). We will reduce the minimum annual production requirements of your lease proportionately for that time during a lease year in which a suspension of operations and production is effective. You do not have to pay rental and minimum annual production royalties starting with the first day of the next lease month after the suspension becomes effective. However, if the suspension is effective on the first day of the lease month, you may stop paying rentals and royalties that same day.

§ 3513.22 How do I apply for a suspension of operations and production (conservation concerns)?

Send us two copies of an application that explains why it is in the interest of conservation to suspend your operations and production.

§ 3513.23 May BLM order a suspension of operations and production (conservation concerns)?

Yes, BLM may order a suspension of operations and production.

§ 3513.25 When will my suspension of operations and production (conservation concerns) take effect?

Your suspension takes effect on the date BLM specifies.

§ 3513.26 When and how does my suspension of operations and production (conservation concerns) expire or terminate?

Your suspension ends on the expiration date that BLM specifies in the decision or order approving the suspension, or on the first day of the lease month in which you resume operations or production, whichever occurs first. All lease terms and obligations resume on this date. MMS will allow credit towards future rentals or royalties due, if you paid rent for the period of suspension of operations and production.

Suspension of Operations (Economic Concerns)

§ 3513.30 What is a suspension of operations (economic concerns)?

A suspension of operations (economic concerns) is an action by which BLM may approve your request to suspend operations on your lease when marketing conditions are such that you cannot operate your leases except at a loss. BLM may not order a suspension of operations (economic concerns) unless you request it.

§ 3513.31 What is the effect of a suspension of operations (economic concerns)?

This suspension does not affect the term of the lease or the annual rental payment. BLM will reduce the minimum annual production requirements of your lease in proportion to that part of the lease year for which a suspension of operations is effective.

§ 3513.32 How do I apply for a suspension of operations (economic concerns)?

Send us two copies of your application which shows why your lease cannot be operated except at a loss.

§ 3513.33 When will my suspension of operations (economic concerns) take effect?

Your suspension will be effective on the date BLM specifies. You do not have to pay royalty on minimum annual production beginning on the first day of the next lease month after the suspension becomes effective. If the effective date is the first of the month, you may stop paying royalty on minimum annual production on that day.

§ 3513.34 When and how does my suspension of operations (economic concerns) expire or terminate?

The suspension of operations (economic concerns) ends on the expirations date that BLM specifies in the decision approving the suspension, or on the first day of the lease month in which you resume operations, whichever occurs first. Your obligation for minimum annual production resumes at this time.

Subpart 3514—Lease Relinquishments and Cancellations

Relinquishing Your Lease

§ 3514.11 May I relinquish my lease or any part of my lease?

If you can show, to BLM's satisfaction, that the public interest will not be impaired, you may relinquish your entire lease or any legal subdivision of it. Notify us in writing that you intend to relinquish all or part of your lease. Include your original signature and date. If we approve your relinquishment, you are required to pay all accrued rentals and royalties, and to perform any reclamation of the leased lands that BLM may require. In some cases, BLM may require you to preserve any mines, productive works or permanent improvements on the leased lands in accordance with the terms of your lease.

§ 3514.12 What additional information should I include in a request for partial relinquishment?

Any partial relinquishment must also clearly describe the lands you are relinquishing and give the exact area involved.

§ 3514.15 Where do I file my relinquishment?

File the relinquishment in the BLM office that issued the lease.

§ 3514.20 When is my relinquishment effective?

When BLM approves your relinquishment, it will be effective as of the date you filed it.

§ 3514.21 When will BLM approve my relinquishment?

We will accept your relinquishment when you have met all terms and conditions of the lease, including reclamation obligations.

Cancellations, Forfeitures, and Other Situations

§ 3514.25 When does my lease expire?

(a) Sodium, sulphur, asphalt, and hardrock mineral leases expire at the end of the lease term. If you file a timely application for lease renewal under § 3511.27 of this part, your lease expires on the expiration date or the date BLM rejected your application, whichever is later.

(b) Potassium, phosphate and gilsonite leases continue for so long as you comply with the lease terms and conditions which are subject to periodic readjustment.

(c) For more information, see § 3511.15 of this part.

§ 3514.30 May BLM cancel my lease?

(a) Yes. BLM may institute appropriate proceedings in a court of competent jurisdiction to cancel your lease if:

(1) You do not comply with the provisions of the Mineral Leasing Act, other relevant statutes, or regulations applicable to your lease; or

(2) You default on any of the lease terms, covenants or stipulations and continue to fail or default for 30 days after BLM notifies you in writing of your default.

(b) BLM may cancel your lease administratively if we issued it in violation of any law or regulation. In such a case, we may consider issuing an amended lease, if appropriate.

§ 3514.31 May BLM waive cancellation or forfeiture?

Yes, but our waiver of any particular cause of forfeiture will not prevent us from canceling and forfeiting the lease for any other cause or for the same cause occurring at any other time.

§ 3514.32 Will BLM give me an opportunity to remedy a violation of the lease terms?

(a) If you own or control, directly or indirectly, an interest in a lease in violation of any of the provisions of the Mineral Leasing Act, other relevant statutes, the lease terms or the regulations in this part, we will give you 30 days to remedy the violation or to show cause why we should not ask the Attorney General to institute court proceedings to:

(1) Cancel the lease;

(2) Forfeit your interest; or

(3) Compel disposal of the interest so owned or controlled.

(b) BLM will not give you 30 days if there is no legal remedy to the violation.

§ 3514.40 What if I am a bona fide purchaser and my lease is subject to cancellation?

(a) If you are a *bona fide* purchaser, BLM will not cancel your lease or your interest in a lease based on your predecessor's actions. However, you must be sure that the lease is in compliance with the terms and conditions required by BLM.

(b) BLM will promptly take action to dismiss any party who shows they are a *bona fide* purchaser from any legal proceedings to cancel the lease.

Subpart 3515—Mineral Lease Exchanges

Lease Exchange Requirements

§ 3515.10 May I exchange my lease or lease right for another mineral lease or lease right?

Yes. BLM may determine that operations on your lease or lands for which you have a preference right to a lease are not in the public interest. If you or BLM identify other lands for exchange, you may relinquish your current lease or preference right in exchange for a mineral lease of other lands of equal value.

§ 3515.12 What regulatory provisions apply if I want to exchange a lease or lease right?

(a) Except as provided in paragraph (b) of this section, this subpart and the relevant provisions of part 2200 of this title apply to mineral lease exchanges.

(b) Exchanges involving the issuance of coal leases, coal lease bidding rights or coal lease modifications are subject to the regulations in subpart 3435 of this chapter rather than to the regulations in this part.

§ 3515.15 May BLM initiate an exchange?

Yes. When we do:

(a) We will notify you that we are prepared to consider exchange of a mineral lease if you relinquish your existing leasing rights.

(b) We may exchange all or any part of the lands under your preference right lease application(s) or lease(s).

§ 3515.16 What standards does BLM use to assess the public interest of an exchange?

BLM must find that the exchange is in the public interest under the following criteria:

(a) The benefits of production from your existing lease or preference right to a lease would not outweigh the adverse effects on, or threat of damage or destruction to:

(1) Agricultural production potential;

(2) Scenic values;

(3) Biological values including threatened or endangered species habitat;

(4) Geologic values;

(5) Archeological, historic or other cultural values;

(6) Other public interest values such as recreational use;

(7) Residential or urban areas;

(8) Potential inclusion in the wilderness or wild and scenic rivers systems; or

(9) Other public uses, including public highways, airports, and rights-of-way from lease operations.

(b) The lands proposed for exchange must be free from hazardous waste as defined under the authorities of the Federal Water Pollution Control Act (33 U.S.C. 1251), Resource Conservation and Recovery Act (42 U.S.C. 6901) and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601).

§ 3515.18 Will I be notified when BLM is considering initiating an exchange that will affect my lease?

Yes. The notice you receive will:

(a) State why we believe an exchange would be in the public interest;

(b) Ask whether you are willing to negotiate for an exchange;

(c) Contain a description of the lands for which we would offer exchange terms; and

(d) Ask you to describe the lands on which you would accept a lease in exchange for your present holdings.

Types of Lease Exchanges

§ 3515.20 May I exchange preference rights?

Yes. To have a preference right that can be exchanged, you must have timely submitted a preference right lease application. If you have demonstrated a right to a lease, BLM may, in lieu of issuing the preference right lease, negotiate for the selection of appropriate lands to exchange and establish lease terms for those lands.

§ 3515.21 What types of lands can be exchanged?

The lands to be leased in exchange for your existing rights must be:

(a) Subject to leasing under the authorities of this part; and

(b) Acceptable to both you and BLM as a lease tract containing a deposit of leasable or hardrock minerals of equal value to your existing rights.

§ 3515.22 What if the lands to be exchanged are not of equal value?

If the lands are not equal in value, either party may equalize the value by paying money to the party receiving the property of lesser value. Such payments may not exceed 25 percent of the total value of the land or interest transferred out of Federal ownership. The parties may mutually agree to waive the monetary payment, if the Secretary determines that:

(a) A waiver will expedite the exchange;

(b) The public interest will be better served by the waiver than by the payment; and

(c) The amount to be waived is no more than 3 percent of the value of the lands being transferred out of Federal ownership, or $15,000, whichever is less.

Lease Exchange Procedures

§ 3515.23 May BLM require me to submit additional information?

Yes. You must be willing to provide geologic and economic data we need to determine the fair market value of your preference right or lease to be relinquished.

§ 3515.25 Is BLM required to publish notice or hold a hearing?

Yes. After you and BLM agree on the lands for exchange, we will publish a notice of the proposed exchange in the **Federal Register** and in a newspaper(s)

in the county(s) where the lands involved are located. The notice will include:

(a) The time and place of a public hearing(s);

(b) Our preliminary findings that the exchange is in the public interest; and

(c) A request for public comments on the merits of the proposed exchange.

§ 3515.26 When will BLM make a decision on the exchange?

After the public hearing and consideration of public comments, we will determine whether issuance of the exchange lease is in the public interest. If it is, we will then process the exchange. If not, we will cancel the exchange.

§ 3515.27 Will BLM attach any special provisions to the exchange lease?

Yes, the lease terms will contain a statement that you quitclaim and relinquish any right or interest in your preference right lease application or lease exchanged.

Subpart 3516—Use Permits

§ 3516.10 What are use permits?

Use permits allow you to use the surface of lands not included within your permit or lease to help you develop the mineral deposits. You may only get a use permit during the life of your permit or lease, and only for unentered, unappropriated, BLM-administered land. Use permits are not prospecting permits.

§ 3516.11 What kinds of permits or leases allow use permits?

Use permits are issued only in support of phosphate and sodium permits and leases. For phosphate permits and leases, BLM may issue you a use permit to use up to 80 acres. For sodium leases, use permits are limited to no more than 40 acres.

§ 3516.12 What activities may I conduct under a use permit?

Phosphate use permits authorize you to conduct activities to properly extract, treat, or remove the mineral deposits. Sodium use permits authorize you to occupy camp sites, develop refining works and use the surface for other purposes connected with, and necessary to, the proper development and use of the deposits.

§ 3516.15 How do I apply for a use permit?

You must file three copies of your application in the BLM office administering the lands you are interested in. There is no specific form required. Include a nonrefundable $25 filing fee and the first year's rental. Calculate the rental in accordance with § 3504.15 of this part.

§ 3516.16 What must I include with my application?

You must agree to pay the annual charge identified in the permit, and provide the following information:

(a) Specific reasons why you need the additional lands;

(b) A description of the lands applied for;

(c) Any information demonstrating that the lands are suitable and appropriate for your needs; and

(d) Evidence that the lands are unoccupied and unappropriated.

§ 3516.20 Is there an annual fee or charge for use of the lands?

Yes. You must pay the annual $1 per acre rental, or $20, whichever is greater, on or before the anniversary date of the permit.

§ 3516.30 What happens if I fail to pay the annual rental on my use permit?

Your use permit will terminate automatically if you fail to pay the required rental within 30 days after we serve you with a written notice of the rental requirement.

Subpart 3517—Hardrock Mineral Development Contracts; Processing and Milling Arrangements

§ 3517.10 What are development contracts and processing and milling arrangements?

Development contracts and processing and milling arrangements involving hardrock minerals are agreements between one or more lessees and one or more other persons to justify large scale operations for the discovery, development, production, or transportation of ores.

§ 3517.11 Are permits and leases covered by approved agreements exempt from the acreage limitations?

Hardrock mineral permits and leases committed to development contracts or processing or milling arrangements approved by BLM are exempt from state and nationwide acreage limitations. We will not count them toward your maximum acreage holdings. However, individual hardrock mineral leases committed to a development contract or lease may not exceed 2560 acres in size.

§ 3517.15 How do I apply for approval of one of these agreements?

No specific form is required. Submit three copies of your application to the BLM office with jurisdiction over some or all of the lands in which you are interested. Include the following information:

(a) Copies of the contract or other agreement affecting the Federal hardrock mineral leases or permits, or both;

(b) A statement showing the nature and reason for your request;

(c) A statement showing all the interests held in the area of the agreement by the designated contractor; and

(d) The proposed or agreed upon plan of operation for development of the leased lands.

§ 3517.16 How does BLM process my application?

(a) We will consider whether the agreement will conserve natural resources and is in the public interest.

(b) Once the agreement is signed by all the parties, we may approve it.

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Federal Register

Friday
October 1, 1999

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 93

High Density Airports; Allocation of Slots; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. FAA–1999–4971, Amendment No. 93–78]

RIN 2120–AG50

High Density Airports; Allocation of Slots

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the regulations governing takeoff and landing slots and slot allocation procedures at certain High Density Traffic Airports. As a result of the "Open Transborder" Agreement between the Government of the United States and Government of Canada, this rule codifies the provisions of the bilateral agreement and ensures consistency between FAA regulations governing slots and the bilateral agreement.

DATES: Effective on October 31, 1999.

FOR FURTHER INFORMATION CONTACT: Lorelei D. Peter, Airspace and Air Traffic Law Branch, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–3073.

SUPPLEMENTARY INFORMATION:

Availability of Final Rule

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321–3339), the Government Printing Office's (GPO) electronic bulletin board service (telephone: (202) 512–1661), or, if applicable, the FAA's Aviation Rulemaking Advisory Committee bulletin board service (telephone: (800) 322–2722 or (202) 267–5948).

Internet users may reach the FAA's web page at http://www.faa.gov/avr/arm/nprm/nprm.htm or the GPO's web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9677. Communications must identify the amendment number or docket number of this final rule.

Persons interested in being placed on a mailing list for future FAA rulemaking documents should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes application procedures.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official. Internet users can find additional information on SBREFA in the "Quick Jump" section of the FAA's web page at *http://www.faa.gov* and may send electronic inquiries to the following Internet address: *9–AWA–SBREFA@faa.gov*.

Background

The FAA has broad authority under Title 49 of the United States Code (U.S.C.), Subtitle VII, to regulate and control the use of navigable airspace of the United States. Under 49 U.S.C. 40103, the agency is authorized to develop plans for and to formulate policy with respect to the use of navigable airspace and to assign by rule, regulation, or order the use of navigable airspace under such terms, conditions, and limitations as may be deemed necessary in order to ensure the safety of aircraft and the efficient utilization of the navigable airspace. Also, under section 40103, the agency is further authorized and directed to prescribe air traffic rules and regulations governing the efficient utilization of the navigable airspace.

The High Density Traffic Airports Rule, or "High Density Rule," 14 CFR part 93, subpart K, was promulgated in 1968 to reduce delays at five congested airports: JFK International Airport, LaGuardia Airport, O'Hare International Airport, Ronald Reagan National Airport, and Newark International Airport (33 FR 17896; December 3, 1968). The regulation limits the number of instrument flight rule (IFR) operations at each airport, by hour or half hour, during certain hours of the day. It provides for the allocation to carriers of operational authority, in the form of a "slot" for each IFR landing or takeoff during a specific 30- or 60-minute period. The restrictions were lifted at Newark in the early 1970's.

On December 16, 1985, the Department of Transportation (Department) promulgated the "buy/sell" rule, a comprehensive set of regulations that provide for the allocation and transfer of air carrier and commuter slots (50 FR 52180; December 20, 1985). The two primary features of this rule were, first, that initial allocation would be accomplished by "grandfathering" existing slots to the carriers that currently held them, and second, that a relatively unrestricted aftermarket in slots would be permitted. As a result, effective April 1, 1986, slots used for domestic operations could be bought and sold by any party.

The FAA allocates slots designated for international use by U.S. and foreign-flag carriers under procedures different from those that apply to the allocation of slots designated as domestic. Under 14 CFR section 93.217, international slots are allocated at Kennedy and O'Hare twice a year for the summer and winter scheduling seasons.

In promulgating the "buy/sell" rule, the Department determined that, as a matter of international aviation policy, the allocation of new slots to international carriers at Kennedy and O'Hare Airports would be made by the FAA based on requests from foreign and U.S. operators conducting international operations (50 FR 52187; December 20, 1985).

O'Hare is unique in that domestic slots are withdrawn to accommodate requests for international operations during each summer and winter season. 14 CFR section 93.217(a)(6) specifically provides that the FAA must allocate a slot for an international operation at O'Hare upon request. If there is not an available slot within 60 minutes of the requested time, a slot would be withdrawn from a domestic carrier to fill that request. At LaGuardia, section 93.217(a)(7) provides that additional slots will be allocated for international operation if required by bilateral agreement. At Kennedy, section 93.217(a)(8) provides that domestic slots will be withdrawn for international operations only if required by international obligations.

At the time of the "buy/sell" rule, the Department concluded that since certain slots used for international operations are specially treated within Subpart S, it is important that the Department be aware of which slots are being used for those operations. Therefore, U.S. carriers were required to submit to the FAA in writing, the slots that were used for international operations as of December 16, 1985. These slots were then designated by the FAA as international slots.

International slots may not be bought, sold, leased, or otherwise transferred, except such slots may be traded to

another slot holder on a one-for-one basis at the same airport. Furthermore, if a carrier does not use an international slot for more than a two-week period, the slot must be returned to the FAA. International slots may only be used for international service.

However, FAA regulations permit the use of domestic slots for either international or domestic service. Regardless of the type of service, i.e., domestic or international, the minimum slot usage requirement and withdrawal procedures apply to a slot designated as domestic. FAA regulations governing slots provide for lotteries of domestic slots in certain circumstances. These regulations also permit only U.S. carriers to participate in lotteries for domestic slots. International slots are not allocated by the lottery mechanism.

U.S.-Canada Bilateral Agreement

On February 24, 1995, the Government of the United States and the Government of Canada entered into a bilateral agreement (Agreement) phasing in an "Open Transborder" regime between the two countries. Annex II of the Agreement specifically addresses slots and access to O'Hare, LaGuardia and Ronald Reagan National Airports. The Agreement provides that: (1) the Canadian carriers will be able to obtain slots at the High Density Traffic Airports under the same prevailing allocation system as U.S. carriers; (2) the base level of slots established for Canada will consist of 42 slots at LaGuardia, and 36 slots for the summer season at O'Hare and 32 slots for the Winter season at O'Hare; (3) Canadian carriers' slot base at LaGuardia and O'Hare (which currently is comprised of international slots), effectively will "convert" to domestic slots; (4) all slots acquired by the Canadian carriers, including the determined slot base, as described in (2) above, at LaGuardia and O'Hare, will be subject to the minimum slot usage requirement set forth in section 93.227 and may be withdrawn for failure to meet that requirement; (5) the provisions of bilateral agreement do not permit the determined slot base at LaGuardia and O'Hare to be withdrawn for the purpose of providing a U.S. or foreign air carrier with slots for international operations or to provide slots for new entrant operators; (6) any slots acquired after the transition date that do not form part of the determined slot base may be withdrawn at any time to fulfill operational needs; (7) neither the Government of Canada nor any Canadian carrier may modify the determined slot base at LaGuardia or O'Hare and then have claim to any other time slot to restore the base; and (8) slots that are acquired above the determined slot base level and then subsequently disposed of shall not modify the base.

Discussion of Comments

The comment period closed on February 11, 1999, with 8 comments filed. Two additional reply comments were subsequently received and considered. Seven comments were submitted by airlines and one comment was submitted by an association. American Airlines and Northwest Airlines generally supported the proposal, with Air Canada and United Airlines supporting the proposal with certain modifications and clarifications. Filing in opposition, the Air Carrier Association of America commented that the rulemaking should be suspended until such time as the Department makes additional slots available to new entrant carriers. Canadian Airlines commented that the proposed rules are insufficient to accomplish the goals of the Agreement and, if adopted, should be accompanied by proposals to increase access at the high density airports. Certain comments, discussed more fully below, raised issues that are beyond the scope of this rulemaking and beyond the scope of the "Open Transborder" Agreement between the Government of the United States and the Government of Canada. Additionally, changes to or interpretation of existing statutory language concerning slot exemption authority given to the Secretary of Transportation under 49 U.S.C. 41714 are also beyond the scope of this rulemaking.

The comments are divided into the following categories: (1) conversion of certain international slots to domestic slots; (2) establishment of regulatory base of slots for the Canadian carriers; (3) international slot allocation; (4) domestic slot allocation; and (5) slot withdrawal provision.

Conversion of International Slots of Domestic Slots

Notice No. 99–1 proposed reclassifying to domestic slots 35 international slots at Chicago O'Hare and 17 international slots at LaGuardia Airport held by U.S. carriers. In addition, the Canadian slot base of 36 slots in the summer season, 32 slots in the winter season at Chicago O'Hare, and 42 slots as LaGuardia Airport would also be classified as domestic. As discussed in the proposal, the reclassification only applies to the international slots that were held by U.S. carriers on December 16, 1985, provided that an equivalent number of international slots were held as of February 24, 1998, (the phase-in of the Agreement). The slots comprising the Canadian carrier base effectively were granted domestic slot attributes by the terms of the Agreement. These attributes include the ability of Canadian carriers to "monetize" slot holdings, which permits the transfer of slots for any consideration. Since FAA regulations do not permit the sale of international slots, this reclassification of international slots to domestic slots is in accordance with the terms of the Agreement.

The proposal was generally supported by Air Canada, American Airlines, Northwest Airlines, and United Airlines. The Air Carrier Association of America commented that the proposal would enable large carriers to increase their slot holdings while new entrant airlines are "frozen out of the airports." Canadian Airlines commented that reclassifying certain international slots [of U.S. carriers] would disadvantage Canadian carriers because Canadian carrier slots could be used only transborder service between the U.S. and Canada. Canadian Airlines argued that since U.S. carriers could use the slots for transborder service, for domestic U.S. service, or for other international service, the net effect would make the slots more valuable to U.S. carriers, and therefore, more expensive for Canadian carriers to acquire.

FAA Response. After reviewing the comments, the FAA is adopting the rule as proposed. FAA recognizes that designating the slots as domestic is expected to provide additional economic benefits and increased flexibility for use of the slots. These economic benefits were contemplated for Canadian carriers as part of the negotiated Agreement, and the rule, as adopted, provides similar treatment for U.S. carriers with long-term use of these international slots. Approximately 90% of the reclassified slots were used in transborder U.S./Canada service and were operated by the carriers for many years both before and after the Department's slot allocation rules were issued on December 16, 1985. Reclassifying these international slots as domestic does not increase the number of slots that may be operated by the carriers. Furthermore, maintaining an international designation on these slots used by U.S. carriers would not result in additional slot availability for new entrant airlines. If certain international slots held by U.S. carriers were not reclassified as domestic, the FAA would be required to allocated international slots for transborder services to U.S. carriers while treating identical services

by Canadian carriers as domestic under the terms of the Agreement. FAA believes the reclassification for slots for U.S. carriers is not only equitable but, combined with adopted changes in allocation procedures for transborder operations herein, provides equivalent treatment for U.S. and Canadian carriers.

Contrary to comments by the Air Carrier Association of America, the FAA does not find that adoption of the proposal would preclude, or affect in any way, the Department's use of the exemption authority codified at 49 U.S.C. 41714 to increase access to the high density airports.

This final rule also adopts the proposal to reduce the international base allocation for carriers subject to the provisions of 14 CFR section 93.217(a)(10). Canadian Airlines commented that the reclassification would provide the largest U.S. carriers with an opportunity to increase their international allocation since the reclassification of slots would bring them below their international slot allocation limit.

The allocation of international slots to carriers with 100 or more permanent slots at Chicago O'Hare is limited, by regulation, to international slots held as of February 23, 1990. Carriers with 100 or more permanent slots at Chicago O'Hare may add additional international flights as long as they may be accommodated without withdrawal of domestic slots. This rule as adopted provides for a permanent reduction to the February 23, 1999, international slot base for affected carriers that corresponds to the number of slots reclassified as domestic under the adopted provisions of new section 92.218. American Airlines and United Airlines are the only carriers subject to this provision and both currently operate international flights in excess of the number of international slots allocated to them by using slots from their domestic slot base. As stated in the proposal, after the permanent reduction for the number of slots reclassified under section 93.218, American Airlines' international slot base under section 93.217(a)(10) is reduced from 35 to 17 international slots and United Airlines' international slot base is reduced from 17 to 2. Therefore, contrary to Canadian's comment, American and United's international slot allocation will continue to be capped, but at a lower number, which compensates for the conversion of international slots to domestic.

Establishment of Regulatory Base of Slots for Canadian Carriers

The Agreement provides for a base level of slots for Canadian carriers at Chicago O'Hare and LaGuardia Airport that includes an increase over the number of slots operated by Canadian carriers at the time the Agreement was signed. Since summer 1995, the Canadian carriers have operated 10 additional slots at Chicago O'Hare and 14 slots at LaGuardia Airport per the Agreement. The Canadian carriers base at Chicago O'Hare includes the growth of operations by Canadian carriers since the international slot allocation rules were adopted in December 1985. At O'Hare, this growth has resulted in 14 slots in the summer season and 10 slots in the winter. These slots are not allocated permanently to the Canadian carriers but are international slots that are allocated seasonally in time periods for which domestic slots generally have been withdrawn from U.S. carriers. Under the terms of the Agreement, these international slots are included as part of the base level of slots for Canadian carriers. FAA regulations governing slot allocation do not provide for the permanent withdrawal of domestic slots at Chicago O'Hare for the Canadian slot base. Air Canada commented that the slots constituting the base level should be within the slot-controlled hours at the high density traffic airports. Both Air Canada and Canadian Airlines commented that their slot base was significantly less than the major U.S. carriers at the high density airports, which makes it more difficult for them to make competitive schedule changes within their own slot base. Furthermore, Air Canada cited difficulties with trading of slots. Thus, Air Canada commented that slots constituting the base should be "grandfathered at the times required for competitively viable operations."

FAA Response: The FAA is adopting, as proposed, an amendment to increase the quota under 14 CFR section 93.123 by adding a footnote that specifically allocates to the Canadian carriers 24 slots at Chicago O'Hare International Airport and 14 slots at LaGuardia Airport.

The FAA will consider historical records of slot holdings to the extent practical and recognizes that Canadian carriers previously have been allocated international slots under the provisions of 14 CFR section 93.217. The allocation of international slots under this section has provided the Canadian carriers the opportunity to request and receive slot timing adjustments for several scheduling seasons since the Agreement was signed in 1995. It is unclear from the comments, therefore, what Air Canada would identify as its requested "grandfathered" slot times.

The FAA will consult with the affected individual affected carriers to determine the exact timing of the slots comprising the Canadian slot base. All the slots included in the Canadian slot base will be with the slot controlled hours. FAA records indicate that the summer base of 36 slots at Chicago O'Hare has already been allocated for summer 1999 within the slot controlled hours of 6:45 a.m. through 9:14 p.m. FAA records also indicate that the Canadian carriers are allocated the base level of 42 slots at LaGuardia Airport during the peak slot-controlled hours of 7:00 a.m. through 9:59 p.m. The FAA will use historic records, to the extent practical, when determining the times of the slots comprising the base established under the new section 93.218. The Chief Counsel of the FAA will be the final decisionmaker for these determinations. Canadian carriers may subsequently transfer and trade slots under the current slot regulations that apply to U.S. carriers and domestic slots.

International Slot Allocation

The Notice proposed amending 14 CFR section 93.217 to exclude transborder service solely between a high density traffic airport and Canada. Canadian Airlines commented that non-Canadian foreign carriers will gain an unfair advantage since they would continue to have access to international slots for transborder service while U.S. and Canadian carriers would not be eligible to receive international slots.

FAA Response. The FAA is adopting the rule as proposed. The Agreement clearly states that Canadian carriers are to be subject to the same slot allocation system as U.S. airlines for domestic services. In order to ensure that Canadian and U.S. carriers are allocated slots for transborder services in the same fashion, this rule treats transborder flights between high density traffic airports and Canada as domestic flights for slot allocation purposes. Flights by non-Canadian foreign carriers were not addressed in the slot provisions of the U.S./Canada bilateral aviation agreement and are not affected by this change.

As proposed, the final rule amends the submission deadline for slots allocated under 14 CFR section 93.217 by establishing a seasonal deadline through notice in the **Federal Register**. The current submission deadline is articulated in the regulations as May 15 for the following winter scheduling

season and October 15 for the following summer season. The deadline typically is within a few days of the submission deadline established for the International Air Transport Association Schedule Coordination Conferences. Coordination of the FAA submission deadline with the standard international deadline will reduce administrative workload for the airlines requesting slots since they will no longer need to track two separate submission deadlines. No comments were filed opposing this provision.

Domestic Slot Allocation

The Notice also proposed to include eligible foreign air carriers in slot lotteries under 14 CFR section 93.225(e), were provided for by bilateral agreement. Canadian Airlines commented that the proposed amendment does not guarantee access to lotteries since the U.S./Canadian Bilateral Agreement does not specifically address lotteries. Both Air Canada and Canadian Airlines commented on statutory and other legislative proposals related to access by air carriers to the high density traffic airports that may limit eligibility for non-U.S. carriers. The Air Carrier Association of America indicated the rulemaking should be suspended since the Department has not increased permanent slots for new entrant airlines.

FAA Response: The FAA does not agree with these comments. The Agreement explicitly states that any slot needs of Canadian carriers above the base levels shall be acquired through the prevailing system for slot allocation applicable to U.S. domestic operations. As stated in the Notice, slot lotteries are one of the regulatory methods by which available domestic slots are allocated to U.S. carriers. Consequently, it is necessary to amend the regulations so that Canadian carriers are eligible to participate in any slot lotteries. Thus, in accordance with the terms of the Agreement, the rule as adopted permits eligible Canadian carriers to participate in slot lotteries. Canadian carriers will also be subject to the same provisions governing lottery slots as U.S. carriers, such as use-or-lose and limitations on transfers, as are U.S. carriers.

In addition, the FAA reiterates that the primary purpose of this rulemaking is to amend the FAA slot regulations so that they are not in conflict with the Agreement. Other issues related to slot allocation procedures or slot exemption policies are beyond the scope of this rulemaking.

Slot Withdrawal Provisions

The FAA is adopting the proposal to amend section 93.223 by adding a new paragraph that would prevent the withdrawal of slots comprising the established Canadian slot base, as specified in the Agreement and defined in the new section 93.218, to fulfill requests for international operations or for new entrants.

United Airlines requested that the FAA amend the proposed rules to extend the slot withdrawal protection, provided to the Canadian carriers under the Agreement, to the domestic slot of U.S. carriers now reclassified under the new section 93.218(a). United Airlines also proposed that FAA confirm, by rule, that for the purposes of determining the total number of domestic slots withdrawn for international slot allocation under section 93.217, the FAA exclude slots that were withdrawn as of October 31, 1993, specifically used for transborder services. In addition, United Airlines contends that the FAA is limited to withdrawing domestic slots for international service only to the extent that the requesting carrier provided international service as of October 31, 1993.

FAA Response: The FAA is not adopting United's request to exclude the reclassified slots from the pool of domestic slots that are eligible for withdrawal under the regulations. Adopting this requested modification would provide greater protection to these "reclassified" slots held by U.S. carriers that is beyond the limits that apply to all other designated domestic slots. In addition, this modification would have given the slots greater protection than they would have had in 1985 had these slots been used for domestic service and not used for international service and thus designated as international slots. The Agreement is silent on treatment of U.S. carriers while it is specific on the limitations on slot withdrawal for the Canadian slot base. The FAA is reclassifying certain international slots of U.S. carriers as domestic primarily to treat U.S. and Canadian carriers in a similar fashion for slot allocation purposes. The FAA does not believe that identical treatment is required in all cases.

The rule as adopted increases the quota under section 93.123 to accommodate a growth of 14 operations by Canadian carriers since 1985 at Chicago O'Hare, which were largely accommodated by the withdrawal of domestic slots. United Airlines commented that the FAA no longer needs to withdraw domestic slots to fund Canadian carrier operations and furthermore, that any carrier wishing to increase international operations at the airport should apply to the Secretary of Transportation for an exemption to provide the service. United argued that the FAA should, as a matter of policy, administratively reduce the legislative cap on the number of slots that it withdraws for international allocation.

The FAA does not agree with and finds no basis for United Airlines' interpretation of 49 U.S.C. 41714(b). This provision specifically prohibits the withdrawal of slots to exceed the total number of slots withdrawn from an air carrier as of October 31, 1993. The FAA is limited, by statute, to allocating an international slot only if the allocation can be accommodated by available slots combined with the number of slots available through the withdrawal of domestic slots. Neither the statutory language nor the legislative history indicate any Congressional intent to further limit the withdrawal process to apply to carriers conducting service as of October 31, 1993.

Lastly, the FAA and the Department decline to issue any policy determination on further limiting the number of domestic slots withdrawn beyond the legislative cap set forth in 49 U.S.C. § 41714(b) as this issue is outside the scope of this rulemaking. Any action of this nature would be addressed in a separate forum.

The FAA has inserted language in the regulatory text of § 93.225, Lottery of available slots, to further clarify that the lottery procedures apply not only to U.S. carriers but also to foreign air carriers where provided for by bilateral agreement.

Effective Date

This rule is effective October 31, 1999, which coincides with the beginning of the Winter 1999 scheduling season. International slots for the upcoming winter season at O'Hare were allocated and confirmed during the June 1999 IATA meeting held in Miami, Florida. This rule does not affect any carrier's allocation of international slots at O'Hare, nor the slots withdrawn for the Winter 1999 scheduling season.

The Rule

As a result of the U.S.-Canada bilateral agreement, which phased in an "Open Transborder" regime between the two countries, the FAA amends Subparts K and S to: (1) codify, in a footnote to the hourly slot totals in subpart K, the 14 slots at LaGuardia and 24 slots at O'Hare that were allocated to

the Canadian carriers in June 1995; (2) exclude from the allocation of international slots at HDR airports transborder service operations solely between the airport and Canada; (3) set forth the provisions that apply to slots used for transborder service between the U.S. and Canada and codify the established base level of slots allocated to Canadian carriers; (4) reclassify certain international slots as domestic slots; (5) reduce the international allocation for air carriers that hold and operate more than 100 permanent slots at O'Hare by the number of international slots reclassified as domestic slots; (6) permit Canadian carriers to participate in any lotteries of domestic slots; and (7) amend the regulatory deadline for submitting requests for international allocation to coincide with the published IATA deadline.

Environmental Review

The primary purpose of the regulation is to amend the slot rule to conform to the U.S.-Canadian Bilateral Agreement. FAA has concluded that the provisions of the regulation that implement the Agreement do not involve proposed federal agency action within the meaning of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, or other environmental laws. As explained below, that Agreement specifically mandates the reclassification of Canadian international slots as domestic slots and the allocation of base level slots for Canadian carriers at LaGuardia and O'Hare. These base level allocations reflect current slot holdings by Canadian carriers except at O'Hare, where additional allocation was required. The FAA had no discretion in this regard. In allocating the additional slots required at O'Hare, the FAA could not maintain the same total number of slots. There is a legislative cap on the number of domestic slots withdrawn for international operations and the FAA lacks a regulatory mechanism to permanently withdraw slots from one carrier to redirect them to another for purposes of maintaining international obligations.

To assure fairness to the U.S. domestic carriers, the regulation will also reclassify certain international slots held by U.S. carriers as domestic slots. To reflect the reclassification, it will also reduce the international base allocation for carriers subject to 14 CFR 93.217(a)(10). FAA's exercise of discretion to exceed the requirements of the Agreement in this manner would not increase the overall number of slots or operations. This portion of the rule accordingly qualifies for categorical exclusion under the National Environmental Policy Act as administrative and operating actions pursuant to FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, paragraph 31(a)(1). As these provisions are procedural in nature and lack the potential to impact the environment, similarly no further analysis is required under other environmental laws or regulations.

Reclassification and Allocation of Slots for Canadian Carriers

In accordance with the Agreement, part one of this regulation reclassifies slots held by Canadian carriers at LaGuardia and O'Hare airports. The Canadian carriers' slots will be converted from international to a modified form of domestic slots. Under the arrangement mandated by the Agreement and codified in this regulation, the slots held by the Canadian carriers would resemble domestic slots in that (1) they can be bought, sold, or traded on the open market, and (2) they are subject to the bi-monthly use or lose requirement. Unlike other domestic slots, however, the slots held by Canadian carriers are not subject to seasonal withdrawal for international use pursuant to 14 C.F.R. section 93.217 or for new entrants.

Part two of this regulation establishes base levels of permanent slots for the Canadian carriers at LaGuardia and O'Hare. The Agreement directs that the Canadian carriers receive 42 permanent slots at LaGuardia. Currently, the Canadian carriers are using 42 slots at LaGuardia so no additional allocation of slots is necessary. This Agreement also directs that the Canadian carriers receive 36 Summer slots and 32 Winter slots at O'Hare. Currently, the Canadian carriers hold 22 permanent slots at O'Hare. The Canadian carriers also are currently allocated 14 seasonal slots for the summer and 10 seasonal slots for the winter under 14 C.F.R. 93.217 in the time periods for which domestic slots are withdrawn. To complete the base level of slots at O'Hare, the regulation provides that an additional 14 new slots in the summer and 10 new slots in the winter be allocated permanently to the Canadian carriers. Because the Canadian carriers are receiving these allocations as permanent per the Agreement, the regulation also provides that they are no longer eligible to receive international slots under 14 C.F.R. 93.217.

No NEPA or other environmental analysis is required because these portions of the regulation are ministerial in nature. The FAA has no choice about how to accomplish the international mandate, which reclassifies international slots held by Canadian carriers as domestic slots and provides additional slots at O'Hare. While the FAA retains complete authority to withdraw slots for operational needs in accordance with 14 C.F.R. 93.223, the existing allocating mechanisms do not provide a means for the FAA to allocate the slots to the Canadian carriers. Title 14 C.F.R. section 93.225 provides that if slots are available, the slots will be distributed by random lottery with new entrant and limited incumbent carriers receiving priority. In addition, fulfilling the Agreement obligation by allocating slots under 14 C.F.R. section 93.217 is not feasible since these slots are allocated seasonally. Furthermore, even if allocating slots under 14 C.F.R. 93.217 were feasible, slot withdrawals by the FAA are legislatively capped at the level of slots withdrawn as of October 31, 1993. 49 U.S.C. 41714(b)(2). As a practical matter, given the legislative cap, scheduling requirements, and regulations regarding priorities for reallocating slots, the withdrawal of slots will not provide for the 14 additional slots needed at O'Hare pursuant to the Bilateral Agreement. Thus, lacking a mechanism for withdrawing the slots from the existing slot holders and re-directing them to the Canadian carriers, the FAA has no choice but to comply with the Bilateral Agreement by creating 14 additional slots at O'Hare. NEPA requires agencies to take environmental concerns into consideration when making decisions where a range of alternatives is available. However, under these circumstances, where no choice is involved, an action is ministerial and no NEPA analysis is required.

The FAA's position that this portion of the regulation is ministerial finds support in the NEPA-implementing regulations promulgating by the Department of State, 22 C.F.R. part 161. Among the actions which the State Department exempts from NEPA analysis are:

Mandatory actions required under any treaty or international agreement to which the United States Government is a party, or required by the decisions of international organizations or authorities in which the United States is a member or participant, except when the United States has substantial discretion over implementation of such requirements.

By comparison, the allocation of slots of the Canadian carriers is an example of an action that would likely be exempt under the State Department regulations. The FAA is required by the Agreement to allot permanent slots to the Canadian carriers, and the agency has no

discretion but to create additional slots. Given the international agreement, the FAA adopts the position espoused by the State Department and concludes that the allocation of slots and establishment of a base level for the Canadian carriers, as required by the Agreement, does not involve proposed federal action within the meaning of NEPA and other environmental laws.

Reclassification of Slots Held by U.S. Carriers and Reduction of International Base Allocation of Carriers Subject to Regulatory Cap

To prevent disparate treatment between U.S. carriers and Canadian carriers, part one of the regulations also reclassifies certain identified international slots held by U.S. carriers as domestic slots. The FAA is also adopting the proposal to reduce the international slot base allocation for carriers subject to 14 C.F.R. 93.217(a)(10). While FAA is exercising discretional authority in these areas, none of these aspects of the regulation have the potential to increase total slots or operations. Accordingly, they qualify for categorical exclusion under the National Environmental Policy Act as administrative and operating actions pursuant to FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, paragraph 31(a)(1). No extraordinary circumstances exist that would warrant preparation of an environmental assessment, such as likelihood of controversy on environmental grounds. Similarly, as there are no potential environmental impacts, analysis is not required under other environmental laws and regulations.

Compatibility with ICAO Standards

In keeping with U.S. obligations under the convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, OMB directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this rule is "a significant regulatory action" under section 3(f) of Executive Order 12866 and is considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034, February 26, 1979). This rule will not have a significant impact on a substantial number of small entities and will not constitute a barrier to international trade.

Although the total number of slots (international plus domestic) will not increase for any of the U.S. carriers, the number of domestic slots for affected carriers will increase. The rule will generate benefits for those air carriers holding slots historically identified for international use under 14 CFR 93.215(d) because those international slots will be converted to domestic slots. Operators benefit because of the enhanced flexibility they receive to manage their scheduling at High Density Requirement airports. The slots that have been converted from international slots to domestic slots can be scheduled in Canada—U.S. transborder service, they can be scheduled in other domestic service, or they can be scheduled for international service. Operators also receive an expanded economic value because the market has placed a value on domestic slots if the operator decides to buy, sell, lease, barter, or collateralize slots. Therefore, the FAA believes that the rule will benefit operators not only because domestic slots present a greater measure of potential earning power than do international slots, but also because domestic slots offer operators a better opportunity to manage their assets in such a way as not to lose them due to the minimum usage requirements; international slots do not provide this benefit.

This rule only affects Canadian carriers conducting transborder service into and out of the HDR airports and U.S. carriers using certain designated international slots in 1985 and the equivalent number held as of February 24, 1998. The rule will not impose any additional equipment, training, administrative, or other cost to the carriers involved. Therefore, there is no compliance cost associated with the rule.

Qualitative benefits from the rule will come from converting certain identified international slots to domestic slots, thereby affording operators greater flexibility because the converted slots can be used for transborder service, any other domestic service, or for international service. Also, domestic slots have greater economic value than international slots because domestic slots can be bought, sold, leased, bartered, or used as collateral. Due to the advantages domestic slots offer over international slots, operators have an enhanced opportunity to manage their assets in such a way as to maximize their income. Therefore, the FAA has determined that the rule is cost beneficial.

Regulatory Flexibility Assessment

The Regulatory Flexibility Act of 1980 establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation." To achieve that principal, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rational for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and an RFA is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This rule will impact entities regulated by part 93. The FAA has determined that the amendments to part 93, Subparts K and S will affect only two Canadian carriers and four major U.S. carriers and the amendments will not have a significant impact on these major air carriers' costs. Therefore, the FAA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Statement

This rulemaking could positively effect the sale of Canadian aviation services in the United States, but it would also positively affect the sale of United States aviation services in Canada. However, this rule is not

expected to impose a competitive advantage or disadvantage to either U.S. air carriers doing business Canada or Canadian air carriers doing business in the United States. This assessment is based on the fact that this rule will not impose additional costs on either U.S. or Canadian air carriers.

Unfunded Mandates Reform Act Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104–4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This rule does not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Paperwork Reduction Act

Information collection requirements in this amendment previously have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (49 U.S.C. 3507(d)), and have been assigned OMB control number 2120–0639.

This collection covers Canadian carriers or commuter operators needing to report to the FAA certain aspects of their operations at HDR airports. Specifically, FAA regulation requires notification of (1) requests for confirmation of transferred slots; (2) requests to be included in a lottery for available slots; (3) usage for slots on a bi-monthly basis; and (4) requests for short-term use of off peak hour slots. The total reporting burden associated with this rule is 66 hours. The requirement would be mandatory.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless it displays a current valid OMB control number. The OMB control number associated with the collection of this information is 2120–0639.

Federalism Implications

The regulations herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Energy Impact

The energy impact of this final rule has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) and Public Law 94–163, as amended (42 U.S.C. 6362). It has been determined that this proposed rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 93

Air traffic control, Airports, Alaska, Navigation (air), Reporting and recordkeeping.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 93 of Title 14, Code of Federal Regulations as follows:

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

1. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719, 46301.

2. Section 93.123 is amended in the first chart in paragraph (a) by adding a new footnote 5 in the headings in column 2 and 4 of the chart and by revising the heading of the fifth column to read as follows:

§ 93.123 High density traffic airports.

(a) * * *

IFR OPERATIONS PER HOUR—AIRPORT

Class of user	LaGuardia [4,5]	Newark	O'Hare [2,3,5]	Ronald Reagan National [1]
*	*	*	*	*

[1] Washington National Airport operations are subject to modifications per section 93.124.

[2] The hour period in effect at O'Hare begins at 6:45 a.m. and continues in 30-minute increments until 9:15 p.m.

[3] Operations at O'Hare International Airport shall not—

(a) Except as provided in paragraph (c) of the note, exceed 62 for air carriers and 13 for commuters and 5 for "other" during any 30-minute period beginning at 6:45 a.m. and continuing every 30 minutes thereafter.

(b) Except as provided in paragraph (c) of the note, exceed more than 120 for air carriers, 25 for commuters, and 10 for "other" in any two consecutive 30-minute periods.

(c) For the hours beginning as 6:45 a.m., 7:45 a.m., 11:45 a.m., 7:45 p.m. and 8:45 p.m., the hourly limitations shall be 105 for air carriers, 40 for commuters and 10 for "other," and the 30-minute limitations shall be 55 for air carriers, 20 for commuters and 5 for "other." For the hour beginning at 3:45 p.m., the hourly limitations shall be 115 for air carriers, 30 for commuters and 10 for "others," and the 30-minute limitations shall be 60 for air carriers, 15 for commuters and 5 for "other."

[4] Operations at LaGuardia Airport shall not—

(a) Exceed 26 for air carriers, 7 for commuters and 3 for "other" during any 30-minute period.

(b) Exceed 48 for air carriers, 14 for commuters, and 6 for "other" in any two consecutive 30-minute period.

[5] Pursuant to bilateral agreement, 14 slots at LaGuardia and 24 slots at O'Hare are allocated to the Canadian carriers. These slots are excluded from the hourly quotas set forth in § 93.123 above.

* * * * *

3. Section 93.217 is amended by revising paragraphs (a) introductory text, (a)(5), (a)(6), (a)(8) and (a)(10)(i) to read as follows:

§ 93.217 Allocation of slots for international operations and applicable limitations.

(a) Any air carrier of commuter operator having the authority to conduct international operations shall be provided slots for those operations, excluding transborder service solely between HDR airports and Canada, subject to the following conditions and the other provisions of this section:

* * * * *

(5) Except as provided in paragraph (a)(10) of this section, at Kennedy and O'Hare Airports, a slot shall be allocated, upon request, for seasonal international operations, including charter operations, if the Chief Counsel of the FAA determines that the slot had been permanently allocated to and used by the requesting carrier in the same hour and for the same time period during the corresponding season of the preceding year. Requests for such slots must be submitted to the office specified in § 93.221(a)(1), by the deadline published in a **Federal Register** notice for each season. For operations during the 1986 summer season, requests under this paragraph must have been submitted to the FAA on or before February 1, 1986. Each carrier requesting a slot under this paragraph must submit its entire international schedule at the relevant airport for the particular season, noting which requests are in addition to or changes from the previous year.

(6) Except as provided in paragraph (a)(10) of this section, additional slots shall be allocated at O'Hare Airport for international scheduled air carrier and commuter operations (beyond those slots allocated under §§ 93.215 and 93.217(a)(5) if a request is submitted to the office specified in § 93.221(a)(1) and filed by the deadline published in a **Federal Register** notice for each season. These slots will be allocated at the time requested unless a slot is available within one hour of the requested time, in which case the unallocated slots will be used to satisfy the request.

* * * * *

(8) To the extent vacant slots are available, additional slots during the high density hours shall be allocated at Kennedy Airport for new international scheduled air carrier and commuter operations (beyond those operations for which slots have been allocated under §§ 93.215 and 93.217(a)(5)), if a request is submitted to the office specified in § 93.221(a)(1) by the deadline published in a **Federal Register** notice for each season. In addition, slots may be withdrawn from domestic operations for operations at Kennedy Airport under this paragraph if required by international obligations.

* * * * *

(10) * * *

(i) Allocation of the slot does not result in a total allocation to that carrier under this section that exceeds the number of slots allocated to and scheduled by that carrier under this section on February 23, 1990, and as reduced by the number of slots reclassified under § 93.218, and does not exceed by more than 2 the number of slots allocated to and scheduled by that carrier during any half hour of that day, or

* * * * *

3. A new § 93.218 is added to read as follows:

§ 93.218 Slots for transborder service to and from Canada.

(a) Except as otherwise provided in this subpart, international slots identified by U.S. carriers for international operations in December 1985 and the equivalent number of international slots held as of February 24, 1998, will be domestic slots. The Chief Counsel of the FAA shall be the final decisionmaker for these determinations.

(b) Canadian carriers shall have a guaranteed base level of slots of 42 slots at LaGuardia, 36 slots at O'Hare for the Sumner season, and 32 slots at O'Hare in the Winter season.

(c) Any modification to the slot base by the Government of Canada or the Canadian carriers that results in a decrease of the guaranteed base in paragraph (b) of this section shall permanently modify the base number of slots.

4. Section 93.223 is amended by adding a new paragraph (c)(4) to read as follows:

§ 93.223 Slot withdrawal.

* * * * *

(c) * * *

(4) No slot comprising the guaranteed base of slots, as defined in section 93.318(b), shall be withdrawn for use for international operations or for new entrants.

* * * * *

5. Section 93.225 is amended by revising paragraph (e) to read a follows:

§ 93.225 Lottery of available slots.

* * * * *

(e) Participation in a lottery is open to each U.S. air carrier or commuter operator operating at the airport and providing scheduled passenger service at the airport, as well as where provided for by bilateral agreement. Any U.S. carrier, or foreign air carrier where provided for by bilateral agreement, that is not operating scheduled service at the airport and has not failed to operate slots obtained in the previous lottery, or slots traded for those obtained by lottery, but wishes to initiate scheduled passenger service at the airport, shall be included in the lottery if that operator notifies, in writing, the Slot Administration Office, AGC–230, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. The notification must be received 15 days prior to the lottery date and state whether there is any common ownership or control of, by, or with any other air carrier or commuter operator as defined in § 93.213(c). New entrant and limited incumbent carriers will be permitted to complete their selections before participation by other incumbent carriers is initiated.

* * * * *

Issued in Washington, DC, on September 27, 1999.

Jane F. Garvey,

Administrator.

[FR Doc. 99–25453 Filed 9–30–99; 8:45 am]

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Friday
October 1, 1999

Part V

Department of Education

Direct Grant Programs; Notice

DEPARTMENT OF EDUCATION

Direct Grant Programs

AGENCY: Department of Education.

ACTION: Notice reopening application deadline dates for certain direct grant and fellowship programs.

SUMMARY: The Secretary reopens the deadline dates for the submission of applications by certain applicants (see ELIGIBILITY) under certain direct grant programs. All of the affected competitions are among those under which the Secretary is making new awards for fiscal year (FY) 2000. The Secretary takes this action to allow more time for the preparation and submission of applications by potential applicants adversely affected by severe weather conditions resulting from Hurricane Floyd. The reopenings are intended to help these potential applicants compete fairly with other applicants under these programs.

Note: Twelve of the affected programs or competitions are under the Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services. You can find information related to each of these under Group I. Three of the programs or competitions are under the National Institute on Disability and Rehabilitation Research, Office of Special Education and Rehabilitative Services. You can find information related to each of these under Group II.

ELIGIBILITY: The extension of deadline dates in this notice applies to you if you are a potential applicant in an area that the President declared a disaster area as a result of Hurricane Floyd. These areas include the following:

State	County and/or city
Connecticut	Fairfield, Hartford.
Delaware	New Castle.
Florida	Brevard, Broward, Dade, Duval, Flagler, Indian River, Martin, Nassau, Palm Beach, St. Johns, St. Lucie, Volusia.
Georgia	Bryan, Camden, Chatham, Glynn, Liberty, Mcintosh.
Maryland	Anne Arundel, Calvert, Caroline, Cecil, Charles, Harford, Kent, Queen Anne's, Somerset, St. Mary's, Talbot.
New Jersey	Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, Union, Warren.
New York	Essex, Orange, Putnam, Rockland, Westchester.
North Carolina	Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Tyrrell, Union, Vance, Wake, Warren, Washington, Wayne, Wilson.
Pennsylvania	Bucks, Chester, Delaware, Lancaster, Montgomery, Philadelphia, York.
South Carolina	Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, Williamsburg.
Virginia	Accomack, Brunswick, Caroline, Chesapeake (city), Chesterfield, Colonial Heights (City), Dinwiddie, Emporia (city), Essex, Franklin (city) Gloucester, Greenville, Halifax, Hampton (city), Isle of Wight, James City, King and Queen, King William, Lancaster, Matthews, Mecklenberg, Middlesex, New Kent, Newport News (city), Norfolk (city), Northampton, Northumberland, Petersburg (city), Poquoson (city), Portsmouth (city), Prince George, Richmond, Richmond (city), Suffolk (city), Surry, Sussex, Southampton, Virginia Beach (city), Westmoreland, Williamsburg, York.

DATES: The new deadline date for transmitting applications under each competition is listed with that competition.

If the program in which you are interested is subject to Executive Order 12372 (that is, all competitions in Group I), the deadline date for the transmittal of State process recommendations by State Single Points of Contact (SSPOCs) and comments by other interested parties remains as originally posted: November 16, 1999.

ADDRESSES: The address and telephone number for obtaining applications for, or information about, an individual program are in the application notice for that program. We have listed the date and **Federal Register** citation of the application notice for each program.

If you use a telecommunications device for the deaf (TDD), you may call the TDD number, if any, listed in the individual application notice. If we have not listed a TDD number, you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

If you want to transmit a recommendation or comment under Executive Order 12372, you can find the addresses of individual SSPOCs in the appendix to the notice inviting applications for new awards for FY 1999 under the Community Technology Centers Program. This notice was published in the **Federal Register** on April 28, 1999 (64 FR 22960–22963). You can also find the list of SSPOCs in the appendix to the Forecast of Funding Opportunities under the Department of Education Discretionary Grant Programs for Fiscal Year (FY) 2000. This is available on the internet only at ed.gov/funding.html.

SUPPLEMENTARY INFORMATION: The following is specific information about each of the programs or competitions covered by this notice:

GROUP I.—REHABILITATION SERVICES ADMINISTRATION, OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

CFDA No. and name	Publication date and Federal Register cite	Original deadline date for applications	Revised deadline date for applications
84.129B Rehabilitation Long-Term Training-Vocational Rehabilitation Counseling	7/27/99 (64 FR 40585)	9/17/99	10/15/99
Rehabilitation Long-Term Training			
84.129C Rehabilitation Administration	7/27/99 (64 FR 40581)	9/17/99	10/15/99
84.129D–1 Physical Therapy			
84.129D–2 Occupational Therapy			
84.129E Rehabilitation Technology			
84.129F Vocational Evaluation and Work Adjustment			
84.129H Rehabilitation of Individuals Who Are Mentally Ill			
84.129J Rehabilitation Psychology			
84.129N Speech Pathology and Audiology			
84.129P Specialized Personnel for Rehabilitation of Individuals Who Are Blind or Have Vision Impairments			
84.129Q Rehabilitation of Individuals Who Are Deaf or Hard of Hearing			
84.129R Job Development and Job Placement Services to Individuals with Disabilities			
84.129W Rehabilitation Long Term Training-Comprehensive System of Personnel Development	7/27/99 (64 FR 40584)	9/17/99	10/15/99

GROUP II.—NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION, OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

CFDA No. and name	Publication date and Federal Register cite	Original deadline date for applications	Revised deadline date for applications
84.133F Research Fellowships	7/15/99 (64 FR 38248)	9/30/99	10/15/99
84.133G Field-Initiated Projects	7/15/99 (64 FR 38248)	9/30/99	10/15/99
84.133P Advanced Rehabilitation Research Training Projects	7/15/99 (64 FR 38248)	9/30/99	10/15/99

If you are an individual with a disability, you may obtain a copy of this notice in an alternate format (*e.g.* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the individual application notices.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, D.C. area, at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

Dated: September 29, 1999.

Thomas P. Skelly,

Acting Chief Financial Officer.

[FR Doc. 99–25705 Filed 9–29–99; 2:36 pm]

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Friday
October 1, 1999

Part VI

The President

Presidential Determinations:

No. 99–38—Waiver of Sanctions on India and Pakistan

No. 99–39—Military Assistance Under Section 506(a)(1) of the Foreign Assistance Act of 1961, as Amended, to States Participating in the Multinational Force for East Timor

No. 99–40—Drawdown of Commodities and Services Under Section 552(c)(2) of the Foreign Assistance Act of 1961, as Amended, for the United Nations Interim Administration Mission in Kosovo

No. 99–41—Certification To Permit U.S. Contributions to the International Fund for Ireland With Fiscal Year 1998 and 1999 Funds

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Title 3—

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Presidential Documents

Title 3—

The President

Presidential Determination No. 99–38 of September 21, 1999

Waiver of Sanctions on India and Pakistan

Memorandum for the Secretary of State[,] the Secretary of the Interior[, and the] Director, United States Information Agency

Pursuant to the authority vested in me as President of the United States, and consistent with section 902 of the India-Pakistan Relief Act of 1998 (Public Law 105–277), to the extent provided in that section, I hereby waive until October 20, 1999, the sanctions and prohibitions contained in sections 101 and 102 of the Arms Export Control Act insofar as such sanctions and prohibitions would otherwise apply to assistance to the Asian Elephant Conservation Fund, the Rhinoceros and Tiger Conservation Fund, and the Indo-American Environmental Leadership Program.

The Secretary of State is hereby authorized and directed to report this determination to the Congress and to arrange for its publication in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, September 21, 1999.

[FR Doc. 99–25779
Filed 9–30–99; 9:43 am]
Billing code 4710–10–M

[FR Doc. 99
Filed 9–30–
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Presidential Documents

Presidential Determination No. 99–39 of September 21, 1999

Military Assistance Under Section 506(a)(1) of the Foreign Assistance Act of 1961, as Amended, to States Participating in the Multinational Force for East Timor

Memorandum for the Secretary of State [and] the Secretary of Defense

Pursuant to the authority vested in me by section 506(a)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2318(a)(1) (the "Act"), I hereby determine that:

(1) an unforeseen emergency exists that requires immediate military assistance to states that may participate in the Multinational Force for East Timor; and,

(2) the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except section 506(a)(1) of the Act.

Therefore, I direct the drawdown of defense articles from the stocks the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value not to exceed $55,000,000 to provide military assistance to such states to support their efforts and to enhance their capabilities to restore peace and security to East Timor.

The Secretary of State is authorized and directed to report this determination to the Congress and to arrange for its publication in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, September 21, 1999.

[FR Doc. 99–25780
Filed 9–30–99; 9:43 am]
Billing code 4710–10–M

[FR Doc. 99
Filed 9–30–
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Presidential Documents

Presidential Determination No. 99–40 of September 21, 1999

Drawdown of Commodities and Services Under Section 552(c)(2) of the Foreign Assistance Act of 1961, as Amended, for the United Nations Interim Administration Mission in Kosovo

Memorandum for the Secretary of State [and] the Secretary of Defense

Pursuant to the authority vested in me by section 552(c)(2) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2348a(c)(2) (the "Act"), I hereby determine that:

(1) as a result of an unforeseen emergency, the provision of assistance under Chapter 6 of Part II of the Act in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States; and

(2) such unforeseen emergency requires the immediate provision of assistance under Chapter 6 of Part II of the Act.

Therefore, I direct the drawdown of up to $5 million in commodities and services from the inventory and resources of the Department of Defense for the United Nations Interim Administration Mission in Kosovo.

The Secretary of State is authorized and directed to report this determination to the Congress and to arrange for its publication in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, September 21, 1999.

[FR Doc. 99–25781
Filed 9–30–99; 9:43 am]
Billing code 4710–10–M

[FR Doc. 99–
Filed 9–30–9
Billing code

Presidential Documents

Presidential Determination No. 99–41 of September 22, 1999

Certification To Permit U.S. Contributions to the International Fund for Ireland With Fiscal Year 1998 and 1999 Funds

Memorandum for the Secretary of State

Pursuant to section 5(c) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415), as amended in section 2811 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), I hereby certify that I am satisfied that: (1) the Board of the International Fund for Ireland, as a whole, is broadly representative of the interests of the communities in Ireland and Northern Ireland; and (2) disbursements from the International Fund (a) will be distributed to individuals and entities whose practices are consistent with principles of economic justice; and (b) will address the needs of both communities in Northern Ireland and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment.

You are authorized and directed to transmit this determination, together with the attached statement setting forth a detailed explanation of the basis for this certification, to the Congress.

This determination shall be effective immediately and shall be published in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, September 22, 1999.

[FR Doc. 99–25782
Filed 9–30–99; 9:43 am]
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At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Legislative Branch Appropriations Act, 2000 (Sept. 29, 1999; 113 Stat. 408)

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To extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations. (Sept. 29, 1999; 113 Stat. 482)

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CFR ISSUANCES 1999
January—July 1999 Editions and Projected October, 1999 Editions

This list sets out the CFR issuances for the January–July 1999 editions and projects the publication plans for the **October, 1999** quarter. A projected schedule that will include the **January, 2000** quarter will appear in the first **Federal Register** issue of January.

For pricing information on available 1998–1999 volumes consult the CFR checklist which appears every Monday in the Federal Register.

Pricing information is not available on projected issuances. The weekly CFR checklist and the monthly List of CFR Sections Affected will continue to provide a cumulative list of CFR titles and parts, revision date and price of each volume.

Normally, CFR volumes are revised according to the following schedule:

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When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

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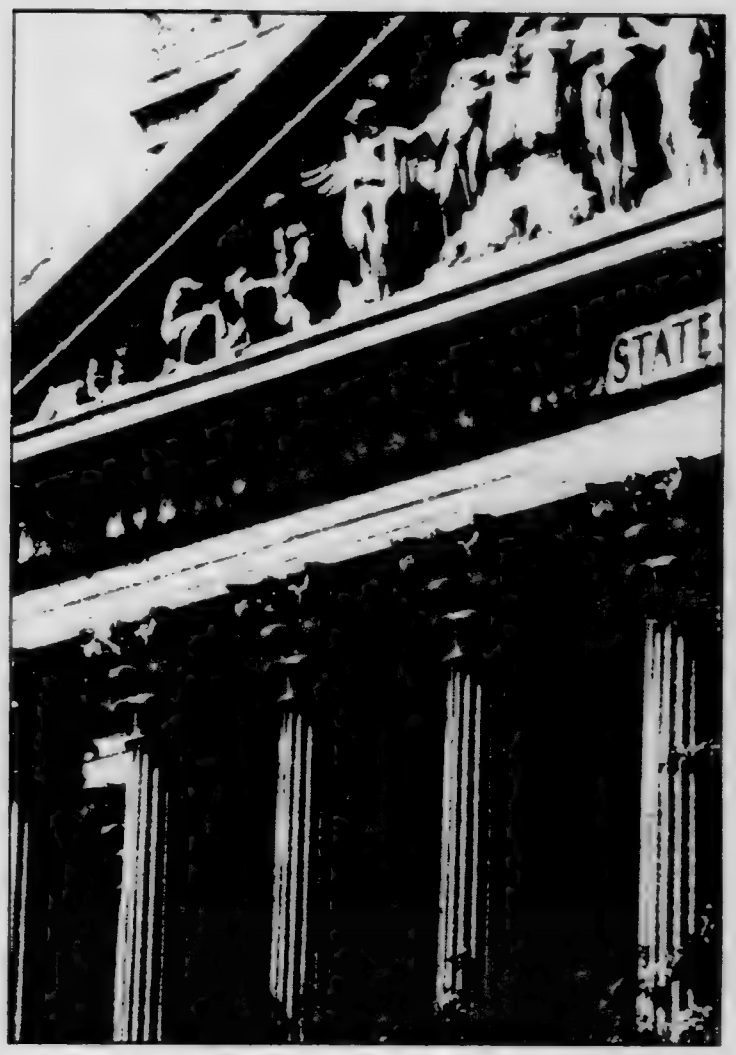

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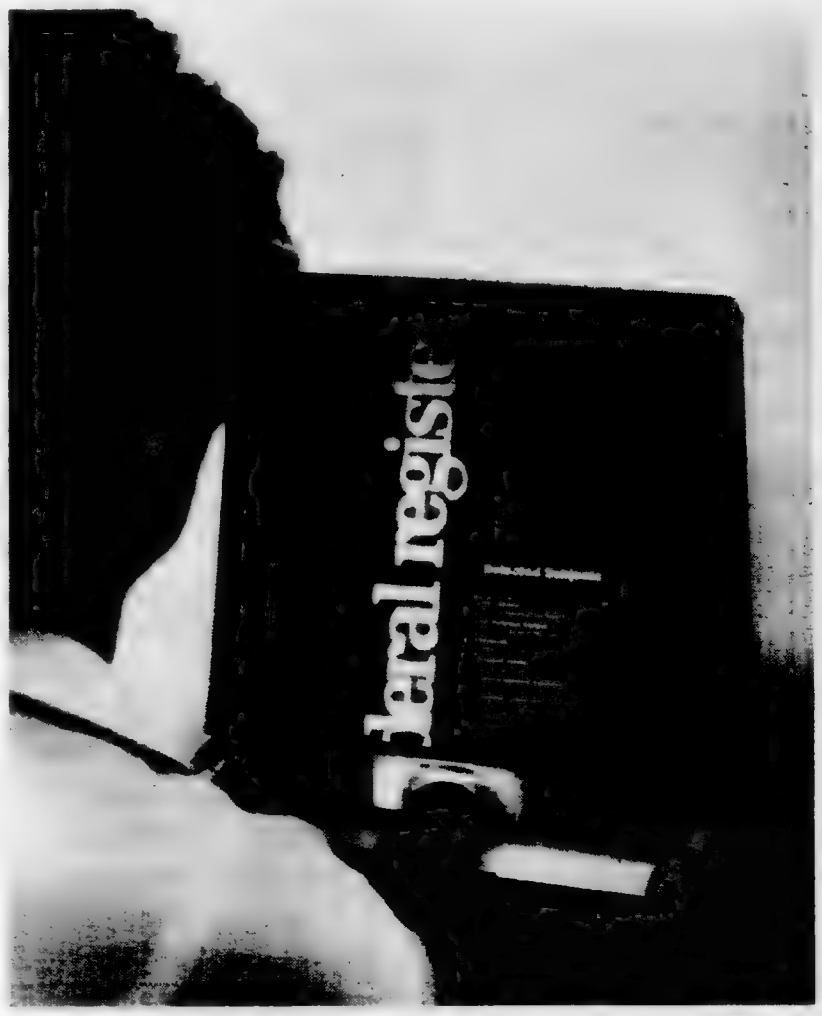

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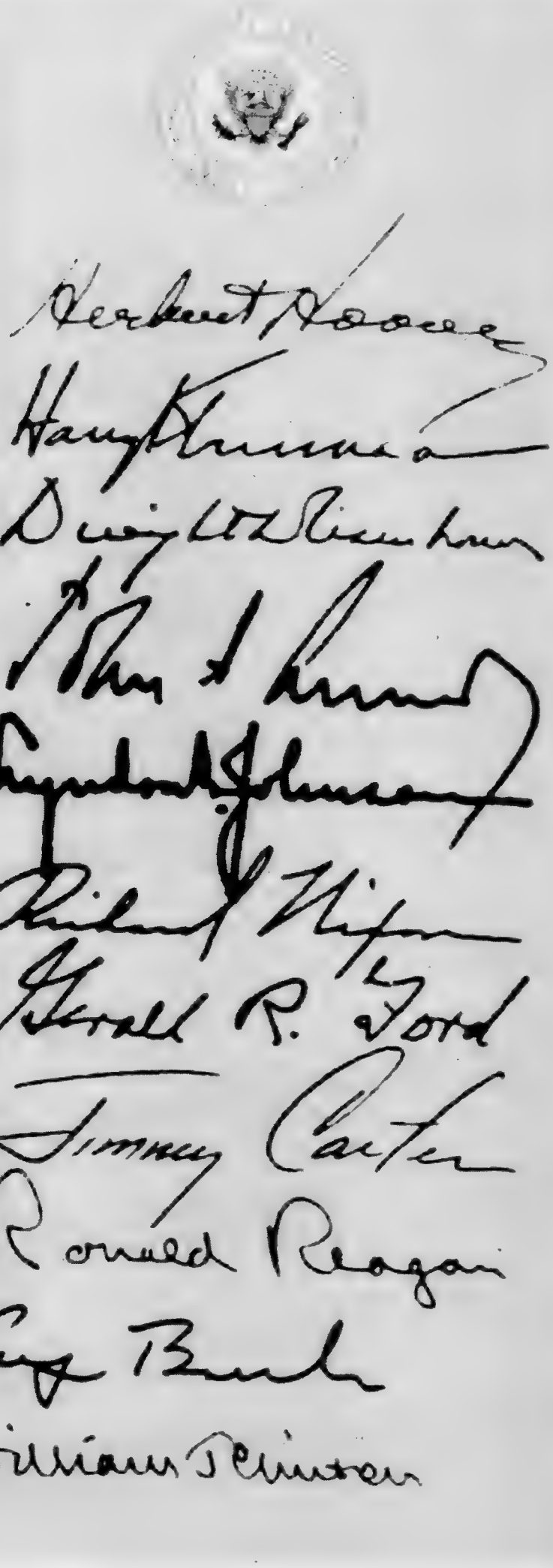

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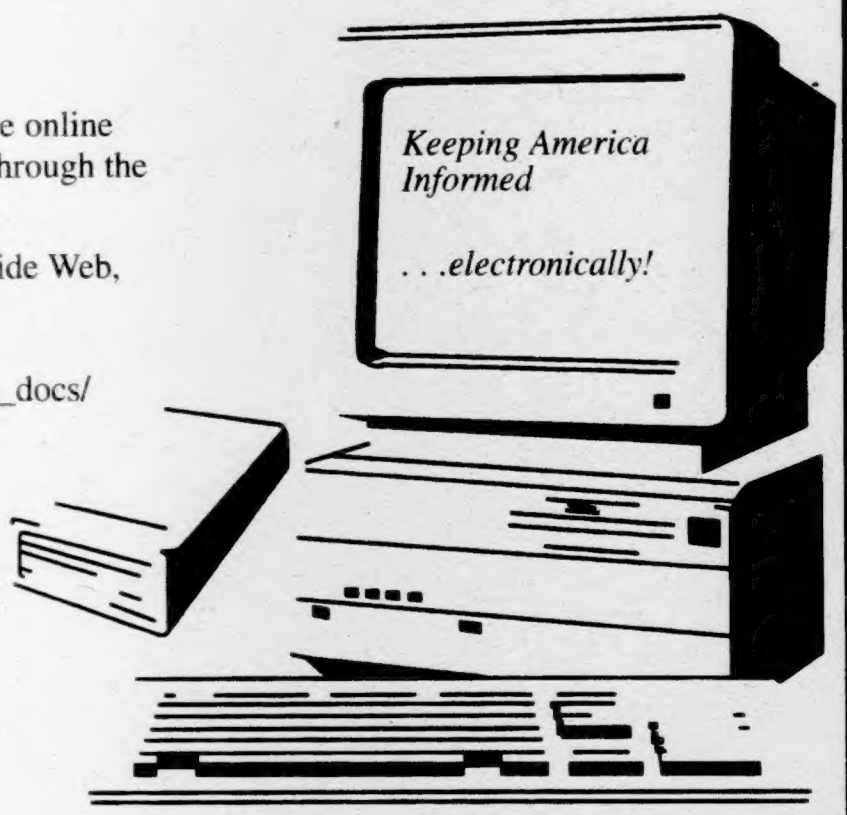

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